

BOARD OF ZONING APPEAL
FOR THE
CITY OF CAMBRIDGE

GENERAL HEARING

THURSDAY MARCH 23, 2023

6:00 p.m.

Remote Meeting

via

831 Massachusetts Avenue
Cambridge, Massachusetts 02139

Brendan Sullivan, Chair
Jim Monteverde, Vice Chair

Andrea A. Hickey
Slater W. Anderson
Matina Williams

City Employees
Stephen Natola



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P R O C E E D I N G S

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(6:00 p.m.)

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

BRENDAN SULLIVAN: Welcome to the March 23, 2023
meeting of the Cambridge Board of Zoning Appeal. My name is
Brendan Sullivan, and I am Chair for tonight's meeting.

This meeting is being held remotely, due 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
proceedings.

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

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

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

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

13 STEPHEN NATOLA: Slater Anderson?

14 SLATER ANDERSON: Here.

15 STEPHEN NATOLA: Jim Monteverde?

16 JIM MONTEVERDE: Here.

17 STEPHEN NATOLA: Brendan Sullivan?

18 BRENDAN SULLIVAN: Here.

19 STEPHEN NATOLA: Andrea Hickey?

20 ANDREA HICKEY: Here.

21 STEPHEN NATOLA: Matina Williams?

22 [Pause]

1 BRENDAN SULLIVAN: Did you click on her?

2 STEPHEN NATOLA: I did.

3 BRENDAN SULLIVAN: Okay. Waiting for the fifth
4 member to log on. I'm going to start by going into the
5 continued cases. I'm going to call the first two cases,
6 which would be 65 Sparks Street, No. 4, two cases; and then
7 I will go to the Vassal Lane; 164-166, and then the 18
8 Pleasant Street.

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2 (6:04 p.m.)

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

5 BRENDAN SULLIVAN: So the first case I'll call
6 tonight is BZA-209310 -- 65 Sparks Street and, in
7 conjunction with that, Case #206407 -- 65 Sparks Street,
8 No. 4.

9 Attorney Dash? Adam?

10 ADAM DASH: Yes. Good evening, Mr. Chair, and
11 members of the Board. This is attorney Adam Dash, D-a-s-h,
12 48 Grove Street in Somerville, representing the applicants
13 for 65 Sparks Street.

14 The applicants are seeking a continuance of this
15 matter to a Board date in May. You may recall that at the
16 last meeting, this matter was continued on the February 23
17 meeting until tonight at the request of an abutter, not at
18 the request of the applicants, because the abutter's
19 attorney was out of the country.

20 So this is the applicants' request, and I should
21 note that the applicants and the abutter, now that counsel
22 is back in the country, have been discussing a resolution of

1 the issues, and we're seeking this continuance to work
2 towards that end.

3 BRENDAN SULLIVAN: Okay. The next available date
4 would be May 11, is that? And the other date would be
5 05/25/23. Which one is preferable for you, Adam?

6 ADAM DASH: I would say sooner rather than later,
7 Mr. Chair.

8 BRENDAN SULLIVAN: Okay.

9 ADAM DASH: So I will take the eleventh if you're
10 giving me the choice.

11 BRENDAN SULLIVAN: Yep. All right. And this is a
12 case not heard, I believe?

13 ADAM DASH: Correct.

14 BRENDAN SULLIVAN: So we don't need to worry about
15 the current members. So let me make a motion, then, to
16 continue this matter, Case No. 206407 -- 65 Sparks Street,
17 and also Case No. 209310 -- 65 Sparks Street No 4.

18 Let me make a motion, then, to continue this
19 matter to May 11, 2023 at 6:00 p.m. on the condition that
20 the petitioner change the posting sign to reflect the new
21 date of May 11, 2023 and the new time at 6:00 p.m.

22 Any new submittals not currently in the file be

1 submitted by 5:00 p.m. on the Monday prior to the May 11
2 hearing. There was a waiver of statutory requirement for
3 the time and decision already in the files, so those are
4 current.

5 On the motion, then, to continue this matter to
6 May 11, 2023, Jim Monteverde?

7 JIM MONTEVERDE: Jim Monteverde in favor.

8 BRENDAN SULLIVAN: Andrea Hickey?

9 ANDREA HICKEY: Yes, in favor.

10 BRENDAN SULLIVAN: Slater Anderson?

11 SLATER ANDERSON: In favor.

12 BRENDAN SULLIVAN: Matina Williams?

13 [Pause]

14 Not present. Brendan Sullivan yes.

15 [All vote YES] On the affirmative vote of four
16 members of the Board, this matter is continued -- these two
17 matters are continued to May 11, 2023, at 6:00 p.m.

18 See you then, Adam.

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2 (6:07 p.m.)

3 Sitting Members: Brendan Sullivan, Jim Monteverde, Andrea
4 A. Hickey, Slater W. Anderson, and Matina
5 Williams

6 BRENDAN SULLIVAN: No Matina yet?

7 STEPHEN NATOLA: No Matina.

8 BRENDAN SULLIVAN: Matina is logged in? You're on
9 mute, Matina.

10 STEPHEN NATOLA: I gotta --

11 BRENDAN SULLIVAN: Oh, okay.

12 STEPHEN NATOLA: She's in.

13 BRENDAN SULLIVAN: She's in? Okay. Next case I'm
14 going to call is BZA-202716 -- 166 Vassal Lane, Unit 166.
15 Okay, whosever going to present it?

16 NIALL STEPHENS: We're the owners of that unit.

17 BRENDAN SULLIVAN: Yep. You're on. Okay, if you
18 could introduce yourself for the record?

19 TALAYA DELANEY: And Talaya Delaney.

20 BRENDAN SULLIVAN: Okay. Tell us what you'd like
21 to do and why we should let you do it.

22 NIALL STEPHENS: We'd like to build into our

1 attic. We have a -- we're in the second floor of [laughing,
2 speaking to wife, "They asked us what we'd like to do."]
3 Yeah, there you go.

4 So we currently live on the second-floor of this
5 two-unit structure. And we just want to build into the
6 attic because we have three kids. We're living in
7 overcrowded conditions right now. We love the neighborhood,
8 we want to stay here, and that's -- that's really all.

9 TALAYA DELANEY: Yeah.

10 NIALL STEPHENS: That's enough. I could say more
11 if you need me to.

12 BRENDAN SULLIVAN: Okay. And there are two sets
13 of drawings. You have revised the original form so that the
14 form where drawings and the application form that we are
15 considering tonight are those ones dated March 20, and those
16 are by Boehm Architecture, is that correct?

17 TALAYA DELANEY: Yes.

18 NIALL STEPHENS: Yes. These current drawings from
19 March are by Boehm Architecture. And our building is here.
20 The -- we actually continued this case because we had a
21 different architect, a different builder, and that was -- we
22 switched builders. That's the reason that we're continuing.

1 BRENDAN SULLIVAN: Okay. So a question now, has
2 the -- now you've changed the drawings, have the dimensional
3 form, is that current from the one that was submitted by
4 Morse?

5 BILL BOEHM: No. So I'm Bill Boehm, Architect, 18
6 Laurel Street. We submitted -- we revised the national form
7 and uploaded it to the packet. There is just a couple of
8 modifications to the one that was submitted by Morse. And
9 those are marked up, and there is a -- that exists in the
10 packet of information that is online. I don't know if you
11 guys have access to that or not?

12 BRENDAN SULLIVAN: Yeah. There's one here, Bill,
13 that -- correct me -- gross floor area --

14 BILL BOEHM: Yes.

15 BRENDAN SULLIVAN: -- 2462 is the correct --

16 [CYBERVOICE]: Recording in progress.

17 BRENDAN SULLIVAN: -- okay, so that's the current
18 one. All right, fine. All right. Let me give it to the
19 Board for any questions or comments. Jim Monteverde, any
20 questions?

21 JIM MONTEVERDE: One. Can you go to the building
22 elevation, please? This is just about the dormers. Could

1 you just confirm the length of the dormers?

2 BILL BOEHM: The dormer is 19' and 4" long.

3 JIM MONTEVERDE: There are two, right? One in the
4 west and --

5 BILL BOEHM: Yes.

6 JIM MONTEVERDE: -- one in the -- east? They're
7 both --

8 BILL BOEHM: Yes.

9 JIM MONTEVERDE: -- 19' long?

10 BILL BOEHM: Yes.

11 JIM MONTEVERDE: Is there any way in plan you can
12 make those compliant?

13 BILL BOEHM: So --

14 JIM MONTEVERDE: Is there a maximum of 15'?

15 BILL BOEHM: Yeah. We really -- if you looked at
16 the floor plan, we're really needing to get two bedrooms up
17 there, and nine feet felt like kind of a -- a minimal
18 comfortable dimension for that bedroom.

19 The -- on the right side where the stair comes up,
20 we will build a bathroom in that area directly above the
21 existing bathroom, if not in the initial build-out in the
22 future. So that's what that space is reserved for.

1 So I realize that we're a little overall in the
2 length, but that's why, and that was a really high priority.
3 That's why we're doing this addition is to get those two
4 bedrooms up there. And I think they're pretty modest at
5 9'x12.5' in the other dimension.

6 JIM MONTEVERDE: Okay. And one further question:
7 When you're done with the renovation, or -- how many
8 bedrooms are there currently, and then when you're done with
9 the renovation, how many bedrooms do you have?

10 NIALL STEPHENS: I could answer that, if you like,
11 Bill?

12 BILL BOEHM: Yeah, Niall, go ahead.

13 BILL BOEHM: So we have two bedrooms currently.
14 Right now it's, Talaya and I sleep in an office. And our
15 kids are using the other two bedrooms -- the two bedrooms.

16 TALAYA DELANEY: Yeah, we have three kids.

17 BILL BOEHM: So it'll have a total of four
18 bedrooms and five people living in them.

19 JIM MONTEVERDE: Gotcha. Okay. Thank you.

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

22 ANDREA HICKEY: No. Mr. Monteverde sort of hit on

1 my question: I -- my preference is always to see dormers
2 that are compliant with our guidelines, and these are not
3 close to 15'. It would be my preference to see them closer
4 to that number.

5 But I'll wait to see what my colleagues have to
6 say about that issue before I make my determination.

7 BRENDAN SULLIVAN: All right. Thank you. Matina
8 Williams, any questions or comments at this time?

9 MATINA WILLIAMS: No. I had the same concerns
10 about the length of the dormers.

11 BRENDAN SULLIVAN: All right. Thank you.

12 MATINA WILLIAMS: I think that's been satisfied.
13 Mm-hm.

14 BRENDAN SULLIVAN: Slater? Any questions,
15 comments?

16 SLATER ANDERSON: I feel the same way as the
17 others that, you know, we try to adhere to the Dormer
18 Guidelines and that, you know, we're 30 percent -- 33
19 percent beyond that in the width on both sides.

20 And, you know, I understand the need, but it's --
21 you know, it's a standard that we consistently enforce. So
22 I'm not sure where we go from here. Thanks.

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

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

8 STEPHEN NATOLA: Alex Hershey?

9 ALEXANDER HERSHEY: Hi. My name is Alex Hershey.
10 I'm speaking on behalf of myself and my wife, who live at
11 Standish Street just about five or six houses away. We're
12 in support of Stephens-Delaney's plans.

13 Just wanted to point out that I don't know that
14 much about just wanted to point out that I don't know that
15 much about Zoning Board issues, but the two houses that are
16 right next to them both have built-in third floors.

17 It seems like it would fit in the neighborhood
18 just fine. They're tucked away in a little corner there. I
19 don't think it would cause any visual disturbance or
20 anything like that to anybody. And want to make it possible
21 for people to live in this neighborhood, even with three
22 children.

1 So we're in full support and urge you to approve.

2 Thank you.

3 BRENDAN SULLIVAN: Thank you.

4 BRENDAN SULLIVAN: Nobody else calling in. We are
5 in receipt of correspondence from Mihaela Bujoreanu. Sorry
6 if I butchered that.

7 MIHAELA BUJOREANU: Yeah, that's me.

8 BRENDAN SULLIVAN: Sorry?

9 MIHAELA BUJOREANU: I'm here, hi.

10 BRENDAN SULLIVAN: Oh, okay.

11 MIHAELA BUJOREANU: I am the owner of the 164
12 Vassal Lane Unit, the unit -- underneath.

13 BRENDAN SULLIVAN: Yes.

14 MIHAELA BUJOREANU: I'm in support of this. We
15 worked out an arrangement and I have no problem with the
16 plans.

17 BRENDAN SULLIVAN: Great. Thank you for calling
18 in, and also for writing in the letter.

19 We also have correspondence from Jinah Kim, 87
20 Standish Street.

21 "My name is Jinah Kim, and I am the owner and
22 resident of 87 Standish. I know there was a hearing

1 neighbors' proposal tonight. I cannot make it, due to
2 another meeting, but I write to let the City know that I
3 support the project as a neighborhood that would be directly
4 affected by their renovation project.

5 "Any increase in height will affect us, since our
6 house abuts theirs at the corner of Standish and Vassal.
7 They have shared the project plan in advance, and we
8 communicate regularly about various matters.

9 "Any noise and disturbance from the construction
10 will overlap with the ongoing Tobin Project, so this would
11 actually be a good time to do such a project."

12 And they speak that you are wonderful neighbors,
13 and that the renovation is much needed for the family to be
14 able to stay in the neighborhood.

15 There's also correspondence -- I think we already
16 have heard from Beatrice E Mesavalencia's (phonetic) spouse,
17 and three letters in support. I will close public comment
18 at this point, send it back to Bill.

19 I think that some of the comments regarding the
20 length of the dormer -- I sort of didn't chime in on this,
21 and I guess my thought on this -- and I had reached out to
22 the Planning Board, I remember when the Dormer Guidelines

1 were brought in to focus because of some run away, rogue
2 dormers that were being built in the city felt that it would
3 be good policy to set a set of guidelines out there and they
4 did.

5 And so I reached out to the Planning Board to take
6 another fresh look at these in light of the fact that, you
7 know, people need to obviously expand the house -- real
8 estate being so expensive and desirable as it is in
9 Cambridge and they need to capture every square feet -- but
10 also to make it, I think fair and reasonable.

11 Members of the Planning Board were receptive, so
12 that they really felt that they could relook at the Dormer
13 Guidelines and how they pertain now some 15 years later, and
14 so far, they have not been able to do that. I'm still
15 beating the drum on that as far as having them do it.

16 And I guess the question is we're still sort of
17 somewhat sensitive to the Guidelines, which obviously say
18 15' in length, and then there were some other requirements.
19 The original plan really was built to the edge of the roof,
20 and that was probably a nonstarter with me.

21 I think what is before us is a much better design,
22 and so I don't have a problem with it. If it were to trim

1 back 4', is it very noticeable, given the location of the
2 house, where it is and the fact that, you know, as you go by
3 the house you probably think that the dormers look fine, and
4 probably blend in very well with the rest of the
5 neighborhood and the house itself. And yet, I think that
6 that four feet on the inside of the house I think makes a
7 big difference.

8 So I think that the benefit to the homeowner, to
9 the occupant, to me, far exceeds the -- if the Board were to
10 trim back that four feet, I think it would not be noticeable
11 on the outside, but much more noticeable on the inside. But
12 that's my thought on that.

13 So Bill, I would ask you if you felt there was any
14 possibility of being sensitive to the Board's comments
15 regarding the 15' length on the dormers?

16 BILL BOEHM: Sure. So with a 15' length, the
17 design would not allow for legal bedrooms, in that there's a
18 7'-dimension minimum for, you know, each bedroom has to have
19 a minimum of 7' in each way and has to be I think 90' total.

20 So that would mean I guess what we could
21 contemplate doing is taking the place of the future bathroom
22 for a bedroom, which would be very unfortunate because

1 replumbing the home to get that second -- they only have one
2 bathroom in the home. And so, that's definitely on their
3 agenda. That would be very unfortunate.

4 So I really -- I would really prefer not to have
5 to comply with the 15'.

6 That said, if -- if we're in a mode of kind of
7 thinking of alternatives and compromising -- and I'm saying
8 this without consulting the homeowners first who really
9 should weigh in -- we could consider going down to 8' in
10 each bedroom instead of 9' so reducing it by 2', which would
11 be -- you know, a tight bedroom, but habitable and would
12 sort of -- I don't know, I guess be a compromise between
13 going down to the full 15' which sort of knocks the two
14 bedrooms out, or sticking with the 19.5', which gives us the
15 -- you know, more comfortable 9'.

16 So that said, Talaya and Niall, since they're your
17 bedrooms, would you be comfortable -- and I don't know how
18 the Board will feel about this, but do you guys feel
19 comfortable about skinning up those bedrooms to 8' wide
20 instead of 9' wide, if that got us across the finish line
21 here?

22 NIALL STEPHENS: Yeah, I suppose. Yeah. I

1 suppose we would. I mean, I would emphasize that
2 particularly on one side, it's really not going to be seen
3 by anybody except the people in the house right next door.
4 I mean, it's really simply not visible from the street. So
5 -- but yeah, I think we would.

6 TALAYA DELANEY: We really need the space.

7 NIALL STEPHENS: But we do really need the space,
8 so --

9 TALAYA DELANEY: Okay.

10 NIALL STEPHENS: Yeah. If it's going to get us
11 over the -- we would consider that, for sure.

12 BRENDAN SULLIVAN: Let me ask the question: The
13 two bedrooms on the third floor will be occupied by whom?
14 The children?

15 TALAYA DELANEY: Probably our boys. Yeah.
16 Probably --

17 BRENDAN SULLIVAN: Okay.

18 TALAYA DELANEY: -- be two boys.

19 BRENDAN SULLIVAN: So that in the scheme of
20 things, and this is sort of -- you know, and I guess my
21 feeling comfortable with what is proposed -- it seems that
22 you've got two adequate bedrooms, nothing outrageous, but

1 two adequate bedrooms, and then in the future there will be
2 a bedroom there, which -- I'm having a -- ladies' bedroom --
3 bathrooms are very much desirable and very much needed.

4 And then there would be little bit of a space from
5 the bathroom to the edge of the stairway, which could be
6 used, again, for a desk area and so on and so forth.

7 So to me, I felt that the allocation of the space
8 to me was adequate, and to reduce that I think crunches
9 either the bedroom, which -- you know, makes it a little bit
10 small, and also that it also allows them for this little
11 sitting area or desk area or something between the stairway
12 and the bathroom.

13 So I am comfortable with the 19', but again, --
14 send it back to members of the Board.

15 Jim, what is your thought again if you --

16 JIM MONTEVERDE: I still favor the, you know,
17 being compliant at least with the light. I think there are
18 -- there are probably some other configurations than the one
19 we just heard about where we kind of pitched the bedroom
20 widths to accommodate a 15' or closer to 15' dormer. 15'
21 would be ideal, on both sides. So I'm still at 15'.

22 BRENDAN SULLIVAN: Okay. Andrea Hickey?

1 ANDREA HICKEY: I am at 15 or at least closer to
2 15, and I don't think taking a foot off of each brings me
3 close enough at present. Thank you.

4 BRENDAN SULLIVAN: All right. Matina Williams?

5 MATINA WILLIAMS: I -- you know, the more and more
6 you think about it, the more you think of how families live,
7 scaling it back according to the Guidelines would be ideal,
8 but, you know, kids are small and then they grow up.

9 BRENDAN SULLIVAN: As they grow up, the space gets
10 smaller. [Laughter]

11 MATINA WILLIAMS: The space gets smaller, stuff
12 gets bigger, stuff gets more, stuff -- so it's -- hm. I'm
13 thinking about it.

14 BRENDAN SULLIVAN: Okay. Slater, you're --

15 SLATER ANDERSON: Yeah. A couple comments. So it
16 looks like, if I understand this -- hasn't been mentioned
17 yet, but you're actually rebuilding the roof, the main gable
18 roof, to about 5' higher, and then bringing the dormers off
19 of a new roofline, correct?

20 BILL BOEHM: That's right.

21 SLATER ANDERSON: Okay. That's -- I'd like that
22 better than the original drawing, which had sort of the --

1 you know, the house -- the -- its own floor sitting on top
2 of the existing house. So I respect and appreciate your
3 efforts to make it look, you know, more like it was -- you
4 know, part of the original design.

5 I also -- you know, look at the staircase and
6 appreciate that that's sort of necessary space to get up and
7 down, it's not, you know, additional utility really on the
8 third floor in that space. So, you know, I can see some
9 leeway on that.

10 I do think, you know, that there is some potential
11 to reconfigure in the home office future bathroom space.
12 You know, that could be the second bedroom, and there could
13 be a smaller bathroom somewhere.

14 But I'm curious about the neighbors on the -- what
15 would be, you know, the left side. I think 85, 87 Standish.
16 I didn't see any correspondence from them. Can you comment
17 on them? They would be the most impacted by this.

18 BILL BOEHM: So that's Jinah Kim, one of --
19 there's a two side-by-side condo next door.

20 SLATER ANDERSON: Yep.

21 BILL BOEHM: So Jinah Kim wrote in and said she's
22 fully in support.

1 And then Holly is our other neighbor there. And
2 she, actually, I think is the most impacted. And I've
3 spoken to her -- you know, we asked her to write a letter.
4 She didn't, but she -- I think she just has other things to
5 do. She was like, "That's fine. You guys need the space.
6 I understand. It's totally fine." I mean, that's all I can
7 say.

8 SLATER ANDERSON: So that's 85, 87, those two
9 units?

10 BILL BOEHM: Yes.

11 SLATER ANDERSON: Together?

12 BILL BOEHM: Yes.

13 SLATER ANDERSON: Okay. Because the 158 Vassal
14 was really set back. It wouldn't be impacted at all.

15 BILL BOEHM: That's right. Yeah.

16 SLATER ANDERSON: So I'm less concerned about
17 that. So I -- so I, you know, taking this on all the sort
18 of considerations here and what you guys are trying to
19 achieve which I -- you know, I respect -- I live on a
20 second- and third-floor of a two-family in Cambridge, you
21 know, with kids. I get it. And so, I don't see this as a
22 big ask.

1 I mean, the Dormer Guidelines are still a
2 threshold, but, you know, I would be -- you know, I could be
3 willing to go ahead with this as proposed.

4 I don't see the patient pinching a foot off of the
5 two bedrooms making enough difference to bring it in
6 compliance. I mean, I'd rather just see you have the 9'
7 bedrooms than 8' bedrooms. So I'm -- I think I'm on board.
8 Thank you.

9 BRENDAN SULLIVAN: Okay. So back to I guess Jim
10 or Andrea, is the motion then to -- you have to receive four
11 affirmative votes. Right now there appears to be two.
12 Matina is weighing the options and Jim, you're adamant that
13 it be 15' and Andrea you're leaning towards 15' for the
14 dormers?

15 ANDREA HICKEY: I'm leaning toward 15'. Could
16 probably accept 17'. But I'm not at present in favor of 19
17 point.

18 BRENDAN SULLIVAN: Okay. Jim, can we get you to
19 17'?

20 JIM MONTEVERDE: I --

21 BRENDAN SULLIVAN: No, I know. I mean, that's
22 fine. You know --

1 JIM MONTEVERDE: I think at first blush, the
2 answer would be no. But really, it's that I don't -- I'm
3 not certain that the plan and section really -- because this
4 is really a sectional issue as much as a plan issue is that
5 it really drives you to -- if the dormer is 15' to make the
6 bedroom less wide.

7 I still think there's a plan in here. And I may
8 be wrong. It would allow you to get most of the space
9 you're looking for within the 15' having a traditional
10 dormer that is not the length of an entire room.

11 You know, I think there's a portion of the room
12 that's going to be under some part of a sloped roof, like I
13 assume the two storage closets are to the bottom of the plan
14 side.

15 So I'm kind of sticking to the 15'1" because I
16 really don't like the thought of setting a precedent for the
17 other 12,000 folks behind you who will come through in the
18 next X number of years.

19 And then also just I think the plan configuration
20 and section configuration, I'm not convinced isn't valuable
21 enough to be able to function within the Dormer Guideline.

22 BRENDAN SULLIVAN: Okay. So Jim is at 15'.

1 Andrea, you may -- could land to 17'. Matina, what is your
2 thought? Either --

3 MATINA WILLIAMS: I'm -- could be happy with 17'.

4 BRENDAN SULLIVAN: With 17'? All right. And
5 Andrea, you'd be all set with the 17' and Slater you're all
6 set with the 17'?

7 SLATER ANDERSON: Yes.

8 BRENDAN SULLIVAN: Okay. So I think what I'm
9 trying to do is come to some consensus here. Niall and
10 Bill, can we settle on the 17'?

11 BILL BOEHM: Yeah. I sense that Niall and Talaya
12 are -- you know, would prefer to go with the design as it
13 is, but I get the sense that -- the only thing that I was
14 going to offer is that I have a model -- you know, I used to
15 come in in person and bring physical models, which tended to
16 be helpful to people to see.

17 I have a model on my screen, I don't know if you
18 allow screen sharing, and I also have a photograph of
19 another house we did a few years ago very similar.

20 So if either of those things would in any way help
21 people visualize this better, I'd be happy to share that.

22 But I don't know if that's possible in this format or if

1 people feel like that would be useful at this moment?

2 BRENDAN SULLIVAN: I think they would -- and
3 knowing the members, I think they can visualize --

4 BILL BOEHM: Okay.

5 BRENDAN SULLIVAN: -- it and, you know, just in a
6 sort of a shorter version or something like that.

7 BILL BOEHM: Can I -- Brendan can I --

8 BRENDAN SULLIVAN: Yes.

9 BILL BOEHM: -- ask you a quick question?

10 BRENDAN SULLIVAN: Yes.

11 SLATER ANDERSON: Bill, can you give me the width
12 of the new gable, the main gable at 5' on each side? So
13 what's the width of that? So forgetting the dormer.

14 BILL BOEHM: It's -- the width of the gable, do
15 you mean the -- so like I'm looking at 83.0 where there's a
16 5' measure and which is sort of, you know, the GFA -- sort
17 of calculated living area.

18 SLATER ANDERSON: Yep.

19 BILL BOEHM: What's the width of the new gable at
20 5' across? It is 13.5'.

21 SLATER ANDERSON: Okay. So this is to so Jim's
22 point. There is a space there under that new gable to do

1 something beyond the dormers? Like you've done with the
2 closets at the end. Like, you have all that space on the
3 other side of the dormers to do somewhat with potentially?
4 Right? I mean, the height -- you know, you go up to --

5 BILL BOEHM: Yes, I see -- no, I see where you're
6 -- I see where you're going with this.

7 SLATER ANDERSON: What's the width of that roof
8 you have, or ceiling that you have going across at 8'9"?

9 BILL BOEHM: I don't know. Let me go back to that
10 sheet. That's like 5', 5'10", getting close to 6' wide.

11 SLATER ANDERSON: All right. If you came down to
12 8' or something, I mean we get wide -- we're starting to get
13 where you could have a bedroom under that new gable at the
14 other end. I mean, there's room to do more up there, to
15 Jim's point.

16 BILL BOEHM: Gotcha. We're trying to -- yeah. I
17 guess one of the -- one of the objectives here was to keep
18 the budget down. So we're trying to not -- you know, expand
19 into the entire third floor.

20 Not that we'd be able to, I guess, legally, but we
21 were trying to not go past that just to sort of keep the
22 extent of the construction down. I suppose, though, to your

1 point if we shorten the dormer and tuck something under the
2 gable portion, that's not -- that's feasible.

3 I think that Talaya and Niall, it's kind of your
4 call as to whether you want to go for the compromise here.
5 I'm -- you know, it's your home, it's your money. So.

6 TALAYA DELANEY: I think we just want space to
7 have our kids have bedrooms, so if that's --

8 NIALL STEPHENS: And if there is -- don't you need
9 to -- we need to present new drawings then, at another
10 hearing?

11 TALAYA DELANEY: No.

12 BILL BOEHM: Yes.

13 NIALL STEPHENS: Okay.

14 TALAYA DELANEY: Oh.

15 NIALL STEPHENS: Okay. Yeah, I suppose we can do
16 that.

17 BRENDAN SULLIVAN: All right. So I can make --
18 yeah, what I'll do is I'll make a motion, then, to make a
19 motion then to grant the relief requested on the condition
20 that the dormers -- both dormers not exceed 17'0" in length.

21 We'll accept the plan as presented as far as the
22 layout, the window layout, except that the only thing that

1 we're changing is the length of the dormers down to 17' for
2 both dormers.

3 Seeking relief under 5.31, which is the Table of
4 Dimensional Requirements because you're increasing the FAR,
5 even though you're not creating any new nonconformities.
6 And under 8.22.d, because it is a two-family house and under
7 10.40, which is a special permit. Let me make -- on that
8 motion.

9 In all districts, the Board may grant a special
10 permit for the alteration or enlargement of a preexisting
11 dimensionally nonconforming, detached single-family dwelling
12 or two-family dwelling not otherwise permitted in 8.22.1
13 above, but not the alteration or enlargement of a
14 preexisting, nonconforming use.

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

20 In order to grant the special permit, the Board of
21 Zoning Appeal is required to find -- and does make such
22 finding -- that the alteration or enlargement shall not be

1 substantially more detrimental than the existing
2 nonconforming structure to the neighborhood, and that the
3 alteration or enlargement satisfies the criteria in 10.43.

4 In 10.43, where it appears that the requirements
5 of the ordinance can be met.

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

9 Continued operation of or development of adjacent
10 uses, as permitted in the Zoning Ordinance, would not be
11 adversely affected by the nature of the proposed use. The
12 Board notes the letters of support from abutters in support
13 of the proposal and as such, no adverse effect would be
14 imposed upon them by this project.

15 There would not be any nuisance or hazard created
16 to the detriment of the health, safety and/or welfare of the
17 occupant of the proposed use -- in fact the addition of
18 much-needed living space with a proposed bathroom on the
19 third floor would greatly help the health and safety to the
20 -- any occupant who occupies -- lives in that unit.

21 The proposed use would not impair the integrity of
22 the district or adjoining district, or otherwise derogate

1 from the intent and purpose of the ordinance, which is to
2 allow by way of this Board to foster appropriate
3 development, allow families to remain in their homes in the
4 neighborhood, and as such this Board finds that the relief
5 is de minimis and within that stated objective of the City
6 policy.

7 On the motion, then, to grant the relief with the
8 condition that the ordinance -- that the dormers do not
9 exceed 17' in length, Jim Monteverde?

10 JIM MONTEVERDE: Not in favor.

11 BRENDAN SULLIVAN: Matina Williams?

12 MATINA WILLIAMS: Yes, in favor.

13 BRENDAN SULLIVAN: Andrea Hickey?

14 ANDREA HICKEY: Yes, in favor.

15 BRENDAN SULLIVAN: Slater Anderson?

16 SLATER ANDERSON: Okay. In favor. Are we going
17 to have -- so they'll submit new plans?

18 BRENDAN SULLIVAN: Okay. Yes. I marked up these
19 plans here. Mr. Boehm, you'll have to submit new plans,
20 which I will -- I don't want to delay this, and then you can
21 make new drawings, and then I will initial those, which will
22 -- should get in before you can apply for the building

1 permit, which will be some weeks down the road.

2 And Brendan Sullivan in favor.

3 [All vote YES]

4 Five affirmative votes; the special permit is
5 granted.

6 BILL BOEHM: Thank you.

7 TALAYA DELANEY: Thank you.

8 NIALL STEPHENS: Thanks.

9 TALAYA DELANEY: Thank you.

10 BRENDAN SULLIVAN: Yep.

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2 (6:40 p.m.)

3 Sitting Members: Brendan Sullivan, Jim Monteverde, Andrea
4 A. Hickey, Slater W. Anderson, and Matina
5 Williams

6 BRENDAN SULLIVAN: The Board will now hear Case
7 No. 206365 -- 18 Pleasant Street. Mr. Hanley?

8 JOE HANLEY: Good evening, Mr. Chair, and members
9 of the Board. Attorney Joe Hanley, McDermott, Quilty &
10 Miller, 28 State Street, Boston, Massachusetts.

11 I'd like to intro our team that I have with me as
12 well.

13 For the record, and then Ryan Wittig, who is a
14 representative of the proponent, Kinvarra Capital in
15 Somerville.

16 Daniel Martinez, who is our Design Architect on
17 the project from Khalsa Design Architects also in
18 Somerville, and Katya Podsiadlo who is the Landscape
19 Architects from Verdant Architects in Brookline.

20 BRENDAN SULLIVAN: Okay.

21 JOE HANLEY: Would you like me to begin, Mr.
22 Chair?

1 BRENDAN SULLIVAN: Yes. Yeah. Yes.

2 JOE HANLEY: Okay. First of all, thank you for
3 this opportunity. Just to give you a little bit of
4 background here, I know that Staff has the presentation
5 queued up. I'd like to take you through the first couple
6 slides here.

7 Just to give you some background, this case was
8 continued from the last hearing in order to allow for us to
9 complete the review process and recommendation process with
10 the Central Square Advisory Committee, which was done on
11 March 6.

12 In your packets, you have their recommendation of
13 approval, which we very much appreciated, and you will see
14 has been integrated into this proposal and to add to certain
15 extent necessitates some of the areas of relief what we're
16 seeking.

17 First, I'd like to orient you to the site, give
18 you a brief overview and touch on the relief, and then ask
19 Daniel to show you the presentation itself of the design.

20 So 18 Pleasant Street's in the Riverside
21 neighborhood in Central Square just outside of Central
22 Square. It's in a BA Zone, which allows multifamily use

1 under the RC2B. The lot itself is approximately 4260 square
2 feet, and you'll see in the prior survey the existing
3 conditions is an office use that has a nondescript structure
4 on it.

5 And more important to the relief with respect to
6 the onsite parking, there is an existing curb cut and drive,
7 which is being maintained as part of the development, which
8 is off Franklin -- I'm sorry, Pleasant.

9 So if you go to the photographs of the site,
10 you'll see this in context. I believe that's the next
11 slide. Or maybe not. There we go. Sorry. Yeah. If you
12 go up one more? Thank you. There you go.

13 So yeah, in the upper left you can see another
14 unique aspect here. We are corner lot at the corner of
15 Franklin and Pleasant in the foreground with the garage
16 there. You'll see the office use in the building.

17 To the right is obviously the bird's eye. You see
18 our site in the red hash and to the lower left, a view from
19 Franklin Street, which is where the existing driveway and
20 curb cut is, which we're seeking to maintain and obviously
21 improve as part of the site and the overall development, and
22 then the view looking from Franklin Street.

1 We also presented to the -- and had detailed
2 engagement with the Historic Commission, which has
3 authorized demolition, but also provided guidance on the
4 design and some of the aspects.

5 The project -- what's being proposed -- is to
6 raise the structure and construct a four-story, six-unit
7 homeownership building to address the need for residential
8 homeownership in the City of Cambridge -- again, an allowed
9 use at this location.

10 And it would be six condominium units and we are
11 proud and listened in to the last case that you had to
12 deliver some pretty good-sized family-sized units: 3 three-
13 bedrooms, 2 two-bedrooms, and 1 one-bedrooms. And we also
14 think that justifies the need for four onsite parking
15 spaces, which would be utilized to the existing curb, and at
16 the exact location that you see there.

17 We also have seven bike lockers in addition to
18 that.

19 For the relief requested -- I'll give you a quick
20 overview -- we need relief for the side and rear yard
21 setbacks. And that is generated by application of the RCB2.

22 We have a height -- an allowable height of 45',

1 but in the RCB2 if you're over 40' then your setbacks
2 change. So we're approximately 5' off at the rear -- sorry,
3 at the side and the rear, which you'll see in our
4 presentation, justified by the unique aspects of the site in
5 order to accommodate this allowed use, with the minimum
6 relief necessary.

7 We are also requiring relief for parking in the
8 front yard, which is an existing condition, and that parking
9 being in the side and front setback, which we have a slide
10 that we'll walk you through. And that too relates to the
11 exact existing conditions of the driveway that is there
12 today and that is not being changed.

13 The final special permit, which we are asking for
14 and is appropriate of the circumstances is to exempt space,
15 floor area in the basement level in order to comply with the
16 FAR requirement.

17 And the reason for that is it would allow for an
18 improved living -- residential living space in the basement.
19 That's not to create a new separate unit, it's actually to
20 create a duplex unit that is combined with the residential
21 three-bedroom unit, which is on both the first and lower
22 levels. So it is that space on the lower level that

1 requires a special permit consistent with those findings.

2 The final thing I'll say before asking Daniel to
3 speak is I am also very appreciative of the neighbors and
4 the abutters who participated with us in the process with
5 the Central Square Advisory Commission.

6 They've also taken the time to write letters of
7 support, which are -- have been made part of the record.
8 And for more information on this, obviously we submitted a
9 supplemental submission in support of the variance.

10 Daniel, would you please take them through the
11 design? Thank you.

12 DANIEL MARTINEZ: Yes, absolutely. Thank you,
13 Joe. Good evening, members of the Board, members of the
14 public. I'm Daniel, KDI. Joe already mentioned that. We
15 can start at L1, I can walk you guys through the design in
16 order.

17 So here we have the ground floor. First, we'll
18 begin by looking at the public improvement element being
19 offered under the sign. You know, we're offering a new
20 front yard at street level on Franklin Street.

21 We're also offering some shrubs to cover for
22 privacy. We're proposing a Shemper corner on the

1 intersection to provide visibility and soften the landscape.

2 We're also providing an accessible ramp and bike
3 lockers for the occupants to, you know, store their bikes
4 and be protected for the elements during the summer, I mean
5 during the winter. And those bike lockers are located in
6 the rear of the site to minimize the visual impact on the
7 public realm.

8 Next slide, please? Thank you.

9 So in here is our official zoning chart. You
10 know, and I'll briefly walk you through each one of these
11 remarks really quick, just so you can understand the sign
12 better.

13 For the first portion, we complied with the
14 minimum square footage per dwelling unit. Our lot size is
15 4250 square feet. When we divide that by 600 square feet,
16 which is the requirement, we're allowed a total of 7 units,
17 but we're proposing six units total.

18 We comply with the FAR allowed on site, with the
19 exception of the living space located on the basement.

20 We're complying with the minimum lot width, building
21 coverage and max height allowed by the zoning. We comply
22 with the minimum setback from the front on the front yard,

1 located on Pleasant and Franklin Street.

2 And if you can see, we have -- we're also showing
3 the calculations, how we arrived at those requirements,
4 which are part of the Cambridge Zoning Ordinance.

5 Again, as Joe mentioned, we're looking for relief
6 on the side setback located at the rear of the building and
7 where the parking spaces are. The bulk of the massing is --
8 overhangs the parking space.

9 Lastly, we comply with the minimum ratio of
10 private open space and the 15' x 16' open space required,
11 which is shown in the diagonal dash to the upper corner.

12 Lastly, we are also -- Cambridge lifted the
13 minimum parking requirements for residential construction.
14 So we're proposing to keep the existing configuration and
15 the existing curb cut as part of the design.

16 Next slide?

17 Okay. So on this line, we -- on this slide we
18 have our FAR breakdown, or how we calculated the FAR of the
19 -- of the building.

20 On the blue that is all the living space that is
21 for Unit 1. The space that's not counted, that's purely
22 mechanical space for the operation of the building. And the

1 other space that's counted is the egress stair on the
2 basement.

3 The rest of the slide has the unit breakdowns. If
4 you look at the roof plan, we're also counting the roof deck
5 square footage, which is about 153 square feet for both of
6 those private roof decks located out there.

7 And now I can walk you through the plans to show
8 you a little more detail.

9 Next slide? Thank you.

10 So this slide is basically the bike access path
11 and mobility path just showing that, you know, we have a way
12 to get the bikes in and for people to comfortably do that.

13 Next slide?

14 Okay so on this line we're showing Unit 1. Most
15 of the living space for Unit 1 is located in the basement.
16 That's where we have two bedrooms, laundry room and storage
17 area.

18 Next slide, please?

19 And here on the first-floor plan, we can see that
20 both of the first-floor units are accessible. And so, is
21 the Unit 1 that has the living space in the basement. We're
22 showing, you know, it's adaptable so we're showing a lift

1 there.

2 We're also showing the access points where you
3 would access the building. There's a main entry on Franklin
4 Street, and then there's another entry at the rear of the
5 building on Pleasant.

6 On the second floor, we have 2 two-bedroom units,
7 each on that floor.

8 Next slide?

9 And on the third and the fourth floor, these are
10 also duplex units. So in here, we have a standard
11 distribution with our kitchen and living space in the third
12 floor, and then the fourth floor will be where the bedrooms
13 are located. Both of these units will have access to a
14 private roof deck. If we can go to the next slide, please?

15 So over here we're showing a green roof, which is
16 a great feature that we're adding to the building. Also,
17 you know, an added amenity for those residents on the -- on
18 Unit 6 and Unit 5 the bags are about 163 square feet each of
19 10' wide by 16' long.

20 We're trying to minimize the visual impact on the
21 streetscape by using hatches to access those. We're also
22 showing mechanical access for the condenser to the top. So

1 -- but these roof decks will remain private for those
2 residents.

3 We're also offsetting the railing about 3' in from
4 the edge of the building. That way we can further hide the
5 deck from visual impact. And the owners are proposing also
6 a glass-railing system to again kind of drive that point
7 home and not have the deck be visible from the street.

8 Next slide?

9 So in here, you know, as Joe mentioned, we have
10 worked through with the approval process previously with the
11 Historical Commission and the Central Square Advisory on
12 public meetings to design a structure that was contextually
13 appropriate and reflective of the neighborhood.

14 You know, some of the main features that we're
15 showing is a seashell brick that complements the Cambridge
16 Community Learning Center that abuts our building. We are
17 showing subtle cast stone cornices at the first floor and
18 fibre cement cornice at the top. We're showing recessed
19 windows to essentially the brick façade.

20 We're also showing large windows at most of the
21 corners and the prominent -- kind of that prominent focal
22 point to, again, give more architectural detailing to the

1 sign. The top floor will be HardiePanel in a cobblestone
2 color that we think will complement the seashell brick.

3 The top floor also includes picture frame, cast
4 stone window trim at all the window locations to, again,
5 articulate our building more.

6 The hardscaping, the bays: We're planning on
7 making that a precast stone with a dye-colored umber. And
8 we are also proposing a reveal pattern to provide more
9 intricacy to the eye as people walk by.

10 We're also featuring extruded brick coarse
11 detailing to give character to the façade at the window
12 locations.

13 And lastly, we've included a bay element to engage
14 the corner at the intersection and create a focal point when
15 people walk by.

16 Next slide, please?

17 So in here, we're just briefly showing the views
18 in 3D isolated, just so you guys get a good idea of how the
19 massing looks in the project.

20 Next slide?

21 Next slide, please after this one?

22 Okay. And here this is the main view of the

1 project. This is where we show you the project in context.
2 You know, we're showing you the bay that is prominent on the
3 intersection, as I mentioned. And I think this picture
4 really shows how we have a toned color palette that is
5 subtle and fits in with the neighborhood.

6 We can go to the next slide, please.

7 And here we're showing the view from Western
8 Avenue, where you can see the Community Learning Center in
9 the rear. We're not using quite the same tone of the break,
10 but we're matching it closely so that -- again, we can
11 create this relationship between the neighborhood and the
12 elements that are abutting our property, our building.

13 Lastly -- last slide -- yes, this one. So as part
14 of the community process of the Historical Commission, we
15 were asked to create a shadow study to show the impact of
16 the building height on the current neighborhood. We're
17 highlighting the sun's faces per season in relation to the
18 time of the day.

19 As you can see on the summer solstice, our
20 building casts a shadow on the parking lot. That's
21 currently -- you know, it's a dental office. It's not
22 occupied by residents. So, you know, we're not showing a

1 high impact on that regard.

2 Same thing in the fall, spring equinox. At the
3 morning at 9:00 a.m. and 10 a.m. our building doesn't quite
4 reach -- the shadow of our building doesn't quite reach the
5 neighborhood across the street.

6 And lastly, winter solstice is a little bit of a
7 different condition, but we still feel that the shadows are
8 minimal on the rest of the neighborhood, and the building
9 has an appropriate height for -- you know, where it's
10 located.

11 And I believe that's all the material that I have
12 to present. You know, at this time I would like to turn it
13 over to Joe and the team and see if they have any more
14 comments.

15 JOE HANLEY: Thank you, Daniel. Thank you, Mr.
16 Chair, and members of the Board. That concludes our
17 presentation.

18 BRENDAN SULLIVAN: All right. Fine. Once I get -
19 - send it back to the Board.

20 Jim Monteverde, any questions or comments?

21 JIM MONTEVERDE: Comments. I have -- of the I
22 think three items that you're looking for relief for.

1 And in your discussion and presentation of the
2 building plans, I'm not in favor at the moment or I'm
3 questioning the need to step over the setback requirements
4 on two of the four faces of your property. And whether you
5 looked at a scheme that was -- could be compliant and not
6 require that relief? That's one.

7 And my second concern is the two of the four
8 vehicles that will be parking in the front yard setback.

9 JOE HANLEY: Four. So just a --

10 JIM MONTEVERDE: Oh four, but yeah. If you took
11 away the two that face -- that are closest the street, it
12 wouldn't be in the front yard, I assume? Or am I correct?

13 JOE HANLEY: No, no, so if you go to that, you can
14 see the -- if you go to the slide which shows the existing
15 conditions, or you can see it right there as well. But if
16 you go back a little bit.

17 So this is the existing curb cut. And let's go to
18 just the photo, maybe go up one or two.

19 JIM MONTEVERDE: Right. Yeah. I think it's one
20 down.

21 JOE HANLEY: Yeah. Thank you. Yep. Yep. There
22 you go. One more up.

1 JIM MONTEVERDE: Oh no.

2 JOE HANLEY: One up.

3 JIM MONTEVERDE: There you go.

4 JOE HANLEY: Thank you. Thank you. Yeah. You
5 can see to the lower left. So existing curb, what we're
6 proposing are -- is just to keep, you know, the dimensions
7 of that driveway, and then to have two tandem spaces, right?

8 So we also know that we have 3 three-bedroom units
9 pretty good size that -- you know, are likely to, especially
10 as homeownership goes, to necessitate a space. But they
11 would be tandem in utilizing that existing driveway with no
12 changes to its dimensions.

13 JIM MONTEVERDE: Right. Okay. Thank you.

14 JOE HANLEY: And that --

15 JIM MONTEVERDE: -- are my two consecutive.

16 JOE HANLEY: Yeah. Thank you. And those are the
17 -- that's -- relates to the special permit, just so that I
18 can try to answer the first part of your question.

19 The concern about the setbacks, I assume you're
20 referring to the setbacks generated by the 45' height in the
21 RC2B? In other words, the structure itself, not the
22 parking?

1 JIM MONTEVERDE: Correct.

2 JOE HANLEY: So yeah. You know, you -- 40' is
3 also compliant, right? And if you do a 40' building, then
4 your side yard -- you know, we're about 5' off with this
5 plan that we're showing you.

6 So the side yard setback is required at 16'58".
7 Required is 16'58". We're proposing 11'58." So exactly five
8 feet off.

9 And then the minimum rear yard setback is
10 17'46"and we're proposing 11'.78" So just a little over 5'.

11 And so, the other option as you asked about would
12 be to drop the height down a full 5'. We have a four-story
13 building. That means that you take more than 1' out of the
14 floor-to-ceiling ratio.

15 I think I sort of listening into a similar
16 discussion on this on the first one. It's doable, but it --
17 you know, as we're trying to make a building for
18 homeownership with lots of light and windows, it makes for a
19 much more constrained living environment of much lower
20 floor-to-ceiling heights.

21 And so that is sort of the genesis.

22 Then on the other side, we look at, okay, well

1 what is the impact, right, of this de minimis request for
2 relief? We know that we were fortunate to have lots of
3 support. That's also something that was favorably received
4 by the Central Square Advisory Committee in the design
5 process.

6 But the impacts are virtually nonexistent. And
7 you see that in the shadow studies. And what we did as well
8 on that.

9 So what our argument would be is, you know, taking
10 this collectively, looking at -- you know, the need for
11 homeownership, but also good quality housing and lots of
12 light without negatively impacting the community and trying
13 address the hardship that is imposed by a small corner lot
14 that allows for the use that we're proposing is -- is really
15 what drove us to that request. And we're hoping that we can
16 explore it further with you, sir.

17 Thank you.

18 JIM MONTEVERDE: No further questions. Thank you.

19 BRENDAN SULLIVAN: So in simple terms, if we were
20 to pull the building in to comply with the required
21 setbacks, then we're gaining outside space at the -- but
22 we're losing interior space, living space?

1 JIM MONTEVERDE: Yep.

2 BRENDAN SULLIVAN: Would that be a simple --

3 JOE HANLEY: Correct.

4 BRENDAN SULLIVAN: -- summation of it all?

5 JOE HANLEY: Yep.

6 BRENDAN SULLIVAN: Okay.

7 JOE HANLEY: And an overall -- you know, there's a
8 hardship here and under the ordinance too that, you know,
9 relates to marketability and just livability too. We care
10 about who is going to live in these places. And I think I
11 heard that in the prior discussion as well.

12 And Ryan Wittig, who's on, can sort of speak to
13 the negative results of those Florida ceiling heights if we
14 were to comply.

15 It's too bad because, you know, if we took out a
16 foot, right, in each, for the floor-to-ceiling, it still
17 wouldn't be enough, right? Because, again, we're a four-
18 story building not a five. Then we have to take out another
19 foot, and you really start to compress those, you know, the
20 residences in that area.

21 Ryan, do you want to add to that at all?

22 RYAN WITTIG: Sure. I would just say, you know,

1 if we were to keep --

2 BRENDAN SULLIVAN: Ryan, if you want to just
3 introduce yourself for the record, that's --

4 RYAN WITTIG: Yes, sure hello.

5 BRENDAN SULLIVAN: Thank you.

6 RYAN WITTIG: Yes, hi. Ryan Wittig from Kinvarra
7 Capital -- also the owners at 300 Franklin LLC is the actual
8 entity that we own it in. But I am from Kinvarra Capital.

9 And speaking to Joe's point, if we were to keep
10 the height that we're proposing right now, which is
11 allowable within the zoning and try to comply with the side
12 yard setbacks, losing 5', 6' on those two corresponding side
13 yards, it dramatically shrinks the footprint of the
14 building.

15 And I'm not even sure that the unit count would be
16 appropriate anymore. We may look to, you know, we may have
17 to eliminate a unit to make the floor plans work better,
18 where just the units themselves would be dramatically less
19 desirable.

20 So keep -- trying to comply with the side yard
21 setback at our allowable height really isn't feasible.

22 Dropping it down in height is, as Joe mentioned, is also --

1 also not desirable. I guess it's more achievable than
2 trying to comply with the side yard setbacks at the height
3 we have, but we would need to drop it by more than a foot
4 for each floor.

5 And on some of the floors, we would struggle to
6 hit 8' tall ceiling heights, which is really not in line
7 with most homeownership, experiences that owners are looking
8 for. And it's, you know, maybe more in line with the grand
9 total.

10 BRENDAN SULLIVAN: Okay. All right. Good.
11 Andrea Hickey, your thoughts, comments?

12 ANDREA HICKEY: Well, I'm still sort of
13 contemplating bringing down the height to be more compliant
14 with setback or compliant with setback. I'm thinking that
15 through.

16 With respect to the parking, could I ask how the
17 parking is used at present? With the -- I'm on AV1. Where
18 do cars for this property park now? Are they sort of --

19 RYAN WITTIG: Can you answer that, Joe?

20 JOE HANLEY: Yeah. You want to go ahead, Ryan?

21 RYAN WITTIG: Sure. Yeah. So actually, as you
22 can see from the pictures, we have a -- the brick is

1 hardscaping.

2 So we actually can park in all the hardscaping
3 area that you see now. So there's a double-wide curb cut
4 that allows for, you know -- actually we've -- we fit 10
5 cars, we fit 10 cars onto this whole lot as it is, so we can
6 fit roughly six cars in the brick hardscape areas, and then
7 another four cars in the paved area.

8 So we're proposing to eliminate, you know, the
9 hardscape area, obviously. So that goes away. BU as it is
10 now, we can pull four cars into the paved area.

11 ANDREA HICKEY: So with six units and four spaces,
12 each of the four being tandem, sort of practically speaking,
13 how do you anticipate the parking would work?

14 RYAN WITTIG: Yeah, I would -- I would anticipate
15 that, you know, those -- there would be basically two tandem
16 spaces that would be deeded to two units.

17 I don't know that we would be able to have three,
18 you know, it would be potentially we could look at it when
19 we got the marketing, leaving two of the -- you know, having
20 -- having four separately deeded, tandem spaces I don't
21 think is logistically --

22 ANDREA HICKEY: Right. That's exactly --

1 JOE HANLEY: Yeah. Just to add to that --

2 ANDREA HICKEY: Right.

3 JOE HANLEY: -- you know, Attorney Joe Hanley
4 here. So if you look at Unit 1, which is a duplex, a three-
5 bedroom is 1875 square feet. And Unit 5, three-bedroom plus
6 a study is 1741 square feet. So those are the two biggest
7 units the size of a home, certainly. You know, very
8 generously sized.

9 And, you know, with that bedroom count, it would
10 be reasonable to suggest that those two units would probably
11 accommodate those two tandem spaces.

12 But, you know, we could -- it's something that
13 can be worked through. You do have two good -- you have
14 another three-bedroom and a couple good-sized two bedrooms
15 as well.

16 I happen to have this experience myself living in
17 the city; you -- I have an inward tandem space and I have my
18 neighbor's key. And quite frankly, I don't move my car a
19 lot, you know, unless I have to go on a trip.

20 And I think, you know, while it's four spaces,
21 it's four tandem spaces, it's maybe more like two and a
22 half, right, as far as utilization.

1 And I think that supports the reasonableness and
2 lessening the impacts of vehicles coming in and out, which
3 is much more extensive today.

4 ANDREA HICKEY: All right. Mr. Chair, that
5 answers my questions at the moment. Thank you.

6 BRENDAN SULLIVAN: Okay. Matina Williams, any
7 questions, comments?

8 MATINA WILLIAMS: No questions.

9 BRENDAN SULLIVAN: Slater Anderson, any questions
10 or comments?

11 SLATER ANDERSON: You know, I think it's an
12 appropriate project for the location it's in, you know, near
13 Central Square. I think that, you know, the abutters --
14 there's -- and I'm interested to hear if there's public
15 comment on this. Is there a full judgment?

16 But, you know, the parking issue: Parking in the
17 front yard on a residential street where everyone has, you
18 know, sort of standard setbacks, you know, like that's not
19 something favorable to me.

20 I mean, this -- this is a location -- I've driven
21 by this location a thousand times living in Cambridge. You
22 know, you've got the Enterprise Rental Car across the street

1 with cars parked all over the place.

2 This lot is kind of like an island. Like, this is
3 an appropriate project from my perspective that's been well
4 vetted with the Central Square Advisory people, Historic
5 Commission, and -- you know, I think appreciate the process
6 you guys have gone through.

7 So I really don't have any major issues with the
8 project, you know, reducing the side to pull it in a little
9 bit: Okay, that would achieve compliance. But I'm not
10 hearing anybody that's, like, screaming that we don't -- you
11 know, we don't want this building as designed and as vetted
12 through this public process.

13 So, you know, we need more housing in the city.
14 This is a good improvement. It adds six units where there
15 were none. So, you know, I'm -- I see a lot of good in this
16 project so far. Thank you.

17 BRENDAN SULLIVAN: Thank you, Slater. Let me open
18 it --

19 MATINA WILLIAMS: And, and Matina?

20 BRENDAN SULLIVAN: -- to public comment.

21 MATINA WILLIAMS: Oh, sorry.

22 BRENDAN SULLIVAN: Any member of the public who

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

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

7 So if you're calling in, we are in receipt of
8 quite a bit of communication dated March 6 from the City of
9 Cambridge Community Development Department.

10 "The Central Square Advisory Committee met on
11 Wednesday, March 1, to discuss a request for a special
12 permit and variance from the Board for the property at 18
13 Pleasant Street. After discussion, the Committee decided to
14 forward a report with a positive recommendation to the Board
15 of Zoning Appeal.

16 "The appliance proposes changes to a project
17 previously reviewed by the Committee on July 6, 2022, to
18 construct a four-story multifamily residential building with
19 six dwelling units.

20 "Parking has been relocated from under the
21 building to an at-grade portion of the lot utilizing the
22 existing curb cuts. This and other related changes will

1 require variances from the BZA to construct on site."

2 "Additionally, a special permit is required for
3 the exemption of the gross floor area in the basement in the
4 new structure pursuant to Section 16 of the definition of
5 floor area, gross and relief from side yard setback.

6 "Members of the Committee were supportive of the
7 project. They felt generally that the parking and side yard
8 proposal is an improvement over the existing nonconformity
9 on the site. Committee members expressed support for the
10 proposed six units of housing over the existing office
11 space.

12 "In keeping with their previous review, they felt
13 that the scale of the project was respectful of the
14 neighborhood. There were questions and comments on the
15 plans for trash and recycling management at the property,
16 and the amount of trash and recycling bins that would be
17 necessary in the driveway.

18 "City Staff members will follow up with Mr.
19 Williamson regarding his comment about the zoning.

20 "Respectfully submitted,

21 "Mason Wells for the Committee."

22 Correspondence from Mahmood Firouzbakht, owns 15

1 Pleasant Street, which directly abuts 18 Pleasant

2 "Writing to lend my support for the development of
3 the property, in order to convert it from a commercial
4 building to six new residential units, which the owners
5 intend to market for home ownership."

6 He has reviewed the plans, and he finds that it is
7 in keeping with the character of the neighborhood and would
8 pose no detriment to the other owners such as himself. The
9 owners have engaged the neighborhood and responded to
10 feedback from the neighborhood.

11 There is correspondence from Marc Sigel, 10 Rogers
12 Street, writing in support of the development --
13 redevelopment of the property.

14 "I'm a long-term homeowner raising my family. It
15 is nice to see a tastefully designed building that will
16 provide housing for families instead of another ordinary
17 office building."

18 Believes that the design will integrate well with
19 the Central Square neighborhood and be a nice transition.

20 There is correspondence from Benjamin Bavly -- B-
21 a-v-l-y. Owns and manages 19 Pleasant Street, which abuts
22 18. "Writing to lend support for the development of the

1 property in order to convert it from a commercial building
2 to six new residential."

3 There is correspondence from Danielle Mishkin --
4 M-i-s-h-k-i-n, the owner of 72 Spring Street.

5 "Express my enthusiastic support for the proposed
6 new building. Replace the existing vinyl commercial
7 building with a sophisticated brick residential building as
8 shown in the plans will improve the Central Square
9 neighborhood."

10 There is correspondence from Jeff Dunn, living at
11 32 Pearl Street.

12 "Writing to support the development of the
13 property." He's had the opportunity to review it and finds
14 it is keeping with the character of the neighborhood.

15 There is correspondence from Jeffrey Meese, 51
16 Prentiss Street, writing in support of the development.

17 There is a letter from William Senne -- S-e-n-n-e
18 writing to convey his fully support of the proposed
19 development: The request for the relief of reasonable in
20 line with the need for quality design and residential use,
21 density within Central Square.

22 "Plans presented are in keeping with the character

1 and pose no detriment to other owners such as myself."

2 And there is also correspondence from the
3 Cambridge Historical relating to the history of the project
4 that the March 3, 2022, they voted to find the building to
5 be significant, and that they delayed the demolition.

6 But then subsequent on May 5, the Commission found
7 that the existing building was no longer preferably
8 preserved in the context of an updated and revised design
9 for the replacement building as shown on plans by Khalsa
10 Design. And the demolition delay was terminated.

11 And that is the sum and substance of
12 correspondence. I will close the public comment part, send
13 it back to Mr. Hanley for any further comments at all.

14 JOE HANLEY: I'm sorry. Thank you, Mr. Chair. I
15 believe too I didn't get the first address that you read,
16 but there was -- or letter, you should have a letter of
17 support from 15 Pleasant Street and 19.

18 BRENDAN SULLIVAN: Um --

19 RYAN WITTIG: He read those.

20 BRENDAN SULLIVAN: -- yeah, well, we'll
21 incorporate --

22 JOE HANLEY: Okay.

1 BRENDAN SULLIVAN: -- those by reference.

2 JOE HANLEY: Excellent. All right. Thank you.

3 So first, I want to thank the -- you, Mr. Chair
4 and members of the Board as well as the neighbors who wrote
5 in support.

6 And as Mr. Anderson I think summed it up for us in
7 his comments, this has been an extensive discussion and
8 process, but one that has resulted, we think, in a superior
9 product that responds to the context and the uniqueness of
10 the property site.

11 Justifying the relief is the minimum necessary to
12 address the hardship, and the special permit request for the
13 parking, while reducing the prior impact, and also to exempt
14 FAR on the lower level will allow us to create family-sized
15 housing that is appropriate in contributing to the city in a
16 contributing way.

17 So with that, I will conclude our presentation.
18 And thank you once again.

19 BRENDAN SULLIVAN: Okay. I'm going to take it
20 back to the Board, then, for consideration and potential
21 vote. I haven't chimed in.

22 I think that I will echo Slater's comments. I

1 think that it's well-designed building in keeping with the
2 character of the neighborhood, and I would echo and agree
3 with the comments that were written in by Community
4 Development, Central Square Advisory and neighbors.

5 Regarding the parking, that I feel that even
6 though yes it does impinge on setbacks, I know we are sort
7 of find -- front yard setback encroaching on the side yard
8 setback -- front yard setback and side yard setback an
9 anathema, and sort of shy away from that.

10 I think in this particular location, because it's
11 bounded by two streets, and I think also the desire to get
12 some cars off the street, especially in this location -- and
13 again, I go back to sort of snow days, street cleaning days
14 -- and just the ability of people to get in and get out of
15 their property in an orderly fashion.

16 I think that it is appropriate. The six units'
17 residential -- good-sized, family-sized units, much-needed
18 in this particular neighborhood; very close, obviously, to
19 Central Square and public transportation and all the other
20 amenities that Central Square affords.

21 So I am in favor of the proposal that is before us
22 in the form that it's in front of us. So I think I will

1 agree with Slater.

2 Matina, your thoughts before we take it to a vote,
3 or?

4 MATINA WILLIAMS: Can you hear me?

5 BRENDAN SULLIVAN: Yes.

6 MATINA WILLIAMS: Hello? Oh. Yes. No, I was --
7 I'm in favor. I'm in favor and agreement with everything
8 that Slater said. It was -- I think it's really good
9 project for that corner, for that area of Central Square.

10 BRENDAN SULLIVAN: Great. Thank you. Andrea,
11 back to I guess you and Jim, or --

12 ANDREA HICKEY: Right.

13 BRENDAN SULLIVAN: -- I'll take Andrea. I'll take
14 ladies first.

15 ANDREA HICKEY: Thank you. I just have a question
16 out of curiosity, not to be sort of part of my
17 consideration: Are these all to be market-rate units for
18 sale?

19 JOE HANLEY: Yes.

20 RYAN WITTIG: Yes, ma'am.

21 ANDREA HICKEY: Thank you. Nothing further, Mr.
22 Chair.

1 BRENDAN SULLIVAN: All right. Jim, your thoughts
2 on the direction we should -- you'd like to see us go on
3 this.

4 JIM MONTEVERDE: I'm comfortable with the requests
5 that are being made based on the conversation I've heard.

6 BRENDAN SULLIVAN: Okay, ready for a vote, then,
7 everybody?

8 JIM MONTEVERDE: Ready. Yeah.

9 BRENDAN SULLIVAN: All right. Let me make a
10 motion. There are two requests for relief. Let me take the
11 variance first. For the on-grade parking of four vehicles
12 as per the parking plans submitted, the Board finds that a
13 literal enforcement of the provisions of the ordinance would
14 involve a substantial hardship to the petitioner, because it
15 would preclude the petitioner to provide -- from providing
16 much-needed parking spaces on the property.

17 The Board finds that the hardship is owing to the
18 fact that it is encumbered by the current ordinance, which
19 predates the lot. And any future development on that lot is
20 encumbered by the current ordinance, which is very
21 restrictive being -- having two front yard setbacks.

22 The Board finds that in furtherance of the

1 hardship, the premise's corner lot condition and the
2 existing curb cut and the street trees at the premises are
3 distinct and supportive of the relief requested under these
4 circumstances.

5 The hardship imposed by these conditions are
6 unique to these premises and require relief from the
7 requirements of the ordinance.

8 The Board finds that without the relief from the
9 ordinance, the parking facility layout, the literal
10 enforcement would prevent the applicant from constructing
11 the new building at the premises, while also providing off-
12 street parking.

13 Granting the relief requested would also not
14 negatively impact the surrounding community. The Board also
15 incorporates in its finding granting the relief from the --
16 ordinances letter of support: Community Development, the
17 Central Square Business Committee -- Central Square Advisory
18 Committee and also abutters and concerned citizens.

19 The Board finds that to reduce the current
20 nonconforming parking program, it would be a -- not
21 necessarily an asset to the development, and it would have
22 no adverse impact. The current plan would not have any

1 adverse impact on the development or adjoining properties.

2 The Board finds that relief may be granted without
3 substantial detriment to the public good. There will be no
4 substantial detriment to the public good as the proposed
5 project has been carefully shaped and designed through
6 extensive public review and the input by the Cambridge
7 Historical Commission and the Central Square Advisory
8 Committee.

9 The Board finds that relief may be granted without
10 nullifying or substantially derogating from the intent and
11 purpose of the ordinance. The project will provide much-
12 needed housing, which is the stated goal of the Council,
13 especially family-sized units, which this unit will provide.

14 That the Board finds that the requirements of the
15 ordinance is to allow this Board to use its discretion into
16 approving what it feels is appropriate development, and that
17 this proposal meets that standard.

18 On the motion, then, to grant the variance as per
19 the drawings submitted, supporting statements, and the
20 dimensional form, Jim Monteverde?

21 JIM MONTEVERDE: In favor of the variance.

22 BRENDAN SULLIVAN: Andrea Hickey?

1 ANDREA HICKEY: Andrea Hickey in favor.

2 BRENDAN SULLIVAN: Matina Williams?

3 MATINA WILLIAMS: Matina Williams in favor.

4 BRENDAN SULLIVAN: Slater Anderson?

5 SLATER ANDERSON: In favor.

6 BRENDAN SULLIVAN: In favor.

7 [All vote YES]

8 Five affirmative votes; the variance is granted.

9 On the special permit, the exemption of the gross
10 floor area in the basement of the new structure pursuant to
11 Section 16 of the ordinance: The Board finds that -- I
12 should know this by heart, but it appears that the
13 requirements of the ordinance can be met.

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

17 The Board finds that continued operation of or
18 development of adjacent uses, as permitted in the Zoning
19 Ordinance, would not be adversely affected by the nature of
20 the proposed use, and the Board incorporates as further
21 proof of this finding letters of support from adjoining
22 property owners.

1 There would not be any nuisance or hazard created
2 to the detriment of the health, safety and/or welfare of the
3 occupants of the proposed use, in fact it would be greatly
4 enhanced by the addition of additional living space in the
5 basement area to occupants of the structure.

6 The Board finds the proposed use would not impair
7 the integrity of the district -- again, incorporates letters
8 of support from the Central Square Advisory Committee, also
9 the Cambridge Historical Committee and abutting property
10 owners and concerned citizens, and would it would otherwise
11 -- it would not otherwise derogate from the intent and
12 purpose of the ordinance to provide housing for all income
13 levels, for family housing, which is a stated City Council
14 policy goal, and to --

15 The Board finds that this is an appropriate
16 development to take a once commercial property and to turn
17 it into much-needed residential housing in the Central
18 Square area.

19 On the motion, then, to grant the special permit
20 as per the request, and also as per the drawings, which were
21 signed and dated by the Chair, Jim Monteverde?

22 JIM MONTEVERDE: In favor of the special permit.

1 BRENDAN SULLIVAN: Andrea Hickey?

2 ANDREA HICKEY: Yes, in favor.

3 MATINA WILLIAMS: Matina Williams yes, in favor.

4 SLATER ANDERSON: Slater Anderson In favor.

5 BRENDAN SULLIVAN: And Brendan Sullivan in favor.

6 [All vote YES]

7 Five affirmative votes; the special permit is
8 granted. Good luck with the project.

9 BRENDAN SULLIVAN: Thank you, Mr. Chair, thank
10 you, members of the Board. Have a good evening.

11 COLLECTIVE: Thank you all. Thank you very much.

12 BRENDAN SULLIVAN: Yes, thank you. Good
13 presentation, actually.

14 JOE HANLEY: Thank you.

15 BRENDAN SULLIVAN: Okay, is it 6:30 yet?

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

BRENDAN SULLIVAN: Going to the Regular Agenda,
the Board will hear Case No. 209384 -- 284-288 Norfolk
Street. Mr. Greene?

[Pause]

Norfolk Street?

STEPHEN NATOLA: He's there, he's just muted.

BRENDAN SULLIVAN: Oh. You're on mute, Tim.

TIMOTHY GREENE: Oh, I'm sorry, I had to "Join as a
Panelist."

Good evening. My name is Timothy Greene, here to
present the case for 284 Norfolk Street on behalf of AT&T.

AT&T currently has an existing facility on the
site, and it was originally permitted by back in 2014. And
they are looking to upgrade the site now in 2023; they'll
upgrade the equipment. As the plans --

BRENDAN SULLIVAN: Okay. Can you walk us through
it?

TIMOTHY GREENE: Yep. I will walk you through it.
If we go down to a couple pages -- there we go, let that one

1 come in.

2 Okay. So here's a roof of the building, and you
3 can see that there are multiple carriers on this building.
4 Verizon's up there. I believe T-Mobile's up there, and AT&T
5 is up there.

6 Okay. AT&T's equipment is located within two
7 false chimneys. Originally, they were permitted for four
8 false chimneys, but only installed two of them. They're
9 looking to install two more chimneys in order to replace and
10 add antennas.

11 Two antennas will be stacked in one chimney, and
12 one will be in the other. There is a set of photo
13 simulations that go along with that.

14 The equipment stays fundamentally in the same
15 location. Right now there's two antennas in each chimney,
16 and it will be broken up and put into -- actually slightly
17 smaller chimneys -- not that much smaller, but in the --
18 roughly the same locations.

19 They also have antennas mounted on the back of the
20 building on the penthouse that are painted to match.

21 BRENDAN SULLIVAN: Okay. Anything else at this
22 time?

1 TIMOTHY GREENE: Nothing else at this time. Open
2 to any questions or anything like that. Again, this is --
3 this -- actually this proposed design was designed -- was
4 the designee you actually approved back in 2014. And only
5 one chimney was put in each location. Now they're looking
6 to put up a second one.

7 BRENDAN SULLIVAN: Okay, thank you. Any
8 questions? Jim Monteverde?

9 JIM MONTEVERDE: No questions, thank you.

10 BRENDAN SULLIVAN: Andrea Hickey?

11 ANDREA HICKEY: No, Mr. Chair. No questions.

12 BRENDAN SULLIVAN: Matina Williams?

13 MATINA WILLIAMS: No questions.

14 BRENDAN SULLIVAN: Slater Anderson?

15 SLATER ANDERSON: No questions.

16 BRENDAN SULLIVAN: And I have no questions. So we
17 have reviewed the presentation and the supporting documents.
18 Let me open it to public comment.

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

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

1 hand by pressing *9 and unmute or mute by pressing *6, and
2 you'll have up to three minutes in which to comment.

3 There appears to be nobody calling in. Anything
4 else to say, Tim, before we take it to the Board for a vote?

5 TIMOTHY GREENE: Not at this time.

6 BRENDAN SULLIVAN: Great. Okay. Certain pro
7 forma things we have to make a finding from: Under 4.32g1
8 in Section 4.40, footnote 49: In reviewing a special permit
9 application for mobile communication facilities in
10 particular, the Board of Zoning Appeal shall consider the
11 following its reaching a determination: The scope or
12 limitation imposed by any license secured from any state or
13 federal agency having jurisdiction over such matters.

14 And in your submittals, you have addressed that,
15 that AT&T is licensed by the Federal Communications
16 Commission to construct and operate a wireless
17 telecommunication network in various markets throughout the
18 country, including the Commonwealth of Massachusetts and the
19 City of Cambridge.

20 The extent to which the visual impact of the
21 various elements of the proposed facility is minimized
22 through the use of existing mechanical elements on the

1 building's roof, or other features of the buildings that may
2 support the back rally (sic).

3 And I think in your -- I don't mean to speak for
4 you, but I think that you have addressed that, saying that
5 by means of stealth installation, including the faux
6 chimneys and that painting with -- to the background, that
7 it will be as seamless and as stealth an application as
8 possible.

9 Where it is proposed to erect such a facility in
10 any residential district, the extent to which there is a
11 demonstrated public need for the facility at the proposed
12 location, the existence of alternative functionally suitable
13 sites and nonresidential locations -- I think you have
14 addressed that part of it by saying the -- what is proposed
15 in the coverage is an asset to allow for up-to-date
16 communication with all citizens of the city, as set first
17 responder.

18 And that this Board has found in the past that
19 even though it is in a residential district, residence C-1 -
20 - that some nonresidential establishments do predominate in
21 the area.

22 And the other background is that it has to meet

1 the findings as in 10.40 for the granting of a special
2 permit.

3 So let me make a motion, then, to grant the relief
4 requested. Let me find my notes here. Let me make a
5 motion, then, to grant the special permit as under Section
6 10.43.

7 The Board finds that the modification of the
8 existing telecommunication facility at the proposed site
9 does not substantially change the physical dimension, and
10 that the addition of additional radio heads is warranted, in
11 order to allow for up-to-date telecommunication equipment.

12 The Board finds that the petitioner be granted the
13 special permit subject to the following conditions: That
14 the work proceed in accordance with the plans submitted by
15 the petitioner and initialed by the Chair.

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

20 That the petitioner at all times maintain the
21 proposed work, so that its physical appearance and visual
22 impact will remain consistent with the photo simulations and

1 previously referred to.

2 The Board finds that it appears that the
3 requirements of the ordinance can be met. Traffic
4 generated, or patterns of access or egress would not cause
5 congestion, hazard, or substantial change in the established
6 neighborhood character.

7 The Board notes the existence of existing
8 telecommunication facilities' equipment on the -- at the
9 locus, and that the addition, as per the proposal, will not
10 change that in any way.

11 The continued operation of or development of
12 adjacent uses, as permitted in the Zoning Ordinance, would
13 not be adversely affected -- in fact, it would be an asset
14 to have upgraded telecommunication equipment at this
15 particular location.

16 The Board finds there would not be any nuisance or
17 hazard created to the detriment of the health, safety and/or
18 welfare of the occupants of the proposed use or to the
19 citizens of the city, and that the proposed use would not
20 impair the integrity of the district or adjoining district,
21 or otherwise derogate from the intent and purpose of the
22 ordinance.

1 In furtherance, that should the petitioner cease
2 to utilize the equipment approved tonight for a continuous
3 period of six months or more, it shall promptly thereafter
4 remove such equipment and restore the building on which its
5 located to its prior condition and appearance to the extent
6 reasonably possible.

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

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

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

1 equipment by the petitioner with the geographical area that
2 includes Cambridge, stating that a) he or she has such
3 responsibility, and b) that the equipment being installed
4 pursuant to the special permit we are granting tonight will
5 comply with all federal safety rules, and will be situated
6 and maintained in locations with appropriate barricades and
7 other protections, such that individuals including nearby
8 residents and occupants of nearby structures, will be
9 sufficiently protected from excessive radiofrequency
10 radiation under federal law.

11 That the petitioner is in compliance with and will
12 comply with all respects with conditions imposed by the
13 Board with regard to previous special permits granted to the
14 petitioner, with regard to the site in question.

15 In furtherance, in as much as the health effects
16 of the transmission of electromagnetic energy waves is a
17 matter of ongoing societal concern and scientific study, the
18 special permit is also subject to the following conditions:

19 a) That the petitioner shall file with the
20 Inspectional Services Department such report it files with
21 the federal authorities regarding electromagnetic energy
22 waves emission emitting from all of the petitioner's

1 equipment on the site.

2 Each such report shall be filed with the
3 Inspectional Services Department no later than 10 business
4 days after the report has been filed with federal
5 authorities.

6 Failure to timely file with the Inspectional
7 Services Department will ipso facto terminate the special
8 permit granted tonight.

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

19 On the motion, then, to grant the special permit
20 as per the application, supporting statements, and the photo
21 simulations initialed by the Chair, Jim Monteverde?

22 JIM MONTEVERDE: In favor.

1 BRENDAN SULLIVAN: Andrea Hickey?

2 ANDREA HICKEY: Yes, in favor.

3 BRENDAN SULLIVAN: Matina Williams?

4 MATINA WILLIAMS: Yes, in favor.

5 BRENDAN SULLIVAN: Slater Anderson?

6 SLATER ANDERSON: In favor.

7 BRENDAN SULLIVAN: And Brendan Sullivan yes.

8 [All vote YES]

9 BRENDAN SULLIVAN: Special permit is granted.

10 Goodnight. Thank you, Mr. Greene.

11 TIMOTHY GREENE: Thank you very much.

12 BRENDAN SULLIVAN: Yep.

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2 (7:43 p.m.)

3 Sitting Members: Brendan Sullivan, Andrea A. Hickey, Jim
4 Monteverde, Slater W. Anderson, and Matina
5 Williams

6 BRENDAN SULLIVAN: The Board will hear Case No.
7 209431 -- 1380 Massachusetts Avenue.

8 [Pause]

9 1380 Massachusetts Avenue?

10 MATTHEW DUELL: Good evening, members of the Board
11 and the public. My name is Matthew Duell. I'm representing
12 Blank Street Coffee, which is the business going into 1380
13 Mass. Ave.

14 BRENDAN SULLIVAN: Okay. Tell us what you'd like
15 to do.

16 MATTHEW DUELL: We are seeking a special permit.
17 We are technically a Formula Business, and we are going into
18 the space at 1380 Mass. Ave, which was Formula Business.
19 The previous tenant was Press Juicery, and we are coming in
20 with food as A2 Food and Beverage.

21 We are not doing any changes to the façade.

22 Signage is the same as the previous tenant, and we are just

1 doing inside renovations -- interior renovations.

2 BRENDAN SULLIVAN: Okay. Let me open it to Jim
3 Monteverde. Any questions?

4 JIM MONTEVERDE: No questions. Thank you.

5 BRENDAN SULLIVAN: Andrea Hickey?

6 ANDREA HICKEY: No questions.

7 BRENDAN SULLIVAN: Matina Williams?

8 MATINA WILLIAMS: No questions.

9 BRENDAN SULLIVAN: Slater Anderson?

10 SLATER ANDERSON: No questions.

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

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

18 STEPHEN NATOLA: James Williamson?

19 JAMES WILLIAMSON: Can you hear me?

20 BRENDAN SULLIVAN: Yes.

21 JAMES WILLIAMSON: Oh, good. I got in this time.
22 Because last time I fumbled around and then got overlooked,

1 and then was never called on again, despite raising my hand
2 frantically for the rest of that particular case, the
3 Starlight case. So thank you.

4 I have a question. I noticed just the other day -
5 - I was curious -- and I noticed that the signs are already
6 up, the signs for Blank Street Café.

7 And I wonder, is this how this is done? You
8 first put up the signs, and then get to the permit? If
9 that's the way it's meant to be then, you know, that's fine,
10 I just would like to understand.

11 It just seems odd that the signage for Blank is
12 already in place before the hearing's been concluded. So I
13 think certainly that at least deserves some explanation,
14 when there may well be one.

15 And I just want to say quickly, I appreciate the
16 people, the members of the Board for being -- having been
17 vigilant and caring about noise issues at the last hearing.
18 And it is what it is, so thank you.

19 BRENDAN SULLIVAN: Okay. Well, to answer your
20 question, it may be presumptive, James, but anyhow, we have
21 no control over that. So. Any --

22 MATTHEW DUELL: Mr. Chairman, I'd like to respond.

1 JAMES WILLIAMSON: Okay.

2 MATTHEW DUELL: We did go through the proper
3 process to get -- to receive the signed approval. And we
4 did not install it until we received that approval through
5 the City.

6 JAMES WILLIAMSON: Okay. So in other words, it's
7 a separate -- they're two separate?

8 MATTHEW DUELL: Yes, sir.

9 JAMES WILLIAMSON: -- pathways? Well, thank you.
10 That's it. Thank you.

11 BRENDAN SULLIVAN: Anybody else? Nobody else
12 calling in. Okay. We are in receipt of correspondence from
13 Denise Jillson.

14 "Good afternoon, Maria. On behalf of the Harvard
15 Square Business Association, please accept this letter in
16 support for Blank Street Coffee to operate a coffee shop at
17 1380 Massachusetts Avenue.

18 "Blank Street will be a welcome addition to
19 Harvard Square, especially as foot traffic is increasing
20 daily. Blank Street will provide high-quality coffee and
21 delicious, locally-sourced pastries at an affordable price
22 point.

1 "We look forward to partnering with them, and you
2 know there will be an additive to the Square. We
3 respectfully request your full support of this application
4 and thank you for your consideration."

5 There is also correspondence from the Community
6 Development Department.

7 "The Harvard Square Advisory Committee met on
8 Wednesday, February 15, to discuss the special permit
9 application by Blank Street. The meeting was conducted
10 pursuant to the provisions of Section 20.50 of the Cambridge
11 Zoning Ordinance.

12 "The applicant proposes to operate a coffee shop.
13 This use is considered both a Formula Business and a fast-
14 order quick service food establishment.

15 "While fast-order quick-service food
16 establishments are allowed as-of-right in the base zone, the
17 use requires a special permit from the BZA because it
18 qualifies as a Formula Business and is located in the
19 Overlay District.

20 "Members of the Committee were supportive of the
21 applicants' proposal, noting that the business will be
22 filling a need in the neighborhood. Committee members asked

1 questions related to queuing, product offering, façade
2 design and signage detail, ADA accessibility and ownership
3 model.

4 "The Committee strongly encourage the applicant to
5 consider extending their planned hours of operation later
6 into the day and evening to encourage activity and a more
7 vibrant public realm.

8 "Committee members also encourage the applicant to
9 consider incorporating outdoor seating, so long as it does
10 not interfere with pedestrian flow, given space constraints
11 between the businesses and the MBTA head house.

12 "Committee members also expressed concern about
13 trash control and encourage the applicant to coordinate with
14 the landlord and other building occupants to more
15 effectively manage services, needs for the business.

16 "Respectfully submitted,

17 Daniel Messplay

18 Community Development Department."

19 And that is the sum and substance of any
20 correspondence. I will -- oops, there is correspondence
21 from the Cambridge Historic Committee.

22 "Regarding 1380 Massachusetts Avenue, the

1 Cambridge Historical Committee hereby certifies that the
2 work described below is not incongruous to the historic
3 aspect or architectural character of the building or
4 district to install a conforming wall sign for Blank Street
5 Coffee.

6 "Replace the existing, internally illuminated
7 blade sign with a new internally-illuminated blade sign of a
8 different shape but in the same location.

9 "The work is to be carried out as indicated on the
10 sign drawings by Boston Sign entitled, "1380 Mass. Ave,
11 Cambridge, Massachusetts," and dated 09/09/2022.

12 That concludes public comment. I will close that
13 portion, send it back to Matthew. Anything else to add?

14 MATTHEW DUELL: No. Thank you for your time this
15 evening. I'm open to any questions that follow.

16 BRENDAN SULLIVAN: Okay. This is under 11.30,
17 "Fast-order Food Service Establishment. " I don't have that
18 here in my book. I think what it goes into is the use of
19 biodegradable materials. You will encourage the use of
20 biodegradable materials at the site?

21 MATTHEW DUELL: Yes.

22 BRENDAN SULLIVAN: And that the site is accessible

1 to handicapped persons?

2 MATTHEW DUELL: Yes. The doors -- the existing
3 doors there are -- have a handicap arm that opens them
4 automatically.

5 BRENDAN SULLIVAN: And I think that one of the
6 other requirements is through the use of appropriate and
7 appropriate number of receptacles that you will try to
8 diminish any type of trash congregating on the premises, and
9 also outside the premises and the immediate environs in
10 Harvard Square by use of trash receptacles, encouraging
11 customers to use the receptacles?

12 MATTHEW DUELL: Yes, absolutely. Yes. We have
13 trash cans out in the seating area, as well as plenty in the
14 back of the house, and then if there's any issues on the
15 outside, we will take care of that as well.

16 BRENDAN SULLIVAN: Okay. And also, we have to
17 find that there is a need in the neighborhood.

18 And I have always contended that the success or
19 failure of any establishment is the prerequisite for any
20 need.

21 And that I think the marketplace decides that
22 whether it -- there is a need in it, but also, I incorporate

1 by reference, rather, the letters from the Harvard Square
2 Business Association.

3 And also the Harvard Square Advisory Committee
4 stating that the proposal is a welcome addition to the
5 Harvard Square area.

6 So on the motion, then, to grant the special
7 permit? Okay. I think I may have covered it. Yeah. Okay.
8 Yeah. Thank you, Jim.

9 On the motion, then, to grant the special permit
10 as per the application, supporting statement, and the plans
11 initialed by the Chair.

12 It appears that the requirements of the ordinance
13 can be met. Traffic generated, or patterns of access or
14 egress would not cause congestion, hazard, or substantial
15 change in the established neighborhood character.

16 The Board finds that there was already a fast-food
17 establishment currently at the location and this is a mere
18 substitute for that, and no adverse effect has been
19 generated from the prior use, and none is anticipated from
20 the proposed use.

21 The continued operation of or development of
22 adjacent uses, as permitted in the Zoning Ordinance, would

1 not be adversely affected by the nature of the proposed use.
2 The Board notes and incorporates by reference letters of
3 support from the Harvard Square Business Association and
4 also the Harvard Square Advisory Committee.

5 That there would not be any nuisance or hazard
6 created to the detriment of the health, safety and/or
7 welfare of the occupants of the proposed use or to the
8 citizens of the city, in fact it would add another offering
9 for the citizens of the city.

10 That the proposed use would not impair the
11 integrity of the district or adjoining district -- it is an
12 allowed use -- or otherwise derogate from the intent and
13 purpose of the ordinance to provide the citizenry or the
14 citizens with varied food and beverage offerings in the
15 Harvard Square area.

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

18 JIM MONTEVERDE: In favor.

19 BRENDAN SULLIVAN: Matina Williams?

20 MATINA WILLIAMS: In favor.

21 BRENDAN SULLIVAN: Andrea Hickey?

22 ANDREA HICKEY: Yes, in favor.

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BRENDAN SULLIVAN: Slater Anderson?

SLATER ANDERSON: In favor.

BRENDAN SULLIVAN: Yes, Five affirmative votes.
The special permit is granted. Good luck.

MATTHEW DUELL: Thank you very much.

1 * * * * *

2 (7:55 p.m.)

3 Sitting Members: Brendan Sullivan, Jim Monteverde, Andrea
4 A. Hickey, Slater W. Anderson, and Matina
5 Williams

6 BRENDAN SULLIVAN: The Board will hear Case No.
7 206534 -- 102-104 Sciarappa Street. Ray and Karolyn Park.

8 [Pause]

9 Sciarappa Street?

10 KAROLYN PARK: Hi. Sorry. Was trying to join as
11 a panelist. Hi.

12 BRENDAN SULLIVAN: Hi.

13 KAROLYN PARK: I'm Karolyn Park, and I'm co-owner
14 of the property. My husband is putting the kids to sleep,
15 so you just get me, sorry.

16 I wanted to thank the Board for considering our
17 proposal.

18 While we did talk to our neighbors on the left and
19 right side of us who are the most impacted by our proposal,
20 it's become clear from the flurry of activity over the last
21 few days that there are concerns from the neighbors on the
22 back side. And we want to be good neighbors, and we do care

1 about our neighborhood.

2 So we hand-delivered some notes to all those who
3 registered concern last night requesting to speak with them
4 about the concerns and fully hear them. And we also reached
5 one person who doesn't live in the property via text.

6 You know, in light of what we've seen, we don't
7 want to waste the Board's time. So we respectfully request
8 a continuance. We would like time to talk to the neighbors
9 to see if Steve and I can creatively come up with something
10 that will work with our family's unique needs and for the
11 neighborhood.

12 So that's what we're requesting. And then
13 hopefully that also gives you some time back so that you can
14 get closer to schedule.

15 BRENDAN SULLIVAN: Okay. I think that's a wise
16 decision, because the letters have some in just recently,
17 and I think it would be wise if you sat down with them and
18 come to some consensus or -- or you may come back with the
19 same plan. But at least that we would like to respect their
20 involvement in the process. So I would accept your request
21 for a continuance.

22 The -- it's a case not heard, and the next

1 available date would be May 11, 2023. Would you be
2 available then and ready then, to go forward, Karolyn?

3 KAROLYN PARK: Um?

4 BRENDAN SULLIVAN: May 11.

5 KAROLYN PARK: Yeah.

6 BRENDAN SULLIVAN: Or May 25?

7 KAROLYN PARK: We will take May 11, and we will
8 try our very best to work with all the different people we
9 need to meet with and work on the plans. Yes. That would
10 be great. Thank you.

11 RAY PARK: Karolyn, I think that should plenty of
12 time to --

13 KAROLYN PARK: Okay.

14 RAY PARK: -- to make the changes, if we need to
15 make changes.

16 KAROLYN PARK: Okay. Thank you.

17 BRENDAN SULLIVAN: Steve, if you just introduce
18 yourself for the record, that's all.

19 STEPHEN HISERODT: Stephen Hiserodt, Architect, DH
20 Architects.

21 BRENDAN SULLIVAN: Okay. All right. So let me
22 make a motion, then, to continue this matter to May 11,

1 2023, at 6:00 p.m. on the condition that the petitioner
2 change the posting sign.

3 And if you could -- I don't know if you have to
4 change it from previously; it was behind the screen on the
5 window and it was difficult to see from the public way. So
6 if you could bring it forward so that it's very visible from
7 the sidewalk and readable from the sidewalk.

8 So change the posting sign location number one, if
9 it hasn't already been done. The second requirement to
10 change the date to reflect the new date of May 11, 2023 and
11 the time of 6:00 p.m.

12 That any new submittals not currently in the
13 folder having to do with dimensional form and any drawings
14 be in the file, be filed by 5:00 p.m. on the Monday prior to
15 the May 11 hearing.

16 I would also ask you to sign a form which is
17 waiving your right to a statutory requirement for a hearing
18 and a decision to be rendered thereof. And Maria Pacheco,
19 or Olivia or even Stephen, can send you that form. We'd ask
20 that you sign it -- read it, sign it, and send it back to
21 her, and that that form be submitted by no later than one
22 week from tonight.

1 So a week from tonight by 5:00 p.m. if you could
2 get that form signed back to Maria Pacheco, Olivia or
3 Stephen, that would be one of the requirements to continue
4 this matter.

5 On the motion, then, to continue this matter, Jim
6 Monteverde?

7 JIM MONTEVERDE: In favor of continuing.

8 BRENDAN SULLIVAN: Andrea Hickey.

9 ANDREA HICKEY: Yes, in favor.

10 BRENDAN SULLIVAN: Matina Williams?

11 MATINA WILLIAMS: In favor of continuance.

12 BRENDAN SULLIVAN: Slater Anderson?

13 SLATER ANDERSON: In favor of continuance.

14 BRENDAN SULLIVAN: Brendan Sullivan yes.

15 [All vote YES]

16 On the five affirmative votes, this matter is
17 continued to May 11, 2023 at 6:00 p.m. See you then.

18 KAROLYN PARK: Thank you.

19 RAY PARK: Thank you, everyone.

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2 (8:01 p.m.)

3 Sitting Members: Brendan Sullivan, Jim Monteverde, Andrea
4 A. Hickey, Slater W. Anderson, and Matina
5 Williams

6 BRENDAN SULLIVAN: The Board will hear Case No.
7 1680-A Mass. Avenue. Mr. Rafferty?

8 JAMES RAFFERTY: I'm sorry, I appear to have been
9 muted. Good evening, Mr. Chair, and members of the Board.
10 For the record, James Rafferty on behalf of the applicants,
11 Kaveris Properties, LLC.

12 This is an application that seeks a variance to
13 allow for the conversion of the second floor of a two-story
14 commercial building at 1680 Mass. Ave. to create two
15 dwelling units on the second floor.

16 The property is located on the stretch of Mass.
17 Ave. between Shepard Street and Martin Street heading
18 outside of Harvard Square towards Porter Square. The use is
19 allowed use, and the proposed work is going to be entirely
20 interior to the building. There are no exterior alterations
21 proposed at all.

22 The relief is requested because although the

1 building is nonconforming in terms of the setbacks that are
2 contained in the Mass. Ave. Overlay District, that
3 preexisting nonconforming status is not applicable when
4 there's a change of use, we're being advised. So the
5 requirement is for some modest front setbacks and side
6 setbacks for the building when we're changing the use.

7 So we had extensive discussions with the Building
8 Commission about the necessity of this, but at the end, we
9 were informed that notwithstanding the lack of any physical
10 change, the use change triggered a new requirement.

11 So the variance requests are modest, and they're
12 related to existing conditions that currently exist in the
13 building and have since its construction.

14 So the two apartments are well laid out. One unit
15 is approximately 980 square feet, we'll have two bedrooms.
16 The other unit is smaller, a one-bedroom at about 450 square
17 feet. It will provide housing.

18 The ordinance as amended no longer requires the
19 parking for dwelling units. So the spaces will not have
20 parking spaces, but that is not a condition that is unique
21 to this stretch of Mass. Avenue or the greater Radcliffe
22 neighborhood where this building is located.

1 So I'm happy to go through the plans, but candidly
2 I told the architect I thought there probably wasn't too
3 much of a need for him to make a presentation, since all of
4 his work is occurring inside the building.

5 BRENDAN SULLIVAN: Okay, well we'll see if any
6 questions by members of the Board. Jim Monteverde, any
7 questions, comments at this time?

8 JIM MONTEVERDE: No questions, thank you.

9 BRENDAN SULLIVAN: Andrea Hickey, any questions or
10 comments?

11 ANDREA HICKEY: No questions.

12 BRENDAN SULLIVAN: Matina Williams.

13 MATINA WILLIAMS: No questions.

14 BRENDAN SULLIVAN: Slater Anderson?

15 SLATER ANDERSON: No questions.

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

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

1 There appears to be nobody calling in. We are --
2 we have no correspondence in the file. I will close the
3 public comment part of it. Nobody seems to have any
4 questions. Are we ready for a motion, then?

5 It appears to be a very worthwhile transformation
6 for this building to go from business -- probably a use that
7 is probably on somewhat life support now with the plethora
8 or "For Lease" signs up and down Mass. Ave. in commercial
9 space, and that this will be a worthwhile transition from
10 that current use to residential.

11 So on the motion, then, to grant the relief
12 requested, as per the application, supporting statements,
13 dimensional form and the drawings initialed and dated by the
14 Chair.

15 The Board finds that a literal enforcement of the
16 provisions of the ordinance would involve a substantial
17 hardship to the petitioner, because it would preclude the
18 petitioner from converting and repurposing the second floor
19 of the preexisting, nonconforming structure from a
20 commercial use into a residential use.

21 The Board finds that the hardship is owing to the
22 existing structure, which is encumbered by the existing

1 ordinance, which requires setback requirements. The
2 existing structure cannot provide any.

3 It would be onerous to require the -- and
4 detrimental to the project to have the owner reduce the size
5 of the building if they comply with the setback requirements
6 and would have absolutely no beneficial effect and would
7 negate the availability of having adequate residential units
8 available for either sale or for rental.

9 The Board finds that desirable relief may be
10 granted without substantial detriment to the public good.
11 In fact, the addition of two units at this location, which
12 will have some visible life -- potentially 24 hours a day,
13 it leaves lights on during night times and have some
14 activity -- is a benefit to the neighborhood.

15 The Board finds that desirable relief may be
16 granted without substantial detriment to the public good or
17 nullifying or substantially derogating from the intent and
18 purpose of this ordinance to -- even though the residential
19 use is allowed, but also the repurposing of this building
20 from commercial space, which is in this climate and market
21 very difficult to rent.

22 And that the existence of residential units, which

1 is encouraged to provide housing for all income levels.

2 And that the Board finds that the requested relief
3 is in keeping with the stated goals of the City Council to
4 provide additional residential units wherever possible.

5 On the motion, then, to grant the variance as per
6 the application, Jim Monteverde?

7 JIM MONTEVERDE: In favor.

8 BRENDAN SULLIVAN: Matina Williams?

9 MATINA WILLIAMS: In favor.

10 BRENDAN SULLIVAN: Andrea Hickey?

11 ANDREA HICKEY: Yes, in favor.

12 BRENDAN SULLIVAN: Slater Anderson?

13 SLATER ANDERSON: In favor.

14 BRENDAN SULLIVAN: Brendan Sullivan yes.

15 [All vote YES]

16 Five affirmative votes; the variance, as per the
17 application, is granted.

18 JAMES RAFFERTY: Thank you, Mr. Chair and members
19 of the Board. Have a good evening.

20 BRENDAN SULLIVAN: Goodnight.

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2 (8:08 p.m.)

3 Sitting Members: Brendan Sullivan, Jim Monteverde, Andrea
4 A. Hickey, Slater W. Anderson, and Matina
5 Williams

6 BRENDAN SULLIVAN: The Board will hear Case No.
7 209539 -- 4 Hollis Park.

8 [Pause]

9 Mr. Lodge?

10 No?

11 JOHN LODGE: Good evening, members of the Board.
12 My name is John Lodge. I'm the architect for this project.
13 I live at 56 Aberdeen Avenue.

14 We are coming before the Board tonight to ask for
15 a special permit to roof -- well, so there's a -- there's
16 currently an 8x8 deck, which is being constructed at the
17 back of the house at 4 Hollis Park.

18 The construction started last fall, and sort of in
19 the course of the construction, the owners realized that
20 given their lifestyle, they're going to want to sit outside
21 a lot more than they think they are, and that adding a roof
22 to the deck would substantially enhance the use of that

1 deck.

2 So what we're asking for is to put a roof -- if
3 you look at the proposed southwest elevation, you can see
4 that we're asking to put a roof on top of the deck that's
5 currently being constructed.

6 If you look at the drawing of the existing
7 southwest elevation, you can see that the current layout
8 actually has -- I guess they call it a "Juliet balcony." So
9 there are double doors on the second floor with a railing
10 tight against the face of the building.

11 One of the parts of this would be to create a
12 larger deck on top of this room. The owners have been in
13 contact with their neighbors, and while the drawings show a
14 deck that extends the whole -- for the full area, 8x8 area
15 over the deck that -- in consultation with the next-door
16 neighbors this week, I think they, they're looking actually
17 to reduce the size of the second-floor deck to half of that
18 size.

19 Actually, I think Pam Pecchio, one of the owners,
20 would like to just sort of share her thoughts on the -- on
21 why they want the deck. So I'll let her talk, and then I'll
22 come back and if you have questions, we'll go over those.

1 BRENDAN SULLIVAN: Okay. You have to introduce
2 yourself for the record.

3 JOHN LODGE: Is Pam there?

4 PAM PECCHIO: Hi, can you hear me now?

5 BRENDAN SULLIVAN: Yes.

6 PAM PECCHIO: Are you there?

7 BRENDAN SULLIVAN: Yep.

8 PAM PECCHIO: Okay, I'm sorry. I've been trying
9 to get in, but I couldn't -- I was on the Zoom, but I
10 couldn't enter as a participant. Sorry. Now I'm a little
11 bit frazzled from trying to -- trying to do that.

12 So yes. Hi. My name is Pam Pecchio. And I live
13 at 4 Hollis Park with my husband and our two -- our
14 elementary-aged children. We bought the house in 2019, and
15 we began renovating it last summer with our plans to stay
16 here permanently.

17 After we started the work, we realized two things:
18 First, that we could better utilize the outdoor space, and
19 second that we have a lot of mosquitos in our yard. So we
20 came back to you to ask if we could enclose the planned deck
21 into a screened porch.

22 We realize that screened porches aren't really

1 common around here, but we're both from the south, where
2 they're at mainstay and kind of how you can be outside in
3 the evenings.

4 We did notice a couple blocks over on Haskell that
5 our neighbors put one up a couple of years ago, so that kind
6 of gave us the idea.

7 And yeah, like I said, we want to sort of be
8 outside with our kids in the evening after work, which is
9 when the mosquitos are out, and we have some concerns about
10 mosquito-borne diseases that are increasing, and just of
11 course, you know, just the annoyance of it.

12 As John explained, if we -- you know, were
13 approved to enclose the porch, then it would give us a
14 little space upstairs to potentially extend our current
15 Juliet balcony a little further, and we did consult with our
16 neighbors at #3 Hollis Park, which is who would be mostly
17 impacted by that. We're at the very back end of all the
18 other back yards.

19 And we agreed that what made the most sense was
20 only enough space to really put a couple of chairs out there
21 and sit -- you know, in the morning. It's off of our
22 bedroom, so it wouldn't be like an entertaining space or

1 anything like that -- it wouldn't make any sense.

2 So that is -- that is my description. Thank you
3 for your consideration.

4 BRENDAN SULLIVAN: So you're -- the first floor
5 would remain as per the plan, and the second-floor deck
6 would be reduced?

7 PAM PECCHIO: So, no the -- so, I'm sorry, John,
8 do you want to answer?

9 JOHN LODGE: No, you can -- either way, either
10 way.

11 PAM PECCHIO: Yeah. So currently it's a -- it's a
12 deck, an open deck on the bottom.

13 BRENDAN SULLIVAN: Yeah.

14 PAM PECCHIO: So what we're asking for is to
15 enclose it and add a roof. So that would be then an 8 x 8
16 box, you know --

17 BRENDAN SULLIVAN: Right.

18 PAM PECCHIO: -- with screens.

19 BRENDAN SULLIVAN: Right.

20 PAM PECCHIO: And then what we have upstairs, it's
21 French doors that open into the bedroom, and we had just
22 a Juliet balcony -- like a railing outside of those doors,

1 essentially. So you couldn't step outside, it was just a
2 railing.

3 So what we're asking is now that if there's a roof
4 that makes floor, could we extend it a little further, no
5 more than halfway to just have a space to put chairs out
6 there --

7 BRENDAN SULLIVAN: Okay

8 PAM PECCHIO: -- and sit and plant some plants and
9 things. Does that make sense?

10 BRENDAN SULLIVAN: That actually could be done as-
11 of-right.

12 PAM PECCHIO: Oh, it could? Okay.

13 BRENDAN SULLIVAN: So that the zoning infraction
14 is then putting the roof over the skin.

15 PAM PECCHIO: Got it. Yes.

16 BRENDAN SULLIVAN: And what happens to that roof
17 area can be done as-of-right, can be -- well, I would make a
18 condition that it be no larger -- in other words, it cannot
19 extend beyond the first floor --

20 PAM PECCHIO: Okay.

21 BRENDAN SULLIVAN: If you want to reduce it from
22 current plan, then you can do that as-of-right. The only

1 condition would be that we are approving putting a roof over
2 the first-floor deck and enclosing that. Well, actually,
3 you can enclose it, but it's the roof part of it which
4 triggers relief from the ordinance.

5 The second-floor balcony, if you will, can be done
6 as-of-right. So --

7 SLATER ANDERSON: But Brendan, can I ask a
8 question?

9 BRENDAN SULLIVAN: I'm sorry, say John?

10 SLATER ANDERSON: No, it's Slater.

11 JOHN LODGE: Slater.

12 BRENDAN SULLIVAN: Oh, Slater. Yes.

13 SLATER ANDERSON: Yeah, I'm just looking at Plan
14 Z1, Z-1. It appears that that deck extends into the rear
15 yard setback. So I don't know if that impacts what you just
16 described as being able to do that second-floor deck -- you
17 know, by right.

18 BRENDAN SULLIVAN: Well, now, that's a good point.
19 So we're saying Z-1?

20 SLATER ANDERSON: Up on the screen, I see it.

21 JOHN LODGE: Yep.

22 BRENDAN SULLIVAN: Yep.

1 So it potentially is that we would have to grant
2 relief for both?

3 JOHN LODGE: Correct.

4 BRENDAN SULLIVAN: Okay. All right.

5 JOHN LODGE: And we're happy to condition the deck
6 to be -- to make it, you know, half of -- only extend half.

7 BRENDAN SULLIVAN: And what's the number? How?

8 JOHN LODGE: So that would be four feet.

9 BRENDAN SULLIVAN: Four feet. Okay. All right.

10 Jim Monteverde, any questions or comments?

11 JIM MONTEVERDE: No questions. Thank you.

12 BRENDAN SULLIVAN: Matina Williams, any questions
13 or comments at this time?

14 MATINA WILLIAMS: No questions or comments at this
15 time.

16 BRENDAN SULLIVAN: All right. Andrea Hickey?

17 ANDREA HICKEY: Yeah. Just sort of a procedural
18 question. So the request in special permit is to enclose an
19 existing deck.

20 Are we saying that existing deck doesn't conform?
21 I'm not understanding how to enclose something that already
22 exists is going to be a setback. Is it because it doesn't

1 have a roof?

2 BRENDAN SULLIVAN: Because it does not have a roof
3 on it.

4 JOHN LODGE: Yeah.

5 ANDREA HICKEY: Understood.

6 JOHN LODGE: And it's an FAR issue.

7 ANDREA HICKEY: Got it. Thank you. That's all,
8 Mr. Chair.

9 BRENDAN SULLIVAN: Okay. Slater, any other
10 comments, questions at this time?

11 SLATER ANDERSON: So it's interesting, the
12 existing deck -- that includes, because this house has gone
13 under significant renovation, obviously, the whole place.

14 JOHN LODGE: Correct.

15 SLATER ANDERSON: There was a deck there that's
16 been rebuilt, is that correct?

17 JOHN LODGE: The deck -- so the deck is part of
18 the renovations, and it can, you know, the first-floor deck
19 conformed.

20 SLATER ANDERSON: Okay.

21 JOHN LODGE: And that has been framed but not
22 finished. So, you know, given that the house is under

1 construction, I mean I guess I would say it's existing
2 because it has the frame, but.

3 SLATER ANDERSON: Okay.

4 JOHN LODGE: So -- yeah, so we're, you know,
5 basically we're modifying the design. We have -- you know,
6 it's -- so it's -- to call it an existing deck I guess is --
7 technically it's probably right, but you know --

8 SLATER ANDERSON: Okay. In the process. Yeah.
9 Sure. My only other observation is that, you know, it is an
10 irregular-shaped lot. So that rear-yard setback is a little
11 -- you know, it's tricky. It's a hard shape, the shape of
12 the lot, I would say.

13 JOHN LODGE: Yeah.

14 BRENDAN SULLIVAN: Right. And they are not
15 creating any new nonconformity? They're increasing some
16 existing nonconformities, but not creating any new ones;
17 hence they can seek relief under 8.222d. So -- which is for
18 a special permit. So.

19 JOHN LODGE: Right.

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

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

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

4 [Pause]

5 There appears to be nobody calling in and there is
6 no correspondence in the file. I will close the public
7 comment portion of it. Any comments by the members of the
8 Board or ready for a motion?

9 JIM MONTEVERDE: Ready for a motion.

10 BRENDAN SULLIVAN: Okay. Let me make a motion,
11 then, to grant the relief requested as per the application,
12 supporting statements, dimensional form, and the drawings.
13 The Board notes that on Sheet Z-4 that the deck on the
14 second level be reduced to longer 4' in depth, as per the
15 offering by the petitioner.

16 Other than that, the Board accepts the drawing for
17 the project as presented. The Board finds that it may grant
18 a special permit for the alteration or enlargement of a
19 preexisting dimensionally nonconforming, detached single-
20 family dwelling or two-family not otherwise permitted in
21 Section 8.22.1.

22 Provided that there is no change in use, and that

1 any enlargement or alteration of such preexisting,
2 nonconforming detached single-family dwelling or two-family
3 dwelling may only increase a preexisting dimensional
4 nonconformity but does not create a new dimensional
5 nonconformity.

6 In order to grant the special permit, the Board of
7 Zoning Appeal is required to find -- and does make such
8 finding -- that the alteration or enlargement shall not be
9 substantially more detrimental than the existing
10 nonconforming structure to the neighborhood, and that the
11 alteration or enlargement satisfies the criteria in 10.43.

12 Under 10.43, it appears that the requirements of
13 the ordinance can be met.

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

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

21 The Board notes and incorporates by reference
22 discussions between the proponent of the existing residents

1 and the abutter and has reduced the size of the decking at
2 the second level in response to neighbors' concern, so that
3 the Board finds that there would be no adverse effect on
4 abutting properties.

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, the proposal would
8 enhance both the health and safety as per the presentation
9 of the occupants of the proposed use.

10 That the proposed use would not impair the
11 integrity of the district -- it's a residential unit and
12 will remain such, or adjoining district, or otherwise
13 derogate from the intent and purpose of the ordinance to
14 allow homeowners by way of discretionary ruling by this
15 Board to amend, change, alter structures to make them more
16 livable, and in this case a screened-in porch to enhance
17 their safety and to encourage appropriate development, which
18 this project does do.

19 On the motion, then, to grant the special permit,
20 Jim Monteverde?

21 JIM MONTEVERDE: In favor.

22 BRENDAN SULLIVAN: Andrea Hickey?

1 ANDREA HICKEY: Yes, in favor.

2 BRENDAN SULLIVAN: Matina Williams?

3 MATINA WILLIAMS: In favor.

4 BRENDAN SULLIVAN: Slater Anderson?

5 SLATER ANDERSON: Slater Anderson in favor.

6 BRENDAN SULLIVAN: Brendan Sullivan yes.

7 [All vote YES]

8 Five affirmative votes; the special permit is
9 granted. Good luck.

10 JOHN LODGE: Thank you very much. Have a good
11 night.

12 PAM PECCHIO: Thanks so much. Take care.

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(8:23 p.m.)

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

BRENDAN SULLIVAN: The Board will now hear Case No.
206665 -- 1164-1166 Cambridge Street.

MICHAEL BARONE: Good evening, Mr. Chair, members
of the Board. My name is Michael Barone. I'm an attorney
with Ruberto, Israel & Weiner, 255 State Street, Boston,
Massachusetts. I'm here representing Cambridge Cuisine LLC
doing business as Puritan & Company, the current tenant at
1164-1166 Cambridge Street.

The application before you this evening is for a
modification of existing variance conditions that were
imposed in a 2009 variance decision. We would humbly
request a continuance of this evening's hearing.

Our client has commenced community outreach
processes, which we know this Board very much favors, and we
have a community meeting scheduled for April 8 at 10a, and
we've been working closely with the East Cambridge Business
Association and have been disseminating notices out to

1 neighbors, inviting them to the meeting on April 8.

2 BRENDAN SULLIVAN: Great. Okay. You're aware of
3 correspondence, Michael, or that has come in? Some of it
4 came in -- well, this afternoon at 4:17 so you may or may
5 not be, but it is available to you, and then Staff can e-
6 mail those to you so that you can address those concerns,
7 those issues, and you'll be aware of them probably at the
8 public forum.

9 So the next available date would be May 11. That
10 works for you?

11 MICHAEL BARONE: That does. I do know my client
12 has been in touch with a few different City Departments, and
13 I think is still waiting on some correspondence. If we
14 could push to May 25, that would be greatly appreciated.
15 But if the Board would prefer May 11, we can certainly do
16 so.

17 BRENDAN SULLIVAN: No. It's entirely up to you.
18 We're very flexible on that. So we can go May 25, that
19 works for you?

20 MICHAEL BARONE: That would be wonderful, thank
21 you.

22 BRENDAN SULLIVAN: All right. So let me make a

1 motion, then, to continue this matter to May 25, 2023 at
2 6:00 p.m. on the condition that the petitioner change the
3 posting sign to reflect the new date of May 25, 2023 and the
4 time at 6:00 p.m.

5 Any new documents, submittals be in the file by
6 5:00 p.m. on the Monday prior to the May 25, 2023 meeting.
7 I would ask that the petitioner's Counsel sign a waiver of
8 the statutory requirement for a hearing and a decision to be
9 rendered therefor.

10 That such document can be obtained by Staff. They
11 will e-mail it to you if you could sign it and send it back
12 to them. Said document must be returned by 5:00 p.m. a week
13 from tonight. Ask you to comply with that, and that's a
14 condition as part of continuing this matter.

15 And I think that's all, and to maintain the
16 posting sign for at least 14 days prior to the hearing, and
17 that the posting sign should face Cambridge Street, as
18 opposed to before it was sort of facing the side of the
19 entryway.

20 On the motion, then, to continue this matter to
21 May 25, Jim Monteverde?

22 JIM MONTEVERDE: In favor.

1 BRENDAN SULLIVAN: Andrea Hickey?

2 ANDREA HICKEY: Yes, in favor, but also would like
3 to confirm for the record that this is a case not heard,
4 correct?

5 BRENDAN SULLIVAN: It is a case not heard,
6 correct.

7 ANDREA HICKEY: Mm-hm. Thank you. I'm in favor.

8 BRENDAN SULLIVAN: Yep. Matina Williams?

9 MATINA WILLIAMS: In favor.

10 BRENDAN SULLIVAN: Slater Anderson?

11 SLATER ANDERSON: In favor.

12 BRENDAN SULLIVAN: Brendan Sullivan in favor.

13 [All vote YES]

14 BRENDAN SULLIVAN: This matter is, ono the five
15 affirmative votes, this matter is continued to May 25, 2023.
16 See you then.

17 MICHAEL BARONE: Thank you very much.

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(8:27 p.m.)

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

BRENDAN SULLIVAN: The Board will hear Case No.
211208 -- 18 Fairmont Street. Mr. Glassman?

ADAM GLASSMAN: Good evening, Mr. Chair, and
members of the Board. I'm Adam Glassman, GCD Architects
located at 2 Worthington Street in Cambridge. I'm here
representing the petitioner, Fraser Allan, owner of 18-20
Fairmont Ave. -- or Fairmont Street.

Olivia, can you pull up the -- the drawings?

BRENDAN SULLIVAN: Adam, before we actually get
into the merits of the case, and we may -- it's entirely up
-- give you an option, but there is substantial
correspondence and some questioning of the project. There
was one that actually came in today at 4:53.

And I was just wondering if you want to continue
with the case tonight, or if you want to take a continuance
as a case not heard. If it's a case heard, then we'll have
to reassemble the same five members and to have discussions

1 with abutting property owners.

2 ADAM GLASSMAN: Yep. We would prefer to present
3 tonight, let the Board hear the merits of this petition, the
4 petitioner and if a continuance is required, we'll certainly
5 consider that.

6 BRENDAN SULLIVAN: Okay. All right.

7 ADAM GLASSMAN: Olivia, can you pull up the files?
8 So 18-20 Fairmont Street, and it's an existing two-family
9 structure. It's outdated, it's in need of substantial
10 improvements and renovations inside and out.

11 The goal of our project is to enlarge this
12 structure, maintaining it as a two-family creating higher-
13 quality, more livable spaces, especially on the third floor,
14 which has extremely, an extremely steep roof pitch. The
15 rooms currently in the attic space aren't really functional
16 or -- as bedrooms or much of anything else.

17 You know, goals include, you know, a respectful
18 integration into the neighborhood with an architectural
19 style that's present on the street, and to achieve this goal
20 of higher-quality housing.

21 We're here seeking relief to expand the footprint
22 in the rear modestly to either side, requiring a special

1 permit and construct a Mansard roof in the front and in the
2 back bump out, also within left and right-side setbacks
3 requiring a special permit. And we'd be increasing our FAR
4 from a 0.74 to a 0.92, requiring a special permit for
5 existing nonconforming conditions.

6 Next slide, please?

7 A street view of the house showing some contextual
8 views. On the left, you can see the -- on the locus plan
9 No. 18 is identified. You can see that compared to other
10 structures on our block and behind us, we're a relatively
11 small footprint.

12 And enlarging it as we propose does not make it
13 substantially larger than many of our abutting and nearby
14 buildings.

15 Next slide, please?

16 Again, on the left an aerial view. The -- the
17 roof right in the middle with that bit of brown siding you
18 can see, that is our property. Just above it, the red
19 houses are our direct abutter on the right. You can see
20 behind us we have some pretty massive three- and four-story
21 triple-decker style structures.

22 Across the street from us and to the right we have

1 a four-and-a-half story brick apartment building.

2 Directly to the left of us two homes down is a
3 mansard structure, similar design to what we're proposing.
4 And of course we've got smaller and medium-sized gable
5 structures in the neighborhood.

6 My point is that our proposed increase in size
7 will not be out of character with the scale of this
8 neighborhood and the increase in FAR is not inconsistent
9 with this neighborhood. It may not be consistent with every
10 house. But we're certainly within the broad range of scales
11 and sizes that exist around us.

12 Next slide, please?

13 Our zoning tables for Residence C: Residence C
14 complies to any new construction in this neighborhood, in
15 this zone that is outside the existing footprint. And we're
16 looking to create an integrated new third floor, an expanded
17 third floor, expanded rear bump outs. So all of this puts
18 us in the Residence C dimensional requirements.

19 Going from a nonconforming 0.74 to a nonconforming
20 0.92. In terms of GFA, we would be going from a 3700-
21 square-foot structure to a 4600-square-foot structure. This
22 doesn't include the basements, as the basements are not

1 included in the FAR and GFA calculations.

2 The existing per unit size is 1850 square feet.
3 The proposed unit size is 2300 square feet. Again, not
4 extravagant, not inconsistent with many of the dwellings on
5 our block in our neighborhood.

6 Next slide, please?

7 Oh, actually, no -- not next slide. Let me --
8 more here to review. Our left and right-side setbacks are
9 both existing nonconforming, no matter how we calculate it,
10 and we calculate it with the single, single-wall
11 calculation, which is the height plus the length divided by
12 -- divided by five.

13 Whether we use this method or the multiplane
14 method, we're still nonconforming. If we could have made
15 our setbacks conforming, then we would be here seeking far
16 less relief. But we're nonconforming with our setbacks.

17 Our rear setback is conforming and will remain
18 conforming.

19 Our building height in this legend is 32.4' and
20 our proposed building height is 32.4'. So it remains
21 conforming.

22 Our ratio of open space is 34 percent existing.

1 We're proposing 40 percent. And the required is 36 percent,
2 so we're bringing that into conformance.

3 Next slide, please?

4 Our setback plans showing that the setbacks run
5 directly through the house. I know some of our neighbors
6 wanted us to calculate our setbacks differently. We've used
7 -- we tried some other methods. We've tried the multiplane
8 method; we tried even other zones. Our setbacks are
9 nonconforming, and that's really can't be disrupted.

10 So what you see towards the rear of the building
11 in grade is the existing bump out in white and gray to the
12 left. To the right we're proposing to widen the rear bump
13 out by approximately 2.5 feet on either side. We've also
14 got a rear deck, a left-side entry and a right-side exterior
15 entry also on site, also within the setbacks.

16 We would be dividing the structure between front
17 and back units. Right now it's -- it's configured with a
18 left and a right unit, which makes it extremely narrow and
19 creating front and rear townhouse-style units much more
20 desirable, comfortable livable spaces.

21 Next slide, please?

22 Our open space plans showing the removal of

1 various patios, concrete-covered patio deck, replacing
2 shabby, left- and right-side yards with more attractive
3 patio entries for both units, squaring off the existing
4 parking spaces to make them a little more attractive and
5 functional and maintaining the front green space,
6 maintaining and improving it.

7 Next slide, please?

8 Our FAR plans for the existing house: 1493 square
9 feet on the first floor, 1459 on the second.

10 Next slide?

11 More FAR documentation. I think we can come back
12 to this if anyone has questions, but we have an existing 0.
13 74 at this time.

14 Next slide?

15 Again, proposed FAR widening the back on the first
16 and second floor, but still maintaining the rear façades, or
17 the rear side façades would still be recessed back behind
18 the main house, left and right façades.

19 Next slide, please?

20 Additional FAR calc information. You can see on
21 the lower right we're at 0.92 proposed.

22 Next slide?

1 Unit sizes are not really pertinent to zoning. We
2 can move on to the next slide.

3 This documents the percentage of the house that we
4 are demolishing in order to construct the new Mansard roofs.
5 This was for the Historic Commission. We're under 25
6 percent. No demo delay was required.

7 Next slide, please?

8 Additional demo counts from the Historic
9 Commission.

10 Next slide, please?

11 Essentially areas of work and substantial
12 demolition within the building. The structure requires a
13 complete gut of the interior, basically rebuilding it from
14 the inside out. Our undersize framing cracking brought
15 undersized beams and posts, lack of headers, nonconforming
16 stairs.

17 Next slide, please?

18 3D views of the existing house. We will be
19 maintaining the front bays, most of the window pattern in
20 front, and will be reconstructing covered entries on the
21 side, consistent with the style of the existing.

22 You can see towards the back the smaller rear bump

1 out. That's where the primary expansion of the house is, in
2 addition to the Mansard over the main volume.

3 Next slide, please?

4 Additional demo plans.

5 Next slide?

6 Additional demo plans. Both main roofs to come
7 out, construct new mansards.

8 Next slide?

9 Our demo elevations. We can -- yeah, we can -- we
10 can pass through this, I think. We can keep going. More
11 demo elevations. Here we have the proposed structure of
12 mansard.

13 I know we've had some negative feedback on the
14 design. You know, we really worked hard to make this an
15 attractive traditional style building. We'd be restoring
16 the original clapboard wood siding, the original --
17 restoring original-style corner boards, refurbishing the
18 bays, maintaining the rear setbacks between the main volume
19 and the rear volume.

20 You know, our argument is that this is
21 proportionally correct. It's consistent with similar style
22 homes in the neighborhood, where we have mansards.

1 Next slide, please?

2 Rear views: Both the front unit and the back unit
3 would have attractive covered entries. The rear unit has
4 the benefit of a nice rear deck with another canopy. Again,
5 traditional detailing, proper volumes.

6 Next slide, please?

7 Our proposed plans exclude any use of the basement
8 for additional bedrooms. We exclude any future accessory
9 dwelling units. There are no window wells, no exterior
10 stairwells. The basement can only be used as livable space,
11 but not additional density.

12 On the first-floor, open kitchen living plans for
13 both units are pretty standard for new and substantial
14 renovations of the structures. These days, on the second
15 floor we've got several bedrooms, standard, associated
16 spaces -- closets, laundry.

17 You keep scrolling on the third floor again: Two
18 bedrooms per unit. You can see towards the back on the
19 right side we have new windows over the stair for headroom,
20 and we do the same thing on the front unit towards the left
21 in the mansard. Most of the new windows actually at this
22 level are four -- are facing the neighbors for stair and

1 support spaces.

2 Next slide, please?

3 Our elevations -- exterior elevations, again
4 showing the design of the mansard, the windows, the
5 canopies. The existing height to remain the same, no
6 change.

7 Next slide, please?

8 I think you get more elevations. The style is
9 consistent around the house. You know, we're careful to
10 center windows, align windows to give this the proper
11 architectural appearance.

12 Next slide, please?

13 Our building section just showing the ceiling
14 heights at each level.

15 Next slide, please?

16 We can come back to this if there are any
17 questions. Our comparison views, our 3D comparison views:
18 On the left is the existing structure on -- from the front
19 and the left, and on the right is our proposed view.

20 Again, the roof heights are consistent. The front
21 volume does not become any wider. The rear volume is
22 modestly wider. Most of this line -- is that it? Okay.

1 Another comparison: Before and after, existing
2 and proposed. While, you know, clearly the style of the
3 house changes at a certain point, it's definitely consistent
4 with homes throughout Cambridge, throughout our
5 neighborhood, even on our block.

6 Next slide, please?

7 The last comparison, 3D view. The third-floor
8 windows in the foreground in the back, those are supporting
9 stair head height. The other windows on the first and
10 second floor of the rear bump out are also for support
11 spaces, hallway space, airspace. One of the windows is a
12 dining room.

13 And I mention this as a transition to address some
14 of the concerns that came in from our abutters.

15 Is there another slide? Oh, just our site plan.
16 Okay. Believe that's the last slide.

17 So, you know, now I want to address some of the
18 comments that came in. I know we're going to hear from our
19 neighbors tonight. We had essentially one very intense
20 letter of opposition that was signed and circulated and
21 signed by various abutters to our right -- people from
22 beyond the neighborhood, which is their right. I completely

1 understand.

2 A few things I should mention from the start is
3 that, you know, there were some minor human errors in our
4 original application. They were not substantial.

5 We -- for example, we always call the building
6 height and the architectural set as to remain at 32.4' Our
7 surveyor hadn't updated his proposed information in a timely
8 manner and was calling out a taller roof line.

9 But of course we'd be held to the dimensions shown
10 in our architectural plans and elevations. There were some
11 thoughts on maybe we did this intentionally for some reason.
12 Of course we did not.

13 The north arrow on the site plan had been shown
14 incorrectly. That was brought to our attention on Monday
15 this week. That has been corrected and resubmitted but
16 can't be shown here because it came in on Monday.

17 There were concerns from our direct abutters on
18 the right regarding light, shadow, and privacy. And we
19 understand those concerns. We respect them.

20 We've made some offers to address them in e-mail
21 correspondence. There's been no response to those offers.
22 We offered then and offer now to reduce the proposed

1 building height by a foot, which would make it one foot
2 lower than the existing ridgeline.

3 We offered to make our rear right-side windows all
4 transoms so the sills would be above head height, and
5 they're hoping that would alleviate the concerns about
6 privacy. I know we stated in our application that there
7 would be no shadows cast. You know, perhaps that language
8 was too strong. I think what I should have said was no in
9 our opinion, meaningful or detrimental shadows cast.

10 You know, part of what makes this project
11 difficult at this point, as you'll see when the public
12 comment comes, is that we didn't reach out to neighbors as
13 quickly as we should have.

14 Both Fraser and I have been to this Board. We've
15 done many projects in Cambridge. We're usually spot on with
16 who's doing what with regard to abutter outreach. That I'm
17 I thought he was doing the outreach, he thought I was doing
18 the outreach. March 15 came, and we realized we hadn't done
19 the outreach, so Fraser quickly called our neighbors to our
20 right and our neighbors to the left at 16.

21 Our neighbor at 16 who Fraser spoke with -- I
22 forget her name; I apologize for that -- She had no interest

1 in either opposing or supporting this project.

2 To our neighbors on the right, I know Ian spoke
3 with -- I'm sorry, Fraser spoke with Ian Ferguson on the
4 fifteenth. I am told Ian said that he knew this was
5 happening. He had received the notice from the city. He
6 had not looked at the plans yet, but he had no issues at
7 that time no questions or concerns. Then again, that was
8 last week on the fifteenth.

9 At some point, Fraser did e-mail him plans, I
10 think it was the next day, to make sure he had them. Maybe
11 he asked for them, I'm not surgery.

12 Our neighbors behind No. 22 at No. 24, we --
13 Fraser left a message on the fifteenth. He didn't hear
14 back; he left his number. My information has always been
15 out there as a contact for this project; no one reached out
16 to us. And we realize the onus is on us to be proactive
17 about it. We were a little late to the game, but we did
18 reach out.

19 We got very little response until the Monday of
20 this week the flood of negative comments in it. And we have
21 addressed all those comments as quickly as we could;
22 material we can't present tonight, because it came in, you

1 know, the comments came in on Monday. We weren't able to
2 get the shadow studies produced until a Tuesday fixing the
3 north arrow in the site plan, a few other wrinkles.

4 I wish I could show you the shadow studies
5 tonight. They're -- the shadows cast are very brief for a
6 very limited amount of time during the equinox. You know,
7 we're talking about a 1.5-hour window at one equinox and a
8 two-hour window at another. It's very brief.

9 So we've offered to reduce the height by a foot
10 and to address that concern as well as modify the windows on
11 the right side. No one has taken us up on that offer or
12 asked us for something in particular.

13 We know there's a lot of negative feedback. And I
14 think I'd like the Board to evaluate the project on its
15 merits. And I'll be happy to answer and respond to as many
16 of the comments that come up as I can.

17 BRENDAN SULLIVAN: Well, let me chime in. I think
18 that the building obviously needs a transformation. I think
19 the plan that is before us is a nice plan, a nice
20 transformation, repurposing of the structure, except for the
21 back addition, which is what I hesitate, and I've been to
22 that site as actually even this afternoon around noontime.

1 I walked it again just to get a better sense of, you know,
2 the effect it has.

3 And I refer to the letter from Emily Holman
4 raising a number of issues. The pictures that are shown and
5 the effect that that back addition will have on the
6 adjoining property I think is valid, and I think it's
7 substantial.

8 And there is an awful lot of correspondence --
9 some of it has come in lately, and I'm not sure if the Board
10 has reviewed all of it -- I don't know how it could have,
11 because I know I didn't.

12 And I guess my thought in trying to make some
13 sense of the -- you know, what you've submitted, the
14 dimensional form that was submitted on February 17 with the
15 application is not accurate, is that a question?

16 ADAM GLASSMAN: No, it is accurate. There are no
17 -- there are no errors in the form that I'm aware of at all.

18 BRENDAN SULLIVAN: On the one that you sent it
19 with the application? Okay.

20 ADAM GLASSMAN: Yes.

21 BRENDAN SULLIVAN: All right.

22 ADAM GLASSMAN: Unless it says we're proposing to

1 raise the building height, I'm not sure. But the building
2 height remains the same.

3 BRENDAN SULLIVAN: Okay. Except that you are
4 putting an addition on the back, which is raising that?

5 ADAM GLASSMAN: Correct, correct.

6 BRENDAN SULLIVAN: Yeah, but.

7 ADAM GLASSMAN: We raise the roof.

8 BRENDAN SULLIVAN: Right, but.

9 ADAM GLASSMAN: We raise the roof in the back.

10 BRENDAN SULLIVAN: But the high point is not
11 changing?

12 ADAM GLASSMAN: Exactly.

13 BRENDAN SULLIVAN: And again, I think that there
14 is substantial opposition here, and so, then you say, well,
15 you know, what is the opposition all about? and what have
16 you, and there's a tremendous amount of correspondence that
17 -- again, is trying to decipher, go through it all.

18 But -- and again, I will recite what I've said
19 many times in the past: You may have heard it, the Board
20 has heard it ad infinitum, but the Massachusetts Supreme
21 Judicial Court has stated repeatedly that the power to vary
22 the application of the zoning ordinance must be sparingly

1 exercised, and only in rare instances and under exceptional
2 circumstances peculiar in their nature, and with due regard
3 to the main purpose of the zoning ordinance is to preserve
4 the property rights of others.

5 And I would offer that the abutting properties are
6 asking that their property rights be upheld. So that's my
7 comment.

8 Jim Monteverde, any thoughts, questions?

9 JIM MONTEVERDE: I agree with the comments from
10 the Chair. And likewise, I have not seen the latest
11 correspondence that came in.

12 BRENDAN SULLIVAN: Okay. Andrea Hickey, any
13 thoughts, comments?

14 ANDREA HICKEY: No. I agree with your comments,
15 Mr. Chair. I have nothing really to add.

16 BRENDAN SULLIVAN: Okay. Matina Williams?

17 MATINA WILLIAMS: Yes. Again, I agree with your
18 comments.

19 BRENDAN SULLIVAN: Slater Anderson?

20 SLATER ANDERSON: Yeah, I've -- would concur. I
21 agree with your comments. I think, you know, that it's the
22 appropriateness for the location of the project. And, you

1 know, we could go back to the Pleasant Street project we had
2 earlier.

3 You know, that was a six-unit, 40-foot building,
4 but it was appropriate to the location. This is a residence
5 in a tight, densely-settled street looking to increase an
6 already nonconforming structure by, you know, 20-30 percent
7 in size.

8 And, you know, the light impacts I think are
9 legitimate -- the privacy impacts are legitimate. And I
10 just -- I don't think it's the appropriate project for the
11 location.

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

16 If you are calling in by phone, you can raise your
17 hand by pressing *9 and unmute or mute by pressing *6, and
18 you'll have up to three minutes in which to speak. And I
19 would ask that you limit your comments to be concise and
20 within the three minutes.

21 STEPHEN NATOLA: Sandra Ferguson?

22 SANDRA FERGUSON: Yeah, good evening, Mr. Chair,

1 the Board and also the entire Board. Thank you so much for
2 spending time on this project tonight and for all the work
3 that you do for our community.

4 Yeah, my name is Sandra Ferguson. I'm one of the
5 abutters. My husband Ian Ferguson is also on the call. We
6 live at 22 Fremont Street. And I just want to start off
7 with that I really loved what you said, Mr. Chair. You
8 know, this building really does need some love.

9 And so, we were genuinely excited to see that, you
10 know, it would go into a process of being renovated, which I
11 think it really needs.

12 And so, we were really hoping that, you know, we
13 would have great neighbors there and an additional another
14 family. You know, there's a lot of children on this street,
15 so we all, you know, get to know each other and are looking
16 forward to new neighbors.

17 I guess the couple comments that I would like to
18 make today is first off, I wish that Adam, you would have
19 agreed to push this hearing tonight. I feel like this was
20 very hasty, and it didn't actually really give the Board a
21 lot of, you know, opportunity to read everything.

22 We're also, between jobs and children, trying to

1 make sure, you know, that we respond and kind of
2 communicate. I agree with you, it would have been great to
3 see the shadow study today.

4 And I -- one of the things that I feel upset about
5 in this process is just that the original permit application
6 really stated that there was no loss of privacy, no creation
7 of any substantial shadows, and that the scale and character
8 of the house will remain UNC, as if this were a really small
9 ask. And I just don't think that's true.

10 And, you know, we bought our house, and you talk
11 about our property rights; you know, we bought our house
12 because we love the light. And what often is not shown
13 there is actually a deck on a house that abuts directly to
14 that other building.

15 And it's great to show shadow studies that have
16 like a snapshot, but I found it and ran a Smart City company
17 that was local to Cambridge as the CEO, and I've done a lot
18 of solar studies, because we made solar products for smart
19 cities.

20 And it's really about the hours of sunlight that
21 you get. And that will be really reduced with the proposed
22 project. So I think that is really a substantial piece to

1 what we oppose to.

2 There's also the loss of privacy that, in
3 particular our neighbors will be facing. Suddenly three
4 windows going up. I mean, there's basically two stories
5 being added across from their children's bedrooms. And I
6 think Emily will also take her three minutes. So thank you
7 for letting us speak.

8 So -- and yes, the proposed transom windows to
9 address privacy concerns, but we haven't really seen an
10 elevation. Like, this is all, obviously, going very quickly
11 again. Like, I wish we would have just pushed this to the
12 next meeting so that we would have also more of a chance to
13 review plans.

14 And yeah, we need a little bit more time also to
15 review things. But I can already say looking at the light
16 study, there will be a substantial change to us.

17 BRENDAN SULLIVAN: All right. All right. Thank
18 you. Nobody else calling in.

19 Emily?

20 STEPHEN NATOLA: Emily Holman?

21 [Pause]

22 BRENDAN SULLIVAN: Emily Holman?

1 HASSANALY LADHA: Hello. Can you hear me?

2 Or is that Emily?

3 BRENDAN SULLIVAN: Yes.

4 HASSANALY LADHA: Oh, okay.

5 BRENDAN SULLIVAN: If you would introduce yourself

6 --

7 HASSANALY LADHA: I don't know why --

8 BRENDAN SULLIVAN: -- for the record.

9 HASSANALY LADHA: [Laughter] this is actually Emily
10 Holman's husband. I'm not sure my computer is not
11 cooperating. So I've been in Africa. I just landed at
12 Logan, and I'm between the gate and passport control.

13 THE REPORTER: Could you state your name for the
14 record, please?

15 HASSANALY LADHA: So I did get a message at the
16 end of last week, I think it was Friday, from Fraser. And
17 it was sort of this comment that -- or sometime last week,
18 you know, oh "We're just squaring off the house doing a few
19 things." It didn't sound like anything I needed to jump on.

20 But when we did, it was, you know, we dug into it,
21 we found that they're increasing the volume by a staggering
22 amount for a house that's already 20 percent bigger than all

1 the houses are -- you know, than the houses certainly to --
2 on Fairmont Street to the left and the right.

3 I think the Board had already mentioned a lot of
4 the criticism -- a lot of these criticisms, and I don't want
5 to sort of reiterate any, you know, things that have already
6 -- already been said.

7 But I would -- I would just like to add that a lot
8 of these, a lot of the claims that applicant is making, or
9 the architect is making about the original forms are really
10 -- are really not true.

11 There's a lot of obfuscation, and there's a lot of
12 -- you know, the setback calculations, you know, even the
13 multiplane formula that he used, which we got yesterday, we
14 find it erroneous because he's not using -- he's using a
15 maximum height across the entire single plane, which is not
16 what the study should do.

17 He mentions these, that we've not responded to his
18 offers, but they came in last night. You know, so -- you
19 know, there's a lot -- I mean, it's very hard for us to sort
20 of view all this as anything in the realm of -- of good
21 faith. We've sort of, you know, the bottom line is that the
22 impact on, on light in the area is significant.

1 On privacy, there are -- you know, this light
2 study that was sent yesterday is, again, you know, it
3 doesn't show -- it doesn't show 9:00, 12: 00 and 3:00. It
4 shows 11:00. What happens before 11:00 am.

5 I mean, there's just -- you know, I the applicant
6 seems to be -- you know, in all our experience in Cambridge,
7 and we've lived here 20 some years, it seems to -- you know,
8 not respectful at all of, you know, of neighbors that have
9 some familiarity with the code.

10 There's no -- there's no way that a 6100 square-
11 foot two-family house is typical. And certainly not the
12 houses around us -- are 20-24, 26, 28, 16, 15. Immediate
13 houses on Fremont Street are all around a 0.6 FAR, not 20 --

14 BRENDAN SULLIVAN: All right. Okay. Great.
15 Thank you. Thank you for calling in.

16 HASSANALY LADHA: Yeah.

17 STEPHEN NATOLA: Ian Ferguson?

18 BRENDAN SULLIVAN: Three minutes, Ian.

19 IAN FERGUSON: Hello? Okay. Hello, everyone.
20 Hello, hello, BZA Board. And thank you for giving me an
21 opportunity to speak here. My wife and neighbor have just
22 given a good take on this. Just to emphasize sort of the

1 key points, it's definitely -- definitely on the light, and
2 sort of the impacts the structure will have on our morning
3 light, which is definitely something I value every single
4 day.

5 I also just want to -- yeah, so I just basically
6 want to reemphasize that, and then I also just want to, you
7 know, emphasize that this is going to be sort of like a
8 block-like building, almost like a wall running our -- the
9 full length, which right now has a bit of character to it
10 and is a little bit more interesting than what we -- than
11 what I believe will be in these current plans, and just sort
12 of create a precedent for these sort of large block houses
13 on our block.

14 Yeah. And so, I don't think I need to go and
15 emphasize all these things much further, but I just wanted
16 to -- you know, just sort of bring these up again, because I
17 think they're really harmful.

18 BRENDAN SULLIVAN: Okay. Thank you.

19 STEPHEN NATOLA: Christian Grippo?

20 BRENDAN SULLIVAN: All right. Three minutes.

21 CHRISTIAN GRIPPO: Thank you. Can you hear me?

22 BRENDAN SULLIVAN: Yes.

1 STEPHEN NATOLA: Yes.

2 CHRISTIAN GRAPPO: Thank you, Mr. Chairman and
3 members of the Board. I'm a longtime Cambridgeport
4 resident. And yeah, I object to this project. According to
5 the applicant's dimensions, he's complying with C-1 GFA, and
6 I believe he cannot increase the GFA without a variant.

7 Also wanted to say that he proposes an FAR of 0.94
8 and when most of the properties are around 0.6. So he's
9 seeking more than 50 percent than what is allowed in our
10 district. And he already has 0.74 FAR.

11 And so, he wants to go from a 5000-square-foot
12 with a finished basement on a 5000-sqaure-feet lot. And so,
13 he wants even more than that, making a 6100-square-feet two-
14 family.

15 And this is not typical from Cambridgeport. And I
16 think it really creates a detriment to the abutters. And
17 he's already increasing our volume that on a 0.74 house in a
18 C district by the more than 44 percent.

19 So the numbers are huge. So I think this sets a
20 serious negative precedent in the Cambridgeport, and I -- it
21 would mean that anybody with a nonconforming house could be
22 up to, you know, house of 50 percent bigger than what the

1 code requires in the neighborhood. And I don't think that's
2 the intent of the code.

3 And again, I think this was also mentioned before:
4 They presented the petition as if it was a small request,
5 but this is a huge, yeah, request. And with a huge impact.
6 So I urge the Board to reject this petition and avoid
7 setting this trouble precedent for Cambridge.

8 BRENDAN SULLIVAN: Thank you very much, Christian.

9 CHRISTIAN GRAPPO: Have a good night.

10 BRENDAN SULLIVAN: Thank you.

11 STEPHEN NATOLA: Another Emily Holman.

12 EMILY HOLMAN: Hi. Sorry. I've been having
13 trouble getting the button to push. Thank you so much, Mr.
14 Chairman and members of the Board for, you know, taking into
15 consideration the concerns that we expressed in our
16 correspondence.

17 And I mean, we're super open to talking about
18 these things, it's just this has all come so fast. And
19 there really just hasn't been a chance. And the way that --
20 anyway, these offers have come so late. Like, it just
21 hasn't been kind of open in the same way that Adam's kind of
22 -- maybe I feel -- it hasn't felt that way to me in the way

1 he's characterizing it.

2 So anyway, but, you know, I think the main point
3 is that this characterization again of like a minor, "Oh,
4 it's just a couple of hours of light in the morning" if
5 that's even it, I mean in the pictures -- and I've been kind
6 of monitoring and everything -- you know, over these last
7 days trying to sort of get my brain around it.

8 It's like all the morning light until, you know,
9 10:00 or 11:00, which is like the whole morning. And it's
10 like washing the dishes light. It's, you know, my 3-year-
11 old playing on the carpet light. It's -- it's not a joke.
12 And it's like what makes our house a home. And it's just --
13 it'll completely change the whole character of the house
14 when we lose that.

15 And it's also that it's having -- I have two teens
16 as well. Like, getting the 3-year-old up in the morning,
17 getting the 7 -- the, you know, 15-year-old for high school.
18 Like, you need that more light, not just at, like, 10:00 you
19 need it at -- anyway, all the earlier hours too. So I mean
20 Sandra kind of mentioned that. But --

21 And I mean I think a lot of this stuff has already
22 been expressed in the correspondence. But, you know, there

1 is all this -- also this potential issue with possibly
2 needing a variance for the kinds of requests he's making
3 because I think with the 0.74 FAR, he is compliant in the C-
4 1 district.

5 And, you know, that would mean that he would need
6 to -- any increase in floor area or units or whatever it
7 needs to be within the limits of the existing structure.
8 I'm pretty sure that's how the [indiscernible] goes. So --

9 BRENDAN SULLIVAN: All right.

10 EMILY HOLMAN: -- something else to just be aware
11 of. But thank you so much for --

12 BRENDAN SULLIVAN: All right.

13 EMILY HOLMAN: -- considering our comments.

14 BRENDAN SULLIVAN: Thank you, Emily. Okay. That
15 is the end of people calling in. There is quite a
16 substantial amount of correspondence back and forth from the
17 petitioner and abutting property owners and other concerned
18 citizens.

19 Is it the sense of the Board that this matter
20 should be continued? Jim Monteverde? Andrea? Matina?
21 Slater? Anybody agree with that assessment?

22 JIM MONTEVERDE: I do. I agree.

1 MATINA WILLIAMS: I agree as well.

2 BRENDAN SULLIVAN: Yeah.

3 SLATER ANDERSON: Well, I -- okay, I mean the
4 applicant requested to have this heard tonight. So I'm
5 ready to go for a vote on this thing.

6 MATINA WILLIAMS: Okay. I concede.

7 ANDREA HICKEY: I agree with Slater. The
8 applicant knew there was opposition and chose to proceed.
9 So I think we should go to a vote.

10 BRENDAN SULLIVAN: Okay. Unless the petitioner
11 asks for a continuance, which is a courtesy that the Board
12 does extend. So Adam, I turn it back to you. Either --

13 ADAM GLASSMAN: I'm definitely -- I would
14 definitely request a continuance. We have started
15 brainstorming on how to redesign the rear roof to bring this
16 down, you know, when I heard where this was going.

17 So we respectfully request a continuance. We'll
18 see if we can try to come up with something more appealing
19 to us neighbors. I'm sorry they felt that this was rushed.
20 I mean, everyone was able to log in tonight, was able to --
21 you know, they received a notice, it's not like the plans
22 have been hidden. You know, we -- we shared them on our own

1 a little late, but they've always been available.

2 And our offers to produce the [connection
3 interference] and the roof height they came late because all
4 of the opposition came in on one day, just happened to come
5 in on the day that would make it impossible for us to get
6 our responses, our shadow studies into the --

7 BRENDAN SULLIVAN: Okay.

8 ADAM GLASSMAN: -- into the file for the
9 presentation.

10 BRENDAN SULLIVAN: Okay.

11 ADAM GLASSMAN: That being what it is, we would
12 like to continue.

13 BRENDAN SULLIVAN: All right. Which goes back to
14 my original statement, whether or not you really wanted to
15 go forward.

16 ADAM GLASSMAN: Well, I wanted the Board to hear
17 the merits of it. I -- you know, I think --

18 BRENDAN SULLIVAN: Other than to get a sense of
19 the Board, which it appears that there's a high hurdle here
20 to cross on this particular project. So --

21 ADAM GLASSMAN: Yep.

22 BRENDAN SULLIVAN: Members of the Board, can we

1 extend the courtesy, then, to continue this matter one more
2 time?

3 JIM MONTEVERDE: I would say yes.

4 BRENDAN SULLIVAN: Okay. There are two dates:
5 Either May 11 or May 25. That's available. It's a case
6 heard, so I would ask members of the Board: Jim, Andrea,
7 Matina, Slater, are you available on May? Let me ask you
8 this: If you are not available on either May 11 or May 25?

9 ANDREA HICKEY: I am not available on May 25.

10 BRENDAN SULLIVAN: Okay.

11 ADAM GLASSMAN: May 11 suits us, Mr. Chair?

12 BRENDAN SULLIVAN: Is everybody -- Jim, Andrea,
13 Matina, Slater available on May 11?

14 JIM MONTEVERDE: Yes, I am.

15 BRENDAN SULLIVAN: Okay. So let me make a motion,
16 then, to continue this matter to May 11, 2023 at 6:00 p.m.
17 on the condition that the petitioner change the posting sign
18 to reflect the new date of May 11, 2023 and the time at 6:00
19 p.m.

20 That the petitioner sign a waiver to the statutory
21 requirement for a hearing and a decision to be rendered
22 thereof into the statutory requirement. Such waiver shall

1 be signed and returned to the Staff no later than 5:00 p.m.
2 one week from tonight, next Thursday.

3 Any new submittals not currently in the file be
4 submitted by 5:00 p.m. on the Monday prior to the May 11
5 hearing.

6 That any -- again, dimensional form, supporting
7 statements and drawings...

8 Any other conditions, members of the Board? No.
9 So on the motion, then, to continue this matter to May 11,
10 2023 at 6:00 p.m., Jim Monteverde?

11 JIM MONTEVERDE: In fact.

12 BRENDAN SULLIVAN: Andrea Hickey?

13 ANDREA HICKEY: Yes, in favor.

14 BRENDAN SULLIVAN: Matina Williams?

15 MATINA WILLIAMS: In favor.

16 BRENDAN SULLIVAN: Slater Anderson?

17 SLATER ANDERSON: In favor.

18 BRENDAN SULLIVAN: Brendan Sullivan in favor.

19 [All vote YES]

20 BRENDAN SULLIVAN: Five affirmative votes. This
21 matter is continued to May 11.

22 ADAM GLASSMAN: Thank you.

1 BRENDAN SULLIVAN: All right. I think we have one
2 more case.

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(8:27 p.m.)

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

BRENDAN SULLIVAN: the Board will hear Case No.
211399 -- 27 Ware Street. Elizabeth O'Neil or Matthew
Simitis?

MATTHEW SIMITIS: Yes. Hello.

BRENDAN SULLIVAN: Matthew?

MATTHEW SIMITIS: My name is Matt Simitis. I am
the architect for the project, the proposed project at 27
Ware Street. In short, we're proposing a deck at the rear
of the property. If we could go to -- yeah, actually that
is a very good place to start. I was hoping I could start
with the site plan.

What you can see, Ware is -- 27 Ware Street is
part of row of Hardy Wall construction homes. The front
yards are all fairly minimal, with just room for stairs up
to the raised first-floor, small, front yard area.

The rear of all of them actually backs up to the
side of the Broadway Market. And you can see that at the

1 top. It's beyond the property line, the thick property
2 line.

3 The hatched line at the back is the side of the
4 building. And the first few homes of the row actually have
5 what's noted as a passageway in common. So that is
6 basically an alley to provide access to the rear of the
7 properties where cars are typically stored.

8 So paved rear yard, very little outdoor space,
9 obviously. And the owner is hoping to find an away to get
10 some outdoor space for summer months, and would like to do
11 that with a deck off of the first floor, so at that raised
12 height, and at a height that would allow a car that is
13 currently parked in the nook that's red.

14 The red area is currently where a car is parked.
15 And the hope is that that red area would become a deck that
16 would allow a car to be parked underneath.

17 The blue area in this drawing is the existing
18 stair to grade from the back of the house, which would be
19 removed and replaced -- the, you know, a new stair would be
20 built as part of the new deck.

21 If we could -- it makes sense to go to the plans
22 if we could. Yes, thank you.

1 So on the left you see the existing floor plan.
2 At the back there is this door that would be closed off, if
3 the right side is the proposed. So the existing door would
4 be closed off and become a pantry to the kitchen tin
5 interior.

6 And then in the proposed you see an existing
7 window would be opened up to become a full-height door or
8 would be extended to the floor, I should say, to create a
9 door.

10 And the initial three feet of the deck off of that
11 wall was actually set at a height that would then go down to
12 grade, and there would be one step higher -- that three feet
13 distance that I mentioned -- that would go up one step.

14 The thinking is that that higher step where --
15 that would be occupied as the deck, the actual seating area,
16 -- would facilitate car parking and the height required for a
17 car below the lower area keeps it closer to the height of
18 the first floor of the house and could be used for trash and
19 recycling and composting containers below, but not high
20 enough for a car.

21 The issue that we're facing is that because of the
22 nature of the construction of the homes and the tight, tight

1 to the property line basically, that there is no way to get
2 both the outdoor space and a car in that area without
3 extending very close to the property line.

4 We're -- if we could go up to page, well it would
5 be the chart, the Zoning Chart, excuse me. I think in the
6 initial documents page 4. Okay, there you go. So as you
7 can see, there's almost no change requested, except for the
8 increase to the useable open space because of the added
9 deck, obviously.

10 But -- but we are proposing to go essentially to
11 just short of the property line to allow for a footing to
12 support the deck itself.

13 And I guess the last -- if we could go to the
14 photographs, that would be helpful. There we go.

15 So just a quick overview. The street façade on
16 the left, top left: The -- an overview of the rear yard top
17 right. And you can see the area where a car is often parked
18 a little closer in on the bottom left. And then the sort of
19 looking down the sort of property line, the party wall
20 separating the two properties between 29 and 27.

21 But really, the area of interest is that bottom
22 left photo I would say, or top right bottom left.

1 And that sort of summar-- I mean, that's the
2 introduction.

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: Matina Williams?

9 MATINA WILLIAMS: No questions.

10 BRENDAN SULLIVAN: Slater Anderson?

11 SLATER ANDERSON: I guess a clarification from
12 maybe the Chair: So building this deck, it's not creating
13 more GFA by covering a -- I know it's covering the ground, I
14 guess, but that's not a thing?

15 BRENDAN SULLIVAN: Um --

16 SLATER ANDERSON: Is it because it's six feet,
17 because it's too low?

18 BRENDAN SULLIVAN: Well, I'm not sure about that,
19 Slater.

20 MATTHEW SIMITIS: If I may -- my --

21 BRENDAN SULLIVAN: -- focus --

22 MATTHEW SIMITIS: -- sorry. Go ahead. Sorry.

1 BRENDAN SULLIVAN: I think the -- the sense of the
2 department in reviewing this was that it did not; that the
3 violation really was the setbacks.

4 MATTHEW SIMITIS: Okay.

5 BRENDAN SULLIVAN: And because of the
6 rowhouse/townhouse type of configuration there, so that --

7 MATTHEW SIMITIS: They made --

8 BRENDAN SULLIVAN: -- so that would be the only
9 violation requiring a variance.

10 MATTHEW SIMITIS: May I chime in with that?

11 BRENDAN SULLIVAN: Yep.

12 MATTHEW SIMITIS: Sorry. The -- one of the
13 conversations that I had with Inspectional Services was
14 about the required -- or the -- I'm trying to think of the
15 right word, but basically the one parking spot is allowed.
16 And so, the square footage of 180 square feet that is
17 covered is not counted anyway.

18 SLATER ANDERSON: Okay. Okay. That's fair. And
19 I -- as I think about it, you -- with the six-foot height of
20 the deck. That's too low to be GFA anyways too.

21 So all good. No other questions. Thank you.

22 BRENDAN SULLIVAN: Yep. Okay. Let me open it to

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

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

6 Nobody calling in. We are in receipt of
7 communication from the Mid-Cambridge Neighborhood
8 Conservation District Commission regarding 27 Ware Street.

9 "The Mid-Cambridge Neighborhood Conservation
10 District Commission hereby certifies that the work described
11 below does not involve any activity requiring issuance of a
12 building Certificate of Appropriateness or hardship.

13 "Construct the deck and stairs, replace windows
14 with entry door in rear of property. It is not visible from
15 the public way."

16 And the date of certificate is February 23, 2023.
17 And that is the sum and substance of the correspondence. If
18 there's no further questions, ready for a motion?

19 Let me make a motion, then, to grant the relief
20 requested.

21 JIM MONTEVERDE: Mr. Chair, can I ask a quick
22 question?

1 BRENDAN SULLIVAN: Yep.

2 JIM MONTEVERDE: Did -- you have been in contact
3 with the neighbor -- I assume the deck will butt up against
4 the fence that demises this lot from the adjacent?

5 MATTHEW SIMITIS: That is a good question. I --
6 I'm sorry I didn't bring that up sooner. So we have reached
7 out to the neighbors. We've spoken to most of the
8 neighbors.

9 But unfortunately, the most immediate neighboring
10 that, you know, should there be -- I don't think there would
11 be, but should there be any impact, the direct neighbor at
12 25 is a rental property, and we were not able to get a
13 response from the owner of that property.

14 JIM MONTEVERDE: Okay, thank you.

15 ANDREA HICKEY: Mr. Chair, it's Andrea Hickey
16 speaking.

17 BRENDAN SULLIVAN: Yes.

18 ANDREA HICKEY: Remembering a case we had at our
19 last meeting where someone had a pergola that they were
20 proposing to cover and have parking underneath. And it
21 seems to me that's what's being requested here is sort of
22 that same result.

1 And so, I'm just thinking out loud: Our
2 objections in that prior pergola case, which we did not
3 approve, really was trying to create a carport. And isn't
4 that what's being created here?

5 BRENDAN SULLIVAN: I don't know. I think that
6 there is a difference -- the pergola, obviously, is going to
7 have a roof structure over it, a permanent roof structure.
8 This is going to have a deck over it.

9 And I'm not sure if the height then triggers.
10 Because I think the pergola in question was over the 7'.
11 And so, that would then create FAR and it's within the side
12 yard setback. If I -- correctly.

13 ANDREA HICKEY: Right. But I think what's being
14 proposed here is within the setback, correct?

15 BRENDAN SULLIVAN: It's within the setback, and
16 that's what's triggering the relief. So any structure above
17 the 4' would require -- within a side yard setback -- would
18 require relief by way of a variance.

19 And your question whether or not, I think the
20 department felt that it was not creating any additional FAR,
21 so hence that would be the difference between the -- the
22 previous application for that pergola.

1 ANDREA HICKEY: And that's because of the height
2 of the proposed deck?

3 BRENDAN SULLIVAN: I believe it was because of the
4 height of the proposal.

5 SLATER ANDERSON: Well, and I was on that case as
6 well. There were two other factors. One was the neighbor
7 was significantly opposed that the pergola, which was
8 apparently probably built illegally. And that was the
9 second point, that I don't think it had a permit when it was
10 originally constructed. So this is sort of a different set
11 of facts.

12 ANDREA HICKEY: All right. If height is what
13 makes this not the same, then I'm okay with this.

14 BRENDAN SULLIVAN: Yeah. I think they've --
15 again, the Staff has reviewed it, and they felt that the
16 only violation really was the setback requirement and not
17 that it was adding any FAR, which the pergola was.

18 ANDREA HICKEY: Right. If this was adding FAR, I
19 can say I would be opposed to it. But if it not, then I am
20 not.

21 BRENDAN SULLIVAN: Okay. In furtherance of the
22 pergola -- just another 45 seconds here -- I remember when

1 that was built, because we were doing a project in the next
2 house over. And I questioned how they were able to build
3 the pergola. And it's the fact that the structural members
4 were at least four feet apart and open to the sky, not
5 enclosed.

6 ANDREA HICKEY: Right. Right.

7 BRENDAN SULLIVAN: And so, consequently that was -
8 - they were able to do that without any relief from the
9 Board. What -- what's happened was after they -- that was
10 done, the homeowner then put some Plexiglass on top of it.

11 ANDREA HICKEY: Right. Right.

12 BRENDAN SULLIVAN: -- to keep the elements out.
13 And that's what sort of triggered the bad behavior. And
14 that's what triggered the nonconformity. So it was -- it
15 was built as a pergola for vines and whatever. But then, it
16 took the step over the line by putting a --

17 ANDREA HICKEY: A roof. Some sort of roof --

18 BRENDAN SULLIVAN: -- a roof on it --

19 ANDREA HICKEY: Right.

20 BRENDAN SULLIVAN: -- basically, out of
21 Plexiglass. So anyhow.

22 ANDREA HICKEY: Right. Well, if the Building

1 Department has sort of deemed this not an FAR contributor,
2 then that works for me.

3 BRENDAN SULLIVAN: Okay.

4 ANDREA HICKEY: I'll rely on that.

5 BRENDAN SULLIVAN: No, you raise a good question,
6 as usual. The Board is very attentive. Let me make a
7 motion, then, to grant the relief requested under 8.22.3,
8 which requires a nonconforming structure, and the relief
9 requires a variance.

10 The Board finds that a literal enforcement of the
11 provisions of the ordinance would involve a substantial
12 hardship because it would preclude the petitioner from
13 creating this deck area, which provides much-needed open
14 space, of which there is none now, and especially in this
15 time of COVID where outdoor space -- usable outdoor space,
16 sitting area, is much desirable, and can be a benefit to
17 health.

18 The Board finds that the hardship is owing to the
19 shape of the lot, the layout and the row-style housing on
20 it, which creates the fact of having no side yard setbacks
21 from property to property, and hence any addition -- albeit
22 this, which the Board finds is a fair and reasonable request

1 to provide outdoor space would trigger relief from this
2 Board because it cannot provide any outdoor space because of
3 the nature of the structure.

4 Desirable relief may be granted without
5 substantial detriment to the public good, and the fact that
6 the proposal will have some benefit to the property owner to
7 be able to sit outdoor seating.

8 That desirable relief may be granted without
9 nullifying or substantially derogating from the intent and
10 purpose of the ordinance to allow by way of discretion of
11 this Board to allow appropriate development, create some
12 much-needed outdoor space, which is a health benefit to any
13 occupant of the structure -- anybody who uses that. And as
14 such, the Board finds that the relief being granted is
15 warranted.

16 On the motion, then, to grant the variance as per
17 the application and as per the work must comply with the
18 drawings signed and dated by the Chair: Jim
19 Monteverde?

20 JIM MONTEVERDE: In favor.

21 BRENDAN SULLIVAN: Andrea Hickey?

22 ANDREA HICKEY: Yes, in favor.

1 BRENDAN SULLIVAN: Matina Williams?

2 MATINA WILLIAMS: Yes, in favor.

3 BRENDAN SULLIVAN: Slater Anderson?

4 SLATER ANDERSON: Yes, in favor.

5 BRENDAN SULLIVAN: Brendan Sullivan yes.

6 [All vote YES]

7 On the five affirmative votes, the variance is
8 granted.

9 MATTHEW SIMITIS: Thank you.

10 BRENDAN SULLIVAN: Thank you, Matthew. And that
11 is a wrap for tonight. Thank you all. As usual, excellent.

12 ANDREA HICKEY: Well done, Mr. Chair.

13 COLLECTIVE: Thank you Mr. Chair.

14 BRENDAN SULLIVAN: No, thank you. Thank you for
15 letting me be part of it. Goodnight, stay well.

16 [9:33 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.

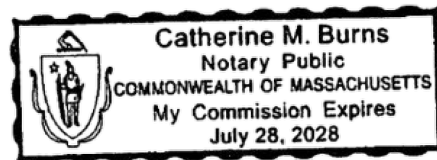
In witness whereof, I have hereunto set my hand this 29th day of March, 2023.



Notary Public

My commission expires:

July 28, 2028



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