

BOARD OF ZONING APPEAL  
FOR THE  
CITY OF CAMBRIDGE

GENERAL HEARING

THURSDAY APRIL 27, 2023

6:00 p.m.

Remote Meeting

via

831 Massachusetts Avenue  
Cambridge, Massachusetts 02139

Brendan Sullivan, Chair  
Jim Monteverde, Vice Chair

Andrea A. Hickey

Wendy Leiserson

Laura Wernick

Matina Williams

Slater W. Anderson

City Employees

Stephen Natola



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

2 \* \* \* \* \*

3 (6:01 p.m.)

4 Sitting Members: Brendan Sullivan, Jim Monteverde, Andrea  
5 A. Hickey, Wendy Leiserson, Laura Wernick,  
6 Matina Williams, and Slater Anderson

7 BRENDAN SULLIVAN: Welcome to the April 27, 2023  
8 meeting of the Cambridge Board of Zoning Appeal. My name is  
9 Brendan Sullivan, and I am the Chair for tonight's meeting.

10 Pursuant to Chapter 2 of the Acts of 2023 adopted  
11 by the Massachusetts Court, and approved by the Governor,  
12 the City is authorized to use remote participation at  
13 meetings of the Cambridge Board of Zoning Appeal.

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

17 There will also be a transcript of the  
18 proceedings.

19 All Board members, applicants, and members of the  
20 public will please state their name before speaking. All  
21 votes will be taken by roll call.

22 Members of the public will be kept on mute until

1 it is time for public comment. I will give instructions for  
2 public comment at that time, and you can also find  
3 instructions on the City's webpage for remote BZA meetings.

4 Generally, you will have up to three minutes to  
5 speak, but that may change based on the number of speakers,  
6 and also at the discretion of the Chair.

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

9 STEPHEN NATOLA: Jim Monteverde?

10 JIM MONTEVERDE: Present.

11 STEPHEN NATOLA: Andrea Hickey?

12 ANDREA HICKEY: Present.

13 STEPHEN NATOLA: Laura Wernick?

14 LAURA WERNICK: Present.

15 STEPHEN NATOLA: Matina Williams?

16 [Pause]

17 BRENDAN SULLIVAN: Matina is on mute.

18 STEPHEN NATOLA: Brendan Sullivan?

19 BRENDAN SULLIVAN: Present and audible.

20 STEPHEN NATOLA: Slater Anderson?

21 [Pause]

22 MATINA WILLIAMS: Present.

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STEPHEN NATOLA: That's it.

BRENDAN SULLIVAN: Okay. So we're all here.

1 \* \* \* \* \*

2 (6:03 p.m.)

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

6 BRENDAN SULLIVAN: First case I'm going to call is  
7 on the Continued agenda; Case No. 201432 -- 1640  
8 Massachusetts Avenue. Is there anybody representing the  
9 petitioner?

10 Sarah?

11 SARAH RHATIGAN: Yes. Sarah Rhatigan, Trilogy  
12 Law, LLC. I am representing the petitioner. Good evening.

13 We submitted a letter requesting a further  
14 continuance of this case. The owner has been working with  
15 the architect to try to propose a redesign of their proposed  
16 renovations and addition. That would be responsive to the  
17 concerns that were raised at the last hearing.

18 They just have been working through some both  
19 technical issues and also just programmatic issues to see if  
20 they can come up with something that is going to be  
21 workable, and they're needing some additional time to do  
22 that.

1           Once plans are resolved internally, they also will  
2 obviously be wanting to reach out to their neighbor, who was  
3 most concerned about the impacts of the original design and  
4 are expecting to require a few weeks to meet with that  
5 neighbor and address any concerns.

6           BRENDAN SULLIVAN: Okay.

7           SARAH RHATIGAN: I'd suggested a date in the cover  
8 letter. Obviously, I don't know what this Board's schedule  
9 is like. But I think we were looking at at soonest June 22  
10 or a hearing after that.

11          BRENDAN SULLIVAN: After that would be June 29.

12          SARAH RHATIGAN: Correct.

13          BRENDAN SULLIVAN: So we have nothing on the  
14 twenty-second. We don't have a meeting that night; we have  
15 a meeting on --

16          SARAH RHATIGAN: Oh, I'm sorry.

17          BRENDAN SULLIVAN: -- June 15, and the one after  
18 that --

19          SARAH RHATIGAN: Mm-hm.

20          BRENDAN SULLIVAN: -- would be June 29.

21          SARAH RHATIGAN: Okay. So I think that June 29 St  
22 date that would work best for us.

1           BRENDAN SULLIVAN: All right. So let me see if I  
2 can empanel the Board that night.

3           Jim Monteverde, are you available on the twenty-  
4 ninth?

5           JIM MONTEVERDE: I am.

6           BRENDAN SULLIVAN: Andrea Hickey, are you  
7 available on the twenty-ninth?

8           ANDREA HICKEY: That's June 29?

9           BRENDAN SULLIVAN: June 29, yes.

10          ANDREA HICKEY: I am available.

11          BRENDAN SULLIVAN: Matina Williams, are you  
12 available on June 29?

13          MATINA WILLIAMS: Yes. I'll be available.

14          BRENDAN SULLIVAN: And Slater, would you be  
15 available on June 29?

16          [Pause]

17          BRENDAN SULLIVAN: Sarah, Slater Anderson is --

18          SLATER ANDERSON: I'm here.

19          BRENDAN SULLIVAN: -- definitely --

20          SLATER ANDERSON: Hold on.

21          BRENDAN SULLIVAN: -- Slater Anderson is taking  
22 the place of Jason Marshall.



1 SARAH RHATIGAN: I see.

2 BRENDAN SULLIVAN: And he has read the transcripts  
3 and all the pertinent --

4 SLATER ANDERSON: Yeah.

5 BRENDAN SULLIVAN: -- documentation and what have  
6 you, so is -- will be empaneled.

7 SLATER ANDERSON: Yeah. I think I'm available.

8 BRENDAN SULLIVAN: Okay. All right. So -- and  
9 I'm also available. So on the motion, then, to continue  
10 this matter to June 29, 2023 on the condition that the  
11 petitioner change the posting sign to reflect the new date  
12 of June 29, 2023 and the time at 6:00 p.m.

13 That any new submittals not currently in the file  
14 regarding plans, supporting statements, dimensional forms,  
15 be in the file by 5:00 p.m. on the Monday prior to the June  
16 29 hearing. Just write this down.

17 And I would hope, Sarah, that this would be the  
18 last continuance, so that the petitioner should be ready to  
19 go forward that night.

20 SARAH RHATIGAN: Yes.

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

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JIM MONTEVERDE: In favor.

BRENDAN SULLIVAN: Andrea Hickey?

ANDREA HICKEY: Yes, in favor.

BRENDAN SULLIVAN: Matina Williams?

MATINA WILLIAMS: Yes, in favor.

BRENDAN SULLIVAN: Slater Anderson?

SLATER ANDERSON: Yes, in favor.

BRENDAN SULLIVAN: And Brendan Sullivan yes.

[All vote YES]

BRENDAN SULLIVAN: On the five affirmative votes,  
this matter is continued to June 29, 2023 at 6:00 p.m.  
ont5th

SARAH RHATIGAN: Thank you very much.

BRENDAN SULLIVAN: Thank you. See you then.

SARAH RHATIGAN: Okay.

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(6:07 p.m.)

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

BRENDAN SULLIVAN: Next case I'll call is Case No.  
206411 -- 9 Bellis Circle.

WENDY LEISERSON: Mr. Chair, for the record, this  
is Wendy Leiserson attending this case.

BRENDAN SULLIVAN: Yes.

WENDY LEISERSON: Okay. My attendance wasn't  
taken previously, so.

BRENDAN SULLIVAN: And you had sat on that one,  
yes, okay.

WENDY LEISERSON: Yes.

BRENDAN SULLIVAN: Mr. Dash, if you would --  
you're requesting a continuance?

ADAM DASH: Yes, Mr. Chair, good evening. Adam  
Dash -- D-a-s-h -- 48 Grove Street in Somerville. I'm the  
attorney for George White and Karen Stevens, the applicant,  
and owners. I was recently hired since the last BZA hearing

1 on this on March 9.

2 And the applicants are requesting a continuance to  
3 a date at the BZA's convenience to a date at the BZA's  
4 convenience as a) I was just hired and b) the application is  
5 going to be amended, or either a new application filed to  
6 address issues raised by the Board on March 9. It looks  
7 most likely it would be an amendment to the current  
8 application.

9 Two FYIs: One, I did upload the recorded site is  
10 plan, as suggested by Mr. Hickey at the March 9 meeting, so  
11 you have that. And also, b) the applicants have an  
12 agreement to remove that front shed, which was the main  
13 issue, and are working out the timing of the person to pick  
14 that up. So --

15 BRENDAN SULLIVAN: Okay.

16 ADAM DASH: -- at the March 9 hearing, the Board  
17 had indicated a willingness to provide further continuance,  
18 should applicants need it.

19 BRENDAN SULLIVAN: Great. Adam, the available  
20 date would need to be June 15 or June 29?

21 ADAM DASH: Yeah. I think June 15.

22 BRENDAN SULLIVAN: And let me ask -- so this is

1 myself, Jim Monteverde, Andrea Hickey, Slater Anderson, and  
2 Wendy Leiserson. Can I get a sense from the Board the  
3 preference for either 6/15 or knowing that Andrea has to be  
4 back on the 6/29, which one of those two dates is  
5 preferable, or is either of those dates preferable?

6 So Jim, either the fifteenth or the twenty-ninth?

7 JIM MONTEVERDE: No preference. Either one works.

8 BRENDAN SULLIVAN: Andrea Hickey?

9 ANDREA HICKEY: My preference would be the twenty-  
10 ninth, because I may not be sitting on regular cases either  
11 night. But if Councillor Dash has a compelling reason to do  
12 it earlier, I will make myself available.

13 BRENDAN SULLIVAN: Okay. Slater Anderson, either  
14 the fifteenth or the twenty-ninth?

15 SLATER ANDERSON: I'd prefer to stack them both  
16 on the twenty-ninth.

17 BRENDAN SULLIVAN: Okay. And Wendy?

18 WENDY LEISERSON: Slight preference for the  
19 twenty-ninth as well.

20 BRENDAN SULLIVAN: All right. So Adam, June 29 at  
21 6:00 p.m. --

22 ADAM DASH: Works for me.

1 BRENDAN SULLIVAN: -- does that work for you?

2 ADAM DASH: Yes. Yes, sir.

3 BRENDAN SULLIVAN: Okay. So let me make a motion,  
4 then, to continue this matter to 6:00 p.m. on June 29, 2023,  
5 on the condition that the petitioner change the posting sign  
6 to reflect the new date of June 29 and the time of 6:00 p.m.

7 That any new submittals not currently in the  
8 plans, specifications, dimensional forms, supporting  
9 statements be in the file by 5:00 p.m. on the Monday prior  
10 to the hearing.

11 On the motion, then, to continue this matter, Jim  
12 Monteverde?

13 JIM MONTEVERDE: In favor.

14 BRENDAN SULLIVAN: Andrea Hickey?

15 ANDREA HICKEY: Yes, in favor.

16 BRENDAN SULLIVAN: Slater Anderson?

17 SLATER ANDERSON: In favor.

18 BRENDAN SULLIVAN: Wendy Leiserson?

19 WENDY LEISERSON: In favor.

20 BRENDAN SULLIVAN: And Brendan Sullivan yes.

21 [All vote YES]

22 BRENDAN SULLIVAN: Five affirmative votes; this

1 matter is continued to June 29, 2023 at 6:00 p.m.

2 ADAM DASH: Thank you, Mr. Chair.

3 BRENDAN SULLIVAN: Thank you, Adam.

4 ADAM DASH: Thank you, members of the Board. Good  
5 evening.

6 BRENDAN SULLIVAN: Yep.

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(6:11 p.m.)

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

BRENDAN SULLIVAN: Next case I will call  
is Case No. 203612 -- 18 Clinton Street. Sarah, are you  
still on, or --

SARAH RHATIGAN: I actually am, thank you.

BRENDAN SULLIVAN: Okay.

SARAH RHATIGAN: This is actually the original  
case that was filed for this property. Subsequently, we  
filed a special permit that this Board granted. And so, we  
have requested a withdrawal of this.

I'm sorry, we had a variance application and  
special permit that was granted, and this original case this  
was filed, that's just the special permit is being  
withdrawn.

BRENDAN SULLIVAN: Okay. Now, I'll make a motion  
to accept the petitioner's request for a withdrawal of Case  
No. 203612 -- 18 Clinton Street. On the withdrawal motion,  
Jim Monteverde?



1 JIM MONTEVERDE: In favor.

2 BRENDAN SULLIVAN: Andrea Hickey?

3 ANDREA HICKEY: Yes, in favor.

4 BRENDAN SULLIVAN: Laura Wernick?

5 [Pause]

6 Is Laura still on? You're on mute, Laura.

7 [Pause]

8 Laura, you're on mute. Okay.

9 LAURA WERNICK: Sorry. Yes --

10 BRENDAN SULLIVAN: On the motion?

11 LAURA WERNICK: Yes, in favor. Thank you.

12 BRENDAN SULLIVAN: Okay. And Slater Anderson, on  
13 the motion to accept the withdrawal?

14 SLATER ANDERSON: In favor.

15 BRENDAN SULLIVAN: And Brendan Sullivan yes.

16 [All vote YES]

17 BRENDAN SULLIVAN: Okay. On the five affirmative  
18 votes, this case is withdrawn.

19 SARAH RHATIGAN: Thank you very much.

20 BRENDAN SULLIVAN: Thank you.

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2 (6:13 p.m.)

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

6 BRENDAN SULLIVAN: The next case I'll call is Case  
7 No. 188958 -- 24 Union Street. Sitting on this matter is  
8 myself, Jim Monteverde, Andrea Hickey, Laura Wernick and  
9 Slater, who's sitting in for Jason Marshall.

10 So Mr. Luna?

11 JOSEPH LUNA: Yes. Good evening, Board. My name  
12 is Joseph Luna. I'm the Principle of Luna Design group. We  
13 are the Project Architects for this project representing our  
14 client, Ms. Lin Lin, 424 Union Street.

15 BRENDAN SULLIVAN: Just before you start, thank  
16 you for your introduction. Slater Anderson is sitting in  
17 place of Jason Marshall. And let me enter into the record a  
18 correspondence from Slater Anderson dated Thursday, April  
19 27:

20 "This e-mail is to certify that I have reviewed  
21 the Cambridge BZA files with respect to 24 Union Street,  
22 Case No. 188958. These files include transcripts of prior

1 proceedings, the application, plans and correspondence.

2 "Thank you,

3 "Slater Anderson."

4 As such, I will authorize Slater Anderson to sit  
5 as a fifth member of this particular case. Any objection  
6 from any members of the Board?

7 [Pause]

8 Hearing none, so Slater Anderson has been  
9 empaneled to sit in place of Jason Anderson (sic) and the  
10 fifth member of this case.

11 Okay. Ready to go.

12 JOSEPH LUNA: Okay. We originally presented in --  
13 actually last year, November 17, 2022. Since then, the  
14 Board should be in possession of three new exhibits  
15 submitted by my office -- new plans dated 04/12/2023,  
16 additional shadow studies dated 03/27/2023, and a new  
17 dimensional information form revising our prior ZBA  
18 application form.

19 Just to bring the Board up to speed again, this is  
20 a three-unit townhouse building on Union Street. Each unit  
21 consists of three bedrooms. There is currently a building  
22 permit already in place for improvements beginning done on

1 the first floor.

2 Ms. Lin resides in unit 20 -- in 24d. Her intent  
3 is to keep this as a three -- each unit as three bedrooms  
4 for long-term rentals but do project upgrades within the  
5 building in order to increase the value of her investment  
6 and ultimately provide for better tenants and better rent  
7 rule.

8 I would like to walk the Board through the changes  
9 that we made since November 22. Ms. Lin has done her best  
10 to go and contact the neighbors with respect to what the  
11 changes were.

12 So I'll walk you through the site changes, the  
13 building massing, and the size, and then some concerns o  
14 that were addressed about the -- what was going on in the  
15 interior of the building.

16 So we'll start my first site changes since  
17 November 22. November 22 submittal, we actually had two  
18 curb cuts and a parking drive that looped on that. That has  
19 been completely removed from the project, and in its  
20 entirety. We're not asking for any relief regarding the  
21 curb cuts.

22 More importantly, the size of the building was a

1 major concern at the last meeting. Since then, we have  
2 reduced the size of the addition.

3 Originally, we were adding 3093 square feet of  
4 space to the building. That number has been reduced to  
5 1826. The November submittal had our proposed plan 2497  
6 square feet over the allowable FAR: basically 39 percent  
7 over the allowable. That has been reduced.

8 We are still over the allowable by 1230 square  
9 feet, but this represents now going from 39 percent to 19  
10 percent. So there's been a substantial reduction inside the  
11 building area, okay?

12 The next concern was just about the overall size  
13 of the project and the massing, and what we were doing in  
14 terms of the overall bulk of the building. Since the  
15 November submittal, we have pared back the building  
16 significantly.

17 We'll start at the second floor. You can pull  
18 that up on the proposed plans, please? You're in the  
19 existing -- still going. We'll go Sheet A102, please.

20 Next one? Yes.

21 Okay. The original intent was to build over an  
22 existing first-floor addition. We are still building over

1 that addition, but rather than extend the proposed second-  
2 floor addition all the way to the end walls -- in order to  
3 minimize the impact on her side neighbors, we've held that  
4 addition to just 12 feet off of the building.

5 So you can see the roof below in both units. You  
6 can see this again on the southeast side of the building;  
7 that the addition does not extent all the way to the first-  
8 floor addition.

9 We can go to the next now, to A103, please?

10 At the third floor, originally in our November  
11 submission, we were building all the way up and  
12 incorporating the addition into the existing roofline. We  
13 are stopping the roof at the second floor. At the third  
14 floor is still the intent to renovate the attic.

15 The November original proposal was to construct  
16 the roof as a gable roof and then do a series of shed --  
17 basically Nantucket-style dormers along Union Street and a  
18 long shed dormer along the rear and side.

19 We have since redesigned the project that we now  
20 have a mansard roof with three simple gable dormers along  
21 Union Street and then separate shed dormers on the side, and  
22 we're to provide headroom inside the bathroom space and then

1 access to the rear terrace.

2           Within these spaces will be an open playroom.

3           With respect now, I should also point out to the  
4 Board there is no change in height or increase in footprint  
5 within these proposed additions. We're working within the  
6 existing footprint of the building. But again, as I  
7 mentioned the second floor we're not even maximizing at that  
8 point.

9           There were concerns on the plan -- could we go  
10 back to the second floor, please?

11           There were concerns about the number of rooms that  
12 were inside the building. As I mentioned, there's a current  
13 permit in place for the first floor. There have been no  
14 changes to that since then. But at the second floor, the  
15 wet bars that were shown in that plan had been removed in  
16 the laundry. The study space, again, is smaller.

17           But I want to point out that access into the study  
18 space is -- there is not a door either into the laundry area  
19 or the study space.

20           And if you look at the opening into the study, it  
21 is a very large opening. So it precludes putting in a  
22 future door at that opening. So we wanted to make sure that

1 it was an open floor plan.

2 There was also an additional bathroom that was put  
3 in place on the second floor. That bathroom in its entirety  
4 has been removed.

5 Could we go to the third floor, please? In the  
6 original November proposal at the third floor, we have a  
7 full bathroom. That has been now changed to a simple powder  
8 room and an open plan. Again, similar to what we're doing  
9 downstairs, there will be no doors to provide privacy on  
10 this, so this space cannot be construed as a bedroom. It is  
11 strictly a playroom with inside the unit.

12 Can we go to the elevations, please?

13 Keep going.

14 Is that the back of the presentation? It'll be  
15 the last sheet for the front elevation.

16 Okay. Let's back up.

17 JOSEPH LUNA: There you go. There you go. Right  
18 there. So this is the revised front. Originally, the  
19 building was a hip roof. And again, we tried to maximize  
20 the area before with a series of much larger dormers. It  
21 has been pared back now, as you can see from the mansard  
22 roof.



1           Go up, please.

2           This gives you an idea of what's going on with the  
3 rear of the property. You see in the lower floor the  
4 existing first-floor additions that are placed, and then the  
5 setback for the second floor and then just a flat roof that  
6 we've incorporated into a balcony.

7           Next, I want to just review the shadow studies  
8 with you.

9           Keep going, please.

10           JOSEPH LUNA: There you go. They're right after  
11 our presentation. Here we go. Okay, we did a series of  
12 shadow studies, and I submitted to the Board both the  
13 original ones, which the yellow building represents the  
14 existing. The orange was our proposal in November. And  
15 then if you go down, you'll see compared to the current  
16 design.

17           In reviewing the studies, just to give you an idea  
18 of the context of those studies, we did studies for both  
19 equinoxes and for the summer and winter solstices. The  
20 studies are representative of the shadows that are cast one  
21 hour after sunrise at noontime and one hour before sunset.

22           The study -- if you study the impact of the

1 proposed additions on this, it has very minimal impact to  
2 the property to the west. We even went so far to do the  
3 worst-case shadow study, which was at 1600 on the winter  
4 solstice. And again, it's negligible between what is  
5 existing and what is proposed.

6 Overall, we feel this is a much -- much more in  
7 context with the neighborhood. My client has spent some  
8 time going and showing first the preliminary sketches and  
9 then our submittal to the Board.

10 I should also remind the Board that as part of the  
11 work they're going to be making this building much safer by  
12 installing a new NFPA 13D fire suppression system inside  
13 this, so it'll bring this up to more current life safety  
14 standards.

15 Overall, I think we've done the best we can to  
16 address what the Board brought up about the scale of the  
17 project, the number of rooms inside that, and I believe that  
18 we've addressed that. It has minimal impact on the  
19 surrounding neighborhood with respect to shadows. I'd be  
20 happy to answer any questions at this point.

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

1           JIM MONTEVERDE: Yeah. Can you go to the -- is  
2 there a new application form?

3           JOSEPH LUNA: We did not submit a new application  
4 form. We submitted a new BZA dimension -- application for  
5 the dimension information.

6           JIM MONTEVERDE: Okay.

7           JOSEPH LUNA: And if you look at --

8           JIM MONTEVERDE: Yep. I'm sorry. The reason I'm  
9 asking is on our agenda, it still lists as, "Special permit"  
10 for the --

11          JOSEPH LUNA: The curb cut has been --

12          JIM MONTEVERDE: -- curb cut.

13          JOSEPH LUNA: -- eliminated. So we'll withdraw  
14 that.

15          JIM MONTEVERDE: So that's not in front of us?

16 Okay.

17          JOSEPH LUNA: Yes.

18          JIM MONTEVERDE: and then you can -- on --

19          JOSEPH LUNA: Yes.

20          JIM MONTEVERDE: -- this one as you said, the  
21 square footage, the FAR now at 0.94, right? To --

22          JOSEPH LUNA: Yeah.

1           JIM MONTEVERDE: --0.65, that's 40 percent,  
2 correct?

3           JOSEPH LUNA: No, 65 --

4           JIM MONTEVERDE: 65 to 94.

5           JOSEPH LUNA: 65 to -- That's existing, yes.

6           JIM MONTEVERDE: Yeah. Okay.

7           JOSEPH LUNA: Yeah, that's existing. Yep.

8           JIM MONTEVERDE: All right. Thank you.

9           JOSEPH LUNA: 75 percent is -- yes.

10           JIM MONTEVERDE: And then reading the transcript  
11 from the previous presentation, there was a question raised  
12 to you or to the owner about the hardship relative to the  
13 variance. Can you recap what the hardship is?

14           JOSEPH LUNA: Ms. Lin is trying to maximize the  
15 property. The -- it's a small site with respect to the  
16 length of it. The side yard setbacks, she's already  
17 nonconforming with respect to that. We look at the site  
18 shape as being the primary factor as far as what she needs a  
19 variance for.

20           Ms. Lin is -- again -- from a financial standpoint  
21 trying to maximize the use of her property. We cannot go  
22 into the basement, because the basement doesn't have

1 adequate headroom, so we are taking the attic space.

2 The attic space incorporates the bulk of what  
3 we're doing in terms of being over the allowable FAR. That  
4 adds 1326 square feet, and that bumps us over what is  
5 allowed by zoning. So --

6 JIM MONTEVERDE: Right. And that additional  
7 space, has that third floor --

8 JOSEPH LUNA: Yes.

9 JIM MONTEVERDE: -- is a playroom?

10 JOSEPH LUNA: Yes.

11 JIM MONTEVERDE: And that's what the hardship is,  
12 that the building doesn't have a playroom, correct?

13 JOSEPH LUNA: No. The hardship is she's trying to  
14 maximize her investment on a relatively small townhouse  
15 here, and trying to -- and trying to get the most use out of  
16 her property with it footprint that she has available to  
17 her.

18 JIM MONTEVERDE: Okay, thank you. And then one  
19 last question: If on the rear elevation of the proposed --

20 JOSEPH LUNA: Yes.

21 JIM MONTEVERDE: I couldn't find a dimension or  
22 notion that says how long the dormer is.

1           JOSEPH LUNA: I can give you that information  
2 right now.

3           JIM MONTEVERDE: It's the paired dormer, and  
4 whether that's in compliance with the guidelines.

5           JOSEPH LUNA: Paired dormer length is 22.5'.

6           JIM MONTEVERDE: Okay. Thank you. No further  
7 questions.

8           BRENDAN SULLIVAN: A couple of things in reading  
9 back through the transcripts and further dialogue tonight  
10 regarding the hardship.

11           And I think that the use of the words, you know,  
12 "maximize the potential" that's fine if you can maximize it  
13 within the existing zoning ordinance, but coming down and  
14 asking for relief from the ordinance so that you can  
15 maximize it sort of is not really part of our charge.

16           I will go back and recite again Hoffman v. the  
17 Cambridge Board of Zoning Appeal, and the judge there quoted  
18 Bruzzese v. the Board of Appeal of Hingham, where the judge  
19 ruled that an inability to maximize the theoretical  
20 potential of a parcel of land is not a hardship within the  
21 meaning of the zoning law.

22           And also -- and I go back again to Blackman v. the

1 Board of Zoning Appeal of Barnstable, where the court there  
2 said that the power to vary the application of the zoning  
3 ordinance must be sparingly exercised, and only in rare  
4 instances, and under exceptional circumstances peculiar in  
5 their nature, and with due regard to the main purpose of the  
6 zoning ordinance, which is to preserve the property rights  
7 of others.

8 And there is testimony from some abutters who are  
9 basically opposed to this for a variety of reasons that it  
10 will impact their enjoyment, use of the property and have  
11 detrimental effect. And basically, they're asking us, as in  
12 Blackman, basically to uphold their property rights to not  
13 have this particular development impinge upon that.

14 So those are two kinds of things that are hanging  
15 out there, that I haven't been able to reconcile with the  
16 proposal. However, I will grant, and I was pleased to see  
17 that it has been dramatically scaled back.

18 The third floor, you know, sort of a playroom,  
19 open room, what have you, again just sort of begets that.  
20 Eventually that will become either a bedroom or put to a  
21 better use than just a playroom.

22 And is, again, maximizing as much square footage

1 as you can to get it, you know, an approval from the Board.  
2 I haven't come to yes yet on that, so let me -- Andrea  
3 Hickey, any thoughts or comments at this time?

4 ANDREA HICKEY: Yes, although I think they have  
5 been covered, Mr. Chair, by you and by Mr. Monteverde.

6 So in the last hearing, I was the one that asked  
7 the petitioner to be prepared tonight to discharge hardship.  
8 Hoffman, Mr. Chair, I agree is directly on point. And using  
9 Hoffman as my guide, I've not heard anything that would  
10 allow me to vote in favor here and be able to articulate a  
11 hardship.

12 I can -- I would like to go back to the petitioner  
13 and give him or them another opportunity to address that,  
14 because I did ask them to be prepared tonight to speak to  
15 that. And maximizing profit just doesn't meet the bar.

16 So I am not in favor of this petition. I agree  
17 that a reduction from 114 GFA -- percent GFA to 94 -- is an  
18 improvement, but it's not enough, absent any hardship.  
19 Thank you, Mr. Chair.

20 BRENDAN SULLIVAN: Thank you. Laura Wernick  
21 comments, questions at this time?

22 LAURA WERNICK: Again, I'm going to pile on on the



1 hardship aspect of this. But I would like to ask my fellow  
2 Board members and the Chair if there is a -- there is an  
3 outdoor balcony off of that third-story playroom?

4 JOSEPH LUNA: Uncovered, yes.

5 LAURA WERNICK: So there is a benefit that  
6 accrues to the family unit that they have se are private  
7 outdoor space on the third floor. Is that worthy of  
8 consideration to achieve that as overcoming the hardship?  
9 Does anyone feel that is a worthy goal?

10 BRENDAN SULLIVAN: Laura, it's -- you touched on a  
11 point too that I sort of thought of too when I -- you know,  
12 look at decks and I have a deck off the back of my house and  
13 we use it all the time -- and for, again, outdoor space and  
14 fresh air and all the other amenities that come with it and  
15 just to be able to go and sit in solitude sometimes is a  
16 health benefit.

17 And this particular development, I think, does  
18 lend itself to that. However -- and again, I think in the  
19 age of the COVID and people seeking outdoor space, and we've  
20 had a plethora of people coming down and finally recognize  
21 the benefit of outdoor space -- and again, whether it be a  
22 couple of people sitting together or, again, or in solitude,

1 could be a great health benefit.

2           So the -- there is a plus to that outdoor space.  
3 But again, the -- at what cost to the supposedly next-door  
4 neighbor who says it is impinging upon their privacy, and  
5 also casting shadows and having an adverse effect upon their  
6 property.

7           So it's sort of a balancing act as to, you know,  
8 does the benefit outweigh potential perceived adverse  
9 effect? So I'm not sure if that answers your question, but  
10 those are the thoughts that I sort of had on that particular  
11 --

12           LAURA WERNICK: Yeah. Are the people here who --  
13 from the -- neighbors -- are there neighbors here who want  
14 to address this?

15           BRENDAN SULLIVAN: Well, in public comment maybe  
16 they will. There are two letters in the file which recently  
17 came in which address that issue, which I will read into the  
18 record.

19           JOSEPH LUNA: I do believe, Board, that if you  
20 really study those shadow studies that we submitted -- and I  
21 also want to point out the shadow studies do not take into  
22 account any vegetation or topography on this, just strictly

1 the massing of the building space based on the GIS map for  
2 the City of Cambridge.

3 There really is not any negligible effect on the  
4 adjacent properties, looking at those shadow studies at  
5 these various times.

6 I'm going to talk a little bit about the hardship,  
7 because this is something that's been in significant  
8 discussion with myself and my client, as far as what the  
9 hardship is.

10 Because, again, I try to -- Ms. Lin is trying to  
11 maximize the value of her property by making a substantial  
12 investment into it. That also means cleaning up a rather  
13 dilapidated front façade, and she has to be paid for it.

14 But is that in and of itself a hardship as far as  
15 what she wants to do?

16 The big number that really pushes us over the FAR  
17 is the attic addition. And I asked Ms. Lin specifically,  
18 given that this is going to be the concern, what is more  
19 important to you, doing the second-floor additions over the  
20 existing first-floor footprint, or doing the attic?

21 She wants to make this improvement to the  
22 property. She wants to be a good neighbor. But she doesn't

1 want to have to give up the attic, but she'd be willing to  
2 give up the attic space just to get the second-floor  
3 addition to put in place.

4 That would actually -- those additions only  
5 represent 500 square feet, which would keep us below the  
6 allowable FAR of 4475. So we would be at 4629, but we still  
7 would need side yard setback relief for those. And that  
8 would just be the addition of the small study.

9 I know we're doing a balancing act here.

10 BRENDAN SULLIVAN: All right. Laura, anything  
11 else or --

12 LAURA WERNICK: I think that kind of proposal  
13 would be very -- I'd be much more positive than -- I think  
14 it's the -- to my mind it's the third floor that seems --

15 JOSEPH LUNA: It's the third floor, it's the third  
16 floor that's making that number skewed, that we're 19  
17 percent over the allowable.

18 BRENDAN SULLIVAN: Okay. Laura, any other  
19 comments?

20 LAURA WERNICK: I feel you're -- with the second  
21 floor, you're making it a reasonable unit for a family  
22 that's beneficial to the community, and that that's worth

1 considering on this small lot. So I'd be -- I think I'd  
2 still like to invite the other members' opinions, but that  
3 seems to be a more reasonable approach.

4 BRENDAN SULLIVAN: Okay. And again, in  
5 furtherance of that, and maybe on the same line, Laura,  
6 members of the Board: Being in the business, and I know  
7 what it costs and the burden it can be to rehabilitate  
8 properties -- this is a four-family. It has --

9 JOSEPH LUNA: Three-family.

10 BRENDAN SULLIVAN: -- is it? A three-family,  
11 sorry.

12 LAURA WERNICK: Three-family.

13 BRENDAN SULLIVAN: Three-family. Is in great need  
14 of upgrading and all systems -- mechanical and, obviously,  
15 interior space and so on and so forth. And that the cost to  
16 do that can be quite burdensome and how do I pay for it  
17 number one as a property owner, and then how can I best  
18 justify, even if I can pay for it? And that's all on an  
19 individual basis. How can I justify that expenditure in a  
20 limited space?

21 And that if I could expand on that space and the  
22 price per square feet tends to go down -- doesn't mean it's

1 less money, it's just that the price per square feet number  
2 comes down -- that it becomes more doable and it becomes  
3 more usable space. Is that sort of what you were thinking,  
4 Laura, along that line?

5 And more attractive, I think, for -- you know,  
6 more than two or three people?

7 LAURA WERNICK: Yes, I think it becomes --  
8 hopefully it becomes more -- I think it's an important  
9 investment in the community, and I think it becomes  
10 presumably that gives the owner some significant return on  
11 their investment, and still provides a good unit for a  
12 family, and hopefully is not quite as -- the neighbors may  
13 have less concern about it.

14 So I think it could be a good -- hopefully it  
15 would be a good compromise.

16 BRENDAN SULLIVAN: Okay. Mr. Luna, is this  
17 property going to be -- is it condos, or is it --

18 JOSEPH LUNA: No, they're rentals. Ms. Lin, as I  
19 stated at the beginning of the presentation, resides at 24B.  
20 Her intent is to rent long-term rentals out to the rooms, to  
21 provide rents for individuals, graduate students living  
22 inside the three -- each three-bedroom unit.

1           She only has permission to rent this as three-  
2 bedroom per unit, nine bedrooms total. So there was never  
3 the intent because she did not have the permission.

4           I can understand the Board's concern about the  
5 attic space, which is why we did the best we could by not  
6 putting any privacy barriers up there that could be  
7 converted at a later time. And I insisted with Ms. Lin do  
8 not put a tub up there, that it could be used for future use  
9 as a bedroom.

10           With respect to the third floor, this is honestly  
11 the best we can do with it. But again, this is the one that  
12 is putting us -- just by the amount of area, that -- the  
13 footprint of the house, this is the one that puts us over  
14 the top on the FAR.

15           So -- and again, in speaking to Ms. Lin, if you  
16 had a chance to make a choice between doing the second-floor  
17 improvements and the third, she is more inclined to go with  
18 doing the second-floor additions, forgoing the attic at the  
19 risk of -- with only a five-person Board listening to us at  
20 this time, we need to get four votes. So it's a very slim  
21 margin for us. So we're willing to do some degree of  
22 compromise.

1           This is ultimately, I think, a much better  
2 proposal than we did back in November. But we don't want to  
3 run the risk of getting rejected on it either, and then  
4 having to come back in two years.

5           BRENDAN SULLIVAN: Okay. Slater, any comments,  
6 questions?

7           SLATER ANDERSON: Well, you know, having not been  
8 on the first case, but having reviewed the correspondence  
9 and the dimensional form and the commentary and the letters  
10 of opposition, I mean, I'm definitely trending in the right  
11 direction, though I don't -- I'm not a fan of this sort of  
12 come in and ask for something outrageous and then scale it  
13 back and say, "Look how much we've given up," when you're  
14 still somewhere that is well beyond what I think is a  
15 reasonable proposal.

16           But what --

17           JOSEPH LUNA: With all due respect, Mr. Anderson,  
18 I -- this point has been made numerous times by myself to my  
19 client; is that you need to be reasonable on this. This was  
20 not some -- I want to just be clear on this, this was not  
21 some ploy to get it back to this.

22           Ms. Lin really wanted to do this the first time



1 and thought that she had a legitimate chance of getting it.  
2 So there was no politics involved in trying to get -- trying  
3 to get it to where we are right now in this presentation.

4 SLATER ANDERSON: Okay. I appreciate that.

5 JOSEPH LUNA: Okay.

6 SLATER ANDERSON: So I think the conversation was  
7 just going on about, you, giving up the third floor, which  
8 would eliminate the dormer that's out of compliance in one  
9 case, and also -- you know, I don't know what the neighbors  
10 think about the decks.

11 Now, the decks are not necessarily part of the  
12 application, or the permitting, can be they would  
13 technically I think be permitted if the greater project was  
14 approved, but scaling back the third floor, and the fact  
15 that you've eliminated the parking in the front yard and the  
16 curb cuts and got, you know, to scale the mass in the back,  
17 you've done a lot of good things here. I agree with that.

18 I'm more in -- of the mind when you talk the --  
19 whatever it was, the 4600 square feet, you know, within that  
20 4700 square feet envelope I think, you know, that starts to  
21 make a lot more sense. And then we're giving more modest  
22 relief on the side yard setback I think it was.

1           And I am -- I've always been supportive. People  
2 who want to invest in residential properties in Cambridge  
3 because -- you know, every home has a life cycle, and it  
4 needs to have reinvestment. And if we don't want to  
5 dissuade people from investing in their property, so I  
6 balance that against you know, our obligations to meet the  
7 standard of the zoning ordinance and our limitations within,  
8 you know, recognizing hardship.

9           So I'm -- I appreciate warehouse this is go. I'm  
10 not supportive of the application that's in front of us  
11 today, I would say. So, you know, a revised plan that  
12 eliminates the third floor is much more palatable. Thank  
13 you.

14           BRENDAN SULLIVAN: Okay. Let me open it to public  
15 comment and let Mr. Luna digest what he's heard. Any member  
16 of the public who wishes to speak should now click the icon  
17 at the bottom of your Zoom screen that says, "Raise hand."

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

21           STEPHEN NATOLA: Alice Flaherty?

22           ALICE FLAHERTY: Hi. This is Alice Flaherty. Can

1 you guys hear me?

2 BRENDAN SULLIVAN: Yes.

3 ALICE FLAHERTY: I was one of the -- I'm one of  
4 the two abutters. I'm on the south side, and I had a lot of  
5 objections the first time. I have retracted them. I think  
6 Lin Lin has been very, very flexible. I'm very happy about  
7 the changes she made.

8 In particular, I was actually distressed that they  
9 were losing decks. Like, the people that lived in the house  
10 before used the roof -- the first-floor roofs as decks. And  
11 it was sort of a neighborly way of talking to people. So  
12 I'm quite in favor of those third-floor decks.

13 If the only difference between what they can get  
14 approved and, you know, what they want is the third-floor  
15 playroom, to me it seems like a giant waste of space to have  
16 that -- you know, that space up there and not be in use by  
17 people.

18 So I just want to say that all my objections were  
19 very clearly met by her. She was -- you know, she added  
20 stuff that I suggested. And so I endorse the project. I  
21 don't think it changes -- before it was this monolithic  
22 thing that did loom over both my house and Cooper up on the

1 north side, and I don't think that's true anymore.

2 BRENDAN SULLIVAN: Thank you, Alice. There's  
3 nobody else calling in. There are two letters of  
4 correspondence from Marcia Hern, H-e-r-n, dated April 16 to  
5 the Board.

6 "I have a conflict which will preclude me from  
7 making the meeting on the twenty-seventh. Lin Lin is asking  
8 for a considerable increase in living space. She has asked  
9 for my support in the project, and subject, but I am still  
10 against expansion of the second floor in the rear.

11 "She did reduce her initial plan by proposing only  
12 going up to the second floor, and setting back slightly, but  
13 by then adding a third-floor roof deck doesn't feel like a  
14 large concession. And the property already has a deck for  
15 each unit on the first floor.

16 "As I have expressed to her myself how I feel --  
17 that the expansion in back will very much negatively affect  
18 my view, privacy and light from my building and also my  
19 light and privacy in the yard, and that the surrounding  
20 neighbors as well.

21 "I have lived in Cambridge for a long time now in  
22 different areas. What appealed to me about this

1 neighborhood is that they're quite dense, the properties  
2 have small yards, so there is some greenery. I enjoy and  
3 use my back yard often.

4 "I have been quite forthright with her that I am  
5 not opposed to expansion type of roof and the dormers, but  
6 do not support expansion upward of the rear addition. I  
7 feel like -- and I feel it is unfortunate that I think  
8 expanding the attic would create much more desirable living  
9 space and it has support from more neighbors.

10 "Thank you.

11 "Marcia Hern.

12 "30 Union Street, Unit 2."

13 Correspondence from J. Cooper McDonald:

14 "I am the owner and resident of 26 Union Street,  
15 the northern neighbor of 24. I have lived and paid taxes on  
16 this property since 2005. I am unable to attend the April  
17 27 meeting. I continue to oppose my neighbor's desired  
18 expansion beyond the allowable FAR.

19 "As last described to me, she wishes to add a  
20 partial second story with a roof deck on the single-story  
21 portion at the back of the house. She also wishes to  
22 enclose most of the attic and the living space.

1           "The addition would reduce my enjoyment of my  
2 property, since there would now be a much larger structure  
3 literally looming over mine.

4           "As I have explained to my neighbors on multiple  
5 occasions, I am opposed to any expansion at the back of the  
6 house. Such an expansion would both reduce sunlight in my  
7 yard and also increase privacy concerns."

8           "Furthermore, the sheer size of the renovation is,  
9 in my view, well beyond what makes sense for a three-bedroom  
10 apartment.

11           "Nonetheless, I have repeatedly stated that I  
12 would be willing to support some form of enlargement limited  
13 to the third floor, as this would allow her more space and  
14 minimize its impact on me.

15           "Given the proposed addition is a negative for my  
16 property, I have considered why I would support such an  
17 addition. I appreciate that she strongly wishes to add this  
18 additional space to her property. Her property is an  
19 investment property; thus the sole reason for the addition  
20 is to increase the value of her property."

21           And it sort of goes on for another page.

22           "Finally, I wish to address the false equivalency

1 that was raised at the November meeting" -- well, that's not  
2 pertinent to what we're discussing tonight. So I will leave  
3 it at that.

4 "Sincerely,

5 "Cooper McDonnell."

6 And that is the sum and substance of any  
7 correspondence. I will close public comment, send it back  
8 to Mr. Luna for any further comment.

9 JOSEPH LUNA: We're somewhat stuck between a rock  
10 and a hard place on this.

11 If we go and incorporate what Mr. Cooper wants,  
12 and that's the renovation of the attic, which is  
13 uninhabitable now, that's the big increase in the FAR,  
14 because as I mentioned before, the additions only add 500  
15 square feet, but the renovation of the attic space adds 1326  
16 square feet, which then we would need FAR with.

17 If we scale the project back that we don't have  
18 FAR relief, which only adds 500 square feet, then the  
19 immediate neighbor, Mr. Cooper to Lin's property, isn't  
20 happy about this, which is why -- as I mentioned earlier,  
21 when I asked Ms. Lin what was more important to her, she  
22 really wanted to do the study off of the second floor.

1           But this seems to be the major objection -- the  
2 increase in mass of the back of that. As I said before, the  
3 roof is not any higher than it is currently. It just  
4 requires that we go to a gambrel style -- or excuse me  
5 Mansard style on that, and then it's -- again add the  
6 dormers along the front and some smaller dormers on the  
7 side, and toward the rear.

8           So again, I'm trying to -- trying to thread the  
9 needle as far as what each neighbor wants, but then that  
10 puts me at odds with what the Board wants, which is a  
11 smaller-scale project with respect to the FAR, and the  
12 amount that we're asking for and the area increase.

13           BRENDAN SULLIVAN: All right. Let me take it back  
14 to the Board. Jim, what would -- what, if anything, you  
15 would approve?

16           JIM MONTEVERDE: I understand Mr. Luna's  
17 suggestion to reduce, not to the third floor, but the  
18 expansion on the second floor as it's drawn. Was there a  
19 deck on top of that, or was it just --

20           JOSEPH LUNA: Well, if the deck -- if the upstairs  
21 attic space is eliminated and uninhabitable, there is no  
22 decks at that point.



1           JIM MONTEVERDE: Okay.

2           JOSEPH LUNA: Because we can't increase that area  
3 in order to access that. So --

4           JIM MONTEVERDE: Right. So if it's the second-  
5 floor extension with a roof on it --

6           JOSEPH LUNA: Yes.

7           JIM MONTEVERDE: -- that --

8           JOSEPH LUNA: It would just gable back, or we'd  
9 have --

10          JIM MONTEVERDE: Right.

11          JOSEPH LUNA: to the transition to move back into  
12 it.

13          JIM MONTEVERDE: Yep, that --

14          JOSEPH LUNA: Or make it --

15          JIM MONTEVERDE: -- that I would support. And  
16 looking at the shadow studies, understanding the neighbors'  
17 concerns, I don't see that it increases the shadows to any  
18 significant effect.

19          JOSEPH LUNA: No, I think we proved that.

20          JIM MONTEVERDE: Right. And looking at the  
21 neighborhood in context, there's a nice strand of trees that  
22 separates the back of Ms. Lin's property and the neighbor

1 behind that offers shade, et cetera that -- you know, in  
2 terms of the view and in terms of blocking the sunlight,  
3 it's actually the trees that are casting shadows on the  
4 neighbors' potentially property.

5 So I don't think the shadows are an issue, or a  
6 great issue with that second-floor addition. So that I  
7 could support.

8 BRENDAN SULLIVAN: Andrea Hickey?

9 ANDREA HICKEY: I just have a couple of sort of  
10 numerical questions, calculation questions for Mr. Luna. So  
11 if you don't do the third floor, keep it as attic and just  
12 do sort of what's proposed to the second floor, how does  
13 that change current FAR? From 65 to what?

14 JOSEPH LUNA: All right. We have currently right  
15 now 4129 square feet. If we add 500 square feet, because  
16 that's what we're -- that's what the three study spaces add  
17 up to; one appendage is 324, the other is 175.5.

18 ANDREA HICKEY: Mm-hm.

19 JOSEPH LUNA: It's 500 square feet.

20 ANDREA HICKEY: Okay.

21 JOSEPH LUNA: You add that to the 4129, that  
22 brings us up to 4629. The allowable is 4745. So we would

1 not require zoning relief for FAR. But because the  
2 additions are being constricted on a preexisting,  
3 nonconforming for the side yards, we would need relief  
4 because --

5 ANDREA HICKEY: All right.

6 JOSEPH LUNA: -- now we're increase the  
7 nonconformity.

8 ANDREA HICKEY: Understood. I just wanted to make  
9 sure that I was processing that correctly.

10 JOSEPH LUNA: Right. Right.

11 ANDREA HICKEY: If I heard Mr. Monteverde  
12 correctly, he seems to support the work on the second floor.  
13 Jim, is that accurate?

14 JIM MONTEVERDE: That's correct.

15 ANDREA HICKEY: I would support that. If I could  
16 ask Mr. Luna to then do the opposite calculation: So if no  
17 expansion of the second floor was done, but --

18 JOSEPH LUNA: Certainly.

19 ANDREA HICKEY: -- we gave you the third floor,  
20 what is FAR?

21 JOSEPH LUNA: Okay, let me pull out my calculator.  
22 All right. The attic adds 1326 square feet to the

1 preexisting 4129. That is 5455 square feet. I deduct that  
2 from what is allowable -- 4745. That puts us 710 square  
3 feet above the allowable FAR.

4 ANDREA HICKEY: Okay. So you would need relief  
5 for FAR for that?

6 JOSEPH LUNA: It -- without a doubt, any expansion  
7 of the attic space requires FAR relief.

8 ANDREA HICKEY: Okay. Mr. Chair, I just need a  
9 minute to kind of mull over --

10 JOSEPH LUNA: Right.

11 ANDREA HICKEY: -- in my head where I am. I think  
12 there's --

13 JOSEPH LUNA: So the problem --

14 ANDREA HICKEY: I'm sorry --

15 JOSEPH LUNA: -- let me just interject but the  
16 problem with that is then her abutter, Mr. Cooper, is more -  
17 - doesn't care about the third floor, he cares about the  
18 second floor.

19 ANDREA HICKEY: Right. Right. It -- Mr. Chair,  
20 I'll yield to you. I think there's something here I can  
21 support; I'm just deciding which.

22 JOSEPH LUNA: I know we're making Sophie's Choice

1 here, so.

2 ANDREA HICKEY: It sort of --

3 JOSEPH LUNA: Trying to figure out what's the  
4 right --

5 ANDREA HICKEY: -- it feels that way. Mr. Chair,  
6 I'll yield back to you for the moment.

7 BRENDAN SULLIVAN: All right. I'm sort of  
8 thinking about what is the right thing to do for this  
9 property. To allow for rehabilitation of it? To bring it  
10 up to current standards? To have better mechanics? Better  
11 living space?

12 JOSEPH LUNA: Better life safety.

13 BRENDAN SULLIVAN: Which obviously is a plus for  
14 the neighborhood. And if we are saying, "Okay, we -- the  
15 Board is amenable to the second-floor work, but not the  
16 third floor" then what does that limit the third floor to?  
17 It just becomes unusable space. Is that correct, Joe?

18 JOSEPH LUNA: Yes, it is, sir.

19 BRENDAN SULLIVAN: And -- and yet, you know, we  
20 have an awful lot of cases where people come down before us  
21 and say, you know, "I think I have --" so in Cambridge,  
22 everybody's sort of house-rich and cash poor. And that

1 "I've got this big house, and the property values are the  
2 property values, and I have this area that is useless to me,  
3 and I need more space for --" usually, again, it's a  
4 bedroom, bathroom, you know, that type of thing because of a  
5 growing family or just the need to acquire a usable sum  
6 square footage somewhere, so that it can be used."

7 And, you know, is it -- is it right, is it the  
8 right thing to then commit this area in the attic to a  
9 lifetime going forward of being unusable and having no value  
10 at all to the occupants of the structure?

11 So I guess where I'm at in all of this is that  
12 coming down to either yes or a no, I would say I would  
13 support the present application that is before us. So.

14 Laura, any -- do you want to chime in anymore? Or  
15 Slater, any more further comments?

16 LAURA WERNICK: I just -- I would like to see the  
17 rear elevations again, comparing the existing to the  
18 proposed --

19 JOSEPH LUNA: Yes, certainly. Let's go to the  
20 very beginning of the drawings. All right. There's the  
21 existing rear. You can see the two kind of thumb additions  
22 on it.

1           LAURA WERNICK: Mm-hm.

2           JOSEPH LUNA: Let's go all the way up. There it  
3 is. There is existing rear. And at the second to the last  
4 sheet of the proposed is the proposed rear. You're still in  
5 the EZ drawings. And then you can see the hip roof on the  
6 front.

7           LAURA WERNICK: Mm-hm.

8           JOSEPH LUNA: So this is the proposed. So you can  
9 see the second floor is set back from the primary wall --

10          LAURA WERNICK: Right.

11          JOSEPH LUNA: -- of the rear. The eave line  
12 matches the edge of the deck, and then we have the dormers  
13 that provide access to a roof deck on there. And then two  
14 small shed dormers.

15          LAURA WERNICK: But am I right in that the --  
16 those small, the additions on the second floor create the  
17 opportunity for the --

18          JOSEPH LUNA: -- for the roof deck, right. For  
19 the roof deck.

20          LAURA WERNICK: Yeah. So if you did the third  
21 floor without the second floor, you wouldn't have the  
22 balconies.

1           JOSEPH LUNA: Yes. Unless we did some kind of  
2 insert --

3           LAURA WERNICK: Structural --

4           JOSEPH LUNA: -- we'd have to do some kind of  
5 insert balcony on that, but then that poses all sorts of  
6 issues for snow --

7           LAURA WERNICK: Sure.

8           JOSEPH LUNA: -- as well. So.

9           LAURA WERNICK: Yeah. So I -- yes, I'm amenable  
10 to -- certainly I agree with -- your light studies were  
11 persuasive to me that this won't have an impact on --

12          JOSEPH LUNA: Right.

13          LAURA WERNICK: -- our neighbors in terms of  
14 shadows. The --

15          JOSEPH LUNA: I mean we really have --

16          LAURA WERNICK: -- second floor.

17          JOSEPH LUNA: -- I've spent a lot of time with my  
18 client on this, trying to get a reasonable proposal.

19          LAURA WERNICK: Okay.

20          JOSEPH LUNA: And again, I go back to this was not  
21 a bait and switch that we were just trying to throw  
22 something --



1           LAURA WERNICK: No, I get it.

2           JOSEPH LUNA: -- grossly out of scale on that. I  
3 think this is a reasonable proposal. She's trying to use  
4 the existing attic space into livable space.

5           LAURA WERNICK: Mm-hm.

6           JOSEPH LUNA: We've kept it at three bedrooms.  
7 We've done our best. So additional bedrooms can't be added  
8 on in the study by making a five-foot wide opening directly  
9 off of the laundry room, and then just making an open space  
10 with a powder room upstairs on the attic space for the play  
11 area. It's not the playroom. It could be called --

12           LAURA WERNICK: No, I get you. I'm totally with  
13 you. I'm with you. I was just --

14           JOSEPH LUNA: Yep.

15           LAURA WERNICK: -- seeing if there was an  
16 opportunity to not do the second-floor additions and do the  
17 third floor, but it doesn't -- that doesn't seem to be  
18 reasonable to me.

19           So I think I would go -- I'm amenable to either  
20 the second-floor addition or the second-floor addition with  
21 the third-floor fit-out as well, with your original -- your  
22 proposed --

1           JOSEPH LUNA: The proposed plan that you see in  
2 front of you tonight?

3           LAURA WERNICK: Yes. Whatever --

4           BRENDAN SULLIVAN: Slater? Anything else to add?  
5 Your comments?

6           SLATER ANDERSON: Well, what about the 22' dormer  
7 there on the third floor?

8           BRENDAN SULLIVAN: Yeah, well --

9           JOSEPH LUNA: That -- yeah, that 22' dormer is  
10 just because of how the unit is set up. It mirrors it on  
11 the other side. So that gives the overall length of the  
12 dormer -- the unit separation runs right through the middle  
13 of that.

14           SLATER ANDERSON: Yeah. So I get that. Yeah.  
15 You can -- it's not that one unit's getting the benefit of  
16 the 22 feet?

17           JOSEPH LUNA: No, no, no, right? You basically --

18           SLATER ANDERSON: That's not unreasonable.

19           JOSEPH LUNA: Yeah. You bisect that down the  
20 middle. You have --

21           SLATER ANDERSON: Yeah.

22           JOSEPH LUNA: -- one unit to one side, one unit to

1 the other.

2 SLATER ANDERSON: Yeah.

3 JOSEPH LUNA: And that creates the mass.

4 SLATER ANDERSON: Yeah. That's a reasonable  
5 response. I appreciate that.

6 JOSEPH LUNA: Okay.

7 SLATER ANDERSON: That's all I have right now.

8 BRENDAN SULLIVAN: Okay. So Andrea, we throw the  
9 ball back into your court.

10 ANDREA HICKEY: I do not support the entire ask.  
11 I can live with the second-floor work. That's where I am  
12 right now.

13 BRENDAN SULLIVAN: And there would be no work on  
14 the third floor? You would support that motion?

15 ANDREA HICKEY: Yes, unless one of my colleagues  
16 has something else to add that might persuade me.

17 BRENDAN SULLIVAN: Okay.

18 SLATER ANDERSON: I have a question about the  
19 third floor. So the existing third floor, I'm looking at  
20 these elevations. And, you know, we don't really have a  
21 section here to give us a call GSD sense. But, you know,  
22 I'm looking at Sheet EC4.02.

1           JOSEPH LUNA: Mm-hm.

2           SLATER ANDERSON: It's one of the side elevations.  
3 You know, and I'm seeing roughly 10.5' to the ridge for that  
4 third -- for the attic space, right? At the center.

5           JOSEPH LUNA: Yes.

6           SLATER ANDERSON: And I know -- yeah, there's --  
7 there's a ridge pole. But, you know, that's -- that's a  
8 fairly high center space that you could pop some dormers off  
9 of. I just don't necessarily see that the existing gable or  
10 hipped roof, third floor, isn't usable.

11          JOSEPH LUNA: Well, the problem is the hip  
12 compromises that; compromises it at that point. The center  
13 would get the benefit, but because the hip -- the two end  
14 units have virtually no remaining space when you factor the  
15 hip in, it would have to be a complete reframe of the upper  
16 -- of the upper floor and eliminating the hip to a gable.

17                    But it -- at that point then, the --

18          SLATER ANDERSON: Yep. Yep. No, you're -- I see  
19 what you're saying. So there really -- the benefit accrues  
20 to the central unit, not to the end unit?

21          JOSEPH LUNA: Yeah. And again, we're trying to  
22 get parity between all the units.

1           SLATER ANDERSON: Okay. Thank you.

2           BRENDAN SULLIVAN: If this was a suicide house  
3 with a single open attic, then the dormers would make sense.  
4 But it's really three units up there sharing that space.

5           JOSEPH LUNA: Right. And if you take a look at  
6 Sheet EC402, if you see where the attic door line is in  
7 relationship to the E, to a 7'-height, that -- to where the  
8 other side of the frame is, that would essentially only give  
9 you about a 5'-6' usable area space inside that.

10           You can see where the attic floor line is in  
11 relationship to the E. If you take that and accommodate the  
12 structure, it only gives you roughly 5' to 6' of usable head  
13 room that is 7' or higher. Then it's going to be sloping  
14 down rather quickly.

15           So the attic as it stands without a reframe of the  
16 roof doesn't-- or substantial dormers, which then poses  
17 other problems, which is why we went with the Mansard roof -  
18 - excuse me, yeah.

19           SLATER ANDERSON: Thank you.

20           BRENDAN SULLIVAN: Okay. So Jim and Andrea, what  
21 would get you to if we -- if I were to make a motion, well,  
22 first of all we'd make a motion to accept the proposal, you

1 would not support that, Jim and Andrea you would not support  
2 that? Okay.

3 So if I were to make a motion, then, to accept the  
4 plan except for the third floor, that no addition to the  
5 third floor would be part of this relief, would you support  
6 that?

7 JIM MONTEVERDE: Yes.

8 BRENDAN SULLIVAN: Andrea, would you support that?

9 ANDREA HICKEY: Yes.

10 BRENDAN SULLIVAN: Okay. Laura, would you support  
11 that motion?

12 LAURA WERNICK: Yes.

13 BRENDAN SULLIVAN: And Slater?

14 SLATER ANDERSON: Yes.

15 BRENDAN SULLIVAN: All right. Joe, I think that -

16 -

17 JOSEPH LUNA: I think it's a fait accompli.

18 BRENDAN SULLIVAN: Okay. Let me make a --

19 JOSEPH LUNA: I think it's --

20 BRENDAN SULLIVAN: -- let me make a motion, then,

21 to grant the relief requested as per the revised drawings

22 submitted dated April 18, 2023, that the work on the second

1 floor is to be accepted as granting relief from the  
2 ordinance.

3 That the work on the third floor would not be  
4 allowed relief from the ordinance, so that no work on the  
5 third floor would be allowed.

6 That also regarding the special permit that the  
7 parking in the front yard as the initial proposal has been  
8 withdrawn by the petitioner and is no longer part of this  
9 relief.

10 So on the motion, then, to grant that on those  
11 conditions, the Board finds that a literal enforcement of  
12 the provisions of the ordinance would involve a substantial  
13 hardship to the petitioner because it would preclude the  
14 petitioner from making necessary changes and additions to  
15 the property to upgrade the services to allow for more up-  
16 to-date housing spaces that would be a great attribute to  
17 anybody who lives in the space.

18 Also that a refurbished exterior would also be a  
19 positive effect on the streetscape and to the adjoining  
20 neighborhood.

21 The Board finds that the hardship is owing to the  
22 fact of the size of the building on the lot, which predates

1 the existing ordinance, and as such is encumbered by the  
2 ordinance and any addition of this nature, which the Board  
3 finds is fair and reasonable, would require some relief from  
4 the ordinance due to the siting of the house and the size of  
5 the house on the lot.

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

8 The Board finds that it would not nullify or  
9 substantially derogate from the intent and purpose of the  
10 ordinance to allow the homeowners to upgrade their property  
11 to potentially put on additions to align better size of  
12 rooms to accommodate families, and that to encourage by way  
13 of variance and the authority of this Board to allow for  
14 fair and reasonable development.

15 On the motion, then, to grant the variance for the  
16 work as proposed without any work being done on the third  
17 floor, Jim Monteverde?

18 JIM MONTEVERDE: In favor.

19 BRENDAN SULLIVAN: Andrea Hickey?

20 ANDREA HICKEY: Yes, in favor.

21 BRENDAN SULLIVAN: Laura Wernick?

22 LAURA WERNICK: Yes, in favor.



1 BRENDAN SULLIVAN: And Slater Anderson?

2 SLATER ANDERSON: In favor.

3 BRENDAN SULLIVAN: And Brendan Sullivan yes.

4 [All vote YES]

5 BRENDAN SULLIVAN: Now, in furtherance I'm going  
6 to mark up the proposed third-floor plan. And I'm going to  
7 basically X that as saying not approved. And that would be  
8 Sheet 103.

9 And we'll initial the other on Sheet 102, which is  
10 the second floor. And I have addressed the special permit;  
11 that that is not part of the application; that has been  
12 withdrawn.

13 Okay. So on the --

14 JOSEPH LUNA: And --

15 BRENDAN SULLIVAN: Yes?

16 JOSEPH LUNA: Go ahead, sir.

17 BRENDAN SULLIVAN: No, go ahead you. I was just  
18 basically going to say that on the five affirmative votes,  
19 the motion to grant the selective variance has been granted.

20 JOSEPH LUNA: Okay. Board, I have a request  
21 please?

22 BRENDAN SULLIVAN: Yes?

1           JOSEPH LUNA: Given the length of how long we've  
2 gone on with this continuance, I'm scheduled for another  
3 hearing in the 8:00 time slot.

4           BRENDAN SULLIVAN: Yep.

5           JOSEPH LUNA: I'm actually talking to you right  
6 now on a cruise ship. And I have a dinner that I have to be  
7 at; it will be 8:30 your time. I'm hoping that I can still  
8 keep that 8:00 time slot. If that means that I have to --  
9 if I could possibly be moved ahead of another hearing, if  
10 possible?

11           BRENDAN SULLIVAN: Which one is that, Joe? That's  
12 --

13           JOSEPH LUNA: It's the Washington Street, sir.  
14 It's a very simple one.

15           BRENDAN SULLIVAN: Oh, okay. That's on for 8:15?

16           JOSEPH LUNA: 8:15. This should be a very  
17 straightforward presentation. But given the fact that we've  
18 gone quite a bit longer on this, I'm hoping that -- we were  
19 the last for 283 Washington Street. I would just hope that  
20 I could go on at 8:00 on this your time?

21           BRENDAN SULLIVAN: Okay. Well, let me --

22           JOSEPH LUNA: I would like to keep my wife happy,

1 sir.

2 BRENDAN SULLIVAN: Okay. Let me plow through the  
3 agenda, and at the Chair's discretion, at around of 8:15  
4 keep an eye on that, and if we can call it then, then  
5 potentially extend that courtesy.

6 JOSEPH LUNA: Okay. Thank you very much. Okay.

7 ANDREA HICKEY: Mr. Chair, I think Mr. Luna was  
8 asking to be heard prior to 8:15?

9 JOSEPH LUNA: Yes. 8:00 would be preferable.

10 BRENDAN SULLIVAN: No, yeah, I'm sorry. I --

11 ANDREA HICKEY: I'm not sure that we can do that,  
12 because members of the public think that case will start no  
13 --

14 JOSEPH LUNA: Okay.

15 ANDREA HICKEY: -- earlier than 8:15. I would love  
16 to accommodate you, Mr. Luna. Mr. Chair, I don't know what  
17 your feelings are, but I'm not sure we can hear it before  
18 8:15. We could hear it --

19 BRENDAN SULLIVAN: If --

20 ANDREA HICKEY: -- 8:15.

21 BRENDAN SULLIVAN: -- yeah, it cannot come any  
22 sooner than 8:15.

1           JOSEPH LUNA: I think we'll need 15 minutes to get  
2 through this one. It's a very straightforward case.

3           BRENDAN SULLIVAN: Yeah. Okay. So right around  
4 8:15, if we're in between cases, I would call it.

5           JOSEPH LUNA: Okay. I appreciate your time.  
6 Thank you.

7           BRENDAN SULLIVAN: All right.

8           JOSEPH LUNA: I'll see you a little later on in  
9 the evening.

10          BRENDAN SULLIVAN: All right. Maybe we'll have to  
11 talk fast. All right. So --

12          ANDREA HICKEY: We'll see you on the --

13          JOSEPH LUNA: Thank you.

14          ANDREA HICKEY: -- Lido deck.

15          SLATER ANDERSON: Sorry, Andrea?

16          JOSEPH LUNA: We have a very tight time slot for  
17 dinner, so.

18          ANDREA HICKEY: I said we'll see you on the Lido  
19 deck. Thank you.

20          JOSEPH LUNA: Okay. Very good. Bye-bye.

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(7:17 p.m.)

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

BRENDAN SULLIVAN: All right. Going to the  
regular agenda, Case No. 21285 --

SLATER ANDERSON: Mr. Chair? Sorry, one second.  
Slater here. I believe I am done for the night. Just  
confirming that with you.

LAURA WERNICK: This is Laura. I think I'm done  
for the night as well.

SLATER ANDERSON: Yeah, I think Wendy, Matina,  
Andrea are -- Jim and Brendan?

BRENDAN SULLIVAN: I think tonight is myself, Jim,  
Andrea, Wendy, and Matina. Is that correct going forward?

ANDREA HICKEY: This is And --

BRENDAN SULLIVAN: Myself, Jim Monteverde, Andrea  
Hickey, Wendy Leiserson, and Matina Williams?

MATINA WILLIAMS: Yes.

ANDREA HICKEY: Yes.

SLATER ANDERSON: Thank you. Have a nice night,

1 everyone.

2 BRENDAN SULLIVAN: Goodnight.

3 SLATER ANDERSON: Thank you.

4 WENDY LEISERSON: Goodnight.

5 JIM MONTEVERDE: Goodnight.

6 MATINA WILLIAMS: Thank you. Goodnight, Slater.

7 LAURA WERNICK: Thank you.

8 BRENDAN SULLIVAN: Okay. So Case No. 212851 --  
9 179 Sidney Street. Ellen Freyman? Sidney Street?

10 MICHAEL FENTON: Good evening, Mr. Chair. Thank  
11 you. My name is Attorney Michael Fenton. I am Partner at  
12 the Law Offices of Shatz, Schwartz and Fentin. Our address  
13 is 1441 Main Street, Suite 1100 in Springfield,  
14 Massachusetts.

15 We are here tonight on behalf of Cellco  
16 Partnership doing business as Verizon Wireless seeking a  
17 special permit for a modification of an existing rooftop  
18 facility located at 179 Sidney Street, also known as 80 Erie  
19 Street.

20 The modification involves adjustment to an  
21 existing installation, which has nine antennas on a rooftop.

22 The proposal is to replace six of those nine

1 antennas with updated equipment from Verizon Wireless. The  
2 other three existing antennas, two of which are in RF-  
3 friendly canisters, one of which is a mounting pipe, will be  
4 relocated on the rooftop for radiofrequency purposes to  
5 maximize the data and voice coverage for this site.

6 There are no height increases to the installation,  
7 and none of the existing concealment elements will be needed  
8 as a result of this change.

9 We submitted a cohesive packet, which includes  
10 photo simulations demonstrating that there is no material  
11 change to the visual impact from this site.

12 If the Board would like, I can share my screen and  
13 walk you through the photo simulations.

14 BRENDAN SULLIVAN: Just very briefly, you could  
15 probably.

16 MICHAEL FENTON: Okay. I -- it says that is  
17 disabled.

18 ELLEN FREYMAN: You can instruct me which plans to  
19 show.

20 MICHAEL FENTON: Well, it would be a different --  
21 if it's a different file, it's a photo simulation packet,  
22 not this plan drawing that you have out. These are -- right

1 here. Yep. So looking here is a visual of the existing  
2 facility.

3 If you scroll down to the next page, please?

4 This will show you the three photo locations where  
5 you can see the visual impact.

6 Next slide?

7 This is the current view. And the next slide will  
8 show you the revised view. Again, it's just shifting the  
9 location of that canister farther to the rear of the  
10 rooftop.

11 And then the next slide, please? So the different  
12 vantage point shows the current view.

13 And then the next slide shows the altered view.  
14 Very de minimis this change.

15 And next slide shows the actual view of the side-  
16 mounted antennas you can see on the existing structure.

17 And then next view will show you the changes.

18 So again, no material changes. We're swapping out  
19 and upgrading equipment. It will be the same number of  
20 antennas. Some slight modifications to the orientations, so  
21 we'll increase data and voice coverage. And this is what we  
22 call a Section 6409 eligible request under the Middle Class



1 Taxpayer Relief Act of 2013, enabling and entitling Verizon  
2 to expedited review.

3 So we appreciate the Board's consideration and  
4 would ask for your permission.

5 BRENDAN SULLIVAN: Okay. Let me open it up to  
6 questions from members of the Board. Jim Monteverde, any  
7 questions?

8 JIM MONTEVERDE: One. Is there any statement from  
9 the Planning Board?

10 BRENDAN SULLIVAN: There is none.

11 JIM MONTEVERDE: Okay. Because typically, their  
12 comments would have to do with exactly this view that we're  
13 looking at, the gamma antennas.

14 And their typical comment is could those -- is to  
15 ask the equipment not be located flush with the top of the  
16 parapet at the highest element, but that it be set down from  
17 that parapet by some dimension on one-foot-six.

18 Is that possible for those gamma? I realize that  
19 they're there now and you're replacing them. When you  
20 replace them, can they be lowered by some amount?

21 MICHAEL FENTON: Lowering them would have an  
22 impact on the radiofrequency elements. I'm not a

1 radiofrequency engineer, so I can't speak to the propagation  
2 maps that have been submitted.

3 But this application does not propose to reduce  
4 the height. We are currently approved by this Board at that  
5 height and are requesting to remain at that same height.

6 JIM MONTEVERDE: No further questions.

7 MICHAEL FENTON: Thank you.

8 BRENDAN SULLIVAN: Andrea Hickey, any questions?

9 ANDREA HICKEY: No, Mr. Chair, thank you.

10 BRENDAN SULLIVAN: Wendy Leiserson, any questions,  
11 comments?

12 WENDY LEISERSON: No questions.

13 BRENDAN SULLIVAN: Matina Williams, any questions,  
14 comments?

15 MATINA WILLIAMS: No questions.

16 BRENDAN SULLIVAN: Well, I'll open it to public  
17 comment. Any members of the public who wish to speak should  
18 now click the button that says, "Participants," and then  
19 click the icon at the bottom of your Zoom screen that says,  
20 "Raise hand."

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

1           There appears to be nobody calling in. I will  
2 close the public comment portion of it, send it back to  
3 Counsel. Anything else to add, or take it to a vote by the  
4 Board?

5           Anything else to add, Mr. Fenton, no?

6           MICHAEL FENTON: Notion thank you very much.

7           BRENDAN SULLIVAN: Anything else? Any other  
8 comments to add or anything? No?

9           MICHAEL FENTON: No.

10          BRENDAN SULLIVAN: No? Okay. The Board ready for  
11 a motion?

12          JIM MONTEVERDE: Yes.

13          BRENDAN SULLIVAN: Let me make a motion, then, to  
14 grant the relief requested for the telecommunication  
15 facility. Currently there are nine, and they are -- Verizon  
16 is proposing to remove six and replace with six new updated  
17 antennae, and also three new radio heads as per the  
18 applications, photo simulations as proposed.

19                 In reviewing the special permit application, this  
20 is a special permit application for any mobile  
21 telecommunication facility, the Board shall consider the  
22 following in reaching its determination: The scope or

1 limitation imposed by any license secured from any state or  
2 federal agency having jurisdiction over such matters.

3 And as per your application, there appears to be  
4 no limits, and that Verizon is duly licensed.

5 The extent to which the visual impact of the  
6 various elements of the proposed facility is minimized for  
7 the use of existing mechanical elements on the building  
8 roof, or other features of the building as support and  
9 background.

10 And the photo simulations show that it is a good  
11 faith effort to try to minimize the impact visually of the  
12 facilities.

13 Through the use of materials that in texture and  
14 color blend with the materials to which the facilities are  
15 attached -- and it appears that the antenna and the  
16 radiofrequency equipment will be colored to blend in with  
17 the background.

18 And it is not in a special -- in a -- it's in the  
19 Special District A, so not a residential neighborhood.

20 In furtherance, the Board finds granting of this  
21 relief and it appears that the requirements of the ordinance  
22 can be met.

1 Traffic generated, or patterns of access or egress  
2 would not cause congestion, hazard, or substantial change in  
3 the established neighborhood character. The Board notes the  
4 existence of existing telecommunication facilities at the  
5 premise, and that there has not been any substantial change  
6 in neighborhood character.

7 The Board finds that the continued operation of or  
8 development of adjacent uses, as permitted in the Zoning  
9 Ordinance, would not be adversely affected by the nature of  
10 the proposed use; in fact, it would be enhanced by the  
11 upgraded equipment of the telecommunications equipment.

12 There would not be any nuisance or hazard created  
13 to the detriment of the health, safety and/or welfare of the  
14 occupants of the proposed use, or to the citizens of the  
15 city, and the proposed use would not impair the integrity of  
16 the district or adjoining district, or otherwise derogate  
17 from the intent and purpose of the ordinance to allow  
18 telecommunication equipment to be upgraded by the carrier.

19 In furtherance, the Board finds that the work must  
20 proceed in accordance with the plans submitted by the  
21 petitioner and initialed by the Chair.

22 That upon completion of the work, the physical

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

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

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

14 That the petitioner is in compliance with and will  
15 continue to comply with the conditions imposed by the Board  
16 with regard to previous special permits granted to the  
17 petitioner, with regard to the site in question.

18 In as much as the health effects of the  
19 transmission of electromagnetic energy waves is a matter of  
20 ongoing societal concern and scientific study, the special  
21 permit is also subject to the following conditions:

22 a) That the petitioner shall file with the

1 Inspectional Services Department each report it files with  
2 the federal authorities regarding electromagnetic energy  
3 waves emissions emitting from all of the petitioner's  
4 equipment on the site.

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

9 Failure to timely file any such report with  
10 Inspectional Services shall ipso facto terminate the special  
11 permit granted tonight.

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

1           The special permit granted tonight shall ipso  
2           facto terminate if any of the petitioner's federal licenses  
3           is or are suspended, revoked, or terminated.

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

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

15          d) That within 10 business days after receipt of a  
16          building permit for the installation of the equipment  
17          subject to this petition, the petitioner shall file with the  
18          Inspectional Services Department a sworn affidavit of the  
19          person in charge of the installation of equipment by the  
20          petitioner with a geographical area that includes Cambridge  
21          stating that:

22                 a) he or she has such responsibility, and



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

9           On the motion, then, to grant the special permit  
10 as per the application, Jim Monteverde?

11           JIM MONTEVERDE: In favor.

12           BRENDAN SULLIVAN: Andrea Hickey?

13           ANDREA HICKEY: Yes, in favor.

14           BRENDAN SULLIVAN: Wendy Leiserson?

15           WENDY LEISERSON: In favor.

16           BRENDAN SULLIVAN: Matina Williams?

17           MATINA WILLIAMS: Yes, in favor.

18           BRENDAN SULLIVAN: Yes.

19           [All vote YES]

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

22           MICHAEL FENTON: Thank you very much. Have a good

1 night.

2 BRENDAN SULLIVAN: Goodnight.

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2 (7:32 p.m.)

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

6 BRENDAN SULLIVAN: The Board will now hear Case  
7 No. 209796 -- 1115 Dover Street.

8 11-15 Dover?

9 KERRY COYNE: Yep. I'm just unmuting and  
10 unstopping the DO. Good evening, Mr. Chair, and members of  
11 the Board. I'm Kerry Coyne. I'm an architect representing  
12 Kenneth, Ken Sam, and Fonda Chin about their property.

13 The request that they're proposing tonight is to  
14 add an additional dwelling unit and dormers to their  
15 property at 11 Dover Street.

16 Their family has owned the property for almost 50  
17 years. They purchased a three-family building from the City  
18 in 1974 and have remained owner-occupied the entire time.

19 In 1986, their family received a variance to allow  
20 a commercial unit in the basement, which brought it to four  
21 units in the building. They operated that business for many  
22 years without any issues, and then when their father passed,

1 the business was no longer running, and so, the family  
2 recently worked with the city to remove the commercial  
3 classification with the building.

4 And so, now they're still an owner-occupied  
5 building. When you look at the building, there's two units  
6 on the left and one large one the right.

7 The large one is currently unoccupied; it's where  
8 the parents were living before they passed. On the left,  
9 the first-floor unit has been made somewhat to support a  
10 family member with mobility issues, but certainly could be  
11 improved upon. And then the second and third-floor unit is  
12 family occupied.

13 The proposal is to allow them to convert the  
14 right-hand three-story single unit into kind of the mirror  
15 image, so they would create a mobility- supportive unit on  
16 that first floor.

17 They would create a two-story unit above, and then  
18 they would allow those two family members to move over into  
19 the renovated space, and then they would then modernize and  
20 renovate the left side to be able to offer for rent to the  
21 community a first-floor mobility-supportive unit, as well as  
22 an upstairs unit of larger size.

1           Included in their request is a dormer on either  
2 side. The building is lightly T-shaped, barely. I don't  
3 know if you can see it, but sort of the front.

4           Go to the -- there's one other drawing.

5           But from the front of the house, you can't really  
6 see the rear sides. And so, that's the location that  
7 they're asking for a dormer on either side.

8           It's a very steep roof, and so, that interior  
9 space is quite dramatic. And so, they're asking for a  
10 dormer just to be able to use it more. You can see that in  
11 the top right of the drawing, that rear bedroom. You can  
12 see the dashed line. That's sort of the usable space that  
13 they would be able to pick up.

14           They're not expanding the footprint in any way.  
15 And I think that's what we wanted to start with. I don't  
16 know if there were questions.

17           BRENDAN SULLIVAN: Okay, thank you. Jim  
18 Monteverde, any questions, comments at the it means?

19           JIM MONTEVERDE: Can you explain, again, what  
20 happens to the basement space? It's going to be commercial?

21           KERRY COYNE: Yep. So the classification for  
22 commercial has been removed. There's no longer a business

1 operating in that space. They anticipate using just sort of  
2 that storage, not as living space. The first-floor units on  
3 either side would be for mobility. You know, they want a --

4 JIM MONTEVERDE: Right.

5 KERRY COYNE: -- space not entirely ADA, but that  
6 supports limited mobility. And so, it doesn't make sense to  
7 include the finished first lower level with that unit,  
8 because it would be difficult to access it.

9 JIM MONTEVERDE: Okay. I got it.

10 KERRY COYNE: So I think we anticipate bike  
11 storage -- you know, just kind of indoor storage.

12 JIM MONTEVERDE: Fine. It's not living space,  
13 it's not --

14 KERRY COYNE: No.

15 JIM MONTEVERDE: -- another unit. Thank you.

16 And then on the -- if you can go to the elevation  
17 of the proposed dormer?

18 Yeah. There you go. The question is about the  
19 dormers themselves and whether they're in compliance or  
20 variance with the Dormer Guidelines. So they're fine in  
21 terms of their width.

22 KERRY COYNE: Okay.

1           JIM MONTEVERDE:   It's really the detail of where  
2 they -- where they stand height wise relative to the ridge  
3 and where they are relative to the, you know, the Dormer  
4 Guidelines suggest that you're down from the ridge, and that  
5 you're not flush with the building face, but you're set back  
6 from it.

7           KERRY COYNE:   Okay.

8           JIM MONTEVERDE:   Does that make sense?

9           KERRY COYNE:   It does, yeah.   So we're not flush  
10 with the building face, but we do come to the ridge.

11                   And we were just looking at that from kind of a  
12 construction point of view, that this would be easier from a  
13 construction point of view.   But I think that the owners  
14 would be fine with meeting the requirements there are for  
15 the dormer.

16           JIM MONTEVERDE:   Okay.   Thank you.   No further  
17 questions.

18           BRENDAN SULLIVAN:   Andrea Hickey, any questions?

19           ANDREA HICKEY:   Yes.   So I was also thinking about  
20 the dormer and the length is, of course, within our  
21 Guidelines.   But sort of the -- where it connects to the  
22 ridge.   And it looks flush to the face of the building, but

1 I may not be viewing this slide properly.

2 If I could ask Ms. Coyne is there another view  
3 that that would help me understand how it's not --

4 KERRY COYNE: Sorry, if you go back, I can just  
5 show you kind of there's a dimension tag. If you look under  
6 on the left drawing, "proposed new dormer" -- sorry, you  
7 were on the right drawing before. Yep. This is the right  
8 drawing.

9 If you look where it says, "On the left proposed  
10 new dormer" and below it there's a dimension tag, that's the  
11 outside edges of the dormer. And then you can see the roof  
12 -- existing roof on either side.

13 Or is that not what we're talking about? Maybe we  
14 have a misunderstanding.

15 JIM MONTEVERDE: No.

16 COLLECTIVE: No.

17 JIM MONTEVERDE: We're talking about the --

18 KERRY COYNE: The east doesn't align; it does  
19 align.

20 JIM MONTEVERDE: Right.

21 KERRY COYNE: I'm sorry. It does align.

22 JIM MONTEVERDE: Right.



1           KERRY COYNE: Mistake. So again, happy to meet --  
2 I think I didn't look at what you're talking about, so it's  
3 my mistake. But happy to meet whatever your rules are. Is  
4 that in the zoning?

5           ANDREA HICKEY: It's in the Dormer Guidelines.

6           KERRY COYNE: Okay. I didn't see that, and I'm  
7 sorry.

8           ANDREA HICKEY: So is there a way to sort of pull  
9 it down from the ridge and pull it back from the --

10          KERRY COYNE: Absolutely. Yep.

11          ANDREA HICKEY: -- and make it work? So talk me  
12 through what that would look like, what that would be in  
13 terms of --

14          KERRY COYNE: Well, I suspect -- I would want to  
15 read your Guidelines just to make sure I'm meeting them.  
16 But if you go to the plans, I suspect it would just look  
17 like the room would become -- yep.

18                 So if you look on that top right, the room just  
19 wouldn't be as wide. It would have that -- you know, it  
20 would return to the low slopes. We would probably put a  
21 pony wall.

22                 So the width of that bedroom would be narrower,

1 and then I don't think it matters in terms of the where it  
2 meets the ridge, because already we are higher than the  
3 ceiling height. Like, it's so dramatically tall there, that  
4 I'm sure we can clip in below the ridge and not affect the  
5 ceiling height.

6 JIM MONTEVERDE: Yep.

7 ANDREA HICKEY: All right. Yeah, I'd like to see  
8 some attempt to fit within the Guidelines on those issues.  
9 That's all I have, Mr. Chair.

10 BRENDAN SULLIVAN: Wendy Leiserson, any comments,  
11 questions?

12 WENDY LEISERSON: I did have one question, which  
13 is you said these are not ADA accessible units, but I'm  
14 unclear what is a mobility challenged standard that you're -  
15 -

16 KERRY COYNE: Well, I think what we're doing is --  
17 I mean there's a specific person that the one unit will be  
18 geared towards. And so, I don't think that the owners want  
19 to commit to meeting every single code requirement.

20 But as they can, they're interested in including  
21 universal design as much as they can to support their family  
22 member as well as, you know, a similarly challenged person

1 that could -- it.

2           So you can see, I mean it's -- you can see in the  
3 bath we've got the turning radius. I anticipate that  
4 they'll choose the appliances that allow for access  
5 underneath them.

6           But I think that we're not looking to commit to  
7 meeting every single possible requirement in that it's --  
8 that that could just become onerous for them as they work  
9 through this renovation.

10           WENDY LEISERSON: I see. So but the doorframes  
11 would be whatever they have to be widthwise and things like  
12 that in general?

13           KERRY COYNE: Yeah. Definitely think about  
14 generous spacing -- you know, and just I think kind of each  
15 decision that gets made, it will be made with the  
16 thoughtfulness around universal design.

17           WENDY LEISERSON: Okay. Thank you.

18           KELLY CLARK: Thank you.

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

21           MATINA WILLIAMS: None. I think everything that I  
22 was thinking of was asked and answered. Okay.

1           BRENDAN SULLIVAN: Okay. I think the thoughts --  
2 my thoughts on the dormer, having viewed the house, is that  
3 the room up there is actually quite sort of small.

4           And I'm thinking here that the implementation of  
5 the Dormer Guidelines, even though we really tried to adhere  
6 to them, would really shrink that room down quite a bit.  
7 And it's really sort of tucked in there.

8           It's sort of in an odd space because you've got  
9 the outside wall of the -- if we can show, pull that up  
10 there, Stephen, somehow: It's really sort of a tiny little  
11 space that this dormer is going to squeeze into to make it  
12 any worthwhile --

13          KERRY COYNE: Yeah.

14          BRENDAN SULLIVAN: -- yeah, benefit to the -- to  
15 that room. And I'm just not sure -- and again, where it is  
16 and where you view it from, and it -- I think would really  
17 have a detrimental effect on the room as far as really  
18 shrinking it down somewhat. But anyhow, we'll -- something  
19 to think about.

20          Let me open it to public comment. Any members of  
21 the public who wish to speak shall now click the button or  
22 click the icon at the bottom of your Zoom screen "Raise

1 hand."

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

5 [Pause]

6 There's nobody calling in. I will close the  
7 public comment portion of it. Anything else to add at this  
8 point, Kerry?

9 KERRY COYNE: No, thank you.

10 BRENDAN SULLIVAN: Okay. Andrea, you were --  
11 any further thoughts on that?

12 ANDREA HICKEY: No. Not --

13 BRENDAN SULLIVAN: Are you still desirable of  
14 having sort of come down from the ridge and then up from the  
15 front wall of the house?

16 ANDREA HICKEY: I am. But I'm relying on Ms.  
17 Coyne to sort of tell me that that works, and, you know, I  
18 asked that, and she thought she could make it work, but Ms.  
19 Coyne given Mr. Sullivan's comments, do you want to revisit  
20 that reply?

21 KERRY COYNE: I mean, I think a dormer that would  
22 be difficult to build and would limit the room is not as

1 useful as a dormer that is easier to build and allows for  
2 more space.

3 So I think certainly given the two choices, the  
4 preference would be for this one that's just under 12' wide  
5 and allows for that full width of the room to get the full  
6 ceiling he is.

7 But I don't think -- you know, I think -- I think  
8 the owner's point of view would be that anything -- you  
9 know, looking -- we're looking to cooperate.

10 If you happen to have the mindset that this is  
11 reasonable, which is what -- you know, we thought, then we  
12 would be grateful for you seeing it that way, but I don't  
13 know if that's how you see it.

14 JIM MONTEVERDE: One option -- and is there a  
15 photo of the existing condition?

16 KERRY COYNE: Yeah, the next page has the back.

17 JIM MONTEVERDE: Next one? Yeah, next one down.

18 KERRY COYNE: And I also -- I should mention that  
19 one of the --

20 JIM MONTEVERDE: Yeah, so -- sorry --

21 KERRY COYNE: I'm sorry.

22 JIM MONTEVERDE: -- let me -- I'm trying to help

1 you here.

2           So I think that the true condition is actually a  
3 piece of trim that runs, you know, after the gable it's  
4 running down the length of that face of wall; that even if  
5 the dormer were at the face of the wall below, there's still  
6 a piece of trim and roof that runs by it, correct? The  
7 dormer?

8           KERRY COYNE: You.

9           JIM MONTEVERDE: So I think it achieves what -- in  
10 a way, what the Dormer Guideline is looking for, so it's not  
11 about the sheer face. It's interrupted by that trim.

12          KERRY COYNE: Yes.

13          JIM MONTEVERDE: So I think in that sense, and  
14 with the Chair's concern about the size of the room, I think  
15 if you left it as it sits in terms of where it sits outboard  
16 for the dormer, that could be fine.

17                If you could just step down by -- from the ridge  
18 from -- by any dimension, then I think you'd achieve the  
19 Dormer Guideline concept, and we'd be all set.

20          KERRY COYNE: Absolutely.

21          JIM MONTEVERDE: Does that make sense?

22          KERRY COYNE: Yes, thank you. One of the owners

1 has a letter from a neighbor. And we're just not quite sure  
2 when we should have that read?

3 BRENDAN SULLIVAN: It is in support, I would  
4 assume?

5 KERRY COYNE: Yes. Yes.

6 BRENDAN SULLIVAN: We could enter it -- I'll have  
7 her submit it. I've closed public comment part, portion, so  
8 I'm just trying to --

9 KERRY COYNE: Okay.

10 BRENDAN SULLIVAN: And it is a neighbor -- what is  
11 the address of the neighbor?

12 KERRY COYNE: I don't know if --

13 BRENDAN SULLIVAN: Abutter? Or -- in front of or  
14 behind? Not in front, but --

15 KERRY COYNE: 19. So it's adjacent to the right.

16 BRENDAN SULLIVAN: Okay. And the letter is in  
17 support of the proposal?

18 KERRY COYNE: Correct.

19 BRENDAN SULLIVAN: Okay. Well, I will incorporate  
20 that by reference. You can -- if she could submit it --

21 KERRY COYNE: To the left. I said the wrong  
22 thing.



1           BRENDAN SULLIVAN: Okay. Submit it to -- to the  
2 Board, anyhow. So are we ready for a motion, then, members  
3 of the Board and the motion that I would make would be to  
4 accept the proposal as submitted?

5           The only exception is that dormer on the third  
6 floor be down from the peak by one foot in order to comply  
7 with the desired Dormer Guidelines regarding that; is  
8 everybody okay with that?

9           ANDREA HICKEY: Yes, I'm okay with that.

10          BRENDAN SULLIVAN: Okay. And Wendy and Matina?

11          MATINA WILLIAMS: Yes.

12          WENDY LEISERSON: Yes.

13          MATINA WILLIAMS: I'm okay.

14          BRENDAN SULLIVAN: Okay.

15          WENDY LEISERSON: Yes.

16          BRENDAN SULLIVAN: Let me make a motion, then, to  
17 grant the relief requested as per the application, the  
18 supporting statements, and the dimensional form as  
19 submitted.

20          The only exception and condition of the granting  
21 of this relief would be that the dormer be pulled down from  
22 the ridge by one foot in order to comply with the desired

1 Dormer Guideline aspect regarding that facet.

2           The Board finds -- and the Board will accept the  
3 drawings as submitted and initialed by the Chair.

4           The Board finds a literal enforcement of the  
5 provisions of the ordinance would involve a substantial  
6 hardship to the petitioners because it would preclude the  
7 petitioners from creating another residential unit out of a  
8 -- I guess an extraordinarily large space that is has become  
9 of no value in its existing size and could be put to greater  
10 value by incorporating it as a residential unit.

11           It would also allow the petitioners to create a  
12 unit that has some barrier board features to it that will  
13 allow for a person advancing in age to enjoy the space  
14 unencumbered. And it would be an asset to the health and  
15 safety of the occupant of the unit.

16           The Board finds that the hardship is owing to the  
17 fact that the placement of the house on the lot, the size of  
18 the house on the lot and the fact that it was built prior to  
19 the enactment of the existing ordinance and as such is  
20 encumbered by the requirements of the existing ordinance,  
21 which would require a relief from the ordinance by this  
22 Board for the proposed work.

1           The Board finds that desirable relief may be  
2 granted without substantial detriment to the public good.  
3 In fact, it would allow for current homeowners, residents to  
4 stay in place, to age in place, to have a better layout of  
5 their space and to enjoy the amenities of an updated  
6 structure.

7           The Board finds that desirable relief may be  
8 granted without substantial detriment to the public good or  
9 nullifying or substantially derogating from the intent and  
10 purpose of the ordinance to allow by way of the authority of  
11 this Board to vary the variance to allow slight additions,  
12 improvements, and to a realignment of interior space to  
13 allow for a better use and enjoyment of the property.

14           On the motion, then, to grant the relief requested  
15 as per the application, with the exception regarding the  
16 dormer, Jim Monteverde?

17           JIM MONTEVERDE: In favor.

18           BRENDAN SULLIVAN: Andrea Hickey?

19           ANDREA HICKEY: Yes, in favor.

20           BRENDAN SULLIVAN: Wendy Leiserson?

21           WENDY LEISERSON: In favor.

22           BRENDAN SULLIVAN: Matina Williams?

1           MATINA WILLIAMS: In favor.

2           BRENDAN SULLIVAN: And Brendan Sullivan yes.

3           [All vote YES]

4           BRENDAN SULLIVAN: On the five affirmative votes,  
5 the variance is granted, with the one condition. Goodnight.  
6 Thank you.

7           KERRY COYNE: Thank you very much.

8           BRENDAN SULLIVAN: Yes. Yes. We're going to take  
9 a slight pause for the cause. We'll be back in four or five  
10 minutes.

11           (BREAK)

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(7:55 p.m.)

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

BRENDAN SULLIVAN: Let me call Case No. 214584 --  
88 Holworthy Street. Mr. Anderson? Yes.

DANIEL ANDERSON: Mr. Sullivan?

BRENDAN SULLIVAN: Yes.

DANIEL ANDERSON: Members of the Board, good  
evening. Daniel Anderson, a Partner at Anderson Porter  
Design, 1972 Mass Ave., Cambridge.

Good to see you again.

BRENDAN SULLIVAN: Yes.

DANIEL ANDERSON: I don't know if Steve Sillari is  
on, whether he was going to make a quick introduction, but  
if he's not readily available, I'm happy to jump in.

BRENDAN SULLIVAN: Okay. Yeah. Whoever wants to  
present it.

STEPHEN SILLARI: Hey, good evening, Mr. Chair.  
Thanks, Daniel, and everyone on the Board. We'll try to be  
quick so Joe can make his cruise dinner. But I just want to

1 say thank you for hearing my case.

2 My name is Stephen Sillari. I'm here tonight to  
3 discuss adding a two-family structure in the rear of 88  
4 Holworthy. I purchased 85 Holworthy, which is across the  
5 street from 88 back in 1996. It's a four-family dwelling  
6 where I've been living and renting apartments for over 25  
7 years.

8 I'm not a developer. I was fortunate to purchase  
9 88 Holworthy, as I met Abul (phonetic), the owner, and  
10 shoveled his stairs and sidewalk every year. So he was nice  
11 enough to offer me the home, and in 2015 it was quite a  
12 challenge.

13 It's been almost four years since I bought the  
14 house. And we've been going through the approvals process,  
15 checking all the boxes. We received the setback and  
16 demolition permits.

17 We've had several neighborhood meetings the past  
18 few years: two in the last month. The outreach to all  
19 abutters was done a few times. The results have been very  
20 positive. And I received several letters of support that  
21 have been uploaded to the Board.

22 And lastly, just my thoughts and the thought of my

1 neighbors in support is that this project will greatly  
2 improve our neighborhood and provide additional smaller,  
3 more reasonably priced housing that is needed here and  
4 throughout Cambridge.

5 The neighborhood doesn't really need, in my  
6 opinion two more four-bedroom, four-bath homes and there's  
7 currently four on the market today on the street.

8 So with that, I'll hand it over to Daniel to talk  
9 you through our plan. Thanks again for your time.

10 BRENDAN SULLIVAN: Thank you.

11 DANIEL ANDERSON: Thank you, Stephen. So again,  
12 Daniel Anderson. I think that I would also point out that  
13 Steve's intention is to be an owner-occupant on this  
14 property. Because his vision for this from the beginning  
15 was not to build two large condominium projects, as he's  
16 pointed out. That's been the development pattern on the  
17 street for the past 20 years with these lots, and -- but  
18 instead looking for smaller units that would not only  
19 support the diversity of the neighborhood, but also he,  
20 being an owner-occupant does not need a large living space  
21 but does really look forward to living here as an owner-  
22 occupant.

1           So as Steve also pointed out, we're approved by  
2 the Cambridge Historic Commission for the renovation and  
3 restoration of the front unit, as well as the design  
4 criteria and approval for the design of the two units at the  
5 rear.

6           The Planning Board also made an approval for the  
7 depth of the lot; portions of the second building are  
8 greater than 75 feet back in the lot.

9           And their decision is read into the record. It  
10 also supports some of Steve's comments about trying to match  
11 some of the Urban Design housing production and unit density  
12 in the city, and basically is supportive of this project.

13           So our final step here is really to be here in  
14 front of the Board of Zoning Appeals. We're looking for two  
15 variances. The minor one is a 0.6 percent increase over  
16 allowable FAR, 22 square feet. That is to support the  
17 addition of the side porch on the front that was requested  
18 as part of the approval by the Cambridge Historic  
19 Commission.

20           We were otherwise in -- fully in conformance and  
21 are confirming in all manners.

22           The intention is to relocate, and the approval for



1 the front unit is to make it more -- to make it fully  
2 compliant. So it's being slightly relocated from its  
3 current location, which has a nonconforming side and front  
4 yard setback. And it's being proposed to be relocated to a  
5 conforming side and front yard setback.

6 The other request, which is also a variance, is  
7 to increase the dwelling units from two to four. The lot is  
8 just under 9000 square feet.

9 Per the 1995 Res B and full housing amendment, you  
10 by code now, by zoning ordinance, require 9000 square feet  
11 to add the third -- a third dwelling unit. We're basically  
12 363 square feet shy of that.

13 However, allowing the -- an increase not just of  
14 one but of 1.09 units, allows a development consistent in  
15 size and scale with the development pattern in the  
16 neighborhood, but creates smaller one- and two-bedroom units  
17 that, again, provide that greater amount of diversity of  
18 housing unit types to the neighborhood, as well as  
19 supporting Steve's intent to keep it owner-occupied.

20 So overall, we're looking for a relief on those  
21 two variance items. And again, probably ask to just move  
22 through the design deck, describe their project in terms of

1 its location and site plan, so the second page would be  
2 great.

3 So 88 Holworthy is right at the end of Park Ave.  
4 So -- yes, exactly there. So there's an existing two-family  
5 structure, late 1800s construction, with a rear ell addition  
6 and a garage.

7 So the rear ell is -- if you go to the next page?

8 Gives you a little better sense with the site  
9 plan. You can see the Holworthy terrace with 90 Holworthy  
10 and 4 Holworthy terrace, so just to the north of this  
11 parcel, and below it 86 -- 84-86 I believe, which was a  
12 previous division to large, single-unit condos.

13 So next slide?

14 Thank you very much. So there is some slight tree  
15 removal. You can see the calipers there. Steve is going  
16 through the tree ordinance and removal. But you can see  
17 that we're proposing two units; the reconfiguration of 88 in  
18 the front and it would be whatever number we'll come up  
19 with. It's probably -- call it 88.5.

20 So next slide?

21 So although parking is not required off-street  
22 here, we're proposing three off-street parking spaces.

1 We're meeting and exceeding the open space requirements.

2 We're meeting all of the yard setbacks and have basically a  
3 side drive parking between the two units.

4 The entry to the front unit is from the street  
5 front on the sidewalk. The second unit has its primary  
6 entry to the side. And at the rear facing Holworthy, two  
7 separate units; one at the front and one at the lower side.

8 So next slide?

9 Just to illustrate that we meet the open space and  
10 private open space requirements.

11 Next slide?

12 Preliminary landscaping plan. And you can start  
13 to see the unit layout as side-by-side. So unit 1 closest  
14 to the street, party wall, unit 2 behind. Each of these are  
15 approximately 450 square feet per floor plate per unit. 800  
16 and -- just under 900 square feet per floor.

17 So next slide? I have -- so these are existing  
18 conditions. You can skip to the next slide. Thank you.

19 So this gives the proposed floor plans. So you  
20 can see they're very, very simple. Center party wall,  
21 straight run stair, one bedroom and bath layout, top floor  
22 bedroom, shared bath on the second floor. And entry-level

1 kitchen, small living area, small dining area, powder room  
2 closet, and downstairs living area and a small powder room.

3 So this is -- the floor plans for the front unit.  
4 And if we go to the next slide, please?

5 These give the floor plans for the rear two units.  
6 So the ground-floor plan is in the upper left. You can see  
7 the two primary entries.

8 And we have on the second floor a single bedroom  
9 with in-suite bath and closet and laundry, and down below  
10 the lower area is the -- the lower living area.

11 So, again, small kitchen and dining area on the  
12 first floor. So very compact, one-bedroom units here in the  
13 rear. The front are two-bedroom units.

14 Next slide?

15 So these are the proposed elevations for the  
16 reconfiguration of the front unit; again, reviewed and  
17 approved by Cambridge Historic. In red are just the siding  
18 and materials on the list.

19 Next slide?

20 The rear unit is a little bit more contemporary in  
21 feel. Similar materials and coloration, just with more  
22 contemporary window and siding treatment.

1           Next slide?

2           So these photos are a bit off the page. But they  
3 give you a pretty good sense of the existing condition of 88  
4 Holworthy. It's been in disrepair for some time. So part  
5 of this proposal obviously is to spend the necessary funds  
6 to fully redevelop this into two living units.

7           And then next slide?

8           And this is a sampling of the projects, which over  
9 the past 15 to 20 years have all taken advantage of these  
10 lot sizes to create two large, very expensive condo units --  
11 four-bedroom condo units.

12           So 88 Holworthy is looking to make a change from  
13 that pattern. It fits Steve's intentions for his occupation  
14 of the property.

15           And, you know, I'm sensitive to this as really  
16 addressing not only the shortage of units citywide and the  
17 cost of ownership, but also that we're fitting within the  
18 overall unit density and square footage. No major increase  
19 in FAR. Size and scale of the buildings follow the  
20 traditional building pattern here on the street.

21           But we're really looking to provide additional  
22 units, which really provide much-needed housing, that are --

1 you know, possibly within the reach of and more income-  
2 appropriate to a range of Cambridge residents.

3 So I think that the hardship here, as these  
4 require a variance, is really there's a -- you know,  
5 obviously financial cost of rehabilitating the existing  
6 structure.

7 The ability for Steve to be an owner-occupant here  
8 is significantly limited by a two-unit, you know, I think  
9 that number 1 the cost structure really requires an outright  
10 sale of those, not to mention that as a single guy, he  
11 doesn't need a 4000 square-foot, four-bedroom house.

12 So really looking to input from the Board and  
13 discussion on this. But as Steve also mentioned, there's  
14 been really positive reaction for all of his neighborhood  
15 outreach. I believe that there are four or five letters of  
16 support in the file.

17 And it has been a pleasure to work on this project  
18 and see it through. It's been now coming up on four years  
19 that we've been working on this. And so, I'll stop it here,  
20 take questions, and look forward to comments.

21 BRENDAN SULLIVAN: Great. Jim Monteverde, any  
22 questions or comments at this time?

1           JIM MONTEVERDE: Just one question. Can you go  
2 back to the side elevation of the front building?

3           DANIEL ANDERSON: There you go.

4           JIM MONTEVERDE: Can you just -- can -- Daniel,  
5 can you talk about the dormer, its length, Dormer  
6 Guidelines, et cetera?

7           DANIEL ANDERSON: Yeah. So this fully conforms to  
8 the Dormer Guidelines. The overall width -- I think we have  
9 to look at the plans, but I think we're just shy of 15' on  
10 the dormer. The --

11          JIM MONTEVERDE: That's fine. That was my  
12 question. Thank you.

13          DANIEL ANDERSON: Yeah.

14          BRENDAN SULLIVAN: Anything else? No. Anything  
15 else at all?

16          JIM MONTEVERDE: No. Thank you.

17          BRENDAN SULLIVAN: Okay. Andrea Hickey, any  
18 questions, comments?

19          ANDREA HICKEY: Not at the moment. I may ask you  
20 to come back to me. Thank you.

21          BRENDAN SULLIVAN: Okay. You don't have to ask.  
22 I will, probably.

1           ANDREA HICKEY: Okay.

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

4           WENDY LEISERSON: No questions or comments.

5           BRENDAN SULLIVAN: Matina, any questions or  
6 comments at this time?

7           MATINA WILLIAMS: No. I don't think so. I did  
8 have a question that you're putting it -- you're not  
9 conforming with the -- the FMR's not conforming because  
10 you're adding this and it's under -- what, you said under  
11 403 something, 350 or something? I don't remember the  
12 number.

13           DANIEL ANDERSON: Hi, Matina. So for the lot to  
14 be fully confirming --

15           MATINA WILLIAMS: Mm-hm.

16           DANIEL ANDERSON: -- for three, for three units,  
17 it would require a 9000 square-foot lot.

18           MATINA WILLIAMS: Yep.

19           DANIEL ANDERSON: So it's 2500 square feet for the  
20 first 5000 square feet, and an additional 4000 for a third  
21 unit.

22           MATINA WILLIAMS: Mm-hm. Okay. All right. That



1 was my question.

2 DANIEL ANDERSON: Sure.

3 BRENDAN SULLIVAN: All right. Let me open it to  
4 public comment. Any member of the public who wishes to  
5 speak should now click the icon at the bottom of your Zoom  
6 screen that says, "Raise hand."

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

10 STEPHEN NATOLA: Brenda Shannon?

11 BRENDA SHANNON: Hi, yes. I am an owner at number  
12 96 Holworthy Street. And I just have a couple questions.  
13 I'm a little bit confused about what is allowed there now.  
14 Is it just two units that are allowed?

15 And you're short 360 square feet for three units?  
16 So you're actually looking for a variance for two units  
17 above what's allowed? Am I understanding that right?

18 DANIEL ANDERSON: Brenda, yeah. We're asking for  
19 relief for 1.09 units. So you're correct, there's two. A  
20 third would be allowable with an additional 363 square feet.  
21 But we are actually asking for four.

22 The -- as I explained in my presentation, that's

1 really to have units of really a smaller size -- one- and  
2 two-bedroom units, rather than four-bedroom units.

3 And this is essentially the same size and  
4 footprint that a larger, you know, four-unit building -- I'm  
5 sorry, four-bedroom structure -- has a, you know, prevalence  
6 up and down the street. So hope that answers your question.

7 BRENDA SHANNON: Yes. And the other question is  
8 what do you anticipate the price point of these units being?  
9 You mentioned them being affordable, so I'm curious to know  
10 what that is?

11 DANIEL ANDERSON: So I don't know the price point.  
12 I think that Steve's intention at the moment is to own and  
13 provide them as rental properties. So I --

14 STEPHEN SILLARI: Yeah, that's my intention,  
15 Brenda, would be to -- to live in one and rent the others,  
16 like I've been doing across the street for the last 25  
17 years. I have one-bedroom and two-bedroom apartments at 85  
18 Holworthy, and I rent them in the \$2-s. And just around  
19 \$3000 per units.

20 So that's kind of what I'm looking at as far as,  
21 you know, going forward. I mean, the market changes. It  
22 goes up and down, of course, but -- but we're not creating

1 affordable housing per se, but just making smaller units  
2 that would be less expensive to rent or purchase, if that  
3 were the case.

4 BRENDA SHANNON: So -- so what was the range  
5 again? Somewhere in the \$2-s up to \$3000?

6 STEPHEN SILLARI: Yeah. Again, that's what I rent  
7 my apartments across the street for. These would be newer,  
8 right? And a little nicer. So I'm sure it would be a bit  
9 more than that, but you know whatever the market bears for  
10 rent in the West Cambridge area.

11 BRENDA SHANNON: Okay.

12 STEPHEN SILLARI: But I have -- I've increased.  
13 I've been renting across the street for 25 years. And I  
14 have not increased my rents. Like the market has gone up  
15 over the last, you know, few years.

16 My tenants typically stay with me for three, four,  
17 or five years and only move on typically if they're, you  
18 know, getting married or buying a home or something like  
19 that.

20 BRENDA SHANNON: Okay. Thank you.

21 BRENDAN SULLIVAN: Thank you, Shannon.

22 STEPHEN NATOLA: David Mankins?

1           DAVID MANKINS: Hi. I live on Cushing Street. I  
2 have diagonal -- abut diagonally on the northwest corner.  
3 I'm enthusiastically in favor of this project. It looks  
4 great. The -- the area has a plenty of trees. I'm glad to  
5 see Stephen's putting in some more trees, even though he's  
6 taking out a couple.

7           And the area is well served by public transit and  
8 bicycle. So I think the need for -- I think the fact that  
9 there's only three off-street parking spaces is fine too.

10           I think it's great. I'm just -- called in to  
11 express my support.

12           BRENDAN SULLIVAN: Thank you for taking the time.

13           STEPHEN NATOLA: Fara Kahyaoglu?

14           FERAHNAZ KAHYAOGU: Good af -- good evening. I  
15 am Ferah Kahyaoglu, who is the victim of the rich community  
16 in Cambridge. I was promised to be the owner of this  
17 property verbally and written while I lived on this property  
18 to take care of the old property owner, Abul.

19           BRENDAN SULLIVAN: Ms. Kahya, let me -- this is  
20 Brendan Sullivan, the Chair. Let me interrupt. I have read  
21 your submission.

22           FERAHNAZ KAHYAOGU: This is public speech

1 earlier. So you shouldn't interrupt me. I should be able to  
2 talk.

3 BRENDAN SULLIVAN: No, I'm -- I'm just --

4 FERAHNAZ KAHYAOGU: I live this in property and  
5 this current owner throw all my agreements -- bills --

6 BRENDAN SULLIVAN: You'll have up to three minutes  
7 in which to comment.

8 FARAHNAZ KAHYAOGU: -- and he made me homeless.  
9 There is still pending cases at the court for my property  
10 ownership. I am seeking compensations. And I am seeking  
11 for honest attorney to help me. My number is (617) 755-  
12 6990. Please stop this kind of game this current owner is  
13 acting through. Thank you.

14 BRENDAN SULLIVAN: Thank you. Okay. That's the  
15 end of people calling in. I will note that the Board is in  
16 receipt of quite a few letters in support -- from Ron and  
17 Mary Rizzuto, from Duncan MacArthur, who is the owner of 78  
18 Holworthy.

19 There are letters of support from Francis Bingham  
20 -- he's the owner of 84. There is a letter from Andrea  
21 Cioffi, who lives at 89.

22 Also, there is a letter from the Planning Board.

1 And they granted a special permit on this. And some of the  
2 reasoning that they wrote in -- we have to grant a variance;  
3 they granted a special permit -- that they find that the  
4 proposed infill residential uses and increase in housing  
5 units is encouraged by City plans for the area and the  
6 zoning ordinance.

7 The neighborhood generally consists of single-  
8 family and two-family dwellings, and the proposed  
9 development of two detached single-family dwellings would  
10 fit the existing pattern of development.

11 And one of the findings that they made under  
12 Section 19.30 of the proposal is not inconsistent with the  
13 citywide Urban Design objective.

14 The Urban Design objectives are supported in the  
15 proposal with the expansion of the inventory of housing,  
16 improved streetscape appearance and compatibility with  
17 historic patterns of development, minimal environmental  
18 impacts on abutters, and minimal impact on city  
19 infrastructure.

20 And their granting of a special permit goes on  
21 for nine pages. I won't read that, but I thought that was a  
22 couple of salient points to add into the record.

1 I will close public comment part of it and send it  
2 back to Jim. Any questions --

3 JIM MONTEVERDE: No further questions.

4 BRENDAN SULLIVAN: -- at this time? Andrea, any  
5 questions of the petitioner?

6 ANDREA HICKEY: Yeah. I just had a quick question  
7 about the driveway. What's being used for the pavers? Are  
8 they permeable, and why is there gravel in the middle of the  
9 pavers?

10 DANIEL ANDERSON: Hi, so Andrea. Dan Anderson,  
11 the architect. So we are back and forth between permeable  
12 an impermeable pavers. I'd particularly like to have either  
13 grass or gravel break up the drive. Currently those are  
14 proposed as not as permeable.

15 We're more than meeting the permeable area  
16 requirements. So we were providing some permeability as  
17 well as a visual breakup of the drive surface.

18 ANDREA HICKEY: That's fine. That answers my  
19 question. Thank you.

20 BRENDAN SULLIVAN: Wendy Leiserson, any questions  
21 or comments further?

22 ANDREA HICKEY: No questions or comments.

1 BRENDAN SULLIVAN: Matina?

2 MATINA WILLIAMS: No questions or comments.

3 BRENDAN SULLIVAN: Okay. Let me just -- as far as  
4 the submittals, there was a letter from -- I can't think of  
5 the name now, Ms. Kahya -- I'm sorry I'm going to butcher  
6 that -- and also a reply to that from Keith Kenyon -- K-e-n-  
7 y-o-n. Neither one is the matter between -- before the  
8 Board.

9 So it's not pertinent to our consideration. And  
10 as such, I'll enter it into the record. It's in the folder,  
11 but it is not germane to what is before us tonight.

12 Is the Board ready for a motion? Yes?

13 MATINA WILLIAMS: Yes.

14 BRENDAN SULLIVAN: Let me make a motion, then, to  
15 grant the relief requested as per the application, the  
16 drawings, dimensional form, as by Daniel Anderson, Anderson  
17 Porter Design, and initialed by the Chair.

18 The Board finds that a literal enforcement of the  
19 provisions of the ordinance would involve a substantial  
20 hardship to the petitioner because it would preclude the  
21 petitioner from rehabilitating, refurbishing the existing  
22 structure, and also being able to build a modest, two-family



1 home in the back yard -- the extensive back yard -- which is  
2 getting to be quite consistent with the pattern in the  
3 neighborhood.

4 That the development of additional housing is an  
5 asset and greatly encouraging by the City policymakers, and  
6 that the proposal before us goes to those aims of the City  
7 policy.

8 The Board finds that the hardship is owing to the  
9 shape of the lot; also the siting of the existing house on  
10 the lot, what is quite forward in leaving a very large,  
11 expansive back yard, which is greatly underutilized; can be  
12 put to a better use by building a couple of smaller-scale  
13 residential units and that the fact that the existing house  
14 was built prior to the enactment of the existing zoning  
15 ordinance, and as such is encumbered by it and creates a  
16 hardship on any property owner who would own this locus.

17 The Board finds that desirable relief may be  
18 granted without substantial detriment to the public good.  
19 The Board notes the letters of support from abutters in  
20 favor of the proposal.

21 The Board notes the special permit granted by the  
22 Planning Board and the special language on their granting of

1 the special permit.

2 And the Board finds that the proposal improves the  
3 overall quality of the existing nonconforming building and  
4 restores it to a conforming status.

5 The Board finds that desirable relief may be  
6 granted without nullifying or substantially derogating from  
7 the intent and purpose of the ordinance, which allows this  
8 Board to grant what it deems to be a reasonable development  
9 and adequate use of lots within the city.

10 And the Board also notes the project has received  
11 both Planning Board, special permit approval, and approval  
12 from the Cambridge Historical Society.

13 On the motion, then, to grant the relief requested  
14 as per the application, Jim Monteverde?

15 JIM MONTEVERDE: In favor.

16 BRENDAN SULLIVAN: Andrea Hickey?

17 ANDREA HICKEY: Yes, in favor.

18 BRENDAN SULLIVAN: Wendy Leiserson?

19 WENDY LEISERSON: Yes, in favor.

20 BRENDAN SULLIVAN: Matina Williams?

21 MATINA WILLIAMS: Yes, in favor.

22 BRENDAN SULLIVAN: And Brendan Sullivan yes.

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[All vote YES]

BRENDAN SULLIVAN: Five affirmative votes; the variance is granted. Good luck with it.

DANIEL ANDERSON: Board members, thank you very much.

STEPHEN SILLARI: Thank you so much, everybody. Appreciate it.

1 \* \* \* \* \*

2 (8:25 p.m.)

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

6 BRENDAN SULLIVAN: I'm going to at the Chair's  
7 discretion call Case No. 197491 -- 283 Washington Street.

8 Mr. Luna, are you there? Yep, okay.

9 JOSEPH LUNA: Yes, I am.

10 BRENDAN SULLIVAN: All right. If you walk us  
11 through it?

12 JOSEPH LUNA: Okay. Thank you again for  
13 accommodating my schedule. Okay, this is a fairly  
14 straightforward project. The project involves replacement  
15 of an existing concrete stair to an existing three-unit  
16 building located at 280 Washington Street. I'm here  
17 representing my clients, David Krikorian and Kristien  
18 Creamer, who own the building.

19 I want to point out if you look at the site plan  
20 the existing stairway actually encroaches over the property  
21 line onto the city-owned sidewalk by just over a foot. You  
22 can see that in the light gray below the property line, and

1 then the proposed.

2           The existing stairway does not meet current code  
3 for either a one- and two-family house, but definitely not  
4 for an R2 multifamily. I'll cover that a little bit more.

5           So right now it's a liability to my client in  
6 terms of the safety of the occupant inside there. And it's  
7 a liability to the City and the fact that the stair is  
8 encroaching on City property.

9           For a one- to two-family stair, the maximum rise  
10 and minimum tread size is 8.25 riser and 9" tread. However,  
11 because this is a three-family, it kicks it into a  
12 multifamily R2 use group, which has more stringent  
13 requirements for rise and run of the stair, which is 7"  
14 maximum rise, and an 11" minimum tread.

15           Given the fact that the noncompliant stair is  
16 already over the property line, the only solution, then, is  
17 to demolish this in full and construct the stair in a  
18 perpendicular direction to its current orientation parallel  
19 with the property line and the street. If you pull up the  
20 drawings, please? Or our drawings?

21           There you see how the current layout of the stair  
22 is now.

1           Next drawing?

2           And how the stair has to be modified with a new  
3 landing, and then turned perpendicular, pushed as tight as  
4 we can against the existing house. We have to maintain 3'  
5 clear egress width on this as well, but still hold it off of  
6 the property line.

7           As part of the work, the physical existing porch  
8 will be rebuilt in its entirety. A new platform, in order  
9 to turn the stair perpendicular, and again just keep it off  
10 of the property line and also keeping the footings from  
11 encroaching underneath property line as well. So we're not  
12 looking for any subterranean rights in order to construct  
13 this.

14           This is the only solution that works in order to  
15 address this from a life safety standpoint.

16           Again, let's go to the existing photos, if you  
17 could scan further down the presentation? There you go.

18           You can see the unevenness of the stairs. You've  
19 got a mix of rise and run. There's no consistency on this.  
20 This will be, again, removed in its entirety and constructed  
21 a new platform all the way back to the existing house.

22           We believe due to the site's shape, the proximity

1 of the property to the lot line and the fact that the stair  
2 as currently installed is a liability both to my client and  
3 to the City. We feel that there's relevant hardship here in  
4 order to request the needed variance relief for the front  
5 yard.

6 BRENDAN SULLIVAN: Okay. Jim Monteverde, any  
7 questions, comments?

8 JIM MONTEVERDE: No questions.

9 BRENDAN SULLIVAN: Andrea Hickey?

10 ANDREA HICKEY: I have nothing, Mr. Chair.

11 BRENDAN SULLIVAN: Wendy Leiserson?

12 WENDY LEISERSON: No questions or comments.

13 BRENDAN SULLIVAN: Matina Williams?

14 MATINA WILLIAMS: No questions or comments.

15 BRENDAN SULLIVAN: I have nothing to add. I think  
16 the picture tells it all. Let me open it to public comment.  
17 Any member of the public who wishes to speak should now  
18 click the icon at the bottom of your Zoom screen that says,  
19 "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.

22 STEPHEN NATOLA: David Krikorian?

1           DAVID KRIKORIAN: Hi. I moved into this house in  
2 1996. I don't currently live there, but as a former  
3 resident type of neighborhood, there's one more hardship  
4 that this alleviates that I would like to point out.

5           The photo that is up now; you see that there's the  
6 shadow of the sign. And to the left of it is the shadow of  
7 a telephone pole.

8           That squeeze between the telephone pole and the  
9 fence -- I mean "squeeze" is a bit of a stretch, no pun  
10 intended -- but that gap is not wide enough for easy  
11 transit, especially when snow builds up and such.

12           And so, pulling back the stairs and removing that  
13 piece of fence I think will be a significant benefit to the  
14 neighborhood right there. that is all.

15           BRENDAN SULLIVAN: All right. Thanks, David.  
16 There is nobody else calling in. I will close public  
17 comment portion. Joe, I don't think there's anything else  
18 possibly to rebut, so --

19           JOSEPH LUNA: I -- it's a pretty straightforward  
20 project, yes.

21           BRENDAN SULLIVAN: Are members of the Board ready  
22 for a motion?



1           JIM MONTEVERDE: Ready.

2           BRENDAN SULLIVAN: Let me make a motion, then, to  
3 grant the relief requested as per the application, the  
4 drawings, dimensional forms, supporting statements for Case  
5 No. 197491.

6           The Board finds that a literal enforcement of the  
7 provisions of the ordinance would involve a substantial  
8 hardship to the petitioner and the occupant or any person  
9 visiting the site, because the fact that the existing stair  
10 is a liability to the applicant and potential liability to  
11 the City, as it encroaches on City-owned property, and that  
12 the proposal before us is to remedy that situation.

13           The Board finds that the hardship is owing to the  
14 size and shape, and also the location of the existing  
15 structure, which predates the existing ordinance, and also  
16 predates the existing building code regarding stairways and  
17 as such is encumbered by the same when having to remedy this  
18 particular situation.

19           The Board finds that the proposal before us is a  
20 fair and logical solution to the project, does require some  
21 relief from the Board, and the Board finds that the granting  
22 of this relief to allow for the new stair is a fair and

1 reasonable request.

2           The Board finds that desirable relief may be  
3 granted without substantial detriment to the public good; in  
4 fact it would be enhanced by building a code-compliant  
5 stair.

6           The Board finds that desirable relief may be  
7 granted nullifying or substantially derogating from the  
8 intent and purpose of this ordinance or nullifying or  
9 substantially derogating from the intent and purpose of the  
10 ordinance, which empowers this Board to grant variances from  
11 the ordinance where it finds that the relief being requested  
12 is a fair and reasonable one, and in this case is also a  
13 safety for any occupant of the structure, and also anyone  
14 visiting the structure.

15           On the motion, then, to grant the variance as per  
16 the application, Jim Monteverde?

17           JIM MONTEVERDE: In favor.

18           BRENDAN SULLIVAN: Andrea Hickey?

19           ANDREA HICKEY: Yes, in favor.

20           BRENDAN SULLIVAN: Wendy Leiserson?

21           WENDY LEISERSON: In favor.

22           BRENDAN SULLIVAN: Matina Williams?

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MATINA WILLIAMS: In favor.

BRENDAN SULLIVAN: And Brendan Sullivan in favor.

[All vote YES]

BRENDAN SULLIVAN: Five affirmative votes; the variance is granted.

DAVID KRIKORIAN: Okay, thank you, Board, for accommodating my schedule. Have a good evening.

BRENDAN SULLIVAN: Okay.

1 \* \* \* \* \*

2 (8:34 p.m.)

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

6 BRENDAN SULLIVAN: Back to Hubbard Park Road.

7 Case No. 213260. Mr. Wiggins?

8 [Pause]

9 Michael?

10 WENDY LEISERSON: Mr. Chair?

11 BRENDAN SULLIVAN: Yes.

12 WENDY LEISERSON: Just for the record, Mr. Wiggins  
13 is my personal attorney in non-zoning-related matters, and I  
14 have no interest in this case and feel that I can hear it  
15 objectively.

16 BRENDAN SULLIVAN: Good. Okay, well thank you.  
17 Any other member of the Board object to Ms. Leiserson  
18 sitting on this matter?

19 ANDREA HICKEY: No.

20 BRENDAN SULLIVAN: No?

21 MATINA WILLIAMS: No.

22 BRENDAN SULLIVAN: Okay. Michael, you're --

1           MICHAEL WIGGINS: Yes. I'm -- can you hear me  
2 now?

3           BRENDAN SULLIVAN: Yes.

4           MICHAEL WIGGINS: Okay. I'm sorry. I'm trying to  
5 start the video here, but I -- see if that will work. It  
6 should. Maybe you can't see me.

7           BRENDAN SULLIVAN: well, we can hear you, so.

8           MICHAEL WIGGINS: Okay. Fine. So I'm here this  
9 evening representing Daniel and Hilary Rasmussen, the owners  
10 at 8 Hubbard Park.

11                   And with me tonight is Colin McGovern of the  
12 architectural firm of Charles Myer & Associates. And he's  
13 going to go walk you through the relief.

14                   It's a very simple project that we need relief  
15 for. The dimensional -- there are no dimensional violations  
16 he. What we're doing is replacing on the top floor a  
17 dormer.

18                   And so, just looking at these two-dimensional  
19 charts before and after, you'll see we're not doing any  
20 dimensional violations at all, we're only going to the --  
21 just going to on the third floor.

22                   And if you could please refer me to sheets 21 and

1 24, which are the before and after elevations on the eastern  
2 side, that would be helpful because I can get you right to  
3 the actual dormer that we're looking that. So first would  
4 be X.2.2, which is the existing eastern elevation.

5 To go -- oh, those are still vertical. Let's see,  
6 they're -- let's see, that's the, that's the proposed. And  
7 if you're looking at -- as you look at, and then the X.2.2  
8 is the existing. Yep. There's the existing dorm, dormer.

9 It's the right dormer as you're looking at that  
10 elevation. And we're not enlarging that. We're not  
11 changing the floor area at all; it's only going to be a  
12 change to the roof structure over that dormer.

13 And the reason we need that relief is that the  
14 existing building is a bit over the maximum height. So  
15 that's a prior nonconforming situation. So this is the  
16 existing, and then 8.2.2 is going to be the proposed.

17 And -- there it is.

18 And so, what I'd like to do is turn it over to  
19 Colin, and he can explain to you the reasoning behind this  
20 change and why we're asking for this relief.

21 COLIN MCGOVERN: Hi. I'm Colin McGovern. Like  
22 Michael said: Charles Myer & Partners; we're the

1 architects.

2           Just building on what Mike just said, yeah, this  
3 is a preexisting, nonconforming based on the building  
4 height. And you can actually see that max building height  
5 sort of cutting right through the middle of the proposed  
6 roof on the new dormer, just for reference there.

7           If you want to scroll back to the previously  
8 existing that would be great, thanks.

9           Basically, we are keeping the dormer walls as is.  
10 So basically, what you're looking at is essentially a bay  
11 form that is a perpendicular wall to the view and two 45s  
12 that were turned back to the roof, the existing roof, with a  
13 gable dormer on top of that. And we can look at a picture  
14 of that in a minute.

15           But basically the idea is to rip off just the  
16 roof, replace it with what we're sort of calling a turret  
17 style, which is a multifaceted plane -- you know, peak roof  
18 that comes to one point instead of a gable ridge that  
19 returns back to the roof.

20           We're not asking for any more height. That's --  
21 the proposed height would actually match the existing  
22 height.

1           And the other thing we'd be doing was to add a  
2 window in that perpendicular face.

3           So now you can scroll down to the next page, and  
4 you'll see exactly what I'm talking about. So that's the  
5 proposed.

6           Again, going from a gable roof to this turret  
7 style, of which there's one on the other side, on the  
8 opposite elevation as well.

9           So of all the work that we're doing on this house  
10 -- we're doing quite a bit -- this is the only thing that  
11 would require relief. And again, based on the max building  
12 height.

13           And then if you wanted to go to -- down to the  
14 photos, I have it as Sheet 29, but I'm not sure if they're  
15 in the same order as what I'm looking at. It would be --  
16 yeah, there you go. I think you went right by it. Yeah.

17           So this is the dormer in question. So there is  
18 the existing sort of gable roof for the dormer sitting on  
19 top of what we're calling a "bay" -- bay style sort of wall  
20 configuration. Remove that roof and, you know, just  
21 reconfigure it to a sort of spire or turret-style roof.

22           Okay, and I think that's about as much as I can



1 say about it. If anybody has any questions, just let me  
2 know. Thank you.

3 BRENDAN SULLIVAN: Yep. Okay. Jim Monteverde,  
4 any questions?

5 JIM MONTEVERDE: Hi. Can you show the roof plan,  
6 please?

7 MICHAEL WIGGINS: The roof plan is --

8 JIM MONTEVERDE: Are there --

9 MICHAEL WIGGINS: -- 1.4.

10 JIM MONTEVERDE: -- yeah, my question: Are there  
11 other dormers that are being added?

12 MICHAEL WIGGINS: Yes.

13 JIM MONTEVERDE: They don't require any relief?

14 MICHAEL WIGGINS: Correct. They're all much --

15 JIM MONTEVERDE: They're all as of, right?

16 MICHAEL WIGGINS: Correct. Yeah. They're all  
17 underneath the 35-foot max building height. Yeah.

18 JIM MONTEVERDE: Well, not height but they also  
19 don't add any area. You don't need relief, any reason for  
20 any of those other dormers?

21 MICHAEL WIGGINS: No. No. This is it.

22 JIM MONTEVERDE: Okay.

1           MICHAEL WIGGINS: That's the existing roof plan  
2 that we're --

3           JIM MONTEVERDE: Thank you.

4           BRENDAN SULLIVAN: Andrea Hickey, any questions,  
5 comments?

6           ANDREA HICKEY: Not at the moment, Mr. Chair.

7           BRENDAN SULLIVAN: Wendy Leiserson?

8           WENDY LEISERSON: No questions or comments.

9           BRENDAN SULLIVAN: Matina Williams?

10          MATINA WILLIAMS: No questions or comments at this  
11 time.

12          BRENDAN SULLIVAN: And I don't have any either.  
13 Let me open it to public comment. Any member of the public  
14 who wishes to speak should now click the icon at the bottom  
15 of your Zoom screen 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 will have up to three minutes in which to comment.

19                 [Pause]

20                 There appears to be nobody calling in. We are --  
21 have no communications sent to the Board, so I will close  
22 the public comment portion of the hearing.

1 Anything else to add?

2 MICHAEL WIGGINS: Just --

3 BRENDAN SULLIVAN: Members of the Board ready for  
4 a motion? Okay. Any other --

5 MATINA WILLIAMS: Yes.

6 BRENDAN SULLIVAN: -- questions? No? Let me make  
7 a motion, then, to grant the special permit for the  
8 alteration of the preexisting, nonconforming gable dormer.  
9 And the Board finds that relief under 8.22.d is warranted,  
10 because they are not increasing or establishing any new  
11 nonconformity.

12 Under 8.22.d, the Board finds that in all  
13 districts, it may grant a special permit for the alteration  
14 or enlargement of a preexisting dimensionally nonconforming,  
15 detached single-family dwelling or two-family dwelling not  
16 otherwise permitted in Section 8.22.1 above, but not the  
17 alteration or enlargement of a preexisting, nonconforming  
18 use.

19 Provided that there is no change in use, and that  
20 any enlargement or alteration of such preexisting,  
21 nonconforming detached single-family dwelling or two-family  
22 dwelling may only increase a preexisting dimensional

1 nonconformity but does not create a new dimensional  
2 nonconformity.

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

9 In 10.43, it appears that the requirements of the  
10 ordinance can be met.

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

14 The Board finds that continued operation of or  
15 development of adjacent uses, as permitted in the Zoning  
16 Ordinance, would not be adversely affected by the nature of  
17 the proposed use, and the Board is -- how do you say "in  
18 receipt of": No, that's like a double negative -- is not in  
19 receipt of any communication from abutters, stating that  
20 they would be adversely affected.

21 The Board finds that there would not be any  
22 nuisance or hazard created to the detriment of the health,

1 safety and/or welfare of the occupant of the proposed use or  
2 to the citizens of the city.

3 That the proposed use would not impair the  
4 integrity of the district or adjoining district, or  
5 otherwise derogate from the intent and purpose of the  
6 ordinance to allow homeowners to make adjustments to their  
7 living quarters.

8 And in this instance under 8.22.d, that they're  
9 increasing a nonconformity, but not establishing any new  
10 nonconformity, and so, can seek protection under the special  
11 permit aspect.

12 On the motion, then, to grant the special permit  
13 as per the application, the drawings initialed by the Chair,  
14 and supporting statements, Jim Monteverde?

15 JIM MONTEVERDE: In favor.

16 BRENDAN SULLIVAN: Andrea Hickey?

17 ANDREA HICKEY: Yes, in favor. Sorry.

18 BRENDAN SULLIVAN: Wendy Leiserson?

19 WENDY LEISERSON: Yes, in favor.

20 BRENDAN SULLIVAN: Matina Williams?

21 MATINA WILLIAMS: Yes, in favor.

22 BRENDAN SULLIVAN: And Brendan Sullivan yes.

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[All vote YES]

BRENDAN SULLIVAN: Four -- five affirmative votes;  
the special permit is granted.

MICHAEL WIGGINS: Thank you, Mr. Chairman.

BRENDAN SULLIVAN: Yep.

JOSEPH LUNA: Thank you.

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(8:46 p.m.)

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

BRENDAN SULLIVAN: The Board will hear Case No.  
214850 -- 7 Shepard Street.

[Pause]

7 Shepard Street?

JIM MONTEVERDE: There we go.

JESSICA SNARE: Sorry.

JIM MONTEVERDE: Here you go.

BRENDAN SULLIVAN: There we go.

JESSICA SNARE: I somehow came on as a guest, not  
a panelist. And I had to change it. Sorry.

BRENDAN SULLIVAN: Okay. If you could introduce  
yourself for the record?

JESSICA SNARE: Sure. My name is Jessica Snare,  
and I am with Spring Hill Design in Somerville -- 158  
Central Street in Somerville. I am representing my client,  
Alison Gant, at 7 Shepard Street in the zoning district  
Residential B.

1 Alison bought this home recently and has plans to  
2 move in next month. The building has a front three-story  
3 portion and a rear portion that is 1.5 stories.

4 And it's the rear portion that is currently fitted  
5 out as a bathroom and a laundry room. And it's this area  
6 with current ceiling heights from 6'9" down to 4' high where  
7 my client would like to upgrade the bathroom and laundry  
8 area to meet dimensions suitable for usable space.

9 The date of this lovely home is 1854. The site  
10 conditions are very narrow, dan the setbacks and the  
11 building height and lot area and the FAR calculations are  
12 existing nonconforming.

13 The noncomplying items, including dimensional  
14 existing nonconformity -- Article -- and subsequently  
15 nonconformance definitions - Article 8 - and Article 10 for  
16 a variance petitions.

17 The home is side-by-side two family on separate  
18 lots. Therefore, an attached single-family. And it is our  
19 understanding that it is this detail, aside from the  
20 existing nonconforming dimensions, that is triggering the  
21 petition for a variance in lieu of a special permit.

22 The dormer is, in my opinion, in compliance with



1 the Design Guidelines for roof dormers prepared by the  
2 Cambridge Board of Zoning Appeal. It is dropped 12" from  
3 the existing ridgeline. It is set back more than 42" from  
4 the sides of the roof structure, and it is proposed to be  
5 15' wide.

6 By allowing my client to proceed with the dormer,  
7 she will be able to update the interior space to meet  
8 current expectations and dimensional minimums without  
9 furthering any of the existing nonconforming bylaws, other  
10 than increasing her FAR from 0.69 to 0.71, which is less  
11 than 1 percent.

12 And I'm glad to walk through the drawings and  
13 answer questions.

14 BRENDAN SULLIVAN: Yeah. I have one question. If  
15 we -- Stephen, if you could pull up, I guess Sheet 2, the  
16 proposed dormer, and so there is sort of a plan, now we have  
17 equal, equal, and then 3'8" and then 3'8" --

18 JESSICA SNARE: Oh I -- yeah, I --

19 BRENDAN SULLIVAN: Now --

20 JESSICA SNARE: The equal, equal add up to 15. I  
21 had inadvertently left that out, and it was submitted later  
22 as part of -- into the portal as 15'.

1 BRENDAN SULLIVAN: So that's at 15'?

2 JESSICA SNARE: Yes.

3 BRENDAN SULLIVAN: Okay. Because if we go to  
4 Sheet 5 in plan, it just seems that -- correct. Somehow, I  
5 can't see how that -- what's in plan and elevation is the  
6 same.

7 Can you see that, Jim?

8 JIM MONTEVERDE: Go back to the plan for a second?

9 BRENDAN SULLIVAN: That was the space -- say the  
10 space from the window -- the edges of window to the edge of  
11 the dormer, okay, is shown in elevation.

12 Now if you go to Sheet 2, it appears that the --  
13 you can pull up Sheet 2, Steve. Right there, if you see the  
14 space from the windows, it is not consistent with what is --

15 JIM MONTEVERDE: Right, yeah.

16 BRENDAN SULLIVAN: Or am I --

17 JESSICA SNARE: Hm.

18 JIM MONTEVERDE: No. it just -- it seems a little  
19 bit off, yeah.

20 JESSICA SNARE: It's -- it might be a little off.  
21 It -- I originally was going to have a 16' dormer, and we  
22 realized we didn't need it. I was originally going to ask

1 for the extra foot, but we realized we didn't need it. So  
2 if you can apply the 15' as --

3 BRENDAN SULLIVAN: Okay.

4 JESSICA SNARE: -- as the --

5 BRENDAN SULLIVAN: All right. So I'm marking up  
6 the plan that shows 15'. Okay.

7 JIM MONTEVERDE: And I think similarly on this  
8 sheet, you're detailing the upper left that shows the -- how  
9 the dormer is held down from the ridge; this elevation.  
10 That same elevation on Sheet 5 doesn't give you the same  
11 impression, I think. But you cover it in the detail.

12 JESSICA SNARE: Yeah. I also learned about the  
13 Dormer Guidelines a little bit further into the project,  
14 just like the previous person today.

15 JIM MONTEVERDE: Yep.

16 JESSICA SNARE: I do agree it's slightly more  
17 difficult to achieve, but -- and part of the reason for  
18 readjusting, which -- this doesn't go into the dormer  
19 application, it's an aside -- that currently the attic, the  
20 tiny space up above the ceilings is open to the adjacent  
21 property.

22 And, you know, by installing a one-hour fire-rated

1 wall increases the safety of each of these people. So that  
2 is also another reason for getting up in there.

3 JIM MONTEVERDE: Good.

4 BRENDAN SULLIVAN: Okay. Jim, anything?  
5 Questions?

6 JIM MONTEVERDE: No. No questions. Thank you.

7 BRENDAN SULLIVAN: All right. Andrea Hickey, any  
8 questions, comments? Yeah.

9 ANDREA HICKEY: I just wanted to ask about  
10 ownership of the two sides of this house. So do I  
11 understand correctly that there's sort of three simple  
12 attached kind of outhouses with separate sort of lots --  
13 separate sort of owners, separate chains of title?

14 JESSICA SNARE: Is there a site plan that might  
15 help? The house doesn't look like a normal two-family. It  
16 looks like a home -- you know, that was divided, but it's  
17 always been. And the ridge actually goes parallel to  
18 Shepard Street for the three-story portion in the front.

19 ANDREA HICKEY: Right.

20 JESSICA SNARE: -- and then switches to the -- a  
21 perpendicular. And I have never come across that situation  
22 where the property on the other side isn't part of the same

1 piece of property. And it's going to present some delicacy  
2 during construction.

3 ANDREA HICKEY: Other than the assessor's map, is  
4 there a plan that shows a little more fully Number 9, or --

5 JESSICA SNARE: No, it's a completely different  
6 owner and --

7 ANDREA HICKEY: Right.

8 JESSICA SNARE: His -- property.

9 ANDREA HICKEY: Right. But the building is  
10 attached, right? So 7 and 9 are attached?

11 JESSICA SNARE: Yes.

12 ANDREA HICKEY: And they each have their own lot?

13 JESSICA SNARE: Yes.

14 ANDREA HICKEY: And they're not -- at least  
15 presently -- under common ownership? They're separately  
16 owned?

17 JESSICA SNARE: Separately owned.

18 ANDREA HICKEY: Okay.

19 JESSICA SNARE: I believe Number 9 has more land,  
20 because she has parking in the back -- you know, coming from  
21 Shepard Street.

22 ANDREA HICKEY: Okay.

1           JESSICA SNARE: Whereas my client has parking  
2 coming from Hudson Street.

3           ANDREA HICKEY: Already. That's all I have, Mr.  
4 Chair. Thank you, Ms. Snare.

5           JESSICA SNARE: Thank you.

6           BRENDAN SULLIVAN: All right. Wendy Leiserson,  
7 any questions, comments?

8           WENDY LEISERSON: No questions.

9           BRENDAN SULLIVAN: Matina Williams, any questions,  
10 comments?

11          MATINA WILLIAMS: No questions.

12          BRENDAN SULLIVAN: Let me open it to public  
13 comment. Any member of the public who wishes to speak  
14 should now click the icon at the bottom of your Zoom screen  
15 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.

18                 [Pause]

19                 There's nobody calling in. We are --

20                 STEPHEN NATOLA: Alison Gant?

21                 [Pause]

22                 BRENDAN SULLIVAN: No?

1           ALISON GANT: I'm sorry. For some reason -- this  
2 is Alison Gant, I'm the owner of 7 Shepard -- but the person  
3 who is going to speak is my next-door neighbor, Clare Rager.  
4 So I don't know why, but she's labeled with my name.

5           CLARE RAGER: That's not weird at all. Apologies,  
6 everyone.

7           BRENDAN SULLIVAN: Okay.

8           CLAIRE RAGER: Hi. This is Claire Rager. I'm the  
9 owner of 5 Shepard Street, Unit 4, next door. I'm also here  
10 with the proxy of 5 Shepard Street Unit 2, who wasn't able  
11 to join tonight due to her work conflict, but she wants me  
12 to convey her thoughts as well.

13           We're jointly in support of the project. The  
14 dormer's going to face directly into my bedroom and my  
15 children's bedroom, so I think if anyone has a right to be  
16 annoyed about it, it would be me, and we think this is such  
17 a meaningless variance for anyone living outside the  
18 property and schedule an -- just increase in quality of  
19 living of the person living inside the property that there's  
20 no reason to contest it.

21           So we don't think it's going to impact our  
22 adjoining properties at all. It doesn't affect the

1 character of the neighborhood; it doesn't increase the  
2 footprint of the house. We're on board and we support it.

3 BRENDAN SULLIVAN: Thank you.

4 CLAIRE RAGER: Thank you.

5 BRENDAN SULLIVAN: Okay. There is correspondence  
6 from Bhupesh Patel to the Board of Zoning Appeal.

7 "As neighbors at 3 Bowdoin Street, we are located  
8 behind the property in question, and we can see the rear  
9 addition where the dormer is to be added.

10 "We have been in the neighborhood for 19 years,  
11 know the property well. The side elevation abuts a large  
12 side-by-side property. That has been converted into  
13 multiple units.

14 "We support the variance for its disciplined  
15 massing and considerate placement relative to the latter  
16 comment regarding the abutting property's expansion. It  
17 also has a minimal sun effect due to the size and the  
18 surrounding tree canopies.

19 "Sincerely,

20 "Bhupesh Patel and Nancy Kramer, 3 Bowdoin  
21 Street."

22 And that is the sum and substance of any



1 correspondence. I will close public comment part. Any  
2 questions by any members of the Board, or are we ready for a  
3 motion for a motion?

4 JIM MONTEVERDE: Ready.

5 BRENDAN SULLIVAN: Let me make a motion, then, to  
6 grant the relief requested, which is a variance, to add a  
7 dormer at the rear of the house.

8 The Board finds that a literal enforcement of the  
9 provisions of the ordinance would involve a substantial  
10 hardship to the petitioner because it would preclude the  
11 petitioner from being able to add a much-needed dormer to  
12 allow for some increased interior space, utilize some  
13 underutilized space, and that the addition of the dormer  
14 would be a great asset to anyone living in the property.

15 The Board finds that the hardship is owing to the  
16 size of the structure, and the location of the structure on  
17 the lot, which predates the existing zoning ordinance, and  
18 as such is encumbered by the existing ordinance, so as such  
19 that any improvement, addition of this nature the Board  
20 finds which would be a fair and reasonable request would  
21 require some relief from the ordinance.

22 The Board finds desirable relief may be granted

1 without substantial detriment to the public good. The Board  
2 finds that the location of the dormer would actually not  
3 have any effect on any really surrounding properties, and  
4 that there would not be any detriment to the public.

5 The Board finds that desirable relief may be  
6 granted without nullifying or substantially derogating from  
7 the intent and purpose of the ordinance to allow homeowners  
8 to increase the usability of livable space in the existing  
9 structure, an old structure that is built before the  
10 enactment of the zoning, and that the requested relief the  
11 Board finds is a fair and reasonable development, and  
12 further extends the intent of the ordinance to provide for  
13 housing of people of all income levels, and also for housing  
14 for families.

15 On the motion, then, to grant the variance, Jim  
16 Monteverde?

17 JIM MONTEVERDE: In favor.

18 BRENDAN SULLIVAN: Andrea Hickey?

19 ANDREA HICKEY: Yes, in favor.

20 BRENDAN SULLIVAN: Wendy Leiserson?

21 WENDY LEISERSON: In favor.

22 BRENDAN SULLIVAN: Martina Williams?

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MATINA WILLIAMS: In favor.

BRENDAN SULLIVAN: And Brendan Sullivan in favor.

[All vote YES]

BRENDAN SULLIVAN: The variance for the dormer is granted.

JESSICA SNARE: Thank you. Thank you very much.

1 \* \* \* \* \*

2 (9:00 p.m.)

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

6 BRENDAN SULLIVAN: The Board will now hear Case  
7 No. 214163 -- 2-4 Goodman Road, Unit 1.

8 Goldie Eder?

9 We are in receipt of correspondence.

10 "To Ms. Pacheco,

11 I am writing a request to request a continuance  
12 for an upcoming hearing before the Board of Zoning Appeals  
13 for a special permit to renovate our front steps.

14 "I understand that I must file a new special  
15 permit application prior to the rescheduled hearing date.  
16 Thank you for your understanding. Please feel free to  
17 contact me with any further questions or concerns."

18 There appears to be some sort of a dimensional  
19 irregularity in the original application, and as such has to  
20 be amended, hence the request for the continuation.

21 So I'm going to make a motion, then, to continue  
22 this matter until June 15 as a case not heard on the

1 condition that the petitioner change the posting sign to  
2 reflect the new date of June 15, 2023 and the time at 6:00  
3 p.m.

4 That any new submittals not currently in the file  
5 regarding the dimensional form, supporting statements or  
6 plans be in the file by 5:00 p.m. on the Monday prior to the  
7 June 15, 2023 hearing.

8 On the motion, then, to continue this matter until  
9 June 15, 2023, Jim Monteverde?

10 JIM MONTEVERDE: In favor.

11 BRENDAN SULLIVAN: Andrea Hickey?

12 ANDREA HICKEY: Yes, in favor.

13 BRENDAN SULLIVAN: Wendy Leiserson?

14 WENDY LEISERSON: Yes, in favor.

15 BRENDAN SULLIVAN: Matina Williams?

16 MATINA WILLIAMS: In favor.

17 BRENDAN SULLIVAN: And Brendan Sullivan yes.

18 [All vote YES]

19 BRENDAN SULLIVAN: Five affirmative votes; this  
20 matter is continued to June 15, 2023 at 6:00 p.m.

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1 \* \* \* \* \*

2 (9:02 p.m.)

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

6 BRENDAN SULLIVAN: The Board will now hear Case  
7 214367 -- 1043-1059 Cambridge Street. Mr. Heffernan or  
8 Lyons?

9 [Pause]

10 Okay. Mr. Heffernan? I think you may be on mute.

11 DAVID LYONS: Good evening, everybody.

12 BRENDAN SULLIVAN: There we go.

13 DAVID LYONS: Can you hear me?

14 BRENDAN SULLIVAN: Oh, David Lyons? Okay.

15 DAVID LYONS: Yes. Good evening, everybody.  
16 Sorry about that. I was on as a viewer, not as a panelist.  
17 My apologies.

18 So my name is David Lyons. I'm an attorney at  
19 Rich May here with the applicant team joined by a number of  
20 folks. Brendan Willis of Utile design is going on to take  
21 the lead here in presenting. So take it away, Brendan.

22 PAWEL HONC: David, I could just jump in here, a

1 quick note?

2 DAVID LYONS: Yeah.

3 PAWEL HONC: My name is Pawel Honc with Astro  
4 Ventures, Project Manager for the development team. Just  
5 want to thank the City and the Commissioners for having us  
6 this evening.

7 Our -- as you know, our project is currently under  
8 construction. The project is progressing very well. We're  
9 anticipating completion towards the end of the summer, so  
10 construction is moving along at a rapid pace.

11 With me tonight I have our architect team Utile,  
12 Brendan Willis and Michael Wank (phonetic). And I'll pass  
13 it over to them to take over the presentation. Thank you  
14 for your time and consideration this evening.

15 BRENDAN WILLIS: Hello, members of the Board.  
16 Thank you for your time. I'm Brendan Willis, an architect  
17 with Utile here in Boston.

18 The project was previously approved for zoning  
19 relief to allow elevator access to the roof, so that all the  
20 roof decks could be accessible to persons with disabilities.

21 If you go the next slide, it will show a roof  
22 plan.

1           And next?  Yep, right there.

2           So this was the previous approved plan.  The  
3 project is now in construction.  Due to procurement reasons  
4 and the long lead times of a weatherproof elevator, we've  
5 been required to look at elevator manufacturers that would  
6 require a vestibule at the elevator door, which is shown  
7 here.

8           It's highlighted -- the leader is highlighted in  
9 yellow pointing to the vestibule outside the previously  
10 approved elevator stop.

11           Upon further consideration, we also realized that  
12 this would allow us to provide a more comfortable and  
13 pleasant experience for anybody in a wheelchair that they  
14 might have a conditioned space to wait while the elevator  
15 arrives.

16           Upon realizing we would need to make this change;  
17 we brought it to ISD to determine that this was consistent  
18 the previously approved relief for the building height.

19           This does not add anything to the gross floor area  
20 of the building, as the unenclosed roof decks already count  
21 towards that.  ISD had requested that we come before -- that  
22 we bring this issue before the BZA.



1           The vestibule will be shorter than the previously  
2 approved elevator run. If you go to the next slide, it will  
3 show an elevation with the difference in height there. The  
4 elevator overrun goes up to a level of 81, and the elevator  
5 door vestibule is well below that, both on the south  
6 elevation and on the east elevation.

7           If you continue to the next slide, there are  
8 proposed views showing that the elevator vestibule is  
9 minimally visible. It's really only visible looking  
10 southwest on Webster Avenue in the lower left view.

11           And then if you continue, we also have current  
12 construction, and the minimal view of the elevator overrun  
13 itself and the vestibule, which will be below that.

14           The next page should show the view from Cambridge  
15 Street. I see this is a little zoomed in. There we go.

16           And then the next view?

17           This is a view of the elevator overrun constructed  
18 from the roof itself. The vestibule would be just in front  
19 of this and lower than this.

20           Continue, please.

21           Another view of the constructed elevator. And  
22 then the next one should show the view from Webster Avenue.

1 So this is the intersection of Cambridge Street and Webster  
2 Avenue. And you can barely -- you can not --

3 BRENDAN SULLIVAN: What does the vestibule -- was  
4 triggers relief? Is it just because the fact that we  
5 granted relief on the building, and that the ISD felt that  
6 it was a change from the original plan? Or does it trigger  
7 some number somewhere?

8 BRENDAN WILLIS: No; it was a deviation from the  
9 originally approved plan.

10 BRENDAN SULLIVAN: Okay. So I guess the question  
11 that I always ask myself when something --

12 BRENDAN WILLIS: The -- that we had previously  
13 gotten was the building height variance for the elevator  
14 overrun itself -- may request it, right?

15 BRENDAN SULLIVAN: I guess the question is ask  
16 myself now is would we have approved this if it came down  
17 before us in the original plan?

18 And I guess the answer that I say to myself is  
19 yes, I would have. It was, I guess, probably an aspect that  
20 was maybe either overlooked or felt it could be approved  
21 upon. And so, that's why you're back here tonight. Is a  
22 fair summation of it, basically?

1 I don't know whoever wants to answer that.

2 PAWEL HONC: I'm not sure. It looks like  
3 Brendan's Internet is a little bit slow, but I'll chime in  
4 here, and --

5 BRENDAN WILLIS: I --

6 PAWEL HONC: Yes, it is. That is correct. You  
7 know --

8 BRENDAN SULLIVAN: Okay.

9 PAWEL HONC: -- it's intended --

10 BRENDAN SULLIVAN: Yeah.

11 PAWEL HONC: -- you know, this elevator goes up to  
12 the roof deck for accessible reasons. So part of the reason  
13 for the vestibule is also to provide, you know, shelter to  
14 occupants, you know, who are -- who would like to use the  
15 elevator and, you know, potentially somebody in a wheelchair  
16 as well.

17 BRENDAN SULLIVAN: Yeah. Okay. All right. Jim  
18 Monteverde, any questions?

19 JIM MONTEVERDE: No questions.

20 BRENDAN SULLIVAN: Andrea Hickey?

21 ANDREA HICKEY: Yeah?

22 BRENDAN SULLIVAN: Any questions, comments?

1           ANDREA HICKEY: No questions. No. No questions.

2           BRENDAN SULLIVAN: Okay, Wendy Leiserson?

3           WENDY LEISERSON: No questions.

4           BRENDAN SULLIVAN: Matina Williams?

5           MATINA WILLIAMS: No questions.

6           BRENDAN SULLIVAN: And I have no further comments.

7           Let me open it to public comment. Any member of the public  
8           who wishes to speak should now click the icon at the bottom  
9           of your Zoom that says, "Raise hand."

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

12           [Pause]

13           Nobody calling in. So I will close public comment  
14           portion of it. Is the Board ready for an amendment, I mean  
15           a motion?

16           JIM MONTEVERDE: Yes.

17           MATINA WILLIAMS: Ready.

18           BRENDAN SULLIVAN: Okay. Let me make a motion,  
19           then, to grant the relief requested as per the application,  
20           supporting statements, dimensional form, and the drawings  
21           initialed by the Chair.

22           The Board finds that a literal enforcement of the

1 provisions of the ordinance would involve a substantial  
2 hardship to the petitioner because it would preclude the  
3 petitioner from providing full access to the roof,  
4 particularly for those with accessibility needs.

5           The Board -- it is noted that the Board granted  
6 relief for an elevator to go to the roof in excess of the  
7 applicable height limit, and that the -- it was granted  
8 without the relief to build a vestibule attached to the  
9 elevator roof as an oversight on the applicant's part, and  
10 that the -- now they find it necessary, and actually a  
11 benefit to ask for the vestibule.

12           The Board finds that the hardship is owing to the  
13 fact that -- it really needs to comply with the Americans  
14 With Disability Act accessibility requirements.

15           And that necessitates the addition of the elevator  
16 to the roof in the first place, and that the addition of  
17 this vestibule will provide much-needed protection for  
18 anyone who uses the elevator to access the roof.

19           The Board finds that substantial -- that there  
20 would not be substantial detriment to the public good; in  
21 fact, the public would be greatly benefitted from the  
22 addition of the requested vestibule.

1           The Board finds that relief may be granted without  
2 substantial detriment to the public good or nullifying or  
3 substantially derogating from the intent and purpose of the  
4 ordinance; that the Board finds that the intent and purpose  
5 of the ordinance would be to allow full accessibility to all  
6 persons, especially persons of disability, to access outdoor  
7 space for their health and enjoyment, and that this proposal  
8 before us achieves that goal of the ordinance.

9           On the motion, then, to grant the variance as per  
10 the application and initialed by the Chair, Jim Monteverde?

11           JIM MONTEVERDE: In favor.

12           BRENDAN SULLIVAN: Andrea Hickey?

13           ANDREA HICKEY: Yes, in favor.

14           BRENDAN SULLIVAN: Wendy Leiserson?

15           WENDY LEISERSON: Yes, in favor.

16           BRENDAN SULLIVAN: Matina Williams?

17           MATINA WILLIAMS: Yes, in favor.

18           BRENDAN SULLIVAN: And Brendan Sullivan yes.

19           [All vote YES]

20           BRENDAN SULLIVAN: Five affirmative votes; the  
21 variance is granted.

22           BRENDAN WILLIS: Thank you.

1 BRENDAN SULLIVAN: Good luck.

2 COLLECTIVE: Thank you, everyone.

3 BRENDAN SULLIVAN: Yep. And that is the evening.

4 WENDY LEISERSON: Goodnight, everyone. Thank you,  
5 Mr. Chair.

6 MATINA WILLIAMS: Goodnight, everyone. Thank you,  
7 Mr. Chair.

8 BRENDAN SULLIVAN: Thank you.

9 ANDREA HICKEY: Thank you. Good evening.

10 BRENDAN SULLIVAN: Members, again a stellar  
11 performance. Thank you all.

12 ANDREA HICKEY: Be well.

13 BRENDAN SULLIVAN: Goodnight. Stay well.

14 [09:13:21] End of Proceedings]

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CERTIFICATE

Commonwealth of Massachusetts

Middlesex, ss.

I, Michele Dent, 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.

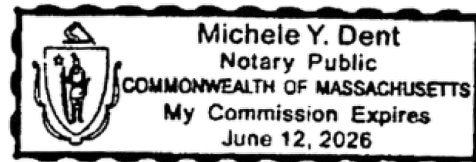
In witness whereof, I have hereunto set my hand this tenth day of May, 2023.



Notary Public

My commission expires:

June 12, 2026





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