

BOARD OF ZONING APPEAL
FOR THE
CITY OF CAMBRIDGE

GENERAL HEARING

THURSDAY MAY 11, 2023

6:00 p.m.

Remote Meeting

via

831 Massachusetts Avenue
Cambridge, Massachusetts 02139

Brendan Sullivan, Chair
Jim Monteverde, Vice Chair

Andrea A. Hickey

matina Williams

Matina Williams

Slater W. Anderson

Stephen Ng

Michael LaRosa

Thomas Miller

City Employees

Olivia Ratay



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

2 * * * * *

3 (6:00 p.m.)

4 Sitting Members: Jim Monteverde, Brendan Sullivan, Matina
5 Williams, Andrea Hickey, Slater Anderson,
6 Stephen Ng, Thomas Miller, and Michael
7 LaRosa

8 JIM MONTEVERDE: Welcome to the May 11, 2023
9 meeting of the Cambridge Board of Zoning Appeals. My name
10 is Jim Monteverde, and I will be acting this evening as the
11 Acting Chair. I will chair the meeting.

12 Pursuant to Chapter 2 of the Acts of 2023 adopted
13 by the Massachusetts General Court, and approved by the
14 Governor, the City is authorized to use remote participation
15 at meetings of the Cambridge Planning (sic) Board.

16 This meeting is being video and audio recorded and
17 is broadcast on cable television Channel 22 within
18 Cambridge. There will also be a transcript of the
19 proceedings.

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

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

5 Generally, you will have up to three minutes to
6 speak, but that might change based on the number of
7 speakers.

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

10 OLIVIA RATAY: Matina Williams?

11 MATINA WILLIAMS: Present.

12 OLIVIA RATAY: Andrea Hickey?

13 ANDREA HICKEY: Present.

14 OLIVIA RATAY: Slater Anderson?

15 SLATER ANDERSON: Present.

16 OLIVIA RATAY: Thomas Miller?

17 THOMAS MILLER: Present.

18 OLIVIA RATAY: Stephen Ng?

19 STEPHEN NG: Present.

20 OLIVIA RATAY: Brendan Sullivan?

21 BRENDAN SULLIVAN: Present.

22 OLIVIA RATAY: Jim Monteverde?

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JIM MONTEVERDE: Present.

Thank you. Okay.

1 * * * * *

2 (6:02 p.m.)

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

6 JIM MONTEVERDE: The first case I'm going to call
7 is a continued case. And it's Case No. BZA 211208 -- 18
8 Fairmont Street.

9 Staff will now unmute you. Please begin by
10 introducing yourself and any other speakers on your team.
11 And then I would like to make a statement to before you
12 commence any presentation, please.

13 ADAM GLASSMAN: Good evening, Mr. Chair, and
14 members of the Board. My name is Adam Glassman representing
15 owner Fraser Allan for 1820 Fairmont Street. We're here
16 seeking a special permit to make exterior modifications to
17 an existing nonconforming structure.

18 JIM MONTEVERDE: Okay. Thank you. That's -- just
19 -- if you'd just introduce yourself for the moment.

20 ADAM GLASSMAN: Yep, sorry.

21 JIM MONTEVERDE: Thank you. We have a letter in
22 this case from the ISD Department that they are going to

1 look into the dimensional form, and they will have completed
2 that review next week.

3 And therefore, we will continue this case, and we
4 will continue this case, and depending on if the same Board
5 members are available to June 15, so that you can be back as
6 quickly as possible. That response from ISD will be posted
7 to the City website. So you'll be able to find it there and
8 prepare a response to it.

9 So that said, I am going to make a motion to
10 continue this matter until June 15, 2023 on the condition
11 that the petitioner change the posting sign to reflect the
12 new date of June 15, 2023 and the time of 6:00 p.m.

13 Okay, yeah, before we go much farther, can I just
14 check that the Board members are available on June 15? And
15 that's myself: Yes, I am.

16 Andrea Hickey?

17 ANDREA HICKEY: Yes, I'm available. Thank you.

18 JIM MONTEVERDE: Slater, are you available?

19 SLATER ANDERSON: Slater Anderson is
20 available.

21 JIM MONTEVERDE: Thank you. Matina?

22 MATINA WILLIAMS: I'll be available.

1 JIM MONTEVERDE: All right. Thank you. And
2 Brendan?

3 BRENDAN SULLIVAN: Brendan Sullivan is available.

4 JIM MONTEVERDE: Thank you. Also, in furtherance
5 that the petitioner sign a waiver to the statutory
6 requirement for a hearing. Such a waiver can be obtained by
7 Maria Pacheco or Olivia Ratay with the Inspectional
8 Services.

9 I ask that you sign it and return it to us by a
10 week from this coming Monday. Failure to do so will de
11 facto cause this Board to give an adverse ruling on this
12 particular case. We would ask that you sign it and get it
13 back to us. This will allow us to hear the case on June 15.

14 Also, if there are any new submittals, changes to
15 the drawings, those need to be in the file by 5:00 p.m. on
16 the Monday prior to the June 15 hearing. I'm sorry, the
17 continuation is to 6:00 p.m. on June 15.

18 And if there are any changes, that the dimensional
19 form and potentially supporting documents also be changed
20 and submitted along with the new documents.

21 On the motion, then, to continue this matter until
22 June 15 at 6:00, Brendan?

1 BRENDAN SULLIVAN: Yes, on the motion.

2 JIM MONTEVERDE: Andrea?

3 ANDREA HICKEY: Yes, in favor.

4 JIM MONTEVERDE: Matina?

5 MATINA WILLIAMS: Yes, in favor.

6 JIM MONTEVERDE: And Slater?

7 SLATER ANDERSON: Yes, in favor.

8 [All vote YES]

9 JIM MONTEVERDE: That's five in the affirmative. Thank
10 you.

11 SLATER ANDERSON: Jim, this is Slater. I think
12 I'm done for the night.

13 JIM MONTEVERDE: I think you are. Yep. Thank you
14 very much.

15 ANDREA HICKEY: And this is Andrea Hickey. I
16 believe I'm done as well?

17 JIM MONTEVERDE: You are too. Thank you very
18 much.

19 ANDREA HICKEY: Thank you. Have a good evening.

20 JIM MONTEVERDE: Okay. And Brendan you too, so
21 thank you very much.

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(6:06 p.m.)

Sitting Members: Jim Monteverde, Matina Williams, Thomas Miller, and Stephen Ng

JIM MONTEVERDE: All right. Next case is another continued case, BZA 206534 -- 102-104 Sciarappa Street. Is there anyone here who want to speak on that case? If you could introduce yourself, please.

KAROLYN PARK: Hi. I'm Karolyn Park, and the owner of 102-104 Sciarappa Street along with my husband, Ray Park. But it's just me, because he's taking care of the kids so I can have this conversation.

We have lived in Cambridge for the past 17 years, from Harvard Square to Central Square to Kendall now. We bought a previous condo, and it was too small, and instead of moving to the suburbs, we moved within East Cambridge.

We are a single-income family with two current children in Tobin Montessori and a dog living on one side of the duplex and sharing a 5x5' bathroom on the first floor. I work from home and do not have a dedicated office.

We host a Cambridge Small Group and have for the past seven years weekly where 20 people gather in our space,

1 still using that same one bathroom.

2 Besides the first floor of 104 Sciarappa, just
3 this side of the house, there's been no renovation in this
4 house since the 1960s.

5 We are seeking to renovate our home to create more
6 space for our current family and children as they grow, have
7 space for both of our aging parents, continue to have rental
8 income consistent with its current usage, upgrade to solar,
9 and have a dedicated office as I work from home and guest
10 room for visitors.

11 JIM MONTEVERDE: Thank you. Can you -- can we
12 have the graphics? Can you briefly go through the drawings
13 that are up on the screen that have been submitted, and in
14 particular point out what has changed since the previous
15 submittal?

16 KAROLYN PARK: Sure. When last we met, we
17 requested a continuance, as we learned there were concerns
18 from neighbors. There were concerns from neighbors
19 particularly in the back regarding the building height and
20 consequent shadows, and privacy for the windows on the
21 second floor, which were outside of setback.

22 There are four neighbors in the back to be aware

1 of: Joe Rose and Danielle Mishkin, 72 Spring Street; Ana
2 Perez-Kamar at 76 Spring Street, and our closest neighbor,
3 Robert and Geraldine Korecki and (Indiscernible), who lives
4 in Weston.

5 We contacted Joe and Danielle, Ana and the
6 Koreckis two times via physical letters left at their house.
7 Joe and Ana wanted to discuss, no responses from the others.

8 We have changed our plans, therefore, as a result
9 of consultation with the neighbors to be the minimum to meet
10 our needs. Here's how we have worked with our neighbors to
11 address concerns.

12 Height: While we originally proposed a plan with
13 the same roofline, we have now reduced building height from
14 the originally proposed 35' to 28', changing the increase in
15 height from 8' to 1' or a reduction of 88 percent.

16 We completely redesigned the house roofline to be
17 a mansard roof, in keeping with the neighborhood houses and
18 designs. The next mansard house is kitty-corner from us on
19 the street.

20 Privacy: While we originally requested three
21 windows on each side on the second floor because our family
22 loves natural light, we reduced the total number of windows

1 to one on each side after further discussions with the
2 neighbors -- a reduction of 66 percent.

3 Given these changes, Joe wrote in support, and Ana
4 gave her verbal support representing neighbors in the back.
5 Joe and Ana, just for the Board's reference, had previously
6 written letters of opposition.

7 Dave Cameron, 98-100 Sciarappa, has also reviewed
8 the plans and given his support via e-mail. We continue to
9 have support from Roberto and Jane on 8B Spring Street.
10 They also own 112 Sciarappa.

11 There are then a myriad of people who live in
12 Cambridge who have written in for our support from our small
13 group, as they know how tight our space is.

14 The remaining one opposition letter is from Lenny
15 and Karen Geista, 106 Sciarappa, who continue to have
16 concerns regarding general construction and disturbance.
17 And we have met with them and talked with them about it, and
18 we'll do our best to mitigate any problems.

19 I want to thank all of our neighbors and friends
20 who are working with us. I have appreciated their advice,
21 openness, and willingness to compromise to achieve something
22 that works for everyone. And also thank you to Maria, who

1 had to upload all those letters and has been so helpful to
2 us administratively as well.

3 JIM MONTEVERDE: Thank you. Olivia, could you
4 bring up the building elevations, please, the existing and
5 the proposed? Just for reference?

6 [Pause]

7 So it's a replacement of the pitched roof, with
8 the mansard that's showing in these elevations?

9 KAROLYN PARK: Mm-hm.

10 JIM MONTEVERDE: And that I assume in floor plan
11 gives you some additional square footage on the third floor?

12 KAROLYN PARK: Correct.

13 JIM MONTEVERDE: I think there's also additions on
14 the second floor in the back, right? You go from a pitched
15 roof to add a full story on the back?

16 KAROLYN PARK: Correct.

17 JIM MONTEVERDE: Okay. Can you go back to the
18 site plan, Olivia? I just wanted to see in context how snug
19 this is on the site. And by leaning real close, it says the
20 existing building is still -- there's no changes here, it's
21 3.5 feet from the one side lot line, and it looks like --
22 it's blurry. It looks like it's 6'2" on the opposite side.

1 Is that still correct, and is that the condition in the
2 proposed additions?

3 KAROLYN PARK: Yes. That's correct. We are not
4 changing the exterior. Also, my architect Steven wanted to
5 tell me -- wanted me to tell you guys that he can't get into
6 the meeting. So just FYI, he can't get into the meeting.

7 But that's not true, we're not changing the
8 exterior of the building on the site.

9 JIM MONTEVERDE: All right. Well, if you want to
10 or need to participate, you should be able to enter through
11 the Citywide. Are you having trouble with that?

12 KAROLYN PARK: It's not me. I'll just tell him to
13 go through the City website again.

14 JIM MONTEVERDE: Yep, okay.

15 Can you check, see the dimensional form, please?
16 I just want to confirm I'm reading this correctly, because
17 I'm looking at the one that's in the file upside-down, which
18 isn't the best way to read it.

19 But -- and this is showing on the requested
20 conditions your FAR. The ordinance is 0.75. You'll go to
21 1.52?

22 KAROLYN PARK: Correct.

1 JIM MONTEVERDE: Double the allowed FAR? The
2 existing is 1.21?

3 KAROLYN PARK: Correct.

4 JIM MONTEVERDE: Correct?

5 KAROLYN PARK: Yes. And he just said to me that
6 he's in the meeting, he just can't participate. So that
7 might be a message for Olivia. I'm not sure if you can
8 control that. But if you could make him a presenter?

9 That is correct.

10 JIM MONTEVERDE: Okay.

11 KAROLYN PARK: And when we look at the FAR around
12 -- with the surrounding neighbors, Steve has these numbers -
13 - this is in line with what is in the neighborhood, directly
14 across from us is actually very high. I think it's 2.0, and
15 then there's another number for this. Steve has the exact
16 numbers we discussed.

17 JIM MONTEVERDE: Okay, thank you.

18 KAROLYN PARK: Mm-hm.

19 JIM MONTEVERDE: And then for the size of the
20 building, the height, width, length, all those dimensions I
21 can read off of your form. The only thing that changes is
22 really the height goes up by a foot, as you mentioned, I

1 believe, for the mansard. Correct?

2 KAROLYN PARK: Correct.

3 JIM MONTEVERDE: Okay.

4 KAROLYN PARK: Thank you, Olivia.

5 JIM MONTEVERDE: All right. Thank you. I'd like
6 to open it up to any questions or comments from members of
7 the Board? Matina, do you have any questions?

8 MATINA WILLIAMS: Not at this time.

9 JIM MONTEVERDE: No? Okay. Tom? Any questions?

10 THOMAS MILLER: Not at this time, thank you.

11 JIM MONTEVERDE: Stephen?

12 STEPHEN NG: No questions at this time, thank you.

13 JIM MONTEVERDE: Michael?

14 [Pause]

15 MICHAEL LAROSA: The only question I had was I was
16 unclear, the last neighbor you said that had concerns? And
17 then you met with them to address them, were they satisfied
18 with them?

19 KAROLYN PARK: No, because they still wrote in for
20 a letter of opposition. If the Board would like me to, I
21 can address all the things that we did to try to mitigate
22 the concerns. But I wanted to -- go ahead.

1 JIM MONTEVERDE: Yeah. I don't think that will be
2 necessary for now.

3 MICHAEL LAROSA: You just said it was a concern of
4 construction anyway, right?

5 KAROLYN PARK: Right.

6 JIM MONTEVERDE: Correct. So when we're done with
7 Board comments, then I'll open the meeting to the public,
8 and I'll run through all of the correspondence that we have
9 from folks who are either in favor or against, just so we're
10 up to snuff on what the comments are.

11 Any other comments from members of the Board at
12 this time? No? I have two. In looking at the
13 neighborhood, I'm not convinced that your proposed additions
14 -- not talking about the back, really the front, the mansard
15 -- is in keeping with the majority of the neighborhood,
16 where I see third floors in mansards, they're typically on a
17 corner lot, where the lot has some breathing room, not where
18 a lot is or are building is as pinned in to the lot as yours
19 is.

20 So I'm not quite following the logic yet that it
21 is in fact in keeping with the neighborhood. And I'm a bit
22 concerned by the FAR and by the increase that requesting --

1 again, in the context of what's up and down the street as
2 the typical.

3 I think the mansard addition really bumps you up
4 into an FAR range that's more than what the typical
5 neighbors -- although there are some other neighbors that
6 are probably greater or equal to what you're asking for.
7 But those are my two comments, two concerns.

8 So I will open the matter up to public. And then
9 I'll need go through the correspondence we've received from
10 members of the public. So any members of the public who
11 wish to speak should now click the icon at the bottom of
12 your Zoom screen that says, "Raise hand."

13 If you are calling in by phone, you can raise your
14 hand by pressing *9 and unmute or mute by pressing *6. I'll
15 now ask -- or as soon as I'm done going through the
16 correspondence, we have -- I'll ask Staff to unmute speakers
17 one at a time.

18 And if you could begin by saying your name and
19 address, Staff will confirm that we can hear you, and after
20 that you will have three minutes -- a maximum of three
21 minutes to speak before I ask you to wrap it up.

22 Let me just let everyone know we have

1 correspondence supporting the renovation. I will not read
2 the repeating letter, but I'll just read out the names:
3 Courtney Cogswell, Jimmy Voss -- if I mispronounce a name,
4 Daniela Irenia (phonetic), Lucy Lie (phonetic), Jeffrey
5 Potts (phonetic), Jonathan Morganpy (phonetic) -- my
6 apologies with that one -- Taylor Jacoby, Tim Johnson, Gary
7 Chen, Mark Shephard (phonetic), ooh -- I'm going to spell
8 this one: S-a-i-r-e-u-d-e-e second name C-h-a-t-u-r-a-n-t-
9 a-b-u-t, Grant Neems (phonetic), Linda Zohn-Johnson
10 (phonetic), Bailey McLearnen (phonetic), Janice Yi
11 (phonetic), Bryan McLaughlin.

12 A letter from Dave Cameron, has no objections to
13 the plan, is really concerned about construction activity
14 and construction noise, which is really not the purview of
15 this Board.

16 Opposing are the Geistas -- Ken and Lenny Geista,
17 it's their letter. Joe Rose is in favor, and I think that's
18 it from the members of the community who've contributed by
19 mail.

20 If you've sent something in, please don't repeat
21 those same comments if you're in the virtual meeting here;
22 we have it all, and we've noted whether you're in favor or

1 opposed. So if there's anyone else from the public who'd
2 like to speak?

3 OLIVIA RATAY: Karen Geista?

4 KAREN GEISTA: Hello?

5 JIM MONTEVERDE: Yep.

6 ASHLEY GEISTA: Good evening.

7 JIM MONTEVERDE: We can hear you. Yep.

8 ASHLEY GEISTA: Okay. So this is Ashley Geista
9 speaking. I'm the daughter, and I'm speaking on behalf of
10 Karen and Lenny Geista. And basically, just a quick
11 message: We were a little surprised to hear that we weren't
12 the immediate neighbors, considering our houses are just
13 four feet apart.

14 And so, our issue has mostly been about safety.
15 The Parks, the 102-104 Sciarappa Street, does not have a
16 yard. So with this major project happening, we are deeply
17 concerned that between machinery, the product -- everything
18 that they need to complete this renovation is going to be
19 within this pathway that is literally just three to four
20 feet in between their house and our house.

21 So we're concerned about a safety hazard between
22 products being placed right near all of our windows, which

1 is a safety hazard if we ever had to get out in an
2 emergency; machinery and equipment being used literally
3 right next door to our windows where we are sleeping, where
4 we are breathing in all of this stuff.

5 Yes, we did talk to the Parks and there are some
6 things that we're hoping to get done if this were to move
7 forward, but regardless of potentially protecting our house
8 with a -- try to protect us from all the chemicals that
9 would be coming into our house, there are real safety
10 concerns. We are just four feet apart, and no matter what
11 we have talked about, there's really no way to guarantee.

12 And between building an addition in the back,
13 which is also right next to our house, the roof is going to
14 be going up. If something isn't done correctly, that is
15 right on top of our house and risking harm to us.

16 And so, we are the closest neighbor, and there are
17 major concerns about safety. We understand that people want
18 to, you know, enhance their property. We understand that.
19 But there is a major safety concern given our homes are less
20 than four feet apart from each other.

21 JIM MONTEVERDE: Thank you for your comments.
22 Anyone else? No? That's it?

1 Members of the Board, any discussion? Matina?

2 No? Tom?

3 THOMAS MILLER: I would just -- I would maybe ask
4 for your guidance, Jim, whether in making the decision based
5 on the statute on the record before us, we can take into
6 account the concerns about construction safety that were
7 raised by the public comment just now?

8 JIM MONTEVERDE: It's really not our purview as a
9 Zoning Board. It's really an ISD issue about construction
10 and et cetera. I understand the concerns that were raised,
11 but it's really not a condition that we could put on any
12 motion that we make.

13 THOMAS MILLER: Thank you.

14 JIM MONTEVERDE: Yeah. We have to do it strictly
15 on the zoning ordinance. Stephen?

16 STEPHEN NG: Thank you. I guess just looking at
17 the FAR, I mean in the minimum requirements of the lot size
18 which was, I believe, 5000 square feet? I mean, they're FAR
19 would definitely be well within, I believe, the ordinance
20 requirements.

21 But you can see in the site plan the footprint is
22 just really overwhelming when you take into account how much

1 -- you know, how small, much smaller their existing
2 nonconforming lot is.

3 But I -- I guess that's -- the question I guess is
4 to my fellow Board members is that kind of the -- how do we
5 address that? Is it by the actual FAR of the condition, or
6 kind of compared to, say, what the ordinance requires
7 because of the nonconformity?

8 JIM MONTEVERDE: Yeah, I think -- I share the same
9 concern. That's part of my concern.

10 STEPHEN NG: Mm-hm.

11 JIM MONTEVERDE: The Far -- it's not just the FAR
12 technically, it's looking at the proposed elevations, the
13 proposed massing, and then looking at the neighborhood --

14 STEPHEN NG: Yes.

15 JIM MONTEVERDE: Up and down the street.

16 STEPHEN NG: Yes.

17 JIM MONTEVERDE: Given that the lots are -- it
18 looks like in typical undersize, it's all very dense,
19 whether this is, feels or looks or is, the proposal is
20 denser than its neighbors. And if the FAR is just too far
21 beyond the ordinance, or even the existing condition to be
22 acceptable.

1 So I think it's -- we'll have to make a decision
2 based on -- unless anyone else has any other concerns based
3 on those. Those are my personal concerns, and that's why at
4 the moment I don't feel I would be in support. But that's
5 just my opinion.

6 STEPHEN HISERODT: Mr. Chairman, this is Steve
7 Hiserodt.

8 JIM MONTEVERDE: Wait a minute. Oh, yep. One
9 second.

10 STEPHEN HISERODT: Can I --

11 JIM MONTEVERDE: Wait. Wait a minute. We've got
12 to finish with the Board members first.

13 STEPHEN HISERODT: Okay, yes. Sorry.

14 JIM MONTEVERDE: We basically finished with public
15 commentary, but --

16 STEPHEN HISERODT: Okay.

17 JIM MONTEVERDE: -- this is just between the Board
18 so Matina, do you have any comments at this time? No?
19 Okay.

20 MATINA WILLIAMS: I'm sorry.

21 JIM MONTEVERDE: Sorry?

22 MATINA WILLIAMS: It's Matina. Sorry.

1 JIM MONTEVERDE: Yeah, that's all right.

2 MATINA WILLIAMS: I didn't -- I did have a
3 concern, but I know the area is tight. So, I mean, I feel
4 like they did scale it back a little bit. But, again, how
5 are you going to address the tightness and -- with the area,
6 and what they --the family needs?

7 JIM MONTEVERDE: Okay, thank you. Olivia is
8 saying we have one more member of the public who has stepped
9 forward for comment. So let's -- let's hear that person,
10 please.

11 OLIVIA RATAY: Brian McLaughlin?

12 BRIAN MCLAUGHLIN: Am I audible?

13 JIM MONTEVERDE: You're on. Yep.

14 BRIAN MCLAUGHLIN: Hi, this is Brian McLaughlin.
15 I did write a letter, because I'm actually down the street
16 at 155 Charles.

17 JIM MONTEVERDE: Right. We have that in the file.
18 Thank you.

19 BRIAN MCLAUGHLIN: Understood. Thank you. But I
20 similarly applied for a special permit for similar reasons
21 of needing to grow a family. And we went through the same
22 discussions about the steep roof versus mansard.

1 And I will just comment there are three mansards
2 on Charles Street that are central that are not corner lots.
3 And, you know, we ended up going along with a plan that
4 satisfied people. But there are some -- several in the
5 neighborhood that are not corners that are mansards.

6 JIM MONTEVERDE: Thank you for your comment.

7 Stephen Hiserodt, were you -- is there something
8 you wanted to say?

9 STEPHEN HISERODT: Yeah. I guess I just wanted
10 to say --

11 JIM MONTEVERDE: Could you just introduce
12 yourself?

13 STEPHEN HISERODT: Steve Hiserodt, DH Architects.
14 I'm the Architect for the project.

15 JIM MONTEVERDE: Yep.

16 STEPHEN HISERODT: I just -- since I had trouble
17 getting in, I just wanted to -- I mean the existing
18 neighborhood and on the site plan that I submitted, I've
19 listed the FAR based on the assessor's database for some of
20 the adjacent properties, which range from -- you know, 0.78,
21 which is a real small house on one corner, but up to 2.21
22 and the average is about 1.5 I would guess -- so I think

1 that where we're stretching, and I realize we're adding a
2 good amount of GFA -- it is, I think within keeping of many
3 of the properties in the neighborhood.

4 We also have a homeowner who is in need of
5 additional space. It is a one- or two-family house, which
6 is precisely why the state statute has offered special
7 protections for one- or two-family houses in Section
8 8.22.2d.

9 It allows the increase in existing
10 nonconformities, and the conditions under which they would
11 be offered is that the alteration or enlargement shall not
12 be substantially more detrimental than the existing
13 nonconforming structure to the neighborhood.

14 And I think that given the number of letters of
15 support from even neighbors who are most impacted, I think
16 we can say that it's not detrimental to the existing
17 neighborhood.

18 JIM MONTEVERDE: Okay. Thank you for your
19 comment, Stephen. I'm going to close testimony. And I'm
20 going to make a motion. And for our Board members just keep
21 in mind the motion is always phrased in the affirmative.

22 So the Chair makes a motion to grant the relief

1 for the requirements of the ordinance under Sections -- I'm
2 sorry -- 5.31, 8.22.2.d, 8.22.2.c, and 10.40, on the
3 condition that the work proposed conforms to the drawings
4 entitled "102-104 Sciarappa Street," prepared by -- there is
5 no name on the drawings, but Stephen that's you, correct?

6 STEPHEN HISERODT: Yes. DH Architects?

7 JIM MONTEVERDE: Yep. And the date is 05-08-23,
8 initialed and dated by the Chair. And further that we
9 incorporate the supporting statements and dimensional forms
10 submitted as part of the application.

11 Further, the special permit is granted incorporate
12 and following -- and there are no conditions. I ask at this
13 point if the Board has anything else. We've covered
14 everything.

15 Any other comments from the Board? Hearing none:
16 Then I cite the requirements necessary to grant the special
17 permit under 10.40. Let me read the section. And we need
18 four affirmative votes.

19 On the motion, Matina?

20 MATINA WILLIAMS: In favor.

21 JIM MONTEVERDE: Okay, thank you. And Tom?

22 THOMAS MILLER: In favor.

1 JIM MONTEVERDE: And Stephen?

2 STEPHEN NG: In favor.

3 JIM MONTEVERDE: And Michael?

4 MICHAEL LAROSA: My apologies. I was just looking
5 at something on the plan. Oh, my concern was the FAR. In
6 favor.

7 JIM MONTEVERDE: Okay. And Jim Monteverde I will
8 vote not in favor.

9 [Four vote YES, one votes NO.]

10 So that is 4:1; it passes. The motion is carried.
11 Congratulations.

12 KAROLYN PARK: Thank you.

13 STEPHEN HISERODT: Thank you, everyone.

14 KAROLYN PARK: Have a good night. Thank you.

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2 (6:34 p.m.)

3 Sitting Members: Jim Monteverde, Matina Williams, Thomas
4 Miller, Stephen Ng, and Michael LaRosa

5 JIM MONTEVERDE: So if any members of the public
6 and for the Board members who are looking at their agendas,
7 we're going to skip the two continued cases for 65 Sparks
8 Street, because they may become redundant, and seeing that
9 it's past 6:30, we will hear the first case of the regular
10 agenda, which is -- again -- 65 Sparks Street, Unit 4, and
11 that is Case No. 215873.

12 Is there anyone here who wishes to speak on it?

13 ADAM DASH: Yes, Mr. Chair. Can you hear me?

14 JIM MONTEVERDE: Yes.

15 ADAM DASH: Good evening. Attorney Adam Dash, 48
16 Grove Street in Somerville representing the applicants.

17 With me tonight are applicant Kiersten Kirby-
18 Patel, I believe Feanil Patel; I believe another applicant
19 is coming, but he had to pick up the kids at swim lessons, I
20 understand night and may be running a little late. The
21 Architect, Ron Bourque of Bourque Design, is also here. Ron
22 and I will be doing the presenting.

1 So this is a case -- Ms. Ratay, if we can show the
2 survey? The site plan? There you go. Thank you.

3 As you can see, this is a building which is part
4 of a block of townhouses. It takes up the entire width of
5 this very narrow lot, with other townhouses on either side.
6 We're talking about 65 in the middle. You can see the
7 townhouse at 63 to the left and the townhouse of 67 on the
8 right.

9 The property lines run through the party walls
10 between the townhouses, such that there are no side windows
11 at the property at 65 in question, being a middle unit.

12 The use of the property and the number of units is
13 not going to change as a result of our dormer project here.

14 Olivia --

15 JIM MONTEVERDE: Excuse me.

16 ADAM DASH: I'm sorry --

17 JIM MONTEVERDE: Excuse me one second. Mr. Dash?

18 ADAM DASH: Yes.

19 JIM MONTEVERDE: Is the parcel part of a larger
20 condominium or is it --

21 ADAM DASH: No.

22 JIM MONTEVERDE: -- separate?

1 ADAM DASH: No, Mr. Chair. These are separate
2 pieces of property, where the property line run through the
3 party walls between the units.

4 JIM MONTEVERDE: Oh.

5 ADAM DASH: So we're left with this very narrow,
6 25' wide lot, basically.

7 JIM MONTEVERDE: Okay, thank you.

8 ADAM DASH: No. No problem. That's one of the
9 challenges here, as you will see. Olivia, if we can go down
10 to the photos, the first set of photos?

11 Right. There we go. So this is the front. The
12 top is the existing and the bottom is the proposed. Mr.
13 Bourque, the architect, will walk through the details. But
14 I just want to sort of show you here you can see where it
15 says in the bottom -- you can see in the bottom middle,
16 "proposed dormer."

17 The proposal does not create any substantial
18 detriment to the public good. Because, as you can see, it
19 is high on the top of the building, not readily visible from
20 the street level. This is a very tall townhouse.

21 Adding dormers is not without increasing the
22 number of units while providing more room for the residents,

1 the Patels and their family to work from home and support
2 their growing family and remain in Cambridge to the benefit
3 to the city and to the neighborhood.

4 And the other townhouses on this block have
5 dormers of varying styles and sizes. And you can see those
6 if you look to the left on the upper -- the existing, where
7 the existing photos on the upper left. You can see to the
8 left of my client's building, there are -- two of the
9 townhouses to the left have very large dormers already on
10 the front; we're looking at the front here.

11 If you can show the back, the next page, Olivia?

12 This is the rear. Again, the top is the existing.
13 The bottom is the proposed. And you can see at the bottom
14 where my client's building is, although they're all
15 attached. And you can see actually on the back everybody
16 has a dormer pretty much, but my client on the top views
17 there.

18 I would note that my clients have too little, tiny
19 dormers. You can see the little one on the upper left
20 that's there.

21 And then if you go back to the front, Olivia, you
22 can see there's another very small one to the unit to the

1 left of the stairs if you look. There's two peaked ones,
2 and then there's like a littler peaked one on the top.
3 Yeah. You can see that's there. And that's what we're
4 altering.

5 So really, we're not adding dormers; we're
6 changing the dormers that are already there.

7 So -- and I would say the dormers on this building
8 and on this block are really the -- are actually the norm.
9 They're not the exception.

10 So we were here before you a while ago on one of
11 the prior cases, which we intend to dismiss with prejudice,
12 should the Board be willing to grant the special permit on
13 this particular one.

14 And since we were last before you on this dormer,
15 we were able to find a way to avoid needing a variance for
16 the project for FAR. The FAR now does not change. We are
17 not creating any new nonconformity. We are not increasing
18 any existing nonconformity.

19 This change led to the removal of the proposed
20 roof terrace we had originally proposed; that is now gone.
21 And it's a reduction in the size of both the front and the
22 rear dormers; the front dormer reduced by quite a lot, by 6'

1 down to 14'. The back dormer reduced by a little 4" down to
2 15'.

3 And I would note that the applicants did this in
4 response to comments by one of the abutters, Mr. Taguiri,
5 who's got the corner unit, the end unit on the right, and
6 the special permit and plans were shared with his attorney
7 back in March.

8 There are letters of support from six abutters,
9 which you have.

10 Mr. Bourque, can you walk them through the design
11 thoughts and how this works?

12 RON BOURQUE: Sure, thank you, Adam. So as --

13 JIM MONTEVERDE: Can you --

14 RON BOURQUE: -- noted on the upstairs here --

15 JIM MONTEVERDE: Mr. Bourque -- can you --

16 RON BOURQUE: Yes.

17 JIM MONTEVERDE: -- excuse me. Can you introduce
18 yourself, please?

19 RON BOURQUE: Yeah, Ron Bourque, Architect, from
20 Bourque Design in Waltham, MA.

21 JIM MONTEVERDE: Yep, thank you. Go ahead.

22 RON BOURQUE: As Adam had gone through the

1 exterior dormer locations and sizes, they were able result
2 of us not wanting to increase the FAR, which was a change
3 from, you know, the earlier presentation.

4 So what I'm showing here is the existing fourth
5 floor -- you'll see the two small dormers, they extend out
6 into the roof edge. So we've calculated at the 5' wall line
7 that we have 790 square feet.

8 And if you could go to the next slide, please?

9 So by eliminating an equal amount from that
10 original footprint and extending it into the dormers, we're
11 able to balance off the square footage without increasing
12 the floor area.

13 So where you see the hatched areas with the 45-
14 degree hatch going from lower left to upper right, you'll
15 see that these areas now become under the roof. So the
16 dormer extension is an equivalent area of that on each side,
17 and by essentially bringing in the walls to create that
18 area, which will be under the roof, we're able to extend the
19 dormers.

20 The next sheet is the just a clean version of
21 that.

22 So if we go to two slides down, this is an image

1 of the dormer construction, the image of the materials which
2 are consistent with the building. Window pattern and
3 coloration will be similar to what's there. And the intent
4 is to make it look like it was always there.

5 The next few slides show shadow studies
6 demonstrating that there is not significant impact on the
7 remainder of the building or the adjacent properties. And
8 these are from different times and dates.

9 ADAM DASH: As was that it, Ron?

10 RON BOURQUE: That's it for me, please yeah.

11 ADAM DASH: Yeah. Adam Dash again, yeah. So just
12 to wrap up, this proposal will create no noticeable impact
13 on the overall look, feel or traffic pattern in the
14 neighborhood or on this block of townhouses.

15 And this is -- again -- not increasing the size of
16 the structure. It will echo the other dormers without
17 changing the number of units.

18 The dormers are needed to create quiet space for
19 home office use, as my clients who live there have a small
20 child and have had to work from the child's play space since
21 the beginning of the pandemic.

22 They do not have any home office space for

1 conducting research or attending remote meetings as part of
2 their jobs, and due to the preexisting, nonconforming nature
3 of the space, there is no way to create space without
4 needing at least a special permit, as you can see.

5 This is the minimum relief we believe is necessary
6 to allow the family to grow and remain in Cambridge and of
7 course maintain the character of the neighborhood and block.

8 So in conclusion, the applicants respectfully
9 request that this Board approve the special permit for the
10 requested dormers on -- one on the front and one in the
11 back. Thank you.

12 JIM MONTEVERDE: Thank you. Members of the Board,
13 any questions or comments? Matina?

14 MATINA WILLIAMS: No comments.

15 JIM MONTEVERDE: Thank you. Tom?

16 THOMAS MILLER: No comments, thank you.

17 JIM MONTEVERDE: Stephen?

18 STEPHEN NG: I like the response to the design to
19 meet the FAR, rather than go for a variance. But yeah,
20 yeah, very nice job.

21 JIM MONTEVERDE: Thank you. Michael?

22 MICHAEL LAROSA: No comments.

1 JIM MONTEVERDE: Thank you. I have one question.
2 Olivia, if you could go to Sheet 2? This is for Mr.
3 Bourque.

4 Is there a section in your submittal at all that
5 goes through this, the dormer or -- actually, it's the space
6 below the dormer.

7 What I'm trying to understand is how the areas are
8 deductible that you show on either side of the dormer? I'm
9 assuming they're under the roof?

10 RON BOURQUE: Right.

11 JIM MONTEVERDE: But they're less than 5' in
12 height; they don't count anyway. How do you come to deduct
13 those areas?

14 RON BOURQUE: If we --

15 JIM MONTEVERDE: I'm not following that part.

16 RON BOURQUE: -- if we go to the floor plan just
17 before this one, that space was usable space now, so it is
18 greater than 5'.

19 So what we've done is we're essentially adding a
20 wall and sacrificing that space to allow for the dormer
21 extension to occur.

22 JIM MONTEVERDE: So the roof will remain in it's

1 current --

2 RON BOURQUE: The roof will remain -- yeah, the
3 roof will remain as is.

4 JIM MONTEVERDE: And you'll basically
5 mothball that space?

6 RON BOURQUE: That's correct.

7 JIM MONTEVERDE: Okay. Okay. Understood. Thank
8 you. Public comments? Before we open that up to the
9 public, let me just run through the correspondence we have
10 so there's no need for people to repeat themselves unless
11 they have something new to add.

12 So we have in the affirmative: Richard Hill,
13 David Evans, Damon Krukowski, Toni Lee and Charles De
14 Lantsheere, David Stang, Tony Flanders. None in the
15 negative, and that's the extent of the correspondence we
16 have in the file.

17 So public comment, any members of the public who
18 wish to speak should now click the icon at the bottom of
19 your Zoom screen that says, "Raise hand."

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

22 We'll now ask Staff to unmute speakers one at a time. You

1 should begin by saying your name and address, and Staff and
2 Staff will confirm that we can hear you. And after that,
3 you'll have up to three minutes to speak.

4 OLIVIA RATAY: John Greenup?

5 JOHN GREENUP: Thank you, members of the Board.
6 This is John Greenup at 45 Foster Street in Cambridge. I
7 represent Robert Tagiuri, who is the abutter at 67 Sparks
8 Street, and I have some simple comments for the Board.

9 I notice that in Sheet 2, which is currently shown
10 on the screen, they're adding approximately 136 square feet
11 of space.

12 And they are attempting to deduct a certain amount
13 of space by including interior partition walls to make space
14 that's over 5' not count in the FAR.

15 However, in my reading of the zoning code, there
16 is no exception that's available, and there's no precedent
17 where a proposed set of plans can simply eliminate FAR by
18 putting in interior partition walls, and then at their
19 convenience say that it doesn't apply.

20 I think this would be an appealable decision here
21 if the Board chose to grant this as a special permit. My
22 sense is that under 8.22.2.c, the call of the question is

1 that it's not in further violation of Section 5.000, and
2 clearly in this case adding additional space is creating a
3 violation 5.00, and therefore this unit -- this change
4 requires a variance.

5 I'd also like to point the Board to two parts of
6 Section on Sheet 2. In the area on the upper right-hand
7 side, they show a 47 square foot reduction.

8 But you notice there's a small, dotted line
9 carveout in that section, which implies that some portion of
10 that section is actually going to be used for some kind of
11 purpose. I would suspect a closet or an internal bookcase
12 or some other kind of useable space.

13 So I think that it would be improper for the
14 applicant to then attempt to delete that space from their
15 calculation.

16 And if you look further wouldn't under the section
17 where it says, "8 square feet," you'll notice that there's
18 another carveout in a dotted line in the middle of that that
19 also is appearing to be useable space of some sort. And
20 that would be inappropriate as a carveout as well.

21 So I believe that in this -- for those two points,
22 this in fact requires a variance rather than a special

1 permit.

2 And I'd like to also say that the supporting
3 statement here shows that the hardship for the Plaintiffs
4 are that they have no space for using this for a children's
5 space or workspace.

6 But in fact, I'm not seeing these two units --
7 this plan showing a configuration where they're actually
8 adding those functions. What I'm seeing is that they're
9 expanding the number of bedrooms and increasing the
10 intensity of use of the property, as opposed to doing what
11 they're applying for.

12 So in light of these elements, I believe that this
13 application should be denied with prejudice, and that they
14 should reapply for a variance.

15 Thank you very much.

16 JIM MONTEVERDE: Thank you, Mr. Greenup.

17 OLIVIA RATAY: Toni Lee De Lantsheere?

18 TONI LEE DE LANTSHEERE: Hi. I live on the other
19 side at 63. I lived at 65, which is the house you're
20 talking about, for 12 years.

21 I'd like to say something about Rob Tagiuri, who's
22 apparently got John Greenup who used to live at 65 in the

1 basement to represent him to object:

2 Is that Rob basically built out his whole attic is
3 completely built out. He has bedrooms up there. He -- I
4 don't even know if he pulled a permit for it. But whatever,
5 it's a long time ago.

6 And I think that -- I want to just say that I'm
7 not sure this objection is really in good faith, based on he
8 was I've observed in the neighborhood. And in fact, without
9 this dormer, their offices -- you know, the places they're
10 going to use for offices is going to be downstairs. It
11 says, "1, 2, 3, 4" but that's because those used to be
12 bedrooms downstairs. But now they're perfect for offices.
13 And I speak as someone who lived there for 12 years.

14 So -- and it's really great that they're doing
15 this, because the previous land -- the previous owner, who's
16 Rob Tagiuri's brother, did a lot of things that weren't to
17 code. He did a lot of terrible things to that building, and
18 it's great because they're basically bringing it back into
19 conformity.

20 And it's going to make a really nice apartment,
21 which before was kind of a bit of a huddle, because -- and
22 I'm on the same level next door, because it really needed a

1 lot of work.

2 So any questions about that or is --

3 JIM MONTEVERDE: Thank you for your comments.

4 TONI LEE DE LANTSHEERE: Okay.

5 JIM MONTEVERDE: That's it for public testimony.

6 And I will send it back to the Board. Discussion for --

7 we've closed public testimony. Discussion from the Board

8 members? Matina?

9 MATINA WILLIAMS: I have no comments at this time.

10 JIM MONTEVERDE: Okay. Tom?

11 THOMAS MILLER: I guess I would be interested in

12 hearing -- say that we don't agree with the new calculation

13 of the FAR; the increase is still small. Do people -- I

14 would be interested in hearing anyone who would have

15 concerns about say we thought that this was an increase in

16 FAR.

17 JIM MONTEVERDE: Yes. I believe it would be. And

18 I think the previous discussion we heard, that would that

19 mean that that would be a variance would be the way it would

20 go. That's my opinion.

21 Olivia, can you comment about the -- because that

22 all hinges on the space that's available and just blocked

1 off by a partition.

2 I don't recall in the ordinance that there's any
3 definition of a poche space, wasted space -- one that is
4 above the 5' height, but has no function, is walled off by a
5 partition that you in fact can delete it. I'm not aware
6 that that's part of the definition.

7 UNIDENTIFIED SPEAKER: You want to weigh in or
8 not?

9 JIM MONTEVERDE: Okay, we're hearing a strong
10 shake of the head saying that's not the way the Ordinance
11 reads.

12 So I think Tom, if you take away the spaces that
13 are being calculated as deductions, as I think about it, it
14 leaves you in the position of where they were in the last
15 time around the block where it's an -- you know, there's
16 additional FAR; it means it's a variance, not a special
17 permit.

18 The higher hurdle, then, is to show the hardship,
19 which is not part of the special permit. But I think that's
20 what this all means -- this is what this pivots on.

21 THOMAS MILLER: Understood. Thank you very much.
22 That's helpful.

1 JIM MONTEVERDE: Yep, thank you. Steven?

2 STEPHEN NG: With that clarification, I have no
3 comment.

4 JIM MONTEVERDE: Michael?

5 MICHAEL LAROSA: No. No comment after that, no.
6 Thank you.

7 ADAM DASH: Mr. Chair, if I may?

8 JIM MONTEVERDE: Yes.

9 ADAM DASH: There is -- one of the applications
10 that got continued for later this evening after this evening
11 after this one is the variance application, which was
12 209310, in which we were seeking -- this is before the
13 reconfiguration that we are seeking and FAR increase of 0.03
14 or 115 square feet, which we thought was de minimis.

15 JIM MONTEVERDE: Yep.

16 ADAM DASH: And rather than go forward with that
17 variance application, we came up with this application to
18 create a special permit, and we never took away the variance
19 application.

20 If the Board is more inclined to go with that
21 other application, we could table this one and take that one
22 up, I suppose. But I -- we really aren't looking to do more

1 than this.

2 If there is space in there -- I mean the FAR I
3 always take to be a net discussion. There is X amount of
4 square footage in there now, you take away some square
5 footage here, you add a little square footage there, if the
6 number still sticks at 1.71 FAR, you're at 1.71 FAR,
7 regardless of the building.

8 I mean that's the FAR. We're not taking away
9 space and adding space, whatever the case may be. I don't
10 think there's a problem with that necessarily. I understand
11 the argument.

12 JIM MONTEVERDE: Yep. I'm going to ask Olivia
13 Ratay to speak.

14 OLIVIA RATAY: This is Olivia Ratay, Inspectional
15 Services. If you have an existing FAR and you remove FAR,
16 that brings you further towards conformity or into
17 conformance. You therefore can't place it elsewhere on the
18 structure as-of-right. You would need to make sure you
19 conform with the moving around of the gross floor area.

20 ADAM DASH: Well, I mean, just to -- removing the
21 FAR did not bring us into conformity of 0.5 of the code.

22 JIM MONTEVERDE: Right.

1 ADAM DASH: I mean, we were 1.71. We're proposing
2 1.71. Taking away that bit and adding the bit keeps us at
3 1.71 and no case -- due to the fact that the building is
4 basically the lot width, the entire width of this entire
5 lot, we're not ever going to get to 0.5. There's just no
6 way to do that.

7 So we never brought it into conformity by getting
8 rid of some square footage and adding square footage, it was
9 always going to be nonconforming.

10 JIM MONTEVERDE: Yep. I think that's understood.
11 I myself would not support the special permit. Any other
12 member of the Board leaning that way, just to see which way
13 the wind is blowing, in terms of whether we proceed with
14 that and take a vote on the special permit or in fact, Mr.
15 Dash, as you suggested, take this up as a variance case?

16 ADAM DASH: Or continue it again until we can see
17 if --

18 JIM MONTEVERDE: Yep.

19 ADAM DASH: -- we can regroup what we want to do.
20 Yep.

21 JIM MONTEVERDE: So Michael, which way are you
22 leaning?

1 MICHAEL LAROSA: After that recent, honestly
2 leaning to not go for it. Whether or not --

3 JIM MONTEVERDE: Okay.

4 MICHAEL LAROSA: -- variance or continuing.

5 JIM MONTEVERDE: That's good. Steven?

6 STEPHEN NG: Yeah. I think it's probably more
7 efficient to take the time and make sure it's -- that we're
8 on the right track, rather than kind of --

9 JIM MONTEVERDE: Okay.

10 STEPHEN NG: -- make a decision.

11 JIM MONTEVERDE: So Mr. Dash, that's enough votes
12 to deny, which we don't want to do.

13 ADAM DASH: I hear that loud and clear, Mr. Chair.
14 Thank you.

15 JIM MONTEVERDE: Do you want to move this to a
16 continuance?

17 ADAM DASH: I would, and with the other two as
18 well, because one of those is the variance application,
19 which maybe we'll be actually going forward with. We'll
20 have to talk with my client, which is a little frustrating
21 that we're not all in the same room, but --

22 JIM MONTEVERDE: Yep.

1 STEPHEN NG: Yes.

2 JIM MONTEVERDE: Okay. Thank you. So we'll
3 continue this case to July 13?

4 MATINA WILLIAMS: I'm sorry, Jim. It's Matina.
5 How are you?

6 JIM MONTEVERDE: Good.

7 MATINA WILLIAMS: Are we continuing them all --

8 JIM MONTEVERDE: Yes.

9 MATINA WILLIAMS: -- to July 13?

10 JIM MONTEVERDE: That was the request.

11 MATINA WILLIAMS: Okay. All right.

12 JIM MONTEVERDE: So we're going to continue them
13 all --

14 MATINA WILLIAMS: Yep, yep.

15 JIM MONTEVERDE: -- they'll decide if one gets
16 withdrawn.

17 MATINA WILLIAMS: Okay. Okay.

18 JIM MONTEVERDE: Which I think you do some more
19 arithmetic, one gets withdrawn --

20 MATINA WILLIAMS: Okay.

21 JIM MONTEVERDE: -- and then you could get frankly
22 pick one of the two continued cases as the one you want to

1 go forward with. That's my --

2 MATINA WILLIAMS: Okay.

3 JIM MONTEVERDE: -- thought.

4 MATINA WILLIAMS: Okay.

5 JIM MONTEVERDE: So.

6 MATINA WILLIAMS: All right. Thank you.

7 JIM MONTEVERDE: Yep. Continuance: So let me
8 make a motion, then, to continue this matter to July 13 at
9 6:00 on the condition that the petitioner change the posting
10 sign to reflect the new date of July 13, 2023 and the new
11 time of 6:00 p.m.

12 And in furtherance that the petitioner sign a
13 waiver to the statutory requirement for a meeting. Said
14 waiver can be obtained by Maria Pacheco or Olivia Ratay with
15 Inspectional Services. We ask that you sign it and return
16 it to us by a week from this coming Monday.

17 Failure to do so will de facto cause this Board to
18 give an adverse ruling on this particular case. We would
19 ask that you sign it and get it back to us. This will allow
20 us to hear the case on July 13.

21 Also, that if there's any new submittals, changes
22 to the drawings, which if they would be on file by 5:00 p.m.

1 on the Monday prior to July 13, 2023 here.

2 And also, if there are any changes to the
3 dimensional form and potentially any supporting statement,
4 also be changed and submitted along with the new comments.

5 On that motion, then, to continue this matter
6 until July 13, Matina?

7 MATINA WILLIAMS: Agree.

8 JIM MONTEVERDE: Thank you. Tom?

9 THOMAS MILLER: Agreed.

10 JIM MONTEVERDE: Steven?

11 STEPHEN NG: Agreed.

12 JIM MONTEVERDE: And Michael?

13 MICHAEL LAROSA: Agreed.

14 JIM MONTEVERDE: And Jim Monteverde agreed.

15 [All agree]

16 COLLECTIVE: Thank you.

17 JIM MONTEVERDE: That's it. Thank you. Next
18 case.

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2 (7:01 p.m.)

3 Sitting Members: Jim Monteverde, Matina Williams, Thomas
4 Miller, Stephen Ng, and Michael LaRosa

5 JIM MONTEVERDE: Next case is BZA 216904 -- 840
6 Memorial Drive. Is there anyone here who wishes to speak on
7 it?

8 CAROLYN SEELEY: This is Carolyn Seeley. I am
9 from Smartlink. I am an agent on behalf of AT&T. I just --
10 would you like me just to give a quick, you know --

11 JIM MONTEVERDE: "Quick" was a good word.

12 CAROLYN SEELEY: Okay.

13 JIM MONTEVERDE: So yes. If you could just
14 explain the number of antenna and --

15 CAROLYN SEELEY: Sure.

16 JIM MONTEVERDE: -- other equipment that are being
17 substituted, and then if you could just get to the visual
18 comparisons, I think that would be helpful. Thank you.

19 CAROLYN SEELEY: Sure. So AT&T proposes just to
20 make minor modifications. They -- currently there are 12
21 panel antennas, and they are looking to swap them out with
22 12 new panel antennas. There will be no visual changes, as

1 these antennas will be behind canisters.

2 They're also looking to swap out six remote radio
3 units with six new remote radio units and its associated
4 cabling. Again, there will be no visual changes, they're
5 all behind canisters.

6 I do have some photo sims that I had uploaded if -
7 - I don't know if you want me to share those as well? Oh,
8 yeah, there they are. Yep.

9 So those two canister at the red arrows are
10 pointed to, that's where the existing and proposed antennas
11 will be. They will be behind that stealth enclosure.

12 So there's -- the new antennas are actually a
13 little bit shorter than the current antennas, so yeah, there
14 will be no visual change either way, but what's in there
15 will actually be a little smaller.

16 Yep. You can just kind of see it shows the before
17 and after. As you can see, there's no change because
18 everything's -- everything's hidden.

19 JIM MONTEVERDE: Okay. Very good. That's what I
20 saw inside the file. So --

21 CAROLYN SEELEY: Yeah, it's a pretty -- pretty
22 easy, easy job. [Laughter]

1 JIM MONTEVERDE: I agree. Easy peasy. Anything
2 else?

3 CAROLYN SEELEY: No, that is it.

4 JIM MONTEVERDE: Okay. Any questions from members
5 of the Board?

6 CAROLYN SEELEY: I do not have any questions at
7 this time.

8 JIM MONTEVERDE: Sorry, that was directed to the
9 Board members at the moment. But thank you.

10 MATINA WILLIAMS: No questions.

11 JIM MONTEVERDE: Thank you. Tom?

12 THOMAS MILLER: No questions.

13 JIM MONTEVERDE: Steve?

14 STEPHEN NG: No questions.

15 JIM MONTEVERDE: Michael?

16 MICHAEL LAROSA: No questions.

17 JIM MONTEVERDE: Thank you. and there's nothing
18 in the file from the Planning Board, right? They didn't
19 touch this one? Okay. We have no correspondence in the
20 file, either permanent or negative. So I will open it up to
21 public testimony. Is there anyone who wishes to speak?

22 Nope? All right. We will move to -- give me one

1 second. All right. The Chair moves that this Board make
2 the following findings: Based on the findings, the Chair
3 moves that the petitioner be granted the special permit it
4 is seeking subject to the following conditions:

5 One, that the work proceed in accordance with the
6 plans submitted by the petitioner, as initialed by the
7 Chair.

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

12 Two, that upon completion of the work, the
13 physical appearance and visual impact of the proposed work
14 will be consistent with the photo simulations submitted by
15 the petitioner and initialed by the Chair.

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

20 Four, that should the petitioner cease to utilize
21 the equipment approved tonight for a continuous period of
22 six months or more, it shall be promptly thereafter removed,

1 or it shall promptly thereafter such equipment and restore
2 the building on which it is located to its prior condition
3 and appearance, to the exact (sic) reasonably practical.

4 Five, that the petitioner is in compliance with
5 and will continue to comply with in all respects the
6 condition imposed by the Board with regard to previous
7 special permits granted to the petitioner, with regard to
8 the site in question.

9 In as much as the health effects of the
10 transmission of electromagnetic energy waves is a matter of
11 ongoing societal concern and scientific study, the special
12 permit is also subject to the following conditions:

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

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

22 Failure to timely file any such report with the

1 Inspectional Services Department shall ipso facto terminate
2 the special permit granted tonight.

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

14 The special permit granted tonight shall ipso
15 facto terminate if any of the petitioner's federal licenses
16 -- or pleural -- is or are suspended, revoked, or
17 terminated.

18 c) That to the extent a special permit has
19 terminated, pursuant to the foregoing paragraphs a) and b),
20 the petitioner may apply to this Board for a new special
21 permit, provided that the public notice concerning such
22 application discloses in reasonable detail that the

1 application has been filed because of termination of the
2 special permit, pursuant paragraphs a) and b) above.

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

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

14 a) he or she has such responsibility, and

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

1 There ends the lecture. The Chair makes the
2 motion to grant the relief from the requirements of the
3 ordinance under the section stated for the special permit on
4 the condition that the work proposed conforms to the
5 drawings entitled, "Cambridge Memorial Drive, 840 Memorial
6 Drive, Cambridge, Massachusetts, Middlesex County," and
7 prepared by Ramaker, initialed and dated by the Chair, and
8 further that we incorporate the supporting statements and
9 eventual forms submitted as part of this application.

10 For the special permit, it is granted
11 incorporating the following conditions: And there are no
12 conditions.

13 At this point, yep, we've covered everything. And
14 in citing the requirements necessary for the special permit
15 as of under Section 10.40, and then we are ready for a vote.

16 On the motion to grant the relief requested, the
17 special permit, Matina, how do you vote?

18 MATINA WILLIAMS: In favor.

19 JIM MONTEVERDE: Tom?

20 THOMAS MILLER: In favor.

21 JIM MONTEVERDE: Stephen?

22 STEPHEN NG: In favor.

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JIM MONTEVERDE: Michael?

MICHAEL LAROSA: In favor.

JIM MONTEVERDE: And Jim Monteverde in favor.

[All vote YES]

JIM MONTEVERDE: That's five in the affirmative.

Thank you. Oops, one thing. Next case.

CAROLYN SEELEY: Thank you.

JIM MONTEVERDE: Yep.

1 * * * * *

2 (7:01 p.m.)

3 Sitting Members: Jim Monteverde, Matina Williams, Thomas
4 Miller, Stephen Ng, and Michael LaRosa

5 JIM MONTEVERDE: It's 216930. And Ms. Seeley,
6 you're up on this one as well?

7 CAROLYN SEELEY: Yep, I am. Again, my name is
8 Carolyn Seeley. I'm an AT&T agent working at Smartlink.
9 This modification is also very similar to the one we just
10 spoke about.

11 This particular site has nine existing antennas.
12 AT&T is looking to swap out nine antennas with my new
13 antennas, six remote radio units with six new units, and
14 assigned cabling.

15 There will also be no visual changes here, as the
16 antennas will be painted to match -- you know, not side of
17 the building. They are currently painted, and the new
18 antennas will be painted as well.

19 So this is also another pretty easy peasy scope of
20 work as well.

21 JIM MONTEVERDE: Yep. Can we just go through the
22 photo simulations please, Olivia?

1 CAROLYN SEELEY: Yep. So there are the nine
2 antennas.

3 JIM MONTEVERDE: And Olivia, I notice we don't
4 have any correspondence from the Planning Board on this one
5 either? So Ms. Seeley, can I ask a question?

6 CAROLYN SEELEY: Sure.

7 JIM MONTEVERDE: In some of the other telecom
8 cases where the Planning Board has weighed in, what they
9 typically have requested -- what I have seen requested on a
10 regular basis, which I think makes sense visually, is that
11 the antennas that are at the top of whatever the cornice
12 line or parapet line is of the building --

13 CAROLYN SEELEY: Mm-hm.

14 JIM MONTEVERDE: -- not be set flush with that
15 parapet but be set down from that parapet by a certain
16 dimension.

17 CAROLYN SEELEY: Yep.

18 JIM MONTEVERDE: And that really allows the
19 building top to read as the primary element, and the
20 antennas to be below that. So they're the most obvious
21 pieces.

22 CAROLYN SEELEY: Okay.

1 JIM MONTEVERDE: Is that anything that's
2 achievable in what you're proposing? I mean, I realize
3 you're basically swapping out for what's there, but is that
4 achievable on what you're -- what's being proposed here?

5 CAROLYN SEELEY: It's hard for me to say. I would
6 actually have to talk to one of the engineers over at
7 Ramaker to just confirm that. But I don't see why not.

8 JIM MONTEVERDE: Okay.

9 CAROLYN SEELEY: But again, you know, I can't say
10 right now for sure. But I can definitely look into that.

11 JIM MONTEVERDE: Understood. Okay. Do we have
12 any questions or comments from members of the Board?
13 Michael?

14 MICHAEL LAROSA: None.

15 JIM MONTEVERDE: Stephen?

16 STEPHEN NG: No questions.

17 JIM MONTEVERDE: Tom?

18 THOMAS MILLER: No questions.

19 JIM MONTEVERDE: Matina?

20 MATINA WILLIAMS: No questions.

21 JIM MONTEVERDE: Thank you. Opening it up to any
22 comments from members of the public. Anybody wishing to

1 speak? Anybody there? Okay. No one is there. Board
2 members, any discussion or are we ready for a motion?

3 MATINA WILLIAMS: Ready for a motion.

4 JIM MONTEVERDE: Ready for a motion now. I'm
5 going to try something here. Bear with me one second.

6 JIM MONTEVERDE (ON RECORDING): All right. The
7 Chair moves that this Board make the following findings.

8 Hold on. Sorry. I'm trying not to repeat all of
9 that, and I thought it taped it, recorded it. All right.

10 Let me read it. Try it again next time:

11 The Chair moves that this Board make the following
12 findings: Based on the findings, the Chair moves that the
13 petitioner be granted the special permit it is seeking
14 subject to the following conditions:

15 One, that the work proceed in accordance with the
16 plans submitted by the petitioner, and initialed by the
17 Chair.

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

22 Three, that the petitioner shall at all times

1 maintain the proposed work, so that its physical appearance
2 and visual impact will remain consistent with the photo
3 simulations previously referred to.

4 Four, that should the petitioner cease to utilize
5 the equipment approved tonight for a continuous period of
6 six months or more, it shall promptly remove such equipment
7 and restore the building on which it is located to its prior
8 condition and appearance, to the exact (sic) reasonably
9 practicable.

10 Five, that the petitioner is in compliance with
11 and will continue to comply with all respects and conditions
12 imposed by the Board.

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

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

22 Each such report shall be filed with the

1 Inspectional Services Department no later than 10 business
2 days after the report has been filed with the federal
3 authorities.

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

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

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

21 c) That to the extent a special permit has
22 terminated, pursuant to the foregoing paragraphs a) and b),

1 the petitioner may apply to this Board for a new special
2 permit, provided that the public notice concerning such
3 application discloses in reasonable detail that the
4 application has been filed because of a termination of the
5 special permit pursuant to paragraphs a) or b) above.

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

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

17 a) he or she has such responsibility, and

18 b) that the equipment being installed pursuant to
19 the special permit we are granting tonight will comply with
20 all federal safety rules and will be situated and maintained
21 in locations with appropriate barricades and other
22 protections, such that individuals, including nearby

1 residents and occupants of nearby structures, will be
2 sufficiently protected from excessive radiofrequency
3 radiation under federal law.

4 On the motion to accept, Michael?

5 MICHAEL LAROSA: I accept.

6 JIM MONTEVERDE: Stephen?

7 STEPHEN NG: Accept.

8 JIM MONTEVERDE: Tom?

9 THOMAS MILLER: Accept.

10 JIM MONTEVERDE: Matina?

11 MATINA WILLIAMS: Accept it.

12 JIM MONTEVERDE: And Jim Monteverde votes in
13 favor.

14 [All vote YES]

15 JIM MONTEVERDE: Can I add one condition? And
16 that's what I was spoke about earlier, Ms. Seeley, that you
17 and the proponent just look into the opportunity, and
18 certainly in future submissions, that the equipment --
19 usually the antenna housings that are located by the
20 building parapet -- be held down from the parapet line, so
21 that the building parapet itself is visible from the street
22 and that the antenna sits lower than that.

1 Is that okay to add, Ms. Seeley?

2 CAROLYN SEELEY: Absolutely, yep. I will
3 definitely take that note, and I will --

4 JIM MONTEVERDE: Okay.

5 CAROLYN SEELEY: -- get with the engineer this
6 morning.

7 JIM MONTEVERDE: I appreciate that. We're done,
8 basically. We're done. Case closed.

9 CAROLYN SEELEY: Thank you.

10 JIM MONTEVERDE: Thank you. Any one of the Board
11 members who wants to read those statements next time, you
12 can proudly volunteer, and I'm happy to pass that on. Next
13 case.

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(7:21 p.m.)

Sitting Members: Jim Monteverde, Matina Williams, Thomas
Miller, Stephen Ng, and Michael LaRosa

JIM MONTEVERDE: 215453 -- 27 Dana Street. Yeah,
the -- oh, this one. Is there anyone here who wishes to
speak on 27 Dana Street? Leon, are you with us?

LEON NAVICKAS: I'm here.

JIM MONTEVERDE: Do you want to unmute; do you
want to --

LEON NAVICKAS: Let me start the video.

JIM MONTEVERDE: -- discuss the project, please,
in front of us? And what you're asking for?

LEON NAVICKAS: Yeah. Thank you for this
opportunity to present my proposal. My name is Leon
NAVICKAS --

JIM MONTEVERDE: Can you identify yourself --
sorry, can you identify yourself first for the record?

LEON NAVICKAS: My name is Leon Navickas. I'm a
co-owner of the property and a General Contractor
supervising the renovation.

JIM MONTEVERDE: Thank you. Proceed.

1 LEON NAVICKAS: I'm looking to clean up the back
2 yard of this property in terms of its appearance. We have
3 four egresses; I'd like to make that two.

4 And the proposal that I have in front of the Board
5 is to relocate a staircase and a platform in exactly the
6 same footprint by shifting it 54" towards the center of the
7 building.

8 Not creating any new -- any new problems, any new
9 -- what's the word I'm looking for?

10 JIM MONTEVERDE: Nonconformity.

11 LEON NAVICKAS: Nonconformities, I apologize.

12 JIM MONTEVERDE: Okay. And this is a special
13 permit request, correct?

14 LEON NAVICKAS: It is a special permit request.

15 JIM MONTEVERDE: Yep. Okay.

16 LEON NAVICKAS: As you can see from the photograph
17 of the existing conditions on the right-hand side, there's a
18 staircase and a platform going to a door. There's three
19 other doors on the rear of this building.

20 On the next page, you can see more of what the
21 back yard looks like.

22 It's the existing nonconforming 13' setback. I'm

1 proposing to shift that staircase, flip it around and shift
2 it towards the center of the building on same wall and
3 eliminate those two egresses that were there, to clean up of
4 the building from the rear.

5 I'm not aware of any objections to this proposal,
6 and I believe the Historical Commission has also given its
7 consent.

8 JIM MONTEVERDE: Okay. Thank you. Members of the
9 Board, does anyone have a question or a comment? Matina?

10 MATINA WILLIAMS: No questions at this time.

11 JIM MONTEVERDE: Thank you. Thomas?

12 THOMAS MILLER: No questions at this time.

13 JIM MONTEVERDE: Stephen?

14 STEPHEN NG: No questions at this time.

15 JIM MONTEVERDE: Michael?

16 MICHAEL LAROSA: I just have one question. And I
17 don't know, Jim or Olivia, you might be able to actually
18 answer for me: The current -- excuse me, the current door
19 in the middle where the proposed deck will be in front of
20 after the fact, it's a raised deck. So I assume we're going
21 to enclose that stairway and create floor -- flat floor.
22 Does that increase the FAR?

1 LEON NAVICKAS: To my knowledge, no.

2 JIM MONTEVERDE: So --

3 MICHAEL LAROSA: If you go back to page --

4 JIM MONTEVERDE: Is the stair being -- that's all
5 right, sorry.

6 MICHAEL LAROSA: Seven stairs up.

7 LEON NAVICKAS: It's already -- it's enclosed.
8 It's considered a part of the building envelope.

9 JIM MONTEVERDE: Right. So you're -- this internal
10 to the building, the stairs in the middle of that photograph
11 will be removed. You'll bring the floor out flat; I'm
12 assuming?

13 LEON NAVICKAS: Correct.

14 JIM MONTEVERDE: And then when you go to this
15 photo of the exterior stair, that's why the landing is the
16 height that it's at. It's at that first-floor level inside
17 the building. So you're on the adding any square footage?

18 LEON NAVICKAS: That's correct.

19 JIM MONTEVERDE: Right? It's the area that's in
20 the stair and now it becomes -- you just flatten it out. So
21 I think, Michael, does that answer your question?

22 MICHAEL LAROSA: Yeah.

1 JIM MONTEVERDE: Yeah, that's the way I see it.

2 MICHAEL LAROSA: Thank you.

3 JIM MONTEVERDE: Okay. Any other questions or
4 comments from members of the Board? This is Jim Monteverde,
5 I have no comments.

6 We have a letter in the file from the Mid
7 Cambridge Neighborhood Conservation District Commission.
8 Not taking any exception, and just asking that the
9 improvements be carried out as shown on the plans submitted.

10 Any member of the public wishing to speak?

11 [Pause]

12 No. Okay. Let me move -- and this is a special
13 permit. Let me move to make a motion. The Chair makes a
14 motion to grant the relief from the requirements of the
15 ordinance under Section -- you've got 822.2.d and 10.40 for
16 the special permit, on the condition that the work proposed
17 conforms to the drawings entitled, "27 Dana Street,"
18 prepared by Creative Properties and dated March 9, 2023
19 initialed and dated by the Chair.

20 And further that we incorporate the supporting
21 statements and dimensional forms submitted as part of the
22 application.

1 And then for the special permit at 1040, we grant
2 the relief from it. And I think that's it. So time for a
3 vote. Michael? On the motion to accept: Michael?

4 STEPHEN NG: Stephen.

5 JIM MONTEVERDE: And Stephen?

6 STEPHEN NG: Steve Ng, accepted.

7 JIM MONTEVERDE: Tom? Thomas?

8 THOMAS MILLER: In favor.

9 JIM MONTEVERDE: Matina?

10 MATINA WILLIAMS: In favor.

11 JIM MONTEVERDE: And Jim Monteverde in favor. The
12 motion has passed.

13 [All vote YES]

14 Thank you.

15 LEON NAVICKAS: Thank you.

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(7:28 p.m.)

Sitting Members: Jim Monteverde, Matina Williams, Thomas
Miller, Stephen Ng, and Michael LaRosa

JIM MONTEVERDE: The next case is 215878 -- 27
Brookford Street. This is, again, a special permit. Is
there anyone who wishes to speak on this application?

Tate Hornbeck?

MARGARET MCKEEHAN: Margaret McKeehan.

JIM MONTEVERDE: 27 Brookford Street homeowner.

MARGARET MCKEEHAN: I believe our architect may be
joining and may be more prepared to speak on it. But I
don't see his name as a panelist yet.

There he is.

JIM MONTEVERDE: Is that Andrew?

MARGARET MCKEEHAN: Yeah, correct.

JIM MONTEVERDE: Or is that Tate?

MARGARET MCKEEHAN: That's Andrew.

JIM MONTEVERDE: All right. Do you want to walk
us through the application?

ANDREW HATCHER: Hello?

JIM MONTEVERDE: Yes.

1 ANDREW HATCHER: Okay. Yes, we are --

2 JIM MONTEVERDE: Just introduce yourself, just
3 introduce yourself, please?

4 ANDREW HATCHER: Sorry, Andrew Hatcher from
5 Hatcher Architects. And I'm here to represent Margaret
6 McKeehan and her husband, Tate Hornbeck, the owners at 27
7 Brookford Street.

8 JIM MONTEVERDE: Yep. Can you walk us through
9 what's being proposed?

10 ANDREW HATCHER: Yes. We are proposing a dormer
11 at the third-floor attic area, which will house a new stair
12 to the third floor; a stair that is code-compliant with
13 today.

14 And if you look -- the sheet you're on, the upper
15 left-hand elevation number 4 you can see I have a heavy
16 dashed line, and it's showing the existing dormer.

17 And then obviously window 22 is the proposed
18 dormer.

19 The new dormer, the current setback is 7'6" and
20 the building is placed at 3.8' off the lot line, the north
21 lot line. So the new dormer aligns over the existing wall
22 below. However, that window is, as per Article 8.22.1d,

1 that is one of the special permit requests we're asking
2 relief from.

3 JIM MONTEVERDE: Okay. Anything else you're
4 requesting relief for?

5 ANDREW HATCHER: Nothing else is really required
6 by the special permit. It's just this dormer and this
7 window.

8 JIM MONTEVERDE: That's fine. Can you tell us --
9 just remind us what the length of that dormer is, just to
10 confirm its compliance with the Dormer Guidelines?

11 ANDREW HATCHER: Yes. The length of that dormer
12 is 10'1" and then there's -- excuse me, there's another new
13 dormer on the opposite side of this roof, which is 4'4".
14 Yes, Window no. 20.

15 JIM MONTEVERDE: Oh, I'm sorry. Those are both
16 new dormers?

17 ANDREW HATCHER: That's correct.

18 JIM MONTEVERDE: Okay.

19 ANDREW HATCHER: And the total length of both
20 dormers I put at 14'11" to the -- when finished with
21 sheathing.

22 JIM MONTEVERDE: Yep. Very good. Thank you.

1 anything else that you want to describe?

2 ANDREW HATCHER: No, other than that if you go
3 back to the photographs or down one sheet, and the bottom
4 right and the top right photos you can see the existing
5 dormer and the neighbors' driveway where that truck is.

6 And then the bottom right photo you can see
7 there's no dormer there, but on the back side of that
8 chimney, the new shower stall dormer will be installed.

9 The current dormer is 14" set back from the wall,
10 the exterior wall below it.

11 JIM MONTEVERDE: And am I looking at this
12 correctly, the current dormer it's roofline hits the ridge?

13 ANDREW HATCHER: It does.

14 JIM MONTEVERDE: And the proposed does the same?

15 ANDREW HATCHER: It does.

16 JIM MONTEVERDE: Okay. All right. Anything else?

17 ANDREW HATCHER: No, that's it. The others are
18 just the streetscape.

19 JIM MONTEVERDE: Okay. Anything that you're
20 seeking relief from relative to that streetscape?

21 ANDREW HATCHER: No. I think the two articles,
22 which are 8.22.c --

1 JIM MONTEVERDE: c, yep.

2 ANDREW HATCHER: -- and which is -- as long as we
3 don't go beyond the exterior wall below, we stay vertical,
4 you may grant as a special permit. And then 8.22.1.d, which
5 is a window on a new dormer facing the side?

6 JIM MONTEVERDE: Yep. Okay.

7 ANDREW HATCHER: So those are the two.

8 JIM MONTEVERDE: And on the new dormer where it --
9 did I hear correctly that it rises up from and in line with
10 the plane of the existing house wall below?

11 ANDREW HATCHER: Yes. Vertically, the walls
12 align. Correct.

13 JIM MONTEVERDE: And the trim?

14 ANDREW HATCHER: That allows me my head clearance
15 for a new stair.

16 JIM MONTEVERDE: Yep. Okay. And that the trim
17 and gutter, will that pass by that face of the dormer?

18 ANDREW HATCHER: It does. If you go back one
19 sheet to Sheet 5. Thanks.

20 JIM MONTEVERDE: So it will have the appearance of
21 breaking up light?

22 ANDREW HATCHER: Yeah. If you pan out, but you

1 can see how the gutter passes by.

2 JIM MONTEVERDE: Yep, okay. Thank you. Any
3 questions from other members of the Board? Michael?

4 MICHAEL LAROSA: No questions.

5 JIM MONTEVERDE: Thank you. Stephen?

6 STEPHEN NG: No, I like that solution of allowing
7 that stair -- a code-compliant stair to get up to that level
8 3, and I think that eave extending a little bit past that
9 face of the shed dormer really makes a difference there, so
10 --

11 JIM MONTEVERDE: Yep.

12 STEPHEN NG: Nice job. Thank you.

13 JIM MONTEVERDE: Very good. Thomas?

14 THOMAS MILLER: No questions, thanks.

15 JIM MONTEVERDE: Thank you. Matina?

16 MATINA WILLIAMS: No questions. Thank you.

17 JIM MONTEVERDE: Okay. We have correspondence in
18 the file, in support. Ramsey and Jon Champagne, and Darren
19 Buck, both in favor, not against.

20 Is there any member of the public who wishes to
21 speak? Any member of the public who wishes to speak should
22 now click the icon at the bottom of your Zoom screen that

1 says, "Raise hand."

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

4 Anyone wishing to join in?

5 [Pause]

6 Nope? Okay. Members of the Board, any discussion
7 or are we ready for a motion?

8 MATINA WILLIAMS: Ready for a motion.

9 JIM MONTEVERDE: Okay. I see -- I hear a yes and
10 I see a head nod. This is a special permit.

11 The Chair makes a motion to grant the relief from
12 the requirements of the ordinance under Sections 8.22.1.h.2,
13 and 8.22.22.c and Section 1040 for a special permit on the
14 condition that the work proposed conform to the drawings
15 entitled "27 Brookford Street, Cambridge," and prepared by
16 Hatcher Architects and dated 02/14/2023 initialed and dated
17 by the Chair.

18 And further that we incorporate the supporting
19 statements, which we read into the file, and dimensional
20 forms submitted as part of the application.

21 Is that everything for the Board members? Nothing
22 else to add or -- okay.

1 Now we'll go for a vote. Matina?

2 MATINA WILLIAMS: Yes, in favor.

3 JIM MONTEVERDE: And Thomas?

4 THOMAS MILLER: In favor.

5 JIM MONTEVERDE: Stephen?

6 STEPHEN NG: In favor.

7 JIM MONTEVERDE: Michael?

8 MICHAEL LAROSA: Michael LaRosa in favor.

9 JIM MONTEVERDE: And Jim Monteverde in favor.

10 [All vote YES]

11 JIM MONTEVERDE: That's five votes affirmative;
12 that's unanimous.

13 ANDREW HATCHER: Thank you.

14 JIM MONTEVERDE: A regular task -- is a trooper
15 going to come and take me away? Oooh, we have to stop. We
16 have to take a break. We're ahead of schedule. The --

17 ANDREW HATCHER: I have a question.

18 JIM MONTEVERDE: -- next is at 7:45. So I'm going
19 to take a break and be back at 7:45.

20 (BREAK)

21 MATINA WILLIAMS: I think there was a question,
22 Mr. Speaker.

1 JIM MONTEVERDE: From whom?

2 ANDREW HATCHER: It was just from myself, Andy
3 Hatcher.

4 JIM MONTEVERDE: Yep.

5 ANDREW HATCHER: The next communication will be
6 from your offices, which is the documents that we give to a
7 General Contractor when they go for their permitting?

8 JIM MONTEVERDE: Correct.

9 ANDREW HATCHER: Okay. All right. Simple. Just
10 want to make sure.

11 JIM MONTEVERDE: Sure. Thank you.

12 ANDREW HATCHER: Great. Thank you. Goodnight.

13 JIM MONTEVERDE: Goodnight. And we'll be back at
14 7:45.

15 (BREAK)

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(7:45 p.m.)

Sitting Members: Jim Monteverde, Matina Williams, Thomas
Miller, Stephen Ng, and Michael LaRosa

JIM MONTEVERDE: We will now hear Case 216245 --
158 Pleasant Street. Is there anybody here who wishes to
speak on that case?

AMY SEMMES: Good evening. My name is Amy Semmes,
and I am the architect working together with the homeowners,
Felicia Brady-Lopez and Mario Lopez, who I thought were
going to join us.

JIM MONTEVERDE: Felicia is. She's just on mute.
Here she is. I see two people. Here we are.

FELICIA BRADY-LOPEZ: Hi, everybody.

JIM MONTEVERDE: Can I ask one question before we
get into the merits of the case?

FELICIA BRADY-LOPEZ: Sure.

JIM MONTEVERDE: Is this a condo?

MARIO LOPEZ: No.

JIM MONTEVERDE: Okay. Thank you. Go right
ahead.

FELICIA BRADY-LOPEZ: Okay. Why don't you?

1 MARIO LOPEZ: I'm Mario Lopez. I'm an owner with
2 my wife, Felicia. And we've been living in Cambridgeport
3 for -- I've been there since 2006. She's been here for much
4 longer. And we've been working with the community to modify
5 our kitchen.

6 FELICIA BRADY-LOPEZ: Hi, I'm Felicia. I've lived
7 here with my husband for 10 years, and before this I lived a
8 block over on Magazine Street for 20 years.

9 And we love this neighborhood. It's great,
10 Cambridgeport. We know now and love our neighbors very well
11 and want the aesthetic of our home to match the neighborhood
12 and to be pleasant for everybody involved, and thankfully
13 have the support of our neighbors. And we really believe in
14 open design as well.

15 JIM MONTEVERDE: Thank you. Can you walk us
16 through the proposal, the building -- what you're proposing
17 in terms of the changes to the existing structure?

18 AMY SEMMES: Yes, we can. Can you hear me?

19 JIM MONTEVERDE: Yes.

20 AMY SEMMES: Okay, excellent. So this particular
21 lot is one of a series of seven matching attached townhouses
22 in the middle of the block, which I think that you can see

1 if you go down to page 3, you will see an overview of the
2 context.

3 And if you go to the next page, page 4, we sort of
4 have a before and after site plan of their specific lot.
5 It's an attached townhouse with a one-story rear ell, which
6 houses the kitchen.

7 The top -- the view on the top of the page is the
8 existing setup, where there's sort of an notch taken out of
9 the rear addition.

10 And it's mostly infilled with a small little
11 raised deck, but it's a table crammed into it. And then the
12 rear means of egress comes off onto that deck, and then you
13 could go down the stairs and then out and out to the stairs
14 and then out to the street through this little sort of
15 tunnel that's shared with the adjacent neighbor.

16 If you look at the lower view, this shows the
17 proposed birds eye view of the project, where essentially,
18 we're taking the existing one-story rear wing and we're
19 squaring off that notch.

20 We're eliminating the deck, and then we're doing a
21 little bit of a popout bay window in the back wall, which
22 will have -- will have some plant shells right by an eating

1 area inside.

2 Can we move down to the next page? I'm just
3 trying to -- so let's keep going, page 6 shows sort of
4 various photos of the existing rear view. The upper right-
5 hand corner sort of shows the notch on the deck.

6 We're going now to page 7. This shows the new
7 floor plan for the kitchen, which will have the landing only
8 coming out towards the side instead of the back, so that we
9 recoup that space for a little sitting area for eating --
10 kitchen -- and this is sort of a sunny, southern aspect of
11 the house.

12 JIM MONTEVERDE: The total additional square
13 footage is 29 square feet, correct?

14 AMY SEMMES: Correct. It's an --

15 JIM MONTEVERDE: Okay.

16 AMY SEMMES: -- an ask for a total, a total add of
17 29 square feet, and we need a variance to be able to do
18 that. Everything about the house is nonconforming, because
19 it's in Residence C, which is written as if it's supposed to
20 be a 5000 square foot lot, and we're only a 1500 square foot
21 lot.

22 So at -- you know, anything becomes an ask.

1 JIM MONTEVERDE: Right. Understood.

2 AMY SEMMES: And --

3 JIM MONTEVERDE: Okay. Thank you. I think it's
4 pretty -- it's clear, thank you.

5 AMY SEMMES: Good. Thank you.

6 JIM MONTEVERDE: Any questions from members of the
7 Board?

8 Michael?

9 MICHAEL LAROSA: No, no questions.

10 JIM MONTEVERDE: Thank you. Stephen?

11 STEPHEN NG: No questions.

12 JIM MONTEVERDE: Thomas?

13 THOMAS MILLER: No questions.

14 JIM MONTEVERDE: Matina?

15 MATINA WILLIAMS: No questions.

16 JIM MONTEVERDE: And Jim Monteverde, I have no
17 questions.

18 In the file, there are letters of support from
19 Diana Fisher and Aaron Oppenheimer, Bonnie Mioduchoski,
20 Philippe Daniel, whoo - and then, I got to spell this record
21 you want; no apologies needed/the opposite: Xiaorui Dong
22 and Qinyan Luo. Those are all in favor; no one is written

1 in opposition.

2 Any -- I'll open it to public comment. Any member
3 of the public who wishes to speak should now click the icon
4 at the bottom of your Zoom screen that says, "Raise hand."

5 If you're calling in by phone, you can raise your
6 hand by pressing *9 and unmute or mute by pressing *6. Does
7 anyone wish to speak on this matter? No? Okay. Members of
8 the Board, do you have any final questions, or are you ready
9 for a motion?

10 MATINA WILLIAMS: Ready for a motion.

11 JIM MONTEVERDE: All right. Thank you. And this
12 one is a variance. The Chair moves to make a motion to
13 grant the relief from the requirements of the ordinance
14 under Sections 5.31, 8.22.3, and 10.30 on the condition that
15 the proposed work conform to the drawings =entitled, "158
16 Pleasant Street prepared by Amy Semmes? Samies? (sic)

17 AMY SEMMES: Semmes.

18 JIM MONTEVERDE: Semmes, thank you. Dated
19 03/13/2013 initialed by the Chair. And further, that we
20 incorporate the supporting statements and dimensional forms
21 submitted as part of the application. Are we ready for a
22 vote? So Matina?

1 MATINA WILLIAMS: Yes, in favor.

2 JIM MONTEVERDE: Thomas?

3 THOMAS MILLER: In favor.

4 JIM MONTEVERDE: Stephen?

5 STEPHEN NG: In favor.

6 JIM MONTEVERDE: Michael?

7 MICHAEL LAROSA: In favor.

8 JIM MONTEVERDE: And Jim Monteverde in favor.

9 [All vote YES]

10 That's five votes in favor; unanimous. The motion
11 is approved. Thank you. Good luck.

12 AMY SEMMS: Thank you so much.

13 JIM MONTEVERDE: Yep. Have to wait until 8:00.

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(8:00 p.m.)

Sitting Members: Jim Monteverde, Matina Williams, Thomas
Miller, Stephen Ng, and Michael LaRosa

JIM MONTEVERDE: So the next case is 216367 -- 84
Roberts Road, Unit 3. And I hope our statements about the
other selections going quickly don't curse us for the last
-- jinx us, but is there anyone present who would like to
speak or present about the Case 216367?

Marilyn, is that you?

MARILYN RANKER: I'm the owner, yes. Marilyn
Ranker. I'm the owner of the property, and I have an
existing shed, which I need a variance to tear down and
rebuild as an artist's studio.

JIM MONTEVERDE: Can I ask you one question before
you go further?

MARILYN RANKER: Yes.

JIM MONTEVERDE: Is the property -- is this a
condominium in a condominium association?

MARILYN RANKER: Yes.

JIM MONTEVERDE: Is there a --

MARILYN RANKER: But I own the shed outright as

1 part of my condo.

2 JIM MONTEVERDE: It's exclusive to you?

3 MARILYN RANKER: Yes, it is.

4 JIM MONTEVERDE: So you don't need approval from
5 your other -- from the condo association to do anything on
6 your exclusive hold?

7 MARILYN RANKER: I don't need to, but I already
8 have letters from them that they've agreed.

9 JIM MONTEVERDE: Okay, great. Thank you. Okay.
10 Can you just walk us through it, please?

11 MARILYN RANKER: Yes. I'm going to -- it's a shed
12 that's sort of -- you know, it's not repairable. So I'm --
13 I have a contractor who's going to demolish it and rebuild
14 it on the existing footprint, which is on an existing
15 concrete slab.

16 JIM MONTEVERDE: Yep.

17 MARILYN RANKER: And it will have a slanted roof
18 instead of a pitched roof, and the plan is to make it
19 harmonious with the existing kind of neighborhood, yes. So
20 there it is, the shed.

21 JIM MONTEVERDE: That's the existing condition?

22 MARILYN RANKER: Yes. It's falling apart. So I

1 have to do something.

2 JIM MONTEVERDE: And the use of the new structure?

3 MARILYN RANKER: Will be an artist studio. I
4 personally am an artist. At the moment, I'm renting a space
5 in Somerville. And whether or not I use it or rent it to
6 another artist or architect will be determined. But I'm
7 trying to make the most of the space that I own.

8 JIM MONTEVERDE: Okay.

9 MARILYN RANKER: And we already have had positive
10 approval from the Historical Board.

11 JIM MONTEVERDE: Yep. I'm going to find that in
12 the file while I'm shuffling through these. Any comments or
13 questions from members of the Board? Michael?

14 MATINA WILLIAMS: Matina.

15 JIM MONTEVERDE: Oh, sorry. Matina.

16 MATINA WILLIAMS: Sorry.

17 JIM MONTEVERDE: No.

18 MATINA WILLIAMS: No questions.

19 JIM MONTEVERDE: Thomas?

20 THOMAS MILLER: Yeah. I just want to make sure --
21 this is a clarifying question for you, Jim -- I just notice
22 on the application form to the BZA under b) there's a

1 statement that there's no hardship owing to the
2 circumstances relating to soil conditions, et cetera. Is
3 that a finding that we would need to make to grant this?

4 JIM MONTEVERDE: That usually relates to -- that
5 section relates to the section that's right above it, that
6 basically is asking for demonstration of a hardship.

7 That is one of the requirements of a variance,
8 that -- you know, it's unique to the variance request as
9 opposed to the special permits. But -- so if you have a
10 question about that, you can ask. Otherwise --

11 THOMAS MILLER: So I don't want to elevate -- you
12 know, I think that this is a very thoughtful proposal, and I
13 don't have any strong opposition to it, but I would maybe
14 like to hear maybe more about the response to be there, just
15 for us to do our due diligence.

16 JIM MONTEVERDE: Okay. Let me follow up on that.
17 It's -- and this is for you, Ms. Ranker: The variance
18 requirements, or the specific requirements that we are to
19 find in order to grant a variance read -- there are three of
20 them -- and the first is that a literal enforcement of the
21 ordinance would involve a hardship.

22 And then b) is that the hardship I think Thomas is

1 referring to: the hardship is owing to circumstances
2 relating to the soil conditions, shape of the lot or
3 topography of the land or structures that are specific to
4 this location, not generally affecting the district in which
5 it's located.

6 And then c) that the desired relief may be granted
7 without substantial detriment to the public or nullifying or
8 derogating from the intent of the code.

9 So that's the way those sections read. So Ms.
10 Ranker in response, can you talk about any substantial
11 hardship or hardship owing to the soil condition, shape or
12 topography?

13 MARILYN RANKER: I don't think there's a hardship
14 to the soil. I do know that there already is an existing
15 concrete pad, and I just have to do something with the shed,
16 so --

17 JIM MONTEVERDE: Right. I think that that may be
18 the basis for the hardship, is that you have an existing
19 structure there that's in very bad, you know, state of
20 disrepair?

21 MARILYN RANKER: Yes.

22 JIM MONTEVERDE: Needs to be either, you know,

1 significantly rebuilt, modified, or in this case not even
2 repurposed, but rebuilt?

3 MARILYN RANKER: Yes. That is --

4 JIM MONTEVERDE: I think that's really the -- how
5 I would see the hardship. It's there, it's falling down,
6 you need to do something with it because it's a danger, and
7 your proposal is to take it down, it's too far gone to
8 repair?

9 MARILYN RANKER: Hyperemesis. It's too far gone.

10 JIM MONTEVERDE: And you'll replace it? Yeah. So
11 Thomas, I think that's the way it read that piece.

12 THOMAS MILLER: Thank you. Well articulated. I
13 think that does meet the statute.

14 JIM MONTEVERDE: Who did it leave out? Stephen?
15 Comments or questions?

16 STEPHEN NG: Yeah. My only comment -- but I think
17 it's answered, the Mid Cambridge Neighborhood Conservation
18 District Commission letter did mention some slight design
19 modifications, but they also --

20 JIM MONTEVERDE: Yep.

21 STEPHEN NG: -- state at the end also that the
22 applicant should consult with CHC Staff --

1 JIM MONTEVERDE: Right.

2 STEPHEN NG: -- on the revised design. So I
3 really -- I guess.

4 JIM MONTEVERDE: Yep. I'll read that into the
5 record next and --

6 STEPHEN NG: yeah. That answers -- that's -- I
7 think there's no questions from me, then. Thank you.

8 JIM MONTEVERDE: Thank you. Michael?

9 MICHAEL LAROSA: No, I don't think -- so it's,
10 essentially, it's the same footprint, you are just going a
11 little bit higher, is that correct?

12 MARILYN RANKER: A little bit higher on one side
13 to make a slanted roof instead of a pitched roof, yes.
14 Within the -- whatever the specifications were that I'm
15 allowed to go up, you know, a couple more feet.

16 15' is the maximum --

17 JIM MONTEVERDE: Yeah, 15'. Yep.

18 MICHAEL LAROSA: Another one for clarification, so
19 right now it's just the shed, but on the proposal, you have
20 a -- is that a full bathroom?

21 MARILYN RANKER: Um--

22 MICHAEL LAROSA: I can't tell if it's a shower?

1 MARILYN RANKER: There is -- there's going to be
2 -- yes, yes, we have a plumber, and we have an electrician.
3 Yes.

4 JIM MONTEVERDE: I think, right. It's a -- what
5 is it?

6 MICHAEL LAROSA: It looks like a --

7 JIM MONTEVERDE: It's a water closet and a shower?

8 MICHAEL LAROSA: -- full, a shower stall, and then
9 a sink on the right-hand side.

10 JIM MONTEVERDE: Yep.

11 MARILYN RANKER: Yes.

12 JIM MONTEVERDE: And then a -- yep.

13 MICHAEL LAROSA: Okay.

14 JIM MONTEVERDE: Any further questions?

15 MICHAEL LAROSA: Not from me.

16 JIM MONTEVERDE: And as Stephen mentioned, there
17 is correspondence in the file from these -- the Mid-
18 Cambridge Neighborhood Conservation District Commission.

19 And it reads -- and the request is to demolish
20 garage, construct new structure for office/studio.

21 Commission approved the proposal as submitted with the
22 following recommendations:

1 One, consider adding corner boards to resolve how
2 the edges of the siding meet at the corners.

3 Two, add more articulation to the front entrance,
4 such as a window in the door or a transom. Consider adding
5 an awning for protection from rain and snow.

6 Three, add exterior architectural details that
7 echo the detailing of the main residence.

8 And four, consult with CHC Staff on revised
9 design. So does the proponent have any exception to us
10 reading that and making that a condition of a motion to
11 approve?

12 MARILYN RANKER: Those are all well-taken and
13 considered suggestions. Yes.

14 JIM MONTEVERDE: Okay.

15 MARILYN RANKER: That's good. They're good.

16 JIM MONTEVERDE: All right. And you'll work --
17 consult with the CHC Staff on a revised design?

18 MARILYN RANKER: Yes.

19 JIM MONTEVERDE: Okay. And there are no other
20 letters in the file, either for or against? I will open the
21 matter up to public comment. Any members of the public who
22 wish to speak should now click the icon at the bottom of

1 your Zoom screen that says, "Raise hand."

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

5 [Pause]

6 Nope. No one. Board members, if you have any
7 other final comments or items to discuss, or otherwise we
8 can move on to a motion.

9 MATINA WILLIAMS: Move to motion.

10 JIM MONTEVERDE: Motion, okay. And this is a
11 variance. The Chair makes a motion to grant the relief from
12 the requirements of the Ordinance under Sections 5.31,4.21
13 and Section 10.30 regarding the variance on the condition
14 that the work performed conforms to the drawings entitled
15 "Artist Studio, 42 Roberts Road #3," dated December 11,
16 2022. And there is no name on these. And they will be
17 initialed and dated by the Chair.

18 And further, that we incorporate the supporting
19 statements, and dimensional forms submitted as part of the
20 application.

21 Further, the variance is granted incorporating the
22 conditions, and the conditions are as stated by the CHC

1 statement I just read into the record that's part of the
2 file. And so, it's time for a vote.

3 Matina?

4 MATINA WILLIAMS: Yes, in favor.

5 JIM MONTEVERDE: Thomas?

6 THOMAS MILLER: In favor.

7 JIM MONTEVERDE: Stephen?

8 STEPHEN NG: In favor.

9 JIM MONTEVERDE: Michael?

10 MICHAEL LAROSA: In favor.

11 JIM MONTEVERDE: And Jim Monteverde in favor.

12 [All vote YES]

13 That's five affirmative. Variance granted. Thank
14 you.

15 MARILYN RANKER: Thank you.

16 JIM MONTEVERDE: And in three minutes, Case
17 214799 -- 133 Fayerweather Street.

18 MICHAEL LAROSA: Jim, can I ask kind of a
19 procedural question?

20 JIM MONTEVERDE: Sure.

21 MICHAEL LAROSA: So on the last -- something like
22 the last one where it's a condominium unit, are we okay

1 taking it on face that other unit owners are on board with
2 whatever the condominium documents might require to do
3 something?

4 JIM MONTEVERDE: If the proponent didn't have the
5 exclusive use of the area --

6 MICHAEL LAROSA: Mm-hm.

7 JIM MONTEVERDE: -- then yeah, we would want a
8 statement from the association that they approve the
9 modification. So I think we're okay, given that she has the
10 -- the proponent had the exclusive use of that part of the
11 lot and therefore that structure. Olivia, does that sound
12 right to you?

13 MICHAEL LAROSA: I wasn't sure, where it's being
14 converted to --

15 JIM MONTEVERDE: No, sorry, just give me -- I'm
16 just asking Olivia for her opinion.

17 MARILYN RANKER: There's no requirement. There's
18 no need to confirm it with the condo association?

19 JIM MONTEVERDE: Yeah.

20 MARILYN RANKER: That they don't have -- they
21 don't have some rights to --

22 JIM MONTEVERDE: No, that -- yeah, that's correct.

1 That's what Olivia is saying, that -- or, at least we should
2 have recognized that a correspondence from the condominium
3 association was not included, and that it should be. So
4 we'll reach out to contact her and ask that she add that to
5 the file and get that from the association.

6 Thank you, Michael, for bring that up.

7 MICHAEL LAROSA: Yeah, thank you for clarifying.

8 It was honestly just a --

9 JIM MONTEVERDE: Yep.

10 MICHAEL LAROSA: For going forward.

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2 (8:15 p.m.)

3 Sitting Members: Jim Monteverde, Matina Williams, Thomas
4 Miller, Stephen Ng, and Michael LaRosa

5 JIM MONTEVERDE: 8:15. 133 Fayerweather. Dan
6 Anderson, how are you?

7 DAN ANDERSON: Very good. Good evening, Chair,
8 and members of the Board. Dan Anderson, a Partner at
9 Anderson Porter Design.

10 So I am back in front of you regarding an
11 additional special permit for 133 Fayerweather. This case
12 was presented and approved by the Board, was permitted and
13 under construction with selective demo when a winter
14 snowstorm effectively collapsed the roof, which had a very
15 deleterious effect on the exterior façade walls of this
16 building, which we only discovered in demolition.

17 We're hollow, terra-cotta block construction. You
18 may remember that that was stucco. The understanding from
19 our site investigations was that this was a stuccoed wood-
20 frame structure, which would be very typical.

21 But having an unreinforced vertical exterior wall
22 structure became very unstable in that situation, with four

1 system really not effectively tying into it.

2 We have a structural report read into the record
3 that we submitted. But because of the extent of demolition
4 in mediating what effectively was very unsafe conditions, I
5 think we have a letter in from an abutter really hoping that
6 this would be taken care of, but we effectively stopped
7 work.

8 We reviewed this with Olivia with our new building
9 Commissioner and Historic. No Historic review was required.
10 There was administrative approval, so no further work.

11 But a careful reading of the Code, because
12 building permits are allowed up to 25 percent demolition,
13 but now this exceeded 25 percent, we're back requesting a
14 special permit to grant the project to move forward,
15 essentially to complete demolition and resume construction.

16 So it's been sitting really since the end of
17 February. And this was the soonest we could get on the
18 docket.

19 JIM MONTEVERDE: And the drawings in front of us,
20 Mr. Anderson, that's -- that's exactly what I remember
21 seeing before. So --

22 DAN ANDERSON: That is correct.

1 JIM MONTEVERDE: We're really just putting back --
2 you're constructing what you submitted previously, just
3 replacing more of it due to the damage that happened,
4 correct?

5 DAN ANDERSON: That is correct.

6 JIM MONTEVERDE: And we did approve the special
7 permit before.

8 DAN ANDERSON: That is correct.

9 JIM MONTEVERDE: And there are no new conditions
10 that you're aware of that would be any reason for us to
11 question that or reject that?

12 DAN ANDERSON: No. It's strictly an issue of
13 required demolition before resuming construction.

14 JIM MONTEVERDE: Okay. Thank you. Any questions
15 from members of the Board? Michael?

16 MICHAEL LAROSA: No. Exactly the same; no
17 questions.

18 JIM MONTEVERDE: Yep. Thomas?

19 THOMAS MILLER: No questions. Why the.

20 JIM MONTEVERDE: Stephen?

21 STEPHEN NG: No questions.

22 JIM MONTEVERDE: And Michael?

1 MATINA WILLIAMS: No questions.

2 JIM MONTEVERDE: Yep. And Michael -- oh, Michael,
3 you went before -- sorry. And Jim Monteverde no questions.
4 There are no letters in the file either for or against, and
5 I will open it to public comment.

6 Any members of the public who wish to speak should
7 now click the icon at the bottom of your Zoom screen that
8 says, "Raise hand."

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

11 OLIVIA RATAY: Jeanette Corbin?

12 JIM MONTEVERDE: Jeanette Corbin, you can -- if
13 you would unmute yourself, you can begin.

14 [Pause]

15 Anyone else? Jeannette Corbin? Again, you're on
16 mute. If you want to unmute yourself and speak. Please go
17 ahead. Otherwise, I'll give you another moment or so,
18 otherwise we'll move you along.

19 [Pause]

20 Oop! There you go. Almost.

21 [Pause]

22 Yes! You're there.

1 [Pause]

2 Are you having trouble connecting? All right.

3 Looks like you're ready to go. Do you have something you

4 want to share with us? All right? Okay. All right.

5 Any questions, final questions from members of the

6 Board, or are we ready for a motion?

7 DAN ANDERSON: Jim, just to -- sorry, you said
8 there were no letters for or against; there does appear to
9 be one letter. I'm not actually sure how to characterize
10 it, but there is one letter in the file, correct?

11 UNIDENTIFIED SPEAKER: Well --

12 JIM MONTEVERDE: Sorry, let me look at this again.

13 UNIDENTIFIED SPEAKER: I'm just going to bring
14 that up as well, but --

15 JIM MONTEVERDE: Scott Forest is a Structural
16 Engineer. He's basically describing what happened.

17 DAN ANDERSON: This is from one owner --

18 JIM MONTEVERDE: Oh, yes, Omer Bartov. Yes. I'm
19 sorry. I read this, and then I decided -- it's really
20 asking why there is no work going on, and not speaking for
21 or against the proposal in front of us.

22 So yes, there's one correspondence in the file

1 basically talking about the fact that it's lying dormant.
2 But I think, Mr. Anderson, you've explained what happened,
3 and we've got to give you approval here so you can move
4 forward.

5 So I don't think that -- sorry, so that's the way
6 I characterize the one piece of correspondence in front.
7 And I think now we have two folks who have raised our hands
8 from the public who wanted to speak. So if you could --

9 OLIVIA RATAY: Al --

10 JIM MONTEVERDE: Go ahead.

11 OLIVIA RATAY: -- Al Clark?

12 JIM MONTEVERDE: Al, if you would unmute yourself,
13 you can share your thoughts.

14 AL CLARK: Hello, am I unmuted?

15 JIM MONTEVERDE: Yep.

16 AL CLARK: So my question is, because the
17 structure was not wood-framed, was just hollow, does that
18 mean they're going to have to take down the rest of the
19 walls? Is that part of the plan?

20 DAN ANDERSON: So Al, yeah, thank you for the
21 question. Yeah. So predominantly the walls that are
22 removed I believe except for the left-hand front structure,

1 so there's some additional demolition: The work was halted
2 voluntarily until this was sorted out. But the replacement
3 will be a wood-frame structure.

4 I think there's some additional demo to bring that
5 clear back to a solid foundation and rebuild.

6 AL CLARK: Okay, thanks.

7 JIM MONTEVERDE: Thank you. Anyone else?

8 OLIVIA RATAY: Jeanette Corbin?

9 [Pause]

10 JIM MONTEVERDE: Ms. Corbin, we're not hearing
11 you. Looks like you're having a problem connecting.

12 [Pause]

13 Well, let me make -- begin a motion. I'll stop
14 before we vote and see if Ms. Corbin is able to join in.
15 And if not, we'll just wrap it up. Okay? Yeah.

16 Ms. Corbin, we're getting a message that just says
17 it's connecting to audio, but we're not -- you're not
18 connecting, you're not able to speak or we can't hear you.
19 So we're going to move on to our motion. And if you are
20 able to join the audio, you can talk to us then.

21 So the Chair makes a motion to grant the relief
22 from the requirements of the ordinance under section -- so

1 this is a special permit -- sections 5.31, 8.22.2.d and
2 10.40 for the special permit.

3 It is granted incorporating the following
4 conditions: Oh, I'm sorry, it's -- on the condition that
5 the work proposed conform for the drawings entitled "133
6 Fayerweather Street" by Anderson Porter Design, dated June
7 1, 2022 initialed and dated by the Chair.

8 And further, that we incorporate the supporting
9 statements, and dimensional forms submitted as part of the
10 application. And we have no conditions to add. Ms. Corbin,
11 it looks like you're still having a problem connecting, so
12 I'm going to go to a vote. All right.

13 Members of the Board, Matina.

14 MATINA WILLIAMS: In favor.

15 JIM MONTEVERDE: Thomas?

16 THOMAS MILLER: In favor.

17 JIM MONTEVERDE: Stephen?

18 STEPHEN NG: In favor.

19 JIM MONTEVERDE: Michael?

20 MICHAEL LAROSA: In favor.

21 JIM MONTEVERDE: And Jim Monteverde in favor.

22 [All vote YES]

1 JIM MONTEVERDE: That's five affirmative; you're
2 approved.

3 DAN ANDERSON: Mr. Chair, thank you very much.

4 JIM MONTEVERDE: Yep.

5 DAN ANDERSON: Hopefully people will go out and
6 cheer for the Celtics. So let's see what happens.

7 JIM MONTEVERDE: Yep. Good luck.

8 DAN ANDERSON: Have a good night.

9 JIM MONTEVERDE: Thank you. That concludes
10 tonight's meeting. Thank you all.

11 DAN ANDERSON: All right. Thank you.

12 MATINA WILLIAMS: Thank you, Mr. Chair.

13 COLLECTIVE: Thank you.

14 JIM MONTEVERDE: Yep, goodnight.

15 MATINA WILLIAMS: Have a good night.

16 COLLECTIVE: Goodnight.

17 JIM MONTEVERDE: You too.

18 (8:27 p.m. 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 second day of June, 2023.

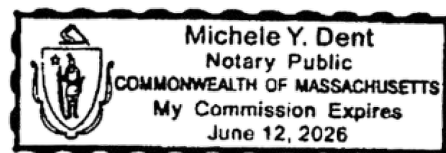


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Notary Public

My commission expires:

June 12, 2026



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