

BOARD OF ZONING APPEAL
FOR THE
CITY OF CAMBRIDGE

GENERAL HEARING

THURSDAY JULY 13, 2023

6:00 p.m.

Remote Meeting

via

831 Massachusetts Avenue
Cambridge, Massachusetts 02139

Jim Monteverde, Vice Chair

Steven Ng

Virginia Keesler

Daniel Faernando Hidalgo

William Boehm

City Employees

Olivia Ratay



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

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3 (6:00 p.m.)

4 Sitting Members: Jim Monteverde, Virginia Keesler, Bill
5 Boehm, Steven Ng, Daniel Hidalgo, and
6 Michael LaRosa

7 JIM MONTEVERDE: I will be chairing tonight's
8 meeting. Pursuant to Chapter 2 of the Acts of 2023 adopted
9 by a Massachusetts General Court and approved by the Board
10 Governor, the City is authorized to use remote participation
11 at meetings of the Cambridge Board of Zoning Appeals.

12 This meeting is being audio and video recorded,
13 and is broadcast on cable television Channel 22, within
14 Cambridge. There will also be a transcript of the
15 proceedings.

16 All Board members, applicants, and members of the
17 public will please state their name before speaking. All
18 votes will be taken by roll call.

19 Members of the public will be kept on mute until
20 it is time for public comment. I will give instructions for
21 public comment at that time, and you can also find
22 instruction on the City's webpage for remote BZA meetings.

1 Generally, you will have up to three minutes to
2 speak, but that might change based on the number of
3 speakers.

4 I'll start by asking Staff to take Board member
5 attendance and verify that all members are audible.

6 OLIVIA RATAY: Virginia Keesler?

7 VIRGINIA KEESLER: Present.

8 OLIVIA RATAY: Bill Boehm?

9 BILL BOEHM: Bill Boehm present.

10 OLIVIA RATAY: Steven Ng?

11 STEVEN NG: Present.

12 OLIVIA RATAY: Michael LaRosa?

13 MICHAEL LAROSA: Present.

14 OLIVIA RATAY: Daniel Hidalgo?

15 DANIEL HIDALGO: Present, and audible.

16 OLIVIA RATAY: Jim Monteverde?

17 JIM MONTEVERDE: And Jim Monteverde present.

18 Thank you.

19 We're going to start this evening with BZA
20 elections for new Chair and Vice Chair. This is an interim.
21 It will be from now until the end of the calendar year --
22 well, interim. It's part of a year.

1 Is that the intention? Yeah. I'm assuming that
2 we'll vote for Chair and Vice Chair from now into July
3 through the end of 2023, and then if tradition holds, then
4 in the first meeting of 2024, we'll do another election for
5 Chair and Vice Chair for that calendar year of 2024. That's
6 the way I understand what we're doing tonight.

7 So that said, usually the Board has asked if there
8 are any volunteers or if anyone wants to nominate one of us
9 for the Chair. This is amongst the members, not the
10 associate members, unfortunately. So that's myself, Steven,
11 Virginia, Daniel, and Bill. Yeah, this is the cast of
12 characters for this action.

13 So do we have any volunteers for Chair?

14 [Pause]

15 Yeah, there's usually a hush from the crowd. Any
16 nominations for Chair?

17 [Pause]

18 Okay.

19 BILL BOEHM: I'll make a nomination.

20 JIM MONTEVERDE: Yep. Identify yourself and make
21 a nomination, please.

22 BILL BOEHM: So I'm Bill Boehm and I'll nominate

1 Jim Monteverde to be the Chair.

2 JIM MONTEVERDE: Okay. And I will accept that
3 for this time frame. Members of the Board, we should vote.
4 Anyone in favor? Steven?

5 STEVEN NG: In favor.

6 JIM MONTEVERDE: Boy, I really thought you were
7 stepping up there. Virginia?

8 VIRGINIA KEESLER: In favor.

9 JIM MONTEVERDE: Daniel?

10 DANIEL HIDALGO: In favor.

11 JIM MONTEVERDE: And Bill, I think you voted
12 already. And I'll vote for myself, so it's unanimous.

13 [All vote YES]

14 JIM MONTEVERDE: Thank you.

15 Vice Chair: Any volunteers for Vice Chair,
16 please? Vice Chair steps in if I as the Chair either have
17 to recuse myself from a particular case because I have a
18 direct connection to it, or if I'm ill, can't attend a
19 meeting, or any other reason. That's the Vice Chair role.

20 Would anyone like to take a try at Vice Chair?

21 STEVEN NG: Jim, I'm more confident with that role
22 than the -- with your suggestion of the Chair, but --

1 JIM MONTEVERDE: Okay.

2 STEVEN NG: -- would be Vice Chair.

3 JIM MONTEVERDE: Well, if you're volunteering
4 that's great. I'm happy to do that. Members of the Board,
5 can we vote on Steven of Vice Chair, please? Virginia?

6 VIRGINIA KEESLER: In favor.

7 JIM MONTEVERDE: Daniel?

8 DANIEL HIDALGO: In favor.

9 JIM MONTEVERDE: Bill?

10 BILL BOEHM: In favor.

11 JIM MONTEVERDE: Thank you. And Jim Monteverde in
12 favor. Steven, I assume you'll vote for yourself?

13 STEVEN NG: I guess so.

14 JIM MONTEVERDE: All right.

15 STEVEN NG: Yes.

16 JIM MONTEVERDE: Steven, thank you. All right.

17 That concludes elections. Thank you.

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2 (6:06 p.m.)

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

5 JIM MONTEVERDE: The first case I'm going to call
6 is Case No. 209310 -- 65 Sparks Street -- Unit 4.

7 ADAM DASH: Good evening, Mr. Chair.
8 Congratulations on your election.

9 JIM MONTEVERDE: Thank you, yeah.

10 ADAM DASH: Attorney Adam Dash, 48 Grove Street in
11 Somerville. I represent the applicants in this matter
12 regarding Sparks Street. With me also is Kiersten Kerby-
13 Patel and Feanil Patel from the applicants.

14 We are seeking tonight a continuance for cases
15 206407, 209310, and 215873 to create revised plans which
16 would be acceptable to an abutter that we have.

17 We had hoped to have that ready for tonight, but
18 discussions with the abutter and then development of the
19 revised plans and the July Fourth holiday in between, we
20 were not able to get those in in time for Monday to have
21 them dealt with today.

22 Once the revised plans are received, we want to

1 provide them to the abutter for their review, and then file
2 them with the City and then come back to you.

3 I would note that the matter was continued at the
4 last Board meeting to tonight due to concerns raised by the
5 Board, and that the plan revision we hoped would alleviate
6 those concerns as well.

7 So we feel that since this would be much more
8 efficient and save everybody a lot of time and energy if we
9 and the abutter come to a resolution and come to a mutually
10 agreeable plan, that also alleviates the Board concerns that
11 this would be a warranted continuance.

12 And as before, if this revised plan application is
13 approved, then the other two applications that are
14 associated with it are rendered moot. But until that
15 happens, we need all three continued. Thank you.

16 JIM MONTEVERDE: Okay. So the final I have in
17 front of me, I just want to confirm the case number that
18 you're asking for the continuance on.

19 ADAM DASH: There are three.

20 JIM MONTEVERDE: Just, can I --

21 ADAM DASH: They're all on the agenda one after
22 the other tonight, but we need continuances.

1 JIM MONTEVERDE: You need to continue all three?

2 ADAM DASH: We do, because we don't know what's
3 going -- obviously, one would hope that the Board would
4 approve the plan, and then we would be good to go on that
5 one application.

6 But if not, then the other applications, because
7 we don't want to end up not being able to come back. We
8 don't want to necessarily dismiss the other applications,
9 until we know what the Board's pleasure is on the revision,
10 which we don't have filed.

11 JIM MONTEVERDE: Okay. What do we have for a
12 date? September 28? Members of the Board, can you all be
13 in attendance?

14 DANIEL HIDALGO: Yeah, that's fine for me.

15 STEVEN NG: That date's fine.

16 JIM MONTEVERDE: Okay. Attorney Dash, does that
17 work for you and your client?

18 ADAM DASH: I have no plans, so sure.

19 JIM MONTEVERDE: Okay. All right. Virginia, are
20 you available September 28?

21 VIRGINIA KEESLER: Yes, I am available.
22

1 JIM MONTEVERDE: Okay. And Bill?

2 BILL BOEHM: Yes, I am.

3 JIM MONTEVERDE: All right. Very good. So let me
4 make a motion, then, to continue this matter to September 28
5 on the condition that petitioner change the posting sign to
6 reflect the new date of September 28, 2023, and the new time
7 of 6:00 p.m.

8 Also in furtherance, that the petitioner sign a
9 waiver to the statutory requirement for a hearing. Said
10 waiver can be obtained from Maria Pacheco and Olivia Ratay
11 at the Inspectional Services Department.

12 I ask that you sign it and return it to us by a
13 week from this coming Monday. Failure to do so will de
14 facto cause this Board to give an adverse ruling on this
15 particular case.

16 Also, that if there are any new submittals,
17 changes to drawings, that those will be in the file by 5:00
18 p.m. on the Monday prior to the September 28 hearing.

19 On the motion then to continue this matter and
20 taking the first case in the agenda, so that's 209310, so on
21 the motion to continue, Steven?

22 STEVEN NG: In favor.

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JIM MONTEVERDE: Virginia?

VIRGINIA KEESLER: In favor.

JIM MONTEVERDE: Daniel?

DANIEL HIDALGO: In favor.

JIM MONTEVERDE: Bill?

BILL BOEHM: Bill Boehm in favor.

JIM MONTEVERDE: And Jim Monteverde in favor.

[All vote YES]

JIM MONTEVERDE: The matter is accepted
unanimously. All right. Let me go on to the next case.

1 * * * * *

2 (6:11 p.m.)

3 Sitting Members: Jim Monteverde, Steven Ng, Virginia

4 Keesler, Daniel Hidalgo, and Bill Boehm

5 JIM MONTEVERDE: Same 65 Sparks Street. This is
6 BZA Case 215873.

7 ADAM DASH: Adam Dash again, 48 Grove Street for
8 the applicants. This will be the same as before, and for
9 the reasons that I stated earlier that all three need to be
10 continued as companion cases -- one with the revised plan as
11 approved, the others will be rendered moot and can be
12 dismissed.

13 JIM MONTEVERDE: Okay. Let me make a motion,
14 then, to continue this matter to September 28 on the
15 condition that the petitioner change the posting sign to
16 reflect the new date of September 28, and the new time at
17 6:00 p.m.

18 Also in furtherance, that the petitioner sign a
19 waiver to the statutory requirement for a hearing. Said
20 waiver can be obtained from Maria Pacheco or Olivia Ratay at
21 the Inspectional Services Department.

22 I ask that you sign it and return it to us by a

1 week from this coming Monday. Failure to do so will de
2 facto cause this Board to give an adverse ruling on this
3 particular case.

4 Also, that if there are any new submittals,
5 changes to drawings, that those would be in the file by 5:00
6 p.m. on the Monday prior to the September 28 hearing. And
7 also, if there are any changes to the dimensional form and
8 potentially the supporting statements, they also be changed
9 and submitted along with the new documents.

10 On the motion, then, to continue this matter --
11 and this is Case 215873 -- Steven?

12 STEVEN NG: In favor.

13 JIM MONTEVERDE: Virginia?

14 VIRGINIA KEESLER: In favor.

15 JIM MONTEVERDE: Daniel?

16 DANIEL HIDALGO: In favor.

17 JIM MONTEVERDE: Bill?

18 BILL BOEHM: In favor.

19 JIM MONTEVERDE: And Jim Monteverde in favor.

20 [All vote YES]

21 JIM MONTEVERDE: It's unanimous.
22

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2 (6:13 p.m.)

3 Sitting Members: Jim Monteverde, Steven Ng, Virginia

4 Keesler, Daniel Hidalgo, and Bill Boehm

5 JIM MONTEVERDE: Moving on to same case, variation
6 on a theme: Case No. 206407.

7 ADAM DASH: This is Attorney Adam Dash, 48 Grove
8 Street. This is the same as the prior two, for the reasons
9 previously described.

10 JIM MONTEVERDE: Let me make a motion, then, to
11 continue this matter to September 28 on the condition that
12 the petitioner change the posting sign to reflect the new
13 date of September 28, and the new time of 6:00 p.m.

14 Also in furtherance, that the petitioner sign a
15 waiver to the statutory requirement for a hearing. Said
16 waiver can be obtained from Maria Pacheco or Olivia Ratay at
17 the Inspectional Services Department.

18 I ask that you sign it and return it to us by a
19 week from this coming Monday. Failure to do so will de
20 facto cause this Board to give an adverse ruling on this
21 particular case.

22 Also, that if there are any new submittals, changes

1 to drawings, that those would be in the file by 5:00 p.m. on
2 the Monday prior to the September 28, 2023, hearing.

3 And also, if there are any changes to the
4 dimensional form or potentially the supporting statement,
5 they also be changed and submitted along with the new
6 documents.

7 On the motion then to continue this matter -- and
8 this one is Case 206407, Bill?

9 BILL BOEHM: Bill Boehm in favor.

10 JIM MONTEVERDE: Daniel?

11 DANIEL HIDALGO: In favor.

12 JIM MONTEVERDE: Virginia?

13 VIRGINIA KEESLER: In favor.

14 JIM MONTEVERDE: Steven?

15 STEVEN NG: In favor.

16 JIM MONTEVERDE: And Jim Monteverde in favor.

17 [All vote YES]

18 JIM MONTEVERDE: That's unanimous. Thank you.

19 ADAM DASH: Thank you. I appreciate the Board's
20 indulgence on this. And we will see you then. Have a good
21 night.
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(6:15 p.m.)

Sitting Members: Jim Monteverde, Steven Ng, Virginia
Keesler, Daniel Hidalgo, and Bill Boehm

JIM MONTEVERDE: The next case is BZA-208873 --
231-235 Third Street. Is there anyone here who wishes to be
heard on this matter?

DANIEL ANDERSON: Yes. Dan Anderson, 1972 Mass
Ave, Cambridge, a Partner at Anderson Porter Design.

Mr. Chair and members of the Board, yes regarding
this case, we are requesting a continuance.

We are making good progress with the Cambridge
Historic Commission and neighbors but have not yet reached a
resolution on the demolition application that's in place.
They are considered significant, and we're looking at their
decision to say not preferably preserved in light of the
proposed project. So we're making good progress but are not
yet in a position to have cleared the approvals with the
Historic Commission.

So if possible, if September 28 is workable for
members of the Board, I would very much appreciate that that
continuance.

1 JIM MONTEVERDE: Yeah. We can do September 28 if
2 that works for you.

3 ADAM DASH: Absolutely.

4 JIM MONTEVERDE: All right. Okay. Let me make a
5 motion, then, to continue this matter -- and this is Case
6 208873 -- 231-235 Third Street -- to continue this matter to
7 September 28, 2023, on the condition that the petitioner
8 change the posting sign to reflect the new date of September
9 28, 2023, and the time of 6:00 p.m.

10 Also, in furtherance that the petitioner sign a
11 waiver of the statutory requirement for a hearing. Said
12 waiver can be obtained from Maria Pacheco or Olivia Ratay at
13 the Inspectional Services Department.

14 We ask that you sign it and return it to us by a
15 week from this coming Monday. Failure to do so will de
16 facto cause this Board to give an adverse ruling on this
17 particular case.

18 Also, if there are any new submittals or changes
19 to the drawings, or changes to the dimensional form or
20 potentially any supporting statements, that they all be
21 changed and submitted along with the new documents and filed
22 by 5:00 p.m. on the Monday prior to the September 28, 2023

1 hearing.

2 On the motion, then, to continue this matter,
3 Steven?

4 STEVEN NG: In favor.

5 JIM MONTEVERDE: Virginia?

6 VIRGINIA KEESLER: In favor.

7 JIM MONTEVERDE: Daniel?

8 DANIEL HIDALGO: In favor.

9 BILL BOEHM: In favor.

10 JIM MONTEVERDE: And Jim Monteverde in favor.

11 [All vote YES]

12 JIM MONTEVERDE: It's unanimous. The case is
13 continued.

14 DAN ANDERSON: Thank you very much.

15 JIM MONTEVERDE: You're welcome. Don't go too
16 far.

17 DAN ANDERSON: I will not.

18 JIM MONTEVERDE: Now.

19 DAN ANDERSON: Mr. Chair?

20 JIM MONTEVERDE: Yes, sir.

21 DAN ANDERSON: If I might request, the next case,
22 we would prefer if it's possible to hear the subsequent

1 application, the one that's first --

2 JIM MONTEVERDE: Yep.

3 DAN ANDERSON: -- on the agenda? Really the case
4 that is in front of you on the Continued Agenda really
5 hinges on the outcome of the next submitted case. The --
6 we've been working with the neighbors for really over two
7 years now. And there's a strong preference in support for
8 that next case.

9 And so, rather than going through a continuation,
10 it's entirely possible that we could withdraw that,
11 depending on the outcome.

12 JIM MONTEVERDE: Yep. Understood.

13 DAN ANDERSON: Thank you.

14 JIM MONTEVERDE: Okay. We will take -- and that
15 one is scheduled on our agenda as first on the regular
16 agenda at 6:30. That's the 225347 -- 8 Winter Street. So we
17 will just have to take a break until 6:30, come back, we'll
18 take that one first.

19 DAN ANDERSON: That's fine, unless you'd like to
20 take other cases. I know that -- any, at your discretion.

21 JIM MONTEVERDE: Nope, that's the end of our
22 Continued Agenda, so we have to wait anyway for the new

1 cases. So --

2 DAN ANDERSON: Very good.

3 JIM MONTEVERDE: -- you'll have until 6:30. Come
4 on back.

5 DAN ANDERSON: I'm not going anywhere; I'll see
6 you at 6:30.

7 JIM MONTEVERDE: Okay.

8 DAN ANDERSON: Thank you.

9 JIM MONTEVERDE: See you all at 6:30.

10 (BREAK)

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2 (6:31 p.m.)

3 Sitting Members: Jim Monteverde, Steven Ng, Daniel Hidalgo,
4 Virginia Keesler, and Bill Boehm

5 JIM MONTEVERDE: We're on our Regular Agenda now,
6 and I will call Case 225347 -- 8 Winter Street. Mr.
7 Anderson?

8 DAN ANDERSON: Yes. Dan Anderson, Partner at
9 Anderson Porter Design, 1972 Mass Ave.

10 So Mr. Chair, and members of the Board, we are
11 here to present a case that is requesting two front yard
12 setback variances. This is a project that we've been
13 working on with neighbors -- ECPT and abutters -- for a
14 little over two years.

15 There was very -- has been very strong support for
16 this in its current configuration. We were looking at ways
17 to seek no variances, but in order to really provide a safe
18 and accommodating entry at Linehan Court, which is a private
19 way existing 10' in width, which has historically been used
20 to access rear properties, parking and most recently in a
21 parking lot off of Winter Street.

22 I think it's 12 Winter. The -- and the property's

1 off of Gore Street.

2 Neighbors have been very much in support, and
3 asked us to pursue this scheme, which really in order to
4 increase that opening width between 29 Third Street and the
5 proposed project, pushes the structure to a zero-lot line at
6 Winter Street. There's a green space and park there. It is
7 actually matching up with the current condition, it's a
8 Dunkin' Donuts site.

9 The existing structure is a zero-lot line at that
10 location. 10 Winter, the abutting brick, three-story
11 building is also a zero-lot line.

12 We've also been in front of Planning Staff. This
13 is not applicable to project that needs Planning Board
14 approval, but typically as part of our process, we solicited
15 input from Staff. Planning Board Staff actually made the
16 recommendation that we maintain that street line, that zero-
17 lot line at that line.

18 We are held back not quite 10' from Third Street,
19 but we are keeping a full 20' drive lane clear of -- there's
20 an emergency fire escape and trash bins, recycling bins that
21 exist at the end of 29 -- that actually impinge on the
22 existing 10' Linehan Court.

1 So this basically opens up and then provides an
2 additional green buffer. So we have 25' clearance.

3 This is actually an increase in the width than we
4 had initially presented to ECPT. So we've increased that to
5 -- by several feet. The setback from Third Street is
6 sufficient. We've reviewed this with Traffic and Planning
7 for emergency vehicle access, for visibility to the corner.

8 As many of you are aware, if you use that Dunkin'
9 Donuts, currently, that's just backout parking directly into
10 Third Street. So this is a much safer condition. The curb
11 will be repaired and replaced so that we can make pedestrian
12 travel there much more safe.

13 And finally, the open space requirements have been
14 able to be achieved within their respective zoning
15 districts. This lot is split between BA and a C-1 district.
16 So this solution allows the proposed residential use to
17 exist in the massing entirely within the BA district. This
18 is an echo overlay. So we're conforming with both lot area,
19 dwelling unit, building height -- conforming in all respects
20 except for these setbacks.

21 In addition, the open space at the rear becomes a
22 real amenity for those buildings at the rear. So we've got

1 a significant amount of open space well in excess of the
2 required dimensional open space.

3 I guess what I -- I think we have a condition, a
4 minor condition from one of the abutters, NECPT, on asking
5 to increase the 25' width of paving a little bit deeper back
6 into the lot. That's a condition that I support and our
7 clients support. So if in your recommendation's that's a
8 condition that you will be willing to make, that's something
9 that we would be happy to conform with.

10 And I think that's the quick overview.

11 I guess the only thing I would say is that this is
12 an Inclusionary Housing project. So we're able in this
13 scheme to provide three inclusionary units meeting the 20
14 percent net, including 1 three-bedroom family-sized unit.
15 So I think there's a real give-back in this project to the
16 community.

17 And it is a transit-oriented project as well. So
18 we're very close to the Lechmere Station. This project that
19 does not propose any off-street car parking, as per the
20 change in the Zoning Ordinance, but does provide all the
21 necessary bike parking and other -- really, we are pursuing
22 this as an all-electric building to be submitted and

1 hopefully will pass for Passive House certification. But
2 it's very much responsive to the Green Initiative and the
3 Cambridge's Climate Control Ordinance.

4 So I'm going to stop my presentation here and be
5 available for questions.

6 JIM MONTEVERDE: Yeah. Mr. Anderson, I just want
7 to make sure we're all talking about the same thing and the
8 one condition you mentioned. This is the diagram that
9 accompanies the correspondence from the East Cambridge
10 Planning Team, July 13. It's that -- I don't know the
11 proper term for it, it's not the trapezoid, but it's that
12 area just above the C-1 district line and BA district line
13 --

14 DAN ANDERSON: Yes.

15 JIM MONTEVERDE: -- outlined in red. That will go
16 to pavement, correct?

17 DAN ANDERSON: That is correct.

18 JIM MONTEVERDE: Okay. And that's what you're
19 agreeing to?

20 DAN ANDERSON: Correct.

21 JIM MONTEVERDE: Correct? Okay. All right.
22 Anything else, Mr. Anderson, or is that your presentation?

1 DAN ANDERSON: I think I'll respond to questions.
2 But I'm complete with my presentation. Thank you.

3 JIM MONTEVERDE: All right. Thank you. Questions
4 from members of the Board? Please say your name first.
5 Anyone? No? If not, I will open the matter to -- oh,
6 sorry, let me read the correspondence we have because if
7 there's anyone calling in from the public, there's no reason
8 to repeat what we already have in the file and that we --
9 all the Board members -- have read.

10 So we have --

11 BILL BOEHM: Excuse me, Jim, I'm sorry, I was
12 muted. I do have a question if you're doing --

13 JIM MONTEVERDE: Oh, go ahead --

14 BILL BOEHM: -- more questions.

15 JIM MONTEVERDE: Yep. Go ahead.

16 BILL BOEHM: My question to Mr. Anderson is does
17 the addition of paved area -- have you calculated that into
18 your open space requirements, and how does that impact that?

19 DAN ANDERSON: So thank you. Bill, the required
20 open space is, as shown in that last diagram. But if you go
21 to the third, fourth slide please, Olivia?

22 So the required open space is shown in the green

1 cross-hatch. The -- so we more than exceed the required
2 open space.

3 So in order to -- for each zoning district, we're
4 required to -- well, except -- with a few exceptions. But
5 in these zoning districts, we're required to provide the
6 15'x15' minimum size open space in all instances. So we've
7 fully satisfied the open space in all instances. So we've
8 fully satisfied the open space requirements in those areas
9 that are hashed.

10 And the small -- the square that's in the upper
11 left-hand corner is the open space that's required in the C-
12 1 district. The other two shapes, the rectangle and the --
13 maybe it's a rhombus -- are satisfying the open space with
14 the VA.

15 JIM MONTEVERDE: Okay. Any other questions from
16 members of the Board?

17 [Pause]

18 Not hearing any. I will just read in the public
19 comments that we have, the letters we have in the file dated
20 July 13 from the East Cambridge Planning Team.

21 We have a letter from Charles Hinds. It basically
22 says that the Planning Team supports the project contingent

1 on the continuous 25' right of way on Linnean Court, and it
2 includes the sketch that we just looked at that that the
3 proponent has agreed to. So that will be made a condition
4 to the finding.

5 We also have a letter from Audrey Cunningham dated
6 July 13 -- support with one exception, which is the same 25'
7 width across the driveway, as contained in that sketch.

8 And we have correspondence dated July 13 from --
9 signed by one, two, three, four, five people -- Audrey
10 Cunningham again, Elio Cutone, Mario Cutone, Hannah and
11 Kenneth Paik, and Jian Hancheng support the current proposal
12 with the exception of the width reduction, and that's
13 covered by the sketch that we just reviewed.

14 So those are the correspondence we have in the
15 file. If anyone in the public is calling in, please no need
16 to repeat those. We have all those comments.

17 Now, any members of the public who wish to speak
18 should now click the icon at the bottom of your Zoom screen
19 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 I'll now ask Staff to unmute the speakers one at a

1 time. You should begin by saying your name and address, and
2 Staff will then confirm that we can hear you. After that
3 you have up to three minutes to speak before I ask you to
4 wrap up. Anyone wishing to speak?

5 OLIVIA RATAY: Audrey Cunningham.

6 AUDREY CUNNINGHAM: Hi. Can you hear me?

7 JIM MONTEVERDE: Yes.

8 AUDREY CUNNINGHAM: Okay. Thanks, Dan. I just
9 had a question, you know, maybe the visual thing. So then
10 the 25' -- you guys are granted at 25'?

11 DAN ANDERSON: Hi, Audrey, this is Dan. Yes, we
12 are.

13 AUDREY CUNNINGHAM: Oh, great. So where is that
14 in relation -- where would that put me in front of -- in
15 front of my driveway. Is that going to be 25' in front of
16 my driveway?

17 DAN ANDERSON: It would be 25' in front of your
18 driveway, Audrey.

19 AUDREY CUNNINGHAM: Perfect. Okay, thanks. Yeah.
20 Everything else, I have to say that they've been very -- the
21 developers have been very cooperative in talking to us over
22 the past two years. So -- and the variances that they're

1 applying for are actually to our benefit --

2 JIM MONTEVERDE: Okay.

3 AUDREY CUNNINGHAM: -- as abutters.

4 JIM MONTEVERDE: Thank you.

5 AUDREY CUNNINGHAM: Thank you. Thank you.

6 JIM MONTEVERDE: Anyone else wishing to speak?

7 Nope? Okay. I'll send it back to the Board. Discussion
8 from Board members? I'll throw my two cents in. I sat on
9 the previous review, the case that's on the continued side
10 of this.

11 And I would say this one is, in my personal
12 opinion, much improved. I don't have a problem with the
13 relief being sought, the variance being sought for setbacks
14 on the two sides. They seem to be in context with the
15 neighbor, and they are very comfortable along where the curb
16 line is relative to the property line, the building face.

17 And since the condition by the East Cambridge
18 Planning Team and the neighbors has been accepted by the
19 proponent, it all seems fine. So I'm ready to support this
20 one.

21 Any other discussion from any members of the
22 Board, or are you ready for a motion?

1 STEVEN NG: I think we're ready for a motion.

2 JIM MONTEVERDE: All right. The Chair makes a
3 motion to grant the relief from the requirements of the
4 ordinance under Sections Article 5 5.31 Dimensional
5 Requirements and Article 10 10.3 Variance. On the condition
6 that the work proposed conforms to the drawings entitled "8
7 Winter Street Development Set" prepared by Anderson Porter
8 Design, dated July 27, 2023 initialed and dated by the
9 Chair.

10 And further, that we incorporate the supporting
11 statements and dimensional forms submitted as part of the
12 application.

13 Further, that the variance is granted
14 incorporating the following condition: And that condition
15 is as -- and I'll include the sketch from the East Cambridge
16 Planning Team -- that defines the area of what is now shown
17 as green space will go to paved area, on that condition.

18 I think I've covered everything.

19 Any Board members have anything else I missed?

20 [Pause]

21 Nope? Okay.

22 Then, for a vote: Steven?

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STEVEN NG: In favor.

JIM MONTEVERDE: Daniel?

DANIEL HIDALGO: In favor.

JIM MONTEVERDE: Virginia?

VIRGINIA KEESLER: In favor.

JIM MONTEVERDE: Bill?

BILL BOEHM: In favor.

JIM MONTEVERDE: And Jim Monteverde in favor.

[All vote YES]

JIM MONTEVERDE: It's unanimous. The variance is granted. Congratulations.

1 * * * * *

2 (6:46 p.m.)

3 Sitting Members: Jim Monteverde, Steven Ng, Daniel Hidalgo,
4 Virginia Keesler, and Bill Boehm

5 JIM MONTEVERDE: Now, we go back to the continued
6 case and withdraw?

7 DAN ANDERSON: Yes.

8 JIM MONTEVERDE: 211571?

9 DAN ANDERSON: Thank you, Mr. Chair. Yeah. Dan
10 Anderson, Anderson Porter Design. Thank you for the
11 approval. On that basis, the subsequent case, which was
12 continued, we ask that that be withdrawn.

13 JIM MONTEVERDE: Okay. Any comments from members
14 of the Board, or can we go to a vote or a motion?

15 STEVEN NG: Yes, we can go to a motion.

16 JIM MONTEVERDE: Any public commentary? Anybody
17 in the public wants to speak? Nope? Okay. All right. Let
18 me make this up.

19 The Chair makes a motion to withdraw Case No. --
20 the continued Case No. 211571 -- 8 Winter Street.

21 On the matter, Bill?

22 BILL BOEHM: In favor.

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JIM MONTEVERDE: Daniel?
DANIEL HIDALGO: In favor.
JIM MONTEVERDE: Virginia?
VIRGINIA KEESLER: In favor.
JIM MONTEVERDE: Steven?
STEVEN NG: In favor.
JIM MONTEVERDE: And Jim Monteverde in favor.
[All vote YES]
JIM MONTEVERDE: Case No. 211571 is withdrawn.

Thank you.

DAN ANDERSON: Thank you very much. Have a good evening.

1 * * * * *

2 (6:48 p.m.)

3 Sitting Members: Jim Monteverde, Steven Ng, Daniel Hidalgo,
4 Virginia Keesler, and Bill Boehm

5 JIM MONTEVERDE: The next case on the Regular
6 Agenda is No. 223456 -- 28 Donnell Street, Unit B. Is there
7 anyone present who wishes to be heard on this matter?

8 LEVI TOFIAS: Hi. Levi Tofias. I'm the
9 architect, Lightbox Architecture.

10 DANIEL CHONG: This is Daniel Chong and Jessica
11 Bodner, residents of 28 Donnell.

12 JIM MONTEVERDE: Very good. Did one of you want
13 to present -- walk us through it?

14 LEVI TOFIAS: Sure. I can just kind of speed
15 through it. So 28 Donnell is the right-hand unit of a two-
16 unit condo association. So we're requesting a variance to
17 build a one-story mudroom addition. The building is already
18 over the allowable GFA and is in the setback.

19 So basically, the issue is that currently the --
20 if you're looking at the existing view of the entry, where
21 the door is the entry stairs, they're not built to code,
22 they're taller than what's allowed.

1 And really the main problem here is getting in and
2 out of the house. Because the stairs are steep; also where
3 the entry door enters into the house, it's at the base of
4 the stairs going up to the second floor. So it's a
5 difficult entry to enter, and there's not much space right
6 around the entry.

7 So those are kind of the main problems that we're
8 hoping to address here.

9 And this mudroom addition, what we've done is
10 we've changed the stairs to squeeze a little bit of space
11 out since we can't change the existing height of the ground
12 too much, and the existing first floor.

13 The mudroom itself is dropped down a step below
14 the main floor, so -- and the stairs are broken up so
15 there's not a continuous flight of stairs coming from the
16 entry.

17 You can advance to the next slide, please.

18 Is it possible if you could zoom in on the bottom
19 drawing, the Unit B, first floor? Just want to highlight
20 the GFA there.

21 So what's in blue there is the existing covered
22 entry, which sticks out. And then what we're proposing to

1 add is additional 50 square feet of GFA to take the
2 footprint of the porch that's mostly uncovered currently.
3 So basically, we're going to cover the existing porch with
4 the mudroom structure.

5 And then if you can go up to the proposed site
6 plan?

7 So the existing setback is 3'10" to the covered
8 entry, to the existing covered entry. And the proposed
9 setback would be 2'3" on the right side.

10 And then the only other things of note on this
11 plan is the skylights above are also in the setback, and I
12 believe it was noted as for a window in the setback also,
13 but the window is facing the rear. So I actually think
14 that's not an issue.

15 But regardless, if you want to advance to the next
16 sheet.

17 So again, you can see kind of the problem of where
18 the door comes into the plan at the base of the stairs,
19 which that constitutes the main hallway between the living
20 room and the kitchen area.

21 And so, with the mudroom addition, we moved the
22 door swing out of that path, so that there's more space to

1 enter the house, and kind of to make that less congested at
2 the entry. There's a bench to sit down on, so there's space
3 for the owners' parents to, you know, sit down while taking
4 shoes on and off.

5 And I think overall we're just trying to improve
6 the entry sequence.

7 You can advance to the elevations.

8 So again, there's the porch there, where there's
9 an entry over the door itself, and we're going to keep the
10 footprint of the porch and just build a new structure that
11 takes up the same place.

12 So there's a door on the front, there's a window
13 on the rear.

14 Go down to the -- and then on the back -- sorry,
15 on the right side, there's just the skylights are the only
16 window on that side. Because it's close to the property
17 line, no windows are allowed on that side.

18 And yeah. That's -- I think that's the main gist
19 --

20 JIM MONTEVERDE: All right. Thank you. Any
21 questions from members of the Board?

22 DANIEL HIDALGO: I have a question. You mentioned

1 this is a condo. So is there support from the condo
2 association for this?

3 LEVI TOFIAS: Yes, there is. And --

4 JIM MONTEVERDE: Yep.

5 LEVI TOFIAS: -- and just one other thing to point
6 out: The buildings themselves are twin buildings right now,
7 with the exception being, which you can see in the picture
8 here, that they have a covered mudroom on the right side,
9 exactly where we hope to build it.

10 DANIEL HIDALGO: Okay. Thank you.

11 JIM MONTEVERDE: Any other questions from members
12 of the Board?

13 BILL BOEHM: Yeah. My question is, how does going
14 to a 2'3" side yard affect potential firemen's access around
15 the house, and is that something we should be concerned
16 about in the zoning relief? So it's kind of an -- maybe a
17 question back to other members of the Board as much as
18 anything.

19 JIM MONTEVERDE: Yeah.

20 BILL BOEHM: Unless it's been explored by the
21 proponent.

22 JIM MONTEVERDE: Well, we've come across this

1 before. Typically, I mean my sense if there's 2', 2'6"
2 available, my sense was, you know, First Responder, even if
3 they had to turn sideways, could get around that side of the
4 house. There was at least room for someone to squeeze by.
5 There was a fence on that line.

6 So in previous -- where it's tighter than this,
7 you know, where it's down to a foot or a foot-and-a-half,
8 that's where I get -- I really don't think there's room for
9 a First Responder to get back there, if I think there's a
10 need for that to happen.

11 So I think in other cases we've seen this, and
12 it's been accepted, if that answers your question, Bill?

13 BILL BOEHM: Yes, thank you.

14 LEVI TOFIAS: I'm also happy to comment on that
15 further if --

16 JIM MONTEVERDE: Nope, nope. This is discussion
17 among the Board, please. Just have the questions from
18 members of the Board. Any other questions from members of
19 the Board?

20 [Pause]

21 No? Okay. Let me just recognize the written
22 correspondence we have. Again, if someone is going to be

1 calling in, there's no need to repeat what we have in
2 writing already.

3 We have a letter from E. Peter Mullane, dated July
4 12. His family resides in the Unit A, to the plan left. So
5 this is basically the approval from the condo association
6 that they're taking no exception.

7 And then a letter from Noam Freedman, dated July
8 12 saying they're in support of the plan. And then it says
9 they are the potentially aggrieved neighbor from the
10 encroachment into the setback. And one of the potentially
11 aggrieved neighbors with the windows, skylight and door.
12 And they strongly support the plan.

13 We have another letter from Steven Willis and
14 Elissa Freud, dated July 4, 2023 strongly in support.
15 That's the extent of the correspondence we have. So I will
16 open the matter up to any public commentary.

17 Any members of the public who wish to speak should
18 now click the icon at the bottom of your Zoom screen that
19 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 I'll now ask Staff to unmute speakers one at a

1 time. You should begin by saying your name and address, and
2 Staff will confirm that we can hear you. After that you
3 will have up to three minutes to speak before I ask you to
4 wrap up.

5 Do we have anyone? Nope. It seems like there's
6 no one who wants -- from the public who wants to speak.
7 Okay. Any discussion among the members of the Board, or are
8 we ready for a motion?

9 STEVEN NG: I think we're ready for a motion.

10 JIM MONTEVERDE: All right. Thank you.

11 The Chair makes a motion to grant the relief from
12 the requirements of the ordinance under Section Article 5
13 5.31, Article 8 Section 8.22.3, and Article 10 Section 10.3
14 for a variance. Specifically, regarding the side yard
15 setback -- this is the variance part -- we have a special
16 permit as well, so this is the variance -- on the condition
17 that the work proposed conforms to the drawings entitled "28
18 Donnell Street," prepared by Lightbox Architecture and dated
19 06/08/23 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. And there are no conditions.

1 On the matter of the variance, then. Steven?

2 STEVEN NG: In favor.

3 JIM MONTEVERDE: Daniel?

4 DANIEL HIDALGO: In favor.

5 JIM MONTEVERDE: Virginia?

6 VIRGINIA KEESLER: In favor.

7 JIM MONTEVERDE: Bill?

8 BILL BOEHM: In favor.

9 JIM MONTEVERDE: And Jim Monteverde in favor.

10 [All vote YES]

11 JIM MONTEVERDE: That's unanimous for the
12 variance.

13 Now, regarding the special permit the Chair makes
14 a motion to grant the relief from the requirements of the
15 ordinance under Sections Article 8 Section 8.22.2.c, and
16 Article 10 Section 10.40 for a special permit.

17 Specifically for the new windows, skylight and
18 door within the setback on the condition that the work
19 proposed conform to the drawings entitled "28 Donnell
20 Street" prepared by Lightbox Architecture dated June 8,
21 2023, initialed and dated by the Chair.

22 And further, that we incorporate the supporting

1 statements and dimensional forms submitted as part of the
2 application.

3 On the matter of the special permit, Bill?

4 BILL BOEHM: In favor.

5 JIM MONTEVERDE: Virginia?

6 VIRGINIA KEESLER: In favor.

7 JIM MONTEVERDE: Daniel?

8 DANIEL HIDALGO: In favor.

9 JIM MONTEVERDE: Steven?

10 STEVEN NG: In favor.

11 [All vote YES]

12 JIM MONTEVERDE: And Jim Monteverde in favor.

13 Special permit is granted. Congratulations.

14 LEVI TOFIAS: Thank you.

15 JIM MONTEVERDE: You're welcome.

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2 (7:02 p.m.)

3 Sitting Members: Jim Monteverde, Steven Ng, Daniel Hidalgo,
4 Virginia Keesler, and Bill Boehm

5 JIM MONTEVERDE: Next case is No. 225121 -- 42
6 Dana Street. Is there anyone wishing to be heard?

7 STEPHEN HISERODT: Hello. This is Steve Hiserodt
8 with DH Architects. Right next --

9 JIM MONTEVERDE: Sorry, could you --

10 STEPHEN HISERODT: -- speaking --

11 JIM MONTEVERDE: Oh, Peter Quinn. How are you?

12 STEPHEN HISERODT: -- who is trying to get his
13 connection set up. What we are requesting relief for today
14 is a very modest adjustment to a nonconforming garage.
15 Olivia, do we have drawings that we can bring up?

16 If we could go to the site plan, that will be the
17 easiest to describe exactly what conditions we're working
18 with. The requested relief is at the accessory garage at
19 the back end of the site. It is currently nonconforming
20 with respect to side and rear setbacks.

21 An accessory structure is supposed to be 5' or
22 more away from the adjacent property line. We are less than

1 a foot on both the side and rear. It's existing,
2 nonconforming. It was built before the Zoning Code went
3 into effect.

4 The -- all we really want to do is take a flat-
5 roof structure, put a gable roof on it and add some siding,
6 which is more in keeping with the front house. So it would
7 be clapboard siding and a pitched gable front-facing roof
8 with a break in the eave, trim that matches the front house.

9 We are increasing the rear or decreasing the rear
10 and side yard setbacks by a fraction of a foot just to add
11 the siding, and we are increasing the height to 15', which
12 is what is allowed by the Zoning Code. But because it is
13 already within the setback, it requires a variance to make
14 that adjustment.

15 If we go to elevations?

16 These are existing elevations. We had -- the
17 primary purpose of the alteration is to expand the planned
18 solar collection array, which is going to be on the main
19 roof of the primary structure.

20 And then to expand capacity we wanted to put an
21 additional array on the garage roof, looking at the
22 requested slopes and the armature that would have had to

1 have been constructed in order to make that system work,
2 which there are current exceptions in the Zoning Code, which
3 would allow a framed structure to increase the height and
4 actually go beyond the height of the existing -- or the
5 allowable structure.

6 We decided that it would be a benefit to the
7 neighborhood to -- to do something that was more integral
8 with the structure of the roof, so we created the gable
9 structure, will lie the solar panels.

10 We'll lie the solar panels as tight to the roof
11 structure as possible, so they don't create much of an
12 imposition on the landscape.

13 And that is really the extent of what we're doing.

14 If we go to the next elevation sheet, you can see
15 what we are looking at in terms of the increase in the
16 height of the structure, the gable is front-facing, and the
17 solar array, which you can see from the right-side
18 elevation.

19 JIM MONTEVERDE: Okay. Anything else, or is that
20 the --

21 STEPHEN HISERODT: That is the extent of the work
22 we're doing.

1 JIM MONTEVERDE: All right. Thank you. Any
2 questions from members of the Board? I have one. Can you
3 just confirm, is what currently is garage, will that remain
4 a garage?

5 STEPHEN HISERODT: Yes, it will.

6 JIM MONTEVERDE: Okay. Thank you. Anyone else
7 have any questions? If not, I will go to the correspondence
8 and then to public comment. So I'm not hearing any
9 questions from members of the Board.

10 We have on file a letter from the Mid Cambridge
11 Neighborhood Conservation District Commission, dated July
12 10, 2023, and it says, "The Commission approved the proposal
13 as submitted with the recommendation to consult with CHE
14 Staff on final solar panel details."

15 Are you amenable if we make that a condition to
16 the motion?

17 STEPHEN HISERODT: That's not a problem at all.
18 Yeah. They asked us to work or just to keep them appraised
19 of the method at which we're going to attach to the roof, so
20 that they don't become a more prominent installation.

21 JIM MONTEVERDE: Yep. Okay. And then we have
22 letters from Matt Hayes dated July 10. He's a direct

1 abutter in support of the relief.

2 We have a letter from I believe this is Lauren
3 Budd, dated May 6, 2023, saying she has no issues. Take that
4 as an approval.

5 And then from Barbara. And I don't know what the
6 last name is. This is May 6, 2023. This is in my e-mail.
7 And it says, "Okay by me" which, again, I'll take as
8 approval.

9 And then Lane Coburn, July 10, 2023, approved the
10 plan.

11 So we have those correspondences in the file.
12 Anyone calling in, no reason to repeat those. But any
13 member of the public who wishes to speak should now click
14 the icon at the bottom of your Zoom screen that says, "Raise
15 hand."

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

18 I'll now ask Staff to unmute speakers one at a
19 time. You should begin by saying your name and address, and
20 Staff will confirm that we can hear you. After that you
21 will have up to three minutes to speak before I will ask you
22 to wrap up.

1 OLIVIA RATAY: Stephan Dubouloz.

2 STEPHAN DUBOULOZ: Yes. Hi. I'm actually the
3 owner. I'm sorry I connected through the Public because I
4 did not receive the link to connect as an Applicant.

5 I just would like to make a comment on the
6 condition that you would like to put, because I -- after the
7 Historical Commission hearing, I did talk to the solar
8 company, who is going -- which is going to install the solar
9 panel on my -- on the main house, and also on this garage if
10 I am allowed to do the gable roof.

11 And they said -- I mean, they are going to -- I
12 told them that the Historic Commission was sensitive; to
13 make sure that it's not going to be too permanent, but I
14 don't know exactly the ultimate where it's going to be
15 attached. So I will certainly consult the Historic
16 Commission and tell them that I may not have a lot of
17 choices on how it's going to be attached.

18 So just want to say that. But that's --

19 JIM MONTEVERDE: In the end, are you speaking in
20 favor or against the proposal? I wasn't able --

21 STEPHAN DUBOULUZ: Sorry?

22 STEPHEN HISERODT: He is the owner.

1 JIM MONTEVERDE: Oh, I'm sorry. I'm sorry. I
2 wasn't able to make out a lot of your statement. I --
3 excuse me. I'm assuming you're in favor.

4 STEPHAN DUBOULOZ: No, no.

5 STEPHEN HISERODT: He is the owner.

6 STEPHAN DUBOULOZ: I'm the owner. Did you not
7 hear what I said?

8 JIM MONTEVERDE: I didn't understand what you
9 said.

10 STEPHAN DUBOULOZ: Oh.

11 JIM MONTEVERDE: And my Staff has told me that
12 you're concerned that the conditions offered by the Mid-
13 Cambridge Neighborhood Conservation District Commission may
14 be difficult to achieve?

15 STEPHAN DUBOULOZ: It's not that it's difficult, I
16 will consult them for sure. I have done that all along with
17 everything on this project, so I will keep going and do
18 that, signing everything.

19 But my point is that I may not have a lot of
20 choices on how this solar panel will be attached to the
21 roof. So there is, like, a technical constraint, and I hope
22 the Historical Commission will be happy with that. I am --

1 I don't know exactly what are my options. But of course, I
2 will consult them. I have done that all along and I will
3 still do that.

4 JIM MONTEVERDE: Okay. Thank you. I mean, I
5 think that's all they're asking for is that you consult with
6 them.

7 STEPHAN DUBOULOZ: Okay.

8 JIM MONTEVERDE: So if that's fine with you,
9 that's --

10 STEPHAN DUBOULOZ: Yes, it is.

11 JIM MONTEVERDE: -- good, and we'll enter that as
12 a condition. Okay.

13 Is there anyone else? No? Any discussion from
14 Board members, or shall we move on to a motion? Motion?

15 STEVEN NG: Yes.

16 JIM MONTEVERDE: The Chair makes a motion to grant
17 the relief from the requirements of the ordinance -- this is
18 a variance -- under Sections Article 4 Section 4.21
19 Accessory Use, Article 5 Section 5.31 Dimensional
20 Requirements, Article 8 5.22.3 Nonconforming Structures and
21 Article 10 10.30 for a Variance, specifically regarding the
22 addition of wood siding, which will impinge on the setbacks

1 and the new addition of the new roof structure, which will
2 be -- increase the nonconforming nature of the existing
3 structure on the condition that the work proposed conform to
4 the drawings entitled "42 Dana Street, Garage Renovation,"
5 prepared by DH Architects, dated 05/16/23, initialed and
6 dated by the Chair.

7 And further, that we incorporate the supporting
8 statements and dimensional forms submitted as part of the
9 application.

10 Further, the variance is granted incorporating the
11 condition stated by the Mid Cambridge Neighborhood
12 Conservation District Commission in their correspondence of
13 July 12, 2023 that the submission is approved with the
14 recommendation to consult with the CHC Staff on final solar
15 panel details.

16 On the motion, then, to approve the variance,
17 Steven?

18 STEVEN NG: In favor.

19 JIM MONTEVERDE: Daniel?

20 DANIEL HIDALGO: In favor.

21 JIM MONTEVERDE: Virginia?

22 VIRGINIA KEESLER: In favor.

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JIM MONTEVERDE: Bill?

BILL BOEHM: In favor.

JIM MONTEVERDE: And Jim Monteverde in favor.

[All vote YES]

JIM MONTEVERDE: The matter is passed. The
variance is granted. Congratulations.

STEPHEN HISERODT: Thank you, everyone.

1 * * * * *

2 (7:15 p.m.)

3 Sitting Members: Jim Monteverde, Steven Ng, Daniel Hidalgo,
4 Virginia Keesler, and Bill Boehm

5 JIM MONTEVERDE: Next case is 227838 -- 49 Alpine
6 Street. Anyone wishing to be heard on this matter?

7 ALEX YU: Hello. Good evening. My name is Alex
8 Yu. I'm the owner of the 49 Alpine Street -- in 49 Alpine
9 Street.

10 Good evening, Mr. Chairman, and members of the
11 Board of the Zoning Appeals. Joining me tonight are the
12 architects, Kyle, and the [unclear] Planner Chi, and also
13 our General Contractor Tony on the call here. So let me
14 begin to quickly describe the case to everybody.

15 So I'm the -- we have a -- I'm the owner of the
16 building. And we purchased the property on 47-49 Alpine
17 Street back in January 2022, which is around 19 months ago.
18 We have a family of six members -- me and my wife, two small
19 kids and two of the aging parents.

20 Our original plan was to build this -- reconstruct
21 the house on 49 Alpine Street to accommodate a family of
22 six. So we're not a stranger to this meeting.

1 We actually attended the BZA hearing in June of
2 last year. Back then in June last year, we presented a
3 pretty big size construction of 37 -- 3,710 square feet.
4 The lot of the building is 5,039. So we're at a ratio of
5 around 0.75.

6 We have received a lot of good feedback from our
7 neighbors. We decided to not proceed with the special
8 permit and the variance because the site has exceeded the
9 approved variance by quite a bit. So we took all the
10 neighbors' advice very carefully.

11 We came back to revise our plan almost completely.
12 We resubmitted and got approved with new permits in February
13 of this year with a new building size of around 2,511 square
14 feet. So that's within the threshold of the 0.5 requirement
15 of the size of the building.

16 Further, we have increased the setback on the
17 right side of the building. It was originally at around
18 1.4' on the right side of the setback. By this revision, we
19 increased it from 1.4 to 7.7. So we actually increased the
20 setback on the right side.

21 And also, we're reducing the number of units from
22 two to one by virtue of installing also an elevator to make

1 it accessible for elderly parents.

2 So everything was approved, and we began the
3 construction in March after we received the original
4 apartment, which now goes through the Board because of
5 incompliance.

6 In this plan, Olivia, if you could pull the
7 document to page 39, in this -- just as, so this packet --
8 so I believe one of the second pages to the last -- page 39
9 almost in the end -- we have received approval of -- sorry,
10 maybe it's 28 in this one? Yeah. Yeah. This one.

11 We -- in this approved version of the demolition
12 plan, if you can see here, the majority of the walls, around
13 75 percent of the walls are demolished according to this
14 plan. So we began this plan to demolish the building.

15 And unfortunately, during the demolition of the
16 walls on this first floor, the second floor did not have --
17 that's what I heard from the General Contractor. He's also
18 in the building in the meeting here -- comments.

19 The second floor did not have enough support. And
20 therefore, the second floor has collapsed. And therefore,
21 we received stop order from the Inspectional Services, and
22 we also received the instruction from the Zoning Board to

1 attend this meeting because of this collapse of the second
2 floor.

3 So I guess why we're here today is to receive a
4 relief from the Board so we can continue the regional
5 construction, which -- you know, has everything the same;
6 same size of the building, 2,500, and same -- you know,
7 setback requirement. Everything proceeding as the same.
8 We're not seeking for any additional living area or setback
9 requirements.

10 And also, there's no parking space required for
11 this as well. In the last year's petition, we required one
12 parking space. Here, we did not receive any parking space
13 at all.

14 So -- and, we want to say that unfortunately, it
15 was not intentionally that, but you can see that due to the
16 collapse, we had to put a stop and hold on this project.

17 So that's my part. I don't know if Kyle or Chi or
18 anyone on Alpine Street wants to comment on this further.

19 KYLE XUE: Hello. This is Kyle. I'm the
20 Architect for this project. As I think Alex did a good job
21 describing what happened behind this project. I worked with
22 Alex since about two years ago on this project.

1 We spent a lot of effort in designing this
2 project. It's from the beginning it's always our intention
3 to be a good neighbor, and also to follow all the
4 instructions from the City, including all the Zoning
5 Requirements and the Building Code requirements. So we
6 explored various options, as Alex described.

7 So I can think of one thing we did in -- which
8 contributed to the neighboring character I think is by
9 demolition of the one-story shed on the right, which
10 increased the setback on the right from "1.4" to "7.7."

11 I think besides, we also, you know, improved the
12 character of this house by using, like, more, like more
13 sustainable materials like more energy-efficient
14 construction techniques.

15 So once the building -- the new building is -- the
16 new renovation addition is finished, it will be a great
17 contribution to the neighborhood, which makes the Cityscape,
18 the neighbors, the house value increase.

19 So we sincerely seek, like, hope the Board can,
20 you know, approve this appeal.

21 ALEX YU: So we finished the presentation, I
22 think, unless anyone else on Alpine Street --

1 JIM MONTEVERDE: Are you all set?

2 CHI MAN: Yeah, I just want to add --

3 JIM MONTEVERDE: Can you open this up?

4 CHI MAN: -- this is Chi Man from Hardy + Man
5 Design Group -- I just wanted to add that I have reviewed
6 the Zoning Requirement.

7 Basically, the building as designed and being
8 constructed or the -- basically on the zoning setback and
9 density requirement. So it's almost like as as-of-right
10 project, except that, you know, the wall collapsed, and
11 which brings back -- the case back to the -- I mean the
12 Board, I guess, is more like findings, let's say. So.

13 JIM MONTEVERDE: Okay.

14 CHI MAN: Just wanted to add that.

15 JIM MONTEVERDE: Thank you. Do you have any
16 questions for members of the Board?

17 I have one to start. So the drawing that's up on
18 the screen now is dated February 21, 2023. The drawings I
19 have in the file that seem to be -- that I'm assuming are
20 the ones you're building to -- are dated June 01, 2023. Is
21 that correct?

22 KYLE XUE: The white drawing on the screen Olivia

1 showed earlier was a previously approved drawing dated
2 February, I think, 2023.

3 JIM MONTEVERDE: Right. That's what I assumed.
4 So what we're -- what you're asking for approval of are the
5 set of drawings that are dated 06/01/23. Is that correct?

6 CHI MAN: I believe that's correct. Kyle, please
7 confirm.

8 KYLE XUE: Yes. Confirmed. Yeah.

9 JIM MONTEVERDE: Okay.

10 KYLE XUE: This version we are seeing is the
11 latest version.

12 JIM MONTEVERDE: And --

13 KYLE XUE: There are some minor changes -- you
14 know, mostly interior.

15 JIM MONTEVERDE: That's fine. Thank you. And I
16 just want to make sure we're looking at the correct set.
17 And the dimensional form that's included in the application
18 is based on that same June 1, 2023, set of drawings,
19 correct?

20 KYLE XUE: I believe so. Yeah. The setback
21 didn't change.

22 JIM MONTEVERDE: So it basically -- if I'm reading

1 this correctly -- in terms of the requested conditions,
2 you're not out of compliance with anything, correct?

3 As the gentleman said previously, this is
4 basically as-of-right, except for the fact that there was a
5 previous permit and --

6 KYLE XUE: Yep. That's correct. If -- I believe
7 that you can go to page 24 and 25. That was kind of the set
8 --

9 JIM MONTEVERDE: Okay.

10 KYLE XUE: Yeah. That's correct.

11 JIM MONTEVERDE: So the issue is really the fact
12 that what was demolished was more than the Inspectional
13 Services I believe the permit was issued for?

14 KYLE XUE: That's correct.

15 JIM MONTEVERDE: It will need more than the
16 ordinance allows. That's what you're here for?

17 KYLE XUE: That's correct, Mr. Chairman.

18 JIM MONTEVERDE: Okay. All right. Any other
19 questions from members of the Board? Nope? I don't --
20 there are no -- I find no correspondence in the file. So I
21 will open the matter to public comments.

22 Any member of the public who wishes to speak

1 should now click the icon at the bottom of your Zoom screen
2 that says, "Raise hand."

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

5 I'll now ask Staff to unmute speakers one at a
6 time. You should begin by saying your name and address, and
7 Staff will confirm that we can hear you. After that you
8 will have up to three minutes to speak before I ask you to
9 wrap up.

10 OLIVIA RATAY: William Simmers?

11 WILLIAM SIMMERS: Yes, hello?

12 JIM MONTEVERDE: Yep. I can hear you.

13 WILLIAM SIMMERS: My name is William Simmers. I
14 live at 8 Alpine Street, which is at the other end of Alpine
15 Street from the project we're discussing. I have two
16 comments.

17 One is I'd like to find out and question the side
18 setbacks, because the original setbacks are not according to
19 the Standard. They were -- approximately one was a 7'11"
20 and one was 7' on the -- 7'6" on the other side. That does
21 not correspond to the sum of both sides equaling 20', so I'm
22 wondering why the approval was made, because it still is a

1 nonconforming plan.

2 Furthermore, the new design, as well as the old
3 design -- they're the same -- they, they are adding in the
4 third floor to the non-- to a nonconforming side of the
5 house.

6 And that specifically is not -- doesn't obey the
7 rules for adding to a nonconforming house, if you read in
8 Section 8 -- the first section of this Section 8 of the
9 code.

10 That's my one question. I don't know why it was
11 approved in the first place. Not that I will object, but I
12 -- since, since the addition of being able to add on the
13 third floor -- it has been added in recent years -- this
14 block on the third floor really does constitute a -- what I
15 consider an intrusion on the adjoining house.

16 Secondly, I don't understand why they had to come
17 back because of the collapse of the second floor in
18 demolition. The new plans show an entirely different floor
19 at a different level.

20 I don't understand why a new, a new hearing was
21 needed. I mean, you can obviously infer that the second
22 floor was going to come down in demolition if it was going

1 to be rebuilt. So I don't understand the whole reason for
2 coming back.

3 That's the end of my comments.

4 JIM MONTEVERDE: Okay. Thank you. I think we
5 tried to explain why they had to come back in terms of the
6 -- there was more demolition done than the demolition permit
7 was written for, and that forced them to come back for a
8 variance for the plans that they wanted to construct.
9 That's one question.

10 The side yard setbacks, if I'm reading the
11 dimensional form correctly, they're basically improving upon
12 what the Ordinance requires for both the left side and the
13 right side. So I don't think there's any objection there,
14 unless you see some that I'm missing.

15 And your comment about the addition of the third
16 floor or the third floor itself being of concern to a
17 neighbor, and we have no neighbors yet unless we have
18 someone come in by phone who stated any objections. So
19 thank you for your comments.

20 Do we have anyone else? That's the --

21 OLIVIA RATAY: Elizabeth Marran?

22 [Pause]

1 OLIVIA RATAY: You're muted.

2 ELIZABETH MARRAN: Okay. So my name is Elizabeth
3 Marran. I live at 44 Alpine Street, which is kind of
4 diagonally across from the house that we're discussing. I'm
5 sorry, but I didn't fully understand your comment about the
6 setback -- your response to Mr. Simmers's question. Might
7 you be able to repeat that?

8 JIM MONTEVERDE: Yeah. As I read the dimensional
9 form, what the Ordinance requires for both the left side and
10 the right side are being met by the requested condition.

11 What's entered in this form under the existing
12 condition did not meet the condition -- the Ordinance
13 requirements as far as the right side was concerned, and
14 according to this form, that's being improved upon and is
15 now conforming.

16 ELIZABETH MARRAN: Okay, because they --

17 JIM MONTEVERDE: Does that make sense?

18 ELIZABETH MARRAN: -- they, yeah. So -- so that
19 was a shed, like a low -- like one-story shed that -- okay,
20 yeah. What Mr. Simmers's point about the third floor, does
21 that -- if there was an objection to that, would that be
22 something that can be discussed further?

1 JIM MONTEVERDE: If you have an objection, you can
2 state it.

3 ELIZABETH MARRAN: Well, my objection is the
4 nature of the size of the third floor. I mean, because each
5 floor is higher than the homes that currently exist on
6 Alpine Street.

7 So the towering nature of the third-floor addition
8 will be a significant change to the -- for lack of a better
9 word -- temperament of Alpine Street. I mean, it's a post-
10 World War II development project where all the homes are
11 relatively the same.

12 And this construction, I appreciate the way that
13 Alex and his family and architect listened to our responses
14 and went back to the drawing board and created something
15 that's more modest in scale, which I really do appreciate
16 that. I also appreciate the Board making it clear to him
17 that that would be his -- a better option for them to
18 pursue.

19 But I do find the massive box of the third floor
20 to be overbearing on the street. And I also do agree that
21 that will be blocking a tremendous amount of light, you
22 know, to the north of this property.

1 I will not be affected by that personally but on
2 -- as far as the street goes, I do object to the massive
3 nature of the third floor --

4 JIM MONTEVERDE: Okay.

5 ELIZABETH MARRAN: -- given that the building
6 increases in size each floor by a foot or more.

7 JIM MONTEVERDE: Thank you for your comment. Let
8 me just remark -- again, I'm referring to the dimensional
9 form -- so the area of the construction in total is within
10 the Ordinance requirement, less than the Ordinance
11 requirement. The building height in total is less than the
12 building requirement and then the Ordinance requirement.

13 The fact that it's stylistically different than
14 its neighbors I don't know is an issue that this Board has
15 purview over. But as far as the "massive," et cetera
16 description, it's all within the ordinance requirement. But
17 thank you for your comment.

18 Is there anyone else who wishes to speak?

19 ALEX YU: Mr. Chairman, this is Alex, the owner of
20 the house. Can I make a very -- ten seconds quick comment?

21 JIM MONTEVERDE: Quick comments, please.

22 ALEX YU: Yeah. Elizabeth, thank you, and Will --

1 Bill, thank you for your kind suggestions. I just want to
2 point out that the third floor is much smaller than the rest
3 of the floors, and Olivia can -- feel free point to that.
4 But thank you for the comment. We tried to be good
5 neighbors and tried to be accommodating to -- to the
6 neighborhood requirement and request and tried to be --

7 JIM MONTEVERDE: Okay.

8 ALEX YU: -- nice. Thank you.

9 JIM MONTEVERDE: No. That's good. Thank you.

10 CHI MAN: Mr. Chairman, if I can just add a
11 comment is that the original --

12 JIM MONTEVERDE: Excuse me. Hold -- Mr., Mr. Man,
13 can you hold on one second?

14 CHI MAN: Sure.

15 JIM MONTEVERDE: This is not open for -- this is
16 public comment.

17 CHI MAN: Okay.

18 JIM MONTEVERDE: Okay. There's no other public
19 commentary. I'm now going to close public commentary. And
20 I'll ask for discussion among the Board members. Any
21 discussion?

22 [Pause]

1 Or are we ready for a motion.

2 BILL BOEHM: I have a question regarding the first
3 gentleman who spoke up on the side yard setbacks.

4 I mean, I think it relates to we're looking at a
5 previous approval perhaps, but I'm looking at the Residence
6 B side yard setbacks. In the zoning chart what I see is
7 7.5', then parentheses (sum of 20').

8 Do I understand that to mean that the two setbacks
9 together have to add up to 20' so you -- this would be in
10 fact in -- have been approved in, in contrary to the Zoning
11 bylaws?

12 JIM MONTEVERDE: Yep.

13 BILL BOEHM: I guess that's a question to you.

14 JIM MONTEVERDE: I'll defer to Staff for an
15 opinion.

16 OLIVIA RATAY: It is sum of 20', but this is an
17 existing structure that was compliant with -- or once they
18 removed the shed, it brought it into 7.5'.

19 But the new part of the building, which is the
20 third floor, sits back to make that side sum of 20'. So
21 it's -- I think it's 17' or something. So it's like -- it's
22 back enough to be sum of 20'.

1 BILL BOEHM: Thank you.

2 JIM MONTEVERDE: Any other questions from members
3 of the Board? If not, I'll move to a motion.

4 STEVEN NG: Yeah. We're ready for a motion.

5 JIM MONTEVERDE: Thank you. The Chair makes a
6 motion to grant the relief from the requirements of the
7 ordinance under Section -- and the way this is written, it's
8 asking for relief, variance relief from Article 5 Section
9 5.31, Article 8 8.22.3, Article 10 Section 10.3 -- Variance.

10 And I believe this is all because there was more
11 demolition undertaken than the previous demolition permit
12 had allowed on the condition that the work proposed conforms
13 to the drawings entitled "47 Alpine Street," prepared by Up
14 Design & Build and dated June 1, 2023, initialed and dated
15 by the Chair.

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

19 On the matter of the variance, then, Bill?

20 BILL BOEHM: In agreement.

21 JIM MONTEVERDE: Virginia?

22 VIRGINIA KEESLER: In favor.

1 JIM MONTEVERDE: Daniel?

2 DANIEL HIDALGO: In favor.

3 JIM MONTEVERDE: Steven?

4 STEVEN NG: In favor.

5 JIM MONTEVERDE: And Jim Monteverde in favor.

6 [All vote YES]

7 That's five in favor. The variance is granted.

8 Thank you.

9 KYLE XUE: Thank you so much. Thank you. Have a
10 good one.

11 ALEX YU: Have a great night. Thanks so much.

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2 (7:40 p.m.)

3 Sitting Members: Jim Monteverde, Steven Ng, Daniel Hidalgo,
4 Virginia Keesler, and Bill Boehm

5 JIM MONTEVERDE: The next case is No. 228569 -- 2
6 Garden Street. Anyone here wishing to be heard on this
7 matter?

8 SARAH RHATIGAN: Yes, good evening.

9 JIM MONTEVERDE: Yep. Ms. Rhatigan?

10 SARAH RHATIGAN: Thank you, Mr. Chairman. Sarah
11 Rhatigan, Trilogy Law LLC, 12 Marshall Street, Boston,
12 Massachusetts, 02108. I am here representing the
13 petitioners, which is the Garden Lodge LLC, and the folks
14 operating this are Kinvarra Capital.

15 For Board members who may be familiar, Kinvarra
16 Capital has done a number of renovation projects in and
17 around Cambridge, and in particular has had some success
18 with historic renovation.

19 This Board granted some relief on the project in
20 East Cambridge approximately a year ago. And my clients are
21 here online. In the windows here are Ryan Wittig and
22 Matthew Moore.

1 And also with me here today is our architect,
2 Peter Quinn from Peter Quinn Architects, who will jump in on
3 the design review.

4 So this is a project involving a home on 2 Garden
5 Street, which is sort of prominently located right across
6 the street from the Cambridge Common.

7 And this project first went before the Cambridge
8 Historical Commission for review, because it is an
9 historically important home also located in the old
10 Cambridge Overlay District.

11 So there was a process of design and redesign that
12 the applicants went through in order to conform to
13 historical guidelines.

14 And essentially what they're doing is they're
15 renovating with an addition on the rear above a first-floor
16 -- an existing first-floor addition, a two-story addition at
17 the rear, in order to allow for some proper egress and some
18 additional living space for their proposed new project as a
19 lodging house.

20 As a new project it's actually -- essentially,
21 it's Historic Use. The home was originally built in 1835.

22 The Historic Commission actually has a really sort

1 of fascinating history on it, which I won't go into in
2 detail here, because it's -- we don't have time for that,
3 but it was originally a home that was used for lodging for
4 apparently some very important, famous folks around
5 Cambridge and Harvard, et cetera. So the return to that
6 use, my clients are quite excited about.

7 It is a home that's in quite original condition --
8 well, not entirely original condition, but Peter can
9 describe that a bit. But it's a real challenge to work
10 with.

11 And the clients are quite pleased with the results
12 of this work that allows for a revitalization, reuse of this
13 really wonderful home. It's located just -- you know, right
14 in -- essentially right in Harvard Square just a block off
15 of where Mass Ave and Garden Street connect in a busy
16 location, and yet a really lovely location for people who
17 are coming to town to see students at Harvard, conferences,
18 et cetera.

19 So I want to just address some kind of opposition
20 that I'm sure the Board has seen, or maybe they've seen one
21 of the letters but not both of the letters, but there are --
22 there's a concern from the neighbors immediately to the left

1 of this property at Zero Garden Street. And their attorney,
2 Craig Kelley, had submitted a letter to the Board.

3 And essentially, they questioned whether or not we
4 could be coming before you for a special permit on
5 dimensional issues only. And he challenged the notion that
6 this could be a lodging house as-of-right.

7 This is an issue that the applicant met and
8 discussed with the Commissioner, Ranjit Singanayagam, on a
9 number of occasions -- two, maybe three. The last time it
10 was confirmed was actually on the day that we filed the
11 application, because Mr. Kelley had raised this issue with
12 us, and we wanted to make sure we were doing the right
13 thing.

14 So our understanding has been that we filed the
15 proper application, that the only relief that we're required
16 to get from this Board is a special permit.

17 The special permit is because the addition adds
18 more than 10 percent of area or volume to the existing
19 building, but less than 25 percent. The additions are all
20 conforming themselves, as to setbacks, height. We're under
21 the FAR -- GFA, FAR.

22 And so again, so this is one of these special

1 permits under -- I'm sorry, I'm forgetting the Section No.
2 8.22 something or other. It's in our application. But
3 because of the -- because, you know, being greater than the
4 10 percent figure.

5 So the second letter we received was from Attorney
6 Patrick Barrett. I'm not sure if he's on the call or will
7 speak, but anticipating that you may see his letter, I -- we
8 just saw this this morning at 10:30, 11:00 a.m. And I've
9 sort of tried to dash off a response on the legal issues
10 that he's raised.

11 I actually did -- just literally just like
12 anything half-hour ago, I filed it officially with Maria
13 Pacheco. I know that the Board will not have seen it. But
14 what I want to do is just simply respond to the arguments
15 that he's made.

16 So -- and it's similar to the letter that was
17 presented by Attorney Kelley, who -- but -- I'm sorry if I
18 was not clear -- Attorney Kelley represents the neighbor.
19 Attorney Barrett does not state that he represents anybody,
20 but he mentions he's concerned.

21 So what both of the letters say is something to
22 the effect of Lodging House Use should not be considered as-

1 of-right in a C-2 District.

2 And what they point to is that the Use Chart, the
3 Table of Uses, shows a lodging house. And then when you
4 look at the column where for a C-2 District, it says, "Is it
5 allowed?" And it says, "Yes" and then it has a little
6 Footnote 7.

7 When you go to Footnote 7, each of the provisions
8 of Footnote 7 talk about hotels and motels. There's nothing
9 in the Footnote 7 that refers to lodging houses. And what
10 it says is motels and hotels are allowed in certain areas,
11 but in some areas, they're required to have a special
12 permit.

13 When you look at that same Table of Uses, Hotels
14 and Motels has its own line, and when you go to the C-2
15 column, it clearly says that they're required to have a
16 special permit, and then it has a little Footnote 7.

17 The ordinance has been interpreted for -- I'm not
18 sure, decades? as Lodging House Use in this district being
19 as-of-right. Mr. Barrett and Mr. Kelley have very
20 interesting kind of maybe esoteric arguments, or maybe
21 justifiable arguments to be made to for example a City
22 Council if they were to try to amend the ordinance.

1 They say that there's a scrivener's error, and
2 that they'd like this Board to insert the word, "Lodging
3 House" into Footnote 7 to require a special permit. We just
4 don't think that that's accurate. There's nothing in the
5 Ordinance that says that it should be.

6 You know, the general rule of interpreting an
7 Ordinance is that if the language is clear and unambiguous,
8 that's what the language is and that's what this Board job
9 is is to interpret it. So that's kind of the first big
10 thing.

11 Then there's also some question about they're
12 trying to say, "Oh, this isn't really a Lodging House Use."
13 They point to the Building Code, and they say Lodging House
14 is defined differently in the Building Code. They don't
15 actually cite text -- you know, quotes. They don't actually
16 say what the language is in the building code, and I don't
17 think that their information is correct there.

18 But what we do know is that Cambridge Zoning
19 Ordinance defines what a Lodging House is. And my clients
20 are intending and going to operate a lodging house if this
21 Board, you know, grants the relief for the renovation
22 project.

1 The Cambridge Licensing Board licenses lodging
2 houses, and their definition points to the state law that
3 defines what a lodging house is.

4 And that definition -- I'm not going to read the
5 whole definition, but that definition is just as we
6 expected, which is it's a dwelling unit, provides -- you
7 know, it has one kitchen, and it has rooms that are going to
8 be let. They're going to be, you know, offered to guest who
9 are going to stay there.

10 So there's going to be bedrooms, they're going to
11 have bathrooms, and then there's going to be one kitchen
12 offering some food for the people who are there.

13 If my clients are unsuccessful in getting a
14 license for a Lodging House Use, and someone says, "No, no,
15 no, you're a hotel, you're a motel" my client will be
16 required to come back to this Board for a special permit.
17 But that's not what we expect to happen. We are going to be
18 pursuing a Lodging House license and a Lodging House Use.

19 So, you know, we don't think that that -- this is
20 an appropriate time to be kind of getting into the in and
21 outside of Lodging House definitions.

22 The last thing I just want to point out is

1 Attorney Barrett also suggests that we might be in violation
2 of Section 5.26. 5.26 requires that if one is converting a
3 dwelling unit to additional dwelling unit, that the
4 applicant has to meet the requirements for lot size per
5 dwelling unit.

6 And in this case, we are not creating extra
7 dwelling units. We only have one kitchen. It's a Lodging
8 House Use. It's not a dwelling unit.

9 Dwelling units under the Ordinance are defined as
10 -- I'm just going to read it, because I don't have it
11 rattled off in my head here, so, a dwelling unit is defined
12 under the ordinance as "A room or group of rooms occupied
13 and capable of being occupied separate from any other such
14 room or group of rooms by a family and equipped with cooking
15 and sanitary faculties for the exclusive use of such family
16 for living, sleeping, cooking and eating."

17 We're not creating additional dwelling units. So
18 we're not violating 5.26.

19 I apologize that that's, like a big mouthful. But
20 with a little pause here to allow for the Board to ask any
21 questions about this kind of technical issue, we'd like to
22 move on to the merits of the special permit and be able to

1 show you the plans and, you know, get into the meat of the
2 application. But I did want a chance to pause here for a
3 minute to respond to any concerns or questions.

4 JIM MONTEVERDE: This is Jim Monteverde. I have
5 one question while we're talking about the definitions. And
6 I'm reading from the Ordinance its definition of Lodging
7 House, and there seem to be several different categories you
8 could fall in, right?

9 Lodging House or Residential Use, Part Rectory,
10 Parsonage would be an Institutional Religious Use.
11 Dormitory would be an Institutional/Educational Use, and a
12 couple words were spread in the application that kind of
13 covered all those bases.

14 So if you're saying now that you're focused on it
15 is a lodging house, then the definition says, "A dwelling
16 where lodgings are let to four or more persons" -- you
17 certainly have those -- you have that number of bedrooms --
18 "not within the second degree of kinship with the person
19 conducting it, including fraternity housing, but not
20 including dormitories, charitable, educational, or
21 philanthropic institutions."

22 So the question is, either who runs this, or what

1 is this -- what is the purpose? Is it a for fee lodging
2 house? Is it a in fact run by an educational institution or
3 a religious or philanthropic institution, what? How is it
4 run? Therefore, how do you fit in the lodging mix?

5 SARAH RHATIGAN: So this is a situation of -- a
6 for fee situation. So it's a commercial establishment.

7 And apologies if there was any confusion in our
8 application. What I was doing in part was describing the
9 prior history of its use. So my clients or developers, they
10 -- and owners of -- you know, owners and operators of
11 property.

12 And they purchased it from -- I'm sorry, the
13 Episcopal -- Brian, can you remind me of what the name of
14 your cellar was? The Chaplaincy? The Harvard Chaplaincy --

15 BRIAN: Exactly.

16 SARAH RHATIGAN: I'm not going to do the job.

17 BRIAN: The Episcopal Chaplaincy at Harvard.

18 SARAH RHATIGAN: Yes. Thank you. So it was
19 purchased from a religious institution, and that religious
20 institution or similar ones over a past history did operate
21 -- the City considered it a parsonage or rectory. There was
22 previous zoning applications where they asked for -- to

1 allow for dorm -- dorm-like living for interns who worked
2 for the church. So that -- all that institutional,
3 educational stuff is all prior history.

4 JIM MONTEVERDE: Right. And not part of what's
5 being proposed here.

6 SARAH RHATIGAN: Correct.

7 JIM MONTEVERDE: So this is really --

8 SARAH RHATIGAN: Correct.

9 JIM MONTEVERDE: -- a private for-fee lodging
10 house? It's not a dormitory --

11 SARAH RHATIGAN: Yes.

12 JIM MONTEVERDE: There's no charitable, no
13 educational or philanthropic institution? Not a fraternity
14 house?

15 SARAH RHATIGAN: Correct.

16 JIM MONTEVERDE: Okay. Thank you. That's my
17 question. Any other member of the Board have a question
18 about Sarah's presentation about the various categories,
19 definitions of use?

20 BILL BOEHM: I have a question. So, Sarah, you
21 said you weren't sure what the IBC definition was and may
22 have not been included in the letter, but I'll just quickly

1 read it to you. It says, "Lodging houses are defined as
2 owner-occupied. Lodging House" -- oh sorry, we're Boarding
3 -- I'm sorry, that's Lodging Houses. I had Boarding Houses
4 up here. Where was this?

5 JIM MONTEVERDE: "One-family dwelling where one or
6 more occupants are primarily permanent in nature and rent is
7 paid for guestrooms." Something to that effect. Is that
8 it, Bill?

9 BILL BOEHM: Is that the IBC?

10 JIM MONTEVERDE: Yeah. That's what's in the letter
11 from Patrick Barrett. And that's what I found looking at
12 IBC, the current version of IBC.

13 BILL BOEHM: Okay.

14 SARAH RHATIGAN: Yeah.

15 BILL BOEHM: So there's --

16 SARAH RHATIGAN: I would --

17 BILL BOEHM: -- so there's no --

18 SARAH RHATIGAN: -- oh, I'm sorry.

19 [Pause]

20 SARAH RHATIGAN: Sorry, I'll listen. Sorry.

21 JIM MONTEVERDE: So I think --

22 BILL BOEHM: What I was trying to get at was is

1 there a limit to the number of rooms that can be in a
2 boarding house, or is it unlimited?

3 JIM MONTEVERDE: There is no -- I find no limit
4 under the definition in the Zoning Ordinance. It says, "Let
5 to four or more persons." Doesn't give a maximum. It
6 basically gives a minimum. And the question of whether you
7 --

8 SARAH RHATIGAN: Mr. Chair?

9 JIM MONTEVERDE: -- go to IBC: Frankly, that's a
10 different can of worms. Because you go there, I'm not sure
11 you -- why you wouldn't go to the Fire Code. You know,
12 there's got to be 27 different codes and ordinances that
13 apply. I wouldn't cherry pick the IBC for a nicer
14 definition. But that's a different matter we can discuss
15 later.

16 SARAH RHATIGAN: Mr. Chairman, if I --

17 JIM MONTEVERDE: Yep. Go ahead, Sarah.

18 SARAH RHATIGAN: Do you mind, just briefly.

19 Mr. Boehm, I similarly was rooting around looking
20 for a definition. I also found in another area of I think a
21 Mass Building Code a definition of Lodging House that
22 referred specifically to the State statute.

1 And the State statute defining a Lodging House is
2 quite clear, Chapter 140, Section 22. That's what our
3 Licensing Commission refers to as well. And that says, "A
4 house where lodgings are let to four or more persons not
5 within second degree of kinship -- kindred to the person
6 conducting it" et cetera, et cetera, et cetera.

7 So it's a -- the City Ordinance, the City of
8 Cambridge Zoning Ordinance appears to be lifted from a --
9 you know, parrot the State statute.

10 JIM MONTEVERDE: Right.

11 SARAH RHATIGAN: Similarly, Architectural Board, I
12 found that was consistent. So again, and then just looking
13 to the interpretation that the Commissioner had given us, we
14 believe, that we're doing the right thing.

15 JIM MONTEVERDE: Any other questions from members
16 of the Board about the use or definitions before we let
17 Sarah describe what the project actually entails?

18 [Pause]

19 Okay. Sarah, can you describe the project,
20 please?

21 SARAH RHATIGAN: Sure. That would be great. If
22 Olivia -- Olivia, would you mind pulling up the slides?

1 Thank you.

2 So this is just showing the -- you know, the view.
3 This is actually a view from the back of the property.
4 Because this is where the -- where the action is, so to
5 speak. And you can see that there's some new structure in
6 the back here.

7 Peter, do you mind if I pass this along to you as
8 we get into the details?

9 PETER QUINN: Yeah.

10 SARAH RHATIGAN: Okay, great. Maybe start --
11 Olivia, maybe start on page 3?

12 PETER QUINN: Yeah. Hi. Good evening. My name
13 is Peter Quinn of Peter Quinn Architects, 259 Elm Street in
14 Somerville. Thank you for hearing us tonight.

15 What we have here is the way of describing the
16 various components of the building. The end color is the
17 existing main building with its front bay. And you can see
18 in there there's a little bit of land -- some of those rooms
19 have been laid out that way since -- you know, 170 years
20 ago.

21 So the back, there is an existing addition, which
22 we intend to taken down and then rebuild from, so that we

1 have a small addition, that little white rectangle in the
2 upper right-hand corner.

3 And beyond that, we have a few -- patios in the
4 rear to give light down into the basement area, that will be
5 useful.

6 And off to the far right you'll see bike lockers
7 have been placed on the site with paver access.

8 If you can go down to page 6, that will be great.
9 Thank you. Yeah.

10 So this is a local view of the rear, showing what
11 I just mentioned. There is a -- you can see the front part
12 of the building with historic chimneys, very handsome.
13 Those are all retained, and we've been through -- we've been
14 through the Historical Commission for a couple of hearings,
15 received this Certificate of Appropriateness -- actually
16 just today, and they had asked us to make a few changes,
17 which we had already done.

18 And they're -- this final design.

19 What you're looking at is the original part of the
20 building, as I mentioned, and then the addition on the rear,
21 which is a little bit looser in its design than the
22 formality of the sign. But it uses the same vocabulary

1 through windows and trim and the like.

2 The next slide, please?

3 Page 7? Thank you. Yeah.

4 So this is a view of the rear. Again, this
5 addition has a net increase of approximately 18 percent over
6 the existing floor area of the building. So that's how we
7 get into the request tonight for a special permit.

8 Next slide, please?

9 This view from the street is actually about as
10 much as you can see from the street. That wing that comes
11 out to the right, which is our main entry, and combines
12 handicap access as well, is an existing structure, which we
13 repurposed.

14 The next slide, please?

15 So this is the view that you would have from
16 Appian Way looking across the parking lot that's back there,
17 the Lassiter buildings. The Lassiter building was on the
18 far right, you can see a little bit of it. And we were
19 asked to do this in order to indicate just how much of the
20 view. This is probably the most -- the most you see from
21 any screen as a printout.

22 Next slide, please? Yeah.

1 So this is similar to the first slide that we saw
2 showing the addition. I'll not go too much into the plan on
3 the interior, but if you go to the next slide, I will show
4 you how the building works.

5 Actually, slide 12 would be good. Thank you.
6 Yeah.

7 So there's an existing stair. You can see a
8 little bit of it on the far left. This is actually an
9 historic stair. It's a curved stair that makes its way up
10 to the third floor to the attic level. So we intend to
11 preserve that and enclose that to fire access.

12 And then the rear part of the building back where
13 there's another stairway provides that as a fire stair and
14 some additional rooms to the total use, 16 bedrooms.

15 Let's go to page 15, please? Yeah.

16 So here we are. This is just to give you an idea
17 of how we are restoring the front building as much as we
18 possibly can including regularizing historic windows and --
19 and restoring a lot of the trim that's been lost. We've
20 also been respectful of a lot of the original details -- you
21 know, hope to actually turn this into a real gem of a
22 building.

1 Next slide, please?

2 Here you can see how the two buildings work
3 together, the two parts of the building work together. The
4 gray rectangle in the lower right is the garage that the
5 neighbors have by easement on the property. So that is
6 actually, you know, goes right up to our building. And it
7 fills the space between the two buildings.

8 Next slide, please?

9 And this is the rear. You saw that in 3D a few
10 minutes ago.

11 And then next slide?

12 And that's the other side. This is the side with
13 that entry. And you can see how the rear addition has a
14 little bit of a stepdown. So the hierarchy of the building
15 is maintained, the original being a stronger element.

16 And now the mass is -- breaks down -- create the
17 entry, some interesting window patterns as you get toward
18 the rear. We do have a shadow study if you'd like to see
19 that. There are no significant shadows cast onto any
20 neighbors. It's very minimal throughout. This gives you an
21 idea. Let's see -- I think this is -- we did this to allow
22 a little bit, I can't see what time of year this one is.

1 Oh, yeah, okay. So this is the equinox. The way
2 that the -- [unclear] though I know you've seen -- have seen
3 plenty of them is that the orange or yellow color represents
4 additional shadow over the existing.

5 So the lower drawings are the existing shadows.
6 The upper drawings are the proposed. And there's a small
7 increase onto 3 Garden Street in on their land, and a little
8 bit on the land on the back with the -- during the equinox.

9 Next slide, please?

10 So this is the summer shadows this time of year.
11 There's some -- an increase in the shadow into that parking
12 lot over on the Lassiter building, and a little bit on our
13 property. And that's about it.

14 And then in the last slide -- Sheet 29 on the
15 right if you wouldn't mind. Thank you. Yeah.

16 So that has more shadows. But of course, every
17 building is shadowing everybody else. So the net increase
18 is quite minimal, as you can see.

19 Onto Sheet 31, you see the Dimensional Table. We
20 in fact comply with all the Dimensional Requirements. And
21 the only thing we're asking for is the relief on the side
22 yard setback -- the setback itself so it's dimensionally

1 conforming.

2 And so, that's -- that's about it. Thank you for
3 your time. I'm happy to take any questions.

4 JIM MONTEVERDE: Thank you.

5 PETER QUINN: Go to Sheet 5 was it, with the 3D
6 model? Yeah. Sheet 5.

7 JIM MONTEVERDE: I'm sorry, Peter. Can you repeat
8 yourself? We're not --

9 PETER QUINN: No. Just asking if Olivia can go to
10 Sheet 5? Thanks.

11 JIM MONTEVERDE: You want to go to the wow finish
12 of the renderings?

13 PETER QUINN: Oh, yeah. No, I meant Sheet 6.

14 JIM MONTEVERDE: Oh, here you go.

15 PETER QUINN: There you go. Thank you.

16 JIM MONTEVERDE: Yep. Okay.

17 PETER QUINN: It's -- it's easier to talk about
18 this.

19 JIM MONTEVERDE: Thank you.

20 PETER QUINN: Yeah.

21 JIM MONTEVERDE: Any questions from members of the
22 Board before I open it up to public comments?

1 STEVEN NG: Just a quick one, Peter. I think in
2 the renderings in the lower back, left side of the yard, it
3 looks like that's your location, or you're showing the
4 condenser units? I just was wondering.

5 PETER QUINN: Yeah. That's correct.

6 STEVEN NG: Yeah. Okay. All right. Thank you.

7 PETER QUINN: They're tucked behind that entry
8 structure.

9 STEVEN NG: Yeah. Thanks.

10 JIM MONTEVERDE: Any other questions from members
11 of the Board? Okay. Let me read in, summarize the
12 correspondence we have in the file before we open this up to
13 public commentary.

14 We have a letter from the Cambridge Historic
15 Commission, a Certificate of Appropriateness dated July 12,
16 2023, saying that "The work is to be carried out as
17 indicated on the plans by Peter Quinn Architects entitled,
18 'Rear addition to 2 Garden Street' dated and revised May 19,
19 2023, except as modified by the conditions below.

20 "The third-floor balcony is to be removed. The
21 second-floor bathroom at the east corner of the building
22 have a shared roof, and that its mass be pulled back from

1 the rear façade.

2 "And the mass of the one-story flat-roof addition
3 at the south corner be pulled back from the rear façade.

4 "And review and approval of the construction
5 details are delegated to CHC Staff."

6 One question, Peter Quinn, I guess for you: The
7 Historic Commission is referencing drawings dated May 19.
8 The drawings that we have in our file are dated June 13.

9 PETER QUINN: Right.

10 JIM MONTEVERDE: What's the difference?

11 PETER QUINN: The difference is that we -- you
12 know, we knew about these criteria for the Certificate of
13 Approval -- Appropriateness -- and we incorporated them into
14 the design.

15 JIM MONTEVERDE: Okay. So the third-floor balcony
16 --

17 PETER QUINN: They occur here.

18 JIM MONTEVERDE: -- removal and the second-floor
19 bathroom?

20 PETER QUINN: Yeah.

21 JIM MONTEVERDE: Right? Everything --

22 PETER QUINN: Just one --

1 JIM MONTEVERDE: Yeah, everything --

2 PETER QUINN: -- yeah, one small --

3 JIM MONTEVERDE: Go ahead.

4 PETER QUINN: -- I'm sorry, just for the record, a
5 small thing on that bathroom, we didn't do exactly as they
6 said, but I will -- yeah, because the Staff does have
7 jurisdiction over it. I will take it up with Charlie
8 Sullivan and straighten out one way or the other.

9 JIM MONTEVERDE: Okay.

10 PETER QUINN: It's a very small thing.

11 JIM MONTEVERDE: So --

12 PETER QUINN: Yeah.

13 JIM MONTEVERDE: -- the last thing left from their
14 conditions, then, are the review and approval of
15 construction details --

16 PETER QUINN: Right.

17 JIM MONTEVERDE: -- delegated to the CHC Staff.
18 Okay. So that will be made a condition.

19 PETER QUINN: Yep.

20 JIM MONTEVERDE: And then we have two pieces of
21 correspondence, which are the ones that Sarah was
22 discussing. The first is dated July 6, from Craig Kelley,

1 on the stationery of First Christ -- Christ Church in
2 Cambridge.

3 And I will cut to what I think is the summary.
4 And it basically says the proponents are not building a
5 lodging house. They are proposing a hotel or motel. That's
6 the gist in summary.

7 And the second piece of correspondence is the one
8 that we heard about before from Patrick Barrett, dated June
9 27, 2023, which goes on for several pages.

10 And the part that I identified as I think the crux
11 is the definition of hotel for instance more accurately
12 describes the use contemplated by Garden Lodge LLC.

13 Those are the correspondence we have in the file.
14 I will open the matter to public testimony. Any public
15 comment, any member of the public who wishes to speak should
16 now click the icon at the bottom of your Zoom screen that
17 says, "Raise hand."

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

20 I'll now ask Staff to unmute speakers one at a
21 time. You should begin by saying your name and address, and
22 Staff will confirm that we can hear you. After that you

1 will have up a maximum of three minutes to speak before I
2 ask you to wrap up.

3 Anyone wishing to speak?

4 [Pause]

5 Really? Really. I can't believe it. All right.
6 Any discussion amongst the Board members? Let me start.

7 My own personal take on this is reading the
8 letters from -- actually rather interesting correspondence
9 -- from Patrick Barrett and from Craig Kelley, very well
10 researched and thought through.

11 However, I think on Ms. Rhatigan's confirmation
12 that this project is to be a lodging house. And as Lodging
13 House is defined in the Cambridge Zoning Ordinance, I am not
14 swayed by the correspondence that has been written that
15 guides us to other definitions of lodging house, that guides
16 us to a hotel, which requires a special permit.

17 I think with the Zoning Board of Appeal and based
18 on the zoning ordinance, I'm willing to make a judgment and
19 not bring in to the equation other definitions of lodging
20 house or any other use that exists by any other regulatory
21 agency.

22 I think I'm ready to put the blinders on and say

1 according to the Zoning Ordinance, here's what a lodging
2 house is, and my personal opinion, I believe, what's been
3 presented described and confirmed by Attorney Rhatigan fits
4 that description of lodging house.

5 Anybody else have any comments? Nope. Hearing
6 then none, are we ready for a motion?

7 STEVEN NG: I believe we're ready for a motion.

8 JIM MONTEVERDE: All right. Are you old enough to
9 remember George Burns and Gracie Allen?

10 [Pause]

11 You're not.

12 PETER QUINN: I am.

13 JIM MONTEVERDE: You are.

14 PETER QUINN: [Laughter]

15 JIM MONTEVERDE: This is like the George Burns
16 Gracie Adams routine. It's fine. Okay. On the way to a
17 motion.

18 The Chair makes a motion to grant the relief from
19 the requirements of the Ordinance under Section -- and this
20 is a special permit -- Article 5, Section 5.31, Article 8,
21 Section 8.22.2.c and Article 10, Section 10.4 for a special
22 permit on the condition that the work proposed conforms to

1 the drawings entitled "Rear Addition, 2 Garden Street,"
2 prepared by Peter Quinn Architects dated June 13, 2023
3 initialed and dated by the Chair.

4 And further, that we incorporate the supporting
5 statements and dimensional forms submitted as part of the
6 application.

7 Further the special permit is granted
8 incorporating the following conditions. And those are the
9 conditions stated by the Cambridge Historic Commission in
10 their correspondence dated July 12, 2023, in that their
11 acceptance of the plans were based on the plans dated May
12 19, 2023.

13 I suggest the proponent get your current plans
14 over to them just to make sure they agree of what's been
15 done. And the conditions that they stated in particular,
16 the review and approval of construction details are
17 delegated to CHC Staff.

18 Also there's a condition that the work authorized
19 herein is commenced within six months after the date of
20 issue.

21 On the basis of that motion, Virginia?

22 VIRGINIA KEESLER: In favor.

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JIM MONTEVERDE: Bill?

BILL BOEHM: In favor.

JIM MONTEVERDE: Daniel?

DANIEL HIDALGO: In favor?

JIM MONTEVERDE: Steven?

STEVEN NG: In favor.

JIM MONTEVERDE: And Jim Monteverde in favor.

[All vote YES]

The special permit is granted.

SARAH RHATIGAN: Thank you very much.

PETER QUINN: Thank you. Appreciate it.

SARAH RHATIGAN: Thank you for your time.

JIM MONTEVERDE: Thank you all.

1 * * * * *

2 (8:18 p.m.)

3 Sitting Members: Jim Monteverde, Steven Ng, Daniel Hidalgo,
4 Virginia Keesler, and Bill Boehm

5 JIM MONTEVERDE: Next case is BZA-226777 -- 28
6 Harding Street. Is there anyone --

7 PHIL MCKENNA: Yes.

8 JIM MONTEVERDE: -- who'd like to speak on this
9 matter?

10 RACHEL PARRISH: Can you hear us?

11 PHIL MCKENNA: Yes. Can you hear us?

12 JIM MONTEVERDE: Yep.

13 PHIL MCKENNA: Well, thank you, BZA Chair and
14 members of the Board. My name is Phil McKenna.

15 RACHEL PARRISH: I'm Rachel Parrish.

16 PHIL MCKENNA: And we are the owner-occupants of
17 28 Harding Street. We would like to install an egress
18 window on the second story of the south-facing façade of our
19 building. And we're seeking a special permit to do so
20 because the south-facing side of the building is within the
21 side yard setback.

22 RACHEL PARRISH: We want to do this because we

1 were excited to buy a single-family home, but we have two
2 children. It was sold to us as a three-bedroom, but really,
3 it's a two-and-a-half bedroom. There's a walk-through
4 bedroom, and we want to have -- we want both of our children
5 to be able to have their own bedrooms.

6 We've lived in Cambridge for 18 years, we love the
7 city, and we would love to be able to stay in the
8 neighborhood and find a solution that works for our family.

9 PHIL MCKENNA: Yeah. So just to walk through the
10 plans, you see at the top a little bit to the right is the
11 current south-facing façade showing one window on each, the
12 first and the second floor.

13 And then just below it is the window we'd like to
14 add.

15 RACHEL PARRISH: So if you zoom in a little bit up
16 slightly. So the one with the cursor, that is our current,
17 what the currently -- what it looks like. And the one
18 directly below that shows the change that we could make if
19 we added the window.

20 PHIL MCKENNA: And then to the right of it shows
21 top-down what it would look like where the added window
22 would be.

1 And if you can go to the next slide, please?

2 Oh, actually -- I'm sorry, go back to that first
3 slide, photo.

4 RACHEL PARRISH: Yep.

5 PHIL MCKENNA: If you can zoom in on the photo,
6 this also shows where the window would be. And --

7 RACHEL PARRISH: We have spoken to the neighbors
8 directly to the south on the yellow house, and we have
9 gotten permission from them. They think it's a good idea.

10 The building directly behind us, we've also spoken
11 with and they're okay with it, and then the owners of the
12 house on the other side, the north side, are also in
13 agreement that it's okay.

14 PHIL MCKENNA: Let's go to the --

15 JIM MONTEVERDE: Pretty good.

16 PHIL MCKENNA: -- next slide.

17 JIM MONTEVERDE: Is that it?

18 RACHEL PARRISH: Next slide.

19 JIM MONTEVERDE: No, next.

20 PHIL MCKENNA: Yes. If you zoom in here, this
21 shows the distance of the south side of the building to the
22 property line, all 1.7'.

1 And then go to the next slide.

2 And this shows the distance. On the left, you see
3 approximately 23' between the two buildings.

4 RACHEL PARRISH: So the south-facing, the
5 building, south-facing building to us is approximately 23'
6 away from us. So our property is, like, right on the
7 property line, which is why we're asking for this. But
8 there's still remain distance between the two buildings.

9 PHIL MCKENNA: And I think that's --

10 JIM MONTEVERDE: okay.

11 RACHEL PARRISH: Just to summarize, so the goal is
12 to put in a window into my son's room so it's not a walk-
13 through room so that he can have -- so we can put up a wall
14 and a door so he can have privacy. That's --

15 JIM MONTEVERDE: Yep.

16 RACHEL PARRISH: -- all we're trying to do.

17 JIM MONTEVERDE: All right. Thank you.

18 RACHEL PARRISH: Thank you.

19 JIM MONTEVERDE: Any questions from members of the
20 Board?

21 [Pause]

22 No? Okay. Before I open it to public comment,

1 let me say that we have -- you have covered the
2 neighborhood. Twelve letters in support, and I'll give you
3 the names and dates. June 19 in support Rebecca Hartwell.

4 June 19 -- form letter -- in support, Leno
5 Tavares. I apologize if I mispronounce any of the names.

6 Same form letter June 19 in support Carol Spinosa, 23
7 Harding Street. Same form letter in support Joe Kenney, 31
8 Harding.

9 Must have done this at Halloween and just walking
10 up and down the street. In support, Virginia Best, 41
11 Jefferson Street. In support Carl Thien, 47 Harding Street.
12 In support Paolo Magalhaes, 64 Porter Street. In support
13 Robert Belloste, 43 Harding Street.

14 In support, oh -- sorry, 66 Porter Street,
15 landlord. In support Kenneth Longo, 11 Hunting, and Rose
16 Biller (phonetic), 11 Hunting. In support, Ming-Lun Tung, 2
17 Bedford Street. So that's 12 in favor, none in opposition.

18 Let me open it to public comment. Any member of
19 the public who wishes to speak should now click the icon at
20 the bottom of your Zoom screen that says, "Raise hand."

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

1 I'll now ask Staff to unmute speakers one at a
2 time. You should begin by saying your name and address, and
3 Staff will confirm that we can hear you. After that you
4 will have up to three minutes to speak before I ask you to
5 wrap up.

6 And please, if I read your correspondence and you
7 were in support, there's no reason to repeat that to us. We
8 have it all in file and we've read it. Thank you. Anybody
9 else?

10 OLIVIA RATAY: Ming Tung.

11 MING TUNG: Yes. I'm here. Hello?

12 JIM MONTEVERDE: Yep. We can hear you.

13 MING TUNG: Yeah. I guess, and so, we -- a little
14 redundant, but I'm just calling in in support of the
15 project. I think it won't impact the neighborhood in any
16 negative way, and the kids definitely need it. My daughter
17 is friends with their daughter, so I know the house pretty
18 well, and they're at that age where they need their own
19 privacy.

20 JIM MONTEVERDE: Very good. Thank you for calling
21 in. and that is it. Back to the Board, any discussion/AR
22 we ready for a motion?

1 STEVEN NG: I think we're ready for a motion.

2 JIM MONTEVERDE: Thank you. The Chair makes a
3 motion to grant the relief from the requirements of the
4 ordinance -- and this is a special permit -- under Sections
5 Article 8 Section 8.22.2.c, and Sections 8.22.2.d, and
6 Article 10 Section 10.40 for a special permit to add an
7 egress window to the second-floor of the south-facing window
8 within the setback on the condition that the work proposed
9 conform to the drawings entitled, "28 Harding Street,
10 Special Permit Requirements."

11 This is prepared by Lightbox Architects, and it's
12 dated 07/29/22, initialed and dated by the Chair.

13 And further, that we incorporate the supporting
14 statements and dimensional form submitted as part of the
15 application. And there are no conditions.

16 On the motion, then, Virginia?

17 VIRGINIA KEESLER: In favor.

18 JIM MONTEVERDE: Thank you. Daniel?

19 DANIEL HIDALGO: In favor.

20 JIM MONTEVERDE: Thank you. Bill?

21 BILL BOEHM: In favor.

22 JIM MONTEVERDE: Thank you. Steven?

1 STEVEN NG: In favor.

2 JIM MONTEVERDE: Thank you. And Jim Monteverde in
3 favor. The special permit is granted.

4 COLLECTIVE: Thank you.

5 JIM MONTEVERDE: Are the proponents still on the
6 line?

7 PHIL MCKENNA AND RACHEL PARRISH: Yes.

8 JIM MONTEVERDE: Can I ask you one question not
9 related to this hearing at all? It's an egress window?

10 PHIL MCKENNA AND RACHEL PARRISH: Yes.

11 JIM MONTEVERDE: It's at the second floor?

12 RACHEL PARRISH: Yes.

13 JIM MONTEVERDE: It's a big step. How do you
14 egress through said window? Does anything else come with
15 it? Is it an egress window or just the window?

16 PHIL MCKENNA: It's --

17 RACHEL PARRISH: Well --

18 JIM MONTEVERDE: I've done egress windows before,
19 because I made the egress -- there's a rope ladder or
20 something else attached to it. Is that something you're
21 contemplating or --

22 RACHEL PARRISH: We --

1 JIM MONTEVERDE: -- just strictly an output?

2 RACHEL PARRISH: -- put -- um-- --

3 PHIL MCKENNA: Jim, I think it -- it just needs to
4 be the appropriate size so that --

5 JIM MONTEVERDE: It's the size, yeah.

6 PHIL MCKENNA: -- yeah.

7 JIM MONTEVERDE: Assuming it's okay to put a
8 ladder up and you can --

9 PHIL MCKENNA: Yes.

10 JIM MONTEVERDE: -- get someone down?

11 PHIL MCKENNA: Yeah.

12 JIM MONTEVERDE: Yeah. Okay. Thank you. Just
13 curiosity.

14 RACHEL PARRISH: Okay.

15 PHIL MCKENNA: Thank you.

16 RACHEL PARRISH: Thank you.

17 JIM MONTEVERDE: Thank you.

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(8:28 p.m.)

Sitting Members: Jim Monteverde, Steven Ng, Daniel Hidalgo,
Virginia Keesler, and Bill Boehm

JIM MONTEVERDE: And last but not least, Case No.
228381 -- 207 Lexington Avenue, Unit 2. Anyone wishing to
--

OLIVIA RATAY: Yep.

JIM MONTEVERDE: -- speak on this?

CHRIS TAYLOR: Yep. I'm Chris Taylor. Can you
guys hear me?

JIM MONTEVERDE: Yep. We can hear you. Just
introduce yourself, please?

CHRIS TAYLOR: Yep. My name is Chris Taylor from
CJT Architects. I'm here on behalf of Tom and Nisha
Smolenski, who I believe are on this Zoom as well.

And we are proposing a -- a dormer for a bathroom
on the third story. And seeking relief because it's within
the setback. There's -- yeah, there's no change to the
footprint. But we are within the setback. And we're
slightly over FAR as well.

So I think we can just jump in to the drawings.

1 Okay. So this is the -- the floor plan, existing
2 floor plan of the third floor. The area shaded is the
3 proposed dormer, and currently there are two existing
4 dormers -- one facing the street, one facing the south side.
5 We're proposing one on the north side, it would match the
6 other two.

7 The reason we're doing this: There are two
8 bedrooms on the third floor that do not have a bathroom. So
9 you would have -- to use the bathroom, you have to go down
10 through the kitchen, through the living room, to the
11 downstairs bathroom.

12 And it's a -- it's a two-family house upstairs.
13 The second floor and third floor are the second unit.

14 Next page, please?

15 This is the existing roof plan, showing the two
16 existing dormers and the proposed dormer location.

17 Next, please?

18 This is the proposed plan with the bathroom.
19 Really the only difference between the existing dormers and
20 the proposed one: we're doing a single window. So we don't
21 have to push the shower into the window, you know, by having
22 that single window there. It can be centered, and it works

1 a little better.

2 We're also increasing the width of the dormer by
3 3" to account for insulation. But the height, the roofline,
4 will all be the same.

5 Next, please?

6 This is the proposed roof plan showing the two
7 existing dormers and the proposed.

8 Next, please?

9 So we have a site plan. And this is on both of
10 the side setbacks in buildings with this nonconforming in
11 the setbacks. We're on the 5' side.

12 And next, please?

13 This is the existing front façade. Next, I think
14 we can go through these pretty, pretty quickly. This is the
15 existing north façade with the dormer sort of dashed. We
16 are removing the existing chimney. It's just not being
17 used.

18 Next, please?

19 This is from the rear yard showing the existing
20 dormer, left.

21 Next, please?

22 Here's a proposed from the north side. This is

1 the proposed dormer.

2 And next, please? This is from the rear yard.

3 And I think the -- yeah, that last page there with
4 the photos.

5 So the bottom two pictures are the existing. So -
6 - and the bottom left is the southwest corner. You can see
7 the front dormer and the -- the south dormer is kind of
8 hidden from view by -- like right there, right there.

9 Bottom right is the existing -- looking from the
10 northwest.

11 And then above it is the proposed. So that -- I
12 think that's really about it. And I believe we do have some
13 letters of support that have been submitted, including the
14 abutters on that north side, which are the ones that would
15 see this. And let's just -- any other questions? That's
16 it.

17 JIM MONTEVERDE: Okay. Thank you. Any questions
18 from members of the Board? Nope? Okay. Before we open it
19 to public comment, we are in receipt of four pieces of
20 correspondence in favor and none in opposition.

21 In support, Patricia Flaherty lives next door,
22 211-213 Lexington. Annemarie lives adjacent in support.

1 James Wood, neighbor on Lexington Avenue, an abutter in
2 support. Timothy and Joan Sawyer in support. None in
3 opposition.

4 Can I ask you one question? It says Unit 2. Are
5 these -- is this a condo?

6 THOMAS SMOLENSKI: It is not a condo. It is a
7 two-family.

8 JIM MONTEVERDE: Okay. Perfect. Thank you. Put
9 it up to public comment. Any member of the public who
10 wishes to speak should now click the icon at the bottom of
11 your Zoom screen that says, "Raise hand."

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

14 I'll now ask Staff to unmute speakers one at a
15 time. You should begin by saying your name and address, and
16 Staff will confirm that we can hear you. After that you
17 will have up to three minutes to speak before I ask you to
18 wrap up.

19 [Pause]

20 No one. It's a quiet night on Lexington Street.
21 Okay. Any final comments, discussion from members of the
22 Board, or can we go to a motion?

1 STEVEN NG: Yeah. We can go to a motion.

2 JIM MONTEVERDE: Motion? Okay. This is a special
3 permit. The Chair makes a motion to grant the relief from
4 the requirements of the ordinance under Sections Article 5
5 Section 5.31, Article 8 Section 8.22.2.d and Article 10
6 Section 10.40 regarding the Special Permit really for the
7 dormers' intrusion into the side yard setback on the
8 condition that the work proposed conform to the drawings
9 entitled "207 Lexington Avenue Unit 2" dated June 12, 2023,
10 prepared by CJT Architects and initialed and dated by the
11 Chair.

12 And further, that we incorporate the supporting
13 statements and dimensional forms submitted as part of the
14 application. On the motion?

15 CHRIS TAYLOR: Excuse me, Chairman. One comment.
16 There's -- we're also over FAR. We're adding 40 square
17 feet, and we are slightly over.

18 JIM MONTEVERDE: Yes. I'm sorry, yes. So it's
19 two conditions, being --

20 CHRIS TAYLOR: And --

21 JIM MONTEVERDE: Intrusion into the side yard
22 setback and then the FAR.

1 CHRIS TAYLOR: Yes. And the building height, the
2 existing height is approximately 38'8".

3 JIM MONTEVERDE: Yep.

4 CHRIS TAYLOR: And we're matching the other
5 dormers. I have no way of knowing without getting up there
6 exactly what it is, but by my calculations it's about 18"
7 below. So I would also be in theory -- seek relief from
8 height.

9 JIM MONTEVERDE: For the height. Okay. On the
10 motion, then, with those conditions, Steven?

11 STEVEN NG: In favor.

12 JIM MONTEVERDE: Daniel?

13 DANIEL HIDALGO: In favor.

14 JIM MONTEVERDE: Virginia?

15 VIRGINIA KEESLER: In favor.

16 JIM MONTEVERDE: Bill?

17 BILL BOEHM: In favor.

18 JIM MONTEVERDE: And Jim Monteverde in favor.

19 [All vote YES]

20 It's unanimous. Special permit is granted.

21 Congratulations. Good luck.

22 THOMAS SMOLENSKI: Thank you. Have a great night.

1 JIM MONTEVERDE: You too.

2 [Pause]

3 JIM MONTEVERDE: We are done -- in conclusion.

4 STEVEN NG: Goodnight, everyone.

5 JIM MONTEVERDE: Thank you for your help.

6 STEVEN NG: Sure. Bye.

7 BILL BOEHM: Thanks.

8 JIM MONTEVERDE: See you next time. Bye-bye.

9 Stay cool.

10 [8:38 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.

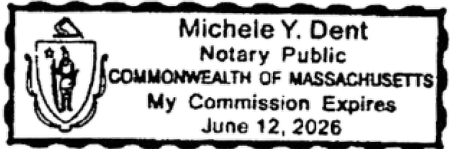
In witness whereof, I have hereunto set my hand this tenth day of August, 2023.



Notary Public

My commission expires:

June 12, 2026



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