

BOARD OF ZONING APPEAL  
FOR THE  
CITY OF CAMBRIDGE

GENERAL HEARING

THURSDAY OCTOBER 12, 2023

6:00 p.m.

Remote Meeting

via

831 Massachusetts Avenue  
Cambridge, Massachusetts 02139

Jim Monteverde, Chair

Steven Ng, Vice Chair

Virginia Keesler

Carol Agate

William Boehm

Daniel Fernando Hidalgo

City Employees

Olivia Ratay

Stephen Natola



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P R O C E E D I N G S

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(6:04 p.m.)

Sitting Members: Jim Monteverde, Steven Ng, Virginia

Keesler, Carol Agate, and Daniel Hidalgo

JIM MONTEVERDE: Welcome to the October 12, 2023 meeting of the Cambridge Board of Zoning Appeal. My name is Jim Monteverde, and I am the Chair.

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

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

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

Members of the public will be kept on mute until it is time for public comment. I will give instructions for public comment at that time, and you also can find

1 instructions on the City's webpage for remote BZA meetings.

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

5 I'll start by asking Staff to take Board members  
6 attendance and verify that all members are audible. And for  
7 the first continued case we have Steven?

8 STEVEN NG: Present.

9 JIM MONTEVERDE: And Virginia?

10 VIRGINIA KEESLER: Present.

11 JIM MONTEVERDE: Thank you. Carol?

12 CAROL AGATE: Present.

13 JIM MONTEVERDE: Thank you. Daniel?

14 DANIEL HIDALGO: Present.

15 JIM MONTEVERDE: And Jim Monteverde present.

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(6:05 p.m.)

Sitting Members: Jim Monteverde, Steven Ng, Virginia  
Keesler, Carol Agate, and Daniel Hidalgo.

JIM MONTEVERDE: The first cases for tonight are  
all continued cases. They were previously begun, heard, and  
not resolved.

The first case that we want to call is Case No.  
216107 -- 1103 Cambridge Street. Staff will now unmute you.  
Please begin by introducing yourself and any other  
presenters on your team, then commence your presentation.

Is there anyone present who wishes to talk about  
this case?

CAROL AGATE: Didn't they drop this?

JIM MONTEVERDE: No. Well, not that I have in  
front of me, no. Where did you hear that or see that?

CAROL AGATE: I thought I saw it in the papers.  
Let me see if I printed that one out.

JAMES RISSLING: Good evening. Jim Rissling here.

JIM MONTEVERDE: Hi. Mr. Rissling.

JAMES RISSLING: Hi.

JIM MONTEVERDE: Do you want to --

1           JAMES RISSLING: Good evening.

2           JIM MONTEVERDE: And if I can begin by offering  
3 you my sincere personal apologies for messing this up the  
4 last time year before us, and having you run around in  
5 circles and come back again to us tonight. It was my  
6 misunderstanding that you actually needed a special permit  
7 for the bike part of this, when in fact it all can be done  
8 by a variance. So my apologies.

9           But if you please -- just for the sake of the  
10 Board, if you could just remind us what this is all about.  
11 If you --

12          JAMES RISSLING: Thank you. Yes.

13          JIM MONTEVERDE: -- focus on why you're asking for  
14 relief, and then we'll take it from there. Thank you.

15          JAMES RISSLING: Yes. Thank you, Mr. Chair. We  
16 are planning on reconstructing the building at 1103  
17 Cambridge Street. It's currently commercial space on the  
18 first floor, and residence -- a single residence on the  
19 second floor.

20          We need to reconstruct the building because it's  
21 in pretty bad condition, and it has no real foundation. And  
22 in the reconstruction, we're going to maintain commercial

1 space on the first floor and add another dwelling unit on  
2 the third floor.

3 So if we can advance the slides, we resubmitted on  
4 Friday a redesign that allows us to take care of our bike  
5 parking.

6 So we are no longer seeking any relief for the  
7 bicycle parking. However, we are still here for the  
8 dimensional requirements because the residences are treated  
9 like they are in a CB -- C-2B Zone, we need relief for the  
10 setbacks.

11 And we're also here because it's a nonconforming  
12 building.

13 JIM MONTEVERDE: Could you -- okay. Is that your  
14 presentation?

15 JAMES RISSLING: Yes. I fear there will be a few  
16 --

17 JIM MONTEVERDE: That's fine.

18 JAMES RISSLING: -- questions.

19 JIM MONTEVERDE: Yep. Can you bring up a plan or  
20 a survey? Can you just show us on the plan the survey?

21 JAMES RISSLING: Sure. The next slide, please?

22 JIM MONTEVERDE: The dimensional issues that you

1 need a variance -- you're asking for a variance for?

2 JAMES RISSLING: Yes. They would be for the  
3 residential use. They would be for the front, rear, and  
4 side setbacks. The -- that slide is okay. The side  
5 setbacks would be -- where would they be? They would  
6 require to be 15' 8", I believe. And if we did that, we  
7 would have overlapping setbacks. Our lot is only 25' wide.

8 JIM MONTEVERDE: I'm looking at your dimensional  
9 form, and I'm trying to square away what you're saying with  
10 the Dimensional Form, and I'm not quite following you. Can  
11 you --

12 JAMES RISSLING: Yes.

13 JIM MONTEVERDE: -- bring up the Dimensional Form?

14 JAMES RISSLING: Oh. It was just the next page.  
15 Sorry. Unless you mean the one that was in the application?

16 JIM MONTEVERDE: Yeah.

17 JAMES RISSLING: You mean the --

18 JIM MONTEVERDE: That one, yep. So looking at  
19 this, the front, it says the Ordinance requires zero, the  
20 existing condition is zero, and the proposed condition is  
21 zero.

22 JAMES RISSLING: That's -- that would apply to the



1 Business Use of the building and the native zone of --

2 JIM MONTEVERDE: Yep. Okay.

3 JAMES RISSLING: -- Business -- Business Z I think  
4 it is.

5 JIM MONTEVERDE: Is there another --

6 JAMES RISSLING: Yeah, Business A.

7 JIM MONTEVERDE: -- dimensional form that has to  
8 do with the residential component, or not?

9 JAMES RISSLING: The residential component would  
10 require a front yard of 10' --

11 JIM MONTEVERDE: Yep.

12 JAMES RISSLING: -- and a - I believe of 15' and  
13 8" and a rear yard of 20'. And that applies to the  
14 Residential Use, as though it --

15 JIM MONTEVERDE: Sure.

16 JAMES RISSLING: -- were in a Res C-2B zone.

17 JIM MONTEVERDE: Yep. And looking at this chart  
18 still, so your front yard is in - for the residential  
19 buildings are going to be zero, right?

20 JAMES RISSLING: Yes.

21 JIM MONTEVERDE: And your side yard left side is  
22 8'11" vs. the 15'8"? Right side is 0 vs. the 15'8"?

1 JAMES RISSLING: Correct.

2 JIM MONTEVERDE: Correct?

3 JAMES RISSLING: That's it, yes.

4 JIM MONTEVERDE: And the rear yard is instead of  
5 20' is 16'2" in the requested condition, is that correct?

6 JAMES RISSLING: That's a dimension to the porch.  
7 The building is 20'.

8 JIM MONTEVERDE: Okay. So is that the sum of the  
9 dimensional relief that you're requesting?

10 JAMES RISSLING: That is the sum of the  
11 dimensional relief. Yes.

12 JIM MONTEVERDE: Okay. And this is a variance.  
13 Did you have a plot plan? Or a survey, or a first floor  
14 plan?

15 JAMES RISSLING: There's a first floor plan right  
16 there. Yes.

17 JIM MONTEVERDE: It shows the lot lines.

18 JAMES RISSLING: If we could go a little further  
19 to the current proposal? Right here. Stop, please.

20 Down one. Up. Back one - one slide, please.  
21 Yes.

22 JIM MONTEVERDE: There you go.

1           JAMES RISSLING: There. There. So our frontage  
2 on the left-hand side there is 25'. Our rear is 24'11" and  
3 the lot is 66' deep. There is a --

4           JIM MONTEVERDE: Right.

5           JAMES RISSLING: -- a 3'5" - there's a 3'5"  
6 passageway in the left-hand side of the lot that allows  
7 access to the property behind us.

8           JIM MONTEVERDE: Yep.

9           JAMES RISSLING: And then we would have a 5'  
10 passage from that line to our building. And then our  
11 building occupies approximately the same location, although  
12 we've improved the rear setback.

13           JIM MONTEVERDE: So I'm -- in terms of, again, for  
14 a variance you need to describe a hardship. And the  
15 hardship can be the lot. And I'm looking at the dimensions  
16 if your overall lot is 24'11" call it 25'.

17           And if the -- I'm looking for the Ordinance,  
18 what's allowed for the minimum side yard. If you do your  
19 arithmetic, you said 15'8" for the side yard?

20           JAMES RISSLING: Um --

21           JIM MONTEVERDE: On both sides?

22           JAMES RISSLING: Yes. Yes. 15'8" from each side.

1           JIM MONTEVERDE:    So basically, with the lot being  
2 as narrow as it is, you couldn't -- you could never comply  
3 with the side yard setback requirement --

4           JAMES RISSLING:    Yes, with regard to Residential.

5           JIM MONTEVERDE:    Right?

6           JAMES RISSLING:    With regard to a Residential Use.

7           JIM MONTEVERDE:    I'm just - okay.  And I have info  
8 that says since it's a nonconforming lot, you'd only need  
9 7.5' setback on each side.  Still, you takeaway 15' from 25'  
10 and you don't have a lot to build on.

11           Okay.  Is that the sum of your presentation?

12           JAMES RISSLING:    Yes.

13           JIM MONTEVERDE:    Thank you.  Any questions from  
14 members of the Board?

15           [Pause]

16           No?

17           CAROL AGATE:    No.

18           DANIEL HIDALGO:    Just one question.  So the bike  
19 parking is now in the back; is that the solution --

20           JAMES RISSLING:    That --

21           DANIEL HIDALGO:    -- that you came up with?

22           JAMES RISSLING:    Yes.  So we've converted much of

1 the long-term bike parking to short-term under Section  
2 6.107.5 a and b.

3 And then because we can't provide the short-term parking  
4 within 50' of the entrance of the building -- the entrance  
5 of the building is on the lower right-hand corner -- so we  
6 are providing covered short-term parking for the residences  
7 and the rest of the short-term parking will be satisfied  
8 with a contribution to the Public Fund.

9 DANIEL HIDALGO: Okay, thank you.

10 JIM MONTEVERDE: Okay. We have a couple pieces of  
11 correspondence in the file, which I'll summarize, and then  
12 open it to public comment.

13 So we have three pieces of correspondence speaking  
14 in favor. We have one from Hudson Santana from October 12,  
15 today, in full support for the application. Another from M.  
16 Fatima Linga (phonetic) yesterday, October 11, in full  
17 support. And we have correspondence from the East Cambridge  
18 Business Association dated October 8, in support of the  
19 application as well.

20 And we have no correspondence in the file against.

21 So I will open it up to public comment. Any  
22 members of the public who wish to speak should now click the

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

3 If you're 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 Is there anyone wishing to speak?

11 [Pause]

12 No. All right. Close public testimony. Any  
13 discussion among members of the Board?

14 CAROL AGATE: Looks to me like --

15 JIM MONTEVERDE: Go ahead, Carol.

16 CAROL AGATE: -- it looks to me like turning a so  
17 sow's ear into a silk purse. [Laughter] In other words, it  
18 looks like a big improvement.

19 JAMES RISSLING: Thanks.

20 JIM MONTEVERDE: Very good. And I think in terms  
21 of the conditions for a variance, the hardship, I think, is  
22 definitely just owing to the shape of the lot and the

1 narrowness of it. And that kind of drives the dimensional  
2 items that are being requested.

3 So if we're ready, I'll make a motion.

4 COLLECTIVE: Yeah. We're ready.

5 JIM MONTEVERDE: Ready?

6 COLLECTIVE: Yeah.

7 JIM MONTEVERDE: The Chair makes a motion to grant  
8 relief from the requirements of the Ordinance under Sections  
9 5.31 Dimensional Requirements, specifically for the  
10 residential component, the front yard and side yard setback  
11 requirements. I think it's only one side you need to meet  
12 the side yard setback requirements.

13 And I think you're no longer looking for relief  
14 for the short-term bicycle parking; that's been  
15 accommodated. And I think -- would involve a substantial  
16 hardship. It would, because you couldn't build it. You  
17 couldn't build a residential portion there, or hardly  
18 anything there.

19 Hardship is owing to the shape of the lot.

20 And desirable relief may be granted without  
21 substantial detriment to the public good or nullifying or  
22 substantially derogating from the intent or purpose of the

1 Ordinance.

2 So the Chair makes a motion to grant the relief  
3 from the requirements of -- just did the Sections -- on the  
4 condition that the work proposed conform to the drawings  
5 entitled, "1103 Cambridge Street," prepared by LR Designs,  
6 dated -- revised October 7, 2023 initialed and dated by the  
7 Chair.

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

11 So on the motion, a voice vote from the Board  
12 members?

13 Carol?

14 CAROL AGATE: I approve.

15 JIM MONTEVERDE: Thank you. Virginia?

16 VIRGINIA KEESLER: In favor.

17 JIM MONTEVERDE: Thank you. Steven?

18 STEVEN NG: In favor.

19 JIM MONTEVERDE: Thank you. Daniel?

20 DANIEL HIDALGO: In favor.

21 JIM MONTEVERDE: And Jim Monteverde in favor.

22 [All vote YES]



1           JIM MONTEVERDE: That's five in favor. The  
2           variance is granted. Thank you.

3           JAMES RISSLING: Thank you for your time,  
4           everyone.

5           JIM MONTEVERDE: You're welcome.

6           CAROL AGATE: Sorry. I had the cases mixed-up. I  
7           think it's the next one who said that they would like to  
8           withdraw.

9           JIM MONTEVERDE: Yeah, exactly. Give me one  
10          second, please.

11          [Pause]

12          We're not sure of the protocol here.

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2 (6:21 p.m.)

3 Sitting Members: Jim Monteverde, Steven Ng, Virginia  
4 Keesler, Carol Agate, and Daniel Hidalgo.

5 JIM MONTEVERDE: Next case is BZA-232270, and we  
6 have a letter in the file from Patrick Barrett, dated  
7 October 9, and it reads:

8 "My clients are working to resolve this issue with  
9 ISD and request to withdraw their application." So let me  
10 propose a motion to withdraw. The Chair makes a motion to  
11 withdraw the application. And we'll do a roll call vote  
12 again.

13 Daniel?

14 DANIEL HIDALGO: In favor.

15 JIM MONTEVERDE: Carol?

16 CAROL AGATE: In favor.

17 JIM MONTEVERDE: Virginia?

18 VIRGINIA KEESLER: In favor.

19 JIM MONTEVERDE: Steven?

20 STEVEN NG: In favor.

21 JIM MONTEVERDE: And Jim Monteverde in favor.

22 [All vote YES]

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JIM MONTEVERDE: Five in favor. The case is  
withdrawn.

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(6:22 p.m.)

Sitting Members: Jim Monteverde, Steven Ng, Virginia

Keesler, Daniel Hidalgo, and Bill Boehm

JIM MONTEVERDE: Next case is BZA No. 208873 --  
231-235 Third Street.

CAROL AGATE: Excuse me.

JIM MONTEVERDE: Yes.

CAROL AGATE: Excuse me, Jim. I'm not on these  
other cases. Do you have somebody else, or --

BILL BOEHM: Yes, I'm Bill Boehm, I am here.

JIM MONTEVERDE: Bill's here.

CAROL AGATE: Oh.

JIM MONTEVERDE: So for the next case --

CAROL AGATE: Okay.

JIM MONTEVERDE: -- we have myself, Steven Ng,  
Virginia, Daniel, and Bill Boehm.

CAROL AGATE: Yep.

JIM MONTEVERDE: Right? And we're all here. Is  
there anyone who wishes to speak about 231-235 Third Street?

[Pause]

DANIEL ANDERSON: Good evening, Mr. Chair. Dan

1 Anderson, Partner at Anderson Porter Design. I believe that  
2 there are personnel from DND Homes on the line, but I'll let  
3 them introduce themselves.

4 [Pause]

5 DANIEL ANDERSON: Possibly not. I thought there's  
6 -- I guess unless Trina wants to introduce herself, Trina  
7 Murphy is here for DND Homes.

8 TRINA MURPHY: Hi. Good evening, everyone. This  
9 is Trina Murphy with DND Homes. Thank you for hearing us  
10 tonight and thank you, Dan, for patiently waiting for me. I  
11 hope everyone can hear me okay.

12 BILL BOEHM: Yep.

13 JIM MONTEVERDE: Yes.

14 DANIEL ANDERSON: Great. Thank you, Chair.

15 JIM MONTEVERDE: All right?

16 DANIEL ANDERSON: Yep. So again, Dan Anderson, a  
17 Partner from Anderson Porter Design. We're here for 213-235  
18 Third Street.

19 We had initially applied for both a variance and a  
20 special permit. Because of the progressive development of  
21 this project, the variance is no longer required. So with  
22 the Board's permission, we are happy to withdraw that

1 variance request.

2           And what we have in front of us is an application,  
3 then, for a special permit, which is in this Industrial A-1  
4 Zone a footnote that allows the reduction in side and rear  
5 yard setbacks to 10' upon a properly landscaped buffer zone.  
6 So I'm happy to have the presentation walked through.

7           Olivia, I think that that's a little bit deep into  
8 the deck. Is that slide -- yes, I'll go through this  
9 quickly.

10           So this is an existing -- two existing lots.  
11 We've been through the Historic Commission process to get  
12 the appropriate relief for demolition. The project has been  
13 deemed -- the project was Significant, but not Preferably  
14 Preserved in light of the proposed project.

15           There is a secondary petition that was heard last  
16 week to initiate a landmark study. The Board -- the  
17 Cambridge Historic Commission declined to initiate that  
18 study. So we're looking at a combination of two lots  
19 informally into one, and a new 19-unit multifamily  
20 residential project here.

21           So next slide?

22           You can see here in dashed the location of the two

1 structures, the proposed outline of the building, and the  
2 two 10' side yards. There are formula side yards so we're  
3 looking for a decrease from 17' to 10' and it would be 14'  
4 to 10' in this. Really, it allows a conforming height,  
5 conforming gross floor area, conforming FAR, and this will  
6 be an Inclusionary Housing project, which I will touch base  
7 on here in a moment.

8 So next slide?

9 Dimensional Tables, as I pointed out, are  
10 conforming in all aspects. The only relief that we're  
11 seeking is the special permit for the landscaped buffer at  
12 10'.

13 So next slide?

14 So this is, as I said, an Industrial A-1 Zone, but  
15 it is covered by Article 20 as the East Cambridge Overlay so  
16 there particularly are incentives for denser residential  
17 development. So this falls clearly within that ECHO.

18 You can go to the next slide.

19 Basically, just to orient you. You can see the  
20 green circle is the area, the blue is our project.

21 Industrial A-1 is bounded by, I believe, Rogers up to --  
22 yeah, in any case, you can see that 12-block, roughly 12-

1 block area.

2 In the lower right-hand corner is the East  
3 Cambridge Housing Overlay so you can see it fall firmly  
4 within that, not abutting any of the residential districts.

5 So next slide?

6 Just very quickly, base zoning height 45', FAR  
7 1.25' with a 600 square feet lot area per dwelling unit.  
8 ECHO Overlay bumps that to 2.5' FAR.

9 Height remains the same throughout. There's a 30  
10 percent increase in FAR for the Inclusionary Housing. So  
11 the net result, ECHO took it to 300 square feet of lot area  
12 per dwelling unit, and we end up effectively with 230 square  
13 feet.

14 So next slide?

15 So we fall, again, also squarely within the  
16 Sustainable Design Development Article 22. We did  
17 previously and listed a couple of slides just looking a  
18 little bit at Pedestrian Use, Bicycle Use and Alternative  
19 Transportation. Really with the change in Article 5 no  
20 longer requiring parking. We're not looking at parking,  
21 we're not looking at any relief for that use.

22 And we're also conforming with the sustainability



1 portion with the recent adoption of the extended Stretch  
2 Energy Code. So this project will be Passive House  
3 certified.

4 So if you look at the next slide?

5 Okay, so we're providing 19 units and 19 plus  
6 dedicated parking spaces. As I noted, repeal of the off-  
7 street parking requirements will encourage those residents  
8 to rely on public transportation, cycling, and other  
9 alternative forms of transit.

10 If I can go to the next slide?

11 We've got some maps just showing kind of distances  
12 in terms of mileage and approximate walk time from the site,  
13 both to the Lechmere MBTA stop, also down towards Kendall  
14 Square, Main Street and the Kendall/MIT stop.

15 Next slide shows proximity to those bus routes.  
16 So we're pleased to have also ridden multiple bus routes to  
17 multiple locations.

18 And the next slide really illustrates proximate  
19 Zipcar and Bluebikes stations, so both within very ready  
20 access.

21 We did submit a transportation analysis and  
22 writeup. I think it's part of the project file.

1           So next slide?

2           Really, the relief we're really seeking is that  
3 special permit under Article 5. As I've said before, it's  
4 the reduction for the side yard setback by formula to 10'  
5 based on providing a suitably landscaped buffer.

6           I will note there was a -- and thank you for the  
7 next slide - yeah, so that - this illustrates the 10' area  
8 where there was some conceptual work. A fence, there's a  
9 pedestrian passage or walkway at the very top of the plan  
10 that goes along from Bent Street to an abutting parking lot.  
11 I believe it belongs to the Data Center lab buildings that  
12 the property abuts along Bent Street.

13           The proposal is fencing and landscaping on both  
14 those sides. There was, I saw, a letter coming in --  
15 objecting -- raising the objection to not having dense  
16 planting. To the best of my knowledge, there is no specific  
17 requirement for the type of planting.

18           The reference to dense planting only refers to  
19 planting in district -- Residential District C2-B. So I  
20 feel that this provides an appropriate buffer. There is a  
21 second means of egress on the side yard setback abutting the  
22 parking lot, which provides pedestrian access directly out

1 to Third Street.

2 And we have -- and are basically exceeding the  
3 amount of open space requirements. Industrial A-1 has very  
4 limited open space requirements.

5 Next slide?

6 So we're in the process of engaging a landscape  
7 architect to assist with this, but this is pretty  
8 representative of the type of planting and landscaping that  
9 we're anticipating.

10 This is our work produced here at my office,  
11 looking at a combination of ground cover, fencing, both  
12 deciduous and coniferous trees, native species, and all the  
13 -- with the range of flowering and variation in color and  
14 texture.

15 Some steps and landscape area, we've proposed to  
16 build up the landscape in the rear to provide good solid  
17 depth of planting material. And really, you're looking at a  
18 kind of informal gravel, based path and landscape steps.

19 Next slide?

20 So I touched briefly on Article 11 about the  
21 Incentive Zoning and Inclusionary Housing. We're fully in  
22 conversation with Housing Department on the unit

1 designations. However, you know, we're conforming with the  
2 intent to provide 20 percent of the net square footage for  
3 the project to meet that Inclusionary Housing demand.

4 So we're feeling great about providing more  
5 housing, and obviously about providing some affordability as  
6 well.

7 So next slide?

8 So this shows ground floor plan entry from Third  
9 Street lobby. We have one small studio unit, and then a  
10 three-bedroom unit at the side, and two-bedroom. It's a mix  
11 of one-, two-, and three-bedroom units.

12 Next slide?

13 This gives larger sense of the second floor  
14 layout. Fairly typical. We're looking at four units per  
15 floor, with the exception of the ground floor, which is  
16 three. And as you can see, they range in size. I think  
17 we're averaging about 650 square feet per unit, centralized  
18 core and elevator.

19 The building at the first two levels does extend  
20 out to Third Street. We're stepped -- it's a zero-lot line.  
21 We're stepped back to provide for some planting and buffer  
22 at the sidewalk level.

1           And if we go to the next slide? Sorry. And this  
2 becomes the third floor level.

3           And the next slide, which is identical to the  
4 second floor.

5           And then third floor and above step back from  
6 Third Street.

7           If we go to the next slide?

8           So there's not habitable roof, but a step-back of  
9 the volume from Third Street, and again four units.

10          The next three slides, I believe, are the -- or  
11 two slides, rather, are the top floors. Again, as you can  
12 see, a very similar layout -- one- and two-bedroom units.

13          Top floor is the roof plan. We're looking at an  
14 all-electric building. So these would be smaller, rooftop  
15 mounted heat pump units. And we're -- an elevated headhouse  
16 and parapet. We've taken care of -- the mechanical  
17 equipment is small and centralized to buffer both sound and  
18 any kind of visibility.

19          Next slide?

20          This is a slide that shows comparative heights as  
21 you move along Third Street to Kendall Square to East  
22 Cambridge to Charles Street.

1           You can see the allowable heights start to step  
2 down as you move towards the East Cambridge residential area  
3 from 55 out at Binney Street and Rogers down to Bent Street  
4 at 45 -- 45 adjacent to us, and then there is a new  
5 residential construction where that 35' outline lies next to  
6 203 Charles.

7           231 and 235 you can see sits within that 45'  
8 height envelope. You can see the different, underlying  
9 zoning and the extent of the overlay.

10           Next slide?

11           So we're looking at a range of materials  
12 compatible to some of the coloration and feel in the  
13 neighborhood. We spent a good deal of time with Cambridge  
14 Historic vetting through different color schemes and  
15 materials. There is a wood type horizontally -- the kind of  
16 beige or -- sorry brownish color, which is a horizontal,  
17 narrow profile wood-look material.

18           And then we have painted nickel gap siding with  
19 also the accents of that same wood look material and some  
20 spandrel panels.

21           I think next slide.

22           This shows the side and rear elevations, so

1 carrying that same color scheme and material palate through.  
2 You can see the landscaping at that side and rear in the  
3 lower elevation.

4 And if I can go to the next slide, I think these  
5 will become a little bit more illustrative of the kind of  
6 massing and feel here.

7 So the intention is really to create an integrated  
8 lower, more residentially-scaled three-story block closer to  
9 the street edge at the entry setting back the larger 45'  
10 height volume, anticipating what other future development  
11 might be throughout that district.

12 But really trying to keep the pedestrian scale and  
13 warmer tones that maybe are kind of a nod to the bottle  
14 block building and the Foundry around the corner on Bent  
15 Street.

16 Next slide?

17 So this is a semi-aerial view seeking down Bent  
18 Street to the left and up Third Street to the right. So  
19 we're situated right across from the American Twine  
20 Building, in between this larger residential block on the  
21 other side of -- between Rogers and Bent.

22 And you can kind of see the residential scale of

1 East Cambridge development existing conditions to the right.

2 Next slide?

3 Gives a little bit of a feel of that residential  
4 corner. We're looking at where that lower studio unit would  
5 be in and above that -- it's called NewTechWood is the  
6 material that we're looking at and the glazing, with a  
7 canopy that extends over to the entry, which is shown in the  
8 next slide.

9 So I branded it 235 Third. And you see the  
10 [unclear]. We have about a 2' planted buffer before the  
11 public sidewalk and property line. We're looking at some  
12 additional street trees and improvements along there.

13 And I think next slide gives two -- set into  
14 Google Earth street views.

15 You can see the tone coloration of the brick  
16 building of the bottle block there on Third Street, our  
17 building to the right and beyond. The lighter piece is  
18 where a construction project is underway.

19 And if we can take the next slide, I think that  
20 would pretty much wrap up my presentation.

21 This is looking back from Third Street, back to  
22 Rogers Street and Binney Street. And you can see the upper



1 portion of the 45' and that really steps back from Third  
2 Street, and that's the lower three-story, more residentially  
3 scaled portion there right at the corner.

4 So I think that I probably will stop the  
5 presentation here. And so if there are any questions or  
6 feedback -- and am happy to answer any questions.

7 JIM MONTEVERDE: All right. Thank you. And just  
8 to confirm, for members of the Board, in terms of what we're  
9 reviewing and voting on, the variance is not part of this  
10 discussion, correct, Dan?

11 DANIEL ANDERSON: That's correct. The variance --

12 JIM MONTEVERDE: No?

13 DANIEL ANDERSON: -- was if an existing building  
14 were to remain and we were to enlarge it, it would be larger  
15 than 25 percent.

16 JIM MONTEVERDE: Right. Right.

17 DANIEL ANDERSON: But that is no longer the case.

18 JIM MONTEVERDE: Okay. And it's -- so this is  
19 strictly to the special permit, and really the one condition  
20 we are reviewing is the side yard/rear yard setback to an  
21 allowed 10' minimum?

22 DANIEL ANDERSON: That is correct.

1           JIM MONTEVERDE: Correct? Okay. Any questions  
2 from members of the Board?

3           BILL BOEHM: I have a question. Dan, you already  
4 brought up there's a question about the plantings in the  
5 open space. And I'm looking at Section 5.22.1 Private Open  
6 Space, where they're looking for 15'. And you're looking to  
7 reduce that to 10'.

8           I'm not seeing in that portion anything about the  
9 treatment of that space in terms of plantings. Can you tell  
10 us what is the governing language about the types of plants  
11 and hardscape they're allowed if there is more than that  
12 section 5.22.1?

13          DANIEL ANDERSON: Yes. So if I -- I think they're  
14 two issues. One is I'm pretty sure that we don't have an  
15 open space requirement, because this is an Industrial A-1  
16 Zone.

17          BILL BOEHM: Okay.

18          DANIEL ANDERSON: So the minimum 15' x 15' doesn't  
19 apply in this particular case.

20          The second is that there is no language that I can  
21 find in terms of what an appropriately landscaped buffer  
22 should be.

1                   Unfortunately, it falls, I think, to  
2                   interpretation. We were feeling that a wood fence at about  
3                   6' height -- a little bigger in the back where we've raised  
4                   the landscape height -- pedestrian walkway, ground cover --  
5                   all felt appropriate to the ground floor residents and to  
6                   the adjacent uses.

7                   So I guess that's a quick way to answering that  
8                   there's no hard and fast guideline that I'm aware of.

9                   BILL BOEHM: Thank you.

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

12                  VIRGINIA KEESLER: This is --

13                  JIM MONTEVERDE: Oh, sorry. Go ahead.

14                  VIRGINIA KEESLER: -- yeah, this is Virginia  
15                  Keesler. I was wondering if you could speak a bit to the  
16                  condition of the two existing buildings to be demolished.

17                  JIM MONTEVERDE: Yeah, I was, if -- Virginia, if  
18                  you'd let me for a second, I was going to --

19                  VIRGINIA KEESLER: Okay.

20                  JIM MONTEVERDE: -- chat about that and ask Dan to  
21                  confirm just from the info that's in the file, because we've  
22                  seen -- there have been a number of continuances, and I

1 think a few different presentations to us.

2 VIRGINIA KEESLER: Yes.

3 JIM MONTEVERDE: And what I was headed with this  
4 is in looking at the correspondence from the Cambridge  
5 Historic Commission, we have two pieces of correspondence in  
6 the file.

7 One is from back in September -- September 27, and  
8 it said that the Commission voted to find the two buildings  
9 to be significant as defined by the City's Demolition Delay  
10 Ordinance.

11 And at a hearing on September 7, the Commission  
12 found that the existing buildings were not preferably  
13 preferred (sic) in the context of the proposed replacement  
14 project, dated July 20, 2023.

15 And Dan, I just -- I don't think I have a drawing  
16 in our file dated July 20 2023. Do you? So what is that?  
17 In terms of the two buildings to be either preserved or  
18 incorporated or not?

19 DANIEL ANDERSON: Yeah. So to kind of take both  
20 of those as kind of one question, there are two structures  
21 currently on the site: 231 and 235.

22 Both were originally constructed more than 50

1 years ago. So they fall under the Demo Delay Ordinance. We  
2 had worked through an initial proposal for this project  
3 attempting to preserve at least one of the buildings. There  
4 was not a satisfactory solution that we could come to for  
5 that.

6 So the design changed. So it's -- what you're  
7 seeing here today is a representation of the approved  
8 Cambridge Historic Commission project. The --

9 JIM MONTEVERDE: So the one that the Historic  
10 Commission is referencing in their correspondence I just  
11 referred to and read from, where your drawings are dated  
12 July 20, they are identical to what we are seeing here into  
13 concept?

14 DANIEL ANDERSON: They are. We actually made --  
15 apologize for any discrepancy in date -- there were two  
16 color versions, but all the same massing and plans that were  
17 presented to Cambridge Historic. This represents the color  
18 scheme with some siding modifications that were requested by  
19 the Committee.

20 So this project as represented here is identical  
21 to the project that was approved.

22 JIM MONTEVERDE: Okay.

1 DANIEL ANDERSON: I'd be happy to submit drawings  
2 that were submitted to Cambridge Historic Commission, but I  
3 believe that these are identical.

4 JIM MONTEVERDE: That would be great, just to  
5 round everything out. And then one final comment: We then  
6 have a follow-up correspondence. Again, last time we met,  
7 we continued the meeting because it was going to be a  
8 meeting to see if they would initiate Landmark Designation  
9 Study.

10 And then we have a correspondence, and that was  
11 going to be on October 5 was that meeting.

12 And then we have October -- if my memory serves  
13 correct - and we have correspondence from the Cambridge  
14 Historic Commission dated October 10, stating that it was a  
15 public hearing on October 5.

16 The Historic Commission considered the petition of  
17 Cambridge residents and voted 6:1 not to initiate a  
18 Landscape Designation Study for the properties that we're  
19 discussing.

20 So that's just a historical background for the  
21 project.

22 So did you have anything else, Virginia, relative

1 to that?

2 VIRGINIA KEESLER: I was just hoping for a bit  
3 more background on the condition of the two existing  
4 buildings. I remember reading in the materials that they  
5 had been vacant for quite some time, I believe. So I was  
6 just hoping for some more background.

7 DANIEL ANDERSON: I can maybe have Trina address  
8 that a little bit, but we've been working on this project in  
9 a couple different iterations for just about two years.

10 My recollection is that these properties have been  
11 on the market for possibly a year or more prior to that.  
12 Two separate owners, so you can understand that they're kind  
13 of purchased at different times. There have been various  
14 proposals dating back probably even farther than that.

15 I think for 231, there was a proposal to make this  
16 a cannabis dispensary, which didn't pass the Planning Board.  
17 The project on the -- the structure on the corner has been  
18 vacant I believe for longer. It was privately owned, and I  
19 think radically used as office space to the best of my  
20 knowledge.

21 Both structures are not dilapidated; they have  
22 just been really -- been vacant. And it's been a long

1 stretch to come up with a solution that made these  
2 economically viable.

3 So that really has prompted the design you're  
4 seeing in front of you I think really combined with the kind  
5 of housing demand that we're seeing in the city. So hope  
6 that's satisfactory.

7 VIRGINIA KEESLER: Yes. Thank you.

8 JIM MONTEVERDE: Any other questions from members  
9 of the Board?

10 [Pause]

11 If not, let me summarize the correspondence we  
12 have in the file before we open it up for public commentary.  
13 We have a couple letters in support and one in objection.  
14 Christopher Cassa, dated October 11, strongly supporting.  
15 Samuel Burgess, October 11, strongly supporting. "Kendall  
16 Square desperately needs more housing." Dan Eisner, October  
17 12, strong support. Justin Saif, October 11, strong  
18 support.

19 I read the Historic Commission from October 10  
20 saying they were voted not to initiate the Landmark  
21 designation.

22 Then we have one against. Joseph Rose, October



1 10, saying that there's no hardship for this petition. But  
2 then that's not a criteria for the special permit. "Lack of  
3 any hardship, detriment to public health, lack of dense  
4 plantings."

5 That, I believe -- and one more from Marie Elena  
6 Saccoccio -- pardon the pronunciation or mispronunciation --  
7 October 12, and this is objecting to the demolition of the  
8 existing buildings. And I'm assuming we may hear from those  
9 folks.

10 With that, I will open it to public comment. Any  
11 members of the public who wish to speak should now click the  
12 icon at the bottom of your Zoom screen to say, "Raise hand."

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

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

20 STEPHEN NATOLA: Betty?

21 MARIE ELENA SACCOCCIO: This is Marie Saccoccio.  
22 We're sharing the computer. I was the lead petitioner for

1 the landmarking. There are many people who support the  
2 landmarking. On the same night that we submitted the  
3 petition, the Historic Commission allowed the Commission  
4 itself to vote on this project, independent of the  
5 landmarking. So I thought that was pretty outrageous.

6 The basis for the landmarking I have submitted to  
7 you. These are two buildings that were part of the East  
8 Cambridge Land Company and they were authorized by a special  
9 act of our legislature. They were imbued with the  
10 responsibility and the authority to set up the streets.

11 From where they are all the way to Kendall it was  
12 only marshland. It was undeveloped, uninhabitable. They  
13 set up the streets and set up boundaries and were authorized  
14 to sell and to lease.

15 And their work really established one of the most  
16 successful industrial complexes on the East Coast. They had  
17 -- they were visionary.

18 The truth is they always intended for this to be a  
19 massive industrial complex, and they built the Broad Canal  
20 from First Street all the way to -- it would be Cardinal  
21 Medeiros Way Portland up to the Dante, so that all the  
22 industry would not have to traipse through the residential

1 East Cambridge with their cargo in and out.

2           These are the only two buildings that are left.

3 The history of the East Cambridge Land Company is  
4 memorialized in the SJC case that I submitted to you. It's  
5 over 100 years old, and it actually became the authoritative  
6 work, even with the Foundry a few years ago trying to  
7 establish who had easement rights, whether something was a  
8 public way or not.

9           I also submitted to you 231 Third Street.

10 Although some people may think of it as a modest house, it's  
11 historically significant not just for its status with the  
12 East Cambridge Land Company, but also because it was the  
13 seat of the attorneys. It was a women's law firm; the  
14 attorneys who successfully litigated the case for same-sex  
15 adoption, which became the seminal case cross-country.

16           These two houses -- I've submitted some photos  
17 that are very recent just a couple of weeks ago -- have been  
18 accepted for a nomination into America's Most Endangered  
19 Historic Places.

20           This is overseen by the National Trust for  
21 Historic Preservation. They've already been submitted and  
22 accepted. There should be further information requested in

1 November.

2           Although they don't really have the authority to  
3 foreclose demolition, they note that only 1 percent of  
4 houses that have been registered like this have been  
5 demolished. Also, this year is different because --

6           JIM MONTEVERDE: Excuse me, Ms. Saccoccio?

7           MARIE ELENA SACCOCCIO: Yes.

8           JIM MONTEVERDE: You're well over the three-minute  
9 mark. I'm going to have to ask you to wrap it up, please?

10           MARIE ELENA SACCOCCIO: Okay. This year is  
11 different for this particular competition, because they're  
12 looking for industrial history and history of immigrants.  
13 And this was a section that was the feeder workers were  
14 Italians, Portuguese, Irish, and Polish. Those were the  
15 mainstays of East Cambridge. That's the history of East  
16 Cambridge. Thank you.

17           JIM MONTEVERDE: Thank you for your comments.

18           STEPHEN NATOLA: Calling in from phone 617-8311.

19           HEATHER HOFFMAN: Hello. Heather Hoffman, 213  
20 Hurley Street. I know that your scope of decision is pretty  
21 small on this but I need to say one more time for the record  
22 that I would have been thrilled to have this much housing on

1 this lot if they had decided to preserve the delightful  
2 buildings that are there now, which have been subjected to  
3 demolition by neglect.

4 Proposal really needs a whole lot more landscaping  
5 to hide it. Because it comes nowhere close to the aesthetic  
6 value, the community value, the neighborhood value, of what  
7 we're losing in order to have this.

8 And I firmly believe that had they wished to do a  
9 better job, they could have. But they exhibited over and  
10 over in their treatment of the neighbors, their disdain for  
11 our concerns, and their disdain for actually doing outreach  
12 that they don't care.

13 So I hope we at least get an awful lot of  
14 landscaping to hide this building. Because it is not going  
15 to be an enhancement to our neighborhood.

16 And it's too bad. Because what's there now is.  
17 And these guys could do better. But no one has cared enough  
18 about us and our neighborhood to insist in making any of  
19 these decisions.

20 And that says a lot more about the City and it's  
21 concern for it's ATM than it does about us and our history.

22 Thanks.

1           JIM MONTEVERDE: Thank you. We have no one else  
2 calling in. I'll close public testimony.

3           Discussion among Board members?

4           DANIEL HIDALGO: Yeah. I appreciate the desire to  
5 preserve the history of this neighborhood. And I think  
6 they're fine buildings but just looking at the criteria for  
7 a special permit, I really don't see how it's going to, you  
8 know, significantly negatively affect the character of the  
9 neighborhood or affect traffic patterns or cause congestion  
10 in ways that are incongruent with, you know, how the  
11 neighborhood works now.

12           So, given that this is a special permit, I'm in  
13 support of this application.

14           JIM MONTEVERDE: Any other Board members? Or  
15 ready for a motion?

16           [Pause]

17           Not hearing any comments, so I'll make a motion.

18 And as Daniel mentioned, this is a special permit. Let me  
19 go through their criteria quickly.

20 Special permits will normally be granted where the specific  
21 provisions of this Ordinance are met.

22           a) It appears that requirements of this Ordinance

1 cannot or will not be met. That's true.

2 b) Traffic generated, or patterns of access or  
3 egress would not cause congestion, hazard, or substantial  
4 change. I don't think so.

5 c) The continued operation of or development of  
6 adjacent uses, as permitted in the Ordinance, would be  
7 adversely affected.

8 d) Nuisance or hazard would be created to the  
9 detriment health, safety and/or welfare of the occupant of  
10 the proposed use or the citizens of the city. And

11 e) The proposed use would impair the integrity of  
12 the district or adjoining district.

13 So I think, personally, we'll take it to a vote.  
14 But we appear to meet that criteria.

15 So the Chair makes a motion to grant the relief  
16 from the requirements of the Ordinance under Section 5.34,  
17 Table of Dimensional Requirements, specifically for the side  
18 yard and rear yard setback with landscape buffer, on the  
19 condition --

20 Oh, I'm sorry. Also want to state that the  
21 variance that was advertised is no longer requested as part  
22 of this submission. And it's not reviewed or voted on.

1 This is strictly the special permit.

2 -- on the condition that the work proposed conform  
3 to the drawings entitled, "Development 231-235 Third Street  
4 prepared by Anderson Porter Design," dated September 13,  
5 2023, initialed and dated by the Chair.

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

9 Board members, please take a voice vote on the  
10 motion to grant relief. Carol?

11 Carol's not on this one.

12 Virginia?

13 VIRGINIA KEESLER: In favor.

14 JIM MONTEVERDE: Steven?

15 STEVEN NG: In favor.

16 JIM MONTEVERDE: Daniel?

17 DANIEL HIDALGO: In favor.

18 JIM MONTEVERDE: Bill?

19 BILL BOEHM: In favor.

20 JIM MONTEVERDE: And Jim Monteverde in favor.

21 [All vote YES]

22 JIM MONTEVERDE: That's five in favor. Special



1 permit is granted. Thank you.

2 DANIEL ANDERSON: Thank you very much, Mr. Chair.

3 Thank you, members of the Board. Have a good evening.

4 TRINA MURPHY: Thank you and good evening.

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2 (7:04 p.m.)

3 Sitting Members: Jim Monteverde, Steven Ng, Virginia

4 Keesler, Daniel Hidalgo, and Bill Boehm

5 JIM MONTEVERDE: Next case -- again, we're on the  
6 continued final case is BZA-133276 -- and we have a Request  
7 for an Extension.

8 We have a letter from James Rafferty dated  
9 September 15, 2023, requesting to extend the time for the  
10 special permit in the above-captured matter for a period of  
11 six months. That would bring us to -- what? April Fools,  
12 my favorite date for meetings [laughter], 2024?

13 STEPHEN NATOLA: April 12?

14 JIM MONTEVERDE: Yep. So we'll move this to a  
15 date of April 12, 2024. Will all the Board members present  
16 tonight be available for that? Oh, this is a case not  
17 heard, so we don't need the same members, right?

18 Well, just in case, will the current members who  
19 are sitting on this be available on April 12, 2024?

20 BILL BOEHM: Yes.

21 VIRGINIA KEESLER: Yes.

22 BILL BOEHM: I guess.

1 COLLECTIVE: [Laughter]

2 JIM MONTEVERDE: Yeah. Really.

3 DANIEL HIDALGO: I think so.

4 JIM MONTEVERDE: Okay.

5 STEVEN NG: Sure.

6 JIM MONTEVERDE: And let me make a motion to  
7 continue this matter to April 12, 2024, on the condition  
8 that the petitioner change the posting sign to reflect the  
9 new date of April 12, 2024, and the new time is 6:00 p.m.

10 Also, that the petitioner sign a waiver to the  
11 statutory requirements for a hearing. This waiver can be  
12 obtained from Maria Pacheco or Olivia Ratay at the  
13 Inspectional Services Department.

14 I ask that you sign the waiver and return it to  
15 the Inspectional Services Department by a week from this  
16 coming Monday. Failure to do so will de facto cause this  
17 Board to give an adverse ruling on this case.

18 Also, that if there are any new submittals or  
19 changes to the drawings, dimensional forms, or any  
20 supporting statements, that those be in the file by 5:00  
21 p.m. on the Monday prior to the continued meeting date.

22 On the motion to continue this matter until April

1 12, 2024? A voice vote by the Board members, please? Bill?

2 BILL BOEHM: In favor.

3 JIM MONTEVERDE: Yep. Daniel?

4 DANIEL HIDALGO: In favor.

5 JIM MONTEVERDE: Virginia?

6 VIRGINIA KEESLER: In favor.

7 JIM MONTEVERDE: And Steven?

8 STEVEN NG: In favor.

9 JIM MONTEVERDE: And Jim Monteverde in favor.

10 [All vote YES]

11 The continuance is accepted.

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2 (7:07 p.m.)

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

5 JIM MONTEVERDE: Now, so just to confirm, going  
6 forward we have Virginia, Steven, Bill, Daniel, myself.  
7 Correct? Okay. Now onto the Regular Agenda.

8 First case is BZA-240611 -- 7 Mellen Street.  
9 Anyone here wishing to speak on that case?

10 [Pause]

11 HONG LIU: Hello? Is there anyone wishing to  
12 speak?

13 Yeah. My name is Hong Liu. And I'm with my  
14 friend, Kim Walker Chin (phonetic). And --

15 JIM MONTEVERDE: What's that?

16 HONG LIU: Can you hear me? Here tonight I have  
17 my assistant, Kim Walker Chin, because due to my eyesight.  
18 And I also have Timothy Burke.

19 I am here to apply for 7 and 9 Mellen Street in  
20 Cambridge. These are the two single-houses properties I  
21 purchased from Lesley University last August.

22 And I want to change the use by the Lesley

1 University as offices to Residential/Lodging Use. I believe  
2 this is the best use for these two properties that were  
3 built as residential single homes and had always been used  
4 in a residential way, until Lesley used it for a while.

5 And I'm doing this also to help provide housing in  
6 terms of the furnished rooms extended or transient stay,  
7 which are not daily, which are not yearly, but they are  
8 short-term extended stay. That's why I am petitioning and  
9 hope the Board can grant me the variance. And --

10 JIM MONTEVERDE: Okay. Can you hold on one  
11 second? Can I just ask a question really of Staff?

12 HONG LIU: Sure.

13 JIM MONTEVERDE: The advertisement says the change  
14 in use to Hotel/Motel, not Lodging.

15 HONG LIU: I think that's a mistake. Yeah, I  
16 think that's a mistake.

17 JIM MONTEVERDE: I'm reading the application form.  
18 I'm reading our Agenda. I'm assuming this is on the notice  
19 that's on the property that the public has been notified?

20 HONG LIU: Yeah.

21 JIM MONTEVERDE: So can we do the old bait and  
22 switch?

1           HONG LIU: Yeah. I'd like to request to change  
2 it, because I have an eye problem. When they put out the  
3 advertising thing, the office presented me something and I  
4 just signed up.

5           And not until two or three days ago when they  
6 presented Hotel/Motel I said, "No, that's not what I'm  
7 requesting. I'm requesting a lodging house, boarding house,  
8 for single rooms, just like other people do Airbnb but I am  
9 always doing lodging house for short-term staying."

10          JIM MONTEVERDE: No.

11          HONG LIU: Monthly.

12          JIM MONTEVERDE: Yeah. I understand what you're  
13 saying. I hear what you're saying, and I think I understand  
14 what you're saying. I'm just trying to understand how we  
15 process that when the public notice in the application we  
16 have in front of us and the agenda we have in front of us  
17 does not call it "short-term" or a "Lodging House," it calls  
18 it, "Hotel/Motel Use," which are different animals.

19          HONG LIU: Correct.

20          JIM MONTEVERDE: So --

21          HONG LIU: I agree with you.

22          JIM MONTEVERDE: What we have in front of us --

1 HONG LIU: I feel very bad.

2 JIM MONTEVERDE: -- well, I guess you're --

3 HONG LIU: But you didn't request it. If you look  
4 at my -- what's it called? The document. Can you see -- I  
5 have a picture of it. Mm-hm, if you see my application in  
6 my assistant's handwriting --

7 JIM MONTEVERDE: Yes. It's in front of me.

8 HONG LIU: -- I always --

9 JIM MONTEVERDE: Let me read. It says,  
10 "Description of Petitioner --

11 HONG LIU: But the --

12 JIM MONTEVERDE: -- excuse me, one second. It  
13 says, "Description of Petitioner's Proposal: The building  
14 was residential until 1970, when Lesley University purchased  
15 it for us as office and residences, and now I want to change  
16 to hotel/motel use."

17 HONG LIU: Um -- this was a --

18 JIM MONTEVERDE: Doesn't say, "Lodging."

19 HONG LIU: This was prepared -- yeah, correct.  
20 This was prepared by the Inspectional Services Department.  
21 Apparently, I did not clarify who she was.

22 She said, "Ms. Liu, you needed -- you need



1 relief." I said, "What is it?" I said, "Would you please  
2 help me to fill up whatever it is?" And then they sent me  
3 just the e-mail. And I assumed it's the same, so I signed  
4 onto it.

5 And then I did, when my assistant asked me, she  
6 said is asked -- I said, "I didn't ask for Hotel/Motel, it's  
7 just the two single homes there." And then the person said,  
8 --

9 JIM MONTEVERDE: Sorry. Can you give us one  
10 moment, please? I'm just behind the curtain here talking  
11 with Staff, seeing if we have a way forward with this for  
12 this evening. Give me one moment, please.

13 [Pause]

14 Is there another way?

15 [Pause]

16 All right. Easy.

17 Okay. We cannot change what you're requesting  
18 from what's advertised and applied for as a Hotel/Motel and  
19 referred to under the Ordinance cited the Section 4.31.1.2.  
20 That is specifically Hotel/Motel.

21 It is not -- we cannot change that in this meeting  
22 to a Lodging House. What you can do if you wish is with--

1 and I'm assuming we're talking about we have to take these  
2 individual. So this is 7 Mellen, the same applies to 9  
3 Mellen.

4 If it is -- if it does, then you can withdraw  
5 without prejudice both these cases and refile them, stating  
6 that your proposal is to -- you want to change these  
7 buildings to Lodging House Use, as the various  
8 correspondents that we have from public members who are  
9 supporting you are stating.

10 We can't process this this evening or vote on this  
11 the way it's -- the way you're presenting it versus what's  
12 in front of us as an application.

13 So would you like to withdraw without prejudice,  
14 go back to ISD. If you want you may consider getting some  
15 legal assistance; go back to ISD, reapply the application  
16 forms for both 7 and 9 Mellen Street, and asking in terms of  
17 the petitioner's proposal is to change the use to "Lodging  
18 House" if that in fact is what you want?

19 Is the proponent still on the line?

20 STEVEN NG: Jim, I believe Mr. Burke, the  
21 architect, is on the call still, if he could speak.

22 JIM MONTEVERDE: There's not -- he can't -- I

1 don't think he can represent the owner --

2 STEVEN NG: Right.

3 JIM MONTEVERDE: -- the applicant.

4 STEVEN NG: Sure.

5 JIM MONTEVERDE: And I'm really asking the  
6 applicant, Hong Liu, if what she would like to do this  
7 evening -- because I don't think we can move forward -- is  
8 to with the application in front of us, and then with the  
9 presentation that this is for something else -- unless they  
10 withdraw without -- I don't see another way out.

11 STEVEN NG: Well, she's on but she's muted. I  
12 don't know if she knows she's muted.

13 HONG LIU: I would like Tim Burke to say a few  
14 words. Because I'm not changing outside/inside, just give  
15 me -- allow me to change the use from Office to Residential  
16 Lodging. And I think the City has a way to issue a license  
17 for lodging house, no hotel. Not hotel. And that's the --  
18 I think the solution I don't have to go back again.

19 It's labeled wrong. And as you can see, the City  
20 Councillors, neighbors, everyone, are in support of what I'm  
21 doing - Lodging House, Extended Stay.

22 JIM MONTEVERDE: I just.

1 UNIDENTIFIED SPEAKER: Yes.

2 JIM MONTEVERDE: I completely understand that.  
3 And I can see that. It's just that it's every - all your  
4 letters of support - and Councillor Nolan in support -- are  
5 all talking about a - converting this to a lodging.

6 HONG LIU: Right.

7 JIM MONTEVERDE: And that is not what the  
8 application says. So, again, the gentleman who was just  
9 trying to speak, Mr. Burke, did you want to offer something  
10 here?

11 TIMOTHY BURKE: Oh, yes. Thank you. I was --  
12 wasn't the able to speak earlier. My name is Timothy Burke.  
13 I'm the architect for the project. And we did submit this  
14 as a lodging house, but ISD directed us to change it to a  
15 Hotel/Motel Use.

16 We didn't quite know, you know, understand that  
17 but the intent of, you know, the reality is that she does  
18 plan to use it as a lodging house. But ISD wanted to  
19 classify it as a Hotel/Motel use. They were very clear to  
20 that.

21 So I don't think it's going to help to go back,  
22 because it was clear -- made very clear to us, yes. You

1 know, I think that Hong Liu has a good record of running --  
2 she has several of these. We're going to talk about another  
3 one --

4 JIM MONTEVERDE: So --

5 TIMOTHY BURKE: -- later.

6 JIM MONTEVERDE: -- yeah, if I can, Mr. Burke, I  
7 think what transpired from what I understand, when the  
8 petitioner went to the Inspectional Services Department, was  
9 the description from the proponent that the intention was to  
10 have single-day rentals --

11 HONG LIU: No, no, no.

12 JIM MONTEVERDE: -- which by definition -- let me  
13 just finish the statement -- and by the definition that we  
14 have from several years ago that actually would apply to a  
15 hotel/motel and not to a lodging house. And that's the  
16 confusion.

17 TIMOTHY BURKE: I understand now. Yeah, that I  
18 wasn't aware of. I think that --

19 JIM MONTEVERDE: Not the confusion, but I think  
20 that's why --

21 TIMOTHY BURKE: Yeah.

22 JIM MONTEVERDE: -- ISD directed the application

1 to be for Hotel/Motel.

2 TIMOTHY BURKE: Okay.

3 JIM MONTEVERDE: So if that is not the case, as I  
4 think I understand Ms. Thuy (phonetic) saying in the  
5 background, and the intention is to run these as lodging  
6 houses, then, again, I don't see a way forward this evening,  
7 unless you withdraw without prejudice.

8 You may want to retain legal assistance and go  
9 back to ISD and explain to them that you do intend to --  
10 your application really wants to be as a Lodging House and  
11 not a Hotel/Motel but a Lodging House.

12 And then it can be advertised that way; the  
13 application form can be prepared that way. And all your  
14 letters of support will frankly be in support of exactly  
15 what the application is for.

16 TIMOTHY BURKE: Yes, I understand.

17 So Hong Liu, is that clear to you as well? That  
18 seems like our best path forward here.

19 JIM MONTEVERDE: Yeah.

20 HONG LIU: Yes.

21 JIM MONTEVERDE: And --

22 TIMOTHY BURKE: Okay.

1           JIM MONTEVERDE:  -- if you would like me to join  
2 you when you go to ISD to try and square this away, I would  
3 be happy to do that.

4           TIMOTHY BURKE:  Well, thank you very much.

5           JIM MONTEVERDE:  So --

6           HONG LIU:  Thank you.

7           JIM MONTEVERDE:  -- for the petitioner, are you --

8           HONG LIU:  Yeah, so -- okay.  Yeah.  Thank you  
9 very much.

10          TIMOTHY BURKE:  Hong Liu, you have to request a  
11 Withdrawal Without Prejudice.

12          HONG LIU:  Yes.  I request Withdrawal Without  
13 Prejudice.

14          JIM MONTEVERDE:  Yeah.

15          All right, let's see if there is a way we can do  
16 this.  Can you describe for us how you intend to use and how  
17 you intend to let --

18          HONG LIU:  Yes.

19          JIM MONTEVERDE:  -- rooms?

20          HONG LIU:  Each house has about eight rooms.  And  
21 then they are all the way it was built over 100 years ago.

22          So each room, they would just be single-occupancy

1 and with shared kitchen and full monthly staying or several  
2 weeks staying, because we have students, researchers or  
3 Visiting Professors - scholars coming to Harvard or  
4 community -- MIT and other Longy School of Music for  
5 example. They only attend several weeks or several two to  
6 three months.

7 And these people, they are on a limited budget --  
8 especially musical or religious background, and they are  
9 very, very, you know, limited with the budget.

10 And that's one reason from running a friendly inn  
11 at Harvard, which is two blocks away. We do have people  
12 always asking for a longer term stay or, you know, lower  
13 budget. And that we can't. The 7 Mellen Street is  
14 surrounded.

15 [Petitioner lost connection]

16 TIMOTHY BURKE: All right. Until she comes back,  
17 I can try to say that, you know, what she's trying to do is  
18 provide a fairly long stay for transient people, and at a  
19 very reasonable rate. And it's a great service for the  
20 neighborhood --

21 JIM MONTEVERDE: Right.

22 TIMOTHY BURKE: -- the city.



1           JIM MONTEVERDE: But it's not short-term, it's not  
2 daily, it's not weekly, it's meant to be monthly or several  
3 months?

4           HONG LIU: Yes.

5           TIMOTHY BURKE: That is correct.

6           JIM MONTEVERDE: Okay.

7           HONG LIU: Yes.

8           JIM MONTEVERDE: I'm looking at a definition that  
9 was done -- this goes back to 1996. These were proposed  
10 definitions. A "Lodging House", which I think you meet, at  
11 least where I read this proposed definition, I think what's  
12 in the Ordinance currently, and what's also allowed in the  
13 zoning districts that the buildings are located in.

14                   And then this has a definition for a motel:  
15 "Building or group of buildings containing six or more rooms  
16 will provide sleeping accommodation for transient occupants.  
17 They wish to provide parking --" You're not providing  
18 parking, correct? "-- and direct entrances to most of or  
19 all rooms" -- which you're not doing that.

20           TIMOTHY BURKE: No.

21           JIM MONTEVERDE: So it's not a motel. Hotel: "Any  
22 buildings or group of buildings that need six or more rooms

1 would provide sleeping accommodations and food for transient  
2 occupants."

3 TIMOTHY BURKE: Yes.

4 JIM MONTEVERDE: You're not providing food, are  
5 you?

6 HONG LIU: No.

7 JIM MONTEVERDE: So you're not a hotel, you're not  
8 a hotel, you're a lodging house.

9 HONG LIU: Yeah.

10 JIM MONTEVERDE: I just went full circle. That's  
11 --

12 HONG LIU: Correct.

13 JIM MONTEVERDE: -- where I have no way, but you  
14 have to come back and apply for it as a lodging house. And  
15 I think from everything I read, that should be an easy one  
16 to discuss and move along.

17 So will you withdraw the case without prejudice --  
18 - and we're going to do these one at a time, 7 Mellen and  
19 then 9 Mellen -- refile, get some legal assistance if you  
20 feel you need it, and change the proposal to -- that you  
21 want to change this to a Lodging House Use?

22 HONG LIU: Okay.

1           JIM MONTEVERDE: Mr. Burke, that's okay, but I  
2 think -- I really --

3           HONG LIU: Yeah, it could be resolved.

4           JIM MONTEVERDE: -- thank you for your support  
5 but I think I need Ms. Liu.

6           HONG LIU: Officer, is there any way you can help  
7 me put in remodify, and then just change the advertising for  
8 lodging house. Because everyone knows it's a lodging house,  
9 and that has been - always been this way. And there's no  
10 way for hotel or motel. So I really would appreciate it.

11           It's been -- it's been over a year. It's very  
12 hard as a small business owner. And there is a, you know,  
13 big demand for this housing.

14           And I'm very -- feel very privileged to help out  
15 with housing in this aspect. That's why I appreciate the  
16 City Councillors and the many people who are here today. I  
17 think they are online to support me. Some of them are  
18 facing this situation --

19           JIM MONTEVERDE: Yep.

20           HONG LIU: -- or benefitting from a Lodging House  
21 Use.

22           JIM MONTEVERDE: Yeah.

1 HONG LIU: -- in the city.

2 JIM MONTEVERDE: But unfortunately, what they're  
3 supporting is not what you've applied for. That's the crux  
4 of the problem.

5 So please, I'll ask you directly one last time:  
6 Would you please agree to withdraw these two cases without  
7 prejudice and refile them, resubmit the application form,  
8 and state that your proposal is to change these uses to  
9 Lodging House?

10 HONG LIU: Yes. I agree to it.

11 JIM MONTEVERDE: Okay.

12 HONG LIU: And I will refile it. Thanks.

13 JIM MONTEVERDE: Okay. So thank you. Any  
14 questions from members of the Board? Any public comment?  
15 Any members of the public who wish to speak should now click  
16 the icon at the bottom of your Zoom screen that says, "Raise  
17 hand."

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

20 I'll now ask Staff to unmute the 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 to three minutes to speak before I ask you to  
2 wrap up.

3 And keep in mind this is specifically about 7  
4 Mellen Street. Is there anyone wishing to speak?

5 [Pause]

6 No. I will close public comment. Sorry, we have  
7 somebody who wishes to speak.

8 STEPHEN NATOLA: Beth Zeitlin?

9 BETH ZEITLIN: Hi. It's Zeitlin, actually. Beth  
10 Zeitlin. I live at No. 8 Mellen Street. Thank you for  
11 letting me speak.

12 In addition to the lawyer's letter that we  
13 submitted -- and I -- other people that have submitted on  
14 behalf of posing this petition, I feel like we're playing a  
15 little bit of a game with semantics here whether you call it  
16 a lodging house or a hotel/motel. There is ample parking  
17 behind, it's already operating as some sort of business.

18 There's a great deal of activity. I live directly  
19 across the street. I'm an abutter. I've been here for 12  
20 years. I live here with my husband and my children.

21 And this is not a community building, a  
22 neighborhood initiative. This is a for-profit, nonresident

1 enterprise. And, you know, I'm sorry if I sound  
2 impassioned, but this really is a game of language.

3 And you're taking buildings that were abandoned by  
4 Lesley and finally sold. Ultimately the responsibility of  
5 Lesley, where there's no transparency in the neighborhood,  
6 there was no For Sale signage ever posted, so the neighbors  
7 didn't even know that these buildings were up at a time when  
8 affordable housing is in a crisis in Cambridge, this would  
9 be a perfect opportunity that could have been easily  
10 converted into long-term proper housing for families.

11 So this proposal is not going to impact the  
12 neighborhood in a good way; it's going to impose on our  
13 safety. The traffic is brutal on this street. We are not  
14 even on a five-year-plan on Mellen Street for city  
15 improvements; the street, the sidewalk.

16 I've been told we might not even be on a 10-year-  
17 plan, and this is just going to increase the already  
18 congested conditions that we live under here.

19 And again, this is somebody who doesn't live in  
20 the community, who is running a business. And I wish that  
21 we would just speak plainly about it. This is not some sort  
22 of not-for-profit initiative to help people.

1           Anyway, so I am vehemently opposed, and also upset  
2           that it was clear that this was a petition for a  
3           Hotel/Motel. That's the notice that I received, and my  
4           neighbors received, and that's how we oppose this.

5           JIM MONTEVERDE:   Yep.

6           BETH ZEITLIN:    Thanks.

7           JIM MONTEVERDE:   Thank you for your comment.

8           Anyone else?

9           [Pause]

10          No other comment? I'll close public testimony.  
11          Discussion by members of the Board? If not, I'll make a  
12          motion.

13          The Chair makes a motion to withdraw this case  
14          without prejudice. And this is specifically Case 240611 for  
15          7 Mellen Street. On the proposal to withdraw without  
16          prejudice, Daniel?

17          DANIEL HIDALGO:   In favor.

18          JIM MONTEVERDE:   Bill?

19          BILL BOEHM:    In favor.

20          JIM MONTEVERDE:   Steven?

21          STEVEN NG:    In favor.

22          JIM MONTEVERDE:   Virginia?

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VIRGINIA KEESLER: In favor.

JIM MONTEVERDE: And Jim Monteverde in favor.

[All vote YES]

That's five in favor. The case is withdrawn without prejudice. Sorry. I'm running through a "president, precedent, prejudice."



1 \* \* \* \* \*

2 (7:33 p.m.)

3 Sitting Members: Jim Monteverde, Steven Ng, Virginia

4 Keesler, Daniel Hidalgo, and Bill Boehm

5 JIM MONTEVERDE: Okay. Next, we're going to do  
6 the same thing for BZA Case 2406-- oh, sorry. All right.

7 The next case is BZA 240609 -- 9 Mellen Street.  
8 This is the same case, same proponent, same issue, different  
9 building, next door. So -- hold on one second, let me just  
10 grab the file.

11 And it is the same terminology -- faux pas. So  
12 without going much further, Ms. Liu, if you're still with us  
13 --

14 HONG LIU: Yeah. Yes.

15 JIM MONTEVERDE: -- will you also agree to  
16 withdraw this one without prejudice and revise the  
17 application form to say the change of use is to Lodging?  
18 For a lodging house? And --

19 HONG LIU: Yes, I - yes, I do.

20 JIM MONTEVERDE: -- all right, thank you.

21 HONG LIU: Thank you.

22 JIM MONTEVERDE: I will open the matter -- any

1 questions from members of the Board? Public comment? Any  
2 members of the public who wish to speak should now click the  
3 icon at the bottom of your Zoom screen that says, "Raise  
4 hand."

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

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

12 [Pause]

13 We have no one raising their hand. So I will  
14 close public testimony. Any discussion from members of the  
15 Board, or are we ready for a motion?

16 DANIEL HIDALGO: We're ready for a motion.

17 JIM MONTEVERDE: Thank you. And the word is,  
18 "prejudice." All right, the Chair makes a motion to  
19 withdraw. And this is specifically 9 Mellen Street, BZA  
20 Case 240609, to withdraw this request without prejudice.

21 On the motion to withdraw, Virginia?

22 VIRGINIA KEESLER: In favor.

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JIM MONTEVERDE: Steven?

STEVEN NG: In favor.

JIM MONTEVERDE: Bill?

BILL BOEHM: In favor.

JIM MONTEVERDE: Daniel?

DANIEL HIDALGO: In favor.

JIM MONTEVERDE: And Jim Monteverde in favor.

[All vote YES]

JIM MONTEVERDE: Five in favor. The motion is  
carried to withdraw.

1 \* \* \* \* \*

2 (7:35 p.m.)

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

5 JIM MONTEVERDE: The next case is BZA 237019 --  
6 2240 Mass Avenue. Same proponent. I think this one's a  
7 little easier, hopefully.

8 Ms. Liu, are you here? Are you with us?

9 HONG LIU: Yes.

10 JIM MONTEVERDE: Thank you.

11 HONG LIU: Yeah, basically, 2240 Massachusetts  
12 Avenue, I purchased it in 2010, and it was licensed as  
13 Lodging House. First, second, third floor: Each five,  
14 totaling 15 rooms. And when I purchased it, there are two  
15 rooms in the basement -- I mean, two spaces, two rooms, with  
16 a kitchen, bathroom, so on.

17 And I didn't apply for the basement because one  
18 was used as a property manager, and the other was used -- my  
19 brother was living there. And then over the 10 years, it's  
20 been like that.

21 And 2019, I thought I had to hire someone to do a  
22 stairway, and then they by -- without my knowledge, they

1 built a stairway outside, and then later on, I had someone  
2 remove the internal stairway. There are two -- always two  
3 stairways or egress. And then so I was told that I need to  
4 apply to include the two rooms in my existing lodging  
5 license, complete around 15.

6 And then I am petitioning for a variance to allow  
7 me to include the two.

8 And my architect, Tim Burke, had been with me, and  
9 he can speak a little bit more about dimensions and so on if  
10 you need to.

11 Thank you.

12 JIM MONTEVERDE: Thank you.

13 Mr. Burke, are you --

14 TIMOTHY BURKE: Yes.

15 JIM MONTEVERDE: -- are you with us?

16 TIMOTHY BURKE: If we could see the plan, I think  
17 it's -- if we can go into the document here, it might be  
18 easiest to show you the plan. Yeah, that's great.

19 JIM MONTEVERDE: Can I preface this a moment?

20 TIMOTHY BURKE: Yes.

21 JIM MONTEVERDE: All of the advertisement talks  
22 about the variants to convert basement the two lodging

1 units. It's really not a zoning issue. The zoning issue  
2 here are the Table of Dimensional Requirements, if you can  
3 help us.

4 If that front stair intrudes in the front yard  
5 setback, and I believe looking at the site plan one of the  
6 area wells intrudes in the side yard setback. Correct me if  
7 I'm wrong, but I think those are the -- those really are the  
8 two issues that you're requesting a variance on. Correct?

9 TIMOTHY BURKE: Yes.

10 HONG LIU: Okay.

11 TIMOTHY BURKE: And the height because of the --

12 JIM MONTEVERDE: The height, correct.

13 TIMOTHY BURKE: -- the areaways for --

14 JIM MONTEVERDE: Because of the areaways, right.

15 TIMOTHY BURKE: -- the --

16 JIM MONTEVERDE: Go -

17 TIMOTHY BURKE: -- wells, yes. Yeah.

18 JIM MONTEVERDE: So if you could focus your  
19 discussion on those two specific zoning-related issues, then  
20 we can --

21 TIMOTHY BURKE: Okay.

22 JIM MONTEVERDE: Yes. Thank you.

1           TIMOTHY BURKE: Sure. The plan that you see here  
2 shows on the left, where the internal stairway was for the  
3 basement. There's all -- the one in the back is remaining  
4 as is.

5           And then the new stair is shown on the right-hand  
6 plan at the front of the building there, the lower part of  
7 the drawing. And so, now that's an exterior stair that fits  
8 underneath the existing front porch. So it -- but the area  
9 does stick out on the right there, and increases that front  
10 setback issue.

11           The areaways for the escape windows, which were at  
12 the escape windows, which we're adding for safety, they are  
13 flush with the ground, but it's a very narrow sight, so they  
14 do go into the setback area there. So the -- but those are  
15 the only changes to --

16           JIM MONTEVERDE: Right. I'm sorry --

17           TIMOTHY BURKE: -- to the outside of the building,  
18 yes.

19           JIM MONTEVERDE: -- is it both of the areaways  
20 intrude on the side yard setback?

21           TIMOTHY BURKE: There is a plot plan that we could  
22 look at. There should be in the survey plan. But I think

1 it's the one on the right. It's titled there with the  
2 church parking lot.

3 JIM MONTEVERDE: Yep.

4 TIMOTHY BURKE: These are the upper floors. You  
5 can see on the left the existing porch that the new stair is  
6 underneath that. That's --

7 JIM MONTEVERDE: Yep.

8 TIMOTHY BURKE: And I included some drawings of  
9 the stairway on this sheet, and then a new bathroom that  
10 would be installed as well as a detail of the window well  
11 that's required to be 3' deep by the code off the face of  
12 the building.

13 JIM MONTEVERDE: And is there a plot plan or --

14 TIMOTHY BURKE: Yes, it's right there.

15 JIM MONTEVERDE: Yeah, there we go. Okay.

16 TIMOTHY BURKE: Yeah. So you can see the one on  
17 the right is the one. And I think it's a narrow lot, so the  
18 building is nonconforming with the side setbacks.

19 JIM MONTEVERDE: Do you think you need relief for  
20 both or just one?

21 TIMOTHY BURKE: I believe it was both sides, yes.

22 JIM MONTEVERDE: Both. Okay. I think that's the



1 sum and the substance of the zoning relief you're seeking?

2 TIMOTHY BURKE: That is correct, yes.

3 JIM MONTEVERDE: Okay. And the height. So and  
4 the height has to do with the fact that you do the area well  
5 and your stair, it increases your building height?

6 TIMOTHY BURKE: Right. The mean grade drops, yes.

7 JIM MONTEVERDE: Right? Looking at the  
8 dimensional form, I don't see those noted. But if you could  
9 help us understand what those are?

10 TIMOTHY BURKE: Yep. But that's -- that's what  
11 you just described, the -- because of their area, the window  
12 wells are lower around the buildings. So the mean grade  
13 drops down.

14 JIM MONTEVERDE: Okay. Can you tell us -- see if  
15 I have the correct dimensional form in front of me. Right.  
16 So the height under the requested conditions should  
17 increase?

18 TIMOTHY BURKE: Correct, yeah.

19 JIM MONTEVERDE: It's not noted. Do you know by  
20 how much it increases?

21 TIMOTHY BURKE: It actually didn't change that  
22 number. It was a further fraction.

1 JIM MONTEVERDE: Oh, the decimal point?

2 TIMOTHY BURKE: Yeah, it was such a tiny change  
3 that it doesn't change the footprint.

4 JIM MONTEVERDE: So really not height, and the  
5 front yard setback?

6 TIMOTHY BURKE: Well, it's only -- it's no setback  
7 there, I guess, as I see it, because of --

8 JIM MONTEVERDE: Yeah.

9 TIMOTHY BURKE: -- in the commercial district  
10 they're right at the property line there.

11 JIM MONTEVERDE: Okay.

12 TIMOTHY BURKE: Yeah.

13 JIM MONTEVERDE: And then the left side and right  
14 side?

15 TIMOTHY BURKE: That's where we're short. Yeah.  
16 We need 10' and we're at 2.9' on one side and 5'.2" on the  
17 right side.

18 JIM MONTEVERDE: Right, but do you know what  
19 you're asking for now with the areaways, bulkheads?

20 TIMOTHY BURKE: Yes. That would be 1.9 on the  
21 left side and 2.2 on the right side.

22 JIM MONTEVERDE: Okay. So we're making a note of

1 that and initialing that on the dimensional form. Okay.

2 TIMOTHY BURKE: Okay?

3 JIM MONTEVERDE: Thank you.

4 TIMOTHY BURKE: You're welcome.

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

7 [Pause]

8 Nope. We have several pieces of correspondence in  
9 the file. We have one from Councillor Patricia Nolan, dated  
10 October 12, speaking in support of the variance request for  
11 2240 Mass Ave.

12 We have another one from Quinton Zondervan, dated  
13 October 11, in support of this variance. And we have no one  
14 in correspondence speaking against.

15 So I'll open it to public comments. Any members  
16 of the public who wish to speak should now click the icon at  
17 the bottom of your Zoom screen that says, "Raise hand."

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

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 to three minutes to speak before I ask you to  
2 wrap up.

3           STEPHEN NATOLA: No one is raising their hand.

4           [Pause]

5           No one is raising their hand, so I will close  
6 public testimony. Any discussion from members of the Board?

7           BILL BOEHM: Jim, I have a request. I don't have  
8 the letters in front of me, and I'm just curious if you  
9 would be willing to just read the letters of support that  
10 came in.

11           JIM MONTEVERDE: Sure. Let me start with the  
12 shorter one. And it's Quinton Zondervan, City Councillor,  
13 dated October 11. It says,

14           "Dear BZA,

15           I write in support of this variance. I have  
16 visited the premises, and I believe me Liu is sincerely  
17 trying to add more affordable units for our residents to  
18 rent. As you know, we are facing a housing crisis in  
19 Cambridge, and provided this variance meets all the  
20 necessary requirements, I hope it can be improved.

21           "Thank you for your consideration."

22           The other one from Councillor Patricia Nolan,

1 dated October 12 says,

2 "The variance requested at 2240 Mass Ave is to  
3 include two basement rooms into an existing Lodging license.  
4 This project as well has the opportunity to add much-needed  
5 housing units without any significant construction costs.

6 "I believe all three variances --" and she's  
7 referring to the 7 Mellen and 9 Mellen Street as well "--  
8 will accomplish the important City goal of adding affordable  
9 residential units.

10 "Respectfully, I ask that you grant the variances  
11 in all three cases before you by Petitioner Hong Liu. If  
12 you have any questions or would like to discuss with me  
13 further, please do not hesitate to reach out."

14 So both letters are really referring to, you know,  
15 creating units which is not -- or, you know, allowing a  
16 lodging license, which is not our purview. Ours is really  
17 the dimensional resultant from making that all occupiable.

18 But that's all we have, Bill.

19 BILL BOEHM: Thank you. Thanks.

20 JIM MONTEVERDE: Any other -- yep, you're welcome.  
21 Any other discussion from Board members, or are we ready for  
22 a motion?

1 DANIEL HIDALGO: Just, you know, it seems mostly  
2 reasonable. I just -- I guess I would have liked to have  
3 seen some evidence or discussion of how this relates to, you  
4 know, the particular shape of the property or the train. It  
5 seems like it's a small lot, that makes sense but I'm just  
6 trying to come up with the legal rationale. And it's not --

7 JIM MONTEVERDE: Yeah.

8 DANIEL HIDALGO: -- immediately clear to me.

9 JIM MONTEVERDE: Well, I think under the  
10 requirements for the variance, right? And again, this is a  
11 variance, and we need to find all of the following:

12 That a literal enforcement would involve a  
13 substantial hardship, financial or otherwise, and the  
14 rationale here is it's providing needed residential units,  
15 a).

16 b) The hardship is owing to circumstances relating  
17 to the soil condition, shape, the topography, the land or  
18 structures. Yes, it's really related to the shape. The two  
19 of them are -- it's just penned in by the lot. The lot  
20 itself is -- or the building itself does not comply with the  
21 left-side, right-side setbacks. And constructing the -- as  
22 I see it -- constructing the areaways for egress from those

1 openings at a required side dimension to, you know, you  
2 can't do it without relief.

3 So I think that condition is --

4 DANIEL HIDALGO: Right. That makes sense. Yeah.

5 JIM MONTEVERDE: And desirable relief may be  
6 granted without substantial detriment to the public good:  
7 yep. Or nullifying or substantially derogating from the  
8 intent or purpose of the Ordinance. I think those  
9 conditions - to me, those conditions are met. And it's  
10 based on the dimensions of the lot and the dimension of the  
11 building on the lot.

12 Any other discussion? Ready for a motion?

13 STEVEN NG: I think so.

14 JIM MONTEVERDE: The Chair makes a motion to grant  
15 the relief from the requirements of the Ordinance under  
16 Section 5.31 Table of Dimensional Requirements, specifically  
17 the left-side setback, which will -- the relief we're  
18 granting will allow that to be go from 2'.9" to 1'.9"; and  
19 the right-side setback, which is currently 5'.2" will go to  
20 2' even. That will allow the two areaways to allow the two  
21 residential units in the basement to have their required  
22 egress.

1           And the conditions of the variance, which I just  
2 ran through, but I'll do it again, we find all of the  
3 following:

4           A literal enforcement would involve a substantial  
5 hardship -- in this case, the hardship is the not being able  
6 to provide needed housing.

7           The hardship is owing to the shape of the lot. As  
8 I described before, it's really the dimensional pinching of  
9 the building on the lot that requires the variance.

10          And the relief may be granted without substantial  
11 detriment to the public good -- I think that's correct -- or  
12 nullifying or substantially derogating from the intent or  
13 purpose of the ordinance. So I believe it meets all of the  
14 variance requirements.

15          On the condition that the work proposed conform to  
16 the drawings entitled "2240 Massachusetts Avenue," prepared  
17 by Timothy Burke and dated -- these things are 8.5' by 11'.  
18 I need trifocals; I'll never find the date on this.

19          Mr. Burke, is there a date on these drawings that  
20 are already submitted?

21          TIMOTHY BURKE: Yes, it's right -- it's a little  
22 bit --



1 JIM MONTEVERDE: Printing.

2 TIMOTHY BURKE: -- you can go up the sheet a  
3 little, it's right there. It's June 4, 2023.

4 JIM MONTEVERDE: 06/04/23?

5 TIMOTHY BURKE: I'm sorry, 05/04/23.

6 JIM MONTEVERDE: 05?

7 TIMOTHY BURKE: Yes.

8 JIM MONTEVERDE: Dated 05/04/23, initialed and  
9 dated by the Chair.

10 And further, that we incorporate the supporting  
11 statements and dimensional forms submitted and also marked  
12 up by the Chair and initialed as part of the application.

13 Board members, please take a voice vote on the  
14 motion to grant the relief. Again, this is a variance.  
15 Virginia?

16 VIRGINIA KEESLER: In favor.

17 JIM MONTEVERDE: Steven?

18 STEVEN NG: In favor.

19 JIM MONTEVERDE: Bill?

20 BILL BOEHM: In favor.

21 JIM MONTEVERDE: Daniel?

22 DANIEL HIDALGO: In favor.

1 JIM MONTEVERDE: And Jim Monteverde in favor.

2 [All vote YES]

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

4 Thank you.

5 TIMOTHY BURKE: Great. Thank you very much.

6 HONG LIU: Thank you.

7 JIM MONTEVERDE: You're welcome.

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(7:47 p.m.)

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

JIM MONTEVERDE: Next case is BZA-239588 -- 21  
Gurney Street. Is there anyone here wishing to speak on  
that case?

JONATHAN TAN: Hi. Good evening, everyone. My  
name is Jonathan Tan. And my colleague, Allan Broadbent,  
should also be joining.

JIM MONTEVERDE: Are you ready to proceed with  
your discussion, Jonathan?

JONATHAN TAN: Yes, I am. I just want to give my  
colleague -- there he is, he should be joining here in one  
minute. Great. I am ready to proceed.

JIM MONTEVERDE: All set to go.

JONATHAN TAN: All right. Good evening.

JIM MONTEVERDE: Could I ask you to start by just  
setting the tone for us?

JONATHAN TAN: The tone. Am I too soft?

JIM MONTEVERDE: This is a variance -- no, thank  
you -- this is a variance and a special permit.

1           Can you just quickly introduce the specific  
2 matters that make -- drive you to request the variance and  
3 the special permit, and then feel free to elaborate further  
4 on the project?

5           TIMOTHY BURKE: Of course. So for the variance  
6 we're seeking, it's specifically about the deck. And if we  
7 could scroll to Slide 10, I believe. Yes, that one -- Slide  
8 4 I guess on this screen, perfect.

9           So on the left side of the page, you can see that  
10 the deck extends into the rear and side yard setbacks, and  
11 this is largely due to the very small lot size that's  
12 nonconforming. That is the variance application that we are  
13 presenting.

14           And for the special permit application, that is  
15 related to the enclosed storage area that's on the bottom  
16 left of this page. We are actually proposing to enclose an  
17 existing building overhang for the homeowners to use as an  
18 outdoor storage area.

19           This also due to the small lot that doesn't meet  
20 the minimum lot size and already exceeds the FAR -- this  
21 increases the FAR ratio by 0.03. And so, that's what we  
22 would be requesting special permit relief for.

1           Would you like me to elaborate further on either  
2 or both of these applications?

3           JIM MONTEVERDE: Yeah. If you could -- and with  
4 the drawing in front of us?

5           JONATHAN TAN: Sure.

6           JIM MONTEVERDE: And talking about the rear lot in  
7 particular, since that's the one your improving -- since  
8 that's the one you're requesting the relief for -- can you  
9 describe what's going on here? And in specific, that Z  
10 shape series of cells --

11          JONATHAN TAN: Of course.

12          JIM MONTEVERDE: -- that separate the table that  
13 seats 8 from the rest of it. Just -- explanation what that  
14 is and what configuration or use are you intending this for  
15 that requires you to make this the size that it is, is and  
16 therefore intrude on the rear yard setback as much to the  
17 dimension that it does?

18          JONATHAN TAN: Sure. I'd be happy to. So if we  
19 could scroll down actually to slide 11, that one, the plot  
20 plan, we'll introduce some of the existing conditions. So  
21 to help orient everyone, the top of the page is the rear  
22 yard, which is where we're focusing.

1           The project is located on a 3,700 square-foot lot.  
2           It's smaller than the minimum 5,000 square-foot lot size for  
3           the district.

4           In the rear yard, there are two roughly laid stone  
5           patios, which are not suitable currently for furniture,  
6           entertainment use. These are labeled as patio stone on the  
7           plot plan.

8           Adjacent to these patios is an unfinished and  
9           unenclosed area beneath the building overhang, which the  
10          homeowners currently use to store their yard accessories.  
11          This area is labeled as the one-story overhang with roof  
12          deck on the plot plan.

13          Also worth noting, which will be discussed in our  
14          presentation is the presence of an existing Japanese maple  
15          tree, which is labeled as the 10" tree here on the right of  
16          the plot plan.

17          If you could scroll down to the pictures of the  
18          existing site, this will help give you an understanding of  
19          the existing conditions. Yes. We can start there.

20          So here you can see the existing unenclosed area  
21          beneath the building overhang, which the homeowners are  
22          currently using to store objects such as outdoor furniture,

1 garden tools, yard accessories.

2           You can also see the two roughly laid stone  
3 patios, which are uneven. And so, they're not very well  
4 suited for arranging furniture or entertaining guests.

5           On the next page here, you can see the -- if we  
6 can scroll down one page, thank you -- you can see the  
7 existing rear yard as well as some of the other existing  
8 mature trees.

9           Lastly, you scroll down one more page. You can  
10 see the existing Japanese maple tree in relation to the  
11 existing steps and doors.

12           So the homeowners, what they would like to do is  
13 improve the property that would allow them to have one) an  
14 outdoor dining area as well as a separate seating area for  
15 entertaining family and guests.

16           They would also like to store their yard  
17 accessories in a more enclosed area that's out of sight.

18           So now, if we can go back up to the design plan  
19 that we had started on, we'll introduce the design. Thank  
20 you.

21           So very generally speaking here, you can see that  
22 there is an on-grade stone patio on the bottom left of the

1 page, which is meant to be for the dining area. Between  
2 that and the house, there are a series of stepping stones,  
3 which is the Z-shape feature that you spoke to earlier.

4 The deck, while it could conform with one of your  
5 Articles, which allows the deck to project 12' into a  
6 setback measured from the house foundation wall -- the  
7 presence of the existing maple tree actually negates any  
8 functional use of that space, if we were to try and keep it.

9 So therefore, the deck is actually shown as  
10 extended to seat a three-seat sofa, a club chair, and a  
11 coffee table. Let's see.

12 We did explore alternative solutions. For  
13 example, an on-grade patio. We found that that would  
14 significantly jeopardize the health of the tree, because of  
15 the amount of grading and disturbance that's involved around  
16 the tree root zones.

17 We arrived at our current design solution because  
18 installing a deck would represent the lightest disturbance  
19 footprint, so that we can preserve the tree, while allowing  
20 the homeowners to use their property.

21 Now we could scroll down to --

22 JIM MONTEVERDE: Before you leave that drawing --



1 JONATHAN TAN: Mm-hm?

2 JIM MONTEVERDE: To the left of the three-seat  
3 seating element?

4 JONATHAN TAN: Yes.

5 JIM MONTEVERDE: What are those series of cells,  
6 I'll call them?

7 JONATHAN TAN: Yeah, sure. Those are on-grade  
8 pavers. So stone units that are placed on-grade.

9 JIM MONTEVERDE: Okay.

10 JONATHAN TAN: Mm-hm. Yeah.

11 JIM MONTEVERDE: So what you're requesting relief  
12 on and everything on this plan - it's --

13 JONATHAN TAN: it's just --

14 JIM MONTEVERDE: -- only the wood deck. It is  
15 projection into the rear-yard setback or beyond that 15'  
16 mark that's a lot -- correct?

17 JONATHAN TAN: That is correct, for the variance.

18 JIM MONTEVERDE: And for enclosing the storage  
19 below the building overhang?

20 JONATHAN TAN: That is correct. And that is  
21 because it would increase the gross area -- floor area  
22 ratio.

1 JIM MONTEVERDE: Whoops. I lost our Staff. Okay.

2 JONATHAN TAN: Okay?

3 JIM MONTEVERDE: Yep.

4 JONATHAN TAN: If we can scroll down to slide 20,  
5 or at least what I was referring to as slide 20, I'm not  
6 sure what it is on this board here. I'll tell you when to  
7 stop. One more down. That one. Yep, that page. So if you  
8 can Zoom in on that.

9 So here this just gives you an idea of how we  
10 intend to incorporate these. You can see that we are  
11 proposing to enclose the space with horizontal, solid cedar  
12 boards that would keep the storage out of sight from both  
13 the homeowners and the neighbors as they use the back yard.

14 In closing our presentation, I'd just like to take  
15 the chance to thank the City Staff for their time --  
16 specifically Olivia and Maria --and meeting with us and  
17 collaborating to help understand the City's codes and  
18 ordinances and help us prepare the application.

19 We'd also like to note that a letter of support  
20 from the neighbors at 26 Gurney Street has been offered for  
21 this project and recorded in the application materials.

22 Again, thank you for your time. We're happy to

1 answer any questions that you may have.

2 JIM MONTEVERDE: All right. Thank you. Any  
3 questions from members of the Board? If not -- oop, sorry.

4 BILL BOEHM: I have a question. I am looking at  
5 your Tables, your Zoning Tables where you've calculated your  
6 open space and permeable open space. And I'm interested  
7 that you've calculated 85 percent permeable open space. I  
8 think as a percentage of the total open -- private open  
9 space.

10 And I'm just curious about how that calculation  
11 came about, what's considered pervious, impervious, if you  
12 could point that out on the site plan, please?

13 JONATHAN TAN: Of course, if we could scroll back  
14 up to the site plan and on my screen, I'm trying to find the  
15 calculations so that I can refer to it. It may be on the  
16 site plan itself. Yes.

17 So in calculating the open spaces -- open space  
18 percentage, we referred to the ordinances as listed on the  
19 notes. So if you can scroll down to the bottom of this  
20 page, those two ordinances - you know, Footnotes 3 and 4 are  
21 what we referred to.

22 Now, what that relates to on the plan, I believe

1 are all the planting bed areas, as well as the spaces in  
2 between the steppingstones, which would be crushed stone and  
3 therefore porous.

4 I do not believe that we included the dry laid  
5 patio, and I don't remember of that top of my head whether  
6 the City had considered deck as porous or impervious, but in  
7 either case, we adhere to whatever the City defined as  
8 "porous or impervious."

9 And that amount of area that you're talking about  
10 constitutes 85 percent of the total open space, you're  
11 saying?

12 JONATHAN TAN: That's correct. Because I believe  
13 that was a distinction between open space in general and  
14 permeable open space. So for the open space in general,  
15 that would include spaces such as the deck and the dining  
16 patio, and walkways that I believe were not in excess of 5'  
17 or 6' wide if I remember correctly.

18 BILL BOEHM: Okay. It seems like a lot of  
19 impervious to me, but relative the amount of open space you  
20 have. But I'm obviously not in a position to calculate it  
21 myself, so I'll take your word for it. Thanks.

22 JIM MONTEVERDE: Thank you. Any other questions

1 from any other Board members? If not, we have one piece of  
2 correspondence in the file from Harry Irwin, dated September  
3 23, 2023. He lives across the street from this parcel. And  
4 they are speaking in favor. And that's all the  
5 correspondence we have.

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

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

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

16 [Pause]

17 No one wishes to speak, so we'll close public  
18 testimony.

19 Any discussion among the members of the Board?

20 I just have one question I didn't ask before --  
21 excuse me -- of the proponent. I'm looking at the  
22 dimensional form for your rear yard setback. Ordinance

1 requires 25', existing conditions is 20.8'. What is it  
2 you're requesting with the deck?

3 JONATHAN TAN: Yes. I apologize about that.

4 JIM MONTEVERDE: It's alright.

5 JONATHAN TAN: So for the deck, it would be 8'.

6 JIM MONTEVERDE: 8' okay. I've so marked that.

7 Yep.

8 JONATHAN TAN: From the rear yard.

9 JIM MONTEVERDE: Marked that on the dimensional  
10 form, yep.

11 JONATHAN TAN: And if it's necessary for the side  
12 yard, we would be requesting 10".

13 JIM MONTEVERDE: Left side, right side?

14 JONATHAN TAN: This would be for the right side?

15 JIM MONTEVERDE: Right side will be 10". Okay.

16 So it goes from 9.4' to 10"?

17 JONATHAN TAN: Yes.

18 JIM MONTEVERDE: Correct?

19 JONATHAN TAN: That is correct.

20 JIM MONTEVERDE: Okay. Thank you. Sorry I didn't  
21 ask that previously.

22 Any other comments, discussion by one of the Board

1 members? Otherwise, I'll make a motion? Okay. Let's do  
2 the motion. We have two here. I'll take the variance  
3 first. This is for the wood deck.

4 The Chair makes a motion to grant the relief from  
5 the requirements of the Ordinance under Sections 5.31, and  
6 this is specifically the dimensional requirements for the  
7 proposed wood deck, and that it will change the rear yard  
8 setback to 8' from the current 20' -- 20.8' to 8'. And the  
9 right-side setback from 9.4' to 10". I believe that's the  
10 sum and substance of the relief.

11 And then for the variance request -- and this is a  
12 variance request -- we need to find that all of the  
13 following: That a literal enforcement would involve a  
14 substantial hardship. I think the hardship is the tree, the  
15 maple you're trying to incorporate and retain.

16 Hardship owing to the circumstances, soil, shape,  
17 topography and tree not affecting generally the zoning  
18 district -- yeah, that's the tree.

19 Desirable relief may be granted without either  
20 substantial detriment to the public good -- that's correct  
21 -- and nullifying or substantially derogating from the  
22 intent or purpose of this Ordinance.

1           So with that, grant that relief from the  
2 requirements of the Ordinance under the sections stated  
3 on the condition that the work proposed conform to the  
4 drawing entitled, "Wang Residence, 21 Gurney Street,"  
5 prepared by Broadbent Design Studios, dated August 17, 2023,  
6 initialed and 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           Board members let's take a voice vote on the  
11 motion to grant the relief. This is for the variance.  
12 Virginia?

13           VIRGINIA KEESLER: In favor.

14           JIM MONTEVERDE: Thank you. Steven?

15           STEVEN NG: In favor.

16           JIM MONTEVERDE: Thank you. Bill?

17           BILL BOEHM: In favor.

18           BILL BOEHM: Thank you. Daniel?

19           DANIEL HIDALGO: In favor.

20           JIM MONTEVERDE: Thank you. And Jim Monteverde in  
21 favor.

22           [All vote YES]



1           JIM MONTEVERDE: The variance is granted.

2           Now, moving on to the special permit. And this is  
3 enclosing the area under the existing overhang. That  
4 increases, adds some floor area. From the dimensional form  
5 you add 102 square feet, and the floor area ratio -- I'm  
6 sorry, the GFA, which is already not in conformance -- the  
7 existing is 1.36 -- goes to 1.39.

8           That is what we're voting on for the special  
9 permit for enclosing the existing overhang for storage. We  
10 will make a motion.

11           The Chair makes a motion to grant the relief from  
12 the requirements of the Ordinance under Section -- it says  
13 5.22. This is really the same 5.31. It's Dimensional  
14 Requirements. It's the GFA. It's really strictly just the  
15 GFA because of the square footage increases.

16           JONATHAN TAN: The FAR, you mean?

17           JIM MONTEVERDE: Yep. FAR, sorry. And that is  
18 the basis. And the special permit -- let me read the  
19 special permit requirements -- it says, "The special permit  
20 will normally be granted where the specific provisions of  
21 this Ordinance are met." It appears that requirements in  
22 the Ordinance cannot or will not be met.

1           And so, "Traffic generated, or patterns of access  
2 or egress would not cause congestion"; I don't think so.

3           "Condition -- continued operation of or  
4 development of adjacent uses, as permitted in the Zoning  
5 Ordinance, would be adversely affected"; I don't think so.

6           "Nuisance or hazard would be created to the  
7 detriment of the health, safety"; I don't think so. And  
8 "For any other reason, the proposed use would impair the  
9 integrity of the district"; I don't think so. So we seem  
10 to have met all the conditions for a special permit.

11           So Board members, please take a voice vote on the  
12 special permit. Virginia?

13           VIRGINIA KEESLER: In favor.

14           JIM MONTEVERDE: Steven?

15           STEVEN NG: In favor.

16           JIM MONTEVERDE: Bill?

17           BILL BOEHM: In favor.

18           JIM MONTEVERDE: Daniel?

19           DANIEL HIDALGO: In favor.

20           JIM MONTEVERDE: And Jim Monteverde in favor.

21           [All vote YES]

22           JIM MONTEVERDE: That's five in favor. The

1 special permit is granted.

2           And again, that's based on the drawings entitled,  
3 "21 Gurney Street, Wang Residence" prepared by Broadbent  
4 Design Studio, dated August 17, 2023, initialed and dated by  
5 the Chair.

6           Thank you.

7           JONATHAN TAN: Thank you --

8           JIM MONTEVERDE: Relief granted.

9           JONATHAN TAN: -- thank you all for your time.

10 Thank you very much.

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2 (8:13 p.m.)

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

5 JIM MONTEVERDE: Next case is BZA 23240 -- 73  
6 Orchard Street, Unit 1. Is there anyone here wishing to  
7 speak on -- Kun Wang, are you present? Do you want to  
8 speak?

9 KUN WANG: Can you hear me?

10 JIM MONTEVERDE: Yep. Do you want to tell us what  
11 relief you're seeking and why?

12 KUN WANG: Yes. My name is Kun Wang. I'm the  
13 owner at 73 Orchard Street. I come to the Board today to  
14 ask for a permit to allow the backyard curb cut for a small  
15 compact car parking.

16 I've been renovating this house for the last year,  
17 and sometimes I have issues finding parking during the  
18 wintertime. And I also need this parking space so I can  
19 install an EV charger in the back yard.

20 This house is on a corner lot, on the street  
21 Orchard Street and Tenney. The parking will be located in  
22 the back of the yard, where previously there's a back yard

1 with asphalt facing the Tenney Street.

2 The front setback, I think you mentioned in the  
3 permit is really talking about this back yard setup. I  
4 think there was some confusion, reading from some of the  
5 comments.

6 There shouldn't be any impact to anybody to the  
7 neighborhood. You know, it will not reduce any existing  
8 parking. The current parking on the Tenney Street is on the  
9 other side of Tenney, not on the house side. You know, it  
10 would be some kind of exit, but I should be able to manage  
11 with the compact vehicle.

12 That's essentially what I'm asking.

13 JIM MONTEVERDE: And this is a variance request?

14 KUN WANG: Yes.

15 JIM MONTEVERDE: So you may want to address the  
16 nature of the hardship.

17 KUN WANG: Oh, it's just sometimes I find  
18 difficulty parking, and this would essentially add an  
19 additional space in the back yard.

20 And also, I would like to have the EV charger  
21 installed, so there's nowhere else if I park on the street.

22 JIM MONTEVERDE: Okay. Thank you. Any questions

1 from members of the Board?

2 DANIEL HIDALGO: You know, just from the plans, it  
3 looks quite narrow. I'm just curious, have you had any  
4 discussions with the abutters at I think 5 Kearney Street is  
5 the one -- the house next to where the curb cut would be?  
6 Have they --

7 KUN WANG: Yes. I have actually signed support  
8 for that. But somehow it didn't get entered into the list.

9 DANIEL HIDALGO: Okay.

10 JIM MONTEVERDE: I don't think we have that in the  
11 file.

12 KUN WANG: Yeah. I did submit it, but I don't  
13 know what happened to it. Yeah.

14 JIM MONTEVERDE: Any other questions from members  
15 of the Board?

16 VIRGINIA KEESLER: Could you explain in the  
17 Dimensional Information Table why it's showing an increase  
18 in useable open space?

19 KUN WANG: That maybe just a mistake on my part.  
20 It's not really the size of the building that's increased.  
21 It's just the back parking. If we can scroll up to the page  
22 above, the survey, page 4? Yeah. There. Yeah.

1           So the dimension is in the back here. It's 8.5'  
2 by 18' but I probably won't be needing all that space,  
3 because it's really a compact vehicle. The curb cut itself  
4 will be like 10'. So that allows the car to better enter  
5 and exit.

6           JIM MONTEVERDE: But you're -- I think the  
7 question is you're not modifying the building itself?

8           KUN WANG: I'm not.

9           JIM MONTEVERDE: Or the lot itself, except for  
10 adding the parking area, correct?

11          KUN WANG: Correct.

12          JIM MONTEVERDE: So on your dimensional form, in  
13 terms of requested condition, there really is no change to  
14 the gross floor area?

15          KUN WANG: Correct.

16          JIM MONTEVERDE: There's no change to the lot  
17 area, there's no change to the ratio?

18          KUN WANG: There's not.

19          JIM MONTEVERDE: There's no change to the lot  
20 area. Basically, the top four sections are you're filled  
21 out, you've given us the dimensions and square footage for  
22 this parking space, but really not what the application is

1 calling for.

2 So you really want to repeat the same numbers as  
3 the existing conditions. I'm marking that up right now.

4 KUN WANG: Okay, sorry, I wasn't sure if --

5 JIM MONTEVERDE: Virginia, does that answer your  
6 question?

7 VIRGINIA KEESLER: Yes. Thank you.

8 JIM MONTEVERDE: Okay. Any other questions from  
9 Board members? If not, I have one.

10 In this diagram, and in the photo, if you were --  
11 the front yard setback is 10' for a vehicle, for a parking  
12 space I believe.

13 Do you have the ability to move this parking space  
14 deeper into your lot, so you could maintain a 10' dimension  
15 between your lot line and the start of your parking space?

16 KUN WANG: I don't believe so. I think the total  
17 is 30.5'.

18 JIM MONTEVERDE: Yep.

19 KUN WANG: Yeah, so --

20 JIM MONTEVERDE: Minus 18 is 12.5.

21 KUN WANG: Yep. So the other side has a yard  
22 already. So it's already divided.



1           JIM MONTEVERDE: Oh, okay. Yep. So you want to  
2 maintain that yard?

3           KUN WANG: Yeah. So that's why it's only a  
4 compact vehicle. It wouldn't be a full size. And an egress  
5 on the street itself probably wouldn't allow that anyway.  
6 So --

7           JIM MONTEVERDE: Okay. All right. Thank you.  
8 Any other questions from Board members? If not, I will read  
9 the correspondence we have in the file.

10           We have a letter from Susan Hunziker, dated  
11 October 10, 2023, saying that "Although I understand and I'm  
12 sympathetic to the design for off-street parking, I am  
13 concerned about the ripple effect on the flow of traffic  
14 granting this application, which I believe will exacerbate  
15 existing conditions."

16           And then it goes on to talk about the condition of  
17 Oak Street -- sorry, that's my street -- Orchard Street and  
18 Tenney Street, and it's basically speaking against.

19           Then there is another one from Judith Delaney on  
20 October 2, 2023, in opposition. We have none in the file in  
21 support. That's the written correspondence we have in the  
22 file.

1           So I'll open this to public commentary.

2           BILL BOEHM: Do you mind reading the entire  
3 letter, please?

4           JIM MONTEVERDE: Which one?

5           BILL BOEHM: Well, the second one was in  
6 opposition, but I don't think you read any of it, so I'd  
7 like to hear what the opposition was.

8           JIM MONTEVERDE: This is Judith Delaney, October  
9 2. "I wish to voice my opposition to BZA Case 232490,  
10 location 73 Orchard Street.

11           "Adding parking to either front or back yard would  
12 have a negative impact on Tenney Street by eliminating two  
13 on street parking spaces. The corner of Orchard and Tenney  
14 Street is hazardous at best, with cars barreling down Tenney  
15 Street to avoid the traffic light at Russell and Elm. Also,  
16 the back lot at 73 Orchard Street is small, and would not  
17 easily accommodate a vehicle.

18           "There are elderly people and young children on  
19 Tenney Street who would also be negatively impacted.

20           "The owner of the property does not currently  
21 reside there. Thank you."

22           The other one --

1 DANIEL HIDALGO: I have a question, based on that.

2 I've --

3 JIM MONTEVERDE: -- is a whole page of single-  
4 spaced lines and I can give you the summary, but I'm not  
5 going to go through that.

6 DANIEL HIDALGO: So my understanding -- I thought  
7 from the description that there was no parking on the side  
8 of Tenney Street with the residence in question. Is that  
9 right, or --

10 STEVEN NG: I just -- looking at Google Maps and  
11 the street view, that side of the proponent is the side of  
12 the street where the proponent is is for vehicle running up  
13 and down or down the street. So I don't think any spaces  
14 get eliminated.

15 JIM MONTEVERDE: Okay. Any other comments? Ready  
16 for a motion? Let me make a motion. Did I do the public?  
17 No. I did. I read the -- oh, I'm sorry. I read the  
18 letters. I didn't open it up to public, just commentary.

19 Any member of the public who wishes to speak  
20 should now click the icon at the bottom of your Zoom screen  
21 that says, "Raise hand."

22 If you're calling in by phone, you can raise your

1 hand by pressing \*9 and unmute or mute by pressing \*6.

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

7 STEPHEN NATOLA: Kathy Dahl?

8 STEPHEN FEIGE: Good evening. This is Stephen  
9 Feige and Katherine Dahl. We reside at 78 Orchard Street.  
10 So we submitted our disapproval by mail to the Board. We  
11 both submitted it separately and as I understand it, it was  
12 a receipt. Do you have a copy of that?

13 JIM MONTEVERDE: Nope. I just read everything I  
14 find in the file. So thank you for calling in.

15 STEPHEN FEIGE: Okay. So we both had filled out  
16 the form that was provided to us in the mail and sent it  
17 back with our disapproval.

18 The Tenney Street is a narrow Street. So we have  
19 concerns that there's no turning radius to pull that vehicle  
20 into the spot, as illustrated.

21 And there's a telephone pole immediately to the  
22 right of the 10' dimension. So it's a very tight spot to

1 get into. And I am concerned that you would have to  
2 eliminate a spot on the other side of the street, on the  
3 parking side of the street in order to pull in and back out  
4 safely.

5 JIM MONTEVERDE: Thank you for your comment.

6 STEPHEN FEIGE: And the other comment is there's  
7 no vehicles shown in the illustration, but it does seem like  
8 it would be rather difficult to even get in or out of a car  
9 without crossing the property line.

10 JIM MONTEVERDE: Thank you. Anything else?

11 [Pause]

12 We have no one else at the moment. So I will  
13 close public testimony. Board, any further discussion?  
14 Okay.

15 Keep in mind this is a variance request. And we  
16 have to show all of the following:

17 Literal enforcement would involve a substantial  
18 hardship. Hardship is owing to the soil conditions, shape  
19 or topography. Desirable relief may be granted without  
20 substantial detriment to the public good or nullifying or  
21 substantially derogating from the intent or purpose of this  
22 Ordinance. So we need to find all of those.

1 All right. I will propose a motion.

2 BILL BOEHM: Sorry, Jim?

3 JIM MONTEVERDE: I would just like to speak about  
4 this.

5 JIM MONTEVERDE: Yep.

6 BILL BOEHM: So on the one hand, you know, I like  
7 to see the use of electric vehicles encouraged, and that's  
8 one of the things the proponent is sort of needing. On the  
9 other hand, I am also now on Google Maps and seeing that  
10 Tenney Street is indeed extremely tight.

11 I think -- I guess I feel like given neighbors'  
12 concern with this, it might be fair to ask for a kind of a  
13 parking circulation diagram to be done, which shows that a  
14 car can get in and out of here safely when there are cars  
15 parked along adjacent to it, or in front of it, which in the  
16 image I'm looking at, there are.

17 You know, because I think the neighbors' concerns  
18 should be listened too. That's my feeling.

19 JIM MONTEVERDE: Okay. Ready for a motion?

20 BILL BOEHM: Yes.

21 JIM MONTEVERDE: All right. The Chair makes a  
22 motion to grant the relief from the requirements of the

1 Ordinance under Sections 6.44.1.c, Parking Setbacks, Parking  
2 in the Front Yard Setback, and then the requirements of the  
3 variance. And those being: We need to find all of these:

4 That the literal enforcement of the provisions of  
5 the ordinance would involve a substantial hardship.

6 The hardship is owing to the circumstances, soil,  
7 shape topography.

8 Desirable relief may be granted without  
9 substantial detriment to the public good or nullifying or  
10 substantially derogating from the intent or purpose of the  
11 ordinance.

12 I personally don't find that it meets the  
13 requirements of all the variance items - either the hardship  
14 or the -- as Bill, you said the impact on the neighbors and  
15 the neighbors' concerns. But, again, this is all stated in  
16 the affirmative.

17 The Chair makes a motion to grant the relief from  
18 the requirements of the Ordinance under Sections 6.44.1.(c)  
19 Parking Setbacks, and 10.3 variance -- and I just read those  
20 -- on the condition that the work proposed conform to the  
21 drawing dated -- or entitled "Certified Plot Plan, 73  
22 Orchard Street," prepared by Medford Engineering and Survey

1 and dated 6/22/23, on the condition that the work proposed  
2 -- I'm sorry, did that -- initialed and dated by the Chair.

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

6 Board members, please take a voice vote on the  
7 motion to grant the relief. I will start this one.

8 JIM MONTEVERDE: This is Jim Monteverde, I vote  
9 against. Virginia?

10 VIRGINIA KEESLER: In favor.

11 JIM MONTEVERDE: Steven?

12 STEVEN NG: In favor.

13 JIM MONTEVERDE: Bill?

14 BILL BOEHM: Opposed.

15 JIM MONTEVERDE: We're done. But Daniel?

16 DANIEL HIDALGO: Yeah, given -- given the  
17 availability of on-street parking, I don't think it meets  
18 the hardship requirements. So I'm opposed.

19 [Three vote NO, two vote YES]

20 JIM MONTEVERDE: Okay. That's three opposed, two  
21 in favor. The request is denied.

22 Still sign this? The drawing.



1 \* \* \* \* \*

2 (8:31 p.m.)

3 Sitting Members: Jim Monteverde, Steven Ng, Virginia

4 Keesler, Daniel Hidalgo, and Bill Boehm

5 JIM MONTEVERDE: Next case is BZA-241502 -- 1374  
6 Massachusetts Avenue. Is there anyone wishing to speak  
7 about 1374 Mass Ave? Please?

8 JOHN PETERSON: How are you doing? This is John  
9 Peterson with Metro Sign & Awning. With me I also have one  
10 of the owners, Tom Dunn, and the Vice President of the bank,  
11 Dan Fraine.

12 JIM MONTEVERDE: Bring out the big guns. All  
13 right. Go right ahead.

14 JOHN PETERSON: And on the agenda, it actually has  
15 a different name on there, as opposed to "Dan". The woman  
16 who is on there is not the party we should be dealing with.  
17 I don't know if that made a difference or not?

18 JIM MONTEVERDE: No, thank you.

19 JOHN PETERSON: Okay. So yeah, we're just looking  
20 to install an internally illuminated blade sign, Cambridge  
21 Savings Bank. Right now, they have one groove sign, which  
22 is 194 square feet. This current sign they have on would be

1 7 square feet. Basically, they just want the foot traffic  
2 and pedestrians in the area to identify the bank.

3 JIM MONTEVERDE: Okay. And this is variance  
4 request. And the section that's stated in the application  
5 for the sign I'm assuming has to do with what specifically,  
6 the area of the sign, the internal illumination of the sign?  
7 What is it you need relief for?

8 JOHN PETERSON: We're exceeding the square  
9 footage. You're allowed 1 square foot per linear foot --

10 JIM MONTEVERDE: Right.

11 JOHN PETERSON: -- on the building.

12 JIM MONTEVERDE: Okay.

13 JOHN PETERSON: So we're just -- we're asking for  
14 relief on that.

15 JIM MONTEVERDE: That's your sole issue, right?

16 JOHN PETERSON: Yep. If I --

17 JIM MONTEVERDE: That's the only issue that you  
18 have that you're applying for is the size of the sign?  
19 Correct?

20 JOHN PETERSON: Yes. With the rooftop sign, we're  
21 over the allotted --

22 JIM MONTEVERDE: That's right. Yes. I remember

1 the description. Yep.

2 And then the variance requirements, we need to  
3 find that you comply with - or this case complies with all  
4 of the following: Literal enforcement, substantial hardship  
5 -- hardship owing to the shape or topography -- desirable  
6 relief may be granted without substantial detriment, and  
7 nullifying or substantially derogating from the intent or  
8 purpose of this Ordinance.

9 JOHN PETERSON: Right.

10 JIM MONTEVERDE: You want to show us a picture of  
11 or anything from your -- for your presentation? Just so we  
12 can get a flavor of where you're proposing?

13 Whoops, sorry. Our Staff walked away. I saw it  
14 in the file. While he's away, let me read -- we have one  
15 piece of correspondence in the file from the Cambridge  
16 Historic Commission.

17 Oh, there we go. And it is dated April 28, 2023,  
18 from the Historical Commission Chair. It is titled,  
19 "Certificate of Appropriateness." And it reads that:

20 "The work described below is not incongruous to  
21 the historic aspects or the architectural character of the  
22 building or district."

1           And it has the three statements or conditions --  
2       yeah, to "Install an internally-illuminated projecting sign  
3       for Cambridge Savings Bank.

4           "The work is to be carried out as indicated on the  
5       plans by MetroSign titled, 'Cambridge Savings Bank, Harvard  
6       Square' and dated April 20, 2022.

7           "An approval was granted on the condition that  
8       construction details be reviewed and approved by the  
9       Historic Commission staff."

10          And that is the sole letter we have in the file, I  
11       think.

12          No, we also have one dated September 21, 2023,  
13       from Denise Jillson, Executive Director of Harvard Square  
14       Business Association, offering their overwhelming support  
15       for the application. Those are the two pieces of  
16       correspondence we have in the file.

17          Any questions from members of the Board? If not,  
18       then --

19               DAN FRAINE: Um --

20               JIM MONTEVERDE: Yep.

21               DAN FRAINE: -- excuse me, Dan Fraine, Cambridge  
22       Savings Bank. If I could just speak for a moment. I just

1 want to point out that two to three years ago, the Bank did  
2 a major renovation of the first floor, focusing on the  
3 branch and opening up the floor plan, eliminating the teller  
4 line, but in the process, we created small retail space out  
5 front.

6 So if you're looking at the picture -- either one  
7 of these pictures -- the space on the right became a 575  
8 square foot retail space from minority business owner Le  
9 Macaron. So we gave up about -- I'm not sure, maybe 15  
10 square -- 15' of storefront there.

11 And then on the left at the same time, we cut the  
12 ATM vestibule just about in half and created a corner  
13 office, which has been the temporary location of the Harvard  
14 Square Visitor Information booth.

15 Due to the renovations out in the plaza they had  
16 to cut the power to the existing one. And that could be  
17 another year or two before we get that back. So it's all  
18 about just having some type of visibility for pedestrians  
19 coming by.

20 I know, you know, with the volume of visitors and  
21 tourists it's just - we're just tough to find.

22 JIM MONTEVERDE: Okay. Thank you.

1 DAN FRAINE: Thank you.

2 JOHN PETERSON: I would just add to that, we did a  
3 visit at night and while the rooftop sign is prominent from  
4 a distance, for street-level pedestrians, people coming out  
5 of the T, there's very little visibility, particularly at  
6 night, of the bank. You really don't know they're there.

7 And so, this sign is very modest in size, but it's  
8 just enough to kind of lead people to their ATM. It's -- if  
9 it's not clear here, only the graphics will illuminate. The  
10 background does not light, so it's just the CSB logo and  
11 Cambridge Savings Bank that will illuminate at night.

12 JIM MONTEVERDE: Okay. Thank you.

13 Questions from members of the Board? If not, is  
14 read the two pieces of correspondence we have in the file.  
15 I'll open it to public comment.

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

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

21 I'll now ask Staff to unmute speakers one at a  
22 time. You should begin by saying your name and address, and

1 Staff will confirm that we can hear you. After that you  
2 will have up to three minutes to speak before I ask you to  
3 wrap up.

4 [Pause]

5 We have no one calling in. I will close public  
6 testimony.

7 Any discussion among the Board members? If not, I  
8 will propose a motion.

9 The Chair makes a motion to grant the relief from  
10 the requirements of the ordinance under Section 7.16.22 and  
11 this is really about the square footage of -- the total  
12 square footage of signage on the building.

13 This sign, in addition to the signs -- existing  
14 ones up on the roof exceed the Ordinance allowance. And we  
15 need a variance to do this. I went through the variance  
16 requirements.

17 On the condition that the work proposed conform to  
18 the drawings entitled, "Cambridge Savings Bank, Harvard  
19 Square, prepared by Metro Sign," dated April 20, 2022. Is  
20 that correct?

21 JOHN PETERSON: Yep. That was the original  
22 drawing date, yes.

1 JIM MONTEVERDE: Okay. But that's still --

2 JOHN PETERSON: Correct.

3 JIM MONTEVERDE: That looks like the current  
4 design and current location.

5 JOHN PETERSON: Yep.

6 JIM MONTEVERDE: -- initialed and dated by the  
7 Chair.

8 And further, that we incorporate the supporting  
9 statements and dimensional forms submitted as part of the  
10 application. Board members let's please take a voice vote  
11 on the motion to grant relief. Virginia?

12 VIRGINIA KEESLER: In favor.

13 JIM MONTEVERDE: Steven?

14 STEVEN NG: In favor.

15 JIM MONTEVERDE: Bill?

16 BILL BOEHM: In favor.

17 JIM MONTEVERDE: Daniel?

18 DANIEL HIDALGO: In favor.

19 JIM MONTEVERDE: And Jim Monteverde in favor.

20 [All vote YES]

21 JIM MONTEVERDE: That's five in favor. The relief  
22 is granted. Thank you.



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DAN FRAINE: Thank you very much. Appreciate it.  
JOHN PETERSON: Thank you. Appreciate it.

1 \* \* \* \* \*

2 (8:37 p.m.)

3 Sitting Members: Jim Monteverde, Steven Ng, Virginia

4 Keesler, Daniel Hidalgo, and Bill Boehm

5 JIM MONTEVERDE: Next case is BZA-241905 - 95  
6 Irving Street.

7 Mr. Rafferty, are you present to describe this to  
8 us?

9 JAMES RAFFERTY: Yes. I think I may have been on  
10 muted, so my apologies. So good evening, Mr. Chair and  
11 members of the Board. For the record, my name is James  
12 Rafferty. I'm an attorney with offices located at 907  
13 Massachusetts Avenue in Cambridge.

14 This is an application for a -- what essentially  
15 amounts to a very modest amendment to a special permit that  
16 was granted by the Board for the renovation of a single-  
17 family residence at 95 Irving Street.

18 The Board granted a special permit back in May of  
19 this year to allow for the conversion of -- some renovations  
20 to this home, including the reduction from two units to a  
21 single-family dwelling.

22 As I'm sure members know from their professional

1 and personal experience, from the time the plans get  
2 prepared and filed with Zoning and you go through the  
3 process and are ready for a building permit, a few tweaks  
4 have arisen in the manner in which the family wishes to  
5 organize or live in the house.

6 And it's three principal changes, and they're  
7 depicted if Ms. Ratay could put up Sheet A-101 from and A-  
8 102. They really tell the story, and it is -- to say that  
9 this is modest would be an understatement.

10 So what's involved here are three things. The  
11 first -- the two of them involve the basement. So the --  
12 upon further examination of the floor plan and everything  
13 else, the family wishes to have an external stair from the  
14 basement into the side yard. They have three young  
15 children. They organized the basement to contain a playroom  
16 and some other areas.

17 And the conclusion was it would be a great  
18 convenience to be able to access that area for the children  
19 to come into that area, whether to use the bathroom or to go  
20 back and forth from the playroom.

21 So that stair does not have any implications from  
22 a GFA perspective, but in the -- only in the world of Zoning

1 does that stair have an implication. And believe it or not,  
2 the introduction of that stair changes the mean grade around  
3 the property such that that stair results in a 1" increase  
4 in the height of the building.

5           And the roof and the building will not change.  
6 Nothing is going to happen, but that's the dimensional  
7 consequence of modifying the mean grade by creating the  
8 stair.

9           So -- and it was not depicted on the plans as  
10 originally approved, and as I'm sure Board members know, the  
11 language of decision say that the plans at the time of the  
12 building permit must conform with the plans approved by the  
13 Board.

14           So that stair was not there, and the special  
15 permit request tonight is to allow for the creation of that  
16 stair.

17           It's also the case that along the rear foundation  
18 wall, the basement wall. There's a bay window on the rear  
19 of the house. But the architects acknowledged that when  
20 they printed the drawing, they did not correctly print the  
21 foundation footprint. So what appeared in the approved  
22 drawing as a straight line really needs to be a foundation

1 that can support the bay window.

2 So the bay window is there in elevation in the  
3 prior plan, but this got missed.

4 So again, an example of something that's a  
5 deviation from the exact plan of the prior case.

6 And the final change involves a rear porch. This  
7 porch was a covered porch in the prior iteration. It  
8 continues to be a covered porch.

9 So there isn't any impact on GFA, it's just that  
10 the porch itself had some openings on some of the walls, and  
11 that's been changed, so that it's going to actually be a  
12 smaller porch, and a portion -- if we go to A-102, you'll  
13 see it.

14 I'm almost apologetic for the minutia here, but  
15 the -- you'll see the rear porch. An area that was part of  
16 the porch is now going to be programmed to accommodate a  
17 small mudroom that will be right in that area.

18 So no change in GFA. No change in setback. No  
19 change in any other dimensional thing, but it does represent  
20 a change from the plan as approved.

21 So it's those three changes that have led us to  
22 return to the Board seeking what might be classified as an

1 amendment, but in the world of Zoning, this is an additional  
2 special permit, which we're asking the Board to find that in  
3 the same manner that in the original special permit was  
4 found to be not detrimental in any way to the neighborhood  
5 and in fact harmonious with surrounding uses, that the Board  
6 make a similar finding in this case.

7 The architect, Mr. Fell, is present if there are  
8 questions, and he'd be happy to reply. Thank you.

9 JIM MONTEVERDE: Any questions from members of the  
10 Board?

11 [Pause]

12 If not, there's no correspondence in the file  
13 currently. So I'll open it up to public commentary. Any  
14 members of the public who wish to speak should now click the  
15 icon at the bottom of your Zoom screen that says, "Raise  
16 hand."

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

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

1 wrap up.

2           STEPHEN NATOLA: No one.

3           JIM MONTEVERDE: No one on the phone. All right.  
4 Close public testimony. Any discussion from members of the  
5 Board? Otherwise, I'll move on to a motion.

6           And I notice as Mr. Rafferty described on the  
7 Dimensional Form, the sole dimension that changes is the  
8 height of the building increases by an inch because of the  
9 stair. So that's exactly as he described.

10           The Chair makes a motion to grant the relief from  
11 the requirements of the Ordinance under Sections 5.31,  
12 Dimensional Requirements. That's height, that's all about  
13 the stair.

14           Also, about the revision to the drawings, the  
15 addition of the bulkhead foundation on the foundation  
16 drawing and the revisions to the back stair and mudroom that  
17 have no area impact.

18           Also, the Sections 8.22.2.d, nonconforming  
19 structure, and this is a special permit. And special  
20 permits will normally be granted if it appears the  
21 requirements of the ordinance cannot or will not be met. If  
22 so, traffic generated would not cause congestion or hazard,

1 and will not.

2 Continued operation of or development of adjacent  
3 uses, as permitted would be adversely affected: They will  
4 not.

5 Nuisance or hazard created: No. And for other  
6 reasons, which I don't think are present.

7 So I think it meets all the criteria for a special  
8 permit.

9 On the condition that the work proposed conform to  
10 the drawings entitled "95 Irving Street," prepared by Robert  
11 A.M. Stern Architects, dated September 5, 2023, initialed  
12 and dated by the Chair.

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

16 So Board members, let us please take a voice vote  
17 on the motion to grant the special permit, the relief.

18 Daniel?

19 DANIEL HIDALGO: In favor.

20 JIM MONTEVERDE: Bill?

21 BILL BOEHM: In favor.

22 JIM MONTEVERDE: Steven?



1 STEVEN NG: In favor.

2 JIM MONTEVERDE: Virginia?

3 VIRGINIA KEESLER: In favor.

4 JIM MONTEVERDE: And Jim Monteverde in favor.

5 [All vote YES]

6 JIM MONTEVERDE: That's five in favor. The  
7 special permit relief is granted.

8 JAMES RAFFERTY: Thank you very much, Mr. Chair  
9 and members of the Board. Have a good evening.

10 JIM MONTEVERDE: Thank you. You too.

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2 (8:50 p.m.)

3 Sitting Members: Jim Monteverde, Steven Ng, Virginia

4 Keesler, Daniel Hidalgo, and Bill Boehm

5 JIM MONTEVERDE: And the final case for tonight is  
6 BZA 241746 -- 136-138 Rindge Avenue.

7 Is there anyone who wishes to speak on this one?  
8 Michael Driscoll?

9 ADAM GLASSMAN: Hey, there. This is Adam Glassman  
10 representing Michael Driscoll --

11 JIM MONTEVERDE: Yep.

12 ADAM GLASSMAN: -- in this case.

13 JIM MONTEVERDE: Thank you.

14 ADAM GLASSMAN: Adam Glassman, GCD Architects, 217  
15 Brattle Street, Unit 2 in Cambridge.

16 So we're here seeking a special permit for a  
17 second curb cut on a lot that is less than 100 feet wide.

18 Article 6.43.3 states that no more than one curb  
19 cut per lot with less than 100 feet of frontage shall be  
20 allowed. A maximum of one curb cut for every 100' of street  
21 frontage or portion thereof shall be allowed for lots having  
22 frontage in excess of 100'.

1           Our lot is 43' wide, and per Article 6.43.6, the  
2 Zoning Board may grant a special permit - I'm sorry, 6.3.5.c  
3 the Zoning Board may grant a special permit modifying the  
4 conditions of the subsection 6.43 in accordance with the  
5 following conditions -- the one which applies to us is  
6 letter c, the maximum of one curb cut for every 100 feet of  
7 street frontage as required in paragraph 6.43.3 may be  
8 modified if the Board determines that traffic and safety  
9 would be facilitated by exceeding this maximum.

10           So this applies to our case in that Rindge Avenue  
11 is an exceptionally busy street with no parking -- no street  
12 parking on the even side of the road.

13           So while there is street parking available on the  
14 on side, it's a very dangerous street, especially for  
15 children or families or people carrying groceries, for older  
16 people, et cetera, trying to cut across Rindge Street.

17           Our lot is unusual in that it has two properties  
18 -- two separate structures. The structure in the back of  
19 the lot is 140, and that has its own driveway. We're  
20 applying for a curb cut for the front house which is --  
21 someone's scrolling through here, if we can --

22           Thank you. So you can see here on the left-hand

1 image 136, 138 has a left side yard, but no driveway. All  
2 the other properties on Rindge Ave have driveways and curb  
3 cuts.

4 So this is maintaining the character and -- the  
5 character of the neighborhood, maintaining the pattern of  
6 off-street parking, which is essentially one cub per  
7 structure on this section of the street.

8 We will not be creating any new nonconformities.  
9 The only zoning variable affected by the proposed parking  
10 would be open space, but the open space remains conforming.  
11 So I would ask the Board to issue a special permit in this  
12 case.

13 JIM MONTEVERDE: Yep. Thank you.

14 Staff, can you scroll through some of the photos,  
15 the aerial photos? Just to reinforce what Mr. Glassman just  
16 talked about. I think there are some aerial shots that give  
17 you a flavor of what the properties are having. Typically,  
18 the properties across from the school, et cetera, having  
19 individual driveways.

20 Stop us when we get to 136-138.

21 ADAM GLASSMAN: Yeah, so what you see here in this  
22 aerial view, 136-138 is the red roof. And that area

1 outlined in blue is where the proposed parking would go.  
2 We'd be leaving an adequate landscape buffer on the left of  
3 the driveway to preserve the existing shrubs and  
4 landscaping.

5 Scroll down?

6 JIM MONTEVERDE: And before you leave this photo;  
7 in this photo, then, the building that's to the left and up  
8 from the red roof is the property at 140?

9 ADAM GLASSMAN: That's correct.

10 JIM MONTEVERDE: It has the driveway out to Rindge  
11 Avenue, correct?

12 ADAM GLASSMAN: That's correct.

13 JIM MONTEVERDE: Okay. Okay. Yep. Sorry, you  
14 were going to direct us elsewhere?

15 ADAM GLASSMAN: Well, let's see if there are some  
16 more photos that show abutting curb cuts? So right --

17 JIM MONTEVERDE: Yep.

18 ADAM GLASSMAN: Yeah, this --

19 JIM MONTEVERDE: Abutting.

20 ADAM GLASSMAN: Oh, yeah, so this is our direct  
21 abutter on the left. And you can see that, you know, they  
22 have their curb cut on the left and again it's -- most of

1 the properties on this side of the street have curb cuts.  
2 There would be no loss of off-street parking.

3 With the proposed curb cut, no changes in traffic  
4 patterns. You can see -- I don't know if there's anything  
5 more descriptive to show, but you can keep scrolling.

6 So here, yeah, that's a -- I mean that's again  
7 another photo that shows our neighboring -- our abutting --  
8 left side abutter with curb cuts both on the left and on the  
9 right side of their structure. They also have a unit in the  
10 back.

11 Scroll down a little more. You can scroll down a  
12 little more to see if there's anything else.

13 JIM MONTEVERDE: Nope. That's it.

14 ADAM GLASSMAN: Yep. Yeah, that's it. Sorry,  
15 this is upside-down. But there we go. All the parking  
16 would be at the side of the front yard setback. The  
17 driveway would be 10' wide, 6' landscape buffer on the left.  
18 That's about it.

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

21 [Pause]

22 If not, there are two pieces of correspondence in

1 the file, both speaking in favor. One is from Kathleen  
2 McCarthy, who says she's a neighbor of Mr. Driscoll, dated  
3 from October 11, 2023, in agreement with Mr. Driscoll's  
4 plan. And another one from Paola Cappellaro, dated  
5 September 20, 2023. They are resident at 132 Rindge Avenue,  
6 so also a neighbor, and they fully support the building and  
7 the driveway.

8 And that is the correspondence in the file.  
9 That's two in favor and none speaking against, in  
10 opposition.

11 And I'll open it to public comment. Any member of  
12 the public who wishes to speak should now click the icon at  
13 the bottom of your Zoom screen that says, "Raise hand."

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

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

21 [Pause]

22 No one is calling in, so I'll close public

1 testimony.

2 Any discussion from members of the Board?

3 BILL BOEHM: Yes. I just wanted to note that I'm  
4 -- at the bottom of this file, I see, I think, notes from  
5 nine abutters sort of approving this in some kind of a form  
6 -- a photocopied form that it looks like many neighbors kind  
7 of are in approval of this.

8 JIM MONTEVERDE: Let us see.

9 ADAM GLASSMAN: Mike Driscoll did reach out to all  
10 his neighbors and talked to them directly face-to-face and  
11 reviewed plans with them, so.

12 JIM MONTEVERDE: Okay. Let me make sure I have it  
13 in the file.

14 Sorry? Oh, yeah, yeah. Yeah, these are all  
15 addressed to -- it's relative to an Application for Driveway  
16 Cuts and Openings Abuttor's Form.

17 So there are -- yes, there are a series of  
18 abutters who have stated their approval. Some of them are  
19 the same people who wrote in support of the special permit  
20 request.

21 So yes, we have those other ones as well.

22 Any other discussion? Are we ready for a motion?



1 And this is a special permit.

2 So the Chair makes a motion to grant relief from  
3 the requirements of the ordinance under Section 6.43.5.c,  
4 specifically to allow a second curb cut on a lot less than  
5 100' of frontage on the condition that the work proposed  
6 conform to the drawings entitled, "Proposed Curb Cut Plan of  
7 136-140 Rindge Avenue," prepared by PJF & Associates, dated  
8 August 24, 2023, initialed and dated by the Chair.

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

12 Board members, let us please take a voice vote on  
13 the motion to grant the relief.

14 Virginia?

15 VIRGINIA KEESLER: In favor.

16 JIM MONTEVERDE: Steven?

17 STEVEN NG: In favor.

18 JIM MONTEVERDE: Bill?

19 BILL BOEHM: In favor.

20 JIM MONTEVERDE: Daniel?

21 DANIEL HIDALGO: In favor.

22 JIM MONTEVERDE: And Jim Monteverde in favor.

1 [All vote YES]

2 JIM MONTEVERDE: That's five in favor. The  
3 special permit relief is granted. Thank you.

4 ADAM GLASSMAN: Thank you, Mr. Chair and members  
5 of the Board. Goodnight.

6 JIM MONTEVERDE: Goodnight. And Board members,  
7 that wraps up tonight's meeting. Thank you all for your  
8 help and for being here, and we'll see you next time. Thank  
9 you all. Goodnight.

10 COLLECTIVE: Thank you. Have a good night.  
11 Goodnight.

12 [8:58 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.

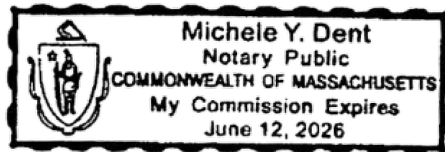
In witness whereof, I have hereunto set my hand this  
24th day of October, 2023.



Notary Public

My commission expires:

June 12, 2026



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