

BOARD OF ZONING APPEAL FOR
THE
CITY OF CAMBRIDGE

GENERAL HEARING

THURSDAY OCTOBER 26, 2023

6:30 p.m.

Remote Meeting

via

831 Massachusetts Avenue
Cambridge, Massachusetts 02139

Jim Monteverde, Chair
Virginia Keesler
William Boehm
Daniel Fernando Hidalgo
Michael LaRosa

City Employees
Olivia Ratay



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

2 * * * * *

3 (6:30 p.m.)

4 Sitting Members: Jim Monteverde, Virginia Keesler, William
5 Boehm, Daniel Fernando Hidalgo, and
6 Michael LaRosa

7 JIM MONTEVERDE: Welcome to the October 26, 2023
8 meeting of the Cambridge Board of Zoning Appeals. My name
9 is Jim Monteverde, and I am the Chair.

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

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

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

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

22 Members of the public will be kept on mute until

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

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

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

9 OLIVIA RATAY: Bill Boehm?

10 BILL BOEHM: Present.

11 OLIVIA RATAY: Virginia Keesler?

12 VIRGINIA KEESLER: Present.

13 OLIVIA RATAY: Daniel Hidalgo?

14 DANIEL HIDALGO: Present.

15 OLIVIA RATAY: Michael LaRosa?

16 MICHAEL LAROSA: Present.

17 OLIVIA RATAY: And Jim Monteverde?

18 JIM MONTEVERDE: Present.

19 We have no continued cases this evening, so we'll
20 just jump into the regular case Agenda.
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2 (06:32 p.m.)

3 Sitting Members: Jim Monteverde, Virginia Keesler, William
4 Boehm, Daniel Fernando Hidalgo, and
5 Michael LaRosa

6 JIM MONTEVERDE: The first case I'm calling
7 tonight is Case 243960 -- 1815 Mass Avenue. Is there anyone
8 who wishes to speak on this matter?

9 [Pause]

10 No. Is this all we have? Yeah. I guess it is.

11 [Pause]

12 Just give us a moment. We have a Post-it note
13 that says this case will be continued, and we're just
14 looking for either a letter in the file that says that, or
15 for the proponent to step forward and speak up and tell us
16 the same. So give us a moment until we find our paperwork.

17 DANIEL HIDALGO: I see a letter in the PDF that
18 was posted -- I don't know if that's what you're looking
19 for.

20 JIM MONTEVERDE: Does it have a page number?

21 DANIEL HIDALGO: Yeah. It's on page 6 of the PDF.
22 It says it's a letter from Michael R. Dolan. It's a Brown

1 Rudnick header there.

2 JIM MONTEVERDE: Yep. Thank you. It says
3 requesting a continuance to November 9. Is that possible?
4 All right. Let me make a motion.

5 Let me make a motion to continue this matter to
6 November 9, 2023 on the condition that the petitioner change
7 the posting sign to reflect the new date of November 9, 2023
8 and the new time of 6:00 p.m.

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

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

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

21 On the motion to continue this matter until
22 November 9, 2023? Voice vote by Board members, please?

1 Michael?

2 MICHAEL LAROSA: Yes, in favor.

3 JIM MONTEVERDE: Thank you. Daniel?

4 DANIEL HIDALGO: In favor.

5 JIM MONTEVERDE: Virginia?

6 VIRGINIA KEESLER: In favor.

7 JIM MONTEVERDE: Bill?

8 BILL BOEHM: In favor.

9 JIM MONTEVERDE: And Jim Monteverde in favor.

10 [All vote YES]

11 JIM MONTEVERDE: Five in favor. The matter is

12 continued. And we have nine minutes to hang around.

13 Anybody have any good jokes, good stories? Have any

14 predictions for the World Series? What do you think about

15 those Patriots?

16 [Pause]

17 Tough crowd tonight.

18 BILL BOEHM: Well, I was getting warmed up with a

19 joke, but I'm not sure it could be told in public, so I'm

20 going to hold on to it.

21 JIM MONTEVERDE: [Laughter] All right. Thanks for

22 trying.

1 [Pause]

2 BILL BOEHM: Jim, it seems like not a lot of
3 uptake on your quest for dormer renters so far?

4 JIM MONTEVERDE: Yeah, I received none. So I was
5 going to send out -- and thank you for reminding me. I will
6 send out a follow-up message asking for any -- repeating
7 requests for any comments. And then --

8 DANIEL HIDALGO: Yeah, I -- thank you for sending
9 that. I actually just haven't had time to, like, sit down
10 and go through it carefully. So -- but my plan is to
11 respond, you know, this weekend. So thank you.

12 JIM MONTEVERDE: Okay. Yeah. One was just to
13 make sure people got it --

14 DANIEL HIDALGO: Yeah.

15 JIM MONTEVERDE: -- and see if folks are
16 interested in reviewing and commenting on. So yeah, do that
17 as you get time. But I'll send out a follow-up message and
18 we'll see if we can move that along.

19 THEODORE GALANTE: Good evening, Mr. Chairman. My
20 name is Ted Galante. Are we waiting for the 6:45 time frame
21 for us to --

22 JIM MONTEVERDE: We are.

1 THEODORE GALANTE: Okay.

2 JIM MONTEVERDE: So five more minutes, and you're
3 on.

4 THEODORE GALANTE: Perfect. Thank you so much.

5 JIM MONTEVERDE: Sure.

6 [Pause]

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(6:45 p.m.)

Sitting Members: Jim Monteverde, Virginia Keesler, William Boehm, Daniel Fernando Hidalgo, and Michael LaRosa

JIM MONTEVERDE: All right, 6:45. Next case is No. 238938 -- 10 Hilliard Place. Is there anyone who'd like to speak on this case?

THEODORE GALANTE: Good evening.

JIM MONTEVERDE: Mr. Galante, yep?

THEODORE GALANTE: Yes. Good evening. My name is Ted Galante. And I will speak on the case.

First of all, thank you all for attending and hearing our case. Our client, Rox and Fernanda, are -- travel a lot for work. And I think they are traveling currently in D.C. They said they would try and join, but I'm not certain that they can do that.

But the house is a simple, single-family house in Residence B. It's literally directly across the street on Mount Auburn from both our office and from my personal house. I live above our office on Mount Auburn. And it's -- you know, right behind on Hilliard Place, where I can see

1 it.

2 But it's a single-family house that is existing
3 nonconforming for the most part of the house. And the
4 intent is to renovate and turn it into -- continue to use it
5 as a single-family house, and keep it historically
6 preserved.

7 And so, the idea is to work pretty much within the
8 envelope of the house, extend one portion of it on the
9 second floor, and use the entire basement, right? expand
10 the basement as it were.

11 And I -- okay, thank you I was going to share my
12 screen as well.

13 So the idea is to -- the foundation of the house
14 is kind of crumbling. And so, the idea is to rebuild the
15 foundation of the house.

16 One portion of it is a newer portion built in the
17 '70s, and the rest of it we would take the masonry, the
18 rubble masonry apart putting strong concrete foundations,
19 reclud the foundations with the rubble masonry to keep it
20 historically appropriate. We've been working with Eric Hill
21 quite a bit at Cambridge Historic.

22 And then replace the windows. There's one window

1 that's in a existing nonconforming zone. Actually part of
2 the house goes over the property line on that side from the
3 existing, and so, we're replacing that window with a more
4 appropriate window, preserving as much of the structure as
5 we can and repairing and replacing.

6 The intent is to remove all fossil fuels from the
7 house, which is a significant thing for our current day,
8 insulate the house, because it's currently only partially
9 really insulated, so kind of super insulate the house from
10 the roof all the way down. And use -- you know, it's going
11 to be an all-electric house at that point.

12 So really that's the overall scope and scale of
13 the project, and we were seeking a special permit to
14 increase the FAR by 187 square feet and replace a window in
15 the nonconforming zone of the two parts and pieces that I
16 think we wanted to come before you for.

17 I think that's the general discussion. We can go
18 through the presentation if you want, either I could share,
19 or you can. Basically, single-family house that the first-
20 floor will be used as it's currently used, only a little bit
21 more modified on the interior.

22 The basement there's a crawl space that we're

1 turning into functioning space. Rox as a woodworker has
2 three -- they have three children -- three boys, and they
3 want to teach them all woodworking. So it's really a family
4 room kind of place.

5 There's a guest bedroom for Fernanda's parents,
6 and it's going to be their place, right? They're moving
7 from Boston to Cambridge to raise their kids.

8 So the first-floor is really just a -- this is the
9 basement plan, and it's -- we're just opening that up. The
10 first floor is also just being opened up with an office for
11 Rox to work from home.

12 And then the office -- sorry, there's a kitchen
13 and dining room and eating area with a view down to the
14 living area down below.

15 And then the second floor I think has a few
16 bedrooms. There's four bedrooms, one for each child, and
17 then the master suite that's toward the bottom of the plan
18 here.

19 And actually, the window that's in the bottom
20 left, this -- yeah, that window right there I'm circling in
21 red -- that window is the existing, nonconforming that we're
22 replacing with a -- we're proposing to replace with a new

1 window.

2 And then the outside of the house largely stays
3 within the aesthetic that's currently there. We are
4 modifying -- we're adding a dormer between two other dormers
5 on the lower portion on the front of the house, where this
6 piece is, again, right here between these two dormers to get
7 a reasonable amount of headroom in there. We're increasing
8 the dormer.

9 Again, Historic Commission is comfortable with
10 that. We've been approved for all of these items.

11 And then to the rear of the house, we're adding a
12 head-house and access up to the roof up above, because they
13 intend to have a roof deck on the rear facing out to the
14 rear of the house.

15 So this portion -- this side of the house is
16 facing the rear. There's a -- reusing historic portion of
17 the house. The lower portion if I circle that and this
18 portion exists. We're modifying it slightly, and I'll try a
19 green color. This is a portion that we're building over the
20 roof of the existing house to create a third bedroom --
21 fourth bedroom, I'm sorry.

22 And then the head-house up top gets to the roof.

1 JIM MONTEVERDE: Okay. Thank you. Do we have any
2 questions from members of the Board? Please say your name
3 first, if so.

4 VIRGINIA KEESLER: I believe you said this was the
5 case, but just to clarify, is this version of the plans the
6 same version that was approved by the Historical Commission
7 a year ago?

8 THEODORE GALANTE: This version of the plan is
9 being reviewed by the Historic Commission again, because a
10 year ago we didn't know we had to change the basement walls
11 structurally. And so, we've been working with Eric and
12 we're going back to change the basement walls.

13 But otherwise, everything else remains the same.

14 VIRGINIA KEESLER: Thank you.

15 THEODORE GALANTE: And I'm sorry. I neglected to
16 mention that we have -- in my possession we have six letters
17 of support from immediate abutters. I believe this is the
18 seventh letter -- I could be wrong about the number; it may
19 only be six.

20 But I understood there was another letter that we
21 were getting. So it's either in your hands or it's six
22 total, I don't recall.

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

3 BILL BOEHM: I'm going to jump ahead with that
4 seventh letter. Perhaps it's that seventh letter, which is
5 someone who's not happy about this because of the roof deck.
6 And they say they didn't have a chance to meet with the
7 owners.

8 I was just wondering if you know if they have had
9 a chance to meet with the owners or if that concern was
10 raised with the owners?

11 THEODORE GALANTE: I believe the owners have met
12 with all of the neighbors, all of the abutters, and have had
13 extensive conversations. They've held get togethers at the
14 house when they first bought it, and they've met with them a
15 few times in between. And I believe that's one of the
16 reasons they have such a level of support.

17 And I think the presentations that the owners have
18 talked to the neighbors about all of the work they were
19 doing, and the neighbors were -- so they were offered many
20 times, I think for meetings such as that.

21 JIM MONTEVERDE: So just to clarify it, let me
22 quote directly from the letter that Bill is referencing.

1 This is dated October 22, from Godfrey and Janet Amphlett.
2 It reads that they are abutters -- I'm going to summarize --
3 of 10 Hilliard Place.

4 They received a notice of this hearing by mail,
5 and their concern -- again -- is that regarding the new roof
6 deck, which directly overlooks their yard and could
7 significantly impact their privacy. And then later --
8 they're traveling, so they're not able to attend.

9 But it says -- I'll quote this one:

10 "Our experience in this neighborhood is that
11 neighbors wishing to get approval from abutters generally
12 reach out directly to those individuals to gather input and
13 facilitate the approval process, so we must express
14 disappointment that this did not happen in this case."

15 So --

16 H THEODORE COHEN: It's curious to me, because I
17 know that there's -- the letter is dated September 24 of
18 2023. So I'm just hearing about this letter. So I
19 apologize I'm not familiar with this conversation.

20 But I know that September 4, Rox and Fernanda sent
21 letters to all of the abutters discussing the project and
22 asking for their feedback.

1 So I did -- I'm not aware of this.

2 JIM MONTEVERDE: Okay. So -- and there's been no
3 attempt, then, to address this particular folks who have
4 written in -- the Amphletts -- about their concern about
5 privacy?

6 THEODORE GALANTE: I'm sorry, Mr. Chairman. This
7 is the first I'm hearing about the letter.

8 JIM MONTEVERDE: Okay.

9 THEODORE GALANTE: And had I known earlier, I
10 would have discussed it with Rox and Fernanda.

11 JIM MONTEVERDE: Yep.

12 THEODORE GALANTE: I didn't know about this.

13 JIM MONTEVERDE: Okay.

14 MICHAEL LAROSA: I had two -- I don't know if I'd
15 say concerns, but I guess so. One being the letter that was
16 sent out if I'm reading it correctly says, "The project
17 would increase allowable gross floor area by 187 square feet
18 in the basement."

19 But that seems a bit misleading, because you're
20 adding 300 square feet on the second floor, or 299 to the
21 second floor, and then creating a larger, third-floor deck.

22 I mean, the letter that was sent out kind of

1 minimizes -- at least from what I can see from the plans
2 with the overall project is. It looks like we're getting
3 rid of some nonconforming FAR in some places, then creating
4 300 square feet new and netting it?

5 THEODORE GALANTE: Correct. We are shifting FAR
6 around. You're absolutely right. We -- there is an
7 existing nonconforming loft and some other spaces. But yes,
8 we are moving FAR around and not eliminating space, but in
9 fact making the house fit the family, because it doesn't
10 currently. So that was the intent.

11 MICHAEL LAROSA: Yeah. I just my -- I guess my
12 concern was like I said it seems as bit -- you know, one
13 part says you'll increase gross area in the basement, which
14 actually isn't included in that net number.

15 And then the other part says the existing
16 nonconforming will not be changed, except for modifying a
17 dormer window. But I don't know how that equates to 300
18 square feet of the new space.

19 THEODORE GALANTE: I'm not sure how the letter was
20 -- I don't know how the letter was written; I just know that
21 the neighbors sent it out.

22 MICHAEL LAROSA: Yeah, no, I'm not putting it on

1 your house. I just -- where one neighbor has concerns about
2 privacy, and then that's how everyone signed off on that
3 letter. I don't know -- I'm wondering if they realize the
4 scope of what's --

5 THEODORE GALANTE: I think the neighbors were sent
6 this package with the letter. So I'm just looking at the
7 letter now. "Cambridge will issue the building permit after
8 knowing that the abutters - you - have been informed of the
9 facts" -- and so that's what -- so I think it was this with
10 our drawings. Because I remember giving them sets of
11 drawings to send out. I didn't personally receive one, but
12 --

13 JIM MONTEVERDE: I -- excuse me. If you'd like,
14 let me just quote from the letter that's being referred to
15 here. And this is a form letter that was sent out,
16 addressed to, "Dear neighbors" from R. Rox Henderson and
17 Fernanda Sakamoto, copied to you, Ted?

18 THEODORE GALANTE: Yes.

19 JIM MONTEVERDE: Dated September 4. And it says,
20 "Here are the facts: The project is an
21 alteration and historic restoration of an existing single-
22 family residence, and no proposed change in use.

1 Second, "The existing non-conforming single-family
2 residence will not be changed except for modifying an
3 existing dormer window within the existing non-conforming
4 side set back. The arched dormer window in the rear porch
5 overhang will be modified into a low-profile standard
6 skylight."

7 Third, "The proposed project would increase
8 allowable gross square feet by 187 square feet in the
9 basement. This increase would not be viewable to abutting
10 properties because it is below grade.

11 "The proposed house design removes fossil fuel --"
12 On and on.

13 "Renovation includes replacing historically
14 inappropriate windows with new historically appropriate --"
15 And, "The project includes stormwater infiltration --"

16 So what it doesn't talk about is the rooftop deck,
17 and it doesn't talk about the couple areas of the elevation,
18 which I will confess to having been confused. It took me a
19 while to flip between the existing elevation and the
20 proposed elevation.

21 THEODORE GALANTE: Mm-hm.

22 JIM MONTEVERDE: Because I could not find out in

1 plan, because there's no existing set of plans, where in
2 fact these additions are being made. You mentioned one in
3 the elevation, where there seems to be a porch roof, and
4 you're infilling that.

5 THEODORE GALANTE: Correct.

6 JIM MONTEVERDE: So I think the representations
7 that were made to the neighbors that they signed off on are
8 not quite the whole enchilada. There's more to it.

9 And I think that's what we're all alluding to or
10 commenting on, and some in particular have to deal with a
11 neighbor who has a concern about privacy.

12 THEODORE GALANTE: Yeah, I guess I could say that
13 --

14 JIM MONTEVERDE: So --

15 THEODORE GALANTE: -- yep. Go ahead.

16 JIM MONTEVERDE: I suggest --

17 THEODORE GALANTE: Mm-hm.

18 JIM MONTEVERDE: -- and only suggest would you
19 like to continue this? Would you like to have the owner
20 revise their letter to their neighbors, being a little more
21 specific, and I guess your plans and elevations would help
22 in showing exactly what the additions and deletions are in

1 terms of area, and mentioning the roof deck.

2 And if you choose to continue, also take the
3 opportunity to encourage either yourself or the owners --
4 the proponents -- to meet with the Amphletts and address
5 their concern. Is that an option for you?

6 THEODORE GALANTE: Is it possible to get a copy of
7 that letter? Because I --

8 JIM MONTEVERDE: Which one?

9 THEODORE GALANTE: The one you reference about --

10 JIM MONTEVERDE: Oh, the Amphletts?

11 THEODORE GALANTE: I have the one that Rox and
12 Fernando sent out. I certainly have that. And I have the
13 six copies here. But I don't have the letter that the
14 neighbor is concerned about the roof deck that they haven't
15 been notified.

16 So I wonder if it's possible to get a copy of
17 that?

18 JIM MONTEVERDE: Yeah. We could do that.

19 DANIEL HIDALGO: It seems the posted material on
20 the website as well. So it's actually public already.

21 JIM MONTEVERDE: Okay. Is it there? Yeah.

22 DANIEL HIDALGO: Yes, it is.

1 JIM MONTEVERDE: We weren't sure what the date, if
2 it was -- if it came in later than is all posted. But if
3 you can find it online, then please --

4 DANIEL HIDALGO: Okay.

5 JIM MONTEVERDE: -- access it there.

6 DANIEL HIDALGO: I'll take care of that. Yeah.
7 Okay. Sorry. Thank you for that.

8 JIM MONTEVERDE: So if you will entertain a
9 continuance, I would suggest -- and I'll offer, and this is
10 for members of the Board, a couple of conditions and that
11 the owners' letter of September 7 be revised to more
12 carefully delineate all of the changes that are being
13 proposed -- additions and deletions.

14 That the plan set that you have be updated to
15 include either an existing plan -- you need some way to help
16 us understand where areas internal to the building are being
17 modified that bring you to this 188 square-foot increased
18 area.

19 So whether that's an existing set of plans, and we
20 could compare it to the proposed plans or whether you take
21 -- I'll leave that up to you.

22 And then also if you could annotate the existing

1 -- the proposed elevations with just the sections that you
2 in fact are proposing to modify of the existing building.
3 Is that possible? I'm just trying to --

4 THEODORE GALANTE: Yes, that's possible.

5 JIM MONTEVERDE: -- make it clear to everyone what
6 the scope of work actually is, because it's obviously not
7 clear to several people.

8 THEODORE GALANTE: All of that is possible, Mr.
9 Chairman, yes.

10 MICHAEL LAROSA: Can I ask you one other, kind of
11 an aside question procedurally?

12 JIM MONTEVERDE: Yep.

13 MICHAEL LAROSA: Because I know this came up
14 before on a recent other case. I don't know how to put it.
15 Are we allowed to simply get rid of existing nonconforming
16 FAR and then build it elsewhere? I thought Olivia had an
17 issue with that on a previous case.

18 OLIVIA RATAY: That's correct. You can't take
19 nonconforming FAR and place it elsewhere.

20 MICHAEL LAROSA: The only reason I'm bring it up
21 now is if we're going to send him away with some comments, I
22 figure we might as well comment on that. Because it looks

1 like that's what is being done on the second and third. I
2 don't know if that -- is that accurate, Ted?

3 THEODORE GALANTE: We are taking out some space
4 that is an existing loft, for example, and using that
5 elsewhere. But I guess I really don't know how to make this
6 house work if we don't do that.

7 And I think that's -- you know, one of the
8 struggles here. That -- you know, Rox and Fernanda have
9 been working diligently to get this house to be as
10 conforming, historically appropriate, you know, insulated,
11 eliminated the gas stove and all of the fossil fuels and
12 they're trying to do the absolute right thing here. And
13 really a simple ask is for 187'.

14 So I don't know how to get the house to work
15 without shifting, you know. I don't know what else to do.
16 And the house is lying fallow now, and it's been there for a
17 year. And I think the neighbors are not happy about that.

18 So we can try. I don't know what else -- I don't
19 know how else to do it. But I'll -- we'll work on it is
20 what I can tell you.

21 MICHAEL LAROSA: Yeah. I'm not trying to kill the
22 whole thing. I honestly just figured bring it up now

1 because I didn't want to send you away with comments about
2 the letter, and then you come back in a few weeks and that
3 issue arises.

4 JIM MONTEVERDE: Yeah, so --

5 THEODORE GALANTE: Right, but if I can't --

6 JIM MONTEVERDE: -- let's --

7 THEODORE GALANTE: -- to your point, thank you,
8 Michael. I guess to your point if I -- what I just heard is
9 we can't use the existing nonconforming square footage.
10 From a design perspective, we tried for months to get it to
11 work that way.

12 We can't get it to work that way if we're being
13 told that that's not appropriate, that we can't do that,
14 then that does kind of kill the project, right? We don't --
15 I don't have a path forward. At least I haven't seen one
16 yet.

17 And I'm trying to help Rox and Fernanda get into
18 this house, which has taken over a year of their time when
19 they really wanted to be in it.

20 So I'm trying to figure out, you know, sort of on
21 the spot of the moment --

22 JIM MONTEVERDE: Can you just give an example of

1 where you're -- just so we can confirm where, again, since
2 there's a lack of clarity on a couple issues, but if you
3 could please -- by plan or elevation show us --

4 THEODORE GALANTE: Sure.

5 JIM MONTEVERDE: -- an area that you're trying to
6 delete from the existing noncompliant square footage, and
7 where you're trying to move it?

8 MICHAEL LAROSA: I think page 9 might be the most
9 helpful. Sorry. This is Mike Larosa.

10 THEODORE GALANTE: That's correct. So this is
11 where we are taking space -- you know, this existing loft is
12 inside of a room that has certain amount of volume to it,
13 but it's really not appropriate for the house with young
14 children.

15 And so, we're trying to eliminate that 205 square
16 feet and I guess one could argue we're trying to put that
17 200 square feet over in this zone in the new proposal,
18 where, you know, it has 1,452 square feet and we're turning
19 that into 1,700, but that 200 is sort of over here.

20 So, you know, that's the sort of internal
21 maneuvering that we're doing to get to a certain place.

22 We're also taking up mechanical spaces, because the

1 mechanical spaces are not calculatable, and we've redesigned
2 the mechanical systems to be energy-efficient, and to work
3 within the overall space.

4 So that's part of our calculation where there's
5 currently a centuries-old boiler in the basement, we're
6 trying to put more energy-efficient and upgrade the building
7 for the 21st century. And so, that's why. So those are the
8 changes, if that helps.

9 BILL BOEHM: Jim, may I just chime in here?

10 JIM MONTEVERDE: Yep.

11 BILL BOEHM: I don't think that Michael is
12 necessarily saying you can't ask for that additional square
13 feet. If I'm understanding the point, it's that it has to
14 be calculated correctly; that it's not a matter of just
15 swapping FAR; you are indeed adding square footage, which
16 may be acceptable.

17 I don't know if that bumps it. I'm sorry, I don't
18 know the case well enough -- if that bumps it from special
19 permit to variance or not, or if this is a variance case.
20 I'm sorry to confuse things here.

21 But my point is, it doesn't -- I don't think
22 you're being told you can't do that addition, it's just that

1 we have to be clear that what you're adding isn't, you know,
2 added square feet, not simply sort of a shift within. Does
3 that sound --

4 THEODORE GALANTE: Thank you, that helps.

5 JIM MONTEVERDE: I think the case we might have
6 seen before is where someone had space under a roof that by
7 the definition of gross square footage you should count.
8 And they were trying to convince themselves that they could
9 say, "Well, we won't use it, so we won't count it." But
10 that's the part you can't do.

11 So when you plan -- we were looking at the loft --
12 if there's a loft there, it's not going to go away. You're
13 not going to delete that space. You just need to update
14 your arithmetic so it's reflective of all of the space that
15 you have.

16 And the way I see your dimensional form, you are
17 already, as your advertisement says, you're an existing
18 structure that exceeds the allowable FAR.

19 THEODORE GALANTE: Correct.

20 JIM MONTEVERDE: You're over the gross floor area
21 already. You're already over the floor area ratio, et
22 cetera, et cetera. So shifting -- you know, space or -- not

1 shifting space around, but adding spaces by itself not a
2 dilemma, unless it comes out to be such a number that we
3 think it's a detriment to the neighborhood, but --

4 So all we're asking you to do is please be clear.
5 Don't be deleting space that actually is there and it counts
6 by our Ordinance. Just be clear on what's being added to
7 the existing.

8 THEODORE GALANTE: Okay. That's great. We can
9 certainly clarify that. And I apologize if there's any
10 confusion. And we'll go back and redo the math and make
11 that -- sort that out.

12 But the example that I gave -- and maybe I'm not
13 clear, maybe I'm not understanding exactly, but this loft is
14 in fact going to go away in the new proposal.

15 So it's currently -- the FAR is currently like a
16 0.48 and we would be taking it up to a 0.5. So I don't know
17 how to not count that space, because we -- it is existing as
18 part of the 0.48.

19 JIM MONTEVERDE: Yeah. It gets wiped out. It
20 gets demolished in your renovation?

21 THEODORE GALANTE: Correct.

22 JIM MONTEVERDE: Right. So it does get removed.

1 So it just needs to -- again, all I can suggest is a nice,
2 simple arithmetic chain that -- and plan chain that says,
3 "Here are the pieces that are being removed" so we can
4 understand why and "Here are the pieces that are being
5 added" and "here's the net gain."

6 THEODORE GALANTE: Okay.

7 VIRGINIA KEESLER: I'm also just trying to
8 understand a little bit better the change in height that's
9 indicated. I understand you're still underneath --

10 THEODORE GALANTE: Yep.

11 VIRGINIA KEESLER: -- the maximum in the
12 Ordinance, but I just wasn't totally following that.

13 JIM MONTEVERDE: If I read the height, and
14 assuming that -- if I read the dimensional form, it
15 basically says, "The requested condition is 33'."

16 VIRGINIA KEESLER: Mm-hm.

17 JIM MONTEVERDE: And allowed is 35.'

18 VIRGINIA KEESLER: Yeah.

19 JIM MONTEVERDE: So there's no problem there,
20 unless --

21 VIRGINIA KEESLER: Yes. And understood. I guess
22 it was just I was feeling like I wasn't sure how that was

1 quite aligning with what I was seeing in the plans. So it
2 was more just a general comprehension question.

3 JIM MONTEVERDE: No, I'm just looking at the --

4 VIRGINIA KEESLER: Yeah.

5 JIM MONTEVERDE: Oh -- I'm looking at the proposed
6 elevations. And as long as we can all concur with Ted that
7 his arithmetic is correct --

8 THEODORE GALANTE: The building is very short.

9 JIM MONTEVERDE: -- or ISD can --

10 THEODORE GALANTE: Yeah. The existing building is
11 very low.

12 JIM MONTEVERDE: Right. But you have window wells
13 that are being added, et cetera. So I just want to make
14 sure all those have been factored into the height, and
15 you're up to the top of the rooftop apartments.

16 THEODORE GALANTE: Yes. The average height is.

17 JIM MONTEVERDE: So please, in everything else,
18 you'll check for us, if you could please confirm that as
19 well, and confirm by the Ordinance your method of
20 measurement for the height.

21 All right? I am going to --

22 THEODORE GALANTE: Okay.

1 JIM MONTEVERDE: -- propose a continuance.

2 November 30? And all five of us have to be there.

3 THEODORE GALANTE: That does work for me, yes.

4 JIM MONTEVERDE: Okay. Does that work for all
5 members of the Board? Bill?

6 BILL BOEHM: Yes. It works.

7 JIM MONTEVERDE: Thank you. Virginia?

8 VIRGINIA KEESLER: Yes. That works for me.

9 JIM MONTEVERDE: Daniel?

10 DANIEL HIDALGO: Yes, that works for me.

11 JIM MONTEVERDE: Michael?

12 MICHAEL LAROSA: Yes, that works.

13 JIM MONTEVERDE: And Jim Monteverde, that works.
14 Okay, November 30.

15 MICHAEL LAROSA: Okay.

16 JIM MONTEVERDE: So let me make a motion to
17 continue this matter to let me make a motion, then, to
18 continue this matter to November 30, 2023, on the condition
19 that the petitioner change the posting sign to reflect the
20 new date of November 30, 2023 and the new time of 6:00 p.m.

21 Also, that the petitioner sign a waiver to the
22 statutory requirements for the hearing. This waiver can be

1 obtained from Maria Pacheco or Olivia Ratay at the
2 Inspectional Services Department.

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

7 Also, if there are any new submittals, changes to
8 the drawings, dimensional forms, or any supporting
9 statements that those be in our files by 5:00 p.m. on the
10 Monday prior to the continued meeting date.

11 And a couple conditions/requests: We
12 request/suggest that the letter that the owner had prepared
13 and sent out to the neighbors be revised and resent so that
14 it is clearer, and it does list all of the modifications
15 that are being made or proposed, and that that be sent out
16 to the neighbors.

17 And then in particular, the neighbors Godfrey and
18 Janet Amphlett be contacted and spoken with and discussed
19 with them their privacy concerns and see if you can come up
20 with a solution there.

21 And I guess, just on your existing proposed
22 elevations, if you can just highlight what areas of the

1 façade in fact you are modifying.

2 And then just confirm your square footage
3 tabulation that we just went through about what you believe
4 is being deleted from the current great square footage and
5 what's being added, so we can simply find it.

6 And please also confirm your method of measuring
7 the height, and do look at the Ordinance in terms of how you
8 measure the height. It's not from the proposed first floor,
9 it's from the average mean grade. Please be careful about
10 that.

11 Okay. On the motion to continue this matter until
12 November 30, 2023, a voice vote by the Board members please?

13 Bill?

14 BILL BOEHM: In favor.

15 JIM MONTEVERDE: Virginia?

16 VIRGINIA KEESLER: In favor.

17 JIM MONTEVERDE: Daniel?

18 DANIEL HIDALGO: In favor.

19 JIM MONTEVERDE: Michael?

20 MICHAEL LAROSA: In favor.

21 JIM MONTEVERDE: And Jim Monteverde in favor.

22 [All vote YES]

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JIM MONTEVERDE: The case is continued.

THEODORE GALANTE: Thank you, everyone. Thank you
for your time and for your feedback.

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(07:18 p.m.)

Sitting Members: Jim Monteverde, Virginia Keesler, William Boehm, Daniel Fernando Hidalgo, and Michael LaRosa

JIM MONTEVERDE: Next case is BZA-243959, 30 Somerset Street (sic). Is there anyone wishing to speak on this case?

ESME GREEN: Yes, hi. I'm the owner. My name is Esme Green. I live at 30 Sunset Road.

JIM MONTEVERDE: Yep. Okay. Hello.

ESME GREEN: Yeah, hi. I think I'm being joined by the architect who's working with us. And -- yep, I see him down there. It's a beautiful neighborhood. We love it.

I've been living here for -- since 2016. We're raising our daughter here. We love the neighborhood. Everyone here is so friendly; we know everyone which I don't think you can say in Cambridge.

But we do want to make some improvements and repair some things that don't work so well for us. So we're hoping that you see favorably upon us tonight.

So thank you.

1 JIM MONTEVERDE: Can you tell us what you're --
2 show us what you're proposing? Why you seek the relief you
3 need?

4 ESME GREEN: Yeah. I'll let Michael do that part,
5 if you don't mind.

6 JIM MONTEVERDE: Okay.

7 MICHAEL KIM: I can do that. This is Michael Kim,
8 Principal of MKA Architecture. We are a repeat -- or Ms.
9 Green is a repeat client of ours, and this is our second
10 project in their very small house.

11 The -- let's go to the next page -- I'm not sure I
12 can rewind (phonetic) this. Okay.

13 The original house is the blunt rectangle. The
14 house was expanded probably in the late '60s or '70s with
15 rather inferior construction, which is now settling into the
16 ground.

17 So we are proposing to rebuild the foundation,
18 rebuild the ground floor family room place and rebuild the
19 master bedroom on the second floor, with a small addition on
20 the second floor.

21 So next slide.

22 Actually, next one.

1 So the area that's shaded on the right currently
2 has a flat roof with a deck that has not been used in all
3 the time we've been looking at it. And it features a
4 sliding glass door that has been inoperable for years.

5 So it's kind of an eyesore. So being we're
6 rebuilding the foundations, we want to expand the area of
7 the master bedroom.

8 This area is within the setback, and the existing
9 house is slightly above the FAR. This additional 133 square
10 feet will take it slightly further above the allowable FAR.
11 So that is the relief we are seeking.

12 Next slide.

13 The left elevation has no change. The right
14 elevation, the area shaded is the elevation of the
15 additional area. It should be noted that it is only going
16 up to the -- it's directly above the foundation of the floor
17 below, which is existing.

18 So we are not going further into the setback, we
19 are just adding mass on the second floor within that
20 setback.

21 Next slide.

22 The rear elevation shows that additional small

1 area added to the bedroom, which really enables them to get
2 their own bathroom, and an even average-sized closet, so
3 they no longer have to share both with their daughter -- and
4 having a daughter myself I can't imagine the horror of
5 sharing a bathroom with her -- but yeah.

6 The house currently is some 1,800 square feet.
7 It's going to be some 1,900 square feet; very small and the
8 additional will be very modest.

9 Next slide.

10 The photos of the existing house, the bottom right
11 shows the existing deck and the area in question.

12 And let's see next slide. More shots of that
13 deck. You can see the top left; the existing 1970 addition
14 has a flat roof. We would be putting gable roof on it. But
15 lower than the peak of the existing gable roof in the front
16 portion of the house.

17 And I think the remaining slides are the
18 application form and so forth.

19 So I'd welcome any questions. Oh, and we do have
20 a letter of support from the affected abutter. To the
21 right, a -- Ms. Vicki Mistacco, who is a friend and neighbor
22 of the applicant and a beloved former client in the early

1 days of this firm.

2 JIM MONTEVERDE: We have that letter. Thank you.

3 MICHAEL KIM: Yes. And we have been in
4 discussions with her.

5 JIM MONTEVERDE: Okay. Thank you. Any questions
6 from members of the Board? Okay. If not, I have two just
7 so we're clear.

8 What you're seeking relief from is -- saying the
9 FAR -- the existing FAR is already beyond the Ordinance, for
10 your noncompliance and you'll just go slightly beyond that.

11 So that's the relief you're asking for for the
12 gross floor area, also the FAR gross -- yeah, the ratio also
13 increases beyond the allowance for the Ordinance requirement
14 for the lot.

15 And then your addition on the second floor is
16 within the side yard setback. Correct? Those are the two
17 pieces you're seeking relief on?

18 MICHAEL KIM: That is correct.

19 JIM MONTEVERDE: Okay. All right. Thank you.
20 Any more questions from members of the Board? If not, I
21 will go to the correspondence we have in the file.

22 And again, Board members we have two letters that

1 may not have -- you may not find in the electronic file,
2 because they came in late yesterday.

3 I count three affirmative, no one objecting, and
4 we have Ann Tennis from 71 Griswold. Property abuts 30
5 Sunset, and they endorse the changes. Again, I'll
6 summarize.

7 And we have Mary Hooker on October 25, 55 Griswold
8 and is in support of the above-mentioned case.

9 And then we have Vicki Mistacco, a next-door
10 neighbor at 28 Sunset lending her support for the petition.
11 So that is the -- those are the final -- those are the
12 correspondences we have in the file.

13 I'll open it to public comment.

14 Any members of the public who wish to speak should
15 now click the icon that says, "Raise hand." If you are
16 calling in by phone, you can raise your hand by pressing *9
17 and unmute or mute by pressing *6.

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

1 Phone lines buzzing? No. No one's here. Okay.
2 I will close public comment. Any discussion from members of
3 the Board?

4 [Pause]

5 Nope. Let me just remind us all of the criteria.
6 This is a special permit, with criteria for the special
7 permit. And it appears the requirements of this Ordinance
8 cannot or will not be met. I think that's correct.

9 Traffic generated, or patterns of access would
10 cause congestion, hazard, or substantial change. I don't
11 think so.

12 Continued operation of or development of adjacent
13 uses as permitted would be adversely affected. I think not.

14 Nuisance or hazard created to the detriment of the
15 health, safety and/or welfare. Not.

16 And for other reasons, the proposed use would not
17 impair the integrity of the district or adjoining district.
18 So I personally, Jim Monteverde, think we comply with all of
19 those. If any Board member has a comment about those,
20 please speak now.

21 Otherwise, I will move to make a motion. Are we
22 ready, members?

1 COLLECTIVE: Ready.

2 JIM MONTEVERDE: Thank you. The Chair makes a
3 motion to grant relief from the requirements of the
4 Ordinance under Sections 5.31, Table of Dimensional
5 Requirements, specifically the total gross floor area and
6 the ratio of gross floor area to lot area.

7 And the setback, also the Dimensional Requirements
8 -- the right-side setback, we'll grant relief from that as
9 well.

10 And the special permit conditions that we just
11 went through: Requirements of the Ordinance cannot be met.
12 That's correct. Traffic generated, would cause congestion,
13 hazard. It will not.

14 Continued operation of or development of adjacent
15 uses would not be adversely affected It will not.

16 Nuisance or hazard -- detriment to the health,
17 safety and/or welfare. It will not.

18 And for other reasons impair the integrity of the
19 district. It is not. So it complies with all the criteria
20 for a special permit.

21 On the condition that the work proposed conform to
22 the drawings entitled "Green Perry" prepared by MKA

1 Architecture, dated 09/08/23, initialed and dated by the
2 Chair.

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

6 Board members let's take a voice vote on the
7 motion to grant relief.

8 Michael?

9 MICHAEL LAROSA: In favor.

10 JIM MONTEVERDE: Yep. Daniel?

11 DANIEL HIDALGO: In favor.

12 JIM MONTEVERDE: Thank you. Virginia?

13 VIRGINIA KEESLER: In favor.

14 JIM MONTEVERDE: Bill?

15 BILL BOEHM: In favor.

16 JIM MONTEVERDE: And Jim Monteverde in favor.

17 [All vote YES]

18 JIM MONTEVERDE: That's five in favor for the
19 special permit. Relief is granted. Thank you.

20 ESME GREEN: Thank you.

21 MICHAEL KIM: Thank you, Mr. Chairman.

22 JIM MONTEVERDE: You're welcome.

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(07:29 p.m.)

Sitting Members: Jim Monteverde, Virginia Keesler, William Boehm, Daniel Fernando Hidalgo, and Michael LaRosa

JIM MONTEVERDE: Next case is BZA-182164 -- 21 Mellen Street. Is there anyone who wishes to speak on this case?

RICHARD XIAO: Yes. Hi, everyone. My name is Richard Xiao, and I'm the owner. So how to share the slide? Olivia?

Hello. Hi everyone. Yes, thank you.

Okay, so this is the -- I'm the owner of 21 Mellen Street, which we purchased from Lesley University. And this is -- maybe you can start with slide 13, the photo, so people -- yeah.

Yep, all the different -- yep, this slide. Yep. Thank you.

So this is three-story building, and the current views are the three-family. And in the bottom in the red right frame, that's showing the lower level, which is currently used as office.

1 And the entire lower level is about kind of about
2 half of the area has been finished, and the other part is
3 unfinished area.

4 So my plan is to finish those unfinished areas,
5 and everything done will be within the wall, and nothing
6 changing regarding the FAR or anything else, just finishing
7 some unfinished areas.

8 Maybe you can put up the floor plan. Thank you.

9 Okay, trying to make it bigger. Yep. Okay.

10 On the -- sorry -- on the right side of the slide
11 is the existing area, which is -- currently the finished
12 area is the top left corner. The laundry area is finished,
13 and the bottom right corner, the user office: That area is
14 finished.

15 And also the hallway between the wall and on the
16 left side in the bottom by the staircase and going to the
17 first floor. Yeah. Those areas are currently finished
18 areas.

19 The last area, which includes the utility area on
20 the right side and also part of up area is unfinished. So.

21 And the plan is to -- I'm not going to remove any
22 load-bearing wall, just finishing up adding some partition

1 walls on the top. You can see -- maybe you can zoom out a
2 little bit? Yeah.

3 So make one bedroom on the right -- top right
4 corner, and the living room under it near the bathroom, in
5 that area. And changing the bottom, which is currently the
6 office, and then make it a different -- another bedroom.
7 And the other place that is a closet or the hallway.

8 So everything done would be within the current
9 unit.

10 And then maybe we can go through some photos.
11 Yeah, just quickly go through the photos. Yeah, anyone.
12 Yeah. That's the front of the building.

13 Again, in the lower level it's showing the bottom.
14 And within the red boundary. So everything is aboveground,
15 the lower level but not necessary (sic) basement.

16 The next picture?

17 This is the office. And has two windows on the
18 front. And the front entry is also considered the entry
19 door. And there is a walkway with a ramp from the driveway
20 to the front entry.

21 Yeah. Next picture?

22 This is -- when you go inside looking inside to

1 outside, that was the front door back for the lower level.

2 The next one?

3 And this is the office, office space. It's
4 currently a finished area. I'm going to change this one,
5 the same room for a bedroom. Maybe hiding some closet here.

6 The next one? Oh, that's still office space.

7 Continue? Yeah.

8 Last, the right side of the building. And you can
9 see some electronic panel meters and gas meters. And also,
10 you can see the entire lower level on that -- for the right
11 side. Yeah. There's two windows in the front, three
12 windows on the right side.

13 And next one?

14 Okay, that's the side door going back. And going
15 to the laundry area from the side. There's three doors on
16 this lower level, and also two windows you can see down
17 further behind those two side windows for the inside, which
18 is currently unfinished area.

19 Okay, next one? Yeah.

20 And this is the -- from the inside of the side
21 door. And there is about 1' lower below the ground here.
22 Because the ground is not level.

1 If you can show slide 12 in addition -- number 12.

2 There is an elevation -- I don't know -- yeah.

3 Okay. Maybe you can find it later. It's on my screen.

4 Yeah. We can just go quickly through the slides, and I can

5 show you. That's the back door. So if you go inside this

6 door there's a laundry area.

7 You can go to the next one.

8 Yeah, that looks from inside out.

9 Next one?

10 Yeah, that's the back of the building, and showing

11 some part of the neighbors' property.

12 The next one?

13 And this is the laundry area, which is currently

14 finished as well.

15 Next one?

16 Yeah. Those are the areas, which are currently

17 not finished. And you can see the door is to the back and

18 near the laundry area. You can see some windows currently

19 using as some storage.

20 Next?

21 Yeah.

22 Next?

1 Yeah, we can -- the plan is just finishing this
2 area. this is the utility room. I'm not doing anything on
3 that room. So that area will be remaining unfinished.

4 Next one?

5 Next one? Yeah.

6 Yeah, this is some space under the stair, the
7 stair leading from the lower level to the first floor.

8 Next one?

9 Yeah. And then this is the stair. So in my plan,
10 I'm going to remove the stair, so make the two closets, but
11 keep the walls but just by removing the stair.

12 This is not a load-bearing wall where I had the
13 architecture type -- they don't notice that this wall is
14 okay, but I'm not planning to remove it.

15 Yeah, next one?

16 Yeah, that's -- and we are looking from the front
17 to the back. And the door on the right side is the door to
18 the office.

19 Okay, next one?

20 Yep. That's just a summary of what will be
21 changed. You can see the first-floor area and there nothing
22 has been changed, just adding in some -- you know, space and

1 make it a second -- make it another unit of the lower level.

2 And also, I have been talking with some of the
3 neighbors as well and I have their support. And so far, I
4 do not hear any objections.

5 Any questions, you can ask me here. Thank you.

6 JIM MONTEVERDE: Thank you. Before I ask if there
7 are any questions of members of the Board, just be aware
8 this is a variance request. And by the Ordinance, we need
9 to find all of the following:

10 That a literal enforcement of the provisions of
11 the Ordinance would involve a substantial hardship.

12 Second, the hardship is owing to circumstances
13 relating to the soil conditions, shape or topography of such
14 land or structures, but not affecting generally the zoning
15 district in which it is located.

16 And third, desirable relief may be granted without
17 either substantial detriment to the public good or
18 nullifying or substantially derogating from the intent or
19 purpose of the Ordinance. So we need to find that all three
20 of those conditions are met.

21 Any members of the Board have any questions?

22 BILL BOEHM: I see, Virginia, you look like you

1 unmuted as well, but I guess I'll jump in, because I jumped
2 in. It's okay.

3 My question to the proponent is can you tell us
4 what you know about flood risks in this neighborhood, and
5 how you might mitigate those, or what might be expected in
6 extreme rain event or worse.

7 Thank you.

8 RICHARD XIAO: Thank you for opening the question.
9 I've forgotten including the picture. For my property, it
10 used -- in the past before I purchased this plan through the
11 university and there -- their floor -- their one level the
12 elevation is substantially lower than my property.

13 And there is a retaining walk light on my driveway
14 and you can see from Google Maps of course. So that's about
15 at least 3 to 4 feet. So my property is 3 to 4 feet higher
16 than the other one.

17 So, I mean, to finish in the lower level, first of
18 all, I'm not changing anything outside. What I worry: The
19 water management, the stormwater management system is to
20 remain the same. I'm going to just -- what I'm going to do
21 is just finish the inside of the lower level.

22 And from the photo, you can see everything is

1 above grade. Just -- and yeah, so there will not be any
2 risk of the water damage. Past that, mine probably is
3 higher than my neighbors, than the university side.

4 Thank you, Bill.

5 BILL BOEHM: I guess -- sorry, just one follow-up
6 question. You said you're not changing the stormwater
7 system that's in place; can you just tell me what that
8 stormwater system is?

9 RICHARD XIAO: Currently, there is a collecting
10 valve on the walkway. I don't know whether you can see --
11 maybe you can try Photo 15.

12 Oh, the number is different than mine. There is
13 one -- yeah, 9. Maybe yours is -- oh, sorry, Olivia, yours
14 is Number 9. Yeah. Maybe -- yeah, you can see currently
15 there is a small, in front of the entry door there is a
16 collecting valve stormwater. So that's located the same.

17 So currently it is pretty functional and there are
18 no issues. And yeah.

19 And if you can -- I don't see a photo for the --
20 no, I can't see what this one -- oh, yeah, sorry. On this
21 Photo 13, yeah, on my slide -- no, this one.

22 No. The slide I downloaded is -- it had different

1 numbers. Can you go through -- quickly go through the other
2 photos? There's one showing the current low level from the
3 right side, which you can see the retaining wall. Not this
4 one.

5 Is there any way I can share my screen? No? Oh,
6 yeah, this one. Yeah.

7 JIM MONTEVERDE: Yeah.

8 RICHARD XIAO: Okay. yep. You can see that one.
9 So you can see the front, the right side. And also you can
10 see part of the retaining wall, and on the right side of my
11 driveway. You can see the lower level is aboveground, above
12 grade. And the long driveway is all above ground.

13 And for the little slope in the walkway, there is
14 a collection system, and also there are gutters to divert
15 the water to other places. Yeah.

16 Thank you, Bill.

17 JIM MONTEVERDE: Any other questions from members
18 of the Board?

19 VIRGINIA KEESLER: Since this is a subdivision
20 request, I was just hoping to understand a bit better what
21 -- how this is being subdivided?

22 RICHARD XIAO: Yeah. The other thing is when I --

1 before I purchased this property is part -- the Lesley
2 University.

3 And because they are -- my abutters belong to the
4 same owner, they merged everything together. But when I
5 purchased this one, and I was told this lot might be -- is a
6 merged lot.

7 So what I mean by subdivided is that just me
8 cutting this lot out from the Lesley, because I already
9 purchased, so this -- the property no longer belongs to the
10 university -- doesn't make sense that the two owners have
11 this lot merged.

12 JIM MONTEVERDE: Can I follow up on that question?
13 So can we get that survey on the --

14 RICHARD XIAO: Yeah, this is the survey map.

15 JIM MONTEVERDE: Oh, you see it. I'm sorry. I
16 don't see it here. When you purchased the property, it was
17 already subdivided, is it not? Was it not?

18 MEIMEI ZHAO: That's our impression. We thought
19 when we bought this property, we only bought this piece --

20 JIM MONTEVERDE: I'm sorry, who's -- can you
21 identify who's speaking?

22 MEIMEI ZHAO: Yeah, sure. Sorry. This is Meimei

1 Zhao --

2 RICHARD XIAO: I'm sorry.

3 MEIMEI ZHAO: -- the co-owner of the --

4 RICHARD XIAO: All set.

5 MEIMEI ZHAO: -- property.

6 RICHARD XIAO: Sorry. Because the back one is
7 blurry and hard to reach. Yeah. Sorry.

8 MEIMEI ZHAO: Can you hear me?

9 JIM MONTEVERDE: I'm sorry.

10 RICHARD XIAO: I can't.

11 JIM MONTEVERDE: I heard you, but I heard
12 something, but I did not understand it. So --

13 MEIMEI ZHAO: Yeah, and --

14 JIM MONTEVERDE: The question, again --

15 MEIMEI ZHAO: Yeah, sorry. My name is Meimei
16 Zhao. I'm the co-owner of the property.

17 JIM MONTEVERDE: Thank you. And when you
18 purchased the property, was it already subdivided?

19 MEIMEI ZHAO: That's our impression.

20 JIM MONTEVERDE: So.

21 MEIMEI ZHAO: Because we only bought this
22 property.

1 JIM MONTEVERDE: Yeah. So my understanding is
2 we're not -- and I was going to get into this in a minute,
3 but I really don't think there's a subdivision here -- issue
4 before us. We're not granting you the right to subdivide,
5 because it's already subdivided.

6 MEIMEI ZHAO: Right.

7 JIM MONTEVERDE: The subdivision, however, does
8 cause you some issues -- it does make your lot or the
9 dimensional form -- as it says in the announcement, the
10 Agenda, it does result in dimensionally nonconforming lot.

11 RICHARD XIAO: Okay. All right. So you mean
12 sub--

13 JIM MONTEVERDE: So we're not --

14 RICHARD XIAO: -- divide the application? Sorry.
15 Sorry.

16 JIM MONTEVERDE: Yeah. We're not -- I don't think
17 we're granting you a subdivision. You already have it. You
18 own the lot.

19 RICHARD XIAO: Okay.

20 JIM MONTEVERDE: It's already been subdivided.

21 RICHARD XIAO: Yep.

22 JIM MONTEVERDE: Okay. Virginia, did that answer

1 your question?

2 VIRGINIA KEESLER: Yes. Thank you.

3 JIM MONTEVERDE: Okay. Any other questions? No?
4 I have a couple. So reading the advertisement, where it
5 says, "To subdivide preexisting lot" I'm taking the liberty
6 of crossing that out, because it's been done. It's nothing
7 that we're granting you relief from or for.

8 It does result in -- that subdivision does result
9 in the lot that you bought therefore is a nonconforming lot,
10 and that's really in terms if I look on the dimensional form
11 it's nonconforming in terms of the lot area.

12 And then I'm not sure how you calculated the lot
13 area for each dwelling unit, but that is undersized,
14 according to the Ordinance.

15 So I think those are the pieces you're looking for
16 relief from. I just want to confirm. I think those are the
17 items in the Table of Dimensional Requirements. I think --
18 so we're not doing a conversion -- and you've listed a
19 conversion --

20 RICHARD XIAO: Um --

21 JIM MONTEVERDE: Is that from the Office Use to
22 the Residential Use?

1 RICHARD XIAO: Yes. Residential is for the rental
2 unit. Currently it's a three-family and --

3 JIM MONTEVERDE: Yep.

4 RICHARD XIAO: -- floors 1, 2 and 3 and the lower
5 level would be the fourth unit out to (phonetic) --

6 JIM MONTEVERDE: Yep.

7 RICHARD XIAO: -- commercial.

8 JIM MONTEVERDE: And then you mention under
9 Article 4 Section 4.31.g a multifamily dwelling. What is it
10 you're seeking relief for?

11 RICHARD XIAO: Currently it's a three-family.
12 It's changing to a four-family. And before the change, the
13 current three-family already is a nonconforming.

14 JIM MONTEVERDE: Right.

15 RICHARD XIAO: So that's --

16 JIM MONTEVERDE: It's -- okay.

17 RICHARD XIAO: -- where I'm seeking the relief.

18 JIM MONTEVERDE: Yep. Understood. And I think
19 that's in the variance. Okay. Thank you. Any other
20 questions from members of the Board?

21 If not, we have -- let me just go through the
22 correspondence in the file.

1 MICHAEL LAROSA: Jim, just a quick question.

2 JIM MONTEVERDE: Yep.

3 MICHAEL LAROSA: On his application, it says
4 there's no change to the floor area. But is that accurate
5 where it's unfinished basement right now?

6 RICHARD XIAO: Yes.

7 MICHAEL LAROSA: We're talking about creating
8 level --

9 RICHARD XIAO: Yes. There is a -- gross floor
10 area is just no change. That's part -- about half the
11 basement is unfinished. I'm going to finish the part --
12 those areas, except for the utility room area I'm finishing
13 the entire basement. For the finish -- yeah, because I mean
14 the current level is unfinished.

15 JIM MONTEVERDE: Right. But I guess the question
16 is where you calculated the 5,293 square feet, you included
17 all of the area of the basement, minus what you can subtract
18 for mechanical equipment, is that correct?

19 RICHARD XIAO: The number I copied from the City's
20 record. I did not verify the number. But those numbers
21 don't change anything. For the lot area, for the total
22 gross floor area, all the numbers are from the record -

1 public record.

2 MICHAEL LAROSA: Jim, I think he basically just
3 pulled the Assessor's card and put the total for all the
4 floors. That's why I was asking.

5 RICHARD XIAO: Yes.

6 MICHAEL LAROSA: I just want to make sure if we
7 give relief, we're giving accurate relief.

8 JIM MONTEVERDE: Yep. Yep. Okay.
9 Correspondence. All right. One second.

10 [Pause/side conversation]

11 JIM MONTEVERDE: Sorry, we're just having a chat
12 behind the curtain here with the ISD rep about the issue of
13 the subdivision, and whether in fact we do need to grant the
14 subdivision, or if in fact one already exists, and therefore
15 it would be redundant to grant relief for something you
16 already have.

17 MICHAEL LAROSA: Mike again.

18 RICHARD XIAO: Hi, Mike.

19 MICHAEL LAROSA: Hi. Sorry. I just -- along that
20 line, I think the bigger problem would be if there wasn't --
21 if a subdivision was necessary, it should have been done
22 before he bought it. Otherwise, it was an illegal

1 subdivision.

2 JIM MONTEVERDE: Say -- could you repeat that?

3 MICHAEL LAROSA: I said --

4 JIM MONTEVERDE: The last part.

5 MICHAEL LAROSA: If when Lesley took title to it,
6 they owned the property next door and was considered merged,
7 then the subdivision either would have had to occur before
8 these folks took title to it, or it was an illegal
9 subdivision by Lesley when they deeded it.

10 JIM MONTEVERDE: Yeah. That's why when I look at
11 the -- I think there is two --

12 MICHAEL LAROSA: I don't know how old that plan is
13 that we're looking at.

14 JIM MONTEVERDE: Yeah. I think there are two plot
15 plans, and they both sure as heck look like -- although it
16 says formerly -- now "formerly Lesley College" it does seem
17 to split it all up into a series of lots.

18 Again, now we're, "formerly Lesley College" as if
19 it's been as of the date of this drawing, which I think was
20 a while ago -- it's already been split up.

21 It's been -- as of the date of this drawing, which
22 I think was a while ago -- it's already been split up.

1 VIRGINIA KEESLER: Uh --

2 JIM MONTEVERDE: Let me just find it.

3 VIRGINIA KEESLER: Is there a differentiation
4 between, like, tax lots versus zoning lots or something like
5 that?

6 MICHAEL LAROSA: Not really.

7 VIRGINIA KEESLER: Hm.

8 MICHAEL LAROSA: So it's weird. The doctrine of
9 merger is basically if you have a nonconforming structure on
10 a lot and then you have a lot next door that makes it
11 conforming --

12 JIM MONTEVERDE: All right.

13 MICHAEL LAROSA: -- they're deemed merged. You
14 can't have your cake and eat it too, basically. You can't
15 have a lot with a nonconforming house and then have, like, a
16 vacant lot next to it that would make it conform but keep it
17 separate. I know that's, like, bare-bone's try at an
18 explanation. But --

19 JIM MONTEVERDE: Yep.

20 MICHAEL LAROSA: That's what the idea behind it
21 is.

22 JIM MONTEVERDE: Yeah. If the advice we're

1 getting from our ISD rep is it's listed as, you know, the
2 subdivision relief, we can go ahead and grant that, frankly,
3 if they already have it, it doesn't make a difference.

4 And if they actually need it, to do the rest of
5 this, if we're going to go ahead with the rest of this, we
6 could grant it.

7 Okay. Confusing as that might be, I will take my
8 stricken line out of the "to subdivide a preexisting lot"
9 and I will leave that portion of the relief in there.

10 Now, let me just go back to the correspondence
11 before we open it up to public comment. It is a full moon
12 answer.

13 We have a copy of e-mail from Liya -- Liya Rong,
14 dated June 24, 2022 basically saying that you, the
15 proponent, will have the support for your project. And what
16 you described in your letter to Liya is you're applying to
17 the City to finish the basement and convert the lower level
18 into an apartment.

19 And then we're provided with 1,2,3,4,5,6 addresses
20 that surround the lot either across the street, adjacent to
21 it, or behind it. 23 Mellen, 27 Mellen, 24 Mellen, 1618
22 Wendell, 20 Wendell, 22 Wendell with an accompanying legal

1 document that is under a paragraph under "Buyer and Seller
2 Mutual Acknowledgment."

3 And I've underlined the portion of this. The
4 portion of this is highlighted. It says, "The Seller
5 acknowledges having been informed that the Buyer of the
6 premises intends (at some point in the future) to finish the
7 basement of the existing building to add more living area
8 with potentially another unit in the lower level to provide
9 additional rental housing in the neighborhood; and the
10 Seller agrees not to unreasonably oppose these plans."

11 What I don't find -- I mean I understand that --
12 it basically says they wont unreasonably oppose, but I don't
13 see anything in the file from these 1,2,3,4,5,6 properties
14 that say they either approve or object. I don't see
15 anything.

16 So unless someone is going to call in for a
17 moment, I'm not entering these as either for or against,
18 although they're included in the file as if they're in
19 support. But I don't read it that way.

20 So a little confused there, but I'm not going to
21 enter those as in support.

22 With that, I'm going to open it to public comment.

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

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

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

11 [Pause]

12 We have no one calling in, so I will close public
13 testimony. Discussion among the Board members? Let me
14 encourage a discussion by asking you all if each of you find
15 that all of the conditions of the variance are met here, in
16 particular the hardship is owing to the circumstances
17 relating to the soil conditions, shape or topography of such
18 land or structure, and especially after such land or
19 structure, but not affecting generally the zoning district
20 in which it is located.

21 I'm having difficulty identifying the hardship
22 here, and therefore the request for the variance. Does

1 anybody else have any comments on this? Members of the
2 Board?

3 BILL BOEHM: Yes, Jim. I agree it might be hard
4 to state a hardship on those grounds. The way that the
5 proponent says it is, there's an increased demand for
6 affordable housing in the community, they want to finish
7 this basement. It's wasted if not.

8 This falls within a Basement Apartment Overlay
9 District in this part of the city; I was reading up a little
10 bit.

11 This project doesn't work with that Overlay,
12 because it's a four-unit building, and the Overlay applies
13 to larger buildings. There's a lot of larger apartment
14 buildings in here with basements that were considered
15 wasted.

16 And a few years ago, there was an overlay added
17 that allowed for those basement apartments in this very area
18 that are very much like this, what's being proposed, as a
19 way of acknowledging that it is kind of wasted space and we
20 do have a housing problem.

21 So although it's not stated by the proponent, I
22 would accept that this is similar enough to what the Overlay

1 -- Basement Overlay District sort of recognized and approved
2 and I would kind of be in favor of this proposal.

3 I will add that part of that Overlay District asks
4 the proponents to show how their apartments are not at risk
5 of flooding, or what they're doing to prevent it, which was
6 the basis of my earlier question.

7 JIM MONTEVERDE: Oh, okay.

8 BILL BOEHM: Anyway, so I'll leave it at that, but
9 I would say in general for the variance, I would accept that
10 kind of logic.

11 JIM MONTEVERDE: Yeah. Thank you. That was the
12 condition I was looking for in reading the proponent's
13 description; the increased demand for affordable housing,
14 although it doesn't say anywhere that this will be
15 affordable housing.

16 Just so to accommodate more tenants, especially
17 for students looking for affordable apartments near the
18 campus. So I would concur.

19 Anybody else have a comment for a verdict?

20 VIRGINIA KEESLER: I would just say I agree with
21 Bill, and I think that one can argue that there is hardship
22 based upon the existing structure and underutilization of

1 that structure.

2 DANIEL HIDALGO: Yeah. I agree, it's a little --
3 to me, it's a little bit of a stretch.

4 That said, I guess I think it would be really nice
5 to know if the subdivision existed or not, because if the
6 subdivision exists, then I could see an argument that, you
7 know, given the way the subdivision was created that, you
8 know, that makes it hard to utilize the building and okay,
9 that makes sense to me.

10 But -- so I'm going to sort of kind of assume that
11 the subdivision exists. And then I think I can go forward
12 with it on that basis. So that's what I'm thinking.

13 JIM MONTEVERDE: Okay. Is that everyone? Ready
14 for a motion?

15 [Pause]

16 Ready.

17 The Chair makes a motion to grant relief from the
18 requirements of the Ordinance under Sections -- let me read
19 through all of these -- it is Article 5 Section 5.31, the
20 Dimensional Requirements.

21 That has to do with the total gross floor area,
22 the lot area per dwelling unit, and the number of dwelling

1 -- well, number of dwelling units is next, but that's part
2 of it.

3 Conversion: again, that's from a three-family to
4 four-. Subdivision: We're back to subdividing what was a
5 merged lot with Lesley. Multifamily dwelling: 4.31.g
6 Section 82 -- 8.22.3, alteration of a nonconforming
7 structure.

8 And the requirements for a variance: And we're
9 saying that is met by the condition that or by the fact that
10 they're providing much needed housing in the neighborhood
11 and in the city.

12 On the condition that the work proposed conform to
13 the drawings entitled -- there is no title. I will call --
14 I will title this, "21 Mellen Street." The preparer is
15 unknown, and the date, I will use tonight's date.

16 So that's drawings entitled, "21 Mellen Street."
17 The preparer is unknown, dated 10/26/23, initialed and dated
18 by the Chair.

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

22 Board members let's please take a voice vote on

1 the motion to grant the relief. Bill?

2 BILL BOEHM: In favor.

3 JIM MONTEVERDE: Thank you. Virginia?

4 VIRGINIA KEESLER: In favor.

5 JIM MONTEVERDE: Thank you. Daniel?

6 DANIEL HIDALGO: In favor.

7 JIM MONTEVERDE: Thank you. Michael?

8 MICHAEL LAROSA: Reluctantly, but I think it's
9 kind of a stretch. And so, I'm going to go against.

10 JIM MONTEVERDE: Sorry, was that a yes or a no?

11 MICHAEL LAROSA: No. Not in favor.

12 JIM MONTEVERDE: That's a no. Okay. And Jim
13 Monteverde in favor.

14 [FOUR vote YES, ONE Vote NO]

15 JIM MONTEVERDE: The motion is carried, and the
16 variance is granted.

17

18

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1 * * * * *

2 (08:04 p.m.)

3 Sitting Members: Jim Monteverde, Virginia Keesler, William
4 Boehm, Daniel Fernando Hidalgo, and
5 Michael LaRosa

6 JIM MONTEVERDE: Next case is BZA-244314 -- 136-
7 138 Rindge Avenue.

8 ADAM GLASSMAN: Good evening, Mr. Chair, and
9 members of the Board. For the record, I'm Adam Glassman,
10 with GCD Architects at 17 Brattle Street, Unit 2 in
11 Cambridge.

12 I'm here representing the owner, Michael Driscoll,
13 seeking a special permit to increase an existing
14 nonconforming FAR and within a front and left side
15 nonconforming setback to remove an existing hip roof and
16 replace it with a mansard roof so we can utilize the third
17 floor.

18 The existing structure is a two-family. It will
19 be developing a structure into a larger two-family. The
20 first floor will be a duplex with a basement, and the second
21 floor will be a duplexed third floor, creating spaces
22 comfortable for modern living.

1 The proposed structure is maintaining the
2 character at the scale of the neighborhood. And we have
3 support from at least 11 abutters, and all those letters
4 should be in the file.

5 The project would create no adverse effects. No
6 nuisance or hazards. No negative impact on the abutting
7 uses, and there would be no impact on the existing traffic
8 or parking patterns.

9 Olivia, could we go to the slides?

10 This is a street view of the property, largely
11 overgrown. The property hasn't received much attention in a
12 very long time, so the work will include improving its
13 street presence.

14 I should also add that the work will remain -- our
15 building height will remain conforming. We're actually
16 lowering the roof height by about a foot.

17 Next slide, please?

18 The view on the left is a view of 136-138 Rindge
19 Ave building that we're seeking relief for in this
20 application. The view on the right is the building at the
21 rear of the lot, which is 140 Rindge Ave. We'll be talking
22 about that one next.

1 Next slide? Our locus map shows that the lot is
2 similar to our abutting structures on either side, our
3 abutting properties. But we have lots with multiple primary
4 buildings -- one closer to the street and one up against the
5 rear lot line.

6 Next slide, please.

7 This is the plan for our proposed curb cut, and
8 this was approved by the Zoning Board last month.

9 Next slide, please.

10 Our Zoning Legend describes our existing proposed
11 and required and conditions. Our existing FAR with both
12 properties -- on the Legend it says 0.69; I want to correct
13 that. It's actually 0.70.

14 The proposed FAR with both properties is a 0.88
15 and the required maximum in a Res B zone is 0.5. So this is
16 an existing nonconforming condition that we will be
17 increasing.

18 The lot size is conforming and there will be no
19 change. We are not adding any dwelling units, new dwelling
20 units or accessory dwelling units to the lot. The lot width
21 is conforming. Our front setback is existing nonconforming,
22 and between both properties, we have an existing

1 nonconforming setback on all sides, but for the front
2 property our right and rear setbacks are conforming.

3 Maximum height allowed is 35', and we will be
4 bringing our proposed height to a 31' from 32'. And the
5 required usable open space will remain conforming.

6 Next slide, please.

7 If you can -- yeah, thank you. So to the right is
8 actually the front. To the left is the rear. You can see
9 that we've got kind of a jogged property line, and therefore
10 the front structure is just barely nonconforming with the
11 yard setbacks. The front required setback of 15' just
12 barely cuts through the front of the house.

13 And actually our rear setback in the lower left-
14 hand corner of the front house you can see just clips the
15 back of the house there.

16 So the mansard roof addition would technically be
17 nonconforming with regard to these very minimal setback
18 violations.

19 Next slide, please?

20 Our existing useable open space, our existing
21 private open space, shows you've got 39 percent.

22 Next slide, please.

1 And with the proposed work, the front property is
2 not taking away from that. There is a reduction because of
3 the rear property, but our private open space -- for the
4 entire development, our private open space remains
5 conforming at 28 percent, and 20 percent is required.

6 All the new paving for the four parking spaces
7 will be pervious pavers. So we will not be adding any non
8 pervious surfaces to the lot.

9 Next slide, please?

10 These are our FAR calculations. We are not in any
11 projected flood zones according to the DPW Flood Finder
12 Maps. So we're not counting our basements in the FAR.

13 You can scroll through these.

14 Just more FAR backup. You can keep scrolling.

15 Yeah. That's the FAR backup for the rear of the
16 structure. We can keep going.

17 On the right side you see any section through the
18 proposed mansard; that's what we're basing our additional
19 FAR on.

20 Next slide, please.

21 We can scroll through this.

22 The next two pages just show the limit of our

1 demolition, and this was approved as -- or this was approved
2 by the Historic Commission.

3 Next slide, please.

4 We can go through this. This is all demo calcs.
5 We can go through this.

6 Next slide.

7 This is the hip roof in the front. It's very
8 difficult to utilize. Hip roofs often are, so we're
9 proposing the mansard over that structure.

10 Next slide, please?

11 The window pattern of the house remains mostly
12 unchanged. Our demo plans showing extensive
13 reconfigurations on the interior.

14 Next slide, please.

15 Roof demo showing the entire hip roof.

16 Next slide, please.

17 The profile of the proposed mansard relative to
18 the existing roof. It fills up the corners, or the ends and
19 drops the roof height by a foot.

20 Next slide, please.

21 Same. Same descriptions, just from the back and
22 the left side.

1 Next slide, please.

2 Our proposed mansard. It's actually keeping in
3 character with nearby homes -- similar two-family homes --
4 on Rindge Ave, one which was recently -- a very similar
5 project was approved by this Board. The scale of the house
6 remains mainly unchanged and relative to its abutters.

7 Next slide, please.

8 Additional views from the rear. The proposed
9 mansard and dormer windows.

10 Next slide, please.

11 Our new floor plans. We're creating a one- to a
12 three- bedroom unit. Again, no accessory apartment proposed
13 in the basement.

14 Next slide, please.

15 Our upstairs unit 2 also is a three-bedroom unit.
16 Rather modest, it's not oversized. You can comfortably
17 accommodate a young family.

18 Next slide, please.

19 And just our roof plan showing the top of the
20 mansard.

21 Next slide.

22 And here we have the proposed elevations, this

1 time with the -- superimposing the former or the existing
2 hip roof just to show the extent of the addition on the top.

3 Next slide, please.

4 Same thing from the rear, and the left elevations.

5 Next slide, please.

6 Okay. We can back up one. This is the next
7 project. So for these reasons, we're here seeking a special
8 permit. Happy to take any questions.

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

11 BILL BOEHM: I have a question for the architect.
12 You mentioned the Historic Commission had approved I think
13 the extent of demo. I just want to confirm this is not in a
14 Historic District or a Conservation?

15 ADAM GLASSMAN: That's correct. They agreed with
16 our calculations that our demo is limited. It does not
17 trigger Historic Commission review.

18 BILL BOEHM: Great. Thanks.

19 JIM MONTEVERDE: Any other questions from members
20 of the Board? No? I have one. And it's a little
21 complicated when we split up the two buildings on the one
22 parcel. But dealing just with the arithmetic for the floor

1 area for --

2 ADAM GLASSMAN: Mm-hm.

3 JIM MONTEVERDE: -- 136-138 --

4 ADAM GLASSMAN: Mm-hm.

5 JIM MONTEVERDE: And I think your Dimensional Form
6 if I understand correctly the existing gross square footage
7 of that structure is 29-2,934?

8 ADAM GLASSMAN: That's correct.

9 JIM MONTEVERDE: The requested is 3,576, correct?

10 ADAM GLASSMAN: That's correct, which means we'll
11 be adding 642 square feet.

12 JIM MONTEVERDE: Yep. And that's 21 percent add,
13 correct?

14 ADAM GLASSMAN: Correct.

15 JIM MONTEVERDE: Proportionally?

16 ADAM GLASSMAN: Correct.

17 JIM MONTEVERDE: Okay. All right. Thank you.

18 Any other questions from members of the Board? Otherwise, I
19 will open it to public commentary. Before I do that, I have
20 by my count 12 letters in support, none in objection. None
21 objecting. I will just go through and summarize.

22 I have October 18, Megan Calm (phonetic) - sorry,

1 3 Wilson Avenue, direct abutter, full favor; October 23 -- I
2 can't read the handwriting -- Leslie Lawrence, 24 Middlesex,
3 neighbor, support -- in support. And then that's two out of
4 the 12.

5 And then there's a form letter that we have 10 of,
6 all dated September 21, 2023. 20 Middlesex Elizabeth Derham
7 -- direct abutters, in support. Same letter September 19,
8 18 Middlesex, David Clemens, full support. September 25,
9 2023, owners of 141-143 Rindge full support. Can't read the
10 names of their signatures.

11 September 19, 2023, 3 Wilson Ave #3 in support;
12 September 19, 2023, 134 Rindge Avenue full support, James
13 Duniyak and Alison Stern-Duniyak; September 9, 2023,
14 Bernadette Brooten, in full support; September 18, 2023, 146
15 Rindge Avenue support.

16 September 21, 2023, 4 Wilson Avenue, Mary
17 O'Sullivan in support. September 25, 2023, 144 Rindge
18 Avenue, Kathleen McCarthy, full support.

19 Those are the letters in the file. So any member
20 of the public who wishes to speak should now click the icon
21 at the bottom of your Zoom screen 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 [Pause]

8 No one calling in. All right. I will close
9 public testimony. Any discussion from members of the Board?

10 VIRGINIA KEESLER: I would just say that since
11 there are a number of other houses in proximity to this
12 house that also have mansard roofs, I don't see the proposal
13 as impairing the integrity of the district.

14 I think it's fine, and in fact, and as is noted in
15 the application, the existing interiors are in bad shape,
16 and so, it sounds to me like this proposal is improving the
17 area and I don't take any issue with it.

18 JIM MONTEVERDE: Thank you. Anyone else?

19 MICHAEL LAROSA: Jim, I kind of concur with what
20 Virginia just said. My only question is, I'm curious why
21 we're doing these -- not separately, but like the FAR and
22 everything if they're all one lot and in common ownership.

1 Is that increase in FAR at the beginning for both or for
2 just the one front building?

3 ADAM GLASSMAN: The increase in area I gave you
4 was for both. If it was only for the front building, it
5 would go to a 0.81, not a 0.88.

6 MICHAEL LAROSA: Okay.

7 ADAM GLASSMAN: My thought was that -- you know,
8 these -- I thought these should be a single application
9 because of this reason. The Zoning Office, they determined
10 these should be two applications.

11 JIM MONTEVERDE: Right. So we play the hand that
12 we're dealt.

13 MICHAEL LAROSA: Okay.

14 ADAM GLASSMAN: I mean, it's all existing non --

15 JIM MONTEVERDE: Came to us as two buildings on
16 one lot, and they came in as separate cases. We'll just
17 take them that way.

18 MICHAEL LAROSA: Yeah, that's fine. Thank you for
19 clarifying.

20 JIM MONTEVERDE: Yeah. Any other discussion among
21 the Board members? No? I have one comment. I --
22 unfortunately I disagree with my -- and I'm -- I hope you

1 can convince me otherwise -- with the other Board members
2 who are saying the mansard of this one is consistent with
3 similar houses on the street.

4 I looked up and down the street, and some of the
5 side streets, and I see one other mansard that makes the
6 mansard really out of character, out of keeping; not only
7 that: larger, completes the larger FAR, et cetera.

8 So I don't favor the mansard approach. And I do
9 take exception to it. If anyone would like to convince me
10 -- any of the Board members would like to convince me
11 otherwise, please do. Otherwise, I would not be in support
12 of this.

13 MICHAEL LAROSA: Jim, I'm not going to fight to
14 convince you, but I will say up and down the street there's
15 a lot of gable roofs, but there's not really any --

16 JIM MONTEVERDE: Correct.

17 MICHAEL LAROSA: -- thing like this either. So
18 it's not like -- there are a couple of mansards, but I don't
19 think it's a far stretch from the existing view from the
20 street, I guess.

21 JIM MONTEVERDE: That's why it's --

22 MICHAEL LAROSA: That's just my opinion.

1 JIM MONTEVERDE: -- four out of five votes.

2 MICHAEL LAROSA: Yeah. No, that's just my
3 opinion.

4 JIM MONTEVERDE: No, that's fine.

5 BILL BOEHM: I'll just chime in here. I also
6 looked up and down the street and found the nearby mansard,
7 which looks relatively recent -- it looks pretty nice --
8 that Mr. Glassman said was approved by this Board.

9 I'm not sure that it matters in a way. I -- you
10 know, he's not a -- it's not like we're arguing for what's
11 the -- you know, this is the answer to the hardship or
12 something.

13 So then it becomes kind of a little bit of
14 personal taste. And so, I guess I am feeling like it's a
15 reasonable solution for improving this home.

16 You know, another likely one would have been to
17 have done a gable roof with long dormers, or as much dormer
18 as could be gotten away with on it, which would have been
19 maybe a more typical solution.

20 But I think that what's been proposed is not --
21 you know, egregious. And obviously the neighbors don't feel
22 that way, assuming the neighbors got to see the plans, which

1 is in some ways -- yeah. Anyways, that's -- I'll leave it
2 at that that I'm not concerned about the fact that there
3 aren't a lot of other mansards like this in the area.

4 JIM MONTEVERDE: Okay.

5 DANIEL HIDALGO: Yeah, I agree with Bill. I mean,
6 while I don't see it's not like chockablock full of mansards
7 everywhere, I do see that one that was recently developed.

8 And yeah, I guess I leave this to the fact that
9 the neighbors didn't complain and, you know, I think this
10 amounts more to a personal taste issue.

11 So I'm okay with it.

12 JIM MONTEVERDE: Okay.

13 ADAM GLASSMAN: Jim, could I just say --

14 JIM MONTEVERDE: Yep.

15 ADAM GLASSMAN: Since I want your vote, I -- and
16 if it makes you feel any better.

17 JIM MONTEVERDE: Nope. Whoa, whoa, whoa, whoa.
18 Wait one minute.

19 ADAM GLASSMAN: Oh.

20 JIM MONTEVERDE: Adam, that's you, right?

21 ADAM GLASSMAN: That's me. Sorry. Go.

22 JIM MONTEVERDE: Sorry. This is a discussion

1 among the Board members.

2 ADAM GLASSMAN: Oh.

3 JIM MONTEVERDE: So let us just --

4 ADAM GLASSMAN: Sorry.

5 JIM MONTEVERDE: -- chat amongst ourselves --

6 ADAM GLASSMAN: Okay.

7 JIM MONTEVERDE: -- and then we'll go to a motion.

8 ADAM GLASSMAN: Yeah.

9 JIM MONTEVERDE: Sorry. Any other discussion from
10 members of the Board? If not, I will make a motion -- and
11 this is a special permit. So I will weave those
12 requirements into the motion.

13 The Chair makes a motion to grant relief from the
14 requirements of the Ordinance under Sections 5.31,
15 Dimensional Requirements; 8.22.2.d Nonconforming Structure;
16 and 10.40 Special Permit on the condition that the work
17 proceed according to the drawings entitled, "136-138 Rindge
18 Avenue," prepared by GCD Architects, dated September 19,
19 2023, initialed and dated by the Chair.

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

1 And further, that the Board feels that the
2 criteria for a special permit have been met; specifically:

3 a) It appears the requirements of the ordinance
4 cannot or will not be met. Correct.

5 b) Traffic generated would cause congestion or
6 hazard. Will not.

7 c) Continued operation of or the development of
8 adjacent uses, as permitted in the -- would be adversely
9 affected.

10 d) Nuisance or hazard created to the detriment of
11 the health, safety, or welfare.

12 And e) for other reasons, the proposed use would
13 impair the integrity of the district or adjoining district.

14 On the motion, then, Board members please take a
15 look voice vote. On the motion to grant relief.

16 Michael?

17 MICHAEL LAROSA: In favor.

18 JIM MONTEVERDE: Daniel?

19 DANIEL HIDALGO: In favor.

20 JIM MONTEVERDE: Virginia?

21 VIRGINIA KEESLER: In favor.

22 JIM MONTEVERDE: Bill?

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BILL BOEHM: In favor.

JIM MONTEVERDE: And Jim Monteverde opposed.

[FOUR vote YES, ONE vote NO]

JIM MONTEVERDE: That's four votes in favor, one
opposed. The motion carries. Special permit is granted.

ADAM GLASSMAN: Thank you.

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(8:27 p.m.)

Sitting Members: Jim Monteverde, Virginia Keesler, William Boehm, Daniel Fernando Hidalgo, and Michael LaRosa

JIM MONTEVERDE: Next case -- right next door -- is 244597 -- 140 Rindge Avenue.

ADAM GLASSMAN: Thank you, Mr. Chair, and members of the Board. For the record, this is Adam Glassman of GCD Architects, at 17 Brown Street, Unit 2 in Cambridge, representing the owner, Mike Driscoll, seeking a special permit to raise an existing gable roof to achieve legal head height and add two 15' dormers to allow him to utilize his third floor to make his whole house comfortable and suitable for modern living.

It's a small house. It's a modest ask.

Olivia, maybe we can go to the floor plans for 140? Let's go -- let's go to the top. Let's go to the top. And I'll go through this quickly.

OLIVIA RATAY: The top?

ADAM GLASSMAN: Yeah. We should probably start with the site plans. Okay. Let's go to the cover page.

1 Thank you, Olivia.

2 Okay. This is the street view, and 140 is not
3 visible from the street, only 136-138.

4 Next slide, please, Olivia?

5 This is a view of 140 on the right; wildly
6 overgrown. And we are looking to rehabilitate this house
7 and make it suitable for human occupation.

8 Next slide, please?

9 This is our locus map. You can see the rear
10 structure, 140, is really wedged in there right between the
11 rear and the left side lot line, resulting in existing
12 nonconforming setbacks.

13 Next slide, please?

14 The curb cut drawings, which the Board has already
15 approved.

16 Next slide, please?

17 Our Zoning Relief Legend. What's pertinent to
18 this application is that we are, again, increasing our
19 existing nonconforming FAR and proposing to raise the roof
20 within the rear and right-side setbacks.

21 Next slide, please?

22 The No. 140, which is on the left side of this

1 plan, you can see how close it is to the lot lines. In
2 addition to raising the roof deck, dormers were also adding
3 -- proposing to add a second-story addition over an existing
4 one-story bump-out on the first floor.

5 Next slide, please?

6 Our private and usable open space is our existing
7 private and useable open space, it's conforming.

8 Next slide, please?

9 And our proposed private and useable open space
10 remains conforming.

11 Next slide, please?

12 Actually, we can sift through the FAR plans.

13 You can go to the -- yep, the next one. These are
14 the plans for 140. Again, the basement is not within the
15 projected flood zone, so there's no GFA in the basement.

16 Next slide, please?

17 And our calculations are here on the right.

18 Next slide, please?

19 Again, the demo calc pages approved by the Historic
20 Commission. We can go right through these. And we can go
21 through that, and we can look at the next slide.

22 The existing structure you can see looking at the

1 roof on the back. And on the lower rendering, you can see
2 that one story bump-out on the left side of 140.

3 Next slide, please? No, that's not it.

4 This slide you can see the proposed increase in
5 height, the gable roof and the 15' dormers. And on the
6 lower right-hand elevation you can see the one-story bump-
7 out being enlarged and becoming a two-story bump-out.

8 Next slide, please?

9 And more rendering -- more 3D views of the
10 proposed gable roof bump-out addition.

11 Next slide?

12 Let's keep going.

13 Next slide?

14 I think some of the slides may be out of order.
15 That's okay. So this shows the profile of the existing
16 structure and the extent to which we're raising it. The
17 building height remains nonconforming.

18 Next slide, please?

19 Next slide?

20 Next slide? Oh, no, I'm sorry. This is good.

21 Okay. No, my -- I'm sorry.

22 So you can see the -- on the left is the existing

1 basement.

2 On the right we have -- it's hard to say exactly
3 how these rooms are used. I suspect the room on the upper
4 left is really a kitchen with a living room and maybe a
5 study or maybe a bedroom on the first floor. The house has
6 been vacant for a very long time.

7 The stairway on the right up to the second floor.

8 Next slide, please?

9 Three bedrooms on the second floor, one very small
10 bathroom, and an unusable attic.

11 Next slide, please?

12 Our profile drawings showing the increase in roof
13 height and the enlarged bump-out addition on the side.

14 Next slide, please?

15 Again, the profiles.

16 Next slide, please?

17 The proposed floor plans -- modest, even with the
18 increase, the proposed increase in space. The first floor
19 we have kitchen and living room, half-bathroom and dining
20 room. The stairs will be rebuilt to the second floor to
21 create legal, safe, conforming stairs.

22 On the left side we'd be utilizing the basement

1 for a family room, a bedroom and a bathroom.

2 Next slide, please?

3 On the second floor, we have two more bedrooms,
4 two more bathrooms, and on the third floor would be the main
5 bedroom under the raised gable roof with dormers.

6 Next slide, please?

7 Our roof plan showing the dormers. A flat roof
8 over the left side bump-out addition and first floor deck.

9 Next slide, please?

10 The proposed elevations with the existing profiles
11 superimposed. You can see the change in scale and size.

12 Next slide, please?

13 Side view and left side view, or left side view
14 and right-side view showing the two dormer additions and the
15 left side the proposed bump-out.

16 Next slide?

17 Section diagrams, again showing the existing
18 profile superimposed.

19 Next slide, please?

20 It's a very small footprint. So really, the way
21 to convert this into a comfortable, functional single-family
22 is to go up.

1 Next slide, please?

2 And our Zoning Dimensional Form, which we can
3 review. And again, I'll say that we are seeking a special
4 permit. I would say we meet the criteria for a special
5 permit.

6 We are creating no adverse effects to our
7 neighbors or the community. No nuisance or hazards. No
8 impacts whatsoever to the existing uses of the abutting
9 lots, and no changes to existing traffic or parking
10 patterns.

11 And again, we have about 11 letters from our
12 neighbors supporting this proposal.

13 Happy to take any questions.

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

16 BILL BOEHM: Maybe a question for Jim or the
17 Zoning Staff as much as the architect. Because we're
18 combining the areas, or before we combined the two areas, we
19 don't really know the bump of each, or maybe the architect
20 does. But I think you do, you mentioned it last time.

21 But what is the maximum bump you can do in a
22 special permit, in an existing nonconforming before -- you

1 know, before you verge into a variance zone?

2 ADAM GLASSMAN: My understanding was that it's 25
3 percent for a conforming addition, but an increase in
4 nonconforming conditions -- they themselves not being
5 conforming modifications. Could remain a special permit.

6 BILL BOEHM: Okay.

7 JIM MONTEVERDE: Does that answer your question?

8 BILL BOEHM: That's the case in this one, is that
9 your increase is in the nonconforming location, so there's
10 no --

11 ADAM GLASSMAN: That's correct. We're not
12 proposing a conforming addition, we're increasing
13 nonconforming compliance.

14 JIM MONTEVERDE: Right. So it's the -- what's
15 already nonconforming is decreasing, and there's no new
16 nonconformance?

17 ADAM GLASSMAN: That's correct.

18 JIM MONTEVERDE: Great. That's the difference.

19 ADAM GLASSMAN: That's the difference.

20 JIM MONTEVERDE: There's really no limit in terms
21 of -- as best I know -- beside just we can wave our arms
22 gnash our teeth, depending -- you know, how big it got. I

1 don't believe there's a limit for that.

2 Does that answer your question, Bill?

3 BILL BOEHM: Yeah.

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

6 I have -- if I can, Adam -- just on the
7 dimensional form and what you're seeking relief for? The
8 Table of Dimensional Requirements, I think your addition is
9 in the rear yard setback. Again, we're talking about 140
10 range.

11 ADAM GLASSMAN: Correct.

12 JIM MONTEVERDE: Right? So the dimensional form,
13 it's 0.7' as opposed to 25'?

14 ADAM GLASSMAN: Right.

15 JIM MONTEVERDE: And I think it's the dormer is
16 noncompliant on your right-side setback?

17 ADAM GLASSMAN: Correct.

18 JIM MONTEVERDE: Correct? I think those are the
19 two that you need relief for. Correct?

20 ADAM GLASSMAN: Correct. I mean, this whole --
21 this whole house is within -- is inside the required setback
22 in the rear.

1 JIM MONTEVERDE: Right. Correct. Correct.

2 ADAM GLASSMAN: Yeah.

3 JIM MONTEVERDE: But the small addition that you
4 do basically just increases that, and that part --

5 ADAM GLASSMAN: Correct.

6 JIM MONTEVERDE: -- wouldn't grant the relief for
7 it?

8 ADAM GLASSMAN: Correct.

9 JIM MONTEVERDE: Yeah, okay.

10 ADAM GLASSMAN: Again, we're not creating any new
11 setback violations on any side.

12 JIM MONTEVERDE: Correct. Okay. Thank you. And
13 public comment? There are the same letters in the file,
14 letters that I summarized before were addressed to
15 concerning 136-138 and 140. So I've covered all of those
16 before under the previous soliloquies. And there are by my
17 count 12 in favor, none opposed.

18 With that, I'll open it up to public comment. Any
19 members of the public who wish to speak should now click the
20 icon at the bottom of your Zoom screen that says, "Raise
21 hand." If you are calling in by phone, you can raise your
22 hand by pressing *9 and unmute or mute by pressing *6.

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

6 [Pause]

7 No one has called in tonight. I'm crushed.
8 There's no one out there. So I will close public testimony.
9 Discussion among the Board members, or are we ready for a
10 motion?

11 BILL BOEHM: Yeah. Oh.

12 JIM MONTEVERDE: Discussion for a motion.

13 BILL BOEHM: No, no.

14 JIM MONTEVERDE: I'm sorry, Bill, did you have a
15 question?

16 BILL BOEHM: Well, discussion. So in my
17 understanding of the Dormer Guidelines, this is well outside
18 of what the Dormer Guidelines like to see. It doesn't meet
19 the threshold of being a by-right dormer, because you -- I
20 think that you're allowed one 15' dormer, and I think you're
21 also expected to have windows -- a certain percentage of
22 windows in your dormers.

1 And if I get this right, one of these dormers has
2 no windows at all.

3 ADAM GLASSMAN: That's correct. So in the past,
4 when we --

5 BILL BOEHM: Sorry. Hold on, Adam -- sorry, Adam
6 --

7 ADAM GLASSMAN: Sure.

8 BILL BOEHM: -- this is discussion among members
9 first.

10 ADAM GLASSMAN: Yeah. Oh, okay.

11 JIM MONTEVERDE: Yeah, so in previous Boards have
12 interpreted the Dormer Guidelines to allow 15' of dormer per
13 side, assuming it's a gable roof. God forbid it's a hip and
14 you can do it four times. But that's the way it's been
15 interpreted before.

16 So if we want to be consistent with that, it's not
17 clear. I don't think it's clear in the Dormer Guidelines
18 for the piece that got added into the Ordinance. Although
19 I'd be happy -- let me see if I -- I don't think I have it
20 with me, I'll just read it, quote from it.

21 So previous Boards have said it's 15' per side,
22 which is why I'm anxious, Bill, in our endeavors to request

1 this to the Ordinance be clarified, redrafted, et cetera to
2 give more specificity to that, so we're just casting about.
3 But that's my understanding.

4 BILL BOEHM: How about the no windows in the
5 entire face of the dormer? Have previous Boards also been
6 comfortable with that?

7 JIM MONTEVERDE: You know, truthfully, I think
8 those have been few and far between, and I think as a matter
9 of circumstance in terms of where it's located, we've
10 allowed those as well.

11 Again, if it fits the particular circumstance, the
12 particular location, particular use.

13 BILL BOEHM: Okay. My concern is other
14 architects, proponents listening in hear this and now have a
15 different understanding of what's permitted and what's not
16 permitted.

17 JIM MONTEVERDE: That's what happens when the
18 Ordinance is fuzzy, right?

19 BILL BOEHM: I'm happy to hear the architect's
20 viewpoint on this, if --

21 ADAM GLASSMAN: Thank you. So I have been doing
22 dormers in front of this Board for a long time. And the

1 Dormer Guidelines, which are guidelines, do call for 15'
2 dormers per side. It's the max allowable, 30' total per
3 building.

4 While the Guidelines prefer to see 50 percent of
5 each dormer to be windows or associated window trims, when
6 we have a dormer within three feet of a lot line, where no
7 windows are allowed, we've been allowed to construct a
8 dormer.

9 But, you know, I've always paneled it in some way
10 to give it some kind of aesthetic as opposed to a blank
11 wall. And this wall can't be seen from the street.

12 So I don't think this is a slippery slope with
13 other cases. Every lot is different. And the one that the
14 Board has always held to is 15'.

15 BILL BOEHM: Okay. I'm looking at the Guideline
16 right now, and it says, "In general, dormer should not
17 exceed 15' or half the main roof's length, whichever is
18 shorter." So I don't -- if paired, the combined length
19 should not exceed 15'.

20 So while I don't disagree with you that previous
21 Boards may have decided it's fine, you're telling me that
22 the Guidelines say you're allowed to do them on both sides?

1 I don't see that.

2 ADAM GLASSMAN: Well, there's 8.22.1 or 22.2 --
3 maybe Olivia can help with this. But it does say that --
4 the Zoning Code does say that if you are not over your FAR,
5 you may construct one 15' dormer by right within a setback.

6 The second dormer would require -- the second 15'
7 dormer would require zoning relief.

8 And if you are over your FAR, both dormers would
9 require zoning relief. But the two dormer -- the double 15'
10 dormer -- is cited in the code, and that's been -- yeah, the
11 history of dormer applications to this Board for a very long
12 time.

13 JIM MONTEVERDE: Yeah. No, I understand that.
14 I'm reading -- I have a -- I made a copy of the 8.22.1.h,
15 which I think may be what you're referring to.

16 And under the Dormers -- and I have read this
17 several times and scratched my head, but it's "additions to
18 a structure nonconforming to the requirements for Article 5
19 provided that no nonconforming element or aspect of the
20 nonconforming structure is extended or increased.

21 "Further, provided that to the nonconforming
22 structure is not thereby increased in area or volume by more

1 than 10 percent, since the structures first became
2 nonconforming."

3 And then it goes on further.

4 "Construction of a dormer or an addition to a
5 nonconforming one- or two-family dwelling, which further
6 violates the yard and height requirements [indiscernible]
7 but no other requirements, including FAR in the following
8 cases: Dormer additions to the second story that does not
9 extend horizontally beyond the vertical walls of the
10 existing first floor of the structure."

11 The other one that you're referring to that talks
12 about no longer than 15' are really dormers on the third
13 story, which isn't the case here.

14 ADAM GLASSMAN: Well, this is the third story.

15 JIM MONTEVERDE: Oh, I'm sorry. Yes, correct. I
16 always thought that thing was so de minimis it didn't have a
17 third floor.

18 Yeah, it says, "Dormer on the third story no more
19 than 15'. It does not extend horizontally beyond the
20 vertical walls of the existing second floor, nor above-grade
21 the existing ridge, provided that the total linear length of
22 all dormers on the third story of the building after

1 issuance of the permit authorized by this subparagraph does
2 not exceed 15'."

3 Doesn't. Does not say per side. It just
4 says, "15'."

5 ADAM GLASSMAN: You know, I don't know if this is
6 helpful to say in front of a relatively new Board. I would
7 just say that the previous Boards in the spirit of fairness
8 basically decided we'll give people two 15' dormers, or they
9 can subdivide those dormers in any way they want, as long as
10 they don't exceed 15' per side, or 30' maximum.

11 There are so many dormer applications that -- I
12 mean, it's become kind of, you know, as an architect I'm not
13 allowed to promise anybody anything at the Zoning Board, but
14 the one thing I've been able to say is they'll give you your
15 two 15' dormers as long as you're not impacting any abutters
16 in a negative way.

17 JIM MONTEVERDE: Yeah. Again, members of the
18 Board, just previous Boards I have sat on have in fact
19 allowed exactly that. So at this point, I would not not
20 allow it, and I think Bill, to that point, that's why I'm
21 interested in proposing some new language that the City
22 Council can opine on to clarify or modify the Dormer

1 Guidelines or make them part of the Ordinance, to avoid this
2 issue.

3 Previous Boards have allowed it on both sides.
4 I'll leave it at that.

5 Any other discussion among members of the Board?
6 I'll make a motion, then.

7 The Chair makes a motion to grant relief from the
8 requirements of the Ordinance under Sections 5.31, Table of
9 Dimensional Requirements. That's specifically the -- and
10 again, we're talking about 140 Rindge Avenue -- specifically
11 the small addition that intrudes on the rear yard setback
12 and the dormer on the -- intrudes on the right-side setback.
13 And articles 8.22 or Sections 8.22.2.d and 8.22.2.c, a
14 special permit.

15 Special permit conditions I believe are met. It
16 appears that the requirements of the Ordinance cannot or
17 will not be met.

18 Traffic generated would not congestion, hazard, or
19 substantial change. No.

20 Continued operation of the development of the
21 adjacent uses would be adversely affected. No.

22 Nuisance or hazard created to the detriment of the

1 health, safety, or welfare. No.

2 And for other reasons, would impair the integrity
3 of the district or adjoining district. I think the answer
4 to that one is no.

5 So on -- and I think we comply with all the
6 requirements for the special permit.

7 On the condition that the work proposed conforms
8 to the drawings entitled "140 Rindge Avenue," prepared by
9 GCD Architects, dated September 19, 2023, initialed and
10 dated by the Chair.

11 And further, that we incorporate the supporting
12 statements and dimensional forms submitted as part of the
13 application. Board members, take a voice vote.

14 On the motion, then, to grant relief?

15 Bill?

16 BILL BOEHM: In favor.

17 JIM MONTEVERDE: Virginia?

18 VIRGINIA KEESLER: In favor.

19 JIM MONTEVERDE: Daniel?

20 DANIEL HIDALGO: In favor.

21 JIM MONTEVERDE: Michael?

22 MICHAEL LAROSA: In favor.

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JIM MONTEVERDE: And Jim Monteverde in favor.

[All vote YES]

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

ADAM GLASSMAN: Thank you very much. Goodnight.

JIM MONTEVERDE: Goodnight.

1 * * * * *

2 (8:55 p.m.)

3 Sitting Members: Jim Monteverde, Virginia Keesler, William
4 Boehm, Daniel Fernando Hidalgo, and
5 Michael LaRosa

6 JIM MONTEVERDE: And last, we've BZA 242825 -- 5
7 Craigie Circle. Is there anyone who wishes to speak?

8 UNIDENTIFIED SPEAKER: Should I start?

9 JIM MONTEVERDE: Depends. Can you give us your
10 name?

11 STANISLAS HILBERT: Hi. My name is Stan Hilbert.
12 I'm the owner of Forage at 5 Craigie Circle in Cambridge.

13 JIM MONTEVERDE: Yep. Are you the proponent here?

14 STANISLAS HILBERT: I am.

15 JIM MONTEVERDE: Okay. Very good. Tell us what
16 you'd like to do.

17 STANISLAS HILBERT: Well I'd like to move the
18 patio that I have right now on the parking lot that's in
19 front of the restaurant, or across from the entrance of the
20 restaurant -- I should say -- to the front of the restaurant
21 where there's landscaping currently.

22 Make the structure -- build a nicer structure, a

1 permanent structure, and reduce the seating capacity, and
2 also reduce the size of the patio itself.

3 So add -- you know, add something permanent there,
4 as you can see on the pictures -- bring it up to something
5 that looks definitely a little bit nicer than what we have
6 currently that we used during COVID for the past -- well,
7 during the -- since the pandemic for the past three years.

8 Unfortunately, I don't think I included any
9 pictures of the current patio, which I probably should have,
10 but it's -- if you're looking at that picture right there,
11 you would be -- the current patio would be to your back.

12 And the entrance to the restaurant -- so we would
13 be getting rid of that sign that's on the upper right, and
14 the signage, the board that's on the bottom left there.

15 And where all that shrubbage is, we'd be building
16 -- you know, paving that and building a little pergola above
17 it.

18 We'd be getting rid of that -- well, the sign,
19 we'd bring that and put it up front, and we'd be getting rid
20 of that light fixture and put lighting in place with the
21 pergola. And that's the side view from the -- from the
22 street where the brush is. Where the shrubs are now, we'd

1 be putting a little -- a wall there.

2 BILL BOEHM: And that's -- sorry, that's the
3 existing terrace that we see --

4 STANISLAS HILBERT: Oh, yeah, you can see -- yeah,
5 exactly. Perfect. Yeah. You can see the existing patio
6 there, the structure. So that's why -- as I was saying
7 earlier, I want to make something that's nicer and that's --
8 and that will be permanent.

9 The landlord -- you know, is okay with the patio,
10 but I would like to do something a little -- a lot nicer
11 than what we have now. Because that is kind of an eyesore,
12 so.

13 JIM MONTEVERDE: And do you have the landlord's
14 approval to make the --

15 STANISLAS HILBERT: I do.

16 JIM MONTEVERDE: -- improvements you're
17 proposing?

18 STANISLAS HILBERT: Yeah. Yeah, yeah, yeah.
19 There's been support.

20 JIM MONTEVERDE: Do we have that in the
21 correspondence?

22 STANISLAS HILBERT: I believe you do, yep. I

1 looked at all the attachments this morning; it's in there.

2 JIM MONTEVERDE: Can you tell me what name that's
3 under?

4 STANISLAS HILBERT: The attachment or the
5 landlord?

6 JIM MONTEVERDE: The landlord. There --

7 STANISLAS HILBERT: Stuart Rothman.

8 JIM MONTEVERDE: -- accepted.

9 STANISLAS HILBERT: G --

10 JIM MONTEVERDE: Oh, okay. Yeah.

11 MICHAEL LAROSA: I think the landlord signed the
12 application.

13 JIM MONTEVERDE: Yeah. That's why I was confused.
14 I thought I was waiting for Mr. Rothman to be the proponent.

15 STANISLAS HILBERT: Oh.

16 JIM MONTEVERDE: But that's okay. Because that's
17 what's listed on the agenda. And that's the letter that I
18 wrote. But as long as you have -- that's the letter that's
19 basically from the landlord, or shows their acceptance or
20 approval, that's great.

21 Okay. Anything else to present, or is that your
22 -- is that it?

1 STANISLAS HILBERT: No, I mean we -- no, I think
2 that's pretty much it. Everything's listed there.

3 Again, I want to say that we wanted to reduce the
4 size and make it nicer, bring -- you know, keep something
5 for the community for the people that do require outdoor
6 dining because for health conditions or other reasons.

7 And just really tie into our mission of being
8 there for the community, which we have been since we opened.
9 But it's really just adding another -- you know, another
10 dimension to that in terms of service.

11 JIM MONTEVERDE: Yep. Very good.

12 STANISLAS HILBERT: Are there --

13 JIM MONTEVERDE: Any questions?

14 STANISLAS HILBERT: Oh, sorry. Go ahead.

15 JIM MONTEVERDE: Thank you. Any questions from
16 members of the Board?

17 DANIEL HIDALGO: Yeah. So, you know, there's
18 quite a bit of support, though, you know, a lot of it seems
19 to come from people who aren't necessarily abutters,
20 including some people from other states.

21 So I'm curious about the -- how the -- you know,
22 what kind of feedback you're getting from the neighbors,

1 because it didn't -- at least from the documents I saw, we
2 had one from a Jimmy Cui or C-y- --

3 STANISLAS HILBERT: Yeah.

4 DANIEL HIDALGO: -- who has some concerns. And
5 so, I guess I just want to hear, you know, what -- can you
6 do anything to address his concerns, and/or do you -- have
7 you had any support from other abutters?

8 STANISLAS HILBERT: Well, I have support from I
9 think most abutters that I've talked to personally. When I
10 read Jimmy's letter, I was a little shocked to hear about
11 the drunken -- the drunken diners being loud after hours.

12 We do not have anybody seated there past 9:30. And
13 if you've ever eaten at Forage, you would know that our
14 clientele is generally, you know, 40 plus years old, if not
15 more than that.

16 So we -- you know the people that live around
17 there, we're not, you know, catering to a college crowd. We
18 don't -- I mean, yeah. So that's -- that kind of shocked
19 me. And we do our best to -- the place is super clean, we
20 have everything locked down -- again, at 9:30 at night. So
21 I was a little shocked by that.

22 But if you needed more support from the neighbors,

1 I could petition, you know, if it's helpful I could petition
2 night and knock on doors and do something in that sense.
3 But I know over the years I've had support from -- and
4 people that have come in for dinner that live in the
5 building as well. They've been nothing but supportive.

6 DANIEL HIDALGO: Yeah, I mean, it's just a little
7 hard to tell from the file right now what abutters think,
8 aside from this one -- from Jimmy.

9 STANISLAS HILBERT: Yeah, I know. I was hoping to
10 get more. You know, I did send out some e-mails. And the
11 giant poster was in front of the restaurant for the past two
12 weeks. So I was hoping that more people, you know, would be
13 vocal about it in support or not for that matter.

14 But I don't know, I guess people don't want to
15 take the time to be as supportive as I would hope.

16 BILL BOEHM: May I ask? So there's a sign --

17 JIM MONTEVERDE: That's all right. Go ahead,
18 Bill.

19 BILL BOEHM: Yeah, there was a sign put up, and
20 abutting owners got sent notices by mail, but does that
21 include -- in the buildings are they mostly renters? And
22 are they not --

1 STANISLAS HILBERT: They're all -- yeah, they're
2 all renters of the building. The owners -- I know the
3 owners that live next door, the Shells; the owners that live
4 on the other side: Katia (phonetic), who's the Headmaster
5 for the BB&N. The folks across the street I've known since
6 we opened as well, so they've never expressed any concern.

7 I mean, you wouldn't know about it working for the
8 town, I guess. You would go through our record, and we've
9 never had any, you know, any issue with the City over the
10 law, or with anything of that sort.

11 BILL BOEHM: So your neighbors have been aware of
12 what's going on based on the sign board that was put up,
13 maybe word of mouth out but --

14 STANISLAS HILBERT: Yeah. And based on our e-
15 mails, because we have an e-mail list that would include --
16 I'm assuming would include those -- all the neighbors, and
17 we're pretty clear about it when I sent out an e-mail to all
18 our guests and previous guests, like, "Okay, this is what's
19 happening, we're having a hearing." And, you know, that's
20 probably why you got some e-mails from out of state, from
21 people supporting us.

22 Everybody -- yeah, everybody knows. I mean, it's

1 -- the patio has been there, so if they would -- if they
2 would be opposed to it, I'm assuming they would have
3 complained about it by now, right? And if anything, this
4 patio is going to look nicer. It's going to be smaller.

5 And, I don't know, I think it will be a nicer
6 place to dine at than what we have now.

7 So I only -- for me, I only see improvement. But
8 again, I'm biased.

9 JIM MONTEVERDE: It's more about the procedure, I
10 think. But we don't doubt what you're saying. And we have
11 the 20 --

12 STANISLAS HILBERT: Yeah, of course, no I get it.
13 --

14 JIM MONTEVERDE: -- plus letters in the file, and
15 we can see the outreach that you -- was made to the -- I
16 think the Forage Patrons. It's more about making the
17 attempt to reach out -- not the attempt, but reaching out to
18 the direct abutters to make sure that they have a chance to
19 understand what's happening --

20 STANISLAS HILBERT: Sure.

21 JIM MONTEVERDE: -- they're notified that
22 something's going to happen, and they have the opportunity

1 to raise any questions or concerns or speak up in support.
2 So, again, that's just part of the process. We don't doubt
3 what you're telling us.

4 STANISLAS HILBERT: Yeah. I mean, I've had that
5 giant poster and directly in front of the -- you know, the
6 menu board that we have.

7 So every single -- I know because I'm there often,
8 I see every tenant that walks by and look at it and they
9 read it, so I'm thinking they would have raised concern if
10 they had any, just like Jimmy did. Or I would have hoped
11 for more support -- again, you know, but.

12 JIM MONTEVERDE: Okay. Any other questions from
13 members of the Board?

14 VIRGINIA KEESLER: Given that you're seeking a
15 variance, I was just hoping you could speak in a little more
16 detail as to why this location is preferable for your patio
17 versus where it exists currently?

18 STANISLAS HILBERT: Just for -- oh, answer the
19 question. It's preferable aesthetically, I think. It's
20 also preferable for the staff, though it'll be safer for
21 them to not have to cross the parking lot.

22 It will be safer for the people living at -- in

1 the residence of 57 Craigie. It'll be safer for the --
2 really, it's just I think a more -- it's just safer, because
3 we won't be walking back and forth. There's not going to be
4 a patio there blocking the entrance -- well, it's not really
5 blocking but it'll essentially be back to normal the way it
6 was before in terms of the parking lot.

7 And for the staff too it'll be a little easier to
8 manage for us not to have to walk back and forth.

9 And also, it's --

10 JIM MONTEVERDE: Thank you.

11 STANISLAS HILBERT: -- it just, I don't know for
12 me it's hard to explain, but it ties in -- looking at it
13 now, it just ties in more to the aesthetic of the
14 restaurant, because it'll be physically part of it is right
15 -- it'll be right there.

16 I don't know if you've ever been to that location,
17 but it's kind of quirky that you go down to the basement
18 there, so it'll just be a few extra steps for us to get up
19 there, versus now you have to do 20 steps to get to the
20 other side of the parking lot.

21 And also, it'll free up some parking spaces for
22 our guests, too. So that's a plus.

1 JIM MONTEVERDE: Yeah. And I think the safety
2 component for staff and anybody else who's got to cross the
3 parking lot to get to --

4 STANISLAS HILBERT: Yeah.

5 JIM MONTEVERDE: -- the restaurant itself is an
6 important component.

7 Any other questions from members of the Board?

8 BILL BOEHM: Not a question but just a comment. I
9 feel like we apparently don't have the policy of notifying
10 abutting renters, which I would question as a City policy.

11 We also don't have a policy of requiring
12 proponents to notify people that -- you know, personally.
13 The outreach that was done was extensive, although it was to
14 clientele. But all in all, I feel comfortable.

15 I'm just going to say I feel comfortable with the
16 help of based on the rave support from longtime clientele
17 and no apparent concern except for one person, who I --
18 yeah, that's my feeling.

19 JIM MONTEVERDE: Yeah. Thank you, Bill. Any
20 other questions?

21 MICHAEL LAROSA: I just have a -- I'm trying to
22 figure out from the building, so is this patio going to be

1 right in front of residential unit windows?

2 STANISLAS HILBERT: No, because the restaurant --
3 so if you look at the bottom right of the drawing, you know,
4 you've got those three figurines there?

5 MICHAEL LAROSA: Yeah.

6 STANISLAS HILBERT: Those windows don't actually
7 exist. The person -- I know it's kind of weird, I don't
8 know why they drew those there; there's nobody living in
9 those windows. Even if you look on the other drawings, the
10 architect screwed that one up, because that's where the
11 restaurant is. It's in a half basement.

12 So the person directly living above them -- it's
13 actually a little bit better than what we have now, because
14 the patio we have now, there's people living -- in this case
15 directly next to it. In this case, there's just somebody
16 living above it.

17 Oh, yeah, there you go. So you see those windows;
18 the patio would come up to where those windows are. So it
19 would just be adjacent to that one neighbor, who we know.
20 And I could get her to weigh in, if I -- actually, now I
21 just feel stupid not reaching -- you know, not having those
22 letters, now that you mentioned this earlier, to not having

1 those letters in support. But --

2 MICHAEL LAROSA: Yeah, it's -- I'm not questioning
3 your intentions, I'm just -- it's I'm just trying to weigh
4 it out. It's a very --

5 STANISLAS HILBERT: Yeah.

6 MICHAEL LAROSA: -- residential neighborhood.

7 STANISLAS HILBERT: Yeah. For sure.

8 MICHAEL LAROSA: All of a sudden, have a patio
9 until 9:30 at night.

10 STANISLAS HILBERT: But they have. In this case,
11 I mean the patio has been there for three years. And as I
12 said, it would have -- you know, you would have heard -- I
13 think you would have heard about it by now many times if it
14 had been a real, real issue for people. So.

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

17 I will not attempt to read the correspondence we
18 have in the file, except to say that there are 20 plus
19 pieces of correspondence in the file. Most of them are in
20 the electronic files. So anyone can access them that are in
21 favor.

22 I think we heard before there was one who had some

1 objection. But the majority those -- all of those 20 that I
2 referred to are in favor.

3 I'll open the matter up to public comment. Any
4 members of the public who wish to speak should now click the
5 icon at the bottom of your Zoom screen that says, "Raise
6 hand."

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

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

14 OLIVIA RATAY: Meghan?

15 MEGHAN: Can you hear me?

16 JIM MONTEVERDE: Yep. Can you state your name?

17 MEGHAN BRUNDAGE: Yes. It's Meghan Brundage. I'm
18 a resident at Craigie Circle.

19 JIM MONTEVERDE: Okay. Thank you. Thanks for
20 calling in.

21 MEGHAN BRUNDAGE: Yeah. I appreciate it. Let me
22 just start by simply saying I don't think that it's fair

1 that the residents that live here have had an opportunity to
2 represent their feelings. It has been quite an encroachment
3 in the past three years to have such a visual and safety
4 problem at the quite narrow entrance to our building.

5 And yes, like one of your Board members said,
6 otherwise what used to be an incredibly quiet neighborhood
7 as far as up to a mile away from other businesses or
8 restaurants, this is not Harvard Square.

9 I have witnessed almost near accidents many times
10 over the years that that patio has obstructed the front of
11 our narrow building entrance from cars, bicyclists,
12 pedestrians.

13 I absolutely agree that the noise nuisance from
14 loud patrons at night has been a horrible disruption of our
15 quiet enjoyment of the place that we live. It is simply not
16 true that patrons leave at 9:30. They linger well past 10:
17 00 p.m., 11:00 p.m., even later sometimes, as if it were
18 Harvard Square.

19 And their noise -- and they are often, of course,
20 very happy with the wine they've been drinking. This echos
21 around our building, often waking us up.

22 I cannot see how the outside patio in the new

1 location proposed would improve any of those circumstances,
2 and I -- you can see clearly in this picture still up that
3 of course it would absolutely obstruct residential windows.

4 But importantly, it would also obstruct the safe
5 entry and exit to this area, which is what has caused -- or
6 almost caused -- numerous accidents that I've been able to
7 see over the years from passersby. There's just not enough
8 room for something like this.

9 And I'm happy to answer other questions, but I
10 just want to emphasize I don't think the residents are aware
11 that this is happening.

12 And there is not a gigantic sign. There's a
13 little sign on otherwise what is the restaurant menu board,
14 that, if you're not going to eat there, you don't look at.

15 So I'm quite sure that most of us that live here
16 aren't aware this is happening.

17 JIM MONTEVERDE: All right. Thank you for your
18 comments. Do we have anyone else calling in?

19 [Pause]

20 Okay. I will close public testimony. Any
21 discussion from members of the Board? Although there are
22 only two, I guess of the 20 plus in favor, who have spoken

1 -- raised some concern -- I do have a procedural concern
2 that the abutters, and if those be the apartment tenants
3 adjacent to the use -- that there hasn't been an outreach to
4 them to appraise them, share with them what the plan is for
5 the change and to solicit their opinion or give them the
6 opportunity to write to the Board and state their either
7 support or concerns.

8 So I could understand that all the patrons who
9 have written to us are in support, I'm just concerned about
10 the immediate residents.

11 Any other Board members have any other comment,
12 discussion?

13 DANIEL HIDALGO: Yeah, I agree with you, Jim. I
14 mean, one thing I think it's important to have in mind I
15 guess is the status quo, they may not like the status quo,
16 so to me I'd be very interested in the abutters' opinion.

17 Maybe they don't like any kind of -- any kind of
18 patio or service, but if -- I guess I want to know is the
19 proposal going to be an improvement from their perspective?

20 And without more, you know, outreach to the direct
21 abutters, whether they be renters or owners, I feel a little
22 uncomfortable, you know, with this at this stage.

1 JIM MONTEVERDE: So that would be two of us
2 concerned. If those were to turn into two votes against,
3 you wouldn't pass as the variance. So anyone else having
4 those same concerns or other concerns? Any Board member?

5 BILL BOEHM: Yes, I am now, having heard the
6 abutter speak. It makes me think twice about my earlier
7 statement, and spoke too soon, and I agree that this sounds
8 like a concern to at least that neighbor, and that's
9 significant.

10 So I share Daniel's and your concern, Jim.

11 JIM MONTEVERDE: Okay. So I think Stan --

12 STANISLAS HILBERT: Yes.

13 JIM MONTEVERDE: -- Hilbert, that tea leaves you
14 would say at the moment probably don't have the votes to
15 grant you the variance --

16 STANISLAS HILBERT: So I -- what I don't
17 understand --

18 JIM MONTEVERDE: -- if we go to a vote.

19 STANISLAS HILBERT: -- so I -- the min--

20 JIM MONTEVERDE: Let me finish, please.

21 STANISLAS HILBERT: Oh, yeah, sorry.

22 JIM MONTEVERDE: So I think the opportunity is to

1 continue this hearing and give you the opportunity to reach
2 out specifically to the abutters. And I'm looking at the
3 map that's in the file. And that would be folks across the
4 street and within the apartment complex itself.

5 Reach out to them, please. Set up a time that you
6 can get together with them ideally and present what your
7 proposal is and give them the opportunity to respond to ISD
8 and the Zoning Board in correspondence, so we can get their
9 opinions as well as all of you -- I think we have an --
10 you're certainly free to get more of the folks you've
11 already reached out to and the patrons of the restaurant.
12 But I think we have that, and we see their support.

13 We'd like to get the abutters' sense of things and
14 see what concerns there might be or how prevalent that might
15 be.

16 So I think your choice tonight is we either go
17 forward -- and it looks like the variance would be denied --
18 in which case you can't come back for two years.

19 I -- if you're denied, you can't come back for two
20 years without a -- unless the proposal is distinctly
21 different than the one that you're asking for relief for
22 here -- or we can continue this and give you the opportunity

1 to reach out to the abutters.

2 STANISLAS HILBERT: Sounds like a plan. I like
3 the option number 2.

4 JIM MONTEVERDE: The continuance?

5 STANISLAS HILBERT: Yeah. [Laughter]

6 JIM MONTEVERDE: And that's November 30. So let
7 me just do what I have to do here, and we'll -- and then I'm
8 happy to answer any of your questions. So I'm going to
9 continue this.

10 Let me make a motion to continue this matter to
11 November 30, 2023, on the condition that the petitioner
12 change the posting sign to reflect the new date of November
13 30, 2023 and the new time of 6:00 p.m.

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

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

22 Also, that if there are any new submittals,

1 changes to the drawings, dimensional forms, or any
2 supporting statements -- specifically correspondence from
3 abutters -- that those be in the file by 5:00 p.m. on the
4 Monday prior to the continued meeting date.

5 On the motion to continue this matter until
6 November 30, 2023, by a voice vote of the Board members,
7 please?

8 Bill?

9 BILL BOEHM: Bill Boehm in favor.

10 JIM MONTEVERDE: Virginia?

11 VIRGINIA KEESLER: In favor.

12 JIM MONTEVERDE: Daniel?

13 DANIEL HIDALGO: In favor.

14 JIM MONTEVERDE: And Michael?

15 MICHAEL LAROSA: In favor.

16 JIM MONTEVERDE: And Jim Monteverde in favor.

17 [All vote YES]

18 JIM MONTEVERDE: The case is continued.

19 Now, stan, did you have a question?

20 STANISLAS HILBERT: No.

21 JIM MONTEVERDE: Okay.

22 STANISLAS HILBERT: So I guess I do. I would --

1 so you would want me to reach out to each abutter
2 individually and get a letter stating that they were
3 notified or to have a letter of support from them?

4 JIM MONTEVERDE: What's the process?

5 STANISLAS HILBERT: Well, how would -- yeah,
6 because how would you know that -- I mean the sign, that's
7 what kills me --

8 JIM MONTEVERDE: It's really -- it's really for
9 you to decide how --

10 STANISLAS HILBERT: Okay.

11 JIM MONTEVERDE: -- you want to reach out to those
12 --

13 STANISLAS HILBERT: Yeah. I'll just -- I mean --

14 JIM MONTEVERDE: Yeah. We just -- again, you've
15 heard the commentary from different members of the Board,
16 concerned that --

17 STANISLAS HILBERT: Well, I know Meghan well, so,
18 like, I'm not surprised --

19 JIM MONTEVERDE: -- correspondence is all from
20 patrons of the restaurant, not those that are living around
21 it.

22 STANISLAS HILBERT: Yeah.

1 JIM MONTEVERDE: So please reach out in any way
2 you can. I mean, in other cases, other proponents have had
3 -- you know, they have offered to -- they have set up a
4 meeting with abutters to basically explain the plan and
5 explain what they're trying to do, whether mailing or drop
6 off -- I'll leave that to you to figure out how you notify
7 them, please.

8 STANISLAS HILBERT: Okay.

9 JIM MONTEVERDE: Okay?

10 STANISLAS HILBERT: Thank you.

11 JIM MONTEVERDE: Yeah. All right. Board members,
12 that's it for this evening. Thank you very much for your
13 help.

14 STANISLAS HILBERT: Thank you.

15 COLLECTIVE: Thank you.

16 JIM MONTEVERDE: Enjoy Halloween. I'll see you.

17 STANISLAS HILBERT: Have a good night.

18 [9:21 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.

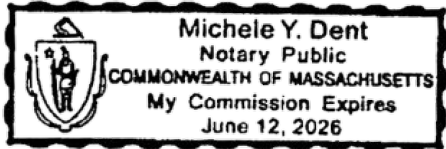
In witness whereof, I have hereunto set my hand this 21st day of November, 2023.



Notary Public

My commission expires:

June 12, 2026



A				
ability 136:7	70:16 80:17	77:16 81:2	64:20,22 69:16	anybody 7:13
able 17:8 108:14	accompanying	94:2,3 95:10	agree 69:3 70:20	69:1 70:19
128:6	66:22	96:13 97:8	71:2 88:5	108:13 117:12
above-grade	accurate 26:2	99:3,12 100:8	127:13 129:13	123:2
107:20	62:4 63:7	101:3 107:4	130:7	Anyway 70:8
above-mentio...	achieve 92:12	109:11	agreed 81:15	Anyways 88:1
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