

BOARD OF ZONING APPEAL
FOR THE
CITY OF CAMBRIDGE

GENERAL HEARING

THURSDAY DECEMBER 14, 2023

6:00 p.m.

Remote Meeting

via

831 Massachusetts Avenue
Cambridge, Massachusetts 02139

Jim Monteverde, Chair

Steven Ng, Vice Chair

Virginia Keesler

William Boehn

Thomas Miller

City Employees

Olivia Ratay



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P R O C E E D I N G S

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(6:00 p.m.)

Sitting Members: Jim Monteverde, Steven Ng, Virginia

Keesler, William Boehm, and Thomas Miller

JIM MONTEVERDE: Welcome to the November 30, 2023 meeting of the Cambridge Board of Zoning Appeal. My name is Jim Monteverde, and I am the Chair.

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

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

There will also be a transcript of the proceedings.

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

Members of the public will be kept on mute until it is time for public comment. I will give instructions for

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

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

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

8 OLIVIA RATAY: Steven Ng?

9 STEVEN NG: Present.

10 OLIVIA RATAY: Bill Boehm?

11 WILLIAM BOEHM: Present.

12 OLIVIA RATAY: Virginia Keesler?

13 VIRGINIA KEESLER: Present.

14 OLIVIA RATAY: Tom Miller?

15 THOMAS MILLER: Present.

16 OLIVIA RATAY: Jim Monteverde?

17 JIM MONTEVERDE: And Jim Monteverde present.

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(6:02 p.m.)

JIM MONTEVERDE: The first two cases tonight are continued cases that were started previously and not resolved.

Case Number 1, I am going to call is BZA-235827 -- 117 Chilton Street. Is there anyone here wishing to be heard on that case? No?

UNIDENTIFIED SPEAKER: No.

JIM MONTEVERDE: And it is being withdrawn. I'll make a motion. The Chair makes a motion to grant -- well, to accept the withdrawal of Case 235827 -- 117 Chilton Street. And by voice vote, please, Virginia?

VIRGINIA KEESLER: Concur.

JIM MONTEVERDE: That's good. Yep.

VIRGINIA KEESLER: In favor. There we go.

JIM MONTEVERDE: That's good.

VIRGINIA KEESLER: Long week.

JIM MONTEVERDE: That's good too. Bill?

BILL BOEHM: In favor.

JIM MONTEVERDE: Steven?

STEVEN NG: In favor.

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JIM MONTEVERDE: Thomas?

THOMAS MILLER: In favor.

JIM MONTEVERDE: And Jim Monteverde.

[All vote YES]

JIM MONTEVERDE: Case is withdrawn.

Do I have to sign this? Okay.

1 * * * * *

2 (6:04 p.m.)

3 Sitting Members: Jim Monteverde, Steven Ng, Virginia

4 Keesler, William Boehm, and Thomas Miller

5 JIM MONTEVERDE: Next case is BZA-245510 -- 45

6 Orchard Street. And we are -- rumor has it we have a letter
7 that asks us to continue this case. Just trying to find the
8 letter.

9 Oh, here we go. We have a letter dated November
10 17.

11 "We are requesting a change of date for the
12 December 14, 2023 continuance, as someone is scheduled for
13 surgery. Kindly schedule our continuance on the following
14 available dates: January 25 or February 8."

15 Are those open? So for January 25, are all the
16 members available?

17 Virginia?

18 VIRGINIA KEESLER: Yes, available.

19 JIM MONTEVERDE: Bill?

20 BILL BOEHM: Yes.

21 JIM MONTEVERDE: Steven?

22 STEVEN NG: Steven Ng will be available.

1 JIM MONTEVERDE: Thomas?

2 THOMAS MILLER: I'm available.

3 JIM MONTEVERDE: And Jim Monteverde, I will be
4 available. So the case is continued. Everyone can go have
5 dinner until 6:30.

6 STEVEN NG: Perfect.

7 JIM MONTEVERDE: I'll see you then.

8 COLLECTIVE: Thanks.

9 JIM MONTEVERDE: Yeah. Quickly. See you then.

10 [Pause]

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(6:30 p.m.)

Sitting Members: Jim Monteverde, Steven Ng, Virginia
Keesler, William Boehm, and Thomas Miller

JIM MONTEVERDE: All right. It is 6:30. We're
back now at the Regular Agenda. The first case is BZA
248418 -- 747 Cambridge Street. Is there anyone here who
wishes to speak on that case?

GREGORY MCCARTHY: Yes, how are you doing? This
is Greg McCarthy here for 747 Cambridge Street.

JIM MONTEVERDE: Okay. Can you tell us why you're
in front of us this evening?

GREGORY MCCARTHY: Yeah. So we have a -- we
actually -- to go to the beginning, we bought a project that
had already been approved off another developer. We
actually built this entire building. It's a six residential
unit and one commercial unit.

And we didn't realize that it didn't meet all of
the accessibility requirements. So we are here tonight to
ask for a reduction in parking spots.

The elevator is going to take up on the ground
level area where the parking spot was before. We tried to

1 find another location for it, but it wasn't really possible
2 within the building footprint that we have.

3 So we're here for that as well as an addition.
4 It's about an 800-square foot addition, and one additional
5 residential unit. So it's just -- those are the changes to
6 the project that we're proposing.

7 JIM MONTEVERDE: Okay. So the advertisement says
8 this is a variance, which has its own set of conditions.
9 And it says, "Amendment to previously approved plans." Yes,
10 I recall the hearing back in July of 2020.

11 And you're also adding -- I think as you said an
12 additional penthouse dwelling and an elevator.

13 And so, what's not listed here is the parking
14 space that you just talked about. So tell me again --
15 explain to me again what -- oh, no, I'm sorry. I'm reading
16 your description. And it says, "Although one parking space
17 will be removed to place the elevator." I got it. Okay.

18 And the relief you're seeking, you're --

19 GREGORY MCCARTHY: Um, so --

20 JIM MONTEVERDE: -- asking for relief?

21 GREGORY MCCARTHY: Yeah. Relief that we are
22 seeking, one was that the project was initially approved

1 with the parking spot. And then second is the additional
2 square footage.

3 JIM MONTEVERDE: Okay. So what's listed is
4 Section 5.31, 5.33 from the Table of Dimensional
5 Requirements? Does that have to do with the added square
6 footage solely?

7 GREGORY MCCARTHY: Yes, exactly.

8 JIM MONTEVERDE: Okay. Okay. Anything else to
9 describe to us? If not --

10 GREGORY MCCARTHY: Yeah. I guess just to kind of
11 point out it's -- you know, I don't know how much detail I
12 should actually go into, but I don't think that the
13 addition's kind of -- you know, too obtrusive.

14 I think it fits really well in the neighborhood.
15 The building still has eight parking spots for eight
16 residential units. So we think it's still a generous amount
17 of parking.

18 The --

19 JIM MONTEVERDE: Yep, we're going to bring up the
20 drawings just for the Board members who weren't here for the
21 2020 hearing.

22 GREGORY MCCARTHY: Sure.

1 JIM MONTEVERDE: So --

2 GREGORY MCCARTHY: So the bottom right corner --
3 oh, sorry, go ahead.

4 JIM MONTEVERDE: No, that's okay. Go ahead.

5 GREGORY MCCARTHY: I was just going to say the
6 bottom right corner of the garage is where that parking
7 spot's being removed, and the elevator is being added.

8 JIM MONTEVERDE: Yep. Yep. So everything in
9 plan, excepting the elevator, was previously approved. When
10 we get to the elevations, everything except the new rooftop
11 unit, penthouse unit, was approved.

12 GREGORY MCCARTHY: Exactly, yeah.

13 JIM MONTEVERDE: So really, it's just to add that
14 unit. Okay.

15 GREGORY MCCARTHY: The open space goes up as well.
16 Part of the proposal for the penthouse is a deck off of it.
17 So the open space goes out. That's one improvement.

18 JIM MONTEVERDE: Yep.

19 GREGORY MCCARTHY: Yep.

20 JIM MONTEVERDE: Is that it?

21 GREGORY MCCARTHY: Basically. I'm definitely
22 happy to answer any questions.

1 JIM MONTEVERDE: Okay.

2 GREGORY MCCARTHY: If I should go into more
3 detail.

4 JIM MONTEVERDE: Let's see if there are any
5 questions from members of the Board?

6 STEVEN NG: I'm just curious about the elevator.
7 The new elevation doesn't seem to show like a head house,
8 kind of poking up through. What type of elevator are you
9 doing there?

10 GREGORY MCCARTHY: Right. My architect's on here
11 too. Would it be possible to add him in, or --

12 JIM MONTEVERDE: What's their name?

13 GREGORY MCCARTHY: Bryan Mulligan.

14 BRYAN MULLIGAN: Bryan Mulligan here.

15 GREGORY MCCARTHY: Oh, hey, Bryan. Sorry.

16 BRYAN MULLIGAN: The elevator is a design build by
17 the elevator manufacturer. We haven't determined the --
18 whether or not we need a head house. I did specify an
19 elevator, and then the actual elevator will be determined by
20 the elevator manufacturer, based on what we need.

21 If it needs a head house, the maximum would
22 probably be about four feet. But, you know, I maybe should

1 have put that as a placeholder on the plans, but it didn't
2 get on the plans.

3 JIM MONTEVERDE: What type of elevator were you
4 specifying or looking for? Do you know? I mean, it usually
5 affects what type of -- if you need a house at all or how
6 tall a head house might be. But okay.

7 Steven, did that answer --

8 STEVEN NG: Yes.

9 JIM MONTEVERDE: -- your question?

10 BILL BOEHM: I have a related question. Does the
11 introduction of the elevator alone get you what you need in
12 terms of accessibility requirements? Are there other
13 changes that are required to get you to meet MAB
14 requirements?

15 BRYAN MULLIGAN: No, but this elevator is
16 accessible. And it has all -- meets all the requirements as
17 far as interior accessibility and outside the elevator
18 accessibility.

19 BILL BOEHM: Good.

20 BRYAN MULLIGAN: Does that answer your question?

21 BILL BOEHM: Yes. So no unit plan changes
22 required?

1 BRYAN MULLIGAN: Specifically for the elevator?

2 BILL BOEHM: For handicapped accessibility?

3 BRYAN MULLIGAN: No. No. No -- there are, what
4 is it -- we have two Group A units and, which have -- which
5 meet all requirements. One's on the first floor, and I
6 believe one is on the second floor.

7 Actually, there's three of them. There's one on
8 the third floor as well.

9 JIM MONTEVERDE: And they previously did not have
10 elevator access?

11 BRYAN MULLIGAN: No, they did not.

12 JIM MONTEVERDE: Hm.

13 BRYAN MULLIGAN: The one on the first floor had a
14 closet for a future elevator, but that has changed. We
15 removed that and made it a first-floor unit only, instead of
16 a townhouse. And we have an elevator that serves the whole
17 building.

18 JIM MONTEVERDE: We've got your plans up. We're
19 on the second-floor plan. Could you just guide us to which
20 unit was accessible?

21 BRYAN MULLIGAN: The unit is right adjacent to the
22 elevator. It's a Group 2A, I believe. It's adaptable. And

1 then the two units on the second floor and the third floor
2 that are adjacent to the elevator.

3 And then the unit on the first floor, which does
4 not need an elevator, is accessible without the elevator.
5 And these are group -- these are adaptable units.

6 JIM MONTEVERDE: Okay. Bill, any other questions?

7 BILL BOEHM: No, I'm good.

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

10 THOMAS MILLER: Just to clarify, is zoning relief
11 actually required for the reduction of parking?

12 GREGORY MCCARTHY: I believe that it wouldn't be
13 if it was a new project, but because it was already approved
14 and we're going back for a change, I think because it was
15 already approved -- like, you know, approved through a
16 process, it -- we do need relief to change it, or we need to
17 go to the Board to change it and reduce the number of
18 parking spots. I had the same question as well when we were
19 working on the plans.

20 JIM MONTEVERDE: Staff answer is yes. Relief is
21 granted.

22 GREGORY MCCARTHY: Yeah. I should have let you

1 answer that question. I don't know why I --

2 JIM MONTEVERDE: No, that's okay. No, that's
3 okay. Anything else, Thomas?

4 THOMAS MILLER: No.

5 JIM MONTEVERDE: Virginia, any questions?

6 VIRGINIA KEESLER: No, I don't have any
7 questions.

8 JIM MONTEVERDE: So I have just a kind of a
9 follow-up to what Bill was talking about, in terms of the
10 accessibility. And I understand if he got approved before
11 by the Building Department and you had your units that could
12 be converted later, I'm assuming you need the elevator,
13 because once you get to the fourth floor, you need to
14 provide the elevator.

15 Is that correct? Or is it only to make the
16 building -- the units accessible, handicap accessible I
17 assume you're talking about?

18 GREGORY MCCARTHY: Yeah, so -- sorry, Bryan, you
19 can go ahead.

20 BRYAN MULLIGAN: Yeah. Just it's solely to make
21 the units accessible. And then let's say someone comes in
22 and buys a unit that is in a wheelchair, then it can be

1 fully adaptable without structural change.

2 JIM MONTEVERDE: Right. Okay. And the top floor
3 unit is done that way? Adaptable?

4 BRYAN MULLIGAN: With the penthouse? No. That
5 unit would not be accessible. It does not have an elevator
6 in the -- the fourth floor unit, I think --

7 GREGORY MCCARTHY: Yeah, the unit on the right is
8 the accessible one; Unit 6.

9 JIM MONTEVERDE: Correct.

10 GREGORY MCCARTHY: Unit 6 on the fourth floor is a
11 two-story unit, and it is not accessible. But not --

12 BRYAN MULLIGAN: And --

13 GREGORY MCCARTHY: -- Unit 5 is on the right,
14 correct, Bryan?

15 BRYAN MULLIGAN: Yes.

16 JIM MONTEVERDE: Okay. So the elevator doesn't
17 serve the new penthouse level --

18 GREGORY MCCARTHY: Correct. It's for
19 accessibility. It was a really tricky situation where we
20 didn't catch exactly what the issue was for the beginning.
21 A lot of people didn't. It took a real long time to get to
22 the root, but basically once we got to the architectural

1 access board --

2 JIM MONTEVERDE: Yep.

3 GREGORY MCCARTHY: -- is that because there is a
4 garage and commercial on the first floor. Even though
5 there's residential on the first floor as well, the second
6 floor is considered the first floor.

7 JIM MONTEVERDE: Okay.

8 GREGORY MCCARTHY: So they were -- you know,
9 wanted to work with us to figure out lifts and different
10 situations. We just said, "Well, I think we can probably
11 figure out a way to add an elevator in here as well to solve
12 the problem." So that's the route we chose.

13 JIM MONTEVERDE: Okay. Do you have any
14 correspondence from the Access Board? There's nothing in
15 the file that basically supports the need to have the
16 elevator to satisfy requirements they talked about.

17 GREGORY MCCARTHY: Yeah.

18 JIM MONTEVERDE: Okay. Can you supply that to us,
19 please, once we're done?

20 GREGORY MCCARTHY: Definitely.

21 JIM MONTEVERDE: Okay. All right.

22 BILL BOEHM: I had one more clarifying question --

1 JIM MONTEVERDE: Yep.

2 BILL BOEHM: -- as well; is that I had previously
3 when I glanced at this earlier, I thought you were adding a
4 unit, a penthouse unit. It's actually not a penthouse unit,
5 you're adding a floor to the existing unit below it. So
6 you're just increasing the square footage of Unit Number 6.
7 Are you --

8 GREGORY MCCARTHY: Good question. I should have
9 gone into more detail. So the -- on the left side
10 currently, it's just one unit. So technically the unit's
11 being added to the third floor. And part of it is becoming
12 bi-level with the fourth floor.

13 So on the fourth floor, it's entirely new. On the
14 third floor, where there used to be one unit, now there's an
15 additional unit on the left side here.

16 BILL BOEHM: I get it. So you are increasing the
17 unit count?

18 GREGORY MCCARTHY: Exactly.

19 BILL BOEHM: And you've got a small unit and a
20 larger unit on the left side there on the -- okay. Thank
21 you.

22 GREGORY MCCARTHY: Exactly.

1 JIM MONTEVERDE: Okay. The -- part of the
2 criteria for a variance is that you demonstrate a hardship.
3 Can you talk the hardship?

4 GREGORY MCCARTHY: Sure. Yes. For the additional
5 square footage?

6 JIM MONTEVERDE: For what you're applying for, for
7 the relief you're seeking?

8 GREGORY MCCARTHY: Yeah. So the --

9 JIM MONTEVERDE: About the square footage and the
10 --

11 GREGORY MCCARTHY: Sure.

12 JIM MONTEVERDE: -- noncompliance as well. Yep.

13 GREGORY MCCARTHY: I guess for the elevator, it's
14 -- you know, we're reducing the parking spot for
15 accessibility for the second floor. We thought for the
16 additional square footage that it would bring more housing
17 to the neighborhood and the -- you know, it didn't really
18 have any detriment. I think the neighborhood is short on
19 housing and as is all of Cambridge.

20 And it -- I think it doesn't really cause any, you
21 know, visual -- you know, anything negative visually to the
22 neighborhood. Actually --

1 JIM MONTEVERDE: The hardship is really
2 neighborhood wise the need for the housing and the --

3 GREGORY MCCARTHY: Yeah.

4 JIM MONTEVERDE: -- provision of -- as your
5 dimensional form says, you provide the one additional
6 dwelling unit, lose one parking space, and gain some square
7 footage and gain some height. Correct?

8 But the hardship is really the city hardship, and
9 you're providing an additional housing dwelling unit?

10 GREGORY MCCARTHY: Yes.

11 JIM MONTEVERDE: Okay. Okay. Any other questions
12 from members of the Board? If not, we have -- I count four
13 letters in favor. I'll summarize; one from November 13 from
14 Nancy DiLando and Lance -- I can't make out the last name.
15 They're homeowners residing at 757 Cambridge Street, and
16 they're abutters. And they are strongly supporting.

17 A letter on November 8 from Giro DiBiase, 15
18 Marion Street, who's in support. And it's a form letter.

19 Same form letter 11/08 from the Royal Pastry Shop,
20 Manuel Moreno in support.

21 And November 8 again from a signature I can't make
22 out, Souper Roll Up Cafe in support.

1 So there are four in support and none in speaking
2 against.

3 So with that, I will open it up to public comment.
4 Any members of the public who wish to speak should now click
5 the icon at the bottom of your Zoom screen that says, "Raise
6 hand." If you are calling in by phone, you can raise your
7 hand by pressing *9 and unmute or mute by pressing *6.

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

13 Anybody calling in?

14 OLIVIA RATAY: Manny Barros? Can you hear me?

15 JIM MONTEVERDE: Yes, can you tell us your name?

16 MANNY BARROS: Sure. My name is Manny Barros. I
17 am the direct abutter at the corner of Cambridge and Marion
18 Street, the old Portugalia Restaurant, with eight apartments
19 above.

20 I built the buildings and got zoning relief back
21 in 1987, and the building has been really successful.

22 Now, I don't know if the Board is aware of the

1 history of this site for the old Polish Club, but it was a
2 real nuisance. They had people there, bike gangs and that
3 sort of thing.

4 I'm 68 years old. I grew up in this area, right
5 above Central Bakery across the street and I'm very familiar
6 with the neighborhood. When I was 5 years old, the
7 Harrington School was brand new. John Kennedy was
8 President. And mine was the first class that went through
9 the cycle.

10 Very familiar with this building. I am really
11 happy that Mr. McCarthy has built this building, and I want
12 to speak out in support of what he's doing. And I think
13 it's a real plus for the neighborhood.

14 And I concur with Giro and Manny at the Royal
15 Pastry Shop across the street. And Nancy DiLando, the other
16 abutter: She and I have known each other since we were 5
17 years old at the Harrington School.

18 And that's about it.

19 JIM MONTEVERDE: All right. Thank you for calling
20 in.

21 MANNY BARROS: Very good.

22 GREGORY MCCARTHY: Thank you, Manny.

1 MANNY BARROS: You're welcome, Greg. Bye-bye.

2 JIM MONTEVERDE: Anyone else? That's it for
3 public comments. I will close public testimony. Discussion
4 from Board members? If not, we'll move to a motion.

5 THOMAS MILLER: I would just also say that going
6 to the hardship for the variance, I do think that the need
7 for this relief partly arises from the effort needed to
8 provide parking spaces and preserve as many of the parking
9 spaces within the building. And I think that's important
10 for this neighborhood. I think it is a parking stressed
11 area with a busy street on Cambridge Street and a very
12 narrow street on Marion Street. And obviously, the addition
13 of bike lanes and public transit in this area.

14 So I do think that this is warranted.

15 JIM MONTEVERDE: Very good. Thank you. Any other
16 comments from members of the Board? Or are we ready for a
17 motion?

18 Before we do a motion, let me just read through
19 the -- make sure we comply with all the variance
20 requirements. We have to meet all of the following:

21 The finding the hardship -- substantial hardship
22 -- I think we've discussed a couple in our discussion -- the

1 need for housing and the provision by this proposal to add
2 one additional housing space.

3 The provision of the elevator, which will make
4 some of the upper floor units accessible, not on day one,
5 but able to be converted to fully accessible. I think those
6 are both hardships on the City's end that this project
7 addresses.

8 And then also that desirable relief may be granted
9 without either substantial detriment to the public good --
10 that's true -- or nullifying or substantially derogating
11 from the intent or purpose of this Ordinance. So I think
12 that's true.

13 So I think we've met all of the requirements for a
14 variance.

15 So the motion, then. The Chair makes a motion to
16 grant relief from the requirements of the ordinance under
17 Sections 8 -- I'm sorry, 5.31 and 5.33 the Table of
18 Dimensional Requirements. That's really for the additional
19 square footage.

20 Also elsewhere for the addition of one dwelling
21 unit. And for the reduction of parking by one. Goes from
22 nine parking spaces to eight.

1 And the conditions of the variance that we just
2 discussed.

3 On the condition that the work proposed conform to
4 the drawings entitled "Cambridge at Marion Residences,"
5 prepared by S47A (sic) Architects, dated November 23, 2023,
6 initialed and dated by the Chair.

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

10 Further, that the variance is granted
11 incorporating the following conditions: And the only
12 conditions that you supply us with your correspondence with
13 the Massachusetts Architectural Access Board; just something
14 that shows your conversations with them about the need to
15 provide the elevator and their acceptance of having some day
16 one accessible units and then others that can be converted.

17 That's the motion. Board members, please vote.
18 Voice vote. Virginia?

19 VIRGINIA KEESLER: In favor.

20 JIM MONTEVERDE: Bill?

21 BILL BOEHM: In favor.

22 JIM MONTEVERDE: Steven?

1 STEVEN NG: In favor.

2 JIM MONTEVERDE: Thomas?

3 THOMAS MILLER: In favor.

4 JIM MONTEVERDE: And Jim Monteverde in favor.

5 [All vote YES]

6 JIM MONTEVERDE: That's five in favor. Relief is
7 granted. Thank you.

8 GREGORY MCCARTHY: Thank you very much, everyone.

9 BRYAN MULLIGAN: Thank you.

10 JIM MONTEVERDE: You're welcome.

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2 (6:54 p.m.)

3 Sitting Members: Jim Monteverde, Steven Ng, Virginia
4 Keesler, William Boehm, and Thomas Miller

5 JIM MONTEVERDE: Next case is BZA-248571 -- 6 West
6 Bellevue Avenue. Is there any one person who wishes to
7 speak about this matter?

8 LOUISE GOFF: Yeah. This is Louise Goff. I'm the
9 Architect on the project --

10 JIM MONTEVERDE: Yep.

11 LOUISE GOFF: -- for Michael Brenner and Lucy
12 Colwell, the owners of the house.

13 JIM MONTEVERDE: Okay.

14 LOUISE GOFF: I can describe the project for you
15 and what we're going for in terms of the special permit.
16 The -- basically the main proposal is to enclose an existing
17 covered porch at the back of the house. It has two enclosed
18 sides on it.

19 If you go to page 3, you can see the -- you can
20 see in the photographs this -- yes, exactly. And the center
21 -- if you go -- yeah, it's taking a second to load here.

22 The fourth image is -- you can see the side of it

1 right there. Yep.

2 And then the back you can see as well. That's the
3 back of the house. The idea is to take off that existing
4 sort of extension of the porch. And then we will be filling
5 in and gaining the extra square footage for the house in
6 there.

7 The stairs going down will also be replaced to the
8 side deck.

9 If you go to the plans on the page 7 -- yeah, will
10 you can go to page 6 first. So we'll be basically in the
11 upper left-hand corner, that is the porch. It's about 75
12 square feet.

13 And if you go to the next page, you can see we're
14 gaining that space to extend the kitchen and grow that
15 portion of the house for the new owners.

16 The only other thing that we are doing is number
17 2. It's a very small move, but basically, we're putting a
18 counter in there for the kitchen, and so, we're raising the
19 window. It'll be a new window, the same extents on the
20 sides. But it'll just be pulled up a little bit. So that's
21 -- and that's -- you know, tight to the back, setback of the
22 house. So.

1 We are taking out -- just so you know, we are --
2 if you go to page 6 again, there's an existing garage. And
3 I know we don't have to get the special permit for this, but
4 just so that you know, we are removing that garage. And
5 that will become more open space. So we're increasing the
6 open space on the site.

7 Any questions?

8 JIM MONTEVERDE: Just one.

9 LOUISE GOFF: Yeah.

10 JIM MONTEVERDE: So we're clear, the relief that
11 you're seeking, the Table of Dimensional Requirements, that
12 has to do with the filling in of the porch is in the rear
13 yard setback, correct?

14 LOUISE GOFF: It is in the rear yard setback. And
15 because only 50 percent of it is surrounded, it's -- because
16 of the new rule, that FAR does not count. So we're
17 increasing the FAR as well.

18 JIM MONTEVERDE: So you're -- yeah, you're
19 increasing the FAR --

20 LOUISE GOFF: And --

21 JIM MONTEVERDE: -- you're --

22 LUCIANO BOGLIONE: -- encroaching the setback yep.

1 JIM MONTEVERDE: -- in the rear yard setback?

2 LOUISE GOFF: Yes.

3 JIM MONTEVERDE: The special permit, that's really
4 with modifying the window that's also within the side, rear
5 yard setback?

6 LOUISE GOFF: Yes, yes.

7 JIM MONTEVERDE: That's it, correct?

8 LOUISE GOFF: That's it.

9 JIM MONTEVERDE: And then you're over the --
10 you're increasing the square footage, as you said --

11 LOUISE GOFF: And we're not --

12 JIM MONTEVERDE: -- increasing the FAR. And it's
13 already nonconforming. That's what you're looking for,
14 right?

15 LOUISE GOFF: Exactly.

16 JIM MONTEVERDE: The relief, in terms of relief?

17 LOUISE GOFF: Yep.

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

19 Any questions from members of the Board?

20 If not, we have a letter from the Avon Hill
21 Neighborhood Conservation District Commission -- it's about
22 the longest name they could have thought of -- it's dated

1 November 6, 2023, signed by the Commission's Chair.

2 And it basically says, "The work described below
3 does not involve any activity requiring issuance of a
4 Certificate of Appropriateness or Hardship." And that's
5 about enclosing the rear porch, because it is not visible to
6 the public way.

7 There are no other letters either for or against
8 in the file. And with that, if there are no questions from
9 members of the Board, I will open it up to public comments.

10 [Pause]

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

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

21 Anyone there?

22 [Pause]

1 No one calling in. So I'll close public
2 testimony. Any discussion from members of the Board? If
3 not, I'll move on to -- and before we do the motion, let me
4 just read the criteria. This is a special permit.

5 Let me just read the criteria for the special
6 permit and confirm we have all these components. It's:

7 a) It appears that the requirements of the
8 ordinance cannot or will not be met by what's being
9 proposed. That's correct.

10 b) Traffic generated would cause congestion or
11 hazard. I think not.

12 c) The continued operation of or the development
13 of adjacent uses would not be adversely affected. I think
14 not.

15 d) Nuisance or hazard to the health, safety and/or
16 welfare of the occupants or the citizens of the city. I
17 think not. And

18 e) For other reasons, it would impair the
19 integrity of the district or adjoining district. And I
20 think not.

21 So I think it meets all the criteria for the
22 special permit under 10.43.

1 So with that, let me make a motion to grant the
2 relief from the requirements of the Ordinance under Sections
3 5.31 -- and that has to do with the added square footage --
4 and then also for the intrusion of the new infill in the
5 rear yard setback, and also for moving the one window that's
6 within the side yard setback.

7 And Sections 8.22.2.d and 8.22.2.c. And we just
8 read through the special permit items I think you comply
9 with.

10 On the condition that the work proposed conform to
11 the drawings entitled "6 West Bellevue Avenue," prepared by
12 Louise M. Smith Design and dated November 2, 2023, initialed
13 and dated by the Chair.

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

17 On a voice vote, please. Virginia?

18 VIRGINIA KEESLER: In favor.

19 JIM MONTEVERDE: Bill?

20 BILL BOEHM: In favor.

21 JIM MONTEVERDE: Steven?

22 STEVEN NG: In favor.

1 JIM MONTEVERDE: Thomas?

2 THOMAS MILLER: In favor.

3 JIM MONTEVERDE: And Jim Monteverde in favor.

4 [All vote YES]

5 JIM MONTEVERDE: Five in favor, the relief is
6 granted. Congratulations. Good luck.

7 LOUISE GOFF: Thanks.

8 JIM MONTEVERDE: You're welcome.

9 LOUISE GOFF: Appreciate it.

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2 (7:03 p.m.)

3 Sitting Members: Jim Monteverde, Steven Ng, Virginia
4 Keesler, William Boehm, and Thomas Miller

5 JIM MONTEVERDE: Next case is BZA-245989 -- 5
6 Channing Street. And I believe this is to be continued.
7 Yes, we have a letter from Stephen Hiserodt, DH Architects,
8 dated December 12, 2023.

9 "On behalf of the 5 Channing Street LLC, I'm
10 writing to request a continuance for the case 5 Channing
11 Street."

12 What do we have available? January 25? So since
13 everyone was already available for that one, is that all
14 right?

15 STEVEN NG: Yep.

16 JIM MONTEVERDE: Let me make a motion to continue
17 this matter to January 25, 2024. That's going to take me a
18 while to get used to that.

19 On the condition that the petitioner change the
20 posting sign to reflect the new date of January 25, 2024 and
21 the new time of 6:00 p.m.

22 Also that the petitioner sign a waiver to the

1 statutory requirements for the hearing. This waiver can be
2 obtained from Maria Pacheco or Olivia Ratay at the
3 Inspectional Services Department.

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

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

12 On the motion to continue this matter until
13 January 25, 2024, by voice vote, Virginia?

14 VIRGINIA KEESLER: In favor.

15 JIM MONTEVERDE: Bill?

16 BILL BOEHM: In favor.

17 JIM MONTEVERDE: Steven?

18 STEVEN NG: In favor.

19 JIM MONTEVERDE: Thomas?

20 THOMAS MILLER: In favor.

21 JIM MONTEVERDE: And Jim Monteverde in favor.

22 [All vote YES]

1 JIM MONTEVERDE: Granted.

2 We're early. Oh no, we're not. We're good. No,
3 we are. We're early. We've got to wait nine minutes.
4 Anyone has some electronic Christmas shopping to do? See
5 you back in nine minutes.

6 STEVEN NG: Okay.

7 [Pause]

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2 (7:15 p.m.)

3 Sitting Members: Jim Monteverde, Steven Ng, Virginia
4 Keesler, William Boehm, and Thomas Miller

5 JIM MONTEVERDE: The next case is BZA-248652 --
6 115 Inman Street.

7 DOUGLAS ARSHAM: Hi, can you guys hear me okay?

8 JIM MONTEVERDE: Yep. Can you introduce yourself,
9 please?

10 DOUGLAS ARSHAM: Yes, sir. My name is Doug
11 Arsham. I'm here with my wife, Jennifer Efron. We're the
12 owners of 115 Inman Street in Cambridge. Thank you very
13 much for your time this evening.

14 So we're here before you tonight requesting a
15 variance. It was actually granted unanimously almost two
16 years ago but has since expired.

17 At the time that we initially applied, we were
18 prepared to move forward with the project of this roof deck
19 we applied for, but construction markets escalated
20 dramatically which rendered the project economically
21 unfeasible for our family.

22 And we'd also retained the services of a

1 contractor who accepted and then declined the job, leaving
2 us with no viable options in our price range or schedule.

3 So we're seeking the exact same relief that was
4 granted previously with no changes at all to any of the
5 components of the request, which includes plans, dimensions,
6 size, scope, FAR and everything across the board.

7 Just quickly, we're a family of four. We've lived
8 in Cambridge for a long time, and we're just looking for a
9 little bit of additional outdoor space as our children
10 continue to grow up in the city of Cambridge.

11 And use of the existing flat roof on our bedroom
12 to construct a roof deck is common in Cambridge due to the
13 density of the city, especially in Inman Square, but due to
14 the nonconforming structure, which was built in 1863, we're
15 unable to build a roof deck without relief from the Zoning
16 Ordinance.

17 So we're again seeking relief from Article 5
18 Section 5.31, Article 8 Section 8.22.3, and Article 10
19 Section 10.3, which will allow for the additional 40 feet of
20 calculated FAR created by the new dormer structure required
21 for the access door.

22 And for the ability to use the -- to build a roof

1 deck within the side setback, due to the zero-lot line
2 condition and nonconforming for the existing nature of our
3 home and house lot.

4 We have communicated with the Mid Cambridge
5 Historical District and have confirmed that our Certificate
6 of Appropriateness that was granted on January 3, 2022
7 remains in good standing and was updated to reflect a
8 November 7, 2023 certificate date, due to the fact,
9 obviously, that we have not changed anything about our
10 plans.

11 JIM MONTEVERDE: Yep.

12 DOUGLAS ARSHAM: Excellent. Thank you. So just
13 to quickly get into the hardship, why we're here, so that
14 includes that without relief, it would preclude our access
15 to a roof deck due to the location of the door in a
16 complying condition and adding the additional FAR to the
17 door required under the zoning code calculations is not
18 allowed without a variance.

19 The building was constructed as part of the
20 establishment of the current zoning code, and is encumbered
21 by it, and a zero-lot line condition would need a variance
22 to perform any work on that side of the property within the

1 side setback.

2 The hardship is that it cannot be granted --
3 excuse me, that it can be granted without substantial
4 detriment to the public good, that it does not impact the
5 neighboring properties at all and has the support of both
6 immediate neighbors.

7 Other roof decks do exist in the neighborhood and
8 with similar conditions, and that it can be granted without
9 substantial detriment to the public good or substantially
10 derogating from the intent or purpose of the Ordinance to
11 allow for fair and reasonable use of the property, which in
12 this case is our unused flat roof.

13 So with that, it's the end of my quick
14 presentation. Open it up to any questions or Jenny, if you
15 have anything to add, feel free.

16 JENNIFER EFFRON: I'm all set. So thank you.

17 JIM MONTEVERDE: Okay. So we'll take questions
18 from members of the Board. But if I can ask one quick
19 question. The previous hearing was January 2022.

20 DOUGLAS ARSHAM: Yep.

21 JIM MONTEVERDE: I remember this case.

22 DOUGLAS ARSHAM: Yep.

1 JIM MONTEVERDE: So -- and reading the file, and
2 looking at the old file, I think as you said, this is
3 exactly the same relief you were seeking then that you've
4 got as you said unanimous consent for that you're seeking
5 now, correct?

6 DOUGLAS ARSHAM: Correct.

7 JIM MONTEVERDE: The same thing?

8 DOUGLAS ARSHAM: Yeah.

9 JIM MONTEVERDE: And this is just a -- as you
10 said, it was a delay due to, you know, time, construction
11 costs increasing. I can imagine what it was like trying to
12 find a contractor. That's why --

13 DOUGLAS ARSHAM: Yeah.

14 JIM MONTEVERDE: -- you're back again, right?

15 DOUGLAS ARSHAM: That's correct.

16 JIM MONTEVERDE: So you're --

17 DOUGLAS ARSHAM: And we have a --

18 JIM MONTEVERDE: -- so you're --

19 DOUGLAS ARSHAM: -- we have a contractor that we
20 found that we're excited about that we trust, and so, now
21 seems to be the right time.

22 JIM MONTEVERDE: Okay. Great.

1 Are there any questions from members of the Board?

2 If not, before I open to public comments --

3 THOMAS MILLER: Actually, I just have a quick
4 clarifying question. I don't think this is a substantive
5 issue. On the dimensional information page, does the ratio
6 of gross floor area to lot area is increasing, correct?
7 Does that -- in the third line of the Table?

8 DOUGLAS ARSHAM: Slightly, yes. Just because of
9 the calculations of the dormer. We're adding 40 square feet
10 to the FAR of the plan itself, but not changing --
11 obviously, the size of the lot. That's correct.

12 THOMAS MILLER: Okay. So that figure just isn't
13 accurate in the calculation?

14 DOUGLAS ARSHAM: Yeah, if it wasn't calculated
15 accurately, we can change that for the posterity once we get
16 through this, absolutely.

17 THOMAS MILLER: Thank you.

18 JIM MONTEVERDE: Okay. Thank you. Anyone else?
19 Members of the Board?

20 And then in the file we have the letter that the
21 proponent just mentioned on the Mid Cambridge Neighborhood
22 Conservation District Commission, dated November 7, 2023

1 that says,

2 "The Commission regarded the proposed design
3 including the deck railings, pulled back from the edge and
4 the dormer being well below the roof ridgeline is well
5 thought out and appropriate.

6 "The Certificate of Appropriateness issued on
7 January 3, 2022 is still in effect."

8 And then there are two letters in the file
9 speaking in favor. And we have one dated -- no, these are
10 for the old case. Bob Doherty, who is 117. Is that an
11 abutter to you?

12 DOUGLAS ARSHAM: He is. Yes.

13 JENNIFER EFFRON: Yes. He shares the party wall
14 with us, yes.

15 JIM MONTEVERDE: Okay. When -- oh, that's right.
16 They were in favor. And again, another one from back in
17 2021, Charlie Korn.

18 JENNIFER EFFRON: The other side.

19 JIM MONTEVERDE: 113, the other side.

20 JENNIFER EFFRON: Yep.

21 JIM MONTEVERDE: They were in favor -- again, two
22 or three years ago. That's it for what we have in the file

1 from the public. Let me open it to public commentary.

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

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

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

12 Nobody out there? Quite a night. Okay. We will
13 close public testimony.

14 Discussions from members of the Board? Or are we
15 ready to go to a motion?

16 STEVEN NG: I think we're ready.

17 JIM MONTEVERDE: Okay. Once again, although the
18 proponent ran through the Variance Requirements -- it was a
19 very good presentation, by the way of all the variance
20 requirements --

21 DOUGLAS ARSHAM: Thank you.

22 JIM MONTEVERDE: -- you know, if you did that from

1 memory, we're looking for a Chair --

2 COLLECTIVE: [Laughter]

3 JIM MONTEVERDE: -- I may throw your name in. I
4 may throw your hat in the ring.

5 DOUGLAS ARSHAM: I appreciate the sentiment, but
6 my kids keep me busy enough, I think.

7 JIM MONTEVERDE: Okay.

8 DOUGLAS ARSHAM: So.

9 JIM MONTEVERDE: Anyway, this is a variance.

10 And as a variance, we have to find the hardship,
11 which I think the proponent talked about not having any
12 outdoor space, and desirable relief may be granted without
13 either substantial detriment to the public good -- that's
14 correct.

15 And without nullifying or substantially derogating
16 from the intent or purpose of this Ordinance. And I think
17 that is correct. So they meet the criteria of the variance
18 under Section 10.31.

19 So a motion, then. The Chair makes a motion to
20 grant relief from the requirements of the Ordinance under
21 Sections 5.31, and that has to do with the increase in the
22 square footage and FAR and the right-side setback.

1 And Section 8.22.3 for a nonconforming structure.

2 And I just read through the section 10.30, Variance
3 Requirements, and those are met as well.

4 On the condition that the work proposed conforms
5 to the drawings entitled "Arsham Residence" -- did I
6 pronounce that correctly? --

7 DOUGLAS ARSHAM: You did, thank you.

8 JIM MONTEVERDE: -- yep, prepared by FGV Design,
9 dated 04/26/2017. These have been on the shelf for a while,
10 haven't they? But these are the current drawings?

11 DOUGLAS ARSHAM: They are. They'll be refreshed
12 for submission for a building permit, but this is part of
13 our original design when we did our --

14 JIM MONTEVERDE: Okay.

15 DOUGLAS ARSHAM: -- renovation.

16 JIM MONTEVERDE: That's fine. So those are the
17 drawings -- on the condition that the proposed -- yep, those
18 are the drawings, that's the date. And they'll be initialed
19 and dated by the Chair.

20 And further, that we incorporate the supporting
21 statements and Dimensional Form submitted as part of the
22 application.

1 On a voice vote, please, Virginia?

2 VIRGINIA KEESLER: In favor.

3 JIM MONTEVERDE: Bill?

4 BILL BOEHM: In favor.

5 JIM MONTEVERDE: Steven?

6 STEVEN NG: In favor.

7 JIM MONTEVERDE: Thomas?

8 THOMAS MILLER: In favor.

9 JIM MONTEVERDE: And Jim Monteverde in favor.

10 [All vote YES]

11 JIM MONTEVERDE: Five in favor. Relief is
12 granted. Good luck.

13 DOUGLAS ARSHAM: We appreciate it.

14 JENNIFER EFFRON: Thank you so much.

15 DOUGLAS ARSHAM: Thank you very much for your
16 time.

17 JENNIFER EFFRON: Thank you for your time tonight.

18 JIM MONTEVERDE: You're welcome.

19 JENNIFER EFFRON: Bye.

20 DOUGLAS ARSHAM: Take care.

21 JIM MONTEVERDE: Bye. We're early again. Got to
22 wait four minutes.

1 BILL BOEHM: We need to start dragging things out
2 a little bit more, huh?

3 JIM MONTEVERDE: No. Most evenings have worked
4 out fine. It's only on rare occasions. I think it was the
5 one case that they withdrew or continued that kind of throws
6 it off.

7 [Pause]

8 All right. Get back in four minutes.

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(7:30 p.m.)

Sitting Members: Jim Monteverde, Steven Ng, Virginia
Keesler, William Boehm, and Thomas Miller

JIM MONTEVERDE: All right. We're at 7:30. Next
case is BZA-248915 -- 678 Mass Avenue. This is a Telecon
case. Mr. Brillard, are you with us?

RICARDO SOUSA: Yes. Good evening, Mr. Chairman.
Ricardo Sousa here on behalf of Mr. Brillard. My partner
has had a conflict for tonight, so I'm here in his place.

JIM MONTEVERDE: No problem.

RICARDO SOUSA: Thank you, Mr. Chairman and
members of the Board. For the record, Ricardo Sousa from
Prince Lobel Tye here on behalf of the petitioner, T-Mobile
Northeast.

JIM MONTEVERDE: Can we bring up -- do you mind if
we skip right to the photo simulations, or do you want to
introduce the --

RICARDO SOUSA: No, not at all. Yeah, I can --

JIM MONTEVERDE: -- we are.

RICARDO SOUSA: Yeah, I can do an introduction if
you'd like, Mr. Chairman.

1 JIM MONTEVERDE: No, that's okay. Take this shot
2 and just tell us where we are in town.

3 RICARDO SOUSA: Okay. Very good. Central Square.
4 There we are right where the star is at the middle of the
5 photo. 678 Mass Ave.

6 T-Mobile operates an existing wireless antenna
7 installation on both the rooftop and certain façades of the
8 building.

9 And we are proposing a special permit to modify
10 that existing wireless installation to in fact reduce the
11 number of antennas from 12 to 8, and then also reduce the
12 number of remote radio heads as well.

13 We have six TMAs, eight remote radio heads, and
14 we're going to just need eight Remote Radio Units that are
15 new ones -- upgraded Remote Radio Units. So the net effect
16 of this particular petition is to actually reduce the number
17 of antennas and reduce the number of radio units.

18 JIM MONTEVERDE: Very good.

19 RICARDO SOUSA: Yep.

20 JIM MONTEVERDE: Can you walk us through the photo
21 simulations?

22 RICARDO SOUSA: Sure. This is sort of before and

1 after. This is a the existing conditions now.

2 And if you turn to the next one, you can see that
3 we're replacing those two antennas where the arrows are with
4 upgraded antennas. The antenna on the left is pretty much
5 identical, very similar size.

6 And the one on the right, just to the left of the
7 top window there is actually a wider antenna, but it is
8 shorter -- significantly shorter, as you can see. And these
9 will be painted a red color to sort of blend in with the
10 brick.

11 And once again, this is the before and after. In
12 this case, we have antennas on both the penthouse -- the
13 middle penthouse -- and then also on the pipe mounts on the
14 rooftop as well.

15 And you can go to the next photo, which shows the
16 before and then the after.

17 And -- yeah, they definitely show up more on these
18 photo sims, so that you can actually see them.

19 And then same thing here on this façade. We're
20 also replacing two of the antennas with two of the new style
21 antennas; different sizing.

22 If you go to the next photo, it'll show the after.

1 There you go. So you can see, it's somewhat of a de minimis
2 change.

3 JIM MONTEVERDE: Okay.

4 RICARDO SOUSA: So that's it.

5 JIM MONTEVERDE: Can we take it from here?

6 RICARDO SOUSA: Yeah. That's the basis of the
7 application.

8 JIM MONTEVERDE: Okay.

9 RICARDO SOUSA: As you can see, what we're trying
10 to do is modernize so that we can provide the latest and
11 greatest of wireless services -- you know, 5G level services
12 -- through this new technology. And we think this is a --
13 this net reduction is actually a benefit to the City of
14 Cambridge.

15 JIM MONTEVERDE: Very good. Thank you.

16 RICARDO SOUSA: Thank you, Mr. Chairman.

17 JIM MONTEVERDE: Do we have any questions from
18 members of the Board?

19 BILL BOEHM: Yes. Did the Planning Board review
20 this application already? Often when we get these, we get a
21 --

22 JIM MONTEVERDE: They did not.

1 BILL BOEHM: And can you tell me why? Because
2 normally it seems like they have --

3 JIM MONTEVERDE: No idea. They pick -- I believe
4 they pick the ones they want to review. I don't see in the
5 file correspondence from the Planning Board. So I have --
6 when we get to the discussion later, I have a condition or
7 two that relates to what -- you know, the Planning Board
8 typically requests that I'll offer.

9 But the Planning Board did not comment on this
10 one. It's at their discretion.

11 RICARDO SOUSA: Yeah, we did work with them, and
12 there was not a report. You're right, Mr. Boehm. We're
13 used to receiving a report. They had no objection to the
14 application as presented. I'm surprised there isn't just a
15 letter or a memo to the BZA.

16 But my partner, Mr. Braillard, did work with
17 Planning Staff on that.

18 JIM MONTEVERDE: Okay.

19 BILL BOEHM: Thanks. I did notice a minutes from
20 a previous Zoning Board hearing in this file. Was that a
21 previous installation that was attached?

22 RICARDO SOUSA: So the minutes could be for our

1 original application, you know, for this existing
2 installation. There's also -- I believe there's also
3 another carrier up on this rooftop as well.

4 You can see some -- even in this photo that's up
5 on the screen, I'm not sure whose antenna is -- antennas
6 those are, but they may be behind those façade penthouses up
7 there. But I'm not -- I don't have personal knowledge of
8 that.

9 BILL BOEHM: Okay. And I do have one more
10 question. You can go to view number 2, please. This is
11 kind of the important view in a way in that it's --

12 RICARDO SOUSA: Yeah.

13 BILL BOEHM: -- facing Central Square and it's a
14 beautiful façade. And I would like to believe, as you said,
15 that this makes it look worse than it really will, because
16 you're --

17 RICARDO SOUSA: Yeah.

18 BILL BOEHM: -- up at a higher angle, I think in
19 this viewpoint.

20 RICARDO SOUSA: Right.

21 BILL BOEHM: So can you tell me -- and maybe this
22 will require going to the roof plan, but those proposed new

1 antennas and ballasts and so forth that are kind of sticking
2 up and don't look very appealing in this, are they actually
3 set well back into the depth of the roof? Is that what I
4 gathered from the roof plan?

5 RICARDO SOUSA: Yeah. They're set a good distance
6 back. And there are existing antennas on poles now. If you
7 look at the previous view, they're right there.

8 BILL BOEHM: Mm-hm.

9 RICARDO SOUSA: And so, we're just replacing those
10 antennas. And one of the reasons is this is a -- as you can
11 imagine, there's a lot of wireless traffic in this -- in
12 Central Square.

13 And this particular building handles a lot of that
14 traffic. So we have a four-sector site here. That
15 particular sector, there's nowhere to place it on a middle
16 penthouse that would be able to carry that corner of the
17 building.

18 And so, that was the reason that those pole mounts
19 were necessary, to be able to try to get -- once again, be
20 set back, but be able to carry the wireless signal it needs
21 to carry over that penthouse -- that --

22 BILL BOEHM: Parapet?

1 RICARDO SOUSA: Parapet.

2 BILL BOEHM: Okay.

3 RICARDO SOUSA: Exactly, Mr. Boehm.

4 BILL BOEHM: Okay. Thanks.

5 RICARDO SOUSA: Thank you.

6 JIM MONTEVERDE: Thank you. Any other questions
7 from members of the Board? If not, I'll open it up to
8 public comments any member of the public who wishes to speak
9 should now click the icon at the bottom of your Zoom screen
10 that says, "Raise hand." If you're calling in by phone, you
11 can raise your hand by pressing *9 and unmute or mute by
12 pressing *6.

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

18 [Pause]

19 All quiet on the Western Front. So I will close
20 public testimony. Any discussion from members of the Board?

21 [Pause]

22 All right. We'll go to a motion. The Chair --

1 it's a special permit -- the Chair makes a motion to grant
2 relief from the requirements of the Ordinance under Sections
3 4.32.3.1 and 4.40 for the telecommunications facility and
4 10.40 for a special permit on the condition that the work
5 proposed conforms to the drawings entitled "678
6 Massachusetts Avenue." The drawings weren't prepared by
7 Adam Braillard.

8 RICARDO SOUSA: No, it's J. Lee. Oh, I'm sorry.

9 JIM MONTEVERDE: There we go. J. Lee Associates?

10 RICARDO SOUSA: Yeah. And --

11 JIM MONTEVERDE: All right.

12 RICARDO SOUSA: JC Engineering.

13 JIM MONTEVERDE: JC Engineering, dated -- we'll
14 find a date -- the latest date is 10/16/23 --

15 RICARDO SOUSA: That's correct.

16 JIM MONTEVERDE: -- initialed and dated by the
17 Chair.

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

21 On the matter of the special permit, by voice
22 vote, Virginia?

1 VIRGINIA KEESLER: In favor.

2 JIM MONTEVERDE: Bill?

3 BILL BOEHM: In favor.

4 JIM MONTEVERDE: Steven?

5 STEVEN NG: In favor.

6 JIM MONTEVERDE: Thomas?

7 THOMAS MILLER: In favor.

8 JIM MONTEVERDE: And Jim Monteverde in favor.

9 [All vote YES]

10 JIM MONTEVERDE: That's five in favor. The relief
11 is granted.

12 RICARDO SOUSA: Thank you, Mr. Chairman.

13 JIM MONTEVERDE: You're welcome.

14 RICARDO SOUSA: Thank you, members of the Board.

15 JIM MONTEVERDE: Yep.

16 RICARDO SOUSA: Have a good night.

17 JIM MONTEVERDE: Good evening. Ooh, wait a
18 minute. Sorry.

19 RICARDO SOUSA: Yep.

20 JIM MONTEVERDE: Don't go away.

21 RICARDO SOUSA: I'm still here. You have your
22 wireless provisos.

1 JIM MONTEVERDE: Don't go away. How could I
2 forget? Shame on me!

3 RICARDO SOUSA: You even joked about it earlier.
4 [Laughter].

5 JIM MONTEVERDE: Based on the findings, the Chair
6 moves that the petitioner be granted the special permit it
7 is seeking, subject the following conditions:

8 One, that the work proceed in accordance with the
9 plans submitted by the petitioner, and initialed by the
10 Chair.

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

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

19 Four, that should the petitioner cease to utilize
20 the equipment approved tonight for a continuous period of
21 six months or more, it shall promptly thereafter remove such
22 equipment and restore the building on which it is located to

1 its prior condition and appearance, to the exact reasonably
2 practicable.

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

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

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

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

21 Failure to timely file any such report with the
22 Inspectional Services Department shall ipso facto terminate

1 the special permit granted tonight.

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

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

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

1 Any such new application shall not be deemed a
2 repetitive petition, and therefore would not be subject to
3 the two-year period during which repetitive petitions may
4 not be filed. And finally:

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

12 a) he or she has such responsibility, and

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

21 The end. That's the end of the hearing. Thank
22 you.

1 RICARDO SOUSA: Okay. Thank you, Mr. Chairman.
2 Thank you, members of the Board.

3 JIM MONTEVERDE: You're welcome. Yep.

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2 (7:45 p.m.)

3 Sitting Members: Jim Monteverde, Steven Ng, Virginia
4 Keesler, William Boehm, and Thomas Miller

5 JIM MONTEVERDE: The next case is BZA-248783 --
6 141 Portland Street. Is there anyone here who wishes to
7 speak on this case? Anyone from Kendall Square Entity on
8 the line? Anyone there?

9 MICHAEL DOLAN: Good evening. Is this the AT&T
10 application?

11 JIM MONTEVERDE: For --

12 OLIVIA RATAY: It is.

13 JIM MONTEVERDE: Yeah, T-Mobile. This is 141
14 Portland Street, AT&T.

15 MICHAEL DOLAN: Correct. Right. Good evening,
16 everyone. Michael Dolan, on behalf of the applicant, New
17 Cingular Wireless PCS, LLC, also known as AT&T.

18 We are proposing some modifications to the
19 existing AT&T facility on the roof of this building. What
20 we're proposing to do is replace 12 existing antennas with
21 12 new antennas, and some of the new antennas are actually
22 smaller than the existing antennas.

1 So collectively, there's actually a net reduction
2 in surface area, as far as visibility, which is a good
3 thing.

4 We're also replacing six remote radio heads with
5 six new remote radio heads and adding and replacing some
6 other cabling and equipment within the existing rooftop
7 equipment shelter.

8 We've included with our application photo
9 simulations, which we think demonstrate the minimal visual
10 impact of what we're proposing.

11 I would note that unlike some of the antennas up
12 there that stick above the penthouse top level, ours do not.
13 And we will be painting them, as we have in the past, to
14 match the background, in this case which would be red to
15 match the brick.

16 This building is located in the Industrial
17 Business District where wireless facilities are permitted by
18 special permit, including modifications. And we are
19 applying for an Eligible Facilities Request under Chapter --
20 Section 6409 of the Spectrum Act.

21 And for those reasons, we are respectfully
22 requesting your approval of our application. And I would be

1 glad to answer any questions you have.

2 JIM MONTEVERDE: Olivia, can we just go through
3 the photo sims?

4 MICHAEL DOLAN: Sure.

5 JIM MONTEVERDE: Those are all the photo
6 simulations. So I think, as you did mention, all of the new
7 antennas are mounted to the head house?

8 MICHAEL DOLAN: The antennas are going in nearly
9 the exact same place that the current ones are. We are
10 grouping them together.

11 And as you can see when you zoom in there, you'll
12 see there are two stacked on top of each other, which are
13 smaller than our current antennas.

14 JIM MONTEVERDE: Oh, yeah. yep.

15 MICHAEL DOLAN: And that's the new technology now.
16 So each of our three sectors for AT&T will have those
17 piggybacked ones, so it's less of a visual impact.

18 JIM MONTEVERDE: Very good. Thank you.

19 Any questions from members of the Board? And this
20 is similar to the previous one. There is no commentary from
21 the Planning Board in our file.

22 MICHAEL DOLAN: And just to add to what I heard

1 you discussing previously, I've had a number of these
2 applications in Cambridge, and my experience has been that
3 when the Planning Board and Staff see something that they
4 really want to get involved in and add some comments and can
5 propose conditions, they surely do. And I've been on that
6 end of it. And for some they don't and that's like this one
7 here.

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

10 [Pause]

11 If not, there is no correspondence in the file
12 either for or against, so I will open it up to public
13 comments. Any member of the public who wishes to speak
14 should now click the icon at the bottom of your Zoom screen
15 that says, "Raise hand."

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

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

1 [Pause]

2 No one there. Okay. We'll close public
3 testimony. Any discussion from members of the Board? If
4 not, we'll move along to a motion.

5 [Pause]

6 I'll move along to a motion.

7 The Chair makes the motion to grant relief from
8 the requirements of the Ordinance under Sections 4.32.3.1
9 and Section 4.40, Footnote 49 for Telecommunication
10 Facilities, and the criteria for 10.40 for a special permit.

11 On the condition that the work proposed conform to
12 the drawings entitled, "Site name: Cambridge Portland
13 Street," prepared by TEP Northeast and dated August 9, 2023,
14 initialed and dated by the Chair.

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

18 And further, that the special permit is granted
19 incorporating the following conditions:

20 Photo simulations submitted by the petitioner --
21 sorry.

22 Based on the findings, the Chair moves that the

1 petitioner be granted the special permit it is seeking,
2 subject to the following conditions:

3 One, that the work proceed in accordance with the
4 plans submitted by the petitioner, and initialed by the
5 Chair.

6 Two, that upon completion of the work, the
7 physical appearance and visual impact of the proposed work
8 will be consistent with the photo simulations submitted by
9 the petitioner and initialed by the Chair.

10 Three, that the petitioner shall at all times
11 maintain the proposed work, so that its physical appearance
12 and visual impact will remain consistent with the photo
13 simulations previously referred to.

14 Four, that should the petitioner cease to utilize
15 the equipment approved tonight for a continuous period of
16 six months or more, it shall be promptly thereafter remove
17 such equipment and restore the building on which it is
18 located to its prior condition and appearance, to the exact
19 reasonably practicable.

20 Five, that the petitioner is in compliance with
21 and will continue to comply with in all respects the
22 condition imposed by this Board with regard to previous

1 special permits granted to the petitioner, with regard to
2 the site in question.

3 In as much as the health effects of the
4 transmission of electromagnetic energy waves is a matter of
5 ongoing societal concern and scientific study, the special
6 permit is also subject to the following conditions:

7 a) That the petitioner shall file with the
8 Inspectional Services Department each report it files with
9 the federal authorities regarding electromagnetic energy
10 waves emissions emanating from all the petitioner's
11 equipment on the site.

12 Each such report shall be filed with the
13 Inspectional Services Department no later than 10 business
14 days after the report has been filed with the federal
15 authorities.

16 Failure to timely file any such report with the
17 Inspectional Services Department shall ipso facto terminate
18 the special permit granted tonight.

19 b) That in the event that at any time federal
20 authorities notify the petitioner that its equipment on the
21 site, including but not limited to the special permit
22 granted tonight, fails to comply with the requirements of

1 law or governmental regulations -- whether with regard to
2 the emissions of electromagnetic energy waves or otherwise -
3 - the petitioner, within 10 business days of receipt of such
4 notification of such failure, shall file with the
5 Inspectional Services Department a report disclosing in
6 reasonable detail that such failure has occurred, and the
7 basis for such claimed failure.

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

11 c) That to the extent a special permit has
12 terminated, pursuant to the foregoing paragraphs a) and b),
13 the petitioner may apply to this Board for a new special
14 permit, provided that the public notice concerning such
15 application discloses in reasonable detail that the
16 application has been filed because of a termination of the
17 special permit, pursuant to paragraph a) and b) above.

18 Any such new application shall not be deemed a
19 repetitive petition, and therefore would not be subject to
20 the two-year period during which repetitive petitions may
21 not be filed. And finally:

22 d) That within 10 business days after receipt of a

1 building permit for the installation of the equipment
2 subject to this petition, the petitioner shall file with the
3 Inspectional Services Department a sworn affidavit of the
4 person in charge of the installation of equipment by the
5 petitioner with a geographical area that includes Cambridge
6 stating that:

7 a) he or she has such responsibility, and

8 b) that the equipment being installed pursuant to
9 the special permit we are granting tonight will comply with
10 all federal safety rules and will be situated and maintained
11 in locations with appropriate barricades and other
12 protections, such that individuals, including nearby
13 residents and occupants of nearby structures, will be
14 sufficiently protected from excessive radiofrequency
15 radiation under federal law.

16 The end.

17 On the basis of those conditions and that motion,
18 a voice vote from the Board, please? Virginia?

19 VIRGINIA KEESLER: In favor.

20 JIM MONTEVERDE: Bill?

21 BILL BOEHM: In favor.

22 JIM MONTEVERDE: Steven?

1 STEVEN NG: In favor.

2 JIM MONTEVERDE: Thomas?

3 THOMAS MILLER: In favor.

4 JIM MONTEVERDE: In favor.

5 [All vote YES]

6 JIM MONTEVERDE: That's five in favor. The motion
7 is carried. The relief is granted. Good luck.

8 MICHAEL DOLAN: Thank you for your consideration.
9 Happy holidays, everyone.

10 JIM MONTEVERDE: Same to you.

11 MICHAEL DOLAN: Thank you.

12 JIM MONTEVERDE: Thank you. Okay, everybody.
13 That was the last case. Enjoy your holidays and have a
14 happy New Year, and we'll see you all in January.

15 MICHAEL DOLAN: Thank you.

16 COLLECTIVE: All right. Happy holidays, all.
17 Take care. Bye.

18 JIM MONTEVERDE: Bye.

19 [07:57 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.

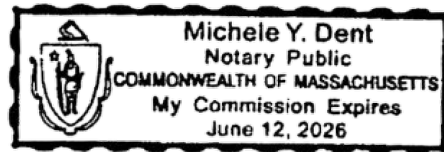
In witness whereof, I have hereunto set my hand this
29th day of December, 2023.



Notary Public

My commission expires:

June 12, 2026



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