BOARD OF ZONING APPEAL
FOR THE
CITY OF CAMBRIDGE

GENERAL HEARING

THURSDAY JULY 11, 2024
6:00 p.m.
Remote Meeting
via
831 Massachusetts Avenue
Cambridge, Massachusetts 02139

Jim Monteverde, Chair
William Boehm
Fernando Daniel Hidalgo
Virginia Keesler
Wendy Leiserson

City Employees
Stephen Natola

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(6:00 p.m.)

Sitting Members: Jim Monteverde, William Boehm, Daniel Hidalgo, Virginia Keesler, and Wendy Leiserson

JIM MONTEVERDE: Welcome to the July 11, 2024 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 public comment at that time, and you can also find instructions on the City's webpage for remote BZA meetings.

Generally, you will have up to three minutes to speak. I'll start by asking Staff to take Board Members attendance and verify that all members are audible.

STEPHEN NATOLA: Bill Boehm?

BILL BOEHM: Present.

STEPHEN NATOLA: Jim Monteverde?

JIM MONTEVERDE: Present.

STEPHEN NATOLA: Daniel Hidalgo?

DANIEL HIDALGO: Present.

STEPHEN NATOLA: Wendy Leiserson?

WENDY LEISERSON: Present.

STEPHEN NATOLA: Bill Boehm?

JIM MONTEVERDE: No, did that.

STEPHEN NATOLA: Oh.

STEPHEN NATOLA: Virginia Keesler?

VIRGINIA KEESLER: Present.

JIM MONTEVERDE: And Bill, this is your swan song on the Board, correct?

BILL BOEHM: That is correct.

JIM MONTEVERDE: All right, so, we'll miss you.

BILL BOEHM: Well, I've been duly serving with you guys. As you may know, I'm relocating to Canada. I'm still keeping a business going in Somerville, so I come back and forth, but hence, that's why I'm having to leave the Board.

JIM MONTEVERDE: Okay. Thank you for your help, and good luck.

BILL BOEHM: Thank you.

* * * * *

(6:02 p.m.)

Sitting Members: Jim Monteverde, William Boehm, Daniel Hidalgo, Virginia Keesler, and Wendy Leiserson

JIM MONTEVERDE: So the first case for tonight is Case No. BZA-272231 -- 41 Tierney Street.

Mr. McCarthy, are you with us?

GERALD MCCARTHY: Yes. Can you hear me now?

JIM MONTEVERDE: Yep. Do you want to introduce yourself, please, for the --

GERALD MCCARTHY: Yes, hi. I'm Gerald McCarthy.

JIM MONTEVERDE: Yep. Do you want to tell us what relief you're looking for and why?

GERALD MCCARTHY: We are converting a house on Tierney Street, and we had to raise the -- we didn't have to raise the floors, but we raised the floors to get more height on all three levels.

And it changed the -- we had to add two steps to the original set of stairs. We still land in the same place, but we turn and there's two steps which I guess triggered a violation.

So I am looking for relief from that to be able to keep the stairs as we constructed. We didn't finish them, but we laid them out the way we need to.

JIM MONTEVERDE: Yep. And from the photographs, so I understand correctly, the previous stairs were in relatively the same position. They also imposed on the front yard setback, as do the ones you've installed or are beginning to install now.

Is that correct?

GERALD MCCARTHY: Correct. We landed in the exact same spot they were, we just had to turn them.

JIM MONTEVERDE: Yep, okay. Anything else you want to tell us, Mr. McCarthy?

GERALD MCCARTHY: I'm not sure if there's anything else pertinent. I'd be happy to share if anyone has any questions.

JIM MONTEVERDE: Let’s see if we have any questions. Are there any questions from Members of the Board? If not, going once, going twice. I'll open it up for public commentary. We have no correspondence in the file, either for or against. So we'll do this for the public commentary.

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

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

[Pause]

STEPHEN NATOLA: No.

JIM MONTEVERDE: No. No one calling in. We'll close public testimony.

Any discussion among Board Members or are we ready for a motion? This is a special permit. All right. it sounds like we're ready.

The Chair makes a motion to grant relief from the requirements of the Ordinance under Sections 5.31, specifically the intrusion of the new stair into the front yard setback; Section 8.22.2.d, the Nonconforming Structures; and Section 10.40 -- specifically, the Criteria

mentioned in Section 10.43 for a Special Permit that I'll not read, but all of those are satisfied.

On the condition that the work proposed conforms to the drawings entitled "Tierney Street Residence," prepared by S47A Architects and dated October 12, 2013; initialed and dated by the Chair.

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

Board Members, on a voice vote, please?

Wendy?

WENDY LEISERSON: In favor.

JIM MONTEVERDE: Virginia?

VIRGINIA KEESLER: In favor.

JIM MONTEVERDE: Thank you. Bill?

BILL BOEHM: In favor.

JIM MONTEVERDE: Daniel?

DANIEL HIDALGO: In favor.

JIM MONTEVERDE: And Jim Monteverde in favor.

[All vote YES]

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

GERALD MCCARTHY: Thank you very much, everybody. Appreciate it.

* * * * *

(6:15 p.m.)

Sitting Members: Jim Monteverde, William Boehm, Daniel Hidalgo, Virginia Keesler, and Wendy Leiserson

JIM MONTEVERDE: Next case is BZA-268599 -- 17 Miller Avenue. This is also a special permit.

STEPHEN NATOLA: 6:15.

JIM MONTEVERDE: What?

STEPHEN NATOLA: 6:15.

JIM MONTEVERDE: Oh no. All right, we have to wait for eight minutes.

[Pause]

We have to wait until 6:15, so give us a couple more moments.

GINA FOMBELLE: Oh, okay. Sure.

JIM MONTEVERDE: The case is BZA-268599 -- 17 Miller Avenue. Is anyone speaking -- yep, go ahead.

GINA FOMBELLE: I'm Gina Fombelle. We were just looking to -- we have an existing single-family that's staying a single-family. It's an existing, very small lot, so three of the four sides of the house are within the

setbacks, including the rear, the right side, and the front.

We are just asking to rearrange the windows on the rear of the house, and we are looking to add a skylight above the stairs going up to existing third floor, and then add a little roof deck on the existing front porch footprint.

JIM MONTEVERDE: Okay. So it appears the relief that you need is really related to the Section 5.31, the Table of Dimensional Requirements? Right? That's everything?

You want to do the window and door on the rear of the houses within the rear yard setback? The skylight is within the right-side setback, and the railing for the porch, the second floor, is the front yard setback. Right? That's what we need to seek. Okay.

Any questions from Members of the Board? If not, I have one. Can you go to the survey, the site plan? I think it's the first sheet.

That's good. Yep. Just confirm for me please how many parking spaces are you providing here?

GINA FOMBELLE: We're providing one parking space.

JIM MONTEVERDE: Right so it says, "Proposed

driveway is --" driveway is not a parking space?

GINA FOMBELLE: Correct.

JIM MONTEVERDE: All right. Great. Thank you. That was my only question. Anybody else have a question? Any questions? If not, then I will open it to public commentary.

We have one letter in the file from Beverly Neugeboren, 18-20 Tenney Drive (sic). They have the property behind you, and they are in support of your request.

And we have no one speaking against. So I'll open it up.

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

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

JIM MONTEVERDE: No one is calling in, so I will close public testimony.

Any discussion among members of the Board? If not, move to a motion? Discussion? Motion time? This is a special permit.

The Chair makes a motion to grant relief from the requirements of the Ordinance under Sections 5.31, and that's to allow the modification of the window and door on the rear elevation, rear of the house, within the rear yard setback, to allow the addition of the skylight within the right side setback and add a railing to the second floor, and create a roof deck up there, and that sets within the front yard setback.

So relief from those conditions require 5.31.

And Section 8.22.2.d, 8.22.2.c, and as a special permit the criteria under Section 10.43. So on a voice vote, please, Board Members?

Daniel?

DANIEL HIDALGO: In favor.

JIM MONTEVERDE: Bill?

BILL BOEHM: In favor.

JIM MONTEVERDE: Virginia?

VIRGINIA KEESLER: In favor.

JIM MONTEVERDE: Wendy?

WENDY LEISERSON: In favor.

JIM MONTEVERDE: And Jim Monteverde in favor.

[All vote YES]

JIM MONTEVERDE: So the relief is granted. Thank you.

* * * * *

(6:30 p.m.)

Sitting Members: Jim Monteverde, William Boehm, Daniel Hidalgo, Virginia Keesler, and Wendy Leiserson

JIM MONTEVERDE: Next case is BZA-274800 -- 50 Wendell Street.

MICHAEL WIGGINS: Good evening, Mr. Chairman. This is Attorney Mike Wiggins from the law firm of Weston Patrick at One Liberty Square in Boston.

Here with me tonight are Rebecca Henderson, the owner of Unit 50 at 50 Wendell Street, and Olivier Jamin Changeart; he's the architect, and works for Wendel Klein, which is the design-build firm that Rebecca has engaged.

Rebecca's proposal is to add some space at the right rear of her building at 50 Wendell Street. It is not going to be visible from the public. I'd like if we could to scroll down to Sheet 8 of the presentation, which -- just one more, that's it, yeah. Just above that, please.

We could go back up one. Yeah, that's -- thank you. That's a picture of 50 Wendell on the north from the street. And you'll also see south elevations, east

elevation and west elevations.

This dormer is in the right rear on the west side, not visible from the public street. And we're asking for all of 34 square feet of space. Ms. Henderson is a professor who works at home a lot, and she has an office, as does her partner, in the building.

But her office is sort of in the eaves, and the objective of this is just to give her a little more space, a little more light, if you will.

And the total length of this dormer, as slightly extended, would be less than 14'. So it will increase the FAR slightly to a building which is slightly above the allowable FAR, and that's why we need from you tonight a special permit.

We do have the support of the Unit 52 owner, who is -- has sent in a letter in support of this, and we've also reached down to all of the abutters in the area. Haven't received any opposition, and I think the -- may speak for itself that it's such a small addition that no one appears to be or has said they're affected.

At the right rear, there's a bunch of vegetation, and the only property that seems to be affected is the dorm

at Lesley.

With that, I'd like to turn it over to Olivier, who can walk you through, show you the existing dormer at the right rear, and what he would propose to be doing to it.

So Olivier, if you're on with us, could you go ahead?

OLIVIER JAMIN CHANGEART: Yep. Can you hear me?

JIM MONTEVERDE: Yes, we can.

OLIVIER JAMIN CHANGEART: Thank you, Michael, for this introduction. So I'm Olivier Jamin Changeart, and I would like to start with page 9, please, to show you the existing condition.

Nope, 9. This is 11. Yeah, this one.

So that's -- that's a picture of the existing situation with the office space and the laundry located on the third floor of the building.

The objective is to recreate a dormer in place where the laundry dormer is, and to expand that dormer to the right to create an L-shaped shed dormer.

Number 16, please? Yeah, this one.

So this is a rendering showing the existing versus proposed. As you can see, we're changing the slope of the

roof to give more headroom and more usable space inside. And we are adding two windows that will bring more natural light into the space.

Page 13?

So this is a roof plan showing you the L-shape -- the location of the dormer. You can see that's the distance from the property line to the dormer is 17.1 and the actual distance with the existing dormer is 17.1 as well. So we are not worsening the right setback for this project.

Number 15?

So these are the two elevations directly impacted by this project. Michael talked about that a little bit with the views of the house.

You can see that the scale of the building compared to the scale of the addition is tremendous. You can barely see on the west façade the changes, and on the south façade, that's where it's the most visible.

But again, there are a lot of trees on the rear of the building. That brings some kind of natural visual barrier to prevent any visual impact from the abutters.

Number 14? Which would be the last page.

So here to the left you have the existing floor

plan with the office on the left and the laundry on the right. The red area shows the floor area, which is under 5'. So that's an unusable space. And what happened when you get into than office, you almost face the wall because of the very steep slope of the roof.

So by doing this dormer to the right, you would increase the living area, and you would also bring that space much more welcoming and useable. Michael mentioned that the additional living area would be 34 square feet. That's an increase of the FAR of 0.5 percent.

And I think I'm done. Thank you.

JIM MONTEVERDE: Thank you.

Mr. Wiggins, can I correct that the square footage addition is by my calculation 34 square feet? That's what we're talking about?

MICHAEL WIGGINS: That's correct.

JIM MONTEVERDE: Okay. And the structure already -- the house is already in excess of the Ordinance limit, which is why you're here, because you're adding 34 square feet. And that makes the GFA go up 0.4. So it's a de minimis kind of addition. But that's why you're here, it's for that particular piece?

MICHAEL WIGGINS: That's correct.

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

WENDY LEISERSON: I just have to disclose that Mike Wiggins has been an attorney representing me on non-Zoning matters. I have sat on the Board for his cases previously, but I must disclose that, in case anybody has any challenge to my sitting on this case.

JIM MONTEVERDE: Okay. Any other questions from members of the Board? No? If not, public commentary. We do have a letter, as Mr. Wiggins said, from Kristen Ann Stilt, who is the owner of 52, the adjacent condominium, in full support of this application. And there's no other correspondence in the file either for or against.

So with that, any member of the public who wishes to speak should now click the icon at the bottom of your Zoom screen that says, "Raise hand."

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

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

will have up to three minutes to speak before I ask you to wrap up. Anybody calling in?

STEPHEN NATOLA: No member of the public is raising their hand.

JIM MONTEVERDE: No one calling in? All right. Close public testimony. Any discussion among Members of the Board? If not, we can move to a motion. This is a special permit, again.

The Chair makes a motion to grant relief from the requirements of the Ordinance under Sections 5.31, that's specifically for the increase in the gross floor area and the increase in the GFA as a result of this expanded dormer.

Also, Sections 8.22.2.d and the Criteria for a Special Permit under Section 10.43.

On the condition that the work proposed conforms to the drawings entitled "Henderson Residence, 50 Wendell Street," prepared by Wendel Klein Design / Build. And I have put the date on this of July 11, 2024.

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

On a voice vote, please?

Virginia?

VIRGINIA KEESLER: In favor.

JIM MONTEVERDE: Wendy?

WENDY LEISERSON: In favor.

JIM MONTEVERDE: Bill?

BILL BOEHM: In favor.

JIM MONTEVERDE: Daniel?

DANIEL HIDALGO: In favor.

JIM MONTEVERDE: Jim Monteverde in favor.

[All vote YES]

JIM MONTEVERDE: That's five affirmative. The relief is granted. Thank you.

MICHAEL WIGGINS: Thank you, Mr. Chairman.

OLIVIER JAMIN CHANGEART: Thank you.

GINA FOMBELLE: Thank you.

JIM MONTEVERDE: You're welcome.

* * * * *

(6:45 p.m.)

Sitting Members: Jim Monteverde, William Boehm, Daniel Hidalgo, Virginia Keesler, and Wendy Leiserson

JIM MONTEVERDE: All right. Mr. Wiggins, you're up again. Next case?

MICHAEL WIGGINS: Thank you, Mr. Chairman.

JIM MONTEVERDE: Wait.

MICHAEL WIGGINS: In this case --

JIM MONTEVERDE: Yep, go ahead.

MICHAEL WIGGINS: I'm sorry. Did I interrupt you?

JIM MONTEVERDE: That's all right, go ahead.

MICHAEL WIGGINS: Okay. In this case, I represent Matt Pesci and Dana Schaeffer, who are the owners of the property at 47-20 Cogswell Avenue in Cambridge.

And here tonight with me are Axel Ramirez-Palacio and Sam Kachmar of Sam Kachmar Architects to describe their project for you.

But just a few preliminary comments as you look at this property --

JIM MONTEVERDE: Mr. Wiggins?

MICHAEL WIGGINS: Yes.

JIM MONTEVERDE: Can you hold on one second. I didn't do my formal introduction yet.

MICHAEL WIGGINS: Oh, okay.

JIM MONTEVERDE: So just wait and then jump back in. So we're now taking BZA case 271439 -- 47-20 Cogswell Avenue.

And Mr. Wiggins, I'm assuming you're in the midst of speaking about this?

MICHAEL WIGGINS: All right, thank you. I'll start briefly again. Here with me tonight are Matt Pesci and Dana Schaefer, the owners of 47-20 Cogswell Avenue. And Axel Ramirez-Palacio and Sam Kachmar, who are the architects who have designed this small extension.

A few preliminary comments before Axel walks you through the project and what we're doing: This is an end unit in a townhouse development that was created 44 years ago now very successfully.

And my clients have lived there now for 21 years at this end unit, which abuts a public area on one side, and then the railroad tracks to the rear, and then an abutter immediately attached to them, who is in full support of the

project.

They want to make a very small addition at the rear, to slightly expand what's I guess euphemistically called a "galley kitchen" meaning quite cramped on the first floor, and perhaps more importantly create some office space for Dana, who works from home and has found it would be very nice to have a small additional area there for her to work.

When this was initially reviewed by the Staff at the BZA, I was told that you need to run this by the Planning Board, and then -- in the course of looking at that. And I think they were pointing to the fact that this was originally a townhouse development.

But I -- they then got back to me and explained that the Planning Board had been approached and looked at this and said, "No, we don't need to," perhaps in view of the sheer age of this property and perhaps also the smallness of this addition.

I'd like to stress up front that the aesthetic of this townhouse development is really not going to be affected at all. If you go down Cogswell Avenue and you see the houses are sort of nestled in with each other in successive sort of jigsaw pieces. That's not going to be

changed.

And Axel will show you that. It's only going to happen at the rear, and it was designed specifically to preserve as much outdoor space as possible by having on the first floor the extension being very limited; the second floor a little bit out, in order to give that room for Dana upstairs. There will be a minimal increase in the FAR of only about 1 percent in this case.

So let me just stop there and turn it over to Axel to walk you through the plans.

JIM MONTEVERDE: And before you do that, can you just confirm looking at the drawings, it appears that this is a Variance Request, and the addition itself needs relief for its left side setback and right-side setback? And also, the floor area and FAR increase, is that correct?

MICHAEL WIGGINS: Yeah, that's right.

JIM MONTEVERDE: Is that the --

MICHAEL WIGGINS: Yep. Yes, it is. Yep.

JIM MONTEVERDE: Okay. Go ahead. Thank you.

AXEL RAMIREZ-PALACIO: Hi. Good evening. Axel Ramirez-Palacio here, Sam Kachmar Architects. Thank you, Michael.

We can go, scroll down to the drawings, please. Yes, we can.

Yes, this is our project at 47-20 Cogswell. That's the addition on the rear of the house, the building. Actually, I would like to make emphasis that this -- the pictures give the perspective of the proposed design. They are showing the back of the house. That is pretty much the addition, the renovation.

The front is very de minimis, but we added just two windows. And I will explain that later.

If we can go to the next sheet?

There are notes -- this is our area -- the area plans where we can see on the left side in the FAR calculation; required Ordinance is 0.5, existing FAR 0.53, the proposed FAR 0.629. And [sliding] is at 1 percent.

Setbacks: We are respecting [unclear] setback on the right side 0. We remain at 0 because it's attached to the neighbor's house.

We can go to the next sheet, please.

Here we can see the plot plans. You can see the setback lines and roof and property lines, marked with the dark area of relief when the -- you know -- more within

setback line and additional square footage on the gross floor area.

We can go to the next sheet.

JIM MONTEVERDE: So Axel, just to stay on that sheet for one second?

AXEL RAMIREZ-PALACIO: Yeah, sure.

JIM MONTEVERDE: The area of relief, what you're actually looking for relief for is actually the slightly shaded area on the right-hand side and the slightly shaded area on the left-hand side, right?

AXEL RAMIREZ-PALACIO: That is correct.

JIM MONTEVERDE: The area in the middle actually as-of-right, correct?

AXEL RAMIREZ-PALACIO: That is correct, sir. Yes.

JIM MONTEVERDE: All right. Okay. Thank you.

AXEL RAMIREZ-PALACIO: Yes. Because it's -- yeah, it's out of the setback line.

JIM MONTEVERDE: Okay.

AXEL RAMIREZ-PALACIO: We can go to the next sheet, please. Here we can see axons. Again, this is, you know, aerial views from the back of the house that is made with the addition. You can see on the existing -- on the

left -- the existing rendering showing the red house, and you can see the proposed design on the right side.

Next sheet, please?

This is a shadow study with, again, the summer solstice, the winter solstice, and the proposed -- and existing and proposed.

Next sheet, please?

There are existing photographs on the top. And that's the front of the house. And you can see in our -- in the proposed render, that's the two windows. That is the -- only the new addition on the front of the house. Those windows are small windows, and the integrity is there.

So even within the neighbor and our clients, you know, the -- we're keeping the privacy on both sides. I think we have full support of the neighbor on this particular elements.

Next one, please?

This is another existing view, a little more angled.

Next one, please?

This is another side of the house. I just would like to mention that we don't have intention to remove any

trees. The reason we don't have trees in front of the house is for visibility.

Next one, please?

This is the side of the house. Again, same story with the trees; we're not having any removal, if you want to compare existing versus proposed.

Next, please?

And this is the back of the house. And you can see the house of our clients, the building on the left. The building on the right is the main. With the addition we would not pass the line of the border with the neighbors, so we would not intrude at all on their property.

Next one, please?

This is the full plan Level 0. No relief requested here. We're not adding any addition in these floor plans.

Next one, please?

This is Level 1. You can see relief from the red dashed area there, and the windows within the setback lines.

Next one?

Same here as the last sheet, you know, showing area of relief and increase of the footprint and working

with the setback line with windows.

Next one?

This is the roof plan. It shows a new roof added, aerial relief in each side of the setback lines.

Next one?

This is the front elevation. No changes on this one at all. You can see the setback lines that would remain.

Next one, please?

Elevation west, you can see the relief with the windows within the setback lines as part of the addition.

Next one?

This is the rear of the house. This is pretty much the main elevation going forward. That’s the area of relief.

Next one, please?

This is our elevation line showing the new windows added from the property right next to the neighbor. You can see on the left the dark area representing the neighbor's house.

Next one, please?

This is the existing picture of the property.

The next one?

It's a QR video that you can access with your cell phone camera and seeing a quick video of the outside, the exterior of the house.

And the last one is the certified plot plan requested by the owner. Yeah. That's all that I have. Any questions, please let us know.

MICHAEL WIGGINS: If I could just add a couple of things to what Axel just said: One is the shape of that lot is unusual, and that explains why we need a little bit of relief on the side dimensions.

And I'd also like to just point out that we've contacted everybody in the neighborhood. All of the folks that live in the subdivision known as 47-20 Cogswell have approved the project.

To the rear, there is a condo building that's across the railroad tracks, and technically every condo unit owner there is an abutter. We contacted all of them and got no response, and I think that's probably because it's such a small impact.

And also, the rear yard is not -- we still have plenty of room in the rear yard; there's no invasion there,

and lots of trees, as I said.

So that feel is not going to be affected by this project whatsoever.

JIM MONTEVERDE: Okay. Thank you. Any questions from Members of the Board? If not, public commentary?

WENDY LEISERSON: Jim, I'm just again making my disclosure that Mike Wiggins has represented me in matters unrelated to zoning, in case anyone wants to challenge my sitting on this case.

Thank you.

JIM MONTEVERDE: Thank you. Anyone else have any questions? If not, in the file as Mr. Wiggins mentioned, we have 16 pieces of correspondence from neighbors along Cogswell Avenue and -- there's going to be one beside Cogswell, but I'm not going to read all of these, just to save us that time.

But everyone here is writing in support of the requested relief and the project, and there's no one writing in against.

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

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

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

Anybody out there, Stephen?

STEPHEN NATOLA: No member of the public is raising their hands.

JIM MONTEVERDE: Great. We will close public commentary. Any discussion by Members of the Board? If not, we'll go to a motion. This is a variance. Okay.

The Chair makes a motion to grant relief from the requirements of the Ordinance under Sections 5.31, Dimensional Form, and that's for the addition. It intrudes on the left and right-side setbacks and the new windows in the front of the building on the right-side setback.

The -- what was it? The requested condition for the total gross square footage exceeds the Ordinance Requirement by -- sorry, I just calculated this -- by less than 300 square feet.

It increases the FAR, which is already noncompliant beyond the Ordinance Requirement. Indus believe that's the sum of the relief that you're requesting under 5.31.

Also Section 5 -- 8.22.3, Nonconforming Structure, and the requirements that go with that variance under 10.31, which I will read is that we have to find that all of the following are met:

a) a literal enforcement of the provisions of the Ordinance would involve a substantial hardship.

b) The hardship is owing to circumstances relating to soil condition, shape, or topography. I think as Mr. Wiggins mentioned, it's the shape of the lot that’s the hardship here.

c) And that desirable relief may be granted without either substantial detriment to the public good or nullifying or substantially derogating from the intent and purpose of this Ordinance.

So all the conditions of 10.31 are met.

On the condition that the work proposed conforms to the drawings entitled "Schaeffer and Pesci Residence" at 47-20 Cogswell Avenue, prepared by SKA Architects and dated

07/02/2024; initialed and dated by the Chair.

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

On a voice vote, please?

Wendy?

WENDY LEISERSON: In favor.

JIM MONTEVERDE: Virginia?

VIRGINIA KEESLER: In --

DANIEL HIDALGO: Oh, sorry.

JIM MONTEVERDE: -- Virginia? Sorry.

VIRGINIA KEESLER: Did you say Daniel or Virginia? Sorry.

DANIEL HIDALGO: No, I misunderstood. I think I chimed in too early.

VIRGINIA KEESLER: In favor.

JIM MONTEVERDE: Thank you. Daniel?

DANIEL HIDALGO: In favor.

JIM MONTEVERDE: Bill?

BILL BOEHM: In favor.

JIM MONTEVERDE: And Jim Monteverde in favor.

[All vote YES]

JIM MONTEVERDE: That's five affirmative. Relief is granted. Thank you.

COLLECTIVE: Thank you, Mr. Chairman. Thank you, Mr. Chairman and Members of the Board. Thank you.

JIM MONTEVERDE: You're welcome.

* * * * *

(7:00 p.m.)

Sitting Members: Jim Monteverde, William Boehm, Daniel Hidalgo, Virginia Keesler, and Wendy Leiserson

JIM MONTEVERDE: Next case is BZA-272790 -- 63-65 Reservoir Street, Number 63. Is there anyone here who wishes to talk to us about this one?

ALISON HAMMER: Hi. Good evening.

JIM MONTEVERDE: Can you -- Alison, how are you? Can you introduce yourself for the --

ALISON HAMMER: Yeah.

JIM MONTEVERDE: -- transcription?

ALISON HAMMER: Good evening. I am Alison Hammer. I am the architect for the 63 Reservoir Street Residence project.

JIM MONTEVERDE: Can you explain to us what relief you're looking for, and then explain the project to us?

ALISON HAMMER: Great. So for this project we are looking for a special permit to further increase our already increased sustained nonconforming GFA on the site of a preexisting, nonconforming two-family residence.

I don't know if my client, Raf, has been, brought in, but I was --

RAFAEL JARAMILLO: I'm here.

ALISON HAMMER: Oh, hey, Raf.

RAFAEL JARAMILLO: Yep, hey.

ALISON HAMMER: I was -- so the intent of this project is going to be to make two small additions to Raf's family's home, and I thought maybe he could briefly introduce himself and their need for the project, and then I can run the project and show you guys the particulars.

RAFAEL JARAMILLO: Yes, I could -- so we -- so yeah, we moved here in 2014ish, 2015. And --

JIM MONTEVERDE: Introduce yourself, please.

RAFAEL JARAMILLO: I'm sorry. Oh, sorry. Introduce myself?

JIM MONTEVERDE: Introduce yourself, please.

RAFAEL JARAMILLO: Yeah. Rafael Jaramillo. I live at 63 Reservoir Street --

JIM MONTEVERDE: Thank you.

RAFAEL JARAMILLO: -- with my wife Margo and our kids.

JIM MONTEVERDE: Thank you.

RAFAEL JARAMILLO: Right. So -- yeah, so yeah, we moved here about 10, nine or 10 years ago with the second kid on the way, and it's been wonderful living here, but recently a third one came along, and we are feeling a little full.

And we really want to stay in the neighborhood. And, you know, our kids are here in the schools and do all of the youth sports leagues and all of the things.

And my wife and I, we also go to work here in the city. She teaches Applied Math at Harvard, I'm a professor at MIT, and we don't want to move ever, but we're full.

So Allison is helping us envision an extra room for the baby, and then a little makeup space for a home office.

ALLISON HAMMER: Great. Thanks so much, Raf.

So as Raf explained, Raf and his family are longtime residents of Cambridge whose family has grown from three to now five in the 10 years that they've been living here.

They live on the second and third story -- oh, there's the baby who needs a room [laughter.] They live on the second and third stories of this two-family, existing

home in brick with a hip roof on the corner of Reservoir and Huron Ave.

Just to start, we wanted to start with a couple axonometrics just to kind of familiarize you with where the additions will be. Both additions are going to be put above preexisting first floor areas.

So there's going to be a small addition of about 85 square feet above the front porch, as well as a second addition of about 135 square feet above an existing one-story ell off the side of the house facing Huron Avenue. So you can kind of see those in the projection here.

So we can move onto the next slide. Oh. Thank you.

Just a couple street views on the upper left. We have the street from Reservoir Street, upper right from Huron Avenue, and from the corner. You can see those massing elements of that one-story addition, as well as that covered kind of porch that we are planning to build above, as well as the aerial view on the bottom right-hand corner.

Next slide, please?

Here we have a few more closeup views of the two areas where we're going to be proposing the additions with

the bedroom addition, which is going to be above the porch and an office addition above the one-story area.

I've also included just for context, there's a row of houses across the street with very similar form that do have the second-story porch.

And we definitely looked towards these contextual elements to try to develop our façade to make sure that we were coming up with something that was going to kind of work within the language of the neighborhood.

Next slide, please?

You can see our zoning information on this sheet. Again, the most pertinent things is those two additions, which are shown in No. 7 on the left on the bottom row of "85" and 135' and 135' for a total of 220', taking our FAR from 0.83 to 0.89 on an allowable 0.5, as this is a Residence B district.

Next slide, please?

On this you can see the changes that we are actually making to the plan with these two small additions. On the bottom left of the proposed plan, you can see that we are taking what is currently an extremely tiny office and adding those 85 square feet to turn that into a bedroom, so

that Raf and Margo no longer need to be roommates with their baby.

But as the realities of life and work, we wanted to be able to replace an old office. So we looked to build above that one-story porch and on the right of the building, where we are adding a small office, 35 square feet, which can be a small water closet.

Next slide, please?

And again, we're making some minor adjustments on the interior -- and you could just see where those two areas, I believe, how those relate to the attic space.

Next slide, please?

And again, on the roof plan you can see the flat roof above the roof of the covered porch on the bottom of the screen -- again, where we've kind of tried to use the details that we see in other houses on the street in terms of how we're kind of finishing that and integrating it with the space.

While on the addition of the porch, we tried to use the form of the intersection hip roof.

Next slide, please?

Here you can see our elevations, the front

elevation facing Reservoir Street.

On the left, you see the bedroom addition above the front porch, and on the right, you see the office addition above the one-story area.

Next slide, please?

And again, from this now from the other street elevation, Huron Ave, we see the -- in the whole front part we see above the first story portion the new office and the new bedroom addition to the left.

Next slide?

From the rear of the house, you can kind of see the office addition poking out a bit.

And next slide?

And then from the other side setback, you also see the addition to the bedroom above the front porch.

Next slide, please?

And yeah, so we just dropped in this perspective rendering just to kind of show you the completed project, which we are -- you know, very excited about, both aesthetically and functionally.

We have reached out to all the neighbors, and we have five or six letters of support. I think, you know, Raf

and Margo are beloved members of their community, and they are just hoping to be able to live a little bit more comfortably in their existing home.

Thank you.

JIM MONTEVERDE: Thank you. Any questions from Members of the Board?

If not, we do have six pieces of correspondence in the file in support. We also have a letter from the Condominium Association, so that's covered. And we have no pieces of correspondence against.

I'll just read out the names and addresses of folks who have written in, so they don't feel the need to -- you know, call in. We've got all their correspondence in the file.

So a letter from Christina Silva, July 10, in support. A letter from David Lyons and Lynn McGreegor, 301 Huron Avenue, in support. And from Janice Snow and Ron Thomas, 60 Reservoir Street in strong support. Luke Voiland, 59 Reservoir Street, in support. Molly Cohen, 292 Huron Avenue, May 21, in support. Jennifer Park, 60-62 Reservoir Street, in support. It's dated May 19. And then the note from the Condominium Trust on May 16 that they

approve the renovations.

That's the sum of the correspondence. Again, six in favor, none opposed.

I will open it up to public commentary.

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

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

Nobody out there?

STEPHEN NATOLA: Nobody is raising their hand.

JIM MONTEVERDE: Nobody is calling in. I will close public testimony.

Discussion among Members of the Board? Anyone? No? I have one; I guess two comments.

In looking at the -- Stephen, can you get rid of the -- looking at the view that's on the screen, and then

looking at -- going down the streets, it faces two streets: Huron and a side street, or Prospect, Reservoir Street, and another street.

I'm concerned about the location of the two additions, and whether this still keeps the building itself in keeping with and compatible with the rest of the neighborhood.

I heard your presentation, Ms. Hammer, about other houses that do similar things -- you know, filling in the porch on the second floor. But that doesn't mean that it's -- that doesn't make it compatible, or something that we should necessarily approve.

But that's my personal concern at the moment. Does anybody else -- any other Board Members have any commentary to sway me one way or the other? Is it a nonissue for everyone else?

BILL BOEHM: It's a nonissue for me. I think the particular siting, where it's on that kind of trapezoidal site into Huron Ave makes that side porch sort of fit in there in a way. And I think they've handled the volumes nicely.

JIM MONTEVERDE: Okay. All right. Any other

Member of the Board have anything to add to that discussion? If not, we'll make a motion. This is the special permit.

The Chair makes a motion to grant relief from the requirements of the Ordinance under Sections 5.31, and that's to increase the already nonconforming floor area and the area ratio, the GFA, the porch addition requires -- is in the front yard setback and needs relief for it, and the second-floor addition including the side, and that requires -- it sits in the right-side setback, so it needs dimensional relief for it, although it sits on top of the existing building. That's 5.31.

Also 5.22.2.d and special permit 10.40 Section 10.43. And that Criteria reads as follows:

a) It appears the requirements of the Ordinance cannot or will not be met. That is yes, that's correct.

b) Traffic generated or patterns of access or egress will cause congestion, hazard, or substantial change. No.

c) The continued operation of or the development of the adjacent uses as permitted in the Ordinance would be adversely affected. No.

d) That a nuisance or hazard will be created to

the detriment of the health, safety, or welfare. No.

e) For other reasons, the proposed use would impair the integrity of the district. That's a no.

So you comply with all the requirements of section 8.43, the Criteria for a Special Permit.

On the condition that the work proposed conforms to these monstrous drawings entitled "Jaramillo-Levine Family," 63 Reservoir Street, prepared by Hammer Design and Development, and then dated 05/24/2004; initialed and dated by the Chair.

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

On a voice vote, please?

Daniel?

DANIEL HIDALGO: In favor.

JIM MONTEVERDE: Bill?

BILL BOEHM: In favor.

JIM MONTEVERDE: Virginia?

VIRGINIA KEESLER: In favor.

JIM MONTEVERDE: Wendy?

WENDY LEISERSON: In favor.

JIM MONTEVERDE: And Jim Monteverde voting against.

[Four votes NO, one vote YES]

JIM MONTEVERDE: That's four to one. The relief is granted. Congratulations.

ALISON HAMMER: Thank you very much.

JIM MONTEVERDE: You're welcome.

RAFAEL JARAMILLO: Thank you.

JIM MONTEVERDE: Nice to see you again.

ALISON HAMMER: Likewise.

STEPHEN NATOLA: Jim, hold on just a sec, I've got to check something.

JIM MONTEVERDE: Sure.

[Pause]

JIM MONTEVERDE: We're good?

STEPHEN NATOLA: [Inaudible].

* * * * *

(7:21 p.m.)

Sitting Members: Jim Monteverde, William Boehm, Daniel Hidalgo, Virginia Keesler, and Wendy Leiserson

JIM MONTEVERDE: Next case is BZA-272791 -- 37 Bellis Circle. Is there anyone joining us tonight what wants to talk about 37 Bellis Circle?

STEPHEN NATOLA: Levi Tofias.

LEVI TOFIAS: Hi. I'm Levi Tofias of Lightbox Architecture. My clients Roger Berry and Sonia Perez Villanueva I believe are also joining. I'm not sure if --

ROGER BERRY: We're here, Levy.

LEVY TOFIAS: Great. so I think Roger and Sonia just wanted to say something?

ROGER BERRY: Sure. Well, thank you for having us. We've been in this wonderful house for 15 years -- almost 16 years, and we are -- we abut Danehy Park, which is a beautiful place to live.

And it's always been our dream to be able to create an addition on the third floor within the existing footprint to have a better relationship with that park; a

better view of the park from the house on the exterior, and just a way for us to see the park with a better view. So it's hopefully something that we can afford.

We've been in Cambridge; residents for a long time. I run a small, sustainable energy business, and Sonia is the Associate Provost for Liberal Arts at Lesley College.

So happy to answer any questions and appreciate your consideration.

JIM MONTEVERDE: Thank you.

LEVY TOFIAS: Great.

ROGER BERRY: If we could advance to the drawings? So that's a fine place to start. You can see from the aerial view there that 37 Bellis Circle directly abuts the park, and to the rear of the house is kind of a wetlands and a tree-filled area, which is a nice part of the park to be able to overlook.

If you could just Zoom down to the survey below?

So the main reason why we're here is because the right-hand setback, the existing right-hand setback, it is 3.6', which makes the building existing nonconforming.

We're proposing an addition that is conforming to setbacks and GFA on the third floor over the existing

footprint, but because it's existing and nonconforming, we're adding over 10 percent of existing area in volume is why we're here.

And then also on the first floor we have some windows that are being relocated along that right-hand property line as well.

You could advance to the existing photos.

So the portion, we're going to be talking about most is the rear of the house on the -- which is now a flat roof, a two-story portion. And then the existing gable roofed portion of the front of the roof will stay in place.

So you can advance to the next slide.

So again, the addition is over the second floor, over that existing flat roof. The existing photographs are on the left, and the proposed renderings on the right.

The idea is to add a primary bedroom on the third floor, and to keep the existing front part of the roof, which has a low head height, but to make the rear part with a little bit higher head height, so it's nicer for a bedroom.

And you can advance.

And then this is a view from really the only part

of Danehy Park where it's visible. There's just a little bit of the roof poking out now, and it'll look pretty similar. We're raising the whole roof I think about four feet from the existing ridge.

You can advance.

So this is a view that will not be visible from the park, but just so you can understand kind of the volume to the back.

And advance?

Which then allows a nice view kind of over the trees and kind of that connection with nature that Roger was really excited about.

Then you can advance.

It's just the survey. So you can advance that as well.

So if you can zoom in to the proposed third floor and the upper right corner there?

So we're adding less than 500 square feet of area.

Again, it's conforming to GFA, but it's -- let's see how much we can see -- actually if you go down to the bottom of this page and the calculations of how much it is?

So it's -- we're adding 17 percent for area, and

then for volume was 21 percent.

So you can advance next.

LEVI TOFIAS: So this is the first floor. It's a really minor renovation. In the right corner there, basically we're making the mudroom a little bit more user-friendly and optimizing the storage.

And in doing that, we're -- we want to relocate the windows that are already on that façade, move them over closer to the door so there's space for a bench, you know, in front of the windows as coming to take off your shoes or what not.

You can advance.

There's no work on the second floor, so that can advance.

And then again on the third floor, basically, at the top of the stairs, we're creating a bedroom to the rear, adding a new bathroom and closet to make a master suite on the third floor, and then the existing front room will become an office space.

You can advance.

The only thing of note on here is that there is a -- in the rear right corner of the roof is a raised portion

of roof, which is really -- it does increase the volume of the addition, but we've always felt that it's really important to kind of creating that connection between the outside and making this feel like this room is worth it -- you know, once you've come up the stairs the third floor that there's this kind of nice overlook of the park.

You can advance.

So on the elevations, the existing is at the top and the proposed is at the bottom of the page. So the addition is to the rear. We're going to do some minor cosmetic work at the front of the house to kind of dress up the façade a little bit. And then adding the addition in the back.

You can advance.

And again, the existing is at the top and the proposed it at the bottom; the rear elevation and the left elevation.

And that's the end of my presentation. Thank you for your time and consideration. I'm happy to answer any questions the Board or public may have.

JIM MONTEVERDE: Thank you. Any questions from Members of the Board? I'd just like to confirm you're

compliant in terms of all of the Dimensional Requirements. You're within the gross floor area, you're within the ratio of GFA. You're not intruding any more on the setbacks in terms of right side, left side, front or rear.

And you're here because you need -- you're over, you're adding over 10 percent in area, so you need relief for it, and you also need relief for the first floor renovations, the mudroom. You mentioned the window you want to move is in the side yard setback, so that requires relief. Is that correct? That's about 10 percent and the window moving?

LEVY TOFIAS: Correct. Yep.

JIM MONTEVERDE: All right. Thank you.

BILL BOEHM: Jim, that may have answered my question. I'm guessing that the word "dormer" is not used; instead, it's called a third-floor addition. When you looked at the new front elevation -- if you don't mind just scrolling to that please?

The proposed front elevation -- the kind of flat-roof volume looks like the kind of dormer we don't like, because it raises above the existing gable, and it's -- you know, it's flat, and it comes right out to the edge, all

that.

But I'm -- am I correct in that because it's within setbacks, it does not need to be considered as a dormer, and therefore it's an addition, is that kind of the -- I guess I'm posing this either to you, Jim, as more experienced on this stuff, or to you, Levi, if you've kind of gone through this question with Zoning.

JIM MONTEVERDE: There's no relief required for it in terms of our usual -- you know, it's not in a side yard setback, the GFA, the floor area, is not over the Ordinance requirement or limit, and it's solely here because it adds 10 percent to the area.

So the usual trip wires that kind of trigger the Dormer Guidelines don't exist here. And I think the drafting of the application that calls it an addition is one we've seen before.

And usually ISD Staff looks at that, and if they think that's the case and it's really not a dormer, that's when it comes to us as an addition.

So that's the way I'm taking it, as opposed to a dormer.

BILL BOEHM: Okay. I'm comfortable with that.

JIM MONTEVERDE: Yep. Any other questions from Members of the Board? If not, we have -- in the file we have 4 pieces of correspondence supporting the project. I'll read who those are from, so they don't need to call in if they don't want to but William Giraldi, 39 Bellis Circle, in support; Michael Siegell and Lakshmi Mudunuri, in support; Michael Siegell again; Judy Hunt; Ellen Loring, 40 Bellis Circle, in support.

And none speaking against.

So with that, we'll open it up to public commentary. Any members of the public who wish to speak should now click the icon at the bottom of your Zoom screen that says, "Raise hand."

If you're calling in by phone, you can raise your hand by pressing *9 and unmute or by pressing *6. I'll now ask Staff to unmute the speakers one at a time. You should begin by saying your name and address, and Staff will confirm that we can hear you. After that, you will have up to three minutes to speak before I ask you to wrap up.

STEPHEN NATOLA: Nobody's calling in.

JIM MONTEVERDE: No one is calling in, so we'll close public testimony. Any discussion among Members of the

Board? Are we ready for a motion? This is a special permit.

So, let's go to a motion. The Chair makes a motion to grant relief from the requirements of the Ordinance under Section 5.31, that's because the addition adds over 10 percent of the existing floor area -- gross floor area.

And also, that part of the first-floor renovation includes relocation of a window that's in the right-side setback.

And Sections 8.22.2.d, 8.22.2.c for a Nonconforming Structure, and 10.43, the Criteria for a Special permit, which reads:

a) It appears that the requirements of this Ordinance cannot or will not be met: That's correct.

b) Traffic generated or patterns of access or egress will cause congestion, hazard, or substantial change. No.

c) The continued operation of or the development of the adjacent uses as permitted in the Ordinance would be adversely affected. No.

d) Nuisance or hazard will be created to the

detriment of the health, safety, or welfare. No.

e) And for other reasons, the proposed use would impair the integrity of the district or adjoining district. And that's a no.

So it complies with all the criteria of Section 10.43.

On the condition that the work proposed conform to the drawings entitled "37 Bellis Circle," prepared by Lightbox Architecture, dated 05/24/2024; initialed and dated by the Chair.

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

On a voice vote, please from the Board?

Wendy?

WENDY LEISERSON: In favor.

JIM MONTEVERDE: Virginia?

VIRGINIA KEESLER: In favor.

JIM MONTEVERDE: Bill?

BILL BOEHM: In favor.

JIM MONTEVERDE: Daniel?

DANIEL HIDALGO: In favor.

JIM MONTEVERDE: And Jim Monteverde in favor.

[All vote YES]

JIM MONTEVERDE: That's five affirmative. Relief is granted. Thank you.

ROGER BERRY: Thank you.

LEVY TOFIAS: Thank you to you all.

SONIA PEREZ VILLANUEVA: Thank you.

* * * * *

(7:00 p.m.)

Sitting Members: Jim Monteverde, William Boehm, Daniel Hidalgo, Virginia Keesler, and Wendy Leiserson

JIM MONTEVERDE: Next case is BZA-269729 -- 145 Fifth Street. Mr. Glassman, are you joining us this evening?

STEPHEN NATOLA: Adam Glassman is.

ADAM GLASSMAN: There we go. Good evening, Mr. Chair, and Members of the Board. For the record, this is Adam Glassman with GCD Architects at 27 Hurlbut Street in Cambridge.

And I'm here tonight representing Christopher Smith and Heather Dwyer, owners of 145 Fifth Street; a single-family house in East Cambridge on the corners of Hurley and Fifth Street, a tight corner lot.

And before I get going on the presentation, I'd just like to give them a minute to introduce themselves to you and tell you why we we're -- why they need this space.

STEPHEN NATOLA: Adam, they're not in the --

ADAM GLASSMAN: Are you letting them in, or should

I keep going?

STEPHEN NATOLA: No, they're joining.

ADAM GLASSMAN: Okay.

CHRIS SMITH: There we are. Can you hear us now?

JIM MONTEVERDE: Yep. Please introduce yourself and then you can speak.

CHRIS SMITH: Yeah. I'm Chris Smith and with my wife Heather Dwyer here. We're at 145 Fifth Street. We moved the house about seven years ago, about when our daughter was born. We also have a son who's about to turn for here.

You know, we really love the neighborhood, love the house and the area. The kids can walk to school. We have a great community here, but we're just running pretty short on space.

It's kind of one of the smaller buildings in the neighborhood; two bedrooms, one bathroom, and it's just kind of not working for us as the kids get older.

We also kind of looked around and it's -- like, again, there's -- most of the buildings in the neighborhood seem -- are two and a half stories. We've seen people add space in that kind of way.

And so, you know, so that we'd be able to stay in the neighborhood and make the house work for us. We started talking with Adam, and we can turn it over to him to explain the project in a little more detail.

ADAM GLASSMAN: Thank you, Chris. Could we advance to the drawings, please?

Okay. So the existing single-family where they live now is -- as you can ese in the photo on the upper left -- what was built as a Greek Revival workers cottage.

Maintains the original profile, though it's been covered in alternative siding and has had replacement windows done. Has not -- the original look of the house has not been well maintained.

You can see on the map on the right that they occupy a small corner lot, and we are here tonight to seek to add a full second story and raise the existing attic space, so we'd maintain the slope of the roof and the general look of the building, which is an approach that the Cambridge Historic Commission has approved in the past in similar projects in East Cambridge.

And in the photo, you can see towards the rear of the house an existing one-story deck. That will remain

unchanged. The work we're seeking within setbacks and with the additional nonconforming FAR is all happening within the footprint of the original gable roof structure.

Could you move to the next page, please?

On the right is a photo of the existing house. And you can see to its left and two doors down to the right that we're surrounded mainly by full three-story multifamily buildings.

The image on the left is what we're seeking to do, maintaining that -- the original slope of the profile, adding two divided dormers that meet the dormer guidelines in every way, adding more windows.

The home will be resided, new trims, and actually it's not shown in this rendering or in the drawings, but there's original Greek Revival entry that the Historic Commission brought to our attention, and we told them that we'd be restoring it -- replicating it.

Next slide, please?

More context photos. On the left, the view from Hurley Street. You can see our neighbors' full basically six -- three-story, six-unit building and a similar structure, a three-family, three-story further down on the

right.

Next slide, please?

More views from Hurley Street showing additional context. And on the right an aerial view showing the massing of the neighboring buildings, all of which dwarf our corner lot, with the exception of the building to the immediate right, which is a similar structure and has been modified by developers recently.

Next slide, please?

More views on the left. If you were standing at 145 Fifth Street on the Hurley Side, these are the homes that are all directly across the street. This is the pattern we're looking to maintain abstinence and with a full two-story and a gable half-story above.

Standing on their intersection on 140 -- on Fifth Street, looking down Fifth Street across the intersection with Hurley, again you see more a combination of two and a half -- full two-and-a-half-story and three-story multiunit homes. So the proposed work would neither be out of place in terms of scale, massing, or use.

Next slide, please?

Our Zoning Summary: Nearly everything pertaining

to the lot zoning wise is existing, nonconforming. We will not be creating any new nonconformities. Therefore, we're seeking a special permit. We have conforming open space -- usable open space and height, and those three conforming conditions will be maintained.

Next slide, please?

A view, a site plan -- enlarged site plan view of the corner lot. You can see on the left side of it the deck to remain. The red dashed line you see in the middle are the required setbacks. So there is no way to modify this structure in any meaningful way. There's no ability to add space for a growing family without seeking a special permit.

Next slide, please?

Our open space diagram. Fortunately, none of the open space, or usable open space, will be reduced in any way.

Next slide, please?

Our FAR plans. We've got an existing FAR of 1.12, which is 1,278 square feet of living space. I should add that the existing basement is unfinished, and it will not be finished, and it also has a very low ceiling height close to six feet between the ceiling height, the need to excavate in

order to turn it into habitable space, plus the extremely high-water level in East Cambridge means expanding into the basement is not feasible.

Next slide, please?

Our proposed FAR diagrams: All the additional FAR will be on the second floor and the third floor. We're adding a total of about 542 square feet to the whole structure, bringing the FAR to 1.64.

Next slide, please?

Our existing proposed renderings sort of speak for themselves on the left. We've got the original structure on the right, to be expanding vertically, adding the dormers, adding more windows.

Next slide, please?

A view from Fifth Street. You can see again the dormers are conforming. They -- on the right side it's not more than 15'. We're stepped down from the ridge and we're stepped back from the sidewalk.

Next slide, please?

Aerial view of the existing and the proposed structures. Again, you can see the slide is very restrictive. Yep, yep, you can keep going.

Our existing plans. As Chris said, what we have now is a two-bedroom, one-bathroom house. The bathroom is on the first floor. The existing bedrooms are on the second floor, and we've got a house that really does not -- is not conducive to comfortable and functional family living.

Next slide, please?

Areas of building removal limited mainly to the existing roof and cosmetic removals for siding and windows.

Next slide, please?

Our demo elevations from the other side. The porch will remain. The existing roof will be removed.

Next slide, please?

Our new plans show that we are -- as we convert the second floor to a full-story story, we will be rebuilding the stairs throughout the house so we can have a safe, conforming Building Code conforming staircase.

We've got two modest bedrooms and one full bath on the second floor, two offices for parents who work at home, all modest-sized rooms, and a third bedroom with bathroom for parents at the half-story on the third floor.

Next slide, please?

Our elevations showing again contextually we're

still well under the height of the neighboring buildings, respecting the massing and the character of the neighborhood. On the right-side view, you can see our dormer, which is facing the right.

Next slide, please?

The elevation facing Hurley Street on the right to two smaller dormers rather than one 15' dormer, a skylight over the stairwell, additional windows.

Next slide, please?

Our building sections. On the left, you can see that we're constructing a new stairway.

Next slide?

And our demo calcs that we presented, and which were approved by the Historic Commission.

That brings me to the end of the presentation. I'm happy to take any questions.

JIM MONTEVERDE: Any questions from Members of the Board?

BILL BOEHM: Yes, I have a question.

Adam, you mentioned you brought this to the Historic Board for -- to show that you were demolishing what, less than 50 percent of the house?

CHRIS SMITH: Right. I wouldn't say we brought it to the Board; they reviewed it and they agreed with our calculations that the Board did not need to review it.

BILL BOEHM: Gotcha. And is there a Neighborhood Conservation District study period sort of over pending Council action on the --

CHRIS SMITH: I believe it's over and no longer applies. I did almost an identical project to this in East Cambridge a few years ago and at that time it was pending. We had to treat it as though it was adopted and no longer applies.

BILL BOEHM: Gotcha. Thanks.

JIM MONTEVERDE: And Adam, just to confirm: the relief that you're seeking for the Dimensional Table 5.31, that's really for the square footage for the gross square-foot area, the ratio --

ADAM GLASSMAN: Mm-hm.

JIM MONTEVERDE: -- and setbacks for the front, left side, and right side? Do you need relief for the rear setback, rear yard?

ADAM GLASSMAN: No. we're building -- this is not being built within the rear setback.

JIM MONTEVERDE: Okay. All right. Thank you.

ADAM GLASSMAN: Yep. You're welcome. Yep.

JIM MONTEVERDE: Are there any other questions from Members of the Board? If not, public commentary. There are seven letters in the file, in support. I'll go through those.

Justin Saif and Erin McCue Saif from 259 Hurley Street, in support. Jose Biasella and Arlen Brown, 291A Hurley Street, from April 26 in support. Caroline Lowenthal, 62 Fulkerson Street, April 26, in support.

Tanya Grinblat and Pawel P-r-z-y-t-y-c-k-I, dated May 9, in support. Tracy Lennertz, 117 Charles Street, in support. Patrick McNeal, 112 Spring Street, May 18, in support. And Julia M. Rosenbloom, 281 Hurley Street, May 13, in support.

And no one speaking against.

So with that, I'll open it up to public comment.

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

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

Anybody there?

STEPHEN NATOLA: Nobody is raising their hand.

JIM MONTEVERDE: No one attending. What a quiet night. All right. I'll close public testimony. Discussion among Members of the Board? Otherwise, we're ready for a motion?

DANIEL HIDALGO: I just want to say that, you know, first I'm a little concerned by how much FAR it's adding, but it seems to be quite in keeping with the neighborhood, so I'm -- I just want to say I'm fine with it on that basis.

JIM MONTEVERDE: I agree wholeheartedly. Any other discussion from Members of the Board before we got to a motion? And this is a special permit.

The Chair makes a motion to grant relief from the requirements of the Ordinance under Sections 5.31. And that's for the increase in the square footage; also, for the

increase in the GFA ratio, and for building within this front, left, and right-side setbacks.

Also, sections 8.22.2.e for a Nonconforming Structure and 10.0 for a Special Permit, specifically the Criteria in Section 10.43, which reads:

It appears the requirements of this Ordinance cannot or will not be met: That is correct.

Traffic generated or patterns of access or egress will cause congestion, hazard, or substantial change: That's no.

The continued operation of or the development of the adjacent uses as permitted in the Ordinance would be adversely affected. That's no.

Nuisance or hazard will be created to the detriment of the health, safety, or welfare. No.

And for other reasons, the proposed use would impair the integrity of the district or adjoining district. And that's a no.

So you comply with all the criteria of Section 10.43 for a special permit.

On the condition that the work proposed conform to the drawings entitled "145 Fifth Street," prepared by GCD

Architects, dated April 15, 2023; initialed and dated by the Chair.

And further, that we incorporate the supporting statements and dimensional forms submitted as part of the application. Virginia?

VIRGINIA KEESLER: In favor.

JIM MONTEVERDE: Wendy?

WENDY LEISERSON: In favor.

JIM MONTEVERDE: Bill?

BILL BOEHM: In favor.

JIM MONTEVERDE: Daniel?

DANIEL HIDALGO: In favor.

JIM MONTEVERDE: And Jim Monteverde in favor.

[All vote YES]

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

COLLECTIVE: Thank you.

JIM MONTEVERDE: You're welcome.

COLLECTIVE: Thank you. Thank you so much.

* * * * *

(7:40 p.m.)

Sitting Members: Jim Monteverde, William Boehm, Daniel Hidalgo, Virginia Keesler, and Wendy Leiserson

JIM MONTEVERDE: Next case is BZA-272620 -- 27 Mellen Street.

ADAM DASH: Good evening, Mr. Chair.

JIM MONTEVERDE: Hi.

ADAM DASH: This is Attorney Adam Dash representing Jeremy Seeger, the applicant. If we could have Jeremy Seeger and the architect, Kelly Boucher, are both promoted as well, that would be appreciated.

So just so you know, this is another one -- this and its companion case, which is coming up next, which is 29 Mellen Street, which is the abutting property, are each another one of those old-house properties on Wendell Street and Mellen Street being sold off by Lesley University and converted from university offices back to their original residential uses.

If we could scroll down to the black and white survey just to orient everybody, that would be great.

To do that, the property needs to be subdivided from the rest of the Lesley campus, which requires subdivision approval and a variance, because oddly the subdivision creates nonconformities on abutting properties, but not on ours. Ours will be compliant.

To the left is 27 Mellen on this, and the right property there is 29 Mellen. So please note the subdivision creates no nonconformities on the 27 and 29 Mellen Street properties.

The applicant will be altering the existing nonconforming structure to turn it back into housing, which also requires a variance, but in doing so, being an alteration of a preexisting, nonconforming structure, ironically, we're going to be curing the currently nonconforming open space. So it is one of those weird cases where the variance actually will allow this property to be conforming.

The hardship here is that the applicant purchased the property but cannot use it apart from Lesley University without the subdivision and the variances sought. All the applicant is doing is helping to put the neighborhood back together again as a residential street which it was before

Lesley bought all these houses.

The deed for the property states the metes and bounds as being proposed in this application, which is putting them back. The city needs housing, and this property will be returned to its housing use. The applicant needs to make some alterations to do that, but the end result will benefit the city and the rest of the neighborhood.

Kelly, can you talk about the house alteration pieces?

KELLY BOUCHER: Of course. Can you scroll back a few slides to the beginning of the presentation?

JIM MONTEVERDE: Kelly, can you just introduce yourself, please?

KELLY BOUCHER: My name is Kelly Boucher. I am the architect for the project. My address is Harvard Street in Brookline, and I'm with Kelly Boucher Architecture.

Our proposed project for both buildings actually is very modest. The two houses are -- the planned renovations are to keep the main existing structures and to add a very minor third floor only addition at the rear ell of this building.

So if you can see here, our existing square footage is 2,971 square feet. We're bumping up to 3,400, but on this lot 19,000 is allowed. So we are still very, very much under our allowable. It's pretty minor.

If we can scroll to the next slide?

Here you can see both of our buildings and our setbacks that will remain unchanged. Both renovations are being planned on the existing footprint. So none of our setbacks are going to change.

As part of our project, we've got a landscape plan and we've already been working with the landscaper to make sure that we meet all the new green zoning requirements for the property.

So that includes an increase in green space, open space, tree coverage, and all the good things that are in the Flood Resilience portion to the code.

Can we scroll to the next slide, please?

Here's the existing and proposed floor plans; existing along the top; proposed along the bottom. That yellow portion of the third floor is our addition again.

And scroll to the next slide.

Here you can see our elevations -- again, existing

is along the top, and you can see that the back has a smaller ell.

Our new proposed elevation is going to bring that up to the third floor, but not be taller than the existing structure, as is appropriate for a house of this style.

And the last slide just has the final fourth elevation on it, if you can scroll to that.

And here you can see the main front house is remaining the same, and just a third-floor addition of the back. And that's the architectural component of this renovation.

ADAM DASH: Thanks, Kelly. This Board has granted variances for these Lesley University subdivisions for neighboring properties on Wendell and Mellen Streets recently, which is the right thing to do, because these properties cannot be used. And more will be coming as Lesley University continues to sell them off in the neighborhood.

The existing structures are like the existing structures in the rest of the neighborhood. They were built on lots which have nonconformities. They were on separate deeds. They're not merged.

If you look at the Registry of Deeds, they are all just the metes and bounds as you see them on the plan. However, by virtue of being used by Lesley University, together they've merged as a matter of law, but not at the Registry of Deeds.

So all the applicant is looking to do is to reestablish the original lot lines for the property. They do not meet the current Zoning Requirements in all respects, but the build environment is not really changing, and allowing the relief will make the properties match the titles of the Registry of Deeds.

Again, the property will be conforming. 27 Wendell Street will be conforming.

The old lot lines are just being put back in place. There's a benefit to bringing the open space nonconformity back into conformity.

The applicant has not surveyed the whole neighborhood, obviously. We're only dealing with 27 Wendell Street and 29 Wendell Street, which will come up next. But it's the identical argument.

KELLY BOUCHER: Oh, 29 Mellen Street.

ADAM DASH: I'm sorry, 29 Mellen. Goodness.

Thank you, Kelly. 27 Mellen Street and 29 Mellen Street. The applicant has not surveyed the whole neighborhood, but you can see if we go down to the context map, which was I believe the last document, if you have it -- the blue outlines.

And maybe you don't have it up, but that's fine. We filed the context maps, you can see the properties around it, but we haven't surveyed the neighborhood or anything like that.

Therefore, the applicant asked for subdivision approval and variances for altering a nonconforming structure and for any nonconformity created by the subdivision, which could be on other lots.

Thank you.

JIM MONTEVERDE: Thank you. And just to confirm, what the application reads is you're requiring -- you're requesting relief from the Table of Dimensional Requirements, 5.31.

And I'm assuming that's because you're adding square footage or even though you're compliant with the Ordinance requirements, you're adding GFA and you're adding the ratio of usable open space, is that correct?

Is there any other dimensional thing that you're requesting?

ADAM DASH: No. No sir. The -- it took a little bit of doing and working with Staff to figure out exactly he was relief would be necessary for this project, because it's so odd. And that we -- it's got nothing -- a lot of the subdivision issues have to do with abutting properties, not us.

JIM MONTEVERDE: Yep.

ADAM DASH: However, we are taking the noncompliant open space and we're going to make it compliant. But if you take a look at the alteration of the building as it is, forgetting the subdivision and you're altering the building, technically speaking the open space is noncompliant, so we're altering a nonconforming situation. However, with the subdivision, everything complies and we're good.

So it's a little convoluted, I understand, but that's -- that's the gist. But at the end of the day, everything's just going to go back to this -- the street will go back to the way that it was before Lesley University bought houses and converted them into offices. That's the

gist of it -- with the minor architectural alterations that Kelly described to convert this back to realistic housing.

JIM MONTEVERDE: Thank you. Any questions from Members of the Board?

BILL BOEHM: Yes. Kelly, I'm assuming that you've kind of done code check in terms of reusing existing egress components, including the existing exterior fire escapes, and those are -- are those grandfathered in?

KELLY BOUCHER: So that fire escape will need to be inspected and certified and approved by the Building Department, which isn't something that I typically do and is one of the things that Jeremy, the homeowner will have to do before he permits.

This building does have an existing fire escape. The other building, which we're going to talk about in a bit, does not have a fire escape. And there we're proposing a brand-new exterior stair instead. We're hoping to be able to reuse the fire escape that's there now, but that's really pending the building permit application process.

If for some reason we need to add in a new stair, there is plenty of room and open space to do that as-of-right, once the lot has been subdivided, if that should be

the case later.

BILL BOEHM: Thanks.

JIM MONTEVERDE: Any other questions from Members of the Board? If not, public commentary: We have no correspondence in the file, either for or against. So I will open it up to any call-in public commentary.

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

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

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

STEPHEN NATOLA: Someone's calling.

HEATHER HOFFMAN: Hi. This is Heather Hoffman, 213 Hurley Street. And the reason I am speaking is because I believe I am still a leading case on Merger in the Commonwealth of Massachusetts, and I could not let the gross misstatement of Merger go uncommented on. I am surprised

that Mr. Dash as a well-known conveyancer doesn't know how the Registry of Deeds works.

I've been a Title Examiner and Conveyancer for 30 years and do you know what? They do not go into the Registry of Deeds and erase all of the property descriptions when things change. Merger is not something that happens at the Registry of Deeds. So I hope that this Board knows the law better than what was stated.

Now, I know that in the past, on occasions, the Board has put conditions on variances like this that maintain whatever limitations might have come about from a prior merger, but, you know, to the extent that a property is conforming, then an argument can be made that it didn't merge.

It's not just because you have two adjoining properties and common ownership. It's only -- as Mr. Dash did state -- if one of them reduces nonconformities on the other.

So I really, really hope that this Board is going to deliberate this and write the decision with the correct description of what merger means and what it doesn't mean.

And, you know, I'm working on something else that

involves merger up on the North Shore. So I've been thinking about it a lot. And, you know, it differs in every municipality.

But in Cambridge, because I'm the person who got Cambridge to discover Merger, I think that I have a reasonably good idea of how Cambridge looks at it. So if you need to consult with the Law Department, please do. But please do not misstate it.

Thank you.

JIM MONTEVERDE: Thank you, Heather. Anyone else?

STEPHEN NATOLA: Nope.

JIM MONTEVERDE: Nope? That's it. I'll close public testimony. Any discussion --

ADAM DASH: Mr. Chair, before we get into that, can I just at least respond to that? Far be it from me to disagree with Ms. Hoffman. I think what she said is what I said, and I apologize if I'm not being clear.

When I was talking about the Registry of Deeds, what I meant is that at the Registry of Deeds, the metes and bounds of 27 Mellen Street on the deed that you look at, that Mr. Seeger just purchased, are the metes and bounds that we're seeking to establish with the subdivision, so

that they would -- I'm not saying that they would ever change at the Registry; they don't. She's absolutely right.

Ms. Hoffman is absolutely correct. I was not trying to imply that.

What I'm trying to say is that they have merged as a matter -- it's our understanding, and I believe that this Board has taken up other cases on Wendell and Mellen under the same circumstance, so I don't think we're not the first and we're not going to be the last. So I believe the Board has addressed this issue in prior hearings.

And I've looked at those transcripts of those hearings. That because Lesley University converted these buildings to offices and incorporated them into their campus, that the campus as one becomes as a matter of law one whole thing, which then if these houses are going to be sold off by Lesley, which they have been, that they have to be subdivided.

And I believe this is the City's position from my talking with Staff that they have to be subdivided out, each one at a time, in order for them to be utilized separately.

And by doing so, all -- we're not seeking to change the metes and bounds on the deed, we're actually

seeking to retain them. We're reestablishing them as a separate lot. And I apologize if I was not clear before, but I think what Ms. Hoffman said is what I'm trying to say, maybe less articulately than she did.

JIM MONTEVERDE: Okay. Thank you.

Any discussion among Members of the Board? If not, we can go to a motion. And this is a Variance Request.

The Chair makes a motion to grant relief from the requirements of the Ordinance under Sections 5.31, Table of Dimensional Requirements, 5.15 for a Subdivision, 8.22.3 for a Nonconforming Structure and then 10.30 for a Variance. And that is Section 10.31, which requires all of the following to be met:

Literal enforcement of the provisions of the Ordinance would involve a substantial hardship. Hardship is owing to circumstances relating to the soil, shape or topography and desirable relief may be granted without either substantial detriment to the public good or nullifying or substantially derogating from the intent and purpose of this Ordinance.

And three of those of are -- or four of those conditions are met.

On the condition that the work proposed conforms to the drawings entitled "47 Mellen Street, Cambridge, Massachusetts," prepared by Kelly Boucher Architecture and dated 05/21/24; initialed and dated by the Chair.

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

On a voice vote, please?

Daniel?

DANIEL HIDALGO: Did you say my name? Sorry. I'm sorry, Jim, I didn't hear you back.

JIM MONTEVERDE: Please, Daniel?

DANIEL HIDALGO: In favor.

JIM MONTEVERDE: Bill?

BILL BOEHM: In favor.

JIM MONTEVERDE: Virginia?

VIRGINIA KEESLER: In favor.

JIM MONTEVERDE: Wendy?

WENDY LEISERSON: In favor.

JIM MONTEVERDE: And Jim Monteverde.

[All vote YES]

JIM MONTEVERDE: That's five in favor. The

relief is granted.

ADAM DASH: Thank you.

JIM MONTEVERDE: Give me one second and then we move on to the next Mellen Street.

ADAM DASH: Will you please keep Ms. Boucher and Mr. Seeger as panelists for this next one as well?

* * * * *

(8:14 p.m.)

Sitting Members: Jim Monteverde, William Boehm, Daniel Hidalgo, Virginia Keesler, and Wendy Leiserson

JIM MONTEVERDE: Next case: BZA-272623 -- 29 Mellen Street.

ADAM DASH: Thank you, Mr. Chair. Attorney Adam Dash at 48 Grove Street, Somerville, representing the owner and applicant, Jeremy Seeger, who is here. Kelly Boucher, the Architect, is also here.

This is a companion to the prior case, and the abutter on the screen, this is the property to the right at 29 Mellen Street, which abuts the 27 Mellen Street.

And again, this and its companion case, which we just did are another one of those old house properties on Wendell and Mellen that are being sold off by Lesley University and converted from University Office back to residential use.

And to do that, the property needs to be subdivided from the rest of the university campus, which requires subdivision approval and variance, because the

subdivision creates nonconformities on the abutting properties.

Please note, the subdivision does not create a nonconformity on this property. The applicant will be altering the existing nonconforming structure to put in housing again, which also requires the variance, but in doing so makes the currently nonconforming open space conforming.

And this is one of those rare cases where the variance actually ends up with more conformity at the end.

The hardship here is that the applicant purchased the property but cannot use it apart from Lesley University without the subdivision and the variances sought.

And all the applicant is seeking to do is put the neighborhood back together again as a residential street, which it was before Lesley bought all these houses.

And again, the meets and bounds on the deed for 29 Mellen are the same as those that we are seeking in the subdivision.

The city needs housing, and the property will be returned to a housing use, and the applicant needs to make some alterations to do that, but the end result will benefit

the city and the rest of the neighborhood.

Kelly, can you talk about the changes to the building for 29 Mellen, please?

KELLY BOUCHER: Sure. Again, Kelly Boucher of 54 Harvard Street in Brookline. Stephen, can you scroll back to the beginning of the set, please?

This is a very similar project to the last one. And it's also a very similar style building, with the Italian existing structure in the front and the -- this one has several different back ells that were probably built at different times, so it's a little less regular.

But our proposed addition infills the back notch that's taken out in the upper right-hand portion of the area, first-floor plan and fills in all the way to the third floor. The total addition in this building is a total of 839 square feet.

And again, our proposed requested conditions is at 3300 square feet building. We would be allowed 21,402 square feet on the lot, because of its size.

Can we scroll to the next slide, please?

And again, this is the same site plan. So we're talking about the building on the right here.

Scroll to the next slide.

Here you can see this building does have an addition on three stories. So it's slightly bigger than the other one, but still doesn't change any of our setbacks.

One of the things Mr. Beam asked before was about the stair. This building did not have an existing fire escape, and we are proposing a brand-new exterior stair for egress out the side, unenclosed stair.

And if you could scroll to the next drawing, there should be elevations of our proposed.

So again, keeping the main front structure of the old trim windows in place, building up that back ell to a rectangular shape that's not bigger than the main structure is the same plan that we're looking to do at the building next door.

So that's our proposed project.

ADAM DASH: Thank you, Kelly. Again, Adam Dash. This Board has granted variances for these Lesley University subdivisions for neighboring properties on Wendell and Mellen Streets, which is the right thing to do, because these properties cannot be used, and more will be coming as Lesley continues to sell them off.

The existing structures are the existing structures in the neighborhood, and they were built on lots which are just -- which have nonconformities.

All the applicant's looking to do is reestablish those original lot lines for the properties. They do not meet current zoning requirements in all respects, but the built environment is not really changing, and allowing the relief will make the properties match with the meets and bounds.

The old lot lines are just being put back in place. There's a benefit to bringing the open space nonconformity into conformity. And the applicant, as before, has not surveyed the whole neighborhood, but you can see on the map what the layout is.

Therefore, the applicant asked for subdivision approval. The variance is for altering a Nonconforming Structure and for any nonconformities created by subdivision on other lots for 29 Mellen Street.

Thank you.

JIM MONTEVERDE: Thank you. Any questions from Members of the Board? Hearing none, we'll do public commentary. Again, there are no letters in the file, either

for or against. I will open it up to public comment.

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

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

Anybody there?

STEPHEN NATOLA: Nobody's raising their hand. Okay. Close public testimony. Any discussion among Members of the Board? If not, we can move to a motion. This is a variance as well.

The Chair makes a motion to grant relief from the requirements of the Ordinance under Sections 5.31, the Table of Dimensional Requirements, 5.15 Subdivision, 8.22.3 for Nonconforming Structure and Section 10.30 for a Variance; specifically 10.31, which requires all of the following be met:

A literal enforcement of the provisions of the Ordinance would involve a substantial hardship. That's a yes.

Hardship is owing to circumstances relating to the soil condition, shape of the lot or the topography of such land and structure. Yes.

And desirable relief may be granted without either substantial detriment to the public good -- correct -- or nullifying or substantially derogating from the intent or purpose of this Ordinance. And that is a yes.

So all the conditions of 10.31 are met for a variance. On the condition that the work proposed conforms to the drawings entitled "29 Mellen Street," prepared by Kelly Boucher, dated 05/21/24; initialed and dated by the Chair.

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

On a voice vote, please?

Wendy?

WENDY LEISERSON: In favor.

JIM MONTEVERDE: Thank you. Virginia?

VIRGINIA KEESLER: In favor.

JIM MONTEVERDE: Thank you. Bill?

BILL BOEHM: In favor.

JIM MONTEVERDE: Thank you. Daniel?

DANIEL HIDALGO: In favor.

JIM MONTEVERDE: And Jim Monteverde in favor.

[All vote YES]

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

KELY BOUCHER: Thank you.

ADAM DASH: Thank you.

JIM MONTEVERDE: And I will ask for a two-minute break so I can refill my water.

ADAM DASH: I guess while we're waiting, Stephen if you could promote for the next one Faraz Africawala, Vivek Gupta and Nathalia Quirino.

VIVEK GUPTA: Vivek Gupta has joined.

ADAM DASH: Great.

* * * * *

(8:20 p.m.)

Sitting Members: Jim Monteverde, William Boehm, Daniel Hidalgo, Virginia Keesler, and Wendy Leiserson

JIM MONTEVERDE: Okay. Do we have all the Board Members back? Daniel, are you with us?

DANIEL HIDALGO: Yes.

JIM MONTEVERDE: And Bill, I see you. Virginia, are you still there?

VIRGINIA KEESLER: Yep, I'm here.

JIM MONTEVERDE: And Wendy?

WENDY LEISERSON: Yes, I'm still here.

JIM MONTEVERDE: All right. Thank you. Next case is BZA-272139 -- 378-380 Rindge Avenue, Unit 1.

Mr. Dash, are you with us?

ADAM DASH: Yes. Yes. Good evening, Mr. Chair. Adam Dash, 48 Grove Street in Somerville. I'm the Attorney for Al-Amin Inc.

With us, if we could promote Faraz Africawala from Al-Amin Inc. Vivek Gupta is here, the builder for the project from Griham Builders, and Nathalia Quirino, if we

could promote her as well -- the project architect from Rise Architecture.

So this is an exciting application for a variance as to GFA, FAR, open space, and alteration of a Nonconforming Structure in order to alter the existing building to better serve its purpose as a mosque.

This property is currently set up as a two-condo units owned by -- both owned by the applicant, Al-Amin Inc., the mosque entity. The property will be decondonized once this -- if/should this get approved.

As you know, the mosque is a Religious Use protected by the Dover Amendment and Massachusetts General Laws Chapter 40A Section 3.

And I certainly respect this Board, so please understand I'm not dismissing anybody's input. However, the Dover Amendment and the cases cited in the brief are clear that Boards cannot apply Zoning Requirements so as to prevent a Dover-protected use.

The driving force behind these building alterations, which Nathalia will describe shortly, is to allow congregants to both face Mecca and the Imam leading the service while praying, which the current layout of the

building prevents, due to corners internally so that when one faces Mecca one cannot also see the Imam leading the service at the same time.

It also will allow the third floor to be utilized for Arabic Studies and as overflow space for congregants during religious festivals and will allow minarets and a dome to the exterior, which will make the building actually look like a mosque and be an enhancement to the neighborhood.

Has Nathalia been promoted to talk about the building? I see she's an Attendee. Thanks. While we're waiting for that, I can talk about the fact that this is -- there is a hardship due to the inability to practice the Dover Amendment protected Religious Use without the variances being requested, which were created by the building situation and the lot situation.

If we could show the site plan, please? Yeah.

As you can see, there is a -- in the rear, at the bottom is Rindge Avenue. And in the rear, there is a building and an access easement for that building in favor of the neighbor to the left of the lot, which really constrains the site. You can also see the existing building

and how it is with the -- how it's close to the setbacks.

And really to do these, to square off the corner -- I'm sorry, Nathalia is here now, but to square off the corner to allow facing Mecca, which is east, as you know, and being able to see what's going on for the congregants to utilize the other space really the only way to do that is with the bump-outs in the areas shown, because you can't put them anywhere else.

Nathalia, could you explain the alterations to the building for the Board?

NATAHALIA QUIRINO: Can you hear me?

ADAM DASH: Yep.

NATAHALIA QUIRINO: Can you all hear me?

JIM MONTEVERDE: Yes. Can you identify yourself, please, and for the record?

NATAHALIA QUIRINO: Sorry?

JIM MONTEVERDE: Identify yourself for the record.

NATAHALIA QUIRINO: Yes. my name is Nathalia Quirino. I'm the Project Designer at 36- 37-8 (sic) Rindge Avenue.

So here we are proposing, as Adam has already explained, the structure existing is at two-and-a half wood

structure. We're now proposing an addition in the front just to square up the building and allow more space for the prayer rooms.

We're also proposing a third-floor addition, where it's going to be used as mentioned for the study purpose office, and a ramp into here is located here at the property for the accessibility purpose.

ADAM DASH: Do you want to talk about the -- show the -- maybe the render, the elevations, and maybe --

NATHALIA QUIRINO: Yeah. if you can just scroll down, I can show a little bit. The proposed elevations, probably. Let me see.

Yeah, as you can see this is the existing front elevation, where it looks more like a house and the idea with the project is to turn this into more a mosque-looking space and building. So now I can go down to the proposed elevation.

Yeah. So this is the proposed design, where you're going to add the dome on the top for the characteristics of the mosque.

And this is the -- in doing the 34 addition, we're still keeping the height at 35 at the top of the parapet,

adding bigger windows, and we propose the stucco to be -- the material to be done by stucco.

This is the elevation, where we can see the readily accessible ramp. In the back, door to access, and I believe that's all. If you have any other questions, I'll be happy to help.

ADAM DASH: Thanks, Nathalia. So the lot, as you saw, the lot is very narrow, so it should be vertical expansion and the additions and the locations that we're showing are really the only places where this can happen.

This layout is not typical in the neighborhood for the property, particularly having that building and easement for the property next door on our property.

Nor is a mosque use typical for the neighborhood. In fact, there's only one other mosque in Cambridge, which is in Central Square, which I was actually surprised to hear.

The Rindge Avenue -- this Rindge Avenue location will serve the congregants living in the neighborhood, of which there are many, and has easy access to the Red Line at the Alewife Station.

It also will serve those who work in Cambridge

nearby who cannot get to a mosque in time for prayers. The location also is located to serve people in Arlington and Belmont nearby.

This project will enhance the neighborhood and create a true Islamic Center, which Cambridge needs. You've received a number of support letters, including from several City Councillors and actually the direct abutter who has the easement in the rear of the property who is in favor of this project.

So even without the Dover Amendment protection, we state that this project qualifies for the variances sought. And the applicant humbly asks the Board to grant the relief sought so they can freely practice their religion in this great, diverse city.

Thank you.

JIM MONTEVERDE: Any questions from Members of the Board?

DANIEL HIDALGO: Just for my advocation, I -- just on the Dover Amendment issue, so my -- you know, my understanding was that Cambridge at some point, and I think maybe in the early '80s, got an exemption, but that only applies to certain zoning districts and -- which is not --

it doesn't apply to this particular C-1A, this particular zoning district. Is that correct?

ADAM DASH: I did not look at the other zoning districts for this particular -- purpose of this --

DANIEL HIDALGO: Oh, okay.

ADAM DASH: -- application, because it really wasn't in front of me.

But I would submit that this case is very similar to the Belmont Mormon Temple case, where the steeple violated the height requirement and ended up at the Supreme Judicial Court where they said that it's really not for the courts or the government to say what is a religious purpose or what is important to the religion, and that if it's reasonably associated with the religion, that the zoning wouldn't restrict the height.

And as you drive up Route 2, you can see that the Mormon Temple with the large steeple is there.

JIM MONTEVERDE: Daniel, will you repeat your question so we can get a comment from Staff here?

DANIEL HIDALGO: Yeah, just -- you know, it's not my area of expertise. But my understanding was that I believe in the early '80s, Cambridge received some kind of

exemption from the Dover Amendment for Institutional use -- for Educational and Religious Uses, though my understanding is that it only applied to kind of lower-density neighborhoods.

And since this is a C1-A neighborhood, then that's above the threshold. But I'm not 100 percent sure on that. So I was just curious if anyone knew on that.

But I mean I don't have a problem with this project but I just was curious.

BILL BOEHM: On the same topic -- oh, sorry, Jim, were you going to say something?

JIM MONTEVERDE: I'm waiting for Steve, for Staff to --

BILL BOEHM: Oh.

JIM MONTEVERDE: -- answer --

BILL BOEHM: Okay.

JIM MONTEVERDE: -- Daniel's question.

[Pause]

But that's -- this isn't unique to Cambridge. Okay.

STEPHEN NATOLA: {Unclear] dimensional --

JIM MONTEVERDE: Sorry. Bill, did you have a

question.

BILL BOEHM: Yes. My question to Mr. Dash is about the Dover Amendment also. And I'm even less familiar with this. But you've stated that, you know, I with all due respect, we have no ability to, you know, apply zoning restrictions on this project.

So my question is why is it coming before us?

ADAM DASH: Oh. Well, the case I was referring to says that it's a matter of whether the restriction would unreasonably impede the Protected Use without appreciably advancing critical municipal goals. There is that test.

However, I think it is pretty -- as I've seen in the case law, it's pretty strictly construed. It's before you because of the variances. It still needs to go forward, just like 40B projects still needs approval, even though there's a limit to what a Board can say no to.

BILL BOEHM: Right.

ADAM DASH: It still has to go through the process, because you would have to find -- and I think it's quite clear that the -- without these variances, it does unreasonably impede this property's use as a mosque for all purposes, because one cannot face east and see the imam, and

there is not space, and the reasons that I described.

And Mr. -- and Faraz Africawala is here if there are any questions about the religion and any details.

I think even if you take Dover Amendment aside, just the way the lot is laid out with the weirdness of having the easement in the building in the rear, and I think -- and the narrowness of the lot, I think this qualifies for a variance, Dover aside.

But I don't know that you need to even go there.

JIM MONTEVERDE: Just to add my two cents: I went and copied -- this is just from the General Laws: Part I, Title VII, Chapter 40A, Section 3, which reads:

"No zoning ordinance" -- and I'm not going to read all of it -- "shall restrict and -- regulate or restrict the use of land or structures for religious purposes or for educational purposes."

"However, that such land or structures may be subject to reasonable regulations concerning the bulk and type of structures in determining yard size, lot area, setbacks, open space, parking and building coverage requirements."

That's at least what Chapter 40A says in my

reading. So I think this is a reason we have to go through all of the reliefs being requested. I think I'm reading from 40A what we cannot do is restrict the use.

ADAM DASH: Correct. However, as I was stating, Mr. Chair, the Martin versus Corporation of the Presiding Bishop of the Church of Jesus Christ Latter Day Saints in 2001 that what you state is in the statute.

It does say the course had concluded that the Dimensional Zoning Regulations may not be applied in such a way as to prevent a protected Dover Amendment Religious Use, and that's this situation here.

Whereas if one were to -- yeah. I don't want to belabor the point, but yeah, I mean that's --

JIM MONTEVERDE: Yeah. I get it. Any other questions from Members of the Board?

BILL BOEHM: Yeah. I'm looking at the Dimensional information here. Oh, I just found -- I just found my answer. So it feels to me like the height of going the third floor is potentially the area that, you know, is not affecting the restrictions that you mentioned in the hardship.

However, I see that you're well below the 45'

height limit here, so that's not -- doesn't seem to be an issue.

JIM MONTEVERDE: But as I -- there's a change in height, but it's still compliant.

ADAM DASH: Yep.

JIM MONTEVERDE: Yep. Any other questions from Members of the Board? If not, I have one. Steve, can we go to the existing plan, ground floor?

So how long has the mosque been functioning as a mosque?

ADAM DASH: Faraz, can you answer that question? Faraz Africawala from the Al-Amin.

FARAZ AFRICAWALA: Since, like, 2004 or 2005.

JIM MONTEVERDE: Okay. So 19-20 years?

FARAZ AFRICAWALA: Yes.

JIM MONTEVERDE: And the primary prayer room functions for you currently regarding orientation and --

FARAZ AFRICAWALA: That's right. That’s the -- the first floor is the primary room for the prayers.

JIM MONTEVERDE: No, I understand. But you're able to function in the space now, is that correct?

FARAZ AFRICAWALA: We are. But the hardship that

we are facing is facing the Kaaba, it's not the direction -- you know, what we want. It's more in the corner.

Also the other hardship we are facing is that all the people cannot see the Imam when we are doing the special prayers or the special service.

JIM MONTEVERDE: It's squaring off the footprint. The proposed plan allows you to do that?

FARAZ AFRICAWALA: No. I mean, the -- yes, the proposed plans allow us to do that. It will be more relief to us. And we will be facing the Kaaba in the right way in the right direction. And all the people will be able to see the Imam when he does the special prayers.

JIM MONTEVERDE: Good. So that's the explanation for the additions around the footprint; at least relative to the first floor for the primary prayer space, correct?

FARAZ AFRICAWALA: That's correct.

JIM MONTEVERDE: Does that apply also on the second floor? There's more prayer space on the second floor, correct?

FARAZ AFRICAWALA: We do. But we use -- yeah, we do. We do.

JIM MONTEVERDE: Okay. All right. Thank you.

FARAZ AFRICAWALA: Thank you.

JIM MONTEVERDE: Does any other Board Member have any other question? If not, public commentary? I don't know how I'm going to do this, but like Attorney Dash mentioned, we do have correspondence dated June 7 from three City Council members: Sumbul Siddiqui, Jivan Sobrinho-Wheeler, and Ayesha Wilson, speaking in support of the relief sought, and also making a comment about it's important that the building resemble a mosque to serve as a clear and inspiring symbol within the community.

And then beyond that, we have -- I mean I stopped counting at a 100. There must be 200 on all of these forms that have been sent out and signed and dated by everyone. so there's a vast multitude of people who have signed in favor of the relief requested, and I find no one who has written in against.

With that, that's what we have in the public file. I'll open this up to public comment and please, if you've written in, if you're one of the hundreds who've written in and signed in --

STEPHEN NATOLA: There are only two [unclear]

JIM MONTEVERDE: Okay. We've got your information

here, there's no reason to repeat it. We understand you're in support, but certainly welcome to call in if you'd like. So any member of the public who wishes to speak should now click the icon at the bottom of your Zoom screen that says, "Raise hand."

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

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

STEPHEN NATOLA: James Williamson?

JAMES WILLIAMSON: Yeah, thank you. James Williamson, 33 Churchill Ave in North Cambridge. I used to be -- I used to live at Jefferson Park, right next -- sort of just down the road, where I was for a time President of the Tenant Council.

And I still go to the -- to Ferro's Food Town, which is really almost next door, not quite, to this location and every day still going back the told neighborhood, pending the re -- the new Jefferson Park

construction.

I am -- I want to say I am broadly sympathetic to the expansion. Having thought about the potential impact on neighbors, it doesn't look to me like or seem to me that an addition is going to be detrimental to neighbors.

I mean, you got people -- there's a parking lot, there's an auto repair shop. If there were anybody, I would hope and trust that you'd hear from them. So I am generally sympathetic.

What I -- what's -- I didn't realize because I didn't get to see the plans until just now; I jumped on late because there's, like, two other meetings that I had to be at -- but I did see turrets. If I'm not mistaken, there appear to be turrets on top of the new -- this new proposal.

I'm kind of uncertain about the -- you know, I mean I understand probably I think why there might be an interest in that, I'm just not sure from a design point of view. You know, in a way it's kind of nice. Every religion is entitled to its steeple.

But I don't know, I just -- I just was surprised, and I kind of was not certain about the contribution that that may make.

But in general, I'm supportive, unless there's somebody who shows up and says otherwise.

Thank you.

JIM MONTEVERDE: Thank you, James. Anyone else?

HEATHER HOFFMAN: Hello. Heather Hoffman, 213 Hurley Street. And I am not calling about the -- the advisability of this, but simply to say that Diego's absolutely right. The Dover Amendment does not apply to Cambridge.

If you take a look at Section 1.20 of the Cambridge Zoning Ordinance, you will see a reference to Chapter 565 of the Acts of 1979, as amended by Chapter 387 of the Acts of 1980. And that is Cambridge's exemption from the Dover Amendment.

So Cambridge has provisions, as was mentioned earlier, about Institutional Uses. And in fact I'm kind of surprised that no one remembers that this came up at the last BZA meeting that I happened to drop into, where another religious institution was seeking zoning relief.

So, you know, as far as I'm concerned, if the neighbors are happy, I'm happy, and it is a fine thing to be able to see the goings-on while you're at religious

services.

Thank you.

JIM MONTEVERDE: We're going to close public testimony. Any discussion among Members of the Board?

DANIEL HIDALGO: Just to sort of close the loop, at least for myself on this Dover Amendment issue, I just -- looking at the 4.51 and it basically says it -- yeah, my reading is it doesn't apply to zoning districts that have -- that require 1200 square feet per dwelling unit or below.

So I think that's why it does apply here, because it's above that threshold. At least, that's my reading right now.

But I -- otherwise, that's just more of an academic point. Otherwise, I support this.

JIM MONTEVERDE: Okay. Any other discussion from Members of the Board?

VIRGINIA KEESLER: I think the point that was made in the letter of support from the City Councillors that it's important that the building resembles a mosque to serve as a clear and inspiring symbol within the community. I found that really compelling, and it really spoke to me.

I do not see that there is a compelling municipal

interest in denying the relief. Given the scale of the surrounding neighborhood and the transportation options in surrounding area, this doesn't seem to me to be disruptive at all.

And I think this is going to be a great resource for the community. And I think there's also a clear hardship argument in relation to the narrowness of the lot. So I am fully in support.

JIM MONTEVERDE: Thank you. Any other Board Members have any discussion? Otherwise, we'll go to a motion. And this is a Variance Request.

The Chair makes a motion to grant relief from the requirements of the Ordinance under Sections 5.31, the Dimensional Requirements. We believe those are specifically the Gross Floor increase in the Gross Floor area, the increase in the GFA ratio, the fact that the construction will occur within the front yard setback, in the left side setback, in the right-side setback, in essence following the profile of the existing footprint, but needing that relief.

And then it will also lower by a bit the ratio of usable open space to the lot area. I believe those are the specific relief requested under Section 5.31.

Also, under Section 5.22.3 for a Nonconforming Structure, and 10.30, specifically 10.31, the Conditions for a Variance.

Literal enforcement of the provisions of the Ordinance would involve a substantial hardship, financial or otherwise, such hardship: That's correct.

Hardship is owing to the circumstances relating to the soil condition, shape of the lot or the topography -- in this case, either the shape of the lot is correct.

And desirable relief may be granted without either substantial detriment to the public good: That is correct. Or nullifying or substantially derogating from the intent or purpose of this Ordinance. And that is also correct.

I believe all of the Conditions for a Variance under 10.31 are met.

On the condition that the work proposed conforms to the drawings entitled "Expansion, Third Floor Addition, 378 Rindge Avenue," prepared by Rise Architecture and dated May 21, 2024; initialed and dated by the Chair.

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

On a voice vote, please?

Daniel?

DANIEL HIDALGO: In favor.

JIM MONTEVERDE: Thank you. Bill?

BILL BOEHM: In favor.

JIM MONTEVERDE: Thank you. Virginia?

VIRGINIA KEESLER: In favor.

JIM MONTEVERDE: Thank you. Wendy?

WENDY LEISERSON: In favor.

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

[All vote YES]

JIM MONTEVERDE: That's five affirmative. The relief is granted. Thank you.

COLLECTIVE: Thank you, Mr. Chair. Thank you very much. Thank you. Thank you very much, again. Thank you.

JIM MONTEVERDE: You're welcome.

* * * * *

(8:44 p.m.)

Sitting Members: Jim Monteverde, William Boehm, Daniel Hidalgo, Virginia Keesler, and Wendy Leiserson

JIM MONTEVERDE: The next and last case is Case BZA 271432 -- 9-11 Mount Auburn Street.

SARAH RHATIGAN: Good evening, Mr. Chairman.

JIM MONTEVERDE: Hi.

SARAH RHATIGAN: Hi. Sarah Rhatigan.

JIM MONTEVERDE: Good evening.

SARAH RHATIGAN: Good evening. Sarah Rhatigan Trilogy Law, LLC, from 12 Marshall Street in Boston, Massachusetts.

Thank you very much for hearing this matter. I am here representing the petitioner, Mount Auburn MLD LLC, which is a mouthful.

But Mike Driscoll is here, and I think has been promoted to panelist. Let's see if I see him on the list. Maybe not. But he will be joining us, and he will be on the call.

And also with us is Adam Glassman, the architect,

who I know that this Board knows well.

So for this project, what I wanted to do is just give you a brief overview of the location and the -- you know, the contours of the request and a little bit about the public process that we've been through so far before coming to the Board.

And then I'll turn it over to Adam to go through the plans with everyone.

I'm not sure if Stephen is running the slides, but if you don't mind, Stephen, could you go to the first page that shows a picture of the property? I find a visual is helpful for me for this matter.

Great. And if you could just center it. Okay, perfect. Thank you.

So this is a property on Mt. Auburn in just up -- well, it's part of Harvard Square, just as you're driving if you were driving on the one-way of Mt. Auburn Street just before it intersects with Mass Ave in a pretty congested kind of commercial portion of Harvard Square.

It's an Office 2 Zoning District. It's in the Harvard Square Overlay Zoning District. And it's also in the Harvard Square Conservation District. So it is covered

by Historic restrictions or conditions that -- so we've gone through a process with the Historical Commission on that as well.

So the project entails both of these lovely old homes -- Historic Homes -- the yellow structure, and then the gray structure to the left, but not the -- there's another structure further to the left. That's not part of our site. It's a relatively small lot -- under 5000 square feet.

And these Historic Homes are, as I mentioned, they're in the Historic District, but they also -- before Historic Districts were created, they actually have a façade restriction -- easement that was imposed on it as part of a complicated development deal that had happened in the area.

The buildings have been used as office by a non-profit. It's been General Office Use since about the 1980s.

And Mike Driscoll, who is a local developer who has been in front of this Board before and does some really lovely work with older buildings has a plan for essentially converting this property back to -- you know, the -- converting the homes back to homes, residential use.

And so, the proposal is for two units in each of

these structures.

And in order to accommodate that, there's some minimal -- you know, very, very careful treatment of the front façades, of course. As you can imagine, the Historic Commission is very concerned about that. And Adam can describe that a bit.

And very few changes sort of from the exterior front view, but some additions and dormers towards the rear kind of tucked back behind the commercial buildings behind in order to provide the necessary, you know, kind of livable space for the project to work.

In terms of Zoning relief, what is required for our project to go forward is two variances and one special permit. And so, the variance relief, because we're converting the site from its current Office Use to a Residential Use, under Article 5 Section 5.26, the Ordinance says if you're doing that, then you've got to comply with all these various things, which we could comply with almost everything, except required open space.

So we would be required to have 15 percent of the lot open space, but when you get to the site plan, which Adam will show you as we go through the slides, you'll see

that there's really no physical way for us to be able to accommodate that, because of the very -- you know, tight site constraints.

So that's the one piece of relief that we're requesting in order to be able to, you know, to return this to Residential Use.

The other piece -- also you'll be able to see when Adam is looking through these slides more carefully, but there's actually a connection between these two buildings in the middle between them.

That was created in order to have a lift like an accessible lift that would enter both buildings. Because of its Office Use, it was required for ADA compliance purposes, we assume.

And that connection is proposed to be removed in this project. There are a number of good reasons for doing that.

One, the lift system is not needed and not desirable. It also takes up the space between the two buildings entirely with a structure that's kind of, you know, has no purpose, it has no future purpose.

And it also constrains the ability of the new

occupants to pass from the back to the front of the site, because the site constraints you can kind of see on the left hand of this gray house, there's a very, very narrow passageway to the rear yard.

And on the right side of the yellow house, there is an easement for access, but the easement is over this kind of commercial driveway, which is not particularly desirable.

I mean, it works and it's necessary to the project, but providing this, you know, removing the connector piece is really important to the residential flow and design.

Once you remove the structure that connects these two buildings, then under 5.13, you have to look at distance between buildings and we violate that Dimensional rule by a few feet.

Even though these buildings, you know, are not getting closer together, obviously, it's just the -- kind of the facts of how the Ordinance reads that requires a variance in order for us to remove that connector.

And there's also no way for us to separate these buildings to meet the requirements without demolishing the

historic structures, which the Historic Commission and we don't want to do; the Historic Commission would not be happy with it either.

The special permit is required because the total increase in area, which is relatively small, I would say -- we're adding 847 square feet with the additions and dormers that we're proposing -- but that amounts to, it exceeds the 15 percent and it's less than 25 percent.

So that puts us into the land of requesting a special permit for the increased square footage, which is desirable and necessary for the project.

So -- sorry, I'm going to try to do this quickly, but so for the public process, because we're in the Harvard Square Overlay District, we went through what they call a "Small Project Review" with the Community Development Department.

We met with a number of Staff back in April, who went over our plans very carefully, provided input where it was incorporated into the plans that you're seeing today. They made some great recommendations about landscaping and such, and some other details. That was in April.

And then in May, first we met with the Historic

Commission, who reviewed the project plans. They made some important recommendations, one of which was actually to enlarge one of the dormers.

And again, Adam's going to show you this when you go through the plans, for reasons that he can describe.

But that was at the request of the Historic Commission that we enlarged the dormer that's at the back of the yellow structure.

And they granted a Certificate of Appropriateness where those -- you know, modifications have been made before presenting to the Committee. And they really liked that it was returning to a Residential Use.

And then finally, later in May, we met with the Harvard Square Advisory Committee, which is a neighborhood organization or -- you know, subset of CDD, that reviews projects in Harvard Square.

And we got a resounding, you know, six very favorable votes. You know, everybody -- you know, unanimous vote of six members who were in attendance who provided comments, and a letter to this Board, which you have.

They had commented, noteworthy, that they couldn't think of the last time they had reviewed a project for

Residential Use, it had been so long. So, you know, they were pleased with the intent of use of the property.

I can talk more about Variance, you know, Standards, et cetera. But I want to have Adam get to the good stuff with the plans. I'm going to turn it over to Adam.

ADAM GLASSMAN: Thank you, Sarah. For the record, this is Adam Glassman with GCD Architects at 27 Hurlbut Street. At this -- the front view here that you see on the cover page shows the two originally detached structures, which will be restored to a detached condition.

The home on the left that we call "11B" was originally a single-family home, and the structure on the right, the yellow one, which we call "11A," was originally designed as two townhomes: one on the left, one on the right.

So combined, we had originally three dwelling units between both structures, and we are returning these to three dwelling units -- two in the yellow house, one in the gray house. Returning --

SARAH RHATIGAN: Adam, sorry, correction, -- we -- we -- we modified that. It's a two and two. Two units in

both.

ADAM GLASSMAN: No longer an accessory apartment? Ah.

SARAH RHATIGAN: No longer an accessory apartment.

ADAM GLASSMAN: Gotcha.

SARAH RHATIGAN: Exactly, Adam.

ADAM GLASSMAN: Okay.

SARAH RHATIGAN: Yeah.

ADAM GLASSMAN: Thank you, Sarah, for that correction.

SARAH RHATIGAN: Even though it's smaller, it's not a -- it's not technically --

ADAM GLASSMAN: Right.

SARAH RHATIGAN: -- an accessory apartment.

ADAM GLASSMAN: Right, right, right. Okay. Thanks for that. So the exterior images of these buildings will not change, except for where we enhance the existing architecture repair.

Replacement of wood siding is required, repairing shutters, existing copper entry over 11B to remain. The bay window trimming, all the various corbels and trims and brackets will remain.

So in returning both of these structures to residential use, the -- there will be no real change to the street presence of this property. The landscaping will remain, the brick driveway and parking area will remain.

Could you zoom out a little bit and then scroll to the next slide?

Thanks. Oh, I'm sorry. No, you can go back one. Our locus plan showing the area, which is close to the intersection of Mass Ave and Mt. Auburn Street. Dense part of Harvard Square.

Next slide, please?

Another street view. And between the two structures, you can see the yellow bump-out addition in the back. That's basically a two-story addition. That's the area where we will be increasing the size of the half-story, raising the roof level of that bump-out and adding the dormers.

And this is really the only view of that from the public way. So from every other angle, the work will not be visible from the street.

Next slide, please?

Our site plan, showing it's a relatively small

lot, given the size of the footprints of the structures. Really, the exterior yard space will remain more or less as is, not losing any usable open space and we can also not add any usable open space.

Next slide, please?

Just another more visible site plan showing the two structures, how close they are to the existing lot lines. Okay.

Our existing and proposed exterior views. On the upper left, we have the existing conditions. And on the lower right, the only change to this view from Mt. Auburn Street are the two dormers peaking up on 11B, which are designed to the Dormer Guidelines.

Next slide, please?

Again, that view from Mt. Auburn Street, which just manages to capture that addition between the buildings. You can see on the lower right the vertical addition with the dormer above.

Next slide?

Our rendered views of 11A. This view really isn't visible from the street, because of the abutting building, which is very close and very tall. If the building to the

right wasn't there, this is the view you'd see.

And on the right of each of these images, you can see on the left the existing two-story bump-out, and on the right the vertical expansion in the dormer.

Next slide, please?

A view from the rear, which is invisible from any public way. And the buildings behind us also really have no windows which look back to this.

The roof will be enlarged to accommodate a half-story with dormer additions and on the right, you can see 11B, that bit of dormer that you can see from the back yard. But again, this is not visible from any public way.

Next slide, please?

A rear view of 11B, invisible from any public way. The change here would be the removal of the existing fire escape, the metal fire escape, which is no longer needed, the addition of the dormers at the top, and the construction of a below-grade stairwell in the back, or second means of egress for the second -- for the second unit in that building, which is in the basement.

Next slide, please?

We can -- just to reiterate what Sarah reviewed,

every condition is existing with the exception of lot size, which is existing, nonconforming, and the ratio of private open space to lot area, which is not changing and remains nonconforming.

And when we do remove the connection between the two buildings, the two buildings are just less than 10' apart. So technically, removing that canopy creates two detached buildings within 10' of one another, which we're also here seeking relief for.

Next slide, please?

Our proposed footprints in the site plan, identifying below-grade stairways for 11B, locating our AC condensers with very little changes -- very few changes to the landscape plan, the existing landscape plan.

Next slide, please?

What bit of landscaped area we have we will be keeping and enhancing. Most of it is visible from the public way.

Next slide, please?

A similar plan just showing the addition of the two stairwells in the back of 11B that the reconstructed entry on the right of 11B is where we removed the connection

between the buildings.

Next slide, please?

An enlarged view of our existing parking to remain.

Next slide, please?

Our FAR plans, we can fast forward through; our FAR remains conforming. We can keep scrolling.

Here we have our -- oop, our existing plans to restore where now uses offices back into their residential use. What were formally bedrooms and living spaces are now currently basically all offices -- all office spaces.

Next slide, please?

This goes for both structures. Both are just -- you know, every former bedroom, every former living space is currently an office. And these homes are really just, you know, perfectly designed for their -- for the restored use.

Next slide, please?

Our proposed plans for 11A. Each unit -- one in the front and one in the back -- each will be four bedrooms above grade, with a bonus bedroom and family room in the basement.

First floor will be typical open kitchen/living

areas. Basements will have -- each unit will -- the front unit and the back unit will each have living space in the basement, the former family rooms and an extra bedroom.

Next slide, please?

The second floor and third floor for both units, we're repopulating the second floor with bedrooms and bathrooms, and the third-floor front half of the building we'll convert the existing offices into bedrooms labeled "3" and "4" and in the back the raised roof and the dormer additions allows us to add two bedrooms to that unit as well.

Next slide, please?

Our roof plan showing the dormers and the dormer roofs per the request of the Historic Commission extend all the way to engage the gable roof of the front structure so there's no gap between them.

Next slide, please?

Our existing elevations, just noting how windows will be restored where possible or otherwise replaced. Similar with siding and all trims and exterior ornamentation.

Next slide?

So our side view, right side view, existing you

can see on the left.

The area to be removed is dashed in, which is the roof in the back and the chimney, and then we raise the roof. We add a functional 15' dormer, and then the 10' extension, which was at the request of the Historic Commission is not providing any additional FAR or living space; it's really just an exterior envelope connection. It doesn't provide any additional interior use. So for all practical purposes, it's a -- it remains a 15' dormer.

Next slide, please?

The rear view showing on the left the existing conditions, the roof to be removed, and on the left you can see the profile of the proposed roof. And on the right side the actual rendering of the proposed roof addition -- roof raising and dormer additions.

Again, none of this is really visible from the public way. This is the rear view.

Next slide, please?

The left side view showing a mirrored dormer, and again, 10' extension, the request of the Historic Commission not providing any additional living space. We believe the work to detach the buildings and reconfigure the entry and

egress for the back unit actually enhances the rear elevations. It happens they're really not visible from the public way, but it's still an enhancement.

Next slide, please?

Just we can scroll through our building sections. Yeah. You can please scroll, please keep scrolling.

All right. Oh, back up a little bit to page DUB1.1.

One more, please. Go back one more. Here we go. Yep.

These are the existing floor plans for 11B, where we have the storing above grade to the single-family. That used to be adding a second-unit basement, which is currently unfinished.

Again, all the corner rooms, all the former bedrooms and parlors were all currently being used as offices, and we will return them to living spaces.

Next slide, please?

Upper levels, same deal. Existing offices will be restored to bedrooms, and the limited amount of demo at the roof level will be for dormer additions.

Next slide, please?

On the -- in the proposed basement, we've got a new dwelling unit, which is a one-bedroom. It's quite modest. And on the right side, the living space for the main part of the house: dining room, kitchen and living room.

Next slide, please?

Our proposed second-floor plan with two bedrooms, two bathrooms, and our proposed third floor plan on the right with another two-bedrooms and another bathroom.

So both -- all these dwelling units, the main three dwelling units above grade are all designed to accommodate family living, and the smaller one-bedroom unit in the basement obviously is for more like a professional or possibly a grad student, maybe a young couple.

Next slide, please?

Our roof plan showing the dormer, the dormer locations, set back from both the front and the rear educated guess, ant the following the Dormer Guidelines.

Next slide, please?

Our elevations showing the view from the street; all the existing entry canopies and brackets. Bay windows will all remain, and the dormer additions you can see on the

upper right.

Next slide, please?

Our right-side elevations. On the left, that area in front of the door is the existing connecting platform or landing between the two structures to be removed.

Above that, you can see the canopy to be removed, and we'll also be removing the existing bulkhead on the rower right side of that portion of the house.

Right side image, you can see our new below-grade stairwell, and primary entry needs an egress for that unit, and at the top you can see the 15' shed dormer addition.

Next slide, please?

And our view from the rear, again showing another second means of egress out the back, invisible from the public view. On the left, you can see the metal fire escape we are removing, and on the right side you can see the dormer additions again from the rear.

Next slide?

Our left side elevations: big change here would be -- again, the dormer addition not visible from the public way.

Next slide?

Our building sections we can skip. And that is the end of the architectural presentation. Thank you.

JIM MONTEVERDE: Thank you.

SARAH RHATIGAN: Thank you.

JIM MONTEVERDE: Any questions from Members of the Board?

SARAH RHATIGAN: Oh.

JIM MONTEVERDE: Sorry, go ahead, Sarah.

SARAH RHATIGAN: No, I was going to say that I think that we addressed the elements of, you know, supporting the relief sort of sprinkled throughout the presentation, but we're just happy to hear any questions that the Board Members may have.

JIM MONTEVERDE: Thank you.

SARAH RHATIGAN: Thank you.

JIM MONTEVERDE: Okay. And Stephen, what's on the screen now? There's nothing in the front. What do we have?

STEPHEN NATOLA: We have Maria.

JIM MONTEVERDE: Okay. All right. Sorry. Members of the Board, any questions? If not, I have a couple, just to keep our presentation square with what's being -- the relief being requested.

Can you just run me through again? What I heard is the special permit is for the fact that the area increases over 15 percent.

SARAH RHATIGAN: Correct.

JIM MONTEVERDE: That's the basis for the special permit?

SARAH RHATIGAN: That's the basis for the special permit.

JIM MONTEVERDE: Yep. and 5.31, the Table of Dimensional Requirements, what I see so far through the presentation -- and correct me if I'm wrong, but you're saying that on 11B the new dormer is in the left side setback, I think?

SARAH RHATIGAN: No, just a clarification: the setbacks are at zero, interestingly enough, in the Harvard Square Overlay District. So we don't -- aren't required to have any setback relief at all.

JIM MONTEVERDE: Okay.

SARAH RHATIGAN: The only variances that are needed are because under 5.26 conversion to residential dwellings, we aren't able to provide the necessary open space of 15 percent, private open space on the lot.

And then the second element of relief that that we need is when we remove the connector, the buildings will be closer than 10', though they violate the minimum distance between buildings.

JIM MONTEVERDE: So are there no --

SARAH RHATIGAN: But all in other --

JIM MONTEVERDE: -- issues, dimensional --

SARAH RHATIGAN: I think the 5.31 is referenced simply because of -- because 5.31 would encompass the Open Space Requirement under 5 -- you know, under, under the Office 2 Residential Use.

JIM MONTEVERDE: Okay. so that's really the basis.

SARAH RHATIGAN: But there are no -- there are no other, no setbacks, no height issues, no FAR issues. Everything else is --

JIM MONTEVERDE: Okay.

SARAH RHATIGAN: -- complying.

JIM MONTEVERDE: Thank you.

SARAH RHATIGAN: You're welcome.

JIM MONTEVERDE: Any other questions from Members of the Board? If not, Stephen, can you bring up that

message from the Historic Commission that -- so we can see?

So yep. Certificate of Appropriateness, work shall be carried out. Approval granted on the condition -- okay, so we can make that a condition.

In the file, we also have correspondence -- I think Ms. Rhatigan mentioned this, the Harvard Square Advisory Committee dated May 5, 2024. Committee met, there was a series of notes from meeting minutes, and the recommendation is that the members of the Committee were supportive of the applicants' proposal. It had no additional comments on the design or layout.

With that, there were no other correspondence in the file either for or against. So I will open it up to public commentary.

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

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

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

will have up to three minutes to speak before I ask you to wrap up.

Anyone there?

STEPHEN NATOLA: Nope.

JIM MONTEVERDE: All right. No one's calling in. Closing public testimony. Any discussion among Members of the Board, or are we ready for a motion?

DANIEL HIDALGO: I just want to say I support the variance. It strikes me that given the historic nature of the district and the desire to preserve the status, this is an unusual property, so I think that warrants a variance.

JIM MONTEVERDE: Very good. Thank you. Anyone else? If not, I'll move to a motion, and we'll take the variance first.

The Chair makes a motion to grant relief from the requirements of the Ordinance under Sections -- and that's 5.31, having to do with the -- yeah, ratio of usable open space to lot area, I believe. Required is 15 and it is 0 currently.

And then the proposed plan, Section 5.26 for the open space requirement. And 5.13 equal to the distance between the buildings and the conditions for a Variance

under 10.31.

Literal enforcement would involve a substantial hardship: Yes. Hardship is owing to the circumstances and related to soil condition, shape or topography of the land. Yes.

Desirable relief may be granted without either substantial detriment to the public good. Yes, and nullifying or substantially derogating from the intent or purpose of the Ordinance.

And all the Conditions of 10.31 are met for a Variance.

On the condition that the work proposed conforms to the drawings entitled "9,11A and 11B Mt. Auburn Street," prepared by GCD Architects, dated April 10, 2024; initialed and dated by the Chair.

And further, that we incorporate the supporting statements and dimensional forms submitted as part of the application. And further, that the variance is granted incorporating the following conditions, as stated in the Certificate of Appropriateness from the Historic Commission. And by a voice vote, please?

Wendy?

WENDY LEISERSON: In favor.

JIM MONTEVERDE: Thank you. Virginia?

VIRGINIA KEESLER: In favor.

JIM MONTEVERDE: Thank you. Bill?

BILL BOEHM: In favor.

JIM MONTEVERDE: Daniel?

DANIEL HIDALGO: In favor.

JIM MONTEVERDE: And Jim Monteverde in favor.

[All vote YES]

JIM MONTEVERDE: The variance is granted. Now let's do the special permit. The Chair makes a motion to grant relief from the requirements of the Ordinance under Sections -- for the special permit due to the fact that we're -- the proposed project is over the 50 percent increase in the square footage and area, on the condition that the work -- I'm sorry, let me read the Special Permit - Criteria again:

It appears the requirements of this Ordinance cannot or will not be met. Correct, yes.

Traffic generated or patterns of access or egress would cause congestion, hazard, or substantial change. No.

The continued operation of or the development of

the adjacent uses as permitted in the Ordinance would be adversely affected. No.

Nuisance or hazard will be created to the detriment of the health, safety, or welfare. No.

And for other reasons, the proposed use would impair the integrity of the district or adjoining district. And that is a no.

So all the Criteria for a Special Permit under 10.43 are met.

On the condition that the work proposed conform to the drawings entitled "9, 11A and 11B Mt. Auburn Street," prepared by GCD Architects, dated April 10, 2024; initialed and dated by the Chair.

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

Further, that the special permit is granted incorporating the conditions as in the file, a letter from the Cambridge Historic Commission. Board Members, on a voice vote, please for the special permit?

Daniel?

DANIEL HIDALGO: In favor.

JIM MONTEVERDE: Thank you. Bill?

BILL BOEHM: In favor.

JIM MONTEVERDE: Thank you. Virginia?

VIRGINIA KEESLER: In favor.

JIM MONTEVERDE: Wendy?

WENDY LEISERSON: In favor.

JIM MONTEVERDE: And Jim Monteverde in favor.

[All vote YES]

JIM MONTEVERDE: That's five affirmative. The special permit is granted also.

SARAH RHATIGAN: Mr. Chairman?

JIM MONTEVERDE: Yes.

SARAH RHATIGAN: This is just a -- requesting a point of clarification, and I apologize I was kind of figuring this out while you were reading your motions. The plans that you've referred to and that you've initialed, the cover sheet has the date April 10 on the bottom.

JIM MONTEVERDE: Yep.

SARAH RHATIGAN: And then it has the date April 22 at the top, because that's a revision date. And then you'll see --

JIM MONTEVERDE: Oh.

SARAH RHATIGAN: -- for example on the screen right now you'll see the dates as April 22. I don't think there would be a confusion at a later date, but if you were willing to, you know, clerically amend the --

JIM MONTEVERDE: Yeah.

SARAH RHATIGAN: -- the date of the plans that are referred to as "April 10, revised April 22" that would be --

JIM MONTEVERDE: So let's just grant --

SARAH RHATIGAN: -- wonderful.

JIM MONTEVERDE: -- the special permit and the variance, on the condition that the work proposed conforms to the drawings entitled -- we said "9, 11A, 11B Mt. Auburn Street," prepared by GCD Architects, dated April 10 and revised April 22, 2024. Okay?

SARAH RHATIGAN: Thank you so much. Appreciate it. Have a good evening, everyone.

JIM MONTEVERDE: Bill, thank you for your last evening. Thanks for all your hard work. Appreciate your help. Good luck.

BILL BOEHM: You're welcome. Carry on the good work, you guys.

JIM MONTEVERDE: Thank you, everyone, goodnight.

VIRGINIA KEESLER: Thanks Bill.

BILL BOEHM: Yep. Bye-Bye.

[09:29 p.m. End of Proceedings]

CERTIFICATE

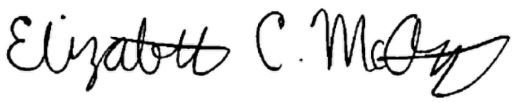
Commonwealth of Massachusetts

Middlesex, ss.

I, Elizabeth McAvoy, Notary Public in and for the Commonwealth of Massachusetts, do hereby certify that the above transcript is a true record, to the best of my ability, of the proceedings.

I further certify that I am neither related to nor employed by any of the parties in or counsel to this action, nor am I financially interested in the outcome of this action.

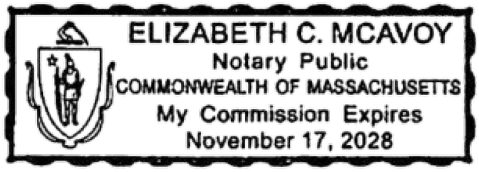
In witness whereof, I have hereunto set my hand this second day of August 2024.



Notary Public

My commission expires:

November 17, 2028



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