

BOARD OF ZONING APPEAL
FOR THE
CITY OF CAMBRIDGE

GENERAL HEARING

THURSDAY NOVEMBER 21, 2024

6:00 p.m.

Remote Meeting

via

831 Massachusetts Avenue
Cambridge, Massachusetts 02139

Jim Monteverde, Chair
Virginia Keesler
Farnando Daniel Hidalgo
Carol Agate
Wendy Leiserson

City Employees

Stephen Natola



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P R O C E E D I N G S

* * * * *

(6:00 p.m.)

Sitting Members: Jim Monteverde, Virginia Keesler, Daniel Hidalgo, Carol Agate, and Wendy Leiserson

JIM MONTEVERDE: Good evening. Welcome to the November 21, 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 Court, and approved by the Governor, the City is authorized to use remote participation at meetings of the Cambridge Board of Zoning Appeal.

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

There will also be a transcript of the proceedings.

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

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

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

3 Generally, you will have up to three minutes to
4 speak.

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

7 STEPHEN NATOLA: Carol Agate?

8 CAROL AGATE: Present.

9 STEPHEN NATOLA: Daniel Hidalgo?

10 DANIEL HIDALGO: Present.

11 STEPHEN NATOLA: Wendy Leiserson?

12 WENDY LEISERSON: Present.

13 STEPHEN NATOLA: Virginia Keesler?

14 VIRGINIA KEESLER: Present.

15 STEPHEN NATOLA: Jim Monteverde?

16 JIM MONTEVERDE: Present.

17 Thank you. The first cases tonight are continued
18 cases that were previously started and not resolved. And if
19 I understand correctly, both of them are going to be
20 delayed. So let's start with the first one.

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2 (6:02 p.m.)

3 Sitting Members: Jim Monteverde, Virginia Keesler, Daniel
4 Hidalgo, Carol Agate, and Wendy Leiserson

5 JIM MONTEVERDE: The first case is BZA-285359.

6 There's a letter in the file from Michael McKee, dated
7 November 20, writing to request that our hearing currently
8 scheduled for the twenty-first of November be rescheduled
9 for a later date. "I understand that the ninth of January,
10 2025 is available, and we would like to request that date."

11 Do you like that? And this is a case not heard
12 again, so it's any five members. So do we still need to
13 take a vote?

14 STEPHEN NATOLA: Yes.

15 JIM MONTEVERDE: I'm sure. We always need to take
16 a vote. Well, let me make a motion to continue this matter
17 to January 9, 2025, on the condition that the petitioner
18 change the posting sign to reflect the new date of January
19 9, 2025, and the time at 6 p.m.

20 Also, that the petitioner sign a waiver to the
21 statutory requirements for the hearing. This waiver can be
22 obtained from Maria Pacheco or Olivia Ratay at the

1 Inspectional Services Department. I ask that you sign the
2 waiver and return it to the Inspectional Services Department
3 by a week from this coming Monday.

4 Failure to do so will de facto cause this Board to
5 give an adverse ruling on this case.

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

10 Further, I noticed -- and I believe this is the
11 third time? Second? We had the first hearing? We delayed,
12 we --

13 STEPHEN NATOLA: Yeah, the next one.

14 JIM MONTEVERDE: -- this one, this will be the
15 third. So make that date, or we will give an adverse ruling
16 on the case. We'll not extend it for more than the three
17 times at this January, we'll give them.

18 On the motion to continue the matter until January
19 9, 2025, by a voice vote of the Board Members? Virginia?

20 VIRGINIA KEESLER: In favor.

21 JIM MONTEVERDE: Thank you. Wendy?

22 WENDY LEISERSON: In favor.

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JIM MONTEVERDE: Thank you. Carol?

CAROL AGATE: In favor.

Would it be up to us to recommend that they talk with the neighbor who wrote us a letter, before the hearing?

JIM MONTEVERDE: Good idea. I would say that it would be obvious, but yes, let me enter that also as a condition, beside the fact that this will be the third time and there won't be another time after that, and also, they work out with their -- I think it's actually their -- the other part of their condominium.

They -- I don't think it sounds like the letter that's in the file -- they don't have the approval from the Condominium Association to do the work that they're planning on doing.

So they need to reach out to the people that have contacted us and their neighbors and get that resolved. So thank you, Carol.

Daniel?

DANIEL HIDALGO: In favor.

JIM MONTEVERDE: And Jim Monteverde in favor.

[All vote YES]

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JIM MONTEVERDE: That's five in favor. The case is rescheduled for a final date of January 9, 2025. Thank you.

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2 (6:06 p.m.)

3 Sitting Members: Jim Monteverde, Virginia Keesler, Daniel
4 Hidalgo, Carol Agate, and Wendy Leiserson

5 JIM MONTEVERDE: Next case, also for extension, is BZA-
6 190731 -- 78 Ellery Street. This one they're requesting a
7 Six Month Extension. That takes it to -- this is on the
8 special permit -- this will take it until June 6, 2025.

9 So let me make a motion to continue this matter
10 until -- so I grant the Six Month Extension on the condition
11 that the petitioner change the posting sign to reflect the
12 new date of June 6, 2025 and the new time of 6 p.m.

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

17 I ask that you sign the waiver and return it to
18 the Inspectional Services Department by a week from this
19 coming Monday.

20 STEPHEN NATOLA: [Unclear; off microphone]

21 JIM MONTEVERDE: Yeah. Okay.

22 All right. We're going to continue this matter to May 29,

1 2025 -- May 21 of 2025 would be the Six Month Extension. My
2 error, excuse me.

3 Failure to do so will de facto cause this Board to
4 give an adverse ruling on this case.

5 STEPHEN NATOLA: [Unclear; off microphone]

6 JIM MONTEVERDE: Strike that last comment. The
7 date is still June 6, 2025, for the next time this will be
8 heard.

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

13 On the motion to continue this matter until June
14 6, 2025, a voice vote by Board Members, please? Virginia?

15 VIRGINIA KEESLER: In favor.

16 JIM MONTEVERDE: Thank you. Wendy?

17 WENDY LEISERSON: In favor.

18 JIM MONTEVERDE: Thank you. Carol?

19 CAROL AGATE: In favor.

20 JIM MONTEVERDE: Thank you. Daniel?

21 DANIEL HIDALGO: In favor.

22 JIM MONTEVERDE: Thank you. And Jim Monteverde in

1 favor.

2 [All vote YES]

3 JIM MONTEVERDE: The Six Month Extension is
4 granted. Now, that said, we have to adjourn until 6:30.

5 DANIEL HIDALGO: Okay.

6 JIM MONTEVERDE: I stand corrected; not adjourn,
7 just stand by. So we'll come back and bring everybody back
8 at 6:30. I'll talk to you then. Thank you.

9 DANIEL HIDALGO: Thank you.

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2 (6:30 p.m.)

3 Sitting Members: Jim Monteverde, Virginia Keesler, Daniel
4 Hidalgo, Carol Agate, and Wendy Leiserson

5 JIM MONTEVERDE: Thank you all for standing by. The
6 next case is BZA-1139918 -- for 1350 Mass Ave. We actually
7 have two. These are both special permits. They're both
8 telecommunications applications. So the first one, the
9 1139918 is from, or about the Verizon Wireless. So is there
10 anyone calling in who wants to walk us through this
11 application?

12 MICHAEL FENTON: Yes, Mr. Chair. I'm happy to.
13 Just let me change my name here in the chat. I am not Brett
14 Smith. I am Michael Fenton.

15 JIM MONTEVERDE: Okay.

16 MICHAEL FENTON: I am an Attorney for Cellco
17 Partnership doing business as Verizon Wireless. Also
18 available for testimony tonight, if the BZA so wishes, is
19 Jason Flanagan, our radiofrequency engineer; Chris Hardy,
20 our engineer with Dewberry Design; my colleague, Brett Smith
21 -- Attorney Brett Smith; and our Site Acquisition specialist
22 Ed Wanissimo (sic).

1 The proposal before you is a modification of an
2 existing antenna installation. The location is the Smith
3 Campus Center at 1350 Mass Ave.

4 And our proposal involves the removal of two
5 existing façade-mounted antennas and replacing them with one
6 spherical antenna. There's also some associated conduit and
7 equipment work that will not be viewable from the public
8 realm.

9 We've worked with CDD on the recommendations for
10 this site, and we'd be happy to chat with you about that at
11 the appropriate time. We've received positive
12 determinations from the Planning Board and the Harvard
13 Square Advisory Committee last night and the night before,
14 and seek your permission to proceed with the installation as
15 proposed.

16 JIM MONTEVERDE: Okay. Can you walk us through
17 the photo simulations, please? And then could you also --

18 MICHAEL FENTON: Sure.

19 JIM MONTEVERDE: -- please, I'm looking at the --
20 some of drawing documentation -- just describe to us the
21 antenna; the one that appears to be a new shape; one that at
22 least I haven't seen before, a bubble; I don't know what

1 else to call it.

2 MICHAEL FENTON: Yes. I would be happy to do
3 that, Mr. Chair.

4 If it would be easier for the Board, I can share
5 my screen so you can see my cursor; would that be all right?

6 JIM MONTEVERDE: I don't think so. We have --

7 MICHAEL FENTON: Okay.

8 JIM MONTEVERDE: -- the screen, so just walk us
9 around or walk us through the photo simulations first, and
10 then again if you could just, we could -- we can get into
11 the file that we have and just look at that particular
12 antenna.

13 MICHAEL FENTON: Okay.

14 JIM MONTEVERDE: The round one that I haven't seen
15 before. So if you could just walk us through the photos
16 simulation?

17 MICHAEL FENTON: Sure. If you could start
18 with Sheet 4 of the simulations -- actually, excuse me,
19 Sheet 3. Sorry about that.

20 Sheet 3 will show -- right here you can see on the
21 gray penthouse to the center right of the Smith Campus
22 Center. On that penthouse you'll see four different -- very

1 hard to see from public view from this image, but -- four
2 different antenna panels, seemingly equidistant from each
3 other.

4 JIM MONTEVERDE: Yep.

5 MICHAEL FENTON: That is -- those are the antennas
6 in question. The two in the middle will be coming down, and
7 replaced with one new technology that is spherical, Mr.
8 Chair.

9 So if you go to the next slide, page 4, you'll see
10 the proposed view. You can see the two antennas on opposing
11 sides of the penthouse will remain, and then the two
12 antennas in the middle would be taken down and replaced with
13 the new spherical antenna. And that would be the change to
14 the visual impact, as you can see.

15 JIM MONTEVERDE: Mm-hm. Okay.

16 MICHAEL FENTON: If you go to the next slide,
17 please?

18 This is an existing view, no change to the
19 existing view. And then the final slide, which is the
20 fourth photo, is the final slide that also shows no change
21 to the existing view.

22 That. That angle --

1 JIM MONTEVERDE: Okay.

2 MICHAEL FENTON: -- right there.

3 JIM MONTEVERDE: Yep. And --

4 MICHAEL FENTON: So really the only visual impact
5 is from the image that's shown on Slide 6.

6 JIM MONTEVERDE: Right. And the -- give us one
7 second here.

8 [Side conversation] Do you have access to this?

9 So I've just asked Staff to go to your -- the
10 drawing that we have that shows the spherical antenna. So
11 this one I don't think I've seen before at other
12 presentations, so is this a new antenna type that will be
13 replacing some of the rectilinear ones that we typically
14 see?

15 MICHAEL FENTON: It is. And for any technical
16 questions about that, I would ask that Chris Hardy or Jason
17 Flanagan be added as panelists so that they can answer any
18 technical questions you might have about that equipment.

19 JIM MONTEVERDE: I don't have any technical
20 questions; more it just -- is this more what we -- you
21 expect -- we expect to see in the future? Replacing the
22 rectangular ones? Or is this just a special installation, a

1 unique installation?

2 MICHAEL FENTON: I think that based on my
3 discussions with the appropriate engineers, this is a
4 technology that's being utilized more prevalently around the
5 country.

6 JIM MONTEVERDE: Mm-hm.

7 MICHAEL FENTON: I can't say that you should
8 expect many or all existing antenna panels to be replaced
9 with this technology, but it would be reasonable to expect
10 that there would be some, based on the needs of the carrier.

11 And beyond that, I'd have to defer to the
12 engineers.

13 JIM MONTEVERDE: Okay. That's good. Thank you.

14 Anything else to present to us or should we move
15 on to questions?

16 MICHAEL FENTON: We can move on if the Chair would

17 --

18 JIM MONTEVERDE: Thank you.

19 MICHAEL FENTON: -- like.

20 JIM MONTEVERDE: Any questions from Members of the
21 Board? If not, I'll open it up to public comment.

22 We do have correspondence in the file from the

1 Planning Board, and this lists three suggestions, which
2 we'll include as conditions. And I'll read them.

3 MICHAEL FENTON: Well, we want the --

4 JIM MONTEVERDE: It says one --

5 MICHAEL FENTON: We would like to talk with you
6 about those, Mr. Chair, at the appropriate time before you
7 add them in as conditions.

8 JIM MONTEVERDE: Okay. The first is move all
9 antennas down the façade, to avoid interrupting the
10 penthouse parapet line when viewed from the public record.

11 Two, paint the antenna, mounts, brackets, and all
12 exposed elements to match the penthouse cladding and a matte
13 color finish.

14 And three, utilize the smallest mounting brackets
15 available so that the antenna can be mounted as close as
16 possible to the existing façade surface.

17 That's the correspondence we have from the
18 Planning Board.

19 I will open it up -- that's all we have as
20 correspondence in the file. I'll open it up to public
21 comment.

22 Any members of the public who wish to speak should

1 now click the icon at the bottom of your Zoom screen that
2 says, "Raise hand." If you're calling in by phone, you can
3 raise your hand by pressing *9 and unmute or mute by
4 pressing *6.

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

10 STEPHEN NATOLA: No one is raising their hand.

11 JIM MONTEVERDE: We have no one calling in, so
12 will close public testimony.

13 Mr. Fenton, did you want to offer something to
14 those three items that the Planning Board brought up?

15 MICHAEL FENTON: Yes, Mr. Chair. So with respect
16 to -- and we responded in writing both to the CDD and the
17 Planning Board, and the Planning Board decided that they
18 wanted to forward these three recommendations for
19 determination by the BZA.

20 The first is a request that we move the antennas
21 down on the façade. That is not something that we can do,
22 based on the radiofrequency needs of the carrier, and based

1 on the emissions constraints.

2 So we're not increasing the height of these
3 installations in any way from the existing antennas, and we
4 would request that that not be made a condition of the
5 decision tonight.

6 JIM MONTEVERDE: How would you -- would you be
7 comfortable if we just add -- move all antennas down the
8 façade if technically feasible, to avoid interrupting,
9 yadayadayada? Does that work for you? I think that was
10 your explanation, it's not that --

11 MICHAEL FENTON: Yeah, I mean --

12 JIM MONTEVERDE: -- you can easily do that?
13 Because it's pretty standard language for us from most of
14 the other cases we've seen. Does that work for you?

15 MICHAEL FENTON: Yes, yes. If technically
16 feasible, we would be okay with --

17 JIM MONTEVERDE: Good.

18 MICHAEL FENTON: -- okay with us.

19 JIM MONTEVERDE: Okay. Thank you. Okay. Let me
20 --

21 MICHAEL FENTON: The other -- yeah, there were
22 some others. With respect to the painting, we have no

1 objections to that, and with respect to the mount request,
2 there -- we did respond in writing that -- you know, we --
3 the existing mounts are just designed to be three inches
4 away from the existing façade, so we can't bring them any
5 closer, but if there was a condition that said, "Make them
6 closer to the extent technically feasible," we would accept
7 that, Mr. Chair.

8 JIM MONTEVERDE: Yep.

9 MICHAEL FENTON: Thank you.

10 JIM MONTEVERDE: You're welcome. So I will add
11 that phrase to those two particular items when we get to the
12 conditions.

13 Now, any discussion among Members of the Board?

14 CAROL AGATE: Well, I did want to say that Number
15 3 already says, "as close as possible." Isn't that language
16 adequate? Rather than "technically feasible"? How does the
17 --

18 JIM MONTEVERDE: It sounds it to me.

19 CAROL AGATE: -- the Planning Board recommends --

20 JIM MONTEVERDE: Yep.

21 CAROL AGATE: -- this particular wording.

22 JIM MONTEVERDE: Is the proponent still on the

1 line?

2 MICHAEL FENTON: Yes, we're here. We could accept

3 --

4 JIM MONTEVERDE: Does that work for you?

5 MICHAEL FENTON: -- we could accept that, Mr.

6 Chair. We just wanted to make it clear that what we've

7 proposed is what is feasible. But --

8 JIM MONTEVERDE: Okay.

9 MICHAEL FENTON: -- we would accept that language.

10 JIM MONTEVERDE: That's fine. Great. Thank you.

11 Thank you, Carol. Any other discussion among

12 Members of the Board? If not, I will do my soliloquy, and

13 then I will make a motion. Soliloquy first.

14 Based on the findings, the Chair moves that the

15 petitioner be granted the special permit it is seeking,

16 subject to following conditions:

17 One, that the work proceed in accordance with the

18 plans submitted by the petitioner, and initialed by the

19 Chair.

20 Two, that upon completion of the work, the

21 physical appearance and visual impact of the proposed work

22 will be consistent with the photo simulations submitted by

1 the petitioner and initialed by the Chair.

2 Three, that the petitioner shall at all times
3 maintain the proposed work, so that its physical appearance
4 and visual impact will remain consistent with the photo
5 simulations previously referred to.

6 Four, that should the petitioner cease to utilize
7 the equipment approved tonight for a continuous period of
8 six months or more, it shall promptly thereafter remove such
9 equipment and restore the building on which it is located to
10 its prior condition and appearance, to the exact reasonably
11 practicable.

12 Five, that the petitioner is in compliance with
13 and will continue to comply with in all respects the
14 condition imposed by this Board with regard to previous
15 special permits granted to the petitioner, with regard to
16 the site in question.

17 In as much as the health effects of the
18 transmission of electromagnetic energy waves is a matter of
19 ongoing societal concern and scientific study, the special
20 permit is also subject to the following conditions:

21 a) That the petitioner shall file with the
22 Inspectional Services Department each report it files with

1 the federal authorities regarding electromagnetic energy
2 waves emissions emanating from all the petitioner's
3 equipment on the site.

4 Each such report shall be filed with the
5 Inspectional Services Department no later than 10 business
6 days after the report has been filed with the federal
7 authorities.

8 Failure to timely file any such report with the
9 Inspectional Services Department shall ipso facto terminate
10 the special permit granted tonight.

11 b) That in the event that at any time federal
12 authorities notify the petitioner that its equipment on the
13 site, including but not limited to the special permit
14 granted tonight, fails to comply with the requirements of
15 law or governmental regulations -- whether with regard to
16 the emissions of electromagnetic energy waves or otherwise
17 -- the petitioner, within 10 business days of receipt of
18 such notification of such failure, shall file with the
19 Inspectional Services Department a report disclosing in
20 reasonable detail that such failure has occurred, and the
21 basis for such claimed failure.

22 The special permit granted tonight shall ipso

1 facto terminate if any of the petitioner's federal licenses
2 are suspended, revoked, or terminated.

3 c) That to the extent a special permit has
4 terminated, pursuant to the foregoing paragraphs a) and b),
5 the petitioner may apply to this Board for a new special
6 permit, provided that the public notice concerning such
7 application discloses in reasonable detail that the
8 application has been filed because of the termination of the
9 special permit, pursuant to paragraphs a) and b) above.

10 Any such new application shall not be deemed a
11 repetitive petition, and therefore would not be subject to
12 the two-year period during which repetitive petitions may
13 not be filed. And finally:

14 d) That within 10 business days after receipt of a
15 building permit for the installation of the equipment
16 subject to this petition, the petitioner shall file with the
17 Inspectional Services Department a sworn affidavit of the
18 person in charge of the installation of equipment by the
19 petitioner with the geographical area that includes
20 Cambridge stating that:

21 a) he or she has such responsibility, and

22 b) that the equipment being installed pursuant to

1 the special permit we are granting tonight will comply with
2 all federal safety rules and will be situated and maintained
3 in locations with appropriate barricades and other
4 protections, such that individuals, including nearby
5 residents and occupants of nearby structures, will be
6 sufficiently protected from excessive radiofrequency
7 radiation under federal law.

8 The end.

9 So that was the motion. And we will add further
10 that the special permit is granted incorporating the
11 following conditions -- those are the three we just
12 discussed that I will repeat:

13 One, move all antennas down the façade if
14 technically feasible, to avoid interrupting the penthouse
15 parapet line when viewed from public realm.

16 Two, paint the antenna mounts, brackets, and all
17 exposed elements to match the penthouse cladding in a matte
18 color finish.

19 And three, utilize the smallest mounting brackets
20 available, so that the antenna can be mounted as close as
21 possible to the existing façade surface.

22 So on the motion to grant the special permit, a

1 voice vote, please, by Members of the Board?

2 Carol?

3 CAROL AGATE: In favor.

4 JIM MONTEVERDE: Thank you. Wendy?

5 WENDY LEISERSON: In favor.

6 JIM MONTEVERDE: Thank you. Virginia?

7 VIRGINIA KEESLER: In favor.

8 JIM MONTEVERDE: Thank you. Daniel?

9 DANIEL HIDALGO: In favor.

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

12 [All vote YES]

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

15 MICHAEL FENTON: Thank you very much. Goodnight.

16 JIM MONTEVERDE: Goodnight.

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2 (6:48 p.m.)

3 Sitting Members: Jim Monteverde, Virginia Keesler, Daniel
4 Hidalgo, Carol Agate, and Wendy Leiserson

5 JIM MONTEVERDE: Okay, next case is BZA-1140206 --
6 same building, 1350 Mass Ave, and this time we have
7 Centerline.

8 Allison Conwell, are you presenting tonight?
9 Michael Dolan?

10 MICHAEL DOLAN: Can everyone see and hear me?

11 JIM MONTEVERDE: We can hear you. Yes, we can see
12 you. How are you?

13 MICHAEL DOLAN: Terrific. I'm great. Thank you
14 all for hearing us tonight. As luck would have it, we are
15 proposing an insta-- well, first off, I'm Mike Dolan and I'm
16 counsel to New Cingular Wireless PCS, LLC, otherwise known
17 as AT&T. And we are proposing a modification to our
18 existing antenna facility on the same building owned by
19 Harvard.

20 What we're doing is a little bit different than
21 the previous application. We currently have six antennas on
22 the building set up with two -- three different sectors with

1 two antennas in each sector -- I'm sorry, several antennas
2 in each sector.

3 What we're proposing to do here is simply swap out
4 one antenna in one sector, one antenna in another sector.
5 The third sector we wouldn't make any change to. So in
6 total, we're taking two antennas off, putting two back, and
7 then two new ones will similarly be rectangular in shape.

8 I think you will be able to see when we put up the
9 photo simulation and I can walk us through those -- that
10 there's a negligible visual impact from the proposed
11 modification.

12 As a reminder, this facility is 120' up in the
13 air.

14 So these are the actual plans right here. And
15 maybe we could go to the photo simulations. There they are.
16 Okay. So that is just the cover page.

17 If you could advance to the next page, that would
18 be great.

19 This map, locus map, shows the four locations from
20 which we took photos of the building.

21 And then on the next page you can see that we
22 start to superimpose these in.

1 If we go to the next page, this is location 1 from
2 where we took a photo, and this is the existing conditions.
3 And if you look up to the top left, you see the Alpha
4 Sector. And over to the right, the Gamma Sector.

5 And if we go to the next page, that's the proposed
6 conditions. You really can't see anything over in the far
7 right on the Gamma Sector, but on the Alpha Sector you can
8 see that, you know, if you line these up with the one you
9 just saw before, we're just replacing a rectangular antenna
10 on the right of that antenna mount.

11 And then if we go to the next page, this is
12 existing conditions taken from Location Number 2. As you
13 can see, the Gamma Sector is up to the right. Those
14 antennas you see on the left and the middle; those -- on the
15 penthouse, those are of the previous applicant, Verizon. So
16 if you just look at the top right, that's what we have there
17 now.

18 And then if we go to the next page, you can see
19 what -- well, it's so small -- that's a rendition of what
20 we'll be doing here, which is almost identical. So that
21 gives you a sense of as to the de minimis visual impact from
22 that direction.

1 And then if we go to the next page, this is the
2 proposed and existing conditions from the third location.
3 You can see the Beta Sector's reference on the top right.
4 And as I alluded to earlier, we're not making any changes to
5 that sector, so that's why we have reference to your
6 proposed and existing; nothing will change.

7 And then if we go to the next page, similarly,
8 this is location 4. The Beta Sector is down on the right.
9 We're not making any change there, so there's absolutely no
10 change to this view.

11 As far as the plans that were shown earlier, there
12 really isn't much to go through there. As is, we're just
13 replacing a few rectangular antennas and putting up some --
14 swapping out some remote radio heads and adding a few others
15 that are down below and behind the antennas and not visible
16 from ground level, and some other related equipment inside
17 the enclosed equipment shelter.

18 So that's what we're proposing. And we would love
19 to obtain your approval. I did want to in advance -- I know
20 you'll get to this, but I do have a few comments about some
21 of the recommendations of the Planning Board. We had
22 discussed them with them, and they just said to bring them

1 up with this Board. So I'd like an opportunity to do that.

2 JIM MONTEVERDE: Okay. Why don't we go through
3 those now.

4 MICHAEL DOLAN: Okay.

5 JIM MONTEVERDE: The Planning Board suggestions
6 and the letter that we have from them dated November 20, "To
7 the Board of Zoning Appeal" reads that these are suggestions
8 noted in -- this is the Memo also from Community Development
9 Department -- to reduce the visual impact of installation.
10 And they are 1 through 6.

11 Number 1, locate the antennas as low as possible
12 on ballast frame mounts. Fine.

13 MICHAEL DOLAN: And if you'd like me to comment on
14 each of those, I can.

15 JIM MONTEVERDE: Yeah, let's --

16 MICHAEL DOLAN: That --

17 JIM MONTEVERDE: Go ahead.

18 MICHAEL DOLAN: I'm sorry, Mr. Chair. Would you
19 -- what's your preference?

20 JIM MONTEVERDE: I'm just going to say after I
21 read it, jump in if you have anything to add --

22 MICHAEL DOLAN: Okay, yes.

1 JIM MONTEVERDE: -- to it; otherwise, I'll just keep
2 going.

3 MICHAEL DOLAN: So after Number 1, that one is
4 fine with us. We are already locating the antennas as low
5 as possible on the ballast frame mounts. We have to be able
6 to get over the edge of the roof. So I suppose that
7 language is fine.

8 JIM MONTEVERDE: It works? Okay.

9 MICHAEL DOLAN: So we can go to Number 2.

10 JIM MONTEVERDE: Yep, thank you. 2 is equally
11 space the antennas from one another, to create a uniform and
12 purposeful appearance.

13 MICHAEL DOLAN: So on that one, we actually are
14 separating them. The only caveat is there are certain --
15 the client requirements as to spacing from interference
16 issues, where it may not -- it's not exactly equidistant
17 between them.

18 It's a matter of inches, but -- so when it says,
19 "equally space them," I think from the ground everyone would
20 think they're equally spaced, but technically there's a bit
21 of a variation and a --

22 JIM MONTEVERDE: So --

1 MICHAEL DOLAN: -- matter of inches.

2 JIM MONTEVERDE: -- so how about we add our
3 favorite phrase that'll start, "If technically feasible,
4 equally space --

5 MICHAEL DOLAN: Perfect.

6 JIM MONTEVERDE: -- the antennas, right? All
7 right.

8 Number 4 -- oh --

9 MICHAEL DOLAN: Yeah.

10 JIM MONTEVERDE: -- misnumbered. Number 3, the
11 third item. Paint the antennas, mounting frames, brackets,
12 and all exposed elements to blend with the sky, ideally a
13 matte, light gray color.

14 MICHAEL DOLAN: So unlike the previous applicant's
15 antennas, which were flush mounted to a structure that was
16 of a certain color behind it and had to be painted, none of
17 our antennas have been or will be painted, because they're
18 a gray sky color.

19 JIM MONTEVERDE: Yep.

20 MICHAEL DOLAN: It's how they're manufactured. So
21 we are agreeing to have everything be gray, the matte light
22 gray color, but we're not painting them.

1 So I think if we want to clarify there that we can
2 just say that our -- all that antennas, mounting frames, all
3 that will be manufactured and installed in a way to blend
4 with the sky, that's fine. But I just didn't want to
5 mislead anyone that we're painting them.

6 JIM MONTEVERDE: Okay, so if I understood you
7 correctly, the antennas are not being painted. They
8 naturally come in that light gray color. The other pieces
9 that are mentioned would be painted, correct?

10 MICHAEL DOLAN: No, nothing --

11 JIM MONTEVERDE: Nothing framed, right?

12 MICHAEL DOLAN: Nothing is being painted.
13 Everything visible from the ground is already going to be
14 manufactured and colored gray.

15 JIM MONTEVERDE: So they will be factory painted?

16 MICHAEL DOLAN: Correct.

17 JIM MONTEVERDE: All right. I don't think it
18 really makes a difference. They're going to be painted --

19 MICHAEL DOLAN: Yeah, I mean, technical the only
20 reason I say that is I'm not sure so much that it's painted.
21 The actual material itself might be in a gray color, the
22 composite itself. So technically speaking, I'm not sure

1 they're actually adding a layer of color to it. But you
2 know --

3 JIM MONTEVERDE: Okay.

4 MICHAEL DOLAN: -- I think we're at semantics now.

5 JIM MONTEVERDE: Yep. Exactly. 4. Touch up the
6 paint --

7 MICHAEL DOLAN: [Laughter]

8 JIM MONTEVERDE: They said on the paint -- you've
9 got to tell -- talk to me about paint. Touch upon the paint
10 on any associated telecommunications infrastructure as
11 required. So --

12 MICHAEL DOLAN: I mean I, you know, since -- once
13 again we haven't painted them and aren't going to paint
14 them, so if -- you know, it says, "as required" but I defer
15 to you how you'd want to address that.

16 JIM MONTEVERDE: All right. And then fifth, the
17 last is "Ensure the visibility of all exposed cables and
18 wires is minimal."

19 MICHAEL DOLAN: And we of course agree to that.

20 JIM MONTEVERDE: Okay. So. So the antennas don't
21 get painted; cross that out.

22 MICHAEL DOLAN: Yep.

1 JIM MONTEVERDE: Or it's furnished. Antennas,
2 mounting frames, brackets, and all exposed elements with a
3 finish to blend with the sky color -- ideally a matte, light
4 gray color. And just get rid of the word, "paint."

5 MICHAEL DOLAN: Yep.

6 JIM MONTEVERDE: All right. Let me just write
7 this down so I can remember. All right. So let me do my --
8 if we're done with that, let me do my -- well, let's do
9 public commentary, and then let me do my soliloquy for the
10 motion and we'll add those conditions and make sure you're
11 happy with the language, okay?

12 MICHAEL DOLAN: Sure.

13 JIM MONTEVERDE: Any questions from Members of the
14 Board? If not, I'll open it up to public commentary. We've
15 mentioned already the correspondence in the file from the
16 Planning Board. We have no other written correspondence in
17 the file either for or against.

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

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

6 STEPHEN NATOLA: No one's hand is raised.

7 JIM MONTEVERDE: No one is there. Okay. We will
8 close public testimony.

9 Any discussion among Members of the Board or may
10 we move into a motion?

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

12 JIM MONTEVERDE: All right. Thank you. Here we
13 go. Bear with me. Based on the findings, the Chair moves
14 that the petitioner be granted the special permit it is
15 seeking, subject to the following conditions:

16 One, that the work proceed in accordance with the
17 plans submitted by the petitioner, and initialed by the
18 Chair.

19 Two, that upon completion of the work, the
20 physical appearance and visual impact of the proposed work
21 will be consistent with the photo simulations submitted by
22 the petitioner and initialed by the Chair.

1 Three, that the petitioner shall at all times
2 maintain the proposed work, so that its physical appearance
3 and visual impact will remain consistent with the photo
4 simulations previously referred to.

5 Four, that should the petitioner cease to utilize
6 the equipment approved tonight for a continuous period of
7 six months or more, it shall promptly thereafter remove such
8 equipment and restore the building on which it is located to
9 its prior condition and appearance, to the exact reasonably
10 practicable.

11 Five, that the petitioner is in compliance with
12 and will continue to comply with in all respects the
13 condition imposed by this Board with regard to previous
14 special permits granted to the petitioner, with regard to
15 the site in question.

16 In as much as the health effects of the
17 transmission of electromagnetic energy waves is a matter of
18 ongoing societal concern and scientific study, the special
19 permit is also subject to the following conditions:

20 a) That the petitioner shall file with the
21 Inspectional Services Department each report it files with
22 the federal authorities regarding electromagnetic energy

1 wave emissions emanating from all the proponent's equipment
2 on the site.

3 Each such report shall be filed with the
4 Inspectional Services Department no later than 10 business
5 days after the report has been filed with the federal
6 authorities.

7 Failure to timely file any such report with the
8 Inspectional Services Department shall ipso facto terminate
9 the special permit granted tonight.

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

21 The special permit granted tonight shall ipso
22 facto terminate if any of the petitioner's federal licenses

1 are suspended, revoked, or terminated.

2 c) That to the extent a special permit has
3 terminated, pursuant to the foregoing paragraphs a) and b),
4 the petitioner may apply to this Board for a new special
5 permit, provided that the public notice concerning such
6 application discloses in reasonable detail that the
7 application has been filed because of the termination of the
8 special permit, pursuant to paragraphs a) and b) above.

9 Any such new application shall not be deemed a
10 repetitive petition, and therefore would not be subject to
11 the two-year period during which repetitive petitions may
12 not be filed. And finally --

13 d) That within 10 business days after receipt of a
14 building permit for the installation of the equipment
15 subject to this petition, the petitioner shall file with the
16 Inspectional Services Department a sworn affidavit of the
17 person in charge of the installation of equipment by the
18 petitioner with the geographical area that includes
19 Cambridge stating that:

20 a) he or she has such responsibility, and

21 b) that the equipment being installed pursuant to
22 the special permit we are granting tonight will comply with

1 all federal safety rules and will be situated and maintained
2 in locations with appropriate barricades and other
3 protections, such that individuals, including nearby
4 residents and occupants of nearby structures, will be
5 sufficiently protected from excessive radiofrequency
6 radiation under federal law.

7 The end. Okay.

8 And further, that the special permit is granted
9 incorporating the following conditions -- and I will read
10 these. These are the ones slightly modified from the
11 Planning Board. So:

12 One, locate the antennas as low as possible on
13 ballast frame mounts.

14 Two, if technically feasible, equally space the
15 antennas from one another, to create a uniform and
16 purposeful appearance.

17 Three, furnish the antennas, mounting frames,
18 brackets, and all exposed elements in a finish to blend with
19 the sky, ideally a matte, light gray color.

20 Four, touch up the finish on any assigned
21 telecommunications infrastructure as required.

22 And five, ensure the visibility of all exposed

1 cables and wires is minimal.

2 On that motion for a special permit on a voice
3 vote, please? Virginia?

4 VIRGINIA KEESLER: In favor.

5 JIM MONTEVERDE: Thank you. Wendy?

6 WENDY LEISERSON: In favor.

7 JIM MONTEVERDE: Thank you. Carol?

8 CAROL AGATE: In favor.

9 JIM MONTEVERDE: Thank you. Daniel?

10 DANIEL HIDALGO: In favor.

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

13 [All vote YES]

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

16 MICHAEL DOLAN: Thank you very much. Have a good
17 evening.

18 JIM MONTEVERDE: You're welcome.

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2 (7:06 p.m.)

3 Sitting Members: Jim Monteverde, Virginia Keesler, Daniel
4 Hidalgo, Carol Agate, and Wendy Leiserson

5 JIM MONTEVERDE: Next case forth evening is BZA-585557
6 -- 120 Chilton Street. Anybody calling in who can present
7 this to us?

8 SETH TASKER: Hi. Good evening, everybody. I'm
9 Seth Tasker. I think I'm also joined by Paul Mahoney, who's
10 architect for our project. Yes, there he is.

11 So I can give a quick overview, if helpful, of the
12 ordinance project. So we bought this house in 2018; it was
13 a three-bedroom. And it was just my partner Karen and I.

14 Since then, we've added two small kids, and
15 following the pandemic, we both now work from home
16 primarily. So what we're trying to do is put on what we
17 think is a fairly modest addition, which will give us some
18 office space at home that we don't currently have, a little
19 space for the kids to play which they don't currently have,
20 and, you know, keep a guest bedroom for when my parents come
21 to visit.

22 So pulling it out -- two stories out by about 10',

1 and then more or less taking our existing deck and turning
2 it into a one-story sunroom.

3 And we've worked with Paul on this project. We've
4 talked to our neighbors, and so far, we've received five
5 letters of support from our neighbors and haven't really
6 heard any concerns from anybody.

7 So I'll pause there. Paul, I don't know if
8 there's anything you'd like to add.

9 PAUL MAHONEY: No. I could just give a very quick
10 summary for the Board of --

11 JIM MONTEVERDE: Just introduce yourself, please.

12 PAUL MAHONEY: Sorry about that. Paul Mahoney.
13 I'm the architect, Mahoney Architects.

14 JIM MONTEVERDE: Okay.

15 PAUL MAHONEY: So it's pretty clearly spelled out
16 in the application, but just to quickly summarize, we're
17 asking for setback relief and floor area relief. So this
18 existing building is nonconforming at the right-hand side of
19 the lot. It's 7.1' from the lot line.

20 We would like to continue that offset for an
21 additional 22' along the right-hand side, not increasing the
22 -- you know, distance to the lot line, but maintaining it.

1 And so there's that request for relief.

2 There is another nonconformity on the site, in
3 that the combined lot setback, side setbacks, are less than
4 20' existing. They exist at 15'6" in total. We'd like to
5 continue that.

6 And then the last area of relief we're asking for
7 is floor area. Currently, the existing building is 0.541
8 area, and we'd like to increase that to 0.797, so that the
9 square footages on that are that the existing is 2,706
10 square feet, and we'd like to create 3,987 square feet in
11 total.

12 So those are the areas that we're asking the Board
13 for relief from. And if you'd like any additional
14 information relative to drawings, I'd be happy to answer any
15 questions you have.

16 JIM MONTEVERDE: I just have one quick question.
17 I think you mentioned the right-side setback. I thought --
18 do you need relief on the left side setback for the new
19 entry and stairs? Or is that --

20 PAUL MAHONEY: No, I don't --

21 JIM MONTEVERDE: Okay.

22 PAUL MAHONEY: -- think so. I discussed that with

1 the Staff. And we're describing that as a shade canopy,
2 which is allowed --

3 JIM MONTEVERDE: Great.

4 PAUL MAHONEY: -- in this location.

5 JIM MONTEVERDE: Okay. Perfect. Thank you.

6 PAUL MAHONEY: Mm-hm.

7 JIM MONTEVERDE: Anything else to present or --

8 PAUL MAHONEY: I could go on longer, but I think
9 that's --

10 JIM MONTEVERDE: No.

11 PAUL MAHONEY: -- a simple summary.

12 JIM MONTEVERDE: Yep. That's good. Thank you.
13 Appreciate it.

14 Any questions from Members of the Board? If not,
15 I will open it up to public commentary. And there are
16 several letters in the file that are new. Let me go through
17 them.

18 We have Beverly and George Hutchinson at 118
19 Chilton Street -- this is a form letter -- in support.

20 Same form letter Robert Filene, I believe it is in
21 support. Maura Pensak; Nancy Alach, 346 Concord Avenue, in
22 support. David Waters, 356 Concord Ave in support; Lauren

1 Begen at 141 Fayerweather, direct abutters, they are in
2 support. David Waters I think we just did.

3 Oh, I've got some repeats here. So there are one,
4 two, three, four, five letters in the file, some from
5 multiple folks -- two folks -- and none speaking against.

6 So with that, I will open it up to public
7 commentary.

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

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

18 STEPHEN NATOLA: No one is speaking -- raising
19 their hand.

20 JIM MONTEVERDE: Nope. No one is calling in. I
21 will close public testimony.

22 Any discussion among Members of the Board? No?

1 CAROL AGATE: I am somewhat -- I am really
2 concerned about the -- the FAR is pretty big. It's quite a
3 bit larger. But since it's all behind, and since the
4 neighbors don't object, I don't really have a problem with
5 that.

6 JIM MONTEVERDE: Okay. Very good. Thank you.
7 Any other discussion from Members of the Board? If not, I
8 will move on to a motion. This is a special permit.

9 So the Chair makes a motion to grant relief from
10 the requirements of the Ordinance under Sections 5.31. That
11 is specifically for the increase in GFA, gross floor area,
12 and for the right-side setback and windows within the
13 setback.

14 And for Section 8.22.2.d and 8.22.2.c,
15 Preexisting, Nonconforming Structure.

16 And the requirements for a special permit. And I
17 will read through those. That criteria is:

18 a) It appears the requirements of this ordinance
19 cannot or will not be met. That is correct.

20 b) Traffic generated or patterns of access or
21 egress would cause congestion, hazard, or substantial
22 change. It will not.

1 c) The continued operation of or the development of
2 the adjacent uses as permitted in the zoning ordinance would
3 be adversely affected. It will not.

4 d) Nuisance or hazard would be created to the
5 detriment of the health, safety, or welfare of the occupant
6 of the proposed use. It will not. And,

7 e) For other reasons, the proposed use would
8 impair the integrity of the district or adjoining district.
9 And it will not.

10 So it complies with all the criteria under Section
11 10.43 for a Special Permit.

12 So on a voice vote, please, from the Board
13 Members? Virginia?

14 VIRGINIA KEESLER: In favor.

15 JIM MONTEVERDE: Thank you. Wendy?

16 WENDY LEISERSON: In favor.

17 JIM MONTEVERDE: Thank you. Carol?

18 CAROL AGATE: In favor.

19 JIM MONTEVERDE: Thank you. Daniel?

20 DANIEL HIDALGO: In favor.

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

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[All vote YES]

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

COLLECTIVE: Thank you very much.

JIM MONTEVERDE: You're welcome.

COLLECTIVE: Thank you all. Have a great night. Yep, bye-bye.

JIM MONTEVERDE: You're welcome. You too.

1 * * * * *

2 (7:11 p.m.)

3 Sitting Members: Jim Monteverde, Virginia Keesler, Daniel
4 Hidalgo, Carol Agate, and Wendy Leiserson

5 JIM MONTEVERDE: Next case is BZA-279459 -- 359
6 Walden Street. Is there anyone calling in to present this
7 case to us? Adam, are you calling in? Stephen? It looks
8 like we have two folks trying to call in.

9 So please, unmute yourself and describe what the
10 project is, please.

11 STEPHEN HISERODT: This is Steve Hiserodt, with DH
12 Architects. I'm the architect for the project. I believe
13 Adam Munnelly and Lauren Marrett are probably online but
14 will not speak unless necessary tonight.

15 This project is really an extension of a former
16 special permit that was approved in I believe March of this
17 year. After going through the requirements of the
18 description of the special permit items, we had not
19 specifically referred to new openings on the right-side
20 elevation.

21 So we are more or less correcting that
22 description. Nothing else in the project has changed

1 regarding the right-side elevation.

2 So we're just clarifying that the openings -- we
3 relocated new openings presented at the last hearing were
4 also part of the Special Permit Request. There's also --

5 JIM MONTEVERDE: So one second. One second.

6 Before you --

7 STEPHEN HISERODT: Yep.

8 JIM MONTEVERDE: -- go further. Because I don't
9 have the file from the previous case.

10 STEPHEN HISERODT: Oh, okay.

11 JIM MONTEVERDE: So are you saying, do I
12 understand you correctly that all of the documentation that
13 this case was basically before the Board before, for a
14 special permit, the additions? Approved.

15 STEPHEN HISERODT: Yeah.

16 JIM MONTEVERDE: The only thing you are modifying
17 now through that is -- or not even modifying, that was on
18 the previous application were windows on the right-side
19 setback that requires a special permit, is that correct?

20 STEPHEN HISERODT: Yes, just calling attention to
21 that part of the zoning code, and --

22 JIM MONTEVERDE: That's --

1 STEPHEN HISERODT: -- specifically requesting
2 relief for that.

3 JIM MONTEVERDE: And that's all you need relief
4 for tonight?

5 STEPHEN HISERODT: No, we did add one small
6 adjustment to the third-floor floor height; raised four
7 inches, which increases the height of a very small portion
8 of the front porch area, or the front extension by that much
9 height that will further increase an existing nonconformity.

10 JIM MONTEVERDE: All right. I'm going to rephrase
11 the question here. The advertisement, or the application
12 form is on the screen.

13 STEPHEN HISERODT: Yeah.

14 JIM MONTEVERDE: Right? And it basically says,
15 "Special permit requested for the following portion of the
16 building alteration: One, relocation, enlargement of
17 additional windows and doors on a nonconforming right-side
18 façade."

19 STEPHEN HISERODT: Yep.

20 JIM MONTEVERDE: And addition to the existing
21 enclosed front porch: That will increase the existing
22 building mass that is currently nonconforming to the

1 required front and right-side setback.

2 STEPHEN HISERODT: Yes.

3 JIM MONTEVERDE: Is that correct?

4 STEPHEN HISERODT: Yes. Yes, that is correct.

5 JIM MONTEVERDE: Okay. So those are the only two
6 things they're looking at, correct?

7 STEPHEN HISERODT: Yeah. And --

8 JIM MONTEVERDE: Thank you.

9 STEPHEN HISERODT: The change at the front porch
10 is really an increase in height of four inches.

11 JIM MONTEVERDE: Okay. So can we go to -- do we
12 have a right-side elevation? You can just talk us through
13 the new windows, or windows that need relief.

14 STEPHEN HISERODT: Yeah. They are -- they are not
15 new. Well, they are the same windows that were --

16 JIM MONTEVERDE: Yep.

17 STEPHEN HISERODT: -- existing at the time of the
18 first special permit.

19 JIM MONTEVERDE: We'll get there. We'll have the
20 next one.

21 STEPHEN HISERODT: No, no.

22 JIM MONTEVERDE: No, can you go back?

1 STEPHEN HISERODT: You went past it. This one
2 right here.

3 JIM MONTEVERDE: Yeah. Proposed right side? Mm-
4 hm.

5 STEPHEN HISERODT: There's a bit of a presentation
6 issue. You can see the outline of the windows, though?

7 JIM MONTEVERDE: Yep.

8 STEPHEN HISERODT: Okay. Basically, the hatch
9 areas and the rectangles are the locations of the old
10 windows.

11 JIM MONTEVERDE: Yep.

12 STEPHEN HISERODT: The new windows have -- are
13 framed, and there's also two doors at the new stoop and
14 second-floor porch, or egress stair.

15 JIM MONTEVERDE: Yep. Okay. So that's the change
16 --

17 STEPHEN HISERODT: Essentially none of that has
18 changed from the original.

19 JIM MONTEVERDE: Right.

20 STEPHEN HISERODT: We're actually increasing --

21 JIM MONTEVERDE: But that's what you're seeking
22 the relief for this evening, correct?

1 STEPHEN HISERODT: Excuse me?

2 JIM MONTEVERDE: That's what you're seeking relief
3 for tonight?

4 STEPHEN HISERODT: Yes.

5 JIM MONTEVERDE: Is the fact that they exist in
6 the side yard setback.

7 STEPHEN HISERODT: Right.

8 JIM MONTEVERDE: Okay. And then, can you -- what
9 drawing do we want to go to to see the -- the addition to an
10 existing, enclosed front porch?

11 STEPHEN HISERODT: And then this one is fine.
12 This one is fine. It is an -- if you look to the left?
13 Maybe if we do the other one, the image is clearer. If we
14 go to the one just above -- right here.

15 Oh, no, not the sheet, just that elevation.

16 This one on the right side, it's the front
17 enclosed area, the extension. The roof of that has risen by
18 four inches from the last presentation. So there is a small
19 section of that front porch, which extends into the front
20 yard setback.

21 JIM MONTEVERDE: Is taller than it was in your --

22 STEPHEN HISERODT: Yes.

1 JIM MONTEVERDE: -- previous application?

2 STEPHEN HISERODT: Very, very slightly taller.

3 JIM MONTEVERDE: Okay. Okay. I think I've got
4 it. Thank you.

5 Any questions from Members of the Board?

6 JIM MONTEVERDE: If not, let me go to public
7 comment. I have no correspondence in the file. Did you
8 reach out to your neighbors?

9 STEPHEN HISERODT: This time we did not, because
10 there was essentially no real substantive change in --

11 JIM MONTEVERDE: The same windows were shown
12 before and the neighbors --

13 STEPHEN HISERODT: Yeah.

14 JIM MONTEVERDE: -- took no exception? Okay.
15 Thank you. So we have no correspondence in the file either
16 for or against. So I'll open it up to public comment.

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

22 I'll now ask Staff to unmute the speakers one at a

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

5 Anybody out there?

6 STEPHEN NATOLA: No one is calling in.

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

9 Any discussion among Members of the Board? If
10 not, I will move on to a motion. This is a special permit.
11 Give me one second, please.

12 [Side conversation between Chair and Staff]

13 JIM MONTEVERDE: Okay. We're back. The Chair
14 makes a motion to grant relief from the requirements of the
15 Ordinance under Sections 5.31, the Table of Dimensional
16 Requirements.

17 That is specifically the right-side setback that
18 affects the windows that we just looked at, and Sections
19 8.22.2.c and 8.22.2.d that are also for windows, and also
20 for the increase in height in the front second-floor porch.

21 On the condition that the work proposed conforms
22 to the drawings entitled, "359 Walden Street," prepared by

1 DH Architects, dated June 18, 2024; initialed and dated by
2 the Chair.

3 And further, that we incorporate the supporting
4 statements and Dimensional Form submitted as part of the
5 application. And as a special permit, let me just go
6 through that criteria.

7 a) It appears the requirements of this ordinance
8 cannot or will not be met. That is correct.

9 b) Traffic generated or patterns of access or
10 egress would cause congestion, hazard, or substantial
11 change. It will not.

12 c) The continued operation of or the development
13 of the adjacent uses as permitted in the zoning ordinance
14 would be adversely affected. It will not.

15 d) Nuisance or hazard would be created to the
16 detriment of the health, safety, or welfare of the occupant
17 of the proposed use. It will not. And,

18 e) for other reasons, the proposed use would
19 impair the integrity of the district or adjoining district.
20 And it will not.

21 So it complies with all the requirements under
22 Section 10.43, the criteria for a Special Permit.

1 So on that basis, a voice vote, please, among the
2 Members of the Board? Virginia?

3 VIRGINIA KEESLER: In favor.

4 JIM MONTEVERDE: Thank you. Wendy?

5 WENDY LEISERSON: Sorry. Problem with the audio.
6 Wendy Leiserson in favor.

7 JIM MONTEVERDE: Thank you. Carol?

8 CAROL AGATE: In favor.

9 JIM MONTEVERDE: Thank you. Daniel?

10 DANIEL HIDALGO: In favor.

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

13 [All vote YES]

14 JIM MONTEVERDE: That's five affirmative. The
15 relief is granted. Good luck.

16 STEPHEN HISERODT: Thank you all, have a good
17 night.

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1 [Discussion among Board members about scheduling]

2 JIM MONTEVERDE: We're early. We've got two
3 minutes.

4 CAROL AGATE: Two minutes. So Board, while I have
5 all of you present, how about I would like to suggest to
6 Staff, to ISD, that they modify the schedule that gets
7 prepared, so that two things: continued cases -- all the
8 cases are put together, Continued and the Regular Agenda;
9 they all start at 6:30?

10 STEPHEN NATOLA: [Unclear; off microphone]

11 JIM MONTEVERDE: I want them all.

12 Let's see if we all do -- that they all start at
13 6:30, so we don't have this lag when everybody bails on us
14 from the continued hearings, and we sit around for 20
15 minutes. Anyway, that's one.

16 And the second is that right now the cases are
17 assigned in 15-minute intervals. And I would suggest -- I
18 mean some nights we go through them quicker than that --
19 that perhaps we try 10 minutes and see where that goes.

20 CAROL AGATE: Is it feasible for -- maybe the
21 Staff or somebody does a rough estimate? I mean, we can
22 certainly look at some of these. For example, the wires on

1 top of the buildings. And when you look at some, you see
2 that they're going to go pretty fast.

3 So maybe do a little scoping beforehand to get a
4 better idea of the timing? I hate giving them too little
5 time, and having people have to wait for, gee, sometimes
6 ridiculous lengths of time. And yet, I don't like to stick
7 around myself. But it's easier for me to sit around than it
8 is for the --

9 JIM MONTEVERDE: Okay.

10 CAROL AGATE: -- people who are appearing before
11 us.

12 JIM MONTEVERDE: Yep. Yeah. Because it seems
13 like -- you know, the 15-minute time frame works for the
14 telecommunications cases. There is a bunch that they have
15 to get through, and that we have to say before we can take a
16 vote, but I think we eat up that time just in the regulatory
17 process.

18 And usually the cases, the 15 minutes works. And
19 yes, right. If we make it 10 minutes, some people are going
20 to have to wait. So anyway, for the rest of the Board
21 Members, if you want to leave the sequence at 15-minute
22 intervals, but how do you feel about trying to put the

1 continued cases together with the regular agenda, at least
2 in timing? So that they just follow? As opposed to --

3 CAROL AGATE: I don't see any reason why the
4 continued cases are separate. It makes no -- it doesn't
5 make sense --

6 JIM MONTEVERDE: Anyone --

7 CAROL AGATE: -- to stay separated.

8 JIM MONTEVERDE: Well, let's assume. There is a
9 reason. If they -- at least they can, we can rework the
10 time. Anybody else have an opinion?

11 DANIEL HIDALGO: Personally, I'd prefer if we --
12 yeah, started at 6:30 and had them all together. I think
13 that makes sense.

14 JIM MONTEVERDE: Yep. Okay. Carol? Wendy?
15 Virginia?

16 VIRGINIA KEESLER: I would just add to the point
17 Carol was making about certain cases going quickly. It's --
18 I think the adding windows to nonconforming walls -- you
19 know, some of those --

20 CAROL AGATE: Yeah.

21 VIRGINIA KEESLER: -- we tend to blow through very
22 fast, and then when we're waiting it's --

1 JIM MONTEVERDE: Yeah.

2 VIRGINIA KEESLER: -- kind of a pain, so I think
3 -- yeah, if there's some way to take that into account.

4 JIM MONTEVERDE: Yeah. I never -- you never know
5 if there are -- you know, we've had enough of those window
6 ones where there are neighbors who have an objection, and
7 then it goes -- you know, the timing kind of goes out the
8 window.

9 VIRGINIA KEESLER: Mm-hm.

10 JIM MONTEVERDE: So you just never know what
11 they're going to be. All right. Well, let's go -- let's --
12 let me summarize that one.

13 So is everybody comfortable with asking that the
14 Continued Cases and the Regular Agenda one, start at 6:30
15 and that they, if possible, be placed together, so they're
16 not separated by a half-hour, depending on how many
17 continued cases there are?

18 WENDY LEISERSON: Yes.

19 CAROL AGATE: I approve of their being placed
20 together, but I would prefer starting at six o'clock. But
21 if everybody else prefers 6:30, fine.

22 JIM MONTEVERDE: Well, I heard Daniel is

1 suggesting 6:30.

2 DANIEL HIDALGO: Yeah, I mean I could still do
3 six. It would be okay. I -- 6:30 is slightly better for me
4 because of --

5 JIM MONTEVERDE: All right.

6 DANIEL HIDALGO: -- picking up from school, but
7 it's okay.

8 JIM MONTEVERDE: No, understood. All right.
9 We'll see if we can start at six and just -- again, they
10 can't change the schedule after it's been announced, so in
11 one of the cases that I just -- you know, asked to continue
12 either today or yesterday, so they wouldn't have known when
13 they published.

14 But to go in the same, I guess 15-minute interval
15 and just go from the continued cases to the regular cases.
16 All right. We'll see what we can do.

17 Now, it's time for the next case. Thank you,
18 Board.

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1 * * * * *

2 (7:32 p.m.)

3 Sitting Members: Jim Monteverde, Virginia Keesler, Daniel
4 Hidalgo, Carol Agate, and Wendy Leiserson

5 JIM MONTEVERDE: The next case is BZA-287510 -- 94
6 Fayerweather Street.

7 ELLIOT RANGER: Good evening. I'm Elliot Ranger,
8 the petitioner. Just want to confirm you can hear me loud
9 and clear.

10 JIM MONTEVERDE: We can. Thank you.

11 ELLIOT RANGER: Okay. Great. So my wife and I
12 are the property owners, and I'm going to be walking through
13 these proposed plans that we've developed with an architect,
14 and the request for the Special Permit.

15 So to kind of quickly get into the details here,
16 if you scroll down to page 9, I think that might be the best
17 place to start.

18 So this is the plot plan. And you can see --
19 well, you can barely see on the left side there is the -- we
20 have an existing second-story porch. What we're looking to
21 do is replace that with a two-story addition. That two-
22 story addition is captured on the right-hand side with the

1 proposed plans.

2 It's a little different between the first story
3 and the second story. So the first story is the exact same
4 rear setback as the existing structure.

5 On the right-hand side, we're actually just
6 squaring it off of the house, and then we have the stairs
7 that come down from there.

8 And on the left side, it's recessed in from where
9 the existing structure is and that's -- you'll see there's a
10 bulkhead that's over there that you'll see in the 3D
11 picture.

12 On the second story, the left-hand side, that's
13 exactly the same as the left-hand side of the existing
14 structure. The right side, again, we're squaring it off
15 with the house.

16 And then in the rear, for the rear setbacks, we've
17 actually extended over by 2'. And that's just to give a
18 little more functional room for the space; some room for the
19 [bals] and insulation.

20 So then if you go to page 8, which is up from
21 here, so on that right-hand side, you can kind of get a good
22 visual of everything that I've just described to you in

1 terms of what we're trying to do. You can see the bulkhead
2 down there and then how the second story sits on top of the
3 first story.

4 And then on the left-hand side there, you can see
5 the elevations on page 7. I guess this is in reverse order
6 here, but on page 7 that's all the detailed dimensions and
7 plans for what we're trying to do with the space.

8 And then page 10 -- so now we're going back the
9 other way. Some more of the elevation drawings.

10 And then if you look at page 11 and 12, you can
11 see there's a couple pictures that we put in there so you
12 can see the space in the back. Then you can see kind of
13 looking down across the property where the existing
14 structure is, and then looking from underneath towards the
15 rear of the property.

16 So the main relief that we're requesting for the
17 special permit, the rear setback we already have the
18 variance for that existing structure. But that violates the
19 ordinance of the 25' rear requirement.

20 And then our floor area ratio, the ordinance is
21 0.5; we're at 0.74 with the existing house. It would bump
22 up -- it actually bumps up to 0.5. There's a typo. That

1 was in the drawing, and in the request -- in the
2 application.

3 JIM MONTEVERDE: And the proposed use for this
4 space is a sunroom?

5 ELLIOT RANGER: Yes.

6 JIM MONTEVERDE: Okay. Thank you.

7 Any questions from Members of the Board? If not,
8 I will open it up to public comment. We have no
9 correspondence in the file, either for or against.

10 Did you share this with your neighbors?

11 ELLIOT RANGER: Yeah, actually if you -- I believe
12 if you scroll down a little further, you will see the --
13 yeah, so.

14 JIM MONTEVERDE: Oh, I see.

15 ELLIOT RANGER: Yeah.

16 JIM MONTEVERDE: Great. Great. Okay. So I think
17 we have -- can you scroll through? How many do we have,
18 just for the record?

19 STEPHEN NATOLA: One, two --

20 JIM MONTEVERDE: Three letters in the file from
21 neighbors expressing support, and none speaking against.
22 Great. Thank you.

1 Let me open it to public comment, anyone calling
2 in.

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

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

12 Anyone calling in? Nope?

13 STEPHEN NATOLA: Martine Voiret?

14 MARTINE VOIRET: Hello? Can you hear me?

15 JIM MONTEVERDE: We can. Can you state your name,
16 please, for the record?

17 MARTINE VOIRET: Yes. My name is Martine Voiret

18 --

19 JIM MONTEVERDE: Yep.

20 MARTINE VOIRET: -- and I live on 11 Granville
21 Road, Apartment 2. So I want to express that I'm opposed to
22 the project.

1 Actually, it was interesting to see the last
2 photograph, because if you look at it, you can see my porch,
3 which is directly across from where the extension would be.
4 And so, I'm on level 2, so I would be right across from
5 where the porch would become a fully enclosed room.

6 So I do feel it would really affect me. I have a
7 window and a door facing that area. Two feet is not a small
8 amount space, especially because, you know, a porch you use
9 a few times, I mean a few months a year; having a whole room
10 there, it's something you use year-round.

11 Also, I'm speaking on my behalf but I'm also the
12 Secretary of the condo association. And the three owners
13 feel the same way. Our back yard is not very big. The lots
14 on Huron Village are smaller than on other roads, and the
15 extension would really close in onto our back yard. It
16 would cut out some of our light, and it would really come
17 [unclear] over our back yard where we sit very often.

18 And, you know, the solid structure, as you can
19 see, it's fairly substantial. So I feel it would be a
20 little too close to our house. So for all those reasons,
21 the three of us are opposed to the project.

22 JIM MONTEVERDE: Okay. Thank you for calling in.

1 Is the proponent still on the line?

2 ELLIOT RANGER: I am. And actually, I did reach
3 out to the neighbors to discuss the project. You know,
4 going in with the intention -- because we share the same
5 concerns in terms of maintaining the privacy, and I went in
6 with the idea of I would be amenable to include
7 architectural features -- you know, consider window
8 placement and location to come up with a solution here.

9 Unfortunately, there wasn't any constructive
10 feedback, other than they were just opposed to the project
11 altogether. And so, that's kind of why I decided to come
12 forward.

13 I do want to talk about the sun situation. If you
14 go back to slide -- to page 9 there, so you'll see -- you'll
15 see the north-south line and then east-west line, which kind
16 of cuts across to have a diagonal from where the property
17 is.

18 So, you know, the -- as far as whether sun and
19 shade and all of that are going to be impacted by this
20 structure, for the property in the rear it's really our
21 house that gets shaded by the structure, not the rear
22 property.

1 And, you know, relative to the distances in the
2 back and all of those things, it's pretty much the same
3 distances that we have the sides -- on the sides between all
4 the neighbors.

5 And, you know, we have tried to shift the windows
6 more towards the driveway that runs in between the two
7 properties. But I'm certainly amenable to features within
8 the design to provide more privacy as well.

9 JIM MONTEVERDE: Would you be amenable to -- I'm
10 looking at the existing porch and its size, and its distance
11 from the rear lot line. It's your second floor that gets
12 closer to that rear lot line and then it's wider.

13 Would you be amenable to reducing your proposed
14 second-floor addition?

15 ELLIOT RANGER: Well, as far as the rear setback?

16 JIM MONTEVERDE: Yep. Stay more to the profile of
17 your existing porch, in terms of how far is it from the
18 property line?

19 ELLIOT RANGER: You know, we would take whatever
20 recommendation the Board deems there as a condition. But
21 yeah, yeah.

22 JIM MONTEVERDE: Well, I'm trying to see if this

1 helps the abutter.

2 ELLIOT RANGER: Sure.

3 JIM MONTEVERDE: Or if they're just against it,
4 period. Is that caller still around, or did they just go
5 away?

6 STEPHEN NATOLA: Yep.

7 MARTINE VOIRET: Yes, I'm still here. Well, I
8 would rather not --

9 JIM MONTEVERDE: Martine --

10 MARTINE VOIRET: -- have a whole room so close to
11 my back porch, but that's how I feel about it.

12 JIM MONTEVERDE: So is there no middle ground for
13 you?

14 MARTINE VOIRET: No.

15 JIM MONTEVERDE: It's either do it or don't do it?

16 MARTINE VOIRET: Well --

17 JIM MONTEVERDE: Or your preference it that it not
18 happen, the existing deck remain?

19 MARTINE VOIRET: Well, my preference would be that
20 it doesn't happen, and --

21 JIM MONTEVERDE: Okay.

22 MARTINE VOIRET: -- if it happened, that it would

1 be modified. But really my preference would be that it
2 would not happen.

3 JIM MONTEVERDE: Mm-hm. And if -- I'm sorry, what
4 did you say, if it does happen, what did you say?

5 MARTINE VOIRET: Of course, if the Board decided
6 otherwise, I would rather have it smaller than the actual
7 size. But that would not be my preference to have a whole
8 room there.

9 JIM MONTEVERDE: So smaller as I described, is
10 that -- would that be better, more acceptable to you? In
11 other words, it's kept to the size of the existing porch?

12 MARTINE VOIRET: Well, it would be better, but I
13 would rather not have an enclosed room over there. I would
14 prefer not to have it.

15 JIM MONTEVERDE: Nothing.

16 MARTINE VOIRET: Yeah.

17 JIM MONTEVERDE: Okay.

18 MARTINE VOIRET: Nothing.

19 JIM MONTEVERDE: All right.

20 MARTINE VOIRET: Because that's very different
21 from having a back porch.

22 JIM MONTEVERDE: Okay. Thanks for calling in.

1 MARTINE VOIRET: Thank you.

2 JIM MONTEVERDE: Any other public testimony?

3 Is our presenter still there?

4 ELLIOT RANGER: Yes. I'm here.

5 JIM MONTEVERDE: So Mr. Ranger, we'll put this to
6 a vote. I feel like I'm between a rock and a hard place.
7 Usually we -- the Board wants to pay attention to
8 neighborhood community, especially if they're opposing for
9 any reason.

10 And the fact that you're making the rear yard
11 setback with that second-story addition will be considerably
12 below what the ordinance is looking for -- sorry?

13 Yeah. The existing is nonconforming, but if you
14 make it, the second floor becomes even less conforming. The
15 question is whether you want us to go forward with a vote,
16 or if you want to continue and try and explore this with
17 your neighbor to come up with a scheme that they might find
18 or that they can accept. It's up to you.

19 ELLIOT RANGER: So -- go ahead. Were you going to
20 say something, Carol?

21 JIM MONTEVERDE: Nope.

22 CAROL AGATE: Didn't --

1 JIM MONTEVERDE: I think that --

2 CAROL AGATE: Jim, didn't she say that this is a
3 condo? And if it is --

4 JIM MONTEVERDE: No.

5 CAROL AGATE: -- I wonder if it -- oh, I thought
6 she said it was a condo. Okay.

7 JIM MONTEVERDE: I think their building may be a
8 condo; not this one.

9 ELLIOT RANGER: Correct.

10 CAROL AGATE: Oh.

11 ELLIOT RANGER: Yeah. The building in the rear is
12 a condo.

13 JIM MONTEVERDE: Yeah.

14 ELLIOT RANGER: And so --

15 WENDY LEISERSON: Oh, I'm sorry, this is Wendy
16 Leiserson. Could I just ask a question? What would the
17 rear setback be if it were the same -- same footprint, there
18 would be no change. Is that correct?

19 ELLIOT RANGER: Yeah, it would be the --

20 JIM MONTEVERDE: Correct. So it -- right now it's
21 at 11.1'. The required is 25'. The current porch sits
22 11.1' from the property line, and that's what I was nosing

1 for before.

2 I mean, in the proposal, the proposed second-
3 floor, as you can see in the plan, steps out a little bit
4 closer to the rear lot line. And it would be a distance --

5 ELLIOT RANGER: Right.

6 JIM MONTEVERDE: -- of 9'1, 9.1' from the property
7 line. So --

8 ELLIOT RANGER: So I mean I would be amenable to
9 going to the -- you know, that same rear setback as where
10 the existing second-story porch is. That would maintain the
11 same setback that's already there.

12 My concern is if I -- you know, having tried
13 multiple times to reach out to Martine and come to an
14 agreeable position, I'm just not sure that anything would
15 change, even if I did adjust that.

16 JIM MONTEVERDE: Okay. So I think reading between
17 the lines there, that means we -- it's time to go for a
18 vote. Correct?

19 ELLIOT RANGER: Yes.

20 JIM MONTEVERDE: Okay. All right. Any discussion
21 among Members of the Board?

22 WENDY LEISERSON: Well, Jim, are we voting? I'd

1 like to get -- before we vote, I'd like to just get a sense
2 for from the Board about --

3 JIM MONTEVERDE: Yeah, I think it's -- I was going
4 to move the discussion first before there's any vote.

5 WENDY LEISERSON: Okay.

6 JIM MONTEVERDE: Also wanted to let the proponent
7 know that if you don't get four affirmative votes, then you
8 can't come back for two years, unless you come back with a
9 demonstrably different proposal. Just so you are aware.

10 ELLIOT RANGER: So if I withdraw and create those
11 new plans and come back --

12 JIM MONTEVERDE: Yeah, that would be a
13 continuance.

14 ELLIOT RANGER: Right.

15 JIM MONTEVERDE: You'd pick another date. You
16 decide how much time you want to be able to talk to your
17 neighbors to see if you can reach some happy compromise, and
18 then come back. If we go to a vote tonight, if it's
19 approved -- and that takes four out of five members voting
20 for approval, then you can proceed.

21 If you don't get the four out of five votes, and
22 in essence your vote -- the relief is not granted, then you

1 can't come back for two years, unless the proposal is
2 demonstrably different than the one in front of us tonight.

3 ELLIOT RANGER: Is it possible to hear the
4 discussion from the Board before making that decision?

5 JIM MONTEVERDE: Absolutely.

6 ELLIOT RANGER: Thank you.

7 JIM MONTEVERDE: All right. Back to Wendy? So
8 I'll open it up for discussion among Members of the Board.
9 I'm --

10 WENDY LEISERSON: I wanted to know a couple of
11 things, I guess. One is was the opponent's concern privacy,
12 light? Which did we -- if someone could remind me which was
13 the most important to that person? And also, I would like
14 to know what the rest of my colleagues feel about a smaller
15 footprint.

16 JIM MONTEVERDE: Yep.

17 CAROL AGATE: I feel I really like don't have
18 enough information. I would really like to see a
19 continuance with a much better idea in the first place about
20 all of the neighbors or at least many more than the one
21 person.

22 And some clearer drawing of exactly what the

1 layout there is and just how close it is that it would
2 bother Martine. So I really don't feel as ready to vote
3 as I would like to.

4 DANIEL HIDALGO: Personally --

5 JIM MONTEVERDE: What if you had to? If we were -- if
6 the proponent desires us to go ahead with a vote, how
7 would you fall, or where are you feeling at the moment,
8 Carol?

9 CAROL AGATE: I guess if -- I think if he wanted
10 to go ahead with a vote, I would probably vote in favor.

11 JIM MONTEVERDE: Okay. Daniel?

12 DANIEL HIDALGO: Yeah, I mean if the proponents
13 could feel like they could stay within the current 11'
14 setback, then I would be totally fine with voting in
15 favor. The -- yeah, so I guess I would be interested if
16 they felt comfortable with that, then that would be fine.

17 JIM MONTEVERDE: Okay.

18 VIRGINIA KEESLER: I'm inclined to agree with
19 Daniel. I think -- I prefer the way that it looks, I think,
20 if it's within the original setback for the building and not
21 having that overhang.

22 And I also hear the point that was made about the

1 sunlight and the addition wouldn't impact the sunlight for
2 the rear abutting neighbors.

3 So I don't feel inclined -- I mean, I think I
4 would vote in favor, but I agree that it might be preferable
5 to reduce the size.

6 JIM MONTEVERDE: Okay. Thank you. And I think
7 I'm with the majority that I heard from. I think the
8 neighbors' exception is really they just don't want to see
9 something there at the second-story level.

10 I'm concerned -- I have a basic concern that even
11 the existing porch is close to the property line -- much
12 closer than the Ordinance allows.

13 So -- but that -- the fact that it exists exists.
14 And if they could keep this addition to that footprint, both
15 in distance from the rear and to the side, then I could see
16 -- if they were willing to -- if the proponent was willing
17 to make that modification, then I think -- or accept that as
18 a condition, then I could vote affirmatively for it.

19 Anybody else?

20 WENDY LEISERSON: I just -- when looking at the map -- I
21 can't tell for sure of course, because there are no
22 dimensions, but it does seem like it's the neighbor's porch

1 that is also very far back. You know, I don't know what
2 the actual setback is there.

3 But, you know, it's both properties are causing
4 the issue, not just the plan from this petitioner, from
5 what I can see on the --

6 JIM MONTEVERDE: Yep.

7 ELLIOT RANGER: Yeah, that's absolutely correct.
8 And I would accept that as a condition that we stay within
9 the current setback that we have.

10 JIM MONTEVERDE: So are you talking just from the
11 rear, or also from the side, Mr. Ranger?

12 ELLIOT RANGER: Well, I don't believe there's any
13 issue from the side. If you look at it, we're still within
14 all the --

15 JIM MONTEVERDE: So it's just the rear?

16 ELLIOT RANGER: It was just the rear that was an
17 issue.

18 JIM MONTEVERDE: Okay. All right. Any other
19 discussion, or I'll move to a motion? Let me frame a
20 motion? This is a special permit.

21 The Chair makes a motion to grant relief from the
22 requirements of the Ordinance under Sections 5.31, the Table

1 of Dimensional Requirements -- that's specifically the
2 increase in the gross floor area, and the reduction of the
3 rear yard setback requirement. And section 8.22.2.d for a
4 Nonconforming Structure. And the requirements for a special
5 permit. And I will read that criteria.

6 a) It appears the requirements of this ordinance
7 cannot or will not be met. That is correct.

8 b) Traffic generated or patterns of access or
9 egress would cause congestion, hazard, or substantial
10 change. It will not.

11 c) The continued operation of or the development
12 of the adjacent uses as permitted in the zoning ordinance
13 would be adversely affected. It will not.

14 d) Nuisance or hazard would be created to the
15 detriment of the health, safety, or welfare. It will not.

16 e) And for other reasons, the proposed use would
17 impair the integrity of the district or adjoining district.
18 And it will not.

19 And therefore, it complies with the criteria under
20 Section 10.43 for a Special Permit.

21 On the condition that the work proposed conform to
22 the drawings entitled "94 Fayerweather Street," prepared by

1 Anzza, A-n-z-z-a, Architectural Design and dated March 7,
2 2024; initialed and dated by the Chair.

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

6 Further, that the special permit is granted
7 incorporating the following condition: And that is that the
8 design of the second-floor sunroom will be modified to
9 reduce its depth so that it does not project any further
10 toward the rear lot line than the existing deck does now.

11 On a voice vote, please? Carol?

12 CAROL AGATE: In favor. And I do want to point
13 out, in case it matters for the transcript, that the Street
14 is "Fayerweather," and I notice it's coming across on my
15 captions as "Fairweather."

16 JIM MONTEVERDE: Okay. Thank you.

17 CAROL AGATE: Okay.

18 JIM MONTEVERDE: Carol's in favor. Wendy?

19 WENDY LEISERSON: In favor.

20 JIM MONTEVERDE: Thank you. Virginia?

21 VIRGINIA KEESLER: In favor.

22 JIM MONTEVERDE: Thank you. Daniel?

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DANIEL HIDALGO: In favor.

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

[All vote YES]

JIM MONTEVERDE: The relief with the condition is granted.

ELLIOT RANGER: Thank you very much.

JIM MONTEVERDE: Good luck.

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(7:59 p.m.)

Sitting Members: Jim Monteverde, Virginia Keesler, Daniel Hidalgo, Carol Agate, and Wendy Leiserson

JIM MONTEVERDE: Next case is BZA-1139335 -- 11-15 Dover Street. Anyone?

TIMOTHY EMERSON: Hi. This is Timothy Emerson. Can you hear me?

JIM MONTEVERDE: Timothy, yes, we can.

TIMOTHY EMERSON: All right, thank you.

JIM MONTEVERDE: Yep.

TIMOTHY EMERSON: Yes. So we are reapplying for a special permit. The owner did not act on the previous approval in time. The client -- the owner does have a contractors ready to stand by right now, ready to go, so if approval is granted, we don't expect to be back.

The application is slightly different from the first application in that the new work would be incorporating a fire protection system. So emergency egress off the second floor is no longer required based on the International Building Code.

But I think everything else remains the same.

1 So it's an existing three-unit apartment building
2 and there's a commercial business below in the basement.
3 Instead of that, we are just moving to a four-unit apartment
4 building.

5 The owners is a family, the Chin Family -- Fonda,
6 Kenneth, and Ken. They currently reside in two of the units
7 -- two of the existing units on the left-hand side of the
8 building. Their parents formerly lived in the right-hand
9 side, which is the side that we'll be renovating.

10 And after the renovation is complete, two of the
11 children -- I'm not sure which two -- will move into the
12 newly renovated side and one of them will stay in the left-
13 hand side, and their hope is to rent out the fourth
14 apartment.

15 JIM MONTEVERDE: Okay. And the only change
16 between the previous application and this one is just as you
17 discussed, correct?

18 TIMOTHY EMERSON: To my belief, yes.

19 JIM MONTEVERDE: Okay.

20 TIMOTHY EMERSON: It's just the -- the only thing
21 we're really applying for is the conversion of the units and
22 from a three-unit building to a four-unit residential

1 building and the --

2 JIM MONTEVERDE: Right.

3 TIMOTHY EMERSON: -- two dormers on the back of
4 the --

5 JIM MONTEVERDE: Right.

6 TIMOTHY EMERSON: -- house on either side.

7 JIM MONTEVERDE: But that's -- that all was done a
8 year ago.

9 TIMOTHY EMERSON: Correct. And it was --

10 JIM MONTEVERDE: Yep.

11 TIMOTHY EMERSON: -- formally approved.

12 JIM MONTEVERDE: Right. The difference in this
13 application is, could you just repeat that, what you just
14 went through?

15 TIMOTHY EMERSON: The difference in the
16 application and the drawings presented is there was an
17 exterior balcony --

18 JIM MONTEVERDE: Yeah.

19 TIMOTHY EMERSON: -- at the rear of the building
20 that was --

21 JIM MONTEVERDE: Yep.

22 TIMOTHY EMERSON: -- required for emergency

1 egress.

2 JIM MONTEVERDE: Right.

3 TIMOTHY EMERSON: And it's no longer required,
4 because we are providing a sprinkler system.

5 JIM MONTEVERDE: Okay, great.

6 TIMOTHY EMERSON: And the sprinkler system allows
7 us to have a longer means of egress travel distance --

8 JIM MONTEVERDE: Yep.

9 TIMOTHY EMERSON: -- which we still comply with.

10 JIM MONTEVERDE: Okay. And that's the only
11 difference from -- in this new submission from the one that
12 was approved a year ago?

13 TIMOTHY EMERSON: Correct.

14 JIM MONTEVERDE: Okay. And for the information of
15 Members of the Board, so the two members who were present
16 last year -- this was also a variance last year -- and
17 approved it -- were Wendy Leiserson and myself. The rest of
18 you were not part of it or present on the Board.

19 So if you want to hear more about it and go
20 through the -- what the request is in full, let me know and
21 we'll ask the proponent to do that.

22 Otherwise, this seems to be simply that the -- the

1 relief that they were granted expired because they didn't
2 act on it within a year, and they're back asking for exactly
3 the same thing minus the difference in the balcony and the
4 inclusion of a sprinkler system in the building.

5 So --

6 CAROL AGATE: I'm fine.

7 JIM MONTEVERDE: -- what's the pleasure of the
8 Board Members that were not present for the first round?

9 CAROL AGATE: I'm fine with going along with the
10 previous decision.

11 JIM MONTEVERDE: Okay.

12 DANIEL HIDALGO: Yeah, I'm also happy to defer
13 to my predecessors.

14 JIM MONTEVERDE: Okay.

15 VIRGINIA KEESLER: Agreed.

16 JIM MONTEVERDE: Virginia, are you okay with that?

17 VIRGINIA KEESLER: Yes, I agree.

18 JIM MONTEVERDE: Wendy, do you have a vague
19 recollection of this one?

20 WENDY LEISERSON: I thought the case looked
21 familiar, but I couldn't -- I didn't remember for sure.
22 Yeah.

1 JIM MONTEVERDE: I've got your name here with a
2 checkmark next to it. You were here.

3 WENDY LEISERSON: Okay, then, I'll take your word
4 for it.

5 JIM MONTEVERDE: All right. Beside that, any
6 questions from Members of the Board? Any other questions?
7 If not, I'll move to public comment. Give me one second,
8 please. And there are no correspondents in the file.

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

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

19 Anybody out there?

20 STEPHEN NATOLA: No.

21 JIM MONTEVERDE: No one is calling in. So I will
22 close public testimony. Any discussion among Members of the

1 Board? If not, is our proponent still there, Mr. Emerson?

2 TIMOTHY EMERSON: Yes, I'm still here, sir.

3 JIM MONTEVERDE: So the other difference now is
4 the proponent is actually ready to commence?

5 TIMOTHY EMERSON: Yes. We've actually filed for a
6 -- the actual building permit.

7 JIM MONTEVERDE: Okay.

8 TIMOTHY EMERSON: Waiting on your approval before
9 it --

10 JIM MONTEVERDE: Yep.

11 TIMOTHY EMERSON: -- gets issued. And --

12 JIM MONTEVERDE: Okay.

13 TIMOTHY EMERSON: -- and that was pulled by the
14 contractor.

15 JIM MONTEVERDE: Very good. Motion.

16 The Chair makes a motion to grant relief from the
17 requirements of the Ordinance under Sections 5.31 from the
18 Table of Dimensional Requirements; 5.26 for the Conversion;
19 8.22.3, for Alteration or Enlargement of a Nonconforming
20 Structure; and 10.30, a Variance.

21 And I won't go through those details, as they were
22 all stated a year ago. I'll just say that we'll include

1 those by reference.

2 On the condition that the work proposed conforms
3 to the drawings entitled, "11 Dover Street," or "11-13 Dover
4 Street Alterations," prepared by TE Design Studio and dated
5 10/11/2024; initialed and dated by the Chair.

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

9 On a voice vote, please?

10 Virginia?

11 VIRGINIA KEESLER: In favor.

12 JIM MONTEVERDE: Thank you. Wendy?

13 WENDY LEISERSON: In favor.

14 JIM MONTEVERDE: Thank you. Carol?

15 CAROL AGATE: In favor.

16 JIM MONTEVERDE: Thank you. Daniel?

17 DANIEL HIDALGO: In favor.

18 JIM MONTEVERDE: And Jim Monteverde in favor.

19 [All vote YES]

20 JIM MONTEVERDE: That's five in favor. The relief
21 is granted. Good luck.

22 TIMOTHY EMERSON: Thank you very much.

1 JIM MONTEVERDE: You're welcome. And that it is.
2 Thank you, Board Member. Thank you for all your help.

3 WENDY LEISERSON: Thank you.

4 TIMOTHY EMERSON: Thank you.

5 WENDY LEISERSON: Take care.

6 CAROL AGATE: Bye.

7 JIM MONTEVERDE: Have a nice --

8 WENDY LEISERSON: Happy Thanksgiving, everyone.

9 JIM MONTEVERDE: -- have a nice Thanksgiving.

10 Yeah.

11 VIRGINIA KEESLER: Happy Thanksgiving.

12 JIM MONTEVERDE: To everyone too.

13 CAROL AGATE: Yep.

14 JIM MONTEVERDE: See you after that holiday.

15 Thank you all. Goodnight.

16 [08:09 p.m. End of Proceedings]

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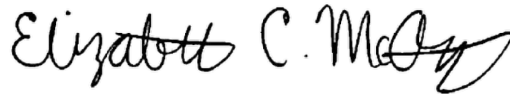
CERTIFICATE

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.

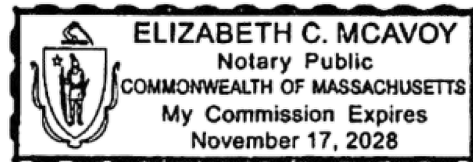
In witness whereof, I have hereunto set my hand this fourth day of December 2024.



Notary Public

My commission expires:

November 17, 2028



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