

BOARD OF ZONING APPEAL FOR THE
CITY OF CAMBRIDGE

GENERAL HEARING

THURSDAY FEBRUARY 27, 2025

6:00 p.m.

Remote Meeting

via

831 Massachusetts Avenue
Cambridge, Massachusetts 02139

Jim Monteverde, Chair

Steven Ng, Vice Chair

Virginia Keesler

Daniel Fernando Hidalgo

Zarya Mirands

City Employees

Olivia Ratay

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P R O C E E D I N G S

* * * * *

(6:00 p.m.)

Sitting Members: Jim Monteverde, Steven Ng, Virginia
Keesler, Daniel Hidalgo, and Zarya
Miranda

JIM MONTEVERDE: Welcome to the February 27, 2025
meeting of the Cambridge Board of Zoning Appeal. My name is
Jim Monteverde, and I am the Chair.

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

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

There will also be a transcript of the
proceedings.

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

Members of the public will be kept on mute until

1 it is time for public comment. I will give instructions for
2 public comment at that time, and you can also find
3 instructions on the City's webpage for remote BZA meetings.
4 Generally, you will have up to three minutes to speak.

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

7 STEPHEN NATOLA: Zarya Miranda?

8 ZARAYA MIRANDA: Present.

9 STEPHEN NATOLA: Virginia Keesler?

10 VIRGINIA KEESLER: Present.

11 STEPHEN NATOLA: Daniel Fernando Hidalgo?

12 DANIEL HIDALGO: Present.

13 STEPHEN NATOLA: Steven Ng?

14 STEVEN NG: Present.

15 JIM MONTEVERDE: And Jim Monteverde is present.

16 Thank you.
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2 (6:01 p.m.)

3 Sitting Members: Jim Monteverde, Steven Ng, Virginia
4 Keesler, Daniel Hidalgo, and Zarya
5 Miranda

6 JIM MONTEVERDE: First case I'm going to call --
7 there are no continued cases, so from the Regular Agenda --
8 is Case No. 1148745 -- 30 Gerry's Landing Road.

9 Is there anyone calling in for the proponent?
10 We'll give them a minute.

11 And Board Members, and just for some background:
12 I'm sure you've all read the file for this case and the
13 following one. The following one is actually a variance, in
14 case this appeal is not granted -- this Board back in --
15 transcript is from July 9, 2020 -- heard this case, not the
16 appeal, but the variance.

17 And it was to -- they were applying for a variance
18 to use the property at 30 Gerry's Landing Road institutional
19 use, educational use, where I believe it was residential use
20 is what was allowed. And they applied for the Use Category
21 and for the variance. And both were granted.

22 And the only reason I'm giving you the history is

1 I'm the only one on this Board who was present on that
2 Board, when we went through all this before. So what's in
3 the variance presentation is I believe everything we heard
4 in 2020.

5 So if there's anyone calling in from BB&N, any
6 representation, if they would please --

7 TAD HEUER: Excuse me, Mr. Chairman. Tad Heuer at
8 Foley Hoag on behalf --

9 JIM MONTEVERDE: Hi.

10 TAD HEUER: behalf -- of the petitioner,
11 Buckingham Browne & Nichols.

12 JIM MONTEVERDE: Yep. Thank you. And thanks for
13 introducing yourself for the transcriptionists, and start
14 with the appeal, please.

15 TaD HEUER: Of course. Good evening, Members of
16 the Board. As I mentioned, my name is Tad Heuer. I'm an
17 attorney at the law firm Foley Hoag. I represent Buckingham
18 Browne & Nichols.

19 As the Chairman mentioned, I also represented BB&N
20 five years ago on this matter when we brought to you the
21 request for a use variance, which as the Chairman noted was
22 unanimously granted.

1 So this is an appeal of a determination of the
2 Building Commissioner that that use variance granted by the
3 Board on July 30, 2020, which allowed educational uses at 30
4 Gerry's Landing, has lapsed for non-use.

5 So what I'm going to do is provide a very brief
6 framing of the legal issue, and then summarize some of the
7 key facts, and then explain why those facts, as applied to
8 that law, require in our view the conclusion that the
9 variance has not in fact lapsed.

10 So the discrete legal issue before the Board in
11 the appeal turns on the interpretation of what's known as
12 the "Lapse Clause" in the State Zoning Act. That's Chapter
13 40A Section 10, and specifically what it means to exercise
14 rights under a variance.

15 So that provision states that if rights authorized
16 by a variance are not exercised within one year of such --
17 of the date of the grant of such variance -- such rights
18 shall lapse. And the converse is also true; if those rights
19 are exercised within a year, the variance is valid in
20 perpetuity unless it's abandoned.

21 So keeping that legal standard in mind, which I'll
22 return to in a moment, a bit of factual context.

1 So in February of 2020, BB&N applied for a use
2 variance authorizing use of 30 Gerry's Landing and two other
3 parcels adjacent to it for educational uses.

4 As you've seen in the materials, 30 Gerry's
5 Landing is a parcel of a bit over an acre. It has an 18,000
6 square-foot residential structure on it, which we believe is
7 the largest formerly residential structure in the city. And
8 it has some out buildings. It's in a Residence A-1 zone.

9 Importantly, it's abutting BB&N's Upper School, as
10 you've probably seen from the photos and the map in the
11 packet.

12 So the March 2020 hearing was postponed because
13 COVID occurred. It was scheduled for a week after the state
14 of emergency and was rescheduled into July when we were able
15 to get things back up and running.

16 At that hearing, as the Chairman mentioned, the
17 Board unanimously granted the use variance, and it was then
18 recorded on August 25, 2020. So if you're keeping score at
19 home, the lapse period -- that one year in which you need to
20 do to exercise your rights -- runs from about August of 2020
21 to about August of 2021.

22 BB&N within days immediately began using 30

1 Gerry's Landing for educational use purposes.

2 The first, as we noted, moments later after
3 recording it, they being storing significant quantities of
4 excess classroom furniture in the building. This was
5 because the state's COVID social distancing requirements for
6 in-person education required removing furniture from BB&N's
7 existing classrooms in order to get enough social distancing
8 space in those classrooms. Without doing that, the schools
9 would not have been allowed to open in-person for the fall
10 2020 school year.

11 I'd also note, as you saw in the packet, that the
12 Board was well aware of the importance of a use variance to
13 enable BB&N to comply with the COVID-19 mandates because we
14 submitted a supplemental statement at the beginning of July
15 2020 before the new hearing that explained the importance of
16 that use variance precisely because of the additional
17 burdens that have been placed on the school for COVID.

18 Second, BB&N made extensive educational use of the
19 outdoor premises at 30 Gerry's consistent with the use
20 variance. So as everyone's aware, in 2020, 2021, the COVID
21 restrictions required, or encouraged holding multiperson
22 activities and events outdoors. So these educational uses

1 were all made well within that one-year lapse period; August
2 2020 to August 2021.

3 And as detailed in the affidavit that we
4 submitted, these activities including holding English
5 classes, holding photography classes, holding student
6 theater productions and the rehearsals, holding Board of
7 Trustees meetings, team events, volleyball practices, grade-
8 level events for parents. All of these things occurred on
9 the parcel within that period.

10 And lastly, there were certain school facility
11 operations, like storing landscaping equipment, snow removal
12 equipment, that were moved to the parcel within that lapse
13 period.

14 And this was also contemplated expressly by the
15 use variance. So in the variance, the Board stated that,
16 "It notes that currently BB&N is required to have some of
17 its administrative staff and functions operate out of
18 Watertown, which was obviously not the most convenient and
19 was disruptive to smooth operation of the school."

20 So everyone was aware that this facility at 30
21 Gerry's Landing was going to be used for these types of
22 things.

1 Fast forward to the fall of 2024. BB&N was
2 prepared to commence the target renovations of the property.
3 Met with ISD, and at that point ISD informed BB&N that the
4 property was ineligible for a building permit because in
5 their view the use variance had lapsed for non-use. So
6 that's how we've gotten to where we are this evening.

7 So the question for the Board on the appeal is a
8 narrow one. And it's whether these facts, which I don't
9 believe ISD disputes that all those activities did take
10 place in that period on the parcel, are sufficient to
11 exercise the Use Variance within that one-year lapse period.

12 We believe the answer is clearly yes. The Appeals
13 Court, as we noted in our memo, has opined on this exact
14 question in the Green case.

15 And in Green, you'll see the court observed that
16 unless the dimensional variances that are fairly common --
17 that's what -- is mostly what you see and when I was on the
18 Board, that's what we saw too -- use variances don't require
19 construction or excavation or even building permits, right?

20 The court noted in such circumstances, simply,
21 "evidence of use within one year of the issuance of the
22 variance may be sufficient to exercise such a variance." So

1 it's a different standard because a lot of the usual indicia
2 just aren't there.

3 So applying that legal principal to the facts in
4 Green, that court first found relevant that the variance
5 holder had timely recorded the use variance. And there's no
6 one that disputes that BB&N timely recorded the use variance
7 here.

8 Second, the court in Green found that it was
9 relevant that the variance holder had submitted the sworn
10 affidavit made on personal knowledge supported by
11 documentation, as required, that, "detailed the various
12 steps that were taken after the approval of the Use Variance
13 and in reliance on it."

14 And as I've just explained, that's what BB&N has
15 done here, all right? They've detailed these numerous
16 activities at 30 Gerry's Landing within that one-year
17 period, and they've shown their substantial reliance on that
18 variance.

19 And the court in Green found that this evidence of
20 recording plus the affidavit detailing use and reliance, was
21 sufficient to establish exercise for the purposes of Section
22 10 and avoid lapse as a matter of law.

1 So there's no dispute that the multiple activities
2 at 30 Gerry's that occurred in that period were consistent
3 with educational use. They were consistent with the scope
4 of the use variance as well.

5 And as such, we think that Green compels the same
6 results here, which is that the variance was exercised
7 within that one year and didn't lapse, and that BB&N is
8 entitled to move forward with its application for a building
9 permit for those renovations.

10 I'm happy, obviously, to answer any questions that
11 the Board may have.

12 JIM MONTEVERDE: Thank you. Are there any
13 questions from Members of the Board?

14 DANIEL HIDALGO: Could you just detail a little
15 bit about what student activities were on the property?

16 TAD HEUER: Sure. So as you'll see, there's some
17 multiple media photographic evidence in our submission. So
18 I -- the -- remember this is fall of 2020, so it's the first
19 school year that's restarted after COVID. So a number of
20 classes -- you know, English classes were held outside.

21 And again, this is adjacent to the Upper School.
22 So if you are familiar with the location, the Upper School

1 is, you know, one very large building. There's a playing
2 field on the other side.

3 And then 30 Gerry's Landing is slightly up the
4 hill -- you know, kind of on the northern slope. So it's
5 easily accessible for the school -- for the students, for
6 the school.

7 And thank you Olivia. I think you want to go --
8 go up a bit more, and you may get the map, I think. Well --
9 there it is.

10 So the -- BB&N owns pretty much everything that
11 runs along the right-hand side of -- or the left-hand side
12 of Gerry's Landing Road. So that large yellow parcel on the
13 bottom and the green parcel there, and the yellow parcels
14 attached: those are BB&N's location. And 30 Gerry's
15 Landing is the red.

16 So very easy to access from the school. It's just
17 a short walk over. So several teachers held some of their
18 English classes outside. They held some photography classes
19 outside. There were several student productions; we have
20 photographs of those in the record too.

21 And those are not the high school, the Upper
22 School, those are students from some of the other schools.

1 So the Middle School and the Lower School are over
2 in -- on Buckingham Place. Those students came over there
3 and they had an outside location where they had more space,
4 and they could run their student theater production --
5 student theater rehearsals.

6 And as noted, there are also, you know, some
7 various athletic team events; volleyball practice because
8 it's a community space to do those things. You know, pretty
9 much anything that they could use an outdoor space for so
10 they wouldn't have to be -- you know, bringing people into
11 close proximity indoors -- they tried to do there and it's a
12 great space for it.

13 So they have their other playing fields, but to
14 the extent that if you're thinking about the Lower School
15 and the Middle School, there's not a significant amount of
16 outdoor space over there, if you've ever been there.

17 So this was a very useful safety-valve location to
18 run some of these types of activities.

19 DANIEL HIDALGO: Thank you.

20 TAD HEUER: Of course.

21 JIM MONTEVERDE: Any other questions from Members
22 of the Board? If not, I have one. I'm reading from the

1 Building Commissioner's letter to BB&N.

2 TAD HEUER: Mm-hm.

3 JIM MONTEVERDE: This is the one dated November
4 18, 2024. And it states that no Certificate of Occupancy to
5 establish the use has been applied for. Is that correct?

6 TAD HEUER: That's correct.

7 JIM MONTEVERDE: Okay. And it -- two sentences
8 away from that says, "This property will not be eligible for
9 a building permit or a Certificate of Occupancy until the
10 rights authorized by BZA Case 017262-2020, which as I
11 describe, was the previous case for the use request and
12 variance from 2020 -- are reestablished after notice of the
13 new hearing pursuant to the Cambridge Zoning Ordinance
14 Section 10.30 and General Law 40A 10.

15 And that's the next case on the Agenda.

16 TAD HEUER: Correct.

17 JIM MONTEVERDE: Okay. Thank you.

18 TAD HEUER: I would say, Mr. Chairman, as to that
19 point, I certainly understand the Commissioner's position.
20 I think I would say that there's a distinction between a --
21 what is required to establish or exercise the rights under a
22 variance and a separate municipal requirement in the

1 Ordinance to obtain a Certificate of Occupancy.

2 So under both Section 10 and in the Green case we
3 just discussed, the validity of the use is established by
4 the grant of the variance itself. It's not contingent upon
5 the subsequent grant of the Certificate of Occupancy
6 pursuant to a building municipal ordinance.

7 I guess putting it somewhat differently:
8 regardless of whether BB&N should have obtained a
9 Certificate of Occupancy under the Ordinance, any failure to
10 do so doesn't invalidate the variance, because that's
11 governed by lapse under state law.

12 So in some sense, you know, the fact that the City
13 has this additional protocol that it requires for municipal
14 purposes may indeed put a variance holder at odds with that
15 municipal requirement.

16 And it may necessitate a stop work -- I guess in
17 this case the stop use -- while they obtain that
18 administrative approval. But that doesn't put the variance
19 holder at odds with the Section 10 requirements under state
20 law for purposes of determining lapse. Those are two
21 distinct things.

22 JIM MONTEVERDE: Okay. Thank you. And is the

1 school ready to file? I think you just said, but -- either
2 a building permit, Certificate of Occupancy, et cetera at
3 this time?

4 TAD HEUER: Yes. Yep. I mean, they -- the School
5 has -- and again, as I noted, and I don't want this to be
6 misconstrued -- the School has and continues to have very
7 close relations with ISD. We've worked with them on a
8 number of projects for many years.

9 JIM MONTEVERDE: Yep.

10 TAD HEUER: So this came up as part of that usual
11 discussion that we always have with the Commissioner and ISD
12 about what's necessary in order to make the practice move
13 smoothly, and this was something that they flagged.

14 So yes, they are prepared to move forward with --
15 you know, either a Certificate of Occupancy and/or building
16 permit, whichever the Commissioner desires. Their material
17 is ready to go because they like to start on these
18 renovations as -- as expeditiously --

19 JIM MONTEVERDE: Okay.

20 TAD HEUER: -- as they can.

21 JIM MONTEVERDE: Thank you. Any other questions
22 from Members of the Board? If not, I'll open it up to

1 public comment.

2 We have one letter in the file speaking against.
3 This is from Brendan Hickey -- dated February 20. I will
4 not read through it all, I will just summarize it to say
5 that -- or as he says -- "I am writing in opposition to the
6 appeal." And we have no correspondence in favor of the
7 appeal.

8 With that, I'll open it up to public comment.

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

14 I'll now ask Staff to unmute 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 STEPHEN NATOLA: Katherine Gardner?

20 KATHERINE GARDNER: Can you hear me? Katherine
21 Gardner.

22 JIM MONTEVERDE: Yes.

1 KATHERINE GARDNER: 1 Gerry's Landing, Cambridge,
2 02138.

3 JIM MONTEVERDE: Thank you. We can hear you. Go
4 ahead.

5 KATHERINE GARDNER: I just have a very brief
6 comment. We are the next-door neighbors. Our property
7 directly abuts the property at 30 Gerry's Landing. I would
8 just like to point out that this is actually -- you have
9 actually -- you're actually discussing this property under
10 the incorrect address.

11 The address at the property is 30 Gerry's Landing.
12 I understand that this is confusing, but for our Historic
13 purposes, the three addresses at the top of the hill are
14 Gerry's Landing, and not Gerry's Landing Road.

15 Further, I note that the map that BB&N produced
16 has been produced obviously from Google, and Gerry's Landing
17 Road is in fact under Fresh Pond Parkway, and Fresh Pond
18 Parkway is not labeled correctly on that map.

19 And that's all I have to say. Thank you.

20 JIM MONTEVERDE: All right. Thank you.

21 STEPHEN NATOLA: Heather Hoffman?

22 HEATHER HOFFMAN: Hello. Heather Hoffman, 213

1 Hurley Street. And I would note that my mother was a
2 graduate of Buckingham before it got involved with Browne
3 and Nichols.

4 I have a question. And that is whether there is
5 any need for this at all, given that it is my understanding
6 that the passage of the Multifamily Zoning Petitions earlier
7 this month completely gutted the Institutional Use
8 Regulations.

9 Because those are applicable only for residential
10 districts with a minimum lot area per dwelling unit of 1,200
11 square feet. And the City Council in its infinite wisdom
12 completely got rid of all minimum lot area per dwelling unit
13 regulations.

14 So it seems to me that the Dover Amendment is
15 again in force in Cambridge, and we can't prevent
16 educational uses in residential districts.

17 So perhaps I have misunderstood everything, but
18 that is how I understand the state of the law.

19 Thank you.

20 JIM MONTEVERDE: Thank you, Heather.

21 Want to comment there?

22 Anyone else calling in, Steven?

1 STEPHEN NATOLA: Nope.

2 JIM MONTEVERDE: Mr. Hickey isn't out there?

3 Okay. I'll close public testimony.

4 Discussion among Members of the Board?

5 DANIEL HIDALGO: I'm just -- I guess I'm just
6 sympathetic to the applicant. It strikes me that given the
7 conditions under COVID and the exigencies there along with
8 the activities on the property, it strikes me as this was
9 educational.

10 So I'm in favor.

11 JIM MONTEVERDE: Okay.

12 VIRGINIA KEESLER: I also found the applicant's
13 argument to be compelling, and it seemed to be well
14 supported by the Green case. I guess my only question is as
15 a Board, if this is really a legal question, how empowered
16 are we to interpret the legal nuances of this?

17 I guess that's the only question I pose, Jim.

18 JIM MONTEVERDE: Yep. Hang on one second. Let me
19 ask our Staff if there was any communication with the Legal
20 Department on this.

21 [Pause]

22 At the moment, we don't have anything on record

1 from the Legal Department, although we think there was some
2 discussion about it. We just don't think there is anything
3 recorded. So I would say at the moment we don't have
4 anything. If we want a legal opinion, then we can request
5 that.

6 STEVEN NG: Hi, Jim.

7 JIM MONTEVERDE: Yep.

8 STEVEN NG: I also have a similar opinion on the
9 decision as my fellow Board Members. I don't think we need
10 to -- I'm comfortable not needing a legal view on this. So
11 for what that's worth.

12 JIM MONTEVERDE: Would you be for or opposed to
13 the --

14 STEVEN NG: Oh, I'm in favor --

15 JIM MONTEVERDE: Okay.

16 STEVEN NG: -- of supporting the appeal.

17 JIM MONTEVERDE: Anybody else against? I
18 personally wouldn't vote for it at the moment. Again, just
19 -- I'm reading the letter from the Commissioner. I would
20 basically stand by it for the moment. But that's one of
21 five.

22 So Zarya?

1 ZARAYA MIRANDA: I also --

2 JIM MONTEVERDE: Which way are you leaning?

3 ZARAYA MIRANDA: -- can you hear me?

4 JIM MONTEVERDE: Yes.

5 ZARAYA MIRANDA: I'm also in favor of --

6 JIM MONTEVERDE: Okay.

7 ZARAYA MIRANDA: Thank you.

8 JIM MONTEVERDE: Virginia, where do you fall on
9 this?

10 VIRGINIA KEESLER: I am in favor.

11 JIM MONTEVERDE: Okay. I think it's time for a
12 decision motion. Anybody have any other questions?
13 Otherwise, I'll go to a motion.

14 Motion it is. The Chair makes a motion to grant
15 relief from the requirements of the Ordinance under -- and
16 this is for the appeal -- under Section 4.50, right?

17 Sorry, under Sections 4.50 Institutional Use
18 Classification; 4.56.c Institutional Use; 9.10 Enforcement
19 and 10.20 Appeal on the condition -- and this doesn't apply
20 -- work performed conform to the drawings thereon.

21 Further, we incorporate supporting statements --
22 and there is no Dimensional Form submitted as part of the

1 application.

2 Board Members on a voice vote, please?

3 Zarya?

4 ZARAYA MIRANDA: In favor.

5 JIM MONTEVERDE: Thank you. Virginia?

6 VIRGINIA KEESLER: In favor.

7 JIM MONTEVERDE: Thank you. Daniel?

8 DANIEL HIDALGO: In favor.

9 JIM MONTEVERDE: Steven?

10 STEVEN NG: In favor.

11 JIM MONTEVERDE: And Jim Monteverde opposed.

12 [Four vote YES, one OPPOSED.]

13 JIM MONTEVERDE: That's four in favor. The appeal
14 is granted.

15 TAD HEUER: So Mr. Chairman, a question on
16 procedure. So we appreciate the vote of the Board.

17 Obviously, a 4:1 vote is a granting of the appeal.

18 As you're aware, under 40A Section 15 Appeals do
19 have a 20-day -- grants of appeals or denials of appeals.

20 Do you still have the same 20-day appeal period in which an
21 appeal can be taken.

22 My question for you is whether you would allow us,

1 for the next case, to carry that case over and continue it,
2 so we don't have a situation where if in the unlikely
3 hopefully event an appeal were taken, we would be unable to
4 bring that variance application up expeditiously.

5 And then if, presuming --

6 JIM MONTEVERDE: Yeah.

7 TAD HEUER: -- the appeal is, this -- the Board's
8 decision tonight is not appealed, we would then of course of
9 in the usual course withdraw that so you would not see it
10 again.

11 JIM MONTEVERDE: Right. Yes. So let's see.
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(6:30 p.m.)

Sitting Members: Jim Monteverde, Steven Ng, Virginia
Keesler, Daniel Hidalgo, and Zarya
Miranda

JIM MONTEVERDE: So let's see. Next, 30 -- we're
fine timewise. So this is regarding BZA Case 1148744 -- 30
Gerry's Landing. This is the repeat of the Variance Request
for 2020, and you'd like to continue this. And how far out?
To 20 days. We can go to May or June. What do you prefer?

TAD HEUER: So presuming that ISD is able to
process the decision with its usual expedition, I would
imagine that we would have the appeal period run by the end
of March. I would say May, only in the event that we needed
to come back.

JIM MONTEVERDE: Yep.

TAD HEUER: But otherwise, I would expect that
we'd be able to notify the Board that that case is being
withdrawn at the appropriate point.

JIM MONTEVERDE: Okay. So continue to May 8 work
for you?

TAD HEUER: That's fine.

1 JIM MONTEVERDE: Okay. So this is on Case
2 1148744. The request is for a continuance. I'm making a
3 motion to continue this matter until May 8, 2025, on the
4 condition that the petitioner change the posting sign to
5 reflect the new date of May 8, 2025 and the new time of 6
6 p.m.

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

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

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

19 On the motion to continue this matter until May 8,
20 2025 by a voice vote of the Board Members, please?

21 Zarya?

22 ZARAYA MIRANDA: In favor.

1 JIM MONTEVERDE: Thank you. Virginia?

2 VIRGINIA KEESLER: In favor.

3 JIM MONTEVERDE: Thank you. Daniel?

4 DANIEL HIDALGO: In favor.

5 JIM MONTEVERDE: Thank you. Steven?

6 STEVEN NG: In favor.

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

9 [All vote YES]

10 JIM MONTEVERDE: That's five affirmative. This
11 case is continued to May 8, 2025.

12 TAD HEUER: Thank you, Mr. Chairman. Thank you,
13 Members of the Board. We appreciate your time.

14 JIM MONTEVERDE: Yep. You're welcome.

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(6:33 p.m.)

Sitting Members: Jim Monteverde, Steven Ng, Virginia
Keesler, Daniel Hidalgo, and Zarya
Miranda

JIM MONTEVERDE: Next case is BZA-1143657 -- 50-52
Washburn Avenue #50. Is there anyone calling in on this
case?

ASHA JANE: Hello?

JIM MONTEVERDE: Yes, hi. Can you introduce
yourself, please?

ASHA JANE: Sure thing. Good evening, Mr.
Chairman, and Members of the Board. My name is Asha Jane.
This is my fiancée, Jerome Kimbrough. We are -- we live in
Unit 50 and are the owners of Unit 50, which is a
condominium made up of two units; Unit 50 and Unit 52.

I believe our neighbors are also on this call.
I'm not sure if they were given the right -- brought on as a
panelist, but we are requesting a variance to construct a
two-car garage on existing parking spaces that we already
have on our lot. Currently, there are four outdoor parking
spots, and each unit is deeded two.

1 We would like to build a garage on top of one of
2 those parking spots in order to have more storage, and also
3 to facilitate frost-free and rain-free charging. We have an
4 electric vehicle, which cannot be charged currently outside,
5 and in the wintertime because the battery performance is
6 worse for electric vehicles, it's a real problem for us to
7 not be able to charge at home.

8 We are proposing this variance because we believe
9 this is the best spot for the garage. Our neighbors who
10 will be directly impacted by this garage have no windows
11 facing onto the garage. So it doesn't impact their access
12 to sunlight or their view in their office space.

13 Moreover, it keeps our ability to keep our curb
14 cut in the current hotspot, so we don't need to do to extend
15 that curb cut and reduce off-street parking for the
16 remaining rest of the neighborhood.

17 And the last benefit is that we're proposing to
18 switch two of the parking spots to green parking spaces,
19 such that for the little kids who live in Unit 52 and for
20 our little puppy who -- we all enjoy the yard and kicking a
21 ball around, the yard will actually appear twice as big,
22 because our proposal is to use a kind of mesh that sits in

1 the ground and allows grass to grow through.

2 And so, from the viewer's perspective, it looks
3 like the yard is actually twice as large as it is now.
4 However, when we do need those spots to park cars for
5 nannies or for other folks who come over, we can do that
6 without harming our yard and our yard space.

7 So -- and that's our brief summary of our
8 proposal.

9 JIM MONTEVERDE: Thank you. Can I ask one
10 question? This is a condominium, correct?

11 ASHA JANE: Correct.

12 JIM MONTEVERDE: Do you own the entire
13 condominium? In other words, the Association, however many
14 units there are?

15 ASHA JANE: We own half of the Association. There
16 are two units. We own --

17 JIM MONTEVERDE: Okay.

18 ASHA JANE: -- one. Our --

19 JIM MONTEVERDE: Do you have -- is there --

20 ASHA JANE: Mm-hm.

21 JIM MONTEVERDE: -- a letter from the Association
22 saying they've reviewed your plans; they have accepted them?

1 Maybe I missed it in the file.

2 ASHA JANE: Yes. Our neighbors are the other half
3 of the Association. And they've signed a letter agreeing.
4 I think that's a letter of support that's currently being
5 shown, but we submitted to the City their ownership --

6 JIM MONTEVERDE: Yep.

7 ASHA JANE: -- form, I'm blanking on the name, but
8 yes. They are agreed.

9 JIM MONTEVERDE: Okay. We'll see if it's in the
10 file. If not, we'll just ask you to --

11 JEROME KIMBROUGH: I saw it. It's further up.
12 It's maybe page 4 or 5. Yes, there you go. One of these
13 two. That -- those are our neighbors, and then the page
14 just above it.

15 JIM MONTEVERDE: Right. What it doesn't say is
16 that yes, those are the folks that own it. It just -- we'll
17 get to it later. It's okay.

18 ASHA JANE: Oh, I see.

19 JIM MONTEVERDE: It's just --

20 ASHA JANE: You want us to submit a letter that,
21 like --

22 JIM MONTEVERDE: -- it's just a detail. Don't

1 worry about it.

2 ASHA JANE: Okay.

3 JIM MONTEVERDE: We'll get there. We don't need
4 it now.

5 Any questions from Members of the Board? And this
6 is a variance request.

7 DANIEL HIDALGO: Yeah. So this is for -- you need
8 the variance because of the setbacks, right? It's within
9 the 5' setback. So the property that's closest to that
10 setback, is that -- are those the people who sent the letter
11 supporting this? Or what -- who's on the other side of that
12 close setback I guess I want to know?

13 ASHA JANE: Sure. There is a file which shows
14 pictures of our yard. So it would be easier if I can
15 explain with the picture, but the folks who are closest is
16 54 Washburn. They did not submit a letter. They are a
17 commercial property.

18 We have asked the tenants; they've agreed.
19 Unfortunately, they didn't send us the letter in time for
20 this meeting today. And we've also contacted the business
21 owner, which is an LLC, and have not heard back.

22 They also have -- our public notices have been on

1 this little fence that you see out here. There's been no --
2 like negative comment from them, and we have been in
3 communication with them.

4 But, as you can see in this photo, they have no
5 windows where we're proposing to put the garage. So the
6 office spaces that they're using won't be impacted at all,
7 where this building is being proposed.

8 DANIEL HIDALGO: Okay, thank you.

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

11 STEVEN NG: Yeah, just one. So you'll -- you're
12 planning on trenching electrical service to the garage from
13 your house, right?

14 JEROME KIMBROUGH: Not from the house; that would
15 require digging a trench and getting --

16 STEVEN NG: Mm-hm.

17 JEROME KIMBROUGH: -- the foundations, so we were
18 actually thinking of reaching out to Eversource and getting
19 a line drawn directly from the street to the garage.

20 STEVEN NG: Garage, so a second meter?

21 JEROME KIMBROUGH: A second meter.

22 STEVEN NG: Yeah.

1 JEROME KIMBROUGH: And then depending on
2 feasibility, we need to talk to electricians, but putting
3 submeters, so that's -- neighbors pay for their own --

4 STEVEN NG: Gotcha.

5 JEROME KIMBROUGH: -- energy source for the car,
6 and then whatever is common charge or -- sorry, lights,
7 garage opener, things like that -- would be before the
8 submeters.

9 STEVEN NG: Okay. Thank you.

10 JEROME KIMBROUGH: Mm-hm.

11 JIM MONTEVERDE: Any other questions from Members
12 of the Board? So I've got -- there's no one else. I've
13 two.

14 We've seen quite a number of applications where
15 people are installing chargers for electric vehicles. And
16 they typically -- or the way we've seen them -- they are
17 attached to a house, they're outdoors, and they can hook up
18 their car in a -- typically it's in a driveway.

19 Are you saying that doesn't work in your instance
20 for some reason?

21 ASHA JANE: Yeah. Yes, there are two problems.
22 One is that our car, where -- there's this panel which

1 opens, and you stick in the plug -- we have had numerous
2 experiences where it has rained, and it freezes over the
3 next. And that actually freezes the plug inside.

4 And while the car has a way to defrost, when we're
5 in the winter, the car can sit outside at like 65 percent
6 battery, but in the morning, it can be at 20 percent just as
7 a result of the cold.

8 And the -- if we can't leave it plugged in
9 overnight, it's asking the car to defrost and melt off the
10 ice, it runs a risk that we can't make it then to the
11 charger.

12 So, like, the problems that -- like we're running
13 a risk of basically having the car run out of battery and
14 having it iced in. It doesn't -- it is possible, like, to
15 do it, but we're trying to, like, protect our ability to
16 charge kind of without -- with peace of mind.

17 JIM MONTEVERDE: Right. That means that any
18 charger, like the rest of the folks with electric vehicles
19 used, any street-located charger, any highway located
20 charger that's out in the open you can't use?

21 ASHA JANE: So those chargers --

22 JIM MONTEVERDE: Or without those complications?

1 ASHA JANE: Yeah. They all have the same
2 complications, but when you use a supercharger, for example,
3 you --

4 JIM MONTEVERDE: Yep.

5 ASHA JANE: -- only pay for, like, 20 to 30
6 minutes.

7 JIM MONTEVERDE: Understood.

8 ASHA JANE: Sorry?

9 JIM MONTEVERDE: Yes, I understand.

10 ASHA JANE: So the car is hot. And so, when you
11 plug in at your house, you have to plug in for hours --
12 like, 15,16 hours. And that's where the problem comes from,
13 is that --

14 JIM MONTEVERDE: Is that a Level 1 charger, or
15 Level 2 charger?

16 JEROME KIMBROUGH: Right now it's a Level 1. We
17 reached out to electricians when we bought the house two and
18 a half years ago about the feasibility of putting in a Level
19 2 charger and given -- so in the photo you see on the screen
20 here, where the cars are parked is closer to the house,
21 which is on the right off of the photo.

22 Getting a charger there, the electrician was

1 quoting us about \$20,000 because of how tricky it is to run
2 the cable.

3 And then this photo -- thank you for scrolling --
4 shows where our neighbors are, and getting a charger there
5 was similarly as expensive, because we would have to at
6 least cut a trench to connect it to the house.

7 And then this would require going through our
8 basement to the other side to connect this charger to our
9 neighbors' panel, and it resulted in similar costs.

10 JIM MONTEVERDE: Okay. Thank you. And then the
11 other question I have is we need to find -- we need to meet
12 the requirements of all of the following. And those are the
13 requirements for a variance:

14 That a literal enforcement of would involve a
15 substantial hardship.

16 The hardship is owing to the circumstances
17 relating to soil condition, shape, or topography of such
18 land or structures, and not affecting generally district in
19 which it is located.

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

1 The one I'm scratching my head on is the -- the
2 hardship really is not owing to circumstances related to
3 soil condition, shape or topography of the land or
4 structure, it does not affect generally the zone in which
5 it's located. So --

6 ASHA JANE: I'm happy to speak to that. Our yard
7 -- and this photo shows pretty well -- it's a square shape,
8 with the curb cut being closest to the house. Actually, if
9 you don't mind scrolling up one photo, that would be really
10 helpful.

11 JIM MONTEVERDE: Yep.

12 ASHA JANE: Thank you. So where this gate is at
13 is where our curb cut is. To use a square yard, such that
14 the green space and the open space is maximized, you can't
15 put the garage in the center of the yard. To comply with
16 the setbacks would necessitate that.

17 And if we were to do that, you would allow that,
18 it would just be strips of yard around the garage, and the
19 majority of our yard that's currently green -- like
20 currently could be green -- would turn into driveway.
21 Because you have to access the center of a square.

22 So --

1 JIM MONTEVERDE: Yep.

2 ASHA JANE: So it is related to the shape of our
3 land. If we were able to put the garage to one side of the
4 square, that allows us to open up -- in this particular
5 photo -- all of the right side, all that asphalt on the
6 right side of this -- that you're seeing in this picture --
7 would turn into grass. And that's half the size of our
8 current driveway.

9 We're also making our driveway out of permeable
10 pavers, trying to be more eco-friendly here. And we're
11 trying to better use our space for the kids that live in
12 this property and for our dog. And we enjoy gardening and
13 would like to be able to have more garden beds.

14 And so, --

15 JIM MONTEVERDE: Yep. Okay.

16 ASHA JANE: We think this is a better solution
17 than complying with the setback, which is going to basically
18 just destroy the two parking spots that we currently have --
19 sorry, the -- yeah, destroy the two extra ones that we
20 currently have, and also destroy the value of the open
21 space.

22 JIM MONTEVERDE: Thank you. I think you described

1 that in your application.

2 ASHA JANE: Right.

3 JIM MONTEVERDE: Right. So thank you. Any
4 questions from any of the Board Members? If not, I'll open
5 it up to public comment.

6 In the file, we have three pieces of
7 correspondence speaking in favor. We have November 10,
8 2024, Monica Toft who lives at 63 Washburn Avenue, in favor.
9 November 10, 2024 I can't make out the name, but it's 61
10 Washburn Avenue. I won't even try and guess.

11 And the last -- sorry, let me flip through here --
12 November 11, 2024, from Eric Leslie and Jenny Chiang who
13 live at 1 Washburn Terrace, speaking in support.

14 And we have no correspondence speaking against.

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

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

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

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

3 STEPHEN NATOLA: Max Danielsson?

4 MAX DANIELSSON: Hello. My name is Max
5 Danielsson. We live at 55 Washburn Ave, which is the yellow
6 house directly across from the lot, and we just wanted to
7 call in and give support for the proposed garage in the
8 proposed location.

9 JIM MONTEVERDE: Thank you for calling in.

10 MAX DANIELSSON: Thank you.

11 JIM MONTEVERDE: Give us a moment here. Okay.
12 All right. No one else? All right. There are no other
13 public testimony. So I'll close public testimony.

14 Discussion among Members of the Board?

15 STEVEN NG: I think I'm just thinking we should --
16 we just got to craft the hardship the right way, and in one
17 of the items to include is kind of a hardship that's
18 happening there for how they would get electric service to
19 -- you know, a solution that's closer to the house and just
20 with the condominium setup.

21 I betcha that's where the -- that expensive cost
22 is coming in where you have to get from your panel out to

1 the street and out to wherever the cars are.

2 So, you know, I think their solution to get
3 service off the pole right there and have a dedicated meter
4 is a good solution.

5 But I think that we can include -- I don't know if
6 that counts as hardship like that, you know, the challenge
7 of getting that service to a more compliant location.

8 JIM MONTEVERDE: Yep. Okay.

9 VIRGINIA KEESLER: I found the explanation about
10 the shape of the lot --

11 STEVEN NG: Yeah.

12 VIRGINIA KEESLER: -- to be compelling; the
13 elimination of two out of the four parking spaces if the
14 garage were positioned to meet the setbacks.

15 And as someone who lives in this area myself, I
16 can attest that as this is a narrow street that is already
17 very crowded for parking, and definitely having more off-
18 street parking is advantageous to other people living in
19 this neighborhood and this street.

20 JIM MONTEVERDE: Thank you, Virginia. Anybody
21 else?

22 DANIEL HIDALGO: So I mean, this sounds like a

1 sensible project, and I have nothing against it. I would
2 feel a little more comfortable if we heard from the directly
3 abutting neighbor next to the setback, but there is no
4 window there. So I guess I would feel okay without seeing a
5 letter of support.

6 JIM MONTEVERDE: Okay. All right. Anyone else?
7 If not --

8 ZARAYA MIRANDA: I just wanted to say I agree with
9 the need for having additional excess off-street parking. I
10 just wanted to quickly clarify just looking at this photo
11 here. So these windows that are located on the rear of this
12 -- we're saying this is a commercial building, is it
13 commercial and residential or 100 percent commercial?

14 MAX DANIELSSON: 100 percent commercial.

15 ZARAYA MIRANDA: Okay. Thank you.

16 MAX DANIELSSON: You're welcome. Just to clarify,
17 from this angle the garage would be aligned with the
18 building as (sic) a distance from the street.

19 And then the electric conduit that comes down
20 vertically is roughly where the building would stop. So
21 we're leaving at least the width of one entire window as
22 space away from their window to make sure -- even like there

1 would be no shade difference in the morning, for example.

2 ZARAYA MIRANDA: Thank you.

3 MAX DANIELSSON: Thank you.

4 JIM MONTEVERDE: Any other discussion?

5 STEVEN NG: Other than you got to have a Level 2
6 service.

7 JIM MONTEVERDE: Yeah, I like -- yeah, I was --

8 STEVEN NG: It doesn't --

9 JIM MONTEVERDE: Yeah.

10 STEVEN NG: -- it'll solve all your problems.

11 JIM MONTEVERDE: Let me share my concerns, I
12 guess, and then you all can tell me what you think.

13 So this is an interesting one, in that as I said
14 before, we've seen quite a number of cases that involved
15 people and installing chargers for electric vehicles mounted
16 on their homes. This is -- and typically in a driveway.

17 I think we've all even seen those where they've
18 been within the front yard setback, and in some cases, we
19 approved those, because it's -- so electric vehicle sounded
20 like a good thing to do.

21 This is the first one. What concerns me is the
22 desire for a garage. And I really -- my trepidation is

1 about the setting a standard or a precedent that because you
2 have an electric vehicle and because you go with the Level 1
3 charging, you need to cover the vehicle. And this lot --
4 this property has a lot that's big enough to accommodate a
5 garage.

6 But I could see someone else coming in here that
7 doesn't have all of the -- you know, all of the setbacks but
8 has somehow enough room for a garage, which is in no way
9 compliant.

10 But the selling argument is, "I have to have it,
11 because it's a Level 1 charger, and that's the only way I
12 can charge my vehicle." And that's for the energy
13 efficiency of it, et cetera, et cetera.

14 So that's my concern is not so much where it's
15 placed. It's -- again -- the discussion about it's a Level
16 1 charger, and therefore I need to do to do this indoors. I
17 understand the complications, but I think the rest of the
18 folks out there in the world are dealing with it without
19 garages.

20 And then compounding that is the -- I just -- I
21 hate for this to be a precedent for someone else to come
22 forward who wants the charging to charge their vehicle in

1 their driveway and now can tell us they need a garage or a
2 cover for it.

3 Does anyone else share any of those concerns or
4 want to allay my concerns in any which way? I'd be happy --

5 STEVEN NG: I mean you make a good point, Jim,
6 about the precedent. I guess we should -- that could lead
7 to some very tougher future situations.

8 DANIEL HIDALGO: Sorry, just a point of
9 clarification, so I don't have an electric car, so I'm not,
10 like, aware of the terminology; is Level 1, like, unusual or
11 Level 2 -- just so I understand, like, how common?

12 STEVEN NG: It's -- a Level 1 is just pretty much
13 a standard, you know, 120-volt outlet.

14 DANIEL HIDALGO: Right.

15 STEVEN NG: I think. So Level 2 would be, like,
16 your electric dryer --

17 DANIEL HIDALGO: Okay.

18 STEVEN NG: -- level service. And --

19 DANIEL HIDALGO: Okay.

20 STEVEN NG: -- it literally does cut, like, your
21 charge time by over half, if --

22 DANIEL HIDALGO: Okay.

1 STEVEN NG: -- not more time, so.

2 DANIEL HIDALGO: Okay.

3 JIM MONTEVERDE: Yeah.

4 VIRGINIA KEESLER: I guess I wonder whether we
5 need the hardship, though, to be related to the electric
6 car. Like, can -- if we mostly reference the shape of the
7 lot, it seems like that might be unnecessary, and therefore
8 wouldn't set a precedent.

9 JIM MONTEVERDE: Yeah. Well, we could, but as I
10 read it -- and maybe I focused on something I shouldn't
11 have, but that seems to be the rationale for building the
12 garage, with the exception -- for the structure on the site.
13 Right?

14 ASHA JANE: Sorry, if I'm --

15 JIM MONTEVERDE: It's --

16 UNIDENTIFIED SPEAKER: -- to speak, I wasn't sure
17 what the procedure was.

18 JIM MONTEVERDE: Nope, sorry. At the moment --

19 UNIDENTIFIED SPEAKER: Okay.

20 JIM MONTEVERDE: -- this is just a discussion
21 amongst the Board. So let us go for a moment. If we
22 misspeak, then raise your hand and let us know.

1 STEVEN NG: There is a increase in green space, I
2 think, in the new scheme. I don't know if that --

3 JIM MONTEVERDE: Say it again? I didn't --

4 STEVEN NG: There's definitely more green space
5 proposed, for at least the permeable driveway area, so.

6 JIM MONTEVERDE: Yep. No, I understand that.

7 STEVEN NG: I don't know if that's got --

8 JIM MONTEVERDE: Okay. Reading the tea leaves.

9 STEVEN NG: No, no, no. I -- no, I think -- yeah,
10 I'm not -- it's a tough one.

11 JIM MONTEVERDE: Well, that's the discussion. If
12 we're ready for a motion, I'll make a motion. The motion as
13 motions always are, will be stated in the affirmative.

14 So the Chair makes a motion to grant relief from
15 the requirements of the Ordinance under Sections 5.31, Table
16 of Dimensional Requirements; and 4.21 Accessory Use; and
17 10.30 for a Variance. The Variance -- those criteria, which
18 we need to find that we meet all, is that,

19 a) A literal enforcement of the provisions of the
20 ordinance would involve a substantial hardship, financial or
21 otherwise.

22 b) The hardship is owing to the circumstance

1 relating to the soil condition, shape, or topography of such
2 land or structure, and not affecting generally the zoning
3 district in which it is located. And,

4 c) Desirable relief may be granted without either
5 substantial detriment to the public good or nullifying or
6 substantially derogating from the intent or purpose of the
7 Ordinance.

8 So I think as the proponent has described how they
9 read the -- interpret the Variance Requirements, that they
10 comply with the Section 10.31 for that list of Variance
11 Requirements.

12 On the condition that the work proposed conforms
13 to the drawing entitled, "Washburn Condominium 50-52 Washburn
14 Avenue," prepared by Chess Engineering and dated October 29,
15 2024; initialed and dated by the Chair.

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

19 Board Members, on a voice vote, please?

20 Zarya?

21 ZARAYA MIRANDA: In favor.

22 JIM MONTEVERDE: Virginia?

1 VIRGINIA KEESLER: In favor.

2 JIM MONTEVERDE: Thank you. Daniel?

3 DANIEL HIDALGO: In favor.

4 JIM MONTEVERDE: Sorry. Say that last piece
5 again?

6 DANIEL HIDALDO: Sorry. Daniel Hidalgo in favor.
7 Thank you. Steven?

8 STEVEN NG: In favor.

9 JIM MONTEVERDE: Thank you. And Jim Monteverde
10 opposed.

11 [Four vote YES, one OPPOSED]

12 JIM MONTEVERDE: That's four in favor. The
13 request is granted. And please, do investigate the Level 2
14 charger for power.

15 ASHA JANE: Thank you, good evening.

16 JEROME KIMBROUGH: Thank you very much.

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2 (6:59 p.m.)

3 Sitting Members: Jim Monteverde, Steven Ng, Virginia
4 Keesler, Daniel Hidalgo, and Zarya
5 Miranda

6 JIM MONTEVERDE: All right. Next case is BZA-
7 1148878, 18-20 Farwell Place.

8 DAVID TORREY: Hello.

9 JIM MONTEVERDE: Hi. Can you introduce yourself,
10 please?

11 DAVID TORREY: This is David Torrey, 128 Pearl
12 Street. I'm the architect for the owners of this residence
13 at 18-20 Farwell Place, Cambridge.

14 JIM MONTEVERDE: Very good. Take it away.

15 DAVID TORREY: Okay. We're requesting a -- did
16 you show the pictures yet, or do I do that? I just --

17 JIM MONTEVERDE: Nope. We do that here.

18 DAVID TORREY: Okay. Well, this is a side-entry,
19 old colonial house built way before they had zoning bylaws.
20 And they're requesting -- the owners are requesting to have
21 a cover over the entry of their side-entry house.

22 Right now there is no cover; it's simply a door

1 into the side of the house. And the door needs replacing,
2 and there we go. The proposed entranceway was shown there
3 on the side of the house.

4 It's sort of one of these duplexes where the
5 property line, it's -- so we can't have a front entrance
6 because the house was meant with a side entrance.

7 So because the main entrance to the house is on
8 the side, we're requesting -- and the Cambridge Historic
9 Commission has deemed appropriate to have a tiny little
10 cover over the door.

11 It's about -- the posts are only 7' apart, and the
12 roof with the gutter is maybe 7.5' wide and 2.5' off this
13 base of the building. So it's been -- here it is, the new
14 entry step columns and roof.

15 And the reason we need a variance is because the
16 house has a side entrance, and the property line is there.
17 There's a shared garden entrance walkway up to the street
18 that's -- the entrance to this building is 20' back from the
19 public walkway, so it shouldn't harm the public anyway.

20 You know, the side entrance -- the roof over the
21 front entry is the citywide norm. The -- it's been
22 approved. It's the adjacent residence that shares the

1 property, shares the walkway, and also has -- already has a
2 roof over it. This one's asking to do that. It won't
3 impair the integrity of the district.

4 So if you'd like to show any other drawings, feel
5 free. There's the property line showing the predicament the
6 owner has; if they want entrance, they have to come closer
7 to the property line.

8 But they're already sharing that walk that goes
9 between the house Number 16 and Number 18. Any other slides
10 could show the historic appropriateness of it, if you'd like
11 to show that.

12 There we go. And it's just they need a new door
13 and side lights, which already exist. All we're doing is
14 we're taking essentially the shape of a pediment and pulling
15 it forward so there's just -- just a door with space. It's
16 not a very big landing, but it's covering the entrance. So
17 that was the -- that's why we're in front of the Zoning
18 Variance, is to request this tiny little roof covering.

19 Thanks.

20 There also have been some neighbors that have --

21 JIM MONTEVERDE: Yep --

22 DAVID TORREY: -- added their wishes.

1 JIM MONTEVERDE: -- we have some correspondence
2 from them.

3 DAVID TORREY: Great. Yeah.

4 JIM MONTEVERDE: Could I ask you a quick question?

5 DAVID TORREY: Absolutely.

6 JIM MONTEVERDE: Just to confirm, this is a two-
7 family, correct?

8 DAVID TORREY: Yes. 18-20. Yep.

9 JIM MONTEVERDE: And the ownership information
10 that's submitted is addressed to 18 Farwell?

11 DAVID TORREY: Yes.

12 JIM MONTEVERDE: Is it a --

13 DAVID TORREY: Yeah.

14 JIM MONTEVERDE: -- condominium, or are they --
15 how is it --

16 DAVID TORREY: It's a one-owner of the 18 to 20.

17 So it's a --

18 JIM MONTEVERDE: Is that the proponent? Yep.

19 DAVID TORREY: Yes, it is the proponent. Mm-hm.

20 JIM MONTEVERDE: Gary is --

21 DAVID TORREY: Yep.

22 JIM MONTEVERDE: -- owns both?

1 DAVID TORREY: Correct.

2 JIM MONTEVERDE: Okay.

3 DAVID TORREY: Yes. Yep. Mm-hm.

4 JIM MONTEVERDE: Okay. Very good. Thank you.

5 DAVID TORREY: Yep.

6 JIM MONTEVERDE: Any questions from Members of the
7 Board? This is a special permit.

8 DAVID TORREY: Special permit, yeah.

9 DANIEL HIDALGO: Just to confirm, it looks like
10 Bob Maginn, 14-16 Farwell Place has a letter in support. Is
11 that the neighbor right there next to the -- where the door
12 will be?

13 DAVID TORREY: Um--

14 DANIEL HIDALGO: 14-16 Farwell Place, is that the
15 address?

16 JIM MONTEVERDE: No.

17 DAVID TORREY: Yeah, I guess it must be. Yeah.
18 is it?

19 DANIEL HIDALGO: Okay.

20 DAVID TORREY: Yeah. It's a similar house, yeah.

21 DANIEL HIDALGO: Okay.

22 DAVID TORREY: 14-16, yeah.

1 DANIEL HIDALGO: All right.

2 DAVID TORREY: Yeah.

3 DAVID HARMON: All right, that's fine.

4 DAVID TORREY: If you look at the plot plan, you
5 can find out the address.

6 DANIEL HIDALGO: Yeah.

7 DAVID TORREY: I don't remember myself.

8 DANIEL HIDALGO: Okay, Thank you.

9 DAVID TORREY: Mm-hm.

10 JIM MONTEVERDE: Thank you. Any other questions
11 from Members of the Board? If not, public comment letters
12 in the file.

13 We have a letter from the Cambridge Historic
14 Commission, dated February 26, 2025.

15 It's a Certificate of Appropriateness; it reads,
16 "Work to be carried out as indicated in the drawings by
17 Torrey Architecture, entitled, '18-20 Farwell Place,
18 Cambridge, Massachusetts'" and dated 06/28/24, which is not
19 the set that's submitted here.

20 DAVID TORREY: Yeah. It says the date right
21 there; 06/28/24.

22 JIM MONTEVERDE: That's the freehand one. The

1 rest of set submitted is August 20, 2024.

2 DAVID TORREY: Okay.

3 JIM MONTEVERDE: So we'll ask you to confirm that
4 they're identical. Okay.

5 DAVID TORREY: Yes, they are identical.

6 JIM MONTEVERDE: Furthermore, the Historic
7 Commission says, "Approval is granted on the condition that
8 materials and construction details be reviewed and approved
9 by CHC Staff. It says,

10 "This third certificate is granted upon the
11 condition that the work authorized herein is commenced
12 within six months after the date of issue.

13 "If the work authorized by the certificate is not
14 commenced within six months after the date of issue, or if
15 such work is suspended in significant part for a period of
16 one year after the time the work is commenced, then this
17 certificate shall expire and be of no further effect."

18 We also have correspondence from Elizabeth
19 Bartholet, February 28, 2025. It says she's at 10 Farwell.
20 She's a neighbor speaking in support. Another from Jose
21 Moura from 22-24 Farwell in support. And finally, one from
22 Bob Maginn, 14-16 Farwell, in support.

1 And we have no correspondence in the file speaking
2 against.

3 Any member of the public who wishes to speak
4 should now click the icon at the bottom of your Zoom screen
5 that 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.

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

13 STEPHEN NATOLA: Nope.

14 JIM MONTEVERDE: Nobody calling in, so I'll close
15 public testimony. Any discussion among Members of the
16 Board? If not, I will move for a motion.

17 The Chair makes a motion to grant relief from the
18 requirements of the Ordinance under Sections 5.31. That's
19 really the intrusion of this entryway canopy into the side
20 yard setback. Section 8.22.2.d for a Nonconforming
21 Structure and 10.40 for a Special Permit. And that criteria
22 is:

1 It appears that requirements of this Ordinance can
2 or will not be met. That is yes.

3 Traffic generated or patterns of access or egress
4 would cause congestion, hazard, or substantial change in the
5 established neighborhood character. That's no.

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

9 Nuisance or hazard would be created to the
10 detriment of the health, safety, or welfare of the occupant.
11 No.

12 And for other reasons, the proposed use would
13 impair the integrity of the district or adjoining district.
14 Also, it is no.

15 So it meets all of the criteria of Section 10.43
16 for a Special Permit.

17 On the condition that the work proposed conform to
18 the drawings entitled, "18-20 Farwell Place, Cambridge,
19 Massachusetts," prepared by Torrey Architecture, dated
20 08/20/24 and also 06/28/24; initialed and dated by the
21 Chair.

22 Further, that we incorporate the supporting

1 statements and Dimensional Form submitted as part of the
2 application.

3 On a voice vote, please? Virginia?

4 VIRGINIA KEESLER: In favor.

5 JIM MONTEVERDE: Thank you. Zarya?

6 ZARAYA MIRANDA: In favor.

7 JIM MONTEVERDE: Daniel?

8 DANIEL HIDALGO: In favor.

9 JIM MONTEVERDE: Steven?

10 STEVEN NG: In favor.

11 JIM MONTEVERDE: And Jim Monteverde in favor.

12 [All vote YES]

13 JIM MONTEVERDE: That's five affirmative. Your
14 relief is granted.

15 DAVID TORREY: Thank you --

16 JIM MONTEVERDE: You're welcome.

17 DAVID TORREY: -- on behalf of the owners.

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2 (7:06 p.m.)

3 Sitting Members: Jim Monteverde, Steven Ng, Virginia
4 Keesler, Daniel Hidalgo, and Zarya
5 Miranda

6 JIM MONTEVERDE: Next case is BZA-1148175 -- 102
7 Kinnaird Street. We have a letter from the architect saying
8 -- this is from Kelly Boucher -- dated February 20, 2025,
9 addressed to Maria Pacheco.

10 "After reviewing the new changes to the Cambridge
11 Zoning Ordinance as they relate to our scheduled February 25
12 BZA application Case Number 1148175, for 102 Kinnaird
13 Street, please withdraw our application without prejudice at
14 this time.

15 "Thanks in advance,
16 Kelly Boucher."

17 So we'll see how many other cases that happens to.
18 But that's the request for it to be withdrawn. Let me get
19 my withdrawal speech.

20 STEVEN NG: Don't you just stretch it up another
21 two floors? I mean --

22 JIM MONTEVERDE: You'll have to wait for the next

1 submission.

2 So I'll make a motion to withdraw without
3 prejudice Case No. 1148175 -- 102 Kinnaird Street. And I
4 think that's it. So on a voice vote, please?

5 Zarya?

6 ZARAYA MIRANDA: In favor.

7 JIM MONTEVERDE: Thank you. Virginia?

8 VIRGINIA KEESLER: In favor.

9 JIM MONTEVERDE: Thank you. Daniel?

10 DANIEL HIDALGO: In favor.

11 JIM MONTEVERDE: Thank you. Steven?

12 STEVEN NG: In favor.

13 JIM MONTEVERDE: And Jim Monteverde in favor.

14 [All vote YES]

15 JIM MONTEVERDE: That's five in favor. The case
16 is withdrawn without prejudice.

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(7:16 p.m.)

Sitting Members: Jim Monteverde, Steven Ng, Virginia
Keesler, Daniel Hidalgo, and Zarya
Miranda

JIM MONTEVERDE: Next case is Case No. 1149291 --
29 Mount Auburn Street. And this is a variance for signage
submitted by Signarama, Pamela Jagiello. Pamela, are you on
the phone, or Michael Cohen?

TOM GRAVE: Hi. Tom Grave is here. Hello.

JIM MONTEVERDE: Can we see him? Okay.

TOM GRAVE: Hi. Sorry about that.

JIM MONTEVERDE: Hi. No problem. Do you want to
tell us what you'd like to do and what relief you're looking
for?

TOM GRAVE: Sure thing. So St. Paul's Church on
Mount Auburn is looking to install a sign. I am the sign
vendor, so I'm their sign vendor from Signarama in
Braintree, Massachusetts, engaged with us to install two
signs; one sign complied, and we've already installed that
on one corner of the building.

And this one is proposed to be installed at 28'

1 high. The Ordinance, I understand, in Cambridge is 20'.

2 Last week, we met with the Harvard Square Advisory
3 Committee to discuss the proposal. They supported it. They
4 sent the letter over to your committee, I believe --

5 JIM MONTEVERDE: Yep.

6 TOM GRAVE: -- with their support. Yep.

7 JIM MONTEVERDE: We have that in the file.

8 TOM GRAVE: Okay, great. And yeah, that's
9 essentially it. So I can talk more about the specs of the
10 sign if you're interested, and I'm sure you've got the
11 pictures of what's proposed.

12 JIM MONTEVERDE: Yep. Can you tell us the --

13 TOM GRAVE: What's that?

14 JIM MONTEVERDE: We did a previous case for
15 signage for this facility one or two years ago. And it was
16 a fairly large sign, building mounted, to identify, as I
17 recall, the school. So what is this signage to do?

18 TOM GRAVE: Well, if you --

19 JIM MONTEVERDE: What's the difference?

20 TOM GRAVE: Yeah, so do you see -- so they've got
21 -- like, I'm sure you're all familiar with the church itself
22 and the structure. They've got a massive brick structure

1 that spans pretty much the whole block.

2 And on the -- where DeWolfe runs into sort of the
3 corner intersection of Bow, DeWolfe and I'm not sure what
4 DeWolfe becomes when you go further up -- Arrow Street, I
5 think it is --

6 JIM MONTEVERDE: Arrow, yep.

7 TOM GRAVE: Yep. So that intersection -- so that
8 whole structure all facing DeWolfe all the way up towards
9 Mass Ave I guess is -- it has no signage at all right now.
10 And so, two things. One, it's an identification --

11 JIM MONTEVERDE: Except for the 200' tall steeple,
12 correct?

13 TOM GRAVE: Right, but you asked --

14 JIM MONTEVERDE: Okay.

15 TOM GRAVE: -- about signage.

16 JIM MONTEVERDE: I agree. I'm just -- I'm asking
17 you what --

18 TOM GRAVE: -- it's that --

19 JIM MONTEVERDE: Yep.

20 TOM GRAVE: -- institution, yes. Yes. It's a
21 religious institution. So there's two, and you can see when
22 you look at the content of the sign here, there's two

1 objectives. One is an identification. This is St. Paul's.

2 And there's a nice -- the reason specifically to
3 the variance is to place it right in that frame that already
4 exists.

5 So I'm sure the architect didn't have Signarama in
6 mind when they built this, but if you look at it without the
7 sign there, it's got this nice masonry structure. There's
8 another one further to the left that you can't see in this
9 picture.

10 But the Church came to us, and they saw that as an
11 ideal place for the sign -- you know, that that picture you
12 scrolled past shows it, like, without the sign there.

13 If you go -- right, there. Well, is that the one?
14 Yeah.

15 JIM MONTEVERDE: Yeah, that's the one.

16 TOM GRAVE: So, so right because as I mentioned
17 there's another structure, at least one more that I'm aware
18 of to the left.

19 So they saw the nice spot. They asked us to
20 design a sign that fit in that so we customized it -- it's
21 about -- a little bit more than 10' feet wide and a little
22 bit less than 2' tall, 22".

1 JIM MONTEVERDE: Yep. Are they looking --

2 TOM GRAVE: And --

3 JIM MONTEVERDE: -- do they, is there a sense that
4 there's some confusion over where the entrance to the church
5 is versus where the entrance the office and school is?

6 TOM GRAVE: There's a great deal. So -- so that's
7 where I got sidetracked. But basically, it does serve two
8 purposes. One is an identifier. And that's like normally
9 what you see there is just the -- is the St. Paul's church.

10 Now they've got two directional arrows going one
11 way or the other, and that's similar to the other sign that
12 we already installed for them, because there is a great
13 amount of confusion there.

14 Like I said, that -- if you're familiar with the
15 structure, it spans the whole block, and it's a constant
16 struggle, as I understand it, between people looking for the
17 different entrances. And there's lots of different doors,
18 lots of different entrances.

19 And so, they are quite I wouldn't say adamant,
20 that sounds too strong of a word, but they were -- one of
21 their primary objectives, one of the primary criteria for
22 the sign is that it helps with that -- with the navigation

1 of which entrance is where.

2 JIM MONTEVERDE: Okay.

3 TOM GRAVE: And again, that's the con-- so that's
4 the -- and that was -- that was quite a bit of discussion at
5 last week's meeting with the Advisory Committee as well,
6 because you don't typically see a sign that high up for
7 what's called wayfinding.

8 One of the discussion points was perhaps they've
9 two signs: one that's an identifier, a second one down
10 lower, it's a wayfinding sign.

11 But the Advisory Committee gave their support
12 because they prefer one sign versus -- at the end of the
13 day, if I could speak for them, I think the majority of the
14 committee prefers one sign over two, keep it clean, don't
15 clutter up the wall.

16 And again, if there is space clearly down 20' or
17 below for the sign, but the main driver for the request for
18 the variance is because there's a nice spot that they saw
19 where they wanted us to design a sign that fit in that nice
20 spot there.

21 JIM MONTEVERDE: Yep.

22 TOM GRAVE: So that was the specific trigger for

1 the discussion here.

2 JIM MONTEVERDE: Right. So the request is really
3 because the sign exceeds the 20' height limit, and it's at
4 approximately 20' 10" -- call it 29" to the top, 27" to the
5 bottom. That is the basis for -- that's the relief you're
6 seeking, correct?

7 TOM GRAVE: I think you meant 28', right?

8 JIM MONTEVERDE: 28', sorry.

9 TOM GRAVE: Yeah, yep, that's right. So it's
10 about 8' --

11 JIM MONTEVERDE: Yep.

12 TOM GRAVE: -- a little bit -- yeah, just about 8'
13 higher than --

14 JIM MONTEVERDE: Okay.

15 TOM GRAVE: -- compliance.

16 JIM MONTEVERDE: All right. Thank you. Any
17 questions from Members of the Board? If not, public
18 comment?

19 We have correspondence from the Harvard Square
20 Advisory Committee. This is dated February 19, 2025. And
21 under its recommendation, it says, "Members were glad to
22 know that the sign was subject to additional revision by the

1 Cambridge Historic Commission."

2 Do we have anything in the file from the Historic
3 Commission?

4 [Side conversation]

5 JIM MONTEVERDE: It further says, "The Committee
6 --" that being the Harvard Square Advisory Committee "--
7 voted to forward a positive recommendation on the sign as
8 presented."

9 Give me one second. Let me see if I can find
10 correspondence from the Historic Commission.

11 Sorry. Just give us a moment. I don't -- I
12 didn't find any correspondence. But the Staff is going to
13 take a look.

14 STEPHEN NATOLA: What was the other one you asked
15 about?

16 JIM MONTEVERDE: I think that's the one they
17 withdraw. Not this one.

18 [Pause]

19 JIM MONTEVERDE: So we don't have anything from
20 the Historic Commission in our files, which I'd like to
21 have. Right? I'd like to have their blessing as well.

22 Tom, did you go before the Historic Commission?

1 TOM GRAVE: I did not, but that's not to say that
2 nobody did. I'm just -- I'm not aware that -- I'm not aware
3 of anybody on my side doing it. And I --

4 JIM MONTEVERDE: Okay.

5 TOM GRAVE: -- hadn't heard that, yeah. I
6 apologize.

7 JIM MONTEVERDE: That's okay.

8 TOM GRAVE: It didn't come up last week. I mean,
9 we had -- the meeting itself was close to two hours
10 discussing the sign, believe it or not. But that particular
11 point did not come up. I'm not sure.

12 JIM MONTEVERDE: So I would like to get the
13 response from the Historic Commission, assuming that they do
14 have a voice here. In order to do that -- sorry?

15 [Side conversation: They went to the Harvard
16 Square Advisory Committee. I know. We have the Harvard
17 Square Advisory; I'm looking for the Historic Commission.]

18 So what we could do, Mr. Grave, if you don't mind,
19 we could continue this for a short period of time. Next
20 time slot we have is -- can we do 02/13?

21 It would be April 10, to allow us to get a
22 response from the Cambridge Historic Commission.

1 Is that doable for you?

2 TOM GRAVE: Well, to be honest, it's not ideal,
3 but I understand your perspective on it. It's not a
4 question that came up before this meeting, and as I prepped
5 for it, so I'm not sure if we already got some input from
6 them.

7 JIM MONTEVERDE: Sorry?

8 TOM GRAVE: Yeah, it's a shame. I mean, it's the
9 --

10 JIM MONTEVERDE: Give us one second. 29 Mt. --

11 [Pause]

12 TOM GRAVE: Oh, I'm sorry. I do have a note that
13 there's a March 6 Historical hearing. And we dropped the
14 applications off there for that. And so, it looks like
15 we'll be on the Agenda on March 6.

16 JIM MONTEVERDE: Oh. Got you.

17 TOM GRAVE: I apologize. Because I totally missed
18 that.

19 JIM MONTEVERDE: That's why it's not in here.

20 TOM GRAVE: Oh, yeah.

21 JIM MONTEVERDE: Okay.

22 TOM GRAVE: Yeah. So I guess if that's a

1 prerequisite to your decision, then I guess it doesn't take
2 us to April, I suppose.

3 JIM MONTEVERDE: Yes, if we -- we should wait for
4 the discussion with the Historic Commission and see if they
5 agree with the Harvard Square Advisory Committee. So we can
6 do -- you said it's a March date, correct, that you're going
7 in front of the --

8 TOM GRAVE: Yeah, March 6.

9 JIM MONTEVERDE: Okay.

10 TOM GRAVE: It looks like it's --

11 JIM MONTEVERDE: So we can do -- we can do April
12 10, if that works for you.

13 TOM GRAVE: Okay.

14 JIM MONTEVERDE: Okay? By that time, you'll have
15 the -- hopefully you'll have direction from the Historic
16 Commission, and we'll be good to process this. Is that
17 okay?

18 TOM GRAVE: That works for me. Is there any --
19 given that I --

20 JIM MONTEVERDE: Yeah.

21 TOM GRAVE: -- did -- given that we are on the
22 Agenda now and have got everybody's time, is there anything

1 we can discuss now so that the next part goes smoother or
2 no, we just wait for the Historical input?

3 JIM MONTEVERDE: We can wait. Well, we can see if
4 there's any other questions from Members of the Board, and
5 there weren't any.

6 I had a few. I have my own thoughts, which I'm
7 happy to share with you, and anyone else can share any
8 thoughts with you.

9 My -- and I don't know whether I'd vote against it
10 based on this, but -- and I'm familiar with St. Paul's and
11 the layout of their real estate and the disposition of their
12 buildings on the site, and I don't disagree with you that if
13 I were not a local, finding the school and the offices, I
14 think finding the church is pretty -- to me pretty simple.

15 But the other ones I understand may be just kind
16 of tucked back from DeWolfe.

17 But when I look at where this -- and I understand
18 that this panel is there in the building and it looks like a
19 spot for a sign, but when I look at the site plan, in terms
20 of what -- who actually would see this -

21 Can you give us a site plan or the locus plan that
22 -- there you go.

1 Right? That sign is actually mounted.

2 And if you look at this -- do you have a cursor?
3 Can you go to the end of Bow Street? That -- the steeple is
4 a -- the base of the steeple is approximately at the end of
5 Bow Street. So that's why the question is who is this for?

6 And the school is around down Mount Auburn it the
7 back, around where the numbering says, "113-61." And the
8 office kind of goes north up to Arrow Street.

9 So how that signage -- again, aiming to the church
10 I think is I'll leave that alone. But to get you to the
11 school, I don't see how -- that was my question; why do you
12 think that that location will get anyone to the school?

13 You know, traffic is coming down Mount Auburn
14 Street. Bow Street right now is a one-way the opposite way,
15 so it's not approaching this. Bow comes down and comes into
16 DeWolfe Street, but the placard is basically perpendicular
17 to the path to travel, meaning you go from a car, I don't
18 know what you'll see. That's my only --

19 TOM GRAVE: Mm-hm.

20 JIM MONTEVERDE: -- comment is I have a funny
21 feeling in a year you'll be back, with yet another sign.

22 TOM GRAVE: Well, the -- so on this -- I mean,

1 thank you for the feedback and so, I understand you probably
2 don't want to debate everything, but just --

3 JIM MONTEVERDE: Right. Exactly.

4 TOM GRAVE: Yeah, yeah. Okay, okay. But yeah, so
5 --

6 JIM MONTEVERDE: You can address it later.

7 TOM GRAVE: Okay, no problem.

8 JIM MONTEVERDE: We'll see what the Historic
9 Commission has to say. So --

10 TOM GRAVE: Yeah. Fair.

11 JIM MONTEVERDE: -- let's make a motion to
12 continue this matter until April 10, 2025 on the condition
13 that the petitioner change the posting sign to reflect the
14 new date of April 10, 2025 and the new time of 6 p.m.

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

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

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

5 On the motion to continue this matter until April
6 10, 2025, by a voice vote for the Board Members, Virginia?

7 VIRGINIA KEESLER: In favor.

8 JIM MONTEVERDE: Zarya?

9 ZARAYA MIRANDA: In favor.

10 JIM MONTEVERDE: Daniel?

11 DANIEL HIDALGO: In favor.

12 JIM MONTEVERDE: Steven?

13 STEVEN NG: In favor.

14 JIM MONTEVERDE: And Jim Monteverde in favor.

15 [All vote YES]

16 JIM MONTEVERDE: Sorry. We had public comment.
17 We're going to take a step back. We're going to open it to
18 public comment. Any member of the public who wishes to
19 speak should now click the icon at the bottom of your Zoom
20 screen that says, "Raise hand."

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

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

6 STEPHEN NATOLA: Douglas Lee?

7 DOUGLAS LEE: Hi, how are you?

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

10 DOUGLAS LEE: My name is Douglas Lee. I'm the
11 Director of Finance and Operations for St. Paul's Parish.

12 JIM MONTEVERDE: Thank you. Go right ahead.

13 DOUGLAS LEE: I just wanted to see if their any
14 questions that you might have for me. Obviously, you've
15 already voted, so I don't think anything I say at this point
16 is going to make a difference.

17 I was just curious if there might be a date
18 earlier than April 10, if possible, only because our
19 ultimate goal was to have the sign up in time for Easter.
20 And I don't know if that gives Signarama enough time if it
21 were to be approved.

22 JIM MONTEVERDE: We don't. We don't have an

1 earlier date that coincides or is immediately after the date
2 that you've got with the Historic Commission. So --

3 DOUGLAS LEE: Okay. That's fine. Just curious.
4 And just so we're clear, I would say on average, we probably
5 have two people a day that ring our doorbell at the
6 administration office building and ask us where the church
7 is.

8 JIM MONTEVERDE: [Laughter]

9 DOUGLAS LEE: That is -- that is --

10 JIM MONTEVERDE: That's the slide.

11 DOUGLAS LEE: I am very serious. It is
12 unfortunate.

13 JIM MONTEVERDE: Hold on. We're going to pull up
14 the slide.

15 DOUGLAS LEE: No. If you go back to the picture
16 where you had before -- the yellow picture --

17 JIM MONTEVERDE: No. Keep going. No, down.

18 DOUGLAS LEE: So where the word, "Road" is, the
19 bottom, or the red line --

20 JIM MONTEVERDE: Yep.

21 DOUGLAS LEE: Nope. You've gone too far.

22 JIM MONTEVERDE: Hold on, I --

1 DOUGLAS LEE: Yeah, so.

2 JIM MONTEVERDE: -- Yes. I'm asking for some
3 other --

4 DOUGLAS LEE: Yep.

5 JIM MONTEVERDE: -- yeah.

6 DOUGLAS LEE: So our admin offices are next to the
7 school. So when people are coming to our offices from Mount
8 Auburn Street, even though the church is literally where
9 parcel 133-50 is --

10 JIM MONTEVERDE: Yep.

11 DOUGLAS LEE: -- they ring our doorbell at 13361
12 and will ask us where the church is.

13 JIM MONTEVERDE: Yeah.

14 DOUGLAS LEE: This happens minimum twice a day.

15 JIM MONTEVERDE: I'm not disagreeing with you. I
16 just -- that's fine. Yep. Thank you.

17 DOUGLAS LEE: Yep. So that -- that's part of the
18 reason why we would like the signage. And there really
19 wasn't another spot around the building where we thought it
20 would be advantageous.

21 I understand your point with the lack of view of
22 the Bow Street side, that's one of the reasons why we wanted

1 to have it higher up, so people on Mount Auburn and Bow
2 Street walking that way would be able to see it.

3 If it were at the 20' variance, the buildings at
4 45 Mount Auburn would be high enough to block the sign and
5 view.

6 JIM MONTEVERDE: Okay. Thank you for your
7 comment.

8 DOUGLAS LEE: All right. No problem. Have a good
9 night.

10 JIM MONTEVERDE: Thank you. So we're -- this
11 one's continued until April 10. Thank you.

12 TOM GRAVE: I'm sorry, just one question about the
13 waiver. I want to make sure I get that done on time.

14 JIM MONTEVERDE: Yeah, pull --

15 DOUGLAS LEE: Do you mind restating what the
16 Waiver Requirement is?

17 JIM MONTEVERDE: It says,

18 "Also, that the Commissioner sign a waiver to the
19 statutory requirements for the hearing. This waiver can be
20 obtained from Maria Pacheco or Olivia Ratay at the
21 Inspectional Services Department. I ask that you sign the
22 waiver and return it to the Inspectional Services Department

1 by a week from this coming Monday.”

2 TOM GRAVES: Okay. Thank you.

3 JIM MONTEVERDE: Okay? And I think we have
4 someone else calling in.

5 STEPHEN NATOLA: Ravenna, Joey.

6 JOEY RAVENNA: Good evening, everybody. Can you
7 hear me?

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

10 JOEY RAVENNA: For sure. Thanks for having me.
11 My name is Joey Ravenna. I’m at 1651 Mass Ave. I --

12 JIM MONTEVERDE: Yep.

13 JOEY RAVENNTA: -- excuse me I attend St. Paul’s
14 every now and again. I just want to attest to the fact that
15 it can be a little confusing to find the entrance if you’re
16 not too familiar with the church, especially with that long,
17 brick wall on Bow Street.

18 Because the zoning variance I think is about the
19 height of the sign, as opposed to, like, whether or not a
20 sign is necessarily needed. I can understand why the
21 petitioner is coming here.

22 And because that sign would fit nicely within the

1 frame, I just wanted to vouch for the fact that I think it
2 makes sense they might want to post that sign a little bit
3 higher than is regularly allowed.

4 I think the aesthetic point is an important one,
5 though, and appreciate that the Cambridge Historical
6 Commission is being involved. I wonder if the Zoning Board
7 of Appeal is able to approve something conditional on the
8 future approval by the Historical Commission.

9 JIM MONTEVERDE: Um --

10 JOEY RAVENNA: But I don't know if that would be -

11 -

12 JIM MONTEVERDE: No. I would -- I don't think so.

13 JOEY RAVENNA: For sure. Well, thank you very
14 much. That's all I had to say.

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

16 STEPHEN NATOLA: Good question.

17 JIM MONTEVERDE: No one else. Okay. We're
18 closing public testimony. We voted to continue this case to
19 April 10.

20

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1 * * * * *

2 (7:40 p.m.)

3 Sitting Members: Jim Monteverde, Steven Ng, Virginia
4 Keesler, Daniel Hidalgo, and Zarya
5 Miranda

6 JIM MONTEVERDE: And the last case of the evening
7 is Case No. 1147479 -- 1105 Mass Avenue, Unit 1C. Is there
8 anyone calling in for this case?

9 John Carmichael?

10 JOHN CARMICHAEL: Yes. Can you hear me?

11 JIM MONTEVERDE: Thank you. Can you introduce
12 yourself, and tell us what it is you'd like to do and what
13 relief you need to do to do it?

14 You're muted.

15 JOHN CARMICHAEL: I'm sorry. Can you hear me?

16 JIM MONTEVERDE: There you go. Yep.

17 JOHN CARMICHAEL: I'm sorry. My name is John
18 Carmichael. I'm representing the unit owners of Unit 1,
19 owners of 11-- Unit's 1C, 1105 Mass Ave.

20 And we had originally requested a variance because
21 we needed an additional dwelling. 30 percent of our back --
22 of our property, the back parking lot, was Residential C-1,

1 and under the maximum dwelling restrictions of the
2 Dimensional Table, we were -- we needed to request a
3 variance for a nonconforming dwelling.

4 In the -- with the changes that have occurred,
5 that is no longer a concern, and we would -- I believe our
6 -- I know that our architectural drawings were -- the
7 condominium association had approved us; we had requested a
8 permit; I think at this point we can move forward without a
9 permit, because we're no longer a nonconforming building.

10 And I wanted to ask the -- be here to answer any
11 questions for the Board, rather than just sending a letter
12 asking for a dismissal just to make sure. This is a belt-
13 and-suspenders moment; hopefully we'll gain the time back,
14 and this will move quickly.

15 So that's why I came today.

16 JIM MONTEVERDE: Thank you. Staff is confirming
17 that this is -- hold on one second, I have to get my
18 instructions here.

19 Thank you.

20 So on the advice of Staff, given the modifications
21 to the Zoning Ordinance, what you're proposing to do is as-
22 of-right; you don't need a variance. You don't need to be

1 here. So have a good evening.

2 JOHN CARMICHAEL: So I had one quick question for
3 the Board -- for you in light of that. At this point, I
4 simply need to go -- have my contractor repursue our permit,
5 we're done?

6 JIM MONTEVERDE: Correct.

7 JOHN CARMICHAEL: This is all vaguely
8 anticlimactic, but I will take yes for an answer.

9 [Laughter]

10 JIM MONTEVERDE: Yeah. I think procedurally, what
11 we would do tonight is just withdraw this without prejudice.

12 JOHN CARMICHAEL: Okay.

13 JIM MONTEVERDE: And then you just take your
14 permit application and materials into ISD and submit them.
15 And if there's any question, just remind them that you heard
16 from this meeting that we understand what your revisions are
17 as-of-right, and don't in fact require a variance anymore.

18 JOHN CARMICHAEL: Excellent.

19 JIM MONTEVERDE: Okay?

20 JOHN CARMICHAEL: Excellent. Thank you very much.

21 JIM MONTEVERDE: Welcome. Don't go away. We've
22 got to vote for the withdrawal.

1 JOHN CARMICHAEL: Okay.

2 JIM MONTEVERDE: You never know. I've been pretty
3 negative today. Can never tell.

4 JOHN CARMICHAEL: [Laughter]

5 JIM MONTEVERDE: So the Chair makes a motion to
6 withdraw Case No. 1147479, 1105 Mass Avenue, Unit 1C without
7 prejudice due to the fact that the Zoning Ordinance has been
8 revised, and the variance that you sought in this
9 application is no longer necessary, and these revisions can
10 be made as-of-right.

11 So on a voice vote, please to withdraw this
12 without prejudice? Zarya?

13 ZARAYA MIRANDA: In favor.

14 JIM MONTEVERDE: Virginia?

15 VIRGINIA KEESLER: In favor.

16 JIM MONTEVERDE: Daniel?

17 DANIEL HIDALGO: In favor.

18 JIM MONTEVERDE: Steven?

19 STEVEN NG: In favor.

20 JIM MONTEVERDE: And Jim Monteverde in favor.

21 [All vote YES]

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

1 is withdrawn without prejudice. And we're good to go.

2 Thank you.

3 JOHN CARMICHAEL: Thank you.

4 JIM MONTEVERDE: And members, that is the last
5 case for the evening, so thank you very much. And we'll see
6 you next time. Have a good evening, all.

7 DANIEL HIDALGO: Thank you.

8 VIRGINIA KEESLER: Nice to see you guys.

9 JIM MONTEVERDE: Goodnight.

10 [07:46 p.m. End of Proceedings]

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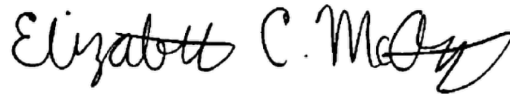
Commonwealth of Massachusetts

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.

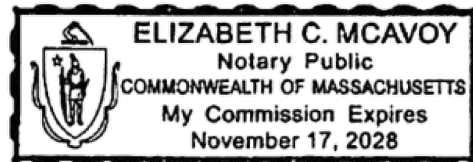
In witness whereof, I have hereunto set my hand this 17th day of March 2025.



Notary Public

My commission expires:

November 17, 2028



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