

BOARD OF ZONING APPEAL
FOR THE
CITY OF CAMBRIDGE

GENERAL HEARING

THURSDAY APRIL 11, 2024

6:00 p.m.

Remote Meeting

via

831 Massachusetts Avenue
Cambridge, Massachusetts 02139

Jim Monteverde, Chair
Steven Ng, Vice Chair
Virginia Keesler
Fernando Daniel Hidalgo
William Boehm

City Employees
Stephen Natola



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

2 * * * * *

3 (6:00 p.m.)

4 Sitting Members: Jim Monteverde, Steven Ng, Virginia

5 Keesler, Daniel Hidalgo, and Bill Boehm

6 JIM MONTEVERDE: Good evening. Welcome to the
7 April 11, 2024 meeting of the Cambridge Board of Zoning
8 Appeal. My name is Jim Monteverde, and I am the Chair.

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

13 This meeting is being video and audio recorded and
14 is broadcast on cable television Channel 22 within
15 Cambridge. There will also be a transcript of the
16 proceedings.

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

20 Members of the public will be kept on mute until
21 it is time for public comment. I will give instructions for
22 public comment at that time, and you can also find

1 instructions on the City's webpage for remote BZA meetings.

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

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

6 OLIVIA RATAY: Bill Boehm?

7 BILL BOEHM: Present.

8 OLIVIA RATAY: Daniel Fernando Hidalgo?

9 DANIEL HIDALGO: Present.

10 OLIVIA RATAY: Steven Ng?

11 STEVEN NG: Present.

12 OLIVIA RATAY: Virginia Keesler?

13 VIRGINIA KEESLER: Present.

14 OLIVIA RATAY: Jim Monteverde?

15 JIM MONTEVERDE: Present.

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(6:02 p.m.)

Sitting Members: Jim Monteverde, Steven Ng, Virginia

Keesler, Daniel Hidalgo, and Bill Boehm

JIM MONTEVERDE: The first case for tonight is a continued case, and it is BZA 208880 -- 18 Clinton Street. [It's only got the five,] but this one has requested a Six Month Continuance for the variance only, which will take this to October 29, 2024. And that's for the variance.

So on the matter of granting the extension for the variance only, by voice vote, members please? Steven?

STEVEN NG: In favor.

JIM MONTEVERDE: Virginia?

VIRGINIA KEESLER: In favor.

JIM MONTEVERDE: Daniel?

DANIEL HIDALGO: In favor.

JIM MONTEVERDE: Bill?

BILL BOEHM: In favor.

JIM MONTEVERDE: And Jim Monteverde in favor.

[All vote YES]

JIM MONTEVERDE: That's five in favor; extension is granted.

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(6:03 p.m.)

Sitting Members: Jim Monteverde, Steven Ng, Virginia
Keesler, Daniel Hidalgo, and Bill Boehm

JIM MONTEVERDE: Now to the Regular Agenda. The first case is BZA 259922 -- 461 Windsor Street. Is there anyone here who wishes to speak about this 461 Windsor Street? Let's give them a moment and see if anyone shows up. And this is a special permit.

JOHN SKIBO: Can you guys hear me?

JIM MONTEVERDE: Would you introduce yourself, please?

JOHN SKIBO: Hi. My name is John Skibo. I'm the contractor that submitted the application. Not sure really what to say, but I figure I'd say hi.

JIM MONTEVERDE: Well, that's nice, and you too. Can you walk us through what it is you're -- what it is that's being proposed?

JOHN SKIBO: Okay.

JIM MONTEVERDE: What relief -- specifically what items you need relief for and why?

JOHN SKIBO: Yeah, so my clients would like to put

1 a window into their -- into the foundation wall. Their
2 house is built within the setback. It's a super small
3 house, and a really small plot. Like 900 square feet I
4 think is the total house.

5 And yeah, the brick foundation. And there isn't
6 currently a window there. And they'd like to put one in.

7 JIM MONTEVERDE: Yep. Then the application also
8 says adding one deck on the side, and one below-grade
9 staircase on the other side. So I assume those are in
10 opposite side yard setbacks?

11 JOHN SKIBO: I'm sorry, can you say that again?

12 JIM MONTEVERDE: The application says -- oh, no,
13 I'm sorry. I'm mixing apples and oranges --

14 JOHN SKIBO: Okay, that's good.

15 JIM MONTEVERDE: -- with somebody else, so yeah.
16 That's all you're looking for is the new windows within the
17 rear yard setback?

18 JOHN SKIBO: That is correct.

19 JIM MONTEVERDE: Correct? Okay. Any questions
20 from members of the Board? If not, we'll go to public
21 comment. Let me summarize. In the file, we have five
22 letters in favor, and none opposed. And I will open it up

1 to public commentary.

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

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

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

12 Anyone out there? Nope. We have no one else out
13 there trying to call in. So I will close public testimony.
14 Any discussion among members of the Board?

15 STEVEN NG: I think we're ready for a motion.

16 JIM MONTEVERDE: Ready for a motion. Okay. So
17 this is specific relief regarding a new window that is in
18 the rear yard setback. And this is a special permit.

19 So I'll just run through that criteria now.

20 That's Section 10.43:

21 It appears that the requirements of the Ordinance
22 cannot or will not be met. That's correct.

1 Traffic generated or patterns of access or egress
2 would cause congestion or hazard. It will not.

3 The continued operation of or the development of
4 the adjacent uses would be adversely affected. They will
5 not.

6 Nuisance or hazard would be created to the
7 detriment of the health, safety, or welfare. They will not.

8 And for other reasons, the proposed use would
9 impair the integrity of the district. And that will not.

10 So I think we find it complying with all the criteria under
11 10.43 for a special permit.

12 So the motion then. The Chair makes a motion to
13 grant relief from the requirements of the Ordinance under
14 Sections 5.31, Dimensional Requirements -- that's
15 specifically the back yard setback where this new window
16 will be located -- Section 8.22.2.c for a Nonconforming
17 Structure; and then I just read through the conditions of
18 the criteria for a special permit under 10.43.

19 On the condition that the work proposed conforms
20 to the drawings entitled "461 Windsor Basement Window,"
21 prepared by Mara Design and dated February 12, 2024;
22 initialed and dated by the Chair.

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

4 On a voice vote, please? Bill?

5 BILL BOEHM: In favor.

6 JIM MONTEVERDE: Daniel?

7 DANIEL HIDALGO: In favor.

8 JIM MONTEVERDE: Virginia?

9 VIRGINIA KEESLER: In favor.

10 JIM MONTEVERDE: Steven Ng?

11 STEVEN NG: In favor.

12 JIM MONTEVERDE: And Jim Monteverde in favor.

13 [All vote YES]

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

16 JOHN SKIBO: Thank you.

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(6:15 p.m.)

Sitting Members: Jim Monteverde, Steven Ng, Virginia
Keesler, Daniel Hidalgo, and Bill Boehm

JIM MONTEVERDE: Next case is BZA-257173 -- 19
Huron Avenue. We're ahead of schedule. We have to wait
five minutes. Sorry about that.

[Pause]

Next case is BZA 257173 -- 19 Huron Street. Is
there anybody calling in who wishes to talk about this
request for relief?

SALEH DAHER: Hello?

JIM MONTEVERDE: Yep.

SALEH DAHER: Yep, hi. Yep. Our architect is
trying to get on here. He's having some trouble. He's
going to present the case.

JIM MONTEVERDE: Okay. Just give him a moment.

SALEH DAHER: Yeah, sorry. I just sent him an
invite again.

JIM MONTEVERDE: Yep. Thanks.

SALEH DAHER: Let's see if he has it. I'm texting
him. I'm Sal, by the way.

1 DOUGLAS OKUN: Hello?

2 SALEH DAHER: Doug, is that you?

3 DOUGLAS OKUN: Yes. Can you hear me?

4 SALEH DAHER: Yep. You're on. Go ahead.

5 JIM MONTEVERDE: Can you --

6 SALEH DAHER: I'll mute myself here.

7 JIM MONTEVERDE: Can you both introduce yourself
8 if you're both going to speak, or whoever's going to speak?

9 SALEH DAHER: Okay, I'm sorry. The person who's
10 going to speak is Douglas -- Doug Okun, Architect. I'm
11 Saleh Daher, owner. I'll shut up. I was just trying to
12 help him get on here --

13 JIM MONTEVERDE: Okay.

14 SALEH DAHER: -- because I'm more familiar with
15 the Zoom.

16 DOUGLAS OKUN: Hello. Can you hear me?

17 JIM MONTEVERDE: Doug, are you there? Yeah, we
18 can hear you. Just introduce yourself and --

19 DOUGLAS OKUN: Okay.

20 JIM MONTEVERDE: -- explain to us what the
21 proposal is and what relief you're requesting and why.

22 DOUGLAS OKUN: Okay. My name is Doug Okun. I'm

1 an architect. And my business address is 156 Mount Auburn
2 Street in Cambridge.

3 And before you -- it looks like the cover sheet --
4 and the scope of this project is to remodel the basement
5 into a family room. And in doing so, we want to add a
6 stair. This is existing.

7 JIM MONTEVERDE: Yep.

8 DOUGLAS OKUN: And these are the existing pictures
9 of what it's like now. And this is the existing of the
10 basement and the first floor. And this is the existing
11 structure of the basement and the first floor.

12 And this is our proposal. So we want to add the
13 stair on the right going to the basement to make it
14 accessible. And we want to put in on the left a trash shed
15 and new stairs coming down right there.

16 And in the front, we want to put windows in -- a
17 bay window -- which is a brick foundation currently, so that
18 we get light into the playroom.

19 You could go to the next drawing. So --

20 JIM MONTEVERDE: Well, if you just go back to that
21 one for a second?

22 DOUGLAS OKUN: Sure.

1 JIM MONTEVERDE: The colored drawing? Just could
2 you explain which pieces of this work require relief?

3 DOUGLAS OKUN: I don't think anything requires
4 relief. I think the relief is because our building is so
5 close [Zoom audio distortion]

6 JIM MONTEVERDE: Okay. We'll get to that later.
7 Keep going.

8 DOUGLAS OKUN: So I think that if the lot were
9 bigger and we were a conforming structure, we would not be
10 seeking relief. So it's only the dimensional requirements.

11 JIM MONTEVERDE: Okay.

12 DOUGLAS OKUN: Okay. So -- and this is a plan of
13 the basement. So we want to open it up and put a family
14 room down there.

15 And then in the front, we would like to put, like,
16 a little bit of a courtyard and three windows in the bay so
17 they would get light into the lower level.

18 Okay, this is -- okay. So you can see the
19 courtyard on the right of the drawing.

20 And then this is the stair going down to the
21 basement.

22 And that's pretty much the scope of work.

1 JIM MONTEVERDE: Okay. Thank you.

2 DOUGLAS OKUN: You're welcome.

3 JIM MONTEVERDE: Any questions from members of the
4 Board? If not, let me suggest a couple in terms of what I
5 think the relief is.

6 Can you go back to that colored drawing, Stephen?

7 So I believe the -- and what's advertised says,
8 "Adding a new courtyard in front of the building" and the
9 relief is 5.31, the Table of Dimensional Requirements.

10 I believe that's because you're adding windows in
11 the bay you just described at the basement level, and that's
12 because the front of the building is already within the
13 front yard setback.

14 DOUGLAS OKUN: Okay.

15 JIM MONTEVERDE: Okay? So is there anything about
16 the courtyard that --

17 DOUGLAS OKUN: There will be --

18 JIM MONTEVERDE: Hold on one second. Hold on one
19 second. Our able helper here, Stephen, is going to go to
20 the Dimensional Table. Okay. But is there any relief
21 required to do the courtyard or anything on that front face,
22 since it sits within the front yard setback?

1 Yeah. The dimensional chart says that the front
2 yard setback is -- requirement is 15', the existing is
3 10.3', and that whole patio obviously sits within that.

4 DOUGLAS OKUN: And there will be a little stone
5 wall in the front, and a fence on top of it. There's a
6 little freehand sketch, the last attachment.

7 JIM MONTEVERDE: All right. Sorry. Just having a
8 chat behind the curtain here. So I think it's -- the work
9 that you're doing within the front yard setback is one,
10 that's part of the advertisement.

11 Adding one deck on the side -- can we go to that
12 color drawing again? Nope. That's the existing.

13 DOUGLAS OKUN: That's existing.

14 JIM MONTEVERDE: Yep.

15 DOUGLAS OKUN: That's the proposed.

16 JIM MONTEVERDE: Thank you. And you're talking
17 about the deck on the rear left-hand side of the house?
18 Deck is being advertised -- adding one deck on the side, and
19 one below-grade staircase on the other side. So where's the
20 deck?

21 DOUGLAS OKUN: Well, there's already stairs there.
22 Just the way it's shown.

1 JIM MONTEVERDE: That's existing? On the left-
2 hand side of the plan, that's an existing stair to remain?

3 DOUGLAS OKUN: Except at little angle steps.

4 JIM MONTEVERDE: Right. So there's some work
5 being done there. That, I believe, is also within the rear
6 yard setback.

7 DOUGLAS OKUN: Yeah.

8 JIM MONTEVERDE: And grade -- the staircase going
9 one level below ground is also within the rear yard setback?
10 I think that's the relief that you're seeking, just so I'm
11 clear, so we can grant you the relief that you need.

12 DOUGLAS OKUN: Thank you.

13 JIM MONTEVERDE: Okay. That was my question.
14 Does any other Board member have any question?

15 [Pause]

16 Okay. And in the file, we have no correspondence
17 -- neither for nor against. So I'll open it up to public
18 commentary.

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

1 pressing *6.

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

7 Anyone out there? Nope. All quiet. Okay. Close
8 public testimony. Any discussion among members of the
9 Board? Nope? Okay. If not, I have one further question.

10 Doug, I notice in the proposed site plan that
11 we're looking at -- it's up on the screen -- all of the
12 devices that are in the yard that were formerly up against
13 the house you've moved away from the house hard against the
14 property line -- the AC compressors, generator, et cetera.

15 Can you explain why?

16 DOUGLAS OKUN: Well, they were blocking the
17 sidewalk. And they don't make any noise, so they don't
18 exceed the 50 dB level. But recently, the HVAC guy said
19 that we could stack them on the house. If you go back to
20 the original site plan, you'll see where they are.

21 And they're quite -- okay, you'll see where they
22 are now, and if you go to the photos -- maybe the next page

1 -- whoop, too much -- you can see them along the sidewalk.

2 JIM MONTEVERDE: Yep.

3 DOUGLAS OKUN: So they're quite an obstruction.

4 And so, so it's a matter of what is preferred to locate
5 them, either on the fence -- and they don't make any noise
6 -- or to stack them on the house, stack them above each
7 other.

8 JIM MONTEVERDE: Mm-hm. So it's your
9 understanding that they don't make any noise or don't exceed
10 the noise ordinance?

11 DOUGLAS OKUN: Definitely not. Definitely not.

12 JIM MONTEVERDE: Generator also?

13 DOUGLAS OKUN: Well, that's another issue. I
14 mean, the generator would only go on in an emergency.

15 JIM MONTEVERDE: Mm-hm.

16 DOUGLAS OKUN: So --

17 JIM MONTEVERDE: Okay. Really, I'm just curious
18 to see why move it against the fence where there may be a
19 chance of disturbing a neighbor versus keeping it as tight
20 as possible to your own house.

21 But I think you've explained how you've -- you've
22 explained the why.

1 DOUGLAS OKUN: Yeah.

2 JIM MONTEVERDE: Thank you.

3 DOUGLAS OKUN: Yeah.

4 JIM MONTEVERDE: Any other discussion among
5 members of the Board? Or are we ready for a motion?

6 VIRGINIA KEESLER: I was just curious. There's a
7 very, very small increase in the height, I think probably
8 based upon the adding of the stair to the basement.

9 JIM MONTEVERDE: Yep.

10 VIRGINIA KEESLER: Would that also be something
11 for which we're planning relief?

12 JIM MONTEVERDE: Yeah, we could. It was sort of
13 de minimis, but yes.

14 VIRGINIA KEESLER: Yeah.

15 JIM MONTEVERDE: Technically yes. It's one-tenth
16 of a foot in height. So yes, that's -- it's already
17 noncompliant, and now it will be a little more out of
18 compliance. So I will relist that as well. Thank you.

19 Any other comments by members of the Board? If
20 not, I'll move to a motion. This is a special permit also.
21 I'm not going to read through all the criteria, it just
22 suffices that all of the criteria A through E are met. So

1 we have all the what we need for Section 10.43.

2 So the Chair makes a motion to grant relief from
3 the requirements of the Ordinance under Sections 5.31 -- and
4 that's specifically for the construction occurring in the
5 front yard setback and the two instances in the rear yard
6 setback -- and also the increase in the height by a tenth of
7 a foot.

8 That will allow them to add the new courtyard in
9 front of the building, adding one deck on one side and one
10 below grade staircase on the other side. So those are the
11 requirements of 5.31. Also, Section 8.22.2.d regarding a
12 Nonconforming Structure.

13 And as I said, they've met all the criteria for a
14 special permit under 10.43.

15 On the condition that the work proposed conforms
16 to the drawings entitled "19 Huron Avenue," prepared by
17 Douglas Okun and dated December 26, 2023; initialed and
18 dated by the Chair.

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

22 On a voice vote, please -- Virginia?

1 VIRGINIA KEESLER: In favor.

2 JIM MONTEVERDE: Thank you. Steven?

3 STEVEN NG: In favor.

4 JIM MONTEVERDE: Daniel?

5 DANIEL HIDALGO: In favor.

6 JIM MONTEVERDE: Thank you. And Bill?

7 BILL BOEHM: In favor.

8 JIM MONTEVERDE: And Jim Monteverde in favor.

9 [All vote YES]

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

12 DOUGLAS OKUN: Thank you. Goodnight.

13 JIM MONTEVERDE: Now we have to hang on for one
14 minute. I'll be back.

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2 (6:30 p.m.)

3 Sitting Members: Jim Monteverde, Steven Ng, Virginia

4 Keesler, Daniel Hidalgo, and Bill Boehm

5 JIM MONTEVERDE: All-righty. We're at 6:30op:30
6 case is Case No. is Case No. BZA 261068 -- 38-40, 48, and
7 54-56 Banks Street. This is a variance and a special
8 permit.

9 And we are in receipt of a letter from Sarah
10 Rhatigan requesting that the Board grant a continuance to
11 this hearing and schedule a hearing on May 9, 2024. Is
12 there room on that for May 9? Okay.

13 And this is a case not heard, so it doesn't need
14 to be the same five of us. So I'll make a motion. Let me
15 make a motion to continue this matter until May 9, 2024, on
16 the condition that the petitioner change the posting sign to
17 reflect the new date of May 9, 2024 and the new time of 6
18 p.m.

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

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

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

9 On the motion to continue this matter until May 9,
10 2024, by a voice vote of the Board members, Virginia?

11 VIRGINIA KEESLER: In favor.

12 JIM MONTEVERDE: Thank you. Daniel?

13 DANIEL HIDALGO: In favor.

14 JIM MONTEVERDE: Bill?

15 BILL BOEHM: In favor.

16 JIM MONTEVERDE: Steven?

17 STEVEN NG: In favor.

18 JIM MONTEVERDE: And Jim Monteverde in favor.

19 [All vote YES]

20 JIM MONTEVERDE: Five in favor. The matter is
21 continued. That's the good news. Now we have to wait
22 around until 6:45 for the next case. So I'll be back.

1 * * * * *

2 (6:45 p.m.)

3 Sitting Members: Jim Monteverde, Steven Ng, Virginia

4 Keesler, Daniel Hidalgo, and Bill Boehm

5 JIM MONTEVERDE: All right. We're back. So, our
6 6:45 case is BZA-261310 -- 123 Brattle Street. Is there
7 anyone wishing to speak? Mr. Wiggins.

8 MICHAEL WIGGINS: Yes. Thank you, Mr. Chairman
9 and good evening, members of the Board. I represent
10 Margaret Blumenreich, who's the Trustee of 123 Brattle
11 Street Realty Trust. She and her husband, Gene Blumenreich,
12 have lived there since about the early '90s.

13 With me tonight is Edward Pitts of the firm of
14 Charles Myer Associates (sic), to walk us through the plans.

15 The Blumenreichs, as I said, have been living
16 there since 1994 or so. And they got a variance way back
17 when to expand slightly the house. At that time, if they
18 had enjoyed the advantages of 8.22.2.d, they probably would
19 have gotten a special permit. Because they were expanding a
20 little over 25 percent.

21 But that expansion back then was way under the
22 FAR. And this one we're talking about tonight is also way

1 under.

2 The reason for this petition tonight is that Jean
3 and Margaret wish to age in place. They've been there for
4 about 25 years. They'd like to put on the first floor a
5 very small bedroom and bathroom at one wing of the property.

6 And this is a small, quite irregularly shaped lot
7 that they have. They -- because of the shape of the lot,
8 they are slightly over 100 feet in depth. And so, that
9 affects from the back corner exactly how far they have to be
10 from what is deemed to be the rear lot line. And Ed will
11 walk us through that.

12 But this is quite --

13 JIM MONTEVERDE: Mr. Wiggins, we're just bringing
14 up that survey with the proposed.

15 MICHAEL WIGGINS: Thank you. Yeah, that's --

16 JIM MONTEVERDE: Make that clear.

17 MICHAEL WIGGINS: Yeah, just to show you the
18 existing and --

19 JIM MONTEVERDE: There we go.

20 MICHAEL WIGGINS: -- also, here's the proposed.

21 And I'm going to turn it over to Ed shortly. But as you can
22 see, this is a very irregular lot. The front --

1 JIM MONTEVERDE: While we have you, just so I
2 understand, at the -- I don't know what order to call it --
3 that rectangle of the proposed, that one triangular piece at
4 the end, that -- and it's labeled, "area of addition within
5 rear yard setback;" that's the reason you're here?

6 MICHAEL WIGGINS: That's all of 6.45 square feet.

7 JIM MONTEVERDE: That's it?

8 MICHAEL WIGGINS: Yep.

9 JIM MONTEVERDE: Okay. No, I just want to
10 understand. And then if you could also touch on since this
11 is a variance, and you need to show that you -- we need to
12 find that all of the following have been met, and that's

13 a. A literal enforcement of the provisions of
14 this Ordinance would involve a substantial hardship,
15 financial or otherwise to the petitioner or appellant.

16 b. The hardship is owing to circumstances relating
17 to the soil conditions, shape or topography of such land or
18 structure, especially affecting such land or structure but
19 not affecting generally the zoning district in which it's
20 located, and

21 c. Desirable relief may be granted without
22 either:

1 1. Substantial detriment to the public good,
2 or

3 2. Nullifying or substantially derogating from
4 the intent and purpose of the Ordinance. Can you touch on
5 that, Mr. Wiggins?

6 MICHAEL WIGGINS: Sure. Yeah. I think it's --

7 JIM MONTEVERDE: And just help us understand the
8 hardship?

9 MICHAEL WIGGINS: -- yeah, I think this is one of
10 those unusual cases where shape of the lot speaks directly
11 to that. If they had had a different shape, they wouldn't
12 be worrying about the distance from the back lot.

13 But given that this is an elongated lot, and as
14 Ranjit and Stephen Natola have educated all of us, I think
15 because it's a fairly obscure part of the code, of the
16 Ordinance, the 100'. We're over 100'.

17 If we were less than 100', the setback would only
18 be 25'. But because we're 9' or so beyond that, then
19 there's a formula that says, "Well, you've got to have now a
20 little more setback."

21 So we -- instead of 25', we have to be 28' back,
22 or so. And that's why we're 2.5' fitting this addition in.

1 JIM MONTEVERDE: Okay.

2 MICHAEL WIGGINS: In other words, it would -- you
3 know, I mean, I suppose you could do it, but it would look
4 like a very weird little rectangle. And I think --

5 JIM MONTEVERDE: It's okay.

6 MICHAEL WIGGINS: -- the text can show us what --

7 JIM MONTEVERDE: Yep. --

8 MICHAEL WIGGINS: -- we're talking about it.

9 JIM MONTEVERDE: No, I understand. You're saying
10 the hardship is owing to the shape of the lot.

11 MICHAEL WIGGINS: Exactly.

12 JIM MONTEVERDE: Yep. Okay. Thank you.

13 BILL BOEHM: Excuse me. Jim, while we're talking
14 about the setbacks and the oddity of the lot, I have a
15 question for Mr. Wiggins.

16 And that is that the setbacks that are shown,
17 there's a rear yard setback and there's two sides, but the
18 rear yard setback and the side yard setback sort of both hit
19 a fence line. And so, there's no line -- there's no setback
20 parallel to the piece of property that's 36' long.

21 Is that correct that there's no setback on that
22 particular --

1 MICHAEL WIGGINS: That's correct.

2 BILL BOEHM: -- angle of the property?

3 MICHAEL WIGGINS: Yeah, I think that's right.

4 EDWARD PITTS: Can I jump in on this? This is
5 Edward Pitts. I'm the --

6 MICHAEL WIGGINS: Yep.

7 EDWARD PITTS: -- architect with Charles Myer &
8 Partners. So all of the -- the determinations of where the
9 front yard is, the side yard setbacks, the rear yard
10 setbacks -- those were all done in conjunction with Stephen
11 Natola and Ranjit.

12 And I too found that odd, and brought it up with
13 Stephen. And he said, "Well, you know, Ranjit and I have
14 been through it, and that's just the way it stands."

15 He did ask if we were going to build anything
16 right in that funny little spot up against the lot line, and
17 the answer is no. But that's their interpretation of the
18 front, the side, and the rear lot line, which is, as you can
19 see it's that 10' radius, it's the arc and a little line
20 that's drawn between property lines from point to point on
21 the arc, and then so many feet from that time middle line
22 out is the rear yard setback.

1 And it's true that rear yard setback does not join
2 in with the side.

3 BILL BOEHM: Well, that's quite odd. I guess --
4 and obviously the previous addition was based on a different
5 understanding of that setback, which caused that odd angle
6 across their addition.

7 EDWARD PITTS: I could only imagine.

8 JIM MONTEVERDE: Yeah, that's what I would assume.
9 Yep.

10 BILL BOEHM: Jim, is it possible for Steve to just
11 explain that to us? Because I just want to make sure I'm --

12 JIM MONTEVERDE: Yeah, just -- in our process, I
13 just -- I was getting ready for the discussions or
14 questions. But one, I want to make sure that Mr. Wiggins is
15 finished with his presentation. Or if there was anyone
16 else?

17 MICHAEL WIGGINS: I will want to come back after
18 Ed has talked and walked you through the design. Because
19 we've got a lot of support from neighbors, and I want to
20 mention those as well.

21 JIM MONTEVERDE: Yeah. We have that -- we have
22 those in the file. But anyway, if your architect wants to

1 come back again and walk us through anything, so I'd just
2 like to give you the chance to finish your presentation
3 before we jump in questions.

4 MICHAEL WIGGINS: Yeah. Okay, no thanks. I mean,
5 you know, as far as the literal -- I think we can do this
6 without detriment to the public good, I think, given that
7 it's not going -- the neighbors basically on that side are
8 all very much in favor of this. And --

9 JIM MONTEVERDE: Yep.

10 MICHAEL WIGGINS: -- we are still way below the
11 FAR for the lot, so --

12 BILL BOEHM: Yep.

13 MICHAEL WIGGINS: -- we don't need --

14 JIM MONTEVERDE: Okay. Anything else, or is that
15 your presentation?

16 MICHAEL WIGGINS: That is, basically. Yeah.
17 Okay.

18 JIM MONTEVERDE: So now, questions from members of
19 the Board? Bill?

20 BILL BOEHM: I've already put it out there. I'd
21 just be curious from Stephen I guess how that works. But
22 that a boundary line has absolutely no setbacks, so you

1 could theoretically build right up to the fence line if you
2 wanted to, or the next person that buys and owns this house
3 could.

4 And actually, I don't even know if Stephen is
5 there tonight. I'm sorry if he's not.

6 JIM MONTEVERDE: No, he is. We're just chatting
7 behind the curtain. He's just telling me to look at the
8 definition for rear lot line, which I don't happen to have
9 in front of me.

10 Bill, is this a stumbling block for you to get
11 through the -- what's in front of us, and the relief that's
12 being granted? I trust that the advertisement -- the
13 setting of the front, side, side rear setbacks were set by
14 Stephen and Ranjit, and they've identified the issue in
15 front of us. Is that 6.5 square feet hunk of building
16 that's over the rear yard setback.

17 So I for one am willing to just accept it on face
18 value and discuss it and rule on it. Is that an impediment
19 for you?

20 BILL BOEHM: Probably not. Just strikes me as an
21 odd condition that would be good to fully understand for the
22 reasons I said, especially since --

1 JIM MONTEVERDE: Yep.

2 BILL BOEHM: -- the previous owner had a different
3 understanding and now this is being done. And there will be
4 another owner at some point and, or, you know, this owner
5 may decide to continue building. I don't know. I just feel
6 like we're sort of making an odd case here. And no, it's
7 probably not a stumbling block, but I feel it deserves to be
8 fully understood.

9 JIM MONTEVERDE: Okay.

10 MICHAEL WIGGINS: I might add while we're waiting
11 for Stephen's input that --

12 JIM MONTEVERDE: One second. one second, Mr.
13 Wiggins. Just hang on for a second.

14 MICHAEL WIGGINS: Okay.

15 JIM MONTEVERDE: Hold on. Steven is being shy
16 this evening. Let me see if I can convince him to join in
17 here and give us the explanation, which I can't.

18 All right. Give me a second. He's going to write
19 down the Form 1000. I'll read it off to you.

20 Any other questions from members of the Board?

21 We'll come back, Bill.

22 No? Okay. Before we open it up to public

1 commentary, we do have by my count seven letters in the file
2 in favor, none speaking against. Here's the explanation I
3 have just looking at Article 2, Lot Line Rear, the
4 definition. I don't have that in front of me, but hold on
5 one second.

6 Let's see if this does it, Bill. If not, I'm
7 going to have to ask you to hold that thought and you can
8 pick that up another time.

9 The definition under the section of definitions --
10 Lot Line Rear": "A line most distant and opposite from the
11 front lot line." Okay. "Where the lot is irregular, a line
12 perpendicular to the mean direction of the side lot lines,
13 and at least 10' in length within the lot." That doesn't
14 help me. I don't know if it helps you, Bill.

15 BILL BOEHM: I suppose that could be interpreted
16 that the lot line -- there is a rear described it's at least
17 10' long. So I suppose that does it. It's -- it feels like
18 it.

19 Anyways, you know, to not hold things up here, I'm
20 not going to block anybody if the --

21 JIM MONTEVERDE: All right.

22 BILL BOEHM: -- Commissioner and expert have

1 decided that that's the correct understanding.

2 JIM MONTEVERDE: All right. Thank you. I'm
3 assuming no other questions from members of the Board. I
4 just said we have seven -- six letters in the file in favor.
5 I will just summarize these.

6 First is from Lawrence Bailis at 133 Brattle, in
7 support of the application for a variance; Meg Koerner in
8 support, doesn't give an address -- neighbors for 17 years,
9 oh, 124.

10 MICHAEL WIGGINS: 124 Brattle. It's 124.

11 JIM MONTEVERDE: 124. A name I cannot make out,
12 but last name Cuomo in support. Ellen Williams at 125
13 Brattle in support. Nancy Heselton, 22 Craigie, in support.

14 Then we have a Letter of Appropriateness from the
15 Cambridge Historical Commission, which we'll include as a
16 condition basically saying approval was granted on the
17 condition that review of permit drawings and construction
18 details to be coordinated with the Commission staff, and
19 that this certificate is granted upon the condition that the
20 work authorized herein be commenced within six months after
21 the date of issue.

22 So with that, that's what we have in the file.

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

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

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

11 Nobody calling in. I'll close public testimony.
12 Any further discussion from the members of the Board? If
13 not, I'll move to a motion. And again, this is a variance.

14 The Chair makes a motion to grant relief from the
15 requirements of the Ordinance under Sections 5.31 and this
16 has to do with that triangular piece of the proposed
17 addition that sits in the rear yard setback, Section 8.22.3
18 regarding a Nonconforming Structure, and 10.30 for a
19 variance.

20 And under Section 10.31, the list of conditions,
21 the hardship has been defined as the shape of the lot, the
22 irregularity of the lot.

1 On the condition that the work proposed conforms
2 to the drawings entitled "Blumenreich Addition," prepared by
3 Charles Myer & Partners, dated March 7, 2024; initialed and
4 dated by the Chair.

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

8 Further, that the variance is granted
9 incorporating the following conditions: And that is --
10 summarizing the memo from the Cambridge Historic Commission
11 -- that approval was granted on the condition that the
12 review of permit drawings and construction details be
13 coordinated with Commission staff, and that this certificate
14 from the Historic Commission is granted upon the condition
15 the as that work authorized herein is commenced within six
16 months after the date of issue.

17 Board members on a voice vote, please on the
18 motion to grant relief -- Daniel?

19 DANIEL HIDALGO: In favor.

20 JIM MONTEVERDE: Bill?

21 BILL BOEHM: In favor.

22 JIM MONTEVERDE: Thank you. Virginia?

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VIRGINIA KEESLER: In favor.

JIM MONTEVERDE: Steven?

STEVEN NG: In favor.

JIM MONTEVERDE: And Jim Monteverde in favor.

[All vote YES]

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

COLLECTIVE: Thank you.

* * * * *

(7:03 p.m.)

Sitting Members: Jim Monteverde, Steven Ng, Virginia

Keesler, Daniel Hidalgo, and Bill Boehm

JIM MONTEVERDE: Okay. Next case is BZA-258240 --
20 Wendell Street. Is there anyone calling in who wishes to
speak about this proposal?

GREGORY MCCARTHY: Yes. Hello, Chairman. This is
Greg MacCarthy on behalf of 20 Wendell Street, LLC.

JIM MONTEVERDE: Can you describe for you what it
is you're proposing and what relief you're seeking? And be
aware that this is -- Board members also -- that this is a
Variance Request. And therefore, we need to confirm that we
find all of the following:

That the literal enforcement of the provisions
would involve a substantial hardship. The hardship is owing
to owing to soil conditions, shape or topography of such
land or structure.

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

1 So Greg, if you would please address those items
2 as well as identify the pieces of your proposal that require
3 relief?

4 GREGORY MCCARTHY: Sure. Yep. So what we have is
5 a two-family property at 20 Wendell Street, which we
6 recently purchased from Lesley University. So we had
7 initially thought that our proposal was a conforming
8 project.

9 But because it hasn't been subdivided from Lesley
10 officially, so that's part of what we're here for today.
11 But I think that is what we're here for tonight is to
12 subdivide the parcel from Lesley, which requires a variance.

13 Also, the existing building is -- the left side of
14 it, part of the bump-out -- you can see it from any page, so
15 this edge here -- the far-left side of it, bedroom 4, the
16 very left side of it is in the rear yard setback of this
17 parcel. So it's an existing nonconformity.

18 The rest of the project, which is a proposed
19 addition on the back, and a proposal to change it from two
20 units to three units -- the rest of it would be conforming,
21 existing nonconformity is just here in the existing bump-out
22 of the building.

1 JIM MONTEVERDE: So is the only dimensional issue
2 you need to resolve that --

3 GREGORY MCCARTHY: Yeah, the existing
4 nonconformity.

5 JIM MONTEVERDE: And that's the -- which side? On
6 your left?

7 GREGORY MCCARTHY: So if you're looking at --
8 yeah, if you're looking at that, perfect. Over here on the
9 left, where the -- just to the left of the deck. So if you
10 see the proposed deck --

11 JIM MONTEVERDE: Yep.

12 GREGORY MCCARTHY: -- over the roof of the --
13 like, just to the right of the 8.5' x 18' parking spot?

14 JIM MONTEVERDE: Yep.

15 GREGORY MCCARTHY: The property line is where that
16 -- just before where that deck, or just after where that
17 deck ends.

18 And below that, where the property is, that 1.5'
19 or 2' or whatever it might be is -- oh, I'm sorry, it's more
20 than that. Oh, we were looking at the wrong place, I'm
21 sorry.

22 Yeah, I have the text over the site plan. Is it

1 possible to scroll up just a little bit more? Like in the
2 other direction? I just have, like, a text box that I can't
3 -- oh, I can move it. I'm sorry. I'm sorry. No, back up
4 the other way.

5 Yeah. So right here, below that. Below -- like,
6 just above the 8.5' to 18 parking spot in front of the
7 house, that area right here on the left side of the site
8 plan that bumps out is existing nonconforming. It's in the
9 side yard setback.

10 JIM MONTEVERDE: Right. But that's an existing
11 nonconformity?

12 GREGORY MCCARTHY: Right.

13 JIM MONTEVERDE: So you're not seeking relief from
14 it, because it's there?

15 GREGORY MCCARTHY: Correct. Yeah.

16 JIM MONTEVERDE: Sorry, one second. No, because
17 you're subdividing; you are. Okay.

18 GREGORY MCCARTHY: Exactly. Yep.

19 JIM MONTEVERDE: Just so I understand. Thank you.
20 Okay. Is that your presentation?

21 GREGORY MCCARTHY: That's -- yeah, I can get it to
22 any more details if you'd like.

1 JIM MONTEVERDE: So the relief you're seeking is
2 really first to subdivide the lot?

3 GREGORY MCCARTHY: To subdivide the lot for
4 Lesley. Yes, exactly.

5 JIM MONTEVERDE: And then -- I'm reading the
6 advertisement -- subdivide the preexisting lot -- [da-da-da-
7 da-da]; construct a rear addition. Where is that on the
8 plan in front of us?

9 GREGORY MCCARTHY: That's the shaded area on the
10 -- well, so the --

11 JIM MONTEVERDE: Okay.

12 GREGORY MCCARTHY: -- first floor, it's the area
13 around the -- so I guess on the second and third floor, it's
14 the entire shaded area.

15 JIM MONTEVERDE: Yep.

16 GREGORY MCCARTHY: And then on the ground level,
17 it's the area -- the existing area is the deck. And then if
18 you follow the line down to the main massing of the where
19 the building is.

20 JIM MONTEVERDE: Okay. And the shaded portion to
21 the rear of it reads, "Proposed three-story addition."

22 GREGORY MCCARTHY: Yep.

1 JIM MONTEVERDE: Does that sit in your side yard
2 setback, your rear yard setback?

3 GREGORY MCCARTHY: No.

4 JIM MONTEVERDE: Okay. And it doesn't put you
5 over the FAR, correct?

6 GREGORY MCCARTHY: Correct, yep.

7 JIM MONTEVERDE: Doesn't put you over the maximum
8 gross floor area?

9 GREGORY MCCARTHY: Nope.

10 JIM MONTEVERDE: So what relief do they need for
11 it?

12 GREGORY MCCARTHY: I wasn't sure myself if they
13 tagged that because it was --

14 JIM MONTEVERDE: Sorry, just hang on one second.
15 I'm having a chat with Stephen here.

16 GREGORY MCCARTHY: Sure.

17 [Pause]

18 JIM MONTEVERDE: Okay.

19 All right. We squared that away. The relief
20 you're looking for for the addition is adding an addition to
21 a nonconforming structure. And then conversion from the
22 existing two-family to three-family?

1 GREGORY MCCARTHY: Yes, exactly.

2 JIM MONTEVERDE: The relief issue?

3 This is the one where it brings in Section 4.31.g,
4 which was -- when I read that it was basically a magical
5 mystery tour. It says, "Yes, you can do a multifamily in a
6 C-1 zone if you follow Footnote 15 and/or Footnote 5."

7 And Footnote 5 directs you to another section,
8 which directs you to another section.

9 So give us one second. I just want to confirm if
10 you actually need relief to convert from a two-family to a
11 three.

12 GREGORY MCCARTHY: Thank you.

13 JIM MONTEVERDE: Here. Let me show you what I
14 found.

15 So what I found is 4.31.g eventually by reference
16 got me to 4.26, Multifamily Special Permit Applicability.

17 STEPHEN NATOLA: We need to do the three --

18 JIM MONTEVERDE: To do the three-family. Okay.
19 So our advice is you don't need relief to go from the two-
20 family to three-family. So we'll just leave that out of our
21 discussion. Okay? Thank you. That's the end of your
22 presentation. Thank you.

1 Any questions from members of the Board? No?

2 VIRGINIA KEESLER: I guess looking at this
3 Dimensional Table, it doesn't seem to me to quite align with
4 what we were just looking at on the plans. So I'm just
5 trying to reconcile that.

6 JIM MONTEVERDE: Well, I think if you look at the
7 gross floor area, right, the existing is 2,600.

8 VIRGINIA KEESLER: Mm-hm.

9 JIM MONTEVERDE: The requested is 5,530. That's
10 the lump of addition in the back --

11 VIRGINIA KEESLER: Mm-hm.

12 JIM MONTEVERDE: -- that we saw. The -- I think
13 it's the left side just needs the relief that goes along
14 with the subdivision. And I think that's -- the conversion
15 of the building doesn't require any relief.

16 Finishing the basement: I'm assuming they've --
17 right. And they're out of the flood zone and we're able to
18 impede it, so they have every right to do the basement,
19 finishing the basement.

20 Was there something else that looked -- didn't
21 make sense to you, Virginia?

22 VIRGINIA KEESLER: Uh, I was just trying to

1 understand the setbacks relative to what we're looking at on
2 the plans.

3 JIM MONTEVERDE: Well, I think, Virginia, as I'm
4 looking at it, that -- looking at this plan, the left side
5 setback to me says the Ordinance requirement, the
6 dimensional form is 14.88 and the existing structure is 5.1.

7 So once the lot is subdivided, it's that whole
8 portion of the existing building is sitting in the side --
9 left side yard setback. So that's the relief they need
10 there.

11 Let's see. Right-side setback: Right-side
12 setback there; right-side setback it says, "The Ordinance
13 requirement is 14.88." The proposed first floor deck or the
14 outline makes it at 15.3, but it doesn't at 14.2.

15 So I think that's one piece of the -- what's
16 called the second floor cantilever above the third floor
17 deck --

18 VIRGINIA KEESLER: Mm-hm.

19 JIM MONTEVERDE: -- requires relief stepping over
20 that right side setback. That's what I see. Anybody see it
21 differently? Front setback is fine.

22 VIRGINIA KEESLER: Yeah. Okay. I guess I was

1 just seeing because it lists in the existing conditions that
2 it's nonconforming 5' on the right side. It just didn't --
3 the setbacks listed in the existing conditions didn't seem
4 to match with what we're looking at on here. But --

5 BILL BOEHM: Nor in the requested conditions.
6 Don't look like they're accurate either to me, but --

7 JIM MONTEVERDE: On the Dimensional Form?

8 BILL BOEHM: Yep.

9 VIRGINIA KEESLER: Yep.

10 JIM MONTEVERDE: So the consult I'm getting from
11 Stephen is the Board and ISD take the Dimensional Form at
12 face value. And if we find any inconsistencies with it, we
13 can note that. We've done that before.

14 We can mark up the Dimensional Form -- we've done
15 that before -- which I'm certainly happy to do with the both
16 the left side setback, the right-side setback, just to be on
17 record.

18 But we're not actually reviewing the Dimensional
19 info, we're taking that at face value. And I hope that
20 satisfied it.

21 BILL BOEHM: I -- you know, for the setbacks I'm
22 okay with that. I feel like, you know, we see what's going

1 on here, it makes sense. They're subdividing from a parking
2 lot on the left, it's an existing building.

3 I think that accuracy on these for most is kind of
4 important, because if it was FAR, and that was also off and
5 -- I don't know. I just feel like sort of it's important
6 that these things align. That's -- I'll put it at that.
7 Again, it won't stop me from -- you know, it won't change my
8 vote tonight, but I'm going to register that feeling.

9 JIM MONTEVERDE: Okay. Thanks. And like I said,
10 I will mark up the Dimensional Form with the two items that
11 Virginia just spoke to in terms of the left side setback and
12 the right-side setback, but I don't think those are
13 essentially -- they're not corroborated by the plan.

14 And the rest of it: Again, on the advice from our
15 ISD rep we'll take at face value. And that's the FAR, et
16 cetera.

17 All right. Any other questions from members of
18 the Board? No? I found there was no correspondence in the
19 file either for or against. And I will open it to public
20 comment. Any --

21 BILL BOEHM: Sorry, Jim.

22 JIM MONTEVERDE: Yep.

1 BILL BOEHM: Jim, I do have one more question
2 because this is my first time to see a subdivision request.
3 Wouldn't we ordinarily see a site plan that shows the other
4 parcel that -- so a parcel has been subdivided.

5 And you need relief if that subdivision creates
6 dimensional -- new dimensional violations. But we're only
7 looking at one of the two parcels. Is it not normal that we
8 would have to approve the other half that's been lopped
9 off?

10 JIM MONTEVERDE: One moment.

11 All right. Again, the advice I'm hearing on this
12 side is that adjacent lots are still owned by Lesley. The
13 burden is not on this proponent to survey and calculate all
14 the adjacent lots.

15 So we're just looking at this in terms of this lot
16 only. And if the adjacent lots come in for any type of
17 relief, then they'll have to address their case as either a
18 nonconforming existing use, existing construction, or some
19 other method.

20 But we just have what we have in front of us and
21 not the -- again, they're not bound to prepare everything on
22 the adjacent lots to show any effects.

1 All right. Any other questions from members of
2 the Board? If not, as I said, there's no public -- no
3 letters in the file from members of the public. I'll open
4 it up to public commentary.

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

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

15 And there's no one calling in. So I will close
16 public testimony. Hold on one second.

17 STEPHEN NATOLA: Ted Live.

18 TED LIVE: All right. I'm Ted Live from 17
19 Wendell Street. I just had a couple of questions. One is
20 whether the parking spaces have already arranged for an
21 easement to access them, since they're -- there's no access
22 through the property itself.

1 The other is about the likelihood of selling the
2 units. I don't know if you're aware that the building at
3 the corner of Wendell and Oxford that's been recently --
4 longer ago than recently -- renovated into I think five
5 apartments, five potential condo units. And it's been
6 vacant for a couple of years, I guess. I'm not sure why
7 this one would be different.

8 GREGORY MCCARTHY: Sure. Yeah. So the --
9 exactly, the easement's going to be coming from next door at
10 22-24 Wendell, which has been secured. Luckily, their
11 driveway just runs right along the edge of the property line
12 so it makes it nice and easy.

13 And then I think -- I'm not sure which property
14 exactly that is that you're referring to. But I've been
15 seeing a lot of stuff in the neighborhood itself, some stuff
16 on Wendell and, you know, and the surrounding streets.

17 So, I mean, we're doing a really nice product.
18 They kind of keep with the tradition of the building. So
19 it's going to keep the same feel, which people love. I
20 think it's going to have the kind of historic Cambridge
21 charm to it, but on the inside, it's going to be really
22 nice.

1 So I mean, we're not going to let them sit. We're
2 going to sell them for what the market bears. And hopefully
3 that's --

4 JIM MONTEVERDE: Okay.

5 GREGORY MCCARTHY: -- hopefully that's a good
6 number.

7 JIM MONTEVERDE: Thank you for the response.
8 Thank you for the question. Anyone else calling in? No one
9 else calling in. So we'll close public testimony. Any
10 discussion from members of the Board? No? If not, this is
11 a variance.

12 Actually, let me make this a discussion or
13 question back to Greg, if you're acting as the proponent.
14 This is a variance. And we've been through the technical
15 zoning issues that you're seeking relief for.

16 The one we haven't discussed, or I don't think I
17 heard discussion on is the requirements for a variance are
18 -- and you've got to find -- we have to find that you meet
19 all of these:

20 The literal enforcement would involve a
21 substantial hardship, financial or otherwise. Hardship is
22 owing to the soil condition, shape, or topography of the

1 lot.

2 And desirable relief may be granted without either
3 substantial detriment to the public good, or nullifying or
4 substantially derogating from the intent and purpose of this
5 Ordinance.

6 So can you speak about the hardship, please?

7 GREGORY MCCARTHY: Yeah. So the hardship's kind
8 of changed as the process went on with the subdivision. So
9 I guess for the subdivision is: Yeah, we can't move forward
10 with anything without subdividing it.

11 So that's kind of the hardship we're under where,
12 you know, combined with their master lot and there's really
13 nothing we can do about it except for seeking the variance
14 for the subdivision.

15 JIM MONTEVERDE: Right. So it's really the
16 condition of that subdivision and the -- you know, location
17 of the existing building on what is now the subdivided lot
18 --

19 GREGORY MCCARTHY: Yeah, that's what --

20 JIM MONTEVERDE: -- that's caused you to be --

21 GREGORY MCCARTHY: Yeah, exactly. That's what I
22 had put in. But they -- it just doesn't include as much

1 about the subdivision, because we found out about it --

2 JIM MONTEVERDE: Yep.

3 GREGORY MCCARTHY: -- a little bit later.

4 JIM MONTEVERDE: Okay. Thank you.

5 BILL BOEHM: I have another observation. That is
6 there's a -- it looks like a 38" caliper tree directly in
7 the middle of where I think you're proposing a new driveway.
8 Is that correct? Question to the architect.

9 GREGORY MCCARTHY: Let's see. I'm just pulling up
10 the existing site plan.

11 BILL BOEHM: Or maybe I misunderstood it. Are you
12 coming in on the adjacent lot and then angling into -- it's
13 not clear in your site plan how that driveway is working to
14 me.

15 GREGORY MCCARTHY: Yes, exactly. Okay. So you're
16 talking about this big tree? No, no, no. That's staying
17 there. There's, like, a -- you know, some smaller -- you
18 know, not full trees along the edge of the property line
19 that would be coming out. But yeah, we're coming in
20 directly from this driveway. So that tree is staying.
21 We're not even creating a curb cut on our property.

22 BILL BOEHM: I see.

1 GREGORY MCCARTHY: Or a driveway.

2 JIM MONTEVERDE: Okay? Any other discussion, or
3 are we ready for a motion? Go for a motion.

4 The Chair makes a motion to grant relief from the
5 requirements of the Ordinance under Sections 5.15 for the
6 Subdivision, 5.31 Table of Dimensional Requirements; this is
7 primarily for the portion of the existing building that sits
8 in the right yard setback at a distance of 5.1 from the
9 property line, which I will annotate on the Dimensional Form
10 and on the left side setback, where the dimension is 14.2'.

11 And that also is beyond the Ordinance requirement.
12 I think that's the only dimensional -- that's the only
13 dimensional subdivision.

14 The rest of it converting to a three-family
15 there's no relief necessary. Finishing the basement,
16 there's no relief necessary.

17 Section 5 -- I'm sorry 4.31.g that was the
18 multifamily dwelling. I don't think there's any relief
19 really being requested there.

20 And under the variance we heard the discussion
21 about the subdivision creating the nonconformities on the
22 left side setback that we're granting or is proposed to

1 grant relief from.

2 On the condition that the work proposed conforms
3 to the drawings entitled "Wendell Street Residences,"
4 prepared by S47/A Architect and dated January 22, 2024;
5 initialed and dated by the Chair.

6 And further, that we incorporate the supporting
7 statements and the dimensional form annotated as I've
8 described, submitted as part of the application.

9 On a voice vote, please? Virginia?

10 VIRGINIA KEESLER: In favor.

11 JIM MONTEVERDE: Steven?

12 STEVEN NG: In favor.

13 JIM MONTEVERDE: Bill?

14 BILL BOEHM: In favor.

15 JIM MONTEVERDE: Daniel?

16 DANIEL HIDALGO: In favor.

17 JIM MONTEVERDE: And Jim Monteverde in favor.

18 [All vote YES]

19 JIM MONTEVERDE: However, we're going to edit
20 further that the variance is granted incorporating the
21 following condition: That they prepare a --

22 GREGORY MCCARTHY: Would they accept an easement?

1 JIM MONTEVERDE: That they send to the ISD Office
2 a copy of your easement over the driveway. Okay? On that
3 basis on that vote, five in --

4 GREGORY MCCARTHY: Absolutely.

5 JIM MONTEVERDE: -- favor.

6 GREGORY MCCARTHY: Yep. Sorry, I didn't know if
7 you were asking me. Sorry.

8 JIM MONTEVERDE: Yep. If there's anything that is
9 a condition to the vote that you supply an easement to the
10 ISD Office, please.

11 GREGORY MCCARTHY: Okay. Absolutely.

12 JIM MONTEVERDE: On the basis that's five votes
13 affirmative, the relief is granted. Thank you.

14 GREGORY MCCARTHY: Thank you very much, everybody.

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(7:35 p.m.)

Sitting Members: Jim Monteverde, Steven Ng, Virginia
Keesler, Daniel Hidalgo, and Bill Boehm

JIM MONTEVERDE: Next and last case is BZA --
let's see if we're on time, we are -- BZA-259579 -- 191
Franklin Street.

Is there anyone calling in who wishes to discuss
this proposal?

Peter, are you there? Are you joining us?

Anyone?

PETER BARBOSA: I'm here, I'm sorry.

JIM MONTEVERDE: Could you introduce yourself,
please?

PETER BARBOSA: I'm Peter Barbosa. I'm actually
the contractor for Catherine Chen and Wesley Chen.

JIM MONTEVERDE: Okay.

PETER BARBOSA: My architect should be here too,
Jason Jarvis.

JIM MONTEVERDE: Mm-hm. All right. We'll wait a
couple moments.

JASON JARVIS: Hello. Jason Jarvis here.

1 JIM MONTEVERDE: Okay. Good evening.

2 JASON JARVIS: Good evening.

3 JIM MONTEVERDE: Do you want to walk us through
4 what's being proposed and what relief you're requesting for
5 that proposal and --

6 JASON JARVIS: Yes.

7 JIM MONTEVERDE: -- also address that -- one
8 second, please -- that this is a Variance Request and
9 therefore you should discuss the conditions that a literal
10 enforcement of the provisions would involve a substantial
11 hardship, and the hardship is owing to the circumstances
12 relating to the soil condition, shape or topography of such
13 land or structure, and that desirable relief may be granted
14 without either substantial detriment to the public good, or
15 nullifying or substantially derogating from the intent and
16 purpose of this Ordinance, which I think you addressed in
17 your filing --

18 JASON JARVIS: Likely.

19 JIM MONTEVERDE: I would like you to just run
20 through it, so we understand it. Okay? Take it away.

21 JASON JARVIS: Okay. So basically, we are looking
22 to get relief on the FAR. We're adding a kitchen addition,

1 which is basically just to handle the kitchen cabinetry and
2 what not to give the homeowner a larger kitchen and a better
3 flowing space within that first floor.

4 On the second floor, we are adding some space
5 above the kitchen for a master bedroom.

6 And on the third floor, we're adding a bathroom
7 and a hallway out to a roof deck. And we're -- so we're --
8 by doing this, we're going over the FAR by about 618 square
9 feet.

10 And I noticed on the Dimensional Form, we used the
11 old Dimensional Form. We had to revise the plan to make
12 room for a basement access -- well, you know, escape wall.

13 So we had changed that addition during the process
14 and didn't update the Dimensional Form. So the Dimensional
15 Form turns out to be 638 square feet, but we're really only
16 adding 618 square feet. And that's about it.

17 You know, we're just -- we're raising the house.
18 The basement level was very low. I couldn't even stand in
19 the basement while I was getting the dimensions of the
20 house. So we're going to raise the house about 6'
21 altogether, so we have consistent ceiling heights throughout
22 the three floors and the basement.

1 And that's about it.

2 JIM MONTEVERDE: I'm sorry. Did you say -- just
3 so I understand -- you're raising the house?

4 JASON JARVIS: We're raising the house, yes.

5 JIM MONTEVERDE: And that's why the height goes
6 from 27.7 to 33.2?

7 JASON JARVIS: Exactly.

8 JIM MONTEVERDE: That, and whatever addition is
9 going on the third floor?

10 JASON JARVIS: Exactly.

11 JIM MONTEVERDE: Okay. Can you describe the
12 hardship, please?

13 JASON JARVIS: Well, you know, they want to
14 modernize that house so they can move their family in and
15 have enough room to house their family. I believe they're
16 going to have three generations of their family living at
17 the house, and also some space down in the basement for
18 guests when they have guests stay with them.

19 Without increasing the size of the rooms, you
20 know, on those floors, they wouldn't be able to house their
21 entire family.

22 PETER BARBOSA: Plus, they own a business in

1 Cambridge -- a Chinese restaurant -- for years. They're one
2 of the oldest restaurants.

3 JIM MONTEVERDE: That's good, but that's not one
4 of the conditions that we mentioned that we do have to find
5 that you meet.

6 PETER BARBOSA: Mm-hm.

7 JIM MONTEVERDE: So again, let me read them back
8 for you. We have to find that a literal enforcement of the
9 provisions of the Ordinance would involve a substantial
10 hardship, financial or otherwise.

11 And the hardship is owing to the circumstances
12 relating to the soil condition, shape of the lot or the
13 topography of such land or structure, affecting such land or
14 structure but not affecting generally the zoning district in
15 which it's located.

16 I'm struggling to see how you meet those. So if
17 you could describe any more for us; otherwise I'll open it
18 up to questions from the Board and we'll see where that
19 goes.

20 JASON JARVIS: By not increasing the square
21 footage and providing the adequate ceiling heights and room
22 dimensions for the family, they won't be able to live in

1 this house.

2 JIM MONTEVERDE: But they knew that when they
3 purchased the property, is that correct?

4 JASON JARVIS: I would assume so. I mean, that's
5 why they thought if they were able to increase the height of
6 the floor or the ceilings and increase, you know, get an
7 extra bedroom in, a master bedroom, then they would have
8 plenty of space for their family.

9 JIM MONTEVERDE: So the hardship is really being
10 able to accommodate their extended family --

11 JASON JARVIS: Correct.

12 JIM MONTEVERDE: -- a I hear it?

13 JASON JARVIS: So the dimensions of the building,
14 the structure, create a space that's not adequate.

15 JIM MONTEVERDE: And the intention is maintain
16 this as a single-family dwelling?

17 JASON JARVIS: Single-family dwelling, correct.

18 JIM MONTEVERDE: Okay.

19 JASON JARVIS: No intentions otherwise.

20 JIM MONTEVERDE: Okay. Does that conclude your
21 presentation?

22 JASON JARVIS: I believe so, yes.

1 JIM MONTEVERDE: Thank you. Questions from
2 members of the Board? If not, we can open it to public
3 comment.

4 BILL BOEHM: Yes. I have a question. The floor
5 plans are not labeled for the uses of the rooms. They're
6 not really complete floor plans, in fact. And just to
7 understand what the proposed use is, I'd just be curious if
8 the architect could tell us what the various rooms are being
9 used for?

10 JASON JARVIS: I thought we had labels, and I
11 apologize for that. So on the basement level, there's going
12 to be a family room -- that large space is a family room.

13 That back left corner is a guest room with the
14 window well. There's a bathroom -- full bathroom down
15 there. The room to the upper right is mechanical space.
16 And then there's a closet in the bathroom for -- you know, a
17 linen closet.

18 The first floor, there's a bedroom to the right --
19 bottom right. On the bottom left is the living room. Above
20 that is the dining room. To the left, kitchen, in the
21 center, there's a mudroom.

22 And then there's stairs going down to the basement

1 on the far right, upper right. There's a whole bathroom
2 below the stairs.

3 And obviously coming in the front door there's a
4 set of stairs that goes up to the second floor. And on the
5 second floor, we have two bedrooms on the left and right of
6 the stairs, a laundry room. There's a bathroom in the
7 front.

8 And then there's the master suite where it says,
9 "322 square feet." So there's the master bedroom, a couple
10 closets, a walk-in closet to the bottom right of the master,
11 and there's a master bath on the left.

12 There's a balcony off the master suite as well.

13 And on the third floor, we have two bedrooms on
14 either side of the stairs. There's a full bath, and then
15 there's the roof deck off of that hallway that goes above
16 that 230 square feet indication.

17 And then there's, you know, the two spaces on the
18 left and right above the bedrooms that's just, you know,
19 under roof space that they could use for storage if they
20 needed to. There will be a hatch where they could access
21 that.

22 JIM MONTEVERDE: So by my count that's seven

1 bedrooms, is that correct?

2 JASON JARVIS: Yes.

3 JIM MONTEVERDE: In the existing plan above, how
4 many bedrooms are there currently?

5 JASON JARVIS: Let me take a peek. One, two,
6 three, four -- four, five, six bedrooms.

7 JIM MONTEVERDE: Six currently?

8 JASON JARVIS: Yes.

9 JIM MONTEVERDE: Already. I thank you.

10 JASON JARVIS: You're welcome.

11 JIM MONTEVERDE: Any other questions from members
12 of the Board?

13 VIRGINIA KEESLER: So you had mentioned in your
14 application both that the existing attic has non-code
15 compliant access stairs, and also you had mentioned the
16 narrow and shallow lot and how that was sort of shaping your
17 proposal.

18 So again, in light of the sort of hardship
19 framework, I'm wondering if you would want to speak to any
20 of those factors in additional detail?

21 JASON JARVIS: Well, the -- like, up in the third
22 floor existing, the amount of usable space in those rooms is

1 very limited. It's really -- you know, you can barely stand
2 up up there. So increasing the size of -- you know,
3 increasing the roof height gives us more room up there for
4 actual useable bedrooms.

5 As far as the kitchen, the current kitchen is very
6 cramped and outdated to provide enough space. That's why we
7 added that kitchen addition, which is really just housing
8 the -- you know, cabinetry and the --

9 JIM MONTEVERDE: Yep.

10 JASON JARVIS: -- refrigerator and stove. It
11 gives a more modern feel to an old house. So that was the
12 intent, just give them more of a usable and more modern home
13 while still keeping the same quaint feel of the existing
14 house.

15 Does that answer the question?

16 VIRGINIA KEESLER: Yes, thank you.

17 JASON JARVIS: Okay. Thank you.

18 BILL BOEHM: You just mentioned that the attic --
19 existing attic -- space is nearly unusable and cramped. And
20 it's shown at 397 square feet in your calculation.

21 And the new one with the raised roof, or I think
22 you've lifted the roof I don't know five or six feet, it's

1 still at 397 square feet. Can you tell me how you
2 calculated that area?

3 JASON JARVIS: So the area is based on the five-
4 foot-minimum ceiling height at the exterior walls. The
5 current actual ceiling height is five feet -- I would say
6 about four feet in from the exterior wall.

7 So it doesn't give a lot of space for furniture --
8 for actually walking up there. I walked up there and
9 couldn't even -- you know, to navigate the space up there
10 currently is very difficult.

11 So we raised the roof -- I think we raised the
12 roof just enough to get five feet usable at the exterior
13 walls on the front and the back of those two bedrooms.

14 So it's a minimal change to achieve more useable
15 space.

16 BILL BOEHM: I get that. It would be helpful if
17 there was a section that showed that, but in my mind by
18 doing that, you're increasing the calculable square footage.
19 And yet, I don't think you show that in your calculations.

20 JIM MONTEVERDE: Right. I think from what I'm
21 hearing, I would guess that the calculation for the existing
22 third-floor plan is probably or maybe off, maybe overstated.

1 JASON JARVIS: That may be true. I guess what --

2 JIM MONTEVERDE: If it's 397 in the new floor plan
3 then it can't be 397 in the existing, or you --

4 JASON JARVIS: Yeah, you know I went to the
5 outside walls of the structure for the FAR. That's how FAR
6 is calculated. Not the usable square footage, but the --
7 the actual --

8 JIM MONTEVERDE: It's anything with a 5' height.

9 JASON JARVIS: Right. Yeah, so --

10 JIM MONTEVERDE: I think it's just -- I think it's
11 just that existing floor 3 area is overstated.

12 JASON JARVIS: That's probably true. I would have
13 to go back and double check my historical data.

14 JIM MONTEVERDE: Okay. Any other questions from
15 members of the Board? If not, we have no correspondence in
16 the file either for or against.

17 So I will open this up to public comment. Any
18 members of the public who wish to speak should now click the
19 icon at the bottom of your Zoom screen that says, "Raise
20 hand." If you're calling in by phone, you can raise your
21 hand by pressing *9 and unmute or mute by 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 then confirm that we can hear you. After that
3 you will have up to three minutes to speak before I ask you
4 to wrap up.

5 STEPHEN NATOLA: Joe Martin?

6 [Pause]

7 STEPHEN NATOLA: Joe Martin?

8 JIM MONTEVERDE: Mr. Martin, one more chance, one
9 more try. Are you with us there? Let's come back.

10 STEPHEN NATOLA: Katy Downey?

11 JIM MONTEVERDE: Kary, do you want to join?

12 KATY DOWNEY: Hi, can you hear me?

13 JIM MONTEVERDE: Yep. Can you introduce yourself,
14 please?

15 KATY DOWNEY: Hi. I'm Katy Downey. I live with
16 my husband Philip at 195. He's going to speak.

17 PHILIP DOWNEY: Hi. Thank you for taking our
18 questions. Yeah. So I have --

19 JIM MONTEVERDE: Can you introduce yourself,
20 please?

21 PHILIP DOWNEY: Sure. I'm Phil Downey. I live at
22 195 Franklin Street. It's the house directly in back of

1 191.

2 JIM MONTEVERDE: Yep. Thank you.

3 PHILIP DOWNEY: Just a quick question out of
4 curiosity. On page 10 and 11, it shows the orientation of
5 the front steps changing, and it doesn't show it on the
6 other drawings. I wonder if that -- if a decision has been
7 made in regards to that?

8 JASON JARVIS: Do you need me to answer that?

9 JIM MONTEVERDE: The proponent, yeah, please.

10 JASON JARVIS: Okay, so during the review process,
11 we were told that we can't change the orientation of the
12 front stairs. So we're leaving the stairs in the same
13 orientation.

14 PHILIP DOWNEY: Okay. Yeah, I was just checking.
15 I didn't matter one way or the other, I was just wondering
16 if you were --

17 JASON JARVIS: Okay.

18 PHILIP DOWNEY: -- because it was inconsistent on
19 the plans.

20 JASON JARVIS: Okay. Yeah, I --

21 PHILIP DOWNEY: Yeah. And then I have another --

22 JASON JARVIS: Okay. Yeah, I --

1 PHILIP DOWNEY: Yeah.

2 JIM MONTEVERDE: Any other question?

3 PHILIP DOWNEY: Are you pouring a new foundation
4 to get --

5 JIM MONTEVERDE: Any other question?

6 PHILIP DOWNEY: Yes. Are you pouring a new
7 foundation to get the new height, or are you achieving that
8 through framing?

9 JASON JARVIS: A combination of both. We're going
10 to be --

11 PHILIP DOWNEY: I'm getting feedback for some
12 reason.

13 JASON JARVIS: So I'll try to get through with the
14 feedback. But we're going to -- existing -- we're going to
15 underpin the -- so we actually increase the height of -- the
16 --

17 PHILIP DOWNEY: Okay.

18 STEPHEN NATOLA: Katy Downey, can you --

19 PHILIP DOWNEY: And my last question is in regard
20 to --

21 STEPHEN NATOLA: Katy Downey, can you --

22 JIM MONTEVERDE: One second, one second. Echo.

1 We're getting an echo.

2 STEPHEN NATOLA: Katy Downey, mute your audio,
3 please.

4 JIM MONTEVERDE: All right. Let's --

5 STEPHEN NATOLA: Your audio when you speak, not
6 your mic.

7 JIM MONTEVERDE: Go ahead. Ask your question,
8 please?

9 PHILIP DOWNEY: Sure. In regards to counting the
10 bedrooms, you said it was six bedrooms. And I was wondering
11 if that included the two rooms on the third floor?

12 JASON JARVIS: Existing or new?

13 PHILIP DOWNEY: Existing.

14 JIM MONTEVERDE: Existing.

15 PHILIP DOWNEY: Because in the plans of the
16 existing house, I know -- I'm familiar with the house. And
17 I know that the -- like a living room is being used as a
18 bedroom on the first floor. So there's two bedrooms on the
19 first floor and two bedrooms on the second floor. So the
20 six-bedroom count includes the third floor, is that correct?

21 JASON JARVIS: Yes. So and one of them they call
22 the existing office. So I guess that would there's really

1 five bedrooms and the office on the third floor.

2 PHILIP DOWNEY: But there's a living room on the
3 first floor that's being used as a bedroom. So that's --

4 JASON JARVIS: Yes.

5 PHILIP DOWNEY: -- bedrooms on the first floor.

6 JASON JARVIS: Yes.

7 PHILIP DOWNEY: Two bedrooms on the second floor.

8 JASON JARVIS: Correct. Correct.

9 PHILIP DOWNEY: Okay. Just wanted to clarify.

10 JIM MONTEVERDE: Okay. Anything else?

11 PHILIP DOWNEY: No. That's been very helpful.

12 JIM MONTEVERDE: All right.

13 PHILIP DOWNEY: Thank you.

14 JIM MONTEVERDE: Thank you.

15 PHILIP DOWNEY: All right.

16 JIM MONTEVERDE: Thank you. Anyone else calling
17 in? Yep. We have a couple more.

18 STEPHEN NATOLA: Gary Mello?

19 GARY MELLO: How do you do? My name is Gary
20 Mello, Gary Mello, spelling --

21 JIM MONTEVERDE: Yep.

22 GARY MELLO: -- M-e-l-l-o.

1 JIM MONTEVERDE: I am co-owner along with Mr.
2 Martin of the house immediately to the rear that is 193-195
3 Franklin Street.

4 I can be brief and quite explicit. I'd like to
5 know if there are any plans to be using this house as a
6 short-term rental. Mr. Jarvis has explained that the family
7 wishes to occupy or appears so.

8 I would be -- I'd like to get the assurances from
9 the owner -- from the new owners or the architect if he
10 knows -- that the family will indeed be occupying it, which
11 is great by us. And if it's not being used -- that it's not
12 being proposed as a short-term rental.

13 Thank you, Mr. Chair.

14 JIM MONTEVERDE: Thank you.

15 JASON JARVIS: I can say --

16 JIM MONTEVERDE: Can the proponent respond,
17 please?

18 JASON JARVIS: Yes. I can say I've been working
19 with the homeowners for about a year and a half on this
20 project, and they intend to move into the house.

21 JOE MARTIN: And not use it for any short-term
22 rental?

1 JASON JARVIS: There's never been a discussion
2 with me about short-term rentals or the likes.

3 PETER BARBOSA: No, they are not. Yeah. Am I
4 still on audio?

5 JIM MONTEVERDE: Thank you. Any other questions?

6 STEPHEN NATOLA: Amitabh Dugar?

7 AMITABH DUGAR: Can you hear me?

8 JIM MONTEVERDE: Yes. Can you introduce yourself,
9 please and --

10 AMITABH DUGAR: Yes.

11 JIM MONTEVERDE: -- ask your question?

12 AMITABH DUGAR: I am the owner of 194 Franklin
13 Street, Unit 1, which is I think across the street. And --

14 JIM MONTEVERDE: Introduce yourself, please?

15 AMITABH DUGAR: Sorry?

16 JIM MONTEVERDE: Introduce yourself, please --

17 AMITABH DUGAR: Yes.

18 JIM MONTEVERDE: -- if you haven't already.

19 AMITABH DUGAR: I'm the owner of 194 --

20 JIM MONTEVERDE: Your name.

21 AMITABH DUGAR: Oh. My name is Amitabh Dugar.

22 JIM MONTEVERDE: Thank you. So I wanted to ask --

1 I think I heard that there will be some extended family
2 moving in. What would be the number of -- what's the number
3 of occupants now, and how much would it go to?

4 JIM MONTEVERDE: Can the proponent --

5 JASON JARVIS: I'm unsure of the number of current
6 occupants. I think the house is empty at the current time.
7 I'm not sure.

8 AMITABH DUGAR: Well, more the latter part of the
9 question is what I -- what's of interest, which is how many
10 occupants would be in the new building, or the new space?

11 JASON JARVIS: I believe there would be six full-
12 time occupants.

13 AMITABH DUGAR: Uh-huh.

14 JASON JARVIS: And they'd have a guest room in the
15 basement. So if they have somebody, you know, to visit,
16 they would occupy the guest room.

17 AMITABH DUGAR: Uh-huh.

18 JASON JARVIS: But they're not long-term.

19 AMITABH DUGAR: Okay. So I guess one of the
20 questions or concerns I had was how would that affect
21 availability of parking on the street and in the area?

22 JASON JARVIS: Well, they have a private driveway.

1 And there's only two adults. So --

2 JIM MONTEVERDE: So there's no change?

3 JASON JARVIS: There's no change.

4 JIM MONTEVERDE: Okay. Any other question?

5 AMITABH DUGAR: That's about it.

6 JIM MONTEVERDE: Thank you.

7 AMITABH DUGAR: Thank you for letting me speak.

8 STEPHEN NATOLA: Joe Martin?

9 JIM MONTEVERDE: No? I think that's it for
10 everyone calling in. So I will close public testimony.
11 Discussion among members of the Board?

12 DANIEL HIDALGO: I have to say I'm still
13 struggling with the justification for the variance. I just
14 don't really quite see the hardship that's particular to
15 this property.

16 You know, wanting a larger structure I understand
17 that, but, you know, why they would want that. But it's not
18 clear to me that that meets the hardship requirement for a
19 variance.

20 VIRGINIA KEESLER: It does seem to me that there's
21 a significant amount of underutilized space in the existing
22 structure, both the basement and the third floor, so it

1 would allow for more useful use of the existing structure
2 and also again the barrenness of the lot was noted.

3 So I think I would point to both of those factors.

4 JIM MONTEVERDE: So either the shape of the lot or
5 the confined dimensions of the lot, Virginia?

6 VIRGINIA KEESLER: Yes.

7 JIM MONTEVERDE: As the hardship?

8 VIRGINIA KEESLER: Yes. Both that and the
9 underutilized space in the existing structure.

10 JASON JARVIS: Yeah. The basement you can't even
11 stand up in. So --

12 JIM MONTEVERDE: Nope, Jason, hold on a second.
13 This is really --

14 JASON JARVIS: Oh.

15 JIM MONTEVERDE: -- discussion just among our --

16 JASON JARVIS: Sorry.

17 JIM MONTEVERDE: -- members of the Board.

18 JASON JARVIS: I'm sorry.

19 JIM MONTEVERDE: Anyone else have anything for
20 discussion?

21 BILL BOEHM: Yes. I find the presentation and the
22 plans are inadequate for understanding the project. So I

1 don't think calculations are correct.

2 The architect's site plan is -- I mean unless
3 other people are seeing it differently, can you scroll to
4 the site plan please? I don't know if it's just my copy.

5 No, up, up -- nope, yep. Zoom in on that? Zoom
6 in on that site plan? You know, there's just too much
7 information missing on those plans. There's all kinds of
8 things being pointed to; I don't know what's going on.

9 JIM MONTEVERDE: Yep.

10 JASON JARVIS: Yeah, I --

11 BILL BOEHM: No, this is -- sorry, this is
12 discussion amongst the Board.

13 JASON JARVIS: Sorry.

14 BILL BOEHM: You know, rooms not labeled, no
15 building section. Normally we see plans that look like
16 they're ready for permitting. And these don't look that way
17 to me. So I would not be inclined to approve this.

18 JIM MONTEVERDE: Yeah. I think on the drawing
19 we're looking at; it would appear that the existing building
20 has somehow been omitted. And that's what some of the
21 arrows and the dimensions I think are pointing to. You
22 know, it's just the exterior walls. It's the building in

1 front. But.

2 And, you know, we've seen other cases where
3 drawings have been as uninformative as these are. And we've
4 had to ask the proponent to walk us through them.

5 So that's never been an impediment before, because
6 in the end we're -- there isn't much we're questioning
7 within the walls, as opposed to -- you know, in general in
8 concept what they're doing overall; how many rooms, how many
9 people, et cetera.

10 So I don't disagree with you in terms of the
11 quality of the drawing and the pieces that are missing or
12 misstated, but again, I don't know if that's -- that would
13 be a hindrance to being able to rule on the pieces of relief
14 being requested. But I'll leave that up to you.

15 Any other Board members have any comments? If
16 not, I do. I have struggled with the hardship. Although I
17 can see the -- I can follow, Virginia, your notion about the
18 site -- you know, the narrowness of the lot.

19 But I don't think that gets me to -- you know, the
20 GFA goes from what's allowed is 0.75 -- currently 0.69;
21 again, I believe all those numbers are correct, and it's
22 going to go to 9.1, which is significantly beyond the

1 ordinance requirement.

2 And it just seems like it's too much, too great of
3 an increase beyond the Ordinance requirement.

4 The rest of it -- again, by the Dimensional Form
5 if we agree that it's correct, there aren't many changes to
6 the existing. Height is changed, but it stays within the
7 Ordinance requirement. Length changes, but it says it's not
8 applicable. I'm not sure how that happens.

9 So I'm just -- I'm still questioning the hardship.

10 And I don't know that, Virginia, your description
11 of the hardship, which I concur with, that the lot has some
12 effect on it -- drives me to the gross floor area ratio of
13 9.1 versus the ordinance of 7.5.

14 I just feel like it's overdeveloped -- again
15 trying to be sensitive to the extended family, but I'm not
16 there. Does anyone else have a similar feeling or are you
17 okay with the new gross floor area -- GFA?

18 DANIEL HIDALGO: I'm still sort of stuck on the
19 hardship. The narrowness of the lot is a very good
20 argument. So, you know, that -- but being more closer to
21 the fence. But, you know, I -- maybe I'm not quite there.

22 JIM MONTEVERDE: Okay. So if I read between the

1 lines --

2 STEVEN NG: This is --

3 JIM MONTEVERDE: -- tell me if I'm wrong. Sorry.
4 Go ahead, Bill?

5 STEVEN NG: No, this is Steve Ng.

6 JIM MONTEVERDE: Steven.

7 STEVEN NG: I mean, I'm sympathetic to the need
8 for the extended family and the need that I think it's the
9 FAR number is, like, way over the top. And it doesn't help
10 that the documentation is kind of hard to get through.

11 But I think on just -- if we're just saying based
12 on what the applicant's putting out there, it is a high FAR.
13 I mean, I think that whole lower cellar -- you know,
14 increase is maybe where some of the problem lies or -- but I
15 think, Jim, I agree with you that it seems to be reaching a
16 little too much on that FAR, in terms of development.

17 JIM MONTEVERDE: Yeah. And I think Stephen just
18 was doing an arithmetic check. And we don't think in the
19 proposed area, the basement is actually added into the
20 proposed GFA.

21 STEVEN NG: Hm.

22 JIM MONTEVERDE: So it's everything above grade.

1 It's just beyond the FAR. So trying to read the tea leaves
2 here, and for the proponent. If you get two votes against,
3 then you're turned down, and you can't come back for another
4 two years without a substantially different proposal.

5 So I think your options are: You either instruct
6 us to go ahead with a vote, which my sense is won't go
7 favorably; you won't be granted the relief you want; or if
8 you could withdraw -- not withdraw, ask for a continuance,
9 to basically go back and look at your plans.

10 And I think the objection from the couple of
11 speakers is it's really around the GFA to get that number
12 closer to the Ordinance requirement and come back to us as a
13 later date, and please make the drawings a bit more
14 informative and deal with the issue that's being mentioned
15 of the FAR being so far above the Ordinance requirement.

16 So that is the proponent's choice. So who do we
17 have on the line for the proponent?

18 PETER BARBOSA: Peter Barbosa -- me.

19 JIM MONTEVERDE: Yep, Peter.

20 PETER BARBOSA: Jason, we're going to work on it
21 again? Clean it up?

22 JIM MONTEVERDE: Well, I think it's clean it up.

1 I think it's also you've got to address that more than one
2 of us has mentioned the GFA is a sticking point.

3 JASON JARVIS: The GFA; yeah. We'll take a look
4 at the GFA, and we'll go from there. We'll come back to the
5 next meeting.

6 JIM MONTEVERDE: Okay. Well, let's see when they
7 can be scheduled.

8 [Side conversation]

9 Could you -- does 04/25 work for you?

10 PETER BARBOSA: 04/25? Yes, it does.

11 JIM MONTEVERDE: Okay. Does that work for --

12 PETER BARBOSA: Jason, does that work for you?

13 JASON JARVIS: It works for me.

14 JIM MONTEVERDE: Okay.

15 JASON JARVIS: Yep.

16 JIM MONTEVERDE: Does that work for the five
17 members of the Board who are here tonight? This would be a
18 continued case, and we'll need you to be there -- Steven?

19 STEVEN NG: Yeah. I'll make that happen.

20 JIM MONTEVERDE: Okay. Virginia?

21 VIRGINIA KEESLER: Yes. That works for me.

22 JIM MONTEVERDE: Bill?

1 BILL BOEHM: Yes, it does.

2 JIM MONTEVERDE: Daniel?

3 DANIEL HIDALGO: Yeah, I can make that work.

4 JIM MONTEVERDE: Yep. And me, that'll work.

5 That'll work for me.

6 Give us one second here. We just want to confirm
7 that you've got enough time to change all the signage.

8 Which you'd have to do it today. Yeah, we can't do the --

9 sorry, we can't offer the April 25, because you would have

10 no time to modify the signage. So --

11 PETER BARBOSA: Okay.

12 JIM MONTEVERDE: We'll update a little bit
13 further.

14 [Side conversation]

15 JIM MONTEVERDE: How about May 9?

16 PETER BARBOSA: May 9 sounds good to me too.

17 JIM MONTEVERDE: Okay. Members of the Board?

18 Steven?

19 STEVEN NG: That's fine. Virginia? Thank you.

20 VIRGINIA KEESLER: Yep, that works.

21 JIM MONTEVERDE: Thank you. Bill?

22 BILL BOEHM: Yep. Yes.

1 JIM MONTEVERDE: Daniel?

2 DANIEL HIDALGO: Yes.

3 JIM MONTEVERDE: Yep. It's good for me. Okay.

4 So let me make a motion to continue this matter until May 8,
5 2024, on the condition that the petitioner change the
6 posting sign to reflect the new date of May 9, 2024, and the
7 new time of 6 p.m.

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

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

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

20 On the motion to continue this matter until May 9,
21 2024, by a voice vote of the Board members, please;
22 Virginia?

1 VIRGINIA KEESLER: In favor.

2 JIM MONTEVERDE: Thank you. Steven?

3 STEVEN NG: In favor.

4 JIM MONTEVERDE: Thank you. Bill?

5 BILL BOEHM: In favor.

6 JIM MONTEVERDE: And Daniel?

7 DANIEL HIDALGO: In favor.

8 JIM MONTEVERDE: And Jim Monteverde in favor.

9 [All vote YES]

10 JIM MONTEVERDE: The matter is continued to May 9.

11 Thank you all.

12 COLLECTIVE: Thank you. Have a good night.

13 JIM MONTEVERDE: Thank you. Goodnight, everyone.

14 COLLECTIVE: Goodnight.

15 [08:12 p.m. End of Proceedings]

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CERTIFICATE

Commonwealth of Massachusetts
Middlesex, ss.

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

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

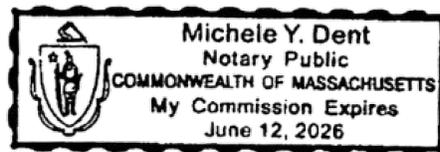
In witness whereof, I have hereunto set my hand this
22nd day of April 2024.



Notary Public

My commission expires:

June 12, 2026



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