



# CITY OF CAMBRIDGE

BOARD OF ZONING APPEAL

831 Massachusetts Avenue, Cambridge MA 02139

617-349-6100

2023 JAN 31 PM 12:26  
OFFICE OF THE CITY CLERK  
CAMBRIDGE, MASSACHUSETTS

## BZA Application Form

**BZA Number: 209310**

### General Information

The undersigned hereby petitions the Board of Zoning Appeal for the following:

Special Permit: \_\_\_\_\_ Variance:   X   Appeal: \_\_\_\_\_

**PETITIONER:** Feanil Patel, Kiersten C. Kerby-Patel, Ivy Lee, Blake A. Sessions, Michael O'Brien, Brianna McHorseand David Laibstain C/O Adam Dash, Esq.

**PETITIONER'S ADDRESS:** 48 Grove Street, Somerville, MA 02144

**LOCATION OF PROPERTY:** 65 Sparks St., Unit 4, Cambridge, MA

**TYPE OF OCCUPANCY:** Residential **ZONING DISTRICT:** Residence A-2 Zone

**REASON FOR PETITION:**

/Dormer/

**DESCRIPTION OF PETITIONER'S PROPOSAL:**

Two dormers are being constructed with terrace space which requires FAR relief.

**SECTIONS OF ZONING ORDINANCE CITED:**

Article: 5.000      Section: 5.31 (Table of Dimensional Requirements)  
Article: 8.000      Section: 8.22.3 (Non-Conforming Structure)  
Article: 10.000     Section: 10.30 (Variance)

Original  
Signature(s):

\_\_\_\_\_  
(Petitioner (s) / Owner)

Adam Dash, Esq.

(Print Name)

Address:

48 Grove Street, Suite 304  
Somerville, MA 02144

Tel. No.

617-625-7373

E-Mail Address:

dash@adamdashlaw.com

**Date:** January 30, 2023

**BZA APPLICATION FORM - OWNERSHIP INFORMATION**

To be completed by OWNER, signed before a notary and returned to The Secretary of the Board of Zoning Appeals.

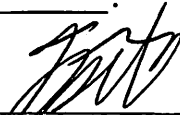
I/We Feanil Patel  
(OWNER)

Address: 65 Sparks Street, Unit 4, Cambridge, MA 02138

State that I/We own the property located at 65 Sparks Street, Unit 4, Cambridge, MA 02138, which is the subject of this zoning application.

The record title of this property is in the name of \_\_\_\_\_  
Feanil Patel, Kiersten C. Kerby-Patel, Ivy Lee, Blake A. Sessions, Michael O'Brien, BriannaMcHorse and David Laibstain

\*Pursuant to a deed of duly recorded in the date 8/3/2021, Middlesex South County Registry of Deeds at Book 78390, Page 525; or Middlesex Registry District of Land Court, Certificate No. \_\_\_\_\_  
Book \_\_\_\_\_ Page \_\_\_\_\_

  
\_\_\_\_\_  
SIGNATURE BY LAND OWNER OR  
AUTHORIZED TRUSTEE, OFFICER OR AGENT\*

\*Written evidence of Agent's standing to represent petitioner may be requested.

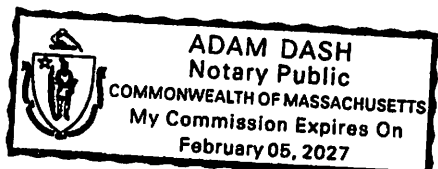
-----  
Commonwealth of Massachusetts, County of Middlesex

The above-name Feanil Patel personally appeared before me, this 7th of Nov., 2022, and made oath that the above statement is true.

  
\_\_\_\_\_  
Notary

My commission expires 2/5/2027 (Notary Seal).

- If ownership is not shown in recorded deed, e.g. if by court order, recent deed, or inheritance, please include documentation.



**BZA APPLICATION FORM - OWNERSHIP INFORMATION**

To be completed by OWNER, signed before a notary and returned to The Secretary of the Board of Zoning Appeals.


I/We Kiersten C. Kerby-Patel  
(OWNER)

Address: 65 Sparks Street, Unit 4, Cambridge, MA 02138

State that I/We own the property located at 65 Sparks Street, Unit 4, Cambridge, MA 02138, which is the subject of this zoning application.

The record title of this property is in the name of \_\_\_\_\_  
Feanil Patel, Kiersten C. Kerby-Patel, Ivy Lee, Blake A. Sessions, Michael O'Brien, BriannaMcHorse and David Laibstain


\*Pursuant to a deed of duly recorded in the date 8/3/2021, Middlesex South County Registry of Deeds at Book 78390, Page 525; or Middlesex Registry District of Land Court, Certificate No. \_\_\_\_\_  
Book \_\_\_\_\_ Page \_\_\_\_\_.

  
SIGNATURE BY LAND OWNER OR AUTHORIZED TRUSTEE, OFFICER OR AGENT\*

\*Written evidence of Agent's standing to represent petitioner may be requested.

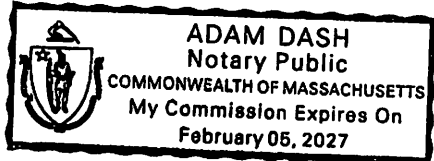
-----  
Commonwealth of Massachusetts, County of Middlesex

The above-name Kiersten C. Kerby-Patel personally appeared before me, this 7th of Nov, 2022, and made oath that the above statement is true.

  
\_\_\_\_\_  
Notary

My commission expires 2/5/2027 (Notary Seal).

- If ownership is not shown in recorded deed, e.g. if by court order, recent deed, or inheritance, please include documentation.



**BZA APPLICATION FORM - OWNERSHIP INFORMATION**

To be completed by OWNER, signed before a notary and returned to The Secretary of the Board of Zoning Appeals.

I/We Ivy Lee (OWNER)

Address: 65 Sparks Street, Unit 4, Cambridge, MA 02138

State that I/We own the property located at 65 Sparks Street, Unit 4, Cambridge, MA 02138, which is the subject of this zoning application.

The record title of this property is in the name of \_\_\_\_\_  
Feanil Patel, Kiersten C. Kerby-Patel, Ivy Lee, Blake A. Sessions, Michael O'Brien, BriannaMcHorse and David Laibstain

\*Pursuant to a deed of duly recorded in the date 8/3/2021, Middlesex South County Registry of Deeds at Book 78390, Page 525; or Middlesex Registry District of Land Court, Certificate No. \_\_\_\_\_  
Book \_\_\_\_\_ Page \_\_\_\_\_.

[Signature]  
SIGNATURE BY LAND OWNER OR AUTHORIZED TRUSTEE, OFFICER OR AGENT\*

\*Written evidence of Agent's standing to represent petitioner may be requested.

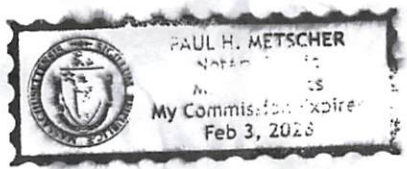
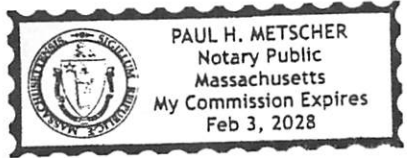
Commonwealth of Massachusetts, County of Middlesex

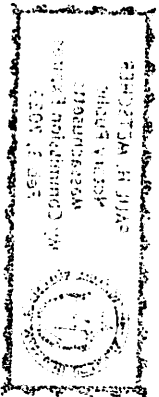
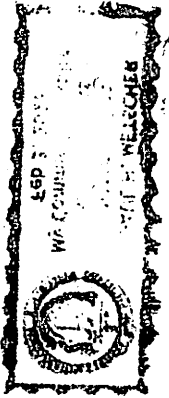
The above-name Ivy Lee personally appeared before me, this 4th of November, 2022, and made oath that the above statement is true.

[Signature] Notary

My commission expires Feb. 3, 2028 (Notary Seal).

- If ownership is not shown in recorded deed, e.g. if by court order, recent deed, or inheritance, please include documentation.





SEP 27 1953  
WA COMMUNICATIONS  
SMITH WELSONER

SEP 27 1953

**BZA APPLICATION FORM - OWNERSHIP INFORMATION**

To be completed by OWNER, signed before a notary and returned to The Secretary of the Board of Zoning Appeals.

I/We Blake Sessions  
(OWNER)

Address: 65 Sparks Street, Unit 4, Cambridge, MA 02138

State that I/We own the property located at 65 Sparks Street, Unit 4, Cambridge, MA 02138, which is the subject of this zoning application.

The record title of this property is in the name of \_\_\_\_\_  
Feanil Patel, Kiersten C. Kerby-Patel, Ivy Lee, Blake A. Sessions, Michael O'Brien, BriannaMcHorse and David Laibstain

\*Pursuant to a deed of duly recorded in the date 8/3/2021, Middlesex South County Registry of Deeds at Book 78390, Page 525; or Middlesex Registry District of Land Court, Certificate No. \_\_\_\_\_  
Book \_\_\_\_\_ Page \_\_\_\_\_.

Blake Sessions  
SIGNATURE BY LAND OWNER OR AUTHORIZED TRUSTEE, OFFICER OR AGENT\*

\*Written evidence of Agent's standing to represent petitioner may be requested.

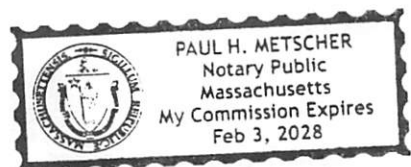
-----  
Commonwealth of Massachusetts, County of Middlesex

The above-name Blake Sessions personally appeared before me, this 9th of November, 2021, and made oath that the above statement is true.

Paul H. Metscher Notary

My commission expires Feb. 3, 2028 (Notary Seal).

- If ownership is not shown in recorded deed, e.g. if by court order, recent deed, or inheritance, please include documentation.



Paul H. Metzger  
Notary Public  
Massachusetts  
My Commission Expires  
Feb 3, 2028

**BZA APPLICATION FORM - OWNERSHIP INFORMATION**

To be completed by OWNER, signed before a notary and returned to The Secretary of the Board of Zoning Appeals.

I/We Michael O'Brien  
(OWNER)

Address: 65 Sparks Street, Unit 4, Cambridge, MA 02138

State that I/We own the property located at 65 Sparks Street, Unit 4, Cambridge, MA 02138, which is the subject of this zoning application.

The record title of this property is in the name of \_\_\_\_\_  
Feanil Patel, Kiersten C. Kerby-Patel, Ivy Lee, Blake A. Sessions, Michael O'Brien, BriannaMcHorse and David Lalbain


\*Pursuant to a deed of duly recorded in the date 8/3/2021, Middlesex South County Registry of Deeds at Book 78390, Page 525; or Middlesex Registry District of Land Court, Certificate No. \_\_\_\_\_  
Book \_\_\_\_\_ Page \_\_\_\_\_.

  
\_\_\_\_\_  
SIGNATURE BY LAND OWNER OR AUTHORIZED TRUSTEE, OFFICER OR AGENT\*

\*Written evidence of Agent's standing to represent petitioner may be requested.

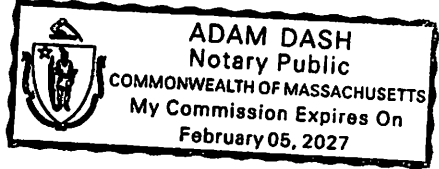
-----  
Commonwealth of Massachusetts, County of Middlesex

The above-name Michael O'Brien personally appeared before me, this 7<sup>th</sup> of Nov., 2022, and made oath that the above statement is true.

  
\_\_\_\_\_  
Notary

My commission expires 2/5/2027 (Notary Seal).

• If ownership is not shown in recorded deed, e.g. if by court order, recent deed, or inheritance, please include documentation.





**BZA APPLICATION FORM - OWNERSHIP INFORMATION**

To be completed by OWNER, signed before a notary and returned to The Secretary of the Board of Zoning Appeals.

I/We Brianna McHorse  
(OWNER)

Address: 65 Sparks Street, Unit 4, Cambridge, MA 02138

State that I/We own the property located at 65 Sparks Street, Unit 4, Cambridge, MA 02138, which is the subject of this zoning application.

The record title of this property is in the name of \_\_\_\_\_  
Feanil Patel, Kiersten C. Kerby-Patel, Ivy Lee, Blake A. Sessions, Michael O'Brien, BriannaMcHorse and David Laibstain

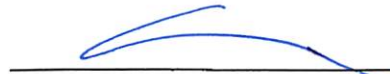
\*Pursuant to a deed of duly recorded in the date 8/3/2021, Middlesex South County Registry of Deeds at Book 78390, Page 525; or Middlesex Registry District of Land Court, Certificate No. \_\_\_\_\_  
Book \_\_\_\_\_ Page \_\_\_\_\_.

  
\_\_\_\_\_  
SIGNATURE BY LAND OWNER OR  
AUTHORIZED TRUSTEE, OFFICER OR AGENT\*

\*Written evidence of Agent's standing to represent petitioner may be requested.

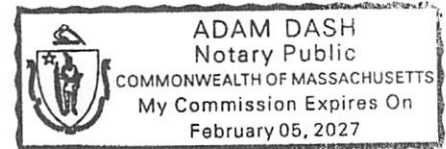
-----  
Commonwealth of Massachusetts, County of Middlesex

The above-name Brianna McHorse personally appeared before me, this 21<sup>st</sup> of Nov., 2022, and made oath that the above statement is true.

  
\_\_\_\_\_  
Notary

My commission expires 2/5/2027 (Notary Seal).

- If ownership is not shown in recorded deed, e.g. if by court order, recent deed, or inheritance, please include documentation.



**BZA APPLICATION FORM - OWNERSHIP INFORMATION**

**To be completed by OWNER, signed before a notary and returned to The Secretary of the Board of Zoning Appeals.**


I/We David Laibstain  
(OWNER)

Address: 65 Sparks Street, Unit 4, Cambridge, MA 02138

State that I/We own the property located at 65 Sparks Street, Unit 4, Cambridge, MA 02138, which is the subject of this zoning application.

The record title of this property is in the name of \_\_\_\_\_  
Feanil Patel, Kiersten C. Kerby-Patel, Ivy Lee, Blake A. Sessions, Michael O'Brien, BriannaMcHorse and David Laibstain

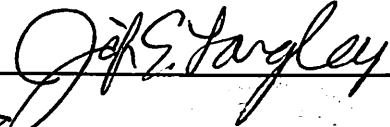
\*Pursuant to a deed of duly recorded in the date 8/3/2021, Middlesex South County Registry of Deeds at Book 78390, Page 525; or Middlesex Registry District of Land Court, Certificate No. \_\_\_\_\_  
Book \_\_\_\_\_ Page \_\_\_\_\_.

  
**SIGNATURE BY LAND OWNER OR AUTHORIZED TRUSTEE, OFFICER OR AGENT\***

**\*Written evidence of Agent's standing to represent petitioner may be requested.**

-----  
Commonwealth of Massachusetts, County of Middlesex

The above-name David B. Laibstain personally appeared before me, this 21<sup>st</sup> of Nov, 2022 and made oath that the above statement is true.

 Notary

My commission expires 5/26/2028 (Notary Seal).

- If ownership is not shown in recorded deed, e.g. if by court order, recent deed, or inheritance, please include documentation.

16  
10  
10

1. The first part of the document is a letterhead containing the name of the organization and its address.

2. The second part of the document is a list of items, each with a corresponding number and description.

3. The third part of the document is a table with several columns and rows, containing numerical data.

4. The fourth part of the document is a section of text, possibly a summary or conclusion, located at the bottom of the page.

5. The fifth part of the document is a list of names or titles, arranged in a specific order.

6. The sixth part of the document is a section of text, possibly a signature or a date, located at the bottom of the page.

7. The seventh part of the document is a list of items, each with a corresponding number and description.

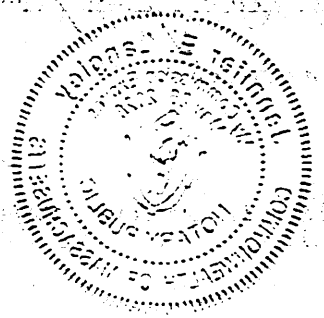
8. The eighth part of the document is a table with several columns and rows, containing numerical data.

9. The ninth part of the document is a section of text, possibly a summary or conclusion, located at the bottom of the page.

10. The tenth part of the document is a list of names or titles, arranged in a specific order.

11. The eleventh part of the document is a section of text, possibly a signature or a date, located at the bottom of the page.

12. The twelfth part of the document is a list of items, each with a corresponding number and description.



**BZA Application Form**

**SUPPORTING STATEMENT FOR A VARIANCE**

**EACH OF THE FOLLOWING REQUIREMENTS FOR A VARIANCE MUST BE ESTABLISHED AND SET FORTH IN COMPLETE DETAIL BY THE APPLICANT IN ACCORDANCE WITH MGL 40A, SECTION 10.**

**A)** A literal enforcement of the provisions of this Ordinance would involve a substantial hardship, financial or otherwise, to the petitioner or appellant for the following reasons:

The use and number of units will not change. The dormers iare needed to create quiet space for home office use, as the residents have a small child and have had to work from home in the child's play space since the pandemic began. The premises does not currently have any home office space for conducting research and attending remote meetings. Due to the pre-existing, nonconforming nature of the premises, Applicants cannot create this needed space without relief.

**B)** The hardship is owing to the following circumstances relating to the soil conditions, shape or topography of such land or structures and especially affecting such land or structures but not affecting generally the zoning district in which it is located for the following reasons:

The hardship is due to the existing conditions, including the narrowness of the lot and building, being a townhouse, such that the pre-existing nonconforming nature of the premises requires relief.

**C) DESIRABLE RELIEF MAY BE GRANTED WITHOUT EITHER:**

**1)** Desirable relief may be granted without substantial detriment to the public good for the following reasons:

Adding dormers without increasing the number of units, while providing more room for the residents to work from home such that a growing family can remain in Cambridge, is a benefit to the neighborhood and the City. Other townhouses in the same row have dormers currently, such that this dormer will be in character with the rest of block. The requested relief is minimal.

**2)** Desirable relief may be granted without nullifying or substantially derogating from the intent or purpose of this Ordinance for the following reasons:

The proposed work enhances the livability of the Premises and continues to fit the characteristics and needs of the neighborhood and community. The minimal 0.03 increase in FAR (being 115 sf) as a result of the dormers will result in the building being more usable for families staying in Cambridge while continuing the addition of dormers on other townhouses in the row. There will not be any noticeable impact on the overalllook, feel, or traffic pattern in the neighborhood, and there will be no additional units created.

**\*If you have any questions as to whether you can establish all of the applicable legal requirements, you should consult with an attorney.**

## BZA Application Form

### DIMENSIONAL INFORMATION

**Applicant:** Feanil Patel, Kiersten C. Kerby-Patel, Ivy Lee, Blake A. Sessions, Michael O'Brien, Brianna McHorseand David Laibstain  
**Location:** 65 Sparks St., Unit 4, Cambridge, MA  
**Phone:** 617-625-7373

**Present Use/Occupancy:** Residential  
**Zone:** Residence A-2 Zone  
**Requested Use/Occupancy:** Residential

		<u>Existing Conditions</u>	<u>Requested Conditions</u>	<u>Ordinance Requirements</u>	
<u>TOTAL GROSS FLOOR AREA:</u>		5,335	5,450	3,000	(max.)
<u>LOT AREA:</u>		3,125	3,125	8,000	(min.)
<u>RATIO OF GROSS FLOOR AREA TO LOT AREA: <sup>2</sup></u>		1.71	1.74	0.5	
<u>LOT AREA OF EACH DWELLING UNIT</u>		781	781	6,000	
<u>SIZE OF LOT:</u>	WIDTH	25	25	80	
	DEPTH	125	125	100	
<u>SETBACKS IN FEET:</u>	FRONT	24	24	25	
	REAR	43.2	43.2	25	
	LEFT SIDE	0	0	15 (sum to 35)	
	RIGHT SIDE	0	0	15 (sum to 35)	
<u>SIZE OF BUILDING:</u>	HEIGHT	53.76	53.76	35	
	WIDTH	25	25	N/A	
	LENGTH	57.8	57.8	N/A	
<u>RATIO OF USABLE OPEN SPACE TO LOT AREA:</u>		53.8%	53.8%	50%	
<u>NO. OF DWELLING UNITS:</u>		1	1	1	
<u>NO. OF PARKING SPACES:</u>		0	0	1	
<u>NO. OF LOADING AREAS:</u>		N/A	N/A	N/A	
<u>DISTANCE TO NEAREST BLDG. ON SAME LOT</u>		N/A	N/A	N/A	

Describe where applicable, other occupancies on the same lot, the size of adjacent buildings on same lot, and type of construction proposed, e.g; wood frame, concrete, brick, steel, etc.:

None

1. SEE CAMBRIDGE ZONING ORDINANCE ARTICLE 5.000, SECTION 5.30 (DISTRICT OF DIMENSIONAL REGULATIONS).
2. TOTAL GROSS FLOOR AREA (INCLUDING BASEMENT 7'-0" IN HEIGHT AND ATTIC AREAS GREATER THAN 5') DIVIDED BY LOT AREA.
3. OPEN SPACE SHALL NOT INCLUDE PARKING AREAS, WALKWAYS OR DRIVEWAYS AND SHALL HAVE A MINIMUM DIMENSION OF 15'.

# Renovations to 65 Sparks Street Unit #3 Cambridge - MA

c.00

Owner:

KC Kerby and Feanil Patel | kkerby@gmail.com  
65 Sparks Street | Cambridge | MA | 02138  
November 2, 2022



Architect :



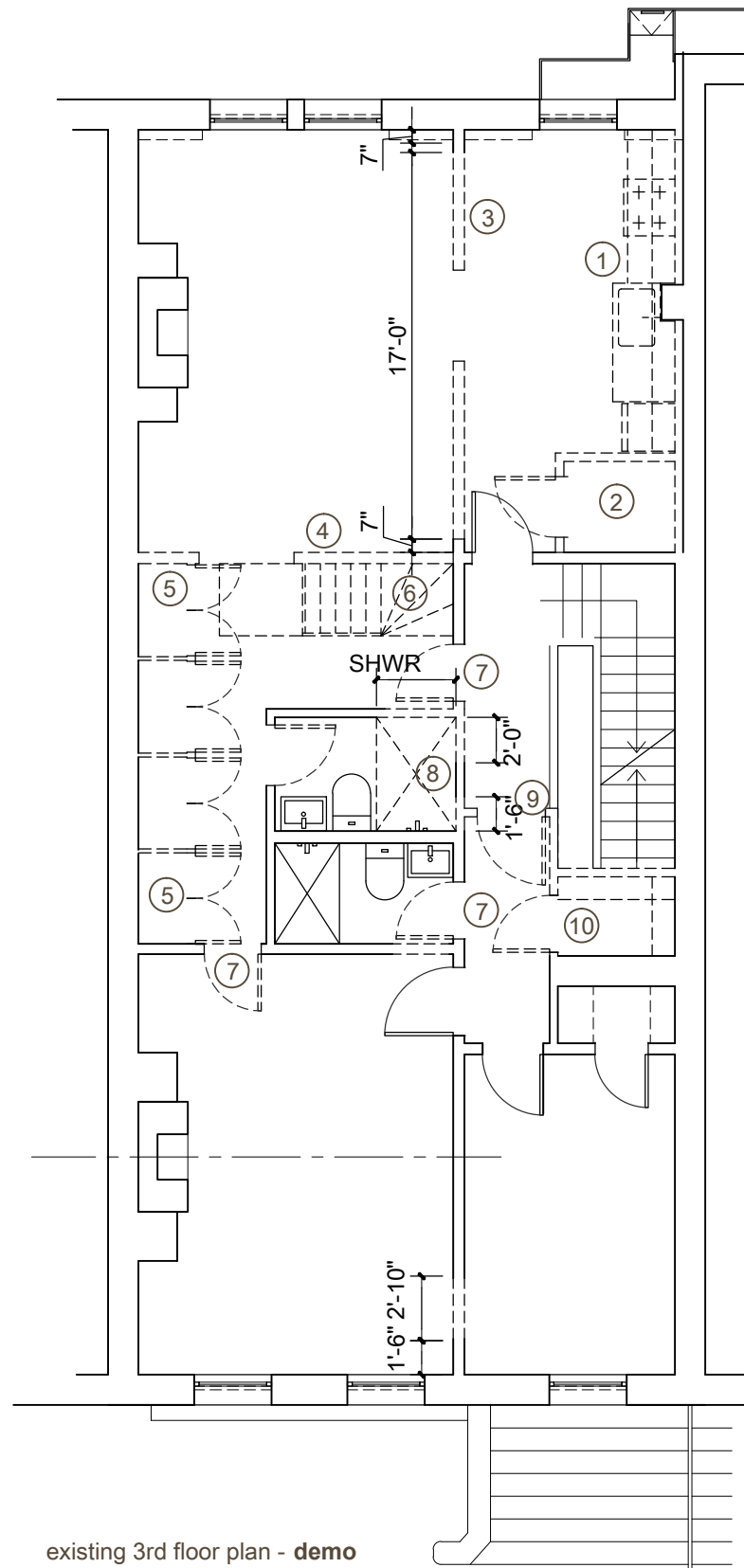
**Bourque Design**

Architectural Design from  
Conception to Construction

Ron Bourque , Architect  
AIA, NCARB, CS, LEED GA

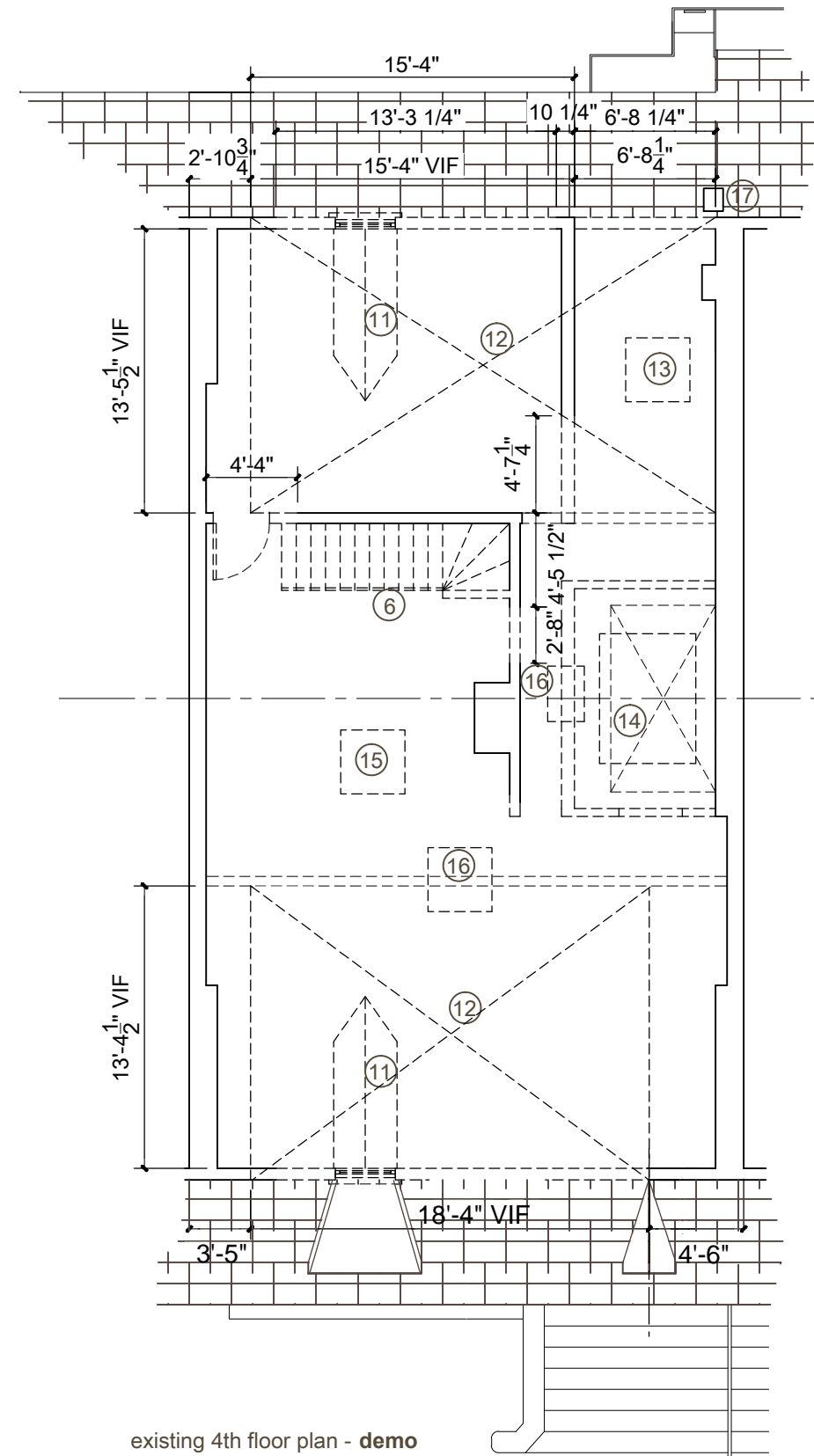
rbourq@gmail.com  
781-296-6654  
Waltham, MA 02453





existing 3rd floor plan - demo

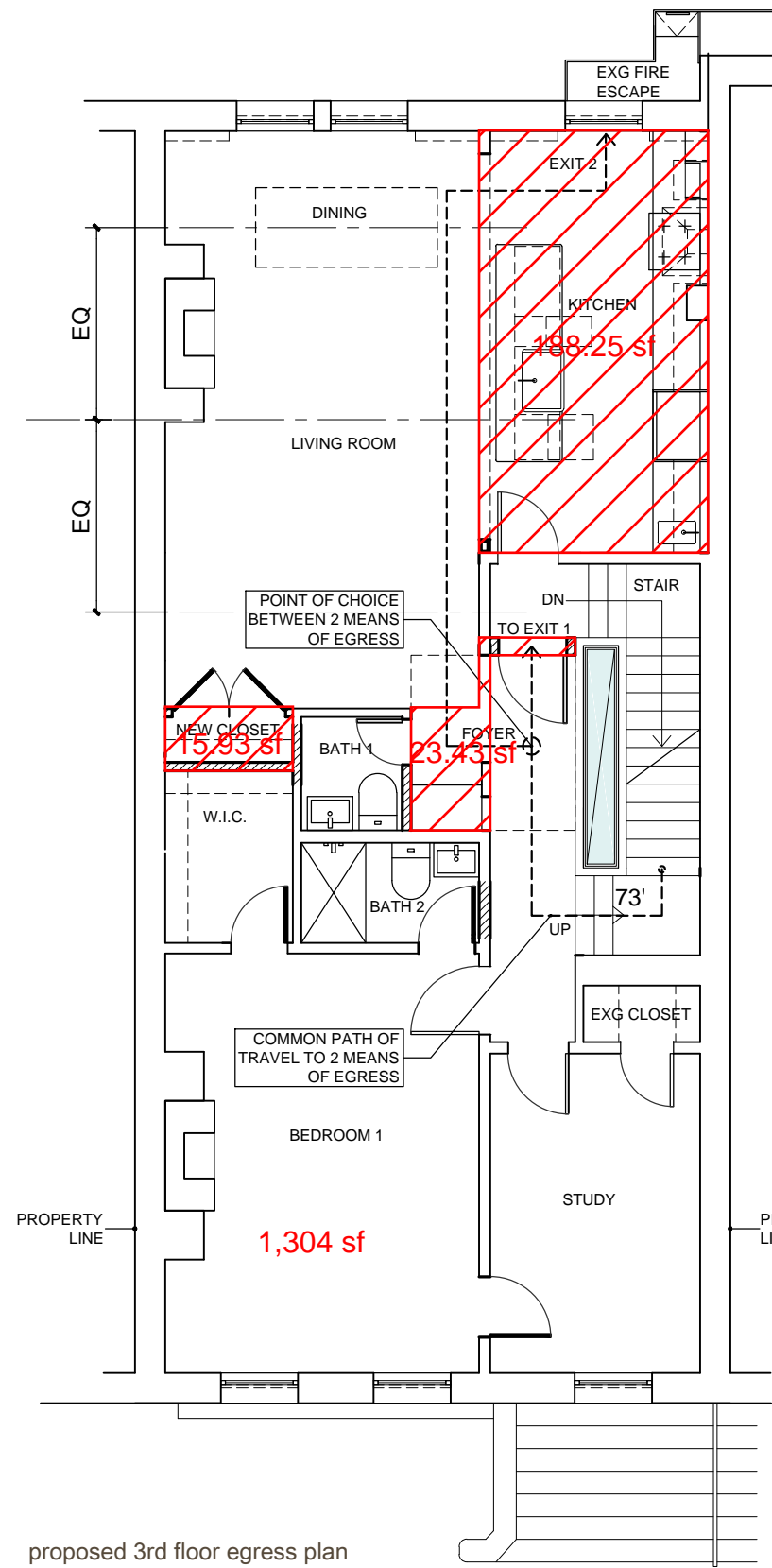
- demo notes:**
- 1 - remove all appliances, cabinets, counters, fixtures; make safe power, gas and plumbing
  - 2 - remove partitions, appliances, make safe power, plumbing, gas as required
  - 3 - remove existing wall floor to ceiling to plan dimension shown\*
  - 4 - remove existing wall floor to ceiling, verify not structural
  - 5 - remove existing closets, doors, etc.
  - 6 - remove existing stairs when appropriate in construction sequence
  - 7 - remove existing door and wall as shown, shore as required
  - 8 - remove existing walls and shower as shown\*
  - 9 - remove existing wall and door
  - 10 - remove existing closet walls, door and floor\*
  - 11 - remove existing dormer\*
  - 12 - remove existing roof back to existing beam and to plan width dimension shown, provide temporary roof protection\*
  - 13 - exploratory removal to check roof framing in this location
  - 14 - remove existing walls, floor and flat skylight\*
  - 15 - exploratory removal to check roof framing in this area
  - 16 - exploratory removal to check roof framing in this area
  - 17 - new opening for kitchen exhaust



existing 4th floor plan - demo

\* general note: new openings in walls to be confirmed as non-load bearing, if load-bearing, install appropriate shoring as required, headers, beams as required to support all necessary loads to grade. sizing, confirmation, fastening to be determined by a licensed professional.





proposed 3rd floor egress plan

**Code summary:**

**Building area** - 4 floors (1,304 sf per flr) - 5,006 sf (not including 605 sf of Basement)

**Work area** - 2,324 sf on floors 3 and 4 total

**Per EBC of MA, Section 504 Alteration - Level 2:**  
Work area is less than 50% of Building Area

**New work** complying with Chapter 7 and Chapter 8 of the EBC

**Use Group:** Remains Residential R-2, Multi-Family Residences

**Chapter 7 Compliance**

**702.4 #3.1:** New window sills are at 34" AFF

**703.1:** Level of existing fire protection separation of 4th floor is currently a non-rated, non-sealed false ceiling

**705.1:** General technically infeasible (no elevator space available). Building entrance is historic walk-up.

**705.1.13:** Extent of application level of accessibility does not change from the existing condition.

**707.2:** New roof will comply with current code.

**708:** New work will comply with the IECC.

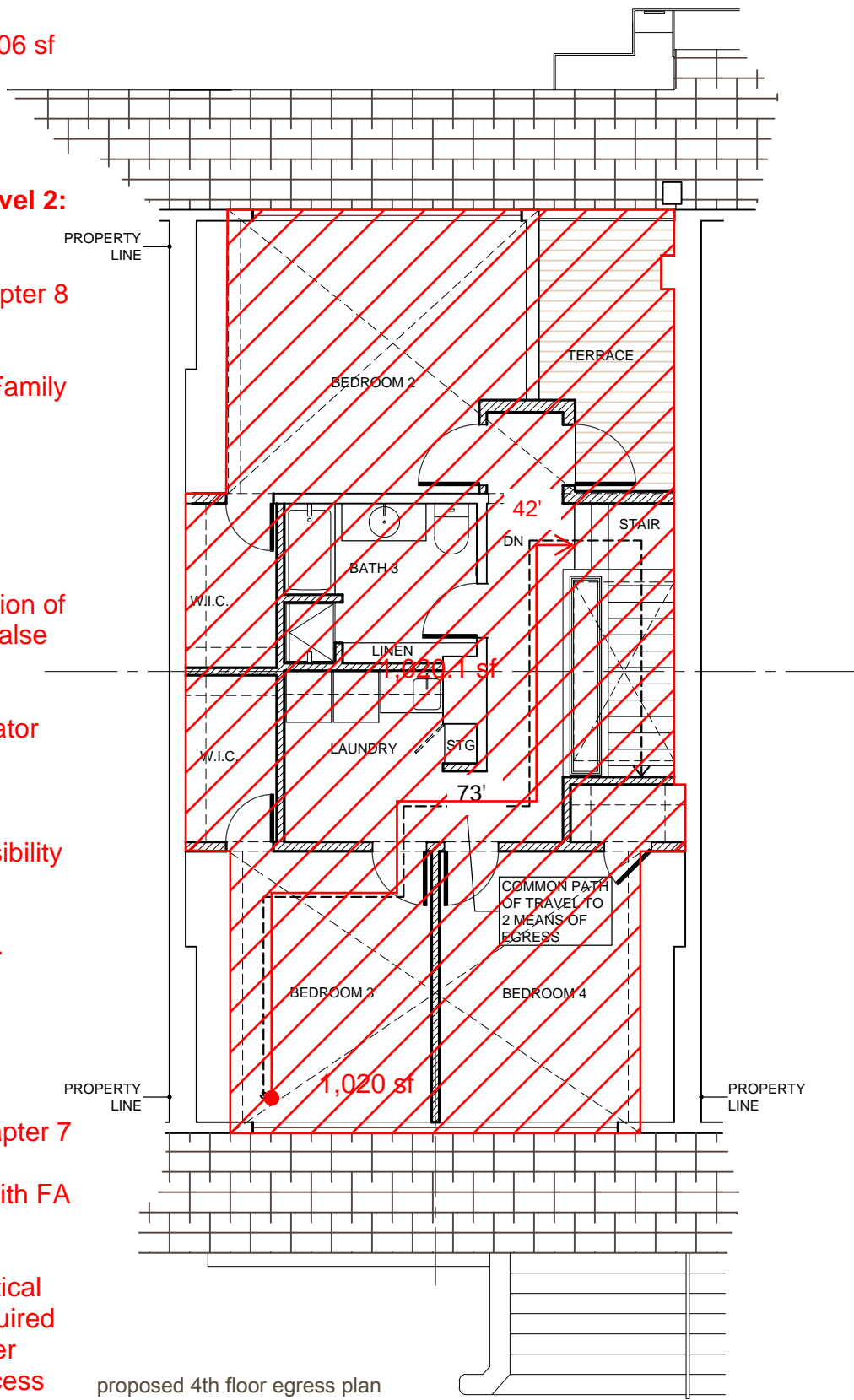
**Chapter 8 - Level 2 Alteration**

**801.2:** Alteration Level 1 compliance with Chapter 7

**805.6:** Dead end corridors, Exception 2, 50' with FA system

**803.2:** Vertical openings, 803.2.1 existing vertical openings, exception 11.3: Enclosure note required with less than 4 units per floor (this is 1 unit per floor), sleeping rooms provided with direct access to window with sill less than 36" AFF (34"), and provided with FA system throughout.

**803.2.3:** Supplemental stairway enclosure requirements, 4th floor work area exceeds 50% of floor area, stairways that are part of a means of egress shall be enclosed with a smoke tight construction on the highest work area and all floors below.



proposed 4th floor egress plan

KC Kerby and Feanil Patel | kkerby@gmail.com  
65 Sparks Street | Cambridge | MA | 02138

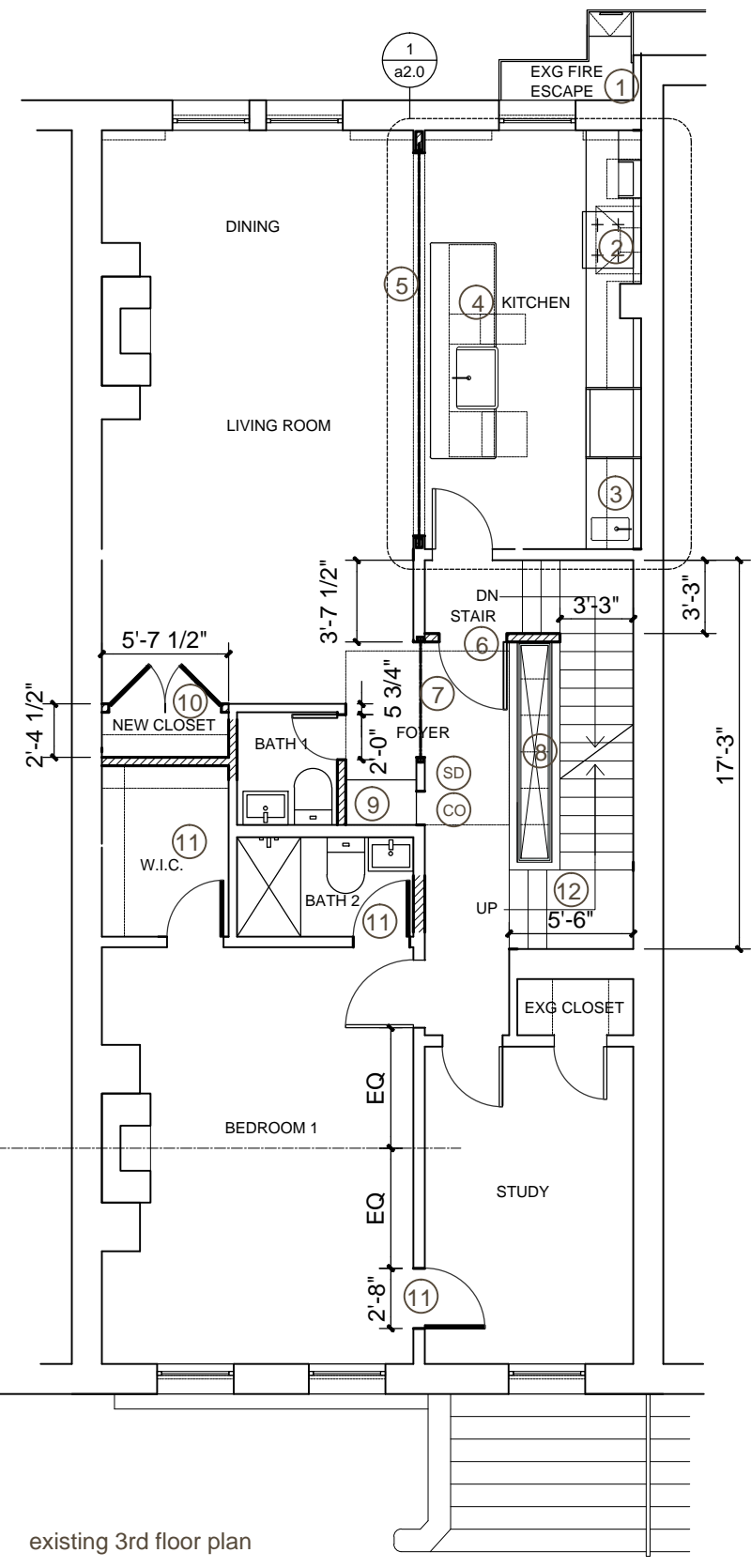
November 2, 2022





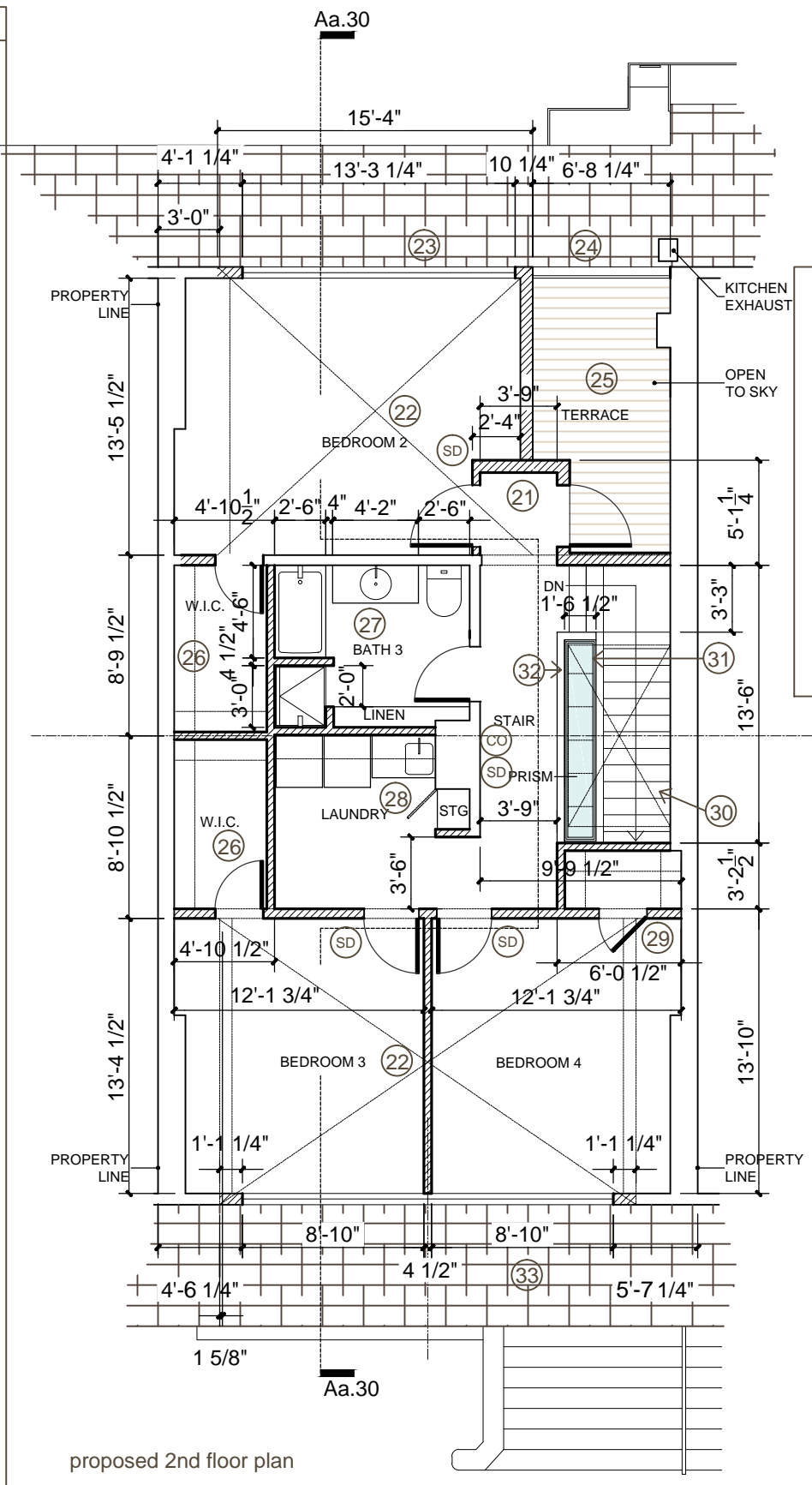
**scope notes level 3:**

- 1 - revise existing kitchen exhaust for more cfm, new unit
- 2 - new kitchen cabinets, counters, fixtures, appliances and lighting
- 3 - plumbing bar sink at end of counter
- 4 - new kitchen island containing sink base, dishwasher and pull-out trash unit
- 5 - install new underfloor beam in ceiling, lvls with high compression posts each end, follow load path to basement and install footing pads, all sized to applied loads\*, finish with painted gwb and put 12" radius at each top corner of opening
- 6 - new all glass entry door with sweep seal, jamb/head seals, black hardware, confirm with owner
- 7 - \*frame new opening w/ appropriate sized lvls and timberstrand posts, finish with painted gwb and painted trim (match existing)
- 8 - \*new "prism" separator for units. either glass, clear plexiglass or frosted plexiglass. fasten to exiting structure (confirm loading and deflection) w/ cr laurence glass clips, channels, angles (black), seal edges with rigid silicone gaskets (CRL EZC 112-XCP5, sized per glass thickness, this number is for 12 cc). see a3.0.
- 9 - new wood cabinet and stone counter, 32" high. finish out opening at side with painted gwb and painted trim to match existing.
- 10 - construct new closet, new doors, steel pole (black), full-length shelf, painted gwb and trim to match existing
- 11 - new door, opening, painted trim and door, match height and style of existing
- 12 - start new stair at this level, treads/risers/railing to match existing
- 14 - Install detector, smoke (SD) or Carbon Monoxide (CO)



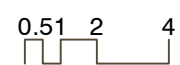
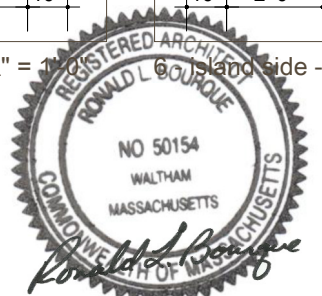
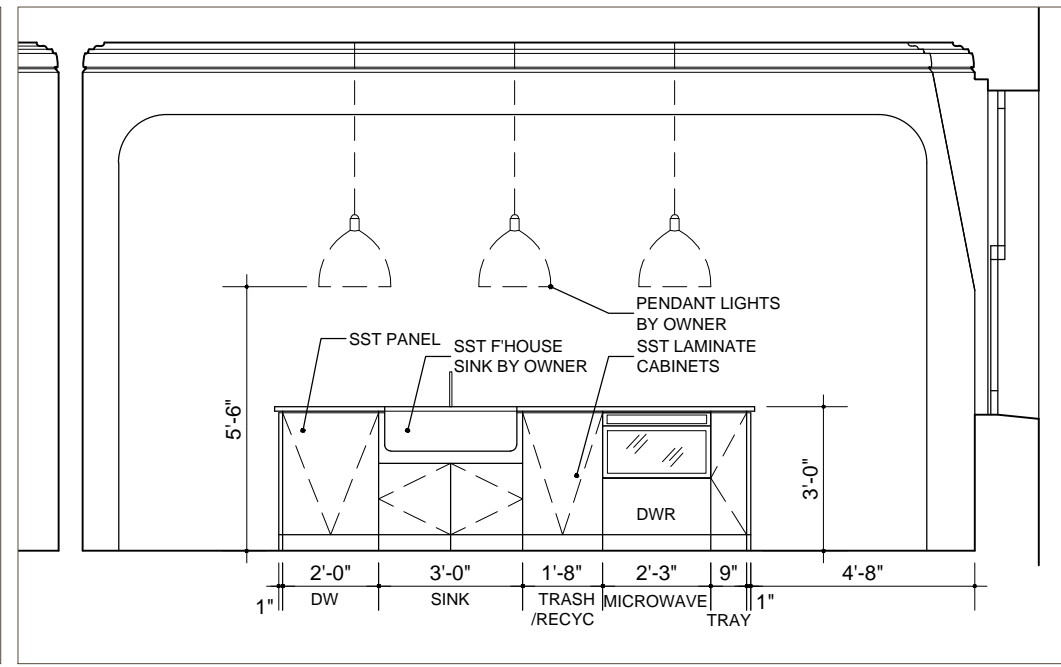
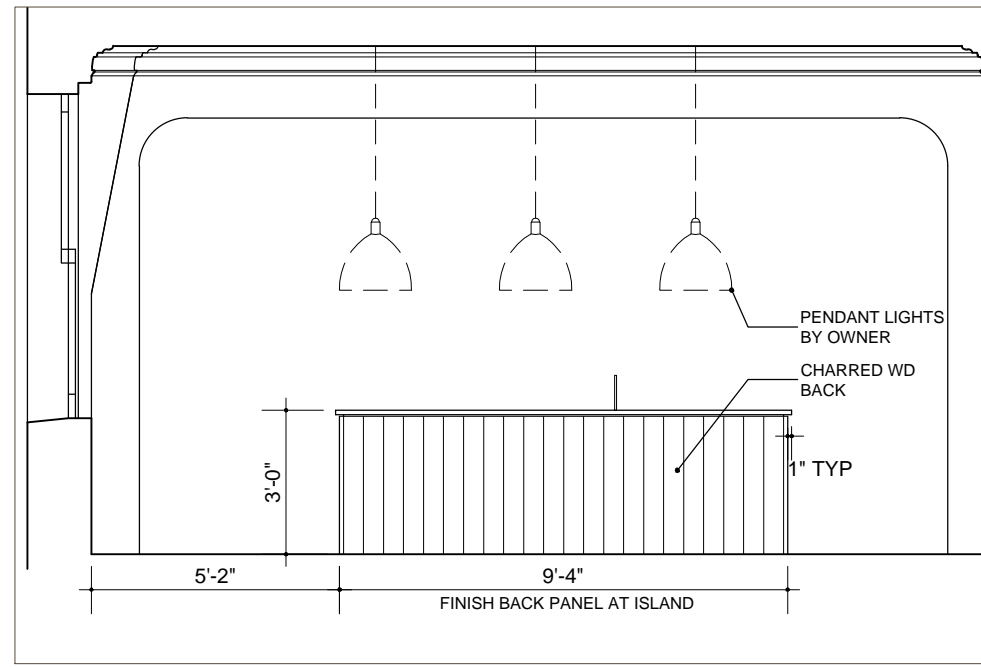
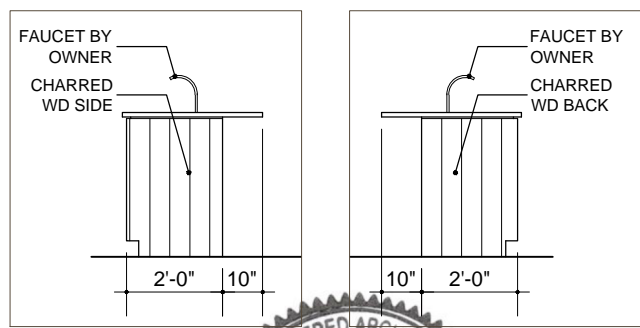
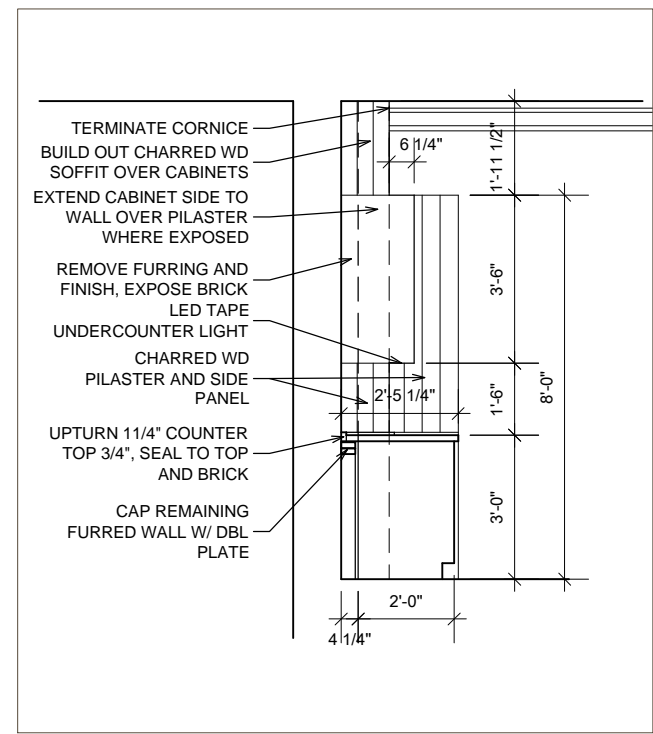
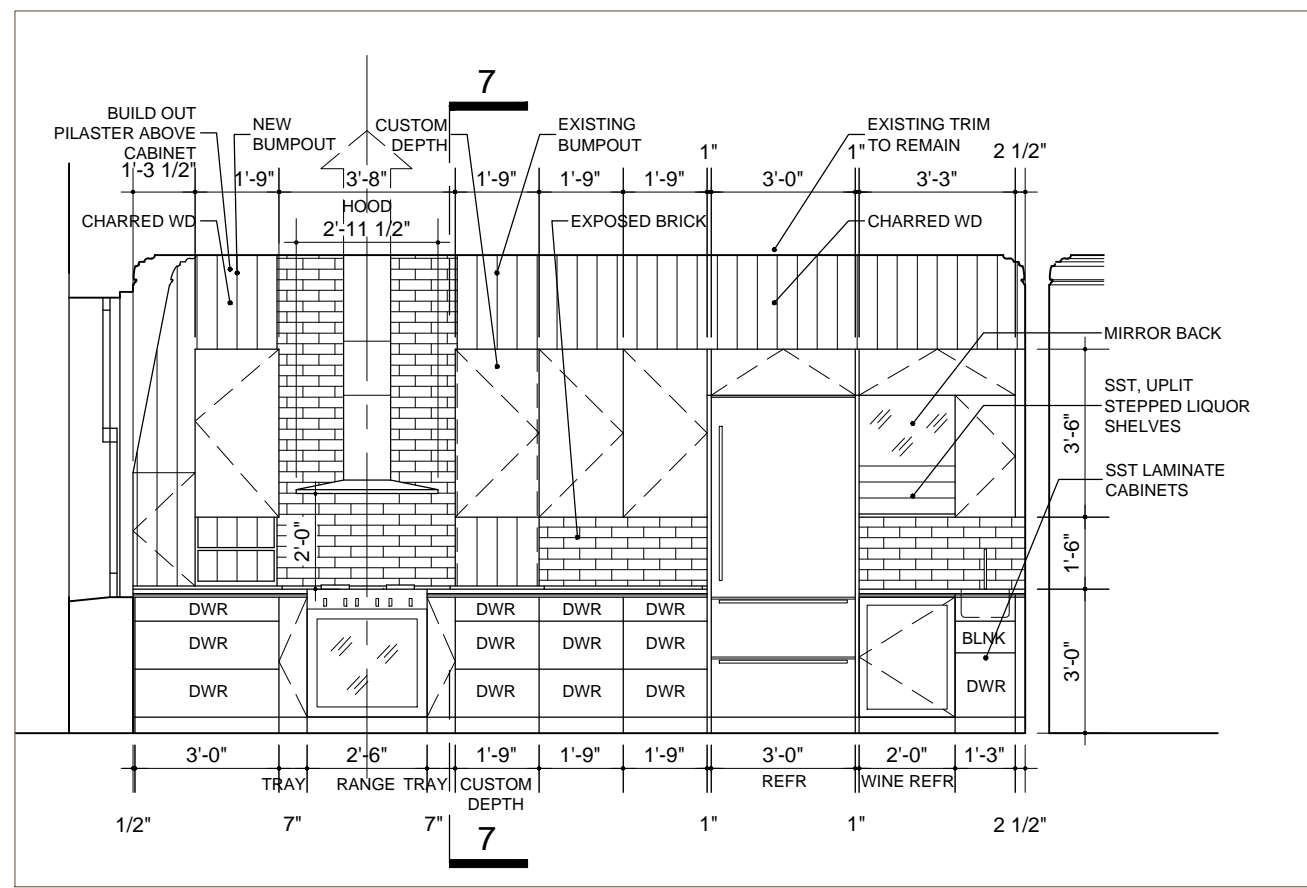
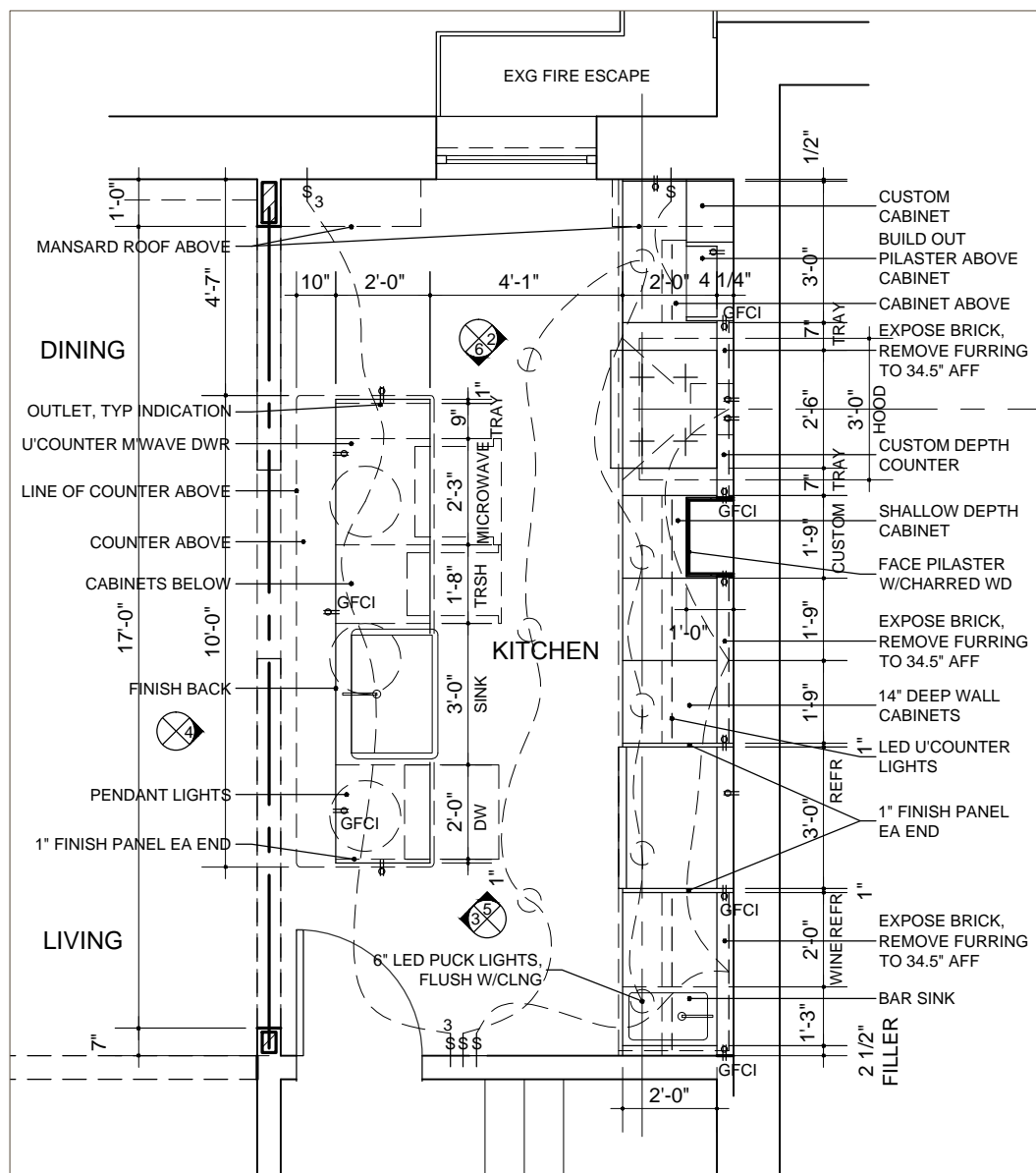
**scope notes level 4:**

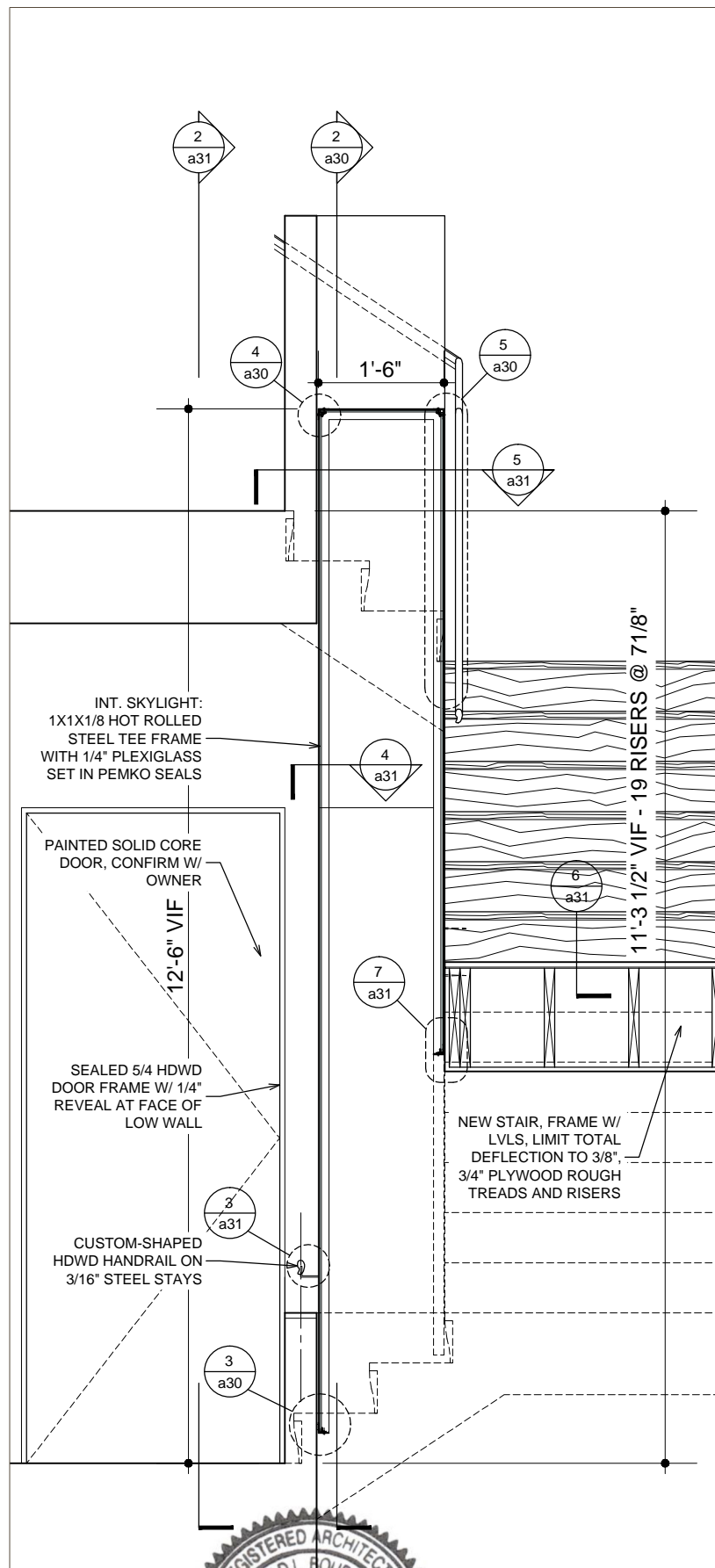
- 21 - construct new vestibule, interior/exterior, fully insulated, ext and int painted wood doors, charred wood siding, fully insulated roof (align with dormer), painted gwb and wood floor.
- 22 - construct new dormer (pitch 1:12) with seam lock metal shingle (match existing) roofing on membrane underlay on 5/8" ext plywood deck on 2x rafters(\*), to existing beam, fully insulated, copper gutter/leader, make watertigh with existing roof.
- 23 - new knee wall, fully insulated, with new wood insulated glazed window units (marvin magnum or equal), sill at 34.5" and head at 80" (verify with beam/header\*), trim to match existing int/ext, 1x douglas fir charred wood siding (delta studios, austin, tx).
- 24 - patch/match existing roof as required, new 1 1/4" diameter black square stock aluminum guardrail at 42" aff.
- 25 - raft new deck on existing floor, 1x mahogany on 2x laid flat pt sleepers on 60 mil double membrane roofing on 5/8" ext plywood deck on existing joists, reinforce for any added loads (\*).
- 26 - construct new closet, new doors, steel pole (black), full-length shelf, painted gwb and trim to match existing
- 27 - construct new bathroom, fixture selection by owner, wood vanity with stone counter, undermount sink, tile walls and floor, painted gwb ceiling, patined wood trim (match existing).
- 28 - new laundry, provide power/water/venting for washer/dryer (appliances by owner), new laundry sink in wood cabinet and stone top. tile floor, walls to 4', painted gwb remaining walls, ceiling and trim.
- 29 - construct new closet, new doors, steel pole (black), full-length shelf, painted gwb and trim to match existing
- 30 - construct new stair to match existing stair treads/risers/railing
- 31 - \*new "prism" separator for units. either glass, clear plexiglass or frosted plexiglass. fasten to exiting structure (confirm loading and deflection) w/ cr laurence glass clips, channels, angles (black), seal edges with rigid silicone gaskets (CRL EZC 112-XCP5, sized per glass thickness, this number is for 12 cc). see a3.0.
- 32 - reinforce floor as required for prism dead loads, limit deflection to 3/8" total.
- 33 - patch/match existing roof as required to make watertight
- 34 - Install detector, smoke (SD) or Carbon Monoxide (CO)



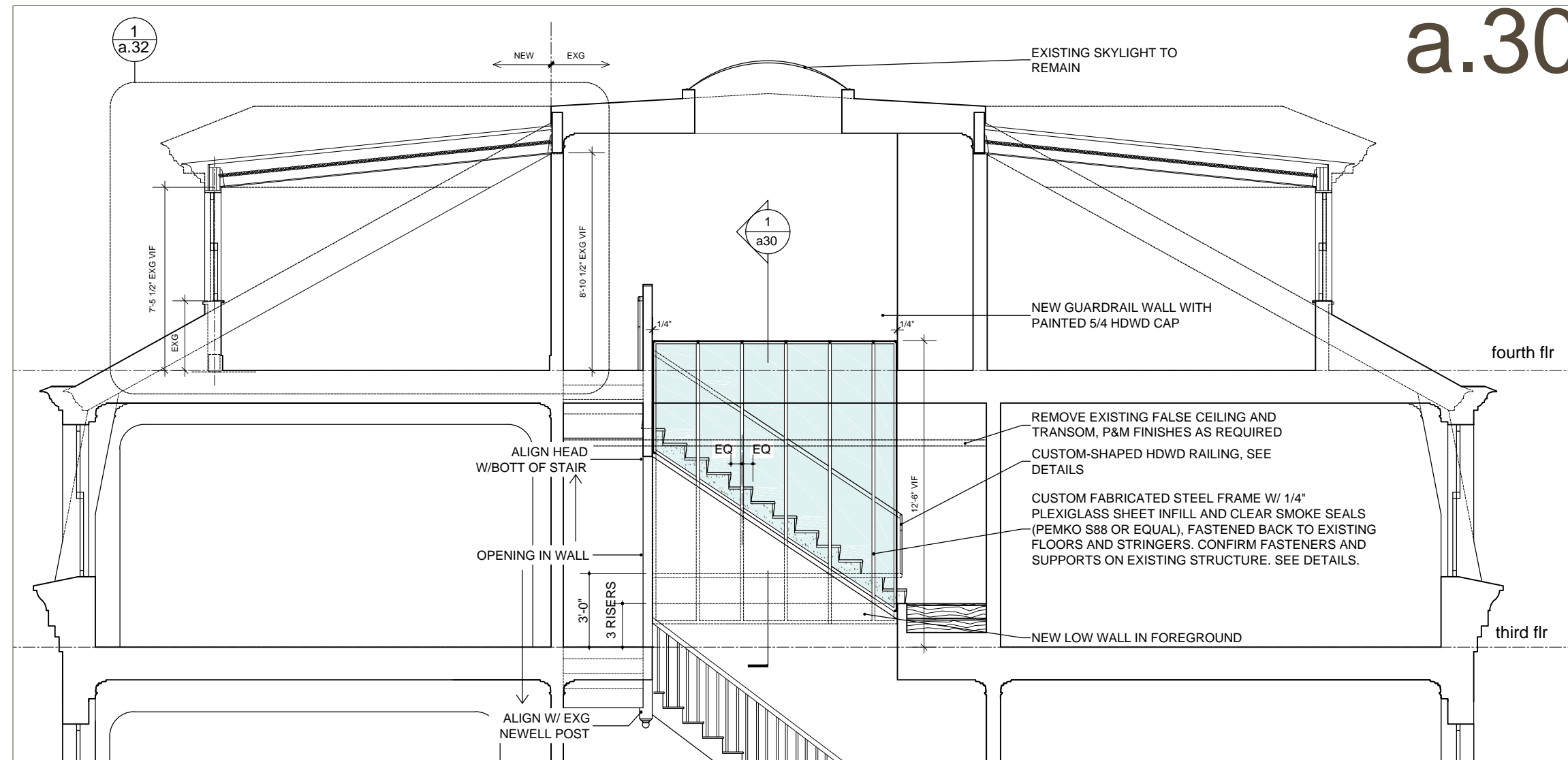
**\* general note: new openings in walls to be confirmed as non-load bearing, if load-bearing, install appropriate shoring as required, headers, beams as required to support all necessary loads to grade. sizing, confirmation, fastening to be determined by a licensed engineer.**



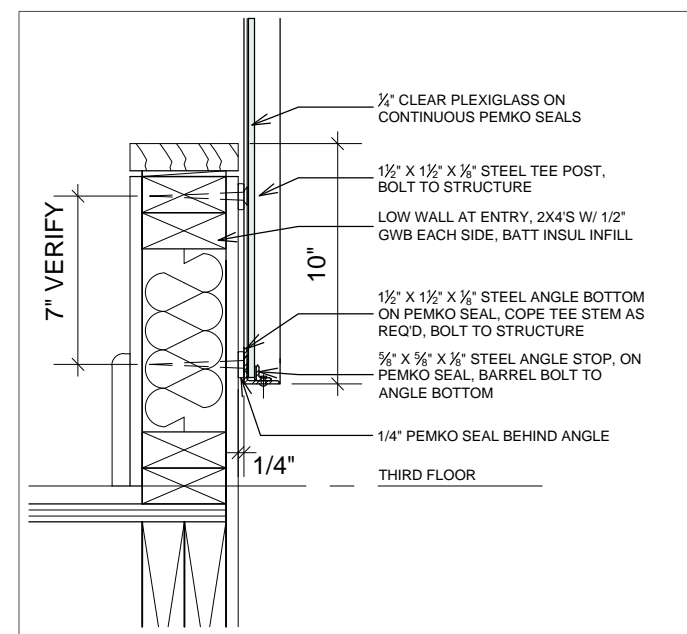




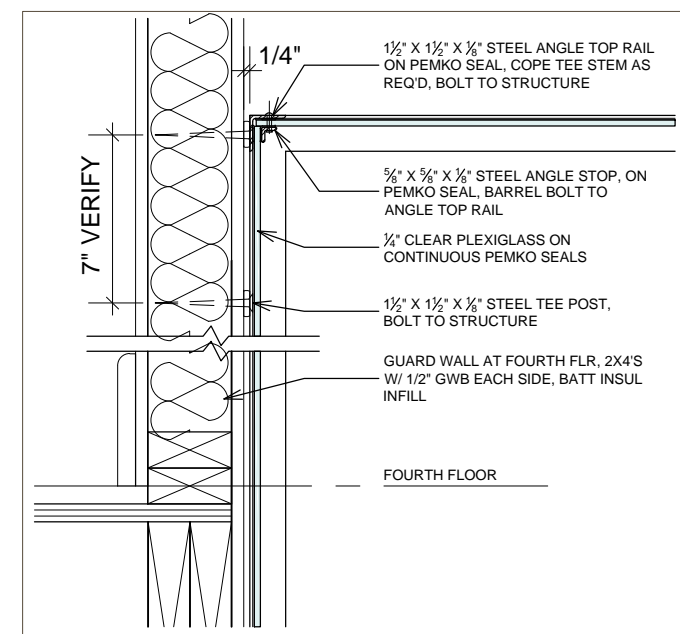
1 - new stair section with interior skylight - 1/2" = 1'-0"



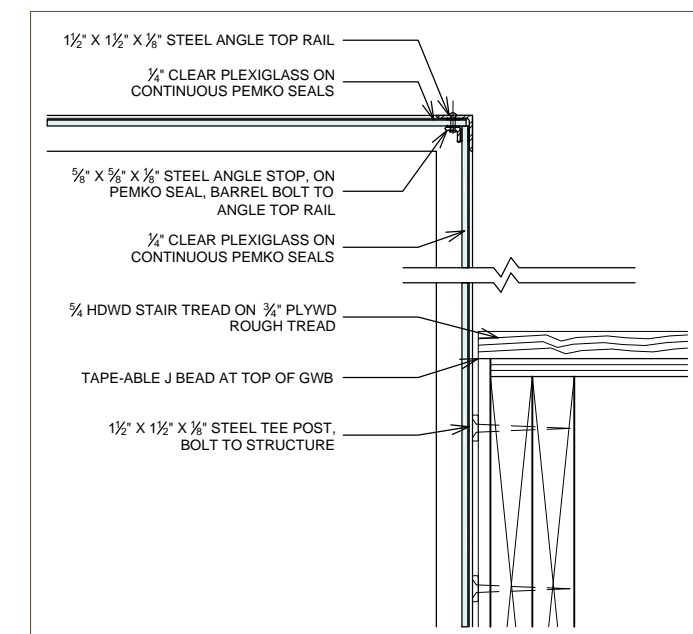
2 - new building section - 3/16" = 1'-0"



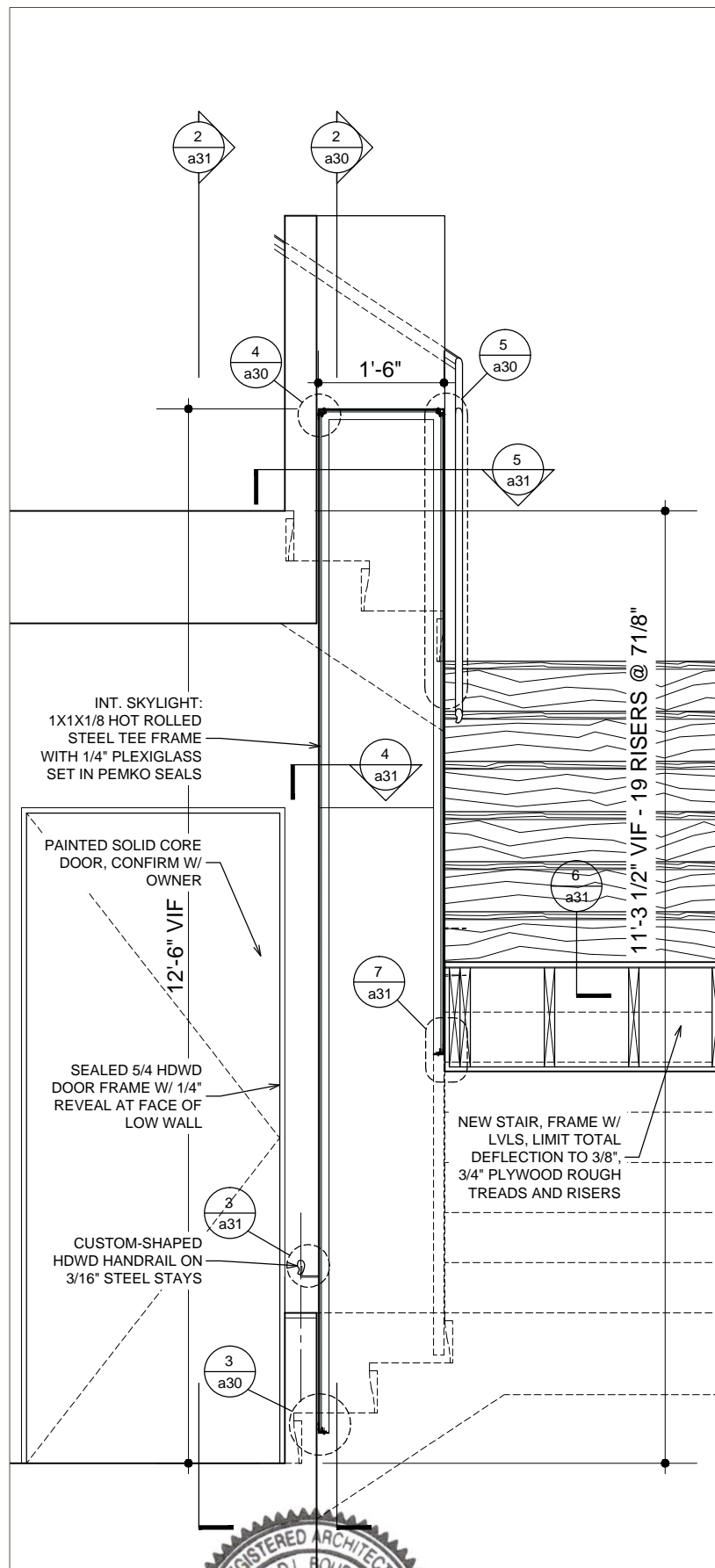
3 - detail at interior skylight support - 1 1/2" = 1'-0"



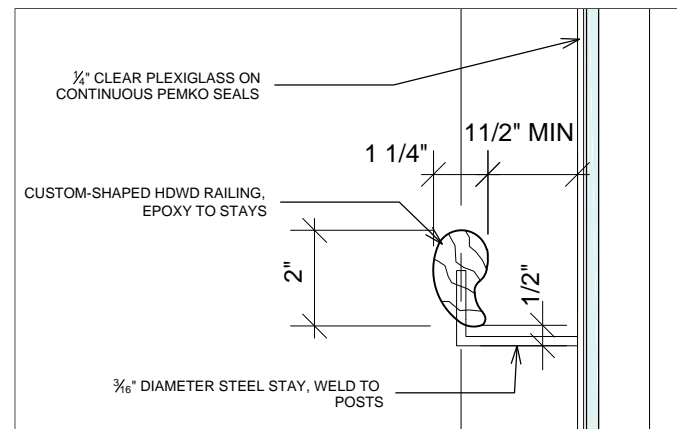
4 - detail at interior skylight support - 1 1/2" = 1'-0"



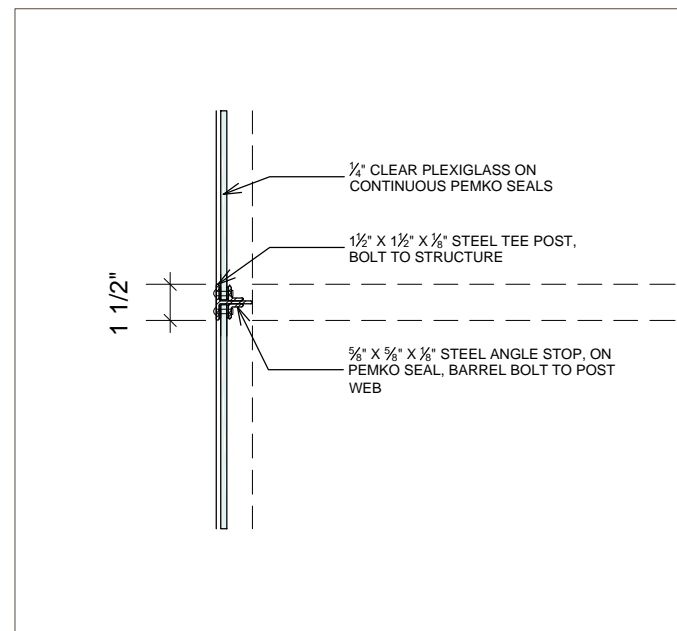
5 - detail at interior skylight support - 1 1/2" = 1'-0"



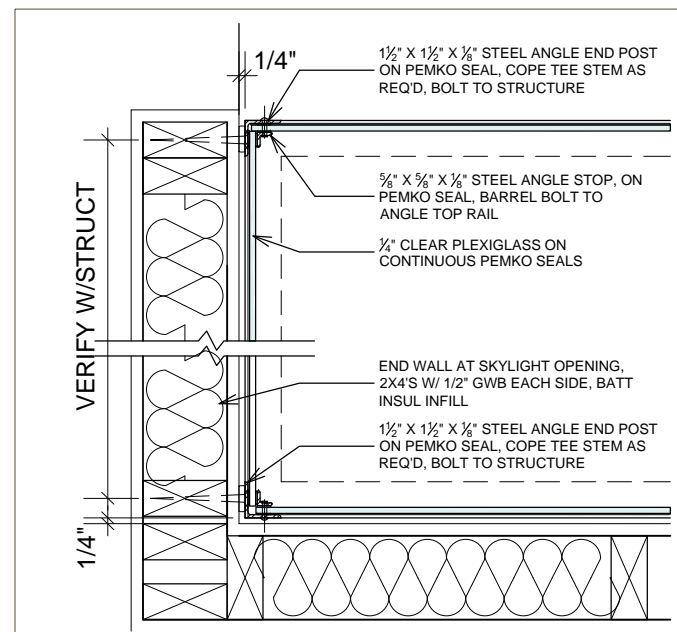
1 - new stair section with interior skylight - 1/2" = 1'-0"



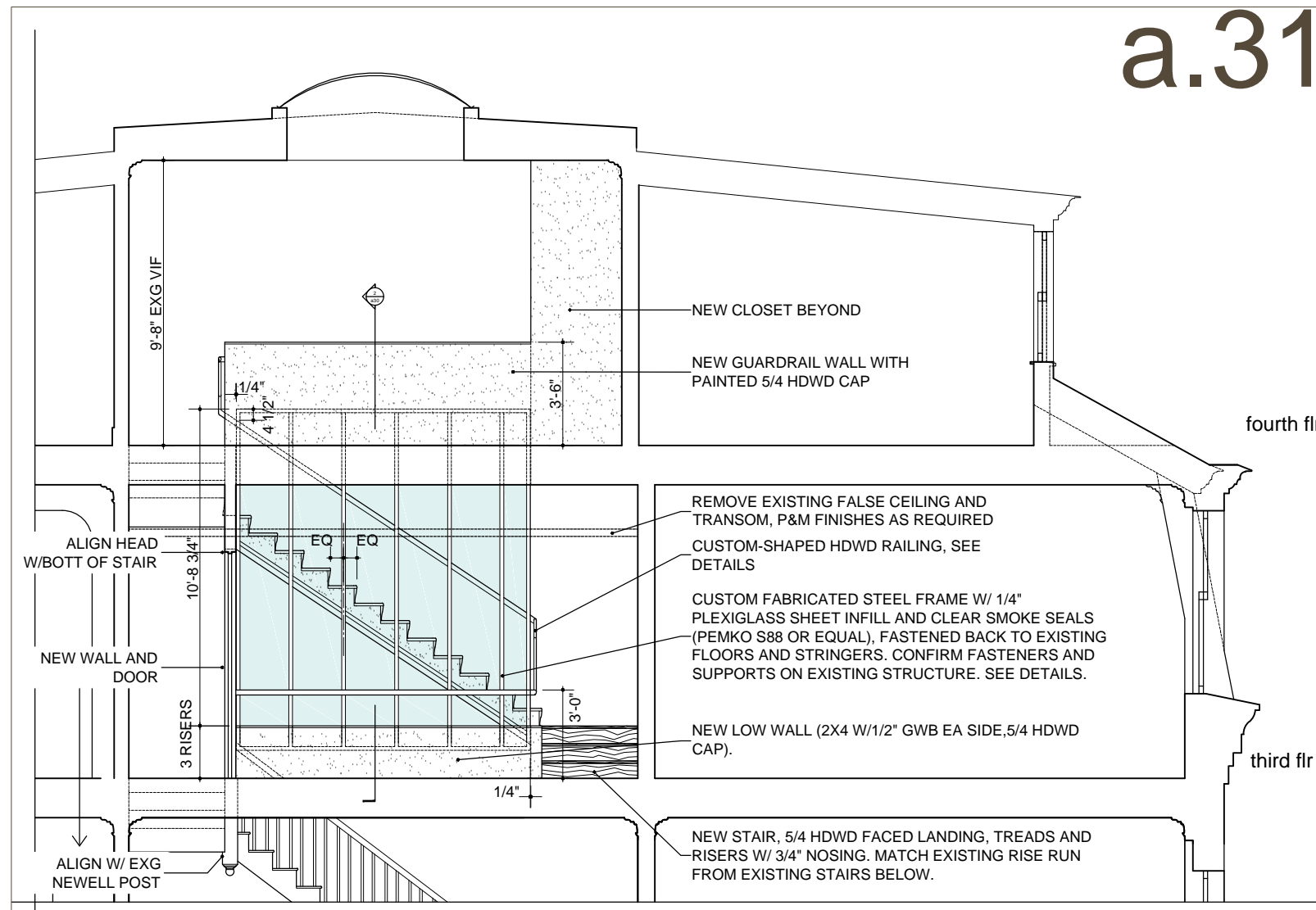
3 - detail at handrail support - 3" = 1'-0"



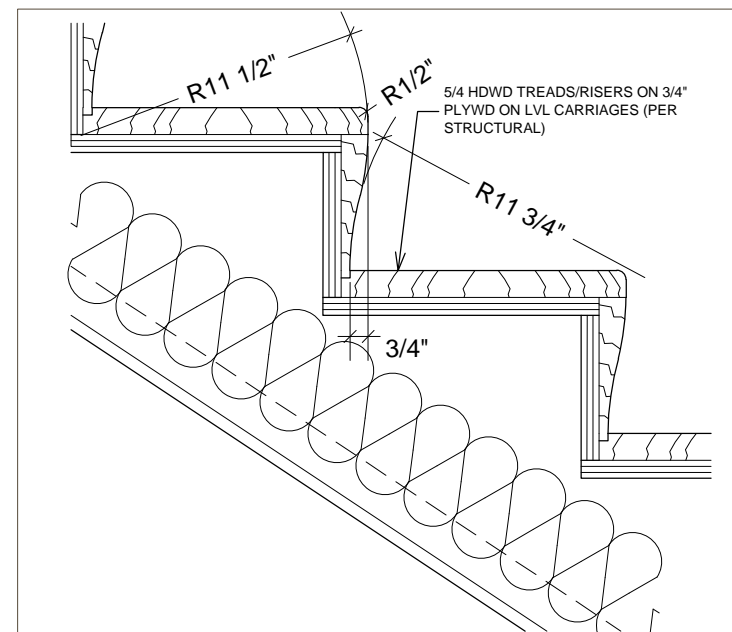
4 - detail at interior skylight post - 1 1/2" = 1'-0"



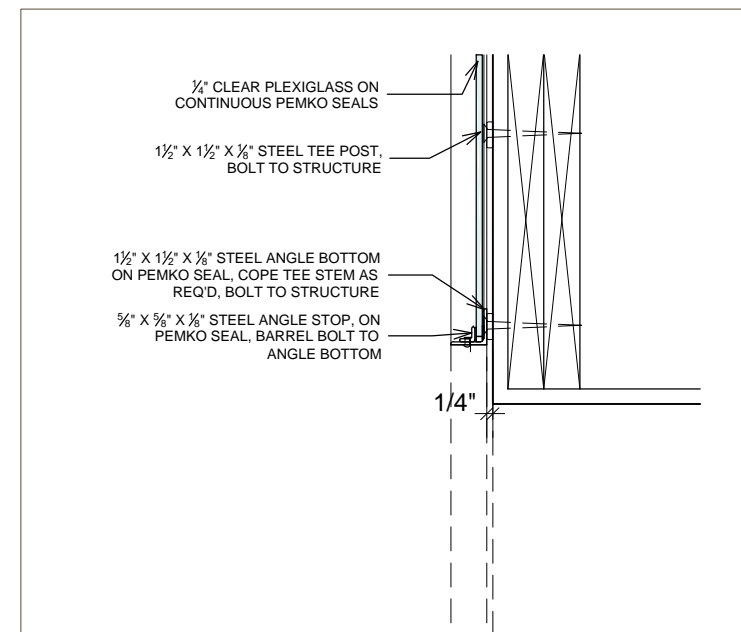
5 - detail at interior skylight end posts - 1 1/2" = 1'-0"



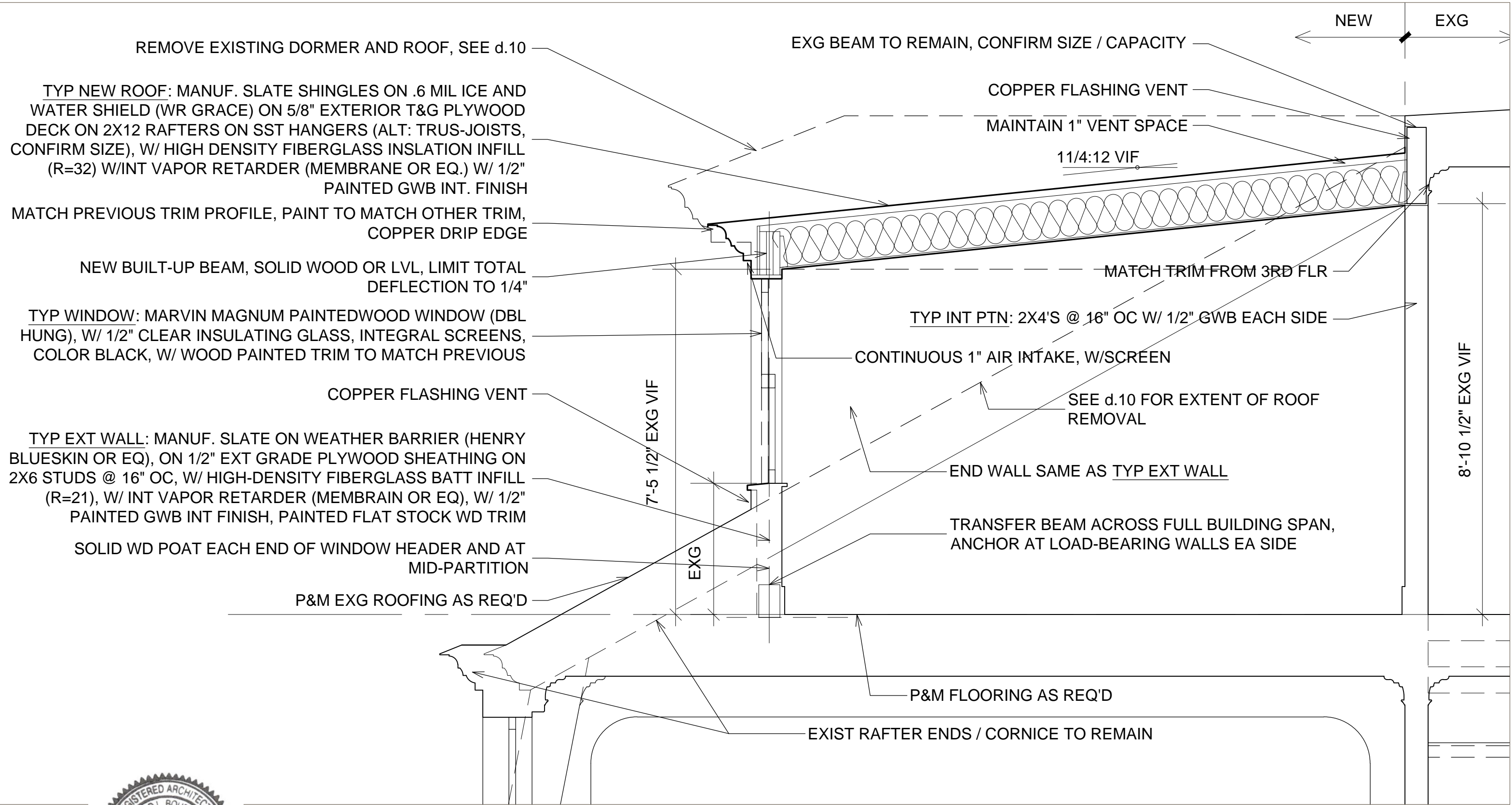
2 - new interior skylight elevation / section - 3/16" = 1'-0"



6 - detail at new stair treads/risers - 1 1/2" = 1'-0"



7 - detail at stair post base - 1 1/2" = 1'-0"



REMOVE EXISTING DORMER AND ROOF, SEE d.10

TYP NEW ROOF: MANUF. SLATE SHINGLES ON .6 MIL ICE AND WATER SHIELD (WR GRACE) ON 5/8" EXTERIOR T&G PLYWOOD DECK ON 2X12 RAFTERS ON SST HANGERS (ALT: TRUS-JOISTS, CONFIRM SIZE), W/ HIGH DENSITY FIBERGLASS INSLATION INFILL (R=32) W/INT VAPOR RETARDER (MEMBRANE OR EQ.) W/ 1/2" PAINTED GWB INT. FINISH

MATCH PREVIOUS TRIM PROFILE, PAINT TO MATCH OTHER TRIM, COPPER DRIP EDGE

NEW BUILT-UP BEAM, SOLID WOOD OR LVL, LIMIT TOTAL DEFLECTION TO 1/4"

TYP WINDOW: MARVIN MAGNUM PAINTEDWOOD WINDOW (DBL HUNG), W/ 1/2" CLEAR INSULATING GLASS, INTEGRAL SCREENS, COLOR BLACK, W/ WOOD PAINTED TRIM TO MATCH PREVIOUS

COPPER FLASHING VENT

TYP EXT WALL: MANUF. SLATE ON WEATHER BARRIER (HENRY BLUESKIN OR EQ), ON 1/2" EXT GRADE PLYWOOD SHEATHING ON 2X6 STUDS @ 16" OC, W/ HIGH-DENSITY FIBERGLASS BATT INFILL (R=21), W/ INT VAPOR RETARDER (MEMBRANE OR EQ), W/ 1/2" PAINTED GWB INT FINISH, PAINTED FLAT STOCK WD TRIM

SOLID WD POAT EACH END OF WINDOW HEADER AND AT MID-PARTITION

P&M EXG ROOFING AS REQ'D

EXG BEAM TO REMAIN, CONFIRM SIZE / CAPACITY

COPPER FLASHING VENT

MAINTAIN 1" VENT SPACE

1 1/4:12 VIF

MATCH TRIM FROM 3RD FLR

TYP INT PTN: 2X4'S @ 16" OC W/ 1/2" GWB EACH SIDE

CONTINUOUS 1" AIR INTAKE, W/SCREEN

SEE d.10 FOR EXTENT OF ROOF REMOVAL

END WALL SAME AS TYP EXT WALL

TRANSFER BEAM ACROSS FULL BUILDING SPAN, ANCHOR AT LOAD-BEARING WALLS EA SIDE

P&M FLOORING AS REQ'D

EXIST RAFTER ENDS / CORNICE TO REMAIN

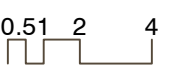
NEW EXG

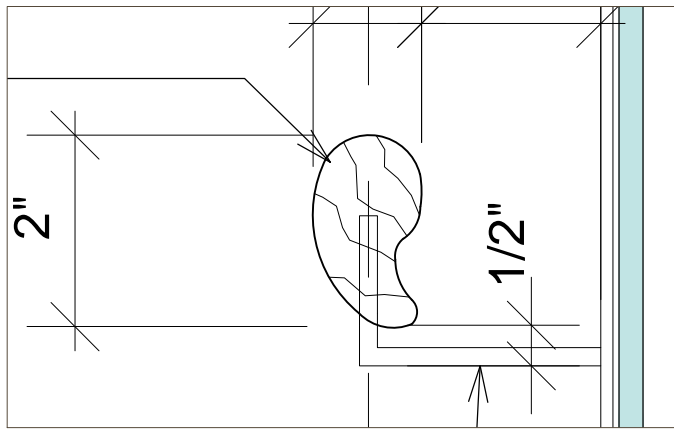
8'-10 1/2" EXG VIF

7'-5 1/2" EXG VIF

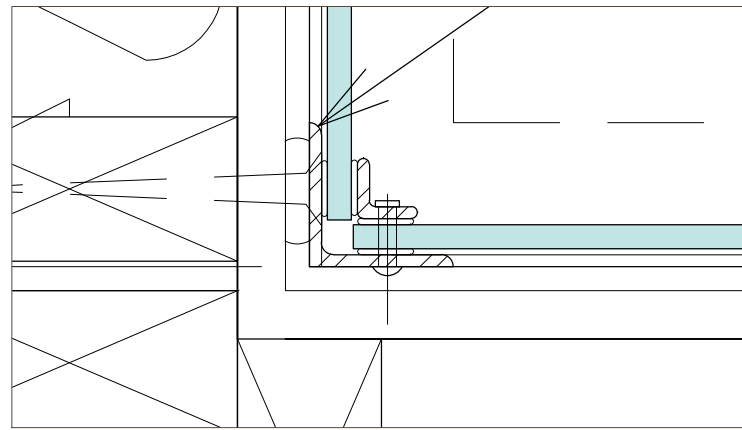
EXG

1 - new dormer section - 1/2" = 1'-0"

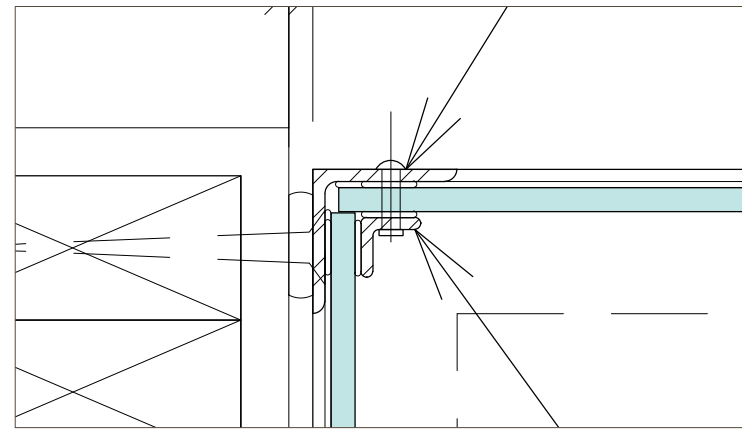




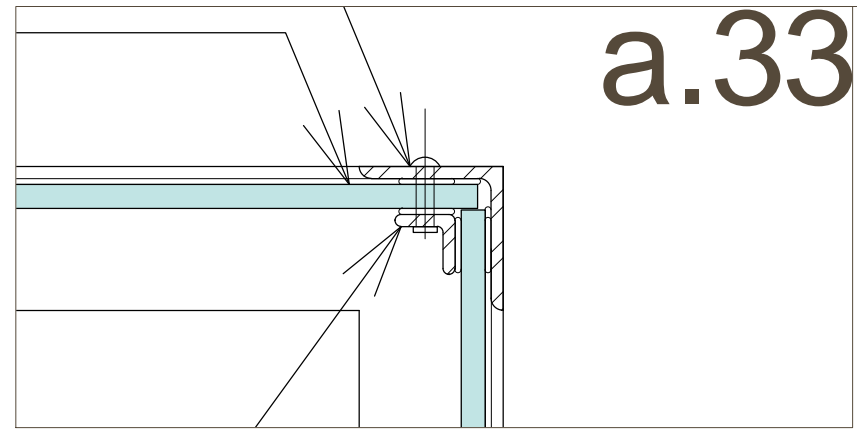
1 - detail at handrail support - 6" = 1'-0"



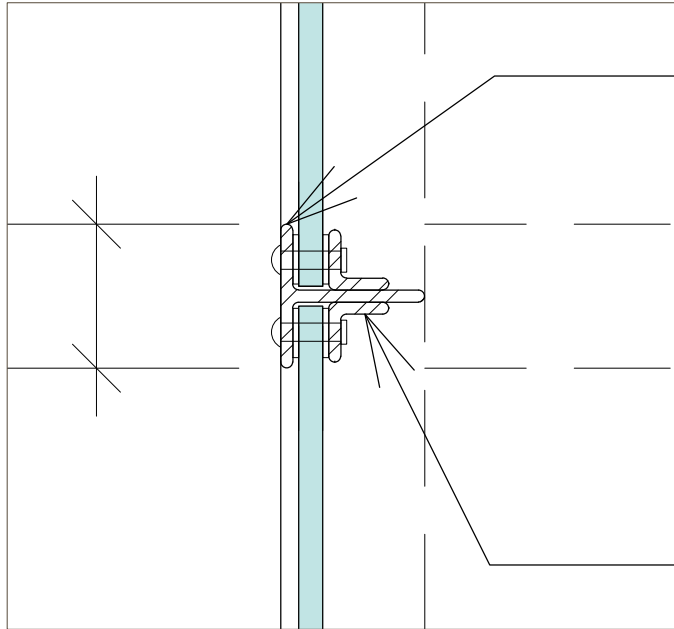
4 - detail at inner corner - 6" = 1'-0"



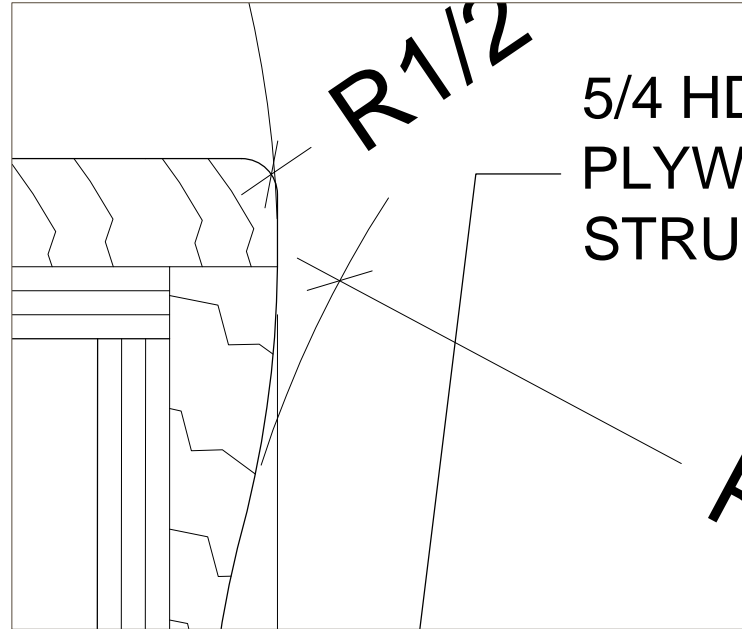
7 - detail at outer support- 6" = 1'-0"



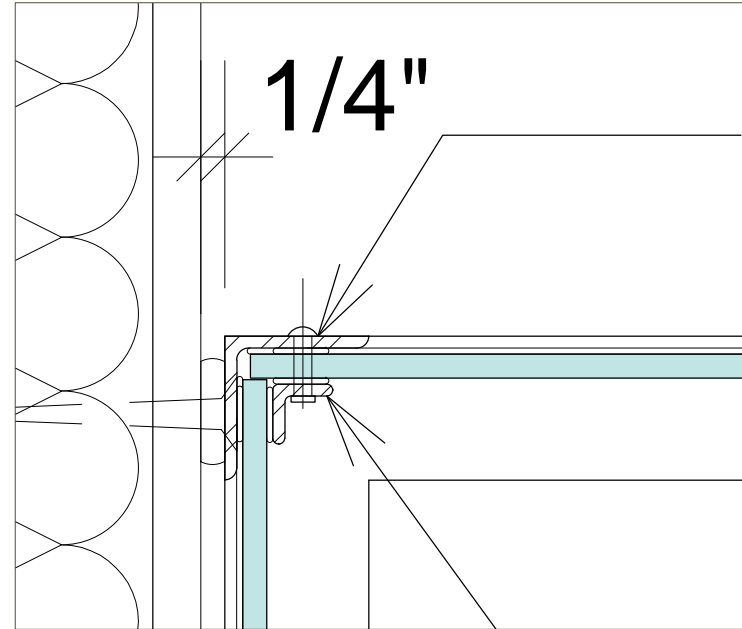
10 - detail at outer top - 6" = 1'-0"



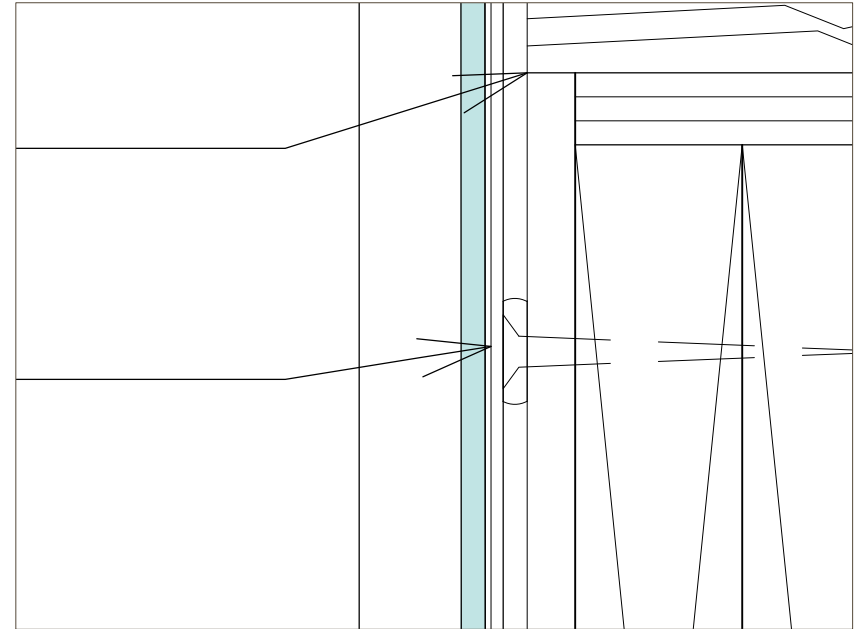
2 - detail at interior skylight post - 6" = 1'-0"



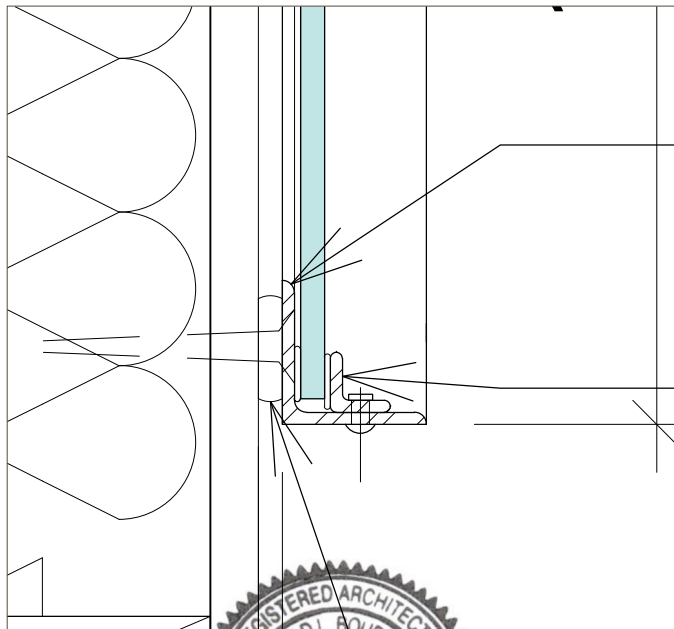
5 - detail at new stair treads/risers - 1 1/2" = 1'-0"



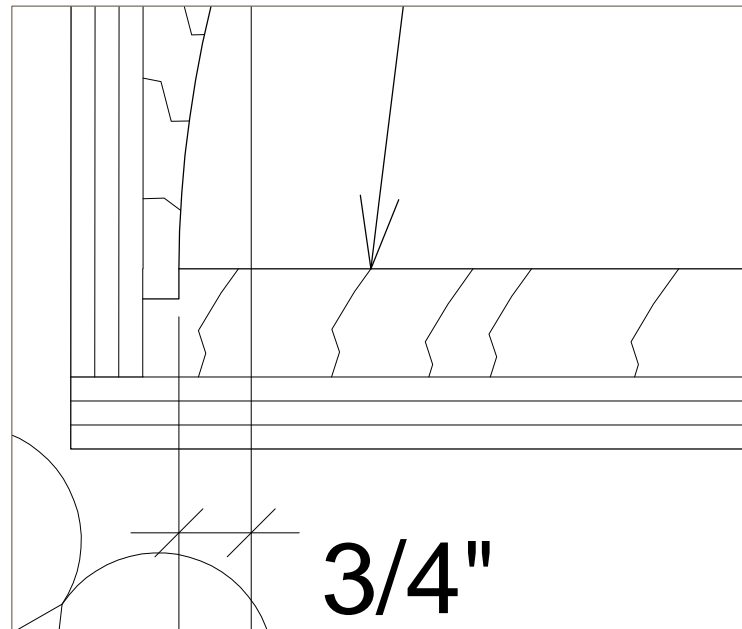
8 - detail at skylight top - 6" = 1'-0"



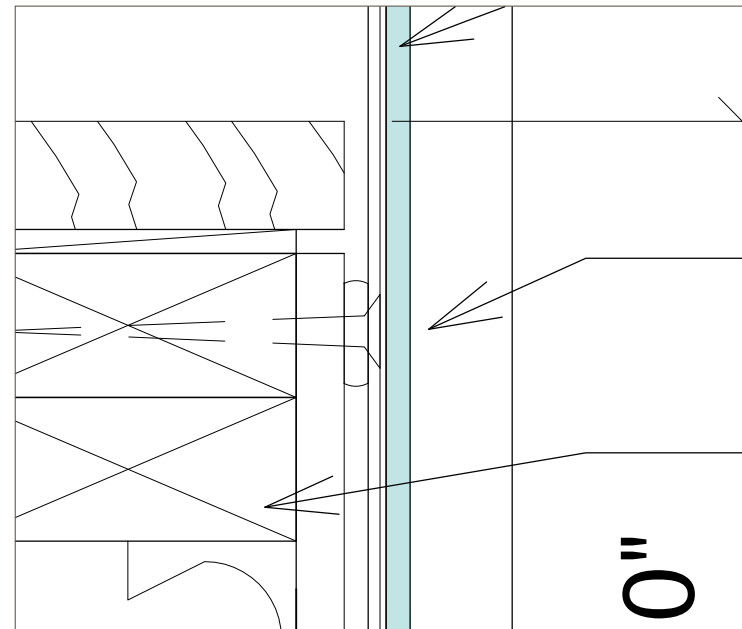
11 - detail at stair support - 1 1/2" = 1'-0"



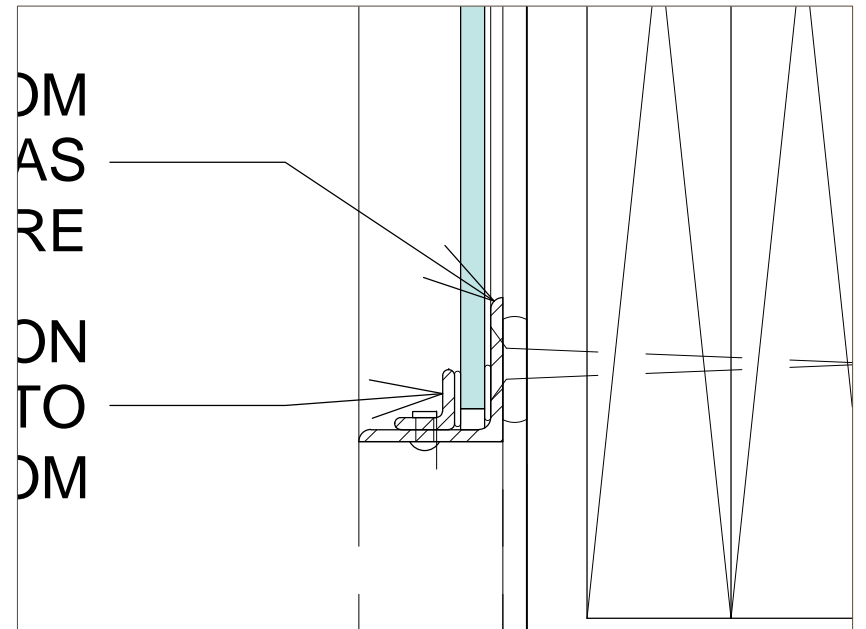
3 - detail at interior skylight saddle - 6" = 1'-0"



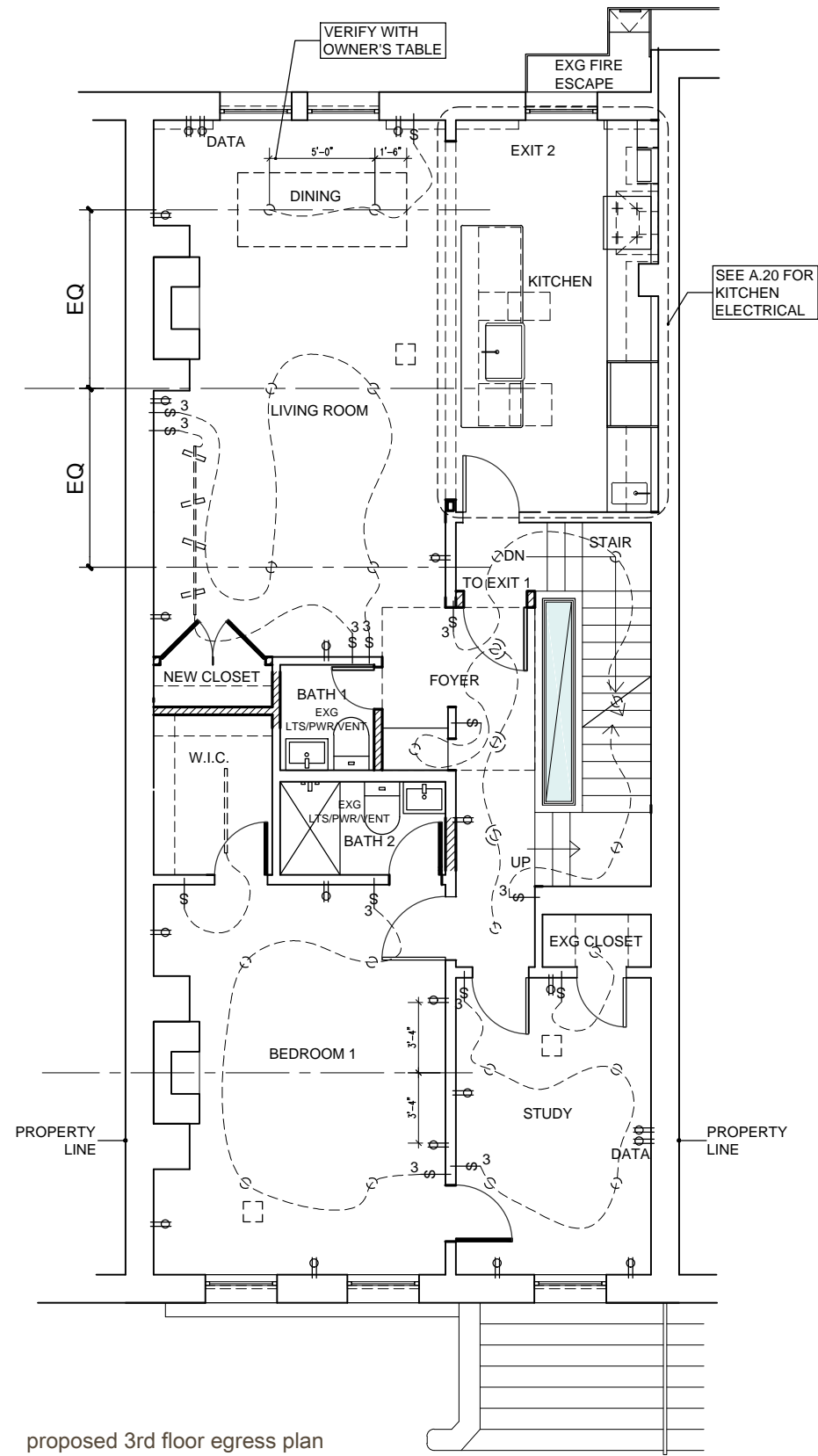
6 - detail at new stair treads/risers - 1 1/2" = 1'-0"



9 - detail at low wall top- 6" = 1'-0"

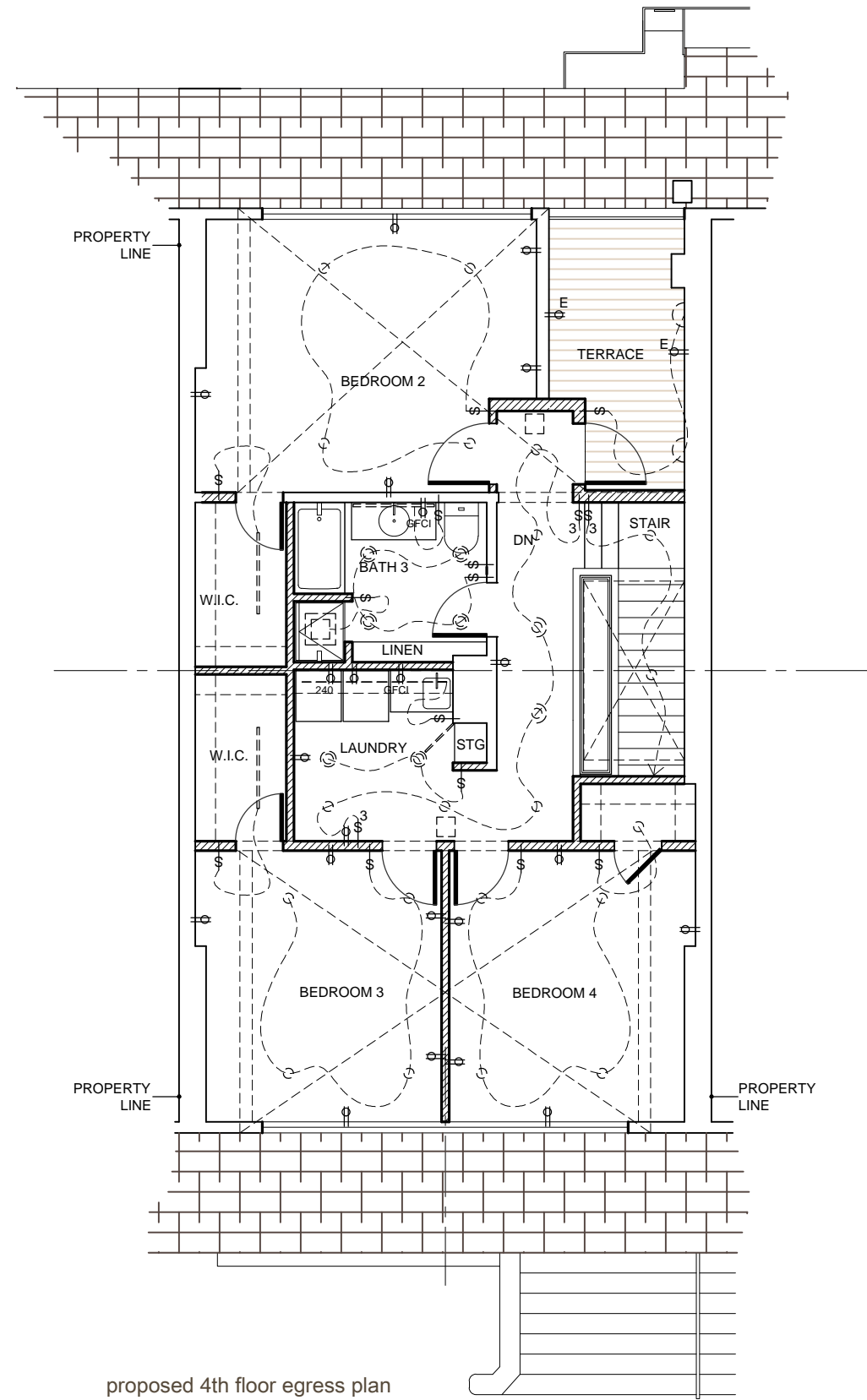


12 - detail at stair support base- 6" = 1'-0"

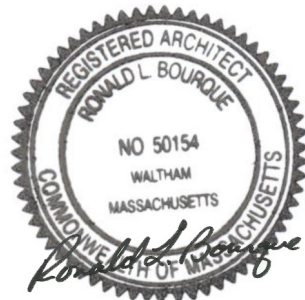


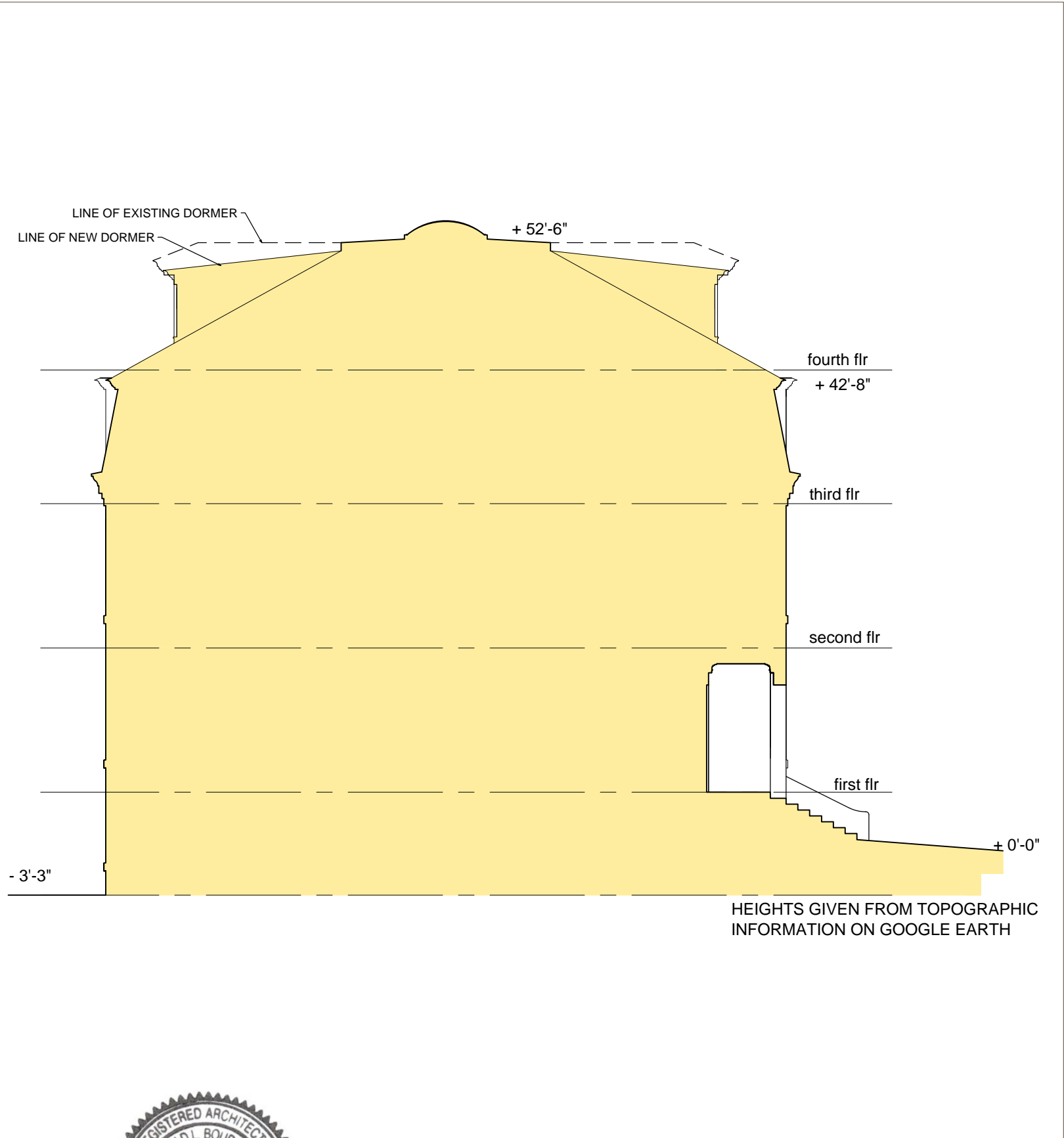
proposed 3rd floor egress plan

ELEC SYMBOLS KEY	
	TRACK LIGHT, LED PODS
	LINEAR LED
	SWITCH
	3-WAY SWITCH
	OUTLET
	TEL/DATA OUTLET
	GROUND FAULT CIRCUIT INTERRUPT
	EXTERIOR GROUND FAULT CIRCUIT INTERRUPT
	6" FLUSH LED PUCK LIGHT
	6" FLUSH PUCK LED WALL ADJUSTABLE LIGHT
	6" FLUSH PUCK LED SEALED LIGHT
	WIFI ACCESS POINT
	LED LIGHT/EXHAUST FAN, 120 CFM
	EXTERIOR LED WALL SCENCE
	UNDERCOUNTER LED TAPE LIGHT

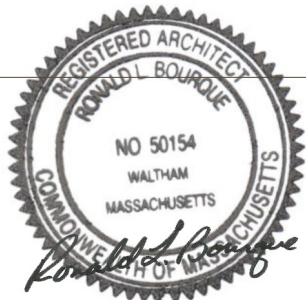


proposed 4th floor egress plan





1 - building profile - 3/32" = 1'-0"



KC Kerby and Feanil Patel | kkerby@gmail.com  
 65 Sparks Street | Cambridge | MA | 02138  
 November 2, 2022









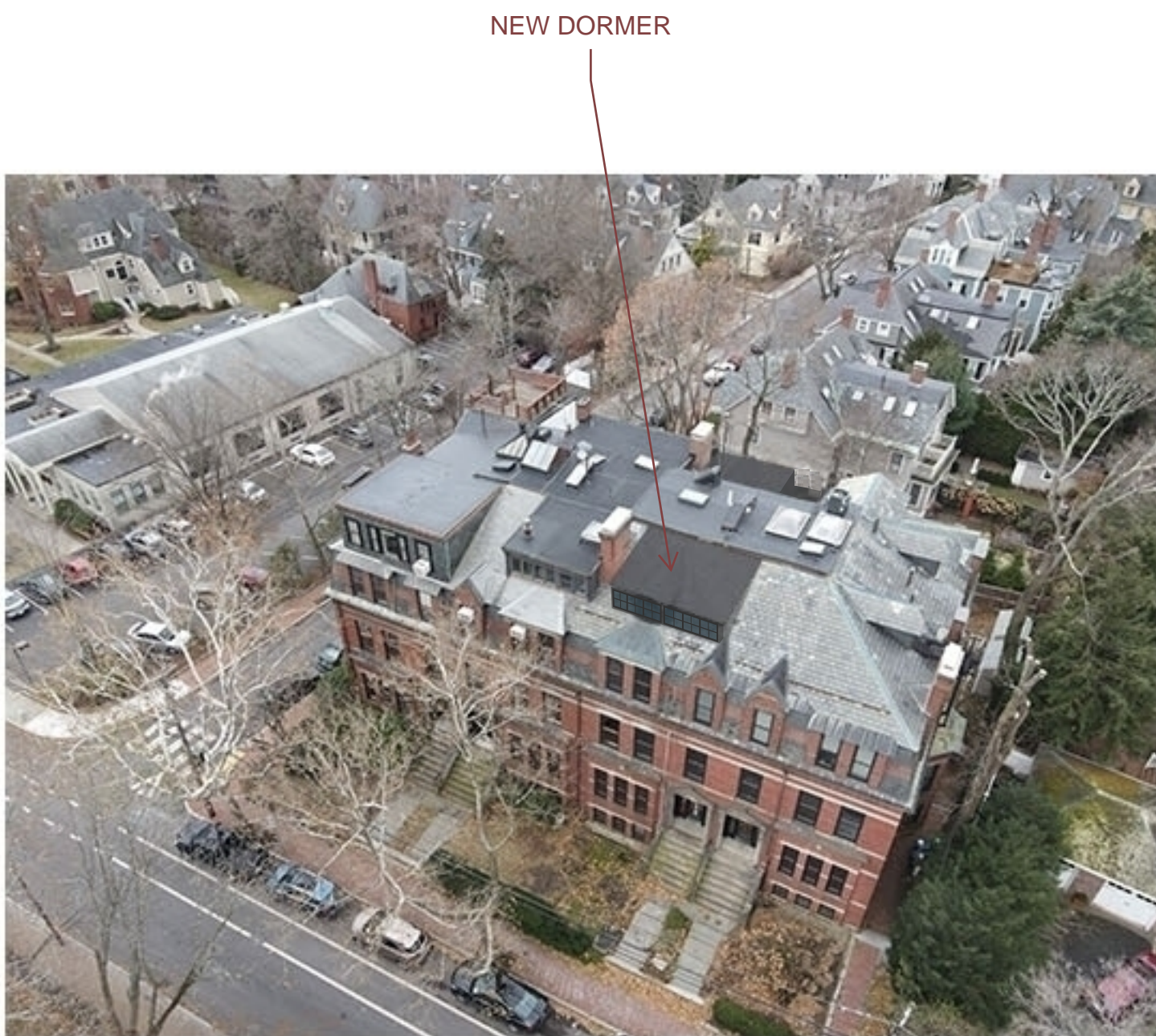
1 - VIEW FROM NORTHEAST CORNER, EXISTING



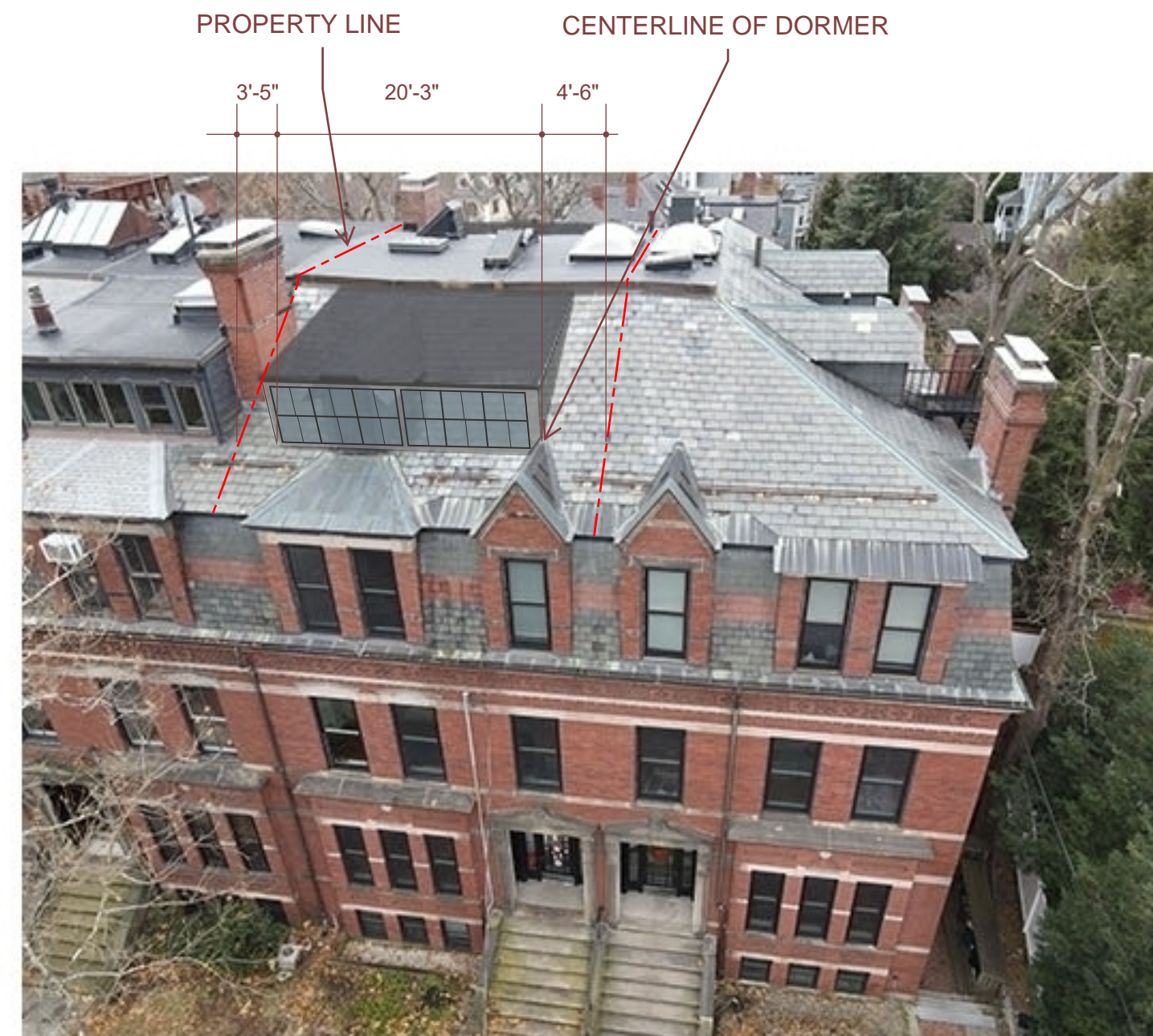
2 - VIEW FROM FRONT YARD, EXISTING



3 - VIEW UP TO ROOF, EXISTING



4 - VIEW FROM NORTHEAST CORNER WITH DORMER



5 - VIEW FROM FRONT YARD WITH DORMER



6 - VIEW UP TO ROOF WITH DORMER

65 SPARKS STREET  
 KC AND FEANIL PATEL  
 27 FEB 2022



**Bourque Design**

Architectural Design from  
 Conception to Construction

Ron Bourque, Architect  
 AIA, NCARB, CS, LEED GA

rbourq@gmail.com  
 781-296-6654  
 Waltham, MA 02453



**EXHIBIT-1**  
**VIEW FROM FRONT YARD**



1 - NORTHWEST CORNER, EXISTING



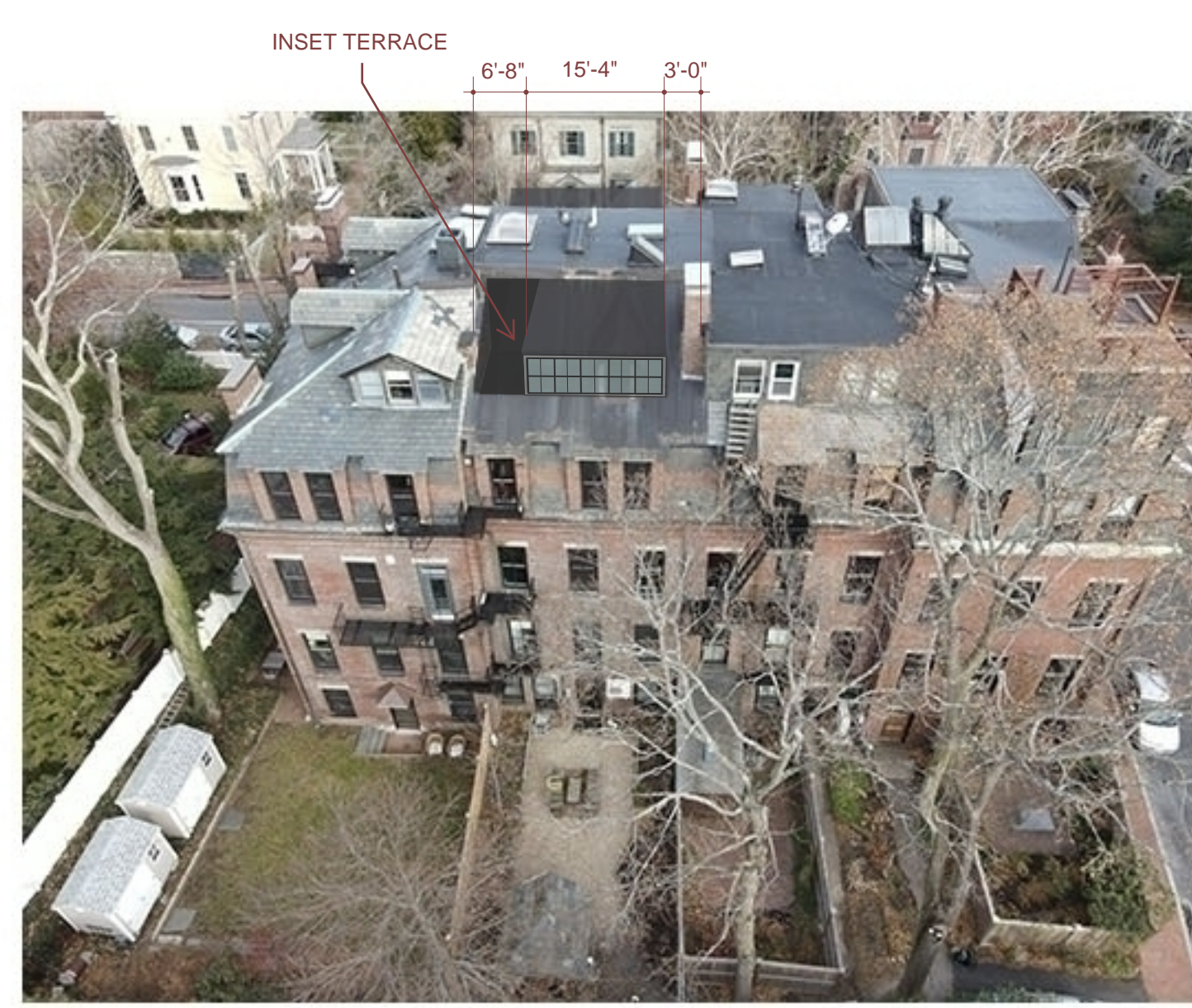
2 - REAR YARD WEST VIEW, EXISTING



3 - REAR YARD VIEW UP, EXISTING



4 - NORTHWEST CORNER WITH DORMER / TERRACE



5 - REAR YARD WEST VIEW WITH DORMER / TERRACE



6 - REAR YARD VIEW UP WITH DORMER / TERRACE

65 SPARKS STREET  
 KC AND FEANIL PATEL  
 27 FEB 2022



**Bourque Design**

Architectural Design from  
 Conception to Construction

Ron Bourque, Architect  
 AIA, NCARB, CS, LEED GA

rbourq@gmail.com  
 781-296-6654  
 Waltham, MA 02453



**EXHIBIT-2**  
**VIEW FROM REAR YARD**



1 - VIEW OF DORMER FROM SPARKS STREET, FRONT YARD



2 - VIEW OF DORMER FROM BACK YARD AT 65 SPARKS STREET

65 SPARKS STREET  
 KC AND FEANIL PATEL  
 27 FEB 2022



**Bourque Design**

Architectural Design from  
 Conception to Construction

Ron Bourque, Architect  
 AIA, NCARB, CS, LEED GA

rbourq@gmail.com  
 781-296-6654  
 Waltham, MA 02453



**EXHIBIT - 3**  
**SKETCH VIEWS**

January 2, 2023

Re: Case #206407 - 65 Sparks Street top floor renovation

We are writing in support of the above captioned project. From 2009 - 2021, we lived in #2 at 65 Sparks Street as renters, and since 2021, we own and are renovating #3 for our residence at 63 Sparks Street. We're very familiar with the neighborhood and the rowhouse buildings. We are committed to keeping it a nice place to live. Because it is a collection of flats, the row is a bit of an anomaly amongst all the larger homes in the area. It is nice that the new owners at #65 are keeping it as flats. We like the diversity it brings.

It always seemed a little unfair that #65 hadn't put dormers on the top - the rest of the row has done, so in fact this renovation will bring it into harmony with the other three townhouses in the row. It will also be good because the roof at #65 is at present in terrible condition. To fix it will alleviate the terrible ice problem that builds up because at present the roof isn't insulated - and all that ice lands from time to time on the front and back entries of the building. After many years of DIY interventions by the previous owner, it is great to see the building get professional attention at last.

Our buildings at 61-67 Sparks are a unique address in West Cambridge. When you say you live at that address, everyone seems to know and love the the buildings. The proposed changes will leave them just as charming. They will make a great difference to the comfort of the building for the inhabitants of the third floor at #65. As is, it really isn't big enough for a family, and renovated as proposed, it will be. There isn't a problem for parking, if that is a concern? In this area of Sparks there is plenty of curb space.

We support a decision to grant a permit for the Patels' project. If you have any questions, please do not hesitate to contact us.



Toni Lee and Charles de Lantsheere

[tldlantsheere@gmail.com](mailto:tldlantsheere@gmail.com)

[chdlantsheere@gmail.com](mailto:chdlantsheere@gmail.com)

**CHARLES AND TONI LEE DE LANTSHEERE**

**63 Sparks Street, Cambridge MA 02138**

## Letter of Support

David Stang <daviddstang@gmail.com>

Mon 1/2/2023 3:58 PM

To: Adam Dash <dash@adamdashlaw.com>

Cc: feanil@gmail.com <feanil@gmail.com>

Dear Mr. Dash,

I am writing to add my support to the project currently proposed for 65 Sparks Street, Apt. 4, Cambridge MA 02138 (case number 206407).

As the resident owner of 63 Sparks Street, Apt. 2, I am a direct abutter of the project. I have lived at this address for 27 years, having purchased my apartment in 1996.

Please don't hesitate to let me know if there is any further information you would like from me.

Sincerely,

David D. Stang

**proposed renovations for 65 Sparks St. Apt. 4 (case number 206407)**

carla procaskey <carla.procaskey@gmail.com>

Thu 1/5/2023 12:16 PM

To: Adam Dash <dash@adamdashlaw.com>

To Whom It May Concern,

We, Tony Flanders and Carla Procaskey, live at 61 Sparks St. #3, part of the four townhouses that comprise 61-67 Sparks St. We have lived at 61 Sparks St for 30 years.

We support the renovations being proposed for 65 Sparks St. Apt 4. The current roofline of the four units (61-67) on Sparks St. is rather haphazard. Since the upper level of these buildings can't be restored to its original configuration, we think the proposed renovations will make the general roofline look more coherent in both the front and back of the building. We think this would be a desirable change.

Carla Procaskey  
Tony Flanders

**case number 206407**

Richard Hill <richill\_53@hotmail.com>

Sat 1/7/2023 12:52 PM

To: Adam Dash <dash@adamdashlaw.com>

Hello,

My name is Richard Hill. I live at 63 Sparks St, Unit 4, which abuts 65 Sparks St. Apt 4. I have lived here since 1997. I support the proposal for 65 Sparks St Apt 4 ( case number 206407).

Cordially,

Richard Hill

63 Sparks St, Unit 4

Cambridge, MA 02138



To whom it may concern:

My neighbors KC and Feanil Patel are requesting a variance to construct 2 dormers front and rear at their top-floor property in 65 Sparks St. I have seen the photographs and drawings that are being submitted with this application and write to say that I support the project strongly. The proposed front dormer, in particular, will improve the appearance of the building from the street.

I own and have lived in the top-floor unit of the 61 Sparks Street Condominium since 1974. This apartment was created many years before that by the construction of a shed dormer on front part of the building, and I improved upon that by having similar construction done in the rear. Two years before that, in 1971, 2 dormers were built front and rear on the top floor at 63 Sparks St, when it was converted to a condominium, to create an apartment in what had previously been attic space. The Patel's proposal is very much in keeping with the best use of space in this unique block of buildings.

Respectively submitted,

A handwritten signature in black ink that reads "David H. Evans". The signature is written in a cursive style with a large, prominent "D" at the beginning.

David H. Evans

January 4, 2023

Naomi Yang  
Damon Krukowski  
61 Sparks Street, Apt 1  
Cambridge, MA 02138  
tel. 617-492-1934

Jan 27, 2023

To the Cambridge Board of Zoning Appeal:

We have lived in 61 Sparks Street since 1995 and we would like to express our full support for the proposed addition of dormers and terrace at 65 Sparks Unit 4 (Case no. BZA-206407). It is in scale with the original building, sensitively done, and a welcome addition to the streetscape.

Sincerely,

Naomi Yang  
Damon Krukowski

65 Sparks front view (existing), March 21, 3:00pm



65 Sparks front view (existing), June 21, 3:00pm



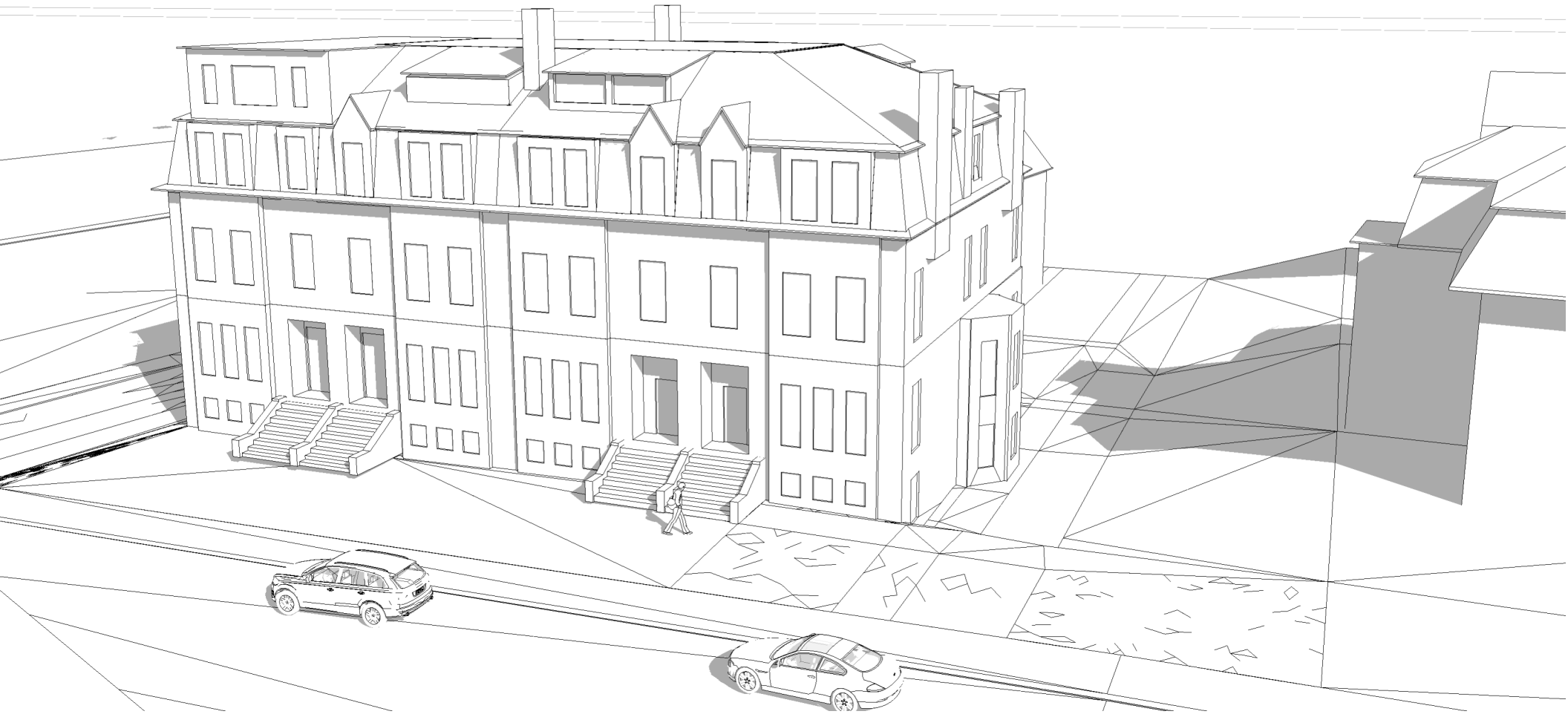
65 Sparks front view (existing), September 21, 3:00pm



65 Sparks front view (existing), December 21, 3:00pm



65 Sparks front view, March 21, 9:00am



65 Sparks front view, March 21, 12:00pm





65 Sparks front view, March 21, 3:00pm



65 Sparks front view, June 21, 9:00am



65 Sparks front view, June 21, 12:00pm



65 Sparks front view, June 21, 3:00pm



65 Sparks front view, September 21, 9:00am



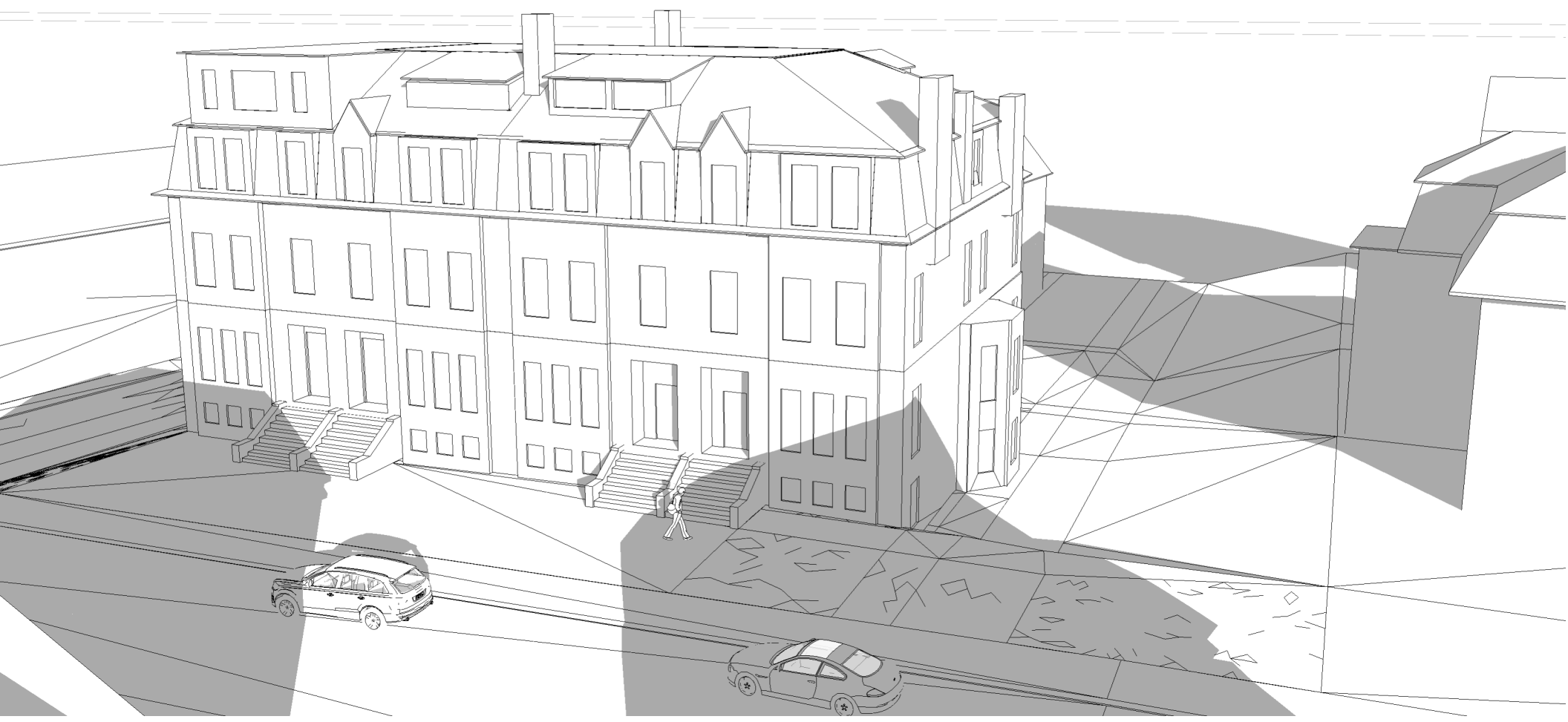
65 Sparks front view, September 21, 12:00pm



65 Sparks front view, September 21, 3:00pm



65 Sparks front view, December 21, 9:00am

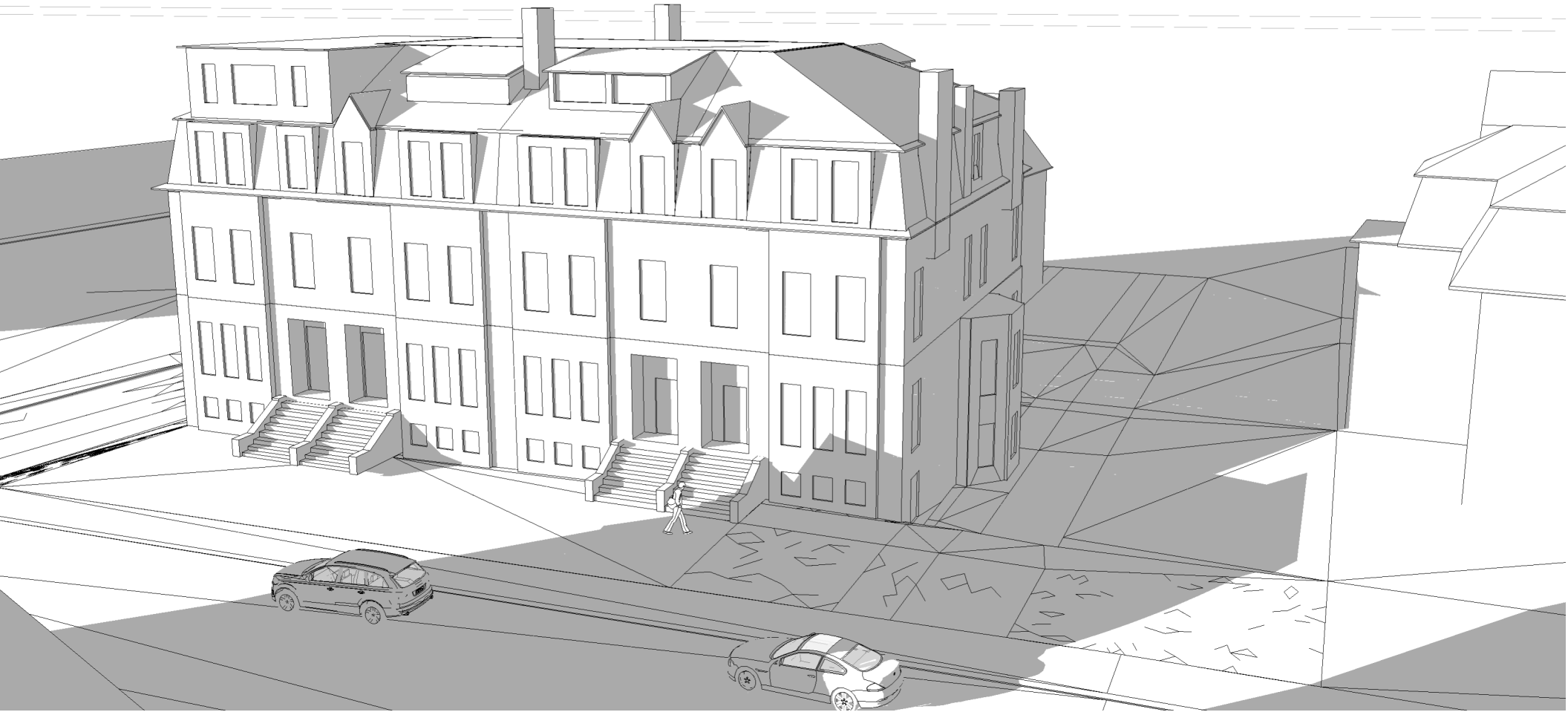




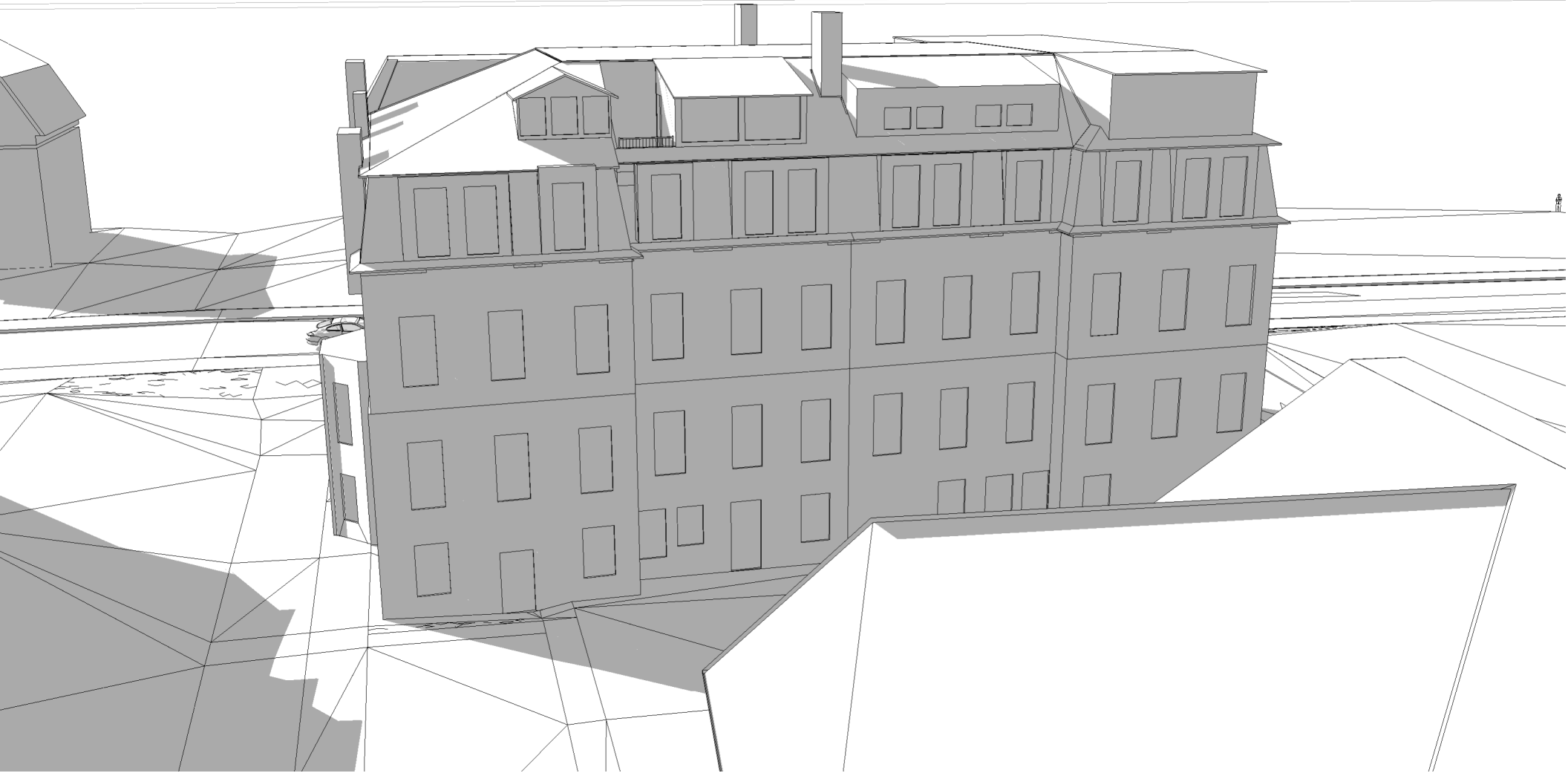
65 Sparks front view, December 21, 12:00pm



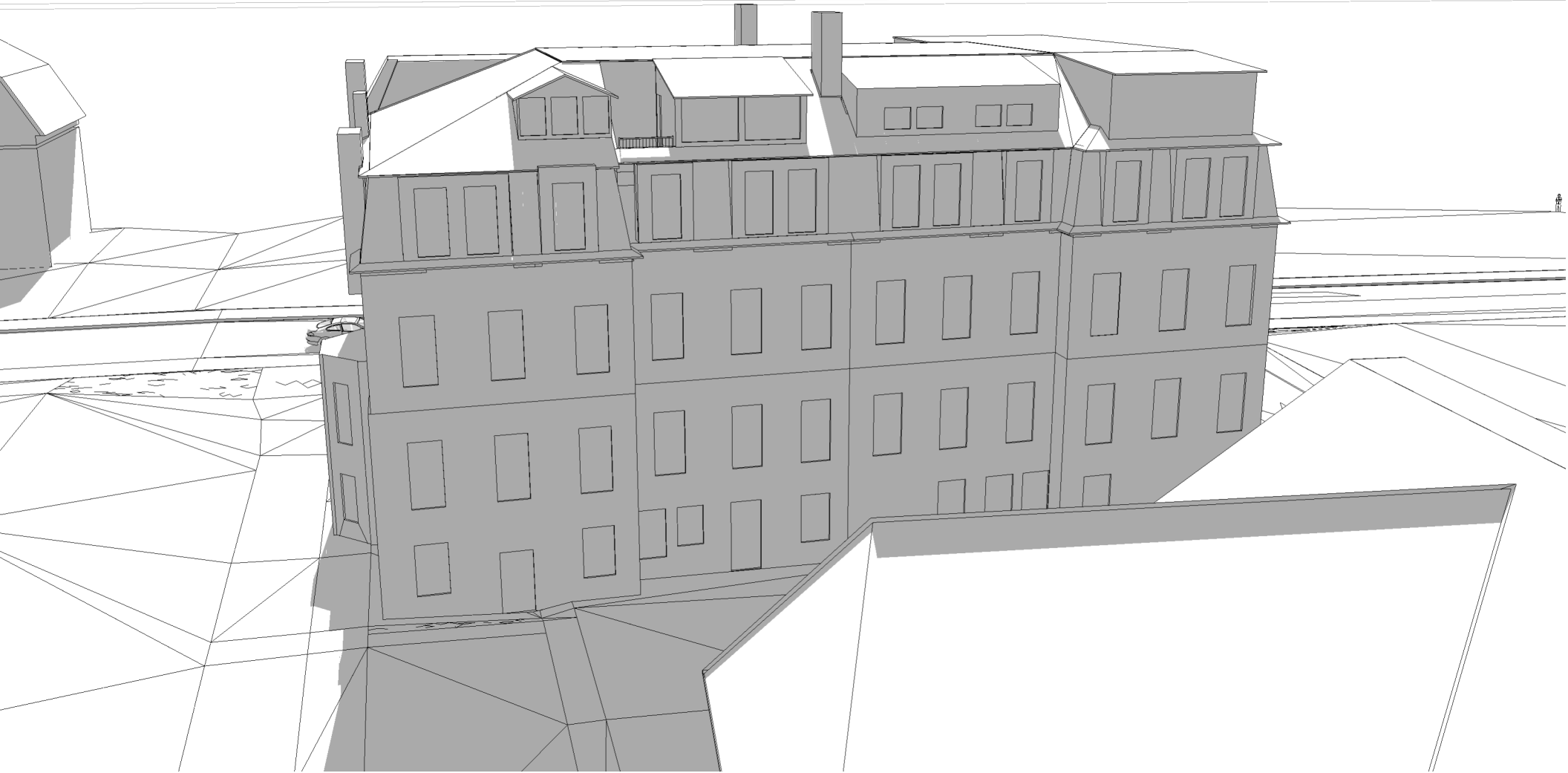
65 Sparks front view, December 21, 3:00pm



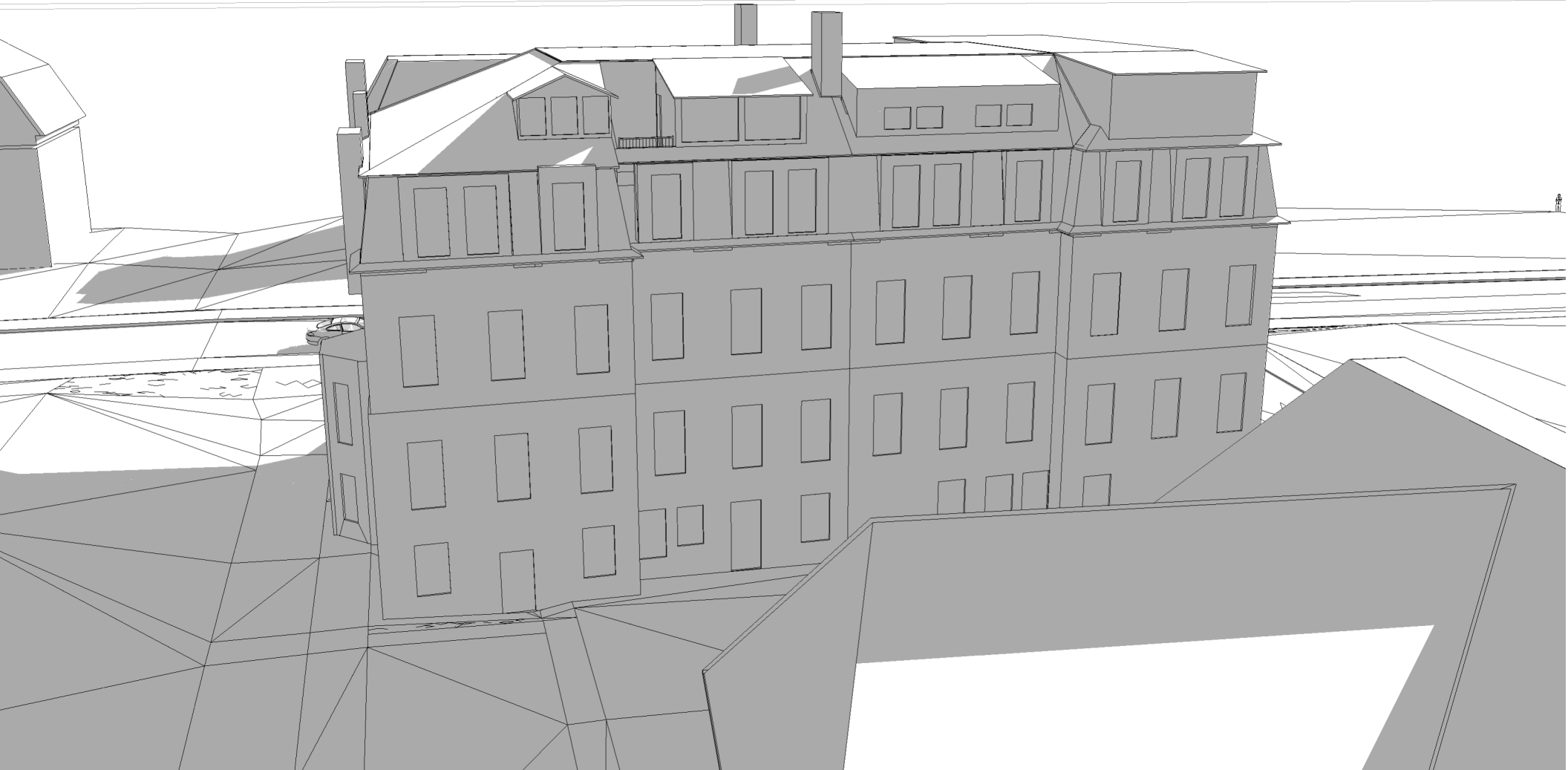
65 Sparks rear view, March 21, 9:00am



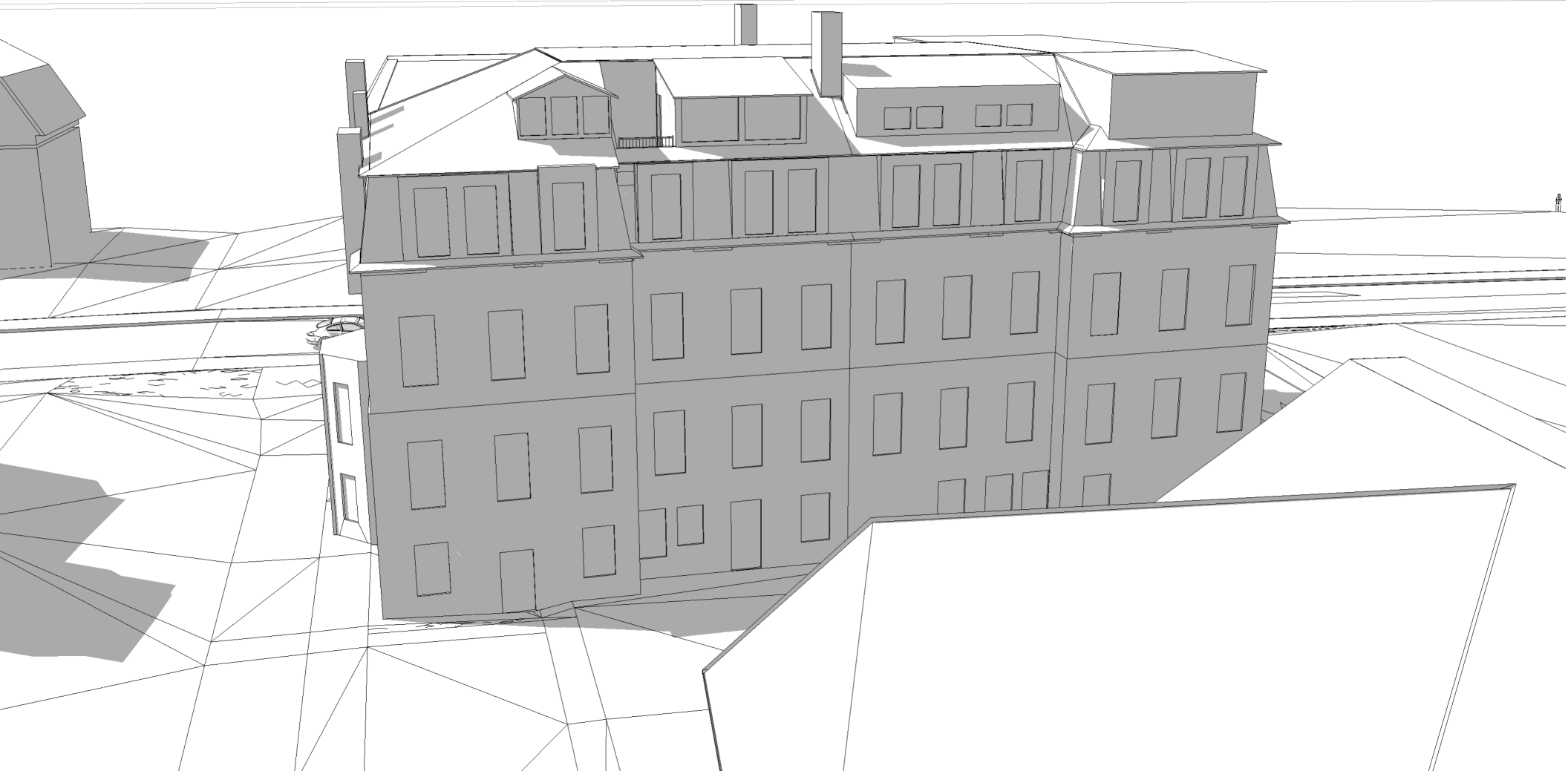
65 Sparks rear view, March 21, 12:00pm



65 Sparks rear view, March 21, 3:00pm



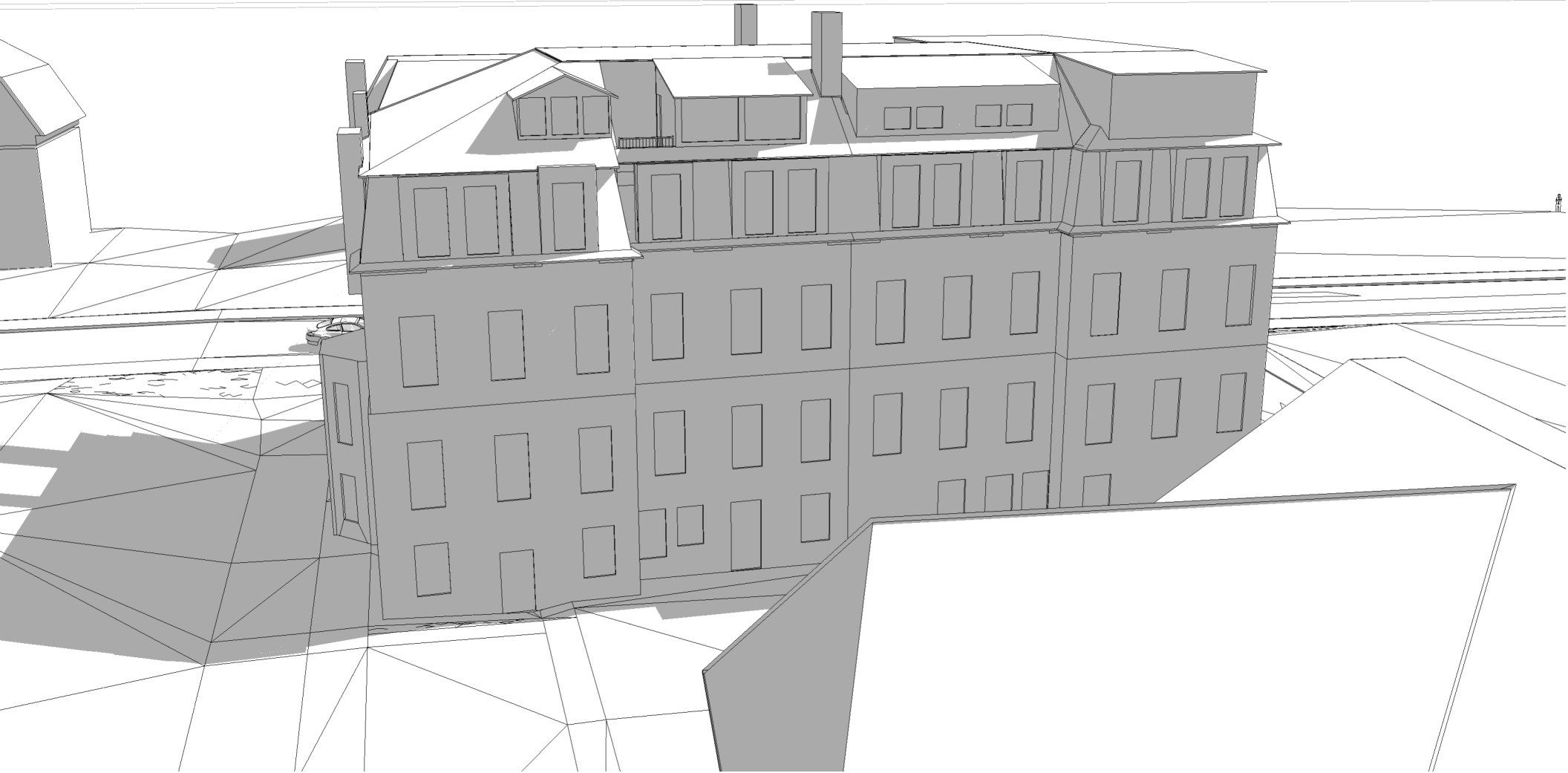
65 Sparks rear view, June 21, 9:00am



65 Sparks rear view, June 21, 12:00pm

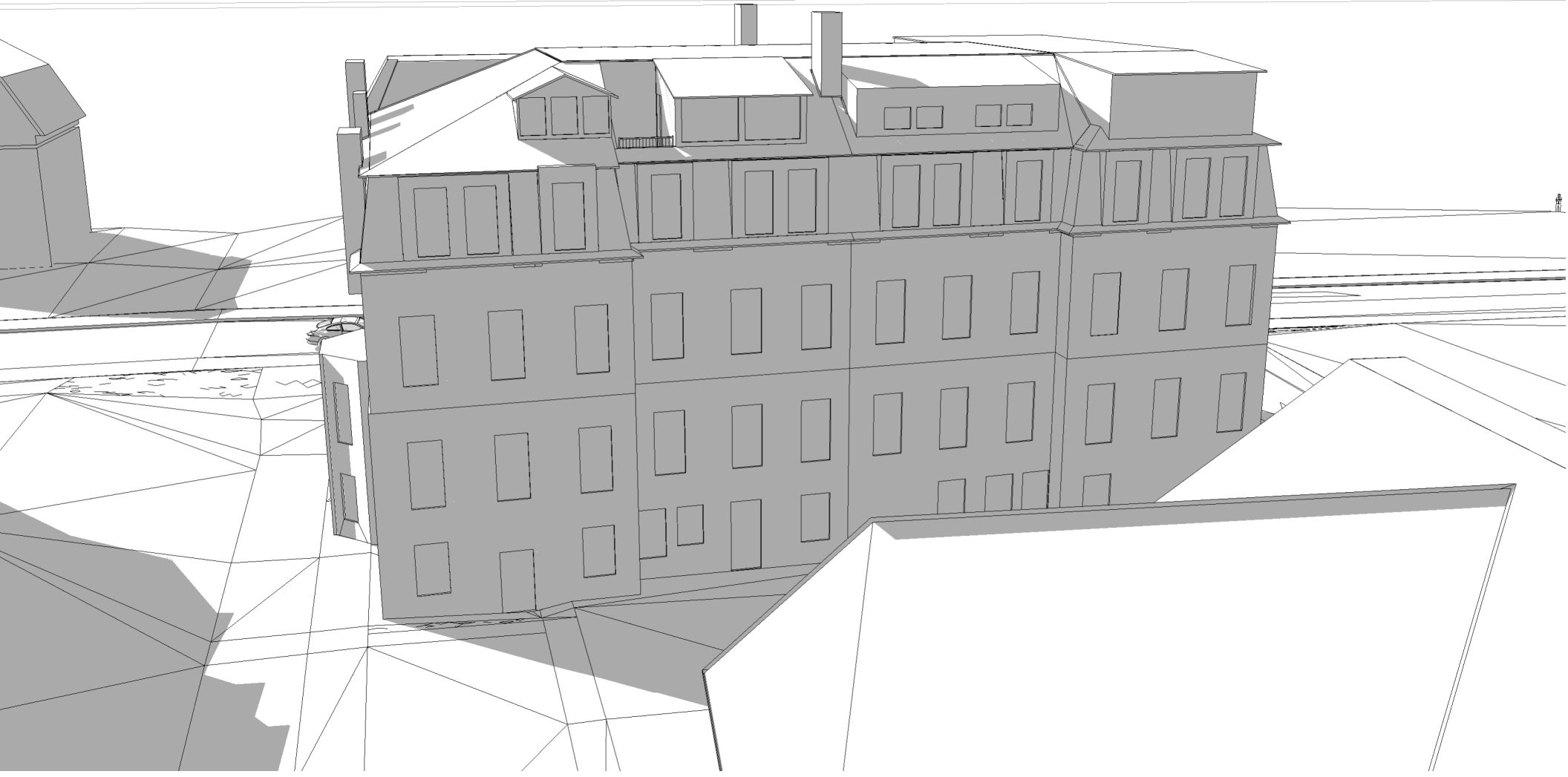


65 Sparks rear view, June 21, 3:00pm

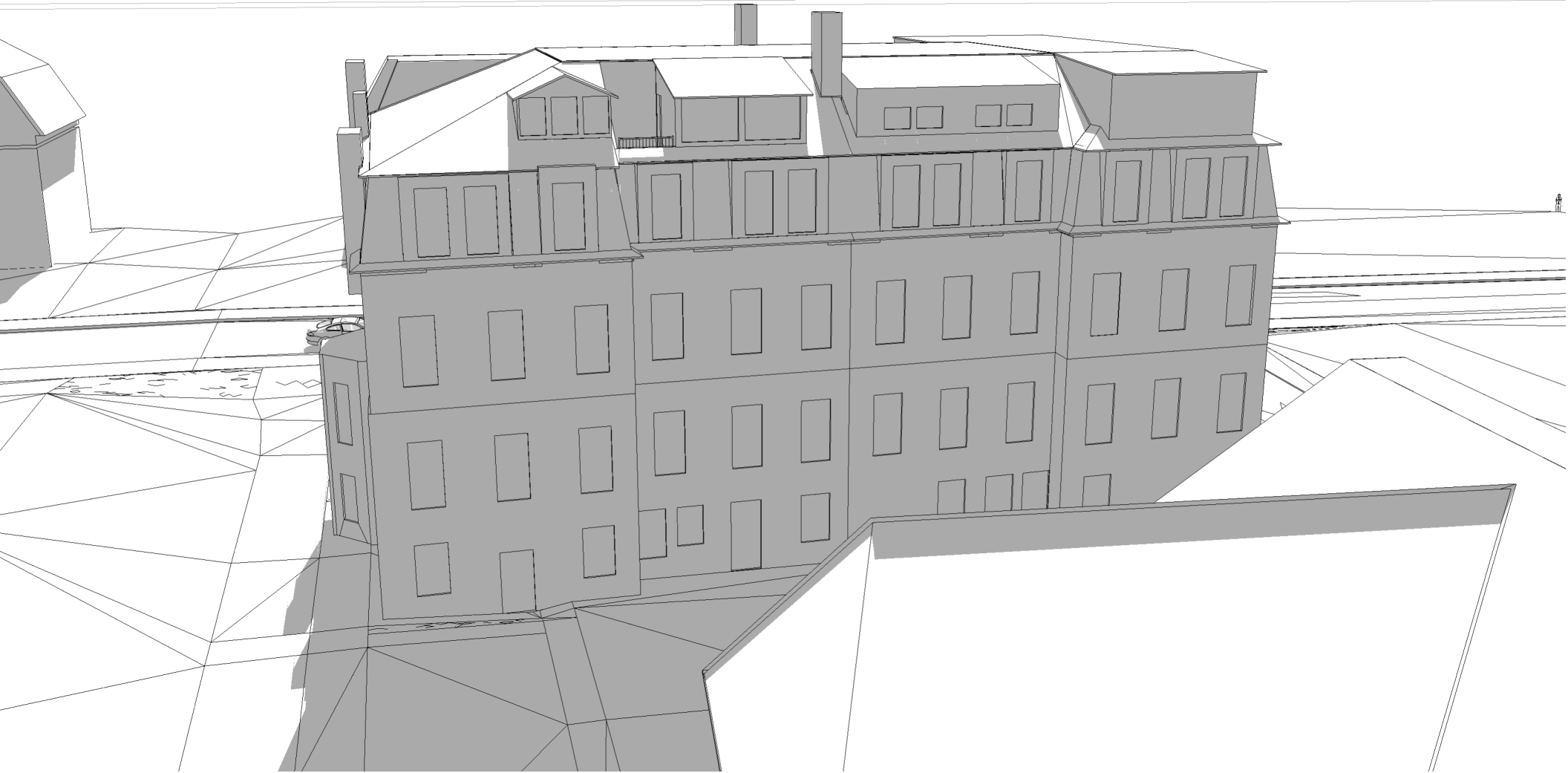




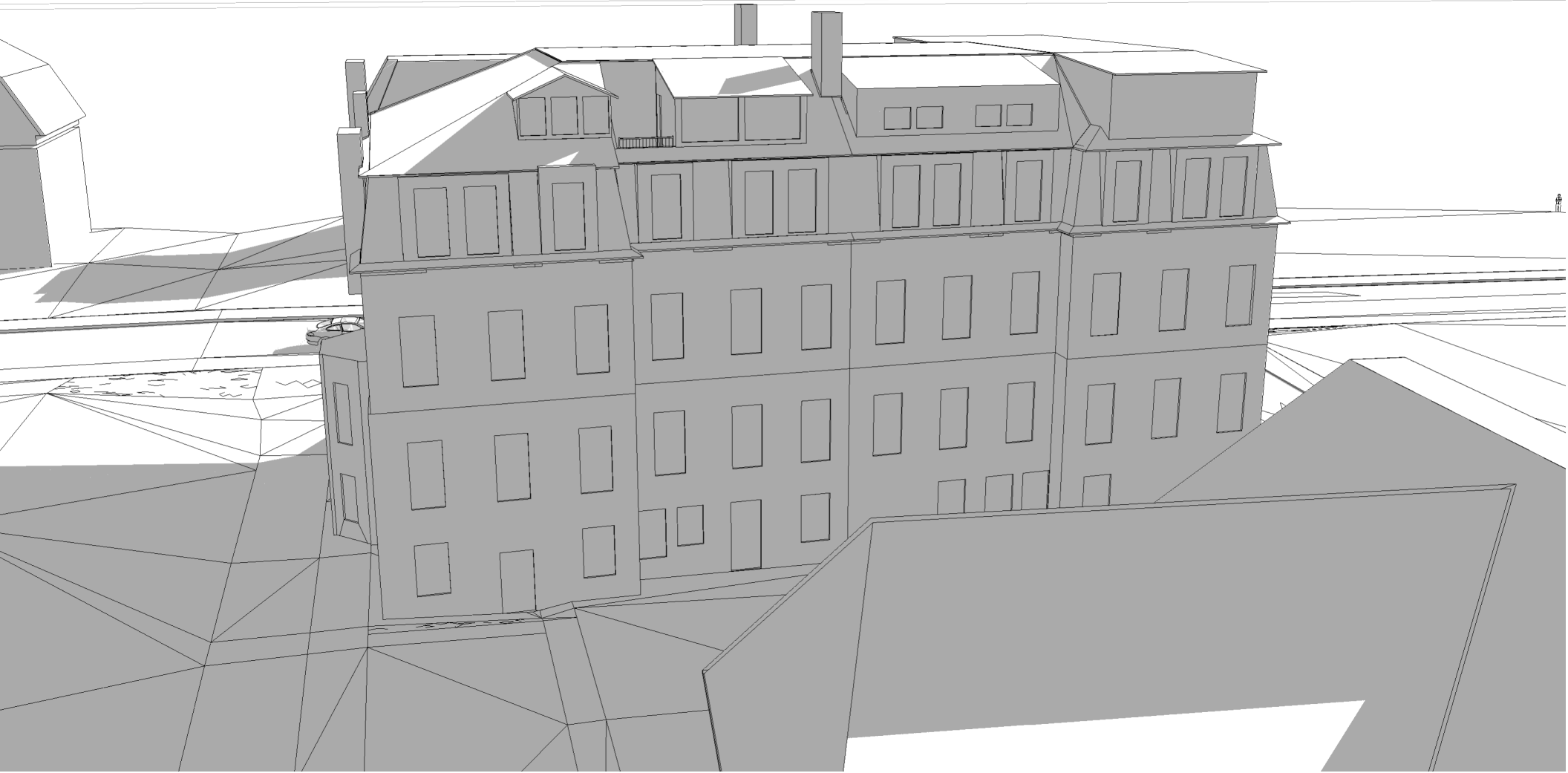
65 Sparks rear view, September 21, 9:00am



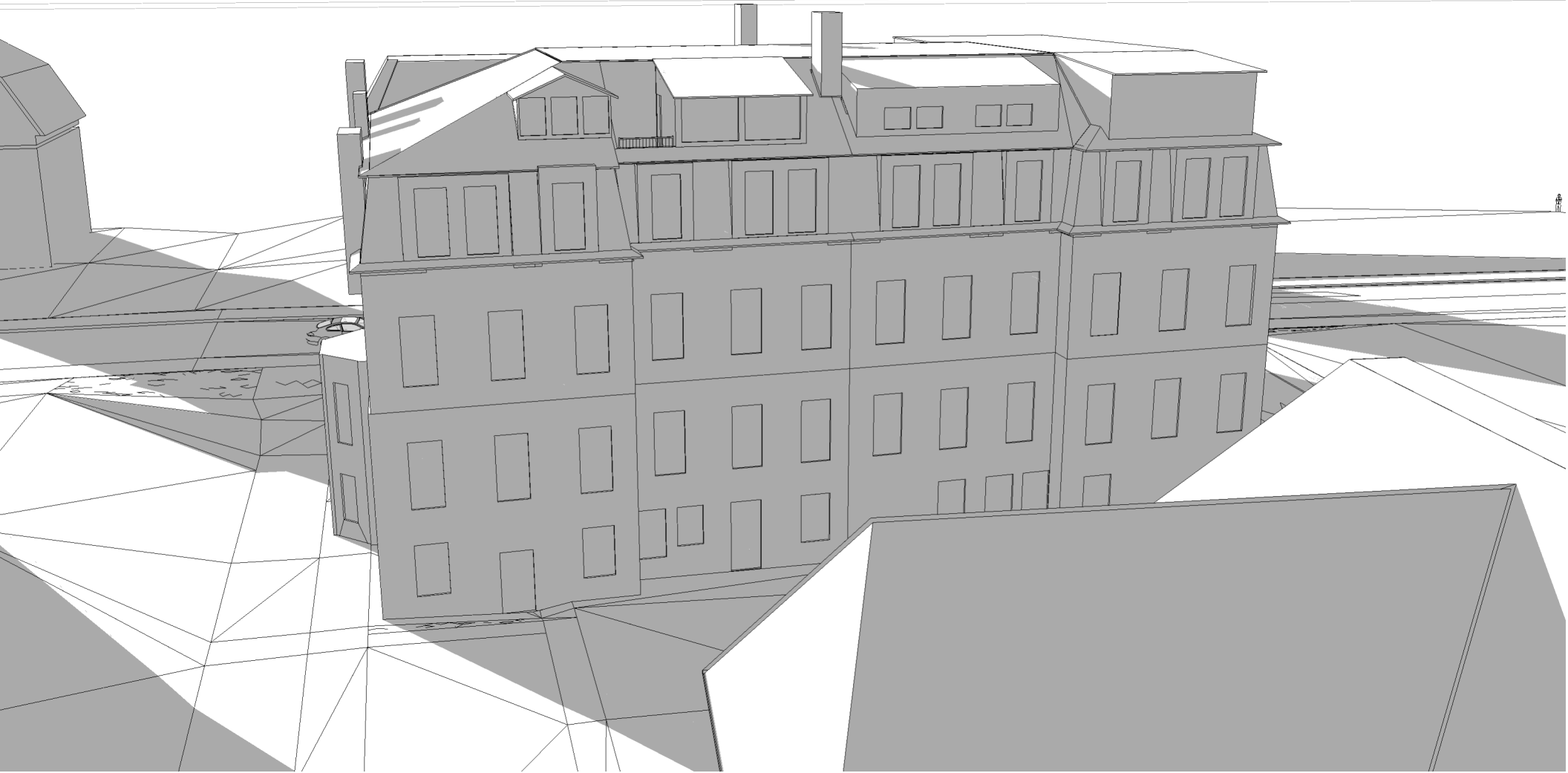
65 Sparks rear view, September 21, 12:00pm



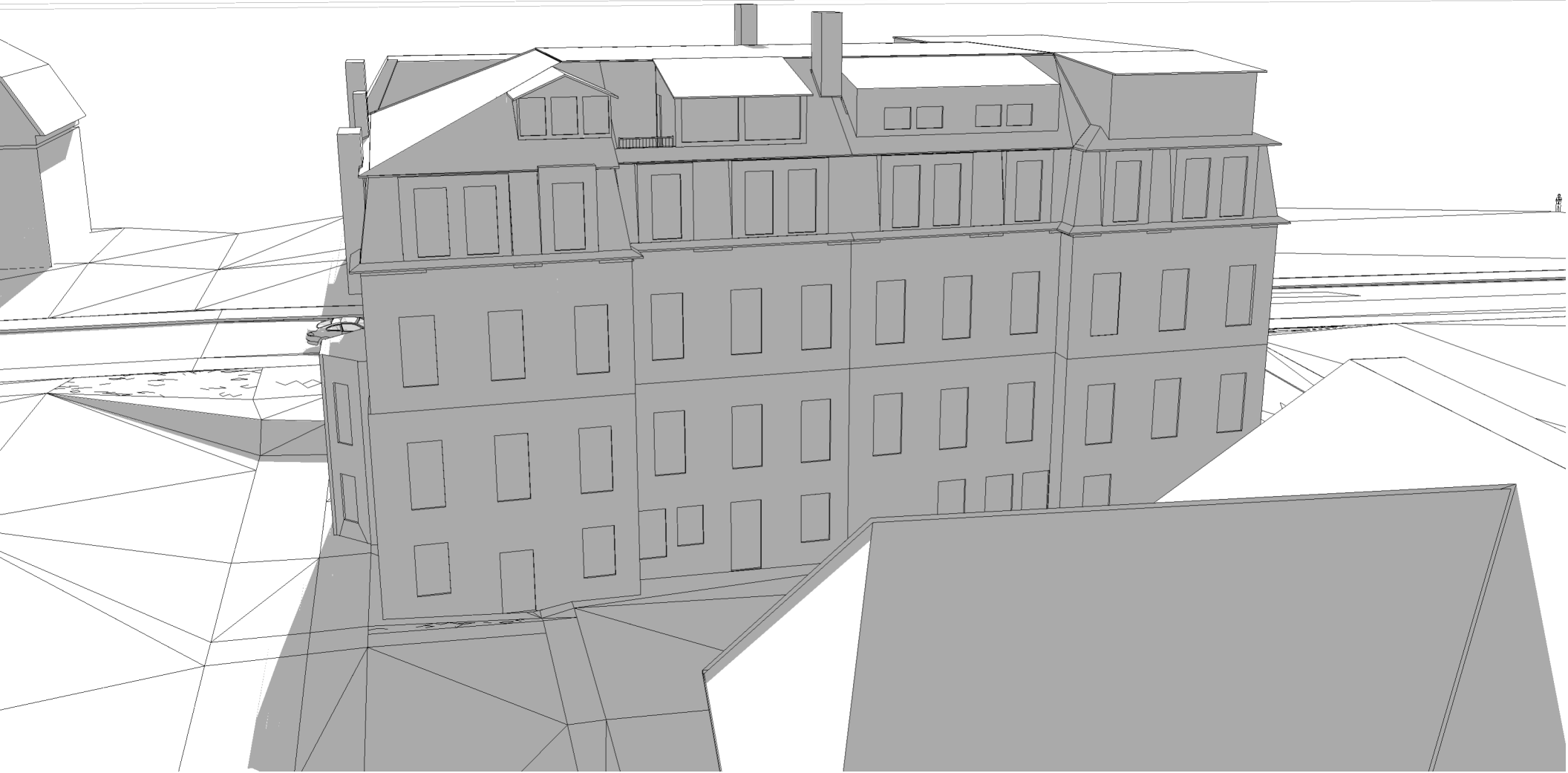
65 Sparks rear view, September 21, 3:00pm



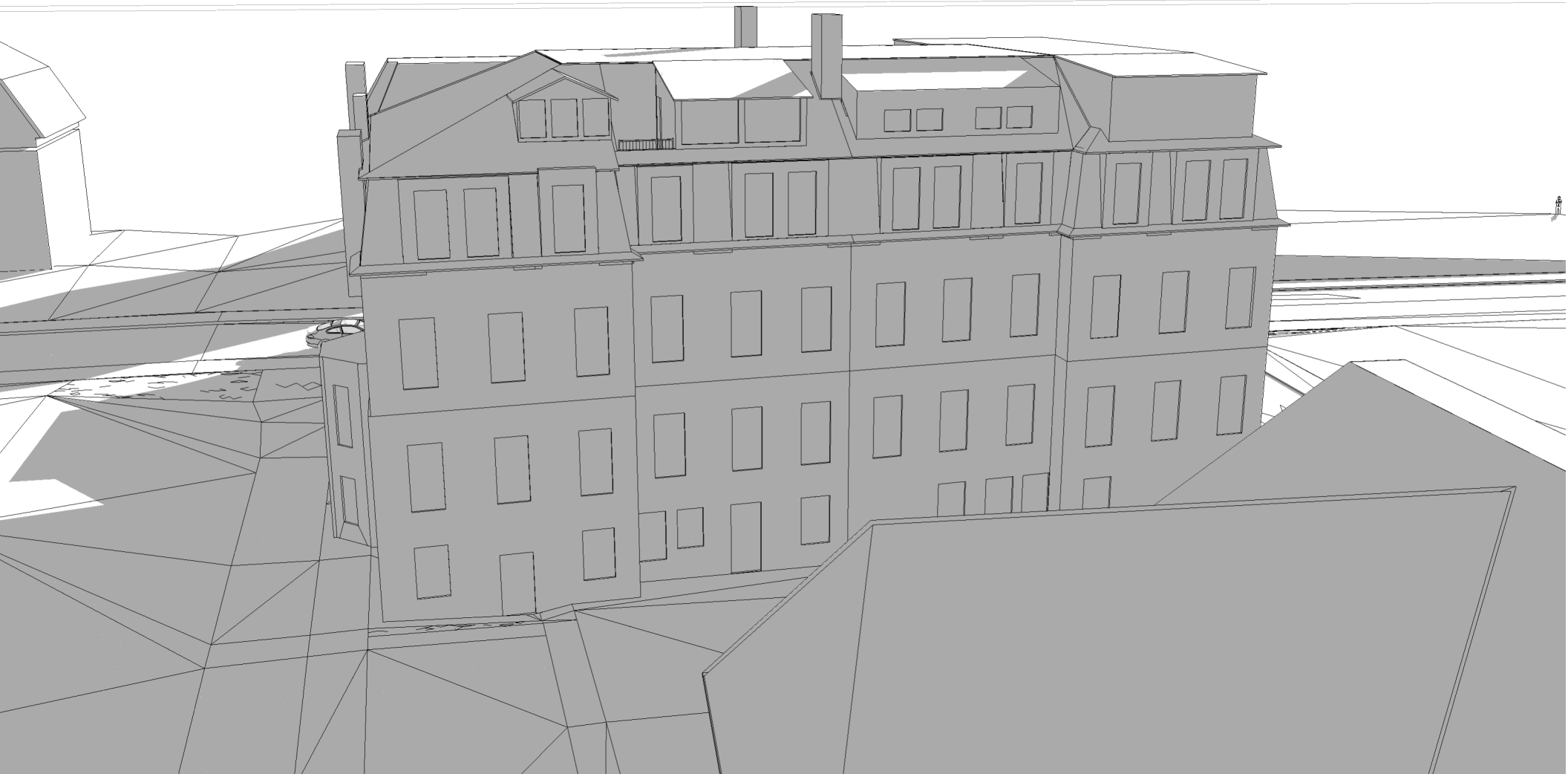
65 Sparks rear view, December 21, 9:00am



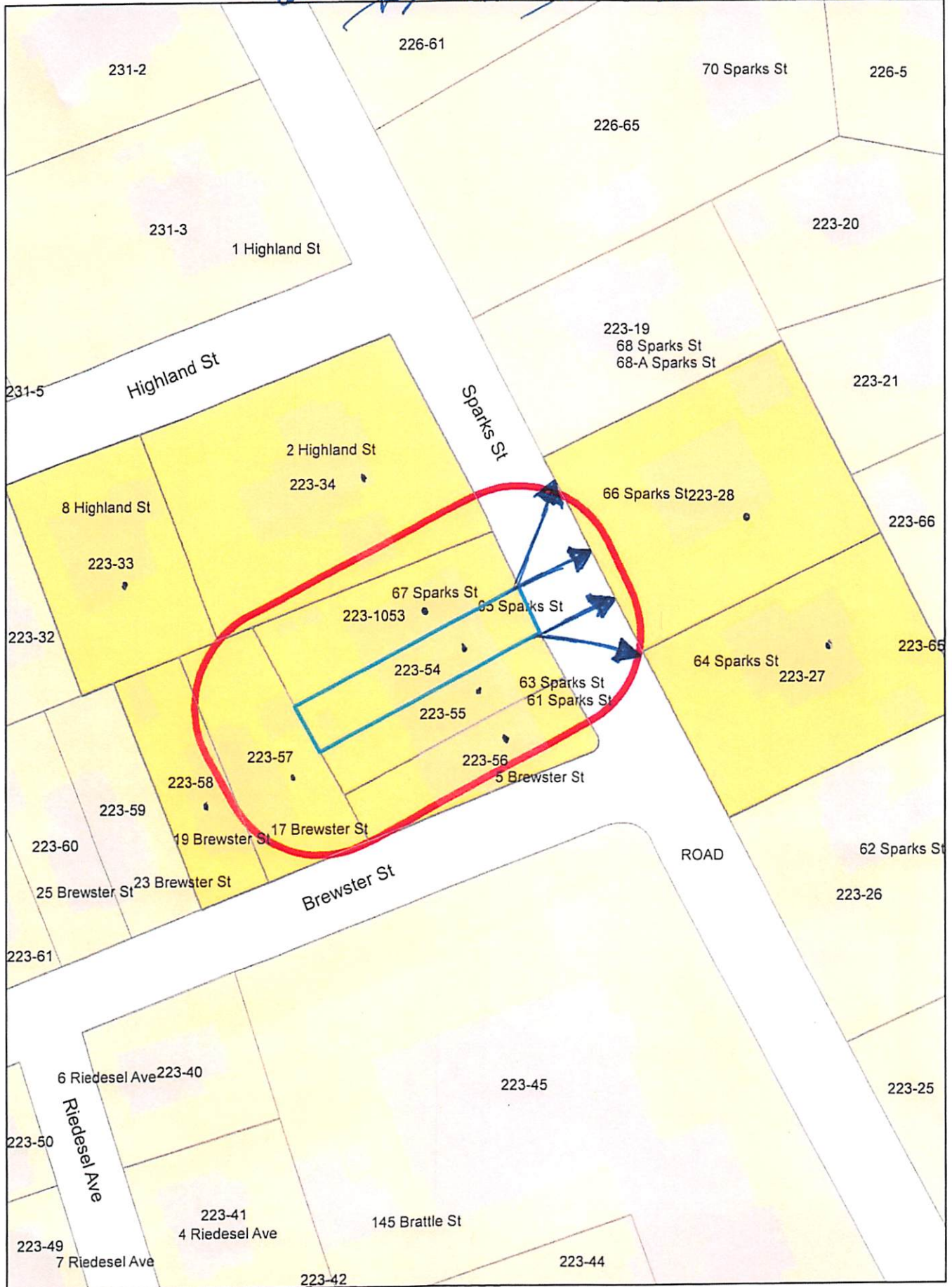
65 Sparks rear view, December 21, 12:00pm



65 Sparks rear view, December 21, 3:00pm



65 Sparks St. #4 BZA-209310



65 Sparks St. #4

Petitioner

223-27  
BARRINGER, ELIZABETH PRATT & JOHN A. CLARK  
64 SPARKS ST  
CAMBRIDGE, MA 02138-2238

223-56  
WELCH, THOMAS C. SVETLANA ANDREEVA  
61 SPARKS ST UNIT #2  
CAMBRIDGE, MA 02138

ADAM DASH, ESQ.  
48 GROVE STREET - SUITE 304  
SOMERVILLE, MA 02144

223-34  
WOODS, AMY  
2 HIGHLAND ST  
CAMBRIDGE, MA 02138

223-55  
WELCH, THOMAS C. & EDITH I. WELCH  
TRS, THE EDITH I WELCH 2004 TRUST  
63 SPARKS ST., #1  
CAMBRIDGE, MA 02138

223-54  
PATEL FEANIL & KIERSTEN KERBY-PATEL, LEE IVY  
BLAKE SESSIONS, MICHAEL O'BRIEN,  
BRIANNA McHORSE & DAVID LAIBSTAIN  
65 SPARKS ST  
CAMBRIDGE, MA 02138

223-56  
EVANS, DAVID H.,  
TRUSTEE THE DAVID H. EVANS REV TRUST  
61 SPARKS ST., #4  
CAMBRIDGE, MA 02138

223-56  
YANG, NOAMI & DAMON KRUKOWSKI  
61 SPARKS ST., #6  
CAMBRIDGE, MA 02138

223-56  
KRUKOWSKI, DAMON & NAOMI YANG  
61 SPARKS ST., UNIT #1  
CAMBRIDGE, MA 02138

223-55  
STANG, DAVID D.  
63 SPARKS ST., #2  
CAMBRIDGE, MA 02138-2239

223-55  
HILL, RICHARD C.  
63 SPARKS ST., #4  
CAMBRIDGE, MA 02138

223-56  
FLANDERS, D. ANTHONY & CARLA J. PROCASKEY  
61 SPARKS ST #3  
CAMBRIDGE, MA 02138

223-58  
CORRSIN, DAVID  
19 BREWSTER ST  
CAMBRIDGE, MA 02138

223-1053  
TAGIURI, CONSUELO ROBERT TAGIURI  
67 SPARKS ST  
CAMBRIDGE, MA 02138

223-28  
FISHER, JOSEPH,  
TRUSTEE THE SPARKS TRUST  
PO BOX 11270  
JACKSON, WY 83002

223-55  
DE LANTSHEERE CHARLES A  
TRS TONI LEE DE LANTSHEERE TRS  
63 SPARKS ST UNIT 3  
CAMBRIDGE, MA 02138

223-33  
BRETLE, JOHN P & JENNIFER K BRETLE  
8 HIGHLAND ST  
CAMBRIDGE, MA 02138

223-57  
DAKOS, KRISTINA,  
TR. THE KIRSTINA DAKOS 2104 REV TR.  
17 BREWSTER ST  
CAMBRIDGE, MA 02142



65 Sparks Street, Unit 4

Case 209310



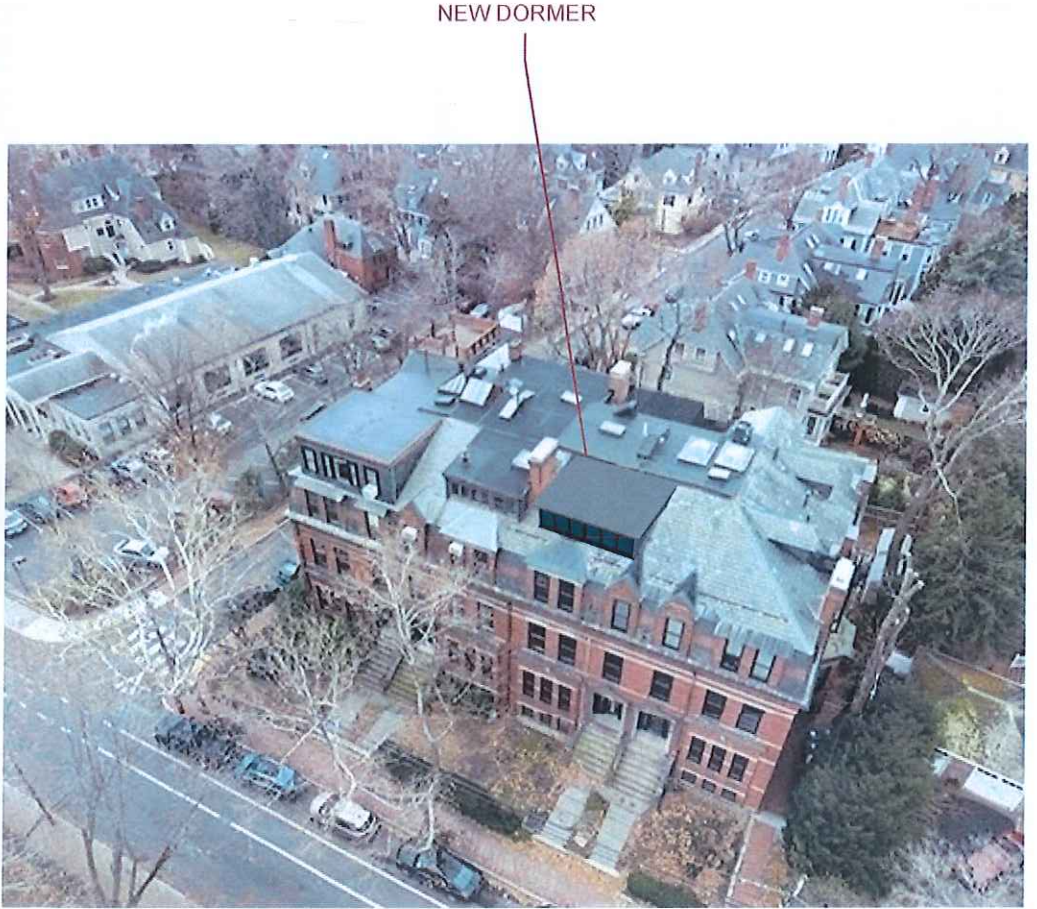
1 - VIEW FROM NORTHEAST CORNER, EXISTING



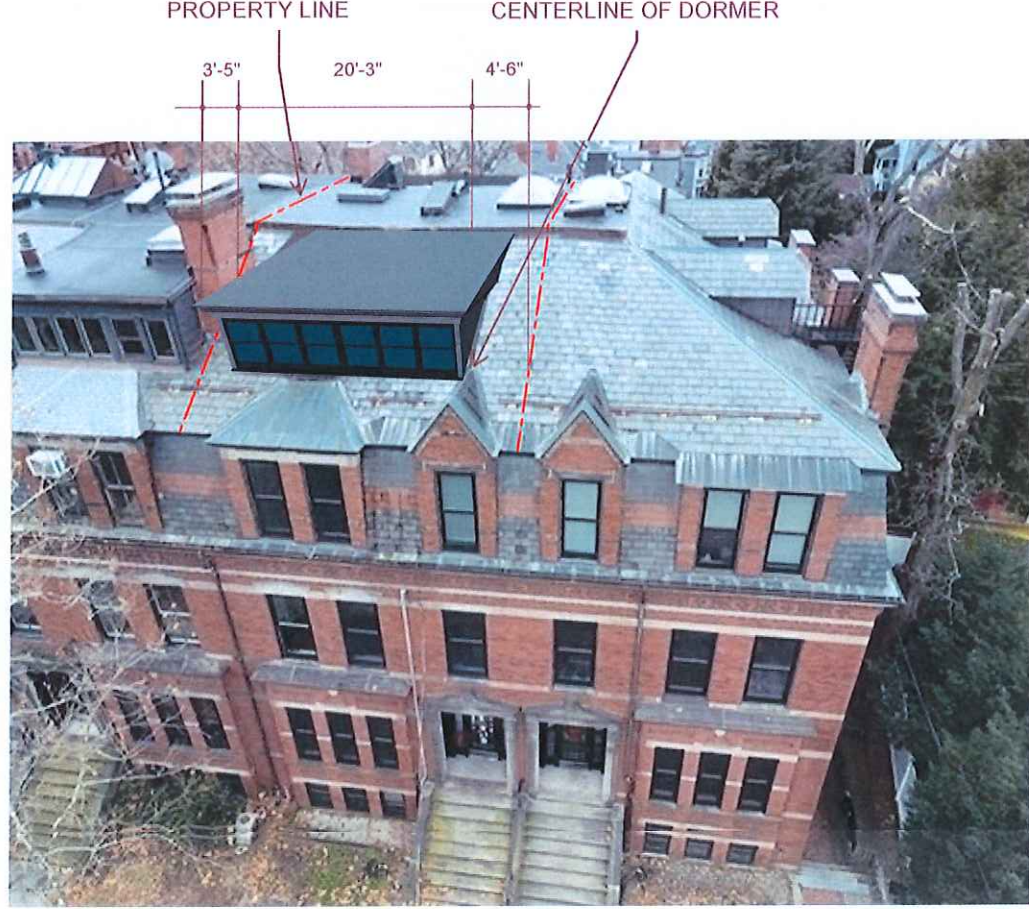
2 - VIEW FROM FRONT YARD, EXISTING



3 - VIEW UP TO ROOF, EXISTING



4 - VIEW FROM NORTHEAST CORNER WITH DORMER



5 - VIEW FROM FRONT YARD WITH DORMER



6 - VIEW UP TO ROOF WITH DORMER



ANGEL SERVICES  
17 A D 14



1 - NORTHWEST CORNER, EXISTING



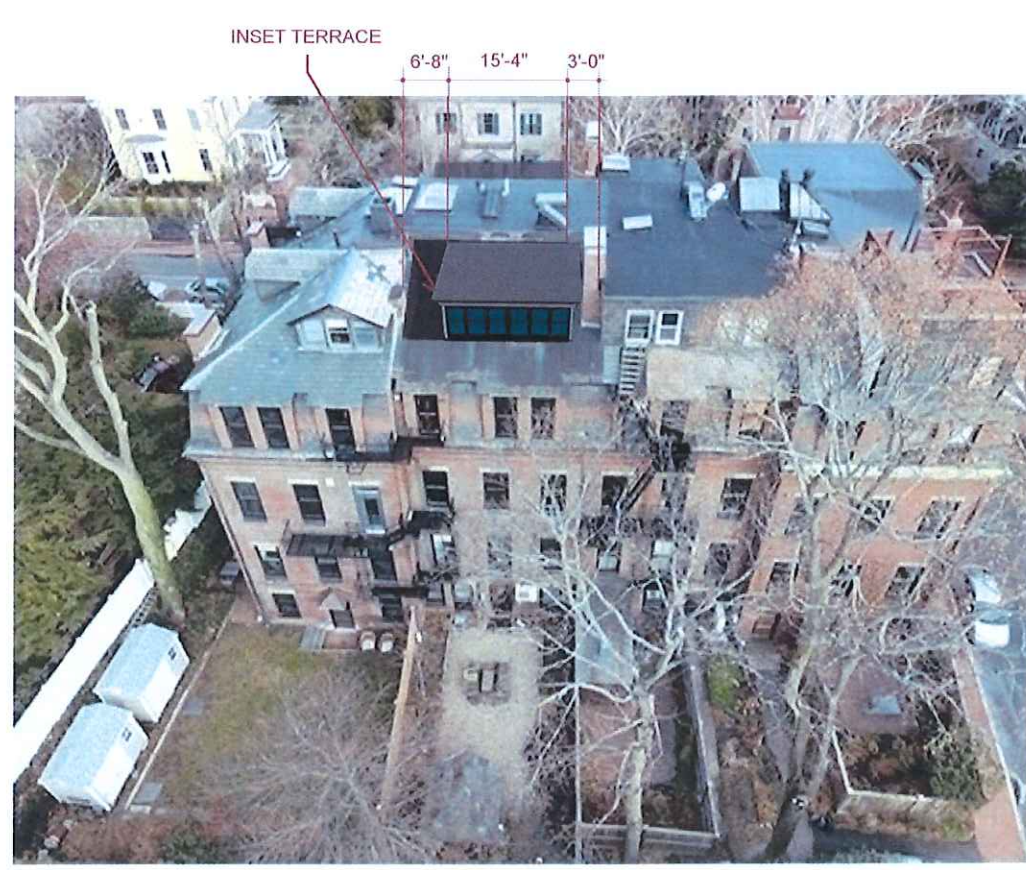
2 - REAR YARD WEST VIEW, EXISTING



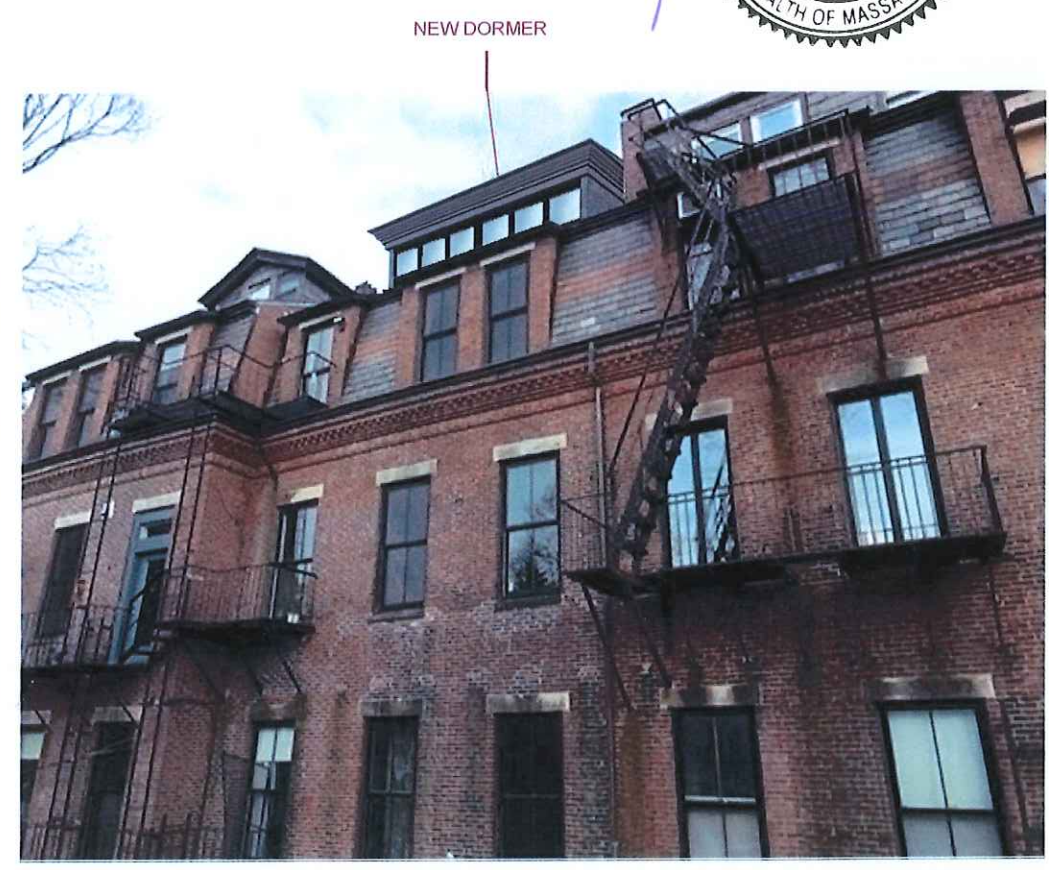
3 - REAR YARD VIEW UP, EXISTING



4 - NORTHWEST CORNER WITH DORMER / TERRACE



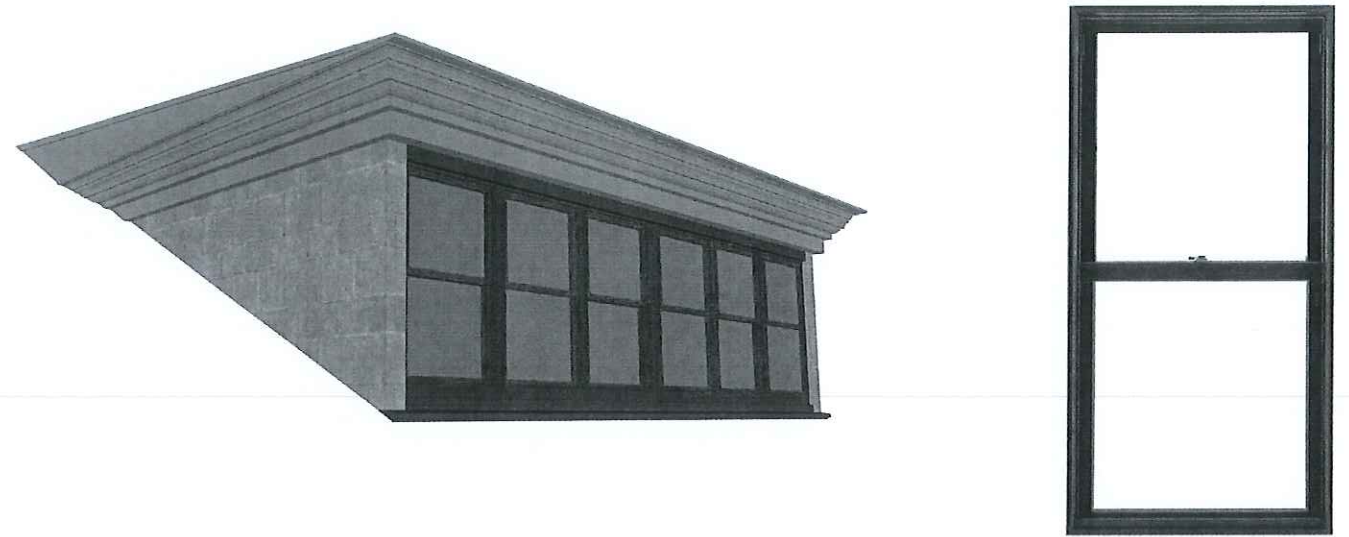
5 - REAR YARD WEST VIEW WITH DORMER / TERRACE



6 - REAR YARD VIEW UP WITH DORMER / TERRACE



1 - VIEW OF DORMER FROM SPARKS STREET, FRONT YARD



2 - VIEW OF DORMER FROM BACK YARD AT 65 SPARKS STREET



## Pacheco, Maria

---

**From:** Adam Dash <dash@adamdashlaw.com>  
**Sent:** Monday, March 20, 2023 1:37 PM  
**To:** Pacheco, Maria  
**Cc:** Natola, Stephen; Ratay, Olivia  
**Subject:** 65 Sparks Street continuances

Maria,

My clients would like to continue the 65 Sparks Street cases which are on for this Thursday, being 206407 and 209310, until a BZA hearing date in May (which I understand is the soonest date we could have).

You may recall that the last continuance was requested by an abutter, and not by the Applicants, so I would hope we would be granted this extension on Thursday night.

I am talking with the abutter's attorney about possible resolution of this matter, now that he is back in the country, so more time would help.

Which date in May do you think we would get?

Thanks.

Adam Dash, Esq.  
Adam Dash & Associates  
48 Grove Street, Suite 304  
Davis Square  
Somerville, MA 02144  
(617) 625-7373 phone  
(617) 625-9452 fax

This communication is intended only for the use of the individual or entity named as the addressee. It may contain information that is privileged and/or confidential. If you are not the intended recipient, any dissemination, copying or disclosure of this communication is strictly prohibited. If you have received this communication in error, please notify us immediately at (617) 625-7373 or via return Internet e-mail and delete this communication without making any copies.

**Pacheco, Maria**

---

**From:** Rob Tagiuri <rob.tagiuri@verizon.net>  
**Sent:** Thursday, February 23, 2023 9:04 AM  
**To:** Pacheco, Maria  
**Cc:** Jim Mitchell  
**Subject:** Request to postpone the hearing on BZA-209310

Hi Ms. Pacheco,

I would like to request that the hearing on BZA-209310 be postponed for two weeks. The 67 Sparks Street Realty Trust, the owner of 67 Sparks Street and an abutter to 65 Sparks Street opposes the granting of a variance for two dormers on the roof of 65 Sparks Street. The Trust does not see that the petitioners have a hardship as defined by the zoning code. However, the Trust is attempting to work out a compromise with the petitioners, which has been complicated by communication issues between our counsel and theirs. We have submitted a proposal to the petitioners via their attorney, Mr. Dash, and we await a response. James P.

Mitchell, our attorney, is out of the country and he has had difficulties with phone service and Internet. Attorney Mitchell will be back in Massachusetts in a few days, facilitating a dialog.

Thank you for your attention to this matter,

Robert Tagiuri

617-821-8490

## **Pacheco, Maria**

---

**From:** Rob Tagiuri <rob.tagiuri@verizon.net>  
**Sent:** Thursday, February 23, 2023 11:18 AM  
**To:** Pacheco, Maria  
**Cc:** Jim Mitchell  
**Subject:** BZA-209310

To:

Cambridge Board of Zoning Appeal

To Whom It May Concern,

I am the representative for the 67 Sparks Street Realty Trust. I also live at 67 Sparks Street. Over four decades we have maintained the architectural integrity of the building when having work done to the exterior of the property to preserve the historic facade which includes the mansard roof.

Our building 67 Sparks Street abuts 65 Sparks Street. We oppose the variance for two dormers and a deck on the roof of 65 Sparks Street for three reasons:

- It is our interpretation of the zoning code that no hardship exists that would permit the granting of the variance.
- The dormers will have a negative effect on the appearance of 67 Sparks Street, when the architectural integrity is violated on the roof of 65 Sparks Street, and decrease the value of our property.
- The deck is adjacent to my bedroom windows.

If the variance is granted, it is our plan to appeal.

We reached out to the petitioners via their attorney with a compromise proposal. They did not accept it

Thank you for your attention to this matter,

Robert Tagiuri



# City of Cambridge

MASSACHUSETTS

## BOARD OF ZONING APPEAL

831 Mass Avenue, Cambridge, MA.  
(617) 349-6100

2023 FEB 24 AM 10:33  
OFFICE OF THE CITY CLERK  
CAMBRIDGE, MASSACHUSETTS

### Board of Zoning Appeal Waiver Form

The Board of Zoning Appeal  
831 Mass Avenue  
Cambridge, MA 02139

RE: Case # BZA-209310

Address: 65 Sparks St. #4

Owner,  Petitioner, or  Representative: Adam Dash, Esq.  
(Print Name)

hereby waives the required time limits for holding a public hearing as required by Section 9 or Section 15 of the Zoning Act of the Commonwealth of Massachusetts, Massachusetts General Laws, Chapter 40A. The  Owner,  Petitioner, or  Representative further hereby waives the Petitioner's and/or Owner's right to a Decision by the Board of Zoning Appeal on the above referenced case within the time period as required by Section 9 or Section 15 of the Zoning Act of the Commonwealth of Massachusetts, Massachusetts General Laws, Chapter 40A, and/or Section 6409 of the federal Middle Class Tax Relief and Job Creation Act of 2012, codified as 47 U.S.C. §1455(a), or any other relevant state or federal regulation or law.

Date: 2/24/23

[Signature]  
Signature

1 \* \* \* \* \*

2 (7:17 p.m.)

3 Sitting Members: Brendan Sullivan, Andrea A. Hickey,  
4 Jim Monteverde, Laura Wernick, and Matina Williams

5 BRENDAN SULLIVAN: Going to the Regular Agenda,  
6 the Board will now hear Case No. 209310 -- 65 Sparks Street.

7 ADAM DASH: Good evening, Mr. Chair. Can you hear  
8 me?

9 BRENDAN SULLIVAN: Yes.

10 ROBERT TAGIURI: Good evening. This is Attorney  
11 Adam Dash, at 48 Grove Street in Somerville. D-a-s-h,  
12 representing the applicants.

13 BRENDAN SULLIVAN: All right. Adam, are you aware  
14 of the letter from Bob --

15 ADAM DASH: I am.

16 BRENDAN SULLIVAN: -- Tagiuri?

17 ADAM DASH: Yes.

18 BRENDAN SULLIVAN: Okay. And he is requesting,  
19 because his counsel is out of the country and not available,  
20 to postpone this for at least two weeks. Are you amenable  
21 to that at all, before we open it up?

22 ADAM DASH: Yeah, there's more to this, Mr. Chair,



1 if I may -- I don't want to get into a whole lot of detail  
2 about this. I have talked to his counsel over the past week  
3 or so and including several times today. He may be out of  
4 the country, but I have been able to reach him.

5 I would note that I do appear before this Board  
6 from time to time and I did want to respond. I feel like I  
7 was personally called out in some of those letters, and I  
8 don't believe that the facts are correct.

9 Because I have been in touch. As I said, we did  
10 have some discussions about this through Counsel. I don't  
11 want to get into that. It's not really relevant to the  
12 record.

13 We were unable to resolve Mr. Tagiuri's demands,  
14 but I don't want the Board to think that I or my clients  
15 were somehow ignoring him or not talking to him or not  
16 working through counsel.

17 There was a brief hiccup where I played phone tag  
18 with the lawyer, but we've spoken off and on a bit today as  
19 well as e-mailing. So I think -- and we were both of the  
20 agreement that -- both counsel are in agreement that this  
21 matter as far as resolving is at a dead end. So there's  
22 really no point in putting it off.

1           So we would rather go forward.

2           BRENDAN SULLIVAN: Okay. All right. Well, if you  
3 want to proceed, then let me read the -- it just came in  
4 today. I'm not sure if all the Board members have received  
5 it. But let me just read it into the record anyhow. And it  
6 sent to Ms. Pacheco from Mr. Rob Tagiuri.

7           "I would like to request that the hearing of BZA  
8 209310 to be postponed for two weeks. The 67 Park Street  
9 Realty Trust, the owner of 67 Spark Street, and an abutter  
10 to 65 Sparks Street opposes the granting of a variance for  
11 two dormers on the roof of 65 Park.

12           "The Trust does not see the petitioners have a  
13 hardship as defined by the zoning code. However, the Trust  
14 is attempting to work out a compromise with the petitioners,  
15 which has been complicated by communication issues between  
16 our counsel and theirs.

17           "We have submitted a proposal to the petitioners  
18 via their attorney, Mr. Dash, and we await a response.  
19 James P. Mitchell, our attorney, is out of the country and  
20 he has had difficulties with phone service and Internet.  
21 Attorney Mitchell will be back in Massachusetts in a few  
22 days, facilitating a dialogue.

1 "Thank you for your attention to this matter."

2 Then there was a further correspondence today from  
3 Mr. Tagiuri.

4 "I am representative of 67 Park Street Realty  
5 Trust." And he goes on:

6 "Over the four decades, we have maintained the  
7 architectural integrity of the building. Having worked on  
8 the exterior of property to preserve the historic façade,  
9 which includes the mansard roof.

10 "Our Building 67 abuts 65 Sparks. We oppose the  
11 variance for two dormers and a deck on the roof at 65 Park  
12 Street for three reasons. It is our interpretation of the  
13 zoning code that no hardship exists that would permit the  
14 granting of the variance.

15 "The dormers will have a negative effect on the  
16 appearance of 67 Sparks Street when the architectural  
17 integrity is violated on the roof of 65 Sparks and decrease  
18 the value of our property. The deck is adjacent to my  
19 bedroom window.

20 "The variance is granted, it is our plan to  
21 appeal. We reached to the petitioner by their attorney with  
22 a compromise proposal. They did not accept it. Thank you

1 for your attention.

2 "Mr. Tagliuri."

3 So I throw this out to the Board. If you are  
4 aware of the correspondence which came in today, and the  
5 question I throw out, and I ask for a response from Board,  
6 is whether they would proceed according to Mr. Dash's  
7 request -- he is a petitioner to counsel -- or in light of  
8 this correspondence that they feel a continuance would be in  
9 order? Jim, your thoughts?

10 And I don't mean to color the opposition's  
11 petition here, Mr. Dash, you know, it's just I want to make  
12 sure that the Board is fully aware. And I don't want to go  
13 through this whole long thing and then wind up having it  
14 continued because of this, that's all.

15 ADAM DASH: Well, I understand. I just wanted to  
16 --

17 BRENDAN SULLIVAN: You know?

18 ADAM DASH: -- note for the record that I did --  
19 after that first e-mail was sent earlier this morning, I did  
20 speak with Attorney Mitchell. I then spoke with him again  
21 after that second e-mail, of which he told me he was unaware  
22 it was being sent.

1           So I have had conversations with Mr. Mitchell off  
2 and on --

3           BRENDAN SULLIVAN: Okay.

4           ADAM DASH: -- for a while now.

5           BRENDAN SULLIVAN: All right.

6           ADAM DASH: And including several times today  
7 trying to resolve this matter with Mr. Tagiuri. And it's  
8 not going to get resolved. We can put it off two weeks;  
9 it's not going to change anything. So I'm just trying to be  
10 efficient.

11           BRENDAN SULLIVAN: Okay. All right, fine. Jim  
12 Monteverde, your thoughts on this?

13           JIM MONTEVERDE: -- I was unmuted. I would  
14 support a continuance.

15           BRENDAN SULLIVAN: Okay. Matina?

16           MATINA WILLIAMS: I have no objection to a  
17 continuance.

18           BRENDAN SULLIVAN: All right. Andrea Hickey?

19           ANDREA HICKEY: Yes. I would support a  
20 continuance as well. They're only requesting two weeks at  
21 that time. Hopefully, they can have a bit more dialogue if  
22 it doesn't result in anything. I don't think two weeks

1 would -- I support the --

2 BRENDAN SULLIVAN: Okay.

3 ROBERT TAGIURI: Thank you.

4 BRENDAN SULLIVAN: Laura?

5 ROBERT TAGIURI: May I say something?

6 BRENDAN SULLIVAN: Well, wait a minute. Let me --

7 LAURA WERNICK: No, I would -- I would be in  
8 support of a continuance.

9 BRENDAN SULLIVAN: Okay. I'm sorry, who spoke up?  
10 Was it Adam, or -- did you speak up, or --

11 ADAM DASH: No, that wasn't me.

12 BRENDAN SULLIVAN: Oh. All right. So anyhow,  
13 Adam, I --

14 ROBERT TAGIURI: Excuse me --

15 BRENDAN SULLIVAN: -- throw this out is I think  
16 with the issues raised, and the abutters have raised some  
17 issues that I think that a continuance would probably be in  
18 order.

19 ADAM DASH: Well, certainly obviously that's the  
20 Board's prerogative if you like. I mean, we -- I think if  
21 we went through all of this, I mean, we're talking about a  
22 0.03 FAR variance. This is a very, very, very small thing.

1 And there are other dormers on these buildings.

2 I got to say is completely disagree with the facts  
3 that Mr. Tagiuri put out. They sound good when you read the  
4 letter, but I think when you --

5 ROBERT TAGIURI: But --

6 ADAM DASH: -- see the context, I think you'll  
7 understand what we're doing here. But obviously I can't  
8 make the Board take this tonight. So it's certainly up to  
9 you.

10 Like, I can just tell you having gone back and  
11 forth with Attorney Mitchell as recently as this afternoon,  
12 I -- it just seems like we're not -- it would be a benefit  
13 continuance for the sake of having this same conversation in  
14 two weeks.

15 It's fine, but I don't -- see, my clients here,  
16 Kiersten Kerby-Patel one of them -- has her hand up. I  
17 don't know, one of the applicants and owners of the  
18 property. Her husband, I guess, Feanil Patel, is here, but  
19 he wasn't promoted. He probably -- shortly -- I don't know,  
20 Kiersten, is there anything you wanted to add before we go  
21 forward?

22 BRENDAN SULLIVAN: All right. The thing is, I

1 don't want to get into the merits of it.

2 JIM MONTEVERDE: Right.

3 BRENDAN SULLIVAN: And -- because then we'd have  
4 to reassemble the same -- so once I start taking testimony,  
5 then we're into the merits of the case. So I would just  
6 assume hold on from that.

7 The next available date would be April 13. So  
8 just -- Mr. Dash, are you available on the thirteenth?

9 ADAM DASH: That's a good question, Mr. Chair. I  
10 can check. I would also --

11 BRENDAN SULLIVAN: It's either --

12 ADAM DASH: Yeah.

13 BRENDAN SULLIVAN: -- the thirteenth or the  
14 twenty-seventh of April.

15 ADAM DASH: No, I'm available on the thirteenth.  
16 I would note that if you may recall at the last meeting,  
17 that there was a companion case to this that the Board  
18 continued until March 23, because it would be mooted by this  
19 case. So if we bump the thirteenth, we're now out of order  
20 of the cases.

21 BRENDAN SULLIVAN: I'm sorry.

22 ADAM DASH: Aside from the fact that this has been



1 going on for a long time already.

2 ROBERT TAGIURI: Not on our end. Not your end,  
3 but on our end.

4 BRENDAN SULLIVAN: Yeah.

5 ANDREA HICKEY: Perhaps we switch the dates of  
6 those cases and take this case on the earlier date, to  
7 switch the dates, Mr. Chair?

8 ADAM DASH: If those are our choices, I think that  
9 would be -- that would be better.

10 ANDREA HICKEY: Right. I mean, the continuance  
11 request was for two weeks. Now sort of making the  
12 petitioners wait really a month and a half was not what I  
13 has contemplated when I was in support of the continuance.

14 BRENDAN SULLIVAN: Okay. On the ninth we have --  
15 March 9, we have eight, nine, 10, 11 -- we have 12 cases  
16 that night. On 03/13, we have eight, nine, ten. This would  
17 be the eleventh.

18 ANDREA HICKEY: Mr. Dash, on what night is the  
19 companion case already scheduled?

20 ADAM DASH: March 23.

21 ANDREA HICKEY: So, Mr. Chair, could we sort of  
22 switch the Sparks Street cases and put tonight's case on for

1 the twenty-third?

2 BRENDAN SULLIVAN: We could.

3 ANDREA HICKEY: And then the one on for the  
4 twenty-third onto the thirteenth?

5 BRENDAN SULLIVAN: We could do that. We can't --  
6 no, the -- we can't -- we can put another 65 Sparks Street  
7 on the twenty-third. So March 23, we already have a 65  
8 Sparks Street case.

9 ANDREA HICKEY: Right. And -- and we could add  
10 this case on it too at 65 Sparks Street.

11 ADAM DASH: Yeah, Mr. Chair, we would just need  
12 this case, this tonight's case heard first. Because the --

13 BRENDAN SULLIVAN: Right.

14 ADAM DASH: -- other one would be mooted, and we  
15 would just --

16 BRENDAN SULLIVAN: Right. So one of -- one of  
17 them will go away, anyhow.

18 ADAM DASH: Right. Right.

19 BRENDAN SULLIVAN: So Andrea, does that sound  
20 okay?

21 ANDREA HICKEY: That sounds better. Yes.

22 BRENDAN SULLIVAN: Okay.

1           ANDREA HICKEY: Again, I'd love to be able to give  
2 the petitioners the actual two weeks that's requested, but  
3 we can't really pack the schedule any more than it already  
4 is. So --

5           BRENDAN SULLIVAN: Yeah.

6           ANDREA HICKEY: -- thank you, Mr. Chair. That  
7 would satisfy me.

8           BRENDAN SULLIVAN: All right. Let me make a  
9 motion, then, to continue this matter to March 23, 2023 at  
10 6:00 p.m. on the condition that there be -- well, we have a  
11 waiver already in the file, do we?

12           ADAM DASH: You have one on the --

13           BRENDAN SULLIVAN: We do not.

14           ADAM DASH: -- companion case, Mr. Chair.

15           BRENDAN SULLIVAN: Yeah, but I would ask that you  
16 sign a waiver for this particular case, also, Mr. Dash, if  
17 you would and --

18           ADAM DASH: We can -- yeah, we can do that, yeah.

19           BRENDAN SULLIVAN: Yeah. Sign it, get it back to  
20 Maria.

21           ADAM DASH: Yes.

22           BRENDAN SULLIVAN: Have it in by at least a week

1 from today.

2 So on the condition that the petitioner change the  
3 posting sign to reflect the new date of March 23, 2023 and  
4 the time of 6:00 p.m., have the signed waiver of statutory  
5 requirement for a hearing and a decision to be rendered  
6 thereof in the file by 5:00 p.m. a week from tonight, and  
7 that any new submittals regarding this particular case --  
8 dimensional form, supporting statements, be in the file by  
9 5:00 p.m. on the Monday prior to the March 23, 2023 hearing.

10 On the motion to continue, Jim Monteverde?

11 JIM MONTEVERDE: In favor.

12 BRENDAN SULLIVAN: Andrea Hickey?

13 ANDREA HICKEY: Yes, in favor.

14 BRENDAN SULLIVAN: Laura Wernick?

15 LAURA WERNICK: In favor.

16 BRENDAN SULLIVAN: Matina Williams?

17 MATINA WILLIAMS: In favor.

18 BRENDAN SULLIVAN: And Brendan Sullivan yes.

19 [All vote YES]

20 BRENDAN SULLIVAN: On the five affirmative votes,  
21 this matter is continued to March 23, 2023 at 6:00 p.m.

22 thank you, Mr. Dash.

1           ADAM DASH: Thank you, Mr. Chair and members of  
2 the Board.

3           BRENDAN SULLIVAN: Somehow, I lost my -- oh.  
4 Thank you very much.

5           Andrea, that was a good point. Thank you. Can  
6 always count on you --

7           ANDREA HICKEY: Thank you, Mr. Chair.

8           BRENDAN SULLIVAN: -- to do the right thing. Keep  
9 me on the straight and narrow.

10

11

12

13

14

15

16

17

18

19

20

21

22

1 \* \* \* \* \*

2 (6:04 p.m.)

3 Sitting Members: Brendan Sullivan, Jim Monteverde, Andrea  
4 A. Hickey, and Slater W. Anderson

5 BRENDAN SULLIVAN: So the first case I'll call  
6 tonight is BZA-209310 -- 65 Sparks Street and, in  
7 conjunction with that, Case #206407 -- 65 Sparks Street,  
8 No. 4.

9 Attorney Dash? Adam?

10 ADAM DASH: Yes. Good evening, Mr. Chair, and  
11 members of the Board. This is attorney Adam Dash, D-a-s-h,  
12 48 Grove Street in Somerville, representing the applicants  
13 for 65 Sparks Street.

14 The applicants are seeking a continuance of this  
15 matter to a Board date in May. You may recall that at the  
16 last meeting, this matter was continued on the February 23  
17 meeting until tonight at the request of an abutter, not at  
18 the request of the applicants, because the abutter's  
19 attorney was out of the country.

20 So this is the applicants' request, and I should  
21 note that the applicants and the abutter, now that counsel  
22 is back in the country, have been discussing a resolution of

1 the issues, and we're seeking this continuance to work  
2 towards that end.

3 BRENDAN SULLIVAN: Okay. The next available date  
4 would be May 11, is that? And the other date would be  
5 05/25/23. Which one is preferable for you, Adam?

6 ADAM DASH: I would say sooner rather than later,  
7 Mr. Chair.

8 BRENDAN SULLIVAN: Okay.

9 ADAM DASH: So I will take the eleventh if you're  
10 giving me the choice.

11 BRENDAN SULLIVAN: Yep. All right. And this is a  
12 case not heard, I believe?

13 ADAM DASH: Correct.

14 BRENDAN SULLIVAN: So we don't need to worry about  
15 the current members. So let me make a motion, then, to  
16 continue this matter, Case No. 206407 -- 65 Sparks Street,  
17 and also Case No. 209310 -- 65 Sparks Street No 4.

18 Let me make a motion, then, to continue this  
19 matter to May 11, 2023 at 6:00 p.m. on the condition that  
20 the petitioner change the posting sign to reflect the new  
21 date of May 11, 2023 and the new time at 6:00 p.m.

22 Any new submittals not currently in the file be

1 submitted by 5:00 p.m. on the Monday prior to the May 11  
2 hearing. There was a waiver of statutory requirement for  
3 the time and decision already in the files, so those are  
4 current.

5 On the motion, then, to continue this matter to  
6 May 11, 2023, Jim Monteverde?

7 JIM MONTEVERDE: Jim Monteverde in favor.

8 BRENDAN SULLIVAN: Andrea Hickey?

9 ANDREA HICKEY: Yes, in favor.

10 BRENDAN SULLIVAN: Slater Anderson?

11 SLATER ANDERSON: In favor.

12 BRENDAN SULLIVAN: Matina Williams?

13 [Pause]

14 Not present. Brendan Sullivan yes.

15 [All vote YES] On the affirmative vote of four  
16 members of the Board, this matter is continued -- these two  
17 matters are continued to May 11, 2023, at 6:00 p.m.

18 See you then, Adam.

19

20

21

22



## Pacheco, Maria

---

**From:** Adam Dash <dash@adamdashlaw.com>  
**Sent:** Monday, July 10, 2023 2:40 PM  
**To:** Pacheco, Maria  
**Subject:** Fw: Cambridge Board of Zoning Appeal (BZA): 07/13/23 Hearing Instructions

Maria,

I sent the below email to Olivia and Stephen about 65 Sparks St. Since I got an away message from Olivia, I want to make sure you saw it, too.

Best,

Adam Dash, Esq.  
Adam Dash & Associates  
48 Grove Street, Suite 304  
Davis Square  
Somerville, MA 02144  
(617) 625-7373 phone  
(617) 625-9452 fax

This communication is intended only for the use of the individual or entity named as the addressee. It may contain information that is privileged and/or confidential. If you are not the intended recipient, any dissemination, copying or disclosure of this communication is strictly prohibited. If you have received this communication in error, please notify us immediately at (617) 625-7373 or via return Internet e-mail and delete this communication without making any copies.

---

**From:** Adam Dash <dash@adamdashlaw.com>  
**Sent:** Monday, July 10, 2023 1:42 PM  
**To:** Ratay, Olivia <oratay@cambridgema.gov>; Natola, Stephen <snatola@cambridgema.gov>  
**Subject:** Re: Cambridge Board of Zoning Appeal (BZA): 07/13/23 Hearing Instructions

Ms. Ratay,

I am responding to your email regarding the 65 Sparks Street applications, being cases 206407, 209310, and 215873.

First, attending the Board of Zoning Appeals on July 13 will be:

Adam Dash, Esq., attorney for applicants  
Feanil Patel, applicant  
Kiersten C. Kirby-Patel, applicant  
Ron Borque, architect for applicants

Second, applicants seek a continuance of the July 13 Board date regarding said cases. The reason for the continuance request is that discussions with an abutter have been ongoing and we now appear to have a plan revision concept which would be acceptable to all. Due to vacations and the Fourth of July holiday, however, applicants are not able to file a revised plan in time for today's deadline. In addition, the abutter needs to review the revised plan before it is filed, which will take a little time. As such, a continuance is warranted in

order to allow for resolution of this matter. The continuance will actually save time and expense in the long run.

If you have any questions, please let me know.

Best,

Adam Dash, Esq.  
Adam Dash & Associates  
48 Grove Street, Suite 304  
Davis Square  
Somerville, MA 02144  
(617) 625-7373 phone  
(617) 625-9452 fax

This communication is intended only for the use of the individual or entity named as the addressee. It may contain information that is privileged and/or confidential. If you are not the intended recipient, any dissemination, copying or disclosure of this communication is strictly prohibited. If you have received this communication in error, please notify us immediately at (617) 625-7373 or via return Internet e-mail and delete this communication without making any copies.

---

**From:** Ratay, Olivia <oratay@cambridgema.gov>  
**Sent:** Friday, July 7, 2023 8:02 AM  
**To:** Ratay, Olivia <oratay@cambridgema.gov>; Natola, Stephen <snatola@cambridgema.gov>  
**Subject:** Cambridge Board of Zoning Appeal (BZA): 07/13/23 Hearing Instructions

Dear BZA Petitioner,

We are writing to you with regards to the case you will be presenting at the Cambridge Board of Zoning Appeal hearing on **Thursday, July 13, 2023** and specifically to clarify a few procedural matters given the virtual nature of the hearing.

1. Be sure to register yourself and all other presenters **before** the meeting using the Zoom Webinar link found [here](#).
2. Instructions for participating in the Zoom meeting can be found on ISD's website [here](#).
3. Please respond to this email and **send a list of names** of people who will be presenting your case to the Board. For example, the property owner(s), architect, engineer, lawyer, etc. We like to have this in advance in order to make the Zoom meeting a more efficient and smooth process.

Do not include neighbors on the list, just the petitioner team.

If you are withdrawing your case or requesting a continuance and have done so already in writing, disregard this email. If you plan on speaking at the hearing in order to withdraw or continue, send names as requested above.

4. If you have **revisions to your zoning petition**, such as design or dimensional changes, they **MUST** be received by the zoning clerk by **5pm Monday** July 10, 2023. Please bring one 11x17 paper copy of drawing or form changes to our office at 831 Mass Ave.

Because the hearing is virtual, all presentation of graphic materials will be handled by Inspectional Services' staff, who will bring the materials up on the screen at the time of your case; you can then prompt staff to move the presentation along. This is done to prevent 'zoom bombing' and to ensure that the presentation stays consistent with the zoning materials in the case folder, which Board members and the public have already had opportunity to review. The only new materials you could present at the hearing are neighbor letters, which you can read into the record. You will be able to turn on video so that the Board sees your face if you wish, but not mandatory.

ISD staff will use the materials already in your BZA case folder to create a presentation for you. The materials in your folder can be viewed at the BZA Agenda link in the City Calendar [here](#) for regular cases (continued cases will also be posted in a separate calendar agenda a couple days before the hearing). We will likely edit the contents and include only

the dimensional chart and plans/photos (ie. remove extraneous content such as the abutter map and ownership information) and orient pages properly.

If you need to customize your Zoom presentation, please contact ISD at the following email address: [oratay@cambridgema.gov](mailto:oratay@cambridgema.gov) and [snatola@cambridgema.gov](mailto:snatola@cambridgema.gov). Presentation materials submitted the day of the hearing will not be accepted, they must be submitted and reviewed by ISD staff beforehand.

5. During the actual hearing, ISD will use the list of presenters you've given us and move them from 'attendee' status to 'panelist' status; if you are the first case of the evening this will occur a few minutes before the meeting starts so we can check audio and start on time. As mentioned above, panelists in the Zoom platform will not have the capability to share their own screen to present materials from their own computer.

6. If you get disconnected from Zoom during your presentation, try one of these solutions: reconnect immediately using the Zoom link in your email – we will pause the meeting for a couple minutes; you can also have a back-up presenter at the ready to step in for you, or have the Zoom phone-in numbers handy and call in to rejoin (these will be sent automatically by Zoom when you register for the webinar).

Let us know if you have additional questions.

Regards,

Olivia Ratay  
Inspectional Services  
617-349-6110

## **Pacheco, Maria**

---

**From:** Adam Dash <dash@adamdashlaw.com>  
**Sent:** Thursday, August 10, 2023 1:48 PM  
**To:** Pacheco, Maria; Ratay, Olivia  
**Subject:** 65 Sparks Street, Unit 4

Maria and Olivia,

I want inform you that the Applicants regarding the three companion applications for 65 Sparks Street, Unit 4, being Cases 206407, 209310, and 215873, hereby ask to withdraw all of said applications without prejudice.

I can appear and request same at the September 28, 2023 meeting of the Zoning Board of Appeals, when said cases are currently scheduled to be heard.

If you need anything further from me regarding this request, please let me know.

I do appreciate the work that you and the Board put into this matter.

Best,

Adam Dash, Esq.  
Adam Dash & Associates  
48 Grove Street, Suite 304  
Davis Square  
Somerville, MA 02144  
(617) 625-7373 phone  
(617) 625-9452 fax

This communication is intended only for the use of the individual or entity named as the addressee. It may contain information that is privileged and/or confidential. If you are not the intended recipient, any dissemination, copying or disclosure of this communication is strictly prohibited. If you have received this communication in error, please notify us immediately at (617) 625-7373 or via return Internet e-mail and delete this communication without making any copies.

1 \* \* \* \* \*

2 (6:06 p.m.)

3 Sitting Members: Jim Monteverde, Matina Williams, Thomas  
4 Miller, Steven Ng, and Michael LaRosa

5 JIM MONTEVERDE: The first case I'm going to call  
6 is Case No. 209310 -- 65 Sparks Street -- Unit 4.

7 ADAM DASH: Good evening, Mr. Chair.  
8 Congratulations on your election.

9 JIM MONTEVERDE: Thank you, yeah.

10 ADAM DASH: Attorney Adam Dash, 48 Grove Street in  
11 Somerville. I represent the applicants in this matter  
12 regarding Sparks Street. With me also is Kiersten Kerby-  
13 Patel and Feanil Patel from the applicants.

14 We are seeking tonight a continuance for cases  
15 206407, 209310, and 215873 to create revised plans which  
16 would be acceptable to an abutter that we have.

17 We had hoped to have that ready for tonight, but  
18 discussions with the abutter and then development of the  
19 revised plans and the July Fourth holiday in between, we  
20 were not able to get those in in time for Monday to have  
21 them dealt with today.

22 Once the revised plans are received, we want to

1 provide them to the abutter for their review, and then file  
2 them with the City and then come back to you.

3 I would note that the matter was continued at the  
4 last Board meeting to tonight due to concerns raised by the  
5 Board, and that the plan revision we hoped would alleviate  
6 those concerns as well.

7 So we feel that since this would be much more  
8 efficient and save everybody a lot of time and energy if we  
9 and the abutter come to a resolution and come to a mutually  
10 agreeable plan, that also alleviates the Board concerns that  
11 this would be a warranted continuance.

12 And as before, if this revised plan application is  
13 approved, then the other two applications that are  
14 associated with it are rendered moot. But until that  
15 happens, we need all three continued. Thank you.

16 JIM MONTEVERDE: Okay. So the final I have in  
17 front of me, I just want to confirm the case number that  
18 you're asking for the continuance on.

19 ADAM DASH: There are three.

20 JIM MONTEVERDE: Just, can I --

21 ADAM DASH: They're all on the agenda one after  
22 the other tonight, but we need continuances.

1 JIM MONTEVERDE: You need to continue all three?

2 ADAM DASH: We do, because we don't know what's  
3 going -- obviously, one would hope that the Board would  
4 approve the plan, and then we would be good to go on that  
5 one application.

6 But if not, then the other applications, because  
7 we don't want to end up not being able to come back. We  
8 don't want to necessarily dismiss the other applications,  
9 until we know what the Board's pleasure is on the revision,  
10 which we don't have filed.

11 JIM MONTEVERDE: Okay. What do we have for a  
12 date? September 28? Members of the Board, can you all be  
13 in attendance?

14 DANIEL HIDALGO: Yeah, that's fine for me.

15 STEVEN NG: That date's fine.

16 JIM MONTEVERDE: Okay. Attorney Dash, does that  
17 work for you and your client?

18 ADAM DASH: I have no plans, so sure.

19 JIM MONTEVERDE: Okay. All right. Virginia, are  
20 you available September 28?

21 VIRGINIA KEESLER: Yes, I am available.

22

1 JIM MONTEVERDE: Okay. And Bill?

2 BILL BOEHM: Yes, I am.

3 JIM MONTEVERDE: All right. Very good. So let me  
4 make a motion, then, to continue this matter to September 28  
5 on the condition that petitioner change the posting sign to  
6 reflect the new date of September 28, 2023, and the new time  
7 of 6:00 p.m.

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

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

16 Also, that if there are any new submittals,  
17 changes to drawings, that those will be in the file by 5:00  
18 p.m. on the Monday prior to the September 28 hearing.

19 On the motion then to continue this matter and  
20 taking the first case in the agenda, so that's 209310, so on  
21 the motion to continue, Steven?

22 STEVEN NG: In favor.



1 JIM MONTEVERDE: Virginia?

2 VIRGINIA KEESLER: In favor.

3 JIM MONTEVERDE: Daniel?

4 DANIEL HIDALGO: In favor.

5 JIM MONTEVERDE: Bill?

6 BILL BOEHM: Bill Boehm in favor.

7 JIM MONTEVERDE: And Jim Monteverde in favor.

8 [All vote YES]

9 JIM MONTEVERDE: The matter is accepted  
10 unanimately. All right. Let me go on to the next case.

11

12

13

14

15

16

17

18

19

20

21

22