

CITY OF CAMBRIDGE

BOARD OF ZONING APPEAL

831 Massachusetts Avenue, Cambridge MA 02139

617-349-6100

2023 MAR 28 AM 11:50

FILED BY: JILLIEN G. O'NEILL
CITY CLERK

BZA Application Form

BZA Number: 215873

General Information

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

Special Permit: X Variance: Appeal:

PETITIONER: Feanil Patel, Kiersten C. Kerby-Patel, Ivy Lee, Blake A. Sessions, Michael O'Brien, Brianna McHorse and 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:

Construct two dormers, one on the front and one on the rear.

SECTIONS OF ZONING ORDINANCE CITED:

- Article: 5.000 Section: 5.31 (Table of Dimensional Requirements).
- Article: 8.000 Section: 8.22.2.C (Alteration of Non-Conforming Structure).
- Article: 10.000 Section: 10.40 (Special Permits).

Original
Signature(s):

(Petitioner (s) / Owner)

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

(Print Name)

48 Grove Street, Suite 304
Somerville, MA 02144

Address:

Tel. No.

617-625-7373

E-Mail Address:

dash@adamdashlaw.com

Date: March 27, 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.

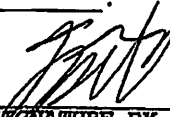
I/We Feanil Patel
(OWNER)

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.

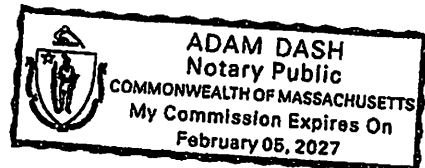
Commonwealth of Massachusetts, County of Middlesex

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

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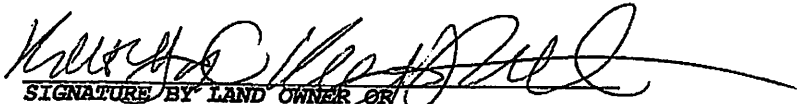
I/We Kiersten C. Kerby-Patel
(OWNER)

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


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Commonwealth of Massachusetts, County of Middlesex

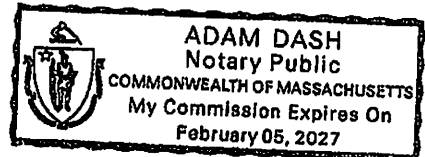
The above-name Kiersten C. Kerby-Patel personally appeared before me, this 7th of Nov, 2022, and made oath that the above statement is true.



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.

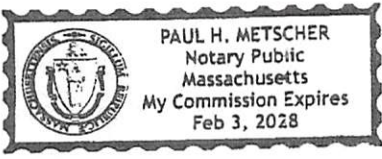
Commonwealth of Massachusetts, County of Middlesex

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.



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.

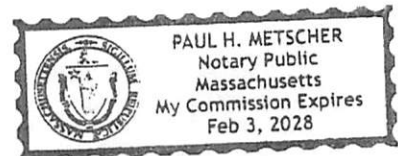
Commonwealth of Massachusetts, County of Middlesex

The above-name Blake Sessions personally appeared before me, this 9th of November, 2022, 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.



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.

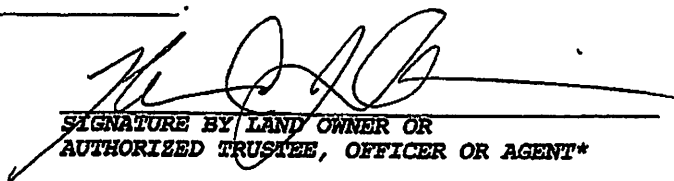
I/We Michael O'Brien (OWNER)

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 Pearl Patel, Kiersten C. Kerby-Patel, Ivy Lea, Blake A. Sessions, Michael O'Brien, BriannaMcHorse and David Lalbstein

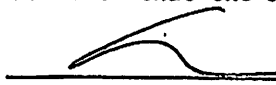
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*Written evidence of Agent's standing to represent petitioner may be requested.

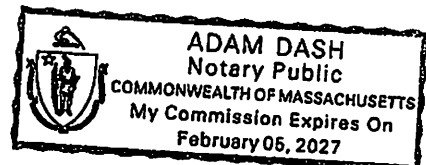
Commonwealth of Massachusetts, County of Middlesex

The above-name Michael O'Brien personally appeared before me, this 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 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]
SIGNATURE BY LAND OWNER OR AUTHORIZED TRUSTEE, OFFICER OR AGENT*

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

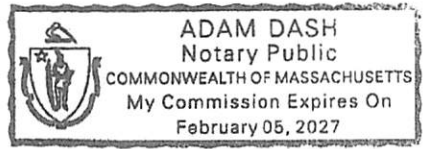
Commonwealth of Massachusetts, County of Middlesex

The above-name Brianna McHorse personally appeared before me, this 7th of NOV., 2022, and made oath that the above statement is true.

[Signature] 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 Leibstain
(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, Kierstan 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 21st of Nov, 20 22 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.

BZA Application Form

SUPPORTING STATEMENT FOR A SPECIAL PERMIT

Please describe in complete detail how you meet each of the following criteria referring to the property and proposed changes or uses which are requested in your application. Attach sheets with additional information for special permits which have additional criteria, e.g.; fast food permits, comprehensive permits, etc., which must be met.

Granting the Special Permit requested for 65 Sparks St., Unit 4, Cambridge, MA (location) would not be a detriment to the public interest because:

A) Requirements of the Ordinance can or will be met for the following reasons:

There is no change to the number of units. The construction of the dormers will not be a detriment to the public interest and will match other dormers on the same block. The proposed work enhances the livability of the Premises and continues to fit the characteristics and needs of the neighborhood and community. There will not be any noticeable impact on the overall look, feel, or traffic pattern in the neighborhood.

B) Traffic generated or patterns of access or egress would not cause congestion hazard, or substantial change in established neighborhood character for the following reasons:

There will be no traffic generated because the number of units and dimensional measurements will remain the same.

C) The continued operation of or the development of adjacent uses as permitted in the Zoning Ordinance would not be adversely affected by the nature of the proposed use for the following reasons:

There will be no adverse effect because the number of units and dimensional measurements will remain the same.

D) Nuisance or hazard would not be created to the detriment of the health, safety, and/or welfare of the occupant of the proposed use or the citizens of the City for the following reasons:

There will be no nuisance or hazard because the number of units and dimensional measurements will remain the same.

E) For other reasons, the proposed use would not impair the integrity of the district or adjoining district or otherwise derogate from the intent or purpose of this ordinance for the following reasons:

The dormers will not increase the size of the structure and will echo other nearby dormers without changing the number of units. The dormers are 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. 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 these dormers will be in character with the rest of block. The proposed work enhances the livability of the Premises and

continues to fit the characteristics and needs of the neighborhood and community. There will not be any noticeable impact on the overall look, feel, or traffic pattern in the neighborhood.

***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 McHorse and 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	5,335	3,000	(max.)
<u>LOT AREA:</u>		3,125	3,125	8,000	(min.)
<u>RATIO OF GROSS FLOOR AREA TO LOT AREA: ²</u>		1.71	1.71	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	57.8	57.8	N/A	
	LENGTH	25	25	N/A	
<u>RATIO OF USABLE OPEN SPACE TO LOT AREA:</u>		53.8%	53.8%	N/A	
<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

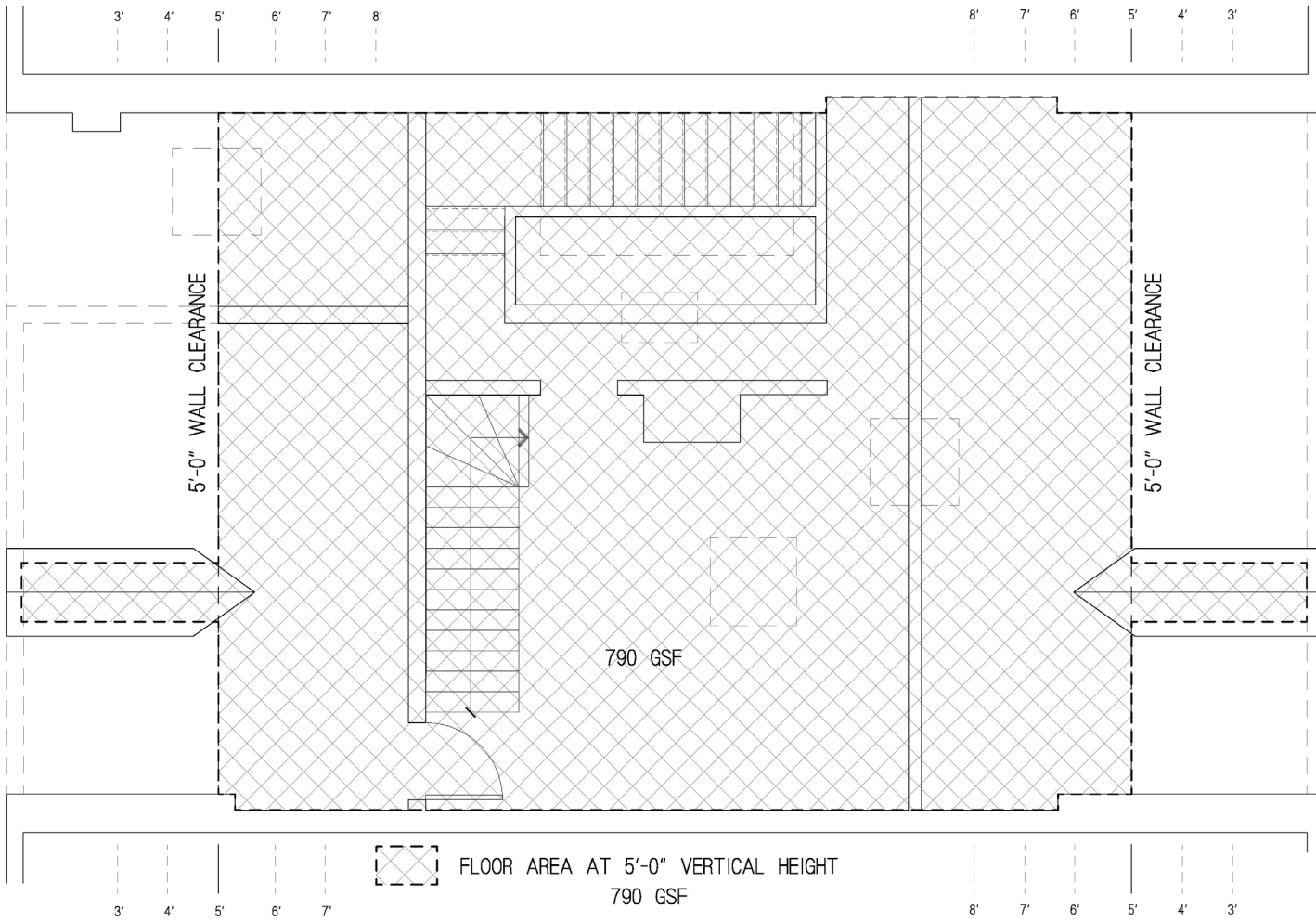
1. SEE CAMBRIDGE ZONING ORDINANCE ARTICLE 5.000, SECTION 5.30 (DISTRICT OF DIMENSIONAL REGULATIONS).
2. TOTAL GROSS FLOOR AREA (INCLUDING BASEMENT 7'-0" IN HEIGHT AND ATTIC AREAS GREATER THAN 5') DIVIDED BY LOT AREA.
3. OPEN SPACE SHALL NOT INCLUDE PARKING AREAS, WALKWAYS OR DRIVEWAYS AND SHALL HAVE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

CEILING HEIGHT

3' 4' 5' 6' 7' 8'

CEILING HEIGHT

8' 7' 6' 5' 4' 3'



790 GSF

FLOOR AREA AT 5'-0" VERTICAL HEIGHT
790 GSF



BD
Bourque Design

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

Client Name:
Dormer Additions and
Alterations for
65 Sparks Street, Cambridge, MA

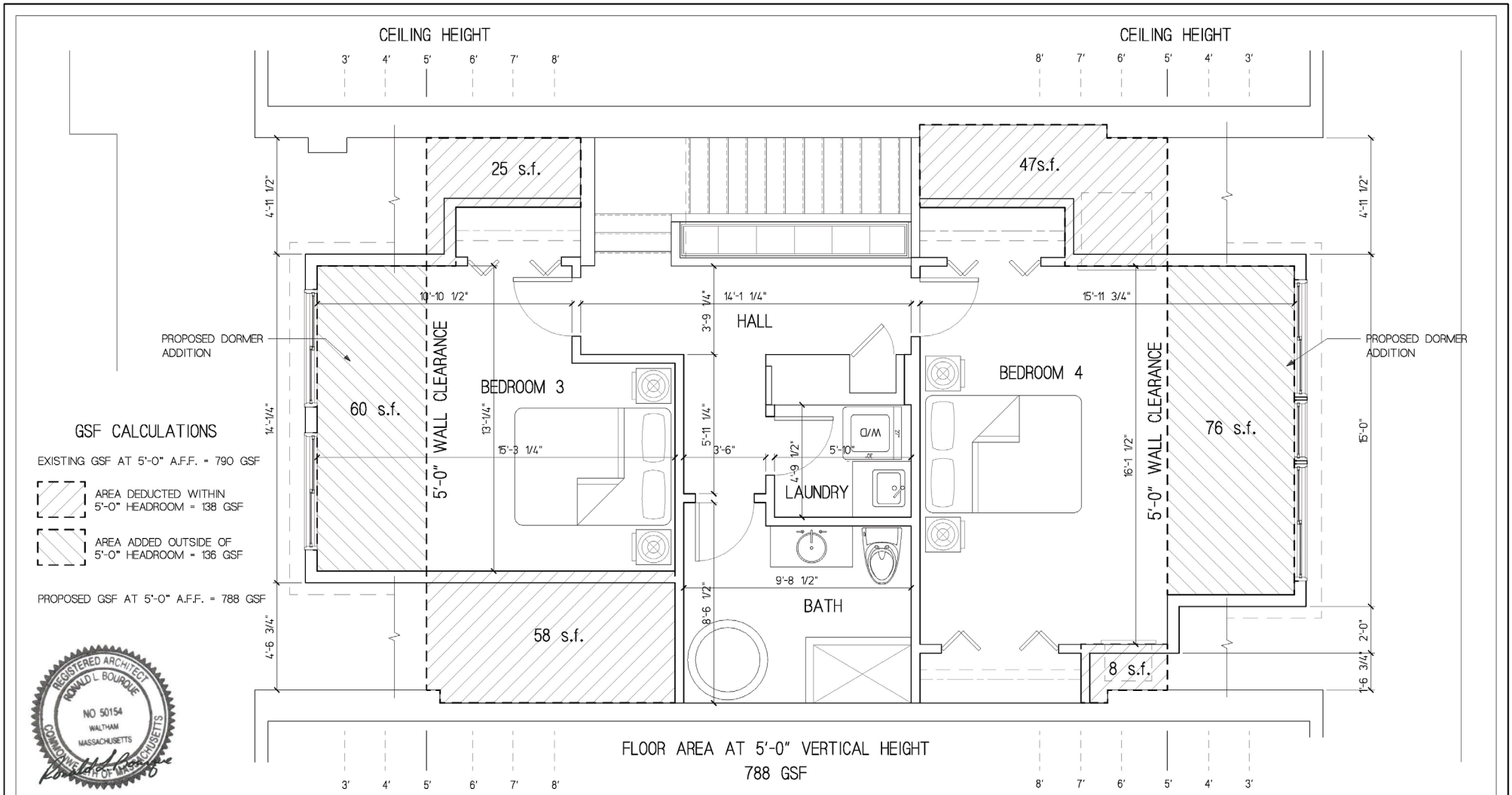
Drawing Title:
Existing Fourth
Floor Plan

Date: MARCH 14, 2023

Scale: 1/8" = 1'-0"

Revision:

Sheet:
1
Of 3



GSF CALCULATIONS

EXISTING GSF AT 5'-0" A.F.F. = 790 GSF

AREA DEDUCTED WITHIN 5'-0" HEADROOM = 138 GSF

AREA ADDED OUTSIDE OF 5'-0" HEADROOM = 136 GSF

PROPOSED GSF AT 5'-0" A.F.F. = 788 GSF



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

Client Name:
Dormer Additions and Alterations for
 65 Sparks Street, Cambridge, MA

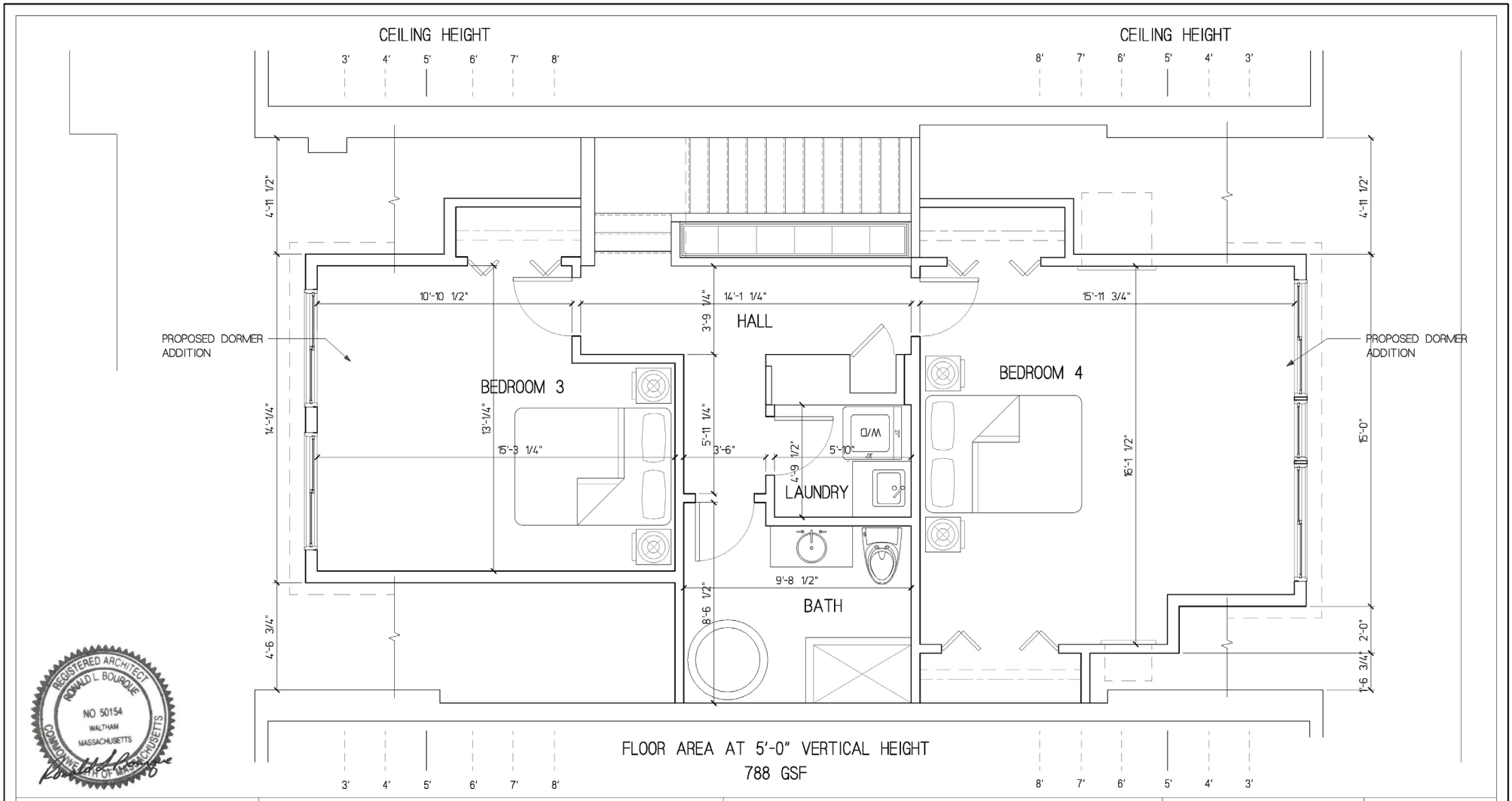
Drawing Title:
Proposed Fourth Floor Plan

Date: MARCH 14, 2023

Scale: 1/8" = 1'-0"

Revision:

Sheet:
2
 Of 3



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

Client Name:
**Dormer Additions and
 Alterations for
 65 Sparks Street, Cambridge, MA**

Drawing Title:
**Proposed Fourth
 Floor Plan**

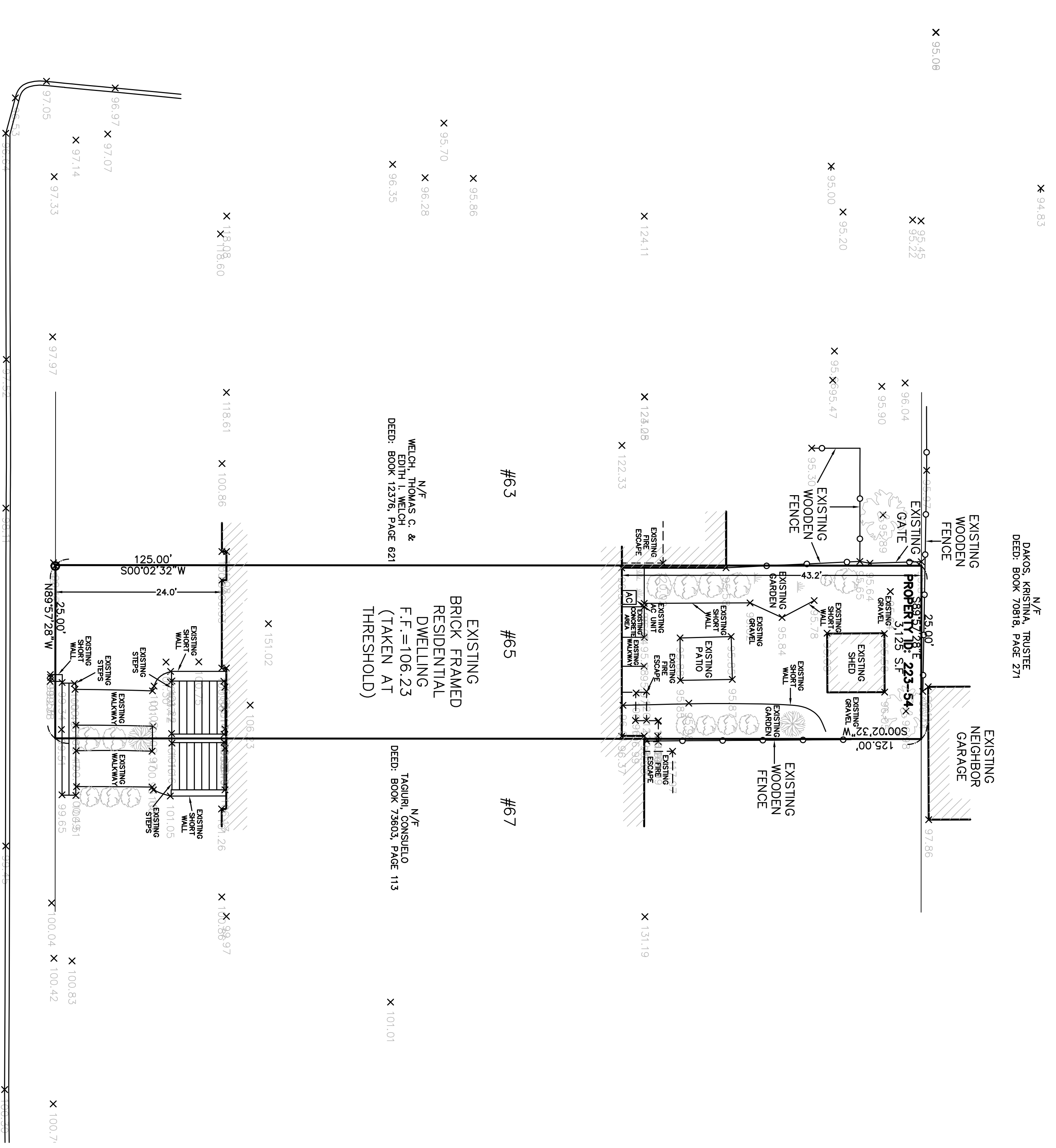
Date: MARCH 14, 2023

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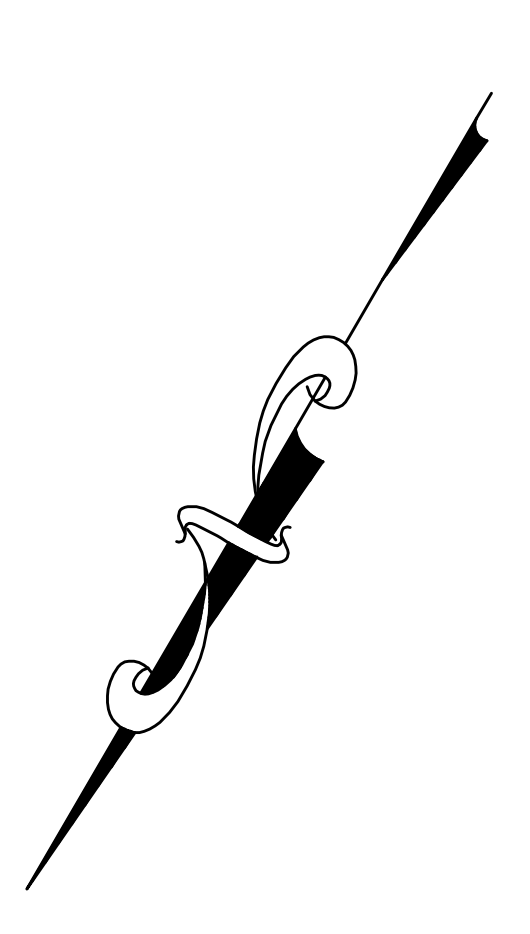
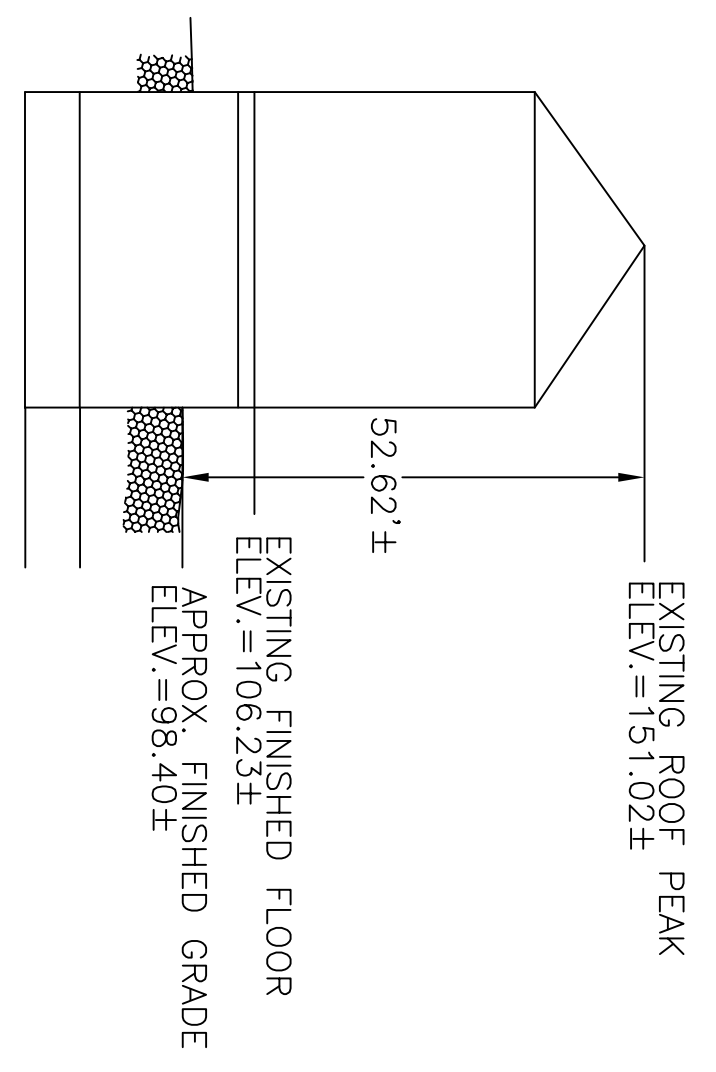
Revision:

Sheet:
3
 Of 3

LEGEND	
□	BOUND
○	IRON PIN/PIPE
⊙	STONE POST
⊕	TREE
♣	TREE STUMP
✿	SHRUBS/FLOWERS
⊘	SIGN
●	BOLLARD
⊖	SEWER MANHOLE
⊖	DRAIN MANHOLE
⊖	CATCH BASIN
⊖	WATER MANHOLE
⊖	WATER VALVE
⊖	HYDRANT
⊖	GAS VALVE
⊖	ELECTRIC MANHOLE
⊖	ELECTRIC HANDHOLE
⊖	UTILITY POLE
⊖	LIGHT POLE
⊖	MANHOLE
X	SPOT GRADE
TW	TOP OF WALL
BW	BOTTOM OF WALL
▭	EXISTING BUILDING
▭	RETAINING WALL
▭	STONE WALL
○	FENCE
○	TREE LINE
-3-	SEWER LINE
-2-	DRAIN LINE
-1-	WATER LINE
G	GAS LINE
E	UNDERGROUND ELECTRIC LINE
OHW	OVERHEAD WIRES
-1.45-	CONTOUR LINE (MAR)
-1.46-	CONTOUR LINE (MMB)



- NOTES:
1. INFORMATION SHOWN ON THIS PLAN IS THE RESULT OF A FIELD SURVEY PERFORMED BY SPRUHAN ENGINEERING, P.C. AS OF 07/16/2022.
 2. DEED REFERENCE: BOOK 78390, PAGE 526
PLAN REFERENCE 1: BOOK 288 PAGE 46
PLAN REFERENCE 2: BOOK 255 OF 2002
PLAN REFERENCE 3: PLAN 49 OF 1999
PLAN REFERENCE 4: PLAN 255 OF 999
MIDDLESEX SOUTH DISTRICT RESTRY OF DEEDS
 3. THIS PLAN IS NOT INTENDED TO BE RECORDED.
 4. I CERTIFY THAT THE DWELLING SHOWN IS NOT LOCATED WITHIN A SPECIAL FLOOD HAZARD ZONE. IT IS LOCATED IN ZONE X, ON FLOOD HAZARD BOUNDARY MAP NUMBER 25017C0419E, IN COMMUNITY NUMBER: 250186, DATED 06/04/2010.
 5. THIS PLAN DOES NOT SHOW ANY UNRECORDED OR UNWRITTEN EASEMENTS WHICH MAY EXIST IN RESPECT OF THE LAND. ANY SUCH EASEMENTS WHICH ARE KNOWN TO OR SHOULD BE KNOWN BY ANY CASUALTY INSURANCE AGENT OR ANY ADJACENT OWNER OF THE LAND, HOWEVER THEY NOT CONSTITUTE A SUBSTANTIAL EASEMENT TO THE LAND, HOWEVER THEY NOT CONSTITUTE A SUBSTANTIAL EASEMENT TO THE LAND, HOWEVER THEY NOT CONSTITUTE A SUBSTANTIAL EASEMENT TO THE LAND, HOWEVER THEY NOT CONSTITUTE A SUBSTANTIAL EASEMENT TO THE LAND.
 6. FIRST FLOOR ELEVATIONS ARE TAKEN AT THRESHOLD.
 7. NO RESPONSIBILITY IS TAKEN FOR ZONING TABLE AS SPRUHAN ENGINEERING, P.C. ARE NOT ZONING EXPERTS. TABLE IS TAKEN FROM TABLE PROVIDED BY LOCAL ZONING ORDINANCE. CLIENT AND/OR ARCHITECT TO VERIFY THE ACCURACY OF ZONING ANALYSIS.
 8. THE ELEVATIONS SHOWN ARE ON AN ASSUMED DATUM.
 9. ZONING DISTRICT: A-2 - RESIDENCE A-2. LOT WAS CEATED BEFORE 1953



SPRUHAN
Engineering, P.C.
90 JEWETT ST. (SUITE 2)
NEWTON, MA 02458
Tel: 617-816-0722
Email: technodiv@spruhan.com

65 SPARKS STREET
CAMBRIDGE
MASSACHUSETTS

SURVEY PLAN
REVISION BLOCK

DESCRIPTION	DATE

DATE: 07/26/2022

DRAWN BY: G.B.

CHECKED BY: E.S.

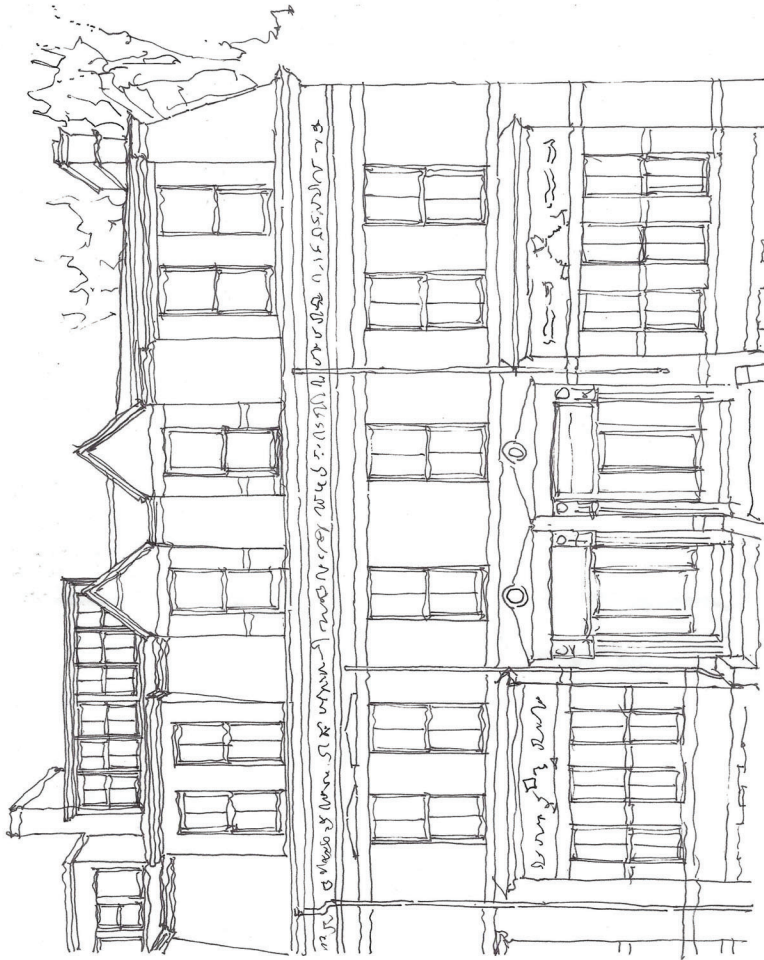
APPROVED BY: C.C.

PLOT PLAN OF LAND

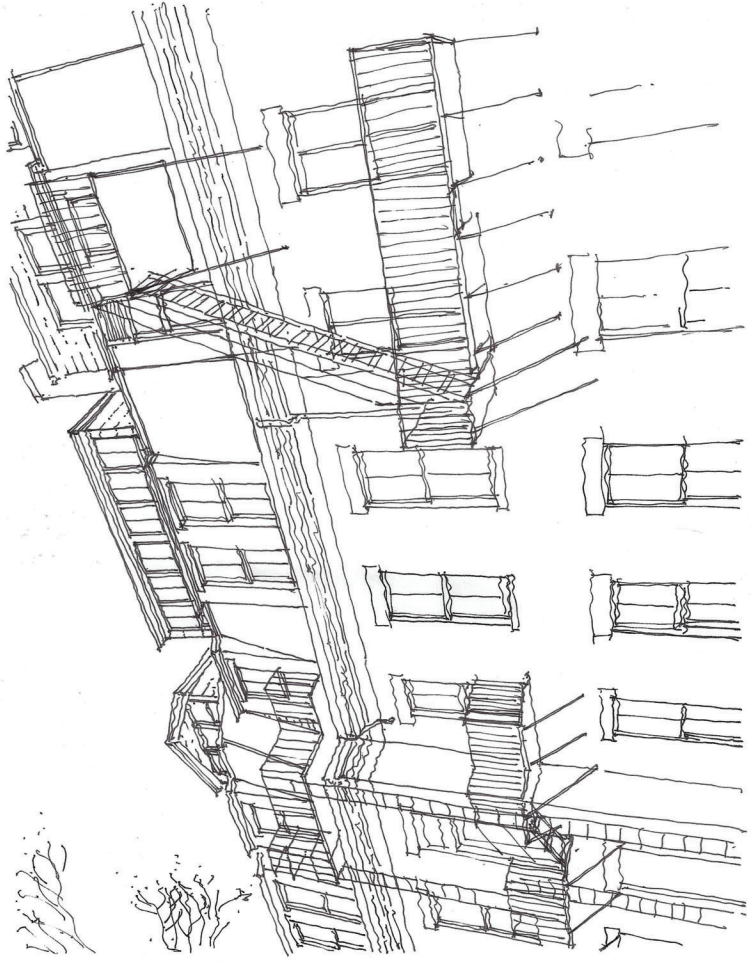
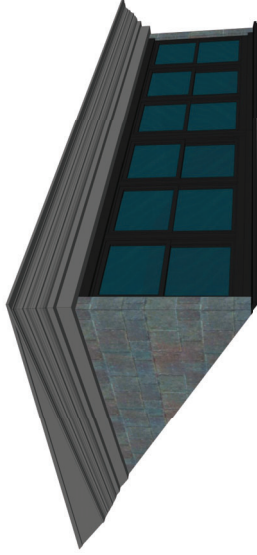
SHEET 1 OF 1

All legal rights including, but not limited to, copyright and design patent rights, in the designs, arrangements and plans shown on this document are the property of Spruhan Engineering, P.C. They may not be used or reused in whole or in part, except in connection with this project, without the prior written consent of Spruhan Engineering, P.C. Written dimensions on these drawings shall have precedence over scaled dimensions. Contractors shall verify and be responsible for all dimensions and conditions on this project, and Spruhan Engineering, P.C., the dimensions and conditions shown by these drawings.

GRAPHIC SCALE
(IN FEET)
1 inch = 10 ft.



1 - VIEW OF DORMER FROM SPARKS STREET, FRONT YARD



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





1 - VIEW FROM NORTHEAST CORNER, EXISTING



2 - VIEW FROM FRONT YARD, EXISTING



3 - VIEW UP TO ROOF, EXISTING



PROPOSED DORMER



4 - VIEW FROM NORTHEAST CORNER WITH DORMER

PROPOSED DORMER



5 - VIEW FROM FRONT YARD WITH DORMER

PROPOSED DORMER



6 - VIEW UP TO ROOF WITH DORMER



1 - NORTHWEST CORNER, EXISTING



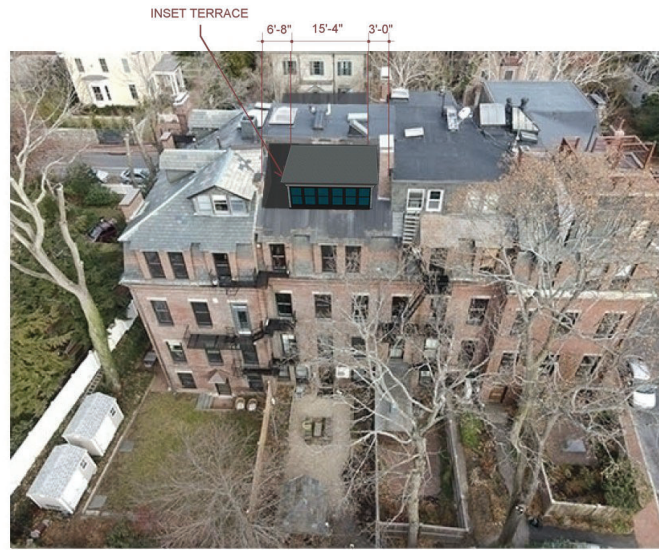
2 - REAR YARD WEST VIEW, EXISTING



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

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 dormer addition 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

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

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

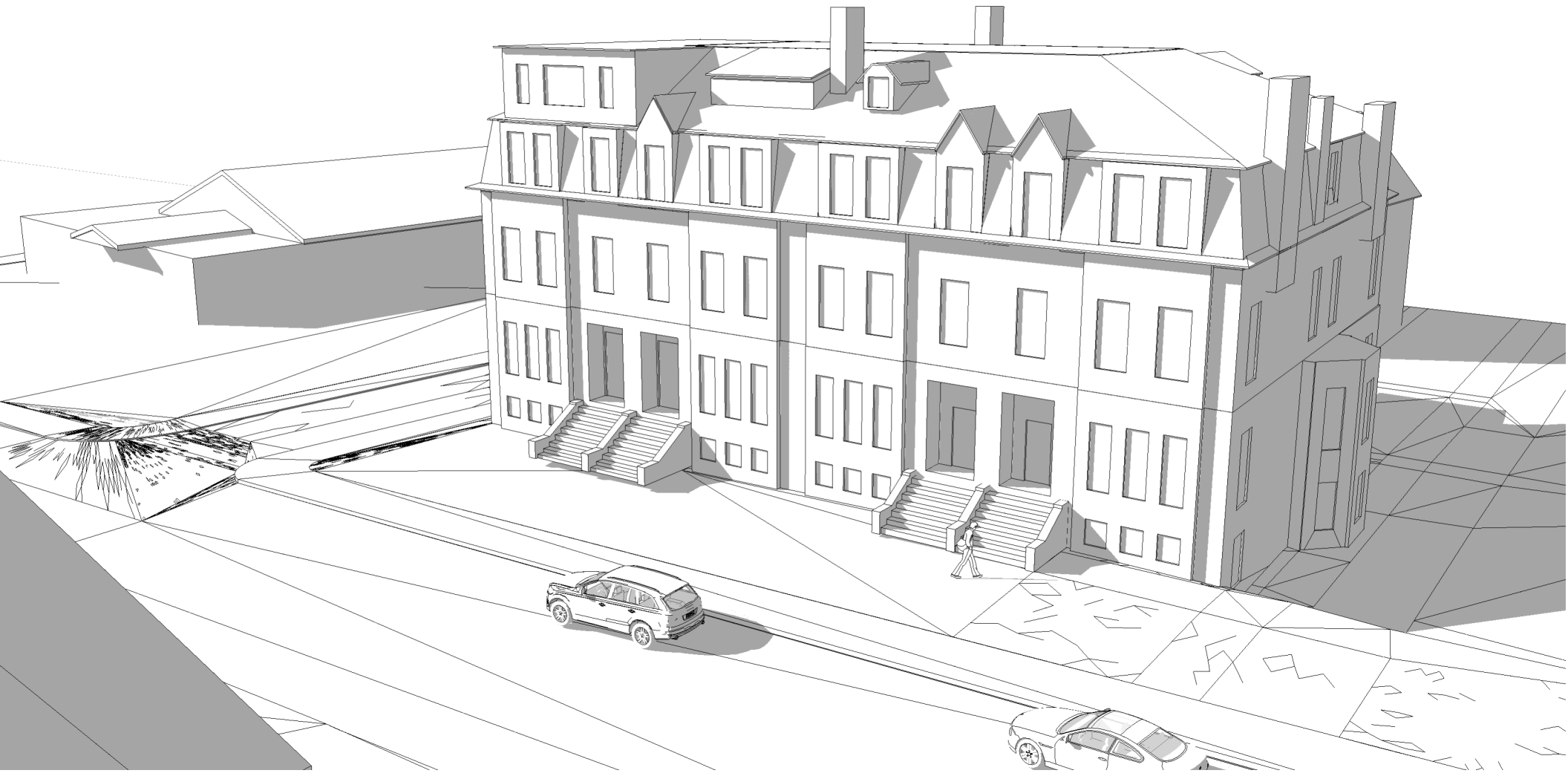
65 Sparks front view (existing), March 21, 3:00pm



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



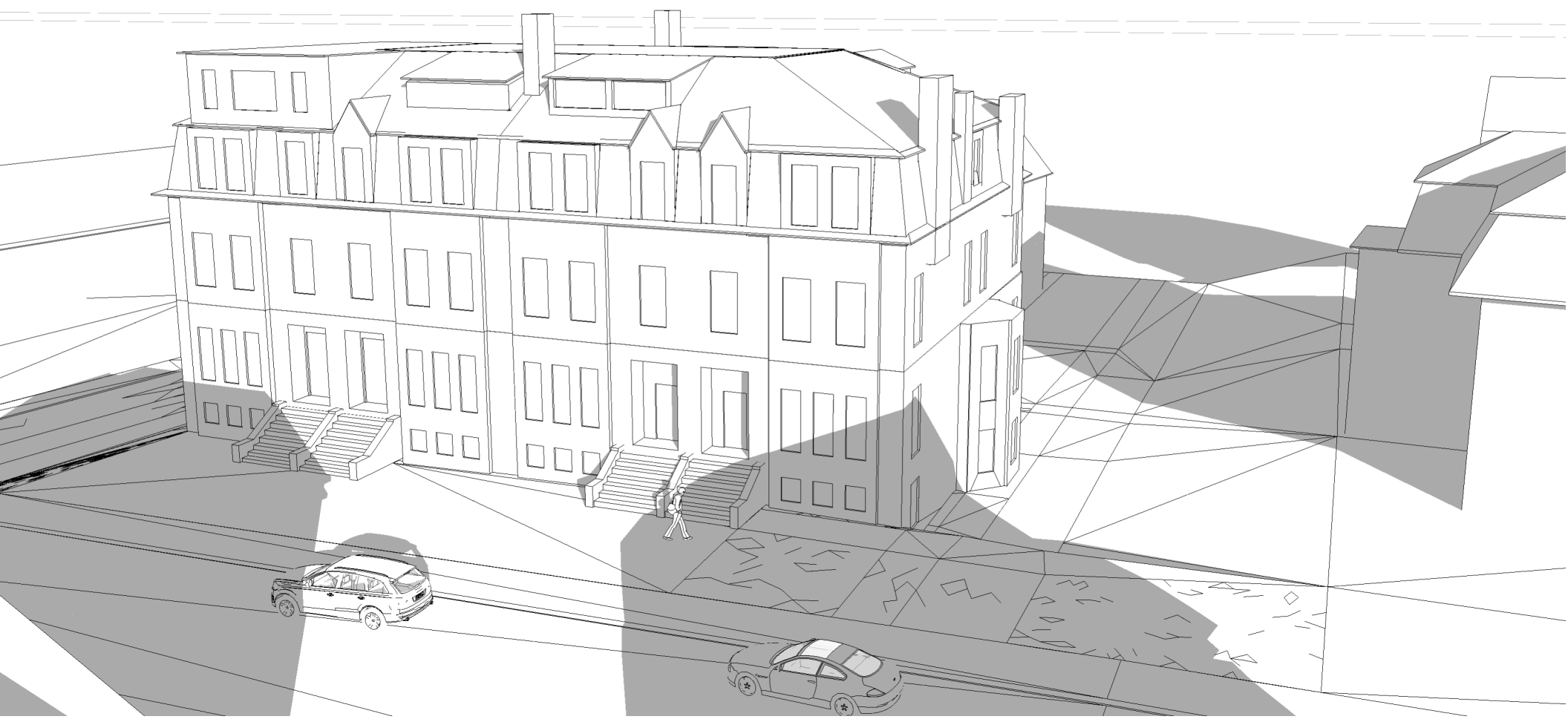
65 Sparks front view, September 21, 12:00pm



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



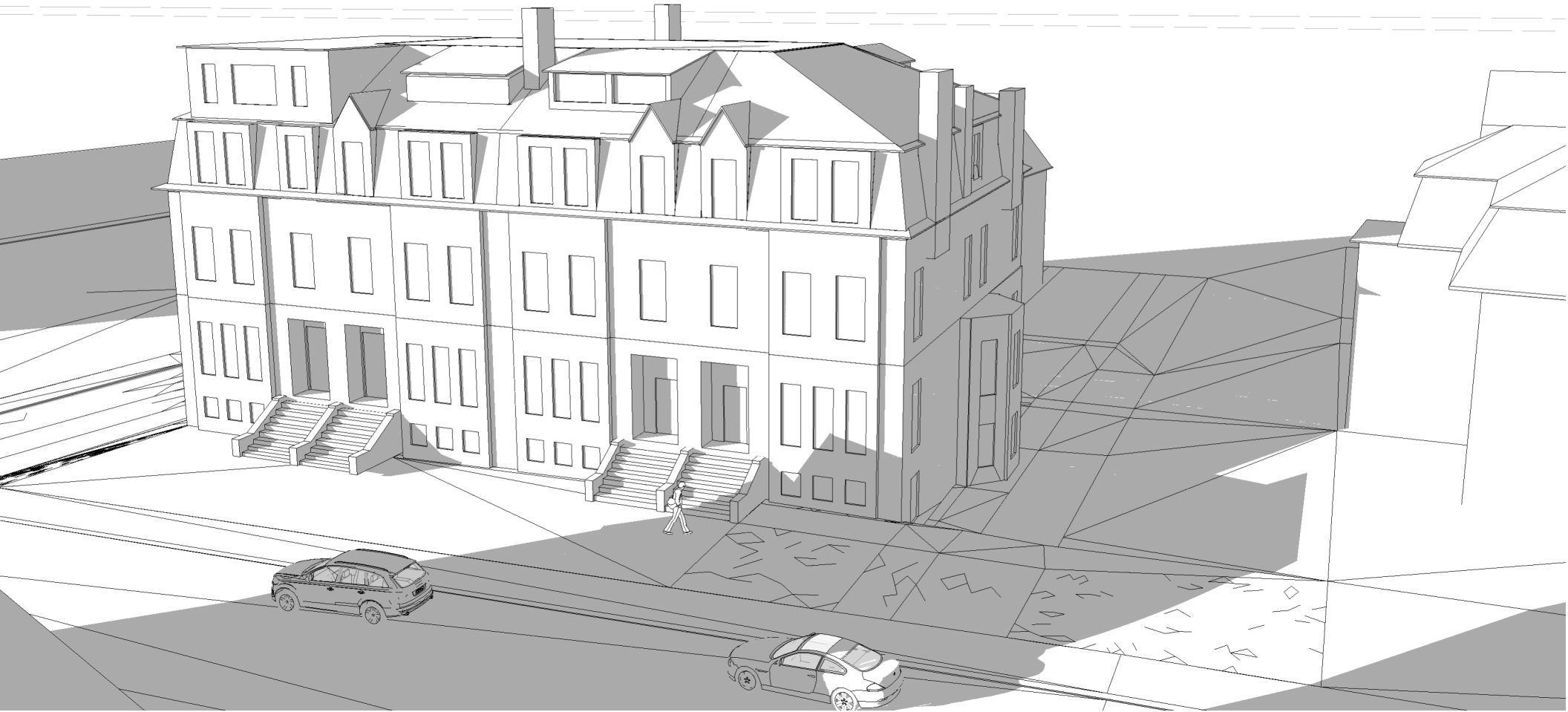
65 Sparks front view, December 21, 9:00am



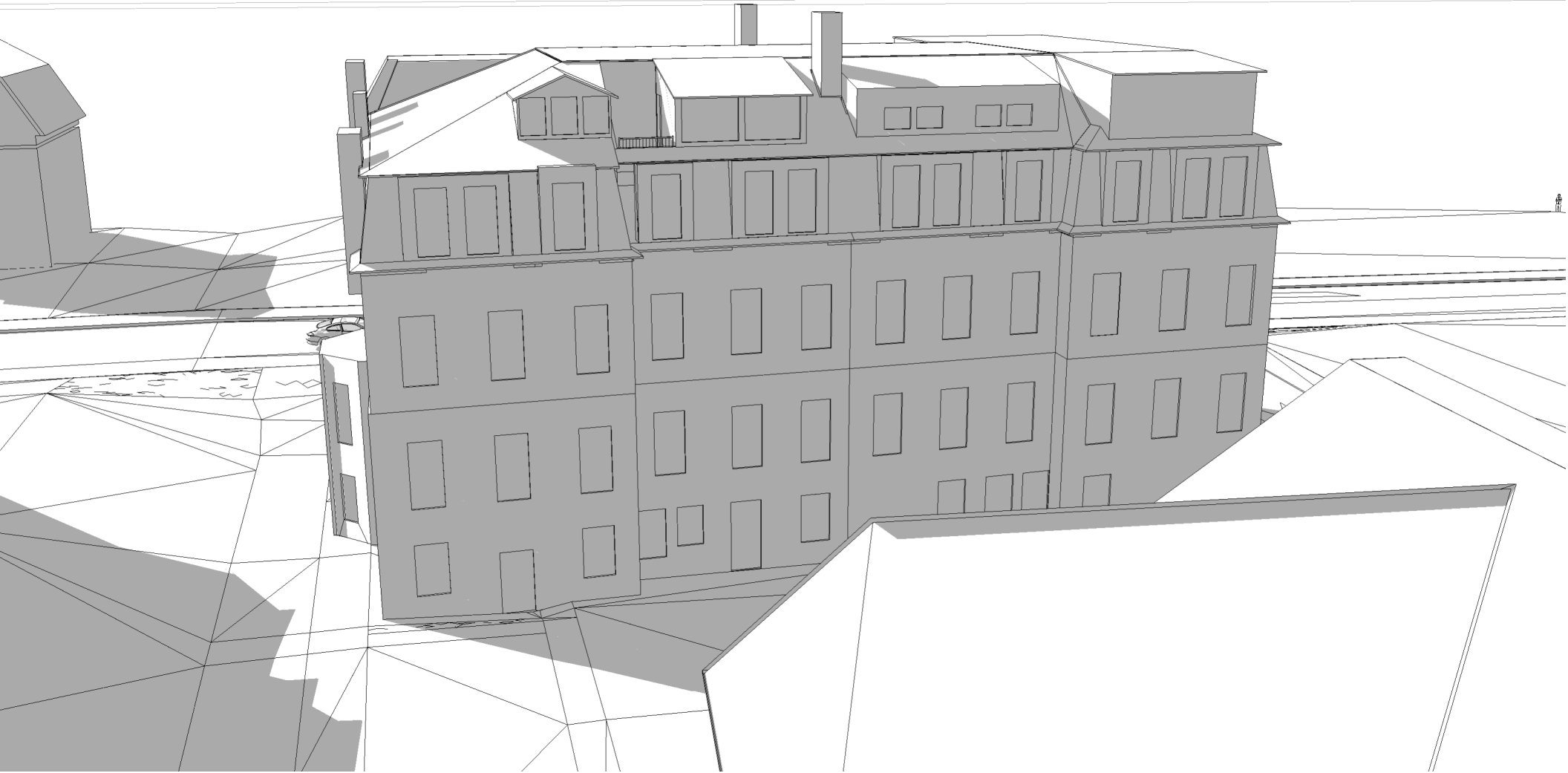
65 Sparks front view, December 21, 12:00pm



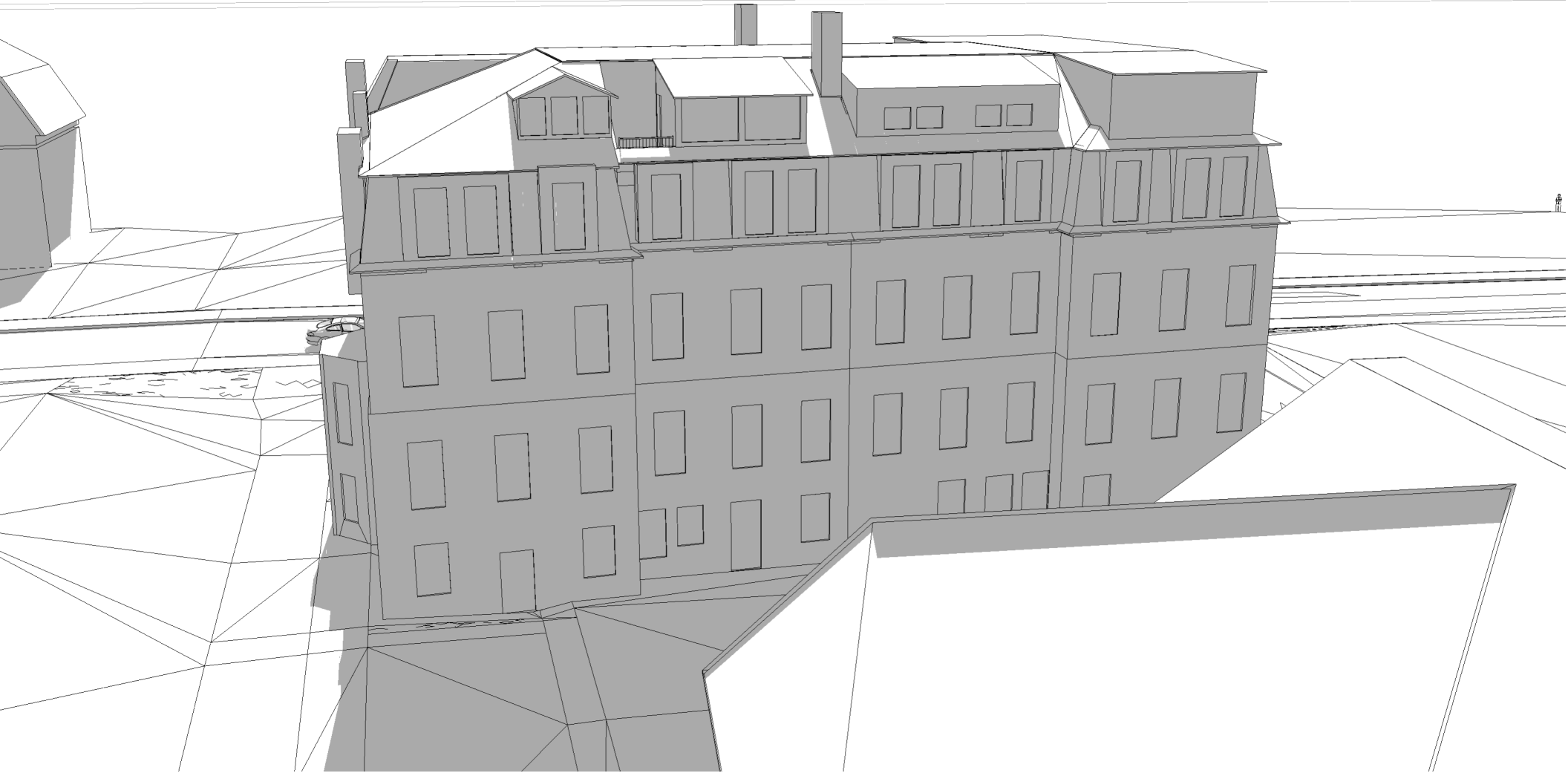
65 Sparks front view, December 21, 3:00pm



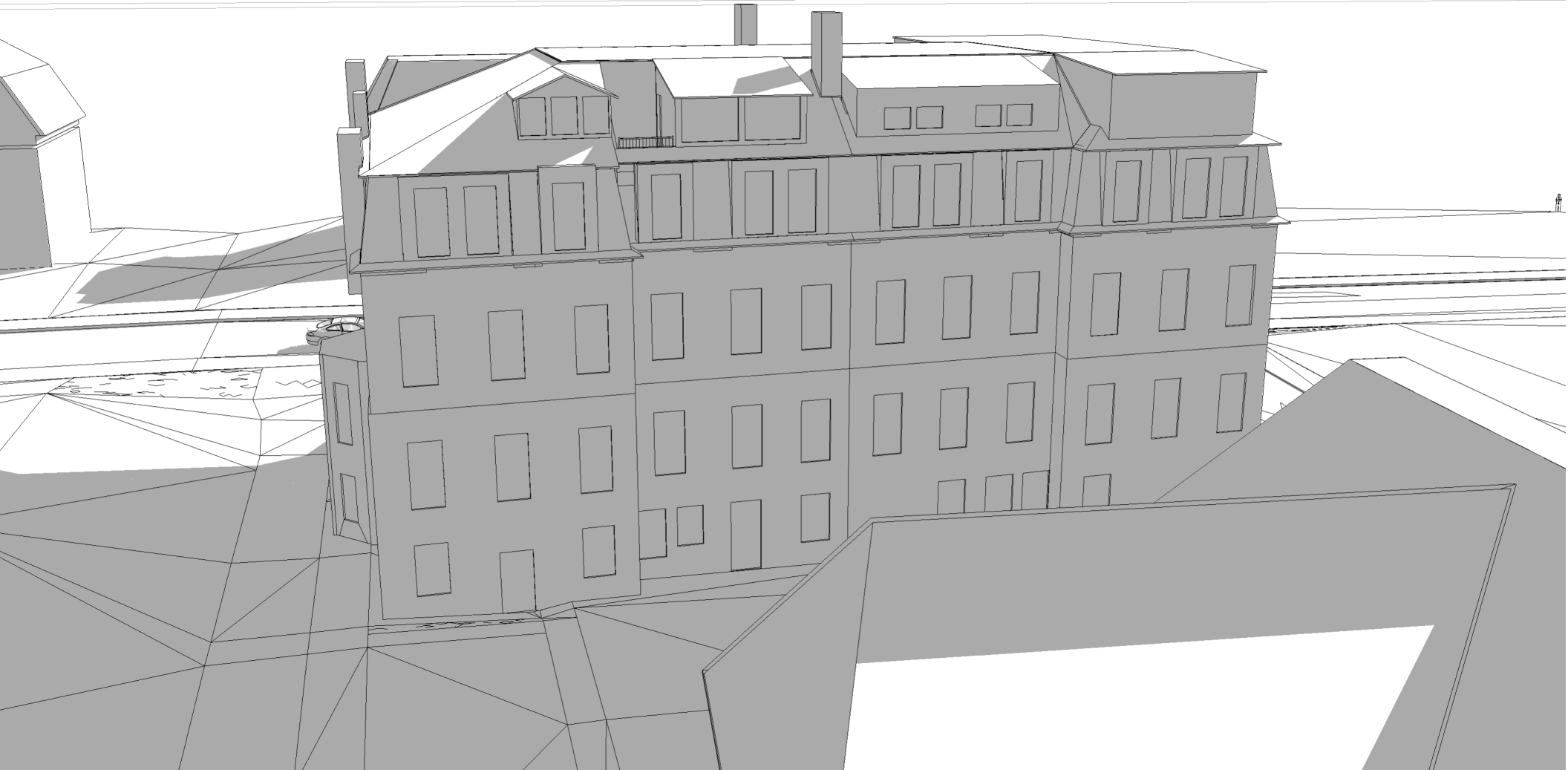
65 Sparks rear view, March 21, 9:00am



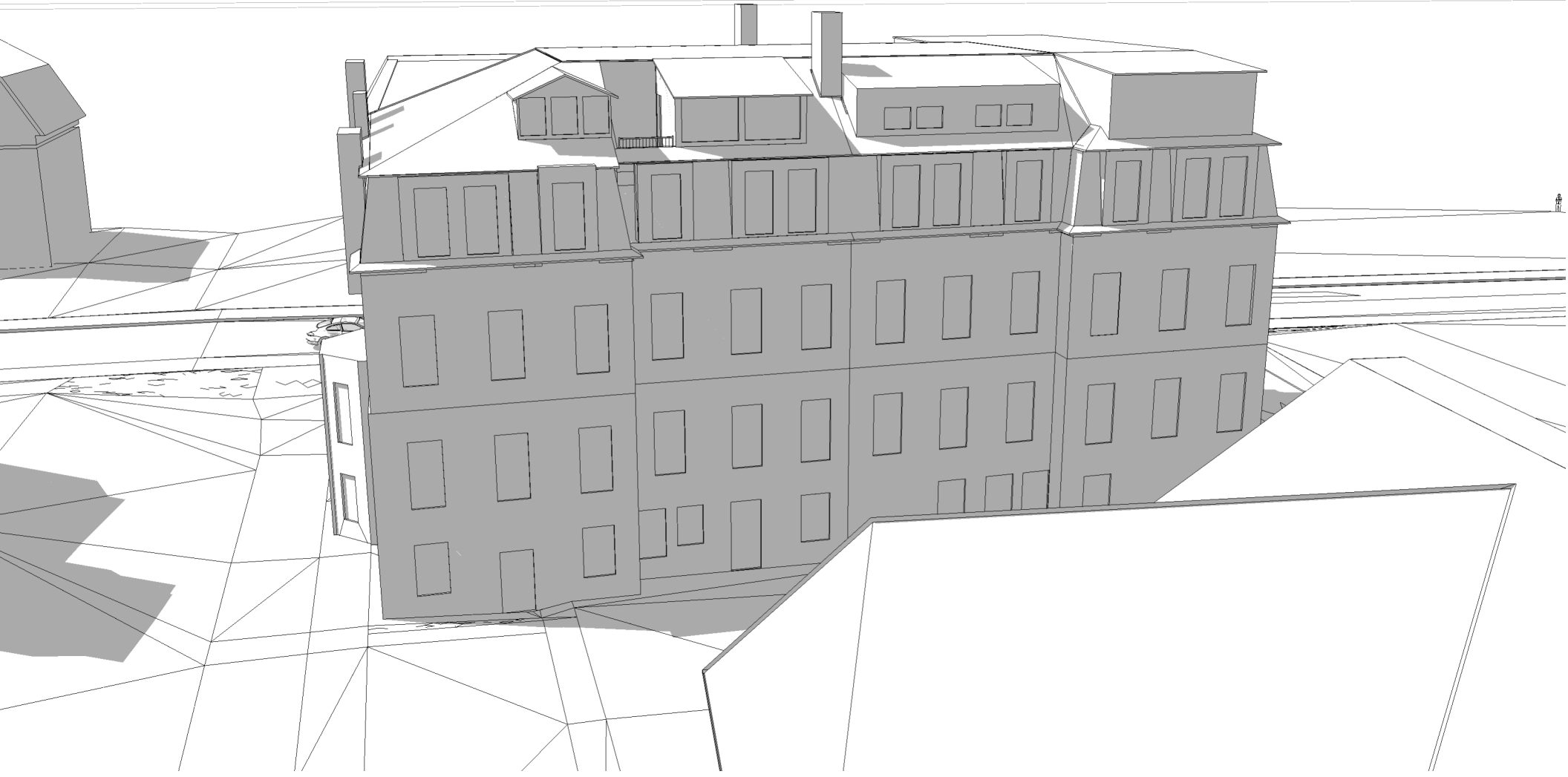
65 Sparks rear view, March 21, 12:00pm



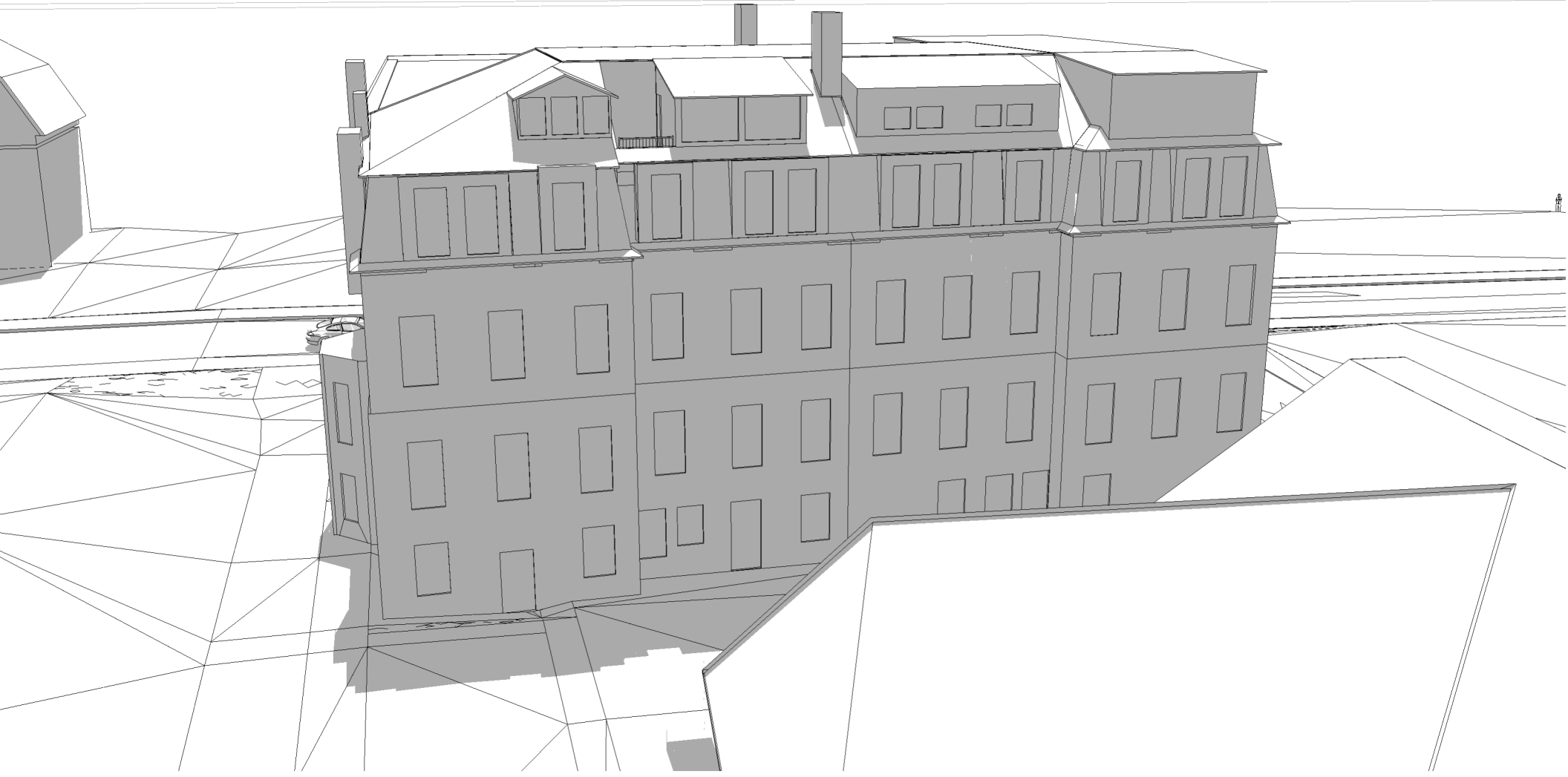
65 Sparks rear view, March 21, 3:00pm



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



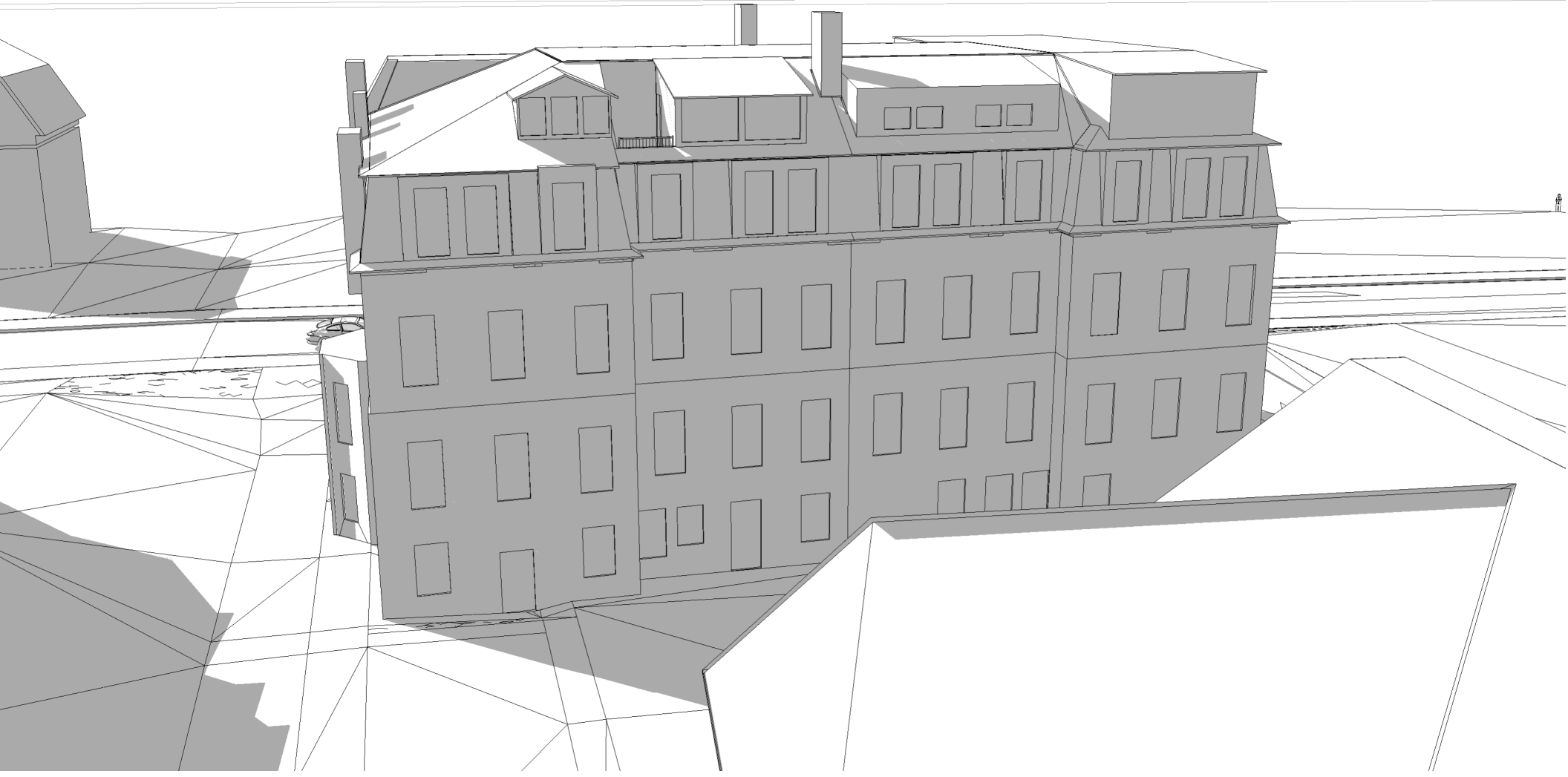
65 Sparks rear view, June 21, 12:00pm



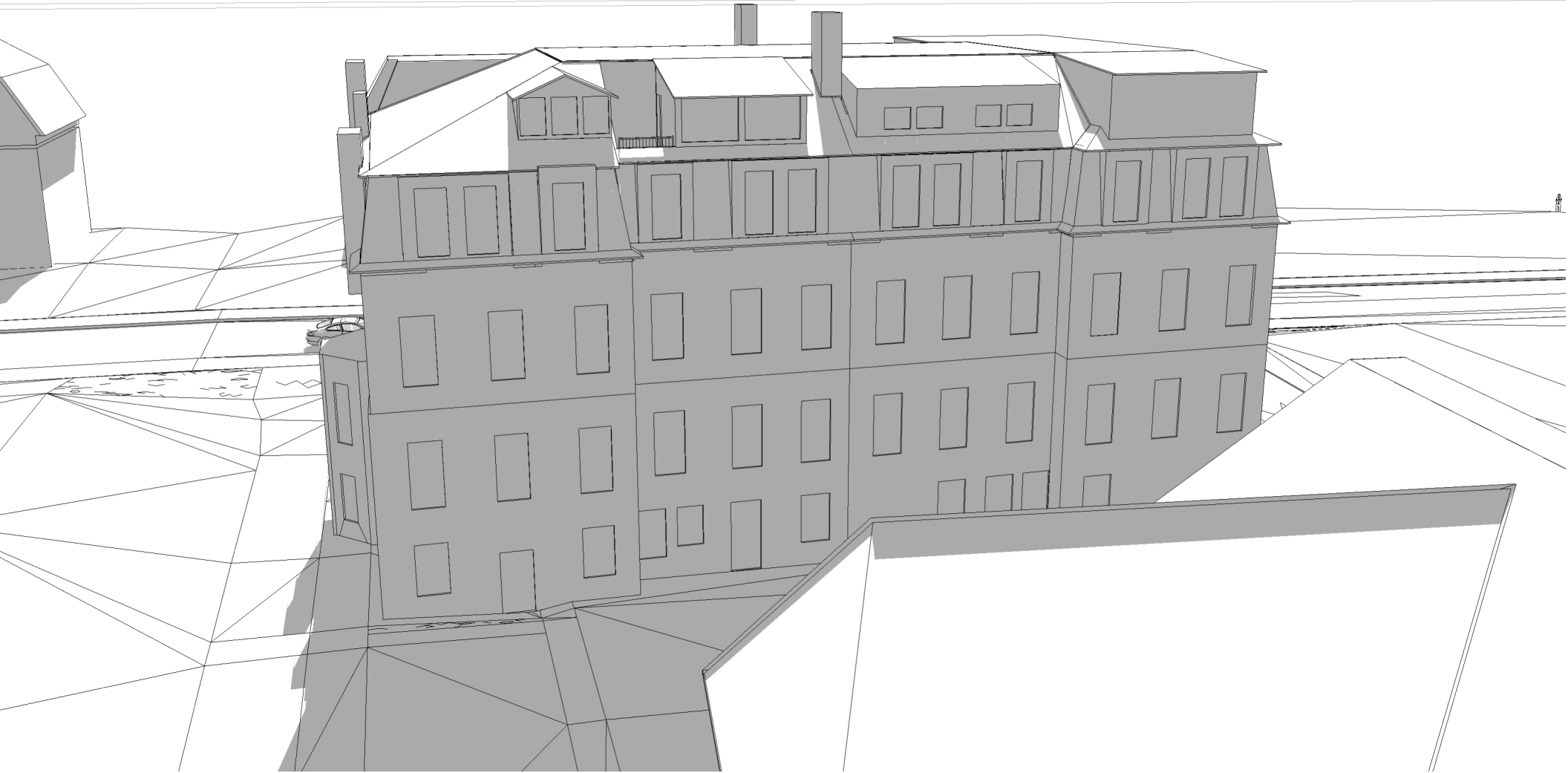
65 Sparks rear view, June 21, 3:00pm



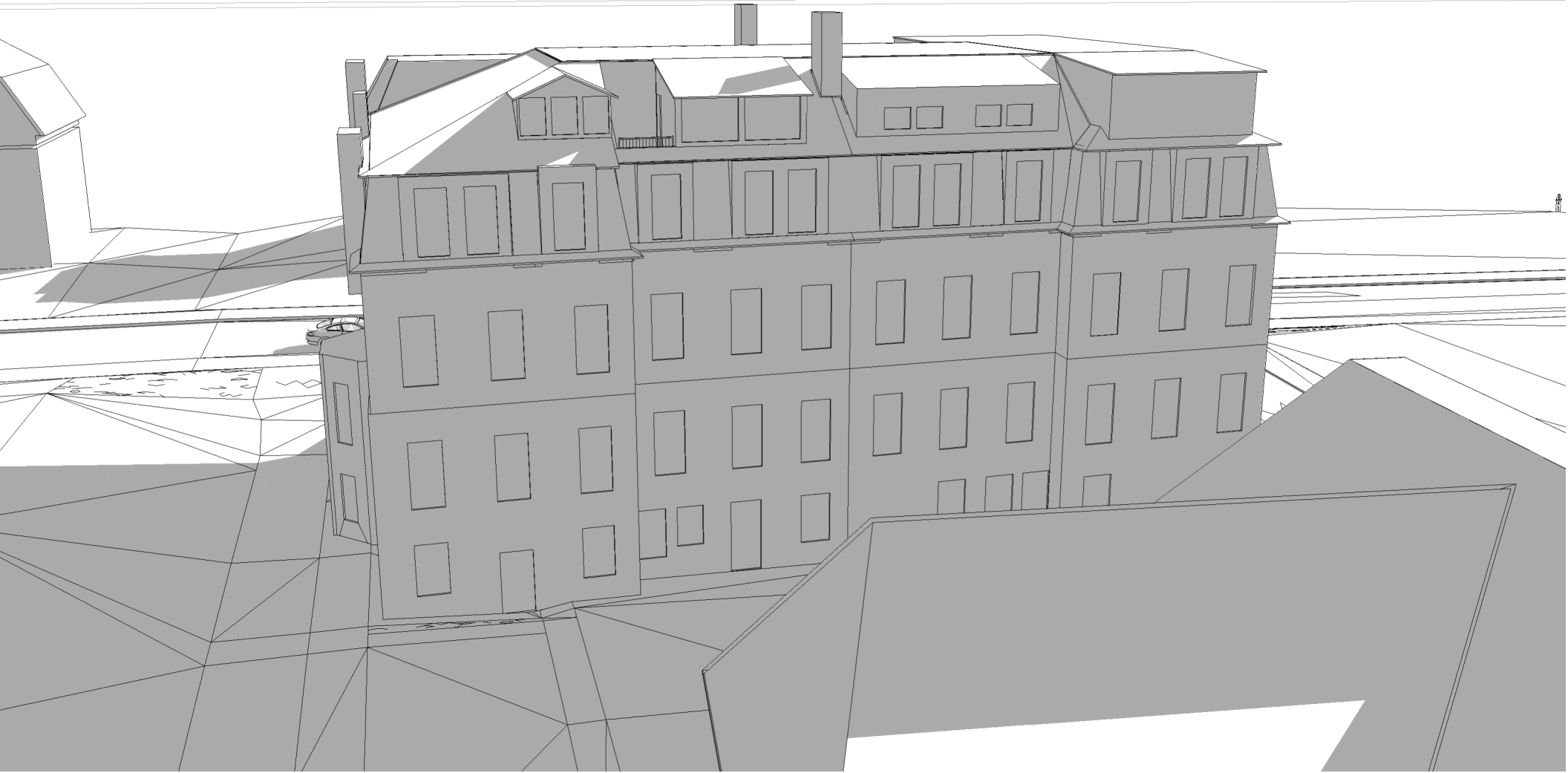
65 Sparks rear view, September 21, 9:00am



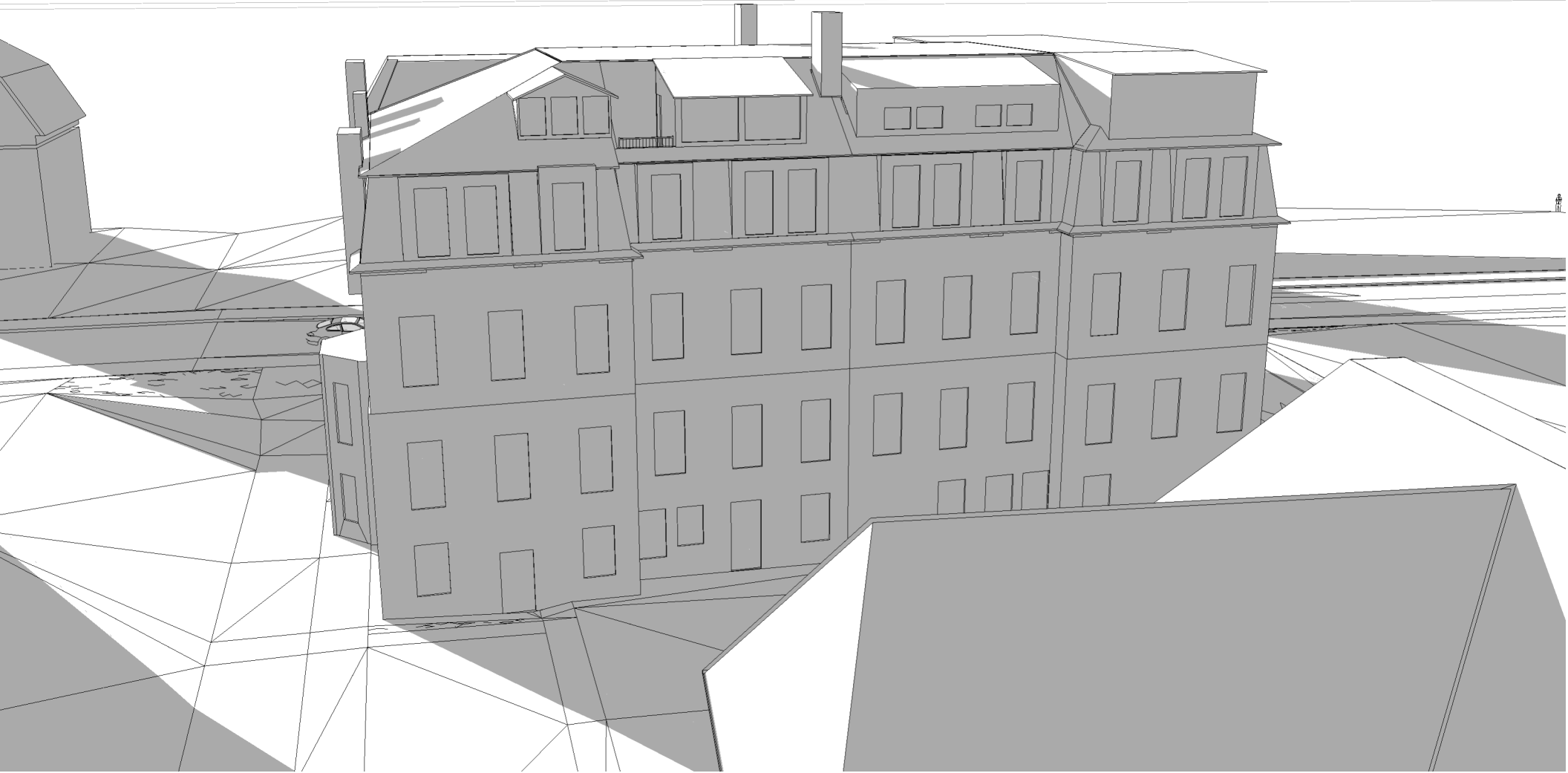
65 Sparks rear view, September 21, 12:00pm



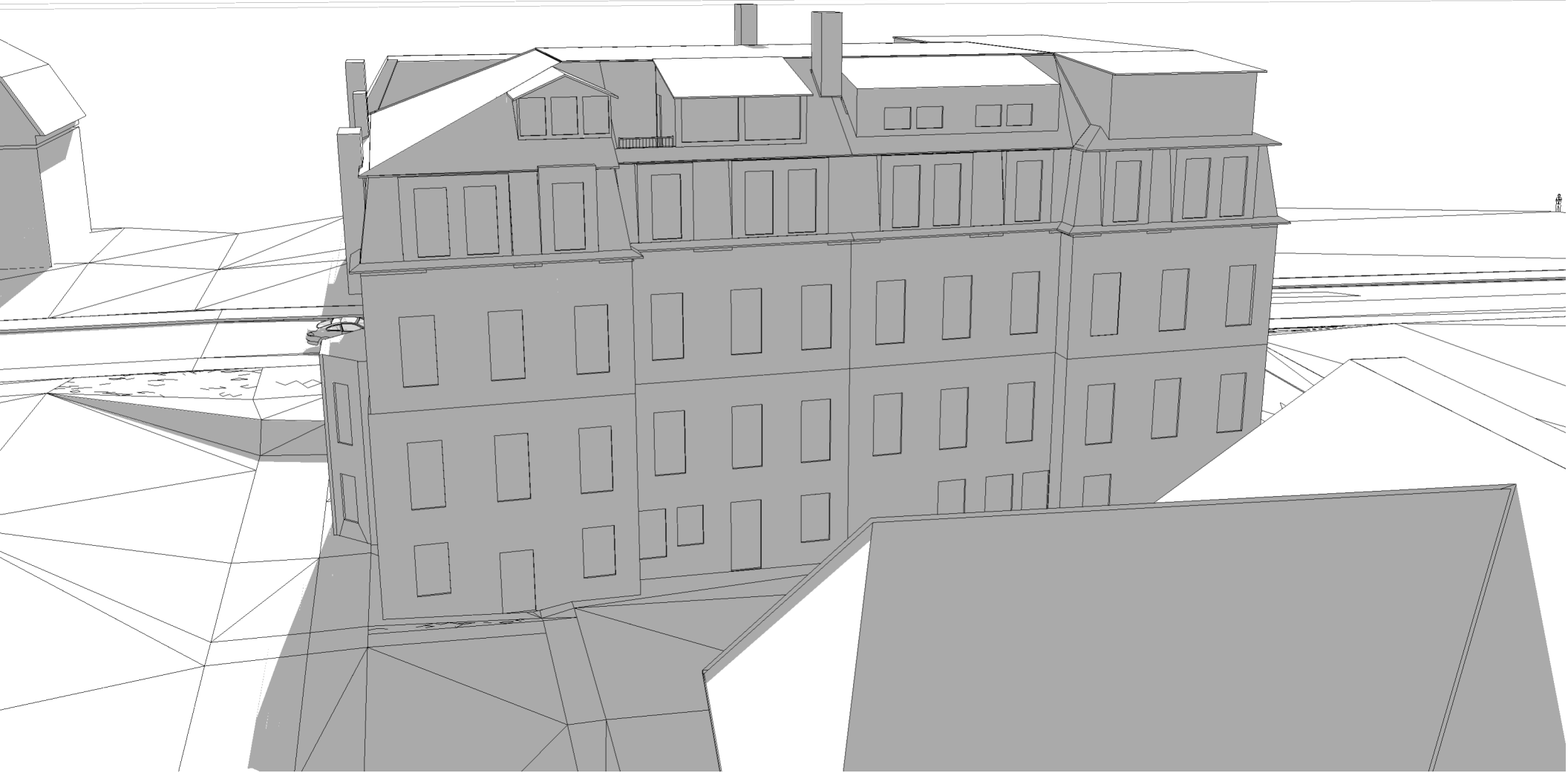
65 Sparks rear view, September 21, 3:00pm



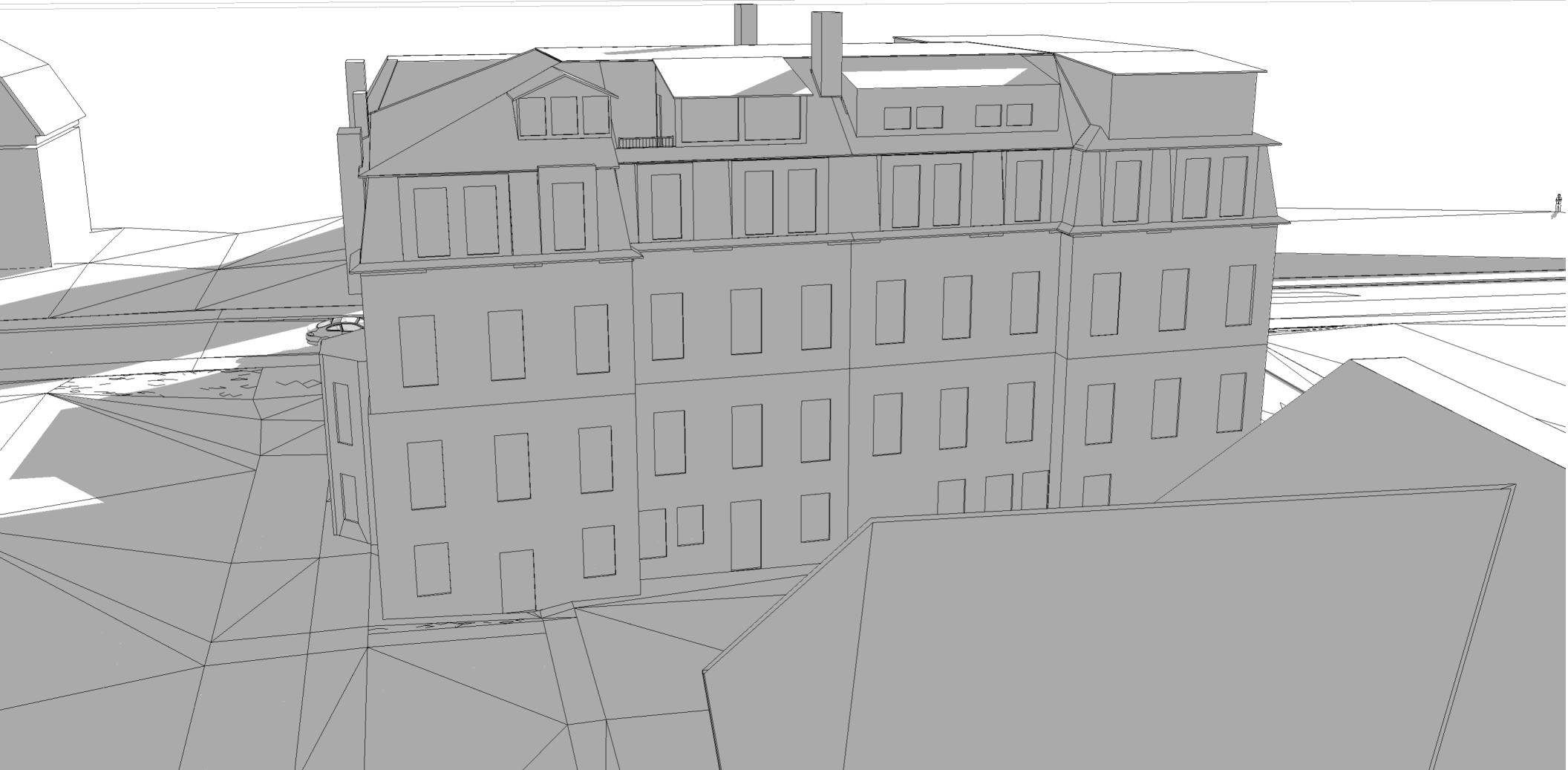
65 Sparks rear view, December 21, 9:00am



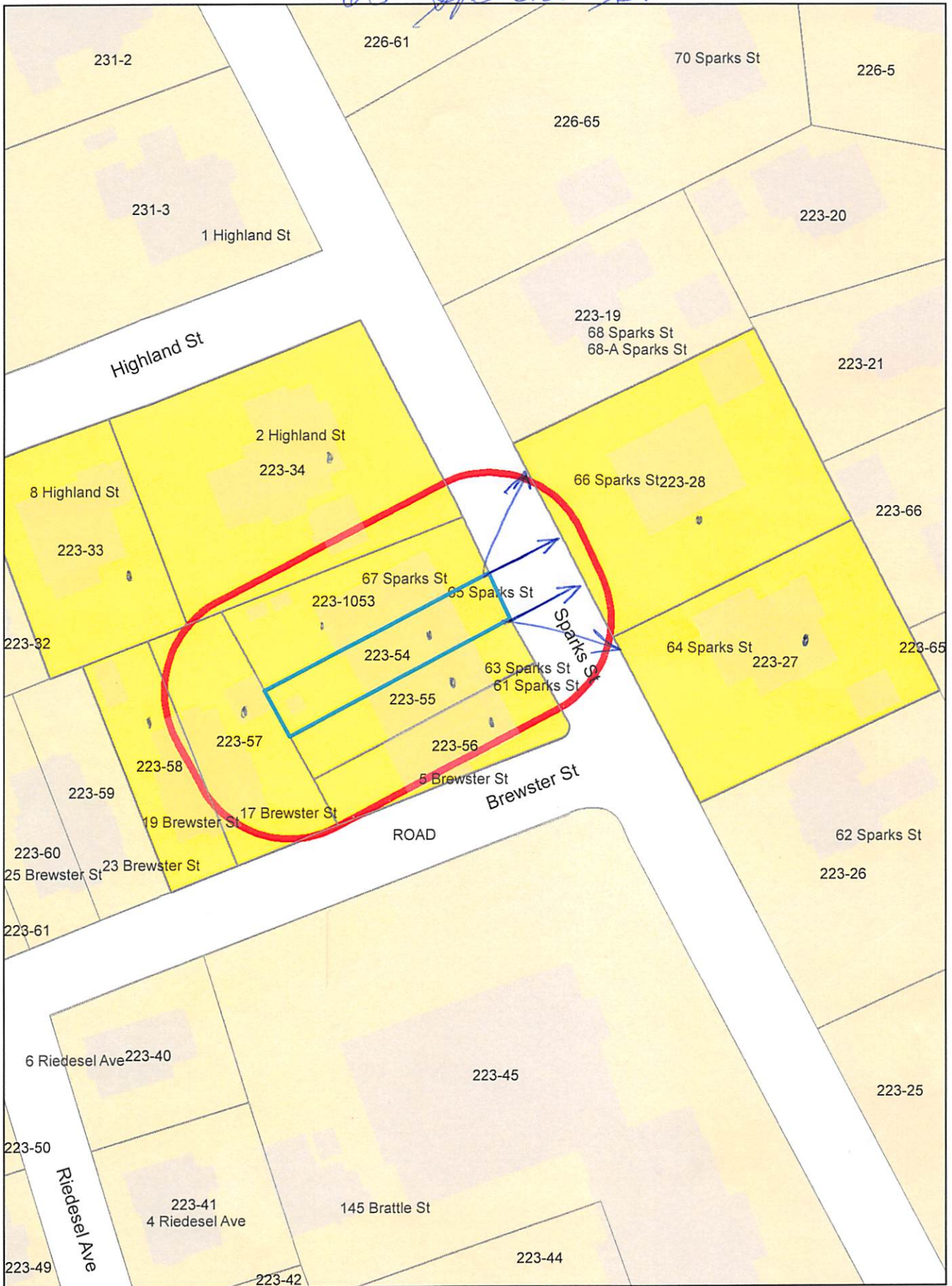
65 Sparks rear view, December 21, 12:00pm



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



65 Sparks St.



65 Sparks St.

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

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

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
BRETL, JOHN P & JENNIFER K BRETL
8 HIGHLAND ST
CAMBRIDGE, MA 02138

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

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 and 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



City of Cambridge

MASSACHUSETTS

BOARD OF ZONING APPEAL

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

BZA

POSTING NOTICE – PICK UP SHEET

The undersigned picked up the notice board for the Board of Zoning Appeals Hearing.

Name: Kiersten Kerby-Patel Date: 4/24/2023
(Print)

Address: 65 Sparks St - Unit 4

Case No. BZA-215873

Hearing Date: 5/11/23

Thank you,
Bza Members



City of Cambridge

MASSACHUSETTS

BOARD OF ZONING APPEAL

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

2023 MAY 15 PM 3:21
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 # 215873

Address: 65 Sparks St. #4

Owner, Petitioner, or Representative: Adam Daeh, 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: May 12, 2023


Signature

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* * * * *

(6:34 p.m.)

Sitting Members: Jim Monteverde, Matina Williams, Thomas Miller, Stephen Ng, and Michael LaRosa

JIM MONTEVERDE: So if any members of the public and for the Board members who are looking at their agendas, we're going to skip the two continued cases for 65 Sparks Street, because they may become redundant, and seeing that it's past 6:30, we will hear the first case of the regular agenda, which is -- again -- 65 Sparks Street, Unit 4, and that is Case No. 215873.

Is there anyone here who wishes to speak on it?

ADAM DASH: Yes, Mr. Chair. Can you hear me?

JIM MONTEVERDE: Yes.

ADAM DASH: Good evening. Attorney Adam Dash, 48 Grove Street in Somerville representing the applicants.

With me tonight are applicant Kiersten Kirby-Patel, I believe Feanil Patel; I believe another applicant is coming, but he had to pick up the kids at swim lessons, I understand night and may be running a little late. The Architect, Ron Bourque of Bourque Design, is also here. Ron and I will be doing the presenting.

1 So this is a case -- Ms. Ratay, if we can show the
2 survey? The site plan? There you go. Thank you.

3 As you can see, this is a building which is part
4 of a block of townhouses. It takes up the entire width of
5 this very narrow lot, with other townhouses on either side.
6 We're talking about 65 in the middle. You can see the
7 townhouse at 63 to the left and the townhouse of 67 on the
8 right.

9 The property lines run through the party walls
10 between the townhouses, such that there are no side windows
11 at the property at 65 in question, being a middle unit.

12 The use of the property and the number of units is
13 not going to change as a result of our dormer project here.

14 Olivia --

15 JIM MONTEVERDE: Excuse me.

16 ADAM DASH: I'm sorry --

17 JIM MONTEVERDE: Excuse me one second. Mr. Dash?

18 ADAM DASH: Yes.

19 JIM MONTEVERDE: Is the parcel part of a larger
20 condominium or is it --

21 ADAM DASH: No.

22 JIM MONTEVERDE: -- separate?

1 ADAM DASH: No, Mr. Chair. These are separate
2 pieces of property, where the property line run through the
3 party walls between the units.

4 JIM MONTEVERDE: Oh.

5 ADAM DASH: So we're left with this very narrow,
6 25' wide lot, basically.

7 JIM MONTEVERDE: Okay, thank you.

8 ADAM DASH: No. No problem. That's one of the
9 challenges here, as you will see. Olivia, if we can go down
10 to the photos, the first set of photos?

11 Right. There we go. So this is the front. The
12 top is the existing and the bottom is the proposed. Mr.
13 Bourque, the architect, will walk through the details. But
14 I just want to sort of show you here you can see where it
15 says in the bottom -- you can see in the bottom middle,
16 "proposed dormer."

17 The proposal does not create any substantial
18 detriment to the public good. Because, as you can see, it
19 is high on the top of the building, not readily visible from
20 the street level. This is a very tall townhouse.

21 Adding dormers is not without increasing the
22 number of units while providing more room for the residents,

1 the Patels and their family to work from home and support
2 their growing family and remain in Cambridge to the benefit
3 to the city and to the neighborhood.

4 And the other townhouses on this block have
5 dormers of varying styles and sizes. And you can see those
6 if you look to the left on the upper -- the existing, where
7 the existing photos on the upper left. You can see to the
8 left of my client's building, there are -- two of the
9 townhouses to the left have very large dormers already on
10 the front; we're looking at the front here.

11 If you can show the back, the next page, Olivia?

12 This is the rear. Again, the top is the existing.
13 The bottom is the proposed. And you can see at the bottom
14 where my client's building is, although they're all
15 attached. And you can see actually on the back everybody
16 has a dormer pretty much, but my client on the top views
17 there.

18 I would note that my clients have too little, tiny
19 dormers. You can see the little one on the upper left
20 that's there.

21 And then if you go back to the front, Olivia, you
22 can see there's another very small one to the unit to the

1 left of the stairs if you look. There's two peaked ones,
2 and then there's like a littler peaked one on the top.
3 Yeah. You can see that's there. And that's what we're
4 altering.

5 So really, we're not adding dormers; we're
6 changing the dormers that are already there.

7 So -- and I would say the dormers on this building
8 and on this block are really the -- are actually the norm.
9 They're not the exception.

10 So we were here before you a while ago on one of
11 the prior cases, which we intend to dismiss with prejudice,
12 should the Board be willing to grant the special permit on
13 this particular one.

14 And since we were last before you on this dormer,
15 we were able to find a way to avoid needing a variance for
16 the project for FAR. The FAR now does not change. We are
17 not creating any new nonconformity. We are not increasing
18 any existing nonconformity.

19 This change led to the removal of the proposed
20 roof terrace we had originally proposed; that is now gone.
21 And it's a reduction in the size of both the front and the
22 rear dormers; the front dormer reduced by quite a lot, by 6'

1 down to 14'. The back dormer reduced by a little 4" down to
2 15'.

3 And I would note that the applicants did this in
4 response to comments by one of the abutters, Mr. Taguiri,
5 who's got the corner unit, the end unit on the right, and
6 the special permit and plans were shared with his attorney
7 back in March.

8 There are letters of support from six abutters,
9 which you have.

10 Mr. Bourque, can you walk them through the design
11 thoughts and how this works?

12 RON BOURQUE: Sure, thank you, Adam. So as --

13 JIM MONTEVERDE: Can you --

14 RON BOURQUE: -- noted on the upstairs here --

15 JIM MONTEVERDE: Mr. Bourque -- can you --

16 RON BOURQUE: Yes.

17 JIM MONTEVERDE: -- excuse me. Can you introduce
18 yourself, please?

19 RON BOURQUE: Yeah, Ron Bourque, Architect, from
20 Bourque Design in Waltham, MA.

21 JIM MONTEVERDE: Yep, thank you. Go ahead.

22 RON BOURQUE: As Adam had gone through the

1 exterior dormer locations and sizes, they were able result
2 of us not wanting to increase the FAR, which was a change
3 from, you know, the earlier presentation.

4 So what I'm showing here is the existing fourth
5 floor -- you'll see the two small dormers, they extend out
6 into the roof edge. So we've calculated at the 5' wall line
7 that we have 790 square feet.

8 And if you could go to the next slide, please?

9 So by eliminating an equal amount from that
10 original footprint and extending it into the dormers, we're
11 able to balance off the square footage without increasing
12 the floor area.

13 So where you see the hatched areas with the 45-
14 degree hatch going from lower left to upper right, you'll
15 see that these areas now become under the roof. So the
16 dormer extension is an equivalent area of that on each side,
17 and by essentially bringing in the walls to create that
18 area, which will be under the roof, we're able to extend the
19 dormers.

20 The next sheet is the just a clean version of
21 that.

22 So if we go to two slides down, this is an image

1 of the dormer construction, the image of the materials which
2 are consistent with the building. Window pattern and
3 coloration will be similar to what's there. And the intent
4 is to make it look like it was always there.

5 The next few slides show shadow studies
6 demonstrating that there is not significant impact on the
7 remainder of the building or the adjacent properties. And
8 these are from different times and dates.

9 ADAM DASH: As was that it, Ron?

10 RON BOURQUE: That's it for me, please yeah.

11 ADAM DASH: Yeah. Adam Dash again, yeah. So just
12 to wrap up, this proposal will create no noticeable impact
13 on the overall look, feel or traffic pattern in the
14 neighborhood or on this block of townhouses.

15 And this is -- again -- not increasing the size of
16 the structure. It will echo the other dormers without
17 changing the number of units.

18 The dormers are needed to create quiet space for
19 home office use, as my clients who live there have a small
20 child and have had to work from the child's play space since
21 the beginning of the pandemic.

22 They do not have any home office space for

1 conducting research or attending remote meetings as part of
2 their jobs, and due to the preexisting, nonconforming nature
3 of the space, there is no way to create space without
4 needing at least a special permit, as you can see.

5 This is the minimum relief we believe is necessary
6 to allow the family to grow and remain in Cambridge and of
7 course maintain the character of the neighborhood and block.

8 So in conclusion, the applicants respectfully
9 request that this Board approve the special permit for the
10 requested dormers on -- one on the front and one in the
11 back. Thank you.

12 JIM MONTEVERDE: Thank you. Members of the Board,
13 any questions or comments? Matina?

14 MATINA WILLIAMS: No comments.

15 JIM MONTEVERDE: Thank you. Tom?

16 THOMAS MILLER: No comments, thank you.

17 JIM MONTEVERDE: Stephen?

18 STEPHEN NG: I like the response to the design to
19 meet the FAR, rather than go for a variance. But yeah,
20 yeah, very nice job.

21 JIM MONTEVERDE: Thank you. Michael?

22 MICHAEL LAROSA: No comments.

1 JIM MONTEVERDE: Thank you. I have one question.
2 Olivia, if you could go to Sheet 2? This is for Mr.
3 Bourque.

4 Is there a section in your submittal at all that
5 goes through this, the dormer or -- actually, it's the space
6 below the dormer.

7 What I'm trying to understand is how the areas are
8 deductible that you show on either side of the dormer? I'm
9 assuming they're under the roof?

10 RON BOURQUE: Right.

11 JIM MONTEVERDE: But they're less than 5' in
12 height; they don't count anyway. How do you come to deduct
13 those areas?

14 RON BOURQUE: If we --

15 JIM MONTEVERDE: I'm not following that part.

16 RON BOURQUE: -- if we go to the floor plan just
17 before this one, that space was usable space now, so it is
18 greater than 5'.

19 So what we've done is we're essentially adding a
20 wall and sacrificing that space to allow for the dormer
21 extension to occur.

22 JIM MONTEVERDE: So the roof will remain in it's

1 current --

2 RON BOURQUE: The roof will remain -- yeah, the
3 roof will remain as is.

4 JIM MONTEVERDE: And you'll basically
5 mothball that space?

6 RON BOURQUE: That's correct.

7 JIM MONTEVERDE: Okay. Okay. Understood. Thank
8 you. Public comments? Before we open that up to the
9 public, let me just run through the correspondence we have
10 so there's no need for people to repeat themselves unless
11 they have something new to add.

12 So we have in the affirmative: Richard Hill,
13 David Evans, Damon Krukowski, Toni Lee and Charles De
14 Lantsheere, David Stang, Tony Flanders. None in the
15 negative, and that's the extent of the correspondence we
16 have in the file.

17 So public comment, any members of the public who
18 wish to speak should now click the icon at the bottom of
19 your Zoom screen that says, "Raise hand."

20 If you're calling in by phone, you can raise your
21 hand by pressing *9 and unmute or mute by pressing *6.
22 We'll now ask Staff to unmute speakers one at a time. You

1 should begin by saying your name and address, and Staff and
2 Staff will confirm that we can hear you. And after that,
3 you'll have up to three minutes to speak.

4 OLIVIA RATAY: John Greenup?

5 JOHN GREENUP: Thank you, members of the Board.
6 This is John Greenup at 45 Foster Street in Cambridge. I
7 represent Robert Tagiuri, who is the abutter at 67 Sparks
8 Street, and I have some simple comments for the Board.

9 I notice that in Sheet 2, which is currently shown
10 on the screen, they're adding approximately 136 square feet
11 of space.

12 And they are attempting to deduct a certain amount
13 of space by including interior partition walls to make space
14 that's over 5' not count in the FAR.

15 However, in my reading of the zoning code, there
16 is no exception that's available, and there's no precedent
17 where a proposed set of plans can simply eliminate FAR by
18 putting in interior partition walls, and then at their
19 convenience say that it doesn't apply.

20 I think this would be an appealable decision here
21 if the Board chose to grant this as a special permit. My
22 sense is that under 8.22.2.c, the call of the question is

1 that it's not in further violation of Section 5.000, and
2 clearly in this case adding additional space is creating a
3 violation 5.00, and therefore this unit -- this change
4 requires a variance.

5 I'd also like to point the Board to two parts of
6 Section on Sheet 2. In the area on the upper right-hand
7 side, they show a 47 square foot reduction.

8 But you notice there's a small, dotted line
9 carveout in that section, which implies that some portion of
10 that section is actually going to be used for some kind of
11 purpose. I would suspect a closet or an internal bookcase
12 or some other kind of useable space.

13 So I think that it would be improper for the
14 applicant to then attempt to delete that space from their
15 calculation.

16 And if you look further wouldn't under the section
17 where it says, "8 square feet," you'll notice that there's
18 another carveout in a dotted line in the middle of that that
19 also is appearing to be useable space of some sort. And
20 that would be inappropriate as a carveout as well.

21 So I believe that in this -- for those two points,
22 this in fact requires a variance rather than a special

1 permit.

2 And I'd like to also say that the supporting
3 statement here shows that the hardship for the Plaintiffs
4 are that they have no space for using this for a children's
5 space or workspace.

6 But in fact, I'm not seeing these two units --
7 this plan showing a configuration where they're actually
8 adding those functions. What I'm seeing is that they're
9 expanding the number of bedrooms and increasing the
10 intensity of use of the property, as opposed to doing what
11 they're applying for.

12 So in light of these elements, I believe that this
13 application should be denied with prejudice, and that they
14 should reapply for a variance.

15 Thank you very much.

16 JIM MONTEVERDE: Thank you, Mr. Greenup.

17 OLIVIA RATAY: Toni Lee De Lantsheere?

18 TONI LEE DE LANTSHEERE: Hi. I live on the other
19 side at 63. I lived at 65, which is the house you're
20 talking about, for 12 years.

21 I'd like to say something about Rob Tagiuri, who's
22 apparently got John Greenup who used to live at 65 in the

1 basement to represent him to object:

2 Is that Rob basically built out his whole attic is
3 completely built out. He has bedrooms up there. He -- I
4 don't even know if he pulled a permit for it. But whatever,
5 it's a long time ago.

6 And I think that -- I want to just say that I'm
7 not sure this objection is really in good faith, based on he
8 was I've observed in the neighborhood. And in fact, without
9 this dormer, their offices -- you know, the places they're
10 going to use for offices is going to be downstairs. It
11 says, "1, 2, 3, 4" but that's because those used to be
12 bedrooms downstairs. But now they're perfect for offices.
13 And I speak as someone who lived there for 12 years.

14 So -- and it's really great that they're doing
15 this, because the previous land -- the previous owner, who's
16 Rob Tagiuri's brother, did a lot of things that weren't to
17 code. He did a lot of terrible things to that building, and
18 it's great because they're basically bringing it back into
19 conformity.

20 And it's going to make a really nice apartment,
21 which before was kind of a bit of a huddle, because -- and
22 I'm on the same level next door, because it really needed a

1 lot of work.

2 So any questions about that or is --

3 JIM MONTEVERDE: Thank you for your comments.

4 TONI LEE DE LANTSHEERE: Okay.

5 JIM MONTEVERDE: That's it for public testimony.

6 And I will send it back to the Board. Discussion for --

7 we've closed public testimony. Discussion from the Board

8 members? Matina?

9 MATINA WILLIAMS: I have no comments at this time.

10 JIM MONTEVERDE: Okay. Tom?

11 THOMAS MILLER: I guess I would be interested in
12 hearing -- say that we don't agree with the new calculation

13 of the FAR; the increase is still small. Do people -- I

14 would be interested in hearing anyone who would have

15 concerns about say we thought that this was an increase in

16 FAR.

17 JIM MONTEVERDE: Yes. I believe it would be. And

18 I think the previous discussion we heard, that would that

19 mean that that would be a variance would be the way it would

20 go. That's my opinion.

21 Olivia, can you comment about the -- because that

22 all hinges on the space that's available and just blocked

1 off by a partition.

2 I don't recall in the ordinance that there's any
3 definition of a poche space, wasted space -- one that is
4 above the 5' height, but has no function, is walled off by a
5 partition that you in fact can delete it. I'm not aware
6 that that's part of the definition.

7 UNIDENTIFIED SPEAKER: You want to weigh in or
8 not?

9 JIM MONTEVERDE: Okay, we're hearing a strong
10 shake of the head saying that's not the way the Ordinance
11 reads.

12 So I think Tom, if you take away the spaces that
13 are being calculated as deductions, as I think about it, it
14 leaves you in the position of where they were in the last
15 time around the block where it's an -- you know, there's
16 additional FAR; it means it's a variance, not a special
17 permit.

18 The higher hurdle, then, is to show the hardship,
19 which is not part of the special permit. But I think that's
20 what this all means -- this is what this pivots on.

21 THOMAS MILLER: Understood. Thank you very much.
22 That's helpful.

1 JIM MONTEVERDE: Yep, thank you. Steven?

2 STEPHEN NG: With that clarification, I have no
3 comment.

4 JIM MONTEVERDE: Michael?

5 MICHAEL LAROSA: No. No comment after that, no.
6 Thank you.

7 ADAM DASH: Mr. Chair, if I may?

8 JIM MONTEVERDE: Yes.

9 ADAM DASH: There is -- one of the applications
10 that got continued for later this evening after this evening
11 after this one is the variance application, which was
12 209310, in which we were seeking -- this is before the
13 reconfiguration that we are seeking and FAR increase of 0.03
14 or 115 square feet, which we thought was de minimis.

15 JIM MONTEVERDE: Yep.

16 ADAM DASH: And rather than go forward with that
17 variance application, we came up with this application to
18 create a special permit, and we never took away the variance
19 application.

20 If the Board is more inclined to go with that
21 other application, we could table this one and take that one
22 up, I suppose. But I -- we really aren't looking to do more

1 than this.

2 If there is space in there -- I mean the FAR I
3 always take to be a net discussion. There is X amount of
4 square footage in there now, you take away some square
5 footage here, you add a little square footage there, if the
6 number still sticks at 1.71 FAR, you're at 1.71 FAR,
7 regardless of the building.

8 I mean that's the FAR. We're not taking away
9 space and adding space, whatever the case may be. I don't
10 think there's a problem with that necessarily. I understand
11 the argument.

12 JIM MONTEVERDE: Yep. I'm going to ask Olivia
13 Ratay to speak.

14 OLIVIA RATAY: This is Olivia Ratay, Inspectional
15 Services. If you have an existing FAR and you remove FAR,
16 that brings you further towards conformity or into
17 conformance. You therefore can't place it elsewhere on the
18 structure as-of-right. You would need to make sure you
19 conform with the moving around of the gross floor area.

20 ADAM DASH: Well, I mean, just to -- removing the
21 FAR did not bring us into conformity of 0.5 of the code.

22 JIM MONTEVERDE: Right.

1 ADAM DASH: I mean, we were 1.71. We're proposing
2 1.71. Taking away that bit and adding the bit keeps us at
3 1.71 and no case -- due to the fact that the building is
4 basically the lot width, the entire width of this entire
5 lot, we're not ever going to get to 0.5. There's just no
6 way to do that.

7 So we never brought it into conformity by getting
8 rid of some square footage and adding square footage, it was
9 always going to be nonconforming.

10 JIM MONTEVERDE: Yep. I think that's understood.
11 I myself would not support the special permit. Any other
12 member of the Board leaning that way, just to see which way
13 the wind is blowing, in terms of whether we proceed with
14 that and take a vote on the special permit or in fact, Mr.
15 Dash, as you suggested, take this up as a variance case?

16 ADAM DASH: Or continue it again until we can see
17 if --

18 JIM MONTEVERDE: Yep.

19 ADAM DASH: -- we can regroup what we want to do.
20 Yep.

21 JIM MONTEVERDE: So Michael, which way are you
22 leaning?

1 MICHAEL LAROSA: After that recent, honestly
2 leaning to not go for it. Whether or not --

3 JIM MONTEVERDE: Okay.

4 MICHAEL LAROSA: -- variance or continuing.

5 JIM MONTEVERDE: That's good. Steven?

6 STEPHEN NG: Yeah. I think it's probably more
7 efficient to take the time and make sure it's -- that we're
8 on the right track, rather than kind of --

9 JIM MONTEVERDE: Okay.

10 STEPHEN NG: -- make a decision.

11 JIM MONTEVERDE: So Mr. Dash, that's enough votes
12 to deny, which we don't want to do.

13 ADAM DASH: I hear that loud and clear, Mr. Chair.
14 Thank you.

15 JIM MONTEVERDE: Do you want to move this to a
16 continuance?

17 ADAM DASH: I would, and with the other two as
18 well, because one of those is the variance application,
19 which maybe we'll be actually going forward with. We'll
20 have to talk with my client, which is a little frustrating
21 that we're not all in the same room, but --

22 JIM MONTEVERDE: Yep.

1 ADAM DASH: Such is the way things are. But yeah,
2 if we could ask for a continuance. We've signed the forms
3 already for the timeline on all of these. For this case,
4 which is the 215873, and then we would also want to continue
5 209310 and 206407. One of them hopefully would get
6 approved, and others would be moved.

7 JIM MONTEVERDE: Okay. Olivia, can you -- let's
8 see what we have for dates. July 13? We can do all three.
9 Members of the Board, are you all available on July 13?
10 Martina?

11 MATINA WILLIAMS: July 13, I don't think so.
12 Yeah. I'm available.

13 JIM MONTEVERDE: Okay. Tom?

14 THOMAS MILLER: I'm available.

15 JIM MONTEVERDE: Steven?

16 STEPHEN NG: I'm available.

17 JIM MONTEVERDE: Michael?

18 STEPHEN NG: I can make myself available,
19 yeah. JIM

20 MONTEVERDE: I'm sorry, the speakers in here are --

21 STEPHEN NG: Oh, I'm sorry, I can't hear.

22 JIM MONTEVERDE: Was that a yes or a no?

1 STEPHEN NG: Yes.

2 JIM MONTEVERDE: Okay. Thank you. So we'll
3 continue this case to July 13?

4 MATINA WILLIAMS: I'm sorry, Jim. It's Matina.
5 How are you?

6 JIM MONTEVERDE: Good.

7 MATINA WILLIAMS: Are we continuing them all --

8 JIM MONTEVERDE: Yes.

9 MATINA WILLIAMS: -- to July 13?

10 JIM MONTEVERDE: That was the request.

11 MATINA WILLIAMS: Okay. All right.

12 JIM MONTEVERDE: So we're going to continue them
13 all --

14 MATINA WILLIAMS: Yep, yep.

15 JIM MONTEVERDE: -- they'll decide if one gets
16 withdrawn.

17 MATINA WILLIAMS: Okay. Okay.

18 JIM MONTEVERDE: Which I think you do some more
19 arithmetic, one gets withdrawn --

20 MATINA WILLIAMS: Okay.

21 JIM MONTEVERDE: -- and then you could get frankly
22 pick one of the two continued cases as the one you want to

1 go forward with. That's my --

2 MATINA WILLIAMS: Okay.

3 JIM MONTEVERDE: -- thought.

4 MATINA WILLIAMS: Okay.

5 JIM MONTEVERDE: So.

6 MATINA WILLIAMS: All right. Thank you.

7 JIM MONTEVERDE: Yep. Continuance: So let me
8 make a motion, then, to continue this matter to July 13 at
9 6:00 on the condition that the petitioner change the posting
10 sign to reflect the new date of July 13, 2023 and the new
11 time of 6:00 p.m.

12 And in furtherance that the petitioner sign a
13 waiver to the statutory requirement for a meeting. Said
14 waiver can be obtained by Maria Pacheco or Olivia Ratay with
15 Inspectional Services. We ask that you sign it and return
16 it to us by a week from this coming Monday.

17 Failure to do so will de facto cause this Board to
18 give an adverse ruling on this particular case. We would
19 ask that you sign it and get it back to us. This will allow
20 us to hear the case on July 13.

21 Also, that if there's any new submittals, changes
22 to the drawings, which if they would be on file by 5:00 p.m.

1 on the Monday prior to July 13, 2023 here.

2 And also, if there are any changes to the
3 dimensional form and potentially any supporting statement,
4 also be changed and submitted along with the new comments.

5 On that motion, then, to continue this matter
6 until July 13, Matina?

7 MATINA WILLIAMS: Agree.

8 JIM MONTEVERDE: Thank you. Tom?

9 THOMAS MILLER: Agreed.

10 JIM MONTEVERDE: Steven?

11 STEPHEN NG: Agreed.

12 JIM MONTEVERDE: And Michael?

13 MICHAEL LAROSA: Agreed.

14 JIM MONTEVERDE: And Jim Monteverde agreed.

15 [All agree]

16 COLLECTIVE: Thank you.

17 JIM MONTEVERDE: That's it. Thank you. Next

18 case.

19

20

21

22

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

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1 * * * * *

2 (6:11 p.m.)

3 Sitting Members: Jim Monteverde, Steven Ng, Virginia

4 Keesler, Daniel Hidalgo, and Bill Boehm

5 JIM MONTEVERDE: Same 65 Sparks Street. This is
6 BZA Case 215873.

7 ADAM DASH: Adam Dash again, 48 Grove Street for
8 the applicants. This will be the same as before, and for
9 the reasons that I stated earlier that all three need to be
10 continued as companion cases -- one with the revised plan as
11 approved, the others will be rendered moot and can be
12 dismissed.

13 JIM MONTEVERDE: Okay. Let me make a motion,
14 then, to continue this matter to September 28 on the
15 condition that the petitioner change the posting sign to
16 reflect the new date of September 28, and the new time at
17 6:00 p.m.

18 Also in furtherance, that the petitioner sign a
19 waiver to the statutory requirement for a hearing. Said
20 waiver can be obtained from Maria Pacheco or Olivia Ratay at
21 the Inspectional Services Department.

22 I ask that you sign it and return it to us by a

1 week from this coming Monday. Failure to do so will de
2 facto cause this Board to give an adverse ruling on this
3 particular case.

4 Also, that if there are any new submittals,
5 changes to drawings, that those would be in the file by 5:00
6 p.m. on the Monday prior to the September 28 hearing. And
7 also, if there are any changes to the dimensional form and
8 potentially the supporting statements, they also be changed
9 and submitted along with the new documents.

10 On the motion, then, to continue this matter --
11 and this is Case 215873 -- Steven?

12 STEVEN NG: In favor.

13 JIM MONTEVERDE: Virginia?

14 VIRGINIA KEESLER: In favor.

15 JIM MONTEVERDE: Daniel?

16 DANIEL HIDALGO: In favor.

17 JIM MONTEVERDE: Bill?

18 BILL BOEHM: In favor.

19 JIM MONTEVERDE: And Jim Monteverde in favor.

20 [All vote YES]

21 JIM MONTEVERDE: It's unanimous.

22