

BOARD OF ZONING APPEAL FOR
THE
CITY OF CAMBRIDGE

GENERAL HEARING

THURSDAY NOVEMBER 30, 2023

6:00 p.m.

Remote Meeting

via

831 Massachusetts Avenue
Cambridge, Massachusetts 02139

Jim Monteverde, Chair

Steven Ng, Vice Chair

Virginia Keesler

William Boehn

Wendy Leiserson

Daniel Fernando Hidalgo

Michael LaRosa

City Employees

Stephen Natola



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P R O C E E D I N G S

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(6:00 p.m.)

Sitting Members: Jim Monteverde, Virginia Keesler, William Boehm, Daniel Fernando Hidalgo, Wendy Leiserson, and Michael LaRosa

JIM MONTEVERDE: Good evening. Welcome to the November 30, 2023 meeting of the Cambridge Board of Zoning Appeal. My name is Jim Monteverde, and I am the Chair.

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

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

There will also be a transcript of the proceedings.

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

Members of the public will be kept on mute until

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

4 Generally, you will have up to three minutes to
5 speak, but that might change based on the number of
6 speakers.

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

9 STEPHEN NATOLA: Michael LaRosa?

10 MICHAEL LAROSA: Present.

11 STEPHEN NATOLA: Bill Boehm?

12 BILL BOEHM: Present.

13 STEPHEN NATOLA: Daniel Fernando Hidalgo?

14 DANIEL HIDALGO: Present.

15 STEPHEN NATOLA: Virginia Keesler?

16 VIRGINIA KEESLER: Present.

17 STEPHEN NATOLA: Wendy Leiserson?

18 WENDY LEISERSON: Present.

19 STEPHEN NATOLA: Jim Monteverde?

20 JIM MONTEVERDE: Present.

21

22

1 * * * * *

2 (6:02 p.m.)

3 Sitting Members: Jim Monteverde, Virginia Keesler, William
4 Boehm, Wendy Leiserson, Daniel Fernando
5 Hidalgo, and Michael LaRosa

6 JIM MONTEVERDE: The first cases for tonight are
7 all continued cases. They were started previously and not
8 resolved. First case I'm going to call is Case No. 238938
9 for 10 Hilliard Place. Is there anyone who'd like to speak
10 on that case? Proponent?

11 [Pause]

12 Anybody there?

13 STEPHEN NATOLA: Yar Laakso.

14 JIM MONTEVERDE: Do you want to speak? Is there
15 something who wants to speak about 10 Hilliard Place? Was
16 there someone from the proponent? Would you please
17 introduce yourself, please state your name?

18 TOM RAFTERY: Hello, can you hear us?

19 JIM MONTEVERDE: Yes. Can you state your name?

20 TOM RAFTER: My name is Tom Raftery. Ted Galante
21 is trying to get on the call.

22 THEODORE GALANTE: Good afternoon. Good evening.

1 I'm on the call now. This is Ted Galante.

2 JIM MONTEVERDE: Ready.

3 THEODORE GALANTE: Sorry about that. We got
4 bounced off and back on. So good evening, everyone. I am
5 prepared to speak about the project.

6 I don't know if you are going to present the
7 updated document that we submitted as requested by the
8 Board, or if we should do that. I don't know what the
9 Board's pleasure is.

10 JIM MONTEVERDE: We do it at this end, so thanks.

11 TED GALANTE: Okay. No problem. Fantastic.

12 JIM MONTEVERDE: Do you want to start with plans?

13 THEODORE GALANTE: I think -- thank you, I think
14 if you don't mind if we can start with Drawing AZ, which was
15 the updated -- this one, yes correct -- the updated plan
16 request. And I think the calculations were what was in
17 question, I suppose.

18 And so, what we did on the right-hand side I'm
19 going to try and draw, because that's how I speak best.

20 So the allowable GFA is the 3,411. That is in the
21 area that I just circled. I'm not sure if everyone can see
22 that.

1 JIM MONTEVERDE: Yep.

2 THEODORE GALANTE: The proposed -- well, I'm
3 sorry. The allowable is 3,411. The proposed is just below
4 it, 3,620 -- call it 3,622. So it's over the allowable now
5 by a couple hundred square feet.

6 The proposed new is 3,715. And if we total the --
7 if we do the difference between the allowable and the
8 proposed new, it's basically 304 square feet above the
9 allowable GFA. Because I think what you guys clarified for
10 us is that we could not recount removed GFA or deducted
11 existing GFA.

12 JIM MONTEVERDE: Right.

13 THEODORE GALANTE: And so we calculated it this
14 way to make clear that we are adding 304 square feet to the
15 house, and so that is the formal map.

16 In fact, we are removing 200 -- I have the number
17 in front of me -- 200 something square feet, oh, 205 square
18 feet of the lost area. And so, the real net increase is the
19 94 square feet.

20 So it's 305 square feet, or 94 square feet because
21 we are removing a loft. And so, that's why we did it that
22 way.

1 JIM MONTEVERDE: Okay.

2 THEODORE GALANTE: So I hope that clarifies the
3 math in that piece.

4 And then I think the other question the Board Had
5 that we tried to clarify is I think comparative plans and
6 elevations -- and I'm sorry, I don't know exactly where they
7 are in the packet, but I think they are drawings SP -- they
8 start at drawing S.P.100 and go to S.P.202. Right. So the
9 height -- this -- it's actually, sorry the next one, please.

10 This is trying to indicate with clarity for the
11 Board what's existing and removed, and what is proposed.
12 The colors are a little light on the scan, so I apologize
13 for that. But on the left-hand side of the drawing is an
14 existing basement, top left. Below that is the proposed
15 basement, bottom left.

16 So the existing basement has -- you know, its
17 finished base on this portion of the basement. It has
18 basement space on this portion. And it has -- on the blue
19 portion, I'm drawing in colors, and I hope people can see
20 that -- and then it has a crawl space in the green portion.

21 The intent is to use the entire basement and
22 finish the entire basement. We have to rebuild the walls

1 anyway. So we were going to finish the entire basement.
2 And so, though it doesn't count for GFA, we're just trying
3 to make that clear. The -- so that's what's happening
4 there.

5 And then the first-floor existing, we're removing
6 some minor junk out in the lower portion, which is now
7 circled in green.

8 And we're adding the areas that are gray -- you
9 know, on the plan below it, which is a stair on the outside
10 and extending the deck on the right side, and then putting
11 in a new bulkhead and such down at the bottom of the
12 proposed plan.

13 So the adds and deducts are relatively small
14 there, but just trying to make that clear.

15 Any questions on that plan? Plans?

16 JIM MONTEVERDE: Nope, thank you.

17 THEODORE GALANTE: So then the next drawing is
18 showing the first floor, S.P.101. And -- sorry, S.P. -- oh,
19 I'm sorry, that was the basement of the first floor. My
20 apologies, I was misspeaking. That was the basement in the
21 first floor that I just covered. I had it all -- the
22 basement in my head, but it was basement on the left, first

1 floor on the right.

2 The next drawing is second floor and roof, and
3 S.P.101, please.

4 So second floor existing has a roof deck here that
5 is currently on the existing house. And we are proposing to
6 infill that roof deck with this gray area right here, that
7 I've just circled in red.

8 The only other change is that there's a wonky
9 skylight that is in the existing setbacks, and we're
10 proposing to change it to a simplified skylight for just
11 clarification reasons.

12 On the upper floor, we are removing this whole
13 loft space thing -- this couple hundred square feet of loft
14 space that's inside the roofline, and we are putting in a
15 head house and roof deck up in this area.

16 So those are the changes on those two floors.

17 And again, we tried to make it clear in that -- on
18 our drawing, this is kind of a yellow-y color, and then the
19 proposed is gray. And so, we tried to clarify that for
20 everyone.

21 And then the elevations, which would be the next
22 drawings, show the same changes. So for example, the left

1 side has the east elevation of the existing house. We're
2 removing the -- a small stair and some enclosure in the
3 back, and we're proposing a bulkhead and enclosure in the
4 back.

5 We are removing -- we're infilling this. We're
6 removing the roof deck and infilling this portion of the
7 roof deck. And then we are filling in the spot between the
8 two dormers right there with the new dormer here. So that
9 is the net set of changes there.

10 And then on the other side we're removing that
11 window and putting in a skylight on that side in the back,
12 removing those things and putting in some pieces on that
13 side. So far, the changes are -- we tried to note the
14 changes.

15 And then the next drawing shows the existing roof
16 deck and partial dormer being removed and filling in that
17 area.

18 And then the head house on that side, the roof
19 deck -- I'm sorry, this is the elevation with the roof deck.
20 I think I just misspoke on the other elevation. But we're
21 removing -- that's the dormer and the roof deck, and we're
22 filling in with that portion that's in gray.

1 So those are the changes overall, and we hope that
2 clarifies the questions that were had.

3 Yeah. So that's kind of where we are.

4 JIM MONTEVERDE: I think to me the reformatted
5 drawings makes it much clearer what the scope of work is,
6 and where the additions are occurring.

7 I think the other thing they ask for, which I see
8 in the file, is the letters that were sent to the neighbors
9 where you solicited, or the owner's proponent solicited some
10 favorable commentary originally kind of understated, in my
11 opinion, the additions.

12 And we want to make sure that that was revised and
13 sent out, so it was clearer what the scope of work is. I
14 have that in front of me and what was sent out to the
15 neighbors was much clearer. So thank you for that.

16 THEODORE GALANTE: Thank you. We apologize, but
17 we do have five letters of support based on that. So we're
18 -- good -- on the new letter.

19 JIM MONTEVERDE: Do you? Because I was -- I found
20 two. But we'll go through those in a moment.

21 THEODORE GALANTE: Sure.

22 JIM MONTEVERDE: So I think that's what we'll be

1 looking for, and I think that's what you've done. So do you
2 have anything else to present, or can we open it up to
3 questions from members of the Board?

4 THEODORE GALANTE: I think the only other -- the
5 other item was a question from a neighbor about roof deck --

6 JIM MONTEVERDE: We'll get to that.

7 THEODORE GALANTE: -- privacy --

8 JIM MONTEVERDE: Yeah. We'll get to that. We'll
9 get to the public commentary in a moment.

10 THEODORE GALANTE: Okay. Okay. No I --

11 JIM MONTEVERDE: -- fine.

12 THEODORE GALANTE: I think that's what we have to
13 present.

14 JIM MONTEVERDE: Okay. Thank you. I'm going to
15 open it up to questions from members of the Board. Please
16 say your name first.

17 JIM MONTEVERDE: Anyone have any questions?

18 MICHAEL LAROSA: Hey, Jim. It's Mike LaRosa.

19 Ted, the plans are nice. Thank you. Were the new
20 plans provided to the neighbors with the letter?

21 THEODORE GALANTE: I don't think drawings were
22 specify provided. I think the clarification letter was

1 provided, though. And everyone has agreed to what's
2 happening here. Some were a little confused --

3 MICHAEL LAROSA: Yeah, I think that's --

4 THEODORE GALANTE: -- why they needed another
5 letter, but they were very supportive.

6 MICHAEL LAROSA: Yeah, I saw the two letters of
7 support. I'm just so -- I don't know why -- it's still
8 bugging me. They put in the letter that there's 97
9 allowable square feet.

10 And I know that that's a net number. But when you
11 see 97 square feet it doesn't -- like -- emphasize that
12 you're adding 300 something square feet on one level and
13 just taking away the little head house that nobody cared
14 about before. So that's why I was wondering if they saw the
15 plans.

16 The only other question, I guess, would be did it
17 -- was there any follow-up with the dissenting neighbor from
18 before?

19 THEODORE GALANTE: Yes. There was a letter
20 written to the neighbor. There were knocks on the doors.
21 There were ways -- multiple ways of trying to reach the
22 neighbor, but there was no way to make contact.

1 The owner doesn't have a number, the owner
2 specifically went over there twice to try and find the
3 neighbor. They wrote them a letter, they tried to be in
4 touch. But that's all the contact info they have.

5 Now, at the last meeting, that neighbor sent a
6 letter to the Board. I think the day before, we had learned
7 about it at the meeting. And then they said that they were
8 leaving for Europe. And so, I don't know. Perhaps they're
9 still in Europe. I don't know the status of that
10 discussion.

11 But Fernanda and Rox told me that they
12 specifically made an effort to get there and to speak with
13 people.

14 MICHAEL LAROSA: Did they try to e-mail them at
15 the e-mails?

16 THEODORE GALANTE: I imagine they did. I don't
17 know if there was an e-mail provided. I don't know exactly
18 what contact information they had.

19 MICHAEL LAROSA: It was on the letter in the file.
20 There's two e-mails.

21 THEODORE GALANTE: I -- last week I specifically
22 asked Fernanda where that stood. And she told me she's been

1 trying to reach them and has not been able to.

2 MICHAEL LAROSA: Okay.

3 THEODORE GALANTE: So I know that -- yeah, I'm
4 trying to sort through my -- I'm sorting through my e-mails
5 now, my texts now, but -- but she did, she did make what
6 sounds like significant effort to make contact.

7 But at the same time, if we need to, we have
8 tonight with us and we're prepared to talk about a privacy
9 screen that would -- we believe -- alleviate any concerns
10 for the neighbor to basically provide a screen around the
11 roof deck area, so that they would not be seen on the roof
12 deck, and they would not be able to see to the neighbors'
13 yard.

14 So that's a piece that we were prepared to talk
15 about, but we wanted to understand where things stood before
16 that.

17 MICHAEL LAROSA: Okay.

18 JIM MONTEVERDE: Excuse me, this is -- sorry, go
19 ahead.

20 MICHAEL LAROSA: No, I had -- the same question I
21 asked I think Olivia last time I was going to ask about are
22 we able to -- once you takeaway nonconforming square footage

1 in that head house, are you able to simply move it to the
2 second floor and add it back?

3 I know the net is only 97, but your -- in other
4 words, once you help remove the nonconformity, is it okay to
5 simply move it elsewhere onto the second floor?

6 THEODORE GALANTE: We're basically 300 square feet
7 is the net change. That's what I was pointing out on the
8 earlier calculation.

9 MICHAEL LAROSA: Yeah, no, I understand that. I
10 was asking Olivia like procedurally. Because I know, like,
11 when we say -- and that was my point, I guess, in the new
12 letter that went out to the neighbors. It says, "97 feet of
13 allowable gross floor area."

14 And that's why I've been asked about the plans,
15 because I'm wondering -- I just want to make sure they all
16 understand that it's not just adding 90 feet.

17 THEODORE GALANTE: I believe that they'll all
18 understand, because there's been discussions about the
19 project for quite some time, and all of them are still
20 strongly in support. They -- and so, if think they really
21 want the project to not lie fallow anymore. They -- the
22 owner has been working very hard with the Historic

1 Commission, with contractors, with us.

2 And the owner is really frustrated and having a
3 difficult time to push this forward. And I don't want the
4 project to go south because of the potential of the
5 neighbors not being happy. I think the neighbors are
6 showing a lot of support in these letters.

7 And, you know, the house sitting there for another
8 year empty would be awful. And I don't think we want to
9 have that -- I don't want that in my neighborhood. I'm
10 trying to --

11 MICHAEL LAROSA: No, no one does.

12 THEODORE GALANTE: -- push this along. I look at
13 the house across the street right where I'm sitting, so I'm
14 eager myself as a neighbor, not a direct abutter, but a -- I
15 see the property.

16 MICHAEL LAROSA: Yeah. No, I understand. I can't
17 remember. There was one more question I had, but if I think
18 of it, I'll ask you. I'll let someone else chime in.

19 JIM MONTEVERDE: Any other questions from members
20 of the Board?

21 [Pause]

22 If not, let me jump in for a second. So just

1 mentioned the Historic Commission, and some correspondence I
2 think in the previous round, the letter to the abutters --
3 the neighbors -- said that the project was approved by the
4 Cambridge Historic Commission. We -- and I don't think we
5 have correspondence to that effect in the file.

6 THEODORE GALANTE: We have approval. We went back
7 to the Cambridge Historic Commission two weeks ago, and
8 maybe three and Eric Hill physically wrote us a Certificate
9 of Appropriateness and we have the Certificate of
10 Appropriateness in our files. And I imagine it would be
11 interesting -- I don't know exactly how that unfolds,
12 communication department to department. But --

13 JIM MONTEVERDE: Okay. Were there any conditions

14 --

15 THEODORE GALANTE: We --

16 JIM MONTEVERDE: -- mentioned in that
17 approval from the Historic Commission?

18 THEODORE GALANTE: I don't know that I have it
19 completely in my head, and I apologize for that.

20 MICHAEL LAROSA: Jim, if I can interject real
21 quick, the letter they sent out on November 20 says they
22 have one more stop at Historic.

1 JIM MONTEVERDE: Yeah, I saw that.

2 THEODORE GALANTE: And that's a stop that we did
3 make. Yeah.

4 JIM MONTEVERDE: So that stop was made. There's a
5 letter from the Historic Commission giving you approval?

6 THEODORE GALANTE: Yes, I'm looking --

7 JIM MONTEVERDE: And are there any conditions with
8 it?

9 THEODORE GALANTE: Okay. I'm looking at it right
10 now.

11 Hold on one second. This is from 11/15, today's
12 11/30 so it's two weeks.

13 JIM MONTEVERDE: Yep.

14 THEODORE GALANTE: And I'm going to open the
15 letter, give me one second.

16 "Half Crown-Marsh Neighborhood Conservation
17 District's Certificate of Appropriateness for 10 Hilliard
18 was granted on the following conditions and comments:

19 "The applicant works with the Cambridge Historical
20 Commission staff to identify existing siding and trim that
21 can be salvaged and reinstalled on the most visible east and
22 north façades."

1 And that "the head house remains appropriate at
2 the height of 27'3" as measured from grade."

3 So yes, and I should -- and we have that by Marie
4 Pierre Dillenseger who is now the Chair; the other
5 gentleman's name is escaping me, but he retired, and Eric
6 Hill.

7 JIM MONTEVERDE: Okay. And then --

8 THEODORE GALANTE: I'm sorry that you don't have
9 this. I'm happy to e-mail it or have it filed. I thought
10 the process was that --

11 JIM MONTEVERDE: Yeah, this --

12 THEODORE GALANTE: -- interdepartmentally this
13 happens.

14 JIM MONTEVERDE: -- when we get further, if we're
15 moving to once we take a motion, we can ask for that as a
16 condition for that documentation to be forwarded to us.

17 THEODORE GALANTE: Certainly.

18 JIM MONTEVERDE: And include those conditions as
19 any conditions.

20 But one other question I had which you mentioned:
21 This is regarding a letter that the neighbors had written
22 previously, the ones that weren't able to be contacted,

1 Godfrey and Janet Amphlett. They were the ones concerned
2 about the roof deck overlooking the yard.

3 Can you explain is it something that the design
4 currently does, that you think ameliorates that concern? Or
5 is it some additional piece that you're willing to do?

6 THEODORE GALANTE: We did not submit this. I have
7 a design on my tablet, on my laptop right now -- I'm going
8 to share my screen and talk about that if that helps --
9 between did not submit that design as part of the drawings
10 that we're currently looking at, for example.

11 Because we didn't know the status of that
12 situation, and, you know, the client has been trying to make
13 a connection there.

14 JIM MONTEVERDE: Okay. Then, I think technically,
15 I don't think there's a way that you can share your screen
16 with us. We share it, but you can't share it with us. So
17 can you describe it? Again, you've got your --

18 THEODORE GALANTE: Sure. --

19 JIM MONTEVERDE: -- your color pens seem to be
20 working, so can you just give us some concept of what you
21 were considering -- what's being considered?

22 THEODORE GALANTE: This is one of the reasons I

1 prefer Zoom over other past forms when I present. But
2 fundamentally, it is a screen that would be added to this
3 area that allows the -- a person to -- this is a planter, by
4 the way. This is a planter up here this high. So this
5 would be planted anyway. Rox and Fernanda are avid
6 gardeners, and so, there's this little red lines that we
7 plant.

8 But the idea is to add a screen in this area that
9 is matching the siding of the house, that is, you know, 1 x
10 4 boards with little spaces in between it so sunlight and
11 stuff can filter in and out, but it provides a privacy
12 screen.

13 And so, if I were to draw, you know, in section,
14 if that were the roof deck and the planter was this high,
15 and the screen kind of came up here and a person standing
16 would be something like that -- maybe a crooked person --

17 JIM MONTEVERDE: Yep. Understand. Yep.

18 THEODORE GALANTE: But that would be the intent.
19 And so, so the client is willing to do that, and we're
20 focusing on that, I personally have that kind of screen on
21 my roof deck on Mount Auburn Street --

22 JIM MONTEVERDE: Right.

1 THEODORE GALANTE: -- across the street.

2 JIM MONTEVERDE: Okay.

3 THEODORE GALANTE: So that's the --

4 JIM MONTEVERDE: But is it specifically on that
5 elevation, where that would be proposed?

6 THEODORE GALANTE: I'm sorry. I just erased it.
7 But yes, that --

8 JIM MONTEVERDE: It's that north elevation? Okay.

9 THEODORE GALANTE: Yes. North and -- I'm sorry,
10 north and west. North and west. Both of these two
11 elevations. Because that would --

12 JIM MONTEVERDE: Oh, okay.

13 THEODORE GALANTE: -- properly --

14 JIM MONTEVERDE: Yeah, the screen and the planting
15 would go around the two sides?

16 THEODORE GALANTE: Yes, yes, yes, yes, yes, yes.

17 JIM MONTEVERDE: Okay. Thank you. Any other
18 questions from members of the Board before I open it to
19 public comment?

20 [Pause]

21 If not, I will resummarize the correspondence
22 that's in the file. We have -- I cannot read these people's

1 names. Sorry, we have one letter -- this is a form letter
2 that the proponent sent to their neighbors, dated November
3 20.

4 There's one by a John, and then it's scribble,
5 scribble, scribble, dated November 28, 2023, 19 Hilliard.
6 They are basically approving the scheme, taking no
7 exception.

8 Again, the form letter -- oh, same person. This
9 is Robert Strauss at 22 Berkeley, same form letter, in
10 favor. Last name Black -- sorry, I can't make out the first
11 name. They agree with the proposal, the proposed project.

12 Louis (phonetic) -- Louis and I can't tell the
13 last name at 151 Mount Auburn, 24 Ash. They agree. And
14 that is the -- all of the correspondence that's in
15 currently, not the old correspondence.

16 So I will open it up to any member of the public
17 who wishes to speak should now click the icon at the bottom
18 of your Zoom screen that says, "Raise hand."

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

21 I'll now ask Staff to unmute speakers one at a
22 time. You should begin by saying your name and address, and

1 Staff will confirm that we can hear you. After that you
2 will have up to three minutes to speak before I ask you to
3 wrap up.

4 [Pause]

5 We have no one calling in. I will close public
6 testimony.

7 Discussion among the members of the Board? Let me
8 start. I look at the proposal and the revisions that
9 they've made in terms of formatting and reaching out again
10 to the neighbors favorably with some conditions.

11 Michael, I think the point you were making before
12 about the arithmetic -- the amount deducted, the amount
13 added, et cetera. I think looking at the dimensional form,
14 the building is already not compliant.

15 The only thing that's not compliant about it is
16 its gross area and its gross floor area. The building is
17 currently over the gross square footage.

18 So I think the couple hundred square feet, even if
19 it's a little bit more than that, doesn't bother me terribly
20 if it doesn't bother the neighbors. And the fact that the
21 couples have signed in and said that they approved, I can be
22 comfortable in going with that.

1 I would suggest adding a condition that the new
2 screen and planting that Mr. Galante mentioned on the north
3 and west elevations be implemented really to satisfy the
4 neighbors, the Amflets who spoke up before and are not
5 available for comment now.

6 And lastly, I'd want to include the condition that
7 we get a copy of the Historic Commission comments, and that
8 those comments be added as conditions to the action we take.
9 That's what I think.

10 Does anybody else want to bat that around, or
11 ready for a motion?

12 VIRGINIA KEESLER: Just adding on to what you were
13 saying, Jim, I would say that the last time we saw this
14 proposal, part of what I was finding a little off-putting
15 was not being able to tell how high the head house was going
16 up and that was sort of influencing how I was thinking about
17 the additional massing.

18 And I think this presentation addressed those
19 concerns. And it sounds like that was something that was
20 also examined by the Historic Commission.

21 So I think it sounds like this is aligning with
22 the recommendations of the Historic Commission. So I would

1 view this project favorably.

2 JIM MONTEVERDE: Okay. Thank you. Any other
3 Board members want to describe any part of it? If not, I'll
4 move to a motion.

5 [Pause]

6 Let me confirm: Ted, if you could, the relief
7 that's being sought is the fact that you're exceeding -- you
8 will increase the FAR and the gross square footage?

9 THEODORE GALANTE: Correct. And so far --

10 JIM MONTEVERDE: And I'm assuming --

11 THEODORE GALANTE: I'm sorry.

12 JIM MONTEVERDE: No, say it. Go ahead.

13 THEODORE GALANTE: And some work within the
14 nonconforming setback, replacing a window and such.

15 JIM MONTEVERDE: Yep. And which ones are those?
16 Which elevations are the nonconforming?

17 THEODORE GALANTE: I believe it's the -- let me
18 look at my drawings over here -- the south elevation.

19 JIM MONTEVERDE: South.

20 THEODORE GALANTE: The south elevation, yeah.

21 JIM MONTEVERDE: Okay. All right. Yeah. I just
22 want to be clear about what you're seeking relief from.

1 THEODORE GALANTE: Yeah.

2 JIM MONTEVERDE: So the Chair makes a motion to
3 grant relief from the requirements of the Ordinance under
4 Sections 5.31 -- and that has to do with the added square
5 footage to the building -- and also the opening within the
6 side yard setback on the south elevation, Sections 5.22.2.d
7 and .c.

8 And then the conditions under a special permit,
9 which are:

10 It appears that the requirements of this Ordinance
11 cannot or will not be met. And that is correct for both the
12 area increase and for the opening in the side yard setback.

13 Traffic generated or patterns of access or egress
14 would cause congestion or hazard. No, I don't think so.

15 The continued operation of the development of the
16 adjacent uses would be adversely affected. I think not.

17 Nuisance or hazard would be created to the
18 detriment of the health, safety or welfare. I think not.

19 And for other reasons, the proposed use would
20 impair the integrity of the district or adjoining districts.
21 And I think not.

22 So you meet the criteria for 10.43 for a special

1 permit.

2 On the condition that the work proposed conform to
3 the drawings entitled "10 Hilliard Place," dated 11/27/23,
4 prepared by TGAS Studio, initialed and dated by the Chair.

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

8 Further, that the special permit is granted
9 incorporating the following conditions:

10 1. That you supply to the Inspectional Services
11 Office a copy of the letter from the Historic Commission,
12 and that the conditions that the Historic Commission made
13 are made part of the conditions we're stating now, relative
14 to the Historic Commission review.

15 2. That the railing or guardrail or screen
16 planting and built screen that you just described on the
17 north elevation and west elevation be implemented to really
18 affect the privacy that the neighbors -- the Amphletts --
19 were concerned about.

20 Was there one more? Was there one more? I think
21 that's it. I think that's it.

22 So Board members, let's take a voice vote on the

1 motion to grant the relief. Virginia?

2 VIRGINIA KEESLER: In favor.

3 JIM MONTEVERDE: Thank you. Bill?

4 BILL BOEHM: In favor.

5 JIM MONTEVERDE: Thank you. Daniel?

6 DANIEL HIDALGO: In favor.

7 JIM MONTEVERDE: Thank you. Michael?

8 MICHAEL LAROSA: In favor.

9 JIM MONTEVERDE: Yep, thank you. And Jim

10 Monteverde in favor.

11 [All vote YES]

12 Five in favor. Relief is granted. Good luck.

13 THEODORE GALANTE: Thank you all very much. Thank

14 you very much. This will be all great project. I

15 appreciate our time. Goodnight.

16 JIM MONTEVERDE: Goodnight.

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(6:37 p.m.)

Sitting Members: Jim Monteverde, Virginia Keesler, William Boehm, Daniel Fernando Hidalgo, and Michael LaRosa

JIM MONTEVERDE: Next case is 242825 -- 5 Craigie Circle. Is there anybody here who wishes to -- anybody from the proponent who wishes to speak about 5 Craigie Circle?

Stan Hilbert, are you there?

STAN HILBERT: Hi, can you hear me?

JIM MONTEVERDE: Just introduce -- just tell us your name, please.

STAN HILBERT: Hi, sure. Hi. My name is Stan Hilbert, the owner of Forage in Cambridge.

JIM MONTEVERDE: Great. Thank you.

STAN HILBERT: So after we spoke last, I wanted to amp up the amount of signage that -- wanted to inform everybody even more that -- you know, about our patio, so I posted the letter that I e-mailed actually Maria explaining what we're doing and how -- where everything was happening, including a duplicate of the hearing poster board that you had.

1 And I posted those at the entrance of each Craigie
2 Circle entrance, and as well as the neighbors' mailboxes
3 that are -- that live around us.

4 And hopefully showing that I did indeed tell
5 everybody what we were doing in addition to the giant poster
6 board that was posted out front.

7 So you probably noticed that -- you might have
8 noticed that there were a lot more e-mails that were sent
9 out since last time -- hopefully proving that I did indeed
10 tell everybody about what we were doing.

11 JIM MONTEVERDE: It worked;, congratulations, it
12 worked.

13 STAN HILBERT: Well, I mean yeah. Because for me
14 I was honestly hurt and sort of shocked that somebody would
15 make false claims about the way I run business and calling
16 me dishonest. For me, that is just insulting.

17 And I -- honestly, I was just shocked that
18 somebody would call me dishonest. Because I've never been
19 anything but -- with our neighbors, with my landlord --
20 especially with my landlord.

21 We've had great relationships -- you know, through
22 -- you know, before, during COVID and after COVID, to the

1 point that he's letting me do all these things, and with my
2 neighbors too.

3 And I've -- any complaint I've ever had has always
4 been dealt with immediately. So when Meghan -- Meghan
5 Brundage says that, you know, the many neighbors that have
6 complained and et cetera, et cetera, for me it's just --
7 it's just false claims. I would be curious for her to bring
8 proof of that, quite honestly.

9 JIM MONTEVERDE: Okay. Thank you.

10 STAN HILBERT: So all -- I mean, if I -- I'm happy
11 to go through, if you'd like, the issues that she brings up
12 in her letter, that there will be -- if that's okay with
13 you; I don't know if that's what you want me to do. But I'm
14 happy to go through point by point, and then show my side of
15 the story.

16 JIM MONTEVERDE: Is this Gabrielle?

17 STAN HILBERT: No, this is Meghan -- Meghan
18 Brundage, the woman --

19 JIM MONTEVERDE: Meghan --

20 STAN HILBERT: -- that was here at the -- at our
21 last hearing that spoke against me. And she also sent
22 another letter, I saw today, in opposition. So it's the

1 same person, really, saying that -- through the letter here.
2 So I think it's the last letter that was e-mailed to you,
3 and as the letters of support and opposition.

4 The visceral obstruction of driveway entrance,
5 which is unsafe for pedestrians, et cetera, et cetera,
6 electrical cords -- all this is not going to be an issue,
7 because the patio is going to be directly -- I'm sorry about
8 the light there -- the patio is going to be directly next to
9 the restaurant, so there's not going to be anybody running
10 across the -- you know, walking across the parking lot.

11 If anything, we're going to be providing more
12 parking spaces for patrons, and there won't be any
13 interference with people's lives in that sense.

14 "Increased traffic and loitering of patrons in the
15 driveway." Again, you know, we're just moving the patio
16 where it's less of an issue in that sense, because people
17 aren't going to be moving back and forth into the driveway;
18 it's going to be the same people that are coming out of the
19 restaurant.

20 "Patrons already loiter regularly outside past
21 10:00 and 11:00 p.m., usually drunk and loud, even awakening
22 residents. The outside tables make this a significantly

1 worse problem, sometimes meriting calls to the police about
2 noise disturbance."

3 And this is one of the things that really bother
4 me is that our patio has been shut down every single night
5 in the past three years since 09/30.

6 And I would welcome anyone to call the Police
7 Department and get a record of any calls that have been
8 placed, and any record of the police coming. Because I have
9 never dealt with the police. Nobody at Forage has ever been
10 -- you know, dealt with the police. And I'd be curious to
11 get proof of that.

12 "Taking away green space, window views." In this
13 case, the neighbors directly above the patio have no issues.
14 If anything, they're supportive of it. You asked me the
15 last time: "Oh, have you asked the people that are going to
16 be literally looking our to the patio?" And that person e-
17 mailed in support.

18 So those are all the things that I wanted to talk
19 about that -- you know, I think are supportive of our new
20 patio. [Laughter]

21 Sorry, I'm getting all fired up. But [laughter].

22 JIM MONTEVERDE: Okay. Yeah.

1 STAN HILBERT: But I did -- yeah, want to bring up
2 17 seems to be -- it seems to me like there's 17 e-mails of
3 direct abutters that are in full support of this patio
4 versus the same one person that's making false claims about
5 me. So that's where I'm trying to get at.

6 JIM MONTEVERDE: Okay. Thank you.

7 STAN HILBERT: You're welcome.

8 JIM MONTEVERDE: I think you've made your point.

9 STAN HILBERT: Okay.

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

12 [Pause]

13 If not, there are quite a number of pieces of
14 correspondence.

15 MICHAEL LAROSA: Actually, can I ask one question?

16 JIM MONTEVERDE: Yeah. Mike, go ahead.

17 MICHAEL LAROSA: Hi, Stanislas.

18 STAN HILBERT: Michael.

19 MICHAEL LAROSA: You obviously got some letters in
20 support. Just a quick question, so did you -- I'm trying to
21 figure out from the last meeting. Did you drop notice at
22 the apartment buildings, or were these --

1 STAN HILBERT: Yeah, that --

2 MICHAEL LAROSA: I'm trying to figure out, because
3 somebody could just say they were soliciting and people you
4 know are going to give a positive response.

5 STAN HILBERT: Oh, no.

6 MICHAEL LAROSA: Did you put, like, notice to the
7 owners -- the residents or --

8 STAN HILBERT: Yep. Yeah, yeah, yeah. So I --
9 there's that poster board. So if you look at the
10 attachments I put up, I put pictures of where I had
11 originally put the poster board.

12 And if you look through the pictures, you'll see
13 you can't miss it. You're walking into your apartment at
14 Craigie and there's that giant poster board that's right
15 there as you walk by.

16 So that's why I was upset the first time that
17 Meghan said, "You can't see it" because you can't miss it.
18 And all the tenants that were there saw it.

19 So on top of that, I put -- well, also in the
20 picture I sent, I put a letter explaining what we were doing
21 and a paper-sized picture of the poster board in front of
22 each entrance of the apartment buildings.

1 And also, for that matter, in the elevator and
2 also in the laundry room.

3 JIM MONTEVERDE: Yes. I think we have that. We
4 have the photos of the ones in the lobby --

5 STAN HILBERT: And --

6 JIM MONTEVERDE: -- in the file.

7 STAN HILBERT: -- and for that matter, I'm sorry,
8 two neighbors that live not in Craigie Circle, but around:
9 I e-mailed one, and -- well, I e-mailed two of them, and
10 then I -- well, all three of them. One did an e-mail back
11 and I guess didn't say anything. Some people that live at
12 the BB&N House, and Ms. Ogden I think that lives directly
13 across from the restaurant on Craigie Street in the yellow
14 house across from us.

15 JIM MONTEVERDE: Okay.

16 MICHAEL LAROSA: Thanks for the explanation.

17 STAN HILBERT: Yep.

18 JIM MONTEVERDE: Any other questions from members
19 of the Board before I go through the correspondence we have
20 in the file?

21 [Pause]

22 All right. Let me go through the correspondence.

1 We have a letter from Jules Nguyen (phonetic) --
2 sorry for the pronunciation. This is November 30. Lives at
3 8 Craigie Circle, voicing support.

4 Anna Grove at Craigie in support.

5 Gabriel En, a former 5 Craigie Circle resident in
6 opposition and stating their concerns or complaints.

7 Meghan Brundage -- one second, please. Let me
8 just run through these -- Meghan Brundage, again November
9 30; the proponent has basically kind of run through -- it's
10 the same letter we saw from last time, expressing her
11 variety of concerns.

12 Susan Shell, November 29, enthusiastic support.

13 Richard Collins, November 29, No. 1-6 Craigie
14 Circle, in support.

15 Susan Acosia (phonetic), lives on the second floor
16 directly over their former outdoor patio, and now, if this
17 is implemented, they'll be overlooking it across the parking
18 lot. They have two minor requests:

19 "Please remove the string of light bulbs from our
20 back patio, since they're not set up to function, they just
21 look ugly there. And please ask smoking staff to move out
22 to Craigie Street sidewalk and head toward Concord Avenue."

1 Justin Sheinberg, November 28, resident of 7
2 Craigie Circle, firm support.

3 Nancy Brown, 5 Craigie Circle, in support. Right.
4 And we have all of your pictures.

5 And we have Joe Hayley (phonetic), November 26,
6 tenant at 5 Craigie. "Strongly urge you to consider their
7 request for a patio favorably."

8 Gabriela Perino, November 25, resident of 7
9 Craigie Circle, "Support their plans."

10 Harold Nassau November 22, resident of 3 Craigie
11 Circle, endorsed the plan.

12 Grace Simmons November 20, resident of 5 Craigie
13 Circle. "Anything you do to help them recover would be
14 appreciated by all of us who enjoy this fine cuisine." I'll
15 take that as a positive endorsement.

16 Andria Dorn, November 20, tenant at 5 Craigie
17 Circle believes it would be an improvement. Take that as a
18 positive.

19 Sarah Pumphrey, November 21, resident of 5 Craigie
20 Circle, unwavering support.

21 David Bucci, November 20, resident of 6 Craigie
22 Circle, support for the proposal.

1 Number 14, Jessica Tanny, in support.

2 [49:49 indiscernible proper name Claire Michaud,
3 November 11, 6 Craigie Circle, in support.

4 Courtney Sender, November 7, 5 Craigie Circle, in
5 support. It's dated the previous hearing. That's as far
6 back as I'm going to go. That's -- the other ones are from
7 the previous hearing. So I think that shows a preponderance
8 of positive responses.

9 I think you did what we asked you to do, which was
10 really canvas the immediate abutters who would be affected.
11 And you have, so thank you for that. And we have all our
12 correspondence in favor, and the couple that have some
13 objections.

14 The one that has some objections, the few
15 conditions, the -- takes some twinkle lights down, or do you
16 understand what that's about?

17 STAN HILBERT: Oh, yeah. Yeah, yeah, yeah. I
18 know what that -- that's, that's -- that's a no-brainer.

19 JIM MONTEVERDE: All right. So if we can deal
20 with those, then there's the one left, the one from the
21 previous presentation that has a variety of issues, but you
22 don't need to go into those now.

1 So that's everything we have in the file. And
2 we'll open it up to public comment. Any members of the
3 public who wish to speak should now click the icon at the
4 bottom of your Zoom screen that says, "Raise hand."

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

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

12 STEPHEN NATOLA: Zack Collins?

13 ZACK COLLINS: Hello. This is Zachary Collins, 5
14 Craigie Circle, Apartment 26.

15 JIM MONTEVERDE: Yes. We can hear you. Go ahead.

16 ZACK COLLINS: Okay, excellent. Thank you. I
17 know you have a lot of correspondences, so I'll try to keep
18 it very brief.

19 I just wanted to confirm what Stan said, that
20 there were notices both posted obviously outside the
21 building and within the building that we were able to read;
22 and to address a couple things quickly.

1 I own a car. I've driven -- I do not park at the
2 apartment, but I've driven to it many times, and I haven't
3 found the current patio to be a disruption. And obviously
4 the new one will be even less of one.

5 And I've never found any of the patrons of the
6 patio outside to be any disturbance while I'm inside the
7 building anywhere -- in my apartment or going to do the
8 laundry, doing anything.

9 The staff has always been incredibly kind and
10 polite. And I mean, you have so many correspondences. You
11 can see how passionate so many of us are about Forage.

12 So I just hope that this patio can be approved.
13 Thank you so much.

14 JIM MONTEVERDE: Thank you.

15 STAN HILBERT: Thank you.

16 STEPHEN NATOLA: Meghan?

17 [Pause]

18 STEPHEN NATOLA: Meghan?

19 MICHAEL FOURNIER: Hello. Can you hear me?

20 JIM MONTEVERDE: Yep.

21 MICHAEL FOURNIER: Hi. I'm Michael Fournier. I
22 live in 8 Craigie Circle.

1 My bedroom window actually looks out onto the
2 current patio in the parking lot. I just want to say I
3 fully support their petition. I think the
4 characterizations, you know, about the process -- about lack
5 of signage, are utterly false. I saw the sign both times.
6 I saw things posted in and around my building.

7 The patio, I walk past it all times of day and
8 night. They close out by 9:30. The people who -- you know,
9 there might have been some complaints about, it's a very
10 young building. I'm 45 and I'm one of the oldest people in
11 my building. I'm the top three or four out of maybe 35
12 people.

13 There are people coming and going. Most of the
14 residents are under 30, and they're people who come and go
15 all the time. And sometimes they're loud. But the
16 restaurant and the patio has been shut down for hours before
17 this has ever been an issue.

18 I've never seen the police called at all, for
19 anything at the restaurant. It's an excellent restaurant.
20 The food is amazing. And a lot of the clientele who eat
21 there, they kind of -- in a lot of ways they reflect the
22 rest of the neighborhood, you know.

1 But the food is amazing, and the staff has always
2 been courteous. Driving in and out of the parking lot has
3 never been a problem. You know, I don't have any complaints
4 at all. They've been wonderful neighbors. And if anything,
5 this is an improvement on the current situation. And I
6 certainly wish the business the best.

7 JIM MONTEVERDE: Thank you.

8 STAN HILBERT: Thanks, Michael.

9 MICHAEL FOURNIER: Thank you.

10 JIM MONTEVERDE: Anyone else? Yes?

11 JULES NGUYEN: Hello? Hi. My name is Jules
12 Nguyen and I live in 8 Craigie Circle, Apartment 38. Can
13 everyone hear me?

14 JIM MONTEVERDE: Yes, thank you.

15 JULES NGUYEN: Hi. So I've actually lived here
16 for two years now. I moved here in August 2021, and one, I
17 would like to say I fully support Stan and Forage's patio
18 and wanting to continue the livelihood of this building.

19 The reason is because even though I will
20 definitely say I've never actually eaten at the restaurant,
21 the -- just the vibrancy of the restaurant has given me a
22 sense of community here in Cambridge.

1 I'm from California and I moved here with no
2 friends. And on the first day that I moved here, Stan saw
3 that I was struggling with moving in, and he offered his
4 support. And it's helped.

5 And that's something that, like, is really
6 important to me. And that would have never happened if he
7 wasn't working outside on the patio.

8 Secondly, I also own a car and I park in the lot
9 here. And I've never had any issues with driving in and out
10 of the lot.

11 There has never been any electrical wiring, like,
12 that has been loose. I think Stan and Forage has done and
13 have done a really good job at making sure that everything
14 is really tidy.

15 Kind of following up on Michael's, like, comment
16 on the noise: My apartment also looks out into the patio.
17 And I never hear any, like, loud noises past 9:30. If
18 anything, the noises are from the young people that live in
19 the building. And I never have any issues with that,
20 because that's just people that live here. And so.

21 And again, also can say I've never seen cops pull
22 up for noise complaints or noise control.

1 Overall, I think that Stan and his restaurant
2 Forage really brings a strong sense of community to this
3 building, and without it I think Cambridge would lose a
4 little bit of its light.

5 And I hope that with the insurmountable amount --
6 insurmountable number of supports here today that we can
7 continue seeing this restaurant thrive for many years to
8 come.

9 JIM MONTEVERDE: Thank you for your comments.

10 STAN HILBERT: Thank you, Jules.

11 OLIVIA RATAY: Anna Grove?

12 ANNA GROVE: Hello. This is Anna Grove, 8 Craigie
13 Circle, Apartment 48.

14 ZACK CULLSTON: And I'm Zack Cullston (phonetic).
15 I -- me and Anna live together in 8 Craigie.

16 JIM MONTEVERDE: Okay. Go ahead.

17 ANNA GROVE: I wish to voice my support for the
18 patio as well. I moved to Cambridge because of all the
19 mixed-use neighbors here, and I feel like this restaurant is
20 our one -- the one thing that makes our neighbor mixed-use.

21 So it's very valuable and it brings a lot of life
22 to our neighborhood. And I would be really sad if they

1 didn't have an outdoor patio.

2 ZEB CULLSTON: And that -- I would just like to
3 reiterate what Jules and Michael said about -- well, we also
4 overlook the patio, about the noise and the loitering
5 complaints.

6 We've experienced no issues with the -- you know,
7 there's never -- we haven't ever seen police come because of
8 something at the restaurant. The noise certainly isn't an
9 issue.

10 And we own a car. We don't park in the parking
11 lot, but also the put on situation as it currently stands
12 doesn't provide a huge obstruction to parking.

13 And it certainly sounds like the new put on
14 construction would alleviate all these concerns anyway. So
15 both of us would like to, you know, kind of voice our
16 support for this proposal.

17 JIM MONTEVERDE: Thank you.

18 ZEB CULLSTON: Thank you.

19 OLIVIA RATAY: Alex Dorn?

20 ALEXANDRA DORN: Hello. This is Alexandra Dorn at
21 5 Craigie Circle, Apartment 8. Can you hear me?

22 JIM MONTEVERDE: Yes, we can. Go ahead.

1 ALEXANDRA DORN: I just wanted to -- I had sent an
2 e-mail in, but I just wanted to also voice my support of the
3 patio. I live in the first-floor apartment that, like, my
4 floor is Forage's ceiling, and my windows would look
5 directly out onto the proposed patio.

6 I looked at the plans, and it looks like the
7 pergola is designed in a way that it wouldn't block my
8 windows. You know, the ends of it are aligned up to a solid
9 portion of the side of the building. And also, my windows
10 sit I think more than six feet above the ground. So they're
11 relatively private.

12 So I think that, you know, this wouldn't really
13 limit my privacy at all as, you know, a very direct abutter.

14 I would also say that, just like others have said,
15 that any kind of loud noise that I've heard around here
16 hasn't had anything to do with Forage and has more just been
17 to do with normal noises of a city of living in a
18 multifamily building.

19 So that's all I had to say in my support of the
20 patio. Thank you.

21 JIM MONTEVERDE: Thank you.

22 STAN HILBERT: Thank you.

1 STEPHEN NATOLA: Meghan?

2 MEGHAN BRUNDAGE: I'm trying again to be heard.
3 Can you hear me?

4 JIM MONTEVERDE: I can hear you. Go ahead.

5 MEGHAN BRUNDAGE: Oh, great. Obviously, there's a
6 lot of enthusiasm for the restaurant generally, and plenty
7 of residents that are in support. But there are plenty that
8 are not.

9 And it is difficult to know how to connect and
10 evolve to speak in this format, because in fact the signage
11 was not posted all over in the other buildings.

12 And the sign that's on the restaurant, like, menu
13 board outside, is not something that you would notice or
14 look at if you weren't going to the restaurant or looking at
15 the menu board.

16 So I know that the buildings on the other side had
17 no signage. So -- and there was no mailing. There was no
18 -- there was not the general and entire outreach to the
19 residents on Craigie Circle, of which there are hundreds.

20 Obviously, Stan did a great job of finding the
21 residents that are enthusiastic and supportive, and that's
22 great. But I spoke to other people today, including one

1 that has no access to the Internet and didn't know how to
2 join, who very much wanted to express her concern otherwise,
3 but was completely unaware that this was even happening.

4 And I also want to point out, though it's great
5 that the current occupant of the apartment doesn't believe
6 that that permanent structure will be a problem, they won't
7 be there forever.

8 And when you're talking about a temporary
9 situation like the patio has been the past few years, you
10 know, that's one thing but building something permanent that
11 will affect going forth anybody who lives in those units is
12 another matter.

13 And the visibility problem will still be there for
14 safe entrance and exit from the drive. It is very difficult
15 to see when you're turning in or out of the driveway,
16 traffic that's coming in either direction.

17 So many near-accidents happen on the regular; for
18 other reasons of course, too, including impatient Cambridge
19 drivers. But extra activity, extra visual obstruction at
20 the front of this drive is a safety problem. And many
21 residents are unhappy about that.

22 So there is plenty of folks that just didn't know

1 this was going on and didn't know how to speak up that would
2 not express support. You know, Stan grabs people's e-mails
3 and of course does outreach for the restaurant --

4 JIM MONTEVERDE: Thank you.

5 MEGHAN BRUNDAGE: -- and he --

6 JIM MONTEVERDE: Excuse me. --

7 MEGHAN BRUNDAGE: -- as --

8 JIM MONTEVERDE: I need to ask you to wrap up,
9 please.

10 MEGHAN BRUNDAGE: Sure. I just want to point out
11 obviously I recognize there's plenty of enthusiasm. But I
12 think Stan was clever to find the subset of folks there that
13 would enthusiastically support. And like any community,
14 especially of hundreds of people, you're not going to have
15 an entire agreement.

16 And I just want it to be heard that there are many
17 residents that would not be happy about a permanent
18 structure in that location.

19 JIM MONTEVERDE: Okay. Thank you for your
20 comments.

21 MEGHAN BRUNDAGE: Thank you.

22 JIM MONTEVERDE: All right. Well, no? We're

1 closing public testimony. Any discussion from members of
2 the Board?

3 STAN HILBERT: Could I say something?

4 JIM MONTEVERDE: No. Please. It's not a debate.

5 STAN HILBERT: Okay.

6 JIM MONTEVERDE: This is really the Board's time
7 at the moment. So hold your powder, keep it dry.

8 Any discussion among members of the Board? Are we
9 ready for a motion?

10 DANIEL HIDALGO: I'm satisfied with the outreach
11 now, and I'm happy to see the, you know, the support. My
12 understanding is there is some criticism.

13 I think in any kind of building with a lot of
14 people, probably not every -- no one's going to agree 100
15 percent. But it strikes me as there's, you know, pretty
16 convincing support for this.

17 JIM MONTEVERDE: All right. Thank you. Anyone
18 else? If not, I'll move to a motion.

19 The Chair makes a motion to grant relief from the
20 requirements of the Ordinance under Sections -- and this is
21 a variance -- under Sections 4.35.f-1 for Restaurant Use;
22 Section 8.22.3, Nonconforming Use; Section 5.31, Dimensional

1 Requirements; and then the Requirements of a Variance. Let
2 me go through those.

3 The first is literal enforcement of the provisions
4 of the Ordinance would involve a substantial hardship,
5 financial or otherwise, to the petitioner or appellant. Let
6 me get to the next one.

7 Second, the hardship is owing to circumstances
8 relating to soil conditions, shape or topography of such
9 land or structures.

10 And I think that's the case here. It's such a
11 confined lot, given the position of the building and the
12 open space available for a patio that the hardship is really
13 having to do with the shape -- not the topography, just the
14 shape of the land and the structures around it.

15 And lastly, that desirable relief may be granted
16 without either substantial detriment to the public good --
17 and I think the majority of people who have written in have
18 stated that.

19 And that nullifying or substantially -- it will
20 not nullify or substantially derogate from the intent or
21 purpose of this ordinance. And I think that is true. So I
22 think they've met the conditions for a variance under

1 Section 10.31.

2 On the condition that the work proposed conform to
3 the drawings entitled -- there we go -- drawings entitled,
4 "Forage Patio Concepts" prepared by Stack + Company --
5 there's no date, but I will put today's date on it. There
6 are two drawings attached -- initialed and dated by the
7 Chair.

8 And further, that we incorporate the supporting
9 statements and dimensional forms submitted as part of the
10 application.

11 Board members, please take a voice vote on the
12 motion to grant relief. Virginia?

13 VIRGINIA KEESLER: In favor.

14 JIM MONTEVERDE: Bill?

15 BILL BOEHM: In favor.

16 JIM MONTEVERDE: Daniel?

17 DANIEL HIDALGO: In favor.

18 JIM MONTEVERDE: Michael?

19 MICHAEL LAROSA: In favor.

20 JIM MONTEVERDE: And Jim Monteverde in favor.

21 [All vote YES]

22 JIM MONTEVERDE: That's five in favor. Your

1 relief is granted. Congratulations. Good luck.

2 STAN HILBERT: Thank you.

3 BILL BOEHM: I will now bow out, as I believe
4 we're moving onto the new cases?

5 JIM MONTEVERDE: We are. So we'll have -- it's
6 the Regular Agenda. That will be Virginia, Wendy, Steven,
7 Daniel, and myself. So yes. Bill, you're excused. Enjoy
8 your evening.

9 BILL BOEHM: Thank you. Goodnight.

10 JIM MONTEVERDE: Goodnight.

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2 (7:09 p.m.)

3 Sitting Members: Jim Monteverde, Steven Ng, Virginia
4 Keesler, Daniel Fernando Hidalgo, and
5 Wendy Leiserson

6 JIM MONTEVERDE: First case on the Regular Agenda
7 is BZA 246750 -- 330 Mount Auburn Street. Is there anyone
8 wishing to speak about this location?

9 Kristina, are you there?

10 KRISTINA ROBINSON: Hi. Can everyone hear me?

11 JIM MONTEVERDE: Yep. We can.

12 KRISTINA ROBINSON: Hi. My name is Kristina
13 Robinson from Smartlink on behalf of AT&T.

14 JIM MONTEVERDE: Yep. You want to launch into
15 your presentation?

16 KRISTINA ROBINSON: Yep. Awesome. All right. So
17 if we can go down to either of the plans -- perfect. All
18 right.

19 So AT&T is proposing to upgrade their network
20 primarily at Mount Auburn Hospital and the surrounding area
21 for new technology. We are just swapping like-for-like
22 equipment on the façade of the hospital. Small -- very,

1 very small minor visual impacts if any.

2 Again, you know, we're not increasing the height
3 of the hospital. We're not going outside of our leased
4 space currently where we are. Again, it's just a swap for
5 antennas and ancillary equipment that is needed.

6 If we want to move down to the photo simulations,
7 those can really outline the changes that will be made. So
8 I think it's after the CDs. It will be more like a photo.
9 It should be after this. Yep. Right here.

10 So currently, this is one side of the hospital.
11 You can see AT&T's antennas are right there on that brick
12 façade. To the left, you can kind of see the profile of the
13 other sector we have.

14 So we can go down to the next page.

15 Again, this is just reiterating where our
16 equipment is currently; one, two and three.

17 You can go to the next one.

18 So this is what one of our sectors looks like
19 currently.

20 And then if we go down to the next page, you'll
21 see it looks pretty much the same.

22 So we can go to the next page.

1 Again, here you can see one side of our sector and
2 the profile of another. So this is existing. We have four
3 antennas across, and then you can go down.

4 And you still have your antennas across. Same
5 spots -- you know, same visual throughout.

6 And now we can go to the next page.

7 Same thing again here. We have our existing
8 layout.

9 And if you go to the next page, it will show what
10 our final intended layout will be.

11 So, you know, AT&T is, again, looking to upgrade
12 their project. We have done projects at the hospital prior
13 -- I mean back in 2020 or 2021, and now we are just looking
14 to upgrade for the latest technology.

15 Again, there is not much visual change, as we've
16 outlined in our photo sims, and that's all AT&T is really
17 looking to do for the hospital and its surrounding area. So
18 thank you.

19 JIM MONTEVERDE: Thank you. Any questions from
20 members of the Board? We do have a letter in the file from
21 the Planning Board, Planning and there are some conditions
22 there, which I'll read in a moment. But any questions from

1 members of the Board, or can we move on to the public
2 comment?

3 All right. Let me move on to public comment. Let
4 me just read the one correspondence we have in the file from
5 the Planning Board, dated November 22. And it reads:

6 The following are specific suggestions to help
7 minimize the visibility of the installation:

8 One, utilize the smallest mounting brackets
9 available so that the antennas can be mounted as close as
10 possible to the façade surface.

11 Two, wherever possible, equally space the antennas
12 from one another in the edges of the building to create a
13 uniform and purposeful appearance.

14 Three, paint the antennas, mounting poles,
15 brackets, and all exposed elements to match the color and
16 finish of the existing façade material. Do not attempt to
17 replicate the underlying grout/mortar pattern, as this can
18 inadvertently draw unintended visual attention to the
19 antennas.

20 Four, touch up the paint on existing adjacent
21 panel antennas as required.

22 Five, ensure all exposed cables and wires are

1 tightly fixed to façade.

2 JIM MONTEVERDE: Do you have any objections,
3 Kristina, if we include those as conditions in our finding?

4 KRISTINA ROBINSON: Yeah. You can include those
5 that we were reliant on our plans, yes.

6 JIM MONTEVERDE: Yep. Thank you.

7 All right. Now, for public comment. Any member
8 of the public who wishes to speak should now click the icon
9 at the bottom of your Zoom screen that says, "Raise hand."

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

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

17 [Pause]

18 Okay. We have no one calling in. I will close
19 the matter to public testimony. Any discussions among
20 members of the Board, or shall we move on to a motion?

21 STEVEN NG: I think we can move to a motion.

22 JIM MONTEVERDE: Okay. Thank you. This is a

1 special permit. So the Chair makes a motion to grant relief
2 from the requirements of the Ordinance under Sections
3 4.32.G.1 for Telecommunications Facilities, Section 4.40
4 Footnote 49 for Telecommunications Facilities, 10.40 for the
5 Special Permit. And the special permit conditions or
6 criteria are:

7 One, it appears the requirements of this Ordinance
8 cannot or will not be met. Correct.

9 b. Traffic generated, or patterns of access or
10 egress would cause congestion or hazard. No.

11 c. The continued operation of the development
12 of the adjacent uses would be adversely affected. I think
13 not.

14 d. Nuisance or hazard would be created to the
15 detriment of the health, safety or welfare of the occupant.
16 I think not.

17 e. For other reasons, the proposed use would
18 impair the integrity of the district or adjoining district.
19 And I think not.

20 So I think it complies with all of the criteria
21 for Section 10.34 for a special permit.

22 On the condition that the work proposed conform to

1 the drawings entitled "Cambridge Mount Auburn Street"
2 prepared by -- they have too many names down here, but I
3 think it's -- TEP Northeast.

4 KRISTINA ROBINSON: Okay.

5 JIM MONTEVERDE: Sorry, is that correct?

6 KRISTINA ROBINSON: No, I was agreeing. Yeah,
7 TEP.

8 JIM MONTEVERDE: TEP. And dated September 8,
9 2023, initialed by the Chair.

10 And further, that we incorporate the supporting
11 statements and dimensional forms submitted as part of this
12 application.

13 Further, that the special permit be granted
14 incorporating the following conditions: And those are the
15 ones I just described from the Planning Board. I won't
16 repeat them here. We already stated them, but they will be
17 made conditions here.

18 And then I have one speech that has to be made, if
19 you'll bear with me.

20 Based on the findings, the Chair moves that the
21 petitioner be granted the special permit it is seeking,
22 subject to the following conditions:

1 One, that the work proceed in accordance with the
2 plans submitted by the petitioner, and initialed by the
3 Chair.

4 Two, that upon completion of the work, the
5 physical appearance and visual impact of the proposed work
6 will be consistent with the photo simulations submitted by
7 the petitioner and initialed by the Chair.

8 Three, that the petitioner shall at all times
9 maintain the proposed work, so that its physical appearance
10 and visual impact will remain consistent with the photo
11 simulations previously referred to.

12 Four, that should the petitioner cease to utilize
13 the equipment approved tonight for a continuous period of
14 six months or more, it shall be promptly thereafter remove
15 such equipment and restore the building on which it is
16 located to its prior condition and appearance, to the exact
17 reasonably practicable.

18 Five, that the petitioner is in compliance with
19 and will continue to comply with in all respects the
20 condition imposed by this Board with regard to previous
21 special permits granted to the petitioner, with regard to
22 the site in question.

1 In as much as the health effects of the
2 transmission of electromagnetic energy waves is a matter of
3 ongoing societal concern and scientific study, the special
4 permit is also subject to the following conditions:

5 a) That the petitioner shall file with the
6 Inspectional Services Department each report it files with
7 the federal authorities regarding electromagnetic energy
8 waves emissions emanating from all the proponent's equipment
9 on the site.

10 Each such report shall be filed with the
11 Inspectional Services Department no later than 10 business
12 days after the report has been filed with the federal
13 authorities.

14 Failure to timely file any such report with the
15 Inspectional Services Department shall ipso facto terminate
16 the special permit granted tonight.

17 b) That in the event that at any time federal
18 authorities notify the petitioner that its equipment on the
19 site, including but not limited to the special permit
20 granted tonight, fails to comply with the requirements of
21 law or governmental regulations -- whether with regard to
22 the emissions of electromagnetic energy waves or otherwise

1 -- the petitioner, within 10 business days of receipt of
2 such notification of such failure, shall file with the
3 Inspectional Services Department a report disclosing in
4 reasonable detail that such failure has occurred, and the
5 basis for such claimed failure.

6 The special permit granted tonight shall ipso
7 facto terminate if any of the petitioner's federal licenses
8 is or are suspended, revoked, or terminated.

9 c) That to the extent a special permit has
10 terminated, pursuant to the foregoing paragraphs a) and b),
11 the petitioner may apply to this Board for a new special
12 permit, provided that the public notice concerning such
13 application discloses in reasonable detail that the
14 application has been filed because of the termination of the
15 special permit, pursuant to paragraph a) and b) above.

16 Any such new application shall not be deemed a
17 repetitive petition, and therefore would not be subject to
18 the two-year period during which repetitive petitions may
19 not be filed. And finally:

20 d) That within 10 business days after receipt of a
21 building permit for the installation of the equipment
22 subject to this petition, the petitioner shall file with the

1 Inspectional Services Department a sworn affidavit of the
2 person in charge of the installation of equipment by the
3 petitioner with a geographical area that includes Cambridge
4 stating that:

5 a) he or she has such responsibility, and

6 b) that the equipment being installed pursuant to
7 the special permit we are granting tonight will comply with
8 all federal safety rules and will be situated and maintained
9 in locations with appropriate barricades and other
10 protections, such that individuals, including nearby
11 residents and occupants of nearby structures, will be
12 sufficiently protected from excessive radiofrequency
13 radiation under federal law.

14 The end. Thank you. Members of the Board, if
15 we're ready for a vote, Board members can take a voice vote
16 on the motion to grant relief. Virginia?

17 VIRGINIA KEESLER: In favor.

18 JIM MONTEVERDE: Thank you. Wendy?

19 WENDY LEISERSON: In favor.

20 JIM MONTEVERDE: Steven?

21 STEVEN NG: In favor.

22 JIM MONTEVERDE: Thank you. Daniel?

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DANIEL HIDALGO: In favor.

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

[All vote YES]

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

KRISTINA ROBINSON: Thank you.

JIM MONTEVERDE: You're welcome.

1 * * * * *

2 (7:23 p.m.)

3 Sitting Members: Jim Monteverde, Steven Ng, Virginia
4 Keesler, Daniel Fernando Hidalgo, and
5 Wendy Leiserson

6 JIM MONTEVERDE: Next case is 245516 -- 3 Amory
7 Place. Is there anyone joining us who wishes to speak on
8 this case?

9 [Pause]

10 Adam, are you there?

11 ADAM GLASSMAN: Hello, Mr. Chair and members of
12 the Board. This is Adam Glassman, GCD Architects, at 12
13 Brown Street, Unit 2 in Cambridge representing the owners of
14 3 Amory Place, Caroline and Michael Williams.

15 We're here seeking a special permit to add a very
16 modest, one-story, 46-square foot right side addition to an
17 existing nonconforming right-side setback.

18 May we go to the drawings, please?

19 Oh. This is a view. The front/right side view of
20 3 Amory Place.

21 And if you move your eyes towards the back of the
22 house, you'll see the vertical white gutter. That's where

1 the rear -- the existing rear addition steps back, and it is
2 in that mostly concealed corner where the new one-story bump
3 out will go.

4 Next slide, please?

5 The view on the left is looking straight down the
6 right-side yard, and where that bush is at the end of the
7 view is about where the -- the bump-out wouldn't come out
8 that far. It would peek out past the downspout on the left.

9 And the view on the right is the same view in the
10 opposite direction in that bulkhead. In the recessed corner
11 is where that one-story, 46-square foot bump out would go.

12 And that -- the purpose of the bump out is to
13 create a new internal stairway to the basement.

14 Next slide, please?

15 Our site plan is showing how the right-side
16 setback of the structure is barely nonconforming on the
17 right side. As we will be continuing this nonconformity,
18 we're here for a special permit. Part of the work includes
19 an exterior grade stairwell also on the right side, but that
20 is a by-right component.

21 The building height will be increased technically,
22 as we are lowering the overall grade, but it will remain

1 conforming. Our FAR will remain conforming. Our open space
2 will remain conforming. We're here only on account of the
3 existing right-side setback.

4 Next slide, please?

5 Open space diagram. The green on the back, the
6 amount of open usable space has not changed. On the right
7 side plan, you can see the note to remove the bulkhead;
8 that's where the addition is going. On the left-side plan,
9 that red outline in the corner shows the location of the
10 proposed bump out.

11 Next slide, please?

12 Our FAR plans, we're only adding 46 square feet to
13 the entire house. That brings our FAR from 0.55 to 0.57 and
14 0.75 is allowable.

15 Next slide, please?

16 Existing and proposed plans side-by-side. We'll
17 be converting the basement, which is an as by-right project.
18 And the existing stair in the house is too narrow, too steep
19 and reframing an internal stair would be disruptive, very
20 costly, and that's why we're looking to create this new
21 bump-out for a new spiral stair down to the basement,
22 finished basement.

1 Next slide, please?

2 First-floor plan on the left. Again, you can see
3 the location of the removed bulkhead. On the right, the
4 location of the new spiral stair addition.

5 Next slide, please?

6 Our existing elevations on the lower left is the
7 front. There will be no impact here. On the upper right,
8 that is mislabeled "the front," it's actually the rear. And
9 that area of the dashed lines around the window indicate the
10 area of limited demo for the bump-out.

11 And then the lower-right elevation shows the
12 right-side elevation -- again, the area adjacent to that
13 corner for the one-story addition and the limited area of
14 excavation on the right side -- the below-grade stair.

15 Next slide, please?

16 Our proposed elevations. On the lower left is the
17 front. No impact from that view. From on the upper right
18 is the rear view, and that's the addition as noted. And
19 lower right is -- again, the view of that one-story addition
20 from the right side.

21 Next slide, please?

22 And that's actually -- that's the end of our

1 graphics. Not much to this. It's pretty modest, and I'll
2 take any questions.

3 JIM MONTEVERDE: Thank you. Any questions from
4 members of the Board? If not, I'll open it up to public
5 comments. We have no correspondence in the file, either for
6 or against. So we'll open it up to the public comment.

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

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

17 STEPHEN NATOLA: Joseph Artley?

18 JOSEPH ARTLEY: I'm Joe Artley. I live at 72-72.5
19 Inman Street. And my property abuts this property. And I
20 think that was a very good presentation. I know that -- I
21 know the house intimately.

22 The people who lived there before -- good friends

1 of mine. I designed the kitchen. I designed the upstairs
2 bathroom, and I designed the back porch.

3 And I know how difficult the house is, and Mr.
4 Glassman's correct about, you know, getting a stairway in.
5 There's just no room for anything -- even the stairs going
6 up to the second floor is tight.

7 And so, my point is I'm in favor of this. I think
8 it'll add to the livability of the house. They're going to
9 make something out of the basement. Right now, the basement
10 ceiling is pretty low.

11 And I think they're going to drop it down a bit
12 and finish it up. And I think that will tie the whole thing
13 together. I think it fits with everything else. It fits
14 with the house.

15 So anyhow, I'm in favor of the application.

16 JIM MONTEVERDE: Thank you for calling in, Joe.

17 Do we have anyone else? That's a no? Okay. No
18 one else calling in? I will close public testimony.

19 Any discussion among members of the Board? Or are
20 we ready for a motion?

21 WENDY LEISERSON: Ready.

22 JIM MONTEVERDE: Okay. Thank you. Before we do

1 the motion, just so we can make the motion clear, Adam, from
2 your presentation and from the materials you submitted, the
3 only relief you need or please confirm this is -- I'm
4 correct -- the only relief you need is the part of the
5 building that's going in the right-side setback, is that
6 correct?

7 ADAM GLASSMAN: That's correct. And my
8 understanding now is that for below-grade stairwells, below-
9 grade stairwells are -- actually can we back up for a
10 moment?

11 JIM MONTEVERDE: Yep.

12 ADAM GLASSMAN: Can we go to the site plan? I
13 would say that I misspoke, and that the door opening to the
14 stairwell from the basement also requires a special permit,
15 or an opening --

16 JIM MONTEVERDE: Right. It's in the side yard
17 setback.

18 ADAM GLASSMAN: Yeah, for an enlarged opening
19 within the setback. Thank you.

20 JIM MONTEVERDE: Okay. So those are the two --
21 those are the only two pieces we need relief for, and then
22 the criteria for the special permit?

1 ADAM GLASSMAN: That's right.

2 JIM MONTEVERDE: Okay. Thank you. Motion, then.

3 The Chair makes a motion to grant relief from the
4 requirements of the Ordinance under Sections 5.31, Table of
5 Dimensional Forms, specifically the right-side setback,
6 relative to the new addition and also to the new door at the
7 basement level from the proposed stairwell down to the
8 basement.

9 And Sections 10.40 for a special permit. And I'll
10 just review those. Those criteria are:

11 One, it appears the requirements of this ordinance
12 cannot or will not be met. That's correct.

13 b. Traffic generated or patterns of access or
14 egress would cause congestion or hazard. No.

15 c. The continued operation of or the development
16 of the adjacent uses would be adversely affected. No.

17 d. Nuisance or hazard would be created to the
18 detriment of the health, safety, or welfare of the occupant.
19 I think not.

20 e. And for other reasons, the proposed use would
21 impair the integrity of the district or adjoining district.
22 And that will not. So I think you meet all of the criteria

1 for Section 10.43 for a special permit.

2 On the condition that the work proposed conform to
3 the drawings entitled "3 Amory Place," prepared by GCD
4 Architects, dated December 23, 2022 initialed and dated by
5 the Chair.

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

9 Board members, please take a voice vote on the
10 motion to grant the relief. Virginia?

11 VIRGINIA KEESLER: In favor.

12 JIM MONTEVERDE: Thank you. Wendy?

13 WENDY LEISERSON: In favor.

14 JIM MONTEVERDE: Thank you. Steven?

15 STEVEN NG: In favor.

16 JIM MONTEVERDE: Thank you. Daniel?

17 DANIEL HIDALGO: In favor.

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

20 [All vote YES]

21 JIM MONTEVERDE: That's five affirmative. Relief
22 is granted. Thank you.

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ADAM GLASSMAN: Thank you very much. Have a good
night.

JIM MONTEVERDE: You're welcome. You too.

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2 (7:34 p.m.)

3 Sitting Members: Jim Monteverde, Steven Ng, Virginia
4 Keesler, Daniel Fernando Hidalgo, and
5 Wendy Leiserson

6 JIM MONTEVERDE: Next case is 244381 -- 3
7 Hastings Square. Is there anyone here who wishes to speak
8 about 3 Hastings Square? Bowie?

9 JIM MONTEVERDE: Rebecca Bowie? Are you calling
10 in?

11 REBECCA BOWIE: No. I am here, but I was not
12 planning on being the person speaking.

13 JIM MONTEVERDE: Okay. Is there someone else who
14 will be?

15 REBECCA BOWIE: I hope so. I am texting them.
16 They said they are not calling.

17 JIM MONTEVERDE: Say that -- repeat that, please?
18 They said what?

19 REBECCA BOWIE: They're trying to get in.

20 JIM MONTEVERDE: Yeah.

21 REBECCA BOWIE: They said they have their hand
22 raised. Oh, there's Lena.

1 JIM MONTEVERDE: Yep. Can you say your name and

2 --

3 CAROLINA BITELLI: Hi. This is Carolina and Lina.

4 We're with Rebel Builders. Sorry we could not --

5 REBECCA BOWIE: Raise their hand properly.

6 CAROLINA BITELLI: Yeah. So can we go to the

7 drawings? Thank you.

8 This is a single-family house, in which they want
9 to change the only existing basement window for a bigger one
10 so they can have more natural light and ventilation in their
11 basement. And for doing so, we would have to make the
12 existing basement well bigger.

13 By doing that, the house would be 0.48' deeper
14 than the maximum allowed. So if we keep on going on this
15 set.

16 We can see their plot plan. A little more,
17 please?

18 JIM MONTEVERDE: Is that the only item you're
19 looking for relief for?

20 REBECCA BOWIE: Yes.

21 JIM MONTEVERDE: Is the window well for that
22 basement window?

1 REBECCA BOWIE: Yes.

2 CAROLINA BITELLI: That is .48 --

3 REBECCA BOWIE: -- over the --

4 CAROLINA BITELLI: -- over the maximum height of
5 the house. It would be creating a new one following all the
6 requirements. It would be 36" x 36". It wouldn't affect
7 the façade or cause any major change. But it would bring a
8 lot more natural light for their basement as it consists
9 their only window (sic).

10 So yeah. If you keep on going you can see some
11 sections as well. One more, please? I think it may be
12 better.

13 JIM MONTEVERDE: Okay.

14 CAROLINA BITELLI: Yeah, and --

15 JIM MONTEVERDE: Can I ask you a question before
16 you go further?

17 CAROLINA BITELLI: Yeah.

18 JIM MONTEVERDE: We heard this case before.

19 CAROLINA BITELLI: Yes.

20 JIM MONTEVERDE: In March of 2023.

21 CAROLINA BITELLI: Yes.

22 JIM MONTEVERDE: Regarding?

1 CAROLINA BITELLI: Yeah.

2 JIM MONTEVERDE: Is this the same as the one we
3 heard in March of this year?

4 CAROLINA BITELLI: This is simpler actually,
5 because the reason we stopped the previous process is
6 because the clients were going to do a dormer in their
7 attic, and they decided not to do it. So now the only thing
8 would be the basement window well.

9

10 JIM MONTEVERDE: Right. So the previous case that
11 was approved included this window and window well, and it
12 also had a skylight. So the difference here is you're not
13 doing the skylight, correct?

14 CAROLINA BITELLI: Yes. It didn't get approved.
15 It got postponed and --

16 JIM MONTEVERDE: Postponed. Sorry. It was
17 withdrawn. Right. Okay. Okay. Thank you. And am I
18 correct that the window well sits within the side yard
19 setback -- or the front yard setback as well?

20 CAROLINA BITELLI: Yes.

21 JIM MONTEVERDE: Okay. So the relief is -- it's
22 really two components. It's the height of the building

1 which changes because of the window well? And the front
2 yard setback, because the window well --

3 CAROLINA BITELLI: Yeah.

4 JIM MONTEVERDE: -- is going to sit in the front
5 yard setback, right?

6 CAROLINA BITELLI: Yeah.

7 JIM MONTEVERDE: And I notice this is listed under
8 the application form as both a variance and a special
9 permit. That's kind of unusual, unless this -- since it's
10 only one element, it's using one or the other.

11 CAROLINA BITELLI: When we started the process
12 again with only the window well, we had it as a variance
13 only.

14 JIM MONTEVERDE: If -- hold on one second, please.

15 [Pause]

16 All right. Sorry, brief consult with our Staff
17 here. Yeah, it's listed as both a variance and a special
18 permit. So we'll read through both of those.

19 Okay. Anything else from your presentation?

20 CAROLINA BITELLI: No. That's mostly it.

21 JIM MONTEVERDE: All right. Thank you. We have one
22 letter in favor in the file on the list. Here we go.

1 It's from -- this piece of correspondence is from
2 Fred and Nancy Woods at 4 Hastings Square. They say they
3 are owners, and they are in support, in favor of the
4 petition.

5 And there are none -- no correspondents speaking
6 against. So I will -- any questions from members of the
7 Board, or ready or can I open it up to public comment?

8 [Pause]

9 All right. Any member of the public --

10 WENDY LEISERSON: Mr. Chair?

11 JIM MONTEVERDE: Sorry? Yeah, Wendy.

12 WENDY LEISERSON: Mr. Chair, this is Wendy. Yes.
13 I'm looking at the online file for the application. I only
14 see the Variance Request. Am I -- do I have an incomplete
15 file?

16 JIM MONTEVERDE: No. Let me look. I actually
17 have two files in front of me. One is the old one and one
18 is the new one. I was just fumbling through the old one
19 looking for the correspondence and not until I realized I
20 needed to find the new one.

21 So I think -- let me look. There's no date on the
22 old.

1 CAROLINA BITELLI: Excuse me.

2 JIM MONTEVERDE: Yeah. I think I was reading from
3 the old application form. The new application form, that's
4 date stamped October 20, 2023 -- only calls this a variance,
5 and I think that is what -- that's also what the agenda
6 calls it. So it's a variance only.

7 WENDY LEISERSON: Okay. Thank you, Mr. Chair.

8 JIM MONTEVERDE: All right. My mistake.

9 WENDY LEISERSON: And I would just ask for an
10 articulation of the hardship, then, if that's the criteria
11 that we're going to be asked to apply. Because the
12 application form simply says, "Not Applicable," which --

13 JIM MONTEVERDE: Yep.

14 LINA DAMMANN: -- based on the facts I think that
15 there probably is something that could be articulated, but
16 we need to have it articulated. So.

17 JIM MONTEVERDE: Thank you. Could the proponent
18 speak to that? For a variance, we need to demonstrate our
19 hardship. I'll read it to you, literally.

20 "The hardship is owing to the circumstances
21 relating to the soil condition, shape or topography of such
22 land or structures, especially affecting such land or

1 structure but not affecting generally the zoning district in
2 which it is located.

3 "And a literal enforcement of the provisions would
4 involve a substantial hardship."

5 Can you talk about hardship, or I think the other
6 way to approach it is why you're looking for the areaway,
7 what that does for you? Does for the usability of the
8 house?

9 CAROLINA BITELLI: Sure. So as you can see in the
10 plans, it's the only source of light they have in the entire
11 basement. So we want to make it deepened, so we can have an
12 bigger window and bring some more light in.

13 If you keep on going in the presentation, please?
14 Actually the photos. So a little -- those.

15 You can see that the current window well provides
16 no lateral light inside. So it's more so they have more
17 quality in that space and can start using it as a playroom,
18 most likely for the kids or even as a secondary office.

19 JIM MONTEVERDE: Is that the use of -- that the
20 proposed use for the basement area? I notice a playroom,
21 but it's not near the window.

22 CAROLINA BITELLI: Yeah. We want to extend that

1 space and start using. Currently, it's just not being used.
2 It's just an empty space. So they want to --

3 JIM MONTEVERDE: Yep.

4 CAROLINA BITELLI: -- are taking advantage of that
5 part of the house.

6 JIM MONTEVERDE: Okay. All right. We'll shape
7 that into a hardship. Any other questions from members of
8 the Board?

9 [Pause]

10 If not, I'll open it up to public comment. Any
11 members of the public who wish to speak should now click the
12 icon at the bottom of your Zoom screen that says, "Raise
13 hand." If you're calling in by phone, you can raise your
14 hand by pressing *9 and unmute or mute by pressing *6.

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

20 HEATHER HOFFMAN: Hello, Heather Hoffman, 213
21 Hurley Street. As I am calling not to support or oppose,
22 although it did seem to me that this is a pretty reasonable

1 request, but I had noticed the same thing that Wendy
2 Leiserson noticed; that there was no hardship included in
3 the application.

4 And I just wanted to point out that there's what
5 appears to me to be a mistake in the dimensional information
6 on the changed setback. It shouldn't be 9.4 plus 3, but 9.4
7 minus 3.

8 And I just wanted to ask the question about
9 whether the withdrawn application from March disqualifies
10 this in any way.

11 Since I don't there may be that one, I was
12 probably not there and probably not paying attention to it.
13 I have nothing to offer on the answer to that question, but
14 I just pose it.

15 So I hope that this all works out, and there gets
16 to be some light in the basement.

17 Thank you.

18 JIM MONTEVERDE: Thank you, Heather. Anyone else?
19 Okay. I will close public testimony. Discussion from
20 members of the Board? No?

21 VIRGINIA KEESLER: Hi.

22 WENDY LEISERSON: Yep.

1 VIRGINIA KEESLER: This is Virginia.

2 WENDY LEISERSON: Oh, go ahead, Virginia. Please.

3 JIM MONTEVERDE: Yep.

4 VIRGINIA KEESLER: I would just say that I do see
5 this being a hardship here based on the existing structure
6 and the fact that creating window wells, the only way to
7 make that space more usable based on the structure as it
8 currently exists.

9 JIM MONTEVERDE: Thank you. Yes, I would agree.

10 WENDY LEISERSON: I concur. I think I did have
11 the same question as Heather regarding the impact of the
12 prior petition, which I was unaware of coming into this.

13 But it sounds like this was a -- this maybe a
14 significantly different petition; I don't know. It does in
15 the ordinance say "Leave to Withdraw shall be treated as
16 unfavorable action. But I don't know the circumstances of
17 the prior petition.

18 JIM MONTEVERDE: Yeah, I think the prior petition
19 had -- I don't know if I mentioned before, but it had the
20 same window well, or similar.

21 And it also had a skylight elsewhere that needed
22 relief. And the skylight is taken out of the scope of work.

1 So it's only the window well.

2 And personally, I would prefer not to trip these
3 folks up over that technicality for a window well.

4 WENDY LEISERSON: I agree, in terms of the desired
5 outcome. And I think --

6 JIM MONTEVERDE: Right.

7 WENDY LEISERSON: -- there was no reference to
8 this prior petition in this current application, correct?
9 Or was there?

10 CAROLINA BITELLI: So by the time we withdrew the
11 previous petition --

12 JIM MONTEVERDE: Wait a minute. Hold on, hold on.
13 This is discussion among the Board members, so --

14 CAROLINA BITELLI: Oh, sorry.

15 REBECCA BOWIE: Oh, sorry.

16 JIM MONTEVERDE: That's all right. Let me just
17 look through the -- I am not seeing, and I'm sure, Wendy,
18 you saw the same thing -- in the current file any mention of
19 her previous case.

20 WENDY LEISERSON: Mm-hm. So was this -- this was
21 your knowledge of the previous case was --

22 JIM MONTEVERDE: So I think ISD identified that it

1 was -- it had come here before.

2 WENDY LEISERSON: Mm-hm.

3 JIM MONTEVERDE: Again, slightly different
4 fashion, slightly more work.

5 WENDY LEISERSON: Not being familiar with the
6 prior case, or how the facts may differ, and having nothing
7 in the petition before me that indicates there was a prior
8 case, I was prepared to grant this petition.

9 And I can only decide the matter based on the
10 facts I have in front of me. So.

11 JIM MONTEVERDE: Yeah. The petition -- I'm
12 looking in the file for the previous case. This is date
13 stamped June 16, 2023. And it -- basically, it's got my
14 signature on it.

15 And it also, it was -- we granted leave to
16 withdraw the petition. So yeah, we went through it all, but
17 then we withdraw it. So.

18 WENDY LEISERSON: Yeah, and it's Article 10.51
19 that says the granting of Leave to Withdraw is considered to
20 be unfavorable, which means they can't come back within two
21 years.

22 However, that was -- I don't know. And I would

1 ask my colleagues on the Board if this could be treated as
2 significantly different. I mean, it's the same property,
3 but it's not the same proposal. So I don't know --

4 STEVEN NG: I know.

5 WENDY LEISERSON: -- exactly how that works. Yep.

6 STEVEN NG: I think in the presentation in June, I
7 think we didn't really give any direction. I think they
8 requested to just withdraw the application.

9 WENDY LEISERSON: Unfortunately, I don't think
10 that matters.

11 STEVEN NG: Oh, okay.

12 JIM MONTEVERDE: Right.

13 STEVEN NG: Okay.

14 JIM MONTEVERDE: I think it is -- it differs from
15 the previous file --

16 STEVEN NG: Yeah.

17 JIM MONTEVERDE: -- or application.

18 STEVEN NG: For sure.

19 JIM MONTEVERDE: In that there is work -- it
20 reduces the amount of work that's being proposed. And I'm
21 comfortable in relying on that as a reason that we can move
22 to a motion tonight and decide how it goes.

1 And that it's not a repetitive petition, even
2 though something similar was -- not similar, but same
3 property was withdrawn previously.

4 So I think it's --

5 WENDY LEISERSON: I'm willing to follow the
6 Board's representation that this is a different petition in
7 kind.

8 JIM MONTEVERDE: Yep. Mm-hm.

9 STEVEN NG: Mm-hm.

10 JIM MONTEVERDE: Okay. Any other discussion among
11 Board members? Ready for a motion?

12 STEVEN NG: I think we're ready.

13 JIM MONTEVERDE: The Chair makes a motion -- let
14 me make sure I have the correct file this time -- if -- the
15 Chair makes a motion to grant relief from the requirements
16 of the Ordinance under Sections 5.31 -- that's Dimensional
17 Requirements -- and that specifically has today with the
18 building height will now exceed the zoning allowance because
19 of the depth of the areaway having to recalculate the
20 height.

21 And it was like also not compliant with the front
22 yard setback more so than it already is, because of the

1 window well encroaching on the front yard setback.

2 And as far as the conditions for a variance, you
3 need to find all the following:

4 Literal enforcement, would be a substantial
5 hardship. I'll say yes.

6 Hardship is owing to the circumstances relating to
7 the soil condition, shape or the topography of such land and
8 structures.

9 And desirable relief may be granted without either
10 substantial detriment to the public good. I think that's
11 absolutely true.

12 And nullifying or substantially derogating from
13 the intent or purpose of this ordinance -- which, again, I
14 think is true.

15 And I think the light well that's proposed now
16 really is a replacement for something that's there now, and
17 it allows light into that basement to make it a more usable
18 space.

19 And I think that's the hardship. It's a basement
20 space, with no natural light to it. And this will in fact
21 give it some light.

22 So I think it will comply, then, with the

1 requirements for a variance under Sections 10.31.

2 On the condition that the work proposed conform to
3 the drawings entitled "Bowie Residence," prepared by Rebel
4 Builders, dated September 26, 2023, initialed and dated by
5 the Chair.

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

9 Board members let's take a voice vote. Virginia?

10 VIRGINIA KEESLER: In favor.

11 JIM MONTEVERDE: Thank you. Wendy?

12 WENDY LEISERSON: In favor.

13 JIM MONTEVERDE: Thank you. Steven?

14 STEVEN NG: In favor.

15 JIM MONTEVERDE: Thank you. Daniel?

16 DANIEL HIDALGO: In favor.

17 JIM MONTEVERDE: And Jim Monteverde in favor.

18 [All vote YES]

19 JIM MONTEVERDE: That's five in favor. Relief is
20 granted. Good luck.

21 CAROLINA BITELLI: Thank you.

22

1 * * * * *

2 (7:57)

3 Sitting Members: Jim Monteverde, Steven Ng, Virginia
4 Keesler, Daniel Fernando Hidalgo, and
5 Wendy Leiserson

6 JIM MONTEVERDE: Next case is 247208 -- 62-64
7 Prospect Street, Unit 64 Rear. Is there anyone who wishes
8 to speak on this case?

9 RAFFI MARDIROSIAN: Hi there. Raffi Mardirosian
10 and Zoe E. Weiss here, homeowners.

11 JIM MONTEVERDE: Hi.

12 RAFFI MARDIROSIAN: Hello. Yeah. I mean, I guess
13 I'll go through this quickly. This is an effective
14 duplicate of the same variance we got last year. I
15 foolishly did not realize that variances expire after 12
16 months, and our contractor was ready with the survey and
17 everything after 12.5 months, and so, we realized we need to
18 get another variance.

19 And so, we're back here with the exact same
20 arguments and arguments of hardship as before -- as was
21 documented before the Board.

22 So happy to assist to enclose a previous deck area

1 and create an addition as we are growing our family and are
2 looking for a little more space.

3 So happy to answer any questions, if anyone has
4 any.

5 JIM MONTEVERDE: So I noticed that it differs from
6 the previous application.

7 RAFFI MARDIROSIAN: Yes. Slightly bigger. To
8 have the stairs there didn't really make sense, so we got
9 rid of those.

10 JIM MONTEVERDE: Right. And in the previous
11 application there was also a set of stairs down from this
12 addition down to grade, and those are no longer part of it?

13 RAFFI MARDIROSIAN: Yeah.

14 JIM MONTEVERDE: Correct?

15 RAFFI MARDIROSIAN: Yeah. We got rid of that. We
16 realized after thinking about it more it didn't really make
17 sense.

18 JIM MONTEVERDE: Right. And I mean it's a
19 technicality, but I see the foundation type is different;
20 Sonotubes as opposed to a straight foundation wall, but I
21 think that's just a --

22 RAFFI MARDIROSIAN: Right.

1 JIM MONTEVERDE: -- technicality.

2 RAFFI MARDIROSIAN: I have no idea.

3 JIM MONTEVERDE: Yeah. Okay. Other members of
4 the Board, I mean I recall this case. This was done in July
5 14, 2022. So if any of you want to hear the presentation
6 again, please say so. Otherwise, we can move along on
7 what's in front of us, if you -- I'm sure we've all looked
8 at the file.

9 You just want to take a moment, just in case
10 anyone calls in, if you would just scroll through the
11 drawings, Stephen?

12 And I noticed -- I stopped by there yesterday, and
13 I noticed is it -- did you put an addition on the opposite
14 side of the dwelling?

15 RAFFI MARDIROSIAN: No. Oh, I --

16 JIM MONTEVERDE: Is there an enclosure back there
17 for storage or something else?

18 RAFFI MARDIROSIAN: Oh, I built the tool shed over
19 the last few months.

20 JIM MONTEVERDE: That's the one that's attached to
21 the -- it's attached to the opposite side of the house?

22 RAFFI MARDIROSIAN: Yeah. It's not attached, but

1 it is -- yeah, adjacent.

2 JIM MONTEVERDE: Okay. Freestanding? Yep.

3 RAFFI MARDIROSIAN: Yep.

4 JIM MONTEVERDE: Okay. So this is -- just walk us
5 through by recollection, this is the enlarged plan. You
6 take off the existing deck?

7 RAFFI MARDIROSIAN: Yeah. And just enclose that.
8 Just extend the house so it's a single-story addition to
9 replace the -- add an office, since the current office is
10 turning into a nursery.

11 JIM MONTEVERDE: Okay. Keep going.

12 [Pause]

13 All right. Anything more you want to say about
14 it?

15 RAFFI MARDIROSIAN: Nope.

16 JIM MONTEVERDE: While we're on the dimensional
17 form, I notice that the gross floor area is slightly
18 exceeding the Ordinance?

19 RAFFI MARDIROSIAN: Yeah. That's one of the
20 reliefs we need.

21 JIM MONTEVERDE: So that's the dimensional
22 requirements that you'll need relief from?

1 RAFFI MARDIROSIAN: Mm-hm. Yep.

2 JIM MONTEVERDE: And you need any side yard
3 relief, or --

4 RAFFI MARDIROSIAN: Yeah. I think there's a
5 setback relief as well. I think those were the two.

6 JIM MONTEVERDE: So that's the left side, where
7 your existing is 9', required is 5' and you'll be down the
8 3'?

9 RAFFI MARDIROSIAN: That's right.

10 JIM MONTEVERDE: And then on the rear, are you
11 doing any work in the rear?

12 RAFFI MARDIROSIAN: Uh-uh.

13 JIM MONTEVERDE: It basically reads that the --

14 RAFFI MARDIROSIAN: No change in the rear.

15 JIM MONTEVERDE: So there's no change. Okay. All
16 right. Thank you. Anything else to --

17 RAFFI MARDIROSIAN: No.

18 JIM MONTEVERDE: -- present? No? Thank you. Any
19 questions from members of the Board?

20 WENDY LEISERSON: Jim, just a question for you.
21 You said that these plans are substantially the same as the
22 ones we've previously approved, correct? For all intents

1 and purposes?

2 JIM MONTEVERDE: Yeah. The --

3 WENDY LEISERSON: Yeah.

4 JIM MONTEVERDE: -- concept is the same. Again,
5 there are a set of stairs that aren't there anymore. But
6 yes, it's very similar.

7 WENDY LEISERSON: Okay. That's the only question
8 I have. Thank you.

9 JIM MONTEVERDE: Thank you. Anyone else have any
10 questions? Members of the Board?

11 [Pause]

12 All right. Give me one second. I don't find any
13 correspondence in the file either for or against. So I will
14 open it up to public comment.

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

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

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

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

3 Okay. I'll close public testimony. Any
4 discussion among members of the Board?

5 WENDY LEISERSON: No.

6 JIM MONTEVERDE: Thank you.

7 STEVEN NG: I think we're ready.

8 JIM MONTEVERDE: I'm ready. And just so I'm
9 clear, I think in terms of the variance -- and I think the
10 hardship, and you described this before, it's really the
11 need for that additional space for an in-home workplace, is
12 that correct?

13 RAFFI MARDIROSIAN: That's right.

14 JIM MONTEVERDE: Yep. And the relief that you're
15 seeking under the Table of Dimensional Requirements is
16 really for the added square footage, which would be 25
17 square feet above the Ordinance requirement, and then also
18 the left side setback, which you'll be stepping into with
19 this addition. Correct?

20 RAFFI MARDIROSIAN: Yep.

21 JIM MONTEVERDE: If we go from 5' as required to
22 3'.

1 RAFFI MARDIROSIAN: That's right.

2 JIM MONTEVERDE: Yep. Those are the items you'd
3 need relief for. Okay. The Chair makes a motion to grant
4 relief from the requirements of the Ordinance under Sections
5 -- it's 5.31, the Dimensional Requirements.

6 Again, it's the overall gross square footage and
7 the left side setback. And the conditions -- the variance
8 is requested.

9 And the variance conditions are:

10 a. Literal enforcement of the provisions of the
11 ordinance would involve a substantial hardship. That's
12 correct.

13 b. Hardship is owing to the circumstances
14 relating to the soil condition, shape or topography of the
15 lot. I think it's the shape of the lot.

16 c. Desirable relief may be granted without
17 either substantial detriment to the public good -- which I
18 believe is correct -- or nullifying or substantially
19 derogating from the intent or purpose of the Ordinance. So
20 I think those are all correct, and those conditions are met.
21 So that's all the conditions for Section 10.43.1 for a
22 variance.

1 On the condition that the work proposed conform to
2 the drawings entitled "62-64 Prospect Street," prepared by
3 Ian Kenney, and dated October 10, 2023, initialed and dated
4 by the Chair.

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

8 Board members, please take a voice vote on the
9 motion to grant relief.

10 Virginia?

11 VIRGINIA KEESLER: In favor.

12 JIM MONTEVERDE: Wendy?

13 WENDY LEISERSON: In favor.

14 JIM MONTEVERDE: Thank you. Steven?

15 STEVEN NG: In favor.

16 JIM MONTEVERDE: Thank you. Daniel?

17 DANIEL HIDALGO: In favor. Thank you.

18 JIM MONTEVERDE: And Jim Monteverde in favor.

19 [All vote YES]

20 JIM MONTEVERDE: That's five in favor. Relief is
21 granted. Thank you.

22 RAFFI MARDIROSIAN: Thank you.

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JIM MONTEVERDE: Congratulations.

RAFFI MARDIROSIAN: Thank you.

1 * * * * *

2 (8:07)

3 Sitting Members: Jim Monteverde, Steven Ng, Virginia
4 Keesler, Daniel Fernando Hidalgo, and
5 Wendy Leiserson

6 JIM MONTEVERDE: Next case is 245696 -- 60 Park
7 Avenue. Is anyone wishing to be heard on this case? Mark
8 Nitzberg or Elisabeth Krimmer?

9 MARK NITZBERG: Yes. Good evening, Mr. Chairman.
10 This is Mark Nitzberg. Can you hear me?

11 JIM MONTEVERDE: Hi. We can. Go ahead. The
12 floor is yours.

13 MARK NITZBERG: Thank you very much. Mr. Chairman
14 and members of the Board, I'm Mark Nitzberg, co-owner of the
15 property together with my wife, Elisabeth Krimmer.

16 Also attending are our architects, Marcy Wong Donn
17 and Tai-Ran Tseng of Marcy Wong Donn Logan Architects.

18 I'll start with a brief overview if you could,
19 please pull up the drawings.

20 So this is a proposed renovation of the two-unit
21 house at 60-62 Park Avenue. Requesting a special permit to
22 extend the certain existing nonconformities, and build out

1 the attic, and raise the roof on the dormers and build out
2 the basement.

3 I will defer to Marcy and Tai-Ran to describe some
4 of the relief requested. But currently, 60 Park Avenue is
5 the three-bed, one-bath apartment on level 2, entering
6 through the front door on the left side of the house, and a
7 two-bed, one-bath apartment at the street level, entering
8 through the front door on the right side of the house.

9 So the renovation comprises -- to the next
10 drawings -- basement by two feet, to make it habitable, and
11 then creating a two-bedroom, one-bath apartment.

12 And that would be afforded additional light and
13 access by lowering the grade along the left side of the
14 house somewhat.

15 Could I please have the next drawing? I think
16 actually the next drawing is the -- yeah, so this is the
17 basement, the proposed changes to the basement.

18 And then the next drawing, please? The renovation
19 then creates a larger unit comprised of the street level.
20 That's living, kitchen and bath.

21 And then the next drawing you'll see that the
22 second floor then becomes three bedrooms and two baths.

1 And that includes -- the attic is then converted
2 to a third floor with a bedroom, bath and kitchen for use by
3 our guests.

4 And so, that's the brief overview. And may I ask
5 for a little bit of assistance from Tai-Ran or Marcy? Just
6 say a few words about some of their some of the reliefs
7 requested.

8 [Pause]

9 I wonder if they are --

10 JIM MONTEVERDE: Okay.

11 TAI-RAN TSENG: Hello.

12 MARK NITZBERG: Oh, they are -- thank you very
13 much.

14 TAI-RAN TSENG: Can anybody hear me?

15 JIM MONTEVERDE: Yes, we can hear you.

16 TAI-RAN TSENG: Hi. This is Tai-Ran Tseng from
17 Marcy Wong Donn Logan Architects, who have helped Mark and
18 Elizabeth prepare the plans for this -- for their
19 renovation.

20 So can we go to the first page of the drawing set?
21 Which -- this sheet summarizes the relief we are requesting.
22 So basically, we are extending on the side yard a

1 nonconforming setback.

2 We're extending it up to the attic level. And on
3 the rear side, the existing building is encroaching into the
4 setback through about six inches. So there's a little bit
5 of that extending as well on the rear yard.

6 And because we finished the basement, the overall
7 ratio is increased from 0.72 to 1.18. And the other thing
8 is on the nonconforming setback, we are making some
9 modifications to the windows, which is shown in the upper
10 part of the page.

11 So that's the extent of the special permit that
12 we're requesting is to extend the nonconforming setback and
13 make some modifications to the openings in the nonconforming
14 setback. There's no nonconformities created.

15 So anybody have any questions? I would be happy
16 to answer.

17 JIM MONTEVERDE: Any questions from members of the
18 Board?

19 DANIEL HIDALGO: You know, the very large increase
20 in square footage, at least in the version of the materials
21 that I saw, there wasn't anything from the abutters or
22 neighbors. So can you just say a little bit about your

1 outreach to the neighbors?

2 MARK NITZBERG: Sure. I'd be happy to. On the --
3 facing the house on the left side, there is a family with
4 three children -- Bruce and Tory Tolles, and they are -- you
5 know, they're supportive. They recently completed a
6 renovation of an --

7 JIM MONTEVERDE: Mark, your screen is frozen.
8 We're not hearing you.

9 MARK NITZBERG: -- and the renovation is quite
10 similar to this. They added relief by -- I'm sorry, they
11 raised the roof several feet on their house, and they're --
12 they have been in contact with us as we created the plans.
13 And in fact, asked for a shadow study, which we provided,
14 and they are satisfied and pleased.

15 On the right side facing the house, I'm afraid I'm
16 not remembering the family names, but it's Claudia and her
17 husband and two children. And we have shared our plans with
18 them, and they are supportive.

19 And so, I think it's not -- you know, likely to
20 encounter any difficulties with respect to the abutters on
21 either side directly.

22 DANIEL HIDALGO: Thank you.

1 JIM MONTEVERDE: Any other questions from members
2 of the Board?

3 WENDY LEISERSON: I just have a question. You
4 cite two different provisions of Article 8 for -- under
5 which you're seeking relief. Is there a reason why you
6 cited both provisions, or I don't know if you were advised
7 by someone or not to say both, or if you --

8 TAI-RAN TSENG: I actually am not sure exactly
9 what I cited, and it's -- there's no particular reason. I
10 think I am just probably not super familiar with the Code.

11 WENDY LEISERSON: Okay. No, that's fine. The
12 reason I asked for my colleagues listening on the Board is
13 that under 8.22.2.c, there is a limitation of granting a
14 special permit if the volume of a project is increased by
15 more than 25 percent.

16 However, I did consult Inspectional Services today
17 to be clear about what was and wasn't being included in this
18 -- in the area of the petition.

19 And I was assured by Inspectional Services that
20 all of the relief sought could be granted if we so choose
21 under 8.22.2d, which does not have that --

22

1 JIM MONTEVERDE: Right.

2 WENDY LEISERSON: -- 25 percent volume limitation.

3 JIM MONTEVERDE: Yeah. I think that's the trip
4 wire here, why both are mentioned, Wendy?

5 My sense is it doesn't comply with paragraph c.,
6 so it needs relief from c. And basically it -- we need to
7 agree that what d. says is that -- I'm reading it -- is that
8 the alteration or enlargement shall not be substantially
9 more detrimental than the existing nonconforming structure.

10 So I think those are the two pieces -- you know,
11 one is yes, it's more than 25 percent, do we agree with
12 that? And then do we agree that it's not substantially more
13 detrimental.

14 Right? Is that the sense you have?

15 WENDY LEISERSON: I think that what you have
16 suggested is one plausible interpretation of the Ordinance.
17 But --

18 JIM MONTEVERDE: Okay.

19 WENDY LEISERSON: -- what I was told was that we
20 could ignore c. and find simply under d. But you know --

21 JIM MONTEVERDE: Okay.

22 WENDY LEISERSON: -- however you want to do it,

1 Jim.

2 JIM MONTEVERDE: Nope. If that's the advice you
3 got, I'm happy to go that way.

4 WENDY LEISERSON: Okay.

5 JIM MONTEVERDE: Okay. Any other comments from
6 members of the Board?

7 I think with that in mind, what we're actually
8 seeking the relief from is the side yard setback in terms of
9 the dimensional requirements -- the side yard setback for
10 the left side or all the new windows that are happening,
11 that side's in the setback.

12 And it's already nonconforming in terms of area.
13 It'll be increased -- my calculation 40 percent. The gross
14 floor area is are really noncompliant. It'll also grow by
15 that same 40 percent.

16 So mainly the relief has to do with the left side
17 windows, and with 8.22.2.d, the finding that we're -- that
18 in fact complies.

19 So I will -- I find -- there is no correspondence
20 in the file either for or against. So I'll open it up to
21 public comments.

22 Any member of the public who wish to speak should

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

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

10 Anybody?

11 [Pause]

12 Nope. No one's raising their hand. All right. I
13 will close public testimony. Discussion among members of
14 the Board?

15 STEVEN NG: Jim, I don't think it's 40 percent.
16 Isn't it 60 percent increase? 2,845 to 4,693?

17 WENDY LEISERSON: I calculated it is 65 percent.

18 JIM MONTEVERDE: Oh, 65 percent?

19 WENDY LEISERSON: Yeah.

20 STEVEN NG: Yeah.

21 WENDY LEISERSON: Increased? Yeah.

22 JIM MONTEVERDE: My bad. Yep. Either way, it's

1 well above the 25 that the Section c. talks about, 8.22.c.
2 So yeah, I think we all see, and we see the numbers, and
3 it's a large addition. Thank you.

4 Any other discussion?

5 STEVEN NG: I'm surprised there's no public
6 feedback, or at least a better feedback on this. I mean, the
7 size change is pretty substantial here.

8 JIM MONTEVERDE: Yeah, I don't disagree. It's
9 always disappointing when there is a -- but when I look at
10 the photographs --

11 STEVEN NG: Yeah.

12 JIM MONTEVERDE: -- or the photos that are set in
13 here, it looks like the -- I've got an funny feeling the
14 neighborhood is abuzz with roofs being raised, picking up
15 the extra floor.

16 Let's see, we're -- no, if you go down? Nope.
17 Can you find --

18 Yeah. It's the -- in the bottom lower right in
19 the left-hand side of that photo. I think that's the -- you
20 know, one of the direct abutters. It looks like they've got
21 the same concept. It looks like the roof is going up.

22 And in the view number 4, the bright pink house to

1 the left, it looks like it's roof slopes -- you know, it's
2 definitely taller than the building we're talking about.
3 And it just seems like it's kind of catching up, but --

4 STEVEN NG: Yeah.

5 VIRGINIA KEESLER: Isn't also a substantial
6 portion of it just from the lowering of the basement floor?
7 So that's not really impacting anyone --

8 STEVEN NG: That's true.

9 VIRGINIA KEESLER: -- around there, yeah.

10 JIM MONTEVERDE: Yeah. That's true.

11 STEVEN NG: Yes. Very true.

12 JIM MONTEVERDE: But in essence, they gain almost
13 a full floor, beside the basement.

14 ELISABETH KRIMMER: If I might speak for a moment
15 --

16 JIM MONTEVERDE: Hold on. Hold on. Hold on.
17 Whoa, whoa, whoa, whoa -- hold on.

18 ELISABETH KRIMMER: Yeah.

19 JIM MONTEVERDE: Please.

20 ELISABETH KRIMMER: Sorry.

21 JIM MONTEVERDE: This is discussion among the
22 Board members only before we move to a motion. So just hang

1 on. We'll just finish up the business with the Board, and
2 then we can move to a motion. So any other discussion among
3 the Board members? Are we ready to move to a motion?

4 [Pause]

5 All right.

6 WENDY LEISERSON: I'm sorry, Jim. I just think
7 that it's important for us as a Board to find that what you
8 cited before; that this substantial enlargement is not going
9 to be substantially more detrimental to the --

10 STEVEN NG: Yeah.

11 WENDY LEISERSON: -- neighborhood. And that, I
12 think, is what we need to find to make sure that this is --

13 JIM MONTEVERDE: Yep. I agree.

14 STEVEN NG: Yeah. I think Jim made a good
15 observation with just neighboring buildings and so on kind
16 of reflecting that direction. So I think that is -- I think
17 that answers that question. Yeah. I think so.

18 JIM MONTEVERDE: Okay. Yeah. I agree. I'll
19 mention that in the discussion. Ready for a motion?
20 Everyone?

21 STEVEN NG: Sure.

22 JIM MONTEVERDE: Take that as a yes?

1 STEVEN NG: Mm-hm.

2 JIM MONTEVERDE: The Chair makes a motion to grant
3 relief from the requirements of the Ordinance under Section
4 5.31, and that's specifically -- the Dimensional
5 Requirements, and that's specifically for the side yard --
6 left side setback. And then there are openings and windows
7 that will occur in it, that side yard setback.

8 We've accepted the additional gross floor area and
9 the new ratio, the new GFA. And -- what am I looking for?
10 Oh. And we're finding under Section -- sorry, I'm just
11 fumbling through my 8.22 file -- 8.22.d. that what's
12 proposed, the alterations and enlargements shall not be
13 substantially more detrimental than the existing
14 nonconforming structure to the neighborhood.

15 And again, that's based on photos that we see and
16 what's been supplied to us. This is a special permit. And
17 that criteria is

18 a. That it appears the requirements of this
19 ordinance cannot or will not be met. That's true.

20 b. Traffic generated would cause congestion,
21 hazard or substantial changes. Not.

22 c. The continued operation of or the development

1 of adjacent uses would be adversely affected. I think not.

2 d. Nuisance or hazard would be created to the
3 detriment of the health, safety, or welfare. I think not.

4 e. And for other reasons, the proposed use would
5 impair the integrity of the district or adjoining district.
6 I think not.

7 So it appears to meet all the criteria of Section
8 10.43 for the special permit.

9 On the condition that the work proposed conform to
10 the drawings entitled "60-62 Park Avenue," prepared by -- is
11 this correct, Elisabeth Krimmer and Mark Nitzberg -- and
12 dated September 14, 2023, initialed and dated by the Chair.

13 And further that we incorporate the supporting
14 statements and dimensional forms submitted as part of the
15 application.

16 So a voice vote by members of the Board, please?
17 Daniel?

18 DANIEL HIDALGO: In favor.

19 JIM MONTEVERDE: Steven Ng?

20 STEVEN NG: In favor.

21 JIM MONTEVERDE: Wendy Leiserson?

22 WENDY LEISERSON: In favor.

1 JIM MONTEVERDE: And Virginia?

2 VIRGINIA KEESLER: In favor.

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

5 [All vote YES]

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

8 MARK NITZBERG: Thank you very much.

9 JIM MONTEVERDE: Thank you.

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2 (8:28)

3 Sitting Members: Jim Monteverde, Steven Ng, Virginia
4 Keesler, Daniel Fernando Hidalgo, and
5 Wendy Leiserson

6 JIM MONTEVERDE: Next case is 245889 -- 585 Mass
7 Avenue. Is there anyone who wishes to speak on the signage
8 issue there?

9 [Pause]

10 Is there anyone who wishes to speak on 585 Mass
11 Avenue? The signage proposal? Actually --

12 RICHARD BIGGINS: This is Richard Biggins. Can
13 you hear me?

14 JIM MONTEVERDE: Yes, we can.

15 RICHARD BIGGINS: Hi. Good evening. This is Rick
16 with Ardon Visual Communications. We're the signage vendor
17 for Dimagi and they are looking to, or they're proposing to
18 put two vertical building banners.

19 Given where they are a second- and third-floor
20 tenant, and there's not much room for signage on the ground
21 level to lead to the retail spaces, they wanted to do
22 vertical building banners so they could at least get their

1 name out there to be seen by all the many passersby on Mass
2 Ave.

3 JIM MONTEVERDE: Can you walk us through the
4 drawing that shows the banners that you're proposing?

5 RICHARD BIGGINS: Yep. So we were asked on the
6 original application to keep them in line because the
7 building steps up at three different tiers. So you've got
8 the general height of the building.

9 You can go back up to the first slide.

10 I think that leaves the overall height of the
11 banners as roughly 12'2", which brought them from yellow
12 point to yellow point, continuing that carve on the line
13 straight across the building makes it look like it goes a
14 little higher, but level wise they are in level on the
15 building.

16 If you go down to the next slide.

17 This is a photo rendering of what the proposed
18 signage would look like once it's going to be installed if
19 approved. Not really sticking out too far overall.

20 Dimension of the banner is 31" given the brackets
21 I think that's off the building, they're probably about four
22 to six inches, which pretty much keeps it in line with the

1 light boxes down at the corner of the building, which is 3'
2 light box that you can see right at the very corner.

3 So we -- nothing sticks out any further than what
4 is already on the building at various locations. There's
5 another one a little further down under the other banner
6 above Caffè -- I believe it's Caffè Nero, which stays within
7 the same projections on that end of the building as well.

8 And I think the overall square footage was just a
9 touch over -- you know, allotted square footage. But given
10 the locations of the banners, where they were much higher,
11 if we stayed within that, I believe it's 12 square feet,
12 which is what Santander has, that the much lower level is
13 kind of right behind the tree.

14 It's a little hard to see in this photo. That
15 would just look very minuscule that far up on the building,
16 and at that point the text would be relatively small and not
17 really legible from too much of a distance.

18 So the company kind of feels like they were kind
19 of losing their identity of having or doing business in that
20 area.

21 JIM MONTEVERDE: That's your presentation?

22 RICHARD BIGGINS: That is, sir. Thank you.

1 JIM MONTEVERDE: Okay. And I think that the areas
2 again, I read somewhere else in the file it's 13 square feet
3 -- I'm assuming that's each sign -- is allowed? For a total
4 -- is it 31, sorry 13 total and you're at 31.4 square feet
5 each? Is that correct?

6 RICHARD BIGGINS: Yeah, it's -- well the 13 -- I
7 believe it's 13' is the overall -- yeah, 13 or 14 square
8 feet is what's allowed. And we are --

9 JIM MONTEVERDE: Total.

10 RICHARD BIGGINS: Yeah, total. Well, per -- per
11 banner.

12 JIM MONTEVERDE: Oh, okay. Thank you.

13 RICHARD BIGGINS: Yep. Per sign. We're having
14 two of them, but they said given the location, if we stayed
15 at that height, you know, without altering their branding,
16 if I stayed at that height, that text would probably be
17 about six inches -- you know, six inches at almost 30 some-
18 odd feet, 40 some-odd feet up is very, very small.

19 And they -- the company just kind of felt like
20 they just lost their identity. So that's why we're seeking
21 the variance for this.

22 JIM MONTEVERDE: And this is for a tenant that's

1 on the second and third floor?

2 RICHARD BIGGINS: Yes.

3 JIM MONTEVERDE: Where is their entry?

4 RICHARD BIGGINS: Their entry is -- see where the
5 parking sign is?

6 JIM MONTEVERDE: Yeah.

7 RICHARD BIGGINS: In that photo? It's --

8 JIM MONTEVERDE: Yep.

9 RICHARD BIGGINS: Just to the right of that
10 there's one doorway. And another tenant already has a blade
11 sign, that little blue sign --

12 JIM MONTEVERDE: Yep.

13 RICHARD BIGGINS: -- over the door.

14 JIM MONTEVERDE: So that's the entry to the space
15 on the second and third floor?

16 RICHARD BIGGINS: Yeah. You go in there, then
17 there's a hallway, then you take an elevator up --

18 JIM MONTEVERDE: -- Okay.

19 RICHARD BIGGINS: -- to the tenant spaces.

20 JIM MONTEVERDE: Okay. Thank you.

21 Any questions from members of the Board? No? If
22 not --

1 VIRGINIA KEESLER: I was wondering if you can just
2 speak a bit to the need to have two signs rather than one
3 sign?

4 RICHARD BIGGINS: Just because they occupy that
5 much -- they occupy left to right on the second floor; third
6 floor it's occupied on the left side, middle and a portion
7 -- I think it's one window, or it's the corner office on
8 that.

9 So when that tree is kind of in bloom, when we
10 were out there the first time, it's been kind of cut back
11 down. The owner doesn't really do as much stuff. But that
12 tree definitely fills up. So they were trying to ensure
13 that it's visible from both sides. That was the reasoning
14 for it.

15 VIRGINIA KEESLER: Thanks.

16 RICHARD BIGGINS: You're welcome.

17 WENDY LEISERSON: Daniel, you're unmuted. Do you
18 have a question? I didn't want to jump in front of you.

19 DANIEL HIDALGO: No, okay. Well, I just -- you
20 know, the application form for the supporting statement for
21 the variance didn't really have any kind of -- nothing about
22 the hardship.

1 And so, I think I can heard some possible
2 candidates for the hardship -- you know, I guess something
3 to do with the fact that ground floor retail precludes the
4 -- you know, the offices from having their own signs. I
5 don't know exactly if that really fits.

6 But yeah, I just wanted to comment on the fact
7 that the application form didn't really have any kind of
8 justification.

9 RICHARD BIGGINS: Yeah. I apologize; that
10 typically one of the girls in our office handles all the
11 permitting. Most of the time it's all relatively
12 straightforward plans when we have to scan drawings and such
13 so, this didn't actually cross my desk to be filled out as a
14 variance, or else I would have included a lot of this
15 information prior to this meeting so I do apologize for
16 that.

17 JIM MONTEVERDE: Did you want to speak to that,
18 even though it's not part of the submittal. But just asking
19 for some commentary that we can support the variance
20 requirement that there be a hardship.

21 RICHARD BIGGINS: Well, the first floor, all the
22 retail tenants have pretty much all of the space wrapped up.

1 There is no space for additional signage on any of those
2 three locations. And where the one door is, there's already
3 an existing projecting sign there.

4 And if we were to put a duplicate one there, we
5 would be blocking one side of the visibility of their sign.
6 So it really becomes an issue of where can the company who
7 chews up a lot of square footage within the building, how
8 can they be identified?

9 And this was kind of the only solution. So when
10 we had the one, if you put one on one side of the building,
11 when that tree's in bloom and you're closer to the Central
12 Square area, that tree totally blocks that view.

13 So it would put one over there on the closer side,
14 but then when you're further away on the Boston side of Mass
15 Ave, because that tree is in bloom, it comes pretty close to
16 touching the windows in the summertime.

17 So they opted to ask for two, to make sure that
18 their branding and identity was covered -- you know, amongst
19 all the other businesses in the area.

20 It's -- potentially it's only a block, block and a
21 half or two right outside of Central Square, so it's a very
22 heavy commercial district, as I'm sure you guys are all well

1 aware of.

2 So that was the reason for it. And given the
3 height, the signage is really small. I mean, when you look
4 at visibility, a three-inch letter is visible, you know,
5 upwards of 10 feet up and about 15 feet away. So we're
6 almost tripling those numbers.

7 And if I were to double the height of the number,
8 I'm roughly at about a 6"- to 7"-line of text, it would be
9 -- it would be too small to be read from oncoming traffic or
10 people trying to identify where the space is.

11 WENDY LEISERSON: I'd like to jump in. Do you see
12 the green sign that's above Caffè Nero underneath your
13 proposed location for the sign?

14 RICHARD BIGGINS: I do.

15 WENDY LEISERSON: Is that a compliant sign?

16 RICHARD BIGGINS: I can't speak on that. I don't
17 know if that's compliant or --

18 WENDY LEISERSON: I mean, it looks to me from the
19 photo -- and obviously, it's imperfect that it's not
20 exceptionally larger. And actually, it may even be the same
21 size as the first floor signs that we see; the blue sign and
22 the light box that you called attention to --

1 RICHARD BIGGINS: Yep.

2 WENDY LEISERSON: Yep.

3 JIM MONTEVERDE: Yep.

4 WENDY LEISERSON: So I guess I'm having trouble
5 understanding why -- first of all why you need two, when the
6 Ordinance prescribes one as the maximum.

7 And also, these signs are not helping the person
8 on the street to find the entrance to your door, because the
9 entrance to your building is where the blue sign is on the
10 first level, where your banners are.

11 RICHARD BIGGINS: The landlord has given them
12 permission to put a vinyl graphic on the door --

13 WENDY LEISERSON: Mm-hm.

14 RICHARD BIGGINS: -- with their name.

15 STEVEN NG: Well that's -- is that -- that's not
16 part of this application, is it?

17 RICHARD BIGGINS: Nope. They were going to seek
18 that after the banners. They wanted to --

19 WENDY LEISERSON: It's just I want to call
20 attention to the Board that the purposes of this Ordinance
21 are to reduce visual clutter. And, like, I don't see a
22 purpose that includes helping businesses to brand

1 themselves.

2 I do think that there's something to be said for
3 navigating and helping people navigate around the city. But
4 this seems a lot to ask, given what the Ordinance's purposes
5 are for signs.

6 But I'll leave it at that time for now, and
7 welcome to hear others' opinions.

8 JIM MONTEVERDE: Any other questions from members
9 of the Board? We'll get to discussion in a moment. If not,
10 we have one correspondence in the file -- two, actually.
11 One from a Mason Wells. He's an Associate Zoning Planner
12 for the Cambridge Community Development Department.

13 He writes that he solicited written feedback from
14 members of the Central Square Advisory Committee. He
15 received one comment from Christopher Fort, which I'll read
16 in a second. And no formal recommendation was made by the
17 Central Square Advisory Committee.

18 The one who did write -- this is Christopher Fort;
19 this is from November 27 -- says -- I'll read this one. It
20 looks at the documents -- it looked at the documents in the
21 Google Street view of the area:

22 "At first, the size of the sign seemed out of

1 place, but there are more signs sticking out perpendicular
2 to buildings in Central Square than I remember.

3 As long as the 31" is in line with the usual depth
4 of these signs, I don't see any reason why Dimagi shouldn't
5 be allowed to have this sign."

6 And that is the correspondence in the file.

7 I will open this to public comment. Any member of
8 the public who wishes to speak should now click the icon at
9 the bottom of your Zoom screen that says, "Raise hand."

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

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

17 JAMES WILLIAMSON: Can you hear me?

18 JIM MONTEVERDE: Yep.

19 JAMES WILLIAMSON: Should I go ahead?

20 JIM MONTEVERDE: Yep. Can you --

21 JAMES WILLIAMSON: So this is James Williamson, at
22 30 Churchill Ave in Cambridge. And first of all, I track

1 the meetings of the Central Square Advisory Committee pretty
2 closely. It's possible that I overlooked something. But I
3 do often attend, and there is often an opportunity for some
4 public comment, which can sometimes lead to certain
5 perspectives being included in any report.

6 It's not clear to me whether there was -- this was
7 actually discussed at a meeting of the Cambridge Historical
8 Commission, or whether there was just a sort of a private e-
9 mail sent around to members for their comment. I just think
10 that warrants clarification.

11 And in fact, I would hope that in the future they
12 actually include the discussions about a proposal like this
13 at their meeting, so that the public can be aware of it and
14 have an opportunity.

15 I may be mistaken. It may have been an agenda
16 item; I just didn't notice it.

17 I wish that Carol O'Hare were here to provide some
18 -- her perspective and guidance on it's not exactly the
19 typical branding sign that we have heard a lot about on the
20 big high-rises, the big corporate buildings in for example
21 Kendall.

22 But we heard already some commentary about

1 branding. And not sure exactly what the letter of the
2 Ordinance is now in terms of above 20'.

3 But I think that a more modest sign -- I'd be
4 interested, by the way, if the Historical Commission were
5 asked about this if they signed off on it. I think there's
6 an argument to be made for the historic buildings. Central
7 Square is a Historic District, nationally recognized. I
8 don't know the exact term.

9 But I'm not sure that given the historic character
10 of the buildings in Central Square, whether this kind of
11 signage is really such a great idea.

12 I do share what I think is behind some of the
13 questions that have already been asked, that to have first
14 of all a more modest sign I think would be worth
15 considering.

16 And the idea of having these two signs at either
17 end of a building that includes other businesses is -- you
18 know, just a little jarring in that it sort of presents a
19 notion -- and symbiotically -- of the entire building being
20 encompassed by this brand and this one company, which is not
21 the fact. It's not the fact, even not on the two upper
22 floors.

1 So I think that's a little bit much for -- they're
2 going for a little bit much.

3 And I -- so basically, I think, you know, one sign
4 if it's appropriate and modest, should be more than enough
5 in this location. And I'd certainly like to hear whether
6 the Historical Commission had an opportunity to weigh in
7 what they might have -- what their view of this might have
8 been if they had a hearing. I don't know that they did.

9 Thank you.

10 JIM MONTEVERDE: Thank you, James. Anyone else?

11 STEPHEN NATOLA: 6178311.

12 HEATHER HOFFMAN: Hello. Heather Hoffman, 213
13 Hurley Street. And I won't do as good a job as Carol
14 O'Hare area would have done, were she here. But I think
15 Wendy Leiserson said most of what needs saying.

16 It's -- and also James's point about just the kind
17 of proprietariness (sic) of making it look as though this
18 business is the whole building is a reasonable one.

19 I'm a firm believer in having signs that help
20 people find places. They certainly help me. But I think
21 that, as the petitioner said, this is for branding. This is
22 turning this building into a billboard for this business.

1 And I don't think that's necessary. I think that
2 we have done a really good job of making signs perform their
3 major purpose, which is helping find a place then we don't
4 need billboards.

5 So I suspect that there's a good place to put one
6 sign on this building so the people can -- who need to find
7 this business can find it. And I hope that they will
8 rethink their land grab here and go for the one sign in a
9 good place.

10 Thank you very much.

11 JIM MONTEVERDE: Thank you, Heather. Anyone else?
12 That's it for public testimony. So I'll close public
13 testimony.

14 Discussion among members of the Board?

15 STEVEN NG: Yeah. This is Steve Ng. I think the
16 current signage bylaw requirements are appropriate for the
17 street level like retail spaces. You can see the band
18 between the first and second floor where the blade sign,
19 which would be to meet 13 square feet or so -- yeah, 3' x 3'
20 or something in that range -- is visible. It identifies
21 where a retail outlet goes. And I think it works really
22 well I think in a Central Square situation or context.

1 The corporate identity stuff for the tenant,
2 that's a whole nother design factor or something I think
3 that needs to be considered. I mean, you remember the other
4 applications of corporate identity in Cambridge. And it's
5 always a pretty tough battle.

6 Even though this is a commercial area, I think to
7 go two-and-a-half times larger than that bylaw, and then at
8 the same time two signs, and then even higher than the range
9 of where their space is located seems to be a little heavy-
10 handed. I think the public comment is similar. I'm
11 sympathetic to their thoughts on that.

12 I mean, if the Board isn't considering maybe one
13 location a blade sign over the entrance door, like it would
14 be between second and third floor, but just above where
15 their doorway is -- I think it's within the Caffè Nero
16 storefront -- I think that's probably the most I'd be
17 willing to support.

18 JIM MONTEVERDE: Thank you. I feel I have similar
19 sentiments. At the moment, in what's presented, I would not
20 be in favor. And I think, Steven, if -- from what you said,
21 you feel the same. That's two out of the five, and that's
22 enough to deny this if we go further.

1 So anyone else have any discussion before I make a
2 proposal to the proponent?

3 WENDY LEISERSON: I would like to see -- this is
4 probably maybe outside the scope of our discussion, but it
5 seems to me if the role of the Zoning rules about signage
6 are to reduce clutter, and there are so many signs on this
7 building, it would be nice if the landlord and the tenants
8 could get together and make a uniform, you know, shape and
9 system --

10 STEVEN NG: Yeah.

11 WENDY LEISERSON: -- with the different -- I feel
12 like that would be very attractive to that building and the
13 tenants, if there was some uniformity in the type of signs
14 there. But that just my comment.

15 But I'm inclined to follow Steve and Jim's
16 leaning.

17 JIM MONTEVERDE: Okay. Thank you. Any other
18 discussion from members of the Board?

19 VIRGINIA KEESLER: I agree that the number of
20 signs starts to look a bit cluttered, and having two signs
21 seems excessive. I'm less bothered by the size of the sign
22 if it's higher. But I generally -- I agree with the

1 sentiments already expressed by the fellow members.

2 DANIEL HIDALGO: Yeah. I basically, along with
3 what Virginia's saying, I actually don't mind one of those.
4 And I think that serves some purpose that it's identified
5 that businesses in the building. So I don't necessarily
6 need it to be right where the entrance is, but yeah. Two
7 seems, you know, excessive to me.

8 JIM MONTEVERDE: Okay. So I think for the
9 proponent, if you've heard the discussion among the Board
10 members, that's by my count five against, if we go to a
11 vote, which is a denial.

12 So I think your options are either we proceed to a
13 vote, and you be denied, in which case you can't come back
14 within a two-year period with something the same proposal --
15 or you can withdraw, we can continue, we can come back.

16 Think about this, revise this, look at the
17 Ordinance, look at your options to do something that's
18 within the 20' height, so it's closer to the -- at or closer
19 to the allowed square footage -- come up with a revised
20 proposal and present it at another time.

21 Do you have a preference?

22 RICHARD BIGGINS: If we go to a vote, and

1 obviously by the feel of the conversation, it would get
2 denied, if they resubmit as a new sign, since that wouldn't
3 be within that two-year timeframe, because it would be a new
4 application, a new sign, new layout, that would be
5 completely brand new again, correct?

6 JIM MONTEVERDE: It would have to be significantly
7 different.

8 RICHARD BIGGINS: Well --

9 JIM MONTEVERDE: Otherwise, it's a repetitive
10 petition.

11 RICHARD BIGGINS: Let me just make sure I'm
12 understanding correctly. If I'm being told to stay within
13 the 12 square feet, then it's going to be drastically
14 different, given the comments of the Board. Because it
15 seems everyone feels this is drastically oversized and
16 multiple, so --

17 JIM MONTEVERDE: Yep.

18 RICHARD BIGGINS: -- if I'm reducing -- reducing
19 the overall size by a fair amount and then changing the
20 overall shape of the design -- because that is what really
21 chews into the square footage of the -- I'm being forced to
22 take into consideration the fabric, not just with a word

1 again.

2 Like, if we look at Caffè Nero, you know Caffè
3 Nero's square footage is technically larger than my banner.
4 Given that's only one not for instance two, but the ground
5 floor tenants have more square footage of the signage base
6 than the -- than the one.

7 Obviously, I'm not comparing it against two signs,
8 just comparing it against one. It just so happens that
9 there is no space for that type of square footage flat
10 against the wall, and -- you know, where these kind of
11 broken off, they're -- like, typically designed, I would
12 think the bylaws typically designed for most businesses to
13 have ground level storefronts with wall signage.

14 And they typically usually put a 2 x 4 or a 3 x 4
15 blade sign; that's where that 12' kind of thumb (sic) comes
16 in, I -- like the lightbox on the corner. And it's not
17 really taken into consideration for vertical building
18 banners.

19 And the intention of this wasn't to brand the
20 building or make it feel like a billboard, it was just for
21 the company to be able to advertise that they are in the
22 building, since there's really not much room for them to do

1 so.

2 And given their name, the way their logo goes, if
3 you turn that 90 degrees, once you get off at 4', you're
4 talk about, like 3" of text, 2" of text. It's not very big.

5 So they don't have the walls -- they don't have
6 the wall area to come up with that type of a signage. So
7 this is why they went that route.

8 WENDY LEISERSON: I'm sorry, Mr. --

9 JIM MONTEVERDE: Wendy?

10 WENDY LEISERSON: -- Chair. Yes. I was just
11 wondering whether we were hearing more argument at this
12 point, or whether we were --

13 JIM MONTEVERDE: No. I --

14 WENDY LEISERSON: -- hearing --

15 JIM MONTEVERDE: Yeah. I was going to say the
16 discussion really is -- the presentation is completed. It's
17 over. And we're at the point when I asked you is your
18 option is in terms of what kind of motion do we make?

19 And the sense from the Board members is there --
20 we would be prepared to -- you would have enough negative
21 votes that you would be denied.

22 And like I said, you couldn't come back within a

1 two-year period with the same or similar proposal. Or we
2 can continue this for you. You can come back, and come back
3 with hopefully your revised scheme, and we'll review it
4 again. That's what we're talking about.

5 You have to make a choice or -- it's time for you
6 to make a choice. I can't make it for you.

7 RICHARD BIGGINS: Okay. Can we please continue?
8 I'll have to go back to the client. I don't want to --

9 JIM MONTEVERDE: Yeah.

10 RICHARD BIGGINS: -- give the client the foot
11 right now.

12 JIM MONTEVERDE: Okay. We can do -- would January
13 11 give you enough time to --

14 RICHARD BIGGINS: Yes. That would be sufficient.

15 JIM MONTEVERDE: Okay. Let's do that.

16 So make a motion -- hold on one second, please.

17 Let me make a motion to continue this matter to January 11,
18 2024 on the condition that the petitioner change the posting
19 sign to reflect the new date of January 11, 2024 and the
20 time of 6:00 p.m.

21 Also that the petitioner sign a waiver to the
22 statutory requirements for the hearing. This waiver can be

1 obtained from Maria Pacheco or Olivia Ratay at the
2 Inspectional Services Department.

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

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

8 Also, that if there are any new submittals,
9 changes to the drawings, dimensional forms, or any
10 supporting statements that those be in in the file by 5:00
11 p.m. on Monday prior to the continued meeting date.

12 On the motion to continue the matter until January
13 11, 2024 on a voice vote from the Board members, Virginia?

14 VIRGINIA KEESLER: In favor.

15 JIM MONTEVERDE: Wendy Leiserson?

16 WENDY LEISERSON: In favor.

17 JIM MONTEVERDE: Thank you. Steven Ng?

18 STEVEN NG: In favor.

19 JIM MONTEVERDE: Thank you. Daniel?

20 DANIEL HIDALGO: In favor.

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

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[All vote YES]

JIM MONTEVERDE: That's five in favor. The matter is continued until January 11, 2024.

RICHARD BIGGINS: All right. Good evening, everybody. Thank you. I appreciate it.

JIM MONTEVERDE: Thank you.

1 * * * * *

2 (8:28)

3 Sitting Members: Jim Monteverde, Steven Ng, Virginia
4 Keesler, Daniel Fernando Hidalgo, and
5 Wendy Leiserson

6 JIM MONTEVERDE: Next case is 247967 -- 336
7 Rindge Avenue. Is there anyone here who wishes to speak on
8 this case?

9 LU VALENA: Hello, can you hear me?

10 JIM MONTEVERDE: Yes. Can you tell us your name?

11 LU VALENA: Hi. My name is Lu Valena. I'm a
12 consultant representing Ferro's Foodtown. Also in
13 attendance here are the owner of the property, Faiyaz
14 Washwell and my colleague, Henry Patterson.

15 Would you mind scrolling down just for the
16 pictures, please?

17 Actually, I think it's the next one, the photos.
18 A few more. There we go. Great. Ferro's Foodtown has been
19 a food-run grocery store -- family-run grocery store, excuse
20 me, since 1941. It was purchased by Faiyaz Washwell in
21 December 2021. The building is also home to a laundromat
22 called, "Laundrytown" which is not used enough to warrant

1 keeping it open.

2 To fulfill the needs of the community, we propose
3 to turn Laundry Town into a quick service restaurant. For
4 this reason, we are seeking a special permit to change the
5 zoning use from a Retail Store to a Quick Service Food
6 Establishment.

7 The new food establishment, Krispy Krunchy
8 Chicken, will serve dishes such as cajun spice fried chicken
9 and simple, homestyle sides such as red beans and rice,
10 mashed potatoes, mac and cheese, and honey biscuits.

11 Ferro's Foodtown currently operates a small deli
12 counter within the supermarket, which serves a limited menu
13 of sandwiches and fries. This will be shutting down when
14 the new establish opens.

15 Since the new HVAC system will be piped into the
16 existing duct work, we do not anticipate this to create any
17 new sources of smells or other nuisance.

18 Ferro's Foodtown has been called a lifeline which
19 serves thousands of residents, many of whom are low income.
20 Prices are kept low, and the store famously stocks a huge
21 range of products, including items that cater to many
22 different cultures.

1 Since the laundry machines at Laundrytown are
2 coin-operated, the laundromat does not support any jobs.
3 The new restaurant will create eight to 12 jobs. Prices at
4 the new food establishment will also be kept low, with the
5 intention of creating something of lasting value within the
6 community.

7 And so, you can see here that their part of the
8 same building. Ferro's Foodtown and Laundrytown are, like,
9 adjoining spaces. And this new restaurant would be where
10 Laundrytown is.

11 If you could go -- scroll up to the floor plan,
12 that shows what we have in mind.

13 One more. Yep. Okay. So that door on the left
14 is to the street. And just kitty corner to that is the door
15 that goes right into Foodtown. And I'm happy to take any
16 questions.

17 JIM MONTEVERDE: Thank you. Any questions from
18 members of the Board?

19 [Pause]

20 If not, let me read some correspondence we have.
21 And then I'll open it up to public comments. We have two
22 pieces of correspondence in favor; one from James Voss,

1 dated November 27, 2023. Mr. Voss lives at 316 Rindge
2 Avenue, and he is in support of the proposal. I'm
3 summarizing.

4 And Mary F. -- there's no last name given -- from
5 November 24, 2023. They're offering a comment, observation.
6 Let me just read this.

7 "This is regarding increased trash that is
8 expected from increased prepared food to be sold in that
9 space. Would the Zoning Commission please strike a better
10 property management arrangement with the DCR state
11 officials, so that this parking lot adjacent to the property
12 or across the street for nine months of the year doesn't
13 exist as neglected and trash-filled property?"

14 That's really nothing that the Zoning Board can
15 get involved with. So in the end we have one piece of
16 correspondence in favor, and I have one other piece of
17 correspondence that was e-mailed directly to me, but, like,
18 see if they call me. And if not, I'll read it in later.

19 So with that, I'll open it up to public
20 commentary. Any members of the public who wish to speak
21 should now click the icon at the bottom of your Zoom screen
22 that says, "Raise hand." If you're calling in by phone, you

1 can raise your hand by pressing *9 and unmute or mute by
2 pressing *6.

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

8 STEPHEN NATOLA: Jay Wilbeforce?

9 [Pause]

10 Jay Wilbeforce to speak?

11 [Pause]

12 Jay Wilbeforce?

13 [Pause]

14 JIM MONTEVERDE: Nope. Anyone else?

15 [Pause]

16 No. No James Williamson?

17 [Pause]

18 Okay. No one else seems to be calling in. Was
19 there no one we can connect to? I have -- there's an e-mail
20 I received directly from James Williamson. He spoke just a
21 little while ago about the signage. And I will read his
22 three questions.

1 "One, could they explain the nature of the
2 franchise agreement I've been told they will have? With
3 what company?"

4 JIM MONTEVERDE: I don't think that that's a
5 zoning matter, so will move on to item 2.

6 "Are they planning to go beyond the current
7 footprint for the laundromat portion of the building at
8 all?"

9 LU VALENA: Can I answer that?

10 JIM MONTEVERDE: Yeah. You're --

11 LU VALENA: No, you're not. No, you're not.

12 JIM MONTEVERDE: Okay. And then three, "May we
13 have included in the approval of any permit their stated
14 commitment to keep the can and bottle redemption bottle
15 machine they say they plan to return and move -- retain and
16 move outside?"

17 Do you know what he's talking about?

18 LU VALENA: Faiyaz, would you like to speak to
19 that?

20 JIM MONTEVERDE: Again, I don't know that this is
21 a zoning item, but is there anyone there who can respond?

22 LU VALENA: Faiyaz, if you're here, if you could

1 respond to this? Because this is not something I know
2 about.

3 FAYAZ WASHWELL: Hi. Hello. Can you hear me?

4 LU VALENA: Yes.

5 JIM MONTEVERDE: Yeah.

6 FAYAZ WASHWELL: Hi. How are you? I was -- keep
7 saying hello, but they -- I don't know, something --

8 JIM MONTEVERDE: Can you just state your name,
9 please, and then --

10 FAYAZ WASHWELL: Hi. My name is Faiyaz Washwell.
11 I'm the owner. And the redemption center will move from one
12 spot to another spot, but yes it will be there. We're not
13 discontinuing the redemptions; they will stay as it is. But
14 it's just a different location down the road.

15 JIM MONTEVERDE: Okay. All right. Very good.
16 Thank you.

17 All right, with that that is the close of public
18 testimony. Discussion among Board members, or are we ready
19 for a vote?

20 [Pause]

21 I'll take that as ready for a vote, or motion.

22 The Chair makes a motion to grant relief from the

1 requirements of the Ordinance under Sections 4.35.0 and
2 Section 11.30, Quick Service Food Establishment.

3 And then I will go through -- this is a special
4 permit. So let me go through the requirements for it, or
5 criteria for it.

6 It appears the requirements of this ordinance
7 cannot or will not be met. That's correct.

8 Traffic generated or patterns of access or egress
9 would cause congestion or hazard or substantial change. No.

10 The continued operation of or the development of
11 the adjacent uses would be adversely affected. No.

12 Nuisance or hazard would be created to the
13 detriment of the health, safety, or welfare. No.

14 For other reasons, the proposed use would impair
15 the integrity of the district or adjoining district. And no
16 to that as well.

17 So I think you're compliant with all the criteria
18 of Section 10.43 for a special permit.

19 So on that, on the condition that the work
20 proposed conform --

21 WENDY LEISERSON: Excuse me, Jim. Don't we also
22 have to find that they've satisfied the special permit

1 criteria of 11.3 for Quick Service? They cited it in their
2 application.

3 JIM MONTEVERDE: Oh, didn't I say that?

4 WENDY LEISERSON: I don't know if you did or not.
5 I'm sorry.

6 JIM MONTEVERDE: Yeah, sorry. I think I -- right?
7 Let me go back. So the sections where we're agreeing to
8 relief on are 4.35 or .0, 35.0 and 11.30, Quick Service Food
9 Establishment.

10 WENDY LEISERSON: Okay. And but we have to find
11 that this --

12 JIM MONTEVERDE: That those --

13 WENDY LEISERSON: -- requirements are met? Did
14 you --

15 JIM MONTEVERDE: Okay.

16 WENDY LEISERSON: -- list those requirements?

17 JIM MONTEVERDE: No. You have those in front of
18 you, or available to you?

19 WENDY LEISERSON: I'm looking online right now to
20 the Ordinance online. So any of my colleagues, if you see
21 something that differs, it says that we have to find that
22 the operation of the establishment shall not create traffic

1 problems, reduce available parking, threaten the public
2 safety on the streets and sidewalks, or encourage or produce
3 double parking on the adjacent public streets.

4 That the physical design of the establishment
5 shall be compatible with and sensitive to the visual and
6 physical characteristics of other buildings, public spaces
7 and uses in the particular location.

8 The establishment fulfills a need for such service
9 in the neighborhood.

10 The establishment will attract patrons primarily
11 from walk entry as opposed to drive-in trade. [I'm
12 abbreviating this as I read it, but this is all in the
13 Ordinance.]

14 The establishment shall utilize biodegradable
15 materials and packaging the food and utensils and other
16 items provided for consumption thereof.

17 The establishment shall provide convenient,
18 suitable and well-marked waste receptacles to encourage
19 patrons properly to dispose of all packaging materials,
20 utensils and other items provided with the sale of food.

21 And the establishment complies with all state
22 local requirements applicable to ingress, egress, and use of

1 facilities on the premises for handicap and disabled
2 persons.

3 Is that -- assuming that's what we needed to find,
4 is there anything that raised a flag?

5 JIM MONTEVERDE: Not in my opinion, no. Anyone
6 else? No? Thank you for reading through the section for
7 us. And we found the Special Permit Criteria is complied
8 with. So I'll go back.

9 On the condition that the work proposed conform to
10 the drawings entitled "Krispy Krunchy Chicken," prepared by
11 Fountainhead Foodservice Group, dated July 7, 2023,
12 initialed and dated by the Chair.

13 And further, we incorporate the supporting
14 statements and dimensional forms submitted as part of the
15 application.

16 On a voice vote by members of the Board:

17 Daniel?

18 DANIEL HIDALGO: In favor.

19 JIM MONTEVERDE: Steven?

20 WENDY LEISERSON: I'm sorry. Jim? I'm sorry.

21 I'm reading the Ordinance again. There -- we also have to
22 specifically detail the types of foods for which the permit

1 is granted, which I assume is what was repeated in the
2 petition continuing what has already been -- so we just
3 incorporate that was discussed, and we have found that that
4 was decided upon?

5 I've forgotten what you said was going to be
6 presented as --

7 JIM MONTEVERDE: Yep.

8 WENDY LEISERSON: -- the food, but I know we heard
9 that. So --

10 JIM MONTEVERDE: Okay. Thank you. Let's see.
11 Further, we incorporate the supporting statements and
12 dimensional forms submitted as part of the application.

13 Voice vote?

14 Daniel, that was a, yes?

15 DANIEL HIDALGO: Yes.

16 WENDY LEISERSON: Sorry, Daniel.

17 JIM MONTEVERDE: Steven?

18 STEVEN NG: In favor.

19 JIM MONTEVERDE: Yes. Wendy?

20 WENDY LEISERSON: In favor.

21 JIM MONTEVERDE: Thank you. Virginia?

22 VIRGINIA KEESLER: In favor.

1 JIM MONTEVERDE: Thank you. Jim Monteverde in
2 favor.

3 [All vote YES]

4 JIM MONTEVERDE: That's five in favor. Relief is
5 granted.

6 Thank you, Wendy, for your help.

7 WENDY LEISERSON: Thank you.

8 LU VALENA: Thank you so much.

9 JIM MONTEVERDE: Thank you all.

10 COLLECTIVE: Thank you. Thank you.

11 JIM MONTEVERDE: We're done. Have a good evening.

12 WENDY LEISERSON: Thank you. Goodnight, everyone.

13 JIM MONTEVERDE: Right. Bye-bye.

14 STEVEN NG: Goodnight.

15 [09:19 p.m. End of Proceedings]

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CERTIFICATE

Commonwealth of Massachusetts

Middlesex, ss.

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

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

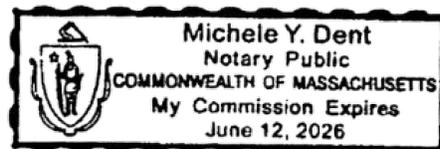
In witness whereof, I have hereunto set my hand this 26th day of December, 2023.



Notary Public

My commission expires:

June 12, 2026



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