

BOARD OF ZONING APPEAL  
FOR THE  
CITY OF CAMBRIDGE

GENERAL HEARING

THURSDAY FEBRUARY 1, 2024

6:00 p.m.

Remote Meeting

via

831 Massachusetts Avenue  
Cambridge, Massachusetts 02139

Jim Monteverde, Chair  
Virginia Keesler  
Carol Agate  
William Boehm  
Fernando Daniel Hidalgo

City Employees  
Olivia Ratay



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[transcripts@ctran.com](mailto:transcripts@ctran.com)

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P R O C E E D I N G S

\* \* \* \* \*

(6:00 p.m.)

Sitting Members: Jim Monteverde, Virginia Keesler, Daniel Hidalgo, William Boehm, and Carol Agate

JIM MONTEVERDE: Welcome to the February 1, 2024 meeting of the Cambridge Board of Zoning Appeal.

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

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

Members of the public will be kept on mute until it's time for public comment. I will give instructions for public comment at that time, and you can also find instructions on the City's webpage for remote BZA meetings.

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

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

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OLIVIA RATAY: Carol Agate?

OLIVIA RATAY: You're muted.

JIM MONTEVERDE: You're muted. Carol, unmute.

CAROL AGATE: Sorry about that.

JIM MONTEVERDE: There you go.

CAROL AGATE: Present.

OLIVIA RATAY: Virginia Kessler?

VIRGINIA KEESLER: Present.

OLIVIA RATAY: Bill Boehm?

BILL BOEHM: Present.

OLIVIA RATAY: Daniel Hidalgo?

DANIEL HIDALGO: Present.

OLIVIA RATAY: Jim Monteverde?

JIM MONTEVERDE: And Jim Monteverde is present.

1 \* \* \* \* \*

2 (6:02 p.m.)

3 Sitting Members: Jim Monteverde, Virginia Keesler, Daniel  
4 Hidalgo, William Boehm, and Carol Agate

5 JIM MONTEVERDE: All right. The first case I'm  
6 going to call is BZA 250024 -- 65 Bristol Street. Is there  
7 anyone who wishes to speak on this case?

8 SISIA DAGLIAN: Yes, hello. My name is Sisia  
9 Daglian. I'm the architect for this project.

10 JIM MONTEVERDE: Yep.

11 SISIA DAGLIAN: And I know we heard this case last  
12 time.

13 JIM MONTEVERDE: Yep.

14 SISIA DAGLIAN: I will give a sort of quick  
15 summary of the main points of the case. So we are seeking  
16 two special permits and one variance, a special permit for  
17 windows -- modification of openings in the side and rear  
18 setbacks; another special permit for yard encroachment  
19 within three feet of the property line on either side of the  
20 building to install exterior insulation and wall covering;  
21 and a variance to extend the reconstructed roofline into the  
22 right and left yard setbacks.

1           Olivia, do you want to project the drawings, the  
2 original drawings?

3           Yes, thank you. Maybe next sheet.

4           We -- you know, for this property we talked about  
5 how the -- it's three-family, side-by-side property. It is  
6 going to remain a three-family, side-by-side property. The  
7 footprint and the FAR are not changing, the volume is  
8 changing.

9           The point of entry into each unit and egress from  
10 the rear are staying the same. The intensity and patterns  
11 of use of the three-family therefore will not be materially  
12 changed as a result of the renovation.

13           As you can see, the building is in a block that  
14 has mixed sized buildings behind it sort of surrounded by  
15 larger, three-story buildings. And adjacent into the front,  
16 opposite side street there are similar-sized, two-and a-  
17 half-story buildings.

18           Next sheet, please?

19           The property was built around 1876, and it has not  
20 been substantially modified since then. The interior  
21 finishes need to be removed and replaced.

22           One of the points, also one -- you know, I think

1 the main difficulty of the project is that the third floor  
2 has a bedroom in each unit, but from the top left corner  
3 photo, you can see that the stairs are not code-compliant,  
4 and they're actually somewhat awkward to use. They're  
5 steep, they have winders that are not made to current code.

6 So as part of this project, we're upgrading the  
7 entire stairwell in the building.

8 And also, the third floor has very limited light.  
9 There's a window at either end of the building, and then one  
10 sort of small dormer for the middle unit. So we're trying  
11 to improve the quality of the living space on that floor.

12 Next sheet, please?

13 In terms of the special permit for modification of  
14 openings, we're reducing the number of openings on the sides  
15 of the building and sort of bringing them more towards the  
16 rear.

17 None of the new windows or doors are really  
18 oversized, they're standard-sized windows that we have kind  
19 of made double, you know, double ganged windows in each  
20 bedroom, so it's increased the number of windows.

21 We've added skylights over the stairway to bring  
22 more light, and -- you know, larger glass doors to the back

1 yard so there's a greater sense of connection to the back  
2 yard.

3 And added windows to the basement and an area  
4 window well to the basement to make that space occupiable.  
5 It's currently not occupiable space.

6 Next sheet, please?

7 This is showing sides. You know, we're reducing  
8 it by two windows each and moving the windows around.

9 Also, you know, this is the plane of the building  
10 in which we'd like to add exterior insulation. With this  
11 renovation, we're trying to create a high-performance  
12 building, adding some exterior outboard insulation to the  
13 walls and the roof to also make it more in line with modern  
14 codes which advocate for exterior insulation and thermal  
15 bridge free construction.

16 Next sheet, please?

17 This is informational -- oh, well this speaks to  
18 the variance of the project. I guess the setback lines are  
19 not very visible on this, but to the left and right, we'd  
20 like to encroach the setbacks by about 6.5'. This would  
21 allow the end -- the bedrooms on the third floor of each end  
22 unit to be a little bit more equitable and similar to the



1 middle unit, so that they can be more properly sized.

2 Without the variance, the bedrooms are  
3 approximately 10 x 10 size, but then they also have a stair  
4 cut into it. So while it's code-compliant, this sub sized  
5 or -- you know, modern living standards.

6 So -- and the other thing the variance allows us  
7 to do is to have a more uniform roofline and side wall  
8 lines, so that the building is easier to make weather tight  
9 and easier to make airtight, which are factors in creating  
10 high-performance -- a high-performance building.

11 Next sheet, please?

12 Here we're showing the extension of -- the amount  
13 which the building is increased in volume. On the right-  
14 hand side, the red hatches show the amount of volume we're  
15 adding. We're actually keeping the roof at the same height  
16 as the existing roofline. Although we could go higher to  
17 35', the existing is about 32.5', so we're keeping that he  
18 is. This -- we didn't see any reason to enlarge it more.

19 And so, the building is growing about 6' on either  
20 side of that peak.

21 And on the front, there is a deck. It's rather  
22 narrow. It's -- you know, 4' -- a little over 4' deep, and

1 it would go across the entire length of the building. But  
2 because it is deep, it's really not a place where -- you  
3 know, you can't even get a very large table. So we don't  
4 see it as a big congregation.

5 Next sheet, please?

6 This is showing the before and after roofline. We  
7 do intend to do PV panels on the entire flat roof. That's,  
8 you know, another advantage of being able to build into the  
9 setbacks is to have better solar panel capacity.

10 Next sheet?

11 And here we did some renderings the show some  
12 scale of the project in the neighborhood. We're looking to  
13 create a building that is modern -- now more in keeping with  
14 the aesthetic of Kendall Square to which it is close.

15 The front and back roof slope, this -- well, here  
16 you see the front roof slope on the third floor -- is  
17 identical. It's the same roof as the existing. So it's  
18 really just the front, the middle of the building that's  
19 popping up. But it doesn't really encroach the public way,  
20 because it's set back so far from the front face of the  
21 building.

22 And we are looking to add some, you know,

1 trellising and sun screening and vegetation to improve the  
2 neighborhood and the aesthetic of the building from the  
3 streetscape.

4 Next, please?

5 And this is the view from the other end of the  
6 street.

7 Next?

8 These are the proposed plans. I think there's not  
9 too much to speak to there. It's really the -- pretty much  
10 the same layout as before. The first floor is living space.  
11 The second floor is two bedrooms, the third floor is one  
12 bedroom, and then we are adding a bedroom and sort of a play  
13 space to the basement. That is being done by right, except  
14 the rear window for which we're seeking an enlarged window  
15 in the setback.

16 And the next sheet I think is just the existing  
17 plans.

18 We didn't create -- there was a question from  
19 neighbors last time about shading created by the new,  
20 expanded roofline. We did create some sun studies, but due  
21 to a communication error, they didn't make it into the by  
22 Monday at five o'clock into the folder.

1           If you would like, we could share it with you.

2   It's --

3           JIM MONTEVERDE:   Sisia, we have those  
4   electronically, we can bring those up.

5           SISIA DAGLIAN:   Oh, okay.  I wasn't sure if --  
6   yes.  So we looked at -- so the top is the existing, the  
7   bottom is the renovated.  We looked at January and July, and  
8   there's hardly any difference until you get into -- you  
9   know, late afternoon or early morning.

10           So here on the 4 p.m., January 4 p.m., you know,  
11   we sort of highlighted, circled in red what was a little bit  
12   different.

13           And I'll show you a 3D study of it in a minute,  
14   because we wanted to understand what that extra shadow line  
15   on the neighbor's driveway was from.

16           And then if you go to the next screen, which is  
17   July, here, you know, again, 8 a.m. you can see that there's  
18   a little bit more shadow on the left-hand neighbor's roof.

19           So if you go to the next screen, we start to look  
20   at what real impact this had.

21           Next sheet, please?  All right.  Can you zoom out  
22   a little bit?  Right.

1           So on the top again is existing, and the bottom is  
2 renovated. So on the left-hand, July, you can see that the  
3 extension of the shadow really -- you know, only affects the  
4 roof of the building. The windows that were previously in  
5 shadow are still in shadow. There's three windows that line  
6 up with that side of the building.

7           And then -- I'm sorry, that was July. And then on  
8 the right-hand side is January. Looking at the other  
9 neighbor, we wanted to see what that shadow was on the  
10 driveway, the extension of the shadow, whether it was  
11 affecting the windows of the house.

12           But looking at it three-dimensionally, we saw that  
13 the shadow is really created by the site walls. Those are  
14 low, like -- I don't know, like 18" walls that are creating  
15 gardens. So it's really not impacting the ability of either  
16 house on either side to have the same amount of -- enjoy the  
17 same amount of light that they did before.

18           And I think that's the extent of our presentation.  
19 If you have questions, we'd be happy to answer it.

20           JIM MONTEVERDE: All right. Thank you. Any  
21 questions from members of the Board? If not, I'll start.  
22 Sisia, just help me understand. The -- you're proposing

1 window wells toward the street side?

2 SISIA DAGLIAN: We are. Those window wells --

3 JIM MONTEVERDE: And are those window wells --  
4 sorry.

5 SISIA DAGLIAN: Yes, sorry, go ahead.

6 JIM MONTEVERDE: And are those windows within the  
7 front yard setback?

8 SISIA DAGLIAN: They are. But --

9 JIM MONTEVERDE: You're asking for relief for it?

10 SISIA DAGLIAN: No. We're not required to have  
11 relief for those. And then the walls would be flush with  
12 grade. So they're not -- they wouldn't be sticking up above  
13 grade, except to the extent that DPW Flood Standards would  
14 require.

15 JIM MONTEVERDE: Mm-hm. And the area wells, does  
16 that infinitesimally affect your building height?

17 SISIA DAGLIAN: Yes, it would. And, you know --

18 JIM MONTEVERDE: So you did that calculation, and  
19 you came to that conclusion that your dimensional form stays  
20 the same?

21 SISIA DAGLIAN: You know, it's -- it would be  
22 different to a really minor degree. But because our

1 allowable height is 35 and the existing height is 32.5,  
2 we're so far away from that --

3 JIM MONTEVERDE: Yep.

4 SISIA DAGLIAN: -- the window wells are really not  
5 that -- going -- it's not like it's going down in the  
6 basement level.

7 JIM MONTEVERDE: Okay. And are you dropping the  
8 basement slab to make it habitable space?

9 SISIA DAGLIAN: We are. We're dropping it to  
10 about -- I think it would be approximately 7'6" ceiling  
11 height. And the --

12 JIM MONTEVERDE: That is --

13 SISIA DAGLIAN: -- it's going to go through DPW.  
14 I think right now, it's -- I want to say 6'10" to the bottom  
15 and joist.

16 JIM MONTEVERDE: Yep. So we'll add basement  
17 space, then, and does this as a three-family become new  
18 floor square footage or is it exempt for some reason?

19 SISIA DAGLIAN: I think it is exempt.

20 OLIVIA RATAY: If you build the basement to DPW  
21 Flood Resiliency Standards and submit the permit that's  
22 required, it would exempt the basement space.

1 JIM MONTEVERDE: Is that what you're doing?

2 SISIA DAGLIAN: Yes. That's what we're planning  
3 on doing.

4 JIM MONTEVERDE: Okay. And then for the variance,  
5 the variance has some -- you know, has some specific  
6 requirements that you have to meet all of the following:

7 And literal enforcement would involve a  
8 substantial hardship. The hardship is owing to the  
9 circumstances relating to the soil conditions, shape or  
10 topography of such land or structures, not affecting  
11 generally the zoning district in which it is located, and a  
12 couple others.

13 Can you speak to the hardship?

14 SISIA DAGLIAN: Yes, I can. If you go back to the  
15 second page, Olivia, this property is actually oddly shaped  
16 if you look at all the other properties in this block of  
17 this zoning.

18 It's a property that's sort of very shallow and  
19 wide. And therefore, it's almost impossible to update the  
20 upper floor of this property, or the units on either need  
21 without zoning relief.

22 And it's a condition that I think the other



1 structures on -- you know, around this property don't have  
2 the same condition, because they're -- sort of more the  
3 traditional pancake-style units.

4 So the shape of the lot is unusual for this block  
5 in this area.

6 I think the other argument we made is that the  
7 existing stairs are not code-compliant -- certainly not  
8 going through to the third floor. And we are reconstructing  
9 those and improving the accessibility of the upper level.

10 JIM MONTEVERDE: But you could do that without the  
11 rest of the rooftop additions, correct?

12 SISIA DAGLIAN: That's correct.

13 JIM MONTEVERDE: If you want to improve, that's  
14 there?

15 SISIA DAGLIAN: Mm-hm. That's correct.

16 JIM MONTEVERDE: Olivia, could you just go to the  
17 sheet that has the existing and then the proposed plan on  
18 the third floor?

19 SISIA DAGLIAN: I think I didn't put the plans on  
20 this; they're on different sheets.

21 JIM MONTEVERDE: That's okay.

22 SISIA DAGLIAN: So the upper left is the --

1 JIM MONTEVERDE: So -- yep. Is the proposed.

2 SISIA DAGLIAN: Yes.

3 JIM MONTEVERDE: And if you look at the existing,  
4 I'm assuming -- the bedrooms look -- they just graphically  
5 appear larger than what's proposed. I'm assuming that's  
6 because you're under the eaves, you're beyond that 5'  
7 ceiling height.

8 SISIA DAGLIAN: You mean what's shown here on this  
9 plan?

10 JIM MONTEVERDE: Yeah.

11 SISIA DAGLIAN: Yeah.

12 JIM MONTEVERDE: These bedrooms look larger -- I  
13 mean, part of your description was that the bedrooms were --  
14 you didn't get the variance or was --

15 SISIA DAGLIAN: Yes, yes.

16 JIM MONTEVERDE: -- it had to be 10 x 10?

17 SISIA DAGLIAN: Yeah.

18 JIM MONTEVERDE: They're significantly greater  
19 than 10 x 10 now. It seems like --

20 SISIA DAGLIAN: Yeah, I think the cut plane (sic)  
21 for this plan a little bit lower, so that we can see, like,  
22 more of the stair.

1           JIM MONTEVERDE: Mm-hm. And it really seems to be  
2 in the proposed plan, it's the bathroom that drives the side  
3 of the bedroom.

4           SISIA DAGLIAN: Yeah.

5           JIM MONTEVERDE: I mean, it's just how many things  
6 you want to squeeze in there. Obviously, you want to --

7           SISIA DAGLIAN: Well, on the existing plan, you're  
8 seeing areas, you're seeing -- like, to the top and bottom  
9 of the sheet, those are well below the 5' line.

10          JIM MONTEVERDE: Yeah. That's what I assumed.

11          SISIA DAGLIAN: It dips down quite a bit. Whereas  
12 here, we're really sticking to that 5' line all the way up,  
13 so that's what's bounding the size of the addition or the --

14          JIM MONTEVERDE: Okay.

15          SISIA DAGLIAN: -- expansion.

16          JIM MONTEVERDE: Thank you. Any other questions  
17 from members of the Board?

18          CAROL AGATE: I'm not sure about the height. I --  
19 when I looked at the street, it seemed as though the height  
20 right now is pretty even with the other buildings. And that  
21 extra story does seem to add a lot.

22                 Also, the neighbors who spoke, commented that it

1 would sort of tower over the other buildings. So I'm  
2 puzzled when you say it would be the same heigh.

3 Also, the picture they showed us of the adjacent  
4 building next to your building, the perspective was that the  
5 adjacent building was closer to the camera, and therefore  
6 looked higher. But that building really is not as high as  
7 it looked in that photograph.

8 So I wonder if you have a head-on photograph that  
9 compares the height of the building to what's there now on  
10 the other streets, the other buildings.

11 See right there if you look at it --

12 SISIA DAGLIAN: Right.

13 JIM MONTEVERDE: Yep.

14 CAROL AGATE: -- with the little bit you could see  
15 seems to be the same height.

16 JIM MONTEVERDE: Maybe.

17 SISIA DAGLIAN: Yep.

18 CAROL AGATE: Without the addition.

19 SISIA DAGLIAN: The only place I show that is  
20 actually the 3D sun studies at the very end, where you can  
21 see the entire context. I don't know if you can bring that  
22 up, Olivia?

1           SISIA DAGLIAN: Yeah, so I guess the building on  
2 the left because it's a flat roof is -- you know, lower than  
3 this one. And the building on the right is about the same  
4 height. Of course, we're modeling this without having  
5 measured the buildings, but to gain sort of an educated  
6 guess on what their heights are.

7           I mean, the third floor is not really an addition,  
8 it's more sort of a reconstruction of the roofline in the  
9 middle of that pitched area.

10          CAROL AGATE: Well, I think you said last time  
11 that the height of the dormer would be about the height of  
12 the roof.

13          SISIA DAGLIAN: That's right.

14          CAROL AGATE: And if you look at that dormer, and  
15 you sort of look a parallel line across the top of it, it  
16 looks as though it would be quite a bit higher than the  
17 buildings adjacent.

18          And then to also add the ones at the edge seems  
19 like it's hard to see a hardship to make the bedrooms a  
20 little smaller.

21          JIM MONTEVERDE: That is the heart of the  
22 variance.

1           SISIA DAGLIAN: Right.

2           JIM MONTEVERDE: Any other questions from members  
3 of the Board? No?

4           SISIA DAGLIAN: Yeah, I mean it's definitely not  
5 higher, we're definitely not building a roof higher than  
6 what's there right now. We're going to keep the peak line.

7           And if you look at the street photographs, can you  
8 go to page -- yeah, actually if you go to page 2, if you can  
9 look at the aerial photo again?

10           You can see the building that would be to the  
11 house that would be to the right is about the same peak as  
12 this one, and so is the one next to that. Certainly, the  
13 flat roof buildings, the building is lower.

14           The buildings across the street look to be about  
15 the same height, and the sort of burgundy building on the  
16 corner of the two and a half story looks to be maybe  
17 slightly lower, but not much.

18           And then the buildings behind them are definitely  
19 higher.

20           JIM MONTEVERDE: Yep. I think --

21           CAROL AGATE: Yes. The apartment buildings are  
22 higher, but the smaller buildings, the small multifamilies

1 seem to be lower. It's only the --

2 JIM MONTEVERDE: Yep.

3 CAROL AGATE: -- bigger apartment buildings.

4 Those two are the only ones that seem to be higher. As you  
5 say, the flat-roof ones. But it's very hard to tell from  
6 this. We'll see what the neighbors say.

7 JIM MONTEVERDE: Okay. Any other questions from  
8 members of the Board? If not, I will open it up to public  
9 commentary. I have no correspondence in the file. So I  
10 will open it up to public commentary.

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

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

21 OLIVIA RATAY: Kanan Alhassani?

22 SISIA DAGLIAN: Yeah.

1 KANAN ALHASSANI: Can you hear me?

2 JIM MONTEVERDE: Yep. Can you introduce yourself,  
3 please?

4 KANAN ALHASSANI: I'm Kanan Alhassani. I own the  
5 property next door, 67-69 Bristol Street. And my concern,  
6 more than the height and the sun, is the extra encroachment,  
7 if you like, coming close to my building.

8 When we purchased the building some five years  
9 ago, we had some issues with insurance companies refusing to  
10 ensure us because we're too close to the building next door,  
11 which is 65.

12 So any expansions of the third floor, or even the  
13 second and first floor, if there's intent to bring it closer  
14 to my building, it's going to be extremely difficult to get  
15 insurance, and maybe even dangerous -- God forbid, if there  
16 was a fire.

17 So I'd like some comments from the Board on that  
18 or from -- and from the architect, if possible.

19 Thank you.

20 JIM MONTEVERDE: Thank you. From the current  
21 scheme that we're looking at, the building comes no closer  
22 to the adjacent properties than it is now. There would



1 certainly be a bit more mass up at the rooftop before you  
2 grant the relief than there is now, but they'll be no  
3 closer.

4 So I don't know that that helps your case with  
5 your insurance, but that seems to be the condition that  
6 we're looking at.

7 So they're not intruding further into the side  
8 yard setback, except for the insulation, which is a matter  
9 of inches than what they currently have. Anyone else?

10 OLIVIA RATAY: Justin?

11 JUSTIN MONTISANO: Yes, this is Justin Montisano.  
12 Can you guys hear me?

13 JIM MONTEVERDE: Yep, we can.

14 JUSTIN MONTISANO: Okay. I'm the property owner  
15 at 59 Bristol Street, which is just on the other side of 65.  
16 And first, I just wanted to say I appreciate the addition of  
17 the solar study from the last time.

18 I think you mentioned something about a side wall  
19 causing the shadow, which would be in my driveway area.  
20 Could you talk a little bit more about what that side wall  
21 is?

22 SISIA DAGLIAN: I think I meant to say, "site"

1 wall not "side" wall. They're just low walls that are  
2 landscaped walls that would contain garden beds -- maybe a  
3 foot to 18" high.

4 Olivia, do you want to go to that solar study?  
5 Yes. If you can zoom in to the lower right? We can see  
6 that the building line casts a shadow around -- about the  
7 third window back on the first floor. Yeah, that's the  
8 building line there.

9 And that other extra line that comes down on the  
10 driveway, that sort of touches the edge of your house,  
11 that's from these little landscape walls. Because the sun  
12 is quite low at this point. It's these sort of U-shaped  
13 landscape walls in the garden in the front.

14 JIM MONTEVERDE: Isn't that where the areaways  
15 are?

16 JUSTIN MONTISANO: Uh --

17 JIM MONTEVERDE: Excuse me.

18 SISIA DAGLIAN: Yes. The areaways are actually  
19 back a little bit more. You can see the --

20 JIM MONTEVERDE: Oh, I see. Yeah.

21 SISIA DAGLIAN: -- a second line.

22 JIM MONTEVERDE: So there's a garden --

1                   SISIA DAGLIAN: Yeah.

2                   JIM MONTEVERDE: -- in front of the areaway? And  
3 there's a --

4                   SISIA DAGLIAN: Correct.

5                   JIM MONTEVERDE: -- site wall around the garden?

6                   SISIA DAGLIAN: Correct.

7                   JUSTIN MONTISANO: Sorry, I'm not sure what you  
8 mean by "areaway"? Is that where it has been --

9                   SISIA DAGLIAN: It's where windows -- you know,  
10 where windows come down. Sometimes the soil is dug down so  
11 that the window can have proper egress.

12                   JUSTIN MONTISANO: Gotcha. Okay. And yeah,  
13 sorry I might have misheard, "site" versus "side" so.

14                   SISIA DAGLIAN: Thank you.

15                   JIM MONTEVERDE: Thank you for calling in.

16                   Anyone else wishing to speak?

17                   OLIVIA RATAY: Phone number ending in 8584?

18                   CAROL AGATE: It's muted.

19                   ROBERT ARABIA: Yes. Can you hear me?

20                   JIM MONTEVERDE: Yes. Can you say your name,  
21 please?

22                   ROBERT ARABIA: Yes. My name is Bob Arabia. And

1 actually, if you go back to the area on -- I guess it's on  
2 the TV, and I'm actually using my phone so -- to communicate  
3 with you folks, but I live on the property behind.

4 JIM MONTEVERDE: Can you give us your address,  
5 please?

6 ROBERT ARABIA: Yeah, my address is 17-19  
7 Portsmouth Street.

8 JIM MONTEVERDE: Okay.

9 ROBERT ARABIA: So I'm the house behind --  
10 basically we share a pretty long back yard. So this is the  
11 house.

12 JIM MONTEVERDE: Yep.

13 ROBERT ARABIA: I live in a brown house.  
14 Actually, if you go to the aerial shots, I can tell you what  
15 -- it's pretty clear that that's the brown three-decker,  
16 small three-decker.

17 JIM MONTEVERDE: Yep.

18 ROBERT ARABIA: Yeah. Behind, obviously.

19 I used to talk to Anna all the time. I knew the  
20 -- I've been living there forever. Yeah, that's it. And I  
21 have a couple concerns.

22 The main concern is I don't think I'm going to get

1 that much more shade, but I'm not really clear. And it's  
2 not clear about the -- what the sun studies shows. But Anna  
3 had a garden -- there's a garden behind. I don't know how  
4 the property's going to change, but there was a long chain-  
5 link fence.

6 And I also have a -- there's like a, well, used to  
7 be -- used to have porches, but those were condemned many  
8 years ago and there's just like a flat, like a deck.

9 And the -- my biggest concern is my garden. And  
10 specifically, my dad, who planted these trees many many  
11 years ago from cuttings, there's the lilac and there's the  
12 -- a really lovely Cypress tree, kind of, like, actually  
13 close to where Justin is, close to where Anna's house is.  
14 Our yards all intersect in the same place.

15 But I'm kind of concerned about any additional  
16 shade to those trees. As a matter of fact, the most  
17 valuable part of this house to me is those two trees. And I  
18 really wouldn't want them to be impacted by reduced  
19 sunlight.

20 And like I said, and I don't think the sun studies  
21 showed that too much.

22 So basically, I'm -- I guess I'm north -- yeah,

1 I'm north of Anna, of the Zukas's property, which the house  
2 is being renovated, or will be renovated. And that's my  
3 biggest concern is that --

4 JIM MONTEVERDE: Can you just -- can we go to the  
5 sun study, and if you can help us understand where these two  
6 trees are? Are they on your property or the proponent's  
7 property?

8 ROBERT ARABIA: No, they're right on my property,  
9 but they are actually really close to where -- well,  
10 Justin's house, and he was just speaking to you folks, and  
11 my house and Anna's house --

12 JIM MONTEVERDE: Okay.

13 ROBERT ARABIA: -- where our properties meet. But  
14 they're all my properties. So they're kind of in in between  
15 -- like, if you went up the driveway from Justin's house --

16 JIM MONTEVERDE: Yep.

17 ROBERT ARABIA: -- the two trees are right there.  
18 And one is, like I said, there's a white lilac, which is  
19 really nice, and especially the Cypress, which my dad  
20 planted from a cutting maybe 30 years ago. And it grew into  
21 that space. I don't think he even knew it would happen that  
22 way, but it grew into that space almost perfectly. It's --

1 JIM MONTEVERDE: Yep.

2 ROBERT ARABIA: -- maybe 25 --

3 JIM MONTEVERDE: Can you --

4 ROBERT ARABIA: 25' tall.

5 UNIDENTIFIED SPEAKER: Yes.

6 JIM MONTEVERDE: Yep. Can you see where the  
7 cursor is? Is that --

8 ROBERT ARABIA: Yeah.

9 JIM MONTEVERDE: -- just to the right of that, is  
10 that where the trees are?

11 ROBERT ARABIA: Yeah, just to the right of it it's  
12 actually pretty close to like --

13 JIM MONTEVERDE: Okay.

14 ROBERT ARABIA: -- like you said, almost where the  
15 driveway is. So -- and both trees are -- they're on my  
16 property, but they're very close to the, you know, the  
17 property line --

18 JIM MONTEVERDE: Okay.

19 ROBERT ARABIA: -- the fence. It divides my house  
20 from --

21 JIM MONTEVERDE: Sisia, can you walk us through  
22 the sun study for the time --

1           SISIA DAGLIAN: Sure. If you can zoom in, and we  
2 can see the --

3           JIM MONTEVERDE: -- in that particular corner?

4           SISIA DAGLIAN: -- existing and proposed. Right.

5           JIM MONTEVERDE: January, we have nothing to worry  
6 about.

7           SISIA DAGLIAN: Well, this is January. Let's go  
8 to July when it would be more relevant. I think, you know,  
9 you can see from sort of the 12 -- just look at the twelve  
10 o'clock noon. There's almost no change in the shading. The  
11 -- because the --

12          JIM MONTEVERDE: Yeah.

13          SISIA DAGLIAN: -- overall height of the roof is  
14 staying the same, the little triangular volumes that we're  
15 adding to the roof, the shadow from that is small enough  
16 that it would just fall, actually, on the house itself and  
17 wouldn't extend as far as the neighboring property.

18                 So I'm looking at all the other times and, you  
19 know, the shadows from the house don't -- they don't really  
20 change how they're approaching your property line.

21          ROBERT ARABIA: Yeah. I'm actually thinking that  
22 it would be -- possibly be more -- there would be more



1 impact not in July, like, June, July, August when the sun is  
2 out if you're very high in the sky, but other time of the  
3 year, particularly in the winter.

4 SISIA DAGLIAN: Let's look at the January. I  
5 mean, in January, it's -- I don't know how tall those trees  
6 are, but this is at the ground level where the sun study is  
7 done, it's almost always in shade.

8 JIM MONTEVERDE: It's all in shade.

9 SISIA DAGLIAN: It's all in shade. So, if your  
10 tree is 10' tall, maybe it would get some lighting?

11 ROBERT ARABIA: Well, the tree is actually about  
12 approximately -- I don't know, exactly sure. Like I said,  
13 it grew to this height and stopped growing, just filled in.  
14 So it just filled in. So it's a beautiful little tree. But  
15 it's about 20' tall.

16 And I'm just, like I said, I'm just concerned.  
17 Like, I think of that as more valuable than my rundown  
18 property that needs -- [laughter] --

19 SISIA DAGLIAN: Yeah.

20 ROBERT ARABIA: -- siding and stuff like that.

21 JIM MONTEVERDE: Okay.

22 ROBERT ARABIA: It's kind of --

1 JIM MONTEVERDE: All right.

2 ROBERT ARABIA: -- an icy old house. Just, my  
3 grandfather bought this house when he came from Portugal

4 JIM MONTEVERDE: Yep.

5 ROBERT ARABIA: -- 100 years ago.

6 JIM MONTEVERDE: All right.

7 ROBERT ARABIA: So it's been the family house for  
8 -- since 1923.

9 JIM MONTEVERDE: Thank you. Thank you for your  
10 comments. Anything else, any other comment, sir? No?  
11 Okay. Anybody else calling in? No one else is calling in.  
12 I will close public testimony. Any discussion among the  
13 Board members on either the variance or the special permit?

14 CAROL AGATE: Well, I have trouble with the  
15 variance, the idea the variance for the extra space of the  
16 bedroom. It would seem to me that it's possible to have  
17 maybe two units with the bedrooms on top; one unit just to  
18 study.

19 There are other things, but to call it a hardship  
20 just doesn't seem to make -- doesn't seem to qualify.

21 JIM MONTEVERDE: Thank you, Carol. Anyone else  
22 have any discussion?

1 BILL BOEHM: Yeah. I think the proponent's done a  
2 good job at renewing an old home and making it more useful  
3 than it was in a very smart way. It's energy efficient. I  
4 think the additions are modest.

5 And I think that in order to keep three units in  
6 the house, it's true that those old staircases are  
7 treacherous. And to rebuild those and maintain the three  
8 units I think is commendable.

9 JIM MONTEVERDE: Thank you, Bill. Anyone else?

10 DANIEL HIDALGO: I just wanted to agree with Bill.  
11 I think this is, you know, tastefully done. I appreciate  
12 the effort that -- in the sun study, and it seems like it's  
13 a very minimal impact.

14 So in upgrading the third floor, especially so  
15 that it confirms to safety standards seems like a reasonable  
16 reason to grant the variance and what have you.

17 JIM MONTEVERDE: All right. Thank you. Carol  
18 shared your concern about the variance. But I think looking  
19 at the aerial photos and seeing it in context, the fact that  
20 it's in the middle of that short block, if it were at the  
21 end of the block, I would feel differently.

22 But the fact that it's bookended by the two

1 neighbors, and the neighbors are really facing it -- one of  
2 these is facing in the opposite direction, I feel more  
3 comfortable with it.

4 I can see why it's done, and I can buy the  
5 argument about -- somewhat -- about the irregular lot. And  
6 I think it's certainly improving the property if the  
7 property hasn't been improved upon before.

8 So on that basis, I can support it, even though I  
9 had my concerns about the -- specifically the variance.

10 Thank you.

11 Any other discussion from the Board? Otherwise,  
12 I'll move to a motion.

13 VIRGINIA KEESLER: I'll just agree in regards to  
14 the irregularly shaped lot, and also the limitations of the  
15 existing structure, which are being navigated.

16 JIM MONTEVERDE: Yep. All right. Thank you,  
17 Virginia. Let me offer a motion, we'll do the variance  
18 first. And this is for the reconstructing the roofline,  
19 adding the roofline of the -- I won't call it a dormer --  
20 the roof addition into the right and left yard setbacks.

21 The Chair makes a motion to grant relief from the  
22 requirements of the Ordinance under Section 5.31, the

1 Dimensional Requirements. Again, that's the left and right  
2 yard setbacks, and Section 8.22.3 regarding a nonconforming  
3 structure and the conditions listed under 10.30 for a  
4 variance.

5           Literal hardship: Involves a substantial  
6 hardship, financial or otherwise. The hardship is owing to  
7 the circumstances. As we said, it's really the shape or the  
8 topography, shape of the lot. And desirable relief may be  
9 granted without supplemental detriment to the public good or  
10 nullifying or substantially derogating from the intent or  
11 purpose of this ordinance. So I think we've -- I think all  
12 of those conditions are met.

13           On the condition that the work proposed conforms  
14 to the drawings entitled "61-65 Bristol Street Renovation"  
15 prepared by Evergreen Architecture, dated January 5, 2024,  
16 initialed and dated by the Chair.

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

20           On a voice vote please? Virginia?

21           VIRGINIA KEESLER: In favor.

22           JIM MONTEVERDE: Thank you. Daniel?

1 DANIEL HIDALGO: In favor.

2 JIM MONTEVERDE: Thank you. Bill?

3 BILL BOEHM: In favor.

4 JIM MONTEVERDE: Carol?

5 CAROL AGATE: In favor.

6 JIM MONTEVERDE: And Jim Monteverde in favor.

7 [All vote YES]

8 JIM MONTEVERDE: That's five affirmative. The  
9 variance is granted. Now onto the special permit. The  
10 special permit is for modifying the openings in the rear and  
11 side yard setbacks, and then the addition of outboard  
12 insulation, which will be within -- and I'm assuming, Sisia,  
13 this is inches -- within the three foot of the side property  
14 line?

15 SISIA DAGLIAN: Correct.

16 JIM MONTEVERDE: All right. So the Chair makes a  
17 motion to grant the relief from the requirements of the  
18 Ordinance under Sections 8.22.2.c for a nonconforming  
19 structure and 5.24.2 for insulation and 10.40 for a special  
20 permit.

21 The special permit, if you will bear with me: It  
22 appears the requirements of the Ordinance cannot or will not

1 be met. Correct.

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

4 Continued operation of the development of the  
5 adjacent uses would be adversely affected. It will not.

6 Nuisance or hazard to the health, safety, or  
7 welfare. It will not.

8 And for other reasons, would impair the integrity  
9 of the district or adjoining district. And it will not.

10 On the condition that the work proposed conforms  
11 to the drawings entitled, "61-65 Bristol Street," prepared  
12 by Evergreen Architecture, dated January 5, 2024 initialed  
13 by the Chair.

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

17 On a voice vote for the special permit, please?

18 Carol?

19 CAROL AGATE: In favor.

20 JIM MONTEVERDE: Thank you. Bill?

21 BILL BOEHM: In favor.

22 JIM MONTEVERDE: Thank you, Daniel?

1 DANIEL HIDALGO: In favor.

2 JIM MONTEVERDE: Thank you. Virginia?

3 VIRGINIA KEESLER: In favor.

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

6 [All vote YES]

7 JIM MONTEVERDE: Special permit is granted as  
8 well. Thank you.

9 SISIA DAGLIAN: There's one more special permit  
10 vote; sorry, the windows.

11 JIM MONTEVERDE: I did.

12 SISIA DAGLIAN: Oh. Sorry.

13 JIM MONTEVERDE: Modifications of openings and --

14 SISIA DAGLIAN: Sorry.

15 JIM MONTEVERDE: -- rear and side yard setbacks,  
16 those are the windows, and your outboard insulation. So --

17 SISIA DAGLIAN: Okay. All right.

18 JIM MONTEVERDE: You got it.

19 SISIA DAGLIAN: Thank you very much.

20 JIM MONTEVERDE: Yep. Bye-bye.

21

22



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(6:45 p.m.)

Sitting Members: Jim Monteverde, Virginia Keesler, Daniel Hidalgo, William Boehm, and Carol Agate

JIM MONTEVERDE: Next case is BZA-249646 -- 15 Hazel Street.

BRIGITTE STEINES: Hi. Can I start?

JIM MONTEVERDE: Hi. Can you identify yourself?

BRIGITTE STEINES: Yes, of course. Wasn't sure if it's my turn already.

JIM MONTEVERDE: It is.

BRIGITTE STEINES: So my name is Brigitte Steines, InkStone Architects. The owners of 15 Hazel are probably here as well, Mirko and Natasha Ristivojevic. And yeah, good evening, Mr. Chair. Good evening, City Staff members and the Board.

And I'm going to walk you quickly through the existing conditions and our proposal.

Olivia, if you could share -- yeah, you're doing that already, awesome. Thank you. So we are in the very smaller lot neighborhood of Cambridge, and the house was built in 1928.

1           And on the next page we have pictures of the  
2 existing.

3           It's a two-family, at least it was set up that  
4 way, and the owners bought -- the current owners bought the  
5 house a couple of years ago, remodeled it to be a single-  
6 family removing the second stairs, so it is a single-family  
7 residence already.

8           There was a special permit granted about three  
9 years ago to remove the existing entry stairs and modify  
10 windows together with a building permit to remove the second  
11 stairs, renovate the space, and upgrade the exterior walls  
12 with continuous insulation and overall upgrades with highly  
13 efficient windows and more insulation in the walls and in  
14 the roof.

15           There is one addition in the back, which you see  
16 as the green part with the squares, which was not upgraded  
17 yet. So this is not very well insulated. And this is the  
18 area where we are proposing our project. So we are not  
19 doing anything to the front side.

20           We are proposing that we are -- maybe you could  
21 get to the floor plans, Olivia, or to the next -- maybe the  
22 site plan first, one up? Yes.

1           So this is the site plan on the right. On the  
2 left side is Hazel Street with the entry up. Gray area is  
3 existing footprint. We are proposing a deck in the back,  
4 but this is by right. This is not part of the special  
5 permit.

6           Then on the next floor, on the existing part, we  
7 have -- that's the basement -- yeah. So the first floor has  
8 -- the house has totally four bedrooms. One is on the first  
9 floor. Three are on the second floor.

10           The house does -- both owners work a lot from  
11 home. They have currently no enclosed office space, and  
12 that's why we are suggesting in the attic square form modern  
13 dormer, which would provide for that more private space for  
14 office and Zoom calls.

15           So maybe you can move on this existing, then we  
16 come to the proposed. Yeah. That's the proposed first  
17 floor, but that's not part of the special permit. We are  
18 replacing stairs, also not part of the special permit. And  
19 then we are coming to the attic space.

20           So what you can see there is on the right side is  
21 the footprint of the current addition, what you saw in the  
22 beginning as this green-colored addition. You're also

1 seeing two red lines, which is the 5' line in between. It's  
2 currently unfinished attic. It houses mechanical equipment  
3 but nothing else.

4           What we did: We added a dormer only on one side  
5 because actually more square footage is not really needed.  
6 So there's no need for that -- to do that. We are having  
7 with that an office space created with roughly 250 square  
8 feet, 257 to be precise, as a net area. And that's what we  
9 are asking relief from. We are adding 145 square feet.

10           So the -- between the 5'-line area was calculated  
11 already, so it's the 257 minus the 140 -- minus the 112  
12 square footage is higher than the 5' line, which was  
13 calculated already.

14           We are asking for relief of Article 5, Section  
15 5.31 for the square footage increase in Article 8, Section  
16 8.22.3 for the nonconforming structure.

17           Maybe I missed that in the beginning of the  
18 presentation to say that the lot is nonconforming with 4,300  
19 square feet. It's supposed to be 5,000.

20           The front lot line is 43' instead of 50', and yes,  
21 maybe coming to the height, the height of the building maybe  
22 if we can go to the section or that elevation, Olivia, that

1 would be great. Should be the next one.

2           So we are -- the section would be great, where we  
3 were showing the existing and the -- is that the most  
4 current one, what we had submitted the revised? Because we  
5 did show where the existing, where the existing roof is and  
6 where the -- where we are proposing the new roof with a blue  
7 line.

8           OLIVIA RATAY: Let me look. Give me one second.

9           BRIGITTE STEINES: Yeah. That would be great.

10 And meanwhile, I can keep talking. So the total roof height  
11 was increased by -- well, maybe I need the other images to  
12 explain that better.

13           What you are looking at right now is the new  
14 stairs with the new dormer added. The right section shows  
15 the office with the three new windows and transom windows,  
16 what you saw from the outside in the elevation.

17           And the current roofline, and while Olivia is  
18 bringing it up, is -- yes, that helps.

19           OLIVIA RATAY: Can you describe what you're  
20 looking for again, which drawing?

21           BRIGITTE STEINES: Yeah. It is -- I'm looking. I  
22 can tell you the sheet which it is on. So that's -- that is

1 Sheet A7 shows a blue line of the existing green addition --  
2 I call it "the green addition." It's not green in terms of  
3 sustainability, but just by color. It shows a blue line  
4 where that sits, and it shows the existing roofline of the  
5 gable roof.

6 Maybe I can describe it. It looks like that this  
7 is the old submission. So it's definitely A7.

8 Okay. So maybe we -- maybe I describe it in -- if  
9 I can, on that. I don't know if anyone can see my mouse?  
10 Or -- can you see my mouse, or you see it, Olivia?

11 OLIVIA RATAY: Yes.

12 JIM MONTEVERDE: We're going to use this section  
13 and Olivia, you just move your cursor and hit --

14 BRIGITTE STEINES: Okay. All right.

15 JIM MONTEVERDE: -- the roofline basically goes  
16 from that --

17 BRIGITTE STEINES: I can tell you if you go to the  
18 left section, if you would take the line where it says,  
19 "27'6" and you extend that more -- if you take the cursor up  
20 -- yeah, this one up where the line is, "proposed attic"  
21 yes. This line 27'6" --

22 JIM MONTEVERDE: Yep.

1 BRIGITTE STEINES: If you extend that line, then  
2 this is the existing, existing addition shed roof.

3 JIM MONTEVERDE: Yep.

4 BRIGITTE STEINES: To the left.

5 JIM MONTEVERDE: Mm-hm.

6 BRIGITTE STEINES: So if you form --

7 JIM MONTEVERDE: Yeah. I think we can follow that  
8 from the --

9 BRIGITTE STEINES: You understand it?

10 JIM MONTEVERDE: -- three-dimensional.

11 BRIGITTE STEINES: You can follow that, right?

12 Yeah, from the --

13 JIM MONTEVERDE: -- yes.

14 BRIGITTE STEINES: -- three-dimensional.

15 So basically, what we are doing is we are raising  
16 it by the parapet height, which is on top of it, which is  
17 about 23".

18 As you can see, we are really good with the  
19 height, also with the average height, because the property  
20 is fairly flat. So we are not increasing the height. And I  
21 can give you those numbers.

22 And maybe it is better, then, to look at the -- at

1 the 3D images, then it's easier to understand than just from  
2 a section. Correct. So yes.

3 So the dormer height if you take the lower white  
4 rim, which goes around of this flat-roof dormer, almost  
5 flat-roof dormer, that is where the existing roof ends right  
6 now. But just to keep it in perspective.

7 But we are adding the dormer only on one side, but  
8 the addition went over the entire side of the building. So  
9 we are taking -- on one side, we are taking away on the  
10 other side we are adding it. I don't know if that's --

11 JIM MONTEVERDE: Okay.

12 BRIGITTE STEINES: -- hard to understand.  
13 Probably going back to the existing.

14 JIM MONTEVERDE: Very good.

15 BRIGITTE STEINES: You're good. You're --

16 JIM MONTEVERDE: It's cool now.

17 BRIGITTE STEINES: It's difficult to explain in  
18 words, if I can show the --

19 JIM MONTEVERDE: No.

20 BRIGITTE STEINES: -- if I can show the drawings.

21 JIM MONTEVERDE: That's fine. And let me just --

22 BRIGITTE STEINES: Okay.



1           JIM MONTEVERDE: -- let me just go to the  
2 dimensional form for a second. So --

3           BRIGITTE STEINES: Yes. Yes, please.

4           JIM MONTEVERDE: -- there's a special permit, the  
5 building itself, the lot right now or the building is  
6 nonconforming. The lot's undersized. The gross square  
7 footage is over the Ordinance. You're increasing it by 100  
8 some-odd square feet, as you said. The FAR, which is  
9 already over the ordinance at 7.2 is going to go to 7.5, so  
10 it's a small -- relatively small increase.

11           And the height of the building, as you mentioned,  
12 is going to increase. It's -- the ordinarily limit is 35.  
13 Right now it's 29.3, and you will go to 30' with what you're  
14 proposing.

15           BRIGITTE STEINES: Correct.

16           JIM MONTEVERDE: Correct? So it's all under a  
17 nonconforming, which is why you're here for the special  
18 permit.

19           BRIGITTE STEINES: Correct.

20           JIM MONTEVERDE: And I'm not going to argue about  
21 the definition of the dormer, but I think it's clear what  
22 you're doing.

1 BRIGITTE STEINES: We can give it another name.

2 So.

3 JIM MONTEVERDE: Yeah. Anything else? I think  
4 the presentation is - we got it.

5 BRIGITTE STEINES: Okay. That's good.

6 JIM MONTEVERDE: All right? Any other -- excuse  
7 me one second. Any questions from members of the Board?

8 DANIEL HIDALGO: What's the length of the vertical  
9 dormer? The side length, there? Do you know? Do you have  
10 that?

11 BRIGITTE STEINES: The length -- yeah, if you go  
12 on the proposed floor plan --

13 JIM MONTEVERDE: One of the reasons I didn't --

14 BRIGITTE STEINES: -- and they should be there.

15 JIM MONTEVERDE: -- want to call it a dormer.

16 DANIEL HIDALGO: Yeah. [Laughter]

17 BRIGITTE STEINES: We can call it, "tower."

18 JIM MONTEVERDE: Yeah.

19 BRIGITTE STEINES: 25.

20 DANIEL HIDALGO: 25. I see. Okay.

21 JIM MONTEVERDE: Yeah. So the way I read what's  
22 being done, it's not what we typically see, or what people

1 typically are proposing in coming in and asking for dormer  
2 relief, or that the Dormer Guidelines apply to. This is  
3 really an addition and an extension and a roof  
4 reconfiguration in part.

5 BRIGITTE STEINES: Yep.

6 JIM MONTEVERDE: And to me, I'm trying to ignore  
7 the word, "dormer" and not wanting to apply all of those  
8 requirements, because it'll get us just tied up in a knot.  
9 Because it really doesn't apply to what this -- to me, my  
10 personal sense is it doesn't apply to what this -- really is  
11 doing.

12 So I'm taking away the dormer and viewing it as an  
13 addition, an extension. Sorry.

14 Any other questions from members of the Board? If  
15 not, I will open it up to public comment. Let me just for  
16 the record, we have six letters in the file in favor and  
17 none speaking against. Let me just read who has written in.

18 We have Joan Wheelis, November 1, living at 218  
19 Garden Street, in support. It's a form letter, so they all  
20 say the same thing. Janice Brown, November 25, 2023, in  
21 support; Kyle Larabee, 27 November, lives at 16 Hazel, in  
22 support; I think this is Sarah Lummus, December 3, in

1 support; they reside at 9 Field Street; Holly Aldrich, in  
2 support, letter December 9, lives at 1A Field Street, 1 and  
3 1A Field Street; and then Eloise Adamson from 19 Hazel  
4 Street, December 9, in support. So we have all those in the  
5 file.

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

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

16 It seems that no one is calling in, so I will  
17 close public testimony. Any discussion among members of the  
18 Board, or are we ready for a motion?

19 [Pause]

20 I'll take that as ready for a motion.

21 DANIEL HIDALGO: Yeah, you took my words away.

22 JIM MONTEVERDE: Thank you. You're going to have

1 to help me with the pronunciation of the residents. But the  
2 Chair makes a motion to grant relief from the requirements  
3 of the Ordinance under Sections 5.31, the Dimensional  
4 Requirements. That's really for the increase in the gross  
5 square footage and the increase in the FAR; also the nominal  
6 increase in the building height.

7 And Section 8.22.2.d for a nonconforming  
8 structure, and Section 10.40 for a special permit. And once  
9 again, the criteria for that are: It appears the  
10 requirements of the ordinance cannot or will not be met.  
11 That is correct.

12 Traffic generated or patterns of access or egress  
13 would congestion, hazard, or substantial change. That is  
14 not the case.

15 Continued operation of or the development of the  
16 adjacent uses would be adversely affected. No.

17 Nuisance or hazard to the detriment of the health,  
18 safety, or welfare. That's no.

19 And for other reasons, would impair the integrity  
20 of the district. And no.

21 So all of the criteria of Second 10.43 are met.

22 On the condition that the work proposed conforms

1 to the drawings entitled -- I'll use the address - "15 Hazel  
2 Street, Cambridge," prepared by InkStone Architects and  
3 dated January 23, 2024; initialed by the Chair.

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

7 On a voice vote, please, Virginia?

8 VIRGINIA KEESLER: In favor.

9 JIM MONTEVERDE: Daniel?

10 DANIEL HIDALGO: In favor.

11 JIM MONTEVERDE: Thank you. Bill?

12 BILL BOEHM: In favor.

13 JIM MONTEVERDE: Thank you. Carol?

14 CAROL AGATE: In favor.

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

17 [All vote YES]

18 JIM MONTEVERDE: That's five in favor. The  
19 special permit is granted. Thank you.

20 BRIGITTE STEINES: Thank you.

21 JIM MONTEVERDE: You're welcome.  
22

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(7:03 p.m.)

Sitting Members: Jim Monteverde, Virginia Keesler, Daniel Hidalgo, William Boehm, and Carol Agate

JIM MONTEVERDE: Next case is BZA 250874 -- 11 Palermo Street. Anyone wishing to speak about 11 Palermo Street?

ANDREW FALKENSTEIN: Yes. Good evening. Let me try to start the video. Okay. Hello. Hello Board members. My name is Andrew Falkenstein. I'm an architect at Concise Design Group in Brookline Village, and I'm the applicant for this project.

11-13 Palermo Street is a two-family dwelling which was built in 1903. And our proposal is, without changing the footprint of the existing building, to add a third story to the two-story structure and finish the basement for uses as part of one of the dwellings, and in so doing to lower the basement floor by exactly two feet.

In order to do this, we're requesting relief in the form of special permit for Article 5 Dimensional Regulations -- in this case the FAR, which we would be exceeding, and also a special permit for Article 8,

1 Extension of Existing Nonconforming Structure, which I  
2 believe in this case is the side yard setback and in  
3 projecting up a third-floor addition with the same side wall  
4 setbacks as our existing, we would need relief on side yard  
5 setback.

6 Olivia, if you want to bring up the plans; great.  
7 I guess -- well, you know, can we zoom in to the locus plan,  
8 please?

9 So I'll start off by saying that we did prepare a  
10 shadow -- a shade and shadow study, which we shared with the  
11 abutters about a week ago or a little more.

12 And it wasn't loaded, I have it on my computer,  
13 I'm happy to share it, but I want to say that there's really  
14 very little effect as far as shadow.

15 And part of this has to do with the fact if you  
16 look at the buildings on either side, you know, this group  
17 of four buildings have such narrow alleys behind them that  
18 for massing purposes it's really almost as if these four  
19 buildings were one mass.

20 And you get -- you have southern exposure on the  
21 front on Palermo Street, which there's really never any  
22 shadow on Palermo Street, and then you have basically these



1 four buildings that already act as a mass. So any side yard  
2 shadow is really nonexistent or negligible, because you're  
3 already so close together.

4 And then there's very, very little shadow in the  
5 back yard. And part of it is also because there's at least  
6 one extraordinary large tree, which -- especially in the  
7 summertime when it's in bloom -- casts shade over all these  
8 houses to begin with. But I just wanted to mention that,  
9 that we did do a shade and shadow study.

10 So if we can go to the next page, please?

11 All right. This is the existing building. You  
12 can see that it's a one unit on this first floor and one  
13 unit on the second floor with a partially finished basement.

14 And from my observance, although it's -- these are  
15 both two-bedroom units, when we were going into these units,  
16 you know, a year ago or a little bit more than that, the  
17 units were being used as three bedrooms. The front units  
18 were being used -- the front room facing the street was  
19 being used as a third bedroom.

20 But these were built as two-bedroom, one-bath  
21 units.

22 Next page, please?

1           And okay. Can we move to the proposed plans,  
2 please? Beautiful. Thank you. What we're proposing are  
3 two duplex apartments. The basement in the first floor  
4 would be an apartment. There would be a three-bedroom  
5 apartment, and the footprint would really not be changed  
6 from the existing. In fact, the only thing that really  
7 changes just a little bit would be the stairs down to the  
8 basement.

9           The stairs in the back get reconfigured just a  
10 little bit -- a little bit of an areaway. But the deck  
11 stays essentially the same size, and there's no other  
12 footprint change.

13           So we're proposing a three-bedroom duplex on the  
14 lower two levels, and then with a separate entrance we're  
15 proposing another duplex with four bedrooms on the second  
16 and third floors. And actually -- sorry, my bad, it's also  
17 a three-bedroom. I'm sorry, it's a three-bedroom also.  
18 It's not a four-bedroom.

19           And the distinguishing feature about the third  
20 floor, which is the proposed new addition floor, is that  
21 we've pulled it back from the street several feet to create  
22 not just a stepback, but also to create some usable outdoor

1 space at the third-floor level.

2 Next sheet, please?

3 Okay. So here we have the proposed elevations.  
4 You can see in the left-hand side that we're proposing a  
5 metal spiral stair to give people on the second-floor access  
6 to the back yard. And we have sliding doors, obviously,  
7 onto the deck. But otherwise keeping the back unfussy and  
8 simple.

9 And in the front, we're largely respecting the  
10 existing streetscape and façade that's in existence. And  
11 we're also keeping the cornice lines, because it does line  
12 up with the neighboring buildings.

13 And then we've stepped back the addition. The  
14 addition adds exactly 10' in height to the existing height  
15 of the building. The existing height of the building is  
16 22'3", and the proposed height would be 32'.3".

17 And again, we're going with very simple forms  
18 here. We're not looking to draw attention. We're hoping it  
19 will recede, and not cause a lot of attention. We want  
20 people to look at the first two stories, which are going to  
21 receive Hardy plank siding and new clad windows -- new clad  
22 windows throughout.

1           May I have the next slide, please?

2           This is a side view on the west elevation.

3       There's approximately I want to say 3.5' from the existing  
4       neighbor. We're very aware that the Building Code does not  
5       allow windows where there is insufficient setback, and what  
6       we've done here -- and I'm sorry, because it's a little bit  
7       too small on this screen, but basically, we traded -- we  
8       added up the square footage. Those dotted lines are windows  
9       that are being removed, and essentially, we removed about 21  
10      square feet of window.

11           And then if you zoom back out, you see that we're  
12      putting back 13.7 plus 5, call it 18.7 and, you know, we  
13      we're trying to keep the window total under what was taken  
14      away.

15           This is more of a Building Code issue. And we  
16      would deal with Cambridge ISD if they were so good as to  
17      entertain our theory that most of these existing windows are  
18      staying, but for the windows that we're removing, we want to  
19      put back almost as much glazing as we've taken away.

20           Next slide, please?

21           Again, similar here. A very simple façade.

22      There's not a lot of light to be gained. We tried to keep

1 these windows as existing, but here we've again removed  
2 three existing windows, as indicated by the dotted lines,  
3 and put back -- let me just check the math, sorry -- okay,  
4 yeah, we actually -- we relocated one window, we took out  
5 three and we put back one. And so, I believe we were --  
6 again, we had a net diminution of glazed area on this side.

7 Oh, yeah, sorry. I should have looked up here.  
8 Sorry. I did the math in here. So we removed 56 square  
9 feet of glazing, and we're putting back almost 51 square  
10 feet. So we're trying to be respectful of the Building Code  
11 and the fact that windows within a certain setback from the  
12 property like are not allowed unless they're sprinkled.

13 Next sheet please?

14 This is a section through the building. It shows  
15 the new third floor, which is stepped back from Palermo  
16 Street. And it shows the basement finished and it shows the  
17 slab being lowered 2'.

18 One other thing that we've achieved is the current  
19 building has very poor access to the back of the back yard,  
20 both at the back yard level and the deck level, in that it's  
21 got these split stairs. So from the second floor as it  
22 currently exists to get the back porch, you need to go down

1 like four or five stairs. And then the back yard as it  
2 exists is about five or six steps down from the first floor  
3 or up from the basement.

4           So what we did is we made the back deck  
5 essentially level with the second floor so it will be used  
6 as usable open space, and with the creation of the new  
7 areaway from the basement and a new stoop from the first  
8 floor, we made accessing the back yard easier, and also  
9 accessible from both floors directly, rather than having to  
10 go down a set of stairs to a landing between floors.

11           Next slide, please?

12           This is a picture of the existing building as it  
13 is today.

14           Next slide?

15           This is the -- this is the back deck as it exists  
16 right now. A very simple rear elevation, which we tried to  
17 respect in our new elevation.

18           Next slide, please?

19           Again, this door is off of a stairway landing.  
20 And it's -- the stairs are actually winders. It's actually  
21 very difficult and treacherous to get out to this deck.

22           Next slide, please?

1           This is the site plan, essentially just showing  
2   it's overlaying the proposed third floor over the footprint.  
3   Again, we're not changing the footprint, except for minor  
4   changes to the rear steps and for the addition of that  
5   spiral staircase.

6           We intend to leave the entire back yard as lawn  
7   and as landscape, with the absolute minimum of hardscape.  
8   And we intend to put a high-quality fence around the back  
9   yard so to improve the aesthetics, and also as a goodwill  
10  gesture to the neighbors.

11           And is there -- are there any other slides?

12           To confirm the square footages, I believe -- you  
13  know, mostly the single biggest issue would be the floor  
14  area ratio. The existing square footage, which does not  
15  include the basement, is 23'26" and the proposed, which  
16  would include the basement, is 44'84".

17           And with that, I will open it up to any questions  
18  or comments. I can also talk to the owner. Mr. Arthur  
19  Deych is on this call and is available for any questions if  
20  anyone has any for him.

21           JIM MONTEVERDE: Okay. Thank you. Any questions  
22  from members of the Board?

1 [Pause]

2 No? If not, I will open the matter up to public  
3 commentary. We have in fact file -- Mr. Falkenstein, I hope  
4 you can help me with this -- the latest correspondence we  
5 have is from January 23 from Natalie Brown.

6 And it looks like a continuing e-mail chain I'm  
7 sure has been going on for a while, where Natalie, Luke,  
8 Molly and Alex have raised a series of questions about sun  
9 studies, structural engineering elevation, the impact of  
10 increased load for the third story, is there a landscape  
11 civil plan?

12 Neighbors concerned about a rat highway and a  
13 stormwater runoff because they added impervious surfaces.  
14 Requirements for drainage, and then measures taken during  
15 construction, which really aren't this Board's purview.

16 Have all those issues been addressed? I see the  
17 correspondence back and forth, but is there anything still  
18 outstanding that the neighbors are --

19 ANDREW FALKENSTEIN: I believe they have been. I  
20 spoke to Natalie I want to say -- I can't remember if it was  
21 Friday or this Monday --

22 JIM MONTEVERDE: Yep.



1           ANDREW FALKENSTEIN: But she seemed to be on both  
2 at that time. One of her -- her two main concerns, which we  
3 addressed was she was concerned about a rat, what she called  
4 a "rat highway." And what that would be would be if we were  
5 to place a fence next to an existing fence leaving say six  
6 or seven inches between the two fences, and evidently  
7 rodents use that as a highway.

8           And I said that that's not something we want to  
9 do. And at the owners' expense, we will replace one fence  
10 for both parties, not have two fences, and we'll have it be  
11 very high-quality materials. Neighbors can weigh in, but  
12 we're thinking about cedar, not vinyl but cedar, and a fence  
13 -- one fence not two.

14           And then at length, I addressed her structural  
15 concerns, even giving her a rough calculation of how many  
16 pounds we were adding dead load and telling her --

17           JIM MONTEVERDE: Yep. I see that --

18           ANDREW FALKENSTEIN: -- that there's going to be  
19 45 -- 100 --

20           JIM MONTEVERDE: Yeah, I see that. And the  
21 structural concerns are really not --

22           ANDREW FALKENSTEIN: Okay.

1           JIM MONTEVERDE: -- relevant to this Board. So  
2 but you think you've addressed those with the --

3           ANDREW FALKENSTEIN: I believe I have.

4           JIM MONTEVERDE: Great.

5           ANDREW FALKENSTEIN: That was my understanding of  
6 our conversation.

7           JIM MONTEVERDE: We'll see if they call in. All  
8 right. That's what we have in the file. I will open it up  
9 to public commentary.

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

21           NATALIE BROWN: Good evening. This is actually  
22 Natalie Brown, and I'm here with Luke Nason. We are the

1 owners of 9 Palermo Street, and as the Chair mentioned and  
2 Andrew as well, we've shared a -- you know, a long e-mail  
3 thread back and forth with the owners and Andrew. And we  
4 really appreciate their responsiveness to our questions and  
5 concerns.

6 As Andrew said, they did provide a sun study and  
7 some information regarding -- you know, preconstruction  
8 survey and other things related to construction, which we  
9 really appreciated.

10 On the structural concerns, I understand that, you  
11 know, perhaps that's not the issue of this Board. However,  
12 you know, Andrew did provide some preliminary calculations  
13 and I guess as I understand it, the structural design is not  
14 complete yet, and they still have to do some a ViewTech  
15 verification of the soil's assumptions. But, you know,  
16 they're confident that there won't be an impact on our  
17 house.

18 I will note that our houses are less than three  
19 feet from each other. You know, they're probably about, you  
20 know, a foot plus from the property line. So the one thing  
21 we do ask is, as the design progresses and the soil testing  
22 is performed, that the engineer verify that there won't be

1 impacts.

2           And as Andrew and the Chair mentioned, we also had  
3 some back and forth regarding the back yard, and we  
4 understand that they're not planning to increase the  
5 impervious surface, and if there are changes, the  
6 appropriate stormwater management measures will be  
7 implemented. So we appreciate that.

8           And then on what we like to call the "rat highway"  
9 speaking from experience, the building behind us installed a  
10 double fence or a second fence a few years ago, and as a  
11 result of that, we've seen kind of increased rat traffic  
12 along our back property line because, like on our side it's  
13 the chain-link fence so they can pop in and out. So that  
14 was our concern there.

15           But again, based on the information provided by  
16 Andrew, it doesn't appear that will be an issue.

17           So I guess just to wrap up, we appreciate the  
18 responsiveness and the assurances that Andrew and the owners  
19 have provided us. And that's all I have.

20           JIM MONTEVERDE: All right. Thank you for calling  
21 in. I think that's all we have for people calling in. So I  
22 will close public testimony. Any discussion among the

1 members of the Board?

2 CAROL AGATE: I'm a little puzzled about the  
3 concept. Because it seems to me that Zoning Regulations are  
4 put in for a reason. And when we have nonconforming, I  
5 think of it as a small difference that's not going to really  
6 make much of a difference but anyway, we're doubling  
7 something. And what is the purpose of Zoning Regulations,  
8 if you can just double something?

9 I sometimes get a little confused with Variance,  
10 because my past experience was in a town where there was no  
11 such thing as special permit. Everything was new, and it  
12 was just variances.

13 But it says, "A special permit required" and can  
14 you really just go ahead and turn something into twice as  
15 many people living there as originally, or -- I mean, they  
16 talk about the same size household, but obviously you're  
17 going to get a larger household when you've got these much  
18 larger facilities.

19 So is this something that you would normally grant  
20 a special permit for? We don't have the neighbors objecting  
21 anymore, and yet here's this building that's going to shoot  
22 up higher than all of the others, and why do we have Zoning?

1           ANDREW FALKENSTEIN: Very legitimate question. A  
2 couple responses.

3           JIM MONTEVERDE: No, no, Andrew, Andrew?

4           ANDREW FALKENSTEIN: Yep. Sorry.

5           JIM MONTEVERDE: This is for discussion among  
6 members of the Board.

7           ANDREW FALKENSTEIN: Yep.

8           JIM MONTEVERDE: Carol, anything else?

9           CAROL AGATE: No. Unless somebody has an answer  
10 for me.

11          DANIEL HIDALGO: Yeah -- oh, I'm sorry.

12          JIM MONTEVERDE: Yeah, I will in a second --

13          DANIEL HIDALGO: Go ahead.

14          JIM MONTEVERDE: -- but anyone else have a  
15 comment, member of the Board?

16          VIRGINIA KEESLER: You can go, Daniel.

17          DANIEL HIDALGO: No, I was just going to note that  
18 there is where this -- you know, the situation arises where  
19 we are here kind of extending an existing nonconformance as  
20 long as it doesn't, you know, substantially -- with the  
21 language, be more substantially more detrimental to the  
22 neighborhood, then it falls under the age of special permit

1 remit.

2           So if we don't find that it's impinging on the  
3 character of the neighborhood in any kind of egregious way,  
4 it strikes me that it does fit under the special permit  
5 requirements under was it 8.22.2d or -- I'm just forgetting  
6 that, but that's my understanding.

7           JIM MONTEVERDE: Thank you.

8           CAROL AGATE: Thank you.

9           VIRGINIA KEESLER: I would just add that just by  
10 adding the third floor, the building is still under the  
11 maximum height for the zoning district, and it does look  
12 like there are a number of other three-story buildings on  
13 the street, and a lot of the additional square footage is  
14 from the basement.

15           So to me I don't find it particularly troublesome.

16           JIM MONTEVERDE: Thank you. I stumbled over the  
17 numbers myself until -- because basically if you look at the  
18 existing versus the requested, Carol, as you said, it's  
19 basically doubling. Doubling in area, doubling in GFA.

20           Except it's really not true, or at least I thought  
21 about it as, well, I should discount the basement, and  
22 that's really 50 percent of that add.

1           So really what's added here is 25 percent greater  
2 in a way than the existing condition, even though the  
3 existing condition is well over the ordinance.

4           And I share the concern about -- so I didn't have  
5 a concern about the basement construction, but the rooftop I  
6 did looking at the -- and we only have one photo I think of  
7 the houses in the neighborhood, and they seem -- the ones on  
8 either side, they're exactly the same, two stories tall from  
9 the locus plan.

10           These are very small lots. All of the houses have  
11 to be nonconforming. They are actually very low after two  
12 stories and I just -- that was my concern about adding the  
13 third floor.

14           Although in a positive sense, it does improve the  
15 units. I'm sure their either rental or sales value will  
16 increase, and therefore help the neighborhood. But yeah,  
17 you can see the houses to the right and to the left on the  
18 photo are -- they look like they're exactly the same thing.  
19 And I wondered about adding a story to this one.

20           So -- but I don't hear any objections from the  
21 neighborhood, and I haven't gotten myself to the point where  
22 I could declare it to be a detriment to the public interest.



1           So I'm kind of flunking in just to say that I  
2 would be in favor. Any other -- yeah, go ahead.

3           VIRGINIA KEESLER: I would just add if you go,  
4 like, one more house down on either side it's three stories.

5           I'm just looking at Google Maps, not at the --

6           JIM MONTEVERDE: Yeah. We don't have a picture,  
7 but if you look at Google Maps, two houses down is three  
8 stories.

9           JIM MONTEVERDE: Yeah, it also sits on the -- the  
10 locus map also sits on a bigger block, et cetera, et cetera.

11           All right. Any other discussion among the Board  
12 members? If not, I will make a motion. This is a special  
13 permit.

14           The Chair makes a motion to grant relief from the  
15 requirements of the ordinance under Sections -- and what's  
16 in the advertisement is 5.31, and that's for the added  
17 square footage of the Ordinance Requirement and for the  
18 increase in the ratio of gross floor area, the lot area will  
19 be increased.

20           And then also the height will be increased.

21           And 8.22.2.d for the enlargement of the  
22 nonconforming structure. I think you also mentioned you're

1 moving windows in the left and side yard setback, and it's  
2 all part of Section 5.31.

3 And then the requirements for the special permit,  
4 the criteria: It appears that the requirements of the  
5 ordinance cannot or will not be met. That is correct.

6 Traffic generated or egress would congestion. I  
7 don't think so.

8 Continued operation of or development of adjacent  
9 uses would be adversely affected. I think not.

10 Nuisance or hazard would be created: I don't  
11 think so. And it would impair the integrity of the  
12 district or adjoining district, and I might be on the fence  
13 about that one, but I think not.

14 And so, it meets all the criteria of the Special  
15 Permit Requirements under 10.43 on the condition that the  
16 work proposed conforms to the drawings entitled "11-13  
17 Palermo Street," prepared by Concise Design Group, dated  
18 April 5, 2023, initialed and dated by the Chair.

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

22 On a voice vote, please, Carol? Carol?

1 CAROL AGATE: In favor.

2 JIM MONTEVERDE: Bill?

3 BILL BOEHM: In favor.

4 JIM MONTEVERDE: Daniel?

5 DANIEL HIDALGO: In favor.

6 JIM MONTEVERDE: Virginia?

7 VIRGINIA KEESLER: In favor.

8 JIM MONTEVERDE: And Jim Monteverde in favor.

9 [All vote YES]

10 JIM MONTEVERDE: That's unanimous in favor. The  
11 special permit is granted.

12 Thank you.

13 ANDREW FALKENSTEIN: Thank you, members of the  
14 Board.

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(7:34 p.m.)

Sitting Members: Jim Monteverde, Virginia Keesler, Daniel Hidalgo, William Boehm, and Carol Agate

JIM MONTEVERDE: Next case is BZA-250963 -- 82 Avon Hill Street. Is there anyone wishing --

KELLY BOUCHER: Hello? Olivia, can you pull up the --

JIM MONTEVERDE: Can you introduce yourself and your address, please?

KELLY BOUCHER: Yeah. My name is Kelly Boucher. I am the Architect for the project. My address is 54 Harvard Street in Brookline, Massachusetts. I'm joined today by Eleanor Joseph and Andrew Johnston, the homeowners, who are happy to answer questions as well.

A little bit about 82 Avon Hill Street. It is a single-family house. It was built in 1909, a Victorian Gambrel. And it had that garage added, which sits right in the front yard, in 1929. It's located in the Avon Hill Neighborhood Conservation District, and we stopped there in November to present these plans to them.

The existing house you can see here is

1 nonconforming for a front yard setback, as that garage,  
2 which is attached to the house, is about 10 feet from the  
3 back of the sidewalk.

4 Olivia, can you switch to the next slide? Thank  
5 you.

6 The existing house is nonconforming existing for  
7 front yard setback and side yard setbacks, as well as lot  
8 size. We are proposing a modest first-floor addition that  
9 will provide an 80 square foot mudroom for the family.

10 They have young children and right now sort of  
11 enter the house right into the main stair without much  
12 storage space, so this would provide some well-needed family  
13 storage, as well as a 246 square foot expansion of the  
14 family room.

15 KELLY BOUCHER: I apologize for my special guest  
16 here. And both of these things are being proposed as  
17 special permits. So the house is existing nonconforming for  
18 GFA. We are at 0.51 FAR now. 0.5 is allowable, so we're  
19 very close to the limit, and we're looking to add 326 square  
20 feet to bring it up to a 0.56.

21 And we're also -- we'll be adding a few windows  
22 that are located in setbacks, which is also a special

1 permit.

2 All of our planned additions are on the first-  
3 floor, so we're not affecting the height and the open space  
4 will be compliant when we're done.

5 Can you flip to the next slide?

6 As part of the project but not really relevant to  
7 our zoning application, the homeowners are going to be  
8 removing the old stucco, putting shingle siding, replacing  
9 windows, and doing some energy upgrades as well.

10 Here you can see what the house looks like now.  
11 It's got a big patio that sits on top of the garage, which  
12 is the location for our proposed addition.

13 Can you move to the next slide? Thank you.

14 Here's our open space diagram currently. The top  
15 of the garage does provide some private open space; concrete  
16 roof, so it's not permeable. And the homeowners are looking  
17 to take some of that space, which is actually quite high  
18 from the street, and capture it into the main living space  
19 of the house, which will allow them to enjoy it year-round.

20 Next slide, please?

21 Here's our existing and proposed area plans --  
22 existing along the top, proposed along the bottom. Those

1 two darker blue first-floor additions are shown here, you  
2 can see them.

3 Next slide?

4 This is just another site plan, more highlighting  
5 where the additions are instead of the open space. Here you  
6 can see where they're planned for.

7 Next slide?

8 And I'll quickly run through our floor plans. The  
9 existing floor plan is on the left. We are planning to do  
10 some repair and rebuild of the existing garage, which is not  
11 in great shape, as well as take out the middle dividing  
12 wall. None of these things is part of our special permit  
13 but are planned as part of the work.

14 Next slide?

15 And here you can see the existing floor plan on  
16 the right. It's got quite a small living room, the kitchen  
17 to the back, which does enjoy a nice back yard. And here on  
18 the left there's the mudroom addition which will move the  
19 front door a little bit closer to the street, provide some  
20 storage, and the enlarged family room.

21 Next slide, please?

22 Existing elevations are along the top, proposed

1 along the bottom. So here you can see our main living floor  
2 additions here. The front one is a symmetrical, octagonal  
3 shaped addition. And then the mudroom along the left, which  
4 looks quite similar. From the front, you can see there's a  
5 little bit of extension on the proposed left side elevation.

6 Next slide?

7 There are no proposed changes to the rear that  
8 affect zoning, just some siding changes. And here on the  
9 right you can see our proposed addition poking out over the  
10 garage.

11 Next slide?

12 These are -- here's a 3D view of what we're  
13 planning, as well as a little bit of a closer-up elevation  
14 and --

15 Next slide, please?

16 And then here we have some existing and proposed  
17 street views with the garage and the front stair in the same  
18 location. The main bulk of the house unchanged, and our  
19 ground-floor addition show here.

20 Next slide?

21 And here it is from a different angle. And there  
22 it is from down the street as well.



1           We did go to the Avon Hill NCD. And as part of  
2 that application, we did shadow studies. We provided some  
3 renderings, and we also had a discussion sort of about trim  
4 and siding and what's historically appropriate for the  
5 house. So those slides are included here at the end of our  
6 package, just for your information, although are not  
7 specifically relevant to our special permit application.

8           Next slide, please?

9           Here's a few views of what the house will look  
10 like with siding instead of stucco.

11           And the next slide just shows -- highlighting some  
12 of the trim details that we were in discussions with with  
13 the Historic Commission, including what type of windows we  
14 are going to install.

15           And here are just a few photos of what the house  
16 looks like now.

17           You can see that the stucco, it turns out  
18 historically, is original from when the house was built.  
19 There's a lot of Gambrel houses. It was the only stucco one.  
20 Allison at Historic thought maybe it was an after-market  
21 job, but it seems that it was always on the house.

22           Stucco in New England for 100 years, as you can

1     imagine, it's time to update some of these things. So in  
2     the context of stewardship of the house, we've planned the  
3     proposed additions. And you can just flip through the  
4     photos, which brings me to the end of my presentation, and  
5     happy to turn it over to you.

6             JIM MONTEVERDE: Thank you. Any questions from  
7     members of the Board? Can I just for my own edification,  
8     can you repeat, Kelly?

9             KELLY BOUCHER: Mm-hm.

10            JIM MONTEVERDE: We're talking about constructing  
11     -- this is from the advertisement -- a single-story  
12     addition, it's up on top of the garage, correct?

13            KELLY BOUCHER: Yep.

14            JIM MONTEVERDE: And the mudroom, is that also in  
15     -- is that in the side yard setback?

16            KELLY BOUCHER: The mudroom is located in the left  
17     side yard setback, but it extends a wall that is already  
18     there. So we're not coming out any further than it is  
19     today.

20            JIM MONTEVERDE: Okay.

21            KELLY BOUCHER: But we are extending the wall and  
22     then adding a window into that mudroom.

1           JIM MONTEVERDE:  Yep.  Okay.  And I didn't notice  
2 on the elevations that you showed any other windows that are  
3 being moved around beside the single-story addition.

4           KELLY BOUCHER:  No, the only -- we will be  
5 replacing all of the windows because they're old and --

6           JIM MONTEVERDE:  Right.

7           KELLY BOUCHER:  -- in poor shape.  But the only  
8 new windows are in the addition parts of --

9           JIM MONTEVERDE:  Okay.  Okay.

10          KELLY BOUCHER:  -- the house.

11          JIM MONTEVERDE:  And the Avon Hill group that you  
12 met with; I don't think I see anything in the file from  
13 them?

14          KELLY BOUCHER:  Yeah, we were --

15          JIM MONTEVERDE:  Basically signing off on things?  
16 Do you have that?

17          KELLY BOUCHER:  Yes.

18          JIM MONTEVERDE:  Could you send that to --

19          KELLY BOUCHER:  We were approved.

20          JIM MONTEVERDE:  -- could you send that to Olivia,  
21 please, so we can have that in our file?

22          KELLY BOUCHER:  Sure, yep.  I'm happy to --

1 JIM MONTEVERDE: -- for the owner.

2 KELLY BOUCHER: -- get that. I do have it, I  
3 think at -- already in my office, but we did receive --

4 JIM MONTEVERDE: Okay --

5 KELLY BOUCHER: -- receive our Certificate of  
6 Appropriateness --

7 JIM MONTEVERDE: Yep.

8 KELLY BOUCHER: -- from the Avon Hill NCD --

9 JIM MONTEVERDE: If we could get a copy of that,  
10 please?

11 KELLY BOUCHER: Mm-hm.

12 JIM MONTEVERDE: All right. Thank you. Any  
13 questions -- any other questions from members of the Board?  
14 If not, open it to public comment once I go through the  
15 correspondence. We have -- at last count, we had nine in  
16 favor and one recent one objecting. So let me just go  
17 through these.

18 KELLY BOUCHER: Sure.

19 JIM MONTEVERDE: First one is objecting. This is  
20 dated January 30. This is from Lisa Blout, who resides at  
21 86 Avon Hill. Several concerns:

22 First is the external wall of the house at 82 Avon

1 is only about four feet from the bay window and roughly 5'  
2 for the rest of the exterior wall and the proposed mudroom  
3 addition from my property line. So we're concerned about  
4 the mudroom addition.

5 Two, the addition of the mudroom brings the front  
6 door that much closer to my property.

7 Three, the expanded living room crowds my  
8 property, materially reduces my privacy, and blocks my view  
9 down the street.

10 Four, the effect on my garden and extent of the  
11 plantings will be negative.

12 And five, threatens to reduce the value of my  
13 property.

14 And then they have that backed up by a letter from  
15 -- someone from Caldwell Banker.

16 Then we have the nine in favor. We have dated  
17 January 9 from Anguelina Anguelova and Abdallah Akar at --  
18 they're neighbors, reside at 1-3 Hillside Place. They have  
19 no objection to the changes. November 17, Keith Wang,  
20 Katherine Sayn-Wittgenstein, they live at 44 Avon Hill, they  
21 are in support.

22 January 2, Bliss Austin Spooner from 48 Avon Hill

1 Street, an endorsement. Stephen Fitsimmons, 3 Wyman Street  
2 in support, that's November or January 8. Charlotte  
3 McGuinness, 71 Avon Hill Street, in support. That's from  
4 January 8. January 8, Eleanor Joseph in support. November  
5 19, Mary Jane Kornacki endorsing the plans; the address is  
6 103 Avon Hill Street.

7 Frank O'Sullivan, complete support. They reside  
8 at 97 Avon Street, it's dated November 26. Nondita and  
9 Rahul Mehrotra -- I'm sorry -- dated January 2 in support.  
10 They reside at 77 Avon Hill Street. Carol and Alex -- can't  
11 make out the name -- oh, Carol Hooven and Alex Byrne, in  
12 support. They live at 3 Hillside Place.

13 And that is the completion of the -- what did I  
14 say, nine in favor and one against.

15 I will open it up to public commentary.

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

21 I'll now ask Staff to unmute the 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 will ask you  
3 to wrap up.

4 [Pause]

5 All quiet. I will close public commentary.

6 Discussion among the members of the Board? If no one does,  
7 I do. Let me jump in. Can you go to Sheet A001? Show the  
8 Setback Requirements? No, you were just there. There you  
9 go. Can you zero in over at the right-hand side there?  
10 There you go.

11 Kelly, is it possible -- this is nitpicky, but can  
12 you get that front wall of the family room at or behind the  
13 required front yard setback?

14 KELLY BOUCHER: Well, we started there. And  
15 through some careful fine-tuning of fenestration and trim  
16 pieces, it ended up being slightly larger. I'm hesitant to  
17 make any recommendations.

18 I think maybe Eleanor and Andrew might want to  
19 weigh in on this. Because it's their --

20 JIM MONTEVERDE: I'm just trying to address in --

21 KELLY BOUCHER: -- their living room.

22 JIM MONTEVERDE: -- any way the neighbors'

1 concern, who have raised a series of objections, and just  
2 trying to keep this within that part, within the ordinance,  
3 even though it's only -- it looks like I'll call it a foot,  
4 maybe a foot and a half. But it just takes that part out of  
5 the equation. All right. Let me see if there are other  
6 discussions from Board members.

7 Any other discussion from members of the Board?

8 KELLY BOUCHER: I would just like to say that I'm  
9 happy to discuss it with my clients. Our existing front  
10 yard setback is -- I'm only at 10.2' where the front of the  
11 garage is.

12 And we did produce shadow studies that show that  
13 the addition is quite low, and this part is also -- you  
14 know, 15' from the property line and still even further to  
15 the neighbors' house on the left, and that we are not  
16 significantly shadowing --

17 JIM MONTEVERDE: Yep.

18 KELLY BOUCHER: -- her house with our --

19  
20 JIM MONTEVERDE: Okay.

21 KELLY BOUCHER: -- addition in this image.

22 JIM MONTEVERDE: Let's see if we have other



1 comments from members of the Board.

2 Any other discussion from members of the Board?

3 [Pause]

4 If not, time for a motion. This is a special  
5 permit. The Chair makes a motion to grant relief from the  
6 requirements of the Ordinance under Sections 5.31, the  
7 Dimensional Requirements.

8 It has to do with the increase in the total gross  
9 floor area, the increase of the GFA ratio, and the mudroom  
10 in the side yard setback and the front face of the proposed  
11 addition minimally within the front -- the 20' deep front  
12 yard setback -- that's 5.31; Section 8.22.2.d for a  
13 Nonconforming Structure; and 10.40 for a special permit.

14 That criteria is:

15 It appears that the requirements of the ordinance  
16 cannot be met. That's true.

17 Traffic generated would cause congestion. No.

18 Continued operation of would have an adverse  
19 effect. No.

20 Nuisance or hazard to the detriment of the health,  
21 safety, and/or welfare. That's no.

22 And for other reasons, the proposed use would

1       impair the integrity of the district. And that's no.

2               So I think all the criteria for Section 10.43 are  
3 met for the Special Permit Criteria.

4               On the condition that the work proposed conforms  
5 to the drawings entitled -- these are the biggest drawings  
6 we've seen in a while -- full-sided drawings - "82 Avon Hill  
7 Street," prepared by ABA and dated November, 2023, initialed  
8 and dated by the Chair.

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

12               Voice vote, please?

13               Carol? Carol?

14               CAROL AGATE: In favor.

15               JIM MONTEVERDE: Thank you. Bill?

16               BILL BOEHM: In favor.

17               JIM MONTEVERDE: Thank you. Daniel?

18               DANIEL HIDALGO: In favor.

19               JIM MONTEVERDE: Thank you. Virginia?

20               VIRGINIA KEESLER: In favor.

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

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[All vote YES]

JIM MONTEVERDE: The special permit is granted.

VIRGINIA KEESLER: Thank you very much.

KELLY BOUCHER: Thank you very much.

JIM MONTEVERDE: You're welcome.

1 \* \* \* \* \*

2 (7:53 p.m.)

3 Sitting Members: Jim Monteverde, Virginia Keesler, Daniel  
4 Hidalgo, William Boehm, and Carol Agate

5 JIM MONTEVERDE: Next case is BZA-250764 -- 33  
6 Hurlbut Street.

7 ADAM GLASSMAN: Good evening, members of the  
8 Board. My name is Adam Glassman. I'm the Architect  
9 representing the owner of 33 Hurlbut Street and seeking a  
10 special permit for a modest, two-story addition in the rear,  
11 a special permit required due to a small increase in  
12 nonconforming FAR, extension of a nonconforming right side  
13 well, and a nominal increase in nonconforming height due to  
14 proposed stair and window wells.

15 You can see the front of the house on the cover  
16 page. It has been neglected for about 40 years. Scott is  
17 coming in as a developer committed to doing right by this  
18 house, a Victorian built in 1894. He'll be restoring it  
19 using appropriate detailing. He will maintain it as a  
20 single-family. He's not proposing any accessory units.

21 All the systems need upgrades. The exterior needs  
22 upgrades. The interior needs new layouts for modern living.

1           If you look at the map on the right, our locus  
2 plan, in yellow is 33 Hurlbut and the two homes to its right  
3 going to the corner of Linnaean were actually all built by  
4 the same developer, or actually they were built in 1894 by a  
5 gentleman and he built each of these homes for his three  
6 daughters.

7           And this is the first time this house will undergo  
8 any significant renovations since then, and Scott will be  
9 enhancing and restoring it.

10          Next slide, please?

11          Again, our locus plan. The size of the house is  
12 consistent with abutting properties, and the modest addition  
13 will not -- will still maintain the scale and character of  
14 the house and the neighborhood. The addition will be in the  
15 back. You cannot see it from the street.

16          Next slide, please?

17          More photos of the property. The porch you see,  
18 the left side porch, it's unusual. It's a front entry that  
19 faces the left side.

20          And part of the relief we need for this project is  
21 to fully enclose it, as that will also be increasing the  
22 nonconforming FAR and the new front door will face the

1 street.

2 Next slide, please?

3 Existing shots of the house, you get a sense that  
4 it's in need of work, in need of some care.

5 On the right side, the existing elevation you can  
6 see an enormous tree. That's literally one foot off the  
7 rear foundation wall. It's a -- Scott, you know, has been  
8 advised by a structural engineer that he needs to take the  
9 tree down. It's just too big to keep there, given the  
10 impact it has on the foundation wall and the roof.

11 Next slide, please?

12 Our site plan -- the -- whoop, next slide. Our  
13 existing condition site plan, the red setback envelope shows  
14 you that the existing front and right-side setbacks are  
15 existing, nonconforming.

16 Our existing rear and left side setbacks are  
17 conforming. They will remain conforming. There will be no  
18 increase in the nonconforming front elevation, and the right  
19 side there will be a slight extension of the existing  
20 nonconformity.

21 Next slide, please?

22 So our first iteration of the plans -- actually go

1 to the next slide, then we'll go back.

2           So in this -- this was our first iteration of the  
3 proposed plans. Then you can see the main house moving  
4 towards the back. That hatched area is the proposed two-  
5 story addition, which actually is instead from the corners  
6 of the left and right corners -- one foot inset from each  
7 corner.

8           And in the back, we had a proposed deck that was  
9 approximately 10' deep and 28' long. And there was concern  
10 by some of the abutters that the deck was too big, and they  
11 thought there could be issues of privacy, or a decrease in  
12 privacy.

13           So we -- if you go to previous slide, we removed  
14 the deck and we created a small landing with steps going  
15 down to a patio, so the social space outside would not be at  
16 the first-floor level, it would be down at grade, and that  
17 was the first major revision given abutter feedback that we  
18 had.

19           Next slide, please?

20           Our Zoning Table, again we've got an FAR going  
21 from 0.53 to 0.63 where it's required to be 0.5. It's a  
22 modest increase with no adverse impacts on the use or

1 enjoyment of abutting properties or character or scale of  
2 the neighborhood.

3 Our front yard setback is not changing, it's  
4 nonconforming. Our right-side setback is existing,  
5 nonconforming FAR and actually the existing right-side  
6 setback is 3.4' and we are -- the addition will be at 4.4'.  
7 So we're -- it's still nonconforming, but it's not as  
8 nonconforming as the existing right side.

9 And our height is going from 37.5' to 39.5' due to  
10 the window and stairwell. That's a typo on my legend on the  
11 site surveyor's legend, and in the application, it's  
12 correctly stated as 39.5'. Again, the grade is dropping at  
13 a few locations. There's really no change to the building  
14 height.

15 Next slide, please?

16 And if you zoom out a little bit, I'll go through  
17 say the -- some of the concessions or offers that Scott  
18 agreed to after going back and forth with the neighbors.  
19 I'll just go through them all.

20 Originally, we had a 26 x 10' rear deck; that's  
21 been reduced to a 5' x 10' landing. We've made commitments  
22 that all the existing trees and shrubs along the rear lot



1 line will be protected and maintained, per abutter concerns  
2 about loss of landscape buffer.

3 Two, the existing rear landscape buffer: Scott  
4 will add more evergreen shrubs with input from a landscape  
5 designer just so we don't damage the existing trees or plant  
6 shrubs that are -- will be doomed to die because of shade  
7 and lack of sunlight. But whatever we can do to enhance  
8 what is a robust, rear landscape buffer we will do.

9 We have a number of different fences along the  
10 rear and the right-side lot lines, and Scott's agreed to  
11 replace all of them with a consistent cedar wood fence,  
12 minimum 6' tall, and the abutters will have final say in the  
13 height of the fence.

14 Scott has agreed not to have any new fencing along  
15 the right-side alley. There are right side abutter concerns  
16 about what has traditionally or historically been a shared  
17 access area for house maintenance and our abutter noted that  
18 having a fence along the right-side lot line between the  
19 homes would make building maintenance difficult. So Scott  
20 agreed to commit to no fence as a condition for support.

21 Scott has agreed that all exterior lighting will  
22 be shielded or kept low to the ground to prevent any light

1 pollution. No new exterior lighting will -- or light bulbs  
2 will be visible to the naked eye.

3 And these are all concerns that all -- I should  
4 actually add now that I am one of the abutters, and Scott  
5 has responded to my concerns. He's responded to the  
6 concerns of the other primary abutters; I think as best as  
7 anybody could. He's added a -- he's agreed to a significant  
8 landscape buffer on the left side, along the left side lot  
9 line.

10 There is an existing hemlock tree to be removed  
11 for expansion of parking, and he's agreed to plant at least  
12 one more tree to replace it, although it won't be a 50' tall  
13 tree, it'll be something that has room to grow.

14 And removing the existing hemlock will actually  
15 allow the existing pine to -- at the front of the property  
16 to increase its growth with the lack of competition.

17 The extended doorway will be all brick pavers.  
18 There will be no introduction of asphalt paving to the yard.  
19 There will be no roof deck added to the -- there's no  
20 proposed roof deck to the top of the two-story addition in  
21 the rear.

22 The amount of glazing in the back yard, or the

1 rear elevation, is only a few square feet greater than what  
2 was there originally, 8 square feet increased glazing.  
3 Unfortunately, the 65' tall tree behind the house needs to  
4 be removed.

5 I know there was -- there were requests to save  
6 it, but the tree cannot be saved. And the applicant has  
7 actually offered to plant additional shrubs along the rear  
8 fence on the abutter's side if that would help with some of  
9 their concerns about privacy.

10 But I should say that the rear of our -- of  
11 Scott's rear abutter, and the rear of Scott's proposed  
12 addition are about 53' apart, and both are conforming with  
13 rear setbacks. So I don't see any real denigration to  
14 privacy for any of Scott's abutters.

15 Next slide, please?

16 This is the view of the back yard. We can see  
17 that we've got several different types of fencing in the  
18 back. That will all be replaced with consistent cedar  
19 fence. All the hemlock trees will be protected and will  
20 remain, and that yew, which is actually very tall and  
21 directly behind our proposed addition -- and that's a  
22 substantial effective landscape buffer.

1           Next slide, please?

2           On the left is another view of the existing trees  
3 to remain, and just a closeup of the yew, and behind the yew  
4 the salmon-colored house is divided vertically. There's two  
5 dwelling units in the house.

6           And looking from the point of view of this photo,  
7 our neighbors on the right side of that house had the most  
8 concerns about privacy and light pollution. And I'd say  
9 Scott has gone above and beyond in addressing all of those  
10 in an effective and meaningful way.

11          Next slide, please?

12          Just a shot of their back yard. And you can see  
13 that the windows are small. We've got, I think, a couple of  
14 bathroom windows, a kitchen window, two bedroom windows on  
15 the upper story. So I think, you know, just to reinforce  
16 the point, I think, everyone's privacy will be maintained  
17 very well.

18          Next slide, please?

19          Our -- one of our site plans, the diagram showing  
20 the distance between 42 and 44 Bowdoin Street and 33 Hurlbut  
21 with our rear addition, proposed rear addition we are 53.5'.  
22 We're still -- there's still a 53.5' separation between the

1 properties. You can see the small landing that projects 5'  
2 or 6' beyond the rear face of the addition.

3 And the footprint of the rear addition is only 211  
4 square feet.

5 Next slide, please?

6 I guess before you move on, I just want to also  
7 point out that there's still substantial open space and back  
8 yard remaining at 33 Hurlbut Street, beyond conforming with  
9 that.

10 Next slide, please?

11 A more enlarged view of our site plan. You can  
12 see that the rear addition aligns with both 27 Hurlbut and  
13 just peaks past 39 Hurlbut, so that those rear elevations  
14 will remain consistently aligned with, you know, none of  
15 these homes are projecting past the others, negatively  
16 impacting anyone's sight lines.

17 Next slide, please?

18 This is the existing open space plan. We've got  
19 about 71 percent existing. And next slide, please?

20 Here we've got a rendering of the proposed  
21 driveway, or the enlarged driveway, reconfigured walkways  
22 for the new entry facing the street.

1           The landscape buffer all along the left side lot  
2 line, a new landscape buffer and enhanced landscape buffer  
3 it rear. More evergreen-style shrubs added to the right at  
4 the request of our right-side abutters, and extensive open  
5 space and landscape space remains.

6           Next slide, please?

7           Here's a comparison of our rear additions, of our  
8 rear elevations. On the left is the existing elevation,  
9 where there's an existing one-story bump-out on the left.  
10 And on the right is the proposed two-story flat roof  
11 addition.

12           The window pattern has been more normalized. The  
13 cornice is aligned. You know, visually I think this is an  
14 improvement and -- you know, something, you know, the  
15 neighbors can be happy about.

16           Next slide, please?

17           These two views are from Bowdoin Street yards, and  
18 on the left side is what we -- is the existing view, the  
19 existing elevation, and the existing trees.

20           On the right side, in dark green are proposed  
21 additional plantings and the new window patterns. Very  
22 little change, actually.

1           Next slide, please?

2           This is our site section, through 33 Hurlbut and  
3 42-44 Bowdoin Street. Again, just -- you know, showing from  
4 this perspective the 50' -- the 53.5' separation between the  
5 rear elevations, [unclear] landscaping, and in the red  
6 dashed line is the existing profile of the house. The two-  
7 story addition to the left of it is quite modest.

8           Next slide, please?

9           Just our FAR plans. We don't have to spend too  
10 much time on this. We are going from a 0.53 to a 0.63, and  
11 our bedroom count is actually being reduced from a seven-  
12 bedroom to a five-bedroom dwelling unit. So I think that  
13 talks about the maintenance of the existing density.

14           Next slide, please?

15           More FAR breakdowns.

16           Next slide, please?

17           And our proposed FAR. The additional FAR includes  
18 111 square-foot the enclosed porch, although the footprint  
19 is matching what is existing. The rear addition in the back  
20 is 211' at the first floor, 260' at the second floor.

21           Next slide?

22           Just the existing attic space. It's habitable

1 now. It'll remain habitable and we're not adding any  
2 dormers.

3 Next slide, please?

4 This was our diagram from the Cambridge Historic  
5 Commission to show that we're not removing more than 25  
6 percent of the volume or surface of the house. There's no  
7 demo delay activated here.

8 Next slide, please?

9 Some 3D views of the existing house. One thing to  
10 note in the front is that -- is the slider at the attic  
11 level that goes to nowhere. And that's -- that'll obviously  
12 be removed and replaced with windows and that's consistent  
13 with a lot of the other kinds of improvements that we'll be  
14 making to the house inside and out.

15 Next slide, please?

16 Our demo plans: The house is being substantially  
17 reconfigured inside and out.

18 Next slide?

19 More demo plans for the attic. Just interior, for  
20 interior reconfigurations.

21 Next slide?

22 Windows to be removed and replaced. Siding to be



1 removed and replaced.

2 Next slide, please?

3 More demo elevations. Most of the demo --  
4 substantial demo -- is in the rear of the house for the new  
5 addition.

6 Next slide, please?

7 Views of proposed -- the proposed work. So on the  
8 left side is our front left view. The existing covered  
9 porch will be closed, and the front door turned to face the  
10 street, and then peeking out to the left is the two-story  
11 addition.

12 And the view from the front right also shows the  
13 rear addition with the two-story profile. And several of  
14 the existing windows on the right side have been removed.

15 Next slide, please?

16 Views from the rear: Again, we've got the two-  
17 story rear addition, windows, small canopy over a 5' deep  
18 landing down to the patio space.

19 Next slide, please?

20 Our new plans: The two-story addition at the  
21 first floor allows us to create a more open and usable  
22 living room in the back. It allows the house to have a

1 better connection to the rear yard, and the landscaping  
2 right now, everything in the back is a closet or a bathroom  
3 or a stair-down basement.

4 So we're really improving the layout of the house  
5 and its relationship to its yard.

6 We are converting the basement. There's no zoning  
7 really required for that, except for the added height due to  
8 the window and the stairwell.

9 Next slide, please?

10 Our second floor, the rear addition will contain a  
11 main bedroom and a main bathroom. And the rest of the house  
12 has typical bedrooms, laundry, bathrooms. Third floor there  
13 will be one bedroom facing the front and then a rear-facing  
14 sort of flex space.

15 Next slide, please?

16 Just the roof plan. We can keep going. The  
17 proposed elevations I think we've discussed this with the 3D  
18 views.

19 Next slide?

20 Oh, yeah. This just shows the profile of the new  
21 stairwell going down to the basement. Elevations of the  
22 rear again -- the canopy, the landing.

1           Next slide, please?

2           Just our sections. The floors will all align with  
3 the existing floors.

4           Next slide?

5           Just another building section, nothing here we  
6 really need to talk about.

7           Next slide?

8           These are our comparison views of existing and  
9 proposed. On the left is the existing farmers porch and on  
10 the right is the same footprint, but enclosed -- the front-  
11 facing house, front-facing right door.

12           And again, you can see peaking back there is the  
13 two-story addition with transom windows facing the left  
14 side.

15           Next slide, please?

16           Views from the front right. I think the big  
17 difference here is that we've eliminated two windows, and  
18 you can see the extension in the back.

19           The character of the house will not only be  
20 maintained, I think it will be greatly enhanced and brought  
21 much closer to what the original aesthetic was.

22           Next slide, please?

1           And the existing and proposed rear views. Again,  
2 the existing one-story bump-out to be removed and replaced  
3 by the two-story addition on the right.

4           So I'll just conclude by saying again that, you  
5 know, there was a lot of conversations and communications  
6 with abutters. Scott had some of them individually one-on-  
7 one. Other communications were more group oriented.

8           There were concerns that Scott has addressed. We  
9 have no opposition letters. I don't believe we have any  
10 opposition calls tonight. We have support from both myself,  
11 the left side abutter, and our abutters on the right.

12           And I believe our abutters in the back are more or  
13 less abstaining. They're not objecting. I think they  
14 appreciated what we've been able to do to enhance privacy  
15 and protect privacy and enhance landscaping.

16           And that's where we are.

17           JIM MONTEVERDE: Okay. Thank you.

18           Any questions from members of the Board? If not,  
19 I'll open it up to public comment. Before I do that, let me  
20 go through letters in the file.

21           Adam, you can help me with this first one. The  
22 first one is dated January 23. It is from you. It's

1 regarding a January 21 letter from Peter Kroon.

2 And I think you're just correcting the facts,  
3 right? The right side of the proposed addition is in fact  
4 nonconforming. However, he must have made a statement that  
5 the -- it's a new nonconformity. It's not. It's a  
6 continuation.

7 ADAM GLASSMAN: Yes, and I --

8 JIM MONTEVERDE: Correct?

9 ADAM GLASSMAN: -- correct. And before you go on  
10 to the letter, as soon as he posted the letter, he also then  
11 posted a retraction --

12 JIM MONTEVERDE: Okay.

13 ADAM GLASSMAN: -- an e-mail saying he didn't wish  
14 to have a letter posted, but it was too late. And I did  
15 speak to him, and I think he's generally happy with what  
16 we're doing.

17 JIM MONTEVERDE: Okay. Good. Thank you. And  
18 then --

19 ADAM GLASSMAN: Now there's, do you want me to  
20 summarize the correspondence, or do you want to go through  
21 it all?

22 JIM MONTEVERDE: No, no. I'm just -- I'll run

1 through each one, just summarize. Raghu Chivukula, 12  
2 Linnaean Street --

3 ADAM GLASSMAN: Yep.

4 JIM MONTEVERDE: -- in full support. Cecilia Tan,  
5 January 11 offering her support. Auggie (phonetic) Ross,  
6 "Don't see how it could be a detriment." That's fine.  
7 Auggie Ross, this is a continuation conversation, I guess,  
8 Adam. This has got several points to it.

9 This is the rear deck. That's your slide showing  
10 the pieces that you were accommodating --

11 ADAM GLASSMAN: Yeah, he -- Auggie was our abutter  
12 with I guess the most concerns.

13 JIM MONTEVERDE: Yep.

14 ADAM GLASSMAN: You know, he --

15 JIM MONTEVERDE: Characterized that by you slide  
16 that you just showed us.

17 ADAM GLASSMAN: We did. Yeah, the big one was the  
18 deck and kind of commitments that, you know, keeping light  
19 shielded and enhanced landscaping to protect the trees.

20 JIM MONTEVERDE: Okay. And we have the letter  
21 from Davidson Engineering talking about why the large ash  
22 tree should come down.

1 ADAM GLASSMAN: Yes.

2 JIM MONTEVERDE: I think that's the extent. So I  
3 will open it up to public commentary.

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

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

14 [Pause]

15 And no one seems to be calling in. Okay? Close  
16 public testimony. Discussion among members of the Board?  
17 Or are we ready for a motion?

18 CAROL AGATE: Yes.

19 JIM MONTEVERDE: I'll say that's ready for a  
20 motion. Thank you. This is a special permit. The Chair  
21 makes a motion to grant relief from the requirements of the  
22 ordinance under Sections -- I'm sorry, I'll make sure I have

1 the right one: 5.31, the Dimensional Requirements.

2 What's changed is the area is increasing. It's  
3 non -- it's already nonconforming. It'll increase a bit.  
4 FAR will increase a bit. The conforming height will  
5 increase a bit. Adam has explained that. The new height is  
6 due to the stair and window well.

7 The addition 5.31 affects the side yard setback.  
8 The addition sits in the right-side yard setback.

9 And then the window well in the front yard. I  
10 assume those are all the dimensional items needed. And  
11 Section 8.22.2.d and 2.22.2.c for a Nonconforming Structure  
12 night and Section 10.40 for a Special Permit, which is:

13 It appears the requirements of this Ordinance  
14 cannot or will not be met. That's correct.

15 Traffic generated would cause congestion. No.

16 Continued operation of or the development of the  
17 adjacent uses would be adversely affected. They will not.

18 Nuisance or hazard would be created to the  
19 detriment of the health, safety, or welfare. It will not.

20 And for other reasons, would impair the integrity  
21 of the district or adjoining district. And it will not.

22 So all the criteria of Section 10.43 for a special



1 permit are accomplished here.

2 On the condition that the work proposed conforms  
3 to the drawings entitled "33 Hurlbut Street," prepared by  
4 GCD Architects, dated November 16, 2023, initialed by the  
5 Chair and dated by the Chair.

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

9 Conditions: Adam? I noticed you increased the  
10 driveway.

11 ADAM GLASSMAN: We did.

12 JIM MONTEVERDE: -- which is good.

13 ADAM GLASSMAN: It currently accommodates one car  
14 and we're enlarging it.

15 JIM MONTEVERDE: Yep.

16 ADAM GLASSMAN: We're not seeking relief for that,  
17 but we are enlarging it.

18 JIM MONTEVERDE: Yep. Is it a condition that you not  
19 park -- that they not park from the front yard acceptable,  
20 workable?

21 ADAM GLASSMAN: When you say, "the front yard,"  
22 you mean within the front yard setback?

1 JIM MONTEVERDE: Front yard setback, yeah.

2 ADAM GLASSMAN: Well, the existing -- the existing  
3 parking area is within the front yard setback.

4 JIM MONTEVERDE: I know. But you're going to make  
5 it so much better.

6 ADAM GLASSMAN: We're going to make it better so  
7 we can accommodate two cars, yeah.

8 JIM MONTEVERDE: All right. You're not going to  
9 do -- you're not going to stay in on the front yard setback?

10 ADAM GLASSMAN: I don't think I can do that.

11 JIM MONTEVERDE: Okay.

12 ADAM GLASSMAN: No.

13 JIM MONTEVERDE: Just trying. That's it. By a  
14 voice vote. Virginia?

15 VIRGINIA KEESLER: In favor.

16 JIM MONTEVERDE: Daniel?

17 DANIEL HIDALGO: In favor.

18 JIM MONTEVERDE: Bill?

19 CAROL AGATE: Carol Agate in favor.

20 BILL BOEHM: In favor.

21 CAROL AGATE: Oh.

22 JIM MONTEVERDE: Carol?

1 CAROL AGATE: In favor.

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

4 ADAM GLASSMAN: Thank you, everybody.

5 JIM MONTEVERDE: The permit is granted. Adam,  
6 you're up next.

7 ADAM GLASSMAN: All right.

8 JIM MONTEVERDE: Whoops.

9 ADAM GLASSMAN: Oh, okay. For the record, I'm  
10 Adam Glassman, GCD Architects, 12 Brown Street, Cambridge.

11 JIM MONTEVERDE: Give me half a second.

12 ADAM GLASSMAN: Oh, okay.

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2 (8:25 p.m.)

3 Sitting Members: Jim Monteverde, Virginia Keesler, Daniel  
4 Hidalgo, William Boehm, and Carol Agate

5 JIM MONTEVERDE: This is case BZA 249689 -- 12  
6 Linnaean Street. Adam, take it away.

7 ADAM GLASSMAN: Okay. So this is Adam Glassman  
8 representing the homeowner, Raghu Chivukula. Did I get that  
9 right, Raghu?

10 [Pause]

11 Well, he's on. I think I got it right. So he and  
12 his family just moved into -- or they're about to move in  
13 after they finish the renovations at 12 Linnaean Street.  
14 We're here seeking relief to enlarge an existing  
15 nonconforming attached garage, and also very limited  
16 additional nonconforming FAR.

17 So in the picture on the right, you can see the  
18 existing garage. We're essentially proposing to do double  
19 its size to the left to accommodate two cars, both of which  
20 will be electric cars with charging stations.

21 And the space it will be consuming is existing  
22 parking. So we're not really adding parking to this site,

1 we're just proposing to turn the surface parking into garage  
2 parking.

3 Next slide, please?

4 So existing photos. The garage is pretty small  
5 scale, and doubling its width will really maintain the  
6 scale. There will be no change in the scale of the house or  
7 the character of the neighborhood. So it's a pretty low-  
8 impact proposition here.

9 Next slide, please?

10 This is a similar existing two-car garage just  
11 down the block on the left, so we wouldn't be trailblazing  
12 with a double garage building, but we've already got it and  
13 we'd be consistent with what's already on the street.

14 Next slide?

15 Our Zoning Table and existing FAR is 0.7.  
16 Required is 0.5 and given the increase in FAR because of the  
17 second parking space in the squared-off bay window, that  
18 brings us to a 0.77, although none of it is really  
19 additional living space.

20 We've also got two nonconforming front yard  
21 setback, and the garage expansion would be in the  
22 nonconforming front yard on Hurlbut Street, and it would

1 also be within the nonconforming side yard perpendicular to  
2 Hurlbut Street.

3 Next slide, please?

4 Our FAR plans: Again we're going from 0.7 to --  
5 or 0.7 to 0.77, due to the additional garage space.

6 Next slide, please?

7 Our existing site plan: See the corner lot? Down  
8 toward the bottom of that lot is the existing garage with  
9 the parking space adjacent to it, and the enlarged version  
10 of that part of the plan is down on the lower right.

11 What you see called out as the woodshed for  
12 bicycles would be replaced by the expanded garage.

13 Next slide?

14 Our proposed site plan? Again, the doubling of  
15 the garage, you know, relative to the lot, it's a minor  
16 expansion. And the enlarged version of the plan down on the  
17 right, the existing brick driveway, beyond the garage  
18 expansion will remain.

19 Next slide, please?

20 Our open space -- our existing open space plan,  
21 that substantial useable open space, which will not be  
22 impacted by the proposed garage expansion. So our usable

1 open space remains conforming.

2 Next slide?

3 The shaded areas in gray -- dark gray, that's out  
4 expanding footprint. Most of it is the garage and the bump-  
5 out behind the garage, and the first-floor bay window that  
6 we're squaring off and adding a few square feet there.

7 Usable open space remains conforming.

8 Next slide, please?

9 Just our existing plans. You can see how the  
10 garage kind of hangs off there attached, but barely attached  
11 at the back of the house.

12 Next slide, please?

13 And our comparison of the existing and the demo  
14 plans and the proposed garage, which definitely has is a --  
15 you know, it joins the house in a much nicer way and kind of  
16 fills in that gap. We've added -- we've maintained the  
17 access door off the left side of the garage.

18 Down towards the bottom of the plan is a  
19 conforming deck that we're adding.

20 And those -- above the deck, you can see those  
21 walls shaded in red; that's where we're squaring off the bay  
22 window to improve the existing or to create a -- to convert

1 the living room into a kitchen.

2 Next slide, please?

3 Our roof plans showing -- again -- what we're  
4 doing is consistent with the existing house, existing  
5 footprint.

6 Next slide?

7 Our existing views -- really no change to the  
8 Linnaean -- the view from Linnaean Street.

9 Next slide?

10 Our view from Hurlbut. And you can see the  
11 existing garage to be removed and then replaced by a double  
12 bay, with a slightly higher roofline. The bay window right  
13 in the middle gets squared off, a new window and not seeking  
14 Zoning relief for the patio door and new deck on the left.

15 Next slide?

16 And the side view. Again, the garage is going to  
17 get to be removed. The garage is going to be replaced.  
18 It's basically in the same place, it's just a little bigger  
19 in that view.

20 Next slide?

21 And a view from the other side yard. You can see  
22 on the left side the existing garage indoor to be



1 demolished, and then replaced by the new construction. I  
2 think that is the end of our presentation. Happy to take  
3 any questions.

4 JIM MONTEVERDE: Thank you. Any questions from  
5 members of the Board? If not, I have one. Is there any  
6 Historic Commission review?

7 ADAM GLASSMAN: There is, and they have, they  
8 have, there's no jurisdiction over the project.

9 JIM MONTEVERDE: Okay. Great. Oop, sorry. Any  
10 other questions from members of the Board or I'll move on to  
11 a public testimony? Okay. We have by my count -- two days  
12 ago -- six correspondents in the file in favor, none  
13 objecting. Let me summarize the ones we've received.

14 We have Cecilia Tan from December 15 in strong  
15 support. She lives at 39 Hurlbut; Reed Lowrie, 28 Hurlbut,  
16 fifteenth of December, strong support; Regina Mitchell, 28  
17 Hurlbut, December 15, strong support; December 15 Scot Zink,  
18 fully support; Jie Lu, 11 Linnaean, strong support; and  
19 that's the extent of the correspondence in the file.

20 So let me open it up. Any member of the public  
21 who wishes to speak should now click the icon at the bottom  
22 of your Zoom screen that says, "Raise hand."

1           If you're calling in by phone, you can raise your  
2 hand by pressing \*9 and unmute or mute by 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           [Pause]

9           No one else's there. All right. Close public  
10 testimony. Any discussion among members of the Board?

11          CAROL AGATE: I'll just point out not much of this  
12 is visible from the street.

13          JIM MONTEVERDE: Say it again Carol? I'm sorry,  
14 Carol, say it again?

15          CAROL AGATE: Not much of the change is visible  
16 from the street.

17          JIM MONTEVERDE: Oh, yeah.

18          CAROL AGATE: There's sort of a wall around it.

19          JIM MONTEVERDE: Yep. Agreed. Any other  
20 discussion before I move to a motion? All right?

21          DANIEL HIDALGO: Ready for a motion.

22          JIM MONTEVERDE: Motion, thank you. This is a

1 special permit. The Chair makes a motion to grant relief  
2 from the requirements of the Ordinance under Sections 5.31.  
3 5.31, the Dimensional Form has to do with the increase in  
4 the gross floor area beyond the ordinance required, which is  
5 already -- and it's already nonconforming. Same for the  
6 GFA.

7 Also that the addition -- the garage -- will step  
8 into the side and front yard setbacks. I think that's it,  
9 right Adam?

10 ADAM GLASSMAN: That's correct.

11 JIM MONTEVERDE: Okay. On the condition that the  
12 work proposed conforms to the drawings entitled "12 Linnaean  
13 Street," prepared by GCD Architects, dated October 30, 2023,  
14 initialed and dated by the Chair.

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

18 On a voice vote, please, Carol?

19 CAROL AGATE: Oh. Carol Agate in favor.

20 JIM MONTEVERDE: Thank you. Bill?

21 BILL BOEHM: In favor.

22 JIM MONTEVERDE: Thank you. Daniel?

1 DANIEL HIDALGO: In favor.

2 JIM MONTEVERDE: Thank you. Virginia?

3 VIRGINIA KEESLER: In favor.

4 JIM MONTEVERDE: And Jim Monteverde in favor.

5 That's five in favor.

6 [All vote YES]

7 JIM MONTEVERDE: The special permit is granted.

8 ADAM GLASSMAN: Thank you. Thanks so much.

9 Appreciate it.

10 JIM MONTEVERDE: You're welcome.

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(8:35 p.m.)

Sitting Members: Jim Monteverde, Virginia Keesler, Daniel Hidalgo, William Boehm, and Carol Agate

JIM MONTEVERDE: Next case is BZA 250559 -- 1436 Cambridge Street, Unit 1.

ADAM DASH: Yes. Good evening. This is Attorney Adam Dash from 48 Grove Street in Somerville, representing Daniel Louis Feingold and Agus Darwanto, who are the owners of and petitioners in this matter of 1436 Cambridge Street.

With us tonight should be Daniel Louis Feingold, the petitioner, and Timothy Sheehan, the Project Architect.

The petitioners request to build a new walkout recessed patio and a window well for Unit 1 to create useable outdoor open space and to allow for an expansion of the existing basement to make for usable space and enclose the existing entry into Unit 2 to allow the residents to get out of the elements when entering Unit 2.

These alterations of the existing building, which contain two duplex condo unit, will create -- will increase the preexisting, nonconforming GFA, the FAR and the height of the structure and decrease the preexisting, nonconforming

1 open space. But despite that relief, there's no new  
2 nonconformity created. And the exterior building dimensions  
3 don't change.

4 This requires a variance under -- variances under  
5 8.22.3, because the building is attached to its neighboring  
6 building on Fayette Street, such that it's not a--quote,  
7 unquote-- "detached two-family dwelling" within the terms of  
8 8.22.2d, which would allow this by special permit.

9 This distinction about detachment does not change  
10 anything about the project, such that being a variance  
11 matter versus the special permit is really unrelated to the  
12 actual alterations being proposed.

13 Tim Sheehan, the Architect: Tim, do you want to  
14 go through the plans to show what we're looking at? Olivia,  
15 if you could bring them up?

16 TIM SHEEHAN: Sure. My name is Tim Sheehan. I'm  
17 the Architect. I'm over at 9 Wall Street in Charlestown.

18 JIM MONTEVERDE: Yep.

19 TIM SHEEHAN: What we have actually is a two-unit  
20 building, and our --

21 JIM MONTEVERDE: Tim before you do that --

22 TIM SHEEHAN: Yep.

1           JIM MONTEVERDE:  -- could you, so I can remove my  
2 confusion, is there a site plan that you can pull up, or a  
3 survey?

4           TIM SHEEHAN:  I don't know if there's one here or  
5 not?  Yes, there is.

6           JIM MONTEVERDE:  It's what Mr. Dash just talked  
7 about that I didn't -- I hadn't understood before.  So the  
8 improvements that we're talking about is part of a two-unit  
9 condominium that's in Lot Be on this survey?

10          TIM SHEEHAN:  That's right.

11          JIM MONTEVERDE:  And to the north of that, Lot A  
12 is a separate building?

13          TIM SHEEHAN:  Yes, an attached separate  
14 building.

15          JIM MONTEVERDE:  Those are all the folks from  
16 Fayette Street who wrote in, I'm assuming?

17          TIM SHEEHAN:  Yes.

18          JIM MONTEVERDE:  Okay.  Great.  Thank you.  All  
19 right.  Go ahead.

20          TIM SHEEHAN:  Okay.  So yeah, it's a two-unit  
21 building.  And Unit 1 is our client's house.  That's the  
22 ground level, you know, the first floor.  And then the

1 basement.

2           And existing right now, about half of that  
3 basement -- two-thirds of that basement is finished. It's a  
4 bedroom and a bathroom and laundry area, et cetera,  
5 mechanical.

6           And if you look -- you know, if you look at A2,  
7 there's a living room upstairs. And where we're showing a  
8 master bedroom downstairs, it's currently now -- it's a 3'  
9 high crawl space. What we're going to do is dig out that  
10 space and create a master bedroom suite. You know, a master  
11 bedroom, closet, master bath.

12           The master bath part you see on the -- with the  
13 well there, that's under Unit 2. There's a entry there now.  
14 And the entry has a roof over it, but it's not enclosed. As  
15 part of the zoning, we've also asked to enclose Unit 2's  
16 entry and we've also -- we've already got approval from the  
17 Historic people for this.

18           In addition to what we're -- the dig out we're  
19 doing; we're going to do a recessed patio as well. So to  
20 provide lighting into the master bedroom and a second way  
21 out.

22           So the master bedroom will have inward opening



1 doors and the closet will have a small door so that we can  
2 get light down into this master bedroom. And there will be  
3 three small windows in the front.

4 And basically that's it. Everything's happening  
5 inside the footprint of the building, except for the patio,  
6 which will be, you know, 3.5' into the ground. That's the  
7 project.

8 ADAM DASH: Thanks, Tim.

9 TIM SHEEHAN: Yep.

10 ADAM DASH: So the petitioners believe that the  
11 variances are warranted here because, first, the unusual  
12 property shape with its curved front yard has the large  
13 retaining wall. It's attached to another building. It's on  
14 the corner.

15 And it has that unheated, unhabitable entry and  
16 has a relatively large amount of useless basement space, and  
17 having a steeply pitched roof that all create a hardship,  
18 which I will explain. These are the oddities of the  
19 property.

20 To make the basement crawl space usable, to create  
21 more living space in the basement to avoid an exterior  
22 building expansion and to have a protected entryway and to

1 have a usable outdoor patio would require these variances  
2 which are directly related to those hardships stated.

3           Nothing proposed here will impact the  
4 neighborhood or change the use of the property or change  
5 the number of units.

6           Thank you. That's a good view.

7           The height limit is increased due to the highly,  
8 very steeply pitched roof, which you can see in these  
9 pictures that extends at least 8' above the top floor. This  
10 creates a preexisting, nonconforming height.

11           But the roof's actually quite beautiful and makes  
12 the building appear from Cambridge Street to look more like  
13 a two-story building with an attic dormer on the third  
14 floor. However, it does mess with our height.

15           In actuality, this project does not increase the  
16 height of the building physically. The increase is merely a  
17 technical one, due to the grade changing to accommodate the  
18 proposed sunken patio.

19           In fact, with the sunken patio proposed, the  
20 usable open space technically gets smaller, even though the  
21 patio provides more usable outdoor space, ironically.

22           As an aside, the project has received the Flood

1 Resilience Compliance from the Department of Public Works,  
2 which was needed due to the basement and sunken patio work.

3 So in sum, nothing's being done here to impact the  
4 neighborhood character. All the relief is due the  
5 preexisting oddities of the building and the lot, which  
6 create the hardships for which the variances are  
7 appropriate.

8 There are nine letters of support that have been  
9 filed, which are from the close abutters and neighbors,  
10 including the building owners attached to the petitioner's  
11 building and all the condo unit owners, as well as the condo  
12 association itself.

13 Therefore, petitioners ask that this Board approve  
14 the requested relief.

15 JIM MONTEVERDE: Thank you. Any questions from  
16 members of the Board?

17 [Pause]

18 If not, I will go into public correspondence. We  
19 have nine letters in the file in favor and none opposed.

20 We have January 31 from the 1436 Cambridge Street  
21 Condo Trust granting permission for the work in Unit 1.

22 I'll summarize these.

1           December 31, 2023 Aditi Shukla, who lives at 75  
2     Fayette Street, in support. December 23, 2023 Alan Feiner  
3     and Robert Todd, they're in Unit 2 of this building, 1436  
4     Cambridge Street, in support. January 1, 2024, Carl-Fredrik  
5     Westin from 69 Fayette Street, in support. January 2, 2024  
6     Jill Martyn, 75 Fayette Street, Unit 1, in support.

7           December 30, 2023 Josiah Blackmore, and from 73  
8     Fayette Street, in support. December 30, 2023 Susan Kelly  
9     Foster, 75 Fayette Street, in support. December 21, 2023  
10    Maggie Partilla, 73 Fayette Street, in support. January  
11    18, 2023, Elizabeth Paige Walsh, 73 Fayette Street, full  
12    support. December 27, 2023 Gregory Scott Katsoulis in  
13    support.

14           And then those are duplicates.

15           That's what we have in the file.

16           I'll open it up to public comment. Any members of  
17    the public who wish to speak should now click the icon at  
18    the bottom of your Zoom screen that says, "Raise hand." If  
19    you're calling in by phone, you can raise your hand by  
20    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 All quiet on Fayette Street. All right. I will  
6 close public testimony. Any discussion among members of the  
7 Board?

8 DANIEL HIDALGO: I'm -- thank you for clarifying  
9 why this needed a variance as opposed to a special permit,  
10 because I was confused at first, and I agree that the fact  
11 that the condo is attached to another structure that's not  
12 part of the condo is fairly unusual, and so I think this  
13 merits support.

14 JIM MONTEVERDE: Very good. Any other discussion?  
15 If not, I do. Mr. Dash, you mentioned they have approval  
16 full term Mid Cambridge Historic?

17 ADAM DASH: Mr. Sheehan did that. Did mention  
18 that.

19 TIM SHEEHAN: Yes, we do.

20 JIM MONTEVERDE: Do you have a letter or something  
21 in --

22 TIM SHEEHAN: We can get that in. I don't know if

1 it's been entered, but I know we can get that into you.

2 JIM MONTEVERDE: If you would, please.

3 TIM SHEEHAN: All right.

4 JIM MONTEVERDE: We don't have that in our file.

5 TIM SHEEHAN: All right.

6 JIM MONTEVERDE: Any other discussion, or are we  
7 ready for a motion?

8 CAROL AGATE: Ready.

9 JIM MONTEVERDE: All right. I'll make a motion.

10 The Chair makes a motion to grant relief from the  
11 requirements of the Ordinance under Sections 5.31. The  
12 Dimensional Requirements have to do with the increase in the  
13 gross floor area, the increase of the ratio of gross floor  
14 area to lot, the GFA and the height. That's the extent, I  
15 believe, of the --

16 ADAM DASH: And the open space, Mr. Chair.

17 JIM MONTEVERDE: And the open space. Thank you.

18 Section 8.22.3, Nonconforming Structure, and 10.30 Variance,  
19 which I'll have to read through.

20 Again, I think you made the case for the variance  
21 as the hardship owing to the -- relating to the shape or  
22 topography of the land and the structure, the unused crawl

1 space beneath the building and its attachment to the  
2 adjacent building on Fayette Street all contribute to the  
3 hardship.

4 And desirable relief may be granted without either  
5 substantial detriment to the public good -- that is correct  
6 -- or nullifying or substantially derogating from the  
7 intent or purpose of this Ordinance.

8 So I think the conditions for a variance under  
9 10.31 are all met. With that by a voice vote, please?

10 Carol?

11 CAROL AGATE: In favor.

12 JIM MONTEVERDE: Bill?

13 BILL BOEHM: In favor.

14 JIM MONTEVERDE: Daniel?

15 DANIEL HIDALGO: In favor.

16 JIM MONTEVERDE: Virginia?

17 VIRGINIA KEESLER: In favor.

18 JIM MONTEVERDE: And Jim Monteverde in favor.

19 [All vote YES]

20 ADAM DASH: Thank you very much. And I also  
21 appreciate you holding this special meeting to take up the  
22 cases from the last time.

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JIM MONTEVERDE: Yep.

ADAM DASH: Thank you. Have a good evening.

JIM MONTEVERDE: I think I forgot to mention that it's on the condition that the work proposed conform to the drawings entitled, "Proposed Renovations 1436 Cambridge Street" prepared by Timothy Sheehan, Architect, dated January 29, 2020. Wow, it's been in the draw for a while and initialed and dated by the Chair. Thank you.

ADAM DASH: Thank you so much.

TIM SHEEHAN: Goodnight, everybody.

JIM MONTEVERDE: Thank you.



1 \* \* \* \* \*

2 (8:48 p.m.)

3 Sitting Members: Jim Monteverde, Virginia Keesler, Daniel  
4 Hidalgo, William Boehm, and Carol Agate

5 JIM MONTEVERDE: Last but not least, Case No. BZA  
6 251115 -- 55 Harvey Street. Is there anyone wanting to  
7 speak on this case?

8 RICHARD LYNDS: Yes. Good evening, Mr. Chairman  
9 and through to the members. For the record, my name is  
10 Richard Lynds. I'm an attorney with the business address of  
11 245 Sumner Street in Boston here on behalf of the  
12 petitioners, ARM Developers.

13 With me is also Matt Mueller from HUE  
14 Architecture. He is the Project Architect. Mr. Chairman,  
15 we're before the Board this evening requesting relief under  
16 the Zoning Code with respect to the project at 55 Harvey  
17 Street.

18 If we could go ahead and pull up the photos of the  
19 site for purposes of just giving some background.

20 I don't -- I think we have a -- there we go,  
21 perfect. So by way of brief background, Mr. Chairman and  
22 members, 55 Harvey is a preexisting, nonconforming structure

1 as well as nonconforming use, located on a corner of Harvey  
2 and Westley Avenue.

3           Currently, this property's legal occupancy is  
4 four residential units, which is nonconforming in the  
5 Residence B district. This was built in 1920. And our  
6 proposal would change the occupancy from the nonconforming  
7 use of four units down to a single-family dwelling.

8           In addition, with the exception of the height of  
9 this building, the existing structure is nonconforming  
10 dimensionally and pretty much every other respect.

11           The proposal for this Board, as I mentioned, would  
12 change the occupancy, and reprogram the entire building,  
13 including additional floor space in the basement level, as  
14 well as under the proposed new dormers on the roofline,  
15 which is part of the third level.

16           Because this change would result in an increase of  
17 the already nonconforming floor area ratio, as well as  
18 reduction in the percentage of open space, we do require a  
19 variance for those items.

20           I do not believe in, you know, reviewing this and  
21 reviewing the Cambridge Zoning Code, this would qualify for  
22 a special permit, because it does not qualify under any of

1 the provisions of 8.22.2 and therefore 8.22 -- I'm sorry,  
2 8.233 requires that relief be granted by variance.

3 Before I turn it over to Matt to walk through the  
4 plans, I just want to point out that my client has made  
5 direct outreach to a number of the abutters surrounding the  
6 property.

7 At first, and based upon some of the  
8 conversations that my client did have, there seemed to be no  
9 particular objection to the project. I do note that -- I  
10 believe there are four if not possibly five letters in the  
11 file stating particular objections. I'm happy to address  
12 those after Matt makes his presentation.

13 But with respect to the variances, let me just  
14 quickly run through those. As I mentioned, the floor area  
15 ratio would be increased. The current nonconforming  
16 condition is a 1.83 where 0.5 is allowed. We would be  
17 increasing that to the overall of 2.42.

18 My understanding is about 74 square feet of that  
19 additional floor space is the area that lies within the  
20 third level. Matt can talk a little bit about that as he  
21 walks through the plan. And the balance of that above 986  
22 square feet is in the basement, which would be reprogrammed

1 for additional living space.

2 But my understanding -- and Matt can certainly  
3 speak to this -- is that provided that an area is designed  
4 in accordance with the Flood Resiliency Standards set forth  
5 I believe it's Section 22.80, then that space is exempt from  
6 actually counting towards the gross floor area.

7 And then with respect to the open space area, the  
8 current condition is at 30 percent. Proposed condition will  
9 reduce that down to I believe 26 percent, with 30 percent  
10 already being nonconforming. We'd be slightly increasing  
11 that nonconformity by a few percent, because the required  
12 amount is 40 percent.

13 So with that, I'm going to turn it over to Matt  
14 Mueller to walk through the specifics on the plans, and I'm  
15 available to answer any questions at the conclusion of his  
16 remarks.

17 So Matt, if you can take that away. Thank you.

18 MATT MUELLER: Good evening, Chairman and members  
19 of the Board. My name is Matt Mueller from HUE  
20 Architecture. Our office address is located at 53H Harvard  
21 Street in Dorchester. So I will quickly run you through  
22 this project.

1           As Richard stated, this was a four-family being  
2 reduced to a one-family. You see aesthetically we're  
3 updating it to a modern design, but we're keeping that  
4 iconic gabled roof. So the character of the form fits --  
5 you know, stays within the character of the neighborhood.

6           We are adding two dormers to the roof. Those  
7 dormers -- the width of those dormers actually fit within  
8 what is allowed, because combined I believe they're under  
9 16'. But because we're adding that 74 square feet of  
10 additional area in the attic, that's what's triggering a  
11 variance there, a need for a variance.

12           So if you can go to the next page, please?

13           You can see from what we're doing to the actual  
14 outline of the building, it's a very minimal addition to the  
15 back portion in order to form a garage for indoor parking.  
16 Everything else remains the same.

17           We are enlarging the front porch. And most of the  
18 changes for this project are on the interior.

19           Can you please go to the next slide?

20           As Richard mentioned, the basement is currently  
21 unfinished. We are digging down to finish it for an  
22 entertainment area and mechanical space. We'll be filling

1 in a portion of the basement under the garage.

2 The first floor will be an open concept floor plan  
3 with living room, kitchen, dining room and two mudrooms as  
4 well as a garage. And we are relocating the stair to -- on  
5 the right side of the building.

6 Next slide, please?

7 On the second floor, we have two bedrooms, two  
8 baths, laundry room and a loft space for the library or  
9 office overlooking in the living room. So we're actually  
10 taking that square footage out of the plan for that double  
11 height loft space there.

12 And then the third floor becomes a primary suite  
13 with primary bathroom and linked office space. So the whole  
14 floor plan is open. And we have a large roof deck at the  
15 rear there, connected to the primary bedroom.

16 And you can see the dormers are being used on the  
17 right side for -- they provide headroom for the stair up to  
18 the attic. And on the left side, we're having that as part  
19 of the primary bathroom. Excuse me.

20 Next slide, please?

21 In terms of the façade, we're modernizing it  
22 dramatic -- you know, quite dramatically. Going for a stone

1 limestone wrapping around the first floor. Above that will  
2 be a white stucco with standing seam metal roof.

3           The client does -- this is -- will be a very high,  
4 efficient building. We're planning to meet near Passive  
5 House Standards by adding exterior insulation to all the  
6 walls -- the roof: high pitches, the mechanical units and  
7 the client does plan to put solar panels on the roof.

8           So we're trying to get to a Net Zero build here,  
9 where I'm sure you're familiar, but we're going to produce  
10 near the energy that we consume in this building, if  
11 everything goes to plan.

12           Also, the windows will be triple glazed, and yep.  
13 I think that's the primary points.

14           If you go to the next page, you can see the  
15 existing floor plan. You can see it's a bit of a messy,  
16 kind of cobbled together four-bedroom building. And then  
17 you can see the existing elevations on the next page.

18           So, you know, in terms of the form of the  
19 building, we're not altering it dramatically. You know,  
20 it's the material and windows that give it that dramatic,  
21 modern look. But in terms of the massing of the building,  
22 it's almost the same.

1           And then the next page will kind of clearly show  
2 where we're adding dormers and garage to the existing plan.  
3 And I believe that should summarize all the main points.

4           If you guys have any questions for me, I'm happy  
5 to answer.

6           JIM MONTEVERDE: Thank you.

7           RICHARD LYNDS: If I may, Mr. Chair, there's one  
8 thing I'd like to add. I note -- and this will come up in  
9 the comments that were made, part of some of the  
10 communications that were sent to the Board -- I would point  
11 out that there is an existing rear deck off of that rear  
12 left side of the building presently. That will be  
13 eliminated. And then we're essentially just relocating it  
14 to a different area.

15           It will be somewhat larger than what's currently  
16 existing. However, I know it did come up as a concern over  
17 introduction of a -- as they describe it a roof deck.

18           I would point out that the size of that deck is relatively  
19 modest. It is not off of the main living area, it's off of  
20 the primary bedroom, which is located on the third level.

21           So I know some of the concerns that were raised  
22 were about, you know, loud parties and use of roof decks,



1 and how those could be intrusive to abutting neighbors.  
2 Certainly, this was taken into consideration as part of the  
3 design.

4 And one of the things that we certainly do  
5 consider is the location and the access to that deck. So  
6 while it's -- you know, it is at the upper level, it does  
7 not really present itself as that sort of recreational  
8 outdoor deck, it's more of a small seating area that's an  
9 extend of the primary bedroom suite.

10 So I just wanted to add that before we get to any  
11 of other comments on the plans. Thank you.

12 JIM MONTEVERDE: Okay. Thank you. Any questions  
13 from members of the Board?

14 DANIEL HIDALGO: Yeah.

15 CAROL AGATE: Yeah.

16 DANIEL HIDALGO: Oh, go ahead, Carol.

17 CAROL AGATE: Go ahead. No, go ahead, Daniel.

18 DANIEL HIDALGO: Okay. Just for -- what, I have  
19 two questions. One, I think I missed this from the  
20 presentation. Did the gross floor area on your dimensional  
21 form, did that include the basement, or it doesn't include  
22 the basement?

1 RICHARD LYNDS: That does include the basement.

2 DANIEL HIDALGO: That does include the basement.

3 Okay. Thank you. Okay. And the second -- oh.

4 MATT MUELLER: I'm sorry. I did not -- I just  
5 wanted to reiterate, as Richard said, the basement is  
6 allowed with DPW Flood Zone compliance approval, which we  
7 already have. So technically that's not a part of the  
8 variance we're asking for. That's allowed by right.

9 DANIEL HIDALGO: Okay. So with the change -- so  
10 the thousand square feet roughly, that doesn't include the  
11 basement, then, or it does? Because on the dimensional  
12 Form you have it going from 3,014 to 4,001.

13 RICHARD LYNDS: It does. It does. It technically  
14 increases the volume, but that basement space is allowed by  
15 right.

16 DANIEL HIDALGO: Okay. Okay.

17 RICHARD LYNDS: So the actual variance we're  
18 asking for is only I think 74 square feet --

19 DANIEL HIDALGO: Right.

20 RICHARD LYNDS: -- which is caused by the dormers.

21 DANIEL HIDALGO: Got it. Got it. Okay. Thank  
22 you. And then just so -- could you just elaborate a little

1 bit on how you meet the requirements for the variance?

2 Just, you know, basically you have to have some kind of a  
3 hardship owing to the circumstances related to the soil --

4 RICHARD LYNDS: Sure.

5 DANIEL HIDALGO: -- conditions or topography of  
6 the land? Or how the literal enforcement would involve a  
7 substantial hardship?

8 RICHARD LYNDS: Yes.

9 DANIEL HIDALGO: I guess I just wanted to hear a  
10 little bit more about how you meet those requirements.

11 RICHARD LYNDS: Absolutely. So as I mentioned,  
12 the building itself is already substantially nonconforming  
13 dimensionally. There isn't really anything on this building  
14 that conforms to current zoning.

15 So any change to this building or any adjustment  
16 to this building would likely result in some type of relief  
17 necessary, including any type of expansion.

18 So in this case, we don't really have many options  
19 if we're proposing expansion to not seek a variance.

20 I think that the variance and the relief that  
21 we're requesting is the minimum relief that would be  
22 required in order to, you know, in order to make this

1 project work. We were careful not to seek to expand the  
2 footprint of the building itself, obviously, and to try to  
3 maintain the height as is currently set, and -- which is  
4 allowed.

5 As to, you know, what type of hardship this would  
6 be, I think that, you know, the changes that we're proposing  
7 certainly are within -- at least, you know, the understood  
8 purpose and intent of the code, that is to not prolong  
9 nonconforming uses and in this case by converting this to a  
10 conforming use, we would be meeting the spirit and intent of  
11 the code in that regard.

12 I think that for purposes of, you know, whether or  
13 not there's a hardship with respect to the two items that  
14 we're requesting variances for, the first would be the open  
15 space.

16 In order to make good use of the space on the  
17 upper level for the primary bedroom that we've indicated, we  
18 really wouldn't be able to do that without introducing those  
19 dormers and adding an additional space.

20 And as I said, since we're already nonconforming,  
21 there would be no other way around it.

22 The same would apply for the reduction or the

1 slight reduction in the usable open space on the lot. If we  
2 can go to that site plan slide, I believe it's Slide 8.

3 I can show you that, you know, as you can see from  
4 the building here, it pretty much occupies the entire lot  
5 already. What we're proposing to do really is within that  
6 small corner towards the rear left side of the ledge.

7 And we believe that there's really no other way to  
8 make those adjustments based upon what we're proposing  
9 without triggering some type of relief -- again, because  
10 it's already a nonconforming condition.

11 JIM MONTEVERDE: Any other questions from members  
12 of the Board? If not, I will open it up to public comment.  
13 As you heard, there are several pieces of correspondence in  
14 the file. At my last count, I think there are none in favor  
15 and five speaking against. Let me summarize those.

16 February 1 Rebecca Listfield, 66 Harvey Street, in  
17 strong opposition, really regarding the change in occupancy  
18 from a four-unit to a single-family home. That's the gist  
19 of that one.

20 Matt, you have a piece of correspondence in here  
21 about January 25 about the Passive House Standards and  
22 cooling, et cetera. I won't read that any further, but I

1 think you mentioned you were aiming to achieve Passive House  
2 Standard.

3 January 8 from Jonathan Slate, 6 Westley Avenue,  
4 Cambridge. It says that "The side of my house directly  
5 abuts the back of 59 Harvard -- 55 Harvey." Strongly  
6 objects to the proposed roof deck. I think that's what you  
7 were just talking about, Mr. Lynds.

8 Take away privacy, noise in back yards, and  
9 object to the increase in the size of the deck on the  
10 second floor. Concerned about construction of the garage  
11 and basement below. That's really not something we can do.

12 Finally, the dormer on Westley Avenue, which  
13 protrudes to the sidewalk, there's a huge window  
14 practically the length of the home. It takes away any  
15 privacy on the street and will make people uncomfortable."

16 I did Rebecca Listfield. Jennifer Van Campen, 51  
17 Harvey Street, January 7, lists her concerns. Disappointed  
18 that a four-family building be changed to a single-family.  
19 "The design of the proposed building will result in a  
20 dwarfing of those around it, and enlarging the rear porches,  
21 especially on the third floor, reduces all abutters'  
22 privacy, and increases the risk of things blowing and

1 falling off into the yards."

2 January 5, 2024, Mary Ellen Kent from 8 Westley,  
3 in opposition. Concerned about the size and the design of  
4 the project. "No way is it in keeping with the area or the  
5 neighborhood." "Access to the garage would be a problem  
6 and limit parking for the neighbors on the other side of an  
7 already narrow street." And, "The proposed decks will  
8 infringe on abutters privacy."

9 Those are the correspondences we have in the file.

10 I'll open this up to public comment. Any member  
11 of the public who wishes to speak should now click the icon  
12 at the bottom of your Zoom screen that says, "Raise hand."

13 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 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 OLIVIA RATAY: Jonathan Slate?

21 [Pause]

22 CAROL AGATE: Jonathan Slate is muted.

1 JIM MONTEVERDE: Jonathan?

2 JONATHAN SLATE: Can you hear me?

3 JIM MONTEVERDE: There you go. Introduce  
4 yourself, please? Name and address?

5 JONATHAN SLATE: Jonathan Slate. I'm the  
6 homeowner at 6 Westley Avenue.

7 JIM MONTEVERDE: Yep.

8 JONATHAN SLATE: The side to my house directly  
9 abuts the back of 55 Harvey Street.

10 JIM MONTEVERDE: Mm-hm.

11 JONATHAN SLATE: And I don't think the renderings  
12 do justice to just how close all the houses on Westley  
13 Avenue and Harvey Street are to each other. There was  
14 picture of a blue house next to the house on Harvey Street,  
15 but no picture of my house.

16 My house is literally inches away from the  
17 structure -- in my back yard, my driveway, the front yard,  
18 the little carport I have. And I would be tremendously  
19 impacted by this construction.

20 I'm very, very concerned about the proposed roof  
21 deck. Although Mr. Lynds mentioned that it's going to be I  
22 think somewhat benign because it's just going to be able to



1 be accessed through a bedroom, well what's that to prevent a  
2 lot of people from going to the bedroom at parties.

3 From my experience, and everything that I've heard  
4 from other people is that neighbors always have problems  
5 with roof decks, whether it's noise or parties or other  
6 issues or whatever.

7 And in this case, it'll take away all the privacy  
8 in my house and my yard whenever the roof deck is used.  
9 It'll lord over my property, and I'll hear noise both in my  
10 back yard and in my house. I'll have people looking down at  
11 me in my yard whenever it is used.

12 I also object to the increase in the size of the  
13 deck on the second floor. As they increase, more of it will  
14 straddle my side of the property. The deck has been very  
15 very loud for me and other neighbors as it is, let alone how  
16 it would be when the size is increased.

17 55 Harvey is the only one with a deck on Westley  
18 Avenue. Furthermore, there are already decks in the  
19 townhouses behind me. And this construction would surround  
20 me with decks, giving me no sanctuary inside or outside my  
21 home.

22 I also oppose the garage that's being proposed to

1 be built right next to my property, only inches away. I'm  
2 concerned about fumes seeping out of it in the garage. I'm  
3 concerned about all the increase in the noise and activity  
4 of cars coming in and out, people going in and out and  
5 garage doors opening and closing.

6 Furthermore, the garage will extend beyond the  
7 current edifice and will block my view of oncoming traffic  
8 coming off of Harvey Street when I go out of my doorway, and  
9 it will cast a shadow.

10 And with the entrance to the side door moved to  
11 the -- it will be right on Westley Avenue in addition to  
12 the garage, this will change the access -- the main access  
13 point to 55 Harvey from being now on Harvey Street to being  
14 right next to my home.

15 In addition, a residential parking on Westley will  
16 prevent a car from pulling out and hinder it from getting  
17 into this new garage. And residential spaces seem like  
18 they're going to have to be removed. It will add congestion  
19 at the end of Westley Avenue, where already we have delivery  
20 trucks parked in there to give packages and so forth.  
21 Westley is an incredibly narrow street.

22 And the current curb cut, which isn't big enough

1 for a car, will have to be extended right next to my  
2 property.

3 I'm also concerned about the construction of the  
4 garage in the basement and what that will have an effect on  
5 my home with digging, excavation, jackhammer, et cetera,  
6 damage to my home, walls, and foundation.

7 But finally, the dormer on Westley Avenue, which  
8 is being proposed, that protrudes practically to the  
9 sidewalk and looks like from the renditions goes to the  
10 length of the house has a huge window. And it's going to  
11 take away privacy of myself and others on the street. It  
12 will be like wearing a fishbowl being watched with a window  
13 that big.

14 From my understanding, the property zoned for  
15 point square feet of living alone for every foot of lot size  
16 originally. But this proposal increased that ratio to 2.42,  
17 which is almost five times what it was originally zoned for.  
18 The current concerns I have seem to originate from this  
19 humongous size that's being proposed.

20 Thus, I ask you not to approve this plan.

21 Thank you for your time.

22 JIM MONTEVERDE: Thank you for calling in.

1           OLIVIA RATAY:   Emily Moreshead?

2           EMILY MORESHEAD:   Yes, hi.   This is Emily  
3 Moreshead.   I live at 5 Westley Avenue.

4           JIM MONTEVERDE:   Yep.   Go ahead.   Thank you.

5           EMILY MORESHEAD:   Thank you.   Yeah.   I think that  
6 similar to what Jonathan just shared would greatly echo that  
7 we are not in support of the things that are being proposed  
8 here.

9           I think significant concern over the proposal to  
10 shift to a single-family just in the general environment  
11 that we're in seems really strange here.

12           A lot of concern about the overall size.   I  
13 recognize that, you know, maybe some overall things aren't  
14 changing, but overall very concerned at how large this  
15 project seems, and that the overall design really doesn't  
16 fit in with the rest of the neighborhood.

17           And then also would continue to reiterate the  
18 parking concerns.   Westley Avenue is a very tight street, as  
19 Jonathan and some of the letters mentioned.

20           And really not sure how parking would work, given  
21 that there is not currently parking for that property.

22           Thank you for your time.   I appreciate it.

1           JIM MONTEVERDE: Thank you for calling in. That's  
2 it. Nobody else is calling in. So I'll close public  
3 testimony. Discussion among members of the Board?

4           CAROL AGATE: Well, I have a lot of trouble trying  
5 to understand how this could possibly be considered a  
6 hardship. The only hardship is not being able to make a  
7 fortune. And I'm not even sure that that's accurate,  
8 because four -- if that kind of reconstruction will put into  
9 the four units, they -- in that location they would do very  
10 well.

11           One of the letter writers referred to the building  
12 on Montgomery that apparently is -- was upgraded like that.  
13 So I checked it on Zillow; it was \$3 million dollars is what  
14 it's listed for.

15           It's terribly out of proportion to the  
16 neighborhood. And, you know, we hear about the problems of  
17 gentrification, and here we are in Cambridge with a shortage  
18 of housing, and there's a possibility of either condos or  
19 apartments in that excellent location fitting into the  
20 neighborhood and to turn it into this mansion instead just  
21 doesn't make much sense.

22           So I don't understand the hardship.

1 JIM MONTEVERDE: Thank you, Carol.

2 CAROL AGATE: That's it.

3 JIM MONTEVERDE: Yep. Any other discussion among  
4 members of the Board?

5 DANIEL HIDALGO: Yeah. I guess I'm having real  
6 trouble with the justification for the variance. I just  
7 don't really see how there's something inherent to the  
8 property or land that -- you know, that is impinging on the  
9 -- you know, is representing a substantial hardship for the  
10 petitioner.

11 This strikes me as kind of -- you can make use of  
12 the land and as it's in use without -- you know, there's  
13 nothing specific about this property at all to suggest  
14 there's something very -- generating a hardship that is very  
15 unusual, given the surrounding community.

16 So I'm having a hard time seeing why a variance  
17 should be permitted here.

18 JIM MONTEVERDE: Thank you.

19 VIRGINIA KEESLER: This is Virginia.

20 JIM MONTEVERDE: Yep.

21 VIRGINIA KEESLER: I agree with both Carol and  
22 Daniel, both in regards to not particularly seeing a

1 hardship, and also that variances must be granted without  
2 substantial detriment to public good or substantially  
3 derogating from the intent and purpose of the Ordinance.

4 And I think, you know, the City of Cambridge has a  
5 clear goal to increase the housing stock, so this proposal  
6 seems counter to that.

7 JIM MONTEVERDE: Thank you, Virginia. Anyone  
8 else?

9 BILL BOEHM: I'll just pipe in to say I agree with  
10 my fellow Board members on all counts.

11 JIM MONTEVERDE: Okay. And I concur with the  
12 difficulty in seeing the hardship. I'll leave it at that.

13 Mr. Lynds, are you still with us?

14 RICHARD LYNDS: Yes, I am.

15 JIM MONTEVERDE: So that's by my count five  
16 against. We can proceed to a vote or you can continue if  
17 you want to consider an alternate scheme or some  
18 modification thereof. It's your choice.

19 RICHARD LYNDS: Yeah, no, I think it's -- I mean,  
20 just seeing the writing on the wall, I think continuing is  
21 appropriate. I would, if I may respond briefly, Mr. -- my  
22 -- I do hear the concerns over reducing this from four units

1 to one, and somehow, that, you know, seems to be somewhat  
2 offensive to some of the people who've written the comments  
3 in to the Board, but, you know, this is a non-conforming use  
4 being proposed to be changed to a conforming use. I don't  
5 understand how that is somehow a negative, and, you know,  
6 with respect to what we're proposing, first of all.

7           Second of all, I think some of the comments that  
8 we did hear about, you know, the privacy issues and the  
9 concerns that were raised by the abutter, I think we need to  
10 understand the context of this building. This building is  
11 already a pre-existing condition. It already is almost at  
12 the lot line. So you know, any use of this building would  
13 have the same issues or concerns that were raised previously  
14 by the prior speaker. I mean, you know, the building itself  
15 being used with seven bedrooms seems to be much more intense  
16 and a far more impact on the abutters, including the  
17 existing deck that's already there.

18           So I'm not necessarily sure that those arguments  
19 -- you know, the reasons why -- I certainly understand and  
20 respect the Board's position. They don't find a hardship.  
21 I know hardship is a difficult thing to find, usually, on  
22 these types of cases, with variances, so while you're not



1 finding it on this one, I certainly understand that and  
2 would -- you know, would respectfully request to continue  
3 the matter so I can at least have a chance to regroup with  
4 my client.

5 JIM MONTEVERDE: All right. Thank you. And I  
6 think there's a -- speaking personally, I don't think the  
7 conversion to the -- from the four unit to the one unit is  
8 really -- the zone that you're in allows for one or two-  
9 family. So either one of those are, in fact, allowed. So  
10 neighbors may be concerned, but I think, in terms of what's  
11 allowed, my reading, it's allowed, even though it's  
12 unfortunate to lose three dwelling units.

13 But -- so I don't think that's the argument. I  
14 think what the -- really, the crux of it for the Board is  
15 the variance. And you've got a description of hardship in  
16 the submittal, but I don't think it's rising to the level of  
17 something that we could see responding to favorably. So  
18 concentrate on that. And we'll --

19 RICHARD LYNDS: If I may, Mr. Chairman, just so I  
20 can be clear when I communicate with my client, I mean,  
21 overall, we're talking about 74 square feet of additional  
22 space here that is the -- you know, probably the main item

1 that is -- as being, you know, the subject of a variance.  
2 The reduction in the open space by about four percent, I'm  
3 sure that's something we can certainly look at. I just  
4 don't know if there's a preference or a priority on what the  
5 specific concern is. Is it the open space, or is it the  
6 actual floor area?

7 JIM MONTEVERDE: Well, and again, looking at your  
8 dimensional form, it's request -- you're requesting relief  
9 for the floor area, the FAR --

10 RICHARD LYNDS: And the open space.

11 JIM MONTEVERDE: Right, and the open space. And I  
12 think we're just not feeling, or being able to come to grips  
13 with the criteria for the variance that you have to meet,  
14 and that's the hardship. So --

15 RICHARD LYNDS: Right.

16 JIM MONTEVERDE: -- on that basis --

17 BILL BOEHM: Jim, excuse me. Jim, this is Bill  
18 Boehm. May I just jump in here for one moment?

19 On the question of the reduction of units, I don't  
20 quite see the argument that, you know, going into compliance  
21 somehow wins the day on a variance, because, as we know,  
22 something like 70 percent of Cambridge houses are currently

1 not in compliance. So I don't think it's our goal or even a  
2 rationale to -- when there's a variance, to say, "I'm going  
3 to bring this into compliance." So in terms of the  
4 reduction of units, that would continue to be a concern for  
5 me.

6 JIM MONTEVERDE: Okay.

7 CAROL AGATE: Me, too.

8 JIM MONTEVERDE: I'm going to make a motion, then.

9 Date. Mr. Lynds, can we do the -- can you do the  
10 twenty-ninth?

11 RICHARD LYNDS: The twenty-ninth of February?

12 JIM MONTEVERDE: Yeah. Does that give you enough  
13 time to do what you all have to do? Or do you want to go  
14 into March?

15 RICHARD LYNDS: Nope. Twenty-ninth should be  
16 fine.

17 JIM MONTEVERDE: For members of the Board, the  
18 five of us, can you all make the twenty-ninth?

19 BILL BOEHM: I will not be able to make that  
20 meeting. I'm sorry.

21 JIM MONTEVERDE: Okay. Can you do the March 14?  
22 Bill?

1 BILL BOEHM: Yes. Yes, I can.

2 JIM MONTEVERDE: Mr. Lynds, can you do the --  
3 March 14?

4 RICHARD LYNDS: I'm actually not in town March 14.

5 JIM MONTEVERDE: Okay. March 28?

6 RICHARD LYNDS: March 28 is fine.

7 JIM MONTEVERDE: Okay. Members of the Board?  
8 Virginia?

9 VIRGINIA KEESLER: Yes, that works for me.

10 JIM MONTEVERDE: Daniel?

11 DANIEL HIDALGO: Yes.

12 JIM MONTEVERDE: Bill?

13 UNIDENTIFIED: Now, yes.

14 BILL BOEHM: Yes, works for me, too.

15 JIM MONTEVERDE: Okay. Carol? Was that a -- did  
16 I hear you say yes?

17 CAROL AGATE: Yes.

18 JIM MONTEVERDE: Okay.

19 CAROL AGATE: Yes.

20 JIM MONTEVERDE: March 28.

21 Let me make a motion to continue this matter till  
22 March 28, 2024, on the condition that the Petitioner change

1 the posting sign to reflect the new date of March 28, 2024,  
2 and the new time of 6 p.m. Also, that the conditioner [sic]  
3 sign a waiver to the statutory requirements for the hearing.  
4 This waiver can be obtained from Maria Pacheco or Olivia  
5 Ratay at the Inspectional Services Department. I ask that  
6 you sign the waiver and return it to the Inspectional  
7 Services Department by a week from this coming Monday.  
8 Failure to do so will de facto cause this Board to give an  
9 adverse ruling on this case.

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

14 On the motion to continue this matter until March  
15 28, 2024, by voice vote from the Board Members.

16 Carol?

17 CAROL AGATE: Confirmed.

18 JIM MONTEVERDE: Thank you.

19 Bill?

20 CAROL AGATE: Whatever.

21 JIM MONTEVERDE: Yep.

22 Bill?

1 BILL BOEHM: Bill Boehm in favor.

2 JIM MONTEVERDE: Thank you.

3 Daniel?

4 DANIEL HIDALGO: Daniel Hidalgo in favor.

5 JIM MONTEVERDE: Virginia?

6 VIRGINIA KEESLER: Virginia Keesler in favor.

7 JIM MONTEVERDE: And Jim Monteverde in favor.

8 [All vote YES]

9 JIM MONTEVERDE: This one is continued till March  
10 28. Thank you.

11 RICHARD LYNDS: Take care. Have a good evening.

12 JIM MONTEVERDE: You, too.

13 And Board Members, we're done. Thank you. Thank  
14 you for your help. Have a good evening.

15 DANIEL HIDALGO: Thank you.

16 JIM MONTEVERDE: Good Groundhog's Day.

17 Good night.

18 BILL BOEHM: Night.

19 [09:24 p.m. End of Proceedings]

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CERTIFICATE

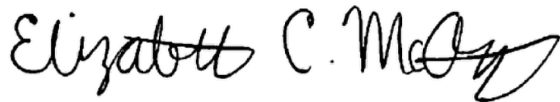
Commonwealth of Massachusetts

Middlesex, ss.

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

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

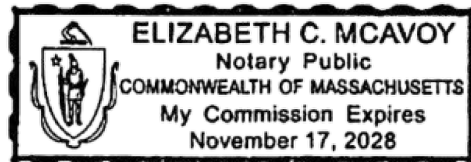
In witness whereof, I have hereunto set my hand this 23rd day of February, 2024.



Notary Public

My commission expires:

November 17, 2028



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