

BOARD OF ZONING APPEAL
FOR THE
CITY OF CAMBRIDGE

GENERAL HEARING

THURSDAY MARCH 14, 2024

6:00 p.m.

Remote Meeting

via

831 Massachusetts Avenue
Cambridge, Massachusetts 02139

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

City Employees
Olivia Ratay



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P R O C E E D I N G S

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(6:00 p.m.)

Sitting Members: Jim Monteverde, Steven Ng, Virginia
Keesler, Wendy Leiserson, William Boehm,
and Daniel Hidalgo

JIM MONTEVERDE: Welcome to the March 14, 2024 --
oh, this is Pi Day -- meeting of the Cambridge Board of
Zoning Appeal. My name is Jim Monteverde, and I am the
Chair.

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

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

All 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

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

4 Generally, you will have up to three minutes to
5 speak.

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

8 OLIVIA RATAY: Steven Ng?

9 STEVEN NG: Present.

10 OLIVIA RATAY: Wendy Leiserson?

11 WENDY LEISERSON: Present.

12 OLIVIA RATAY: Virginia Keesler?

13 VIRGINIA KEESLER: Present.

14 OLIVIA RATAY: Bill Boehm?

15 BILL BOEHM: Present.

16 OLIVIA RATAY: Jim Monteverde?

17 JIM MONTEVERDE: And Jim Monteverde present.

18 Thank you. We have five?

19 OLIVIA RATAY: Daniel Hidalgo?

20 DANIEL HIDALGO: Present.

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1 * * * * *

2 (6:02 p.m.)

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

6 JIM MONTEVERDE: Hi. Okay. Our first case is a
7 continued case, and that will be Virginia, Steven, Daniel,
8 Wendy, and myself. So the first case is BZA -- it's, again,
9 a continued case -- 245889 -- 585 Massachusetts Avenue.

10 Is there anyone who wishes to speak on that case?

11 RICHARD BIGGINS: This is Richard Biggins with
12 Ardon Visual Communications.

13 JIM MONTEVERDE: Can you introduce yourself again?
14 I didn't catch your name.

15 RICHARD BIGGINS: I'm sorry. It's Richard Biggins
16 with Ardon Visual Communications.

17 JIM MONTEVERDE: Okay. Yep. Thank you.

18 RICHARD BIGGINS: Thank you.

19 JIM MONTEVERDE: Go ahead. We all remember back
20 when when you -- in the initial presentation, you were
21 looking to put two banners on a building in Central Square
22 up at the one, two, third floor, correct?

1 RICHARD BIGGINS: Second, third floor elevation,
2 yes.

3 JIM MONTEVERDE: Yeah. Okay. So is there
4 anything different tonight?

5 RICHARD BIGGINS: Well, based on the feedback last
6 time, they have decided to scale back to one banner, reduce
7 the size to be -- I believe it's 20 square feet, which is I
8 think they'd be asking for a variance of eight square feet
9 from the allotted 12 square feet per the City Code. The
10 placement is still relatively the same for that one banner.

11 And that was pretty much all the revisions based
12 off the feedback from the last meeting.

13 JIM MONTEVERDE: Okay. We're going to bring it up
14 on the screen.

15 So Richard, if I understand you correctly, it's
16 the banner that shows on the photograph on the left, to the
17 right-hand side of the photograph on the left. It's
18 basically up at the third floor level, and that's the one
19 banner instead of the two. Correct?

20 RICHARD BIGGINS: Yes, correct.

21 JIM MONTEVERDE: Okay. Anything else to present?

22 RICHARD BIGGINS: [Audio distortion]

1 JIM MONTEVERDE: Sorry, I'm not understanding what
2 you're saying. You're breaking up.

3 RICHARD BIGGINS: I said on this matter no.

4 JIM MONTEVERDE: Okay.

5 RICHARD BIGGINS: No.

6 JIM MONTEVERDE: Thank you.

7 RICHARD BIGGINS: That will be it.

8 JIM MONTEVERDE: Any questions from members of the
9 Board?

10 STEVEN NG: Yeah. Olivia, could you flip to page
11 3 of the presentation? Did Mr. Biggins mention the sign was
12 smaller or it was holding that size, the 31.4?

13 RICHARD BIGGINS: I apologize. The sign is
14 smaller. That actual adjustment was not recalculated to
15 show the updated size. That was from the previous drawing.
16 I apologize for that.

17 STEVEN NG: That's okay. And then you were saying
18 that the new signs proposed would be 20 -- about 20 square
19 feet?

20 RICHARD BIGGINS: Yes.

21 STEVEN NG: Okay.

22 JIM MONTEVERDE: Well, except the diagram that's

1 on the screen is what we have in the file as the current
2 submission. So --

3 RICHARD BIGGINS: Do you guys --

4 JIM MONTEVERDE: -- we don't have that reduced
5 size.

6 RICHARD BIGGINS: The sizes are indicated on the
7 drawing there, that 24" wide x 120" tall.

8 JIM MONTEVERDE: Yep.

9 RICHARD BIGGINS: The banner area on the bottom,
10 which Steve was referring to, that calculation wasn't
11 adjusted from the 31.4 square feet to 20 square feet.

12 JIM MONTEVERDE: Oh, right. 2' x 10' is 20'.

13 RICHARD BIGGINS: Yeah.

14 JIM MONTEVERDE: It's the arithmetic, that's all.

15 Gotcha. Okay. Any other questions from members
16 of the Board? If not, I have no new correspondence in the
17 file. So I will open the matter up to public comment. Any
18 members of the public who wish to speak should now click the
19 icon at the bottom of your Zoom screen that says, "Raise
20 hand."

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

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

6 And no one is calling in. I will close public
7 testimony.

8 Discussion from members of the Board? I'll start.
9 I went -- I'm not favorable to the request, although I can
10 see -- I went, and I walked up and down Mass Avenue in
11 Central Square. And I find nothing else that's as high at
12 this, you know, banner type.

13 Everything else along the street seems to be able
14 to comply, or close to comply, with the Ordinance and not
15 being above 20' above the ground, and their size is limited
16 to the proportion of the storefront that they occupy.

17 And I understand that for the proponent, their
18 storefront is actually just the width of the door, but I
19 think everyone else along the street has been able to do
20 either blade signs or signage on the façade really above the
21 first floor, between the first and second floor.

22 So I don't follow, and I'm not advocating to grant

1 relief for a banner that's mounted up on the building above
2 the height that the Ordinance limits it to. That's my
3 personal opinion.

4 Any other discussion from members of the Board, or
5 are we ready for a vote? We are ready for a vote. Let me
6 make a motion. And the motion's always stated in the
7 affirmative.

8 The Chair makes a motion to grant relief from the
9 requirements of the Ordinance under Section 7.16.22.d --
10 Business Sign -- and then the section for the Variance --
11 10.30. Let me go through those, just so we're clear.

12 Variances 10.31; the Board needs to find that all
13 of the following have been met:

14 a) A literal enforcement of the provisions of this
15 Ordinance would involve a substantial hardship. And

16 b) The hardship is owing to circumstances relating
17 to soil condition, shape or topography of such land or
18 structures, and

19 c) Desirable relief may be granted without
20 substantial detriment to the public good or nullifying or
21 substantially derogating from the intent or purpose of this
22 Ordinance.

1 So to grant relief from the requirements of the
2 Ordinance you just mentioned under those sections, on the
3 condition that the work proposed conforms to the drawings
4 entitled "Dimagi Mass Avenue, Cambridge," prepared by Ardon
5 Visual and dated February 27, 2024; initialed and dated by
6 the Chair.

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

10 On a voice vote, please? Steven?

11 STEVEN NG: In favor.

12 JIM MONTEVERDE: Wendy?

13 WENDY LEISERSON: Not in favor.

14 JIM MONTEVERDE: Virginia?

15 VIRGINIA KEESLER: In favor.

16 JIM MONTEVERDE: Bill Boehm?

17 DANIEL HIDALGO: Daniel.

18 JIM MONTEVERDE: Oh, Daniel. Sorry.

19 DANIEL HIDALGO: In favor.

20 JIM MONTEVERDE: And Jim Monteverde not in favor.

21 [Three vote YES, two vote NO]

22 That's two opposed. The matter does not carry.

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The relief is denied.

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(6:12 p.m.)

Sitting Members: Jim Monteverde, Steven Ng, Virginia
Keesler, Wendy Leiserson, and Daniel
Hidalgo

JIM MONTEVERDE: Next case is BZA-206111 -- 142
Thorndike Street. And the proponent is asking for a six
month extension.

(To Staff) You have to give them the dates? No.
So this is just a simple vote among the Board
members.

So on the matter of BZA-206111 -- 142 Thorndike
Street, to grant an extension of six months, this is a
variance and a special permit hearing. Steven?

STEVEN NG: In favor.

JIM MONTEVERDE: Wendy?

WENDY LEISERSON: In favor.

JIM MONTEVERDE: Virginia?

VIRGINIA KEESLER: In favor.

JIM MONTEVERDE: Daniel?

DANIEL HIDALGO: In favor.

JIM MONTEVERDE: And Jim Monteverde in favor.

1 [All vote YES]

2 The extension is granted. Now, that's the good
3 news. We have to come back at -- we have to wait until
4 6:30. So I'll see you --

5 BILL BOEHM: Excuse me, Jim?

6 JIM MONTEVERDE: Yes.

7 BILL BOEHM: Bill Boehm piping in here. Was I
8 supposed to vote on this one, since it's a new -- it was not
9 a continued case, and I'm a full-time member? I don't know
10 if it makes a difference or not.

11 JIM MONTEVERDE: No, it wasn't -- it is a --

12 BILL BOEHM: Okay.

13 JIM MONTEVERDE: -- continued case.

14 BILL BOEHM: Okay.

15 JIM MONTEVERDE: So I think we'll leave it at
16 that. We're all set.

17 BILL BOEHM: Great.

18 JIM MONTEVERDE: But stay with us for the next
19 round.

20 BILL BOEHM: Will do.

21 WENDY LEISERSON: And --

22 JIM MONTEVERDE: And Daniel and --

1 WENDY LEISERSON: -- Wendy --

2 JIM MONTEVERDE: Sorry.

3 WENDY LEISERSON: -- signing -- Sorry. Wendy's
4 going to sign off, and Bill, you're stepping in, right?

5 BILL BOEHM: Yep. That's right.

6 JIM MONTEVERDE: Okay. Very good. See you back
7 at 6:30.

8 BILL BOEHM: Roger.

9 [Pause]

10 JIM MONTEVERDE: Okay. We're back at 6:30. Board
11 members present still?

12 COLLECTIVE: All present.

13 JIM MONTEVERDE: Okay. Thank you. Before we go
14 into the new agenda, I have to backtrack into the previous
15 continued case, BZA-245889 or 585 Mass Avenue, because I
16 forgot to state why the relief was denied. So let me do
17 that and then we can move on.

18 So the relief was denied because we didn't find --
19 this is a variance -- we didn't find the hardship related to
20 that case, and we did not see a rationale or reason why we
21 should allow the signage above the 20' height that the Code
22 restricts it to, after walking up and down Mass Avenue in

1 Central Square and not seeing an example or the
2 preponderance of other signage at that blade sign or banner
3 sign at that third floor height.

4 It would be denied because it would be out of
5 context with the neighborhood and detrimental to it as well.

6 So I'll close Case 245889.

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2 (6:32 p.m.)

3 Sitting Members: Jim Monteverde, Steven Ng, Virginia
4 Keesler, William Boehm, and Daniel
5 Hidalgo

6 JIM MONTEVERDE: And we can move on to Case BZA-
7 255839 -- for 20 Fairmont Ave. Is there anyone who wishes
8 to speak on this case?

9 ROBB JOHNSON: Does that include us on the
10 proponent?

11 JIM MONTEVERDE: That's it. You're the proponent.

12 ROBB JOHNSON: Okay. So -- shall I go ahead?

13 JIM MONTEVERDE: Yeah. So please just introduce
14 yourself, and then present what you'd like to -- what you're
15 proposing.

16 ROBB JOHNSON: Sure. So I'm Robb Johnson. And
17 this is --

18 RICHARD GOSSELIN: Rick Gosselin.

19 ROBB JOHNSON: So we're the homeowners here at 20
20 Fairmont Avenue. We are looking for a special permit to
21 rebuild our front porch.

22 So the existing front porch we don't really know

1 the history of it exactly. It was here when we purchased
2 the property 19 years ago. It's kind of an oversized porch,
3 compared to all the others on the block. And while it
4 affords kind of a nice landing area for us, we don't really
5 use that landing area in particular.

6 We've never been terribly happy with the face that
7 it presents to the street, and it's now experiencing some
8 rot in the railings in the posts, so we'd like to prepare
9 it.

10 And rather than just preparing it as it, we
11 thought we would demolish it and put in its place something
12 that's much smaller and more in keeping with others on the
13 block.

14 So the materials that I submitted are looking for
15 relief to remove a nonconforming structure, replacing it
16 with a much smaller structure, which I believe is still
17 nonconforming because there's no really way for us to
18 conform with modern Zoning's front yard setback, given how
19 close we are to the street.

20 JIM MONTEVERDE: Yep. I think that's why you're
21 in front of us tonight.

22 ROBB JOHNSON: Yep.

1 JIM MONTEVERDE: That's why you need the -- okay.
2 Anything else to present?

3 ROBB JOHNSON: No. You have the materials and I
4 understood you'd be walking through them, but if you want me
5 to point out anything, to me the photos are probably the
6 most helpful materials that we've submitted. But --

7 JIM MONTEVERDE: Can we go to the rendering? The
8 purple front, the pink side? Yeah, we're going to bring up
9 the rendered version. I think that kind of tells the story,
10 just so everyone has it -- everyone can see.

11 ROBB JOHNSON: Sure.

12 JIM MONTEVERDE: Right, so your existing stair?

13 ROBB JOHNSON: No, that's the proposed.

14 JIM MONTEVERDE: That's the proposed. The
15 existing basically comes down 90 degrees to this. There you
16 go. In the photo.

17 ROBB JOHNSON: That's the photo, yeah.

18 JIM MONTEVERDE: Yep.

19 ROBB JOHNSON: So the existing is a much larger
20 structure with kind of zero setback. Even the landing has
21 zero setback.

22 So what we would have now is stairs beginning head

1 on to the front door in the proposed condition. And that's
2 much more in keeping with the others on the block. I
3 supplied a couple of photos of our neighbors showing the --

4 JIM MONTEVERDE: Yep.

5 ROBB JOHNSON: -- what theirs look like.

6 JIM MONTEVERDE: We have those. Yep. Thank you.

7 ROBB JOHNSON: Mm-hm.

8 JIM MONTEVERDE: Okay. Thank you. Any questions
9 from members of the Board? If not, public comment. We have
10 one letter in the file from Christos Tsokos and Emma Lubin
11 at 20 Fairmont, directly across the street. They strongly
12 support the proposal.

13 ROBB JOHNSON: 17 Fairmont, yeah.

14 JIM MONTEVERDE: Oh, that's right, I'm sorry.
15 They're across from 20 Fairmont. They're at 17 Fairmont
16 across the street. And there are no letters in the file
17 against.

18 So I'll open the matter to public comment. Any
19 members of the public who wish to speak should now click the
20 icon at the bottom of your Zoom screen that says, "Raise
21 hand."

22 If you're calling in by phone, you can raise your

1 hand by pressing *9 and mute or unmute by pressing *6. I'll
2 now ask Staff to unmute the speakers one at a time.

3 You should begin by saying your name and address,
4 and Staff will then confirm that we can hear you. After
5 that you will have up to three minutes to speak before I ask
6 you to wrap up.

7 And we have no one there. So we'll close public
8 testimony. Any discussion among members of the Board, are
9 we ready for a motion?

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

11 JIM MONTEVERDE: All right. And this is a special
12 permit. Let me just go through the special permit criteria.
13 This is Section 10.43, Criteria for a Special Permit.

14 a) It appears that the requirements of the
15 ordinance cannot or will not be met. That's correct.

16 b) Traffic generated or patterns of access or
17 egress will cause congestion, hazard, or substantial change.
18 I don't think so.

19 c) The continued operation of or the development
20 of the adjacent uses as permitted in the ordinance would be
21 adversely affected. I think not.

22 d) Nuisance or hazard will be created to the

1 detriment of the health, safety, or welfare. I think not.

2 And

3 e) for other reasons, the proposed use would
4 impair the integrity of the district or adjoining district.

5 And I think the reality is just the opposite: It actually
6 does not impair; it helps the integrity of the district by
7 conforming to what the others homes look like.

8 So you're in compliance with -- you've met all the
9 criteria for the special permit under 10.43.

10 So the Chair makes a motion to grant relief from
11 the requirements of the Ordinance under 10.43, the Criteria
12 for Special Permit that I just read through, and 5.31, Table
13 of Dimensional Requirements, and that's because the entry
14 will fall within the front yard setback; and Section
15 8.22.2.d, which says we're required to find that the
16 alteration or enlargement shall not be substantially more
17 detrimental than the existing nonconforming structure; and
18 we do find this.

19 So on the condition that the work proposed conform
20 to the drawings entitled "Johnson's Residence," prepared by
21 MJD, Inc. and dated September 12, 2023; initialed and dated
22 by the Chair.

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

4 Board members, on a voice vote, please? Bill?

5 BILL BOEHM: In favor.

6 JIM MONTEVERDE: Daniel?

7 DANIEL HIDALGO: In favor.

8 JIM MONTEVERDE: Thank you. Virginia?

9 VIRGINIA KEESLER: In favor.

10 JIM MONTEVERDE: Steven?

11 STEVEN NG: In favor.

12 JIM MONTEVERDE: And Jim Monteverde in favor.

13 [All vote YES]

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

16 ROBB JOHNSON: Great. Thank you.

17 RICHARD GOSSELIN: Thank you.

18 JIM MONTEVERDE: And we have to hang on for six
19 minutes.

20 ROBB JOHNSON: Can you just, then, in that case
21 tell me what comes next, or shall I call the Clerk's office
22 about that?

1 JIM MONTEVERDE: You mean in terms of process?

2 ROBB JOHNSON: Yeah.

3 JIM MONTEVERDE: If you call into ISD, they can
4 walk you through it.

5 ROBB JOHNSON: Okay. Thank you.

6 JIM MONTEVERDE: Yep. You're welcome.

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(6:45 p.m.)

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

JIM MONTEVERDE: And the next case is BZA-255390
-- 407 Concord Avenue. Anyone here wishing to speak on this
proposed use?

SOHEIL FATHI: Yes. Yes, we are here, if you can
hear us.

JIM MONTEVERDE: Yep. We can hear you. Can you
just introduce yourself, please?

SOHEIL FATHI: Yes. My name is Soheil. I'm co-
owner, and this is Sarah, my wife.

JIM MONTEVERDE: Thank you. Okay. Tell us what
you'd like to do.

SOHEIL FATHI: So we were looking to extend our
seating area outside and having some music outside, so
playing some music outside. And we wanted to extend our
hours outside.

So we've become, like, a hub for the community out
there. So there's a lot of like -- it's kind of like a

1 neighborhood public right now, so we have a lot of people
2 coming from the neighborhood. They can socialize.

3 So we thought, and we had a lot of requests from
4 our guests -- it's getting better if you guys can extend
5 our, like, seating area. And that was something that really
6 helped us in our -- like, after COVID. So it's really
7 helping us to have more business. So we were hoping to
8 keeping that environment going on.

9 JIM MONTEVERDE: Thank you. We're going to bring
10 up one of the diagrams that was in the submitted part of the
11 file. So can you clarify for us what's listed is 409-407 is
12 your shop.

13 SOHEIL FATHI: Yes.

14 JIM MONTEVERDE: And the circles with the tick
15 marks next to it, that's your current seating?

16 SOHEIL FATHI: Yes.

17 JIM MONTEVERDE: So where will the new 20 seats
18 go?

19 SOHEIL FATHI: That's going to be the same exact
20 place. So we have that place, and we're going to put it out
21 there. So because of the COVID, since we could do it, but
22 right now -- so we had this, like, scenario. It's been

1 there. And we had to just go through the getting the permit
2 again.

3 JIM MONTEVERDE: Oh, okay. So you're not using
4 more of the footprint of the lot?

5 SOHEIL FATHI: No, sir. No. This is going to be
6 it.

7 JIM MONTEVERDE: It's just -- it's this and it's
8 the 20 people in that?

9 SOHEIL FATHI: Yes. Yes, sir.

10 JIM MONTEVERDE: Okay. And I'm just going through
11 correspondence that we have that this one has hundreds in
12 favor, which is great. The letter that you sent to the
13 neighbors that they signed off on, the only part that
14 concerns me is the entertainment.

15 And I just wanted to -- I'm looking, I'm flipping
16 through the file to see you sent everyone --

17 SARAH MORIDPOUR: There's an e-mail.

18 JIM MONTEVERDE: Yesh. It basically said -- this
19 is your letter to neighbors, it's called and "Annual Permit"
20 a "Variance Petition for Outdoor Seating and Events." And it
21 says, "We're seeking to expand our outdoor seating and host
22 weekend events."

1 SOHEIL FATHI: Yes.

2 JIM MONTEVERDE: "Capacity to extend our hours
3 with the possibility of playing music."

4 SOHEIL FATHI: Yes.

5 JIM MONTEVERDE: And all of them -- and did you
6 hear back from your neighbors if they are comfortable with
7 the music, since this is a residential district?

8 SOHEIL FATHI: Yes, sir. Actually, one of the
9 neighbors, they perform like two times or three times in the
10 parking lot. So -- and everybody loves that. So it's not
11 going to be like a rock music. So, like, mostly we play,
12 like, jazz.

13 Like, this is super slow, like it's super quiet.
14 And it's not, like, amplified music. So it's kind of like a
15 super nice vibe for the weekends.

16 JIM MONTEVERDE: Okay. Is this a process you have
17 to go through every year?

18 SOHEIL FATHI: Um--

19 JIM MONTEVERDE: Or is this just the particular
20 one, you're doing it now?

21 SOHEIL FATHI: So I think I'm under that
22 impression. Probably that's a very good question for

1 Inspectional Services on all sorts of things.

2 JIM MONTEVERDE: Let me --

3 SOHEIL FATHI: Yes.

4 JIM MONTEVERDE: -- rephrase my question.

5 SOHEIL FATHI: Yes.

6 JIM MONTEVERDE: If you have to do it again --

7 SOHEIL FATHI: Uh-huh.

8 JIM MONTEVERDE: -- I'm looking at the letter that
9 you sent out, called, "A petition to the City of Cambridge
10 -- expand seating for LA SAISON Bakery." And you list three
11 items that you're looking for. And it doesn't mention
12 entertainment.

13 So if you do this again, make sure the
14 entertainment -- music, et cetera, is mentioned in your form
15 letter that you sent out that all the neighbors sign. These
16 are the forms that the -- you know, 100 plus people sign.

17 SARAH MORIDPOUR: Right, yes. So --

18 JIM MONTEVERDE: Right?

19 SARAH MORIDPOUR: Yes.

20 JIM MONTEVERDE: Just make sure it's there --

21 SARAH MORIDPOUR: Will do.

22 JIM MONTEVERDE: -- next time.

1 SARAH MORIDPOUR: Yes.

2 JIM MONTEVERDE: -- if you need to do it again.

3 All right.

4 SARAH MORIDPOUR: Absolutely. This was because
5 our main focus was on the seats first.

6 JIM MONTEVERDE: Understood.

7 SARAH MORIDPOUR: And then -- yeah.

8 JIM MONTEVERDE: Okay. Anything else?

9 SARAH MORIDPOUR: No.

10 JIM MONTEVERDE: No, okay.

11 SOHEIL MORIDPOUR: No, that's all.

12 JIM MONTEVERDE: Thank you.

13 SOHEIL FATHI: Yes.

14 JIM MONTEVERDE: Any questions from members of the
15 Board? If not, public comment?

16 I cannot read all of these names and addresses.

17 (To Staff) Do you have these all electronically?

18 I'm going to blast through these.

19 Again, we had kind of a form letter. It's signed,
20 by over 100 people, plus there are individual ones that were
21 signed and sent in all in favor. So I will say we have 100
22 plus that have written in in favor, and we have none

1 objecting.

2 With that, I'll open it up to public comment.

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

8 OLIVIA RATAY: Gleb Bahmutov?

9 GLEB BAHMUTOV: Hello. This is Gleb Bahmutov of
10 19 Winslow Street. I would like to testify in support of LA
11 SAISON Bakery's zoning request.

12 I've been coming to LA SAISON Bakery for the past
13 three years, because my son used to go to Tobin Montessori
14 School. And I would stop by to get a pastry while he played
15 with his friends after school. And I would walk to the
16 bakery pretty much every other day, if not daily, just to
17 get tea or pastry.

18 And anytime we've had guests coming, we would
19 always take them to the bakery, to make sure that we bought
20 and tasted the excellent sourdough bread that's like the
21 best in the country.

22 In the fall and spring, I'm Cambridge Youth Soccer

1 Coach, and I would stop by the bakery before our Saturday
2 games, and so would do many, many parents. Like, on the
3 weekend, the line is so long it snakes outside the door.

4 I wish the hours were longer, and I wish many
5 people who came had a place to sit and enjoy their pastries.

6 Please allow LA SAISON bakery more outdoor space
7 for people; they're excellent. Every block in our city
8 deserves a café or a bakery like this one.

9 Thank you.

10 JIM MONTEVERDE: Thank you.

11 OLIVIA RATAY: Judy Bacher?

12 JUDY BACHER: Yes, hi. This is Judith Bacher and
13 Dave Doolittle. We live right across the street on 8
14 Corporal Burns. And we love the bakery, and we completely
15 support all of their requests, including the entertainment.

16 It's a wonderful spot, and we all enjoy it.

17 JIM MONTEVERDE: Thank you.

18 OLIVIA RATAY: Phone number ending in 0566?

19 [Pause]

20 ALVIN HELFELD: Hello? Hello?

21 OLIVIA RATAY: Yeah, we can hear you.

22 JIM MONTEVERDE: Can you introduce yourself,

1 please?

2 ALVIN HELFELD: Yes. My name is Alvin Helfeld.
3 And I live on Concord Avenue about 50 feet away from the
4 bakery. Generally, they've been good neighbors. I have no
5 problems with their increasing seating capacity. The
6 variance is a little vague on music.

7 I would be much happier if there was no
8 amplification. In other words, if there's instruments, no
9 microphone, no speakers, no amp. So it's really -- because
10 right now it can be heard fairly long distance when it's
11 amplified. So I would prefer that to be the case.

12 And also, it's not clear how many more hours they
13 want to stay open. I hope it's not in the evening.
14 Weekends will be fine.

15 Has anyone heard me?

16 JIM MONTEVERDE: Yeah. Could the --

17 ALVIN HELFELD: Okay.

18 JIM MONTEVERDE: -- proponents address that,
19 please?

20 ALVIN HELFELD: Oh, 417 --

21 JIM MONTEVERDE: Just the no ampli--

22 ALVIN HELFELD: -- 417 Concord Avenue.

1 JIM MONTEVERDE: Yep. No, the proponents, the
2 folks who spoke before.

3 Do you -- we can enter as a condition that if it's
4 acceptable to you that there be no amplified music? Will
5 that work for you?

6 SOHEIL FATHI: Yes, absolutely. I think -- yes,
7 that was a thing I already mentioned. It's not going to be
8 amplified music.

9 JIM MONTEVERDE: Okay.

10 SOHEIL FATHI: It's going to be instrumental, yes.

11 ALVIN HELFELD: Okay.

12 JIM MONTEVERDE: And about the extended hours?

13 SOHEIL FATHI: So right now, we are -- I think we
14 are -- it should be like seven to seven. But we were
15 looking to get it until nine, but it's mostly going to be
16 takeout. So we are not going to do, like, like something
17 crazy like in the evening now stuff.

18 ALVIN HELLFELD: Okay.

19 SOHEIL FATHI: And it's going to be mostly Friday,
20 Saturday, Sunday, not in the middle of the week.

21 JIM MONTEVERDE: So Friday, Saturday, and Sunday
22 it will be seven to nine?

1 SOHEIL FATHI: Yes.

2 JIM MONTEVERDE: 7 a.m. to --

3 ALVIN HELFELD: Seven to nine?

4 JIM MONTEVERDE: -- p.m.?

5 ALVIN HELFELD: 7 a.m. to 9 p.m.?

6 SOHEIL FATHI: Yes, sir.

7 ALVIN HELFELD: Okay. What about -- how many
8 hours of music would you be doing?

9 SOHEIL FATHI: So music, I think as you probably
10 heard before, it's going to be noontime. So, like, imagine
11 it's going to be Friday, Saturday, Sunday again. It's going
12 to start 12 p.m. We're going to wrap up around two.

13 ALVIN HELFELD: And you would have it more than
14 once per weekend?

15 SOHEIL FATHI: We're trying to have Saturday,
16 Sundays.

17 ALVIN HELFELD: Okay. That's much better.

18 SOHEIL FATHI: Yes.

19 ALVIN HELFELD: Okay.

20 JIM MONTEVERDE: All right. Thank you.

21 ALVIN HELFELD: Let's see what else.

22 JIM MONTEVERDE: Thank you.

1 ALVIN HELFELD: I had a question for the Board.

2 JIM MONTEVERDE: Yes. Go ahead.

3 [Pause]

4 JIM MONTEVERDE: Can we get him back? Sorry. Are
5 you back?

6 [Pause]

7 I inadvertently cut you off.

8 [Pause]

9 JIM MONTEVERDE: No? Okay.

10 Hello? Still there? Okay.

11 SOHEIL FATHI: Yes. We are.

12 JIM MONTEVERDE: No, no. I see you. It was -- I
13 was looking for the other gentleman who just spoke. But
14 that's okay, we can move on.

15 OLIVIA RATAY: Jessie English?

16 JESSIE ENGLISH: Hi. I'm Jessie English, and I
17 live at 27 Corporal Burns Road, just down the street from
18 the bakery.

19 And just want to reiterate what my neighbors have
20 said, which is that the bakery has been -- is fabulous.

21 It's made our neighborhood famous in a very positive way.

22 And, you know, it's a place of community. Oh, I think --

1 you know, the owners have tried to make this a place of
2 community and a place for gathering.

3 So I support the proposal, and I think they have
4 always done -- have always been thoughtful about the
5 neighborhood, and I think what they're proposing with the
6 music in the middle of the day on the weekends is nice and
7 would be thoughtful.

8 So, you know, I guess what I would say is this is
9 a case where their hard work and thoughtfulness over years
10 has built trust. And they've just really added to how nice
11 the neighborhood is. So I fully support.

12 JIM MONTEVERDE: Very good. Thank you. Thank you
13 for calling in. That's it for public commentary. So I'll
14 close the public testimony. Any discussion among members of
15 the Board? If not --

16 DANIEL HIDALGO: This is --

17 JIM MONTEVERDE: -- okay.

18 DANIEL HIDALGO: -- all right, this --

19 STEVEN NG: Dan --

20 DANIEL HIDALGO: Go ahead, Steve.

21 STEVEN NG: Go ahead, Daniel.

22 DANIEL HIDALGO: Yeah, this is -- this sounds like

1 a great restaurant or a bakery. And so, I support this. I
2 guess I'm just a little bit -- I haven't -- since I've been
3 on the Board, I haven't seen one of these before where
4 there's an existing situation -- I guess this was due to
5 COVID -- and there's some kind of renewal process.

6 I just -- this is not for the petitioners, but I
7 just -- does anyone on the Board know about what this
8 process is and how does it relate to the Zoning Code, as
9 opposed to special services or something else like that?

10 JIM MONTEVERDE: Looking at -- and what's in the
11 advertisement I believe from Section 4.35 --

12 DANIEL HIDALGO: Right.

13 JIM MONTEVERDE: -- .0 --

14 DANIEL HIDALGO: Yeah, the Table of Uses there?

15 JIM MONTEVERDE: Zero is actually -- oh, that's an
16 O, not a zero. It's actually a fast-food (sic) or quick-
17 service food establishment.

18 DANIEL HIDALGO: Okay.

19 JIM MONTEVERDE: The reason they are here is that
20 use is only available via special permit.

21 DANIEL HIDALGO: I see.

22 JIM MONTEVERDE: And then there's a series of

1 conditions we have to see that they meet in order to be able
2 to grant that special permit.

3 So -- and then I notice also that under these
4 conditions, the special permit is valid for a time period of
5 10 years.

6 DANIEL HIDALGO: I see.

7 JIM MONTEVERDE: So I'm not sure why they're back
8 this soon, but they're back because it's not an accepted --
9 not an allowed use within that district, except by special
10 permit.

11 DANIEL HIDALGO: I see. I think I was looking at
12 the wrong place in the Ordinance. So -- okay, I missed that
13 O. Okay, great. Thank you.

14 JIM MONTEVERDE: Okay. Any other discussion --

15 STEVEN NG: Yep.

16 JIM MONTEVERDE: -- from members of the Board?
17 Steven? Yep.

18 STEVEN NG: I live right in the same neighborhood
19 as LA SAISON. And I definitely can confirm the testimony of
20 the supporters. It's a wonderful location. The
21 neighborhood loves going there as often as we can get there.

22 So I definitely support the extended hours, and I

1 think the performance times on the weekend are totally fine.

2 JIM MONTEVERDE: Very good. Thank you. Any other
3 discussion from members of the Board? If not, I'll move on
4 to a motion.

5 And as I said a moment ago, what's advertised is
6 seeking relief from 4.35.o, which is the Use Table. And in
7 Residence B a "o" is a Fast Order or Quick-Service Food
8 Establishment. There is no specific Bakery category.

9 And it's allowed by special permit only, as long
10 as within the Residence B district there are the following
11 conditions -- and all of them have to be met. And I think
12 reading them all of them are.

13 So a) The proposed use is located within the
14 ground-story of the building. Correct.

15 b) The use is proposed to occupy a space that was
16 originally built for nonresidential use. Correct.

17 c) The use is proposed to occupy a space that has
18 not contained a residential use at any point within two
19 years prior to the application. Correct.

20 d) The special permit shall be valid only for the
21 entity to which the special permit is issued. Correct. And

22 e) the special permit shall be valid for a time

1 period of 10 years after its date of issuance.

2 So I think all of those conditions are met. So I
3 think that's the basis for the special permit that they need
4 to be able to operate.

5 So the Chair makes a motion to grant relief from
6 the requirements of the Ordinance under Section 4.35.o --
7 Fast Order or Quick-Service Establishment -- and we just
8 read through the special permit conditions which are
9 Footnote 59, and also seeking relief from 10.30, which is a
10 Variance process --

11 On the condition that the work proposed conforms
12 to the drawings entitled -- there isn't a drawing. There's
13 the hand-drawn sketch that we saw before, which I will label
14 as 407 Concord Avenue, and I'll put today's date on it --
15 initialed and dated by the Chair.

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

19 Further, that the variance is granted
20 incorporating the following conditions: That the extended
21 hours are to be Friday, Saturday, Sunday from 7 a.m. to 9
22 p.m., and that the music and entertainment are to have no

1 amplified music, and that it will occur between noontime and
2 2 p.m.

3 A voice vote by the Board please? Virginia?

4 VIRGINIA KEESLER: In favor.

5 JIM MONTEVERDE: Thank you. Steven?

6 STEVEN NG: In favor.

7 JIM MONTEVERDE: Thank you. Daniel?

8 DANIEL HIDALGO: In favor.

9 JIM MONTEVERDE: Bill?

10 BILL BOEHM: In favor.

11 JIM MONTEVERDE: And Jim Monteverde in favor.

12 [All vote YES]

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

15 SOHEIL FATHI: Thank you so much, everybody.

16 SARAH MORIDPOUR: Thank you, everyone. Thanks.

17 JIM MONTEVERDE: You're welcome.

18 SOHEIL FATHI: Thank you for your time.

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(7:05 p.m.)

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

JIM MONTEVERDE: Next case is BZA-253928 -- 36-4
Irving Street. Anyone wishing to --

JOHN BUCKLEY: Yes.

JIM MONTEVERDE: -- present this case?

JOHN BUCKLEY: I would. I would love to present
this case. Can you hear me?

JIM MONTEVERDE: We can. Can you introduce
yourself, please?

JOHN BUCKLEY: Yes. My name is John Buckley, and
I am the Architect for Tommy Leung and Nathan Perkins. And
I am presenting on their behalf. And they're here tonight
as well.

JIM MONTEVERDE: Go right ahead.

JOHN BUCKLEY: So the gist of this project is kind
of a severe nonconformity of the site. Both the site is
nonconforming, and the building is very small. And the
nature of the relief is two-fold. We're looking to adjust

1 the front façade to allow for moving the entrance over a
2 little bit. And there is a reason for that. It's not just
3 aesthetics.

4 And then -- and we're also looking to add a
5 skylight that will allow a stair that we're putting into the
6 property to comply with code requirements.

7 And on both fronts, the door and the skylight,
8 we're seeking relief because of the tightness of the site
9 and wanting to be code-compliant on egress, which is a
10 pretty -- you know, real thing to try and achieve.

11 And so, I thought I might start by just pointing
12 out the kind of diminutive size of the building.

13 And so if we could pull up the plans and look --
14 just look at the footprint and maybe we'll pop back and look
15 at the survey in a second, but -- so -- so this is the
16 existing building.

17 And you'll notice that in the middle plan, Number
18 2 there, you'll see it's showing a stair that's going up and
19 also a -- kind of a ladder stair that's going down to the
20 basement. And these are the interior stairs, not the
21 existing front door landing.

22 And what's pertinent to note is that in this

1 project, which is quite small, as you can see, we are not
2 changing the landing area of the top on the second floor.
3 So where the stair from the first floor to the second floor
4 terminates.

5 We're trying to have a code-compliant stair --
6 continually it's not -- to both the second floor and the
7 basement. And what that means is the first stair that you
8 see it says, "DN 15 risers" that has to move to the right of
9 the page in order to allow for the proper code-compliant
10 riser and tread distance, and also to allow for the basement
11 stair to get downstairs, and also comply with head heights.

12 If we jump to the proposed plan, which is the next
13 drawing, you'll see that the area of the stair takes up a
14 lot more real estate in the project. And that necessitates
15 pushing the front door over.

16 And what you'll see is a -- there's that 6'2"
17 dimension the first riser, second riser, and then kind of a
18 long landing. That is all designed to allow a proper stair
19 to the basement and allow for our head height. And there's
20 a couple reasons why we have to do that, but one is the jump
21 in foundation width.

22 So on all sides, the foundation is thicker than

1 the walls above. So we have to -- in order to get our stair
2 to the basement, we had to pull it away from the wall. And
3 that landing allows us to get the proper head height into
4 the basement.

5 And when we go to the second floor, which I
6 believe is also -- sorry, it's on the next page -- you'll
7 see at the top of the stair here, so this landing is the
8 same landing that exists now, but what you'll see is there's
9 an X -- kind of X marks the spot. And that indicates a
10 skylight above, which allows us to have -- again, proper
11 head height.

12 There's a building section in this drawing set
13 that I believe is towards the end. And it might actually be
14 -- yep, okay. So if we zoom in on the last page, you know,
15 we get this little man standing in there -- this is just an
16 abstracted building section.

17 But it shows the current noncompliance and that we
18 have four-foot whatever and change. It's like 4'9" and
19 4'10" at the pitch point where the roof meets the wall. And
20 that is wildly out of compliance. Like, nobody is going to
21 allow us to put that back.

22 And that noncompliance actually takes up probably

1 three-quarter to seven-eighths of the width of the stair.
2 The -- so it is barely compliant at the high end. I believe
3 the dimension is 7'1."

4 And so, what we're proposing is a skylight, and
5 we'll take a look at that from the exterior. But it's a
6 pretty minimal intervention. And it's one that does not
7 peek into a neighbor. You can't see other buildings. You
8 can't -- this isn't like a privacy issue that we're
9 proposing.

10 But the skylight is such that it allows the height
11 within the roof rafters themselves and the construction that
12 it takes to build that skylight, which is going to sit proud
13 of the roof by six, seven, eight inches what have you -- you
14 know, the way in which you build a skylight there's a curb,
15 then there's the glass itself.

16 And what we're doing, we're using that skylight to
17 actually get our head height. And if you look at the front
18 façade, which if you pan over on the page or rear façade,
19 front façade it kind of doesn't matter, you'll see there's a
20 relatively inobtrusive addition to the building. None of
21 the proposal elsewhere increases bulk or changes the
22 existing shape of the building in any way.

1 So this is really an addition that I feel is quite
2 minor to bring a building into significant compliance that
3 is currently significantly out of compliance.

4 So the skylight to me is very important, as is the
5 front door. So if we look at the -- in the bottom
6 elevations, so this building is -- was part of a subdivision
7 sometime in -- I believe in the '70s, maybe '80s. There was
8 -- you know, a larger estate home that's now been raised and
9 in its place are some kind of 70s era condo buildings.

10 And this is the -- an original carriage house or
11 barn that was in the back. And we're keeping it in its
12 basic shape and form. And I think the proposed design is
13 complimentary. Like, I don't see this as a net negative to
14 the neighborhood. And I think we've gained some support
15 from neighbors as well.

16 So that's the principal reason of our ask is to
17 really get the stair into a small place, and a stair that's
18 going to comply with health and safety. And I think that's
19 really the gist of it.

20 JIM MONTEVERDE: Can you go back to the survey,
21 please?

22 I just have one question for you, just so we're

1 clear on --

2 JOHN BUCKLEY: Sure.

3 JIM MONTEVERDE: -- what you're requesting relief
4 from. The openings that you're changing -- windows, doors,
5 et cetera --

6 JOHN BUCKLEY: Mm-hm.

7 JIM MONTEVERDE: -- are they -- are all of them
8 within either a side or a rear or a front yard setback?

9 JOHN BUCKLEY: They are. So if you look at the
10 drawing that we're looking at where you see the landing at
11 the front --

12 JIM MONTEVERDE: Yep.

13 JOHN BUCKLEY: -- it's that 31.9' --

14 JIM MONTEVERDE: Yep.

15 JOHN BUCKLEY: -- that's the existing landing.

16 And we want to shift it down --

17 JIM MONTEVERDE: But that -- does that sit in your
18 front yard?

19 JOHN BUCKLEY: It's -- I believe that there's a --
20 there was some question about what consists of the front
21 yard. And when we were talking with I forget who, but maybe
22 with Olivia --

1 JIM MONTEVERDE: Yep.

2 JOHN BUCKLEY: -- believe that the front yard --
3 that this -- this was the front yard. And so, it's
4 nonconforming. It's -- none of the yards --

5 JIM MONTEVERDE: Okay. So in cardinal direction,
6 the top of the drawing there is facing north. It looks like
7 you have plenty of room to the south for --

8 JOHN BUCKLEY: Mm-hm.

9 JIM MONTEVERDE: -- whatever changes you're
10 proposing?

11 JOHN BUCKLEY: That's correct.

12 JIM MONTEVERDE: So that doesn't look like it's
13 impeded.

14 JOHN BUCKLEY: Nope.

15 JIM MONTEVERDE: You're changing windows on the
16 east and the windows in the landing on the west? Those I
17 would assume you're needing variance for -- relief from, is
18 that correct?

19 JOHN BUCKLEY: We are -- it is my understanding
20 that we are seeking relief, and we need relief only for the
21 front -- the changes to the front, meaning moving that
22 entrance to the south of the page a little bit or the bottom

1 of the page.

2 And then the skylight which exists nearly on the
3 property line, roughly where you see that 28.81 number,
4 that's where the skylight exists.

5 And it -- if we go through the Zoning Ordinance, I
6 believe it's 8.22.2. It's either Exception C or D. There's
7 -- we're not allowed to propose a new window nonconforming
8 with the side yard setback.

9 And that window -- the language also includes,
10 "skylight."

11 JIM MONTEVERDE: Yeah, correct. Okay. All right.
12 Thank you. Any questions from members of the Board? If
13 not, I'll open it up to public comment.

14 We have one letter in the file from Douglas
15 Oreagan at 85 Trowbridge, who is in support. And we have no
16 letters in the file speaking against. So we'll open it up
17 to the public.

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

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

6 No one is there. No one's calling in, so we'll
7 close public testimony. Any discussion among members of the
8 Board? If not, are we ready for a motion?

9 BILL BOEHM: I just want to follow up on your
10 earlier question, Jim. What you're referring to as the
11 north wall, I was looking at that elevation.

12 And I'm just curious are those -- can you go to
13 that elevation of -- I don't know if that's, yeah, that's
14 the north elevation, I guess.

15 JIM MONTEVERDE: Yeah, they weren't labeled, so
16 it's hard to --

17 BILL BOEHM: So are those existing windows being
18 replaced, or are those new?

19 JOHN BUCKLEY: Oh, you know, this -- actually this
20 drawing set was revised to -- this is not the drawing set
21 that was part of the BZA application, this was the one that
22 was projected and sent. But I can -- I can explain.

1 Those two windows that you see on the north
2 façade, we've taken those out. So those are not part of the
3 project anymore. So the -- and there's a sliding door
4 situation that's to the left of the page, and those are
5 there, and they will be replaced in kind.

6 And they also conform because there's a back yard
7 back there. But those two windows that you see kind of
8 underneath the skylight, those have been removed from the
9 proposal. I'm not sure why the drawing set is not showing
10 that.

11 JIM MONTEVERDE: Because this drawing set is the
12 one that is in the file.

13 JOHN BUCKLEY: It's not -- if I pull up what is
14 attached to the BZA file in the Cambridge viewport right
15 now, it's actually not this file. It's -- there's a file
16 where those have been taken out. They're --

17 JIM MONTEVERDE: Hold on. This is the drawing
18 dated December of 2022? No, this says, "Existing
19 conditions."

20 JOHN BUCKLEY: Yeah. So I can actually -- I have
21 the -- I have it open. Let me go through and see - "Your
22 submission," "Attachments." I'm going to open it up right

1 now. "Existing conditions," "Floor plans." Yeah, so what I
2 have -- I don't know if I can share screen at all?

3 JIM MONTEVERDE: Nope.

4 JOHN BUCKLEY: Yeah, I didn't think so. But we
5 definitely submitted drawings that remove that. Steven --

6 JIM MONTEVERDE: Do you have a date?

7 JOHN BUCKLEY: I do. And let me just pull that
8 up. [Speaker talking to himself: Filing... Addendum and
9 documents... Special Permit... Reduced scope...]

10 And I know this for a fact, because I originally
11 submitted it and forgot to take those out and then
12 resubmitted it a second time. So the date that I have is
13 January 18.

14 JIM MONTEVERDE: Is when they were sent to -- is
15 when I issued it. So I -- they were uploaded on that same
16 day.

17 JIM MONTEVERDE: Hm.

18 BILL BOEHM: And then the question will be which
19 set did the Mid Cambridge Conservation District see and
20 approve?

21 JOHN BUCKLEY: They -- so the Mid Cambridge
22 District, they approved the whole thing. They actually

1 thought that our skylight idea was quite novel in keeping.
2 They did not question either moving the front door scenario
3 or those two side windows.

4 JIM MONTEVERDE: Well, let me answer Bill's
5 question. The Mid Cambridge folks could not have used the
6 drawings dated from January, because they're --

7 JOHN BUCKLEY: Certainly. No.

8 JIM MONTEVERDE: -- it's dated December 4.

9 JOHN BUCKLEY: That's right.

10 JIM MONTEVERDE: So did you go back to the Mid
11 Cambridge Conservation Commission for them to review your
12 final drawings?

13 JOHN BUCKLEY: No, we didn't. Because the --
14 everything that is shown in these final drawings are just a
15 net reduction of what we showed before. And none of the
16 things that are contentious to BZA were contentious to
17 Historic. So --

18 BILL BOEHM: I'm not --

19 JIM MONTEVERDE: Oh.

20 BILL BOEHM: -- John, I'm not sure any of this is
21 particularly contentious to us. I'm just trying to figure
22 out --

1 JOHN BUCKLEY: Or, sure, yeah.

2 BILL BOEHM: -- what has been submitted to whom,
3 and which --

4 JOHN BUCKLEY: Right.

5 BILL BOEHM: -- version got built.

6 JOHN BUCKLEY: Gotcha. I mean, I don't know if
7 there's a way in which I can send this to somebody right
8 now, but I -- it was issued twice.

9 Because I issued it once, and then Steven had
10 noticed that I forgot to take those out, and I issued it a
11 second time. And now I've lost you. I don't know where the
12 Zoom is. Hold on a second.

13 JIM MONTEVERDE: Yeah. Here.

14 JOHN BUCKLEY: I don't know if --

15 JIM MONTEVERDE: We'll ask you --

16 JOHN BUCKLEY: -- it helps at all, but I can say
17 that those two windows are not part of the project.

18 JIM MONTEVERDE: Okay. Can you?

19 JOHN BUCKLEY: They've been removed.

20 JIM MONTEVERDE: Can you e-mail that file to
21 Olivia Ratay?

22 JOHN BUCKLEY: Yes, I can. Give me one second.

1 I'll do that right now. You can see me as I do the stuff.

2 BILL BOEHM: And just out of curiosity, did you
3 want to remove the windows, or did you feel like those would
4 be rejected for some reason?

5 JOHN BUCKLEY: We did not feel that -- sorry, I
6 can't do two things at once. So I'll answer you first, then
7 I'm going to send this e-mail.

8 BILL BOEHM: My bad. Send. Go ahead --

9 JOHN BUCKLEY: Okay.

10 BILL BOEHM: -- finish your task then, and then --

11 JOHN BUCKLEY: Okay. Thank you.

12 [Pause]

13 I'm sorry, Olivia. I'm just going to attach these
14 files and send it with very limited information. But --
15 [Speaker talking to himself: Go! Irving Street, inventory,
16 filing, finding documents, special permit, reduce scope] and
17 then let me just check to make sure it's -- yep, this is the
18 one. Okay. Okay. Coming to you right now. Here we go.
19 Now I will return.

20 And so, we decided to take those windows out.
21 Those were the two windows in the project from the beginning
22 that, you know, we would -- it would be nice to have. It's

1 an office, so it would be great to have light.

2 But they are right on somebody else's back yard.

3 And we didn't want to, you know, push the boundaries too
4 far. And that seemed reasonable.

5 What was much more important was to make sure that
6 we can change the front façade and make sure that the stair
7 is working well and working well for everybody -- Zoning and
8 Inspectional Services.

9 BILL BOEHM: Okay. Thanks.

10 JIM MONTEVERDE: Are those two windows we're
11 talking about the only changes to the façade?

12 JOHN BUCKLEY: Yes.

13 JIM MONTEVERDE: Between the two different sets of
14 drawings?

15 JOHN BUCKLEY: That's correct.

16 JIM MONTEVERDE: Okay. So I've taken the set of
17 drawings that we have that are dated -- oh, yep, Olivia has
18 them up on the screen -- and the ones we have dated 10/25,
19 10/26/2023, and I've just crossed out those two windows.

20 JOHN BUCKLEY: Great.

21 JIM MONTEVERDE: Just because that's what we all
22 have in our hand.

1 JOHN BUCKLEY: Yep. Thank you for working through
2 that.

3 JIM MONTEVERDE: Yep.

4 JOHN BUCKLEY: I appreciate it.

5 JIM MONTEVERDE: Any other discussion from members
6 of the Board? Otherwise, I'll move to a motion. And this
7 is a special permit. I notice in your supporting statement
8 that these require a response.

9 You know, "Not applicable" doesn't -- isn't a
10 response. The response may be that this -- you know, you
11 don't, the require -- so I'll just, I'll run through the
12 requirements of the special permit and see if I can fill in
13 the blanks for you.

14 This is a special permit, so we have to meet the
15 criteria under 10.43 for a special permit, and that includes
16 items:

17 a) It appears that the requirements of the
18 ordinance cannot or will not be met. That's true for the
19 intrusions in the front yard and side yard, if any of the
20 other windows are in that side yard.

21 b) Traffic generated or patterns of access or
22 egress will cause congestion, hazard. No.

1 c) The continued operation of or development of
2 the adjacent uses as permitted would be adversely affected.
3 I think not.

4 d) Nuisance and hazard will be created to the
5 detriment of the health, safety, or welfare. I think not.

6 And

7 e) for other reasons, the proposed use would
8 impair the integrity of the district or adjoining district.
9 So I think not.

10 So I think it meets all the criteria of Section
11 10.43 for a special permit.

12 So for the motion: the Chair makes the motion to
13 grant relief from the requirements of the Ordinance under
14 Sections 5.31 -- and that's for the front yard setback,
15 relative to the relocation of door and windows, and I'll
16 just throw in any other side or rear yard setback for the
17 other windows that are being moved around; Section 8.22.2.c
18 and 8.22.2.d for a Nonconforming Structure.

19 And what I just read through for 10.43 for the
20 Criteria for a Special Permit, with drawings entitled,
21 "Perkins-Leung Residence," prepared by John Buckley, dated -
22 - the full set we have in our file is 10/25/23, with the

1 amended drawing on 01/18/2024; initialed and dated by the
2 Chair.

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

6 On a voice vote, please? Virginia?

7 VIRGINIA KEESLER: In favor.

8 JIM MONTEVERDE: Thank you. Steven?

9 STEVEN NG: In favor.

10 JIM MONTEVERDE: Thank you. Daniel?

11 DANIEL HIDALGO: In favor.

12 JIM MONTEVERDE: Thank you. Bill?

13 BILL BOEHM: In favor.

14 JIM MONTEVERDE: Thank you. And Jim Monteverde in
15 favor. Thank you. Relief is granted.

16 JOHN BUCKLEY: Thank you very much. Appreciate
17 it.

18 TOMMY LEUNG: Thank you.

19 JIM MONTEVERDE: You're welcome.

20 JOHN BUCKLEY: And thanks, Olivia.

21 JIM MONTEVERDE: Well, you get to step into the
22 spotlight! Very nice.

1 * * * * *

2 (7:29 p.m.)

3 Sitting Members: Jim Monteverde, Steven Ng, Virginia
4 Keesler, Daniel Hidalgo, and William Boehm

5 JIM MONTEVERDE: Next case is BZA-255955 for
6 One Brattle Square. Anyone calling in, wanting to speak
7 about Van Leeuwen?

8 JACLYN LABANCA: Hi, how are you. Van Leeuwen
9 team is here. Nice to meet you all.

10 JIM MONTEVERDE: Yep. Can you introduce yourself,
11 please?

12 JACLYN LABANCA: Yes. My name is Jaclyn LaBanca,
13 and I am Head of Store Development for Van Leeuwen Ice
14 Cream. Nice to meet everybody here.

15 JIM MONTEVERDE: Thank you.

16 JACLYN LABANCA: I'm not sure if we have our
17 Architect in the waiting room at all under "Sagil" or
18 "Carolyn."

19 SAGIL: I'm here, and this is Sagil from PDMS.

20 JACLYN LABANCA: All right. Thanks, Sagil.

21 JIM MONTEVERDE: Can you walk us through what
22 relief you're seeking?

1 SAGIL: Yeah. So this is -- we are looking for a
2 special permit to operate a formula business ice cream
3 store. So I'm Sagil. I'm Project Manager from PDMS Design
4 Group.

5 So this is a [unclear] project for Van Leeuwen Ice
6 Cream store going into an existing sell space, formerly
7 occupied by GNC -- General Nutrition Center, which is
8 currently unoccupied. It's been empty since a few months.

9 So Van Leeuwen started that business in a yellow
10 truck on a street of New York, and currently they are (sic)
11 open more than 50 stores in different states, and they are
12 planning to open one at One Brattle Square. So we're
13 looking for a tenant improvement permitting here.

14 Do share -- can I share my screen?

15 [Whispered: I can't.]

16 JIM MONTEVERDE: Somebody grab the screen?

17 SAGIL: All set? Okay. Yeah.

18 JIM MONTEVERDE: We have the drawings; if you want
19 anything just ask us.

20 SAGIL: Oh, okay.

21 JIM MONTEVERDE: Tell us which one you'd like to
22 see.

1 SAGIL: Okay. This one to do so, the design
2 rendered design in here.

3 JIM MONTEVERDE: Mm-hm.

4 SAGIL: Okay. Yes. Okay, sorry, yeah. Can you
5 see my screen? This is what the proposed design looks like,
6 the Van Leeuwen House. Can you see me --

7 JIM MONTEVERDE: Can you stop sharing your screen?

8 SAGIL: Oh, okay, sure.

9 JIM MONTEVERDE: Please. We'll use the documents
10 we have if you want to guide us through a particular one
11 you'd like to see?

12 SAGIL: Sure, sure. I'm sorry, my --

13 JIM MONTEVERDE: While you're going through that,
14 just for the Board, what's -- this is a special permit?

15 SAGIL: Correct, yes.

16 JIM MONTEVERDE: Relief being sought is under
17 Section 4.35.o again, and this is because -- the relief is
18 being sought because this is always a fast-order or quick
19 service food establishment.

20 And the lot, the parcel sits in C-1, and I believe
21 it's also a B, and on both of those, it requires a special
22 permit with the --

1 SAGIL: Correct.

2 JIM MONTEVERDE: -- criteria that we read through previously
3 for the bakery, which is -- and I'll read through those --

4 a) The proposed use is located within the ground
5 story of the building. That's correct.

6 b) The use is proposed to occupy a space that was
7 originally built for nonresidential use. That's correct.

8 c) The use is proposed to occupy a space that has
9 not contained a residential use at any point within two
10 years prior to the application. That's correct.

11 d) The special permit shall be valid only for the
12 entity to which the special permit was issued. That's
13 correct. And

14 e) the Special permit shall be valid for a time
15 period of 10 years after its issuance. That's correct.

16 So I think that's the relief, that's part of the
17 relief you need is to be able to have this type of use in
18 this district.

19 The other one that you mentioned in the
20 advertisement is Section 11.30, which I did not bring with
21 me.

22 And the criteria for -- I'll read through these --

1 Section 11.30 is Fast Order or Quick-Service Food

2 Establishment, Paragraph 11.31 -- and we need to find that

3 all of the following requirements are met:

4 That the operation of the establishment shall not:

5 1) Create traffic problems, I believe that's 2).

6 2) Reduce available parking. I believe that's
7 correct.

8 3) Threaten the public safety in the streets and
9 sidewalks. I believe that's correct. And

10 4) Encourage or produce double parking on the
11 adjacent public streets. And I believe that's correct.

12 And under Item b) Physical design, including color
13 and use of materials of the establishment shall be
14 compatible with and sensitive to the visual and physical
15 characteristics of other buildings.

16 c) The establishment fulfills a need for such a
17 service in the neighborhood.

18 d) The establishment will attract patrons
19 primarily from walk in trade.

20 e) The establishment shall, to the greatest extent
21 feasible, utilize biodegradable materials in packaging the
22 food and the utensils; after

1 f) The establishment shall provide convenient,
2 suitable, and well-marked waste receptacles; and

3 g) The establishment complies with all state and
4 local requirements applicable to ingress, egress, and use of
5 all facilities.

6 So those are the pieces -- those are the two
7 pieces you're in front of us for relief from. Do you want
8 to address those specifically, or do you think we covered
9 those in my soliloquy?

10 JACLYN LABANCA: I can speak to some of the items
11 that you just mentioned. This is Jaclyn again, with Van
12 Leeuwen Ice Cream.

13 In terms of the need in the community, if anyone
14 is not familiar with Van Leeuwen ice cream, not only do we
15 have classic flavors, but we also have vegan flavors as
16 well, which cater to any dietary restrictions.

17 And what makes us unique as a brand is that we
18 have six quality ingredients: Cream, milk, cane sugar, egg
19 yolks and any inclusions that make our distinct flavors.

20 We do have a sustainable brand as well as
21 sustainable packaging, which I believe also is in line with
22 the relief that you have mentioned. And, you know, we do as

1 an ice cream store cater to the community and would
2 appreciate their relief in order to join Harvard Square.

3 JIM MONTEVERDE: Thank you.

4 Any questions from members of the Board? If not
5 --

6 BILL BOEHM: I just want to note that I think it's
7 a little unfair to be doing this virtually, because I would
8 like to request to taste the ice cream.

9 JIM MONTEVERDE: [Laughter]

10 BILL BOEHM: It's going to be --

11 JACLYN LABANCA: You absolutely can. [Laughter]

12 JIM MONTEVERDE: You know, we've asked that on
13 several occasions where it's either been a restaurant or ice
14 cream, or purveyor and it's never happened. So I think
15 that's outside our purview, unfortunately.

16 JOHN BUCKLEY: Happy to serve you the next time.

17 JIM MONTEVERDE: Any other questions from members
18 of the Board? If not, public commentary. I'm looking at
19 the file; I don't see any correspondence. Give me one
20 second. No. No correspondence either for or against. So
21 I'll open it up to public comment.

22 Any members of the public who wish to speak should

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

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

10 No one is calling in, so we'll to close public
11 testimony. Any discussion among members of the Board, or
12 are we ready for a motion?

13 STEVEN NG: Jim, is there anything from the
14 Harvard Square Advisory Committee? I think they reviewed
15 this application. I might not -- I might be mistaken.

16 JACLYN LABANCA: That's correct, Steven. We did
17 meet with the Advisory --

18 STEVEN NG: Yeah.

19 JACLYN LABANCA: -- Board last week. And my
20 understanding is we received their support.

21 JIM MONTEVERDE: I'm not finding it in -- if they
22 did, it's not -- I'm not finding it in the file. Give me

1 one second.

2 STEVEN NG: Yeah, maybe the timing is just, you
3 know, hard to get a memo out. But just wanted to give them
4 their props, you know? If they had something to share.

5 But -- no just, and then from my own comment, just
6 great to see retailers coming to Harvard Square and, you
7 know, occupying some of those empty storefronts. You know,
8 we -- it's important for our community to have that kind of
9 activity and I love it.

10 JACLYN LABANCA: Thank you so much. We're really
11 excited to hear that.

12 JIM MONTEVERDE: And if -- okay, I'll state that
13 as a condition: If you do have some correspondence from the
14 Harvard Square Advisory Group or any other group, if you
15 could send that to us, please, and we could incorporate that
16 into the file?

17 JACLYN LABANCA: Absolutely.

18 JIM MONTEVERDE: Any other discussion among
19 members of the Board? If not, I'll propose a motion.

20 The Chair makes a motion to grant relief from the
21 requirements of the Ordinance under Sections 4.35.o, which I
22 just read through before; the Footnote 59 for all the

1 conditions that I believe they meet; Section 11.30, which we
2 just read through under the Fast-Food Order, which I think
3 all those criteria can be met, or those conditions will be
4 met by the proponent; and 10.40 for a Special Permit, which
5 I have read previously and won't repeat now.

6 On the condition that the work proposed conform to
7 the drawings entitled "Van Leeuwen, One Brattle Square,"
8 prepared by PDMS Design Group, also consultant Michael
9 Black, dated November 22, 2023; initialed and dated by the
10 Chair.

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

14 Further, that this personal permit is granted
15 incorporating the following condition: And that's that you,
16 the proponent, supply Inspectional Services or the Zoning
17 Office with a copy of your correspondence from the Harvard
18 Square Group, please.

19 A voice vote, please, Virginia?

20 VIRGINIA KEESLER: In favor.

21 JIM MONTEVERDE: Thank you. Daniel?

22 DANIEL HIDALGO: In favor.

1 JIM MONTEVERDE: Thank you. Bill?

2 BILL BOEHM: In favor.

3 JIM MONTEVERDE: Steven?

4 STEVEN NG: In favor.

5 JIM MONTEVERDE: And Jim Monteverde in favor.

6 [All vote YES]

7 JIM MONTEVERDE: Thank you.

8 JACLYN LABANCA: Thank you all. We really
9 appreciate it.

10 JIM MONTEVERDE: Yep. And the sign that you're
11 proposing outside the building, that's a different review,
12 correct?

13 JACLYN LABANCA: Yes, that's correct. And it's
14 only --

15 JIM MONTEVERDE: It's not part of this action?
16 Okay. Very good. Thank you.

17 JACLYN LABANCA: Thank you all.

18 SAGIL: Thank you.

19 JACLYN LABANCA: Have a great evening.

20 COLLECTIVE: Thank you.

21

22

1 * * * * *

2 (7:29 p.m.)

3 Sitting Members: Jim Monteverde, Steven Ng, Virginia

4 Keesler, Daniel Hidalgo, and William Boehm

5 JIM MONTEVERDE: Next case is BZA-255546 -- 320
6 Bent Street. Is anyone calling in who wishes to speak about
7 --

8 PAMELA JAGIELLO: Hi there. I'm here.

9 JIM MONTEVERDE: Hi.

10 PAMELA JAGIELLO: My name is Pam. I'm from Signs
11 by J here for a variance regarding 320 Bent Street and the
12 Merck sign.

13 Currently, there is an existing sign that is at
14 approximately 16' to the top of the sign. However, it's
15 hidden by trees. Unfortunately, the fabricator who dealt
16 with Merck didn't realize that the trees were going to
17 bloom, and now the sign is completely blocked.

18 And Merck would like relief from -- is requesting
19 a variance to raise the sign higher.

20 JIM MONTEVERDE: And I think it's as simple as
21 that, correct?

22 PAMELA JAGIELLO: It's as simple as that --

1 JIM MONTEVERDE: Yeah.

2 PAMELA JAGIELLO: One page.

3 JIM MONTEVERDE: So we brought up the one page
4 from what was submitted. I think you can see on the lower
5 right that must be the existing condition, where the sign is
6 lower than the trees in front of it.

7 And then upper right is the condition trying to
8 look through the trees, which isn't too successful, and then
9 the photo on the -- a photo simulation on the left is
10 raising the sign to the height that you're requesting
11 between the second and third floor, correct?

12 PAMELA JAGIELLO: Yes, sir. Yes, sir.

13 JIM MONTEVERDE: Is that a photo simulation or is
14 that sign in?

15 PAMELA JAGIELLO: No, that's a photo [laughter].

16 JIM MONTEVERDE: Okay, very good.

17 PAMELA JAGIELLO: They get better every day.

18 JIM MONTEVERDE: Really?

19 PAMELA JAGIELLO: Yeah.

20 JIM MONTEVERDE: Okay. Thank you.

21 PAMELA JAGIELLO: Currently the letters are still
22 in their existing spot behind the trees.

1 JIM MONTEVERDE: Okay. Thank you. And let me
2 see. Yep, I think that's good. Any questions from members
3 of the Board?

4 STEVEN NG: Is the -- the new sign is not intended
5 to be illuminated, correct?

6 PAMELA JAGIELLO: No, it's existing. We're just
7 literally moving the cutout metal letters up.

8 STEVEN NG: Okay. Thank you.

9 PAMELA JAGIELLO: Yep. The sign met all the
10 criteria previously.

11 JIM MONTEVERDE: Okay. Thank you. Any other
12 questions from members of the Board? If not, public
13 comment. I have -- we have no letters in the file either
14 for or against. So we'll open it up for public comment.

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

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

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

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

3 [Pause]

4 Nope? No one calling in. We'll close public
5 testimony. Any discussion from members of the Board?

6 BILL BOEHM: Yes. Is this -- is the request
7 because we're going -- the proposal is to go higher than the
8 limit that's --

9 JIM MONTEVERDE: Correct.

10 PAMELA JAGIELLO: Correct. The height is --

11 BILL BOEHM: Okay, so --

12 PAMELA JAGIELLO: -- 20' maximum.

13 BILL BOEHM: -- we heard one earlier this evening
14 and it was rejected. It was found that there was not a
15 hardship. I'm looking on Google Maps right now at the
16 street photo.

17 And my question -- this could have been a question
18 earlier, but I'll ask you now: Did you consider putting a
19 sign at the same height, but on Fulkerson Street, rather
20 than Rogers Street, which seems to have no trees in front of
21 it and plenty of visibility?

22 PAMELA JAGIELLO: I think their initial plan was

1 that they were putting so that when you were coming down the
2 road, you would see it from both sides. You would see it --
3 so you'd take the right into, like, the loading dock area
4 and what not.

5 BILL BOEHM: Got it.

6 PAMELA JAGIELLO: So.

7 BILL BOEHM: I would only, you know, say that
8 based on what I'm seeing on the map, on the photo, you would
9 see it very clearly if it was on the brick bay facing
10 Fulkerson Street.

11 So I'll just say that if we're holding people to
12 this limit, I don't think it would be fair to allow this one
13 is my opinion, after we've already rejected one tonight.

14 JIM MONTEVERDE: Yeah. I think it's a case of
15 context as well. So yeah, I have an initial concern about
16 locating it over 20', but looking at the photo simulation,
17 it seems to be a modest enough sign and I could support it,
18 where the Central Square one, based on the surrounding
19 context I couldn't.

20 So I'm going to have my cake and eat it too.

21 All right. Any other discussion among members of
22 the Board? If not, I'll move to a motion.

1 The Chair makes a motion to grant relief from the
2 requirements of the Ordinance under Section 7.16.22.c for a
3 Wall Sign and 10.30 for a Variance on the condition that the
4 work proposed conform to the drawings entitled "Merck 320
5 Bent Street, Cambridge," prepared by Sweet Sign Systems
6 dated April 24, 2023; initialed and dated by the Chair.

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

10 On a voice vote, please? Virginia?

11 VIRGINIA KEESLER: In favor.

12 JIM MONTEVERDE: Daniel?

13 DANIEL HIDALGO: In favor.

14 JIM MONTEVERDE: Bill?

15 BILL BOEHM: Opposed.

16 JIM MONTEVERDE: And Steven?

17 STEVEN NG: In favor.

18 JIM MONTEVERDE: And Jim Monteverde in favor.

19 [Four vote Yes, One OPPOSED]

20 JIM MONTEVERDE: Four in favor; four affirmative.

21 The relief is granted. Thank you.

22 PAMELA JAGIELLO: Very good. Thank you so much.

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JIM MONTEVERDE: You're welcome.

PAMELA JAGIELLO: Have a good night.

1 * * * * *

2 (7:50 p.m.)

3 Sitting Members: Jim Monteverde, Steven Ng, Virginia

4 Keesler, Daniel Hidalgo, and William Boehm

5 JIM MONTEVERDE: The next case is BZA-242189 -- 2
6 Ellsworth Park. Is there anyone calling in is there anyone
7 calling in wishing to speak about 2 Ellsworth Park?

8 NIEN-HE HSIEH: Hi, this is Nien-he Hsieh. I'm
9 here for 2 Ellsworth Park.

10 JIM MONTEVERDE: Yep, would you introduce you
11 folks, please?

12 NIEN-HE HSIEH: Oh, yeah. So my name is Nien He-
13 Hsieh. I'm one of two owners at 2 Ellsworth Park, along
14 with my wife, Sarah Toomey. And we are here again about our
15 deck. So thank you very much.

16 JIM MONTEVERDE: And am I correct that this was
17 previously approved?

18 NIEN-HE HSIEH: Yes, that is correct, yes.

19 JIM MONTEVERDE: But the two-year time frame has
20 lapsed, which is why --

21 NIEN-HE HSIEH: No, what happened --

22 JIM MONTEVERDE: -- you're back?

1 NIEN-HE HSIEH: Oh. I think what happened was it
2 was approved, and we built it. And then while we were
3 building it, we noticed -- if you look on the screen, you'll
4 see the section where there's a bike parking area --

5 JIM MONTEVERDE: Yep.

6 NIEN-HE HSIEH: -- next to the bulkhead. And
7 while we were building it, we realized that was not a very
8 efficient use of the space, and simply extended the deck out
9 over that part another four or five -- or I guess five feet
10 or so.

11 And I thought it would be okay, since it's
12 underneath the deck and it wouldn't really be seen by the
13 neighbors. But I realize that in retrospect we should have
14 put in for an amendment to our permit.

15 So we're very sorry about the fact that we
16 extended the deck those five feet without amending the
17 permit, and so, here I'm asking for, I guess, your
18 forgiveness in that and so --

19 JIM MONTEVERDE: Okay. No, no, understood. So
20 the drawing that we're looking at -- these are the drawings,
21 I believe, that are in the file -- what -- tell me again the
22 bike storage area?

1 NIEN-HE HSIEH: Oh, no. So it wasn't -- so sorry,
2 so that's not -- it should be a photograph I took --

3 JIM MONTEVERDE: Reserved photograph.

4 NIEN-HE HSIEH: -- as well. So there's a bike --
5 it wasn't a bike storage, it was just basically on the level
6 of the ground --

7 JIM MONTEVERDE: Yep.

8 NIEN-HE HSIEH: -- next to the bulkhead. And so,
9 the fence -- the deck would end there. And we realized the
10 space would -- we thought the space would be better utilized
11 by simply extending the deck out.

12 So the part from the posts on the right there, so
13 the part -- that part between the post and the side of the
14 fence is where the bikes were originally going to be. So we
15 extended the deck out to that part there.

16 JIM MONTEVERDE: Okay. So the photograph is
17 what's been built?

18 NIEN-HEI HSIEH: This is a photograph of what is
19 there now, that's right.

20 JIM MONTEVERDE: And you are looking to --

21 NIEN-HE HSIEH: So but then after having done
22 that, realized that we should -- we didn't -- wasn't

1 according to the original plans. And so, we wanted to come
2 here and, you know, ask your forgiveness for having done
3 that without amending.

4 JIM MONTEVERDE: Okay. Yep. But the only -- so
5 the only piece we're really granting or you're seeking
6 relief from is this original portion of the desk that was
7 built in lieu of the bike storage that was shown on the --
8 both the plans that we have in --

9 NIEN-HEI HSIEH: That is correct, yeah.

10 JIM MONTEVERDE: -- most of the --

11 NIEN-HE HSIEH: And I think I tried to mark it off
12 with red on one of the plans, but um --

13 JIM MONTEVERDE: Okay. All right. Give me one
14 second, please. And the second floor was built according to
15 the plans?

16 NIEN-HE HSIEH: Yeah, the second floor was built
17 according to -- and the side of the deck on that first floor
18 is also built according to plan. It's just that it's now
19 sitting out five feet away from the door, as opposed to next
20 to the door.

21 JIM MONTEVERDE: Okay. Thank you. I think that's
22 all. That's what we're dealing with here. That's the

1 relief you're seeking. This is a special permit.

2 Any questions from members of the Board?

3 BILL BOEHM: Where do you park the bikes now, and
4 is this -- this is a two-family, so do you have a neighbor
5 that needs a place to park bikes as well?

6 NIEN-HE HSIEH: Oh, so we thought we'd actually
7 just keep the bikes up there, if that makes sense. So --

8 JIM MONTEVERDE: On the deck?

9 NIEN-HE HSIEH: On the deck. It was just -- it
10 just made more sense to put them on the deck down there.

11 JIM MONTEVERDE: Okay. Any other questions from
12 members of the Board? If not, we'll open it up to public
13 comments.

14 We have no correspondence in the file either for
15 or against.

16 We do have a Certificate of Non-Applicability from
17 the Mid Cambridge Neighborhood Conservation District
18 Commission, dated October 10, 2023, regarding the revised
19 rear deck design not visible from the public way.

20 With that, I'll open it up to public comment.

21 Any members of the public who wish to speak should
22 now click the icon at the bottom of your Zoom screen that

1 says, "Raise hand." If you are calling in by phone, you can
2 raise your hand by pressing *9 and unmute or mute by
3 pressing *6.

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

9 [Pause]

10 No one's calling in, so I will close public
11 testimony. Any discussion among members of the Board? If
12 not, I will move to a motion. This is a special permit.

13 Criteria:

14 a) It appears that the requirements of the
15 Ordinance cannot or will not be met. And that's correct.

16 b) Traffic generated or patterns of access or
17 egress will cause congestion, hazard. I think not.

18 c) The continued operation of or the development
19 of the adjacent uses would be adversely affected. I think
20 not.

21 d) Nuisance or hazard will be created to the
22 detriment of the health, safety, and/or welfare. I think

1 not. And

2 e) for other reasons, the proposed use would
3 impair the integrity of the district or adjoining district.
4 I think not.

5 So I think it qualifies for all the criteria for
6 special permit.

7 So the Chair makes a motion to grant relief from
8 the requirements of the Ordinance under Sections 5.31,
9 Dimensional Requirements; 8.22.2.d for a Nonconforming
10 Structure; and 10.43, the Criteria for the Special Permit
11 that we just read through.

12 And again, what's the change here from the
13 previously approved Special Permit is the extension of the
14 deck over what had been shown as the bike parking area.
15 That's all that we're basically rendering an opinion on.

16 On the condition that the work proposed conform --
17 well, it's not, it's done. Nothing to initial for us. And
18 there are no supporting statements. Dimensional Form is
19 part of the application.

20 So on a voice vote, please? Virginia?

21 VIRGINIA KEESLER: In favor.

22 JIM MONTEVERDE: Daniel?

1 DANIEL HIDALGO: In favor.

2 JIM MONTEVERDE: Bill? Bill?

3 BILL BOEHM: In favor.

4 JIM MONTEVERDE: Steven?

5 STEVEN NG: In favor.

6 JIM MONTEVERDE: And Jim Monteverde in favor.

7 [All vote YES]

8 JIM MONTEVERDE: Relief is granted. Enjoy your
9 deck.

10 NIEN-HE HSIEH: Thank you. Thank you very much.
11 Appreciate it. And to also the Staff, who have been very
12 helpful through the whole process as well. So. Give a
13 shout out to them too. So okay. Thank you.

14 Do I log off now?

15 JIM MONTEVERDE: You're all set. Thank you.

16 NIEN-HE HSIEH: Okay. Thank you, so much. Thank
17 you, so much.

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2 (7:59 p.m.)

3 Sitting Members: Jim Monteverde, Steven Ng, Virginia

4 Keesler, Daniel Hidalgo, and William Boehm

5 JIM MONTEVERDE: Next case is BZA-254785 -- 2

6 Phillips Place. Given the wrong number? Oh, 5 Phillips
7 Place.

8 DOUGLAS OKUN: Yes. Can you hear me?

9 JIM MONTEVERDE: Hi. Is there anyone there? Oh
10 there. Hi.

11 DOUGLAS OKUN: Hi.

12 JIM MONTEVERDE: Could you introduce yourself,
13 please?

14 DOUGLAS OKUN: Yes. I'm Douglas Okun. I'm the
15 Architect for this project.

16 JIM MONTEVERDE: Very good. Do you want to
17 explain what relief you're seeking and what you're looking
18 to do?

19 DOUGLAS OKUN: Well, I think we met all the Zoning
20 Criteria for New Construction, except for the fact that the
21 building is currently too close to the street in the front
22 and the back.

1 If you look at the Table of Dimensional
2 Requirements, we're okay with all the -- where is it, right
3 here.

4 Can you pull it up?

5 I think the only one that we're dealing with is
6 the current front, which is supposed to be almost 10', 9.5'.
7 We're 9.5', it should be 20". And rear should be 25 more
8 3.4'.

9 JIM MONTEVERDE: So it's currently nonconforming.

10 DOUGLAS OKUN: Correct.

11 JIM MONTEVERDE: And the only dimensional pieces
12 that are being revised are the total gross floor area, the
13 GFA, the ratio, but you're under the 0.5 that the Ordinance
14 requires.

15 DOUGLAS OKUN: Okay.

16 JIM MONTEVERDE: Right? With -- and this says
17 you're decreasing the rear yard setback by 0.1' is that
18 correct?

19 DOUGLAS OKUN: [Laughter] I'm not really sure. I
20 mean --

21 JIM MONTEVERDE: That sounds like an electronic
22 drawing measurement. Yep, the rest of it all seems the same

1 [unclear].

2 DOUGLAS OKUN: Right. Right.

3 JIM MONTEVERDE: And the right-side setback goes
4 from 39.5' to 34.75', but it's still greater than the 10'
5 required by the Ordinance. Height goes from 32.6' to 34',
6 but it's still below 35'.

7 The ratio of usable open area is above the
8 required. You're here for the rear yard setback, that's the
9 only thing you're here for. Okay. The only thing you're
10 here for really is the building in the -- the rear of the
11 building, expanding the rear -- is in the rear yard setback.
12 Okay. Anything else to present, or do we have all the facts
13 we need?

14 [Pause]

15 Hearing nothing else. Any questions from members
16 of the Board?

17 DANIEL HIDALGO: Hello, this is Daniel Hidalgo. I
18 just missed this, because it's not on the Dimensional Form.
19 But what's the GFA requirement under the Ordinance here? I
20 don't see it on the Dimensional Form.

21 JIM MONTEVERDE: Well, from the Dimensional Form
22 you'd have to do the arithmetic --

1 DANIEL HIDALGO: Yeah, right. Okay.

2 JIM MONTEVERDE: -- backwards, right? So it's a
3 6000 square feet minimum lot.

4 DICK HINCH: Yeah. Okay. But it's under. Okay.
5 That's all.

6 JIM MONTEVERDE: GFA of 5, so it's 3,000. So it's
7 always been over.

8 DANIEL HIDALGO: Okay. All right.

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

11 BILL BOEHM: I'm just kind of quickly racing
12 through the Zoning here to understand what is allowed for
13 garages. Because we were adding a garage, so I didn't see
14 that discussed. So I can only assume that it's meeting the
15 Dimensional Standards. But I guess I just want to have that
16 confirmed.

17 JIM MONTEVERDE: Say again who were you asking
18 question of?

19 BILL BOEHM: Well, either the architect or someone
20 else on Zoning --

21 DOUGLAS OKUN: Yes.

22 BILL BOEHM: -- may have looked at the, you know,

1 just the compliance of the new garage structure.

2 JIM MONTEVERDE: Right.

3 (To Staff) Do you think they need relief from the
4 drawing?

5 DOUGLAS OKUN: Yeah. We lost you for a minute or
6 two.

7 JIM MONTEVERDE: Yeah. So Bill, I think that this
8 is from a Zoning specialist. There doesn't appear to be any
9 relief that they need for the garage. They do for the
10 addition in the rear because it's within the rear yard
11 setback.

12 BILL BOEHM: Okay. Thanks.

13 JIM MONTEVERDE: Does that answer your question?
14 Yep. Any other questions from members of the Board? If
15 not, I have one.

16 Doug, if you could please help me here.

17 This is an over 5,000-square-foot single-family
18 home, and you're adding over 1,300 square feet as the
19 advertisement says, "to make it more suitable for
20 contemporary living."

21 JIM MONTEVERDE: Could you explain that one?

22 DOUGLAS OKUN: Okay.

1 JIM MONTEVERDE: What is it that drives the -- and
2 really, it's the addition in the back that's the one that's
3 not in compliance. But what is it that the 1,300 square
4 feet will allow you to do for contemporary living that you
5 can't do now?

6 DOUGLAS OKUN: I keep losing you periodically but
7 let me go to the existing first floor plan if I could. All
8 right. Here.

9 So if you look at the plans, you can see that the
10 rooms are very small, and they're cut up and they're all
11 separated from each other.

12 And so, what we're trying to do -

13 Can you go to the first floor, first floor
14 proposal -- so what we're trying to do is open the plan up
15 so that we can have a large family area, and then a prayer
16 room or a study.

17 JIM MONTEVERDE: Mm-hm. And I assume that's a
18 two-story or more addition? The new area, the new space, is
19 that on the second floor as well and above?

20 DOUGLAS OKUN: [Audio cut off] That's quite small.
21 I can't -- can I -- do you see my cursor? No. No. But
22 anyway, you can go to the second floor.

1 Can you go to the second floor, please? Yeah.

2 So Joan has three children, and so, this is the
3 plan for each one having a bedroom, a study area, and a
4 bathroom.

5 JIM MONTEVERDE: Okay. I got it. Thank you. Any
6 other questions from members of the Board? If not, we'll
7 open it to public comment. There are no letters in the
8 file, either for or against.

9 Did we get a letter from Historic? I didn't see
10 it in here.

11 [Pause]

12 I'm sorry, the pause is we were aware that the
13 Historic Commission was taking a look at the proposal, and
14 we understood that correspondence from them was to come to
15 us today. And we don't find it -- I don't find it in the
16 file at the moment. Sorry.

17 All right. Doug, is the parcel within the Harvard
18 Square Historic Area? Are you in the area review? Doug, do
19 you know?

20 Okay. All right. We don't have anything in our
21 file. I'll go back to opening it up to public comment.

22 Any member of the public who wishes to speak

1 should now click the icon at the bottom of your Zoom screen
2 that says, "Raise hand."

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

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

10 Anybody? Nope. No one's calling in, so I'll
11 close public testimony. Discussion among members of the
12 Board?

13 STEVEN NG: Is the basement slab or clear height
14 in the basement getting changed at all? I can't tell.

15 DOUGLAS OKUN: Oh, can you hear me?

16 STEVEN NG: Yes.

17 DOUGLAS OKUN: Okay. So the existing floor joists
18 underneath the first floor are only 4' x 6'.

19 STEVEN NG: So what are you doing to the basement
20 level? Are you lowering the slabs?

21 DOUGLAS OKUN: [Audio cut off] steel structure.
22 And we're going to [audio cut off] put new floor joists and

1 dig down to whatever it takes to get about almost 8' clear
2 in the basement.

3 STEVEN NG: Okay.

4 DOUGLAS OKUN: So there's a lot in the existing.

5 STEVEN NG: So that square footage is included
6 your FAR as well?

7 JIM MONTEVERDE: Doug, we're having a problem with
8 your Internet connection. You keep freezing.

9 DOUGLAS OKUN: Okay.

10 JIM MONTEVERDE: We keep losing the conversation.

11 DOUGLAS OKUN: No, because based on the single-
12 family -- we -- can I use that one?

13 JIM MONTEVERDE: Go ahead, Doug. I think you were
14 on the right path there.

15 [Side conversation]

16 STEVEN NG: Well, it's occupied space, right? You
17 got a guest room. You got -- it's going to be at least
18 pretty tall to accommodate a golf simulator down there. But
19 that doesn't apply to the square footage.

20 DOUGLAS OKUN: I'm sorry. I didn't hear the
21 question.

22 JIM MONTEVERDE: When you dig out the basement --

1 let me see if I understood the question -- Steven's question
2 -- when you dig out the basement to get your height, do you
3 then include that area of square footage in the square
4 footage request that you're making?

5 DOUGLAS OKUN: Is that a question or is that --

6 JIM MONTEVERDE: That's a question. Did you
7 include the square footage of the basement in your
8 tabulation and your Dimensional Form?

9 OLIVIA RATAY: Because 5 Phillips Place is not in
10 a flood zone, basement spaces are exempt from total Gross
11 Floor Area.

12 JIM MONTEVERDE: There you go.

13 STEVEN NG: Okay. Thank you.

14 JIM MONTEVERDE: Okay. Any other discussion from
15 members of the Board?

16 BILL BOEHM: I'm looking at Historic Districts
17 around Cambridge. And from what I can tell, this is in some
18 Old Cambridge Historic District or something. So I just
19 wonder if it's -- if we're out of line to be reviewing this
20 if the first step isn't supposed to be okay blessing from
21 Historic.

22 DOUGLAS OKUN: We had a meeting --

1 JIM MONTEVERDE: Yeah.

2 DOUGLAS OKUN: -- with Historic last week, and
3 everything was approved.

4 JIM MONTEVERDE: Do you have correspondence from
5 them to that effect?

6 DOUGLAS OKUN: Actually, I don't. I'm kind of
7 surprised.

8 JIM MONTEVERDE: Does the owner?

9 DOUGLAS OKUN: No. I don't think anybody got it.
10 If I didn't get that --

11 JIM MONTEVERDE: Okay.

12 DOUGLAS OKUN: -- I don't think anybody got it.

13 JIM MONTEVERDE: So Bill, to that point, what I
14 was going to propose -- and since I had understood that a
15 letter was coming from Historic to our file, and I don't
16 know what their opinion was -- I was going to make the
17 motion with a condition that the Historic Commission review
18 is in favor, and if it is that any conditions that the
19 Historic Commission applies be applicable to our ruling.

20 And that if the Historic Commission does not
21 approve it, then it's not approved.

22 DOUGLAS OKUN: Is that possible?

1 JIM MONTEVERDE: Yeah. We'll make that a
2 condition. That's the only way I can see, just so we can
3 move this tonight. Otherwise, it's a continuance to wait
4 until we get correspondence from the Historic Commission.

5 Members of the Board, do you have a preference on
6 which way you'll like to go, before we ask the proponent?
7 Is everybody comfortable going ahead making that condition,
8 or do we want to ask for a continuance to come back after
9 the correspondence is in hand?

10 BILL BOEHM: I'm comfortable with that.

11 JIM MONTEVERDE: Yeah. Steven, are you okay?

12 STEVEN NG: Yes, I'm comfortable with that.

13 JIM MONTEVERDE: Yep. I'm cool with that.

14 JIM MONTEVERDE: Virginia?

15 VIRGINIA KEESLER: Yes, I'm comfortable.

16 JIM MONTEVERDE: Daniel?

17 DANIEL HIDALGO: Yes, that's fine.

18 JIM MONTEVERDE: Okay. Okay. All right. A
19 motion then.

20 Are you okay with that condition, Doug?

21 DOUGLAS OKUN: Yes, thank you.

22 JIM MONTEVERDE: Okay, thanks.

1 The Chair makes a motion -- and this is a special
2 permit -- to grant relief from the requirements of the
3 Ordinance under Sections 5.31, Table of Dimensional
4 Requirements, and that has to do with the addition in the
5 rear yard setback -- section 8.22.2.d for a Nonconforming
6 Structure; and 10.40 for a Special Permit, the criteria of
7 which is:

8 a) It appears that the requirements of the
9 ordinance cannot or will not be met. That is correct.

10 b) Traffic generated, access or egress will cause
11 congestion or hazard. No, I think not.

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

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

17 And

18 e) for other reasons, the proposed use would
19 impair the integrity of the district or adjoining district.

20 And it will not.

21 So I think it meets all the criteria for a special
22 permit under 10.43.

1 On the condition that the work proposed conforms
2 to the drawings entitled "A Proposal for 5 Phillips Place
3 Residence," prepared by dated Douglas Okun Associates and
4 dated December 6, 2023; initialed and dated by the Chair.

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

8 Further, that the special permit is granted
9 incorporating the following condition: and that is that the
10 Historic Commission correspondence will be received by ISD
11 for the file and by the proponent, and that if that
12 correspondence is in favor of the proposed additions,
13 that'll be included in this finding.

14 If there are any conditions with that
15 correspondence from the Historic Commission, that those will
16 be made part of this finding. And if the Historic
17 Commission review is not in favor of these additions, then
18 the special permit will not be granted.

19 A voice vote, please, from the Board, Virginia?

20 VIRGINIA KEESLER: In favor.

21 JIM MONTEVERDE: Steven?

22 STEVEN NG: In favor.

1 JIM MONTEVERDE: Thank you. Daniel?

2 DANIEL HIDALGO: In favor.

3 JIM MONTEVERDE: Thank you. Bill?

4 BILL BOEHM: In favor.

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

7 [All vote YES]

8 JIM MONTEVERDE: That's five in favor. Relief is
9 granted on the condition that we see that correspondence
10 from the Historic Commission.

11 DOUGLAS OKUN: Okay.

12 JIM MONTEVERDE: So Mr. Okun, you may want to
13 contact the Historic Commission and encourage them to get
14 correspondence to Olivia as soon as they can, all right?

15 DOUGLAS OKUN: I will.

16 JIM MONTEVERDE: Thank you.

17 DOUGLAS OKUN: Okay.

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2 (8:01 p.m.)

3 Sitting Members: Jim Monteverde, Steven Ng, Virginia
4 Keesler, Daniel Hidalgo, and William Boehm

5 JIM MONTEVERDE: Next case -- final case -- is
6 BZA-257802 -- 17 Fifth Street. Anyone wishing to present?
7 Mr. Rafferty, are you with us?

8 JAMES RAFFERTY: Good evening, Mr. Chair, yes. I
9 am present and pleased to be here. My name for the record
10 is James Rafferty. I'm an attorney with offices located at
11 907 Massachusetts Avenue in Cambridge.

12 I'm appearing this evening on behalf of the
13 property owners, Stuart Craig and Peter Hahn, H-a-h-n. Mr.
14 Craig and Mr. Hahn own this single-family house on Fifth
15 Street in a Residence C-1 District.

16 Board members have hopefully had an opportunity at
17 least to view it through photos. It's a really quaint house
18 at the bottom end of Fifth Street, just before the
19 intersection with Winter Street and right at the mouth of
20 the opening of the Gold Star Mothers Park.

21 The house sits sideways on the lot, which is an
22 exceptionally small lot, the lot itself being only 2,370

1 square feet.

2 But through the skilled work of architects from
3 East Cambridge Paul E Fiore, Matthew Burke, and -- is with
4 us, as is Mr. Paul Fiore -- they have come up with a design
5 that's going to allow for an expansion of this house to
6 accommodate the growing needs of Mr. Craig and Mr. Hahn's
7 family. They have a teenage son who attends Cambridge
8 Rindge and Latin. And their goal is to be able to remain in
9 this house for many more years.

10 So the proposal here involves the -- and addition
11 -- the removal of an ell and the reconstruction, plus some
12 additional square feet.

13 So the arithmetic lines up on this that a variance
14 is required because the actual -- the house presently is
15 below the allowable FAR. It has a square footage today of
16 1,300 square feet; it has an ability as-of-right for 400
17 square feet additional, if you will.

18 So one way to think about the variance request is
19 it really isn't applicable to the 400 square feet, it's the
20 remaining 145 square feet that really makes this house
21 become the home that Mr. Hahn and Mr. Craig have envisioned
22 and are trying to achieve here.

1 So it is a variance request, because it does
2 represent an exceedance of the allowed FAR. But the
3 exceedance is quite modest, moving the FAR slightly from
4 0.75 to 0.81.

5 But what it really does, It allows for a complete
6 rehab of the house. And Mr. Fiore or Mr. Burke could share
7 with you the condition of the house.

8 The house, even given its charm and its appearance
9 has significant structural shortcomings. So this is going
10 to be an extensive redoing of this house.

11 If the Chair would like, I know even Mr. Fiore or
12 Mr. Burke would be happy to walk the Board through the
13 changes, particularly where the additions are being added;
14 portions of the roof are being raised.

15 It's clearly spelled out in the plans, but since
16 it's so early and I know you people enjoy all of this, I'm
17 happy to have our architects walk you through this.

18 But I think what's most notable is that the scale
19 of this house, which is really comfortably settled into with
20 its abutters, will continue to enjoy that same relationship
21 with these additions.

22 So if you'd like, I know Mr. Fiore or Mr. Burke

1 would be happy to quickly go through the plans if that would
2 assist the Board in its fact-finding.

3 JIM MONTEVERDE: Yes. If you don't mind, if you
4 could just go through the --

5 JAMES RAFFERTY: Sure.

6 JIM MONTEVERDE: -- and explain the plans and the
7 relief you're seeking.

8 JAMES RAFFERTY: Okay. So just to be clear, the
9 relief is a variance for GFA and a special permit for
10 windows on a nonconforming wall.

11 JIM MONTEVERDE: Yep. Thank you.

12 JAMES RAFFERTY: Paul, are you going to --

13 PAUL FIORE: Yes. Hello. Can -- my name is Paul
14 Fiore, for the record. Can you hear me?

15 JAMES RAFFERTY: Yes.

16 PAUL FIORE: Great. So you're -- you can go
17 quickly through the as-built plans. This is the existing
18 basement plan.

19 Currently, the basement is not -- it's an
20 unfinished basement, and it's got a dirt floor and part of
21 the -- well, I can get to that when we get to the proposed
22 basement, but part of what we're doing is creating finished

1 space in this basement.

2 And the back portion, the back rectangle if you
3 will is in really bad condition and needs to be rebuilt. So
4 that whole back rectangle will be taken off and rebuilt.

5 The front part of the house, which is the historic
6 part, will be dug down and underpinned and will become a
7 finished basement. I should say --

8 JAMES RAFFERTY: Can you show -- could -- I'm
9 sorry, could we show the elevation? Just because I don't
10 think this image tells the story. Thank you.

11 PAUL FIORE: Here you go. Yeah. So the front
12 part, the part on the right is the original house. We've
13 met with Historic; we've met with Charlie Sullivan and
14 discussed the house. And he -- they are on board with this
15 plan and can give it an administrative review -- approval if
16 you will. And it doesn't need to go through a hearing.

17 So we met with them -- both the client met with
18 them originally, the homeowners -- and then Matthew and I a
19 few weeks ago remet with them again just to show them
20 exactly what they were doing, and they were pleased with the
21 reconstruction and said that it wouldn't need a review.

22 So the front part, the part on the right, will be

1 completely gut renovated and the roof is going to be raised
2 just a couple feet. I think it's about 20" if I'm not
3 mistaken, just to provide enough walking distance around the
4 edges, which it does not provide at the moment.

5 So if you go to the proposed elevation, you'll see
6 the same -- right. So what we're proposing on the front
7 portion is that it's -- we look -- we're raising the roof,
8 as I said, keeping all the dormers and changing the stucco
9 to clapboarding, which Charlie thought was probably the
10 original material for the front of the house.

11 And then from the back portion on is a completely
12 new addition that houses the kitchen on the first floor and
13 a primary bedroom suite on the second.

14 And the basement will become -- mostly the
15 homeowners want to use that as a sort of playroom, family
16 room for their son and any guests that they have. Yes,
17 that's the floor I'm referring to. Yes.

18 And you can see on the first floor, it's really
19 just kitchen -- one floor up from here is -- so the new
20 entryway will be in the space between the existing house and
21 the rear addition. And there's a kitchen on the left and an
22 open living/dining room on the right-hand side.

1 And then on the second floor, you'll see that
2 there's just the primary suite on the left and their son's
3 room would be on the right-hand side in the small office
4 that they share when they're working at home.

5 So that's essentially -- so the area where the
6 additional square footage is located of the as-of-right
7 additional square footage and the additional 145' are on the
8 left-hand side --

9 PAUL FIORE: Correct.

10 JAMES RAFFERTY: -- essentially the second floor,
11 if you think about it in terms of existing conditions, it's
12 the second, we're looking at the first floor now of the
13 additions. Basically, the second floor of what used to be
14 the ell is where the square footage is being utilized.

15 Thank you.

16 PAUL FIORE: Thank you, Jim. That's correct.

17 JAMES RAFFERTY: So that is essentially -- those
18 are the plans, that's the rationale. As I said, the
19 hardship is related to the small size of the lot -- the fact
20 that the age of the structure is such that it's in need of
21 significant remediation.

22 We do have some nonconforming walls where we're

1 adding the windows that we saw at the special permit. It's
2 often been discussed at these hearings whether if you're
3 getting a variance and the windows are there, do you really
4 need the special permit?

5 We've gone back and forth over the years, so the
6 safest course of conduct is we have applied both for the
7 variance for the square footage and for the special permit
8 for the windows.

9 JIM MONTEVERDE: Right. Okay. Thank you.

10 JAMES RAFFERTY: All right.

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

13 BILL BOEHM: I have a question. The new kitchen
14 and bedroom addition is practically entirely glazed. And it
15 is quite close to an abutting property on I think it's Gore
16 Street?

17 JIM MONTEVERDE: I think it --

18 BILL BOEHM: So I was just wondering if those
19 neighbors have been -- I mean if they're comfortable with
20 this. And I guess is there a rationale for the -- all the
21 glazing? Are you doing that for passive solar or -- yeah,
22 those are my questions.

1 JAMES RAFFERTY: Yeah. I believe -- I know Mr.
2 Craig and Mr. Hahn had spoken with nearly all of their
3 neighbors. So maybe they could address the neighbor
4 reaction question. And then of course Mr. Fiore could
5 address the glazing question.

6 PETER HAHN: Are you able to hear us? This is
7 Peter Hahn. If you're talking about the neighbor to the
8 north, which would be the next neighbor on Gore Street
9 behind the house: Yes, we have been in touch with them and
10 they're in support of our application.

11 JIM MONTEVERDE: Excuse me --

12 PETER HAHN: Is that the neighbor that you're
13 talking about?

14 JIM MONTEVERDE: I think that's one set. From
15 looking at the locus plan, I believe it's 117 Gore Street.
16 That one.

17 PETER HAHN: Oh. On that one, that is a rental
18 unit. And we have not spoken with the owner of that
19 property who rents out that property.

20 STUART CRAIG: Yeah. I would add that the two
21 windows of the first floor unit are obscured by our property
22 fence, which I'm -- I think we would keep in the new plan.

1 PETER FIORE: And -- this is Paul Fiore again. If
2 I might add, I believe the back of that house, Peter and
3 Stuart, is a one-story addition. So they can't -- there's
4 not really a lot of visual between the two properties on the
5 back of that house, if I'm correct?

6 PETER HAHN: That's correct.

7 PAUL FIORE: And one of the reasons for the glass,
8 to answer your question, Bill, is it is southern-facing and
9 it gets a lot of great light, and they do plan to, because
10 the association with that neighbor to the south is kind of
11 obscure, there isn't a lot of glass on their property and
12 it's only a one-story building, it's more that the openness
13 is for themselves and the light and the air and the yard,
14 especially on the first floor, the yard and adjacencies of
15 the deck.

16 BILL BOEHM: Okay. Well, just for the record, I'm
17 looking at the Google image and unless things have changed,
18 it's a two-story that has two windows in the upper room.
19 They're going to be pretty much looking right in that new
20 bedroom.

21 So anyway, they're renters so they weren't
22 apparently advised of this, so I guess they won't be there

1 to comment on this, but I think there's a potentially
2 somewhat uncomfortable situation being created here. I'll
3 just leave it at that.

4 JIM MONTEVERDE: Is the proponent considering any
5 shading devices on those windows? Blinds, curtains, shades?

6 PAUL FIORE: Oh, of course. Yes. I -- sorry, I -
7 - we would have said that if we knew that was what you were
8 seeking. Yes, certainly. That's not just going to be an
9 unobstructed window in the bedroom, if that's what you're
10 talking about on the second floor.

11 So yes, there are definitely -- we haven't decided
12 exactly what it's going to be, but I would be either blinds
13 or curtains or both.

14 JIM MONTEVERDE: Okay. Any other questions from
15 members of the Board? If not, I have one.

16 On the view that's currently on the screen, the
17 upper middle, the deck - ground floor deck and the planting
18 between it and the property line, if I go to the ground
19 floor plan, there doesn't seem to be room to plant anything.

20 So I think the planting would be favorable, and it
21 would help keep the deck off of that property line, which --
22 again, they may be renters, but at 117 Gore Stret, but that

1 puts it close to it.

2 So do you plan to do that planting that's shown on
3 that one rendered view?

4 PAUL FIORE: I can -- Peter and Stuart, you can
5 speak as well, but yes that is the intent. I did just -- I
6 do acknowledge what you're saying about the site plan, and I
7 think we would certainly consider making sure that we have
8 at least a couple feet along that property line to be able
9 to do that.

10 JIM MONTEVERDE: Yep.

11 PAUL FIORE: So then we'll -- I know Peter and
12 Stuart would like that as well.

13 JIM MONTEVERDE: Yep.

14 PAUL FIORE: So if that means, you know, if that
15 means altering the size of that deck slightly to allow that
16 to happen, we're certainly open to doing that.

17 JIM MONTEVERDE: Okay. What dimension would you
18 be comfortable with? Just so I can mark it up on this
19 place?

20 PAUL FIORE: I think just from a planting
21 perspective, I think you need -- you would want at least 30"
22 from the property line.

1 JIM MONTEVERDE: Yep. Okay.

2 PAUL FIORE: So --

3 JIM MONTEVERDE: We'll say 2'6".

4 PAUL FIORE: Yeah. I mean, I think if we said
5 that, Peter, I would -- Peter and Stuart, as long as you're
6 comfortable with that?

7 PETER HAHN: Yes, that's fine. Yep.

8 PAUL FIORE: It's a reasonable amount of space to
9 level for planting.

10 JIM MONTEVERDE: Yep. So I'm just going to put
11 together on the ground floor plan and label it, "planting
12 strip" and dimension that is 2'6" wide. Okay?

13 PAUL FIORE: Thank you, yes.

14 JIM MONTEVERDE: Yep. Any other questions from
15 members of the Board? If not, we'll move to public comment.
16 There is no correspondence in the file, either for or
17 against. So we'll open it up to public commentary.

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

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

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

6 [Pause]

7 No one is calling in, so we'll close public
8 testimony. Any discussion from members of the Board? If
9 not, we'll move to a motion. We'll do two.

10 We'll start with the variance, which Mr. Rafferty,
11 just confirm for me that is solely on the square footage
12 exceeding the Ordinance allowed and exceeding the GFA, is
13 that correct?

14 JAMES RAFFERTY: It does exceed the GFA. There's
15 also an impact on the setback in that area. It continues a
16 nonconforming setback in that area. That doesn't represent
17 a new violation. But the variance would cut about -- the
18 setback created by that addition as well as the GFA.

19 JIM MONTEVERDE: Okay. Is it a front, side, rear
20 yard setback?

21 JAMES RAFFERTY: That is a side, I believe.

22 JIM MONTEVERDE: Side.

1 JAMES RAFFERTY: Yeah.

2 JIM MONTEVERDE: Okay. All right.

3 JAMES RAFFERTY: It may also -- I apologize, it
4 may also -- I think it also might be a rear as well, Mr.
5 Chair.

6 JIM MONTEVERDE: And cover them both?

7 JAMES RAFFERTY: Okay.

8 JIM MONTEVERDE: Okay. And the condition for a
9 variance that we have to find, all of the following, this is
10 under Section 10.31:

11 a) A literal enforcement of the provisions of the
12 Ordinance would involve a substantial hardship.

13 b) The hardship is owing to the circumstances
14 relating to the soil condition, shape or topography of such
15 land, and I think Mr. Rafferty presented that it's really
16 about the shape of the parcel. And that

17 c) desirable relief may be granted without
18 substantial detriment to the public good or nullifying or
19 substantially derogating from the intent or purpose of the
20 Ordinance.

21 So I think those conditions are met. So for the
22 variance, the Chair makes a motion to grant relief from the

1 requirements of the Ordinance under Sections 5.31, and that
2 has to do with the total gross square area of the building
3 of the proposed addition and the increase in the GFA; and
4 also the either side of rear yard setback Sections 8.22.3
5 for a Nonconforming Structure; and Section 10.30, which is
6 just read 10.31 for the conditions for a variance.

7 On the motion for a -- on the condition that the
8 work proposed conforms to the drawings entitled "Craig-Hahn
9 residence," prepared by FFA dated -- there are various
10 dates, but the sheet I'm looking at is February 5, 2024;
11 initialed and dated by the Chair.

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

15 And further, the has that variance is granted
16 incorporating the following condition: and that condition
17 is that the proposed first-floor plan is modified to show a
18 2'6" dimension between the property line and the face of the
19 new deck, which is meant to be a planting strip.

20 On the motion, then, Board members by voice vote,
21 please, Virginia?

22 VIRGINIA KEESLER: In favor.

1 JIM MONTEVERDE: Steven?

2 STEVEN NG: In favor.

3 JIM MONTEVERDE: Daniel?

4 DANIEL HIDALGO: In favor.

5 JIM MONTEVERDE: Bill?

6 BILL BOEHM: Opposed.

7 JIM MONTEVERDE: And Jim Monteverde in favor.

8 [Four vote YES, One OPPOSED]

9 JIM MONTEVERDE: That's four in favor. The
10 variance is granted. And we move to --

11 JAMES RAFFERTY: Mr. Chair, I know we're going to
12 a special permit vote, but I do want to note that there was
13 a slightly updated floor plan submitted on Thursday of last
14 week. I know you referenced a February plan.

15 The only change in that plan occurs on the lower
16 level, but just for consistency's sake, if the motion could
17 reflect the fact that the latest plan -- and I'm -- I know
18 this it was filed and uploaded, but it's a change in the
19 floor plan of the lower-level space.

20 That's the only -- there's no dimensional change,
21 but the location of an appliance was removed. So I
22 apologize for interrupting, but --

1 JIM MONTEVERDE: I'll tell you what we have in
2 front of us. Tell me if this is what you think. This is
3 clocked in on March 11?

4 JAMES RAFFERTY: That's the one.

5 JIM MONTEVERDE: Floor plans dated January 10,
6 that's existing basement, first floor, second floor,
7 existing elevations dated January 19, 2024. Photographs,
8 proposed basement floor March 7, 2024. I assume that's the
9 one that had the label of --

10 JAMES RAFFERTY: That's correct.

11 JIM MONTEVERDE: -- "rec room"?

12 JAMES RAFFERTY: Yes, that's correct.

13 PAUL FIORE: That's correct. That's the --

14 JIM MONTEVERDE: Yep.

15 PAUL FIORE: -- that's the one that's --

16 JIM MONTEVERDE: And then proposed first-floor
17 plan that I referred to is dated February 5.

18 JAMES RAFFERTY: Correct.

19 JIM MONTEVERDE: Second-floor plan February 5,
20 south elevations. February 5 east elevations and north
21 elevations and west February 5. We have the correct set,
22 right?

1 JAMES RAFFERTY: That is correct.

2 JIM MONTEVERDE: Okay.

3 JAMES RAFFERTY: Thank you.

4 JIM MONTEVERDE: So that's the set we are
5 referencing, and that we'll initial for the variance.

6 Now onto the special permit, and that has to do
7 with windows, the relocation of windows in the setback.
8 Correct, Mr. Rafferty?

9 JAMES RAFFERTY: That's correct.

10 JIM MONTEVERDE: Yep. And the criteria for a
11 special permit under Section 10.43 is that:

12 a) It appears that the requirements of the
13 ordinance cannot or will not be met. That's correct.

14 b) Traffic generated or patterns of access or
15 egress will cause congestion or hazard. I think not.

16 c) The continued operation of or the development
17 of the adjacent uses would be adversely affected. I think
18 not.

19 d) Nuisance or hazard will be created to the
20 detriment of the health, safety, or welfare. I think not.

21 And

22 e) for other reasons, the proposed use would

1 impair the integrity of the district or adjoining district.
2 I think not. So we have the criteria for a special permit
3 being met.

4 The Chair makes a motion to grant relief from the
5 requirements of the Ordinance under Sections -- it's 10.43,
6 the Criteria for a Special Permit and 8.22.2.c,
7 Nonconforming Structure, and that's for installing windows
8 openings within the setback.

9 On the condition that the work proposed conform to
10 the drawings entitled "Craig Hahn residence," prepared by
11 FFA and dated -- the variety of dates I just went through:
12 January 10 through -- there's a margin there, isn't there?

13 JAMES RAFFERTY: Yes, but it -- yes, there's a
14 March 6 or 7.

15 JIM MONTEVERDE: March 7 is the basement plan, the
16 others, they're dated February 5.

17 JAMES RAFFERTY: Correct.

18 JIM MONTEVERDE: Those are the plans. On the
19 condition that the work proposed conforms to the drawings
20 initialed and dated by the Chair.

21 And further, that we incorporate the supporting
22 statements and dimensional form submitted as part of the

1 application.

2 So on a voice vote for the special permit,
3 Virginia?

4 VIRGINIA KEESLER: In favor.

5 JIM MONTEVERDE: Thank you. Steven?

6 STEVEN NG: In favor.

7 JIM MONTEVERDE: Thank you. Daniel?

8 DANIEL HIDALGO: In favor.

9 JIM MONTEVERDE: Thank you. Bill?

10 BILL BOEHM: In favor.

11 JIM MONTEVERDE: Thank you. Jim Monteverde in
12 favor.

13 [All vote YES]

14 JIM MONTEVERDE: Five in favor. The relief is
15 granted. Thank you.

16 JAMES RAFFERTY: Thank you very much. Have a good
17 evening.

18 STUART HAHN: Thank you.

19 JIM MONTEVERDE: You too. Thank you, Board.
20 Thank you for your time and your thoughts and comments.

21 COLLECTIVE: Thanks. Thank you.

22 JIM MONTEVERDE: See you next time.

1 STEVEN NG: Thank you. Have a good night. Bye.

2 [8:43 p.m. End of Proceedings]

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CERTIFICATE

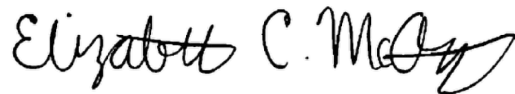
Commonwealth of Massachusetts

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.

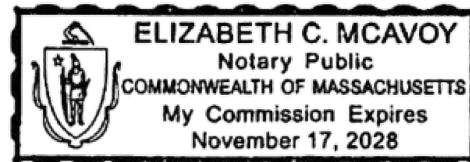
In witness whereof, I have hereunto set my hand this 25th day of March 2024.



Notary Public

My commission expires:

November 17, 2028



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