

BOARD OF ZONING APPEAL
FOR THE
CITY OF CAMBRIDGE

GENERAL HEARING

THURSDAY APRIL 25, 2024

6:00 p.m.

Remote Meeting

via

831 Massachusetts Avenue
Cambridge, Massachusetts 02139

Jim Monteverde, Chair
Steven Ng, Vice Chair
Virginia Keesler
William Boehm
Fernando Daniel Hidalgo
Carol Agate
Zarya Miranda

City Employees
Olivia Ratay



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617.547.5690

transcripts@ctran.com

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P R O C E E D I N G S

* * * * *

(6:00 p.m.)

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

JIM MONTEVERDE: Welcome to the April 25, 2024
meeting of the Cambridge Board of Zoning Appeal. My name is
Jim Monteverde, and I am the Chair.

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

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

There will also be a transcript of the
proceedings.

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

Members of the public will be kept on mute until
it is time for public comment. I will give instructions for

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

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

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

7 OLIVIA RATAY: Virginia Keesler?

8 VIRGINIA KEESLER: Present.

9 OLIVIA RATAY: Steven Ng?

10 STEVEN NG: Present.

11 OLIVIA RATAY: Daniel Hidalgo?

12 DANIEL HIDALGO: Present.

13 OLIVIA RATAY: Bill Boehm?

14 BILL BOEHM: Present.

15 OLIVIA RATAY: Jim Monteverde?

16 JIM MONTEVERDE: And Jim Monteverde present.

17 The first cases tonight are continued cases. They
18 were started previously and not resolved.

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2 (6:01 p.m.)

3 Sitting Members: Jim Monteverde, Steven Ng, Virginia

4 Keesler, William Boehm, and Daniel Hidalgo

5 JIM MONTEVERDE: So Case No. 1 in the continued
6 cases is BZA-258049 -- 202 Elm Street North. Is there
7 anyone calling in who wishes to speak about this case? This
8 is also a special permit one.

9 Still there? Do you want to introduce yourself,
10 please, and --

11 GARY GILBERT: I'm sorry, are you speaking to me?

12 JIM MONTEVERDE: Well, if you're the proponent, or
13 representing --

14 GARY GILBERT: Oh.

15 JIM MONTEVERDE: -- the proponent, and you'd like to
16 present what you have, then please introduce yourself and
17 start the show.

18 GARY GILBERT: Okay. Because I didn't hear. The
19 Zoom was talking to me that there's a recording going okay.
20 So this is for the case of 202 Elm Street?

21 JIM MONTEVERDE: Correct.

22 GARY GILBERT: Gary Gilbert?

1 JIM MONTEVERDE: Yep.

2 GARY GILBERT: Okay. Sorry. Yeah. My name is
3 Gary Gilbert. I live in Manchester, Massachusetts.

4 JIM MONTEVERDE: Can you hold on? Can you hold on
5 one second, please?

6 GARY GILBERT: Yes.

7 JIM MONTEVERDE: Oh, hang on one second. We're
8 having an audio issue on our end. So give us a minute.
9 We'll come back.

10 [Pause]

11 [Mic checks, side conversations.]

12 JIM MONTEVERDE: So 202 is Cases BZA 258049 or 202
13 Elm Street North, and if you are the proponent or
14 representing them, if you could please introduce yourself?

15 GARY GILBERT: My name is Gary Gilbert, I'm the
16 owner of the building at 202 Elm Street in Cambridge. And
17 I'm applying for the rear garage-like unit to be approved as
18 an accessory apartment.

19 I think it meets the definition of the special
20 permit bylaw because it's truly an underutilized structure.
21 It's -- the maximum amount of size for an accessory
22 apartment is 100 square feet and this is about 770 square

1 feet.

2 It has basically no impact on the adjacent
3 residential neighborhood. It's in a strange lot where the
4 residential neighborhood just barely touches the commercial
5 street of Elm Street and Davis Square.

6 And it has a commercial -- and it has a church as
7 one neighbor and a commercial use on the other side as a
8 neighbor. And I do not believe it has any impact on those
9 land uses and, nor does it have impact on the residential
10 neighbors behind it, because the entry to this unit faces
11 Elm Street itself. So most all activity will occur to and
12 from Elm Street in the front door of the unit.

13 And one of the neighbors I think sent a note in
14 support of it. And I'm not sure what else you'd like to
15 know.

16 JIM MONTEVERDE: So this is a continued case,
17 meaning you presented all of this -- just what you talked
18 about -- you presented this before in the documentation you
19 had previously.

20 Is there anything new? And we had some comments
21 for you. And you agreed to continue this. Is there
22 anything new in either what you've submitted, what you're

1 proposing? Or is it exactly the same as it was before?

2 GARY GILBERT: It's the same, but I'd say that you
3 -- somebody in your group made a good suggestion that I
4 should expand this application to allow for windows.

5 And I went -- and you suggested I speak to the
6 Building Inspector, and I did, and I learned something that
7 I wasn't quite aware of: That the wall that I would be
8 sticking windows on do not, are not in the setback. The
9 setback applicable for windows has to do with the property
10 line that the window is facing.

11 So on the east-facing and north-facing walls where
12 I would put windows, those are quite far back from the
13 property line. Therefore, the setback doesn't affect them
14 at all.

15 And skylights on the roof are allowed to be done
16 as-of-right. So I learned something in talking to the
17 Building Inspector. He was quite helpful. And those were
18 suggestions you made at the last meeting, so therefore
19 there's no changes to the application.

20 JIM MONTEVERDE: Are you including windows and
21 skylights? That was a comment we made last time. There
22 didn't seem to be, you know, air and ventilation. We just

1 didn't see -- there were very few openings on the façade.
2 It was the openings that were there; the door and the window
3 adjacent to it.

4 So did you address the comment that we made last
5 time? Did you --

6 GARY GILBERT: Well --

7 JIM MONTEVERDE: -- include any new windows or
8 skylights? I'm not seeing any in what you submitted.

9 GARY GILBERT: Oh. Well, the Building Inspector
10 said just submit them for the application for the building
11 permit, which I assume I need to do right after I get the
12 special permit. And he said that there -- you'd be allowed
13 to put those windows in as-of-right.

14 JIM MONTEVERDE: I don't think it's a point of
15 whether it's as-of-right or not, we just expressed the
16 concern that none were shown. And we just wanted to clarify
17 what your intention was.

18 So do you know where, like the diagram that's on
19 the -- where we have the elevations I believe on the -- in
20 the submittal -- can you identify where you intend to put
21 either windows or skylights?

22 GARY GILBERT: Absolutely. The existing window to

1 the -- the east elevation --

2 JIM MONTEVERDE: Yep.

3 GARY GILBERT: -- I want to change the door to a
4 full glass door.

5 JIM MONTEVERDE: Yep.

6 GARY GILBERT: Like we have on the north
7 elevation.

8 JIM MONTEVERDE: Uh-huh.

9 GARY GILBERT: And I want to enlarge the height
10 and size of the window adjacent to the main entry door to be
11 approximately 7' high by 4' wide.

12 JIM MONTEVERDE: Yep.

13 GARY GILBERT: And I would be putting a similar-
14 sized window to the right of the rear -- you could call it
15 the rear-yard door on the north elevation.

16 In addition, I'd like to put two 4'x 6' skylights
17 in the roof, which are quite large, and which would -- which
18 all added up would get the total amount of windows beyond
19 the minimum required for habitable space.

20 And a potential third skylight on the roof -- a 4'
21 x 4' one above the bedroom area, the rear area where the
22 bedroom would be.

1 JIM MONTEVERDE: Okay. So just so we address the
2 comments that were made previously, if it's okay with you,
3 one I've noted those new windows and full glass in the door
4 and a note about the two 4'x6' skylights on the plan. We
5 could also state that as a condition if we get to accepting
6 the proposal.

7 Is that all right?

8 GARY GILBERT: Absolutely. I'd be happy to do
9 that.

10 JIM MONTEVERDE: Okay. All right. Is that the
11 extent of your presentation?

12 GARY GILBERT: Yes, it is. Thank you.

13 JIM MONTEVERDE: Thank you. Any questions from
14 members of the Board? If not, let me see the
15 correspondence.

16 BILL BOEHM: Sorry, while you're looking for that,
17 Gary Gilbert can you tell me on the north elevation where
18 the proposed window is going to go?

19 GARY GILBERT: It would be to the right of the
20 door. It's the only place I can put it there, because
21 there's some equipment on the left. And --

22 BILL BOEHM: So -- okay. So if you put it on the

1 right side of the door, I'm looking now at the -- the stair
2 -- can you go to the site plan please? Whosever controlling
3 the -- thanks. Can you maybe just point to where that would
4 be approximately?

5 GARY GILBERT: Me?

6 JIM MONTEVERDE: No. We can point.

7 BILL BOEHM: Yeah. So that hand, that's where I'm
8 thinking. And you're saying that's not within a setback?

9 GARY GILBERT: It faces the northern setback, and
10 it's far enough back from that that it's -- it doesn't
11 require a special permit.

12 BILL BOEHM: Oh, okay.

13 GARY GILBERT: Let's --

14 BILL BOEHM: All right. Good to know. And on the
15 front -- oh, so similar on the front one, you're so far back
16 from the front lot that it doesn't -- gotcha. Okay.

17 GARY GILBERT: Someone from Zoning looked at the
18 it, as well as the Building Inspector.

19 BILL BOEHM: Okay. Fair enough. Thank you.

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

22 STEVEN NG: I don't understand why you don't show

1 the doors in the drawing? It's very confusing, Gary.

2 GARY GILBERT: In the plan, or the --

3 STEVEN NG: Yeah. Yeah. I mean --

4 GARY GILBERT: I think the floor plan should show
5 the doors.

6 STEVEN NG: I mean, the doors and the windows,
7 like, I -- I guess --

8 GARY GILBERT: So --

9 STEVEN NG: -- I guess you got it.

10 GARY GILBERT: The windows are not in the plan,
11 but I'm happy to modify it when I submit the building permit
12 application.

13 JIM MONTEVERDE: Again, we'll make it a condition
14 that those graphics be updated to include the windows and
15 include the skylight, just if we decide to act on this
16 tonight.

17 Steven, is that okay with you?

18 STEVEN NG: Yeah, yeah, that's fine.

19 JIM MONTEVERDE: Okay. Any other questions from
20 members of the Board? If not, we have one piece of
21 correspondence in the file. This is from Barbara Gendron-
22 Greene. No address. They have no objection to the plan.

1 They do raise one concern, and this reads,
2 "Sometimes residents of that building use our your yard as a
3 path to Russell Street. I would like it if you could advise
4 your tenants that they are using our private property
5 without permission when they cut through. We would
6 appreciate if this could stop."

7 So I assume you can manage that, Mr. Gilbert?

8 GARY GILBERT: I told you I'm going to put a sign
9 on the wall of her building saying this is not a passage.

10 JIM MONTEVERDE: Yep.

11 GARY GILBERT: Some sort of sign there.

12 JIM MONTEVERDE: Yep. Just let your tenants know.

13 GARY GILBERT: Absolutely.

14 JIM MONTEVERDE: Okay, that's all. I'll open it
15 up to public comment.

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

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

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

4 Anybody out there? Nope. No one out there. I
5 will close public testimony. Any discussion among members
6 of the Board? If not, I'll make a motion.

7 The Chair makes a motion to grant relief from the
8 requirements of the Ordinance under Sections 4.22 regarding
9 the accessory apartments and 10.40 for special permits on
10 the condition that the work proposed conforms to the
11 drawings entitled "Accessory Apartment," prepared by Gary
12 Gilbert and dated January 25, 2024, initialed and dated by
13 the Chair.

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

17 Further, that the special permit is granted
18 incorporating the following comments: That the east
19 elevation will include -- will show a full glass door, and
20 the north elevation will show a new window to the -- as
21 you're looking at the outside of the building -- to the
22 right of the door. And that two 4'x6' skylights will be

1 placed in the roof. And those will be the drawings
2 submitted for a permit.

3 And also, your neighbor has asked that you will
4 notify your tenants not to use her property as a pass-
5 through. Board members let's please take a voice vote on
6 the motion to grant relief.

7 Steven?

8 STEVEN NG: In favor.

9 JIM MONTEVERDE: Virginia?

10 VIRGINIA KEESLER: In favor.

11 JIM MONTEVERDE: Thank you. Daniel?

12 DANIEL HIDALGO: In favor.

13 JIM MONTEVERDE: Bill?

14 BILL BOEHM: In favor.

15 JIM MONTEVERDE: And Jim Monteverde in favor.

16 [All vote YES]

17 JIM MONTEVERDE: That's five in favor. Relief is
18 granted. Thank you.

19 GARY GILBERT: Thank you all very much.
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1 * * * * *

2 (6:18 p.m.)

3 Sitting Members: Jim Monteverde, Steven Ng, Virginia

4 Keesler, William Boehm, and Daniel Hidalgo

5 JIM MONTEVERDE: Next case is BZA-257728 -- 30

6 Shea Road. Do you want to introduce yourself?

7 JAMIE HOWELL: I can start. I'm Jamie Howell.

8 I'm one of the owners along with my wife Erin Howell, who is
9 also present. We bought the house in 2016 from the original
10 owners, who had been there, we believe, since the turn of
11 the century.

12 We undertook a renovation on the -- it's a three-
13 level house, two-family. We undertook a renovation of the
14 top two floors in 2019, including the exterior.

15 The lower level was left out of scope just for
16 budget reasons and we're looking to renovate that now.

17 The current -- the original design has a secondary
18 egress down the side of the house, and we have five letters
19 -- I believe letters of support from our neighbors.

20 There was one letter of opposition, and that was
21 the reason we requested a continuance. And we've -- believe
22 we've done everything we can to address that. The new

1 design has the most -- has an unobtrusive egress on the
2 side, and I think maybe Sarah can -- our architect can speak
3 more to that.

4 SARAH ROSZLER: So I'm Sarah Roszler. I'm the
5 architect for Jamie and Erin. And I'd first like to thank
6 the Board for granting the continuance last month.

7 So this case concerns a special permit, as Jamie
8 said, for a two-family home in North Cambridge at 28-30
9 Shea. The reason for the special permit request is a
10 proposed new egress door on a nonconforming sidewall.

11 This is in District -- Residential District B,
12 which requires a 7.5' side yard. But this wall is
13 approximately 4'8" from the property line. You can see the
14 wall in question and our rendering of the door that's been
15 proposed.

16 Perhaps before talking about the door, if you
17 could bring up the key plan on page -- on Sheet A1.2, that
18 would be great.

19 JIM MONTEVERDE: Sorry. Repeat that? Which
20 document are you looking for?

21 SARAH ROSZLER: On Sheet A1.2, that's the key
22 plan. I don't know if the Board has documents. I'm not

1 sure. Yep. That's great. Mm-hm.

2 So to explain the location of the door, I'll just
3 run quickly through the plan, the interior plan changes that
4 are leading to this application.

5 Currently, the Howells live on the second and
6 third floors of the building, and they have a rental unit on
7 the first floor. The rental unit is not rented out. It
8 hasn't been since COVID. So they use it sometimes as office
9 space, or for out-of-town guests or visiting grandparents.
10 But as a result, the downstairs rental is off the market,
11 and it is basically underutilized most of the time.

12 Meanwhile, upstairs the Howells have two kids
13 entering teenagerhood at the same time, and are having a
14 hard time accommodating the adolescent crowds that are
15 hanging over the house.

16 So to address the changing needs of their family,
17 we're proposing a renovation of the first floor, which
18 includes separating it into two components. So the first
19 component towards the rear is an annexation -- the rear and
20 along the skinniest part along the side as needed family
21 space -- the idea that could be for a teenager or for
22 visiting grandparents -- but it could also be closed off

1 from the upstairs as a guest suite.

2 And on the second part of the ground floor is to
3 preserve the rental unit, only smaller, towards the front
4 and the left-hand side.

5 And the hope is that we are going to meet the
6 family's needs where they are right now, but also looking
7 ahead towards future multigenerational use where the two
8 first-floor components could be interconnected.

9 So in the future, their parents could move in, or
10 adult children could stay longer, or they could flip the
11 house so that, you know, if their kids decide to stay in
12 Cambridge, the kids and their families can go upstairs, and
13 the Howells have the [unclear] downstairs.

14 So, then, to circle back to the special permit, if
15 you wouldn't mind going back to that rendering that you were
16 showing for -- that's Sheet -- yep.

17 So that proposed plan changes require moving the
18 second egress of the rental unit. Currently, that's at the
19 back of the house into the Howell's back yard. The original
20 application that we submitted in February had the new egress
21 on the same wall where we're showing it, but further towards
22 the back deeper into that alley. And it included an

1 exterior stair, a portico, and a canopy.

2 There was a lot of neighborhood support for that
3 plan, but you may have seen there was opposition from one
4 neighbor on the directly abutting side, so from that pink
5 house. That's why we requested the continuance. We wanted
6 additional time to reach out to the neighbors, see how we
7 could address their concerns. And we looked at many other
8 design configurations and locations for that egress.

9 But we think we're returning now to the BZA with
10 an alternative that responds to the neighbors' concerns and
11 also remains fully within the scope of the original
12 application. From the revised, as I know, we've got the
13 egress elements minimized. We pulled the stair inside of
14 the building.

15 The egress has been moved closer to the front of
16 the house in response to the neighbors' concerns about
17 sound. But in any case, we do not expect this egress to be
18 noisy or to be used as gathering space.

19 And we also want to point out that because of the
20 plan reconfiguration, the Howells themselves and their
21 teenagers are going to be able to go through from the front
22 to the back of the house within the side of the house. So

1 that should also additionally mitigate them against the
2 neighbors' noise concerns.

3 And then in terms of how this egress looks from
4 the street, the idea is to make it inconspicuous by making
5 it fit in and look like it was always there thoughtfully
6 integrated, we're going to use appropriate detailing to tie
7 the new egress in to the fabric of the house.

8 And there's additionally a precedent for this on
9 the street, since there are -- it's a short street, but
10 there are three neighboring properties that have a similar
11 configuration, side entrance. I'm not sure those are in the
12 plan or if they've -- I'm sorry, if they're in the
13 presentation. Yeah. There we go.

14 So there's one example two doors down, 16-18 Shea
15 Road. And there's another one right beside that, and then
16 there's one across the street.

17 So even though it feels like we're just coming to
18 the BZA with a request for a door and a transit window and a
19 canopy, the idea is that we've thought a lot about how to
20 make this fit in well with the street and make it work well
21 with the building.

22 The Howells did a renovation of the exterior with

1 the original bays of their renovation work and the idea is
2 just to fold it in, give it the same detailing as the
3 existing porch canopy that you see towards the left of the
4 image.

5 And the -- but the plan changes, I think, are
6 going to, like, change the way that the Powells live in the
7 house and give them a lot of flexibility to allow them to
8 live there for many, many years.

9 Jamie, you're in. I don't know if you have any
10 other thoughts. But I think that wraps it up for me.

11 JAMIE HOWELL: Do you have any thoughts? Anything
12 to add?

13 ERIN HOWELL: No, I think that was --

14 JAMIE HOWELL: That was said really well. Thanks,
15 Sarah.

16 JIM MONTEVERDE: Thank you. Just so we
17 understand: you're proposing the door as an egress only.
18 Is that correct?

19 SARAH ROSZLER: Correct. I mean, the front -- the
20 -- there's probably an image there of the front of the
21 house, which is going to be unchanged. And that door will
22 remain the primary entrance for that unit. There's two

1 doors right side-by-side, like -- you know, many two-
2 families you've seen in Cambridge.

3 And --

4 JIM MONTEVERDE: The entry is off of the street
5 off of the front porch --

6 SARAH ROSZLER: Correct.

7 JIM MONTEVERDE: -- for that unit, and the
8 secondary egress and emergency egress is what you're
9 proposing the door for, correct?

10 SARAH ROSZLER: Correct. And because we're
11 putting in a new door, we would put in -- we would -- that
12 would give us the opportunity to put in the required -- an
13 egress of the whole width currently required by code.

14 JIM MONTEVERDE: Okay. And in the -- we had -- in
15 the file we have two views of the new door. We have the --

16 SARAH ROSZLER: Correct.

17 JIM MONTEVERDE: -- new egress street view, and
18 then we have an alternate.

19 SARAH ROSZLER: Alternate. That's right.

20 JIM MONTEVERDE: So do we get to choose, or are
21 you proposing one or the other?

22 SARAH ROSZLER: Well, we're proposing the one that

1 has more detailing, because we think it looks nicer. But --
2 and I think that's the one that looks like it belongs with
3 the house.

4 And because there's more details, I -- I mean, the
5 intent is that it looks like it was more intentional. But I
6 guess there's a hedging of bets here in case the BZA prefers
7 an option which is more amenable.

8 JIM MONTEVERDE: Okay. Okay. Thanks. Any
9 questions from members of the Board? If not --

10 BILL BOEHM: I know which I'll vote for.

11 JIM MONTEVERDE: Okay. We'll get to that under
12 "commentary" later.

13 BILL BOEHM: Okay.

14 JIM MONTEVERDE: And discuss. Any other questions
15 from members of the Board?

16 So -- okay, moving on to public comment. I did
17 count as of Wednesday five pieces of correspondence in
18 favor; one against. Let me just run through those and
19 summarize those.

20 The one against is I believe your next-door
21 neighbor who you share this passageway with, where the
22 property line bisects this passageway. That's Guy Fish.

1 And the correspondence is dated March 28. I'll just pick
2 out key phrases here.

3 That "this egress would invite a radical increase
4 in the concentration of activity and traffic to the side of
5 the house." It's a narrow driveway. [And I wouldn't call it
6 a driveway, but a passageway] directly outside their
7 windows.

8 They've been living next door for the past 30
9 years and they say they experience every sound that happens
10 through that narrow driveway. And the egress would be
11 situated exactly across from the windows of their bedrooms;
12 was two in the first, two in the second.

13 So they're concerned about a concentration of
14 increased noise, disturbance, and lack of privacy. That's
15 the one against.

16 Then we have Greg Highland, March 28, 31 Shea
17 Road, in support. Kevin Leahy and Angela Ronberg, who live
18 a 27-29 Locke Street. They're -- your back garage abuts.
19 And there is support from Jill and Charlie Bent, who live on
20 Shea Road in support. Karen Dempsey, John Commisso in
21 support, they're at 16 Shea Road.

22 And then Fish has an older commentary against.

1 We have Pat, Mike, and Erin Malone, 17 Woodbridge,
2 in support. And that is the sum of the correspondence the
3 file.

4 With that, I'll open it up to public commentary.

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

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

15 OLIVIA RATAY: Shawn McCormack?

16 SHAWN MCCORMACK: I'm going to start by video if I
17 can figure it out.

18 JIM MONTEVERDE: Well, we can hear you.

19 SHAWN MCCORMACK: Well, okay. I'll just hit -- so
20 I represent the neighbor next door, who is really still
21 uncomfortable with the proposition, the new door within that
22 setback. I think the Chair did a very nice job of

1 summarizing some of the issues that are concerning Dr. Fish.

2 I want to focus the Board in on one issue, which
3 is that it appears that the renovated space on the first
4 floor would be adding a third kitchen to the building.

5 Now, my read of the Ordinance is that a three-
6 family home would not be an allowed use by right in this
7 zoning district, and that the addition of the third kitchen
8 would constitute a third dwelling unit.

9 Now I understand there may be, you know,
10 provisions to authorize something like that. But my
11 understanding is that is not the relief that is being
12 sought.

13 And I am concerned that the application with the
14 third -- the additional dwelling unit -- is not something
15 that the Board could authorize based on how the hearing was
16 noticed and published.

17 JIM MONTEVERDE: Okay. Let me ask one question,
18 then, before you go any further.

19 So from the proponents, or proponent's architect:
20 I'm looking at the dimensional form that was submitted. And
21 it says the existing condition is two dwelling units. And
22 the requested condition is two dwelling units. Is that

1 correct?

2 SARAH ROSZLER: Correct.

3 JIM MONTEVERDE: So in fact it isn't three units
4 in a two-family zone, it's two units. Correct?

5 SARAH ROSZLER: Correct. Yeah. There's no unit
6 separation between Jamie and Erin's unit upstairs and the --
7 and the space on the first floor. The idea is that that's
8 --

9 JIM MONTEVERDE: Right.

10 SARAH ROSZLER: -- a kitchenette?

11 JIM MONTEVERDE: Yep. Regardless of how many
12 kitchens are in the place, it's still two units.

13 SARAH ROSZLER: Correct.

14 JIM MONTEVERDE: All right. Would the speaker
15 care to continue?

16 SARAH ROSZLER: Thank you, Mr. Chair. I'd
17 actually like to push back on that notion a little bit. The
18 -- you know, the Zoning Ordinance defines a dwelling unit as
19 a space that is capable of being occupied. It doesn't
20 require, you know, an actual intent -- it doesn't look to
21 the intent of the owner.

22 The definition in the Ordinance talks about

1 whether it is capable of being occupied separate from any
2 other room or group of rooms, and equipped with cooking and
3 sanitary faculties for the exclusive use.

4 The way this is designed is that it could very
5 easily be occupied separately from the rest of existing Unit
6 2. And that is the concern here.

7 JIM MONTEVERDE: Okay. Is that your commentary?

8 SHAWN MCCORMACK: Yes, thank you.

9 JIM MONTEVERDE: Thank you. Thank you for calling
10 in.

11 Anyone else? No? That's it. Okay.

12 Discussion among members of the Board? Do we have
13 a choice for preference of entry articulation?

14 STEVEN NG: So is this considered in the between
15 the two properties a shared driveway? Or is it just a
16 property line that goes between the two?

17 JIM MONTEVERDE: Looking at the survey that's
18 submitted with the documentation, I don't -- there's no
19 verbiage on it about shared anything.

20 STEVEN NG: Right.

21 JIM MONTEVERDE: A rite of passage, shared drive,
22 shared -- it's not a drive, shared passageway --

1 STEVEN NG: There was an easement. We talked
2 about something else, but it's --

3 JIM MONTEVERDE: Right.

4 STEVEN NG: Right. Right.

5 JIM MONTEVERDE: The survey here, it's the -- you
6 know, property line on the left-hand side. It's just there.
7 And as it happens, it's been paved for however long between
8 o the without adjacent houses. So that's what I see from
9 the survey.

10 STEVEN NG: Great.

11 JIM MONTEVERDE: Any discussion?

12 BILL BOEHM: Can the architect --

13 JIM MONTEVERDE: I --

14 BILL BOEHM: Sorry.

15 JIM MONTEVERDE: No, go ahead.

16 BILL BOEHM: Can the architect or owner speak to
17 that very question about the ownership of that zone? I'm,
18 you, looking at the street view and it's a paved area that
19 gives access to the back. Okay, now I'm seeing the -- and
20 is the neighboring house right on that property line, or is
21 that -- or do you sort of have half of that?

22 SARAH ROSZLER: No. If you look at the

1 architectural site plan, which is on A1.0, that
2 approximately shows the configuration.

3 BILL BOEHM: Okay. So it is split down the middle
4 of that. Okay.

5 And I guess the other question is the neighbor's
6 letter spoke to the new entrance being directly across from
7 their bedroom. But it doesn't appear that way to me. But I
8 can't tell for sure, from perspective.

9 JAMIE HOWELL: We moved it towards the front to
10 address that concern.

11 BILL BOEHM: So is that letter written before or
12 after?

13 JAMIE HOWELL: Before the revised designs.

14 BILL BOEHM: Okay. Okay.

15 UNIDENTIFIED SPEAKER: And to just a point that
16 Sarah made before --

17 JIM MONTEVERDE: Hold on, hold on.

18 ERIN HOWELL: All right. Sorry, sorry.

19 JIM MONTEVERDE: Please introduce yourself.

20 ERIN HOWELL: Oh, I'm sorry. I'm Erin Howell.

21 JIM MONTEVERDE: And direct your comments to the
22 Chair.

1 ERIN HOWELL: Oh, I'm sorry. I didn't realize.

2 So how do I address my questions to the Chair? I'm sorry,
3 is there, like, an official way to say that?

4 JIM MONTEVERDE: No, just go ahead.

5 ERIN HOWELL: Okay.

6 JIM MONTEVERDE: Introduce yourself.

7 ERIN HOWELL: So I'm Erin Howell, also one of the
8 owners of the home, and I just wanted to reflect a point
9 that Sarah had also made in reference to their first letter
10 that the new plan allows us to enter the front door and
11 essentially never actually have to go down the shared --
12 it's not -- I mean the shared property line now. Because we
13 can get to the back yard from our unit.

14 So if anything, I think this plan creates several
15 ways that that shared property line won't be -- won't have
16 people in it. I just wanted to make sure that that was
17 clear.

18 JIM MONTEVERDE: Thank you. Any other discussion
19 among members of the Board? Let me offer my two cents. I
20 think -- and I don't know whether it should be a condition
21 or what, but if I read the documentation, it says that door
22 is an egress door. And if in fact that's an egress door as

1 in emergency egress, you would hope to God it never gets
2 used.

3 So the concern about the traffic, the noise in the
4 shared passageway should not be an issue. Because if
5 someone's -- in my opinion -- because if someone's using
6 that emergency egress for an emergency purpose, there's
7 probably going to be a lot more noise, for whatever the
8 reason is that they need to use that as a second means of
9 egress.

10 So I'm sensitive to the neighbors' concerns, but I
11 don't see that as being restricted to an egress-only; that
12 really the traffic is going to come and go from the front
13 door.

14 And as you just said, the owner's unit on the
15 other side of the first floor can now access the back yard
16 without having to go down the passageway. So that's
17 positive.

18 And I favor it. To talk to the two proposed
19 treatments of the door, I can go either way. But it's
20 dangerous to ask an architect what they think.

21 But if you want to portray it as strictly an
22 egress, then the undecorated one says that most clearly.

1 But I'll leave that up to the other members of the Board, or
2 you the owners if you're -- if you want to tell us that
3 you're actually proposing one or the other, and not leaving
4 the alternate up to us. That's my two cents.

5 Anything else from any other members of the Board?

6 No? Okay. From the owners, the proponents?

7 Which scheme elevation wise are you proposing, are you
8 preferring?

9 SARAH ROSZLER: Well, we prefer the proposed, but
10 take --

11 JIM MONTEVERDE: Right.

12 SARAH ROSZLER: -- the point.

13 JIM MONTEVERDE: As opposed to the alternate?

14 SARAH ROSZLER: Correct. But I don't think --

15 JIM MONTEVERDE: Okay.

16 SARAH ROSZLER: -- we feel strong enough to -- if
17 the Board felt differently, we --

18 JIM MONTEVERDE: Yep.

19 SARAH ROSZLER: -- we -- that would be okay.

20 JIM MONTEVERDE: Okay. But I'm not hearing any
21 other comments or discussions from members of the Board. So
22 I will present it as if it's that scheme that's up on the

1 screen now, the proposed view with the canopy above it, and
2 trim. Okay.

3 Any other discussion from members of the Board or
4 are we ready for a vote or a motion? This is a special
5 permit.

6 The Chair makes a motion to grant relief from the
7 requirements of the Ordinance under Sections 5.21. That's
8 the new opening in the side yard setback 8.22.2.c, the
9 Nonconforming Structure, and the conditions of 10.40 for a
10 special permit on the condition that the work proposed
11 conforms to the drawings entitled "30 Shea, Level 1,"
12 prepared by Sarah Roszler and dated April 22, 2024,
13 initialed and dated by the Chair.

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

17 Further, that the special permit is granted
18 incorporating the following conditions: And that we are
19 accepting the exterior view that's on Sheet A.3.2, and not
20 the alternate. And that this new doorway will be used
21 strictly for emergency egress of that new ground-floor unit.

22 Members of the Board, by voice vote please?

1 Steven?

2 STEVEN NG: In favor.

3 JIM MONTEVERDE: Thank you. Virginia?

4 VIRGINIA KEESLER: In favor.

5 JIM MONTEVERDE: Thank you. Daniel?

6 DANIEL HIDALGO: In favor.

7 JIM MONTEVERDE: Thank you. Bill?

8 BILL BOEHM: In favor.

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

11 [All vote YES]

12 JIM MONTEVERDE: That's five affirmative. The
13 relief is granted. Thank you.

14 SARAH ROSZLER: Thank you very much.

15 JIM MONTEVERDE: You're welcome.

16 JAMIE HOWELL: Thank you.

17 ERIN HOWELL: Thank you.

18 DANIEL HIDALGO: Is that the end of the --

19 JIM MONTEVERDE: No. We have one more continued.

20 DANIEL HIDALGO: Oh, oops. Okay.

21 JIM MONTEVERDE: One more continued. Hang on for
22 one moment.

1 * * * * *

2 (6:45 p.m.)

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

5 JIM MONTEVERDE: Next case is BZA-212734 -- 5 Foch
6 Street. I hope that's how you pronounce it. And the
7 proponent is asking for an extension for the variance "due
8 to unforeseen circumstances with my contractor not being
9 licensed properly."

10 So we will do a motion to continue. Oh, no
11 motion, we just accept it? All right. Members of the
12 Board, still take a vote, correct?

13 OLIVIA RATAY: You don't -- it's your choice to
14 accept it. You're not continuing it. You're just --

15 JIM MONTEVERDE: Oh, sorry. If I said,
16 "continuing," my bad. It's an extension. Right. So on the
17 Six Month Extension by a voice vote, Bill?

18 BILL BOEHM: In favor.

19 JIM MONTEVERDE: Thank you. Daniel?

20 DANIEL HIDALGO: In favor.

21 JIM MONTEVERDE: Thank you. Virginia?

22 VIRGINIA KEESLER: In favor.

1 JIM MONTEVERDE: Thank you. Steven?

2 STEVEN NG: In favor.

3 JIM MONTEVERDE: And Jim Monteverde in favor.

4 [All vote YES]

5 JIM MONTEVERDE: All right. Okay.

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2 (6:46 p.m.)

3 Sitting Members: Jim Monteverde, Virginia Keesler, Carol
4 Agate, Zarya Miranda, and William Boehm

5 JIM MONTEVERDE: Now for the Regular Agenda, we
6 have Virginia, Carol, Zarya, Bill, and myself. So Daniel,
7 you're excused. And Steven, you're excused.

8 STEVEN NG: Thank you. Goodnight.

9 JIM MONTEVERDE: Thank you for your help.

10 CAROL AGATE: Hi.

11 JIM MONTEVERDE: One moment, please. Okay. Next
12 case is BZA-261798 -- 29 Ash Street. This one is both a
13 variance and a special permit. Is there anyone calling in
14 who wishes to speak to this case?

15 DAVID FREED: Yes, Mr. Chair. My name is David
16 Freed. I'm the architect for this project, and I'm here to
17 answer any questions and present.

18 JIM MONTEVERDE: Yep. Thank you. If you would go
19 ahead and tell us what's being proposed and what relief is
20 required?

21 DAVID FREED: Yeah. Actually, it's a very modest
22 proposal. We're proposing adding a window in the façade

1 facing the right-side yard, right at the bottom of the
2 first-floor stairs. And we are seeking to enclose the rear
3 -- existing rear deck -- which has a canopy, and turn that
4 into a garden shed.

5 JIM MONTEVERDE: And that garden shed by your
6 calculation is how far from the property line?

7 DAVID FREED: Oh, it's --

8 JIM MONTEVERDE: Approximately?

9 DAVID FREED: It looks like it's like two --

10 JIM MONTEVERDE: Oh, there it is.

11 DAVID FREED: -- something. It's probably one and
12 a half feet existing.

13 JIM MONTEVERDE: Yep. Okay. Thank you. So
14 you're seeking a variance to convert the deck into the
15 covered garden shed and the special permit is to create the
16 window opening within the right-side setback? Is that
17 correct?

18 DAVID FREED: Correct.

19 JIM MONTEVERDE: Okay. Anything else?

20 DAVID FREED: No, that's it.

21 JIM MONTEVERDE: Okay.

22 DAVID FREED: Thank you.

1 JIM MONTEVERDE: Thank you. Any questions from
2 members of the Board? If not, we have four pieces of
3 correspondence in favor and none against. We have some from
4 the Conservation Commission.

5 So we have a letter from Douglas Okun giving his
6 approval. We have Anne Gergen and David Gergen, undated,
7 writing to support the application. James Woodman, 27 Ash,
8 in support. Marta Rivas and George Langdon in support.

9 And none against.

10 And then we have two pieces of correspondence in
11 the file from the Half Crown-Marsh Neighborhood Conservation
12 District Commission -- this one dated April 2. This is
13 about enclosing the rear porch and converting the rear
14 window to a door and removing the window at the rear.

15 "This activity does not involve any activity
16 requiring issuance of a Certificate of Appropriateness or
17 hardship. All improvements shall be carried out as shown in
18 the plans and specifications submitted by the applicant."

19 And, "This certificate is granted upon the
20 condition that the work authorized herein is commenced
21 within six months after the date of issuance."

22 And then there's a second piece of correspondence

1 from the same Commission dated April 1. This is the
2 Certificate of Appropriateness, and this is to alter the
3 fenestration on the north side elevation.

4 "Approval was granted with the following
5 conditions and comments:

6 The new window and enclosure of two existing
7 window openings with shutters is appropriate and approved
8 without conditions.

9 That the proposed alterations to the dormer
10 windows to be reviewed and approved by Staff following an
11 updated drawing.

12 Staff has approved the submitted dormer window
13 elevation dated April 1, 2024 showing three six-pane windows
14 and --

15 The windows ought to be wood or clad-wood windows
16 with simulated, divided lights with either no screens or
17 half-screens if operable."

18 And as, similar to the other one, "This
19 certificate is granted upon the condition that the work
20 authorized herein is commenced within six months after the
21 date of issuance."

22 That's all the correspondence we have in the file.

1 Anyone calling in?

2 Sorry, yes. That's the end of the correspondence
3 in the file. We'll open it to public comment.

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

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

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

14 Nope. No one there. I will close public
15 testimony. Any discussion among members of the Board?

16 I have one comment to offer discussion.

17 Can you bring up the plan, Olivia?

18 My concern -- and where I'm not comfortable -- is
19 where the shed winds up a foot and a half from the rear
20 property line. And I just -- I never like to see the back
21 of the building in one way trapped.

22 In other words, you'd go down -- if you had some

1 emergency, you'd go down the right-side setback and you
2 can't get around to the other side, you're stuck. I don't
3 know about you, but I don't fit in a 1.5' wide zone anymore.

4 So any other members have any concern about that,
5 or are we all okay with it?

6 CAROL AGATE: Well, I wondered about that, but the
7 -- is that footprint exactly the same as the porch already
8 was, or is this new construction?

9 JIM MONTEVERDE: No, it looks it. It's -- and it
10 reads -- the note says, "new 2'x 4' painted partition wall
11 on existing deck." So the existing -- they just built on
12 top of the existing deck. So it's exactly --

13 CAROL AGATE: Okay.

14 JIM MONTEVERDE: -- where the deck is now.

15 CAROL AGATE: Okay. I mean, that was one thing
16 that didn't bother me, and also the person right behind the
17 one that perfectly abuts up to is a supporter.

18 JIM MONTEVERDE: Yeah.

19 CAROL AGATE: So --

20 JIM MONTEVERDE: No, no, I understand that.

21 CAROL AGATE: So have no objection.

22 JIM MONTEVERDE: So you're okay with it, Carol?

1 OLIVIA RATAY: Yeah.

2 JIM MONTEVERDE: On that basis? Okay.

3 CAROL AGATE: Yes.

4 JIM MONTEVERDE: Any other?

5 BILL BOEHM: Yeah. I share your concern, Jim, as
6 a former volunteer firefighter. I don't like when you can't
7 move around a building for that purpose also. So I'm --
8 that concerns me as well.

9 JIM MONTEVERDE: Okay.

10 VIRGINIA KEESLER: It says on the Dimensional
11 Table that the rear setback is 4.5' I believe?

12 DAVID FREED: I think we --

13 JIM MONTEVERDE: Yeah, that's from the survey.
14 And that's to the building -- the existing building wall,
15 not including the porch. Once you enclose --

16 VIRGINIA KEESLER: Oh, I see.

17 JIM MONTEVERDE: -- the porch, you're now, you
18 know, at that -- whatever that dimension is.

19 BILL BOEHM: Is there a chance that shed could be
20 built, say, around the corner where you have more
21 substantial yard space and keep that back part accessible?

22 DAVID FREED: I'll have to talk to the owner about

1 that. I really think she was hoping just to reuse what was
2 already existing, rather than go to the expense of building
3 something somewhere else.

4 Would it -- can we put a door on the other side,
5 so that it can be a pass-through?

6 JIM MONTEVERDE: Well, if it's a shed, any shed
7 I've seen is probably lawnmower, snowblower, four bikes, you
8 know, one canoe. You're not going to open the door and just
9 zip right through.

10 DAVID FREED: Yeah.

11 JIM MONTEVERDE: I would suspect not. So --

12 CAROL AGATE: I Googled this. And it looks as
13 though the part that is closest to the other building is
14 just a jut out. It's not the entire side. But the -- about
15 only one-third of that side is what sticks out from it. Is
16 that a step, or is that just an old Google Map?

17 DAVID FREED: Can we go to the rear elevation,
18 please? Or even the side elevation. So the roof here was
19 existing, and then deck was existing.

20 CAROL AGATE: Oh. So those are the stairs?

21 DAVID FREED: Oh, to their right? Yes. Yes.

22 CAROL AGATE: Okay. So it's just the stairs that

1 are sticking out that far?

2 JIM MONTEVERDE: Well, if I read the tea leaves,
3 that's possibly two of us not in favor. And this is a
4 variance. We haven't even gotten to the discussion of how
5 it's a hardship.

6 But with two of us expressing some concern with
7 the enclosure being so close to the property line, if you go
8 forward with a vote, you may not get this, in which case you
9 can't come back with the same scheme unless it's a
10 dramatically different scheme, for two years.

11 You can either withdraw -- and this is on the
12 variance only. Special permit is a whole nother ball of
13 wax, and personally I don't have any issues with that one.

14 Mr. Freed, how would you like to do this? Would
15 you like us to go forward with a vote? Take the chance
16 you'll pass? Or would you like to get a continuance and
17 come back, reconsider enclosing the deck?

18 DAVID FREED: Yeah. I think if I could do a
19 continuance, I don't -- I don't think I really am authorized
20 to withdraw. So if we could do a continuance, that would
21 give me some time to speak with the owner.

22 JIM MONTEVERDE: Okay. Check the schedules.

1 Okay. How is May 9?

2 DAVID FREED: Yep. Thank you. Members of the
3 Board, does that work for you?

4 BILL BOEHM: Works for me.

5 CAROL AGATE: Yes. I'm okay.

6 DAVID FREED: May I ask one question before it
7 finalizes?

8 JIM MONTEVERDE: Yep.

9 DAVID FREED: Would it be possible to just reduce
10 the size of the garden shed in the discussion here? Would
11 that be something that would sort of at least provide some
12 amount of -- you know, pass through into the side yard, into
13 the rear yard?

14 JIM MONTEVERDE: Well --

15 CAROL AGATE: I wonder whether --

16 JIM MONTEVERDE: One second.

17 CAROL AGATE: -- it would make a difference if the
18 stairs were turned to the side?

19 JIM MONTEVERDE: Yeah.

20 CAROL AGATE: Rather than being in the back.

21 JIM MONTEVERDE: I'm trying not to design this by
22 committee or have us all -- you know, the blind men describe

1 the elephant.

2 DAVID FREED: Mm-hm.

3 JIM MONTEVERDE: I think you'd have to come up
4 with a proposal, Mr. Freed --

5 DAVID FREED: Yep.

6 JIM MONTEVERDE: -- and submit it. Quickly, I
7 don't see how that -- what you're suggesting would work.
8 Because if you basically have, what is it 4.5' from the back
9 of the existing building to the property line? and that
10 gives you you said a foot and a half -- that means the shed
11 is 3' deep. If you would reverse it and give them a 3'
12 passage across the back, you'd have a foot and a half shed,
13 that's a closet.

14 DAVID FREED: Yep.

15 JIM MONTEVERDE: I think it's something you and
16 the owner have to decide. I think the owner is on the line.
17 Do they want to speak at all?

18 CATHERINE HAYDEN: I don't know if my -- I don't
19 know if my -- I don't know how to get my -- baby, how do I
20 get my --

21 JIM MONTEVERDE: We can hear you.

22 CATHERINE HAYDEN: Oh, you can hear me?

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

3 CATHERINE HAYDEN: Catherine Hayden.

4 JIM MONTEVERDE: We could -- so your concern is if
5 we had to do maintenance on the back of the shed, we'd only
6 have a foot and a half? That's what the committee's concern
7 is?

8 JIM MONTEVERDE: No. Well, firstly, I'm concerned
9 if there's a -- if a first responder has to come to your --
10 this location for some emergency, they can't -- you can't
11 get around the house, around the back with a passageway
12 that's only a foot and a half wide. I'm not concerned about
13 maintaining the --

14 CATHERINE HAYDEN: Oh, but wouldn't they go on the
15 other side, where the -- on the neighbor's pro?

16 JIM MONTEVERDE: I have no idea what's over there.

17 CATHERINE HAYDEN: Oh.

18 JIM MONTEVERDE: All I can do is limit myself to
19 your property.

20 CATHERINE HAYDEN: Oh, I see. Okay.

21 JIM MONTEVERDE: That's the concern. Just you're
22 dead-ending the access, you know, on down either side of

1 your house. You can't get across the back.

2 CATHERINE HAYDEN: I understand. Okay. So if I
3 could get another foot -- I'm just trying to make it so I
4 can get in there -- if I made it like 2.5' or 2'deep --

5 DAVID FREED: Yeah.

6 CATHERINE HAYDEN: 2.5' deep, and that would add
7 --

8 JIM MONTEVERDE: Hey, I don't -- we can negotiate.
9 Again, that's kind of designed by committee.

10 CATHERINE HAYDEN: Oh, okay.

11 JIM MONTEVERDE: We need you to -- and I'm sure
12 your architect can propose a solution. So shall we go ahead
13 with the motion to continue?

14 VIRGINIA KEESLER: All right I'm wondering,
15 though, if it would be appropriate for us to provide any
16 guidance on, like, the minimum amount of space you would
17 want to see between the lot line and the house?

18 JIM MONTEVERDE: Well, technically it would be the
19 required setback. Right?

20 VIRGINIA KEESLER: Fair enough.

21 JIM MONTEVERDE: I can't suggest something that's
22 less than that. So that has to be their proposal, I think.

1 Right? I can't make a deal and suggest a number that
2 reduces it from the requirements.

3 CATHERINE HAYDEN: Yes, I understand that.

4 JIM MONTEVERDE: All right. Motion to continue?

5 Motion to continue. We said May 9? Okay. Let me make a --

6 CATHERINE HAYDEN: Can I ask one more question?

7 JIM MONTEVERDE: Yep. Yes.

8 CATHERINE HAYDEN: Is the window okay? Just the
9 other thing is not? Just the shed --

10 JIM MONTEVERDE: No.

11 CATHERINE HAYDEN: -- is not.

12 JIM MONTEVERDE: We didn't -- we're stuck right
13 now on the Variance Request. We didn't go through and give
14 the special permit, which is the window, its due diligence
15 in review. I don't know that we can split it, approve one
16 and continue the other. You really have to continue them
17 both or come back later.

18 Personally, though, I have no issue with the
19 window. Okay?

20 CATHERINE HAYDEN: Okay.

21 JIM MONTEVERDE: Okay. Motion to continue. Let
22 me make a motion to continue this matter until May 5, 2024,

1 on the condition that the petitioner change the sign --

2 CATHERINE HAYDEN: Actually, now that I think
3 about it, it probably doesn't make any sense. If I just
4 surrender the shed, we can go ahead with the window. Is
5 that right?

6 JIM MONTEVERDE: Technically, yes.

7 CATHERINE HAYDEN: Oh, okay. So why don't I do
8 that.

9 JIM MONTEVERDE: All right. So you'll --

10 CATHERINE HAYDEN: Because I can't think of how we
11 could come up -- I can't think of how I could come up with a
12 solution to the shed --

13 JIM MONTEVERDE: Okay.

14 CATHERINE HAYDEN: -- where I don't understand. I
15 mean, there's a lot of houses in Cambridge that are very
16 close together.

17 JIM MONTEVERDE: Okay.

18 CATHERINE HAYDEN: And --

19 JIM MONTEVERDE: Thank you. Stop. Hold on for a
20 second.

21 CATHERINE HAYDEN: Yep.

22 JIM MONTEVERDE: So you'll withdraw the Variance

1 Request --

2 CATHERINE HAYDEN: For the shed.

3 JIM MONTEVERDE: -- which was the shed, and we'll
4 then discuss the Special Permit Request, which was to create
5 a window opening in the -- right at the right-side setback.

6 CATHERINE HAYDEN: Yes.

7 JIM MONTEVERDE: Correct?

8 CATHERINE HAYDEN: Yes.

9 JIM MONTEVERDE: Okay. Do you have that elevation
10 that describes that? All right, Board. We didn't look at
11 that before, so let's get it out. So can you walk us
12 through that one elevation that has the proposed changes?

13 DAVID FREED: Yes. The existing elevation is on
14 the bottom of the page, and the proposed is the colored
15 elevation above that.

16 So we're seeking to add a window right, to the
17 right of the porch at the front entry. And we're looking to
18 close up the other two windows that are shown with the
19 shutters closed in.

20 And those are two existing windows that we're
21 removing.

22 JIM MONTEVERDE: Mm-hm. And what about the dormer

1 up above?

2 DAVID FREED: We changed the fenestration of the
3 dormer that had been approved last time. It was five
4 windows, and we've changed the fenestration to it to three
5 windows. But it was still the same area.

6 JIM MONTEVERDE: But it's a new dormer?

7 DAVID FREED: Yes, but the dormer was approved on
8 existing previously.

9 JIM MONTEVERDE: Oh, it was a previous submittal
10 for the dormer?

11 DAVID FREED: Yes, yes.

12 JIM MONTEVERDE: Okay.

13 DAVID FREED: I think back in October.

14 JIM MONTEVERDE: Okay. So this is specifically
15 those three windows, the two with the shutters closed and
16 the one to the drawing left side, correct?

17 DAVID FREED: Correct, yes.

18 JIM MONTEVERDE: Okay. Any questions from members
19 of the Board? We have -- like I said, there were four --
20 I'll not go back over the correspondence for and against,
21 because they were addressing earlier for and against,
22 because they were addressing really the shed.

1 I'll open it up to public commentary.

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

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

12 Anybody out there?

13 [Pause]

14 No one calling in. I will close public testimony.
15 Any discussion among members of the Board? Can we move to a
16 motion?

17 [Pause]

18 Hearing no comments, we'll go to discussion. And
19 this is for the special permit only, for the window opening
20 on the right-side setback.

21 The Chair makes a motion to grant relief from the
22 requirements of the Ordinance under Sections -- and this is

1 for the special permit only -- 8.22.2.c for a Nonconforming
2 Structure -- and 10.40.

3 And this is specifically to create a new window
4 opening that's shown within the right-side setback. Two
5 other windows will be enclosed with the material identified
6 as shutter.

7 The Variance Request has been withdrawn.

8 On the condition that the work proposed conforms
9 to the drawings entitled -- it says, "Extension of Living
10 Space into Basement and Dormer Addition." That's the wrong
11 one, isn't it?

12 CATHERINE HAYDEN: Oh, can I ask --

13 JIM MONTEVERDE: Hold on, hold on. Hold on.

14 CATHERINE HAYDEN: Sorry.

15 JIM MONTEVERDE: For 29 Ash Street, prepared by
16 Choo & Company, dated April 1, 2024, initialed and dated by
17 the Chair.

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

21 Further, that the special permit is granted
22 incorporating the following conditions:

1 And the conditions are that the Variance Request
2 for enclosing the rear deck has been withdrawn. And the
3 Half Crown-Marsh Neighborhood Conservation District
4 Commission conditions contained on the correspondence dated
5 April 1, 2024 that I read previously are compliant with.

6 Members of the Board, on a voice vote, please?
7 Virginia?

8 VIRGINIA KEESLER: In favor.

9 JIM MONTEVERDE: Thank you. Carol?

10 CAROL AGATE: In favor.

11 JIM MONTEVERDE: Thank you. Zarya?

12 ZARYA MIRANDA: In favor.

13 JIM MONTEVERDE: Thank you. Bill?

14 BILL BOEHM: In favor.

15 JIM MONTEVERDE: And Jim Monteverde in favor.

16 [All vote YES]

17 JIM MONTEVERDE: Okay. And then we'll take a
18 second vote to approve the withdrawal of the Variance
19 Request.

20 CATHERINE HAYDEN: Can I say something before
21 that?

22 JIM MONTEVERDE: No, we're done. We did a motion;

1 we're rolling right through. Let us finish our work, and
2 then tell us what you --

3 CATHERINE HAYDEN: Okay. Okay.

4 JIM MONTEVERDE: -- just give us one more moment.

5 CATHERINE HAYDEN: Okay.

6 JIM MONTEVERDE: On the motion to withdraw? Do we
7 have a withdrawal here? Nope, by a voice vote? Virginia?

8 VIRGINIA KEESLER: In favor.

9 JIM MONTEVERDE: Carol?

10 CAROL AGATE: In favor.

11 JIM MONTEVERDE: Zarya?

12 ZARYA MIRANDA: In favor.

13 JIM MONTEVERDE: Bill?

14 BILL BOEHM: In favor.

15 JIM MONTEVERDE: And Jim Monteverde in favor.

16 [All vote YES]

17 JIM MONTEVERDE: The variance is withdrawn.

18 Did you have another question?

19 CATHERINE HAYDEN: I just had a question for the
20 Board.

21 JIM MONTEVERDE: Okay.

22 CATHERINE HAYDEN: Based on what Carol said, it

1 occurs to me we could leave the steps and put another door
2 on the other side, so that they could enter from -- do you
3 see what I mean? The same way it is sort of now. Would
4 that satisfy the --

5 JIM MONTEVERDE: I guess you can -- I would
6 encourage you to think about it and draw it and see if you
7 want to resubmit it.

8 CATHERINE HAYDEN: Okay.

9 JIM MONTEVERDE: Okay? Thank you.

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2 (7:13 p.m.)

3 Sitting Members: Jim Monteverde, Virginia Keesler, Carol
4 Agate, Zarya Miranda, and William Boehm

5 JIM MONTEVERDE: All right. Next case is BZA-
6 262879 -- 72 and 72.5 Inman Street. Is there anyone here
7 wishing to speak on that proposal?

8 JOSEPH ARTLEY: I'm Joe Artley. I'm the owner.

9 JIM MONTEVERDE: Yeah.

10 JOSEPH ARTLEY: And I'm also the architect. And
11 it's a house that -- the combination of the houses that I
12 bought with my wife in 1991, the front part is an attached
13 single-family, which was built in 1843.

14 And then in 1870 there was a structure in the back
15 15' x 28' with a 20' x 10' ell. And that was in the 1870s.
16 And at some point after that, the two houses were joined
17 together. And it's technically a two-family that we own.
18 And in the 1880s --

19 JIM MONTEVERDE: Joe, we're going to bring up a --

20 JOSEPH ARTLEY: Okay.

21 JIM MONTEVERDE: -- drawing here. A picture's
22 worth a thousand words, so.

1 JOSEPH ARTLEY: How about this plan?

2 JIM MONTEVERDE: So describe this to us again, the
3 lay of the land?

4 JOSEPH ARTLEY: Okay. All right, this is
5 reversed. But the -- my -- the property I live in right now
6 is No. 72. No. 72.5 was built in the 1870s. And the link
7 between the two -- it was built sometime after that. I
8 don't know exactly when, but it was -- it appeared on one of
9 the older maps.

10 And in the 1880s, 72A was constructed. And in
11 1990, the property was subdivided. And 72A was subdivided
12 from 72. So I own 72 and 72.5. I've lived there for I
13 guess it's 33 years. And I -- my wife died last summer.
14 And I want to renovate the back house and live in it myself
15 and rent the front house.

16 And so, I've redesigned it, and the things that I
17 need a variance for on the first floor are to rebuild that
18 connector between 72 and 72.5, which is I believe originally
19 connected to 72, because I -- it's at the same height as my
20 house. And I want to rebuild it so that it's down on the
21 same level as the 72.5.

22 And on the second floor, let's see -- Olivia,

1 could you get the plans again?

2 JOSEPH ARTLEY: The existing second floor is at
3 the bottom, and then up above it is the proposed. And what
4 I'd like to do is bring that ell -- the 10' x 15' or 10' x
5 10' ell -- out 3 -- an additional 3'. Because the 10' sort
6 of adds up -- it's 9'2" on the inside.

7 And it's really a hard-to-use space. And giving
8 three extra feet on that, makes it sort of room size. And
9 it works. All these things that I'm talking about doing
10 sort of makes things -- makes the house more livable. And
11 it's kind of minimum in terms of what it's asking for.

12 And then on the top floor, I would like to have a
13 stair and stair enclosure going up to the roof. It's a flat
14 roof. And I'd like to have a small roof deck up there,
15 because the house back there doesn't really have much open
16 space. And so, that would be another sort of addition to
17 what I can live with. It would be kind of nice.

18 And then as well as that, I'd like to have a
19 dormer on the 72 -- my portion right now. On the third
20 floor, I'm right in my office right now in the front. And
21 the back room is kind of compromised by a sloping roofline.

22 And so, I'd like to add a 14' dormer to that room

1 so that I can have possibly the -- possible bathroom up
2 there, and then two good-sized windows that would really
3 expand the existing space.

4 And I'm not sure whether I'd make that a fourth
5 bedroom, but I'd like that option, anyway. Because I have
6 -- I have in the past run eating and bathroom supplies and
7 waste pipe up to that area.

8 So anyhow, what I'm proposing is to make the back
9 house 72.5 more livable for me, and really make it more
10 comfortable for me. I've had a lot of setbacks the last
11 year, and this would be something that would really help me
12 out.

13 And what I'm asking for I think is pretty minimal.
14 There's not a lot to it. I'm not adding a lot of floor
15 area. I'm rebuilding something that's already there. I'm
16 not changing the footprint. So I hope you'll grant me what
17 I'm looking for.

18 Thank you.

19 JIM MONTEVERDE: Thank you. Just if I can read
20 off -- again, this is a Variance Request. We'll get to
21 those conditions in a minute. The description that's on the
22 application form -- although Joe, I was following your

1 descriptions, but -- that 72.5 Inman building in the back,
2 you want the extend the second-floor ell by 3' x 10', right?

3 JOSEPH ARTLEY: Yes.

4 JIM MONTEVERDE: Adding 60 square feet?

5 JOSEPH ARTLEY: Yes.

6 JIM MONTEVERDE: You also want to construct a
7 stairwell above the second floor, as an extension of the
8 existing rear wall of the structure within the setback?

9 JOSEPH ARTLEY: Yes.

10 JIM MONTEVERDE: So within the rear yard setback?
11 No additional gross floor area. How does that happen?

12 JOSEPH ARTLEY: Well, it's not -- it's a stairway
13 that's not going to any place you can count as gross floor
14 area.

15 JIM MONTEVERDE: So you didn't count -- you don't
16 count that as --

17 JOSEPH ARTLEY: You don't count that as floor
18 area.

19 JIM MONTEVERDE: Yep.

20 JOSEPH ARTLEY: And rebuild the existing one-story
21 link between 72 and 72.5, that's approximately 194 square
22 feet. And then at 72 Inman, construct a 14'-long dormer.

1 Correct?

2 JOSEPH ARTLEY: Correct. Yeah.

3 JIM MONTEVERDE: That's it. Okay. All right.

4 Any questions from members of the Board?

5 BILL BOEHM: I have a question. Can we see a
6 location of the roof deck on one of the plans? There. I
7 see it.

8 Just out of curiosity, why is -- oh, I see. So
9 the roof deck -- I guess I misunderstood another diagram.
10 It is facing into your property, right? Kind of on the side
11 towards the home?

12 JOSEPH ARTLEY: It's facing --

13 BILL BOEHM: I saw another diagram which made it
14 look like it was sort of on the back of that, but it's -- it
15 looks like it's facing the front towards your home?

16 JOSEPH ARTLEY: It's facing the street.

17 BILL BOEHM: Mm-hm. Okay. That was my first
18 question.

19 JOSEPH ARTLEY: Thank you.

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

22 VIRGINIA KEESLER: Could you speak a bit about the

1 downvote by the Mid Cambridge Neighborhood Conservation
2 District Commission? And just --

3 JOSEPH ARTLEY: Sure.

4 VIRGINIA KEESLER: -- talk about that decision.
5 Yes.

6 JOSEPH ARTLEY: That was disappointing to me. But
7 the main body of the house, the one that's 15' x 28', it's
8 got -- I mean it's a balloon-framed structure, and there's a
9 doesn't -- it's not a tilted wall mansard, but there's kind
10 of a tacked-on mansard at the front of it.

11 And it was that kind of swayed four members of the
12 Board, even though the fact is it's hard to see. But just
13 the fact that it was not a 1900 building, but it was an
14 1870s something building, they thought that was important
15 enough to vote it down on a -- on a nonbinding sort of vote.
16 I think that was probably one of the reasons that they may
17 have voted that.

18 And I can't say, but I'm -- like I said, I was
19 disappointed, but it's nonbinding, and I think what I would
20 have done here is actually pretty good.

21 VIRGINIA KEESLER: Thank you.

22 JIM MONTEVERDE: Any other questions from members

1 of the Board? If not, let me ask one.

2 This is a Variance Request. And as such, you've
3 got to give us some description of the hardship. That's
4 always the toughest part.

5 So as the Ordinance reads, we have to find that
6 all of the following conditions are met:

7 1. A literal enforcement of the provisions of
8 this Ordinance would involve a substantial hardship,
9 financial or otherwise, to the petitioner or appellant.

10 b. The hardship is owing to circumstances
11 relating to the soil condition, shapes or topography of such
12 land or structures, and specially affecting such land or
13 structure but not affecting generally the zoning district in
14 which it's located.

15 And lastly, that desirable relief may be granted
16 without either substantial detriment to the public good or
17 nullifying or substantially derogating from the intent and
18 purpose of the Ordinance.

19 So really the question here is the -- can you talk
20 about the hardship?

21 JOSEPH ARTLEY: The hardship is primarily the fact
22 that it's an old structure that was built very close to the

1 property lines. And as such, I mean it just violates every
2 Dimensional Requirement that exists, the 531. I'd just
3 doesn't comply with anything.

4 And so, the hardship is that means you can't do
5 anything with it. And it sort of hamstrings you from doing
6 changes whatsoever.

7 And the changes I'm proposing here are pretty much
8 to make it more livable. I mean, it's -- again, the ell,
9 it's only 9' deep inside. It's just -- it makes the space
10 up on the second floor kind of not very usable.

11 And, you know, rebuilding the first floor room is
12 not going to change anything. It's not going to change the
13 location of the roof; it's just go to change the location of
14 the floor. And so, I have to sort of fill that in.

15 And I mean the hardship is mostly because the
16 structures just are all nonconforming. And without relief I
17 can't do anything.

18 JIM MONTEVERDE: Right. Okay. Thank you. I
19 think that's a rationale piece of discussion -- for
20 discussion.

21 Okay. Any other questions from members of the
22 Board?

1 I find for public comment that there's no
2 correspondence to the file, either for or against. There is
3 a piece of correspondence from -- that Virginia was talking
4 about from the Mid Cambridge Neighborhood Conservation
5 District Commission, which does read that a motion to
6 approve the application for a Certificate of Appropriateness
7 was voted down 4:2.

8 The Commission agreed that the proposed scope of
9 work is minimally visible from a public way, but several
10 commissioners found the slate mansard roof front door with
11 brackets and chimney on the 1873 structure as contributing
12 to the character of the neighborhood, and should be
13 preserved.

14 A proposed dormer on the front 1843 building,
15 that's 72 Inman, and alterations to the existing connection
16 between the two buildings are not visible at all from the
17 public way, and therefore not under the Commission's
18 jurisdiction.

19 With that, Joe, I'll just ask you a question. Did
20 you look to modify any of your scheme to be able to maintain
21 the slate mansard roof or the front door with brackets, or
22 the chimney on the back structure?

1 JOSEPH ARTLEY: I really couldn't see it, Mr.
2 Chairman. I just couldn't. I mean, again, it was a tacked-
3 on mansard in very poor repair. It wouldn't be replaced
4 with slate, and it's -- the front wall is 80' from the
5 sidewalk. I'm, it just -- it -- well, I'm going to stop.

6 JIM MONTEVERDE: Okay. No. All right. Thank
7 you. You've said it.

8 Okay. let me open it up to public commentary.
9 Any members of the public who wish to speak should now click
10 the icon at the bottom of your Zoom screen that says, "Raise
11 hand."

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

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

19 OLIVIA RATAY: Angela?

20 ANGELA JAIMES: Hi. I'm Angela Jaimes. Oh, let
21 me try and get my video on. I don't quite see how I can, so
22 they'll be stuck with that picture, but I live at 72A Inman

1 Street with my husband and two children. We are Joe's
2 direct abutters and on that subdivided plot of land that we
3 saw in the schemes.

4 I just was calling to support -- provide support
5 for Joe's plans. He's talked about them at length with us.
6 We've been in our home now for a couple of years, and Joe is
7 a wonderful neighbor.

8 And we are supportive of anything that will allow
9 him to kind of stay a neighbor to us. And I don't that
10 involves renovating the entirety of that home, which is in
11 need.

12 We also support kind of this contemporary look
13 he's going for and think it'll be valuable to everyone in
14 our little strip of Inman. When we moved in, there were
15 actually trees in the green space behind our house that
16 basically obstructed the entire view of 72.5.

17 And I can also kind of support what Joe is saying
18 that the mansard roof is in quite a bit of disrepair. I was
19 a little surprised where the Historic Commission landed,
20 because I think this is a huge improvement and so little is
21 visible from Inman Street itself.

22 And that's essentially it.

1 JIM MONTEVERDE: Thank you. Thank you for calling
2 in.

3 OLIVIA RATAY: Susan Schweitzer?

4 SUSAN SCHWEITZER: That's me. That's not a
5 picture of me, but I don't know how to make a picture of me.
6 But we totally support what Joe's trying to do. We live on
7 the other side.

8 And I've been in that building. And it's old and
9 crooked, and the rooms are weird shapes. And it just
10 definitely is not a very nice living space. And I think his
11 changes will make it really nice.

12 Plus, from the street you can hardly see what the
13 Historical Society was complaining that they wanted it to
14 keep the roof. You can hardly see it from the street. So I
15 thought that was just silly.

16 And I think his plan to straighten it out makes it
17 -- will make it look nice too, and it'll -- he'll be able to
18 keep it looking like an old house, but a nice old house
19 instead of a -- yeah.

20 Anything, Tom?

21 TOM SCHWEITZER: Yeah. I absolutely -- I'm Tom
22 Schweitzer, I'm Susie's husband -- we've shared this

1 building with Joe for many, many years. He's a great
2 neighbor. He's thought this out very, very carefully. And
3 I think every detail that he's presented makes really good
4 sense in making that unit livable. So we fully support it.

5 JIM MONTEVERDE: Thank you. Thank you for calling
6 in. That's it for public commentary. I will close public
7 testimony. Any discussion among members of the Board? If
8 not, I will move to a motion.

9 The Chair makes a motion to grant relief from the
10 requirements of the Ordinance under Sections 5.31, the
11 Dimensional Requirements, and specifically around the
12 setbacks, the rear and side, since the property sits hard
13 against the property lines.

14 Section 8.22.3 for a Nonconforming Structure, and
15 I think the proponent has described the hardship that we
16 need to show for Section 10.31 for a variance.

17 On the condition that the work proposed conforms
18 to the drawings entitled "Alterations to the Artley
19 Residence, 72-72.5 Inman Street," prepared by Joseph Artley
20 and dated March 22, 2024, initialed and dated by the Chair.

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

1 application.

2 On a voice vote, please? Carol?

3 CAROL AGATE: In favor.

4 JIM MONTEVERDE: Thank you. Zarya?

5 ZARYA MIRANDA: In favor.

6 JIM MONTEVERDE: Thank you. Virginia?

7 VIRGINIA KEESLER: In favor.

8 JIM MONTEVERDE: Bill?

9 BILL BOEHM: In favor.

10 JIM MONTEVERDE: And Jim Monteverde in favor.

11 [All vote YES]

12 JIM MONTEVERDE: The variance is granted. Thank
13 you.

14 JOSEPH ARTLEY: My thanks to the Board. I
15 appreciate it. Thank you very much.

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1 * * * * *

2 (7:33 p.m.)

3 Sitting Members: Jim Monteverde, Virginia Keesler, Carol
4 Agate, Zarya Miranda, and William Boehm

5 JIM MONTEVERDE: Next case is BZA-263317 -- 26
6 Robinson Street. Is there anyone calling in who wishes to
7 speak about this case?

8 DIANE GRAY: Good evening. I'm Diane Gray from
9 Harvard University. Tonight, I'm joined by Emily Glavey of
10 Harvard University and Steve Gilbert of Baker Design Group
11 regarding the Botanic Gardens Children's Center stroller
12 canopy. So --

13 JIM MONTEVERDE: Thank you. Yep. Go ahead. Tell
14 us what you're desiring to do and what relief you're looking
15 for. And this is a Variance Request.

16 DIANE GRAY: So what we are -- I'll speak first,
17 and Emily and Steve will speak for a few minutes. So we are
18 trying to construct a 90 square-foot, three-sided detached
19 canopy just at the entrance to the Children's Center to
20 store large buggy strollers in a weather-protected
21 environment.

22 These strollers hold six children each, and they

1 would be used by -- this is so staff can conveniently access
2 the strollers to bring children to visit local parks and
3 play spaces, walk around the neighborhood as part of the
4 center's learning and play curriculum.

5 This is a long-established children's center that
6 has specific operational facility needs that are unique for
7 this zoning district. It's a multi-building institutional
8 educational lot with fronting three streets: Robinson
9 Street, Fernald Drive and Garden Street.

10 And due to the physical characteristics of the
11 lot, the existing FAR exceeds the allowed FAR. The
12 construction of the original Children's Center in 1997
13 received a variance. So we would be increasing the
14 nonconforming FAR by a very slight amount.

15 The reason it's close to the building is because
16 we are keeping the accessible parking space in front there.
17 That was also part of that 1997 variance. And so that's why
18 we can't meet the requirements of the building.

19 The open space and the landscape of Botanic
20 Gardens will not be affected, and planting will be
21 increased. And if a variance was granted, it would be a
22 benefit to the public good creating a safe, weather-

1 protected space for the children's strollers, and allowing
2 the staff to get them easily.

3 At this point, I'm going to ask Emily to tell you
4 more about the project, and then Steve will go over the
5 elevations.

6 Thank you.

7 EMILY GLAVEY: Good evening, members of the Board.
8 I'm Emily Glavey, the Senior Project Manager and Architect
9 at Harvard University.

10 I work on all of the childcare capital projects,
11 including this one. As Diane mentioned, the childcare has
12 been there providing wonderful services to Harvard
13 affiliates and the general community since 1997. Part of
14 their exceptional program and curriculum is taking kids out.

15 I don't know if anyone has been around a childcare
16 center, but the strollers are the -- that we're talking
17 about are the larger I call them buggies. They seat four to
18 six children so that the staff can, you know, take several
19 out to their destinations as needed.

20 The need is significant, according to the staff.
21 You know, they by law have to be supervising, you know, a
22 certain number of children as allocated to staff, you know,

1 at a time.

2 And having the buggies in a location that is
3 accessible is going to enable them to use them. Otherwise,
4 you know, one staff member has to go out and around and back
5 or elsewhere -- you know, would have to give up their
6 supervision to go do that.

7 This is a need that the center has had for a very
8 long time, really to have easy access for loading and use of
9 the buggies.

10 I am all set. I think Steve Gilbert is on, the
11 architect preparing the package, I see here. And I'm going
12 to hand it over him next.

13 STEVEN GILBERT: Good evening, members of the
14 Board. I'm Steven Gilbert, Baker Design Group, Project
15 Architect. And what -- the way we approached this and what
16 we want to do is improve the aesthetic, but also kind of
17 blend into the neighborhood.

18 So we're tried to do this in a light approach with
19 a wood-slat fence that -- if you actually go back to the
20 rendering, if you wouldn't mind on page 6 -- or this works
21 as well -- we wanted to create a low fence around the entry
22 door so that way parents and children can see where they're

1 going, but also but on the buggy storage side provide a
2 canopy and the partially enclosed area so that way snow and
3 rain mostly stays off the buggies to keep them clean and dry
4 through the inclement weather.

5 And like I said, we wanted to do a very light
6 touch, as minimal as possible, and then blend it in.

7 In addition, we want to add green space to kind of
8 get to blend in some of this to the neighborhood; conceal,
9 you know, what we could. So that way it just felt as it was
10 always there.

11 I think that's -- that kind of covers it.

12 JIM MONTEVERDE: Thank you. is that your
13 presentation?

14 DIANE GRAY: Yes. I'm happy to answer any
15 questions that you have.

16 JIM MONTEVERDE: All right. Thank you.

17 Any questions from members of the Board? If not -

18 -

19 BILL BOEHM: Oh. Sorry. I noticed cars parking
20 in front. Is that -- are you -- are there currently parking
21 spaces in front like that? Is that already a feature of the
22 center?

1 DIANE GRAY: Yes. The accessible parking space is
2 there today, and it will be improved in the proposed
3 condition. And it was part of the 1997 variance.

4 JIM MONTEVERDE: Thank you.

5 Any other questions from members of the Board? If
6 not, we have no correspondence in the file either for or
7 against, so we'll open it up to public commentary.

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

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

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

18 Is anyone there? Okay, we have no one calling in.
19 I will close public testimony. Any discussion among members
20 of the Board? Nope? Let me offer -- and just to confirm,
21 the relief you're requesting under the 5.31, the Table of
22 Dimensional Requirements is first that your FAR, which is

1 already nonconforming, is going to go up ever so slightly?
2 I think that's going to go from 0.982 to 0.983. And that
3 brings you here.

4 And then also 5.13, the General Regulation, which
5 actually would not allow the stroller storage to be cited
6 within 10' of the building, as opposed to up against the
7 building as you have it.

8 And the Article 4 items have to do with the fact
9 that you're in a C-1 Residential Zone and this is a
10 childcare facility, and those Article 4 Sections basically
11 allow this use by this variance, that's why you're here.

12 Did I capture that correctly?

13 DIANE GRAY: The use is allowed in the district.

14 JIM MONTEVERDE: Okay, good.

15 DIANE GRAY: The Institutional, Educational Use is
16 allowed. The three items that we applied for were the FAR,
17 the distance between buildings, and the nonconformity, the
18 worsening of the non -- it's existing nonconformity --

19 JIM MONTEVERDE: Yep.

20 DIANE GRAY: -- and nonconformity. So those were
21 the items.

22 JIM MONTEVERDE: Okay. And actually, there's no

1 relief required, then, under the Use Regulations or
2 Institutional Use Regulations?

3 DIANE GRAY: Correct.

4 JIM MONTEVERDE: Okay. All right. Any discussion
5 from members of the Board or can we move on to a motion?

6 I'll start the motion. This is a Variance Request. The
7 Chair makes a motion to grant relief from the requirements
8 of the Ordinance under Sections 5.31, Table of Dimensional
9 Requirements. That's the added FAR.

10 5.13, that's the General Requirements with the
11 siting of the stroller shed close up against the building,
12 8.22.3, Nonconforming Structure; and then 10.30, the items
13 for a variance. I believe those are the ones you're seeking
14 the relief from.

15 On the condition that the work proposed conforms
16 to the drawings entitled "Buggy Storage Canopy" prepared by
17 Baker Design Group, dated March 11, 2024, initialed and
18 dated by the Chair.

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

22 On a voice vote, please, Virginia?

1 VIRGINIA KEESLER: In favor.

2 JIM MONTEVERDE: Bill?

3 BILL BOEHM: In favor.

4 JIM MONTEVERDE: Carol?

5 CAROL AGATE: In favor.

6 JIM MONTEVERDE: Zarya?

7 ZARYA MIRANDA: In favor.

8 JIM MONTEVERDE: And Jim Monteverde in favor.

9 [All vote YES]

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

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2 (7:45 p.m.)

3 Sitting Members: Jim Monteverde, Virginia Keesler, Carol
4 Agate, Zarya Miranda, and William Boehm

5 JIM MONTEVERDE: Next case is BZA-263025 -- 17
6 Copley Street, Unit 3.

7 ADAM GLASSMAN: Good evening, Mr. Chair, and
8 members of the Board. This is Adam Glassman of GCD
9 Architects at 17 Brown Street. I'm here tonight
10 representing Martin Benoit, his wife Nadja and their two
11 children, who have lived at 17 Copley Street on the third-
12 floor unit for 10 years.

13 And we're here seeking a variance tonight in order
14 for them to utilize their existing attic space, which is
15 unusual for a triple-decker style house. It's actually got
16 a hip roof over it, and they have the rights to the attic.

17 And their family is growing in the sense that they
18 have two kids; one is a boy, and one is a girl. And we have
19 all the units in the building are two-bedroom units. They
20 need more space to remain here comfortably, so they're
21 seeking to add two 15' dormers to utilize their attic.

22 The combined increase of an FAR for both dormers

1 is 0.05, which increases the existing nonconforming FAR just
2 very modestly, less than that. And the left side dormer is
3 proposed within the existing left side nonconforming
4 setback, which can't be avoided.

5 The picture on the left is our locus map.
6 Highlighted in yellow is 17 Copley Street. It sits toward
7 the middle of a street that is populated mainly by three-
8 and-a half-story structures, most of which are large gambrel
9 roofs.

10 Their building is unique again in that it has a
11 hip roof, which really isn't visible from most locations on
12 the street. It appears to be a triple-decker.

13 Next slide?

14 Just our certified plot plan for the record.
15 There will be no changes outside of the footprint of the
16 house. No changes to the existing parking or open space.

17 Next slide, please?

18 Here's an overview of the building. You can see
19 on the upper left the basement, which is all unfinished,
20 exclusive use storage or common areas shared by the owners
21 of the building. Floors two and three are both two-bedroom,
22 two-bathroom open kitchen, living, dining area.

1 And Martin's unit on the top is also two bedrooms,
2 two bathrooms, open kitchen, living area. Their unit is
3 unique in that they have rights to their attic.

4 And I think their hope 10 years ago when they
5 moved in here when one of their children was very small,
6 their other child wasn't born yet, was that they're hoping
7 that someday when the time came, they would be granted
8 relief in order to utilize their attic.

9 Next slide, please?

10 Some views of the street. You can see the typical
11 three-and-a-half-story gambrel on their left. And on the
12 right image you can see another three-and-a-half-story
13 gambrel beyond that. And then in the center of the photo is
14 17 Copley, which appears as a triple-decker.

15 Next slide, please?

16 Some existing photos and compared -- comparison
17 renderings with the new dormers. However, from this view,
18 the new dormers as well as the existing roof are -- remain
19 invisible from the street.

20 Next slide, please?

21 Similar view shows a little bit more context on
22 the left side. Again, the dormers are not -- and the

1 existing roof are not visible.

2 Next slide, please?

3 A view from the left looking towards the right.

4 You can see on the right side the proposed dormer peeks out

5 a bit, but certainly maintains the scale and character of

6 the house. The building appears -- continues to appear far

7 smaller than their abutting -- the abutting buildings.

8 Next slide?

9 And a view from the front right. A little bit

10 more of the dormer is visible there. But again, it's set

11 back. It conforms to the Dormer Guidelines. So it's a

12 modest addition.

13 Next slide, please?

14 Another view from further down on the left. And

15 again, the dormer is completely invisible. The hip roof you

16 can start to see peak out from that angle just a bit.

17 Next slide, please?

18 Our site plan shows the two proposed dormers

19 relative to the footprint of the house and the setbacks.

20 The dormer on the left is built within the left-side

21 conforming -- nonconforming setback, as is the rest of the

22 building. The right-hand dormer is conforming relative to

1 the setbacks.

2 Next slide, please?

3 Here we have no change to open space. All the
4 site -- existing site conditions remain unchanged.

5 Next slide, please?

6 The existing units on the first and second floor
7 are not in scope. This just shows the footprint and the
8 existing. These are our FAR plans.

9 Next slide, please?

10 And on the third floor, we have an existing GFA of
11 13-- 1,316. And in the attic because of the existing space,
12 we have five feet of head height. We have an existing GFA
13 of 217 square feet.

14 Next slide, please?

15 So this gives our existing -- our existing FAR is
16 0.86 in the zone that is a B zone and a 0.5 is required. So
17 this is existing nonconforming.

18 Next slide, please?

19 And with the dormer addition, the GFA on the attic
20 level becomes 483 square feet. We'd be adding a net total
21 of only 266 square feet to their unit.

22 The first level of their third-floor unit remains

1 mainly unchanged, except for the addition of the stair. And
2 the stair comes out more or less between the two dormers,
3 accommodating two small bedrooms and a bathroom for their
4 kids.

5 The new FAR, the proposed FAR, is 0.91.

6 Next slide, please?

7 Our Zoning Legend: We have an existing
8 nonconforming lot relative to lot size, relative to
9 setbacks, relative to lot width. So it's a challenging lot,
10 and there's really no way they can utilize their existing
11 attic without a variance.

12 And unfortunately, without this variance they need
13 to move, and it prices out of their -- they're priced out of
14 the local market. Kids go to public school here; they both
15 work locally, so this would be a big setback for this family
16 without being able to utilize their attic.

17 Next slide, please?

18 We can continue to the next slide. There's no
19 work on the first or second floor, just the limited area of
20 demolition in the attic floor for the new stair, and then on
21 the roof plan two new dormers.

22 The hip roof will remain unchanged. The height

1 will remain unchanged.

2 Next slide, please?

3 And our proposed floor plans. Again, two
4 bedrooms, a couple of closets and a bathroom. Nothing
5 extravagant.

6 Next slide, please?

7 These views are -- they're two-dimensional
8 elevations, so they're abstract and really nothing that you
9 see here appears this way from the street. That's why I
10 start with the 3D views. But you can see the existing and
11 the proposed conditions with and without the dormers.

12 Next slide, please?

13 Our right-side view, the dormer sits in the middle
14 of the house centered on the roof. We are recessed back
15 from the eaves of the house 18".

16 Next slide, please?

17 Next slide, please?

18 Next slide, please?

19 The dormers are identical. Our schematic section
20 showing the new stair and the dormer spaces. And we just
21 have enough height to be able to make -- turn these into
22 legal, habitable bedrooms.

1 Next slide, please?

2 And here is a final photo of the street. You can
3 see that it's mainly three-and-a-half-story gambrels. The
4 dormer additions will maintain the character and scale of
5 the existing area.

6 That brings me to the conclusion. I'm happy to
7 take any questions.

8 JIM MONTEVERDE: Thank you.

9 Any questions from members of the Board? If not,
10 we have two pieces of correspondence in the file, both
11 speaking in favor. I'll summarize.

12 The first from Kari Kuelzer, no date. Lives next
13 door. Next door neighbor at 17 Copley. Support the relief
14 for the request to use their existing attic.

15 And speaking to the issue of hardship, which we
16 need to prove for the -- or describe -- for the Variance
17 Request, "I think it would be a real hardship if they were
18 unable to utilize their attic space and they were forced to
19 move out. They live and work in Cambridge, and their kids
20 attend Cambridge schools."

21 And the second correspondence from Tom and Keya
22 Dannenbaum dated April 17, 2024. They own 204 Fayerweather

1 Street, immediately abutting the property behind 19 Copley.
2 And they are offering near unequivocal and enthusiastic
3 support.

4 ADAM GLASSMAN: Jim, you should know that we do
5 have a few more letters of support that we uploaded Monday.
6 I'm not sure if you didn't get them in the file, but we do
7 have additional neighborhood support.

8 JIM MONTEVERDE: Okay. Yep. That's what we have
9 in the file at the moment. I will open it up to public
10 commentary.

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

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

21 Nobody's there. Okay. We'll close public
22 testimony.

1 Any discussion among members of the Board? If
2 not, we'll move to a motion. Again, this is a variance.

3 The Chair makes a motion to grant relief from the
4 requirements of the Ordinance under Sections 5.31,
5 Dimensional Requirements. That has to do with the
6 additional FAR from the new area created by the two dormers,
7 and also for the intrusion into the left side setback by one
8 of the new dormers, Section 8.22.3 for a Nonconforming
9 Structure.

10 And I believe we've talked about and read from the
11 correspondence the description of the hardship, and that
12 it's in compliance with Section 10.30 for a variance.

13 On the condition that the work proposed conforms
14 to the drawings entitled "17 Copley Street," prepared by GCD
15 Architects, dated March 23, 2024, initialed and dated by the
16 Chair.

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

20 Sorry, this is one condition, I think. I didn't
21 -- this is a condominium, correct?

22 ADAM GLASSMAN: It is. And we have support

1 letters from all of the owners.

2 JIM MONTEVERDE: You do?

3 ADAM GLASSMAN: Yep.

4 JIM MONTEVERDE: Okay. I'm just going to -- since
5 it's not in the file now, I'm just going to make that a
6 condition that should be a no-brainer.

7 ADAM GLASSMAN: Okay.

8 JIM MONTEVERDE: Further, that the variance is
9 granted incorporating the following conditions: And that is
10 the submission of correspondence from the Condominium
11 Association approving the proposed renovation.

12 On a voice vote, please? Zarya?

13 ZARYA MIRANDA: In favor.

14 JIM MONTEVERDE: Carol?

15 CAROL AGATE: In favor.

16 JIM MONTEVERDE: Virginia?

17 VIRGINIA KEESLER: In favor.

18 JIM MONTEVERDE: Bill?

19 BILL BOEHM: In favor.

20 JIM MONTEVERDE: And Jim Monteverde in favor.

21 [All vote YES]

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

1 granted. Thank you.

2 ADAM GLASSMAN: Thank you, Mr. Chair, and members
3 of the Board. Have a good night.

4 JIM MONTEVERDE: Goodnight.

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2 (7:59 p.m.)

3 Sitting Members: Jim Monteverde, Virginia Keesler, Carol
4 Agate, Zarya Miranda, and William Boehm

5 JIM MONTEVERDE: The next case is BZA-262992 -- 90
6 Hamilton Street. Is anyone calling in who's wishing to
7 speak about this case?

8 CHICHI LIAO: ChiChi Liao.

9 JIM MONTEVERDE: Hi. Can you introduce yourself,
10 please?

11 CHICHI LIAO: Hi, everybody. This is Chichi Liao.
12 I'm here to talk about our application at 90 Hamilton
13 Street, Cambridge.

14 The second floor currently is an Office Use space,
15 and we'd like to apply for the Educational Use.

16 JIM MONTEVERDE: And it's about that simple,
17 correct?

18 CHICHI LIAO: Yes, I have -- okay, yes. Last
19 year, we already applied for a zoning change from Office Use
20 to Educational Use for the first floor, which is the --
21 right now is the Daycare Use for preschool.

22 And then we are under construction, renovation,

1 and hopefully we can open the day care preschool this
2 summertime.

3 And then we are happy and very excited about the
4 future work we are going to -- future service we are going
5 to provide. And then when we did the construction, we found
6 that we -- probably in the future we need more space for
7 Educational Use.

8 One thing is to provide teachers space on the
9 second floor, because the first floor is mostly for the
10 classroom use. So we would like to have the teacher to be
11 able to use the second floor as the -- for Educational Use.

12 And then also we would like to provide more
13 education space on the second floor. For example, in the
14 future you can have some, like, after school programs or
15 summer camp. Then instead of using the first-floor day care
16 space then, we can have more space on the second floor,
17 which is more consistent with the use of the whole building.

18 And I think that will benefit better the
19 neighborhood, and also our dream to provide more educational
20 services in the neighborhood.

21 JIM MONTEVERDE: Okay. Thank you. Any questions
22 from members of the Board? This is a Special Permit

1 Request.

2 BILL BOEHM: Just out of curiosity as a neighbor
3 of that area, is there any outdoor play space for the
4 children?

5 CHICHI LIAO: Yes. Just right near our building
6 there's two playgrounds available. Very close; just a few
7 steps away.

8 JIM MONTEVERDE: Thank you. Any other questions
9 from members of the Board? If not, we have three
10 correspondents -- this is in the file -- all speaking in
11 favor. Let me summarize those.

12 We have one from C. Arroyave dated March 20, 2023,
13 in support of the change of Office Use to Educational Use on
14 the second floor of 90 Hamilton saying, "We need more
15 education space to support our children and families."

16 ML Mai, dated March 22, 2024. "-- full support.
17 Our family desperately needs a dependable education programs
18 for our children.

19 "The Harvard Brillante Academy is a hit with our
20 kids. We encourage the establishment of a Cambridge Port
21 Center for the benefit of local families and their children.
22 The building is a boon to the community and will assist the

1 immersion programs at Cambridge's elementary schools. "

2 And Dr. J. Lee at Lee Families. "Support the
3 Harvard Brillante Academy as Cambridge residents. Support
4 the Cambridge Port setup. It will serve the community and
5 parents looking for an excellent location for their children
6 to study and thrive."

7 That is the extend of correspondence in the file.
8 We'll now open it to public comment. Any member of the
9 public who wishes to speak should now click the icon at the
10 bottom of your Zoom screen that says, "Raise hand."

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

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

18 [Pause]

19 And no one is calling in, so we'll close public
20 testimony.

21 Any discussion among members of the Board? Nope?
22 Okay. Let me prepare or propose a motion. And this is a

1 special permit.

2 The Chair makes a motion to grant relief from the
3 requirements of the Ordinance under Sections 17.97, in
4 essence allowing the use with a special permit; 17.95,
5 Additional Use; and Gross Floor Area for Nonresidential use;
6 Section 4.33.b.2 for Table of Uses. Again, allowing the
7 Educational Use as a special permit; 4.56.c.1 Institutional
8 Use Regulations; and the Requirements of Special Permit
9 under 10.40.

10 On the condition that the work proposed conforms
11 to the drawings entitled -- that will be it. The only
12 drawing that I have that seems to be specific to the second
13 floor is one prepared by Zade Engineering titled, "90
14 Hamilton Street."

15 Their fire alarm plans, they're dated February 29,
16 2024. That is the plan we have for the second floor --
17 initialed and dated by the Chair.

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

21 On a voice vote, please? Virginia?

22 VIRGINIA KEESLER: In favor.

1 JIM MONTEVERDE: Carol?

2 CAROL AGATE: In favor.

3 JIM MONTEVERDE: Zarya?

4 ZARYA MIRANDA: In favor.

5 JIM MONTEVERDE: Bill?

6 BILL BOEHM: In favor.

7 JIM MONTEVERDE: And Jim Monteverde in favor.

8 [All vote YES]

9 JIM MONTEVERDE: That's five in favor. Relief is
10 granted. Thank you.

11 CHICHI LIAO: Thank you so much, everybody. Have
12 a good night.

13 JIM MONTEVERDE: You too.

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2 (8:07 p.m.)

3 Sitting Members: Jim Monteverde, Virginia Keesler, Carol
4 Agate, Zarya Miranda, and William Boehm

5 JIM MONTEVERDE: And last but not least, Case No.
6 263591 -- 10 Hazel Street.

7 BRIGITTE STEINES: My name is Brigitte Steines,
8 InkStone Architects. My client, Joan Wheelis, is here with
9 me tonight.

10 Dear Mr. Chair, dear Board members and members of
11 the Staff, we are back tonight for a variance application.
12 We presented the project for a single-family and new
13 construction at 10 Hazel Street 10 years ago -- 10 -- two
14 years ago, two years ago in June, June 9, 2022.

15 And since we are -- it's a different Board today
16 and I'm going to go back diving more into the project
17 itself, but I want to give a short, brief history of what
18 has happened, and how the project has evolved over the last
19 two years.

20 In the variance from 2022, we asked for relief of
21 setback encroachments and minor additions to the allowable
22 FAR. The variance was granted unanimously in favor of the

1 findings, without any conditions. The proposed design and
2 footprint was filed on May 11, 2023 with the Registry of
3 Deeds.

4 Olivia, would you mind putting the old -- I mean
5 the --

6 JIM MONTEVERDE: Am I correct that you didn't act
7 on the previous --

8 BRIGITTE STEINES: We did not act.

9 JIM MONTEVERDE: -- request?

10 BRIGITTE STEINES: No, we didn't act --

11 JIM MONTEVERDE: It wasn't constructed, so it's
12 void?

13 BRIGITTE STEINES: That's why I'm telling, but I
14 wanted to tell the history why we didn't act on it, and why
15 we are --

16 JIM MONTEVERDE: Okay.

17 BRIGITTE STEINES: -- here again. So that has --
18 that's why I'm putting that up front to it.

19 JIM MONTEVERDE: All right.

20 BRIGITTE STEINES: So, but the summary I think is
21 important for the Board to understand the why. So you're
22 looking at a variance which was unanimously granted two

1 years ago. It is currently -- that footprint is currently
2 in the Registry of Deeds. We did not act on it. This is
3 totally correct, and I'll explain now.

4 Because while we were working then -- after we got
5 the variance granted, we were working with a geotechnical
6 engineer on the building permit and on construction
7 documents, and we learned that the water table is way higher
8 than we had expected.

9 In this original variance, we had a garage on the
10 basement level, which meant a driveway from 10 Hazel Street
11 down to the basement level, and with the new discovered
12 water level, it was not very smart anymore to continue with
13 that design.

14 And what we did is we redesigned the entire
15 building with the garage on the street level. That made the
16 house much safer, easier to back out, safer for the passers-
17 by and of course much better for potential flooding; also
18 with the driveway which looks down.

19 And now I'm coming to the point of why we did not
20 act on the variance is because with the redesign, we would
21 have needed to go in front of the Board again -- not because
22 of the setback encroachments we had asked for, but before

1 the -- but because the design has changed; not much, but it
2 has changed a little bit.

3 And Olivia, may I ask you to bring up the -- it's
4 a single sheet. It's called, "New and --" yeah, the first
5 one, the first one, the comparison. So the first one that
6 is a left-side variance two years ago, right one variance
7 now, and you see the driveway and the change.

8 JIM MONTEVERDE: Okay.

9 BRIGITTE STEINES: And that was the only reason
10 why we needed -- would have needed to go again anyway. So
11 we left -- had the old one -- variance -- lapse, and had to
12 make the decision: Either going by right, or going for
13 another variance.

14 Since variance is a long process, and my client
15 was really anxious to get started, we decided we're going to
16 remove all the variance items and make it a by-right
17 project, which was not great in terms of usage of the house.
18 It had a couple of deficits to it, and we -- but we just
19 wanted to move on faster.

20 Our builder, he did apply for the building permit
21 in the by right building permit not based on the variance
22 one in January of this year. And in February, we got

1 notified by the Zoning Department that the building permit
2 violates the back -- the rear setback. And we would need to
3 go in front of the Board again. And so, here we are.

4 And since we are applying for the variance, we
5 wanted to make it a better building again and not asking
6 only for the rear setback, which was granted two years ago,
7 but also bringing back the insulation what we had in -- we
8 basically had to shrink the insulation, we had to remove a
9 canopy, which made it a better side entrance because it was
10 an encroachment.

11 So we brought that back basically the same that we
12 had -- what we had last time two years ago.

13 And so now I'm going to really dive into what
14 we're actually doing and why we're doing it. So it is a
15 substandard lot with 4,756 square feet instead of 5,000. It
16 is substandard by 41 frontage. And it has -- yeah. Period.

17 And then after -- the items we are asking now for
18 is the same as last time; that we would like to get relief
19 for a side canopy encroachment of three feet.

20 And maybe we go now to the next -- one of the next
21 slides, if you can do that, where we can see the site plan
22 with the canopy, if possible. The site plan, please. At

1 the very top. And one up. It's the second from top. Yes.
2 That's the foundation plan.

3 I don't see the site plan. These are the
4 existing. Maybe we take the plot plan, then. It should be
5 visible on the plot plan. Yes. So on the plot plan, it is
6 spelled out.

7 So there's a proposed canopy, a small rectangle on
8 the side. This is an encroachment into the setback. But if
9 the property would be 50' wide, it wouldn't even be an
10 encroachment, but due to the nonconformity of 41' it is an
11 encroachment into the setback.

12 We are also asking for four inches of insulation
13 all around at the façade and the foundation. Because in the
14 meantime, the Energy Code has also changed, and we want to
15 make it a much more energy-efficient building.

16 In the initial one, we asked for four inches on
17 the basement, now we're asking to take the four inches all
18 the way to the roof as an exterior wall insulation --
19 continuous wall insulation.

20 We are asking for additional square feet. Part of
21 it is because we are bringing the canopy back. And the
22 canopy as soon as it's covered counts as square footage.

1 We did make a minor increase at the front entry,
2 and due to the change of the whole design that we are --
3 added a garage, and had a slight shift towards the front
4 towards the front of the street, it added up to 226 square
5 feet we're asking for.

6 And also, because then the insulation of the four
7 inches counts around as well.

8 And we are asking for relief of the rear setback
9 as it is shown on the drawing with the 25.2' from the
10 property line to the cladding.

11 We are -- these were the four relief items we are
12 asking for. And the proposed design will not be detrimental
13 to the public good. It will be in fact a significant
14 improvement to the neighborhood.

15 The design replaces a previously small one-story
16 house which is gone by now, and the project will contribute
17 to Cambridge's commitment to the environment by replacing an
18 older, energy-inefficient building with a new sustainable,
19 energy-efficient one in a modern green design.

20 The hardship is due to the nature of the property
21 that is only 41' wide. And we have to basically -- we have
22 to go in length because we don't have the width. That's the

1 -- that's what these small or narrow lots are about.

2 The soil condition, what we discovered, is a
3 hardship to my client with the water table.

4 And the new single-family dwelling design will not
5 increase density of the development in the neighborhood, nor
6 will it increase traffic. These are my major points.

7 We will have a lot of -- I don't know how much you
8 want me to elaborate on the features of the house. It -- we
9 will have solar on the roof. We will have a geothermal
10 energy source, which is very quiet, no increase in noise to
11 the neighbors. We will have a wonderful courtyard, which
12 adds to the green area. And maybe we go to the elevations.

13 We do not increase in the height. We are well
14 within the 35'. We did an elaborate calculation on that.
15 That's the front elevation with the garage. Back elevation
16 with a small roof terrace on top.

17 Maybe the one-side elevation. We do have window
18 wells, which are higher. We also made these window wells
19 higher than in the original design. That was another change
20 because of the water table, but not in the footprint.

21 And with that, I'm concluding my presentation.
22 Open it up to questions.

1 JIM MONTEVERDE: Thank you. Any questions from
2 members of the Board? If not, let me ask one.

3 You're asking for relief on both the left side and
4 the right side for the four inches of insulation you're
5 going to put on the façade, correct?

6 BRIGITTE STEINES: Correct.

7 JIM MONTEVERDE: And as you described, although
8 the scheme is conceptually similar to what was approved
9 previously; this is a redesign. And there was no
10 opportunity to take up that four-inch addition on both sides
11 within --

12 BRIGITTE STEINES: Yep. I'm going to show --
13 maybe we can go to the floor plans of the first floor,
14 ideally. So we wanted to implement an elevator for aging in
15 place. It's in the center of the building. We also do have
16 a long stair along the building. And the width is simply --
17 in the kitchen is on the left upper corner.

18 If you would have -- if we would have picked that
19 up to the inside, that would have compromised the entire
20 design of the stairs. And the flow between the elevator and
21 the stairs would not have been impossible.

22 JIM MONTEVERDE: So you couldn't find eight inches

1 in the width of the --

2 BRIGITTE STEINES: No, not --

3 JIM MONTEVERDE: -- construction to --

4 BRIGITTE STEINES: -- without --

5 JIM MONTEVERDE: -- within the lot.

6 BRIGITTE STEINES: -- if you also look at the
7 front of the garage, which is a very minimalistic garage at
8 the very smallest possible footprint, and also very narrow,
9 that -- the garage next to the stairs would have been -- the
10 walk through the hallway between entrance and getting back
11 to the kitchen would have been compromised.

12 JIM MONTEVERDE: I won't argue with it. But thank
13 you for the explanation. And the rear yard setback, you're
14 at 25'3"?

15 BRIGITTE STEINES: Correct.

16 JIM MONTEVERDE: Compared to the required 29"?

17 BRIGITTE STEINES: Correct.

18 JIM MONTEVERDE: And that's not possible to get
19 within the rear yard setback because of -- what?

20 BRIGITTE STEINES: Because of we had the --
21 because the -- because if it would have had a 100' long
22 property, it wouldn't even be needed. Since we have only

1 41' in width, we basically need to go in the back.

2 If we wanted to create a light-filled house,
3 because it is so long, and that is what the courtyard is
4 doing, and that's why we needed to go in length and not in -
5 - and couldn't go in a shorter form.

6 And coming back to the garage, also the garage is
7 a very short garage. It's -- yep, very minimal dimensions.

8 JIM MONTEVERDE: Okay. Any other questions from
9 members of the Board? If not, we have -- in the file there
10 are 18 form letters in support. I'll read off names and
11 addresses.

12 From Kathleen Mazer, 214 Garden Street; Siri
13 Steinle, 210 Garden Street; Eric Rayburn, 204-206 Garden
14 Street; Eliza Wiesner, 9 Ivy Street; Kyle Coops, 187
15 Fairweather; Brian Shooter, 183 Fairweather; Bonnie Okun,
16 185 Fayerweather; Shelly Evans, Danny McCormerick, 179-181
17 Fayerweather, Lena Kozloski, 16 Hazel Street; Janice Brown,
18 18 Hazel Street; Mirko Ristovojich, 16 Hazel Street; Eloise
19 Adamson, 19 Hazel Street; Ellen Aldrich, 1A Field Street;
20 Hunter Aldrich, 1 Field Street; Sarah Lummus, 9 Field
21 Street; Brett Crosby, 171 Fayeweather; Paula Paris, 169
22 Fayerweather; and Larry Smith, 175 Fayerweather.

1 And those are all on a form letter typically dated
2 April 9, 2024, in support of the application.

3 I will open it up to public comments.

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

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

14 No one's calling in, so I will close public
15 testimony. Any discussion among members of the Board? If
16 not, we'll move to a motion. This is a variance. Can you
17 -- for a moment before we go to the motion, Brigitte, can
18 you describe the hardship, please?

19 BRIGITTE STEINES: Yes. The hardship is due to
20 the nature of the property of 41' frontage, a very narrow
21 lot, the substandard lot size, and the hardship of the water
22 table, and the soil condition.

1 JIM MONTEVERDE: Thank you. So motion for a
2 variance.

3 The Chair makes a motion to grant relief from the
4 requirements of the Ordinance under Sections 5.31, the Table
5 of Dimensional Requirements. That's for the total gross
6 square footage over the Ordinance requirement, the rear
7 setback, right and left side setback, and for the
8 insulation, and also setback on the right-hand side for the
9 canopy.

10 8.22.3 Nonconforming Structure -- is it really a
11 nonconforming structure? It's brand-new. Undersized lot.
12 Okay. And 10.30 for the variance, for the reasons the
13 hardship just mentioned.

14 On the condition that the work proposed conforms
15 to the drawings entitled "Joan Wheelis, 10 Hazel Street,"
16 prepared by InkStone Architects and dated March 25, 2024,
17 initialed and dated by the Chair.

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

21 On a voice vote, please? Virginia?

22 VIRGINIA KEESLER: In favor.

1 JIM MONTEVERDE: Bill?

2 BILL BOEHM: In favor.

3 JIM MONTEVERDE: Carol?

4 CAROL AGATE: In favor.

5 JIM MONTEVERDE: Zarya?

6 ZARYA MIRANDA: In favor.

7 JIM MONTEVERDE: And Jim Monteverde in favor.

8 [All vote YES]

9 JIM MONTEVERDE: Five affirmative; the relief is
10 granted. Thank you.

11 BRIGITTE STEINES: Thank you very much. Thanks,
12 all.

13 JIM MONTEVERDE: And goodnight. Thank you, Board.
14 Thank you for your help.

15 COLLECTIVE: Goodnight.

16 JIM MONTEVERDE: Thank you.

17 COLLECTIVE: Goodnight, everyone.

18 [08:28 p.m. End of Proceedings]

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CERTIFICATE

Commonwealth of Massachusetts
Middlesex, ss.

I, Michele Dent, Notary Public in and for the
Commonwealth of Massachusetts, do hereby certify that the
above transcript is a true record, to the best of my
ability, of the proceedings.

I further certify that I am neither related to nor
employed by any of the parties in or counsel to this action,
nor am I financially interested in the outcome of this
action.

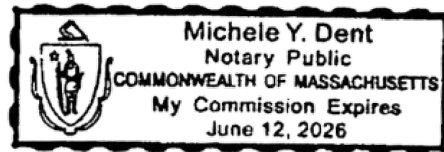
In witness whereof, I have hereunto set my hand this
21st day of May 2024.



Notary Public

My commission expires:

June 12, 2026



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