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        BOARD OF ZONING APPEAL
                        FOR THE
        CITY OF CAMBRIDGE
            GENERAL HEARING
        THURSDAY MAY 9, 2024
        6:00 p.m.
            Remote Meeting
            via
            81 Massachusetts Avenue
Cambridge, Massachusetts 02139
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Jim Monteverde, Chair
Steven Ng, Vice Chair
    Virginia Keesler
        William Boehm
Fernando Daniel Hidalgo
        Carol Agate
        Thomas Miller
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## I N D E X

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Original Hearing Date: 04/11/24

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PROCEEDINGS
(6:00 p.m.)
Sitting Members: Jim Monteverde, Steven Ng, Daniel Hidalgo, Virginia Keesler, and William Boehm JIM MONTEVERDE: Welcome to the May 9, 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 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 public comment at that time, and you can also find instructions on the City's webpage for remote BZA meetings.

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

I'll start by asking Staff to take Board members attendance and verify that all members are audible. OLIVIA RATAY: Bill Boehm?

BILL BOEHM: Present.
OLIVIA RATAY: Steven Ng?
STEVEN NG: Present.

OLIVIA RATAY: Virginia Keesler?
VIRGINIA KEESLER: Present.

OLIVIA RATAY: Daniel Hildago?
DANIEL HIDALGO: Present.

OLIVIA RATAY: Jim Monteverde?
JIM MONTEVERDE: And Jim Monteverde present.
(6:02 p.m.)
Sitting Members: Jim Monteverde, Steven Ng, Daniel Hidalgo, Virginia Keesler, and William Boehm JIM MONTEVERDE: Okay, we'll start with the continued cases.

First case I'm going to call is BZA-259579 for 191 Franklin Street. And I believe sitting on this case for Board members it's myself, Bill, Daniel, Steven, and Virginia. Correct? Okay.

Is there anyone calling in who wishes to speak about 191 Franklin? PETER BARBOSA: I'm here. JIM MONTEVERDE: Can you identify yourself, please, for the record? PETER BARBOSA: I'm Peter Barbosa. JIM MONTEVERDE: Okay. PETER BARBOSA: And Jason should be here too. Let me see if my architect's on here.

JASON JARVIS: I'm here. This is Jason Jarvis. JIM MONTEVERDE: Okay. So we heard this case back on April 11. And I'm just looking at the transcript.

Oh, and we were talking about at that time the FAR number, large? Unacceptably large, and -- so if you could start your presentation, please, by just run through what you're proposing, what relief is requested and how you've addressed what we raised last time on April 11, please.

JASON JARVIS: Yes. So we're requesting relief for an increase of the allowable FAR. Back at the last meeting, we were at a 0.91. Now we have -- we've managed to reduce it to 0.81 by means of reducing the amount of renovated space.

So I don't know if we --
JIM MONTEVERDE: Okay.
JASON JARVIS: -- want to jump --
JIM MONTEVERDE: Yep.
JASON JARVIS: -- over to the next page? Or actually two pages, I'm sorry. So we've made modifications to the floor plans.

First floor, we changed the size of that -- the addition where it says, "45 square feet on the first floor." It was, I believe, 66 square feet. So we've reduced that to just encompass the casework -- the refrigerator and stove.

We've also -- I don't know why it still says,
"Bedroom" but down on the righthand corner of the first floor the owner decided they don't want to use that as a bedroom, they want to use it as the TV room. So on a later page, it actually shows "TV Room." So we're reducing the number of bedrooms as well.

Up on the second floor to the right, you'll see a 255 square feet was previously 322 square feet. So we've taken that down to reduce the amount of square footage.

And on the third floor, we reduced that square footage from I think the 230 square feet down to 220 square feet of renovated space.

We got rid of both of the bedrooms up there on the third floor. They're going the use that as an office on the right-hand side and the bathroom on the left-hand side, rather than two bedrooms.

And we got rid of the bathroom that was up on the top right-hand side of that renovated space, which was larger in the last iteration.

So we're hoping that by reducing that, the requested FAR will get your approval to move forward. JIM MONTEVERDE: Okay.

JASON JARVIS: And we actually -- we moved --

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we're moving the laundry room from the second floor down in the basement. I don't think that really matters, but it's just how we kind of -- we're trying to figure out the space for the --

JIM MONTEVERDE: Are there any other dimensional relief you're looking for beside the additional area, GFA?

JASON JARVIS: No. No, that's it. That's really all we're looking to do.

JIM MONTEVERDE: Okay. Is that your presentation?
Are you all set?
PETER BARBOSA: Yeah, I think so.
JASON JARVIS: You know, if $I$ have to answer any questions I'll be here tonight.

JIM MONTEVERDE: So we called for questions. So any questions from members of the Board, please? If not, I'll ask one.

And can you bring up the third floor please? It's about the roof deck. I'm always sensitive to roof decks that take up the entire roof area. I'm trying to read the dimension on this one here.

And my question for you is would you consider reducing that deck? I think not the front, the back
dimension with the side-to-side dimension. I'm assuming it's for the -- someone in that office who wants to step outside. I don't want it to become a party deck, because you're so close to your neighbors.

JASON JARVIS: Right. Yeah. I think the client would be amenable to reducing the size of that roof deck. It's really what you said, it's just a -- you know, an area to just get out and relax. It's not going to be a party deck.

JIM MONTEVERDE: Can you suggest the dimension for that deck that we can record here, and it'll be the basis for the plans that get submitted?

JASON JARVIS: Yeah, let me just check on what we have here. Yeah. So right now, it's 21'10".

JIM MONTEVERDE: Yep.
JASON JARVIS: So I think we can -- we could easily reduce that to maybe a 10'8" deck, rather than something that's quite as [unclear].

JIM MONTEVERDE: That would be -- yeah, I would
appreciate that. I'll see what the rest of the Board
members think. But $I$ will record that on the plans.
JASON JARVIS: Okay. Great.

JIM MONTEVERDE: Any questions from members of the Board? Or move on to public comment?

All right. We can move along. We have one piece of correspondence in the file, who -- and this is from Joseph Martin, April 27. They live at 193 Franklin, and they'd love to see a family use the occupancy, occupancy the property again, but they do have some reservations. And it reads,
"The scope of the project seems larger than what is required for this family, based on the information provided in the April meeting. We've been told the family consists of six individuals, with three generations of moving into the house."

And it's really about the bedroom count. They don't see the need for seven bedrooms. So on the scheme that you just walked us through, are we still at seven bedrooms, or are we less than that?

JASON JARVIS: We are less than that.
JIM MONTEVERDE: Yeah. I think when you take out the one on the ground floor --

JASON JARVIS: Yeah. Yeah. We're at -- we're at three bedrooms, and then there's a guest room down in the
basement. So four bedrooms.

JIM MONTEVERDE: Okay. Great. and then they
raise a concern about since there are -- you're providing separate entrances to the basement, and an entrance to the first floor in the back of the house, and the entrance in front, to the main part of house. There is concern that if this ownership were to transition that this could be split up and used as a basement apartment -- basically split up into two or three dwelling units.

JASON JARVIS: That wasn't the intent to do that to the stairs there. They wanted to reduce the -- they didn't want to have the stairs come down in the middle of that family room.

JIM MONTEVERDE: Yep.
JASON JARVIS: So we looked at a different way to put stairs over on that right-hand side. And, you know, she thought that -- the owner thought that would be nice just to have the mudroom with a door off of the mudroom. I mean, there's no intent to rent this out.

JIM MONTEVERDE: Okay. That's fine. Then in the last piece, they were concerned about -- and I'm not sure where this happens, but it says, "Adding six feet of height
to the residence --" it affects the -- the neighbor must have solar panels. And it would block some of their solar opportunities.

Where are you adding six feet in height?
JASON JARVIS: Well, we're increasing the
foundation height by 18 " and we're raising two of the floors, so the roof would go up with it.

JIM MONTEVERDE: Yep.
JASON JARVIS: Yeah. And changing the pitch of the roof also increases the height of it. But we're within the allowable height restrictions.

JIM MONTEVERDE: You're at 33.2', the allowable is $35^{\prime}$.

JASON JARVIS: Correct.
JIM MONTEVERDE: All right. And as I said, I have no other correspondence in the file. So I'll open it up to public comment.

Is anyone calling in?
OLIVIA RATAY: Do you want to read it?
JIM MONTEVERDE: Hm?
OLIVIA RATAY: Do you want to read the script?
JIM MONTEVERDE: Any members of the public who
wish to speak should now click the icon at the bottom of your Zoom screen that says, "Raise hand." If you're calling in by phone, you can raise your hand by pressing *9 and unmute or mute by pressing *6.

I'll now ask Staff to unmute speakers one at a time. You should begin by saying your name and address, and Staff will confirm that we can hear you. After that you will have up to three minutes to speak before I ask you to wrap up.
[Pause]
OLIVIA RATAY: No.
JIM MONTEVERDE: Nope. No one calling in. All
right. I'll close public testimony. Any discussion among the members of the Board?

DANIEL HIDALGO: I think I'm in favor of this variance. I mean, in terms of the hardship, we had some discussion last time about the narrowness of the lot and $I$ took a look on Google Earth, and I can see that it is fairly narrow for the neighborhood, and especially given the density of that area. So I'm in favor.

JIM MONTEVERDE: Thank you. Any other discussion? Are we ready for a motion?

STEVEN NG: I think we're ready.
JIM MONTEVERDE: Okay. Thank you. Let me make a motion, then. The Chair makes a motion to grant relief from the requirements of the Ordinance under Sections 5.31 out of the gross floor area; 8.22.3 for the use of 10.30 for the Variance Request on the condition that the work proposed conform to the drawings entitled "191 Franklin Street," prepared by Jarvis Drafting \& Design, dated April 30, 2024, initialed and dated by the Chair.

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

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

BILL BOEHM: In favor.
JIM MONTEVERDE: Thank you. Daniel?
DANIEL HIDALGO: In favor.
JIM MONTEVERDE: Thank you. Steven?
STEVEN NG: In favor.
JIM MONTEVERDE: Thank you. Virginia?
VIRGINIA KEESLER: In favor.

JIM MONTEVERDE: And Jim Monteverde in favor as
well.
[All vote YES]
JIM MONTEVERDE: Five in favor. Relief is granted.

JASON JARVIS: Thank you very much.
PETER BARBOSA: Thank you.
(6:15 p.m.)
Sitting Members: Jim Monteverde, Steven Ng, Daniel Hidalgo, Virginia Keesler, and Thomas Miller JIM MONTEVERDE: Okay. Next case is BZA-258983 -75 Dudley Street.

BILL BOEHM: And Jim, I believe that was my only continued case tonight, so $I$ will be stepping out, unless I'm mistaken.

JIM MONTEVERDE: Hang on for one second. Let's make sure we've got --

OLIVIA RATAY: For the next case it will be Jim, Daniel --

JIM MONTEVERDE: Carol, Steven --

OLIVIA RATAY: Carol's only on Banks Street.
JIM MONTEVERDE: Oh.

THOMAS MILLER: I think it's -- I think I'm taking over. I'm here, Thomas Miller.

OLIVIA RATAY: So it will be Jim, Daniel, Tom?

CAROL AGATE: I just came in in the middle of this. You were asking about my being here. It's just for the last case.

JIM MONTEVERDE: Okay, that's fine.
OLIVIA RATAY: Steven and Virginia.
JIM MONTEVERDE: Virginia, you're here?
VIRGINIA KEESLER: Yep.
DANIEL HIDALGO: Is this for 75 Dudley Street?
OLIVIA RATAY: Yeah. So Jim, Daniel, Virginia, Steve, and Tom.

JIM MONTEVERDE: Okay. All right. I think we are getting there. So 75 Dudley Street.

Is there anyone who wants to present this matter to us?

MARK SEREDA: Yes. Mark Sereda here from
O'Sullivan Architects. And I believe the owner is planning on attending as well.

JIM MONTEVERDE: Okay.
MARK SEREDA: But $I$ can give you -- I can start the presentation.

JIM MONTEVERDE: Yeah, please. So tell us what you're -- what you need to do, what you're proposing.

Okay. So currently there -- it is a singlefamily house with a commercial space underneath, which was a store that was owned by the -- owned and operated by the
owner of the house. And that was converted a long time ago -- like, I think before the '50s.

And they want to turn it back into a two-family
house. And it would be owner-occupied. The owner will be living upstairs. And the intent is to put in some dormers, enclose a couple of porches, and construct a new egress stair.

And also, there is a section where it's
nonconforming in terms of the side setback. They want to insulate the side of the side of the house along the property line, which is -- I believe it's -- it's a little over --

JIM MONTEVERDE: Right.
MARK SEREDA: -- a little over two feet from the property line.

JIM MONTEVERDE: Yep.
MARK SEREDA: And it would bring it down to two feet.

JIM MONTEVERDE: Okay.
MARK SEREDA: Okay? So currently the house exceeds the Dimensional Standards of the Zoning. Currently, the FAR is already exceeding, which is 1.283 -- the

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requirement is 0.5 or maximum is 0.5. And they're
requesting that it can go -- that it goes to 1.43, which is,
I believe, enclosing the decks and adding the dormers are
added to that.
    And nothing exceeds the perimeter of the building
-- the existing building, other than the egress stair, which
is going to be -- you know, to bring it to code-compliance
from the second-floor apartment.
    It would have to -- there is no other place to put
it where part of it has to go into the side setback along
the street.
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And there are two dormers being put up. One is to create a clear code-compliant headroom going up the stairs to the attic space, to the current attic space, to add a dormer on the other side for a bathroom in that space.

And I believe that is primarily -- plus turning it into a -- back to a two-family. So that is what we're looking at for variances and such.

JIM MONTEVERDE: Okay. Thank you. Any questions from members of the Board? Okay. Let me open it up to public comment. We have two pieces of correspondence in the file speaking in favor and we have none speaking against.

One I'll summarize. One is from John Fitch from May 6, living at 71 Dudley, directly adjacent to 73 Dudley.
"I enthusiastically support the Bain's family petition to convert the property to a two-family residence."

And -- oh, we'll never do this -- Michelle Luo and George Stylianopoulos -- April 16. They're at 15 Reed Street and they're in support of the proposed change of use and windows -- setback.

And there are no others speaking against.
So I'll open it up to public comment.
Any members of the public who wish to speak should
now click the icon at the bottom of your Zoom screen that says, "Raise hand." If you are calling in by phone, you can raise your hand by pressing *9 and unmute or mute by pressing *6.

I'll now ask Staff to unmute speakers one at a time. You should begin by saying your name and address, and Staff will confirm that we can hear you. After that you will have up to three minutes to speak before I ask you to wrap up.
[Pause]
Nope. No one calling in. Okay. I'll close
public testimony. Any discussion among members of the Board? If not, I have a few. Just two items to discuss. One is -- and I would just like to get the sense from the other Board members: the two dormers.

MARK SEREDA: Yes.
JIM MONTEVERDE: Where the Dormer Guidelines ask
for at least 50 percent of the vertical surface to be glazed, glass; both of these dormers I don't believe do that.

So they really present a fairly blank -- one of them is totally blank. I don't think there's a room in there on the east elevation. So I don't -- that's a concern I have. I don't know if anyone shares it.

Second, I have a concern about the FAR and the gross floor area, which $I$ think really comes about by filling in the second floor on top of the -- what was the commercial ground floor.

And I'm -- at that moment, I don't think I'd be in favor of the additional area with that proposed. I think it has an effect on the neighborhood, I think it's out of keeping, and it becomes very apparent hard up against the roadway, the street.

So I have a concern about the infill on the second floor and the front elevation, and the character of the two dormers not being 50 percent glazed. So at the moment, I am tending to not being in support.

Is there any discussion by anyone else?
STEVEN NG: Thanks, Jim, for bringing those up. Yeah. I saw that on the dormers as well. And quite a bit of FAR there; a pretty high number. I would be in agreement with you.

JIM MONTEVERDE: Okay.
DANIEL HIDALGO: This is Daniel Hidalgo.
THOMAS MILLER: This is Thomas Miller.

DANIEL HIDALGO: Okay. Go ahead.
THOMAS MILLER: Sorry. Was someone else --
JIM MONTEVERDE: Go ahead.
THOMAS MILLER: I mean, I think I hear what you are saying, Jim. I also think that the front of this building is already sort of atypical for the block. The way the commercial -- the current commercial space is attached to the front of the building -- it already is not in keeping with the houses further down Dudley Street.

So I guess I'm not concerned by that kind of just
pure dissimilarity to the other houses. So I think I don't oppose this on the ground of the increased FAR.

I do -- I think you make a very good point about the dormers and the blank face of them.

MARK SEREDA: Can I respond to the dormers?
JIM MONTEVERDE: Just give us a second. Just give us one second and let's have --

MARK SEREDA: Sure.
JIM MONTEVERDE: -- discussion with the Board, and then we'll ask you to reply.

DANIEL HIDALGO: Yeah. I think it would be beneficial if the applicant could conform to the Dormer Guidelines just so we have some consistency there. but I'd be interested in hearing more about that.

But on the issue of the FAR, yeah, I'm -- I guess I'm with Thomas in the sense that -- you know, if it is a little bit -- because of the commercial storefront, it is already a little out of the ordinary. The other houses also have two -- I think -- have two units.

And in -- given the interest in creating more housing in the city, I'd be favorable. So I'm not opposed to the FAR; I'm more concerned about the dormer.

JIM MONTEVERDE: Okay.
VIRGINIA KEESLER: I'll take the same position as Thomas and Daniel in regards to the FAR. In regards to the dormer, $I$ guess for the one that's more providing light for the stairwell, I guess $I$ wonder if that is as much of a concern with the glazing, or if we might be more comfortable with the glazing for that dormer specifically?

And I'll just add as well that $I$ think -- and I can definitely see how this would be a very challenging location to have this retail use, so I think it's great that they're looking to convert this into a two-family.

JIM MONTEVERDE: Okay. Thank you. The proponent -- are you still with us?

MARK SEREDA: Yes.
JIM MONTEVERDE: Thanks, Mark. So --
MARK SEREDA: Yeah. Go ahead.
JIM MONTEVERDE: Naturally, with the Dormer Guidelines it basically says that any dormer should have -at least 50 percent of its vertical face should be glazed.

MARK SEREDA: Okay.
JIM MONTEVERDE: And you do that with a curtain behind it or shades or whatever; it asks for it to be
glazed, so it doesn't come off as kind of a utilitarian attachment.

So --

MARK SEREDA: Yeah.
JIM MONTEVERDE: -- do you see increasing the glazing that you have on this -- we're looking at the Reed Street elevation -- to get to that 50 percent requirement? MARK SEREDA: We --

JIM MONTEVERDE: And then opposite?
MARK SEREDA: It is above a bathtub. And the -you know, ideally, we would not want to put more windows there. But I could -- you know, we could put frosted windows in that area.

JIM MONTEVERDE: That's fine.

MARK SEREDA: The dormer on the property line side, the other side, is too close to the property line to put windows in. So we put a skylight in, and I think by Building Code we're not allowed to put a window in there. And that's why originally, we had windows, and they -- we met with the Building Department, and they said it wouldn't be allowed.

> JIM MONTEVERDE: Really? As a -- by a special
permit?
OLIVIA RATAY: Building Codes, yeah.
JIM MONTEVERDE: No, no, I understand.
MARK SEREDA: I am not --
JIM MONTEVERDE: Is the east elevation a street
side? Or it faces another property?
MARK SEREDA: It -- the no-window dormer faces another property. Yeah. It's right over where the hand is. STEVEN NG: Yeah. 71.

JIM MONTEVERDE: I see it. Well, I'm a bit
flummoxed. Because we see quite a number of these, and the windows already exist on the façade.

MARK SEREDA: Correct.
JIM MONTEVERDE: You're actually in the right-side setback, because the setback is 7.5'. So technically you probably need relief for that skylight. Then I'm surprised that -- do the other architects on the Board follow the discussion about not being allowed by Building Code? I mean, you're within -- you're 2.18' from the property line.

MARK SEREDA: Correct, correct. The -- we had met with the Building Inspector. And he had -- we originally had windows in the dormer.

JIM MONTEVERDE: Yep.
MARK SEREDA: And we also had relocated a window.
And he said we were not allowed to do either. I do not think know if special permit would alleviate us from that requirement.

JIM MONTEVERDE: Yeah, I know. All I'm saying is special permit is the way we usually deal with the windows that are in the side yard setback like your existing ones are now, or --

MARK SEREDA: Yeah.
JIM MONTEVERDE: -- if there's a 50 percent glazing. How do other members feel about the -- this is the right-side setback we're talking about.

If that one remains blank upon the advice of the Building Department and or Inspectional Services and then we get the 50 percent glazing on the opposite side, which is the Reed Street elevation, increasing that glaze there and so, it's approximately 50 percent of the area of the vertical surface.

Other members okay with that?
STEVEN NG: I think there's a --
DANIEL HIDALGO: Okay.

STEVEN NG: -- explanation in the decision. I think that -- yeah, I would be. I'm fine with it. DANIEL HIDALGO: I'm fine with it. JIM MONTEVERDE: Okay. So then the only thing I'm hung up on is the FAR. So other members, tell me why I shouldn't be. I know it's a great conversion. It reads it's a two-family; that's great.

I think it's a fully functional unit on the second floor now without either the [indiscernible/audio superimposed over] that's in the back or the front and it's the front one that I really find troublesome.

If it's just me, it's not a problem. If there's one other member who feels the same way, that's a -STEVEN NG: Yeah. I mean, I think it's a -definitely a higher $F A R$, but it is a unique configuration to get that retail space converted to residential. But I don't think I'm going to make that the major issue, to deny it just because it's two units of housing.

So I mean I'd be in favor of the application as it is.

JIM MONTEVERDE: Everyone else agree? Okay. THOMAS MILLER: Yes.

JIM MONTEVERDE: Any other discussion, or can we move to a motion? I'll move to a motion.

The Chair makes a motion to grant relief from the requirements of the Ordinance under Sections 5.31, the Table of Dimensional Requirements, that's for the $F A R$, the increased square footage, and for the right yard setback, which is the insulation added -- the remnant.
8.22.3 for a Nonconforming Structure; 8.26 for conversion from the retail use to residential; and 10.30, the condition for a variance. This is a variance. Yep.

On the condition that the work proposed conforms to the drawings entitled "73-75 Dudley Street by O'Sullivan Architects," dated February 20, 2024; initialed and dated by the Chair.

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

Further, that the variance is granted incorporating the following conditions: and that is that the window on the Reed Street dormer will be increased in size so it's approximately 50 percent of the vertical wall surface. And that if means you put in opaque glass or
frosted glass, so be it.
And that the dormer on the east elevation by
virtue of the discussion you've had with ISD that they
wouldn't allow glazing on that face that it remain as shown.
So on the motion, Board members please, by a voice
vote, Thomas?
THOMAS MILLER: In favor.
JIM MONTEVERDE: Daniel?

DANIEL HIDALGO: In favor.
JIM MONTEVERDE: Virginia?
VIRGINIA KEESLER: In favor.
JIM MONTEVERDE: Steven?

STEVEN NG: In favor.
JIM MONTEVERDE: And Jim Monteverde against.
[FOUR vote YES, ONE OPPOSED]
JIM MONTEVERDE: So that's four in favor and the variance is granted.

Thank you.
MARK SEREDA: Thank you very much.
JIM MONTEVERDE: You're welcome.
MARK SEREDA: Have a good evening.
JIM MONTEVERDE: Thank you.
(6:36 p.m.)
Sitting Members: Jim Monteverde, Steven Ng, Daniel Hidalgo, Virginia Keesler, and Carol Agate

JIM MONTEVERDE: This one is both a variance and a special permit.

SARAH RHATIGAN: Good evening, Mr. Chairman. This is Sarah Rhatigan for the petitioner. Sarah Rhatigan from Trilogy LLC, 12 Marshall Street, Boston, Massachusetts.

Thanks so much for hearing this case today. I wanted to just ask -- I am pretty sure that we still needed to ask for our architect to be included as a panelist -Jason Jewhurst. Could I just ask if that hasn't happened, if Olivia or Stephen could do that for us?

And I'll assume you have his e-mail, and I'll keep talking, and then I'm sure he'll text me if he doesn't -oh, there he is. Okay, great. Thanks. Thanks very much, everybody.

I believe the Board knows this petitioner from other cases, but this is my first opportunity to represent them before the Board, and on an extremely exciting project for the organization.

I just wanted to give you very -- a very brief understanding of who Lubavitch of Cambridge, Inc. is. This is a religious, non-profit organization that has been on Banks Street for over 20 years. Rabbi Hirschy Zarchi is on the line here, and I believe Elkie Zarchi, his wife, is as well.

And they first moved to Banks Street and began. They lived there and had a Chabad Center. A Chabad has to have people join them in their home for religious worship. And that has grown over the past 20 years.

They were able to acquire -- so first they purchased 38-40, then they bought the home that was two down from there, 56-54 -- 54-56, which later became their new home for their growing family, the parsonage.

And then the 38-40 building and then the middle building, which is known as 48 Banks Street, was the last property to be purchased. And as their congregation has grown, their needs have grown to improve their space.

The application before you is an application for a variance. The only aspect of this project is for FAR relief.

> And the designer, Jason Jewhurst, is here from

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Bruner/Cott. We have spent quite a bit of time over the past year trying to fashion a project that would meet the needs of this organization.

The central tenets of what they're trying to achieve here is one they have to work with older structures which the City of Cambridge has deemed of interest -- of historic interest -- and that needed to be carefully treated.

We went through two very extensive hearings with the City of Cambridge and the Historical Commission, who granted the Certificate of Appropriateness for the project that you'll see here.

We've also gone back to the Historic Commission to have them look, and they requested a few adjustments, which are reflected in the plans -- to the architectural plans.

And the hardship in this case is that if there is no variance granted, there is no way for this organization to be able to create -- to essentially combine these two historic structures to create one unified building to serve their religious worship purposes.

The unified building that's also, you know, modern, code-compliant, accessible -- you know, ADA handicap
accessible is critical to their mission.
And it's also critical from a security and a safety standpoint. Unfortunately, the community is -- as well as a number of Jewish communities, you know, throughout the country honestly, have been facing a lot of security threats.

And so, just being able to create the building in which all of their activities are held is critical.

Right now -- and I know you'll see from lots of letters in the file and from -- probably from testimony from the congregants. They're operating essentially outside, so most of their activities, their weekly Chabad dinner and religious services are held outside on the grounds, because they're overflowing the sort of cramped interior spaces.

So there's a lot to get to on the plans. And I want to turn it over to Jason.

But just briefly, I also want to mention about the special permit request. The special permit relates to parking relief and two aspects, and we'll see this on the plans.

The request is to have two cars tandem parked in a driveway that will be between the two structures. Tandem
parking, as you know, is not allowed for nonresidential --non-two-family single or two-family homes -- without a special permit, which is why we're requesting the special permit.

And I will argue that the circumstances of this tandem parking are very much like a residential setting, in that there will be two very lucky employees who get these parking spaces. They will be working together. They will coordinate if one person needs to get out.

Jason will also talk about -- we found a way to be able to turn the cars within the lot and be able to get out Green Street going face forward.

The other element of relief that we need is that Zoning Ordinance requires that the parking be 10' or further away from a building that has habitable room -- habitable windows on the ground-floor in the basement level. Typically, to the home setting -- you know, I've requested and been granted special permits ones for any number of cases.

If there's any concern about -- you know, car fumes getting in those windows, that is the home that's owned -- you know, and lived in by the rabbi and his wife.

Then if there needs to -- you know, sort of make any modifications to those basement and ground-floor windows, that can be easily be done. But there's not a safety issue there.

There is a letter or a few letters relating to concerns about whether or not Green Street -- whether or not the owner actually has rights of access over Green Street. We can talk about that again more, and I'll answer any questions that you have.

It's honestly a little bit of a head-scratcher to me, because our surveyor shows that the Green Street Extension, which comes into the back of the lot, is a public way.

There's a City plan that shows that this is a City street as of 1909. And a lot of the discussion seems to be on the assumption that this is a private way. And everything that we've been able to glean from the City from these plans is that it's a public way.

I will acknowledge that if $I$ am wrong, if there's something that we're missing here, and the owner who abuts that private way proves that this is a private way that they have control over, then we may have a legal issue with them
that we'll have to resolve.
But in my opinion, that would not be something that this Board, you know, has jurisdiction over or needs to necessarily be concerned about.

Sorry to dive into the technical. I was trying to keep it, you know, not technical to begin with. But I think I would like to turn this over to Jason, who is going to run through the slide deck and look at the plans with you.

JASON JEWHURST: Thank you, Sarah. Thank you, members of the Board for hearing us tonight. And I'm delighted to be here to present the project. My name is Jason Jewhurst. I'm an architect in the state of Massachusetts. And I'm working very closely with the applicant.

Next slide, please?
Just to orient ourselves, it's three contiguous sites connected, as listed in the application -- 38-40, 48 Banks, and 54-56.

Next slide?
You can see that $38-40$ banks is the first historic building that we will talk about that's been deemed a significant contribution to the neighborhood. We are
preserving and restoring the historic façade and incorporating it into the addition, as Sarah mentioned.

Next slide, please?
And this is the workers cottage that was moved here in the late 1800s. And what has basically remained a very -- you know, it's a very petite structure. It's historic in nature and it has a really fascinating story about the roofs.

We're restoring the slate roof and actually moving this project -- this building close to Banks Street to bring it in compliance with setbacks. Currently, it is actually on the property line or pretty close to the property line along Green Street. You can see in the back here.

Both of the structures we are reviewing removing the rear ells of both of those and we reviewed that in detail with the Cambridge Historic Commission and granted approval for those.

Next slide, please?
That just gives you a photograph of the ell. I'll also say, you know, you'll see that when we look at the addition that comes in between two structures, I'll talk about the setbacks and manicuring the edges of the new
infill between historic buildings.
Next slide, please?
And this is 54-56 Banks. This is unchanged and not -- requires no scope other than what Sarah had mentioned about the windows at the ground floor. As you'll see, the two tandem parking spaces will be between this structure and 48 Banks Street in its new location.

Next slide, please?
Just in context about the neighborhood: It has quite a range of architectural style, scale, dormers, gable roofs, flat roofs, double-wides, side-by-sides, stacked floors, just to give context.

Next slide, please?
Along Green Street, we have three and four. And actually, in the back there you see five-story buildings. This is also just representative of the scale in this neighbor; that it does range quite a lot from basically abutters that are directly connected to the property; also other parcels down the street on Green Street.

Next slide, please?
This just gives a survey of the FAR density in the neighborhood. As you can see, we have a direct abutter
that's actually 1.73. It actually gets over 2.3 down on Green Street, but it does often come above the allowable in this range -- in this neighborhood.

Next slide, please?
Just to give you a schematic of how we're moving 48 Banks Street to incorporate that into the new design. We've been working very closely with Cambridge Historic Commission to bring those historic homes into repair and also restoration as part of the new project.

Next slide, please?
Just more context. So we are -- we abut Green Street and Banks Street, respectively.

Next slide, please?
Just an aerial view to show also the parcel -- the parcels connected, ordered by Banks Street and Green Street.

Next slide, please?
When we worked through the massing and the setbacks, we've done our calculations. And we are able to build in compliance with the Zoning setbacks. And just to record that here to show the light sort of beige color as our boundary of setbacks from the different streets and different side yards and front yards.

Next slide, please?
We're also in -- you know, to confirm that we're also in compliance with ordinances related to long-term parking that would be required for bikes, both in the building and also on the site.

We're also looking at reducing the number -you'll see the tandem parking spaces between 54 Banks and 48 Banks that Sarah mentioned.

And we have, in response to some of the concerns raised by the neighborhood, we've also been able to provide for a three-point turnaround on the property such that entering and exiting Green Street would be done without needing to turn on that street itself.

We also are working very closely with ISD. You'll see that there is the potential for a loading/drop-off pickup area in front of the building that we're into discussions with ISD about, and Sarah can offer more detail on the specifics of that if we need to.

But also, we are looking at removing two existing curb cuts along Banks Street to help with congestion and reduction of the parking that happens on the street for the residential neighborhood; maintaining the existing
crosswalk, and then also maintaining the curb cut adjacent to 54 Banks just to the left there that shows those tandem spaces.

Next slide, please?
Going through the floor plans really quickly: So the lower level we have a ceremonial bath program -- mikveh -- in the basement, along with a storage space, service space, restrooms, elevator access.

And I'll also mention that we are meeting the Resilience Ordinance. We just received approval actually yesterday from the City of Cambridge. So that was good progress on our side to maintain that we have no essential services in terms of mechanical equipment in the basement and life safety services.

Next slide, please?
On the ground floor, you enter through a main entrance off of Banks Street. It's adjacent to the 38-40 historic building. You enter into a vestibule, and then a sort of lobby entry space.

Adjacent to that to the left is the synagogue prayer or worship space on the ground floor.

And then to the left, there are smaller support
spaces that support religious programs and seminars of worship.

Next slide, please?
On the second floor, we have restrooms and a dining floor for community dining activities that happen after services. So after the service on the ground floor, people will come upstairs to have Chabad dinner. And this floor also has a kitchen, other support spaces, including elevator access, and two means of egress to grade.

Next slide, please?
Third floor is the support floor for rabbinical staff. Basically, the staff and the folks that work every day and come to the Chabad to support the programs and the community are primarily located on the third floor, both in open office workspaces, but also in smaller workgroups.

Next slide, please?
And then on the roof of the third floor, we have a rooftop terrace for annual holidays in the Jewish calendar year -- primarily Sukkoth, and also religious programs that will happen throughout the seasons.

You'll notice that we have done a great deal of work to pull back the edges of the terrace. We've also
integrated green roof areas as buffers on all sides of the roof terrace, and also worked very carefully to create two sides of the roof terrace is buffered by structures that allow you to egress and access the rooftop terrace, including elevator. There's also some small rooftop equipment that will happen as well on the rooftop.

Next slide, please?
Elevations: You can see bookending the addition in the middle, we have the historic homes on each side, and then we have the infill that would be new construction. And we're maintaining the height at the requirement of 35'.

So we're not creating any new nonconformities for the addition of the project.

Next slide, please?
There's an existing dormer on this façade. We are replacing that existing dormer with two smaller dormers, and we are -- you know, to minimize any impacts of the adjacent properties.

Next slide, please?
This is the elevation facing Green Street -again, maintaining the height restriction. Looking at -you can also see between 54 Banks, which is on the left in
this slide and the building; that's where the two tandem parking spaces are.

Next slide, please?
Facing the rabbi's property, you can see the end profile of 48 Banks Street and the addition behind.

Next slide, please?
We've included shadow studies that walk through the various seasons at the directed times of day, and we've been able to -- you know, ascertain that with -- even with the infill between the two structures, we have a really de minimis impact on shadows of other properties, because we've culled the setbacks that are required around each sort of side yard and front yard.

Next slide, please?
Similarly, summer solstice.
Next slide?
Next slide, please?
Next slide?
Just a few views from the neighborhood to give context. We worked very closely with Cambridge Historic Commission as well -- again, to look at the massing, setbacks, and also looking at having a varied front façade
for the addition for the Chabad, and incorporating the historic homes on either side, increasing the amount of vegetation in front of the building, and understanding that buffer, creating those opportunities for greening the street as well as the infill for the new space.

Next slide, please?
See it from the other side of the street.
Next slide, please?
We worked at great length also to minimize the visibility or the views up to the roof terrace, stepping the massing back as it gets to that third floor and variegating the window patterns to work within the context of the neighborhood.

Next slide, please?
And then the view from Green Street. You can see this is where there will be the gate that you would drive between 54 Banks and the 48 Banks Street.

Next slide, please?
And I believe this is the last slide of our presentation. I'll hand it back to the Board. And thank you very much for your time.

JIM MONTEVERDE: Thank you. Any questions from
members of the Board? If not, I have -- Carol, do you want to --

CAROL AGATE: Yeah.
JIM MONTEVERDE: -- do you have some questions?
Go right ahead.
CAROL AGATE: Yes, I have a few. The -- what is
the seating capacity of the sanctuary?
JASON JEWHURST: Should I answer the question, or should I wait for you please to redirect?

JIM MONTEVERDE: No, if you can help us, just go right ahead.

JASON JEWHURST: Yep. Understood. Currently, the capacity of the sanctuary is 180 seats.

CAROL AGATE: What will the new one be?
JASON JEWHURST: No, that is the -- that's the one I'm talking about.

CAROL AGATE: Oh.
JASON JEWHURST: Sorry.
CAROL AGATE: Oh.
JASON JEWHURST: Excuse me. The proposed
sanctuary synagogue space will -- can house 180 occupants.
CAROL AGATE: And the Historic Commission said
something about compliance with their requirements; that they were okay with this, as long as you complied? And then one of the neighbors said that they went to the Historic Commission and there was no compliance with what they were requiring?

Any comments on that?
JASON JEWHURST: I can share --
CAROL AGATE: What is it they were requiring?
JASON JEWHURST: Of course. I can share. So I'll sum up.

SARAH RHATIGAN: I could -- do you want me to jump in for just briefly, Jason?

JASON JEWHURST: Please.
SARAH RHATIGAN: Oh, okay. Great. So the Historic Commission, one of the Commission members had said that they had asked that the -- that the team continue to work with the Historic Commission staff on design -- see, maybe Jason you should have answered this question, because it's an architect's answer --

JASON JEWHURST: Yeah.
SARAH RHATIGAN: -- on design modifications that would respond to their concerns. Yeah, Jason, I'm passing
it back to you.
JASON JEWHURST: It's actually all summarized. So
there was a discussion about the window elevations, the heights of the sills and the heights of the heads of the windows, the proportion of those windows to take in the horizontality of the two historic homes on either side.

There was also a great discussion about how to offset the massing of the addition from the two historic homes to create a little more breathing room. With those comments, we actually shifted where the entrance was, created a little bit more breathing room in between 38 and 40 Banks.

We also did adjust elevation heights of the windowsills and the heads.

The other items that were raised, and we -actually we reviewed; we had a follow-up conversation with staff just to make sure that we understood what they were looking for and they did request that we keep some of the architectural -- there was a couple of details for 48 Banks that they asked us to keep.

And we were able to make that accommodation. And they're very pleased with -- you know, how we adjusted the
massing to be more in tune.
We did reduce the amount of glazing on some of the spaces -- you know, much to compromise those spaces, but also understanding that that was part of the process.

So I would say that since our meeting with them a couple of weeks ago, we've been able to confirm, you know, with staff that we've been staying on track and hearing their comments and making the adjustments.

So I would characterize our conversations with the Cambridge Historic as consistent with the requests that were made at the hearing with the Certificate of Appropriateness, and that we plan to continue to work with Cambridge Historic Staff as we continue to work through this process and develop the final finish with the colors and details for the historic homes.

CAROL AGATE: So is Helen Walker somebody you've discussed this with? She is the one who said that you were not complying with their requirements. Have you -- did you read their letter?

SARAH RHATIGAN: I'm not sure who Helen Walker is. She's not one of the Commission members as far as I understand.

CAROL AGATE: No.

SARAH RHATIGAN: And she's --
CAROL AGATE: No, she's --
SARAH RHATIGAN: -- not on the staff.
CAROL AGATE: -- no, she's a neighbor.
SARAH RHATIGAN: Correct.
CAROL AGATE: No, I don't know that she's a neighbor.

JASON JEWHURST: Yeah.
CAROL AGATE: Linnaean Street, I guess. It's not that close.

JASON JEWHURST: If it's helpful, if it's helpful, she's not an authority with the City, and she's neither a neighbor. So this may be some citizen who has an opinion. But no authority. No neighbor.

CAROL AGATE: And then $I$ wonder about the fence that's on Green Street that separates your property from Green Street. Whose property is that fence on?

RABBI HIRSCHY ZARCHI: Maybe I can -- it predates our professional team. It's on the owner's -- it's in our -- it's on the Chabad property. We installed that fence.

CAROL AGATE: Oh. Oh.

RABBI HIRSCHY ZARCHI: Which --

CAROL AGATE: Okay.
RABBI HIRSCHY ZARCHI: -- which in case it comes up again later, $I$ know it contradicts what some other people said, but we installed that fence when people were crisscrossing on our private property to get to Green Street.

So for safety purposes, we installed the fence. But when we purchased it, it was very -- it was a common shortcut on our private property from Green Street.

CAROL AGATE: Okay. Thank you.
VIRGINIA KEESLER: This is Virginia.
JASON JEWHURST: Thank you.
VIRGINIA KEESLER: Oh.

JIM MONTEVERDE: Go ahead.
VIRGINIA KEESLER: I was wondering if you could speak a bit to the -- some of the trash and lighting concerns that were raised by neighbors.

JASON JEWHURST: Of course. So could you bring -I'll just bring up the ground-floor plan, if you could -the one that had the -- there's a bunch of nice notes on it. It's probably the one that has the bike parking and that $I$
-- I'll keep it brief.
But slowly, we worked through -- there's a couple of things, and I'll answer the architectural planning of it, and I think the Rabbi could talk a little bit about how the -- how trash services are happening on the site through the function of the Chabad.

But we did look at a neutral -- a central location for trash receptacles to be in one location. So you can see that adjacent to the driveway and the gate right next to Green Street.

RABBI HIRSCHY ZARCHI: Yep.
JASON JEWHURST: And that's where we would have a corral for the City of Cambridge standard bins that would be managed from that location. This gives a couple of good opportunities to one, carry them in one place; they're not adjacent to any abutting property because it's close to Green Street.

And we have quite a buffer to the Green Street parcel that's directly behind the property.

We're also able to bring the bins out and put them in that $10^{\prime}$ setback zone between 54 Banks and 48 Banks. So there's a little red arrow that's right here that shows. So
we'll be able to actually bring the bins so that they don't actually [unclear] the sidewalk as well.

So we thought about it very carefully with that with the Rabbi and his team to make sure that we could also have the bins as they come out. We know that this is a common issue where the sidewalks are pretty narrow on Banks Street and other streets in this. So we are able to do that.

And it will be able to be managed with the tandem spaces; we do have enough room to make that happen.

So that's trash. There are also -- Rabbi do you want to speak a little bit about how it's being handled from the service standpoint?

RABBI HIRSCHY ZARCHI: Sure. So it may be helpful, just as I know there were numerous maybe letters, or there may be some voices that will speak to this, so we can sort of preempt.

We aspire to be a good neighbor. We voiced in that way, and we certainly intend to continue to be that way in the future. So immediately when we hear concerns, you know, we -- we only know about them when we hear about them. When we're informed that there's a concern, we try to
address it immediately.
So just to give you a sense, we already utilize a private company's help with removal of trash. It's no secret that we have large groups. And the fact that we're unfortunately outdoors exposed to the elements makes it more difficult to have china and real silverware.

So there's a lot more -- there's a lot more waste unnecessarily that we have here that hopefully will be fully addressed once we have a proper indoor safe space that can be -- we'll have some dishes and a lot less waste.

So there is growth and trash. We're addressing that even before the building by contracting an outside independent company to help reduce that that we rely on once a week from the city.

And certainly, in the new building, as you see, it'll -- there's designated spaces for high-level professionals to address this. So it should be a nonissue.

In terms of lighting, I can't speak to -- you know --

JASON JEWHURST: I can speak to that.
RABBI HIRSCHY ZARCHI: -- the architectural level.
All $I$ can tell you is there was a complaint about a light a
number of years ago, so we immediately addressed -- we have -- because of Sabbath, we don't have -- we don't use motion sensors, because we can't have the light go on on the Sabbath. We usually use a night sensor.

But there was one particular light that was -- we learned was disturbing a neighbor, so we immediately changed that to a motion sensor. And that wasn't an issue because it was in an area where no one ever walked between a 2' span between the buildings.

We learned in the process of this application that they're very upset about the lighting. And we couldn't understand why. Then we were informed that apparently when squirrels go by, the light goes on as a motion. So as soon as we heard that, we just took the bulb out -- done.

And that, you know, it's maybe more detail than you want. I'm just trying to give some color to address some of this issue that we're not sensitive to light or to trash.

As soon as there's an issue, we'll address it.
But we have professionals here to hopefully preempt any issues that may be of concern.

JASON JEWHURST: I'll just briefly summarize too,
the lighting and -- for the light concerns. There's two conditions that we've accommodated -- you know, we definitely heard the concerns about light filling outside of the building in the evenings from the program space inside. We like buildings that are residential.

We will also have simple ways to provide shading, curtains, drapes, as well as shutters that could be operable to close and protect from a lot of light escaping, just like you would in a home.

For the safety and security of the property, there will be very -- as consistent with neighborhood lighting that you would see in front doors or on porches, you can expect that that would be the case here as well.

We wouldn't be having any more than that, but we would for the safety of the neighborhood. Lighting the entrances and the egresses of this in a very localized manner would be very consistent with the neighborhood, you know, residential neighborhood. And that's what we would be proposing.

And also, this will be lighting -- all the exterior lighting will be part of the review, you know, as we go through [unclear; audio distortion].

JIM MONTEVERDE: Thank you.
Virginia, did that respond to your questions? No, could you --

VIRGINIA KEESLER: Oh, sorry, I'm on mute. That did respond to my questions. I have a couple other questions. I don't know if you want to jump in first, Jim, or if I should rattle these off?

JIM MONTEVERDE: No, go ahead.
VIRGINIA KEESLER: I was also wondering what the anticipated frequency of use is for the deck.

JASON JEWHURST: Okay. I can hop in on that. So, you know, six months -- you know, unfortunately, as maybe you've seen in our narrative, we're exclusively in the outdoors now. So that may speak to some issues of noise that we unfortunately cannot control. We want to very much go indoors.

Well, Boston is a great place to live -- we always have college students, but you know it's the wrong six months. So during the winter, we will never -- almost never be outdoors. So we won't be on the roof.

We'll be on the roof deck for Sukkot, to have a Sukkot, which is required by religious mandate. There's
also a prayer that we do once a month that happens in the outdoors. It's about 10 minutes on a monthly basis. So beyond when it's required for religious purposes, I mean, you know, if it's a beautiful afternoon and we want to do -- and this is an opportunity to do an outdoor gathering, have our -- a Shabbat lunch there or, you know, we have the holiday of Shavuot coming up -- you know, if there's an opportunity to do so basking in the sun, if that's available to us, we would certainly try to make use of it.

We -- I mean, let's get ahead of this. We did hear some issues. Some people were concerned about noise, about privacy. You know, our team of professionals will certainly do everything they can to ensure that privacy is honored and protected.

And on a noise level, what I'm describing is very civil, calm. There's no wild parties going on here. And -but if there's ever an issue, you know, we'll -- as good neighbors we'll be responsive, whether the Sukkot's on the roof or on the ground floor, as it is now, it's in the outdoors. So there is an outdoor component to our life, to community life.

JIM MONTEVERDE: All right. Thank you.
VIRGINIA KEESLER: Thank you.
JIM MONTEVERDE: Virginia, anything?
VIRGINIA KEESLER: Just one other question. Could you talk us through the circulation for the six-parking space portion of the plan?

JASON JEWHURST: You mean on 56-54 Banks?
VIRGINIA KEESLER: Yes.

JASON JEWHURST: Yeah. So that parking is current the way it is, and we're not proposing any changes to it. So that currently, you know, has tandem sometimes three-deep parking spaces. So there is a growing family. This is the Rabbi's house. So that actually -- that program -- that -the parking is unchanged.

VIRGINIA KEESLER: Oh.
JASON JEWHURST: What's really being reduced is the parking that was between the two historic structures, and we're only holding the two tandem spaces between 54 and 48.

VIRGINIA KEESLER: Thank you.
JIM MONTEVERDE: Thank you. Anything else, Virginia?

VIRGINIA KEESLER: No, that's it. JIM MONTEVERDE: Any other?

VIRGINIA KEESLER: Thank you.
JIM MONTEVERDE: Thank you. Any other questions from members of the Board?

DANIEL HIDALGO: Just I have one question. I just -- I guess I want to hear a little bit more from -- maybe from Sarah about the hardship requirement? I just want to hear a little more articulation. I wasn't -- I thought the application was a little thin on that front.

So I just want to hear a little bit more about why -- you know, why -- the inability to create a unified building qualifies as hardship under the law?

SARAH RHATIGAN: So the constraints on this site relate to in part that there are three combined sites, right?

And we're working with two structures that each in and of themselves, if we were to treat them as separate properties and try to sort of develop them to their fullest, we would actually have more capacity because of their current status as two-family or single-family structures.

But the law grants extra protection to those,
right? And that's why we got that modification to 8.21, whatever, which now -- you know, if we were proposing it, we could -- you know, go up 80'. I mean, I'm exaggerating, but you could do that by a special permit.

In this case, because we're combining these buildings and we're not using it anymore as a single or a two-family use, we lose the ability to make these changes by special permit.

So it's a combination of -- it's the lot structure and location being stacked next to each other, and then it's historic structures that we're working with to try to combine them.

Any -- because of the combined lots, we are preexisting, nonconforming, because we carry the burden of the square footage of the lot that we're not touching 54-56. But we're unable to do anything that increases square footage by $1^{\prime}$ without a variance.

DANIEL HIDALGO: Okay. Thank you.
SARAH RHATIGAN: Then the other element, which is sort of thoroughly briefed, and I'm not sure if you had a chance to read -- you know, kind of our expert witnesses on this, but the use of the property for religious purposes in
and of itself has special protection under federal law.
And so, there's quite a bit of case law out there, and it's well briefed in their brief. There's quite a bit of case law out there which talks about when municipalities strictly enforce a Zoning Ordinance in a way that substantially burdens a Religious Use, and they could do something to alleviate that substantial burden, which in this case is granting a variance, they're required to do that by law.

And so, this case, the facts of the situation, lend themselves to being seen in the light of federal law. It's like I'm making a federal case out of a local zoning case. But that is in fact what happens in this situation.

Cambridge in some ways and some municipalities should in light of the federal law have special protection for religious uses, just like we have special protection for single-family and two-family uses. That's not written into the Ordinance, at least yet. I mean, I don't know if anybody will ever accomplish that.

But my argument would be, or our argument would be that the Board has the authority to grant variances for hardships, and that it's your power, it's your discretionary
power to be able to soften the Ordinance in this instance, where it's critically necessary to the religious function of this organization.

JIM MONTEVERDE: Thank you.
SARAH RHATIGAN: More than you wanted to hear, or is that helpful?

DANIEL HIDALGO: Thank you.
SARAH RHATIGAN: Okay.
JIM MONTEVERDE: Any other questions from members of the Board? I have one. And Sarah, I'll direct it to you. I don't find in our file from the Historic Commission a Certificate of Appropriateness.

I find -- and I have read several times -- that it's what Carol $I$ believe was talking about -- a correspondence dated March 8, 2024.

And it basically reads that -- it talks about a hearing on December 7, and then it says at a continued hearing on January 4, 2024: "The Commission determined that the existing buildings were not preferably preserved in the context of the proposed project design." And then it goes on to say, "A demolition delay was not imposed."

That's the extent of what we have in our file. So
we don't see a Certificate of Appropriateness.
And the correspondence further goes on to read -and it's what Carol was talking about -- that they're ruling that it's not preferably preserved is a recognition of your -- and that's the Rabbi's -- comments commitment to consider the Commission's additional design recommendations as summarized in the attached minutes."

But when I go through the minutes, it just goes on and on about their discussions about windows, et cetera. So -- is it in fact --

SARAH RHATIGAN: I can answer --
JIM MONTEVERDE: -- given --
SARAH RHATIGAN: -- I can answer this question.
so this project is not one -- it's not -- it's inaccurate to call it a Certificate of Appropriateness. So this project was before the Cambridge Historic Commission because we were demolishing portions of these buildings.

JIM MONTEVERDE: Right.
SARAH RHATIGAN: So it came under a demolition -the Demolition Bylaw.

JIM MONTEVERDE: Okay.
SARAH RHATIGAN: But the document that you're
looking at is the Historic Commission saying, "We applied the rules and the -- we performed our review under the Demolition Bylaw, and you could --" I don't have it right in front of me, but if you repeat the words at the end, this is essentially you are in comp-- "We have affirmed that you may proceed with the project under -- with these plans and demolish the portions of the building that you're showing on these plans." So --

JIM MONTEVERDE: Thank you.
SARAH RHATIGAN: -- it's our Certificate of

Approval --
JIM MONTEVERDE: Again --
SARAH RHATIGAN: -- under the Demolition Bylaw.
JIM MONTEVERDE: I'm not going to -- I'll agree to disagree.

SARAH RHATIGAN: If Sarah Burks --
JIM MONTEVERDE: So she --
SARAH RHATIGAN: -- or Chris or Charlie Sullivan
were here to explain it better, they could. [Laughter]
JIM MONTEVERDE: But --
SARAH RHATIGAN: They could. They could do that.
But --

JIM MONTEVERDE: We'll move on. Any other -SARAH RHATIGAN: Yep.

JIM MONTEVERDE: -- questions for the Board? No? If not, I will open it up to public comment and let me summarize. Because we have a hefty file that by my last count as of two hours ago, we had 60 pieces of correspondence in favor supporting the project. I would say -- I don't want to summarize how many, but there were a good number of those were from former congregants; folks who had -- were during their time at Harvard, they were students at Harvard or family members who were students at Harvard. They participated in the religious ceremonies.

There's another group that are current congregants, and they speak to the support for the proposal.

And there are some that -- again, were not students, but do attend the services and speak in favor of it. So I'm not going to read those. I hope those folks please don't step up [laughter] for the 60 of them to repeat how much in favor they are and why.

And I find two speaking against, and one is from Alan Joslin on behalf of the Kerry Corner Neighborhood Association. And this is dated April 5.

And to summarize, this is -- I'll summarize the one that's in front of me. It says, "The petitioner's simple 'need to expand'... does not constitute a legally acceptable 'Hardship.'" And it goes on and on about various requests.

And I know this was in our file when we continued the previous hearing, and we'll see if anyone wants to speak to that. But it goes on, and there are at least -- there are quite a number of folks from this association who signed onto this letter stating their various concerns.

Then we have one final one and this states, "All of us against." And this is from Mr. -- Attorney Wiggins. And I think that has to do with the Green Street access.

Sarah, is that correct?

SARAH RHATIGAN: That's correct, yes.
CAROL AGATE: Yes.
JIM MONTEVERDE: Does that -- in summary, this is the correspondence we had on file, and I have read it.

So I'll open it up to public comment.

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

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

And I will please ask, because this is a long night -- there are plenty of cases after this one -- that anyone who does call in try and state their case briefly, and keep in mind that what this Zoning Board is charged to determine for the variance is to allow the additional gross square footage, period. Any other discussion is kind of outside of that purview.

So please, if you can confine your discussion to that, I would appreciate it. Now.

OLIVIA RATAY: Alan Joslin?
ALAN JOSLIN: Hi there. Can you hear me at this point?

COLLECTIVE: Yes.
ALAN JOSLIN: Thank you very much. Yes, I'm Alan Josslin. I'm a fellow of the American Institute of

Architecture, a 36-year resident of 36 Bank Street and a direct abutter of the petitioner, and I'm Jewish.

I'm representing Kerry Corner Neighborhood Association and its 33 signatory members listed in our written statement to you.

To be clear, all members of the Kerry Corner Neighborhood Association, including those who have lived here for more than two decades and those who are relatively new, are especially glad that Harvard Chabad is part of our community.

Unfortunately, as either direct abutters or nearby residential parties to the petitioner, all Kerry Corner Neighborhood's members would be directly agreed by the realization of the project as currently proposed.

We attest that the petitioners need to expand, along with their claim that they should receive heightened protection as a religious group. To do so does not constitute a legally acceptable hardship that would allow a variance to the Cambridge Zoning Ordinance.

Nor has the petitioner adequately demonstrated -and in fact in some cases misrepresented that simply providing compliance setbacks of height limits removes the
substantial detriment to the public good that will result from the project.

At the heart of our objection is a very large expansion that will have a very large negative impact on life in the neighborhood.

The variance would grow their adjusted building area over two times allowable FAR, and that is excluding the area of the basement and the roof terrace. When including them, the growth is almost three times the allowable FAR.

With an increase -- and this is most important -in occupancy capacity from 250 people to 780. That's due to the fact that the addition is primarily for assembly usage.

Such an expansion cannot help but bring significant growth and disturbances already experienced in the neighborhood around pedestrian safety, parking, traffic flow, service loading, street closures, trash accumulation, noise, lighting, loss of green space.

I appreciate the Rabbi's comments but unfortunately, I don't agree with them.

These concerns were communicated to the petitioner from their very first presentation in December. We offered concrete recommendations to right-size the expansion to best
utilize the site, even suggesting support of a modest increase over allowable FAR to help the petitioner achieve their stated goals.

Unfortunately, the petitioner has refused to discuss with us any reduction in scale of their project, nor has it provided verifiable mitigation plans to eliminate detrimental impacts on the neighborhood.

In fact --

JIM MONTEVERDE: Mr. Josslin, can you wrap up your comments please?

ALAN JOSLIN: Yes.
JIM MONTEVERDE: Good.

ALAN JOSLIN: I have a few more sentences and I will be done. In fact, in defiance, they have chosen to consistently grow their project in successive presentation to City Boards.

In summary, our objections do not grow out of antisemitism or NIMBY, as has been sadly inferred by the petitioner. Approximately 25 percent of our members are Jewish and are concerned that regardless of what the petitioner promises today should the building be allowed to expand, it will offer significant growth and occupancy well

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beyond current activities in a residential neighborhood of intimate scale.

JIM MONTEVERDE: I'm going to stop you there.
ALAN JOSLIN: Okay.
JIM MONTEVERDE: Thank you for calling in.
ALAN JOSLIN: Thank you.

OLIVIA RATAY: Molly Rothenberg?
MOLLY ROTHENBERG: Hi, can you hear me? JIM MONTEVERDE: Yes.

MOLLY ROTHENBERG: Hi. Yes. I'm Molly
Rothenberg. I live at 649 Green Street. And I was joining to voice my support for this project. Just maybe my voice can contribute as a close neighbor and a mother of children who enjoy community events and resources offered by Harvard Chabad.

It is a really special resource for us to be able to walk to something like this in our neighborhood. And I just wanted to voice my support for expansion of that capacity as much as my children love attending Tot Chabat definitely in the wintertime, it is hard to get a toddler dressed enough and out the door.

And it's just a really special thing to be able
to, like, walk to something like this in our neighborhood. It really to us adds to our community and neighborhood feel. And --

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

MOLLY ROTHENBERG: Yep.
OLIVIA RATAY: Nofar?
NOFAR: Hi. Hello, everyone. My name is Nofar.
I am a Jewish Israeli PhD student at Harvard. And I also live on 149 Banks Street. Harvard Chabad to me is not only a place of worship, but also a place where I have a community.

It's a home away from home for me. It's a place I go to for Shabbat dinner and so many other events to feel less lonely and to get support from fellow Jews who go through similar things.

So in days when I feel I can't take all the hatred and the violence that $I$ see around me and on campus, I go to Chabad, where I get a warm embrace and have comforting conversations with the kindest people I know.

Having this Jewish Center is extremely significant to us. It is not just a building; it is a home. Jews from
all over Cambridge and Somerville come to Chabad, and it is important for us to have a Jewish center nearby since on Shabbat and holidays, many do not drive.

The tent is not a great solution for us for the various reasons that Rabbi Zarchi mentioned. Boston is not known for its great weather, and we sit outside when it's cold and there's also not enough space for everyone. So some things we have to sit separately in different areas. And it would have been nicer to -- if we could all sit together and stay warm.

This expansion of Chabad would be very meaningful to our community and will allow us to engage in events while also guaranteeing our safety and unity in such difficult times. Thank you. JIM MONTEVERDE: Thank you for calling in. OLIVIA RATAY: Michael Young?

MICHAEL YOUNG: Thank you for the opportunity to comment. This is Dr. Michael Young. As a longtime Cambridge resident and Harvard Faculty member, previous Harvard student, I'm here to express my strong support for the expansion of the square footage for Harvard Chabad. This enhancement is not just a structural change, but a
foundational step towards fostering a vibrant Jewish community at Harvard and the broader Cambridge area.

I believe it's essential for accommodating the growing needs and functions of our community and ensuring that our religion can continue to be held with the dignity it deserves.

This proposal represents a commitment to the glorious future of Jewish life in our city, and I urge the Committee to support this meaningful development. Thank you. JIM MONTEVERDE: Thank you for calling in. OLIVIA RATAY: Marilee Meyer?

MARILEE MEYER: Hi. Marilee Meyer, 10 Dana
Street. And this is difficult because I see two different issues -- one very -- very concrete about zoning and neighborhood and heritage, if you will; and the life of the neighborhood versus the function of Chabad and the Jewish community and the emotional support and function.

And I -- to me those are two different issues. With the building itself, the -- the rooftop terrace to me would be the biggest problem for the neighbors, because I live in a courtyard building, and you can hear everybody's
conversation, regardless if you're whispering or not.
I mean, and you are -- the rooftop also, terrace -- also didn't really pick up on the drawings with the head house and what kind of railing there is, et cetera on that. Let's see, I have -- I still have a problem with utilizing the driveway to be able to get to Green Street. A pedestrian trespassing is different from car traffic going through there.

And I forget what it's called, but Sarah, you may know what I'm talking about. You're talking -- you talked about Religious Use protection federally.

And there -- in -- Cambridge was exempt from a particular religious protection because of the way there's some -- so many nonconforming churches in neighborhoods. I forget what it is, but Cambridge itself is exempt from what I believe you mentioned and were talking about.

So a religious institution doesn't necessarily have the same protections and is treated as a regular project or whatever. I can't quite remember offhand, so I apologize for not being more articulate about this.

But --
JIM MONTEVERDE: Ms. Meyer, can you wrap up your
comments --

MARILEE MEYER: Yes.
JIM MONTEVERDE: -- please.
MARILEE MEYER: Yes. I think that certain things
still need to be dealt with. I think it's nice to have an outdoor deck, but I think that will reverberate everywhere. That to me is the biggest problem for the neighbors. And -JIM MONTEVERDE: I'm going to ask you to -- Ms. Meyers, that's --

MARILEE MEYER: There you go.

JIM MONTEVERDE: -- the three minutes. Thank you.
Thank you for calling in.
OLIVIA RATAY: Josh Kaplan?
JOSH KAPLAN: Hi. My name is Josh. I am an undergrad at Harvard College. And I have just -- I'm a resident of Cambridge and as I said an undergrad at Harvard College.

I would urge you to approve Harvard Chabad's case. Harvard Chabad is where I daub and engage in Jewish life on campus, and I've just -- I am a resident of Cambridge, as I said, an undergrad at Harvard College. I would urge you to approve Harvard Chabad's case. Harvard Chabad is where I
daub and engage in Jewish life on campus. I -- as many others mentioned, I only walk there, I don't drive there; I walk there numerous times a week to attend programming and dinners in their tent.

Currently, as I just mentioned, Harvard Chabad has many events in the tent and the creation of permanent space would not only be appropriate but would reduce noise to the overall neighborhood.

I would respectfully request that the Board approve the plans. Chabad should be free to build the current project, which is reasonably proportionate from the street, will not create additional parking needs due to the largely student-user base, and will provide a much-needed space for Jewish life in Cambridge.

Our city, as mentioned before, has a lot of churches and I don't see why we can't have a single purposebuilt Chabad house for Jewish life both on campus and for the Cambridge Community. Thank you.

JIM MONTEVERDE: Thank you.
OLIVIA RATAY: Raphael Rouvinov?
RAPHAEL ROUVINOV: Hello. My name is Raphael
Rouvinov. I'm a resident of Cambridge and a recent graduate
from the College. Is my audio working? I just want to check.

JIM MONTEVERDE: We can hear you.
RAPHAEL ROUVINOV: And -- oh, I just wanted to say some of my thoughts. So I go to Chabad pretty frequently, and it's definitely -- it feels quite bottlenecked by the space. Like, the synagogue is often full.

There's not enough space for everybody to sit down, especially on the Saturday morning. You can't have more books because there's not space to put in more books, there isn't enough space to -- for everybody to eat outside a lot of the time, or indoors. And it also feels kind of tense when you're out there, I'd say just kind of being open. When it's windy, it's really not that great. Having a mikvah in the basement would be a very huge deal.

And the location of this is extremely important. It's by Harvard students. It's in the [unclear], you have to be in walking distance to this, and that's also something particularly important for Orthodox Jews.

Looking at the plans, $I$ don't really see aside from the construction how this would affect the neighbors that much. It looks like -- like -- in my opinion $I$ think

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it would actually probably wind up better, because you're going to be inside, and it didn't seem like the shadows would be a very big deal.

Green Street also seems like it basically would just be how it is right now.

And I also -- I want to note that I did not previously submit a letter. A friend of mine I also was talking to did not. And so, there's others who support this and I also want to say it's not just previous and current congregants, but also future congregants.

Again, $I$ do think that things are a little bottlenecked, but it can be very dense in there, and having more space would be a very huge deal.

I also think rooftop terrace being loud is something that can be dealt with if that happens. You just close it. You know, it's like you tell people to be quiet and it's fine. It's just my thought. And it's needed for Sukkot and once a month, but those aren't -- I don't think that those are consistent big nuisances.

And yeah, those are my thoughts.
JIM MONTEVERDE: Thank you.
OLIVIA RATAY: Tom Serwold?

TOM SERWOLD: Hi. My name is Tom Serwold. I'm a member of the Kerry Corner Neighborhood Association. I've lived at 30 Banks Street just two doors down, for 14 years.

The KCNA asserts that a literal enforcement of the provisions of the Zoning Ordinance would not involve a substantial hardship, for the petitioner for the following reasons:

The petitioner claims that they have outgrown their current building and that they need the variance so that they can build a bigger building.

Outgrowing one's existing building does not meet the definition of hardship. Hardship is defined by legal precedent, and is based on circumstances affecting real estate, not the owner of the real estate.

So simply outgrowing one's current site does not qualify for a Zoning Variance. If the ZBA allows variances for simply outgrowing properties, such an argument can be used by nearly any institution or residential property owner, and ZBA will be forced to allow more density than desired in residential neighborhoods.

One of the reasons that Cambridge is the only city in Massachusetts to have withdrawn itself from the dictates
of the state's Dover Amendment.
Cambridge wrote their own Institutional Use Regulations which do allow for religious use, provided the building meets Dimensional Requirements, which this project does not.

The petitioner suggests that the Religious Land Use And Institutionalized Persons Act, RLUIPA, gives them heightened protection. This is a misreading of the law.

The KCNA lawyer will address this issue specifically later on in this hearing, but suffice it to say that the requirements of RLUIPA do not justify this variance request.

The KCNA also asserts that there's no hardship owing to circumstances relating to soil conditions, shape, or topography for the following reasons: their existing building's on the property the petitioner has used for years without needing variances, underscoring the fact that the soil conditions, shape and topography are adequate.

Additionally, the soil, shape and topography is comparable to that of neighboring properties, which have been built upon without relying upon variances or special permit.

The petitioner claims as a hardship that the merger of the properties prohibits them from pursuing a special permit rather than a variance. In fact, building their project across multiple property lines would raise even larger variance issues.

Therefore, the merger of properties is not a substantial hardship.

The petitioner notes that the property abuts two streets and claims this creates a substantial hardship. In fact, the circumstances allow them to reduce the building setbacks, giving them greater flexibility. Therefore, abutting two streets is not a substantial hardship.

The petitioner claims the historic structures pose an additional hardship. In fact, the use of the existing structures is actually allowed and grandfathered in. They're nonconforming side yard setbacks. It's an advantage. It's not a hardship.

Finally, their desire to make their new building handicap accessible does not fit the definition of substantial hardship. It is not cause for variance relief. This can certainly be accomplished without a 15,000 square feet variance.

In summary, the petitioner has failed to show any substantial hardship due to the literal enforcement of the Zoning Ordinance. And the KCNA asks that this request for variance be denied.

Thank you.
JIM MONTEVERDE: Thank you for calling.
OLIVIA RATAY: Christos?
CHRISTOS: Hi, can you hear me?
JIM MONTEVERDE: Yes, we can. Go ahead?
CHRISTOS: Hi. I've been a Cambridge resident since 2004. I currently live at 17 Fairmont Avenue. It's about a 10-minute walk away.

I think that this building would be a very good addition for the community, and I fully support it. I think that the plans are reasonable, and comparable to other buildings in the area, and $I$ think it would add to the community. Thank you.

JIM MONTEVERDE: Thank you.
OLIVIA RATAY: Sarah Wolfensohn? Hi. My name is Sarah Wolfensohn. And I've lived in Cambridge at 64 Garfield Street for just about 20 years.

And I'd like to sort of speak for myself, but also
represent the many Jews that are not in college that live in the Cambridge and Somerville area who go to Chabad.

Many go weekly. We all walk, because that's sort of a part of the religion is walking. So I just wanted to address quickly the traffic situation that people are concerned about. It really is not a problem, as most people whether it's the college students or the community walk there.

And there is no organization that actually meets the needs of Jews in both of these areas, other than Chabad. And that we have to be in a tent is in my opinion really, really, really inappropriate. Other religions have buildings. Other ethnic groups have buildings. And it really is an essential thing that this building be built.

And I know someone was talking about, you know, 750 people coming or whatever; it's actually a building to meet the needs of people today. They're looking for something that will meet the needs of the Harvard students and the Jewish community today.

And by the way, they're also very welcoming to non-Jewish students as well as non-Jewish people within the community. These are people who spend their lives taking
care of others, whether it's taking care of me when $I$ go through a difficult time -- I'm one of a gazillion people that they have taken care of.

And because this is their nature, they are also very receptive when there are challenges with people in the neighborhood. For example, as Hirschy mentioned, if there was a problem with the light, he fixed it. If there was a problem with trash, he dealt with it. These are people who are trying to make people's lives easier.

And in terms of the roof terrace, the amount of noise from a tent is actually greater than the number of people who will be on the roof terrace. And as you know, there are very few times during the year when one can even be on a roof terrace. You know, you're talking about just several weeks.

And in terms of the back entrance, it's not like there are going to be cars coming and going. Several people will have cars occasionally. Most people -- again -- will walk there.

So I think that's pretty much what I wanted to say.

JIM MONTEVERDE: Thank you.

OLIVIA RATAY: Jesse Lempel?
JESSE LEMPEL: Hi. My name is Jesse Lempel, and I
live at 1008 Mass Ave, just around block from this site. I first encountered Harvard Chabad eight years ago in my first year of law school. I saw then how essential the Chabad is to Jewish life on campus. It's really the heart of the community for hundreds of Jewish students and faculty.

And it's not just religious services; it's a place for hanging out, for social events, book talks, lectures by like a never-ending stream of visiting speakers and celebrating life milestones.

Once I graduated, I realized that a student experience is just the tip of the iceberg. Young professionals depend on Chabad as a Jewish communal space. And now I appreciate it more than ever with my two little girls enrolled in the adjacent preschool. We celebrated each of their births with small parties at Chabad.

The current physical space of Chabad is lacking. To put it bluntly, the indoor area is just way, way too small. It's not even close to big enough to comfortably accommodate the regular attendees. And there are serious accessibility issues because there's no elevator and there's
a very narrow staircase.
So I think approving this proposal is a nobrainer. The benefit to the hundreds of community members will be immense and immediately felt.

And I think that even those few neighbors who are wary of an expansion will come to realize how nice it is for the community to be able to actually fit inside the building, rather than spilling out into the sidewalks and streets.

To sum up, the community needs this additional square footage, and I ask you to approve it.

Thank you.
JIM MONTEVERDE: Thank you.
OLIVIA RATAY: Alex Bernat? Hi, all. My name is Alex Bernat. I am a Harvard undergrad. Harvard Chabad is my religious home in Cambridge and my religious home on campus. I have been to Harvard Chabad consistently for the entirety of my time in Cambridge to pray, for every religious holiday, to study Torah, and to be Jewish both in a religious and a social sense.

Harvard Chabad is a place I only walk to. So I think many of the traffic concerns that people have raised
are completely moot.
Similarly, Harvard Chabad is severely limited with its current physical resources. I'll echo what people have said about overcrowding on Shavuot's morning services, about the tent being fundamentally inadequate long-term. The tent is even oftentimes too full.

I severely -- I believe there's a severe need for Harvard Chabad to be able to expand. And I am speaking in complain of support of issuing this variance.

I don't believe the plans are inappropriate for the neighborhood, and they are most definitely required for Chabad to serve continually as a Jewish home to Cambridge residents and Harvard students.

JIM MONTEVERDE: Thank you for calling in.
OLIVIA RATAY: Debra Epstein?
DEBORAH EPSTEIN: Can you hear me?
JIM MONTEVERDE: Yes, we can.
CAROL AGATE: Yes.
JIM MONTEVERDE: Go ahead.
DEBORAH EPSTEIN: Hi. I'm Deborah Epstein. I've lived at 36 Banks Street for 36 years; direct abutter. I'm Jewish.

Kerry Corner Neighborhood Association asserts that the petitioner's appeal for relief may not be granted without substantial detriment to the public good or nullifying or substantially derogating from the intent or purpose of the Zoning Ordinance.

Specifically, the petitioner's requested increase over allowable FAR will increase the legal occupancy from around 200 to around 800 people, quadrupling possible programming, which without question will add even greater detriment to the public good than what has already been experienced by neighborhood residents from current activities of the petitioner.

When I asked the petitioner their hours, I was told that they are open 24/7. The attachments to the Kerry Corner Neighborhood Association summary letter, which you should have received, provides a detailed description of these issues.

Regarding nullifying or substantially derogating from the intent or purpose of the Cambridge Zoning Ordinance, religious purposes within the $C-1$ district are subject to the Institutional Use Regulations within the Cambridge Zoning Ordinances, which states:
"It is the purpose of these Regulations to protect lower-density residential neighbors from unlimited expansion of institutional activities to reduce pressures for conversion of the existing housing stock to nonresidential uses to minimize the development of activities which are different from and incompatible with activity patterns customarily found in lower-density residential neighbors in a manner consistent with the findings and objectives of the Community Development Department's Cambridge Institutional Growth Management Plan."

In this context, allowing the petitioner to far exceed FAR limitations while having eliminated five units of existing housing on these three connected properties over the last couple of decades and two more across the street represents both unlimited expansion and conversation of housing stock to nonresidential uses, and so, substantially derogates from the intent of the City Ordinance.

In addition, further criteria required for a variance are not met. The proposed Institutional Use does not create a stronger buffer or a more gentle transition between residential and nonresidential areas. It does not result in a net improvement to the neighborhood by being
more compatible than the previous use of the lot, which was residential.

The intensity of religious worship, social and recreational use would be substantially greater than the use intensity of residences in the neighborhood, including a 24/7 active use of the property: 800 people traveling by foot and car to one address and an unknowable number of weekly events.

We ask that you --
JIM MONTEVERDE: Ms. Epstein, would you conclude your presentation, please?

DEBORAH EPSTEIN: Sure. We ask that you follow the intent and purpose of the Cambridge Zoning Ordinance and reject the variance.

Thank you, so much.
JIM MONTEVERDE: Thank you for calling in.
OLIVIA RATAY: David Freedman? Hi. Good evening.
I'll keep my remarks short. My name is David Freedman. I'm
a member of the Harvard Law School Faculty and in addition my son is a Harvard College undergraduate who lives just two blocks away from the property.

I'd like to speak on behalf of this request, and
just briefly address a couple of the objections that we've heard.

First, if you think about the size, the dimensions, the aesthetics of this addition, it certainly fits well within the neighborhood, which has many very large boxy buildings.

You know, just down the street you have 18 Banks, which is a frankly fairly ugly boxy four-story building. You're a couple blocks away from massive Harvard dorms.

So it would seem the objections can't really be about the appearance or the size. And it seems like the primary objections are really more in the nature of the activity and the people.

And even though the maximum capacity may be somewhere in the 700s, if you're familiar at all with Harvard Chabad, or any institution like this, you're not going to have a constant stream of 700 people on a daily or moment-to-moment basis.

There's, you know, some times when there will be larger events, and most of the time very small, and you're not going to notice much more than when Harvard College students are walking up and down the street as many of us
have done oftentimes.

Having a terrace is not a significant imposition. It's not the kind of thing that you'd notice most of the time either.

And it seems to us that, you know, Harvard Chabad is not trying to build Fenway Park in Cambridge. They're trying to simply add a reasonable amount of space for really critical functions, especially in this time when many of us feel like it's so critical for Jewish and Israeli Americans to have a place to be at home, even when they're away from home.

Thank you so much.
JIM MONTEVERDE: Thank you.
OLIVIA RATAY: Sarah Gross?

SARAH GROSS: Hi. Thank you for taking my call today. My name is Sarah. I'm an employee of Chabad, as well as a resident of Mid Cambridge and a parent who has been part of this Cambridge community for nine years.

I had previously wanted to speak about the expansion that Chabad desperately needs -- we are literally in cramped offices in the basement -- but I'm so fed up that I would prefer to address a more contentious issue that
affects the well-being of our community.
I have been privileged -- or perhaps "cursed" is the better term -- to attend numerous meetings concerning the development projects of our preschool, synagogue, student center, and each of these sessions reveals the same disturbing pattern: Neighbors who voice support for our initiatives get consistently opposed every proposal, regardless of scale and scope.

When we wanted to build another classroom for our preschool, they argued that -- to this Board that it would somehow be unsafe for our kids to cross the street.

When the proposal was before the Historical Commission, they argued that it would offend the aesthetic character of the block.

Now they are arguing this new building will attract too much traffic, amongst other things.

It's always a new excuse, because they're true motivation is to not have any development on their block. But the community pressing needs. And a few neighbors should not be able to veto a proposal that serves hundreds of people in a broader community.

Members of the Zoning Board, it is essential that
the essence of these concerns be scrutinized. Are they truly in the interest of the community, or are they merely veiled attempts to thwart every attempt at progress by Chabad?

It has gotten to the point where I tell my daughters to keep their hands in the strollers at all times; not to touch the fences or the flowers. They take pictures of us turning simple walks to school into exercises of vigilance.

I've had to warn my own children to avoid eye contact with the neighbors on Banks Street simply because we cannot fathom how or where these images will be used, or what new complaint they will spur.

These are not the actions of constructive critics, but of aggressors making our neighborhood a battleground rather than a community.

Astonishingly, one of each neighbors even works in
Pediatrics. As a parent, I cannot fathom continually
opposing buildings that improve the lives of our community families, yet here we are subjected to this treatment, which sours the very idea of what Cambridge represents.

The family at the heart of our community, the

Zarchis, have bent over backwards to accommodate every need, to address every concern with kindness and patience. Their response to this harassment has been nothing short of gracious, which only highlights the stark contrast to the behavior of certain neighbors.

I am imploring the Zoning Board to consider not just the narrow interests of a few loud --quote, unquote-"concerned citizens" but the broader needs and contributions of Chabad to our community.

Thank you.
JIM MONTEVERDE: Thank you for calling in.
OLIVIA RATAY: Nathanial Kay?
NATHANIEL KAY: Hello there. Hope you all are doing well. My name is Nathaniel, but I go by Thani Kay. I am a local Cambridge resident, and my wife is a Harvard Law School student. Even though we have a car, I and my daughters and I walk 30 minutes every week to go Chabad, and sometimes on a weekday we would bike over.

The biggest impediment -- the reason we don't come more of is because during the cold months of winter -- we're Floridians, so we really feel the winter -- it's really difficult for, I have a 1-year-old and a 2-year-old daughter
-- it's very difficult for them to eat outside. It's not a furnished floor, and it's very cold for them.

And so, it's, like, really difficult for us to eat
in that environment. And we would really appreciate being able to be served by Chabad in their new building and establishment.

Cambridge's Jewish community is vastly reserved, which is why we walk 30 minutes every week. And Chabad is the vital religious home for our family.

Just a quick note that $I$ wanted to add. Others are addressing concerns about rooftop noise and noise that people would make. Right now, everyone is outdoors the entire time for all of lunch. And I imagine that will be much louder.

And it'll be much quieter once everyone is inside at this new building, which $I$ really hope you approve.

Thank you for your time and I wish you all the best of luck.

JIM MONTEVERDE: Thank you.
OLIVIA RATAY: Emily Anne Jacobstein?
[Pause]
JIM MONTEVERDE: Emily, are you with us?
[Pause]
We can't hear you. You look like you're unmuted.
[Pause]
EMILY ANNE JACOBSTEIN: Can you hear me now?
JIM MONTEVERDE: Yes, we can. Go right ahead.
EMILY ANNE JACOBSTEIN: Thank you. good evening.
My name is Emily Anne Jacobstein, and I live at 6 Chauncy Lane, and I'm Jewish.

My husband and I have lived in the area for years and are so thankful to have Harvard Chabad as our house of worship. We walk to services weekly on Saturday morning, as well as on holidays.

And yes, we walk. Trust me, there are not parking concerns on Saturdays with this group.

We have a 4-year-old son who counts down the days every week until Tot Chabad. Chabad is a second home to him. And honestly, Elkie is a bonus "bubby" or grandmother to him.

Chabad is the only Jews house of worship in the area that is both walkable and holds weekly services for those with young children. Without Harvard Chabad, we would not be able to observe our faith in our Cambridge community.

With the current situation, space is truly stretched beyond capacity. The family and children's service takes place outside in the elements.

While outdoor services can be nice sometimes -hopefully this weekend -- this proves a major challenge in the heat of the summer and particularly in the cold of the winter. Young children and their parents gather in snowsuits. Services are rushed so the children can go back home and warm up. This is what we currently have to do, given the lack of indoor space.

Some weeks, we are forced to choose between observing our faith in bad weather or staying home and missing out on our religious community.

The plans for the future building are designed for the size of the community we have today. We simply want to be able to worship as a community indoors.

Now more than ever, we and our children need a safe space to gather in our house of worship.

Thank you.
JIM MONTEVERDE: Thank you.
OLIVIA RATAY: Lily Shen?
LILY SHEN: Can you guys hear me?

JIM MONTEVERDE: Yes.
LILY SHEN: Okay. Hi. I'm Lily Shen on 23 Banks Street. I'm a part of the member of Kerry Corner

Neighborhood Association. And I wanted to talk about the variance application would produce substantial detriment to the public good from pedestrian and cycle time safety point of view and from parking point of view.

Banks Street is a narrow, one-lane and one-way street with a well-used bike lane across from a single-sided street park lane (sic).

It often experiences a high level of traffic, particularly as it serves both local and regional vehicles traveling between Memorial Drive and Mount Auburn Street, Mass Ave, especially at rush hour and when Memorial Drive is closed.

The stopping of service and drop-off vehicles serving residents and a significant higher proportion serving the petitioner creates backups, sidewalk parking, parking in the bike lane, jaywalking and a dangerous situation for pickup and for drop-off of day care children, as well as for pedestrians, motorists and bicyclists trying to navigate the resulting congestion.

I myself am a bicycle commuter, and I have firsthand encounter of this situation and I observed similar situations with numerous other bicyclists on numerous occasions. So given the petitioner's current design, pedestrian and cyclist safety will only decrease.

And then from a parking point of view, the petitioner claims that visitor and Staff are not in need of on site or off-site parking because they travel via public transportation or other no foot.

This is far from always the case, and the petitioner has offered no parking traffic flow study to prove otherwise. As proposed, the project will exacerbate current problems with parking and vehicle flow on Banks Street, due to:

Number one, planned elimination of six dedicated on-site parking spaces at $38-40$ and 48 Banks Street, which are currently filled beyond capacity during daytime hours by petitioner's staff, and second, planned increase of seating capacities for the new community gathering spaces.

And third, illegal parking by petitioner's patrons, staff and security. Parking involves the improper use of visitor parking permits, parking in residential
spaces by vehicles with no visitor or residential permits, and the parking of cars by the petitioner's patrons, staff, and security within non-Chabad residential driveways. All are already problems in the vicinity. These problems would be worsened by the proposed project.

While the petitioner offers to provide off-site parking --

JIM MONTEVERDE: Can you finish, please?
LILY SHEN: I'll just quickly summarize. We -- so we urge you to consider the detriment to the public good of the neighborhood and reject the variance.

Thank you.
JIM MONTEVERDE: Thank you.
OLIVIA RATAY: Adam Sherwin?

ADAM SHERWIN: Hello. Can you hear me?
JIM MONTEVERDE: Yes, we can. Go ahead.
ADAM SHERWIN: Great. good evening, members. My name is Attorney Adam Sherwin. I am here on behalf of the Kerry Corner Neighborhood Association. They asked me to briefly speak on a couple of points.

I myself am a member of the City of Malden Zoning Board of Appeal. So I understand the job you have. I

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appreciate the time that you're giving and your service and the difficult job that you have.

These are never easy decisions, but this is a case where this variance should be denied unequivocally because it doesn't meet the requirements, as has been stated before.

The hardship here is not related to the property itself. It's personal hardship. There is no claim that this property can't be reasonably used; the claim is that they've outgrown it, and they need more space.

What's the problem with that? The problem is that we all have personal hardship. All of us have are reason why we can't make use of our property and have some reason why we should be entitled to a larger home.

But if we allow that, and we allow it for one, it should -- has to be allowed for everyone, and sets a very bad precedent.

I wanted to secondly briefly talk about the Religious Land Use And Institutional Act. The petitioner, I believe, has made a misstatement. They're suggesting that this law gives you a little bit of leeway. You get to go in, and you get to look around the variance requirements because of this is a religious group.

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I don't read the law that way at all. What this law says is that if the claimant -- the petitioner wishes to go to court and wishes to challenge one of your ordinances by saying it does put a burden on a group like this, it has a right to do that.

You are not judges, just like $I$ am not a judge on my ZBA. You don't get to pick and choose which rules to follow. You don't get to incorporate certain things because of who the claimant is.

The claimant is entitled to be heard respectfully, and it's entitled to its [unclear] but it's say before this, but it's not entitled to additional protection.

And certainly, $I$ think it sets a very bad precedent if the ZBA starts becoming a court.

So I would urge the Board to listen very carefully to all of the members, especially the Kerry Corner Neighborhood Association and give careful thought to passing this variance.

Thank you so much for your time.
JIM MONTEVERDE: Thank you.
OLIVIA RATAY: Lauren Donovan?
LAUREN DONOVAN: Hello?

JIM MONTEVERDE: Hi. We can hear you. Go ahead.
LAUREN DONOVAN: Hi. I'm Lauren Donovan. I've been involved in this organization for about six years now and I work directly on Banks Street for the last year. I'm directly involved in organizing all the events in the programming.

There are two concerns from neighbors that I want to address just from hearing this meeting now; the first one being the volume of staff and people who attend our programming is not going to change.

The staff in our community currently shuffle in between four spaces: 38, which is the Chabad; the tent; the side yard in between the tent and 48; and 48. So you're having hundreds of people a week flowing in and out of these spaces.

But mostly we're outside. So having one building is going to minimize all the chaos. This is the logistical move for the neighborhood, as all of our programming will be contained under one roof.

The second thing is having an indoor space will reduce the noise. And we're really lucky to have a security guard on site so whenever events are taking place, if
there's ever a noise concern, our security guard will be able to address it immediately.

And I've also been a point of contact for the Kerry Corner Neighborhood Association for the last six months. And I've had zero people reach out to me directly with any concerns.

And I'm -- I also wanted to echo Sarah Wolfensohn saying the amount of noise coming out of the tent is far greater than what will be coming out of the rooftop for the handful of opportunities we'll be able to have to use it. And it's not even -- you know, designed for the amount of people who will be able to be inside of the building itself.

That's all I gotta say.
JIM MONTEVERDE: Thank you.
OLIVIA RATAY: Alex Sagan?
ALEX SAGAN: Hi, can you hear me?
JIM MONTEVERDE: Yes, we can. go ahead.
ALEX SAGAN: Thank you. I'm Alec, and I'm a 40year Cambridge resident, a Harvard employee and a 20-year member of the Chabad community.

First of all, thank you to the members of the Board for the public service that you do. We really
appreciate it. I hope you will look favorably on the petitioner's request.

I can say as a person who has someone with a disability mobility issue in the family, using a house of worship which doesn't have proper facilities for someone with a physical handicap is an issue. It's difficult the way the building doesn't really meet the needs of the community now.

And I think it's for a house of worship a reasonable petition, and $I$ hope that you'll approve it.

Thank you for your time.
JIM MONTEVERDE: Thank you. Deborah Hartman?
DEBORAH HARTMAN: Yes. Can you hear me?
JIM MONTEVERDE: Yes, we can. Go ahead.
DEBORAH HARTMAN: You can hear me. Hi. My name is Deborah Hartman. I live at 25 Banks Street, and I'm a member of the Kerry Corner Association.

I'm -- I'd like to talk to you about the topic of a service and loading dock.

We understand that the petitioner has corrected its square footage calculations to demonstrate a way to avoid the 10,000 gross square-foot trigger that would
require a -- providing an onsite loading dock.
However, the petitioner's proposal for an onstreet loading dock concerns us greatly, speaking on behalf of the Kerry Corner Neighborhood Association.

Currently, the petitioner's community and service vehicles double park, park in the bike lane, or within residents' driveways, as shown in the material that we submitted to the BCA (sic) file.

The petitioner claims that they do this no more than residents who are receiving standard package deliveries. But the amount of deliveries required by the petitioner's current uses are just far greater than residential levels.

And with the increase in the petitioner's dining room seating and addition of sanctuary space, larger and more frequent deliveries of food, equipment and supplies will occur with cars and trucks both large and small. This will further exacerbate the current situation in the absence of an off-street loading dock.

In summary, the petitioner's proposal to seek a dedicated on-street loading dock as an alternative represents a substantial detriment to the public good or

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nullifying in itself as for one, it is not assured to be granted by Traffic and Parking; for two, it requires further loss of on-street parking in the neighborhood; and for three, it would result in dangerous truck maneuvering and offloading in the public way and proximate to young children in a day care setting.

We hope that this further demonstrates to the BZA that the loading configuration creates substantial detriment to the public good and should not be approved as currently proposed by the petitioner.

Thank you.
JIM MONTEVERDE: Thank you.
OLIVIA RATAY: Doris Jurisson?
JIM MONTEVERDE: Are they all calling in?
DORIS JURISSON: Hello, there.
JIM MONTEVERDE: Everybody out of that list?
OLIVIA RATAY: No.
JIM MONTEVERDE: Oh.
DORIS JURISSON: Hi there. My name is Doris
Jurisson, and I live at 22 Banks Street, with my husband, Reed Alexander. We have lived at a 22 Banks Street for 23 years and are members of the Kerry Corner Neighborhood

Association.
I wanted to briefly follow up about the topic of trash as it relates to the proposal in the context of substantial detriment to public good.

As stated, the current dining activities at Chabad generate significant volumes of trash, incomparable to the adjoining residential community and unfortunately, the type of trash that also attracts a significant rat population.

Most residents put out one trash bin and one recycling bin, as they are pretty good-sized bins. Chabad puts out dozen -- a dozen bins and -- of recycling and trash, and then stacks plastic bags on top and boxes that can also block the sidewalk, challenging pedestrians and especially wheelchairs and strollers.

The side -- the dining capacity in the proposal will only generate an even greater volume of trash and create a greater disturbance to the public sidewalk in which it is serviced.

The petitioner's plans are inadequate in addressing these concerns, because they show: one, an area for trash even smaller than is currently used; two, an openair trash area which does not isolate the garbage from the

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rats; and three, the lack of a clear path from the storage around the tandem parking to an inadequate sized area for trash to be placed for pickup.

So this is just one further example of the detrimental impact of an even well-meaning institution that is placed in the residential neighborhood.

And I do have one follow-up question to be answered, and $I$ know we talked about the capacity of 180 in the -- in the sanctuary part, but the capacity of the dining hall, I don't think that was -- I was curious for that exact number.

Thank you.
OLIVIA RATAY: Berl Hartman?
BERL HARTMAN: Hi. My name is Berl Hartman. And I've lived at 28 Banks Street two days -- two doors away from Chabad House for the past 25 years.

Let me begin by saying that I am Jewish, and I am happy to have Chabad House in the neighborhood. I certainly agree that they should be allowed to build a structure so that their members can be comfortably inside a building, rather than siting outdoors in a tent.

However, I strongly object to the scale of the

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proposal, which goes well beyond what would be required just to meet the needs of their current members and programs, and will have a detrimental effect on the neighborhood.

In particular, I'm here tonight to discuss two problems that the expansion will exacerbate: light and noise. Let's start with light. Artificial light brings countless benefits to society, but like many inventions, it can also cause problems and discomfort if used excessively or at the wrong time and place, or in the wrong way.

We recognize that Chabad House has unique security problems to contend with, and that lighting is an important part of the solution. However, even now before the expansion, poorly placed and maintained security lighting spills offsite and into neighborhoods -- neighbors' bedroom windows. This will only become more challenging with the new design.

Even more concerning are the architectural
lighting and glazing that are part of the new design. There are expansive areas of glazing facing residential units across the street and rear abutters, which allow interior lighting at all hours of the night to shine into these homes.

If built as proposed, this excess lighting will seriously impact livability for neighbors and adjoining [unclear].

Let's talk about noise. The project includes a roof deck for social and ceremonial purposes, its location surrounded on all sides by abutting residents, and don't forget it's up three stories.

That noise is going on to carry a lot more than where the noise is now in the tent, because it's way up -it's up on the third floor. And it's going to go into everybody's bedroom and it's going to be taking place at night.

Despite the plantings and adjoining mechanical enclosures, those will be insufficient to maintain sound levels at or below those allowed by the City.

Also at the street level, it's common for students, after leaving activities from the petitioner, to linger on the sidewalks and socialize. Nobody is against that, but just not so big; not such huge -- will be huge crowds. That's basically what I wanted to get across; is that building is good; size not so good. Too big.

Thank you.

JIM MONTEVERDE: Thank you for calling in.
OLIVIA RATAY: Albert Lamb?
[Pause]
JIM MONTEVERDE: Mr. Lamb, it looks like you're muted. Can you unmute yourself so you can join us?

ALBERT LAMB: Can you hear me now?
JIM MONTEVERDE: There we go.
CAROL AGATE: Yes.
JIM MONTEVERDE: Yep. Yep.
ALBERT LAMB: Can you hear me?
JIM MONTEVERDE: Yes.
ALBERT LAMB: Rick Lamb at 21 Graham Street, Kerry Corner residents for 49 years. Addressing a neighborhood disturbance to the loss of trees and greenscape; green space.

The petitioner has exhibited a history of tree, tree shrub and ground cover removal in order to achieve greater areas of congregation and parking. The excessive proposed institutional building size would dramatically limit the future opportunities for the petitioner to reverse this trend.

Cambridge has encouraged residences to embrace
both public and private planting benefitting the whole community. Recent redevelopment of parking lots for residential units by Harvard University in the Kerry Corner Neighborhood have stewarded their new landscapes. Many residents in the neighborhood nurture gardens and tree canopies for mutual benefit of all.

The City of Cambridge is actively adding trees within the neighborhood and conspicuously, the petitioner has not participated, nor shows in their presentation. The proposed green roof or new planting to be seen and benefitted only by the petitioner is -- will do little to abate the noise from rooftop activities.

The excessive size of the project eliminating the opportunity for beneficial landscape areas would be an unfortunate anomaly within the Kerry Corner residential community.

Thank you.
JIM MONTEVERDE: Thank you for calling in. OLIVIA RATAY: Joan Wing?

JOAN WING: Hello. Can you hear me?
JIM MONTEVERDE: Yes.
JOAN WING: Hi. My name is Joan Weinfeld Wing.

I'm at 701-703 Green Street. and I'm one of several Jewish members of the Kerry Corner Neighborhood Association. My husband and I just built a home on the lot directly behind the Chabad property, and our entire property line runs along the rear of the Chabad property.

My -- and my children and grandchildren have lived on Banks Street for the past eight years. And I've spent a lot of time on Banks Street as well.

My bedroom windows look directly down on this roof deck, which I am afraid will in effect by like a party deck. Even though I know it's a different purpose, it will essentially be the same noise and disruption to our bedrooms.

I'm also very worried and concerned about the proposed oversized Chabad building, and how it will negatively my home and the greater Kerry Corner neighborhood. The proposed structure will worsen the already existing problems with pedestrian safety, parking, traffic, trash, noise, light, and crowds.

Also, I want to particularly mention the new shade studies that were just submitted by Chabad, which also show a very significant impact on our new home.

Not only the height, but the massive bulk of the proposed structure will cause a great loss of sunlight for us much of the year, greatly impacting our quality-of-life and the enjoyment of our new home.

In addition, the proposed massive institutional rear façade will be unsightly, and the numerous trash cans lined up right near my property pose a health concern.

At the recent Historical Commission hearings, one of the Historical Commission members commented that Green Street residents should be very concerned about the impact the rear of the proposed building would have on Green Street. And I indeed am concerned.

And I'll also mention that at that meeting, Elkie assured all of us residents 1000 percent that all our concerns will be met, and they have not been met, unfortunately.

The Kerry Corner Neighborhood is already saturated, barely able to accommodate the existing institutional activities. The historically residential character of our small neighborhood and the quality-of-life for residents has already been negatively impacted by existing activity.

We ask that the Board not grant variances that will forever bring further increased density to our neighborhood, further ending the residential character and the quality of life for the residents of Kerry Corner.

Thank you.
JIM MONTEVERDE: Thank you.
OLIVIA RATAY: Michael Wiggins?
MICHAEL WIGGINS: Good evening. Mr. Chairman, can
you hear me all right?
JIM MONTEVERDE: I can.

MICHAEL WIGGINS: I'm here tonight on behalf of Pam and John Toulopoulos, who are the Trustees of the Toulopoulos Realty Trust. They own one of the abutting properties on Green Street Extension, 794, 798, 702.

And also, you just heard from Ms. Wing and her husband; they are the owners of Columbia Collaborative LLC, and that's at 701-703.

So I'm here to just speak about the special permit aspect. And for a couple reasons we oppose. One is that there is no legal access on Green Street Extension.

We're kind of astonished to hear it said tonight that Green Street is a public -- Extension is a public way.

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The counsel petitioner did find an old engineering plan from 1906, and it was "Green Street for accepting," that's what the plan says. It was never accepted.

And if you -- I don't know if you could bring it up on the screen easily, but it was a proposal possibly for a throughput actually to link up Green Street at some point with Banks Street. But that never happened. And in fact, it is a private way.

And my clients are quite astonished to hear it represented that it's not. If you walk down Putnam Avenue, you'll see, "Private Way" right on the sign for Green Street Extension. My clients maintain that road themselves. When there's snow, most of the time they have to dig it out themselves. When there are potholes, they dig out. The Toulopouloses completely redid the sidewalk. So there's no question that it is a private ways.

And private ways don't get to be used by properties that are beyond the terminus of the private way.

Many years ago -- this is back in 1884 and we've done -- I'm not going to walk you through every deed and every plan -- but we found that there was a huge lot where it fronted on Putnam Avenue and Banks Street, as one
developer had it all.
And then he parceled without different pieces, one of which was a large piece from which the Toulopoulos lot was carved out later on. And at some point, he did put an extension in the middle of this property.

The 54 Banks Street property had no connection to that. The part that my clients derived their property from blocked 54 Banks completely. It had its own frontage on Banks Street, as did 48 and as did 38-40. They all had frontage.

You don't get --
JIM MONTEVERDE: Mr. Wiggins, can I ask you to come to a conclusion, please?

MICHAEL WIGGINS: Sure. You know, so very briefly, they don't have any rights there, and $I$ would urge you that you can't grant a special permit for an aspiration to have access to a way that they don't have.

But just turning briefly in the remote event --
JIM MONTEVERDE: Thank you. Mr. Wiggins, sorry, we're way beyond the three-minute mark. I'm going to have to ask you to stop there.

MICHAEL WIGGINS: Okay, well, I just --

JIM MONTEVERDE: Thank you.
OLIVIA RATAY: Avishay Ben Sasson?
AVISHAY BEN SASSON: Hi, everyone. I am neighbor in the neighborhood. I've been living here in Cambridge for the past eight years and in the neighborhood for the past three. I live across the street.

And I am a resident in the neighborhood. I teach at Harvard. My kids go to school at Baldwin, and at the Chabad day school across the street. so we're part of the community here in a variety of ways.

And I'd like to speak to what it means for us, a family with three between the ages of 1.5 and 9 years old to live in a -- to live in a residential neighborhood. Part of what it means is actually to have more uses than simply neighbors.

So one of the things we value all of the about living in this neighborhood is that there's a small store on the corner -- the Surrey Market, where my kids can just go. I can sit across the street and make sure that they cross safely and get to it.

Another thing I value living in a neighbor like this is having a variety of parks.

But one more important thing that's important to us to live in a neighborhood like this is the possibility of having communal life.

And communal life is also -- is a place where my children can go to learn about their culture and religion and hang out with the people who share other parts of their life and tradition than those that they get exposed to at school, and they get a lot of that through Chabad today.

And these days they get it on the property, and they get it in a tent. And in the winter, they get it in one of the classrooms around the street. These uses are already there. The tent across the street is already being used.

The community is there all the time, and it spills into the street. If anybody, like, the time -- I have to watch out that my kids don't run into the street when we go there, because we're forced to have some of these things happening in an area that's not entirely made to contain a variety of uses and services.

And one of the things that $I$ think about when $I$ think about building up a residential neighborhood; it's about the sort of life that we can live as a community that
isn't just about going to sleep in our houses.
And as such, I urge you to think about the current uses of Chabad that this building is being built to serve, that are already being serviced in the space in the way that it's there, spilling out not in the way that either us or the people would like to have, but that are we're forced to have out of the conditions in which are being caused right now.

So when we're thinking about building this, it's not really building for the future, it's building for the communal uses of today and making the community living in the area able to sustain a variety of uses.

Thank you.
JIM MONTEVERDE: Thank you.
OLIVIA RATAY: David Mansell?
DAVID MANSELL: Hi, can you hear me?
JIM MONTEVERDE: Yes, we can. Go ahead.
DAVID MANSELL: Hi. Thank you. I'm a former resident of Cambridge, and my son is a current resident of Cambridge. And I've been involved with Chabad -- proudly involved with them since they arrived in 1999.

I really would like to emphasize to the community

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that -- to the Committee it's hard to understate the incredibly important role that Chabad plays serving the entire Jewish community of Cambridge and Jews at Jews at Harvard.

I can speak to this since when $I$ was living in Cambridge prior to their arrival, it was really hard to find places where $I$ could go for Shabbat dinners or services, for learning, et cetera. And they really are -- they really provide a service that is just not provided elsewhere in Cambridge, in contrast to the dozens and dozens of churches and other houses of worship that serve other communities.

I have heard some neighbors talk about noise and garbage, et cetera, and I do hear and acknowledge those comments. But $I$ really think it's important to state that those people are coming today. That noise is there today. That garbage is there today.

What this building will allow to happen is for Chabad's activities to be operated in a much more professional, dedicated space, bringing the people inside, and allowing the building to be professionally serviced, and I really think will improve the quality-of-life for the neighborhood -- neighbors that are in the area.

Also want to reemphasize a point many people have made, which is the vast, vast majority of people walk to Chabad.

Firstly, most students don't have cars; secondly anybody that is Sabbath observant walks, and there's just no -- there's nowhere to park. So it's not -- you know, there's no parking issue here.

I really would encourage the Committee to approve this zoning, and I can't understate -- I can't overstate how important Chabad is in servicing all of Cambridge. It's a phenomenal institution. The role that Hirschy and Elkie play in serving students and the community members is extraordinary.

And I really -- I understand the comments of some of the neighbors, tut this building is not going to attract more people. It's just going to allow them to be accommodated properly.

JIM MONTEVERDE: Thank you.
DAVID MANSELL: Thank you.
OLIVIA RATAY: Molly Rothenberg?
JIM MONTEVERDE: Molly, I'm going to ask you to confine yourself to two minutes, please. We are running way
over time.

QUINN RICHARDSON: Yeah, that's fine. This is actually Molly's husband, Quinn Richardson. I'm no her account. So quickly, like, I've lived on Green Street for 12 years now. I have young kids. I have a kid who's a kindergartener in public school in Cambridge.

And I just kind of want to talk to a lot of the dynamics that I've heard that have been people prioritizing their sort of individual rights as property owners over communal rights.

And, like, honestly, I'm disappointed. Like, my kindergartener, they start the lesson with the year saying, like, "We see that we are in a community, and, like, who do we want to be, like, as a community? Do we want to prioritize, you know, our individual rights of, like, having, like, your land exactly how you want it to be?
"Or do we want to just say, like, 'Yes, like, let's enable more community in our neighborhood?'"

And, like, having lived here for 12 years, I can tell you that one of the things that is missing is, like, more community in the neighborhood. So I, like, that's why I hope the Committee goes forward with this petition, and
yeah. So thank you for listening.
JIM MONTEVERDE: Thank you.
OLIVIA RATAY: Pam?
[Pause]
PAM TOULOPOULOS: Hi, can you hear me?
JIM MONTEVERDE: Yep. ma'am, I'm going to ask you to keep your comments to two minutes in length, please.

PAM TOULOPOULOS: Yes, of course. My name is Pam Toulopoulos. Our family has owned 694-698, 702 Green Street since 1963. So 60 years plus. I just want to make three points.

One is: Green Street has always been and continues to be a private way. We have removed snow; we have done things to manage the property. Our tenants are able to park in front of the building because we own half of the street.

And there was a fence at the bottom of the street the entire time since our parents purchased the property in 1963, and agreed with Rabbi when he reached out to my brother to allow him to put up a fence at his own expense.

The existing fence which crossed the street was old. It was wire. It was a chain-link type fence. It was

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rusted, and it was unsightly, and he offered when he rehabbed -- he offered to, to, to put up his own fence at his own cost. And we agreed to that as good neighbors.

But there was a fence in existence before that crossing the entire end of the dead-end section of the private way of Green Street.

Thank you.
JIM MONTEVERDE: Thank you.

OLIVIA RATAY: Shlomo Fellig?
SHLOMO FELLIG: Hey, everyone. I'll be brief. I am a member of the Harvard community and a former Harvard Law School alumni. When $I$ was in Cambridge for a number of years, Chabad was always my home away from home. And when things were very challenging, that's where $I$ went.

And I'm still a member of the community and in touch with a lot of Harvard community members and other folks in Cambridge.

And in these trying times, which have been commented on a number of times today, Chabad remains the home away from home. It remains the refuge for many of us who need a safe space; a place to rejuvenate, a place to collect ourselves, a place to be inspired.

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And having that place, having that home within minutes of the Harvard campus and in a central place where the Chabad currently is located and where all the programs emanate is so incredibly important for the spirit, for the mental health, for the safety of everyone in Cambridge and the Jewish community in particular.

So I would urge the Board to approve the project. Thank you.

JIM MONTEVERDE: Thank you.
OLIVIA RATAY: Gittel Hilibrand?
GITTL HILIRBRAND: Hi. Thank you so much. I am former member of the Harvard community. I graduated from Harvard Law School. My son is a current student. And I want to talk -- several of the residents have talked about potential problems.

I want to talk about the benefits that Chabad has brought to the community. You know, for my son, who is now going to go to medical school, of significance -- again -was the fact that there is a Chabad. And he will -- it is my hope -- rent and be in a location nearby.

And you've heard from many others who continue to stay, and Chabad has been critical to that, which will help
the both taxes and the prices in the neighborhood. And these are students who are very respectful. I've been there multiple times.

Some of the descriptions here were very upsetting because they make it sound like a frat party. It is definitely not that.

It is the place of dignity where people come and worship, and has brought much benefit to the neighborhood as well. And that really has not been brought up here, including financial benefit.

Thank you very much.
JIM MONTEVERDE: Thank you. I'm going to close public testimony. That is the longest public testimony we ever had, with participating.

All right. Now it's time for a discussion among the Board members. I'll start.

JIM MONTEVERDE: Okay. Perplexed. Focusing on one particular issue, and that's the request for the additional GFA that just about doubles to what the Ordinance requirement is.

And at the moment, I'm not favoring -- there are some other secondary issues, but that's really the primary.

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And for that reason alone, I'm leaning to not supporting the request.

Anybody else?
CAROL AGATE: I'd like to let the neighbors know there's no question about -- not the neighbors, but the people who spoke on behalf -- that Chabad is a wonderful organization. I know people who have traveled all over the world, and they always count on staying at the Chabad, being fed there. There's just -- their children go to college and they're happy the Chabad is around, and all of that is totally irrelevant to what our responsibility is.

And the neighbors have made it very clear what all the problems are, and certainly the FAR alone is just staggering, the difference.

And, you know, there are -- somebody pointed out there are other buildings in the neighborhood -- large buildings, and certainly Chabad could remain in the neighborhood and move to a place where they would not be disturbing an entire neighborhood.

So I think our responsibility is to follow the law.

JIM MONTEVERDE: Thank you.

VIRGINIA KEESLER: I do think that there is a variance case to be made around accessibility and safety issues created by the current state and capacity constraints of the existing structures.

And I did think that the GFA and the 1.42 FAR within the context of the neighborhood density site plan that was included in the materials to me was not particularly alarming.

It does seem like there's been a lot of effort to address the concerns of the neighbors around trash, around issues with light -- you know, the discussion around the way that the deck was designed and the sort of buffer around the deck. So to me, all of that was compeling.

I guess if there isn't accessibility through Green Street, I guess it raises questions of whether there's any, like, redesign that is needed related to that, like, such as where the, you know, trash would be stored.

But to me, I did find there to be a compelling case here.

JIM MONTEVERDE: Okay. Thank you, Virginia.
DANIEL HIDALGO: I mean it sounds like a wonderful institution and, you know, I'm in the community. And I
personally don't have -- I think the building seems, you know, thoughtfully designed.

I guess I'm -- the part I'm struggling with really
is the rationale for the variance, and that -- this idea that you have separate -- you know, the idea that it was separate properties and then when you bring them together that creates the kind of -- the unique condition.

And I just struggle a little bit with what kind of precedent will that set. Does that mean that, you know, in other cases if someone's bought several properties and gave it to each -- to one another, then they could come before this Board and say if -- cite this precedent and say that they could request the -- a variance to build a larger structure than what the law allows.

So that's the part I'm really struggling with. So I'm leaning against.

JIM MONTEVERDE: Sorry?
DANIEL HIDALGO: I'm leaning towards no.
STEVEN NG: I would wholeheartedly support this application. When we go through and talk about variance criteria and how -- you know, people have to prove hardship, I just kind of take a couple of steps back and learn about
what this group and this Rabbi does for the community, and how he's been able to do it.

Talk about hardship: He's taking care of this community with tents as far back -- if you Google satellite images, you know, go back in time, you'll see that every so often they catch that.

And he's been able to serve a group of people -students, people in the neighborhood, without -- you know, making it happen.

And so, finally, I think they're able to develop a very well designed structure. Jason, I am very impressed by Bruner/Cott's design here.

And I think they did a great job. And, you know, I think that's what they need. They're not expanding, they're not showing up to a new location and imposing, you know, something on a new neighborhood. This has been ongoing for years and years.

So they're just creating a real space so people won't have to sit there in winter coats. And I don't see, you know, how we could -- how can we not support an application like this where you're doing something -- you know, everyone's always citing public good and -- I mean,

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they're -- it's all good to me. I just see them serving all these people, the appreciation of it.

And I think that's where, you know, at times serving, like, you know religious worship, I mean it's something we should be supporting. And I'm not afraid to not -- to support that, take that view.

JIM MONTEVERDE: Thank you. Anybody else? I'm trying to get an informal count, if we -- how many formative we have and how many negative. I think I'm still opposed. Yes, I understand the institution and the need for it.
I'm just -- I think for that -- I'm trying to look
at it in that particular neighborhood with the -- and I think that's why the FAR is what it's listed to be.

I think the discussion about it's because it's a combined lot and not separate lots; we can only deal with what's in front of us, and that's the combined lot that we have and the FAR request being well over the ordinance requirement.

I think that is -- personal I feel that is a detriment to the neighborhood. And I think some of the neighbors have talk about that in terms of scale and compatibility with the other size of structures within the
neighborhood. So I'm still against for that reason.

Is there anyone else who's leaning toward negative?

DANIEL HIDALGO: I'm the -- go ahead.
CAROL AGATE: Well, I do want to --
[Simultaneous speech]

CAROL AGATE: -- Mr. -- oh.

JIM MONTEVERDE: Hold on.

VIRGINIA KEESLER: I apologize.
JIM MONTEVERDE: Okay. Go ahead, Carol. Carol, do you have -- do you want to speak?

CAROL AGATE: Well, I'm not clear on you were asking if anyone else on the Board is tending toward the negative? I --

JIM MONTEVERDE: Yes, correct.
CAROL AGATE: -- yes. I definitely am --
JIM MONTEVERDE: Okay.

CAROL AGATE: -- negative on it.
JIM MONTEVERDE: And that's for the -- and I'm really speaking about the Variance Request, the GFA. Special permit is a whole different ball of wax.

So at this juncture, Ms. Rhatigan, this is where
we usually turn to the proponent and say, if you'd like us to go forward with a vote, you can read the tea leaves.

And if it's a -- if we don't get four out of the five of us affirmative, you can't come back for two years, I believe it is, without a substantially modified scheme.

The choice is to continue again, or is there another option, withdraw without prejudice? I don't know what that gives you.

SARAH RHATIGAN: Well, could I -- I'm hoping to elicit maybe a little more information from --

JIM MONTEVERDE: Go ahead.
SARAH RHATIGAN: -- members who are negatively
inclined. So --
JIM MONTEVERDE: Ms. Rhatigan, I'm --
SARAH RHATIGAN: Mr. Chairman and Mr. --
JIM MONTEVERDE: -- convince us, I'm just saying those are the three choices I think we have right now at this juncture: We go ahead with the vote -- I suspect you don't get enough affirmative to carry it -- you know that you're voted down, you can't come back for two years without a significantly different proposal.

Or option two: we could vote to continue, and you
can meet with the neighbors, and you can take any of our comments into consideration and come back.

Or I don't really -- what's the option to withdraw without prejudice, where does that lead?

OLIVIA RATAY: They can come back in two years.
JIM MONTEVERDE: Withdraw without prejudice, you can come back within two years. Those are the three. I'm asking you what do you and your client want of --

SARAH RHATIGAN: Sure.
JIM MONTEVERDE: -- those three?

SARAH RHATIGAN: In -- in order to -- in order to be able to advise the client, I was hoping to get a better understanding of whether -- of the source of your concern.

And I heard Ms. Agate's concern that she's concerned about the neighbors' objections. And I'm hearing from you I think and Mr. Hidalgo that you're concerned about kind of the technical nature of the variance, legal considerations.

If that's true, there's no project that we can bring to you. So it would be hard to come up with a reason for suggesting a continuance if you're saying there's no set of facts that would result in you agreeing that we have a

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hardship.
I think our hardship argument's clear. And I also
think that you should take into account Massachusetts courts agree that security concerns are a basis for a variance.

And we've described how a unified building is necessary for safety.

SARAH RHATIGAN: So I think that --
JIM MONTEVERDE: I do not think --
SARAH RHATIGAN: -- legally you have coverage. I know you don't want me to try to persuade you of this, I'm trying to understand is it any variance that you won't grant, or am I misinterpreting your concern?

JIM MONTEVERDE: Me personally?
SARAH RHATIGAN: Yeah.
JIM MONTEVERDE: It's the --
SARAH RHATIGAN: Yes.
JIM MONTEVERDE: -- increased -- request for the increased GFA, and that it's significantly beyond. I think it's an impact to the neighborhood. So some other scheme that's less --

CAROL AGATE: And I'm very influenced by neighbors. And this is almost a unanimous neighborhood.

They're -- they all feel that it would be a tremendous hardship.

And I don't know when I've ever seen so many neighbors who have accepted what you've been doing so far and feel that this goes so far beyond that it would really change the entire nature of the neighborhood.

RABBI HIRSCHY ZARCHI: I think -- I think this is a moment maybe where I should chime in and --

JIM MONTEVERDE: Sorry. No, hold on one second. I'm really not asking for a discussion outside of the members of the Board.

I hope I didn't make a mistake, Sarah, in offering you the opportunity to read the tea leaves of where this was all going.

If -- there is no more discussion this evening. We really need to decide how we proceed and if you'd like us to continue with a vote. And if it is, or if you have no opinion, we'll continue with a vote and see what happens.

Let's take it from there.
DANIEL HIDALGO: Jim, can $I$ just clarify my opinion?

JIM MONTEVERDE: Go ahead.

DANIEL HIDALGO: I just want to clarify I don't have a problem really in terms of the detriment of the neighborhood. I -- if you -- I think I'm close to being convinced on the issue of the three properties.

I just wanted to hear a little bit more about the security -- if you were to come back, hear more about the security issue, just because this is a novel issue for me. So that's where I am.

So I'm a little different from some of my colleagues here.

JIM MONTEVERDE: Again, it's a discussion among the members of the Board. So how can we help?

DANIEL HIDALGO: No, just -- you know, I --
SARAH RHATIGAN: And just a point of clarification: Mr. Miller is not sitting on this case. Is that correct?

CAROL AGATE: That is correct.
SARAH RHATIGAN: I'm just trying to understand who is voting. Thank you.

CAROL AGATE: I am filling in for him. There was some reason he could not appear on it this time.

JIM MONTEVERDE: It's Carol, Virginia, Daniel, and
myself.
VIRGINIA KEESLER: Carol, I guess I'm just curious, it seems like perhaps there was some misinformation with some of the neighbors, or people thought the capacity was going to be, like over 800 people but it's actually much less than that.

I guess I wonder -- I don't know, if there's anything else about neighbor opinion or just that would get you comfortable. I guess I'm just wondering how members of the Board are sort of interpreting some of the confusion that they were -- that seemed like it might be coming up in some of the comments?

JIM MONTEVERDE: I don't -- when I reread the transcript from the original presentation of what was sulmitted --

VIRGINIA KEESLER: Yeah.
JIM MONTEVERDE: -- they didn't get to present it, but I reread the commentary that came in from the neighborhood group. And the commentary this time it's really the -- very much the same issues, meaning there really wasn't much movement to address or satisfy the neighbors' concerns.

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I don't think there was confusion. I think that, you know, confusion in terms of -- or this disparity in terms of numbers what's your total occupancy number? VIRGINIA KEESLER: Mm-hm.

JIM MONTEVERDE: You know, the point still was that, you know, their concern was still valid. It was there initially, it's there in their current correspondence that we have in the file.

And again, $I$ don't think those have been
addressed. Some of them I don't know if you could address, in terms of satisfying.

So yeah. There were a lot of commentary from the neighbors. More so than we've seen before.

Vote? It's time to move on.
RABBI HIRSCHY ZARCHI: And is there an opportunity
for us to respond to some of the -- the questions --
JIM MONTEVERDE: No.
RABBI HIRSCHY ZARCHI: -- that were raised?
JIM MONTEVERDE: We're past all of that. this is just discussion among members of the Board. and then time for a vote. That's what our protocol is, our process.

RABBI HIRSCHY ZARCHI: So before your vote there's
nothing for us to be able to -- like I didn't -JIM MONTEVERDE: No.

RABBI HIRSCHY ZARCHI: -- I didn't have a chance

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JIM MONTEVERDE: There isn't.
RABBI HIRSCHY ZARCHI: -- with the petitioner.
JIM MONTEVERDE: No. Thank you. I'm sorry. No.
time for comment was previously.

RABBI HIRSCHY ZARCHI: So -- but we waited for
comments. You shut down public comments, but that's why we didn't raise our hand. I'm always -- we were always told -CAROL AGATE: No.

RABBI HIRSCHY ZARCHI: -- that anyone --
CAROL AGATE: Virginia, is there anything further that I could explain as far as my feeling so strongly about this? Then --

VIRGINIA KEESLER: No, I was just -- I think I was just raising for the Board the question around, like, different things [unclear] --

CAROL AGATE: Yes.
VIRGINIA KEESLER: -- with capacity.
CAROL AGATE: It's like they have outgrown their

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location. It's almost like that building that we were discussing -- I don't know who was on that case. But they were building a huge, a mansion in an area that it just didn't belong.

And here they did a wonderful thing for the neighborhood, but it's a small Chabad house, or a typicalsize Chabad house. And now they've grown, because of the population of Harvard or whatever.

But instead of other Chabad houses and other places or finding a larger location in a more businessoriented place or just there are some buildings around the corner that are larger.

And finding a location where they're going to fit, rather than changing an entire neighborhood. And the neighbors have pointed out any number of inconveniences that the enlargement will be.

And some people have said it won't be any larger, it'll just give them room for what they're servicing now. But when there is more space, there are going to be more people. And more people is going to change the nature of the neighborhood.

JIM MONTEVERDE: Okay.

SARAH RHATIGAN: Mr. Chairman --

CAROL AGATE: So I --
SARAH RHATIGAN: -- I know you don't want any more public comment, but $I$ feel culpable for telling my client that he would have a chance to respond later. I would just ask that he be given two minutes.

JIM MONTEVERDE: Go ahead.
SARAH RHATIGAN: Before we ask you to take a vote.
JIM MONTEVERDE: Go ahead, please. Keep it to two minutes if you can.

Rabbi?
RABBI HIRSCHY ZARCHI: I'll try within two
minutes. But, you know, you gave some options for going further and $I$ could not address that. You said something about going back to the neighbors.

If the neighbors are playing a role in any way, shape, or form in this, I mean, you're putting me in a difficult position to have to address head on what may be an uncomfortable topic.

But $I$ have to begin by saying that we told many in our community by communication today this shouldn't take up more of the time of your public service. The points that we
made were clear enough. But who's going to say that there are thousands who are watching the outcome of today?

The issue with the neighbors you heard some extreme examples of harassment. Many of them introduced themselves as being Jewish. Clearly, either they have no involvement with the Jewish community, because when they say we're going to have 800 people, that speaks to zero familiarity with how a Jewish institution functions.

Never will there be 800 people in a synagogue, in the dining hall and the sanctuary, and in the offices. When services are held, the offices are shut on Sabbath and holidays. When the service is held, there's no Shabbat dinner.

There's a sequence to this. This whole idea of 7800 people and - it's just nonsense. Hopefully you see through that.

But you all, if you don't know, you should know: the initial application from the neighbors were that we don't belong here. Our very presence today was challenged.

The legal basis of it, the moral basis, we were challenged - they wanted to uproot us from here. They were advised by lawyers and by consultants to change the

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narrative to they want to size us to a place where we can't stay here.

This was never about the size, because the size exists in the hundreds today. This would simply bring it indoors. They don't want us here. They asked the City to remove us from here. If you don't know let's state it for the public record. We have the written documents for it. They challenged our basis here.

My final point to you -- and there's much more to say, but we have limits here: there are hundreds of houses of worship in the city of Cambridge. There's close to zero -- close to zero -- space for the Jewish community to convene. There are two Hillels that are built on university property, owned by the university; almost nothing to speak of that belongs to the Jewish community. This is our only space.

We're here now in this time of danger. We're outdoors exposed to the elements. It's dangerous, it's undignified, it's unacceptable.

And this opposition -- this opposition from people who told us -- they told me a month ago "When you had two kids, you were fine. Then you had three, then you had four.

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Then you had five." Yes, our garbage is 10 times more than our neighbors. You know why? Thank God we're blessed with six children. Most of them don't have any children. That's choices they made, or their children moved on.

So it's insulting. You have to -- you have a responsibility here. People are watching. The Jews are producing 10 times more garbage? I have six children. I'm blessed with six children, my wife and I. Two of them are married, so it's eight children. I have a grandchild. We have 10 times the number, so we have 10 times more garbage. Nothing to be embarrassed about. If there's a problem, we'll address it.

This is a public prosecution of a family and of the Jewish community here. I'll leave it to legal Counsel about how to dismiss [unclear], but you should also be aware -- you and more appropriately the neighbors that are -- I think not being honest what the true agenda here is: There are over a dozen Chabad centers in the United States that I'm personally aware of that were funded by taxpayer dollars. Why? Because neighbors tried to fight it against the federal civil right.
I'm -- we're not looking for the city of Cambridge
taxpayers to fund this building. But Weil Gotshal's standing by because, you know, we're citizens, we have rights. I mean, [unclear]'s a serious -JIM MONTEVERDE: Rabbi?

RABBI HIRSCHY ZARCHI: -- issue. It's a very
serious issue, particularly if it's being used to deny us based on very inappropriate -- you heard about the harassment. You heard about the cameras that take pictures of us and our family and our people every day.

This is not about a wrong size, or about an FAR question. We are not wanted here.

JIM MONTEVERDE: I'm sorry, the issue -- okay. thank you. Thank you for your comments.

Now, we're back where we were.
Sarah, customarily --
SARAH RHATIGAN: Yes.
JIM MONTEVERDE: -- I'll offer Counsel the
opportunity on how we move forward: a vote, where we may not pass; withdraw -- I'm sorry, continue, come back at another time with some variation on the scheme you're proposing with commentary that we can show responds to the Historic Commission' s comments and the neighbors' comments;
or withdraw without prejudice, I guess. And then you can come back within two years.

Do you have a preference, or --
SARAH RHATIGAN: Apologies. Without us being in the same room, I'm communicating by text with my client. I need to --

JIM MONTEVERDE: Go ahead.
SARAH RHATIGAN: I can't make that decision without --

JIM MONTEVERDE: Okay.
SARAH RHATIGAN: If you could give us a moment?
JIM MONTEVERDE: Yep.
SARAH RHATIGAN: Excuse me one moment, I'm just going to -- did you -- maybe just one minute, I'll be back online.

JIM MONTEVERDE: Go right ahead.
[Pause]
SARAH RHATIGAN: Thank you, Mr. Chairman. Thank you for your giving us a moment. We'd like to ask for a continuance for --

JIM MONTEVERDE: If you can give us a moment. Sorry. We lost Olivia. So give us a second --

SARAH RHATIGAN: Oh. JIM MONTEVERDE: -- until she's back. [Pause]

OLIVIA RATAY: Thank you, guys.
JIM MONTEVERDE: Okay. Running out of power?
[Side conversation with Staff]
Go ahead, Sarah. What can we do?
SARAH RHATIGAN: Thank you, Mr. Chairman. Was
there any change in the -- sort of the status of anybody's thinking in the meantime about what we're doing here?

JIM MONTEVERDE: Personally, no.
SARAH RHATIGAN: We would like to request a twoweek continuance.

OLIVIA RATAY: May 23, maybe?
JIM MONTEVERDE: 23? You think that's available?
OLIVIA RATAY: It is available, yeah.
JIM MONTEVERDE: Okay. Can all the Board members
here tonight be available on the twenty-third?
DANIEL HIDALGO: I can.
CAROL AGATE: Available.
VIRGINIA KEESLER: I'm unfortunately in transit on the twenty-third.

JIM MONTEVERDE: Sorry, you are in transit
Virginia?
VIRGINIA KEESLER: Yes.

JIM MONTEVERDE: What's next?
OLIVIA RATAY: June 20.

JIM MONTEVERDE: June 20?
OLIVIA RATAY: Yeah.
SARAH RHATIGAN: June 6 is not possible?
JIM MONTEVERDE: No. No. Next is June 20.
Members of the Board available June 20?
STEVEN NG: Available.
VIRGINIA KEESLER: Yep.
CAROL AGATE: I'm available.
VIRGINIA KEESLER: I'm available.

DANIEL HIDALGO: Available.
JIM MONTEVERDE: Yep. Okay. June 20. Sarah, are
you good with that?
SARAH RHATIGAN: Yes.
JIM MONTEVERDE: Okay.
SARAH RHATIGAN: Oh, I'm sorry. Hold on.
CAROL AGATE: We did get some -- didn't we get
some notice about not having hearings in June, or --

DANIEL HIDALGO: It's just one hearing.
CAROL AGATE: I notice I'm taking it off my calendar and I don't do that unless --

JIM MONTEVERDE: Yeah. It's been rearranged for just one meeting on the twentieth.

CAROL AGATE: But -- oh, so it's okay to set it then? Fine.

JIM MONTEVERDE: Yeah, exactly. All right.
Continuance.
Let me make a motion to continue this matter to June 20, 2024, on the condition that the petitioner change the posting sign to reflect the new date of June 20, 2024, and the new time of 6 p.m.

Also, that the petitioner sign a waiver to the statutory requirements for the hearing. This waiver can be obtained from Maria Pacheco or Olivia Ratay at the Inspectional Services Department.

I'll ask that you sign the waiver and return it to the Inspectional Services Department by a week from this coming Monday. Failure to do so will de facto cause this Board to give an adverse ruling on this case.

Also, that if there are any new submittals,
changes to the drawings, dimensional forms, or any supporting statements that those be in our files by 5 p.m. on the Monday prior to the continued meeting date.

On the motion to continue the matter until June 20, 2024, Carol?

CAROL AGATE: In favor.
JIM MONTEVERDE: Virginia?
VIRGINIA KEESLER: In favor.

JIM MONTEVERDE: Steven?
STEVEN NG: In favor.

JIM MONTEVERDE: Daniel?
DANIEL HIDALGO: In favor.

JIM MONTEVERDE: And Jim Monteverde in favor.
[All vote YES]

The continuance is granted.
SARAH RHATIGAN: Thank you very much for your
time.
(9:12 p.m.)
Sitting Members: Jim Monteverde, Steven Ng, Daniel Hidalgo, Virginia Keesler, and Thomas Miller JIM MONTEVERDE: So this is BZA case 197887 -- 47

Eighth Street. And we have a request for a Six Month Extension for the variance. And Six Month -- yes, this will put it until December 5, 2024.

OLIVIA RATAY: No, just six months. We don't have to pick a date.

JIM MONTEVERDE: Oh. There's a date here.
OLIVIA RATAY: Oh, yeah. I guess that's fine.

JIM MONTEVERDE: Right? June, July, August,
September, October, November?

OLIVIA RATAY: Yeah.
JIM MONTEVERDE: Seven. What do I do for an extension? Just vote for the extension? And that will --

OLIVIA RATAY: If you'd like to --
JIM MONTEVERDE: -- gobbledygook? And who do we have?

OLIVIA RATAY: It's going to be Jim, Daniel -JAMES RAFFERTY: Good evening, Mr. Chairman.

James Rafferty on behalf of the petitioner.
OLIVIA RATAY: -- Virginia and Tom.
JIM MONTEVERDE: Okay. So, on this matter, we're
voting on a voice vote to continue the variance for a Six
Month --

OLIVIA RATAY: Not continue.
JIM MONTEVERDE: -- not continue, sorry; an
Extension for the variance only, and that would bring it to
December 5, 2024. On a voice vote, please? Daniel?
DANIEL HIDALGO: In favor.
JIM MONTEVERDE: Steven?
STEVEN NG: In favor.

JIM MONTEVERDE: Virginia?
VIRGINIA KEESLER: In favor.

JIM MONTEVERDE: Tom?
THOMAS MILLER: In favor.
JIM MONTEVERDE: And Jim Monteverde in favor.
[All vote YES]
(9:15 p.m.)
Sitting Members: Jim Monteverde, Steven Ng, Daniel Hidalgo Fernando, Virginia Keesler, and Thomas Miller

JIM MONTEVERDE: Next case is BZA-133276. And
this one is requesting a Second Extension Request for one year, which will bring it to May 2, 2025. Same gang.

So on a voice vote, please? This is for an extension for one year. It's a special permit. This is 20 Larchwood Drive. And that will bring it to May 2, 2025.

On a voice vote, please, Daniel?

DANIEL HIDALGO: In favor.
JIM MONTEVERDE: Steven?

STEVEN NG: In favor.

JIM MONTEVERDE: Virginia?
VIRGINIA KEESLER: In favor.

JIM MONTEVERDE: Tom?

THOMAS MILLER: In favor.

JIM MONTEVERDE: And Jim Monteverde in favor.
[All vote YES]

JIM MONTEVERDE: The extension is granted.

JAMES RAFFERTY: Thank you, Mr. Chair, and members of the Board.

JIM MONTEVERDE: You're welcome. Let's take a seat to sign these here and get this done.
(9:17 p.m.)
Sitting Members: Jim Monteverde, Steven Ng, Daniel Hidalgo, Virginia Keesler, and Thomas Miller JIM MONTEVERDE: Okay, back to the regular agenda. And this is our team. Our players here for the Board are Virginia, Steven, Daniel, and Thomas voting and myself. First case is BZA 264436 -- 40 Granite Street. [Side conversation]

Sorry, 40 Granite Street, this is being withdrawn.
So on the motion to withdraw 40 Granite Street, Virginia? VIRGINIA KEESLER: In favor. JIM MONTEVERDE: Thank you. Steven? STEVEN NG: In favor. JIM MONTEVERDE: Daniel?

DANIEL HIDALGO: In favor.

JIM MONTEVERDE: Thomas?
THOMAS MILLER: In favor.
[All vote YES]

JIM MONTEVERDE: Thank you.
(9:17 p.m.)

Sitting Members: Jim Monteverde, Steven Ng, Daniel Hidalgo, Virginia Keesler, and Thomas Miller

JIM MONTEVERDE: Next case is BZA 264704 -- 39

Saville Street. Ms. Rhatigan?

UNIDENTIFIED SPEAKER: Good evening, members of the Board. we're waiting for Sarah Rhatigan. Sarah is our lawyer in our case.

JIM MONTEVERDE: Yep.

UNIDENTIFIED SPEAKER: We're assuming she might be speaking with her previous client, but she should be rejoining us.

JIM MONTEVERDE: Yep. Just give her a moment. UNIDENTIFIED SPEAKER: If you like, we could run through the drawings while we await Sarah, in an effort to be efficient.

JIM MONTEVERDE: Yeah, if you don't mind that's fine. Why don't you tell us what you're trying to do and what relief you're requesting. UNIDENTIFIED SPEAKER: No problem. JIM MONTEVERDE: Axel?

AXEL RAMIREZ-PALACIO: Yes. Hi. Yes. Good evening, members of the Board. I'm Axel Ramirez-Palacio, I'm the Architect.

We are submitting a BZA submission for relief in the two-family house in Cambridge at 39 -- it's 39-42. It's a two-family house. We're looking for relief for an additional $F A R$ in a nonconforming house, and a minimum work within setback lines.

So if we can go to the next sheet, please? I'll explain.

Oh, Sheet No. 3, please.
Here is the side axiom pretty much the back of the house. That is pretty much what is more of the addition space. You can see on the left the existing side axiom and the proposed design of the back and the rear of the house on the right.

Next please?
This is the certified plot plan, including setback lines.

Next?
This is our area plans and zoning information. As I mentioned before, we are in a residential -- well, we are
in a Residential District $B$ where the maximum Ordinance FAR is 0.5.

The house is a nonconforming. We are in a 0.64 and we are going -- the proposed 0.68. So the increase is barely the minimum.

You can notice on the bottom left on the -- you can see the red area is the area of relief that we're looking for the addition would bring on the left bottom side. I'm sorry, on the right, on the right.

Yes. Right there.
Let's go to the next sheet, please. These are
street view pictures of the property. This is from on Saville Street, on the left side.

Next one, please?
This is the front. There's going to be a little modification on the Level 2.

Next one, please?
This is on the right side of the property --
pretty much no [unclear] disturbing.
Next one, please?
This is a shadow study. We have not much impact on neighbors, putting a new addition on the rear.

Next one, please?
This is the Level 0. There is no work at this level, the mechanicals, and you can see the projection of the area of relief on the back of the property on the top of the sheet.

Next one?
Same. Last sheet. You can see the -- in blue the set.back lines. In red, the area of relief on the back of the property. That's the area for additional footprint.

Next one?
Level 2 is pretty much the same as Level 1, just is exactly the same footprint that we are adding.

Next?
This is just the projection on the setback line. And here we'd like to show the minimum work within the setback line. That is the addition of the skylight that you can see in the bottom part of the -- this sheet.

Yes. That one right there.
Next one, please?
That's the -- yeah, main elevation. You can see the top left, the original drawings of the house. We want minimum changes, also Level 2 larger doors. Not much at
this elevation.

Next, please?
On this side elevation you can see on the back the area of relief, and the area of relief on the skylight. And in this one, we're modifying a window. You can see in the top left that it's an existing window that is so large. We're going to reduce the size of the window.

Next?

This is the rear elevation. And you see the area of relief. That is the area that is adding FAR.

Next, please?
This is the side of the house. You can see the area of relief on the back. Most of the windows here, they are away from setback lines on the driveway sides of the property. So there's going to be just a few new windows and replacement that they could be done by right.

Next one?
Next one here we have a $Q R$ code that you can go with your cell phone and see the exterior of the house.

Next one, please?
This is just additional condition -- existing condition pictures of the property.

Next one?

More additional pictures.
Next one?

I think this is the dimensional forms for the -for the elevation. So that's all. We're happy if you have any questions, please let us know.

JIM MONTEVERDE: Thank you. Thank you for your presentation.

AXEL RAMIREZ-PALACIO: You're very welcome.
JIM MONTEVERDE: Just so I'm clear: the relief that you're requesting, this is a special permit. But first, it's for the increase in the -- the GFA is already greater than the Ordinance, so you're requesting an increase on it on that number, right? From 0.64 currently to 0.68 , that's one.

The construction that sits within the rear. No, I'm sorry. The addition in the back is all -- you don't need relief for that, do you? It's not within the setback?

SARAH RHATIGAN: It's not.
AXEL RAMIREZ PALACIO: No, it's not. It's just
about the increase of the additional footprint.
JIM MONTEVERDE: That's right. So that's just
about the area? And then the skylight is in the right-side setback?

AXEL RAMIREZ-PALACIO: Correct. JIM MONTEVERDE: Correct?

AXEL RAMIREZ-PALACIO: Yes.
JIM MONTEVERDE: So it think it's those -- so it's
those two issues that you're seeking the relief on?
AXEL RAMIREZ-PALACIO: That is correct.
JIM MONTEVERDE: Oaky. All right. Any questions from members of -- or Sarah, sorry, did you want to have anything to --

SARAH RHATIGAN: I'm just -- I'm so sorry. I'm so sorry that $I$ was in the other room, and I didn't realize how quickly you went through the other cases. My apologizies. JIM MONTEVERDE: It's okay. Do you want to add anything to the presentation?

SARAH RHATIGAN: Well, I know Axel did a fabulous job, but it is a -- it is a really quite minor request that will make quite a big difference for the owners with the two-family status with the -- just a slight exacerbation of the already existing GFA. JIM MONTEVERDE: Yep.

SARAH RHATIGAN: But happy to answer any
questions.
JIM MONTEVERDE: All right. Thank you. Any questions from members of the Board? If not, I will open it up to public comment. We have several -- one, two, three, four, five, six, seven, eight, nine, 10, 11 pieces of correspondence in the file. It's a form letter, all stating they have no objections.

I'll just summarize these. This is Maggie Courrier, and she's a direct abutter; John Nimmons, 310 Concord Avenue -- again, these are all in favor; Jackie Grantzer -- sorry, I can't read the handwriting -- 48 Saville, Unit 1; Margaret Courrier again, got that already; Sandra Wozniak, 36-38 Saville in favor; can't read that one -- somebody from 48 Saville Street, No. 3, and No. 2; A. Fogel, 397 Walden Street, in favor; [Unclear] Davis, in favor; Lauren Byre (phonetic), in favor; Ted Paxton, 57 Saville, in favor; and Kaylie Walk (phonetic), 55 Saville Street. Those are all in favor.

And none speaking against.
With that, I'll open it up to public comment. Any members of the public who wish to speak should

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

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

Anyone calling in, right? No one calling in? I will close public testimony. Discussion among members of the Board?

STEVEN NG: I think we're ready for a motion.
JIM MONTEVERDE: Yep. That was it. Okay.
The Chair makes a motion to grant relief from the requirements of the Ordinance under Sections -- let me make sure we get this right -- 5.31, the Dimensional Requirements.

That's for the new GFA and also for the skylight and the side yard setback -- 8.22.2.d, Nonconforming twobedroom structure, 8.22.2.c the window in the setback; and the requirements for section 10.40 for a special permit.

On the condition that the work proposed conforms to the drawings entitled "39-41 Saville Street," prepared by SKA Architects and dated April 8, 2024; initialed and dated by the Chair.

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

On a voice vote, please, Virginia?

VIRGINIA KEESLER: In favor.
JIM MONTEVERDE: Thank you. Steven?

STEVEN NG: In favor.
JIM MONTEVERDE: Daniel?

DANIEL HIDALGO: In favor.
JIM MONTEVERDE: Thomas?

THOMAS MILLER: In favor.
JIM MONTEVERDE: And Jim Monteverde in favor.
[All vote YES]
JIM MONTEVERDE: That's five affirmative. Relief is granted.

AXEL RAMIREZ PALACIO: Thank you, Mr. Chairman.
SARAH RHATIGAN: Thank you.

AXEL RAMIREZ PALACIO: Thank you very much.

JIM MONTEVERDE: Thank you.
(9:27 p.m.)

Sitting Members: Jim Monteverde, Steven Ng, Daniel Hidalgo, Virginia Keesler, and Thomas Miller

JIM MONTEVERDE: Next case is BZA-264622 -- 70

Inman Street. It's getting to be a regular occurrence. Anybody wishing to speak on this request?

JOSEPH ARTLEY: Okay. I finally found the mute button.

JIM MONTEVERDE: There we go.

JOSEPH ARTLEY: And Suzie Schweitzer, you need to unmute yourself. No? Oh, okay. I was afraid of that. Tom and Suzie are petitioning, and Suzie is petitioning to add an addition to their house. And I'm their architect.

I am also their neighbor. I'm a very close neighbor. We both have single-family attached homes, and they're the ones who are attached to me.

And they've talked with their son who lives in Cambridge, and his family, and they've had the pleasure of living there since 1983. And it's always been a threefamily up and down.

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And their son wants to move upstairs and have Tom and Suzie move downstairs, a sort of multigenerational take care of. And they asked me to design an addition that gives them a better bedroom and nice bathroom -- and there's Tom and Suzie --

And there's a laundry and closet space and stuff that they don't really have in the house. Our houses were built in 1840; 1843 actually. And their lot was complying at one time, 50 x 100. The City took a little bit -- a bite out of it on the street level, so it's about 97 x 100 -- I'm sorry, 50 x 97.

Anyhow, the proposed addition is in compliance with all the setback requirements -- FAR -- the Dimensional Requirements in the Zoning Code.

And the request and the reason for the variance has to do with the nonconforming section of the code 8.22.2.c that any addition allowable by any other means if it exceeds 25 percent of the original area or volume of the existing house, doesn't qualify for the special permit.

And then 8.22 .3 says anything that doesn't qualify before that has to be by a variance.

So that's why we're here. The addition itself is
in compliance with everything. So it's just that language in the Zoning Code that requires us to be here.

And Suzie and Tom, do you want to say anything? SUSAN SCHWEITZER: I don't know. Can we -- are we hearable?

JOSEPH ARTLEY: Yep. We hear you.

JIM MONTEVERDE: We can hear you.
JOSEPH ARTLEY: And you can sort of explain what it is you're looking to do.

SUSAN SCHWEITZER: Well, we want to enlarge the first floor so that we can move down to the first floor because we're 80 years old and our kids move up to the second floor.

And we'll enlarge the second floor a little bit too. We're adding a room into the yard. That's basically what we're doing --

TOM: Yep.
SUSAN SCHWEITZER: -- with our kids.
TOM: And I would add that the initial motive for this is that the stairs are okay of for people who are 40, 50 and 60 but they're very, very steep -- especially from the second and third floor.

And so, we are an accident waiting to happen there. And so, we really need to move down or if we can't do that, some other solution.

JOSEPH ARTLEY: So I guess, I mean that's the presentation. The Historic Commission, the Mid Cambridge Neighborhood Conservation District Commission -- was -approved it. They were happy with it.

And as far as the design goes, the intention was to sort of look at what was there originally -- the original 1843 house, and then clad that -- the addition -- in the elements that the existing house had at one time doesn't have anymore, and use that as a template for the guidance for whoever might down the road want to redo the front of the house and probably the rest of it. It's probably -most likely going to be another owner when.

But anyhow, that was the idea. And we're not seeing any of these things so -- but.

JIM MONTEVERDE: All right. Thank you.
So one quick question, please, if you could just address this a bit? The complication with the variance is you've got to define a hardship. Can you explain the hardship that applies here?

JOSEPH ARTLEY: Well, the hardship really has to do with the elements in the Zoning Code that require us to have a variance because it exceeds the 25 percent rule that's in the 8.22.2.c.

And I mean everything else is, even the height, the FAR -- everything, the FAR for the whole building as expanded is still in compliance with all the requirements of the Zoning Code.

So I mean it just -- it's a funny thing. I mean, we've come across the fact that we've got an attached house, which by nature has zero lot line -- side lot line on one aspect. So we're sort of -- we're kind of hamstrung that way.

So it really has to do with certain aspects of the nonconformance part of the Code.

JIM MONTEVERDE: Okay. Does that complete your presentation?

JOSEPH ARTLEY: I think so. I mean, you can -JIM MONTEVERDE: Okay.

JOSEPH ARTLEY: -- see where the, what Olivia has up there now is -- shows the setback requirements, and even on the sort of adjoining lot line what we're together, even
that complies with the setback requirements. So -JIM MONTEVERDE: Yep.

JOSEPH ARTLEY: I mean, it's one of those things that the building itself shaped where we wanted to start with it. The back lot line shaped where we could go with it, and the side lot line did the same thing.

And you can see that it's relatively close to the rear setback line as well as the side setback line. And the side setback line is a determination that I made based upon the calculations of the length of the -- oh, you can see them. They're on the -- a page or two beyond.

But that's where the 13.2 came from and this is 13.8.

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

SUSAN SCHWEITZER: So basically, what we're trying to do is make the downstairs space big enough so that it's a comfortable living space. Right now, it's a small, threeroom apartment.

JIM MONTEVERDE: Okay. Thank you. That's the end of your presentation, if you can hold anything for a while. JOSEPH ARTLEY: Yes.

JIM MONTEVERDE: If there are no questions from members of the Board, I'll go to public comment. Any questions from the Board? No?

As Joe mentioned, we do have a Certificate of Appropriateness from the Mid Cambridge Neighborhood Conservation District Commission for the addition.

It has the usual conditions that "If the work authorized by the Certificate is not commenced within six months after the date of issuance or if such work is suspended in significant part for a period of one year after the time the work is commenced, this certificate shall expire and be of no further effect."

So --
SUSAN SCHWEITZER: We have six months to get it done.

THOMAS SCHWEITZER: Get the work done.
SUSAN SCHWEITZER: To start it.
JOSEPH ARTLEY: No, to get started.
JIM MONTEVERDE: Can you mute yourself, please?
Thank you. So we'll just read that in the record as a condition.

Any member of the public who wishes to speak

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

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

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

Anybody out there? Nope? All quiet. I will close public testimony. Any discussion among members of the Board? Are we ready for a motion?

DANIEL HIDALGO: Ready for a motion.
JIM MONTEVERDE: Ready for a motion.
The Chair makes a motion to grant relief from the requirements of the Ordinance under Sections -- Joe, your application, the general information asks for relief from 5.31, the Table of Dimensional Requirements. We really don't have any Dimensional Requirements that need relief. JOSEPH ARTLEY: I guess not. JIM MONTEVERDE: Yeah. So it's really 8.22.3, the Nonconforming Structure, that you're looking for relief
from, and then also for the variance, 10.30.
And it has the hardship for the variance has to do with allowing the couple who's moving down to the first floor to have sufficient room -- the added room area that they need so that they can live comfortably on the ground floor. So --

JOSEPH ARTLEY: That's -JIM MONTEVERDE: Oh. All right. JOSEPH ARTLEY: Yep.

JIM MONTEVERDE: So the Chair makes a motion to grant relief from the requirements of the Ordinance under Sections -- I'll say that again -- 8.22.3, Nonconforming Structure, which basically forces you into the Variance Request.

And then the variance, and we just said that's really to allow the couple that are in the property now and have moved down to the first floor to be able to expand a bit so that they have space that they need to continue to live there.

On the condition that the work proposed conforms to the drawings entitled "Additions and Alterations to the Schweitzer Residence, 70 Inman Street," prepared by Joe

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Artley and dated April 10, 2024; on the condition that -JOSEPH ARTLEY: Sorry. But there's another element there. There's a piece of it that needs to be rebuilt. And that's -- right on the lot line. And that should be in the application too.

JIM MONTEVERDE: So that's where you get into 5.31 .

JOSEPH ARTLEY: That's correct.
JIM MONTEVERDE: Because the part that you want to renovate, that's the part against the property line? JOSEPH ARTLEY: Yes.

JIM MONTEVERDE: Okay. Fine. Make that part of -- under the Sections that's 5.31 and that's for the renovation work that's going to happen, the part against the property line and you're able to set back from it.

JOSEPH ARTLEY: Correct.
JIM MONTEVERDE: As I said, on the condition that the work proposed conforms to the drawings entitled "Schweitzer Residence, 70 Inman Street, prepared by Joe Artley, dated April 10, 2024; initialed and dated by the Chair.

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

Further, that the special permit is granted incorporating the following conditions; and those are the conditions from the Mid-Cambridge Neighborhood Conservation District Commission saying that if the work authorized by the Certificate is not commenced within six months after the date of issuance or if the work in suspended in a significant part from the period of one year after the time the work was commenced, the certificate will expire and be of no further effect.

On a voice vote, please? Virginia?

VIRGINIA KEESLER: In favor.
JIM MONTEVERDE: Steven?

STEVEN NG: In favor.
JIM MONTEVERDE: Daniel?

DANIEL HIDALGO: In favor.
JIM MONTEVERDE: Thomas?

THOMAS MILLER: In favor.

JIM MONTEVERDE: And Jim Monteverde in favor.
[All vote YES]

JIM MONTEVERDE: The relief is granted.

JOSEPH ARTLEY: Thank you, Mr. Chairman and the Board.

JIM MONTEVERDE: You're welcome.
(9:38 p.m.)
Sitting Members: Jim Monteverde, Steven Ng, Daniel Hidalgo, Virginia Keesler, and Thomas Miller

JIM MONTEVERDE: The next case is BZA 265150 -- 2

Parkway Terrace.
JAMES RAFFERTY: Good evening, Mr. Chair. For the record, my name is James Rafferty. I'm an attorney with offices located at 907 Massachusetts Avenue in Cambridge.

I'm appearing this evening on behalf of the property owners, Dr. Shahzad Shaefi and Dr. Adrina DeVitre. They are the owners of this home, which they've recently purchased. They are intending on moving to Cambridge from Boston. They have three young children and they're eager to add some modernization to the home.

The home was constructed in the late 1920s, and it had an addition put on it in the 170 s era.

What the proponents are seeking to do is to construct a conforming addition to a nonconforming house. The house currently is nonconforming because it has a less than conforming front setback along Parkway Terrace. Parkway Terrace is a small, dead-end street at the bottom of

Grozier Road.
This lot actually has frontage on two lots on two streets -- on Grozier and Parkway. So as a result, the lot has two front yards and two side yards.

The front yard, as I stated on Parkway Terrace, does not conform to the requirements in the Res A-2 district. However, what's being proposed here is completely conforming, has no impact on the nonconforming nature of the house, and the petitioner has been directed by ISD that in order to obtain a building permit for this conforming addition, they need to obtain a special permit because the size of the addition exceeds 10 percent of the existing structure.

The proposed addition is 697 square feet, well below the allowed FAR on the lot. In keeping compliant with the open space requirements, no setback violations associated with the addition.

But the provisions of the Ordinance in Article 8 state that nonconforming Structures cannot be increased by more than 10 percent without obtaining a special permit.
So we've applied for the special permit. I
believe the Board should have little trouble in concluding
that the criteria for the special permit set forth in Article -- in Section 10.30 of the Ordinance are easily complied with. It's highly compatible with surrounding uses.

The neighbor across the street has sent a very supportive letter. And what's being proposed here has been reviewed by the architectural team.

I should note that the architectural team here is Foley Fiore of Cambridge. David Foley is on the call, as is Matthew Burke, his associate. They'd be happy to walk the Board through the proposed changes.

If the Board were to look at the elevation, if we could put it up -- I think the first elevation at A200 probably does the best job of explaining what's going on here. The -- that's perfect. You see in the bottom there the existing garage, the addition located to the left of the front door.

What's being proposed is that garage in addition. We're not on that image now. We've gone to a different -yeah. So yes.

So if we stayed here for a moment, the area to the left of the amin house, if you will -- the two-car garage
with the addition above, that will be removed and in its place is an addition that appear on page A200 -- sheet A200. You'll see the replacement addition.

Yeah. So that addition does comply with the front setback on Parkway Terrace. As a result, it is a conforming addition.

And the GFA of the proposed addition continues to be below the allowable FAR. As I said, Mr. Foley and Mr. Burke are present if the Board has any questions about the proposal.

JIM MONTEVERDE: Let's see when we get there if we have any questions. I have one for Staff. Is on that view everything to the right of the addition as of right?

OLIVIA RATAY: I believe that's the existing structure, is it not?

JIM MONTEVERDE: Well, the renovations too.
JAMES RAFFERTY: I'm sorry, could you repeat the question?

JIM MONTEVERDE: I was asking if -- it's the way it's all phrased -- the only thing we're taking action on or being asked to provide relief for is the addition to the -on that one front view. We were looking at everything to
the left.

What I was curious about, what caught my eye flipping through the drawing, is in the new rear elevation there are what the plan calls out as three dormers, that are new. So --

JAMES RAFFERTY: Yeah. That -- I found that a bit misleading. It's -- that references the basement, I believe. That's why on the third. So it's a two-story addition that comes around the house in the front and comes around the back of the house.

JIM MONTEVERDE: Yep.
JAMES RAFFERTY: So --
JIM MONTEVERDE: A103 for a second, which is the new proposed third-floor plan. There we go. This is the only one I could take dimensions off for the dormers. We've got -- you can see the three of them. One is the new staircase enclosure, and then the dormers to the right and left. The dormers are --

DAVID FOLEY: This is David Foley, one of the architects. And --

JIM MONTEVERDE: Yeah.
DAVID FOLEY: -- You're correct. The dormers and

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the windows at the stair are additional. So those are new. But they also -- we spoke to the Historic Commission, and we didn't want to alter the existing front part of the roof. So that's why we put any additional space on the back of the house.

JIM MONTEVERDE: Right. but it exceeds the Dormer Guidelines. You have the total length of $15^{\prime}$ of dormers on one side of a roof. You're at $\mathbf{1 7 ' ~}^{\prime}$ plus 19' and 6', call that 10' -- you're at 27'. You're way beyond the Dormer Guideline.

DAVID FOLEY: There are three -- it's two dormers, really. And they're not connected.

JIM MONTEVERDE: I understand. But I'm reading your plan. It's Sheet A104.

Also, when you go to the elevations on this, you're going to stand a better chance that way. It was my questions really for Staff whether you're considering the addition? Take a look at it. Give us one second. OLIVIA RATAY: If the dormer is -JIM MONTEVERDE: 202. A202. OLIVIA RATAY: A202. JIM MONTEVERDE: Is it from -- here you go. See
the three?

OLIVIA RATAY: Yeah. I mean, if it's outside of the 5' interior attic space it would be added square footage.

JIM MONTEVERDE: Yeah.

OLIVIA RATAY: Was your question on the setback?
JIM MONTEVERDE: Well, that's a question also. So do you count the added square footage in the additions up on the third floor? The dormers and then the -- and I know you count the stair -- as part of the square footage?

JAMES RAFFERTY: David, can you address that?
DAVID FOLEY: I can address that. The dormers are minimal in square footage compared to the rest of the house. They are under that 10 percent.

JIM MONTEVERDE: I'm not asking that. I'm asking if your number there that says, "The requested condition of 4,266 square feet includes the area of the new dormers and the stair extension."

DAVID FOLEY: Yes.

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

If not, we have one piece of correspondence in the
file, which Mr. Rafferty spoke about. And I will find it. Asif and Jennifer Jilani, 1 Parkway Terrace, express their strong support for the petition seeking the special permit. and that's what we have in the file.

So I'll open it up for any other public comment. Any members of the public who wish to speak should now click the icon at the bottom of your Zoom screen that says, "Raise hand." If you're calling in by phone, you can raise your hand by pressing *9 and unmute or mute by pressing *6.

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

OLIVIA RATAY: Jim Sokoloff?
JIM SOKOLOFF: Hi. I'm Jim Sokoloff of 45 Fresh
Pond Parkway.
JIM MONTEVERDE: Yep. go ahead.
JIM SOKOLOFF: I seem to have picked the worst possible meeting to miss the deadline for e-mail comments. But in order to not unduly extend the meeting, on behalf of
my family, we want to express our full support and including
for the special permit application. We look forward to welcoming Adrina, Shahzad, and family to the neighborhood. Thank you.

JIM MONTEVERDE: Great. Thank you for calling in. That's it. So I'll close public testimony. Any discussion among members of the Board, or are we ready for a motion? DANIEL HIDALGO: We're ready for a motion. JIM MONTEVERDE: Motion.

The Chair makes a motion to grant relief from the requirements of the Ordinance under Sections 5.31, Table of Dimensional Requirements; 8.22.2.c, Nonconforming Structure. That's what really drives you to meet the special permit; and under Section 10.30 for the special permit.

On the condition that the work proposed conforms to the drawings entitled "2 Parkway Terrace, Cambridge Massachusetts," prepared by Foley Fiore Architects," dated April 9, 2024; initialed and dated by the Chair.

And further, that we incorporate the supporting statements and dimensional forms submitted as part of the application.
By a voice vote, please, Virginia?

VIRGINIA KEESLER: In favor.
JIM MONTEVERDE: Thank you. Steven?
STEVEN NG: In favor.
JIM MONTEVERDE: Thank you. Daniel?
DANIEL HIDALGO: In favor.
JIM MONTEVERDE: Thomas?
THOMAS MILLER: In favor.
JIM MONTEVERDE: And Jim Monteverde in favor.
[All vote YES]
JIM MONTEVERDE: Five affirmative. The relief is granted.

JAMES RAFFERTY: Thank you, Mr. Chairman. Thank you, members of the Board. Have a good evening.

JIM MONTEVERDE: Thank you.
(9:59 p.m.)
Sitting Members: Jim Monteverde, Steven Ng, Daniel Hidalgo, Virginia Keesler, and Thomas Miller JIM MONTEVERDE: Okay. Last, we have BZA 263613
-- 73 Fayette Street, Unit No. 1.
EDRICK VANBEUZEKOM: Good evening.
JIM MONTEVERDE: Edrick, how are you?
EDRICK VANBEUZEKOM: Hey! My name is Edrick
vanBeuzekom. I'm an architect with EVB Design, and also a longtime resident of Cambridge. And the owners of this property, Tom and Paige Walsh are also on the call here.

This is a relatively small request. Basically, the existing structure that they have is a triple-decker if we can go to -- yes, the second page there.

So it's a slightly unusual triple-decker in that it's stucco and it has a shallow pitched hip roof on Fayette Street.

And it's on an odd-shaped lot, which is basically our hardship here. It's smaller than the requirement and yeah, as you can see, the lot has an angled lot line that's toward Cambridge Street.

The house has a three-story porch on the back of it. Tom and Paige have -- actually have a metal roof underneath the neighbors' porch above them to make that a dry space.

But they have a family in a relatively small condominium here and really need some more interior space so there's somewhere for kids to go, or for them to go outside of the overall living space. And so, we want to enclose the porch.

If we can go to the next page, I'll just talk about the zoning relief.

Basically, as you all know, the Zoning Ordinance was changed a few years ago to count -- covered or to not count covered space that was open on three sides or more as FAR, whereas previously it would have been counted. So -in that case it would be a special permit rather than a variance.

But in this case now, we're essentially adding FAR by enclosing the porch. It's a small amount, basically going up, adding 0.03 to the overall FAR.

Now, because it's such a small lot, the existing house is nearly twice the Ordinance requirement of 0.75 for

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FAR. So it's -- you know, it's really pretty -- extremely over.

But the building itself is in scale with the neighborhood and the street. And there are some anomalies on the street, which one would be the house next door and when we get to the photos, I'll talk about that.

But let's go to the next drawing.
Here you can see the overall layout of the apartment. They have children who sleep in one of the front -- in the front bedroom at the bottom of the plan. And then there's a master bedroom. And so, there's just -- you know, for a family it's a relatively small space.

And if we can go to the next sheet? So this just shows you more accurately what we're doing with the space, adding windows and doors -- yes, can we go to the next?

This is a view from the back. So you see the porches above and what we're proposing to do underneath there.

The roof for this would involve rebuilding the porch structure for the second-floor porch so that we can put in a rubber roof and then put new decking down for them. So that's part of the construction of this.

But we're not changing the overall dimensions at all. And basically, getting some decent windows in there and trying to do something that's sympathetic with the existing house in terms of the style of it.

If we go to the next page?
This gives you a quick view of the sides. We have to rebuild the stair railings as well as part of this. Next page?

This is just a section showing you how we're doing an insulated roof, a rubber roof above -- with the decking above that for the neighbor. And we'll be insulating the floor and the walls, of course.

Next?
This is the existing layout. So let's go to -let's go to the elevations. Yeah. There you can see basically what it looks like currently. And yeah, let's look at the photos.

So here's -- here are a couple views from the street. You can see how it's a little bit of an odd tripledecker. And you can see to the left there's a one-story brick residence.

And if we can go to the next photos?

This is from -- some views of the right side of the building, where there's a bit of yard area extending over to the neighbors and some parking on that side. And so, you can see the side of the house. You can see sort of the back where the porch is.

Let's go to the next one.

Here you can actually see the porches, which need some repair and cleaning up back there.

And the next?
Here you get a better sense of it. You can see the one-story residence to the other side of the house there. You can see a little bit -- it's a black wall on this part here.

And there's no windows there facing directly into the -- this porch. But it's -- yeah, it's relatively close, but it's -- I think it works pretty well what we're doing. It's not blocking anybody's light or view.

So that's basically what we're proposing. I'd like to turn it over to Tom and Paige to just speak briefly about what their needs are and why they want to do this project.

PAIGE WALSH: Thanks so much and thanks for
staying late. We appreciate everybody's time. We love our neighborhood, and we love our home. And we have three -I'm sorry.

JIM MONTEVERDE: Introduce yourself, please.
first.
PAIGE WALSH: My name is Paige Walsh, I own it. and this is my husband, Tom Walsh. And we live at 73 Fayette in the Unit 1 and we're making this request in order -- we're hoping to stay in our neighborhood and our home with our three sons and as they get older and try to continue to accommodate the space so that it fits everybody comfortably as they get bigger.

JIM MONTEVERDE: Thank you.
EDRICK VANBEUZEKOM: And $I$ will add to that Tom and Paige have spoken to neighbors and the other residents of the building, and I believe the Board has a number of letters of support.

JIM MONTEVERDE: We do. All right. Thank you. Any questions from members of the Board? If not, we do have -- as Erick mentioned, we have by my count six pieces of correspondence in favor from neighbors and from the other two members of their -- that are in their
building. And none against.
With that, any members of the public who wish to speak should now click the icon at the bottom of your Zoom screen that says, "Raise hand."

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

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

All right. No one's calling in. I will close public testimony. Any discussion among members of the Board or are we ready for a motion?

STEVEN NG: I think we're ready for a motion. JIM MONTEVERDE: Good. All right.

The Chair makes a motion to grant -- this is a variance. The Chair has no questions as well relief from the requirements of the ordinance under Sections 5.31 and that's for the rear yard setback, the left side setback, and for the additional FAR; Section 8.22.3, Nonconforming Structure, which I think is the hook that gets you into the

Variance Request.
EDRICK VANBEUZEKOM: Exactly.
JIM MONTEVERDE: And then 10.30 for the variance, really based on allowing -- the hardship is really about allowing the family to believe it can grow and remain in Cambridge.

So on the condition that the work proposed conforms to the drawings entitled "Tom and Paige Walsh Residence" prepared by EVB Design and dated April 5, 2024, initialed and dated by the Chair.

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

Board members, on a voice vote, please, Virginia? VIRGINIA KEESLER: In favor.

JIM MONTEVERDE: Steven?

STEVEN NG: In favor.
JIM MONTEVERDE: Daniel?
DANIEL HIDALGO: In favor.

JIM MONTEVERDE: Thomas?
THOMAS MILLER: In favor.

JIM MONTEVERDE: And Jim Monteverde in favor.
[All vote YES]
JIM MONTEVERDE: And that's five affirmative. Relief is granted. Thank you.

EDRICK VANBEUZEKOM: Thank you very much. Thanks
for hanging in there so late.
JIM MONTEVERDE: Thank you.
COLLECTIVE: Thank you.
JIM MONTEVERDE: All right. Thank you all. We're done for the night.

COLLECTIVE: Thank you. Goodnight.

JIM MONTEVERDE: Until June 20, when we're going
to do this all over again.
[10:13 p.m. End of Proceedings]

## CERTIFICATE

Commonwealth of Massachusetts
Middlesex, ss.

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

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

In witness whereof, I have hereunto set my hand this 24 th day of May 2024.

## Einatote C.M

Notary Public
My commission expires:
November 17, 2028


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