

BOARD OF ZONING APPEAL  
FOR THE  
CITY OF CAMBRIDGE

GENERAL HEARING

THURSDAY JULY 25, 2024

6:00 p.m.

Remote Meeting

via

831 Massachusetts Avenue  
Cambridge, Massachusetts 02139

Jim Monteverde, Chair  
Steven Ng, Vice Chair  
Fernando Daniel Hidalgo  
Virginia Keesler  
Carol Agate  
Thomas Miller

City Employees  
Olivia Ratay



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1 P R O C E E D I N G S

2 \* \* \* \* \*

3 (6:00 p.m.)

4 Sitting Members: Jim Monteverde, Steven Ng, Virginia  
5 Keesler, Daniel Hidalgo, Carol Agate, and  
6 Thomas Miller

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

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

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

17 There will also be a transcript of the  
18 proceedings.

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

22 Members of the public will be kept on mute until

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

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

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

8 OLIVIA RATAY: Steven Ng?

9 STEVEN NG: Present.

10 OLIVIA RATAY: Virginia Keesler?

11 VIRGINIA KEESLER: Present.

12 OLIVIA RATAY: Daniel Hidalgo?

13 DANIEL HIDALGO: Present.

14 OLIVIA RATAY: Thomas Miller?

15 THOMAS MILLER: Present.

16 OLIVIA RATAY: Carol Agate?

17 CAROL AGATE: Present.

18 OLIVIA RATAY: Jim Monteverde?

19 JIM MONTEVERDE: And Jim Monteverde is present.

20 Thank you.

21

22

1 \* \* \* \* \*

2 (6:02 p.m.)

3 Sitting Members: Jim Monteverde, Steven Ng, Virginia  
4 Keesler, Daniel Hidalgo, Carol Agate, and  
5 Thomas Miller

6 JIM MONTEVERDE: The first case for tonight is a  
7 continued case that was previously started and not resolved.

8 Olivia, does this have a case number? Or do we  
9 just jump right in?

10 OLIVIA RATAY: You can just jump right in.

11 JIM MONTEVERDE: Okay. Can you bring up the  
12 application, please, the first page?

13 OLIVIA RATAY: Yeah.

14 JIM MONTEVERDE: So Board Members, since the last  
15 time we met and talked about the Dormer Guidelines, or  
16 trying to revise the Dormer Guidelines, Bill Boehm and I  
17 have worked together to draft the narrative.

18 We've talked with the Law Department about the  
19 definition for Dormer, and we've talked with Community  
20 Development about the -- both the rationale and the  
21 description of the -- or the details of the petition.

22 So if people -- Olivia, do you have the first

1 page, that -- it's the application to the City Council?

2 OLIVIA RATAY: I don't -- I'm not sure.

3 JIM MONTEVERDE: There's a second sheet or form or  
4 attachment that Maria had sent out. If not, that's fine.

5 OLIVIA RATAY: I can look for it, but I don't have  
6 it here.

7 JIM MONTEVERDE: That's okay. If everybody had  
8 seen the -- let me explain what I note of the process.

9 So one way to submit a petition to the City  
10 Council, or the Council Subcommittee on Ordinances, to  
11 revise the Zoning Ordinance, is for the Board of Zoning  
12 Appeal to make a petition, in which case the Board has to  
13 vote and get an affirmative vote to basically move forward  
14 with the petition request.

15 That's what we're doing -- we're ready to do that  
16 tonight. We weren't ready to do that the last time we met.

17 And what the introductory page says, which you  
18 should have gotten a copy from Maria of, is that what we're  
19 asking to do is amend the current articles of Sections 1  
20 under Definitions and 2 under the 8.22.1.h.2, which is about  
21 Non-conformance.

22 It's where the snippet of the Dormer Guidelines

1 resides now, basically telling you -- here we go.

2 All right. This is just saying what we're doing.

3 And if you look at the -- right in the middle now of the  
4 screen, it says, "The intent is to allow certain dormer  
5 constructions as-of-right." That's how we boil this down  
6 with -- Bill and I did with Community Development's input.

7 Okay. And I put my name here as the contact  
8 person. And the way, down at the bottom of the sheet, it  
9 tells you how to -- or what material you have to provide.

10 And the text amendment is -- and this explains why  
11 it looks like what looks like what you see on the sheet that  
12 Olivia brought up on the screen previously is you've got to  
13 write up the Ordinance as it stands, and then you have to  
14 cross out the pieces you don't -- you want to do away with,  
15 and you have to underline the pieces that you want to  
16 insert.

17 Okay. So thank you for this one. And I think  
18 that's all we're going to need on this one.

19 If you can go to the other attachment that we all  
20 had, Olivia? The one you started with?

21 So if you all had a chance to read this, that's  
22 great. Otherwise, I'm happy to read through it.

1           But unless you say you need me to read through it,  
2 I won't, just for the timing of it.

3           But it starts off by saying, "The Board of Zoning  
4 Appeals unanimously voted on giving a date," that's today.  
5 I'm assuming it'll be unanimous; it doesn't have to be. As  
6 long as it passes, it's good. We can submit this.

7           And then we wrote up a rationale. And the  
8 rationale was just that, you know, the Board sees numerous  
9 cases of homeowners and developers looking for dormers.  
10 It's really helping those folks expand an existing homes,  
11 we're adding units to the city's housing stock.

12           We've seen more of these cases lately, and we  
13 believe the current process could be simplified and  
14 clarified to facilitate a reasonable and common way of  
15 expanding a home as-of-right.

16           So instead of -- what we're trying to do is  
17 instead of forcing all these folks who want the typical  
18 dormer extension on the sloped roof to come in, because  
19 typically that involves -- it's not -- you know, the house  
20 is not compliant, it sits too close to a setback line, the  
21 -- it's already maxed out the FAR or the gross square  
22 footage, and they've got to come to us for a special permit



1 or a variance to be able to do these dormers.

2 We're saying that if the petition that we're  
3 filing would allow these as-of-right so these proponents  
4 would not have to come to us for this type of addition to  
5 their homes.

6 And if we drop down a bit, Olivia, on the screen.  
7 So what we're proposing is:

8 One, under Article 2, the Definitions to add a  
9 definition of Dormer. This came from Community Development  
10 had examples from other municipalities and with the Legal  
11 Department we landed on this one as what we thought was most  
12 inclusive of what we're trying -- what the typical dormer  
13 is.

14 And then if you can read through the revisions,  
15 it's based -- again, it makes it difficult to read. But we  
16 had to insert the text of Section 8.22.1.h.2 the way it  
17 exists now, strike out any of the narrative we were  
18 suggesting be removed, and then type in as underlined the  
19 new text.

20 So what it reads, that paragraph there in  
21 paragraph h is, the "Construction of a dormer or dormers to  
22 a nonconforming one- or two-family dwelling, which may

1 further violate the yard, height and/or FAR requirements of  
2 Article 5 shall comply with the following conditions --"

3 And then if they comply with those conditions,  
4 there's basically -- it's as-of-right. They really don't  
5 come to us. So the conditions are:

6 1. The primary face of the dormer(s) shall not  
7 extend beyond the face of the wall below.

8 2. The length of the dormer shall not exceed 1/2  
9 of the length of the roof upon which it is built."

10 That's opposed to the current 15'.

11 3. Sides of dormer(s) shall not extend to within  
12 3'6" of the existing roof termination.

13 This is very similar to right out of the current  
14 Dormer Guidelines.

15 4. Windows within dormers shall cover a minimum of  
16 50 percent of the primary dormer wall.

17 Again, that's a repeat from the Dormer Guidelines.

18 And:

19 5. The top of the dormer shall not extend above  
20 the existing ridgeline.

21 That comes out of the Dormer Guidelines as well.

22 So what we're proposing is if this is accepted,

1 and the Ordinance is changed to use this language, that  
2 anyone proposing a dormer that meets these conditions, they  
3 can proceed as-of-right. They don't really -- they don't  
4 need to come to us, unless they have some other either  
5 variance issue or special permit issue.

6 So that's the proposal Bill and I have kind of  
7 cobbled together. And if you have any questions, this is  
8 the time. Otherwise, as a matter I'd take it to a vote.  
9 But questions?

10 CAROL AGATE: Yeah. I'm curious as to why you  
11 need -- by the way I think this is wonderful. It's just  
12 great simplifying dormers. But I wonder why you need number  
13 4 at all. I mean, I can't imagine anybody would want  
14 windows smaller than 50 percent, but why do we care?

15 JIM MONTEVERDE: Again, our initial intent was to  
16 try to make -- one, personally as an architect I care.  
17 We've seen a couple instances in the past few sessions where  
18 folks have come in where a dormer is absolutely blind, no  
19 windows at all, or -- you know, rather small openings.

20 And personally, as an architect, I think they  
21 don't blend in with --

22 CAROL AGATE: Yeah.

1           JIM MONTEVERDE: -- what else happens in the  
2 neighborhood, or typically. And so, we thought -- again,  
3 and we lifted this right from the current Dormer Guidelines,  
4 and we thought -- it was appropriate to maintain.

5           But again, if you have a different opinion, say  
6 so, please.

7           CAROL AGATE: No, I mean, I think it's fine. I  
8 just, you know, always in favor of shortening things, and I  
9 couldn't imagine that it's needed. But you say it is. I  
10 don't know why anybody would put in a dormer and then not  
11 have a decent-size window, but.

12          JIM MONTEVERDE: We -- I've been surprised to see  
13 several proponents come through in the past couple sessions  
14 and do exactly that. So --

15          CAROL AGATE: Oh.

16          JIM MONTEVERDE: -- we thought we'd --

17          CAROL AGATE: Okay.

18          JIM MONTEVERDE: -- just nip it in the bud. Any  
19 other questions, comments?

20          DANIEL HIDALGO: Yeah. I agree with Carol. This  
21 is great. Just one clarifying question. What happens if a  
22 currently conforming one- or two-family house decides to

1 propose a dormer that makes it nonconforming? Does the  
2 language -- because it sort of sounds like the language only  
3 applies to currently nonconforming one- or two-family  
4 dwellings?

5 JIM MONTEVERDE: Correct.

6 DANIEL HIDALGO: I don't -- is -- would we want to  
7 treat it differently -- I don't know if we want to treat  
8 differently currently conforming houses that become  
9 nonconforming by adding a dormer. I don't know.

10 JIM MONTEVERDE: Yeah, that's an interesting one.  
11 So we didn't consider that one. Because yes, the way it's  
12 written, you know, it starts off, it says, "Construction of  
13 a dormer or dormers to a nonconforming one-or two-family  
14 dwelling."

15 So when we kind of cast our net, we thought --  
16 Bill and I thought that the majority of the cases we see,  
17 dormer cases, are usually -- are almost always nonconforming  
18 dwellings.

19 DANIEL HIDALGO: Yeah.

20 JIM MONTEVERDE: You know, larger houses on small  
21 lots, so they're nonconforming. And so, that's the way we  
22 set it up, which would mean in the case you're talking

1 about, if it's conforming, someone's going to -- and if  
2 they, if it's still conforming --

3 DANIEL HIDALGO: Then it's fine.

4 JIM MONTEVERDE: -- there may be no reason for us  
5 -- for them to come to us.

6 DANIEL HIDALGO: Yeah. Only if they go from  
7 nonconforming -- yeah, conforming to nonconforming --

8 JIM MONTEVERDE: Correct.

9 DANIEL HIDALGO: -- by adding a dormer, would they  
10 have to get a -- I guess they'd have to get a -- well, a  
11 special permit, I guess. But --

12 JIM MONTEVERDE: Correct.

13 DANIEL HIDALGO: -- well no, they have to get a  
14 variance.

15 JIM MONTEVERDE: They have to get a variance.

16 DANIEL HIDALGO: Yeah, yeah.

17 JIM MONTEVERDE: So yes.

18 DANIEL HIDALGO: Okay.

19 JIM MONTEVERDE: Any other questions, comments?  
20 If not, I guess I've got to do this by the book. So yes,  
21 we've taken questions from Members of the Board, public  
22 comment, no letters in the file.

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

4           If you're calling in by phone, you can raise your  
5 hand by pressing \*9 and unmute or mute by pressing \*6. I'll  
6 now ask Staff to unmute the speakers one at a time. You  
7 should begin by saying your name and address, and Staff will  
8 then confirm that we can hear you. After that you will have  
9 up to three minutes to speak before I ask you to wrap up.

10           OLIVIA RATAY: Sherley Bretous?

11           JIM MONTEVERDE: Hi.

12           [Pause]

13           Sherley, are you calling in for this?

14           OLIVIA RATAY: You're muted.

15  
16           JIM MONTEVERDE: Anybody there?

17           SHERLEY BRETOUS: I'm sorry, I didn't raise my  
18 hand. I'm just here.

19           JIM MONTEVERDE: Oh. You didn't want to speak?

20           SHERLEY BRETOUS: No. I'm here.

21           JIM MONTEVERDE: Okay. Thank you. Anybody else?

22           OLIVIA RATAY: John Hawkinson?

1                   JIM MONTEVERDE:   John?

2                   JOHN HAWKINSON:   Hi, Jim, and Members of the  
3 Board. Thanks again. And again, I want to stress I think  
4 it's a great idea that the Board is looking at issues in the  
5 Zoning Ordinance that matter to you and tackling them  
6 because -- and, you know, with proposals.

7                   Because I think you guys are the boots on the  
8 ground to, as part of the enforcement mechanism. I mean,  
9 you're not ISD but you grant variances and so your  
10 perspective is super important.

11                   And I don't have a strong opinion, but I did --  
12 Carol's comment made me think about, you know, number 4.  
13 And I think this is really the first and maybe only place  
14 where the Zoning Ordinance addresses what's really a design  
15 issue.

16                   And I don't mean to say that's now allowed, you  
17 know, there's talk in the past about how wouldn't it be  
18 great if we had a form-based Zoning Code and how difficult  
19 it would be to actually end up getting there. And, you  
20 know, this could be, like, the babyest of baby steps.

21                   But I -- it just gives me pause to have the Zoning  
22 Ordinance specify design issues, because I don't think



1 that's typically done in our zoning.

2 But again, it's not an objection and I don't know  
3 that it's a bad idea, but I did want to flag it in that  
4 particular way and encourage the Board to think about  
5 whether it really wants to do that, though -- again -- I  
6 don't know that it's a bad idea.

7 And I absolutely support the Board taking this  
8 kind of step, and I wish you good luck in the process.

9 Thank you.

10 JIM MONTEVERDE: Thank you.

11 CAROL AGATE: Jim, I thought of something that  
12 might be a problem with that. What if somebody wants --  
13 does not want to let the outside in, just wants the light?  
14 In other words, they've got an awful view or something, but  
15 they want the brightness, and they put in glass bricks?

16 Now, would that be permissible? Would that be  
17 considered a window if they just put in things that are  
18 translucent but not transparent?

19 JIM MONTEVERDE: Yeah. We've done -- we've seen a  
20 number of cases before where there's been either a privacy  
21 or a view issue or not view issue. And there's a window,  
22 and they'll add a, or we'd suggest either translucent glass,

1 opaque glass, and not transparent.

2 So that's always an option if that's the case,  
3 Carol.

4 CAROL AGATE: Okay. Okay, good.

5 JIM MONTEVERDE: Thanks. Olivia, is there anyone  
6 else calling in?

7 OLIVIA RATAY: No.

8 JIM MONTEVERDE: All right. I'm going to close public  
9 testimony. So discussion among Board Members.

10 Let me add one thing that I forgot to add.

11 So what I understand happens once we vote, if it's  
12 a positive vote, then my intention is I'll take this  
13 paperwork to the City -- I believe I file it with the City  
14 Clerk -- and then my understanding is it will go to  
15 Community Development. And I believe it also goes to the  
16 Planning Board.

17 So they're going to get the opportunity to offer  
18 any comments or revisions or whatever happens. So this  
19 won't be the last word, or the last round. This may go  
20 around a couple times. So we'll see what happens.

21 But that'll happen, and then if those two groups  
22 pass it along and agree with it, then I believe it goes to a

1 Subcommittee of a Council that deals with ordinances, and  
2 we'll see what happens, if they even get to it this year.  
3 We'll see what happens.

4 Okay. Any other discussion, or time for a motion?

5 DANIEL HIDALGO: I think it's time for a motion.

6 JIM MONTEVERDE: I take that as time for a motion.

7 Thank you. I'm actually not granting relief, but on the  
8 petition that we've just seen that I just described to you  
9 to request and to alter the current Ordinance, to add the  
10 definition for dormers; and then to revise the section of  
11 the Ordinance that we talk about, that we reference, to  
12 include this section so that dormers that meet these  
13 conditions can be done as-of-right, on a voice vote please?

14 Carol?

15 CAROL AGATE: In favor.

16 JIM MONTEVERDE: Thank you. Steven?

17 STEVEN NG: In favor.

18 JIM MONTEVERDE: Thank you. Daniel?

19 DANIEL HIDALGO: In favor.

20 JIM MONTEVERDE: Thank you. Virginia?

21 VIRGINIA KEESLER: In favor.

22 JIM MONTEVERDE: Thank you. Tom?

1 THOMAS MILLER: In favor.

2 JIM MONTEVERDE: Thank you.

3 JIM MONTEVERDE: And Jim Monteverde in favor.

4 [All vote YES]

5 JIM MONTEVERDE: So unanimous. Thank you. We'll  
6 see what happens from here.

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2 (6:20 p.m.)

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

6 JIM MONTEVERDE: All right. Now to the Regular  
7 Agenda. Thank you, Carol, for joining us.

8 First case tonight on the Regular Agenda is BZA-  
9 273148 -- 47 Granite Street. Is there anyone who wishes to  
10 speak to us on this address?

11 ROBERT CHRISTO: Hello, there. My name is Robert  
12 Christo. And I -- oh my God, did my computer just go down?  
13 Oh, okay, sorry. Sorry, don't just bother about my  
14 computer.

15 I am here with my partner, Shaad Zaidi. We're the  
16 architects of this project, and I believe Luke Mitchell, the  
17 owner, is here as well.

18 And I'd like to pass it onto him real quick just  
19 to give an introduction to himself, his family, and where  
20 the project is coming from.

21 JIM MONTEVERDE: Okay. And while you're doing  
22 that, it would be helpful if you walk us through the

1 information that's been supplied to us -- plans --

2 ROBERT CHRISTO: Sure.

3 JIM MONTEVERDE: -- the Dimensional Table, so we  
4 know exactly what relief you're seeking. And this is a  
5 special permit?

6 ROBERT CHRISTO: Yeah, absolutely. So --

7 JIM MONTEVERDE: Okay.

8 ROBERT CHRISTO: -- we are requesting an  
9 additional 325 square feet to be added to the interior of  
10 the existing structure.

11 So right now, on the site there are two structures  
12 on the plot; 47 Granite Street, which is us, and 45 Granite,  
13 which is the neighbor behind. Total Gross floor area right  
14 now: 4,867. And we are requesting 5,192, which brings us  
15 from 0.97 FAR to 1.04.

16 And all of this will be occurring within the  
17 existing envelope of the building. So no exterior changes  
18 with the exception of one window being flipped out, from a  
19 fixed window to an operable window.

20 JIM MONTEVERDE: And is that window within the  
21 setback?

22 ROBERT CHRISTO: It is not within the setback.

1 JIM MONTEVERDE: Okay.

2 ROBERT CHRISTO: The setback already complies.

3 JIM MONTEVERDE: So you don't need relief for it?

4 ROBERT CHRISTO: Nope.

5 JIM MONTEVERDE: Okay. So really, the only thing  
6 you need relief for is the added square footage --

7 ROBERT CHRISTO: Correct.

8 JIM MONTEVERDE: -- if you're already  
9 nonconforming?

10 ROBERT CHRISTO: Correct.

11 JIM MONTEVERDE: Okay.

12 ROBERT CHRISTO: So I will pass it to Luke now to  
13 talk through.

14 JIM MONTEVERDE: Yep. Thank you.

15 LUKE MITCHELL: Thanks so much, Bobby. Thanks to  
16 the Board for considering our application. Yes. So I am  
17 Luke Mitchell. My wife is Julie. We have three kids:  
18 Grant, Marlow, and Cole. And they're age 7, 5, and 3.

19 You know, we rented in Cambridgeport for six or  
20 seven years before we bought this house that I'm in now at  
21 47 Cambridge -- or sorry 47 Granite Street -- three years  
22 ago.

1           And it's -- it -- we love living here. It's right  
2 across the street from Morse School. All three of our kids  
3 are enrolled over there.

4           The only problem that we have is the house that we  
5 bought is a two-bedroom and we have three children. So all  
6 three kids are in one room, which is fine for now, but  
7 they're getting bigger.

8           So what our intention, as Bobby described, is to  
9 do a pretty modest, mostly internal renovation project to  
10 add a bedroom so that our daughter Marlow, will be able to  
11 have her own room.

12           Doing this work will allow us to remain here in  
13 Cambridgeport. It would be tough to stay here if we  
14 couldn't do it, but we really love this neighborhood, and  
15 this would allow us to stay here and continue to -- the kids  
16 to go to Morse School, which we just love.

17           So also, it was critical for us to give -- to make  
18 sure that our neighbors were supportive. So as you'll see  
19 in our application or petition, we have letters from all of  
20 them. So yeah, that's my 90-second pitch.

21           But thank you all for your consideration.

22           JIM MONTEVERDE: Thank you. Olivia, can you bring



1 up the submitted plans, just so we can see where the added  
2 area occurs?

3 ROBERT CHRISTO: So if you go to sheet -- yeah,  
4 right here. This is perfect, A-103.

5 So the detail number 3, which is the bottom right-  
6 hand corner, that's the second floor plan. This is showing  
7 it slightly reconfigured. There's an existing staircase,  
8 which we see there going down. We are proposing to add a  
9 staircase in that same footprint going up to a proposed new  
10 third floor level.

11 Right now, the second floor has very, very tall  
12 ceilings. I think at its highest point it's maybe 20' tall,  
13 because they have these steeply pitched roofs.

14 So we're looking to kind of take advantage of some  
15 of that additional volume. And there's already windows up  
16 there, kind of at that sort of atrium height.

17 So we're just looking to -- if you scroll up, you  
18 can see the proposed third floor plan, which would be a new  
19 bedroom space where that window would get flipped out to be  
20 a new egress window, and then kind of a shared study area  
21 for the kids up on that new third level.

22 JIM MONTEVERDE: And this is all within the volume

1 of the existing shell?

2 ROBERT CHRISTO: This is all within the existing  
3 shell. No --

4 JIM MONTEVERDE: Okay.

5 ROBERT CHRISTO: -- changes to the massing.

6 JIM MONTEVERDE: Any -- thank you, thank you.

7 ROBERT CHRISTO: Yep.

8 JIM MONTEVERDE: Any questions from Members of the  
9 Board? If not, I'll open it up to public comment. We do  
10 have in the file -- at least the file when I went through it  
11 -- we have three pieces of correspondence in favor. And we  
12 had none against.

13 But any member of the public who wishes to speak  
14 should now click the icon at the bottom of your Zoom screen  
15 that says, "Raise hand."

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

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

1           Anyone calling in, Olivia?

2           OLIVIA RATAY: No.

3           JIM MONTEVERDE: Okay. I'll close public  
4 testimony. Any discussions among Members of the Board, or  
5 are we ready for a motion? All right. Motion it is. And  
6 this is a special permit.

7           The Chair makes a motion to grant relief from the  
8 requirements of the Ordinance under Sections 5.31, Table of  
9 Dimensional Requirements. This has do with the new added  
10 square footage that adds to an already nonconforming FAR and  
11 area.

12           And under Section 8.22.2.d for Nonconforming  
13 Structures on the condition that the work proposed conforms  
14 to the drawings entitled -- Olivia, can you bring up a cover  
15 sheet that I can read, or if you can read those off to me,  
16 please?

17           OLIVIA RATAY: You're looking for the Sections?

18           JIM MONTEVERDE: No, the drawings entitled, and  
19 dated and --

20           OLIVIA RATAY: Oh, yeah.

21           JIM MONTEVERDE: -- prepared by, since I don't  
22 have that in front of me.

1 OLIVIA RATAY: Yeah, give me one second.

2 [Pause]

3 JIM MONTEVERDE: Yeah, entitled, "47 Granite  
4 Street," prepared by Zaidi Christo Designer, and dated  
5 05/24/24; initialed and dated by the Chair.

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

9 And further, as a special permit, the criteria  
10 under Sections 10.43 is that:

11 a) It appears the requirements of this ordinance  
12 cannot or will not be met. That is correct, in terms of the  
13 already nonconforming area.

14 b) Traffic generated or patterns of access or  
15 egress would cause congestion. It will not.

16 c) The continued operation of or the development  
17 of the adjacent uses as permitted would be adversely  
18 affected. They will not.

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

21 e) And for other reasons, the proposed use would  
22 impair the integrity of the district or adjoining district.

1 And it will not.

2 So it meets all the criteria of Section 10.43 for  
3 a special permit.

4 On a voice vote among the Board Members, please?  
5 Virginia?

6 VIRGINIA KEESLER: In favor.

7 JIM MONTEVERDE: Thank you. Daniel?

8 DANIEL HIDALGO: In favor.

9 JIM MONTEVERDE: Thank you. Tom?

10 THOMAS MILLER: In favor.

11 JIM MONTEVERDE: thank you. Steven?

12 STEVEN NG: In favor.

13 JIM MONTEVERDE: And Jim Monteverde in favor.

14 [All vote YES]

15 JIM MONTEVERDE: That's five in favor. The relief  
16 is granted. Good luck.

17 ROBERT CHRISTO: Thank you very much.

18 COLLECTIVE: Thank you.

19 JIM MONTEVERDE: You're welcome.

20 COLLECTIVE: Thank you so much. We appreciate it.

21 Thank you.

22

1 \* \* \* \* \*

2 (6:30 p.m.)

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

6 JIM MONTEVERDE: Next case is BZA-273676 -- 39  
7 Matignon Road. Mr. Rafferty?

8 JAMES RAFFERTY: Good evening, Mr. Chair, and  
9 Members of the Board. For the record, my name is James  
10 Rafferty. I'm an attorney with offices located at 907  
11 Massachusetts Avenue in Cambridge.

12 I'm appearing this evening on behalf of the  
13 applicant. That would be Roman Catholic Archdiocese of  
14 Boston, which is the owner of the subject property that is  
15 seeking a subdivision variance this evening.

16 By way of background, this property is best known  
17 as the Matignon High School property. It's actually located  
18 in an Institutional Overlay District that's called, "The  
19 Matignon School District." And for 75 years, Matignon High  
20 School operated at this location.

21 The Diocese is no longer going to be operating the  
22 school. They placed the property for sale. And in order to

1 sell less than the entire lot, subdivision is needed.

2           If possible, I wonder if we might be able to take  
3 a look at the subdivision plan that's on file. I think it's  
4 the best illustration of what is occurring here. Thank you.

5           So what we're attempting to do here is to take an  
6 existing lot of approximately 95,000 square feet and convert  
7 it into two separate lots.

8           The 19,000 square-foot lot that you see outlined  
9 in yellow and the balance of the property represents about a  
10 76,000 square-foot lot.

11           This smaller lot has two new property lines  
12 attached to it as a result of the subdivision. There's a  
13 new rear property line, which runs parallel with the street.  
14 It's the line -- it's not that line, it's the line below  
15 that.

16           So I'm sorry it's the -- yeah, it's that line that  
17 the cursor is on now, and it's also the -- so that's a new  
18 rear line, and then it's going to have a new right-side  
19 line, which runs from that corner down to the public way.

20           So those two new property lines have a zoning  
21 impact. The first is on the rear property line. With the  
22 rear property line in that location, a rear setback

1 violation will be occurring. The requirement in the Res B  
2 district here is 25' setback, and the rear will only be 8',  
3 8.5'.

4 The right-side property line does not create a  
5 setback violation. So for purposes of setback, there's a  
6 rear setback violation created.

7 The second violation that's created by the  
8 establishment of this new lot is that the FAR here of the  
9 new lot will be approximately 0.75 -- excuse me, 0.71 -- and  
10 the allowable FAR in the district, the Res B district, is  
11 0.5.

12 So as a result of those two zoning violations, a  
13 variance is needed. And the variance is needed in order to  
14 -- as I said -- create the subdivision. The subdivision  
15 provides the legal means of a property owner to sell less  
16 than the entire lot. And that's exactly what's happening  
17 here.

18 On this smaller lot that you see outlined in  
19 yellow, there's a tenant here -- the international School of  
20 Boston -- who is a tenant of the Diocese and has been there  
21 for many years and intends to remain here.

22 So the balance of property -- the balance of the



1 lot -- will be sold, and the buyer of the lot is the  
2 Banneker School, a school that's located not far from here  
3 in North Cambridge on the side off of Rindge Avenue, just in  
4 from Mass Avenue.

5           Depending on how long you've been in Cambridge,  
6 you'd call that the "French Church," but it's now called,  
7 the "Vineyard Church" but I suppose most people know the  
8 story of the Banneker School.

9           I should point out that because the property is  
10 located in the Matignon School District, its use is -- as an  
11 educational elementary school, is permitted as-of-right. So  
12 nothing in this application this evening is asking the Board  
13 to approve the use of this property as a school.

14           This variance and this application in the  
15 jurisdiction of the Board solely by the fact that a new rear  
16 lot line is going to create a setback violation and a  
17 reduced-size lot with the building on it is going to create  
18 an FAR violation.

19           The reality is that no changes are going to be  
20 occurring to any of the buildings on the site as a result of  
21 the subdivision.

22           Banneker, which has put some effort into outreach

1 to explain their arrival, did have a meeting -- a Zoom  
2 meeting with neighbors -- just to explain who they were and  
3 to answer any questions.

4 I know some neighbors have written in, and I've  
5 seen correspondence in support of this. But there are  
6 representatives of Banneker available if the Board wanted to  
7 hear their story, which they're quite proud of. And it's a  
8 tremendous success story, the work they do.

9 But the reality is that there's not really what's  
10 before the Board. So I'll certainly defer to the Board's  
11 judgment as to the extent you wish to hear about -- more  
12 about the Banneker School, which will be the new owner of  
13 the property once the subdivision variance is approved, and  
14 the legal ability to sell less than the whole lot is  
15 present.

16 So that would be --

17 JIM MONTEVERDE: Thank you.

18 JAMES RAFFERTY: -- the extent of the  
19 presentation.

20 JIM MONTEVERDE: Yep. Any questions from Members  
21 of the Board?

22 STEVEN NG: Just a quick question, Mr. Rafferty.

1 In the subdivision, so the smaller rectangle on the  
2 Cambridge side Lot 3B is 19,535, I think, right? or -36?

3 JAMES RAFFERTY: That's correct.

4 STEVEN NG: And then Lot 3A is in both Somerville  
5 and Cambridge?

6 JAMES RAFFERTY: That's correct. I put a red  
7 marker along the --

8 STEVEN NG: Yep.

9 JAMES RAFFERTY: -- municipal boundary line. The  
10 boundary --

11 STEVEN NG: And I see that.

12 JAMES RAFFERTY: -- actually goes through the  
13 building. It goes through the building, actually. It's  
14 both a lot -- yeah, so that's the municipal --

15 STEVEN NG: Okay.

16 JAMES RAFFERTY: -- that's the municipal boundary.  
17 The only -- the only zoning violations that are occurring  
18 are occurring in Cambridge.

19 STEVEN NG: Okay. Thank you.

20 SARAH RHATIGAN: So the Dimensional Form shows  
21 that from Cambridge Zoning point of view -- this is just an  
22 interest, a nerdy Zoning topic; from a Cambridge Zoning

1 point of view -- the portion of the building in Cambridge  
2 doesn't comply -- exceeds the FAR. That's an existing  
3 condition.

4 But of course the lot extends well into  
5 Somerville, and it is multiple acres. So -- but we don't  
6 have the Somerville dimensions on the Dimensional Form, just  
7 the Cambridge dimensions. So -- but that's correct.

8 So the municipal boundary is depicted on the  
9 subdivision plan, but the proposed smaller lot that's  
10 created here is entirely within Cambridge.

11 STEVEN NG: Thank you.

12 JIM MONTEVERDE: Thank you. Any other questions  
13 from Members of the Board? If not, I've one.

14 Olivia, can you go back to the survey, please?  
15 And the question, Mr. Rafferty, is there appears to be a  
16 small, two-story building just to the north of the new  
17 property line.

18 JAMES RAFFERTY: Yes.

19 JIM MONTEVERDE: It's in a little niche in the --  
20 you know, niche in the property line.

21 JAMES RAFFERTY: Right.

22 JIM MONTEVERDE: What's the disposition of that

1 building?

2 JAMES RAFFERTY: That will be part of their  
3 conveyance to the Banneker School.

4 JIM MONTEVERDE: Okay. Yep.

5 JAMES RAFFERTY: Everything -- the Banneker School  
6 is buying everything but the 19,000 square-foot lot.

7 JIM MONTEVERDE: Right. okay. All right. Thank  
8 you.

9 Any other questions from Members of the Board? If  
10 not, I'll open it up to public comment. When I last looked  
11 in the file, I saw no correspondence, either for or against.

12 Olivia, do you know if there's anything else in  
13 the file since I last looked, one way or the other,  
14 correspondence?

15 OLIVIA RATAY: There is one correspondence I  
16 believe in support.

17 JIM MONTEVERDE: Okay. All right. Thank you. So  
18 any member of the public who wishes to speak should now  
19 click the icon at the bottom of your Zoom screen that says,  
20 "Raise hand."

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

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

6 OLIVIA RATAY: James Williamson?

7 JAMES WILLIAMSON: Can you hear me?

8 OLIVIA RATAY: Yes.

9 JAMES WILLIAMSON: Can you hear me?

10 JIM MONTEVERDE: Yes, we can, James. Go right  
11 ahead.

12 JAMES WILLIAMSON: Okay. Thank you. James  
13 Williamson, 30 Churchill Ave, just a half a block down the  
14 hill.

15 By the way, the Zoom format is very -- the new  
16 Zoom format is totally confusing. When it does, "Raise  
17 hand" and you click on it, you get a hand with a cross  
18 through it, which makes it appear as if you haven't raised  
19 your hand. I mean, it's hard to keep up with all this.

20 First of all, I learned of this when I tried to  
21 schedule -- upcoming schedule -- this past, just before this  
22 past weekend. I saw it posted at Cambridge Day where I

1 sometimes find it and noticed that there was there mentioned  
2 a community meeting that had supposedly -- I presume it took  
3 place Thursday morning at about ten o'clock. So that would  
4 already -- whatever it was had already taken place.

5 I live in a building that has about 255 units of  
6 low-income, affordable housing. It's a CHA property, the 30  
7 and 50 Churchill Ave. There was no notice whatsoever to any  
8 of us who live in that building.

9 It does make you feel like you're a second- or  
10 third-class citizen in this city when people talk about  
11 community meetings and don't include the community.

12 I don't know how that happened and why that  
13 happened, but I checked the bulletin boards in both  
14 buildings; there was no notice anywhere about this. So  
15 that's disappointing, to say the least.

16 However, I can't say that I have an objection to  
17 the subdivision that Mr. Rafferty has laid out. I do have a  
18 concern, which I'm not sure if -- you know, there's anything  
19 that can be said about it, which is, you know, Matignon  
20 apparently got down to 300 students.

21 It's more or less the size of Banneker, but  
22 Banneker had been saying they're planning to expand, they

1 need more room, they want more room and they're expanding --  
2 or in another Cambridge Day article it mentioned that there  
3 are 350.

4 So it's comparable to what the size -- the number  
5 of the student body at Matignon. But if it's growing, I do  
6 -- would like to hear if there's anything that can be said  
7 about the traffic, potential traffic.

8 Churchill Ave is one way up. Clarendon, some  
9 people -- some students used it to leave, but I think mostly  
10 that's pedestrian.

11 But is there anything that can be said about the  
12 traffic impacts? Are they -- are Banneker students coming  
13 by bus? What's that going to look like, so that we have a  
14 -- and is there a contact person if there are issues and  
15 problems unforeseen or whatever for Banneker, for people in  
16 the Burns, in case there are issues?

17 Sometimes there were issues with students from  
18 Matignon -- not often. Sometimes they'd stop and hang out  
19 in our private patio area. But I don't really remember it  
20 as being a huge deal.

21 So I'm not speaking in opposition, I just had to  
22 -- want to ask those two questions: Traffic impacts, bus



1 impacts, and a contact person.

2 Thank you.

3 JIM MONTEVERDE: Thank you, James. Anyone else  
4 calling in, Olivia?

5 OLIVIA RATAY: Yeah. Eric Stange?

6 ERIC STANGE: Hi. Thank you. Can you hear me?

7 JIM MONTEVERDE: Yes, we can. just state your  
8 name and address please for the transcriptionist and go  
9 right ahead.

10 ERIC STANGE: My name is Eric Stange. I own  
11 property at 36 Hooker Avenue in Somerville, which is the  
12 property abutting the site just at the corner where there's  
13 an arrow in this diagram. I don't know if you can see it.

14 And my question is for Mr. Rafferty, who if I  
15 understood correctly, Mr. Rafferty said that the two-story  
16 brick building is going to be part of the Banneker School  
17 site.

18 And yeah, it seems to be outside the lot line  
19 outlined in yellow. So I was just a little confused about  
20 that. The two-story brick building in the parking lot just  
21 behind it.

22 JIM MONTEVERDE: I think if I can try and answer

1 that one, I think that I asked about the two-story building.  
2 The two-story building is outside of the new property lines  
3 that are being proposed. That'll demise the Lot 3B.

4 ERIC STANGE: Mm-hm.

5 JIM MONTEVERDE: So it will still be on the lot at  
6 the former Matignon High School and Banneker will own and  
7 occupy.

8 JAMES RAFFERTY: That's correct, Mr. Chair.

9 JIM MONTEVERDE: So it's not -- yeah.

10 ERIC STANGE: I see.

11 JIM MONTEVERDE: So Mr. Stange, does that settle  
12 that for you?

13 ERIC STANGE: I think so. So it's not part of Lot  
14 3B?

15 JIM MONTEVERDE: No.

16 ERIC STANGE: At all.

17 JIM MONTEVERDE: No.

18 ERIC STANGE: It's part of Lot 3A?

19 JIM MONTEVERDE: Correct.

20 ERIC STANGE: The remains of 3A.

21 JIM MONTEVERDE: Yep.

22 ERIC STANGE: Okay.

1 JIM MONTEVERDE: Correct.

2 ERIC STANGE: Okay. I think that answers my  
3 question.

4 JIM MONTEVERDE: All right.

5 ERIC STANGE: Thank you.

6 JIM MONTEVERDE: Thank you. Thanks for calling  
7 in. Anyone else, Olivia?

8 OLIVIA RATAY: Sheryl Howard?

9 SHERYL HOWARD: Sheryl Howard. I'm Council for  
10 the Banneker School. And I wanted just to weigh in on some  
11 of the questions about the community meeting. We didn't  
12 provide a ton of notice for the community meeting. What we  
13 -- you know, kind of wanted to get in in advance of the  
14 hearing and sent notice to abutters where we had contact  
15 information.

16 But we know that it wasn't a complete way to meet  
17 the neighborhood, and I know that the Banneker School is  
18 planning a larger meet and greet. It maybe in person.

19 And we'll try to make sure that some of the  
20 buildings in the area, you know, are included in that and  
21 are welcome to join and meet the Banneker Staff and Board.

22 Because I think you'll -- I think, you know,

1 you'll find them to be a good resource when the school is  
2 operational.

3           And I also wanted just to add that the Banneker  
4 School, the charter limits the school to 350 students.  
5 There is no plan right now to expand beyond that.

6           So the reason that the school is looking for a  
7 building is that they've been in operation a long time.  
8 They don't have a permanent home; they've been a renter for  
9 a -- you know, for a long time since the -- you know, since  
10 they first opened the school.

11           And this building will allow them -- right now  
12 they're kind of spread out across several buildings. So the  
13 former High School building will allow them to consolidate  
14 that.

15           They also have been studying traffic. And you'll  
16 be happy to -- I think at a neighborhood meeting talk in  
17 more detail about parking concerns.

18           The school actually, as I understand, they have a  
19 very quick turnover. They run several buses so that you  
20 don't a lot of parents queuing up to pick up kids. I think  
21 they run seven buses. And Peter and Shirley, who are also  
22 on the call, might weigh in on that.

1           But they do try to make -- you know, they're  
2 cognizant that, you know, parking and kind of queuing up  
3 issues are, you know, common concerns for our neighborhood.  
4 And they're trying to make sure that those are addressed.

5           Their current pickup and drop-off is very fast.  
6 And they're hoping to replicate that at this location.

7           JIM MONTEVERDE: All right. Thank you for calling  
8 in and clarifying that.

9           OLIVIA RATAY: David Wiener?

10          DAVID WIENER: Hi. David Wiener. I represent the  
11 International School of Boston; Andreson & Kreiger, 50 Milk  
12 Street in Boston.

13          I just wanted to just weigh in not in opposition,  
14 but just, Sheryl, when the school is doing that outreach, if  
15 they could please also outreach to the -- to ISB so we're  
16 also part of that process, that would be appreciated.

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

18          OLIVIA RATAY: That's everybody.

19          JIM MONTEVERDE: All right. We'll close public  
20 testimony. If not, we'll move to a motion. I'll move to a  
21 motion. This is a Variance Request.

22          So the Chair makes a motion to grant relief from

1 the requirements of the Ordinance under Sections 3.51 at the  
2 Table of Dimensional Requirements, that's really for the  
3 rear setback and for the FAR -- 5.15 regarding subdivision  
4 and 10.30 for a variance. And let me read through those.

5 The variance, we need to find all of the  
6 following:

7 a) That a literal enforcement of the provisions  
8 of the Ordinance would involve a substantial hardship. Yes.

9 b) The hardship is owing to circumstances  
10 relating to the soil condition, shape, or topography of such  
11 land. Yes.

12 c) And desirable relief may be granted without  
13 either substantial detriment to the public good or  
14 nullifying or substantially derogating from the intent or  
15 purpose of the Ordinance. I believe that is correct as  
16 well.

17 So it meets all the criteria of Sections 10.31 for  
18 a variance request.

19 So on the condition that the work proposed  
20 conforms to the drawings presented, initialed, and dated by  
21 the Chair.

22 And further, that we incorporate the supporting

1 statements and dimensional forms submitted as part of the  
2 application. On a voice vote, please?

3 Steven?

4 STEVEN NG: In favor.

5 JIM MONTEVERDE: Daniel?

6 DANIEL HIDALGO: In favor.

7 JIM MONTEVERDE: Virginia?

8 VIRGINIA KEESLER: In favor.

9 JIM MONTEVERDE: Tom?

10 THOMAS MILLER: In favor.

11 JIM MONTEVERDE: And Jim Monteverde in favor.

12 [All vote YES]

13 JIM MONTEVERDE: That's five in favor. The relief  
14 is granted.

15 JAMES RAFFERTY: Thank you very much. Good  
16 evening.

17 JIM MONTEVERDE: You're welcome. Good evening.

18

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1 \* \* \* \* \*

2 (6:48 p.m.)

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

6 JIM MONTEVERDE: Next case is BZA-265116 -- 76  
7 Reservoir Street, Unit 2. Anyone calling in about 76  
8 Reservoir Street, Unit 2?

9 SARAH RITCH: Let me repeat that. I was on mute.  
10 I'm Sarah Ritch of S E Ritch & Associates, 177 Milk Street,  
11 Boston, Mass. We are seeking relief for the addition of a  
12 shed dormer to a nonconforming two-family to the upper unit,  
13 Unit 2.

14 We're hoping to add what ends up being 40 square  
15 feet of living space by raising the height at the third  
16 floor to create a bathroom.

17 Okay. So the nonconformities are the width of the  
18 lot. It's an undersized lot -- undersized by five feet.  
19 The existing side yard is within the setback, as is this  
20 proposed dormer. And it's -- the existing building is over  
21 the FAR.

22 The drawing at the top with the red hatch shows



1 the added square footage of height. So we're not changing  
2 the footprint, we're just adding headroom, which becomes  
3 additional usable area. And the chart to the right of that  
4 shows how the FAR is impacted.

5 JIM MONTEVERDE: And do I read that the dormer is  
6 11'3" wide, is that correct?

7 SARAH RITCH: Correct.

8 JIM MONTEVERDE: Mm-hm.

9 SARAH RITCH: The A2 drawing a couple pages in  
10 shows the exterior elevations, if that's helpful. But the  
11 -- while you have that page, the photo shows the abutters.  
12 And each of them have a dormer. So what we're looking to do  
13 is to recreate a shed dormer similar to the building on the  
14 right.

15 And I'll also clarify that the building has been  
16 painted, so the color -- the building in the middle on the  
17 front page is the same as this lilac-colored one on the A2  
18 drawing.

19 JIM MONTEVERDE: Okay. Is there a side elevation  
20 somewhere, or a plan -- roof plan that shows relatively  
21 where this dormer is?

22 SARAH RITCH: Actually, that is the side

1 elevation, just to the left. That's the front elevation.  
2 The side is just that -- well, the side elevation of the  
3 dormer.

4 JIM MONTEVERDE: No, front elevation of the dormer  
5 relative to the entire roof. Where does it sit --

6 SARAH RITCH: Okay.

7 JIM MONTEVERDE: -- on the roof itself?

8 SARAH RITCH: It's set back a few feet from the  
9 face of the second floor.

10 JIM MONTEVERDE: Yep.

11 SARAH RITCH: Unfortunately, that's the extent of  
12 a side elevation.

13 JIM MONTEVERDE: That's okay. And then left and  
14 right of the dormer, whereas the edge of the roof, relative,  
15 approximately?

16 SARAH RITCH: Let's see.

17 JIM MONTEVERDE: Does this sit in the middle of  
18 the roof, toward the back, toward the front?

19 SARAH RITCH: It's about 18" back from the face.  
20 So this is as tight as we can make it. You know, the needed  
21 maneuvering space around each fixture is accounted for, and  
22 there's really not much else. It is fitted as tight as

1 possible.

2 JIM MONTEVERDE: Is there a full floor plan where  
3 you show this -- the area that the dormer's going to --

4 SARAH RITCH: Yep.

5 JIM MONTEVERDE: -- exist, that Sheet 3?

6 SARAH RITCH: The A1 drawing that you have up  
7 shows the proposed --

8 JIM MONTEVERDE: There you go.

9 SARAH RITCH: -- layout, that's just under the  
10 eaves --

11 JIM MONTEVERDE: Okay.

12 SARAH RITCH: -- space.

13 JIM MONTEVERDE: But that dormer will sit  
14 approximately in the middle of the roof width. So you're  
15 well clear of the edge of the roof, as the Dormer Guidelines  
16 request you to be.

17 SARAH RITCH: Correct.

18 JIM MONTEVERDE: And you'll sit in the middle of  
19 that roof area, approximately. Okay. Thank you. Anything  
20 else for your presentation?

21 SARAH RITCH: No. That should cover it.

22 JIM MONTEVERDE: Okay.

1 SARAH RITCH: Thank you.

2 JIM MONTEVERDE: Any questions from Members of the  
3 Board? If not, I'll open it up to public commentary.

4 When I looked at the file, we did have a letter  
5 from the Condo Association that they were in favor. There  
6 was no objection there. There were no other correspondents  
7 either in favor or against. So I will open it to public  
8 comment.

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

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

19 OLIVIA RATAY: Erum Sattar?

20 ERUM SATTAR: Hi. My name is Erum Sattar. I am  
21 at 74 Reservoir Street. And I joined late unfortunately, so  
22 I'm sort of sorry.

1 I'm just wondering -- I guess my question is if  
2 you're looking at the house from the street, is this going  
3 to be on the right-hand side of the house, or the left-hand  
4 side of the house?

5 SARAH RITCH: The left-hand side. So the  
6 photograph that's visible, are you on the left of that? Are  
7 you in the other brown residence?

8 ERUM SATTAR: So no, I'm not on that side. I'm on  
9 the right side. I'm on --

10 SARAH RITCH: Okay.

11 ERUM SATTAR: -- at 74. Right.

12 SARAH RITCH: Okay. Nothing will be visible from  
13 your side, but this --

14 ERUM SATTAR: I see.

15 SARAH RITCH: -- proponent is looking to add a  
16 shed dormer just like the one --

17 ERUM SATTAR: Sarah, I hate to cut you off, but  
18 the question -- the testament is really for the folks to ask  
19 the Board. And if we need your help, we'll ask you, not a  
20 back and forth.

21 So did that answer your question though?

22 ERUM SATTAR: Yes, it did. Thank you very much.

1 That was very helpful. Yes.

2 JIM MONTEVERDE: You're welcome. Anyone else,  
3 Olivia?

4 OLIVIA RATAY: No.

5 JIM MONTEVERDE: Okay. I'll close public  
6 testimony. Any discussion among Members of the Board? If  
7 not -- and this is a special permit -- so the Chair makes a  
8 motion to grant relief from the requirements of the  
9 Ordinance under Sections 5.31.

10 This is for the right-side setback and for the  
11 gross floor area and FAR and from Sections 8.22.2.d for a  
12 Nonconforming Structure, and 10.40 for a special permit, and  
13 I will read those again.

14 Special permit under 10.43:

15 a) It appears the requirements of this ordinance  
16 cannot or will not be met. That is correct as far as the  
17 new addition is concerned.

18 b) Traffic generated or patterns of access or  
19 egress will cause congestion, hazard, or substantial change.  
20 No.

21 c) The continued operation of or the development  
22 of the adjacent uses as permitted in the Ordinance would be

1 adversely affected. No.

2 d) Nuisance or hazard will be created to the  
3 detriment of the health, safety, or welfare. No.

4 e) And for other reasons, the proposed use would  
5 impair the integrity of the district or adjoining district.  
6 No.

7 So all the criteria of Section 10.43 for a special  
8 permit are met.

9 On the condition that the work proposed conform to  
10 the drawings submitted, their title, date and prepared by  
11 and initialed and dated by the Chair.

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

15 On a voice vote from the Board Members, please,  
16 Virginia?

17 VIRGINIA KEESLER: In favor.

18 JIM MONTEVERDE: Thank you. Tom?

19 THOMAS MILLER: In favor.

20 JIM MONTEVERDE: Thank you. Daniel?

21 DANIEL HIDALGO: In favor.

22 JIM MONTEVERDE: Thank you. Steven?

1 STEVEN NG: In favor.

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

4 [All vote YES]

5 JIM MONTEVERDE: That's five affirmative. The  
6 relief is granted. Good luck.

7 SARAH RITCH: Thank you very much.

8 JIM MONTEVERDE: You're welcome.

9 GWEN KIBBE: Thank you.

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2 (7:00 p.m.)

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

6 JIM MONTEVERDE: Next case is BZA 265414 -- 264  
7 Sidney Street. Is there anyone wishing to discuss 264  
8 Sidney Street with us? This one is also a special permit.

9 BRIAN DUNN: Yes. Good evening, Mr. Chair, and  
10 Members of the Zoning Board. This is Brian Dunn with MBL  
11 Land Development & Permitting with offices at 5 Bristol  
12 Drive in Southeastern Massachusetts, on behalf of the  
13 applicant and the owner. We're the Civil Engineers and  
14 Surveyors of Record.

15 JIM MONTEVERDE: Okay. Do you want to explain  
16 what brings up before us this evening?

17 BRIAN DUNN: Actually, Barry is the Attorney. He  
18 should be joining us. But, as you know, know -- well I  
19 would like for to wait for him, but if I need to take over I  
20 will.

21 JIM MONTEVERDE: Take over.

22 BRIAN DUNN: Okay.

1           JIM MONTEVERDE: Well, unless you want us to just  
2 put you at the end of the Agenda. That's --

3           BRIAN DUNN: Oh no, he's joining right now. So  
4 he's hopping on.

5           JIM MONTEVERDE: Okay.

6           BARRY CRIMMINS: Good evening, Mr. Chair and  
7 Members of the Board. Sorry about that. There was a little  
8 delay in my getting onto the meeting. As Brian mentioned,  
9 Brian's office is the Project Engineer on this project.

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

12          BARRY CRIMMINS: Yes. I'm sorry, Mr. Chairman.  
13 Attorney Barry Crimmins of 909 Washington Street in  
14 Stoughton. I represent the petitioners in this case, Henry  
15 Marcucella and Jennifer Mathieu, for the property located at  
16 264-266 Sidney Street in Cambridge.

17          JIM MONTEVERDE: Yep.

18          BARRY CRIMMINS: This is an existing two-family  
19 dwelling, Mr. Chairman, which is a preexisting,  
20 nonconforming structure relative to both lot area and to the  
21 rear yard setback.

22                 It's located in the Residence C-1 zone. If you

1 were to look at the Cambridge GIS map, you'll see that the  
2 properties on either side of the existing dwelling are  
3 pretty much right up against the dwelling with very narrow  
4 setback.

5           The front portion of the dwelling off of Sidney  
6 Street is a small, paved area for parking. The dwelling is  
7 pushed back a bit, if you will, relative to the two  
8 dwellings on either side. So really the only yard of any  
9 significance is the rear yard.

10           There is an existing first floor deck in the rear  
11 that encroaches into the rear yard setback. We are  
12 proposing a second floor deck that I'll let Brian explain to  
13 you in more detail momentarily.

14           That proposed second floor deck is basically going  
15 to be located within the same footprint -- if you will -- of  
16 the existing first-floor deck. So it's not going to  
17 encroach any further into the rear yard setback. It's going  
18 to be located directly above that existing deck.

19           But we're applying for a special permit under  
20 Section 8.22.2.d for a preexisting, nonconforming two-family  
21 dwelling, as well as under Section 10.43 for a special  
22 permit.

1           So with that, Mr. Chairman, if I may, I'd like to  
2 call upon Brian to explain in a little more detail in terms  
3 of the proposed deck.

4           JIM MONTEVERDE: Yep. And while both of you are  
5 available, is the deck -- do you have a side yard issue as  
6 well?

7           BRIAN DUNN: It's -- the side yard issue is really  
8 for most of the home. In fact, you can go --

9           JIM MONTEVERDE: No, I know, but does the new  
10 deck, is that also within the side yard setback?

11          BRIAN DUNN: Yes, sir.

12          JIM MONTEVERDE: Okay.

13          BRIAN DUNN: If I can have control of the screen,  
14 I can show you where the side yard and rear yard --

15          JIM MONTEVERDE: No.

16          BARRY CRIMMINS: -- setback lines are.

17          JIM MONTEVERDE: Yeah. I can see it. but -- so  
18 basically, it's not just the rear yard setback, it's the  
19 side yard and rear yard for that second floor, the new  
20 second floor balcony?

21          BARRY CRIMMINS: Yes, but it's --

22          JIM MONTEVERDE: Terrace?

1           BARRY CRIMMINS:  -- in the same footprint, Mr.  
2 Chairman.

3           JIM MONTEVERDE:  Yep.

4           BARRY CRIMMINS:  And of the first floor deck that  
5 was already there.

6           JIM MONTEVERDE:  Yep.  Okay.  Okay.  Olivia, can  
7 you just walk us through?

8           The next is that photo.  So -- oh, sorry.  Any  
9 more -- anything else to present to us, gentlemen?

10          BARRY CRIMMINS:  Brian, was there anything further  
11 on your end?

12          BRIAN DUNN:  Just that we -- our office prepared  
13 an on-the-ground field survey, which actually represents the  
14 existing conditions of this area where the deck is and the  
15 building and the property lines.

16          So they are very, very accurate in regards to the  
17 setbacks that we've shown and the existing building setbacks  
18 that were shown on the plans, Mr. Chairman and the Board.

19          So with that, we're asking for that -- those  
20 variances for these existing nonconforming structures and  
21 for that special permit, Mr. Chairman.

22          JIM MONTEVERDE:  Yep.  Thank you.

1           BARRY CRIMMINS: And Mr. Chairman, if I may, the  
2 photo that you and the Members are looking at --

3           JIM MONTEVERDE: Yep.

4           BARRY CRIMMINS: -- is from the left side of the  
5 dwelling if you were facing from Sidney Street. And as you  
6 can see, the house has the existing deck on the first floor.

7           They had begun construction, as you can see, on  
8 the second floor before it was pointed out to them that they  
9 had a Zoning issue. And that's what brought us before you.

10          JIM MONTEVERDE: Okay. So it's partially  
11 constructed?

12          BARRY CRIMMINS: Correct. Yes, sir.

13          JIM MONTEVERDE: Okay. Thank you. Any questions  
14 from Members of the Board? If not, I will open it up to  
15 public comment. And I saw nothing in the file either for or  
16 against. So I'll open it up to public comment.

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

22          I'll now ask Staff to unmute speakers one at a

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

5 OLIVIA RATAY: Nobody's calling in.

6 JIM MONTEVERDE: Anyone out there?

7 OLIVIA RATAY: No.

8 JIM MONTEVERDE: No? Okay. I'll close public  
9 testimony. Any discussion among Members of the Board? If  
10 not, we'll move along to a motion. And this is a Special  
11 Permit Request.

12 The Chair makes a motion to grant relief from the  
13 requirements of the Ordinance under Sections 5.31 -- that's  
14 both for rear yard setback intrusion and side yard setback  
15 intrusion. And then Sections 8.22.2.d for a Nonconforming  
16 Structure and 10.40 for a Special Permit.

17 And again, the criteria there is that:

18 a) It appears the requirements of this ordinance  
19 cannot or will not be met. That is correct.

20 b) Traffic generated or patterns of access or  
21 egress would cause congestion, hazard, or substantial  
22 change. No.

1           c) Continued operation of or the development of  
2 the adjacent uses would be adversely affected. No.

3           d) Nuisance or hazard will be created to the  
4 detriment of the health, safety, or welfare. No.

5           e) And for other reasons, the proposed use would  
6 impair the integrity of the district. No.

7           So it meets all of the criteria of Section 10.43  
8 for a special permit.

9           On the condition that the work proposed conform to  
10 the drawings submitted with their title, date prepared by  
11 initialed and dated by the Chair.

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

15           On a voice vote, please?

16           Tom?

17           THOMAS MILLER: In favor.

18           JIM MONTEVERDE: Thank you. Virginia?

19           VIRGINIA KEESLER: In favor.

20           JIM MONTEVERDE: Thank you. Daniel?

21           DANIEL HIDALGO: In favor.

22           JIM MONTEVERDE: Thank you. Steven?



1 STEVEN NG: In favor.

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

4 [All vote YES]

5 JIM MONTEVERDE: Five in favor. So the relief is  
6 granted. And if you are also the development entity or the  
7 advisor to the owners or anyone else, please just look at  
8 the Ordinance before you go ahead and build.

9 BARRY CRIMMINS: All right. Thanks.

10 BRIAN DUNN: Thank you, Mr. Chairman.

11 JIM MONTEVERDE: Permission granted.

12 BRIAN DUNN: That's why we're here.

13 JIM MONTEVERDE: Yep.

14 BRIAN DUNN: Thank you, Mr. Chairman.

15 JIM MONTEVERDE: Have a good evening. Yep.

16 BRIAN DUNN: Thank you, Members of the Board.

17 Have a good evening.

18 BARRY CRIMMINS: Thank you so much.

19 JIM MONTEVERDE: Good evening.

20 BARRY CRIMMINS: Yep. Goodnight.

21 BRIAN DUNN: Have a great night. Bye, now.

22 JIM MONTEVERDE: Yep. Thank you.

1 \* \* \* \* \*

2 (7:08 p.m.)

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

6 JIM MONTEVERDE: Next case, Mr. Rafferty is back.  
7 Case No. BZA -274540 -- 257 Charles Street. This one is a  
8 variance.

9 JAMES RAFFERTY: Good evening again, Mr. Chair,  
10 and Members of the Board. James Rafferty, 907 Massachusetts  
11 Avenue in Cambridge. This case also is a subdivision case,  
12 like the prior case we just discussed.

13 In this case, however, this subdivision request  
14 actually is the result of a lapse of a subdivision variance  
15 that was granted by the Board a few years ago.

16 As Board Members know, variances are good for one  
17 year. Because of some health issues involving the property  
18 owner at the time, the final steps on the -- accomplishing  
19 the subdivision were not achieved. And unfortunately, the  
20 variance lapsed.

21 But the application is entirely a duplicate of the  
22 original application, at which time the Board found the

1 necessary hardship to allow for the creation.

2 If we could see the subdivision plan, it would  
3 once again will tell the story of what's happening here.

4 This is a unique lot. It's a corner lot in East  
5 Cambridge on the corner of Sixth Street and Charles. And so  
6 what's being proposed here is the creation of the new lot.  
7 Is this the subdivision plan? I think that's the key.

8 JIM MONTEVERDE: No, I don't think so. That looks  
9 like --

10 JAMES RAFFERTY: That's the site plan.

11 JIM MONTEVERDE: -- the original. Yeah.

12 JAMES RAFFERTY: The subdivision plan is the  
13 different plan. Are we going to be able to see the  
14 subdivision plan?

15 JIM MONTEVERDE: Give us a moment.

16 JAMES RAFFERTY: Okay.

17 JIM MONTEVERDE: I hope so.

18 OLIVIA RATAY: I'm not seeing it in the online  
19 file.

20 JIM MONTEVERDE: No, it's probably in the old file  
21 from 2018.

22 JAMES RAFFERTY: We have it -- we filed it in this

1 one too. We used the same plan.

2 JIM MONTEVERDE: Oh, okay.

3 JAMES RAFFERTY: But we could work off the site  
4 plan, Olivia, if that's all that's there, because there's  
5 just one line being drawn in this subdivision plan. I can  
6 show you the location of where that line is.

7 So where the -- it's the right side. So right  
8 above where the cursor is, the line up -- exactly, the line  
9 is coming down from that location down to Charles Street  
10 with the resulting --

11 JIM MONTEVERDE: The 6.5' line is going to be  
12 extended down to Charles Street?

13 JAMES RAFFERTY: That's correct.

14 JIM MONTEVERDE: South to Charles Street? Yeah,  
15 okay. Okay.

16 JAMES RAFFERTY: It will result in the creation of  
17 two lots. That lot, which is -- which on the subdivision  
18 plan is called, "Lot 2" is at 1,500 square feet, 1,525. And  
19 to the left, the structure on that lot, that Lot 1 is going  
20 to consist of 1,800 square feet.

21 They're both freestanding dwellings and actually  
22 what happened here: there was a merger in the title history

1 here. These were two lots. They're very small lots, which  
2 is not uncommon for this section of East Cambridge.

3 So the zoning relief created by the variance is  
4 relief from the minimum lot size. This 3,300 square-foot  
5 lot will be separated into two lots of 1,800- and 1,500  
6 square feet.

7 The FAR in one case actually goes down in the  
8 larger lot to 0.62. So that's conforming FAR. But in the  
9 other lot, it's at 0.94. So -- existing condition contains  
10 an FAR violation as well, so that's nothing new.

11 There's nothing occurring here in terms of  
12 alterations to the structures, change of use and density of  
13 use. There are two driveways. Each structure will have its  
14 own driveway. And that's the way the properties are being  
15 used now.

16 So this really once again is a title matter. It's  
17 going to allow for the two structures to have legal  
18 independence for purposes of financial planning and future  
19 conveyancing.

20 So I will respectfully suggest that the findings  
21 made by the Board and the peer might recall the case, since  
22 he sat on it.

1                   JIM MONTEVERDE:  Yep.

2                   JAMES RAFFERTY:  -- in January of 2019 are  
3 applicable today in the same way they were in that case.  
4 The Board found that the hardship was related to the unique  
5 nature of the lot, the corner lot with two existing  
6 structures, and that the subdivision was going to allow for  
7 legal independence of the two structures.

8                   Happy to answer any questions or any comments the  
9 Board would like me to address.

10                  JIM MONTEVERDE:  Thank you.  Any questions from  
11 Members of the Board?

12                  THOMAS MILLER:  Just to clarify -- maybe I didn't  
13 understand -- the, if the 6.5' line is extended, won't that  
14 split the driveway between the two lots?

15                  JAMES RAFFERTY:  Right.  But the driveway -- the  
16 driveway will go -- that driveway will go entirely; the  
17 split driveway goes entirely with Lot 2.  And then Lot 1 has  
18 a driveway on the far side.

19                  THOMAS MILLER:  Okay.

20                  JIM MONTEVERDE:  So it does have a right of access  
21 or easement, even though it's off their property line, Mr.  
22 Rafferty?

1           JAMES RAFFERTY: You know, Mr. Miller's eyes are  
2 better than mine. That line actually extends slightly  
3 further. No, that driveway is going to be entirely -- so  
4 the subdivision line comes a little bit -- not from that  
5 corner, but from the -- you see the corner above? See where  
6 there's a jog there?

7           JIM MONTEVERDE: The 23.5' mark?

8           JAMES RAFFERTY: Yes, yeah.

9           JIM MONTEVERDE: That one gets extended south?

10          JAMES RAFFERTY: So -- right. So to answer -- it  
11 --

12          THOMAS MILLER: That driveway will functionally be  
13 included entirely within the lot?

14          JAMES RAFFERTY: That's correct.

15          THOMAS MILLER: Okay. That makes sense. Okay.

16          JAMES RAFFERTY: That driveway goes entirely with  
17 Lot 2.

18          JIM MONTEVERDE: Yep.

19          THOMAS MILLER: That's what I thought.

20          JAMES RAFFERTY: There isn't -- and the deeds have  
21 been granted. There isn't a need for easement; it's not a  
22 shared driveway.

1           And the lot line, the lot line there, it's going  
2 to be three feet off the existing house. It's one of the  
3 violations that the structure on Lot 1 will have a three-  
4 foot side yard setback.

5           JIM MONTEVERDE: Yep, okay. Any other questions  
6 from Members of the Board? If not, I'll open it up to  
7 public comment. I found in my review of the file, there  
8 were no correspondents either for or against. So I will  
9 open it to public comment.

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

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

20           OLIVIA RATAY: Phone number ending in 8311?

21           HEATHER HOFFMAN: Hello. Heather Hoffman, 213  
22 Hurley Street. Mr. Rafferty can perhaps refresh my



1 recollection on this, but it is my understanding that the  
2 second structure was built after the merger of the lot.

3 And I'm not -- I will agree that this is how  
4 they've been used, although -- I mean, the second structure  
5 was built as a rental for the owner of the older house.

6 And the one concern I have is that because of the  
7 relative sizes of the two structures, we have one that has a  
8 bunch of FAR left. And that's not how it was built, in my  
9 recollection.

10 Again, I am happy to be informed that I was  
11 misinformed. But I just want to be sure that what we are  
12 not doing is setting up one of those buildings to be  
13 expanded for the further monetary benefit of the developer  
14 who doesn't plan on living there.

15 Because I believe that the previous subdivision,  
16 which never made it to the public record, as far as I can  
17 tell from a quick title search, was done by the person who  
18 was -- who had been living there.

19 So --

20 JIM MONTEVERDE: Heather --

21 HEATHER HOFFMAN: -- I believe that --

22 JIM MONTEVERDE: -- Heather, for my benefit, can

1 you repeat your question?

2 HEATHER HOFFMAN: Yeah. Sure. My question is  
3 whether this lot was already good merged at the time that  
4 the second structure was built.

5 So, you know, the narrative has -- so far as it  
6 goes that these were two lots historically, that's correct.  
7 But I believe that Carol Ballou acquired both of them and  
8 then built the second structure.

9 JIM MONTEVERDE: But what's the question --

10 HEATHER HOFFMAN: And that -- so the question is  
11 number 1, am I right? And I think that changes kind of the  
12 posture of this a little bit.

13 And the second thing is if I am correct, is this  
14 subdivision without any conditions on the one that's going  
15 to be a 0.62 FAR to a loophole, so that that building, which  
16 couldn't currently be increased in size, would be able to be  
17 increased in size?

18 And as far as I can tell, that's to the benefit of  
19 the developer who doesn't live there and has no plans to  
20 live there, as opposed to an owner, who comes and says,  
21 "Look, I need more room."

22 JIM MONTEVERDE: Okay.

1 HEATHER HOFFMAN: So --

2 JIM MONTEVERDE: Thank you for your question.

3 HEATHER HOFFMAN: -- I'm not --

4 JIM MONTEVERDE: Let's see if we can get a  
5 response from --

6 HEATHER HOFFMAN: Yeah.

7 JIM MONTEVERDE: -- Mr. Rafferty first, before we  
8 --

9 HEATHER HOFFMAN: But anyway, what -- that's --  
10 and as I said, if -- if I am correct, then I would request  
11 that you put a condition on it that they can't increase the  
12 FAR on that one without coming back for a variance.

13 JIM MONTEVERDE: Yeah. Which one, the lot to the  
14 right --

15 HEATHER HOFFMAN: Thank you.

16 JIM MONTEVERDE: -- I'm assuming?

17 HEATHER HOFFMAN: The one with the smaller  
18 building.

19 JIM MONTEVERDE: The one to the left. That's call  
20 it Lot 1 on the plan we're looking at.

21 HEATHER HOFFMAN: The one that's going to be a  
22 0.62 FAR.

1 JIM MONTEVERDE: And --

2 HEATHER HOFFMAN: -- in a 0.75 world.

3 JIM MONTEVERDE: And what's your objection to --

4 HEATHER HOFFMAN: At least for the next 15 minutes  
5 until the --

6 JIM MONTEVERDE: -- a future addition to that on  
7 Lot 1?

8 HEATHER HOFFMAN: -- yeah.

9 JIM MONTEVERDE: No, what's your objection to it,  
10 an addition, a future --

11 HEATHER HOFFMAN: There was a whole kerfuffle  
12 about the parking garage there, and that Carol was using it  
13 as her office. And someone complained about that and said  
14 that this was an exempt parking space that had been turned  
15 into essentially living space. And I remember that from  
16 many years ago, many, many years ago.

17 So --

18 JIM MONTEVERDE: Okay.

19 HEATHER HOFFMAN: -- those are the issues that I  
20 would like the Board to keep in mind when it's deciding on  
21 the advisability of just letting this go forward.

22 Thank you.

1 JIM MONTEVERDE: Okay. Thank you for calling in.  
2 Olivia, anyone else calling in?

3 OLIVIA RATAY: No. They just put their hand down,  
4 so no.

5 JIM MONTEVERDE: Okay.

6 OLIVIA RATAY: Oh wait, their hand's back up.  
7 Natercia Amaya?

8 NATERCIA AMAYA: Hi, can you hear me?

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

10 NATERCIA AMAYA: Hi. I'm Natercia Amaya from 97  
11 Sixth Street. It's the house right next to Charles -- the  
12 Carol Ballou house -- houses.

13 JIM MONTEVERDE: Mm-hm.

14 NATERCIA AMAYA: I totally agree with what the --  
15 what was the lady before me that was talking?

16 JIM MONTEVERDE: Yeah, Heather. Yes, go ahead.

17 NATERCIA AMAYA: Yes, yes. I totally agree with  
18 what she was saying. Like --

19 JIM MONTEVERDE: Which --

20 NATERCIA AMAYA: She was saying how, you know, if  
21 it -- what is it exactly that this new owner wants to do?  
22 They just want to separate the -- go ahead.

1           JIM MONTEVERDE: That's what's in front of us this  
2 evening.

3           NATERCIA AMAYA: This even. Yes.

4           JIM MONTEVERDE: It's merely the separation of the  
5 lot. Period.

6           NATERCIA AMAYA: The separation of the lot. And  
7 that's all?

8           JIM MONTEVERDE: Correct.

9           NATERCIA AMAYA: Oh. Is there any way that I  
10 could really look at this more?

11           JIM MONTEVERDE: So -- well, everything's  
12 available in the electronic file or at the office of the  
13 Inspectional Services Department.

14           But not that you can do at this moment, because  
15 we're moving along to get either to a vote or to a  
16 continuance. But -- so what's your question, I'm sorry?  
17 Ask your question.

18           NATERCIA AMAYA: Well, my question is, I don't  
19 care if she separates the houses, as long as it has nothing  
20 to do with my property.

21           JIM MONTEVERDE: Okay. Well, that's the matter  
22 that's in front of us this evening is strictly the

1 subdivision of the lot.

2 NATERCIA AMAYA: Okay.

3 JIM MONTEVERDE: Okay?

4 NATERCIA AMAYA: That's fine. Yes.

5 JIM MONTEVERDE: Okay. Very good. Thank you for  
6 calling in.

7 NATERCIA AMAYA: Thank you.

8 JIM MONTEVERDE: Yep. Anyone else, Olivia?

9 OLIVIA RATAY: No.

10 JIM MONTEVERDE: Okay. I'll close public  
11 testimony. Any discussion among Members of the Board? If  
12 not, I'll move to a motion. And this is a variance. The  
13 petitioner seeks to reauthorize lapsed subdivision variance.

14 This was the former BZA Case No. BZA-017051-2018  
15 to subdivide a single lot currently containing two single-  
16 family homes into two lots, each containing one single-  
17 family home.

18 And it's seeking relief from Section 5.31, Table  
19 of Dimensional Requirements or it looks like side yard  
20 setbacks on both the FAR on one subdivision 5.15, and  
21 Variance 10.30, 10.31, those conditions. So we have to find  
22 that we meet all of the following:

1           a) A literal enforcement of the provisions of the  
2 Ordinance would involve a substantial hardship. Yes.

3           b) The hardship is owing to the circumstances  
4 relating to the soil condition, shape, or topography of such  
5 land. Yes. And

6           c) Desirable relief may be granted without either  
7 substantial detriment to the public good or nullifying or  
8 substantially derogating from the intent and purpose of this  
9 ordinance. And that is correct.

10           So all the conditions of Section 10.31 for a  
11 variance are met.

12           On the condition that the work proposed conforms  
13 to the drawings entitled, dated, and prepared by as  
14 submitted to the Inspectional Services Department,  
15 initialed, and dated by the Chair.

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

19           On a voice vote, please?

20           Steven?

21           STEVEN NG: In favor.

22           JIM MONTEVERDE: Daniel?



1 DANIEL HIDALGO: In favor.

2 JIM MONTEVERDE: Virginia?

3 VIRGINIA KEESLER: In favor.

4 JIM MONTEVERDE: Tom?

5 THOMAS MILLER: In favor.

6 JIM MONTEVERDE: And Jim Monteverde in favor.

7 [All vote YES]

8 JIM MONTEVERDE: Five in favor; the relief is  
9 granted.

10 JAMES RAFFERTY: Thanks very much. Have a good  
11 evening.

12 JIM MONTEVERDE: You're welcome.

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2 (7:26 p.m.)

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

6 JIM MONTEVERDE: Next case is BZA-273812 -- 888  
7 Massachusetts Avenue. Anyone wishes to talk to us about 888  
8 Massachusetts Avenue?

9 MARC MAXWELL: Marc Maxwell, the architect for the  
10 project.

11 THEO PAPAS: Good evening, Mr. Chairman. This is  
12 Theo Papas on behalf of the property owners at 888 Mass Ave.  
13 And what we would like to do tonight is apply for a variance  
14 to add an additional dwelling unit to the nonconforming  
15 building, which violates the Dimensional Standards.

16 This building is located at 888 Mass Ave, which is  
17 actually a central point between Harvard University  
18 environment as well as the MIT environment.

19 We are currently looking to get a variance in  
20 addressing Sectional 5 to 6 relative to conversion,  
21 Sectional 5.31 relative to Dimensional Requirements,  
22 Sectional 8.22 regarding Nonconforming Structures, and 10.3

1 regarding this variance.

2 In summary, what we'd like to do is get your  
3 approval in adding a dwelling unit to the existing 57-unit  
4 property as a fifty-eighth unit for residential use.

5 The fifty-eighth unit is a -- currently being used  
6 as a management office. It is approximately 235 square  
7 feet, and has both an ingress and egress, our two means of  
8 egress, as documented on the presentation that we've  
9 provided Olivia.

10 What you're currently looking at is the actual  
11 dwelling itself of the fifty-eighth unit. And as you can  
12 see, we have highlighted in bold black dots both the way  
13 into the unit at the front door and the way out to the unit  
14 of the rear door.

15 JIM MONTEVERDE: Yep. One second, please.  
16 Olivia, I'm not seeing anything on the screen -- well, I'm  
17 seeing somebody's face on the screen. But is -- can you  
18 bring up the drawing that they're referring to, please?

19 THEO PAPAS: Actually, Mr. Chairman, I do see the  
20 drawing Olivia has just brought up on my end.

21 JIM MONTEVERDE: I don't. And I need to vote.

22 [Laughter]

1 COLLECTIVE: [Laughter]

2 THEO PAPAS: It's important. Olivia?

3 JIM MONTEVERDE: Hold on. Wait. She's doing her  
4 thing.

5 OLIVIA RATAY: Do you see it now, Jim?

6 JIM MONTEVERDE: Nope. I'm still seeing the  
7 gentleman's face.

8 THEO PAPAS: Hm.

9 OLIVIA RATAY: I think it might be your side.

10 JIM MONTEVERDE: Me?

11 STEVEN NG: Yes.

12 JIM MONTEVERDE: Yes.

13 STEVEN NG: I can see the presentation.

14 VIRGINIA KEESLER: I can see it as well.

15 JIM MONTEVERDE: Okay. Should I leave and come  
16 back?

17 OLIVIA RATAY: Can you adjust your view?

18 JIM MONTEVERDE: Oh, there. Yep, it's there.  
19 Thank you. Sorry for the interruption.

20 THEO PAPAS: Not a problem. Once again, Mr.  
21 Chairman, this presents the 235 square-foot ground level  
22 apartment that we were currently using as a management

1 office that we would like your permission to use as a  
2 residential studio.

3 As you can see from the drawing, in terms of life  
4 safety features, we've actually installed all the  
5 appropriate life safety features such as fire detection,  
6 such as sprinklers in this particular unit.

7 So my sense is that we're fully compliant with all  
8 the current Cambridge Standards as needed.

9 And that's the substance of our Variance Request.

10 JIM MONTEVERDE: Okay. Thank you. Is there a  
11 floor plan -- I'm assuming this is in the basement level?

12 THEO PAPAS: It is the basement level.

13 JIM MONTEVERDE: Is this -- is there a plan -- I  
14 see -- we see the plan for the apartment itself. Is there a  
15 more fuller plan of the basement that we can basically see  
16 how you -- obviously when you egress to the exterior, I'm  
17 assuming you're below grade? What's around it?

18 THEO PAPAS: You're actually on the ground level.  
19 So you are not below grade.

20 JIM MONTEVERDE: Oh, okay. Olivia, can you go to  
21 the -- there's a site plan. I think it's the second drawing  
22 there.

1 THEO PAPAS: Exactly.

2 JIM MONTEVERDE: So where is this basement to be  
3 relative to this --

4 THEO PAPAS: We also have --

5 JIM MONTEVERDE: -- site plan?

6 JIM MONTEVERDE: -- yep, Thank you, Mr. Chairman.  
7 We also have the architect on the call.

8 And Marc, would you like to walk through the  
9 Committee in terms of its location relative to the basement  
10 plan we see in front of us?

11 MARC MAXWELL: Certainly. Can you hear me, Mr.  
12 Chairman?

13 JIM MONTEVERDE: Yep. Just state your name for  
14 the record and --

15 MARC MAXWELL: Great. Marc Maxwell, a licensed  
16 architect at 20 Windham Street, Somerville, Massachusetts.

17 JIM MONTEVERDE: Mm-hm.

18 MARC MAXWELL: So the -- if you could -- Olivia,  
19 if you can show us all of the plan and not just the center  
20 part of the plan by making it smaller? Great. Perfect.

21 The upper right is the Mass Avenue side of the  
22 building, which -- this lower level is below grade. The

1 lower left-hand end of the property is above grade on the  
2 back side of the building.

3 JIM MONTEVERDE: Mm-hm.

4 MARC MAXWELL: And if you will in the larger  
5 section go to the middle of the back with your cursor, right  
6 where they -- right where this 43 -- sorry, 40.3. This is  
7 the position of this unit in the building on the lower  
8 level.

9 I'm -- if you just scroll down so I can see what  
10 the last plan that we provided beyond the -- beyond the plan  
11 is. I think it's an elevation, actually. So I don't think  
12 it's going to give me what I'm looking for.

13 But if you go back to our overall unit plan, and  
14 then show us the entire page? There you go. So the -- on  
15 the -- the entry is to the right center of this plan. That  
16 is the main hallway. And then that exits. That is an exit  
17 route into the courtyard between the two wings of the  
18 building.

19 And then the -- in the center -- right. So that  
20 enters to that courtyard right there. Yes, thank you very  
21 much.

22 And then if you go out the other door, which is an

1 existing stair tower -- enters a stair tower from the floors  
2 above and exits directly into the rear yard, where you can,  
3 again, access across the back of the building and exit the  
4 property.

5           So this is on the lower level, as I said. I have  
6 worked with Theo Papas and his family for almost three  
7 decades now on this property. It is an existing 57-unit  
8 rental property with no plans to change that. It is a well-  
9 run building, well managed and in very good condition.

10           Over 20 years ago we installed a stretcher-code  
11 elevator. There is a ramp along that north -- if you will,  
12 the north side of the building that goes from Mass Ave to  
13 the lower level.

14           And the request is to add a small, which makes it  
15 relatively affordable -- not in a legal definition, but a  
16 moderately-priced market-rate unit -- in this Central Square  
17 area.

18           JIM MONTEVERDE: Okay.

19           MARC MAXWELL: So --

20           JIM MONTEVERDE: Thank you.

21           MARC MAXWELL: Yes.

22           JIM MONTEVERDE: Any questions from Members of the



1 Board?

2 DANIEL HIDALGO: I guess your supporting statement  
3 for a variance, you know, where you have to go through the  
4 legal requirements of the variance, kind of listed as, "Not  
5 applicable."

6 But given the conditions of a variance, like, the  
7 legal conditions necessary to get a variance, I think we  
8 need a little -- I'd be interested in hearing a little bit  
9 more about the meeting requirements.

10 JIM MONTEVERDE: So let me read them off to you.  
11 And you can tell us what --

12 MARC MAXWELL: Yeah.

13 JIM MONTEVERDE: -- whether this is applicable.  
14 And you need -- we need to find that you meet all of the  
15 following conditions: That's there's a hardship, and the  
16 hardship is owing to circumstances relating to soil  
17 conditions, shape or topography of such land or structures.

18 Is there an issue with the soil, the shape of the  
19 lot, the topography of the lot that affects this?

20 MARC MAXWELL: We are making no change to the  
21 exterior of the building.

22 JIM MONTEVERDE: Yep.

1           MARC MAXWELL: This is simply taking occupied  
2 space and converting it from the management office to a  
3 residential unit.

4           JIM MONTEVERDE: So what is the hardship if --

5           MARC MAXWELL: But there is an --

6           JIM MONTEVERDE: -- this is not granted is the  
7 point. Is there a hardship if this were not approved? And  
8 what is that hardship?

9           VIRGINIA KEESLER: I'm wondering maybe if you  
10 could speak a bit to, like, why you're converting it from a  
11 management office and maybe speaking to the existing  
12 structure and why the management office is an  
13 underutilization of the space.

14           I'm wondering if that could maybe get to the  
15 question.

16           MARC MAXWELL: Yes. Well, it is -- the building  
17 is typically fully occupied. And it is the owner's -- the  
18 ownership's intention to add another unit to create more  
19 affordable options in the neighborhood.

20           And the peculiarity of the property is that the  
21 front of it is at street level. The rear of it is above  
22 basement level, across the back half of the building.

1           And there was no intention to increase the size of  
2 the building or the nonconformity other than the lot area  
3 per unit, which is already nonconforming. And then the side  
4 yard setbacks, which we are not changing in any way, but are  
5 nonconforming as well.

6           JIM MONTEVERDE: Thank you. So I think -- you  
7 know, Members of the Board, in other cases we've seen like  
8 this where units are being added, the hardship actually may  
9 not comply specifically with the requirements of that  
10 section in the Ordinance, but it's more generally in that  
11 there's a need for the apartments.

12           There are a need for the dwelling units, and this  
13 adds to the city's housing stock, potentially. That's one  
14 path to take to describe a hardship in that way.

15           And the other sections I just read, I don't think  
16 you'll find a hardship, but it's more a citywide need.  
17 Anyway, those are -- that's all of my two cents there.

18           MARC MAXWELL: Thank you, Mr. Chairman, for that.

19           JIM MONTEVERDE: Yep. Any other questions from  
20 Members of the Board?

21           STEVEN NG: But is there a need to go to use the  
22 additional dwelling unit as a -- the means to increase that?

1 Can't you just -- is it because of the access to the unit is  
2 maybe not through the front door or --

3 MARC MAXWELL: The access is possible through the  
4 front door. There are -- we have over time developed all of  
5 the units, and all of the occupiable space in this building.

6 STEVEN NG: Mm-hm.

7 MARC MAXWELL: And so, it was a need to increase  
8 the number of available units in the neighborhood.

9 JIM MONTEVERDE: Did that answer your question,  
10 Steven?

11 STEVEN NG: Yeah. Yeah. Just curious.

12 JIM MONTEVERDE: Okay.

13 STEVEN NG: You know.

14 MARC MAXWELL: And as a further explanation, we  
15 over time have increased the size of units --

16 STEVEN NG: -- Mm-hm.

17 MARC MAXWELL: -- where we could grab other space  
18 to create two-bedroom units or full one-bedroom units in  
19 other parts of the building. But again, we have not added  
20 to the original structure in any way. We've simply been --

21 STEVEN NG: Yep.

22 MARC MAXWELL: -- being more efficient with the

1 back of house space.

2 JIM MONTEVERDE: Any other questions from Members  
3 of the Board? If not, I have a couple.

4 So one, I wish there was a basement floor plan  
5 that showed the basement in its entirety so I could  
6 understand easily. I think I understand where the unit  
7 sits, but what's around it?

8 But did I understand that -- did I understand that  
9 you enter and exit this new apartment from the -- either the  
10 courtyard or from its rear yard, is that correct?

11 MARC MAXWELL: No. No, that is not correct.

12 JIM MONTEVERDE: Okay.

13 MARC MAXWELL: So the -- the main corridor system  
14 comes down -- straight down the hall to the front door. So  
15 you can --

16 JIM MONTEVERDE: So you --

17 MARC MAXWELL: -- access this from within the --

18 JIM MONTEVERDE: -- from the front door.

19 MARC MAXWELL: Yes.

20 JIM MONTEVERDE: Okay. And is that as a primary  
21 means of access is through the front door and --

22 MARC MAXWELL: That would -- yes, that would be --

1 JIM MONTEVERDE: -- down to the basement?

2 MARC MAXWELL: a primary means of access, but the  
3 egress paths would be nearer to use these other two doors.

4 JIM MONTEVERDE: Okay. Gotcha.

5 MARC MAXWELL: I don't know if it's possible. I  
6 believe that John Williams from my office is on the line and  
7 could bring up a plan. But I know that it --

8 JIM MONTEVERDE: Well, that's okay.

9 MARC MAXWELL: -- it was not submitted. Okay.

10 JIM MONTEVERDE: Yeah, no, it needs to be  
11 submitted or we can't bring it up. So --

12 MARC MAXWELL: I understand. Thank you.

13 JIM MONTEVERDE: Let me just follow it up. The  
14 question about the egress, then, if you egress out to the  
15 back yard, then I'm assuming you would wind up having to  
16 traverse the left side or right side in this plan to get to  
17 Massachusetts Avenue, is that correct?

18 MARC MAXWELL: Yes. You could also come up.

19 JIM MONTEVERDE: And it is paved and little and  
20 otherwise, so someone could actually find their way in an  
21 emergency?

22 MARC MAXWELL: Yes. It is, and --

1 JIM MONTEVERDE: Emergency lighting or whatever?

2 MARC MAXWELL: -- yes, there is lighting and there  
3 is also a ramp that comes up the side of the building.

4 JIM MONTEVERDE: Not the you want to invite people  
5 to use it, but for egress, it would be lit, and someone  
6 could find their way? Okay.

7 THEO PAPAS: Yes. it's extremely well-lit --

8 JIM MONTEVERDE: Thank you.

9 THEO PAPAS: -- with appropriate sensors.

10 JIM MONTEVERDE: Okay. Yep. Thank you. That  
11 answers my question. Any other questions from Members of  
12 the Board? If not, I will open it up to public commentary.  
13 I found no letters in the file, either for or against. I  
14 will open it up to public comment.

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

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

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

1 will have up to three minutes to speak before I ask you to  
2 wrap up. Is there anyone out there, Olivia?

3 OLIVIA RATAY: No one one's calling in.

4 JIM MONTEVERDE: Okay. We will close public  
5 testimony. Any discussion among the Members of the Board?  
6 If not, I would make two suggestions. One is that as a  
7 condition I would ask the proponent to submit a basement  
8 level plan, so we could see where this unit is in relation  
9 to that overall plan, and to see how they access their  
10 apartment, their front door to that apartment.

11 So if that's a plan you already have, if you could  
12 please submit that to ISD, that could become part of your  
13 file.

14 The second one is I think the part we have to get  
15 over for the variance. I think it's really about creating  
16 another living unit within the city of Cambridge and  
17 satisfying that need for additional dwelling units. That's  
18 what I would suggest.

19 If anyone else has any thoughts on that one, I'd  
20 be happy to hear it. But that's --

21 DANIEL HIDALGO: Can you repeat that last  
22 condition there? I missed it.



1           JIM MONTEVERDE: I think the -- you know, in  
2 trying to -- in needing to meet the criteria for a variance,  
3 I think the hardship is not with the lot --

4           DANIEL HIDALGO: Right.

5           JIM MONTEVERDE: -- with the topography, or with a  
6 particular hardship for ownership, except for the fact they  
7 have some now empty space that they can convert.

8           It really has to do with the citywide need for the  
9 apartments and in fact creating a studio apartment that  
10 should be on the -- I'm not going to guess what rents are,  
11 but on the -- you know, studio apartment --

12          DANIEL HIDALGO: Right.

13          JIM MONTEVERDE: -- price point that the city  
14 needs. And it satisfies that city need, as the hardship --  
15 not so much -- citywide hardship, not so much the individual  
16 hardship that's either for the lot or for the owner.

17          DANIEL HIDALGO: Okay.

18          JIM MONTEVERDE: That's my sense.

19          DANIEL HIDALGO: All right. Thank you.

20          JIM MONTEVERDE: Okay? All right. With that, let  
21 me make a motion. And this is a Variance Request.

22          The Chair makes a motion to grant relief from the

1 requirements of the Ordinance under Sections 5.26, that's  
2 the conversion; 5.31 the Table of Dimensional Requirements;  
3 5.22.3 for Nonconforming Structures; and 10.30 or 10.31 the  
4 conditions for a variance, which we just described as really  
5 the hardship is the citywide hardship and the need for  
6 additional housing units, and that this case will provide an  
7 additional housing unit for the city.

8 On the condition that the work proposed conforms  
9 to the drawings entitled, dated, and prepared as submitted  
10 to Inspectional Services initialed and dated by the Chair.

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

14 Further, that the variance is granted  
15 incorporating the following conditions. And that condition  
16 is that a full basement floor plan be submitted to  
17 Inspectional Services, that shows where this particular unit  
18 is in relation to the complete floor plan and shows how you  
19 enter it from the street, the lobby, the corridor.

20 On a voice vote, then, please? Steven?

21 STEVEN NG: In favor.

22 JIM MONTEVERDE: Thank you. Daniel?

1 DANIEL HIDALGO: In favor.

2 JIM MONTEVERDE: Thank you. Virginia?

3 VIRGINIA KEESLER: In favor.

4 JIM MONTEVERDE: Thank you. Tom?

5 THOMAS MILLER: In favor.

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

8 [All vote YES]

9 JIM MONTEVERDE: Five in favor. The relief is  
10 granted. Thank you, gentlemen.

11 MARC MAXWELL: Thank you, Mr. Chairman.

12 JIM MONTEVERDE: Yep.

13 THEO PAPAS: Yes, and thank you, Board.

14 JIM MONTEVERDE: Thank you.

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(7:47 p.m.)

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

JIM MONTEVERDE: Next case is BZA-276002 -- 179  
Appleton Street.

SISIA DAGLIAN: Hello, Members of the Board?

JIM MONTEVERDE: Yep, hi.

SISIA DAGLIAN: Hello, and thank --

JIM MONTEVERDE: Could you introduce yourself,  
please?

SISIA DAGLIAN: Yes. My name is Sisia Daglian.  
I'm the Architect.

JIM MONTEVERDE: Oh, hi, Sisia.

SISIA DAGLIAN: Hello. I think we also have with  
us Sean Scanlon, who's the builder and Eric Hoagland, who's  
the owner of the property at 179 Appleton Street. Thank you  
for hearing our case.

179 Appleton is a four-unit building. It was  
built in 1900. And then it was renovated in 1972. We --  
and since then, there has not been very much work done.

1 More recently, Mr. Hogland purchased the property and is now  
2 in the process of renovating it, bringing it up to current  
3 codes and current living standards.

4 Olivia, could you bring the presentation up,  
5 please?

6 OLIVIA RATAY: Bringing.

7 SISIA DAGLIAN: Oh, there we are. So our request  
8 is fairly simple under 8.22.2.c. On the right-hand side of  
9 the building, where you can see a red circle, the property  
10 -- the building is about a foot and a half off the property  
11 line.

12 JIM MONTEVERDE: Excuse me, Sisia.

13 SISIA DAGLIAN: Yes.

14 JIM MONTEVERDE: Olivia, I'm still looking at  
15 Sisia and not at the presentation. Can you help me? Again,  
16 or is that my issue?

17 OLIVIA RATAY: I think it's your screen, Jim,  
18 yeah.

19 DANIEL HIDALGO: Yeah, I can, I can see it, the  
20 plan. Yep.

21 JIM MONTEVERDE: I see it now. Thank you. Thank  
22 you. Sorry, Sisia. Go ahead.

1           SISIA DAGLIAN: Okay. So you can see in the red  
2 circle that's, you know, a foot and a half at the back  
3 corner off the property line. And because of the interior  
4 reconfiguration of the spaces, we are requesting to move  
5 openings.

6           If you can zoom out, Olivia, to this colored  
7 drawing here shows you the blue being the field of the  
8 building -- the wall being in the setback. And the pink are  
9 the new openings. There are currently 11 windows on this  
10 elevation, plus some open spots that I'll point out in the  
11 next photo.

12           And we are adding a net -- a net addition of five  
13 windows to this elevation. The basement windows are being  
14 enlarged.

15           And then from the first to the third floor, there  
16 are some windows that are moving and others that are being  
17 added.

18           If we could go to the next slide, please?

19           You can see here this is the condition of the  
20 existing side of the building. In the back there, you can  
21 see there are these walls where the tops of the walls are  
22 open. Those are porches, and that's actually fixed wall.

1 That is being enclosed by right as new interior area.

2 And then there's some windows going in that area.

3 The building's, you know, it's aged, and some of  
4 these things like windows, et cetera are being replaced.

5 The exterior will be painted. And all new mechanical  
6 systems are being introduced.

7 If we could go to the next slide?

8 So here is the specifics of the windows we're adding. On  
9 the left-hand side, you can see these triplets of narrow,  
10 tall windows. Those are all new. They're similar to the  
11 openings that were on the porch, except slid down to this  
12 end of the window -- or this end of the wall.

13 These are high windows. On the first floor, the  
14 sill of that window is at 6', and the second and third  
15 floor, it's 5'8". So -- and this is above a bed wall. We  
16 don't that they will introduce any privacy issues to the  
17 neighbor.

18 The next set of windows are existing to remain.  
19 And then beyond that there are -- on the second and third  
20 floor, there are some double windows. Those are two-  
21 bedroom.

22 And then next to that on the second and third

1 floor, there are single windows. Those are also two-  
2 bedroom.

3 At the first floor level, all those windows are to  
4 kitchen and living, dining spaces.

5 We could go to the next slide, please?

6 Here you can see the first-floor plan on the right  
7 is the existing. Sort of an odd -- the existing was an odd  
8 configuration of a unit in the front and unit in the back.  
9 We are completely reconfiguring this so that the units are  
10 left, right, and they extend by right into the basement.

11 But the new windows in question are the ones --  
12 there's one to the dining room. There are some tall windows  
13 opposite the kitchen island, and a new window in the living  
14 room. And then the bedroom windows are the ones that are  
15 high windows above the bed wall.

16 Next slide?

17 And this is the basement that's being developed.  
18 There's an enlarged window to the playroom, and an enlarged  
19 window to the bathroom.

20 Next slide, please?

21 The second and third floor are really quite  
22 similar. So on this side, the existing configuration has



1 had three bedrooms. And we're really just moving those  
2 bedrooms and then adding a bathroom and better closeting  
3 along that elevation, so it requires the relocation of  
4 windows.

5 I think the windows that we've introduced are  
6 approximately the same size as the windows that are there.  
7 They're really not out of character for the building. And  
8 then again, the windows in the front bedroom are sort of  
9 high transom windows that will be closer to the ceiling  
10 height.

11 And then the next slide is the top floor, which is  
12 very similar to the floor that we just looked at.

13 And that's really the extent of my presentation.  
14 This is -- you know, it's a fairly simple 8.22.2.c request.  
15 If there are any questions, I'd be happy to answer them.

16 JIM MONTEVERDE: Olivia, can you go to the -- just  
17 the site survey plan, please? Oh, I see. Okay. Any  
18 questions from Members of the Board? If not, I have one  
19 question.

20 Sisia, the application says, and the Agenda says  
21 that you're only looking for relief for right-side setback  
22 for the windows. Are there any rear yard setback

1 requirements here? I don't think so.

2 SISIA DAGLIAN: No, it's a very --

3 JIM MONTEVERDE: No.

4 SISIA DAGLIAN: -- deep rear yard.

5 JIM MONTEVERDE: Yeah. Okay.

6 SISIA DAGLIAN: It's like 120' to the --

7 JIM MONTEVERDE: Okay.

8 SISIA DAGLIAN: -- it's a very -- it's a kind of a  
9 narrow and very deep lot.

10 JIM MONTEVERDE: Yep. Extremely deep. Okay.

11 SISIA DAGLIAN: And because of the new --

12 JIM MONTEVERDE: So it's really just the right-  
13 side setback.

14 SISIA DAGLIAN: Right. Because of the new porch  
15 requirements, we are -- you know, we are introducing a porch  
16 in the rear, but it doesn't create a nonconformity.

17 JIM MONTEVERDE: Right. Okay. Very good. Thank  
18 you. Any other questions from Members of the Board? If  
19 not, I'll open it up to public comment. For public comment  
20 in the file I found no correspondence, either for or against  
21 at the time I looked in the file.

22 So any members of the public who wish to speak

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

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

10 Anyone calling in --

11 OLIVIA RATAY: No.

12 JIM MONTEVERDE: -- Olivia? Okay. We'll close  
13 public testimony. Any discussion among Members of the  
14 Board? All right. If not, we'll move to a motion. And  
15 this is a special permit.

16 The Chair makes a motion to grant relief from the  
17 requirements of the Ordinance under Sections 5.31. And that  
18 has to do with the right side, right yard setback, where the  
19 new windows and relocated windows are proposed; Section  
20 8.22.2.c for a Nonconforming Structure; and 10.40 for a  
21 Special Permit.

22 And again, under the criteria for Section 10.43,

1           It appears the requirements of this ordinance  
2 cannot or will not be met. That is correct.

3           Traffic generated or patterns of access or egress  
4 would cause congestion or hazard. No.

5           Continued operation of or the development of the  
6 adjacent uses as would be adversely affected. No.

7           Nuisance or hazard will be created. No.

8           And for other reasons, the proposed use would  
9 impair the integrity of the district or adjoining district.  
10 No. So it meets all the criteria of Section 10.43 for a  
11 Special Permit.

12           On the condition that the work proposed entitled,  
13 dated, and prepared as submitted to Inspectional Services  
14 initialed and dated by the Chair.

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

18           On a voice vote, please?

19           Virginia?

20           VIRGINIA KEESLER: In favor.

21           JIM MONTEVERDE: Thank you. Tom?

22           THOMAS MILLER: In favor.

1 JIM MONTEVERDE: Thank you. Daniel?

2 DANIEL HIDALGO: In favor.

3 JIM MONTEVERDE: Thank you. Steven?

4 STEVEN NG: In favor.

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

7 [All vote YES]

8 JIM MONTEVERDE: That's five in favor. Relief is  
9 granted. Good luck.

10 SISIA DAGLIAN: Thank you, everyone.

11 JIM MONTEVERDE: Yep. Goodnight.

12 SISIA DAGLIAN: Goodnight.

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2 (7:56 p.m.)

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

6 JIM MONTEVERDE: Next case is BZA-261307 --  
7 1 Brattle Street (sic). The cookie store. Is there anyone  
8 calling in about 1 Brattle Square? I see an Eric Hoagland.  
9 Are you calling in?

10 Sean Scanlon. Nope.

11 OLIVIA RATAY: Jim?

12 JIM MONTEVERDE: Yes, ma'am.

13 OLIVIA RATAY: I'm trying to promote them to  
14 panelist, but they keep declining it.

15 JIM MONTEVERDE: [Laughter] is that the Sean  
16 Scanlon, whose name I see on the screen?

17 OLIVIA RATAY: No, it's Nicholaos.

18 JIM MONTEVERDE: Somebody else?

19 OLIVIA RATAY: Yeah.

20 JIM MONTEVERDE: Well, if they can hear me, please  
21 don't decline being made a panelist so we can hear you.

22 OLIVIA RATAY: I'm no longer seeing their name.

1           JIM MONTEVERDE: So out of curiosity, just in case  
2 they never join, do we need a proponent? If so, I guess  
3 we'd have to continue it. I mean, we've all read the file.  
4 We know what it's about. We know what -- we've read what  
5 relief they're looking for. This is a special permit.

6           THOMAS MILLER: I guess I would be disinclined to  
7 grant the zoning relief if the petitioner doesn't appear  
8 before the Board. But I don't know if we are permitted to  
9 do that.

10          JIM MONTEVERDE: Right. That's -- I was kind of  
11 curious if -- Olivia, if you had a sense of that?

12          OLIVIA RATAY: I don't have an answer.

13          JIM MONTEVERDE: Okay. Yeah, I kind of agree with  
14 Tom. I wouldn't want to necessarily vote on this without a  
15 proponent, but.

16                 Because then heaven knows, no one would show up.  
17 And what would we do on Thursday nights? [Laughter]

18          JIM MONTEVERDE: Olivia, are they still not  
19 responding?

20          OLIVIA RATAY: Yeah, they're no longer in the  
21 meeting, although I did just e-mail them to let them know  
22 they could call in if they're stuck.

1 JIM MONTEVERDE: Okay.

2 OLIVIA RATAY: So it's up to you if you want to --

3 JIM MONTEVERDE: Just give them another minute.

4 OLIVIA RATAY: Okay.

5 JIM MONTEVERDE: Let's give it another moment, and  
6 then we'll go on to the last case for the evening and see if  
7 they join us.

8 STEVEN NG: Yeah, and you could always -- they do  
9 have the hearing after if they get back on.

10 JIM MONTEVERDE: Yeah.

11 OLIVIA RATAY: I believe they're on now, Jim.

12 JIM MONTEVERDE: All right. Has anyone joined us  
13 who wishes to talk about or the proponent for 1 Brattle  
14 Square cookie store? Did I scare you away?

15 NICHOLAOS MOSHOPOULOS: Hi. Good evening,  
16 everyone. Sorry about that. I had some technical  
17 difficulties.

18 JIM MONTEVERDE: Okay. Can you introduce yourself  
19 and --

20 NICHOLAOS MOSHOPOULOS: Yes. My name is Nicholas  
21 Moshopoulos, Chief Development Officer for Chip City  
22 Cookies, owner, and operator as well, requesting a Special



1 Use Permit for -- to operate our cookie store and to include  
2 beverages and ice cream.

3 JIM MONTEVERDE: All right. And --

4 NICHOLAOS MOSHOPOULOS: We've applied with the  
5 Harvard Square Variance Board, and we got a positive  
6 recommendation from them.

7 JIM MONTEVERDE: Yes. That was the Harvard Square  
8 Advisory Committee.

9 NICHOLAOS MOSHOPOULOS: Yes.

10 JIM MONTEVERDE: And they provided a letter in  
11 support.

12 NICHOLAOS MOSHOPOULOS: Correct.

13 JIM MONTEVERDE: Okay. So you're proposing a Chip  
14 City shop in -- within the 1 Brattle Square building? And  
15 to do that --

16 NICHOLAOS MOSHOPOULOS: Yes. Well, we --

17 JIM MONTEVERDE: Go.

18 NICHOLAOS MOSHOPOULOS: My apologies. So yes, we  
19 are as-of-right able to run and operate a cookie store  
20 bakery out of 1 Brattle Square. But we're requesting a a  
21 Special Use Permit to allow us to sell beverages and ice  
22 cream.

1           JIM MONTEVERDE: Okay. And that's what gets you  
2 to asking relief under 4.35.0 and we'll get to the 11.30 for  
3 the Fast Food, and then this is a special permit.

4           Is there anything else you'd like to present to  
5 us?

6           NICHOLAOS MOSHOPOULOS: Not at the moment.

7           JIM MONTEVERDE: Okay. So what you're adding is  
8 the beverages and ice cream? Brings you before us this  
9 evening?

10          NICHOLAOS MOSHOPOULOS: Yes.

11          JIM MONTEVERDE: Okay.

12          NICHOLAOS MOSHOPOULOS: Yes.

13          JIM MONTEVERDE: Any questions from Members of the  
14 Board?

15          THOMAS MILLER: Just for my edification, what was  
16 the previous use of the space?

17          NICHOLAOS MOSHOPOULOS: It was a dark shell.  
18 There was no previous operator. We took it over and we  
19 started construction, and we filed as a bakery, which was  
20 the as-of-right use in that area.

21                 But because we have more than 20 locations  
22 nationwide, and more than three in Boston, we had to request

1 a variance or Special Use Permit for as casual, to include  
2 ice cream and beverages.

3 JIM MONTEVERDE: Yeah. Thomas, I don't recall  
4 what was in that location. I mean, the whole ground floor  
5 was occupied, you know, what it first opened or thereafter.  
6 Since, it seems like a lot of those storefronts have been  
7 vacant. But I cannot recall what was around that side of  
8 the building.

9 THOMAS MILLER: Right. Thanks.

10 JIM MONTEVERDE: Yep. Any other questions from  
11 Members of the Board? If not, we'll open it up to public  
12 commentary.

13 As I said, when I looked at the file last, there  
14 was a left the Harvard Square Advisory Committee having  
15 discussed this matter and come out in favor of it. So  
16 that's one in favor. And I saw none speaking against.

17 So we'll open it to public comment.

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

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

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

6 OLIVIA RATAY: No one's calling in.

7 JIM MONTEVERDE: All right. We'll close public  
8 testimony. Any discussion among Members of the Board? If  
9 not, I will move along to a motion. And this is a special  
10 permit.

11 The Chair makes a motion to grant relief from the  
12 requirements of the Ordinance under Sections 4.34 -- I'm  
13 sorry, 4.35.0 which has to do with the Use; 11.30, the Fast  
14 Order Food Establishment; and 10.40 for a Special Permit.

15 And again, the conditions of the special permit  
16 under Section 10.43:

17 a) It appears the requirements of this ordinance  
18 cannot or will not be met. That is correct.

19 b) Traffic generated or patterns of access or  
20 egress would cause congestion or hazard. No.

21 c) Continued operation of or the development of  
22 the adjacent uses would be adversely affected. No.

1           d) Nuisance or hazard will be created to the  
2 detriment of the health, safety, or welfare. No.

3           e) And for other reasons, the proposed use would  
4 impair the integrity of the district. And that's a no.

5           So we meet all the criteria of 10.43 for a special  
6 permit.

7           One second, please. Yep. Go through this in a  
8 second.

9           On the condition that the work proposed conform to  
10 the drawings entitled, dated, prepared as submitted to the  
11 Inspectional Services Department initialed and dated by the  
12 Chair.

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

16           Further, that the special permit is granted  
17 incorporating the following conditions: and those are the  
18 conditions as outlined under the Section 11.30, Fast  
19 Order or Quick-Service Food Establishments. And it's all  
20 the criteria under Section 11.31.

21           So voice vote by Members of the Board?

22           Steven?

1 STEVEN NG: In favor.

2 JIM MONTEVERDE: Thank you. Daniel?

3 DANIEL HIDALGO: In favor.

4 JIM MONTEVERDE: Thank you. Virginia?

5 VIRGINIA KEESLER: In favor.

6 JIM MONTEVERDE: Thank you. Tom?

7 THOMAS MILLER: In favor.

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

10 [All vote YES]

11 JIM MONTEVERDE: That's five in favor. Your  
12 relief is granted.

13 NICHOLAOS MOSHOPOULOS: Thank you, Mr. Chairman,  
14 and Members of the Board.

15 JIM MONTEVERDE: Thank you.

16 NICHOLAOS MOSHOPOULOS: Hope to see you guys at  
17 the grand opening.

18 JIM MONTEVERDE: Thank you.

19 NICHOLAOS MOSHOPOULOS: Have a great evening.  
20 Take care.

21 JIM MONTEVERDE: Thank you.

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(8:08 p.m.)

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

JIM MONTEVERDE: And the next case and last case  
is BZA-271436 -- 17 Perry Street; Unit 1, I believe.

CHRISTOPHER BROWN: Good evening.

JIM MONTEVERDE: Hi.

CHRISTOPHER BROWN: Can you hear me?

JIM MONTEVERDE: We can.

CHRISTOPHER BROWN: Great. I'm Chris. Architect  
with JTA.

JIM MONTEVERDE: Can you repeat your name, please?  
I missed that.

CHRISTOPHER BROWN: Oh, I'm sorry. Chris Brown.  
Christopher Brown.

JIM MONTEVERDE: Great. Thank you.

CHRISTOPHER BROWN: So --

JIM MONTEVERDE: Can you explain to us what relief  
you're looking for?

CHRISTOPHER BROWN: Just explain? We're looking

1 for an areaway window well within the setback boundary --  
2 side setback boundary of an existing two-family residence.

3 JIM MONTEVERDE: End of presentation?

4 CHRISTOPHER BROWN: Yeah. Yeah, basically. We  
5 have the survey as well. The -- I don't believe the setback  
6 -- I know the setback is nonconforming. I think it's a 5'  
7 and the boundary goes from 3.7' to 3.4'.

8 There is -- it's not tied up against -- that tied  
9 up against another house on the other side. The immediate  
10 neighboring property to the left in this diagram is anywhere  
11 from 15' -- I think it's 5' in the way back where this  
12 window is and about 15' away in other locations.

13 So it's in a tight spot right up against the  
14 property boundary, but the window well itself is entirely  
15 below grade and -- or I should say the areaway is entirely  
16 below grade, and the window enlarges an existing, very small  
17 basement -- sort of basement vent window. It drops the sill  
18 down.

19 JIM MONTEVERDE: And you propose a cover to the --

20 CHRISTOPHER BROWN: There's a --

21 JIM MONTEVERDE: -- [unclear]?

22 JIM MONTEVERDE: You can walk -- I apologize. We



1 also -- I think we submitted a product diagram as well, but  
2 it's a prefabricated well, and it has a top -- a lid to it  
3 that is translucent. I think it's -- it might be  
4 polycarbonate. It's able to hold a human being walking  
5 across it.

6 JIM MONTEVERDE: Okay. And is the -- your section  
7 and your plan don't show your property line. I think what  
8 you're showing is --

9 CHRISTOPHER BROWN: Does not show the property  
10 line. And actually, you're right, our plan does not either.

11 JIM MONTEVERDE: Yeah.

12 CHRISTOPHER BROWN: That's not good.

13 JIM MONTEVERDE: And I think that -- am I right  
14 that the -- well, I don't know what it is. What's the --  
15 what is the gray zone tone -- zone to the left of the  
16 areaway?

17 CHRISTOPHER BROWN: Yeah, so --

18 JIM MONTEVERDE: Is that the adjacent building?

19 CHRISTOPHER BROWN: -- if you just zoom in on that  
20 survey where it says, "Proposed window egress location" --

21 JIM MONTEVERDE: Yep.

22 CHRISTOPHER BROWN: -- it's literally right there

1 at the corner. The unit itself is about -- I think it's  
2 37". So that's 3'1". So we would be leaving 6" between the  
3 property boundary and the face of this window well. So  
4 that's the tight fit.

5 JIM MONTEVERDE: Okay. And the --

6 CHRISTOPHER BROWN: And --

7 JIM MONTEVERDE: -- the foundation work that  
8 happens for the areaway, that's all within your property?

9 CHRISTOPHER BROWN: All within the property, yeah.

10 JIM MONTEVERDE: Okay.

11 CHRISTOPHER BROWN: Yeah. There's a -- that  
12 closeup photo, the third one, will give you an idea of  
13 what's existing there. There's a meter -- a service meter,  
14 thankfully, that's missed.

15 But that existing very small window that you see,  
16 basically the basement window, that would have the -- we  
17 don't have to change the width, we just have to drop the  
18 sill and the -- the areaway unit fit after digging a hole  
19 would fit in front.

20 JIM MONTEVERDE: Mm-hm. Okay. And did I see  
21 somewhere on either the application or the drawings, did it  
22 call this Unit 1?

1 CHRISTOPHER BROWN: I don't know.

2 JIM MONTEVERDE: Is this a single-family  
3 residence? Sorry, let me rephrase the question.

4 CHRISTOPHER BROWN: No. It's a two-family. It's  
5 in a multifamily district.

6 JIM MONTEVERDE: Is it a condo?

7 CHRISTOPHER BROWN: We -- I'm hoping the owner is  
8 on. Tim, are -- oh, there he is.

9 JIM MONTEVERDE: There you are.

10 CHRISTOPHER BROWN: Tem, can you do these?  
11 Thanks.

12 PAVAN BENDAPUDI: Good evening, everyone. I'm  
13 Pavan Bendapudi, 17 Perry Street, Unit 1. I'm here with my  
14 mother, Pranot Bendapudi, who is for some reason blurred  
15 out. And I can get a little closer. There.

16 Yes. We are in a condo. It's a three-unit condo.  
17 And my mother is 77 years old. I also live here with my 5-  
18 year-old son.

19 And, you know, my mom's doing well so far right  
20 now, but she's been slowing down in the last few years. We  
21 would like to put a basement egress in there for the event  
22 of an emergency should she or my son or anyone else need to

1 quickly get out. And that's the objective of this request.

2 JIM MONTEVERDE: Right. Well, the reason I'm  
3 asking is I didn't see correspondence in the file, where you  
4 typically would get -- you'd need to get permission from the  
5 other condominium members of your association for permission  
6 to do the work that you propose.

7 PAVAN BENDAPUDI: We do have that, and I don't  
8 know -- I apologize it was not submitted. But we do have a  
9 signed consent from the other two units, and we can provide  
10 --

11 JIM MONTEVERDE: Okay.

12 PAVAN BENDAPUDI: -- right now.

13 JIM MONTEVERDE: So you can send that in to us,  
14 then, right?

15 PAVAN BENDAPUDI: Right now. Yeah, in fact --

16 JIM MONTEVERDE: Okay. That's good. That answers  
17 my question. Any other questions from Members of the Board?  
18 If not, let me open it up to public commentary.

19 When I looked at the file, there was no  
20 correspondence either for or against. So I'll open it up to  
21 public comment.

22 Any member of the public who wishes to speak

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

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

10 OLIVIA RATAY: Jeff Berg?

11 JEFF BERG: My name is Jeff Berg. I live at 11  
12 Perry Street in Cambridge on the same block as the property  
13 in question. And I have no objection to this proposed  
14 change.

15 JIM MONTEVERDE: Very good. Thank you for calling  
16 in.

17 OLIVIA RATAY: No one else.

18 JIM MONTEVERDE: All right. Very good. We'll  
19 close public testimony. Any discussion among Members of the  
20 Board? If not, I will move to a motion. And this is a  
21 special permit.

22 The Chair makes a motion to grant relief from the

1 requirements of the Ordinance under Sections 5.31 and this  
2 really has to do with the construction being within the left  
3 side setback, the window as well, and 8.22.2.c,  
4 Nonconforming Structure; and 10.40 for a Special Permit.

5 And then again, I'll go through that criteria for  
6 the special permit under Section 10.43.

7 a) It appears the requirements of this ordinance  
8 cannot or will not be met. That's a yes.

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

11 c) Continued operation of or the development of  
12 the adjacent uses would be adversely affected. No.

13 d) Nuisance or hazard would be created to the  
14 detriment of the health, safety, or welfare. No.

15 e) And for other reasons, the proposed use would  
16 impair the integrity of the district or adjoining district.  
17 The answer there is also no.

18 So it meets the criteria of Section 10.43 for a  
19 special permit.

20 On a voice vote, please? Steven?

21 STEVEN NG: In favor.

22 JIM MONTEVERDE: Daniel?

1 DANIEL HIDALGO: In favor.

2 JIM MONTEVERDE: Virginia?

3 VIRGINIA KEESLER: In favor.

4 JIM MONTEVERDE: Tom?

5 THOMAS MILLER: In favor.

6 JIM MONTEVERDE: And Jim Monteverde in favor.

7 [All vote YES]

8 JIM MONTEVERDE: Oh. And let's add, please, I  
9 forgot; one condition. And please submit that -- what  
10 paperwork you have, the approval from the other condo  
11 association members -- submit that to ISD, please, for the  
12 file.

13 PAVAN BENDAPUDI: I'll upload it as soon as the  
14 meeting's done.

15 JIM MONTEVERDE: Okay. Thank you. Relief is  
16 granted.

17 PAVAN BENDAPUDI: Thank you very much.

18 PRANOT BENDAPUDI: Thank you.

19 JIM MONTEVERDE: Thank you. Goodnight.

20 PAVAN BENDAPUDI: Thank you. Goodnight.

21 JIM MONTEVERDE: And Members, thanks for your  
22 help. Have a good evening.

1 COLLECTIVE: Goodnight, everybody.

2 JIM MONTEVERDE: We'll see you. Goodnight. Thank  
3 you, Olivia.

4 OLIVIA RATAY: Goodnight. Bye, Jim.

5 [08:20 p.m. End of Proceedings]

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CERTIFICATE

Commonwealth of Massachusetts

Middlesex, ss.

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

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

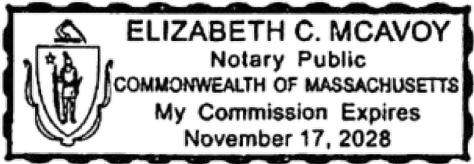
In witness whereof, I have hereunto set my hand this fifth day of August 2024.

*Elizabeth C. McAvoy*

Notary Public

My commission expires:

November 17, 2028



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