

June 10, 2021

BOARD OF ZONING APPEAL  
FOR THE  
CITY OF CAMBRIDGE

GENERAL HEARING

THURSDAY, JUNE 10, 2021

6:00 p.m.

Remote Meeting

via

831 Massachusetts Avenue  
Cambridge, Massachusetts 02139

Constantine Alexander, Chair

Brendan Sullivan, Vice Chair

Andrea A. Hickey

Jim Monteverde

Matina Williams

Jason Marshall

City Employees

Ranjit Singanayagam

Sisia Daglian



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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: Constantine Alexander, Brendan Sullivan,  
5 Andrea A. Hickey, Matina Williams and  
6 Jason Marshall

7 CONSTANTINE ALEXANDER: Welcome to the June 10,  
8 2021 meeting of the Cambridge Board of Zoning Appeals. My  
9 name is Gus Alexander and I am the Chair.

10 This meeting is being held remotely, due to  
11 statewide emergency orders limiting the size of public  
12 gatherings in response to COVID-19, and in accordance with  
13 Governor Charles D. Baker's Executive Order of March 12,  
14 2020, temporarily amending certain requirements of the Open  
15 Meeting Law; as well as the City of Cambridge temporary  
16 emergency restrictions on city public meetings, city events,  
17 and city permitted events, due to COVID-19, dated May 27,  
18 2020.

19 This meeting is being video and audio recorded,  
20 and is broadcast on cable television Channel 22 within  
21 Cambridge. There will also be a transcript of the  
22 proceedings in due course.

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

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

8 Generally, you will have up to three minutes to  
9 speak, but that might change depending on the number of  
10 speakers.

11 I'll start by asking the Staff to take Board  
12 member attendance and verify that all members are audible.  
13 Sisia?

14 SISIA DAGLIAN: Yeah. Matina Williams?

15 MATINA WILLIAMS: Present.

16 SISIA DAGLIAN: Andrea Hickey?

17 ANDREA HICKEY: Present.

18 SISIA DAGLIAN: Jason Marshall?

19 JASON MARSHALL: [Jason Marshall], I'm here.

20 CONSTANTINE ALEXANDER: Jim Monteverde?

21 [Pause]

22 SISIA DAGLIAN: I don't know. Brendan?

1           CONSTANTINE ALEXANDER: He's not here for this.

2           SISIA DAGLIAN: And Gus.

3           CONSTANTINE ALEXANDER: We've got five for the  
4 continued cases?

5           SISIA DAGLIAN: We've got five for the continued,  
6 yeah.

7           CONSTANTINE ALEXANDER: Yeah. Did Jim Monteverde  
8 sit on the continued cases, though?

9           BRENDAN SULLIVAN: Yes.

10          CONSTANTINE ALEXANDER: Yeah, I thought he did.  
11 We need to get Jim on the line.

12          SISIA DAGLIAN: For the first one he did, the  
13 other two they haven't been heard, so we could do Haskell  
14 and Spring.

15          CONSTANTINE ALEXANDER: That's right. So we can't  
16 -- either we start with another case, or we get Jim on the  
17 line and we --

18          SISIA DAGLIAN: I'll try to call him.

19          CONSTANTINE ALEXANDER: I prefer to get Jim on the  
20 line and take the cases in the order we have here.

21                 [Pause]

22          CONSTANTINE ALEXANDER: We're just trying to track

1 down the fifth member for this first case, so just bear with  
2 us for a second, please.

3           SISIA DAGLIAN: Jim, can we hear you now? Jim?  
4 Jim Monteverde? What happened to him?

5           CONSTANTINE ALEXANDER: This is the Chair again,  
6 and we're having trouble tracking down one of our five  
7 members, who needs to sit on the very first of the three  
8 continued cases. So while our efforts are ongoing, I'm  
9 going to move on to the next case.

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(6:00 p.m.)

Sitting Members: Constantine Alexander, Brendan Sullivan,  
Andrea A. Hickey, Matina Williams and  
Jason Marshall

CONSTANTINE ALEXANDER: Case Number 110890 -- 11-  
13 Haskell Street. Anyone here wishing to be heard on this  
matter?

[Pause]

CONSTANTINE ALEXANDER: Hello?

SARAH STEWARD: Yes. This is Sara Steward.

CONSTANTINE ALEXANDER: Okay.

SARAH STEWARD: I'm looking to see if our attorney  
has joined the call?

SISIA DAGLIAN: Yeah, he has.

CHRISTOPHER ALPHEN: Hello, I'm here. Sorry about  
that.

CONSTANTINE ALEXANDER: We're having a lot of  
problems this evening, technical difficulties.

CHRISTOPHER ALPHEN: Mr. Chairman, Mr. Chairman --

CONSTANTINE ALEXANDER: The case is -- you're  
ready to present your case, go ahead.

1           CHRISTOPHER ALPHEN: Mr. Chairman, sorry about  
2 that. Attorney Christopher Alphen here on behalf of the  
3 applicant. My office is in Concord, Blatman, Bobrowski &  
4 Haverty.

5           With me on the Zoom you can see my clients, Sarah,  
6 James, Mark and Mavara [all names phonetic.] They are  
7 zooming in as a family unit, as you can see in the video.  
8 And also with me is Michael Fields from SKA.

9           The applicants are not new to Cambridge, but they  
10 are new to the neighborhood. They purchased the property in  
11 2020 in November with -- they are a family unit. They  
12 bought the property as a family. The house is old and in  
13 need of some updates and renovations.

14           The family dream is to have Sarah's parents live  
15 on the first floor and have Sarah and Mark live on the  
16 second floor. And in order to do that, in order to update  
17 the house and make it livable for Sarah's older parents,  
18 they need to make some renovations.

19           There's no plans to condo the property or rent the  
20 property, but they do need to make some renovations to the  
21 property. And in order to make some renovations to the  
22 property, they need some minimum -- some minor zoning

1 relief.

2 The applicants' renovations, of course, as in  
3 Cambridge always the case, is an expansion or alteration of  
4 a legal, preexisting, nonconforming structure.

5 The renovations do not create any new dimensional  
6 nonconformities, but it does expand the existing  
7 nonconforming FAR from 0.61 to 0.65.

8 Now, originally, as you probably see in our  
9 application, we applied for a variance for that under  
10 Section 8223.

11 But as this Board I'm sure probably is well aware,  
12 pursuant to Chapter 40A Section 6 in the Supreme Judicial  
13 Court case in Brookline -- and most importantly the adoption  
14 of Section 8222D in April -- because this is just simply an  
15 expansion of a single, preexisting, nonconforming  
16 nonconformity, the dimensional requirement is not creating  
17 any new dimensional nonconformities.

18 We are only seeking a special permit. And as the  
19 Board I'm sure knows, the standard for our special permit is  
20 much different than the standard for a variance.

21 The standard for a special permit is that the  
22 proposal is not substantially more detrimental than the

1 existing nonconforming structure to the neighborhood.

2           Additionally, the applicants need a special permit  
3 because they are moving and adding some windows on a  
4 nonconforming structure, so they require a special permit  
5 for those window modifications.

6           The applicants prior to sending public notice sent  
7 a plan to the neighbors explaining exactly what they were  
8 going to do.

9           We had a hearing scheduled last month. We asked  
10 for a continuance because we got notice from the neighbors  
11 that they wanted to have some more input on the plans before  
12 we met with the Board.

13           So in the spirit of trying to get along and work  
14 with the neighbors the best we could, the applicants have  
15 had several conversations with the neighbors in person, and  
16 via everything else to work with the neighbors to try to  
17 come up with plans that everybody could be happy with.

18           And I'm being honest when I say this, I've never  
19 seen a client go as far as my clients have in this situation  
20 to try to make sure that the plans they have really is the  
21 best they can for their neighbors, and meets all their  
22 concerns.

1           So the plans in front of you are actually a direct  
2 result from the original plans after meeting with the  
3 neighbors.

4           So there's been a lot of modifications to the  
5 plans since our original submission, making the project a  
6 little bit smaller, bringing things in a little bit, to try  
7 to address the neighbors' concerns.

8           With that, I'll turn it over to Mike Fields from  
9 SKA, who will go over the modifications which we believe are  
10 modest and really make an improvement to the neighborhood.

11           CONSTANTINE ALEXANDER: Before you do that, sir,  
12 question: You left the conclusion hanging. And the  
13 neighbors have got a problem. You've met with them. You  
14 made substantial changes to what was originally proposed.  
15 Where did it -- as far as you know, where do the neighbors  
16 stand now?

17           CHRISTOPHER ALPHEN: Well, I know that there were  
18 some discussions. And I think we've addressed all the  
19 issues. The architect may have a better understanding of  
20 where they feel about certain things now.

21           And maybe it's best that he describe what we've  
22 done, and then if there's still some issues with some

1 neighbors, we can certainly discuss those issues.

2 CONSTANTINE ALEXANDER: Okay.

3 MIKE FIELDS: Yes, hi. My name is Mike Fields.

4 I'm here with Anya Pevich. We're from SKA Architects, and,  
5 you know, just to address the initial question at hand, you  
6 know, what has happened is that, you know, some of the  
7 neighbors have been swayed and some are more immutable.

8 And, you know, what we'd like to do is, you know,  
9 to go through this, talk about what we've done, the  
10 concessions that have been made, and we can kind of go from  
11 there.

12 So just to start off, you know, the project --  
13 it's an update of an existing two-family house built around  
14 1895, which will continue to be a two-family dwelling for a  
15 young family and her parents.

16 The interior renovations are currently underway  
17 through a separate permit that was approved by the City, and  
18 we have come before you tonight to request relief to change  
19 some window locations and modestly increase the currently  
20 nonconforming FAR.

21 And before we go through, I just wanted to give  
22 Sarah and her family a chance to reintroduce themselves and

1 their connection to the neighbors.

2 SARAH STEWARD: Hi. I'm Sarah Steward. I'm here  
3 with my husband James, our son Liam, and my parents Mark and  
4 Livera (phonetic).

5 Just to do a little background about us and the  
6 property, we have been looking for a multifamily -- two-  
7 family, specifically -- for about seven years. Liam was our  
8 good luck charm. He was about three months when we found  
9 11-13 Haskell.

10 [Baby cooing.] That is him.

11 And soon as we saw it, we knew it was the one.  
12 We're not new to Cambridge, so we sort of knew what we were  
13 looking for, but we are new to this neighborhood, as Chris  
14 said, and we're so excited about all the parks that are  
15 nearby for Liam -- the library a block away, and the fact  
16 that James and I can both take the T or bike to work as an  
17 added plus.

18 Our work with SKA has really been about taking the  
19 great bones of this home and making it functional for our  
20 three generations to grow and age for decades to come. We  
21 really just appreciate the Board's time to hear our case.

22 MIKE FIELDS: Great. If we could move to the next

1 slide, please?

2 All right. Here we see the overall massing of the  
3 existing house, relative to the proposed. It's going to  
4 remain mostly unchanged, but with covered porches extending  
5 about 10 feet off the back, consistent with many similar  
6 homes of this era.

7 There's also a small window change to the back  
8 third of the house to better accommodate a second egress  
9 stair.

10 Next slide, please?

11 Here we see the existing site plan with the main  
12 house and the garage. The house was originally built over  
13 the seven-foot-six setback on the west side, and that is  
14 where we're asking for relief to relocate some windows  
15 surrounding the egress.

16 Next slide, please?

17 In the proposed site plan, we see the covered  
18 porches for the first and second floor occupying the  
19 footprint of the previous.

20 Next, please?

21 The renovation respects the existing envelope, and  
22 as stated by Chris earlier, these renovations would modestly

1 increase the existing noncompliant FAR from 0.61 to 0.65,  
2 while providing equal outdoor amenity for both units.

3 Next slide, please?

4 In our shadow studies, we're showing the direct  
5 impact of the existing house in red, the additional shadows  
6 created in purple and the reduced shadows in green.

7 Since the proposed change is on the north side of  
8 the building, you will note that even during the most  
9 extreme sun angles, there are negligible effects on the  
10 shadows. And they occur primarily on the property.

11 Next slide, please?

12 Here on the lower-level plan, it's primarily  
13 unchanged by this request.

14 Next slide, please?

15 On the first floor, we see the window relocation  
16 requested over the setback, which accommodates the egress  
17 stairs, as well as this unit's access to the exterior space  
18 off of their --.

19 Next slide, please?

20 Similarly, on the second floor, we also see a  
21 window relocation requested over the setback line, in order  
22 to accommodate the egress stair. And then we also see this

1 unit's access to the exterior space off of their kitchen.

2 Next slide, please?

3 CONSTANTINE ALEXANDER: Excuse me -- let me  
4 interrupt for one second.

5 MIKE FIELDS: Sure.

6 CONSTANTINE ALEXANDER: Maybe your attorney can  
7 answer this. With regard to the discussions with the  
8 neighbors, were there any objections raised by neighbors --  
9 abutting neighbors -- as to invasion of their privacy by the  
10 relocation of the windows?

11 MIKE FIELDS: I think that Sarah and her family  
12 might be able to answer this better, but it's our  
13 understanding that the windows have not been a discussion of  
14 concern. They primarily end up inside of the stair, and so  
15 from a privacy standpoint it doesn't have a great impact on  
16 the neighbors. But Sarah and her team may be able to say a  
17 little bit more about that.

18 SARAH STEWARD: This is Sarah Steward again.  
19 That's correct. Our discussions with the neighbors have  
20 only been about the porches, not about the windows.

21 CONSTANTINE ALEXANDER: Thank you.

22 MIKE FIELDS: Excellent. Then up on the third

1 floor, again everything is occurring within the buildable  
2 area and is unchanged by this request.

3 Next slide, please?

4 The roof plan shows new skylights and solar panels  
5 within the buildable area.

6 Next slide, please?

7 The streetscape will remain unchanged, apart from  
8 the solar panels on the roof.

9 Next slide, please?

10 Again, this is the south elevation, which reflects  
11 the streetscape elevation. And it is the same mixed-use as  
12 the last slide. So next slide, please?

13 On the west elevation, this is where we're  
14 requesting relief to relocate two windows, in order to  
15 facilitate the egress there.

16 Next slide, please?

17 The north elevation is contained in the buildable  
18 area, but what we're requesting for special permit relief is  
19 to increase the existing nonconforming FAR, in order to  
20 provide an equal access to the exterior from both units.

21 Next slide, please?

22 The east elevation relocates windows within the

1 building area at the back third of the house to accommodate  
2 kitchen cabinetry, and this is actually under the previously  
3 approved building permit.

4 Next slide, please?

5 And that concludes the formal presentation. You  
6 can scan the barcode below for a video render of the  
7 exterior. And then additional slides in this presentation  
8 are provided for reference with additional photos and a  
9 formal site plan.

10 But we're happy to e, and I thank everyone for  
11 their time tonight.

12 CONSTANTINE ALEXANDER: Thank you. I'll ask if  
13 members of the Board have any questions they'd like to ask  
14 at this time. Brendan no questions? Jason?

15 JASON MARSHALL: Jason Marshall no questions.

16 CONSTANTINE ALEXANDER: Okay, Andrea?

17 ANDREA HICKEY: I have nothing at this time.

18 CONSTANTINE ALEXANDER: The Chair has no questions  
19 as well. Who did I leave out? Matina. I'm sorry. Matina?

20 MATINA WILLIAMS: No questions.

21 CONSTANTINE ALEXANDER: Okay, thank you. I think  
22 it's now time to open the matter up to public comment. And

1 this is the rule how you do it, or how it's going to work.  
2 Any member of the public who wishes to speak should now  
3 click the icon at the bottom of your Zoom screen that says,  
4 "Raise hand."

5 If you're calling in by phone, you can raise your  
6 hand by pressing \*9 and unmute or mute by pressing \*6. So  
7 at this point, I'll take a few seconds to see if anyone is  
8 calling in.

9 [Pause]

10 No one wishes to speak, which I like to take as an  
11 indication that the neighbors are now satisfied with the  
12 proposal that's before us tonight. But with that, we do  
13 have -- there is some correspondence in the file. Most of  
14 this relates to prior versions of the project before us  
15 tonight. So I will close public testimony.

16 A discussion by members of the Board, or are we  
17 ready for a vote? I've got to make a motion, but.

18 BRENDAN SULLIVAN: [Brendan Sullivan], I'm  
19 satisfied with the presentation.

20 CONSTANTINE ALEXANDER: Okay.

21 BRENDAN SULLIVAN: I have no other thoughts.

22 CONSTANTINE ALEXANDER: Okay. Let me -- rather

1 than going around again, let me just stop it. I will make a  
2 motion. Then, when we go to vote, if anyone has a comment  
3 they can -- or a question or whatever, they can express it  
4 at that time -- anyone being members of the Board.

5 Okay, the Chair moves that we make the following  
6 findings with regard to the special permit that's being  
7 sought:

8 Well, first we've got to do the fact that the  
9 special permit for the extension of a nonconforming use, and  
10 the rules there are -- if I can find my notes, here we go --  
11 the first finding we would make is that what is being  
12 proposed with regard to the addition is not substantially  
13 more detrimental than the existing nonconforming structure  
14 to the neighborhood. That's the first.

15 And then we have specific criteria that's the  
16 special permit for the Section 10.43 of our ordinance. And  
17 I'll go through them.

18 First, it appears that the requirements of the  
19 ordinance cannot be met unless we grant the special permit  
20 that's being required.

21 That traffic generated or patterns of access or  
22 egress resulting from what is being proposed will not cause

1 congestion, hazard, or substantial change in established  
2 neighborhood character.

3 As pointed out in the presentation on behalf of  
4 the petitioner, the impact is to the rear of the structure  
5 and is modest in nature in terms of its impact on the  
6 neighborhood -- any impact.

7 That the continued operation of or the development  
8 of adjacent uses, as permitted in the zoning ordinance, will  
9 not be adversely affected by what is proposed.

10 And I think that, again, speaks for itself.  
11 You're talking about extension to the rear of the building,  
12 and the impact has no -- is not impacting the adjacent uses,  
13 insofar as we know, and no one at this point has raised it  
14 any longer.

15 That no nuisance or hazard will be created to the  
16 detriment of the health, safety and/or welfare of the  
17 occupant of the proposed use, or the citizens of the city.

18 And that generally, what is being proposed will  
19 not impair the integrity of the district or adjoining  
20 district, or otherwise derogate from the intent and purpose  
21 of this ordinance.

22 So on the basis of these findings, the Chair moves

1 that we grant the special permit being requested on the  
2 condition that the work proceed in accordance with plans  
3 prepared by Sam Kachmar Associates, K-a-c-h-m-a-r Architects  
4 -- I'm looking for the date, which I'll never find. In any  
5 event, the first page of which has been initialed by the  
6 Chair.

7 Brendan, how do you vote?

8 BRENDAN SULLIVAN: Brendan Sullivan yes, to  
9 granting the special permit.

10 CONSTANTINE ALEXANDER: Okay. Jason?

11 JASON MARSHALL: Jason Marshall yes, to the  
12 special permit.

13 CONSTANTINE ALEXANDER: Andrea?

14 ANDREA HICKEY: Andrea Hickey yes, to the special  
15 permit.

16 CONSTANTINE ALEXANDER: Matina?

17 MATINA WILLIAMS: Matina Williams yes, to the  
18 special permit.

19 CONSTANTINE ALEXANDER: And the Chair votes yes,  
20 to the special permit as well.

21 [All vote YES]

22 So the special permit with regard to the

1 construction of the addition is approved.

2 Moving on now to the special permit for the  
3 windows, I think we've already touched on it in the  
4 presentation already about the windows, and why the impact  
5 of them on the neighborhood.

6 And again, we have to go through the requirements  
7 as set forth in Section 10.43 of our ordinance.

8 The Chair moves that we make the following  
9 findings with regard to the windows -- window issues:

10 That the requirements of the ordinance cannot be  
11 met unless we grant the special permit. That traffic  
12 generated or patterns of access or egress resulting from the  
13 window changes will not cause congestion, hazard, or  
14 substantial change in established neighborhood character.  
15 And as pointed out by the petitioner and by the petitioner's  
16 architect and by the petitioner, these windows are not  
17 substantial in terms of their impact on neighboring  
18 property.

19 Privacy of neighbors should not be affected, and  
20 so far as I can tell, we have no objection from neighbors or  
21 the affected neighbors for these window relocations.

22 That the continued operation of or development of

1 adjacent uses, as permitted in our zoning ordinance, will  
2 not be adversely affected by the nature of the proposed use.

3 And the points I've just made with regard to the  
4 traffic generated or patterns of access or egress apply  
5 equally well here. It's just not going to have any impact  
6 on the adult-use of neighboring property.

7 No nuisance or hazard will be created to the  
8 detriment of the health, safety and/or welfare of the  
9 occupant of the proposed use, or the citizens of the city.

10 And generally, what is being proposed will not  
11 impair the integrity of the district or adjoining district,  
12 or otherwise derogate from the intent and purpose of this  
13 ordinance.

14 So on the basis of all of these findings, the  
15 Chair moves that we grant the special permit being requested  
16 with regard to the window, again on the condition that the  
17 work proceed in accordance with plans that we just referred  
18 to in connection with the variance, prepared by Sam Kachmar  
19 Architects.

20 Brendan, how do you vote?

21 BRENDAN SULLIVAN: Brendan Sullivan yes, to  
22 granting the special permit.

1           CONSTANTINE ALEXANDER:  Matina?

2           THE REPORTER:  I'm not able to hear Brendan  
3 Sullivan.

4           CONSTANTINE ALEXANDER:  I'm sorry.

5           SISIA DAGLIAN:  The transcriptionist.

6           THE REPORTER:  He's not coming through.

7           CONSTANTINE ALEXANDER:  Who's speaking?

8           SISIA DAGLIAN:  She can't hear you.

9           THE REPORTER:  I can't hear Brendan.

10          BRENDAN SULLIVAN:  Oh.  Yes, to granting the  
11 special permit?

12          THE REPORTER:  Yes.  Just speak directly, closer  
13 to the mic.  They're very directional.  Thank you.

14          BRENDAN SULLIVAN:  Oh, am I audible now?  Okay,  
15 all right.  Yes, again to granting the special permit.

16          CONSTANTINE ALEXANDER:  Thank you, Brendan.  
17 Matina, how do you vote?

18          MATINA WILLIAMS:  Matina Williams yes, to the  
19 special permit.

20          CONSTANTINE ALEXANDER:  Andrea?

21          ANDREA HICKEY:  Andrea Hickey yes in favor of the  
22 special permit.

1           CONSTANTINE ALEXANDER: Jason?

2           JASON MARSHALL: Jason Marshall yes in favor of  
3 granting the special permit.

4           CONSTANTINE ALEXANDER: And the Chair votes yes as  
5 well

6           [All vote YES]

7           CONSTANTINE ALEXANDER: It's unanimous. The  
8 special permit has been granted. Case over.

9           COLLECTIVE: Thank you very much.

10          CONSTANTINE ALEXANDER: Thank you.

11          JIM MONTEVERDE: Mr. Chair?

12          CONSTANTINE ALEXANDER: Yes.

13          JIM MONTEVERDE: I think by the magic of  
14 electronics, I have -- Elvis is in the building.

15          CONSTANTINE ALEXANDER: [Laughter] This is every  
16 time, Jim.

17          JIM MONTEVERDE: Doesn't mean I'll be able to stay  
18 here for long, but I'm here for now.

19          CONSTANTINE ALEXANDER: Okay, let me just get our  
20 files straight here, and then we'll move on to the next  
21 case. Sorry. Okay.

22

1 \* \* \* \* \*

2 (6:34 p.m.)

3 Sitting Members: Constantine Alexander, Brendan Sullivan,  
4 Andrea A. Hickey, Jim Monteverde, Matina  
5 Williams and Jason Marshall

6 The Chair will now call Case Number 106913 -- 33  
7 Gore Street. Anyone here wishing to be heard on this  
8 matter? Sarah?

9 SARAH RHATIGAN: Yes. Good evening.

10 CONSTANTINE ALEXANDER: You're on.

11 SARAH RHATIGAN: Thank you. Sarah Rhatigan from  
12 Trilogy Law. Thank you, Mr. Chairman, and good evening,  
13 everyone. Thank you very much for hearing our case. This  
14 is a continued case. I'm sorry the lighting here is a  
15 little odd.

16 CONSTANTINE ALEXANDER: The words --

17 SARAH RHATIGAN: It's like I'm in jail.

18 CONSTANTINE ALEXANDER: -- you speak are more  
19 important than the picture of you, so.

20 SARAH RHATIGAN: Okay. I look like I'm in jail,  
21 probably because I feel like I'm in jail here, but I know  
22 we're going to be seeing each other in person soon. Thank

1 you again for hearing this case on a continued matter.

2 Just as a quick reminder, this is a matter of 33  
3 Gore Street. It's a two-family existing -- preexisting,  
4 legally nonconforming structure located on Gore Street.

5 This is in the East Cambridge housing Overlay  
6 District, which allow for some additional density. The  
7 project was initially conceived of as additional dwelling  
8 units, but we actually never presented to this Board with a  
9 four-unit project. We filed with four units, but then  
10 scaled this back to a two-unit project.

11 The last time we met with you is the first time  
12 that the case was presented. And we had quite a lengthy  
13 discussion and sent around some concerns that this Board had  
14 about granting a variance for the project. And there was  
15 quite a bit of discussion about whether or not we were  
16 eligible for a variance.

17 The recommendation of the Board at that time was  
18 to suggest that the petitioner go back and have a chance to  
19 meet with the commissioner, Mr. Singanayam, to review this  
20 petition to see if indeed it was eligible for a special  
21 permit only.

22 For some reasons that became apparent to us, this

1 project actually is eligible for special permit relief only.

2 And I believe that you should have with you in the  
3 file information in the file that we met with Mr.  
4 Singanayagam on two occasions, and then he did actually  
5 confirm for me within a quick e-mail that in fact the plans  
6 that you see before you are eligible for special permit  
7 relief.

8 CONSTANTINE ALEXANDER: Sarah, we're talking about  
9 -- I'm looking at the screen that is up now, which I didn't  
10 have as well -- the structure on the left?

11 SARAH RHATIGAN: This is the structure on the  
12 left, exactly. And so just to remind everyone, this is  
13 actually -- the property is, there are two structures on one  
14 large -- well, it's not large, actually, but one lot that is  
15 merged for zoning purposes. So my client actually owns both  
16 buildings that are shown in this photo.

17 So the building on the right-hand side is a six-  
18 unit apartment building that is not being renovated, and is  
19 not actually part of this project in the sense that it's not  
20 -- you know, there's nothing happening to the building.

21 But it is included in this application in terms of  
22 all the dimensional information, because it's relevant for

1 our zoning analysis.

2 So the building on the left is the two-unit  
3 building that will be renovated, and the project plans that  
4 we're looking at today with you relate to just the building  
5 that's on the left.

6 Sisia, if you don't mind, if you could just  
7 advance the slides twice to page number 3? This is just the  
8 conceptual site plan. And on the left side, it shows you  
9 the existing conditions. And on the right side, it shows  
10 you the proposed conditions.

11 And again, just a reminder the proposal is to  
12 build -- to do an addition that would add one level of  
13 living space, and then to square off the area at the rear of  
14 this two-family, to square off the building, square off the  
15 rear ell of the building.

16 The -- and again, just clarifying that we are  
17 coming to you for a special permit, and not a variance. The  
18 other thing to mention on this plan, it also just shows that  
19 we are requesting tandem parking in the driveway, which is  
20 the other reason for special permit relief.

21 The next page I wanted to ask you to turn to,  
22 Sisia, is -- let's see, just to look at if we would like to

1 look at the renderings on page 15.

2 And of course, I'm happy to slow down and look  
3 through plan views as well with the Board members. But I  
4 thought the renderings might be an easy way for us to just  
5 get a gist of the project.

6 CONSTANTINE ALEXANDER: It might be easier also if  
7 you're going to make your presentation and members of the  
8 Board can store up their questions for the most part.

9 SARAH RHATIGAN: Sure.

10 CONSTANTINE ALEXANDER: And ask them at the end.

11 SARAH RHATIGAN: Sure. Okay, great. Just one  
12 other clarification. The plans -- we did submit a revised  
13 plan set.

14 So you'll see that the plans that you're seeing  
15 today are dated June 3. They are revised and really just  
16 they're not revised in terms of dimensional information or -  
17 - you know, there's no additional floor area or change of  
18 program.

19 The revisions were made to incorporate requested  
20 changes from the Cambridge Historic Commission, who had  
21 requested some changes related to the front windows of the  
22 building and some siding. And the entryway covers that you

1 see in this image -- and I should say I'm sorry that I  
2 skipped over introducing the fact that both my client and  
3 the architect are here with me today. And I'm sorry about  
4 that.

5 CONSTANTINE ALEXANDER: Sarah, with regard to  
6 that, we do have in our files the plans that were prepared,  
7 that are dated June 3. And as you know, should we grant  
8 relief, it'll be tied to compliance with these plans.

9 SARAH RHATIGAN: Yes.

10 CONSTANTINE ALEXANDER: What you've told us now is  
11 that the plans that you're going to use are slightly  
12 different. That's my word, not your word.

13 SARAH RHATIGAN: No. The plans that we'll use are  
14 the ones that you're referring to, June 3.

15 CONSTANTINE ALEXANDER: Okay, that's what it's  
16 going to be tied to. If it's not --

17 SARAH RHATIGAN: Yes.

18 CONSTANTINE ALEXANDER: -- if Ranjit decides that  
19 they're different, you're going to have to come back before  
20 us. I just want to be clear about that.

21 SARAH RHATIGAN: Yeah. No, what I meant to say is  
22 that the June 3 plans that you're looking at that are in

1 your files, they are only different from the ones that you  
2 viewed at the last hearing in April.

3 CONSTANTINE ALEXANDER: Oh, I'm sorry, I  
4 misunderstood. Got it.

5 SARAH RHATIGAN: Exactly. So in other words,  
6 you're not seeing -- there's been no revised design in the  
7 sense of there's been no change to the dimensional  
8 information that you saw last time.

9 CONSTANTINE ALEXANDER: Okay, thank you.

10 SARAH RHATIGAN: The reason for us coming back to  
11 you today is to present this project to you as a special  
12 permit project, because we've been able to clarify that  
13 legal question.

14 The building is essentially -- we are increasing  
15 some preexisting, nonconformities, which are essentially the  
16 fact that this is a house that sits very close to the left  
17 side -- you know, obviously to the front lot line and to the  
18 left side of the lot. And we're extending those  
19 nonconformities up.

20 But in other respects, we're conforming as to the  
21 allowable FAR to the left, we're conforming as to the height  
22 in the district -- you know, we're conforming with respect

1 to the open space.

2 We're actually making real improvements in terms  
3 of the green -- because we'll now improve the conditions so  
4 that there will actually be yards and green space on the  
5 lots, including -- you know, available for the neighbors or  
6 the building next door.

7 And these are all -- you know, we think real  
8 positives both for this property as well as, you know, for  
9 the neighbors who will, you know, look into the yards.

10 Sisia, do you mind just advance through the next  
11 two slides through the renderings? Just for -- you know,  
12 for some more views of how the project will appear.

13 And then finally page 20, Mr. Singanayagam had  
14 also asked that we update the landscape plan, now that we  
15 have a two-unit project, which just made it possible to --  
16 you know, diminish the size of the area where the condensers  
17 are, which just opened up some more green space in the rear  
18 yard area again.

19 And we're sort of rationalizing parking on the  
20 lot, which our understanding is previously there was quite a  
21 bit of parking in the rear, plus the driveway areas --  
22 previously prior to our ownership.

1           CONSTANTINE ALEXANDER: Well, as I look at those  
2 plans, am I correct that because -- well, I'm talking about  
3 the parking, the front stoop -- I wanted a better word, on  
4 Building 31 prevents cars from driving farther back than is  
5 shown on the plan?

6           Can someone still park in the rear yard, for  
7 example?

8           SARAH RHATIGAN: I'm sorry, could they still park  
9 in the rear yard?

10          CONSTANTINE ALEXANDER: Yeah. It looks like from  
11 the plans that are submitted, there's not enough width,  
12 given the front stoop, on Building #31, to go beyond the  
13 first of the front stoops.

14          SARAH RHATIGAN: I believe you can pass through,  
15 and yeah, my client is saying that yes, people can -- you  
16 know, still park there.

17          CONSTANTINE ALEXANDER: So you can go to the rear  
18 of the lot, if you will?

19          SARAH RHATIGAN: You can.

20          CONSTANTINE ALEXANDER: To the rear of the parking  
21 garage?

22          SARAH RHATIGAN: You can, yeah. So the width of

1 that whole paved area is 11 feet one inch which, you know,  
2 as you know, is plenty wide for people to pass through. And  
3 then nine feet. Even if you look at the width of -- you  
4 know, counting the stoops.

5 So if you look at page 22, Sisia, is a photo.  
6 That's taken from the back of the lot looking forward. That  
7 gives you a little sense of what the width looks like. And  
8 cars can travel back there pretty easily.

9 But -- and with the revised design, with the  
10 addition built. Again, it will be one driveway -- you know,  
11 with two cars parked tandem. But you won't have the ability  
12 to have -- you know, many cars -- you know, coming in and  
13 pulling in and jamming in there however which way they want.

14 And if you would -- Sisia, if you could just  
15 advance through the last few sets of photos, I just wanted  
16 to give the Board a chance to see the existing conditions in  
17 the back. This is the front street line.

18 So you can just see this is taken from the far  
19 corner of the 33 Gore Street house looking towards the 31  
20 Gore Street house, just to give you a sense of what the  
21 street line looks like.

22 Next slide?

1           This is another photo showing the back area. And  
2 at the back -- actually those are just sort of reserved  
3 slides. I had shown the renderings as the plan was  
4 originally proposed. We don't need to look at those.

5           But in terms of the -- you know, making the case  
6 for the special permit, you know, the owners have really  
7 gone a long way to speaking to -- the owner next door to the  
8 left is really the one who will be the most impacted by the  
9 project, who did provide a letter of support and who is  
10 supportive of the project.

11           If you could just go back to slide number 15?

12           I think this gives you a good view of how this  
13 plan really improves conditions for this owner. The project  
14 is going to allow for light into these top windows for this  
15 building.

16           There's quite a bit of improvement in terms of  
17 both, you know, materials for this vastly improved  
18 construction of this building. They're keeping space open  
19 at the rear. You know, the owner's been quite supportive.  
20 And there really are no other impacted neighbors.

21           The rear use behind us is a commercial use that  
22 doesn't really have any impacts at all. The impact to the

1 right of -- you know, of course the apartment building is  
2 owned by our client.

3 And the neighbor that is further to the right of  
4 our six-unit apartment building is also in support of the  
5 project.

6 It is still going to be a two-unit building, but  
7 the use of the building within is going to be much more  
8 friendly for family use, which is the intended -- you know,  
9 the intended, you know, ultimate user of the project.

10 One of the things you had asked about last time  
11 was the -- you know, the sort of the business model for our  
12 client, and there was, you know, some discussion internally,  
13 and they were confirming that they anticipate this to be a  
14 rental. They don't see a plan forward where this would be  
15 condoized and sold to the extent that that's -- you know, of  
16 interest to this Board.

17 CONSTANTINE ALEXANDER: You've mentioned a number  
18 of letters of support as you've gone along with your  
19 presentation. Are you going to discuss letters or  
20 communication from the East Cambridge Planning Team?

21 SARAH RHATIGAN: Yeah, yeah. So this was a little  
22 difficult. So the East Cambridge Planning Team had a

1 meeting. We had a meeting with them. I actually was not in  
2 attendance. But my client was in attendance with the  
3 architect, and the -- my understanding is that the beginning  
4 of the meeting was quite productive. And the sense was that  
5 there was support for -- you know, an addition. And  
6 increased -- you know, density or if you will, or floor area  
7 on the lot.

8 But after my client and the architect had left the  
9 meeting in the later hours, there was apparently a longer  
10 discussion, and ultimately, they came out with a letter  
11 which proposed a different design of a building, which had  
12 an addition which extended to the rear lot line.

13 And we've read the letter. And I know that the  
14 letter is part of your packet as well. And we looked at the  
15 this collectively together, and sort of scratched our head  
16 and tried to wrestle with what they were suggesting.

17 And what we came out with was that although it was  
18 a creative way to -- as they saw it sort of preserve the  
19 original house, it seems to be perhaps a different  
20 interpretation than what the Cambridge Historical Commission  
21 had already determined was an appropriate renovation.

22 Because this came -- you know, approximately a

1 month after the Cambridge Historical Commission has already  
2 had a hearing, and determined that our renovations were  
3 appropriate for preserving the house.

4           And their proposal also causes a lot of  
5 difficulties for us in terms of it would create new  
6 nonconformities in terms of we would be encroaching -- new  
7 encroachments into the rear yard, which we're now compliant  
8 and it would be a new encroachment into a rear yard. It  
9 would remove open space.

10           So we'd no longer be compliant with open space  
11 requirements. We'd no longer be compliant with green space  
12 requirements that are requirements of being in the C2B  
13 district.

14           It would also pose difficulties for us with the  
15 parking configuration. And, besides which we think that the  
16 impacts on the neighbor to the left will be troublesome, and  
17 it would sort of reopen negotiations with the neighbor who  
18 is happy with our design.

19           So these were all -- you know, sort of difficult  
20 things that led us to the position of, you know, we  
21 appreciate this group's feedback and we want them to be  
22 happy with the project going forward. But, you know, we

1 weren't going to be able to accommodate their suggested  
2 redesign.

3           CONSTANTINE ALEXANDER: Thank you. You want to  
4 move on now to the parking. Are you --

5           SARAH RHATIGAN: Yes. I mean the -- we could go  
6 back to the parking design. I didn't have a lot more to add  
7 to the discussion, unless people had questions about it.  
8 But it is a -- you know, it is a permitted -- a permitted  
9 condition.

10           Sisia, I'm sorry, the -- perhaps the landscape  
11 plan, number 20, page 20 is the best view of the parking?

12           SISIA DAGLIAN: So we have the parking sited where  
13 it is so that it's -- you know, it's kind of a balance of  
14 interest, right?

15           So we're providing two cars of parking. It keeps  
16 -- you know, it improves conditions in terms of allowing for  
17 parking and removing -- you know, presumably removing street  
18 parking to, you know, improve conditions for neighbors.

19           But it also, you know, improves the conditions by  
20 siting the parking sort of towards the rear to improve, you  
21 know, the passageway for the inhabitants who are coming in  
22 and out of their entryways so that they can pass up and down

1 the sidewalks to get in and out of their apartments.

2 And, you know, we don't see an issue in terms of  
3 safety of this type of parking arrangement as, you know,  
4 quite common in the area.

5 CONSTANTINE ALEXANDER: Is that end of your formal  
6 presentation?

7 SARAH RHATIGAN: It is, yes. Thank you.

8 CONSTANTINE ALEXANDER: Well, I'll open the matter  
9 up to questions by the members of the Board before we go to  
10 the public. Brendan, anything you want to ask about?

11 BRENDAN SULLIVAN: My question is with your  
12 comment. I don't like the parking plan at all. And I think  
13 it really violates most of the spirit of off-street parking.

14 Now, it's only because -- section 644.1B, "except  
15 for one- two- and three-family dwellings at the time of the  
16 effective date of this ordinance, no on-grade open parking  
17 or driveway shall be located within five feet of any side or  
18 rear property line."

19 However, for one-, two-, and three-, which the  
20 building on the left is, you can park within five feet. But  
21 the building on the right violates that tenet.

22 You know, I just don't understand the concept.

1 You know, it's a very nice back area with lawn and sitting  
2 area and so on and so forth, and then people have to  
3 maneuver around two cars. And it's just my personal  
4 preference would be that no cars park in the garage.

5 I think that the building can be renovated, and,  
6 you know, nice two units, four units -- I didn't think there  
7 was a hardship there, and that the back area will make it  
8 attractive.

9 And I think that Building Number 2 probably will  
10 be sold as condos eventually, because that's how you tariff.

11 And at the back area -- will be landscaped to make  
12 it more attractive and saleable, but there you've got those  
13 two cars there. So I think that I would not support the  
14 parking plan at all, and the downside would be that there  
15 would be no parking outside.

16 CONSTANTINE ALEXANDER: Thank you. And actually  
17 you anticipated some comments I'm going to make. I'll go  
18 around to the other members first. Jim?

19 JIM MONTEVERDE: This is Jim Monteverde. Will we  
20 be able to include the Historic Commission letter and it's -  
21 - I guess requirements as a condition of --

22 CONSTANTINE ALEXANDER: I'd like to believe that

1 the plans that are being presented to us tonight do  
2 incorporate that. Is there any -- do you discern any  
3 difference between --

4 JIM MONTEVERDE: Yeah. Well, it basically says  
5 that the applicant has to go back to the Historic Commission  
6 to review construction details and materials to be submitted  
7 prior to the application for a building permit.

8 So I assume once you're done here tonight, if you  
9 move on, then it's -- really, you've got to go back to the  
10 Historic Commission, if I read this correctly. And then  
11 it's also --

12 CONSTANTINE ALEXANDER: You do.

13 JIM MONTEVERDE: Yeah. And then it's also very  
14 specific about the construction process that in essence the  
15 building will be razed, and the new construction will be a  
16 new first floor.

17 And that's nothing I can discern from the -- I  
18 mean, unless I missed it. I breezed through the drawings.  
19 Unless the drawings indicate that, I'm just asking if it's  
20 your intention to comply with that.

21 CONSTANTINE ALEXANDER: We've never done that  
22 before, asking time relief to subsequent compliance with the

1 Historical Commission requirements, as set forth here. And  
2 I'm a little bit -- I'm not sure why, but I'm a little bit  
3 troubled by doing that.

4 I mean, we have plans before us, who represented  
5 that they -- I think they are -- in substantial compliance  
6 with what the Historical Commission approves. I don't know  
7 if it's necessary to get to that level of detail.

8 So, but I mean I'm willing to be talked out of it.

9 JIM MONTEVERDE: Okay, yeah.

10 SARAH RHATIGAN: Yeah. If I could just offer a  
11 comment, if you don't mind?

12 CONSTANTINE ALEXANDER: By all means, go ahead.

13 SARAH RHATIGAN: If we are required to follow up  
14 with Mr. Sullivan and with his staff in terms of, you know,  
15 construction plans and the details of the actual  
16 construction? And one of the tricky, you know, construction  
17 details will be the jacking of the house and the building of  
18 the addition at the first level.

19 So some of the plan detail changes that you've  
20 seen are -- relate to showing the trim, so that you'll see  
21 that the addition does appear as the first floor. And then  
22 the house itself is essentially the top floors.

1           It's possible, and Mr. Sullivan has discussed this  
2 with us, that if it's determined collectively that for  
3 whatever reason the house can't be elevated, that we may be  
4 able to with the Cambridge Historic Commission's approval  
5 come up with some other solution.

6           But we would work that out with them, and we would  
7 hope that this Board would -- you know, look to the  
8 Cambridge Historic Commission as the body that would help us  
9 resolve that issue, but not require us to come back to this  
10 Board again for -- you know, additional approval or  
11 modification of the special permit.

12           CONSTANTINE ALEXANDER: It seems to me -- and I  
13 may be wrong -- is that should there be change, as you work  
14 out the details as you say, with the Historical Commission,  
15 and that causes some changes to the plans that we have  
16 before us, then it's up to Ranjit.

17           If he decides that, you know, what you want to do  
18 now after finishing with historical is not what this Board  
19 approved, you will have to come back. If he decides not,  
20 the case will never come back to us.

21           So I think --

22           SARAH RHATIGAN: Right.

1           CONSTANTINE ALEXANDER:  -- I'm right that it all  
2 resides in Ranjit's interpretation of whatever changes you  
3 make to the plans that we have before us tonight?

4           SARAH RHATIGAN:  Mm-hm.

5           CONSTANTINE ALEXANDER:  Jim, I don't know if that  
6 satisfies you, but --

7           JIM MONTEVERDE:  I'm not -- yeah, I'm just -- I'm  
8 looking again at the drawings.  So I'm looking at the A001  
9 from the sixth June 3 set, and under the project  
10 description, this is where I just want to make sure there  
11 isn't a disconnect.

12                   And it basically reads, "New penthouse floor" --  
13 my interpretation at the top -- "to add a story to the  
14 original structure."  It doesn't -- the description that  
15 you've agreed to do, or at least to attempt with the  
16 Historic Commission I just don't see reflected in your  
17 documentation.

18                   And I would take the Historic Commission advice  
19 personally seriously, as a rationale for me to be able to  
20 accept the project as it's presented.

21                   So I'll figure out a way to do it.  I understand  
22 you have to go back, and I understand there will be some

1 back and forth to see what the complications are in actually  
2 achieving that.

3 But I think you've answered my question to the  
4 best of everyone's ability.

5 CONSTANTINE ALEXANDER: Thank you, Jim. Andrea?

6 ANDREA HICKEY: Yes. Counsel, is there a plan  
7 that shows the parking spaces dimensions and the width and  
8 length of the driveway?

9 CONSTANTINE ALEXANDER: I don't believe so, but  
10 Sisia, am I right?

11 SARAH RHATIGAN: There is a survey that is at --  
12 let's see, is it page -- around about page 20. I'm not sure  
13 that that shows the parking spaces' dimensions. I'm sorry,  
14 20 -- keep going, Sisia, I'm sorry. After the photos, I  
15 believe. There's 26. That's the actual survey, which shows  
16 the existing driveway.

17 SISIA DAGLIAN: 001 has the width, but not --

18 SARAH RHATIGAN: Yeah, it has the width, but it  
19 doesn't have the parking spaces dimensions.

20 ANDREA HICKEY: All right. So Counsel, you  
21 mentioned that the parking being proposed is allowed. I  
22 don't see that the parking is compliant. Can you speak to

1 that?

2 SARAH RHATIGAN: Yeah. So -- and I'm sorry if I  
3 was not being clear or specific enough. So the way that we  
4 were, you know, considering this is that if you see that  
5 this -- I'm sorry, I'm having a little trouble seeing the --  
6 if you Zoom in on this plan -- well, you probably can't zoom  
7 in, yeah, there we go, thank you.

8 The preexisting conditions is that -- if you see  
9 the language on the driveway, it says, "Paved driveway  
10 easement." So the existing conditions are that there's an  
11 11-foot-one-inch driveway that leads to a back paved area  
12 behind the #33 Gore Street.

13 So, you know, pre our construction, the conditions  
14 are that we have a driveway that's 11 feet wide that leads  
15 to a parked area in the back. And historically, that has  
16 been a driveway that's been used for both the parking, and  
17 then there's the parking in the back of any number of  
18 vehicles, and it's been a little unclear as to how many  
19 vehicles have been parking in there.

20 Has it been in a conforming condition or not?  
21 It's a little unclear.

22 And this parking area, even though this land is --

1 the lot was at one point technically part of #31, it was an  
2 easement that was for the use of #33.

3 So if you think about the 33 parcel as having a  
4 paved driveway that was used for parking and it's a two-  
5 family structure, if I think of this as a project and I  
6 forget about the parking -- the apartment building on #31 --  
7 I think of this as a fairly traditional situation where you  
8 have tandem parking for a two-unit structure that's located  
9 in a driveway that is more than 10 feet wide.

10 And I understand that those are not exactly -- you  
11 know, our facts. So if not, we are asking for special  
12 permit relief, and, you know, it's not perfect. But it is,  
13 we think eligible for special permit relief.

14 I'm sensing that, you know, you all have concerns  
15 about the parking. And I think that, you know, my clients  
16 will be willing to talk to you about what recommendations  
17 you might have -- you know, and what you would like to see.

18 ANDREA HICKEY: Counsel, when were 31 and 33 first  
19 merged for zoning purposes.

20 SARAH RHATIGAN: I am not sure about that. It was  
21 prior -- it was owned by the same owner prior to sale to the  
22 current owners. So it's been probably at least maybe 20

1 years or so. But I haven't done a Title to know how far  
2 back beyond that.

3 That's really all I have. I don't love the  
4 parking situation. I just think it's too tight, and in  
5 general I don't favor tandem parking, I think it's dangerous  
6 pulling -- backing out or backing in.

7 So I'd like to hear of some way that you could be  
8 a little more creative with respect to the parking, if it's  
9 that necessary. But I'm eager to hear my colleagues'  
10 comments as well.

11 CONSTANTINE ALEXANDER: As we get to the vote, it  
12 will be two votes, and we'll vote on the parking separately.  
13 And I think you heard Brendan's reservation. I've already  
14 indicated I have serious reservations. You've expressed  
15 some reservations.

16 So we'll see how the vote goes on the special  
17 permit, with tandem parking. If it doesn't go to the -- if  
18 we approve it, then the petitioner is back to the drawing  
19 board with regard to parking.

20 ANDREA HICKEY: Thank you, Mr. Chair. I have  
21 nothing further at this time.

22 CONSTANTINE ALEXANDER: Okay. Jason?

1           JASON MARSHALL: Thank you, Mr. Chair. And  
2 Counselor, thank you for your presentation. I think I'm  
3 going to continue on the theme around parking, because I  
4 also pause in terms of the proposed design, for similar  
5 reasons.

6           It really looks quite wedged and very close to  
7 both sides -- on both sides, and to the residential windows.  
8 And I do wonder and worry about noise issues. I worry about  
9 exhaust issues, with respect to those windows.

10          And even I worry about the egress out of that lot,  
11 given how narrow it is, and the visibility onto the sidewalk  
12 and into the street. So I don't want to expand much beyond  
13 that; I think my colleagues have said a lot about it.

14          But I share concerns, with respect to the parking  
15 configuration and it would have been helpful for me to have  
16 had something in the record pointing to where we might have  
17 approved the design like this in the past -- really similar  
18 to this, anyway.

19          You know, that wasn't in there, and we certainly  
20 are regular before this Board and you may have examples like  
21 this. I haven't seen anything along these lines in my time  
22 here.

1           That's all I have for now, Mr. Chairman. Thank  
2 you.

3           CONSTANTINE ALEXANDER: Thank you, Jason. And as  
4 I've indicated, I'm the last to speak I guess on this issue.  
5 I have my reservations, which have been expressed in more  
6 detail and more accurately by my fellow members of the  
7 Board, and their comments so far now.

8           So with that, I'm going to open the matter up to  
9 public testimony, and any members of the public who wish to  
10 speak should now click the icon at the bottom of your Zoom  
11 screen that says, "Raise hand."

12           If you are calling in by phone, you can raise your  
13 hand by pressing \*9 and unmute or mute by pressing \*6. I'll  
14 wait a few seconds to see if anyone wishes to speak.

15           Apparently, we have no indication that any members  
16 of the public wish to speak. So I will close public  
17 testimony, and return to the case, the decision and the  
18 case.

19           And again, there's two votes to be taken -- one  
20 with regard to the modification of the structure of 31, and  
21 the other is the tandem parking.

22           Discussion, or do you want me to make a motion?

1           SARAH RHATIGAN: May I make a modification or a  
2 comment on the parking, if I might?

3           CONSTANTINE ALEXANDER: Go ahead.

4           SARAH RHATIGAN: The original application that we  
5 filed with this application included a special permit waiver  
6 of parking requirements, and included a traffic analysis,  
7 traffic and parking report, which I know was, you know,  
8 probably deep in this file. But the information in that  
9 report would support a finding to allow for us to move ahead  
10 without parking on the site.

11           And communicating with my clients, they would  
12 prefer to have an answer from this Board tonight as to the  
13 ability to be able to move ahead with the renovation plans,  
14 and to forgo the tandem parking, even though they'd like to  
15 have parking on the site.

16           But they really have -- you know, it's been a long  
17 road to travel on this project, and they'd love to get going  
18 with renovations.

19           CONSTANTINE ALEXANDER: Do I understand that  
20 you're asking for a vote on the physical modifications of  
21 the structure? And you're going to continue this case as to  
22 the parking? Is that what you're asking?

1 SARAH RHATIGAN: Um-- --

2 CONSTANTINE ALEXANDER: Otherwise, we take a vote  
3 tonight on the parking as well.

4 SARAH RHATIGAN: I think what I've asked for is a  
5 special permit to waive parking requirements for the two  
6 units on the site. So we currently, as applied we currently  
7 have technically one parking space for a two-unit dwelling.

8 And if we proceed with renovations, and we have  
9 two units and we have no parking, that would be a violation,  
10 unless this Board grants a waiver of that condition. Do you  
11 understand --

12 CONSTANTINE ALEXANDER: I'm sorry.

13 SARAH RHATIGAN: -- what I'm saying?

14 CONSTANTINE ALEXANDER: I'm a little bit lost.

15 Try it again. I mean, if we don't take action tonight on  
16 the parking, we will have what parking on the lot as you're  
17 entitled to under our ordinance, and tandem parking is not  
18 one of them.

19 But you would have one parking space for 31 on the  
20 site, and the other parking space for the other owner of the  
21 -- the other occupant of the structure, two-family  
22 structure, would park on the street or have no parking. I

1 mean, would not need parking. Is that what we're talking  
2 about?

3 SARAH RHATIGAN: Well, my understanding is that if  
4 you were to take a vote on the renovations of 33 Gore  
5 Street, that you would also be expecting us to make the  
6 landscaping changes as well.

7 CONSTANTINE ALEXANDER: I'm sorry. Say that  
8 again, please?

9 SARAH RHATIGAN: You would also -- this Board  
10 would also be expecting us to make the landscaping changes  
11 as well? Which would eliminate the area that's currently  
12 where cars park in the rear of the building.

13 So the question is if that would eliminate the --  
14 there's no -- currently the current parking situation is  
15 somebody drives up this driveway, and then they park behind  
16 33 Gore Street.

17 But if you take a vote to approve the renovations,  
18 which is what we very much are hoping the Board's going to  
19 do, you know, the question is would you -- and preserve the  
20 existing driveway and the existing parking in the rear?  
21 We're expecting not.

22 We'd love to be done tonight. And in doing so,

1 we'd like to ask for a waiver of all parking on the site,  
2 and to allow for the renovations to go ahead, and for the  
3 project to go ahead with no parking on the site.

4 And we think that the record would establish that  
5 we can do so without any substantial detriment to the  
6 neighborhood.

7 CONSTANTINE ALEXANDER: Yes. That's what I would  
8 propose to do. We would take that vote on the -- for the  
9 architectural, dimensional changes to the structure. And  
10 with the condition that no parking be allowed on site, or  
11 particularly the rear yard.

12 Brendan?

13 BRENDAN SULLIVAN: That would be correct. We're  
14 getting kind of wordy here, but the motion could be that we  
15 grant the special permit for the reconstruction of the  
16 building known as 33 Gore Street, and accepting the  
17 landscape plan --

18 CONSTANTINE ALEXANDER: Right.

19 BRENDAN SULLIVAN: -- as presented at the rear of  
20 the structure, without any parking. And that as far as the  
21 tandem parking, we would vote not to allow the special  
22 permit for the tandem parking, and it would be a de facto

1 agreement that there would be no parking. There would be a  
2 waiver of the parking requirement.

3 CONSTANTINE ALEXANDER: Okay.

4 BRENDAN SULLIVAN: Or it can either be a de facto  
5 that would deny any tandem parking, and that it eliminates  
6 parking on the site -- basically it's granting a waiver by  
7 accepting the landscaping plan for the reconstruction of the  
8 structure.

9 CONSTANTINE ALEXANDER: Okay.

10 BRENDAN SULLIVAN: Does that --

11 SARAH RHATIGAN: I think that that would work for  
12 the petitioner.

13 CONSTANTINE ALEXANDER: So I think we're ready for  
14 a motion now, with regard to the structural changes. Let me  
15 get my notes out for a second. We're talking about a  
16 special permit.

17 So the Chair moves that we make the following  
18 findings with regard to the proposed modifications to the  
19 structure at [-- was it 33?] --

20 BRENDAN SULLIVAN: 33.

21 CONSTANTINE ALEXANDER: -- 33 Gore Street. That  
22 the requirements of the ordinance cannot be met unless we

1 grant the special permit.

2 That the traffic generated or patterns of access  
3 or egress resulting will not cause congestion, hazard, or  
4 substantial change in established neighborhood character.  
5 And subject to the conditions I'm going to propose to the  
6 motion, that would be the case. Compliance with those  
7 conditions would be the case.

8 That the continued operation of or development of  
9 adjacent uses, as permitted in the zoning ordinance, will  
10 not be adversely affected by what is being proposed -- in  
11 fact what is going to happen is that the housing stock of  
12 the city will be improved by virtue of the modifications to  
13 33 Gore Street, which have been approved, by the way, of the  
14 Historical Commission.

15 That no nuisance or hazard will be created to the  
16 detriment of the health, safety and/or welfare of the  
17 occupant of the proposed use, or the citizens of the city.

18 And generally, what is being proposed will not  
19 impair the integrity of the district or adjoining district.  
20 So based on these findings, the Chair moves that we grant  
21 the special permit with regard to the structural changes,  
22 subject to the following conditions:

1           That as part of the approval, that the landscaping  
2 plans for the rear yard will be complied with as set forth  
3 in the plans, and that there will be no on-site parking,  
4 with regard to 33 Gore Street.

5           And that the work proceed in accordance with the  
6 plans prepared by Joe the architect, dated June 3, 2021, the  
7 first page of which has been initialed by the Chair.

8           Brendan?

9           BRENDAN SULLIVAN: [Brendan Sullivan yes, to  
10 granting the special permit.

11          CONSTANTINE ALEXANDER: Jim?

12          JIM MONTEVERDE: Jim Monteverde yes, to granting  
13 the special permit.

14          CONSTANTINE ALEXANDER: Andrea?

15          ANDREA HICKEY: Yes, to granting the special  
16 permit, but I would just like to clarify for the record that  
17 it's no parking by anyone, not just #33, either in the paved  
18 driveway or at the rear of #33.

19          CONSTANTINE ALEXANDER: Fine. That's a good  
20 suggestion, and I will -- my motion will be modified to that  
21 extent. No parking on site, 33 or 31 will be permitted as  
22 one of the conditions to approving the proposed

1 modifications 33 Gore Street.

2 ANDREA HICKEY: Thank you.

3 CONSTANTINE ALEXANDER: That do it for you,  
4 Andrea?

5 ANDREA HICKEY: Yes, that does. Thank you.

6 CONSTANTINE ALEXANDER: Okay. Jason?

7 JASON MARSHALL: Jason Marshall yes, to granting  
8 the special permit at -- pursuant to the modified motion.

9 CONSTANTINE ALEXANDER: Great. And the Chair will  
10 vote as well.

11 [All vote YES]

12 The motion has been -- the approval has been  
13 granted with regard to the architectural modifications to 33  
14 Gore Street, and we will -- by virtue of the terms of that  
15 special permit, the second special permit regarding parking  
16 relief becomes moot. We prohibited that by virtue of what  
17 we've just adopted.

18 Relief granted; case is over.

19 SARAH RHATIGAN: Thank you very much for your  
20 time. Thank you very much.

21 CONSTANTINE ALEXANDER: Thank you.

22 JASON MARSHALL: Signing off. Good evening, Mr.

1 Chair.

2 [Jason Marshall leaves]

3 CONSTANTINE ALEXANDER: Thank you, Jason.

4 Goodbye.

5 SARAH RHATIGAN: Bye, Jason.

6 CONSTANTINE ALEXANDER: Which one do we have now?

7 SISIA DAGLIAN: We have -- she's on.

8 CONSTANTINE ALEXANDER: I'm sorry.

9 BRENDAN SULLIVAN: We go to the regular agenda.

10 CONSTANTINE ALEXANDER: Hm?

11 BRENDAN SULLIVAN: We'll go to the regular agenda.

12 CONSTANTINE ALEXANDER: Yeah, we'll go to the  
13 regular agenda.

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(7:21 p.m.)

Sitting Members: Constantine Alexander, Brendan Sullivan,  
Andrea A. Hickey, Jim Monteverde, Matina  
Williams

CONSTANTINE ALEXANDER: I've got to make an  
announcement with regard to this.

We have one other continued case on our agenda.  
I'm looking for the -- there it is -- 118 Spring Street.

But we're not going to hear this case right now.  
Despite specific instructions about the -- have to -- to  
have our cases continued before you have to change the sign  
to give the new date -- which is tonight -- and the new time  
-- which is going to be at 6:30...6:00? or -- 6:00, the sign  
was not changed.

The time on the sign is 7:45 p.m. tonight, and so  
we will not hear this case 118 Spring Street until 7:45 or  
perhaps later, depending how the rest of our agenda goes.

So now we'll turn to the regular agenda.

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(7:22 p.m.)

Sitting Members: Constantine Alexander, Brendan Sullivan,  
Andrea A. Hickey, Jim Monteverde, Matina  
Williams

CONSTANTINE ALEXANDER: The Chair will now call  
Case Number 116393 -- 14 Bigelow Street. Anyone here  
wishing to be heard on this matter?

REED SHEA: Yes, good evening. Can you hear me?

CONSTANTINE ALEXANDER: Yes.

REED SHEA: Hi there. My name is Reed Shea. I'm  
here presenting on my own behalf. I'm the owner of 14  
Bigelow Street. Thank you very much for the opportunity to  
come before you this evening.

CONSTANTINE ALEXANDER: Okay. Proceed.

REED SHEA: I'm here to present my proposal to  
renovate our family home. My wife and I have lived in  
Cambridge for the better part of a decade. I came out here  
from California and stuck around.

th

And we're proposing to renovate a dilapidated 19 -  
century home on Bigelow Street located in the Neighborhood  
Conservation District, the Bigelow Street Historic District,

1 and turn it into our family home.

2 We wish to dramatically improve the light and  
3 safety of the building by rebuilding the stairways to modern  
4 safety codes, bring it up from 19 -century to 21 century  
5 standards, install fire sprinklers, install fire blocking,  
6 installation, and, you know, remove an unsightly and unsafe  
7 fire escape ladder.

8 We're really hoping to create a beautiful,  
9 stunning home that's an addition to the streetscape and  
10 addition to the neighborhood character and provide quality  
11 rental housing to fellow Cantabridgians as well as to  
12 provide space for our growing family.

13 We recently had our first child, two months ago,  
14 and she's wonderful. She's also a handful.

15 And being here in -- you know, this time of COVID  
16 and working remotely, my wife and I are both professionals,  
17 and are looking for a little bit of breathing room and a  
18 little bit of extra space in our home.

19 So in order to accomplish these goals, we seek  
20 zoning relief for a special permit to extend existing  
21 building planes within the required side setback to seek  
22 special permit relief to exempt our basement from the

1 calculation of gross floor area, as well as relief to modify  
2 windows and to add doors within the side setbacks.

3 Finally, we also are seeking zoning relief in the  
4 form of a variance to go above the required floor area ratio  
5 by 262 square feet.

6 This is a small, I think, change that would allow  
7 us to create a home where we could have two bedrooms on the  
8 same floor, so that we could have our daughter next to us,  
9 keep our rental units, for which we depend on for income,  
10 and make the fire safety and life safety improvements, as  
11 well as the visual improvements that we hope to make.

12 CONSTANTINE ALEXANDER: With regard to the  
13 variance, which is the first part of -- your first piece of  
14 relief you're seeking, you have to address the requirements  
15 for a variance and why you're satisfying them.

16 I trust you're aware of what I'm talking about?  
17 That you have to demonstrate a literal enforcement of the  
18 provisions of this ordinance would involve a substantial  
19 hardship --

20 REED SHEA: Yep.

21 CONSTANTINE ALEXANDER: -- financial or otherwise  
22 to the petitioner or appellant. And again, by law, that

1 means that applies to not only you or you and your family,  
2 but to anyone who occupies or owns the property -- that  
3 there's a substantial hardship that you would like to  
4 rectify by the work you're proposing that requires a  
5 variance. So --

6 REED SHEA: Definitely. Yeah, the hardship that I  
7 would highlight is one of the space needs for a growing  
8 family. To be honest, we haven't been home much lately  
9 since my daughter was born. We've been lucky to have my in-  
10 laws nearby, and they have an extra bedroom and an extra set  
11 of hands at night.

12 So it's been very, very critical to be able to  
13 continue to work -- to be able to, you know, have a little  
14 bit more space for both, you know, an office as well as for  
15 a bedroom and space for our daughter.

16 CONSTANTINE ALEXANDER: But again, you're going  
17 back to your needs, and I don't mean to in any way denigrate  
18 those, but it's got to be for anyone who owns this property;  
19 that there's a need for more living space. And that need  
20 violates the zoning ordinance, unless we grant the variance.

21 And we have to move on to the second requirement  
22 for a variance. I'm reading from the statute, or zoning

1 ordinance.

2 "The hardship is owing to circumstances relating  
3 to the soil conditions, shape or topography of such land or  
4 structures, and especially affecting such land or structure,  
5 but not affecting generally the zoning district in which it  
6 is located." Do you want to address that? It's tough.

7 REED SHEA: Sure. I would suggest that our house  
8 is an undersized lot relative to other lots both on Bigelow  
9 Street as well as in C-1 zoning districts.

10 The reason we're -- I guess looking to ask for a  
11 special permit is because of the sequencing of the  
12 calculations that the Building Commissioner suggested where  
13 the special permit would come first and the variance would  
14 come second.

15 So the variance that we're asking for, I guess I'm  
16 happy to discuss first. But the hardship that I would argue  
17 is due to the size of the lot. It's 4000 square feet, which  
18 is fairly small. And we're looking for a final gross floor  
19 area of 3200, 62 square feet.

20 CONSTANTINE ALEXANDER: Okay. And I trust you're  
21 aware that you have substantial neighborhood opposition to  
22 what you want to do? We have a number of letters in our

1 file from neighbors who were opposed to granting the  
2 variance.

3 REED SHEA: Yes, I'm aware of that.

4 CONSTANTINE ALEXANDER: Have you had any meetings  
5 with them, or tried to reach out to them?

6 REED SHEA: Absolutely. So we've been through a  
7 number of meetings both one on one with neighbors, as well  
8 as a lengthy process through the Historic Neighborhood  
9 Conversation Districts, who provided us with a certificate  
10 of appropriateness, and an approval for this project we're  
11 proposing.

12 I'm happy to discuss and rebut the letters that  
13 were provided to the Board from my neighbors. I wish that I  
14 was able to come before this Board with letters of support,  
15 not letters of opposition.

16 Unfortunately, I haven't been creative enough to  
17 come up with a proposal, but that enables my neighbors to  
18 support -- but that's my failure. But I've had substantial,  
19 lengthy discussion and have made some substantial changes to  
20 our proposal over the course of the past year.

21 I would also point out, highlight that those  
22 letters of opposition are, with respect to the variance, not

1 the special permit, which we've treated as separate --

2           CONSTANTINE ALEXANDER: That's right. We're  
3 talking about the variance, correct. All right. And just  
4 to make sure, you know, we touch all the bases, have you  
5 thought about creating some sort of neighborhood meeting,  
6 where you -- now that you've seen letters in writing and the  
7 opposition, see if there's any way of reaching an  
8 accommodation or a modification or something that gets the  
9 neighborhood opposition withdrawn?

10           REED SHEA: I work very hard to try to work  
11 towards a proposal that our neighbors could support through  
12 three meetings over the course of this winter and spring  
13 with the neighborhood -- with the Historical District,  
14 excuse me.

15           I wish that we had been able to come in and have  
16 more neighborly barbecues and have -- you know, we moved in  
17 and not too long after, we got shut down and have not been  
18 as, you know, able to be as close with our neighbors as I  
19 would have liked. I do feel like we have made a strong  
20 effort to try and accommodate those perspectives.

21           I do have opinions about the points that were  
22 raised in the letter that I'm happy to share with the Board,

1 if appropriate, in terms of rebuttal?

2 CONSTANTINE ALEXANDER: Okay. I just want to  
3 touch all the bases and make sure --

4 REED SHEA: Yeah, absolutely.

5 CONSTANTINE ALEXANDER: -- you've never been  
6 before us.

7 REED SHEA: No, like I said I wish I were able to  
8 -- my hope and my goal was to come to you with letters of  
9 support. I know that's very important, and it was my  
10 failure that I wasn't prepared to do so.

11 CONSTANTINE ALEXANDER: Okay. Unless you have  
12 more you want to add with regard to the variance, we'll move  
13 on to the special permit part of the relief you're seeking.

14 REED SHEA: Certainly.

15 CONSTANTINE ALEXANDER: A special permit to  
16 install a door -- I'm sorry, to exempt basement space from  
17 GFA and window changes.

18 REED SHEA: Certainly. So would visuals be a  
19 useful effort, or do you -- presumably you've had a chance  
20 to review the drawings? I'd like to point out where those  
21 changes would be, or highlight them verbally.

22 The changes are primarily to the north side of the

1 house, with two basement stairs. This mirrors the state of  
2 our neighbors to the north at #16 who have two basement  
3 stairs and entrances as well. It's very similar in concept  
4 --

5 SISIA DAGLIAN: It's not on.

6 CONSTANTINE ALEXANDER: Okay.

7 REED SHEA: -- in order to, as well as a door on  
8 the south side. The windows on the front of the house  
9 remain unchanged. There are a couple of windows that we  
10 would like to move on the back of the house to accommodate  
11 change -- you know, putting in a bathroom and perhaps a  
12 smaller window there, and changes to the kitchen windows.

13 CONSTANTINE ALEXANDER: And just to be specific,  
14 the requirement for us to grant the special permit with  
15 regard to the GFA is we have -- this Board has to find that  
16 the uses occupying such exempted GFA support the character  
17 of the neighborhood or district in which the applicable lot  
18 is located.

19 And I just want to say that basically what you're  
20 planning to do with regard to the basement is no different  
21 than other houses, living space in the neighborhood?

22 REED SHEA: That's correct. We would like to

1 continue to have a multifamily house and continue to have  
2 two rental units as well as our unit. And we'd like to  
3 continue that. We'd like to upgrade and improve the fire  
4 safety as well.

5 The biggest -- the only part of the house that I'm  
6 not concerned about burning down is the asbestos  
7 installation of the boiler, or the pipes. So there's a lot  
8 that needs to be done to bring it up to modern safety codes,  
9 st  
10 and to safety code and to 21 -century living.

11 CONSTANTINE ALEXANDER: Okay. Thank you.

12 REED SHEA: In terms of the neighborhood  
13 character, I think I would point to the Historical District  
14 support of this project as an important element.

15 CONSTANTINE ALEXANDER: I'll ask Board members if  
16 they have any questions at this point. Brendan?

17 BRENDAN SULLIVAN: No.

18 CONSTANTINE ALEXANDER: No questions. Jim?

19 JIM MONTEVERDE: [Jim Monteverde] I have just one  
20 question, just looking at between the existing and the  
21 proposed drawings. How many dwelling units are in the  
22 building currently, and how many will there be when the  
renovations are according to the proposed plans?

1 REED SHEA: Three. There's no change to proposed.

2 JIM MONTEVERDE: Okay, thank you.

3 CONSTANTINE ALEXANDER: Andrea?

4 ANDREA HICKEY: I have nothing at the moment.

5 CONSTANTINE ALEXANDER: Matina?

6 MATINA WILLIAMS: [Matina Williams], I have no  
7 questions right now.

8 CONSTANTINE ALEXANDER: I have none at this time  
9 either. So I'm going to open the matter up to public  
10 comment. Let me get my instructions out that I can read.  
11 There we go. Any members of the public who wish to speak  
12 should now click the icon at the bottom of your Zoom screen  
13 that says, "Raise hand."

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

16 We'll take a few minutes to see if there's anyone  
17 here -- anyone in the public who wishes to speak on this  
18 matter.

19 [Pause]

20 SISIA DAGLIAN: Susan Dynarski?

21 SUSAN DYNARSKI: Yes, thank you. I'm an abutter  
22 to this home. We own #12, but we just purchased the house

1 three weeks ago today, and we'd like to let our neighbors on  
2 the other side, #16, to precede us in making comments, and  
3 then we go right after them?

4 CONSTANTINE ALEXANDER: Fine.

5 SISIA DAGLIAN: Jean Reiser?

6 DOUG GESLER: Hi. My name is Doug Gesler. I'm  
7 Jean Reiser's husband. Can you hear me?

8 SISIA DAGLIAN: Yes.

9 CONSTANTINE ALEXANDER: Yes.

10 DOUG GESLER: Okay. We live at #16. We've been  
11 here since 2001. So we've watched this house do nothing for  
12 15 years, so with new people moving in we were extremely  
13 excited that there was some hope that this house, which is  
14 much like our house was, it needs some help, and -- you  
15 know, we're hoping that it will get that.

16 But our biggest concerns are that in this process,  
17 none of the drawings that we've seen show anything to do  
18 with the massing of this project, versus the buildings  
19 around it.

20 None of the drawings we've ever seen actually show  
21 in the lot line with the lot line at the other properties  
22 that we've seen in so many BZA presentations.

1           And the biggest thing for us is that a lot of this  
2 new basement foundation work, which will go down three feet  
3 deeper than the basement is now, and comes out to 1.9 feet  
4 from the lot line, added to the roof space and the new  
5 driveway space doesn't allow for any runoff except really  
6 onto our land.

7           Thank you.

8           CONSTANTINE ALEXANDER: Thank you.

9           SISIA DAGLIAN: David Spillane?

10          JEAN RISER: I think we were thinking we would go  
11 next, if that's okay --

12          SISIA DAGLIAN: Sure.

13          JEAN RISER: -- as number 12?

14          SISIA DAGLIAN: Mm-hm.

15          JEAN RISER: Okay. So, as I said, we are new to  
16 the neighborhood, though I'm born and bred in Somerville, so  
17 I guess I'm an immigrant on those standards. We were  
18 particularly drawn in buying our home to the back yard and  
19 the long sight lines of greenery and sunlight from our deck  
20 and our home. And the proposed expansion will cut that off.

21                 The proposed expansion is going to jut further out  
22 than the adjacent homes, reducing green space considerably.

1 And as stated by our neighbors at #16, we're extremely  
2 concerned about reduced water absorption and runoff into  
3 basements that already have substantial problems.

4 We'd also like to point out that the application  
5 indicates that there are three parking spaces presently at  
6 the address at #14 and there are not, there is one.

7 And were there to be an addition to the parking  
8 spaces, to make them three, they would come right next to  
9 our house. Presumably a driveway would run right next to  
10 our house to the back yard, which would further reduce green  
11 space and create problems with runoff.

12 So we are quite concerned that it's going to  
13 change the character of the neighborhood. It's going to  
14 reduce our enjoyment of our yard. It's going to reduce our  
15 privacy, and reduce connection in a quite close-knit  
16 neighborhood. We're able to right now talk across the yards  
17 with each other. We're going to have a building blocking  
18 us.

19 CONSTANTINE ALEXANDER: Thank you. Anyone else,  
20 Sisia?

21 SISIA DAGLIAN: Yeah, David Spillane.

22 CONSTANTINE ALEXANDER: David?

1           DAVID SPILLANE: Thank you for the opportunity to  
2 comment. While this application identifies this as a modest  
3 addition to the house, but it actually is a 2800 square feet  
4 of renovation, 1800 feet of new construction, and about 1000  
5 square feet of demolition.

6           The applicant is requesting from the Board more  
7 than 1600 square feet of relief from FAR. 262 square feet  
8 of that is by variance. The balance is by special permit.

9           The neighbors, you know, have the concern that the  
10 addition is extending about 10 feet beyond the current  
11 building.

12           I think the discussion with the neighbors at #12  
13 and #16 have indicated that they would be comfortable with  
14 an addition in the area of three to four feet. That would  
15 not require the variance.

16           So that is really the piece that is a dispute.  
17 This has been consistent in conversations with the neighbors  
18 throughout the process, including with the Historical  
19 Commission. And there's been no change to that position.  
20 The position we're seeing today is still an addition of  
21 about 10 feet beyond the back of the current building. So  
22 there really has been no change there.

1           One additional point: No site plan of any kind  
2 has been provided with the applications here. As one of the  
3 neighbors at #12 just said, the zoning application says  
4 there's currently one -- there's three parking spaces, which  
5 there clearly are not. You can see that in the photograph  
6 submitted with the application.

7           The proposal is for three spaces in the future.  
8 Nobody has any idea where those would be located. There is  
9 no site plan indicating [what] the landscaping would be.

10           There are dimensions stated in the application as  
11 to what the percentage of lot area that's included in the  
12 landscaping is but again, there is no drawing submitted with  
13 this application, and what the site layout is with property  
14 boundaries indicating either the extent of the addition, how  
15 parking is provided, whether that in fact is tandem parking  
16 or some other format of parking -- and when in fact, whether  
17 in fact that parking is entirely for the owner, or whether  
18 it would be provided to the rental units.

19           I think there is room here for productive  
20 discussion in the neighborhood to resolve this. I think  
21 there are many aspects of this proposal that are good, and I  
22 hope they could be resolved in a way that would meet the

1 needs of all parties.

2 But we're not at that point right now. Thank you.

3 CONSTANTINE ALEXANDER: Thank you. And that's  
4 what I was trying to suggest earlier with my comments to the  
5 petitioner. Anyone else wish to speak, Sisia?

6 SISIA DAGLIAN: No.

7 CONSTANTINE ALEXANDER: Okay. No one wishes to  
8 speak, so I'm going to close public testimony. I will give  
9 the petitioner any final comments before the Board starts  
10 our deliberation.

11 REED SHEA: Thank you. I thank you for the  
12 comments. I also have -- I'd like to make a few points  
13 relative to the letters that were submitted, and go into  
14 more detail.

15 But I do, though, I want to touch back on the  
16 proving that the literal enforcement of the provisions of  
17 the ordinance would involve a substantial hardship. Y

18 You know, I do think one thing I wanted to add to  
19 that is the financial element to that hardship. The  
20 improvement that we'd like to make with respect to fire  
21 safety and putting in sprinklers, insulation and so forth,  
22 are extremely expensive. And taking on this project is

1 something that we'd like to do.

2 But anyone taking on this project, anyone  
3 renovating this house to the extent of that level of  
4 improvement would also need to see some level of financial  
5 return.

6 Because we're looking to make it our family home,  
7 we're not looking for as much of a financial return, but it  
8 is an element of that hardship.

9 With respect to Mr. Spillane, Mr. Spillane is not  
10 an abutter. I fail to see the relevance of the massing to  
11 someone who's not an abutter. I, you know, I'm glad to hear  
12 that the neighborhood has come together.

13 I wish that the neighborhood would be able to come  
14 together to help to improve the housing stock of Cambridge,  
15 as opposed to oppose improvements to the housing stock of  
16 Cambridge.

17 Mr. Spillane erroneously states that there is no  
18 plot plan; there is a certified plot plan in the documents  
19 that were submitted. And with respect to parking, we're not  
20 proposing any changes to parking. We have one car that my  
21 wife and I share, and we choose to keep our driveway open.  
22 But we have parking for multiple cars, and don't want to

1 change any of that. That's not part of what we're trying to  
2 accomplish here.

3 There was a letter from Mrs. Slater, at #10, who  
4 had some great points that she was advocating for. I didn't  
5 think that any of them were relevant to the discussions of  
6 zoning in front of this Board today.

7 Mr. Gesler and Ms. Reiser at #16 in their letter  
8 stated that they were the primary abutters. I'm not really  
9 sure what "primary abutter" means, but I do want to take  
10 that moment to highlight that our abutters on Inman Street  
11 have raised no objections to our proposal that I'm aware of,  
12 nor have abutters across the street.

13 They opposed this proposal in their letter on the  
14 grounds that it would require zoning relief -- seems  
15 pathological to me, before you today.

16 Several of the letters, including those from Mr.  
17 Gesler and Mrs. Reiser have suggested that I actively live  
18 more modestly. The realities, as I've stated before, of two  
19 working professionals with a growing family are substantial.

20 And I think both my neighbors at #16 as well as  
21 Mr. Spillane have stated that we have not been responsive  
22 and have made no changes; that is incorrect.

1           We've made substantial changes to our proposal  
2 over the course of the past year -- substantial changes to  
3 the proposal on the front façade, which you have had  
4 approval from the Historical Commission, but eliminated  
5 those proposals entirely.

6           The rear northeast corner we brought in from an  
7 original proposal to keep to the building plane that's set  
8 back from the lot line.

9           So claims that we've made no changes are both  
10 untrue and disingenuous. Mr. and Mrs. Dynarski at #13  
11 Bigelow made a point that they chose to renovate their home  
12 within the existing envelope. That's their prerogative,  
13 doesn't feel like it's relevant.

14           They also stated that they raised a family on  
15 Bigelow Street. That's what I'm trying to do. I'd love to  
16 be able to do that.

17           They -- I think that their daughter is going to  
18 join them in their second -- downstairs from them, which  
19 they just renovated. I'm very happy for them. I assume my  
20 in-laws with their granddaughter has been a joy and that's  
21 awesome.

22           I'm not in a position to be able to live in a

1 multi-million-dollar home on Bigelow Street without rental  
2 income. They have benefitted from a 30- or 40fold increase  
3 in value of their home since they've purchased it. I'm  
4 starting in a very different position.

5           And so the -- I think that's the -- something  
6 that's part of the equation for me.

7           Finally --

8           CONSTANTINE ALEXANDER: Excuse me, sir, could you  
9 wrap up your comments, please?

10           REED SHEA: Certainly. The questions for the  
11 Board as I see it is whether the zoning relief that I seek  
12 is going to further answer the goals of the broader city of  
13 Cambridge, and in furtherance of the spirit of the letter of  
14 the zoning ordinance. I don't begrudge my neighbors'  
15 situation.

16           The part (sic) of the zoning ordinance is to  
17 encourage housing for persons of all income levels. And  
18 that's an important part of what I'm trying to accomplish,  
19 along with improving life safety, improving upon this.

20           And I think that this proposal would substantially  
21 improve those aspects to, as well as improve the  
22 neighborhood, improve the streetscape, and allow it to make

1 Bigelow Street our family home. Thank you for the  
2 opportunity to present tonight.

3           CONSTANTINE ALEXANDER: Thank you. Okay. And now  
4 all public testimony is enclosed, and we can move on to the  
5 relief being sought. I think maybe the easiest way, and  
6 maybe the best way: Let me make a motion with regard to  
7 granting the variance, and then people --

8           SISIA DAGLIAN: There was another hand that was  
9 raised.

10           CONSTANTINE ALEXANDER: I'm sorry?

11           SISIA DAGLIAN: There was another hand raised  
12 again.

13           CONSTANTINE ALEXANDER: Oh, I'm sorry. We have  
14 one more person yet.

15           SISIA DAGLIAN: Alexander Kuhne?

16           ALEXANDER KUHNE: Can you hear me now?

17           SISIA DAGLIAN: Yeah.

18           ALEXANDER KUHNE: Hi. Hi, I'm Alexander Kuhne. I  
19 am a brand-new resident at #12 Bigelow with Susan Dynarski.  
20 And I was going to let Susan's comments suffice for our  
21 household, but the comment regarding, "Well, this is what I  
22 paid for my property, and I got to make things work," we

1 just bought this three weeks ago. And we have the same  
2 issues.

3 And while I'm all -- and so new residents to  
4 Cambridge, I very much respect the public policy that seems  
5 to be put out there by the community for increased housing  
6 opportunities across different economic stratas (sic).

7 The point that we're making here is that the  
8 proposal as it is does not increase any housing stock in the  
9 community.

10 And in fact by putting in what would no doubt be  
11 hundreds of thousands of dollars of investments into  
12 apparently a situation in which is being claimed as, "I am  
13 sort of upside-down, so I need to spend another hundred  
14 million dollars so I can, like, break even and make some  
15 money," that's not going to help any other economic groups  
16 renting population.

17 In fact, it's probably going to make whatever  
18 apartments are in #14 even more expensive to potential  
19 renters.

20 So yes, the --

21 CONSTANTINE ALEXANDER: Excuse me, sir --

22 ALEXANDER KUHNE: The property doesn't --

1           CONSTANTINE ALEXANDER: You're really not on the  
2 variance. You're --

3           ALEXANDER KUHNE: No, no, but this was implied.  
4 So my summary is that I wish them well. Perhaps they could,  
5 you know, relocate into the larger parcel of their property,  
6 as opposed to renting out the larger parcel.

7           There are myriad solutions to what the supposed  
8 hardships, which actually aren't hardships as defined in the  
9 statute, but that these could be resolved within the  
10 envelope of the existing property, or maybe limited  
11 extension into the back than what is being proposed here,  
12 which is basically a Bigfoot expanse of nonpermeable  
13 materials over their entire property.

14           So I would ask that the petition be denied.

15           CONSTANTINE ALEXANDER: Thank you. Now we will  
16 turn to the -- no further public commentary, we'll turn to  
17 the case itself. And as I started to say before, I'm going  
18 to make a motion to grant the variance, and then we can take  
19 a vote on that, or further discuss it, but we all have it  
20 specifically before us.

21           The Chair moves that we make the following  
22 findings with regard to the variance being sought: That a

1 literal enforcement of the provisions of the ordinance would  
2 involve a substantial hardship, financial or otherwise to  
3 the petitioner. It's not clear -- well, I'll leave it at  
4 that.

5 That the hardship is owing to the fact that this  
6 was already a nonconforming structure or residence, and  
7 therefore any modification requires zoning relief.

8 And that relief may be granted without substantial  
9 detriment to the public good, or nullifying or substantially  
10 derogating from the intent or purpose of this ordinance.

11 So on the basis of these findings, the Chair moves  
12 that we grant the variance being requested on the condition  
13 that the work proceeds in accordance with plans prepared by  
14 Twofold Design Group dated May 24, 2021, the first page of  
15 which has been initialed by the Chair.

16 Brendan, any comments, or how do you wish to vote?

17 BRENDAN SULLIVAN: Is the [2:06:38 audio unclear]  
18 is actually going down. Is that correct?

19 CONSTANTINE ALEXANDER: Yes, yes that is correct.

20 BRENDAN SULLIVAN: And so they're demolishing part  
21 of the back of the house, and then they're adding on to the  
22 back house, like that? You know, I wish that there had been

1 a little bit more outreach into the abutters and the  
2 community.

3 There are people, obviously, who have some  
4 standing who, you know, say they are going to be affected by  
5 it. And I think it's really on the onus of the petitioner  
6 to have addressed that issue that it may not have any effect  
7 on, but at any rate.

8 I would vote for the variance.

9 CONSTANTINE ALEXANDER: You vote for the variance.  
10 Jim?

11 JIM MONTEVERDE: [Jim Monteverde], just thinking  
12 about Brendan's comment, Mr. Sullivan's comment, and looking  
13 at the dimensional form and looking at the drawings, I don't  
14 -- I can't fathom how, unless it's by the exemption of the  
15 basement, the requested condition is actually a 600-some-odd  
16 square feet less.

17 It just -- and without basically measuring it. So  
18 I just -- I'm struggling how it could be less.

19 REED SHEA: It is through the proposed special  
20 permit, earlier requested special permit.

21 JIM MONTEVERDE: Accepting the basement.

22 ANDREA HICKEY: So it is a result of accepting the

1 basement? I'm not sure how we can vote on the variance, if  
2 a condition of what the applicant is asking for is to be  
3 included in the special permit vote.

4 JIM MONTEVERDE: Right. Because if you don't  
5 exempt the basement, and you just take the condition of  
6 what's being removed and what's being added, it's an add by  
7 the 10 feet times whatever the width of the building is  
8 times three floors. So --

9 ANDREA HICKEY: It's --

10 JIM MONTEVERDE: Yes. It is definitely -- so I  
11 think something in the dimensional form is not clearly  
12 portraying some of the concerns that the neighbors have. So  
13 I think there's -- I'm just searching for clarity here.

14 I'm concerned about the -- I am concerned about  
15 the concerns that the neighbors raise, and that there hasn't  
16 been the ability between the neighbors and the proponent to  
17 basically come to a happy conclusion that both can be  
18 satisfied with.

19 And my last point is -- and I think one of the  
20 neighbors brought this up -- in essence, it's a three-unit  
21 residence and -- you know, residence and two apartments, and  
22 it's going to be turned to a residence and two apartments.

1           So there's no increase in the number of units that  
2 would kind of sway me that the additional square footage in  
3 terms of the neighbors should be outweighed by adding some  
4 units to the city's housing stock.

5           Sorry, one more thing. Lastly, and I agree with  
6 one of the neighbors that mentioned, or several did, that  
7 there wasn't a site plan presented.

8           There is a plot plan of the existing condition,  
9 but not of the proposed that shows its addition and what  
10 happens to the walks around it, and whether in fact you can  
11 get those vehicles in that have been shown.

12           So I would almost, you know, in my -- the most  
13 positive outcome for this would be to continue, go back to  
14 the neighbors, have a site plan prepared. In fact, make the  
15 dimensional form clearer.

16           And in fact this is really on the basis of getting  
17 the special permit, and therefore the -- this is how you get  
18 the area that's represented. So those are my issues. So  
19 I'm kind of tied up in a knot here, and I don't know that I  
20 can support it at the moment.

21           CONSTANTINE ALEXANDER: We could continue the  
22 case, if the petitioner wishes. And you can add -- you

1 could answer the questions and respond to the points that  
2 you've made. But that's up to the petitioner.

3 I haven't heard any wishes to continue the case.  
4 So we have to move along on the cases that are before us  
5 right now. Andrea?

6 ANDREA HICKEY: Well, Jim very succinctly  
7 articulated exactly what was going on in my mind. I think  
8 the dimensional form really required a footnote so that it  
9 was clear to the Board and to the public that the GFA  
10 decrease is partially a result of our exempting the  
11 basement.

12 So, again, I don't see how personally I can vote  
13 on the variance first without making a decision on whether  
14 I'm okay exempting the basement.

15 CONSTANTINE ALEXANDER: We can suspend discussion  
16 on this motion with regard to the additional space and move  
17 on to the special permit and vote on that which is, you  
18 know, to exempt the basement space, if that's the desire of  
19 the Board. I'm fine.

20 ANDREA HICKEY: Yeah. Personally, I think we'd  
21 have to do that.

22 But sort of my final comment would be to highly

1 recommend to the applicant that he take a continuance and  
2 try to work with the neighbors and to get your dimensional  
3 form in better shape, so that we can look at this again and  
4 give you the consideration that you're requesting.

5 CONSTANTINE ALEXANDER: I certainly agree with  
6 that. I've been trying to do that so far. This case, I  
7 haven't got no response from our petitioner.

8 ANDREA HICKEY: No, I think perhaps we should make  
9 it clear to the petitioner that if his request is denied  
10 tonight, then he cannot come back for two years.

11 CONSTANTINE ALEXANDER: Right.

12 ANDREA HICKEY: Unless he's proposing something  
13 substantially different than what he's put forth tonight.

14 CONSTANTINE ALEXANDER: So let me just stop the  
15 discussion right here. I'm going to ask the petitioner one  
16 more time, do you want us to proceed to a vote, or do you  
17 want to take the suggestions you've been hearing -- the  
18 latest from Andrea is that you should continue this case.

19 REED SHEA: Would it be possible to do as you  
20 suggested and move to a vote on the special permit? That  
21 would help me to assess whether to push for a continuance  
22 with the variance. Would that be an outcome that we could

1 do tonight?

2           CONSTANTINE ALEXANDER: I'm happy to go -- to  
3 suspend this vote right now, go to the special permit. The  
4 standard for a special permit with regard to exempting the  
5 basement space is very easy to satisfy. So I think you can  
6 assume -- we can assume -- that that special permit is being  
7 granted.

8           But we don't have to make the assumption. We can  
9 do that if the Board members like me to stop this case and  
10 just vote on the variance, move on to the special permit. I  
11 think Andrea feels that way. And I think Jim does as well.

12           JIM MONTEVERDE: Yeah, that's fine.

13           CONSTANTINE ALEXANDER: Brendan?

14           BRENDAN SULLIVAN: Let me reconsider, re: his  
15 comment about granting the variance after follow-up  
16 discussion here.

17           And I would strongly urge Mr. Shea that you take  
18 into consideration what you've heard tonight from the --  
19 especially the comments from your abutters, and other people  
20 who have called in, even though they're not abutters, and  
21 iron out whatever questions they had, and have a discussion  
22 on it, continue this matter, and then come back to us with

1 the sum substance of that -- those discussions.

2 You may very well come back with the exact same  
3 plan, or you may modify it. And again, you should be aware  
4 that those people have presumed standing to contest our  
5 decision. And it's not legal advice, it's just that's a  
6 matter of fact of the law of life.

7 So I would not want to bifurcate this thing and  
8 vote for one and then hold the other one. It's an up and  
9 down vote for the variance and the special permit together.

10 CONSTANTINE ALEXANDER: Okay. I would just for  
11 the benefit of Mr. Shea, what Mr. Sullivan's referring to is  
12 that there is a -- whatever relief we grant or don't grant,  
13 he has a right to appeal to the courts.

14 And neighbors, should we grant the variance,  
15 could take an appeal to the courts and tie this thing up --  
16 this case or this project up potentially for years.

17 The neighbor who brings that lawsuit must have  
18 standing -- and that's a legal doctrine I'm not going to get  
19 into tonight. Not anybody can file an appeal from our  
20 decision, but someone who has standing. Neighbors tend to  
21 have standing, but that's not a legal decision or opinion  
22 I'm giving. It's just a risk you will run if you proceed

1 with the case tonight, assuming we grant the relief you're  
2 seeking.

3 So do you want -- Mr. Sullivan has answered the  
4 question. Mr. Shea, do you want to continue this case?

5 REED SHEA: I would like to ask if we could vote  
6 on the special permit. I would like to continue the  
7 variance. And just to separate the two.

8 CONSTANTINE ALEXANDER: I don't want to bifurcate  
9 this case, I'm sorry. We're going to vote on all of it, as  
10 Mr. Sullivan said --

11 REED SHEA: Okay.

12 CONSTANTINE ALEXANDER: -- at one time. So if we  
13 continue --

14 REED SHEA: Understood.

15 CONSTANTINE ALEXANDER: -- we continue --

16 REED SHEA: Yeah. No, I would like to continue  
17 and, or request a continuance. And would love to continue  
18 collaborating. I hope I can get to an agreement with the  
19 neighbors.

20 Like I said, a really great outcome, and it's on  
21 me that I haven't been able to get there yet.

22 CONSTANTINE ALEXANDER: Okay. Now we go to when -

1 - to what date do we continue? And it would have to be a  
2 date where the five members of the Board here sitting  
3 tonight will be available. My guess is you need it to  
4 continue this case at least for 30 days.

5 SISIA DAGLIAN: So we have July 15.

6 CONSTANTINE ALEXANDER: July 15?

7 SISIA DAGLIAN: July 29. 15 -- yeah.

8 CONSTANTINE ALEXANDER: July for me, July 29 works  
9 better. Brendan?

10 BRENDAN SULLIVAN: Yeah, that's fine with me.

11 CONSTANTINE ALEXANDER: Yeah. How about the other  
12 members of the Board: July 29?

13 JIM MONTEVERDE: [Jim Monteverde], it's fine for  
14 me.

15 CONSTANTINE ALEXANDER: Andrea?

16 ANDREA HICKEY: [Andrea Hickey] it's fine with me.

17 CONSTANTINE ALEXANDER: And Matina?

18 MATINA WILLIAMS: [Matina Williams], it's fine with  
19 me.

20 CONSTANTINE ALEXANDER: Okay. All right. The  
21 Chair moves -- will make the following findings: That we  
22 continue this case as a case heard.

1           And what that means is that the five members who  
2 are sitting tonight must be on the case when we reconvene  
3 it. So to continue the case until --

4           SISIA DAGLIAN: 6:00.

5           CONSTANTINE ALEXANDER: Six? So 6:00 p.m. on July  
6 29, subject to the following conditions: First, that the  
7 petitioner sign a waiver of time for decision. If that's  
8 not signed, relief will automatically be granted, and that's  
9 not our intention.

10           So you must -- it's a very simple form that agrees  
11 that the case can continue on until July 29. That form --  
12 and on my motion it incorporates this -- that form must be  
13 signed no later than 5:00 p.m. a week from Monday. Contact  
14 Maria Pacheco at the Building Department and get this form  
15 one way or another.

16           And the first condition is that waiver of time for  
17 decision must be signed by a week from Monday day 5:00 p.m.  
18 a week from Monday.

19           Second, that the posting sign that's out there now  
20 must be either a new one that's put up, or the existing one  
21 is modified by means of a magic marker or the like, to  
22 reflect the new date, July 29, and the new time. It's very

1 important, the new time. And that new time will be 6:00  
2 p.m.

3 And lastly, that to the extent there are new or  
4 modified plans specifications, statistical information, that  
5 information must be in our files -- the Building  
6 Department's file -- no later than 5:00 p.m. on the Monday  
7 before July 29.

8 If that is not done, then we will not consider the  
9 plans that are -- we will just go with what's in our files  
10 at that time.

11 Brendan, how do you vote?

12 BRENDAN SULLIVAN: Yes, to the proposal.

13 CONSTANTINE ALEXANDER:

14 JIM MONTEVERDE: Jim Monteverde yes, to the  
15 continuance.

16 CONSTANTINE ALEXANDER: Andrea?

17 ANDREA HICKEY: Andrea Hickey yes in favor of the  
18 continuance.

19 CONSTANTINE ALEXANDER: Matina?

20 MATINA WILLIAMS: Matina Williams yes in favor of  
21 the continuance.

22 CONSTANTINE ALEXANDER: And the Chair votes yes in

1 favor of the continuance as well.

2 [All vote YES]

3 CONSTANTINE ALEXANDER: Case continued until July  
4 29.

5 REED SHEA: Thank you very much. May I have one  
6 closing question?

7 BRENDAN SULLIVAN: Yes.

8 CONSTANTINE ALEXANDER: Yeah.

9 REED SHEA: I'm curious if you might have any  
10 guidance for the kind of top priority pieces that you see  
11 for the challenge to obtaining the variance. I know the  
12 neighborhood opposition was important.

13 I'm struggling to reconcile that with the language  
14 and letter of the zoning ordinance, and I'm wondering if you  
15 have any guidance that you would be able to provide me.

16 CONSTANTINE ALEXANDER: No, I can't -- we can't do  
17 that. We -- you can contact Counsel or you can do what you  
18 wish, but we're not in that position to give that kind of  
19 advice.

20 REED SHEA: Okay.

21 CONSTANTINE ALEXANDER: The advice we've been  
22 trying to give you tonight is you've got neighborhood

1 opposition. There is a means of appeal to the courts.

2           You want to go forward, you do it at your own  
3 risk. But if you want to otherwise get more information,  
4 I'm afraid you'll have to retain an architect or a lawyer or  
5 something to give you that advice. Sorry.

6           REED SHEA: All right. Thank you very much.

7           CONSTANTINE ALEXANDER: Thank you.

8           BRENDAN SULLIVAN: [Put the files together.]  
9 Spring Street?

10           CONSTANTINE ALEXANDER: Yeah, I'm going to do that  
11 next, once I get my --

12           SISIA DAGLIAN: Spring Street? Okay.

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(8:10 p.m.)

Sitting Members: Constantine Alexander, Brendan Sullivan,  
Andrea A. Hickey, Jim Monteverde, Matina  
Williams

CONSTANTINE ALEXANDER: The Chair will now return  
to a continued case that we have suspended because of the  
defective time posting. The case is 109394 -- 118 Spring  
Street. Anyone here wishing to be heard on this matter?

[Pause]

CONSTANTINE ALEXANDER: Is there anyone here on  
behalf of Spring Street?

MORRIS SCHOFF: Yes. I'm Morris Schoff. I'm the  
architect. Sid Gehlot, the developer, is also present. And  
Sid, we were -- two months ago we came to you and because we  
are asking for both a special permit and a variance, we had  
failed to properly prepare page 5 of the application.

So we have separately uploaded the statement of  
hardship for the variance, which is in the file. And later,  
we'll discuss it if you want to, but it is in your hands.

So Sid will tell you briefly again about the  
project, and then I will go through the two items, the

1 special permit item and the variance item for your --

2 SID GEHLOT: Okay.

3 CONSTANTINE ALEXANDER: Let's talk about the  
4 variance and the submission. The first issue you have --  
5 you know, as you know I trust -- you have to meet three  
6 conditions to get a variance. The first is that there's a  
7 substantial hardship.

8 The only hardship I saw described in your  
9 submission, or your client's submission, is that it's been  
10 an expense; a lot of problems have developed with the  
11 modifying the structure, updating it, whatever, what have  
12 you.

13 Those are not conditions that entitle a person to  
14 a variance. It's got to be a condition of run-ins with the  
15 land there before your client bought the property, or  
16 otherwise acquired it, and will continue afterwards unless  
17 we grant the zoning relief.

18 Now -- the hardship has to be owing to  
19 circumstances relating to the soil condition, shape --

20 MORRIS SCHOFF: If I could --

21 CONSTANTINE ALEXANDER: -- and topography of such  
22 land or structure. You're seeking a variance to build

1 porches or decks off of --

2 MORRIS SCHOFF: Yes. If I could speak to the  
3 hardship -- the hardship is just --

4 CONSTANTINE ALEXANDER: Go ahead.

5 MORRIS SCHOFF: The hardship which applies to the  
6 variance for all persons who will ever reside in this  
7 property is because of the existing nonconforming  
8 conditions, the addition of the decks requested provide open  
9 space -- light and air -- for the residents of the units.

10 This is a permitted hardship, which we are asking  
11 to relieve by the construction of the deck. And to do that,  
12 we must in court existing nonconforming FAR under the bylaw.

13 CONSTANTINE ALEXANDER: Understood, but the fact  
14 of the matter is, this structure was being used for  
15 residential purposes for a long time before -- without any  
16 porches or decks, whatever you wish to call them.

17 You're talking about doing these in a very tight  
18 area. The building occupies virtually the entire lot. And  
19 you'll be in the back of the -- in the ell in the back of  
20 the structure. But your neighbors who are here are  
21 virtually on top of you.

22 The problem of disruption of the neighbors' use of

1 their property by virtue of people occupying and using the  
2 porches is substantial. That's my problem. I'm not  
3 enamored with what you wish to do. It's not a requirement -  
4 - it's not a hardship that you can't improve the limiting  
5 combinations for the existing units.

6 SID GEHLOT: Yeah, but if I can add --

7 MORRIS SCHOFF: Could you?

8 SID GEHLOT: Morris --

9 MORRIS SCHOFF: Go ahead.

10 SID GEHLOT: Yeah. This is Sid Gehlot. I'm the  
11 owner and developer. And in the hardship letter which we  
12 have submitted you, that part about a number of things, it's  
13 not just the construction issue that we came across with  
14 this project, it -- I mean, we started with saying that we  
15 started the building permitting process sometime in November  
16 2019. And of course it takes time.

17 And right after that, the pandemic hit. And when  
18 everything was kind of slowed down, that kind of dragged us  
19 too.

20 By the time we got the permit in December 2020, it  
21 was almost a year for us just to get the permit. And then  
22 we went ahead with the building permit and the demolition

1 and the construction for all this. You know, the foundation  
2 which seems to be more like a structural repair after  
3 discussing with our structural engineer turned out to be  
4 that it's not a repair, it's a rebuild kind of a situation.

5 And we have reconstructed and rebuilt almost 70 to  
6 80 percent of the existing structural foundation in the  
7 walls. Then we started, you know, the standard renovation,  
8 deck renovation kind of thing.

9 The building was such in a dilapidated state that  
10 once we started opening the wall, it turned out to be that  
11 the wise decision construction wise is to almost rebuild and  
12 reframe everything, including the ceiling, which was all  
13 rotted. There was all rot in the --

14 So this was just from the building construction  
15 standpoint. The DPW also asked us to bring in all -- they  
16 were not happy with the sewer. So we have to do a new sewer  
17 line, new water line, new gas line, plus they were also not  
18 happy with the existing water drainage to the gutter on the  
19 street.

20 So we had to on the Spring Street, we had to --  
21 again [have] a site contractor and do drainage directly into  
22 the city stormwater system.

1           So it's one after another, you know? So one of  
2 the applications over there it talks about financial  
3 hardships. This is all financial hardship, plus another  
4 point over there is related to soil or topography.

5           When we started rebuilding this foundation, I  
6 mean, that's all related to soil and topography. And I'm  
7 not -- you know, like, technically to tell you, but these  
8 are the practical problems and issues.

9           The building which was almost falling, and -- you  
10 know, we are reconstructing it right now, and we are asking  
11 for not a substantial amount of deck in the back.

12           And, you know, as far as you were saying in the  
13 neighborhood, I knock on the doors, you know? I have the  
14 immediate abutter is 122 Spring Street.

15           I spoke to the people living over there, and the  
16 gentleman is there right now, and he likes what we have done  
17 to the property, he is happy with what we are doing, and  
18 he's in full support of it.

19           And our immediate other abutters are on the Fifth  
20 Street. It's a six-unit apartment rental building. I tried  
21 to knock on the door several times. I've spoken to a couple  
22 of people over there, but they are saying they are renting

1 out there so they can't.

2 They are okay with what we are doing, but they  
3 can't be present or put us in favor for this thing. I mean,  
4 this is where we are, you know, after a year and a half, you  
5 know, just working on this project right now.

6 CONSTANTINE ALEXANDER: Thank you. I think the  
7 point I'm trying to make still stands. Unfortunately,  
8 you've had a lot of problems with rehabbing this structure,  
9 and you're modifying them, and you're going to make a better  
10 structure when it's all over.

11 But the decks that you're proposing are not --  
12 they're just part of the financial solution, and help you  
13 make -- to charge more money or whatever, get more money for  
14 the investment to recoup some of the unexpected expenses you  
15 had with the renovation. And that's just not a  
16 justification for us to grant the variance.

17 That's not -- variance is a legal, it's a matter  
18 of the law. And the legal requirements are set forth in the  
19 state statute. And that's not just Cambridge, the state.  
20 And none of those requirements, or none of those relate to  
21 the fact that you've run into unexpected problems in  
22 rehabilitating the building.

1           Just my view. I mean, and I think it is clearly  
2 the legal view. And that's why I have problems with the  
3 relief being sought.

4           MORRIS SCHOFF: Can we move on to the variance and  
5 discuss that?

6           CONSTANTINE ALEXANDER: Sure.

7           MORRIS SCHOFF: Okay. Would you put up the  
8 exhibits, please?

9           The next page.

10          The next page. That's it. Okay.

11          This drawing is intended to illustrate as clearly  
12 as we can the existing ceiling height conditions in the  
13 original building. That would be on the left where the  
14 ceiling heights varied from eight feet, seven foot two, six-  
15 foot-ten. They are all -- they were all over the map.

16          But on the left side, you will see a typical  
17 section of what we had to do in order to stabilize the  
18 foundation. We poured a new foundation wall underpinning  
19 and a cantilevered footing virtually around the whole  
20 perimeter -- I would say 75 percent of the existing  
21 foundation.

22          And the elevation of that cantilevered footing

1 allows us with a floor slab to have a ceiling height of  
2 eight-feet-six uniformly throughout the basement.

3 We don't see how this would be a detriment to the  
4 neighborhood or harmful to anyone whatsoever, but it would  
5 mean that we had uniform ceiling height consistent with the  
6 excavating that we had to do in order to reinforce the  
7 foundation.

8 And the drawing on the right indicates the areas  
9 and that the uniform ceiling height would be eight-foot-six.  
10 That's the variance that we are requesting.

11 SID GEHLOT: No, that's the special permit,  
12 Morris, not the variance.

13 MORRIS SCHOFF: Pardon?

14 SID GEHLOT: It's a special permit.

15 MORRIS SCHOFF: That's -- I'm sorry. I'm --

16 CONSTANTINE ALEXANDER: Yeah, we're only talking  
17 about the variance right now.

18 MORRIS SCHOFF: I know. I'm still preoccupied  
19 with the details of the variance. This is the special  
20 permit.

21 SID GEHLOT: Yes.

22 MORRIS SCHOFF: As you pointed out, relatively low

1 standard of approval.

2 CONSTANTINE ALEXANDER: Okay. I'm sorry, do you  
3 want to continue with your presentation on the variance, or  
4 do you want to --

5 MORRIS SCHOFF: Yes. I want to continue on the  
6 variance, yes.

7 CONSTANTINE ALEXANDER: Go ahead. The ball's in  
8 your court. Do you have any further reasons or --

9 MORRIS SCHOFF: we can continue on the variance,  
10 but the special permit is important to us --

11 SID GEHLOT: Yes.

12 MORRIS SCHOFF: -- because it will allow us to  
13 finish the interior of the structure.

14 SID GEHLOT: Right.

15 MORRIS SCHOFF: -- under the existing.

16 CONSTANTINE ALEXANDER: Okay, well, I don't mean  
17 it's going to happen, we could always grant -- deny the  
18 variance and grant the special permit. The standards for  
19 the special permit are much easier to satisfy in the  
20 variance. So I don't understand why the two are coupled  
21 together.

22 MORRIS SCHOFF: We don't know why the two are

1 coupled together either, but we'd like to separate them and  
2 continue the one and have you discuss as a Board the virtues  
3 of our request for the special permit.

4 CONSTANTINE ALEXANDER: Fine. The floor is yours.  
5 I'm at this point a little bit confused to where you're  
6 going. Do you want to talk about the special permit?

7 SID GEHLOT: Yes. We want to talk about the  
8 special permit.

9 CONSTANTINE ALEXANDER: Fine.

10 SID GEHLOT: And continue the variance, because  
11 one of the things which is -- we are having difficulty as a  
12 group is because we are new to Cambridge, you know, two  
13 years into it, and not have done a lot of zoning over here.

14 And I was, like you said to the previous presenter  
15 over here that, you know, you are not -- you can't give any  
16 suggestions, the Board and everything. I have to take,  
17 like, a legal counsel.

18 And I have been trying to get that, you know, for  
19 this variance. I've been trying to approach two or three  
20 known attorneys. But, you know, it's very hard to get hold  
21 of them. Everybody is kind of so busy.

22 And I think that's one of the reasons that -- I

1 heard what you're saying, and I would ask the legal counsel  
2 what they would recommend. And especially for the variance,  
3 I would like a continuance on that.

4 But, like my architect Morris said, that for a  
5 special permit I would request the Board that if you guys  
6 can at least hear us on that and give us whatever your  
7 decisions are, then obviously an approval so that we can  
8 continue the interior work.

9 CONSTANTINE ALEXANDER: I'm amenable to hearing  
10 and deciding the special permit case and continuing the  
11 variance case.

12 SID GEHLOT: I really appreciate it.

13 CONSTANTINE ALEXANDER: Let me finish. We  
14 typically don't like to do it. We'd like to hear, do it all  
15 at one time, and you're talking about basically dividing the  
16 case up. But unless other -- I'll ask my fellow Board  
17 members if they have any objection to doing what the  
18 petitioner has requested?

19 BRENDAN SULLIVAN: No. Let me just forward a word  
20 of caution here. If we were to vote for the special permit  
21 and then continue the variance part of the application, that  
22 doesn't mean that you're going to be able to execute the

1 work on the special permit, because it is a -- both of them  
2 are tied to a particular case.

3 And the case has to be resolved in toto, one way  
4 or another, but both requests. We can't just take part of  
5 it that may be granted and then run that down to the  
6 Building Department and expect to get a building permit for  
7 it, is that correct?

8 SID GEHLOT: Yes.

9 BRENDAN SULLIVAN: It's a -- and then have the  
10 variance part, you know, hanging out there. So I don't know  
11 if that's what you're thinking is in the back of your mind,  
12 but all -- if we were to rule, vote on a special permit,  
13 that just gives you the sense of the Board tonight; that  
14 actually means nothing more than that.

15 Does that clarify anything for you, or is that  
16 more confusing?

17 SID GEHLOT: Yeah, so no, I now understand what  
18 you're saying. So is this like we should have filed a  
19 separate, like, something -- that the special permit is  
20 separate, and for a very we should have filed --

21 BRENDAN SULLIVAN: Well, now we would prefer that  
22 you applied the way you -- or applied to give us --

1           CONSTANTINE ALEXANDER: Yeah.

2           BRENDAN SULLIVAN: -- the entire ball of wax in  
3 one application. But, you know, in the -- I don't buy the  
4 argument that you could not get legal counsel from the time  
5 that you filed this application to tonight. And I think  
6 that's -- I think you alluded to that the last time we met.  
7 And either, you know, I don't want --

8           MORRIS SCHOFF: Can I ask a question?

9           BRENDAN SULLIVAN: Yeah.

10          MORRIS SCHOFF: Can we withdraw the variance  
11 portion of the application without prejudice, and then you  
12 could vote on the remaining piece, which is the special  
13 permit?

14          CONSTANTINE ALEXANDER: I'm sorry, let me make  
15 sure -- let me play it back to be sure that what you're  
16 saying is right.

17                 You would withdraw your application for a  
18 variance, which means effectively you can't do -- seek that  
19 variance for two years with some conditions? And we will  
20 just -- the case will proceed just with regard to the  
21 special permit.

22                 Is that what you're suggesting? I just want to

1 make sure I understand, that's all.

2 SID GEHLOT: No.

3 CONSTANTINE ALEXANDER: Okay, then what are you  
4 suggesting?

5 SID GEHLOT: No, I mean, the decks -- this is --  
6 even if it's legal counsel or whatever, you know, if this is  
7 not, you know, the Boards are opposed to it, then at this  
8 point we cannot just keep moving on -- you know, wait for  
9 this project. Last time we were there and it took us two  
10 months to get back to you guys.

11 So if this is what it is, it's not -- then we'll  
12 just go with the special permit and, you, we want to keep  
13 just finishing this project.

14 CONSTANTINE ALEXANDER: I'm sorry. I'm not sure I  
15 got your point. Just one more time. You don't want to  
16 withdraw your variance application, is that correct?

17 SID GEHLOT: Yes. If it's tied together, like you  
18 guys were saying you cannot vote on a special permit, it has  
19 to be together, then I would like to continue with both of  
20 them together right now and be -- have a decision in hand  
21 tonight and keep moving, rather than going to a next session  
22 or next meeting.

1           CONSTANTINE ALEXANDER: Okay.

2           ANDREA HICKEY: But if you continue, our only  
3 decision is to allow the continuance.

4           JIM MONTEVERDE: No.

5           ANDREA HICKEY: I'm not understanding --

6           JIM MONTEVERDE: I don't think he meant the word,  
7 "continue" like we understand it.

8           BRENDAN SULLIVAN: Yeah.

9           JIM MONTEVERDE: It was just to proceed.

10          BRENDAN SULLIVAN: We need to vote.

11          JIM MONTEVERDE: Yeah, get to a vote.

12          BRENDAN SULLIVAN: Just need to -- yeah, continue  
13 tonight.

14          JIM MONTEVERDE: Right.

15          BRENDAN SULLIVAN: Continue, or finish, yes, okay.

16          CONSTANTINE ALEXANDER: Well, and then the  
17 question is, to what date do we continue this case?

18          COLLECTIVE: No, no, no.

19          BRENDAN SULLIVAN: We're going to continue  
20 discussing the case and voting on it tonight.

21          CONSTANTINE ALEXANDER: He wants to do that?

22          BRENDAN SULLIVAN: Yeah.

1           CONSTANTINE ALEXANDER: I must have misunderstood,  
2 okay.

3           JIM MONTEVERDE: Yep.

4           CONSTANTINE ALEXANDER: Okay. Sorry. Back to  
5 your discussion, your presentation. What more do you want  
6 the bring to our attention?

7           SID GEHLOT: On this presentation -- I think  
8 Morris you also have a question -- that there is a roof  
9 deck, and there is also a deck above the, which we are  
10 asking above the storage unit. We are not sure if that --  
11 if we need a variance for that or not. But we still have it  
12 over here.

13           ANDREA HICKEY: That would be a question for the  
14 Building Department, and you need to make that part of your  
15 submission officially if that's what you're requesting.

16           SID GEHLOT: Okay. We have asked them for that.  
17 We haven't got any answers yet. We'll do it. Morris, are  
18 you still there?

19           MORRIS SCHOFF: I am.

20           SID GEHLOT: Okay.

21           MORRIS SCHOFF: I am. So there is no way for us  
22 to separate these two without reapplying for one without the

1 other, is that correct?

2 BRENDAN SULLIVAN: That to me is correct, yes.

3 MORRIS SCHOFF: Okay.

4 BRENDAN SULLIVAN: Which means that you would have  
5 to continue Case Number 109394, and then you would have to  
6 potentially reapply. I don't know if that one --

7 CONSTANTINE ALEXANDER: I don't think he has to  
8 reapply -- they can just come back; we continue it to a  
9 date. On or before that date, you can either come back with  
10 the same materials we have right here, or you can modify  
11 your plans or your -- you know, modify your plans, and as  
12 long as they're in our files before we rehear the case, go  
13 forward on that basis.

14 BRENDAN SULLIVAN: You wouldn't gain anything,  
15 because in order to reapply, advertise this, you would kick  
16 that thing. This would be kicked back into August or  
17 separate.

18 CONSTANTINE ALEXANDER: Yep. That's true.

19 BRENDAN SULLIVAN: You could be heard sooner on  
20 continuing this case tonight with both aspects of it, rather  
21 than coming back.

22 SID GEHLOT: Right. So when can we be heard? If

1 we continue, when will we be heard?

2 CONSTANTINE ALEXANDER: Well, I know we continued  
3 another case until July 29. And everybody was available.  
4 Do we have room on the agenda?

5 BRENDAN SULLIVAN: July 15, is that available?

6 CONSTANTINE ALEXANDER: I'm sorry?

7 BRENDAN SULLIVAN: July 15.

8 MORRIS SCHOFF: Too soon.

9 CONSTANTINE ALEXANDER: I can't make it.

10 SISIA DAGLIAN: No --

11 CONSTANTINE ALEXANDER: July 15 what?

12 SISIA DAGLIAN: We continued the other one to July  
13 15.

14 CONSTANTINE ALEXANDER: I can't be here on July  
15 15.

16 BRENDAN SULLIVAN: No, no, that was the twenty-  
17 ninth.

18 SISIA DAGLIAN: Oh, Bigelow was the twenty-ninth?

19 JIM MONTEVERDE: Yeah.

20 BRENDAN SULLIVAN: It was the twenty-ninth.

21 SISIA DAGLIAN: Okay. Um--

22 CONSTANTINE ALEXANDER: If we have room on the

1 agenda the twenty-ninth?

2 DONNA SOUCY: Yes.

3 BRENDAN SULLIVAN: July 29.

4 SID GEHLOT: Okay. We'll continue.

5 CONSTANTINE ALEXANDER: Okay. We've got to make a  
6 motion. We've got to take a vote first. The motion is as  
7 follows: The Chair moves that we continue this case as a  
8 case -- again, as a case heard until is it 6:00 p.m.?

9 SISIA DAGLIAN: Yeah.

10 CONSTANTINE ALEXANDER: -- 6:00 p.m. on July 29,  
11 subject to the following conditions:

12 One, that the petitioner sign a waiver of time for  
13 decision, and you have already done that --

14 SID GEHLOT: Yep.

15 CONSTANTINE ALEXANDER: -- in connection with  
16 tonight's hearing. So that's taken care of. Second, that a  
17 new posting sign, and it's got to be a new one, reflecting  
18 both the new date July 29 and the time -- new time, 6:00  
19 p.m. -- be filed or erected and maintained for the 14 days  
20 required by our ordinance, just as you've done with the  
21 signs that have been up there now. But you need a new sign,  
22 and you get that from the Building Department.

1 SID GEHLOT: Sure.

2 CONSTANTINE ALEXANDER: And last, to the extent in  
3 the interim you decided to change the plan specifications,  
4 additional material, those must be in our files no later  
5 than 5:00 p.m. on the Monday before July 29.

6 If that is not done, we will not hear the case on  
7 July 29, we'll continue it to some other date. So don't  
8 miss that time: 5:00 p.m. to the extent you modify what's  
9 already in our files or change it or add to it, it must be  
10 in by 5:00 p.m. on the Monday before July 29.

11 Brendan, how do you vote?

12 BRENDAN SULLIVAN: Brendan Sullivan yes, to the  
13 continuance.

14 CONSTANTINE ALEXANDER: Jim?

15 JIM MONTEVERDE: Jim Monteverde yes, to the  
16 continuance.

17 CONSTANTINE ALEXANDER: Andrea?

18 ANDREA HICKEY: Andrea Hickey yes, to the  
19 continuance.

20 CONSTANTINE ALEXANDER: Matina?

21 MATINA WILLIAMS: Matina Williams yes, to the  
22 continuance.

1                   CONSTANTINE ALEXANDER: The Chair votes yes as  
2 well.

3                   [All vote YES]

4                   CONSTANTINE ALEXANDER: This case is continued  
5 until July 29. Thank you.

6                   MORRIS SCHOFF: Thank you.

7                   SID GEHLOT: Thank you.

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(8:34 p.m.)

Sitting Members: Constantine Alexander, Brendan Sullivan,  
Andrea A. Hickey, Jim Monteverde, Matina  
Williams

CONSTANTINE ALEXANDER: Okay. The Chair will now  
call Case Number 108452 -- 45 Blanchard Road #1. Anyone  
here wishing to be heard on this case?

KAITLYN COVENY: Yes, Chairman. I have prepared a  
presentation.

CONSTANTINE ALEXANDER: Okay.

KAITLYN COVENY: All right. Just let me prepare  
it real quick, because it's been changed a bit. So good  
evening. My name is Kaitlyn Coveny. I want to begin by  
thanking everyone who has taken the time to be here tonight  
to consider my request for this variance.

I'd like to start by taking a moment to describe  
the service I wish to provide and why I feel it would  
benefit the community of Cambridge.

My goal is to provide 24-hour care to one  
postoperative canine at any given time, as deemed needed by  
a veterinary referral. This means that I will work on a

1 referral basis with veterinary hospitals that I have either  
2 previously worked at or that I have made connections with  
3 while working in the field.

4           There may be some confusion about what I mean by,  
5 "postoperative care," and I would love to clear that up.  
6 Many dogs undergo surgery due to a variety of ailments; I  
7 would say the most popular being a torn CCL or cranial  
8 cruciate ligament. You can compare this to an ACL tear in a  
9 human.

10           When this happens, primary care veterinarians  
11 typically refer patients to the specialty hospital like  
12 Angel or Blue Pearl to undergo an orthopedic procedure.  
13 After these fairly invasive procedures, canines are rendered  
14 mostly immobile for about 24-hours and spend one night in  
15 the hospital, and after that will need significant  
16 assistance with mobility for up to two weeks.

17           In addition, owners are expected to completely  
18 restrict their pets in their own homes for that two-week  
19 period, ideally utilizing a crate or pen when they are not  
20 able to have them restricted by leash or harness themselves.

21           The dogs must not be bumped into or excited by  
22 other pets and children, and must be kept calm and

1 controlled to ensure a successful outcome for the surgery.

2 In addition, pets are to be given a series of  
3 medications; typically an antimicrobial for pain, gabapentin  
4 also for drowsiness, an antibiotic and a sedative.

5 These medications are to be given twice daily  
6 every 12 hours with food, and it is important to note that  
7 knowing how to properly pill a dog both humanely and safely  
8 if they refuse medication is a skill that many pet owners do  
9 not necessarily have.

10 Also modalities such as passive range of motion,  
11 massage, cool and warm compress and stretching are helpful  
12 to the recovery process. And the reality of postoperative  
13 care is that most owners are first shocked by the completely  
14 shaved leg or other appendage of their dog, which is done to  
15 keep the surgery site sterile.

16 And they do not want to get near it, let alone  
17 lift it to check the suture site, to see if the sutures have  
18 either become infected or have opened up.

19 They next struggle to provide the level of care  
20 needed to guarantee a successful recovery for a variety of  
21 reasons. They may live in an apartment with stairs, they  
22 may have young children, they may be elderly themselves.

1 They may have other high-end pets, or they simply may have  
2 restrictive work schedule.

3 As a professional trained in canine  
4 rehabilitation, I will not only provide the additional  
5 postoperative care modalities that owners do not know how to  
6 provide, but also provide a calm and safe environment for  
7 their pet to heal under experienced supervision.

8 I do think there has been some confusion around  
9 what I am doing in the neighborhood with some abutting  
10 neighbors, and the comparison to a kennel has been made.

11 The care I wish to provide can be directly  
12 compared to if I were to adopt a second dog. And in  
13 Cambridge you are allowed to have up to three licensed dogs  
14 per household, and four or more dogs are required to be  
15 considered a kennel.

16 And this is according to Cambridge Animal Control;  
17 I did give them a call to confirm that.

18 This is by no means a kennel that I wish to do, as  
19 I will only be caring for one dog at a time. Also, at no  
20 point and under no circumstance will any dog be housed in my  
21 back yard. I just want to make that very clear.

22 I think it is also important to acknowledge that

1 animals in my care will be sedated, due to the medications  
2 prescribed by their veterinarians and therefore will be  
3 quite sleepy, and as a result very quiet and unlikely to  
4 disturb the neighbors.

5 I do wish to read my statement of financial  
6 hardship, if that's all right now. After being accepted to  
7 a premedical post-Bachelor program -- I included my letter  
8 of support in the support folder, or my acceptance letter --  
9 excuse me -- my position at Angel West Physical Rehab, MSPCA  
10 came to an end because they were unable to offer a work  
11 schedule around my new remote work schedule.

12 I've been looking for work in my field since then,  
13 which has been over a year at this point, and I have not  
14 been able to secure a position at a veterinary practice that  
15 offers wages that meet my experience.

16 If this variance is not granted, it will cause a  
17 financial hardship for myself and my partner, which may  
18 require me to relocate.

19 And I don't know if you want to add to that part.

20 NICK DEPORZIO: No, for the sake of time, I'll  
21 just save my response for questions they might have.

22 CONSTANTINE ALEXANDER: Okay. Well thank you for

1 the presentation.

2 THE REPORTER: Could you state your name for the  
3 record?

4 KAITLYN COVENY: Yes, my name is -- oh, mine or --

5 THE REPORTER: His.

6 NICK DEPORZIO: Deporzio.

7 CONSTANTINE ALEXANDER: Okay.

8 NICK DEPORZIO: Deporzio.

9 THE REPORTER: Could you spell your last name,  
10 please? NICK DEPORZIO: Yes, D as in dog -e as in Edward -p  
11 as in Paul -o-r-z as in zebra -i-o.

12 CONSTANTINE ALEXANDER: Okay. There are cases  
13 like yours that really make me regret I'm on the Zoning  
14 Board. What you want -- I think what you're proposing makes  
15 good sense, from a just general perspective. It's not going  
16 to have a major impact on the neighborhood.

17 But you're looking for what legally is a use  
18 variance. You want to use your property in this district,  
19 and the zoning ordinance says no; that's why you're here for  
20 the variance. You can't operate a kennel or other, like a  
21 kennel. And use variances are extremely difficult to  
22 achieve.

1           My colleague here had given me an excerpt here  
2 from a Supreme -- Massachusetts Supreme Judicial Court  
3 decision in 2005, and I will read it.

4           "Although all variances are unusual forms of  
5 relief from zoning requirements, use variances should be  
6 particularly extraordinary, because they inherently  
7 undermine the local zoning ordinance's division of uses."

8           All I can say is the City Council and the current  
9 version of our ordinance has said in a residential district  
10 like yours, Residential B, kennels, which is generally what  
11 this is, are not permitted.

12           And for us to give for that, we'd have to make  
13 findings that the hardship -- denying it would involve a  
14 substantial hardship, the hardship being to the petitioner  
15 or whoever occupies the property; in other words there's a  
16 hardship that a kennel can't be in this part of town.

17           "That the hardship is owing to circumstances  
18 relating to the shape of the lot and the topography of the  
19 land or structures." And I didn't see any instance how you  
20 would satisfy what you are proposing to do, satisfy this  
21 requirement.

22           "And that desirable relief may be granted without

1 substantial detriment to the public good, or nullifying or  
2 substantially derogating the intent or purpose of the  
3 ordinance."

4 And unfortunately you will be nullifying the  
5 intent and purpose, because the City Council has said no  
6 kennels in the Residential B district.

7 On top of all this, you have a number of neighbors  
8 who are opposed to the relief being sought. And they have  
9 written letters to us.

10 So I don't know how, though I may be sympathetic -  
11 - and I am -- to what you want to do, I don't see how we can  
12 legally justify granting the variance you're seeking.  
13 That's my personal view.

14 I'm only one of five, and if the other members of  
15 the Board disagree with me, then the variance could be  
16 granted. But I have to tell you right out, I can't support  
17 this. Not because I'm opposed in concept, but because  
18 legally I don't think I have the right to vote to grant you  
19 the relief you want.

20 DEPROZIO: If we could offer a response?

21 CONSTANTINE ALEXANDER: Sure, by all means.

22 NICK DEPORZIO: Again, this is Nick Deporzio. We

1 would respond that the property -- this is 45 Blanchard Road  
2 -- is actually located right at the border of the zoning  
3 district. And in fact it's at the very edge of the entire  
4 city of Cambridge.

5 And we think that the topography actually does  
6 present a particular hardship, as it impedes access to  
7 appropriately zoned areas for the activity that we're  
8 proposing.

9 And then this hardship is further enhanced by the  
10 reality that Blanchard Road is actually a major thorough far  
11 enough for access to Route 2. And as such, it's often  
12 extremely congested by, like, traffic. It makes it  
13 difficult to access the other parts of Cambridge.

14 CONSTANTINE ALEXANDER: Thank you.

15 KAITLYN COVENY: And if I could ask a question, I  
16 guess my question is, when I spoke with the Cambridge Animal  
17 Control, they did say that you would need four more dogs on  
18 the premises to be considered a kennel. So I don't  
19 understand how this would be considered such.

20 CONSTANTINE ALEXANDER: Don't focus too much --  
21 [not too much] -- focus entirely on the neighborhood  
22 objections, the letters that we've received; not all of

1       them, we've received letters of support.

2                   KAITLYN COVENY:    Sure, yeah.

3                   CONSTANTINE ALEXANDER:   The basic issue before  
4       that is there's a requirement for a use variance.  It's very  
5       difficult to satisfy, as the Supreme Judicial Court has  
6       said, and I don't see anything that allows you to -- or will  
7       persuade me to see that you're entitled to a variance.  And  
8       that's just the nature of these variances.

9                   BRENDAN SULLIVAN:   This is Brendan Sullivan.  
10       Animal Control, wonderful people, could get the Commissioner  
11       who determines whether you need relief or not.

12                   And if there is what appears possibly a conflict  
13       between what Animal Control says that they -- in their  
14       estimation is a kennel for more animals, then they need to  
15       have a conversation then with the commissioner, who has his  
16       interpretation of the zoning ordinance.

17                   And again, it may not -- they may be truthful in  
18       what they're saying -- one has to do with the zoning  
19       ordinance, the other one has to do possibly with, again,  
20       Animal Control or what they consider void of consideration  
21       of the zoning ordinance.

22                   So what appears to may be a conflict in fact may

1 not be, because the Commissioner is ruling on the zoning  
2 ordinance; Animal Control is ruling on their purview.

3 KAITLYN COVENY: Okay.

4 BRENDAN SULLIVAN: And again, I would reiterate  
5 and agree with what the Chair has said, because when I first  
6 read this and go up and down Blanchard Road all the time,  
7 and I thought this was actually a wonderful idea and a  
8 wonderful concept, and I applaud you for your devotion to  
9 this.

10 And yet, again, it's heart wrenching because the  
11 ordinance basically says it's not allowed.

12 And, you know, we can grant some variances and so  
13 on and so forth, but a use variance is really the most  
14 extreme relief that we can grant. And, you know, a business  
15 in a residential zone is -- has to be the most extraordinary  
16 relief of all.

17 NICK DEPORZIO: This is Nick Deporzio. Can I  
18 respond?

19 CONSTANTINE ALEXANDER: I'm sorry?

20 NICK DEPORZIO: This is Nick Deporzio again. Is  
21 it okay if I respond? Hello?

22 ANDREA HICKEY: Yes, please go ahead.

1           NICK DEPORZIO: Great. Yeah. I suppose we  
2 thought there might be some justification for requesting a  
3 variance.

4           We went through some of the old BZA hearings that  
5 have happened in the past and we noticed one case for the  
6 Barr family child care, which was a building that was  
7 Residence B and ultimately a variance was granted for them  
8 to operate a child care business.

9           This is -- again, a densely zoned area of  
10 Cambridge.

11           CONSTANTINE ALEXANDER: I don't know how to  
12 respond to that. I mean, there's a specific provision in  
13 our ordinance regarding animal care or kennels, or whatever  
14 you wish to say. And it's explicit. There may be other  
15 business activities that the zoning ordinance permits in  
16 residential areas -- I don't know what they may be, but I  
17 swear there are.

18           But Council has picked this one out and said -- I  
19 guess they're afraid of, you know, yapping dogs and whatever  
20 -- and said no kennels.

21           And I don't see any basis for us changing that by  
22 granting a variance -- not because I don't want to. As

1 Brendan has said, and I'll say again: I'm very sympathetic  
2 to what you want to do, but my hands -- I think our hands  
3 are tied.

4 NICK DEPORZIO: So -- and the fact that we're  
5 located out on the edge of the zoning district and at the  
6 edge of the city of Cambridge, that's not a relevant  
7 topographical hardship is what you're saying?

8 CONSTANTINE ALEXANDER: Yeah. I don't think the  
9 hardship that you're citing is a hardship. The hardship has  
10 got to run with the land. And it's not a -- I mean, there's  
11 a hardship by not allowing a dog kennel or services like  
12 you're assuming to be located in this area of the city. And  
13 I don't see that.

14 I mean, we're talking about something that's  
15 peculiar to your use and occupation and occupancy of your  
16 place, of your home. But that's not what the ordinance --  
17 that's not how zoning works.

18 NICK DEPORZIO: Yeah. Yeah. I suppose the  
19 thought was if any other future occupants wanted to do a  
20 similar kind of veterinary rehabilitation or --

21 CONSTANTINE ALEXANDER: Well what if the next  
22 person comes along, wants to have five dogs at one time,

1 stay at the premise -- I'm just picking a number up --

2 NICK DEPORZIO: Sure.

3 CONSTANTINE ALEXANDER: -- let's say 10 or six or  
4 four, now there's a slippery slope in the eyes of the City  
5 Council, which is why they don't want kennels in residential  
6 districts.

7 NICK DEPORZIO: So it sounds like if the variance  
8 were granted, you're saying it would waive all of the  
9 requirements, it wouldn't just give us an exemption for just  
10 a single canine, and you can't make stipulations is what  
11 you're saying?

12 CONSTANTINE ALEXANDER: That's what I'm saying.

13 NICK DEPORZIO: I see, okay.

14 BRENDAN SULLIVAN: This is Brendan Sullivan again.  
15 And, you know, the other flip of the side of the coin is  
16 that the people who live in that area, that district --  
17 residential -- depend upon protection.

18 So they have rights too, the protection of their  
19 residential classification, and that no businesses be  
20 allowed -- you know, again, on that block, on that district  
21 or whatever it may be. So, you know, there's two sides to  
22 it. You're asking to waive it.

1           But then again, the other people -- and again, I  
2 don't want to get into the characterization of some of those  
3 letters, because it didn't weigh in my decision, but it's  
4 just the fact that they are asking us to uphold the zoning  
5 ordinance for that district.

6           So they have protection. They're asking us to  
7 protect the results.

8           CONSTANTINE ALEXANDER: I would say unless you  
9 want to -- you'll have an opportunity to speak later. Let's  
10 open the matter up to public testimony, to see if anyone  
11 wishes to speak and maybe bring some new wisdom in their  
12 comments. So I will open the matter up to public testimony.

13           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. So  
18 we'll take a few moments to see if anyone does wish to speak  
19 or make the call.

20           [Pause]

21           Apparently not. So I think the only public  
22 testimony that we have is the letters both pro and con that

1 are in our files.

2           CONSTANTINE ALEXANDER: If you have anything  
3 further, petitioners, that you would like to say, now is  
4 your time. Otherwise, we will go into private -- not  
5 private, executive session and make a determination.

6           NICK DEPORZIO: If it would help with decision  
7 making of the Board, we do have responses for some of the  
8 letters of opposition. And we've also taken some steps to  
9 try to, you know, talk with the opposers as well.

10           But it sounds like maybe that's not the primary  
11 issue here. So if it's not relevant, then we don't have to  
12 talk about it.

13           CONSTANTINE ALEXANDER: Okay, thank you. Well, I  
14 think that we can proceed. I'll make a motion to grant.

15           BRENDAN SULLIVAN: Other members --

16           CONSTANTINE ALEXANDER: I'm sorry?

17           BRENDAN SULLIVAN: Other members of the Board, if  
18 they could chime in?

19           CONSTANTINE ALEXANDER: Well yeah, I was going to  
20 do it by putting a motion on the table, and then people  
21 could chime in with regard to the motion. But we don't have  
22 to do that. But at some point, we're going to have to take

1 a vote. But I think it's the most efficient way.

2 Okay. The Chair moves that we make the following  
3 findings with regard to the variance being sought: That a  
4 literal enforcement of the provisions of the ordinance would  
5 involve a substantial hardship, such hardship. The hardship  
6 has to run with the land, not just to the current  
7 petitioners.

8 That the hardship is owing to circumstances  
9 relating to the soil condition, shape or topography of such  
10 land or structures, and especially affecting such land or  
11 structures, but not affecting generally the zoning district  
12 in which it's located and with regard to this -- I'm not  
13 sure how I can even phrase it in a way that we can approve  
14 it, but the nature of the lot that you live on is very  
15 conducive to the kind of service you wish to provide to  
16 dogs.

17 And that relief may be granted without substantial  
18 detriment to the public good, or nullifying or substantially  
19 derogating from the intent or purpose of this ordinance.

20 And in this regard, the Chair would cite of the  
21 letters of support that we have received in support of the  
22 variance, but have some knowledge that there are letters as

1 well in opposition to the variance being sought.

2 So that's the motion. Brendan, how do you vote?

3 BRENDAN SULLIVAN: Vote not to grant the relief.

4 CONSTANTINE ALEXANDER: Okay. Jim?

5 JIM MONTEVERDE: I would have to vote to deny.

6 CONSTANTINE ALEXANDER: Jim, we can't hear you.

7 JIM MONTEVERDE: Oh, sorry. Unfortunately, I  
8 would have to vote to deny the request.

9 CONSTANTINE ALEXANDER: Okay. Andrea?

10 ANDREA HICKEY: I would also vote to deny the  
11 request.

12 CONSTANTINE ALEXANDER: Matina?

13 MATINA WILLIAMS: I also vote to deny the request.

14 CONSTANTINE ALEXANDER: And I would, as I have  
15 indicated, have to vote against it as well.

16 [All vote NO]

17 So the votes are not there. Relief is denied. We  
18 need to take a second vote to why we reached the decision  
19 we've reached.

20 I will -- let me make a motion that we've denied  
21 the variance on the grounds that the petitioner has not  
22 satisfied the requirements for a variance. There are no

1 substantial hardships that run with the land that will  
2 justify the kind of kennel activities that are being  
3 proposed.

4 That there is no hardship owing to the  
5 circumstances relating to soil conditions, shape or  
6 topography, and that lastly that relief cannot be granted  
7 without substantial detriment to the public good, in as much  
8 as the City Council has decreed by virtue of the provisions  
9 in the zoning ordinance that these kinds of activities are  
10 not permitted in the residential district in which the  
11 property is located.

12 Brendan, how do you vote?

13 BRENDAN SULLIVAN: Yes, to that motion.

14 CONSTANTINE ALEXANDER: Jim?

15 JIM MONTEVERDE: And Jim Monteverde, yes, to the  
16 motion.

17 CONSTANTINE ALEXANDER: Andrea?

18 ANDREA HICKEY: Yes, to the motion.

19 CONSTANTINE ALEXANDER: Matina?

20 MATINA WILLIAMS: Matina Williams yes, to the  
21 motion.

22 CONSTANTINE ALEXANDER: And the Chair with some

1 regrets will vote yes, to the motion as well.

2 [All vote YES]

3 CONSTANTINE ALEXANDER: Relief is denied. Case  
4 over.

5 NICK DEPORZIO: Okay, thank you for your time.

6 ANDREA HICKEY: Mr. Chair, would it be possible to  
7 take a five-minute break?

8 CONSTANTINE ALEXANDER: By all means. What time  
9 is it now? Let's see, it's 8:57. Why don't we reconvene at  
10 9:05.

11 ANDREA HICKEY: Perfect. Thank you.

12 [BREAK]

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2 (9:07 p.m.)

3 Sitting Members: Constantine Alexander, Brendan Sullivan,  
4 Andrea A. Hickey, Jim Monteverde, Matina  
5 Williams

6 CONSTANTINE ALEXANDER: Okay, the Chair will now  
7 reconvene our Zoning Board meeting. And the next case I'm  
8 going to call is Case Number 117337 -- 145 Willow Street,  
9 Unit #1. Anyone here wishing to be heard on this matter? I  
10 don't expect there will be.

11 We are in receipt of a letter from the petitioner  
12 asking for a continuance, because of a discussion that's  
13 going on at the City Council meeting when this e-mail came  
14 to us.

15 So we will continue this case. This is not a case  
16 heard, so we have complete flexibility as to when we do it.  
17 The petitioner has not suggested a time. Do we have a time?

18 SISIA DAGLIAN: Actually, they requested the next  
19 hearing June 24.

20 CONSTANTINE ALEXANDER: June 24?

21 SISIA DAGLIAN: Yeah.

22 CONSTANTINE ALEXANDER: Okay. The Chair moves

1 that we continue this case as a case not heard until --  
2 what's the usual time we start?

3 SISIA DAGLIAN: 6:00 p.m.

4 CONSTANTINE ALEXANDER: 7:00 p.m.?

5 SISIA DAGLIAN: Six.

6 CONSTANTINE ALEXANDER: -- until 6:00 p.m. on June  
7 24, subject to the following conditions:

8 First, that the petitioner sign a waiver of time  
9 for decision. And that waiver must be signed by no later  
10 than a week from -- by 5:00 p.m. a week from Monday.

11 And that's just to stop the clock running with  
12 regard to granting relief, because under our state statutes,  
13 if we do not decide a case within a certain number of days  
14 from the time the application is filed, relief is  
15 automatically granted. And that we do not want to happen.

16 So, if the petitioner signs a waiver of time for  
17 decision, that's a very simple form that we use in all of  
18 our cases -- by 5:00 p.m. a week from Monday, the case will  
19 be dismissed out of hand. If it does come before us, then  
20 the case will be heard on the twenty-fourth of June.

21 Second, that a posting sign, or the current  
22 posting sign must be -- a new one must be obtained, or the

1 current one must be modified by magic marker or what have  
2 you to reflect the new date, June 24, and the new time 6:00  
3 p.m.

4 And lastly, to the extent that the petitioner  
5 intends or wants to submit additional drawings,  
6 architectural plans, data, those must be in our files no  
7 later than 5:00 p.m. on the Monday before June 24. If this  
8 is not done, then we will continue the case further. So  
9 Brendan, how do you vote?

10 BRENDAN SULLIVAN: Yes, to the continuance.

11 CONSTANTINE ALEXANDER: Jim?

12 [Pause]

13 Jim?

14 JIM MONTEVERDE: Sorry. Jim Monteverde for the  
15 continuance.

16 CONSTANTINE ALEXANDER: Andrea?

17 ANDREA HICKEY: Andrea Hickey yes, to the  
18 continuance.

19 CONSTANTINE ALEXANDER: Matina?

20 MATINA WILLIAMS: Matina Williams yes, to the  
21 continuance.

22 CONSTANTINE ALEXANDER: The Chair votes yes, to

1 the continuance as well.

2 [All vote YES]

3 Case continued.

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2 (9:11 p.m.)

3 Sitting Members: Constantine Alexander, Brendan Sullivan,  
4 Andrea A. Hickey, Jim Monteverde, Matina  
5 Williams

6 CONSTANTINE ALEXANDER: The Chair will now call  
7 Case Number -- I'll look it up -- 117396 -- 41 Magoun  
8 Street. Anyone here wishing to be heard on this matter?

9 MICHAEL WIGGINS: Good evening, Mr. Chair. This  
10 is Michael Wiggins. I'm an attorney in Boston at 1 Liberty  
11 Square, Suite 1210. And I'm here representing Neheet  
12 Trivedi and Kate McGovern, who are the owners at 41-43  
13 Magoun Street, and we're here with their architect this  
14 evening, Amy Semmes.

15 My client owns this property and would like to  
16 install two dormers on the third floor to accommodate their  
17 growing family needs. It's a two-family. They currently  
18 live on the first floor, and they're going to be moving up  
19 to the second and third floor.

20 The attic space is on that third floor. It's very  
21 cramped. It's very hard to access, given a very narrow,  
22 cramped stairway. And the ideas is to just enable them to

1 stay in the area and grow there as a family, and to do it in  
2 a way that's very sensitive to the neighborhood and to the  
3 immediate neighbors.

4 We think they've done a great job of doing that  
5 with this design -- doing it as minimally as possible and  
6 preserving open space, not invading anything outside the  
7 envelope of the building.

8 There is the set of four photos, well images of  
9 41-43 Magoun Street, if Sisia could bring that up. While  
10 there's -- this is the middle, and that shows the front of  
11 the property on Magoun Street.

12 The four photos that I submitted separately -- I  
13 don't know if you can upload those or not. They weren't  
14 actually part of the submittal, but they were four separate  
15 photos with titles -- images at 41-43 Magoun Street.

16 I don't know if that is available. It's not on  
17 one of these sheets in the middle site. There it is, right  
18 there. Thank you very much.

19 So this shows the front of the property and the  
20 back of the property, and then the right side, the north  
21 side, and the left side. If you just linger a second with  
22 the right side, you'll see that there's an open porch there.

1           And that is not the way this property has been  
2 consistently. It was closed before my client bought it,  
3 evidently the owner then had taken all the windows out on  
4 the second floor, but its traditional status has been as an  
5 enclosed porch.

6           And this is going to be -- because that's in the  
7 side yard setback, we're going to need relief to actually re  
8 enclose it. But I just want to let you know that that's a  
9 prior condition that they're going to be restoring.

10           This area of North Cambridge is -- as you may be  
11 aware -- very tight; a lot of small lots, and this lot being  
12 no exception -- it's a 4000 square feet lot.

13           The prior nonconforming status here is that it  
14 does have excessive FAR, like most -- many of the houses in  
15 the immediate neighborhood. And that is a function of the  
16 size and narrowness of these lots -- not only a small lot,  
17 but it's a narrow one as well.

18           I would like if -- well, let me just -- as I said,  
19 the objective here is to get this addition in a manner, to  
20 fill it out in a manner that respects the neighborhood and  
21 the immediate abutters. And luckily, we've got unanimous  
22 support from all of the neighbors and the immediate abutters

1 for this.

2 At this point, I'd like to turn it over to Amy  
3 Semmes, our architect, and she can walk you through the  
4 submission and show you the dimensions and explain to you  
5 what was needed and where, and how it conforms. I think  
6 you'll find almost right down the line with the dormer  
7 guidelines with one small exception.

8 So Amy, I'll turn it over to you.

9 AMY SEMMES: Thank you. Can you guys see me? Can  
10 you hear me?

11 CONSTANTINE ALEXANDER: Yeah. We can hear you and  
12 I can see you as well.

13 AMY SEMMES: Oh, okay, great. So pleased to have  
14 a chance to give you a little bit of a walk-through here.  
15 Sisia, do you think we could go to the site plan, which is  
16 to be the third page, page 3? Which is sort of to show an  
17 illustrated version of the site plan.

18 You can see that a 40-foot-wide lot, the right-  
19 side setback which is on the top of the page, is  
20 nonconforming. You can see the house is only 4.9 feet away  
21 from the property line along the right side, which is also  
22 the north side of the building.

1           There's in the back a two-story covered rear  
2 porch, which is currently -- that's conforming. The left-  
3 side setback, which goes along the bottom of this page, is  
4 conforming.

5           The front not quite, but there is that  
6 preexisting, two-story covered front porch out there that  
7 we're going to do a partial enclosure on the second floor.

8           So can we now move ahead to the proposed plan,  
9 which is the next page? Which is just a comparison to the  
10 earlier sheet.

11           You can sort of see [3:24:16 indiscernible] pattern  
12 the location of the two dormers, which directly oppose each  
13 other. They're located about six feet back towards the back  
14 yard from the main part of the front façade. So there's two  
15 15-foot shed dormers on the third floor being requested.

16           And then we have an additional -- we would like to  
17 rebuild, tear down the two stories, covered porch that's on  
18 the rear now, and rebuild it adding three-foot-one-inch.

19           The logic behind this is mostly because there was  
20 little back porches, which really seem to my mind too narrow  
21 to sit a dining table on and be able to enjoy it. I think  
22 they were really designed mostly to be laundry hanging

1 spaces in the original home -- you know, early 1900s when  
2 the house was built.

3 I'm going to -- so this, so what we're asking for  
4 we need to add this rear covered, two-story porch, which is  
5 going to involve, there's some increase in FAR involved with  
6 that.

7 Moving on to the next page, page 5, can we do  
8 that? Which just sort of goes through a quick diagnose of  
9 how the FAR works.

10 And you can see that that's -- FAR increased areas  
11 are highlighted in red, and the areas in green are all the  
12 same as they -- are all areas that were included in the  
13 existing FAR.

14 For a statistic, the total amount we're adding is  
15 266 square feet, which is changing our FAR ratio from 0.86  
16 to 0.93. And of that, you know, the bulk of it -- the bulk  
17 -- so the 168 of the 266 is all just in their floor.

18 The use we're putting to those dormers is to --  
19 the one at the top of the page is going to be split between  
20 adding enough headroom to properly negotiate this existing  
21 stair up, and to add a bath.

22 And I'm sorry, if we could just go back to the

1 very first page, there's some photographs of that staircase.  
2 What you can see here is Neheet, who you will meet in a  
3 moment standing at both the corner and the top of the stair  
4 into that sort of semi-finished attic that they've gotten  
5 now. So one of our requests for relief is to pop that  
6 ceiling in there to get a full code amount of head height.

7 And then we're adding a matching dormer on the  
8 opposite side, which will allow a little more useable space  
9 upstairs.

10 Can we move on now to -- let's see, page 12? It  
11 sort of shows the -- that's not it -- 13, page 13.

12 This shows the elevations at the front of the  
13 house, where you can see the configurations of the dormer.  
14 There's a shallow sloped roof. The top of the dormer is set  
15 a little bit below the ridge, which is one of the aspects of  
16 the guidelines.

17 We are not able to recess the space of the dormer  
18 in from the building side walls, because that doesn't create  
19 the necessary clearance in the stair. So in that aspect,  
20 we're nonconforming -- the side sort of dormer guidelines  
21 bullet points we're matching.

22 This front elevation sheet also sort of shows one

1 additional -- the additional change we're proposing to the  
2 front porch, which is the little bay that's right above the  
3 two entry doors we're intending to make enclosed living  
4 space.

5 And I'll just quickly show you a plan of that  
6 area, which is on page either 9 -- try 9? No, it will be  
7 10. Page 10.

8 So you can see here in the top right-hand corner,  
9 we're enclosing one corner of the porch, so it's a three-bay  
10 porch now, we're making it a two-bay open porch, and  
11 creating a mudroom with one new window facing front, no  
12 windows facing the right side.

13 This is mostly because they're a family with small  
14 children, and they need a place to put the strollers, and  
15 that kind of thing is not hazardous out in the staircase,  
16 which, you know, is now continuing on up to a third floor  
17 that will be in much more use.

18 So those are the sort of three items -- the two  
19 dormers, the enlarging the back porch, and the enclosing a  
20 portion of the existing front porch.

21 And again, because that upper right-hand setback  
22 is closed, that's a side setback violation.

1           One other minor point of concern on page 12, which  
2 is a roof plan, which is we're asking for a couple of  
3 skylights in the roof over the stairs and over the bathroom.  
4 And those will encroach a little bit into the setback as  
5 well.

6           Those are my topics. I think Nikki was going to -  
7 - Naheet and Kate were going to speak?

8           KATE AND NAHEET TRIVEDI: Hi. I'm Kate. This is  
9 my husband, Naheet. We just wanted to thank you all of her  
10 hearing our application this evening, and just to let you  
11 know a little bit about us, I was born and raised in  
12 Cambridge, I grew up here and have been here for a little  
13 more than a decade now.

14           And it's always been our hope and our intent to  
15 raise our family here long-term. My family is here, and we  
16 love the city. I loved growing up here. And so we feel  
17 really lucky to have found this wonderful home and space and  
18 neighborhood on Magoun Street.

19           And we knew when we bought the home that it needed  
20 some work in order to both improve the safety of the  
21 property, particularly those back decks really need to be  
22 rebuilt for safety -- and also to accommodate our family.

1 We have two daughters who are 4 and 1 and not getting any  
2 smaller.

3 And so that is really our hope with this project,  
4 and we are really grateful to have wonderful neighbors who  
5 are in support of this project and I think are also hopeful  
6 that they might have a better view once the building is  
7 improved in appearance a little bit as well as a result of  
8 the updates.

9 So thank you again. And I think, you know, we're  
10 all happy to answer any questions you may have.

11 CONSTANTINE ALEXANDER: Don't thank us before we  
12 take action.

13 KATE AND NAHEET TRIVEDI: Well, thank you for  
14 hearing us.

15 CONSTANTINE ALEXANDER: When we turn you down.  
16 [Laughter] I'm just kidding.

17 Mr. Wiggins?

18 MICHAEL WIGGINS: Yes. So as Amy pointed out, the  
19 dormers are just all but compliant in very small detail.  
20 And there are neighborhood dormers throughout North  
21 Cambridge in immediate proximity. Some of them are pointed  
22 out in 804 of Amy's presentation. There are a sheet that

1 shows them. We also have a set of other dormer pictures.  
2 If you want, I can show those to you.

3 But the point was basically that we are conforming  
4 to a phenomenon in the neighborhood, and I think we're doing  
5 in many respects a better job. There are a lot of dormers  
6 there that come -- are enormous. Basically they look like  
7 they were helicoptered onto the roof somewhere.

8 So I think I would hope that the Board would agree  
9 with either -- [3:33:37 audio unclear] and in compliance  
10 with what you'd like to see.

11 With respect to the standards that you need to  
12 observe to give this relief, with respect to no detriment to  
13 the neighborhood, I would say precisely the opposite; that  
14 this is a vast improvement. There is a lot of respect for  
15 the rear yard space here, even after the slight addition to  
16 the rear, there's no invasion of the rear yard setback, and  
17 that's consistent with other properties in the area. People  
18 like to keep their rear yards open.

19 So I would say that that's an improvement and not  
20 a -- there's no detriment and no adverse effect on health  
21 and safety and welfare either of this property or the  
22 immediate abutters.

1           And part of that -- and there's no interference  
2 with the use of adjacent properties. And that's obvious  
3 because we've got unanimous support from all four  
4 directions.

5           With respect to the nuisance, this is a two-  
6 family. It's going to remain a two-family, it's going to  
7 enhance the livability for its occupants.

8           We're not adding to traffic, there is no parking  
9 on this property now, but there's no additional -- this is a  
10 two-family, it's going to remain the same, so that it's  
11 basically a neutral effect upon traffic and congestion in  
12 the area.

13           Finding the integrity of the district is not going  
14 to be impaired at all. Again, as I said, this property with  
15 its small addition is going to fit in beautifully I think  
16 with the development of this neighborhood over time.

17           This, again, is a neighborhood with very narrow  
18 lots, and very small sizes. And this is a very intelligent  
19 way of allowing families like this one to remain here in  
20 conformity with the standards that I think you are looking  
21 to enforce.

22           CONSTANTINE ALEXANDER: Thank you, Mr. Wiggins.

1 Members of the Board have any questions? Brian? Brendan,  
2 I'm sorry.

3 BRENDAN SULLIVAN: No questions.

4 CONSTANTINE ALEXANDER: Jim?

5 JIM MONTEVERDE: Jim Monteverde no questions.

6 CONSTANTINE ALEXANDER: Andrea/

7 ANDREA HICKEY: I have no questions.

8 CONSTANTINE ALEXANDER: Matina?

9 MATINA WILLIAMS: Matina Williams no questions.

10 CONSTANTINE ALEXANDER: I have no questions as  
11 well. So we'll now open the matter up to public testimony.  
12 any members of the public who wish to speak should now click  
13 the icon at the bottom of your Zoom screen that says, "Raise  
14 hand."

15 If you're calling in by phone, you can raise your  
16 hand by pressing \*9 and unmute or mute by pressing \*6.  
17 We'll take a few moments to see if there's anyone who wishes  
18 to speak.

19 SISIA DAGLIAN: Yes. Louis Bacci?

20 LOUIS J. BACCI, JR., PLANNING BOARD: Good  
21 evening. Mr. Chair, I didn't want to speak on this issue,  
22 but I wanted to find out what happened to 145 Willow?

1           CONSTANTINE ALEXANDER: The case has been  
2 continued at the request of the petitioner. We're going to  
3 hear the next hearing, which is in two weeks.

4           LOUIS J. BACCI, JR., PLANNING BOARD: Okay, so  
5 requested by the petitioner. And what was the date?

6           CONSTANTINE ALEXANDER: Two weeks from tonight.

7           SISIA DAGLIAN: June 24.

8           CONSTANTINE ALEXANDER: Twenty-fourth.

9           LOUIS J. BACCI, JR., PLANNING BOARD: Okay.

10          CONSTANTINE ALEXANDER: The twenty-fourth of June.

11          LOUIS J. BACCI, JR., PLANNING BOARD: All right.

12 Thank you very much.

13          CONSTANTINE ALEXANDER: Thank you.

14          SISIA DAGLIAN: Judith Robertson?

15          [Pause]

16          CONSTANTINE ALEXANDER: Ms. Robertson?

17          UNIDENTIFIED SPEAKER: Go ahead. We're abutters  
18 right next door and we approve.

19          CONSTANTINE ALEXANDER: Thank you. Short and  
20 sweet.

21          THE REPORTER: Can you state your name for the  
22 record, please?

1           JAMES ROBERTSON: My name is James Robertson, 45  
2 Magoun Street.

3           JUDITH ROBERTSON: And I'm Judith Robertson, 45  
4 Magoun Street.

5           CONSTANTINE ALEXANDER: And seriously, thank you  
6 for taking the time to speak on behalf of your neighbors.

7           JAMES ROBERTSON: You're welcome.

8           LOUIS J. BACCI, JR.: All right.

9           SISIA DAGLIAN: That's it.

10          CONSTANTINE ALEXANDER: That's it. Okay, we're  
11 going to close public testimony. We're going to move on to  
12 the deliberations. I will make a motion, as I did in the  
13 past, to grant the relief. And then when we take the vote,  
14 people can say, "Yes, I like it" or, "No, I don't."

15          So the Chair moves we make the following findings  
16 with regard to the special permit that's being sought:

17                 That the requirements of the ordinance cannot be  
18 met without the special permit that's being sought.

19                 That traffic generated or patterns of access or  
20 egress will not cause congestion -- with regard to the work  
21 being proposed, traffic generated or patterns of access or  
22 egress will not cause congestion, hazard, or substantial

1 change in established neighborhood character.

2 As the petitioner's counsel has pointed out, the  
3 relief being sought is rather modest, is consistent with the  
4 neighborhood, and it should have no impact at all on  
5 surrounding property.

6 That the continued operation of or development of  
7 adjacent uses, as permitted in the zoning ordinance, will  
8 not be adversely affected by what is proposed. Again, the  
9 same points are applied. Modest relief to the dormers and  
10 some other exterior relief.

11 No nuisance or hazard will be created to the  
12 detriment of the health, safety and/or welfare of the  
13 occupant of the proposed use, or the citizens of the city.

14 And generally, what is being proposed will not  
15 impair the integrity of the district or adjoining district,  
16 or otherwise derogate from the intent and purpose of this  
17 ordinance.

18 And again, there is support for that in the points  
19 have already made with regard to the other elements of the  
20 special permit that are required for us the find.

21 So on the basis of all of these findings, the  
22 Chair moves that we grant the special permit requested on

1 the condition that the work proceed in accordance with plans  
2 prepared by Amy Semmes, S as in Sam -e-m-m-e-s dated April  
3 19,2021, the first page of which has been initialed by the  
4 Chair.

5 Brendan, how do you vote?

6 BRENDAN SULLIVAN: Brendan Sullivan yes, to  
7 granting the special permit.

8 CONSTANTINE ALEXANDER: Jim?

9 JIM MONTEVERDE: And Jim Monteverde yes, to  
10 granting the special permit.

11 CONSTANTINE ALEXANDER: Andrea?

12 ANDREA HICKEY: Andrea Hickey yes in favor of  
13 granting the special permit.

14 CONSTANTINE ALEXANDER: Matina?

15 MATINA WILLIAMS: Matina Williams yes, to granting  
16 the special permit.

17 CONSTANTINE ALEXANDER: and the Chair votes as  
18 well to grant the special permit.

19 [All vote YES]

20 CONSTANTINE ALEXANDER: The vote is unanimous.  
21 Special permit granted. Good luck.

22 COLLECTIVE: Thank you, Mr. Chairman.

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CONSTANTINE ALEXANDER: You're welcome.

1 \* \* \* \* \*

2 (9:33 p.m.)

3 Sitting Members: Constantine Alexander, Brendan Sullivan,  
4 Andrea A. Hickey, Jim Monteverde, Matina  
5 Williams

6 CONSTANTINE ALEXANDER: The Chair will now call  
7 Case Number 114770 -- 8 Day Street. Anyone here wishing to  
8 be heard on this matter?

9 [Pause]

10 CONSTANTINE ALEXANDER: Anyone here?

11 BRIAN LAVELLE: Hello? Hello?

12 CONSTANTINE ALEXANDER: Yes.

13 BRIAN LAVELLE: Yes. Brian Lavelle, Hawthorne  
14 Development, LLC. Can you see me, hear me?

15 CONSTANTINE ALEXANDER: Yes, I can.

16 BRIAN LAVELLE: Waiting for Carl Oldenburg, our  
17 architect. Hi, Carl.

18 CARL OLDENBURG: Hi. Sorry about that. Forgot to  
19 click the button.

20 CONSTANTINE ALEXANDER: You may proceed.

21 CARL OLDENBURG: Okay. Thank you very much. I'm  
22 Carl Oldenburg. I'm the architect for the project at 8 Day

1 Street, and also online is Brian Lavelle of Hawthorne  
2 Development Ventures. He is the owner of the project, the  
3 developer of the project.

4 8 Day Street is an existing, two-family house  
5 built about 1873 with a Mansard roof over the front part of  
6 the house, which is the third floor. The back part of the  
7 house is two stories.

8 And it's being completely modernized and  
9 renovated, as to meet current building codes and living  
10 standards for those seeking to live in this very desirable  
11 neighborhood. It will remain a two-family house.

12 So as part of this project, the interior is being  
13 completely -- the layout of the interior is being completely  
14 changed. But we are trying to preserve and enhance the  
15 exterior of the building. The new layout will require that  
16 some of the existing windows be changed.

17 And in so doing, there's an opportunity to also,  
18 we think, improve the appearance of the building by creating  
19 better alignments between the windows and local symmetry and  
20 kind of a little bit of order on the sides and the rear of  
21 the building.

22 We're not changing the front of the building, with

1 respect to the windows. And the changes in the side are  
2 minor, and we think being with the original intent of the  
3 architecture. It's just sort of a little bit more orderly  
4 looking.

5 The left side of the building is very, very close  
6 to the property -- to the side property line. And therefore  
7 a special permit is required in order to make any enlarged  
8 or new window openings.

9 Secondly, in order to provide good, easily  
10 accessible outdoor living space for the upper unit, we're  
11 building a large roof deck on what is now a flat roof over  
12 the back section of the building.

13 And to access this deck, we propose to expand an  
14 existing dormer in the mansard roof in order to fit a door  
15 to the deck, as well as a window in the existing location.

16 And this expanded dormer is not going to increase  
17 the footprint of the building at all, or the living area.  
18 But because gross floor area is calculated as being that  
19 area where the ceiling height is greater than five feet.

20 And because the existing wall is slanted, because  
21 it's on the roof, technically this expanded dormer is adding  
22 about 8.7 square feet of gross floor area.

1           And also, we'd like to provide a gas fireplace in  
2 each of the two living units. And they're to be positioned  
3 on the exterior side walls. And they'd stick out about 18  
4 inches each.

5           And so, again, these don't increase the living  
6 area or the footprint of the building, but technically  
7 because they stick out, they add six and a half gross square  
8 feet of floor area each, if you take a conservative  
9 definition of gross floor area.

10           So these two increases in gross floor area are  
11 mostly offset by the fact that we're removing an existing  
12 covered porch and entry vestibule on the right side of the  
13 building, and replacing that with a smaller, covered roof  
14 area just over the side doors.

15           So this resumes the gross floor area by 19 square  
16 feet. So the net change in GFA is 2.7 square feet, or I'd  
17 say 3 square feet by enlarging the existing dormer, adding  
18 the fireplace bump outs and reducing the -- or eliminating  
19 the vestibule entry on the side of the building.

20           Back to the windows, with respect to the windows,  
21 my understanding is that the need, the requirement in the  
22 zoning bylaw for a special permit for these kind of changes

1 is related to possible privacy issues with neighboring  
2 properties.

3 Now in this case, in the left side of the building  
4 is within the side yard setback, the property is abutted by  
5 a private way of 15 feet in width, and the neighboring house  
6 is at least 25 feet away at its closest point.

7 So we don't see all the -- there's a real privacy  
8 issue in this case, since the existing building -- the  
9 adjacent building is so far away.

10 And also, our building is the second floor.  
11 There's an existing, enclosed porch, which is all windows on  
12 three sides. And we're actually reducing the external  
13 windows quite a bit there by just replacing three walls and  
14 windows with two conventional windows.

15 So we feel that the alterations to the windows  
16 will not pose a privacy problem, and will improve the  
17 exterior appearance of the house, as well as work started  
18 with the proposed layout of the house.

19 And we feel that the increase in gross floor area  
20 of about three square feet is barely perceivable, and will  
21 not allow for any significant detriment to the appearance of  
22 this building.

1           CONSTANTINE ALEXANDER: Is that it?

2           CARL OLDENBURG: Yes. That's it, and I'd welcome  
3 any questions or any additional comments.

4           CONSTANTINE ALEXANDER: I'll find out. Members of  
5 the Board have any questions?

6           BRENDAN SULLIVAN: Brendan Sullivan, I have no  
7 questions.

8           CONSTANTINE ALEXANDER: Jim?

9           JIM MONTEVERDE: [Jim Monteverde], I just have one.  
10 And it has to do with the size of the roof deck up on the  
11 one, two, third floor. I mean, I understand it sits on top  
12 of a flat roof.

13          CARL OLDENBURG: Yeah.

14          JIM MONTEVERDE: But as for roof decks, we  
15 typically see above the ground floor. This is big. And  
16 it's usually a concern about how it will be used, what type  
17 of activities, whether those activities disturb neighbors,  
18 et cetera. So can you just explain why it's as large as it  
19 is?

20          CARL OLDENBURG: Sure. Let's see, I can tell you  
21 -- I don't know the exact dimensions off the top of my head,  
22 but it covers not quite but most of the width of the floor

1 below. I think we're coming in; it looks like about a foot  
2 and a half on each side. So it's a little bit smaller.

3 I would say the intended use is it's -- the upper  
4 unit is occupied by -- I'm sorry, I'm getting a little bit  
5 of feedback here -- if the intent, if the house is lived in  
6 by a family with children, especially, but not only in that  
7 case, this outdated area is much more easily accessible than  
8 the back yard. Because it's right at the floor area of the  
9 upper level.

10 So, you know, I expect it would be used quite a  
11 bit by the occupants of the house, in addition to maybe  
12 instead of the back yard, which is like a whole floor level  
13 lower.

14 CONSTANTINE ALEXANDER: Andrea, you're not very  
15 audible.

16 ANDREA HICKEY: Hello?

17 CONSTANTINE ALEXANDER: Much better.

18 ANDREA HICKEY: Okay.

19 JIM MONTEVERDE: Thank you. I'm all set.

20 CARL OLDENBURG: Oh, I might want to add that the  
21 building immediately to the left has kind of a same  
22 configuration. You know, I think the original building was

1 part of the same design, and previous owners installed the  
2 roof decks almost exactly the same as what we're proposing.

3           CONSTANTINE ALEXANDER: I think -- this is the  
4 Chair speaking -- what Mr. Monteverde is getting at is, is  
5 that we have a reluctance as a Board to approve roof decks.  
6 Because the ability to disrupt the privacy and impact, and  
7 the potential adverse impact on the abutting property.

8           And I've got even more concern when you said you  
9 expect the children, rather than go in the back yard, to use  
10 the roof deck.

11           I'm not too worried about -- I'm worried about  
12 safety, but it's the parents' responsibility. But the heavy  
13 use of the roof deck by kids can really impact on the  
14 privacy of the abutters.

15           Why is it necessary to have this?

16           BRIAN LAVELLE: So could I add a point here?

17           CONSTANTINE ALEXANDER: Go ahead.

18           BRIAN LAVELLE: So the deck -- the proposed deck  
19 is going to be enclosed by a wall that will be 45 inches  
20 high. So it's not a traditional deck of spindles and  
21 handrails where you can see out, it's more enclosed. There  
22 is a large yard area in the back of the building. It's

1 quite a big lot where children can use that space.

2           So even though I'm with Carl on, you know, people  
3 using that deck on the third floor, I think it is going to  
4 be more enclosed and more of a private sort of space.

5           Pemberton Farms backs onto that building, and it's  
6 probably the biggest abutter to it. And that's a four-story  
7 high building. So.

8           CONSTANTINE ALEXANDER: Okay. I hear you. Moving  
9 on, Andrea, did you have any comments you want to make?

10           ANDREA HICKEY: Yeah. Really my comments would  
11 relate to the size of the deck, and why a deck that large is  
12 so necessary, and whether there is a way to scale it back a  
13 bit?

14           CONSTANTINE ALEXANDER: I'm waiting for an answer.

15           BRIAN LAVELLE: I have a question. Are we seeking  
16 relief for a deck, or is this a deck by right?

17           CONSTANTINE ALEXANDER: So if you have the deck,  
18 you need zoning relief, because of all the other elements  
19 that you're doing with regard to this project.

20           BRIAN LAVELLE: Um--

21           CONSTANTINE ALEXANDER: If you don't need the  
22 deck, it's just an idea, you know, I think you'd be better

1 off with this Board in getting the relief you want if you  
2 eliminate that deck, or at least shrink it, as Andrea has  
3 sort of suggested.

4 BRIAN LAVELLE: To what degree would you folks  
5 feel that it would be better suited, size wise, from what --

6 CONSTANTINE ALEXANDER: How big is the deck now?

7 JIM MONTEVERDE: I'm trying to do the arithmetic  
8 here, and I basically came up with -- give me one second --  
9 3, 9, 12, well 16, 17, 17 minus 2 so I'd say about 14.6  
10 wide, and it's 14.6 to 16.8, so I'm at 16.8 -- probably  
11 about 18 x -- it looks like 18 x 16?

12 CARL OLDENBURG: Yeah. I'm coming up with similar  
13 numbers on my pad drawing. Sorry, I don't have the  
14 dimensions.

15 JIM MONTEVERDE: Yeah, but roughly. I mean,  
16 roughly that order of magnitude.

17 CARL OLDENBURG: 15 x 18.5.

18 JIM MONTEVERDE: Yeah. It's not a 3 x 10. It's  
19 not 4 x 8, it's --

20 CARL OLDENBURG: That's right, yeah. That's  
21 right.

22 BRIAN LAVELLE: So it's a deck of about 270 square

1 feet --

2 CARL OLDENBURG: Yeah.

3 BRIAN LAVELLE: We're open to what the Board would  
4 see as being applicable in that neighborhood. I'm struck by  
5 a deck of 270 square feet as not being excessively big.

6 CONSTANTINE ALEXANDER: [Laughter]. That's in the  
7 eyes of the beholder, I'm assuming.

8 BRIAN LAVELLE: But there's a deck on the building  
9 next door #10.

10 CONSTANTINE ALEXANDER: That doesn't give you any  
11 reason to have a deck here. There's a -- I don't know why  
12 or how that deck got there, but I'm telling you now, as you  
13 can tell from the question, this Board doesn't look with  
14 favor on roof decks.

15 And you're talking about very large deck. If you  
16 want a place you can put a couple of chairs out in the sun,  
17 that's fine. But you're talking a major room -- sized room.

18 BRIAN LAVELLE: Excuse me, the dog's barking.

19 CONSTANTINE ALEXANDER: Okay.

20 BRIAN LAVELLE: I missed that. Sorry.

21 CONSTANTINE ALEXANDER: No problem.

22 BRIAN LAVELLE: My apologies.

1           BRENDAN SULLIVAN: This is Brendan Sullivan. I  
2 know, I think that we tend to look very carefully at decks  
3 because of the potential impact. And so it's always sort of  
4 a fear of the unknown, I guess. And yet, I sort of look at  
5 the decks as sort of a case-by-case location.

6           And, you know, East Cambridge -- again, we had an  
7 earlier case tonight -- tends to have more of an impact  
8 because of the closeness and also how those sounds  
9 resonates.

10           I think the fact that yes, you're backing up to  
11 Pemberton Market -- Pemberton Farms, I think it has less of  
12 an impact on it.

13           I'm also guilty because we have a deck much larger  
14 than what's proposed here in the back of our house that we  
15 use all the time.

16           We're sitting out there, and it's really just the  
17 two of us, and now my niece is on the other side of the  
18 house, so -- and again, it becomes a flower area and  
19 actually some of the other neighbors who look down on us  
20 that they like to see the greenery and the flowers and so on  
21 and so forth, and yadayada, and so on and so forth. Anyhow.

22           This one here I guess doesn't bother me. I think

1 that it is tucked in, as the plan shows, surrounded somewhat  
2 so it's somewhat shielded, and it really does become a  
3 private area. And I think it makes that space useful and  
4 useable.

5 So that's my thought on it. I'm partial to decks  
6 at individual locations and the impact that it would have,  
7 so rather looking somewhat jaundiced at all decks.

8 CONSTANTINE ALEXANDER: Okay. Andrea, do you have  
9 any further comments regarding the deck, before I move --

10 ANDREA HICKEY: Well, no. I mean, I think when  
11 there is a roof deck, I'm always concerned about privacy.  
12 And to me, the bigger the roof deck, the more people you can  
13 have up there, the more impact on privacy.

14 So personally I'd like to see it smaller. I don't  
15 have a number as to how much smaller. But I am open to  
16 listening to my other colleagues who haven't spoken yet.

17 CONSTANTINE ALEXANDER: Matina? Got any views on  
18 this deck or any questions generally about the project?

19 MATINA WILLIAMS: No. I think the size of the  
20 deck, yeah. But the project okay. It's like the windows  
21 have gone -- but if you could shrink the deck so that it  
22 would be a little bit smaller for the project?

1           BRENDAN SULLIVAN: [Brendan Sullivan] Could Staff  
2 sort of either enlarge that or focus in somewhat? I think  
3 there was a sketch somewhere of the drawing -- I'm sorry,  
4 drawing of the deck -- to isolate that somewhere? Yeah.  
5 Was there not another sheet showing the -- a rear view of  
6 the deck and the relationship to --

7           And that's huge. Yeah, right there, okay.

8           BRIAN LAVELLE: So shows the deck as being open,  
9 in terms of spandrels and handrails, has to be enclosed?

10          JIM MONTEVERDE: Well, just because we're hinting  
11 around at -- you know, make it smaller, could it be smaller?  
12 You know, just to throw a concept at it, when you look at  
13 the right elevation, you know, I see the rear elevation. I  
14 mean, it all seems to be proportionally it works, but could  
15 you do it in half the depth?

16          What could you -- you know, and still have the  
17 outdoor space? Actually it left quite a of flatline, but  
18 I'll leave it to the occupants to decide how they can  
19 beautify it. But just to reduce -- just to be able to  
20 reduce it and make it usable for your prospective tenants.

21          BRIAN LAVELLE: Carl, what was the dimensions of  
22 the deck again, please?

1           CARL OLDENBURG:  Roughly 15.5 x 18.

2           BRIAN LAVELLE:  15 x 18.  So to try to halve the  
3 deck would be to the 18 is the width, and the 15 is the  
4 depth?

5           JIM MONTEVERDE:  No.  15 is the width, the 18 is  
6 the depth.

7           BRIAN LAVELLE:  Okay, great.

8           JIM MONTEVERDE:  You can see it in that right  
9 elevation, number -- elevation #4.

10          BRIAN LAVELLE:  Okay.

11          JIM MONTEVERDE:  That's the 18-foot length.

12          BRIAN LAVELLE:  Okay.

13          CARL OLDENBURG:  That's 18 feet long, that's it.

14          BRIAN LAVELLE:  Yeah.  So if you take 18 feet and  
15 you were to halve it, it would be nine feet.  You know, for  
16 any family just to have a deck that you can have a table at  
17 and sit out at, nine feet just -- it just doesn't do it.

18                 I mean, the average table is six feet.  If you put  
19 a circular table, it will be six feet wide, and then you  
20 need to have four chairs that need -- you know, four feet  
21 within which to push the chair back to step out from the  
22 deck, and halving that space, I just don't see how it could

1 be functional to have a table and chair that you could step  
2 out into and have a meal for a family of -- you know, young  
3 adult children.

4           Maybe we could reduce the size of the deck from 15  
5 x 18 to 12 x 12 or something like that, which would make it  
6 144 feet, which when you put furniture right there is not  
7 that big. It may look it on the drawings, but its  
8 functionality of a table and chairs is not great. Carl?

9           CARL OLDENBURG: Yeah, I think that's right. I  
10 mean, we usually try to make decks -- you know, at least 12  
11 x 12 if there's going to be a table and chairs. You know,  
12 if it's a -- you know, even a rectangular table three feet  
13 wide let's say, with plenty of space for chairs and passage  
14 behind the chairs to walk before you get to the railing  
15 area, and then about 12 feet.

16           And a roundtable, as Brian suggested, could  
17 require even more space, which is a four, or five or six-  
18 foot diameter table.

19           BRENDAN SULLIVAN: This is Brendan Sullivan. What  
20 room is the deck off of?

21           JIM MONTEVERDE: It's the hallway.

22           CARL OLDENBURG: It's off of the hallway.

1           JIM MONTEVERDE: The staircase.

2           CARL OLDENBURG: Among the bedrooms on the top  
3 floor.

4           BRENDAN SULLIVAN: Is that Sheet A101?

5           JIM MONTEVERDE: No, 103.

6           BRENDAN SULLIVAN: I'm sorry, it's 103 -- correct.  
7 So it's not --

8           JIM MONTEVERDE: Right?

9           BRENDAN SULLIVAN: So it's not -- I mean, really,  
10 it's a -- it's one thing if it's off the living room, or  
11 more public gathering place in an apartment, but it's really  
12 off of a more private area, a bedroom. I mean, I don't  
13 know, I'm trying to advocate on behalf of this particular  
14 deck.

15           All I know is, is that I have one and we enjoy it  
16 and we -- I don't know, I'm somewhat partial to them -- the  
17 function of them, the use of them, and the enjoyment of  
18 them. And I think, again, on this particular locus that I  
19 think the effect is benign, but.

20           CONSTANTINE ALEXANDER: I would suggest that --  
21 you're a good neighbor. The trouble is that with a large  
22 deck like this you have a bad neighbor, the impact could be

1 substantial.

2           So yes, it's next to Pemberton. It's in a pretty  
3 residential area around there. There's a lot of -- this  
4 deck can radiate out and have impact on a lot of other  
5 properties and not be muted, or affected or have no effect  
6 on the Pemberton Gardens area.

7           I'd even like to see the smaller deck. One -- and  
8 not to deprive you of a living space out there, but it does  
9 seem to me that the potential for abuse with a deck like  
10 this is a little bit too much.

11           JIM MONTEVERDE: Right.

12           CONSTANTINE ALEXANDER: You know, you can get all  
13 the enjoyment from the deck without a deck this big.

14           BRIAN LAVELLE: Yeah. I have spoken to the  
15 neighbors, both on the left- and right-hand side, and I've  
16 received no pushback.

17           And that doesn't mean that perhaps we don't need  
18 to have the deck be smaller, but in relation to the  
19 discussion about neighbors, there's a neighbor on the left  
20 and the right, and then Pemberton Farm behind. I've had no  
21 pushback from neighbors.

22           And perhaps I'm wrong about that. And when we

1 hold it up to the public discourse that will be different,  
2 but I have not had that issue. And I'm surprised by the  
3 perception of the deck being very big. I would not have  
4 thought that to be so.

5 JIM MONTEVERDE: Yeah. This is Jim Monteverde.  
6 So you had me at the 12 x 12. That seemed like a sweet  
7 spot. You had a nice sizeable, you get the furniture you're  
8 talking about, but it pulls in from the perimeter a bit --  
9 quite a bit, from what you have here. So I'm -- if that --  
10 if you're still willing to entertain that, I think I could  
11 be -- I could find a solution with that.

12 CARL OLDENBURG: It would work a little bit better  
13 -- the 12-foot, the existing 15 feet in width kind of holds  
14 nicely with the width of the dormer, and it is set back from  
15 the roof edge about three feet or so. I'd love to kind of  
16 keep the 15-foot width, just for sort of architectural  
17 reasons -- if the 18 should be reduced to some number,  
18 whatever that number is, architecturally.

19 JIM MONTEVERDE: Okay.

20 CONSTANTINE ALEXANDER: I'm with Jim in terms of -  
21 - I'm open to a reasonable solution that allows the deck to  
22 be available for use, but not available for potential abuse.

1           And again, you've got to remember where you folks  
2 probably are wonderful neighbors, but who knows who will  
3 live in this building in the future. You could get a bunch  
4 of -- you could have a bunch of college students and use  
5 that deck area there for partying. That's the thing we have  
6 to worry about as a Zoning Board.

7           JIM MONTEVERDE: Sorry, this is Jim Monteverde  
8 again. So a 12 x 12, that was at 144 square feet, 18 foot  
9 wide, make it 10-foot deep, that's 150. Are we sold? Going  
10 once, going twice.

11           CARL OLDENBURG: My thought was that 12 feet was  
12 sort of a minimum of --

13           BRIAN LAVELLE: Yeah.

14           CARL OLDENBURG: -- any of the two dimensions,  
15 once you put furniture on it. So, you know, you want it to  
16 be 12 x 15 or, you know, 12 by something at the least. But  
17 the 15 feet works well -- again, architecturally and  
18 structurally and so forth with respect to the dormer. I'm  
19 just looking in my drawings, and some sections that we have  
20 done.

21           BRIAN LAVELLE: So I think to summarize, we would  
22 be prepared to try to keep the 15-foot-wide, and we could

1 reduce it from 18 feet to 12 feet.

2 And so I'm with Carl about needing to maintain the  
3 12 feet to be able to have a table on the deck that you can  
4 walk around, be it rectangular or circular, that's more  
5 functional, if that works for the Board.

6 CONSTANTINE ALEXANDER: So we're talking about 12  
7 x 15, a deck?

8 BRIAN LAVELLE: Yes.

9 CONSTANTINE ALEXANDER: No bigger than 12 x 15?

10 BRIAN LAVELLE: By 12 deep -- yeah, 12 deep.

11 CONSTANTINE ALEXANDER: I could live with that.

12 BRENDAN SULLIVAN: I can deal with that.

13 MATINA WILLIAMS: I can live with that.

14 ANDREA HICKEY: I will hold my nose and live with  
15 that.

16 CONSTANTINE ALEXANDER: [Laughter]

17 JIM MONTEVERDE: There we go. Quick, take a vote.

18 CONSTANTINE ALEXANDER: Okay. Why don't we open  
19 this -- we haven't opened this matter up to public testimony  
20 yet? So I will do that right now.

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

1 says, "Raise hand."

2 If you're calling in by phone, you can raise your  
3 hand by pressing \*9 and unmute or mute by pressing \*6.  
4 We'll take a few moments to see if anyone is going to call  
5 in and speak to us.

6 [Pause]

7 CONSTANTINE ALEXANDER: No. Apparently not. So  
8 we will now close all public testimony. There is one letter  
9 in the file -- only one letter -- from a person who  
10 complains about never receiving notice of the hearing  
11 tonight, which I find puzzling in as much as no one else has  
12 had a problem, and also plus the case is publicly  
13 advertised, and it's also sign posted.

14 So I'm not sure what his problem is, but -- and it  
15 doesn't really address any demerits. He basically complains  
16 about things. So that's the only public comment we have.

17 With that, I will close public commentary. I will  
18 make a motion to grant the relief, and then we can discuss  
19 it, vote it up, vote it down or modify it.

20 Okay, the Chair makes it -- let me get my notes  
21 out. Excuse me for a second. Talking about a special  
22 permit. The Chair moves that we make the following

1 findings:

2 That the requirements of the ordinance cannot be  
3 met unless we grant the special permit being sought.

4 That traffic generated or patterns of access or  
5 egress resulting from the relief being sought will not cause  
6 congestion, hazard, or substantial change in established  
7 neighborhood character.

8 That the continued operation of or development of  
9 adjacent uses, as permitted in the zoning ordinance, will  
10 not be adversely affected by the nature of what is being  
11 proposed. And in this regard, this is assuming that we  
12 place a -- we reduce the size of the proposed deck, as I  
13 will deal with later in my findings.

14 That no nuisance or hazard will be created to the  
15 detriment of the health, safety and/or welfare of the  
16 occupant of the proposed use, or the citizens of the city.  
17 And again, this assumes we're subject to a reduction in the  
18 size of the deck, and what is now on the plans.

19 And generally, what is being proposed will not  
20 impair the integrity of the district or adjoining district,  
21 or otherwise derogate from the intent and purpose of this  
22 ordinance. So on the basis of all these findings, the Chair

1 moves that we grant the special permit requested subject to  
2 the following conditions:

3 One, that the deck as shown on the plans is  
4 reduced in size to no more than 12 x 15 feet, and otherwise  
5 that the plans for the project proceed in accordance with  
6 the plans prepared by Carl C. Oldenburg, O-l-d-e-n-b-u-r-g,  
7 the first page of which is dated February 23,2021, and the  
8 first page of which has been initialed by the Chair.

9 Brendan, how do you vote?

10 BRENDAN SULLIVAN: Brendan Sullivan yes, to  
11 granting the special permit.

12 CONSTANTINE ALEXANDER: Jim?

13 JIM MONTEVERDE: Jim Monteverde yes for the  
14 special permit.

15 CONSTANTINE ALEXANDER: Andrea, still holding your  
16 nose?

17 ANDREA HICKEY: Yes, I'm here. I'm -- no, I'm  
18 still breathing, I'm fine. Yes, in favor of granting the  
19 special permit. Thank you.

20 CONSTANTINE ALEXANDER: Okay, Matina?

21 MATINA WILLIAMS: Matina Williams yes, to granting  
22 the special permit.

1                   CONSTANTINE ALEXANDER: And the Chair votes as  
2 well to grant the special permit with the conditions that I  
3 propose.

4                   [All vote YES]

5                   So relief granted. Good luck.

6                   COLLECTIVE: Thank you very much.

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(10:05 p.m.)

Sitting Members: Constantine Alexander, Brendan Sullivan,  
Andrea A. Hickey, Jim Monteverde, Matina  
Williams

CONSTANTINE ALEXANDER: The Chair will now call  
Case Number 117068 -- 159 Chilton Street. Anyone here  
wishing to be heard on this matter?

[Pause]

CONSTANTINE ALEXANDER: Hello?

CHARLIE LIU: So is Jim Rafferty here?

SISIA DAGLIAN: Yes. He's getting promoted. Just  
a second.

CHARLIE LIU: Okay.

CHARLIE LIU: Yeah. I'm not sure how this works,  
but --

JAMES RAFFERTY: Good evening. Can I be heard  
now?

CONSTANTINE ALEXANDER: I can -- yeah, I can hear  
you, Jim.

JAMES RAFFERTY: Thank you, good evening. Sorry,  
I did not get prompted, as I typically do. So I was

1 speaking and I was concerned no one could hear me. So good  
2 evening, Mr. Chairman and members of the Board. For the  
3 record, my name is James Rafferty, and I'm an attorney with  
4 offices located at 907 Massachusetts Avenue in Cambridge.

5 And I'm appearing this evening on behalf of the  
6 applicants, Charlie Liu and Patrice Liu. And both Mr. and  
7 Mrs. Liu are on the call. This is their home, and what's  
8 before the Board this evening is a special permit request to  
9 allow for a modest addition at the rear of the home.

10 The special permit is being pursued under the  
11 newly ordained Section 8.22.2, that was adopted by the City  
12 Council back in April, as a result of the SJC case involving  
13 the Brookline zoning case in Bellalta versus Brookline that  
14 I know the Board has been familiar with over the past few  
15 years.

16 That case led to a ruling that special  
17 accommodation could be made for nonconforming single and  
18 two-family dwellings. So in this case, I think what is  
19 proposed here is exactly what's intended by the statute and  
20 the newly enacted ordinance.

21 The criteria in the new section, which perhaps  
22 Board members may or may not have had a chance to

1 familiarize themselves with says that the Board of Zoning  
2 Appeals is required to find that the alteration or  
3 enlargement shall not be substantially more detrimental than  
4 the existing nonconforming structure to the neighborhood,  
5 which is a rather broad standard. And that comes right out  
6 of the language of the court case.

7           So in this case, what's proposed here on Chilton  
8 Street is about 120 square-foot addition, about six square  
9 feet on each floor. The rear of the house has a bit of a  
10 notch in it now.

11           So a mudroom will be installed in the rear. Above  
12 the mudroom would be an expanded master bath and walk-in  
13 closet. So it is a very limited request, but it does fall  
14 within the scope of the new special permits that allow  
15 alterations such as this to nonconforming, preexisting one-  
16 and two-family houses.

17           CONSTANTINE ALEXANDER: The only thing I would  
18 point out, Mr. Rafferty, is if you were reading from the new  
19 modifications to our zoning ordinance about the alteration  
20 or enlargement will not be substantially more detrimental.

21           It goes on to say, "and that the alteration or  
22 enlargement satisfies the criteria in Section 10.43."

1           So I think, as I read it, the vote to take tonight  
2 is the section -- the language you quoted about not  
3 substantially more detrimental. Then we have to go through  
4 all of the other parts of 10.43 that we usually do.

5           JAMES RAFFERTY: I quite agree. And we've set  
6 forth those findings in our application, and yes, there's no  
7 question. I didn't mean to suggest that wasn't the case. I  
8 just meant that this finds itself before the Board because  
9 it qualifies for this new form of special permit.

10           So it would be a finding under 8.22.2d as well as  
11 the required statutory findings of the 10.43, which as the  
12 Board is familiar with largely address the question of  
13 whether that structures or uses that are adjoining  
14 structures and nearby structures and uses would be adversely  
15 affected based on the plans and the proposed addition and  
16 the statement contained in our application.

17           We would suggest that the Board should have little  
18 trouble finding that traffic patterns of egress, intensity  
19 of usage and all will remain unchanged based upon this  
20 modest alteration.

21           CONSTANTINE ALEXANDER: Thank you. Further with  
22 your presentation, Mr. Rafferty, or --

1 JAMES RAFFERTY: Thank you. I'm complete.

2 CONSTANTINE ALEXANDER: Okay. I'll see if any  
3 Board members have any questions at this point, before we go  
4 to public testimony. Brendan? No questions? Jim? Jim?

5 JAMES RAFFERTY: Sorry. I was unmuted. Sorry.  
6 This is Jim Monteverde.

7 CONSTANTINE ALEXANDER: Any questions?

8 JIM MONTEVERDE: Yeah, one question. The building  
9 is under construction, is it not?

10 JAMES RAFFERTY: No, I believe that -- well,  
11 actually there may be some interior renovation. Mr. Lou,  
12 maybe you could address that?

13 CHARLIE LIU: Yeah. No, the building is not under  
14 construction. We're living in it right now.

15 JAMES RAFFERTY: Yeah. It is a modern -- it has  
16 gone through a significant renovation, and probably within  
17 the last year or so.

18 JIM MONTEVERDE: Yeah. Okay. Yeah. I mistook it  
19 for another property at what I thought was the right  
20 address, but -- because that one was definitely under  
21 construction, and it looked exactly like -- yeah, is it?  
22 Okay. Nope. No further questions. Thank you.

1           CONSTANTINE ALEXANDER:  Andrea?

2           ANDREA HICKEY:  I have no questions, thank you.

3           CONSTANTINE ALEXANDER:  Matina?

4           MATINA WILLIAMS:  No questions.  Thank you.

5           CONSTANTINE ALEXANDER:  And the Chair has no  
6 questions as well.  So we'll now open the matter up to  
7 public testimony.  There are no letters, by the way, in the  
8 file.  So there is no written commentary pro or con from the  
9 community.

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."

13                   If you are calling in by phone, you can raise your  
14 hand by pressing \*9 and unmute or mute by pressing \*6.  Take  
15 a few moments to see if there's anyone calling in.

16                   [Pause]

17                   Nope.  I'm told there's no one calling in.  So  
18 we'll close public testimony.  As I've done before, I'm  
19 going to make the motion to grant the relief, and then  
20 people can vote yes or no or explain their vote if they deem  
21 necessary.

22                   So the Chair moves that we make the following

1 findings with regard to the project that's being proposed:

2 That the alteration or enlargement that's proposed  
3 will not be substantially more detrimental in this existing  
4 nonconforming structure to the neighborhood. That the  
5 requirements of this ordinance cannot be met without  
6 granting the relief tonight.

7 That traffic generated or patterns of access or  
8 egress resulting from what is being proposed will not cause  
9 congestion, hazard, or substantial change in established  
10 neighborhood character.

11 And in support of this, the Chair would note that  
12 the relief -- again, being sought -- is modest, and it is to  
13 the rear of the structure and has -- should have very little  
14 impact on the neighborhood.

15 That the continued operation of or development of  
16 adjacent uses, as permitted in the zoning ordinance, will  
17 not be adversely affected by the nature of the proposed use,  
18 for the same reasons that I've just cited with regard to my  
19 earlier point.

20 No nuisance or hazard will be created to the  
21 detriment of the health, safety and/or welfare of the  
22 occupant of the proposed use, or the citizens of the city.

1           And generally, what is being proposed will not  
2           impair the integrity of the district or adjoining district,  
3           or otherwise derogate from the intent and purpose of this  
4           ordinance.

5           So on the basis of these findings, the Chair moves  
6           that we grant the special permit requested on the condition  
7           that the work proceed in accordance with plans prepared by  
8           Khalsa, K-h-a-l-s-a Design, Inc. -- the first page of which  
9           is initialed by the Chair and these plans are dated February  
10          17, 2021.

11           JAMES RAFFERTY: Excuse me, Mr. Chair.

12           CONSTANTINE ALEXANDER: Yes.

13           JAMES RAFFERTY: I think the most recent plans are  
14          February 26, 2021.

15           CONSTANTINE ALEXANDER: I'm sorry, I misread it.  
16          You're absolutely right. Thank you, Mr. Rafferty.

17           JAMES RAFFERTY: Thank you.

18           BRENDAN SULLIVAN: Brendan Sullivan yes, to  
19          granting the special permit.

20           JIM MONTEVERDE: And Jim Monteverde yes, to  
21          granting the special permit.

22           ANDREA HICKEY: Andrea Hickey yes, to granting the

1 special permit.

2 MATINA WILLIAMS: Matina Williams yes, to granting  
3 the special permit.

4 CONSTANTINE ALEXANDER: And the Chair votes yes as  
5 well to grant the special permit. So the special permit is  
6 granted. Good luck.

7 COLLECTIVE: Thank you.

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2 (10:16 p.m.)

3 Sitting Members: Constantine Alexander, Brendan Sullivan,  
4 Andrea A. Hickey, Jim Monteverde, Matina  
5 Williams

6 CONSTANTINE ALEXANDER: The Chair will now call  
7 Case Number 117398 -- 114 and 118-122 Clay Street. Anyone  
8 wishing to be heard on this matter?

9 JAMES RAFFERTY: Thank you. Good evening, again,  
10 members of the Board. James Rafferty on behalf of the  
11 applicants in this case. Present with me are the  
12 petitioners and property owners, Daniel and Janice Stamos,  
13 S-t-a-m-o-s.

14 This case has a companion case, which Board  
15 members may have noticed, which would follow this request  
16 for a subdivision.

17 The subdivision plan that we have filed with the  
18 variance application really depicts what the issue is here.  
19 This is a case that has an interesting history associated  
20 with it.

21 Mr. and Mrs. Stamos have lived at their home at  
22 118,120,122 Clay Street, a lot that contains a three-family

1 dwelling in the front, a single-family dwelling in the rear.  
2 They have lived there and raised their family there for 40  
3 years.

4 In fact, prior to their marriage, Ms. Stamos grew  
5 up in the house. So it's a longtime family home.

6 In 2008, the next-door neighbor passed away, and  
7 the opportunity presented itself to buy the house next door.  
8 And the Stamoses did just that. Both of these lots were  
9 6000 square foot lots. This is a Res B district, so the  
10 minimum lot size is only 5000 square feet.

11 The condition of the house next door was not in  
12 good shape, so the Stamoses went through a demolition  
13 approval process at the Historical Commission. They were  
14 approved to take the house down.

15 That process, as the Board knows, involves showing  
16 the Commission the replacement structure, and the  
17 replacement structure was a proposed two-family dwelling,  
18 but was zoning compliant.

19 So the Stamoses felt that they were all set, and  
20 they went to apply for a building permit and discovered that  
21 the Department had alerted them to the doctrine of merger,  
22 and because the acquisition in 2008 was not made in a

1 separate entity, and given the size of the GFA on the  
2 existing lot, the Law Department -- the Building Department  
3 concluded that there was a merger, and it would be necessary  
4 to obtain a variance to proceed.

5 So this subdivision variance really seeks mainly  
6 to return the same meets and bounds to the Historical record  
7 that has existed here before.

8 The subdivision plans contains Lot A and Lot B,  
9 and the legal description from the deeds we've submitted  
10 reflect the meets and bounds that are associated with these  
11 properties for years.

12 So in order to make the what is now the empty lot  
13 -- Lot A 114 Clay Street -- the purpose of the subdivision  
14 is to separate the properties, return them to their long-  
15 standing status as two separate lots, and then allow the  
16 applicant to proceed to build -- and the second case  
17 involves a parking issue.

18 But that's a case that -- admittedly the variance  
19 is needed because the lot containing the two structures does  
20 have nonconformities associated with them, but they are  
21 long-standing historical nonconformities, and they're  
22 preexisting conditions. Those homes have existed prior to

1 the adoption of zoning.

2 So the impact on the street and the intent of the  
3 ordinance is not being ignored. It was an inadvertent  
4 merger, and had the property owner received -- been made  
5 aware, this would all have been avoided by simply acquiring  
6 the adjoining property in a different name.

7 So it -- the impact here is potentially one of  
8 title, and a request for the subdivision is to restore the  
9 lot to their pre-2008 status of two separate 6000 square-  
10 foot lots.

11 CONSTANTINE ALEXANDER: Okay. I must say that  
12 we've had -- as you know, merger cases before. And it's  
13 such a pernicious doctrine. Unless you're a real estate  
14 lawyer at the time when you're buying in the neighboring  
15 property, you don't realize consequences. And then you've  
16 got to go through --

17 JAMES RAFFERTY: Yeah. Well, one might even make  
18 the case, Mr. Chair, that even a real estate lawyer is not  
19 always attuned to this, because --

20 CONSTANTINE ALEXANDER: [Laughter] that's also  
21 true.

22 JAMES RAFFERTY: You might need to have some

1 understanding of zoning as well. And I'm not pointing the  
2 finger at anyone, but certainly if at the time of the  
3 acquisition the Stamoses were made aware of this doctrine,  
4 they could have easily avoided this entire necessity.

5 But here we are, and they're relying on their  
6 long-standing history in the neighborhood and the good  
7 judgment of the Board to recognize that what occurred here  
8 is almost an equity issue, I would suggest, that would  
9 warrant the issuance of this variance.

10 CONSTANTINE ALEXANDER: Okay. Thank you. Someone  
11 wish to speak? I'm sorry. I guess not. I'll open the  
12 matter up to questions by Board members if they have any.

13 Brendan?

14 Jim?

15 JIM MONTEVERDE: Jim Monteverde no questions.

16 CONSTANTINE ALEXANDER: Andrea.

17 ANDREA HICKEY: No. I have no questions.

18 CONSTANTINE ALEXANDER: Go ahead.

19 MATINA WILLIAMS: Matina Williams no questions.

20 CONSTANTINE ALEXANDER: And the Chair has no  
21 questions as well. So I'll open the matter up to public  
22 testimony. 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."

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

5 Let's take a moment to see if anyone is calling in.

6 SISIA DAGLIAN: Yes. Charles Teague, please?

7 CHARLES TEAGUE: Hi. This is Charles Teague. I  
8 haven't done this very often. I don't know -- am I coming  
9 through?

10 CONSTANTINE ALEXANDER: You're coming through.

11 SISIA DAGLIAN: Yep.

12 CHARLES TEAGUE: Thank you.

13 CONSTANTINE ALEXANDER: We can hear you loud and  
14 clear.

15 CHARLES TEAGUE: I've just recently moved to 90  
16 Jackson Street, which is just the next block over, and --  
17 you know, I just want to say I love my neighborhood, and I  
18 think this is perfectly appropriate. It should be just like  
19 every other lot.

20 I've seen the design for replacement. I think  
21 that's appropriate. I think this is the way the  
22 neighborhood should be. They should be two separate lots.

1 And I fully support it. Thank you.

2 CONSTANTINE ALEXANDER: Thank you for taking the  
3 time to speak to us. Anyone else wish to speak?

4 [Pause]

5 CONSTANTINE ALEXANDER: No. There is no one else,  
6 so we'll close public testimony. Again, I think the easiest  
7 way of going about resolving this case is that we make a  
8 motion, or I move that we approve the demerger of this  
9 combined lot to create two lots with the same dimensions  
10 that they were at the time the merger occurred.

11 So we're going back to the status quo ante, as a  
12 lawyer would say.

13 Brendan, comments or I mean how do you vote or  
14 comment, either one

15 BRENDAN SULLIVAN: No comment, other than to say  
16 that I would support the granting of the variance.

17 CONSTANTINE ALEXANDER: Okay. Jim?

18 JIM MONTEVERDE: [Jim Monteverde.] I support the  
19 granting of the variance also.

20 CONSTANTINE ALEXANDER: Andrea?

21 ANDREA HICKEY: [Andrea Hickey.] Yes, I am in  
22 favor of granting the variance.

1                   CONSTANTINE ALEXANDER:  Matina?

2                   MATINA WILLIAMS:  Matina Williams in favor of  
3  granting the variance.

4                   CONSTANTINE ALEXANDER:  And as indicated by my  
5  earlier comments, the Chair votes in favor granting the  
6  variance as well.

7                   [All vote YES]

8                   So the variance is granted.  Next case?

9                   CHARLES TEAGUE:  Thank you very much.

10                  CONSTANTINE ALEXANDER:  Thank you.

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2 (10:24 p.m.)

3 Sitting Members: Constantine Alexander, Brendan Sullivan,  
4 Andrea A. Hickey, Jim Monteverde, Matina  
5 Williams

6 CONSTANTINE ALEXANDER: The Chair will now call  
7 Case Number 117680 -- 114 Clay Street. Anyone wishing to be  
8 heard on this matter?

9 JAMES RAFFERTY: Good evening, Mr. Chair. James  
10 Rafferty. You probably remember me from the last two cases.  
11 And this case I represent the same petitioners in the prior  
12 case.

13 So the saga of the Stamos family continues. And  
14 when it rains it pours. They thought they were all set.  
15 They have a dimensionally conforming house; they're hoping  
16 to now build.

17 There's a quirky issue with the driveway. The  
18 current driveway -- the driveway that has existed for years  
19 on the house, doesn't meet the five-foot setback requirement  
20 required for a driveway. It didn't need to meet that --

21 [Pause]

22 CONSTANTINE ALEXANDER: Hello?

1           JAMES RAFFERTY: -- exceptions for one- and two-  
2 family houses that existed prior to the adoption of the  
3 zoning.

4           The Building Department correctly -- I don't  
5 quarrel with that -- concluded that the lot no longer has  
6 such a structure on it. So that exception from the setback  
7 requirement no longer applies.

8           So all that they're looking to do is to use an  
9 existing driveway -- same curb cut, same driveway that had  
10 been there forever, but now they need to take advantage of  
11 the provisions -- the special permit provision that allows  
12 this Board to modify that five-foot setback requirement.

13           So this special permit is intended to allow the  
14 existing driveway to remain in its current location and  
15 serve the new two-family structure.

16           CONSTANTINE ALEXANDER: Mr. Rafferty, the only  
17 question I have is, I don't see any request for a special  
18 permit in the advertisement, variance. What are we  
19 referring to?

20           JAMES RAFFERTY: Oh, you know, I apologize. The  
21 five-foot setback is not subject to a special permit, you're  
22 correct. And I'm looking at the application. The

1 application does seek a variance.

2 So 6.44.1 requires Section B that a space not be  
3 located within five feet of a side or rear property line.

4 And then there are a series of dimensions that can  
5 be modified by special permit. And the five-foot setback is  
6 not one of them. So the application is correct, and I  
7 misspoke. I apologize.

8 This is a request for a variance to not a special  
9 permit, to allow for a reduction in the setback requirement  
10 for the driveway and the hardship is directly related to the  
11 fact that the driveway is already in existence, and has been  
12 there and will continue to remain.

13 CONSTANTINE ALEXANDER: Okay. Thank you.

14 JAMES RAFFERTY: Thank you.

15 CONSTANTINE ALEXANDER: I'm going to make a  
16 motion. I'll make a motion to grant the relief, and then we  
17 can discuss that when the vote is taken, whether people  
18 support it or not. Can we do it? Oh, I'm sorry. I forgot  
19 we haven't taken -- offered public comment. So let me do  
20 that right now.

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

1 says, "Raise hand."

2 If you're calling in by phone, you can raise your  
3 hand by pressing \*9 and unmute or mute by pressing \*6.  
4 We'll take a few moments to see if anyone's calling in.

5 SISIA DAGLIAN: Charles Teague. Charles, you can  
6 speak.

7 CHARLES TEAGUE: Ok, yeah. Yeah, the little  
8 prompt didn't come up. Yeah. This is Charles Teague, 90  
9 Gaston Street. Once again, I did look at the plans, and  
10 this is very conservative. It's like two little townhouses  
11 with garages. And what really forces the driveway to be  
12 where it is, is the fact that it's garages.

13 But I sent an e-mail, and what my comment is  
14 basically none of us are getting any younger, and a garage  
15 is really going to be very helpful to keep my neighbor in  
16 the neighborhood. So as you get older, yeah, it gets more  
17 dangerous and this and that.

18 And I also note that the front setback could be 10  
19 feet, because one of the houses is close, is right up on the  
20 sidewalk, one of the abutters. And it of course exceeds the  
21 rear setback. And it's shorter than it could be. So it's a  
22 very modest development. And it's -- and they're going to

1 move into the back house. And I think it's -- I ask you to  
2 wholeheartedly support it. Thank you.

3 CONSTANTINE ALEXANDER: Thank you. Anyone else?

4 SISIA DAGLIAN: No.

5 CONSTANTINE ALEXANDER: No one else, so we'll  
6 close public testimony. Again, I'll make a motion and then  
7 we can discuss the case around that motion. The motion will  
8 be to grant the relief.

9 The Chair moves that we make the following  
10 findings with regard to the relief being sought: That a  
11 literal enforcement of the provisions of the ordinance would  
12 involve a substantial hardship, such hardship being due to  
13 an unusual set of circumstances, the driveway that's  
14 supposed to be built is already there, or it is there in  
15 footprint. And to not take advantage of that would be a  
16 substantial hardship.

17 And the hardship is owing to the fact of this  
18 mistaken action taken years ago, that inadvertently created  
19 a merger. And that now we will have to undo that merger.

20 And that desirable relief may be granted without  
21 substantial detriment to the public good, or nullifying or  
22 substantially derogating from the intent and purpose of this

1 ordinance. In fact, what is being proposed overall with  
2 regard to the relief being sought and the subsequent  
3 building is to restore the status of -- the previous status,  
4 status quo ante is what I'm looking for.

5 And so there's not a new or different impact on  
6 the neighborhood, but just going back to the good old days  
7 before there was a merger.

8 So on the basis of these findings, the Chair moves  
9 that we grant the variance on the condition that the work  
10 proceed in accordance with -- we have a plan in here, we do  
11 -- the plans that were submitted by the petitioner and as  
12 initialed by the Chair, as part of the file.

13 Brendan?

14 BRENDAN SULLIVAN: Brendan Sullivan yes, to  
15 granting the variance.

16 CONSTANTINE ALEXANDER: Jim?

17 JIM MONTEVERDE: And Jim Monteverde yes, to  
18 granting the variance.

19 ANDREA HICKEY: Andrea Hickey yes, to granting the  
20 variance.

21 MATINA WILLIAMS: Matina Williams yes, to granting  
22 the variance.

1                   CONSTANTINE ALEXANDER: The Chair votes yes, to  
2 grant the variance as well.

3                   [All vote YES]

4                   Variance is granted.

5                   JAMES RAFFERTY: Thank you very much. Have a good  
6 evening.

7                   CONSTANTINE ALEXANDER: Thank you, Mr. Rafferty.

8                   JAMES RAFFERTY: You're welcome.

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(10:39 p.m.)

Sitting Members: Constantine Alexander, Brendan Sullivan,  
Andrea A. Hickey, Jim Monteverde, Matina  
Williams

CONSTANTINE ALEXANDER: Last but not least, we  
have a telecom case, unfortunately. Okay. The Chair will  
now call Case Number 11892- -- 40 Land Boulevard. Anyone  
here wishing to be heard on this matter?

KRISTINA COTTONE: Hi. My name is Kristina,  
calling from Smart Link on behalf of the AT&T. Can everyone  
hear me?

SISIA DAGLIAN: Yeah.

KRISTINA COTTONE: Thank you. So I figure I'd  
keep this short and sweet. So as the drawings show, we are  
on top of the Royal Sonesta Hotel. The overall scope of  
work, we are swapping two antennas for two like-for-like  
antennas behind a FRP enclosure wall.

So visually there is no change. So the work  
swapping two antennas for the same, and adding two  
additional remote radio units behind the enclosure.

Again, there is no visual impact. The only

1 additional impact is we are adding 5G, and that benefits  
2 everyone in the area.

3 We are enforcing FirstNet technologies, which  
4 helps the elderly, which helps first responders, which helps  
5 everyone in the area, especially since we're in a hotel.

6 And the other technologies will also be better  
7 enforced as well.

8 So I just wanted to keep it short and sweet. If  
9 you want me to, you know, go in further detail, please let  
10 me know. But I was on the Planning Board on Tuesday. They  
11 had no further comments. This is a pretty simple swap --  
12 like I said, two antennas for two like-for-like antennas,  
13 and two additional RAUs. They're all behind the enclosure  
14 on the Royal Sonesta Hotel. You visually cannot see it.

15 There's visually no change, but all surrounding  
16 areas in Cambridge and the area will benefit from 5G  
17 technologies from AT&T, as well as better signal strength  
18 for 5 -- excuse me, FirstNet.

19 So again, if there's any further questions, please  
20 let me know. But I thought I'd keep it short and sweet for  
21 everyone on the Board, since it's pretty late.

22 But as the photos kind of show, if we want to keep

1 going through the slides, there's no change. So all these  
2 photos sent from the existing proposed, there will be no  
3 change whatsoever. Thank you.

4 CONSTANTINE ALEXANDER: Thank you for making it  
5 short and sweet. Unfortunately, I'm not going to be able to  
6 do that as well.

7 KRISTINA COTTONE: Okay.

8 CONSTANTINE ALEXANDER: But anyway, questions from  
9 members of the Board at this point? Jim?

10 JIM MONTEVERDE: Jim Monteverde no questions.

11 CONSTANTINE ALEXANDER: Andrea?

12 ANDREA HICKEY: Andrea no questions.

13 CONSTANTINE ALEXANDER: Matina?

14 MATINA WILLIAMS: Matina no questions.

15 CONSTANTINE ALEXANDER: Okay. All right. The  
16 Chair moves that we make the following findings with regard  
17 to the relief being sought:

18 That the requirements of the ordinance -- that  
19 unless we grant the special permit that's been requested,  
20 that traffic generated or patterns of access or egress  
21 resulting from what is proposed will not cause congestion,  
22 hazard, or substantial change in the established

1 neighborhood character.

2 As has been pointed out, the new equipment is  
3 potentially in appearance identical to the old equipment,  
4 and so there's no new impact on the neighborhood, and in  
5 fact, of course these antennas are very high. And the  
6 building is high, so they're up high. And they basically  
7 face the City of Boston, as opposed to neighborhood -- the  
8 Cambridge neighborhood.

9 That the continued operation of or development of  
10 adjacent uses, as permitted in the zoning ordinance, will  
11 not be adversely affected by the nature of the proposed use.  
12 And we're just talking about improved telecom equipment and  
13 it has no impact, no more than the old equipment had an  
14 impact on the adjacent uses.

15 No nuisance or hazard will be created to the  
16 detriment of the health, safety and/or welfare of the  
17 occupant of the proposed use, or the citizens of the city.

18 And generally, what is being proposed will not  
19 impair the integrity of the district or adjoining district,  
20 or otherwise derogate from the intent and purpose of this  
21 ordinance.

22 And lastly, the Board also finds that the

1 modification of its existing telecommunication facility at  
2 the site proposed by the petitioner does not substantially  
3 change the physical dimensions of the existing wireless  
4 tower or base station at such facility, within the meaning  
5 of Section 6409(a) of the Middle Class Tax Relief and Job  
6 Creation Act of 2012, also known as the Spectrum Act.

7           Based on these findings, the Chair moves that the  
8 petitioner be granted the special permit it is seeking,  
9 subject to the following conditions:

10           One, that the work proceed in accordance with the  
11 plans submitted by the petitioner, and initialed by the  
12 Chair.

13           Two, that upon completion of the work, the  
14 physical appearance and visual impact of the proposed work  
15 will be consistent with the photo simulations submitted by  
16 the petitioner, and initialed by the Chair.

17           Three, that the petitioner shall at all times  
18 maintain the proposed work, so that its physical appearance  
19 and visual impact will remain consistent with the photo  
20 simulations previously referred to.

21           Four, that should the petitioner cease to utilize  
22 the equipment approved tonight for a continuous period of

1 six months or more, it shall promptly thereafter remove such  
2 equipment and reinstate the building on which it is located  
3 to its prior condition and appearance, to the extent  
4 reasonably practicable.

5 And five, that the petitioner is in compliance  
6 with, and will continue to be in compliance with in all  
7 respects, the conditions imposed by this Board with regard  
8 to previous special permits granted to the petitioner with  
9 regard to the site in question.

10 Continuing, in as much as the health effects of  
11 the transmission of electromagnetic energy waves is a matter  
12 of ongoing societal concern and scientific study, the  
13 special permit is also subject to the following conditions:

14 a) That the petitioner shall file with the  
15 Inspectional Services Department each report it files with  
16 the federal authorities regarding electromagnetic energy  
17 waves emissions emanating from all of the petitioner's  
18 equipment on the site.

19 Each such report shall be filed with the  
20 Inspectional Services Department no later than 10 business  
21 days after the report has been filed with the federal  
22 authorities.

1 Failure to timely file any such report with the  
2 Inspectional Services Department shall ipso facto terminate  
3 the special permit granted tonight.

4 b) That in the event that at any time the federal  
5 authorities notify the petitioner that its equipment on the  
6 site, including but not limited to the special permit  
7 granted tonight, fails to comply with the requirements of  
8 law, or governmental regulations -- whether with regard to  
9 the emissions of electromagnetic energy waves or otherwise -  
10 - the petitioner, within 10 business days of receipt of such  
11 notification of such failure, shall file with the  
12 Inspectional Services Department a report disclosing in  
13 reasonable detail that such failure has occurred, and the  
14 basis for such claimed failure.

15 The special permit granted shall ipso facto  
16 terminate if any of the petitioner's federal licenses is or  
17 are suspended, revoked or terminated.

18 c) That to the extent that a special permit has  
19 terminated, pursuant to the foregoing paragraphs a) and b),  
20 the petitioner may apply through this Board for a new  
21 special permit, provided that the public notice concerning  
22 such application discloses in reasonable detail that the

1 application has been filed because of the termination of the  
2 special permit pursuant to paragraphs a) and a).

3 Any such new application shall not be deemed a  
4 repetitive petition, and therefore will not be subject to  
5 the two-year period during which repetitive petitions may  
6 not be filed.

7 d) That within 10 business days after receipt of a  
8 building permit for the installation of the equipment  
9 subject to the petition, the petitioner shall file with the  
10 Inspectional Services Department a sworn affidavit of the  
11 person in charge of the installation of equipment by the  
12 petitioner of the geographical area that includes Cambridge  
13 stating that:

14 a) he or she has such responsibility, and

15 b) that the equipment being installed pursuant to  
16 the special permit we are granting tonight will comply with  
17 all federal safety rules, and will be situated and  
18 maintained in locations with appropriate barricades and  
19 other protections, such that individuals, including nearby  
20 residents and occupants of nearby structures, will be  
21 sufficiently protected from excessive radiofrequency  
22 radiation under federal law.

1           Brendan, how do you vote?

2           BRENDAN SULLIVAN: Yes, to granting the special  
3 permit.

4           CONSTANTINE ALEXANDER: Jim?

5           JIM MONTEVERDE: Jim Monteverde, I am in favor of  
6 the special permit.

7           CONSTANTINE ALEXANDER: Andrea?

8           ANDREA HICKEY: Andrea Hickey yes in favor of the  
9 special permit.

10          CONSTANTINE ALEXANDER: Matina?

11          MATINA WILLIAMS: Matina Williams yes, to granting  
12 the special permit.

13          CONSTANTINE ALEXANDER: And the Chair votes yes,  
14 to grant the special permit as well.

15          [All vote YES]

16          CONSTANTINE ALEXANDER: Special permit granted.

17 All set?

18          KRISTINA COTTONE: Thank you all. Have a great  
19 night.

20          CONSTANTINE ALEXANDER: I was going to say  
21 goodnight, one and all.

22          COLLECTIVE: Thank you, goodnight.

1 [10:43 p.m. End of Proceedings]  
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CERTIFICATE

Commonwealth of Massachusetts

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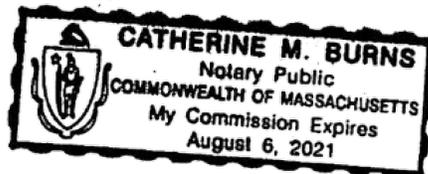
I, Catherine Burns, Notary Public in and for the Commonwealth of Massachusetts, do hereby certify that the above transcript is a true record, to the best of my ability, of the proceedings.

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 22nd day of June, 2021.

  
Notary Public

My commission expires:  
August 6, 2021



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