

BOARD OF ZONING APPEAL
FOR THE
CITY OF CAMBRIDGE

GENERAL HEARING

THURSDAY, JUNE 11, 2015

7:15 p.m.

in

Senior Center
806 Massachusetts Avenue
Cambridge, Massachusetts 02139

Constantine Alexander, Chair
Timothy Hughes, Vice Chair
Brendan Sullivan, Member
Thomas Scott, Member
Slater W. Anderson, Associate Member

Maria Pacheco, Zoning Secretary

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PROCEEDINGS

(7:15 p.m.)

(Sitting Members Case #BZA-004850-2014: Constantine Alexander, Timothy Hughes, Brendan Sullivan, Thomas Scott.)

CONSTANTINE ALEXANDER: The Chair will call this meeting of the Zoning Board of Appeals to order. We only have four people sitting at the table right now, but I'm going to call --

We'll start with the continued cases as we always do. And I'm going to call case No. 004850, 640 Memorial Drive.

Is there anyone here wishing to be heard on this matter?

ATTORNEY TIMOTHY TWARDOWSKI:
Thank you, Mr. Chairman, Members of the Board, Tim Twardowski. I submitted a letter to the Board earlier this week which speaks for itself. I'm here to answer any questions.

CONSTANTINE ALEXANDER: The reason I wanted you to come tonight is simply this: This case was filed a year ago, and

it was, I think, the first hearing was scheduled for last August. We've had it continued numerous times. It complicates our agenda. Having to -- it's not your fault or your client's fault. I'm making the assumption that it's just difficult to work out. We have to come to an end, No. 1.

ATTORNEY TIMOTHY TWARDOWSKI:

Right.

CONSTANTINE ALEXANDER: And No. 2, my concerns are that the City of Cambridge, the concerned citizens have forgotten all about this case since they thought it was going to happen last summer and it didn't happen. And this building is a building that has gotten some problems as you may or may not know.

ATTORNEY TIMOTHY TWARDOWSKI:

Right.

CONSTANTINE ALEXANDER: Sanofi, a large biotech company, wanted to put signs up on the building, and it caused an absolute firestorm of opposition from citizens. So we haven't seen that firestorm yet with yours, but I -- I can easily see citizen involvement, opposition support, whatever. Therefore, I'm going to suggest to my board members the following:

One, there will be one more continuance and that's it. So we continue tonight to a date and absent very compelling circumstances, we'll entertain no further motions for a continuance.

And two, that you have to re -- or at your client's expense re-advertise this case for the new date and put up a new

posting sign. That way we'll do the best we can to make sure that the citizenry of Cambridge are aware of this case.

So --

BRENDAN SULLIVAN: And should they --

CONSTANTINE ALEXANDER: -- the Board Members --

BRENDAN SULLIVAN: -- that onus of the cost of such filing of re-advertising.

CONSTANTINE ALEXANDER: I said that. At the client's expense.

So, given that you're only going to have one more shot, and I think the earliest date we can hear it?

MARIA PACHECO: August.

CONSTANTINE ALEXANDER: August? Tell us a date that you'd like to continue it to.

ATTORNEY TIMOTHY TWARDOWSKI:

That's it.

CONSTANTINE ALEXANDER: August
13th.

MARIA PACHECO: It won't be heard
anymore if it's re-advertised.

CONSTANTINE ALEXANDER: It's the
same case, isn't it?

MARIA PACHECO: I think once it's
re-advertised. We can talk to --

TIMOTHY HUGHES: It would be
helpful if we didn't have to have the same
people.

CONSTANTINE ALEXANDER: What's
that?

TIMOTHY HUGHES: I was saying it
would be helpful if we didn't have to have
the same people, because we can't pin
Janet down tonight.

CONSTANTINE ALEXANDER: That's what I'm thinking about.

BRENDAN SULLIVAN: Well, then if -- I think you're correct in that even though if you re-advertise, it would -- we would have to do the case de novo to another member. They would have to read the transcripts and so on and so forth, I think, because re-advertising and a new case are I think two different things. So that either we assemble the same people who sat on it initially, or if somebody else is going to sit on it, that they would have to read the transcripts and --

CONSTANTINE ALEXANDER: Well, the good news is there's not much by way of transcripts in this case. Because we never really got --

BRENDAN SULLIVAN: Assuming they

would have to be up to the same speed as we are I think on it.

CONSTANTINE ALEXANDER: Well, let me start with the four members -- the people who were there originally are myself. I can make August 13th.

Brendan, can you be here?

BRENDAN SULLIVAN: Yes.

TIMOTHY HUGHES: Yes.

CONSTANTINE ALEXANDER: Tom?

THOMAS SCOTT: Honestly I don't know right now. August is a month we usually take some vacation time.

CONSTANTINE ALEXANDER: I know. So maybe you can be here?

THOMAS SCOTT: It's a maybe.

CONSTANTINE ALEXANDER: Tim?

TIMOTHY HUGHES: I can do it. Right now I don't have anything.

CONSTANTINE ALEXANDER: We don't know about Janet. She's our fifth member.

Would it be safer to continue to a date in September?

BRENDAN SULLIVAN: I mean, that would be safer, but everybody would then be back from the islands at that point I guess.

THOMAS SCOTT: Yes.

CONSTANTINE ALEXANDER: What's the first date in September? I don't think it makes a difference to you, am I right? Or does it?

ATTORNEY TIMOTHY TWARDOWSKI: No.

CONSTANTINE ALEXANDER: What's the first date in September?

MARIA PACHECO: September 10th.

CONSTANTINE ALEXANDER: September 10th.

And if you re-advertise it, I think we can get Janet here September 10th one way or another. She's not out of the country or the like. She's just otherwise occupied. She's also very diligent. So -- ready?

The Chair will move that this case and it's on the record, that this case will not be continued further absent very compelling reasons.

The only other thing, too, I'm sorry before I get to the motion, I'm going to want the Planning Board's input on this. And I don't know what the Planning Board's plans are for the month of August, but we definitely don't -- you got to get something before the Planning Board as best you can control.

ATTORNEY TIMOTHY TWARDOWSKI:

Right. That's our intent to go back there first before coming back here.

CONSTANTINE ALEXANDER: So that's September 10th?

MARIA PACHECO: September 10th.

CONSTANTINE ALEXANDER: The Chair moves that this case be continued as a case heard until seven p.m. on September 10th on the following conditions:

That the posting sign be modified to reflect the new date and the new time.

Now, to the extent that the petitioner is going to submit new plans or dimensional forms, they must be in our file no later than five p.m. on the Monday before September 10th.

And lastly, that this case needs to be re-advertised at the petitioner's expense with regard to filing fees and

newspaper advertisement costs and the like.

That do it? All those in favor -- do you have any -- do you object to anything I've just said?

ATTORNEY TIMOTHY TWARDOWSKI: No.

CONSTANTINE ALEXANDER: Okay.

All those in favor, please say "Aye."

(Aye.)

CONSTANTINE ALEXANDER: Four in favor. See you in September.

MARIA PACHECO: I'll make new boards and let you know.

* * * * *

(7:20 p.m.)

(Sitting Members Case #BZA-006244-2015:
Constantine Alexander, Timothy Hughes,
Brendan Sullivan, Thomas Scott, Slater W.
Anderson.)

CONSTANTINE ALEXANDER: The Chair
will now call case No. 006244, 17-19
Decatur Street, No. 2.

Is there anyone here wishing to be
heard on this matter?

(No Response.)

CONSTANTINE ALEXANDER: The Chair
notes there is no one here wishing to be

heard.

The Chair would report we are in receipt of a letter from Peter Wright, the architect for the petitioner. It says: I would like to have -- I'm sorry -- I would like to make notice that my client Yvette Groszmann, chooses to remove her request for a Special Permit appeal.

So the petitioner wishes to withdraw. I trust the petitioner's aware of the consequences of a withdrawal, but since she's not here and she has an architect to represent her, I presume that's the case.

The Chair moves that we accept the case for withdrawal.

All those in favor please say "Aye."

(Aye.)

CONSTANTINE ALEXANDER: Five in

favor.

(Alexander, Hughes, Sullivan,
Scott, Anderson.)

* * * * *

(7:20 p.m.)

(Sitting Members Case #BZA-006530-2015:
Constantine Alexander, Timothy Hughes,
Brendan Sullivan, Thomas Scott, Slater W.
Anderson.)

CONSTANTINE ALEXANDER: The third
continued case involves 236 Walden Street.
We also have a case involving that same
property on our regular agenda which will
start at 7:30, and the petitioner in that
case has requested that we consider the
continued case after we consider the case

on a regular agenda. So there's nothing to be done at this point. So I think we wait until 7:30.

(A short recess was taken.)

* * * * *

(7:30 p.m.)

(Sitting Members Case #BZA-006922-2015: Constantine Alexander, Timothy Hughes, Brendan Sullivan, Thomas Scott, Slater W. Anderson.)

CONSTANTINE ALEXANDER: The Chair will now turn to our regular agenda, and the Chair will call case No. 006922, 236 Walden Street. This is the new petition, not the continued case, which we'll take up after we take this one up if need be.

Is there anyone here wishing to be

heard on this matter?

MAHMOOD FIROUZBAKHT: Good evening
Members of the Board, Mr. Chair.

CONSTANTINE ALEXANDER: Good
evening.

MAHMOOD FIROUZBAKHT: Maria.
I'm Mahmood Firouzbakht at 7-9
Crescent Street in Cambridge. I think you
know this guy.

MARK BOYES-WATSON: Mark
Boyes-Watson, Boyes-Watson Architect, 30
Bowes Street, Somerville.

MAHMOOD FIROUZBAKHT: We were
discussing here, on the way here his
accent is way nicer than mine, so he's
going to be doing most of the talking.

CONSTANTINE ALEXANDER: Whichever
you prefer.

MAHMOOD FIROUZBAKHT: Before we

get started, I did want to just mention that I think that we -- on the notice for the continued case, we may have a little bit of a --

CONSTANTINE ALEXANDER: More than a little bit. There's no notice. I don't think you have a sign up for the continued case.

MAHMOOD FIROUZBAKHT: Well, we did. Unfortunately the person that put up the new notice, blocked the old notice and so -- and so we're well aware of that. I guess the hope is that this evening when we hear this new case, which we've worked pretty hard with the neighborhood on to try to get to this point, that there won't be a need to actually hear that case.

CONSTANTINE ALEXANDER: Or conversely, if we turn you down for the

new case, my guess is your old case is going to get turned down for the same reasons.

MAHMOOD FIROUZBAKHT: Potentially.

CONSTANTINE ALEXANDER: Most likely, but maybe not. We'll find out.

MARK BOYES-WATSON: Yeah.

MAHMOOD FIROUZBAKHT: And, frankly, to the extent that this new case was not approved tonight, more than likely we would be continuing that old case in order to huddle back with the neighborhood. And so probably that's the way it would have ended up anyways. So I guess I'd like to think of it no harm, no foul. But, you know, the Board has my apologies for that happening. I think from here on to the extent that I show up here again, those notices are going to be

handled by me.

CONSTANTINE ALEXANDER: You know the rules. Apologies are not necessary.

MAHMOOD FIROUZBAKHT: So hopefully it will be a non-factor in terms of this proceeding that we're hearing tonight. So I will let Mark kind of describe what this project is, and I can certainly provide additional information about the neighborhood process. Just even before Mark goes there, there has been an extensive neighborhood process, and there are neighbors who have written letters to the file and who are here tonight to speak.

CONSTANTINE ALEXANDER: Let me also comment before you start, Mark. We welcome, as you well know, neighborhood input on the case. That doesn't drive the

decision. The fact that all the neighbors want something doesn't mean we're going to grant relief. Conversely, all the neighbors are opposed, doesn't mean we're going to deny relief. I'm welcome to hear the neighbors, but I want to make it very clear at the outset -- I've been handed a letter, I'm sorry to be rude. Let me see what's involved. This is something from 236 Walden Street. Okay.

Anyway, I appreciate the neighbors coming. I appreciate their input. The Board does. Not I, just the whole Board does. But I want to again make it clear, that's not the be-all and end-all for the decision.

MAHMOOD FIROUZBAKHT: That's duly noted. Certainly as part of the process.

CONSTANTINE ALEXANDER: Yes.

MARK BOYES-WATSON: So this is 236
Walden Street, which is this house here.
And there are a couple of things on the
photos I just want to point out.

One of the things that we're doing
with this is existing, non-conforming
house and as far as it presents to the
street, we're trying to leave it pretty
much as it is and kind of restore it.
It's been empty for a long time. So the
focus of why we're here tonight is because
of its existing non-conformity, it's
restricted in the ability to be extended
by the Zoning Code. And the proposal is
to extend the house to no greater extent
than is allowed under the Zoning
Ordinance. But the existing
non-conformity brings us here to talk to
you about how we're doing that.

I thought I would spend a little time with the photos, I didn't really point out, but this house is very close on this side.

CONSTANTINE ALEXANDER: Yes.

MARK BOYES-WATSON: So it's close here.

So, and the lot sits here in the neighborhood. And 236 Walden Street right now has a driveway down the side and a garage back here. Existing single-family house.

Lot is 3,600 square feet. So it allows -- C-1 Zone, 1500 square foot per DU. So it's allowed to be a two-family. The proposal is to create a two-family house and make an extension to the building that in itself is conforming but still brings us to you because it's more

than 25 percent extension of the existing house.

CONSTANTINE ALEXANDER: And you can't -- you don't meet the requirements for up zoning because there are four under section whatever it is.

MARK BOYES-WATSON: Right, exactly. Because, because we don't, we comply for GFA. We comply with the open space. In fact, we comply with open space for this latest plan, but we are asking you to allow us to have tandem parking instead of two conforming Cambridge parking spaces. And that has to do with the neighborhood process, and I want to discuss how that goes and why, why it might be a good, a reason -- there might be reasons to do that in this particular location.

SLATER ANDERSON: Can I ask a quick question or observation?

MARK BOYES-WATSON: Yes.

SLATER ANDERSON: Do you have a -- you showed that Assessor's map of the city. You don't have an aerial photo or the photograph version of that, do you?

MARK BOYES-WATSON: No, I don't think we do. No.

SLATER ANDERSON: That can be helpful for this process.

MARK BOYES-WATSON: I should start bringing those in. As long as the trees aren't in it.

SLATER ANDERSON: They usually take the photo in April.

CONSTANTINE ALEXANDER: Just buy a drone.

SLATER ANDERSON: Go ahead. I'm

sorry to interrupt.

MARK BOYES-WATSON: Actually drones would save us some time if we start getting into drones. All those bits that you can't see from down below. You need a licensed operator, though.

CONSTANTINE ALEXANDER: That's true.

MARK BOYES-WATSON: So, what I have here is the existing condition and the proposed condition. I just want to just point out some things. So here is 236 Walden. Here's that garage. You have -- we've got an open space calculation. Here is the existing building, again, in this grey. The hatched area which kind of overlaps this because this is first floor, second floor, is an addition. Because it's a narrow

lot, the setback requirement's seven-foot, six, not a formula. So this piece conforms both in its side yard setbacks and its rear yard setback. It slightly exceeds the requirements of the rear yard setback. As you can see, the proposal is to remove the garage. And earlier, and I don't want to go into the earlier rounds, but there were two cars back here. And the response of the neighborhood, that's a lot of car and a lot of car close to the lot line, etcetera, etcetera, and could we do better? And so what we're now proposing is a car here and here in tandem instead of invading the backyard. Which actually increases our open space above 50 percent. So it has -- it does nice things.

CONSTANTINE ALEXANDER: The people

who, if we grant relief, are going to be backing out into Walden Street?

MARK BOYES-WATSON: Which they do now. They always did and they always kind of did, right?

CONSTANTINE ALEXANDER: Okay. But you're going to have one more dwelling unit on the property?

MARK BOYES-WATSON: Yeah, yeah, yeah. But that's a condition you see a lot in Cambridge.

CONSTANTINE ALEXANDER: That doesn't mean it's pleasant.

MARK BOYES-WATSON: Yeah.

Well, in a narrow lot it's almost impossible to turn the car around. And obeying the rules it's impossible of turning --

So, so what is - so here's

this -- I'm just going to very quickly take you through what that addition is so we know, again, I'm actually in and of itself is not subject to relief, but quickly here is basement, first, second. So here you see this back piece being extended. And a small GFA addition on the third floor, it doesn't show there is another dormer up here, but it's inside the GFA line so it doesn't show up on this drawings and increase the GFA.

CONSTANTINE ALEXANDER: So the bright yellow is the new --

MARK BOYES-WATSON: Exactly the new part. Walden Street's down the page here. The before is down at the bottom of the page. If you just compare that -- I kept that consistent in the next drawings, too, so you get a sense.

So, again, I'm just gonna flip to this for one second. So, again, before I go to the elevation, just quickly an illustration. What this is basically showing is, again, is before is down below and proposed is up here. And what you're seeing here is the garage. And now you're looking down and you're just seeing that extension coming off the back of the house there. Again, the idea of this is that we, you know, restore the historic house and extend it.

CONSTANTINE ALEXANDER: Now, the new house -- not the new unit, the property's going to get a new dormer I see.

MARK BOYES-WATSON: Yeah, two, actually. One on each side.

CONSTANTINE ALEXANDER: You don't

need relief?

MARK BOYES-WATSON: Neither of them need relief.

CONSTANTINE ALEXANDER: If you did need relief, do they comply with the former guidelines?

MARK BOYES-WATSON: Can I take you to the elevation and I can tell you where they are. Because they don't in every respect, and I'll explain why we came up with what we did.

And so, what -- I can show you the one here which is easier. And so, so what we have here is this is -- down below is front and rear existing, and up here is front and rear proposed. And you, and what you have here is the right side that's the driveway side elevation before and the driveway side elevation after.

That is the dormer. This dormer -- what the dormer guidelines say is they would like you to be three-foot, six from this fascia board in and down from the peak which we are. So we're actually unique from the peak, but we're a little closer to the street than they -- what we've got the required amount of windows, etcetera. We're a very small dormer. We're only showing about three feet.

CONSTANTINE ALEXANDER: What's the length of the dormer?

MARK BOYES-WATSON: The length of the dormer is less than 13 feet. And so then -- and so then on the other one. I'm just going to show you this other dormer. And remember going back to that Assessor's, I got a specific circumstance here. And so this is the side -- this is

the side where you basically -- this is here now, we're talking about. And we're very close to this structure that was inserted, I think, with the Board's help.

And this dormer, therefore, faces right up against that building. Can't really see it. It, if it was the dormer guidelines, it should have like 50 percent window. In this case it would be looking straight at that house which is four feet away. Actually five because it's not quite on the property line. This has a bathroom in it. So between -- and if you look at the plan, it's only just room, this is a small attic. There's only just room for everybody to stand. And so if you push this bathroom, you could turn it the other way and make it a longer dormer. But we felt that given the circumstances

of this dormer, it's very simple, you can't really see it, do the minimum dormer, turn the bathroom so it's six feet facing out, where it can't be seen has the least possible.

CONSTANTINE ALEXANDER: You're proposing to add a bathroom to the existing structure?

MARK BOYES-WATSON: Which it doesn't have right now up on the third floor.

CONSTANTINE ALEXANDER: How many bathrooms does it have right now?

MARK BOYES-WATSON: Upstairs there's no bathrooms. There's a second floor bathroom.

CONSTANTINE ALEXANDER: This is the third floor?

MARK BOYES-WATSON: This is the

third floor.

CONSTANTINE ALEXANDER: Okay.

There wouldn't be on the third floor?

MARK BOYES-WATSON: Now, no. It was finished up there more or less. It was like a two and half - one and an half two stair going up to the top. Old style.

I just want to come back to the parking thing. Being before the Board before we just talked about. When -- and I'm going to just do a little bit of history, but I'm not going to do it very specifically. So the idea of parking back here, we used a lot of -- we could still comply with the open space by doing that. We start by -- by the time we put a car space and a backup space, we start to impact the existing historic house at the back and just can squeeze it, but not if

we maintain a five-foot setback. So we're between a rock and a hard place a little bit. And I think that the reason that we're -- there's a couple of reasons that are important that we are between a rock and a hard place. One is that we are a 3,600 square foot lot. We are only 40 feet. I think we're 40 feet wide?

MAHMOOD FIROUZBAKHT: Correct.

MARK BOYES-WATSON: So we are narrow and we are small. So maneuvering cars around the lot is tricky.

CONSTANTINE ALEXANDER: All of these problems that you're correctly identifying is all from the fact that you want to add another dwelling unit to the property. If you didn't add another dwelling unit to the property, you wouldn't have all these issues.

MARK BOYES-WATSON: Right.

CONSTANTINE ALEXANDER: Which gets to my question of what's your substantial hardship that would justify adding another dwelling unit?

MARK BOYES-WATSON: I mean I think the idea is that under the Zoning with the 3,600 square foot lot you're actually entitled to this -- if you were to remove the house and reconfigure the entire thing --

CONSTANTINE ALEXANDER: If pigs could fly. You don't have to remove the house. You take the single-family house that's been there, you renovate it. It hasn't been renovated obviously in years. And life goes on as a single-family house. Why -- what's the hardship that justifies us creating a second dwelling unit here?

And I have to be very frank, I am troubled by the precedential value this would set, because almost every single-family house that's got a good size yard or at least a small house, will have a justification of getting a Zoning relief, in which case we're going to be converting single-family homes into two-family homes. And Cambridge suffers, there's no question about it, suffers from a lack of affordable single-family residences. Affordable by Cambridge standards. And outside of East Cambridge in particular, and what you're proposing to do is take one more single-family house off the market and creating one more two-family house. And that's why I have a great deal of problems.

MAHMOOD FIROUZBAKHT: Gus, to be

honest with you, I guess the way that I think of this project is providing for two smaller attached single-family homes. And so, I mean, it's exactly in mind with the concern that you're raising that there's a high demand for single-family homes that can't accommodate families in the city. And I think that's what this project accomplishes, and it just makes better use of the lot and the land as opposed to -- and if I were to do a single-family project here, that single-family home in no way would be affordable, because the -- it just -- the numbers wouldn't work.

MARK BOYES-WATSON: It's actually the opposite way around which is the affordability is enhanced by the addition of this other unit.

BRENDAN SULLIVAN: That's, you know, driven by the purchase price. And I think going back to --

CONSTANTINE ALEXANDER: Thank you.

BRENDAN SULLIVAN: You know, what you pay for it is your cost. The value of the property is what you can do with it as of right. And I know we've gone over this and over this and over this. And I am not a fan of somebody overpaying for a property. They come down and they'll say -- and I read the pleadings, and it says well, it sustained severe, water damage over the years. We've all had water damage over the years, but that doesn't mean I go and start adding another unit to my place. So you overpay for a place far greater than what the condition of the building is. You come down and

say, well, it's in terrible condition. It's going to take X number of dollars to rehab this building and to make it viable, but you start at a very high number. Too high of a number. And then consequentially you say the only way to justify that high number is to put another unit. So that the sum of the two parts is greater than the whole existing. And the only way to justify our purchase price is if we add another unit to this thing. And if you can do it as of right, God bless you.

CONSTANTINE ALEXANDER: Fine.

BRENDAN SULLIVAN: And I don't care if the guy makes a dollar or a million dollars, it doesn't make any difference to me, except that you're using this Board as a vehicle to get to that.

And I don't think that that's really what this Board should be.

MARK BOYES-WATSON: I hear you. But this is not a case where we're coming -- this, this lot is Zoned for two families. It's not a situation where we're coming in saying, wow, it's a single-family, would you give us --

CONSTANTINE ALEXANDER: If you are otherwise comply with all the other requirements of the Zoning Ordinance, and you don't.

MARK BOYES-WATSON: With the extension. So if we --

CONSTANTINE ALEXANDER: Yeah, with the extension.

MARK BOYES-WATSON: -- parking, GFA.

CONSTANTINE ALEXANDER: You can't

use the fact, in my mind, in my judgment, that is Zoned for a two-family to justify us granting you relief to have a two-family.

MARK BOYES-WATSON: But isn't the idea of the Zoning Ordinance that in certain circumstances, and I think the Code sort of recognizes a lot as a certain circumstance, there are things that are on the basis of the lot, not on the basis of -- I don't think it was made the argument that you paid a lot of money for this. That argument has not been made that I saw.

BRENDAN SULLIVAN: Well, it was mentioned the condition of the building.

MARK BOYES-WATSON: Oh, yeah, yeah, yeah. It certainly needs renovation that's for sure.

BRENDAN SULLIVAN: Conditions that to me means dollar signs.

MARK BOYES-WATSON: Well, I wasn't -- I don't think the primary argument here isn't that that's the case. The argument is that the, that the Board has discretion, and I obviously --

CONSTANTINE ALEXANDER: We have some discretion. We have an Ordinance.

MARK BOYES-WATSON: In this case we have, we have a lot that actually, the rights that the proponents tried to exercise are the rights that pertain to the lot, but he's failing to meet one of the standards, right, which is the parking. The only one that he's not -- everything else he's meeting. And the parking is an interesting one in the sense that if you look at what the impacts

are to the neighbors or to, you know, you're looking for detrimental impacts that would be -- that would really make it regrettable to do this intervention. I think Mahmood spent a lot of time with the neighbors trying to make sure those detrimental impacts were not unacceptable. And in fact if you, if you, you know, if you were to do something like we could -- we looked at narrowing the existing house. Actually taking half the house down and getting two cars, you know, side by side on the lot, which you could do. You take an off-street parking space -- you replace really an on-street parking with off-street. The neighbor doesn't benefit from that analysis. So we've analyzed this many ways because we don't come here if we don't think it's the

best -- the best solution is to come here. There are as-of-right solutions on here. They basically all impact the existing historic house. So what we --

CONSTANTINE ALEXANDER: You keep diverting our attention, Mr. Boyes-Watson, from the fact that you have to show a substantial -- one requirement of three -- a substantial hardship. You keep diverting our attention to the parking, parking, parking. You don't have a substantial hardship that justifies building a second dwelling unit. You don't. You want to do that so you can finance -- make the property, the total property worth more so you can put some money into the --

MARK BOYES-WATSON: We don't need a hardship to put the second unit in.

What we need is --

CONSTANTINE ALEXANDER: I beg your pardon?

MARK BOYES-WATSON: What we have under 4.31 you need to have the open space comply.

CONSTANTINE ALEXANDER: You're wrong.

MARK BOYES-WATSON: The GFA comply.

CONSTANTINE ALEXANDER: You're wrong. I'm sorry.

MARK BOYES-WATSON: I'm sorry?

CONSTANTINE ALEXANDER: You're seeking a Variance to add a second dwelling unit. That's your petition, right here. Want me to read it to you?

(Reading) To add an addition -- Variance: To add an addition

and one dwelling unit as an existing non-conforming structure.

MARK BOYES-WATSON: But the Variance requested pertains only to the parking. That's the only thing that requires relief.

CONSTANTINE ALEXANDER: No, no, no. The reason you need parking is because you're going to create a second dwelling unit.

MARK BOYES-WATSON: This is true.

CONSTANTINE ALEXANDER: So, and what's the hardship that justifies -- what you're doing you're building on a structure with no basis, you've got to start and justify why we should give a Variance to allow a second dwelling unit. You've got to have a substantial hardship. And then when you demonstrate that, well

then look at the relief you want to have, and your relief relates to parking. But you have no hardship. You have no substantial hardship that warrants us granting relief to erect a second dwelling unit. And, in fact, I think Mr. Sullivan has put his finger exactly on it, you bought the property, you paid a price that reflects its current status, single-family house, you want us tonight to allow to have the second unit to increase the value of your investment. That's not our job. That's certainly not my job. Our job is to enforce the Zoning Code. If you want it, put the money into the -- whatever you were going to put into the addition, put it into fixing up the front house. But keep it as a single-family house as it has been for God knows how many years. That's

how I feel.

MAHMOOD FIROUZBAKHT: So when we started this process, and I have certainly hear your point, I mean, I think there are some inherent hardships, you know, given the lot, given the size of the lot, given the narrowness of it, and given the condition of the existing house. You know, there are some inherent hardships in that. And in order to --

BRENDAN SULLIVAN: Well, they're incumbrances but their not hardships.

CONSTANTINE ALEXANDER: Yes. And they're not hardships that justify a second dwelling unit.

BRENDAN SULLIVAN: And it's no different than the whole general area.

MAHMOOD FIROUZBAKHT: You know, I guess when we looked at the original

scheme, and I know we're not necessarily talking about that, but the relief that we needed with respect to parking on that original plan was a Special Permit relief only, because we were providing for the adequate number of parking spaces.

CONSTANTINE ALEXANDER: If we granted you a Variance to build the second dwelling unit.

MAHMOOD FIROUZBAKHT: No. I guess if you granted us a Special Permit -- going back -- this is going back to the original case. If this Board granted us a Special Permit for the two parking spaces at the rear of the lot, which the only infringement, it was infringed on the, you know, eight five feet of a setback. Then the conversion to two units could be done as of right. From

a legal perspective, on a Special Permit standard probably we should get that second parking space because we would meet the Special Permit standards of providing for the second parking space in the back of the lot, and then therefore from there, that, the any -- we wouldn't need any additional relief to convert, to complete the conversion of the two units because we would provide for the adequate number of parking spaces --

CONSTANTINE ALEXANDER: But that's a Jerry-built argument. You start by saying if you grant a Zoning relief, i.e. a Special Permit, then we, we have a basis for granting a Variance. You got to start with the notion that the unit -- this whole thing is being driven by you one have a second dwelling unit on the

property.

MAHMOOD FIROUZBAKHT: But then when you look at the basis for that Variance and the reasons for that Variance at that -- for that project, only relate to the fact that we're above the 25 percent threshold in the Zoning Code, and but for that, it's an as-of-right project. It's a conforming project.

CONSTANTINE ALEXANDER: You've got to show a substantial hardship. The fact that but for is fine, but it doesn't warrant the granting of the Zoning relief.

MAHMOOD FIROUZBAKHT: Gus, I think in terms of substantial hardship, I certainly -- I understand what you're saying.

CONSTANTINE ALEXANDER: I know you do.

MAHMOOD FIROUZBAKHT: The substantial hardship relates to the fact that what's going out in the broader community, there's a demand and there's a need for this type of housing. And I, whether we want to acknowledge that or not from the Board or whether that's your purview and your jurisdiction, it isn't. But the reality of it is, if this project is pushed into doing a larger single-family in terms of that hardship, I don't think we're doing anything better for the community.

BRENDAN SULLIVAN: At the corner of Walden Street and Huron Avenue the guy is taking a two-family house and converting it into a single. And that's happening all over the city, taking twos and converting them into singles.

MAHMOOD FIROUZBAKHT: And,
Brendan --

BRENDAN SULLIVAN: And singles of
this size are very desirable.

MAHMOOD FIROUZBAKHT: Yep.

BRENDAN SULLIVAN: With this size
back yard? Extremely desirable. And,
again, that resonated with me is that, it
takes something like this off the market.

CONSTANTINE ALEXANDER: Yes.

BRENDAN SULLIVAN: And what we're
doing is we are doing these boutique
units.

MAHMOOD FIROUZBAKHT: That
single-family, Brendan, that you're
talking about is on the market for like
\$1.9 million.

BRENDAN SULLIVAN: I mean, it's
beyond, beyond. But anyhow.

MAHMOOD FIROUZBAKHT: Yeah. So that's Cambridge.

BRENDAN SULLIVAN: But, again, they started out at a 1.25 pace. So, and again they overpaid and well, anyhow. I'm just saying that going from twos to singles are desirable. Anything with a for sale sign out there will find a buyer for it. But I think what this here is all about is that the sum of two will be greater than the one.

CONSTANTINE ALEXANDER: That's the point. That's the hardship.

BRENDAN SULLIVAN: That's it in a nutshell to me.

MAHMOOD FIROUZBAKHT: Let's take the money part of it out of the equation. I mean, can I make a single-family project work here in terms of the bottom line? I

probably could. So it's not -- and I don't think I argued that in my memo or making that case at all. Personally from an urban land use perspective, I think this is a better use of this lot given the location, given the proximity to transportation, and given the volume and other -- the density in the surrounding neighborhood, this is appropriately scaled. And there are plenty of other two families right in the same block. And you've got a multi-family building going on on the Masse site. So this is appropriate. Given the urban landscape that we live in, given the high demand for this kind of housing, because this is, these units likely would go on the market in the million or under a million dollar price point, there are a lot of families

that will -- that need that kind of housing in our, in our community.

CONSTANTINE ALEXANDER: You make the -- if we were a Planning Board, those arguments might be persuaded. We're not a Planning Board.

MAHMOOD FIROUZBAKHT: Right.

CONSTANTINE ALEXANDER: We're a Zoning Board. We have to take the Ordinance that our City Council has given us and apply it. The City Council has requirements if you want to convert a one-family to a two-family or up zoning, you've got to meet four requirements. And if you don't, you can't do it. You can't do it so you're asking for a Variance. If you want a Variance, you have to demonstrate a substantial hardship and the other two requirements. And that's where

I -- you lose me. I don't see the hardship. We sometimes allow, more often than not, when you have someone living in a home, a young family in particular, and they need more living space and they want Zoning relief, we tend to be somewhat charitable, at least open minded about why to grant relief. This is not that situation. This is a situation we're talking about a pure investment decision. No matter if you bought a house on the cheap because it was reflecting the status, it was rundown, and you want to increase the value of your investment. That's what this is all about. And that's what I'm not prepared to vote in favor of. Pure end and simple. I'm only one of five but that's how I feel about this case. Pure economic play, and it's nothing to do

with hardship and Zoning. And maybe at the end of the day it would be better for the city, maybe, I don't know. I'm not smart enough to know the answer to that.

Anyway, I monopolized the conversation too much already. Keep going.

MARK BOYES-WATSON: Do you want to hear from the neighbors? I mean, obviously I, I hear you. I, I think that it's a -- I think when you have a piece of land as zoned as a two-family piece of land the question is not to build a two-family, it's to build a two-family that doesn't conform to every aspect of the Zoning which is why Mahmood instructions to us was (inaudible) as many as you possibly can and then we'll go to the Board we'll ask them what they think.

It's not really. It is a two-family lot. It is not a one-family. Now, it's incumbered by the house and it's incumbered by its size and dimensional things, which the Zoning is actually designed for a lot that's 5,000 square feet. So out of this lot comes the hardships which we bring you today. It doesn't come, it's a two -- it's allowed to be a two-family. It's a two-family. It's zoned for two. It meets the open space. It meets the GFA. But it has some difficulties in making it, too. I don't think it's quite the same as what you're saying. But, I made that argument and you've heard it.

CONSTANTINE ALEXANDER: And you've heard me. We keep repeating ourselves or moving on?

I'm going to open the matter up -- questions from members of the Board? Any questions at this point?

TIMOTHY HUGHES: I don't have any questions. I mean, I can see the point of the arguments on both sides. I mean, I don't see a benefit to the city of that, of Brendan's example of the house being turned from a two-family to a one and going on the market for 1.9 million. I mean, we have enough, you know, 1.9 million properties, single-family properties in this city, we don't need any more. We don't have any single-family properties under a million in this city that are available at any given time.

CONSTANTINE ALEXANDER: That's true. But I'm not sure if this property --

TIMOTHY HUGHES: But if we want a diversity, an economic diversity of people living in the city, then we got to stop selling, you know, every single-family house at 1.5, 1.9 million. We got to figure out other ways to do it. And I see this as another way to do that.

CONSTANTINE ALEXANDER: Okay.
Fair enough.

Anybody else?

SLATER ANDERSON: So I -- the Variance, I looked at the conversion language here. The parking is one element of it.

CONSTANTINE ALEXANDER: They meet the other three elements.

SLATER ANDERSON: But is it the over 25 percent also is triggering?
You're

adding --

MARK BOYES-WATSON: It doesn't trigger 4.31. It triggers the table -- the table of dimensional requirements because while, the non-conformity --

SLATER ANDERSON: It is. You've got enough lot area for two units.

MARK BOYES-WATSON: Yes. But in non-conformity there's that provision under -- in Section 8 that says if you got an existing dwelling, you can extend it 10 percent with just the Building Permit, 25 percent coming here and having a Special Permit, or beyond that a Variance. So that Variance is requested here. Because to get to our -- more or less our allowed GFA, we would -- we need a Variance because we're limited by that

non-conformity rule.

So we've got two things in play here: One is the conversion rule. And the other is the non-conformity.

SLATER ANDERSON: I'm trying to figure out what triggers the conversion rule. Because you're meeting several of the requirements under the conversion.

MARK BOYES-WATSON: Everything except the parking.

SLATER ANDERSON: The parking is the one?

MARK BOYES-WATSON: Yeah.

SLATER ANDERSON: And you made a comment about you could do something different and create two side-by-side spaces on the street, but you'd have to go for a curb cut.

MARK BOYES-WATSON: We have to

extend our --

SLATER ANDERSON: That's not by right. That's a different process.

MARK BOYES-WATSON: City Council, but it's not a Zoning matter.

SLATER ANDERSON: But it's not --

MARK BOYES-WATSON: It's not easy.

SLATER ANDERSON: It's a process.

MARK BOYES-WATSON: There's nothing easy.

SLATER ANDERSON: I know.

You know, I just, I understand -- I sympathize with the two-family argument. You know, there are paths to do, you know, big single here, and the City's housing problems are not going to be solved on this property. And I do think it, you know, it opens up other people who observe what we do to saying, wow, look at what

they got in that case and maybe we should try and do that. And then, you know, the fundamental of the hardship. I mean, if the Legal Department is looking over my shoulder, they're going to be like, well, you know, just keep your scope limited to what your duties are on this Board. You know, and all of these discussions we've had I think are understandable. And, you know, there is a path to take down the house and build two. I mean, maybe that's not the right solution, but maybe the house is so damaged that, you know, that's what needs to happen. And there's a path -- so there's a path to build two. There's a path to build a large single without having us involved here in effect. Am I correct in observing that? Is that right?

CONSTANTINE ALEXANDER: Why isn't there a third path, which is keep the same size of the structure. Single-family. Same size of the structure but do a lot of internal renovations? Why do you have to increase the size of the structure and make it --

MARK BOYES-WATSON: Why did you have eggs and bacon on and not just eggs? I mean, is that a Zoning -- it's not a Zoning question now. Why don't people exercise their property rights? I think property rights inherent with the land.

SLATER ANDERSON: Well, and that's a large single or a new two.

MARK BOYES-WATSON: Or a new two, yeah.

In the city when we got an existing historic house, we actually don't say go

knock it down. Wait your six months, knock it down, destroy the heritage of Cambridge. We don't say that. We say you know what, let's all work together, let's work with the neighbors, let's work with the Board, let's come up with a smart plan so that we can, you know, exercise our property rights without doing damage. And that's -- I come here often and ask you for that.

SLATER ANDERSON: It's not a Special Permit and we're not the Planning Board. We don't have, when it comes to a Variance, as much discretion. I guess that's my point. It's not about you or your project. It's -- it's the hardship.

CONSTANTINE ALEXANDER: And I think you're setting up frankly a false comparison. You're saying either a larger

or single-family or the two-family you're proposing. Now -- and I'm not convinced why there's not a third alternative that's right in the middle, and that you still have a house that's the size of the house now, it's an updated and modernized internally, it would be worth more money. But it won't be on the market for an amount for a much bigger house. You know, why don't we -- I don't know why that alternative has been dismissed, except for you want to push us towards saying oh, my God, if you don't let us do these two modest two-family houses, we're gonna have to put up a McMansion and it's going to price people out of the market. That's essentially the argument that you're making.

MARK BOYES-WATSON: No, I don't, I

really don't think it is.

CONSTANTINE ALEXANDER: I'm exaggerating my point.

MARK BOYES-WATSON: No, but I don't even think it's the point. You know, under Zoning all land is endowed with some rights, and you can exercise those rights. In this case --

BRENDAN SULLIVAN: Your right is as-of-right. That's your right.

MARK BOYES-WATSON: In this, in this case everything except for the parking. Actually that's not true, because we're extending it more to 25 percent so I take it back.

CONSTANTINE ALEXANDER: It's like being a little bit pregnant. Either you are or you aren't. You don't comply. That's why you're here tonight.

MARK BOYES-WATSON: But, but, but per se the introduction of that second unit is not, is not the kind of the seminal thing. I understand that you can deny. I completely understand you can deny and send the proponent on another course.

I think the reason for your question, though -- I mean there are people who don't exercise their full property rights all the time, you know.

BRENDAN SULLIVAN: In other words, max it.

MARK BOYES-WATSON: Well, I don't think it's now maxing, but I do think as property is --

BRENDAN SULLIVAN: When you say the words "exercise their full property rights," I say "max."

MARK BOYES-WATSON: Well, as property --

BRENDAN SULLIVAN: You say "full," I say "max."

MARK BOYES-WATSON: As property is transacted, right, in the current situation, there are, there are forces that are driving you to exercise your property rights. So in this case what you -- the Board, if they're not interested in granting this relief, you know, it gets more complicated to exercise the property rights that are inherent in this land.

SLATER ANDERSON: My last observation on the parking. So, you know, this is a -- I drive through this area every day taking my kids to school, and, you know, this -- I know because we had

the Masse project.

CONSTANTINE ALEXANDER: Right.

SLATER ANDERSON: The parking situation in that immediate neighborhood is difficult. And when you go to two, you're going from basically two cars to four cars. I mean, that's pretty much expected that that's what's gonna happen.

MARK BOYES-WATSON: Not the city. All the city's data does not say that.

SLATER ANDERSON: No, I'm saying but in reality --

MARK BOYES-WATSON: In reality what I mean what the city's finding is that there isn't the parking ratio in Cambridge. And if anything, it's going the other way.

SLATER ANDERSON: So one and a half.

CONSTANTINE ALEXANDER: The point is you're going to increase the parking demands on the property.

SLATER ANDERSON: And in the neighborhood. That's my point.

MARK BOYES-WATSON: Except we were providing two off street parking.

TIMOTHY HUGHES: Except that they're --

SLATER ANDERSON: But they're tandem. They're tandem spaces which puts a little bit more pressure for folks to park on the street instead of can you move my car, I gotta get out. And so the parking thing is a, it's a significant impact I think.

CONSTANTINE ALEXANDER: Let me open the matter up -- unless further questions?

TIMOTHY HUGHES: No, no.

THOMAS SCOTT: The parking thing doesn't bother me. I mean, the tandem parking is fine. I see it all over the city, on my street, and every street adjacent to my street has tandem parking. People deal with it. I see people coming out in the morning and juggling cars and just -- it's the city. That's what you buy when you move here, that's what -- you have to accept that.

TIMOTHY HUGHES: It brings people closer together.

THOMAS SCOTT: Yes, it doesn't bother me.

SLATER ANDERSON: Walden's a high traffic street, you know.

THOMAS SCOTT: My street's a high traffic street, too.

CONSTANTINE ALEXANDER: Let me open the matter up to public testimony.

Is there anyone here wishing to be heard on this matter?

TIMOTHY HUGHES: Step right up.

CONSTANTINE ALEXANDER: Please come forward and give your name and address to the stenographer.

ALEXANDER von HOFFMAN: I'm Alexander von Hoffman and here's a letter so you can see how it's spelled. And I live Stearns Street, I'm an abutter of this property. And I came here to support the tandem parking, which is an agreement which Mahmood really talked at length to neighbors, and regardless of the legal issues, really in our opinion or in the opinion of many of us, went out of his way to respond to a variety of concerns which

I think are reflected in the plan. Our particular concern was if more of -- basically the condition of the place, small lots, and if we are going to see the increase use of those lots for residents, in this case two or however it's going to be, it seems very important that we preserve the little bit of open space that we use to have our picnics and so on, to prevent automobiles running in that area. And so that's, that's really been our basic concern.

Air quality.

There's flooding because we're in the brickyard area of Cambridge so the ground is does not absorb well. So that may be more permeable surface. It's in the letter. There was a third, but anyway, those are the three. So that's

our, that's our basic concern.

I will say that the discussion it shows that people who study and know the rules have the other issues in mind, that we hadn't really focussed on whether there should be two or one. We thought that was something a little out of our control which it is.

CONSTANTINE ALEXANDER: It is.

ALEXANDER von HOFFMAN: But it is our concern as precedent for the future on those kind of blocks, I understand they're big blocks, that you can run an alley up there and so on, it wouldn't matter. But we're really concerned that we maintain that space in blocks like this. And that's why I support it.

CONSTANTINE ALEXANDER: Thank you for taking the time to come down. We'll

keep that in our files. So you summarized what's in here?

ALEXANDER von HOFFMAN: Yeah.

CONSTANTINE ALEXANDER: Anyone else? Ma'am.

GLENNA LANG: I was a cosigner of this letter and I would not like to have my signature on this.

CONSTANTINE ALEXANDER: Oh. I'm sorry, say that again, you want to take your signature off?

GLENNA LANG: Yeah.

CONSTANTINE ALEXANDER: Does that mean you don't support the project or not? I'm just curious.

GLENNA LANG: I was pleasantly surprised to hear your view of maintaining this as a single-family. I had no idea that that was an option from what I heard.

This house was built in the 1890s and many people lived in it and it was a functional single-family. It's part of the neighborhood. It's part of the fabric of the neighborhood. If I had known that was an option, I wouldn't have supported it as it is. And since I thought we were -- there was no argument about the two family, then our concern was the parking and that the parking not violate the backyard open space common area of the neighborhood. So....

BRENDAN SULLIVAN: So in a perfect world your preference would be?

GLENN LANG: A single, absolutely. And I, I'm just -- I'm thrilled to come to the Board of Zoning Appeal and hear this said. So I greatly appreciate it.

CONSTANTINE ALEXANDER: Thank you for taking the time to come down.

THE STENOGRAPHER: We just need your name.

GLENN LANG: Glenna, G-l-e-n-n-a Lang, L-a-n-g and same address as Alexander, 43 Stearns Street, Cambridge.

CONSTANTINE ALEXANDER: I hope this isn't going to cause you problems with your fellow co-signer.

TIMOTHY HUGHES: They'll never speak to each other again.

JOHN DOLAN: I'm John Dolan, D-o-l-a-n, a direct abutter, and I live right behind, and my mother sent a letter.

CONSTANTINE ALEXANDER: I'm going to read the letter.

JOHN DOLAN: Her sentiments.
So....

CONSTANTINE ALEXANDER: If you're not going to add anything that's in the letter, I'll just read the letter.

JOHN DOLAN: Yeah, just the letter. Okay.

CONSTANTINE ALEXANDER: Thank you. Anyone else?

You live in the house with the --

JAMES MAHONEY: Right next-door.

CONSTANTINE ALEXANDER: With the converted store.

JAMES MAHONEY: James Mahoney, M-a-h-o-n-e-y.

CONSTANTINE ALEXANDER: You were here before us to got relief to do what you did?

JAMES MAHONEY: I was. And I'm happy that the Board allowed me to build my lovely house, and I've been living

there for four years now. I'm not impacted by the parking because it's on the other side of the house, but I am impacted by the addition because in the back of the house that I -- that used to be a store, which is now a house, there's a glass wall basically. So when I look out, I see the backyards.

Mahmood and I have talked. I've expressed my opinion on it. I have no problem with him building the addition in the back. I'm probably the one that's most effected visually by it. I don't have any problem with it at all. I support the project. As far as the parking, I can't speak to that because, again, it's on the other side. So whatever accommodation might get worked out in order for two, single-families to

live in that building, I support.

CONSTANTINE ALEXANDER: Thank you.
Thank you for coming down.

Anyone else?

(No Response.)

CONSTANTINE ALEXANDER: Apparently
no one else. We are in receipt of two
letters.

SLATER ANDERSON: You've got one
more.

CONSTANTINE ALEXANDER: Sorry, I
didn't see you.

Thank you.

DOUG YOFFI: Hi, my name is Doug
Yoffi and I own the three-family at
232-234 Walden Street. So the backyard I
abut, the property I have abuts along the
side where the addition would be right
now. And I've talked to --you know, I've

seen the plans. I think they're very attractive. I think it's actually enhancing the neighborhood. And I also agree that it probably will make two more affordable units than one unit which will end up being much, you know, a much higher price.

CONSTANTINE ALEXANDER: Thank you.

MAHMOOD FIROUZBAKHT: Thank you.

CONSTANTINE ALEXANDER: Anyone else?

(No Response.)

CONSTANTINE ALEXANDER: Going once? Going twice?

(No Response.)

CONSTANTINE ALEXANDER: Okay.

As I started to say, we are in receipt of some letters, just two. Yes. So I'll read them into the record.

We have a letter from Robert Frankenheim (phonetic) who resides at 51 Stearns Street. (Reading) I fully support Mr. Firouzbakht's revised plan. He was considerate enough to remove some second floor windows that would have imposed on our privacy and he has rearranged the parking scheme that some in the neighborhood has objected to. We appreciated those concessions very much. I have no objection to the proposed increase in mass. Almost all of the neighboring houses take up 75 percent of their lots. Mr. Firouzbakht's, like mine, covers only 50 percent.

And then we have a letter from -- or an e-mail from John and Hillary Hopkins, H-o-p-k-i-n-s, 30 Winslow Street. (Reading) Although we are not abutters to

the Walden Street property, we live in the neighborhood partly for its relatively tranquil and green aspects. We are delighted and very gratified to see that the plans for this property have been altered in order to maintain the backyard green space so precious in the city and so necessary for physical and mental health. And we congratulate and thank you.

The letter is addressed to
Mr. Firouzbakht.

Congratulate and thank you so much for this willingness to listen to the neighbors' concerns. This is very heartening and we wish the same had been true on our own street a few years ago.

And that's it.

Any final concluding remarks you

want to make?

MAHMOOD FIROUZBAKHT: I guess I would just -- a couple of things, you know, in terms of precedent that the Board would be setting by approving the conversion of a single-family to two units, I certainly appreciate that you don't want to set a negative precedent and you have other developers that will look at this case and come to the Board and ask you for the same. Certainly you have discretion to turn those folks down. But what I think is unique about this particular case is that you have neighbors who have lived in this lot for over 40 years who are very familiar with this property or familiar with, you know, the impact that this project would have, and they're supportive. And so to the extent

that you have other cases that come before you, that may not necessarily be the case, and I think there is a difference there because --

CONSTANTINE ALEXANDER: May be. There may be. If neighbors elsewhere if we have the precedent, will be there.

MAHMOOD FIROUZBAKHT: So I think that's -

CONSTANTINE ALEXANDER: Either way. I agree.

MAHMOOD FIROUZBAKHT: And, you know, the other, I guess, one of the benefits of what we're providing here, of what we're proposing to do, is we didn't talk much about the massing of this garage that's back here which we're proposing to remove, which as part of a single-family scheme may not necessarily be the case.

And that's, you know, when I look at this property and the impact of that garage which is, you know, it's got a gabled roof and it's, I don't know, I think probably 15 feet, maybe higher, that has a pretty substantial impact in terms of just the aesthetics of that backyard and its impact on the neighboring properties. So I don't know, so if --

CONSTANTINE ALEXANDER: Is it true, is it not, that if we turned this relief down and you go ahead and fix this -- renovate this place and make it a better, more desirable single-family, part of what you'll do is to deal with that garage. And you'll make something that's works best for the property and adds to the value of the property.

MAHMOOD FIROUZBAKHT: Right.

CONSTANTINE ALEXANDER: The fact that the garage is there doesn't mean it's going to be there forever more. Again, I'm not underwhelmed by that argument. I'm sorry.

MAHMOOD FIROUZBAKHT: Right.

In terms of the legal Zoning sort of standards, no, that certainly does not necessarily relate to that. But in terms of meeting the hardship standards, I mean, I think we can all acknowledge that meeting that hardship standard is incredibly difficult for any project not withstanding the circumstances. In fact, I would say very few projects that come before the Board that get approved, frankly, meet that hardship standard. So if the Board is in a position to look at the other factors involved and decide

whether it's an appropriate project otherwise because meeting that standard is close to impossible. And I'd say this is one of the other conditions where you're looking at that should be taken into consideration and making a ruling here.

MARK BOYES-WATSON: And financial. I mean, the hardship is financial or otherwise, right? So this case, the hardship, you --

CONSTANTINE ALEXANDER: Yes.

MARK BOYES-WATSON: -- that is imposed is the inability to exercise the right to make this a two-family, right? That's --

BRENDAN SULLIVAN: Well, no.

CONSTANTINE ALEXANDER: No.

BRENDAN SULLIVAN: Not under the law.

CONSTANTINE ALEXANDER: That's not right.

BRENDAN SULLIVAN: Not of a personal --

CONSTANTINE ALEXANDER: You keep switching the -- I remember the guy with the eggs -- you keep switching.

BRENDAN SULLIVAN: (Inaudible) financial hardship and what the courts have determined --

MARK BOYES-WATSON: Financial or otherwise. What's the or otherwise?

BRENDAN SULLIVAN: It would be that if you could as-of-right put an addition on to a house, but the soil, shape, or topography of that area was so difficult to build on, that the imposition of the Zoning Ordinance would create in the Court's opinion or whatever, a severe

financial hardship on you to have to remove ledge, fill in swamp, whatever it may be. Hence the Board in its discretion could allow to you move it away from that area. That's the financial. Not that it's going to hurt you in the pocketbook, pluses or minuses. And case law is --

MAHMOOD FIROUZBAKHT: You know, to be clear on that --

BRENDAN SULLIVAN: It's pretty clear.

MAHMOOD FIROUZBAKHT: Before we -- in determining whether this was an appropriate case to bring to the Board, really it was this -- the relief and the parking was Special Permit relief. And looking at the fact that the FAR that we're proposing is below what's permitted, and the fact that the addition itself is

conforming, made this seem like an appropriate case. That it's not an over ask. We strictly only need Special Permit relief with the parking and, therefore, that makes our conversion permitted. And then otherwise the only reason why we would be in front of the Board is the fact that we're exceeding the 25 percent rule. So looking at it from a reasonable person's standard, that seemed like a reasonable --

CONSTANTINE ALEXANDER:

Understood.

MAHMOOD FIROUZBAKHT: -- you know, position to take and bring to the Board. You know, given the fact that there is an incredible amount of pent-up demand for housing in our community, from a public policy perspective, which I understand is

not your purview, this makes sense. And then you've got all these neighbors that are supportive. Gees, this project sort of starts to make a little bit of sense, not withstanding the fact that we're asking for a Variance, which I understand is difficult to grant. But those are the factors that I would think that the Board would look at to determine whether this is an appropriate case to make that exception. And so we obviously made the determination that it was. So we went through that process and decided it --

CONSTANTINE ALEXANDER: And nobody's suggesting that you're slick people coming in here and trying to pull the wool over our eyes.

MAHMOOD FIROUZBAKHT: No, and I appreciate that.

CONSTANTINE ALEXANDER: It's a difference of opinion.

MAHMOOD FIROUZBAKHT: Yeah.

I think what complicated that application was the fact that we had neighbors who had differing opinions about, you know, the location of the parking in the back of the lot. And not withstanding the fact that there's a huge garage in the back there relative to the rest of the property. And so we went -- undertook the process of accommodating that concern. And, frankly, then providing for a nice big backyard which is a benefit. It's a benefit to the neighborhood, and is an improvement to that property which, you know, needs a fair amount of work. So that is a net benefit out of this, you know, basically

having non-conforming parking but then you have this beautiful open space in the back which other neighbors, you know, can also then benefit from. So I guess that was the balancing act in trying to determine whether this made sense, because obviously I'm very, very focussed on those elements before bringing a case before this Board. And so I didn't think that this was an over ask. Given, you know, all the other facts and circumstances.

So I guess, you know, here we are and I certainly don't want to get turned down on this case, but that's maybe -- what I think maybe we should do is -- I mean, is there any suggestions as to what we do given what we have before you and maybe what we could have before you that would be --

CONSTANTINE ALEXANDER: Well, I'm not going to give advisory opinions, but the fact of the matter is that you've got to demonstrate that you meet the requirements for a Variance to justify the addition of a second unit on this property. And all the arguments you make are -- don't address that issue. You talk about the parking. You talk about the neighborhood support. The fact of the matter is that's the issue. And you'll have to solve that if you can.

MAHMOOD FIROUZBAKHT: We did, but --

CONSTANTINE ALEXANDER: And let's not -- listen, I don't want to prolong this anymore tonight.

MAHMOOD FIROUZBAKHT: Well, let me just, let me say this. There is an option

of as Slater was saying, is there an option of putting two parking spaces where you get a curb cut? We have that option available to us. Obviously we have to preserve a curb cut. Will we get it? I don't know. But that would also mean then taking a historic home and slicing off a good chunk of it, you know, that's right, at the front of the lot which just --

BRENDAN SULLIVAN: Is it historic or just old?

MAHMOOD FIROUZBAKHT: It's old. But wasn't historic --

BRENDAN SULLIVAN: There is a difference.

MAHMOOD FIROUZBAKHT: What isn't historic in the eyes of, you know, those who care about those kinds of things. And that's -- that would be the ultimate

option.

JOHN DOLAN: My mother sent a letter in regards to this and also pictures of the property from our vantage point.

CONSTANTINE ALEXANDER: Could it be this?

Is your mother Frances Dolan?

JOHN DOLAN: Yes.

CONSTANTINE ALEXANDER: I'm sorry, it was handed to me right now. It was not in our file. Finish up your remarks.

MAHMOOD FIROUZBAKHT: I'm fine.

CONSTANTINE ALEXANDER: Okay. The Chair would report that we were just handed a letter which has a picture. It's from Yvonne Dolan. It's addressed to this Board. (Reading) My name is Yvonne Dolan and I am a direct neighbor to 236 Walden

Street. My property is directly behind 236 Walden Street at 47/49 Stearns Street. I wish to state my opposition to the currently proposed plan for 236 Walden Street. I have many issues with the proposal. The addition plans seem to be very aggressive and intrusive. I don't see the need for an addition of this measure. The current property is a good size for the land it occupies. Increasing the property to the extent proposed would create privacy issues and add a noise with increased residents. In addition, there will be diminished lighting. There is a good distance between the houses. This is very pleasing aesthetically and otherwise. Minor additions would welcome -- I think she -- would be welcomed, but the proposed plan is mover of an expansion

than an addition. Furthermore, I would ask that the Board not accept the plan to exceed the limits set and required by law. Unfortunately I have not had an opportunity to meet with Mr. Mahmood Firouzbakht. Thank you for hearing my viewpoint and I would greatly appreciate your consideration of my concerns when you take up this matter. And then she enclosed with the letter photographs, which is a view of 236 Walden Street rear from the backyard of 47/49 Sterns.

SLATER ANDERSON: Can I see the pictures?

CONSTANTINE ALEXANDER: Sure.

I'm sorry we interrupted your remarks.

MAHMOOD FIROUZBAKHT: I did try to reach out to this neighbor multiple times,

but unfortunately didn't have a chance to, you know, connect with her directly.

CONSTANTINE ALEXANDER: Any further discussion or ready for a vote?

MAHMOOD FIROUZBAKHT: Well, I would -- if there's further discussion then certainly discuss.

CONSTANTINE ALEXANDER: I'm talking about -- I'm closing public testimony. You've had your --

MAHMOOD FIROUZBAKHT: I understand absolutely.

CONSTANTINE ALEXANDER: We're just talking among the five of us here.

You were starting to suggest I think a continuance?

MAHMOOD FIROUZBAKHT: I'm curious to hear any additional thoughts on the Board, because it would be helpful to have

some, I guess, some direction as to -- I mean, in terms of trying to do the right thing by this project, you know, we've already gone through multiple iterations with several neighbors and so this has been a pretty extensive process here. So I think -- and I'm certainly fine continuing that process to come up with, you know, an appropriate project here, but I guess I would, it would be helpful to hear any other thoughts that would guide, you know.

CONSTANTINE ALEXANDER: If Board Members may or may not give you comments. I told you mine.

TIMOTHY HUGHES: Yes, I mean I will comment.

I like the project, but that's irrelevant to the process here because I

see at least two negative votes on the Board.

One of them is -- has been basing his because you can't come up with a hardship. Now, if you were to scale this back to the 25 percent that you were allowed, you would be in -- you would be looking for two Special Permits and you wouldn't have to have -- you wouldn't have to make a case for hardship. That doesn't necessarily mean that you would still get, you would get four votes out of the Board, but you're not going to get four votes out of this Board as long as you can't, you know, come up with a hardship. So that's what I see is happening here. And that's, you know, I don't know if that's helpful.

SLATER ANDERSON: Correct me if I'm wrong, so you're at 41 percent. Does

that seem accurate?

MARK BOYES-WATSON: Above the --

SLATER ANDERSON: No, of exceeding over the 25. Is that right? 41 percent.

MARK BOYES-WATSON: We've got a 775 extension.

SLATER ANDERSON: Yes, 775. Yes.

TIMOTHY HUGHES: You have to cut about 300 square feet out of it.

MARK BOYES-WATSON: If you were at the 25 percent standard, we have to cut out 300 square foot.

CONSTANTINE ALEXANDER: The other alternative is, as I said before and I'll say it again, keep it as a single-family home. Fix it up. Do what you want with the garage. Maybe make it a more attractive backyard. There's your other solution. I mean, you're hell bent on

having a two-family house and the resistance you're getting -- and I know why. And the resistance you're getting from the Board is what you've got.

Anyway, ready for a vote?

Tim, ready?

MAHMOOD FIROUZBAKHT: I think I would prefer to continue if that's okay with the Chair.

CONSTANTINE ALEXANDER: Okay. We'll continue this case for one continuance only. So, because we're -- and this doesn't necessarily involve your property. We've been getting stuck with more and more continuances and our agenda gets really cluttered.

MAHMOOD FIROUZBAKHT: But then it's an opportunity for us to see you again, you know.

TIMOTHY HUGHES: Quality time.

MAHMOOD FIROUZBAKHT: It is quality time. There's a little bit more quality time than I anticipated. But what the heck.

CONSTANTINE ALEXANDER: Are you requesting a Variance?

MAHMOOD FIROUZBAKHT: Yes, I am, but it doesn't look like I'm going to get it. I'm going to go back to the drawing board.

CONSTANTINE ALEXANDER: As always, as a matter of courtesy we've granted a continuance.

MAHMOOD FIROUZBAKHT: I certainly take the Board's position and views, you know, and I respect what I've heard tonight. So I certainly am -- going back to the drawing board we will take those

into serious consideration.

What I would ask is in terms of the continuance date, I mean given this -- the delay to get to this point here, that we get a date that's maybe a little bit closer in time because we've already lost, you know --

CONSTANTINE ALEXANDER: The first available date would be August 13th.

MARIA PACHECO: For a continuance? You can do July 16th.

CONSTANTINE ALEXANDER: July 16th? I'm sorry. I thought we were -- I misunderstood.

You going to be prepared to come back on July 16th? And the five of us have to be here on July 16th, too.

MAHMOOD FIROUZBAKHT: Yeah. I would be prepared to come back the next,

you know, the next Board hearing.

CONSTANTINE ALEXANDER: You're going to have to I presume come back with revised plans.

MAHMOOD FIROUZBAKHT: Yeah, he's good.

SLATER ANDERSON: I'm not around July 16th.

CONSTANTINE ALEXANDER: Okay. July 16th is out unless you want to go with four members.

MAHMOOD FIROUZBAKHT: No, I don't want to do that.

CONSTANTINE ALEXANDER: I wouldn't think so.

Then the next one after that, Maria?

MARIA PACHECO: 30th.

TIMOTHY HUGHES: 30th.

SLATER ANDERSON: Can I make two

observations before we move on here?

MAHMOOD FIROUZBAKHT: Yes.

TIMOTHY HUGHES: Yes.

SLATER ANDERSON: Meet with the neighbor behind you. And I totally respect that you've made a really I think good effort to meet with everybody. I am really on the fence with that thing. That letter sort of tilts me against it a bit. I think you need to address the neighbor behind you, however that's resolved.

I'd like to see just a simple sketch, you don't need to go crazy, show me a two -- a by-right two-family for the property, assume it's vacant. Just to see what that -- if you want. You don't have to. I'm just -- want to see what that might look like.

CONSTANTINE ALEXANDER: I'm going

to interrupt you, Slater. If they do that and you like -- we like what you see, they won't have sufficient plans for us to approve.

SLATER ANDERSON: I'm not asking --

CONSTANTINE ALEXANDER: We have to have a hearing after that.

SLATER ANDERSON: Well, I'm not asking for -- I'm just, for comparison purposes. Not suggesting that's what you submit.

CONSTANTINE ALEXANDER: It would have to be sufficient to -- if we were to grant it --

SLATER ANDERSON: Like I said, it's really on the fence there in my opinion.

CONSTANTINE ALEXANDER: So July

30th is everybody available?

MAHMOOD FIROUZBAKHT: So, okay,
that's fine.

MARIA PACHECO: Go ahead.

CONSTANTINE ALEXANDER: It works
for us?

MARIA PACHECO: It works for us.

CONSTANTINE ALEXANDER: Okay. The
Chair will make the following motion:

That this case be continued as a
case heard until seven p.m. on July 30th.

By the way, can the neighbors -- is
that a bad day for those who took the time
for this -- to come down?

UNIDENTIFIED AUDIENCE MEMBER: I
can't make it July 30th.

CONSTANTINE ALEXANDER: I'm sorry?

UNIDENTIFIED AUDIENCE MEMBER: I
cannot make it July 30th.

CONSTANTINE ALEXANDER: Okay. You didn't choose to speak.

UNIDENTIFIED AUDIENCE MEMBER: I could speak but I --

CONSTANTINE ALEXANDER: If you just express your views in writing before July 30th.

UNIDENTIFIED AUDIENCE MEMBER: I will.

CONSTANTINE ALEXANDER: I don't want to push it back even further just --

UNIDENTIFIED AUDIENCE MEMBER: No, no, I will. I'm going to write a letter. I'm actually -- concur with Glenna Lang's.

CONSTANTINE ALEXANDER: Okay.

And you have your hard sort of up. Up or down?

ALEXANDER von HOFFMAN: I just had a question. I can make it July 30th. If

it's continued and there's a revised plan, then that becomes the subject of --

CONSTANTINE ALEXANDER: Well, you'll hear -- in a second I'll come to that.

Any revised plans would have to be in our files, our being the Inspectional Services Department, no later than five p.m. on the Monday before July 30th. So you, any other citizen, after five p.m. can go down to city -- to Inspectional Services and see the new plans if there are new plans.

ALEXANDER von HOFFMAN: Thank you.

MAHMOOD FIROUZBAKHT: And certainly as part of the process, I mean, I'll be reaching out to folks to share the new plans.

CONSTANTINE ALEXANDER: Okay, back

to the motion.

The Chair moves that this case be continued as a case heard until seven p.m. on July 30th subject to the following conditions:

That you sign a waiver for a time of decision. That's No. 1.

No. 2, that the posting sign be modified to reflect the new date and the new time and it be maintained, unlike the old one, for the 14 days required by our Ordinance.

And, to your point, any revised plans or revised dimensional form must be in our files no later than five p.m. on the Monday before July 30th. And by that, those files are open to the public when the office is open. So you can -- and I'm sure that Mr. Firouzbakht is going to

share with you anyway. But if he doesn't, you can always come down to Inspectional Services and see what he's proposing.

All those in favor of continuing the case on this basis, say "Aye."

(Aye.)

CONSTANTINE ALEXANDER: Five in favor. Case continued.

(Alexander, Hughes, Sullivan, Scott, Anderson.)

MAHMOOD FIROUZBAKHT: Thank you.

CONSTANTINE ALEXANDER: We going to continue your other one?

MAHMOOD FIROUZBAKHT: That's a good question. You have to I think because we haven't --

CONSTANTINE ALEXANDER: It's not clear you comply with the posting requirement because one sign --

MAHMOOD FIROUZBAKHT: No, no, no.
I'm trying to -- I guess we can -- I'm
trying to determine whether I should
withdraw it or continue it.

CONSTANTINE ALEXANDER: That's up
to you.

MAHMOOD FIROUZBAKHT: Yeah.

TIMOTHY HUGHES: I don't remember
the difference between the two.

MARK BOYES-WATSON: It's just the
parking, parking configuration.

MAHMOOD FIROUZBAKHT: Let's go
ahead and withdraw it.

CONSTANTINE ALEXANDER: Okay.

MAHMOOD FIROUZBAKHT: That would
make Maria happy.

CONSTANTINE ALEXANDER: Okay, yes.

MAHMOOD FIROUZBAKHT: Whatever I
can do to make Maria happy.

CONSTANTINE ALEXANDER: Let me
call the case first.

* * * * *

(8:35 p.m.)

(Sitting Members Case #BZA-006530-2015:
Constantine Alexander, Timothy Hughes,
Brendan Sullivan, Thomas Scott, Slater W.
Anderson.)

CONSTANTINE ALEXANDER: The Chair
call case No. 003560, 236 Walden Street.

Would you like to be heard on this
matter?

MAHMOOD FIROUZBAKHT: I would.

CONSTANTINE ALEXANDER: Do I hear
a request to withdraw your petition?

MAHMOOD FIROUZBAKHT: Yes, you do.

CONSTANTINE ALEXANDER: The Chair
moves that we accept a request to
withdrawal the petition.

All those in favor say "Aye."

(Aye.)

CONSTANTINE ALEXANDER: Five in
favor.

(Alexander, Hughes, Sullivan,
Scott, Anderson.)

CONSTANTINE ALEXANDER: Case
withdrawn. See you July 30th.

* * * * *

(8:35 p.m.)

(Sitting Members Case #BZA-006782-2015:
Constantine Alexander, Timothy Hughes,
Brendan Sullivan, Thomas Scott, Slater W.
Anderson.)

CONSTANTINE ALEXANDER: The Chair
will call case No. 006782, 8 Clifton
Street.

Is there anyone here wishing to be

heard on this matter?

TOM DOWNER: Tom Downer,
architect. D-o-w-n-e-r, 13 Regent Street,
Cambridge. And this is....

A.C. GOLDBERG: I'm A.C. Goldberg.
I go by A.C. Goldberg. I'm the homeowner
of 8 Clifton Street.

BRENDAN SULLIVAN: Mr. Chairman,
before we get too far into this, if I
could see the dimensional form there for a
second?

CONSTANTINE ALEXANDER: I'll give
you the whole file.

BRENDAN SULLIVAN: There was on
the dimensional form a place for the open
space. Under existing condition there's a
zero there. Under the requested is 0.43
and the Ordinance requires 0.4. You're
filling in an awful lot of the backyard,

and I would sort of like that number to be identified. I think it's, to me it's germane.

CONSTANTINE ALEXANDER: Yes, it definitely is.

TOM DOWNER: The number I thought was 0.4 for required?

BRENDAN SULLIVAN: No, no. What's the existing?

TOM DOWNER: Well, the existing has currently got a lot of paving on it.

BRENDAN SULLIVAN: Well, I need a number, not a reason.

TOM DOWNER: There was nothing that met the dimensional requirements that had to be, had to be 15 feet in both directions is my understanding of the open space. In order to be counted as open space, there had to be 15 feet in both

directions.

BRENDAN SULLIVAN: Minimally.

TOM DOWNER: Minimally, yeah. And it didn't -- we didn't have that. So I used the number zero because we didn't meet any, any requirement for open space.

BRENDAN SULLIVAN: Did you run that by Mr. O'Grady at all before you.... just that when we see a zero --

TOM DOWNER: There's currently a shed building there, and most of the rest of that space is paved. And my understanding was that -- and, again, with the dimensions, there was no area that was 15 feet and both --

BRENDAN SULLIVAN: So there was not -- there was none.

TOM DOWNER: Yeah.

BRENDAN SULLIVAN: So that's the

reason for the zero?

TOM DOWNER: Yeah.

BRENDAN SULLIVAN: All right. I guess.

TOM DOWNER: Now we're taking out the shed and removing some of the paving we have more open space and we have more permeable open space.

BRENDAN SULLIVAN: Okay.

CONSTANTINE ALEXANDER: Okay.

BRENDAN SULLIVAN: All right.

CONSTANTINE ALEXANDER: The floor is yours.

TOM DOWNER: Okay. My clients have a very small house on a very small lot, 1700 square feet. They have essentially four rooms in the house; kitchen, the common room on the first floor, two bedrooms on the second floor,

one of which is minimal size.

They have a small child who is two-and-a-half and they have another child on the way. And so they like staying where they are. They would like to make the house usable for their family.

The -- we propose to add a two-story addition in the back to provide a dining space on the first floor with the potential of a future half bath on the first floor. And to also provide the second means of egress from the house, because clearly there's only one means of egress on the house, and to add a second bedroom or a third bedroom on the second floor in order to have room for the two children and the couple.

And the lot is, you know, non-conforming and the house is

non-conforming and pretty much every aspect because it's such a tight little lot. The addition that we came up with is to keep it in the rear yard, keep it at least seven and a half feet away from the side yard, even though the existing house is closer to that, but it did mean going into the rear yard setback. So --

CONSTANTINE ALEXANDER: Yes, you're right now 21 -- you're supposed to be 25 feet. You're right now 21 feet, seven inches. And you're going to go to eight feet -- 8.4 feet to the rear lot line. So you're going to get much closer than you are right now.

TOM DOWNER: Yeah.

CONSTANTINE ALEXANDER: And, so we get the numbers -- and not saying the numbers drive everything, but we need it

for the record. Your FAR is supposed to be 0.5. You're currently at 0.53, so as small as your house is, it's still slightly non-conforming, but you would go to 0.77. So about 50 percent over the allowable.

TOM DOWNER: We're working with a very small lot.

CONSTANTINE ALEXANDER: It's true.

TOM DOWNER: That's sort of -- in order to do anything there, it's going to require --

CONSTANTINE ALEXANDER: You need additional space to -- for, for a growing family, bottom line.

A.C. GOLDBERG: We love our neighborhood. We really want to stay where we are.

CONSTANTINE ALEXANDER: I didn't

see any letters in the file from neighbors one way or another.

A.C. GOLDBERG: We have full support from all of our abutters. We spoke to them.

CONSTANTINE ALEXANDER: It's your testimony under oath that they are in support?

A.C. GOLDBERG: Absolutely, yes.

CONSTANTINE ALEXANDER: I just want to make sure you know what you're saying.

SLATER ANDERSON: What's the proposed overall square footage to the area.

TOM DOWNER: We occur, existing conditions is 911 square feet. Requested conditions is 1309 square feet.

CONSTANTINE ALEXANDER: They're

going to basically increase the size of the house by 50 percent.

SLATER ANDERSON: But it's only 1300 square feet.

CONSTANTINE ALEXANDER: But it's still a tiny house.

A.C. GOLDBERG: It's a really small house.

CONSTANTINE ALEXANDER: The size of an apartment.

TOM DOWNER: And even with the addition it's going to be a smaller structure than the other houses in the neighborhood. It's not by any stretch of the imagination --

TIMOTHY HUGHES: It's going to go from smaller than my house to bigger than my house.

TOM DOWNER: This is the

first -- this is the smallest house I've worked on in Cambridge.

CONSTANTINE ALEXANDER: Only work on Brattle Street is that what you're telling us?

TOM DOWNER: No, not at all.

You know, materials are basically the same as the existing. It's a very tight budget. You know, not even going to put in a basement. We're going to, you know, put in a crawl space. And I looked at a lot, all the options of this, and I mean the house literally is on the sidewalk in the front. It's three feet on one side of the yard and, you know, a driveway on the other side, and the only place to go anywhere is to go to the rear.

CONSTANTINE ALEXANDER: Okay.

Questions from Members of the Board?

(No Response.)

CONSTANTINE ALEXANDER: I'll open the matter up to public testimony.

Is there anyone here wishing to be heard on this matter?

(No Response.)

CONSTANTINE ALEXANDER: The Chair notes that there is no one wishing to be heard.

As I've reported, we don't seem to have any letters in the files pro or con from neighbors or interested citizens. We have your representation or your representation that you have spoken to your neighbors and they are in support of what you want to do?

A.C. GOLDBERG: Yes.

CONSTANTINE ALEXANDER: Did you show them the plans?

A.C. GOLDBERG: I did actually.

CONSTANTINE ALEXANDER: Good.

A.C. GOLDBERG: They all wanted to see them.

CONSTANTINE ALEXANDER: Okay. I will close public testimony then. And I'll let Tom take a look at the plans and then we'll discuss the case.

BRENDAN SULLIVAN: Well, while there's a pause, I think it's a big ask. That, you know, I understand your circumstances, obviously you're changing. But a 50 percent increase -- it's a very small house, I went by there. There are a lot of very small houses in that area, and you know, I'm not sure that --you know, it's a starter house and you're probably outgrowing that starter house. And that if other people's circumstances change,

and we hear that all the time on Thursday nights, that we need more room or we need more room because our circumstance are changing, if we were to again to allow everybody to change to their circumstances and change the houses to their circumstances, then I think the book doesn't mean anything and nor does the Zoning Code. So I think what you're asking is for us to set aside the Zoning Code, you know, to accommodate individual circumstances which I think really exceeds the norm here.

Anyhow, I think it's a -- you know, you're just outgrowing that house. So that's --

CONSTANTINE ALEXANDER: Well, this is a dilemma. I support what Brendan says in concept. This is a dilemma that we

hear all the time on this Board. People buy small homes and family -- the families grow and they need more space, and come to us for Zoning relief. And on one hand we're sympathetic to keeping people who are citizens of the city in the city, at least I am. And particularly in the same neighborhood. The other side of the coin is, and we had a member of the Board who is no longer a member of the Board, moved out of town, by granting relief we're making the properties more valuable and we're losing a lot of starter homes in Cambridge. It goes back to the debate that we had on Walden Street, you know, that single-families are so ridiculous in Cambridge if you want to own a house in Cambridge. And that's the balance we have to strike on every case.

I for one, given the really small size of the house, given the fact that it's in an area of small homes, it's not going to overwhelm the addition with -- overwhelm the neighboring properties. And I think it's a legitimate reason that you clearly can't have two kids in that property. And that's size. So either you have to move which you may be able to do -- may not be able to afford to do and stay in Cambridge or we grant you relief.

A.C. GOLDBERG: We love our neighborhood so much.

CONSTANTINE ALEXANDER: I'm sorry?

A.C. GOLDBERG: We love our neighborhood so much. We can't imagine living anywhere else.

CONSTANTINE ALEXANDER: Anyway,

I'll close public testimony.

Any comments from members of the Board?

TIMOTHY HUGHES: I mean I'm sympathetic. I live in a small house on a small lot.

THOMAS SCOTT: So is the hardship the lot? The size of the --

CONSTANTINE ALEXANDER: The hardship being the inadequate living space in the structure. It's directly related to the structure that they're going to add to. And the -- and it's owing to basically the shape of the structure now. It's a non-conforming structure to start with and any relief -- any modification requires Zoning relief.

And the third element is that we grant relief without substantial detriment

to the public good or nullify or substantially derogating from the intent and purpose of the Ordinance. In this regard it would allow citizens of the city to remain citizens. It is a project that has little -- from all appearances, little neighborhood impact. It has the support of the neighborhood. So those would be the reasons why if you wanted to support relief. When I make the motion, that's what I'll get to.

The other side of the coin is as Brendan just pointed out very correctly so, that it is a big ask relative to the numbers and it's pretty much that's it. It's a big departure from what our Ordinance requires.

Anyway, does that answer your question?

THOMAS SCOTT: Yes.

CONSTANTINE ALEXANDER: Ready for a vote?

TIMOTHY HUGHES: Yes.

CONSTANTINE ALEXANDER: Okay, the Chair moves that with -- we make the following findings with regard to the Variance being sought.

Before I start, if we do approve, we'll tie the relief to these plans. These are the final plans? Because if you modify them, you'll have to come back.

TOM DOWNER: There will be construction documents based on those.

CONSTANTINE ALEXANDER: Okay, yes, understood. But it's not like you're going to -- as far as you know?

TOM DOWNER: No, we understand.

CONSTANTINE ALEXANDER: Because if

not, you have to come back assuming we grant you relief tonight.

Okay, the Chair moves that we make the following findings with regard to the Variance being sought:

That a literal enforcement of the provisions of the Ordinance would involve a substantial hardship to the petitioner. Such hardship being that the petitioner has occupied this structure for how long --

A.C. GOLDBERG: Eight years.

CONSTANTINE ALEXANDER: -- eight years needs additional living space because of a growing family.

That the hardship is owing to the fact that this is an existing non-conforming structure. Therefore any modification requires Zoning relief.

And that relief may be granted without substantial detriment to the public good or nullifying or substantially derogating from the intent and purpose of the Ordinance.

In this regard the Chair would note that the relief being sought in terms of numbers is substantial. Departure from what our Ordinance requires. But on the other hand, it is not overwhelming to the lot or the structure, the current structure.

That it has neighborhood support.

And that it will allow citizens of the city to remain a citizen in the neighborhood that she wishes to be -- to live in.

So, based on these findings the Chair moves that we grant the Variance

being sought on the condition that the work proceed in accordance with the plans prepared by Downer and Associates. They are dated April 10, 2015. They are numbered A1, A2, A3, A4, A5, A6, A7, and A8. Each page of which has been initialled by the Chair.

All those in favor of granting the Variance on this basis, please say "Aye."

(Aye.)

CONSTANTINE ALEXANDER: Four in favor.

(Alexander, Hughes, Scott, Anderson.)

CONSTANTINE ALEXANDER: Opposed?

(Sullivan Raising Hand.)

CONSTANTINE ALEXANDER: One opposed. Motion carries.

A.C. GOLDBERG: Thank you very

much.

* * * * *

(8:50 p.m.)

(Sitting Members #BZA-006800-2015:

Constantine Alexander, Timothy Hughes,
Brendan Sullivan, Thomas Scott, Slater W.
Anderson.)

CONSTANTINE ALEXANDER: The Chair
will call case No. 006805, 18-3 Bay
Street.

Is there anyone here wishing to be
heard on this --

MARIA PACHECO: You missed one.

CONSTANTINE ALEXANDER: My
mistake.

The chair will call case No. 006800,
20-22 Churchill Avenue.

Is there anyone here wishing to be
heard on this matter?

JEAN HERMANN: My name is Jean
Hermann.

CONSTANTINE ALEXANDER: You'll need to speak up.

JEAN HERMANN: My name is Jean Hermann.

CONSTANTINE ALEXANDER: Excuse me, if there's anyone here who is interested in this petition and probably can't hear where you're sitting, please come forward so you can hear.

JEAN HERMANN: So I'm here to -- we're asking for a granting of a Special Permit to make an addition on to a non-conforming house.

The non-conforming is due to it being too close to the front lot line and too close to one side. The addition that's being proposed is one that's within the -- meets every other Zoning. It meets all the Zoning requirements. The house is

existing. It's a two-family house. It will remain a two-family house.

CONSTANTINE ALEXANDER: What will be the addition? Why are you building the addition? For what purpose?

JEAN HERMANN: We're building the addition to make it more comfortable for a modern family. The kitchen --

CONSTANTINE ALEXANDER: This is the plans. You're going to push the wall back on the kitchen?

JEAN HERMANN: The kitchen wall will be increased. There is currently one bathroom in the house. It will allow us to put additional bathrooms and the existing stairs remain in the house. And it will be difficult for a family to use, use it with one bathroom and just keep stairs. And, you know, if somebody came

to visit that had difficulty with the stairs, we're putting in a powder room on the first floor and a bathroom on the third floor.

There's a dormer being added to the third floor that meets the criteria, the guidelines of the dormer.

CONSTANTINE ALEXANDER: From your perspective, from a Zoning perspective is that you only need a Special Permit.

JEAN HERMANN: Only need a Special Permit.

CONSTANTINE ALEXANDER: Which under our Ordinance which is much easier to obtain.

JEAN HERMANN: Yes.

CONSTANTINE ALEXANDER: And it's almost a presumption that you should be granted the relief unless we find, make

certain findings that say you shouldn't -- you're not going to get it.

JEAN HERMANN: Yes.

CONSTANTINE ALEXANDER: I'm just trying to --

JEAN HERMANN: Well, we worked hard to try to get the pieces in there to meet all the Zoning criteria.

CONSTANTINE ALEXANDER: I have trouble, and that's just me, with these plans. They're not as clear. I mean, they're -- too much in one plan. It would be nicer if we had -- we usually get --

JEAN HERMANN: They're construction documents. They're the construction documents. And I also noticed that one of them the scale is wrong on one of them, but it's the dimensions are all correct.

CONSTANTINE ALEXANDER: As you may have heard me say to a prior petitioner, if we grant relief, it's going to be tied to these plans. If these are construction plans and they're going to get modified, you're going to have to come back and see us.

JEAN HERMANN: They're not going to be modified.

CONSTANTINE ALEXANDER: Okay.
You're sure?

JEAN HERMANN: Absolutely.

CONSTANTINE ALEXANDER: You want to see them?

THOMAS SCOTT: Yes.

So the scale that's wrong, you can actually change that here and initial the change if you want.

JEAN HERMANN: Okay.

THOMAS SCOTT: Just so that it's correct for the record.

JEAN HERMANN: Okay. I'm not -- it's a --

CONSTANTINE ALEXANDER: She's not going to be able to do that.

JEAN HERMANN: I'm not sure what the scale is.

THOMAS SCOTT: Oh, all right.

JEAN HERMANN: I just noticed that it's larger than it should be. It's like -- I'm not a native to Autocad.

SLATER ANDERSON: The dimensions on the plan --

JEAN HERMANN: The dimensions are correct.

SLATER ANDERSON: -- are correct.

CONSTANTINE ALEXANDER: And you're pushing this wall --

THOMAS SCOTT: This wall.

CONSTANTINE ALEXANDER: -- right here on the back.

JEAN HERMANN: Correct.

CONSTANTINE ALEXANDER: And what was the other relief? The other thing you were going to do? Not relief, but --

JEAN HERMANN: We increased the floor plan eight foot, ten inches.

CONSTANTINE ALEXANDER: In the kitchen?

JEAN HERMANN: In the kitchen, across the back. We're adding a bathroom on the second floor.

CONSTANTINE ALEXANDER: That's not part of the relief you're seeking? I mean you can do that as a matter of right.

JEAN HERMANN: No, the relief is only because it's --

BRENDAN SULLIVAN: More than 10
less than 25 percent?

JEAN HERMANN: Right.

SLATER ANDERSON: Twenty percent.
Between 10 and 25.

JEAN HERMANN: Right. Between
10 -- yes, we're between -- yes.

CONSTANTINE ALEXANDER: Okay.

THOMAS SCOTT: Okay.

JEAN HERMANN: Thank you.

CONSTANTINE ALEXANDER: Anything
more you want to add before I open it up
to public testimony?

JEAN HERMANN: We've -- the owners
have talked with the neighbors, and I
believe there's one letter of support in
the file from the next-door neighbor. And
the neighbors across the street are also
in support, although I don't believe

they -- they declined to write a letter,
but they are in support.

CONSTANTINE ALEXANDER: I'll open
the matter up to public testimony.

Is there anyone here wishing to be
heard on this matter?

(No Response.)

CONSTANTINE ALEXANDER: Apparently
not.

We are in receipt of a letter, an
e-mail addressed to this Board from Gwen
Speeth, S-p-e-e-t-h. (Reading) I am
writing at the request of the owners of
the neighboring house of -- Ms. Speeth
resides at 16 Churchill Avenue. I am
writing at the request of the owners of
the neighboring house at 20-22 Churchill
Ave. in Cambridge. They have taken time
to share their plans with their neighbors,

and are making efforts to minimize disturbances caused by their renovation of their property. Their plans seem reasonable, and given that they intend to retain most of the existing trees, which provide privacy, shade, and aesthetic benefit, and to respect the 40 percent green space Zoning requirements that we in this area of North Cambridge value, I am grateful that they are developing their house in a way that will be an improvement without being ostentatious or inappropriate for the neighborhood. I support their plans as they have been presented to me.

And those are the plans you presented to us.

JEAN HERMANN: Uh-huh, yes.

CONSTANTINE ALEXANDER: These?

And that's all for public testimony.

Anything else you want to add? Any final comments?

JEAN HERMANN: The only thing I would ask about is if the owners are looking at the exterior trims and so forth and that, you don't care about that, the trim changes?

CONSTANTINE ALEXANDER: No.

JEAN HERMANN: Okay. Everything else --

CONSTANTINE ALEXANDER: I wish Sean O'Grady were here, he would give you the definitive answer, but I don't believe so. Agree, Brendan?

BRENDAN SULLIVAN: It's basically the envelope and placement of windows, if those are changing --

JEAN HERMANN: That's not

changing.

BRENDAN SULLIVAN: -- that's all we care about.

CONSTANTINE ALEXANDER: Yes.

BRENDAN SULLIVAN: How you decorate the outside --

JEAN HERMANN: Basically it's decoration.

BRENDAN SULLIVAN: Yes, that does not affect Zoning.

JEAN HERMANN: No. Just wanted to make sure. Really didn't want to come back again if I didn't have to. Although it's been charming.

CONSTANTINE ALEXANDER: Yes, I'm sure.

SLATER ANDERSON: It's not over yet.

JEAN HERMANN: I know. I'm on the

edge of my seat.

CONSTANTINE ALEXANDER: Okay,
ready for a motion?

The Chair moves that with respect to the Special Permit being sought, that the requirements of the Ordinance cannot be met without the Special Permit.

That traffic generated or patterns of access or egress resulting from the project will not cause congestion, hazard, or substantial change in established neighborhood character.

That the continued operation of or development of adjacent uses as permitted in the Zoning Ordinance will not be adversely affected by what is being proposed.

That no nuisance or hazard will be created to the detriment of the health,

safety, and/or welfare of the occupant of the proposed use or the citizens of the city.

And that what is being proposed will not impair the integrity of the district or adjoining district or otherwise derogate from the intent and purpose of the Ordinance.

In this regard, the Chair would note that the relief being sought is modest in nature that apparently has the support of the neighbors most directly affected by the project.

So on the basis of these findings the Chair moves that we grant the Special Permit requested on the condition that the work proceed in accordance with plans prepared by Carr, Lynch, and Sandell, S-a-n-d-e-l-l, Inc. I'm looking for a

date. I don't see a date. Anyway,
they're numbered three page: A1.1, A1.2,
A2.1. All each of which has been
initialled by the Chair.

All of those in favor please say
"Aye."

(Aye.)

CONSTANTINE ALEXANDER: Five in
favor.

(Alexander, Hughes, Sullivan,
Scott, Anderson.)

JEAN HERMANN: Thank you very
much.

* * * * *

(9:00 p.m.)

(Sitting Members Case #BZA-006805-2015:

Constantine Alexander, Timothy Hughes, Brendan Sullivan, Thomas Scott, Slater W. Anderson.)

CONSTANTINE ALEXANDER: Okay, at this time, correctly, the Chair will call case No. 006805, 18-3 Bay Street.

Is there anyone here wishing to be heard on this matter?

ATTORNEY SARAH LIKE RHATIGAN: I'm Sarah Rhatigan from Trilogy Law representation the petitioner. This is Cynthia Vallance and David Vallance and we're sorry that their architect could not be here, he had another hearing I think out of state. But we are here today on a Variance petition.

CONSTANTINE ALEXANDER: You always have the option to continue.

ATTORNEY SARAH LIKE RHATIGAN: We

did, we discussed this, and in fact we have, to assist us to the extent that there are any design questions, they actually are lucky enough to have a neighbor who is not only an architect but also has actually put a lot of time into some revisions to these plans. So she's in the audience to the extent that there are any questions.

CONSTANTINE ALEXANDER: I just wanted to read you your rights.

ATTORNEY SARAH LIKE RHATIGAN: We did discuss it. For reasons that would be obvious, this is the prototypical growing family. The clock is ticking.

CONSTANTINE ALEXANDER: Yes, but not the prototypical structure.

ATTORNEY SARAH LIKE RHATIGAN: Not the prototypical structure, exactly.

BRENDAN SULLIVAN: Not to, interrupt Sarah, but maybe I will.

ATTORNEY SARAH LIKE RHATIGAN:
Yeah.

BRENDAN SULLIVAN: There are some letters in the file in quite strenuous opposition to this.

UNIDENTIFIED AUDIENCE MEMBER:
Could you speak up, please, I just can't hear well.

BRENDAN SULLIVAN: I'm saying there are letters in the file with strenuous opposition to this, and I don't know if there's room for discussion, not -- I guess what I hate to do is spend another hour going through this and then asking for a continuation.

ATTORNEY SARAH LIKE RHATIGAN: I appreciate that because we actually --

BRENDAN SULLIVAN: Because I really would not look very kindly on a continuation knowing the fact that either more discussion is would be fruitful, it's necessary, or what. So I just --

ATTORNEY SARAH LIKE RHATIGAN:
Okay.

BRENDAN SULLIVAN: I'm laying it at your feet.

ATTORNEY SARAH LIKE RHATIGAN: I appreciate you letting us know that. We actually had no idea there was opposition to the filing. And I contacted Ms. Pacheco on Monday expecting that if anybody did have opposition, that we'd have heard. And there was nothing in the file. And we actually did not hear from our neighbors at all. So I understand just like literally, you know, about a

half an hour ago my client said oh, by the way, we just learned that two of our neighbors are here and apparently are here in opposition.

CONSTANTINE ALEXANDER: All the reason to continue the case.

ATTORNEY SARAH LIKE RHATIGAN:
well --

BRENDAN SULLIVAN: Or, or if you -- or if you would like to spend another half an hour reviewing that, if -- I don't know if the person is here, having discussion possibly come back and say we need further discussion or no, let us continue. In other words, rather than you making a --

ATTORNEY SARAH LIKE RHATIGAN: We do not want to use the time of the Board.

BRENDAN SULLIVAN: Well, we can go

on to another case.

ATTORNEY SARAH LIKE RHATIGAN: We don't want to abuse the time of the Board is what I'm trying to say. So I guess, I have to be honest with you. I mean, we should discuss, but we're a little uncomfortable just with the nature of the way that this has happened. So one of the opposing neighbors is our immediate neighbor who they've had very friendly discussions over a period of weeks about this. And the last discussion was, yeah, I walked over and I saw where this is going to be. Sort of no comment. So I don't know how fruitful our discussion's going to be.

The other neighbor who is in opposition doesn't live here. They've never met or never seen her. We can

respond to what we think her concerns might be, I guess --

BRENDAN SULLIVAN: Well, would it be helpful if you huddled and then came back.

CONSTANTINE ALEXANDER: We'll take another case and come back. Have you seen the letter?

ATTORNEY SARAH LIKE RHATIGAN: I haven't seen the letters, no.

Is this a duplicate copy?

CONSTANTINE ALEXANDER: I think so. Just to be safe --

ATTORNEY SARAH LIKE RHATIGAN: We'll read it and then bring it back.

SLATER ANDERSON: Are we into a case heard at this point or not?

CONSTANTINE ALEXANDER: No.

ATTORNEY SARAH LIKE RHATIGAN:

Thank you.

DAVID VALLANCE: Is there only one or multiple letters?

CONSTANTINE ALEXANDER: There's another one, but I think it's identical. I want to keep it in our file.

DAVID VALLANCE: Two in favor, one in opposition?

ATTORNEY SARAH LIKE RHATIGAN: The one in opposition. The two in favor we were aware. Thank you very much. You didn't hear us.

UNIDENTIFIED AUDIENCE MEMBER: I wanted to add this to the file. It's from my 85-year-old mother. She and I co-own the unit next-door. She's in opposition.

CONSTANTINE ALEXANDER: There's two in opposition. This is the only copy. Bring it back to me.

BRENDAN SULLIVAN: There is a motion to recess this?

CONSTANTINE ALEXANDER: You're right.

TIMOTHY HUGHES: We didn't open the case, we called it.

CONSTANTINE ALEXANDER: We called the case.

The Chair would move we recess this case for at least 15 minutes to allow the petitioner and their petitioners and their counsel to discuss some new -- letters of opposition to the relief being sought. So I don't think we need a vote on that. Just that the case has been recessed.

TIMOTHY HUGHES: Okay.

(A short recess was taken.)

* * * * *

(9:05 p.m.)

(Sitting Members Case #BZA-006841-2015:
Constantine Alexander, Timothy Hughes,
Brendan Sullivan, Thomas Scott, Slater W.
Anderson.)

CONSTANTINE ALEXANDER: The Chair
will call case No. 006841, 2 Kenway
Street.

Is anyone here wishing to be heard?
Mr. Rafferty.

ATTORNEY JAMES RAFFERTY:

Mr. Chairman, good evening. Gentlemen.
Mr. Chairman, Members of the Board, for
the record, James Rafferty appearing on
behalf of the applicant. Seated to my
right is Ryan Guthrie, G-u-t-h-r-i-e. And
Mr. Guthrie is a principal in the LLC that
owns this property. And to
Mr. Guthrie's --

CONSTANTINE ALEXANDER: Excuse me.
I don't have the file. Sorry.

ATTORNEY JAMES RAFFERTY: That's
okay. And the architect on the home is
Mr. DiRocco. Donald DiRocco,
D-i-R-o-c-c-o. From Hammer Architects.

So this is an application for a
Variance to allow for the construction of
two dormers on a single-family house on
Kenway Street. If the Board is familiar
with Kenway Street, it's a small street

with many small homes in what's considered the Marsh District. The Marsh District. In -- just in off Mount Auburn Street bordered by Mount Auburn, Sparks Street. So Mr. Guthrie has acquired the home, is in the process of remodeling the home. He has done some work in the neighborhood, and in fact was approached by this owner after the owner witnessed some renovation work that he did nearby, structure of which he received an award of merit from the Historical Commission. He pays a great deal of detail to scale and context.

In this case the house is one of a series of three or four houses that are very similarly sized and situated on these lots. The issue involving these two dormers are directly related. The hardship is directly related to the

ability to access the third floor. The home, like the other homes, does have a third floor on -- and if you've had an opportunity to review the existing floor plan, you can see the condition of the existing third floor which is accessed currently by a -- I guess what one might consider to be a ship's ladder attached to the wall. It has been lived in. What the applicant is seeking relief for is two dormers, one on either side of the house. The first dormer would simply accommodate the code compliant stairway to get into the third floor. And the second dormer would allow for large enough windows to occupy the bedrooms, the rooms on the third floor as bedrooms.

The total increase in GFA here is 102 square feet. The dormers, Mr. DiRocco

paid close attention to the dormer guidelines and they do meet the dormer guidelines with one exception, that is, the manner in which the dormer is -- meets the ridge of the roof. That's necessary in one side for this stairway. The thinking was well, maybe the other side doesn't need to be that way, but it was the design thinking that an asymmetrical look would look awkward.

The house, the dormers if -- and the front elevation as we know in dormers can be deceiving. They look like they're co-planar with the face of the house, but they're quite not. In fact, they are most significant in their compliance with the manner in which they're setback from the -- both the front edges of the house and the way they stay above the lower

ridge line.

DONALD DiROCCO: The dormer, and this is the dormer of the staircase.

ATTORNEY JAMES RAFFERTY: There is a -- actually, I don't know if the Board had an option to read. There is a letter from a neighbor who actually --

CONSTANTINE ALEXANDER: We don't have it in our files.

ATTORNEY JAMES RAFFERTY: Yes, I didn't see it either today. Although she said she sent it on the 7th. But I didn't see it today. I thought maybe it came in later. But as I read the letter, I was struck by the arguments in the letter which really go to the heart of what's being requested here.

So the hardship really is a round egress into the third floor. It is space

that is used and can be used, but it's not very good space. And we certainly recognize that the Board sees applications for Variances in 102 square feet depending on the base size of the house can be characterized in a number of ways. But given this structure and the work in the dormers on the existing structures, the applicant feels I think the facts would support the notion that this hardship is very significant and it's really driven by the slope of the roof. If the roof height was in a different slope, access here could be achieved without the dormer. There's no, there's no other way to get a code compliant access into this third floor without the --

CONSTANTINE ALEXANDER: And what's that? I'm sorry, you said it and I lost

it. What is the third floor currently being used for?

ATTORNEY JAMES RAFFERTY: It has living space up there.

RYAN GUTHRIE: It was office space. And there's currently two skylights up there to provide some natural light.

CONSTANTINE ALEXANDER: So it was office space?

ATTORNEY JAMES RAFFERTY: A Home Office.

RYAN GUTHRIE: Home Office.

CONSTANTINE ALEXANDER: It wasn't a bedroom or anything like that?

RYAN GUTHRIE: Well, actually, when the family was -- when the family all lived in the house, it was actually used by the son to live up there as a bedroom.

But it does not have a code compliant window for a fire egress which is why we are requesting the dormer on the opposite side to provide it emergency egress.

ATTORNEY JAMES RAFFERTY: The plan calls for the removal of the skylights. The skylights were obviously added to make the space more habitable, but they didn't address the egress issues.

DONALD DiROCCO: These are the existing windows in the gable end. There's one in the front, one in the back. And we've gone through the Historical Commission and they approved the design, and they want us to leave the windows intact and that may not be an egress compliant window.

ATTORNEY JAMES RAFFERTY: I should note that as Mr. DiRocco noted, the matter

was heard -- it's located in a neighborhood conservation district. It was heard and reviewed by the Marsh Conservation District and a Certificate of Appropriateness was issued and the file contains that.

CONSTANTINE ALEXANDER: It's in the file.

ATTORNEY JAMES RAFFERTY: Yes.

And as I said, the letter from the abutter really is -- she's the immediate abutter, but she provides the context I was referring to in terms of the other houses on the street, and it is a very compact neighborhood. But these additions have proven to be successful and do not conflict with the overall scale of the street. And I think for that reason it was seen as a positive addition by the

neighborhood conservation district. We would hope the relief being sought would create this code compliant egress, would satisfy the Board's requirements of hardship.

BRENDAN SULLIVAN: Going back to the guidelines which as Mr. Hughes always says is really just guidelines, and anybody who has constructed a dormer would never follow them, but at any rate, they recommend that it comes off the peak. These do not. Facing the house, the one on the right side should be up the wall. This one here lines up with the outside wall and impossible to bring that one back up.

DONALD DiROCCO: It -- it's physically impossible because of the stair is coming up the outside wall and so you

would, it would hit your -- you'd have to duck.

BRENDAN SULLIVAN: Okay.

DONALD DiROCCO: And we brought it up to the ridge because the house is so narrow. If you look at -- you know, this is to get the window heights in and to get the headroom off the stair. But if the house were wider, the ridge would rise higher, we would miss the ridge. And because it's such a small house, if we brought these down, it would be -- it comes very close to being flat and we would have to do rubber roofing. And we wanted to avoid doing rubber roofing on the dormers.

SLATER ANDERSON: What's the ceiling height of the center there?

DONALD DiROCCO: It's not

that -- I mean, it's --

RYAN GUTHRIE: From the floor to the floor of the ridge? Yeah, it's probably about eight foot, six I believe. Finished ceiling heights could be somewhere around either seven foot, ten, seven foot, eight.

DONALD DiROCCO: It's not very tall.

RYAN GUTHRIE: Yeah.

CONSTANTINE ALEXANDER: Anything else?

ATTORNEY JAMES RAFFERTY: Nothing else.

CONSTANTINE ALEXANDER: I'll open the matter up to public testimony.

Is there anyone here wishing to be heard on this matter?

(No Response.)

CONSTANTINE ALEXANDER: Apparently there is no one.

We are in receipt of a letter from -- I'll read it into the file. It's from -- excuse me, Karen K. Gleason, G-l-e-a-s-o-n. (Reading) This letter is to support the petition -- blah, blah, blah -- for the addition of two dormers at 2 Kenway Street. My husband and I reside at 4 Kenway Street and thus our immediate neighbors. The four single-family houses with addresses 2, 4, 6, and 8 on the same side of the street of our block are very similar in style and were constructed around the turn of the last century. Three of these houses, 4, 6, and 8 have been extensively renovated and all have added dormers. Without the addition of dormers, there is simply not enough

headroom to construct a stairway between the second and third floors. Currently there is only a ladder connecting the second and third floors at 2 Kenway. The houses are moderate in size, around 1500 square feet, and having proper access to the third floor makes the house so much more liveable. Since its three other sister properties already have dormers, it seems only fair that 2 Kenway should be able to add this useful feature. The proposed dormer would direct face my property. It has been -- the proposed dormer which would direct -- face which would direct, face my property has been located to maintain the privacy of both houses. The dormer on the left side overlooks a playground, Shaler Lane, and the front yard of the Harvard graduate

housing. Thus there is quite a distance between the proposed dormer and the nearest windows of the graduate housing. I am impressed that the developer has been respectful of the original design of the house, adding back period detail that was removed by the previous owner; having the original windows restored rather than replaced and agreeing to keep the original style decorative shingles. In my opinion the planned renovations will be a benefit to our neighborhood with retention of a historical roots on the exterior and accommodating modern lifestyles on the interior.

Nice letter. That's all we have in our files. Any final comments?

ATTORNEY JAMES RAFFERTY: No, thank you I believe. Hopefully we've

covered it.

CONSTANTINE ALEXANDER: Okay.

I'll close public testimony.

Discussion? Or ready for a vote? I think ready for a vote?

ATTORNEY JAMES RAFFERTY: Excuse me, I failed to mention that there's also a request, a Special Permit associated with --

CONSTANTINE ALEXANDER: We'll get to that. Thank you for reminding me. I probably would have forgotten.

Anyway, we're going to take up the Variance vote first. The Chair moves that we make the following findings with regard to the Variance being sought:

That a literal enforcement of the Ordinance would involve a substantial hardship to the petitioner. Such hardship

would be that there is no code compliant matter -- means of egress to the third floor which is used for a living space.

That the hardship is owing to the fact that it is a non-conforming structure, a narrow structure on a relatively small lot.

And that relief may be granted without substantial detriment to the public good or nullifying or substantially derogating from the intent and purpose of the Ordinance.

In this regard the most immediate abutter is in support that the project is thoughtfully designed and to be consistent with the architecture and design characteristics of the buildings nearby.

So on the basis of these findings, the Chair moves that we grant the Variance

being sought on the condition that the work proceed in accordance with plans prepared by Hammer Architects numbered A1 and initialled by the Chair. A1, A2, A3, A4, etcetera. I'm not going to keep going. They go on to A14.

All those in favor of granting the Variance say "Aye."

(Aye.)

CONSTANTINE ALEXANDER: Five in favor. Variance granted.

(Alexander, Hughes, Sullivan, Scott, Anderson.)

CONSTANTINE ALEXANDER: And now we'll move to the Special Permit. And the Special Permit relates to the fact that are -- want to install a new window within the side yard setback.

ATTORNEY JAMES RAFFERTY: That's

correct. Can you just point that out?

If --

DONALD DiROCCO: So these, these two windows are relocating existing windows. And this is within the side setback and --

CONSTANTINE ALEXANDER: The new windows -- those are the two that are there now?

DONALD DiROCCO: Yeah, those two windows right there, yeah.

CONSTANTINE ALEXANDER: And let's look at what you're proposing.

DONALD DiROCCO: This is what we're proposing.

CONSTANTINE ALEXANDER: What's there now, though?

ATTORNEY JAMES RAFFERTY: The existing --

DONALD DiROCCO: This is it right here.

So this is existing, that's proposed.

CONSTANTINE ALEXANDER: And the reason's for, relocation of the windows?

DONALD DiROCCO: Just the floor plan. This is the kitchen back here, and these go below the counter in the kitchen so we're moving one to make space for that. And we're reconfiguring the rooms on this floor. There's a really huge bathroom in this tiny house. So we're kind of relocating it and making it bedroom space.

CONSTANTINE ALEXANDER: Do these windows face 4 Kenway?

RYAN GUTHRIE: Yes, they do.

DONALD DiROCCO: Yes.

CONSTANTINE ALEXANDER: And Miss Gleason is aware of the window?

DONALD DiROCCO: Yes. And, again, the Historic Commission approved the changes.

CONSTANTINE ALEXANDER: Okay. Ready for a vote?

TIMOTHY HUGHES: Yes.

CONSTANTINE ALEXANDER: The Chair moves that we make the following findings with regard to the Special Permit being sought:

That to proceed to relocate the windows, Zoning relief is required.

That traffic generated or patterns of access or egress will not be affected by -- I'm sorry. There will be no traffic generated or patterns of access or egress will not cause congestion, hazard, or

substantial change in established neighborhood character.

That the continued operation of or development of adjacent uses as permitted in the Ordinance would not be adversely affected by what is being proposed. In this regard we would note that the person most directly affected by the relocation of the windows has written a letter in support of the relief being sought.

That no nuisance or hazard will be created to the detriment of the health, safety, and welfare of the occupant or the citizens of the city.

And that the -- what is being proposed will not impair the integrity of the district or adjoining district or otherwise derogate from the intent and purpose of this Ordinance.

So on the basis of these findings,
the Chair moves that we grant the Special
Permit being sought on the condition that
the work proceed in accordance with the
plans referred to with regard to the
Variance that we just approved.

All those in favor please say "Aye."

(Aye.)

CONSTANTINE ALEXANDER: Five in
favor. Good luck.

(Alexander, Hughes, Sullivan,
Scott, Anderson.)

ATTORNEY JAMES RAFFERTY: Thank
you very much.

* * * * *

(9:20 p.m.)

(Sitting Members Case #BZA-006773-2015:
Constantine Alexander, Timothy Hughes,
Brendan Sullivan, Thomas Scott, Slater W.
Anderson.)

CONSTANTINE ALEXANDER: The Chair
will call case No. 006773, 63 Dudley
Street.

Is there anyone here wishing to be
heard on this matter?

BRADFORD SKOW: Hi. I'm Brad Skow
and my wife Deanna and our architect.

CONSTANTINE ALEXANDER: You want
to build a 17-foot addition that's what
this case is about? 17 feet is 17 feet.
I acknowledge that, but go ahead. I'm
sorry.

BRADFORD SKOW: I was also going
to say that we're increasing the outdoor
space and we're bringing the building more

in conformance with the setback, rear yard setback because the long and the short of it is there's currently an addition that's outlined here in red. And so that's being eliminated, and then they're adding on to the house. On an existing foundation.

There was an original -- there was a bump out, but then it was extended at some time in the past and so they're pulling back that old foundation and squaring off the rear of the house.

CONSTANTINE ALEXANDER: And the purpose of the addition? Why are you doing it?

ARCH HORST: Just to make the living room -- excuse me, the dining room bigger and the kitchen bigger.

The house is -- well it says, calculated including a small bit of the

attic which has to be included. It's only 18 -- 1200 square feet. 1271 square feet on two floors plus a little bit of attic. It's a small house. Very small.

THE STENOGRAPHER: Remind me what's your name.

ARCH HORST: Sure. My name is Arch Horst, H-o-r-s-t.

CONSTANTINE ALEXANDER: I'm sorry, I didn't recognize the face, but I know the name you sat. You were on this side of table once upon a time.

ARCH HORST: Ten years.

CONSTANTINE ALEXANDER: That's it in terms of your presentation?

ARCH HORST: Yeah. That's it. It's just that simple.

CONSTANTINE ALEXANDER: I'll open the matter up to public testimony.

Is there anyone here wishing to be heard on this matter?

(No Response.)

CONSTANTINE ALEXANDER: Apparently no one wishes to be heard.

I don't think we have any letters in the file.

DEANNA SKOW: I have a letter.

BRADFORD SKOW: We brought a letter.

CONSTANTINE ALEXANDER: We're in receipt of a letter from Meg bond, 61 Dudley Street. (Reading) I am writing in support of Deanna and Bradford Skow's proposal to make changes to their home at 63 Dudley Street in Cambridge. I've had the opportunity to look over the plans and have no objections to them. I hope that you will vote to approve the plan.

And that's it. I'll just check to make sure there's nothing else in the file. I don't think there is.

ARCH HORST: I should add the other change we're making is moving a window slightly. It's in a side yard setback.

CONSTANTINE ALEXANDER: It's not within the -- that's the Special Permit part of it?

ARCH HORST: Yes, it is.

CONSTANTINE ALEXANDER: Yes, we're going to get to that. You're looking for two forms of relief: The Variance for the addition and the Special Permit to relocate the window. Yes, I'm aware of that.

Discussion or ready for a vote?

TIMOTHY HUGHES: I'm ready for a

vote.

CONSTANTINE ALEXANDER: Okay,
we'll take the Variance first.

The Chair moves that with respect to
the Variance being sought we make the
following findings:

That a literal enforcement of the
provisions of the Ordinance would involve
a substantial hardship to the petitioner.
Such hardship being that the petitioner
needs additional living space in a
structure that is on a smallish structure.

That the hardship is owing to
circumstances relating to the fact that
this is a non-conforming structure and,
therefore, any modification requires
Zoning relief.

And that relief may be granted
without substantial detriment to the

public good or nullifying or substantially derogating from the intent and purpose of this Ordinance.

In that regard the Chair would note that the relief being sought is very modest in nature and has no impact on the abutting properties except for the person who has written a letter of support.

So the Chair moves on the basis of these findings we grant the Variance being sought on the condition that the work proceed in accordance with plans submitted by the petitioner, prepared by Black River Architects, numbered A101 and initialled by the Chair.

All those in favor please say "Aye."

(Aye.)

CONSTANTINE ALEXANDER: Five in favor.

(Alexander, Hughes, Sullivan,
Scott, Anderson.)

CONSTANTINE ALEXANDER: Next is a
Special Permit.

The Chair moves that with regard to
the Special Permit being sought to
relocate a window, that we make the
following findings:

That because of the fact the windows
are located in a prescribed setback,
Zoning relief is required.

That no congestion, hazard, or
substantial change in established
neighborhood character will be created by
what is proposed.

That the development of adjacent
uses will not be adversely affected by the
relocation of this window.

That no nuisance or hazard will be

created to the detriment of the health, safety, and/or welfare of the occupant or the citizens of the city.

And that the proposed use will not impair the integrity of the district or adjoining district or otherwise derogate from the intent and purpose of this Ordinance.

So on the basis of these findings, the Chair moves that we grant the Special Permit being sought on the condition that the work proceed in accordance with the plan referred to with regard to the Variance we just granted.

All those in favor please say "Aye."

(Aye.)

CONSTANTINE ALEXANDER: Five in favor. Thank you.

(Alexander, Hughes, Sullivan,

Scott, Anderson.)

ARCH HORST: Thank you very much.

* * * * *

(9:30 p.m.)

(Sitting Members Case #BZA-006805-2015:
Constantine Alexander, Timothy Hughes,
Brendan Sullivan, Thomas Scott, Slater W.
Anderson.)

CONSTANTINE ALEXANDER: We'll call
the case we recessed a little while ago,
case No. 006805, 18-3 Bay Street.

And before we start, can you give us
back the letters?

ATTORNEY SARAH LIKE RHATIGAN:

Yes, first order of business.

So we made an effort. The two letters were -- one was from Mr. Colbert.

CONSTANTINE ALEXANDER: One from Rochelle, the one in opposition?

ATTORNEY SARAH LIKE RHATIGAN:

Yes.

CONSTANTINE ALEXANDER: Rochelle Albin. And the other one is from I think she's here or her son is. Shirley....

UNIDENTIFIED AUDIENCE MEMBER:

Colbert.

CONSTANTINE ALEXANDER: Colbert.

ATTORNEY SARAH LIKE RHATIGAN:

Yes.

And Mr. Colbert's here. Mr. Colbert and I had a quick chat and there wasn't any sort of, you know, negotiation to be

had. And Doctor Albin was not willing to talk. So we are here to present the Variance case.

CONSTANTINE ALEXANDER: Okay.
It's your choice.

ATTORNEY SARAH LIKE RHATIGAN: We have discussed. I mean, we understand that the Board does not like to see opposition, and, you know, we're aware of that. We think that the concerns of the two people who are concerned are in part probably not Zoning issues and in part are probably not true, but we can get to the meat of the opposition. But I think that the case -- the proposal before you I think is a very good one for a case of a Variance where we do have a unique, a unique structure. And it's not that there are none of these in Cambridge, because I

know you've had a few of these cases including one very recently, but the Bell and Fandetti townhouse complexes are somewhat notorious for being very interesting at the time that they were built but being very difficult to maintain over time. And so the Vallance family bought this property just under ten years ago and they've lived there halfway. They have a three-year-old and they're about to have another child. And the issues that they face are not only a need to have some additional space, but they also have the issues with -- there's the open sort of, you know, atrium spaces and the open stairwells. So a lot of things that are safety concerns for people who have families, heating and cooling issues where, you know, you run the heat and the

heat runs up into the -- to that cool window, you know, window section up at the top of the roof.

They also currently have one area where the place where the -- the place where the family would play and is closest to their neighbor who shares a wall with them, which is something that is difficult at times. So they are -- in the addition they're hoping to create the family room essentially on the far side of the building from the wall that they share with their neighbor.

They are -- they are filling in one, one level to create an additional bedroom, and then they're expanding their bedroom a bit. So the master bedroom from being a small 10-by-10 bedroom to a 10-by-18, maybe foot bedroom. And then so the

addition is essentially it's -- I mean, you can see from the plans, but it's raised up.

CONSTANTINE ALEXANDER: I'm still -- there's a columns --

ATTORNEY SARAH LIKE RHATIGAN: That's a reference. I don't think that's what you would call -- the columns, yes. It preserves the existing parking underneath. It does technically create square footage underneath, and --

CONSTANTINE ALEXANDER: It does.

ATTORNEY SARAH LIKE RHATIGAN: -- and note, if they were to build it as a garage, it would not actually being counted as square footage. So but for both aesthetic and also for, you know, for not boxing in the whole world, you know, they actually -- they're

getting a hit in terms of additional square footage.

CONSTANTINE ALEXANDER: Well, you're adding, by my calculations, over 500 square feet of living space or -- yeah, occupiable space.

ATTORNEY SARAH LIKE RHATIGAN: Occupiable space, yeah.

CONSTANTINE ALEXANDER: Which is a 45 percent increase in the size of the unit.

ATTORNEY SARAH LIKE RHATIGAN: Right. If you do the same --

CONSTANTINE ALEXANDER: That's a lot.

ATTORNEY SARAH LIKE RHATIGAN: If you were to take out the open parking area and if you were to not consider the shed as livable space, which is I know is not

the definition of --

CONSTANTINE ALEXANDER: Right.

ATTORNEY SARAH LIKE RHATIGAN: In terms of the way I like to think of it is sort of real world square footage in terms of what's felt by the community, our numbers are much closer to the actual allowable FAR. We're -- obviously we're here for a Variance because our numbers do exceed that.

CONSTANTINE ALEXANDER: My point is substantially exceed -- it's not a case where you've got a slight overage or a slight non-conformance. You're really way over. And you've got unusual designs. These townhouses are all of one sort.

ATTORNEY SARAH LIKE RHATIGAN:
Right.

CONSTANTINE ALEXANDER: Very tight

space.

ATTORNEY SARAH LIKE RHATIGAN:

Right.

CONSTANTINE ALEXANDER: And you've got neighborhood opposition.

ATTORNEY SARAH LIKE RHATIGAN:

Right. And we also have a lot of neighborhood support.

CONSTANTINE ALEXANDER: You've got two letters in support.

ATTORNEY SARAH LIKE RHATIGAN: Two letters in support and a neighbor who is here who didn't write a letter but is here and will speak on her behalf.

The -- I'm not -- if you want to raise -- it's like I could go through, you know, the arguments but there may be more -- it may be more helpful to have discussions if there are questions that

you wanted to ask.

CONSTANTINE ALEXANDER: Well, I'll speak for myself. I mean, I am as we've expressed the case earlier, I'm generally supportive of people who want -- who need more living space. There were a couple of spaces tonight and need a Variance to increase the size of their structure. But this is not, to me, this is not one of those cases. It just simply is inconsistent. The architecture being consistent with the townhouse developments is very congested use of this lot. There is opposition, and you can characterize it however you want to characterize it, but it's opposition from people who are land owners in the City of Cambridge and they're entitled to be heard. But that, as I said earlier, although it's not

conclusive, but I take that personally into consideration. So I'm greatly troubled by the relief being sought. I'm sorry. I wish I could be supportive, but I think this is one of those cases that's over the top for me. So that's -- if other members don't want to speak, we can keep going.

You asked for some feedback and that's my feedback.

ATTORNEY SARAH LIKE RHATIGAN: All right.

SLATER ANDERSON: I tend to agree. I mean, to me these units in this complex where we talk about points of access and to the Cambridge housing market, this kind of development for the style that it is, is, you know, unfortunately I feel probably are outgrowing this unit, and the

unit needs to go to another, you know, couple or a family with one child. And it's, it's not consistent with the rest of the complex that's there, the style, the architecture, and given the opposition. And so, you know, it's -- and it's a big ask. And I know the garage spaces or the parking spaces are the extra hit. But, yes, I'm having trouble getting to yes on this.

ATTORNEY SARAH LIKE RHATIGAN: One thing I just did want to sort of visually point out, that the -- the addition is extending ten feet to the side and it's, it's two stories at its height. But if you look at the cross-section, because of this Bell and Fandetti style, it's more of an essentially a one level, it's a one and a half level, right? So at this top level

they're just extending the master bedroom. Frankly, when there was talk of trying to, you know, reduce things if it were asked in a way that somehow would still be meaningful to them, they could create this one-story addition -- how do I say this? A one-story addition that essentially is a box. And that's -- that was considered to be a terrible idea aesthetically.

And when I spoke before, I'm sorry, I misspoke and said that their neighbor was an architect. She's actually an architectural historian.

And, Nancy, do you mind? Would you mind just helping us with the question of --

NANCY STEIBER: Architectural integrity?

ATTORNEY SARAH LIKE RHATIGAN:

Exactly. Because both of you were concerned about trying to figure out how to fit in. And this is actually -- the set of plans that you've seen is a quite revised set of plans. The original architect did the all the drawings. And then Nancy weighed in a very meaningful way and some real design details to make this both consistent with the architecture and also to sort of the spirit of what Bell and Fandetti were trying to do.

NANCY STEIBER: My name is Nancy Steiber, S-t-e-i-b-e-r. And I'm a native Cantabrigian. I was born here. I've lived in this Bell and Fandetti complex for 29 years, so I'm the longest continuous dweller, and my expertise is in architectural history and design so I care very much passionately about the

architectural integrity of this complex. And I think this Board is familiar with Bell and Fandetti units. One of the things that's unique about this one, there may be one other like it, is that you generally -- the bell and Fandetti complexes have a driveway and that forms the center of the courtyard. In this case we have a little piece of wooded landscape in the center so that's makes it quite special. One of the things that this nine, ten foot addition will do is actually help enclose that so it does not disturb that enclosure. It does not take up any space. And given the fact that this is setback a little bit, if you enter into the courtyard, you will barely see -- you know, the angle is such that you will not even see it if you have to go

deep, deep, deep all the way to the end of the courtyard to even see that addition. So it's not impairing the courtyard in the least.

And in fact, if anything, it's as Sarah just mentioned, it's been designed now so that the windows, the cornices, everything about it, is consistent with the nature of the Bell and Fandetti house. And, well, I don't know if you're interested in this or not. I don't want to go too long with you. In '78 one of the concepts of this kind of housing was that it's changeableness, and so I think it's completely in the character of Bell and Fandetti complex to add in this way. And we're only talking about a ten foot addition that's creating all that extra interior space. So the punch, the result

is that they get a lot more interior space, but the fact is you've only just added a little slice at the end. To my mind this is exceedingly sensitive and useful and serves the purpose of a family that's, you know, long term residents and attached to the, you know, our neighbors who we feel have the right to this kind of addition. I don't know if there's anything, any questions that people would like to pose.

CONSTANTINE ALEXANDER: I have none. Thank you for taking the time to come down.

SLATER ANDERSON: If you remove that parking -- sorry. Go ahead.

BRENDAN SULLIVAN: So do I understand that this is where it's going?

ATTORNEY SARAH LIKE RHATIGAN:

Yes.

DAVID VALLANCE: Yes.

BRENDAN SULLIVAN: And it will not impact this person?

DAVID VALLANCE: They've written a letter in support.

BRENDAN SULLIVAN: I find that incredulous.

ATTORNEY SARAH LIKE RHATIGAN: Well, I think the part of this is helpful in thinking of where the sun comes in to this project.

BRENDAN SULLIVAN: Just the light and the air.

CONSTANTINE ALEXANDER: Yes.

BRENDAN SULLIVAN: I mean, it doesn't even have to be direct sunlight.

ATTORNEY SARAH LIKE RHATIGAN: So the folks who wrote in support, all their

light comes from the opposite side of their building. And the courtyard is a shaded courtyard. So there's, there's very little impact to the courtyard. When the Vallances were working on trying to come up with some plantings for the back area five years ago or --

DAVID VALLANCE: 2008.

ATTORNEY SARAH LIKE

RHATIGAN: -- 2008, they actually put a -- your iPod --

DAVID VALLANCE: I did a time study with the light.

ATTORNEY SARAH LIKE RHATIGAN:

Just to see what the light looks like. We have it. I don't know that you want to see it. You'll see that this courtyard is in shade for much of the day. There's

very little light that comes in. So there's no -- this is not a case where we're blocking out sun that's coming into a sunny courtyard.

CONSTANTINE ALEXANDER: My point is still as it was before, you're really densely occupying this plot of land. It's densely occupied now such that it, except under, these days, I'm sure whatever would be permitted and now it will be even more dense. Taking what little open space and light is going to be taken away.

SLATER ANDERSON: This is where it's going to be added on?

DAVID VALLANCE: Yes. It will be set back nine inches. I mean, nine --

ATTORNEY SARAH LIKE RHATIGAN:
Nine and a half feet.

DAVID VALLANCE: Nine and a half

feet.

ATTORNEY SARAH LIKE RHATIGAN:

Nine and a half feet, yeah.

CONSTANTINE ALEXANDER: And

believe me I would like to find -- I'm only one vote obviously. I would like to find a way to grant relief.

SLATER ANDERSON: I'm sorry, nine and a half feet?

DAVID VALLANCE: Nine and a half feet out to the right.

SLATER ANDERSON: This way? Going this way flush with this wall?

DAVID VALLANCE: Yeah, so -- no, it's actually -- it's actually set back six inches.

SLATER ANDERSON: Six inches? Okay.

DAVID VALLANCE: Six inches set

back and then nine and a half feet out. And that's actually the northeast side of the courtyard. When the sun comes up, it's so low to the ground, that the 568 Green Street, which is the 31-foot building on the right there, the sun is blocked by that until later in the day.

ATTORNEY SARAH LIKE RHATIGAN: And then just pointing out the extent to which the neighbors are actually not going to see where this addition is, this is the view from the opposite neighbor's front doorstep, and this tree completely obstructs the area where this addition will be. It's a big, large tree that --

DAVID VALLANCE: That's zoomed out.

SLATER ANDERSON: But that's really the view from down the complex?

DAVID VALLANCE: No, no, this is standing -- this is actually standing at the front door of No. 2.

SLATER ANDERSON: Yeah, so now the last --

ATTORNEY SARAH LIKE RHATIGAN: The unit --

DAVID VALLANCE: No. 5.

SLATER ANDERSON: Yes. Not the last one, right?

DAVID VALLANCE: Correct. This is standing right in the middle and the tree is still blocking.

SLATER ANDERSON: So if you subtracted out the parking space, the GFA that's being calculated there --

ATTORNEY SARAH LIKE RHATIGAN:
We're still --

SLATER ANDERSON: What is the

number then, do you know?

ATTORNEY SARAH LIKE RHATIGAN: In our chart we also subtracted out the shed.

SLATER ANDERSON: Okay, that's fine.

ATTORNEY SARAH LIKE RHATIGAN: Then we have an FAR of 0.76.

SLATER ANDERSON: And it's a 0.75?

ATTORNEY SARAH LIKE RHATIGAN: And it's 0.75 allowed, exactly.

DAVID VALLANCE: And, again, we did originally consider not to extend the bedroom upstairs, but we had feedback from the neighbors that they would much rather have a continuous roof line and cornices, so the goal was, okay, then we'll put that in. And as you know, Bell and Fandettis have very little storage space anyway so, you know, we're happy to....

ATTORNEY SARAH LIKE RHATIGAN: So we tried to figure out, you know, any mass to get us into Special Permit land, there's not. There's not. And I know that, you know, you may be saying okay, these guys just need to move on, but this hardship is real. So they, you know, you recently gotten a new job that's local. They've lived in Cambridge for a long time. Their kid just got into the Montessori school in Cambridge. There was actually a point where they were looking for houses and getting outbid like everybody else that's trying to find a house in Cambridge.

DAVID VALLANCE: We put in ten offers and been outbid. Our son, we really weren't sure that was going to get into school.

CYNTHIA VALLANCE: The lottery.

DAVID VALLANCE: The lottery.

Yeah, at the young age of three in Cambridge, it seems crazy. And I did I just started a job out on Second Street in Cambridge.

SLATER ANDERSON: Can we condition the approval on that under parking space as being exclusively for that purpose and not --

CONSTANTINE ALEXANDER: The way I would prefer to handle it, I mean as a case heard is to indicate that we if were to approve it, that we got that, but come back with new plans so that way we have new plans.

ATTORNEY SARAH LIKE RHATIGAN: I'm sorry, what was your suggestion?

CONSTANTINE ALEXANDER: To reduce

the amount of square footage that your property's going to have.

ATTORNEY SARAH LIKE RHATIGAN: I'm sorry, to do what with the first?

SLATER ANDERSON: Well, I'm asking if we can condition the approval, like we've done with basements at times, that the area in the parking, that underneath carport, whatever you want to call it, is not to, not to ever be used as living area.

ATTORNEY SARAH LIKE RHATIGAN: Oh, I understand. So it can never be -- you can never add walls and create --

BRENDAN SULLIVAN: Well, once you granted the Variance for that plan, any modifications of that plan would require another Variance.

CONSTANTINE ALEXANDER: That's

what I said, we have to continue the case.

BRENDAN SULLIVAN: Any
modification, any changes to that.

SLATER ANDERSON: Anything. Even
so if they came back even though we would
be approving it as --

BRENDAN SULLIVAN: As that. Any
changes to that would --

CONSTANTINE ALEXANDER: That's
right, that's right.

BRENDAN SULLIVAN: -- would
require more relief.

THOMAS SCOTT: Is one of the
opposition letters Lillian Peppy
(phonetic)?

CONSTANTINE ALEXANDER: One is the
occupant at 18-5. So this one there. The
other one --

SLATER ANDERSON: And that's

opposition right in the middle?

CONSTANTINE ALEXANDER: Yes, 5, diagonally across. And the other one is a letter tonight.

SLATER ANDERSON: 18-3.

CONSTANTINE ALEXANDER: Her son's here. Your mother, what unit does she occupy?

CHUCK COLBERT: She does not live there, she's out of state.

CONSTANTINE ALEXANDER: But she owns the property.

CHUCK COLBERT: Oh, yes.

CONSTANTINE ALEXANDER: Which one?

CHUCK COLBERT: We are co-owners.

18-2.

CONSTANTINE ALEXANDER: 18-2.

CHUCK COLBERT: And I live there.

CONSTANTINE ALEXANDER: 2 and 5

are in opposition and 3 of course is the petitioner.

SLATER ANDERSON: And we have a letter of support from 4?

DAVID VALLANCE: Yes.

CONSTANTINE ALEXANDER: I know we have two letters, I don't know where they're from.

DAVID VALLANCE: Doctor Saaed Ahmed and Doctor Laila Posha is No. 4. Sorry.

THOMAS SCOTT: And any response from this adjacent property owner here?

DAVID VALLANCE: So that's 568 Green Street. It's a -- it's a rental unit. It's property managed. They're actually doing construction right now. We've called them, e-mailed them, and sent them a letter in the mail. No response.

We were hopeful that over the last couple of weeks with the signs up, that the owner has come by, but no response from them at all. We also wrote letters to all of 950 Mass. Ave. There's a lot of units in 950 Mass. Ave.

CONSTANTINE ALEXANDER: Well, let me -- while people are conjuring or conjugating of the case, is anyone here wishing to be heard?

CHUCK COLBERT: Yes.

CONSTANTINE ALEXANDER: Sir.

CHUCK COLBERT: I'm Chuck Colbert. I have lived in Cambridge since 1987. I've owned, co-owned this townhouse since 1999 with my mother and I bought it after my father died. And I -- before I -- I have three main concerns, three objections, but I just want to preface by

saying that this is -- not only is it close living, but we're all close neighbors. And we have, you know, we've dealt with things like snow removal, rodents, courtyard lighting. I mean, we have a cordial, friendly, dare I say neighborly what we affectionately call the 18 Bay Street compound. So I'm offering these -- I'm saying this in that context.

No. 1, I'm concerned about the density. It just is -- as I understand these plans, these Bell Fandettis, this unit was built to maximize the building ability. And the way it's configured, the open space, I mean I would not -- if mine were separate, it would not have enough open space. So I'm really concerned about that density piece of it. It just seems like a big reach.

And that leads into my second concern which is fire. I mean, it's -- it does fit within the Zoning Variance -- or the Zoning order -- rule for setback, but there's a shed there. It, you know, it goes, it goes up, it blocks. If there were a fire, it would very easily jump over to our unit. And I'm saying that in light of the fact that we've had the fire at the King Elementary, we had the fire at the apartment building --

CONSTANTINE ALEXANDER: Why would this -- and I -- I see the fire risk, but why does this project increase the fire risk?

CHUCK COLBERT: It's moving the property over to another building. I mean, very close with the shed there.

CONSTANTINE ALEXANDER: You're

saying it's the other building?

CHUCK COLBERT: Yeah, the triple decker, it's very, very close. And their windows will be across from each other. Very -- it just seems to me that that's -- we've had, I don't want to say this, there just seemed to be a spade of fires and I'm very concerned about it. Monday night a fire truck two went up Green Street.

And then the third, the third point I wanted to make is that, you know, people have varying views of architecture and some people like the Peabody Towers, other people don't like them. Some people like Bell Fandettis, some people don't like them. Some people liked the King Elementary and some people didn't. And it seems to me to add this kind of an

addition takes away from the integrity, the architecture and integrity of the units as they stand. And I think it would set a precedent for other Bell Fandettis in the city and I'm not sure the city wants to go down that path.

And the other -- I couldn't think of any other way to say this, but it would seem to me it's like putting an arm on the Venus de Milo. I don't know if that makes sense to anybody. It's a piece of art without -- the sculpture.

The other one final thing, and I'm not sure this is necessarily relevant to the Zoning Variance, but there has been a lot of construction next-door in that apartment complex. I mean, there has been pounding and drilling and sawing and it's gone on and on. And across the street

they're putting in new windows and sliding doors across. So I live in the house and I work out of the house. I'm a journalist. So I can only imagine what the construction would be like for this, for me. And I believe that David and Cynthia are deciding to vacate the premise, I think they have to to do it. So I am concerned about my quality of life. And I think -- I also would not like to see us lose that tree.

CONSTANTINE ALEXANDER: Say what?

CHUCK COLBERT: I would not like to lose that tree. That's a concern for me.

That's it. Thank you for hearing me.

CONSTANTINE ALEXANDER: Thank you.

ROCHELLE ALBIN: Yes. I'm

Rochelle Albin. You have my letter already detailing all of my concerns which I could reiterate but I will summarize.

CONSTANTINE ALEXANDER: You have two choices, you can express them now and I won't read the letter or you cannot express them and I'll read the letter.

ROCHELLE ALBIN: Well, I can just summarize some of them, but I'll tell you one of the --

CONSTANTINE ALEXANDER: I won't read the letter.

ROCHELLE ALBIN: I think one of the big issues that have not been raised, it's one thing to think that when you enter courtyard, you may not immediately view this, you know, appendage at the end of the courtyard that's going to be on stilts, but people are gonna view it

immediately. Cambridge is a city for walkers. And people who walk down Green Street, are gonna instead of seeing the glimpse of the green courtyard, are gonna see these two stories rising on stilts. And this to -- there's nothing like it in the neighborhood. It seems to me completely, you know, as a misfit in the whole neighborhood. And I feel like it, you know, as an original owner there, I feel like this just completely ruins this very pleasant and tranquilizing uniformity and symmetry of two rows of identical houses. And, you know, you talk about a sliver, you talk about a little airflow. When you have a very congested city, a sliver is a lot. And when you have a very congested city and a little courtyard, the airflow becomes very important. It

becomes more important than it might be if you have two acres and lose 25 percent of it. So I -- I feel very strongly against this. I've given a lot of thought to it as you can see by everything that I've written in the letter, and I'm just absolutely, I absolutely think this is the wrong decision for these particular houses.

CONSTANTINE ALEXANDER: Okay.

Is there anyone else wishing to be heard?

(No Response.)

CONSTANTINE ALEXANDER: Apparently not. I'm going to close public testimony. Any -- Ms. Rhatigan, any further comments you want to make before I read -- I'm going to read into the file the letters of support.

I'm not going to read the letters of opposition because the people writing those letters have had their views expressed that we just heard.

As I mentioned, we have two letters of support in our files. One is from Jason Levin and Dannalea, D-a-n-n-a-l-e-a D'Amante, D-'-A-m-a-n-t-e who reside at 18 Bay Street, No. 1. (Reading) We have lived in Cambridge for close to 13 years and have owned our home at 18 Bay Street for six of those years. We are writing this letter in support of the Vallance family's plans to expand their house. We believe the addition maintains the aesthetic of the houses at 18 Bay without encroaching on any common areas. David, Cynthia, and Oliver have been wonderful neighbors. Always willing to lend a hand.

Help keep the sidewalks free of leaves and snow, and keeping courtyard looking clean and green. The Vallance family has really made a commitment to Cambridge. Oliver is enrolled in a Cambridge public school and David has taken a job at one of our tech startups here in Cambridge hopefully to help grow the business. We would be sad to see the family have to pull up roots and have to leave the city now. Not because they wish to live elsewhere, but simply because they can no longer fit a family of four where they have made their home. We look forward to keeping them as neighbors and friends for a long time.

And the other letter is from Doctor Saeed Ahmed, S-a-e-e-d A-h-m-e-d and Doctor Laila, L-a-i-l-a Posha (phonetic) who reside at 18-4 bay Street. (Reading)

We are writing in full support of the Variance requested at 18-3 Bay Street. We feel this would be a great addition to the Vallances' home and will give their family the extra space they will soon require with a new baby on the way. The biggest impact of the addition would be to us as we are directly opposite the Vallances' home. We do not think it will be visible to anybody else entering/exiting their homes. The plans took into consideration input from neighbors and Nancy our professor in architectural history. They look good, well thought out, and the addition will appear confluent with the existing exterior. This will add value to all our homes.

Lastly, we have enjoyed having the Vallances as our neighbor for the last ten

years and really appreciate all the thought and effort that they have put in maintaining the courtyard, adding security, and even voluntarily doing the snow removal for years to come. We look forward to having them as a neighbor for many years to come. Thank you.

And that's it.

Any final comments?

ATTORNEY SARAH LIKE RHATIGAN:

Just one little point of clarification. There's no need to -- there's no plan to remove a tree. I think that --

CONSTANTINE ALEXANDER: I wanted to hear about that.

ATTORNEY SARAH LIKE RHATIGAN:

Yeah, Mr. Colbert was concerned about a tree being removed but that is not the case.

DAVID VALLANCE: Yeah, there's no plan to remove any trees.

ATTORNEY SARAH LIKE RHATIGAN: I think that there's tree at the side that perhaps he's concerned about.

CHUCK COLBERT: Over by the shed.

DAVID VALLANCE: That would not be removed. My friend is an arborist and we can prune and trim the tree. We do not need to remove it.

I did perform, as I said, a time lapse of the courtyard and the minimal amount of direct sun. I have it on the iPad if you'd like to see it. You can see how quickly it moves through courtyard. I also performed a shadow study that shows that 568 Green Street blocks all direct sun other than for about two hours, and it's beyond by the time it gets to 18 Bay

Street, No. 3. I would be happen to share that with you.

TIMOTHY HUGHES: Did you talk to Gerry Fandetti?

DAVID VALLANCE: We know where Bill lives.

TIMOTHY HUGHES: I know Gerry is still in town. He owns the Kendall Hotel in Kendall Square, the firehouse.

ATTORNEY SARAH LIKE RHATIGAN: If we bring him in to speak in our favor, we can have a continuance maybe?

TIMOTHY HUGHES: You know, with these resources are still around, ask him how they feel about adding to his structure. It would be an interesting piece.

ATTORNEY SARAH LIKE RHATIGAN: I mean, we're not trying to set precedent

for everybody to build on, but I know that that modifying all different kinds of architectural structures is contemplated. And I, I have to say that the last Bell and Fandetti client that I brought to you, you did approve -- and actually it turned out to be a Special Permit, that I frankly think in looking at it was far inferior to the design plans that they put forward. In terms of the look from the, you know, in terms of people's -- the real impact on the neighborhood. So of note, yes, there's one opposing voice who is actually in a real way impacted in the sense that he lives on the property. The other two decenters do not live there. And in fact --

DAVID VALLANCE: Two, two. Yes because the co-owners.

ATTORNEY SARAH LIKE RHATIGAN: I mean -- yes, yes. Mrs. Colbert and Doctor Albin. That doesn't derogate from their rights to oppose this project. I completely appreciate that. But I also think that if you live in a place on a daily basis, you have a very good sense of -- or you should, you think very hard about how this is going to impact you. I think it's really noteworthy that the folks who live directly across, we are the most impacted by this project, and we don't see it as a negative. We see it as a positive thing for the community.

And then just if you look at -- I know you guys all view these properties or you try to as much as you can, if you drove down Green Street and look to the right, you've got 950 Mass. Ave.

TIMOTHY HUGHES: Yes, we do.

ATTORNEY SARAH LIKE RHATIGAN:

Right? And we love that, right?

And then you've got the street in front of these folks and there's gonna be an addition that, that from the street you will see this -- this wall will be further. All of the window design and architectural elements will look the same. And we think that the impact really be will be minimal.

DAVID VALLANCE: There's actually one other addition that I would like to mention. Which is in the light study, we have two windows that face south, two large windows in our son's bedroom, and because the inside of the courtyard when the windows are facing this way, the sun is high enough, actually reflects off

those windows and into the courtyard. We would actually be adding four additional large windows that would reflect light into the courtyard, would actually add light. And you can see that in the time study. You can see the reflection of the window actually adding light in the courtyard.

TIMOTHY HUGHES: As much as I would like to see that I'm going to -- it's getting late and I trust you representing it as to what it is.

DAVID VALLANCE: Okay.

TIMOTHY HUGHES: Can you post it on Facebook?

ATTORNEY SARAH LIKE RHATIGAN: I asked Maria if there was a way to submit it to you.

TIMOTHY HUGHES: I can watch it

when I get home.

THOMAS SCOTT: Looking at the plan, you've in filled some of the open space, right?

DAVID VALLANCE: Yes.

ATTORNEY SARAH LIKE RHATIGAN: Not technically open space.

THOMAS SCOTT: Within the structure.

ATTORNEY SARAH LIKE RHATIGAN: Oh, I'm sorry, yeah, yeah.

THOMAS SCOTT: And I guess my question is: Did you look at, you know, with that added space, do you need the additional space? Because what you're doing you're expanding a master bedroom on the upper level and then I guess creating some kind of a living room space?

DAVID VALLANCE: Yes.

THOMAS SCOTT: In that area over the --

DAVID VALLANCE: So there are two big factors. And we do have, we did those drawings. Just that separately. We also did another drawing that extended out to the rear, to the rear setback. But after reviewing that with Chuck, he felt that that would actually change the roof line and come back, further back in the house and that would not be, would not be as good of a solution.

As far as the adding out piece, two big factors. One was, as I mentioned, facing south, the windows that face south, the only ones that we have today are our son's bedroom and our kitchen. He spends a lot of time in his bedroom so he gets natural light on snowy days. This room

would be the room that would have the natural light that would actually allow us to let them play. It also separates us away from the rest of the neighbors. So the shared wall, we now get a space that they can play and be boys and they're, you know, there's a pocket door that closes and keeps it quiet for them.

ATTORNEY SARAH LIKE RHATIGAN:

There's also, if you were to just fill in the floor, right? You're thinking what happens if you just work within the footprints, right?

THOMAS SCOTT: Yes.

ATTORNEY SARAH LIKE RHATIGAN: And so in looking at that alternative, what they gain is one room.

THOMAS SCOTT: Yes.

ATTORNEY SARAH LIKE RHATIGAN: And

at the cost of -- 75 percent of the cost of the whole project. So the cost to do that portion of it is quite substantial.

DAVID VALLANCE: Yeah.

ATTORNEY SARAH LIKE RHATIGAN: And when you look at the delta between doing just the in-fill of the floor and doing an addition which would actually get them, you know, a meaningful, a meaningful change to the property, it just doesn't make any sense to do it. I think that the -- because of the structure and what's involved in doing the in-fill room.

DAVID VALLANCE: To fill in that room, the power and the heating are all in the front part of the house, so we would have to remove the floor in the front bedroom to be able to run power and water to that room. So there's a large cost

there. And then you're already taking down the walls to put in the studs, put in the crossbeams as well. So when we looked at the pricing, we had that priced out first. That's what we originally looked at. And for the square footage it just didn't make any sense. It wasn't economical.

SLATER ANDERSON: And answer a question. The woman who spoke who's the architectural historian. You live here, did you say?

NANCY ALBIN: Yes.

SLATER ANDERSON: Which unit are you in?

NANCY ALBIN: No. 6.

SLATER ANDERSON: No. 6, okay. So it looks like we've heard from everyone but No. 2.

CHUCK COLBERT: I'm 2.

SLATER ANDERSON: You're 2 and not
2-B?

CHUCK COLBERT: I'm 2.

SLATER ANDERSON: You're 2?

DAVID: 2B is -- equals 2.

SLATER ANDERSON: I was looking at
the plan. So does 6 include 2?

NANCY ALBIN: So only No. 4 has
been represented by the letter. Saeed and
Laila, they couldn't be here. Everyone
else is here.

DAVID VALLANCE: No. 1 is --

SLATER ANDERSON: Are there only
six units?

CHUCK COLBERT: Yes.

SLATER ANDERSON: So this lot plan
of Lot 2 and Lot 6, that's unit 6, right?

DAVID VALLANCE: Lot 2 and

2-B -- no, you're right. See, there's 2 and 1 are connected. So Lot No. 1 owns -- across the courtyard they own this piece of property here, right?

NANCY ALBIN: Yes, this is, this is one and then yes, one.

ATTORNEY SARAH LIKE RHATIGAN: And where are you, Nancy?

NANCY ALBIN: I'm here. That's not a unit, that's open space.

SLATER ANDERSON: That's not? No, this building? That's not a building right there?

DAVID VALLANCE: That's Nancy's.

NANCY ALBIN: That's peculiar.

SLATER ANDERSON: Because Lot 2 is actually -- cuts -- Lot 2 cuts -- 2 and 6 cut through that building.

NANCY ALBIN: No, this is -- this

plot plan is probably --

SLATER ANDERSON: Fair enough.

Fair enough. There are six units, right?

CHUCK COLBERT: Yes.

SLATER ANDERSON: Okay, six units.

NANCY ALBIN: Oh, I see what's going on. Yes, this line is dividing --

SLATER ANDERSON: We've heard from everybody?

CONSTANTINE ALEXANDER: Yes.

NANCY ALBIN: Yes.

CONSTANTINE ALEXANDER: And we have four in favor and two -- excluding the petitioner themselves. Three in favor and two opposed.

SLATER ANDERSON: Two opposed, yes.

TIMOTHY HUGHES: 3 to 2?

Well, I think -- I mean, the most

compelling argument against was this woman here. I mean Mr. Colbert's arguments were mostly not Zoning issues. There was a Building Code issues which is the fire thing, and there are Building Codes that you have to follow to make sure that the fire can't jump from one building to another or party walls have to be substantial. And the construction issue, although I'm sympathetic and I understand it because I live very close to the DPW yard and I hear vehicles at all hours that they're not supposed to be working, you know, sometimes especially with snow removal and stuff, and I'm sympathetic to that, but, again, that's not a Zoning issue for us.

CONSTANTINE ALEXANDER: It's temporal and not forever.

TIMOTHY HUGHES: And there was one other thing that I can't remember that didn't seem like a Zoning issue. So I mean all in all, I think it's a tasteful adaptation to a difficult design. I can vote in favor of it.

CONSTANTINE ALEXANDER: Okay.
Other members have anything to say?

THOMAS SCOTT: I mean -- I'm having trouble with the kind of in-filling, that volume that just seems like the design was intended to, you know, with all of the shed roofs to allow light into the courtyard and that design is just in-filling a volume that I think was intended to be a void. You know? So I'm having a little bit of a problem with that.

CONSTANTINE ALEXANDER: As I said,

this is a case I would love to vote for. And I'm still -- I'm not sure if I'm on the fence, but I am troubled like you are about this. It just, just doesn't seem to be the project. This kind of addition doesn't seem to be what you should be doing to these structures, and there is a neighborhood. There is a butter opposition, and some of it is Zoning based and some is not. And I don't know. But I'll go with the flow.

ATTORNEY SARAH LIKE RHATIGAN: Is there -- I mean, does eight feet in width make a -- I mean, we're talking about like -- are we talking about.

CONSTANTINE ALEXANDER: I'm not ready to redesign.

ATTORNEY SARAH LIKE RHATIGAN: 50 square feet.

CONSTANTINE ALEXANDER: We'll deal with the design.

Brendan, do you have any views you want to express or not?

BRENDAN SULLIVAN: I cannot support.

CONSTANTINE ALEXANDER: Ready for a vote?

The Chair moves that we grant the Variance being sought based upon the following findings -- the Chair moves that we make the following findings with regard to the Variance being sought:

That a literal enforcement of the provisions of the Ordinance would involve a substantial hardship to the petitioner. Such hardship being that they would be denied totally necessary additional living space.

That the hardship is owing to the nature of the development of the project, the shape of the structure, the nature of the townhouse design, the Bell and Fandetti design.

And relief may be granted without substantial detriment to the public good or nullifying or substantially derogating from the intent and purpose of this Ordinance.

So then on basis of these findings, the Chair moves that we grant the Variance being sought on the condition that the work proceed in accordance with plans submitted by the petitioner and initialed by the Chair. They are D1.0, D1.1, D1.2, D3.0, D3.1, A1.0, A1.1, A1.2, A3.0, A3.1, A4.0.

All those in favor of granting the

Variance on the basis please say "Aye."

TIMOTHY HUGHES: Aye.

CONSTANTINE ALEXANDER: One in favor.

All those opposed?

(Show of hands.)

CONSTANTINE ALEXANDER: Four opposed. Motion does not carry.

We need to take one other vote. Since people have voted in opposition, we have to take a vote as to why we did.

And I would propose that I move that the vote to deny the Variance was based on the fact that the petitioner, though, demonstrated substantial hardship, it is not -- well, hardship, that the hardship is such that -- well, let me try it a different way.

Basically that to grant relief here

would derogate, would derogate from the intent and purpose of the Ordinance. It would, it would create an anomaly with respect to this form of Zoning, this form of house construction.

That it would have impact on abutters, and some of whom expressed their opposition to the project.

So on this basis the Chair moves that we, that was the basis for which we denied the Variance. Anybody want to add or subtract to that?

All those in favor?

(Show of hands.)

CONSTANTINE ALEXANDER: Four in favor of that.

(Alexander, Sullivan, Scott, Anderson.)

CONSTANTINE ALEXANDER: Sorry.

DAVID VALLANCE: Thank you for
your time.

* * * * *

(10:15 p.m.)

(Sitting Members Case #BZA-006662-2015:
Constantine Alexander, Timothy Hughes,
Brendan Sullivan, Thomas Scott, Slater W.
Anderson.)

CONSTANTINE ALEXANDER: The Chair
will call case No. 006662, 11 Cedar
Street.

Is there anyone here wishing to be
heard on this matter?

(No Response.)

CONSTANTINE ALEXANDER: No one wishing to be heard. Are we in receipt of any requests?

MARIA PACHECO: A continuance, yes.

CONSTANTINE ALEXANDER: A continuance? We are in receipt of a letter from Gwen Beaven, B-e-a-v-e-n. (Reading) Please accept this request on behalf of the petitioner to continue BZA case No. 003139. It has come to my attention that the submitted plans and drawings require a Variance relief in addition to the Special Permit that was advertised. We are making the appropriate changes to the application. A request to be held at the next available hearing meeting of the Board of zoning Appeals. They have to do a new advertising.

So what's the earliest we can hear the case?

MARIA PACHECO: We can do it for 8/13. We already have one for 8/13 which will be the next one 26 Reed or we can do 8/27.

CONSTANTINE ALEXANDER: I don't care. We'll do 8/13.

The Chair moves that this case be continued until seven p.m. on August 13th on the condition that the petitioner sign a waiver of time for decision.

That the -- sorry, that the posting sign be modified to reflect the new date and the new time.

And that this new modified sign be maintained for the 14 days required by our Ordinance.

And that to the extent new plans,

and I guess new plans will be necessary,
are submitted or new -- these new plans
and any accompanying dimensional table of
dimensional requirements must be in our
file no later than five p.m. on the Monday
before the 13th of August.

And finally to -- the petitioner
must be advised, should be advised that a
new application for the Special
Permit -- is it a Variance or Special
Permit? That the additional relief they
think they need, must be filed and
advertised as required by our Ordinance.

All those in favor say "Aye."

(Aye.)

(Alexander, Hughes, Sullivan,
Scott, Anderson.)

* * * * *

(10:15 p.m.)

(Sitting Members Case #BZA-006867-2015:
Constantine Alexander, Timothy Hughes,
Brendan Sullivan, Thomas Scott, Slater W.
Anderson.)

CONSTANTINE ALEXANDER: And the
Chair will call case No. 006867, 26 Reed
Street.

Is there anyone here wishing to be

heard in this matter?

(No Response.)

CONSTANTINE ALEXANDER: No one wishes to be heard.

We have a letter from Geoffrey Shafer, S-h-a-f-e-r from Pegasus Design-to-Build. (Reading) I would like to request a continuance for this case scheduled for June 11, 2015. Please extend the date for the hearing to August 13, 2015.

We have room?

MARIA PACHECO: Yes.

CONSTANTINE ALEXANDER: We do.

The Chair moves that this case be continued as a case not heard until seven p.m. on August 13th on the following conditions:

That the petitioner sign a waiver of

time for decision.

That the posting sign be modified to reflect the new date and the new time.

And that this sign be maintained for the 14 days required by our Ordinance.

And lastly, to the extent that new plans or amended dimensional forms are required, that they must be in our files no later than the Monday -- by five p.m. on the Monday before August 13th.

All those in favor say "Aye."

(Aye.)

(Alexander, Hughes, Sullivan, Scott, Anderson.)

CONSTANTINE ALEXANDER: Five in favor.

(Whereupon, at 10:15 p.m., the

Board of Zoning Appeal

Adjourned.)

* * * * *

ERRATA SHEET AND SIGNATURE INSTRUCTIONS

The original transcript and Errata Sheet has been delivered to Community Development Department electronically.

INSTRUCTIONS

After reading this volume of the Planning Board transcript, note any change or correction and the reason therefor on this sheet. Sign and date this Errata Sheet.

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 I have read the foregoing transcript of the Planning Board, and except for any corrections or changes noted above, I hereby subscribe to the transcript as an accurate record of the statement(s) made by me.

C E R T I F I C A T E

**COMMONWEALTH OF MASSACHUSETTS
 BRISTOL, SS.**

I, Catherine Lawson Zelinski, a Certified Shorthand Reporter, the undersigned Notary Public, certify:

That the hearing herein before set forth is a true and accurate record of the proceedings.

IN WITNESS WHEREOF, I have hereunto set my hand this 25th day of June, 2015.

Catherine L. Zelinski
Notary Public
Certified Shorthand Reporter
License No. 147703

My Commission Expires:
April 29, 2022

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