FOR THE CITY OF CAMBRIDGE

GENERAL HEARING

THURSDAY, JUNE 30, 2016 7:00 p.m.

in

Citywide Senior Center 806 Massachusetts Avenue, First Floor Cambridge, Massachusetts 02139

Brendan Sullivan, Acting Chair
Janet Green, Member
Patrick Tedesco, Member
Douglas Myers, Associate Member
George S. Best, Associate Member

Sean O'Grady, Zoning Specialist

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CASE

PROCEEDINGS

(7:00 p.m.)

BRENDAN SULLIVAN: Let me call the meeting of the Board of Zoning Appeal for June 30, 2016, to order.

JOHN HAWKINSON: Mr. Chair, I'll be recording your meeting.

person may make a video or audio recording of our open sessions or may transmit the meeting through any medium subject to reasonable requirements that the Chair may impose as to the number, placement, and operation of equipment used so as not to interfere with the conduct of the meeting.

The Chair is notifying the attendees at this meeting that a recording is being made by two parties:

One, our regular stenographer hired by the City who is doing an audio and also a written transcript, and Mr. Hawkinson who is doing a recording of the meeting.

* * * * *

(7:00 p.m.)

(Sitting Members Case BZA-009842-2016: Brendan Sullivan, Janet Green, Patrick Tedesco, Douglas Myers, George S. Best.)

BRENDAN SULLIVAN: We will go to case No. 009842-2016, One Kendall Square.

Is there anybody on that matter?

(No Response.)

BRENDAN SULLIVAN: There is nobody here.

Let me possibly continue this for a few minutes to see if somebody does show up if that works. The other person is --

DOUGLAS MYERS: The chimes are striking seven.

BRENDAN SULLIVAN: Huh?

DOUGLAS MYERS: The chimes are striking seven as we speak.

BRENDAN SULLIVAN: Right. So let me make a motion, then, to recess this until after we go through

possibly the continued agenda before we get to the regular agenda to give the petitioner possibly a few minutes.

All those in favor of recessing this?

(Show of hands.)

BRENDAN SULLIVAN: Five in favor. Okay, recess.

(Sullivan, Green Tedesco, Myers, Best.)

(Case Recessed.)

* * * * *

(7:00 p.m.)

(Sitting Members Case BZA-010110-2016: Brendan Sullivan, Janet Green, Patrick Tedesco, Douglas Myers, George S. Best.)

BRENDAN SULLIVAN: The next case the Board will hear is 010110-2016, 6 Donnell Street.

Mr. Kennedy.

I would ask if anybody is going to speak, that you clearly state your name, please spell your last name, and give your address for the record. Okay, whoever.

KELLY SPEAKMAN: My name is Kelly Speakman. My address is 30 Bowes Street in Somerville.

BRENDAN SULLIVAN: Kelly, how do you spell your last name?

KELLY SPEAKMAN: S-P-E-A-K-M-A-N.

BRENDAN SULLIVAN: Okay. What do you want to do?

KELLY SPEAKMAN: So our hope is to renovate the existing building which is located at 6 Donnell Street.

This is the existing site plan. The building is all the way on one side of the property. You can see it's within 2.3 feet of the left side setback. It has a pretty wide setback on the right side.

The building itself is non-conforming both for side yard and rear setback, but otherwise is conforming for height and floor area as existing.

What we would like to do is take off the back part that's non-conforming in the rear setback, rebuild some of the portion that's non-conforming here, and take this

existing three-car garage and make it a single-car garage so that we can conform for open space which the building doesn't have now.

BRENDAN SULLIVAN: Let me just

orientate. Donnell Street is --

KELLY SPEAKMAN: Donnell Street is here.

BRENDAN SULLIVAN: -- far left. Yup.

KELLY SPEAKMAN: Yup.

BRENDAN SULLIVAN: The driveway is --

KELLY SPEAKMAN: This is the driveway. And now it's got a big three-car parking garage for this tiny structure.

BRENDAN SULLIVAN: Yeah, and the front door is?

KELLY SPEAKMAN: The front door is a side

entrance, front door.

BRENDAN SULLIVAN: Yeah.

JOHN KENNEDY: This is a couple of pictures of it

here.

KELLY SPEAKMAN: So it would be possible to tear this house down and build a conforming structure. But after talking with Charlie Sullivan, we would prefer to keep the old structure and renovate it in place. So our proposal is to take off the bit of the rear that doesn't conform for rear yard setback, take off two of the car parking garage spaces to leave the one that's required for a single-family, and to build an addition that brings the building up to its allowable FAR but not over. So the building doesn't get any higher, we'll renovate the existing front house in place, build in the back L, and our main non-conformity, this is where the setback would be required to be.

BRENDAN SULLIVAN: Okay.

And the reason for all of this? Mr. Kennedy, if you would just introduce yourself for the record.

JOHN KENNEDY: Pardon?

BRENDAN SULLIVAN: Introduce yourself for the --

JOHN KENNEDY: My name is John Kennedy and I live

at 25 Avon Street. And we've first looked at this house at -- well, actually the first thing I did was talk to Charlie Sullivan. He was -- came by in April and looked at it and thought it was a really nice example of a worker's cottage. And he looked at the rear part and the garages and had no interest whatsoever in the garages, and said he would be okay with taking the rear part of the house away as long as we were to retain the front part of the worker's cottage, which I've grown to like myself actually.

The other thing that -- and then -- that was in April. And then in May I reviewed these plans with him at that point and he had no objections to the plans, but he also did point out through Mark Boyes-Watson that he has no problem with what's been proposed, but if we were to want to demo the entire building, he would strongly oppose that to the point of maybe having it become a landmark.

BRENDAN SULLIVAN: So he finds it somewhat historically significant?

JOHN KENNEDY: He would at that point I guess.

BRENDAN SULLIVAN: Okay. And your plans for the building, is this a project or are you planning to move here?

JOHN KENNEDY: We're planning to move into it.

BRENDAN SULLIVAN: Okay.

JOHN KENNEDY: My wife and I. Yeah.

BRENDAN SULLIVAN: Okay.

All right, just for the record, it is a non-conforming lot and the non-conformity is really the left side. The house was built actually in 1911. I happen to live up around the corner from there, and it appears that not much has been done to it --

JOHN KENNEDY: No.

BRENDAN SULLIVAN: -- upgrading-wise over the years, other than necessary maintenance. And so you will bring it into conformity as far as the rear yard setback is concerned. It will be in conformity on the right side. It

is not going over the FAR. One violation probably might be the distance between building and the garage.

JOHN KENNEDY: Yes.

BRENDAN SULLIVAN: But that's somewhat existing now.

KELLY SPEAKMAN: Yeah. Right now this is the outline for the existing garage, and you can see there's only about five feet between where the corner of the house is now and the existing garage. So it still is a non-conformity with our addition, but it's not worse than it exists now.

BRENDAN SULLIVAN: Right.

SPEAKER: And we will make the open space conforming which currently it does not because the garage is so big.

BRENDAN SULLIVAN: Right, okay.

All right. Any questions by members of the Board at all?

PATRICK TEDESCO: Just one question. The stair is new, right? The stair is proposed in the back?

KELLY SPEAKMAN: This is the stair down to the basement.

PATRICK TEDESCO: Down to the basement?

KELLY SPEAKMAN: It's an areaway open to the air above and concrete stair.

PATRICK TEDESCO: So there's a new basement below the footprint of the addition?

KELLY SPEAKMAN: Yes. And we probably will do some work to reconstruct the existing basement that's there. Like the Chair said, it hasn't had a lot of love this house in many years and the foundation is in really bad shape. So part our ask is to repair or reconstruct the part that's non-conforming which you wouldn't be allowed to do as-of-right.

BRENDAN SULLIVAN: No, you could as-of-right anyhow.

SEAN O'GRADY: I'm sorry, I lost the thread of the conversation.

BRENDAN SULLIVAN: Repair --

KELLY SPEAKMAN: If you tear down the foundation wall that's non-conforming wall and build it back where it used to be?

SEAN O'GRADY: Yes. There's a limit to how much, but yes.

BRENDAN SULLIVAN: Doug, any questions at this time?

DOUGLAS MYERS: No, no questions.

BRENDAN SULLIVAN: Janet?

JANET GREEN: I have no questions.

BRENDAN SULLIVAN: Let me open it to public

comment.

Is there anybody here who would like to speak on the matter of 6 Donnell Street?

Yes. If you please identify yourself for the

record.

PATRICIA VICTORMAN: My name is Patricia

Victorman. I live at 8 Donnell Street which is right

next-door. We are the house that's on the non-conforming
side.

KELLY SPEAKMAN: This is a little sliver of your house right here.

PATRICIA VICTORMAN: Yeah, that's it. That's us.

We, we actually support this. You know, we're happy with this design. I mean, we've been living with this non-conforming situation since we moved into the house and this doesn't make it worse. But we have some questions about the -- I mean, first of all, what -- this is just a question for the Board: What is the issue about the space between the house and the garage? Why is that --

BRENDAN SULLIVAN: Well, there is a requirement that distance between buildings, house and garage, be a minimum of ten feet.

PATRICIA VICTORMAN: Yeah, but I mean what's the rationale for that?

is for a lot of the stuff in the book to be honest with you.

That is the infinite wisdom of the City Council which you could question at times, also the Planning Board. We don't know. But a lot of this is pre-existing.

If you were to build a house new and you were to build the garage new, then in order to comply with the Ordinance, that distance would have to be ten feet. So going forward, new stuff, it would have to comply.

PATRICIA VICTORMAN: And the only other question that we have about this is, I mean you asked a question about the staircase in the back that's going down to the basement. Is there also one in the front?

KELLY SPEAKMAN: Yes, there's one here going down to the basement and one to the back.

PATRICIA VICTORMAN: Yeah, I mean that, that's the

one that we -- I mean, the front yard is very small and it makes a -- you know, I don't understand the need for the second, you know, for that second staircase in the front.

JOHN KENNEDY: Mr. Chairman, when we originally designed that, we wanted to have -- be able to access an office in the basement, but it was originally more towards the other -- to the non-conforming side of the property.

And we switched it around so that it's -- it fits in really quite well with the existing house that's there.

JANET GREEN: So it used to be on the other side from the original?

JOHN KENNEDY: It used to be right -- our original plan was right to have it at the corner of the house.

KELLY SPEAKMAN: Right here you mean?

BRENDAN SULLIVAN: There is not one there now?

JOHN KENNEDY: No.

JANET GREEN: No, there is not one there now.

JOHN KENNEDY: No. There is exhaust fans there

now from the heating system which will add to that change as well.

BRENDAN SULLIVAN: Does that, does that satisfy your question as to --

PATRICIA VICTORMAN: I don't understand why there have to be three exits from the -- you know, I don't understand the need for the, for the staircase in the front of the house which will essentially be right on the street. I mean, right now what there is, is a little garden in the front.

BRENDAN SULLIVAN: Right.

KELLY SPEAKMAN: So this is the basement plan. So this would be a new door here to access this office which would keep the access to the office separate from the private basement space. It would allow John to work from his basement and have clients in to a sort of public space that doesn't require them to go by the bikes and the storage and the other things that are typically in the basement.

And it also will keep clients coming in from having to walk all the way through the property and to the rear of the house which really is the private space. And this could be well shrubbed. It's very low, so there's not really a wall here. You know, this is down a whole story, and this is right at the grass level. So you could add shrubbery or something to the -- so that you could -- it would hide that in the bushes sort of the way it does now.

PATRICIA VICTORMAN: The clients would come in from the driveway and go directly --

KELLY SPEAKMAN: Yeah, they would walk in from the sidewalk without needing to access the full site in order to get to the office space which does really afford them more privacy within for their living area.

PATRICIA VICTORMAN: More privacy, what, within -- KELLY SPEAKMAN: Within their living area.

JOHN KENNEDY: The access to that will be the same as going to the front door of the house as well. So it

really shouldn't impact any neighbors.

DOUGLAS MYERS: What's going to be the height of the ceiling in the cellar?

KELLY SPEAKMAN: The basement ceiling height now with the new zoning changes are allowed to be more than seven feet, so it will be habitable space down there.

DOUGLAS MYERS: It will be habitable space?

KELLY SPEAKMAN: Uh-huh. It doesn't count towards the GFA with the new zoning changes, but it will be over 7.6 which is (inaudible).

BRENDAN SULLIVAN: I guess the question I asked

Mr. Kennedy is whether or not that stairway could go in the

front of -- between the entrance to the house and also the

corner?

KELLY SPEAKMAN: It could, but it negatively affects the open space, because this isn't 15 feet wide. So here you've got undisturbed usable open space, where by putting it in the front --

BRENDAN SULLIVAN: Well, I think that the staircase is more disturbing than the lack of or the loss of some open space.

KELLY SPEAKMAN: I'm not sure if that would be a variance we didn't ask for. I don't know. We didn't ask for open space because we complied. But if we changed it, I'm not sure if that affects our application at all.

PATRICK TEDESCO: Is the stair in front a variance requirement? Are you seeking a variance?

KELLY SPEAKMAN: No, that's allowed.

PATRICK TEDESCO: Okay, that's allowed.

SEAN O'GRADY: Yeah, I'm sure it's advertised under 5.31, so a different dimensional thing, we could accommodate that with the advertisement.

BRENDAN SULLIVAN: Okay.

But the staircase can be done as-of-right?

SEAN O'GRADY: Yes, the staircase is as-of-right.

BRENDAN SULLIVAN: So they're not asking for,

nor -- they're not asking for relief from that. They can do it as-of-right in a sense, but anyhow. I don't know if that allies your concern about it.

PATRICIA VICTORMAN: No, I just didn't understand what the need for it was.

BRENDAN SULLIVAN: Okay.

JANET GREEN: And did you have a landscape plan or what was the thinking about that?

KELLY SPEAKMAN: We haven't fully developed a landscape site plan yet, so we haven't selected plantings or anything.

JOHN KENNEDY: Well, I'm sorry. We don't have an exact landscaping plan. In the past I've used Cambridge Landscapers who devised really nice landscapes for us. But at this point we were trying to establish what it is we wanted to do.

KELLY SPEAKMAN: But if you would like to see some shrubs there, you know, I'm sure we would be happy to add

that as a requirement to our application.

BRENDAN SULLIVAN: Well, it would have to be masked in some fashion anyhow --

JOHN KENNEDY: Right.

BRENDAN SULLIVAN: So that --

Let me continue with the public comment. You have concluded? Okay.

LOUIS HYDE: I'm sorry I'm late. I had trouble parking. I am the husband of this other abutter. We own No. 8 Donnell next-door.

BRENDAN SULLIVAN: Would you identify yourself for the record.

LOUIS HYDE: My name is Louis Hyde. I live at 8

Donnell Street. Just to add one -- one puzzlement about

this front stairway. I mean this is an erratically

non-conforming house. It sits 2.3 feet from our property

line on the driveway side, and actually preface it by saying

we do not object to this renovation. We think it's a good

idea, and we've had cordial conversations with Mr. Kennedy and Ms. Norris. But I am puzzled by the entrance.

My feeling about this is that because the house is non-conforming, what's done to it should honor the spirit of the zoning as it's currently written. So that, for example, normally the house would be seven-and-a-half feet from our line and we've asked that there not be any venting of furnaces or bathrooms that's closer than seven-and-a-half feet just to honor the spirit of current zoning. The same is true with the front. The front is closer to the front than zoning would allow, and I feel that if you put a staircase there, it changes the street presence of the house which is a very nice traditional worker's cottage with nice lines and it begins to read like there's going to be a rental unit in the basement or I just don't, I don't see the purpose. If it's about the office, I wonder if the office can be moved. So that's my puzzlement about this. I -- it goes to the non-conformity and maybe they could do this

by-right, but nonetheless, I would see the spirit of the current zoning honored in the plans that they currently have.

KELLY SPEAKMAN: So the front yard setback is conforming as existing, and areaway stairs that are below grade and are uncovered would be allowed in the Zoning Code. So it's not a non-conformity existing. And you would be allowed to put that stair in the setback or a side setback or anything without any negative impact of the Zoning Code.

BRENDAN SULLIVAN: Okay. Yes.

at 7A Donnell Street which is almost across. I wondered if you would be willing to describe the basement plans?

Because when Mr. Kennedy showed me the upstairs

configuration, there was no mention of what was gonna happen in the basement.

KELLY SPEAKMAN: Sure. Can you see this from where you are?

So the existing building is here. It's right here. This blue section are new basement walls. As part of the construction, which isn't really part of this variance, though, John is planning to rebuild the foundation which is in very rough shape with the new, a new base for his building which I think it desperately needs. So there's a stair in the middle that comes down to the basement. There's a small bath here. The back of the basement is open for storage or media room or whatever sort of subterranean functions you guys are gonna use it for, and there's a small office in the front with a door. So this office has a door into the main basement where this is all open as one big space, and this front is closed off with a door to outside and a door that could prevent people coming to visit John in his office from getting into the stair and up into the house.

ARLENE KULIN: So it's one large room and an office?

KELLY SPEAKMAN: It's one large room and an office.

ARLENE KULIN: And a bathroom?

KELLY SPEAKMAN: Yes. And the laundry is upstairs. Sometimes we have the laundry in the basement. Here we don't.

BRENDAN SULLIVAN: The office is showing a twelve-foot, four by eleven three and the so-called media playroom is thirteen eight by 33-foot eight. It's all going to be reconfigured.

KELLY SPEAKMAN: And it might be that during construction we add a few walls which is not, which is allowed. You're allowed to make interior changes to a building that's had a zoning application.

BRENDAN SULLIVAN: Well, okay. I tend to agree with the comments on the front stairway.

JOHN KENNEDY: Mr. Chairman, when we first visited that in April, there was snow piled up and there was water

pouring into the foundation from the front rear side there.

Not dripping in pouring in. So that's the reason for

the -- we'll need to do some work on the foundation.

BRENDAN SULLIVAN: Well, I think it's probably the age of the building alone will dictate that a lot of that has to be redone. I don't doubt that. It's probably going to be a gut rehab anyhow, so it's probably from the footings all the way up to the top of the roof and I think that's what you're buying into. It's just that to have that staircase down into that room right in the front yard there basically, you know, I can understand if I lived across the street and next-door to it myself, that I might find it kind of misplaced for a lack of a better word, but anyhow.

Is there anybody else who -- yes. If you would just identify yourself.

PAMELA HEART: My name is Pamela Heart and I live at No. 18 Donnell Street. And one thing I just wanted to point out that people might not be aware of and that is

there is only nine feet between the public sidewalk and the front of the building which is the case with most of the other buildings on Donnell Street and it was the case with all the worker's cottages. So, by the time you take away four feet for the staircase, there's only five feet left that can be occupied with shrubs and what have you, but I'm also putting in a plug for keeping those front yards as gardens. In other words, we have a couple of instances on our street where someone has put a six-foot board fence across the front of their property taking away what was visually a very nice harmonious experience. We have a lot of pedestrian traffic on our street because people going to the library at the corner. So I think the -- having a garden in the front yard is a wonderful amenity for the whole neighborhood and I would, if there is a stairs built there, I think it would be nice to make it as inconspicuous as possible so that maintains this public thing. Yes, the harmoniousness of the street.

KELLY SPEAKMAN: So can I just address -- our building setback now is 10.1 feet per the survey. And this is a three-foot wide stair with a ten-inch stonewall. So it will probably be very low. Which leaves a little bit over six feet between here and the back of the sidewalk for landscaping even after the stair would be installed.

BRENDAN SULLIVAN: All right.

JANET GREEN: Can you describe what type of hardship it would be as the Chair suggested if the stair was in a different location?

JOHN KENNEDY: Well....

JANET GREEN: What would it impact?

a -- putting it in the front of the house, it would be much more noticeable for anybody going down the street or for the people who come to visit if -- it's a really a small house.

Maybe I can just show you the neighborhood, you know. So this is the -- this house, this is the a picture of the

house which I got from Historical. I'm not sure how far back it goes, but quite a ways. And this is what it looks like today. And we're talking about putting the staircase down in through here and retaining that, the look of the front, which to me is extremely important.

JANET GREEN: Does the front with the trees on the right-hand side still look like the front on the left-hand side with that, you know, we can't -- on the right-hand side we can't see the front as well because the trees are there now.

JOHN KENNEDY: Right.

No, it's basically this.

JANET GREEN: It's like basically the same as that?

JOHN KENNEDY: We've got plastic windows in there now, but we will put some proper windows in there. But other than that, this is, this is what it is now. And this is the -- this kind of a streetscape from Concord Ave., and

this is Donnell. And this is the large complex that Harvard put in probably 10, 15 years ago. And this is a style that we're talking about, and then this is No. 8 Donnell. That's two buildings here.

And these are basically three families and condominiums around it.

So the big part of the house is the front.

KELLY SPEAKMAN: The front is really the side.

The front of the house is really the side here. And if you were to move the stair from what's now the actual side of the house, the gable end, which is the smaller sort of not the entrance you feel when you walk up, and to put it here would feel more like it's on the front of the house, even though this is the streetscape. So it's sort of a unique situation in that way.

DOUGLAS MYERS: How do you expect the users of the staircase to access the staircase from the street?

JOHN KENNEDY: Expect them to be able to come up

with a walkway coming in through the driveway here and being able to come down through some sort of a just a walkway to get to it.

DOUGLAS MYERS: From the driveway?

JOHN KENNEDY: From the driveway, right.

DOUGLAS MYERS: So they would be walking into the driveway and then crossing over.

KELLY SPEAKMAN: Or you could put a few landscape pavers coming here to go this way as well.

BRENDAN SULLIVAN: Well, most people -- I mean there's no parking on that side of Donnell Street anyhow. People would park across the street or probably pull into the driveway.

JOHN KENNEDY: Right.

BRENDAN SULLIVAN: And go down a pathway to that.

But if, you know, if that stairway on the Donnell Street

side were as unobtrusive as possible, I think it could also

be made as unobtrusive as possible on the front facade of

the house. I think that Pamela is correct, that that little bit of area all up and down Donnell Street, as precious as it is, is really somewhat sacrosanct and not -- it's to be green, it's to be flowers, bushes or what have you and somewhat not interrupted, that's sort of my feeling on it. But anyhow.

Yeah.

PATRICK TEDESCO: I would just add because the house is configured sideways, as you said, that meant side yard does -- really is the front yard. I mean, it presents --

KELLY SPEAKMAN: Yeah.

PATRICK TEDESCO: -- a lot of open space to the street certainly if you're walking, you know, up Donnell Street. So I would think a nicely detailed stonewall for that stair as low as possible is a landscape feature and could be, you know -- if it's not a concrete, you know.

KELLY SPEAKMAN: No, it's not a big giant stair.

It's as small as possible with a very low wall. And usually we do plantings here because otherwise you need a handrail so that -- by the Building Code, but you cannot -- you can omit the handrail if you have solid shrubs, which is normally what we would do in that situation. We haven't sort of developed the design.

BRENDAN SULLIVAN: You may have to put a rail aground there.

KELLY SPEAKMAN: We may. Sometimes we do the smallest metal rail.

BRENDAN SULLIVAN: I just did a project in Belmont and we had the exact same thing and we did plantings, and the building inspector said it has to be a solid in place rail. So --

TERESA NORRIS: Hidden by shrub.

BRENDAN SULLIVAN: Which is now going to accentuate what you have there.

KELLY SPEAKMAN: Well, we could do a small

aluminum rail with the corner inch balusters, black.

BRENDAN SULLIVAN: Still would have to be three feet high.

KELLY SPEAKMAN: Yes, it is quite high. You have the small stonewall --

BRENDAN SULLIVAN: Coming from a standing position.

KELLY SPEAKMAN: Yes.

BRENDAN SULLIVAN: Just went through it.

Okay, is there anybody else who wishes to speak?

LOUIS HYDE: I wanted to comment if the narrative here is that the stairs as configured are going to be more or less invisible, then why not move them to the front of the house?

BRENDAN SULLIVAN: Yeah, that was my thought, anyhow.

Okay, there are letters in the file I think written by both you people, so I need not read those, your

comments reflect the written letters, correct?

LOUIS HYDE: Yes. I had one more thing to say if I might.

BRENDAN SULLIVAN: One more and that's it.

LOUIS HYDE: Okay. Well, again, the house sits very close to our property, and so just two things to say. I mean we have been in cordal discussions with the owners about the impact on our property when they do their renovation. It seems to me likely that it may disturb our driveway, it may disturb our fence, it may disturb our established plantings. It's also the case that the back of the current house where the kitchen and upstairs bedroom are have a lower roof than the old house. That roof will be higher and, therefore, there will be increased shadow in our yard. We had thought to ask for shadow studies, but frankly I can kind of figure out what the increased shadow is and we have decided to accept that as one of the changes. But if you have any -- we have enumerated the things that we're

worried about in terms of the construction and how it might affect our house, and we have a letter of agreement from the owners indicating that they are responsive -- that they will respond to any problems that arise. But I just wanted to say that publicly in case you have any advice on how neighbors can work with this abutting construction.

BRENDAN SULLIVAN: No, I don't.

LOUIS HYDE: Live with it.

BRENDAN SULLIVAN: Well, just be neighborly and cordial, that's all I think. So that we all get to -- you get to the finish line, you know.

Let me close public comment. Any further, anything else to say?

KELLY SPEAKMAN: No.

BRENDAN SULLIVAN: Nothing? Okay.

Let me close, then, the testimony part of it.

Any comments by the Board?

DOUGLAS MYERS: I share the concern of the Chair

and of Janet that I think in view of what's been stated by the neighbors and abutters and the comments of members of the Board, I would rather see that staircase in front of the house. I haven't heard anything that really is a strong reason against it. And I think that from A zoning point of view, the location of that staircase is part of the relief, is not part of the relief, but it's properly before this Board as a matter of our discretion, and I think it could, in view of what's been said, it could have an unfortunate, not major, but an unfortunate appearance that would be properly understood by the neighbors as being undesirable.

BRENDAN SULLIVAN: Okay.

DOUGLAS MYERS: So I'm not saying I'm going to vote against. I share that concern. I would certainly like to hear what other board members say.

JANET GREEN: I find it quite a close question about whether that stairway's on the side or on the front, because I could imagine everybody coming along the open

space and whatever fence there is going to be the driveway. So what they will mostly see is how that front of the house is and how it looks. On the other hand, I don't have a strong preference in that direction, but I do think that most of the viewpoints would be as you're coming along from looking in the driveway and seeing the front facade of the house. So -- but I can vote either way actually.

BRENDAN SULLIVAN: Okay.

GEORGE BEST: So I'd like to see things sort of separate and from where I sit, I think that keeping the old structure visible and the way it looks is probably from my point of view the best way, especially if it's not competing, that staircase is not competing with the house at all.

BRENDAN SULLIVAN: Okay. So you're....

GEORGE BEST: For.

BRENDAN SULLIVAN: For the plan as presented or not? Or you would --

GEORGE BEST: I am.

BRENDAN SULLIVAN: As presented?

GEORGE BEST: Yes.

BRENDAN SULLIVAN: Okay.

Patrick, any --

PATRICK TEDESCO: Yeah, I mean I think the architectural integrity of the house is the entrance facade. And actually I think that -- and I don't believe the stair detracts from the public realm or the view from the street especially if it's nicely detailed which I would really strongly encourage. So I think having it in front of kind of historic worker's cottage facade is actually more of a detraction from the character of the house. It would be unfortunate if the building inspector requires a railing and certainly should be screened, but I think, I think the stair doesn't detract from the front yard.

BRENDAN SULLIVAN: Okay.

PATRICK TEDESCO: Especially given the size of the

side yard which really is the front.

BRENDAN SULLIVAN: All right.

We may have a split vote here. Let me make a motion, then, to accept the plan as before us which will be the renovations and also for the staircase as shown. Okay? And if that passes then it passes. If not, then there may be another motion to grant the relief with a relocated staircase, that's all.

KELLY SPEAKMAN: Would that require another hearing?

BRENDAN SULLIVAN: No. I think to save sometime if the vote came down to relocate the staircase, then we could just do it verbally with the understanding that it just goes along there so you don't have to --

KELLY SPEAKMAN: Okay, thank you.

BRENDAN SULLIVAN: -- go through all of this again.

Let me make a motion, then, to grant the relief as

requested.

The Board finds that a literal enforcement of the provisions of the Ordinance would involve a substantial hardship to the petitioner.

The Board finds that the house was built in 1911.

That it is an existing non-conforming lot, and existing non-conforming house built on it which predates the current Zoning Ordinance.

The Board finds that the plan before us is one that injects sort of new life into the structure.

That the building is in much needed state of updating.

That the proposed plan would eliminate a non-conforming to the rear which brings the open space into conformance, the rear setback into conformance.

The Board finds that the elimination of parts of the garage will also enhance the conforming aspect of it, and it is desirable and has a beneficial effect on the

overall plan, open space, and beneficial to the neighborhood at large.

The Board also finds that the right yard setback, side yard setback is conforming and that the floor area ratio is also conforming even with the new addition.

The Board finds that relief may be granted without derogating from the intent and purpose of the Ordinance to provide, to add to the housing stock and to bring housing up to modern day standards, and that it will enhance the neighborhood by having an updated structure and that will be beneficial to the general neighborhood.

The Board finds that desirable relief may be granted without substantial detriment to the public good and will not nullify or substantially derogate from the intent and purpose of the Ordinance.

All those in favor of accepting the plan as presented, will you raise your hand?

(Show of hands.)

BRENDAN SULLIVAN: One, two, three, in favor. (Green, Tedesco, Best.

BRENDAN SULLIVAN: Not receiving the necessary four votes, then the motion fails and that plan is not accepted.

Let me make an alternate plan to accept the findings with the addendum of having that front staircase parallel to Donnell Street moved over to the front facade of the building. Basically just turning it to the front underneath. I'm not even sure -- what is that window that's noted there or that part of the building? Oh, that's the basement; is that right?

KELLY SPEAKMAN: This is the ground floor because it's a cycling and you're seeing the stair that goes down.

BRENDAN SULLIVAN: Yeah. What I'm going to do is I'll markup the drawing anyhow.

JOHN KENNEDY: There's a doorway in the basement -- a doorway and a window in the basement,

Mr. Chairman.

KELLY SPEAKMAN: So this is the basement plan.

Now we're showing a door and a window here.

BRENDAN SULLIVAN: Basically parallel to the study if that's what it is. So basically I'm just going to take and move this this way here. Is that correct?

DOUGLAS MYERS: Yes.

BRENDAN SULLIVAN: I'm moving that from here to here, in that location.

DOUGLAS MYERS: So the staircase would be parallel to the wall of the office?

JANET GREEN: The front wall.

KELLY SPEAKMAN: So the staircase would move --

DOUGLAS MYERS: That wall that faces the driveway.

KELLY SPEAKMAN: From here to here.

BRENDAN SULLIVAN: Correct.

KELLY SPEAKMAN: Which means you would need access from the street side because the existing stair here is in

this many steps to get down. So this length here wouldn't need enough space without removing the office door and front stair. So you would have to access it this way where the bottom of the stair would be down here and the top of the stair would be at the street front.

GEORGE BEST: And then you lose some shrubbery?

BRENDAN SULLIVAN: What is the length of that stairway?

KELLY SPEAKMAN: This is a 16-foot wall. So I'm gonna say the staircase is about ten feet long, maybe a little longer.

BRENDAN SULLIVAN: And from the corner to --

KELLY SPEAKMAN: And this is about 12 feet. So you need it -- you would need a three-foot landing at the top and the bottom of the stair. Here you just get it because the land is wide open. And if you were to start the stair here and go down, you would, you wouldn't have enough

run to get to the basement in that direction. So you'd need to enter functionally from Donnell Street this way, which would mean adding a path, you know, along the street to get to the stair.

PATRICK TEDESCO: Is there a light well in the basement in that window now that's what's shown?

KELLY SPEAKMAN: Yeah, this is a light well. This is a light well.

PATRICK TEDESCO: So that would have to be part of the stair?

KELLY SPEAKMAN: We would probably ask permission to take this light well and move it to the front so you get a nice window in that room as well.

PATRICK TEDESCO: Sure.

KELLY SPEAKMAN: And then move the stairway to here.

BRENDAN SULLIVAN: Yeah. Well, I would think you move it there and you'll get it in there somehow.

KELLY SPEAKMAN: Yeah. And it will fit in there.

BRENDAN SULLIVAN: Okay.

KELLY SPEAKMAN: It needs a little bit of finesse.

BRENDAN SULLIVAN: Okay. So accepting all of the previous findings with the addendum of changing the staircase as noted in the drawing to be along the study wall as noted on the drawing.

All those in favor of accepting that plan?

(Show of hands.)

BRENDAN SULLIVAN: One, two, three, four. George, no?

(Sullivan, Green, Tedesco, Myers.)

BRENDAN SULLIVAN: So one opposed to that plan. So receiving the necessary four votes to the addendum with the change.

KELLY SPEAKMAN: And our open space calculations will change --

BRENDAN SULLIVAN: That will --

KELLY SPEAKMAN: -- which will differ then what was submitted in our application.

BRENDAN SULLIVAN: We will allow that as a change.

KELLY SPEAKMAN: Just to be clear.

BRENDAN SULLIVAN: Great. Approved.

KELLY SPEAKMAN: Thank you.

* * * * *

(7:45 p.m.)

(Sitting Members Case BZA-009842-2016: Brendan Sullivan, Janet Green, Patrick Tedesco, Douglas Myers, George S. Best.)

BRENDAN SULLIVAN: Is there anybody here for One Kendall square?

(No Response.)

either reject it for nobody appearing or continue it. We can give it one more -- it can't go forward anyhow because failure to post. However, Maria has -- let me reopen this thing and dismiss it.

The Board will now hear case No. 009842-2016, One Kendall Square.

Again, is there anybody here representing the petitioner?

(No Response.)

BRENDAN SULLIVAN: I see nobody. This is our second calling of the case. Let me make a motion to continue this matter.

Sean, do we have room on July 28th?

SEAN O'GRADY: No. You're into August 11th now.

BRENDAN SULLIVAN: Okay. So as a case not heard, so it's going to be August 11th?

I'm going to make a motion to continue this matter until seven p.m. on August 11th.

The Board finds that this matter cannot proceed tonight because the petitioner has failed to comply with Section 10.42-1 of the Ordinance requiring the proper posting of a public notice board.

The Secretary of the Board has reached out by telephone to the petitioner representative and has not received any reply.

The Board will give the courtesy of extending this

matter, continuing this matter until August 11, 2016, on the condition that the petitioner post the required posting sign, change the date on the posting sign to reflect the new date of August 11th, and the new time of seven p.m. Such sign shall comply with Section 10.42-1 of the Zoning Ordinance regarding the maintaining of the sign for the required number of days. And that the petitioner should be prepared to go forward at that time.

Also, should the petitioner wish to submit any additional material different from what's already in the file, that he should do so. It should be in the file by five p.m. on the Monday prior to August 11th.

Is there anything else we should add?

DOUGLAS MYERS: Case not heard?

BRENDAN SULLIVAN: It is a case not heard.

All those in favor of continuing this matter?

(Show of hands.)

BRENDAN SULLIVAN: Five in favor.

(Sullivan, Green, Tedesco, Myers, Best.)

* * * * *

(7:50 p.m.)

(Sitting Members Case BZA-010180-2016: Brendan Sullivan, Janet Green, Patrick Tedesco, Douglas Myers, George S. Best.)

BRENDAN SULLIVAN: The Board will now hear case
No. 010180-2016, 110 Hancock Street.

Mr. Rafferty.

ATTORNEY JAMES RAFFERTY: There was a time you came here and you had to wear a necktie, and I'm glad to see I'm not the only person wearing a necktie this evening.

GEORGE BEST: I'm burning up.

ATTORNEY JAMES RAFFERTY: You're burning up. I feel like loosening mine.

Excuse me. James Rafferty appearing on behalf of the applicant, 110 Hancock Street Realty Trust. I have offices at 675 Massachusetts Avenue in Cambridge. Seated to my right is Frank Shirley. Mr. Shirley is the architect for the project. And I'm not sure who this gentleman is.

ARNOLD ROBBINS: I'm Doctor Robbins. I'm an abutter.

ATTORNEY JAMES RAFFERTY: Oh, wonderful.

ARNOLD ROBBINS: Yeah, we worked together in the past.

ATTORNEY JAMES RAFFERTY: I think I remember.

Yes, I do now remember.

ARNOLD ROBBINS: We've both gotten a little older since then.

ATTORNEY JAMES RAFFERTY: You're a psychiatrist?

ARNOLD ROBBINS: I am.

ATTORNEY JAMES RAFFERTY: Yeah. We worked together in a legal capacity?

ARNOLD ROBBINS: Oh, yes, absolutely.

BRENDAN SULLIVAN: You may still want to give him your card.

ARNOLD ROBBINS: I don't know if I want to go there.

BRENDAN SULLIVAN: Okay, Mr. Rafferty.

ATTORNEY JAMES RAFFERTY: Thank you.

So, brought some photos. This is a very nice house you may be familiar with on Hancock Street. A single-family house that has been there for many years. And in about -- and Doctor Robbins will know, in about -- I'm

checking the date on this, 1987 the house got approval from this Board, same Chair sitting that night is sitting tonight, to construct an addition in the rear. And that addition essentially brought the house up to the 25 percent limit allowed. So what we have here in this case is a non-conforming structure, and it's non-conforming because of its left side setback. The house is notable in another way in that it's significantly undersized for what's permitted on the lot. The district has a 0.75 FAR. The existing house has only a 0.4 FAR. The existing structure is at 2,654 square feet. Mr. Shirley is designing a modest addition of 259 square feet. So the impact is quite minimal. It will result in an increase of FAR from 0.4 to 0.44. But because the property is in a, is non-conforming, it is subject to the provisions of Article 8. Article 8 has two areas where it's relevant for this property.

One of the proposed elements for the renovation is the introduction of a dormer on the second floor. And the

dormer, although it's going on the side of the house that is non-conforming, as I'm sure as most board members know, under Article 8, Section .22.8.1, a dormer on the second floor can be added to a non-conforming structure but does not meet setback requirements provided that there is no increase in GFA or any other -- create any other violation. So there is a dormer provision -- a dormer being added on to the house which does not require the Board's relief. What does require the Board's relief is the work that Mr. Shirley intends to do to that 1982 addition. It was, it was originally built seemingly for residents, but my understanding is that it was used as an office for many years. The owners intend to renovate it and make the house a single-family house without any office. And Mr. Shirley can walk you through some elements of the addition, but -- and I'm trying to be kind to the prior architect, and Mr. Shirley's too modest to say so, but from a design perspective it was somewhat lacking. I don't think it

is -- was adequately responsive to the historical elements of the house.

Mr. Shirley has some expertise in houses of this vintage. He was a citizen volunteer like yourself for years on the Historical Commission and he has a, he's a published author in the area of renovations to small houses. So the scale of the house will be unchanged. The additional square footage is occurring in an area -- if you see the elevation, you can see it in the photos. As you go down the house on the -- on this side, the larger side facing the driveway, you see on the site plan, there's an awkward kind of deck and porch construction, that's going to be removed. But I could have Mr. Shirley point you to the elevations, you can see the change. But the square footage increase associated with that because of the limitations of the 25 percent do require zoning relief.

The building is -- the house is located in the Mid-Cambridge Neighborhood Conservation District, and as

such, it had to go through the Certificate of Appropriate process there. And I had asked -- and we obtained a Certificate of Appropriateness, and I had asked if the minutes of the hearing could be included in the communication from the Historical Commission. And they were, but regrettably they don't have the benefit of a stenographer like this commission does. I have to say frankly that the minutes really don't capture the high level of enthusiasm and praise that this addition that this redesign did by the architect members of the Commission, including Mr. Redman (phonetic) who some of you may know who is an architect who lives a few blocks from here and who has an architectural practice in Harvard Square. But as I said, once again, I can talk more readily about Mr. Shirley's abilities than he's inclined to do. And that has something to do with personality and occupations. Lawyers are more accustomed to self-promotion perhaps than architects. But in this case, the design work here by Mr. Shirley, I think,

is really what makes this a very thoughtful addition.

There's a whole bunch of orientation, layout in the room,

particularly the second floor, you cannot go from one room

to the other without passing through the rooms. So

Mr. Shirley's layout, and he can take you through the

elements of that, will allow him to create a corridor on the

second floor.

So for those reasons I'm happy to answer any questions or perhaps you'd like Mr. Shirley to just briefly walk you through the floor plans and the elevations?

DOUGLAS MYERS: I'm sorry, I just want to --

FRANK SHIRLEY: What would you like?

ATTORNEY JAMES RAFFERTY: No, no, maybe if you could just quickly go through -- I suggest we go through the elevations?

DOUGLAS MYERS: I didn't see anything in the file.

Oh, I see. Thank you.

FRANK SHIRLEY: So, yeah I'll gladly walk you

through the design proposal. Just let me give you a 30 seconds synopsis of why we're doing anything at all.

know, live in this house. And the house is very petite.

This portion of the house is, in my view, and in City's view

I'm sure is precious, and we're not changing this, except to

rehabilitate it where it needs to be rehabilitated. There

is no architectural change to be made to this revival

building.

There's an L that is over, behind. You can't see in this image, but we can -- I can show you in the plan.

ATTORNEY JAMES RAFFERTY: Will that help?

FRANK SHIRLEY: Yes, the L is visible there.

We're now -- and then there's this 1980s addition at the very rear.

The house because it's so petite at the second floor, it is three rooms one after the other, and you have to walk through -- if you want to go to the last room, you

just walk through the other two rooms. That's problem No.
1.

Problem No. 2, it is multiple up and down literal levels moving up and down to get in and out with the stair, or many stairs, none of which are conforming. They're too narrow, they're too steep, which is how sometimes houses grow over the, you know, a couple centuries. But for a couple, you know, working to leave the business world and to retire quietly here, that obviously isn't -- doesn't make for a functional home. They love the home. They love the humility of the home. It's small and modest presentation. I do as well. And everything that we're trying to do is simply to correct this basic errors of the house where it makes really living in the house untenable. And so as Mr. Rafferty explained, we're adding a net square footage, that net square footage is well within -- or will be beyond any setbacks, because we hit that 25 percent setback with that 1980s addition, we have to come before you. The whole

purpose of that is to, at the L to move that wall out enough that I can get a hallway so that you don't have to walk through two bedrooms in order to get to the last bedroom.

The last bedroom, which is in this 1980s addition, is the master bedroom. I think it's currently at that and it's our intent for it as well.

So that's the background as to why we're doing that. But it is, it's a precious house. I love the house, and we intend to be as sympathetic as we possibly can to this.

So I'll refer you to the second floor plan. Hold this up, but I'm happy to pass this around, too. So I will orient you. This is Hancock Street here.

This is that, you know, beautiful early 19th century gothic revival building, which again has not seen any architectural changes.

Here -- well, it's fine. This is the stair. You come through here. Our -- by the way, we're adding an

elevator, but the elevator is entirely contained within the volume of the house. There is no penetration through the building at all in any way, but this is an elderly couple. The husband is -- does have some mobility issues, so the elevator is a way for him to get up and down this small house when the stairs otherwise not easy for him.

So this is the hallway and that hallway is created by pulling this wall of the L out a little bit toward the center in order to get that passage. And so -- and that allows us to have a bedroom that doesn't have to be a walk through and the master bedroom that is at the rear of the house. Again, the rear of the house, that 1980s addition. The footprint isn't being changed, but we're wholly changing its architectural presentation to try to get that building to reflect the quality and the character and the vocabulary of the original house that fronts on Hancock Street.

I'm happy to walk through or answer any questions.
Yes.

PATRICK TEDESCO: So the hallway that you're introducing requires the dormer; is that right, for height clearance?

FRANK SHIRLEY: Yes. That's a great question.

The dormers -- so the two dormers we're adding are here. And this property line is tight as Mr. Rafferty already discussed, that's a tight property line. And those are there to get physical headroom. And this roof, actually, the bottom of the rafters sit at the floor level of the second floor. So if you imagine a triangle where the bottom of the triangle starts at your floor level, you don't get usable floor height except for kind of a narrow part. Again, it's a small house.

So these dormers allow this room to function as a small -- a bedroom. And that dormer obviously allows this to function as the bathroom for the master, master bedroom.

So this is actually a wall, you know, that takes this existing L wall and we're pushing it out enough to

create that hallway.

Okay.

PATRICK TEDESCO: So you have enough head clearance on the hallway without a dormer?

FRANK SHIRLEY: That's correct.

BRENDAN SULLIVAN: The exterior, can you just sort of show us the in-fills somewhat?

ATTORNEY JAMES RAFFERTY: The elevations?

FRANK SHIRLEY: Oh, yeah, yeah, of course.

All right. And I can -- and I'm happy to pass these around. So, I'll start on this sheet. That's the front elevation of the house. That's what everyone sees on Hancock Street. That's what the house looks like now. And, again, we only intend to rehabilitate it and restore it, and that's for the entire volume for that part of the house.

This is the side elevation that's most visible.

Again, Hancock Street is here. This is that original house.

These dormers may not be original but they're old. We're

not changing any of that. It's just being rehabilitated.

This is the L that we're pulling out. It, you know, it doesn't pull out to the freeze line or anything like this main roof, so that this original building, it's important to me, it's important to the owners, but certainly to me, that for any passers-by, anyone in the public realm when they see this house, they continue to see that, you know, this gothic revival structure. I don't want them to see the work that we're doing. It's intended to be quiet and relaxed and recede from view of this.

So that's the porch of the house. We're not changing that.

There is the L where that wall's coming out.

DOUGLAS MYERS: While you're there at the L of the wall coming out --

FRANK SHIRLEY: Yes.

DOUGLAS MYERS: -- on that very page, the three windows that are in a row --

FRANK SHIRLEY: Yes.

DOUGLAS MYERS: -- are new?

FRANK SHIRLEY: Yes. That wall is new. Where your finger is, that which is the L, that, you know, that --

DOUGLAS MYERS: And the structures that are shown on top of the windows, the little square elements, if you will, what are they?

FRANK SHIRLEY: It's a, it's a shed roof, you know. It's basically the roof comes down and then it pops up to allow that window to happen.

DOUGLAS MYERS: So they're attached to the roof?

FRANK SHIRLEY: Yes.

DOUGLAS MYERS: Are those three windows in your opinion dormers?

FRANK SHIRLEY: They -- I would happily say that they are dormers, yes. But those aren't the dormers we're talking.

DOUGLAS MYERS: No, no, but since they're new

construction, I just noted that -- if, assuming that they're dormers, they're not cut back from the side wall of the house at least as I read that plan.

ATTORNEY JAMES RAFFERTY: Well, that's why I wouldn't be so happy to call them dormers.

FRANK SHIRLEY: All right.

dormers for that very reason. We had this recently in another case. It is occurring in the second floor. The dormers are not into the roof of the house. That's merely a case where the roof line lifts to allow for the windows. But the wall, the wall is unchanged. That is the second floor. Whereas, if you look at the dormers on the other side, the dormers are set into the roof.

FRANK SHIRLEY: Yeah.

ATTORNEY JAMES RAFFERTY: Which is typically where one sees a dormer. That is the exterior wall in the plane of -- in order to accommodate the --

DOUGLAS MYERS: Those windows are in the plane of the wall?

FRANK SHIRLEY: Yes.

ATTORNEY JAMES RAFFERTY: Yes.

So in another way, if those windows were not there, the roof would come right along. So all there is is a break in the roof line.

FRANK SHIRLEY: Right.

ATTORNEY JAMES RAFFERTY: So the introduction of the windows doesn't turn a wall into a dormer would be my analysis.

DOUGLAS MYERS: No, I understand.

ATTORNEY JAMES RAFFERTY: Yeah. But that's what's happening here.

DOUGLAS MYERS: Right. That's what prefaced by a series of questions.

ATTORNEY JAMES RAFFERTY: Well, I don't mean to be critical about the questions. You know, I apologize. I

don't mean to be critical. I'm just saying -- and I'm hesitant to disagree with Mr. Shirley.

(Several people talking at once.)

DOUGLAS MYERS: If they're in the plane of the wall --

ATTORNEY JAMES RAFFERTY: His expertise is not in dormers. So that he relies on legal advice. But I knew it was a loaded question. I know how precise some questions can be. And I thought to myself -- and I'm not -- but I thought okay, I know where this question is leading, and I was concerned when he happily agreed to call it a dormer. And to think well now we're going to get into a question of the dormer guidelines and when is something not a dormer. But I honestly believe in having reviewed this, that the -- that is a wall, that is a wall where the roof line gets adjusted to accommodate a window and that's what's going on.

DOUGLAS MYERS: And if you say that they're in the

plane of the wall, then I'm satisfied they're not dormers.

FRANK SHIRLEY: They are completely in the plane of the wall.

DOUGLAS MYERS: However, looking at --

ATTORNEY JAMES RAFFERTY: I understand --

DOUGLAS MYERS: -- the two-dimensional drawing it was not clear, evident that they're in the plane.

ATTORNEY JAMES RAFFERTY: No, a very pressing question. I don't mean to be critical of the question. I'm just saying that I thought the response that suggested that it was a dormer, I winced a little, frankly, when that was said.

JANET GREEN: It was obvious.

ATTORNEY JAMES RAFFERTY: The wincing?

JANET GREEN: That you winced.

ATTORNEY JAMES RAFFERTY: I try to work on that.

You should have seen me when I saw him with the hat on.

There's one other aspect. Are you done? I'm

sorry.

FRANK SHIRLEY: I mean, I'm just --

aspect, and I think Doctor Robbins might have an interest in this. There appears, if you look at the cycles, there appears to be, there is in fact a door on the non-conforming wall. And if one were to look carefully at the 1980's variance, there is no mention of that in the plan. That's being removed. There will be no access there.

FRANK SHIRLEY: So, there's a door, there's a lane and a stairs --

ATTORNEY JAMES RAFFERTY: And there's a photo
there. And you can see it's a very narrow area. And some
might suggest it was put in to accommodate not residents to
the home but patients to the home or visitors to the home.

So I know it was a source of some concern if I'm recalling
this correctly.

ARNOLD ROBBINS: Slight.

ATTORNEY JAMES RAFFERTY: Yes. Because I believe Doctor Robbins lives on the other side of the fence that's depict there.

ARNOLD ROBBINS: Oh, there was no fence.

ATTORNEY JAMES RAFFERTY: Oh, that was also a subject. Now it's coming back to me, yes.

ARNOLD ROBBINS: And the patients -- and the people going by were psychiatric patients.

ATTORNEY JAMES RAFFERTY: Okay.

ARNOLD ROBBINS: Not that I hold anything against those patients.

ATTORNEY JAMES RAFFERTY: But more convincingly -
THE STENOGRAPHER: I need one at a time, please.

He keeps talking.

ATTORNEY JAMES RAFFERTY: Who would you prefer?

At the moment he's serving as co-counsel, so I don't want to interrupt.

But the door -- the door is clearly

non-conforming, and the entry there, it's being removed. So

that elevation will, will not be a door on that side of the

house, and we believe that to be a non-conforming condition

that was going to be removed and thus cured.

FRANK SHIRLEY: And in the plan what we're talking about is right there. The property line is here, so that door, this stair, that planning goes away. It should also be noted that there is this huge deck which sits, I don't know, three-and-a-half to four feet above grade and has a six-foot wall around it, and we are removing that as well.

ATTORNEY JAMES RAFFERTY: You can see it's rather clunky. It's high and it has a fortress around the whole back part of the property.

FRANK SHIRLEY: That's being removed.

ATTORNEY JAMES RAFFERTY: The deck is probably at least four feet above grade.

FRANK SHIRLEY: Yeah. The house sits quite high

off the ground and as does therefore the deck. It's off that L.

BRENDAN SULLIVAN: Right now the house is at 2456 square feet. You're going to --

ATTORNEY JAMES RAFFERTY: Excuse me, 2654.

BRENDAN SULLIVAN: 2654. You're going to 2911?

ATTORNEY JAMES RAFFERTY: 13.

BRENDAN SULLIVAN: 2913. 0.40 to a 0.44. So it's roughly about a ten percent increase. And 0.44 in a 0.75 zone.

ATTORNEY JAMES RAFFERTY: Correct.

BRENDAN SULLIVAN: So we're well under. At 0.75 it could take up to 4892 --

ATTORNEY JAMES RAFFERTY: Yeah.

BRENDAN SULLIVAN: -- square feet.

Okay. Anything else to add?

ATTORNEY JAMES RAFFERTY: I was just noting of the increased GFA, a portion of it is contained within the

as-of-right dormer. So, but nonetheless it does represent an increase in GFA.

BRENDAN SULLIVAN: In GFA.

FRANK SHIRLEY: And to answer your question on the dimensional form that we prepared, I believe by our calculations, GFA allowable would be 4922, 4,922 square feet.

BRENDAN SULLIVAN: Okay.

FRANK SHIRLEY: Just answering, you were trying to do the math. So we're roughly --

ATTORNEY JAMES RAFFERTY: 92.

FRANK SHIRLEY: 499 -- I'm sorry. So we're about 2,000 square feet under that allowable.

BRENDAN SULLIVAN: Right, okay.

ATTORNEY JAMES RAFFERTY: Single-family. No change in intensity of use. No adding dwelling unit. No accessory unit. No office. It remains as a single-family.

BRENDAN SULLIVAN: Good.

ATTORNEY JAMES RAFFERTY: In some ways perhaps more of a single-family than it has been.

Any questions by the Board. Patrick? George?

GEORGE BEST: Well, there is a situation inside

I'm believing that's making this handicap accessible; is

that correct?

FRANK SHIRLEY: Well, the couple that plans to move into the house, the husband is slowing down.

ATTORNEY JAMES RAFFERTY: But I think the question is part of the renovations include -- when you're adding a lift, so are there handicap accessibility components being included as part of the renovation?

FRANK SHIRLEY: No. No. The elevator is the only thing that we have proposed to aid the movement of the homeowners. I mean that, we've had that conversation. I've had that conversation.

PATRICK TEDESCO: You mentioned the up and down?

ATTORNEY JAMES RAFFERTY: But the mobility -- did you say the up and down would be a challenge? I think you're being too hard on yourself. I think by lifting the ceiling and creating better circulation on the second floor you're creating mobility and access.

FRANK SHIRLEY: Oh, I'm sorry. I didn't actually quite understand the question you're answering. Absolutely. This house is not inhabitable for this couple as is. It has at least three or four different floor levels at the second floor and three floor levels at the first floor and stairs that are no wider than me. Yeah, the house is not tenable for this couple as it is now.

BRENDAN SULLIVAN: Anything else? No? George, anything else at this time?

GEORGE BEST: No.

JANET GREEN: I'm good.

DOUGLAS MYERS: No questions.

BRENDAN SULLIVAN: All right, let me open it to

public comment.

Is there anybody here who would like to speak on the matter?

ARNOLD ROBBINS: Yes, I would, thanks so much.

BRENDAN SULLIVAN: Introduce yourself for the record.

ARNOLD ROBBINS: Yeah, I'm Doctor Arnold Robbins and I live at 116 Hancock Street, right next-door on the side that is non-conforming I guess. I am not an attorney nor an architect. I'm just a humble psychiatrist. So I'm just going to do my best with this. I have some notes for myself if I may, some of which since your explanation is really not pertinent. My initial feeling about this was that there is no hardship. I couldn't find the hardship. But as you've explained it, something needs to be done to help these people I imagine. So that would change that argument. I didn't see it. I had no notice of this coming up and I haven't spoke -- no, I never received notice, and

although it says on the rolls there that I was supposed to receive it, I never received notice and I never heard from anybody that was planning this, ever. To the best of my knowledge.

ATTORNEY JAMES RAFFERTY: Well, I would say you're on the list of abutters when notice was sent out by the City. And we sent communication personally off of that list because we also had a hearing at the Mid Cambridge

Neighborhood Association which we sent you a letter as well.

So I apologize.

ARNOLD ROBBINS: I can assure you, and I have administrative assistant to protect me from my rattled brain, and --

ATTORNEY JAMES RAFFERTY: Well, you were entitled to notice of two public proceedings; this one and the one that occurred under the jurisdiction of the Historical Commission.

ARNOLD ROBBINS: Never heard from either one of

them. It's news to me.

ATTORNEY JAMES RAFFERTY: It goes to -- I apologize. The notice goes to where the tax bill goes. I don't know if your tax bill goes somewhere else.

ARNOLD ROBBINS: Well, it might.

ATTORNEY JAMES RAFFERTY: Well, that would explain it.

ARNOLD ROBBINS: I have a new mortgage.

ATTORNEY JAMES RAFFERTY: Okay.

ARNOLD ROBBINS: That may have created some confusion. I didn't see any sign on the front.

Finally, there was a sign affixed to the front of the house but not to the front so to speak. And one of my patients came in and warned me. He said, you better check on what's going on next-door because something's happening and you'd better be on top of it. So I tried to get on top of it.

So, in my reading of the variance codes, I'm not

going to go over all of them, but that there be no detriment to the common good and must consider the character and use of nearby buildings and land and take into account the number of persons residing in such present and likely buildings. That's not relevant.

But the no detriment to the common good and must consider the character and use of nearby buildings and land is crucial to this matter as I understand it, humbly speaking because I'm not an attorney.

We, my family and I, we endured this addition in the back with all its non-conformities, which I just learned was a non-conformity which consisted of psychiatric patients walking down, you know, in a four-foot space from my property and up these stairs into an entrance and then coming out, some of them kind of angry and some of them peering over into my property. So we've kind of been through a lot. Also, the addition is really fairly enormous and it is loaded with windows. And looking out, many of

them looking out towards my property. In addition, I believe I'm on firm ground here, I think that one of the changes made back then was the addition of really an enormous skylight, I don't think skylights are made that way anymore, it's sort of a domed plastic skylight. It goes up to the ceiling and up quite a way. So, and it's quite large. I'd say, I don't know, it wouldn't surprise me if it was four-by-four or five-by-five.

So, in addition, yeah, there is this deck which I wanted to point out and I'm, you know, I understand now why that deck couldn't -- it's almost enclosed, but why that couldn't be enclosed to make additional space, but now I understand. That's not where you're looking for additional space. But certainly that's -- that's almost a room in itself. So those are my legal concerns. Well, I have a couple more.

So I read the Zoning Ordinance and here it is:

Crucial as to provide adequate light and air.

To prevent overcrowding. Which is not a consideration here.

To avoid undo concentration of population.

And to conserve the value of land and dwelling.

And that is a consideration, because if this dormer goes in as it is -- I'd like to see a drawing of it by the way, I haven't.

FRANK SHIRLEY: Sure.

ARNOLD ROBBINS: But if it goes in as it is, it would certainly devalue my property without any question.

That's already the case, because we started out with a small sort of country cottage in a well wooded lot and now it's anything but that. And with these changes it's gonna be further from that.

BRENDAN SULLIVAN: Do you feel that the value of your property has diminished since the previous changes?

ARNOLD ROBBINS: I feel it has.

BRENDAN SULLIVAN: The value of your property has

gone down?

ARNOLD ROBBINS: Well, I don't know by the tax rolls, I really don't know. Well, there are so many other factors, besides those additions there's -- you know, more enormous inflation of properties, I couldn't keep track of it. Just my opinion.

So then I have some personal issues with this which of course are also quasi legal. The loss of privacy from this dormer, which is full windows bottom to top as I understand it, I'd still like to see it. Is it here?

FRANK SHIRLEY: Could I --

JANET GREEN: Yeah, could you show us, too?

DOUGLAS MYERS: Yeah, show us, too.

FRANK SHIRLEY: Those are the dormers there.

Right there.

ARNOLD ROBBINS: Yeah.

Those are fairly sizable dormers.

FRANK SHIRLEY: No, they're short. They're small

dormers because --

ARNOLD ROBBINS: I wouldn't -- I know. I defer to your opinion and I respect it immensely. From my perspective they're good-sized dormers compared to what's in there now.

interrupt. I don't know if you noticed I have a copy of the ordinance, Doctor. But the dormers themselves are permitted without the authority being sought tonight, the variance.

The dormers are permitted on a non-conforming wall for a house of this size. So I didn't mean to interrupt, but just in terms of --

DOUGLAS MYERS: I mean, I feel that the abutter is speaking as a member of the public. Save legal argu -- I don't find it helpful to -- let him speak --

BRENDAN SULLIVAN: Yes.

DOUGLAS MYERS: -- and don't, don't raise the legal issues now while he's trying to speak. You can

contend with him about it later. You'll have plenty of opportunity to make your points.

JANET GREEN: I'm just a little confused. When you're making your presentation, some of it seems to be about things that are going to be removed. I understand -- I see these dormers, but earlier you were talking about the deck and it seemed to be my understanding --

ARNOLD ROBBINS: Oh, no, I just was thinking --

JANET GREEN: -- talking about the deck.

ARNOLD ROBBINS: -- that the deck would be a possible way to expand space in the house, but that wouldn't be appropriate for these needs.

JANET GREEN: Well, the deck's going a way, right?

ATTORNEY JAMES RAFFERTY: Yeah.

JANET GREEN: Yeah, the deck's going away.

ARNOLD ROBBINS: Yeah, well, that's part of the proposal.

JANET GREEN: Right. Okay.

ARNOLD ROBBINS: So with these dormers, the loss of privacy, already huge, would be considerable. Magnified several times. These are large windows looking directly down on my garden from four feet from my property line, perhaps 12 or 13 feet from the little patch of garden I have in my house and I want to go into that a little more.

There will be a considerable loss of sunlight.

The sun circles the house all the around the roof line so there will be a loss of sunlight and a further loss of open space and liveability without question.

My daughter and her partner and a group of her female friends frequently enjoy my house. It's her second home. She has business in Brooklyn, some real estate business, but she's often, often at my place with her friends. They have meetings, they have gatherings. She's very active in that way. This dormer will directly overlook and overwhelm my tiny green space which is like a postage

stamp of green and some trees and a couple of chairs. Where my daughters and her friends could be enjoying nature, taking sun, eating, and talking, the addition would seriously impact that. So I would like to read you a very brief letter from her which she wrote me and it made me very sad and now I'm going to come to a close. (Reading) Hi Dad, thanks for filling us in on the changes going on at 110. It's dismaying and overwhelming. We have so little privacy as it is ever since the huge addition went in and this would put an end to any privacy whatsoever. It's hard to see why they need all those windows and dormers looking out over our little green garden where we relax, dine, sun ourselves, and just be ourselves. They're so close to the property line, it's like they will be in our laps.

She asked me, "Hey, how far is it from their house to ours, anyway?" I already discussed that.

(Reading) Why would they even be allowed, she writes, why would they even be allowed to put the equivalent

of two big glass walls up looking into our house, garden, and our lives? If there is a hearing and you go, would you point all this out? And also, would you point out that the proposed dormers cut down considerably on our light, sunlight, view, and airflow? This would be a shame since there's already a shortage. Thanks for looking into all of this and doing what you can to keep us from feeling like we are living in a fish bowl. Let us know what happens.

Lastly, I take it you got a letter from

Doctor Greenberg also to the proposal? He's on the other side.

BRENDAN SULLIVAN: Yes.

ARNOLD ROBBINS: Anyway, that's my objection and I think they're considerable.

BRENDAN SULLIVAN: Okay.

ARNOLD ROBBINS: Thank you. Thank you so much.

BRENDAN SULLIVAN: There is correspondence in here somewhere.

FRANK SHIRLEY: Here, it should be noted, I'd like to note that we are actually also removing windows at the second floor.

BRENDAN SULLIVAN: Hold on. You'll get a chance to -- let me go through this part of it.

ARNOLD ROBBINS: I'm hard-of-hearing as hell.

BRENDAN SULLIVAN: Stop.

The Board is in receipt of correspondence dated

June 29th from Steven Greenberg. (Reading) I am writing on

behalf of myself and wife and children to oppose the

proposed addition of a third story to the neighboring house

at 110 Hancock Street. We live at 106 Hancock Street and

would lose much of our light and open sky with the addition.

A third story is also very out of keeping with our

residential neighborhood, which is already quite densely

packed. We, therefore, request that this proposed

construction be denied. Thank you very much for your

attention. Steve Greenberg, on behalf of Avra

Goldberg -- I'm sorry, Goldman and family.

The Board is in receipt of correspondence from the Cambridge Historical Commission from the Mid Cambridge

Neighborhood Conservation District which has approved the plan and it's dated May 20, 2016.

And there is also correspondence on a separate

letterhead of the Mid Cambridge Neighborhood Conservation

District that the construction described below is not

incongruous to the historic aspects or architectural

character of the building or district. Renovate the

structure, demolish a portion of the existing addition,

construct an addition, and remove a chimney as depicted in

the plans dated -- titled 110 Hancock Street, Cambridge,

Mass. by Frank Shirley Architects and dated March 16, 2016.

Date of Certificate April 21, 2016. That's the sum total of

the correspondence.

Is there anybody else would like to speak on this matter?

(No Response.)

BRENDAN SULLIVAN: I see none. I will close public comment.

Mr. Rafferty, Mr. Shirley.

ATTORNEY JAMES RAFFERTY: Again, I'm going to ask

Mr. Shirley, if we can borrow that --

DOUGLAS MYERS: Absolutely. I may want it back --

ATTORNEY JAMES RAFFERTY: Certainly. I thought it might be helpful to the Board for Mr. Shirley to contrast the existing elevation and the proposed elevation with the dormers, but I'd like you do it towards the Board.

FRANK SHIRLEY: Oh, I'm sorry.

ATTORNEY JAMES RAFFERTY: Before doing that,
though, I just want to note that there's correspondence
there that makes reference to a third story. There must be
some factual confusion. As the Board I'm sure knows, more
to the fact, there is no proposed third story to the
dwelling, so I'm not sure --

FRANK SHIRLEY: There is none.

ATTORNEY JAMES RAFFERTY: -- I'm not sure that the author of the letter had an understanding of what was being proposed. I want to make it clear for the record, there is not third story.

And then the issue of the dormers, and I apologize again, I didn't -- I have great respect for Doctor Robbins, and didn't wish to interrupt him, but I do want to draw the Board's attention that the -- there is a special category of structures for which dormers on non-conforming walls are permitted. They're one and two-family houses that are below the allowed FAR. This house happens to fall into one of those categories.

DOUGLAS MYERS: And on that point you would be then -- is it a consequence of what you're saying that the dormer guidelines would not apply to the type of dormers you just described?

ATTORNEY JAMES RAFFERTY: Well, the reality would

be that if that was all that a project was doing, it would be an as-of-right project. And so the dormer guidelines tend to have application when a project is before a permit granting authority. So although one is hopeful, I think the spirit is that they should be met where more applicable.

But, yes, I think and I would defer to Mr. O'Grady, but this provision H that allows, in cases where as-of-right dormers are permitted, the dormer guidelines are not, I would say they're not the subject of the plan review at the Building Department for an as-of-right building.

DOUGLAS MYERS: Nonetheless, I would just like

to -- this is the question of fact. If I could borrow that

plan back. I just had a difficult time -- I didn't scale it

out, but it seems to me that the, just visually the combined

length of those two shared dormers taken together is in

excess of 15 feet.

FRANK SHIRLEY: It is not.

DOUGLAS MYERS: It is not?

FRANK SHIRLEY: It is not, because we're limited by that 15 feet. Those two dormers combined --

ATTORNEY JAMES RAFFERTY: I think another way to say it. Isn't it fair to say you're familiar with the dormer guidelines and designed those dormers in accordance with those guidelines?

FRANK SHIRLEY: Yeah. We did not want to exceed that 15 feet of dormers and they do not.

BRENDAN SULLIVAN: Can you give us a number?

DOUGLAS MYERS: One inch would be eight feet.

FRANK SHIRLEY: I have a scale and they should scale at seven-and-a-half feet. So, and they scale at exactly seven-and-a-half feet. If anybody --

DOUGLAS MYERS: Okay.

FRANK SHIRLEY: You want to check it? Scale it?

DOUGLAS MYERS: All right.

FRANK SHIRLEY: That's seven-and-a-half and that's seven-and-a-half. They were designed --

DOUGLAS MYERS: That's fine.

ATTORNEY JAMES RAFFERTY: And that's not coincidental.

DOUGLAS MYERS: That's fine.

ATTORNEY JAMES RAFFERTY: They are designed with the understanding and an adherence to the dormer guidelines.

DOUGLAS MYERS: That obviates my question.

here's, this is the existing elevation and I'll pass it around, but we're actually removing this second floor window altogether. It doesn't exist in our proposal. That's a second floor window in your addition. That's there right now. So we remove that. So that's a window that you don't have.

There is a dormer here that -- obviously a smaller dormer and it gets, you know, consumed within those two dormers that we're putting in there. Yeah, by these two.

And so just to be --

ARNOLD ROBBINS: And the door will be replaced by a window?

ATTORNEY JAMES RAFFERTY: No.

FRANK SHIRLEY: Yes. That is a window, yeah, that goes in there, that's right. But that's going to be below the fence level.

ARNOLD ROBBINS: I don't think it is. Yeah, it's not that far above, but I don't think it's below it.

Unless --

BRENDAN SULLIVAN: Well, anyway I think the testimony was that that door will be eliminated?

ATTORNEY JAMES RAFFERTY: Yes.

FRANK SHIRLEY: Oh, yes, it is eliminated.

ARNOLD ROBBINS: Yeah, but the window will take its place according to this.

FRANK SHIRLEY: Yeah.

ATTORNEY JAMES RAFFERTY: Is it in the same

location?

FRANK SHIRLEY: It's essentially the same location.

BRENDAN SULLIVAN: And that's part of a Special Permit?

ATTORNEY JAMES RAFFERTY: A Special Permit request for relief to install that windows.

BRENDAN SULLIVAN: Yeah, okay.

PATRICK TEDESCO: Can I ask a question?

FRANK SHIRLEY: Of course.

PATRICK TEDESCO: Another abutter expressed concerns about shadows. Correct me if I'm wrong, I don't know the orientation of the house, but if the dormers do not break the plane -- the height of the gable and they're not projected outward towards the face of the ridge line or the wall, I don't believe they would contribute to additional shadows. I might be mistaken about late afternoon and depending on the orientation, but --

FRANK SHIRLEY: Yeah.

PATRICK TEDESCO: -- the dormer is within the volume of the roof, and I don't believe, therefore, it would add to the shadows.

FRANK SHIRLEY: Yeah, this house is south of his property, so -- almost due south.

PATRICK TEDESCO: Okay.

FRANK SHIRLEY: So the -- when this house would cast shadows, the sun is gonna be at high noon, you know, give or take an hour, hour and a half, on either side of that. So say from eleven to one, otherwise one's to the east, you know, coming to the east or going down to the west, it's going to be behind the house or in front of the house. It's not going to be coming because it's due south.

ARNOLD ROBBINS: Can I comment on that, the dormer?

FRANK SHIRLEY: Sure.

ARNOLD ROBBINS: It all depends on what time of year it is. The sun comes over the top of the house,

rotates around 110, right down over the roof on to my yard. So the dormer would interfere. In the summer it might be a little less, it's hard to say. But in the winter, it would certainly cut off the sunlight in a space of what is 15 feet, 15, 20? That's considerable. That would be most of the afternoon in my thoughts.

GEORGE BEST: Can I ask a question? What is the purpose of -- what rooms would those dormers be in?

goes into a bedroom or a bedroom/home office is really what it's going to be. And the other one goes into the bathroom. It's -- if I hold it, but do it like this. This is a bathroom right here for the master. And this is a bedroom right there. Or actually it's a matter of record, but it's labelled at seven-foot, six so we are conforming to that. And those dormers are there because they provide absolutely essential headroom, again, because otherwise that roof comes right down to the floor. There is no room there without

those dormers.

ATTORNEY JAMES RAFFERTY: Could you comment on the size of those windows? Because I know there was some suggestion that they're large.

FRANK SHIRLEY: Yeah.

So the individual dormer windows scaling off of the drawing that we have before us is about three-foot, five inches tall. I'm measuring one of these four windows, okay? About three-foot, four tall and about two-foot, five inches wide. And I'm happy to share my scale and drawing if anybody would like to scale that.

ATTORNEY JAMES RAFFERTY: Just in terms of the context, other windows on the house are typical size windows, that would they not characterize as small windows in the context of single-family?

FRANK SHIRLEY: Yeah, if we look at all of the windows on the original main house, for example, here, these are original windows to the house. That window is five-foot

five inches tall by --

ATTORNEY JAMES RAFFERTY: Just order of magnitude.

FRANK SHIRLEY: By about three feet wide.

BRENDAN SULLIVAN: Anything else?

Anything else?

DOUGLAS MYERS: No further questions.

BRENDAN SULLIVAN: Janet?

JANET GREEN: I'm good.

ARNOLD ROBBINS: I just have one more point.

BRENDAN SULLIVAN: Well, no, I closed public

comment.

ARNOLD ROBBINS: Okay, thank you.

BRENDAN SULLIVAN: Mr. Rafferty, anything else to

add?

ATTORNEY JAMES RAFFERTY: No, just briefly we conclude by saying that the -- it is a relief for a variance, but I would say it is of some note that the variance being sought doesn't represent in the creation of a

non-conforming condition which is not often the case in variances. The size of the house will remain considerably below what is permitted.

Existing setbacks that are non-conforming will not change.

And in this case there will be a -- there has been, I would suggest, a demonstration of hardship based on the age and condition of the structure. It's a modest increase.

The proposed dormers are within the guidelines and they fall under the provisions of Article 8 that permit such dormers on non-conforming walls, and I would say that there is a tradeoff, there is -- while there is the creation of new windows in the dormer, the elevations depict that this is significantly a much larger window on the second floor that is being removed and there's an area here which could accommodate a window but has no window. So I don't think the privacy concerns of the abutter have been ignored, and

the dormers are necessary for the functional use of that space on the second floor.

BRENDAN SULLIVAN: When was the house built?

FRANK SHIRLEY: The original house dates to -- oh, goodness, I'm sorry. I think around 1840, but that's a plus or minus.

BRENDAN SULLIVAN: Okay.

FRANK SHIRLEY: I should have that.

BRENDAN SULLIVAN: And the addition was down back in --

FRANK SHIRLEY: So the very back addition I think was 1987. And I actually could not find a date for when the L was built.

BRENDAN SULLIVAN: Okay.

FRANK SHIRLEY: I mean, it's -- obviously somewhere between those dates.

BRENDAN SULLIVAN: All right. Let me close the presentation part. The Board will discuss it.

Anybody? Thoughts?

DOUGLAS MYERS: I think I'm ready for a vote.

BRENDAN SULLIVAN: Okay.

DOUGLAS MYERS: But I'll gladly listen to what other board members will say.

JANET GREEN: I'm comfortable with the project.

And I'm comfortable -- I think it respects the historic

nature of the home. I feel like it's removing elements that

are not consistent with the historic nature of the home. I

feel like additions are thoughtful about the historic

nature. I feel like the conservation district approval

matters, and I guess that's -- those are the main things

that I was thinking about.

BRENDAN SULLIVAN: Okay.

Patrick, your thoughts on it?

PATRICK TEDESCO: I think I'm ready for a vote.

BRENDAN SULLIVAN: George?

GEORGE BEST: I'm all set.

BRENDAN SULLIVAN: Let me make a motion to grant the relief requested as per the plans submitted.

The Board finds that a literal enforcement of the provisions of the Ordinance would involve a substantial hardship to the petitioner because it would preclude the petitioner from making some much needed adjustments to the interior space of the structure which dated back to 1840, has had some alterations over the years, but has -- still does have some circulatory problems.

And that the proposed work will alleviate those interior circulatory problems and make actually a better safe passageway within the house and -- both for elderly, soon to be elderly persons, but really of any age to be able to have a proper circulation within the house.

The Board finds that the hardship is owing to the size of the lot and the siting of the house thereon which predates the existing Ordinance.

The Board finds that the proposed work is about a

ten percent increase which the Board finds is a fair and reasonable request, still will -- going from a 0.40 FAR to 0.44 in a 0.75 area, so that it is still well below the allowable floor area for this particular lot and in also the district.

The Board finds that desirable relief may be granted without detriment to the public good.

And that the Board finds that the proposed work will have no negative effect on the abutters and/or to the general neighborhood.

Relief may be granted without nullifying or substantially derogating from the intent and purpose of the Ordinance.

That the use of the property is a single-family home, which will not change. And the structure will be continued to be used as a single-family home but to accommodate the occupants in a far more amenable fashion.

The relief is granted on the condition that the

work be done in conformance with the plans signed and initialled by the Chair.

All those in favor of granting the variance.

(Show of hands.)

BRENDAN SULLIVAN: Five in favor.

(Sullivan, Green, Tedesco, Myers, Best.

BRENDAN SULLIVAN: Now relief for the windows.

On the Special Permit the Board finds that the requirements of the Ordinance can be met.

The Article 8.22.2c permits the creation of windows on non-conforming walls, when as in this case, there are no further violations of the dimensional requirements of the Article 5.

The Board finds that there will not be any traffic generation or patterns of access or egress to which would cause congestion, hazard, or substantial change in the established neighborhood character.

The Board finds that continued operation of or

development of adjacent uses as permitted in the Zoning

Ordinance would not be adversely affected by the nature of
the proposed use.

It would not be any nuisance or hazard created to the detriment of the health, safety, and/or welfare of the occupants of the proposed use.

And that the proposed use will not impair the integrity of the district or adjoining district.

The proposed windows for which this Special Permit is being requested will not change the use of the property and are consistent with the residential uses in the district.

All those in favor of granting the Special Permit.

(Show of hands.)

BRENDAN SULLIVAN: Five in favor.

(Sullivan, Green, Tedesco, Myers, Best)

BRENDAN SULLIVAN: Okay.

ATTORNEY JAMES RAFFERTY: Thank you very much.

BRENDAN SULLIVAN: Add in the approval by the Mid Cambridge Conservation District for this project as part of the findings.

* * * * *

(8:40 p.m.)

(Sitting Members Case BZA-010292-2016: Brendan Sullivan, Janet Green, Patrick Tedesco, Douglas Myers, George S. Best.)

BRENDAN SULLIVAN: The Board will hear case No. 010292-2016, 79 Kirkland Street.

DERICK SNARE: Good evening. I'm Derick Snare.

I'm the architect for the project. And this is my Michael

Byrne the owner.

THE STENOGRAPHER: And how are you spelling Byrne?

MICHAEL BYRNE: B-Y-R-N-E.

All right. All right. So I have a little statement that I hope will be brief and to the point. So my name is Michael Byrne and I live at 79 Kirkland Street.

It's a three-family house, with my wife Ann and son Philip.

And we have two tenants that live in separate units from us.

We're looking to convert the existing attic space of our

unit into a single bedroom and bathroom. We currently only have one small bathroom and want to grow our family.

Additionally we are planning for my wife's parents, who are 73 and 84-years-old, to be moving in with us as their health declines.

My father has had -- her father has already had multiple sclerosis. Only having a single bathroom would make it very difficult to live and offer the proper care.

We've been in the neighborhood for about 17 years. We're looking to add about 163 square feet on to the FAR that we have and would be using dormers that are setback from the edge of the building by approximately three feet on the side and more than fine feet at the back. Every house on this stretch of Kirkland Street except for ours has already converted their attics into liveable space. So, that is where we're at.

BRENDAN SULLIVAN: I read that and I visited the property two or three times, and I was looking for other

houses that had done dormers similar to this and I didn't see any. Now, I did see people have utilized the attic space. Across the street there are some dormers, but those appear to be built when the houses were built. I don't know if anybody received any zoning relief for those. So....

MICHAEL BYRNE: So should I respond?

BRENDAN SULLIVAN: Yeah, yeah, it's all right.

MICHAEL BYRNE: Okay, yeah, actually the house next to ours, not, not only do they not have a dormer, they actually had their entire roof replaced and raised with a gable roof.

DERICK SNARE: No. 77.

MICHAEL BYRNE: No. 77.

Also I believe 80 Kirkland Street, I spoke with a woman there, and she said she went through multiple processes to have dormers and -- that whole process with having their space finished.

BRENDAN SULLIVAN: Okay.

MICHAEL BYRNE: So the unit next to us has their space finished with just skylights. And I actually think it's -- having been in there, invited in there, it's kind of an unsuccessful transition. And so then the houses opposite us have it finished, and the dormers -- probably the reason they were finished first was because they already had the existing dormers so it was an easier transition. What we want to do is basically match not what's next to us, which is this large gabled roof, but what you'd see on the other side of the street or just around us.

BRENDAN SULLIVAN: You own the entire house?

MICHAEL BYRNE: Yes.

BRENDAN SULLIVAN: And you have two other tenants?

MICHAEL BYRNE: Yes.

BRENDAN SULLIVAN: All right.

And taking over part of one of the other units is not --

MICHAEL BYRNE: Well, I guess the question is who

do you want to kick out of their home?

BRENDAN SULLIVAN: Well, I don't know, I mean....

MICHAEL BYRNE: I mean we, you know, these people live there. That is their home. They have lived there for many years. Taking over one of the units and then having two kitchens in that situation --

BRENDAN SULLIVAN: Well, you eliminate the kitchen. I mean, you're looking for more bedroom space and so that it would be rather than going up, that you, you know, capture some of the space that's already in the building.

MICHAEL BYRNE: I mean, if you look at it, I don't think that's a good idea. I mean because, I mean to say oh, well, you just get rid of the kitchen? I mean, I'm not made of money. And I think that actually has an existing value. The house is a three-family. It's been a three-family probably for 70 years. People live there. We have an attic that we are looking really our -- what we're looking to do

is to raise the ceiling level on part of the existing floor space.

BRENDAN SULLIVAN: From the existing floor to the ridge is what now?

DERICK SNARE: About nine-feet, nine, you know, where the ridge is. So there's a --

BRENDAN SULLIVAN: And is there finished space up there now?

DERICK SNARE: No.

MICHAEL BYRNE: It's unfinished.

BRENDAN SULLIVAN: What?

MICHAEL BYRNE: Unfinished.

DERICK SNARE: There's a fair amount of -- I mean, above five feet level, there's a fair amount of space up there, which it's approximately 18-by-24 feet. So it's just -- adding the 163 square feet makes it usable, you know, where you get decent headroom. I mean, our dormers were -- will -- the plate will be at seven feet. We're not

trying to go high.

BRENDAN SULLIVAN: Yeah.

MICHAEL BYRNE: And the dormers are also set back.

I talked with all the neighbors, and I mean, I could go through the list. Our abutting neighbor, there are two tenants there, Robert Lang. I talked with him and he was happy with, you know, he certainly approved or had no issues. And then the other tenants Jeffrey Newton and Robin Wheatley also supported the project.

In our unit the two tenants both offered letters of support which I have there that I'll give you.

Our neighbors on the other side both offered letters of support.

Across the street James Jay, one of those houses that you've seen, he offered support. I don't have a letter from him but he supports it.

The unit directly across the street is vacant now.

The tenant passed away. I believe his son is in California

owns it and is putting it on the market. At 80 Kirkland

Street, which is facing us out across the street to the

right area in -- Georgio Trapani (phonetic) also offered a

letter of support. Diagonally behind us, an architect

offered a letter of support, and the person directly behind

us Margaret also offered a letter of support.

BRENDAN SULLIVAN: So you're adding the dormers on the right side and also at the rear?

MICHAEL BYRNE: Yeah. If you're looking at it it's on the right-hand side setback, and it's actually very hard for anyone to see. Like, if you're on the street on either side and you're actually looking at it, I would say extremely not noticeable. And the dormer in the back, the only person that I think would actually -- so the people that -- on the other side that see the back can see part of it. And, again, I've talked to both and I have letters of support. They understand the project. I've showed did to them. And the woman that's directly behind us, that's

Margaret, would be able to see it from the end and she also has a letter of support.

BRENDAN SULLIVAN: Okay.

PATRICK TEDESCO: Could I see the drawings again, please?

BRENDAN SULLIVAN: So right now you're at 0.76 and you want to go to 0.79 which is about a five percent and in a 0.75. So you're already over the allowable in the area. You're going from 32.25 to 35 foot in height. The cupola is another thing I have a problem with.

MICHAEL BYRNE: Okay.

when I first looked at it, I said that's sort of, like, over the top literally and figuratively. You know, the dormers, like you said, they're hardly noticeable. I'm not sure of the purpose of the cupola. I can see getting light in and so on and so forth in the core of the house, but I don't think that's a feature that's in the neighborhood and to be

quite honest with you I don't think it really fits the house. And I think it really --

MICHAEL BYRNE: Could I --

BRENDAN SULLIVAN: Is really, you know, to me kind of objectionable anyhow. But that's just my thought on it.

I could almost live with the dormers, the two dormers. The cupola, to me, puts me over the edge the other way.

DERICK SNARE: It's --

MICHAEL BYRNE: So, the cupola was the architect's idea and I actually think it was brilliant. If you look at our neighborhood, and I actually wish I had the sketch. I don't think I have it with me. Our section of the house on the block is basically four houses that are four square style. On my side of the street and the other side of the street, four houses that face each other. The one on the opposite side of the street are at an angle. If you were to look at our street and see our houses, as your eyes scanned across, you would see a skyline. At one point I don't know,

15 or 20 years ago, the -- our neighbor had their attic converted. And instead of doing a dormer that would fit the neighborhood, they converted -- they raised the roof and put on a gable which I would call a dunce cap basically, it doesn't fit the neighborhood. I think the cupola's actually a very thoughtful attempt to solve this previous problem which is when you scan the skyline, you see these houses and there's one thing that sticks up. Having this cupola that repeats the motif of these four square of the hipped roof, these angles, by repeating it is bringing up some height without changing the character of the building and bridges this point with the rest of the neighborhood. I think it's a genius idea. It wasn't mine.

DERICK SNARE: Well, I think it's very shallow.

BRENDAN SULLIVAN: I don't.

DERICK SNARE: It's very shallow that we could only get windows up to the two sides there, we can't get it on four. It would make a substantial difference to the room

by bringing in light to the center.

BRENDAN SULLIVAN: And so, you know --

MICHAEL BYRNE: And so here's --

BRENDAN SULLIVAN: -- it's all interior benefit and to me I think it's very intrusive to the outside.

MICHAEL BYRNE: Okay, I would say if you go to the site and look, I actually would almost guarantee you that you -- from where you stand in the street, you won't see it. If you look at these photos from the street, if you're standing in front of our house, you're not gonna see it.

DERICK SNARE: It's obscured by that.

BRENDAN SULLIVAN: I see it.

MICHAEL BYRNE: The benefit of the cupola, the cheap way to do it would be to put in skylights. But I think if you're investing in the neighborhood, you do it this way. And if you look at our house, we have a garden. We actually don't get most of the garden people that who walk by do.

BRENDAN SULLIVAN: Okay, well. We'll see how it goes.

Anything else at this moment? You'll get a chance to -- when we it to open it to public comment, and then we can come back to it.

MICHAEL BYRNE: I just did want to -- this

is -- now this neighborhood of four square style houses.

These are brick houses. Brick building brick house. They
have a roof deck. This has had their top floor converted.

JANET GREEN: How many stories is that one that has the deck?

MICHAEL BYRNE: The deck is on, I want to say the third floor. We can check.

JANET GREEN: That's a three-story building?

DOUGLAS MYERS: What's the number?

MICHAEL BYRNE: This is on Sedgewick. Sedgewick has a cut in road and they have these two kid of -- I don't know what I would call it, carriage houses that are brick

and a house in back --

JANET GREEN: And next to Sedgewick is a small house. There's a small house.

MICHAEL BYRNE: Yeah, there's Sedgewick and then 75, that's a small house.

JANET GREEN: And a single story, isn't it?
That's a cottage.

MICHAEL BYRNE: It has this. It has the hip roof, also. And that, inside of that is finished. So then over here is the pointy house that I'm talking about. They have a third floor deck on their back, all right? And finished -- extensively finished. I mean, I don't know how their FAR can be significantly more than ours. Because this is a whole new floor. It doesn't fit the character of the neighborhood.

This is us with no finished attic. Our neighbor has an attic converted. 84, their attic is converted. 82, their attic is converted.

78, their attic is converted. I mean, what's the character of the neighborhood?

BRENDAN SULLIVAN: Okay.

Let me open it to public comment. Is there anybody here who would like to speak at the matter at 79 Kirkland Street?

(No Response.)

BRENDAN SULLIVAN: I see nobody.

You have some correspondence in favor?

MICHAEL BYRNE: Yeah, so this is from a tenant at 78 Kirkland.

JANET GREEN: Are these the plans?

PATRICK TEDESCO: Sorry.

DERICK SNARE: And I have a larger one.

DOUGLAS MYERS: Well, all right.

MICHAEL BYRNE: This is the other tenant.

BRENDAN SULLIVAN: There is

correspondence -- there are no addresses on these. Well, 79

Kirkland, apartment 11? So obviously this is a tenant in the building?

MICHAEL BYRNE: Yeah, those are two tenants, unit 1 and unit 2.

BRENDAN SULLIVAN: They are in -- well, Anya
Batista, B-A-T-I-S-T-A, 79 Kirkland Street. E-mail in
support of the remodel of the attic of the house at 79
Kirkland. (Reading) I believe the project will respond to
your family needs and improve your house and the
neighborhood. Thank you for discussing.

And then there's one from Michael Megan, M-E-G-A-N Lowe Matt Weinstock. (Reading) Thank you for discussing your plans with us regarding the space. We understand it requires a variance. We've been happy tenants. We have seen the plans and think it would be an attractive, appropriate, and appealing change.

Okay.

MICHAEL BYRNE: So then this is the woman that is

behind us that would be the person who would be able to see the face of the rear dormer.

BRENDAN SULLIVAN: Correspondence from Margaret Kudarauskas, K-U-D-A-R-A-U-S-K-A-S, 11 Holden Street.

(Reading) Thank you for your note concerning your plans to renovate your attic space. I think we should be able to make this desired and necessary improvement to your property. I have absolutely no objection to you doing so.

MICHAEL BYRNE: All right. And so then this is an architect who lives in the corner behind us.

BRENDAN SULLIVAN: A correspondence from Hank

Reisen, R-E-I-S-E-N and Sheri Fultiner, F-U-L-T-I-N-E-R 30

Farrar Street. (Reading) Thank you for planning the work

you're planning for your house that requires a variance. We

are totally in support and approve of the variance. In

fact, as a practicing architect myself, I feel the plans

your architect came up with are harmonious with the style of

the neighborhood and will actually be a positive addition.

Okay.

MICHAEL BYRNE: All right, and then this is --

BRENDAN SULLIVAN: Why don't you give me all of them actually.

MICHAEL BYRNE: All right. So these are the abutting neighbors, and then one is a woman -- the last one is a woman across the street who actually went through that process you were talking about of having to get approvals for dormers and did successfully.

BRENDAN SULLIVAN: And then there's one, two,
three, four other correspondence from -- there's no address
on this one here. 77 Kirkland, No. 1; 77 Kirkland, No. 1;
77 Kirkland Street; 80 Kirkland, No. 2. Okay. So we'll
make these part of the record.

MICHAEL BYRNE: All right. One thing I ask, I don't know what the rules are, but if you could redact their e-mail addresses after you --

BRENDAN SULLIVAN: If you could what?

MICHAEL BYRNE: If you could re -- maintain the privacy of their e-mail addresses. I don't know what the rules are, but if it's not important.

BRENDAN SULLIVAN: Well, if you're going to enter them into the public record, then they're here.

MICHAEL BYRNE: Okay. Hopefully they'll be able to respond.

BRENDAN SULLIVAN: Yeah. Okay, let me close public comment.

Is there anything you want to add?

DERICK SNARE: Only to say that there's quite a lot of support in the neighborhood for the project.

We're -- the existing FAR is over -- is 101 square feet over, we're just adding 163 square feet to make that attic space usable. And I do believe that the cupola is sort of a critical addition for sunlight, because the only other windows that are going to give light into that space besides the two small ones which are very small on the street side

are -- the windows will be adding on the east side.

BRENDAN SULLIVAN: Okay.

DOUGLAS MYERS: May I ask a question or two?

BRENDAN SULLIVAN: Sure, absolutely.

DOUGLAS MYERS: Are there any cupolas as such in the immediate neighborhood?

MICHAEL BYRNE: You know, I feel bad that it's called a cupola.

DOUGLAS MYERS: Clear story?

MICHAEL BYRNE: I would say actually there are other cupolas in the neighborhood further down by with Harvard. They have, I don't know --

DOUGLAS MYERS: Many Harvard buildings have clear --

MICHAEL BYRNE: Well, no, no, on Kirkland Street, right, I think it's a German studies building.

DOUGLAS MYERS: Okay.

MICHAEL BYRNE: So there are other cupolas on the

street --

DOUGLAS MYERS: A number of blocks away.

MICHAEL BYRNE: Well, I mean -- Kirkland's a very short street. It's part of the street.

DOUGLAS MYERS: And certainly not in a residential neighborhood.

MICHAEL BYRNE: Well, people live at Harvard.

They go to school there and they live -- I mean, people live everywhere.

DOUGLAS MYERS: Yeah, I understand that.

MICHAEL BYRNE: Yeah, okay.

But I don't want to, like, prejudice it by calling it a cupola. I mean, really if you look at it --

BRENDAN SULLIVAN: It says -- on the drawing it says "cupola."

DERICK SNARE: It is strictly speaking.

MICHAEL BYRNE: Well, I'm trying to make a point, that I think, okay, you call it cupola, it sounds weird, but

it's really just a repetition of the existing roof motif.

DERICK SNARE: With the hip.

MICHAEL BYRNE: Right?

It's the hip. The style is the style of four square. If we did something else that maybe looked more modern, maybe it would seem more --

DERICK SNARE: And you --

MICHAEL BYRNE: But this is the theme of the building and the neighborhood is this hipped roof at that angle.

DOUGLAS MYERS: Without arguing that point any further, a couple of basic factual questions: Do I read the plans right, that proposed dormers 1 and 2 have no setback from the ridge line?

DERICK SNARE: No, they do.

Dormer 1 is set back two-feet, six from the building line. And if you add about 18 inches that's going to be --

BRENDAN SULLIVAN: Down from the ridge. That's what he's saying.

MICHAEL BYRNE: Well, the side one is set down from the ridge. I don't know.

DERICK SNARE: Yeah, it's set down from the ridge and the, and the No. 2 is just a continuation of the ridge line.

BRENDAN SULLIVAN: So to answer your question, no.

DOUGLAS MYERS: Pardon?

BRENDAN SULLIVAN: No.

DOUGLAS MYERS: Certainly proposed dormer No. 1.

JANET GREEN: Dormer No. 1 has a setback, but dormer No. 2 --

DERICK SNARE: Does not.

JANET GREEN: -- does not.

DOUGLAS MYERS: That's not fatal, but I just wanted to establish because I had a little difficulty reading that, that's all.

DERICK SNARE: And part of the reason actually for that was to have a transom over the door to the bathroom to get, you know, a little light -- as much as we can, that way some light from the bathroom would come into the room.

BRENDAN SULLIVAN: Anything else, Doug?

DOUGLAS MYERS: No, no further questions, no.

BRENDAN SULLIVAN: Janet, what are your thoughts?

JANET GREEN: The part that I don't understand is that I don't see it as the same style through the neighborhood the same way that you have, that -- but I do agree that people have built out their attic. The question is more in my mind is the question about you put the dormers on and then you want to get light into it so then you put the part up at the top, the non-cupola whatever you call it.

MICHAEL BYRNE: Yeah, cupola.

JANET GREEN: So I mean that -- I don't think that style is within the style of the neighborhood at all. I mean, I haven't seen that anywhere. I mean, I honestly

wouldn't count the Harvard brick building that's down the street. I don't think it's that similar at all. So I don't think there is something like that. That doesn't mean that there can't be, but it just, the argument can't be that it's consistent with the style of the neighborhood.

And I didn't -- I had -- I was like actually like Brendan. I, you know, I was okay with it. I'm okay with the dormers. I think that there is -- you know there's a lot of space up in that attic and it would be good for you to be able to use it, and the dormers, I see why that helps. There are dormers throughout the neighborhood. But this part, I don't know, what do other people do for light?

DERICK SNARE: Skylights. But I think if you compared the, this cupola with the shed roofs to a skylight, I think that the cupola's preferable. It's more in the style of the house than attic skylights.

BRENDAN SULLIVAN: Patrick, George, any comments?

PATRICK TEDESCO: Look, I think there's thoughtful

ways to convert attic space and there are overly ambitious ways. I think this is very thoughtful. The rooms are moderately sized for their use. I think you try to minimize -- there's not enormous walk-in closets and hot tubs. I mean this is a modestly scaled use of the space. And I think its expression on the exterior is thoughtful. I don't know if I completely follow your logic about why the cupola and it resolution to the four square, but I don't object to it. It certainly -- if it's adding additional light to the space, that's a good thing. I think it is very shallow, especially from its broad side. So I, I mean, I don't think of the cupola more of a vertical element that really tries to accentuate height, I don't think this one does that. I don't object to the cupola, and I think that the planning of the attic, again, is thoughtful and modest and is not trying to, you know, capture every possible square inch of that attic.

GEORGE BEST: And I feel the same way. I think it

adds a bit of interest to the house visually. So, you know, I know -- light is very important. I'm a person that I like to have a lot of light in my place. So that's my comment.

DOUGLAS MYERS: If I ever -- I mean, I do have a comment. I'll make the comment.

BRENDAN SULLIVAN: You're a hundred percent correct in that the dormers are not overly ambitious. they are probably very necessary in order to make the third floor work. And someone who has built an awful lot of dormers and who has been involved in this type of stuff, that -- and they tend to work for a bedroom in the back and also the bathroom, and one of those necessary things. The cupola to me is, I think, I don't know, it's a statement or what it is, but to me I think that -- and what we'd like to do with dormers is try to erupt there, they're necessary to the interior space but you don't want to see them because they do add an element to the top of the house. They tend to make the house a little bit top. And it takes away from the style of house because they weren't built for those.

People never really used the attics other than to throw

their stuff up there. So I can understand the need to

capture attic space because living space is much of a

premium. To me when I saw the cupola, I said, it's not

necessary from the outside. I can understand as you're

trying to capture light down into the core of that space up

there, but I would not support it with the cupola.

DOUGLAS MYERS: I just wanted to say that I, I felt that -- I just feel I agree with what my colleagues said and I'll try not to repeat what they said. I do feel the cupola is intrusive especially in the presence of alternatives such as the skylights which would -- can give you what you want including the attic space. To me it just, it very aggressively sits on top of the house in a way that makes it, that is going to make the house look unlike any of the other houses in the neighborhood.

I will agree that some of the houses that you've

pointed out in the pictures have kind of aggressive roof lines with considering the dormers that are there, but -- and I do respect the opinion of my colleagues completely about interesting architecture and innovation, but nonetheless in this settled neighborhood I would find the cupola intrusive, especially the presence of the alternative or completely viable alternative.

MICHAEL BYRNE: I just want to say one thing, that actually on the drawing it's there sticking out, but if you look from the street anywhere around the building, I actually, I mean, you can speak to this. I don't even know it if you can see it.

DERICK SNARE: That's what I was going so say. I wish we could do a 3-D, you know, sort of tour around the building because you can see from that shot across the street, it's going to be obscured by the existing dormer in the front of the house.

MICHAEL BYRNE: You can't see it.

DERICK SNARE: Aggressive is a strong word to use for this very shallow item on the top of the house. That's going to be so much nicer than a skylight.

PATRICK TEDESCO: Does it match the pitch of the existing roof on all four sides?

DERICK SNARE: Yes.

JANET GREEN: So this is it, right?

DERICK SNARE: Yes.

MICHAEL BYRNE: Yes.

DERICK SNARE: I mean, yes, that's the house.

JANET GREEN: So that's the really not --

MICHAEL BYRNE: That's the existing dormer. So it's going to be behind that. So if you look at that --

JANET GREEN: It will be behind this dormer?

DERICK SNARE: Yes.

see.

MICHAEL BYRNE: Blocked by that dormer that you

DOUGLAS MYERS: But it will rise well dramatically

above the roof line.

DERICK SNARE: I would not say dramatically.

DOUGLAS MYERS: Let's take a look at the --

DERICK SNARE: -- at all.

PATRICK TEDESCO: How much ceiling height does it -- if you're at nine feet at the ridge line or at nine, nine.

DOUGLAS MYERS: Right.

PATRICK TEDESCO: I guess what's the peak of the cupola of the interior?

DOUGLAS MYERS: It is a matter of opinion, but I would call that north elevation dramatic, at least I would call it conspicuous.

BRENDAN SULLIVAN: The height is at 32, 25 now.

32 foot and a quarter. With the top of the cupola they're going to exactly 35 feet.

PATRICK TEDESCO: Two-and-a-half feet.

JANET GREEN: Which is the ordinance.

DERICK SNARE: You can get a sense of what it adds.

BRENDAN SULLIVAN: 2.75 feet.

DERICK SNARE: In the sections.

PATRICK TEDESCO: That's a more flattering proportion than --

DERICK SNARE: And then also if you're on the street --

MICHAEL BYRNE: You're down here looking up at that, and pretty much, you can't see it. There's a building, identical building on this side, so you won't be able to see it. Behind us is the woman who enjoyed -- who liked the plans, signed off and offered a letter of support. And the same thing from the other side. We're in the middle of two identical buildings. So I actually, I mean I literally -- this is the top and you're here, I don't know how you actually see it.

BRENDAN SULLIVAN: But we have approved many

dormers over the years, and this is the first time we've seen this type of feature on top of the roof. Very first time.

DERICK SNARE: Could that be a good thing?

DOUGLAS MYERS: It depends on the association it raises. Ultimately it's a question for our judgment. I mean, frankly, again, I hear you that you say it won't be visible from the street, and --

MICHAEL BYRNE: And all the neighbors that support it.

DOUGLAS MYERS: But, and please don't accept this as pejorative, but the side views if I associate it with anything, I associate it with rural barns where there is a cupola and the hay loft to admit no air -- ventilation.

MICHAEL BYRNE: I mean, again, this is a cross-sectional drawings so I think it exaggerates it. What you're actually going to be seeing is it's going to look like part of the roof, right? Because the roof is whatever

the asphalt it's called and so it's rising up and then it just -- that's the peak of that roof line.

DOUGLAS MYERS: I don't deny that there are other points of view. I guess at this point I have to accept the responsibility.

BRENDAN SULLIVAN: I would support the dormers but not with the cupola. So... And it doesn't look like you're going to get the necessary four votes to go forward.

MICHAEL BYRNE: So I mean, again, you know, this wasn't my idea. I think it's a great idea. I think doing skylights is kind of cheaping out on the neighborhood, but I would prefer to move forward. Is it possible to move forward with the cut out that we don't do that and everything else which you've agreed to?

BRENDAN SULLIVAN: Would other members of the Board be amenable to voting for it without the cupola?

PATRICK TEDESCO: Yeah, I mean, I don't have a problem with the cupola. I don't think losing it detracts

from your solution. I still think it's a handsome, well-proportioned, successful interior without it even though I'm not objecting to it as other board members are.

BRENDAN SULLIVAN: You would support it without the cupola?

GEORGE BEST: Yes.

JANET GREEN: Support it.

BRENDAN SULLIVAN: And you would support it without the cupola?

DOUGLAS MYERS: Yes.

BRENDAN SULLIVAN: Let me make a motion, then, to grant the relief requested for the addition of two dormers as per the plan submitted. Those will be the final plans.

JANET GREEN: Do you have the plan?

BRENDAN SULLIVAN: One of the problems with going digital is that we lack a good set of drawings.

DOUGLAS MYERS: Oh, the plans? The plans got put over there. Inadvertently in your possession. Right there.

JANET GREEN: It would have holes in the top.

BRENDAN SULLIVAN: The Board finds that the literal enforcement of the provisions of the Ordinance would involve a substantial hardship to the petitioner because it would prevent the petitioner from properly utilizing usable attic space. The attic space in there now is part of the floor area ratio, however, a good portion of it is not usable. The -- allowing of these two dormers will allow the petitioner to create much needed bedroom space and also a bathroom at the third floor level, and allow him to and the occupants to have a more usable space. And more in keeping with an upgrade for the current conditions.

The Board finds that the hardship's owing to the fact that the house was built prior to the enacting of the existing Ordinance.

That -- it must be a substandard lot, is it not?

Is the lot area 5774? And it would be a 5,000 square feet;

is that correct? You've replicated that number three times

and it can't be the same. That's what I'm trying to figure out.

DERICK SNARE: Well, we're not changing --

BRENDAN SULLIVAN: Well, I know. But the existing -- if the lot exists, existing now is 5774?

DERICK SNARE: Yeah.

BRENDAN SULLIVAN: Okay.

And what is the minimum lot size in the district?

It's a C-1. So it's what? It's 5,000 okay. So that

number -- that third number should be what is permissible,

allowable is really what that amounts to.

DERICK SNARE: Oh, I see.

BRENDAN SULLIVAN: So the hardship is owing to the fact that the existing house was built prior to the enactment of the current Ordinance which renders it non-conforming, and that any addition even as de minimus as this, would require some relief from the Board.

The Board finds that the requested relief is a

fair and reasonable request given that the nature of other houses in the area which have utilized attic space in varying degrees so that this would not be out of character.

The Board finds that relief may be granted without substantial detriment to the public good, and in fact would enhance the liveability of the top floor unit.

And that relief may be granted without nullifying or substantially derogating from the intent and purpose of the Ordinance.

And the intent and purpose of the Ordinance is to provide adequate housing and to allow petitioners to upgrade the houses in a fair and reasonable fashion.

The Board approval is as per the plans submitted, Entitled, "79 Kirkland Street," by Snare and Snare Design and dated 12 May, 2016 initialled by the Chair.

On the condition that the cupola as defined in sheet 3, proposed cupola be eliminated. All other -- also as shown on sheet 4. Sheet 3 and 4 as X'd out by the Chair.

DERICK SNARE: And skylights are permissible as an alternative?

BRENDAN SULLIVAN: Skylights are permissible as long as they're not in the side yard setback which you could do as of right. So that would be okay.

All those in favor of granting the relief?

(Show of hands.)

BRENDAN SULLIVAN: Five in favor.

(Sullivan, Green, Tedesco, Myers, Best.)

BRENDAN SULLIVAN: Okay.

* * * * *

(9:25 p.m.)

(Sitting Members Case BZA-010359-2016: Brendan Sullivan, Janet Green, Patrick Tedesco, Douglas Myers, George S.

Best.)

BRENDAN SULLIVAN: We're going to take the agenda

a little bit out of order.

The Board will hear case No. 010359-2016, 69-73

Jay Street.

Mr. Rafferty.

ATTORNEY JAMES RAFFERTY: Good evening,

Mr. Chairman. James Rafferty appearing on behalf of Sean

Hope the attorney of record. Mr. Hope unfortunately is out

of the country due to a death in his family. And for a

variety of reasons, including an extended discussion and

conversation with abutters, we're requesting a continuance

to -- I understand that a date has been selected of?

SEAN O'GRADY: September 15th.

ATTORNEY JAMES RAFFERTY: September 15th. And I know counsel for an abutter is here and I don't know if he wishes -- I mean, I believe we've selected this date.

BRENDAN SULLIVAN: That works?

ATTORNEY FRANKLIN SCHWARZER: Yes, Mr. Chairman, that works.

BRENDAN SULLIVAN: If you would just introduce yourself for the record. If you have a business card, you can give it to the stenographer.

name is Franklin Schwarzer. I'm attorney with the law office of Schlesinger and Buchbinder at 1200 Walnut Street in Newton. We have had a chance to talk to counsel and the September 15th date is fine with us.

BRENDAN SULLIVAN: Do you have a business card at all, Counsel?

ATTORNEY FRANKLIN SCHWARZER: Yes, I do.

BRENDAN SULLIVAN: Do we have a waiver?

ATTORNEY JAMES RAFFERTY: This is the first time it's on so probably we probably need to sign one.

BRENDAN SULLIVAN: This is the first time? Yeah.

All right, let me make a motion, then, to continue this matter until September 15, 2016, at seven p.m. on the condition that the petitioner representative sign a waiver

to the statutory requirement for a hearing and a decision to be rendered thereof.

Also that the petitioner change the posting sign to reflect the new date of September 15th, and the new time of seven p.m.

That the signage be in compliance with the statutory requirement of 14 days prior to the September 15th hearing.

Also that should any new submissions be in the file by five p.m. prior -- I'm sorry, that any new submissions be in the file by five p.m. on the Monday prior to the September 15th hearing.

Is there anything else to add to that?

DOUGLAS MYERS: Not heard.

BRENDAN SULLIVAN: And this is a case not heard.

All right, all those in favor of continuing this

matter?

(Show of hands.)

BRENDAN SULLIVAN: Five in favor. Continued until September 15th.

(Sullivan, Green, Tedesco, Myers, Best.) (9:25 p.m.)

(Sitting Members Case BZA-010312-2016: Brendan Sullivan, Janet Green, Patrick Tedesco, Douglas Myers, George S. Best.)

BRENDAN SULLIVAN: The Board will hear case 010312-2016, 1108 Cambridge Street.

The Board is in receipt of correspondence from

Terry Morris, attorney for the petitioner to Maria Pacheco.

(Reading) I left you a voicemail. Please see the attached

letter requesting a withdrawal of the subject petition

scheduled for a hearing this evening.

On the motion, then, to accept the petitioner's request for a withdrawal of this application, all those in favor of accepting?

(Show of hands.)

BRENDAN SULLIVAN: Five in favor. The matter is withdrawn.

(Sullivan, Green, Tedesco, Myers, Best.)

* * * * *

(9:25 p.m.)

(Sitting Members Case BZA-010288-2016: Brendan Sullivan, Janet Green, Patrick Tedesco, Douglas Myers, George S. Best.)

BRENDAN SULLIVAN: The Board will hear case 010288-2016, 45 Brewster Street.

Mr. Rafferty.

ATTORNEY JAMES RAFFERTY: Thank you, good evening,
Mr. Chair. James Rafferty appearing on behalf of Sean Hope.
And I'm representing the applicants seated to my left.

And if you could give your name and spelling for the record.

ALICIA VON REKOWSKY: Alicia Von Rekowsky.

A-L-I-C-I-A. And two words V-O-N R-E-K-O-W-S-K-Y.

ROBERT VON REKOWSKY: And my name is Robert Von Rekowsky. Same spelling.

ATTORNEY JAMES RAFFERTY: And to my right is Peter Quinn and he's the project architect.

PETER QUINN: Good evening.

ATTORNEY JAMES RAFFERTY: This is an application seeking a variance to allow for an addition of 180 square feet on a single-family house in a Residence A1 Zoning District on Brewster Street. The property owners reside there with their five children and they're doing some renovations and they're looking to add an addition on the second floor that will -- essentially there's a one floor area on the first floor that they want to extend out and put a study, a den-type space on the second floor.

The property is currently slightly over the permitted 0.5 FAR. It has a 0.53 FAR. So it's non-conforming in terms of its size by a few hundred square feet. The existing size of the dwelling is about -- oh, it's about 300 -- I'm doing this math -- it appears to be -- it's at 4492 and the Ordinance allows 4267. So it's

about 210 --

DOUGLAS MYERS: 235.

ATTORNEY JAMES RAFFERTY: 235? 225 is over currently. The addition, like I said, has been reviewed by the Half Crown Conservation District. There's a Certificate of Appropriateness contained there. Mr. Quinn could walk you through the changes. The neighbors have since provided letters of support. As I said, it is a -- it is admittedly a non-conforming structure, but it's only moderately so. And this addition really will allow for a slightly larger floor plan on the second floor where the principal bedrooms of the home are located. And it will allow a gathering area on that floor. That floor today is all bedrooms. As I said, there are five. The applicants are raising their five children there, and this is a space on the second floor that can be used as is shown on the plan is a study, but it's just a space and it was a very logical place. And Mr. Quinn can show you, can try to seek a modest expansion of this

space. So all of the proposed square footage is contained in that addition. The addition will also lead to an area that is -- access to it, to a deck on the second floor. The deck, as you know, is not square footage, but the deck goes to the edge of the property which is not conforming in terms of its setback. So the relief is also related to the deck that's depicted there that is off this room. And

Mr. Quinn -- it's a rather straightforward, the design approach.

The hardship really is related to creating additional circulation. The house, it's admittedly not a small house, but it's a large family and it's a logical place to locate this addition and it will allow for a modest expansion of the living area.

PETER QUINN: Good evening. My name is Peter Quinn, Peter Quinn Architects, Davis Square.

We are, as Jim has said, it's a modest addition.

It's built out directly over a one-story addition that

is -- encloses the kitchen and a breakfast area on the ground floor. And as we're just simply bringing that same form out and increasing the height of it using a similar window pattern. There's an additional part of the one-story existing first floor on which we're building this balcony off that same room. And we're just using exactly the same vernacular in terms of construction, detailing, and the like.

ATTORNEY JAMES RAFFERTY: Can you put out the floor plan?

PETER QUINN: Right here. This is -- if we were to take this plan and put it down right here, it's right in that area there.

DOUGLAS MYERS: And what are the dimensions of the balcony in the left-hand corner there?

PETER QUINN: I have to look that up. I think it's 10-by-12 if I remember. Again, it's just a fit out that, you know, right now it's a flat roof. It's not

attractive. We did have some discussions with the neighbor to make sure that they were fine with this addition and we actually set up a 3-D view for them to see how their view would be affected by that. And I believe they met and had communications with the owners about this. And I don't know if they've since --

DOUGLAS MYERS: Would you mind standing that up so we can see that for a couple of minutes, please?

PETER QUINN: Sure.

ATTORNEY JAMES RAFFERTY: Maybe you could explain what that view is.

PETER QUINN: Sure.

This is the existing -- this is our subject house here. That's existing condition. That's with the addition.

This is the view to the backyard of the neighbors looking toward that addition. It is a little bit abstracted, but we did try to get the trees that were in there more or less accurately drawn. There's a wooden fence

that separates the two. That's what you see here with this.

This is a view from inside the kitchen where they have some double windows that look out.

Again, this is just a very particular view that they were concerned about.

This is the existing conditions.

This is with the addition.

And this is a view downward. You can see the relationship.

That's the pair of windows that you see here looking out towards this addition.

That's the addition proposed on top of the one story there.

DOUGLAS MYERS: Have those abutters contested?

ATTORNEY JAMES RAFFERTY: Those abutters are in support?

ROBERT VON REKOWSKY: We don't have a letter from them, but they have not objected.

PETER QUINN: I think once we went through it all, we also did a shadow study.

ROBERT VON REKOWSKY: Yeah, we met several times.

PETER QUINN: We did a shadow study, showed them that they wouldn't be affected in their backyard. I don't know if that was submitted as part of the record. And we showed that to the Half Crown Committee as well and they certainly took that into consideration in their favorable vote on this project.

BRENDAN SULLIVAN: So you're just going straight up --

PETER QUINN: Right.

BRENDAN SULLIVAN: -- from the first --

PETER QUINN: Part of that one story. I didn't mean to interrupt you. But there's -- the one story is a little bit kind of an L-shape.

BRENDAN SULLIVAN: Right, and does the little niche get filled in?

PETER QUINN: No. Just -- so the one story below is like this.

BRENDAN SULLIVAN: Yes.

PETER QUINN: It's just a kind of a chunky L, and the second story just gets filled in on the bigger part.

BRENDAN SULLIVAN: Okay. And then the deck is over the other part?

PETER QUINN: Yes.

BRENDAN SULLIVAN: Okay.

PATRICK TEDESCO: You're not demolishing the first floor?

PETER QUINN: No.

PATRICK TEDESCO: You're using the framing and foundation and everything?

PETER QUINN: Exactly. It must have been added at some point. It's a more contemporary addition in terms of its construction table.

BRENDAN SULLIVAN: Anything else?

ATTORNEY JAMES RAFFERTY: I don't think we have anything further.

BRENDAN SULLIVAN: Any questions by the Board at this time?

(No Response.)

BRENDAN SULLIVAN: I'm going to open it to public comment.

Anybody who wishes to speak on this if you please clearly identify yourselves, spell your last name, and give us your address. Is there anybody here who would like to speak on the matter of 45 Brewster Street?

(No Response.)

BRENDAN SULLIVAN: Nobody?

Okay, we are in receipt of correspondence from 7
Reidesel Avenue, Annette Lamond, L-A-M-O-N-D and Joseph
Armor, III. (Reading) My husband and I are writing in
support of the application of our neighbors Bob and Alicia
Von Rekowsky. Did I butcher that?

ROBERT VON REKOWSKY: That's fine.

BRENDAN SULLIVAN: If it's not O'Brien or Sullivan, you know. Anyhow. (Continues Reading) For a variance to construct an addition and a permit to alter windows. They have shared their plan with us. We think the plans are visually appealing and keeping with the scale and historical architecture of the house.

There is correspondence from Milo Faye, M-I-L-O
F-A-Y-E and Fletcher Faye, 33 Brewster Street. (Reading) In
the last 17 years my family and I have resided at 33
Brewster which is two doors from the subject property. We
support the proposed addition which has been approved by the
Historical Commission. The proposed addition is a
reasonable request. It does not add to the height to the
residence, nor does it extend into the rear, side, or front
yard of the property as tastefully designed to fit the
current architecture. Please approve this request. I'm
sorry I could not attend.

The Board is in -- correspondence from the Planning Board which is silent on this particular issue.

The Board is in receipt of correspondence from Anja Park A-N-J-A P-A-R-K. (Reading) Please -- attached please find a letter of support. Anja and Young Park 5 Riedesel?

ROBERT VON REKOWSKY: Riedesel Avenue.

BRENDAN SULLIVAN: Riedesel Avenue? I never got that right.

ROBERT VON REKOWSKY: It took us about three years to get it as well.

BRENDAN SULLIVAN: Yeah.

(Reading) We would like to inform you that we have seen the plans of our neighbors at 45 Brewster. They have proposed for a small addition above their kitchen for a home office. We are in support of their project.

The Board is in receipt of correspondence from the Cambridge Historical Commission, Certificate of

Appropriateness regarding 45 Brewster Street to construct a second floor addition at the rear of the house for a study and a deck. Work is to be carried out as indicated on the plans by Peter Quinn Architects, dated April 7, 2016.

Approval was granted with the additional comment: That a full hip roof on the addition would also be appropriate and allowed by their certificate at the owner's discretion.

Construction details were delegated to the CHC staff for review and approval. And it's dated May 17, 2016. Their case No. 3551.

Cambridge Historical Commission correspondence from the Reservoir Hill study area. The proposal received the Cambridge Historical Commission approval.

ATTORNEY JAMES RAFFERTY: Yeah, that's the certificate you read, Mr. Chairman.

BRENDAN SULLIVAN: That's the same one?

ATTORNEY JAMES RAFFERTY: Yeah, well, that's telling you that it's subject to Reservoir Hill and that's

the action.

BRENDAN SULLIVAN: And it references that.

ATTORNEY JAMES RAFFERTY: And I apologize. I misstated. I think -- I said this was Half Crown when -- JANET GREEN: You did.

ATTORNEY JAMES RAFFERTY: It's not Half Crown.

It's in that area that is under study now, a proposed extension of the historic district up what they're calling the Reservoir Hill District. So from that side of Brattle

Street as you climb up, they're calling it the south side of Reservoir Hill. It's the kind of the crest of the hill. So those properties now are in the study area. So the year in which the study is in effect the properties are treated as though the district had been created. So it's necessary to obtain Certificates of Appropriateness.

BRENDAN SULLIVAN: Okay. That is the sum substance of the correspondence.

Nobody else wishes to speak on the matter? I will

close public comment.

Mr. Rafferty, anything else?

ATTORNEY JAMES RAFFERTY: No, thank you. I hope we've managed to --

BRENDAN SULLIVAN: Let us deal with the hip roof.

Peter, is there any thought of that?

PETER QUINN: Yeah.

One of the commission members had suggested that the roof be continued all the way up to kind of a full height of that angle that you see rather truncated as we did. We were concerned that while that might look as good if not better slightly, that it became too imposing when you put it into this kind of model.

ATTORNEY JAMES RAFFERTY: Did you say the neighbors had objected?

PETER QUINN: The neighbors had indicated to us that would be of even more concern to them, the addition. So, you know, we had not pursued it.

BRENDAN SULLIVAN: Just wanted to keep it as --

PETER QUINN: Yeah.

BRENDAN SULLIVAN: -- small as possible?

PETER QUINN: Right, exactly. Within style of the building.

BRENDAN SULLIVAN: Who is going to use this as a home office? Which one works from home?

ROBERT VON REKOWSKY: We both -- Alicia's home now and has been home for a year and a half now. And I do very early morning calls abroad and can increasingly be at home. So that and the kids needing increasing places to do homework and study, we just don't have enough room.

BRENDAN SULLIVAN: Okay.

ROBERT VON REKOWSKY: We'd probably share. We would probably free up another room to do this.

BRENDAN SULLIVAN: Just a need for a quiet space --

ROBERT VON REKOWSKY: Yeah.

BRENDAN SULLIVAN: -- in a sense, private space?

ROBERT VON REKOWSKY: That's correct.

BRENDAN SULLIVAN: All right, let me close the presentation part.

Board?

DOUGLAS MYERS: Nothing from me at the time.

JANET GREEN: I'm good.

GEORGE BEST: I've got nothing.

PATRICK TEDESCO: No comment.

BRENDAN SULLIVAN: I make a motion, then, to grant the relief requested.

The Board finds that a literal enforcement of the provisions of the Ordinance would involve a substantial hardship to the petitioner because it would preclude the petitioner from creating a much needed private space.

The petitioner -- both petitioners work from home and are in need of a space aside from the living space in the house in which to perform their work, and that the

requested relief will allow them to do this.

The Board finds that the hardship is owing to the fact that the house was built prior to the enactment of the existing Ordinance. That it is an existing non-conformity which triggers any relief from this Board, any slight modification.

The Board finds that the requested relief, that they're going from a 0.53 to a 0.55, which is an approximately five percent?

PETER QUINN: Four percent.

BRENDAN SULLIVAN: Four percent. Give or take, which is quite de minimus and a fair and reasonable request.

The Board finds that desirable relief may be granted without either substantial detriment to the public good.

That the modest 180-square foot addition is located at the rear of the house and has been designed to be congruous with the design and aesthetics of the existing

structure and the neighborhood.

The Board also notes the approval from the Cambridge Historical Commission for their Certificate of Appropriateness.

Relief may be granted without nullifying or substantially derogating from the intent and purpose of the Ordinance, which is to allow for more usable liveability, if you will, of the housing and to improve the housing stock in the city and to retain --

All those -- and also that the work as approved subject to the plans initialled by and dated by the Chair.

All those in favor of granting relief.

(Show of hands.)

BRENDAN SULLIVAN: Five in favor.

(Sullivan, Green, Tedesco, Myers, Best.)

ATTORNEY JAMES RAFFERTY: Thank you.

PETER QUINN: Thank you.

DOUGLAS MYERS: Special Permit.

BRENDAN SULLIVAN: And the Special Permit. You guys are keeping me honest.

ROBERT VON REKOWSKY: That was the window that was dropped.

DOUGLAS MYERS: You were right.

ROBERT VON REKOWSKY: It was an early plan but we -- it was dropped. We thought we submitted it.

PETER QUINN: We submitted it about a week ago dropping the window on the side which is a non-conforming setback.

ATTORNEY JAMES RAFFERTY: I didn't want to correct you publicly.

BRENDAN SULLIVAN: I'm sorry, so --

ATTORNEY JAMES RAFFERTY: It appears that portion of the application has been withdrawn. The relief isn't needed. They've adjusted the location of the window.

BRENDAN SULLIVAN: So the Special Permit part of it is not necessary.

ATTORNEY JAMES RAFFERTY: Yes, withdrawn.

BRENDAN SULLIVAN: Withdrawn.

All those in favor of accepting the withdrawal of the Special Permit application to alter windows, all those in favor.

(Show of hands.)

BRENDAN SULLIVAN: Five in favor. It is withdrawn. And you're good to go.

(Sullivan, Green, Tedesco, Myers, Best.)

* * * * *

(9:45 p.m.)

(Sitting Members Case BZA-010350-2016: Brendan Sullivan, Janet Green, Patrick Tedesco, Douglas Myers, George S.

Best.)

BRENDAN SULLIVAN: The Board will hear case No. 010350-2016, 23 Hawthorn Street.

attorney James Rafferty: I'm sorry. Good evening, Mr. Chairman, Members of the Board. For the record, James Rafferty appearing on behalf of the applicants, the 23 Hawthorn Nominee Trust, the owner of the subject property. Seated to my right is the project architect Steven Hart -- or Steve?

STEVEN HART: Steve is fine.

ATTORNEY JAMES RAFFERTY: With a V. H-A-R-T. And seated -- he's the project architect. And seated to Mr. Hart's right is?

JENNIFER LYFORD: Jennifer Lyford L-Y-F-O-R-D.

ATTORNEY JAMES RAFFERTY: This is an application to make some modifications and additions to a single-family house or actually a house with an accessory apartment that's actually a two-unit dwelling on Hawthorn Street. It is

somewhat of a local celebrity status because for years it was the home and office of the pediatrician Mary Brazelton, and it's a significant historical home. And Mr. Hart will take you through the proposed changes, but one of the areas of relief here, or one of the pieces of the renovation are it's a case of addition by subtraction. There are a number of additions to this house. One of the most prominent ones is a stair tower that you can notice from the street which is -- would never be a recipient of any design awards and it's coming down. And other elements in the rear of the property which were not seen as compatible to the original structure.

The reason we're seeking relief has less to do with FAR. In fact, has little to do with FAR. It has to do with the fact that the proposed addition that Mr. Hart has designed actually exceeds the height limit. And candidly it's not a variance that one applies for lightly. I always advise clients that it's a rather strictly enforced

regulation. But in this case this house was the subject of much deliberation and focus on its historical qualities and the existing roof lines and what would be an appropriate addition. And in fact, there is an as-of-right roof line here that was seen as far less appealing by the Historical Commission as they reviewed it. And the hardship related to the height, has everything to do with the existing roof line, the geometry of those roofs, and how this addition applies.

There's also a second request related to height and that was also somewhat unusual. It has to do with the height of the proposed accessory garage. And as board members I'm sure are aware, accessory garages, in order to qualify for the setback exceptions of five, they need only be five feet from the rear in side yard setback, but they must not exceed 15 feet in height. This one does exceed that amount. And once again that was done as part of a conversation with abutters, with Historical Commission, as

to what would be the appropriate height of the garage. It doesn't create any additional GFA, and I would say candidly at the outset, we had concluded that we were not intending to seek it because I try to advise clients that, you know, you should try to pursue as-of-right opportunities first. But, again, going through the Certificate of Appropriate process, and you'll see the language in the communication from the Historical Commission, they were actually encouraged to pursue this design which has a -- allows for more of a pitch than a slope to the roof. So Mr. Hart can walk you through these changes. But at the end of the day the relief is largely related to the height associated with the addition of the main house and then this height associated with the garage.

BRENDAN SULLIVAN: Go ahead.

STEVEN HART: So this is a very complicated house.

Right now we're hoping to simplify it, but it still remains a complicated house. The sheets in your package which I

think make it easiest to follow along. Perhaps I should work from mine. I don't see you having any. Are these sheets here that have existing and proposed elevations and 3-D sketches. There you go. So towards the back. Thank you.

So, I'm going to go around the four elevations of the main house and then talk about the garage and I'll try to be brief.

Well, probably important to say that the -- my clients purchased this house in the spring of 2015, 14 months ago. We have been working steadily since then. Like I said, it's a complicated project getting to know the existing conditions and certainly getting to a place where the Historic Commission was happy, and not to say enthusiastic about our approach. So that happened in the winter, and it's spring and we've been working on this application and trying to think about getting ready for construction.

Our objectives are to reconfigure the house to suit the new family's needs; two parents three children. The current house, as you may know, the stair tower was added because there's a three-bedroom apartment on the third floor. The second floor, and the first floor are a four-bedroom dwelling for the family and the basement is a physician's office, Doctor Brazelton's office, with wait rooms and examining rooms and so forth. So our change in how that is configured is to make use of the first, second, and third floor for the family use, have a studio apartment in the basement, access from the back. So one central thing we can do is remove the stair tower that's there now. Ιt doesn't, it doesn't serve a purpose and it seemed like lots of -- most stakeholders were glad to see it go.

So having given that brief introduction, the street side, the Hawthorn Street side of the house shows very few changes. One you can see the tower off to the left which is being removed, that's technically on the north side

of the house. We are proposing to add windows and shutters, change from an asphalt roof to a slate roof, restore its historical character and details and materials.

On the south side, so working around the house -- so if one was coming up from the river on Hawthorn, one would see this elevation. Again, there's two parts to this elevation: The main old house and the extension off to the east.

So, again, we're proposing very little to the main box of the house with the exception of, like I said, adding shutters, restoring some details and materials. What is significant, and this is the height piece that Mr. Rafferty talked about, is what's going on on the L. So this is much easier to talk about when I show you this, the next set of drawings, but right now there is truly a hodge-podge of shapes that were added on. It's a flat roof bottom that overhangs the first floor. There's a porch, a sleeping porch that started off open and then was glazed that covers

two thirds of the covered porch on the lower floor. And then there's this gabled piece that is sort of half in and half out. So our proposal is to remove virtually all of that, saving this porch and the first floor. And instead of three separate pieces, constructing one simple straightforward piece. So this is, this is the best page to see that. So right now there's added second floor porch, overhanging bedroom box, and smallish gable tucked back in here, right? That goes away and we are instead proposing a simple L gabled with dormers and allowing that porch to be a one-story piece that lives off the garden elevation and isn't encumbered by the mass above it.

So the rear elevation, again, hard to read, but that's the porch piece, the flat roof piece, the gabled piece, and then cleaned up is just that gabled piece.

BRENDAN SULLIVAN: Second floor, what is that sort of like this window? What room is that?

STEVEN HART: That is a master bathroom. So

there's a blank panel there and that's a window there --

BRENDAN SULLIVAN: Oh, blank?

STEVEN HART: Yeah, that's a blank. Yeah.

And then I will wander off to the north side where this is much easier to understand.

Currently there's a -- that stair tower there, the stair tower goes away and we detail what was left behind that piece with some different windows and so forth.

So to circle back to our request for relief, this dotted line here represents -- well, first of all, it's important to say that the existing ridge is almost 45 feet. So it's a very tall house to begin with, 44, 11. And to develop an addition and L that's consistent with those proportions, the 35-foot is constrained, an aesthetic one but it's constrained. What we're asking is to raise that ridge line to 38 feet, 8 inches, forgive me, which represents that zone under my finger. But I think it's more telling to look at this drawing where it represents just

that triangular piece above this line here.

I'll mention the garage quickly. The garage sits on the southwest corner of the site. It sits way back from the street. Right? So that's Hawthorn, and we're way back in the far corner of the lot. It -- as Jim mentioned, it can be 15 feet by right. At 15 feet the roof pitch is shallow such that we cannot use slate to match the main house. A slate needs to be steeper to perform. alternative is to flatten that out and have a metal roof, and our request is may we raise that to 17 feet, 7 inches so as to have the look of that garage feel more appropriate to the scale of the house that it's next to. That's really all it is.

PATRICK TEDESCO: It's a flat roof currently; is that right?

STEVEN HART: There is no garage currently. It's completely new structure.

PATRICK TEDESCO: Oh, I apologize.

ATTORNEY JAMES RAFFERTY: There are a few site plan changes I should point out to the Board which have the effect of, in one case at least, making the property non-conforming. The current parking is occurring in the front setback on the site on the side yard. And if you were to review the site plan, the proposal is to remove that parking area from that location, construct a new driveway on the opposite side adjacent to the abutter's driveway, and it would open this area all up for green space. So those two parking spaces which sit very closely. Now it is a narrow driveway. One of the things about the orientation of the garage, and it will afford an opportunity for a vehicle to drive out of the driveway. Currently the existing condition, these cars are backing out onto Hawthorn Street which is a -- particularly during morning rush and evening is a high volume street, and backing out with parked cars is a challenge. And this parking is, I say, it's tandem parking in the front setback that will go away.

The other noteworthy aspect of the application is between the reductions of the stair tower and the sleeping porch and everything else is actually at the end of the day less square footage on the site, on the property. So the FAR actually increases here, and it's about 290 square feet less by the time Mr. Hart is done removing. So while relief is needed because of its height and because the house is non-conforming, so we're into the question of change and volume and the like, but the -- it is not often the case where a structure will result in lower FAR.

STEVEN HART: Just to be clear, the existing house is non-conforming, the proposed house is conforming.

ATTORNEY JAMES RAFFERTY: For FAR.

STEVEN HART: Yes.

ATTORNEY JAMES RAFFERTY: But not for height.

STEVEN HART: Sorry.

PATRICK TEDESCO: And the only relief being sought for the garage is height?

right. The garage as proposed a two-car garage because of the second dwelling unit. Now as part of the reorganization of the house, the dwelling unit, the accessory dwelling unit on the third floor, which I believe you say is a three-bedroom unit is going to be relocated into the basement where the medical office has been and that would be a --

STEVEN HART: Studio apartment.

ATTORNEY JAMES RAFFERTY: Studio apartment. So it will continue to contain an accessory apartment.

DOUGLAS MYERS: Mr. Hart spoke of the 35-foot height limit as an aesthetic constraint. If that's the case, what is your justification for exceeding that height in terms of hardship?

ATTORNEY JAMES RAFFERTY: Well, it's, it's aesthetic constraint in -- it's a real constraint, but the relief being sought is related to the architecture of the

existing structure and the desire to create a historically appropriate and compatible addition that the lower height, as-of-right height, has been determined to be not as consistent with the overall design of the property. So the --

DOUGLAS MYERS: So it's really a volitional design question that you assert as the basis for exceeding the 35-foot height limit stated in the Ordinance?

STEVEN HART: I'm not sure --

ATTORNEY JAMES RAFFERTY: Volitional in the sense that --

DOUGLAS MYERS: Volitional in the sense that a design could be produced, elaborated that it could not exceed 35 feet.

ATTORNEY JAMES RAFFERTY: Right.

DOUGLAS MYERS: Someone has made the decision that the proper design, the more aesthetic design, the design that's more in keeping with the house is greater than 35

feet?

ATTORNEY JAMES RAFFERTY: Yes.

STEVEN HART: I think it's important to note, that the historic district commission made that call.

DOUGLAS MYERS: I respect Mr. Sullivan very much.

I have referred to him to his face as a hero of our time,

but nonetheless as a member of this Board, I take very

seriously the 35 foot limit --

ATTORNEY JAMES RAFFERTY: Understood.

DOUGLAS MYERS: -- and I am frankly troubled by the notion that we have an addition even on a very nice house that simply with a request to exceed that limit because we feel it is a superior design.

ATTORNEY JAMES RAFFERTY: Well --

DOUGLAS MYERS: I read Mr. Sullivan's letter.

ATTORNEY JAMES RAFFERTY: Okay.

DOUGLAS MYERS: And he felt an alternative in this -- in the area of the addition that did not exceed 35

feet might be inferior.

ATTORNEY JAMES RAFFERTY: So I would --

DOUGLAS MYERS: Nonetheless, he is a mere mortal and he is not charged with enforcing this Ordinance.

ATTORNEY JAMES RAFFERTY: Well, that may be a concession he's unwilling to make, but I understand your thinking. But having said that, I think the question of hardship, one could make the case in any, in many variance cases there are design alternatives that wouldn't require relief. Why do you need more space? Why do you need this or that? So I have to confess that the drawing such a stark line about this relief as compared with other forms of relief, it should note, too, we're talking about ridge portions of the roof. This is not an expansion that will increase square footage, increase the density. The mass, in fact, you could have more bulk here, and if you'd like to see the as-of-right design, the bulk of an as of -- a flatter squatter as-of-right use takes up more of the

skyline than this higher pitched roof. So I want to say that this was a focus of great attention by the Historic Commission, and I want to assure the Board that it isn't a whimsical design choice on the part of the architect to have a bigger house. It is rooted in bulk and mass proper considerations for the Board in assessing applications for variances and impacts of properties on abutters. And the conclusion of professional design people were that this house and its style and that the structures as a whole, I mean, there was much focus placed on the removal of the tower and the vast improvement that that does to this house. So I also think that counter-balancing amenity is an appropriate consideration for the Board in weighing our application.

BRENDAN SULLIVAN: Reducing that three-foot, seven what does that do to the interior space?

STEVEN HART: We would be most likely to consider -- sorry, we would put a flat roof on that piece.

So that instead of, instead of this pitch --

BRENDAN SULLIVAN: Right.

STEVEN HART: So one, two, three stories. We could squash that and make it essentially flat and be one, two, three stories like that. So that rear elevation. Bear with me.

BRENDAN SULLIVAN: Is this an as-of-right drawing?

STEVEN HART: This is.

BRENDAN SULLIVAN: I'm sorry which is?

STEVEN HART: I'm sorry, my name is Steve. This is as-of-right.

BRENDAN SULLIVAN: Oh, sorry.

This is the as-of-right?

STEVEN HART: Yes, it is.

BRENDAN SULLIVAN: And the proposed?

STEVEN HART: The proposed is like this. So this is that comparison. And forgive me. And then the comparison on the back of the house is this versus -- so

that's a little bit hard to read. But let me put those side by side. This is a big rectangular box with a flat roof.

And this is a triangle. You with me?

PATRICK TEDESCO: I mean, you're matching the existing pitch of the roof behind that addition which makes perfectly logical sense, forgetting about proportion and other things. It just means that the addition is not another appendage to the building but it's an extension, and I would agree with the Historical Commission that that absolutely resolves the character of the house and simplifies what's been really described as a hodge-podge of additions. So I think that's the logical solution here.

And, yes, the height is exceeded but I think for good reason personally.

DOUGLAS MYERS: I have nothing further to say at this time. I mean in deliberations I'll have more to say.

BRENDAN SULLIVAN: Okay. Anything else?

ATTORNEY JAMES RAFFERTY: No, thank you.

BRENDAN SULLIVAN: Any questions of the Board at this point?

(No Response.)

BRENDAN SULLIVAN: I'll open it to public comment.

Is there anybody here who would like to speak on the matter of 23 Hawthorn Street?

FRANNIE COHEN: Yes, thank you.

BRENDAN SULLIVAN: Come forward and please identify yourself.

FRANNIE COHEN: So we are the neighbors. I'm

Frannie Cohen and I live at 28 Hawthorn Street immediately

across from the house. So I first saw the plans today. One

of the other neighbors gave them to me, and I wanted to come

tonight to see the plans. And I thought the owners would be

here, but apparently they scheduled it at a time when they

couldn't come. So I haven't heard about the plans from the

neighbors, but I'm gonna be looking at construction site for

two years now for a variance that is purely volitional. So

I need to understand what's going to happen because it's a neighborhood that's very tight and the density is very tight. My house is at the corner of Hawthorn and Acacia. It's almost impossible to park any kind of construction vehicle on Hawthorn Street because it a well trafficked artery. So they're going to try and park it right next to my house on Acacia Street and in front of the Deneufvilles' house which is right next to mine on Acacia Street. So if I had had the chance to talk to the owners before the hearing, I would have wanted to know from them How are they going to handle this? Are they going to be able to put the construction entirely on their property? How is their property going to be maintained during the construction? What are we going to be looking at? Who will we be in touch with if we have issues? And what kind of representations can they make to us about how the construction is going to be managed?

BRENDAN SULLIVAN: There's been no outreach to you

at all?

FRANNIE COHEN: No. I did reach out to them about four months ago or five months ago when I first heard that there was going to be construction, and the way the house is described it's -- I think it's in the name of a nominee trust. So I had to like look on the Assessor's records and I found an address in Concord who willed it, found the name of the lady, called her up at her workplace. We had a cordial discussion but nobody ever reached out to me to show me any plans or to tell me how this is going to be handled. And frankly, it's not -- in our neighborhood we're all pretty solicitous of each other and go around and show each other the plans. So I just need to know, since this is gonna be -- construction's gonna take place over two years, impossible to park on Hawthorn Street, if they can confine the vehicles to their property, that's one thing. Then I would understand that, you know, and, you know, presumably there would be room to do that. And then what are we going

to be looking at? What kind of road control is there going to be? What kind of pest control? How is this all going to be managed?

BRENDAN SULLIVAN: Right. Absolutely.

JANET GREEN: Pretty reasonable concerns.

BRENDAN SULLIVAN: Yeah. Okay.

FRANNIE COHEN: The Deneufvilles may have other concerns.

BRENDAN SULLIVAN: Yes, no, that's okay.

VIRGINIA LYONS DENEUFVILLE: I think, I think we agree.

THE STENOGRAPHER: Can you identify yourself, please?

VIRGINIA LYONS DENEUFVILLE: Oh, I'm sorry.

Virginia Lyons Deneufville D-E-N-E-U-F-V-I-L-E, 10 Acacia

Street right next-door to Frannie.

FRANNIE COHEN: So it's not that different from other -- we've had a lot of trouble with other major

construction problems in our -- projects right in the neighborhood. Some of them have been managed quite well and others, you know, it's been a real issue for the neighbors.

So we really just need to understand what that is.

BRENDAN SULLIVAN: Yeah.

VIRGINIA LYONS DENEUFVILLE: I think two issues that I would bring up in addition to agreeing to what Frannie has said, one is the notice about the hearing was really not put up in a way to invite the public. You had to open the gate. I mean, we learned about it last night. You had to open the gate and walk into the property, which has a fence all around it, in order to kneel down and read the notice. So I would just say that that really needs a great deal of improvement.

And the other was that we talked with the attorney and with the architect shortly before this meeting, they didn't mention anything about a studio apartment.

FRANNIE COHEN: Oh, yeah, I forgot to raise that.

VIRGINIA LYONS DENEUFVILLE: And so we'd like to know what is that all about?

And, and a third -- a question that I have is what is the square footage? I mean, this is actually a very, very big house. Yes, it's the square footage would shrink, but it's still an enormous space and could we know what is it existing now and what would it be with these plans? So what is that for the record?

FRANNIE COHEN: I actually meant to ask.

VIRGINIA LYONS DENEUFVILLE: 6,098 square feet existing, 5,808 requested.

ATTORNEY JAMES RAFFERTY: And that's what's allowed. The third.

VIRGINIA LYONS DENEUFVILLE: What zoning allows is 5,858.

BRENDAN SULLIVAN: Okay.

RICHARD DENEUFVILLE: I'm Richard Deneufville. I live with my bride for a long time. I mean, part of the

thing was that I was the first one of us to see where the notice was and you can't see it from the street at all. You had -- it's behind bushes, and you have to go in and then it's put in right in the ground level. I mean, I had to kneel on the grass to be able to read it because it was placed so low. So it's a sense in terms of reaching out to the neighbors or discussing what's happening has been non-existent. And it's not as if they haven't been there for owning it for -- over well over a year. So it's -- we are concerned about how this process is being managed and are really concerned about what happens next.

BRENDAN SULLIVAN: Did you not receive a public notice, a certified letter in the mail?

RICHARD DENEUFVILLE: No, sir.

FRANNIE COHEN: I did.

RICHARD DENEUFVILLE: I have not received anything.

ATTORNEY JAMES RAFFERTY: Mr. Chair, based on my

understanding of the location of the Deneufvilles' property on Acacia --

BRENDAN SULLIVAN: To the outside the -- yeah, unfortunately.

ATTORNEY JAMES RAFFERTY: But I want to concede, I said earlier, there was outreach to our rear abutters because I was personally involved in it. But it is unfortunate that -- there were two public hearings on this matter, so I'm surprised particularly in Ms. Cohen's case that she didn't receive notice when we were at the Historical Commission in April, and that we didn't hear any of this. So -- but I couldn't agree more. I had gone so far as to suggest that if they felt it was appropriate for us to seek a continuance? And I must say that the abutters were gracious, and I think they concluded that that wouldn't be necessary. But we did offer that at the outset tonight, but if they felt that the lack of notice meant that we shouldn't proceed, we would recommend that to the client,

who I also regret and was unaware of is not present at the hearing.

BRENDAN SULLIVAN: Well, my feeling is that I think it's just good behavior to have outreach to the neighbors to address all of your concerns. If I were living where you were living and have been inundated with construction vehicles, you're like in a war zone. But not to necessarily tip the balance, but at any rate, yes, you have legitimate concerns because you have been through it. And I think that the owners owed it to you to have an outreach for you and have a conversation with you and to address your concerns. And not to have to come down here and, you know, rush through this to be honest with you, that would be my, my thought. The notice part, as far as a continuance, is one thing but I think I would not be comfortable ruling on this tonight with some of the concerns that are still out there.

ATTORNEY JAMES RAFFERTY: Understand.

BRENDAN SULLIVAN: Because I think that there should have been outreach, there should have been to the most affected people. So anyhow, that's sort of my thought.

ATTORNEY JAMES RAFFERTY: Well, obviously the Board's judgment is controlling. I would only note that the issues are very legitimate issues, but as I hear them, they're construction related issues but maybe upon further examination of the design, the abutters want adequate time -- additional time to do that. It was not my sense that that was the desire at this juncture of the hearing that the abutters wanted additional time for evaluation, but I will allow them to certainly speak on that.

explained to Mr. Rafferty for much of May and all of June until Monday, so I haven't had a chance to be involved in other hearings, but I would like to hear from them. I hate to hold up anyone on their construction plans, but I just need to understand what's going to be happening for the next

two years so I can --

BRENDAN SULLIVAN: No, I think it behooves them to have outreached to you. It's a little bit of --

FRANNIE COHEN: And the only other issue from a design perspective that I think I and I think the

Deneufvilles as well that they're here and can speak for themselves, really don't understand is this apartment and what the access is. How it will impact parking in the neighborhood? And, you know, what is the intention on the apartment? It's the first mention --

aligned when -- but I think right now you're not understanding what's going on, and I think you, you -- all of you are due that respect to find. That would be my view anyhow.

Let me plow through this for a second anyhow. You have concluded?

VIRGINIA LYONS DENEUFVILLE: Yes.

BRENDAN SULLIVAN: And you have concluded?

Is there anybody else here who wishes to be heard on this matter?

(No Response.)

BRENDAN SULLIVAN: I see none.

There is correspondence and a letter which maybe we can hold. There is support from the Cambridge Historical Commission and a lengthy letter and -- which need not, maybe read aloud at this point.

My thought would be to continue this --

JANET GREEN: I agree.

BRENDAN SULLIVAN: -- to allow the petitioner and the abutting people who have concerns to meet and to discuss it. That would be my thought.

DOUGLAS MYERS: I agree.

PATRICK TEDESCO: Yeah.

BRENDAN SULLIVAN: So, a request for a

continuance?

ATTORNEY JAMES RAFFERTY: Well, is the Board electing to continue the case or should we make the request to continue it?

BRENDAN SULLIVAN: I would ask that you make the --

ATTORNEY JAMES RAFFERTY: I would be happy to do so.

BRENDAN SULLIVAN: Okay.

ATTORNEY JAMES RAFFERTY: And I want to just say for time purposes, I did offer to do that at the outset, to not have to assemble the same five members and -- because I understood the concern, and we did make that offer. And had that been made clear to me, I would have offered to continue at the outset. But at any rate, I'm sure we can find a date that the board members --

BRENDAN SULLIVAN: Some of the details got fleshed out during this, so I think that the concern goes a little deeper than the one about the notice.

ATTORNEY JAMES RAFFERTY: I agree. No, and I'm just emphasizing a total willingness to continue and a willingness to have done it at the outset of the hearing.

BRENDAN SULLIVAN: Okay.

Sean, when is a --

SEAN O'GRADY: August 11th.

BRENDAN SULLIVAN: So August 11th would be the --

ATTORNEY JAMES RAFFERTY: I cannot make August

11th.

SEAN O'GRADY: August 25th.

BRENDAN SULLIVAN: What about Mr. Hope? Or is this your case or his?

ATTORNEY JAMES RAFFERTY: No, this is mine. There are a few left that I get, yes.

BRENDAN SULLIVAN: I'm not here in September.

SEAN O'GRADY: You still have August 25th.

BRENDAN SULLIVAN: August 25th?

ATTORNEY JAMES RAFFERTY: Fine. Abutters?

VIRGINIA LYONS DENEUFVILLE: That's fine.

FRANNIE COHEN: I think we can make that work among the neighbors. Thank you.

VIRGINIA LYONS DENEUFVILLE: Yes, thank you.

petitioner to continue this matter on the prerequisite that petitioner's representative sign a waiver for statutory requirement of the hearing and a decision to be rendered thereof.

Also, that the petitioner change the date of the posting sign to reflect the new date of August 25th at seven p.m.

Also that the sign possibly could be brought more forward at the sidewalk line so that other citizens may more easily read what's going on with it. And any new submissions be in the file on the Monday -- by five p.m. on the Monday prior to the August 25th hearing.

And that the petitioner is encouraged to meet with

the neighbors and you'll get names and addresses and phone numbers here to have a meeting with them.

Some of the construction related issues are not our purview just so that you know, you should enter into an understanding with them, an agreement, but we cannot incorporate that and part of that. But I think to get you to yes, behooves them to come to a common ground anyhow.

FRANNIE COHEN: Yeah.

BRENDAN SULLIVAN: Okay.

All those in favor of continuing this matter to --

DOUGLAS MYERS: Case heard, right?

BRENDAN SULLIVAN: We're all here. We're all back

here.

(Show of hands.)

BRENDAN SULLIVAN: See you then.

(Sullivan, Green, Tedesco, Myers, Best.)

* * * * *

(10:20 p.m.)

(Sitting Members Case BZA-010252-2016: Brendan Sullivan, Janet Green, Patrick Tedesco, Douglas Myers, George S. Best.)

BRENDAN SULLIVAN: The Board will hear case No. 010252-2016, 40 Erie Street, 200 Sidney, and 95 Waverly.

Okay, introduce yourself for the record.

ATTORNEY BRIAN GROSSMAN: Thank you, Mr. Chairman, Members of the Board, Brian Grossman, counsel with Anderson and Kreiger. To on my left is Sal Zinno from BMR Sidney Research Campus, LLC. Z-I-N-N-O.

And to my right is Ryan Pace, also counsel from Anderson and Kreiger.

BMR has applied for a variance to allow two monument signs to be located on the property. The property is consolidated. It has two buildings on it. And main entrances are at 40 Erie Street and 200 Sidney Street. The purpose of the signs is to go along with the rehabilitation and revitalization of the property, and to appropriately mark the two main entrances to promote wayfinding, to allow people to easily identify the buildings and the property generally as now the one cohesive unit that the plans and rehabilitation envision. And under the Ordinance a combination of up to 30 square feet in terms of monument signs would be permitted by right. Each sign is just short of 30 square feet. The signs are painted metal with cutouts to show the logo, but they're really more for wayfinding and to demonstrate that the property is really one large campus, one unified property.

The difficulty in locating the need for the signs is really the unique layout of the property as it relates to

both entrances. So the buildings aren't perfectly square.

As you can see, we actually do have a -- I do have a survey

plan and I do have a signage plan and packet that I have for

each of you that we can walk through.

If you'll turn to page 2 of the sign plan, as you can see on the survey as well, the entrances on both sides are somewhat oddly shaped. And if you look at the intersection of Erie Street and Sidney Street, the building recedes in, has that jog, and kind of faces diagonally into the intersection. The problem is although that means folks travelling on Sidney Street, which is one way, headed towards the building have a pretty good view of the entrance. Anyone travelling up and down Erie Street would have difficulty seeing something that was on the building near the entrance appropriately located. Pedestrians headed from, you know, like the Hamilton Street area towards Erie Street would effectively have to walk passed the building and turn around to be able to identify it.

Similarly with the entrance near the intersection of Erie Street and Waverly Street and Albany Street kind of comes in from the west. Waverly Street has the opposite problem you're headed from Waverly towards Erie, that building has the jog in it, and the entrance is in part of that jog. And so by the time the car, the vehicle travelling on Waverly Street towards Erie Street would be able to see a sign on the entrance again, you'd have to actually turn around and look backwards.

DOUGLAS MYERS: Could you point out -- what you just said makes sense.

ATTORNEY BRIAN GROSSMAN: Sure.

DOUGLAS MYERS: Is intelligent. And could you refer perhaps to one of the pictures --

ATTORNEY BRIAN GROSSMAN: Sure.

DOUGLAS MYERS: -- that are shown on P-3?

ATTORNEY BRIAN GROSSMAN: Actually, if you go to, if you go to P-5, that's the entrance for 40 Erie Street.

And so the car that's painted in there looks like a Mini
Cooper, that's on Erie Street and it curves around. And so
Waverly Street has that white car that's kind of parked
facing down Waverly Street. The entrance is back in here.

DOUGLAS MYERS: Okay.

ATTORNEY BRIAN GROSSMAN: And then similarly if you go to page 6, that's the standalone pre-existing entrance for Sidney Street and you can see, again, they have a sign that's been Photoshopped in or simulated in. You can see how the building kind of sets it in.

DOUGLAS MYERS: Is that a street intersection?

ATTORNEY BRIAN GROSSMAN: Yes.

DOUGLAS MYERS: It looks there's a corner there.

ATTORNEY BRIAN GROSSMAN: Yes. That's the intersection of Erie Street and Sidney Street.

DOUGLAS MYERS: Okay.

PATRICK TEDESCO: Can I ask a question?

It looks like the word Sidney Research Campus will

be eliminated but not the logo, the SRC; is that correct, or is that just the way the rendering reads?

SAL ZINNO: It will be externally illuminated.

PATRICK TEDESCO: Externally illuminated?

SAL ZINNO: Yes.

PATRICK TEDESCO: The sign? Okay.

ATTORNEY BRIAN GROSSMAN: In terms of, you know, trying to do one or two signs that were, that complied with the overall combined limit of 30 square feet, it would make about 15 square feet each, it would make them very, very small, very difficult to see particularly for vehicular traffic. So in -- and in addition, the entrance is really at the too far intersection. So they're about 330 feet apart. So really what you end up having is two signs appropriately marking two different buildings, but where one would expect them to be, but notifying people that it's a unified campus. One sign even 30 square feet couldn't really be appropriately located in a way that would allow

people to see it from everywhere they would need to see it to be able to identify the property. If you were to put it in the middle of Erie Street, folks on Sidney Street and Waverly Street really would never see it at all. You already would have to be on Erie Street and know you needed to be on Erie Street to get to the buildings before you ever saw the sign.

JANET GREEN: How do you know you're going to the building you want to go to? I mean I don't see, I don't see how that is designated on these signs. I mean, like it doesn't give a number.

ATTORNEY BRIAN GROSSMAN: So each building will still have its number on it. And you'll see on page 6, 200 Sidney still has the marking for it as well.

JANET GREEN: But that's not on the signage. It's just on the building.

BRENDAN SULLIVAN: You know you've arrived, you're just not sure where.

DOUGLAS MYERS: You mean they should have bigger signs?

JANET GREEN: No, I get that. I just couldn't -- I was just looking at the sign itself and seeing that it doesn't tell the --

BRENDAN SULLIVAN: Sort of like Rockefeller

Center, okay, we're here, now what? You know, that type of thing.

GEORGE BEST: So there's no entrance on this side?

ATTORNEY BRIAN GROSSMAN: Correct. That's the -
JANET GREEN: Another point.

ATTORNEY BRIAN GROSSMAN: That's the far end of the building looking down Waverly towards Erie Street, there's a main entrance there.

GEORGE BEST: That's all one way traffic going that way?

SAL ZINNO: And we're also anticipating that most people are going to enter the building from the Erie

Street -- where the Erie Street entrance is given. The parking is across the street at the 47 Erie garage. And so everything --

BRENDAN SULLIVAN: It's not an easy area to traverse --

JANET GREEN: It's not easy.

BRENDAN SULLIVAN: -- by any means because of the one ways and somewhat narrow streets. And it's, it's difficult. They are -- it's considered one building; is that correct, because they are connected?

ATTORNEY BRIAN GROSSMAN: They're two buildings on one property.

BRENDAN SULLIVAN: On one property. So that if the property were subdivided and you would have two buildings, then you would be allowed two signs.

ATTORNEY BRIAN GROSSMAN: Correct.

ATTORNEY RYAN PACE: Correct.

GEORGE BEST: And this used to be American Sign

Engineer way back.

BRENDAN SULLIVAN: Was it?

GEORGE BEST: Yeah.

BRENDAN SULLIVAN: How do you find where you're going? I think you probably pull this out or something like that and it just tells you where to go or something.

JANET GREEN: Yeah.

ATTORNEY BRIAN GROSSMAN: But in terms of visual impact because the signs are so far apart, it doesn't promote any sort of clutter where you have two big signs located very near each other. They're so far apart.

JANET GREEN: I don't think the signs will cause any confusion.

DOUGLAS MYERS: Completely persuaded. I don't even see any countervailing arguments. This is a very strong case for a variance.

BRENDAN SULLIVAN: Yeah. We'll see.

Okay. Anything else at this point?

ATTORNEY BRIAN GROSSMAN: After that I'm gonna stop.

DOUGLAS MYERS: I'm just one out of five.

BRENDAN SULLIVAN: Patrick, any questions at this time?

PATRICK TEDESCO: I would agree. I mean the size of the campus, the two buildings, the distance between the two signs seems perfectly reasonable to multiply.

BRENDAN SULLIVAN: George, anything at this point?

GEORGE BEST: I don't think so.

JANET GREEN: I'm good.

BRENDAN SULLIVAN: Is there anybody here who would like to speak on the matter?

KEN HALPERN: Yeah.

BRENDAN SULLIVAN: If you please identify yourself for the record.

KEN HALPERN: Yeah. My name is Ken Halpern,
H-A-L-P-E-R-N, Ken, and I'm the resident at 98 Allston

Street. I'd like to ask a few questions. One is actually,

I would like to confirm that the sign will not be visible

from my upper floor especially and also to confirm that

there will be no illumination, you know, that's emitted by

the sign at night that would be distracting or, you know, in

any way annoying for me.

And the second is I'd like to bring to the Board's attention, and I apologize if this seems inappropriate, but I would like you to weigh the interaction that the Sidney Research Campus has had with the local community in the placement of a large amount of rooftop equipment without any public notice or public hearing and possibly, although I'm not an expert in violation of zoning law. And this does not directly bear on the matter, but I think the interaction with the community should be given consideration when a variance is sought since when no variance was necessary, there was no, you know, desire to, you know, interact or solicit our opinions. So I think this is something the

Board should weigh. I mean, if you like to see what I mean I brought an image. Excuse me.

These are examples of the machinery that was placed, 15-foot high machinery on the roof without any communication, without any involvement. These are all taken from my deck down the street approximately one block away.

SEAN O'GRADY: I should just point out that a rooftop mechanicals are exempt from Zoning.

KEN HALPERN: However, there were two exceptions, and one is Section 19 and they're in SD-8 -- SA-8 rather, if that's the correct term? And the other --

SEAN O'GRADY: That's the Planning Board.

KEN HALPERN: Sorry?

SEAN O'GRADY: Section 19?

KEN HALPERN: Yes, Section 19, but there's also Section 5 which indicates that if they are adjacent to C-1, which they are, then there are certain restrictions on the rooftop, mechanical machinery.

BRENDAN SULLIVAN: Now, this is a special district; is that correct?

KEN HALPERN: So there are two possible -- again,

I am by no means an expert, but these are --

BRENDAN SULLIVAN: This is special District 8.

ATTORNEY RYAN PACE: Special District 8.

KEN HALPERN: Yeah. These are the pieces of equipment that were placed on top. And this was a before photo showing the building before all of this was placed on top. I apologize for the different scale of these photos, it's not meant to be deceptive. That is the photo I had before the construction.

BRENDAN SULLIVAN: Well, the -- as far as the rooftop mechanicals, all of that would have been reviewed by Inspectional Services, Commissioner prior to even granting the building permit.

KEN HALPERN: My neighbors have looked into it and have been unable to find any record of, you know, a granting

of it or a hearing.

BRENDAN SULLIVAN: Well, that's all part of the general review of the entire project. I think -- we can't solve that problem because it's not a zoning thing, but I think that those questions need to be brought to the attention of the Commissioner.

KEN HALPERN: I understand. But I am urging the Board to weigh the highhanded manner in which this was done, whether or not it violates zoning, you know, without any interaction with the community, which was affected, you know, now that they have a request for variance.

BRENDAN SULLIVAN: We have -- not to be arguing, but we have our parameters, you know, which are somewhat narrow. And we really have to stay within that or we're exceeding our authority.

KEN HALPERN: I fully understand and I just wanted to make my point. I appreciate you allowing me to hear me.

BRENDAN SULLIVAN: No, no. I would direct that to

the Commissioner, No. 1. And -- but that's not going to be -- we don't have a good answer for you here.

KEN HALPERN: I appreciate that.

BRENDAN SULLIVAN: It's really not our purview.

But at any time --

KEN HALPERN: Thank you.

DOUGLAS MYERS: Your questions about illumination, however, I think warrant an answer.

ATTORNEY BRIAN GROSSMAN: Sal, can you talk to the illumination a little bit?

SAL ZINNO: Sure.

So both of the signs will not be internally illuminated, but externally illuminated with a small fixture that will be placed at grade and pointed toward the sign.

It will be connected to a lighting control system so it would shut down similar to the other exterior fixtures which would only leave a limited amount of light required by code.

KEN HALPERN: And how high would the signs be? Do

you have a photo?

SAL ZINNO: Yeah, we do have a more detailed drawing.

ATTORNEY BRIAN GROSSMAN: Yeah, the sign itself is only about three-and-a-half -- four feet off the ground.

KEN HALPERN: Oh, okay, so these are low lying signs. That's of no concern to me.

Thank you.

BRENDAN SULLIVAN: They're very low. They're monument signs on the ground.

KEN HALPERN: Yeah, I wouldn't have any objection to that.

Thank you.

BRENDAN SULLIVAN: Okay.

Anybody else wish to speak on -- yes. Sir. Please identify yourself.

DONALD GROSSMAN: My name is Donald Grossman, G-R-O-S-S-M-A-N, 179 Sidney. So I'm an abutter. I live

across the street at Sidney and Erie. I have no problem with the signage. I do think it's not gonna necessarily accomplish what they want because the only way that you see the signs is going southwest or south -- I guess southwest on Sidney Street you'll see the sign. If you're coming across Erie Street, you won't see the sign, you'll just see the edge of the sign. And similarly the placement on the corner of Albany, Erie, and Waverly, you'll see the sign if you're coming down Albany Street, but you won't see it -- you'll be past it before you see it on Waverly Street. So it's a little awkward.

The other comment just in terms of the presentation is the 200 Sidney Street entrance has been demolished. So the renderings there take a little bit of poetic license because that's not an entrance to the campus. The entrance to the campus is across from the garage. And so -- and similarly it shows some really spacious rendering of Erie Street. And unless they're removing the parking on

one side and removing the hideous overhead phone poles, it's not quite what it's gonna look like in the long run. It looks a lot more attractive in the renderings. But I would, you know, I have absolutely no problem with the volume of the signage. I don't necessarily think it's effective in directing people seeing as the only entrance, you know, to the 200 Sidney Street complex is right opposite the entrance to the garage. And I think, you know, that's a discussion for another day or a discussion for, you know, Parking and Traffic. But the garage as it was set up by the, you know, originally by David Clemmons (phonetic) and Lime Properties (phonetic) has no stacking inside, there's one space. It's a 440-space garage, and even with maybe 20 or 30 percent occupancy, whatever they're at now, it stacks up badly in the morning and creates a safety hazard. So, you know, I think they're gonna need some signage directing people to the main entrance complex and to the garage also to be efficient.

BRENDAN SULLIVAN: All right.

DONALD GROSSMAN: So I think if anything it's a little light on the amount of signage and, you know, just not viewable from many angles that make sense, you know. It monuments to mark the property and the campus, yes. It's, you know, orientation, wayfinding, not necessarily.

BRENDAN SULLIVAN: Okay.

DONALD GROSSMAN: But --

BRENDAN SULLIVAN: Great, thank you.

DONALD GROSSMAN: Their money, it looks good.

MARILYN WELLONS: My name is Marilyn Wellons,

M-A-R-I-L-Y-N. Last name is Wellons, W-E-L-L-O-N-S. I live at 651 Green Street, but I am here to read a letter to the Board from Carol O'Hare, and I believe she spoke with Ms. Pacheco about this earlier today.

BRENDAN SULLIVAN: Yeah, Marilyn --

JANET GREEN: It's in the file.

BRENDAN SULLIVAN: -- the latest one is -- there's

three or four.

MARILYN WELLONS: This supersedes that. That is why I -- she was asking me to read it, and with your indulgence, I'm going to --

BRENDAN SULLIVAN: Okay, the one we

have --

DOUGLAS MYERS: What's the date?

BRENDAN SULLIVAN: -- is Tuesday, June 28th.

MARILYN WELLONS: No, no, no, no, no, no. Sorry

this is 6:23 this evening because things have --

BRENDAN SULLIVAN: 6/23?

DOUGLAS MYERS: Tonight.

MARILYN WELLONS: This evening.

BRENDAN SULLIVAN: Oh, 6:23 tonight?

JANET GREEN: That's the time, you mean?

MARILYN WELLONS: Yes, yes.

BRENDAN SULLIVAN: Okay.

MARILYN WELLONS: (Reading) Dear Chair and Members

of the Cambridge Board of Zoning Appeal, as I've written, I'm out of town and cannot attend tonight's hearing. This supersedes my earlier e-mails about Biomed's proposed zoning variance for their two monument signs. Marilyn Wellons has kindly agreed to read it into the record this evening on my behalf. I write because this past Monday, June 27th, the Cambridgeport Neighborhood Association, CNA, Board voted to reverse a critical portion in their May 16th vote/position about this variance. On Tuesday, June 28th, CNA's President Cathie, C-A-T-H-I-E Zusy, Z-U-S-Y advised the BZA of this change. I first learned of the reversal in their position as a CC of her e-mail to the BZA. Therefore, I must revise my message to the BZA for substance and to preserve my credibility and reputation before this Board.

One, in my Monday, June 20th, e-mail to the BZA, I advised you of the CNA's Board's unqualified May 16th vote supporting my proposed approval for Biomed's requested monument signs, variance, including the conditions that

Biomed not permit tenants at their large Cambridgeport

campus to seek zoning variances for their individual tenant

signs, but would expressly weigh for tenants who have

already been granted such rights under existing leases. See

copy of my e-mail including the two conditions below.

The conditions at Biomed's large, substantially redeveloped and rehabbed campus are consistent with BZA members of the expressed recommendations that zoning compliant signage be planned at the front end, not at the tail end, of the development process for holistic not sign by sign planning.

Two, later on Monday, June 20th, after my e-mail to the BZA, CC'd to CNA board members, Ms. Zusy e-mailed me: Thanks, Carol, excellent letter, C.

Three, I also e-mailed the BZA my responses to the objections of Sal Zinno, Biomed's director of leasing and development, to our conditional approval of the variance, which I also CC'd to CNA board members.

Four, on June 28th, eight days later, Ms. Zusy
e-mailed the BZA to report the CNA Board's June 27th
significant revision of their May 16th vote. The CNA Board
now unconditionally, that's underlined, approved Biomed's
zoning variance for their monument signs. I first learned
of that revision from the CC of Ms. Zusy's e-mail to you.
It was a complete surprise.

For the record, then, to correct -- oh, this is five. Sorry, did I say that?

For the record, then, to correct or clarify my position and actions:

A, as the BZA knows I am no lobbyist. I have never engaged in any lobbying of anyone, even stretching that term. What I did, as Ms. Zusy requested, was to e-mail the CNA Board in advance of their original May 16th meeting and vote, and my explanatory May 15th e-mail re: The sign approval and conditions.

On May 16th Ms. Zusy e-mailed me that the CNA

Board had approved my letter of support for Biomed's monument signs, quote, with your two conditions, end quote. That was it, except for my sending the CNA Board copies of my e-mails to the BZA, including the one responding to Biomed's objections.

B, my rationale for my conditional approval of the zoning variance for Biomed's two monument signs is that Biomed's large campus can easily accommodate legally permitted wayfinding and tenant ID signs without zoning variances that bend the rules and waste the BZA's and residents' time to oppose, rebut, counter, etcetera, higher, brighter, larger, more signs than are allowed as of right. Virtually any variance application at Biomed's campus would not satisfy the stringent detailed substantial hardship conditions. In short, it's hard to imagine that there could be any conceivable of right variances (Ms. Zusy's concept), appropriate at Biomed's campus.

C -- it's almost done. C, I was not aware of the

CNA Board's scheduled meeting on Monday, June 27th, and certainly not of their planned reconsideration six weeks after their original Biomed vote. If I had been, I would not have written in my last e-mail to the BZA, sent that very same Monday morning, that the CNA Board would not be meeting before the BZA's meeting tonight, June 30th. Nor would I have anticipated or imagined that they would so materially revise their vote against, at least -- without at least notifying me of that and allowing me to explain the rationale beyond my original quite brief e-mail.

D, I'd guess that Biomed's Sal Zinno has more opportunity to explain Biomed's rationale in more detail.

Note, as some BZA members know, I have supported zoning variances for signs where conditions justify them. I, and others are currently supporting two separate corporate signs that will soon come before you for variances which we negotiated and think are justified due to special lot/building conditions.

6, I appreciate the CNA Board's stated compliments about my advocacy regarding various land use/quality of life policies, processes, proceedings, and projects.

Thank you for your anticipated time and attention.

Sincerely, Carol O'Hare, 172 Magazine Street.

DOUGLAS MYERS: Thank you.

BRENDAN SULLIVAN: Okay.

So the bottom line of that, Marilyn, is that Carol is now taking an opposite position from the CNA?

MARILYN WELLONS: I believe that CNA adopted

Carol's analysis and position and supported the variances

subject to the two conditions that Carol identified, and

without notice to Carol CNA --

BRENDAN SULLIVAN: Withdrew those.

MARILYN WELLONS: Sorry?

BRENDAN SULLIVAN: Withdrew those.

MARILYN WELLONS: They reversed the course.

BRENDAN SULLIVAN: Right.

MARILYN WELLONS: Yeah. So now they, the CNA
Board apparently supporting without reservation or
conditions the variances as requested in sort of a quick
turnaround.

BRENDAN SULLIVAN: Okay. Because there is in the file, it's a little complicated, a correspondence from Cathie Zusy to Carol where somehow has been --

MARILYN WELLONS: Sorry. Carol has appended, and I found it a bit confusing myself. She has, I believe in reverse chronological order, the correspondence to document the chronology that she presents. That is, there was the initial agreement that the conditions were acceptable to the Board and they endorsed them and notified you of that. And then without notifying Carol or discussing it with her further, they say -- the Board met suddenly apparently and reversed course and then notified you without telling her.

BRENDAN SULLIVAN: Okay.

MARILYN WELLONS: That was disturbing.

BRENDAN SULLIVAN: Okay, I'm going to read into the record her letter basically to Carol which was forwarded on to us, anyhow, just to state their position even though Carol has a position after that.

This is a correspondence from Cathie Zusy, Z-U-S-Y dated Tuesday, June 28, 2016, at 11:23 a.m. to Carol O'Hare. (Reading) At our CNA Board meeting last night we voted to alter our original vote regarding the Biomed Realty to monument signs. We voted to support Biomed Realty's request to install the two monument signs noted below without the condition that Carol O'Hare had lobbied for earlier. Ιn sum, the Biomed and its tenants not have the right to apply for a variances to additional signage in the future. Board does not endorse granting any not of right variances regarding signs in the future. But the Board felt it was not fair to deny now the right to apply for a variance based on changed circumstances in the future. The CNA Board honors Carol O'Hare's advocacy for fewer signs and lights

and particularly noise and doesn't want Biomed to put signs all over the property either, but we think that Biomed's tenants have the right to post wayfinding signs and that it would be inappropriate to disallow Biomed's Realty or its tenants from applying for variances or signs as needed in the future. We are impressed with the quality of work that Biomed Realty is doing and believe their campus is an improvement to the Vertex office park and to the neighborhood. A clarification, this is a decision of the CNA Board, not the almost 700 members of the CNA listserv. This topic of signage was never formally discussed or voted upon at the public meeting. Just for the record, CNA is the Cambridgeport Neighborhood Association.

So, that's their letter. Carol is basically responding to that and taking a different position. Okay, the letter is now reflected.

There's correspondence from the Planning Board.

(Reading) The Planning Board reviewed the proposed address

signs for the recently renovated office and lab buildings that require a Board of Zoning Appeal variance for two freestanding signs at 30 square feet each. Until recently this parcel consisted of the two separate properties, and as such each would have been allowed a 30-foot freestanding sign. Both of the signs have been carefully designed to be useful place wayfinding tools without being out of scale with the existing neighborhood. In addition, each street frontage has a completely different pedestrian environment and there is no reason why each large scaled building would not have its own sign. The Planning Board has no objection to this variance request.

And that is the latest correspondence. There's other correspondence which has been amended as it goes along mostly from Carol O'Hare which is fine.

Is there anybody else who wishes to speak on this matter?

(No Response.)

BRENDAN SULLIVAN: There is none. Let me close public comment.

ATTORNEY BRIAN GROSSMAN: We certainly appreciate the CNA Board's position and their revised position. would agree that that is the appropriate position to take. I mean, certainly from Biomed's perspective in dealing with tenants, we would understand and advise that a variance applications may engender public opposition, may not be well received, but prohibitions against an application for a variance -- in fact, I don't expect are enforceable. So they would not really be a condition that would give anything in terms of actual benefit. If a tenant wanted to apply or Biomed in the future needed to apply for a variance, they would file it. The Board would be obligated to hear it regardless of a condition in a prior decision or you could seek to amend the prior condition. So it doesn't provide the additional safeguard that I think people might see it as understandably.

With regard to the second condition, it had to do with dealing with existing tenants and existing leases, again, as this Board certainly knows, boards such as this one, cannot and should not be involved in involving themselves in private contractual arrangements. Again, it would be a very difficult condition even if it were imposed, to police given that it would really be -- you would be trying to delve into and discover and adjudicate really the efforts taken between and discussions taken between two private parties. And so while we certainly appreciate the concerns and understand them, and right now this is, you know, this is the plan and we understand the need for a wholistic planning and being forward thinking, Biomed has certainly done that with this development in revitalizing this area. As it relates to Ms. O'Hare's proposed conditions, we would certainly object and request that the Board not incorporate them although we, again, certainly understand the concerns and, you know, would advise tenants

appropriately and act appropriately.

BRENDAN SULLIVAN: Okay. That's it?

ATTORNEY BRIAN GROSSMAN: Yes.

BRENDAN SULLIVAN: From my own finding and reading of some -- very briefly some case law and some of the feelings of the court, that for us to impose such a condition to preclude anybody else coming down before this Board would be a gross dereliction of our duty and would be well beyond our authority to do same. The courts have found and, again, I wish I had pulled up the case, there were a couple of them, where we cannot take anybody's right away to appeal before this Board by attaching it to any of a decision. That's my reading of it anyhow. So it would exceed our authority to impose such a condition in simple Unless anybody else -- I rely upon your -terms.

DOUGLAS MYERS: I agree completely. I think it would be unwise and probably illegal.

BRENDAN SULLIVAN: Well, it would be very

arbitrary and -- there are three things; arbitrary, capricious, and whimsical.

DOUGLAS MYERS: Very whimsical.

BRENDAN SULLIVAN: On our to do same and really in the courts have found such and so anyhow. We cannot -- so anyhow, let me close the presentation part.

Patrick, any comment on this?

PATRICK TEDESCO: No comment.

BRENDAN SULLIVAN: George?

GEORGE BEST: No.

JANET GREEN: My only comment would be I think the gentleman there had a number of interesting comments about how people are going to know where to park and where to go and things like that, and I would just advise you to pay attention to those.

BRENDAN SULLIVAN: All right.

JANET GREEN: But the sign is fine.

DOUGLAS MYERS: I had the same thought. You

should call and have a meeting --

BRENDAN SULLIVAN: It's not an easy place --

JANET GREEN: It's not an easy place.

BRENDAN SULLIVAN: -- to navigate.

All right, let me make a motion, then, to also grant the relief requested for the variance from the -- and also grant the relief requested.

The Board finds that a literal enforcement of the provisions of the Ordinance would involve the substantial hardship to the petitioner because it would substantially impact pedestrian customers, if you will, vendors to find this campus which is spread over a fairly large area, having separate entrances bounded by numerous streets, and that it would create a hardship to the petitioner and also to the general public and finding the appropriate location.

The Board finds that the hardship is owing to the topography and the location of the property and the buildings located thereon and especially affect this

particular property, but do not generally affect the Special District 8 Zoning.

The need for the requested signage is a direct result of the unique layout and shape of the structures on the property, as well as the fact that two of the three streets that bound the property are one way streets. And as requested, the variance will allow the amount to construct the second post freestanding sign in order to allow tenants and their visitors to the area to easily identify the building and the property at the Sidney Research Campus.

The Board notes that one of the signs is already allowed as-of-right. It would be just the second sign.

The Board finds that desirable relief may be granted without nullifying from the intent and purpose of the Ordinance, and would not substantially derogate from the public good.

The Board finds that under Section 7.11.1G the public interest is served by use of signs by businesses and

services to identify their premises or the products and services there available, and to display non-commercial messages.

The Board finds that the Section 7.11.1E strives to minimize the intrusiveness of sign structures, and that the public interest is enhanced by the aesthetics to control and reduce visual clutter and light of other type of signage.

We find that this signage is aesthetically pleasing and is very innocuous to the site.

The Board finds that it would not nullify or substantially derogate from the intent and purpose of the Ordinance.

There was something else I wanted to add. I'll think of it later.

The Board grants the relief on the condition that the work comply with the drawings and the schematics as presented, initialed by the Chair.

Anything else to add?

JANET GREEN: I think that's it.

BRENDAN SULLIVAN: All those in favor of granting

the relief?

(Show of hands.)

BRENDAN SULLIVAN: There you go.

(Sullivan, Green, Tedesco, Myers, Best.)

* * * * *

(11:00 p.m.)

(Sitting Members Case BZA-009659-2016: Brendan Sullivan,

Janet Green, Patrick Tedesco, Douglas Myers, George S.

Best.)

BRENDAN SULLIVAN: The Board will hear case No. 009659, 9 Chalk Street.

THOMAS ROSE: My name is Thomas Rose. I'm an architect and --

MARC POIRIER: Marc Poirier, M-A-R-C P-O-I-R-I-E-R.

THOMAS ROSE: And our proposal is to take an existing, existing deck, probably about 10 or 15 years old, here's a photograph, and we're rebuilding a new deck on the same footprint but we're adding a roof and kind of a baluster kind of more in keeping up with the house. So it's a covered, it would be a covered deck.

BRENDAN SULLIVAN: So that adds 105 square feet; is that right?

THOMAS ROSE: Right.

BRENDAN SULLIVAN: So the footprint stays the same and basically the only thing you're really doing is putting a roof over it?

THOMAS ROSE: Correct.

BRENDAN SULLIVAN: And something else I saw.

THOMAS ROSE: And adding, you know, adding kind of the more of the trim in keeping with the rest of the house.

BRENDAN SULLIVAN: Yeah.

THOMAS ROSE: So that would be the picking up -- there would be columns, balusters.

BRENDAN SULLIVAN: You're not enclosing it into the house at all?

THOMAS ROSE: No, it's still an open deck.

BRENDAN SULLIVAN: It's still an open deck. More traditional look.

THOMAS ROSE: Yes.

BRENDAN SULLIVAN: All right. And the reason for --

THOMAS ROSE: Well, the deck I believe needs to be rebuilt.

MARC POIRIER: The deck is rotten. And it never

was very attractive to begin with. I built it when we bought the house in '92. Because it's rotting, I thought I would do something a little more attractive and also deal with the issue -- I have a tenant on the first floor that the porch serves as access to our second means of egress and our second and third floor resident, and we rent out the first floor, that's the primary means of access. And in the wintertime, you know, it's snow and ice and whatnot, I thought it would be a wise thing to put a roof over the thing.

BRENDAN SULLIVAN: Okay.

So the relief you need is obviously for the floor area of 105 square feet. Is that basically it?

THOMAS ROSE: Yes.

BRENDAN SULLIVAN: It's within the required setback, but it will increase -- so that's really the FAR, Sean, is that basically what it is really?

And what you're adding, you're building within the

right side. You have here zero. Is that correct?

THOMAS ROSE: We're right on the -- the building's right on the lot line there.

BRENDAN SULLIVAN: Okay. The left side is at five-foot, one; the rear's at four; and the front is at seven foot. And so, you're building within the setback?

THOMAS ROSE: Correct. We're back in here.

BRENDAN SULLIVAN: What really triggers all of this is the FAR, the increase of 105 square feet. Okay.

Any questions?

(No Response.)

BRENDAN SULLIVAN: Is there anybody here who would like to speak on the matter at No. 9 Chalk Street.

(No Response.)

BRENDAN SULLIVAN: I see nobody. Anything to refute, rebut, add? We all set?

JANET GREEN: We're good.

MARC POIRIER: Complicated one.

DOUGLAS MYERS: Let's go.

BRENDAN SULLIVAN: Let me make a motion, then, to grant the relief requested.

The Board finds that a literal enforcement of the provisions of the Ordinance would involve a substantial hardship to the petitioner because it would preclude the petitioner from adding a roof over the deck. The roof in this particular deck, porch/porch area is a second means of egress for both residences in the property, and then in the wintertime it is extremely problematical with the build up of ice and snow being an entrance and an exit out of the residence.

That the ability to build this roof will alleviate that condition somewhat. Also it will be far more attractive with the addition of the more traditional railings that fit the house.

And that the Board finds that it's a fair and reasonable request.

The hardship is owing to the fact that the existing house is non-conforming, and the allowable FAR, and as such any increase as de minimus as this is, would trigger some relief from this Board.

The Board finds that the increase is really quite small and fair and reasonable request.

The Board finds that relief may be granted without substantial detriment to the public good.

And that the Board finds that the proposed porch structure has been designed to integrate into the details and proportion of the Victorian residence, as such would be an amenity to the neighborhood and surrounding properties.

Relief may be granted without nullifying or substantially derogating from the intent and purpose of the Ordinance which allows for the safe passage of residents to the house and also to have some weather related energy saving features to it.

All those in favor -- also that the work be done

in conformance with the plans as submitted.

All those in favor of granting the relief requested?

DOUGLAS MYERS: Initial the plans.

BRENDAN SULLIVAN: Yes. They're coming down.

(Show of hands.)

DOUGLAS MYERS: That's usually part of the requisite plans.

BRENDAN SULLIVAN: Five in favor.

JANET GREEN: Five in favor.

DOUGLAS MYERS: Five in favor.

(Sullivan, Green, Tedesco, Myers, Best.)

* * * * *

(11:10 p.m.)

(Sitting Members Case BZA-010315-2016: Brendan Sullivan, Janet Green, Patrick Tedesco, Douglas Myers, George S. Best.)

BRENDAN SULLIVAN: Okay, the Board will hear case No. 010315-2016, 62 Putnam Avenue.

KEVIN KIELER: Good evening, ladies and gentlemen of the Board. Sorry you have to be here this late. I will

try to make this as painless as possible. So --

THE STENOGRAPHER: Your name, please?

KEVIN KIELER: Oh, I'm sorry. Kevin Kieler, designer for Brady Built Sunrooms. And I have Mrs. Sacheti with me this evening.

THE STENOGRAPHER: Spell that, please.

ANUBHA SACHETI: S-A-C-H-E-T-I.

KEVIN KIELER: Anubha is her first name,
A-N-U-B-H-A.

So, they -- since they've purchased the house, they've had a serious problem with the second floor roof.

It's a flat roof area. And I have some pictures and some more plans if you want to take a look at that. Which is 18, roughly 18 by 27 feet 7. And they've had issues on several different years where the snow has built up so significantly that the roof almost collapsed and they had to go up and shovel it off repeatedly. And we've also had significant -- and they've also had significant leakage

problems in that area from snow building up on top of the flat roof area, it's on the back side of the house. And so they explored different possibilities for trying to figure out how to resolve the situation. They explored the possibility of people building the roof up pitched at an 8, 12, to match the existing house, but the substantial size of that area and the tremendous amount of expense was involved with basically getting no gain except for resolving the snow issue, made it financially not a wise decision. So they talked to us about the possibility of putting a sunroom on that roof area and a gabled pitched sunroom so that that would alleviate some of the snow issue, and also supporting underneath that the sunroom with LVLs which would increase the structural strength of the sunroom area on top of that as well as putting a 4-foot-by-18-foot deck along there. There's a deck out there right now. And they would -- wanted to have the deck along the edge of the sunroom so that the rest of the snow came off the

sunroom -- so the sunroom is pitched like this and the rest of the snow that came off would land on this deck and could be pushed off into the backyard safely.

In the 2014 year they particularly had some serious problems. Mrs. Sacheti almost fell off the roof a couple of times and that would have surely resulted in either substantial physical damage or death because it's a two-story drop. So they really have to address the situation. They feel that this is the most appropriate way of addressing it because it looks the nicest and we do a very nice job. Here's some of our product. And it's not your average aluminum framed, not nice looking sunroom there. They're beautiful solid wood rooms. They're all made with LVLs so they have a 90-pound per square foot snow load which is substantially greater than the roof of the existing house is right now and would resolve their problem. And they would also get some sort of benefit from the investment of resolving the flat roof issue.

You can't really see the sunroom from the street.

It's on the back side of the house. It doesn't go beyond

the edges of the house. It doesn't go above the peak of the

roof of the house. Matter of fact, it was very difficult to

even get pictures of that area from anywhere. So I ended up

having to control out on the roof to get a picture of the

area, right here. So it really wouldn't be able to be seen

from the street.

She's talked to all the neighbors which don't have an issue with it at all. And the issue with the variance is that it's a non-conforming house to begin with. It has, existing 3,334 square feet. Allowed is 2948 which she's over by 386 square feet. The proposed addition has 204 square feet, and that raises the FAR by 0.11.

So we are respectively requesting a variance for relief from Article 10.5-31 the dimensional table for an increase the FAR, and we feel it would not substantially nullify or derogate from the intent of the by-law.

BRENDAN SULLIVAN: We've had some people since 2014 come down and say, you know, basically the same problems and their solution is to build an addition. I feel a lot of this is really to capture some space and to incorporate it as indoor space. The leaky roof is really just probably a bad roof job. You know? And also as far as shedding the roof because it's a, it's a flat roof, that can be done very easily by just again, you know, just doing a pitched thing that will shed the roof. You can do it with heat cables. There's any number of thousands and thousands of flat roofs in the city, three families. I noticed I read through this and it says in the neighborhood nobody has a flat roof like -- well, three families do. I mean, I have a three-family and, you know, I didn't have to get up and shovel it. And I have a flat roof off the back of my house and I didn't have to shovel it. But --

KEVIN KIELER: I think it's the sheer size of the flat roof is the issue because it's such a large expansive

space.

have one that's 16 feet by 37 feet, you know. And, you know, the sun comes out and I think the sun comes around here and, you know, melts it and there's cables. I'm not a big fan of this is the solution to our problem by putting this structure there. And, you know, the blizzard of '78 was 35 feet of snow. 35 feet, not 35 feet, 35 inches of snow in one snowstorm and 99/100 of the roofs withstood it.

2014 a lot of people had leakage but a lot of that had to do with ice dams more than anything else. I don't know, I'm just not a big fan of saying well, we have this problem and, you know, the snow and what have you, we need to build this structure there. That's all. And it's already, the house is already over the FAR. You're adding another ten percent to it. To go from, you know, the limit in the area is 0.75, you're at 113 and you're going to go to 1.24. So, anyhow, that's just my thought on it.

Anything else? Anybody else have any comment?

JANET GREEN: I have a question. I mean, did you have an idea beyond the snow that this would accomplish for you? Would there be some way you would use that room or what is it?

ANUBHA SACHETI: So we have a special needs autistic daughter so she just needed some quiet space where she could read, and that was our primary goal is that our space -- the part of that condo that is ours at that square footage is limited and we have, you know, two children, and she just needed somewhere she could go that was quiet, sunny, and away from any commotion. So that was our main....

JANET GREEN: So that would be how you would think about it in addition to solving that problem?

ANUBHA SACHETI: Yeah, it's a more personal issue.

PATRICK TEDESCO: You mentioned it's a condo, a two-unit association. Has the other condo owner offered

support or --

ANUBHA SACHETI: He wants it to happen because for him it would be more of a sound barrier from his unit, and so it would really benefit him if, you know, that the -- this particular child had some more space.

BRENDAN SULLIVAN: Have they written a letter of support? Because usually we would require a condo owner or another part of the condo association to write in a letter of support.

ANUBHA SACHETI: I'm sorry, I didn't know that. I can get it from him.

BRENDAN SULLIVAN: I mean, we obviously have no letter in opposition I guess. Maybe the lack of correspondence is....

KEVIN KIELER: As far as I know, he didn't have a problem with it and neither of the abutting neighbors did.

BRENDAN SULLIVAN: This is your space not common space?

ANUBHA SACHETI: No.

KEVIN KIELER: Correct.

DOUGLAS MYERS: To respond to your question,

Brendan, asking for comments, my basic comment that was mine

when I read the file and viewed the material is that this

solution or this proposal seems by in large unrelated to the

roof defects that it is supposed to address. The defects in

the roof are no doubt structural, and the solution that this

offers is somehow to deflect snow from the roof that so

that -- so that it won't overstress the roof, but it doesn't

seem to address the structural problems. There just seems,

there just seems to be a gap there.

KEVIN KIELER: Well, part of the engineering with the installation of the sunroom is the installation of an LVL beam running the 18-foot length of the roof that is going to substantially increase the support structure of the roof. They know they have to do something no matter what. What they're trying to do is do something that would allow

them to also gain some extra space in the house and not just put a pitched roof on there that's going to cost thousands and thousands of dollars to do and then not gaining anything from it except for resolving the situation. This is not a situation that they created, they inherited it. And this roof has almost collapsed twice. Something has to be done. There's no doubt whatsoever about that situation. It's a question of do we spend thousands and thousands of dollars to just get a pitched roof and resolve the situation? Or do we spend thousands and thousands of dollars and have a space that we can use when we're done?

BRENDAN SULLIVAN: When you've said it's almost class collapsed twice, I guess that begets the question, was it sort of bowing in the middle or creaking --

KEVIN KIELER: Cracked plaster, creaking.

BRENDAN SULLIVAN: Well, that could be from water coming in, too. You know, which, again, could very well be a bad flashing. So....

KEVIN KIELER: This was an addition that was put on by the previous owner I believe, and from what we've analyzed -- and we actually brought a structural engineer there to figure out how to do this in a way that would resolve the situation, and he absolutely concurred that the roof is not built substantially strong enough to handle the snow volume especially in a year like 2014. If they had not gotten up there and shoveled off that entire roof, that roof would have collapsed right into the kitchen.

BRENDAN SULLIVAN: I'm sorry, I interrupted you.

DOUGLAS MYERS: No, no, you really didn't.

BRENDAN SULLIVAN: I'm trying to get there.

DOUGLAS MYERS: I'm exploring, what was the structural, the member of the part of the installation you mentioned -- you said initial --

KEVIN KIELER: I said -- I'm sorry. There is going to be an LVL installed. Expanding the entire 18 foot length of the roof.

DOUGLAS MYERS: Is the LVL in its nature like a truss, a roof support --

KEVIN KIELER: Yes.

DOUGLAS MYERS: -- or is it part of like -- or is it a part of your installation that used in every case and goes simply underneath the roof?

KEVIN KIELER: No, it's definitely not used in every case and does not go underneath it. In this particular case, it's required by the structural engineer in order to be able to support that weight that the snow will add on there. That's the beam. And it will run from the outside wall right here all the way back to the house. And that extra work that's going to be necessary to put this on here will also be able to support the weight of the snow so that this snow will fall off here and down into the yard. This snow will fall onto this little four-foot deck, and then will be able to be pushed right to the end of the house and off. And there won't be any further issue with the

structural integrity of the roof, that will solve the problem.

BRENDAN SULLIVAN: If you can imagine a piece of plywood and it's spliced and you were to take that plywood and you could either cut it seven and a quarter wide, nine and a quarter, eleven and a quarter, 14, 16 inches, right, and then you glue them all together, that's basically what an LVL is. It's a bunch of pieces of plywood that are all glued together and it becomes a structural member. And basically what they're doing is they're spanning this roof. They're sort of --

PATRICK TEDESCO: It's a beam.

BRENDAN SULLIVAN: It's almost like a fleeting loam in a sense.

KEVIN KIELER: Exactly.

BRENDAN SULLIVAN: And you're dispersing the load off that roof basically is what it is.

DOUGLAS MYERS: The load, as I hear it, the load

not only of the structure that's being put on the roof, but an anticipated snow load as been calculated somehow.

KEVIN KIELER: Absolutely.

DOUGLAS MYERS: Which is what I'm hearing.

KEVIN KIELER: Absolutely. Yep.

think of this was that we need to alleviate this leaking problem and the snow problem which I'm not necessarily sympathetic to. The other issue, the need for some quiet space, I was not aware of that, and that now changes a little bit of my thinking on that. Because now it's become a personal matter, and -- anyhow, it sort of changes my thought I think.

So, anyhow, anything else?

DOUGLAS MYERS: No. I welcome the opinion of other members. I'm not -- I don't.

BRENDAN SULLIVAN: Do you wish to speak on it or you're here, you're there.

UNIDENTIFIED MEMBER FROM THE AUDIENCE: I'm here with --

BRENDAN SULLIVAN: She does all the talking for you? Wise man.

I'll open it to public comment.

There is nobody who wishes to speak.

He knows when not to speak and so I'll close public comment part of it.

Janet, what are your thoughts?

JANET GREEN: I definitely think you better do something about the roof, and I guess I don't have a clear picture that this is the best option, but I can understand why it would be a good option for you and I'm -- I also am moved by the personal situation and so that's what I would say.

BRENDAN SULLIVAN: Patrick, your thoughts?

PATRICK TEDESCO: Yeah, I mean I think I would agree with Janet. It might not be the optimal solution, but

it does alleviate the roof issue, the snow issue, which I
do, I'm a little sympathetic toward. I mean, it's certainly
something you have to do. So without any opposition from
abutters in particular, then I don't really have any serious
concerns over the proposal.

BRENDAN SULLIVAN: George?

GEORGE BEST: I'm the same mindset and I think also that having an autistic child is a challenge at best, and how you get that person away and make them feel safe is very important. I'm not sure if you can do that every place.

ANUBHA SACHETI: Thank you.

BRENDAN SULLIVAN: Yeah. I guess -- should I make a motion, then, and see where it goes?

Let me make a motion to grant the relief requested.

The Board finds that a literal enforcement of the provisions of the ordinance would involve a substantial

hardship to the petitioner because it would preclude the petitioner from building a structure over this existing flat roof area which has become somewhat precarious in the past few winters and has become somewhat of a hazard to the occupants of the structure, and that the relief being granted will alleviate this problem. Also it will provide the petitioner with a much needed space for a family member, and that that would probably be a desirable benefit from the structure.

The Board finds that the hardship is owing to the fact that the existing structure is non-conforming on a non-conforming lot and which predates the existing Ordinance so that any addition of this nature would require some relief from this Board so that the hardship is inherent with the property with the size of the lot and the siting and size of the house situated thereon.

The Board finds that there would not be any substantial detriment to the public good.

It would have no negative effect on the public good because the room would not affect the neighbors. It is a glass structure so that light can pass through it and would not have a deleterious effect, and that the neighbors have voiced a support for the structure.

Relief may be granted without nullifying or substantially derogating from the intent and purpose of the Ordinance, to allow a family to stay in their house to alleviate a hazardous condition, and to allow for a family member an area that would be beneficial to that member.

And that the work be done in conformance with the plan submitted and it's initialled by the Chair.

All those in favor of granting the relief -- anything else?

DOUGLAS MYERS: Well, I didn't find any elevations. I mean, it's just -- that is sufficient to integrate it into the area of the roof? I think there's an elevation.

KEVIN KIELER: This is an elevation that we drew it. You'd like to add it that in there.

BRENDAN SULLIVAN: This room is not going to be heated; is that correct?

KEVIN KIELER: Correct.

BRENDAN SULLIVAN: It's really a three season?

KEVIN KIELER: Uh-huh.

DOUGLAS MYERS: Okay, I didn't see it. You feel

it's adequate?

SEAN O'GRADY: Yeah, I'm good.

DOUGLAS MYERS: That's fine. Sorry for the late interjection.

BRENDAN SULLIVAN: Not at all.

All those in favor of granting the requested relief?

(Show of hands.)

BRENDAN SULLIVAN: Five in favor.

(Sullivan, Green, Tedesco, Myers, Best.)

* * * * *

(Sitting Members Case BZA-006966-2015: Brendan Sullivan, Janet Green, Patrick Tedesco, Douglas Myers, George S. Best.)

BRENDAN SULLIVAN: The Board is in receipt of a request for an extension of time for a variance which was granted, BZA case No. 006966-2015, 82 Otis Street No. 3.

The petitioner was granted a variance on August 6, 2015, to construct a roof deck in the approximate location of a pre-existing deck that was removed for repairs and never rebuilt. The proposed deck required setback relief and the gross floor area of the structure received the maximum allowed in the district. The letter was filed with the office of the City Clerk on June 29, 2016, requesting an extension of the expiration of that Variance/Special Permit from the Board of Zoning Appeal.

Let me make a motion that the Board grant the extension for a period of six months starting August 7, 2016, and ending on February 6, 2017.

All those in favor of granting the extension.

(Show of hands.)

BRENDAN SULLIVAN: Five in favor.

(Sullivan, Green, Tedesco, Myers, Best.)

* * * * *

(Whereupon, at 11:35 p.m., the

Board of Zoning Appeals Adjourned.)

ERRATA SHEET AND SIGNATURE INSTRUCTIONS

The original transcript and Errata Sheet has been delivered to Inspectional Services Department.

INSTRUCTIONS

After reading this volume of the Zoning Board of Appeals 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 Zoning Board of Appeals, 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.

CERTIFICATE

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 18th day of July, 2016.

Catherine L. Zelinski Notary Public Certified Shorthand Reporter License No. 147703

My Commission Expires: April 29, 2022

THE FOREGOING CERTIFICATION OF THIS TRANSCRIPT DOES NOT APPLY TO ANY REPRODUCTION OF THE SAME IN ANY RESPECT UNLESS UNDER THE DIRECT CONTROL AND/OR DIRECTION OF THE CERTIFYING REPORTER.

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