

BOARD OF ZONING APPEAL
FOR THE
CITY OF CAMBRIDGE

GENERAL HEARING

THURSDAY, NOVEMBER 17, 2016

7:00 p.m.

in

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

Constantine Alexander, Chair

Brendan Sullivan, Vice Chair

Janet Green, Member

Andrea A. Hickey, Member

George S. Best, Associate Member

Alison Hammer, Associate Member

Laura Wernick, Associate Member

Sean O'Grady, Zoning Specialist

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PROCEEDINGS

(7:00 p.m.)

(Sitting Members: Constantine Alexander, Brendan Sullivan, Janet Green, Andrea A. Hickey, Alison Hammer, George S. Best, Laura Wernick.)

CONSTANTINE ALEXANDER: The Chair will call this meeting of the Zoning Board of Appeals to order, and at the outset I'm going to make an announcement:

After notifying the Chair, any 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 to not to interfere with the conduct of the meeting.

At the beginning of the meeting the Chair will inform other attendees at that meeting that a recording is being made. And I will advise those of you in the audience that a recording is being made. Our stenographer also makes a recording to assist her in preparing the transcript following the meeting. Often there's another citizen of the

city comes and records, he's not here yet. If he does come, we will announce that there's a second recording being made.

So with that we'll turn to the continued cases agenda which is our usual practice. These are cases that started at an earlier session of ours and for one reason or another was continued until tonight.

* * * * *

(7:00 p.m.)

(Sitting Members Case BZA-011345-2016: Constantine Alexander, Brendan Sullivan, Janet Green, Andrea A. Hickey, Laura Wernick.)

CONSTANTINE ALEXANDER: First case I'm going call is case No. 011345, 820 Memorial Drive.

Is there anyone here on behalf of that matter?

Yes, sir. Name and address for the stenographer.

ATTORNEY PHILIP LOMBARDO, JR.: Sure. Thank you,

Mr. Chairman and Members of the Board.

For the record, my name is Philip Lombardo, 41 North Road, Bedford, Massachusetts, representing the applicant. As some of you may know, also representing the applicant is Adam Dash. Attorney Dash isn't here this evening. You may recall from the last time we were here that there's a little bit of confusion regarding the license, Licensing Board and its regulations with respect to what we're trying to do. Adam Dash has been working very hard on our behalf to try to sort that out. They've -- Adam and the staff have come to the conclusion that we need to come to the City Council.

CONSTANTINE ALEXANDER: Right. I was going to point out that we started, this Board was under the impression that it was a Licensing issue but it's not. It's really a matter of there is a municipal code. There appears to be a requirement that any self-service gas station must have a repair bay, and you want to do away with your repair

bay. That's the purpose of the relief being sought.

ATTORNEY PHILIP LOMBARDO, JR.: Yes, sir.

CONSTANTINE ALEXANDER: And so until that issue gets resolved, we can't as a Board act. We're not going to grant -- should we decide to grant a Variance for an activity that's not permitted under the Ordinance.

So it's my understanding is that you or your co-counsel and maybe your client at the current time at least intend to seek relief from the City Council to amend this Ordinance, which if it were done, it would allow us to consider the case. But until that's done, we cannot consider the case.

ATTORNEY PHILIP LOMBARDO, JR.: Could not have said it any better myself.

Thank you.

CONSTANTINE ALEXANDER: How long did you want to continue the case? We usually don't do it for a long period of time, but this is a very unusual set of circumstances.

ATTORNEY PHILIP LOMBARDO, JR.: I'm wondering if it's to be conservative if we want to think somewhere between three and four months.

CONSTANTINE ALEXANDER: I would be conservative, and as a matter of fact, I would probably do even longer. But if you want four months, that's fine, you tell me.

ATTORNEY PHILIP LOMBARDO, JR.: Perhaps we can pick a time in April. I don't know if you have the schedule out that far yet.

SEAN O'GRADY: Yes, you have either the 13th or the 27th.

ATTORNEY PHILIP LOMBARDO, JR.: The 13th is such an odd number but we're feeling lucky. Perhaps it will be the only one on that night. You know, April 13th sounds --

CONSTANTINE ALEXANDER: Okay.

SEAN O'GRADY: Very good.

CONSTANTINE ALEXANDER: Ms. O'Hare, you had your hand up?

CAROL O'HARE: I do.

JANET GREEN: And it's not heard.

CONSTANTINE ALEXANDER: Not getting into the merits.

CAROL O'HARE: I understand that. You didn't even have to say what you were gonna say. It's about the continuance.

CONSTANTINE ALEXANDER: Yes.

CAROL O'HARE: My name is Carol O'Hare, 172 Magazine Street.

This petitioner didn't do their homework just like Zinc didn't do their homework. And I understand that, but I wonder whether it is fair to the public and to this Board that petitioners be granted continuances without any written materials about the rationale for the continuance.

The first continuance was granted six hours before the hearing. I mean, the written request came in six hours before the hearing. If people hadn't called up,

people -- and I did come, I did come and you informed me that there had been a request, and I later found out that the petitioner did not even appear at the hearing. That is -- how could that be? If the petitioner is requesting a continuance and doesn't appear before the Board to explain it and doesn't submit anything to the Board -- I'm talking about this for sort of a procedural matter, and doesn't say anything in his request, his written request that even begins to explain it. They asked for additional time to look at an issue relating to their request and they did not have the courtesy to appear before you. The public comes to the hearing and is told, you know, they're not coming and they're granted a continuance. The next hearing they did come and they weren't ready. They, they, they asked for another continuance. They asked for a continuance that was less than a month away. Again, I am here. That continuance -- they knew there was a problem, that continuance was unrealistic and again we're bending over

backwards for a petitioner who is asking for a Variance to which they may not be entitled. And I just wonder if this Board would consider requiring all petitioners for continuances to appear, to submit a request in writing explaining the rationale, like, like the Commissioner explained well, they might be in the middle of negotiations with the neighbors. If the negotiations with the neighbors started that day, I don't think that's grounds for a continuance. They should have been negotiating with the neighbors for months.

Anyway, my point -- I think you understand my point. It is not fair and it is taking a slot of time, furthermore, for some other petitioner who might be ready to appear before you.

CONSTANTINE ALEXANDER: Let me respond to that.

CAROL O'HARE: Yes.

CONSTANTINE ALEXANDER: First of all, many people, many times cases request for continuances are made in

writing or a simple note "I want to continue the case," and no one appears before our Board. This petitioner in this case did nothing unusual. That's No. 1.

No. 2, the issue before that's causing the problems is a very, as it turned out very arcane issue.

CAROL O'HARE: I do understand that.

CONSTANTINE ALEXANDER: We thought in the beginning we thought it to be a Licensing issue. It no longer is that. On further research and we've been advised by the Legal Department, that this is an issue involving the municipal code. And there appears to be, I'm not going to get into the merits of it, certainly this Board doesn't pass on whether -- what he wants to do if we grant him the Variance, would violate the municipal code. That's not our job, not our responsibility, not our expertise. They want to see if they can clear up this issue with the City Council, which is a body which can change the municipal code. If they succeed, then I presume we'll hear the case

on the merits. If they don't succeed, we're not going to hear the case period. And it takes time to get something before the City Council.

So one, I apologize you came down --

CAROL O'HARE: It's not me. I'm really tacking about the practice.

CONSTANTINE ALEXANDER: Well, I think our practice, in my judgment, and other members of the Board can say otherwise, I think our practice is fine.

CAROL O'HARE: I think they should have to submit a explanation. This explanation arrived six hour before --

CONSTANTINE ALEXANDER: Ms. O'Hare, we knew about the explanation days before. I'm sorry you didn't know but we knew. We're not being blindsided by them coming down here --

CAROL O'HARE: Then it should be in the file.

CONSTANTINE ALEXANDER: Why don't you call the Inspectional Services Department on Wednesday -- on Thursday

afternoon and say, "By the way, is this case going forward?"

If you did, Mr. O'Grady would have told you no.

CAROL O'HARE: Excuse me, with respect. The Inspectional Services Department does not want to -- people plan their schedules just like this petitioner does. I plan my schedule. I plan my schedule and so do other members of the public, to be here, to speak on a matter of principle in my case, and they did not even submit a written explanation. If, if they knew about this problem weeks before, then why wasn't there something in the record at all? There should have been a submission, I think, explaining the problem if everybody knew about the problem weeks before.

CONSTANTINE ALEXANDER: Ms. O'Hare, we have a lot of written material we get from the petitioners. We've got extensive records. I don't think anything is to be gained by having petitioners right a brief saying why they want a continuance.

CAROL O'HARE: I didn't say a brief.

CONSTANTINE ALEXANDER: I know you didn't say a brief, but you want a report. You want something in writing.

CAROL O'HARE: No. If they had said there is a municipal ordinance or a --

CONSTANTINE ALEXANDER: They didn't know that at the first time. You're not listening to me. The first time people thought it was a Licensing issue. It was discovered at a very late point in time before -- relative to the hearing. And then it turned out on further explanation, exploration, it was not a Licensing issue.

CAROL O'HARE. Well, they didn't explain that it was a Licensing hearing -- issue.

CONSTANTINE ALEXANDER: Thank you for your comments, Ms. O'Hare.

CAROL O'HARE: You're welcome.

CONSTANTINE ALEXANDER: I think we're ready for a vote.

What was the date, Sean?

SEAN O'GRADY: April 13th.

CONSTANTINE ALEXANDER: April 13th.

ANDREA HICKEY: We don't really need a vote, I don't think, we're just picking a new date?

CONSTANTINE ALEXANDER: They're going to continue the case.

ANDREA HICKEY: Sorry.

CONSTANTINE ALEXANDER: The Chair moves that we continue this case as a case not heard until seven p.m. on April 13th subject to the following conditions:

That the petitioner sign a waiver of a time for decision. You've already done that. So that's already been satisfied by virtue of the prior continuances.

Second, that the posting sign, you don't have to maintain it for the next six months, but you're going to have to put it back up 14 days before the April 13th hearing, just as you did for the original hearing, and

maintain it for that period of time; reflecting the new date and the new time. Sometimes people put the old time up and that's, that doesn't work. It does work but you're going to be delayed before we hear the case.

And lastly, on the -- well, I don't think that will be relevant here, but if you have any new plans, changes to the dimensional form, that needs to be in our file no later than five p.m. on the Monday before April 13th. The purpose of that is to allow this Board and members of the public to come down to the Inspectional Services Department and read the materials and to prepare for the hearing. I say this now, Ms. O'Hare has left, but she feels that we don't let the people know what's going on, that's why we do it, and it's longstanding practice.

So on the basis of this -- that's the motion I made with the three conditions. All those in favor please say "Aye."

(Aye.)

CONSTANTINE ALEXANDER: Five in favor. Case
continued.

ATTORNEY PHILIP LOMBARDO, JR.: Thank you.

(Alexander, Sullivan, Green, Hickey, Wernick.)

* * * * *

(7:15 p.m.)

(Sitting Members Case BZA-011553-2016: Brendan Sullivan, Janet Green, Andrea A. Hickey, Laura Wernick, Alison Hammer.)

BRENDAN SULLIVAN: The Board will hear case No. 011553-3026, 1607-1615 Mass. Avenue.

Alexandra, if you would introduce yourself.

ALEXANDRA OFFIONG: For the record, Alexandra Offiong, O-F-F-I-O-N-G.

TOM LUCY: Tom Lucy, L-U-C-Y with Harvard University.

ALEXANDRA OFFIONG: Shall I begin?

BRENDAN SULLIVAN: Yes, it's yours.

ALEXANDRA OFFIONG: Okay, great.

So last night -- last month we shared with you Harvard's plans for a new mixed use building on the corner of Massachusetts Avenue and Everett Street. It's a project that responds to our direct abutters, it provides retail uses as requested by the community, and it's strengthens the

urban design of Mass. Ave. You'll remember it was supported by the Planning Board, by the Department of Traffic Transportation -- Traffic, Parking and Transportation, and it was informed by an extensive process with the community that -- and also has received support from the direct abutters. At our meeting last time I think we covered a lot of territory. We went through most aspects of the project, but the Board asked us to come back to provide additional information on the memorandum of agreement between Harvard University and the Agassiz and Neighborhood 9 community. So we've submitted a memo. I just handed you a copy and it was in the file earlier this week, and we just wanted to go through that with you.

TOM LUCY: Maybe I'll just touch on some high points of the memo that we submitted.

BRENDAN SULLIVAN: Sure.

TOM LUCY: First and foremost I think it's our position that we comply with both the spirit and the letter

of the agreements. The two major points that I point out is the MOU calls for that broad consultation and all the elements of the MOU to be followed for buildings that are larger than 25,000 square feet. This is less than that.

The second point relates to pulling a building permit for the specific site, that it had language that related to regulatory compliance and casualty loss. And we think the fact that the building cannot be occupied and that the structural elements of the building that need to be removed and the digging that we need to do to get the soil out, it reflects exactly that language of casualty loss and to meet the regulatory compliance.

So if folks have questions about that, I'm happy to take them.

LAURA WERNICK: So did the MOU, is that an umbrella under which the HLS?

TOM LUCY: Exactly.

LAURA WERNICK: Okay.

TOM LUCY: It was meant to create the overarching principles under which these individual agreements would be made.

LAURA WERNICK: So the 25,000 square feet really is an -- is the bottom line?

TOM LUCY: We think so. And but the other language in the agreement also clearly spells out something that we feel it needs as well. So it's a belt and suspenders.

BRENDAN SULLIVAN: Anything else to add at this point?

Any questions?

ALISON HAMMER: Not right now, no.

BRENDAN SULLIVAN: Andrea, anything?

ANDREA HICKEY: Well, can you talk a little bit more about the theory of the casualty loss and whether sort of the condition of the building was known to Harvard at the time it acquired it? Or was it --

TOM LUCY: Yeah, you heard some anecdotal testimony at the last hearing that isn't consistent with our experience. We did do our due diligence at the time of the purchase. There had been a remediation at the site a decade or so before we bought it, but to the standards of that time. The remediation that we had undertaken since then was the result of when we went to do soil samples for the building across the street, the larger building, it has a subsurface garage, so when we started to test that, we found the contamination that kicked off the investigation and subsequent remediation. So when we purchased it, again, we, we had done due diligence and that we had thought it was clean based on the standards at the time when they did the clean-up.

ANDREA HICKEY: A 21E report or what kind of due diligence?

TOM LUCY: I can't swear to all of it. I just asked other Legal Department what they had do and that's

what they had reported back to me.

ANDREA HICKEY: Some kind of environmental due diligence?

TOM LUCY: Right. They didn't buy it sight unseen. They did do some work around studying of the property.

ANDREA HICKEY: That's it for now.

BRENDAN SULLIVAN: Anything else?

JANET GREEN: I'm okay.

BRENDAN SULLIVAN: There is correspondence in the file which came in, let me read it, with respect to the, to the neighbor. It's from Mr. Gordon Moore dated November 17th. (Reading) I'm sorry that I'm unable to be here in person. Request during the reading of this comment, please ask the architect to pull out and show the board members the two before and after schematic views of the proposed new building as viewed from the south.

Two points: The North Mass. Avenue Overlay

District applies to their C, to a location and specifically calls for a review of such a proposed building with the following objective in order to create a more harmonious and consistent image of the development along Mass. Avenue and adjacent.

To encourage good building design and site development which enhances the pedestrian amenities along the avenue.

To insure the changes along the avenue are compatible with the scale and character of the abutting neighborhoods.

To encourage the retention of existing buildings of historic value and uses which serve the abutting neighborhoods and to discourage new development and appropriate in more scale and design.

It is my view that the project does not meet these criteria, and secondly, that there are irregularities in the city due process and throws out relevant neighborhood

comments to meeting these objectives.

First the building scale wipes out any views of the neighborhood that lies behind it or on the avenue immediately to the north and the east. This is seen dramatically by comparing the before and after schematics.

Secondly, the design is a box. It is visually characteristic of the law school campus buildings rather than in any way reflecting the neighborhood character and architecture. It fails to fulfill an informal understanding during prior neighborhood discussions with Harvard that their campus would visually be to the south of Everett Street and that any new building on this site would be viewed as a front door belonging to the neighborhood.

This building as stated in the application, refers for its scale and design to the massive Wasserman student building across the street, not to its surrounding to the north of Everett Street.

Further, the design problems are not insoluble.

They could be solved in part by developing the basement level and by architectural modification that move away from the current big box design.

It might cost the law school more to create a good building, but this is a very visible site and getting the design right is important for both the neighborhood and, frankly, for Harvard's reputation for quality and design.

Second, the City's review process was flawed and froze out what might have been useful input from concerned neighbors. Because of its location on Mass. Avenue, a principal way, a special review process for the Variances and Special Permit was supposed to take place at which community views could be expressed. This was especially important because the site is also bound by the fact that the Harvard -- that Harvard had agreed to a restriction that restricted the site's development, to wit, that said property could not apply for Building Permit for development before 2021 unless the Agassiz Neighborhood Council formally

requested it.

Moreover, a mutually developed and signed memorandum of understanding outlines the process for Agassiz Council to take the lead in organizing a neighborhood process of review and comment. Such a review process has not taken place with the applicant, and there is no such formal neighborhood approval. The only alternative review was that carried out by the Planning Board. Unfortunately the Board did not follow its own rules that abutters and representative of various agencies and interest groups shall be invited to participate in order to provide input in the review for appropriateness of use, design, and compatibility with the neighborhood. Through an oversight at the CDD, no notification of the Planning Board meeting was sent to the designated representative agency, the Agassiz Council. And thus no one except abutters were notified of the review meeting. I am by no means against the institutional use for the building or even the requested Variances and Special

Permit, if we had a building design we could be proud of. However, not enough thought and community involvement have occurred. I urge the BZA to reject the Variance petitions. I suggest that a better plan project could be forthcoming if the CDD does what it has done on prior projects; convene a working group, support a thorough review of the Section 19 criteria and of the issues and see if we can help Harvard and the architect improve the design and scale. We will get a better building, short of conducting this review, using the longstanding process in Agassiz and Neighborhood 9. It is premature to approve the proposed development. Thanks.

Is there anybody else who would like to speak on this proposal?

(No Response.)

BRENDAN SULLIVAN: I see nobody in attendance.

JOSHUA FAY: I do have these. Should I give them to -- letters.

BRENDAN SULLIVAN: Introduce yourself for the

record.

JOSHUA FAY: Joshua Fay, 5 Garfield Street.

BRENDAN SULLIVAN: Okay.

JOSHUA FAVE: I have -- these letters are from me.

And I think that Fred Meyer had something to say, and I think he'll be here momentarily. I'm sorry those weren't in sooner.

BRENDAN SULLIVAN: Josh, can you sort of -- I don't want to read the whole thing to be honest with you. It's too bad that we didn't have this in the file prior so that we could have reviewed it. Can you summarize it somewhat?

JOSHUA FAY: Thank you.

BRENDAN SULLIVAN: In summation if you will.

JOSHUA FAY: That this is not the architecturally-sensitive transition it could and should have been between a great university and its contiguous academic residential neighborhood. This spot should be a

striking gateway: One of the world's great architectural places, where faculty students come and go between our country's oldest university and --

THE STENOGRAPHER: Okay, are you reading that? If you could just slow down a bit. I think the Chair just wants a summary.

JOSHUA FAY: Okay, I'll try to summarize. This is not a good transition building between a great university and a great neighborhood -- residential academic nature. And building out to the barber shop, which is an anomaly, doesn't make sense to me. It should be built to -- in line with the other more appropriate buildings. And even the simple building that was the Cambridge Motor Inn has that, sort of what looks like old fashioned high clay content red brick and a broad front setback which makes that a fairly simple building I think infinitely better than it would be without that. And the idea that somehow having retail on this side of the street that's in question will create some

sort of virtuous symmetry. Doesn't -- I don't, I don't think that makes sense. And the university has privileges and enjoys indulgencies (sic) from the community and the state that other people don't have, and it has much greater resources to make a contextually appropriate building here. This building is like something that I think you'd see in a -- that you might see in any community that's less fortunate than we are sort of urbanized in an unwell urbanized setting.

And the tree, that giant tree that one sees there, to me is reminiscent of a forest canopy. And this building would block that out. It's a beautiful tree. It says, I think it, it's a beautiful way to approach the neighborhood. A nice greeting as you approach the neighborhood.

And also the face of that apartment building with the always picturesque array of illuminated windows that are very homey would be blocked out and I would certainly miss that, that view as I approach the neighborhood.

Well that's the best I could do summarizing. I thank you very much for the opportunity.

BRENDAN SULLIVAN: Great, thank you.

ANDREA HICKEY: I think Mr. Meyer is here, too.

Thank you.

JOSHUA FAY: Thank you very much.

FRED MEYER: As I've been thinking about this in the weeks since --

BRENDAN SULLIVAN: And your address, Fred, is?

FRED MEYER: Fred Meyer, M-E-Y-E-R 83 Hammond Street. I lived in the area since 1959 always within a block or two of this location.

As I've been thinking about this in the weeks since we were last discussing this, I said why is it that this block or really two block area between Everett going through Mellen up to Wendell is zoned differently from the other areas? There's no retail there except for this barber shop adjacent and that was not built as a retail area but as

an apartment rental office in 1950 in order to rent the apartment building. And I think it's because this two block area is a rare remnant of the grand North Avenue zoning that was there. I've -- Joshua kindly ran these off for me. This is a history of the buildings in the area and histories of them. I made plenty of copies if anyone would like one. There's enough for the public.

It was North Avenue from 1838 to 1895, and at that time it was a very grand avenue as you can see from the pictures that you have. These are just from the City Assessor's website. They're all with big setbacks. And these are on this side of Mass. Ave., all the way up to Wendell Street up to this building at Wendell --

THE STENOGRAPHER: I'm sorry, the microphone is breaking up and I'm having difficulty hearing you.

FRED MEYER: Okay. This zoning ends at Wendell Street. And similarly all down Everett Street is all residential with pretty deep setbacks. And if you stand at

the edge, you can see all the way up to the barber shop on Mass. Ave. And if you stand by Lesley's last building on Oxford Street you can see through the front yards all the way up to the Mass Ave. corner.

So if you were to add retail into that area, that strikes me as a very major zoning change, and it raises, at least in my mind, the question of is that within what you can do as a Variance? And if you can do it, it seems to me it might be subject to challenge from others in the neighborhood. But more important than that is, do you really want to do that? Do you really want to have this anything other than a very special transition spot, a gateway as Joshua's phrase for it to -- between the neighborhood and Harvard. And the building that's been designed is really one that you could put anywhere. It isn't distinctive to this area. Whereas, if Harvard built what it could build by-right as someone on the Board pointed out last time, they wouldn't need to be here before you.

They could build a better design building with gardens all around and still have the same floor area and it could have compatible setbacks to this residential block.

Now Harvard does have a good argument that the rest of Mass. Ave. does have retail and is zoned that way. But keep in mind that it's the other side of Mass. Ave., directly opposite this subject site. It's not retail. It's residential buildings. And so it seems to me there's a very reasonable case because of this special zone that you look at what's in that zone and not what is along elsewhere on Mass. Ave.

I strongly supported Lesley's change to put a coffee shop on Wendell Street, because you go up further, it's different zoning and it's different neighborhood context. But this is, this is a special area. And I guess you have to walk around it as much as I have since 1959 to really understand that. It's really a very special place.

When the corner, when the house on the corner of

Mass. Ave. and Wendell Street was torn down, I knew the woman who lived there and she was telling me the stories about the avenue and how grand it was. And of course her place had a great setback. But then the building was demolished. You could do that in those days. And it became a car rental parking lot and eventually it got built on with stores. And so it's all changed up there, but this block is preserved. So I would ask you to do what you can to preserve it. And if I were in your shoes, I'd ask Harvard to please withdraw this and come back with a better proposal by-right. And if they really want retail, honor their clear pledge to have the Agassiz Neighborhood Council approve anything built on this site before -- you have the whole agreement. I don't have it in front of me, but I think it's 2021. They have not done that. I've repeatedly asked Harvard to come up with a proposal without retail. I've told them that I thought that the Council, which I'm the moderator of, would approve that, maybe they wouldn't. I

don't know, it's not my decision, but it should be theirs.

And for the life of me I don't understand why Harvard hasn't done that. They could have had neighborhood support instead of having all of these questions raised.

So my own feeling is that it should be postponed and something far more architecturally distinctive can then be built and we'll have a much better building as a result.

BRENDAN SULLIVAN: Okay, thank you.

FRED MEYER: Thank you very much.

BRENDAN SULLIVAN: Thank you, Fred.

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

(No Response.)

BRENDAN SULLIVAN: I see nobody. Now let me close the public comment part.

Is there anybody who has the questions for the petitioner at all?

ANDREA HICKEY: In the letter that you were

reading into the record, whoever wrote that letter, asked us to consider, again, the before and after of the certain part of the building. And I'm wondering if you might be able to kind of show us that before and after.

JANET GREEN: It says the southeast.

ALEX KREIGER: Alex Kreiger. NDBJ the architects for the project.

I believe that this is what the letter writer was responding to.

ANDREA HICKEY: Right, so is that the view from the south that we're looking at?

ALEX KREIGER: Yes, yes.

ANDREA HICKEY: All right.

ALEX KREIGER: Right? And that's the existing view with these two quite large apartment buildings on the left. And that's the view of the building in place.

But may I also show you one more thing which has a direct response to the -- but unfortunately we don't have a

board of it right now, but if I can show you on the computer, which it deals with the scale of the building relative to what is all around it. And so I have this. And so maybe you can just pass it along. That's the building, and you can see that actually it's one of the smallest buildings anywhere there. Not one of the largest. So I think that's a bit of a misrepresentation. So, yeah.

ANDREA HICKEY: But this is a different view, too. This is sort of a flat on view.

ALEX KREIGER: Right, it's just an elevation. But it shows its size relative to the other building in the neighborhood, right.

ALISON HAMMER: What is this large building in the background right behind it?

ALEX KREIGER: Those are apartment buildings.

ALISON HAMMER: This over here?

ALEX KREIGER: Yes, yeah.

ALISON HAMMER: So this is looking from behind the

building to across Mass. Ave.?

ALEX KREIGER: If you're standing on Mass. Ave.
looking straight, right.

ANDREA HICKEY: Looking straight at it.

ALISON HAMMER: Right, but if you're looking
straight at it, you're not going to see the buildings across
the street.

ANDREA HICKEY: Oh, right, right, yeah.

ALISON HAMMER: I'm just asking what this building
is right here.

ALEX KREIGER: The building behind, right.

JANET GREEN: Those are the apartment buildings?

ALEX KREIGER: Yes.

JANET GREEN: That's an L apartment building that
was there.

BRENDAN SULLIVAN: Basically.

ALISON HAMMER: That one?

ANDREA HICKEY: Right, the stucco.

Thank you.

ALISON HAMMER: So that stucco building is that much taller than the building you're proposing?

ALEX KREIGER: No, no, no. The stucco building is this one right here.

ALISON HAMMER: Okay.

What are the large ones?

ALEX KREIGER: And there are buildings behind there in the middle of the block.

ALISON HAMMER: Okay.

BRENDAN SULLIVAN: Does that answer your query?

ANDREA HICKEY: It does. I mean, I see the point. It's sort of blocking out sky and light in the bottom view and it's more open in the top. Whether that's determinative of anything, I guess that's for us to decide. But from a neighborhood point of view, I see the point, it's a box where there is open space.

ALEXANDRA OFFIONG: Just to remind the Board, the

existing building is 14 feet high. It's a one-story building, and the zoning would allow us up to 60 feet as-of-right so we're below that.

ANDREA HICKEY: I understand that. Right, I understand that.

ALEX KREIGER: If we were to come back as-of-right, it would be taller than this building.

ANDREA HICKEY: You'd have the right to go taller.

ALEXANDRA OFFIONG: Yeah.

JANET GREEN: And am I right in remembering that the people in that apartment complex behind it kind of a round, is an L-shape, those are the people who signed in here in approval of that building or design?

ALEXANDRA OFFIONG: The -- there's a neighbor to -- directly north of the building and they have supported the project. The woman I think you -- one of the women had talked about how the as-of-right design was far preferable in terms of the light and the massing. Sorry, the proposed

design is far better than the as-of-right design.

ALEX KREIGER: The proposed -- the as-of-right design would attach itself to the building on Everett Street which would make her view much less attractive.

JANET GREEN: Right.

What I was thinking of was in the file there is a list of people who signed a petition in favor of this.

BRENDAN SULLIVAN: That's correct.

JANET GREEN: That's correct.

BRENDAN SULLIVAN: That's correct.

JANET GREEN: And those are all the people from that apartment building that's adjacent?

ALEX KREIGER: Yes.

BRENDAN SULLIVAN: Yes.

ANDREA HICKEY: On Mass. Ave. to the left if you're looking at the site.

ALEXANDRA OFFIONG: North. To the north.

ALEX KREIGER: To the north.

LAURA WERNICK: To the north.

ALEX KREIGER: To the north, right there.

TOM LUCY: So one of the reasons the design is where it is is through our dialogue with those people. So we met with them numerous times.

ANDREA HICKEY: But the effect on those people and the effect on the people in the back --

TOM LUCY: The rear abutter has supported us as well.

ANDREA HICKEY: Yeah?

ALEX KREIGER: The rear abutter -- you can't see behind the tree, but it's actually that tall, yeah.

BRENDAN SULLIVAN: Laura, anything at all?

LAURA WERNICK: No.

BRENDAN SULLIVAN: Janet, anything else?

JANET GREEN: No, I'm good.

BRENDAN SULLIVAN: Okay. You don't have to respond to nothing.

Okay. Then, let me close the presentation part of it.

These last couple weeks have been helpful to me only because initially was not totally enamored with the design of the building. But then stepping back and I always wondered why the campus didn't sort of end at Wasserstein. And I guess in a perfect world, if I were the planner, maybe I would have stopped it there and that would have been sort of the entry into the neighborhood type thing.

Councillor Carlone who was part of that whole design thing and what have you actually sort of explained, and when I pulled out the transcripts of it and read it many, many times and I had a better understanding, that this particular site, and if you go back to the memorandum of understanding and a map basically of the Harvard campus, this particular site was included as part of that. In the North Avenue rezoning this site obviously was highlighted in this memorandum of understanding and yet they had the

opportunity in the rezoning of down zoning it and didn't. So I think it was always probably anticipated that this was going to be developed. And troubling to me that they left it at 60 feet. It is less than the 60 feet height allowance. It comes up to the FAR. And so it's in there. And I also thought that in the design of Wasserstein, which, again, I'm not enamored by that, but again I'm not part of a design review board, that looks like a federal building. But I think when they did that, they probably anticipated that this site was going to sort of go up and so they softened Wasserstein by pushing it away so that you wouldn't get that canyon effect. And I think I understand that argument. And, again, I think I would have probably preferred if they had reduced the height, reduced everything on this particular site, but they didn't, and I think it was in anticipation of something coming before us.

I think what I hear as far as the position against is the design of the building. If you asked ten people,

you're going to get ten different designs of the building and this could go on at infinitum as far as what makes a good design. So I have accepted, I think, the design of the building. I have accepted that it's off to the zoning compliant as far as FAR. It is compliant with the height.

As far as the setbacks are concerned, I think they have respected the street along Mass. Ave. They have set that back as far as Everett Street. They have stepped that back. It could have gone a little bit more, but I also think they need to have the entryway into the public access to that building.

The site is being somewhat encumbered by the presence of the barber shop building. They could go up to that, but then because of the size of the lot, they are encumbered by having to comply with all this other stuff, so possibly the need then to have some relief. And it probably, other than building a tower on this site, some relief is probably anticipated triggering probably a review

type of thing.

As far as the memorandum of understanding, I don't understand why, again, some of the opponents don't understand that 25,000 square foot threshold and that's what I think was the essential part of that memorandum of understanding. And aside from the fact that memorandums of understanding are not legally binding. They are an agreement. Best faith effort, this is our understanding of what we're doing.

So, I have come along to that point.

As far as the Use Variance, there has been a retail establishment on that site going back to the 20s. I mean I remember when the drugstore was on the corner there. And obviously the pizza shop and the whatever has been there for a long time. So I don't think that the request for retail on this site is introducing anything new. And I'm one of the ones maybe on the Board who whenever it comes down to Use Variances, always sort of takes somewhat of a

dim view. I would cite sort of Mendoza versus the Licensing Board of Fall River, which says: That although all variances are unusual -- this is what the court said -- although all variances are unusual forms of relief from zoning requirements, Use Variances should be particularly extraordinary because they are inherently undermine the local zoning ordinance division of uses.

So then you read Bobowski (phonetic) a little bit further, and Cavanaugh versus D. Fumera (phonetic) and the Board granted a Use Variance. The lower court set that decision aside. The Court of Appeals overruled the lower court and said that the appeal court held that findings apply to equal force of substantial derogation. The deviation must be substantial, and unless the use significantly detracts from the zoning plan for the district, the local discretionary granting of the Variance must be upheld.

So the Court basically, again, is saying that

unless it's substantial. There has always been retail on that site. They had to abandon the retail because of the soil conditions, which they didn't do it, and from what I understand it's been going on ever since the dry cleaner's been on that site which goes back a long, long time. And so consequentially they had to surrender the occupancy of that building and hence they lost the protection of being grandfathered in.

So to me there's some compelling reasons to grant the requested relief. Maybe I editorialized a little bit too much, but anyhow that's my take on it. I don't know if anybody wishes to --

LAURA WERNICK: Good summary.

JANET GREEN: It was a very good summary. Thank you.

ALISON HAMMER: Yes.

BRENDAN SULLIVAN: To a vote?

ANDREA HICKEY: I think so.

BRENDAN SULLIVAN: Let me make a motion, then, to grant the -- there are two votes I think that we need to make.

Make a motion, then, to grant the requested relief for the Variance.

The Board finds that a literal enforcement of the provisions of the Ordinance would involve a substantial hardship to the petitioner because it would cause the petitioner to develop a building of irregular, awkward, and less functioning building both on the ground floor level and the upper floors which would require considerable additional cost to the project with no discernible benefit to the streetscape or to the adjoining properties.

The hardship is owing to the fact that the site is encumbered by the relatively small size of the lot, the location of the abutting structures which impose additional constraints on the development, and the provision of the required two front yard setbacks, the cost of the required

environmental remediation at the site which forced the vacating of the building of its commercial retail tenants and the voiding of its pre-existing, non-conforming protection of its continuation.

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

The project directly responds to the goals of the community and is compatible with existing uses and neighborhood context.

Rather than create a detriment to the public good, the proposed project will increase retail activity on Massachusetts Avenue, increase pedestrian activity, and contribute to the retail environment, and replace a vacant building with a reactivated and attractive new building.

The project is responding to a community desire for ground floor retail space.

The upper floors will provide space for Harvard Law School Public Service Law Clinic Programs. Therefore,

the granting of the Variance will facilitate this activation and improvements to the neighborhood and therefore will not be a detriment to the public good.

On the contrary, the granting of the Variance provides public benefits as the retail use of the ground floor space will activate the sidewalk and the street at this location and enhance the public's enjoyment of this part of Massachusetts Avenue.

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

The project will allow the redevelopment of an important site along Mass. Avenue, a major commercial thoroughfare, and will maintain the longstanding retail use of this site.

The project is consistent with the status purpose of the Cambridge Zoning Ordinance; namely, the encouragement of economic development and to preserve an increase the

amenities of the city.

Thus granting the requested Variance will not nullify nor substantially derogate from the intent or purpose of the Ordinance.

Granting of the Variance will support the intent and purpose of the Ordinance.

I also take special note or the Board takes special note that the North Mass. Avenue area has undergone a major review, rezoning, and substantial community input. This site was anticipated to accommodate height limits of 60 feet. This proposal is capped at 54 feet and a floor area ratio of 2.5 which this project complies with.

Further, the Board notes that testimony stated that the across the street building, Wasserstein of the law school was allotted greater setbacks to soften the streetscapes on Everett Street in anticipation of the proposed design before us, therefore, regarding the setbacks.

The Board also notes the approval of the Planning Board and the Department of Traffic, Transportation and Parking.

All those in favor of -- also, on the Board approves the granting of the Variance on the condition that the work be in conformance with the plans submitted and the dimensional form.

Anything else to add?

All those in favor of granting the --

JANET GREEN: Did you sign them?

BRENDAN SULLIVAN: I haven't yet. They would be here someplace, and initialled by the Chair.

All those in favor of granting the Variance.

(Show of hands.)

BRENDAN SULLIVAN: Four in favor.

(Sullivan, Green, Wernick, Hammer.)

BRENDAN SULLIVAN: One opposed.

Any comment on the dissenting?

ANDREA HICKEY: No, just really the setbacks are where I oppose, not the use portion.

BRENDAN SULLIVAN: Okay.

Now on the Variance part -- I'm sorry, I mean the Special Permit. Let me make a motion, then, to grant the Special Permit.

The Board finds that the provisions of the Ordinance can be met.

It appears that traffic generated or patterns of access or egress would not cause congestion, hazard, or substantial change in the established neighborhood character.

Bear with me for a minute. The Board finds that it would not cause congestion. The Board notes that there is --

It appears that the requirements of the Ordinance can be met.

This is a Special Permit for the retail. Section.

Incorporation of retail at this location is an important feature of the community.

The building will be located in a dense urban environment where most trips are expected to be walking, biking, and transit.

The project will include new bike parking facilities as located within 600 feet from the MBTA bus stops, 400 feet from the Harvard shuttle stop, 2500 feet from the Harvard MBTA subway stop, and having a pedestrian-friendly retail corridor.

It is expected that the retail use will be frequented primarily by people walking, biking, and taking the bus to the site. The project will include ten short-term bike paths -- spaces, sorry, and three long-term bike spaces.

In addition, there are immediate parking spaces in front of the building and all along Massachusetts Avenue.

The size of the lot is a limiting factor in the

addition of parking for retail uses on the site.

The Board finds that traffic generated or patterns of access or egress would not cause congestion, hazard, or substantial change in the established neighborhood character.

The Board finds that the office component will be occupied largely by faculty, staff, students, and visitors who currently arrive and depart Wasserstein Hall.

The Board also notes the letter of approval from the Traffic, Transportation and Parking and is incorporated here by reference in the granting of this Special Permit.

The Harvard Law School related vehicle trips will continue to be accommodated in the existing Wasserstein Hall below grade parking garage and will be allocated for the purpose of zoning in the university's pool.

The 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 for

the following reasons:

The retail component of the project will be very similar to how the site has been used in the past decades with most customers arriving via walking, biking, or transit.

There 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 or to the citizens of the city.

And it will not substantially reduce parking availability for other uses as most retail customers will arrive via walking, biking, or transit.

For the following reasons the proposed use would not impair the integrity of the district or adjoining districts or otherwise derogate from the intent and purpose of the Ordinance.

The proposed waiver of retail parking is consistent with the stated purpose of the Cambridge Zoning

Ordinance Article 6; namely, to meet the reasonable needs of all building and land uses without establishing regulations which unnecessarily encourage automobile usage.

Waiving the retail parking will meet the reasonable needs of this building and its uses given the many non-auto transportation options available to this site; walking, biking, transit, shuttle, and the many on-street metered parking spaces available in the close proximity.

Thus granting the requested relief will not nullify or substantially derogate from the intent and purpose of the Ordinance.

All those in favor of granting of the Special Permit.

(Show of hands.)

BRENDAN SULLIVAN: Five in favor.

(Sullivan, Green, Hickey, Wernick, Hammer.)

ALEXANDRA OFFIONG: Thank you very much.

BRENDAN SULLIVAN: Okay.

* * * * *

(8:05 p.m.)

(Sitting Members Case BZA-011702-2016: Brendan Sullivan, Janet Green, Andrea A. Hickey, George S. Best, Laura Wernick.)

BRENDAN SULLIVAN: I'll make an announcement to the public that a citizen has deposited a recording device on the table here, so this is an additional recording of the meeting.

The Board will hear case No. 011702, 20 Sumner Road.

Alexandra.

ALEXANDRA OFFIONG: Alexandra Offiong,
O-F-F-I-O-N-G.

AARON DORF: Aaron Dorf, D-O-R-F.

ALEXANDRA OFFIONG: Good evening. We are here tonight on behalf of a project at 20 Sumner Road. This is a renovation of an existing 4,000 square foot building. It was built in 1923. And the project also includes a small partially below grade addition in the rear of the house. So the project is itself a pilot of a highly sustainable retrofit of a residential wood frame structure. And it also includes a new construction component. This is a building that houses the Harvard Center for Green Buildings and Cities. It's a research center at Harvard University that's focussed on creating and improving sustainable high performance buildings in cities. Both the project that we are proposing as well as the research that will take place in the building by the center respond to the City's policy goals related to sustainability and climate change. The project actually connects directly to a number of initiatives that the City has undertaken, that Harvard has participated in, including the getting to NetZero task force

and the Cambridge Compact for Sustainable Future.

So the project, we are gonna go through that in a moment, but the project itself is very innovative but it's been designed to respect the historic character of the building and the neighborhood context. We've actually received a Certificate of Appropriateness from the Mid Cambridge Neighborhood Conservation District Commission last month and the project has also been well received by the neighbors. We held an open house. We met with direct abutters. We've gotten good feedback, and they are particularly happy that the surface parking lot will be transformed into a green space.

So tonight we're seeking the Board's approval for two Variances: One is for FAR. We're proposing a five percent increase of FAR on the lot from 0.58 to 0.61.

We are also requesting the Board's approval for a non-conformity Variance because the building is legally non-conforming and the addition triggers that.

I am going to hand it over to Aaron Dorf of who will walk you through the project.

AARON DORF: I'll try to refer to this but everything here is in the packets that you have.

So on the larger site plan you can see the general location of the house. It's on Sumner Road to the left of the house and near the corner of Kirkland Street. You can see the four conjoined lots which are all Harvard owned.

There's 20 Sumner, there's two Kirkland Street lots, and there's one other Sumner Road lot just to the south which is all parking.

The existing rear yard side of 20 Sumner is currently all parking. You can see the current and proposed side by side in the packets, images from that.

And you can see here the house portion of the project is renovation, full renovation of the house. For deep energy retrofit.

To the rear we have the basement addition. So

it's partially submerged addition only at the basement level with the green roof on the top to incorporate it into the rear yard landscape. And then in the front we have a new accessible entry.

The -- and the rear yard also has sustainable features; a rain garden in addition to incorporation of landscaping paths and it becomes a semipublic space.

So for the project itself, as I said, it's what we call a deep energy retrofit. So the performance, the energy performance of the house is targeted to be extremely ambitious. The industry standard of some of the best houses in the world today, new technologies today, is passive house standards which is around half the energy use of a normal house. And we're looking at the work for 20 Sumner to come in less than half of that. So we're really trying to be ambitious about how we target the energies of the house, try to make it a model for sustainability in Cambridge and around the world. The house is meant to be a laboratory for

what we're doing and a way to study these techniques as well for both existing and new construction.

I'll show you this. This is also in your -- in your packet is a summary of the general photos taken of the house. An improved envelope. So we're using an European approach to the way the envelope is built. It looks just like any other traditional shingle clad house, but it has a vented cavity on the inside which helps it perform much better and it's more insulated.

We have heating and cooling will be done by geothermal and radiant floors in the house.

We have not 100 percent natural ventilation through the windows. The windows have a kind of a smart technology to help the house since you know to open and close the windows.

The house is maximized for daylight, so we enlarged some windows and we added skylights. So that you don't have to use artificial light during the day.

It's a net energy positive. So the roof has a solar shingle type product on the roof to make it look like it's part of the neighborhood, but it actually is producing much more energy than it consumes, so it will export energy to the grid. And its carbon footprint is also zero or positive as a result of that energy performance, so -- and us choosing to being more careful about the kind of materials we choose. Choosing things that are local and have very low carbon footprints themselves.

And you can see, again, the proposed green roof on the back of the house. This is the rain garden. It's a little bit diagrammatic in this image here and there's a solar chimney on the house which helps with ventilation as well. It's an all ventilation house.

And I think it's probably a good idea to explain that this is really kind of an ideal building for this test case and for the center. The date of the building, the age of it, and the type of building it is makes it really

relatable to a lot of the building stock in the U.S. and a lot of building stock in the world as well, but it makes it kind of a perfect, a perfect way to have other homeowners begin to see what we're doing here and begin to incorporate some of these techniques.

It -- the other advantage it has is it's relatively simple footprint, small house. We can monitor it very well, and we can really understand the results of what we're doing very well because it's not, it's not an elaborate floor plan.

The expansion is really necessary for a couple of reasons:

One is to recoup space lost from accessibility means in the house. So we're adding an elevator for accessibility between floors. And accessible washrooms as well to -- for the occupants of the house. And we want to be able to keep the staff all in one building. So rather than have them reduce the staff numbers, we want to be able

to incorporate what they need.

And the other thing that's important to note is the renovation and the new expansion allows the center to be able to test really progressive sustainability approaches for existing and new buildings because you approach them very differently but they, but the findings of those things are an important part of the center's mission and their outreach as well. So I'll walk you through some of the images.

These are only the proposed images. You should have the proposed and existing side by side. Here you can see the proposed front of the house off of Sumner Road. You have the solar shingles on the roof. New cedar shingles which are just unfinished that are on the building. You have this new accessible sloped walkway on the front, which is also the rain garden as well. So it's highly landscaped.

This is the view from the south on Sumner Road. So looking, looking northeast on Sumner. Looking at the

front porch.

So, again, you can see the existing porch, the new sloped walkway for accessible entry.

And here's two images of the proposed rear yard expansion. It varies between three and a half feet and about five feet above grade. So it's meant to be extremely low profile with a green roof. It really integrates into the rear yard landscape. And it's meant to sort of have a feeling of no more of an interruption to the rear yard than maybe a deck or something like that in this scale. And, again, the shape of it and the design of it is actually all driven by solar. So it's really optimizing. It allows sun in when it wants to, when it needs the sun in during the winter and it rejects the sun during the summer when it's too hot, and it doesn't do anything active it's just by the shape of it.

BRENDAN SULLIVAN: In reviewing this I sort of came away with sort of the conclusion that this is somewhat

of a laboratory. Would that be a fair characterization of this whole project?

AARON DORF: I would say so, yeah. It's an embodiment of what the center research is.

BRENDAN SULLIVAN: And that the, being in the industry, contracting, building, what have you, the -- what strikes me as being very beneficial is the existing building and how you get that from being quite inefficient and then the addition which obviously would be new building, new technology, and the incorporation of both of those, the old and the new because obviously there were more old than there is new. And, again, that's one of the sort of conflicts we always run into is to take an existing old building and how do you make it more energy efficient without loading it up with, you know, insulation and sometimes -- and buildings have to breathe, so that there's all this ying and this yang going on between cause and effect and so this project will help to maybe solve some of those questions.

Would that be a fair --

AARON DORF: Yeah, I would think so. Because we're trying to go beyond the current industry best, you know, really the whole house, you know, tests various methods to bring the sustainability levels to a really kind of special level of performance. So I think -- and the house is going to be so well monitored that the center will be able to tell really how the unit's performing, how the system is performing, what the differences are between them. And the results will be, you know, fairly open source for anyone to see and to come to the house and learn, and learn about it as well.

BRENDAN SULLIVAN: Okay. Any other questions?

LAURA WERNICK: Maybe I need the mic. So I commend Harvard on this. This is a wonderful undertaking. I really appreciate all that you're trying to do here.

So my comments are really just about materials about materials and proportions. So the front, the west

elevation, the -- in some of the renderings it looks like there's some kind of sun guard or over the windows; is that right?

AARON DORF: That's right. It's just a static solar shade on the outside of the window.

LAURA WERNICK: Okay. So that's a little -- that is a kind of a big difference from the existing condition now. And also the front porch appears to be very different. Can you talk a little bit about the front enclosure and how that, how -- what you're seeing there.

AARON DORF: The front porch is partially enclosed with glass as a kind of wind break so that the porches can -- the trick with the porches so that it doesn't get too hot during the summer. We don't want to glass it all in. So it needs to, it needs to really, to make the porch more habitable during the shoulder seasons, like the spring and the fall, and the westerly winds kind of they all come from that side. So there's an opening in the middle. You know,

right where the stair comes up, but the sides are glassed in to make it just a slightly more contained area toward --

LAURA WERNICK: So it is open? It's open to the air just to --

AARON DORF: It is open to the air, yes.

LAURA WERNICK: I'm wondering if there's a way to do that with something that's -- I understand you're trying to break the wind, but it does seem to be very awkward appearance, very different from what otherwise you're trying to maintain because of the surrounding look of the building with some solar shades or something to cut the breeze a little bit or trellis or something that might help.

AARON DORF: Yeah, we --

LAURA WERNICK: It seems like a pretty brash statement.

AARON DORF: We looked at -- as a model to start with, we just really looked at kind of houses that glassed in their porch in general, right, which happens sometimes

with older houses. And so we, we generally tried to stick to that idea, but rather than kind of glass the whole thing in, we used probably, you know, probably a little bit of cleaner minimalist system so it's not an old wood system. But in general we're trying to, as best we can, use ways that other houses use to partially enclose outdoor spaces and make them a little bit more habitable. So it's a little bit different than the way it is today but we think that it's in the general realm of what older houses do.

LAURA WERNICK: And so I would, I would disagree with that, but maybe there's some way to look again at treatment there and have a little bit more in scale with the surroundings.

The other thing is just the from the renderings and from the elevations, the proportions -- in the elevations the proportions of the windows seem very different. In the renderings they look like they're very similar to what's there now. Could you comment on that a

bit?

AARON DORF: Yeah, the elevations are a little bit more accurate in terms of the development of the windows. The windows got a tiny bit bigger in the original renderings because we've been doing more daylight studies to try to make sure we maximize the light. The windows we're getting are so well insulated that they actually have bigger frames, the ones that we finally landed upon that we're going to use for the project. And the bigger frames triggered us to make the openings a little bit larger because we need to keep the glass area the same. Very similar between the two but they are a little bit bigger.

LAURA WERNICK: They look a little wider and fatter and not -- don't have the same - a little less elegant or you can call the existing ones elegant. Or less elegant to what you show in your renderings. So I don't know if there's any way to elongate them a little bit more?

AARON DORF: We've actually maxed them out. So

we've kept the sill level and gone all the way to the floor to the ceiling above.

LAURA WERNICK: And then my only other comment is a little bit more about what's in the basement, what's the use?

AARON DORF: It's more the office space. So it's more stations for --

LAURA WERNICK: Regular workstations.

AARON DORF: Uh-huh.

LAURA WERNICK: How high is the window above the floor?

AARON DORF: It varies. Because the roof slopes in order to be optimized for the sun, it actually has a step in the floor. So there's a high area and a low area, and the clear ceiling height and ranges just below eight feet to the bottom level it gets to be about almost ten feet.

LAURA WERNICK: Above? The windows are pretty up.

AARON DORF: I was talking about the ceiling

height. The actual, the clearer story itself is probably around, I would say around five -- probably averages around five feet. So it's right about where your head is.

LAURA WERNICK: Okay, thank you.

JANET GREEN: I have a question about who's going to work there. How many people will be working there? And since it's going to be very green and a lovely park, where will they park?

ALEXANDRA OFFIONG: So through the renovation there will be a small increase in the number of people that work there, approximately 35 people will be staffing the building. And the parking in the back is actually not well used. It's sort of an occasional use there. It's -- and Harvard, as I've said in passed cases, we do actually manage our parking on a campus-wide basis. So we will be relocating those spaces to another campus location. Also, the -- likely the 10 Everett garage.

JANET GREEN: And how many spaces is that?

ALEXANDRA OFFIONG: There are 22 spaces.

JANET GREEN: 22 spaces?

BRENDAN SULLIVAN: It's all about a pool.

JANET GREEN: I know this pool. I knew the answer before I asked the question.

BRENDAN SULLIVAN: The pool, it's a big pool.

JANET GREEN: It's a big pool.

BRENDAN SULLIVAN: It's an olympic size pool.

JANET GREEN: I'm adding the numbers as we go along on every case.

ANDREA HICKEY: Yeah, in terms of number of people that work there now versus proposed, you say 35 is the proposed number or an addition of 35 people?

ALEXANDRA OFFIONG: No. There will be an addition of between 10 and 15 people.

ANDREA HICKEY: Okay.

BRENDAN SULLIVAN: What's it used for now?

AARON DORF: It's an -- it's currently used as the

center's headquarters right now.

BRENDAN SULLIVAN: Oh, okay.

ALEXANDRA OFFIONG: So the use will be identical.

GEORGE BEST: So can you tell me what the below grade part is? Can you use that area around the building?

AARON DORF: Are you talking about around the addition?

GEORGE BEST: Yes, around the addition.

AARON DORF: Or around the existing building?

GEORGE BEST: Around the addition.

AARON DORF: There's one small lowered area which is, it's kind of a sunk in garden, and it's really just to get more glass in that area so that we can get more sun on the south side. It's just more garden space although that area will have more hardscape around it. And then the ring around the building is just a sunlight reflector, so it's a light color stone.

GEORGE BEST: And the raised garden area is that a

seatable area or is it --

AARON DORF: You're talking about this roof?

GEORGE BEST: Yeah, the raised area.

AARON DORF: It will be a green roof. You know, not all of the plantings are totally set yet, but in general it will be a green roof.

ALEXANDRA OFFIONG: It's intended to be a roof structure and not intended to be a place for people to occupy that space. So other than maintenance purposes, we don't expect people to be there.

BRENDAN SULLIVAN: Under the new law you're only allowed eight plants per person. Which goes into effect in 2018, but anyhow. We'll monitor that.

Anything else, George?

GEORGE BEST: No, I think it's a brilliant building and I'm excited about it.

JANET GREEN: I forgot I have one more question. You said it's a semipublic space. What does that mean?

AARON DORF: Well, I mean, I think it's meant to be an open and accessible landscape, like, anyone can go there.

ALEXANDRA OFFIONG: Because it's part of Harvard's campus, I think we would -- I don't, I think we see it as a part of the overall campus green space. So it's probably not intended to be a highly programmed space, but it's, it will be a green space that you could --

JANET GREEN: Is it a walkway? I noticed there was a path to another building on Kirkland or something.

ALEXANDRA OFFIONG: There is, as Aaron had showed you, there are several buildings on the same lot and so there are pathways between the buildings that we will be incorporating into the landscape. So we imagine that there could be somebody that goes out there and sits and we wouldn't probably kick anybody out, but it's not, it's a very quiet space. It's not intended to be a highly programmed public space.

AARON DORF: There is a path already that connects in the back.

GEORGE BEST: So will you be giving tours of the building?

AARON DORF: I think the center will be giving lots of tours, yeah. I'd be happy to come up, too.

BRENDAN SULLIVAN: Okay, anything else at the moment?

ANDREA HICKEY: No.

BRENDAN SULLIVAN: Let me open it to public comment.

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

MICHAEL GIULIANO: I would like to ask a question.

BRENDAN SULLIVAN: Yes, come forward. If you would give your name and address, please, for the record.

MICHAEL GIULIANO: Michael
Giuliano -- G-I-U-L-I-A-N-O, 10 Kirkland Road.

I just wanted to ask a question with respect to the length of the construction schedule?

AARON DORF: And so the -- it's anticipated that construction would start early 2017 and with both the renovation and the new construction, I think it would go until -- one would sort of follow the other, but the existing renovation would go throughout the next, the next year and it would end in August of 2017. And then the renovation at some point would, I mean the addition, I'm sorry, would start somewhere towards the end of that and then run probably the fall and early 2018.

MICHAEL GIULIANO: I'm confused, is it 18 months roughly from beginning to end?

AARON DORF: It's about 12 months.

MICHAEL GIULIANO: Okay. With respect you're cutting down some trees I think in that lot?

AARON DORF: We're actually not cutting down any trees.

MICHAEL GIULIANO: Okay. Because I know there were some neighbors there that also wanted to do some tree cutting and we, they had hoped they could coordinate it if in fact they were cutting down trees. I'm not asking you to pay for it but to coordinate it.

BRENDAN SULLIVAN: Sounds like another memorandum of understanding.

ALEXANDRA OFFIONG: We, Harvard University is happy to coordinate with all the neighbors as the project moves forward.

BRENDAN SULLIVAN: Anything else?

MICHAEL GIULIANO: No. I just would like to make a comment with respect to the parking. On Kirkland Road there's about six parking spaces, and the parking there is a disaster because many of the spaces there are pirated by the James building, the William James building and everyone else, generally with people who have illegitimate -- what are these things? Visitor's permits. So we would hope that

if there are additional people there, that someone would try to monitor the fact that they wouldn't know the few spaces that are on Kirkland Road because there are not many.

Secondly, the -- and this is maybe with respect to the ZBA, I think Kirkland Road is the only street in -- or one of the other only two streets in Cambridge that has no sidewalks. We've been after the city for I don't know how many years trying to get a sidewalks in there at least on one side. I've been threatened to be sued twice for people who have fallen down there because there are no sidewalks.

We've had the city engineer out there, God knows how many times, with the proposal to re -- to do a sidewalk plan similar to what has been on Longfellow Street, which is a street near the Mount Auburn Hospital. So we're hoping with that with this, with the continuing development there of 20 Sumner, and I suspect some renovation to the existing buildings which Harvard's acquired, we could work with them to get some sidewalks on that street. It's a mess.

BRENDAN SULLIVAN: Okay. Duly noted. Anything else? That's it?

MICHAEL GIULIANO: That's it.

BRENDAN SULLIVAN: Great, thank you.

Anybody else wish to comment?

(No Response.)

BRENDAN SULLIVAN: I see nobody. Let me close public comment part.

Planning Board, you went before them, did you? They did not?

ALEXANDRA OFFIONG: We actually did not go before the Planning Board. We, we had requested -- we had asked if they had wanted a presentation and they said that they did not, so we did not go.

BRENDAN SULLIVAN: Okay. Because this would be their thing I would think.

ALEXANDRA OFFIONG: I would have thought.

BRENDAN SULLIVAN: Okay. And there's no other

correspondence. There's none in the file from anybody other than Historical and Mid Cambridge or something like that, but that's sort of a pro forma demolition thing, what have you. So, okay.

JANET GREEN: That gentleman seems to have a comment.

ALI MALKAWI: Just a quick note.

THE STENOGRAPHER: Your name, please?

ALI MALKAWI: Ali Malkawi, M-A-L-K-A-W-I, first name A-L-I.

I'm the director of the center. I just wanted to say something about the combination which is the existing, as well as the new construction, the intention behind them, just to reiterate, it's basically to showcase what you can do with existing structure. There's almost 14 million homes similar to this one because we do two types of research as well as new. The new design is what can be done with if you're going to be actually designing new structures with

almost zero energy. So the intention is really to push the limit and showcase what can be done currently with existing technologies for us to push the limit and show the world that these things can happen now.

BRENDAN SULLIVAN: Great, thank you.

Okay. Anything else?

ANDREA HICKEY: Ready.

JANET GREEN: Ready.

BRENDAN SULLIVAN: Rebuttal? Comment? No?

Ready?

Let me make a motion, then, to grant the relief requested to build the addition and the alterations as per the plan submitted and the dimensional form initialled by the Chair.

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

The Board makes the following findings: That 20

Sumner Road structure was built in 1923 prior to the 1924 adoption of the Cambridge Zoning Ordinance and the provisions which govern the maximal allowable floor area permitted on a lot.

The structure is also considered legally non-conforming for use, setback, parking, and loading.

A literal enforcement of the zoning provisions would require that the building size remain unchanged and usable program space be reduced in order to incorporate the required code compliance and accessibility modifications.

The Board finds that given the global importance of addressing sustainability challenges, the CGBC which is the Center for Green Building and Cities is in need of additional space to house researchers. Maintaining the structure in its current size would present a substantial hardship to the Harvard Graduate School of Design as it would significantly limit the Center For Green Buildings and City's ability to address it's programmatic space needs

within its existing buildings and to meet its accessibility obligations.

Moreover, meeting those space needs in another location would substantially and adversely affect the academic goal of this project, which is to serve as a pilot project for sustainable renovations of residential wood frame buildings as well as to test out sustainable approaches for new construction in order to support the CGBC's overall mission.

The Board finds that the hardship is owing -- as the building is an institutional use, must comply with many building and code requirements, including those related to accessibility that would not normally affect structures in a private residential use. The layout, configurations, and structural characteristics of what was originally a residential building create limitations on accommodating the upgrades and other modifications required for contemporary residential uses.

The site is located in a Residential B Zoning District which has a FAR that diminishes after the first 5,000 feet not imposing stricter development provisions on the larger the lot is.

The Board finds that the hardship arises out of the fact that this was built prior to the current zoning. Actually, before the implementation of zoning and that subsequent rezoning has encumbered the site, the building, and the ability to alter the building thereon.

The Board finds that desirable relief may be granted without substantial detriment to the public good. Rather than creating a detriment to the public good, the proposed project at 20 Sumner Road will result in public benefits in terms of supporting research and innovation and building sustainability, expanding site green space, improving the building's accessibility and investing in the historic resources of Cambridge.

The project responds to the City's policy, goals

for research, best practices, and government related -- governance related to sustainability and climate change as manifested in recent City initiatives, including the Get to NetZero Task Force and the Cambridge Compact for Sustainable Future.

The 20 Sumner Road project is itself a research project testing innovative ideas for retrofitting a residential wood frame structure in an environmentally sustainable way. This project directly responds to the Cambridge Growth Policy 50, which states that the City should recognize the need for the major institutions to adapt and respond to changing circumstances to maintain their leadership position in research while recognizing, responding to, and coordinating with the City policy goals.

The minor expansion of this house and research center represents a unique opportunity to respond to both the City and the university's goals related to sustainability and climate change.

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

Both the Massachusetts Zoning Act and the Cambridge Zoning Ordinance allow non-conforming buildings to remain in place and even to be expanded so long as the change, extension, and alteration is not substantially more detrimental to the neighborhood.

The proposed project will result in no adverse impact in terms of traffic or shadows. And the project was designed to provide public benefits of improved accessibility, increased open space, and sustainable building means and methods.

Granting the requested Variance will support the intent and purpose of the Ordinance and will permit the preservation of the non-conforming historic structure while significantly improving its functionality and accessibility.

The Board also notes that the project has enormous

compelling societal benefits.

Anything else?

Grant the Variance on the -- that the plans be in substantial compliance -- I don't know if this somehow tells me this is going to change somehow over the developmental stage, but I think any substantial change, if you will, from these drawings which will be initialled by the Chair.

All those in favor of granting the Variance?

(Show of hands.)

BRENDAN SULLIVAN: Five in favor. Good luck.

(Sullivan, Green, Hickey, Best, Wernick.)

* * * * *

(8:45 p.m.)

(Sitting Members Case BZA-011523-2016: Constantine Alexander, Brendan Sullivan, Janet Green, Andrea A. Hickey, George S. Best.)

CONSTANTINE ALEXANDER: The Chair will call case No. 011523, 15 Wendell Street.

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

JULIA MINER: Julia Miner, architect and Peter Nohrnberg is the owner.

CONSTANTINE ALEXANDER: The floor is yours.

JULIA MINER: Okay. The Nohrnbergs have an almost 3,000 square foot house on 15 Wendell Street, and they have

a growing family and also needs for their parents to visit so they would like to expand the attic which is uninhabited right now. It's low crawl space up so that they could have a study there and add an extra bedroom in their house.

We are proposing to add five feet in height, and the existing structure is non-conforming in height. The height restriction is 36 feet at that point. And right now the existing --

CONSTANTINE ALEXANDER: It's 35.

JULIA MINER: I'm sorry, 35, yes.

CONSTANTINE ALEXANDER: 35.

JULIA MINER: And right now the, the building height, the existing building height, the front of the house is --

CONSTANTINE ALEXANDER: 36.

JULIA MINER: -- is 36.7.

CONSTANTINE ALEXANDER: You want to make more height above the 35. If we grant you relief tonight, more

of the building will be higher than 35 feet; isn't that not right?

JULIA MINER: Well, it's close. It's very close. If you take the average on the east and west sides, we've got -- yeah, it's 36.7 from there. But the new addition is going to be lower and it's only going to be 37 -- yeah, 37.4 from the ground level. So we're about a foot under what the existing height is.

CONSTANTINE ALEXANDER: But a foot more than --

JULIA MINER: Yes, yes -- excuse me. Yes, yes, that's correct. Yeah.

CONSTANTINE ALEXANDER: Okay.

JULIA MINER: And then we're adding two dormers. We're adding a dormer on the west side which is -- we tried to follow the spirit of the recommendations of the dormer. We, you know --

CONSTANTINE ALEXANDER: Dormer guidelines.

JULIA MINER: Dormer guidelines. We're in -- you

know, the same vocabulary as the historic --

CONSTANTINE ALEXANDER: Do you want to tell us to what extent you're not complying with the dormer guidelines?

JULIA MINER: Because the cross-section is so low, it would be difficult to set the dormers in from the wall. So we are -- the dormers are flush with the wall.

CONSTANTINE ALEXANDER: What's the width of the dormers? Are they less than 15 feet?

JULIA MINER: They are -- let's see. We're at --

CONSTANTINE ALEXANDER: Or length I should say.

JULIA MINER: The total is --

CONSTANTINE ALEXANDER: Each dormer?

JULIA MINER: Oh, each dormer is seven feet.

CONSTANTINE ALEXANDER: That's what I thought. So you're well below is which is --

JULIA MINER: Right.

CONSTANTINE ALEXANDER: This Board has historically been the most important consideration when we

talk about dormer guidelines --

JULIA MINER: Right.

CONSTANTINE ALEXANDER: -- you clearly comply with element of it. It's the setback.

JULIA MINER: Yeah. I thought you were talking about total.

CONSTANTINE ALEXANDER: No. Each dormer individually.

JULIA MINER: Yeah.

CONSTANTINE ALEXANDER: Okay.

JULIA MINER: I think that's it. Everything else, the floor area ratio and everything else is conforming.

CONSTANTINE ALEXANDER: And the other reason you're here before us, you have some setback issues I think on one side. On one -- the dormer, one of the dormers is on a side where you're non-conforming.

JULIA MINER: That's right.

CONSTANTINE ALEXANDER: You're here for two

reasons really.

JULIA MINER: Thank you. I don't have the application in front of me.

CONSTANTINE ALEXANDER: I just want to make sure the record is clear, that's all. Okay.

JULIA MINER: Yeah.

CONSTANTINE ALEXANDER: Questions from members of the Board at this stage?

(No Response.)

CONSTANTINE ALEXANDER: Appear to be no questions. I'm going to open the matter up to public testimony.

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

(No Response.)

CONSTANTINE ALEXANDER: Apparently not.

I don't believe we have any letters in the file unless some came in late either supporting or opposing. So no other public commentary. I'm going to close public

testimony.

Do you have any final words you'd like to say?

JULIA MINER: No reason.

CONSTANTINE ALEXANDER: No reason to. Before I make -- unless ready for a motion, Members of the Board, or do you want to have some discussion?

BRENDAN SULLIVAN: I'm all set.

ANDREA HICKEY: I'm ready.

JANET GREEN: I'm okay.

GEORGE BEST: Okay.

CONSTANTINE ALEXANDER: I don't think you've been before us before. These are the plans you submitted?

JULIA MINER: Yes.

CONSTANTINE ALEXANDER: If we grant relief, I think we will, we tie it to compliance with these plans.

JULIA MINER: Yes, that's understood.

CONSTANTINE ALEXANDER: These have to be the final plans, all right?

JULIA MINER: Yes.

CONSTANTINE ALEXANDER: If you change them, you're going to have to come back before us. You have better things to do on a Thursday night, I think, than to come back before us. You understand?

JULIA MINER: We're all set there, yes.

CONSTANTINE ALEXANDER: All right, the Chair moves that we make the following findings with regard to the relief being sought:

That a literal enforcement of the provisions of the Ordinance would involve a substantial hardship. Such hardship being is that the structure, though not small, is in need for additional living space applied to not only to the current petitioner, but to anyone who occupies the space, particularly if they want to have family members or aged parents living with them, additional space is required.

That the hardship is owing to the fact that this is already a non-conforming lot or a structure, I'm sorry,

not lot, a structure. And that any modification requires zoning relief.

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

In this regard the Board would note that the requested relief is modest in terms of the structure, that what is being proposed substantially complies with our former guidelines.

And that there is no -- appears to be no neighborhood opposition to the project.

So on the basis of these findings, the Chair moves that we grant the Variance requested on the condition that the work proceed in accordance with plans prepared by J. Miner Design.

JULIA MINER: Correct.

CONSTANTINE ALEXANDER: Julia Miner. I'm sorry. Julia Miner Studio. All of which has been initialled by the

Chair.

All those in favor, please say "Aye."

(Aye.)

CONSTANTINE ALEXANDER: Variance granted.

(Alexander, Sullivan, Green, Hickey, Best.)

* * * * *

(8:55 p.m.)

(Sitting Members Case BZA-011633-2016: Constantine

Alexander, Brendan Sullivan, Janet Green, Andrea A. Hickey,

George S. Best.)

CONSTANTINE ALEXANDER: The Chair will call case

No. 011633, 4 Hutchinson Street.

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

MELISSA MACDONALD: I'm Melissa MacDonald, landscape architect.

NATE EMERTON: Nate Emerton, E-M-E-R-T-O-N, owner.

MELISSA MACDONALD: Okay. We are here to ask for a Variance for 4 Hutchinson Street. There is an existing -- we're doing some site improvements and Nate and his wife Britt would like to dismantle the existing shed in the rear corner of the property which abuts -- which is inside both the rear and the side setbacks and construct a new shed that is a little bit closer toward the street. They use the shed for storage. They're planning to use it for -- this is existing location for the existing shed, and the proposed location for the new shed, which is 11 feet, three inches from the building. There's Hutchinson Street to the right.

They want to make it closer with better access. They both bike to work, so it's gonna be a bike storage, garden tools. It's not just a bike shed. And it's over six feet which is why we're here.

CONSTANTINE ALEXANDER: Same dimension, though?

MELISSA MACDONALD: It's eight-by-ten versus eight-by-eight. So there is a 16 square foot change for all of the comparisons.

The new shed will be a wood framed structure with clapboards and black or charcoal architectural shingles to match the building.

CONSTANTINE ALEXANDER: And just be used for bicycle storage? Or you said garden tools.

MELISSA MACDONALD: Garden tools. There's no garage but basically quick access for, you know, with a single door at one end toward the street for bike access.

CONSTANTINE ALEXANDER: Okay.

MELISSA MACDONALD: And that's basically it. It's

pretty straightforward.

CONSTANTINE ALEXANDER: The only plans we have is this one in our files. This seems to show where the new shed is, the bicycle shed is going to be?

MELISSA MACDONALD: Yes, that's actually the same plan as this one right here.

CONSTANTINE ALEXANDER: Okay, good. You're right. It's not colored that's the reason I didn't see it. Okay, thank you.

Questions from members of the Board?

(No Response.)

CONSTANTINE ALEXANDER: Apparently not.

I'll open the matter up to public testimony. Is there anyone here wishing to be heard on this matter?

(No Response.)

CONSTANTINE ALEXANDER: Apparently not.

MELISSA MACDONALD: There are three letters of support.

CONSTANTINE ALEXANDER: I was going to get there.
You stole my thunder.

MELISSA MACDONALD: Sorry.

CONSTANTINE ALEXANDER: The Chair would report that we do have letters in the files from the neighbors. We have one from Elizabeth Kent. It's an e-mail. (Reading) I am writing to support the petition for the Variance requested at 4 Hutchinson Street. My husband and I own and live in our home at 11 Hutchinson Street and are neighbors of the Emertons at 4 Hutchinson Street. We have no objections to the proposed site for the new shed.

Another from Michael Keating, K-E-A-T-I-N-G and Kathleen with a K Lancaster. (Reading) We are writing to support the petition for the Variance requested at 4 Hutchinson Street. We own and live at 6 Hutchinson Street, and are neighbors of the Emertons at 4 Hutchinson Street. We have no objections to the proposed site for the new shed. They are responsible homeowners and excellent neighbors.

And lastly, we have an e-mail from Jodie Schindelheim, S-C-H-I-N-D-E-L-H-E-I-M. (Reading) Please accept this letter as notification of our support of the petition presented to you by Melissa MacDonald on behalf of the Emerton family for the Variance requested at 4 Hutchinson Street. We own and live at 2 Hutchinson Street and have discussed the proposed location of the bike shed with Nate and Britt Emerton who own the property. We have no objections to it being within the side yard setback of the property that lies adjacent to our property.

So these are the people most directly affected by what you want to do and they're in support. And by the way, the letter is also signed not only by Jodie Schindelheim but Andrea Simpson. And that's it. So there's letters of support. No, no letters of opposition or any indication of opposition of your neighbors.

Have you heard anything, a neighbor complaining or the like?

NATE EMERTON: I have not, no.

CONSTANTINE ALEXANDER: Okay.

Unless you have any final comments?

MELISSA MACDONALD: No.

CONSTANTINE ALEXANDER: Okay. I will close public testimony.

Ready for a motion? We are.

The Chair moves that we make the following findings with regard to the relief being sought:

That a literal enforcement of the provisions of the Ordinance would involve a substantial hardship. Such hardship being is that the petitioner needs additional space for, and a more convenient space for storage, storing bicycles and garden tools.

That the hardship is owing to the fact that this is already a -- well, it relates to the shape of the lot and where a bicycle shed can best be located.

And that the relief may be granted without

substantial detriment to the public good or nullifying or substantially derogating from the intent and purpose of the Ordinance.

In this regard the Chair would note that relief being granted would further promote the use of bicycles, at least by the occupants of this property, which is a desired goal in the City. And that the project has unanimous, as far as we can tell, neighborhood support. And that the relief -- and the bottom line, the relief being sought is rather modest in nature. And, again, supported by the person, the neighbor most directly affected by what is being proposed.

So on the basis of these findings, the Chair moves that we grant the Variance requested on the condition that the work proceed in accordance with the plans initialled by the Chair. At least I hope I initialled it. I did.

Thank you.

Initialled by the Chair, prepared by Melissa

MacDonald Landscape Architect.

All those in favor, please say "Aye."

(Aye.)

CONSTANTINE ALEXANDER: Five in favor. Variance granted.

(Alexander, Sullivan, Green, Hickey, Best.)

* * * * *

(9:00 p.m.)

(Sitting Members Case BZA-011652-2016: Constantine Alexander, Brendan Sullivan, Janet Green, Andrea A. Hickey, George S. Best.)

CONSTANTINE ALEXANDER: The Chair will call case No. 011652, 955 Massachusetts Avenue.

Is anyone here wishing to be heard on this matter?

ATTORNEY DANIEL GLISSMAN: Good evening. Good

evening members of the Board. My name is Daniel Glissman. I'm an attorney with Prince, Lobel, Tye and I'm here on behalf of my client T-Mobile. We are here in connection with our application to modify and upgrade our existing wireless installation at 955 Massachusetts Avenue. This is part of a systemwide upgrade and is similar to many of the recent upgrade proposals that have come before this Board.

We are -- the site currently operates six antennas and three array sectors and we will be adding three additional antennas evenly spaced and painted to match similar to the previous approvals by this Board.

I'm happy to answer any questions.

The antennas are installed on the penthouse of the roof of the building and are located at approximately 112 feet in height.

CONSTANTINE ALEXANDER: This is in a residentially zoned district. You have to address that because we have to make special findings on that.

ATTORNEY DANIEL GLISSMAN: Correct.

And so consistent with previous decisions by this Board we respectfully submit that this, that residential uses do not predominate in the vicinity of this site. Particularly, we have some of the examples of non-residential uses would be the UPS Store, the Allston Insurance, Dado T, the Workers' Compensation Research Institute, and Keller Williams Realty all of which are located in --

CONSTANTINE ALEXANDER: In the building.

ATTORNEY DANIEL GLISSMAN: -- 955 Massachusetts Avenue.

There's also John and Nick's Auto Service as an abutter. And across the street we have the Dumpling House.

GEORGE BEST: Isn't that the building with the condos?

ATTORNEY DANIEL GLISSMAN: Correct, yeah.

GEORGE BEST: And there's a building right

next-door and that is 929 I think it is, also residential.

ATTORNEY DANIEL GLISSMAN: Correct.

CONSTANTINE ALEXANDER: You want to address -- you're also applying of course under the Spectrum Act. Address those portions of the act that we have to make findings on.

ATTORNEY DANIEL GLISSMAN: Gladly.

So we're applying for relief under Section 6409 of The Middle Class Tax Relief Act and there's a five-part test that will determine whether or not this is a substantial modification to the existing wireless facility.

The first part of the test is that the installation does not extend the height of the existing base station by more than ten feet or ten percent. We will be installing all antennas at a level height, 112 feet in the center line height. So we will not exceed it by ten feet.

The second part of the test is that the modifications do not protrude from the edge of the support

structure by more than six feet.

The antennas are installed on the penthouse so they won't be protruding outside of the roof line and are also installed on low profile mounts and will be no more than a foot and a half from the wall to the front of the antenna.

The third part of the test is that the installation does not involve installing more than the standard number of equipment cabinets not to exceed four. There are currently three equipment cabinets at this facility and we don't propose to install any new cabinets.

The fourth part of the test is that this facility does not entail any excavation or deployment outside of the base station. This is a rooftop installation. There will be no excavation.

And finally, the modification does not defeat the previous stealth conditions. We believe that this is in conformity with previous stealth installations with painting

to match. We've actually taken this opportunity to repaint one of the antennas that looks like didn't properly get painted in the first place. So we believe that we also are in compliance with the stealth requirements for this installation.

CONSTANTINE ALEXANDER: Okay, thank you.

Questions from members of the Board?

(No Response.)

CONSTANTINE ALEXANDER: Apparently not. I'll open the matter up to public testimony.

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

(No Response.)

CONSTANTINE ALEXANDER: Apparently not.

The Board is in receipt of a memo from the Planning Board dated November 16th. (Reading) The Planning Board reviewed the application for the Special Permit to modify the existing wireless telecommunications facility

which includes the addition of three new antennas. The Planning Board has no objection to the Special Permit. This is one of the better installations the Board has reviewed with the antenna on the penthouse which is set back from the building facade, and the use of the vertical elements on the penthouse helping to minimize the visual chaos of the antenna.

So you got support of the Planning Board.

Any final comments?

ATTORNEY DANIEL GLISSMAN: I don't believe so, no.

Thank you.

CONSTANTINE ALEXANDER: Questions? Or I'll close public testimony.

Comments or discussion from the Board or we ready for a vote?

ANDREA HICKEY: Ready.

JANET GREEN: Ready.

CONSTANTINE ALEXANDER: Ready for a vote.

The Chair moves that this Board make the following findings:

That what is being proposed -- that non-residential uses predominate in the vicinity of the proposed facility's location, and that the telecommunication facility is not inconsistent with the character that does prevail in the surrounding neighborhood.

In this regard the Chair would note that we made these findings earlier with regard to previous telecommunication equipment on the site and that the neighborhood hasn't changed that would change that finding.

The Board also finds that the modification of it's existing telecommunication facilities at the site proposed by the petitioner does not substantially change the physical dimensions of the existing wireless tower or base station at such facility within the meaning of 6409(a) of The Middle Class Tax Relief and Job Creation Act of 2012, also known as The Spectrum Act.

Further, we have to make the findings that are required for all Special Permits that are granted by this Board. And let me address those. The Chair moves that we make the further findings:

That the requirements of the Ordinance cannot be met without the relief being sought tonight. That the granting of the relief being sought tonight.

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

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

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

And that what is being proposed will not impair

the integrity of the district or adjoining district or otherwise derogate from the intent and purpose of the Ordinance.

So based on these findings, the Chair moves that the petitioner be granted the Special Permit it is seeking subject to the following conditions:

One, that the work proceed in accordance with the plans submitted by the petitioner and initialed by the Chair.

Two, upon that upon completion of the work the physical appearance and visual impact of the proposed work will be consistent with the photo simulations submitted by the petitioner and initialed by the Chair.

Three, that the petitioner shall at all times maintain the proposed work so that its physical appearance and visual impact will remain consistent with the photo simulations previously referred to.

Four, that should the petitioner cease to utilize

the equipment approved tonight for a continuous period of six months or more, it shall promptly thereafter remove such equipment and restore the building on which it is located to its prior condition and appearance to the extent reasonably practicable.

And, five, that the petitioner is in compliance with and will continue to comply with, in all respects, the conditions imposed by this Board with regard to previous Special Permits granted to the petitioner with regard to the site in question.

Continuing inasmuch as the health effects of the transmission of electromagnetic energy waves is a matter of ongoing societal concern and scientific study the Special Permit is also subject to the following conditions:

A, that the petitioner shall file with the Inspectional Services Department each report it files with the federal authorities regarding electromagnetic energy waves emissions emitting from all of the petitioner's

equipment on the site. Each such report shall be filed with the Inspectional Services Department no later than ten business days after the report has been filed within federal authorities. Failure to file any such report with the Inspectional Services Department shall ipso facto terminate the Special Permit granted tonight.

B, that in the event that at any time federal authorities notify the petitioner that its equipment on the site, including but not limited to the Special Permit granted tonight, fails to comply with the requirements of law or governmental regulation, whether with regard to the emissions of electromagnetic energy waves or otherwise, the petitioner, within ten business days of receipt of such notification of such failure, shall file with the Inspectional Services Department a report, disclosing in reasonable detail that such failure has occurred and the basis for such claimed failure. The Special Permit granted tonight shall ipso facto terminate if any of the

petitioner's federal licenses is or are suspended, revoked, or terminated.

C, that to the extent that a Special Permit has terminated pursuant to the foregoing paragraphs A and B, the petitioner may apply to this Board for a new Special Permit provided that the public notice concerning such application discloses in reasonable detail that the application has been filed because of a termination of Special Permit pursuant to paragraphs A or B above. Any such application shall not be deemed a repetitive petition and, therefore, will not be subject to the two-year period during which repetitive petitions may not be filed.

And, D, that within ten business days after the receipt of a Building Permit for the installation of the equipment, subject to this petition, the petitioner shall file with the Inspectional Services Department a sworn Affidavit of the person in charge of the installation of equipment by the petitioner with a geographical area that

includes Cambridge, stating that:

A, he or she has such responsibility.

And, B, that the equipment being installed pursuant to the Special Permit we are granting tonight will comply with all federal safety rules and will be situated and maintained in locations with appropriate barricades and other protections, such that individuals, including nearby residents and occupants of nearby structures, will be sufficiently protected from excessive radio frequency radiation under federal law.

On the basis of these findings and these conditions the Chair moves that we grant the relief requested.

All those in favor please say "Aye."

(Aye.)

CONSTANTINE ALEXANDER: Five in favor. Relief granted.

(Alexander, Sullivan, Green, Hickey, Best).

ATTORNEY DANIEL GLISSMAN: Thank you.

* * * * *

(9:15 p.m.)

(Sitting Members Case BZA-011658-2016: Constantine Alexander, Brendan Sullivan, Janet Green, Andrea A. Hickey, George S. Best.)

CONSTANTINE ALEXANDER: The Chair will call case No. 011658, 2500 Massachusetts Avenue.

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

ATTORNEY DANIEL GLISSMAN: Good evening.

Daniel --

CONSTANTINE ALEXANDER: Go ahead continue.

ATTORNEY DANIEL GLISSMAN: Sorry.

CONSTANTINE ALEXANDER: Introduce yourself and then I want to make sure that you're aware of the Planning Board memorandum. Have you seen it?

ATTORNEY DANIEL GLISSMAN: I haven't seen the memorandum, although I did attend the Planning Board meeting on November 1st.

CONSTANTINE ALEXANDER: So you know they don't support the Special Permit you're seeking?

ATTORNEY DANIEL GLISSMAN: I'm aware of their comments, correct.

CONSTANTINE ALEXANDER: Go ahead.

ATTORNEY DANIEL GLISSMAN: Good evening. Daniel Glissman, attorney with Prince, Lobel, Tye here on behalf of T-Mobile Northeast. We're here in connection with another upgrade to the existing facility at 2500 Massachusetts Avenue. The current installation is comprised of six panel antennas installed on the penthouse of the -- on the roof of the building and we are proposing to replace three of those panel antennas. And also in doing so, recently the new landlord of this building installed some HVAC units directly in front of our facility. If you look at -- if you can see

this plan, you'll note that the penthouse is here towards the sort of south -- the northwestern side of the building, and we had originally two antennas on the rear, two on the side here, and two in the front right next to the door. The -- there were new HVAC units here that have since gotten a little bit higher and are now blocking the signal which is directing to go --

CONSTANTINE ALEXANDER: And your lease with the landlord doesn't -- doesn't prohibit the landlord from doing this?

ATTORNEY DANIEL GLISSMAN: Correct, yeah. You know, the lease -- we really have mostly only rights around the property but, you know, they do -- are required to work with us to make our installations operate.

CONSTANTINE ALEXANDER: Right.

ATTORNEY DANIEL GLISSMAN: So in doing so, we were allowed to move or relocate our antennas. So we've proposed to move two of the existing antennas, one of which we're

replacing to the southern end of the building, and this will allow it to project its signal on to the corner of Mass. Ave. there. So in doing so, we -- there's a currently a six-foot concrete screen wall that shields all of the HVAC equipment on the roof. So we're proposing to add another six-foot extension to that screen wall so that we can have our antennas above the screen wall and yet they'll still be shielded and blocked by a new fiberglass screen wall. I have some photo simulations here.

CONSTANTINE ALEXANDER: The same ones you've -- you can hand them out. But the same ones that we have?

ATTORNEY DANIEL GLISSMAN: Correct.

And I also have brought a few photos from our site acquisition team that they took of the rooftop just sort of showing the existing conditions with all the HVAC units. It's very clear that the roof is quite cluttered. It's hard to tell from the plan set exactly how much equipment is on

there, but the pictures do it better justice so I'm happy to hand those out.

And so when we went before the Planning Board, their comment was that we -- they would like to see this third wall -- the -- right now the proposed screen wall extension has only three sides on it, and they would like to see that fourth side closed off. So they had envisioned something coming diagonally across right from, right from here. And I'll hand out these photos of the roof and you'll see with the amount of equipment on the roof it's, it would be very difficult to do that.

We've --

CONSTANTINE ALEXANDER: Difficult or impossible?

There's a big difference.

ATTORNEY DANIEL GLISSMAN: So we've taken a very close look at this and my -- the structural engineers have told us, have told me that the -- that they would have to -- so our thought is to -- was to put the screen wall

directly across as opposed to diagonally. There are some existing joists that support the concrete wall and so they would like to go directly across. However, if you flip to the fourth photo in this package of roof conditions, this is probably the most indicative of what the rooftop conditions look like currently. You can see sort of the edge to the left. These are the new HVAC units that are blocking our site and are also directly in front of where this screen wall will come across. And then there's another unit here that's actually -- would be enclosed within this fourth wall. So while it's structurally possible to do a fourth wall, we would have to move the HVAC units.

CONSTANTINE ALEXANDER: You would or the landlord would?

ATTORNEY DANIEL GLISSMAN: The landlord. Well, we would have to get permission and come to an agreement with the landlord that the HVAC units be moved.

We had also thought that we would, instead of

doing a full six-foot extension, which would be identical to the other sides, we might only do just a three-foot top, so that it would still appear as though it was completely rounded and you probably wouldn't be able to see under it, too. It would be light that would shine that well through it. But there would be room for someone to get under and service the HVAC units. But, you know, we haven't, we haven't been able to come to an agreement with the landlord on moving any of the equipment.

CONSTANTINE ALEXANDER: Right. Have you tried?

ATTORNEY DANIEL GLISSMAN: We have, yeah. Well, so --

CONSTANTINE ALEXANDER: When did you meet -- when did you find out that the Planning Board's comments about this?

ATTORNEY DANIEL GLISSMAN: November 1st.

CONSTANTINE ALEXANDER: So it's only two weeks ago roughly.

ATTORNEY DANIEL GLISSMAN: Correct.

CONSTANTINE ALEXANDER: And during that two weeks you've had conclusive discussions with the landlord about it or is the matter still being discussed?

ATTORNEY DANIEL GLISSMAN: It's still being discussed.

CONSTANTINE ALEXANDER: Then I think your petition is premature tonight. I mean, we have it -- the Planning Board has made a reasonable comment. They wish to continue this case until you conclude your discussions with the landlord and report back to us as to what the landlord will do or not do. Because the landlord may -- you can make a deal with the landlord and you can satisfy the Planning Board and prove the visual impact on the property, and we're better off then if we approve what you have tonight.

ATTORNEY DANIEL GLISSMAN: Absolutely.

I think that the dialogue has begun, you know, the first step was determining whether it was structurally

possible. And so that we still have to get final proof --

CONSTANTINE ALEXANDER: Understood.

ATTORNEY DANIEL GLISSMAN: -- from our structural engineers that they can fit, in fact fit the joists that will be required to support this, those new win loading requirements. And actually the fourth wall will probably help with the wind load requirements as well. But, yes.

CONSTANTINE ALEXANDER: Do other board members agree with me that maybe we shouldn't consider the case tonight and let's get a more conclusive report as to what can be done on the roof?

ANDREA HICKEY: I agree.

GEORGE BEST: I think we should wait.

CONSTANTINE ALEXANDER: That would be a case heard. So we would have to do it, we would have to get the five of us back. How long do you think you need to -- give yourself sometime. I know -- I'm sure you're urgent to get these new antennas up, but a month, six weeks from now?

What are you thinking?

ATTORNEY DANIEL GLISSMAN: I think a month would be a reasonable time frame. You know, I believe they've already begun talking with the landlord. As you can see from the photos, there's a lot of equipment up there.

CONSTANTINE ALEXANDER: Yeah.

JANET GREEN: It's hard to figure out exactly what we're looking at, you know?

ATTORNEY DANIEL GLISSMAN: Yeah, they didn't really do the best job of orienting you on the photos. The best, really, indication is in some of them you can see the penthouse and so they're shooting from one side to the other.

CONSTANTINE ALEXANDER: When you come back a month from now to Janet's comment, we need better photo sims than this that are more understandable.

ATTORNEY DANIEL GLISSMAN: Absolutely.

JANET GREEN: Yeah.

CONSTANTINE ALEXANDER: And also in our files before -- I know you couldn't do this. Not hand them to us at the hearing, but put them in our files the Monday before so we can look at them and think about them, okay?

ATTORNEY DANIEL GLISSMAN: Absolutely.

JANET GREEN: I almost think of a drawing kind of looking down, not necessarily a picture but just to say this is here and this is here and this is here and this is the wall we're talking about, and because this is hard, a little hard to place where anything actually is.

GEORGE BEST: And it just seems to me you have some structural supports saying you could utilize in terms of putting your equipment on and keeping the profile low and back from the edge of the building.

ATTORNEY DANIEL GLISSMAN: Yeah, well, the -- so the actual installation for the antennas is very minimal. It's a steel rod that will go in between the fiberglass stealth screen. But it does in fact need to be above the

existing screen wall. They can't penetrate the concrete.

GEORGE BEST: Right. But if you use the struts that are there right now and you did three quarter of the way up, something three feet tall, it would be right above the line and it would be back enough so that when you look up, you wouldn't see it.

ATTORNEY DANIEL GLISSMAN: The, the L700 antennas are six feet. So we do need the full six foot, the full six-foot screen wall.

CONSTANTINE ALEXANDER: The Planning Board in its memo to us raises a lot of concerns about the screening, whether it would match what's there now and they wanted us to grant -- if we granted relief, to grant it subject to a condition that Community Development Urban Design staff reviews materials samples to ensure that the new screen will either match or complement the existing facade. I think this is something else you should be doing in the next let's say month from now. If you come back to us and report

what's going to go on the roof regarding the air conditioning and you've made the Community Development happy or satisfied with the screening materials, okay?

ATTORNEY DANIEL GLISSMAN: So you would like us to meet with them prior to if possible?

CONSTANTINE ALEXANDER: Yes. We want you to come back and say, or even better Community Development say, we're fine with the screening and then you can tell us where you're going to end up with regard to the rooftop and the air conditioners.

So you think you can do all of this in a month.

ATTORNEY DANIEL GLISSMAN: I think absolutely.

CONSTANTINE ALEXANDER: All right. Can we all make -- what's a month from now?

SEAN O'GRADY: The 12th of December. I'm sorry, the 15th of December.

CONSTANTINE ALEXANDER: 15th of December? Can everybody make it?

BRENDAN SULLIVAN: Yes.

ANDREA HICKEY: I think so, yes.

CONSTANTINE ALEXANDER: You can make it.

ATTORNEY DANIEL GLISSMAN: I can make it,
absolutely.

CONSTANTINE ALEXANDER: Okay, the Chair moves that
we continue this case as a case heard subject to the
following conditions:

One, that the petitioner sign a waiver of time for
decision. You've done this before.

Two, that the posting sign be modified to reflect
the new date, December 15th, and the new time, seven p.m.
And that the sign be maintained for the 14 days required by
our Ordinance.

And lastly, to the extent, and this will be
applicable, that there is going to be new photographs, new
photo simulations, new material, information about the
materials for the screening, all of this must be in our

files, you know the drill, by five p.m. -- no later than five p.m. on the Monday before December 15th so we have a chance to study them. You know, we've done this before.

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

(Aye.)

CONSTANTINE ALEXANDER: Five in favor, case continued.

(Alexander, Sullivan, Green, Hickey, Best.)

* * * * *

(9:30 p.m.)

(Sitting Members Case BZA-011686-2016; Constantine Alexander, Brendan Sullivan, Janet Green, Andrea A. Hickey, George S. Best.)

CONSTANTINE ALEXANDER: The Chair will call case

No. 011686, 146-148 Pearl Street.

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

CAMPBELL ELLSWORTH: Good evening. My name is Campbell Ellsworth. I'm the architect and the owner of this project. I'm joined by my wife Natalia Bard, B-A-R-D.

We're here before you tonight to request two Special Permits related to parking on this site. A brief history of the project: We bought this property in May of 2015. We had intended to develop it as two homes, a front house, back house. We had designed those and those are actually permitted and are essentially the existing conditions that are represented in the dimensional form and in the drawings that you see.

We then -- after it was permitted, we had a sort of change of heart for ourselves to actually occupy this site. We looked carefully at how that might happen. We came to the conclusion that what we really needed to do was

to demolish the existing structure and to combine those two separate units back where the GFA allowed into single structure so that would afford us a larger backyard for our small children and different split of the square footage between -- but maintain it as a two-family structure.

So the full demolition of the structure then obviously went through the Historic Commission. We saw the Historic Commission first in July. They imposed a six-month delay on the demolition. We went back to them in October. They accepted our proposal with the contingency that we pass -- because that, that proposal was a brand new structure and as a new structure required certain zoning relief that were here for you. So the two are linked.

CONSTANTINE ALEXANDER: Did they pass it at all on the design of the new structure?

CAMPBELL ELLSWORTH: They did.

CONSTANTINE ALEXANDER: And they had no problem, they -- no problem, I don't know what's the right word, but

they did not express any objection to it?

CAMPBELL ELLSWORTH: They passed it. They lifted -- they lifted the six-month delay.

CONSTANTINE ALEXANDER: Okay. They don't really pass on the design of the new structure, do they? Six-month delay is just to make sure that the building you're tearing down is not historically significant.

CAMPBELL ELLSWORTH: That's right, and to come up with some other options. I think from their point, it's an interesting question, from their point the strategy is lift the six-month delay, allow me to build what I propose to them because if I -- if we went the six months and they did not initiate a landmark study, then I would have -- I or any owner would have been free to do anything. And so it could have been, you know, it could have been worse kind of thing.

CONSTANTINE ALEXANDER: But the plans at the end of the six months when they do -- the six-month period lapsed, are these plans the ones in our files?

CAMPBELL ELLSWORTH: That's correct.

CONSTANTINE ALEXANDER: Not the original? You went through an earlier iteration --

CAMPBELL ELLSWORTH: With them.

CONSTANTINE ALEXANDER: -- with them.

CAMPBELL ELLSWORTH: With them, right. And so between the two, it was a similar massing of the building but we had developed the design, we developed the material articulation, we developed it further along that it was at that point acceptable to the -- I mean, this is. This is a rendering and this was not in your package, but this was what we handed out to --

NATALIA BARD: But we're required to -- right, see the replacement structure.

CONSTANTINE ALEXANDER: I'm sorry. I didn't catch it.

CAMPBELL ELLSWORTH: Right.

NATALIA BARD: They won't lift it.

CAMPBELL ELLSWORTH: That's right. They want to see this built at this point. Right? And it's so they, they will -- it's not that they simply approve demolition but they approve demolition relative to a replacement structure as Natalia was saying. So this is the house we intend to build, and this house needs two aspects of Special Permit relief from this Board.

CONSTANTINE ALEXANDER: Why don't you just go through those two.

CAMPBELL ELLSWORTH: Great, terrific.

Just a quick note on community outreach which I know you're interested in. The whole Historic Commission, there was an extensive community outreach. I had written letters. I got, you know, sent letters, had open houses out there. So I got to know a lot of my neighbors. When we got to the Board of Zoning Appeals application, Maria had generated the abutters' list. I had a larger one. I sent those letters out. You have a copy of my letter in your

file. It was a letter plus a site plan for everyone describing the two Special Permits that --

CONSTANTINE ALEXANDER: And we got like three or four letters back.

CAMPBELL ELLSWORTH: And I know four letters of support from the abutters that came in.

CONSTANTINE ALEXANDER: The ones that are in our files?

CAMPBELL ELLSWORTH: Yes, correct. Correct.

So the zoning relief, as a new structure, a new driveway has to be not only ten feet wide but also have a five-foot buffer. I'm requesting that relief from that five-foot buffer for a number of reasons based on the fact that there's already an existing curb cut tied to the property line based on the fact that the lot is actually technically a narrow lot. It's only 45 feet on the front in a 50-foot wide required zone, in the C Zone. It also, the lot narrows further at the back. So where I to have to have

the five-foot buffer, it would have squeezed the massing of the, of any new structure in a difficult way.

CONSTANTINE ALEXANDER: Yeah.

CAMPBELL ELLSWORTH: Obviously there's an historical use of parking there. And in fact this, this building just to the right, which is 152 Pearl, also has a driveway. You may -- if you -- so my driveway is to the right tight against my property line, their driveway is to the left tight against theirs also at a zero.

CONSTANTINE ALEXANDER: Okay, but the point is that the idea of no five-foot buffer has been historically the case on that property?

CAMPBELL ELLSWORTH: That's correct.

CONSTANTINE ALEXANDER: Before with the old structure to the extent that driveway was ever used they have no buffer.

CAMPBELL ELLSWORTH: That's correct.

CONSTANTINE ALEXANDER: You're not looking for new

relief, you basically just want to continue what was there before.

CAMPBELL ELLSWORTH: I do want to continue what was there before. But the fact that I'm demolishing the house and building something new --

CONSTANTINE ALEXANDER: Understood.

CAMPBELL ELLSWORTH: The second aspect of relief I'm looking for is I would like to be able to park tandem in the driveway because it's a much better use of the space. Interestingly I can, you may have seen -- sorry. So there's this drawing somewhere in your set. So here's Pearl Street. That's the tandem configuration. I can park, without being tandem, but you can see that that would actually eat up an enormous amount of the rear yard. Even with that odd configuration, I can still satisfy open space. So it's not as if I would fail the open space requirement with that.

CONSTANTINE ALEXANDER: But you're not -- you're seeking relief. If we allow tandem parking, you're not in

the future going to use the backyard to park --

CAMPBELL ELLSWORTH: Oh, more cars? No.

CONSTANTINE ALEXANDER: Or to the extent that you find that it's a pain in the butt to have tandem parking there, you're not going to have an idea of well, let's move it to the backyard?

CAMPBELL ELLSWORTH: That's certainly not the intention. I think the tandem parking will work.

NATALIA BARD: We can redesign the deck actually and it wouldn't be possible to --

CONSTANTINE ALEXANDER: Well, I think -- I'm sorry. Any relief we're going to grant, would be tied to those plans.

CAMPBELL ELLSWORTH: That's correct.

CONSTANTINE ALEXANDER: So if you did want to put it in the backyard, we'll see you again.

CAMPBELL ELLSWORTH: Right, okay. Good. Sure.

That's basically it. It's interesting that I

need -- as sort of hierarchy of these two Special Permits, I need the five-foot relief first to then be able to obviously park tandem. So that's all I got.

BRENDAN SULLIVAN: Campbell, the common space between the houses, your driveway, their driveway, it will not be encumbered by a fence or anything? So it would be the intent is to leave it sort of open?

CAMPBELL ELLSWORTH: There is a fence there now.

CONSTANTINE ALEXANDER: There's a fence now, yes.

CAMPBELL ELLSWORTH: There's a fence now.

Interestingly I just had today a conversation with one of the owners, the woman who created the condominiums in 152, her name is Diane Haas. She's got -- there's a letter of recommendation or support from her. She is sort of the representative of all the owners in that -- and she was all throughout the Historical Commission process. And they being our closest abutters, or at least on this side, they had some concerns. And they -- their main concern is

working out screening and vegetation, there are a couple of larger trees that they'd like to maintain, these guys liked that, and so I told her I would be happy to --

CONSTANTINE ALEXANDER: Well, I think to Mr. Sullivan's question, though, you're planning to have some sort of barrier or separation?

CAMPBELL ELLSWORTH: I think there would be some --

CONSTANTINE ALEXANDER: Be it plantings or a fence or something of that --

CAMPBELL ELLSWORTH: -- between the two. There is now, it's worked for both. Strangely enough there is right -- well, you can see it on this drawing. There's a telephone pole right almost on the property line right there. So it's, it's establishing --

BRENDAN SULLIVAN: It's a DMZ in a sense I guess.

CAMPBELL ELLSWORTH: Right, right. So our intention, we have young children, we would probably have

some sort of fence around this.

BRENDAN SULLIVAN: Okay.

JANET GREEN: That's a good idea.

CONSTANTINE ALEXANDER: Any questions from members of the board at this point?

ANDREA HICKEY: I had a question about the historical use of the driveway. Has it been used as tandem to your knowledge?

CAMPBELL ELLSWORTH: Yes. The building that is currently there, I don't -- I actually do have a picture and you have photos in your file, but it's a two-family now. And that is the only driveway. It was owned by a very interesting gal, Kathy Podgers far and wide in the city, and I know that at some point she had a number of cars. I mean to the --

CONSTANTINE ALEXANDER: Unregistered cars.

CAMPBELL ELLSWORTH: Yeah, to the concern of --

CONSTANTINE ALEXANDER: And there were some zoning

issues around that.

CAMPBELL ELLSWORTH: -- the neighbors. There were a lot of things. She was an independent spirit. And so it's my understanding that they would have used that for a number of cars, that's correct.

CONSTANTINE ALEXANDER: Other questions?

JANET GREEN: I'm good.

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

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

(No Response.)

CONSTANTINE ALEXANDER: Apparently not. As Mr. --

CAMPBELL ELLSWORTH: I do have one abutter who wanted to speak in support.

CONSTANTINE ALEXANDER: I asked him if he wanted to speak --

CAMPBELL ELLSWORTH: Oh, okay.

CONSTANTINE ALEXANDER: -- and I didn't hear anything.

FROM THE AUDIENCE: (Inaudible).

CONSTANTINE ALEXANDER: Well come a little closer first and start with your name and address to the stenographer.

MIKHAAIL SYTTCHOV: Mikhaail, M-I-K-H-A-A-I-L Syttchov, S-Y-T-T-C-H-O-V.

On the proposal what did Mr. Campbell I completely support it because house, existing house is very old and has a lot of problem. If they want to build a new house, it's of course better to have driveway there. My house is right here and this way is my way out and you see how narrow this space. And these people move the car there. I have no exit here but this place is much more wider.

CONSTANTINE ALEXANDER: Are you -- do you think you're going to be able to access the street from Mr. Ellsworth's property.

MIKHAAIL SYTTCHOV: No, not from him. I'm talking about 152.

CONSTANTINE ALEXANDER: Yes, I know. The question is whether we have --

MIKHAAIL SYTTCHOV: From this I don't have a question. I support it.

CONSTANTINE ALEXANDER: Okay.

MIKHAAIL SYTTCHOV: And I ask you to support it, too.

CONSTANTINE ALEXANDER: Okay, thank you for taking the time to come down.

MIKHAAIL SYTTCHOV: Thank you.

CAMPBELL ELLSWORTH: Thank you.

CONSTANTINE ALEXANDER: Anyone else wishes to be heard?

(No Response.)

CONSTANTINE ALEXANDER: Apparently not. We are, as I said before, we are in receipt of some correspondence.

We have a letter provided to us by Mr. Ellsworth from Diane Haas, H-A-A-S who is -- who resides at 152 Pearl Street.

(Reading) I spoke to Campbell Ellsworth at lengths this morning and I am in favor of granting him the two Special Permits he is requesting for his project at 146-148 Pearl Street. He will be living in one of the units and has promised to work with the five abutters at 152 Pearl Street re: Screening, saving trees on the property line, etcetera. This project is a huge improvement over what we have dealt with on that lot for many years. It will also be a huge improvement over by what Mr. Ellsworth can do by right if he doesn't receive these Special Permits.

We have a letter from Chris and Mary Walsh who reside at 24 Decatur Street. (Reading) We write to express our support for Campbell Ellsworth and Natalia Bard's request for two Special Permits at 146-148 Pearl Street which is right around the corner from us at 24 Decatur Street. The request will enable them to use narrow space on

one side of their new home as a driveway for two cars.

Given that we have a very similar driveway of our own at 24 Decatur, that their space has been used this way for as long as we can remember and that it will mean two less cars parked on the already crowded Pearl Street, we wholeheartedly endorse this Special Permit request.

A letter from Bill Boehm, B-O-E-H-M, 18 Laurel (sic) Street. (Reading) I am writing in support of the relief being sought. I previously supported this project to be approved by the Historic Commission and am pleased that they have agreed to lift the demolition delay where zoning issues are resolved. I believe the requested Special Permit, parking within the side yard and tandem parking, are very reasonable requests and would not in any way be detrimental to the neighborhood. To enforce the parking regulations in this case would only take away valuable open space and vegetation.

And almost last but not least we have a letter

from Andrew and Margaret Farrar, F-A-R-R-A-R, who reside at Four Lawrence Street. (Reading) Andrew and Margaret Farrar have no objection, and in fact strongly support the application of Campbell Ellsworth and Natalia Bard for two Special Permits being requested regarding the driveway and parking at 146-148 Pearl Street. We believe that their engagement with our community, as well as their innovative and thoughtful house design, made possible by the approval of these two Special Permits will be strong additions to our neighborhood.

And last a letter from Tina Goldsmith who resides at 144 Pearl Street. (Reading) I am writing, I am writing -- oh, it's a typo. I am writing in to support -- I am writing in support of the two Special Permits being requested at 146-148 Pearl Street property, specifically if the two new owner are not permitted to park in a tandem configuration, that at least one of their two required cars will have to go in the back of their proposed structure

which would face our front door. Rather than walking out of our front door to our present garden and the backyard space, which the owners intend to keep, our first sight would be a parking lot and a parked car. And that's it.

I'm going to close public testimony.

Any final words?

CAMPBELL ELLSWORTH: Just to point out, that last letter is from a woman who lives directly --

CONSTANTINE ALEXANDER: On the side.

CAMPBELL ELLSWORTH: -- abutter in this one, but there's an entrance, her entrance is in the back and she looks directly out on our backyard.

And the second to last which Andy and Margaret Farrar, they live across the street almost as if -- this is their perspective from their house.

NATALIA BARD: Diagonal.

CAMPBELL ELLSWORTH: Diagonal, right. And Diane Haas was here. So we've sort of got support all around us.

CONSTANTINE ALEXANDER: Gotcha.

Okay, discussion from members of the board or ready for a vote?

ANDREA HICKEY: Ready.

JANET GREEN: Ready.

CONSTANTINE ALEXANDER: We're ready for a vote.

Okay, I would take each of the Special Permits, the first being a request for a Special Permit to eliminate the required five-foot buffer for the driveway.

The Chair moves that we make the following findings:

That the requirements of the Ordinance cannot be met without zoning relief of the Special Permit being sought.

That traffic generated or patterns of access or egress will not cause congestion, hazard, or substantial change in established neighborhood character. In fact, the driveway that is in the current property is also at the same

location, i.e., less than five feet from the lot line.

That the continued operation or development of adjacent uses will not be adversely affected by the nature of the proposed use. In this regard the Chair would note that we have letters from those abutters that would be affected and they have no objection.

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

And that the proposed use will not impair the integrity of the district or adjoining district or otherwise derogate from the intent and purpose of this Ordinance. In this regard the Chair would note that granting the Special Permit will allow parking on-site which in turn will minimize the impact of parking on the street which apparently is a concern in this neighborhood.

So on the basis of these findings, the Chair moves that we grant the Special Permit with regard to the

five-foot buffer on the condition that the work proceed in accordance with plans submitted by Ellsworth Associates.

What's the date here? Dated October 11, 2016, and initialled by the Chair.

All those in favor please say "Aye."

(Aye.)

CONSTANTINE ALEXANDER: Five in favor. Special Permit is granted.

(Alexander, Sullivan, Green, Hickey, Best.)

CONSTANTINE ALEXANDER: Next we'll take up the Special Permit for the tandem parking.

The Chair moves that we make the following findings with regard to the relief being sought:

That the requirements of the Ordinance cannot be met without the Special Permit.

That traffic generated or patterns of access or egress will not cause congestion, hazard, or substantial change in established neighborhood character. In fact,

currently there is -- well, the prior occupant of the property has the ability to do tandem parking, and tandem parking is currently involved in the abutting property most affected by what is being proposed.

That the continued operation or development of adjacent uses will not be adversely affected by what is proposed. In this regard, again, we have those letters from the owners or occupants of adjacent uses and they are in support.

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

And that finally the proposed or what is being proposed will not impair the integrity of the district or adjoining district or otherwise derogate the intent and purpose of this Ordinance. In this regard, again, the Chair would note that allowing tandem parking here will remove the necessary on-street parking in a densely -- in an area that

has parking issues to start with.

So on the basis of these findings, the Chair moves that we grant the relief being sought on the condition that the work proceed in accordance with the plans previously referred to in the first Special Permit. And on the further condition that the tandem parking will stop at the -- will not extend into the backyard and will be as set forth in these plans.

If you want to do that in the future, you have to come back before us.

All those in favor please say "Aye."

(Aye.)

CONSTANTINE ALEXANDER: Five in favor.

(Alexander, Sullivan, Green, Hickey, Best.)

CAMPBELL ELLSWORTH: Thank you very much.

* * * * *

(9:50 p.m.)

(Sitting Members Case BZA-011713-2016: Constantine Alexander, Brendan Sullivan, Janet Green, Andrea A. Hickey, George S. Best.)

CONSTANTINE ALEXANDER: Last but not least the Chair will call case No. 011713, 6 Thingvalla Avenue.

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

LYNN OSBORN: Yes.

CONSTANTINE ALEXANDER: Please give your name and address.

LYNN OSBORN: My name is Lynn Osborn and I live at 22 Emerson Street in Brookline, Mass. I'm the architect.

CHRISTOPHER TIPPER: And I'm Christopher Tipper. I live at 6 Thingvalla Avenue in Cambridge.

CONSTANTINE ALEXANDER: I've got a question for

you at the outset. Where did they get this name Thingvalla from?

CHRISTOPHER TIPPER: I have the most amazing story. So there was a gentleman from Harvard back in the 19th century who made a lot of money and retired, was convinced that Leif Erikson sailed up the Charles and founded a Viking colony in Cambridge and also further upstream. And he did some diggings by Mount Auburn Hospital, there's actually a plaque that he put there saying that Leif Erikson's house is nearby. He also commissioned an enormous statue on Comm. Ave. in Boston. It's at the very end, at the last exit before you get to Kenmore Square. And then he determined that the Vikings met. So the Thingvalla dips down a little bit. So the Vikings met to decide stuff on our street. So in honor of that the City named our street Thingvalla because that's where in Iceland that's the House of Parliament and things like that.

Did you -- and then the streets around it are

named are Norman, Ericsson. There's also Norm Vaga is the name of the mythical city. And so anyway it's a lot --

CONSTANTINE ALEXANDER: That's really an interesting area of the city at least in terms of the naming. I'm sorry, it's not relevant to the zoning but I had to ask.

CHRISTOPHER TIPPER: And the funny thing is I always have to spell it, and even when I spell it, I have to put it in context which is hard. Like, so, yeah.

LYNN OSBORN: It's just unusual.

CONSTANTINE ALEXANDER: Okay, the floor is yours.

LYNN OSBORN: Okay, well, I'm just going to describe a little bit about the design. This was, you know, it's an old neighborhood and this is an old house.

What was the date of the house?

CHRISTOPHER TIPPER: 1880-ish.

LYNN OSBORN: 1880. A very small house on a nice sized lot in a wonderful neighborhood of families. My

clients bought it and it needs a lot of TLC. They've done some work to it in terms of a kitchen and are very into the gardening in the backyard and everything. They hired me to design an addition. There's a terrible existing sunroom on the back. It was probably built in the 1970s. It's just full of junk like everybody's sunroom. And they wanted to do an addition in the back that was gonna be another bedroom on the second floor and a family room on the first floor open into their yard which they use a lot. And I, even though I've been doing this work for 30 years, I said that's great, and I'm going to find out the FAR and the setbacks and the open space and the parking was all set. And I'll work within those and design a space that will work for those uses. And then I said -- after I got partially done, I said I better go check just in case there's some reason the -- it doesn't comply or it's not -- you don't want to get a builder all lined up to go in and get the Building Permit. And then I found out that there's this subparagraph

that if you're doing an addition that's over a certain percentage of the original house, if the original house is non-conforming, you've got to go through this process. So, the original house, the main house is set very close to one side. It has a very generous amount on the other side and it -- and the main house was six-and-a-half feet, not seven-and-a-half feet. It was close but not worth tearing the house down and building a big house. So anyway, we have, you know, applied for this Variance because we believe the hardship is the fact that the house was sort of in a quirky way, you know, offset on the lot. And that it's certainly the design is in keeping with the scale of the neighborhood, which was important, and will barely be visible from the street and not impact the neighborhood in any way.

CONSTANTINE ALEXANDER: Well, in fact what you're doing is building a conforming addition to a non-conforming structure?

LYNN OSBORN: Exactly.

CONSTANTINE ALEXANDER: You're not increasing the extent to the non-conformity.

LYNN OSBORN: No, I'm doing the opposite.

CHRISTOPHER TIPPER: Yes.

LYNN OSBORN: And Christopher's, you know, reached out to the neighbors. It's a very --

CONSTANTINE ALEXANDER: We have some letters of support which I'll read in a second into the file.

LYNN OSBORN: Yeah.

Is there anything you need to add about the process?

CONSTANTINE ALEXANDER: What's the purpose of the addition? Why are you doing it?

CHRISTOPHER TIPPER: It's a small house. We have -- I now have a teenager and another child who is ten-years-old. And, you know, if I had to say the thing that we lack the most is, is we just need to --

CONSTANTINE ALEXANDER: Say again?

CHRISTOPHER TIPPER: A guest room, a place for the teens to hang out. Over Halloween my son had his friends over and it was our first awkward teen party and they had nowhere to go. And so it's just a little bit more room. And oh, and just the other thing is that we have an amazing backyard, but the way the house is situated right now, we have no connection to it. And we just want windows. And it's our only southern exposure. And it's also just to make things better for us all.

LYNN OSBORN: Each room is very small. The bedrooms are ten-by-ten. The living room I was just checking is about 12-by-14 and that's the biggest room. And that's kind of small. You know, things just barely fit in there.

CONSTANTINE ALEXANDER: I'm just looking to see what the current size of the house is.

LYNN OSBORN: The current size is I think 1300

square feet. So the size of a two-bedroom apartment.

CONSTANTINE ALEXANDER: That's right.

LYNN OSBORN: Excuse me, existing total is 1450.

CONSTANTINE ALEXANDER: Same thing.

LYNN OSBORN: Yeah, some condominium apartments are 2,000 minimum. So we're certainly not building a McMansion or changing this into that.

CONSTANTINE ALEXANDER: Questions from members of the board?

(No Response.)

CONSTANTINE ALEXANDER: I would open the matter up to public testimony, unless John has something to say.

JOHN HAWKINSON: No, thank you, Mr. Chair.

CONSTANTINE ALEXANDER: We do have letters, however, that we do want to quickly read into the record.

One is from a Judith Taylor. (Reading) I am contacting you to inform you that I support -- it's actually -- well, to inform you that I support the Variance

for 6 Thingvalla Avenue. Ms. Simkin and Mr. Tipper and their two wonderful kids and dog are hoping that the City will allow an addition to the back of their present home. My understanding is that the addition is the same footprint as their current three season porch. The addition is quite modest in size and will add to property values on our street. I do own 21-23 Thingvalla Ave. just across the street from No. 6. I do hope that my wonderful neighbors are allowed to build this addition to their home.

We have a letter from Bruce Irving who resides at 32 Cushing Street. (Reading) Shona and Christopher's lot is caddy-corner to mine and I look directly into their backyard from my rear deck. I write in strong support of their proposed addition. I find it tasteful and know that it will be useful to their family of four. Also from the perspective of my role as vice chair of the Cambridge Historical Commission, I find it appropriate to both the existing structure and the neighborhood as a whole.

And last there's a letter from Ingrid Nowak,
N-O-W-A-K who resides at 11 Thingvalla Avenue. She
identifies herself as a very satisfied neighbor. (Reading)
I am writing in support of the renovation plans submitted by
Chris Tipper and Shona Simkin of 6 Thingvalla Avenue. Their
BZA hearing is tonight, which is tonight. Since moving to
this address several years ago, the Tipper/Simkin family has
consistently improved their property in a low impact manner.
They cleared the interior of longstanding potentially hazard
materials and created a clean, safe environment. They
maintain their grounds very well, keeping current with
seasonal needs such as snow removal as well as creating a
pleasant landscape for their neighbors. They are committed
to the neighborhood and approach improvements in a way to
create the least disturbance to their neighbors and
surrounding properties. I have viewed their renovation
plans and strongly urge you to give them positive
consideration.

And that's it. Nice letters in support. You should be flattered.

LYNN OSBORN: I did forget to mention that -- I know once you approve these, we're sort of stuck with this design.

CONSTANTINE ALEXANDER: Right.

LYNN OSBORN: And there is a possibility that this wood stove they're changing from one side of the house to this new family room and have the existing pieces to make it go up the side on the outside versus on the inside. Might be --

CONSTANTINE ALEXANDER: The plans show it on the outside now?

LYNN OSBORN: The plans show it, the plans show it coming out the roof and going through the interior. Interior and popping out the roof. That's the way I originally drew it in there. And they are thinking that, you know, might be more practical and less expensive if they

used all the existing pieces of chimney that they already own and install it this way. I brought copies of this. And I didn't know if that's the sort of thing that if we get permission to do this and then we say oh, we really --

CONSTANTINE ALEXANDER: I'll take care of that in my motion.

LYNN OSBORN: Good. Thank you.

CONSTANTINE ALEXANDER: That's all, just the --

LYNN OSBORN: Just the chimney being on the outside instead of the inside. It's a, you know, stainless steel chimney thing.

CONSTANTINE ALEXANDER: Okay.

Ready for a vote?

JANET GREEN: I'm ready.

CONSTANTINE ALEXANDER: I'm ready for a vote.

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

That a literal enforcement of the provisions of

the Ordinance would involve a substantial hardship to the petitioner. Such hardship being, and not just to this petitioner, but any occupant of the structure, that the house is undersized in terms of -- undersized and -- it's undersized, and for a family of any size you need additional living space.

That the hardship is owing to the fact that if this is a non-conforming structure, so any modification requires zoning relief.

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

In this regard the Chair would note that this project has unanimous neighborhood support, and -- well, unanimous neighborhood support including unofficial -- no, I'll stop there. Unanimous support.

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

the work proceed in accordance with plans initialled by the Chair prepared by Osborn Studio Plus.

And to the extent that the petitioner wishes to do so, they can modify those plans to conform to have an exterior chimney on plans also initialled by the Chair. So you have the option going both ways.

LYNN OSBORN: Okay, great.

CONSTANTINE ALEXANDER: Without having to come back. Any other modifications, though, would require you coming back to our Board.

LYNN OSBORN: I understand.

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

(Aye.)

CONSTANTINE ALEXANDER: Five in favor. Relief granted. Good luck.

(Alexander, Sullivan, Green, Hickey, Best.)

* * * * *

(10:00 p.m.)

(Sitting Members Case 119 Pleasant Street: Constantine Alexander, Brendan Sullivan, Janet Green, Andrea A. Hickey, George S. Best.)

CONSTANTINE ALEXANDER: The Chair would report to the Board that we have a request for an extension of time of expiration with regard to a previously granted Variance. The location is 119 Pleasant Street. The petitioner is Matthew Picket and Ann Bandes, B-A-N-D-E-S. They were grand a Variance on December 22, 2015. They now request an extension.

I think there's a letter. I'm going to summarize

the letter. Basically they need more time to negotiate with the contractor. And so they do need an extension.

The Chair moves that we grant the six-month extension requested.

All those in favor?

(Aye.)

CONSTANTINE ALEXANDER: Five in favor. Extension granted.

(Alexander, Sullivan, Green, Hickey, Best.)

(Whereupon, at 10:05 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.

C E R T I F I C A T E

COMMONWEALTH OF MASSACHUSETTS
BRISTOL, SS.

I, Catherine Lawson Zelinski, a Certified
Shorthand Reporter, the undersigned Notary Public, certify:

That the hearing herein before set forth is a true and
accurate record of the proceedings.

IN WITNESS WHEREOF, I have hereunto set my hand
this 1st day of December, 2016.

Catherine L. Zelinski
Notary Public
Certified Shorthand Reporter
License No. 147703

My Commission Expires:
April 29, 2022

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