

BOARD OF ZONING APPEAL  
FOR THE  
CITY OF CAMBRIDGE

GENERAL HEARING

THURSDAY, JANUARY 09, 2020

7:00 p.m.

In

Senior Center

806 Massachusetts Avenue

First Floor

Cambridge, Massachusetts 02139

Brendan Sullivan, Vice Chair

Andrea A. Hickey

Jim Monteverde

Laura Wernick

Slater W. Anderson

City Employees

Sisia Daglian, Assistant Building Commissioner

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3 (7:00 p.m.)

4 Sitting Members: Brendan Sullivan, Andrea A. Hickey,  
5 Jim Monteverde, Laura Wernick, and Slater  
6 W. Anderson

7 BRENDAN SULLIVAN: Let me open up the meeting of  
8 the Board of Zoning Appeals for Thursday, January 9, 2020.  
9 I'd like to make a couple of statements first.

10 After notifying the Chair, any person may make a  
11 video or audio recording of our open sessions, or may  
12 transmit the meeting through any media, subject to  
13 reasonable requirements that the Chair may impose as to the  
14 number, placement and operation of equipment used, so as not  
15 to interfere with the conduct of the meeting.

16 At the beginning of the meeting, the Chair will  
17 inform other attendees at that meeting that a recording is  
18 being made.

19 Let me inform everybody that there are two  
20 recordings are being made, one by the stenographer and  
21 helping her to prepare minutes of the meeting, and one by a  
22 second is by a citizen of the city.

1           The second statement is if anybody is going to  
2 speak, we ask that you speak clearly, that you give us your  
3 name, clearly spell your last name for the record, it makes  
4 it much more easier, less difficult for the stenographer to  
5 make an accurate minutes of the meeting. Thank you. Mr.  
6 Wiggins?

7           MICHAEL WIGGINS: Good evening, Mr. Chairman.  
8 It's Michael Wiggins from the Law Firm of Weston and  
9 Patrick, and I'm here tonight with my clients, Brent  
10 Reynolds -- R-e-y-n-o-l-d-s and Sarah Kelley, that's K-e-l-  
11 l-e-y, and the architect Claudia Noury-Ello, which is N-o-u-  
12 r-e-l-l-o (sic).

13           And what we're here tonight for is to obtain a special  
14 permit. One or more of you may have been here earlier when  
15 we started out with a variance back in the fall.

16           But we've discovered since then that the Supreme  
17 Court case, the Velazco case in Brookline authorizes a  
18 special permit to extend existing, nonconforming. In other  
19 words, the 25 percent rule has been sort of superseded by  
20 that statute, or that interpretation of Chapter 40A, Section  
21 6.

22           So what we're looking for tonight is to extend the

1 addition -- a very small addition in the scheme of things --  
2 to the existing dwelling, which will remain within the  
3 nonconforming lines. When I say, "small" it remains after  
4 the addition at only 36 percent of FAR.

5 And it's a two-story addition, deliberately reduced in  
6 ceiling height, and also, without a peaked roof, in order to  
7 lessen the profile, both in the neighborhood and for the  
8 abutting house directly in front of it, to protect the  
9 sunlight to the extent possible.

10 I'd like to just walk through briefly the lines of  
11 this subdivision, because there has been an objection raised  
12 that we don't have the right setbacks. So let me just start  
13 here by showing you the line of the lots.

14 This my client's lot, which comes up at Washington  
15 Avenue, comes about 80 -- 73 plus 80 is about 81 feet back  
16 to the front door. And then it goes in both directions this  
17 way.

18 It goes all the way over to the far side of what  
19 you see on here is a driveway. And this was a subdivision  
20 that was created back in 1940. The abutter to the rear was  
21 also the abutter to that subdivision. There was a larger  
22 lot here.

1           And this -- at the front this shows the existing  
2 conditions, the house that's here now -- that rather large  
3 decks that were projected at the sideline, because they're  
4 too high.

5           And this was the -- or, this is the retaining  
6 walls and the walls in the back. So it -- what is being  
7 proposed is an addition that's set -- as you can see, it  
8 stays within the setbacks. It was about a couple of feet  
9 too close to the rear line. This stays within that.

10           And the same thing here -- too close to the front,  
11 but stays set back from it, so that -- and then you can see  
12 that we stayed 20 feet back from the lot line.

13           So our lot goes all the way over to next to 101  
14 Washington, and then comes here along the 101 Washington at  
15 the rear.

16           So there's been an objection raised, and the  
17 objection is, "Well, you're on a street here. Therefore,  
18 you have to be 20 feet back from the street."

19           And this raises a debate. And you have to go to  
20 the ordinance I think, to look at what a street is defined  
21 as. It's either a public way, or a private way open to the  
22 public. Those words are really important. Because when

1 this subdivision was set up, these lots were set up so that  
2 89 Washington, for example, would go all the way across.

3 And if there had been an interpretation back then  
4 that it had to be set back 20 feet from the lot line, and  
5 this were determined to be the lot line, you could not build  
6 on that lot. And of course, they did build on that lot.  
7 There's no record of a variance being necessary.

8 So the subdivision created these lots, and  
9 provided right of way for the rear. And interestingly  
10 enough, the rear owner had to get special permission when  
11 they wanted to develop their lot. They needed a variance  
12 from the rear yard setback -- this is 1940 -- and I have a  
13 copy that I would like to present to you of that variance.

14 You'll notice if you scroll down through that,  
15 they were required to obtain a right of way as a condition  
16 of being able to build back here. Now, that right of way  
17 had to be over someone else's land at the time. It  
18 certainly was not open to the public. It was there for the  
19 sole use of the owner back here at 91 Washington, and that's  
20 the way it's been until now.

21 And if you observe what is there, there's another  
22 road that's 20 feet wide. It's a pretty narrow road. And

1 it admits one vehicle coming up, then parking and then  
2 backing out. But that's been that way all the time. It's  
3 not available to the public.

4 In fact, there is no garbage collection. It's  
5 sort of -- everybody has to bring their garbage down to the  
6 street, Washington Avenue. There is no snow shoveling. You  
7 won't find out here what you'll find at other places in  
8 Cambridge, where there's private ways. There'll be a sign  
9 there. "Private Way" could be "Reynold's Way," "Hoffman  
10 Way," whatever. There's nothing there. You just go out the  
11 driveway.

12 And --

13 BRENDAN SULLIVAN: Who maintains that?

14 MICHAEL WIGGINS: The abutters. In other words,  
15 when they have to shovel snow, they have to hire a private  
16 contractor.

17 I think it's important to distinguish the way this  
18 lot played out. And if you look at the deeds for these  
19 properties, the deeds do not say, "bounded by a private  
20 way." They just say, "Here's my lot, this way," and "Here's  
21 my lot this way." There's no mention in those deeds of any  
22 public way, or bounded on a way.

1           Now, some -- if you go around Cambridge and look  
2 at private ways, you'll see a cul-de-sac with properties on  
3 both sides.

4           But if you look at their lot descriptions,  
5 they say, "bounded by a private way." And some of them, even  
6 the lot description would -- if this were the case, if this  
7 were the lot description -- would just recite this distance.  
8 So right here, "bounded by a private way" wouldn't recite  
9 the distance all the way across.

10           So this is really a semi-generous subdivision if  
11 you will. And in no way, shape or form can it be considered  
12 a street. So our position here has been that we comply  
13 pretty much with everything here, all the requirements.

14           And I'd like to just put that aside for a second  
15 and go on to the standards for a special permit, because  
16 there is -- there are several things we have to show. We  
17 have to prove to you there's no public detriment from this  
18 addition.

19           And with respect to that, I would address traffic  
20 first, by telling you that there will be zero impact on  
21 traffic in the neighborhood, since there's no additional  
22 bars.

1           It's the same family here that's always been, they  
2 have one car. The property to the rear has one car that  
3 comes up and down the road. So no adverse effect on  
4 Washington Avenue. It's the same as it always has been,  
5 with zero effect there.

6           The second thing we need to satisfy you with is  
7 we're not adversely impacting the character of the  
8 neighborhood. And in that regard, I would note that in your  
9 record, you have the unanimous ruling of the Avon Hill  
10 Conservation District Commission, finding this appropriate.

11           In fact, a specific finding that I quote from this  
12 is -- "We found that this addition is not incongruous to the  
13 historical aspects or architectural character of the  
14 neighborhood."

15           And they went on to say that it's minimally  
16 visible from a public street, and there's a reason for that.  
17 This addition is directly behind the property at 89  
18 Washington Avenue, and someone coming up and down the street  
19 -- you have this house here, this house here.

20           And then if you really look hard and looked around  
21 the court, you could see -- you could notice that something  
22 is existing, back or it has been built back there. But it's

1 minimally visible.

2 I'd also go back to the fact that this is a  
3 minimal addition, given that my client's architect has been  
4 very conscious about keeping the height as low as possible,  
5 so as not to adversely impact the folks at 89 Washington  
6 Street.

7 With respect to whether the adjacent uses are  
8 affected at all, if you look first at 91 Washington Avenue,  
9 which is to the rear, I'd like to hand you first of all a  
10 picture -- this is on the assessor's panel. Do you have an  
11 enlarged picture there?

12 This is the assessor's map, the assessor's photo  
13 of 91 Washington at the end of the road. And as you can see  
14 from looking at this, what you're looking at is sort of the  
15 end of the house; is the door there. There's maybe --  
16 there's a window over the carport, and then there are a  
17 couple of side windows off to the left.

18 The principle orientation of the building at 91  
19 Washington Street is not in the direction of my client's  
20 property. It is oriented to the east, into a garden, and  
21 after the -- excuse me, I'm just going to pull up another  
22 picture here.

1           After the leaves finally came off the eaves, which  
2 seems to be getting later and later now, this is a picture  
3 I'd like to show you of the back yard of the neighbor's  
4 property, which is oriented toward the east. And as you can  
5 see, this house was built to look towards the east. It's  
6 basically stem to stern windows, looking in that direction.

7           That does not look at my client's property, except  
8 maybe the yard at the far end of my client's property, which  
9 is now going to be -- the decks are going to be a relief.  
10 So if anything, the view, the major view in my client's  
11 direction, will be improved by this. So I think that's an  
12 important thing to note.

13           There's also a question about whether the views  
14 from the neighbor at 101 Washington Street would be  
15 affected, and what I'd like to show you here, and put it in  
16 the record, is a copy looking toward that neighbor, from the  
17 area where the addition will be. And you can see that  
18 they're pretty much well screened now, already.

19           But notwithstanding that, we've gone to some extra  
20 lengths to actually had a landscape design prepared by a  
21 landscape architect. Would you just pick that up?

22           BRENDAN SULLIVAN: This is a plan in which the

1 addition is shown. And this is where the carport's going to  
2 be here. We have applied for the setback as required under  
3 special permit. There is an existing sort of trunk of a  
4 tree on our property, which has no branches anymore, it's  
5 basically a dead tree with vines on it. It will have to be  
6 replaced, but we're certainly willing to put robust  
7 plantings here.

8           This is a -- this is the sample planting of an  
9 Armstrong tree, which is a fast-growing oak tree -- I'm  
10 sorry maple tree, which the architect thought would dovetail  
11 with the Japanese maples that are already there.

12           And over on this side, there's existing bushes,  
13 that separate the property from 101. And the proposal is  
14 that we would add more bushes if the neighborhood wants  
15 that. They can grow up to eight or 10 feet high, depending  
16 on what species would be desired.

17           So I think that's my way of explaining that my  
18 clients are -- do want to mitigate as much as possible, and  
19 that I think that the interference with the adjacent uses is  
20 minimal.

21           So I think that's about -- in sum, what we're  
22 looking to do. We're certainly willing to meet with the

1 neighbors and work out something with the Board, if you  
2 think that any further landscaping is due.

3 I know that there is some disagreement with the  
4 appearance of the addition, but I respectfully submit that  
5 that's an aesthetical concern, and really should not be  
6 something that the Board should be focusing on in deciding  
7 whether or not to permit the special permit.

8 BRENDAN SULLIVAN: Have you met with the neighbors  
9 at all?

10 MICHAEL WIGGINS: I have talked with their  
11 counsel, and I did submit to -- you know, this landscape  
12 plan a couple of days ago, but I understand we haven't  
13 gotten a specific respond about this plan at this point. I  
14 think we have a very strong disagreement about the setback.

15 BRENDAN SULLIVAN: Well, I was going to say it's  
16 more than just plantings, then, is where there was a  
17 disagreement. Is that --

18 MICHAEL WIGGINS: Right. I mean, I know the  
19 people have asked, "Can you build something else?" And we've  
20 gone to great lengths in designing it.

21 BRENDAN SULLIVAN: And the purpose of the  
22 addition?

1           MICHAEL WIGGINS: The purpose of the addition is  
2 simply to afford more living space to this family. My  
3 clients have two small children, and they're sort of cheek  
4 to jowl in the existing house, which is only about 1,000  
5 square feet.

6           BRENDAN SULLIVAN: Okay.

7           MICHAEL WIGGINS: As I said earlier, they could  
8 conceivably add another, you know, another story on top of  
9 the addition, because they're only using 36 percent of their  
10 yard. But they've consciously decided to reduce it to just  
11 do what they need.

12          BRENDAN SULLIVAN: Okay. And the only reason  
13 you're here is because it's a nonconforming structure, and  
14 you're adding to a nonconforming structure?

15          MICHAEL WIGGINS: That's correct.

16          BRENDAN SULLIVAN: Okay. Okay. End of  
17 presentation, initial?

18          MICHAEL WIGGINS: Yes.

19          BRENDAN SULLIVAN: Okay, any --

20          MICHAEL WIGGINS: Certainly, we can answer any  
21 questions.

22          BRENDAN SULLIVAN: Yeah, any questions by the

1 Board at all?

2 JIM MONTEVERDE: Two quick ones. Last time we  
3 were here, there was a question -- and maybe different  
4 circumstances, but there was a parking space against the  
5 fence, and if I'm reading this survey drawing correctly,  
6 there's a five-foot dimension that used to be the -- right,  
7 it is an eight-and-a-half-foot dimension, which is the  
8 parking slot, correct?

9 THE REPORTER: I'm sorry, could you just state  
10 your name?

11 BRENDAN SULLIVAN: If you could identify yourself  
12 for us. Spell your last name.

13 CLAUDIA NOURY-ELLO: Claudia Noury-Ello, spelled  
14 "N-o-u-r-y hyphen -e-l-l-o", the architect. So since the  
15 last hearing, we did --

16 JIM MONTEVERDE: So you took care of -- that's --

17 CLAUDIA NOURY-ELLO: We took care of it, and  
18 that's --

19 JIM MONTEVERDE: You took care of it?

20 CLAUDIA NOURY-ELLO: And that's what's accurately  
21 represented there, is the --

22 JIM MONTEVERDE: That's good, thank you. And then

1 just one question, and I'm positive I had the same question  
2 before. If you go back to the survey drawing, the copy I  
3 have has a red line that kind of clips through the edge of  
4 the house and runs through, and it's not identified as to  
5 what is it? What is it defining?

6 CLAUDIA NOURY-ELLO: Buildable area, where the --  
7 so you can see the buildable area is that dotted line saying,  
8 "If I go by all the compliance setbacks, that's where you  
9 can build." And so, that shows the existing, nonconforming  
10 at the rear.

11 JIM MONTEVERDE: And then it shows the proposed  
12 addition being outside of that --

13 CLAUDIA NOURY-ELLO: Correct.

14 JIM MONTEVERDE: -- buildable area?

15 CLAUDIA NOURY-ELLO: Correct. Do I need the  
16 microphone?

17 JIM MONTEVERDE: Yeah, please.

18 CLAUDIA NOURY-ELLO: I had problems last time,  
19 much better. So see how this data line is -- so this is  
20 showing what the nonconformity is. And then this is showing  
21 that it also remains nonconforming. We're requesting to  
22 continue a nonconformity, but it's less and less than the

1 previous.

2 JIM MONTEVERDE: And that buildable zone, that  
3 buildable line, is that based on a side setback and a back  
4 setback?

5 CLAUDIA NOURY-ELLO: Yes, yep.

6 JIM MONTEVERDE: Okay. And -- simple question,  
7 but --

8 CLAUDIA NOURY-ELLO: Let me know if I'm not  
9 answering you correctly.

10 JIM MONTEVERDE: No, no, you did. I got it. And  
11 in your design of the proposed addition, was there no way to  
12 set that addition, so that it would be within that buildable  
13 line and not transgress beyond it?

14 CLAUDIA NOURY-ELLO: Believe me, we beat it down  
15 to try to get within that setback after the last hearing.  
16 But in my professional opinion, for the amount of money that  
17 it cost to construct today, it wasn't worth the effort to  
18 pull back so much the sacrifice in that.

19 JIM MONTEVERDE: Were there plans that were part  
20 of the submittal, that basically indicate that?

21 CLAUDIA NOURY-ELLO: I mean, I have the  
22 architectural plans that we brought last time, is that what

1 you're asking?

2 JIM MONTEVERDE: Yeah, I'm asking if it was part  
3 of the submittal. Was it part of what was filed?

4 CLAUDIA NOURY-ELLO: Yes.

5 JIM MONTEVERDE: It was?

6 CLAUDIA NOURY-ELLO: Yes.

7 JIM MONTEVERDE: Thank you.

8 ANDREA HICKEY: I just had a couple of questions.  
9 Can you go back to the plan under the landscape plan? Thank  
10 you. So 91 Washington, shown on the left, is their only  
11 frontage the front of that right of way on Washington?

12 CLAUDIA NOURY-ELLO: Yes. That's in this  
13 depiction.

14 MICHAEL WIGGINS: 2 Washington Avenue, yes.

15 ANDREA HICKEY: Right.

16 MICHAEL WIGGINS: They have -- they abut the other  
17 properties to the rear of the setback.

18 ANDREA HICKEY: Right. So that 91 Washington has  
19 no other access to a public way, except by the 20-foot right  
20 of way.

21 MICHAEL WIGGINS: Right. Over the front property.

22 ANDREA HICKEY: Thank you.

1 BRENDAN SULLIVAN: Any questions?

2 ANDREA HICKEY: No.

3 BRENDAN SULLIVAN: Let me open it to public  
4 comment. Again, I would ask that you clearly speak and give  
5 your name, spell your last name for the stenographer. Mr.  
6 Page, if you would?

7 SHIPPEN PAGE: Mr. Chairman, if I could I'd like  
8 --

9 JIM MONTEVERDE: You need one of these.

10 SHIPPEN PAGE: -- Dr. Borofsky to go first.

11 BRENDAN SULLIVAN: Sure, absolutely. You'll have  
12 to speak right into the mic

13 RICHARD BOROFSKY: Right, okay. My name is  
14 Richard Borofsky. My name is spelled B-o-r-o-f-s-k-y. I've  
15 lived at 86 Washington Avenue for 40 years, along with my  
16 wife, raised two children there. I have never opposed a  
17 special permit or a variance for anybody in the neighborhood  
18 -- may have been others applied in the immediate vicinity.

19 And I would really like Brent and Sarah to have  
20 what they want, which is the ability to stay in there, and  
21 to raise their two children.

22 After the first meeting in October, I reached out

1 to them and talked with Sarah for maybe an hour. And I  
2 suggested a number of changes, except I was the one who  
3 suggested rather than apply for a variance that they apply  
4 for a special permit.

5           And I also suggested that they consider other  
6 options such as a third story or a building to the other  
7 side, which would be -- I guess the -- and actually Consuelo  
8 Isaacson is here, who is the neighbor on that side -- had  
9 said she would be happy to have them build on that side of  
10 the house. It would not create any of the difficulties that  
11 are going to be experienced by the Hoffmans who live at 91.

12           So my objections are first of all about the  
13 design. And I understand you just said that it's not a  
14 matter of the aesthetics. And I understand that's not what  
15 you are dealing with.

16           But I do want to make a comment, which is that the  
17 Avon Hill Neighborhood Conservation District meeting was  
18 attended by only four people. None of the abutting  
19 neighbors -- the reason is the meeting was held when many of  
20 us who were away, I was away, and then several of the other  
21 members were away at that time, so --

22           And the only people who were at the meeting, who

1 were voting, were people who lived further away in this.  
2 The chairman of the Architectural Commission, Constantin Von  
3 Wentzel , lives right next door at 101. He recused himself  
4 because -- well, for obvious reasons.

5 But he did express, and it's on the record, of  
6 that meeting, that he strongly disapproved of --

7 BRENDAN SULLIVAN: Strongly?

8 MR. BOROFSKY: Disapproved.

9 BRENDAN SULLIVAN: Disapproved, okay.

10 MR. BOROFSKY: Yeah. His comments are on the  
11 record of that meeting in September. And all of us who have  
12 learned about the design after that meeting, who did not  
13 have a chance to vote, are strenuously opposed to it.

14 We all feel that it is -- there are 14 letters  
15 actually that have been submitted to the Zoning Board,  
16 expressing our disapproval of the design. And it is in our  
17 estimation grossly incongruous.

18 My second objection is that the addition is not,  
19 as Attorney Wiggins just said, a small addition. It is a 70  
20 percent increase in footprint, as I understand it. And that  
21 is not small. It will be oversized for the lot. Those four  
22 houses that were there were built -- it was a subdivision --

1 built upon a site that would have one house, which is  
2 identical to the house that Consuelo and John Isaacson live  
3 on.

4 In those houses, there have never been a family  
5 with children, because they're too small. There's only been  
6 couples that live there. And so, I couldn't understand why  
7 Sarah and John Brent want to increase this. They have a  
8 family.

9 Just, they are good neighbors and good people, and  
10 I would love to have them stay. But the oversizedness of  
11 the design -- and one other thing I'll mention -- I think  
12 are -- may have -- vote my opposition and imposition of the  
13 people that have written letters.

14 As I said, I reached out to them and tried to stop  
15 this, but they have not reached out or reached back to me or  
16 to any of the neighbors to talk about this, except the  
17 immediate neighbors, who are their friends, at 89, I  
18 believe.

19 THE REPORTER: Could you speak up? I'm sorry.

20 SHIPPEN PAGE: You're having trouble? I'm sorry.

21 I have a hearing loss and I sound like I'm shouting  
22 normally. So they're not reaching out to me, communicating

1 that they were indifferent to our concerns. And I think  
2 that has strengthened our opposition.

3           Once they do, after the October meeting -- we  
4 were opposed -- I really thought that they would come to us  
5 and ask, "why are you opposed?" I reached out to them, and  
6 we talked. Even then, after, they did not show us the  
7 design or any changes, except these minimal changes.

8           BRENDAN SULLIVAN: Great, thank you. I would have  
9 just one question, Mr. Borofsky. You knew that the Avon  
10 Hill was going to meet, even though you were out of town, or  
11 the neighbors were -- mostly, the neighbors were out of  
12 town?

13           MR. BOROFSKY: Yes.

14           BRENDAN SULLIVAN: Was that -- was your sentiment  
15 ever conveyed to them by e-mail or letter at all?

16           MR. BOROFSKY: Actually, I didn't. Because I was  
17 away, I actually did not get the letter in time.

18           BRENDAN SULLIVAN: Okay, all right. Well, that  
19 answers that, then, okay.

20           MR. BOROFSKY: Yeah.

21           BRENDAN SULLIVAN: Okay. All right, thank you.  
22 Anybody else like to speak?

1           CONSUELO ISAACSON: Hi. Can you hear me??

2           BRENDAN SULLIVAN: Mm-hm.

3           CONSUELO ISAACSON: Okay. My name is Consuelo  
4 Isaacson. I live at 80 Washington Avenue. I've lived there  
5 since 1985.

6           THE REPORTER: Can you spell your name, please?

7           CONSUELO ISAACSON: Oh, Consuelo - C-o-n-s-u-e-l-o  
8 Isaacson, I-s-a-a-c-s-o-n. I wish we had been around when  
9 the first notice came for the architectural commission  
10 hearing. I also wish that we had heard about this project,  
11 this construction project -- before the meeting, because we  
12 would have driven from the beach to come to Cambridge to  
13 attend the meeting.

14           My objection is that the design doesn't look  
15 anything like our neighbor. We live in a historical  
16 neighborhood. We love it, we respect it, and if you put a  
17 picture of the addition next to any of the houses on  
18 Washington Avenue, it doesn't fit.

19           And my objections are those two; one is that we  
20 were not consulted, we were not visited -- we were right  
21 next door, and we're abutters.

22           And that frankly, the design does not fit at all

1 with the Victorian neighborhood that we all respect and  
2 love.

3 BRENDAN SULLIVAN: Okay.

4 CONSUELO ISAACSON: And that's all I have to say.  
5 Thank you.

6 BRENDAN SULLIVAN: Thank you. Anybody else wish  
7 to speak? If you could pass the baton to --

8 DOUGLAS HANNA: Oh, thank you.

9 THE REPORTER: Spell your name and give your  
10 address, please.

11 DOUGLAS HANNA: Yeah. Douglas Hanna, H-a-n-n-a,  
12 and that's 89 Washington Ave. So, I am Douglas Hanna, and  
13 me and my wife, Carol Simone, live at 89 Washington Avenue,  
14 right in front of Brent and Sarah's house. And, as you've  
15 been told already, these are -- there are four houses on  
16 this lot, which used to have a large mansion on it I believe  
17 back in the '30s, which burned down.

18 And our houses are originally -- just like theirs  
19 -- small. I guess we call them colonials, in a cracker  
20 jack, GI housing type -- houses that were put in there in  
21 1940.

22 And I just would like to point out that both our

1 house and the house at 85 have had additions approved and  
2 done to them already.

3           And I feel that, you know, based on the scale of  
4 the houses in the neighborhood, it's not a stretch for them  
5 to ask for some more space, and to be able to raise a family  
6 there, it's -- we live in a house that is about 500 to 600  
7 square feet, bigger than theirs, and I just -- I couldn't  
8 imagine raising my kids in that house, it's just -- it's too  
9 small. So that's about all I have to say. We are not  
10 opposed to this addition, and --

11           BRENDAN SULLIVAN: Great, thank you.

12           ANDREA COATES VINSON: Hi, I'm Dr. Andrea Coates  
13 Vinson, and I'm not here to speak to the lot size or the  
14 addition, but I'm here to speak to the medical needs of Inge  
15 Hoffman. I have been her chiropractor for I think about 18  
16 years.

17           And many years ago, I was the person who applied  
18 for and provided the Commonwealth with the information she  
19 needed to have a handicap placard.

20           Now, a couple of the guidelines to be entitled to  
21 a handicap placard are that you cannot walk 200 feet without  
22 assistance, and -- you know, it's blindness and loss of a

1 limb, but also severe arthritis. And that's the reason that  
2 Ms. Hoffman -- that Inge -- needs her handicap placard.

3           And I have an update. I sent a letter back in  
4 October, when I heard about this addition, and my concern  
5 was her not having 24 -- access to her door, and to her  
6 carport 24/7, around the clock. Because she cannot safely  
7 walk to the end of her driveway, because of the severe  
8 arthritis in her neck and in her lower back.

9           In addition, and it's to the extent that she has  
10 spinal stenosis, which if you know anything about,  
11 degenerative change in the spine is a severe -- it's severe  
12 in her neck and moderate to severe in her lower back.

13           In addition, she has osteoporosis. And so, if she  
14 falls, and she is at a risk for falling, because of these  
15 degenerative changes and her age of 90, almost 91, and if  
16 she falls, she is likely to suffer a very significant  
17 injury.

18           So I wrote the letter in support of Inge, because  
19 she needs to have 24/7 access to her door for caregivers.  
20 Just this week, because of a medical need, twice someone had  
21 to come to her door and pick her from -- immediately out the  
22 door and take her to medical appointments. She could not --

1 she could -- the first time she could barely walk to the  
2 car.

3 Today, she was a little -- I think it was today --  
4 a little more able to walk to the car, as I understand, but  
5 she could not at all have negotiated the length of that  
6 driveway for transportation.

7 BRENDAN SULLIVAN: How does this project impact?

8 ANDREA COATES VINSON: If there are construction  
9 vehicles, I don't know how they'll be able to construct the  
10 addition without -- I mean, I can't directly speak to that,  
11 but I believe the construction vehicles will be -- obstruct  
12 the driveway, and not provide her case.

13 BRENDAN SULLIVAN: Okay.

14 ANDREA COATES VINSON: I don't think there's any  
15 other way to get the needed equipment, et cetera back there.  
16 Am I correct? Yes. So that was -- that's my feeling. So I  
17 have a letter that I wrote as of today, saying that this is  
18 still her current medical status, and the extent of her  
19 degenerative changes, combined by osteoporosis, constitute a  
20 disability. And therefore, she needs to have 24/7 access  
21 directly from her door to a vehicle.

22 BRENDAN SULLIVAN: Okay.

1           ANDREA COATES VINSON: And not to mention going to  
2 get groceries and things for activities of daily living.

3           BRENDAN SULLIVAN: Okay. Great. Thank you.

4           ANDREA COATES VINSON: You're welcome.

5           BRENDAN SULLIVAN: Okay. Anybody else wish to  
6 speak? Mr. Page?

7           ANDREA COATES VINSON: Here is the updated letter.

8           SHIPPEN PAGE: Thank you, Mr. Chairman. My name  
9 is Shippen Page, P-a-g-e. First name is S-h-i-p-p-e-n. I'm  
10 at 174 Lakeview Avenue H. Thank you, Mr. Chairman. My  
11 client is Inge Hoffman. She's 91 years old, she's -- she's  
12 here, in the third row, and she's asked not to speak, but I  
13 did want to acknowledge her presence.

14           She is a -- she's fond of the applicants, would  
15 like to see them stay, and has known them, respects the fact  
16 that they need more space. The question really is, where  
17 this space is to be located, and how this space can  
18 accommodate the neighbor's concerns -- in particular Ms.  
19 Hoffman.

20           My colleague, Mr. Wiggins, has indicated that the  
21 public way issue is not a significant issue. And I would  
22 respectfully disagree. When Ms. Hoffman's predecessor and

1 interest, Ms. Johnson, built the house back in 1940/1941,  
2 there was a right of way quite prominently identified on the  
3 plan that went along with that deed.

4           As such, when deeds have reference, the right of  
5 way, for both 91 and 89 and 87 -- the zoning code defines a  
6 street, by way of a right of way, both public and private.  
7 Ms. Hoffman gets mail delivered to her door. She's a  
8 practicing therapist. Her patients come to her house.  
9 She's a painter, and she overlooks to the east, right over  
10 where this project was designed and built.

11           And with respect to the right of way, if you look  
12 at the way this house is oriented, my colleague would  
13 indicate that the frontage of this house is 80 feet.

14           The frontage of the house is eight feet on  
15 Washington Avenue. Realistically, this is the street,  
16 because if you look at the way, as I've identified in my  
17 letter, which I do not know if the Board has received, but I  
18 wrote a letter this afternoon, which indicates that if you  
19 look at this property from a standard zoning perspective, it  
20 nearly complies with all the setback requirements.

21           If you take the northern side, it's set back 22  
22 feet -- 22.25 feet, where 20 feet is required for the front

1 setback -- you have 10 feet, sum of 25, to the east and the  
2 west. On the eastern side, it's nine feet nine inches,  
3 which is nearly 10 feet, and on the west you have I think  
4 it's 12 feet, nine inches, something to that effect, it's in  
5 my letter, but it's almost the sum of 25, and in the rear  
6 you've got 29 feet, where you're required to have 25.

7           So if you look at it that way, and the fact that  
8 probably -- I don't know this for a fact -- probably  
9 everybody who accesses that house comes up the right of way,  
10 and not up the 75-foot front pathway, you've really got an  
11 opportunity here to fill in, or the applicant would have you  
12 give them authority to fill in the front yard setback.

13           Which means that this house is going to extend  
14 literally to the street line. And I don't know anywhere in  
15 Cambridge where somebody could in fact enlarge that house by  
16 building the street line. It's going to create amazing  
17 mass. And yes, it's within the FAR, it's 36 percent, where  
18 only 50 percent is required, but you've still got a mass  
19 which is literally on the driveway.

20           I had an architect friend who'd prefer to be  
21 anonymous, because she doesn't want to be part of this case,  
22 but I asked her to give me a rendition of what this would

1 look like from the street. Now, this was in October. I'd  
2 like to submit that to the Board -- I'm sorry I don't have a  
3 copy from my colleague, but perhaps Mr. Chairman, you can  
4 give it to Mr. Wiggins -- but it may have been downsized  
5 slightly, but it's very clear that you can see this from the  
6 street.

7           It is a wall, and it's the exact wall that Mr. Von  
8 Wentzel commented on at the Avon Hill Historical Commission,  
9 Conversation District, back in September. He does not  
10 understand how this would be congruous with the  
11 neighborhood.

12           So those are several points, and I'd like to  
13 introduce, if I could, letters from the abutters. I'm  
14 assuming the Board has read the letters in opposition that  
15 were filed back in October. Is that accurate, Mr. Chairman?  
16 Are they in the file? There should be a --

17           BRENDAN SULLIVAN: They are not --

18           SHIPPEN PAGE: Over 14 letters in opposition.

19           BRENDAN SULLIVAN: They are not in the current  
20 zoning file.

21           SHIPPEN PAGE: All right. I reserve -- I would  
22 like to introduce those to the Board before our vote,

1 because I have three additional letters from Consuelo and  
2 John Isaacson at 81 Washington Avenue, Marjory Wunsch at 78  
3 Washington Avenue, and Patricia Lorsch at 108 Washington  
4 Avenue, all strongly in opposition to the proposal.

5 I also have my letter in opposition, which I e-  
6 mailed to Maria Pacheco, and which I've forwarded to my  
7 colleague, Mr. Wiggins, that supplements my letter of  
8 September -- of October 24, 2019. And if the Board does not  
9 have a copy of that letter, I'd like to submit that right  
10 now, please.

11 BRENDAN SULLIVAN: Okay.

12 SHIPPEN PAGE: In summary, Mr. Chairman, I and  
13 Inge Hoffman would support an alternative design. She wants  
14 this nice family to stay. She can't see that this would be  
15 of any benefit to her, and indeed would be a substantial  
16 detriment to her quality of life. She sees patients in her  
17 house. She's 91 years old, and I think this would be a  
18 major, a major problem for her.

19 BRENDAN SULLIVAN: Right.

20 SHIPPEN PAGE: Thank you very much.

21 BRENDAN SULLIVAN: Thank you. Is there anybody  
22 else who would like to speak on the matter? Yeah.

1           BRENDAN SULLIVAN: I'm Suzy Becker. I'm not a  
2 Cambridge resident, and so, I've hesitated to speak.

3           THE REPORTER: Spell your name, please?

4           SUZY BECKER: Suzy, S-u-z-y Becker, B-e-c-k-e-r.

5           BRENDAN SULLIVAN: Your address? I'm sorry.

6           SUZY BECKER: 299 South Bolton Road, Bolton,  
7 Massachusetts. I'm a friend of Inge's, and was one of the  
8 vehicles that traveled down the driveway not to take her to  
9 a doctor's appointment, but to take her to a seminar that  
10 I've attended that she's run for many years at the medical  
11 school, Harvard Medical School.

12           And she's a person of strong character and mind,  
13 of -- sad -- deteriorating body, as we've learned. And I  
14 want to speak to the direct health impact of the sleepless  
15 nights that she's endured since this matter came to her  
16 attention, which have had a direct impact. And I think it  
17 has caused further deterioration of the health currently.

18           And beyond that, I want to speak to it as a  
19 resident of my home, for about 30 years in this current  
20 structure, as a former head of a historical commission and  
21 writer of bylaws and president -- hearings with friends  
22 applying for like permits.

1           And I guess that with the size of the increase of  
2 the footprint, I know everybody cares for this family and  
3 wants them to raise their children. I think if we buy a  
4 house -- you know, one of our early -- before we have  
5 children, and it's in a historic neighborhood, we take a  
6 gamble that we're going to raise a family. We hope that we  
7 can continue to raise the family there, and maybe acquire  
8 these permits or whatever, but it is a gamble.

9           I think what we've seen here is that the gamble  
10 isn't the right gamble, and right time. I hope that she'll  
11 be spared that construction.

12           BRENDAN SULLIVAN: Right, thank you. If you could  
13 bring that?

14           SUZY BECKER: Oh, sure. Mr. Page?

15           SHIPPEN PAGE: Mr. Chairman, as I mentioned  
16 earlier, I have these letters that I assumed had been  
17 submitted to the Board back in October. I'd like to submit  
18 them for the record this time. I have letters from a  
19 professor, Yehuda Safran, who's an architectural historian  
20 in New York.

21           I have a letter from Anthony Brandt. I have a  
22 letter from Richard Borofsky dated October 24, and Dr.

1 Borofsky had mentioned that he had spoken earlier, but he  
2 didn't have a chance to introduce his letter in evidence.

3 I have an earlier letter from Andrea Cotes Vinson,  
4 who spoke earlier this evening, also dated previously. I  
5 have a letter from Howard Medwed, who unfortunately is now  
6 deceased, but I don't think it detracts from the point of  
7 his opposition.

8 I have a letter from David Pritchard, who lives on  
9 Washington Avenue, I don't have the exact address, but --  
10 oh, 88 Washington Avenue, so across the street. I have a  
11 letter from John and Consuelo Isaacson.

12 I have a letter from Inge Hoffman, and I have a  
13 letter from Patricia Lorsch at 180 Washington Avenue. And  
14 finally, a letter from Marjory Wunsch, who lives at 78  
15 Washington Avenue -- I'm sorry, and John McDonald who lives  
16 in Somerville, who's apparently a friend of Ms. Hoffman's.  
17 Thank you very much.

18 BRENDAN SULLIVAN: Yep. Anybody else, who would  
19 like to speak on the matter? I see one last person.

20 BRENDA STEINBERG: Brenda Steinberg, S-t-e-i-n-b-  
21 e-r-g. I'm a longtime friend of Inge Hoffman's. I've been  
22 living at 63 Washington Avenue since 1973, and I'm a fellow

1 psychologist, and a fellow artist.

2           And so, I've been very much in touch with Inge as  
3 both an artist and a psychotherapist. I've been very aware  
4 of how important her yard is to her. She sits not just in  
5 the house, but as soon as the weather is warm, she sits  
6 outside.

7           And the aesthetics matter to her more than they do  
8 to most anybody else that I know; in addition to which,  
9 having had a number of people do construction next to me in  
10 the past couple years, and I have my office in my home as  
11 well, I have sometimes torn my hair or actually had to --  
12 when I'm painting leave the house to go for a long walk,  
13 because I can't stand the noise of it.

14           And I know that it would be totally destructive  
15 for her, and it was already -- and extremely destructive to  
16 her just to be considering all of this -- in addition to  
17 which I second what her chiropractor said, which is that it  
18 -- you know, I've come to the house sometimes because she's  
19 fallen down the stairs. There's no way that she can always  
20 get herself to where she needs to go in a time of crisis.

21           And I also -- I supported the help for her  
22 patients to come up to see the house without being able to

1 park because, you know, of the matter of parking permits, et  
2 cetera.

3 BRENDAN SULLIVAN: Okay, thank you. With that,  
4 let me close the public comment. There is a correspondence  
5 on the file from the Avon Hill Neighborhood Conversation  
6 District.

7 They've issued a -- the correspondence, the  
8 construction of a new, two-story addition on the north side  
9 of the structure, with rear deck and parking space approval  
10 was granted, with the following condition: That the  
11 Cambridge Historical Commission staff review exterior  
12 materials, doors, windows and paving -- work to be carried  
13 out as indicated on the drawing by Noury-Ello Architects, is  
14 that the current drawing?

15 MICHAEL WIGGINS: Yes, it is.

16 BRENDAN SULLIVAN: This here is dated September 3,  
17 2019.

18 MICHAEL WIGGINS: Yes.

19 BRENDAN SULLIVAN: There was also -- and there was  
20 also a letter of approval -- certificate of appropriateness,  
21 that is dated December 19, 2019. Also incorporate by  
22 reference letters in opposition submitted by Counselor Page,

1 into the record. Is there any question by the Board to any  
2 at this time?

3 COLLECTIVE: No.

4 SLATER ANDERSON: I think just one -- I think  
5 important clarification.

6 BRENDAN SULLIVAN: Yep.

7 SLATER ANDERSON: Because I did not sit on the  
8 original case. It might be important for people to  
9 understand that this is a separate application --

10 MICHAEL WIGGINS: We can't hear you.

11 SLATER ANDERSON: There was a prior case in  
12 October that was heard. I didn't sit on that case. That  
13 was a variance request, is that correct?

14 MICHAEL WIGGINS: That's correct.

15 SLATER ANDERSON: So one reason the letter weren't  
16 in this file, this is a new application. So those of you  
17 who were concerned that your letters may not have been in  
18 this file, they're in the file from the variance case. This  
19 is now a request for a special permit, which has a different  
20 standard -- very similar facts from what I'm seeing, I did  
21 not sit on the first case, so I don't know. But it -- the  
22 appearance of look at the file, it's the -- more or less the

1 identical plan, correct?

2 CLAUDIA NOURY-ELLO: Okay.

3 BRENDAN SULLIVAN: It was a resubmission?

4 SLATER ANDERSON: Yes.

5 BRENDAN SULLIVAN: All right. Mr. Wiggins. Let  
6 me ask you, is there any room for compromise, further  
7 discussion, or have -- it been talked out?

8 MICHAEL WIGGINS: Certainly, with respect to the  
9 landscaping that we've offered --

10 BRENDAN SULLIVAN: Well, I think that's --

11 MICHAEL WIGGINS: -- we figured out that with  
12 respect to forcing my clients to change their whole  
13 structure around, no, because I think they have a right to  
14 -- as the case law dictates -- stand within the  
15 nonconforming boundaries.

16 I do want to respond to a number of things. First  
17 of all, I think most importantly for the health reasons, my  
18 clients are equally fond of their neighbor. They have no  
19 desire whatsoever to adversely affect her health. They will  
20 use their utmost efforts to ensure that to ensure that if  
21 granted this permit, the contractor takes all precautions.

22 There is space on their yard on the other side

1 that -- I'm not a contractor, but I'm sure that that can be  
2 used to store equipment.

3           They would use -- they understand that this often  
4 is a way during the summer months, and to the extent that we  
5 could use those months to accomplish major construction,  
6 they would certainly be more than willing to make that  
7 happen, given whatever resources they have and whatever  
8 their contract says.

9           I'd like to go back to -- again, whether this is a  
10 street or not, and reemphasize that 89 Washington Street  
11 when it was built did not need a variance, when it was  
12 building. And it is built right next to the driveway, and  
13 it claimed it did not need a variance, because it had a 20-  
14 foot setback from its lot line, just like my client's

15           And let there -- whether -- lest there be any  
16 doubt about this, there was zoning back in 1940. There was  
17 an existing ordinance that required side yard setbacks. It  
18 also required length along the front facing the street.

19           And if 89 Washington Street did not have that  
20 width where the driveway is now, it would have been out of  
21 conformance with both sideline setbacks and the frontage --  
22 the width of the frontage along the street requirements.

1           So it's more than ironic that we're -- and perhaps  
2 very unfair to be presented now with a requirement that we  
3 be 20 feet back from a 20-foot setback that already exists.  
4 That would basically prevent my client from building almost  
5 a postage stamp in that direction.

6           As far as not being forthcoming with the  
7 neighbors, my clients spent a lot of time with this, often  
8 went over everything with her.

9           Notice for that Conversation Commission hearing  
10 was given. My client sat in the back yard with Ms. Hoffman  
11 and went over it before it happened. She apparently doesn't  
12 remember that now, but he did. There's no question that he  
13 went over that.

14           After the variance hearing that was continued  
15 until January 30, his neighbor outside of this hearing  
16 invited people to come and talk about it. No one has showed  
17 up, to my knowledge, since then.

18           So my clients will not be heard to say -- will not  
19 agree that they didn't reach out to the neighbors. And they  
20 remain willing to do everything they can to lessen the  
21 impact as much as possible.

22           And there was one comment -- "Well, this doesn't

1 look like our neighborhood, it's going to stick out like a  
2 sore thumb." With due respect to people's preferences -- and  
3 I don't have any objection to anybody saying they don't like  
4 it -- I would remind the Board that Ms. Hoffman's house,  
5 which was built back in the '40s was at that time an avant-  
6 garde house that stuck out very prominently from the  
7 neighborhood.

8           If you look at the pictures -- and I think it's a  
9 handsome house, but that's just my opinion -- but when you  
10 talk about the ancient Victorian house and you look at this  
11 house that was built in 1940, that certainly was out there  
12 in terms of architectural style. So I don't think that's  
13 fair to object.

14           So I think in sum, my client's -- well, actually,  
15 I do want to just submit for the record a copy of that 1940  
16 ordinance, because it does say what the side yard  
17 requirements are, and what the front yard requirements are.  
18 So this is an extra copy that I'd like to submit to the  
19 record.

20           I'd also like to put in the record the pictures  
21 that we submitted earlier showing the side of the Hoffman  
22 House facing the driveway, and also, the back yard and the

1 view toward the Von Wentzel house. And I do have a copy of  
2 the landscape plan. We have it up on the Board. I think I  
3 submitted it to the Board for the hearing, but --

4 BRENDAN SULLIVAN: It's in the folder, yes.

5 MICHAEL WIGGINS: Okay.

6 BRENDAN SULLIVAN: But again, I represent to the  
7 Board that we are more than willing to discuss what kind of  
8 tree, what caliber, how fast-growing, et cetera. The view  
9 toward the direction of my client's property at the rear is  
10 vegetated heavily now. We will take every precaution to  
11 make sure that it remains vegetated. We cannot guarantee  
12 that it'll never be noisy during construction, but that  
13 happens when houses get built.

14 And we will, as I said, make sure everything is  
15 done to have most of the heavy work done when Ms. Hoffman  
16 isn't there, if she is going to be leaving.

17 Finally, just to go back to the public, this -- as  
18 I said, anybody can have visitors to their property, but  
19 this is in its very essential nature a private way not open  
20 to public use. Ms. Noury-Ello may have something else. You  
21 want to speak?

22 BRENDAN SULLIVAN: Very brief, if you would, yeah.

1 You're done? Okay.

2 LAURA WERNICK: Can I just respond to the  
3 photographic rendering that they --

4 MICHAEL WIGGINS: Oh sure, yeah, thank you. Our  
5 rendering itself mentions that there is a tree at the front  
6 edge of this --

7 [Simultaneous speech]

8 MICHAEL WIGGINS: Swell, you know, you can respond  
9 as well. I just responded. Our landscape notes that there  
10 is a tree that would be right in that view. So that's a  
11 tree that's existing, and you would be willing to do other  
12 vegetation. But if you would like to speak as well to that  
13 rendering?

14 CLAUDIA NOURY-ELLO: A lot of the comments that  
15 were made tonight in my opinion have nothing to do with the  
16 actual variance that we're -- the special permit that we're  
17 asking. There was a lot about design -- sorry. But one of  
18 the things we talked about at Cambridge Preservation was the  
19 view from the street. That's all we talked about, is the  
20 view from the street.

21 And yes, another architect can show you the  
22 massing, but it's no different than the neighbors at the

1 Hanna's at 89. It's the same line being carried.

2           And I don't think this is relevant in terms of  
3 just deciding whether this is a valid design. This is  
4 actually not what we're questioning tonight, is whether  
5 someone can see from the street.

6           We'll agree that preservation -- that you could  
7 see it from the street, and that it was in keeping with the  
8 neighbor, and one of the things that we actually also  
9 discussed at length with Mr. Von Wentzel was that there are  
10 two mindsets for preservation; you either add on to a house,  
11 do a mini-me of the style, or you break away from it.

12           And everyone on that Board was of the mindset --  
13 myself included -- that when, to preserve you truly preserve  
14 what was there, and you can only try to water it down by  
15 adding on and mimicking it. We also talked about the nature  
16 of the house is not of the quality of Mr. Von Wentzel's  
17 house. It's not a supreme example of historical  
18 architecture.

19           So I think all these conversations about design,  
20 they could have come to that hearing, and they chose not to,  
21 whether they were away or whatever, it didn't really matter.  
22 I feel like they're a little bit late to the game. And the

1 discussions and this is an accurate architect's rendering of  
2 what we saw. It was approved.

3 So, I also think --

4 BRENDAN SULLIVAN: Okay.

5 CLAUDIA NOURY-ELLO: -- just being emotional, it  
6 is a time for people to come together as a community and all  
7 this talk about, "love these people as neighbors," I haven't  
8 seen or heard anything besides really being a neighbor.

9 BRENDAN SULLIVAN: Okay.

10 CLAUDIA NOURY-ELLO: I'd like to put that on  
11 record.

12 ANDREA HICKEY: Could we get that document, then  
13 that, for our client, please?

14 BRENDAN SULLIVAN: Sure. Okay. Let me close the  
15 presentation part. Any questions by the Board at all?

16 SLATER ANDERSON: No. Have we heard from the  
17 neighbor at 85, is that it? Matthew Fischer, is that what  
18 that says?

19 BRENT REYNOLDS: Yeah, they wrote a letter of  
20 support that was submitted, and have the same dilemma that  
21 we have tonight, that you highlighted right? That they  
22 wrote a letter of support --

1 THE REPORTER: I'm sorry, can you just state your  
2 name?

3 BRENT REYNOLDS: Oh, yeah. My name is Brent  
4 Reynolds. Do we need to spell my name?

5 SLATER ANDERSON: If you will.

6 BRENT REYNOLDS: B-r-e-n-t R-e-y-n-o-l-d-s.  
7 They're out of the country, they couldn't meet. But there  
8 is a letter. But I guess maybe it can't be submitted in  
9 this.

10 BRENDAN SULLIVAN: Okay. Do you have questions or  
11 --

12 ANDREA HICKEY: Yeah, I just had a question. If I  
13 could ask Counselor to just sort of briefly repeat from the  
14 beginning of your presentation where you talked about  
15 measuring of the setback from the true lot line, and not  
16 from the southerly most part of the driveway.

17 Could you just repeat that for me again? Because  
18 that's the part I'm struggling with -- where the setback is  
19 relative to the driveway would be measured?

20 MICHAEL WIGGINS: Well, this does -- this just  
21 shows the 20-foot width here. So this is our 20-foot  
22 setback from the lot line. The actual -- are you talking

1 about the concrete or the bituminous -- where it is located?

2           ANDREA HICKEY: I'm talking about sort of the  
3 proposed addition, relative to that lot line.

4           MICHAEL WIGGINS: Okay. It's back from the 20-  
5 foot lot line, maybe a couple of feet. But it lines up  
6 exactly with the Hanna residence, and its distance from the  
7 20-foot setback.

8           ANDREA HICKEY: All right. And at the -- again,  
9 at the beginning of your presentation, you discussed where  
10 the lot line should be measured from, which is the true lot  
11 line and not the southerly most part of the driveway.

12           MICHAEL WIGGINS: That's correct.

13           ANDREA HICKEY: Could you just repeat that part of  
14 your presentation briefly for me? That's the part I'm  
15 struggling with.

16           MICHAEL WIGGINS: Okay.

17           ANDREA HICKEY: Where we should be measuring.

18           MICHAEL WIGGINS: Okay. Again, it has to do with  
19 how you describe the lots, and how do you describe your lot  
20 if some subdivisions your -- you -- if there's a right of  
21 way open to public access, your description will be bounded  
22 by a way. And we know from legal interpretation, that means

1 everybody owns to the middle of the right of way, so to  
2 speak. But that's not what this lot description ever was.

3           And some also -- and I see that on my own house, I  
4 have part of a three-lot subdivision, and my lot doesn't --  
5 doesn't -- it neither says, "bounded by a way" nor do I own  
6 across the right of way. My description just says, this  
7 line, not that line.

8           But this is different. This from the get-go, for  
9 this subdivision to work, each of these lots had to have  
10 that included in your description. Otherwise, as I said,  
11 these would not -- this particularly would not have been a  
12 buildable lot. And again, it did not need a variance when  
13 it was built.

14           BRENDAN SULLIVAN: Any other questions? All  
15 right. Comments? Thoughts? Take it to a vote, or we'd be  
16 interested in comments? Anybody want to -- it's a special  
17 permit. Shall I make a motion?

18           JIM MONTEVERDE: Yes.

19           BRENDAN SULLIVAN: I make a motion to grant the  
20 relief requested, 87 Washington Street, as per the  
21 application, to build a conforming addition to a prior  
22 nonconforming building, requiring a special permit.

1           Special permits will normally be granted where  
2 provisions of this ordinance are met, except where  
3 particulars of the location or use, not generally true of  
4 the district, or the use permitted, would cause granting of  
5 such permit to be the detriment to the public interest.

6           It appears that the requirements of this ordinance  
7 can be met. It appears that traffic generated or patterns  
8 of access or egress would not cause congestion, hazard or  
9 substantial change in the established neighborhood  
10 character.

11           It appears that continued operation of, or  
12 development of adjacent uses as permitted in the zoning  
13 ordinance would not be adversely affected by the nature of  
14 the proposed use.

15           It appears that there would not be any nuisance or  
16 hazard created to the detriment of the health, safety and/or  
17 welfare of the occupant of the proposed use, or to the  
18 citizens of the city.

19           And for other reasons, the proposed use would not  
20 impair the integrity of the district or adjoining district,  
21 or otherwise derogate from the intent and purpose of the  
22 ordinance.

1           And there are some conditions and criteria, which  
2 is at the Board's discretion to impose, if there are any.

3           LAURA WERNICK: Could you just repeat what you  
4 said about the health and welfare?

5           BRENDAN SULLIVAN: It appears in the positive,  
6 that there would not be any nuisance or hazard created to  
7 the detriment of the health, safety and/or welfare of the  
8 occupant of the proposed use, or to the citizens of the  
9 city. So on the motion to grant the special permit as per  
10 the application, all those in favor of granting the special  
11 permit, "Aye."

12           THE BOARD: Aye.

13           [ ALL FIVE VOTE YES ]

14           BRENDAN SULLIVAN: Permit granted.

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2 (8:10 p.m.)

3 Sitting Members: Brendan Sullivan, Andrea A. Hickey,  
4 Jim Monteverde, Laura Wernick, and Slater  
5 W. Anderson

6 BRENDAN SULLIVAN: The Board will hear BZA 017217  
7 -- 2019, 3.5 Irving Terrace.

8 SARAH RHATIGAN: Good evening, everyone. My name  
9 is Sarah Rhatigan, Trilogy Law, LLC, and I actually did not  
10 file this application, but I was asked to assist a client  
11 after there was sort of a wrinkle along the way, an  
12 amendment to the application.

13 So if you're surprised to see me, that's why my  
14 name doesn't appear in the record yet. And my client is  
15 Wileen Kao. She actually lives in Beijing with her family,  
16 but her sister's here, and I'm going to pass the microphone  
17 so she can introduce herself.

18 THE REPORTER: Could you spell your name, please?

19 WILEEN KAO: I'm Wileen Kao, W-i-l-e-e-n, last  
20 name K-a-o, and I'm the owner of 1.5 Irving Terrace, just  
21 two doors down from my sister.

22 CARL SOLANDER: I'm Carl Solander, C-a-r-l S-o-l-

1 a-n-d-e-r. I'm the architect, and I did file this.

2 BRENDAN SULLIVAN: Okay. Is that what you --

3 SARAH RHATIGAN: Thank you. So this is a special  
4 permit application, and there are two aspects of relief that  
5 we're requesting the Board to grant. And they relate all to  
6 the rear of this townhouse structure.

7 And there are certain window changes that are  
8 being made, and you'll see there was a revised application  
9 page and revised plans that reflect -- this was always a  
10 plan change, but we didn't realize that relief was  
11 necessary.

12 There's a change at the rear that involves  
13 excavating basement stairs that go from the yard level down  
14 to a story -- well, it is a basement, but, you know,  
15 somewhat above grade basement area in the rear.

16 The excavated stairs and the railing that would be  
17 required for code compliance are considered parts of the  
18 structure, according to the Commissioner's interpretation,  
19 which is the reason for the amendment to the plans -- and  
20 then asking for additional special permit relief.

21 That actually is a special permit request under  
22 the townhouse ordinance Article 11, I think it's 11.15,

1 which allows for modifications to have townhouses that were  
2 created as-of-right at the time of the construction. So  
3 that was confirmed with the Commissioner.

4           So what I was hoping to do first, Carl, if you do  
5 not mind, could you just show us the photos? So what I want  
6 us to do is just show you the area in question. It's  
7 actually a little hard to get to the back yard right now.  
8 What happened is the -- my client had started significant  
9 renovations, so there's some construction vehicles and  
10 there's a dumpster on the site.

11           It's a little hard to get into the back yard to  
12 really see well, but this view -- the far side -- you're  
13 looking at the townhouse structure across another person's  
14 yard. And their townhouse is the one that's the furthest to  
15 the right. And so, this is looking at the rear of the  
16 townhouse.

17           And what you can see from that is that, of  
18 interest, that the basement level changes will really be  
19 hidden behind an existing fence that's going to remain in  
20 place.

21           Similarly, this is -- well, this is showing you  
22 the area that will be excavated. And in place of these

1 windows will now be an entry door. And the room in this  
2 basement area is a bedroom. I think it's currently -- well,  
3 the place is in really tough shape.

4 I'm not sure what it was used for previously,  
5 maybe storage. I mean, it was livable space, but it doesn't  
6 really look like someone was living there. I don't know  
7 what it was used for previously, but it --

8 CARL SOLANDER: It was a finished space.

9 SARAH RHATIGAN: It was a finished space, but it  
10 didn't quite look like it was used as a bedroom. But it  
11 will be a bedroom, and specify for Ms. Kao's folks, her  
12 elderly parents, who live in the DC area.

13 And just so you understand the kind of family  
14 dynamics here, so Vivian and her family live most of the  
15 year in Beijing. She's, you know, a resident, went to  
16 school here and her family is here. Her sister is two doors  
17 down, and the plan was to have it after a period of time as  
18 a second home, and then ultimately the folks -- their folks  
19 want to move up from DC, because they're getting elderly.

20 They want to have a bedroom where they can  
21 actually access the rear yard, without having to go up  
22 through the main house up a bunch of stairs back down a set

1 of stairs.

2           So that basement excavation is functionally --  
3 it's a pretty simple change, but it's functionally very  
4 important for their enjoyment of their sort of easy access  
5 of the rear yard, which is the only open space on the lot.

6           Just briefly, to touch on the window changes,  
7 Carl's going to do some gymnastics here to just show you the  
8 existing and the altered windows. So it's interesting that  
9 these are actually special permit, because the building is  
10 almost 15 feet. I think if it was constructed absolutely  
11 perfectly, it would be 15 feet to the rear, and it would not  
12 actually be a special permit requirement.

13           But I think with the survey's measurements, it's a  
14 few inches into the setback. So the Commissioner and the  
15 ISD is requesting a special permit. So obviously, we're  
16 here today requesting those changes.

17           But that technicality aside, so the changes are at  
18 the top, so --

19           CARL SOLANDER: This is existing.

20           SARAH RHATIGAN: That's existing and this is  
21 proposed. So at the top there's a window at the top where  
22 there were two windows with a -- what do you call that, a

1 spandrel?

2 CARL SOLANDER: A post in between.

3 SARAH RHATIGAN: A post in between. So the post,  
4 and the new --

5 BRENDAN SULLIVAN: Mullion.

6 SARAH RHATIGAN: -- the mullion, that's the word,  
7 thanks.

8 BRENDAN SULLIVAN: Mullion.

9 SARAH RHATIGAN: I don't know what a mullion is.  
10 A spandrel is something, but I'm --

11 BRENDAN SULLIVAN: A thing.

12 SARAH RHATIGAN: It's a thing. I heard people use  
13 that word. So this just is a little more window pleasing to  
14 improve light to that room, or that space up there. The  
15 window changes at this level -- Carl, this window is getting  
16 smaller, correct?

17 CARL SOLANDER: Mm-hm.

18 SARAH RHATIGAN: This window's getting smaller,  
19 which doesn't require relief. These windows are getting a  
20 little bigger, so these will be code-complaint access, okay  
21 so fire -- yep. And then on the first-floor level, the  
22 sliding glass doors remain the same. These windows get

1 larger?

2 CARL SOLANDER: Slightly taller.

3 SARAH RHATIGAN: Slightly taller. And then on the  
4 basement grade level, the windows here get a little larger,  
5 and then there's a new door, which was in place of a window.

6 In terms of minimal impacts, I think this case is  
7 a pretty dramatic example of a very modest change that's  
8 super -- very important to the applicant, and hopefully  
9 very, very minimally impactful on neighbors. We do have one  
10 letter of support that we wanted to submit. It's actually  
11 just an e-mail that was provided to the architect's office.  
12 I'll submit that to you.

13 The folks who live right next door are out-of-  
14 towners who rent, and have not -- there's no sort of  
15 communication from them.

16 BRENDAN SULLIVAN: And this was all at the rear of  
17 the --

18 SARAH RHATIGAN: It's all at the rear, correct.

19 BRENDAN SULLIVAN: -- the rear.

20 SARAH RHATIGAN: Correct. And there hasn't been  
21 any indication that there's any concerns from any folks in  
22 the neighborhood. And I don't believe that -- when I last

1 checked, I didn't see that there were any letters of  
2 concern, or folks who are concerned from the file.

3 BRENDAN SULLIVAN: Okay. All right. Anything  
4 else at this point? No?

5 SARAH RHATIGAN: Nothing that anyone --

6 BRENDAN SULLIVAN: Any questions?

7 SARAH RHATIGAN: -- anyone has mentioned.

8 LAURA WERNICK: Is there any change in grade for  
9 the new door or just at -- it's already --

10 CARL SOLANDER: Well, we're -- we have to excavate  
11 a stair down.

12 LAURA WERNICK: A stair.

13 CARL SOLANDER: Three feet, yeah. It's three feet  
14 down to the basement level from the yard.

15 LAURA WERNICK: So it is a change of grade. It is  
16 a Res B District, so technically there's no -- it doesn't  
17 actually change the technical definition of the height  
18 requirement?

19 ANDREA HICKEY: Is there a bathroom on that lower  
20 level?

21 CARL SOLANDER: Yes.

22 LAURA WERNICK: I think there is, yeah.

1           BRENDAN SULLIVAN: Okay. Let me open it to public  
2 comment. Is there anybody here who would like to speak on  
3 the matter at 3.5 Irving Terrace? I see nobody -- there is  
4 correspondence in the file from the Mid Cambridge  
5 Neighborhood Conversation District. Mid Cambridge  
6 Neighborhood Conversation District certifies that pursuant  
7 to their authority, the alteration to building exterior,  
8 including windows, doors, cement board panels, clapboards,  
9 replacement of the fence, has been approved.

10           The work has been carried out as depicted in the  
11 plans by reverse architecture in Title 3.5 Irving Terrace,  
12 Mid Cambridge NCD submission dated and received June 11,  
13 2019, and revised June 24, with the recommendation that the  
14 applicant consult with an arborist regarding mitigation for  
15 the existing adjacent tree that appears to be leaning, and  
16 could be impacted by the fence replacement. And you will --

17           CARL SOLANDER: We have consulted with them.

18           BRENDAN SULLIVAN: -- do that, okay. Certificate  
19 is granted up the condition of the work authorized as  
20 commenced within 6 months, Case Number MC 5717. The  
21 certificate is dated July 2, 2019, and that is the only --  
22 no, there is another correspondence to Courtney Pope.

1           "Please feel free to share this e-mail with the  
2 Board of Zoning Appeal with regard to changes at the  
3 premises at 3.5 Irving Terrace, re: Martha and David Osler,  
4 O-s-l-e-r, who reside at 4 Irving Terrace, have seen the  
5 plans for the exterior of 3.5 Irving Terrace, and support  
6 the changes to the rear elevation. We hope this e-mail will  
7 suffice, as we are unable to attend. Regards, Martha and  
8 David Osler."

9           That's the only correspondence, unless you have  
10 any. And we have spoken to some of your other neighbors,  
11 have you, adjoining? Do you know of -- no opposition?

12           ANDREA HICKEY: I believe that there were efforts  
13 to reach out, but not a lot of interest.

14           BRENDAN SULLIVAN: Okay.

15           ANDREA HICKEY: No reports of any concern. I will  
16 close public comment. Sarah, anything else to say?

17           SARAH RHATIGAN: No. I mean, I can run through  
18 the special permit standard, but I'm sure that you know it.  
19 But let me look at the basic concept as it changes -- both  
20 the window changes and the excavation --

21           BRENDAN SULLIVAN: Really --

22           SARAH RHATIGAN: -- really will have minimal

1 impacts.

2 BRENDAN SULLIVAN: Okay. Comments? Questions?

3 None?

4 ANDREA HICKEY: Ready.

5 BRENDAN SULLIVAN: Let me make a motion then to  
6 grant the special permit for the work at 3.5 Irving Terrace,  
7 as per the application to alter windows and create a door in  
8 the setback, start a guardrail to area way, as per the  
9 drawings submitted dated 12/18/19, prepared by Carl  
10 Solander, and initialed by the Chair.

11 It appears that the requirements of the ordinance  
12 can be met. It appears that traffic generated or patterns  
13 in access or egress would not cause congestion, hazard, or  
14 substantial change in established neighborhood character.

15 That continued operation or development of  
16 adjacent uses, as permitted in the ordinance, would not be  
17 adversely affected by the nature of the proposed use.

18 And there would not be any nuisance or hazard  
19 created the detriment of the health, safety and/or welfare  
20 of the occupant of the proposed use, or to the citizens of  
21 the city.

22 And that the proposed use would not impair the

1 integrity of the district or adjoining district, or  
2 otherwise derogate from the intent and purpose of this  
3 ordinance.

4           And that the work be carried out as per the  
5 drawing, and the application submitted.

6           All those in favor of granting the special permit?

7           THE BOARD: Aye.

8           [ ALL FIVE VOTE YES]

9           BRENDAN SULLIVAN: Five in favor, permit granted.

10          COLLECTIVE: Thank you very much.

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2 (8:24 p.m.)

3 Sitting Members: Brendan Sullivan, Andrea A. Hickey,  
4 Jim Monteverde, Laura Wernick, and Slater  
5 W. Anderson

6 BRENDAN SULLIVAN: The Board will hear Case Number  
7 017220 -- 2019, 37 Bigelow Street. If you would please  
8 introduce yourself. Anybody who wishes to speak, could you  
9 please spell your last name and give your address for the  
10 stenographer.

11 MIKE DAWSON: Hello, my name is Mike Dawson --  
12 Mike, M-i-k-e D-a-w-s-o-n.

13 AMIT SRIVASAVA: And my name is A-m-i-t, last name  
14 S-r-i-v-a-s-a-v-a and I live at 37 Bigelow Street.

15 MIKE DAWSON: I have a small design build company,  
16 and have been friends and neighbors with Amit and Maitreyi  
17 when we lived at Franklin Street in Cambridge. I remember  
18 looking at this house in 2006, when they bought it. Their  
19 daughter was born three months after they moved in.

20 They now have three children -- 9 and 13. Amit's  
21 parents have passed on. His wife's parents are in their  
22 eighties, aging. And the desire is to be able to have

1 Maitreyi's parents come live with them in their Cambridge  
2 home. And that's sort of what drove the desire to increase  
3 the space that they have.

4           So when they first approached me after we did a  
5 small kitchen renovation about this idea, I first met with  
6 Liza Paden at CDD -- Community Development Department -- to  
7 understand the -- I don't have any additional materials to  
8 add to the record.

9           But their property, if you've looked at the it, is  
10 sort of basically a carriage house behind the tall mansard.  
11 And having not had a client -- a property like this, I  
12 wanted to meet with Liza to sort of understand how to  
13 approach the zoning.

14           And she -- when I met with her, she brought up  
15 that there was a previous variance. So in 1987 is when --  
16 is the effective date of the construction, turning it into a  
17 home. And in 1991, a variance was granted for extending the  
18 deck off the back.

19           So their house is all -- so pretty much built  
20 within the back setback and side back, and the 1991 variance  
21 was granted because they were extending it into the side  
22 yard setback. And so, essentially -- so as far as FAR goes,

1 that space under the deck counts as FAR.

2 We're proposing building a livable space below  
3 what is the space under the deck, having it be a roof deck  
4 above. So we're not looking to create two stories. But we  
5 are proposing to square off that deck space, which is going  
6 to increase the FAR by 67 square feet.

7 And we then went -- I talked to Sean O'Grady to  
8 ask about the variance process, and once we're modifying  
9 something that's already been granted, the direction was  
10 that we would indeed need to apply for a variance again for  
11 this construction.

12 So then, we went through the Mid Cambridge  
13 Conservation District Process first, and we got the  
14 certificate of appropriateness for that.

15 There are a couple letters of support from  
16 neighbors, and that process, that should be in the record.  
17 We've met with all the condo -- there's five units in the  
18 building that's right on Bigelow. And aesthetically, and in  
19 terms of the scope of the construction, we haven't heard any  
20 opposition.

21 BRENDAN SULLIVAN: Okay, just run through exactly  
22 what it is that you're --

1           MIKE DAWSON:  Sure.  I did bring some larger  
2 photographs.  So currently, so this carriage house is a  
3 vinyl-sided home with -- the back porch is here.

4           So this is the space below that we're looking to  
5 convert into interior space, a bedroom and a bathroom.  And  
6 this shows the area that we're looking to square off, which  
7 I can also show in the plan, proposed -- do you want me to  
8 -- so those are the existing.

9           And here's a rendering from above.  And these are  
10 just -- in the back, it would be between the front building  
11 and their building, which is a shared, well actually it's a  
12 drive -- it's a parking space that belongs to Amit and  
13 Maitreyi.  There's an existing spiral staircase.

14          LAURA WERNICK:  What's underneath?

15          MIKE DAWSON:  It's a -- it's an unused, sort of  
16 dark, damp sort of patio space.  So it's a dark space that's  
17 hard to maintain, and it's not very useful.  I mean, there's  
18 some tarps below to protect some bikes.  This is -- I have  
19 copies of the existing variance, of the previous variance.

20          The only -- so there's a couple photos here that  
21 I'll pass around too.  This was requested by Alison at the  
22 Mid-Cambridge Conservation District, because it's most

1 visible from Harvard Street and not Bigelow Street. So they  
2 wanted to just see -- the first one shows the existing from  
3 Harvard Street, and the second is the proposed.

4 BRENDAN SULLIVAN: But it basically backs up to a  
5 parking lot?

6 MIKE DAWSON: Yes. And there's a tall, brick  
7 apartment building on the one side, and where we have the  
8 tall window and the spiral staircase is kind of the one  
9 small area on this plot that has access to some light, and a  
10 view of the tree. So that's sort of --

11 BRENDAN SULLIVAN: A question I have, I can --  
12 okay, so accept enclosing underneath, because, as you say,  
13 it's really a beautiful space.

14 MIKE DAWSON: Yes.

15 BRENDAN SULLIVAN: You can't grow anything there.  
16 The only thing it collects is possibly some trash and a lot  
17 of leaves. And other than that, it's not a very pleasant  
18 spot. But what is the need of this?

19 MIKE DAWSON: So the need --

20 BRENDAN SULLIVAN: This upper part?

21 MIKE DAWSON: -- so we looked at this --

22 BRENDAN SULLIVAN: This upper part here.

1           LAURA WERNICK: Yeah.

2           MIKE DAWSON: They don't get much light back  
3 there. So we looked at possibly a skylight in the roof deck  
4 down into the bedroom.

5           BRENDAN SULLIVAN: Somewhat of a light tower, if  
6 you will?

7           MIKE DAWSON: Yeah, so -- and I really sort of was  
8 -- didn't really like the idea of a skylight right on their  
9 deck as well, and sort of standing there there's -- looking  
10 towards Bigelow, there's kind of this one path that does get  
11 some light, and there's a beautiful tree right there.

12           So it evolved from just taking advantage of kind  
13 of this one spot of light and view of some green, as opposed  
14 to the apartment tower to the left. So it's -- that's  
15 really what drove that.

16           BRENDAN SULLIVAN: Yeah, okay.

17           MIKE DAWSON: That part of it.

18           BRENDAN SULLIVAN: Yeah. All right. Anything  
19 else at this juncture? No? Okay. You'll have a chance to  
20 come back, anyhow. Any questions for the Board at this  
21 point?

22           MIKE DAWSON: No.

1           BRENDAN SULLIVAN: Let me open it to public  
2 comment. Is there anybody here who wishes to comment on the  
3 application at 37 Bigelow Street? I see none. There is  
4 correspondence in the file from the Mid Cambridge -- I'm  
5 sorry, there is correspondence in the file from a Patrick  
6 and Jan Buckwalter, B-u-c-k-w-a-l-t-e-r.

7           "We are their neighbors at 35 Bigelow, and they  
8 have shared the plans for the addition, and the addition  
9 basically fits on the existing footprints and will not  
10 impact any neighborhood properties. We hope their plan is  
11 approved."

12           BRENDAN SULLIVAN: There is correspondence from  
13 Dina, D-i-n-a Deitsch, D-e-i-t-s-c-h, I may have butchered  
14 that. "As a long time and close neighbors, we are willing  
15 -- we are writing in support of their upcoming construction  
16 project, and they find that doing it on the existing  
17 footprint does not impact the neighbors, and it seems  
18 miraculous."

19           There is there is correspondence from the Mid  
20 Cambridge Historical Commission. "The project was reviewed  
21 at a public hearing of the Mid Cambridge NCD, and a  
22 certificate of appropriateness issued for a one-story

1 addition with roof deck and exterior stairs." And the date  
2 is January 8, 2020.

3 The approval for as per the plans, submitted.  
4 Okay. That's the -- some substance of the correspondence.  
5 Let me close public comment. Is there any other comment you  
6 wish to make, or -- okay. Let's close the presentation  
7 part. Slater, any comments or questions?

8 SLATER ANDERSON: No.

9 BRENDAN SULLIVAN: Jim?

10 JIM MONTEVERDE: No.

11 BRENDAN SULLIVAN: Laura.

12 LAURA WERNICK: Uh-uh.

13 BRENDAN SULLIVAN: Andrea?

14 ANDREA HICKEY: No.

15 BRENDAN SULLIVAN: Let me make a motion, then, to  
16 grant the relief requested for 37 Bigelow to extend a  
17 previously granted variance and square off a second-floor  
18 deck and enclose the space below, as per the drawings  
19 submitted, and the material, and approval of plans entitled,  
20 "37 Bigelow, Cambridge, Massachusetts," dated 10/28/2019 by  
21 David Sidell, Seidel?

22 JIM MONTEVERDE: Seidel.

1           BRENDAN SULLIVAN: Seidel -- and initialed by the  
2 Chair. So basically, you have to build according to these  
3 plans. Any changes, you'll have to go back. The Board  
4 finds that a literal enforcement of the provisions of the  
5 ordinance would involve a substantial hardship to the  
6 petitioner.

7           The Board finds that the current structure --  
8 previously granted a variance for carriage house to a  
9 residence -- created this space; that this space has become  
10 quite unusable and wasteful, and of no benefit to the  
11 homeowner.

12           The Board finds that the hardship is owing to the  
13 siting of the structure on the lot, which renders it  
14 nonconforming, and as such, encumbers it to any addition of  
15 this nature.

16           The Board finds that the relief being requested is  
17 minimal, would be of a benefit to anybody who occupies this  
18 area, and the design of such would provide much needed light  
19 into a bedroom.

20           The Board finds that desired relief may be granted  
21 without substantial detriment to the public good, and the  
22 Board notices the letter of appropriateness for the Mid

1 Cambridge Historical -- also two letters in the file from  
2 abutters.

3           The Board finds that relief may be granted without  
4 nullifying or substantially derogating from the intent and  
5 purpose of the ordinance, to improve the housing stock of  
6 the city for its residents and for the occupant of this  
7 particular structure.

8           The Board granted the variance on the condition  
9 that the work conform to the drawing submitted and initialed  
10 by the Chair. All those in favor of granting the variance  
11 on this condition, please say, "Aye."

12           THE BOARD: Aye.

13           [ ALL FIVE VOTE YES ]

14           BRENDAN SULLIVAN: Five in favor. Okay.  
15 Guideline.

16           COLLECTIVE: Thank you.

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1 (8:39 p.m.)

2 Sitting Members: Brendan Sullivan, Andrea A. Hickey,  
3 Jim Monteverde, Laura Wernick, and Slater  
4 W. Anderson

5 BRENDAN SULLIVAN: The Board will hear Case Number  
6 017221 -- 2019, 169 Spring Street. Whoever is going to  
7 speak, if you would speak clearly, announce your name,  
8 please spell your name for the stenographer and for the  
9 record.

10 BILL BOEHM: Bill Boehm, architect -- that's B-o-  
11 e-h-m, and I'd like to introduce my clients next.

12 DANA SAJDI: Dana Sajdi, S-a-j-d-i.

13 JIM BOWLEY: Jim Bowley, B-o-w-l-e-y.

14 BRENDAN SULLIVAN: Okay. I'd like to ask my  
15 clients to just briefly introduce the project.

16 DANA SAJDI: Hello, fellow citizens. I came to  
17 Boston about five or ten years ago. I bought the house on  
18 169 Spring Street eight years ago, and I was a single woman,  
19 and it was a small, pretty little house.

20 And then -- and it still retains much of its  
21 nineteenth century not only architecture but structure,  
22 including a very, very steep stairway. Then I turned around

1 and acquired a huge van. And so, we couldn't fit it into  
2 the house.

3 And then we took turns in falling down the stairs.  
4 And then we also realized that we live in a tin box of  
5 sorts, because it's very not insulated, and so, it's really  
6 hot in the summer and cold in the winter. And one of the  
7 walls leans.

8 So we decided, given we love the neighborhood, and  
9 the fact that we couldn't find actually better places that  
10 we would reinvest and put everything into the house to make  
11 it much more comfortable and energy efficient and suitable  
12 for our lifestyle. And so, we hired Bill.

13 BILL BOEHM: Okay. And say, if I might, add the  
14 house is seriously sub code in many ways. So we are tonight  
15 presenting a proposal to renovate this home, a gut  
16 renovation. It's pretty much impossible to do anything to  
17 this house without triggering zoning variances. So I guess  
18 you've seen the plans.

19 I was asked to provide shadow studies. I got a  
20 voicemail asking for shadow studies, which I have here. The  
21 impact -- shadow impacts due to the height addition and the  
22 small -- oh, sorry.

1           BRENDAN SULLIVAN: I'm sorry -- okay to interrupt  
2 you?

3           BILL BOEHM: Yes.

4           BRENDAN SULLIVAN: I just want to preface --

5           BILL BOEHM: Okay.

6           BRENDAN SULLIVAN: -- any presentation just by  
7 noting to the Board, I guess, there is a correspondence from  
8 the Cambridge Historical Commission. And it's the East  
9 Cambridge study area. Their correspondence says, "The  
10 project was reviewed at a public hearing of the Historical  
11 Commission on December 5, 2019. The design was approved in  
12 principle, but the hearing was continued until February 6 to  
13 continue discussion about the corner window detail and the  
14 eave of the side addition.

15           "The Commission supports the preservation of the  
16 roof overhand eaves. This is a traditional and practical  
17 detail for a gable roof building." And it's dated January  
18 8.

19           I bring this only to the Board's attention because  
20 it's sort of an incomplete review or comment by Historical,  
21 and does the Board think that this should be continued until  
22 after that review process has been continued? Would it

1 affect what is before us? Any thoughts? That's all.

2 SLATER ANDERSON: Which detail specifically are  
3 you referring to?

4 BILL BOEHM: I could point those out, if you wish.

5 SLATER ANDERSON: Yeah, that would be helpful.

6 BRENDAN SULLIVAN: And the only reason I say it is  
7 because if we are going to continue it at the end, one of  
8 the problems is we have to assemble the same five people.

9 BILL BOEHM: Uh-huh.

10 BRENDAN SULLIVAN: Which -- with vacation, people  
11 being away, can kick this thing off until the end of March  
12 or April. That's my only -- so that's --

13 BILL BOEHM: Right.

14 BRENDAN SULLIVAN: -- why I bring this up.

15 SLATER ANDERSON: And to extend that is if we  
16 proceed today, and we were to approve it, it has to be done  
17 to the plans that we have today. We'll put our future  
18 changes that the plans, because of this February --

19 BILL BOEHM: Right.

20 SLATER ANDERSON: -- hearing, you're going to have  
21 to come back.

22 BILL BOEHM: Right. Understood. We've made

1 modifications for Historical, they're very minor, I'll point  
2 those out. I don't think they would impact your decision on  
3 a zoning basis, but I'll point those out, and you can --

4 JIM MONTEVERDE: Are they in the file, those  
5 JPEGs?

6 BILL BOEHM: No, I brought them with me, because  
7 the Historic meeting happened after we filed the plans.

8 JIM MONTEVERDE: That's the pickle.

9 ANDREA HICKEY: Yeah, I think they need to be --

10 JIM MONTEVERDE: That's what we're trying to  
11 describe.

12 ANDREA HICKEY: -- in the file, and --

13 BILL BOEHM: Why can't you accept these that I  
14 brought with me and review them now?

15 ANDREA HICKEY: Because the public hasn't had an  
16 opportunity to review those.

17 BILL BOEHM: The extent of the change is moving  
18 one window about two feet. Do you think that --

19 JIM MONTEVERDE: Procedurally -- actually, we  
20 probably should be procedurally -- Mr. Chair, do you agree  
21 that that's --?

22 BRENDAN SULLIVAN: Well, it's just that the review

1 is incomplete.

2 JIM MONTEVERDE: Yeah.

3 BRENDAN SULLIVAN: And we tie any relief to a  
4 definitive set of drawings. And those drawings cannot be  
5 altered without coming back to us. So as minor as it may be  
6 -- it may seem minor tonight, as per your initial  
7 discussions with East Cambridge, but as the review goes on,  
8 it may even be a little bit more than just that, that's all.

9 And you run the risk of once it gets -- say we  
10 were to approve it, once the Building Department gets it,  
11 and then looks and sees what we approved, and what East  
12 Cambridge has now basically approved, then they're going to  
13 say, "Well, which one governs?"

14 And we would somewhat tip our hat to the East  
15 Cambridge, and then you'd have to come back.

16 LAURA WERNICK: So but just -- if they don't start  
17 -- if we don't start tonight --

18 BRENDAN SULLIVAN: So that's why I wanted to stop  
19 the presentation as a case heard, because in order for the  
20 five of us to -- it's going to be to the end of March, if  
21 not into April.

22 LAURA WERNICK: But if it's not heard, then --

1           BRENDAN SULLIVAN: Then you could conceivably be  
2 back sooner.

3           ANDREA HICKEY: Or as soon as possible, the  
4 earliest case that we could take after Historical would  
5 hear. Do you know when -- so Historical is scheduled --

6           BILL BOEHM: We're being heard on February 9, I  
7 believe.

8           LAURA WERNICK: Probably could hear you pretty  
9 soon after that. It doesn't have to be this group of  
10 people.

11          SISIA DAGLIAN: The thirteenth, February 13 is  
12 what I have.

13          BRENDAN SULLIVAN: Yeah. I mean, you could be  
14 back here in February -- you could either be back here  
15 February 13 or 27, or it would be toward the end of March.

16          BILL BOEHM: Is there a space on the February 13  
17 agenda?

18          SISIA DAGLIAN: As a continued case there is.

19          ANDREA HICKEY: It wouldn't be continued.

20          JIM MONTEVERDE: No, it would be a case not heard.

21          SISIA DAGLIAN: Right, I know. I don't know these  
22 -- the other schedule.

1 BILL BOEHM: I'm sorry, what did you say?

2 SISIA DAGLIAN: I don't know the full schedule.

3 LAURA WERNICK: So she's saying that a continued  
4 case could be heard on the thirteenth, but then it has to  
5 make sure to get five.

6 BILL BOEHM: But then it would be -- have to be  
7 the same five.

8 BRENDAN SULLIVAN: Well --

9 ANDREA HICKEY: It would be continued as a case  
10 not heard.

11 BRENDAN SULLIVAN: -- a continued case not heard.  
12 Could be that. Yeah.

13 LAURA WERNICK: Could we continue --

14 BRENDAN SULLIVAN: Yeah, it could be heard.

15 JIM MONTEVERDE: Maybe you could do that, yeah.

16 BRENDAN SULLIVAN: I just want to throw that out  
17 to you and give you that option, because that's really what  
18 you're facing.

19 ANDREA HICKEY: Yeah. And secondly, I also think  
20 that if you're sort of tweaking your plans to adjust what  
21 you think Historical will want to see, that those plans  
22 should be part of our file, prior to the case moving

1 forward.

2 BRENDAN SULLIVAN: Okay.

3 ANDREA HICKEY: Okay.

4 BILL BOEHM: Thank you.

5 BRENDAN SULLIVAN: All right, so. You're  
6 requesting continuance?

7 BILL BOEHM: Yes.

8 BRENDAN SULLIVAN: Until February 13? Okay. We  
9 make the motion then that we continue this matter February  
10 13, 2020 --

11 SISIA DAGLIAN: Excuse me.

12 BRENDAN SULLIVAN: Sure.

13 SISIA DAGLIAN: You said that February 9 is for  
14 Historic?

15 BRENDAN SULLIVAN: I believe it's the ninth.

16 JOHN HAWKINSON: February 6.

17 BRENDAN SULLIVAN: Is that it?

18 JOHN HAWKINSON: The ninth is a Sunday.

19 SISIA DAGLIAN: I just want to make sure there are  
20 enough days, because he has to file plans by Monday. So --

21 JOHN HAWKINSON: You're right, it's February 6 is  
22 the --

1           SISIA DAGLIAN:  -- there is enough time to file  
2 plans for the thirteenth.

3           ANDREA HICKEY:  Yeah, so we need to look at them.

4           BILL BOEHM:  I mean, it's the -- we're very  
5 confident that Historic will accept this, we've done what  
6 Historic has asked.  So I'm -- we can file the same set of  
7 plans in advance.

8           SISIA DAGLIAN:  A reminder, the tenth you have to  
9 file.

10          BILL BOEHM:  Okay.

11          BRENDAN SULLIVAN:  Let me make a motion then to  
12 continue this matter to February 13, 2020 at 7:00 p.m. on  
13 the condition that the petitioner sign a waiver of a timely  
14 decision on this matter -- that the posting sign in front of  
15 the house be changed to reflect February 13, 2020 at 7:00  
16 p.m.; any additional material regarding this application be  
17 submitted by 5:00 p.m. on the Monday prior to February 13.

18                   Anything else?  I guess that's it.

19          SLATER ANDERSON:  And this is a case not heard?

20          BRENDAN SULLIVAN:  And this is a case not heard.

21 All those in favor of continuance?

22                   [ All vote YES ]

1 BRENDAN SULLIVAN: Five in favor of a continuance.

2 SLATER ANDERSON: See you then.

3 LAURA WERNICK: You need to sign the waiver.

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2 (8:49 p.m.)

3 Sitting Members: Brendan Sullivan, Andrea A. Hickey,  
4 Jim Monteverde, Laura Wernick, and Slater  
5 W. Anderson

6 BRENDAN SULLIVAN: The Board will hear -- is it  
7 8:00 yet? Yes, it is. The Board will hear Case Number  
8 017219 -- 2019, 544 Mass Avenue.

9 CLIFFORD SCHORER: Good evening.

10 BRENDAN SULLIVAN: Good evening.

11 CLIFFORD SCHORER: Okay. My name is Cliff Schorer.  
12 I'm a managing member of Central Square Redevelopment, which  
13 owns 544 - 550 Mass Ave. We are here actually on a very,  
14 very fine point.

15 I've been sent here by the Planning Board to begin  
16 a process that we began two years ago, which started with  
17 environmental remediation, and then spent a year on planning  
18 in terms of construction process, et cetera.

19 When we went to planning to discuss the eventual  
20 application of a special permit application, we were told  
21 that we need to start with the Zoning Board on a formality,  
22 because they cannot --

1 COLLECTIVE: Mr. Chair, some people can't hear.  
2 Yeah, use the microphone. Get very, very, close to the mic.

3 CLIFFORD SCHORER: -- rule at the Planning Board  
4 fine point of our application. And because our application  
5 hinges upon this question, they suggested that we make this  
6 application prior to our community meetings, which are  
7 scheduled, first Cambridge Board community group on the  
8 twenty-eighth, and a number of other meetings that are  
9 scheduled thereafter.

10 So I just want to be very clear on the fine point,  
11 because I've heard some of you raise objections about what  
12 we hear about -- specifically plan objections, other issues.

13 Our zoning application before you is merely about  
14 the lot area per unit, and it determines what the unit count  
15 in the eventual proposal will be that is brought for special  
16 permits, that will be pending in the future.

17 BRENDAN SULLIVAN: Okay.

18 CLIFFORD SCHORER: So I just want to be very clear  
19 about that.

20 BRENDAN SULLIVAN: All right. Let me tell you  
21 where I am, and then, you know, we can discuss that.

22 CLIFFORD SCHORER: Okay.

1           BRENDAN SULLIVAN: Section 20.303.1 of the  
2 ordinance:

3           "Central Square Overlay District shall be  
4 considered an area of special planning. The development  
5 proposal is listed in subsection 19, except that any large  
6 project review, new buildings of 2,000 square feet or more,  
7 which you are putting up a new building -- 2,000 square feet  
8 or more -- shall be conducted in large project review, shall  
9 be conducted by the Central Square Advisory Committee using  
10 procedures as specified in subsection 20.

11           "The committee shall undertake all large project  
12 reviews, and shall receive all application for variances and  
13 special permits for activities within the Central Square  
14 Overlay District for review and comment.

15           "Within the six months preceding any application,  
16 the committee shall prepare a written report of findings and  
17 recommendations with respect to the applicant's proposed  
18 project. The report shall be forwarded to the applicant,  
19 and shall be included any application for building permit,  
20 special permit or variance.

21           "It is expected that in making a decision  
22 regarding special permits and variances within the Overlay

1 District, the Planning Board and/or the Board of Zoning  
2 Appeal will give due consideration to the report and  
3 recommendation of the Advisory Committee."

4 Then it was talking about the maximum height and  
5 what have you. I guess my question is, have you been before  
6 the Central Square Overlay District Commission?

7 CLIFFORD SCHORER: We informally met yesterday, at  
8 their request, through actually the Central Square Business  
9 Committee I believe it is -- the office Michael Monestime  
10 runs, and they had an informal meeting yesterday morning, at  
11 which we discussed the idea of having that process before we  
12 passed the zoning question, and the discussion was that to  
13 do so would be to rule on a project that doesn't yet have a  
14 basis.

15 So in other words, the Planning Board has still  
16 got the special permit authority that you address in there,  
17 and therefore between the two meetings, open this meeting,  
18 sound the opinion of the zoning on this fine question, the  
19 question that the Planning Board cannot rule on, and then we  
20 go and do that process for the X number of months.

21 BRENDAN SULLIVAN: Well, my feeling is that you  
22 need to go before the Central Square Advisory Committee with

1 a formal plan, have a hearing on that, and hearing of use,  
2 and then have them file a report to any permit granting  
3 authority. I think that's -- to me, the way I read this --  
4 is that would be step number one.

5           And how you proceed vis-à-vis the Planning Board,  
6 Zoning Board -- my own personal view is I would -- and  
7 again, I'm a little bit unclear -- I can't connect the dots  
8 about the Planning Board's reasoning. I think we sort of  
9 like to be the last stop before the permitting, rather than  
10 having another one over us, because somebody over us could  
11 -- you know --

12           CLIFFORD SCHORER: Right.

13           BRENDAN SULLIVAN: -- change it. And then you'd  
14 have to come back again.

15           CLIFFORD SCHORER: Right.

16           BRENDAN SULLIVAN: And I think that as far as the  
17 public is concerned, that there should be an orderly  
18 progression of events. It starts with the Central Square  
19 Advisory Committee, number one, it may go to Planning, or we  
20 may have some discussion -- maybe I would ask Planning Board  
21 to submit some correspondence to us explaining their  
22 position. And then, you know, so there's one -- one step,

1 two steps, three steps.

2 CLIFFORD SCHORER: Just to be sort of clear on the  
3 sort of cart before the horse is what you're suggesting. So  
4 the plan that we bring forward to the Planning Board, the  
5 building itself there are no changes. The question that  
6 comes down to the ZBA, or the BZA, is the lot area per unit  
7 count?

8 And even though the plan doesn't change -- what  
9 changes is the unit count and the number of inclusionary  
10 units. So for us to propose two plans -- one by right, and  
11 one assuming that at the end of that whole process the ZBA  
12 would revisit the unit count, that -- I understand the  
13 Planning Board's logic.

14 This is a rare occasion where the ordinance in  
15 question does not change the actual physical structure of  
16 the building. The ordinance in question just changes the  
17 unit count we propose, and the number of inclusionary units.

18 BRENDAN SULLIVAN: And there's ramifications for  
19 that.

20 CLIFFORD SCHORER: Correct.

21 BRENDAN SULLIVAN: That's right, so --

22 JOHN HAWKINSON: Mr. Chair?

1           BRENDAN SULLIVAN: In a minute. So that's why I  
2 -- again, I would lean towards going before the Central  
3 Square Advisory Committee, having the input of the committee  
4 and of the neighborhood, and then you make the decision and  
5 have some more discussion with whomever whether you go to  
6 Planning, and then come to us, whether you come to us, and  
7 then go back -- the Planning Board really is -- I think is  
8 the parking. Is that --

9           CLIFFORD SCHORER: No, actually. The Planning  
10 Board is the special permit for height, special permit for  
11 the VAR enhancement for local retail preservation.

12           BRENDAN SULLIVAN: Okay, all right. There are a  
13 number of stubs here.

14           CLIFFORD SCHORER: Yeah, there's three.

15           BRENDAN SULLIVAN: Yeah, that's right. Okay.

16           CLIFFORD SCHORER: And that's why they determined  
17 that unless we have a hearing count, all of the other  
18 questions -- parking, et cetera, are all contingent. So  
19 that's why they suggested this guy.

20           BRENDAN SULLIVAN: Okay.

21           ANDREA HICKEY: I just wanted to add it's my  
22 understanding we can't sort of hear the case piecemeal.

1 Either we hear the whole case, or we wait until another time  
2 to hear the whole case. We can't give an advisory opinion  
3 on a very narrow issue. That's my understanding.

4 BRENDAN SULLIVAN: That's correct.

5 CLIFFORD SCHORER: Right. And I'm sorry, maybe  
6 the phraseology was incorrect. What I'm asking for is BZA  
7 approval on the question of a waiver of the lot area per  
8 unit count, and nothing else.

9 And then we have to go through -- because  
10 obviously we have two full special permits to seek through  
11 the Planning Department, which involves the entire process  
12 that you're describing, including the -- we understand your  
13 position, but it's exactly counter to what the Planning  
14 Board has --

15 BRENDAN SULLIVAN: Right. But I would, again,  
16 lean on, I would welcome the input of the Advisory  
17 Committee, and they obviously will have input from the  
18 community. And formulating and coming forth with whatever  
19 plan you want to at the end.

20 Any other questions or --

21 JOHN HAWKINSON: Mr. Chair, sorry, would it be  
22 helpful if the Chair could distinguish between the Planning

1 Board and Community Development staff, because they're not  
2 the same, and the Planning Board has not met on this in any  
3 fashion? Thank you.

4 BRENDAN SULLIVAN: Community Development is -- has  
5 under their umbrella the Central Square Overlay District.

6 JOHN HAWKINSON: Also true, but the petitioner  
7 referenced the Planning Board several times, and I think  
8 that was very confusing to some of the audience.

9 BRENDAN SULLIVAN: Right. Okay. Anyhow, I had a  
10 thought here.

11 JOHN HAWKINSON: I could clarify that, if you  
12 like.

13 BRENDAN SULLIVAN: No, that's okay. Slater, any  
14 questions?

15 SLATER ANDERSON: I'm a little confused as to  
16 what's -- this unit count, why are we asking -- and I want  
17 to be careful, we haven't started this. This isn't heard  
18 yet, or are we in this thing?

19 BRENDAN SULLIVAN: No, we're not even getting into  
20 the merits of anything.

21 SLATER ANDERSON: Yeah. So I don't want to ask  
22 questions.

1           BRENDAN SULLIVAN: No. And that might be an  
2 issue. But to me, whether it's one unit or 29 units or 129  
3 units, until it has gone before the Central Square Advisory  
4 Committee, had a hearing, neighborhood input and so on and  
5 so forth, and then that comes back to us with their  
6 recommendation or they may come back and say, "this page was  
7 left intentionally blank -- " you know, whatever.

8           But that's a starting point with me. Do that,  
9 have that hearing, have them correspond, and then we will  
10 hear the unit count.

11          JOHN HAWKINSON: Okay.

12          BRENDAN SULLIVAN: And whether or not it's --

13          CLIFFORD SCHORER: If I may ask one quick  
14 question, just to not basically go back to the Planning  
15 Board staff and say we've heard the opposite -- if we start  
16 with the community approval process --

17          BRENDAN SULLIVAN: I think it's quite clear what  
18 you have to do.

19          CLIFFORD SCHORER: If we start with that, is the  
20 next step to logically establish the unit count before we go  
21 back to the Planning Board for our special permit?

22          BRENDAN SULLIVAN: I would say yes. I would say

1 whatever you are going to ultimately submit to us should be  
2 submitted to the Advisory Committee, plain and simple, as  
3 far as -- that's the way I read it.

4           ANDREA HICKEY: I'm not sure that wasn't the  
5 question.

6           CLIFFORD SCHORER: That wasn't the question -- the  
7 question, I'm sorry, is that we need special permission from  
8 the Planning Board, but the entire foundation of that  
9 question is what is the unit count, which has to be  
10 established by the Zoning Board. So --

11           JIM MONTEVERDE: I understand. But I think what  
12 the Chair has said, and the way the regulations read, you've  
13 got to run it up the flagpole with the --

14           CLIFFORD SCHORER: Yep.

15           JIM MONTEVERDE: -- whole group, period. You've  
16 got to put your plan on the table and go from there.

17           CLIFFORD SCHORER: Okay, that's fine. And then  
18 return to the Zoning Board, before the planning?

19           JIM MONTEVERDE: I think you laid out a process  
20 that indicated it could be either the Planning Board or the  
21 Zoning Board, that's your call.

22           CLIFFORD SCHORER: Or with -- simultaneously.

1           JIM MONTEVERDE: You'll get the advice under which  
2 way it goes, but if you got to do that first step first; put  
3 the plan that you proposed --

4           BRENDAN SULLIVAN: Laura, any comment at all?

5           LAURA WERNICK: No, I think that's correct.

6 Andrea, any?

7           ANDREA HICKEY: No. It does sound like the number  
8 of units is going to be -- and the Planning Board decisions  
9 are going to be contingent upon a set number of units. So  
10 the -- I see the logic, but you have to go through the  
11 Advisory -- the route of going through the Advisory  
12 Committee.

13          BRENDAN SULLIVAN: All right. So you've asked for  
14 a continuance --

15          CLIFFORD SCHORER: Yes, please.

16          BRENDAN SULLIVAN: -- to this matter. Let me make  
17 a motion then to continue this matter as a case not heard.  
18 Now, I guess the question is, okay, we have January 9 and we  
19 got February, we got March. At what point would you be  
20 comfortable in scheduling a date?

21          CLIFFORD SCHORER: I think probably we need to  
22 have some feedback in terms of the schedule on the other

1 approval process, and then come back to you with a day at  
2 the staff level, if that's possible.

3 BRENDAN SULLIVAN: No, we have to set it now. I  
4 mean, we can set it -- you can set it February 27, March 12,  
5 March 26.

6 CLIFFORD SCHORER: We have a January 28 schedule  
7 date, and I think we can probably work in the schedule. So  
8 we'll -- how about we try for February 27?

9 BRENDAN SULLIVAN: February 27?

10 CLIFFORD SCHORER: Yeah.

11 BRENDAN SULLIVAN: Okay. Does that work, Sisia?

12 SISIA DAGLIAN: Yeah.

13 BRENDAN SULLIVAN: As a case not heard? The  
14 motion then is to continue this matter until February 27,  
15 2020, on the condition that the petitioner change the  
16 acoustic sign to reflect the new date of twenty-seventh of  
17 February at 7:00 p.m. -- that any submissions to the Board  
18 should be in the file no later than the Monday prior to the  
19 February 27 hearing.

20 That the petitioner agrees to sign a waiver of a  
21 timeframe for rendering a decision on this, if you would  
22 sign the waiver?

1 CLIFFORD SCHORER: Sure.

2 BRENDAN SULLIVAN: Anything else to --

3 MICHAEL WIGGINS: Mr. Chair, for the record, what  
4 is the meeting on the twenty-eight? January 28 is the  
5 meeting with who?

6 BRENDAN SULLIVAN: That's the Cambridgeport  
7 Neighborhood Association. That's the first of our  
8 neighborhood association meetings.

9 MICHAEL WIGGINS: Okay.

10 BRENDAN SULLIVAN: On the motion to continue this  
11 matter?

12 [ ALL FIVE VOTE YES ]

13 BRENDAN SULLIVAN: Five in favor. All right.  
14 Thank you.

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2 (9:32 p.m.)

3 Sitting Members: Brendan Sullivan, Andrea A. Hickey,  
4 Jim Monteverde, Laura Wernick, and Slater  
5 W. Anderson

6 BRENDAN SULLIVAN: The Board will hear Case Number  
7 017211, 336 Pearl Street. Mr. Hope?

8 SEAN HOPE: Good evening.

9 COLLECTIVE: Good evening.

10 SEAN HOPE: Good evening, Mr. Chairman, members of  
11 the Board. For the record, Attorney Sean Hope, Hope Legal  
12 Offices in Cambridge. I'm here on behalf of the petitioner  
13 and owner, Ms. Kim Walker-Chin and project architect Stephen  
14 Hiserodt of Mark Boyes-Watson Architects in Somerville.  
15 Anyway, thank you for having us.

16 This is an application requesting zoning relief in  
17 the form of a variance, and also, a special permit for  
18 windows, to convert a nonconforming existing carriage house.  
19 Additionally, there are dormers on this carriage house that  
20 set within the rear yard setback that also triggers variance  
21 relief.

22 And lastly, with converting the carriage house

1 into a residential dwelling by application of the unit. It  
2 exceeds the allowable lot area per dwelling unit.

3 So those are the three elements of the variance.  
4 And as I said, there's a special permit for windows within  
5 the setback on the existing three-family dwelling.

6 Just by some brief background, Mrs. Walker-Chin  
7 has owned the property for approximately 18 years, and has  
8 kept and maintained the property. The property has a three-  
9 family on it, multifamily. It also has a carriage house in  
10 the rear.

11 This is relevant to note, the carriage house has  
12 been deemed preferably preserved by the Historical  
13 Commission, which essentially means that it can't be  
14 demolished without process, and through a demolition  
15 application; there could be a delay up to one year. That is  
16 relevant.

17 This carriage house, like many of these historic  
18 carriage houses were used for horse and buggy. And now,  
19 it's actually pretty grand sized. So it's a large size.  
20 The part of the proposal is for Mrs. Walker-Chin to be able  
21 to utilize that structure as a dwelling.

22 The proposed use for the dwelling would be either

1 for herself and/or families. Mrs. Walker-Chin, as she can  
2 tell you, is from Jamaica. She has aging parents. And so,  
3 her current location living in Cambridge is not a large  
4 enough size, so the idea would be to be able to keep the lot  
5 -- keep the multifamily structure and then be able to  
6 utilize the carriage house for her and her family uses.

7 I would also say too that the existing three-  
8 family house, as stated in the application, is being  
9 converted to a two-family as part of the renovation, so that  
10 right now you have three units on the lot, and if the Board  
11 were to approve the application, you'd still have to  
12 maintain the three units.

13 So there is an attempt to keep the density in  
14 terms of the unit count consistent with what's there. I  
15 would also say too this carriage house is prominent on the  
16 lot, so if you go by, it stands, it's very visible from the  
17 street. Unfortunately, it has been unused.

18 And so, there is an economic element to a large  
19 structure that you have to maintain that really doesn't have  
20 the uses that it once had. I would say that the nature of  
21 Cambridge and the shortage of housing really makes the most  
22 rationale, highest and best use for this garage structure as

1 a residential dwelling.

2 In preparing for this application, because this  
3 structure is so close to the rear property line, we did  
4 reach out to the neighboring abutters, and Mr. Hiserodt can  
5 talk about some changes that we made to the carriage house.  
6 But I would say some benefits to the conversion.

7 So one, this is an age structure that is very  
8 close to the property line, and currently is not  
9 sprinklered. It is not -- there's a type of material, like  
10 hardwood siting. So by the renovations, there will be --  
11 the structure will be sprinklered.

12 The structure will be made more safe. It will  
13 still be in close proximity to the property line, but it  
14 would also be activated, and to have this as a close to  
15 2,000 square feet structure.

16 And as you know, when you have these large  
17 structures that are unused and not occupied, it does present  
18 a potential safety hazard. So the proposal is to activate  
19 this for Mrs. Walker-Chin's benefit, and just make some  
20 modification to the carriage house that Mr. Hiserodt will be  
21 walking through at the request of some neighbors and  
22 abutters to mitigate what might be some impact from its

1 conversion.

2 THE REPORTER: Can you just spell your name,  
3 please, for the record?

4 STEPHEN HISERODT: Excuse me?

5 THE REPORTER: Can you spell your name, please?

6 STEPHEN HISERODT: H-i-s-e-r-o-d-t. The -- in  
7 discussions with the neighbors, they -- the main concern was  
8 a series of dormers that face the rear yard on the carriage  
9 house, concern about privacy matters. So we've agreed to  
10 eliminate those dormers, so that there will be no new  
11 openings to the rear of the carriage house.

12 Do you want me to go through the architecture, or  
13 --

14 BRENDAN SULLIVAN: Well --

15 STEPHEN HISERODT: -- and Sean has described --

16 BRENDAN SULLIVAN: Yeah --

17 STEPHEN HISERODT: -- the basic scope that --

18 BRENDAN SULLIVAN: Maybe you can start the  
19 discussion that I look at this as it's a lot, it's a bit  
20 much. How many bedrooms are in the existing three-family?

21 KIM WALKER-CHIN: One, two, three four. Four --  
22 two on each, the first-floor corner, second floor, and the

1 top floor I would say one. It's a very small triple-decker,  
2 it's not the traditional.

3 BRENDAN SULLIVAN: And there's four bedrooms on  
4 the first floor?

5 KIM WALKER-CHIN: No, no, no.

6 STEPHEN HISERODT: Two.

7 KIM WALKER-CHIN: Two.

8 BRENDAN SULLIVAN: Two?

9 KIM WALKER-CHIN: Two on the first --

10 SEAN HOPE: Two, two and one --

11 KIM WALKER-CHIN: Two on the second --

12 SEAN HOPE: So far --

13 KIM WALKER-CHIN: And then one.

14 SEAN HOPE: -- right?

15 STEPHEN HISERODT: Yeah.

16 BRENDAN SULLIVAN: Two, two and one.

17 KIM WALKER-CHIN: Yes.

18 BRENDAN SULLIVAN: So five?

19 KIM WALKER-CHIN: Correct.

20 BRENDAN SULLIVAN: And what is proposed?

21 STEPHEN HISERODT: It's three --

22 BRENDAN SULLIVAN: 11.

1           STEPHEN HISERODT: Three in each? And -- yeah.

2           BRENDAN SULLIVAN: That's a lot of bedrooms.

3           STEPHEN HISERODT: Yes.

4           BRENDAN SULLIVAN: The purpose of the ordinance is  
5 to lessen congestion in the streets, provide adequate light,  
6 air and prevent overcrowding of land, to encourage the most  
7 rational use of land throughout the city, including  
8 encouragement of appropriate economic development, and the  
9 protection of residential neighborhoods from incompatible  
10 activity, and preserve and increase the amenities of the  
11 city.

12                   That's the purpose of the zoning ordinance. To go  
13 from five bedrooms to 11 bedrooms on a site, even though  
14 it's two structures, to me is overcrowd. That's my -- when  
15 I first looked at the this, I said, "They are trying to max  
16 out every square foot of building."

17                   And as you said , it is a small, narrow house --  
18 three-family. I couldn't believe that it was a three-  
19 family, other than there's probably just a bedroom and a  
20 bathroom upstairs and maybe a kitchen, that type of thing or  
21 something --

22           STEPHEN HISERODT: Yeah.

1 BRENDAN SULLIVAN: -- like that.

2 STEPHEN HISERODT: Yes.

3 BRENDAN SULLIVAN: It does not look like a three-  
4 family, it's not -- but anyhow, but then to maximize that,  
5 put Unit 1 in the basement -- part of Unit 1 is onto first  
6 floor, Unit 2 is second floor and the third floor, and then  
7 two maxim out the carriage house by also putting bedrooms  
8 and rooms in the basement, I don't think there's a basement  
9 to the carriage house. It probably has to be excavated --

10 STEPHEN HISERODT: Yeah.

11 BRENDAN SULLIVAN: And so on and so forth. To me,  
12 that's a lot. So let me open up the discussion with that.

13 STEPHEN HISERODT: Yeah.

14 BRENDAN SULLIVAN: So you know where I'm coming  
15 from.

16 STEPHEN HISERODT: The -- I mean, it's --

17 BRENDAN SULLIVAN: If you want to go through your  
18 presentation that's fine, but --

19 STEPHEN HISERODT: Well, I mean, I think the  
20 details of where -- I mean, what we're seeking relief for  
21 are fairly straightforward, as John has -- I mean, the  
22 requests for relief.

1           BRENDAN SULLIVAN: Is this going to be condo-ed,  
2 or is it --

3           KIM WALKER-CHIN: No, it's for me. I'll be still  
4 living there. I currently rent the first floor, and I live  
5 on the second, which is what I'll still do. I use the first  
6 level, the bedroom, for myself. The second level I have,  
7 like, my exercise room and my office. So it's still just me  
8 and using the space differently, so to speak.

9           STEPHEN HISERODT: I mean it's not -- it's really  
10 just utilizing all of the existing square footage that's on  
11 the lot.

12          BRENDAN SULLIVAN: Every inch.

13          STEPHEN HISERODT: Yeah, but it's not uncommon in  
14 the city to do so. I mean, most projects will try and  
15 maximize the use of the square footage available. I don't  
16 think it's a stretch that's uncommon. If I look at the 50  
17 or 60 projects I've done in the last 50 years -- say the  
18 bulk of them seek to maximize the available square footage.

19          SEAN HOPE: Just to see if I can nuance a little  
20 bit. So is it -- so one, I think the Board has seen  
21 basements have been activated since the barrack, where  
22 people have been utilizing this duplex first and second

1 floor? But my question is, is it the number of bedrooms, or  
2 is it the living space?

3           Because, you know, you can -- he could -- you  
4 could activate the whole dwelling in a way that has more  
5 open plan, maybe less bedrooms. Because I think, -- and  
6 tell me if I'm wrong -- the focus of this was really about  
7 the carriage house. You know, it's been about 18 years  
8 since there's been a full gut type renovation in this  
9 structure.

10           So I do think when we go from a 2.5 story, you  
11 know, probably medium in terms of condition and then you've  
12 got to make it brand new, there is this idea of, how do you  
13 offset the cost of all of the construction? And you go and  
14 you try to maximize it.

15           But I think the point of the carriage house was  
16 really about allowing the petitioner to be able to age in  
17 place. So I do think the three-family and the number of  
18 dwelling units is by nature going to support her.

19           But I think if the number of bedrooms is the  
20 issue, I think that's something that we could adjust, versus  
21 leaving the basement empty, because I think when you have  
22 seven feet, when you have a basement and you don't have oil

1 furnaces and all the things that were in basements,  
2 naturally people want --

3 BRENDAN SULLIVAN: Well to me -- and again, I'm  
4 just speaking for myself --

5 SEAN HOPE: Sure.

6 BRENDAN SULLIVAN: -- for other people here, the  
7 number of bedrooms means people.

8 SEAN HOPE: Yep.

9 BRENDAN SULLIVAN: And people is crowds, crowding,  
10 overcrowding.

11 SEAN HOPE: Mm-hm.

12 BRENDAN SULLIVAN: Coming and going. And then  
13 just it's -- you know, so. I mean, there could be a five-  
14 bedroom house with one person in it.

15 SEAN HOPE: Mm-hm.

16 BRENDAN SULLIVAN: And, you know, I mean, there's  
17 -- well, it's a city. There's no formula. But I just look  
18 at this as that you're going from five bedrooms to 11  
19 bedrooms, and it is going to increase the overcrowding of --  
20 that's how I read it.

21 Now, you're welcome to try and swing me the other  
22 way, and I will listen to my other fellow Board members what

1 their thoughts are on it, and that's my initial. I just  
2 wanted to --

3 LAURA WERNICK: You should clarify the number of  
4 units. There will still be -- there will be three units on  
5 the site.

6 BRENDAN SULLIVAN: Yes, that's correct.

7 LAURA WERNICK: The first floor, the second and  
8 third floor, and then a single-family unit in the carriage  
9 house.

10 KIM WALKER-CHIN: Right.

11 LAURA WERNICK: You're not going to divide that up  
12 into --

13 KIM WALKER-CHIN: No.

14 SEAN HOPE: And just to be accurate, it's the  
15 first floor and basement, and the second and third floor.

16 LAURA WERNICK: I'm sorry, with the basement --  
17 first floor and basement. And that's your intent is to stay  
18 on the second and third floor?

19 KIM WALKER-CHIN: The second and the third floor,  
20 which I'll use the first level of the second floor for my  
21 bedroom and living and kitchen. The upper will be my  
22 office/guestroom and an exercise room.

1           LAURA WERNICK:  And I think I heard Mr. Hope say  
2  that you would retire to the -- eventually retired, or  
3  eventually move to the carriage house.

4           KIM WALKER-CHIN:  As my -- as I get older, my legs  
5  --

6           LAURA WERNICK:  The intent is to rent that out?

7           KIM WALKER-CHIN:  Depends on what's happening at  
8  the phase of my life.  Probably a family member will come.  
9  I'm from Jamaica, so we tend to take care of each other as  
10 we get older.

11          LAURA WERNICK:  But it will have how many  
12 bedrooms?  I'm sorry, how many bedrooms in the carriage  
13 house?

14          KIM WALKER-CHIN:  One, two, three, four.  Four?

15          SEAN HOPE:  It's four.

16          KIM WALKER-CHIN:  Three plus, really.  I mean, it  
17 could be wide open space.  It doesn't really make a  
18 difference.  It will probably be a den or an exercise room,  
19 which is really the norm.

20          LAURA WERNICK:  So would you feel more comfortable  
21 if it were not defined bedrooms -- that there were, more  
22 multipurpose room and the bedroom?  I mean, I'm concerned

1 about the same thing.

2 SEAN HOPE: Yeah.

3 LAURA WERNICK: It seems like we could get high  
4 density.

5 JIM MONTEVERDE: Yeah, except that what's  
6 submitted and we're looking at for the carriage house is  
7 more bedrooms.

8 KIM WALKER-CHIN: It's two upstairs, and we could  
9 always open up the basement.

10 JIM MONTEVERDE: Correct. One on the basement --

11 KIM WALKER-CHIN: It's not a --

12 JIM MONTEVERDE: -- one on the ground-floor, two  
13 above.

14 LAURA WERNICK: Sorry?

15 KIM WALKER-CHIN: Yes.

16 JIM MONTEVERDE: One in the basement?

17 SEAN HOPE: There's not a basement in carriage  
18 house.

19 STEPHEN HISERODT: Yes, there is.

20 SEAN HOPE: Oh, there is?

21 LAURA WERNICK: Yeah, there is.

22 BRENDAN SULLIVAN: To answer your question, I just

1 -- as the plan is submitted, it looks to me like a lot. And  
2 it's just -- it's maximizing. Now, if you were to take the  
3 existing three-family, you know, and again, yes, we have  
4 allowed and it's the city policy to build down at the  
5 basements, that utilize that space and what have you. Now  
6 you're adding there's another structure there.

7           What do you do with that structure? And again, I  
8 don't know. Could we have a philosophical discussion as to  
9 whether it is right, wrong or different height?

10           I don't know, other than the fact that I look at  
11 11 bedrooms and I see a lot of people. So that's all.  
12 That's where I'm coming from in this.

13           SEAN HOPE: Yeah, I mean I -- and this is  
14 obviously the petitioner's point of view, but I think if the  
15 feedback is that the layout -- the number of bedrooms is  
16 objectionable, but the square footage in the carriage house  
17 and in the unit itself, I think we could take that advice,  
18 potentially look at how we have laid out, because as the  
19 petitioner said in the carriage house, four bedrooms, you  
20 could easily have more of an open plan. I do think there  
21 was a goal to have a bedroom --

22           BRENDAN SULLIVAN: Right.

1           SEAN HOPE: On the first floor, so that you don't  
2 have to climb stairs.

3           BRENDAN SULLIVAN: I could see the carriage house  
4 without the basement -- just the carriage house; renovation  
5 of the existing carriage house.

6           SLATER ANDERSON: Does the carriage house not have  
7 a basement currently?

8           BRENDAN SULLIVAN: No, slab.

9           SEAN HOPE: Currently it does not have a --

10          BRENDAN SULLIVAN: Yeah, it's on a slab.

11          SEAN HOPE: -- basement space.

12          SLATER ANDERSON: I mean, it sounds like there are  
13 layout changes that we could -- that could be made, that  
14 could ease the congestion of a potential --

15          BRENDAN SULLIVAN: There's only one --

16          SLATER ANDERSON: I understand, but just --

17          BRENDAN SULLIVAN: Far more knowledgeable than I,  
18 that's why I treasure their input.

19          SLATER ANDERSON: I understand. But I -- I'm just  
20 -- it sounds like, you know, there's another Board member  
21 who also seemingly stopped the 11 bedrooms was potentially  
22 -- would cause congestion if they were all occupied at the

1 sesame time, and you know, it petitioner was open to it, and  
2 the Board felt that maybe reorienting the layout so there's  
3 less bedrooms might be more palatable and reduce the concern  
4 for every -- if every room was occupied at a given time.

5 I think that's something that the petitioner may  
6 consider. That was with the Board, as a group, felt the  
7 proposal was maybe just a hair too far, in terms of the  
8 number of bedrooms.

9 JIM MONTEVERDE: So just to be clear, yes, I would  
10 agree with Chair that it just seems too dense of a  
11 development, and I'm having trouble following the -- I can  
12 follow the logic of the discussion that the carriage house,  
13 and I appreciate being able to renovate an accessory  
14 structure, that's great.

15 But the discussion that it's used to be able to  
16 age in place and then have four bedrooms just seems -- and I  
17 understand you've got other family, and there may be other  
18 family there, but then it's also not just you? You know,  
19 after that time, then it's a four-bedroom dwelling, and it  
20 just seems like it gets very dense. So I would agree with  
21 the Chair, that that would be my concern.

22 KIM WALKER-CHIN: I was looking at it from the

1 point of view -- like I said, one would be a guest room  
2 /study, the other one an exercise room.

3 I understand your point, but we could certainly  
4 make it open and have the office/guest room exercise room  
5 one space, which is okay. But that is where we were coming  
6 from with the design. But that's something -- we can remove  
7 the walls, and just have a big, open area, and just use  
8 floor rugs to make the division, if we need to.

9 LAURA WERNICK: Can we talk a little bit about the  
10 basement? Because I think that also --

11 KIM WALKER-CHIN: The basement, because of the --  
12 because of the mechanicals and all of that, it only makes  
13 sense to have the basement and the laundry area, as well as  
14 possibly a den.

15 You know, it's just the norm in the area when  
16 you're doing basements now. I'm sure you're familiar with  
17 the dense in the basement, possibly a little sofa somewhere  
18 for when the guest comes, and a bathroom.

19 So that was the idea. But we went forward to make  
20 the walls, so we could have some kind of privacy and  
21 division. But if it's open, it's not about having several  
22 people. You know? That's kind of not the -- that's not the

1 concept that we're going by.

2 LAURA WERNICK: Andrea?

3 ANDREA HICKEY: Yeah. So I have two issues.

4 KIM WALKER-CHIN: Sure.

5 ANDREA HICKEY: And I think they sort of mirror my  
6 colleague, Mr. Sullivan. It's collectively the number of  
7 bedrooms I have an issue with. My second issue is sort of  
8 creating an excavated basement living area in the carriage  
9 house. I think it's excessive.

10 I would have less of an issue with the first floor  
11 as proposed, so a little under 800 square feet, and then the  
12 second sort of level of the carriage house a little under  
13 500 square feet.

14 But creating all this new space in an excavated  
15 basement it's a lot, to quote --

16 KIM WALKER-CHIN: That can be changed too. If we  
17 need to, that's -- it's -- like I said, the carriage house  
18 basement space was more for the mechanicals. But if we need  
19 to make an adjustment there, that's not a problem.

20 ANDREA HICKEY: Yeah.

21 KIM WALKER-CHIN: Because --

22 ANDREA HICKEY: I don't see a mechanical room in

1 the plan.

2 KIM WALKER-CHIN: No, but I am just thinking out  
3 loud in terms of it would only make sense, because if you're  
4 going to do the living room and the kitchen on the first  
5 level, it limits where you can put certain things, as you  
6 know, in terms of the mechanicals.

7 ANDREA HICKEY: Right. Well, those are my  
8 objections.

9 KIM WALKER-CHIN: Okay.

10 ANDREA HICKEY: The collective number of bedrooms,  
11 and there being sort of an excavated living area of any  
12 sort, under the carriage house.

13 KIM WALKER-CHIN: Point taken.

14 ANDREA HICKEY: Thank you.

15 KIM WALKER-CHIN: Yeah.

16 SLATER ANDERSON: Okay. Can someone clarify for  
17 me how we can add the basement and not increase the FAR? Is  
18 this related to the -- I mean, it would seem like when  
19 you're adding a new basement to a three-unit property,  
20 you're adding FAR. Now --

21 SEAN HOPE: Right. So in the existing three-  
22 family, part of the proposal is to convert the three to a

1 two. And under the ordinance, single and two-families, the  
2 basement space is exempt, without going to the Board. If it  
3 was a three-unit structure, and we went to go exempt the  
4 basement, we'd have to get a special permit.

5           So there's converting it to a two, which allows  
6 you to exempt the basement on the two-family, and in the  
7 carriage house it would be a single-family dwelling, and the  
8 basement would be exempt as well. So that's how both  
9 basements can be activated and used without adding  
10 additional gross floor area.

11           But there's no basement in the carriage house.

12           SLATER ANDERSON: This is true, even of new  
13 construction?

14           SEAN HOPE: No.

15           STEPHEN HISERODT: I mean, as far as density is  
16 concerned, I mean we still meet all of our open space  
17 requirements. There's still quite a of lot area left.

18           BRENDAN SULLIVAN: And you would need the open  
19 space.

20           STEPHEN HISERODT: Yeah. You would need the open  
21 space for --

22           BRENDAN SULLIVAN: And the lot area for the number

1 of people.

2           STEPHEN HISERODT: I mean, we did create very  
3 small bedrooms, as opposed to widening them out. Losing a  
4 bedroom is not a critical issue. I know, you know, for  
5 affordable housing, they're trying to get housing that can  
6 accommodate larger families.

7           BRENDAN SULLIVAN: The value in this is not as  
8 rentals.

9           BRENDAN SULLIVAN: No, true, yes. Down the road,  
10 the value of this is not as rentals. So I don't live in a  
11 bubble.

12           STEPHEN HISERODT: Yeah.

13           BRENDAN SULLIVAN: Okay.

14           SLATER ANDERSON: Just back to my question -- I'm  
15 sorry, but you described the carriage house as a single-  
16 family? I mean, to me this is a single lot with three units  
17 on it. It's not a single-family dwelling. I mean, I am not  
18 a -- you know, expert on the subject, but it would seem to  
19 me that it's a detached third unit, not a single-family.

20           STEPHEN HISERODT: I was only talking about in  
21 terms of the basement and the zoning, how the zoning would  
22 look at this as a freestanding dwelling, so it would be

1 single, as opposed to a multifamily.

2 But I think the distinction -- it's a detached  
3 dwelling unit, and so to your point, whether it's a single  
4 or it's a freestanding dwelling, and --

5 SLATER ANDERSON: I think it's significant for the  
6 exemption of the basement? Whether it's a one or two or a  
7 three, it doesn't apply to the three, does it? Or is it  
8 because it's attached that's fine?

9 BRENDAN SULLIVAN: It's detached, it's a single-  
10 family.

11 STEPHEN HISERODT: So.

12 BRENDAN SULLIVAN: I'm sorry, did you have your  
13 hand up to speak?

14 AUDIENCE: No.

15 BRENDAN SULLIVAN: Oh, okay. Sorry. Well, there  
16 seems to be some resistance, some pushback. Would you like  
17 to continue this matter? To another date?

18 SEAN HOPE: It does sound like based on the  
19 feedback from the Board, that we don't have support for this  
20 current proposal, and this made representations that we  
21 could modify the plan, still achieve the goals of the  
22 petitioner, and maybe have a less congested site.

1           So based on that, I think we would continue. I  
2 know there are some folks here who came. Is it the Chair's  
3 preference that they not do public comment and come back, or  
4 --

5           BRENDAN SULLIVAN: I would suspend that, and I'm -  
6 - any public comment, until the final plan comes back before  
7 us. There are letters of support in the -- a letter --  
8 maybe two letters in support, but any public comment I think  
9 we would reserve until we see a final plan.

10          SEAN HOPE: There were actually some changes to  
11 the dormers that we talked about in the hallway that we  
12 could --

13          BRENDAN SULLIVAN: And those should be reflected  
14 also?

15          SEAN HOPE: We can do that as well.

16          BRENDAN SULLIVAN: Because I had a big issue on  
17 those also. But we're not getting to that either. And the  
18 historical -- I know you had -- I think you had mentioned  
19 that it was designated preferably preserved.

20          SEAN HOPE: Not by hearing by the --

21          BRENDAN SULLIVAN: No, that's right. So that was  
22 in the opinion --

1 SEAN HOPE: -- Commission, it was just in terms of

2 --

3 BRENDAN SULLIVAN: -- in the opinion by Mr.

4 Sullivan?

5 SEAN HOPE: Yes.

6 STEPHEN HISERODT: That's right.

7 BRENDAN SULLIVAN: Only the Board can designate  
8 that. Okay. And in your pleadings, you had mentioned that.  
9 And then you sort of looked at it, and I want to know when  
10 the hearing was, and I went up and they said, "Well, there  
11 hasn't been. "So I said, "Well, how could it be?" And they  
12 said, "Well, it hasn't been." So anyhow -- I said, okay. So  
13 we'll go from there.

14 We shall continue this request by the Council for  
15 the petitioner to continue this matter to a date of --  
16 Sisia, when?

17 SISIA DAGLIAN: Well --

18 BRENDAN SULLIVAN: This is definitely heard, so it  
19 can either be the thirtieth, which is a full agenda, is that  
20 correct?

21 SISIA DAGLIAN: Yes, it is full.

22 BRENDAN SULLIVAN: All right.

1           SISIA DAGLIAN: So we have to go to March.

2           BRENDAN SULLIVAN: And so, it would kick out to  
3 March 12.

4           SISIA DAGLIAN: Yeah.

5           BRENDAN SULLIVAN: If -- can all of us be here on  
6 March 12?

7           SLATER ANDERSON: Do we want to confirm that  
8 anybody who's come wants to be heard? I mean, since it's  
9 been heard, or do you want to not have that?

10          BRENDAN SULLIVAN: I would -- our usual rule is  
11 not to --

12          SLATER ANDERSON: Okay.

13          BRENDAN SULLIVAN: -- hear on a continued case.  
14 I know it's a pain in the neck to come down and, you know,  
15 wanting to speak, but they're speaking on a plan that is  
16 going to change.

17          ANDREA HICKEY: So it would be the March 12 is  
18 what's being proposed.

19          SISIA DAGLIAN: Yeah.

20          ANDREA HICKEY: March 12?

21          BRENDAN SULLIVAN: March 12?

22          ANDREA HICKEY: Should we perhaps ask folks in the

1 audience that have come to speak about this case, whether  
2 that is an acceptable date for them, March 12?

3 BRENDAN SULLIVAN: March 12?

4 SLATER ANDERSON: It's good with me.

5 BRENDAN SULLIVAN: I'm sorry? Yes, yes, yes, yes,  
6 okay.

7 COLLECTIVE: Yes, that's fine.

8 BRENDAN SULLIVAN: All right. Slater, you're --

9 SLATER ANDERSON: Yep, I'm good.

10 BRENDAN SULLIVAN: You're here, you're good?

11 Okay. Motion then to continue this matter until March 12,  
12 2020 at 7:00 p.m.; a case heard on the condition that the  
13 petitioner sign -- change the posting sign to reflect the  
14 new date of March 12 at 7:00 p.m.; that any new submittals,  
15 changes to the existing plans and subsequent documents be  
16 submitted on the Monday by 5:00 p.m. on the -- prior to the  
17 March 12 hearing, that the petitioner sign a waiver to the  
18 statutory requirement render a decision on this particular  
19 case.

20 All those in favor of continuing this matter --

21 AUDIENCE: I will sign.

22 BRENDAN SULLIVAN: You will sign. Yes.

1 COLLECTIVE: Thank you.

2 THE BOARD: Aye

3 [ All vote YES ]

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2 (9:32 p.m.)

3 Sitting Members: Brendan Sullivan, Andrea A. Hickey,  
4 Jim Monteverde, Laura Wernick, and Slater  
5 W. Anderson

6 BRENDAN SULLIVAN: Okay, the Board will hear Case  
7 Number 017225, 3 St. Paul Street. If you would introduce  
8 yourself for the record clearly, and spell your last name.  
9 Really close to the microphone.

10 CAMILLE PRESTON: Thank you, good evening.  
11 Camille Preston, C-a-m-i-l-l-e, Preston, P-r-e-s-t-o-n.

12 MARK NEWHALL: Mark Newhall, N-e-w-h-a-l-l.

13 BRENDAN SULLIVAN: Okay. Let me begin by asking  
14 you if you have spoken to your neighbors?

15 CAMILLE PRESTON: We have spoken with all of our  
16 neighbors, and we've invited folks into our home to walk  
17 through the plans. We've actually revised the plans based  
18 on feedback from one of our neighbors, and we have letters  
19 of support from everybody surrounding our neighborhood, with  
20 the exception of one neighborhood.

21 BRENDAN SULLIVAN: Okay. Because there are  
22 significant, and a number of letters in opposition.

1 CAMILLE PRESTON: Are they neighbors in direct  
2 relationship to our property?

3 BRENDAN SULLIVAN: Well, there's 5 St. Paul  
4 Street, there is 5 St. Paul Street, 20 St. Paul Street Unit  
5 #1. There is 15 St. Paul Street #4, the Pastor sort of is  
6 somewhat neutral, I guess. I'd have to read through that  
7 again.

8 Mr. Snyder who lives at #20. There is #16 St.  
9 Paul -- this didn't have any opposition. So --

10 CAMILLE PRESTON: Sure I believe the only person  
11 who is directly affected by the property --

12 BRENDAN SULLIVAN: I guess, well, where I'm headed  
13 is if you -- there was significant opposition. And if you  
14 needed further discussion to possibly work something out, I  
15 would suggest that we do that.

16 You can either -- I don't know, it's getting late  
17 now, but you can either go into another room, possibly have  
18 a discussion, come back to us and say you've resolved, or  
19 you're agreed to disagree, or we can continue it to another  
20 date, and you have more entrenched discussion.

21 CAMILLE PRESTON: Okay.

22 BRENDAN SULLIVAN: If we were to open this, get

1 going in this and then continue it, because you may decide  
2 it looks like you may not get the four votes, then you're  
3 going to have to reassemble the same board, which may kick  
4 this off then into March sometime.

5 CAMILLE PRESTON: Can I ask a question of  
6 guidance, just to --

7 BRENDAN SULLIVAN: Possibly, but I --

8 CAMILLE PRESTON: -- educate? Well, so we believe  
9 very much in the community values, and we worked hard to  
10 reach out to folks. We had three different meetings with  
11 the Commissioner, to really understand the process, and we  
12 were informed to reach out to all neighbors that were  
13 impacted.

14 We were informed by the Commissioner that it's not  
15 visible by the street. The only people that are visible to  
16 it have -- we've gotten affirmation the Pastor's been over  
17 to our house, walked through -- he thinks it makes  
18 tremendous sense to people on the east.

19 So I guess one is we didn't know that there was  
20 opposition from neighbors that it would necessarily impact.  
21 We have invited our --

22 BRENDAN SULLIVAN: Have you read any of the

1 letters in the file?

2 CAMILLE PRESTON: No.

3 BRENDAN SULLIVAN: No? Where are we on the  
4 agenda?

5 CAMILLE PRESTON: Second to last.

6 JIM MONTEVERDE: Second to last.

7 BRENDAN SULLIVAN: Huh?

8 CAMILLE PRESTON: Second to last.

9 BRENDAN SULLIVAN: Second to last?

10 JIM MONTEVERDE: Penultimate, I believe that's  
11 called.

12 BRENDAN SULLIVAN: Hm?

13 AUDIENCE: It is.

14 JIM MONTEVERDE: Penultimate, I believe that's  
15 called.

16 BRENDAN SULLIVAN: Yeah.

17 CAMILLE PRESTON: I guess the question I was going  
18 to ask is, obviously we want strong neighbor relations. Our  
19 goal is to have light into the kitchen. We've closed one  
20 window facing --

21 JIM MONTEVERDE: Do not --

22 BRENDAN SULLIVAN: Okay, yeah. I don't want to

1 get into too much of this. Let me just -- treading lightly  
2 here, you're --

3 JUDY HOUSMAN: I'm Judy Housman.

4 BRENDAN SULLIVAN: Okay. So you're in opposition  
5 to it?

6 JUDY HOUSMAN: Yes.

7 BRENDAN SULLIVAN: Yeah, all right. Why don't I  
8 do -- I don't know, try to be Judge Baker's guidance center  
9 here. Maybe the five of you, if you could, let me recess  
10 this here -- the five of you if you want to go into the  
11 other room and just -- no.

12 JUDY HOUSMAN: I don't think we're there. I mean,  
13 this has been -- let me just say --

14 THE REPORTER: I'm sorry --

15 JIM MONTEVERDE: No.

16 ANDREA HICKEY: This would be testimony, you can't  
17 --

18 BRENDAN SULLIVAN: Yeah, all right, well then  
19 let's -- well, we'll open it then. All right. Okay. Go.

20 CAMILLE PRESTON: So.

21 BRENDAN SULLIVAN: Unless you want to continue to  
22 have more discussion?

1 CAMILLE PRESTON: I think we should have a  
2 conversation. We should have the conversation, because  
3 we've invited them to our home several times, we haven't had  
4 --

5 JIM MONTEVERDE: Twice.

6 CAMILLE PRESTON: Twice.

7 ANDREA HICKEY: Can you -- we can't take  
8 testimony.

9 BRENDAN SULLIVAN: We have to be careful how we --  
10 how deep we get into this.

11 ANDREA HICKEY: Unless we're going to hear the  
12 case. So what's your pleasure?

13 CAMILLE PRESTON: I think we would like to  
14 proceed?

15 BRENDAN SULLIVAN: Okay.

16 CAMILLE PRESTON: At the risk of having to find a  
17 time that we can all come back. I understand that that's  
18 complicated, but we've worked very hard on this.

19 ANDREA HICKEY: All right. And it means if you're  
20 turned down by the Board, and I'm not suggesting that's  
21 where we're going, I don't know enough to say that, then,  
22 you know, you couldn't come back with a similar petition for

1 two years?

2 CAMILLE PRESTON: Mm-hm.

3 ANDREA HICKEY: Right?

4 BRENDAN SULLIVAN: Correct.

5 ANDREA HICKEY: Correct.

6 BRENDAN SULLIVAN: That's correct.

7 ANDREA HICKEY: All right. Just want to make sure  
8 you understand that going forward --

9 CAMILLE PRESTON: Yeah. But we could also at some  
10 point if you get to an impasse, we could do a continuance  
11 from this conversation, where there's --

12 ANDREA HICKEY: If the Board was inclined to grant  
13 a continuance, yes. That's at our discretion.

14 BRENDAN SULLIVAN: I'm trying to avoid 45 minutes  
15 of discussion, and then continuance. That's what I'm trying  
16 to do.

17 CAMILLE PRESTON: I appreciate that. It's been a  
18 big public service --

19 BRENDAN SULLIVAN: And you gain nothing, as  
20 opposed to sending you away, and you can look at all these  
21 letters, and you can have further discussions, if anybody's  
22 open to that, and then come back sooner than you normally

1 would, you know? If we continue it tonight, you're here the  
2 end of March. Or any sooner than that, you could be here  
3 the middle of February.

4 CAMILLE PRESTON: What is the specific -- I travel  
5 a lot for work, so what would be the specific --

6 BRENDAN SULLIVAN: Well, we meet February 13 or  
7 27. The earliest you could be heard, if we hear it and  
8 continue it, would be March 12 or March 26.

9 MARK NEWHALL: Or the thirteenth or twenty-seventh  
10 if we don't hear it.

11 ANDREA HICKEY: If we do not hear it.

12 BRENDAN SULLIVAN: If we do not hear it tonight,  
13 if we do not open it.

14 CAMILLE PRESTON: Is it possible that we could  
15 read the letter of the neighbors that are not impacted by  
16 it, but propose it? Is it possible we could read that and  
17 then come back after the --

18 BRENDAN SULLIVAN: Yeah. Why don't we recess  
19 this. Here's the file.

20 CAMILLE PRESTON: Thank you.

21 BRENDAN SULLIVAN: Go off to the -- and then I'll  
22 hear the next case --

1 JIM MONTEVERDE: Right.

2 BRENDAN SULLIVAN: -- and then come back.

3 CAMILLE PRESTON: Thank you.

4 ANDREA HICKEY: Stay close --

5 BRENDAN SULLIVAN: Yeah, this.

6 ANDREA HICKEY: -- because we only have one more  
7 case.

8 CAMILLE PRESTON: Thank you.

9 COLLECTIVE: Thank you.

10 BRENDAN SULLIVAN: All right. And again, if you  
11 want to have discussions, please do. If not, then we can  
12 agree to disagree. Let me make a motion, then, to recess  
13 this hearing and open it up at a later time this evening.

14 ANDREA HICKEY: Do we need to vote on that motion?

15 BRENDAN SULLIVAN: Vote on the continuance, if you  
16 would, yes. All in favor of --

17 ANDREA HICKEY: All in favor, on the recess.

18 BRENDAN SULLIVAN: On the recess.

19 JIM MONTEVERDE: Recess, yes.

20 BRENDAN SULLIVAN: Well, go for recess.

21 ANDREA HICKEY: On the recess?

22 [ ALL FIVE VOTE YES ]

1           ANDREA HICKEY:  Yes, unanimous.

2           BRENDAN SULLIVAN:  Okay, yes.  Bellis Circle?

3           ANDREA HICKEY:  Bellis Circle.

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2 (9:41 p.m.)

3 Sitting Members: Brendan Sullivan, Andrea A. Hickey,  
4 Jim Monteverde, and Slater W. Anderson

5 BRENDAN SULLIVAN: The Board will hear Case Number  
6 017222-2019, 30 Bellis Circle. Introduce yourself for the  
7 record. Please spell your last name. Really speak into the  
8 mic, like you're singing a song.

9 LEVI TOFIAS: Levi Tofias, T-o-f-i-a-s.

10 ROSEMARY PARK: Rosemary Park, P-a-r-k.

11 BRENDAN SULLIVAN: And Mr. Tofias, there was one  
12 member who has recused herself from hearing the case, which  
13 means that you have four members of the Board to hear, which  
14 means that you need to get only four votes. Your other  
15 option would be to defer to another night, and have a five-  
16 member board, which then gives you the option of having four  
17 out of five votes.

18 LEVI TOFIAS: I think we'd like to go ahead --

19 BRENDAN SULLIVAN: To proceed with the four?

20 Okay, good. I went down there and I tried to get around the  
21 back, and it was all blocked off with construction, it was  
22 so tight and narrow, and --

1           LEVI TOFIAS: Oh, yeah. It is a very tight little  
2 street. So for the most part, we're --

3           BRENDAN SULLIVAN: Really close to the mic, Levi.

4           LEVI TOFIAS: For the most part, we're keeping the  
5 house really how it is. The things that we're changing that  
6 we're asking for relief from today are along the rear  
7 façade, the side façade, the windows. Because pretty much  
8 every wall is in a setback of some sort, of how the --

9           THE REPORTER: Could you speak up, please?

10          LEVI TOFIAS: So because of how the existing  
11 building is, pretty much every wall is in a setback. So  
12 you're altering some windows of the setback, and then we are  
13 also adding an areaway to the basement, which there was an  
14 areaway before, a covered bulkhead before, that went  
15 straight out to the rear.

16          But as we're changing the interior of the layout,  
17 to make a safer egress out from the basement, that areaway  
18 would then run along the back wall. So it would be a more  
19 direct path to the street. And then also would have the  
20 added benefit of making the back yard a little bit more  
21 open.

22          So adding a railing on that, as a structure and

1 setback. And then enlarging the deck, the uncovered stoop  
2 that was there, making it wider, which is also a structure  
3 in the setback.

4 And then the third thing we're doing in the  
5 setback is where this roofline -- and I'll talk about it a  
6 bit more in elevation, but just to give you an idea, we're  
7 changing this configuration of the gable here, with the shed  
8 roof on the back.

9 We're turning this into a flat roof for a number  
10 of reasons to deal with the -- some of the water issues that  
11 were happening where all these roofs met, and also to allow  
12 for solar panels along this south-facing side of the gable.

13 And then we're reconstructing the covered porch to  
14 -- on the back there, just to get an even ceiling in the  
15 back. So if you just click on the elevations, you can just  
16 --

17 So this is the side façade. I was just talking  
18 about with the cross-gable roof and the shed that's attached  
19 on the back. And this red line is showing the extent of the  
20 existing roof, and then with the proposed roof drawn above  
21 it there. So it's about maybe a foot and a half to two feet  
22 above the existing roof line.

1           BRENDAN SULLIVAN: And then on the far side here,  
2 this is the rear façade. So those window changes that are  
3 shown here from the existing to the new, those are all in  
4 the setback.

5           And then you can see at the bottom the areaway,  
6 the stairs down to the basement, which will require a  
7 railing to -- for fall protection from the yard, so nobody  
8 would fall down into those stairs.

9           And then here's the -- is the porch where it  
10 extends another four feet beyond what was existing back  
11 towards the house. So the stairs were out at the end of the  
12 porch originally, and it's extending back towards the house  
13 to the edge of the areaway, going down the basement.

14           Oh, and then there is one window on the side,  
15 which is also in the setback. So on the left-hand side. I  
16 think that's about it.

17           BRENDAN SULLIVAN: Okay. Adding a lot of windows.

18           LEVI TOFIAS: Yeah, somewhat.

19           BRENDAN SULLIVAN: I guess repositioning them?

20           ANDREA HICKEY: Sort of relocating.

21           LEVI TOFIAS: Yeah, kind of repositioning and  
22 grouping together. So --

1           BRENDAN SULLIVAN: You've spoken to your neighbors  
2 on --

3           LEVI TOFIAS: We've spoken to the neighbors on two  
4 sides that we've been able to -- three sides that we've been  
5 able to contact, but not the neighbor to the left -- to the  
6 right-hand side, sorry.

7           BRENDAN SULLIVAN: The house to the right, yeah.

8           LEVI TOFIAS: Yeah.

9           BRENDAN SULLIVAN: Okay. Which is east?

10          LEVI TOFIAS: South.

11          BRENDAN SULLIVAN: Oh, east would be the other  
12 way. South. Is it south?

13          LEVI TOFIAS: So yeah.

14          BRENDAN SULLIVAN: It would be south. Just trying  
15 to think about how north -- southeast, maybe, I guess.  
16 Okay.

17          JIM MONTEVERDE: Yeah.

18          BRENDAN SULLIVAN: Okay. All right. Anything  
19 else? You know, you can always come back again anyhow, and  
20 we'll give you another chance. Let me open any questions?  
21 Let me open it to public comment. Is there anybody here who  
22 wishes to speak on the matter of 30 Bellis Circle? Pick up

1 the microphone if you wish, and -- please give your name and  
2 spell your last name.

3 DAVID VISE: My name is David Vise, V as in  
4 Victor, i-s-e. I live at 19 Bellis Circle, which is  
5 currently behind --

6 ANDREA HICKEY: I'm sorry, I can't hear you.

7 [ Technical difficulties conversation. ]

8 DAVID VISE: Hi, my name is David Vise, V as in  
9 Victor, i-s-e. I live at 19 Bellis Circle, which is  
10 directly behind the -- sort of abutting the porch addition  
11 to the structure. This -- I'm speaking in support of this  
12 project. I think it's very reasonable in nature. To get  
13 the program in, I understand they have to raise the roof.

14 I'm not really happy about the addition. Cut into  
15 the sky of that, but it's not a large imposition on us.  
16 There's kind of -- quite a wall of buildings that side of  
17 Bellis Circle.

18 But the building is sort of difficult in nature.  
19 The rooms are small, so I feel like this program, it's not a  
20 bad compromise, considering some of the others in the  
21 neighborhood.

22 JIM MONTEVERDE: Thank you.

1           BRENDAN SULLIVAN: Thank you. Anybody else wish  
2 to speak on the matter? There is correspondence in the  
3 file. Let me mention that Mr. Tofias had reached out to his  
4 neighbors. Just wanted to update everybody on the  
5 construction, and notifying them that they may receive some  
6 notice from the Board of Zoning Appeal, and he outlines what  
7 the plan is, and to attach drawings, and if you support the  
8 changes, he'd greatly appreciate a letter. So he has done  
9 some outreach.

10           There is a letter in the file from Mr. William  
11 Geraldi, G-i-r-a-l-d-i, 39 A Bellis Circle. "We support the  
12 proposed changes. I look forward to welcoming the Tofias  
13 family to our street."

14           There is correspondence from the Cambridge  
15 Historical regarding the nature of the structure, which is  
16 50 years old, and is subject to their review, and they feel  
17 that no demolition permit application is anticipated. That  
18 is some substance of the correspondence. Anything else to  
19 add to the proposal, or -- covered it?

20           DAVID VISE: Hope so.

21           BRENDAN SULLIVAN: Okay. Let me close the public  
22 comment and the presentation part. There are two forms of

1 relief. One is going to be a variance, and the other one is  
2 a special permit. Slater, any comments?

3 SLATER ANDERSON: No.

4 BRENDAN SULLIVAN: Jim?

5 JIM MONTEVERDE: No, sir.

6 BRENDAN SULLIVAN: On the variance part, let me  
7 make the motion to grant the requested relief, as per the  
8 application and supporting documents and the plans submitted  
9 to add railing accessory to the rear setback. A small  
10 portion of the roof would be extended higher into the rear  
11 setback.

12 The Board finds that a literal enforcement of the  
13 provisions of the ordinance would involve a substantial  
14 hardship to the petitioner, because it would preclude the  
15 petitioner from realigning, readjusting and updating the  
16 structure as it is currently.

17 The Board finds that the hardship is owing to the  
18 nonconforming nature of the structure, which encumbers it  
19 from doing any slight alterations. The Board finds that the  
20 requested relief is fair and reasonable, giving the location  
21 of the structure and the need of not only this homeowner,  
22 but possibly any other homeowner to possibly update the

1 structure to a more livable residence.

2           The Board finds that desirable relief may be  
3 granted without either substantial detriment to the public  
4 good, and the Board finds that relief may be granted without  
5 nullifying or substantially derogating or destroying from  
6 the intent or purpose of the ordinance to allow people,  
7 homeowners, to upgrade their properties, to upgrade, update,  
8 and also, protect the amenities.

9           The Board finds that the petitioner is restoring a  
10 structure badly in need of restoration, and will add to the  
11 streetscape, noting that Bellis Circle has undergone many  
12 changes over the years to the positive, and that this will  
13 add to it.

14           The Board grants the relief on the basis that the  
15 work be done in conforming to the plans as submitted, and  
16 initialed by the Chair. All those in favor of granting the  
17 relief?

18           THE BOARD: Aye.

19           [ All FOUR VOTE YES - Laura Wernick recused ]

20           BRENDAN SULLIVAN: Four in favor. Good luck with  
21 that. Bellis Circle is actually sort of a little kids'  
22 spot. I always liked Bellis Circle.

1 LAURA WERNICK: It's great.

2 ROSEMARY PARK: You guys voted on both of them,  
3 right?

4 BRENDAN SULLIVAN: Laura --

5 SLATER ANDERSON: Variance and special permit?

6 ROSEMARY PARK: There's a variance and a special  
7 permit.

8 BRENDAN SULLIVAN: Oh, I'm sorry, the special  
9 permit the windows?

10 SLATER ANDERSON: Yeah, yep, yep.

11 BRENDAN SULLIVAN: Oh, sorry, sorry. Glad  
12 somebody's paying attention.

13 SLATER ANDERSON: You can tell who's here.

14 BRENDAN SULLIVAN: On the special permit to add  
15 and alter the windows in the existing, nonconforming  
16 structure, as per the plan submitted, the Board finds that  
17 it appears that the ordinance -- the requirements of the  
18 ordinance can be met.

19 That traffic generated or patterns in access or  
20 egress would not cause congestion, hazard, or substantial  
21 change in the established neighborhood character.

22 The Board finds that continued operation of or

1 development of adjacent uses, as permitted in the zoning  
2 ordinance, will not be adversely affected by the nature or  
3 the proposed use. There would not be any nuisance or hazard  
4 created to the detriment of the health, safety and/or  
5 welfare of the occupant of the proposed use, or to the  
6 citizens of the city.

7 For other reasons, the proposed used would not  
8 impair the integrity of the district or adjoining district,  
9 or otherwise derogate from the intent and purpose of the  
10 ordinance.

11 The Board grants the special permit to add and  
12 relocate windows as per the plan submitted and initialed by  
13 the Chair. All those in favor of granting the special  
14 permit for the windows?

15 THE BOARD: Aye.

16 [ ALL FOUR VOTE YES - Laura Wernick recused ]

17 BRENDAN SULLIVAN: Four in favor.

18 JIM MONTEVERDE: Now we're ready.

19 ROSEMARY PARK: Thank you.

20 BRENDAN SULLIVAN: Thank you.

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(9:57 p.m.)

Sitting Members: Brendan Sullivan, Andrea A. Hickey,  
Jim Monteverde, Laura Wernick and Slater  
W. Anderson

BRENDAN SULLIVAN: Okay. St Paul, you're back up.

CAMILLE PRESTON: Thank you for that opportunity  
to speed read. They're not in the same order and I  
apologize for that.

BRENDAN SULLIVAN: That's all right.

CAMILLE PRESTON: I think we were taken back,  
because we were led to believe by conversations our  
neighbors have had, implied that they were not going to  
oppose this. So it was kind of news that there was actually  
-- they've obviously spent some time on that. Was there a  
protocol that we missed that we could have known that in  
advance? I'm just curious.

ANDREA HICKEY: They can't hear you.

JIM MONTEVERDE: You've got to use the mic.

CAMILLE PRESTON: Was there -- we were led to --  
we understood that they were not going to object to our  
proposal, so they never came back to talk to us again. Was

1 there a process that we could have followed to understand  
2 that they had solicited?

3 BRENDAN SULLIVAN: No, the only thing would be to  
4 possibly have called the Building Department Maria Pacheco,  
5 zoning specialist, and ask if there was any correspondence,  
6 or come down and check the file. That's all.

7 CAMILLE PRESTON: We were down there fairly  
8 recently, and I didn't -- and I had a number of e-mails.

9 BRENDAN SULLIVAN: Yeah, well these came in in the  
10 last couple of days, so.

11 CAMILLE PRESTON: So.

12 BRENDAN SULLIVAN: I mean, I reviewed the file  
13 Monday afternoon after 5:00, and I don't think there was any  
14 letters in there. And then when I went to this afternoon,  
15 then noticed the letters. So they came in in the last  
16 couple of days. So --

17 CAMILLE PRESTON: Can I ask just --

18 BRENDAN SULLIVAN: -- it may have caught you by  
19 surprise, but they're there, so -- and it's opposition, it's  
20 significant, if you read through it, and your call whether  
21 we go forward or --

22 CAMILLE PRESTON: I guess we --

1           BRENDAN SULLIVAN: You continue to another time,  
2 and then possibly -- again, you know, these letters are  
3 accessible to you. You can -- you have to go back to the  
4 Building Department; you get copies of them or something  
5 like that. And then you could have discussion. It's  
6 entirely up to you.

7           CAMILLE PRESTON: Can I ask just a couple  
8 clarifying questions, is that possible?

9           BRENDAN SULLIVAN: You may not get the right  
10 answer, but anyhow, yes. Okay, ask them.

11           CAMILLE PRESTON: All right. So from the letters,  
12 what I understood was the opposition was to the deck, which  
13 -- as opposed to the glass, the sliding glass doors to let  
14 more light into the back -- into the kitchen, based on the  
15 letters. Is it possible to separate the two right now and  
16 do the variance for the sliding glass doors?

17           MARK NEWHALL: The doors were a special permit,  
18 and the variance was for the deck.

19           BRENDAN SULLIVAN: Right. It is. You would have  
20 to -- depending how you'd want to do this -- well, let me  
21 put it this way, if you decide to go forward with just a  
22 slider, and not a deck, then you cannot go back for two

1 years, then for the deck part. I --

2           ANDREA HICKEY: I'm not certain. If they withdrew  
3 that part of the petition, it would not have come before us?

4           MARK NEWHALL: Yeah.

5           BRENDAN SULLIVAN: Um--

6           MARK NEWHALL: Correct.

7           ANDREA HICKEY: We would not have heard it.

8           JIM MONTEVERDE: As a -- for a variance?

9           CAMILLE PRESTON: Quirky one, nonetheless.

10          MARK NEWHALL: The issue I see --

11          BRENDAN SULLIVAN: Well, I guess that -- yeah, let  
12 me backtrack on that. If you withdrew it, then it would not  
13 be an action by the Board, but a withdrawal of an  
14 application in toto, would then preclude them from coming  
15 back in two years. A portion of it.

16          SLATER ANDERSON: The issue I see is that the  
17 slider and the deck are sort of interconnected. Without the  
18 deck, you have the slider out. With a code-complaint slider  
19 that violates --

20          CAMILLE PRESTON: You would have to put steps  
21 down.

22          SLATER ANDERSON: -- the code, because the

1 existing deck is not in front of where the slider is  
2 proposed. So you'd have a code issue. So I wouldn't vote  
3 for the slider, because it's a slider to nowhere.

4 CAMILLE PRESTON: You would still want the steps  
5 coming down from the slider, without the deck.

6 SLATER ANDERSON: But that's a whole -- see, it's  
7 a different plan. So I don't think we would want it.

8 JIM MONTEVERDE: Correct.

9 SLATER ANDERSON: Of we can hear it, and you can  
10 take your chances.

11 LAURA WERNICK: I really suggest you go sit with  
12 your neighbors.

13 CAMILLE PRESTON: Can I ask a guidance question on  
14 that? We were -- again, we met with the Commissioner a lot,  
15 trying to make the most of this. How wide is the berth of  
16 neighbors? We were told that we needed to have support of  
17 people who are impacted. So I'm just curious if you can  
18 give us guidance on that.

19 BRENDAN SULLIVAN: Well, they notify people --  
20 abutters --

21 AUDIENCE: Mr. Chair, the audience couldn't hear.

22 CAMILLE PRESTON: We're looking for guidance on

1 how far we need to -- how many -- the --

2 LAURA WERNICK: Layers.

3 CAMILLE PRESTON: -- layers of neighbors who need  
4 to engage?

5 BRENDAN SULLIVAN: Well, they notify abutters to  
6 abutters within 300 feet. The list is there. Any citizen  
7 of the city can comment, and raise positive comment, raise  
8 an objection to it. The Board then weighs that. The Board  
9 listens very carefully and intently to objection to what it  
10 would deem "affected people." Somebody may be down the  
11 street, across the street and so on and so forth.

12 And again, I'm going to walk very tenderly here,  
13 but I want to give you guidance and lawyerly advice. We  
14 would weigh that, as opposed to somebody who's directly  
15 affected by it, if that answers your question, somewhat.  
16 How far do you go?

17 That's I think a judgment -- you know, I might  
18 have one opinion as to who's affected, somebody else on the  
19 Board may say, "Well, they don't necessarily think they were  
20 that affected." You know, may get the same opinion, you may  
21 get five same opinions, you may get four, three different  
22 opinions. So I don't know.

1           SLATER ANDERSON: Let me say this, we've had cases  
2 where we've had opposition, and we feel the merits were  
3 sound, and we voted unanimously for the thing. But we've  
4 also had cases where we don't feel that way, we may not be  
5 opposition.

6           So it's not -- it's not a -- it's not like we've  
7 got five votes in favor or five neighbors in favor and two  
8 against, therefore we're going to get it, it doesn't work  
9 that way.

10           CAMILLE PRESTON: I think my question too also  
11 stems from, we closed off a window to their drive --

12           SLATER ANDERSON: We can't get into --

13           JIM MONTEVERDE: Don't --

14           SLATER ANDERSON: We don't want to talk about it.

15           CAMILLE PRESTON: I guess I'm wondering, like, did  
16 we lose our leverage of, like --

17           ANDREA HICKEY: We can't really give you guidance  
18 on that.

19           CAMILLE PRESTON: Well, thank you for the guidance  
20 that you now provided. I think we'll get some counsel and  
21 come back.

22           BRENDAN SULLIVAN: I think you may want to step

1 back. And again, you can get copies of these, and --

2 CAMILLE PRESTON: Thank you.

3 BRENDAN SULLIVAN: -- you know, find out who is  
4 really feels they're most affected by it, and maybe there's  
5 some compromise, or maybe you will agree to disagree, and  
6 whatever.

7 But then, I think you may need to step back from  
8 tonight, reassemble, and then reassess, and then come back  
9 another night with maybe something a little clearer.

10 And you may come back with the same thing. You  
11 know, I don't know. And then you just go for it or  
12 something. I -- it's -- I don't know. I don't know that.  
13 You'll have to make that judgment. So on the motion, then  
14 to continue this? I'm sorry --

15 MARK NEWHALL: So, can we get on for February? Is  
16 that --

17 BRENDAN SULLIVAN: February 13, is that still  
18 open?

19 CAMILLE PRESTON: I'm traveling.

20 MARK NEWHALL: We can't do 13. Is the next one --

21 JIM MONTEVERDE: Twenty-seventh.

22 MARK NEWHALL: Twenty-seventh?

1 CAMILLE PRESTON: This is a heard case, right?

2 MARK NEWHALL: Not heard.

3 BRENDAN SULLIVAN: It is not heard.

4 ANDREA HICKEY: It's not.

5 BRENDAN SULLIVAN: Not heard.

6 MARK NEWHALL: Believe it or not.

7 SISIA DAGLIAN: Yeah, thirteenth to twenty-  
8 seventh.

9 ANDREA HICKEY: Or simply earlier?

10 LAURA WERNICK: Twenty-seventh?

11 SISIA DAGLIAN: On the twenty-seventh. Okay.

12 Like, I'm thinking earlier in the evening. We have little  
13 kids.

14 BRENDAN SULLIVAN: Okay. So let me make a motion,  
15 then, to continue this matter.

16 SLATER ANDERSON: Let's make sure these --

17 MARK NEWHALL: Twenty-seventh of --

18 JIM MONTEVERDE: Yep.

19 BRENDAN SULLIVAN: February 27. Continue this  
20 matter until February 27, 2020, at 7:00 p.m.

21 MARK NEWHALL: We can resubmit plans, is that --

22 BRENDAN SULLIVAN: I'm sorry?

1           MARK NEWHALL: We can resubmit plans, is that  
2 correct?

3           BRENDAN SULLIVAN: Yeah. On the condition that  
4 the petitioner change the posting sign to reflect the new  
5 date of February 27, and we've changed the time to 7:00 p.m.  
6 Also, that should the petitioner wish to change, alter the  
7 plans or any of the submitted material, that they be in the  
8 file no later than 5:00 p.m. on the Monday prior to February  
9 27.

10           So we really have to have an in and stamped date  
11 prior to 5:00 p.m. on the Monday prior to the twenty-  
12 seventh. Also, we would ask that you sign a waiver of  
13 requirement for statutory time to hear and render a decision  
14 on this case, which is -- Sisia will give to you. Really,  
15 that's it. Change the postings?

16           MARK NEWHALL: I'm sorry, what was the waiver  
17 again?

18           BRENDAN SULLIVAN: I'm sorry, change the posting  
19 sign.

20           MARK NEWHALL: Yeah, no, the waiver part.

21           BRENDAN SULLIVAN: The waiver is -- we have to  
22 hear and render a decision within the statutory --

1 MARK NEWHALL: Ah, I see.

2 BRENDAN SULLIVAN: -- time frame.

3 MARK NEWHALL: Yeah, okay. Gotcha.

4 BRENDAN SULLIVAN: This may fall without that.

5 MARK NEWHALL: Sure.

6 BRENDAN SULLIVAN: May go in there with that. We  
7 ask that you sign a waiver.

8 MARK NEWHALL: Sure. No problem.

9 BRENDAN SULLIVAN: -- waiving that decision and  
10 time frame.

11 ANDREA HICKEY: And that's a routine request.  
12 It's not specific.

13 MARK NEWHALL: No, I understand. We discussed it  
14 would be earlier. Yeah, I got it.

15 SLATER ANDERSON: If you were to say, "We won't  
16 sign the waiver" we'd give the case.

17 MARK NEWHALL: Yeah.

18 BRENDAN SULLIVAN: Question, or --

19 JUDY HOUSEMAN: Yeah. My question is, is like any  
20 of the material that's based in this case, do -- you know,  
21 do we have to do it again? Do we have to, you know, do we  
22 have to rewrite our letters? Do they all stand? Is it all

1 part of the same, you know, is it all part of the same --

2 BRENDAN SULLIVAN: -- um-- --

3 JUDY HOUSEMAN: Because I mean, Monday, you know

4 --

5 BRENDAN SULLIVAN: Well, we would --

6 ANDREA HICKEY: Just continue it.

7 BRENDAN SULLIVAN: Speaking for myself, I would  
8 prefer a letter reflective of a new plan, so that the  
9 letters that are in the file now are either in favor of or  
10 opposed to this plan, which may change.

11 JUDY HOUSMAN: And I have to see that we did not  
12 see --

13 THE REPORTER: They're in the record.

14 [Crosstalk.]

15 BRENDAN SULLIVAN: Maybe if you could come up and  
16 just give your name and address. She has to be able to pick  
17 it up on her mic.

18 JUDY HOUSMAN: Oh, I'm sorry. My name is Judy  
19 Houseman, H-o-u-s-m-a-n, Judy with a Y, and I live at 5 St.  
20 Paul Street. You know, we actually never saw -- we were  
21 given a letter -- I mean, I don't know if this is testimony  
22 or not, but --

1 SLATER ANDERSON: No, we don't --

2 ANDREA HICKEY: We're not taking testimony.

3 JUDY HOUSMAN: No, I'm trying to say is I'm -- I'm  
4 trying to -- I'm confused about whether this is testimony.  
5 But to see a new plan, we need to actually see a plan,  
6 because it can't be, we're just planning to, you know, to do  
7 this.

8 ANDREA HICKEY: So there is a deadline by which  
9 they would be required to file any new plan.

10 JUDY HOUSMAN: So this would -- so basically, we  
11 would be required to respond between the Monday and the  
12 Thursday, is that the basic?

13 SLATER ANDERSON: Our preference would be that  
14 they talk to you before that --

15 JUDY HOUSMAN: Sure.

16 SLATER ANDERSON: And not leave it to you to go  
17 find the plan.

18 JUDY HOUSMAN: Right.

19 SLATER ANDERSON: That's our guidance to you.

20 JUDY HOUSMAN: But we want to see --

21 CAMILLE PRESTON: Just like our preference was to  
22 hear about objections before we arrived.

1           JUDY HOUSMAN: Yeah, but we would want to see  
2 physical plans, rather -- because we received e-mails that  
3 weren't plans, and were in our opinion somewhat deceptive,  
4 so --

5           SLATER ANDERSON: Okay. Don't get into it.

6           JUDY HOUSMAN: Okay, no. But I'm just going to  
7 say, so I'm just sort of saying we want to see physical  
8 plans before -- you know, that would -- you know, otherwise  
9 --

10          ANDREA HICKEY: Right. The rules are in place for  
11 that to happen within a certain time frame. We --

12          JUDY HOUSMAN: But you can't say. I mean, our  
13 preference would be that, to see the --

14          ANDREA HICKEY: These are your neighbors. Go  
15 knock on the door.

16          JUDY HOUSMAN: Yeah.

17          SLATER ANDERSON: I don't need the microphone.  
18 I'm just telling you that the problem is solved for now.

19          JUDY HOUSMAN: Okay, okay, thanks.

20          BRENDAN SULLIVAN: Judy, you live at #5?

21          JUDY HOUSMAN: I live at #5 St. Paul Street.

22          BRENDAN SULLIVAN: Yeah. Mm-hm. I mean, again, I

1 don't want to give lawyerly advice here, but if -- I would  
2 -- whatever your new plans are, I would drop them off at  
3 Judy's house, you know?

4 JUDY HOUSMAN: Okay. That sounds -- that sounds  
5 good, I mean --

6 ANDREA HICKEY: Which is not a finding or  
7 requirement.

8 JUDY HOUSMAN: Sure.

9 BRENDAN SULLIVAN: No, no.

10 ANDREA HICKEY: It's a friendly --

11 MARK NEWHALL: Understand.

12 JUDY HOUSMAN: That's our -- okay.

13 BRENDAN SULLIVAN: But that will come up at the  
14 hearing. You know, "Did you do such?" and you want to be  
15 able to say, "Yes, we did." You know? So anyhow.

16 JUDY HOUSMAN: Yeah, sorry.

17 BRENDAN SULLIVAN: Just try and do as much due  
18 diligence as possible.

19 JUDY HOUSMAN: So we were just hoping that it  
20 would be resolved one way or the other tonight.

21 JIM MONTEVERDE: Next time.

22 ANDREA HICKEY: Next time.

1           BRENDAN SULLIVAN: Okay. On the motion then to  
2 continue this until --

3           JIM MONTEVERDE: 27, right?

4           BRENDAN SULLIVAN: Seventh, yeah.

5           MARK NEWHALL: Twenty-seventh.

6           JIM MONTEVERDE: Yep.

7           [ ALL FIVE VOTE YES ]

8           MARK NEWHALL: Thank you.

9           BRENDAN SULLIVAN: Five in favor.

10          ANDREA HICKEY: And don't forget to sign the  
11 waiver. That's very important.

12 [ 10:11 p.m. End of Proceedings ]

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CERTIFICATE

Commonwealth of Massachusetts

Middlesex, ss.

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

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

In witness whereof, I have hereunto set my hand this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

Notary Public

My commission expires:

August 6, 2021