

BOARD OF ZONING APPEAL  
FOR THE  
CITY OF CAMBRIDGE

GENERAL HEARING

THURSDAY, MARCH 9, 2017

7:00 p.m.

in

Senior Center

806 Massachusetts Avenue

First Floor

Cambridge, Massachusetts 02139

Constantine Alexander, Chair

Brendan Sullivan, Vice Chair

Andrea A. Hickey, Member

Patrick Tedesco, Member

Jim Monteverde, Associate Member

Maria Pacheco, Zoning Secretary

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(7:00 p.m.)

(Sitting Members: Constantine Alexander, Brendan Sullivan, Andrea A. Hickey, Patrick Tedesco, Jim Monteverde.)

CONSTANTINE ALEXANDER: The Chair will call this meeting of the Zoning Board of Appeals to order. And as is our practice, we start with the continued cases. These are cases that started at an earlier date and for one reason or another they're continued until tonight. Well, before I do that, I have an announcement to make.

After notifying the Chair, any person may make a video or audio recording of our open sessions or may transmit the meeting through any medium subject to reasonable requirements that the Chair may impose as to the number, placement, and operation of equipment used so as to not to interfere with the conduct of the meeting. At the beginning of the meeting the Chair will inform other attendees at that meeting that a recording is being made.

And I wish to inform those of you in the audience

that not only one, but two recordings are being made. A citizen of the city has left a tape recorder here and our meeting is being recorded. And our stenographer records the meeting as well to assist her when she types up the transcript. So be aware that a recording is being made of this meeting.

With that, I will call the first case.

\* \* \* \* \*

(7:00 p.m.)

(Sitting Members Case BZA-011793-2016: Constantine Alexander, Brendan Sullivan, Andrea A. Hickey, Patrick Tedesco, Jim Monteverde.)

CONSTANTINE ALEXANDER: The Chair will call case No. 011793, 30 Lopez Street.

Is there anyone wishing to be heard on this

matter?

ATTORNEY SEAN HOPE: Yes. Good evening.

CONSTANTINE ALEXANDER: Sean.

ATTORNEY SEAN HOPE: Good evening, Mr. Chair

Members of the Board, attorney Sean Hope, Hope Legal Offices  
in Cambridge. I'm here on behalf of the petitioner, 30  
Lopez Street, LLC. Yes, so we submitted a letter in the  
file requesting to withdraw the case.

CONSTANTINE ALEXANDER: The Chair will make a  
motion that we accept the requested withdrawal.

All those in favor please say "Aye."

(Aye.)

CONSTANTINE ALEXANDER: Five in favor. Case  
withdrawn.

(Alexander, Sullivan, Hickey, Tedesco,  
Monteverde.)

CONSTANTINE ALEXANDER: Don't go too far.

\* \* \* \* \*

(7:00 p.m.)

(Sitting Members Case BZA-011794-2016: Constantine Alexander, Brendan Sullivan, Andrea A. Hickey, Patrick Tedesco, Jim Monteverde.)

CONSTANTINE ALEXANDER: The Chair will call case No. 011794, 24 Lopez Street.

Is there anyone wishing to be heard on this matter?

ATTORNEY SEAN HOPE: Good evening Mr. Chair,

Members of the Board. For the record, attorney Sean Hope, Hope Legal Offices. I'm here on behalf of the petitioner, 30 Lopez Street, LLC, we request that the Board allow us to withdraw the case.

CONSTANTINE ALEXANDER: The Chair moves that we accept the withdrawal.

All those in favor, please say "Aye."

(Aye.)

CONSTANTINE ALEXANDER: Five in favor. Case withdrawn.

(Alexander, Sullivan, Hickey, Tedesco, Monteverde.)

\* \* \* \* \*

(7:05 p.m.)

(Sitting Members Case BZA-011944-2016: Constantine Alexander, Brendan Sullivan, Andrea A. Hickey, Patrick Tedesco, Jim Monteverde.)

CONSTANTINE ALEXANDER: The Chair will call case 011944, 8 Brattle Street.

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

ATTORNEY KAREN SIMAO: Good evening, Mr. Chair, Members of the Board. Karen Simao S-I-M-A-O. I'm with the

law firm of McDermott, Quilty, and Miller. To my right Mr. Drew Murphy who is with IMA Pizza Store 21, LLC who is the applicant.

Mr. Chair, Members of the Board, in advance of tonight's hearing we did submit a letter to the Board asking for an additional continuance of this matter. The grounds therefore are that we've made a lot of progress on this particular project, however, we understand that it's a very sensitive corner to the city. We have for the most part completed the Historic Commission process. We do just need to go back to let them know the final plan revisions and compliance with what they had asked us to do. Those plans are currently in the process of being finalized, as are the plans to incorporate some additional changes in some community outreach that was requested. We continue to do community outreach, and we have our meeting with the advisory committee, the Harvard Square Advisory Committee on March 22nd, and we're really hopeful that following that

meeting we will be very much ready to come to the Board and with support of the community so that we can become part of that historic piece of Harvard Square.

That being said, at the Board's discretion, we would like to request a 30-day extension. I don't know what the calendar looks like, but in order to keep the project moving while also honoring the process, that would be our request tonight.

CONSTANTINE ALEXANDER: The only comment on that is that this is a second request for a continuance as you are well aware.

ATTORNEY KAREN SIMAO: Yes.

CONSTANTINE ALEXANDER: We don't like to keep continuing the cases.

ATTORNEY KAREN SIMAO: Yes.

CONSTANTINE ALEXANDER: Generally the rule is two strikes you're out. Baseball it's three strikes you're out. So if we're going to continue the case again, absent

compelling, very compelling circumstances, we're not going to continue it further. And so are you comfortable with the 30 days or you want more time?

DREW MURPHY: Yes.

CONSTANTINE ALEXANDER: Or you want more time?

DREW MURPHY: No.

CONSTANTINE ALEXANDER: Thirty days must be the second one in April?

MARIA PACHECO: We can do April 13th or April 27th.

CONSTANTINE ALEXANDER: Do you have a preference?

ATTORNEY KAREN SIMAO: 27th.

CONSTANTINE ALEXANDER: I would err on the side of caution frankly.

Okay, it's a case not heard. The Chair moves that we continue this case until seven p.m. on April 27th subject to the following conditions:

That the petitioner has signed a waiver for a time

of decision. You did that already, so that's taken care of.

Secondly, that to the extent -- you have -- the sign that's up there, which is the old sign for January.

ATTORNEY KAREN SIMAO: Yes.

CONSTANTINE ALEXANDER: You have to put a new sign up reflecting the new date and the new time, and that sign has got to be up for the 14 days under our Ordinance.

And lastly to the extent any plans or dimensional requirements or forms that are in our files now, I'm not sure there are for your kind of case, but if they are, and you wish to change them, they must be -- the new ones, the revised ones must be in our files no later than five p.m. on the Monday before that April date. That's to allow us and members of the Board to read them in advance of the hearing, it also allows citizens of the city to do the same.

PATRICK TEDESCO: This is a case not heard?

CONSTANTINE ALEXANDER: Case not heard.

PATRICK TEDESCO: I'm not here on that date.

CONSTANTINE ALEXANDER: I'm sorry, I should have made that very clear. It's a case not heard.

JAMES WILLIAMSON: What was that? I'm sorry.

CONSTANTINE ALEXANDER: Say it again?

JAMES WILLIAMSON: We missed all that.

CONSTANTINE ALEXANDER: The comment is this is a -- we call it case not heard. If it was a case that had been hear, i.e., we've gotten into the merits and then decided to continue it, then the date to which we continue, the five of us must be there. And that -- he can't make the April 27th. And we didn't have a discussion so it's no problem.

JAMES WILLIAMSON: Okay.

CONSTANTINE ALEXANDER: We'll just miss Patrick that night.

JAMES WILLIAMSON: We all will.

ATTORNEY KAREN SIMAO: Will there be -- as much as we will miss you, will there be an alternate at that

hearing?

CONSTANTINE ALEXANDER: Oh, yes.

ATTORNEY KAREN SIMAO: That will not be an issue?

CONSTANTINE ALEXANDER: If, and it's extremely not unlikely we can't find any alternate, you'll have the option of not proceeding and we'll continue the case further.

ATTORNEY KAREN SIMAO: We're confident that there will be unanimous support for us.

CONSTANTINE ALEXANDER: We'll see.

Okay, one other -- before I make the motion to continue, signage on the property.

ATTORNEY KAREN SIMAO: Yes.

CONSTANTINE ALEXANDER: I would like when you come back on April 27th, the Board should be advised whether you're going to be seeking signage relief or whether you plan to comply with the requirements of our Ordinance without a need for a Variance.

DREW MURPHY: Understood.

CONSTANTINE ALEXANDER: You don't have to answer now. But just make sure that is something you should be prepared to deal with on the 27th.

Okay, I think we're ready to take a vote. All those in favor of continuing the case say "Aye."

(Aye.)

CONSTANTINE ALEXANDER: Case continued.

(Alexander, Sullivan, Hickey, Tedesco, Monteverde.).

\* \* \* \* \*

(7:10 p.m.)

(Sitting Members Case BZA-6289: Constantine Alexander, Brendan Sullivan, Andrea A. Hickey, Patrick Tedesco, Jim Monteverde.)

CONSTANTINE ALEXANDER: The Chair is going to call a case that has not been advertised and I'll explain why in a second. It involves the property, affordable housing units at 50 York Street. And first of all, is there anybody wishing to be heard on this matter?

Come forward and I'll educate the audience and perhaps other members of the Board of what's going on with regard to this petition. Why we didn't advertise it.

Give your name and address to the stenographer.

Let me explain by way of background. In 1991 I think it was, this Board granted a Comprehensive Permit to build affordable housing in the area that unfortunately suffered the serious fire some months ago. And that

Comprehensive Permit was granted. Now Comprehensive Permits, we'll get into much more detail when we have -- we have a case, a Comprehensive Permit case on our regular agenda.

But Comprehensive Permits are permits that are authorized by Chapter 40B of the General Laws. They are designed to encourage and promote the construction of affordable housing, and it's a streamlined pro -- basically a streamlined process with almost a presumption in favor of the relief should be granted.

As I said, this Board did grant the relief back in 1991. The petitioner, for reasons he'll explain in a second or they will explain in a second, wants to modify the Comprehensive Permit that we granted.

Under the law we can do this without any need for a full-blown hearing or even advertisement if the change that you want to make to the permit we granted is insubstantial. A term of art, under the laws of Chapter

40B. And you're here tonight before us because you want to make a change which you claim to be insubstantial. Got it?

WILLIAM GORDON: Got it.

CONSTANTINE ALEXANDER: The ball is yours now.

Take it away.

WILLIAM GORDON: Thank you. My name is William Bill Gordon. I'm the director of real estate at Just-A-Start. You explained -- you took some of what I was going to say. Thank you very much. With me, to my right I have John Achatz, our attorney who is working with us ushering it through the permitting and approval process.

And also John Winslow, the architect on the project is here. Robert McArthur's here, the project manager, and Lauren Curry who also works at Just-A-Start and is a Jack of all trades for us is also here. So depending on the questions, we feel like we have the people here that who need to address them.

As you know Just-A-Start, or I'm assuming you all

know Just-A-Start is a nonprofit. We provide educational training programs and we develop affordable housing. We're about to come to our 50th year of doing work in Cambridge. And I believe you all are aware of that. I hope so.

We've all obviously seen the requests and the reason we're here is because of the fire. I mean, that's the bottom line is the fire hadn't happened at 50 York, we wouldn't have had the need to be appearing here. What we're requesting from the BZA is that the rebuilding of 50 York be determined an insubstantial amendment to the approved comp permit that was just mentioned that we received under 40B in 1991. It's for the St. Pat's project which included 50 York. Overall the project's made up of four buildings and 32 units. 50 York has 16 and it was one of the two St. Pat's buildings damaged by the fire on the 3rd. 40 York was the other one and there's four units there. In all 20 units were impacted and at the time we had one vacancy. So 19 low income families

were displaced and we had to rehouse them. Most of them all want to move back to their units as soon as possible.

We want this determination so we can finalize our plans and our construction number and replace 50 York, and start construction in the fall of 2017. Most importantly we need to rehouse these families as soon as we can. If we don't get this determination, it will put the project into a process that will delay needed approvals and may mean we will jeopardize the additional funding we need from the state to complete the overall project.

We believe the Board has the authority, you mentioned it, to determine that our change is insubstantial. And we believe that we have a plan that makes this determination justifiable to you. I hope you agree with that.

Exhibit B in our package, we feel really demonstrates this. It lists all the conditions that were originally approved when we got our approval, and what the

changes are now based on our rebuilding of 50 York. I will just outline them -- I'll go down the list you do have in front of you.

ATTORNEY JOHN ACHATZ: Give people a second to find Exhibit B.

WILLIAM GORDON: Exhibit B is attached to the cover letter.

ATTORNEY JOHN ACHATZ: It's five pages in.

CONSTANTINE ALEXANDER: The only thing new, the letter from you, sir, and the plans were already submitted to us.

WILLIAM GORDON: Yes.

ATTORNEY JOHN ACHATZ: Right.

CONSTANTINE ALEXANDER: So the only thing new is the cover letter that I think you're summarizing right now.

WILLIAM GORDON: I think you have that. A memo came in later.

ATTORNEY JOHN ACHATZ: But go ahead.

WILLIAM GORDON: I'll summarize IT now.

The lot area is the same.

The gross square footage is the same on all buildings. Remember there are four buildings, and a little -- the square footage is a little less on what we're proposing at 50 York.

The floor area ratio is the same or less.

The number of units, 16 -- or 32, actually, is the same.

The base lot area is the same.

The total lot area is the same.

The building height is the same on three buildings. And it's a little less on 50 York.

The setbacks on York Street are the same.

The setbacks on Berkshire are the same or slightly less in the case of 50 York.

The setback on Hamlin Street's the same.

The side yards are the same.

The parking is the same, 28 parking space.

So as you can see, what we're proposing at 50 York is either entirely unchanged or a little less in terms of the elements that were approved in 1991. A little less would be the height and a little less would be the actual square footage. We can't really do anymore to keep it the same other than rebuild the church, which doesn't make any sense at all given it's a residential building. So actually the building we're going to put back would be better suited to residential life. It will have an elevator, the other one didn't. It will have more handicap accessibility, and actually will end up being a better building for residential life.

I do want to note that the Community Development Department has been supporting us throughout this project and the Historic Commission supports our plan and approved demolition of the building that's burnt.

In addition, and more importantly, we met with the

community in late January, presented our plans to them, and there was strong support and vocalization that we get the 16 units back online as soon as possible.

Finally, we're hopeful that given the public purpose of the housing and how truly consistent we believe it is with what was approved in 1991, that the BZA can determine that our amendment is insubstantial. We hope, and we hope you can support it and of course we have our whole team here to answer any questions that you may have.

CONSTANTINE ALEXANDER: Questions from members of the Board?

(No Response.)

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

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

(No Response.)

CONSTANTINE ALEXANDER: Apparently not. We are in

receipt of two letters, one from David Maher, City Councillor. (Reading) I respectfully submit this letter to express my support for the Just-A-Start petition, BZA case such and such. Since its inception, Just-A-Start has been a valuable asset to our community. The recent fire in East Cambridge destroyed much needed affordable housing. For those who lost their homes, Just-A-Start is the community partner most able to quickly restore safety and shelter to residents dislocated by the destructive December fire. Just-A-Start seeks BZA's determination to replace the building at 50 York Street with the same 16 affordable units and to be constructed on the same footprint. All principal elements of the property, including building size, number and size of units, setbacks, parking ratio, and affordability restrictions will remain as originally approved. As such, this rebuild constitutes an insubstantial change to the original comprehensive permit granted in 1991. In the past the BZA has shown great

compassion in cases like this. With petition approval, Just-A-Start can quickly move to design, bid, permit, and finance the replacement of much needed affordable units and allow residents to return to their homes.

And the other letter is from the City of Cambridge Community Development Department. It is from Christopher Cotter, C-O-T-T-E-R Housing Director. (Reading) I understand that the Board is reviewing a request for Just-A-Start Corporation to approve a change of Comprehensive Permit for St. Patrick's Place which would allow for the rebuilding of affordable housing at 50 York Street which was lost in the devastating fire of December 3, 2016. The Community Development Department strongly supports JAS's efforts to rebuild the 16 units lost so that residents may return to their community and much needed affordable units are again available to serve the community. The Department has seen Just-A-Start's preliminary plans for the replacement building with 16 units meeting new building

and access codes and is in full support of their plans to create new affordable units using current standards for sustainable living for sustainable design and construction.

The conversion of St. Patrick's Place to affordable housing was originally financed in part by the City with funds from both the City and Cambridge Affordable Housing Trust supplementing low income housing tax credits and other sources. Since its conversion, the 32 affordable units at St. Patrick's Place have been a critical component of the City's affordable housing stock. With the housing crisis continuing in the city, the affordable units of St. Pat's not only displaced residents from their homes but is now making it more difficult for families seeking affordable housing with fewer units available to them. Given the urgency of bringing this affordable housing resource back online, we fully support and encourage the Board to give strong consideration to Just-A-Start's request. Thank you for considering this request. We greatly appreciate the

Board's commitment to and supportive efforts to preserve and expand the city stock of affordable housing.

And that's it. I'm going to close public testimony.

Discussion or ready for a vote? Ready for a vote I think. Okay, I think the vote will be simple.

The Chair moves that we approve or accept the proposed changes to the property at 50 York Street as an insubstantial change to the originally granted Comprehensive Permit going back to 1991, on the condition that the final detail construction plans must be submitted to the Building Inspector to insure that the final plans are consistent with the preliminary plans submitted by the applicant, the first page of which has been initialled by the Chair.

ATTORNEY JOHN ACHATZ: Yes.

CONSTANTINE ALEXANDER: All those in favor say "Aye."

(Aye.)

CONSTANTINE ALEXANDER: Five in favor. So go  
right ahead with all due speed.

(Alexander, Sullivan, Hickey, Tedesco, Monteverde.

\* \* \* \* \*

(7:30 p.m.)

(Sitting Members Case BZA-012446-2017: Constantine  
Alexander, Brendan Sullivan, Andrea A. Hickey, Patrick  
Tedesco, Jim Monteverde.)

CONSTANTINE ALEXANDER: The Chair will call case  
No. 012446, 671-675 Concord Avenue.

Is there anyone here wishing to be heard on this

matter?

JANE CARBONE: Yes. My name is Jane Carbone. I work at Homeowner's rehab in Cambridge. We're a housing non-profit developer that has been doing housing developments for over 35 years in the city, and we have submitted a Comprehensive Permit application to develop affordable housing at 671-765 Concord Avenue in Cambridge.

CONSTANTINE ALEXANDER: Ms. Carbone, before we -- I apologize for interrupting you. Let me provide a setting for this, because maybe some members of the Board, since this is a new case, we don't usually hear Comprehensive Permit cases --

JANE CARBONE: Right.

CONSTANTINE ALEXANDER: -- and there may be some folks in the audience who aren't aware of how it works.

Briefly, a good number of years ago, decades ago, the state legislature became concerned that affordable housing was not being built as rapidly or as extensively as

it would like, largely due to local regulatory problems or issues. The process of getting through Zoning, Planning Board, and the like was slowing if not defeating the ability to build affordable housing. To me the classic example is a suburb of ours to the west which has one acre zoning, and you're not going to get much in the way of affordable housing if the zoning requires one acre.

So legislature enacted Chapter 40B. Chapter 40B creates this Comprehensive Permit process. It's not a Variance, not a Special Permit, it is a special thing for affordable housing. And the way it works is that the petitioner, in this case, Homeowner's Rehab, files a petition just with the Zoning Board of Appeals. This Board then contacts all the other Boards in town if they have any comments, concerns, and with that we go forward and have the hearing we're having tonight. We don't apply the usual -- we take into account the extent to which you're not going to comply with zoning, but it's not the issue. The

issue for us if we're going to turn this down or put conditions is either environmental or other planning issues that are going to arise from what you propose to do that are of concern to this Board. The decision we make is by a majority vote, not a supermajority, which is the case for a Variance of Special Permit. We can impose conditions, but the conditions got to relate, as I mentioned, to environmental issues or the like. To the extent we render our decision either if the petitioner is unhappy or if citizens of the city are unhappy, an appeal is taken to the Housing Affairs Committee of the state, you don't go right to court, and this committee makes a first determination. Ultimately if need be, there's an appeal to the courts.

I would advise members of the Board and the audience that this, our Board is contacted, the Community Development Department, Conservation Department, Fire Department, the Historical Department, the Law Department, Public Works Department, and Traffic and Parking Department.

And we have received no reason -- one favorable letter, no other comments. We do have a letter from the Planning Board which I will read later which has some very, very -- to my mind, minor suggestions which perhaps you've already incorporated in what you've submitted.

Anyway, that's the background. Now take it from there.

JANE CARBONE: Okay. So, yes, thank you for explaining the 40B process. So, this is Michelle Apigian. She's the architect from Icon Architectures that we've hired. And we have a short PowerPoint presentation that we can walk you through if --

CONSTANTINE ALEXANDER: Will people in the audience be able to see it, too?

If you can't and you want to see it, come forward and get closer.

JANE CARBONE: We're looking for power and then we'll start.

CONSTANTINE ALEXANDER: Okay.

JANE CARBONE: So Homeowner's Rehab purchased the parcel of land on Concord Avenue in 2016, the summer of 2016, and we had a series of neighborhood meetings with various different groups. We met with the Cambridge Highlands Group, the Fresh Pond Residents Alliance, and Cambridge Residents Alliance. And we sat down with them and went through the ideas that we had, and the fact that we were hoping to develop affordable housing there. They were very supportive of our endeavor, and then after those smaller intimate meetings, we had three larger community meetings that we solicited input from abutters and residents. And at those meetings there were some issues and concerns with parking and traffic and the size of the site and so we tried to incorporate as many of those -- as many of those concerns into the development as we looked towards presenting the design at the final community meeting.

Then after those community meetings, we further

met with the city departments; the Fire Department, the Department of Public Works, Traffic and Parking, and the Community Development Department to have discussions to talk about what they wanted to see as part of the design. And, again, we incorporated their comments and concerns into the housing development.

So -- and then as you stated, last week we met with the Planning Board and they also supported the project and had some minor changes that we can talk about and we are incorporating into the design as well.

At the same time, we had pro -- we needed to provide DHCD with information about our project and get their approval, which they have approved their -- the 40T approval. So they have sent a letter to the City and I --

CONSTANTINE ALEXANDER: You just gave an acronym and maybe you could --

JANE CARBONE: Oh, DHCD is the Department of Housing and Community Development at the state and they are

required under the statute to approve the Comprehensive Permit. So they came and did THE site visit and looked at our -- all the requirements that they had in the proposal which -- in our proposal which are that the development is appropriate to the site, that it's financially feasible, that it was developed by -- that it's developed by a non-profit, and that it's more than 25 percent affordable. So we have met all of those requirements and they have granted an approval.

So I'll put the --

CONSTANTINE ALEXANDER: Where is the funding coming for this?

JANE CARBONE: So the funding is coming from the City of Cambridge. They supported the acquisition of the project. The Cambridge Affordable Housing Trust. And we were going back to them, to the trust, for the construction of the development as well as the tax credit program through the state as well as Mass. Housing and some, and some local

banks for additional financing as well as quasi banks through the state funding programs.

So I'm just going to go quickly go through a little bit more about the project and then Michelle is going to talk a little bit about the design.

So the development is 98 units of rental housing and it's there on the board so you can see. Six floors are residential and the housing is comprised of 32 one bedrooms, 45 two bedrooms, and 23 three bedrooms and those -- the majority of -- 67 percent of the development is family housing.

There are 67 parking spaces, and we're seeking relief on that ratio. We've found out in previous developments that we have created that in our new construction developments, the majority of our affordable residents earning below 60 percent median income do not have cars. So at lease-up we're finding that half of the residents that are affordable do not have cars. So in this

development there is an affordable component as well as a middle income component. So we have determined that the affordable component, we are allowing 52 percent of those residents, which is what we've seen in our historical sites, will have parking. And then about 90 percent of those modern income residents will have parking. So the ratio was carefully determined based on our past experience with our housing developments.

CONSTANTINE ALEXANDER: Also you might want to address the availability of public transportation for those persons who don't have a car.

JANE CARBONE: Right. And so there are two bus transit lines going passed that. And we also are contributing towards the TMA shuttle, which is the shuttle that is provided in the community in that neighborhood that we have our funding in our budget so that will take our residents to public transportation, the Alewife T stop. And then in addition to that, we have one-to-one bike parking at

the site. Over -- I think 103 bicycle parking spaces in the secured garage, and then ten visitors' bike parking spaces near the entrance to the building.

The development also will have percentage, five percent of the units accessible and two percent hearing impaired.

And then the sixth floor is what we're creating a large community space as an amenity for the resident so that we can program activities and other events for the residents at the development. Rather than setting aside the most attractive view of Fresh Pond to a resident, we're just making it available to all of the families in the project.

So this you can see the break down of the incomes and the affordability range. So the first, the last column shows the annual income of a family of four. So there's six different income tiers. And the first four tiers are the affordable. So a family of four will make between \$29,430 and \$58,860 to qualify for those units. And the lowest

income, the family of four, ten units are set aside for families of four earning 29,000, 15 units are set aside for families earning 49,000 and so on. And then there's a middle income tier, because a lot of families living in Cambridge at that higher income level are sort of -- are being forced out of Cambridge. So we're working with Mass. Housing to procure funds to provide affordable housing for that middle income tier. So a family of four earning 78,000, would qualify for 21 units and a family of four earning 98,500 would qualify for 17 of the units.

And this is the location of the site. It is on Concord Ave. It used to be the old Cambridge Park and Loan that was there and there was an adjacent partial tai chi and restaurant that was a small one-story structure, and those two sites were combined into one that we purchased last June that abuts -- or is across from the Fresh Pond Reservoir.

CONSTANTINE ALEXANDER: It's next to the Burger King.

JANE CARBONE: Right next to -- right, right next to the Burger King. And this is a picture of the site now. We've demolished the structures and have, and the site is vacant.

And I'll introduce now Michelle to talk a little bit more about the design of the development.

MICHELLE APIGIAN: So obviously as Jane mentioned, one of the most notable features of the site is that it is across the street from Fresh Pond Reservation, which is an amazing ecological and open space amenity for future residents here, but certainly for the region at large. We always like to think about the overall context, the physical context, cultural, and also sort of the policy framework that helps guide development patterns. And as you can see looking at the site here in yellow in the center of the screen, on one end of Concord Avenue we have a really tight knit more traditional neighborhood of low rise residential, Cambridge Highlands, and then on the other end of Concord

Ave. we have a totally different character with a very vibrant mixed use, but primarily commercial environment which certainly provides a huge opportunity for shopping and just day-to-day needs that the families living here will be able to take advantage of, but obviously it also provides that amenity for a much broader regional group, and that makes Concord Avenue and Alewife Brook Parkway quite busy. And then in between those two we've got this interesting environment that really has been historically commercial and industrial and is really at the beginning stages of what we'll hope to be a long-term transition toward a more mixed use neighborhood that will really have an identity of its own. And Cambridge has really tried to set a course for that vision. And this building is really kind of one of the pioneers to help set that plan into motion.

We also are always thinking about the ecology and resilience in particular. And the FEMA maps here show that we're not actually in the floodplain, but we are definitely

thinking about the 2030 and 2017 storm surge as Cambridge is extremely focussed on long term and longevity of any future developments and current developments and so we're taking that into consideration, and there is nothing in the building other than parking that is below that 2070 level.

And then of course there's the zoning framework. And there are several overlays here that apply beyond the baseline southeast quadrangle. And they together set up, setback requirements from the front, from Concord Avenue of 25 feet, on the sides of 10 feet, and at the rear as well at 10 feet.

CONSTANTINE ALEXANDER: Why don't you tell us the areas -- items in which you do not comply with our zoning.

MICHELLE APIGIAN: Yes.

CONSTANTINE ALEXANDER: As you understand that.

MICHELLE APIGIAN: So the main areas that we don't comply are in relative to FAR, floor area ratio. And we have a slide at the end that will identify exactly the

things that we're kind of requesting.

CONSTANTINE ALEXANDER: Okay.

MICHELLE APIGIAN: We're a little higher on FAR and we're a little bit higher on our -- the principle plane. Concord Avenue has a sort of front plane and then you're allowed to step up as you step back. We're asking for a few feet there. And then parking is really the main other thing that's shown on this slide.

So, as you can see the character of the surrounding buildings is really quite diverse. We've got one-story buildings and six-story buildings, commercial buildings, and multi-family buildings. And so the context is really varied and there's not a really strong, clear context to react to from an aesthetic point of view. And that really led us to look to Fresh Pond for our inspiration for this building.

So, you know, across the street at the reservation, there's an incredible richness and warmth in

materials from the wood, of course, and in these amazing vibrant greens of the -- especially in the springtime. And we wanted to really draw that materiality into our building with these warm kind of wood-looking bays that really front on Concord Avenue and these pops of green that sort of celebrate different pieces of the building and kind of dance along the facade to give it a little bit of articulation. So what you're seeing on the top right is the front elevation along Concord Avenue. In perspective view where you're seeing a little bit of actual context around it. In the bottom left is the frontal elevation view that's flattened. And in the bottom right you're seeing the front entry which we really wanted to be very visible on Concord Avenue and welcoming, but we also wanted to again sort of use its column structure to create a light, airy feeling that not only provides shelter for the residents and guests who will come to the building, but a place you can come and sit and be in the shade since this is almost due south

facing facade.

Here we're looking to the west across -- on the top across with the existing context and at the bottom sort of a very frontal elevation. You'll really not ever have that direct frontal view just because of the nature of Concord Avenue and the development that already exists to the east. But, again, down that facade we're trying to bring in these kind of warm pops that sort of articulate the facade and the playful way, and there's these sort of push and pull of bays and recesses to help break up that long -- it is a long facade, and to give it a little bit of variety.

And then here we are looking at the west facade. And you're really getting a good view as well of the top of the building where we've got sort of our celebratory community space that really has the ultimate vantage point overlooking the park and is adjacent to a roof deck as well as laundry facilities. So that residents can be up there

kind of taking part in various, in very conscious program activities that are helping with education or growth opportunities, but also taking care of laundry and taking care of kids all at the same time.

And what you'll see at the base of the building on the western most edge, is not so visible in this facade, is again these sort of slim columns that are elevating the building on this one wing of the building. And that is in order to allow access to the parking in the rear and also fire department access should they need to get to the rear of the building.

Here we're looking at the northern facade which in one day it's a very slender facade that actually, that northern edge, but one day might front on the future community path that the Vision Alewife plan has -- is anticipating.

And so here's just a couple of floor plans. On the left we have the main entry level of the building. The

primary entry level is set exactly at the level of Concord Avenue to provide a directly accessible entry that is, does not require any ramps whatsoever, but it also is again above that important 2070 flood line. And the sort of main body of the building here to the east is elevated half a level above that, above that lobby level, and that allows us to top the parking a half a level below the building so that it's completely visible from Concord Avenue. And I'll show you kind of a blowup of that in just a minute. But just kind of help you understand in section what's happening, at Concord Avenue you're coming in and you drive gently down this ramp toward the back of the building which is actually showing the actual grade of the site now. It sort of gently slopes consistently toward the rear of the site. The residences are elevated in that western wing above that driveway and in that community space is sort of popping up at the top floor.

And so when we look closer at that entry level,

you can see the pedestrians would come in to the main lobby space at grade. There is some sort of visitor bike storage spaces here for those who are coming to visit friends in that way. And we provided sort of a direct bike access ramp down and into the garage where there's covered and secure bike storage for the residents.

The vehicles could come into the -- to some parking at the rear of the building, again, though below the elevation of Concord Avenue and not visible from Concord Avenue. And then from there kind of drop into the garage level of building beyond. And the fire department, should it need to access, we've kept proper clearances to make sure that they have no problem reaching the back of the building.

And from the rear you could come into the same lobby level through a vestibule and sort of some gentle reps inside the building.

If you're a visitor, well, if you're -- I should say if you're sort of delivering packages, as seems to be

more and more the case these days to the buildings, we've got a couple of spaces in the back here that are really intended to be specific for someone doing a delivery or maybe there's a move-in day, and that way those, those folks will be able to stay sort of out of the clear path of travel, certainly off of Concord Avenue and not be disruptive to certain day-to-day operation of the buildings.

It's worth noting here as you mentioned in the Planning Board letter there were a few comments that we got from the Planning Board, and one of them was about this bike ramp and whether that is really necessary given that you can sort of access at a normal, at a very typical slope, the building and the garage space from the drive lane. And so that was one of the questions they put to us, and would we consider eliminating the bike ramp and being able to have more landscaping along the front of the building.

CONSTANTINE ALEXANDER: And the answer is?

MICHELLE APIGIAN: We certainly can consider that

if the City is open to that.

CONSTANTINE ALEXANDER: You haven't made a decision yet?

JANE CARBONE: I think we want to talk to account to Traffic and Parking because that department was -- liked the idea of the bike access, so I think if we change it, we just want to get their blessing.

CONSTANTINE ALEXANDER: Okay. I notice that Traffic and Parking did give us a letter and they didn't even raise this issue. So they were happy with what you had proposed obviously. The Planning Board was not. But go ahead. Okay. You've got to deal with that.

There was a second issue I think.

MICHELLE APIGIAN: There is. There's a height issue which I'll talk about when we get to the very last slide here.

So here just quickly on the left is a typical floor, which is not very clear to anyone. But it's a bunch

of one, two, and three-bedroom units. They stack nicely through the building. At the top floor here you're seeing sort of in the magenta or pink shade here, our community space, which is pretty substantial in size. Our roof deck space which HR is hoping to do some great programming on. And then the laundry space. So those spaces all front Fresh Pond Parkway or Fresh Pond Reservation and then again the residents --

CONSTANTINE ALEXANDER: A swimming pool on the roof deck?

MICHELLE APIGIAN: No swimming pool.

CONSTANTINE ALEXANDER: Okay.

MICHELLE APIGIAN: When we look at the landscape plan, the main areas of focus were certainly along Concord Avenue, which is the most visible segment of the site. And at the rear of the site where, again, we may ultimately find ourselves abutting a future community path which happens to kind of -- if it one day comes to fruition, would involve

this kind of edge here.

So just to look at that for a second here, the landscape plan envisions a broad kind of paved area that really highlights the main entry of the building with a load wall that shelters the kind of garden space and also creates a seating area as people are walking by. And that low wall continues on the other side of our paved area just to really kind of secure the building but again create a broad opening for residents.

And these, these plantings are in keeping with the zoning goals for planting along Concord Avenue, but also having them in this zone kind of shields our residences on this wing of the building which are -- especially the ones on the first and second floor. So they get more of a tree house effect on the Concord Avenue and not a traffic effect.

And then at the rear of the building we have sort of a passive recreational space that has -- we're hoping would be have sort of an art feature that kids could climb

on, but really is intended to be a quiet recreational space. And this is another place where the Planning Board really said, you know, we'd love to see more open space at the rear of the building, could you consider reducing your parking on-site to allow for some more program space, particularly for the kids?

JANE CARBONE: And so here I think we would like the flexibility of doing that in the future, but I think there has been -- there has been concerns in the neighborhood, with some of the abutters where we're asking for reduction in parking, and we feel confident that our residents, based on previous developments, are not gonna all have cars upon lease-up, and so we don't think that we're gonna need as many spaces, which is why we sought relief. But in the event that -- so we don't want to further reduce the parking spaces, but if in the future we don't have residents using the parking spaces or even the bike spaces, then we want to be able to convert that open space if we

need to. I think one of the concerns also about the parking is that we are providing the resource for the TMA shuttle for our residents so they could have direct access to the public transportation from our building. And then if someone has a vehicle that is, you know, is applying for the housing here, we have other developments within the city that we -- that has parking for residents. So we can provide them with housing in another development rather than at Concord Ave. if they have a car.

CONSTANTINE ALEXANDER: The only thing that occurs to me is that if we approve the plans with the parking that you have on now, and you say you want to reserve the right to take away some of that parking in the future, are we going to be faced with the same issue that we have at York Street? Where you need a modification to the Comprehensive Permit that presumably we're going to grant and we have to find an insubstantial change?

JANE CARBONE: Well, I would, I would say if you,

if you accepted the recommendations of the Planning Board and then that would include the parking -- looking at reducing the parking in the future are -- now or in the future wouldn't mean we have to --

CONSTANTINE ALEXANDER: I think when I make the motion, it will be tied to the preliminary plans that you've given us with the flexibility to modify those with regard to reduce the parking to improve the open space. That probably will solve the problem.

JANE CARBONE: Yes, agreed.

CONSTANTINE ALEXANDER: Okay.

MICHELLE APIGIAN: And then just briefly to touch on sustainability because this is not at all a side note for either one of us. We, you know, we really think about sustainability from the outset in all senses, not just from the resiliency standpoint where we're up above the 2070 storm surge and all of the relevant systems are well above that as well, but we are intending to be PV ready so that

everything is wired and good to go should we find ourselves to be in a position to add photovoltaics to the roof of the building.

We are looking -- Cambridge recommends using LEED as its guidelines for LEED certifiability as its guideline, and we're here looking at -- this is another Variance that we're looking to use. Enterprise Green, which is much more geared to family development, and in some ways pushes further on those fronts.

We're thinking carefully of active design and how we can ensure that there are opportunities and incentives for people to just navigate property in the building by foot rather than using the elevator all the time. So we want to make our stairwells bright and lively and easily visible, particularly the one at the lobby.

And then as Jane mentioned, we're thinking about the TMA shuttle and they're carrying that in their budget right to help go beyond just the bus lines that are there

now and the bike parking and the access to the bike paths that are there now.

And then finally, I know Cambridge is very interested in the long-term drive toward NetZero. And as we think about the systems that we've got in the building now, we are primarily thinking that our systems, our heating in particular, is likely to be mini split system which is electric and air source pump system. So if we were able to add the PV, that would sort of automatically offset that utility use, which leaves our hot water as the main elements that would need to be rethought. Because at the moment we're talking about a high efficiency gas, and that's by far the most energy efficient way to go at the moment, but things are evolving.

And so finally just at the bottom here, the last chart relief required is really what we're looking for. Where we're looking for relief? Again, the FAR. We're looking at a higher ratio, which the Planning Board pointed

out is pretty consistent with what a market rate development might --

CONSTANTINE ALEXANDER: For those who can't read it. You want to go to 2.86. And if you were complying with our zoning, the max will be 2.0.

MICHELLE APIGIAN: That's right.

CONSTANTINE ALEXANDER: Okay, because it's hard to read.

MICHELLE APIGIAN: I'll read those. Thank you for reminding me.

CONSTANTINE ALEXANDER: Okay.

MICHELLE APIGIAN: The principle plain, which is the issue I mentioned at the beginning. The requirement is 55 feet. We had asked for 56, and the Planning Board actually encouraged us to add a couple more feet to that to ensure that we're able to add the types of insulation at the roof of the building that we'd like to and allow our garage structure to really be what it needs to be.

And then we've got a request for 98 versus the 72 maximum dwelling units that would be allowed relative to the actual space on the site.

Our parking ratio, as we talked about, is 0.68 rather than the 1.0.

And the ground floor transparency is kind of an interesting one, because I think the goal of this requirement is really about making sure that Concord Avenue is highly visible and interactive and doesn't feel kind of closed off. And our building, as you can see, is quite deep off of Concord Avenue. There's a very limited facade, but if you look at the whole first floor, we're 23 percent transparency. If we were only looking at Concord Avenue, we would actually meet the transparency.

And then finally the rating system. We're looking at the Enterprise.

CONSTANTINE ALEXANDER: There was one other one you identified in your materials and I don't see it on

there, and that is minimum lot area.

MICHELLE APIGIAN: Oh, I think that is the number of dwelling units. I think it's a different way of saying the same thing.

CONSTANTINE ALEXANDER: Oh, all right. That's fine.

MICHELLE APITIAN: Which would allow 72 and we're asking for --

BRENDAN SULLIVAN: What should have been 600 and you're four-something because of the number of additional units.

JANE CARBONE: Exactly.

MICHELLE APIGIAN: And I think that's all.

CONSTANTINE ALEXANDER: There are a couple of areas -- I'm sorry, you had more of the presentation?

JANE CARBONE: No, I just -- the only other thing that I wanted to say that the Planning Board has mentioned it in their letter, that the floor area ratio here is

appropriate. And if the project were -- they feel that it was appropriate. If it was a market rate building, that it would have similar density with the affordable housing bonus that, you know, this is 100 percent affordable, so we're not doing affordable housing bonus.

CONSTANTINE ALEXANDER: There are a couple of areas that were under the statute that have to be addressed that I haven't heard addressed or seen in the file.

One, your status as of 501c3 non-profit. I don't see it -- do you have any --

JANE CARBONE: I think we included that in the application in our 501c3 Certificate.

CONSTANTINE ALEXANDER: Oh, you did? Okay.

JANE CARBONE: Yes.

CONSTANTINE ALEXANDER: And what about control of the site? Do you have a copy of the deed?

JANE CARBONE: Yes, we have a copy of the deed in the application, too.

CONSTANTINE ALEXANDER: And is there information in the file about submitting evidence that the continued need for affordable housing in the City of Cambridge and statistics or whatever that show what we have?

JANE CARBONE: I think we included that in the narrative, in the application.

CONSTANTINE ALEXANDER: Would you summarize that quickly for us?

JANE CARBONE: I think the Cambridge Housing Authority has a waiting list of thousands of families looking for affordable housing in Cambridge. And some of our families will be coming off that waiting list, and there is a large need. We actually have completed a market study that reaffirmed that, that there is a significant need for housing in Cambridge, and specifically family housing. Which this development will meet that need.

CONSTANTINE ALEXANDER: Okay, thank you.

Questions from members of the Board at this point?

JIM MONTEVERDE: Can you explain the rationale behind why the greater FAR is needed? Obviously it leads to number of units, the size of the building, if you were to comply with FAR, what's the hardship?

JANE CARBONE: Just the fact that we would like to create as many units as possible here. And the, and the great need for housing in Cambridge for affordable housing.

CONSTANTINE ALEXANDER: Okay?

Any other questions? I'll open the matter up to public testimony.

Is there anyone here wishing to be heard on this matter? Sir, you first. Give your name and address to the stenographer, please.

MARK TRAVERS: My name is Mark Travers, and I'm a resident at 655 Concord Avenue. And I have lived in Cambridge about 15 years now. And I'm a condo owner on the building about a block away.

So I attended a couple of the community meetings

that they had across the street towards the park area, and I think most of us living in Cambridge or in Massachusetts are very concerned about affordable housing because the middle class is getting basically the shaft. You know, housing expenses keep getting higher and higher and, you know, market rate housing is becoming increasingly difficult for everyone to buy or rent and so forth. So when I'm speaking today, I'm not speaking against HRI affordable housing or the need for it. My -- one of my concerns that I brought up at a couple of the meetings along with other people were the ratio of housing units to parking spaces. And in this area of Cambridge there's very little on-street parking or zero on-street parking basically available. And I know HRI has been granted parking variances in areas of Cambridge where there's lots of on-street parking and meters and so forth where a Variance would not impact the overall neighbors in the area because it's already many parking spaces available. Now, just to let you know there is a, basically a soccer

park and so forth across the street, and it's great to have the kids playing there and it's all fun and all, you know, no one's going to be a grouch and complain about it, but it does impact us already because there aren't enough parking spaces at the park for all the parents and so forth. So frequently people going to Fresh Pond or walking around the pond or, you know, hanging around enjoying the neighborhood and the, you know, the nature and so forth, they use our parking lot to go ahead and do that. So frequently we get impacted with parking issues. And I can tell you from a personal experiences that I've had over the years people don't like being told to move when they're in your parking space. They know they're doing wrong, they know they shouldn't be there, but often unfortunately people get very what I would say angered, confrontational. And, you know, a couple of times it's been rather scary and I've called the police. But by doing so, these people backed down and, you know, cooperated after that. But from my point of view and

others, you know, in our building I would say we want careful consideration be made that we're already being impacted by severe parking issues in that area, and HRI has not adequately addressed our concerns because the presentation that they're putting forward tonight is exactly the same one that they brought forward in their presentation during those community meetings. So they haven't done anything to address our concerns about the parking and so forth. And my impression is that between the amount of parking that they leave for residents and guests, that the easiest way to accommodate the parking needs of HRI would be for people to park at 655 Concord Avenue and use our lot instead because there won't be adequate parking for people.

And so, that's, you know, basically what I have to present. And, you know, I know you guys got to sugarcoat a presentation and say everyone was in favor of it and it was all great, but that wasn't quite the case. There were many people that had parking concern issues, and every time we

tried to talk and bring it up and express our concerns, I wouldn't say we were silenced, but we were discouraged from talking. Especially the gentleman in the beard over there who quieted me down a couple times and he didn't really want us to talk against the project. So just to let you know that. And that's really I have, all I have to say here.

CONSTANTINE ALEXANDER: Thank you. Thank you for taking the time to come down. I have some comments I want to make, but you go first.

JANE CARBONE: I just wanted to say a few things:

We did respond to the parking concerns and one of the things where -- first, when we have parking in our other developments and people use -- take those spaces that belong to our residents, we have a towing service come and they remove that vehicle. So, you know, I think if we find residents that are parking in spaces that are not assigned to them, that are in a neighboring housing development, we would enforce towing of those cars.

And in response to the parking, the reduction in parking, we have included in our budget the TMA shuttle, which is the first time that a non-profit is actually funding that, the cost of that to provide that service to our residents. And that's a significant operating cost that we are burdened with. And also we have -- we went back after there was that discussion and we had a traffic study done and the traffic study showed that there wasn't a significant uptick in the traffic in the area based on their findings, and that was a concern that people had about traffic and parking as well.

The -- and the other, we went back after the first meeting and we did a research on our existing housing developments and that's where we reaffirmed that our affordable residents, again, on lease-up do not have vehicles. And so that is how we based our determination on the number of vehicles that we are setting aside here for the affordable residents. But I think we also said in the

meeting after the concern was about parking that if we had a family that had a vehicle and that was applying for housing here, that we would have them have access to our other housing developments that did provide parking in a garage if they had a vehicle on lease-up. So I think those are the ways that we've addressed our reduction in parking base from the original proposal.

CONSTANTINE ALEXANDER: You should keep in mind, too, by the way, the Planning Board's comment wanting you to reduce parking even further for more open space and you've reserved your judgment on that.

JANE CARBONE: Right.

CONSTANTINE ALEXANDER: I think you should take into account when you make that judgment about further reducing parking, this gentleman's point.

MICHELLE APIGIAN: I just wanted to add that in the early meetings we had not totally thought through deliveries and some of the other concerns that came up about

causing more congestion on Concord Avenue, and we were able to, after hearing that and thinking through those concerns, to actually carve out a couple of more spaces specifically for that which had not been part of our initial design.

CONSTANTINE ALEXANDER: Anyone else wishing to be heard?

GOLNAZ TABATABAI: Yes. My name is Golnaz Tabatabai. My first name is G-O-L-N-A-Z. And my last name is Tabatabai, T-A-B-A-T-A-B-A-I. I live at One Aberdeen Ave., Cambridge. I am not actually too far from this site and I just want to fully support the project. If it wasn't because of this wonderful, you know, support that the city has for the affordable housing, I wouldn't be able to live in Cambridge for the last 15 years. So I really appreciate and fully support it. So I'm just across the Fresh Pond and I just love to see this to just come to life.

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

There was a gentleman had his hand up in the back.

Did you change your mind?

UNIDENTIFIED MEMBER FROM THE AUDIENCE: I changed my mind.

CONSTANTINE ALEXANDER: You changed your mind? Okay.

Anyone else? Ma'am.

ELLEN SHACKTER: Hi, my name is Ellen Shackter (phonetic), and I live at 346 Concord Ave., and I'm a homeowner there. And I just wanted to say year after year after year when I heard development talks about affordable housing, the refrain is constantly, there's too much, you know, concentration in East Cambridge and other parts of the city and I am so grateful that there's a project that's able to deliver this much affordable housing in West Cambridge where I live. And I'm really excited to have this project. HRI has been an incredible project developer. I know a lot of the tenants that live there. Well maintained. Really

well run. So I'm just excited to have this project in my neighborhood, and I feel like it's really important that West Cambridge have a fair share of the affordable housing in terms of how it's distributed around the city.

CONSTANTINE ALEXANDER: Fair point. Thank you.

You did right write a letter to us?

ELLEN SHACKTER: I did, yes.

CONSTANTINE ALEXANDER: Thank you.

Ma'am.

JAN GRIFFIN: Hi, my name is Jan Griffin and I live at 44 Griswold Street in Cambridge Highlands. And I have really have two points to make tonight:

I lived there for 20 years, raised my children there, and they're at CRLS now. And I just want to say that this is the perfect neighborhood for families. I went to one of the earlier meetings and there was some talk about maybe not so great for families, but it really is. Not -- I mean the obvious thing of course is Fresh Pond Reservoir and

the beauty of and the programming there. But the other thing is the Rafferty Playground and Park that's right behind Sancta Maria that my children have gone to since they are toddlers and then, you know, played tennis there. It's a hidden gem and it's right there and it's a great thing for bringing up kids in the neighborhood. It's the perfect neighborhood. And I can tell you if there are high schoolers in this building, it's 15 minutes or less cautiously door to door on your bike from our neighborhood to CRLS. Faster than the bus.

So it's just a great family neighborhood. And actually I've been waiting the whole time I've lived on Griswold Street, I've been waiting 20 years for this project. What I've seen on Griswold Street over the 20 years, and this is just my second point, is that the income diversity in our neighborhood is just eroding. There have been teardowns. People who used to rent in the two families on our street can't rent there anymore because when the,

when the houses are bought by a new person, they're paying a lot of money and they've got to jack up the rent. So we've lost a lot of low income people out of our neighborhood. And I am thrilled that this project in particular has people coming in at 30 percent and under. That extremely low income group, I think we've got to do more for in the city, and I'm just thrilled that there's a strata for them in this project.

So thank you very much.

CONSTANTINE ALEXANDER: Thank you for coming down.

Ma'am.

SUSAN RICHARD: My name is Susan Richard.

CONSTANTINE ALEXANDER: Come a little closer.

SUSAN RICHARD: My name is Susan Richard. I'm actually a new member of the CNHS Board and I'm really speaking -- and I have tremendous respect for the organization which is new to me, I work in human services and was brought on to support public housing residents with

the social service aspect, but I'm learning a lot about housing. I grew up in Cambridge in a multi-generational family in Cambridge. My parents actually bought their single-family for \$17,000 in 1961. And so as somebody who without inclusionary housing in this city couldn't actually live here and raise my kids here, really value the fact that this city has made a priority to create affordable housing for all of us. And I currently live -- I grew up in Mid Cambridge but currently live in North Cambridge, and feel also very strongly that we need more affordable housing all over the city. And to actually have it on Fresh Pond which is at a gorgeous place which I'm sure a lot of people would like to, you know, have the market to have affordable feels really like a powerful statement for the city to make, to create affordable housing there, and I just want to say, you know, 98 affordable units and the way they've designed it is really beautiful. And we need this in our city because we're losing our city if we don't make a commitment to this.

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

Anyone else?

(No Response.)

CONSTANTINE ALEXANDER: Apparently not. I will close public testimony. I will report that we are in receipt of many letters.

A memo from the Planning Board, all of which are in support of the project. We referenced the Planning Board's relatively modest comments. I don't propose to read these files into the file otherwise we'll be here until two in the morning. So I'm going to close public testimony.

Any final comments you want to make at this pointed before we deliberate?

JANE CARBONE: No.

CONSTANTINE ALEXANDER: Any discussion or ready for a vote?

BRENDAN SULLIVAN: No, just maybe a comment. We

sit here on Thursday nights and we're asked to waive requirements of the Ordinance. And basically what we're doing is we're asking to change, alter, to improve property, usually improve the value of property. And for someone who sat here for a number of years it's nice to be able to be part of a process to say yes, to just basic housing. Not high end, just basic housing for people. And I live in West Cambridge and, yes, I will echo those comments about the lack of diversity families that are able to move in or stay in the area. And part of our charge, part of the preamble is to encourage housing for persons of all income levels. And I think that that goes to that goal and our charge to do this.

So, yes, no project is perfect. The parking I think is probably something that you're going to have to -- you have space, and I think as time goes on, you will probably have to monitor it and use your best judgment, your prose, and whether you increase or decrease, I think will

have to evolve over time. And I think I would give them the option to do that.

CONSTANTINE ALEXANDER: Anyone else?

ANDREA HICKEY: I just had a couple of questions regarding parking and the TMA shuttle. Will that shuttle pick up directly from your building?

JANE CARBONE: Yes.

ANDREA HICKEY: Okay.

And in terms of parking, do you charge tenants who have a car an extra fee? How does that work?

JANE CARBONE: No, parking is included. There's no fee. We're not required -- we can't -- we can't charge for parking based on the subsidy programs. So the parking will be free.

PATRICK TEDESCO: And it's first come first serve? It's not assigned to the lease?

JANE CARBONE: Correct.

ANDREA HICKEY: And it would be one space per unit

on a space availability basis?

JANE CARBONE: Correct.

ANDREA HICKEY: That's it.

CONSTANTINE ALEXANDER: Okay. Ready for a vote?

The vote we take for a Comprehensive Permit is a little different than the usual one, we have to make a number of findings, so let me just -- bear with me. I'll go through the vote itself.

The Chair moves that we make the following findings with regard to the application for a Comprehensive Permit:

That the applicant has submitted to the Board a complete and satisfactory application for a Comprehensive Permit pursuant to the Code of Massachusetts Regulations, which includes preliminary site development plans showing the locations and materials of proposed buildings, street parking areas, walks and paved areas, and also preliminary scaled architectural drawings including typical floor plans

elevations and sections.

That we find that the applicant has met all of the jurisdictional requirements of the Code of Massachusetts Regulations. Those requirements which I touched on earlier; namely, that you are a non-profit organization, that you've got an eligibility letter from the state, and that you have presented to us proof that you own the property.

Three, that you have submitted evidence concerning the continued need for affordable housing in the City of Cambridge and in the surrounding region.

And the Board's knowledge of housing in the City of Cambridge -- based on the Board's knowledge of housing in the city, we find that there continues to be a regional need for affordable housing and a substantial unmet need for affordable housing in the City of Cambridge.

Four, that the project consists of 88?

JANE CARBONE: 98.

CONSTANTINE ALEXANDER: I'm sorry. 98 units, all

of which will be affordable according to the requirements of Chapter 40B and as eligible subsidy programs.

Units will be developed with state or federal subsidy and will be subject to long-term affordability restrictions, require them to be sold initially and on resale at restricted prices to households with incomes below 80 percent of the area median income.

Next, in reviewing the project, we this Board, have not identified any significant health, safety, environmental design, open space, or no adverse impact on storm drainage, traffic, or other engineering or planning matters that will support denial of the project or outweigh the local or regional housing need.

That in our review of the project, we have determined that the applicant has taken reasonable measures to ensure the project's compatibility with abutting properties and the surrounding neighborhood, including neighboring commercial and residential uses.

And that lastly we the Board has determined that the relief from the specific requirements of local restrictions and regulations requested by the applicant is necessary in this circumstance to ensure the creation of affordable housing and to allow the construction of the project as proposed.

Based on these findings, the Board finds that the proposed development meets the requirement for a Comprehensive Permit under Chapter 40B, and that such a permit shall be granted to the applicant subject to the following conditions:

That final detailed construction plans must be submitted to the Building Inspector to ensure that the final plans are consistent with the preliminary plans submitted to the applicant, the first page of which has been initialled by the Chair.

Subject to the fact that either initially or thereafter as the project moves forward, that the amount of

open -- the parking space and the amount of open space, parking areas and open space may be adjusted by the applicant based on its determination as to what is appropriate for the site. All of this in accordance with the recommendation of the Planning Board.

That, all those in favor of granting the Comprehensive Permit please say "Aye."

(Aye.)

CONSTANTINE ALEXANDER: Five in favor.

Comprehensive Permit granted.

(Alexander, Sullivan, Hickey, Tedesco, Monteverde.)

JANE CARBONE: Thank you very much members of the Board. We appreciate it. And we will work with our neighbors to ensure that they're as excited about the project as we are. And thank you staff.

\* \* \* \* \*

(8:30 p.m.)

(Sitting Members Case BZA-012350-2017: Constantine

Alexander, Brendan Sullivan, Andrea A. Hickey, Patrick

Tedesco, Jim Monteverde.)

CONSTANTINE ALEXANDER: The Chair will call case  
No. 012350, 29 Bellis Circle.

Is there anyone here wishing to be heard on this  
matter? Please come forward.

If anyone wants to see what they're putting on the  
easel, come to the front of the room or behind us to see.

Whoever is going to speak give your name and  
address to the stenographer, please.

TAGORE HERNANDEZ: Yes, Tagore Hernandez, 30  
Quincy Street, Somerville, Mass.

CONSTANTINE ALEXANDER: Are you planning to speak?  
Okay. We've seen this property before.

TAGORE HERNANDEZ: Yes.

CONSTANTINE ALEXANDER: A more modest proposal initially. Just going to modify the porch or something on the front of the house and we didn't hear the case -- we didn't make the decision because the plans we received were insufficient. And obviously you've withdrawn that and this is a completely new proposal.

TAGORE HERNANDEZ: Yes.

Thanks for hearing with us tonight. My name is Tagore Hernandez. I'm with Group Design Build. We're an architect-led, design, and construction company that does high performance buildings. And passive house designs.

So yes, the previous architect presented an alternate proposal that as I understand was not, did not meet or satisfy the --

CONSTANTINE ALEXANDER: Well, we did need further clarification. And my assumption is your client decided to rethink the whole project.

TAGORE HERNANDEZ: Correct.

CONSTANTINE ALEXANDER: And this is a result of that we think.

TAGORE HERNANDEZ: Correct.

So the owner of the property came to us basically with a long-term vision of -- they just returned from living abroad and wanted to raise their children in Cambridge, live in a NetZero home, and came to us to -- basically, they were more interested in working with the design and builders so they could consolidate the process altogether. So we elevated that notion to possibly doing a net positive home that would meet passive house standards. So if granted Variance, we would like to provide the first all electric passive house certified residence in the City of Cambridge.

CONSTANTINE ALEXANDER: Why don't you tell us why you need a Variance?

TAGORE HERNANDEZ: Absolutely.

So the, so because -- the reason -- so initially

we approached this project as a gut renovation, but when we did selective demolition, we discovered that multiple flooding over the last 140 years has deteriorated the inside of the building. All of the palladians have collapsed and the center beams have cracked. And so -- and then the perimeter wall around the building is all masonry, which is -- also collapsed and to the extent that we would, effectively have to lift the building. So it became much more economical and logical to simply do a teardown and rebuild. As a result of doing a teardown and rebuild, we basically trigger the need for two variances and one Special Permit.

The first Special Permit -- Variance is along the north of the building which would be an extension of existing plain within the setback. So we're requesting roughly eight inches of relief. And the -- we're asking -- the hardship there is one of the tenants of the passive house design is to reduce as many thermal bridges as

possible. So rather than having this slight little notch, just to be able, you know, create a simple volume enables us to reduce the thermal bridge and be eligible for --

CONSTANTINE ALEXANDER: To that extent you're not following the footprint of the old -- the current building?

TAGORE HERNANDEZ: Correct. Correct. Along the south of the building the Variance required there would be a, not meeting the dimensional requirements for the driveway's width.

CONSTANTINE ALEXANDER: That's a Special Permit.

TAGORE HERNANDEZ: Excuse me, it's a Special Permit. And the Variance would be for the continued use of the driveway, the non-conforming use of the driveway within five feet of the existing window.

CONSTANTINE ALEXANDER: Special Permit again. But in any event, the footprint of this building, with the exception of that notch that you've identified as before, you have a non-conforming building today and you're going to

continue, you're not going to increase the nonconformance, except for that eight inches.

TAGORE HERNANDEZ: Correct.

CONSTANTINE ALEXANDER: But it's the same impact on the area. Same structure.

TAGORE HERNANDEZ: Correct.

CONSTANTINE ALEXANDER: Just a differently designed structure.

TAGORE HERNANDEZ: Correct. So basically the yellow footprint is the proposed. And the red is the existing. So in fact, we're scaling down the footprint. Along the Bellis Circle you'll see there's a big bump out, that currently acts as sort of a shed structure and also supports the existing canopy. We would remove that.

We would make the bay compliant with the front yard setback which it's currently stepping over.

And then for the rear yard we would increase the requirement for the rear yard setback where it's 20 and I

believe 25 and we're moving it up to 26.

Aside from the Variance in the Special Permits, we're maintaining or we're within the FAR requirements, height restrictions, and all other dimensional requirements.

Would you like to discuss the -- should I discuss the elevations now?

CONSTANTINE ALEXANDER: Members of the Board, do you want him -- I don't need it.

JIM MONTEVERDE: No.

CONSTANTINE ALEXANDER: No. I'm sorry, did you say you wanted to hear it?

ANDREA HICKEY: No.

TAGORE HERNANDEZ: In order to determine whether or not we would be impacting the community in any negative fashion, we met with the Bellis Circle Association on two separate occasions. We did not meet, did not have any opposition. There was unanimous support from roughly 12 abutters, and the immediate abutters here this evening here

to express their support.

CONSTANTINE ALEXANDER: We should address the requirements of the Variance, how you're meeting them. The Special Permit is a different kettle of fish. You've got to demonstrate or we have to be convinced that a literal enforcement of the provisions the Ordinance would involve a substantial hardship. And the hardship is owing to soil conditions, topography, etcetera --

TAGORE HERNANDEZ: Correct.

CONSTANTINE ALEXANDER: -- that's special to your property. And that we can grant relief without detriment to the zoning, the city policies. Why don't you touch on those if you would.

TAGORE HERNANDEZ: Okay. So as far as, so the Special Permit for the parking.

CONSTANTINE ALEXANDER: No, no, we're not going to talk about that right now.

TAGORE HERNANDEZ: The Variance.

CONSTANTINE ALEXANDER: Do the Variance first.

We'll take a vote on the Variance and then we'll turn to the Special Permit.

TAGORE HERNANDEZ: Okay.

So the Variance that we're requesting on this in the back, right? We're looking to basically extend the existing elevation, right? And the hardship there has less to do with soil conditions and more to do with wanting to create a simple volume in order to meet the passive house standard so that we're not getting the thermal abrasions. And thereby enabling us to make us eligible for passive house design. This has to do with sustainability and increasing the chances of having a, you know, a net positive structure.

CONSTANTINE ALEXANDER: Okay. You're not really addressing -- I'll take care of it. You're not really addressing the Zoning Ordinance for good reason, but it's not -- but what we need to do here to grant you the

Variance -- we'll get there. Keep going. Anything else you want to say with regard to -- you mentioned the fact that this is a floodplain area. So soil conditions in the area are such that -- and you also have a non-conforming structure now. It's a nonconforming -- stop me if I'm wrong.

TAGORE HERNANDEZ: Yeah, that's correct.

CONSTANTINE ALEXANDER: Nonconforming.

TAGORE HERNANDEZ: Correct.

CONSTANTINE ALEXANDER: Built in the 19th century?

TAGORE HERNANDEZ: 1856.

CONSTANTINE ALEXANDER: 1856.

TAGORE HERNANDEZ: Right.

CONSTANTINE ALEXANDER: And the soil conditions there's a need to rebuild the structure --

TAGORE HERNANDEZ: Correct.

CONSTANTINE ALEXANDER: And that's what you're proposing to do. And you're rebuilding it essentially as it

was in terms of dimensions as it was before.

TAGORE HERNANDEZ: Correct.

CONSTANTINE ALEXANDER: That touches on I think the Variance requirements.

Any questions on the Variance part of the case?

PATRICK TEDESCO: I just have one question. You're raising the sill height, right, to building up out of flood danger; is that correct?

TAGORE HERNANDEZ: No.

PATRICK TEDESCO: You're not.

TAGORE HERNANDEZ: We're actually --

PATRICK TEDESCO: I know, I just wanted to make sure because it is a complete teardown. You're not changing the elevation. You're not changing the ceiling height in the basement. The basement is not habitable and not part of the FAR.

TAGORE HERNANDEZ: We're lowering the basement and including installing sump pumps, French drains, vapor

barriers, that sort of stuff.

CONSTANTINE ALEXANDER: In any event, the basement doesn't count. Okay.

Anything else? Any other questions, comments at this point?

(No Response.)

CONSTANTINE ALEXANDER: I'm going stick with the Variance now, which is dealing with tearing down and rebuilding the structure. We're not going to deal with the parking until we get to the Special Permit.

Is there anyone here wishing to be heard on this matter with regard to the Variance requested?

(No Response.)

CONSTANTINE ALEXANDER: Apparently not. As the petitioner's architect has stated, we are in receipt of a letter from the Bellis Circle Neighborhood Association which I will read into the record. It's written by Michael Siegell, S-I-E-G-E-L-L who is the President of the Bellis

Circle Neighborhood Association.

(Reading) I am writing to voice my support and that of neighbors for the demolition and building project for 29 Bellis Circle forwarded by the petitioner Dudley Wyman and the architect for the project Marcelo Tagore Hernandez. We have known Mr. Wyman and his wife Nicole Barna since they have moved onto Bellis Circle in 2004 and their family as an integral part of the life of our neighborhood. Mr. Wyman, Ms. Barna, and Mr. Hernandez have held a number of outreach meetings on our street with neighbors to explain the ideas for their house project at 29 Bellis Circle and there is widespread support and encouragement for them to proceed with their plans. While there have been multiple building and renovation projects in our small neighborhood over the past two decades, in my view not all of them have been to the betterment of our neighborhood. I would subscribe to that by the way.

I am glad to say that this project is not in that

category, and I am confident that this will better our street and move us in the direction that will be valuable and necessary as we all move into the future of increasing energy and environmental awareness. We encourage the Board to grant the petitioners the variances and permits they are seeking.

And that's all. That's all we have.

I'm going to close -- somebody there?

ADAM KERR: I'll make a statement.

CONSTANTINE ALEXANDER: If there's someone there who wants to be heard, please come forward.

ADAM KERR: My name is Adam Kerr, K-E-R-R. I've been a resident of Cambridge my whole life. I live next-door to the property that will be developed. And I just want to endorse it. I think it makes -- the way it's been designed, the way it's been laid out, I think has been in a thoughtful manner that embraces the community. I like the fact that it's done in a sustainable way. Bellis Circle

has undergoing a lot of changes as Cambridge has over the last many years. So I think this one is thoughtful, considerate, and it will add value to the community. And that's, I endorse it.

CONSTANTINE ALEXANDER: Thank you. Thank you.

Anyone else hiding behind the Board who wants to speak?

(No Response.)

JIM MONTEVERDE: It's all clear.

CONSTANTINE ALEXANDER: All right. So I'm going to close public testimony unless you have any final comments you want to make.

Before we take a vote or discuss it further, I just want to mention -- I don't think you've been before us before. I want to mention that when we grant relief, should we grant relief, we tie it to -- on the conditions that the work proceed in accordance with these plans that you've submitted. These are final plans. Because if they're not and you modify them after you grant relief, you're going to

have to come back before us. So I want you to be --

TAGORE HERNANDEZ: Those are the final plans.

CONSTANTINE ALEXANDER: Okay.

Any discussion or ready for a vote?

(No Response.)

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

Okay, again, we're just dealing with the Variance right now. The Chair moves that this Board make the following findings with regard to the Variance being sought:

That a literal enforcement of the provisions the Ordinance would involve a substantial hardship. Such hardship being is that the structure now is a structure that's almost, 175-years-old, and it's in need of updates and repair, particularly to bring it in compliance with the current energy conservation and environmental issues.

That the hardship is owing to the fact that this is already a nonconforming structure, and that, therefore,

any modification to it requires zoning relief.

And further, that the soil conditions are such that it also impacts the ability of -- the ability to construct a new structure on this property.

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

In this regard the Chair would note that this project has unanimous support of the neighborhood. That it is very sensitive to contemporary issues regarding energy conservation and environmental issues and that it will, at the end of the day, it will upgrade the quality of the housing stock of the City of Cambridge.

Therefore on the basis of these findings, the Chair moves that we grant the Variance requested on the condition that the work proceed in accordance with the plans prepared by Group Design Build, the first page of which has been initialled by the Chair.

All those in favor please say "Aye."

(Aye.)

CONSTANTINE ALEXANDER: Five in favor. Variance granted.

(Alexander, Sullivan, Hickey, Tedesco, Monteverde.)

CONSTANTINE ALEXANDER: Let's go to the Special Permit on the parking.

TAGORE HERNANDEZ: Okay. So the hardship relative to the parking is, again, existing nonconforming. We have basically just a building that was constructed prior to the zoning and parking laws, right? So for us to -- in order to meet the zoning requirements, we have to move the entire building over six inches. Which with that, you know, and then create even more of a hardship on the other side. So basically we're just seeking relief for --

CONSTANTINE ALEXANDER: Basically what you want to do is you want to keep the same parking arrangements that

you had before.

TAGORE HERNANDEZ: Correct.

CONSTANTINE ALEXANDER: And, again, because of the nature of what you're doing, you need to get a Special Permit. But you're not asking for anything worse in terms of our Zoning Ordinance. Am I correct?

TAGORE HERNANDEZ: Correct.

CONSTANTINE ALEXANDER: Okay.

And, again, the neighbor most affected by what you want to do with the parking is in support?

TAGORE HERNANDEZ: Correct.

CONSTANTINE ALEXANDER: Questions from or comments from members of the Board at this point?

JIM MONTEVERDE: No.

CONSTANTINE ALEXANDER: No.

We have the letter of support that I've read in connection with the Variance from the neighborhood association. And we'll take a vote on the Special Permit if

people are ready.

Okay. The Chair moves with regard to the Special Permit, and there are two in nature, the fact that you want to park within five feet of the house and in the side yard setback. So we make the following findings:

That the requirements of the Ordinance cannot be met unless we grant a Special Permit.

That traffic generated or patterns of access or egress resulting from what you're proposing will not cause congestion, hazard, or substantial change in established neighborhood character. In fact, the parking arrangements will be no different than they have been to date.

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

In this regard we have the testimony of the abutter who are not concerned with how the parking is going to be used.

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

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

Again, the Chair would note that what is being proposed is absolutely no different than what has been historically the case with regard to parking on this lot.

Therefore based on these findings, the Chair moves that we grant the two Special Permits requested, again, on the condition that the work proceed in accordance with the plans referred to with regard to the Variance we granted.

All those in favor please say "Aye."

(Aye.)

CONSTANTINE ALEXANDER: Five in favor. Special Permit granted.

(Alexander, Sullivan, Hickey, Tedesco,  
Monteverde.)

TAGORE HERNANDEZ: Thank you.

\* \* \* \* \*

(8:50 p.m.)

(Sitting Members Case BZA-012307-2016: Constantine  
Alexander, Brendan Sullivan, Andrea A. Hickey, Patrick  
Tedesco, Jim Monteverde.)

CONSTANTINE ALEXANDER: The Chair will call case  
No. 012307, 96 Foster Street.

Is there anyone here wishing to be heard on this  
matter? The floor is yours.

ATTORNEY BRUCE EMBRY: Good evening, members of  
the Board. My name is Bruce Embry. I'm an attorney here in  
Cambridge and my office is at 150 CambridgePark Drive. I'm

here with Mary Lord the property owner. And I'm here with Tom Bakalars who is the architect.

We're here tonight to try to solve a problem that exists at 96 Foster. Basically this is a 100-plus year house that has sat on an equivalently old foundation for a long time. And over those many years the house and the foundation have settled. And in fact, the house essentially sits in a bowl now. And the problem with all of this is that now that the house has settled, the house and sill are at grade. And actually in some places below grade. And that creates all of the problems that one can imagine with a house that's got the sill on grade and that is that you have water infiltration. You have deterioration of the foundation. You have pest and insect infestation. You have the sill rotting. You have the water creeping up into the balance of the house.

So in order to address this problem or these problems, the proposal is that the house be raised, that the

foundation be rehabilitated and amended to add about a foot, two inches worth of foundation to get the building up off the ground and basically reset the building on the slightly raised foundation. And that raises the question in the application about the floor area ratio. And --

CONSTANTINE ALEXANDER: You realize, sir, your -- the dimensional form is incorrect. You didn't take into account the Barrett Amendment about a year ago.

ATTORNEY BRUCE EMBRY: Yes.

CONSTANTINE ALEXANDER: Which makes the numbers much more -- from your perspective much more favorable.

ATTORNEY BRUCE EMBRY: And that's what I wanted to raise. I know that the zoning act has been amended to allow for the fact that basement FAR for a single-family, at least here, is not counted as FAR. But I wanted to be conservative in making my application because of two questions:

The first question is it wasn't clear to me, and I

was not aware of what the legislative history of the amendment was, but it wasn't clear to me that if you actually create FAR, that that falls under the same category of allowance.

The second thing is that if you create FAR by slightly or by increasing the foundation slightly in one direction to have it support the bay window that's there now being propped up by plywood basically, that that additional slight amount of FAR would not be covered by this. But if the notion is that no matter how much you create basement FAR, that that FAR is covered by the amendment, then frankly we don't need that Variance.

CONSTANTINE ALEXANDER: In my opinion, I think the -- you don't count your FAR because the change was to the definition of FAR, it didn't, it wasn't in the substantive provisions of the Ordinance. And so it just simply says now basement space doesn't count as FAR, period, end of story.

So assuming that's right, what relief do you now need?

ATTORNEY BRUCE EMBRY: Okay, assuming that's right, we need Variance relief to build out the foundation that slight amount because it encroaches into the setback.

CONSTANTINE ALEXANDER: So setback relief?

ATTORNEY BRUCE EMBRY: Yes.

The purpose of that additional foundation as I say is to basically hold up the bay window that's there.

PATRICK TEDESCO: You're essentially creating a foundation for a bay window where currently it's cantilevered over the foundation.

ATTORNEY BRUCE EMBRY: Yes, exactly.

And that foundation then lies slightly within the setback.

PATRICK TEDESCO: But you're not increasing the size of the bay itself?

ATTORNEY BRUCE EMBRY: No, no, no. In fact, the

envelope of the building is remaining in tact. The only thing we're looking to do is raise the building to enhance the foundation. I think you actually have pictures in the file showing what a horrible condition the basement is in through decades of water infiltration and it's just a mess down there.

The second piece of relief that we're asking for is a Special Permit, because in doing the lifting there's so much that actually internally needs to be done to the structure of the house. As you can see from those pictures that are in the file, the project will incorporate external rehabilitation of the building. In that rehabilitation of the building, the envelope as I say will not change. The only thing that's going to change on a couple of slight conditions will be doors and windows. And the real change will be the addition of a couple of skylights on the roof.

CONSTANTINE ALEXANDER: You're going to be making windows and doors in the setback. They're non-conforming

structure --

ATTORNEY BRUCE EMBRY: Right.

CONSTANTINE ALEXANDER: -- and that's classic, for us a classic Special Permit case.

ATTORNEY BRUCE EMBRY: Exactly.

And, again, the doors and windows are not going to be radically different from what is there now. They're going to be upgraded obviously. They may move a little bit one way or another. The side slider is going to be replaced by what French doors.

THOMAS BAKALARS: Yeah, and centered a little more.

ATTORNEY BRUCE EMBRY: Exactly. So that aesthetically it's nicer.

And so that's the Special Permit relief that we're asking for. And assuming that we don't need FAR relief and only need the relief for that slight projection of the foundation that's going to hold up the bay, that's what

we're going to ask for.

CONSTANTINE ALEXANDER: Okay. That's it?

ATTORNEY BRUCE EMBRY: That's it.

CONSTANTINE ALEXANDER: Okay. Comments from or questions from members of the Board?

(No Response.)

ATTORNEY BRUCE EMBRY: Tom can give you whatever technical answers to questions you have.

CONSTANTINE ALEXANDER: We'll give him a chance to speak, don't worry.

I'm going to open the matter up to public testimony. Is there anybody here wishing to be heard on this matter?

One at a time. Sir.

JAY CONNOR: Hi. My name is Jay Connor and I live at 98 Foster Street immediately adjacent to 96, and if I could I would like to read my letter in the report.

CONSTANTINE ALEXANDER: Is this a letter you sent

to us already?

JAY CONNOR: I haven't sent it yet.

CONSTANTINE ALEXANDER: Oh, you haven't sent it yet.

JAY CONNOR: May I sit up here?

CONSTANTINE ALEXANDER: By all means. Pull up a chair. Whatever makes you most comfortable. As long as people can hear what you have to say.

JAY CONNOR: I'm also representing Bonnie Shershow (phonetic) who lives immediately adjacent to 96. And if I could, I'd like to read her letter in first. She can't make it here because she's in California.

CONSTANTINE ALEXANDER: Okay.

JAY CONNOR: (Reading) To the Board of Zoning Appeal, regarding the Variance for 96 Foster Street from Bonnie Shershow. I am the owner of both 92 and 94 Foster Street which is immediately adjacent to 96 Foster Street. I'm in writing in opposition to granting a Variance with a

Special Permit for increasing the FAR and the height of 96 Foster Street as requested by Mary Lord. Increasing the height of 96 Foster Street will impede the views from both 92 and 94 Foster Street. It will also result in the loss of privacy because the windows will be on the same level as mine. In a neighborhood where homes are so close, being separated by only a few feet, these privacy issues are a significant concern. I believe that variances are granted sparingly and that doing so respects the original integrity of the ruling. I believe in this case that a Variance should not be permitted. I see no substantial hardship to the owner in respecting the current requirements and staying within the FAR as it now stands.

CONSTANTINE ALEXANDER: Excuse me, sir, and I know you're reading that letter. But we've already established that the FAR is not an issue in this case any longer.

JAY CONNOR: Right. Okay.

CONSTANTINE ALEXANDER: Drop that. And then on

the privacy issue we're talking about increasing the height of the structure by one-foot, two inches to a height of 22 or 23 feet which is well below the 35 feet that our Zoning Ordinance provides. How -- I guess I don't understand how the privacy is going to be affected by an additional one foot of height in the building.

JAY CONNOR: Well, I have some pictures that I can show you if you would allow me to finish reading her letter.

CONSTANTINE ALEXANDER: Go ahead.

JAY CONNOR: Neighborhoods are cooperative entities, and the Foster Street neighborhoods are no exception. I believe that most of us are drawn to a neighborhood with an appealing and liveable architectural scale and style. Increasing the height and lifting the basement floor well above grade will directly impact and diminish this architectural and historic harmony. Elevating No. 96 will directly impact my properties at 92 and 94. I respectively submit that keeping in the current scale and

height of the house will continue for the historic nature of this neighborhood. I am in California and cannot attend the meeting and have asked Jay Connor to represent me on matters before the Board.

CONSTANTINE ALEXANDER: Thank you.

JAY CONNOR: This is a picture that I've taken from 94 Foster from the second floor bedroom. And what I expected to show is that --

CONSTANTINE ALEXANDER: That's current?

JAY CONNOR: Today.

CONSTANTINE ALEXANDER: Yeah, today.

JAY CONNOR: What it shows is that this house is raised, then this window will be more on the level of the window of the bedroom of 94 Foster Street.

CONSTANTINE ALEXANDER: By one foot. One-foot, two inches.

JAY CONNOR: Well, when you're only separated by ten feet, one-foot, two inches makes a big difference.

And now if I can, I'd like to read my letter into the record.

CONSTANTINE ALEXANDER: By all means.

BRENDAN SULLIVAN: Go ahead.

JAY CONNOR: (Reading) Dear Members of the Board, my name is Jay Connor and I have lived and owned 98 Foster Street, Cambridge, next door to the petitioner's property for over 21 years. For the reasons described below I oppose Mary Lord's petition for a Variance and Special Permit to allow her to raise the house, build in the basement, and make other changes to the doors, windows, and skylights at 96 Foster Street. I urge the Board to deny the zoning petition because the petitioner has not met the legal standards required, and because the proposed changes will cause substantial and irreparable harm to my property, my neighbors' properties, and the neighborhood. The house at 96 Foster Street was built in approximately 1871, the same year as my house and several other small homes clustered in

our densely built historic neighborhood. Over the past 20 years or so, the house at 96 Foster Street has been vacant and left to deteriorate. Recently Ms. Lord gutted the interior of the home presumably to make way for renovations. Contractors removed the historic chimney without the permission of the Historical Commission, leaving a hole in the roof. In sum, this house has no doubt experienced water issues over the years due to the fact that it's been left in a delapidated state. Ms. Lord has applied for a Variance and Special Permit to allow for her to raise the height of the house. She claims that this is to address conditions related to topography. However, the facts do not support her claims; i.e. that the rear yard is lower than the neighboring lots because abutters have raised their grades on their lots. Water issues are likely due to other issues related to the deteriorated conditions of the house. Issues related to the foundation do not appear to be unique to the petitioner's house but are shared by other older holes in

the neighborhood. There are many other less drastic methods that one could use to remedy these issues that do not require jacking up the house. In fact, it would seem that the main reason for raising this is to allow her to create additional living space in the basement. The additional living -- the requested additional living area amounts to a 44 percent increase in the living area of the home. My home is located in the north and separated by the narrow three-foot wide foot path from the petitioner's house. My exterior wall and windows are nine-and-a-half feet from the wall of the petitioner's house. Any increase in the height of the house at 96 Foster Street will seriously be detrimental to my property. The main source of sunlight, air, and view from the sky of my home is from the south facing windows that look out at 96 Foster Street. The sunlight, air, and view of sky will be blocked should the Board allow the petitioner to raise the height of the building at 96 Foster Street. Raising the height of the

building will also result in the loss of privacy for me due to the new positioning of the windows facing my second floor bedroom windows. I also have concerns about the safety where the petitioner is seeking to jack up a deteriorated house which is located essentially on my property line and suffers a decrease in property values.

I'm sorry, and only feet away from my home.

It's not fair or legally justifiable to allow Ms. Lord to be granted a Variance under these circumstances particularly where to do so would cause serious harm from my property, my neighbor's property, and the district. If petitioning is granted, I would expect a significant loss of enjoyment in my home and suffer a decrease in my property values.

Just two more paragraphs.

CONSTANTINE ALEXANDER: No. Take as much time as you want.

JAY CONNOR: The proposed modifications would also

negatively impact the character of the neighborhood.

Granting this Variance and Special Permit would be contrary to the intent of the Zoning Ordinance which includes among other things, quote, to provide adequate light and air. To prevent overcrowding of the land. And to conserve the value of the land and buildings. That's from the Cambridge Zoning Ordinance Article 1.3. Granting of this Variance and Special Permit in this situation would nullify these intents. Variances are appropriate only in situations where petitioners have been able to show a legal hardship in that their proposed plans would not be detrimental to neighboring property. Petitioners should always be required to make every effort to modify their plans so as to minimize negative impacts. In this instance the petitioner has not considered less drastic alternatives. Where the petitioner has not made a showing of a unique condition resulting in hardship and where her plans are clearly detrimental to my property and that of the other immediate abutting

properties, the Variance and Special Permit should be denied with prejudice.

Thank you for your consideration. And I'd like to show two pictures if I can.

CONSTANTINE ALEXANDER: Sure.

JAY CONNOR: This is a picture that I took at five o'clock today. On the right it shows Mary Lord's property, 96 Foster Street. On the left it shows Bonnie Shersaw's property at 94 Foster Street. The property line is shown where the bricks end.

CONSTANTINE ALEXANDER: Where the bricks end, okay.

JAY CONNOR: I can't see any fundamental topological difference between these two properties which is I understand it is a requirement for this Variance.

This is a picture from my bedroom window concerning privacy. If the house is raised, it will be virtually level bedroom to bedroom.

This is a picture from another bedroom window where if the house is raised my view -- my limited view of the sky will be obliterated.

Finally this picture taken this morning shows the shadow line, it was taken at ten o'clock so it doesn't really indicate the amount of shadow that will affect my house and the amount of light that will be lost.

And finally I think one of the provisions to get a Variance is to show that there's been neighborhood outreach. As far as I know, there's been none.

CONSTANTINE ALEXANDER: That's not a requirement. People often do that but it's not a requirement to get zoning relief just so you know that.

JAY CONNOR: Okay.

PATRICK TEDESCO: Excuse me, sir, is this the house 96?

JAY CONNOR: That's 96. And my house is on the left.

I'm not sure of the protocol but I know there's a lot of neighbors here.

CONSTANTINE ALEXANDER: Oh, no. You're the first. Anyone else who wants to speak will now have an opportunity. Then Mr. Embry and his architect will have an opportunity to make further comments and have some questions as a result of what you read, the letters you read, which I'll address to Mr. Embry at the appropriate time.

JAY CONNOR: Thank you.

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

Is there anyone else wishing to be heard? A lot of hands were up before. Sir.

FRANK NECZYPOR: Good evening. My name is Frank Neczypor, N-E-C-Z-Y-P-O-R. I sent a letter to the committee.

CONSTANTINE ALEXANDER: I'm going to read letters into the file, but you're free to speak and I won't read

your letter.

FRANK NECZYPOR: That's fine. Okay, then as emphasis, I mean I think you're going to hear from all of the abutters 92, 94, at issue is 96. You just heard 98. I think the rest of the neighborhood's here. I'm at 114 and I also own Nine Doane which is the house around the corner. And I guess what I would say is I would not disagree with the FAR conclusion since by definition it's statutory. But I do agree with the concept that what Jay said. I mean, it's a very small neighborhood. Houses are within ten feet of each other, and whereas 14 inches does not seem to be significant, it is when it's 14 inches relative to 21 feet. So it's a five percent increase of raising the mass of a structure. And so what I want to -- my comment was, as I said in the letter, it's basically a question of scale. And it's a question of looking at how all the abutters' houses sit, homes sit, including my own. Small changes make a big difference, and I would also agree with -- I also agree with

everything that Jay said. I think Jay represents what the neighborhood would say, which is listen, I really would appreciate the house being remediated. It's, I mean all of us work hard to keep the neighborhood sort of in a better state so I welcome that. I guess my comment to the Board is just that the reason why you're here is to protect us from sort of unusual and difficult decisions and making changes to a statute that's in place for a reason. And so for that reason I would say I would disagree with the raising of the structure, increasing the mass.

Thank you.

CONSTANTINE ALEXANDER: Thank you.

Is there anyone else wishing to be heard? . Sir.

ED SERRAS: I have a lot of notes but I'm not going to bore you with them.

CONSTANTINE ALEXANDER: Whatever you need to say or want to say go ahead.

ED SERRAS: I'm Serras (phonetic), 100 Foster

Street.

CONSTANTINE ALEXANDER: Did you write a letter?

ED SERRAS: And I wrote a letter.

CONSTANTINE ALEXANDER: Okay. So I don't need to read your letter in the file.

ED SERRAS: You don't need to read my letter, but I want to affirm that what Doctor Connor and Frank Neczypor have said I believe is true. I think, given the fact that we in our neighborhood some years ago went through a major renovation of another house, we all have a really good idea of how invasive and disruptive the structure could be. It's the way of the world. Sure, I understand that. But I'm thinking in this instance, and I'm not an architect and I'm not a surveyor or anything, I think that there's probably a different way of attacking the sill plate problem than wholesale moving the thing up 1.2, one-foot, two inches which, again, I think is significant in our neighborhood, would be much less so in probably Carlisle. As to the

argument that the house has settled, that may be true. I'm thinking my house has settled. Probably all the houses in the neighborhood have settled. I don't think there's unique topographical goings on at 96 that cause this -- I don't see the bowl there. Okay? It was indicated with pictures he doesn't see a bowl. It looks to me flat. The street is flat. That argument, I think is -- I won't say it's specious, but I just did I guess. So, again, I support my neighbors. When I say, you know, I knew Dean Lord, Mary's father. Her mother many years ago. She's a delightful human being. And this isn't anything personal to Mary. I think she's a solid citizen. But it seems to me there ought to be a, again, a less invasive, less disruptive way to get a reasonable house than jacking it up and doing those things. So I thank you for your time.

BRENDAN SULLIVAN: Just to clarify something.

This is the second comment about topography. That is one of three; soil, shape, or topography. So it could either be

soil conditions, shape of the lot, or topography. Does not have to be topography. It doesn't have to be all three.

One of the three.

ED SERRAS: Okay.

BRENDAN SULLIVAN: Just to clarify that.

ED SERRAS: Can I respond to that? Or should I respond to that? Or is it appropriate to respond to that?

CONSTANTINE ALEXANDER: Go ahead.

ED SERRAS: I guess I can answer. I'll tell you what, I'm gonna talk and if you tell me I can't, do that.

CONSTANTINE ALEXANDER: Go ahead.

ED SERRAS: I don't think the soil is unique to her --

BRENDAN SULLIVAN: It may not be. It may not be.

ED SERRAS: -- land I supposed.

CONSTANTINE ALEXANDER: I'm sorry to interrupt you.

ED SERRAS: Sure, okay. And shape is rectangular

just as the rest of ours. So my statement would be that's an argument that I don't think that's -- I won't say it's low water. But it doesn't make sense.

BRENDAN SULLIVAN: Right.

ED SERRAS: So, again, thank you very much.

BRENDAN SULLIVAN: Yes.

CONSTANTINE ALEXANDER: Ma'am.

ANNE LOWELL: I'm Anne Lowell. I live at 88 Foster Street, and I think we all agree it would be wonderful to have this house improved. It's been deteriorating for low these many years. The area that we live in is called the marsh district for good reason. I think we all have had that experience of our houses settling. That's what they do. I'm definitely in favor of Jay's point of view that even though, I'm sure to you 14 inches doesn't seem like a lot. In our neighborhood where the houses are small, it does make a tremendous impact. So I, I would agree. You're a wonderful citizen, but I am

against this raising it up.

Thank you.

CONSTANTINE ALEXANDER: Thank you.

Anyone else wishing to be -- yes, sir.

CRAIG BURR: My name is Craig Burr, B-U-R-R. I'm at right across the street at 101 Foster Street, across from 96. And I agree with everything that's been said by the neighbors. I think most all of the neighbors as I understand it are opposed to raising the height. I certainly am. I think it's a wonderful neighborhood of small houses and I think it would be out of place.

CONSTANTINE ALEXANDER: Thank you.

Yes, Ma'am.

MEADE FASCIANO: Meade Fasciano, M-E-A-D-E F-A-S-C-I-A-N-O. I live at 86 Foster Street. And I agree with my neighbors. And, Mary, I loved your dad and I can't -- I'm looking forward to the house being renovated. It really is needed. I think it's been about 18 years where

it's just been falling apart and not attractive in our neighborhood. However, I think increasing the height, No. 1, one of the results is that you can now have the basement increase the size of the house by about 44 percent and that, that alone, this is a very tight neighborhood, very little houses, and I don't know, I am looking forward to the renovation but I'm not approving the elevation. Sorry.

MARY LORD: Thank you. My dad would have appreciated hearing from you, too. He was very fond of you.

CONSTANTINE ALEXANDER: Sir.

CHRIS DOYLE: My name is Chris Doyle. I'm an owner and my wife and I are owner of 98 1/2. We're just behind or to the side of 96. And I just want to speak my personal support of the other neighbors who -- and abutters who have spoken against the raising of the building. Although as I certainly would agree that fixing this structure in some other ways would be very desirable.

Thank you.

CONSTANTINE ALEXANDER: Thank you.

Sir.

MARK CONNOR: My name is Mark Connor. I'm brother to Jay Connor. I'm also an architect. So I'm here to sort of speak to some other options that could be explored.

CONSTANTINE ALEXANDER: Good.

MARK CONNOR: Clearly if there's an issue with the foundation and the sill rotting there could be several explanations. It's been unoccupied for about 20 years. So decay happens over time. The other way of looking at it is you could attempt to look at modifications to how the foundation is built in terms of using perimeter drains, step foundation where you can raise a portion of the foundation without changing the elevation of the house based on stepping the foundation plate so the sill will still stay at the same elevation. There's protective concrete barriers between that and the outside. And minor modifications to the landscaping. Because it seems to me based on looking at

the existing foundation and where it meets the wood clapboards, that a lot of this deterioration could happen simply through moisture contact with some of the vegetation. So from looking at the site and looking at the structure, I think a fair assumption is a lot of other approaches could be tried before radically changing the context of the height of the building simply to solve one small problem. The problem might be substantial in terms of fixing the decay. The adverse impact on the neighbors would be far outweighed by a simple remedy of the -- at its current height.

The other thing that I think initially might have been misrepresented, it was sort of focussed on the bay, in changing the elevation of the bay. It's the entire volume of the house not just the bay window that would change. So it's a substantial increase in the height of the entire volume and, therefore, I think we have a pretty significant impact on the abutting houses particularly when you have about seven to nine feet between them.

CONSTANTINE ALEXANDER: Thank you. For coming down.

Anyone else?

(No Response.)

CONSTANTINE ALEXANDER: Apparently not. I'm going to close public testimony. We do have a number of letters in the file. I'll try to remember who spoke when. But we have a letter from Bonnie Shershaw. Have we --

JAY CONNOR: That's what I read.

Edward Serras --

ED SERRAS: I spoke. You need not read it.

CONSTANTINE ALEXANDER: Francis whose last name I'm not going to try to pronounce. You've already spoken.

Patina Burr and Craig Burr.

CRAIG BURR: I spoke.

CONSTANTINE ALEXANDER: So all of the letters have been addressed orally.

With that I'm going to close public testimony.

And I've got some questions for you.

BRENDAN SULLIVAN: Let me just ask the Commissioner a question.

Ranjit, what is the minimum height of a sill above grade? Is it not eight inches?

RANJIT SINGANAYAGAM: I think so, yeah. The Building Code, yes.

BRENDAN SULLIVAN: Okay. So on new construction, sill would have to be eight inches above the median grade or above grade?

RANJIT SINGANAYAGAM: Yes.

BRENDAN SULLIVAN: Okay.

CONSTANTINE ALEXANDER: I'd like to you address, and with somewhat maybe more detail why you're entitled to a Variance. And I'd also like to hear some comments with respect to the alternative suggestions that would avoid the need for a Variance. Why you haven't pursued them or the like. Anyway, the floor is yours.

ATTORNEY BRUCE EMBRY: Well, the only Variance at this point that we're looking for is the bump out of the foundation under the bay window, because we can raise the building as long as it still stays within the height limitation and because that creates FAR in the basement, that doesn't matter. Okay?

So I understand that the neighbors are concerned about the height of the building, but it's a foot plus two inches. It's hard to imagine that that's, you know, that's gonna have a downtown Boston kind of effect on the neighborhood. And I, I appreciate that change is hard. I understand that the lifting of the building is gonna cause some commotion and construction issues. And those are, those are building permit issues. And if the contractors don't do what they're supposed to do, the Building Commissioner will come in and do what he's supposed to do.

The -- in terms of aesthetics, this may be already be in your file, but the Half Crown District has already had

hearings where virtually all these neighbors appeared, made the same arguments, had the same concerns, the Half Crown District Commission has approved the window and skylight -- window, door, and skylight changes.

CONSTANTINE ALEXANDER: But of course their issues are different than our issues.

ATTORNEY BRUCE EMBRY: Exactly. Exactly. But which is.

THOMAS BAKALARS: They approved the lifting of it also.

ATTORNEY BRUCE EMBRY: And I'll let Tom talk about this in some more detail. But clearly if there were alternatives that created the same result and could be done in a more economical way, which has been suggested, we could do them.

CONSTANTINE ALEXANDER: Is the issue economy? In other words, it's too expensive to do other solutions that have been suggested?

ATTORNEY BRUCE EMBRY: Well, you don't -- well, this is where I think you should weigh in, Tom.

THOMAS BAKALARS: You know, despite your architectural opinion, every building, builder, every architect who's looked at this believes that you should lift the house up.

CONSTANTINE ALEXANDER: Well, they may believe it's a good idea from an architectural point of view, but is it essential that justifies the granting of a Variance? That's the issue.

THOMAS BAKALARS: Well, there's, you know, you can do some of this nonsense of fix the sill here and fix it there, but it -- I'd like to go back and address some of these other things because there are just some wrong things being said here.

CONSTANTINE ALEXANDER: Okay. I'm just going to warn you, to my right and to my left are architects. And Mr. Sullivan is a builder. So we have sophisticated people

on this panel.

THOMAS BAKALARS: That's fine.

CONSTANTINE ALEXANDER: I just want to let you know.

THOMAS BAKALARS: There are things that you could do to the foundation if it was to stay in the place that it was. I believe that those are, you know, sort of half measures and not a good long-term solution. And, you know, the historic people agreed with that. There's a, you know, obviously other points of view on that. If I looked at a house like this, any time I saw something like this, that's what I think my reaction would be, it would be to lift that plate out of the soil. And this kind of house was built to not be sitting in the soil like it is. And you have to look at the history of what happened, but everyone but one person who spoke here lives in a house that was lifted at some point in the history of their house. And in 1885 I believe it was they put a new water line in, and the majority of the

houses were lifted then. Now over time people had made patios. They have added mulch and dirt to planters and whatnot. And the survey clearly shows that that back of 96 Foster is a hole, and despite the photograph looking like it's flat, the surveyor says that that edge of Bonnie's property there is, you know, eight inches taller than that. I mean, that's the survey. So if water gets there, her property it drains onto 96 Foster. The water from the walkway and the steps that go into the rear of 98 drains into the back of Foster and it drains over the sill and into the basement. And I've actually been familiar with this house since I moved to Cambridge in 1984. And I moved from Washington, D.C. where I was Mary's neighbor and I shacked up in the back bedroom while I waited for my rent control apartment to become free to start school in September. And I, you know, lived there in the summer and worked at Ben Thompson's office and, you know, was familiar with the whole thing. And there's these comments made about how oh, Mary's

let the house deteriorate. But you don't really know the story there of her mother living in the house while she got cancer and deteriorated and died. And, you know, basically a lot of maintenance was stopped at that time. And then after she died her father moved back into the house and deteriorated and died. And then there were trust issues that took what seven years to get clear?

MARY LORD: Yeah.

THOMAS BAKALARS: So no one who owned the house could make a decision on renovating it. And it was only until recently that those trust issues were resolved and Mary got control of the property. And they made a move last year to hire a contractor to renovate it, and the guy bit off more than he could chew and he had no idea what he was getting into.

MARY LORD: Way more.

THOMAS BAKALARS: And he led them down a path of a lot of money lost.

Now, when the Cambridge Trust administrated that trust and in 2004 they asked me to write a report. They asked me because I had already been familiar with the property. And I think I cited nine ways water were entering the basement. It's not just coming through the soil there. It's running over the top, literally running. There are roots coming through from trees. You know --

MARY LORD: At one point you could see water coming from the back of the basement rising just like a little tide. I don't know where it was coming from.

THOMAS BAKALARS: Now, we did a soil test and the soil's actually really good and it perked very quickly. And that tells us that we've got a bigger drainage problem from the service drainage coming on to our property and it's not anywhere to go. Now part of this proposal, and it doesn't require any relief, but we've got an entire engineer draining system on there where we're going to handle and, you know, dissipate all of our, all the downspouts are

connected to it. We've got some grey water reuse that we're going to do, but that's a minor part of it. And there's an outflow that is like, I think it's a 100-year rain or something where the outflow might get a little water out onto the sidewalk into the street. So that, other measures, French drains in the basement and I -- that stuff. I expect that basement to end up pretty dry. And these are measures that we're going to take whether or not we raise the house or if the house is raised or not.

Now, if I can just go down the things I noted. I don't have time to sort of organize them, but I don't believe that this is going to impede any views from 94 Foster that aren't impeded now. She doesn't have any windows that break over the crown of this roof. We're not adding on to anything horizontally. So any angle she has out of the window of any view is not harmed. We're also to the north of her so we're not taking any sun.

Now, the one neighbor said well, that's to the

south, but it's not, it's to the east. You know, this 96 Foster is to the east of 98 Foster. It's not going to block southern sun because the south is the back of the house and it's the back of 98 also.

You know, much comments about historic harmony -- and as was already mentioned, the historic board approved this. So I don't think that's a very good argument that we're not in historic harmony. In fact, we did everything that we could and backed off all other kinds of things that were contemplated in terms of the design. And the exterior of this is going to end up being 90 percent of the materials that are there now. You know? The siding is going to be restored. The standing of running trim is going to be restored. We're going to put new gutter in and a historic profile and it's fiberglass. New shutters and a new front door, but the doors surround, siding, trim, all that stuff is there and what remains there. So I don't follow those arguments that it's out of historic harmony.

As I said, the water issues are not due to deferred maintenance. They're due to the surface drainage of neighboring properties draining onto this property because things were done over time. I'm not saying the owners that live in the houses now did them, but over time things were done that raised it up so they drain into the rear yard of 96 Foster. This design solves all of those problems. That will not happen again. And if any water gets on there, it goes into our managed system which has already been approved by the Public Works people, engineering wise but that approval is premature, but the engineer just went ahead and got that done.

In terms of -- somebody mentioned more than once that there was no outreach. We wrote letters on two occasions to all the abutters.

CONSTANTINE ALEXANDER: Move on from that.

THOMAS BAKALARS: We made phone calls. No one answered.

CONSTANTINE ALEXANDER: It's not relevant.

THOMAS BAKALARS: Okay. Well, but we reached out.

CONSTANTINE ALEXANDER: You made the statement. I accept it, okay.

THOMAS BAKALARS: I already covered the 94 being the same elevation. The survey says it's different by 0.6 feet, you know, that point to that point, the point that I haven't said, it's flat. The 0.6 feet is enough, the water runs if it gets on. I don't believe that -- the comments that we're changing the scale of the building, I don't believe that we are actually changing the scale. Okay.

CONSTANTINE ALEXANDER: Okay. Let me ask a simple question. Should we deny the relief you're seeking, what happens next?

ATTORNEY BRUCE EMBRY: Well, to -- the initial Variance application was for the FAR which we can withdraw.

CONSTANTINE ALEXANDER: But you don't -- yeah.

ATTORNEY BRUCE EMBRY: The other Variance

application is for the foundation under the bay window. If you deny that, we figure out a different way to put something under the bay window.

CONSTANTINE ALEXANDER: And then the whole project can be done as of right?

ATTORNEY BRUCE EMBRY: The rest can be done by right. And I haven't heard anybody comment about the aesthetics through the Special Permit. I don't know if people have any concerns or objections about that. That's what the Half Crown Commission was reviewing, and they have made their judgment about that. And quite honestly I think if you look in the file and you look at the before and you look at the after of this property, it's, it's a startling difference. And to think that the neighborhood won't be enhanced by having this property so nicely rehabilitated, I, you know, I just don't know what to say about that.

MARY LORD: And I think we heard from the neighbors, and I certainly share the sentiment, this is a

beautiful old home and we need to do right by her. She's like a ship that needs to be re-caulked and you can't put a beautiful renovated home on top of rotten brick. So I just, my interest is simply, you know, getting the job done right so that 150 years from now somebody else doesn't have to go in and dig out the dirt and all that.

CONSTANTINE ALEXANDER: Okay. Anything further?

THOMAS BAKALARS: One more thing I saw that I missed.

CONSTANTINE ALEXANDER: Okay.

THOMAS BAKALARS: Several times people used a 44 percent increase, and I know it's not an issue, but it actually calculates to 34 percent. You know, so....

CONSTANTINE ALEXANDER: Thank you.

All right, I'm going to close public testimony at this point. It's time for discussion. So I'd love to hear from some of my fellow board members particularly those in experience with building on this case.

JIM MONTEVERDE: I have a few to clarify for me, because I think in all of the discussion, at least initially, what's described in the notice the raised foundation of bay window resulting in increase in FAR is not an issue?

CONSTANTINE ALEXANDER: That's right. FAR is not an issue.

JIM MONTEVERDE: That's gone?

CONSTANTINE ALEXANDER: That's gone.

JIM MONTEVERDE: And is height within the setback an issue?

CONSTANTINE ALEXANDER: No.

JIM MONTEVERDE: No? So that's not an issue? So the only issue for the Variance, as you said before, is really the foundation that supports the bay window, period?

ATTORNEY BRUCE EMBRY: Right.

THOMAS BAKALARS: It's very easy to have that not be seven feet.

CONSTANTINE ALEXANDER: Again, if we were to turn you down, you could just go back and remove that foundation of the bay window and off you go. We don't -- as far as I can tell, you don't need any zoning relief.

JIM MONTEVERDE: That's just to clarify. Because really the point before us is just that, that the other part is really, it's really not anything for us to rule on, to comment on.

CONSTANTINE ALEXANDER: Right.

JIM MONTEVERDE: I mean you can come up with 57 ways to modify your foundation. We could come up with 127 different dimensions to above grade you could be. It's really not for this Board to have an opinion. So if it's really the basis of that's it, that's the foundation under your bay --

CONSTANTINE ALEXANDER: The point that we're all making, this if for Jim, and I'll try to make, too, for the benefit of the neighbors, most of what I've heard is about

the height and the intrusion on neighboring properties.

What you're hearing from us right now is that he can do what he wants to do regarding the height if he just modifies the foundation under the bay window. So, you know, it's --

JIM MONTEVERDE: Correct.

CONSTANTINE ALEXANDER: Even if we turn him down, you're still going to live with the structure that you don't want to live with in terms of the impact on your neighboring properties. That's -- that's the bottom line.

JIM MONTEVERDE: Right.

CONSTANTINE ALEXANDER: Okay, I'll give a chance to answer.

MEADE FASCIANO: Does he need a Variance to increase the size of the house or she --

CONSTANTINE ALEXANDER: Not increasing the size of the house.

JIM MONTEVERDE: No, because he's not.

CONSTANTINE ALEXANDER: He's not increasing the

size now. As a matter of fact, reducing as opposed to, by some extent by taking the foundation --

MEADE FASCIANO: Well, the basement was not usable and now it will be usable space.

CONSTANTINE ALEXANDER: I'm sorry, I didn't hear the first part of what you said.

ANDREA HICKEY: If the basement is not usable.

CONSTANTINE ALEXANDER: No, the basement is off the table.

JIM MONTEVERDE: It doesn't count.

CONSTANTINE ALEXANDER: It doesn't count for FAR.

JIM MONTEVERDE: That's not part of the calculation.

CONSTANTINE ALEXANDER: It's not part of the calculation. The City Council in its wisdom or lack thereof a year ago changed the definition of FAR, and that's changed definition means that you don't look at the basement for purposes of FAR calculations.

BRENDAN SULLIVAN: In one and two families.

PATRICK TEDESCO: Now the fact --

BRENDAN SULLIVAN: In one and two families.

CONSTANTINE ALEXANDER: Yeah, one and two family houses.

PATRICK TEDESCO: The fact that your application requested additional FAR through the basement obviously may have caused concerns which got folks to oppose the project, but the reality is that it's not --

ATTORNEY BRUCE EMBRY: And which I, you know, I apologize. I just wanted to make sure that I came with enough so that I wouldn't have to come back.

CONSTANTINE ALEXANDER: That's fine.

PATRICK TEDESCO: That's fine.

BRENDAN SULLIVAN: Can I see the dimensional form?

CONSTANTINE ALEXANDER: No, I've closed public testimony. I mean we need to move forward.

JIM MONTEVERDE: Just as a procedural matter then,

so if we -- in the reading here, there's really nothing about FAR. Really nothing about height. There's really -- that's foundation -- intruding foundation piece for the bay window. So if we were to deny the applicant, can you proceed just on as-of-right basis?

CONSTANTINE ALEXANDER: That's what I'm hearing.

JIM MONTEVERDE: And modify your plan.

ATTORNEY BRUCE EMBRY: Sure.

CONSTANTINE ALEXANDER: You modify the plans to make it as of right, -

JIM MONTEVERDE: Yep.

CONSTANTINE ALEXANDER: -- Inspectional Services says you're right, and you can do it as a matter of right.

JIM MONTEVERDE: And then the Special Permit assuming you'll be back for the doors, windows, skylights?

ATTORNEY BRUCE EMBRY: It's a different issue.

CONSTANTINE ALEXANDER: It's a different issue.

JIM MONTEVERDE: Okay.

CONSTANTINE ALEXANDER: But if we turn that down, Special Permit, which is a much different kettle of fish than a Variance, you can still go ahead and not put these in.

JIM MONTEVERDE: Correct.

ATTORNEY BRUCE EMBRY: Well, it disturbs the renewed aesthetic of the building. It's, you know, the whole thing is to make it more beautiful.

CONSTANTINE ALEXANDER: Well, from the comments I've heard from the neighbors, I don't think they're opposed to the Special Permit part of the case.

ATTORNEY BRUCE EMBRY: Didn't sound like it.

CONSTANTINE ALEXANDER: Right. It's the Variance part of the case.

JIM MONTEVERDE: Can we reject one and accept the other and not reject two?

CONSTANTINE ALEXANDER: We can turn down, if we want, turn down the Variance, grant the Special Permit.

JIM MONTEVERDE: Okay, thank you.

CONSTANTINE ALEXANDER: Anyone else on the Board want to be heard?

PATRICK TEDESCO: Well, I had comments but in reality to Jim's point, it's not relevant to the case other than to say that I think what's being proposed is a reasonable solution to the building, whether it's through settlement or built improperly or through grading, shouldn't we -- we shouldn't have sill plate at and below grade and that's evident that's what's happening. And I didn't realize that's really not relevant.

CONSTANTINE ALEXANDER: What's interesting going through my mind right now is we could turn down the Variance and they could modify the structure to build as-of-right, but what have we accomplished? I think the neighbors' problems are not going to be solved. Maybe it's better to grant the Variance, and we'll have a better building, arguably. And in terms of the impact on the neighborhood

height and the like, same as before. I'm not sure what's the better solution, forcing them to modify the architecture of the building regarding the foundation of the bay window or not.

Anybody have --

ANDREA HICKEY: I don't think that accomplishes anything really. I mean, my takeaway from the neighbors' comments really relates to the height and that's not before us unfortunately. That's not something that we have the authority to decide on. They have the power to do that as-of-right. So all that's before us, then, is the area under the bay and that's all we can look at really.

BRENDAN SULLIVAN: You have the notice there?

ATTORNEY BRUCE EMBRY: Yes.

CONSTANTINE ALEXANDER: Are you sure that you don't need any -- another Special Permit or further Special Permit beyond what you're seeking tonight?

ATTORNEY BRUCE EMBRY: Not that I'm aware of just

the doors and windows.

CONSTANTINE ALEXANDER: If you do, you'll have to come back for the special -- assuming we grant relief or how we come out. If the Inspectional Services determines you do need more Special Permit relief, you're going to have to come back before us and it would be a separate petition that's all.

THOMAS BAKALARS: What would that mean?

CONSTANTINE ALEXANDER: You have to talk to Mr. Singanayagam regarding the modification of the height in a non-conforming building because you're going to raise -- if we were to grant the relief, it's going to raise the height of the building. If we don't grant relief, either way you are going to increase the height of the building, and maybe that will require a Special Permit, I don't know. I don't know the answer to that. Just trying to figure it out.

BRENDAN SULLIVAN: Alteration to a non-conforming

building?

CONSTANTINE ALEXANDER: Yes. But, you know, that's something we can -- as for another night, I'm not sure.

BRENDAN SULLIVAN: That could be under 8.22 and provided that it has not been altered by more than ten percent since it was built or something.

CONSTANTINE ALEXANDER: I don't think we should speculate on it. You're right. You know, that's not before us tonight. That's something you're going to have to resolve with Inspectional Services. Maybe we'll see you again, maybe not. I think that's the bottom line.

Anything further?

(No Response.)

CONSTANTINE ALEXANDER: Okay. I'm ready for -- I think we're ready for a vote. First on the Variance?

JIM MONTEVERDE: Right.

CONSTANTINE ALEXANDER: The Chair moves that we

make the following findings with regard to the Variance being sought:

That a literal enforcement of the provisions of the Ordinance would involve a substantial hardship. Such hardship being that this is an older building that's been deteriorated over time, and it's been impacted, according to the petitioner, by changes in the topography of adjoining properties over the hundreds of years -- more than hundred years this building has been in existence.

That the hardship is owing to the soil conditions. It's in a marshy area. And the fact that as a result of the condition of the soil and the topography of the land, that water is draining into the basement of the petitioner's property and that can only be rectified by raising -- the relief being sought; the raising the foundation.

And that relief may be granted without substantial detriment to the public good or nullify or substantially

derogating from the intent and purpose of the Ordinance.

In this regard at the end of the day the bottom line is the petitioner is seeking to rehabilitate a structure that is deteriorated over time, and by so doing will increase or improve, I should say, the housing stock of the City of Cambridge.

So based on these findings, the Chair moves that we grant the Variance requested on the condition that the work proceed in accordance with plans prepared by Thomas Bakalars, first page of which has been initialled by the Chair.

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

(Aye.)

CONSTANTINE ALEXANDER: Five in favor. Variance has been granted.

(Alexander, Sullivan, Hickey, Tedesco, Monteverde.)

CONSTANTINE ALEXANDER: We move to the Special Permit. And we're talking with the Special Permit that's being requested in the application, not any further Special Permits that may or may not be required. And in regard to the Special Permit, and I should say for the benefit of those in the audience, that a Special Permit is, under our Ordinance is quite a bit different than a Variance. A Special Permit, there's a presumption that a person is entitled to it and we're supposed to as a Board check off certain issues to be sure that it's not an adverse impact. But it's a much easier standard to be satisfied by a petition than a Variance.

Okay. And the findings that we have to make if we want to grant a Special Permit are as follows:

That the requirements of the Ordinance cannot be met unless we grant the Special Permit. In this regard to the doors and windows.

That traffic generated or patterns of access or

egress resulting from what is proposed will not cause congestion, hazard, or substantial change in established neighborhood character.

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

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

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

On the basis of these findings, the Chair moves that we grant the Special Permit requested in the application before us tonight on the condition that the work, again, proceed in accordance with the plans referred

to with regard to the Variance we granted.

All those in favor of the Special Permit please  
say "Aye."

(Aye.)

CONSTANTINE ALEXANDER: Five in favor. Special  
Permit granted.

(Alexander, Sullivan, Hickey, Tedesco,  
Monteverde.)

ATTORNEY BRUCE EMBRY: Thank you.

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(9:50 p.m.)

(Sitting Members Case BZA-012299-2016: Constantine

Alexander, Brendan Sullivan, Andrea A. Hickey, Patrick

Tedesco, Jim Monteverde.)

CONSTANTINE ALEXANDER: The Chair will call case No. 012290, 425 Cambridge Street.

Is there anyone here wish being to be heard on this matter?

ATTORNEY ROB COLMAN: My name is Rob Colman and I represent Le's Restaurant at 425 Cambridge Street and we're here for a Special Permit to allow us to increase the seating. We're not changing the structure in any way. The building has been refurbished and the original intent of it was to have the restaurant, which now exists facing Cambridge Street, and next to it to have a medical office. And over time it appeared that the medical office was not feasible so the space is just sitting there empty creating quite a hardship. Fortunately the space can be used because

the restaurant has done very well to the point where there's a wait. There may be a 30-minute wait between Thursday and Sunday.

CONSTANTINE ALEXANDER: Where do the patrons come from?

ATTORNEY ROB COLMAN: It's primarily a neighborhood restaurant. A lot of the repeats are from the neighborhood. Occasionally someone -- well, I'd say a minority come from outside the neighborhood. But there's a bus stop there and some of them take Uber. I mean, this is the age of Uber. And so --

CONSTANTINE ALEXANDER: The plans show that you're going to create a coffee bakery? I'm confused. Are you increasing the capacity for the sushi restaurant?

ATTORNEY ROB COLMAN: Yes.

CONSTANTINE ALEXANDER: Then why this thing about Le's Coffee Bakery?

ATTORNEY ROB COLMAN: I think that was something

that was contemplated, but that's not --

CONSTANTINE ALEXANDER: Okay, but you're not doing that?

ATTORNEY ROB COLMAN: We're not doing that.

CONSTANTINE ALEXANDER: All right.

ATTORNEY ROB COLMAN: So we need, in order to increase it for 24 seats additional, we need five parking spaces.

CONSTANTINE ALEXANDER: And you don't have them.

ATTORNEY ROB COLMAN: Well, we believe that they exist on Cambridge Street.

CONSTANTINE ALEXANDER: No, no. Parking required as our Ordinance, it has to be off-street parking, not on the street. Okay.

Anything else?

ATTORNEY ROB COLMAN: No, that's pretty simple.

CONSTANTINE ALEXANDER: Yeah, it is pretty simple, you're right.

And I would point out that the City of Cambridge in recent years has taken the view that parking requirements that are in our Ordinance are probably too severe and are giving, you know, encouraging this Board to allow -- we try to not to necessarily enforce the parking restrictions, the concept being is that they want to encourage people, the city does, to use other forms of transportation besides driving. But I'm pleased to hear that you say that most, most of the people who patronize your restaurant are people who walk. They don't need a car.

ATTORNEY ROB COLMAN: There are only two restaurants within about a three block radius. So it really is a neighborhood restaurant. There's a pizza parlor across the street but there's no other restaurant in sight besides this one. It's a good location. It's Cambridge and Fifth down that way.

CONSTANTINE ALEXANDER: And this is a Special Permit, too, again, right?

ATTORNEY ROB COLMAN: Yeah.

CONSTANTINE ALEXANDER: Which, again, as I mentioned earlier, is an easier standard to satisfy than a Variance.

Comments from members of the Board?

BRENDAN SULLIVAN: No.

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

Is there anybody here wishing to be heard?

LINO BECERA: My name is Lino Becera, L-I-N-O B-E-C-E-R-A. And I live in the neighborhood on Cornelius Way. And so we always go to this restaurant, my family and I walking. And my neighbors, too. And so it's glad to hear to know that they're going to expand it because it's getting busy to get in there and get a table. I know it shouldn't be said, but to me it's one of my favorite sushi places in the neighborhood. So I fully support this application.

CONSTANTINE ALEXANDER: You would have helped your

case if you brought some sushi for us.

HUONG LE: That's the end of my testimony.

CONSTANTINE ALEXANDER: Heather.

HEATHER HOFFMAN: Heather Hoffman, 213 Hurley Street. I'm not here to support or oppose. I wanted to say that the application did not explain what they were asking for, and I had a real problem with it. Because, you know, when I saw 425 Cambridge Street, I was interested and so I looked in and I could not tell what they were asking for. And I think that's an issue. I -- because I figured since I'm extremely familiar with that spot, that they were asking to not have to provide the parking. But it says that they're currently providing five parking spaces and I don't think they are. And it says that they're asking for five more. So at the very least, can we fix that so that it's clear to anyone coming along later what they asked for and what they got?

CONSTANTINE ALEXANDER: No, you're absolutely

right, Heather. I had the same problem. And I looked at the file and the advertisement. But if you read the file you can figure it out.

HEATHER HOFFMAN: I read the application and I could not figure it out. And as I said, I'm extremely familiar with that spot. I was a patron of Ciampa's Pharmacy for 30 years. So that was my issue with it. And I would also say that there are a heck of a lot of restaurants along there.

CONSTANTINE ALEXANDER: Okay.

HEATHER HOFFMAN: There's more than that. But I have not noticed any issues with people parking, double parking, or anything like that. So as far as that's concerned, I would agree that it's perfectly okay to do that. But it always bugs me when I can't figure out what's being requested.

Thank you.

CONSTANTINE ALEXANDER: Understood.

Anyone else wishing to be heard?

(No Response.)

CONSTANTINE ALEXANDER: Apparently not. We are in receipt of a letter which I'll read into the file. It is from -- it's handwritten so bear with me. From Mary A. DiClemente D-i-C-L-E-M-E-N-T-E. (Reading) This letter is in response to a hearing scheduled on Thursday, March 9th, re a request for Le's Restaurant at 425 Cambridge Street for five parking spaces for this restaurant. Fortunately -- or unfortunately I have a handicap parking space in front of my house, but when any of my four children come to visit, they have to drive around looking for a parking space. Sometimes they will get one and a parking meter on Cambridge Street -- or, one at the parking meter at Cambridge Street. And in the winter when it hasn't snowed, they sometimes turn around and go home. Also on Fifth Street is the Lusitania Club, a Portuguese club, which has been here for years but their members look for parking when they have functions

going on. I'm sorry for the restaurant needs of extra parking spaces, but it would put more of a hardship on this neighborhood. East Cambridge parking is always at a minimum -- is always a problem at minimum. Thank you very much.

Again, I think part of the problem here is as Ms. Hoffman pointed out, is really a poorly worded application. But basically what they want is the ability to expand the restaurant, not create off-street parking, and to require those people who do drive to the restaurant to park on the street, which in turn takes away on-street parking from people who live in the neighborhood. That is the crux of the issue tonight.

And as I said before, it is a Special Permit case. The City of Cambridge generally has a policy of not forcing people to create off-street parking, and to the extent there are parking issues, I guess the City Councillors in their wisdom saying that's the way it goes, people should use

their bikes or their feet to get to the restaurant and that's how it is.

Anyway, enough on my part. Any comments from members of the Board or ready for a vote?

(No Response.)

CONSTANTINE ALEXANDER: Okay.

The Chair moves that we make the following findings with regard to the Special Permit being requested to excuse the petitioner from having to provide five additional parking spaces in connection with the expansion of the seating in the restaurant.

That the requirements of the Ordinance cannot be met unless we grant the Special Permit.

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

That the continued operation of or development of adjacent uses as permitted in the Ordinance will not be

adversely affected by the nature of what is being proposed.

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

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

So based on these findings the Chair moves we grant the Special Permit being requested to reduce -- to eliminate the requirement for five additional parking spaces as a result of the expansion of the restaurant by 24 seats.

All those in favor please say "Aye."

(Aye.)

CONSTANTINE ALEXANDER: Five in favor.

(Alexander, Sullivan, Hickey, Tedesco, Monteverde.)

CONSTANTINE ALEXANDER: Special Permit granted.

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(10:00 p.m.)

(Sitting Members Case BZA-012376-2017: Constantine

Alexander, Brendan Sullivan, Andrea A. Hickey, Patrick

Tedesco, Jim Monteverde.)

CONSTANTINE ALEXANDER: The Chair will call case  
No. 012376, 120 Magazine Street.

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

(No Response.)

CONSTANTINE ALEXANDER: The Chair notes that no  
one is here who is wishing to be heard. We are in receipt  
of a letter from the architecture firm signed by Joseph  
Combs C-O-M-B-S. (Reading) We request a continuance until  
the next available date for the above-referenced case that  
is scheduled to be heard on March 9th. The next available  
date is March 23rd if we have room on our calendar.

MARIA PACHECO: We have three continued on the

9th.

CONSTANTINE ALEXANDER: No, let's move to the one after that.

MARIA PACHECO: The 13th?

CONSTANTINE ALEXANDER: Yes, April 13th.

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

One, that the petitioner sign a waiver of time for a decision.

Two -- and this is a case not heard obviously.

Two -- that and the petitioner has already signed that. So they're all set there.

Two, that the petitioner modify the posting sign or get a new sign to reflect the new date, and the new time, seven p.m. And the sign be maintained for the 14 days required under our Ordinance.

And lastly to the extent that the petitioner plans

to modify the drawings and architectural plans or the dimensional form in our file, that these changed documents must be in our file no later than five p.m. than the Monday before the hearing date.

All those in favor please say "Aye."

(Aye.)

CONSTANTINE ALEXANDER: Five in favor. Case continued.

(Alexander, Sullivan, Hickey, Tedesco, Monteverde.)

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(10:00 p.m.)

(Sitting Members Case BZA-012303-2016: Constantine Alexander, Brendan Sullivan, Andrea A. Hickey, Patrick

Tedesco, Jim Monteverde.)

CONSTANTINE ALEXANDER: The Chair will call case No. 012303, 40 Erie Street.

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

Name and address to the stenographer, please.

MELISSA NUGENT: Melissa Nugent, Signs On Site, 40 Tremont Street, Duxbury, Mass. And we are here on behalf of Intellia Therapeutics at 40 Erie Street. Again, I know that we were here just a couple months ago for a neighboring building.

CONSTANTINE ALEXANDER: I thought you looked familiar.

MELISSA NUGENT: Exactly. And, again, unfortunately we're just running into almost a very similar situation where due to the architecture of the building, we're requesting a Variance for -- to raise the height of the top of the sign to 24 --

CONSTANTINE ALEXANDER: Just to make the record clear. There are basically three requirements in our Ordinance for signage:

One is illumination. You're not seeking Variance for that.

MELISSA NUGENT: Exactly.

CONSTANTINE ALEXANDER: Second is size of the sign. You're not seeking a Variance for that.

MELISSA NUGENT: Exactly.

CONSTANTINE ALEXANDER: So the only Variance you're seeking is in regards to the height of the sign from the street. And the height you want is four feet, the Zoning Ordinance is 20 feet -- no more than 20 feet, and you want 24 feet.

MELISSA NUGENT: Exactly.

CONSTANTINE ALEXANDER: And as you noticed as you've been before us before, you have to satisfy the requirements for a Variance. So why don't you go through

the requirements and why you meet those and say you're entitled to a Variance.

MELISSA NUGENT: Yes.

CONSTANTINE ALEXANDER: Starting with the literal enforcement of the provisions of the Ordinance would involve a substantial hardship to your client.

MELISSA NUGENT: There is not another location available for tenant signage that meets the requirements set forth in the Zoning By-Laws. Intellia Therapeutics is looking to guide employees and visitors to the appropriate entrance of 40 Erie Street.

The substantial hardship would be the inability to do so.

CONSTANTINE ALEXANDER: I'm looking just at the plans from this, what about the brick -- and I can see to the left of the entrance is all windows. But what about to the right? There is some brick wall, a wall there.

MELISSA NUGENT: Yeah, and I think it really just

comes down to a size that's available there. And I think we would really need to reduce the sign that's proposed probably by about 50 percent in order for it to be proportional within that space available.

CONSTANTINE ALEXANDER: And again the sign you're proposing above the windows is compliance with the size --

MELISSA NUGENT: Exactly.

CONSTANTINE ALEXANDER: Keep going. Now the hardship is owing to?

MELISSA NUGENT: Yeah, the Waverly Street side of the building is all windows to allow for signage. The Erie Street side of the building has a beautiful faux window facade with the brick soffit above the window suitable for tenant signage, however, this portion of the building ranges from 19 to 20 feet of -- 25 feet above ground level.

JOHN HAWKINSON: Mr. Chair, one of the mics is thumping. If you can figure out which one it is and turn it off.

CONSTANTINE ALEXANDER: Thank you.

BRENDAN SULLIVAN: We were told if we use all the mics, there would possibly be a pounding noise because of conflict in the house speakers and these speakers.

CAROL O'HARE: Can't you -- most boards turn their mics off until --

JOHN HAWKINSON: That was the one.

CONSTANTINE ALEXANDER: We just turned it off.

Thank you.

BRENDAN SULLIVAN: Okay.

JIM MONTEVERDE: For the moment.

MELISSA NUGENT: Did we finish? I think we got through the hardship.

CONSTANTINE ALEXANDER: And the second one would be the hardship is owing to basically the architecture of the building which prohibits, makes it impossible, all but impossible or difficult to put signage that complies with the height requirement.

MELISSA NUGENT: Exactly.

CONSTANTINE ALEXANDER: That's the second one.

And now the relief may be granted without substantial detriment to the public good and comply with the intent and purpose of the Ordinance.

MELISSA NUGENT: We are proposing that the sign be installed 24 feet, four inches from the ground to the top of the sign. This is only four feet, four inches above what the Zoning Ordinance allows, and is utilizing the best available space given the architecture of the building.

CONSTANTINE ALEXANDER: Questions or comments from members of the Board?

BRENDAN SULLIVAN: Well, yeah. There are probably three reasons why we have signage. No. 1, wayfinding. Okay?

So when I needed to find 40 Erie Street, I basically took this out, punched in 40 Erie Street, and it took me there. The sign directly over the door, 40 Erie

Street, was almost indistinguishable. You really couldn't see it. Except the only sign you could really see is at the very front corner of the building at the sidewalk, which basically was like a 12-inch by 12-inch saying 40 Erie Street. So I'm saying well, as far as wayfinding and, again, reading your pleadings where it said that it is for employees and customers, I can understand an employee having Day 1 difficulty finding it. If they have difficulty finding the place on Day 2, you probably don't want to hire them. Okay? Observation No. 1.

The other one is especially with these pharmaceutical, biotechs, and it says for customers. I really wonder what customers go to these places? You know, it's not like a store open to the general public or anything. So I'm saying well, you know, it's not really a customer-oriented thing. Salespeople may go there. And, again, I think that they're all sophisticated enough that either they get into an Uber or they get into a taxicab,

take me to 40 Erie Street or they pull out their Smartphone and punch it in and then they find the place.

The next thing is branding, which is the third thing. And 99 percent of these things I think is branding, that they want to get their name up on a building. All right, so how do we get the name up on the building? And after going to this place twice, I'm saying that the 40 Erie Street over the front door doesn't seem to work. I would put that at the corner of the building, far left corner, where you have a blank space in between the see-through windows. The area down below is blank. In bright letters stainless steel, whatever, it could be 40 Erie Street. Then you could locate the building. And if Intellia wanted to put their branding, then they do it over the front door. And then hence, they don't have to get a height variance.

MELISSA NUGENT: The building is multi-tenant, so I don't know that they would have that allowance.

BRENDAN SULLIVAN: Which is going to bring me to

my next point, is that we're going to be seeing this month after month after month which is really problematical.

MELISSA NUGENT: Right. I mean, there are other tenants in the building. I can't speak for why the City does not have a minimum sign -- I mean, in other cities you will see that --

BRENDAN SULLIVAN: Right, and again, I don't mean to beat up on you, Melissa. But the other thing, too, and I read somewhere, is that it really would be helpful if the tenant, the business, had a representative here to possibly answer some of that, or the property owner, manager to answer that. Are we going to see, you know, another tenant and another tenant and another tenant coming down? Because what we're being asked to do is to respond to the architecture of a building, and having done work at Beacon Hill and Lexington Center and Concord Center, they have to respond to their standards and not for us to respond to an architect who, you know, puts up a building who doesn't

think of signage. Well, there's going to be tenants in there, and tenants want to be recognized, acknowledged. So where are we going to do this? Oh, just go down and get a Variance. You know? So I don't think the location is the only location, and I really would be against granting any relief because I think this is going to just multiply going down the road. And easier to say yes, when do you say no?

CONSTANTINE ALEXANDER: Brendan and I have different views on this. Let me express a different point of view on this case. A little bit more elaborate.

I think we have to be a little bit more nuanced in dealing with these sign cases and not just one size fits all. The fact of the matter is that, as I mentioned before, there are three requirements for a signage. If you want to illuminate a sign, I've got a problem. And it's got to be a very convincing case for granting a Variance for varying the illumination requirements of our Ordinance. You don't want to do that.

The second is size of the sign. If you wanted to put up an enormous billboard size sign, I would have a problem. This is not it. And it meets the requirements of our Ordinance.

Height is the least, to me, the least troublesome area when it comes to signage. And it's more, how much of a Variance are you seeking? Four feet, four inches. A sign that's complied with illumination. A sign that complies with size. You just want to go four feet four inches. The architecture of the building, it is what it is. Maybe in the future people will build buildings that take into account signage requirements, which could change. Maybe our City Council maybe one day will change. So I look at this. I look at the neighborhood. This sign is not in any way facing any residential -- unlike the building down the street, to grant your relief. No residential neighborhoods here. This faces a blank wall, a garage, or something. So, you know, are we polluting the visual landscape of the city?

I don't think so. And we're talking about a biotech company. Let's be honest here, biotech is very important to the city. Companies do want to have signs. I wouldn't call it branding. But people can go by and say oh, yeah, there's a biotech company there called Intellia, and I can see the sign. I think we've got to be, as I said, more nuanced about it. Let's take these things and not be black and white. I see this sign as not being at all troublesome. Because of the neighborhood, because of the fact that it's only four feet higher than required then proscribed. Because of the fact that most of the side of the building is all window forcing you to go up higher, signage anywhere else in this building doesn't work. So if they wanted to put up a sign that was too big according to our Ordinance, I would be -- have a problem. It's not too big. It's not illuminated. It fulfills a business function. I mean, we're an urban area. Signage is part of an urban area. It can't, in my judgment, do a one size fits all rigid approach

to signage. If it's -- if the signage is required as a minor, in my mind, a minor variation from our Ordinance, I think it's something that we should give, grant approval for. So I'm in favor of granting the Variance as requested.

BRENDAN SULLIVAN: Do you think, though, Gus, if they were to take it from that point and put it down in here?

CONSTANTINE ALEXANDER: I don't think they can do that. Can you put it --

JIM MONTEVERDE: Or here. There do seem to be other locations or even other types of signs. This is really, this is pretty typical of the way other firms try and make that announcement. As opposed to the pylon that sits on the landscape. Or the signage of the landscape. There's something about being that height that's important, that unfortunately is just beyond the Ordinance --

CAROL O'HARE: Can you use the mic?

JIM MONTEVERDE: -- it's hard to announce

themselves.

CAROL O'HARE: Could you use the mic?

HEATHER HOFFMAN: The non-thumping mic.

JIM MONTEVERDE: Sorry. Just from the photograph there appear to be other areas on the building around the entry that a sign, could be placed and be within the guidelines or the restrictions. Or signage in the landscape, you know, pylon signage in the landscape otherwise where even a sign of that size, it just doesn't have to be that height. You know, kind of stuck to the building. It can, there are other ways to do the signage.

CONSTANTINE ALEXANDER: Look at the plans. I couldn't get there.

JIM MONTEVERDE: I thought so. That's why looking at the photograph, you can't see the 40 Erie because the black disappears. But that same typeface, that same coloration right here, has the same pop. There are other ways I think, however. However they're allowed to do it if

they're multi-tenant, the landlord allows them to do the sign, but there are other ways than that that within the zone that would all be allowed by -- so thank you for staying within the size and all those other, and not illuminating it. It's just position wise there are probably some other options. It wouldn't be a hardship.

CONSTANTINE ALEXANDER: Andrea.

ANDREA HICKEY: Yes, I don't hate the sign. My issue is that there are other places that it could go where relief wouldn't be required. And respectfully whether the sign works or not is not what we're looking at. So I think they can get their signage and do it within the requirements.

CONSTANTINE ALEXANDER: You feel that's right. Do you have any --

MELISSA NUGENT: Aesthetically when I'm looking at the building, I think that is the best option. I think that --

ANDREA HICKEY: I don't disagree with that either.

CONSTANTINE ALEXANDER: The only zoning option.

MELISSA NUGENT: Zoning by-laws aside, I think given the peak that's there and I think where your eye is going to scan for signage when you're walking along the street, that is the ideal location. When you're already at the building, you know you've made it. When you're scanning is when you're 100 feet back and looking, okay, there's Intellia. So once you've already -- you know, when you're at their door and now you can see the sign, well, you've made it, you've arrived. I think that is why that location is the best location in my opinion. And I think that both of the companies that we have come to represent over the last couple of months have been through this process before and are aware of what the by-laws are. And we're really, I think respectful of trying to stay, you know, within the size limitations, not requesting illumination and just saying hey, look, we know that we're trying to bump it up a

little bit, but it really is just due to architectural features out of our control.

CONSTANTINE ALEXANDER: But you say this is the best location. The question is is this the only location?

MELISSA NUGENT: They could certainly move it down. There is space between the windows to the right. Whether or not that is going to guide you, you know, beyond whence you've arrived, my opinion would be no. You know, you kind of serves the purpose once you've already gotten there.

PATRICK TEDESCO: I mean I, I tend to agree with Gus, although I would add, you know, if this were a two-story building and somehow the sign projected above the parapet, it would be a different sorry. The fact that it's within the brick banner and the gable, I think it makes sense. And I have no doubt that the contrast of the lighter letters against the darker brick is, you know, also makes it more visible. Putting it on the glass and bus wrap, you

can't attach it to the curtain wall, that's not, you know, you could hang it I suppose from the bottom of the turning angle on the brick.

I guess, to Brendan's point, you know, I don't have a problem with this aesthetically and I think it makes sense on the building. If Amgen comes to us next week and wants to put a sign there and then Pfizer wants to -- and other tenants are, you know, this becomes a marquis, I would have a problem with that. There's something understated about a single company or a brand on a building as opposed to this sign ban. I don't know the terms of the lease. If this really is the anchor tenant, my guess is that they have, their lease says that only they can put a sign on it. But to your point, we don't know that, right? We don't have that information. And if other tenants are allowed to have signs here, I would have trouble with that. But I tend to not have trouble with this, but I realize that creates an inconsistency because, you know, it's just my kind of

judgment of what seems like a reasonable --

CONSTANTINE ALEXANDER: I would think, in your Amgen example, if we granted approval for this sign and Amgen moved in and came in and wanted to put a sign next to it, we could say a no to that on the basis of what's given there already.

PATRICK TEDESCO: Yeah.

CONSTANTINE ALEXANDER: That would be appropriate. So I'm not sure granting this, in my judgment, it gives an automatic free pass to other signs along that area.

ANDREA HICKEY: That's what troubles me, that once you sort of open that gate if someone comes in with the exact same size sign to go right next to it.

CONSTANTINE ALEXANDER: We can turn it down.

ANDREA HICKEY: Well....

PATRICK TEDESCO: Yeah, and I guess I'm trying to think through this as we talk.

Then you're responding to the aesthetic condition

that exists just like I am to the brick and the gable. If there's already a sign there, you know, that would influence my decision. Maybe that's not, you know, airtight legally or maybe that doesn't have the certain rigor as we try to decide these decisions, but I do agree with you that some nimbleness and, you know, not a strict interpretation of the guidelines given the architecture of the building in this case seems reasonable to me.

CONSTANTINE ALEXANDER: We had a discussion. I'll open the matter up to public testimony.

Is there anyone here wishing to go heard on this matter. Yes, Ms. O'Hare.

CAROL O'HARE: May I speak at the mic?

CONSTANTINE ALEXANDER: By all means.

CAROL O'HARE: Thank you for having mics. It is so much more pleasant in the audience.

CONSTANTINE ALEXANDER: You're responsible for it. So congratulate yourself.

CAROL O'HARE: Well, it's important because when you sit through all these other hearings and you cannot hear what's happening, you get bored. And you're educating the public, I think, even when they're not hearing cases that, you know, that they are there for. So, I used to be a teacher before I changed professions.

So there are so many things about this that are troubling. Last time, this building, this campus has now had three sign variances since last June. The, the Sidney research campus BioMed; one was the monument sign that was approved which I actually supported for BioMed at either end of its campus.

In December there was the series therapeutic sign, and that was approved because I think the major reason, that was on Erie Street as well. The major reason was that there was an archway that blocked it. And that is arguably a reason for a Variance, although there were alternative locations. And as I wrote in my letter yes, this is indeed

de minimus. It is a small Variance and it is attractive. It is an attractive location. I acknowledge that. But neither of those are grounds for a Variance, especially if there are other locations on the facade of that building where signs for tenants could be located. And I say signs for tenants because as was acknowledged on -- there are other tenants in that building. And so you can expect that they will want to brand. That is not a bad word. That's what they're doing, because this is not a wayfinding sign. This is showing your brand and that you exist there. So there are plenty of other locations on the facade of that building that are even more visible from Erie Street, because at the corner of Erie Street, at this corner -- I sent you photographs, I don't know if you saw them.

CONSTANTINE ALEXANDER: Yeah.

CAROL O'HARE: At this corner here there are trees, there are tall trees, and those trees will when -- when spring comes, be in full leaf and would block

that, if not now, in the future when the trees grow. And so this location right here where this tenant could put a sign and other tenants could put signs along that brick strip would be a location that is more visible from Erie Street as you're driving. It is a one way street, so that if the trees block the sign as you're coming along the street, they will, they will less -- the trees in front of the building are small, so it's less likely that they will block the sign. And you have a more, you know, you have more view of the sign on the brick wall. What can I say? They are probably the lead tenant, but other -- One Kendall Square that was -- Heather, who operates One Kendall Square?

HEATHER HOFFMAN: Divco.

CAROL O'HARE: Divco operated One Kendall Square. They developed signage plans for their entire campus, and their tenants complied and they had handsome signage that has maps and permitted branding, but it was all harmonious. When BioMed came in for that monument sign and I wrote you

and I approved it, but said I hope you would condition your approval of that Variance on their not permitting signage that requires other variances. So now we've had a Variance for a sign that I thought was unnecessary and then this Variance for a sign. And so BioMed seems to think that -- seems to want disparate signage all over its campus when it could have done what Divco did and insisted even though the buildings already exist on uniform signage or a comprehensive signage plan. Instead it's having its tenant -- not even its tenant, the tenant's sign installation company, not that I have any disdain for you or anything, but you can't even inquire of BioMed or Intellia. They're not here. And they're the ones that are seeking the Variance. So I realize this is, you know, you know, it's not MIT, it's not a big deal, but every single one of these de minimus and just a tidge and all that, erodes especially when there are other places on this facade that get, you know, where the sign could go. This totally -- I understand

branding. I do. They want to announce themselves, but they can announce themselves in a -- on the wall.

CONSTANTINE ALEXANDER: Thank you.

ANDREA HICKEY: Thank you.

CONSTANTINE ALEXANDER: One of the prerogatives -- no, no, you don't have to stay there. One of the prerogatives of the Chair is I guess I get, or anybody can do the same -- get the final word. My only point is, my plea is that signage is part of an urban environment. You're going to have signs and particularly in areas that are not residential. This is a nonresidential area, and I think as a Board, our responsibilities in the City is not to take a black and white issue or conclusion, put us somewhere else, put it somewhere else. Have a sense of what is going to help the environment of the City. I don't think signs that are four feet higher than are permitted by our Ordinance is going to adversely affect the quality of life in the City of Cambridge. And I do see it

helping further the businesses in this area, businesses of the City of Cambridge wants to have, and that's where I would approve the signage. But I'm a voice crying in the wilderness I think on this. So I will stop and we'll go for a vote.

ANDREA HICKEY: We have Ms. Hoffman.

CONSTANTINE ALEXANDER: Yes, Ma'am.

HEATHER HOFFMAN: Heather Hoffman, 213 Hurley Street, and I just have one sentence to offer to the Chair, and this comes from the Mayor who I wish I could remember the exact quote now. But this is close: Where in Cambridge is not residential? It may not be residential now but it is city policy for approximately everywhere that isn't a park that they love that they don't intend to build on to be residential, so I would, I would just say that that's a thing that that is as changeable as -- the sign ordinance hasn't been in all of the years that it has existed.

CONSTANTINE ALEXANDER: Thank you.

I will read into the record the fact that the Planning Board has sent a memo. (Reading) The Planning Board reviewed the Sign Variance request for additional height for the sign and leaves the case to the Board of Zoning Appeal. The Planning Board opposes noncompliant signs. The sign could be relocated on the building in a location that complies with the height limit.

Close public testimony. Ready for a vote? If we are, I hope we are.

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

That a literal enforcement of the provisions the Ordinance would involve a substantial hardship. Such hardship being that although there may be other locations on the building for a sign that is compliant could be located, such sign would not be as effective in terms of the purpose of sign which is more than just branding.

That the hardship is owing to the architecture of

the building, shape of the building, which makes this a desired location.

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

In this regard, given the nature of the in the environment today and the area, the fact that the departure is very minor in nature and that is for an industry that is important to the future of the City that this requirement was met.

So, therefore, on the basis of these findings, the Chair moves that we grant the relief sought on the condition that the work proceed in accordance with a photograph and a set of plans both of which have been initialled by the Chair.

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

(Aye.)

(Alexander, Tedesco.)

CONSTANTINE ALEXANDER: Two in favor.

Opposed?

(Show of hands.)

CONSTANTINE ALEXANDER: Variance denied.

(Sullivan, Hickey, Monteverde.)

JOHN HAWKINSON: Is there not a denial reason  
vote?

CONSTANTINE ALEXANDER: I'm sorry?

JOHN HAWKINSON: Is there a denial reason vote?

CONSTANTINE ALEXANDER: Oh, yeah, thank you very  
much.

JOHN HAWKINSON: I don't know if the petitioner  
cares.

CONSTANTINE ALEXANDER: The Board voted -- the  
three who voted against it.

BRENDAN SULLIVAN: I would add that I do not find  
that the petitioner has satisfied the requirement to

establish a hardship and that the location of that proposed sign is the only location and that has not established a fact that there is an alternative location which would be code compliant.

CONSTANTINE ALEXANDER: Other members?

BRENDAN SULLIVAN: Anything else to add to that?

ANDREA HICKEY: No, that says what I would say. I second that.

CONSTANTINE ALEXANDER: All those in favor of the motion that Brendan has made?

(Aye.)

CONSTANTINE ALEXANDER: Three in favor.

(Sullivan, Hickey, Monteverde.)

CONSTANTINE ALEXANDER: Thank you.

\* \* \* \* \*

(10:35 p.m.)

(Sitting Members Case BZA-012303-2016: Constantine Alexander, Brendan Sullivan, Andrea A. Hickey, Patrick Tedesco, Jim Monteverde.)

CONSTANTINE ALEXANDER: The Chair will call case No. 012107, 19 Cornelius Way.

Is there anyone wishing to be heard on this matter?

ERIC PARKES: Good evening. My name is Eric Parkes. I'm an architect working with Miaja and Jose. And I would like them to start off by introducing their reason for their project, what they're up to.

JOSE LUIS ROJAS: Good evening, my name is Jose Luis Rojas, J-O-S-E L-U-I-S R-O-J-A-S.

MAIJA PRATT-ROJAS: And I'm Maija Pratt-Rojas, M-A-I-J-A P-R-A-T-T-R-O-J-A-S. So I'd like to thank everyone for inviting us here to talk. As you can probably tell, we're not originally from Cambridge. Jose Luis is from Mexico and I'm originally from the UK. So we've now

been living in Cambridge for 16 years. We came here for jobs and have made it our home. So we now have two boys, nine and seven, who are both in the public school.

JOSE LUIS ROJAS: Yes, and we were looking, after two years after moving here we were able to buy a one-bedroom condo, very close to this neighborhood, and it served us really well until when we had our second child. We started looking for another place and we were able to find this place where we live in right now behind the Kendall Square movie theatre. As Miaja said, our relatives are out of town and far away, so when we come to visit, they stay with us. And so far it hasn't been a problem, our kids share a room. We have a three-bedroom house, but as the kids are getting older, we would like them to have some more space and that's the main reason we're, why we would like to build the dormer.

Thank you.

ERIC PARKES: So to outline the project, it's this

way. We'd like to add a dormer that would house a bedroom and a bathroom. We initially looked at a single bedroom dormer. It resulted in a four-bedroom house with one bathroom serving the bedrooms. And the issue for them is they would like an additional bathroom to accommodate the bedrooms. We started off by looking at a 15-foot dormer that would work through 8.22, and the difficulty with this building is that the roof ridge is extremely low. It's seven-foot, three. And it's a gambrel truss roof system, so there's really no usable space outside of where the dormer would go. So as we started to fiddle with putting a bedroom and a bathroom in there, we got some really odd configurations. So we began to look at going with a slightly wider dormer with a 20-foot dormer. What's distinct about this project is that it's a -- they're row houses, they're townhouses. They were created lawfully under the first townhouse ordinance. What we're faced with is putting the dormer within the side setback that faces the

abutting property and that's what's driving us to seek a Variance here to be constructing within the 90-foot setback. We couldn't pull it off with a 15-foot dormer without losing the bathroom. That's the hardship for us is we lose part of the scope that way.

The, I brought some poor photos of the back of the property. What makes it less of an impact, it's not visible from the public way at all. Where they will be building, it's the back of the house. It abuts the parking garage for the Kendall Square theatre. You could pass these around. So no one would see it. The only way to see it at all would be standing in the backyard of the neighbor's property. It's minimal. We're not going, we're not raising the roof height or anything like that.

CONSTANTINE ALEXANDER: Have you spoken to, you, to your neighbors, particularly the person who lives at 21 Cornelius.

JOSE LUIS ROJAS: Yes, we have letters from all of

them. The lady that lives on 90 Cornelius, she's happy with the project but she's the one that did sign.

CONSTANTINE ALEXANDER: What about the person that --

JOSE LUIS ROJAS: Yes.

ERIC PARKES: 21 -- we have five letters from the various neighbors of support, and these are -- this is the first time you're seeing them. They haven't been submitted yet.

MIAJA PRATT-ROJAS: We went around and met with the neighbors and I think you know about Dick Fanning at No. 21.

CONSTANTINE ALEXANDER: Okay, I was looking to see if Mr. Fanning is in favor.

MIAJA PRATT-ROJAS: Yeah, we talked to him first.

CONSTANTINE ALEXANDER: For the benefit of other members of the Board, we denied a Variance request by Mr. Fanning and he has brought suit against the City. And

that suit is pending in the courts. So I would think he would be very interested in whether we granted a Variance to you after having turned him down next-door. Although his Variance was for a different type of relief.

ANDREA HICKEY: Is his structure the same sort of -- I don't want to say complex. I know they're separate but they're attached.

ERIC PARKES: This is the picture here. This is the picture of the back, and this is the one with the monitor that, this part over there is his and this is theirs.

PATRICK TEDESCO: I can't reconcile this image with that image.

ANDREA HICKEY: That's the back. Looking out the back?

PATRICK TEDESCO: That's looking out?

JOSE LUIS ROJAS: Yes.

MIAJA PRATT-ROJAS: Exactly.

ERIC PARKES: It's just a shot of who would be

looking out of this addition and it's essentially a parking garage.

BRENDAN SULLIVAN: Do you currently live in the house?

JOSE LUIS ROJAS: Yes. We've been living there for six years.

BRENDAN SULLIVAN: For six years?

JOSE LUIS ROJAS: Yes.

BRENDAN SULLIVAN: And before that you lived over on Marney Street?

JOSE LUIS ROJAS: On Marney Street which is two blocks away.

BRENDAN SULLIVAN: And you still own Marney Street?

JOSE LUIS ROJAS: We do, yes.

BRENDAN SULLIVAN: Okay.

ANDREA HICKEY: Could I ask are there deed restrictions that require you to get approval, let's say,

from a homeowner's association, for changing the sort of architectural look of the outside of the structure?

JOSE LUIS ROJAS: There's no homeowner's association.

ANDREA HICKEY: Great.

ERIC PARKES: I saw that in the deed when I looked the deed over.

PATRICK TEDESCO: These are single-family homes they're not condos?

ERIC PARKES: Yes.

BRENDAN SULLIVAN: It was built some 20-some odd years ago and it had to remain affordable housing for 20 years and a day or whatever. And some three years ago that expired. Mr. Fanning, who was one of the architects on the project, was one of the first ones to buy his unit after that term expired and now it's open basically to the general public to buy and there are no more restrictions other than complying with zoning.

JOSE LUIS ROJAS: When we bought our property, it was before the expiration --

BRENDAN SULLIVAN: Correct.

JOSE LUIS ROJAS: -- and we didn't buy it a low income affordable housing. We paid market price.

BRENDAN SULLIVAN: Right. The expiration was three years ago. You say you bought it six years ago or so.

JOSE LUIS ROJAS: Yeah.

PATRICK TEDESCO: The dormer does not meet the City's dormer guidelines, correct?

ERIC PARKES: It does not. So we're --

PATRICK TEDESCO: Which way is it going to articulate exactly?

ERIC PARKES: So it's simply -- it's conforming and everything but the fact that it's within a side setback that it abuts the adjoining property. It's conforming to the rear and to the side that's open.

PATRICK TEDESCO: Is there not a provision for the

pitch of the shed roof in the dormer guidelines?

BRENDAN SULLIVAN: It has to come off the roof, off the ridge. It has to come up from the outside wall. It can't line up with the outside wall.

PATRICK TEDESCO: Right.

BRENDAN SULLIVAN: It has to come in three-foot, six from either end, and the facade has to be at least 50 percent windows.

CONSTANTINE ALEXANDER: It's substantially in nonconformance with the dormer guidelines and it's too big.

PATRICK TEDESCO: And it can't spring from the ridge line. It has to spring from the --

BRENDAN SULLIVAN: They recommend that it comes down from the ridge.

ERIC PARKES: And it starts out below code height. So it's kind of hammered in there.

CONSTANTINE ALEXANDER: You want to see it?

ERIC PARKES: We're well under the FAR of the

space, and I think poly metrically we're about 0.18 or about 18 percent of increase overall from the zone between 10 percent, 25 percent. So it's just a side setback that's the issue here.

BRENDAN SULLIVAN: What's troubling is that everybody comes down before us and looking for 19-foot dormers, 20-foot dormers, 22, 25-foot dormers and they have very logical reasons why it has to be 19, 20, 22, 25 feet. And yet my experience in doing a lot of dormers over the years is that you can get a lot in a 15-foot dormer. It may not be all you want. And, again, everybody who does come down before us asking for more than the 15 feet always seems to have good reasons why. This just seems like it's maxed out this back section of the wall because, again, it may not be visible from the public way and it just fits into the nice big master bathroom, bedroom suite concept and yet I haven't seen why the 15-foot doesn't work other than, you know, you just say that --

ERIC PARKES: I did -- I don't know if this is relevant, but we did a few other layouts with it being smaller if you'd like to see. I mean, things fit but with the rest of the roof being so low there's really, the space that is the bedroom is gonna probably have the closet and wardrobe and stuff like that. A lot of stuff would be stuck within the footprint of the room. Yes, you could put a bedroom, old school, smaller bedroom with a bathroom in there. I think it just for a visiting grandparents and things like that, it becomes kind of a small appendage and they're going to have to rip the whole roof off to put it there anyway. So it's sort of like make it a comfortable bedroom while they're at it.

CONSTANTINE ALEXANDER: Brendan has put his finger on something very important for us. Everybody has a reason, as he said, why they need a bigger dormer than the guidelines want, and you're not conforming with the dormer guidelines in other respects as well. It's troublesome.

You know, what is it Rolling Stones say you can't always get what you want. And it seems like you may want more than our Zoning Ordinance would allow. I think to me the setback issue is not a problem given the location. The dormer of this size is.

ERIC PARKES: I think if we were to limit it to 15 feet would probably still -- I mean, I guess the deal with that is that it's allowed to stay within the side setback. It sort of trumps that. So to pull it in probably jettison the bathroom, but we still would be within the side setback, it would be less on the opposite side is what it would do.

CONSTANTINE ALEXANDER: Let me make a suggestion. You're hearing skepticism from at least two members of the Board. Other members haven't had a chance to speak yet.

ANDREA HICKEY: Three, three members.

CONSTANTINE ALEXANDER: You'll have a chance. Even if you didn't want to speak, the fact of the matter -- let me just finish and you can speak. The fact of

the matter, if two people vote against it, the relief is denied. And you're out of it for two years. Might you want to think about continuing this case, go back and rethink your dormer design, come with something that comes closer or maybe entirely within the requirement -- the requirements of our dormer guidelines? I don't want you to be -- I'm just saying if we push to a vote and you lose, you're stuck for two years.

ERIC PARKES: Yeah.

CONSTANTINE ALEXANDER: And maybe you don't want to go that far.

Andrea, I'm sorry to interrupt you.

ANDREA HICKEY: No, I was also going to suggest that maybe you rethink the size and maybe come back with something that's....

ERIC PARKES: Okay.

Question, would a 15-foot dormer -- how is it reviewed as a Special Permit or how --

CONSTANTINE ALEXANDER: Oh, no, no, no. It's the same Variance because you've got setback issues. But a dormer guidelines, it's not part of our Ordinance but it is a guideline that we as a Board try almost entirely to follow as if it were part of the Ordinance. So you're still going to need zoning relief anyway, but come back with a different design, that, again, we are looking at our dormer guidelines and see what you can do to meet those, as much as you can particularly the size of the dormer. I think it's fair to say our Board puts most emphasis on the fact that it shouldn't be more than 15 feet. But again, you know, I understand that it may not allow you to build exactly what you wanted to do, but at least it will allow you to do something that you can't do right now. And you won't be able to do should we go to a vote and you get turned down.

ERIC PARKES: Okay. I mean, I appreciate the suggestion. The only -- well, I guess we'll present a different scheme. Reducing the ridge, I mean it's such a

tiny --

CONSTANTINE ALEXANDER: Not right now. You can go back and think about what you want to do.

PATRICK TEDESCO: I mean if that's not physically possible, the head clearance --

CONSTANTINE ALEXANDER: Come back and tell us.

PATRICK TEDESCO: -- that's not an unreasonable request. But, again, as Gus said, they're guidelines, but if there are other things that are malleable that come closer to the guidelines, I think the Board would look more favorably upon that.

ERIC PARKES: Okay, it sounds like the most glaring thing is to reduce it to 15 feet?

BRENDAN SULLIVAN: From a practical standpoint and, again, having done a number of these, coming off the ridge is a whole lot easier to build. And I mean, you know, with LVLs these days, you can do almost anything anywhere, but I'm not totally stuck on having to come down from the

ridge, because -- especially where you have a lower floor to ridge height. So coming down off of that doesn't upset me, and I think in a practical sense it's probably okay. It's the length of the dormer and that you're coming in from the sides and also, so there are basically coming off the ridge, coming in from the sides. That's No. 2.

Coming up from the -- not lining up with the outside wall of the house is the third test.

And that the face of the dormer be at least 50 percent glass. So do you have that booklet?

ERIC PARKES: I do.

BRENDAN SULLIVAN: Okay. If you go through those four items, whatever it is, and you know, I can comply with this one, I can't comply with that, and why we can't. You know, that type of thing. You may very well come back and say, you know, gees, guys, we really tried -- guys and girls, we really tried, and it just doesn't work for us. And, you know, but convince us. You've heard our thoughts

on it as to why you can't comply, why you really need to do what you need to do.

ERIC PARKES: Okay.

Does that make sense to you guys? So suggesting we continue it to two or four weeks, whatever the next slot?

CONSTANTINE ALEXANDER: We have to pick a date to continue the case to -- this is what we call a case heard. We started to get into the merits of the case, so we have to pick a date that works for you or you have to suggest a date that works for you and you have to be sure that the five of us can make that date. Because if we can't -- you need four votes to get relief. If one of us can't be here and you only got four of us, the odds are not as good.

ERIC PARKES: Right.

CONSTANTINE ALEXANDER: So start with when would you like to have this case -- when would you be prepared to come back with your thoughts and maybe revised plans?

ERIC PARKES: I think we could do it as early as

two weeks. I mean, I could jump on this fairly quickly. So you're hearings are every two weeks, right?

MARIA PACHECO: We can do the 23rd.

CONSTANTINE ALEXANDER: 23rd of April which is a month.

MIAJA PRATT-ROJAS: 23rd of March or April?

CONSTANTINE ALEXANDER: Say it again, please?

MIAJA PRATT-ROJAS: Sorry, March or April?

CONSTANTINE ALEXANDER: April, April.

MARIA PACHECO: No, no, March.

CONSTANTINE ALEXANDER: We can do March?

MARIA PACHECO: Yes, 29 Bellis I think is going to withdraw anyway. So that's the last one.

CONSTANTINE ALEXANDER: Oh, okay.

MARIA PACHECO: And Jim's already coming to that meeting.

CONSTANTINE ALEXANDER: Keep in mind that they've got to put a new sign up by tomorrow, don't they? To get

the 14 days? If we're going to continue the case to the weeks?

MARIA PACHECO: They have their sign up. All they have to do is just change the date.

CONSTANTINE ALEXANDER: Yes, as long as they do it. I'll get into that in a second. Okay, what we're saying right now is that you posted a sign for this case.

JOSE LUIS ROJAS: Yeah.

CONSTANTINE ALEXANDER: If we continue it, you've got to modify the sign to reflect the new date and time. And that's got to be up for 14 days. So you've got to do it tomorrow basically. Understand that. If you don't, we won't be able to hear the case.

MIAJA PRATT-ROJAS: Yep.

JOSE LUIS ROJAS: We'll do it tomorrow.

ERIC PARKES: We'll be here at that meeting.

CONSTANTINE ALEXANDER: I assume all five can be here. I can be here.

ANDREA HICKEY: Yes.

CONSTANTINE ALEXANDER: The other thing is that in terms of the timing, you have to get your revised plans -- I assume you're going to come back with something revised, no later than five p.m. on the Monday before the hearing date. So you have, you have less than two weeks to get it done. You have enough time? Will that be enough time for you?

ERIC PARKES: Yes. I'll make it. I'll make it. They'll light a fire under me.

BRENDAN SULLIVAN: Does Heather --

HEATHER HOFFMAN: I have a question about the scope of the Variance. And that is something that I have struggled to understand about these particular houses. And that is why there is any setback on the party wall part of a, you know, of a two-unit townhouse. I don't understand that. I could not find it in the Ordinance, and I have spent an awful lot of time thumbing through there trying to find it, because it doesn't make sense to me since the

essence of a townhouse is --

ANDREA HICKEY: No setback.

HEATHER HOFFMAN: -- is no setback. So how are there setback rules at all in the Ordinance for that side of --

CONSTANTINE ALEXANDER: I think it's a fair question.

ANDREA HICKEY: It's a great question.

CONSTANTINE ALEXANDER: I think you have to talk to Sean or Ranjit as to why they believe they needed zoning relief. The case started is because you don't comply with the setbacks, you've got to get relief.

HEATHER HOFFMAN: Was that not part of the issue in Mr. Fanning's case?

CONSTANTINE ALEXANDER: I don't want to get into Mr. Fanning's case.

JOHN HAWKINSON: It was.

CONSTANTINE ALEXANDER: Well, I know but I don't

really want to discuss Mr. Fanning's case is my point.

HEATHER HOFFMAN: I know. And I'm not asking you to. I'm just clarifying for my own understanding as I reluctantly become more and more familiar with Cambridge Zoning. You know, just that I think that that was part of the issue. And I believe that I understand it's on appeal, but I believe that there was a -- I believe that the City ended up agreeing that in fact he didn't have setback issues. That's why I'm asking these questions. I am trying to be a good advocate and understand what's -- what the heck is going on here.

CONSTANTINE ALEXANDER: Again, you can come back, if you can talk to Ranjit or you have the case with no setback required, that should tell us when you come back on the 23rd.

ERIC PARKES: Yeah, and I did some research on that. It's in the townhouse section of the Ordinance. It basically allows to you create this by-right. And as soon

as they subdivide it into multiple lots, it kind of reverts to the zoning dimensional criteria of the district it's in. I mean it seems the same kind of absurdity of the setback that something was built by right for the current zoning. I'll bring it up with them, too, and see if there's any other something I missed.

CONSTANTINE ALEXANDER: Ready for a vote?

ANDREA HICKEY: To continue?

PATRICK TEDESCO: To continue.

CONSTANTINE ALEXANDER: To continue. That's what I meant. Not a vote on the merits. No, no.

The Chair moves that we continue this case until seven p.m. on the 23rd of March subject to the following conditions:

That the petitioner sign a waiver of time for a decision. And Maria has that for you to sign.

Two, that the a new posting sign or modified posting sign reflecting the new date, the 23rd, the new

time, seven p.m.

And that the sign be maintained for the 14 days required under our Ordinance.

And lastly to the extent that there's going to be new plans or modified plans or a new dimensional form, these must be in our files no later than five p.m. on the Monday before the 23rd.

All those in favor please say "Aye."

(Aye.)

CONSTANTINE ALEXANDER: Five in favor.

(Alexander, Sullivan, Hickey, Tedesco, Monteverde.)

\* \* \* \* \*

(10:55 p.m.)

(Sitting Members Case BZA-012410-2016: Constantine

Alexander, Brendan Sullivan, Andrea A. Hickey, Patrick

Tedesco, Jim Monteverde.)

CONSTANTINE ALEXANDER: The Chair will call case  
No. 012410, 209 Green Street.

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

ATTORNEY SEAN HOPE: Good evening, Mr. Chairman,  
members of the Board. Thank you for hearing us at this late

hour. We're here on behalf of the petitioner. We have Mr. Ray Acevedo of Rayce Realty.

CONSTANTINE ALEXANDER: We've met you before.

ATTORNEY SEAN HOPE: In March of 2016 we were before. This is a petition requesting a Special Permit to add windows and openings within the setback, and also a Variance to construct a partial -- to construct a deck partially within the rear and side yard setback. These are a series of row houses on Green Street. These -- this is a lot that's about 17 feet wide, very narrow, sharing a party wall with the series of row houses. And the nature of our relief is that there's very little outdoor space. This is a multiunit row house, and so the second floor specifically is on the second and third floor and so there's really no practical access to outdoor space. And so the first floor has a roof and so we're actually looking to create a deck on the roof with stairs to the backyard. The roof would be for the second unit only. So the deck and that would be their

primary means of outdoor space. Because the building has only 16 feet wide, building a deck on that first floor roof, although it's not gross floor area, is within the side yard setback. So that's triggering relief.

Also to get from this proposed deck to the rear yard there's also stairs, which because of the narrowness of the lot, is also within the side yard setback. So it's very similar to the previous case, but most importantly this roof deck is exclusively for the second floor, the second unit. This is going to be a two-unit condo, and it's going to allow for an outdoor space. And practically the way that the lot is configured, the first floor unit would have access because there is a small rear yard that's abutting more of the commercial district on Mass. Ave.

CONSTANTINE ALEXANDER: How is the relief you're seeking now, different from the relief you sought -- we gave you a year or so ago?

ATTORNEY SEAN HOPE: This was the same, same

building.

CONSTANTINE ALEXANDER: Same building, I know that.

ATTORNEY SEAN HOPE: But it's a mirror image on the side. So it's practically the same.

CONSTANTINE ALEXANDER: And we granted relief once before.

ATTORNEY SEAN HOPE: That's right, yes. So materially it's no different. There is a setback, it's on the opposite side because of the --

CONSTANTINE ALEXANDER: What about decks on the other row houses that are not these two? Are there others?

ATTORNEY SEAN HOPE: There are others. There was one that was adjacent to 211 on the other side, so there was an existing deck. So this is consistent with some of the pattern. Not every row house has a deck. These were actually -- a lot these were rooming houses, and so part of

the transition as they're being sold to property owners, they're being transitioned now into condominium units. But I would say the decks in this area are fairly common because of the outdoor space, the lack of outdoor space, and the proximity to Central Square. And a lot of the issues with decks in terms of nuisance and noise issues aren't as prevalent in this area because you're butting on to Mass. Avenue. And so even a deck of this size would not -- we haven't had any letters of support or opposition primarily because these are -- the rear yards aren't, aren't actively used in this way but we think this would be a nice amenity to this unit.

CONSTANTINE ALEXANDER: I had a question that came in my head and it went out. Anyway, questions from members of the Board?

Those of you who weren't here before it's a mirror case. And we granted relief before. I suppose why not grant relief this time particularly since there's been no

objections to abutters and the like.

ATTORNEY SEAN HOPE: And I think that in the Chairman's wisdom did foresee that we might be back.

CONSTANTINE ALEXANDER: You don't have to be a genius to figure that one out.

ATTORNEY SEAN HOPE: I think at the time we didn't have it under agreement.

RAY ACEVEDO: Right, it wasn't under agreement.

ATTORNEY SEAN HOPE: He owns 211 and 209.

CONSTANTINE ALEXANDER: And you need a Special Permit too, by the way, right?

ATTORNEY SEAN HOPE: Exactly.

CONSTANTINE ALEXANDER: And a Variance?

ATTORNEY SEAN HOPE: Yes, both together.

CONSTANTINE ALEXANDER: Questions from members of the Board?

(No Response.)

CONSTANTINE ALEXANDER: And there's no one in the

audience. So no one wants to be heard. And we have no letters or other communications in the file. So unless you have anything further to say, I'll close public testimony.

Ready for a vote. Let's start with the Variance.

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

That a literal enforcement of the Ordinance would involve a substantial hardship. Such hardship being is that given the nature of these row houses, there is a need for outdoor space that's not possible unless we grant the relief being sought with regard to the decks. And that additional lighting, too.

That the hardship is owing to the nature of the architecture, the shape of the buildings. It is row houses, one next to the other, with no side yards or the like and just a rear yard where the structure would be located.

And that relief may be granted without substantial detriment to the public good or nullifying or substantially

derogating from the intent or purpose of the Ordinance.

In this regard, the Chair would note that we've granted relief like this to the neighboring properties or abutting properties without any adverse impact on the community.

So on the basis of these findings, the Chair moves that we grant the relief being sought on the condition -- these are the plans?

ATTORNEY SEAN HOPE: Yes.

CONSTANTINE ALEXANDER: -- that the work proceed in accordance with the plans submitted by the petitioner, first page of which has been -- they're stapled together, the first page of which has been initialed by the Chair. What's initialled actually is the plot plan. But the plans for the actual decks are attached to that.

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

(Aye.)

CONSTANTINE ALEXANDER: Five in favor.

(Alexander, Sullivan, Hickey, Tedesco,  
Monteverde.)

CONSTANTINE ALEXANDER: And now for the Special  
Permit. Is this for windows in a setback?

ATTORNEY SEAN HOPE: That's right.

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

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

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

That the continued operation of development of  
adjacent uses as permitted in the district -- submitted in  
the Ordinance, will not be adversely affected by what is  
proposed.

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

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

In fact, this will improve the quality of the living experience in these structures given the nature of the row house configuration.

So on the basis of these findings, the Chair moves that we grant the Special Permit subject to the conditions that the work proceed in accordance with the plans referred to with respect to the Variance we granted.

All those in favor please say "Aye."

(Aye.)

CONSTANTINE ALEXANDER: Five in favor.

(Alexander, Sullivan, Hickey, Tedesco, Monteverde.)).

\* \* \* \* \*

(11:10 p.m.)

(Sitting Members Case BZA-6289: Constantine Alexander,  
Brendan Sullivan, Andrea A. Hickey, Patrick Tedesco, Jim

Monteverde.)

CONSTANTINE ALEXANDER: Ranjit pointed out to me with regard to the Comprehensive Permit permit that we granted on Concord Avenue, that there were a couple of misstatements in my presentation, and I want to correct them now so that we can put them in the record with the approval of my fellow board members.

That with regard to the development, that's going to be for rental housing and not home ownership. I used the words home ownership.

And that the development has 81 units or 83 percent that are below the 80 percent AMI under the Statute, and 17 units are 81 to 100 percent AMI.

And I'm not sure what AMI is.

JOHN HAWKINSON: Area median income.

CONSTANTINE ALEXANDER: I'm sorry?

JOHN HAWKINSON: Area median income.

CONSTANTINE ALEXANDER: Thank you.

Everybody approval or have any problem with the slight changes.

ANDREA HICKEY: No problem.

JIM MONTEVERDE: That's ok.

CONSTANTINE ALEXANDER: Group dismissed.

(Whereupon, at 11:10 p.m., the  
Board of Zoning Appeals Adjourned.)

### ERRATA SHEET AND SIGNATURE INSTRUCTIONS.

The original transcript and Errata Sheet has been delivered to Inspectional Services Department.

### INSTRUCTIONS

After reading this volume of the Zoning Board of Appeals transcript, note any change or correction and the reason therefor on this sheet. Sign and date this Errata Sheet.

PAGE	LINE	
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		REASON: _____
_____	_____	CHANGE: _____
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_____	_____	CHANGE: _____
		REASON: _____

I have read the foregoing transcript of the Zoning Board of Appeals, and except for any corrections or changes noted above, I hereby subscribe to the transcript as an accurate record of the statement(s) made by me.

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C E R T I F I C A T E

COMMONWEALTH OF MASSACHUSETTS  
BRISTOL, SS.

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

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

IN WITNESS WHEREOF, I have hereunto set my hand this 24th day of March, 2017.

---

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

My Commission Expires:  
April 29, 2022

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## \$

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