

BOARD OF ZONING APPEAL  
FOR THE  
CITY OF CAMBRIDGE

GENERAL HEARING

THURSDAY, MAY 25, 2017

7:00 p.m.

in

Senior Center

806 Massachusetts Avenue

First Floor

Cambridge, Massachusetts 02139

Constantine Alexander, Chair

Brendan Sullivan, Vice Chair

Janet Green, Member

Patrick Tedesco, Member

Slater W. Anderson, Associate Member

Laura Wernick, Associate Member

George S. Best, Associate Member

Sean O'Grady, Zoning Specialist

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(7:00 p.m.)

(Sitting Members: Constantine Alexander, Brendan Sullivan, Janet Green, Slater W. Anderson, Laura Wernick.)

CONSTANTINE ALEXANDER: The Chair will call this meeting of the Zoning Board of Appeals to order. At the outset, let me read a statement.

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 that are in the audience that a recording is being made by our stenographer to assist her when she prepares the minutes of our meeting. So if anyone else has a recording they want to make or a

video, speak now.

(No Response.)

JANET GREEN: So I can comb my hair.

CONSTANTINE ALEXANDER: Okay. As is our practice,  
we start with continued cases.

SEAN O'GRADY: Gus, we don't have any letter  
requesting a continuance.

CONSTANTINE ALEXANDER: For which?

SEAN O'GRADY: For the Salt and Olive. I fully  
expect it to happen.

CONSTANTINE ALEXANDER: We're just going to  
continue it to later in the meeting anyway.

SEAN O'GRADY: Oh, I thought you were going to  
withdraw it.

CONSTANTINE ALEXANDER: No, I'm going to continue  
it until I hear Sean request a withdrawal.

\* \* \* \* \*

(7:00 p.m.)

(Sitting Members Case BZA-012016-2016: Constantine Alexander, Brendan Sullivan, Janet Green, Slater W. Anderson, Laura Wernick.)

CONSTANTINE ALEXANDER: Our practice is to start our meeting off with continued cases. These are case that were started at another date and for one reason or another have been continued until tonight. We have three on our

agenda.

One is case No. 012016, 1160 Massachusetts Avenue.

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

Are you the Petitioner, right?

UNIDENTIFIED MEMBER FROM THE AUDIENCE: I am, yeah.

CONSTANTINE ALEXANDER: Okay. This case is also on our regular agenda --

UNIDENTIFIED MEMBER FROM THE AUDIENCE: Correct.

CONSTANTINE ALEXANDER: -- for a different relief.

UNIDENTIFIED MEMBER FROM THE AUDIENCE: Okay.

CONSTANTINE ALEXANDER: You continued -- you or your attorney continued this case just to preserve your rights. What I was about to say is that we're not going to hear the continued case until after we hear your case on the merits at the meeting and then you can continue it further or withdraw it or whatever is appropriate.

UNIDENTIFIED MEMBER FROM THE AUDIENCE: Thank you.

CONSTANTINE ALEXANDER: Okay?

So the Chair would advise the meeting is that we will not hear this case at this time during the meeting, but we'll wait until we hear the case that's on our regular agenda.

So that's it for that.

(Case recessed.)

\* \* \* \* \*

(7:05 p.m.)

CONSTANTINE ALEXANDER: Now we have two other continued cases. As to one of them we need a member who is not here yet. That's 35 Standish Street. And since we have two members here who are here only for that case because they sat on the case originally, I would rather wait until he comes. He'll get here, I hope, and then rather than hear the other continued case, which would complicate life for the two associate members who are who are not here for that case.

(Off the record.)

(7:15 p.m.)

(Sitting Members Case BZA-012741-2017: Brendan Sullivan, Janet Green, Slater W. Anderson, George S. Best, Laura

Wernick.)

BRENDAN SULLIVAN: The Board will hear case No. 012741, 35 Standish Street.

Introduce yourself for the record.

DOUGLAS BROWN: Doug Brown. I'm the homeowner and resident at 35 Standish Street.

RICHARD BERNSTEIN: Richard Bernstein, the architect. 988 Washington Street in Gloucester.

BRENDAN SULLIVAN: Okay. If you want to go through some of the changes that you have made since last we met.

DOUGLAS BROWN: Sure, before we do that, I just wanted to -- the things we also want to cover is you asked us to go and talk to the neighbors. And so there are some letters in the file from some neighbors, including some abutters. I'm happy to go through the context I've had with all of the different neighbors. I think at the moment we have about 20 letters in support from various abutters and

abutters of abutters of the neighbors.

BRENDAN SULLIVAN: All right. So there has been outreach and we appreciate that.

DOUGLAS BROWN: Yeah.

BRENDAN SULLIVAN: By the correspondence coming back to us, it seems to be have been very fruitful.

RICHARD BERNSTEIN: I have reductions at the red line sets. What is indicated on red are the things we've removed. And we've made every effort to scale back the addition and what is proposed to a minimum that satisfies the hardship of the non-conforming structure and meets the needs of their family. If you would like --

SLATER ANDERSON: I'll take a set, thank you.

BRENDAN SULLIVAN: This is the one that was submitted on the 8th I guess?

RICHARD BERNSTEIN: So these are the full-size plans. And everything indicated in red has been removed from the proposal. So we moved the garage as part of the

proposal. We scaled back the rear addition in all dimensions, pushing it in, scaling back the side bay, and actually making it rather than a bump out, it would be a bay extension. So the foundation would be straight and it would be more like a bay window brackets. And also removing the third floor attic in the back over the extension. That keeps the building back.

This -- we're removing the dormer over the bathroom, but creating a more spacious bathroom. So we're removing that dormer because we can actually satisfy -- we can squeeze in the bathroom within the scope of the attic. The dormer above the stair would remain because of the required headroom. The extension of the front attic will remain primarily because that is Doug's Home Office. He works at home and he requires that space at minimum:

So this just shows the floor plans. Again, everything in red, third floor plan, the dormers removed, the attic, scaling back the addition in all directions.

Again, what's in red is being removed. And the elevations.

In particular is the site plan showing the grass area versus the garage proposal.

These are the revised plans and you can see the aesthetics of the elevation, the rear in particular. The side is brought in considerably. So this was the original proposal and this is what the proposal is now and the attic is removed.

LAURA WERNICK: Can you flip that up a second time, the attic?

RICHARD BERNSTEIN: Yeah, so that was the original, brought it way in, and took the attic off.

DOUGLAS BROWN: The overall reductions are the proposed FAR which was 0.62 is now 0.57. And the open space which was 48 percent is now around 62 percent.

BRENDAN SULLIVAN: All right. And the increase from the existing, the existing is 34,57.

DOUGLAS BROWN: Yeah.

BRENDAN SULLIVAN: And the requested is 4088, an increase of 631. So that's an 18 half percent increase.

DOUGLAS BROWN: Yes.

BRENDAN SULLIVAN: I mean the number 4088 is correct; is that right?

DOUGLAS BROWN: Yes, it is.

BRENDAN SULLIVAN: Okay.

And the ratio has gone currently at 0.48 to 5, 7 in a 0.45.

Before the downzoning which occurred, was that 10 years ago, 12 years ago?

DOUGLAS BROWN: '95, 1995.

BRENDAN SULLIVAN: It was C?

DOUGLAS BROWN: It was always residential B, but it used to allow 0.5. So this was a conforming house to FAR before the change. We had about 200 square feet to use. After the change we had about 200 over.

BRENDAN SULLIVAN: Okay. So it was always B?

DOUGLAS BROWN: It was always B, yeah. And it's a bit of an anomaly in that, in this particular zone, unlike many other zones, as the lots get bigger, the FAR permitted goes down. It has the net effect of bringing it down to a lower number.

BRENDAN SULLIVAN: Because of --

DOUGLAS BROWN: Because beyond 5,000 square feet it's a much lower number. 0.35.

BRENDAN SULLIVAN: Right.

DOUGLAS BROWN: It's actually more restrictive than any of the A zones.

BRENDAN SULLIVAN: And the number is, I dare say, any house that conforms to FAR.

DOUGLAS BROWN: Right. It's about 62 percent do not conform.

BRENDAN SULLIVAN: Okay.

SLATER ANDERSON: So is the 0.45 the applicable

FAR because the calculus.

DOUGLAS BROWN: That's because of the calculation.

SLATER ANDERSON: Because of the 7100 square foot lot?

DOUGLAS BROWN: Got it.

BRENDAN SULLIVAN: So it's 0.5 for the first 5,000.

SLATER ANDERSON: I see that here.

BRENDAN SULLIVAN: And 0.35 for anything over. So it's a -- okay.

Any questions by those on the Board at all?

JANET GREEN: I had a question. There were concerns it seems to me about water and flooding --

DOUGLAS BROWN: Yes.

JANET GREEN: -- and I wonder, I mean this is really a great plan and obviously you paid a lot of attention to the FAR and I wondered what about the water?

DOUGLAS BROWN: There is, the back of the lot is

wet and that's where the neighbors at the back expressed some concerns. And they I think they were also worried that the garage we had in the plan might aggravate that in some way. I think in talking to them we explained that when our street was redone, we received a storm drain lateral and it's sitting in our driveway ready to be connected to, but we had been waiting until our renovation before we actually connected to it. So in some ways the renovation is in some ways the cure to their problem more than it is the cause. They, I think they now understand that better. And I think the other piece is we will have a lot more open space. Right now it really is a big parking lot.

And so just to give you a sense of how much paving is back there, I got a photo. And this is our backyard. So this is us and this is our lot line back here. They are along the back lot line. A significant portion of our lot is paved. And this is the area that we're proposing to increase the footprint by. It's roughly the size of a

parked car. You can see a parked car there.

And so, again, because of the way that the B Zone is structured, you don't get a whole lot of credit for all this extra space. But it's really not a situation where you're talking really heavily in-filling a backyard in that sense.

JANET GREEN: So I notice and that's asphalt, right?

DOUGLAS BROWN: That's all asphalt, yeah.

JANET GREEN: And how will that connect into the storm drain?

DOUGLAS BROWN: Well, right now, anything that falls on it runs off to adjoining properties.

JANET GREEN: Right.

DOUGLAS BROWN: And then anything that falls on our house similarly runs out into the backyard.

JANET GREEN: Right.

DOUGLAS BROWN: Going forward, this would be

permeable, because this would be mostly all grass. And the driveway -- and here and so none of that water would runoff. All of the roof drains and the sump would go down to the street and actually out. So there should be almost no runoff to any of the neighboring properties under that scenario. I think we actually may actually have a cistern to reuse some of that for actually, you know --

BRENDAN SULLIVAN: Has anybody else in the neighborhood started to do that?

DOUGLAS BROWN: Most of the, I mean it was a little bit arbitrary how they decided who got drains. If you had a sump pump already they hooked you up.

BRENDAN SULLIVAN: Yeah.

DOUGLAS BROWN: It's interesting because the people in the back of the four houses that abut us, three of them were provided with laterals. The one immediately behind us was not. And one of the houses that was provided with a lateral that sent in a letter about water actually

never hooked up to the drain. And I have a file from DPW saying they refused the connection. So it was difficult to hear that we're the problem with the flooding when they have a drain sitting in their driveway waiting to be connected.

JANET GREEN: Do you pay for that hook up personally?

DOUGLAS BROWN: You pay. They bring it to your property, and then beyond that you pay for it. I only wanted to show you that mainly so you understand sort of the context of how much density we're actually talking about.

JANET GREEN: Yeah.

BRENDAN SULLIVAN: That whole condition is prevalent to that entire area. From Fresh Pond down to --

DOUGLAS BROWN: It's why we, you know, we understand under the new rules you can do a lot of stuff in your basement. Our basement is actually, the floor of the basement is set at about three feet below grade. You couldn't actually build a basement that high, because at the

time they built it, they went until they hit water and then they put basement floor down. So it's really not a basement that's really conducive to adding a family room or adding bedrooms or that sort of thing, and so that's the reason why -- even though that's available, we haven't really thought of that as the best use. I mean it's actually cheaper to build that space in the basement because the foundation's already there as it were, but it's -- I think for our purposes it's so wet that preference is to add a new space at the back. And what we're trying to do is those rear porches that were enclosed in 1965 really are only eight feet wide. And so -- and it's very hard to use them as much more than sort of what you would have used the porch for, which is we use it as a mudroom basically. But it's -- you can't fit a, you know, a bed inside it and still be able to get passed the bed. They're not conducive as a living space as it were. So we're trying to restructure that to actually make it --

LAURA WERNICK: Usable.

DOUGLAS BROWN: -- usable.

LAURA WERNICK: I do appreciate what you've done.

I think it would be great to have the permeable area in the backyard. It seems like all of your modifications, you've handled the exterior massing appearance very well. So I think you've made a great effort.

DOUGLAS BROWN: Thank you.

BRENDAN SULLIVAN: Any other questions?

JANET GREEN: No questions.

BRENDAN SULLIVAN: George, any questions?

GEORGE BEST: No.

BRENDAN SULLIVAN: Let me open it up to public comment.

Ist here anybody here who would like to speak on the matter for 35 Standish Street?

(No Response.)

BRENDAN SULLIVAN: I see nobody.

There is correspondence that's come in since the last hearing. I'm not sure I'm going to read it all. But there is correspondence from 77-79 Standish, Katherine Lum L-U-M and Ridgely R-I-D-G-E-L-Y Duvall D-U-V-A-L-L. They have reviewed the plans and are in support.

There is correspondence in the file from Amy Munsat M-U-N-S-A-T, 73 Standish Street. She is a residential designer and she feels that -- she's in support. And that she has a number of clients who come to her and they need more space, better organized space, but they find that upgrading existing residences and trying to deal with the Cambridge Zoning Guidelines is very -- takes an awful lot of acrobatics to make my clients' wishes work within those guidelines. It is clear that Doug and Dee have made alterations and have worked hard to keep the additional FAR request minimal.

There is correspondence from Scott Chisholm, 43 Dover Street, Cambridge. He's the owner of 32 Standish

Street, directly across the street. He's in support. And he is an architect and feels that the alterations are logical, sensible, and will greatly increase the quality and character of Standish Street. Sees no negative impact on the neighborhood.

There is correspondence from Laura Gerhard  
G-E-R-H-A-R-D.

There was a --

DOUGLAS BROWN: She did not submit a letter.  
That's an e-mail that she sent to me.

BRENDAN SULLIVAN: A letter to -- an e-mail to Mr. Brown. Just wanting to tell you that we really appreciate your help in addressing the concerns. And the backyard flooding has been an ongoing problem for us old timers who have been here for several decades. I think connecting to the city stormwater system will help. Thank you again for being helpful. Best wishes.

Correspondence from Michelle Sprengnether

S-P-R-E-N-G-N-E-T-H-E-R. (Reading) Doug Brown at 35

Standish has reached out to the neighbors on Chilton Street.

I shared his e-mail update with neighbors and have seen -- who have seen and/or signed our April letter with concerns about his original petition. Doug offered to meet and hear feedback before his follow-up hearing on May 25. I have told Doug that I am satisfied with his plans to address stormwater runoff which include connecting to the city storm water system. I have not heard from any neighbors about additional concerns.

There is correspondence from Cameron Wu. W-U.

(Reading) Please find attached a copy of a letter of support for the hearing this evening of 35 Standish Street. We welcome you to please acknowledge.... and they're in full support of the proposal.

There is correspondence from Sam Stern S-T-E-R-N and I'm not sure where Sam lives.

DOUGLAS BROWN: He lives on Malcolm so he's about

four houses up.

BRENDAN SULLIVAN: Yeah. And he writes some bullet points on safety, encouraging families to put down roots in Cambridge, open space for kids to play. Decrease flooding and storm runoff. Sensitivity to reasonable neighbors' concern. And is in full support.

And a letter from Harry Irwin who has known the Browns for many years. Applauds their community activism and appreciates the work of the Board to regulate development in Cambridge and not let it run rampant. I think Doug and Dee's request is reasonable and the Board should allow it.

That's the sum substance. I think there are previous letters which were read at the first hearing. Did you talk to Alba and Sandy --

DOUGLAS BROWN: I did.

BRENDAN SULLIVAN: -- about their concern?

DOUGLAS BROWN: And they actually sent me a

message to say they were stuck in traffic as well. And they were planning on being here to speak in favor of the revised proposal. They had some concerns about the chimney.

JANET GREEN: Right.

DOUGLAS BROWN: I mean our goal is to have a spark arrester, so that's not an issue. It does meet the Building Code as far as the distance to their house. You have to be ten feet. They're 20 plus feet. We're okay as far as the setback goes as well.

BRENDAN SULLIVAN: Okay.

DOUGLAS BROWN: So they actually, they may actually arrive at some point, but they were trying to get here to speak in favor.

BRENDAN SULLIVAN: Okay.

DOUGLAS BROWN: We also had follow up with -- I know there was some question about the developer next-door, whether he wanted to weigh in. I talked to him this week. He had no objections. He wasn't really interested in

getting involved, but he didn't have any problems with the proposal.

The last one was Don Drysdale had also written a letter. I followed up with him. I provided him with the revisions. In general he is standing on principle. He said, quote, I'm not sure what else I could add at this point. He didn't submit any further letters. I don't think he's here tonight. It seems as if he just wanted to make a statement, but there wasn't really anything we could do other than do nothing that was really going to satisfy him.

When you put it all on the map it looks like that, Don is the red dot and we're the blue dot and the green dots are the people who had written letters of support. So we tried to make sure that everybody was comfortable with what we asked for.

BRENDAN SULLIVAN: Okay. Let me close the public comment part of the program.

George, thoughts?

Oh, anything further to add to -- final word?

RICHARD BERNSTEIN: No.

BRENDAN SULLIVAN: No? Okay.

GEORGE BEST: I think you did a great job here so I would be in favor.

BRENDAN SULLIVAN: Okay.

SLATER ANDERSON: I agree. I think you've responded to the concerns and it's going to be a net positive I think from a stormwater standpoint and aesthetically in the community. So I'm in favor.

JANET GREEN: Yes.

BRENDAN SULLIVAN: Yes, yes.

LAURA WERNICK: We're good.

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

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

The Board finds that it -- denying of the relief would preclude the petitioner to increase some floor area to accommodate the needs of a growing family.

The Board finds and accepts the presentation that the current structural and Building Code deficiency, including a substandard foundation and adequate ventilation, outdated, inefficient and electrical heating system, poor basement drainage, and noncompliant very steep stairs incumbers the property. And the Board acknowledges that all of these necessary renovations, repairs, modifications all at great expense. And that the need for some relief from the Ordinance would be fair and reasonable requests.

The Board finds that hardship is owing to the pre-existing non-conforming status of the property which incumbers the property and the ability to adequately add and rearrange interior space to accomplish the necessary renovations and modifications to the existing house and accommodate a growing family.

The Board finds that relief may be granted without substantial detriment to the public good by improving the conditions of the building, increasing the open space, reducing the paved area, enhancing on-site stormwater management, increasing energy efficiency, and reducing the property's intensity of use by reducing it to a single-family -- single-family occupied structure, that the renovations represent a substantial benefit to the public good.

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

The Board finds that new additions and dormers are dimensionally conforming to the height, setback, and open space requirements.

The overall proposed FAR of 0.57 is below the neighborhood's average FAR of 0.62.

In addition, the renovation is in keeping with the

Ordinance's stated purpose to conserve health, secure safety from fire and floods, provide adequate light and air, and encourage housing for persons of all income levels. And also to encourage housing for families and growing families, which is becoming quite challenging in the Cambridge today given the nature of the market. And also that the granting of this relief will conserve and encourage appropriate economic development.

The Board approves the application and the plans as per submitted and dated by the Chair.

These plans are dated revised FAR reduction May 10th; is that correct?

RICHARD BERNSTEIN: Yes.

BRENDAN SULLIVAN: Okay. And initialled by the Chair.

Any other adds to this?

JANET GREEN: No.

BRENDAN SULLIVAN: No?

All those in favor of granting the Variance?

(Aye.)

BRENDAN SULLIVAN: Five in favor.

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

BRENDAN SULLIVAN: And now the Special Permit.

The Board finds that the requirements can or be met for the following reasons by the granting of the Special Permit:

The modification to existing windows within the side setback of a minimum requirement to provide for the home's new use as a single-family home.

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

The Board finds that modifications to existing windows will have no negative impact on traffic or congestion.

Neighborhood character will be enhanced by the tasteful renovations of an older home and keeping with the Ordinance's stated purpose to provide adequate light and fenestration to living areas.

The Board finds that continued operations of and development of adjacent uses as permitted to the Zoning Ordinance would not be adversely affected by the nature of the proposed use.

The Board finds that the modifications to existing windows will have no negative impact on adjacent properties.

The renovation of the home is in keeping with the Ordinance's stated purpose to conserve the value of land and buildings.

There would not be any nuisance or hazard created to the detriment of the health, safety, and/or welfare of the occupant of the proposed use or to the citizens of the city.

The Board finds that modifications to existing

windows will have no negative impact on the health, safety, or welfare of occupants.

Occupancy will be enhanced. And in keeping with the Ordinance's stated purpose to conserve health and provide adequate light and air to occupants.

The Board finds that the proposed use would not impair the integrity of the district or adjoining districts or otherwise derogate from the intent and purpose of the Ordinance.

The Board finds that modifications to existing windows will have no negative impact on the integrity of the district.

Will not derogate from the intent and purpose of the Ordinance.

And that the renovations in keeping with the Ordinance's stated purpose to encourage appropriate economic development.

And that the windows and the realignment of the

windows will enhance the health and safety of the occupants.

All those in favor of granting the Special Permit for the windows.

(Aye.)

BRENDAN SULLIVAN: Five in favor.

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

DOUGLAS BROWN: Thank you.

(7:40 p.m.)

(Sitting Members Case BZA-012313-2016: Constantine Alexander, Brendan Sullivan, Janet Green, Patrick Tedesco, George S. Best.)

CONSTANTINE ALEXANDER: The Chair will call case No. 012313, 414 Walden Street.

Is there anyone here wishing to be heard on this matter? As you know, give your name and address to the stenographer.

BENNIE BER: I'm Bennie Ber, architect for the project, 2001 Beacon Street, Boston.

KAREN SHEA: I'm Karen Shea. And I'm the resident of 414 Walden Street.

BENNIE BER: Okay, the request that we have here is for --

JANET GREEN: If you can put the microphone more to your mouth so people can hear behind you.

BENNIE BER: What we're requesting here is a de minimus increase in FAR and yard non-conformities. The proposed work involves removal of existing three level deck in the rear of this house on -- at 414 Walden Street, and replacing it with a slightly larger deck that has an exterior stair. And this way we can provide code compliant egress stair and we capture some of the interior space.

CONSTANTINE ALEXANDER: As I understand it, you're going to be modifying interior space to create bathrooms --

BENNIE BER: That is correct.

CONSTANTINE ALEXANDER: -- on the second and third floor?

BENNIE BER: Second and third floor, correct.

CONSTANTINE ALEXANDER: To do that you have to take the stairway that's inside and move it outside --

BENNIE BER: Correct.

CONSTANTINE ALEXANDER: -- which is why you're here before us.

BENNIE BER: Right.

CONSTANTINE ALEXANDER: And you're not adding a bathroom to the first floor?

BENNIE BER: This is a condominium and the owner of the first floor unit is not interested in adding a bathroom at this point.

CONSTANTINE ALEXANDER: Okay. Do.

You occupy one of the other two floors?

KAREN SHEA: I'm the third floor.

CONSTANTINE ALEXANDER: You're the third floor?

KAREN SHEA: Yes.

CONSTANTINE ALEXANDER: Okay. You know, by the

way, we'll get to it in a second, there's a letter of strong opposition. I'm not sure if you're aware of it.

BENNIE BER: I am not aware of it.

CONSTANTINE ALEXANDER: I'm sorry, you are aware of it or not?

BENNIE BER: I am not.

CONSTANTINE ALEXANDER: It just came in I guess the last day or so. I haven't read it myself. But I will read it into the public record at the appropriate time.

BENNIE BER: Okay.

CONSTANTINE ALEXANDER: One of the reasons we continued this case was because there was a concern about -- the adequacy of the plans that had been submitted originally. Particularly I think Mr. Sullivan raised some issues with regard to that. You have any further comments?

BRENDAN SULLIVAN: Well, there were a couple of things. In their pleadings it mentions that the need for an additional bathroom to accommodate the three bedrooms. And

that raised some concerns, some flags for me as to -- I've been in the house many times in another era and it was usually a very typical five-room apartment. And then the initial plans that were submitted had no dimensions on them, and I thought that they were deficient and not totally correct. Which is correct, they were not correct. And so it was those concerns that I had.

Regarding the latest submissions, and I notice on the first floor it seems like it's all bedrooms and a bathroom and a kitchen.

CONSTANTINE ALEXANDER: Right.

BRENDAN SULLIVAN: Which somewhat I was suspicious of. And so I -- I'm not in favor to begin with of taking what is interior space, stairway, and capturing that and then pushing egress, porches, and what have you, beyond what they were intended for to begin with. And there's been -- this is getting to be somewhat in vogue of doing that, taking these three-family houses and capturing back

staircases, adding, modifying, kitchens and then pushing the house further into the backyard. And I also had some concerns again about the three bedrooms and how that plays out. Because I do think that it adds to the mass and the bulk of the house. This is a corner lot which accentuates that mass and that bulk even more so. And I think it has a direct effect on the surrounding properties. It is a very tight neighborhood, and also especially to the house facing your house, the house to the left. I think that will have a deleterious effect on the light and the air on that house. That's my thought. So I wanted some clarifications on the drawings and I think it bore out some of my concerns.

BENNIE BER: I would like to clarify the question of the three bedrooms. That was a misstatement on my part. In conversations with the owner, we referred to the unit as a three-bedroom unit. Only after last hearing we actually looked at it because we're not doing any work in that area. The third bedroom is not, does not have the minimum Building

Code dimensions to qualify as a bedroom. It has been functionally used as a bedroom by the owners.

CONSTANTINE ALEXANDER: Well, Mr. Sullivan raises some salient points. I mean, it is an issue about people taking -- increasing the size of their structure by taking interior space and moving it, in this case a stairway, and moving it exterior, which does increase the bulk. And that is the basis of -- one of the bases for your neighbor's opposition to the relief you're seeking.

KAREN SHEA: May I?

CONSTANTINE ALEXANDER: Go ahead.

KAREN SHEA: I wasn't aware there was any -- I wasn't aware of any opposition from my neighbors. I spoke to many of them and they were very supportive. Some of them -- you know, my husband and I are raising three small children in the unit and --

JANET GREEN: Move the microphone closer.

KAREN SHEA: And, you know, some of our neighbors

raised their children in the neighborhood and they were supportive of the idea. They thought it looks great.

CONSTANTINE ALEXANDER: The neighbor who wrote in opposition is Joseph Shipman and Rita Laguna. I don't know if I pronounced the last names right.

KAREN SHEA: Oh, okay. They just moved in in the summer. Okay.

CONSTANTINE ALEXANDER: Just so you know. I'll read the full letter.

KAREN SHEA: I do have a few letters of support from the neighbors.

CONSTANTINE ALEXANDER: Please. Thank you.

KAREN SHEA: They're not detailed but they were signed in support.

CONSTANTINE ALEXANDER: Okay.

Well, questions from members of the Board at this point?

JANET GREEN: How much larger is the new deck?

BENNIE BER: It's one foot seven inches further to the rear yard.

CONSTANTINE ALEXANDER: Their FAR, just to put it in context of our zoning, it's a 0.5 district. Right now the structure is at 1.17. So it's largely non-conforming. They'll increase it by 50 feet, an extra 50 feet, which will bring the far to 1.19 in a 0.5 district. And they're also intruding a little further into setbacks.

PATRICK TEDESCO: And, Gus, just to clarify, that additional FAR, the 50 square feet, that's within the deck, it's not within the --

CONSTANTINE ALEXANDER: That's right.

PATRICK TEDESCO: The envelope of the house is not changing?

BENNIE BER: That's right.

CONSTANTINE ALEXANDER: Just the deck is being increased, and that's where the 50 feet comes from.

JANET GREEN: Was it necessary to increase the

deck to have the stairway?

BENNIE BER: Yes, because this is how we meet the code requirements of the stairway width. So this is really the only reason we're doing that.

CONSTANTINE ALEXANDER: The bathroom they're adding is going to be where the stairway is now.

JANET GREEN: Yes, I saw that.

CONSTANTINE ALEXANDER: So you're going to need a stairway, and so it's outside.

JANET GREEN: Yeah. I just wondered if the increase in the deck had to do with, you couldn't have the stairway and increase the deck and still have some deck out there. That was my question.

BENNIE BER: We looked into that. It would greatly complicate the construction. So we were trying to avoid that.

I'd like to point out that the existing stair, the interior second means of egress is not compliant with

current code.

CONSTANTINE ALEXANDER: It does not comply with the current code?

BENNIE BER: It does not comply with the current code because it is --

BRENDAN SULLIVAN: That's the nature of any of those three families.

BENNIE BER: I understand.

BRENDAN SULLIVAN: You know, you don't have to bring it up to code.

BENNIE BER: We understand that.

CONSTANTINE ALEXANDER: That's right.

BRENDAN SULLIVAN: Just to clarify a little bit, Janet, is that right now there is a single staircase inside the house to go down.

JANET GREEN: Right.

BRENDAN SULLIVAN: When you capture that and you have to push your second means of egress out, you need two

sets of stairs. Sort of like a switch back type of thing. And you need to have three feet in between the railings. And then -- so that's -- keeps getting, you know, increase the volume. So you need that three feet times two because you've got a staircase coming this way and then going down that way. And it becomes a code dimensional factor at that point. So that's why the staircase has to go this way.

JANET GREEN: I was curious about whether there was any deck left after the staircase was put in.

CONSTANTINE ALEXANDER: Yes.

BENNIE BER: There is.

CONSTANTINE ALEXANDER: But you're not increasing the size of the deck. You will be able to use it.

BENNIE BER: No, we're not.

CONSTANTINE ALEXANDER: The increase is solely for the staircase. Make sure I understand the facts.

Well, it's a case that's troublesome from the City's point of view, not just yours. I mean as Brendan has

pointed out, this is something we're seeing a lot of and we're probably going to see more. Having said that, let's -- I'm not sure I'm going to go with this. I'm not sure what other members of the Board are going to do as well. Any other --

PATRICK TEDESCO: One more question.

CONSTANTINE ALEXANDER: Go ahead.

PATRICK TEDESCO: There's no basement plan. Is the basement shared by all three units?

BENNIE BER: Yes, it is.

PATRICK TEDESCO: And it's accessed from the front stair?

BENNIE BER: It's accessed from the exterior through steps that are inside the basement. In other words, there's a door at grade and then you step down --

PATRICK TEDESCO: So you have to go outside to get in the basement?

BENNIE BER: That is correct.

PATRICK TEDESCO: And are there common facilities, laundry?

BENNIE BER: Yes.

KAREN SHEA: The laundry belongs to the first floor unit.

CONSTANTINE ALEXANDER: Sorry?

KAREN SHEA: The laundry belongs to the first floor unit.

CONSTANTINE ALEXANDER: Just for the first floor unit.

PATRICK TEDESCO: The first floor is keeping their back stair, they have direct access to the basement. The only reason for the upper two stair to access the basement would be maintenance and some facilities.

KAREN SHEA: Storage.

CONSTANTINE ALEXANDER: I was going to say storage. You must have storage rights?

BENNIE BER: A fair amount of storage. Also

boilers and water heaters are there.

BRENDAN SULLIVAN: There's a later plan that came in.

CONSTANTINE ALEXANDER: It's down here.

BRENDAN SULLIVAN: Are you done with it, Patrick?

PATRICK TEDESCO: Yeah.

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

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

(No Response.)

CONSTANTINE ALEXANDER: Apparently there is no one wishing to be heard.

We do have some letters. I'll read first the ones in support given to us by the Petitioner. Looks like they're all identical. The letter says: As an owner and occupant of a nearby property, I would like to state support for the proposed building project at 414 Walden Street which

will increase the size of the deck at the back of the building. The owners have discussed the project with me and I believe they should be granted the relief they seek. And that's written by -- I can't read the handwriting, by the owner and occupant at 417 Walden Street. Just nearby.

Similar letter from the owner Mary Dynan D-Y-N-A-N I think, who resides at 410 Walden Street.

And lastly, the same letter from a Michael Brown who resides at 27-29 Hutchinson Street.

KAREN SHEA: That's the property behind us because we're on the corner.

CONSTANTINE ALEXANDER: Zip Code is 02138. It's not a 02138 area?

KAREN SHEA: Yes, it is.

CONSTANTINE ALEXANDER: It is?

KAREN SHEA: At least I thought it was.

CONSTANTINE ALEXANDER: I thought only Harvard Square was -- I'm sorry.

And then we have a letter in opposition which I'll read. It's longer. As I mentioned it's from Joseph Shipman S-H-I-P-M-A-N and Rita Laguna L-A-G-U-N-A. They reside at 409 Walden Street.

(Reading) We are writing this letter to express our strong opposition to the Variance petition for 414 Walden Street to replace their three-story deck with a larger three-story deck. We are against this petition for several reasons:

First, a larger deck will diminish the attractiveness/ambience of the neighborhood. We've admired for many years the architecture/housing around Cambridge and note that the decks throughout Cambridge are discrete, unlike those in neighboring towns such as Somerville. We believe that a larger deck structure will be an eyesore for us and our neighbors. We are also concerned about any permitted Variance becoming a precedent. The house at 410 Walden Street has a similar deck structure. Larger decks

would significantly alter the attractiveness of the neighborhood. All the homes in this area appear to follow a standard appearance in the front and rear which creates a very attractive sight line when walking or driving in the neighborhood. 414 Walden Street also happens to be located in a corner, and any changes will be visible on many sides.

Second, a beautiful mature tree in front of their deck would most likely have to be cut back and would definitely be damaged by any construction of a larger deck. Walden Street does not have many large mature public trees and losing a mature tree would again diminish the quality of the neighborhood.

Third but not least, there has been no community outreach that we are aware of for this construction other than the notice posted by the City. We believe most neighbors have not even seen this notice. It would have been a simple kindness to reach out to the neighbors who would be affected by this potential larger deck remodel and

no one has done so. This is quite disappointing. For these reasons we strongly oppose the petition. Thank you very much for your time and consideration.

Let's talk about the last point. Did you not reach out to the neighbors?

BENNIE BER: Evidently --

CONSTANTINE ALEXANDER: I mean you did now. Obviously you got some letters this time.

BENNIE BER: We had these letters weeks when we came here the first time. So, right?

KAREN SHEA: Yes.

JANET GREEN: Can you move that just a little bit closer? They can't hear behind in the room without the microphone.

BENNIE BER: I did not myself, but the owner of unit 3, did reach out to the neighbors and evidently obtain some written support from there. So I think that -- I don't find that point to be accurate.

CONSTANTINE ALEXANDER: In what manner, did you go door to door? Did you invite people to your house or your unit to view the plans? Just out of curiosity.

KAREN SHEA: Yes, I went door to door and had individual conversations with many neighbors. It's true I didn't speak with this neighbor. He just moved in recently.

CONSTANTINE ALEXANDER: Okay.

KAREN SHEA: And I will try.

CONSTANTINE ALEXANDER: How far did you go, your abutters, abutters of abutters?

KAREN SHEA: Yes, abutters and a few abutters of abutters.

CONSTANTINE ALEXANDER: Okay. I'm just curious.

PATRICK TEDESCO: Is he an abutter, a direct abutter?

CONSTANTINE ALEXANDER: Let's see. He's at 409 and they're at 414. So he probably would be an abutter to an abutter I guess.

KAREN SHEA: He's directly across the street.

CONSTANTINE ALEXANDER: Oh, that's right. He's directly across the street.

KAREN SHEA: And as I see that, you know, the signage said to replace a three-story deck with a larger three-story deck. I think he presumed -- I think he presumed that meant the front deck which would be his view out his window.

PATRICK TEDESCO: And his comment about the tree?

BENNIE BER: The tree. If you have the drawings on A201 there's a photograph. I believe there are --

CONSTANTINE ALEXANDER: Hold it up so we can all see it. It would be easier.

BENNIE BER: If Karen -- Ms. Shea is correct, he's not talking about this tree. He's talking about the tree that's in front that I don't have a photograph here. But we did make some photographs of the front as part of the original submission and we should be able --

CONSTANTINE ALEXANDER: Here, I think this is what you're referring to. That tree? In the front?

KAREN SHEA: Yes.

BENNIE BER: Yes.

So we believe that the neighbor who expressed a position to this project did not understand the scope of the proposed work.

CONSTANTINE ALEXANDER: Well, in any event, at least speaking for myself, I don't think we usually deny zoning relief based on the removal of a tree. Our issues are more structural and more important to the look of the city and the physical imprint of the city, though we're not against keeping trees.

BENNIE BER: We are in favor of keeping trees, and we don't believe that there's any tree that going to be affected by the proposed work.

CONSTANTINE ALEXANDER: I'm going to close public testimony. Those were the letters we have. And before we

deliberate, any further comments you might want to make?

You don't have to but I'm just giving you the opportunity.

KAREN SHEA: No. Thank you.

CONSTANTINE ALEXANDER: Okay. I think it's time for a discussion. This is an -- I'll just start it off by just framing it a little bit. As Brendan has pointed out and as the abutter has pointed out, this case has consequences beyond your property because there are many three deckers in Cambridge and many of them -- well, we set a precedent now, may not be a bad precedent, but if we set a precedent now we may see other cases where people may want to increase the size of their decks. Although, again speaking for myself, it's a difference between increasing the size of a deck for recreational purposes and that does cause, to my mind, privacy and noise issues as opposed to increasing the size of the deck simply to free up interior space and not to increase the outdoor recreational space. That being said, as Brendan points out, you're

still -- there is an impact. You're basically moving the house inside to the outside and that's the dilemma. Having said that, I'll stop. I'm not sure how I'm going to vote, but other members of the Board have views they want to express?

GEORGE BEST: Sure. I'm sort of torn here because I understand both arguments. My mother owned a three-family which I inherited in Cambridgeport. She had a fire in 1985, and because of the back stairwell, the house burnt because the house next-door caught on fire and the fire went up the back stairwell. If they didn't have that stairwell, she just got out within an inch of her life. So I can understand your dilemma on that note. But I also agree that we shouldn't be looking here to be increasing interior space for bathrooms. So that's what I have to say.

CONSTANTINE ALEXANDER: Okay.

PATRICK TEDESCO: Well, I'm going to offer some personal perspective because my wife and I lived in the

exact same unit, three family, triple decker. We raised two small kids in the unit. They're now two big kids, they're teenagers, and one bathroom is a challenge. And, you know, from our perspective, at least three deckers have become, you know, an all too rare of middle income housing in Cambridge. My wife and I bought our place 15 years ago. We were fortunate. It was affordable. And we probably couldn't afford to buy the unit today. And we're staying where we are because we want to stay in Cambridge but it's challenging. The other thing I would say about the winding stair on the back, they're treacherous. My wife's fallen down our stairs twice, you know, carrying a basket of laundry. I've slipped and fallen. I mean, they're not -- you're under no obligation to make it code compliant, but they're not easy stairs to navigate even in a non-emergency situation. So I share the other concerns about establishing a precedent where the triple deckers become -- the decks become enlarged. But since you're only

enlarging it for the bare minimum code requirement, actually losing occupied space on the deck by the stair, I'm inclined to support this because I do think -- you're not changing the bulk of the envelope of the house, you're not putting a roof deck on it, you're not augmenting the traditional, you know, front decks. And I'm very sympathetic of the challenges of -- it's three families in Cambridge are rare. Affordable three families are extremely rare. Three bedrooms, excuse me. So having two kids and now two teenagers having a single bathroom is a challenge. Maybe for personal reasons I'm sympathetic but I'm inclined to support.

CONSTANTINE ALEXANDER: Janet, anything you want to say?

JANET GREEN: I'm actually inclined to support it as well. I find that the increase on the deck isn't that much. And it's the fact that that's a small increase of a one foot seven inches, I think you said, and for that you

get improved egress from those and make the stairway code compliant, I'm moved by that argument. So I find that deck increase is small and the improved egress is important. So I'm inclined to support it.

CONSTANTINE ALEXANDER: I come out the same way as the two of you. I think if they were increasing the deck for recreational space, I would not be in favor. I am concerned about the precedent, but maybe the precedent is not a bad one. I think interior staircases, particularly non-code compliant staircases are not the world's best thing, and if we're going to create additional living space inside, not an elaborate master bedroom, which is what we often get, which always turn me off, this is just really creating a second bathroom in a unit that probably could use a second bathroom. So with some hesitation I'm going to vote in favor.

You don't have to express your views, George, we can just take a vote. I think I know how Brendan is going

to come out.

BRENDAN SULLIVAN: This my fast food ordinance.

That's an inside joke.

CONSTANTINE ALEXANDER: Right.

I should point out the comment he made is that you need four votes to get the relief you're seeking. That's the way the Ordinance works. It's not a majority, it's a supermajority. So you could have one descent but you can't have two.

Okay? Ready to take a vote or do you want to express any more views?

GEORGE BEST: No, I just -- I think that, you know, we had to build the building back and the stair -- the porches are on the outside now. But they're not really usable that much. I mean, you could put a chair out there. And then what?

CONSTANTINE ALEXANDER: Okay. I'll make a motion and we'll take a vote and we'll see how everything comes

out.

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

That a literal enforcement of the provisions of the Ordinance would involve a substantial hardship. Such hardship being is that without relief the petitioner would be required to continue to use noncode compliant internal stairs and would have not the most desirable interior layout in terms of the number of bathrooms and other rooms within the structure.

The hardship is owing to the fact that this is already a non-conforming structure, and therefore any relief, zoning relief, requires Board approval.

And that relief may be granted without substantial detriment to the public good or nullifying or substantially derogating from the intent and purpose of the Ordinance. In this regard if we grant the relief, a noncode compliant stair would be made code compliant, that the impact on the

neighborhood is relatively modest. We're talking about additional 50 feet of FAR. And that the support in this project seems to have -- well, it has both -- it has neighborhood support. It has neighborhood opposition obviously, but it does have neighborhood support. And at the end this will improve the, if we grant the relief, the housing stock of the city for the reason that I mentioned regarding the interior layout and interior non-conforming stairs.

So on the basis of all of these findings, the Chair moves we grant the Variance requested on the condition that the work proceed in accordance with plans submitted by the petitioner. The voluminous, but anyway the first page of which has been initialled by the Chair.

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

(Aye.)

CONSTANTINE ALEXANDER: Four in favor.

(Alexander, Green, Tedesco, Best.)

CONSTANTINE ALEXANDER: Opposed?

(Sullivan.)

CONSTANTINE ALEXANDER: One opposed. Relief granted.

(8:10 p.m.)

(Sitting Members Case BZA-013000-2017: Constantine Alexander, Brendan Sullivan, Janet Green, Patrick Tedesco, George S. Best.)

CONSTANTINE ALEXANDER: We'll now turn to our regular agenda. The first case the Chair will call will be case 013000, 1158-1160 Massachusetts Avenue.

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

ATTORNEY SEAN HOPE: Good evening, Mr. Chairman, members of the Board. For the record, attorney Sean Hope, Hope Legal Offices. I'm here tonight on behalf of the petitioner, Salt and Olive, Inc. We have, on behalf of the

Petitioner as well, the owner and proprietor Mary Taylor.

Spell your name.

MARY TAYLOR: Mary Taylor M-A-R-Y T-A-Y-L-O-R

owner of Salt and Olive at 1160 Mass. Ave.

ATTORNEY SEAN HOPE: So this is an application requesting a Use Variance to allow for a restaurant and a specialty food store that's actually existing at 1160 Mass. Ave. And this is also a Special Permit request to reduce the required parking for a 35-seat restaurant. Just to give the Board some perspective, this 1158-1160 is part of a building that is in the Harvard Square Overlay District and it's really at the beginning of the Harvard Square, at the corner of Harvard and Arrow Street. The zoning is pretty peculiar because it's a Res C2B zoning district and it makes no sense -- I'm sure some history could be found, but the result is it's a whole building with a series of commercial retail uses, none of which are residential. It's a building in which there's large glass at the front. It's facing the

street. There's no setback. The building runs from setback to setback on both sides. So the building itself does not lend itself to residential use nor has it have any ground floor residential use.

Salt and Olive has been a food retail specialty store that has been successful in providing for tourists, students, as well as visitors along on this corner of Mass. Ave. And so the petition is to really expand the use into the adjacent retail space. The adjacent retail space was at 1158 and that was also a retail store. And the opportunity came to be able to take the food retail business and transfer it over. We actually applied back in January for a Use Variance to just move and expand the business, and then we actually paused and continued the case because it became apparent that there was a bigger idea as well to expand the retail space but to also introduce a modest-sized restaurant cafe. And so the petition actually seeks to utilize both spaces. And we actually included both addresses, 1158 and

1160, to make it clear that both spaces would have the retail space as well as the restaurant space. It is a small space. The restaurant is about 600 square feet. And the plans that show 28 seats. And the reason why we're asking for 35 is because the retail space may eventually serve as a private dining area or an area that they may want to use for special event dining. And so the idea is we wanted to ask the Board for the full idea of what we wanted. Market forces at this point, the food retail business is still thriving and so there is this still a need to have warehousing and have the retail goods on the shelves, but I think ultimately they would like to expand both spaces and to convert the retail space in the evening times or appropriately after five o'clock into a restaurant.

CONSTANTINE ALEXANDER: But it will be no more than 35 tables?

ATTORNEY SEAN HOPE: That's right.

CONSTANTINE ALEXANDER: Even if you do decide to

expand.

Can you describe a little bit about the restaurant? I mean, what kind of food, but is it more like a cafe style? Are you talking about fine -- not fine dining, maybe fine dining, you know what I'm referring to.

MARY TAYLOR: Sure. It's going to be very much in the spirit of what our current Salt and Olive store is now, which is olive oils, balsamics, salts, spices. We're going to continue that. So the menu that we've created is going to be very much in the same Mediterranean spirit, Mediterranean with an Italian flare. Small plates, cheese charcuterie. But also small and medium size plates as well. It's not going to be fine dining, but it will be more towards restaurant than say cafe.

CONSTANTINE ALEXANDER: What kind of hours are you contemplating of operation?

MARY TAYLOR: Sure. Well, the retail store will continue doing exactly what we're doing right now. We'll

open up at eleven a.m. in the morning. It's a seven day a week business as it is now. We are proposing to begin with dinner only to get ourselves established, make our mistakes smaller, learn a little bit how to maximize which, a very small space. And then depending on when we open, we do envision getting into lunch and brunch in the summertime for key tourists times and see where that takes us. But we, you know, very much would like it to be an open and active space all day long. We do want to start with dinner and then expand to lunch.

CONSTANTINE ALEXANDER: Do you have any idea what your closing hours would be?

MARY TAYLOR: I'm assuming eleven p.m.

CONSTANTINE ALEXANDER: Eleven p.m. How does this compare, just out of curiosity, with waffle place a couple doors down?

MARY TAYLOR: Sure. They close at eleven p.m. as well.

CONSTANTINE ALEXANDER: Okay.

This would be one more restaurant on the strip?

MARY TAYLOR: It would be an expansion of what's already there, yeah.

CONSTANTINE ALEXANDER: I must say, by the way, I absolutely share your comment, Sean, about how this property ever got sold residential. It makes no sense unless someone wants to have encourage -- maybe the City Council wants to encourage these buildings be torn down and put up another condominium there with underground parking. I mean, I suppose they could want to do that. But that would sort of cut back to Harvard Square. This is a gateway to Harvard Square.

ATTORNEY SEAN HOPE: Yeah. As far as I looked back, there really wasn't any clear policy reason why this area was singled out as being Res. C2B. I'm sure there is some legislative history. But it's nothing that reflects this current market or even in maybe the last decade or two

for what, how Harvard Square has developed and the different type of uses in the building.

CONSTANTINE ALEXANDER: I mention that only because Use Variances and as you know, and Board members know is very hard to get legally. This seems to be a case that's compelling for a Use Variance. This is not a residential area.

Anyway, I'm sorry, go ahead.

ATTORNEY SEAN HOPE: I also like to add for the Board, so if we were approved tonight for the Use Variance, we would have to go to the License Commission for a CV. But I would also make it clear for the record that we would be applying for a beer and wine license to complement the food. At that point we'd have to prove that there was a compelling need for as part of the requirements for the alcohol beverage license to the Cambridge -- the License Commission. But we did want to make it clear that that is part of the idea eventually and we would start off with that

application.

CONSTANTINE ALEXANDER: Well, liquor is not alien to the Harvard Square area. But I appreciate you telling us that.

ATTORNEY SEAN HOPE: And then in terms of the Special Permit to reduce the parking, you know, some of the requirements have to do with the availability of on-street parking. So there are several meters along to Massachusetts Avenue which lends to the retail element that people can stop and be able to park. Obviously it's an area that's heavily traveled by pedestrian foot traffic. And I know Salt and Olive is a part of the -- a member of the Harvard Square Business Association. So part of that is catering to the brand that's being developed. And also in conversations with Denise Jillson who is the President of the Harvard Square Business Association, I believe that Arrow Street is developing -- trying to develop itself into a destination. There's food, there's culture, there's music. And so not

only pulling itself into Harvard Square, but also having Arrow Street in that corner in its own commercial node and we think that this restaurant theme would work well.

CONSTANTINE ALEXANDER: And in terms of parking, obviously there's ample public transportation in that area, the bus line goes right down Mass. Ave. And you're not very far -- you're in walking distance from the T stop, Red Line T stop.

MARY TAYLOR: That's right.

CONSTANTINE ALEXANDER: There's no public parking -- there are lots in Harvard Square but there's none in your area.

MARY TAYLOR: Not in the area, no.

CONSTANTINE ALEXANDER: I have no other questions.

Any questions from other members of the Board?

(No Response.)

CONSTANTINE ALEXANDER: Okay. I'm going to open the matter up to public testimony.

Is there anyone here wishing to be heard on this matter either as to the requested Use Variance to operate a restaurant or with regard to the request of reduced parking under our Ordinance should we grant the Use Variance?

(No Response.)

CONSTANTINE ALEXANDER: Apparently no one wishes to be heard.

We are in receipt of some letters which I will read into the record.

There's a letter from Denise Jillson the -- who writes on behalf of the Harvard Square Business Association Board of Directors. (Reading) Members and staff, please accept this letter of support for the expansion plans being presented this evening by attorney Sean Hope and Mary Taylor owner of Salt and Olive, Inc. Since its opening in 2014, Salt and Olive has demonstrated a consistent, unique retail experience for residents, students, and tourists. Mary demonstrates a dedication to the community and to Harvard

Square that we value and appreciate. Upon her arrival in the Square in 2014, Mary immediately joined the HSBA. Currently she serves on our Board of Directors, our Membership Committee, actively participates in Octoberfest and Mayfair, and various sampling events throughout the year. Her leadership and retail strategies which she generally shares are sought after and upheld. Mary understands the growing need for experiential retail, particularly in light of a changing nature of retail caused in large part by on-line purchasing. Adding a restaurant component to Salt and Olive will allow Mary to evolve her business while enhancing the uniqueness of Bow and Arrow District of the Square. This new component will add one-of-a-kind shopping and dining opportunity in that area. We thank you for passing this communication along to all members of the BZA with our overwhelming endorsement and sincerest hope for their affirmation.

I just may comment, it's a nice letter, but most

of it is laudatory of you and you may be gone long -- you will be gone at some point and the restaurant --

MARY TAYLOR: Not too soon I hope.

CONSTANTINE ALEXANDER: -- and the restaurant will say. So I mean we can't grant relief based upon what a wonderful person you are, although I'm sure you're a wonderful person.

The other point of the letter about the business district is certainly relevant.

We have a letter from Cambridge Local First, Frank Kramer, Secretary. (Reading) Please accept this letter in support of Salt and Olive's application for a Zoning Variance and if deemed necessary -- it is -- a Special Permit for takeout in keeping with plans to expand the store into the adjacent commercial space. We believe Salt and Olive's expansion plans will help to strengthen a locally-owned, independently-owned, and woman-owned business that has become a crucial part of our community since its

opening in 2014. In its small space at 1160 Mass. Ave. Salt and Olive is a key part of efforts to draw tourists, students, and parents from Harvard Square Center into the Bow and Arrow district. The carefully managed shop provides a retail outlet for local producers and artisans while it supports a much needed increase of foot traffic to an area rich in small businesses. For that reason alone we would support this plan to keep Salt and Olive's business healthy.

However, we also believe that Salt and Olive has been a model for balancing the often conflicting pull of tourist dollars and resident needs in Harvard Square. Since the first month of its opening, Salt and Olive's owner and staff have worked to engage with residents in a small business community. They have hosted free tasting events for local groups, provided a space and forum for local producers, and consistently volunteered time and goods toward fundraising and community events. At the same time Salt and Olive has gradually added to the products it offers, especially for

neighbors who stop by the shop routinely to pick up ingredients for dinner and for a quick chat with staff and neighbors. The current plan expands these type of offerings and builds on the shop's existing relationship with the community. In a square beset by property speculation and rising rents, we believe that Salt and Olive is an important example of the need to retain our small locally-owned businesses. Moreover Salt and Olive's current plan will serve as a model for Harvard Square businesses that strive to serve both the Square's many guests in its long time residents. We therefore lend our unequivocal and enthusiastic support to Salt and Olive's application for zoning and takeaway variances.

What is Cambridge Local First? Mr. Kramer is the secretary of this and I just don't know the organization.

MARY TAYLOR: Yeah, it's an organization that supports small local businesses. So --

CONSTANTINE ALEXANDER: In Cambridge throughout?

MARY TAYLOR: In Cambridge.

CONSTANTINE ALEXANDER: Not just Harvard Square, in Cambridge?

MARY TAYLOR: In Cambridge.

JANET GREEN: And it also has programs that encourage people in Cambridge to shop locally rather than --

CONSTANTINE ALEXANDER: That makes sense. I was just curious.

And last we do have a communication from the Harvard Square Advisory Committee. I'm going to summarize it. They say -- the summary is there were a limited number of members that could attend the meeting, the meeting to consider your -- what you want to do. No members of the public attended. The application was discussed. There are no changes to the exterior of the building. The committee members present, as well as those who submitted written comments were in support of the Use Variance at this location as well as the reduction in parking Special Permit.

And then there are comments, supporting comments. But I would just, I would just summarize. They point out that there is plenty of -- the need for public parking is reduced because of the availability of public transportation options that you produce that -- what you do now is a unique, one-of-a-kind operation for Harvard Square. That the existing building exterior is not going to be changed. The block is an existing commercial environment with a variety of small businesses, restaurants, and shops. No new construction is anticipated on the outside of the building. By the way, all of this what I'm reading you confirmed.

MARY TAYLOR: Yes.

CONSTANTINE ALEXANDER: Committee members forward the usual suggestions to the Board of Zoning Appeal if this application is approved.

One, the business should be open as much as possible. And you've given us your hours of operation. It strikes me that they're reasonable and I think they're

consistent with the Square. That's my view anyway.

And two, deliveries, trash, and recycling pick up should be managed to minimize congestion on Mass. Ave. for pedestrians, bicycles, and vehicle traffic. The committee requests that the BZA review this plan at the public hearing.

What plan?

ATTORNEY SEAN HOPE: We didn't -- well, and they may not understand, but the plan would actually be something for the Licensing to talk about; our trash plan are CV related, so we didn't have a plan for the use that was submitted as part of our operation.

CONSTANTINE ALEXANDER: Well, given the fact that there are other restaurants here and other commercial businesses, to be sure there are issues with regard to trash removal and the like that I'm not sure that there's anything, I don't believe that we should single out for you in this petition.

Other members feel differently, let me know. I guess not.

And then there's a letter from one of the members of the Advisory Committee who could not attend the meeting that was just summarized. I'm just quickly looking at it. This letter is an elaboration in support, and it makes the same points that you have made and other members have made so there's nothing new to be added. And I think that's all she wrote.

Oh, the Planning Board had no comment. And that's it.

Any final comments, Mr. Hope?

ATTORNEY SEAN HOPE: None.

CONSTANTINE ALEXANDER: I'll close public testimony.

Discussion? Ready for a vote?

JANET GREEN: I'm ready.

GEORGE BEST: Ready.

CONSTANTINE ALEXANDER: Okay.

We'll do the Variance first. The Chair moves that with regard to the Variance the Board makes the following findings:

That a literal enforcement of the provisions of the Ordinance would involve a substantial hardship. Such hardship being is that this property is zoned in an area that's not appropriate for its zoning, and namely, a residential area. And that, therefore, it limits the ability to continue -- increase a commercial activity in an area of many commercial activities and so it's not as detrimental as would usually be the case, not at all detrimental would usually be the case for Use Variances.

That the hardship is owing to the fact that this is a zone that is inconsistent with the actual use of a property in the zone.

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

derogating from the intent and purpose of the Ordinance.

In this regard the Chair would note this project has the support of the Harvard Square Advisory Committee. The Harvard Square Business Association, and other people who have commented on. And it really is consistent with and will enhance this area of Harvard Square in terms of its continued commercial viability and development.

So on the basis of these findings the Chair moves that we grant the Variance requested on the condition that the work will be in accordance with these plans that you've submitted, which includes the seating of up to 35 tables or chairs.

All those in favor please say "Aye."

(Aye.)

CONSTANTINE ALEXANDER: Five in favor. Relief granted.

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

CONSTANTINE ALEXANDER: Now we'll do a Special

Permit which is a different section of the Ordinance. Under our Ordinance we have the ability to grant a Special Permit to reduce required parking which is the relief you're seeking, but we have to under Section 6.35.1, if we want to grant the Special Permit, we have to determine and cite evidence in our decision that the lesser amount of parking will not cause excessive congestion, endanger public safety, substantially reduce parking availability for other uses, or otherwise adversely impact the neighborhood.

And that we have to -- we consider whether the reduction of off-street parking is reasonable in the following:

That there is an availability of surplus off-street parking in the vicinity and/or the proximity of an MBTA transit station. And you've demonstrated that or gave public testimony to that. And I think we all as members of the -- residents of Cambridge can testify to the fact that there is plenty of public transportation going in

and out of Harvard Square. And that you've been operating a retail business there anyway, and so it hasn't caused any parking problems.

And the time when you operate your restaurant, at least initially, will be the time when the many of the other businesses will not be open. Some will. The waffle place will be. So that the parking should shouldn't be stressed in this area. In any event, parking is always stressed in Harvard Square.

MARY TAYLOR: Yes.

CONSTANTINE ALEXANDER: I move that we make the findings that you meet the requirements of Section 6.35.1. And then bear with me, we have to make other findings under our Ordinance with regard to Special Permits generally.

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

That traffic generated or patterns of access or egress will not cause congestion, hazard, or substantial

change in established neighborhood character. In fact, you've been operating a business in this residentially zoned area for sometime, and including -- and you haven't created any traffic problems. We have a history that there's no problem here.

That the continued operation or development of adjacent uses will not be adversely affected by what is being proposed. In fact, it will probably beneficially be affected in terms of it will increase the streetscape and commercial activity in this strip of Harvard Square or the Arrow -- Bow and Arrow District.

That no new stance 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. In this regard I assume your food will be healthy and it won't cause anybody to get sick.

And what is being proposed will not impair the integrity of the district or adjoining district or otherwise

derogate from the intent and purpose of the Ordinance.

In this regard, in fact, it's going to improve the integrity of the district by again adding to the viability of this area of Harvard Square.

So on the basis of these findings, the Board moves we grant the Special Permit requested, again, subject to the conditions that work proceed in accordance with the plan that I referred to before.

All those in favor please say "Aye."

(Aye.)

CONSTANTINE ALEXANDER: Five in favor. Relief granted.

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

\* \* \* \* \*

(8:30 p.m.)

(Sitting Members Case BZA-012016-2016: Constantine

Alexander, Brendan Sullivan, Janet Green, Patrick Tedesco,

George S. Best.)

CONSTANTINE ALEXANDER: The Chair will now call  
the other case that was continued, call case No. 012016,  
1160 Mass. Avenue, Salt and Olive.

Is there anyone here wishing to be heard on this

matter?

ATTORNEY SEAN HOPE: Good evening, Mr. Chair, members of the Board. For the record, attorney Sean Hope here on behalf of the Petitioner Salt and Olive, Inc. We request that the case mentioned by the Chair be withdrawn. We do not wish to proceed.

CONSTANTINE ALEXANDER: Okay.

All those in favor of accepting that request, say "Aye."

(Aye.)

CONSTANTINE ALEXANDER: Five in favor. Case withdrawn.

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

\* \* \* \* \*

(8:30 p.m.)

(Sitting Members Case BZA-012985-2015: Constantine Alexander, Brendan Sullivan, Janet Green, Patrick Tedesco, George S. Best.)

CONSTANTINE ALEXANDER: The Chair will call case No. 0127985, 15 Line Street.

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

ATTORNEY SARAH RHATIGAN: Yes, good evening.

CONSTANTINE ALEXANDER: Good evening.

ATTORNEY SARAH RHATIGAN: Sarah Rhatigan. I'm the

attorney for the Petitioners Geraldine Spies who is not with us, and Dudley Rose who is.

You just want to identify where you are from.

DUDLEY ROSE: We live at 15 -- my wife and I live at 15 Line Street. We've lived there for about 20 years when we purchased the property and we're here to make it a little more comfortable we hope.

ATTORNEY SARAH RHATIGAN: Thank you.

This is a Petition for a Variance seeking relief from the two requirements that limit the ability of the homeowners to create a driveway and parking space in their side yard area. And the two Variances that we need are both for the width of the driveway and then also for the parking location, which doesn't conform to the technical requirements of side setbacks from the walls of the adjacent building. And the cause of the hardship in this case is quite small lot, particularly a narrow lot. And the house which isn't particularly large, but for the lot size, they

essentially have a nine-and-a-half-foot side yard on one side of the home.

If you look at the neighborhood and the way these lots were developed, probably in the late 1800s, you can see that these were very small lots that were segmented off for homes before automobiles. It seems that almost every homeowner along this road at some point probably before these zoning rules were in place managed to get their side driveways installed, and unfortunately for 15 Line Street owners they did not get a driveway installed which is the reason for needing a Variance for that purpose.

In terms of -- so the basis of the hardship is really the shape of the lot and the uniqueness in some ways is a combination of both the size of the lot as well as the, again, the sort of the uniqueness being that they didn't get their driveway in before the zoning rules changed or became effective.

The hardship in this case is the obvious one that

you hear from petitioners all the time which is just the difficulty of finding a place to park your car in a densely congested neighborhood. And as the petitioners are aging a bit and having some mobility issues, it's just become more of a difficulty for them. This is a two-family house. They live -- I'm sorry, it's second floor? Second floor and there's a tenant on the first floor.

The property is on a one way street and parking is only allowed on the opposite side of the street.

CONSTANTINE ALEXANDER: That's to me a significant point.

ATTORNEY SARAH RHATIGAN: Which is very significant and it's very helpful for everyone in the neighborhood. So essentially the curb cut does not remove a parking space from the street.

CONSTANTINE ALEXANDER: That's the point.

ATTORNEY SARAH RHATIGAN: And their car being off of the street is beneficial to the neighbors. And in fact

we did have a number of letters. They're form letters,  
but --

CONSTANTINE ALEXANDER: We also have some in the  
file as well.

ATTORNEY SARAH RHATIGAN: You have some in the  
file.

CONSTANTINE ALEXANDER: Give me everything you've  
got.

ATTORNEY SARAH RHATIGAN: We'll submit these.

Mr. Rose has, you know, said that he's had nothing  
but sort of glowing support from his neighbors for his  
efforts to do that. And I have pictures here today, but I'm  
not sure if you've had a chance to drive down the street,  
but you'll see there are examples of folks, you know,  
parking in there.

CONSTANTINE ALEXANDER: I've seen them. Maybe  
other members of the Board may wish to see photographs.

ATTORNEY SARAH RHATIGAN: And we did submit these

with your application.

CONSTANTINE ALEXANDER: Sean, would they need relief? I know the proposed driveway is not wide enough. It's only nine-and-a-half feet. But what about the setback from the buildings? Is that --

SEAN O'GRADY: I don't believe that --

CONSTANTINE ALEXANDER: I don't think you need relief for that.

ATTORNEY SARAH RHATIGAN: I had included as a provision requiring relief, the provision that the parked car not be within five feet of the building wall. I thought that applied on both -- for both sides because we don't, we'll have, you know.

SEAN O'GRADY: It actually wouldn't apply to you, but that's not really apparent. There's an error in the Ordinance, but we interpret it as a nonfactor.

ATTORNEY SARAH RHATIGAN: Even better.

CONSTANTINE ALEXANDER: Just the width of the

driveway. I want to be clear.

ATTORNEY SARAH RHATIGAN: And another thing is I'll show you the --

CONSTANTINE ALEXANDER: You want me to pass those around?

ATTORNEY SARAH RHATIGAN: I'm sorry, just to orient you. The Rose and Spies house is this house right here. And the proposed parking area. You can see it's got some pavers there, but no curb cut. And the proposed spot that they would park is the side yard area.

CONSTANTINE ALEXANDER: Should we grant relief you would be applying for a curb cut from the city?

ATTORNEY SARAH RHATIGAN: Yes, that would be the next step.

DUDLEY ROSE: Correct.

ATTORNEY SARAH RHATIGAN: And the parking between the brown and the yellow house.

And then this is just a few photos of neighbors

who do -- who are parking in these narrow, narrow driveways. Hopefully there's enough depth that they will not need to park in the front yard.

CONSTANTINE ALEXANDER: Well, not hopefully, it's important.

ATTORNEY SARAH RHATIGAN: It is important there's plenty of room. And if you can see in the photograph, this first photograph that I showed you, you can see that there's, as I mentioned there are some -- I'm not sure if those are pavers or brick, how you would describe it. But you'll see there's a fence with a gate, and the place that's the best spot for them to park would be up towards the fence.

CONSTANTINE ALEXANDER: When we get to the point of a motion, the motion is going to be a condition that you do not park -- should we grant you the narrow driveway, you're not going to be parking in the front yard or what we define as a front yard. That's a no-no from the point of

view of this Board and the Planning Board.

PATRICK TEDESCO: Would the fence have to be pushed back potentially to accommodate that depth?

ATTORNEY SARAH RHATIGAN: It will not.

DUDLEY ROSE: It will not.

ATTORNEY SARAH RHATIGAN: No.

And then the drawing here, again, that we just, you know, drew out on a large portion of the plot plan, but it shows you the dimensions of the proposed parking and it shows the setback from the front street. This is all part of the application, but I wanted to be able to show that to you.

CONSTANTINE ALEXANDER: Okay. I want to tie -- as you know we usually, if we grant relief, we tie it to a plan. This plan --

ATTORNEY SARAH RHATIGAN: That's a copy of the plan that was submitted with the application.

CONSTANTINE ALEXANDER: Yeah, okay. I want to be

sure we have all the information.

ATTORNEY SARAH RHATIGAN: In terms of, you know, not detrimental to the neighborhood, we talked about things in not creating a loss of parking for the neighbors. The --

JANET GREEN: Can you get just a little bit closer so they can hear you back there.

ATTORNEY SARAH RHATIGAN: Thank you for reminding me.

CONSTANTINE ALEXANDER: Thank you.

ATTORNEY SARAH RHATIGAN: The width of the driveway will be nine feet instead of the required nine-and-a-half feet, so not -- not the required.

CONSTANTINE ALEXANDER: Not the ten.

ATTORNEY SARAH RHATIGAN: Sorry. Nine-and-a-half feet, not the required ten feet. Thank you. So it's not, you know, it's a relatively minimal Variance request.

There's little impact to the neighbor who is right next to their home and she is one of the folks whose

submitted a letter of support and is supportive of the application.

In terms of, you know, the intent and purpose of the Ordinance, you know, we were sort of contributing to reducing congestion of the parking on the street and helping, helping safety of the resident, long-term residents who will, you know, continue to benefit from this. Not only these folks but future owners of the property will have the same benefit of parking next to their home. There's also a hope to be able to use a plug-in electric car in the future but that's in the future.

DUDLEY ROSE: We all will, right?

CONSTANTINE ALEXANDER: That's it?

ATTORNEY SARAH RHATIGAN: Thank you. That's it, yeah.

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?

Sir, please come forward and give us your name and address.

STEWART VOSE: So my name is Stewart Vose V-O-S-E. And I'm next-door in 19 in the yellow house in the pictures. And I have no opposition. I support the project. I had the same situation. We have a driveway on the other side of the house, same exact driveway that they'll have, and it comes in very handy. Parking is tough in that neighborhood so it will be good for everyone get another car off the street.

CONSTANTINE ALEXANDER: Thank you for taking the time to come down. We appreciate it. Seriously, we really do.

Anyone else wishes to be heard?

(No Response.)

CONSTANTINE ALEXANDER: Apparently not. We are in receipt of a number of written communications. We have a form letter of support from -- I'm not going to be able to read the handwriting. From the persons who live at 22-24 Maple Ave.

28 Myrtle Ave.

30 Myrtle Ave., No. 30.

34 Myrtle Ave.

7 Line Street.

11 and 13 Line Street.

19-21 Line Street.

And 23-25 Line Street.

We also have further letters from a Stephen Keleti K-E-L-E-T-I. (Reading) I own 16 Line Street, Somerville, directly across from the proposed driveway. I very well appreciate the desire of the owner of 15 Line Street to have off-Street parking. I have owned 16 Line Street for 19 and a half years which does not have off-street parking or the

possibility of a curb cut for a driveway. Several observations:

I have noted that parking has been consistently difficult over the years apparently unaffected by the creation of off-street parking for the neighborhood. It appears that off-street parking does not impact the availability of on-street parking. Rather off-street parking appears to encourage ownership of additional vehicles in the neighborhood to the point where on-street parking is just as difficult as before. Thus off-street parking primarily benefits the owner of the off-street parking.

Two, the proposed driveway states it is for one parking space. However, the dimensions of the area beside 15 Line Street, and the use of similar driveways on other properties on Line Street, indicates that the driveway will be used for tandem one -- for tandem two-car parking. There appears to be no simple means to enforce a single parking

space. Note that the rearranging of cars in the tandem driveway can intermittently block traffic on Line Street.

Let me stop right here. Would you have room for tandem parking if we grant you the relief? I don't think so.

ATTORNEY SARAH RHATIGAN: No, we don't.

DUDLEY ROSE: No.

CONSTANTINE ALEXANDER: If you don't park in the front yard --

DUDLEY ROSE: If we don't park in the front yard, no way.

CONSTANTINE ALEXANDER: You don't have enough room. That's concern is misplaced in my judgment.

ATTORNEY SARAH RHATIGAN: Correct, yeah.

CONSTANTINE ALEXANDER: Three, due to the lack of permeable surface in the neighborhood, surface level flooding during a storm is a problem. Also groundwater is not adequately replenished causing vegetation to be stressed

during the summer. Under the EPA municipal separate storm sewer system it is important to manage stormwater. One way to accomplish this is to keep rainwater on-site through various means, including dry wells and permeable surfaces.

Let me stop right here. Do you have any plans with regard to about these concerns that are raised in terms of getting rid of cumulative rainwater?

DUDLEY ROSE: We don't have a drain water problem in that area. The water drains from the yard and the street adequately. We hope to, with what limited space that's left, to have vegetation there. We have vegetation in the backyard. So we're -- we don't see it as being a significant change.

CONSTANTINE ALEXANDER: You don't have any water accumulation in the area right now before you put a driveway?

DUDLEY ROSE: No.

CONSTANTINE ALEXANDER: Four, while the Assessor's

database does not show a significant difference in assessed values between similar properties on Line Street, with or without driveways, the property value increased of adding a driveway is significant in Cambridge. That's not relevant from a zoning point of view.

And five, cities like Cambridge are exploring car sharing. The Cambridge program researched that additional car share parking spaces in a neighborhood could take nine to thirteen cars off the road. Thus, I ask the Board of Zoning if they choose to grant the application, to do so with the following conditions: As flooding, storm water, pollution, and groundwater -- one, as flooding, storm water, pollution and groundwater are a concern, that the driveway be made of permeable surface and that runoff from the property, including from the structure, be limited through the use of dry wells or other means.

Two, as A, the impact on on-street parking is a primary basis for the appeal.

B, the off-street parking is so lacking in the neighborhood that the creation of off-street parking does not tend to make on-street parking easier.

C, the impact to on-street will not be significant without other measures being taken.

And D, the curb cut and driveway adds sale value to the property greater than the cost that some reasonable payment be made to the City of Cambridge to create one car sharing parking space in the neighborhood. Thereby noticeably improving on-street parking in exchange for the benefit to the applicant. My best wishes to the applicant and I thank the Board for their time and service.

I have to comment that I don't think it's appropriate or we have the power to ask you to pay some money to get your Variance.

Same letter.

ATTORNEY SARAH RHATIGAN: I would just -- I'm sorry, go ahead.

CONSTANTINE ALEXANDER: No, go ahead.

ATTORNEY SARAH RHATIGAN: I was just going to comment that in terms of the concerns about permeable surfaces, this is not a grass area that's being converted to paving. So just, you know, for whatever it's worth.

CONSTANTINE ALEXANDER: Okay, those are -- that's it for the written comments. I will close public testimony.

Anything more to say?

ATTORNEY SARAH RHATIGAN: No, thank you.

CONSTANTINE ALEXANDER: Discussion? Members of the Board, ready for a vote?

SEAN O'GRADY: Gus, I just wanted to ask you to reconsider that condition. I do not want to be policing this man's driveway especially --

CONSTANTINE ALEXANDER: You mean permeability?

SEAN O'GRADY: No. Regarding where he's parking his car.

JANET GREEN: The two cars.

CONSTANTINE ALEXANDER: Well, I don't want to -- I understand your concern about not wanting to have to police it. But you only have to if someone complains.

SEAN O'GRADY: Yeah, but this is how the complaint works: "He's parking in his front yard again." What do I do? Take an hour off to drive over to the other side of town to see that oh, his car is not there? And I'm still taking telephone calls. It's a transient violation.

CONSTANTINE ALEXANDER: I hear you.

SEAN O'GRADY: Very difficult to police.

CONSTANTINE ALEXANDER: Whatever members of the Board think. I think it's important to have it on record that you can't park in the front yard here if you're going to grant the driveway. Sean has a point.

BRENDAN SULLIVAN: Well, my thought on that is, it's probably nice to, you know, have an agreement before we leave the table. In practicality it may work or it may not work. And yes, it may very well generate phone calls that

require, then, a lot of spinning of wheels literally and figuratively to police it. And I think that the plan submitted shows that there is sufficient space to pull the car forward. If somebody pulls in and quickly has to get -- run into the house or quickly run back out again or something like that, so be it as far as I'm concerned. I think that --

CONSTANTINE ALEXANDER: I think you're right.

BRENDAN SULLIVAN: -- you know.

CONSTANTINE ALEXANDER: Life's never easy.

JANET GREEN: I would also say that he's represented to us that he is going to park one car there. The question of two cars was brought up by someone else who was speculating that others might or he might or whatever, but he's represented to us that he's not going to do that.

CONSTANTINE ALEXANDER: I'll make a condition to that effect, too.

Okay, thank you. Thank you, Janet.

Anything else or ready for a vote?

GEORGE BEST: Ready.

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

Such Variance being to permit a driveway that is less than ten feet wide as required by our Ordinance.

That a literal provisions of the Ordinance would involve a substantial hardship. Such hardship being, and this is a neighborhood that is congested, that where parking is a problem.

And that the hardship is owing to the fact that this is a non-conforming structure as it is now and in a historically tightly drawn neighborhood so that any driveway relief would require -- driveway construction would require relief from our Board.

And that desirable relief may be granted without substantial detriment to the public good or nullifying or

substantially derogating from the intent and purpose of the Ordinance.

In this regard what is significant in my mind is that there is on the side of the street, on the side of Line Street where your structure is located, off-street parking is prohibited. So one of the concerns that we have with creating a driveway is that you are going to be taking away from the public a parking space and converting it to yourself via the driveway. That's not the case at least on your side of the street. I find that myself to be very significant. I further am impressed by the fact that you have unanimous neighborhood support.

So on the basis of these findings, the Chair moves that we grant the Variance requested on the condition -- subject to the following conditions:

That the driveway be constructed consistent with this plan that I've initialled as part of the file.

That the driveway can only be used, at least on a

regular basis, for one car, and that the car may not be parked in the front yard. So you have to pull it up the driveway and that's it, one car.

All those in favor please say "Aye."

(Aye.)

CONSTANTINE ALEXANDER: Five in favor. Variance granted.

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

\* \* \* \* \*

(8:55 p.m.)

(Sitting Members Case BZA-012995-2017: Constantine Alexander, Brendan Sullivan, Janet Green, Patrick Tedesco, George S. Best.)

CONSTANTINE ALEXANDER: The Chair will call case No. 012995, 4 Gracewood Park.

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

PATTY SEITZ: Hi, I'm Patty Seitz S-E-I-T-Z. I'm the architect and representing Saroj Joshi who is the owner of the property.

So we're here today, this is a property that has an non-conforming lot and it's -- the house is not particularly large, but the lot is particularly small. So we have several issues that we're coming to you:

One is that there is a non-complying stair that goes from the first floor to the basement that is uneven treads with different risers. And so we're looking to place that stair which fits in the plan under a roof that connects the garage and the main building but --

JANET GREEN: You have to stick it almost up to your mouth. They can't hear you in the back. You can hear yourself.

CONSTANTINE ALEXANDER: Can people in the audience hear?

UNIDENTIFIED MEMBER FROM THE AUDIENCE: Yes.

CONSTANTINE ALEXANDER: Most say yes, some say no.

PATTY SEITZ: I'm closer now. Thank you.

The first thing we're asking for is a Special Permit to put this stair within the footprint of an existing roof that connects between the garage and the main property, but because the first floor is approximately three-six above the grade, we need to raise a portion of the roof. We would do that in a most minimal way. We've drawn an angled roof. But it's so that we can make a complying stair that would meet code to connect the house to the garage. And also provide that door which exists now to the rear.

Also in the backyard there is one window that faces that, and we would like to expand that window but that window is within the setback, so that's part of the backyard. So that's the backyard part.

The second part is in the front yard. There is a second floor space in what I would call a small bump out, fairly typical of some of the buildings that are there in

this neighborhood. It's quite -- it's somewhat of a very interesting neighborhood in the appearance. So this front roof -- what we would like to do, the side wall of it -- and this is the Variance, the side wall of it is five-foot eleven and a half, and it goes up just slightly almost like a mansard I would say, but the room's not that large and is under six-six. So it might be six-seven, but anyway, I have the number in there. So what we would like to do is just change that roof. So it doesn't meet FAR right now. So it's -- it's like adding space except we're not changing the footprint. We just want to change the shape of the roof to match the gable of the existing house and also to put in similar shingles, in this case they're clay tiles. But to put a matching roof in there to match that. In doing so, it will allow her to use it as a real room. Right now it's a little bit short and hard to use. She would like to make it a -- that's where her bedroom is and she would like to make it a bathroom. So that would be within the room.

And the second part of this, which is now Special Permits for the front, are there are just a change of some of the windows around that space so that we can accommodate a shower and various things and to raise the sill for privacy.

And then there's one other window on the south side that she wanted to enlarge so that she could get a little bit more light into the building. And that would -- and that's on the first floor. And she wanted to do that as well. And so there are -- yes, go ahead. Thank you.

CONSTANTINE ALEXANDER: I didn't mean to interrupt finish your presentation. I had a question. Go ahead.

PATTY SEITZ: And then there's one basement window. She has a fully finished basement that has I think a living/family room area, laundry room, a bathroom, a full bath, and mechanical room. So we're reconfiguring that to give more room to mechanical and also to just, you know,

move the bathroom. Just get things to be better laid out. We then have to put a new stair -- there's an existing stair in the middle of the house that goes to the second floor. So the access stair for the basement would then be under that stair. So just allow that to come down. And so there's also -- we wanted to lower windows in the basement a little bit so that she can put in a well, just to get a little bit more light in there on that in that building. And that's essentially that. So there's some Special Permit and Variance that are affecting the rest of it. And that's the, that's it.

CONSTANTINE ALEXANDER: Let me ask you a question. Did you discuss these plans with your neighbors? It's a very tight area. I mean typically when people want to do construction in a tight area, they put their proposed plans, they call a neighborhood meeting, or maybe go door to door and they provide -- seek input from the neighbors. Did you do that in this case?

PATTY SEITZ: I'm not the owner, so --

CONSTANTINE ALEXANDER: I didn't mean you personally, but did you?

SAROJ JOSHI: I haven't talked specifically --

CONSTANTINE ALEXANDER: You have to come closer.

SAROJ JOSHI: You know, last year when I talked to the neighbors, I essentially talked about renovating the house. The plans have been more finalized now. So all the windows stuff that we were talking about, I don't think --

CONSTANTINE ALEXANDER: So you have not talked to them.

SAROJ JOSHI: No, no.

CONSTANTINE ALEXANDER: We're going to see in a second --

SAROJ JOSHI: Sure.

CONSTANTINE ALEXANDER: -- we got a letter from all of your abutters complaining about this and wanting us to impose various restrictions, which I'll deal with,

regarding the construction schedule.

But help me. How long -- give me a sense of how long this -- if we grant you relief, the day you start, how long would the project take to finish? What will be the impact on the neighborhood in terms of traffic and removal of debris, etcetera, etcetera?

PATTY SEITZ: It -- she is renovating the interior of the house to make it more habitable for her.

CONSTANTINE ALEXANDER: So it's more than -- which is fine.

PATTY SEITZ: There are other interior renovations.

CONSTANTINE ALEXANDER: So you're doing interior renovations plus the relief should we grant you relief tonight?

PATTY SEITZ: Correct. She would like to put in new windows. All the windows will be insulated. That will happen from the inside.

CONSTANTINE ALEXANDER: Do you have any sense how long it will take and the disruption to the neighborhood?

PATTY SEITZ: Hard to say right now. I mean right now there's a project, for example, in that same neighborhood across the street and I would say it is hard to park when there are other construction vehicles there. I mean, I've had that same, you know, issue as well. So, you know, there might be ways to help minimize that. And I'm sure we could, we would speak with the builders and also once a general contractor is finalized and, you know, try to work out something that would work with the neighbors around that.

CONSTANTINE ALEXANDER: For the sake of your peace with your neighbors, I would urge you to do that. But we're going to get more detail in a second.

SAROJ JOSHI: Sure.

CONSTANTINE ALEXANDER: But it would have been advisable frankly to have talked with your neighbors about

the specifics so they could have an understanding of what's coming should we grant you the relief you're seeking.

Anyway, that's my comment at this point. Any other comments or questions from members of the Board?

JANET GREEN: I just heard mostly concerns about the construction and the construction that -- the problem of having this in such a tight circumstance, and the -- I couldn't imagine how you were going to get things in there to work with them because it will be difficult. But I would suggest that probably as you say, other people in the neighborhood have done things. And talking with them will give you ideas about best times or what kind of limitations they put on other people. I mean, I just don't think you can work as an isolated situation in that circumstance.

CONSTANTINE ALEXANDER: We're going to get to that.

PATTY SEITZ: I can see how neighbors would be concerned about that, and I think that, you know, there

should be a way to work with them and try to figure out what are the best times.

CONSTANTINE ALEXANDER: Let's see if there are any neighbors in the audience. Is there anybody --

JANET GREEN: I'm pretty sure there are.

CONSTANTINE ALEXANDER: One at a time.

Sir, why don't you come forward. And by the way I would ask because several people want to speak, please don't just repeat what someone else has said before. You're just prolonging the evening, that's all.

PHILLIP CLENDANIEL: Yes.

CONSTANTINE ALEXANDER: Name and address to the stenographer.

JANET GREEN: Give him the microphone.

CONSTANTINE ALEXANDER: You can sit down there if you like.

PHILLIP CLENDANIEL: No, that's fine. My name is Phillip Clendaniel C-L-E-N-D-A-N-I-E-L. I live at No. 5

Gracewood Park which is next to the proposed project. I'm here tonight with several other residents of Gracewood Park just to express our concern about the disruption that the proposed project would bring to our little seven house neighborhood. And as you say, we did detail our concerns in a letter that was delivered to the City.

CONSTANTINE ALEXANDER: I'm going to read or allude to it at some point. Go ahead.

PHILLIP CLENDANIEL: Okay.

And we just wanted to be here and to confirm that you received that letter. Our concerns are -- really center around a number of issues that we think could be addressed, but I want to stress that in the letter we did request that the Board consider imposing certain conditions on the project to minimize the impact on our neighborhood.

CONSTANTINE ALEXANDER: Okay. And I guess I'll jump ahead a little bit. You did, you and your neighbors have signed a letter and they all relate to matters of hours

of construction, the days of the week construction would take place, parking, dumpster placement, etcetera. I'll take further comments, but let me just make this point at the outset. Those are not -- your concerns about disruption are absolutely well taken. Every project that's of any consequence that we approve causes disruption to neighbors. That's just a function, a fact of life. It's nothing that we as a Zoning Board can deal with or control. We look at the physical dimensions and the impact on neighbors from those, but not the kinds of concerns raised here, which does not mean that you are without recourse. Other boards of the City or other agencies regulate things. Hours of construction, you should know that Cambridge, I don't know if it's the Building Department or some department, limits hours of construction. Not what you want, which is eight in the morning and five p.m., but seven in the morning till six p.m. So to the extent that there's construction going on outside of those hours, you have recourse to a city agency

who will enforce.

Similarly with regard to parking of vehicles. The Department of Transportation, you give them a call and they will take steps with regard to that.

Noise and vibration which is a concern that was raised, Inspectional Services Department can address those. So you're not without relief should these things happen. It's not going to be pleasant, my sense, to the neighborhood what's going to go on, but you have relief. But we don't as a Board have the ability or -- it's not wise for us to try to regulate these kinds of things. There are other boards and agencies in the city that are better equipped to do this kind of job and will do the job. Just so you understand that.

Now, I'll let other people speak with that in mind.

Go ahead, Ma'am.

MINDY MENSHELL: Hi, I'm Mindy Menshell

M-E-N-S-C-H-E-L-L. I also live at 5 Gracewood Park. I work at home. I have a home business. I'm home all day. And I'm also speaking for one of our other neighbors who is retired and also home all day. So it doesn't help that it's the workday because we're there all day. So we just wanted to make that clear that it's not us.

And looking at the plans and reading everything about it, it's a major, major renovation. We just went through another one on a house that's a little farther away, and it's like a year construction project. We -- so that's a long time to be having all that disruption.

CONSTANTINE ALEXANDER: You are right. I will agree with you about that.

MINDY MENSHELL: Thank you.

CONSTANTINE ALEXANDER: Thank you.

Anyone else wishes to be heard? Sir.

MICHAEL HALLEY: My issues go more to the Variance issue and the legal grounds for a Variance. I've

lived -- my name is Michael Halley.

JANET GREEN: You need to speak into that. You can sit down if you prefer. You can sit down or hold the mic. We can't hear you otherwise.

MICHAEL HALLEY: My name is Michael Halley H-A-L-L-E-Y, and I've lived at 6 Gracewood Park since 1996. I think Phil and Mindy are the second longest residents. Earlier you heard about setting a precedent for granting variances in this neighborhood. It -- in this cul-de-sac it is very, very tight. There are light issues. There are noise issues. There are all kinds of issues in putting people closer and closer and closer proximity in this tiny cul-de-sac. I cannot see what hardship, as a matter of law, these abutters are going to be able to prove to allow them to expand their surface area in the way that they want to for their living area. I don't believe the nonconformity of the structure is enough. I think that for 30 years or 25 years we've had an unspoken agreement that we won't apply

for Variances. If we want to do something, we're gonna do it as of right. And in fact, our neighbors at -- is it one or -- who are the new neighbors? What number?

UNIDENTIFIED MEMBER FROM THE AUDIENCE: 8.

MICHAEL HALLEY: The neighbors at 8 Gracewood Park did an enormous renovation, and they did it as of right. And the reason they did it as of right is because there is no hardship here. The hardship is to the neighborhood. I cannot see why expanding the living area in this already tiny amount of space can serve the public interest.

CONSTANTINE ALEXANDER: Okay. Are you aware that the extent of the modification of the structure, and the Variance is relatively limited and it's in an area that's not going to be away from, that is all that visible to the abutters in the property. They're talking about creating a room that's not possible now because of height of the ceiling is not --

PATTY SEITZ: It's in the front. That one is in

the front.

MICHAEL HALLEY: It is in the front. And just so you know these neighbors have three dogs. I hear them all night long in that front room in the front. You bring it closer, there's more noise. You bring it closer, there's more light. I just don't see how the Variance can be granted as a matter of law.

The hardship to the neighbors far surpasses the hardship that I think can be proved as a matter of law in a court by granting a Variance. And I think the precedent in this case is special. It is a special neighborhood. I think you'll all see that. There are tile roofs. It's stayed the same. And the one people who did renovation were sensitive to that. They renovated their property as of right. And I believe that these neighbors should be set to the same standard. Because if you allow for this precedent, what's to -- my house is tiny. I've lived with it. I haven't gone to my neighbors and asked for a Variance

because I think it would be intrusive. I'm not going to ask to extend my house even one foot, and I can put that on record. But if you allow this, what's to stop every other neighbor from doing it? I can't park in my parking space right now. I've bumped the neighbor and had to pay -- my insurance company's had to pay. We have fights over parking all the time. There is no room there. Right now I have a dispute over light in the cul-de-sac. There's no room to do anything that expands anything there, and I just don't think they can show it as a matter of law.

Thank you.

CONSTANTINE ALEXANDER: Thank you. Don't leave yet. I have a question for you. They're also seeking a Special Permit which is a lesser standard, to put windows, increase the size of windows or relocate windows within a setback. Do you have any -- what's your opinion on that? Just windows relocation.

MICHAEL HALLEY: Well, I'd like to be able to

study the plans. I mean, no one's shown me a plan. Well, I don't have my reading glasses with me. I didn't expect to have to study them right now.

CONSTANTINE ALEXANDER: You knew the case was coming?

MICHAEL HALLEY: I do know the case was coming, and I'm a single parent and I take care of a nine-year-old and I wasn't able to go down to City Hall and study the plans for six hours. If you allow me to I will. I can't do it right now. I don't have my reading glasses and it's late at night.

CONSTANTINE ALEXANDER: Okay. I just wanted to get the record complete.

MICHAEL HALLEY: But I can talk to you about the windows. The windows, you know, the windows will add to -- there's music coming out of there. There's electric guitars coming out of that place. There's dogs barking. There's lights shining. I just don't see how you can alter

this tiny little neighborhood unless it's an as-of-right alteration.

CONSTANTINE ALEXANDER: Okay.

MICHAEL HALLEY: I really don't. And I mean, you know, that's how I see it.

Thank you.

CONSTANTINE ALEXANDER: Okay. And thank you for taking the time to come down particularly as a single parent.

MICHAEL HALLEY: I appreciate it.

CONSTANTINE ALEXANDER: Anyone else wishes to be heard?

(No Response.)

CONSTANTINE ALEXANDER: Apparently not: I will close public testimony.

MICHAEL HALLEY: May I just maybe one point for the record.

CONSTANTINE ALEXANDER: Sure.

MICHAEL HALLEY: For the record, I'm not actually a single parent. My wife is a resident at a hospital in Vermont and we've been under a lot of stress. She lives apart from us. So I don't want it to seem I'm a single parent. I live alone with my son in that house trying to stay quiet and calm, and she's up in Vermont helping women deliver babies.

Thank you.

CONSTANTINE ALEXANDER: Thank you again for coming down.

As I mentioned we have only one letter in our files. It is from a number of the neighbors, your neighbors. And as I indicated, and we've talked about a little bit, their concerns are -- well, I'll just read the early part of the letter. (Reading) Gracewood Park is a tight cluster of seven houses located off of Lexington Avenue in Cambridge. It is a unique enclave but because of the density of the neighborhood, living there comes with a

unique set of problems. And then they talk about things that the hours of -- well, I'll continue.

For these reasons and due to the close visual proximity of the seven houses, we the below-named residents have serious concerns about how the project will detrimentally affect our ability to live and work in Gracewood Park.

And then it asks we impose conditions. And as I've mentioned, our Board doesn't really have the authority to impose those conditions, but there is other -- there are other boards and agencies that can enforce the kinds of things that are raised here and that are a matter of concern. Not yours, your concern is different sir, which is entirely appropriate. You're opposed to the -- not to the noise and effort, maybe disruption which maybe you are, but in addition you believe no --

MICHAEL HALLEY: I simply believe in that cul-de-sac anything that should be done is as of right. And

I don't believe there's going to be a legal basis to support this in court.

CONSTANTINE ALEXANDER: Thank you.

Anyone else wishes to be heard?

(No Response.)

CONSTANTINE ALEXANDER: I guess not.

Any final comments?

PATTY SEITZ: Just we're not expanding --

JANET GREEN: Closer.

PATTY SEITZ: Sorry.

The footprint, for the front of the building it's essentially a roof change so that we get more headroom in the middle of the space. And in the back, the roof exists. We do need to raise that roof to connect, but it's really to put in a complying rear stair. There really is no way to have a complying roof stair at all in that it's kind of tight and it's -- some of the risers --

CONSTANTINE ALEXANDER: You have a non-conforming

stair there, right?

PATTY SEITZ: Yes.

CONSTANTINE ALEXANDER: In terms of the Building Code? Many houses in Cambridge --

PATTY SEITZ: Yes. No, no, no. I'm just saying they're all different. It is somewhat of a hazard. It's my opinion that that would be a good change. It's certainly at the back of the building. It is under an existing roof which exists that is within the FAR. So -- and those are my -- I just wanted to make sure that the Board understands that. I understand his concerns and we -- I would say we would certainly try to work with them around any of the other conditions.

CONSTANTINE ALEXANDER: Okay.

SAROJ JOSHI: The stairs that I'm trying bring into conforming --

JANET GREEN: You have to get closer to it.

SAROJ JOSHI: The stairs that I'm trying to

change, I have fallen from them three times. They are extremely narrow and they're extremely steep going from my first floor to the basement, and that's what I'm trying to place outside.

PATTY SEITZ: And they're irregular. They're not all the same.

CONSTANTINE ALEXANDER: You can't fix the stair situation by --

PATTY SEITZ: There's no room. So in that case there's no room to do it. But this one is really, this is up against the garage in the backyard. So it -- they will have to bring material back there. I mean there's no way a contractor can do this without bringing some lumber back there. But I think we can work around hours and everything else and have them be sensitive to those issues.

CONSTANTINE ALEXANDER: Again, I only make the observation and maybe I shouldn't, is that this is a classic case of you didn't -- you mishandled it, frankly, in terms

of your neighborhood. You just don't in a tight neighborhood like this do a project like this without at least talking to your neighbors and finding out their concerns, their issues, and then this leads to what's happening tonight. In any event, that's all I'm going to say right now.

BRENDAN SULLIVAN: Well, I think you're right. It gives me pause, too, that there was a lack of communication with the neighborhood and that there should have been a sit down. And this gentleman's concerns are very legitimate. And the fact that he hasn't seen the plan, he hasn't seen the effect of changing of the windows, how that's going to affect adjoining properties. And possibly that letter could have been very well a memorandum of understanding.

CONSTANTINE ALEXANDER: Yeah, exactly.

BRENDAN SULLIVAN: Not one enforceable by us, but at least that it gives -- everybody's on the same page and has some agreement. Because should we grant relief, you

walk out of here, then I think then the swords come out to be quite honest with you and that's unfortunate.

PATTY SEITZ: Can I make one more comment?

BRENDAN SULLIVAN: Even though everybody is going to say we're all going to behave ourselves and we're going to act well. Being in the business, contractors and trades people don't always do that.

CONSTANTINE ALEXANDER: If you wanted to make --

PATTY SEITZ: Yes, I wanted to make one.

CONSTANTINE ALEXANDER: Into the mic.

PATTY SEITZ: Yes.

So the one thing I do want to say is there was one other issue that is one that Saroj really wants to solve, and it has to do with the garage. We started that conversation with the Clendaniels. They haven't really quite figured it out. So, you know, we're not bringing that to you guys tonight. It's something that is yet to be concerned. As far as I know from what she said that she had

not engaged with the other folks on the other side but we were not resolved there and you know.

CONSTANTINE ALEXANDER: George.

GEORGE BEST: So I think the wisest thing to do is always talk to your neighbors. And this is Cambridge and we sort of live in a community rather than, you know, we do our own thing separately. And it sounds like everybody would possibly be understanding if you took, did a show and tell.

SAROJ JOSHI: You know, sir, I just want to clarify that last year I have talked to my neighbors who are on either side. So it's not like it's been in the dark. I just have not had the plans finalized so there was nothing to show. But I think I shared as openly as I could that it was going to be a total rehall, that all the systems were going to be changed, which means that the house was gonna be gutted. So -- but people don't have to be happy about it. I can understand that this is a big project and it will cause disruption, but what can I do about that? I mean, I

would be willing to work with whosoever.

GEORGE BEST: I guess what you could do to minimize this, minimize this, is actually have a conversation with each of them in your home and show them what is going on.

CONSTANTINE ALEXANDER: At some point you prepared plans, that's the plans we have before us tonight. Between the time those plans were prepared and before a hearing, and actually even before you file those plans with the City, you could have had a neighborhood meeting and shown those plans to folks and heard their concerns. And as Brendan and George has indicated, you could have hopefully come to some agreement. If you couldn't, you could come before us and seek relief. But at least it would have been that outreach that didn't occur.

SAROJ JOSHI: I didn't know that that was an expectation. That I thought I had done what I should be doing.

JANET GREEN: Well, the problem that I think, I think a big part of the problem that you're having right now is that they haven't seen the plans. So as you say, construction is disruption. But if you don't know what the plans are, you have no idea what you're talking about in terms of disruption. So people feel more anxious about that. If they see the plans and you can tell them and they tell you what your concerns are, then they're more likely to be supportive of your project. And the fact that you told people a year ago that you were going to do something, is very different than letting them see the plans. And that's what you're hearing right now.

CONSTANTINE ALEXANDER: Thank you, Janet, that's well spoken.

Here's where we are it seems -- I'm sorry, I didn't mean to cut off any further comments.

PATRICK TEDESCO: No, I would agree. We had this case before there was a Half Crown, I think it was Hawthorne

Street in the fall.

JANET GREEN: It was Hawthorne Street.

PATRICK TEDESCO: It was ineffective communication. Personally I don't take issue with the relief being sought. I think it's reasonable. I think it meets the standards that the Board has done before. It does give me pause when the abutters have not seen the drawings. And generally speaking, I think if you shared them with them, they would understand, construction concerns aside, that the relief you're seeking is not unreasonable and would not have in my opinion, you know, a harmful effect on the abutters. The construction issues, as Gus said, is really not for this Board but it goes a long way for people to understand more about the project and then some others' concerns and some may get mitigated.

CONSTANTINE ALEXANDER: Thank you. Good comments.

Here's where we are -- I'm sorry, any other comments from members of the Board?

Where we are. We can take a vote tonight. You need to get four votes, four out of five. So not just two people of the five of us say no, your the petition is denied. If we do that, you cannot come back before us for two years unless you're going to bring what's called a new petition, new plans, something quite different than what you presented tonight, and we have a whole procedure where we'll hear the case. Otherwise you can't go forward.

Or we can continue the case tonight if we don't take a vote. And you could sit down with your neighbors and have a conversation and work out -- maybe you can reach some agreement on the zoning relief you're seeking. Also reach some agreement with your neighbors with regard to the construction dislocation. That's your other alternative. So you can go forward tonight if you want. I told you what could happen if you don't get the relief tonight.

PATTY SEITZ: So it's really up to the owner.

CONSTANTINE ALEXANDER: I'm sorry.

PATTY SEITZ: It's up to her, the owner why. I'm merely the architect.

JANET GREEN: You might explain.

SAROJ JOSHI: No, I understand. I would like them to sit down and see. If I had known this, I would have called the conference. I don't have a problem with the people looking at the plan. I just didn't know that that's what's done.

CONSTANTINE ALEXANDER: I think this is a case that should be continued for a period of time. Give you the opportunity to do that. We have -- if we do that, when we reconvene, it has to be the same five of us because it's, we call it a case heard. We started the case, the same people who started have to finish it. I think we probably should continue this case for at least a couple of months. It's up to you. I mean, you can do it -- I think it's going to take a while to get people together. You're going to have some dialogue. I suspect it's going to be back and forth and

time flies. We can do it shorter. And if you don't reach agreement during that shorter period, we'll continue it one more time. We're not going to continue it indefinitely.

So there we are. When would you like to to -- if you want to continue the case?

PATTY SEITZ: When would you next meet?

CONSTANTINE ALEXANDER: Oh, you're not going to be ready by the next time we meet.

PATTY SEITZ: No, no, the next open time.

SEAN O'GRADY: The next time is open.

CONSTANTINE ALEXANDER: Two weeks from now we can hear it. I think that's a little bit quick.

SEAN O'GRADY: And you have June 22nd.

CONSTANTINE ALEXANDER: June 22nd we can continue it to.

PATTY SEITZ: That would be a month.

CONSTANTINE ALEXANDER: Sir, I'll take your comments, yes.

MICHAEL HALLEY: I won't be here on June 22nd. My son is playing a hockey game in Montreal and I would like to be here.

CONSTANTINE ALEXANDER: Okay. But you would be available between now and June 22nd to at least meet with your --

MICHAEL HALLEY: Sure. Maybe they can furnish me a copy of the plans to look at.

PATTY SEITZ: I think we can certainly have -- I'm certainly -- I kind of want to look at them at the same time. We've met with the Clendaniels once. We're certainly happy to meet with you guys as well and show you what it is and explain what's gonna happen.

CONSTANTINE ALEXANDER: I want to stop the private dialogue. When's the next hearing after June 22nd?

SEAN O'GRADY: July 13th.

CONSTANTINE ALEXANDER: July 13th. It is roughly a month from now.

PATTY SEITZ: I may be out the country on that time. So I would -- I guess that's up to --

PATRICK TEDESCO: I don't think I'm available then.

CONSTANTINE ALEXANDER: It doesn't work.

PATTY SEITZ: Are you guys available on June 22nd.

PATRICK TEDESCO: I'm available the 22nd.

CONSTANTINE ALEXANDER: This gentleman's not available for the 22nd.

PATTY SEITZ: For the hearing. But he would be able to see --

CONSTANTINE ALEXANDER: I know that. But he's expressed a view that he wants to be at the hearing which I understand.

What's the one after July 22nd.

SEAN O'GRADY: August.

CONSTANTINE ALEXANDER: The second one in July.

SEAN O'GRADY: Sorry. July 27th is the second one.

CONSTANTINE ALEXANDER: July 27th.

PATRICK TEDESCO: I saw --

SEAN O'GRADY: It's June 22nd, July 13th, July 27th, August 10th.

CONSTANTINE ALEXANDER: Let's try July 27th. Can the five members be present July 27th?

JANET GREEN: One second.

CONSTANTINE ALEXANDER: While they're doing that, does July 27th work for you?

MICHAEL HALLEY: That's fine. There's a possibility that we won't be playing on June 22nd. Right now it's scheduled to change. Right now it's on our schedule.

SAROJ JOSHI: Doesn't work for me.

CONSTANTINE ALEXANDER: Doesn't work for you? Anyway.

JANET GREEN: We may have to go ahead without him and he'll just see the plans and he can write his expression about what he --

PATTY SEITZ: I would go for -- I'm thinking the June -- the one a month from now makes the most sense.

CONSTANTINE ALEXANDER: I think so, too, quite frankly.

PATTY SEITZ: But we'll absolutely provide a meeting and I will explain the plans to everyone and spend sometime with them.

CONSTANTINE ALEXANDER: What's that date in July? First date in July?

SEAN O'GRADY: 13th.

PATTY SEITZ: I'm most likely not here.

PATRICK TEDESCO: And I'm not available.

CONSTANTINE ALEXANDER: I thought that's what you wanted.

PATTY SEITZ: June 22nd.

CONSTANTINE ALEXANDER: June 22nd.

PATTY SEITZ: One month.

And I would also request is it possible for us to get a copy of the -- what their concerns were around the conditions?

CONSTANTINE ALEXANDER: Oh, yeah. This is a public -- this is in the files. It's public record.

Sir, I know you would like to be here at the hearing, but I think -- we can't satisfy everybody. And the fact of the matter, you will have the time to provide input and you could follow up in writing. And the other neighbors will be here.

MICHAEL HALLEY: What day of the week is that? Is that a Thursday?

CONSTANTINE ALEXANDER: Thursday. Always on a Thursday around seven p.m.

MICHAEL HALLEY: I'll talk to my friends and they can mention my point of view.

JANET GREEN: Or you can write a letter.

CONSTANTINE ALEXANDER: Okay.

The Chair moves that we continue this case as a case heard until seven p.m. on June 22nd subject to the following conditions:

One, that you have to sign a waiver for a time of decision, otherwise we'll turn you down tonight. And Mr. O'Grady -- it's just to deal with our statute so you don't have to -- we don't have to decide tonight.

Two, that the posting sign that you have up right now needs to be modified to reflect the new date, June 22nd, the new time, seven p.m., both, June 22nd and at seven p.m., and that new sign or modified sign must be posted for the 14 days before that hearing just as you did for this one.

And three, and this is most important, to the extent you're going to change the plans as a result of your conversations or otherwise, from what is in our files now, these, those revised plans must be in our files no later

than five p.m. on the Monday before June 22nd. That's for the purpose of allowing us to read them in advance of the hearing, to allow other neighbors what's going to be heard at the hearing.

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

(Aye.)

CONSTANTINE ALEXANDER: Five in favor. The case is continued until June 22nd.

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

\* \* \* \* \*

(9:30 p.m.)

(Sitting Members Case BZA-013050-2017: Constantine

Alexander, Brendan Sullivan, Janet Green, Patrick Tedesco,

George S. Best.)

CONSTANTINE ALEXANDER: The Chair will call case  
No. 013050, 39 Harvey Street.

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

ADAM GLASSMAN: Adam Glassman, architect, Two  
Worthington Street, Cambridge.

GAD REINHORN: Gad Reinhorn, 39 Harvey Street.

ANN BARRETT REINHORN: Ann Barrett Reinhorn, 39

Harvey Street.

Hi. Four years ago we bought our house on 39 Harvey Street and in the home inspection of November 2012 the inspection report said the deck is poorly constructed, original beam supporting joists are undersized, sagging, and are cracked. The deck is unstable and is unsafe. So they recommended that we replace it in the next few years. It wasn't urgent.

And in the four years since we've lived there, we now have two little boys and we live in a row of townhomes and nobody really uses the outdoor backyard. It's a very small strip of land that's just an egress to the other backyards, but people use their decks. So we need to replace this deck because of the shotty workmanship and we'd like to expand it a bit. It's our only outdoor space. So we're excited to do that. And all of our neighbors, we've talked to, the abutters behind us and all five townhomes that we share the area with and they're all in support.

CONSTANTINE ALEXANDER: Should we grant you relief tonight, your other neighbors can do the same thing? I mean, build decks out?

ANN BARRETT REINHORN: They all have decks. Everyone has a deck.

CONSTANTINE ALEXANDER: As close to the rear yard as your proposed deck would be.

ANN BARRETT REINHORN: They're all slightly different sizes.

CONSTANTINE ALEXANDER: But as far as you know, maybe you might know are they non-conforming decks in the rear yard setback?

ADAM GLASSMAN: They're all nonconforming.

CONSTANTINE ALEXANDER: You just want to join the crowd? Okay.

Pretty simple case. Any questions from members of the Board?

JANET GREEN: No questions from me.

CONSTANTINE ALEXANDER: Comments. Anybody here wishing to -- 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're not in receipt of any letters from anyone pro or con, but you represent that you've talked to neighbors?

ANN BARRETT REINHORN: I have a letter that I left in my mailbox. I have it on my phone. She said it was fine.

CONSTANTINE ALEXANDER: We'll take your representation that it's in favor of the relief you're seeking.

ANN BARRETT REINHORN: We have it, yeah.

CONSTANTINE ALEXANDER: Right now your deck is according to my notes, 9.9 feet from the rear yard or line, the rear, and you want to go to five feet. And the

requirement in our Ordinance says you've got to be at least 7.5 feet. So you're going to be five feet within the rear yard setback and that's the issue.

Discussion?

JANET GREEN: I don't.

CONSTANTINE ALEXANDER: Give Patrick a chance to read it.

PATRICK TEDESCO: I just wanted to look at it.

CONSTANTINE ALEXANDER: Ready for a vote?

JANET GREEN: I am.

CONSTANTINE ALEXANDER: Okay, the Chair moves that we make the following findings with regard to the relief being sought, that being the Variance, to construct this deck in the rear yard setback:

That a literal enforcement of the provisions of the Ordinance would involve a substantial hardship. Such hardship being is that given the nature of this townhouse structure you need outdoor space and you don't have that

with the current deck arrangement, particularly given its physical condition and size.

That the hardship is owing to the fact that you -- it is a townhouse construction, and that given the location of the structure on the lot, a rear yard, a rear deck is necessary.

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

In this regard the Chair would note that the relief being sought is modest in nature.

That it has the support of the neighboring property owners.

And that it will improve the living quality for the current occupants and future occupants of this residence.

So on the basis of all of these findings, the Chair moves that we grant the relief requested on the

condition that the work proceed in accordance with two pages of plans, both of which have been initialled by the Chair prepared by Mr. Glassman, or GCD Architects.

All those in favor please say "Aye."

(Aye.)

CONSTANTINE ALEXANDER: Five in favor.

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

\* \* \* \* \*

(9:40 p.m.)

(Sitting Members Case BZA-013025-2017: Constantine Alexander, Brendan Sullivan, Janet Green, Patrick Tedesco, George S. Best.)

CONSTANTINE ALEXANDER: The Chair will call case No. 013025, 10 Cleveland Street.

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

MAGGIE BOOZ: Hello. I'm Maggie Booz, B-O-O-Z, smart Architecture. I'm the architect for Howard Schultz.

HOWARD SCHULTZ: And I'm Howard Schultz, S-C-H-U-L-T-Z. Homeowner of 10 Cleveland Street.

MAGGIE BOOZ: The relief we're seeking is for adding on to a non-conforming building. And it's non-conforming as to its side yard setback. And it is not non-conforming as far as FAR goes or the rear yard, rear yard setback. The situation is that there is an existing foundation where there was an L on the house originally. The foundation is contiguous with the original foundation, and it is original foundation. And the L was removed in 1996 and a deck was put over that foundation. And it's visible in these photographs right here. So that's the, that's the foundation with the deck cantilevering over it as you can see.

The house, these photographs here show the house in its original state. This bottom photograph is the oldest

photograph that we have of it showing the L on the left side of the photograph.

CONSTANTINE ALEXANDER: Yeah, I've seen it.

MAGGIE BOOZ: And then the photograph above that is from 1968; is that correct, Howard?

And at that time the L was still there, although the door that was in the L has been removed. So it was some kind of rear entrance, probably a mudroom. And it's -- it is that L that we're hoping to put back on to the building.

As you can see in these photographs right here on the left, the bottom two photographs, the house next-door which is a bit of a twin to 10 Cleveland Street, it's at 8 Cleveland Street, still retains its original L.

The situation with the deck is that we've got a compromised situation over an existing foundation that leads to the basement. So the deck is completely flat as a deck needs to be, and it is, I think, a condition that doesn't have a great deal to offer itself in terms of durability and

over time, longevity.

They also, Howard and Victoria also don't want to have a deck. They just want to be in their garden. And because the L is such a minimal addition and was originally there, we're asking for relief to reconstruct it.

Are there other questions about the drawings or any clarity?

CONSTANTINE ALEXANDER: You want to address the Special Permit?

MAGGIE BOOZ: Yeah.

BRENDAN SULLIVAN: If I could see the drawings, Gus, if you could.

MAGGIE BOOZ: So on the right side of the building, the west side of the building, we're very close to the property line. We have a, we have one window at the rear most that we're making slightly smaller and that's not a window in question. The window that we would like to have, the window that we would like to slightly move is the

very narrow double hung window, removing it slightly to the north. And then we're requesting permission to add a window on the side of the L where that door, where that door is on that bottom photograph. So it's a small window that is in a powder room in the plans.

The neighbor to the west of Howard and Victoria have seen -- well, actually I could allow Howard.

CONSTANTINE ALEXANDER: The neighbor to the west, 8 Cleveland Street?

MAGGIE BOOZ: Eight.

CONSTANTINE ALEXANDER: We have a letter, I'll read it into the record, in support.

MAGGIE BOOZ: Good. And they're the most affected abutters and they're not bothered in any way by those windows.

CONSTANTINE ALEXANDER: I'll give Brendan a little opportunity to read the plans.

BRENDAN SULLIVAN: Well, what I was looking for,

Maggie, was just a dimension on the plan.

MAGGIE BOOZ: So the dimension is, it's  
5,11 by 8,11.

BRENDAN SULLIVAN: Can you pencil that in there,  
the outside dimension? Can you add up the inside stuff, but  
I wasn't sure it was two-by-four wall or two-by-six wall.

SEAN O'GRADY: Didn't you just do that?

MAGGIE BOOZ: Yes, I did just do that for you.  
It's not on this set of plans, Sean, for some reason.

CONSTANTINE ALEXANDER: It's on here.

MAGGIE BOOZ: I'll put it on both of them.  
It's five feet, eleven inches by eight feet,  
eleven inches.

BRENDAN SULLIVAN: Oh, okay. Yeah. Makes it easy  
for the inspector.

MAGGIE BOOZ: Yeah. It's an existing, obviously  
it's an existing foundation, but should have had  
the -- should have had the dimension on it.

PATRICK TEDESCO: Remind me if there was a basement under the L.

MAGGIE BOOZ: There is.

PATRICK TEDESCO: There is?

MAGGIE BOOZ: Full basement.

PATRICK TEDESCO: And that's just open to water right now?

MAGGIE BOOZ: It is. It's a really awkward situation.

PATRICK TEDESCO: And you're going to connect it to the existing basement or it already is connected?

MAGGIE BOOZ: It is connected to the existing basement. It's just a -- you're just walking under a deck instead of -- no, not a good, not a good situation.

CONSTANTINE ALEXANDER: Other questions from members of the Board?

GEORGE BEST: So internally what will that space be?

HOWARD SCHULTZ: It will be a predominantly a bathroom and a small amount of a kitchen. What we're doing is currently when you walk into the house, the prior owners had taken the hallway that connected the front hall to the kitchen and they turned that into a, into a lavatory. We want to be able to remove that, restore it the way it had been to have a passthrough directly from the front door through a hall into the kitchen.

CONSTANTINE ALEXANDER: I saw the plans.

HOWARD SCHULTZ: To put the powder room in the back.

CONSTANTINE ALEXANDER: It makes a lot of sense of what's there right now.

MAGGIE BOOZ: It is.

CONSTANTINE ALEXANDER: Any questions?

(No Response.)

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

Is there anyone wishing to be heard on this matter?

(No Response.)

CONSTANTINE ALEXANDER: Apparently not.

We are in receipt of one letter. Donna N. Turly. I guess that's the only person who signed it. Oh, Kate Keegan K-E-E-G-A-N and I own 8 Cleveland Street, the direct abutting property to the property which is the subject of the above-noted appeal to be heard on May 25th. Please be advised that we have reviewed the plans submit by the owners, including the reconstruction of the small extension in the rear of the home and the placement of a window facing our property. We ask that the BZA grant Mr. Schultz and Ms. Winston the relief requested so that may proceed with their construction project. Their improvements will enhance the surrounding neighborhood and address necessary repairs.

That's all she wrote.

Any final comments you want to make?

MAGGIE BOOZ: No.

CONSTANTINE ALEXANDER: Discussion or ready for a  
vote?

JANET GREEN: Ready.

CONSTANTINE ALEXANDER: Ready for a vote.

The Chair moves that we make the following  
findings with regard to the -- and there's two votes; the  
Variance and the Special Permit. So I'll start with the  
Variance.

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

That a literal enforcement of the provisions of  
the Ordinance would involve substantial hardship. Such  
hardship being that the petitioner will be stuck with this  
deck in the rear which creates water problems in terms of  
leakage into the basement and otherwise is inappropriate to  
the structure that was there for a property or extension of  
the house that's been torn down.

The hardship is owing to the fact that this is a non-conforming structure, and that the relief requested by definition requires zoning relief.

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

There appears -- in this regard there appears to be no neighborhood -- or other citizens' opposition to the relief being sought.

That the relief is really consistent with the nature of the structure and will improve the housing stock of the city.

So on the basis of these findings the Chair moves that we grant the relief requested on the condition that the work proceed in accordance with the plans submitted by Smart Architecture. There are two pages. Both pages of which have been initialled by the Chair.

All those in favor please say "Aye."

(Aye.)

CONSTANTINE ALEXANDER: Five in favor. Variance granted.

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

MAGGIE BOOZ: Thank you.

CONSTANTINE ALEXANDER: Turning to the Special Permit with regard to the window.

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

That the requirements of the Ordinance cannot be met without the Special Permit given that this window is in a prescribed setback.

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

In support of this there is a letter from a person or the property owners most affected by what is being proposed with regard to the windows and they are in support.

That the continued operation or development of adjacent uses will not be adversely affected by the nature of what is being proposed. And, again, I would refer to the letter of support from the neighbor.

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

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

So on the basis of these findings, the Chair moves we grant the Special Permit requested on the condition again 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. Relief granted.

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

MAGGIE BOOZ: Thank you so much.

\* \* \* \* \*

(9:50 p.m.)

(Sitting Members Case BZA-013091-2017: Constantine Alexander, Brendan Sullivan, Janet Green, Patrick Tedesco, George S. Best.)

CONSTANTINE ALEXANDER: The Chair will call case No. 013091, 63 Dudley Street.

Is there anyone here wishing to be heard on this matter? Name and address, please.

DEANNA SKOW: Deanna Skow, 63 Dudley Street.

BRADFORD SKOW: I'm Brad Skow, 63 Dudley Street.

ARCH HORST: And I'm Arch Horst, the architect.

CONSTANTINE ALEXANDER: Please show those plans.

And before we proceed I want to ask the Board Members.

These are the plans that we have with regard to the relief being sought. These are not the plans that we expect. We like to have more details including dimensions, measurements. And I also noticed that the plan does not comply with the dormer guidelines just by visibly looking at them, but I can't tell to the extent to which it does not comply. So I would ask my Board Members, fellow Board Members are they satisfied with these plans and to enable us to proceed or do we want more detailed plans?

GEORGE BEST: More detail.

CONSTANTINE ALEXANDER: You want more detail?

JANET GREEN: More detail.

ARCH HORST: You mean drawn or explained?

CONSTANTINE ALEXANDER: You know, if you look -- you're an architect, sir, and you've been on this

Board many years ago.

ARCH HORST: Right.

CONSTANTINE ALEXANDER: We usually get things with dimensions. We get a lot more detail about like, for example, the dormer guidelines which you're not complying with. It's not that -- the relief being sought is I think rather modest, but we've got to follow our procedures and these plans don't do it in my judgment and I think George said the same. But if other members of the Board want to proceed, I will be happy to -- not happy but I will proceed.

ARCH HORST: I didn't -- we didn't do this out of any attempt to deceive.

CONSTANTINE ALEXANDER: No. Let's make it clear, I'm not suggesting that you did. It's just a matter of -- and as you see --

ARCH HORST: And since you raised the issue and since I was on the Board, we did see plans like this and maybe the procedures have changed and I didn't realize it.

CONSTANTINE ALEXANDER: We typically expect much more detailed plans. And we've sent people back for more detailed plans. But we'll give Brendan a chance to look at it and then go I'll along with the wishes of our fellow Board Members whether we hear the case or whether we have you come back with more detailed plans.

Janet?

PATRICK TEDESCO: I also, like the lack of an existing floor plan was also a challenge for me because it's not -- I know you're showing what's new, but I don't believe you show the existing.

CONSTANTINE ALEXANDER: Usually we have elevations, the existing, proposed. We have measurements. Like, for example, on the dormer why doesn't it comply with the dormer guidelines? How wide is it? Maybe there's a scale. There is a scale, you can figure it out. But you haven't addressed the fact that the dormer is not going to comply with the dormer guidelines.

ARCH HORST: And it can't.

CONSTANTINE ALEXANDER: That's good to know. I don't want to get into the merits of the case because it will complicate life if we have a case heard.

ARCH HORST: I understand.

CONSTANTINE ALEXANDER: So you would prefer to see better plans?

PATRICK TEDESCO: It was a little iffy.

CONSTANTINE ALEXANDER: Okay. Janet?

PATRICK TEDESCO: You could more or less figure out what was going on.

ARCH HORST: Let me just explain that since you -- the Board doesn't have any jurisdiction over what happens inside, I didn't think it was necessary. We haven't totally resolved the inside. We're willing to live with the outside.

CONSTANTINE ALEXANDER: You're right, as you know, we don't have jurisdiction. On the other hand, it is very

helpful to us to know what's going on inside.

PATRICK TEDESCO: For me it was to add a second floor space over an existing first floor space.

ARCH HORST: Right.

PATRICK TEDESCO: And that was the part that maybe you want to compare --

ARCH HORST: It's on the site plan.

CONSTANTINE ALEXANDER: Let me suggest that we continue this case for two weeks. Next time? Two weeks? Okay.

SEAN O'GRADY: Yeah.

CONSTANTINE ALEXANDER: It's a case not heard. And in that period of time come back with more detailed plans. Sean can help you with regard if you need more -- if you have questions as to what we need.

ARCH HORST: Okay. Does it work two weeks? We have room on our calendar, right?

SEAN O'GRADY: Yes, 6/8 we have one more.

CONSTANTINE ALEXANDER: That's June 8th.

SEAN O'GRADY: That's June 8th.

CONSTANTINE ALEXANDER: You have to get the plans -- I'll get to it in a second, revised plans --

ARCH HORST: Monday before.

CONSTANTINE ALEXANDER: Okay, you know the drill.

ARCH HORST: Well, no, I listened.

CONSTANTINE ALEXANDER: You still know the drill.

Okay.

BRENDAN SULLIVAN: You know, even something like the skylight should be really spelled out, you know, because these plans are going to have to be handed over to a building inspector at some point, and there were no dimensions even for those. And you can't expect him to scale everything. So the size of all that stuff, because you're asking for relief for all that stuff. So we need numbers basically I think is what it is.

ARCH HORST: All right.

CONSTANTINE ALEXANDER: Okay. The Chair moves that we continue this case as a case not heard until seven p.m. on June 8th. Did I get it right, June 8th?

SEAN O'GRADY: Yes.

CONSTANTINE ALEXANDER: Subject to the following conditions:

One, that you sign a waiver of time for decision. Otherwise we have to turn you down tonight and there it is. Just gives us time to June 8th.

Two, that the posting sign be modified to reflect the new date, June 8th, the new time, seven p.m., so you've got to do two. So just cross out what's there now and put the new date and time. And that sign has got to be maintained for the 14 days before June 8th just as you did this time.

DEANNA SKOW: Sure.

CONSTANTINE ALEXANDER: And lastly the plans, the new plans or revised plans must be in our files no later

than five p.m. on the Monday before June 8th.

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

(Aye.)

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

ARCH HORST: And I can talk to Sean?

CONSTANTINE ALEXANDER: Yes.

\* \* \* \* \*

(10:00 p.m.)

(Sitting Members Case BZA-013109-2017: Constantine Alexander, Brendan Sullivan, Janet Green, Patrick Tedesco, George S. Best.)

CONSTANTINE ALEXANDER: The Chair will call case No. 013109, 62 Walden Street.

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

ATTORNEY SEAN HOPE: Good evening, Mr. Chairman, members of the Board. For the record, attorney Sean Hope, Hope Legal Law Offices. I'm here tonight on behalf of the Petitioner. We have Jackson Hall, he's the owner and proprietor of Thistle and Shamrock which is an existing convenience store at 62 Walden Street. This is a Use Variance case, again, but specifically this is requesting relief for a fast food establishment, fast order food Special Permit. Because it's a residential district, it triggers a Variance so we also would need to find for the

Use Variance as well as the Special Permit criteria for fast food.

CONSTANTINE ALEXANDER: I'm not sure if that's right. All you need is a Variance. You don't need a Special Permit.

ATTORNEY SEAN HOPE: That's right.

CONSTANTINE ALEXANDER: The Variance would be to allow you to expand your operation and the premises for fast order food establishment.

ATTORNEY SEAN HOPE: That's right. Thank you for correcting me.

And so this is an existing convenient store. And about four years ago Mr. Hall took over the convenience store. I think people here, maybe Mr. Sullivan as well as -- remembers the convenience store that was probably --

CONSTANTINE ALEXANDER: I remember, too.

ATTORNEY SEAN HOPE: Famous for as well as slushies also oftentimes serving beer and other things.

CONSTANTINE ALEXANDER: I remember that as well, too.

ATTORNEY SEAN HOPE: And underage patrons.

But in the last four years Mr. Hall has converted this convenience store into more of a specialty food store, and although there was food that was served there, it wasn't up to code. And so part of this was to really transform what was just formerly a convenience store into offerings that are more needed and desirable in the neighborhood. Part of the interior renovations are to bring the kitchen and all the cooking equipment up to code as well as interior renovation. We've also showed seating on the interior. As an existing retail use, the additional seating is not gonna trigger any parking or seating requirements because we're under the threshold for 20 seats. But we did want to show it on the plan because there is an eventual idea to be able to have some seating indoor. Even though we are serving food, it's not gonna be a restaurant. There's going to be

mostly --

CONSTANTINE ALEXANDER: You're going to add 13 seats?

JACKSON HALL: Not right away. I mean this may be in the future, five, six, seven -- ultimately that's the goal. But right now just building a kitchen to, you know, fit a small deli-type.

CONSTANTINE ALEXANDER: I didn't mean to interrupt your presentation. What's the nature of the food activities that you're going to conduct on the premises.

JACKSON HALL: Right away it's going to be mainly a deli. Like, we do not have a chef right now. So it's not going to be anything fancy. We're talking like turkey sandwich.

CONSTANTINE ALEXANDER: You're going to serve sandwiches basically?

JACKSON HALL: Yeah, pretty much. And then maybe one or two hot entrees that people can take home for

themselves instead of cooking for themselves.

CONSTANTINE ALEXANDER: Oh, okay.

JACKSON HALL: But nothing really more.

CONSTANTINE ALEXANDER: Are you going to be changing the hours of operation for the store?

JACKSON HALL: No stay the same.

CONSTANTINE ALEXANDER: What are the hours?

JACKSON HALL: Seven p.m. to ten p.m. everyday.

ATTORNEY SEAN HOPE: Just to add, so that even though this is a mixed use building with the convenience store on the ground floor, it has residential above, we would contend that even though the existing convenience store has been there, that the building itself doesn't necessarily lend itself as is to a residential use so that the expansion of the use would not really cause any of the nuisances that would be if this was in a different part of the neighborhood. I think that the letters of support and the improvement of the retail and the food element is a

benefit to the neighborhood and we would request that the Board --

CONSTANTINE ALEXANDER: So you're going to reduce the amount of retail space to accommodate the seating?

JACKSON HALL: No, there is a back area. There's a large unused back area right now. And we're putting a hole in the wall. And then we're going to have like a deli counter right there. And then we're going to have the kitchen behind. There's already an existing vent. It's not to code, so we're going to have to take it out and put it in, but like there's stuff existing like, you know, put an oven in or a grill top or something.

CONSTANTINE ALEXANDER: So the hours, you're not going to change the hours of operation.

I don't think parking is -- it's not a requirement for this area. I'm just trying to think of other things we need to be concerned about, if any. I think that's mainly it. Okay.

PATRICK TEDESCO: Well, maybe this is not a -- maybe it's more of a Building Code issue, but if you're going to have a grill top and you're going to have a dedicated fume hood, I don't know, are you talking about fried, you know, burgers?

JACKSON HALL: No, definitely not any burgers. I'm a vegetarian myself. So I'm going to try to find a lot of vegetarian entrees.

PATRICK TEDESCO: It's a deli.

JACKSON HALL: That's the problem with a deli (inaudible).

PATRICK TEDESCO: But just in terms of venting directly, you know --

CONSTANTINE ALEXANDER: It's good advice he's giving you.

PATRICK TEDESCO: Impact on residential especially with units above. And that's just, you know, it's mechanical issue.

ATTORNEY SEAN HOPE: That's right. And there's an architect who is on Board on this that has -- they've thought about the different types of convection ovens and different things that wouldn't need the same type of venting. So I think the sandwiches is where you'd start. But if we did go for like a grill top or something else, we would have to do more substantial renovations to the building per the Building Code.

CONSTANTINE ALEXANDER: What about, do you need any approval from the Licensing Commission?

ATTORNEY SEAN HOPE: Because we serve serving food, that would be a next step in getting a CV license in which it would be approved, the hours as well as the trash and all that would have to be regulated through the License Commission.

CONSTANTINE ALEXANDER: Other questions from members of the Board?

(No Response.)

CONSTANTINE ALEXANDER: Anything further you want to say at this point?

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. And we are in receipt of a petition in support of the relief being sought. It's signed by many, many people. I'm not going to count them up, but they go on for several page.

JACKSON HALL: I have the originals if that got faded.

CONSTANTINE ALEXANDER: This is fine.

JACKSON HALL: Okay.

CONSTANTINE ALEXANDER: That's all she wrote. Any final comments?

ATTORNEY SEAN HOPE: No final comments.

CONSTANTINE ALEXANDER: Ready for a vote?

The Chair moves that we make the following

findings with regard to the relief being sought:

That a literal enforcement of the provisions of the Ordinance would involve a substantial hardship. Such hardship being is that conducting a restaurant type activity is a natural extension of this non-conforming use of the property. And that to facilitate or to continue to help this property continue in existence, which has been here for many decades, that the operation of a restaurant use or really specifically a fast order food establishment use is necessary.

That the hardship is owing to the fact that this is a residentially zoned district, but yet commercial activities have been constructed, conducted in the structure for many, many years.

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

Granting relief would enhance the nature of this

business which is vital to the neighborhood. It is in an area that there's no other kinds of retail or now fast order food use. And it is an area that is growing in terms of its residential nature in terms of other structures and conversions of structures taking place.

So on the basis of all of these findings, the Chair moves that we grant the Variance requested on the condition that when you open your restaurant, that it will be at least -- no more -- it will be consistent with these plans that you've given us. It may not have the same number of tables initially, but initialled by the Chair. This is your game plan.

JACKSON HALL: Absolutely.

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

(Aye.)

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

\* \* \* \* \*

(10:05 p.m.)

(Sitting Members Case BZA-013155-2017: Constantine Alexander, Brendan Sullivan, Janet Green, Patrick Tedesco, George S. Best.)

CONSTANTINE ALEXANDER: I've already announced to the world that a recording may be made of our hearing and Mr. Hawkinson is also making a recording. He left a tape recorder there. So we would advise you of that.

The Chair will call case No. 013155, 15-17 Flagg Street.

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

AMINA DERBALI: I'm Amina Derbali. I'll spell it for you. And my husband Larbi.

We own the property at 15-17 Flagg.

We're requesting, I guess, a Variance and a Special Permit in order to build a driveway along the side

of our house. The setback is not up to --

CONSTANTINE ALEXANDER: Well, the width of the two buildings is not --

AMINA DERBALI: My vocabulary is not adequate.

CONSTANTINE ALEXANDER: It's okay. I'm not trying to be -- you need ten feet to have for a driveway.

AMINA DERBALI: Yes.

CONSTANTINE ALEXANDER: You don't have ten feet. These two buildings are very, very close to each other. They're less than ten feet.

AMINA DERBALI: Yes, less than ten feet. And our neighbor to the owner of the house to -- as you face the house to the right at 11 Flagg Street has agreed to an easement to give us some additional width on that side. So what we're proposing to do is to run the driveway between the houses with the parking to be in the back of the house in the yard.

CONSTANTINE ALEXANDER: That parking doesn't

appear to be from the plans very functional or very usable.

I mean it's going to be very difficult to drive up, assuming that we grant you the relief, to drive up and use that parking space in the rear.

AMINA DERBALI: We have to be -- I've seen those semitrailers go into very tiny spaces, so we might need to learn. Of course it's not ideal. But there really is not space in the front. And the neighborhood is becoming increasingly congested with the Peabody Terraces at the bottom of the street and a lot of their residents park there. And there are a number of other buildings that have a lot of tenants in it and so our street is always park --

CONSTANTINE ALEXANDER: The trouble with that is that a negative, to my mind anyway, to the relief you want to seek -- to the extent we grant the right to put a driveway here or less than code required driveway, you're going to take a street that's now available to anybody who wants to park, or a parking space, and convert it to your

absolute use because there's going to be a driveway there. People can't park in front of the driveway. That's something we don't look with favor upon by this Board. We heard a case earlier this evening, I don't know if you were here or not for that, where somebody wanted to do a similar narrower less than ten foot driveway, but it was on a street that parking wasn't permitted anyway. So it wasn't taking away a parking space from the neighborhood generally. If we allowed the driveway which we did. Furthermore, that property had unanimous neighborhood support. Are you aware that there are -- we have letters in the file, more than one letter opposing the relief that you're seeking?

AMINA DERBALI: Really?

CONSTANTINE ALEXANDER: And we take that into consideration. Because these are from -- and I'll read them in a second. These are from --

AMINA DERBALI: We've been out of town.

CONSTANTINE ALEXANDER: I'm sorry?

AMINA DERBALI: We didn't get copies of the letter and we have been out of town.

CONSTANTINE ALEXANDER: They were in the file.

And so that also is a complication for this Board. I mean we -- we're not -- we don't just vote the way the neighbors want us to vote, but we look at the reasons for it and we're hearing, one, it's a congested area and you're going to take away parking from the neighborhood. And that's not what we as neighbors want to see.

AMINA DERBALI: But doesn't that also -- we remove our car from the street by using --

CONSTANTINE ALEXANDER: You remove your car from the street and put it in the driveway. But no one else can now park where you would have parked a car in the street. Now it's first -- like all parking, first come, first serve. You're going to be appropriating something, some streetscape to your exclusive use by virtue of the driveway because no

one else can park in front of your driveway obviously.

AMINA DERBALI: Right.

CONSTANTINE ALEXANDER: That's, those are my concerns. Anyway --

AMINA DERBALI: There are already quite a few curb cuts on the street.

CONSTANTINE ALEXANDER: I've looked at the property. I've viewed it. That space between those two buildings is extremely narrow. It looks to me by my visual eye that a lot less than the ten feet, although it's -- according to your plans it's close to ten feet but not, ten feet obviously. But plus you got a parking space in the rear that's not functional. It's not going to be able to use it I don't think. And what's going to happen is we're going to be having parking virtually in an area where you can put your hand out the window on each side of your car and touch the building next to you. That's not a desirable land use for the City of Cambridge. But I'm only

one person and I'm giving you my honest views.

JANET GREEN: So why is it you've got this space and then you've got the easement.

CONSTANTINE ALEXANDER: That may not be accurate by the way, Patrick. There's a plot plan in the files that have different dimensions than those. You have to look at the file. I don't think it's there. Look in the file itself. There you've got to put two plans together and you'll see that it's close but it's not there. And I would rely on the plot plan rather than a handwritten drawing for accuracy. Somewhere nine plus feet. It's not ten obviously.

Anyway, I don't mean to --

AMINA DERBALI: It would -- I agree there's not a lot of space. Obviously if you do put a driveway, you level it and it would obviously look different from the way it looks now.

CONSTANTINE ALEXANDER: What about tree? And I

said before and I mean it, trees are not the reason why we turn down or grant zoning relief, but there's a tree right where the driveway is going to be.

LARBI DERBALI: No, it would be -- I'm sorry. It would be at least two feet away from --

CONSTANTINE ALEXANDER: It will be. So the tree -- even with the branches from the tree wouldn't interfere with the driveway?

LARBI DERBALI: No, it wouldn't touch it.

CONSTANTINE ALEXANDER: Okay.

GEORGE BEST: The only concern I have is how would you turn around to get out? To get back out?

PATRICK TEDESCO: That's what concerned me is the backing out of that.

GEORGE BEST: And so then if you miss, you're going to damage somebody's house.

LARBI DERBALI: A camera.

GEORGE BEST: But you're also damaging the

property, whichever property you're next to. Your own or the person next to you.

LARBI DERBALI: It's a compact car. It's a small car. That's all we have. You know, and we just -- it's impossible to do any social activities, you know, revolved there. And we can't, you know, you limited by how long you're gonna be there, what time. At night we have to, we have to come -- it just --

AMINA DERBALI: The street's all parked up by about seven o'clock is what he's saying.

GEORGE BEST: I know I'm on Callendar Street which is down there, so, you know. I fully know Flagg Street because I used to ride my bike up and down that street. So the only -- that's my concern is because it is so tight, you know? But --

LARBI DERBALI: It's almost nine -- it's almost ten feet. Nine-something.

CONSTANTINE ALEXANDER: Yeah, it's nine-something,

correct.

BRENDAN SULLIVAN: How long have you lived in the house?

LARBI DERBALI: 1986.

AMINA DERBALI: Yeah.

BRENDAN SULLIVAN: Matters like this I sort of tend to defer to long-term residents who really require to be able to park close to their house, not have to hunt around for spaces. I think that that area is somewhat transient.

AMINA DERBALI: Yeah, parts of it.

BRENDAN SULLIVAN: And people from Peabody Terrace and other say institution-related, academic-related affiliation tend to take up an awful lot of those spaces I think.

AMINA DERBALI: They do.

BRENDAN SULLIVAN: It's a problem. Street cleaning day. It's a problem snow days.

AMINA DERBALI: Yeah. Definitely. Aggravated on snow days.

BRENDAN SULLIVAN: And so I would -- yes, the issues are real. The issues will never go away, but I tend to defer to long-term residents.

CONSTANTINE ALEXANDER: Okay.

Let me, first of all, anyone here wishing to be heard on this matter?

(No Response.)

CONSTANTINE ALEXANDER: No.

We have letters and I'll read them into the file. You said you didn't see them. We have a letter -- I'm just reading them in the order we have them in the file from Henry and Holly Chueh, C-H-U-E-H who reside at 16 Flagg Street. Nearby.

AMINA DERBALI: It's across the street.

CONSTANTINE ALEXANDER: Across the street, yeah.

(Reading) We are writing to express our opposition and

concern to the proposed Variance and Special Permit to install a shared driveway at 15-17 Flagg Street. Since 2003 we have resided at 16 Flagg Street which is also located on the corner of Walker Court. Our single-family home is located on the left-hand side of Flagg Street directly across from where the proposed driveway would be located. In front of our home is a no stopping tow away zone space which routinely has violators park there. When violators are parked in this no stopping tow away zone space, it blocks or hinders access for first responders, fire trucks, or police vehicles to enter Walker Court where three homes are located in addition to where four more houses abut. It also makes it difficult for all of the vehicles parked in the private way, over a dozen cars, to exit Walker Court by turning left on to Flagg Street. Our concern is that this portion of Flagg Street is small and has very limited parking spaces. If a parking space is taken away from Flagg Street to create the proposed driveway, it will create even

more of a hardship for residents and visitors to find a parking space and may result in even more violators parking in front of our home in the no parking tow away zone space. We have been adversely affected by legal parking in the no stopping tow away zone space for the past 14 years. Kitty Kramer and the PCOs Wayne Amoral (phonetic) and the Cambridge Police Department are all aware of the almost daily violators who park in this no stopping tow away zone space and how it blocks and/or hinders entrance and egress from the private way. We feel that reducing the resident spaces on Flagg Street to create this proposed driveway will only make parking on Flagg Street more difficult and result in even more violators parking in front of our house resulting in obstruction/reduced access to and from Walker Court for both first responders and residents.

Then next we have a letter from Margaret Collins who is a trustee and resident of the Flagg Putnam Condo Association at 71 Putnam Avenue. (Reading) I would like to

register my opposition to the petition for a Variance and Special Permit to build and install a shared driveway and parking at 15-17 Flagg Street. Flagg Street is a very short and heavily trafficked street. It is used by both local and regional traffic to access the Mass. Pike entrance off Soldier's Field Road between Western Avenue and Cambridge Street. There are already eight parking spaces, four of which are under construction, along the 140-foot stretch of Flagg Street between Putnam Ave. and 15-17 Flagg Street that have to back out onto Flagg Street. In addition there are 14 parking spaces on Walker Court just adjacent to the proposed driveway for which the sole access is Flagg Street. Moreover it is difficult to imagine how a shared driveway can be built in the very narrow space between 15-17 and 11-13 Flagg Street. There is only about eight feet space between these two buildings. And I note that the site plan doesn't support that. There's more than eight feet. In summary, we are of the opinion that permitting a curb cut

for an additional driveway with an unspecified number of parking spaces would add to the congestion and create hazardous conditions for both pedestrian and vehicle traffic in this very densely populated area.

A letter from Charles R. Laverty (phonetic) trustee of 100 Bank Street Realty Trust. (Reading) Please be advised that we have no objection to the above appeal.

And I think that's it. So that's the correspondence we have.

There's another letter from Ronald Smith. (Reading) To Whom It May Concern, I Ronald Smith, member/owner of 11 Flagg Street, LLC -- oh, this advises that he's going to grant an easement to you so you can do it. So he doesn't comment on the merits. And then the rest is that.

And that is all. Okay.

JANET GREEN: What does it mean shared parking? Shared driveway? In the letters it referred to it as

shared.

LARBI DERBALI: It's not shared.

CONSTANTINE ALEXANDER: It's not going to be shared. Usually when we have these easements is to allow people on either side of the easement to share the driveway.

JANET GREEN: Right.

CONSTANTINE ALEXANDER: But if you look at the plans, the 11-13 there's -- a structure goes so far back that they can't park. If they park in the driveway, then these folks wouldn't be able to, if we grant them relief, wouldn't be able to get to their parking space in the rear. So it's really not going to be the shared driveway.

AMINA DERBALI: That was not the intent.

CONSTANTINE ALEXANDER: Pardon?

AMINA DERBALI: That was not the intent.

CONSTANTINE ALEXANDER: No.

JANET GREEN: I wondered why people thought it was a shared driveway.

CONSTANTINE ALEXANDER: I think because of the easement is my guess. That's just a guess.

SEAN O'GRADY: That's right.

CONSTANTINE ALEXANDER: What?

SEAN O'GRADY: That is right.

CONSTANTINE ALEXANDER: That's right?

AMINA DERBALI: 11 Flagg actually does have parking. They've quite a big space for parking.

CONSTANTINE ALEXANDER: I will close public testimony unless you have anything more you want to add at this point?

Close public testimony. Discussion? Ready for a vote? What's the -- how does the Board want to proceed?

GEORGE BEST: Vote.

CONSTANTINE ALEXANDER: Vote. Man of few words, George.

The Chair moves that -- I'm going to do the Variance first. If we deny the Variance, the Special Permit

becomes moot. If we grant the Variance, then I'll get to the Special Permit.

The Chair moves that we make the following findings with regard to the Variance being sought with regard to constructing a driveway that's less than ten feet wide.

That a literal enforcement of the provisions of the Ordinance would involve a substantial hardship to the petitioner. Such hardship is that without the ability to create this driveway, they will be required to park on the street and the street is congested and parking can be very difficult.

That the hardship is owing to basically the shape of the structures, your structure and the neighboring structures, which is such that there is not ten feet of space between the two buildings, therefore, requiring zoning relief should you want to build a driveway as you do.

And that relief may be granted without substantial

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

On the basis of these findings, the Chair moves that we grant the Variance as shown on the plans, initialled by the Chair.

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

(Aye.)

CONSTANTINE ALEXANDER: Four in favor. I'm opposed. So the Variance has been granted.

(Sullivan, Green, Tedesco, Best.)

CONSTANTINE ALEXANDER: Okay.

Let's go under the Special Permit is under Section 6.43.6 regarding a shared driveway. Though it's a shared driveway, I mean it's not really going to be shared. It's only a driveway for these folks, right? Why do they need a Special Permit?

SEAN O'GRADY: They need the Special Permit in

order to straddle the property line is essentially our position.

CONSTANTINE ALEXANDER: Is that it? Okay.

Okay, the Chair moves that we grant -- let me just check 6.43.6 to be sure there's nothing special in there.

Section 6.43.6 says we may grant a Special Permit authorizing owners of adjacent properties to establish common driveways under mutual easements.

Actually, well, I guess -- they're not really going to have a common driveway. It's going to be a driveway just for you folks. So I'm not sure why they need a Special Permit.

SEAN O'GRADY: Well, I suppose you guys could say they don't.

CONSTANTINE ALEXANDER: Yeah, I don't think we need a Special Permit.

SEAN O'GRADY: All right. Just would you --

CONSTANTINE ALEXANDER: Based on the

representations that you made, it's a driveway only for your use and not for 11-13.

AMINA DERBALI: No.

CONSTANTINE ALEXANDER: If that's the case, then the Variance has been granted and the relief is granted.

AMINA DERBALI: A few thank you.

CONSTANTINE ALEXANDER: Case is over. Thank you.

(Whereupon, at 10:25 p.m., the  
Zoning Board of Appeal Adjourned.)

\* \* \* \* \*

#### **ERRATA SHEET AND SIGNATURE INSTRUCTIONS**

The original transcript and Errata Sheet has been

delivered to Inspectional Services Department.

**INSTRUCTIONS**

After reading this volume of the Zoning Board of Appeals transcript, note any change or correction and the reason therefor on this sheet. Sign and date this Errata Sheet.

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I have read the foregoing transcript of the Zoning Board of Appeals, and except for any corrections or changes noted above, I hereby subscribe to the transcript as an accurate record of the statement(s) made by me.

\_\_\_\_\_  
C E R T I F I C A T E

**COMMONWEALTH OF MASSACHUSETTS  
BRISTOL, SS.**

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

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

**IN WITNESS WHEREOF**, I have hereunto set my hand this 8th day of June, 2017.

---

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

My Commission Expires:  
April 29, 2022

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