

BOARD OF ZONING APPEAL
FOR THE
CITY OF CAMBRIDGE

GENERAL HEARING

THURSDAY, MAY 22, 2014
7:00 p.m.

in

Senior Center
806 Massachusetts Avenue
Cambridge, Massachusetts 02139

Constantine Alexander, Chair
Timothy Hughes, Vice Chair
Brendan Sullivan, Member
Thomas Scott, Member
Janet Green, Member

Maria Pacheco, Zoning Secretary

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(7:00 p.m.)

(Sitting Members Case #BZA-002927-2013:
Constantine Alexander, Timothy Hughes,
Brendan Sullivan, Thomas Scott, Janet
Green.)

CONSTANTINE ALEXANDER: The Chair
will call this meeting of the Zoning Board of
appeals to order. And as is our custom,
we're going to start with the continued
cases. And the continued case I'm going to
call first is 002927, 535 Cambridge Street.

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

CHRISTOPHER VUK: Yes. Hello.

CONSTANTINE ALEXANDER: Hello.
You've been here before. Name and address,
both of you, for the stenographer, please.

CHRISTOPHER VUK: Sure.
Christopher Vuk, 535 Cambridge Street.

NIKHIL HOGAN: Nikhil Hogan, that's

N-i-k-h-i-l H-o-g-a-n, 535 Cambridge Street.

CONSTANTINE ALEXANDER: Yes, and you're here because?

CHRISTOPHER VUK: Yeah, so we are here for our two year I guess renewal of our parking exemption for the Rock and Roll Day Care and The School of Groove. And we had applied two years prior as we did not have any parking that was available for the unit. In the time since the city has given us a loading zone at the end of the block and that we've been using. And we brought some materials today if the Board would like to have them. We did a survey of the children that we have enrolled at the Rock and Roll Day Care.

CONSTANTINE ALEXANDER: Why don't you just summarize it for us unless members of the Board want to see it.

CHRISTOPHER VUK: Sure.

TIMOTHY HUGHES: Wait a minute, did you bring any audio?

CHRISTOPHER VUK: Well, I sing and dance.

CONSTANTINE ALEXANDER: So does he.

TIMOTHY HUGHES: Just go to the paperwork.

CHRISTOPHER VUK: So we have approximately 20 children that are enrolled in the child care program, and as they are the children that are -- the folks that are there everyday, Monday through Friday, we thought that would be the most effective to find out. So we found that seven out of them have a supervised walk by their parent or guardian. Four of them use other transportation, supervised walk. Seven indicated that they use a private car. And two indicated other transportation.

We have an area for strollers to encourage families to walk to the unit and we find that almost all of our families are just within a block. Some are on the same block as us, and we find that it's very unobtrusive for us to be --

CONSTANTINE ALEXANDER: Does that include the music school, too?

CHRISTOPHER VUK: So we don't have the numbers for the music school unfortunately.

CONSTANTINE ALEXANDER: You were here before us two years ago.

CHRISTOPHER VUK: Yeah.

CONSTANTINE ALEXANDER: We had some concerns because we didn't know what the future held --

CHRISTOPHER VUK: Yeah.

CONSTANTINE ALEXANDER: -- with the

parking situation. And I think it came out of the Board that we suggested that you get the city to give you a loading zone.

CHRISTOPHER VUK: Yes.

CONSTANTINE ALEXANDER: Which would alleviate some of the parking problems. And obviously you must have gotten that.

CHRISTOPHER VUK: Yeah.

CONSTANTINE ALEXANDER: You have a neighbor who is complaining about that. I'll get to that in a second.

But nevertheless you're estimating 10 to 15 day care students and I think you have about 150 music students. Is it about 120 day care? How many music students?

NIKHIL HOGAN: 110.

CHRISTOPHER VUK: Between 110, 120.

CONSTANTINE ALEXANDER: You don't have as many as you had before. But you have

a little built more in the day care.

CHRISTOPHER VUK: Yes.

CONSTANTINE ALEXANDER: Any complaints from the neighbors about parking issues? Double parking, whatever?

CHRISTOPHER VUK: I have not received any, no.

CONSTANTINE ALEXANDER: You haven't received any?

CHRISTOPHER VUK: No.

CONSTANTINE ALEXANDER: For the record, I inquired of Mr. O'Grady in the Inspectional Services Department if he had heard of anything. And he had not. There are no complaints filed with them either, which is good obviously.

What about your staff? You have 12 members of your staff when you came before us before, and there was some questions about

parking there. I think your answer was they were going to be staggered in terms of their arrivals and departures. Any issues there? How many staff do you have?

CHRISTOPHER VUK: Sure. So for the music school we have --

NIKHIL HOGAN: 11. Oh, the music school?

CHRISTOPHER VUK: Oh, for the music school there are eleven, and then for the child care facility there are eight. Of the child care facility, none of them drive. And for the music school?

NIKHIL HOGAN: I think Aaron drives. One person maybe?

CHRISTOPHER VUK: Okay, we think one person out of the music.

NIKHIL HOGAN: Two. I think two.

CHRISTOPHER VUK: Two.

CONSTANTINE ALEXANDER: That's not getting measurably to the parking.

CHRISTOPHER VUK: Yeah. And the music school is operating primarily in the evening as well.

CONSTANTINE ALEXANDER: Questions from members of the Board?

(No Response.)

CONSTANTINE ALEXANDER: Okay. I'm going to open the matter up -- anything further you want to add at this point?

CHRISTOPHER VUK: No. The child care facility is at capacity with their numbers. So we don't anticipate -- well, we cannot enroll more children. The music school will potentially grow more.

NIKHIL HOGAN: About 30 or 40.

CONSTANTINE ALEXANDER: Do you have any other facilities in Cambridge?

CHRISTOPHER VUK: We do, yes.

CONSTANTINE ALEXANDER: By the Music Consortium on the corner of Prospect and --

CHRISTOPHER VUK: Correct, yeah. And so we have the first floor of that unit.

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

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

(No Response.)

CONSTANTINE ALEXANDER: The Chair notes there is no one who wishes to be heard.

The Chair would report that we are in receipt of a letter from Charles W. Malta, M-a-l-t-a who is a family and general dentist. And it says: The above -- he's referencing your case -- the above-mentioned case is scheduled for March 27, 2014. This

is of course before it got continued a few times. I would like to motion that I am opposed to this case. For over 20 years I have been practicing dentistry at 538 Cambridge Street and the city has made many changes to the parking conditions. My patients and staff rely on public parking. Last year a loading zone was approved directly across from my practice and thus eliminated a parking spot. I hope that the city can utilize the existing loading zone and not grant an additional spot. It is difficult enough to park in this area without eliminating an additional spot. Thank you for your consideration.

Obviously he's under misapprehension. We're not looking to eliminate another spot. We didn't grant another. We didn't grant it the first time, a loading zone either, the

city did. As we're talking about, as you know, just eliminating the Zoning requirements to maintain off street parking.

CHRISTOPHER VUK: Yes.

CONSTANTINE ALEXANDER: You've made a case and, I think, and history bears it out, there's no need for the parking as required by our Zoning Ordinance.

So I'm of a mind -- I'll open the matter of discussion with members of the Board to renew the Special Permit without any time limits. I think two years tells us what we need to know about any problems.

What do other members think?

TIMOTHY HUGHES: I'm good with that.

THOMAS SCOTT: I'm in favor.

JANET GREEN: I'm good with that.

CONSTANTINE ALEXANDER: Okay.

So, the Chair moves that this Board make

the following findings with regard to the Special Permit being sought:

That it appears that you cannot make the requirements of the Ordinance. There's no -- you have no means of off street parking given the nature of the structure and its location in the area.

That traffic generated or patterns of access or egress will not cause congestion, hazard, or substantial change in established neighborhood character. In this case is a little bit true of some of the other findings I cite. We have two years of history. It's not a matter of guessing what is going to happen. We've seen what has happened and it seems to be clear that there is no substantial change in established neighborhood character resulting in your activities.

The continued operation of adjacent

uses will not be adversely affected. Again, that seems to be the case. There's no -- people haven't moved out of the neighborhood, the stores by virtue of the fact that you moved in. Our dentist friend here has a problem, but I think the problem is based on a mistaken view of what we do down here.

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

That the proposed use will not impair the integrity of the district or adjoining district or otherwise derogate from the intent and purpose of this Ordinance.

Again, you've demonstrated that you provide, I think, a useful service to the community both in the music instruction side

and on the day care side, and that you have had no adverse impact it would appear, on the neighborhood.

So based on these findings, the Chair moves that we grant the Special Permit being requested to allow a reduction of parking spaces as required by our Zoning Ordinance.

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

(Aye.)

CONSTANTINE ALEXANDER: Five in favor. Well done.

(Alexander, Hughes, Sullivan, Scott, Green.)

TIMOTHY HUGHES: Just for the record, I sing but I don't dance.

* * * * *

(7:10 p.m.)

(Sitting Members Case #BZA-003139-2014:
Constantine Alexander, Timothy Hughes,
Brendan Sullivan, Thomas Scott, Janet
Green.)

CONSTANTINE ALEXANDER: We have one
other continued case. It's involving 69
Clarendon Avenue, but I see Mr. Hope eagerly
is sitting in the back of the room, but we have
a case involving the same property on our
regular agenda, and I suggest we hear the
continued case -- we have to hear it after we
hear the regular case, case on the regular
agenda and we can't hear that case until 7:30.

(A short recess was taken.)

* * * * *

(7:30 p.m.)

(Sitting Members Case #BZA-00371-2014:
Constantine Alexander, Timothy Hughes,
Brendan Sullivan, Thomas Scott, Janet
Green.)

CONSTANTINE ALEXANDER: The Chair
will call the regular agenda. And the first
case on our regular agenda that we're going
to hear is case No. 003711, 69 Clarendon
Avenue.

You folks have been here before so you
know the drill.

ATTORNEY SEAN HOPE: Good evening,
Mr. Chair, Members of the Board. For the
record, attorney Sean Hope, Hope Legal
Offices in Cambridge. I'm here tonight with
the owners of 69 Clarendon Street.

FREDERICK KANTOR: Ave.

ATTORNEY SEAN HOPE: Ave.

FREDERICK KANTOR: Fred Kantor.

EVELYN LUGO-KANTOR: Evelyn Kantor Lugo. And this is our son Jose.

ATTORNEY SEAN HOPE: So this is an application requesting Variance relief to construct a three-story, two-family duplex in the Res B District. This was an application, although it's a new application, it was based on a previous application that was continued. Based on some feedback from the Board and also conversation with neighbors, we were able to look at the site again. We're doing new construction, and we came up with a revised plan that would allow for an additional curb cut on the left side of the property so that the three cars that were parked all on the one side would be two on the right and one on the left, which would allow us to center the house more appropriately which would actually give

more light and air to the neighboring abutters. That was one of the issues. Also, though, by moving one of the parking spaces to the other side, it actually did allow for some more circulation. So some of the issues that we felt with drop off and delivery actually may be improved just because there's another car. So what we thought might have been a challenge, actually turned out to be somewhat of a benefit. We've already applied for the curb cut. We submitted that application. And the abutter who was here last time also signed off on that. And I believe he's here tonight to speak in favor.

One of the elements, because we tried to keep the existing curb cut on the right-hand side where the existing property is, although we have two conforming parking

spaces, the maneuverability of the car exiting wasn't -- did not meet the requirements of the Ordinance, so that was an additional piece of relief we advertised for. Well, I still think you can make the turn. In due caution, we said we would ask for that relief to make sure that that was covered as well.

And then there's also Special Permit relief because we're asking for two curb cuts within a 100 feet of frontage, and that as I said, is subject to City Council for approval, but that's part of our revised plan that we think is going to --

CONSTANTINE ALEXANDER: And you need a Special Permit from us as well?

ATTORNEY SEAN HOPE:
That's -- exactly. We need that relief from you and if we're approved, and then later to

the curb cut --

CONSTANTINE ALEXANDER: Am I correct that the structure itself is exactly the structure that we saw the last time, you just moved it?

ATTORNEY SEAN HOPE: That's exactly it.

CONSTANTINE ALEXANDER: Okay. There's no issue of more FAR or less FAR?

ATTORNEY SEAN HOPE: And the only thing is that the setback on the left-hand side is improved. It was close to nine and now it's 15, which is actually the existing bay window where it is before. So it really doesn't really change appreciably.

Although the structure is taller, it's still below the 35-foot height limit. But most importantly in conversations with that neighbor, they were satisfied with the

changes that were made. So we're eager to get started on this. I do think just briefly the hardship, which we went over last time, was really due to the existing structure that's not suitable for the Petitioner's needs. And with this proposed new construction, both financially and as well as space for their home therapy, this would alleviate a substantial hardship.

CONSTANTINE ALEXANDER: I'm just trying to -- I'm listening to you, but on the Special Permit for the curb cut, and I just want to see what the standard is, what you have to -- what we have to find. 6.34.

JANET GREEN: 6.43.

CONSTANTINE ALEXANDER: Yes.

6.33. Thank you.

JANET GREEN: 6.43.

CONSTANTINE ALEXANDER: No, no, no,

there's a section in here we cited -- you're right, it's 6.43, I apologize. 0.2.

We'll go down to -- maximum of one curb cut for every 100 feet of street frontage. That's what you're looking for relief from?

ATTORNEY SEAN HOPE: That's right.

CONSTANTINE ALEXANDER: May be modified if the Board determines that traffic and safety will be facilitated by exceeding this maximum.

So a few words on why you meet that standard?

ATTORNEY SEAN HOPE: Yes.

As I mentioned before, I think the safety of Petitioners' children as they are being picked up by their special needs bus, there's a need for orderly arrangement of parking. After reviewing, after last hearing, three cars exiting and accessing

that area does lead to congestion. So by separating the parking, two on one side and one on the other, it does allow for safety access and exiting just as well as, just turning radiuses. That's a dead end street that it ends into Somerville, and I think it would be more orderly arrangement of parking as well as access and egress to separate those spaces for two on one side from one on the left side.

FREDERICK KANTOR: Just one other thing, too, on the side that our house is on on Cambridge, there's also no parking on that side of the street. So it's actually making more parking available on Clarendon Ave. It's not taking a space away.

CONSTANTINE ALEXANDER: Thank you.

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?

(No Response.)

CONSTANTINE ALEXANDER: There appears no one is here wishing to be heard.

You're supporting to us that the people who haven't spoken -- you don't have to speak.

ATTORNEY SEAN HOPE: Their silence says volumes.

CONSTANTINE ALEXANDER: And I would note that for the record at our last hearing there was a lot of neighborhood support for this project, and it was the same building except it was slightly a different location on the lot.

ATTORNEY SEAN HOPE: That's right.

CONSTANTINE ALEXANDER: We have nothing in our files since then so I think we're all set.

Final words?

ATTORNEY SEAN HOPE: I think we've said it all.

CONSTANTINE ALEXANDER: Okay.

Questions from members of the Board?

TIMOTHY HUGHES: No, I'm good.

CONSTANTINE ALEXANDER: Okay.

I'll start with the Variance first.

With regard to the Variance being requested by the Petitioner, the Chair moves that we make the following findings:

That a literal enforcement of the provisions of this Ordinance would involve a substantial hardship to the Petitioner. Such hardship being reflected by the special health needs of the owners' of the premises

children. It requires really a different form of structure that would deal with the issues that they face.

That the hardship is owing to basically the shape of the lot. It's a non-conforming structure.

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.

In this regard, there is no opposition to the relief. Neighbors are in support or at least are neutral with regard to the relief being sought. That we will get a new structure on the lot that the -- we made findings once before with respect to granting relief that at that time would allow you to expand the structure. You have since opted to move on and decided to build a new

structure.

Those findings should be incorporated by reference into this decision.

So based on all of these findings, the Chair moves that we grant the Variance being sought on the condition that the work proceed in accordance with the site plan and specifications of drawings provided by the Petitioner. The site plan is revised as of April 15, 2014, and initialled by the Chair. And the plans are 1, 2, 3, 4, 5, 6, 7, it would appear -- 6, 7. All of these plans are dated December 19, 2013. They're prepared by Professional Building Systems, Inc. And the first of these pages, which are numbered -- are they numbered? Have been initialled by the Chair.

All those in favor of granting the Variance on the basis so moved, say "Aye."

(Aye.)

CONSTANTINE ALEXANDER: Variance granted.

(Alexander, Hughes, Sullivan, Scott, Green.)

CONSTANTINE ALEXANDER: You can build the structure. Now we have to get to the curb cuts.

With regard to the Special Permit being sought to allow two curb cuts within 100 feet, the Chair moves that -- and with respect to Section 6.43-2, we make the following findings:

That traffic generated or patterns of access or egress will not cause congestion, hazard, or substantial change in established neighborhood character. In this regard the street is at the end, from the point of view from the City of Cambridge, at the end of the

line, on town line, and it becomes a one way street after you cross into Somerville.

Right?

ATTORNEY SEAN HOPE: Right.

CONSTANTINE ALEXANDER: And that, and so it is not a street that is heavily trafficked, and it is a street that does need the kind of parking you're seeking to allow the busses that help your child turn around.

That continued operation or development of adjacent uses will not be adversely affected by what is being proposed.

There will be no loss of parking on the street by virtue of the second curb cut.

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

And what is proposed will not impair the

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

In this regard we look with care upon the notion of curb cuts, in which you're adding additional curb cuts, you've demonstrated by virtue of your special needs, the need for these two curb cuts.

And further, that there will be further approval from the City Council. So there is a second level of approval here.

So on the basis of all these findings, the Chair moves that we grant the Special Permit being sought with regard to the curb cuts.

All those in favor say "Aye."

(Aye.)

CONSTANTINE ALEXANDER: Five in favor. You're all done.

Congratulations.

(Alexander, Hughes, Sullivan,
Scott, Green.)

* * * * *

(7:40 p.m.)

(Sitting Members Case#BZA-003139-2014:
Constantine Alexander, Timothy Hughes,
Brendan Sullivan, Thomas Scott, Janet
Green.)

CONSTANTINE ALEXANDER: Okay.

We have a continued case. This was the
one we heard the last time and that was
continued. I will call that now. It's case
No. 003139, 69 Clarendon Avenue.

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

ATTORNEY SEAN HOPE: Yes.

Good evening, Mr. Chair, Members of the
Board. For the record, attorney Sean Hope,
Hope Legal Offices here on behalf of the
applicant.

We would formally like to request that we withdraw this application. We had approval that supercedes this application so we no longer wish to proceed.

CONSTANTINE ALEXANDER: Okay, thank you.

I move that we accept the requested withdrawal of this Petition.

All those in favor say "Aye."

(Aye.)

CONSTANTINE ALEXANDER: Five in favor. Case withdrawn.

(Alexander, Hughes, Sullivan, Scott, Green.)

* * * * *

(7:45 p.m.)

(Sitting Members Case #BZA-003649-2014:
Constantine Alexander, Timothy Hughes,
Brendan Sullivan, Thomas Scott, Janet
Green.)

CONSTANTINE ALEXANDER: The Chair
will call case No. 003649, 508 Green Street,
No. 3.

ATTORNEY SARAH LIKE RHATIGAN: Good
evening.

CONSTANTINE ALEXANDER: Good
evening.

ATTORNEY SARAH LIKE RHATIGAN: Good
evening, everybody. I'm Sarah Rhatigan with
Trilogy Law. I'm here with Andrew Bram and
Allen Annis and Ashley Williams.

Mr. and Miss Williams own the property at 508 Green Street. And this is -- they're in the third floor unit of a three-unit condominium building. And when they bought their unit in 2005, there was a roof deck on the roof and they happily lived with the roof deck for many years until June 2013. So last -- it would be last summer during a terrible rainstorm the water started to leak through into their apartment. The roof had failed. They had to have emergency repairs. They had to remove the roof deck in order to repair the flat rubber membrane roof in order to -- replace it rather. And when they went -- when the contractors went to pull the permit to rebuild the roof deck, they were shocked and dismayed to find out that it had never been permitted. So here we are today.

So the roof deck had been in existence

at least -- well, sometime -- it was built sometime after 2003 and sometime before they bought it in September of 2005. We know it was installed by the previous owner who had owned it for the space of about a year and a half. And interestingly enough when they went to try to figure out how on earth this happened, the permit file in the Building Inspection office shows a number of permits being pulled. One of them which suggests it was some work related to the roof. And in a separate violations file is where they found notes that there actually had been a case filed against the previous owner. The building inspector had noted that a roof deck was being built without permits, ordered it to be stopped, and then there was some notes about the case being continued and then the case being closed.

Frankly, we're not exactly sure what happened there.

But -- so, again, here we are --

CONSTANTINE ALEXANDER: Did you say your clients knew this?

ATTORNEY SARAH LIKE RHATIGAN: No. They found this out after June 2013 when their contractors -- and I'm not sure when --

CONSTANTINE ALEXANDER: No, I understand that. When you brought the premises and you did your due diligence -- did you have an attorney represent you at that time?

DAVID ALLEN ANNIS: Absolutely.

CONSTANTINE ALEXANDER: Okay. And did the attorney, as a matter of course, check the violations file, the building files to see whether there might be outstanding violations?

DAVID ALLEN ANNIS: Not to my knowledge.

ATTORNEY SARAH LIKE RHATIGAN: So the file that I think that Mr. Annis did review was the permits file.

DAVID ALLEN ANNIS: Right.

ATTORNEY SARAH LIKE RHATIGAN: And in fact when I went down to the basement to look and have these files pulled, you get the permits file. And there are, again, there are permits. There's one -- and I submitted it with the application just so you could kind of see it here. So the one permit that, again, suggested that the owner was doing what he was supposed to do, refers to -- let's see, I'm not trying to pull the needle out of the stack, but I'm going to try. Maybe I didn't file it.

It refers to --

DAVID ALLEN ANNIS: It was filed.

ATTORNEY SARAH LIKE RHATIGAN: It refers to railings around the roof for safety.

Thank you. My good client could pull exactly the needle out of the haystack that I was looking for.

So from the -- they had no idea.

CONSTANTINE ALEXANDER: What puzzles me, and I'm not a real estate lawyer, so I don't know. I would have thought if you check files, you would check violations as much as anything else. No? You're shaking your head, Mr. Bram.

ATTORNEY SARAH LIKE RHATIGAN: I don't -- most attorneys wouldn't know there is a separate file for violations. Like, I would expect the violations to be in with the permit file. And I have seen that before.

And I actually talked to the clerk downstairs, really? There's a separate file for violations? Like, how would one know? Most towns it's all in one place if it's anywhere to be found, right? I don't know. But I mean at any rate --

CONSTANTINE ALEXANDER: Okay.

ATTORNEY SARAH LIKE RHATIGAN: So here's our situation.

CONSTANTINE ALEXANDER: I ask these the question because --

ATTORNEY SARAH LIKE RHATIGAN: You know, they lived eight years. Eight years, no complaints from neighbors. No suggestion or indication that they had anything other than, you know, their condo and the roof deck.

CONSTANTINE ALEXANDER: The reason I ask the question is to me the strongest reason for relief is you come here with clean

hands, you know? You're innocent parties to something that you didn't know about. The question is should you have known about it? That's what I'm trying to probe a little bit. And the fact that there were no complaints or you've been there eight years, to me that's not meaningful. Everybody was very happy and let it go, but this is not -- I'm not suggesting this is the case, but if you knew that there was a violation and you're running for luck and figured nobody's bothered us before and we could keep going and low and behold you had a rainstorm and you had to replace it, and all of a sudden your luck ran out. And I'm talking hypothetically. That's what makes me -- that's what I'm trying to probe. I want to be comfortable that you didn't need -- I'm sure you did not know, but you had no reason to know of the

problem when you bought the condominium.

DAVID ALLEN ANNIS: I can absolutely attest we did not know there was an issue and violation. I do remember when we bought it in 2005, actually as something what Sarah was saying, I did review the file to see what other work had been done, what permits had been pulled. There was no indication in that file of any violation. And in fact that's where that piece of paper there came from.

CONSTANTINE ALEXANDER: Okay.

THOMAS SCOTT: Was the deck accessible by any other tenants in the building?

DAVID ALLEN ANNIS: It's -- it's exclusive use of the third floor.

BRENDAN SULLIVAN: There's a hatchway going from unit 3 up to the deck. And hence, it would make some sense for

somebody to want to put a roof railing or railing around it, but that just opens up the door then. That's sort of a cute way of then doing work up there. I mean, you know, what is the purpose of this railing? Well, for people to do work. I mean, there are thousands of three deckers in the city that do not -- I have one, that does not have a railing around it. There's a hatchway to the roof for normal maintenance and what have you, but you put a responsible person up there who is not going to go to the edge. But at any rate, that's either here nor there. I think whoever represented you at the -- your attorney when you bought the unit, failed quite a bit in not doing due diligence and saying okay, here's a roof deck and it's highlighted obviously in the deed that you have exclusive use to it. And it's a

building feature that's abnormal, and not normal. I think someone would have said, again, not a novice but a real estate attorney would be somewhat savvy to Zoning Laws and regulations and representing clients to make sure that everything is on the up and up. Anyhow, that attorney failed.

CONSTANTINE ALEXANDER: Well, I think to take a different point of view. What your testimony is that the attorney didn't fail, but because of the peculiar filing requirements or practices of the city, there was no way to find out.

ATTORNEY SARAH LIKE RHATIGAN:
Yeah, I mean I guess just from -- to the extent that this really bears on -- these folks have clean -- I mean, I have no doubt that these folks have clean hands. From the expression of -- I mean, from the experience

of shock at what happened. I mean frankly, if they didn't have clean hands, then they might have been smart enough to wait to remove the roof deck until ten years had passed and then they wouldn't be in front of the Board. I mean honestly --

CONSTANTINE ALEXANDER: Just to elaborate on that for members of the Board. The violation of the Zoning Laws and it goes uncorrected, unchallenged for ten years, then it's okay.

ATTORNEY SARAH LIKE RHATIGAN: Right. So ten years would be April 2014, right? So but again --

TIMOTHY HUGHES: Yes, that would have been a year of water coming through your roof.

ATTORNEY SARAH LIKE RHATIGAN: No, I understand that, but, right. So, again,

like --

CONSTANTINE ALEXANDER: You can put buckets all around.

TIMOTHY HUGHES: Yeah, exactly right.

ATTORNEY SARAH LIKE RHATIGAN: So I think, you know, it's clear to me that these guys have clean hands to the extent whether or not their attorney should have, would have -- I mean I've practiced as a real estate attorney representing clients and I always tell people to go and look at permits and sometimes people -- there are many attorneys out there who don't do this at all. And frankly they should, but they don't. Just in terms of, like, the real world of real estate transactions --

BRENDAN SULLIVAN: I ask the question because they're afraid of the

answer.

ATTORNEY SARAH LIKE RHATIGAN: That can be true, too. Yeah, for sure. But I mean --

CONSTANTINE ALEXANDER: Talk a little bit about the new deck that you want to put up, which is not the same dimensions --

ATTORNEY SARAH LIKE RHATIGAN: It's not.

CONSTANTINE ALEXANDER: -- as the one that's there now.

ATTORNEY SARAH LIKE RHATIGAN: Right. So what we've tried to do is bearing in mind that they don't want to lose what they had in terms of, you know, the hardship to them of completely losing a roof deck is really quite substantial both in terms of financially and in terms of their enjoyment

of their property. And because of the location of the chimneys on the roof, where their access is to the roof through the hatch, what they've tried to do is essentially bring the roof deck back from the front and the sides so as to remove any side setback violations on all but one side. And so what the size of the deck is a tinch smaller than previously and it's slightly reconfigured again. So to bring it back from the front so that we're meeting front setbacks, which is also nicer for people in the street to the extent that people could see it from the street, again, bringing it in a tinch on both sides. On the left side -- and I should say when reviewing my calculations before coming here, I realized that my side setbacks, in the dimensional table I had 10.9 feet on both sides, but I had failed to remember Article

5.21.1 which is if you are on a lot, a pre-existing non-conforming lot in terms of its width, which we are, because it's a 35-foot wide lot. So it's too small for the district, where we should have a 50-foot lot size. When you're in that situation, then your measurements can be smaller, so we could be up to the two measurements on the side don't have to be more than 30 percent of the width, however, limited to seven-foot, six inches. So those side dimensions, again, in my dimensional table, they read 10.9. They should actually be seven-foot, six inches. And I'm sorry for that mistake. And I could, you know, correct that through testimony --

CONSTANTINE ALEXANDER: Well, you're still going to be non-conforming.

ATTORNEY SARAH LIKE RHATIGAN: We're still going to be non-conforming. So

the non-conformity is a little bit less. And then the other thing is that we could have re-sited the deck to the right side of the house which would, which we could do without violating the right-side setback. The downside, it's a little bit of form over substance because when you look at the neighboring properties, the property that's on the left side is a house that's exactly the same height as our house. And we tried to provide pictures, and I hope -- I have copies that I can show you here, but I'll just flip through so you can see it. In terms of the impact on the neighbors, when you look out towards the left side property neighbor, which is 502 Green Street, the windows on that third floor of the neighboring house, I don't -- I haven't been inside the house, but I don't even know that they can see the top edge of

the railing from there.

CONSTANTINE ALEXANDER: Can you see the top edge of the railing looking over looking into their house?

DAVID ALLEN ANNIS: No, sir.

ATTORNEY SARAH LIKE RHATIGAN: No, you can't. And that tries to give you a little sense of what you see.

Now on the other side where we don't technically have the setback issue, we have a building that's higher and where windows actually do look out on us. So to the extent that, again, we may be able to, you know, kind of minimize technical setbacks, we think that the proposal's actually better than what the alternative would be.

CONSTANTINE ALEXANDER: You also have an FAR issue, too?

ATTORNEY SARAH LIKE RHATIGAN: We

have an FAR issue. So any roof deck would violate -- you know, would increase our floor area ratio. Obviously we're above the required 0.75 existing.

CONSTANTINE ALEXANDER: Right now you're at 1.0.

ATTORNEY SARAH LIKE RHATIGAN:
We're at 1.0.

CONSTANTINE ALEXANDER: Is that with the current roof deck? No, that's without the current roof deck.

ATTORNEY SARAH LIKE RHATIGAN:
That's without any roof deck.

CONSTANTINE ALEXANDER: It's basically the same size as the other one. You're going to go to 1.13 in a 0.75 district.

ATTORNEY SARAH LIKE RHATIGAN:
Right, right, right. And just in terms of, you know, the -- I think that the real, the

real hardship to them if they're not allowed to put up a roof deck is pretty substantial -- I mean, it's very substantial in terms of the -- they're in the situation of being in an undersized lot, the house is at the front of the lot. All of the open space for the lot is in the rear, and they're on the third floor. And so to access the only open space, they got to run down three flights of stairs. And they've got this roof hatch and they used to have the roof deck, so it's --

CONSTANTINE ALEXANDER: Well, running down three flights of stairs is something that anybody who has a three decker and lives on the top deck has to do. They're not unique in that regard.

ATTORNEY SARAH LIKE RHATIGAN: Yes.

CONSTANTINE ALEXANDER: Questions

from members of the Board?

JANET GREEN: I do have one question. So, if you had gone to the violations file, you might have found this information or your real estate agent might have told you or your real estate lawyer might have told you. Were there any other ways, any other like common ways that people buy a house, you know, areas that they look at to understand? Like, they do title searches and this and that. Is there anything that sort of goes through and makes sure that it doesn't violate any kind of Zoning?

ATTORNEY SARAH LIKE RHATIGAN:

That's the only place that that type of information would be.

JANET GREEN: So you would not have had any way to do it?

ATTORNEY SARAH LIKE RHATIGAN: No.

JANET GREEN: And then did I understand correctly, if the rainstorm had happened a year later, then it would have been grandfathered or how does that work?

CONSTANTINE ALEXANDER: Well, the violation that was created when the deck was originally built would have been corrected, but I'm not sure that it would -- in my own mind I'm not clear that a month after that the deck gets torn down whether you can build a new one. Because you're starting all over -- I would think you're starting all over again. I don't think you get the grandfather for ten years. It only is for the existing deck.

ATTORNEY SARAH LIKE RHATIGAN: I think under 8-point --

CONSTANTINE ALEXANDER: I'm not sure.

ATTORNEY SARAH LIKE RHATIGAN: We were just talking about this --

ATTORNEY ANDREW BRAM: 8.23 --

ATTORNEY SARAH LIKE RHATIGAN:
Thank you.

ATTORNEY ANDREW BRAM: -- which is the part that allows you to rebuild a non-conforming use or structure.

CONSTANTINE ALEXANDER: Yes.

ATTORNEY ANDREW BRAM: If it's become legally non-conforming because of the passage of time under 40-A, Section 6 --

CONSTANTINE ALEXANDER: Yes.

ATTORNEY ANDREW BRAM: -- then I think Section 8.23 would apply if the costs would be less than 50 percent of the cost of the property to rebuild a non-conforming structure. And I think that would apply to this roof deck.

CONSTANTINE ALEXANDER: In any event, as long as it's not substantially more detrimental to the neighborhood. That's the test we would apply.

JANET GREEN: There doesn't seem to be any complaints.

ATTORNEY SARAH LIKE RHATIGAN: So, no. That's the other thing, from the time that they bought the property through to from now, you know, or until the point that the roof deck was removed, there were never any complaints about the roof deck. The roof deck's existing.

ATTORNEY ANDREW BRAM: I would add just one thing, and that is interesting -- I didn't represent Ashley and Allen when they bought this property. What I do is, to Mr. Sullivan's point, what I do is typically check the Building Department records myself

or I do, you know, make sure they're checked. Okay? I've been doing this for 43 years. Until this case I was not aware that there was a separate violation file. I would have thought that if you went to the building jacket and there were outstanding violations, you would find them.

Second thing is even if you looked at the violation file, and I think there's a copy of it in there, it says the violation was closed. It went to court and they dismissed it. So a layperson looking at it might have assumed the roof deck was then okay. If you looked at the file --

CONSTANTINE ALEXANDER: A layperson may --

ATTORNEY ANDREW BRAM: The city fell down on this. They tried, they tried to tell this former owner you need to remove this

deck. Then they dismissed the complaint and they never followed up to see if the deck was removed. Ten years.

CONSTANTINE ALEXANDER: I -- the file is silent. There's a mystery behind what happened. But in any event....

BRENDAN SULLIVAN: I mean, there's no doubt the previous owner committed fraud and deceptive practices.

CONSTANTINE ALEXANDER: No question.

ATTORNEY ANDREW BRAM: I think that's accurate.

BRENDAN SULLIVAN: I mean, the previous owner is her agent, whoever drew up the condo documents, you know, allowing you exclusive use of the deck that they knew was illegal.

ATTORNEY SARAH LIKE RHATIGAN:

Yeah. Not, not that it's totally germane to this, but actually when the condominium documents were written, it was actually a previous owner. So they allowed the rights to build that roof deck. And then the prior owner -- and so then the developer sold it to this owner and built out the roof deck and then sold it.

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

Is there anyone here wishing to be heard on this matter? This is Green Street?

(No Response.)

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

There is nothing in the file. No letters one way or the other from the neighbors.

There is a consent from the condominium

association which would be required, I think, as a matter of a condominium documents so that's been taken care of. So I will close public testimony.

Any final comments?

ATTORNEY SARAH LIKE RHATIGAN: No, thank you.

ATTORNEY ANDREW BRAM: I would just add for the Board that we sent out letters to all of the abutters, to everybody so that there was actual notice to these people and sent them pictures to what we planned to build if we got approval.

CONSTANTINE ALEXANDER: Okay.

ASHLEY WILLIAMS: There was one letter of support from a neighbor.

CONSTANTINE ALEXANDER: You didn't by any chance bring it with you?

ASHLEY WILLIAMS: Yes, we did.

CONSTANTINE ALEXANDER: Can we take it and put it in our files?

DAVID ALLEN ANNIS: Of course. Let me dig it out for you.

CONSTANTINE ALEXANDER: Your file is as bad as our files. It's probably in the violations file.

THOMAS SCOTT: Is the deck the same size?

CONSTANTINE ALEXANDER: Slightly smaller.

For the record, there's an e-mail given to us by the Petitioner from Sandy Goldberg. (Reading) Got your letter. No worries at all on our end. Wish you the best of luck and hope you enjoy the rebuilt roof deck with a neighborly wave. Sandy Goldberg.

Discussion? Or ready for a vote?

TIMOTHY HUGHES: I'm good with it.

CONSTANTINE ALEXANDER: Okay.

TIMOTHY HUGHES: I think they represented themselves as having clean hands. I agree. And everybody knows I'm a fan of decks anyway.

CONSTANTINE ALEXANDER: And he's the pushover on the Board.

Okay, the Chair would move that we make the following findings with regard to the Variance being sought -- the Variance being sought to reconstruct this roof deck.

That a literal enforcement of the provisions of the Ordinance would involve a substantial hardship. Such hardship, that the Petitioner in good faith having bought their unit with a roof deck would not be able to rebuild the roof deck and will be left with a -- I guess you just have to remove the existing deck and -- your roof has been

repaired. But in any event, you would be deprived of a use of a roof deck which you believed you owned and had a right to use when you bought the property and you did so in good faith.

And that the hardship is owing to circumstances relating to the fact that this is a non-conforming structure on a very narrow lot. So it's the shape of the lot and the fact of being a non-conforming structure, any modifications including roof deck requires Zoning relief.

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

In this regard there appears to be no neighborhood objection. A roof deck has been on this structure for more than ten years

and it's caused no neighborhood concerns or problems.

So, on the basis of these findings, the Chair moves that we grant the Variance, the Variance being sought on the condition that the work complies with the plans submitted by the Petitioner. There are two pages. One is entitled, "Proposed 508 Green Street Roof Deck Dimensions Versus Building Plan." And the other is "Proposed 508 Green Street Roof Deck Dimensions Versus Roof Measurements." And what these show is how the deck that's proposed to be built differs slightly from the deck that is there right now.

Both of these plans have been initialled by the Chair. So that's a condition that when you do the work, it's going to be consistent with this.

All those in favor of granting the

Variance on the basis so moved say "Aye."

(Aye.)

CONSTANTINE ALEXANDER: Five in
favor. Variance granted.

(Alexander, Hughes, Sullivan,
Scott, Green.)

* * * * *

(8:10 p.m.)

(Sitting Members Case #BZA-003670-2014:
Constantine Alexander, Timothy Hughes,
Brendan Sullivan, Thomas Scott, Janet
Green.)

CONSTANTINE ALEXANDER: The Chair
will call case No. 003670, 241-243 Walden
Street.

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

MARIA PACHECO: It's continuing.

CONSTANTINE ALEXANDER: I know.

The Chair would note that we are in
receipt of a letter. We are in receipt of a
letter from Bruce J. Embry, E-m-b-r-y, Esq.
(Reading) As counsel for the Petitioner, we
respectfully request that the hearing in the
matter of 241-243 Walden Street be continued
until the Board's meeting on June 26th or soon

thereafter as the calendar will permit.

 Maria, I assume the calendar permits
June 26th?

 MARIA PACHECO: Yes.

 CONSTANTINE ALEXANDER: It does.

 Are you here for this case?

 UNIDENTIFIED AUDIENCE MEMBER:

 Yeah, we didn't know they were going to ask
for a continuance.

 UNIDENTIFIED AUDIENCE MEMBER:

 Yeah, I'm here as well.

 CONSTANTINE ALEXANDER: We just
learned ourselves in the last couple days. I
don't know why. They don't explain why.
They don't have to tell us why. But
typically when it's requested we give a
continuance, at least the first time. Is
June 26th a day that works for you? If you
took the time to come down tonight, you want

to come down on June -- you're going to have to come down on June 26th unless we pick a different date. And I want to make sure we pick a date that works for you as well as the Petitioner.

UNIDENTIFIED AUDIENCE MEMBER: I could do June 26th. I would very much like to see whatever the plans --

CONSTANTINE ALEXANDER: Oh, my goodness, yes. You should know they're in the -- they had to be in our files by last Monday by five p.m. They're all in here. They could modify them.

UNIDENTIFIED AUDIENCE MEMBER: I understand. Does one have to come here to see them?

CONSTANTINE ALEXANDER: No, you go to the building -- Inspectional Services Department across the street.

UNIDENTIFIED AUDIENCE MEMBER:

Okay. I had e mailed Mr. Embry and asked if he could send me something. I had not had a response. That was a few weeks ago.

CONSTANTINE ALEXANDER: I can't explain that. This is a matter of public record. You have a right -- I would suggest, if you're interested in the case, that sometime after five p.m. on the Monday before June 26th, go down to Inspectional Services and ask for the file and you'll see the plans. The reason I say that is because the plans could change between now and then. They'll be locked in by five p.m. on June 26th.

UNIDENTIFIED AUDIENCE MEMBER:

Inspectional Services?

CONSTANTINE ALEXANDER: Yes. It's right diagonally across the street. Across the street from City Hall.

UNIDENTIFIED AUDIENCE MEMBER:

Thank you.

CONSTANTINE ALEXANDER: Okay, this is a case not heard.

The Chair moves we continue the case until seven p.m. It will be seven p.m. on June 26th as a case not heard. Which means any five members of this Board can sit on the case. That's for your benefit.

Did we get a waiver of time for a decision?

MARIA PACHECO: We did.

CONSTANTINE ALEXANDER: Good.

On the subject of the following conditions:

That the sign that's posted on the property be modified to reflect the new date, and the new time, June 26th, seven p.m., and that it be maintained for the 14 days that are

required by the Ordinance.

And, Maria, tell Mr. -- the Petitioner, I want a second sign up on that property on Walden Street. There's only one now and it's on Sherman. It's a little bit tucked away. It's not that noticeable. I'm going to ask that they have a second sign up on Walden Street so that everyone in the neighborhood will be on notice if they don't otherwise know.

And on the further condition that if the Petitioner modifies the plans that are in the file now, which he has a right to do, that these modified plans and any modifications to the dimensional requirements that are, charts that they have to submit, must be in our files by five p.m. on the Monday before June 26th. No later than five p.m. And that's to make it available to the public to

read. If they don't do that, we will not hear the case on June 26th. We'll just continue it again.

You folks needed the opportunity to review them and think about them and have problems you would be able to express that the on our hearing on June 26th.

All those in favor of continuing the case to June 26th, say "Aye."

(Aye.)

CONSTANTINE ALEXANDER: Case continued.

(Alexander, Hughes, Sullivan, Scott, Green.)

UNIDENTIFIED AUDIENCE MEMBER: Is there any way to let the parties know so we don't come back again?

CONSTANTINE ALEXANDER: I would suggest you call the Inspectional Services

Department, Maria Pacheco, she'll let you know on the phone so you don't have to come down.

UNIDENTIFIED AUDIENCE MEMBER: I just have a quick question. Did a neighboring area also have to be notified, like, or is it just the sign?

CONSTANTINE ALEXANDER: This time around just the sign. The first time, when the original petition was filed, everybody who is an abutter and an abutter to an abutter within 300 feet must get a letter from the city.

UNIDENTIFIED AUDIENCE MEMBER: We never did.

CONSTANTINE ALEXANDER: You never did? Are you an abutter?

UNIDENTIFIED AUDIENCE MEMBER: We own a business right across, diagonal.

CONSTANTINE ALEXANDER: Okay. You should have.

MARIA PACHECO: Do you own the building?

THOMAS SCOTT: Are you the property owners?

UNIDENTIFIED AUDIENCE MEMBER:
We're the property owners.

UNIDENTIFIED AUDIENCE MEMBER:
We're the property owners and the business owners. It's a funny concept.

UNIDENTIFIED AUDIENCE MEMBER: If it wasn't for the sign on the property, we would not have known.

UNIDENTIFIED AUDIENCE MEMBER: We wouldn't have known.

CONSTANTINE ALEXANDER: I know there's something in there that shows who got letters.

UNIDENTIFIED AUDIENCE MEMBER:

We're at 260 Walden.

MARIA PACHECO: You want to come up for a minute?

CONSTANTINE ALEXANDER: In any event, while we're doing that, there won't be anything sent out in the future, though. The only thing now will be the sign, the modified sign.

UNIDENTIFIED AUDIENCE MEMBER: To clarify, all of the neighbors should have gotten letters?

BRENDAN SULLIVAN: The Ordinance requires that abutters to abutters of this premise within 300 feet.

CONSTANTINE ALEXANDER: Of the premises. Those are the ones that are legally required to get mailed notice.

UNIDENTIFIED AUDIENCE MEMBER: I

live at 245.

UNIDENTIFIED AUDIENCE MEMBER: I
live in the building.

CONSTANTINE ALEXANDER: The owners
of the building, not the tenants.

THOMAS SCOTT: The owner of the
property, not the tenants, right.

UNIDENTIFIED AUDIENCE MEMBER: Oh,
okay.

CONSTANTINE ALEXANDER: They do it
from the tax records. Whoever the tax
records say owns the property, they get the
letters.

All set?

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

(Aye.)

CONSTANTINE ALEXANDER: Four in
favor.

(Alexander, Hughes, Sullivan,
Scott.)

CONSTANTINE ALEXANDER: Janet
abstained.

* * * * *

(8:15 p.m.)

(Sitting Members Case #BZA-003694-2014:
Constantine Alexander, Timothy Hughes,
Brendan Sullivan, Thomas Scott, Janet
Green.)

CONSTANTINE ALEXANDER: We have
Foster Place.

The Chair will call case No. 003694, 8
Foster Place.

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

CAROLYN BURNS: My name is Carolyn
Burns and I'm the owner of the property at 8
Foster Place and I am here to request a
Special Permit. We're doing some work on the
interior of the house and the permit is to
request that we be allowed to remove one
double hung window which was put in at some
point, I don't know when. My parents lived

in the house and died five years ago so I now own the house. The extension which was built sometime, I think, in the mid-70s has all casement windows with the exception of this one double hung window. And our request is to actually remove the double hung window and put in two smaller casement windows to conform with the rest of the windows in the addition.

CONSTANTINE ALEXANDER: Have you spoken to the neighbor where the windows face out on to?

CAROLYN BURNS: Yes.

CONSTANTINE ALEXANDER: And?

CAROLYN BURNS: We had a hearing before the Half Crown-Marsh Neighborhood Conservation Commission to which he received a -- the owner who lives directly behind us received notice of both that hearing and this

hearing. We spoke to him in person. He did not voice any objection. He did not come to the Half Crown-Marsh meeting. We received approval from Half Crown-Marsh and we're here requesting that you consider this.

CONSTANTINE ALEXANDER: I don't recall seeing that in the file. They usually do --

CAROLYN BURNS: The Half Crown-Marsh?

CONSTANTINE ALEXANDER: Yes.

CAROLYN BURNS: It just came. I have a copy.

CONSTANTINE ALEXANDER: Could we have a copy for our files?

CAROLYN BURNS: (Handing document to the Chair).

CONSTANTINE ALEXANDER: Okay, thank you.

Anything else you want to add at this point?

CAROLYN BURNS: No, that's it.

CONSTANTINE ALEXANDER: Questions from Members of the Board?

TIMOTHY HUGHES: I'm ready for a vote.

CONSTANTINE ALEXANDER: Take your time.

TIMOTHY HUGHES: I know.

CONSTANTINE ALEXANDER: The Chair will open this matter up to public testimony.

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

Sir.

GEORGE KENT: My name is George Kent. I live at 2 Foster Place. I'm an abutter. And a partial comment to your question, the one abutter over a part of their

back lot is Jim Van Sickle who had to recuse himself at the Half Crown-Marsh Committee because he was an abutter. He's the Chairman. And he commented that as an architect, that one window has always bugged him and he very much is in favor of this going forward. Other than that, I would just like to say because I can't see the window from my house, although I'm next-door, I strongly support the issuance of the Special Permit.

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

Yes, sir, we've seen you before. Are you through with law school now?

JOHN GREENUP: Yeah, I just graduated on Saturday.

CONSTANTINE ALEXANDER:
Congratulations I think.

JOHN GREENUP: Thank you. It was a long haul.

I'm John Greenup from 45 Foster Place -- Foster Street. I'm an abutter to an abutter. I walk down Brown Street which is where the window in question is visible. I think having the double hung removed and replaced with two casement windows would be appropriate. I don't think it's incongruent with the Building Code. It's within the historic district. I'm fully in support of it. That's all I have to say.

CONSTANTINE ALEXANDER: Thank you, Mr. Greenup.

I will close public testimony.

Any comments from Members of the Board or as Tim ready for a vote?

TIMOTHY HUGHES: I'm still ready for a vote.

CONSTANTINE ALEXANDER: All set?

THOMAS SCOTT: Ready, yes.

CONSTANTINE ALEXANDER: Okay. The Chair moves that this Board make the following findings with regard to the Special Permit being sought:

That the traffic generated or patterns of access or egress resulting from the change will not cause congestion, hazard, or substantial change in established neighborhood character. Obviously these windows would not impact congestion or hazard. And there would be no substantial change. We're talking about replacing one set of windows with an architecturally more appropriate set of windows.

Continued operation of development of adjacent uses will not be adversely affected by what is proposed. The testimony we've

heard tonight in support as well as the lack of opposition from the neighbor most affected by the new windows.

No nuisance or hazard will be created to the detriment of the health, safety, or welfare of the occupants or the citizens of the city.

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

In this regard the Chair will again note that there's neighborhood support.

That there is a Certificate of Appropriateness from the Half Crown-Marsh Neighborhood Conservation District. And that by granting relief we'll remove windows that bug the Chairman -- the current Chairman

of the Half Crown-Marsh Neighborhood
Conservation District Commission.

On the basis of these findings the Chair
moves that we grant the Special Permit being
sought on the condition that the windows be
as set fort in these plans, two pages of
plans. I'm going to initial them.

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

(Aye.)

CONSTANTINE ALEXANDER: Five in
favor. Good luck.

CAROLYN BURNS: Thank you very much.

(Alexander, Hughes, Sullivan,
Scott, Green.)

* * * * *

(8:30 p.m.)

(Sitting Members Case #BZA-003696-2014:
Constantine Alexander, Timothy Hughes,
Brendan Sullivan, Thomas Scott, Janet
Green.)

CONSTANTINE ALEXANDER: The Chair
will call case No. 003696, 31 Walden Street.

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

(No Response.)

CONSTANTINE ALEXANDER: The Chair
is in receipt of a letter from James J.
Rafferty, Esq. who is counsel for the
Petitioner in this matter. (Reading) Please
accept this correspondence as a request to
continue the above-captioned case currently
scheduled for tonight to the text regularly
scheduled meeting of the Board of Zoning

Appeal.

The next one would be not June 20 -- that would be what?

MARIA PACHECO: June 12th.

CONSTANTINE ALEXANDER: June 12th.

No space, okay. Out of luck. June 26th, though, is okay?

MARIA PACHECO: Yes.

CONSTANTINE ALEXANDER: The Chair moves that this case be continued as a case not heard until seven p.m. on June 26th on the conditions that the Petitioner sign a waiver of time for a decision.

That the posting sign be modified to reflect both the new date, June 26th, and the new time, seven p.m.

And that the sign be maintained for the two weeks as required by our Zoning Ordinance.

And lastly, to the extent that the Petitioner will be -- intends to modify the plans that are in our files, that the modified plans, together with the new dimensional form, must be in our files by no later than five p.m. on the Monday before June 26th. All those --

BRENDAN SULLIVAN: Might I make a further condition?

CONSTANTINE ALEXANDER: Yes.

BRENDAN SULLIVAN: That not only shall the sign be changed, modified, and maintained as per our Ordinance, but that it also be moved off the telephone pole and either on the facade of the building, not more than 20 feet from the sidewalk, or on a piece of plywood and some stakes in the front lawn area to be clearly visible from the public way.

CONSTANTINE ALEXANDER: Good. I
agree.

All those in favor of continuing the
case on these conditions, say "Aye."

(Aye.)

CONSTANTINE ALEXANDER: Five in
favor. Case continued.

(Alexander, Hughes, Sullivan, Scott,
Green.)

* * * * *

(8:45 p.m.)

(Sitting Members Case #BZA-003695-2014:

Constantine Alexander, Timothy Hughes,
Brendan Sullivan, Thomas Scott, Janet
Green.)

CONSTANTINE ALEXANDER: The Chair
will call case No. 003695, 50 Spring Street.

Is there anyone here wishing to be heard
on this matter? Good evening. For the
record, name and address for the
stenographer.

KELLY SPEAKMAN: My name is Kelley
Speakman, S-p-e-a-k-m-a-n and the address is
30 Bowes Street in Somerville.

GREGORY GOLDING: Gregory Golding,
G-o-l-d-i-n-g, 50 Spring Street, Cambridge.

CONSTANTINE ALEXANDER: Your

address is what?

GREGORY GOLDING: 50 Spring Street.

CONSTANTINE ALEXANDER: I thought
in the file it said Marblehead.

GREGORY GOLDING: Okay, yeah.
Currently it's 89 Front Street --

CONSTANTINE ALEXANDER: Okay.
Well, what is your address?

GREGORY GOLDING: 89 Front Street,
Marblehead, Massachusetts.

CONSTANTINE ALEXANDER: Okay. Why
did you tell us Spring Street?

GREGORY GOLDING: Well, I
thought -- well, hopefully it will be Spring
Street.

CONSTANTINE ALEXANDER: You're
planning to occupy the premises?

GREGORY GOLDING: Yes.

KELLY SPEAKMAN: So the existing

house is located in east Cambridge right across from the courthouse. It's very small house on a very small lot. The lot is only just barely a thousand square feet. It's currently a two-family. And as the house exists, it's not only small in size but it's small in height. So there's very low ceiling heights. There's some treacherous stairs. There's a bedroom on the third floor that would not be allowed by the Building Code today because it doesn't meet the head height requirements. And so our plan for the property is to renovate the property, strip off the vinyl siding, put back more traditional clapboards with trim, some nice detailing, dress it up. To gut the inside and to remove some of the non-complying elements of the house.

So --

CONSTANTINE ALEXANDER: And add a roof deck.

KELLY SPEAKMAN: And add a roof deck. Right.

So the house now has this very steep stair to the second floor. It is both too narrow, too tall, and has some treacherous winders. And the -- we want to correct some of these problems.

The second floor does not have the ceiling height that would meet the Building Code today. It's less than seven-foot, six. And the third floor is -- only has a small strip in the middle where you can even stand.

So there's a little dormer and a steep little stair to get up there. And our plan is to fix some of the house's existing structural problems, which there are many, remove the second floor now and move it up so

that you can get proper ceiling height in which -- in what is the main living space on the second unit, and to bump the roof up and change the pitch so that you've got full headroom height at the top of the stairs.

Now there's a dormer to get up to the third floor and we'll be removing -- there will be no dormer proposed. And to also add a roof deck on the back.

CONSTANTINE ALEXANDER: How big is that roof deck?

KELLY SPEAKMAN: That roof deck is -- the house is --

CONSTANTINE ALEXANDER: It's virtually half -- half -- again, on the size of the house floor level doubled. You're going to basically double it.

KELLY SPEAKMAN: Yeah. It's about --

CONSTANTINE ALEXANDER: It's a very, very large roof deck.

KELLY SPEAKMAN: It's about 400 square feet roof deck.

CONSTANTINE ALEXANDER: 400-square foot roof deck?

KELLY SPEAKMAN: The lot now has almost no backyard.

CONSTANTINE ALEXANDER: How close is that roof deck from your abutter?

KELLY SPEAKMAN: It is --

CONSTANTINE ALEXANDER: Two-feet, seven inches on one side and you're right on the lot line. Actually you're encroaching according to your dimensional form on the other side. You're going to have a 400-foot square foot roof deck that allows you to basically to hand a drink to your neighbor, and it's going to be used for social

activities. You don't have a roof deck like that other than for social activities. Not, doesn't meet my requirements for Zoning, No. 1.

No. 2, you bought this property, okay? You knew what you got when you bought it. The property is woefully non-conforming. Right now it is 1.4 -- the FAR is 1.46 in a 0.75 district. It's twice as much, twice as densely occupied as our Ordinance requires, and now you want to increase it more to 1.68. And you want to add a roof deck that's going to really impinge upon the privacy of your neighbors? You're not getting my vote, period, end of story. But I'm only one of five.

KELLY SPEAKMAN: So, we could certainly make the roof deck smaller.

CONSTANTINE ALEXANDER: No.

There's no roof deck, period. If we're going to give relief. I won't, for me, I'm only speaking for myself. I'm not the Board. I would not vote for any roof deck whatsoever. If you want a picture window, put a picture window in.

KELLY SPEAKMAN: Thoughts about the roof?

CONSTANTINE ALEXANDER: I'm sorry?

KELLY SPEAKMAN: Thoughts about raising the roof? Would you consider just the front --

CONSTANTINE ALEXANDER: The project before me has a roof deck. I cannot support that project.

KELLY SPEAKMAN: If we came back and removed the roof deck completely, would that be a different situation?

CONSTANTINE ALEXANDER: We need to

hear from other Members of the Board. I have to see it and think about it. I'm not going to give you an answer right now. I can give you an answer, I will not approve a plan that has any roof deck whatsoever.

BRENDAN SULLIVAN: Well, you mentioned about raising the roof and you're saying that the second floor right now is substandard.

KELLY SPEAKMAN: Right.

BRENDAN SULLIVAN: And how -- what would be the floor to ceiling height proposed?

KELLY SPEAKMAN: So, the proposed floor to ceiling height at the second floor here will be from about seven feet to eight-foot, six, floor to ceiling on the --

BRENDAN SULLIVAN: We're going from substandard to extravagant I think.

KELLY SPEAKMAN: Well, it is the first -- it is the main living space for the second unit.

And the -- on the third floor the knee wall is at six-foot, five so you could stand and your stair will work without putting a dormer in up to that level.

CONSTANTINE ALEXANDER: You need to show a financial hardship -- one of the requirements for a Variance is a substantial hardship. I don't understand what the hardship is other than increase the value of the property, assuming you wanted to sell it. The fact of the matter is that people have lived in that structure, it's a small structure. It's a good starter house for people in Cambridge. And you want to make it grander, which is just going to raise the value of the property, squeeze out this

property -- or eliminate this property from first -- for people to buy their first homes.

KELLY SPEAKMAN: Well, this is actually Greg's first home and he's going to live there on the second floor.

CONSTANTINE ALEXANDER: Six months from now we'll see a for sale sign on the front.

GREGORY GOLDING: I don't think so.

CONSTANTINE ALEXANDER: Come on. We're not dumb.

KELLY SPEAKMAN: Well, he's not a developer. He really wants to live in this house --

GREGORY GOLDING: I plan on living there for a while.

KELLY SPEAKMAN: -- and be part of the neighborhood.

CONSTANTINE ALEXANDER: I've

said --

BRENDAN SULLIVAN: I think going back to what the Chairman said resonates with me is, you know, what makes this house different than the vast majority of houses in East Cambridge? I mean, they're all small. If you walk into the front door, they're all -- they all have -- and, again, I don't like to say code violations because that's saying that you did something that you shouldn't have done. They are not compliant with the existing code, but it's not that it's a code violation and they're going to shut the building down and you can't occupy it. As Gus said, that's been occupied for, I don't know, what is the age of the house? 18 --

KELLY SPEAKMAN: Yeah, it's over 100 years old.

BRENDAN SULLIVAN: Okay. So people

have lived there, raised families, and gone on for many decades very nicely as is the vast number of people in East Cambridge, and they're wonderful people, and they have lived in smaller houses and, you know, so I don't know what distinguishes this house. And, you know, I live in a house that's built in 1885. The Building Inspector came in with the existing code he could write a whole dossier as to the violations. But, again, not violations, but not compliant with the existing code. But that doesn't mean that we have to then sort of gut everything and then just blow everything up. And, again, I think that a floor height, floor to ceiling height of eight-foot, six is quite grand and I think quite excessive. The roof deck, I think, again, impacts greatly on the surrounding people. It's really self-serving and it

does absolutely nothing for the neighborhood. In fact, I think it's a detriment to the surrounding properties because you're bringing inside living space outside which again impacts the surrounding people.

I mean, there's an awful lot to me not to, not to like about this.

JANET GREEN: I would ask you why you chose this neighborhood?

GREGORY GOLDING: I really liked the kind of urban nature and urban form of the neighborhood. Its location near Boston and near everything in Cambridge. Its walkability. The character of the streets and the neighborhood itself. And I thought it was a great looking house. It's in pretty rough shape, but the bones are there and I really wanted to be able to set up

a -- establish myself in someplace that I thought myself moving forward that I would be happy in that kind of environment. I thought, I thought if I could put a little bit of work into it and make it suitable for myself, I could see myself living there for a long time.

CONSTANTINE ALEXANDER: Since we started, we started this case, I would suggest we continue it and I think it would probably be wise. But I think people have taken the time to come down and speak so I think you and we should have the benefit of their comments.

Is anyone here wishing to be heard on this matter?

BARBARA BROUSSARD: You go first, Mary Ellen.

MARY ELLEN DORAN: You want me to go

first?

BARBARA BROUSSARD: Yeah.

MARY ELLEN DORAN: Hi. My name is Mary Ellen Doran, D-o-r-a-n. I live at 48 Spring Street which is right next-door. I'm pro-development, but the houses are in very close proximity and I don't want a roof deck coming off the back overlooking both the neighbor's house behind us and our backyard. I wanted the people who are developing this to know that there are children in my house, there are children in the house behind us, there are children next-door. We've had some issues with lead on the street, and so I want it on record that I want this to be done to code.

There's a house up the street that there are some serious issues with a child.

And I work out of the house so I'll be

home the whole time this is going on. But we also live across the street from the courthouse and this is nothing compared to that.

So, take sometime to walk around the neighborhood and talk to us because we haven't seen you. That might be something important to do, and get a feel for what your window's going to be overlooking. We want you to come to our neighborhood. I want that house fixed up because it's -- I've been in it. So we're just -- I don't want a roof deck.

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

BRENDAN SULLIVAN: Have you -- I don't mean to interrupt public comment, but have you gone before the East Cambridge Planning Team before?

CONSTANTINE ALEXANDER: We'll find the answer to that right now.

BARBARA BROUSSARD: Barbara Broussard. I live at 148 so I will speak for myself, for neighbor, and as President of the East Cambridge Planning Team and which one would you like first?

BRENDAN SULLIVAN: The answer to my question: Have they come before you?

BARBARA BROUSSARD: No. No.

BRENDAN SULLIVAN: So it's almost a non-starter.

CONSTANTINE ALEXANDER: That's right.

BARBARA BROUSSARD: Usually the members -- new members of the community come and talk to the neighbors, and this is a neighborhood organization where we invite people and every one of the neighbors gets to

probably steamroll the process.

In the past 15 years that I've been President we do not approve of second floor roof decks. They invade privacy. And I can tell you you would be in my face. And the guy next-door did that and he had to take his roof deck off because it was put illegally on there. Those were porches when I bought my house. 1892 mine was built.

CONSTANTINE ALEXANDER: You didn't buy it in 1892.

BARBARA BROUSSARD: Well, I know I may look it.

They were porches, they were open porches. Mr. Cody made them a three season. Somebody made them into a room. The reason you have a postage stamp is someone invaded the open space. Whether or not they had a permit, I can't tell, but I could go down and

look because I know them and I would rather doubt that they had the permit to do that. And I can't believe that you won't be like everyone else who tells us you're moving in, you fix it up, you sell it, you make a profit. I'm very sorry, we've seen at least 25 in the past 15 years do that.

And my neighbors next-door are not here. They cannot come. And they were horrified that there would be that kind of deck. It really is -- I made pictures and if, yeah, of the surrounding houses. It is in your face.

Jeff DaSilva who lives at 46-and-a-half, he lives -- he lives -- so right -- Jeff's, Jeff lives in this house and his children's bedroom would be -- he's right behind Mary Ellen. This is Mary Ellen's. This is the house in question. Jeff is

behind Mary Ellen, there's a little walkway. It would be right beside his children's bedroom window. So he asked me to come and speak in opposition.

I was out there today in the rain and I can tell you this is from my -- this is my back porch, and this is here. I only have my neighbor's backyard. You can see -- everything there is on top of each other. There's nothing you could do about it. They were already built.

CONSTANTINE ALEXANDER: That's the neighborhood, I know.

BARBARA BROUSSARD: You know? I bought the house as is on sale. I don't go back to the dressmaker and ask for alterations free of charge.

CONSTANTINE ALEXANDER: Thank you.

Question: Boyes-Watson Architects

are very familiar with this Board. They come in here all the time. Did you not reach out to the neighbors and speak with them and show them the plans and have a neighborhood meeting?

KELLY SPEAKMAN: We did not have a neighborhood meeting.

CONSTANTINE ALEXANDER: No, you did not?

GREGORY GOLDING: No.

CONSTANTINE ALEXANDER: Well, obviously. I'm just puzzled. You don't have to answer. It's a rhetorical question.

JANET GREEN: Are you surprised? Are you surprised?

CONSTANTINE ALEXANDER: I'm surprised you didn't advise him or the architect --

GREGORY GOLDING: The planning

commissioner attended a bunch of their meetings and said purchase the property. I guess I couldn't really -- I didn't really know who owned where and how --

CONSTANTINE ALEXANDER: You don't know this community. And I'm surprised your advisors didn't tell you to do this or suggest you do this. It's not a -- I'm sorry, I'll give you a chance.

GREGORY GOLDING: I didn't do it.

CONSTANTINE ALEXANDER: Anyway, it's a question of when did you stop beating your wife kind of question. But I think you should have, I mean really, you should have gone out to the neighborhood and advised him and certainly met with the East Cambridge Planning Team. Anyway, that's my --

JANET GREEN: It's not just in East Cambridge. It's all over Cambridge.

CONSTANTINE ALEXANDER: That's right.

JANET GREEN: I mean any place you would go and look at a house, you know, people would, you know, people would have the things to say about it and want to know because it's about the neighborhood and presumably that's why you want to move in because it's in the neighborhood.

GREGORY GOLDING: I'm not surprised. I'm interested in knowing if without the roof deck proposed to what extent the satisfaction with the plans?

THOMAS SCOTT: Well, I personally would be interested in seeing a streetscape of how this house relates to the other houses around it because this house appears to be -- it's going to be a lot bigger than some of the adjacent homes. So seeing some type

of a streetscape where we can see in context how big this addition is relative to other homes, I think would be valuable.

CONSTANTINE ALEXANDER: And before you -- and which is a very good suggestion, and if you come up with new plans, before you come to sit before us, you meet with the East Cambridge Planning Team and you send out letters of abutters and abutters to abutters and offer to have a meeting and show the plans and discuss them so you can get good feedback from them and they can be advised of what's happening and it's not one of these things where you show up one night and these folks have to come out and see us when they could not have had to if you had met with them first.

BRENDAN SULLIVAN: I'm surprised that Boyes-Watson Architects, especially Mark, who is quite savvy, appears before us

all the time, did not --

CONSTANTINE ALEXANDER: Yes.

BRENDAN SULLIVAN: -- advise you to -- in preparation for the Zoning hearing, say well, the first thing you would have to do is when you apply is also to set a date with the East Cambridge Planning Team so that you can vent it with them. I'm a little surprised. It may be -- and, again, you don't have to respond. Or maybe he did that and decided well, no, you know, I'm just going to take my chances. But somehow I think you were thrown into the fire.

THOMAS SCOTT: Maybe that's why he's not here this evening.

CONSTANTINE ALEXANDER: I'm wondering about that, too.

BRENDAN SULLIVAN: Well, no, you know, it's probably your work, but that's

fine. But I also think that Mark was remiss in not saying to you these are the steps that you should have taken in that particular -- not in -- again, in any area, but especially the East Cambridge Planning Team. We value their input tremendously. We may not always agree with every aspect of it, but we value their input. And to me not having gone before them is a non-starter to even consider. So....

CONSTANTINE ALEXANDER: I'm letting people get their comments on the record.

Anyone else want to speak? Sir?

TIM INOCENTE: Good evening, everyone. My name is Tim Inocente.

THE STENOGRAPHER: Say that again?

TIM INOCENTE: I-n-o-c-e-n-t-e.

THE STENOGRAPHER: Thank you.

TIM INOCENTE: I live in the house

next-door at 134 Third Street. I live on the second floor. It's a converted condo unit. Your roof deck I oppose it because it would infringe on our view. According to our insurance docs, it would infringe on our fire escape. I guess there should be a certain amount of space between that deck and our fire escape and it would infringe on that. As they said it before, there's a bunch of small houses in the neighborhood. You can't just come in and change it like that. You bought the house, you knew conditions of the house when you bought it.

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

I'm going to close public testimony at this point. Oh, I'm sorry.

ROBERTA GOTO: Roberta Goto, G-o-t-o, 13 Lopez Ave. I live kitty-corner

from the back of their yard. Actually, I know a lot about the house because my family owned it in the 1950s through the 1989. So I know what the interior used to look like. I don't know what it looks like recently, but I know that since it was sold, a dormer was put up. The space that you talk about, the third floor space was not a living space, it was an attic. And the porch has been entirely enclosed and that was opened. And, in fact, I heard that there was a second means of egress in the building when my family owned it that came out through the back porches, and now there is no second means of egress for the second story.

KELLY SPEAKMAN: There is. The stairs are still there.

ROBERTA GOTO: The stairs are still there so you can come out?

KELLY SPEAKMAN: Yes.

ROBERTA GOTO: But my concern mostly is with the roof deck. It goes right up against my mother's bedroom who is elderly and handicapped and my son's bedroom. And we know for a fact that from the past people having -- even on small balconies, parties, the sound reverberates in that back area. And the only reason why anybody has a roof deck is to have parties.

CONSTANTINE ALEXANDER: Sure.

ROBERTA GOTO: And there's also been a lot of grills that are not supposed to be up there and the fire department does a check every month in the summertime because they know everybody puts their grills up there. And with the houses so close together, my brother-in-law who is a firefighter said that one ember will set the whole block on fire.

The whole entire block. So that's a concern for me. I would be really concerned if I was in his shoes, because as you said, they're only two feet to five feet apart.

BARBARA BROUSSARD: And Jeff.

ROBERTA GOTO: And Jeff.

And off the record? Can I speak off the record?

CONSTANTINE ALEXANDER: It depends on what you're going to say.

ROBERTA GOTO: It doesn't have to do with their house that's why.

CONSTANTINE ALEXANDER: All right, go ahead.

(Discussion held off the record.)

CONSTANTINE ALEXANDER: Stop right there. We don't need to get into that. That's okay.

Ms. Hoffman, you want to speak?

HEATHER HOFFMAN: Yeah. Heather Hoffman. I'm on 213 Hurley Street on the other side of Third Street and a friend of mine used to live in this building and one of the things that he -- Tom Joyce whom you've probably seen before. He, he was always worried that not you, but the previous owner, had cut through one of the bearing walls in -- because it became interior when I guess when the porches were enclosed, and so I would suggest any plans that come before you, make sure that that's not happening. Because especially if someone is trying to increase the capacity above that, that's a scary thought, gravity and all of that stuff. So that's why I suggest you make sure that that's not an issue.

CONSTANTINE ALEXANDER: Okay.

KELLY SPEAKMAN: It's true that the

house does have significant structural problems which we will mitigate.

TIMOTHY HUGHES: Well, those aren't Zoning issues anyway. Those are Building Code issues and the building inspectors would take care of that anyway. It's not on us.

CONSTANTINE ALEXANDER: Right.

Anyway, I think the message is loud and clear. I think if you want to still pursue this, you've got to come back with a new set of plans --

KELLY SPEAKMAN: Okay.

CONSTANTINE ALEXANDER: -- and address the concerns you've heard expressed by both this Board and by the people in the audience. And you have a game plan. You've got to talk to the neighborhood. You've got to talk to the East Cambridge Planning Team, and then you've got to bring your plans before

us.

How much time do you think you'll need?

KELLY SPEAKMAN: I think -- when are you scheduling the next?

CONSTANTINE ALEXANDER: You're not going to be ready for the next meeting.

KELLY SPEAKMAN: I know. A month out?

CONSTANTINE ALEXANDER: We generally do two Thursdays a month, not always, but typically the second and fourth Thursday of the month.

KELLY SPEAKMAN: I think not the next meeting but the meeting after with the month to meet with the neighbors and revise our drawings.

JANET GREEN: You better check with them about when they have --

BRENDAN SULLIVAN: Before you

answer that, when can you get on the agenda for the East Cambridge Planning Team.

JANET GREEN: Because she's here.

BRENDAN SULLIVAN: That's the first step and then we're after that.

CONSTANTINE ALEXANDER: Yes. I think you need more time. You're going to have to redo the plans presumably. You have to show them to the folks, show them to the neighborhood, you have to get them in our files. I think, my sense is you're going to need more than a month.

KELLY SPEAKMAN: When are you scheduling your next --

BARBARA BROUSSARD: I would have to ask the Board. I have the next two meetings covered. So it would probably not be before the fourth Wednesday in June.

KELLY SPEAKMAN: So then --

BARBARA BROUSSARD: I meet twice a month which is a lot. And I take July off if I can. And August.

KELLY SPEAKMAN: So I think if we met at the end of June and then a July hearing would be --

CONSTANTINE ALEXANDER: Now we have to get all five members, the five of us have to be able to sit.

I'm going to suggest the second one, unless people can't make it, the second hearing in July.

MARIA PACHECO: That's July 24th.

CONSTANTINE ALEXANDER: Can everybody make July 24th?

TIMOTHY HUGHES: I'm already hear on the 10th.

CONSTANTINE ALEXANDER: You prefer the 10th. I think it might be a little short.

They've got to go back after meeting with the East Cambridge Planning Team and further revisions.

BRENDAN SULLIVAN: And then they have to get it in a week before that.

CONSTANTINE ALEXANDER: That's why I'm suggesting --

MARIA PACHECO: You take July off.

TIMOTHY HUGHES: So they've got to get in there, what's it the fourth Wednesday?

BARBARA BROUSSARD: Third Wednesday.

TIMOTHY HUGHES: Third Wednesday.

All right, yeah, go for late July.

CONSTANTINE ALEXANDER: Okay.

The Chair moves that this case be continued as a case heard until seven p.m. on July 24th on the following conditions:

That you have to sign a time, a waiver

of time for decision. Maria will give you that.

That you'll have to -- I'm going to talk about the signage in a second. The posting sign has to be modified to reflect the new date, July 24th. You can do it with a magic marker. And a new time, seven p.m. And I do not want it posted inside the window behind the screen where you can't read it. I want it posted where it's visible to the street so that people can see it. And if it's not, we're not going to hear the case on July 24th. We'll continue it again.

And on the last condition that seems quite clear you're going to have to do revised plans, the revised plans plus the revised dimensional form must be in our file no later than five p.m. on the Monday before July 24th. That allows everybody to review the plans.

Because if they're not done or the signage is not maintained as we've indicated, they're not going to hear the case on July 24th.

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

(Aye.)

CONSTANTINE ALEXANDER: Five in favor. Case continued. We'll see you in July.

(Alexander, Hughes, Sullivan, Scott, Green.)

(Whereupon, at 9:15 p.m., the Board of Zoning Appeals Adjourned.)

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I am not related to any of the parties in this matter by blood or marriage and that I am in no way interested in the outcome of

this matter.

I further certify that the testimony hereinbefore set forth is a true and accurate transcription of my stenographic notes to the best of my knowledge, skill and ability.

IN WITNESS WHEREOF, I have hereunto set my hand this 30th day of May, 2014.

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