

BOARD OF ZONING APPEAL
for the
CITY OF CAMBRIDGE

GENERAL HEARING

THURSDAY, JUNE 25, 2015

at the
Senior Center
806 Massachusetts Avenue
Cambridge, Massachusetts 02139

BOARD MEMBERS:

Constantine Alexander, Chair
Timothy Hughes, Vice Chair
Brendan Sullivan

ASSOCIATE MEMBERS:

Douglas Myers
George S. Best
Jim Monteverde

ZONING SPECIALIST:

Sean O'Grady

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I N D E X

CASE

PAGE

BZA-006097-2015 562 Franklin Street	3
BZA-006009-2015 30 Brattle Street	24
BZA-006869-2015 1350 Mass Avenue	36
BZA-006133-2015-Rehearing 209 Broadway	207
BZA-006966-2015 82 Otis Street #3	222
BZA-007041-2015 22 Essex Street	301
BZA-006970-2015 5 St. Mary Road	309

P R O C E E D I N G S

(7:10 p.m.)

(Sitting Members for Case #BZA-006097-2015:
Constantine Alexander, Brendan
Sullivan, Douglas Myers, George Best,
Jim Monteverde.)

CONSTANTINE ALEXANDER: The Chair
will call this meeting of Zoning Board of
Appeals to order. And as is our custom,
we're going to start with some continued
cases from prior hearings.

And the first case I'm going to call
is Case No. 006744, 562 Franklin Street.

Anyone here wishing to be heard on
this matter?

For the stenographer, name and
address.

ATTY EDWARD GOTTLIEB: My name is
Edward Gottlieb, G-O-T-T-L-I-E-B, last
name, and my office is at 309 Washington

Street in Brighton Center, Massachusetts
02135.

CONSTANTINE ALEXANDER: Sir, could
you speak up because some people can't
hear. This is a bad arrangement here.

ATTY EDWARD GOTTLIEB: Sure.

LUCIO TRABUCCO: I'm Lucio Trabucco.
I'll spell it, L-U-C-I-O, and the last name
is "T", as in "Tom," R-A-B-U-C-C-O, Nunes,
N-U-N-E-S, Trabucco Architects.

CONSTANTINE ALEXANDER: Floor is
yours. Last time we saw you, you were
looking to build an exterior stairway to a
second floor and get a Special Permit for
relocation of windows.

And we sent you home to talk to the
neighbor on the left, because we had not
heard this neighbor, who was very much
affected by what you were purposing to do,

what his or her opinion is.

ATTY EDWARD GOTTLIEB: In accordance with your directive, Mr. Alexander, we sent out by certified mail, seven letters, three on one side, four to the folks on the other side. And here are the letters. There are five return receipts there from all of them -- of the seven.

We also received back a letter from the neighbor at 562 Franklin Street, which is this one right here.

CONSTANTINE ALEXANDER: Is that one who we --

ATTY EDWARD GOTTLIEB: That's the one immediately to our left on the first floor, okay?

And we also -- I was advised -- I got a call from Mrs. Cutler, who formerly lived at 560 Franklin Street, which is in

the rear of the lot immediately to our left as you're facing the structure, that she had sold the property, notwithstanding she's still listed.

So once I heard from her, I personally hand-delivered over -- I tried to reach her by telephone, whatever. I never got in touch with her. So I hand-delivered to her a copy one of these packages here and my memo to her is right there, okay?

So that was our effort and that was the response as reflected.

We heard from no one else except from Mrs. Cutler, who's no longer there, if you will, and we heard by the letter, I just submitted, from a neighbor immediately to the left of us there, okay?

So that's what we did in response to

what we were asked to do. And we relied on -- by the way, what we relied on were the records that were provided to us through the Offices of Inspectional Services Department.

So that was our effort to notify people. And the other thing I thought we would do is there was an issue raised about the -- this exterior stairway, and we took a little walk from Putnam Avenue as far as the cross -- the intersecting street of Hancock Street. And on our walk, during that two- or three-block district, we found -- I would like to hand up through Mr. Alexander this series of photographs with the addresses of the properties on the rear, those photographs.

And these are what I call or describe as the architectural appendages to

the properties between Putnam Avenue and Hancock Street, I believe it is.

Within that area is presently existing and clearly from the looks of some of them, they are of recent vintage, as opposed to being part of the original construction, if you will.

And while most of these are certainly open staircases, although I would call your attention to the property at 540 Franklin Street, they function much as the staircase we want to add on to our structure.

So, I think that's a pretty good representative sampling that what we are seeking add here will not cause any disharmony, if you will, to the integrity of the neighborhood, at least from Putnam Avenue down to Hancock Street.

CONSTANTINE ALEXANDER: Let me respond.

The issue of the exterior staircase was not my issue, basically it was the two gentlemen to my right, but the point is simply this: Is that the fact that there may be external staircases at one form or another in the past, and they weren't pursuant to approval given by this Board, at least in the 10 or 15 years since I have been on the Board. That's not the issue.

If they're wrong, we don't want to increase the wrong to the neighborhood, if you will.

And the issue there -- I think what Mr. Sullivan's point is -- what you're trying to do is create more living space within the structure by pushing the interior staircase outside which clearly

will be one of the results if we give the relief we say.

And there's concern -- and I'll let Mr. Sullivan speak from here on in, concern on his part, why we should we approve this?

This is a bad trend in his view and maybe the view of others of this Board, including myself, to encourage the citizens of the city to start expanding the interior of their structures by putting on the exterior staircases, which, for the most part, are not very attractive. You can argue that. But I don't think they're all that desirable.

My only point to all this is, is I hear your point. I'm not sure it deals with the issue at hand.

ATTY EDWARD GOTTLIEB: Well, I think the overriding issue at hand, if I may,

should be the issue of safety and the issue of egress and access. And what we are asking to do here is going to enhance the safety and provide better access and egress to this very small and tight situation, okay?

And that's what brings us here. That is the overriding issue, the safety issue.

And it seems to me that this accomplishes what we want to accomplish. And I think it's something that should be encouraged to the extent it can be encouraged without creating a discordant situation in the block.

And the only reason I offer the pictures -- I'm not vouching for anything here -- but I'm just saying in light of what is there, I don't think we're doing

anything so drastic.

CONSTANTINE ALEXANDER: Comments
from Members of the Board?

BRENDAN SULLIVAN: My only comment
is that in reading the transcripts, I guess
the family has been since there 1929.

ATTY EDWARD GOTTLIEB: 1929, sir.

BRENDAN SULLIVAN: And that -- why
has it taken all these years up until the
year of 2015 where, all of a sudden, safety
is now an issue; in other words, they have
lived there, they have functioned for all
those number of years, and why, all of a
sudden, is this now a safety overriding
issue?

ATTY EDWARD GOTTLIEB: Well, because
people get older from 1929 when Mrs.
Wallace moved there as a child until what
she is today.

You know, people are older, they need better access, better egress and that's part of it.

BRENDAN SULLIVAN: Well, I grant you that the stairs -- my own stairs tend to be higher and steeper year by year. I don't change, the stairs do.

But, again, I really feel what is the driving this is the need to increase interior space, make the interior space nicer and push that element outside.

LUCIO TRABUCCO: It makes it more functional. Not just, you know, space. I mean it's a more functional space. Because the existing stairs are right in the middle of the floor plan. I mean, if you look at the existing conditions...

CONSTANTINE ALEXANDER: And increase of the retail value of the house, given the

age of the petitioner, that can be a big factor.

And our job on the Board -- like our job is not to increase the value of real estate; our job is to enforce the Zoning ordinance.

So I hear you. I keep hearing this argument. And my -- the back of my neck -- the hairs on the back of my neck stick out. I do not like that argument.

As I said this before, and I said it at the last session, and I'll say it again, my job here or our job on Thursday nights is not to increase the value of a developer's investment. Our job is to correct injustices that result from a citywide zoning ordinance in a very diverse community.

And so, we're predisposed often to

grant relief for expansion of structures when you have a family that needs more living space and they're not planning to sell. Something else when this thing has a scent -- I use the word "scent" -- scent of a development ploy, increase the interior space, we can now jack up the price and off we go.

ATTY EDWARD GOTTLIEB: May I respond to that, Mr. Alexander?

CONSTANTINE ALEXANDER: Go ahead, please.

ATTY EDWARD GOTTLIEB: This family, as pointed out by Mr. Sullivan has owned this property since 1929. And it has come down through the generations, through probate. As a result of which, there are now many more Gill family members who have an interest in this property.

And in order to bring some semblance of order to all these disparately located and interested persons, who share the same bloodline, we put it into a limited liability company, okay?

To the same extent that property is occupied by Ms. Wallace, is used -- continuous to be used by many of the members who live -- many members of the Gill family who live outside of Cambridge now, who come back to Cambridge to visit their aunts and to visit their home.

So this is -- you know, the three -- there are three apartments that have always been put out to lease, if you will, we're not increasing the number of apartments in the complex, if that's what you want to call it, okay?

There's always been two apartments

in the rear, and there will continue to be occupied in and out by Gill family people, as far as I can see.

You know, there's no effort to sell anything here. To get to the point of a sale and to get everyone to agree to such a sale, I think would be quite a trick and it ain't gonna happen. I don't think it's a matter of practicality.

CONSTANTINE ALEXANDER: Other comments of the Members of the Board?

Further comments?

(No response.)

Is anyone here wishing to be heard on this matter?

Apparently not.

We did hear testimony in the former transcript last time.

We do have a letter which was given

to me by counsel which I will read into the record, from John M. Gustin, 558 Franklin Street.

"I am an abutter that faces the proposed project at 560 Franklin Street, living at 558 Franklin Street.

I wish to express my support for this project based on the following: One, the owner intends to improve the 562 Franklin property, which will enhance the neighborhood. Two, the proposed changes do not impede nor interfere with our portion of the neighborhood in any way.

For these reasons, I support the project and would like to see it move forward."

That's it.

Ready for a vote or do you want further discussion?

I think we're ready for a vote. We got two votes actually, one of the variance and one for the Special Permit.

I'm going to take the variance vote first.

The Chair moves that with regard to the variance being sought, a literal enforcement of the provisions of our ordinance would involve a substantial hardship to the petitioner; that the hardship is owing to the circumstances relating to the soil conditions, shape or topography of such land or structures, and especially affecting land or structures, but not affecting generally the zoning district in which it is located, and three, desirable relief may be granted without substantial detriment to the public good or nullifying or substantially derogating from

the purpose of the ordinance.

In this regard, with regard to those conditions for a variance, the Chair moves that by allowing the relief being sought, it will increase the safety of the occupants of the structure, whoever they may be, in an area where that's been decidedly unsafe right now, and safe in terms of fire or other catastrophe. It will create a second means of egress and access. That this is a non-conforming structure of many years old, and therefore, any modification requires zoning relief and no substantial detriment to the public good because of the improved safety situation for the persons who occupy the property.

So, on the basis these findings, the Chair moves we grant the variance being sought on the condition that the work

proceed in accordance with plans submitted by the petitioner, prepared by Nunes Trabucco Architects.

They have been initialed by the Chair. There are multiple pages in length, but each page has been initiated by the Chair.

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

Four in favor.

Opposed? One opposed.

The variance is granted.

(IN FAVOR: Constantine Alexander, Douglas Myers, George Best, Jim Monteverde.)

(OPPOSED: Brendan Sullivan.)

CONSTANTINE ALEXANDER: Turning now to the Special Permit. The Special Permit

as it relates to the relocation in an addition of windows and doors, and the addition of a bulkhead.

The Chair moves that it makes the following findings: With regard to the Special Permit that you cannot meet the requirements of this ordinance given the nature of the non-conforming nature of the structure, and therefore, Special Permit relief is required. That no -- that traffic generated or patterns of access or egress that will result from the project will not -- completion of the project will not cause congestion, hazardous or substantial change in established neighborhood character, that the continued operation of or development of adjacent uses will not be adversely affected by what is being proposed, and no nuisance or

hazard will be created to the detriment of health, safety and/or welfare of the occupant of the proposed use, or the citizens of the city and that the -- what is being proposed will not impair the integrity of the district or adjoining district or otherwise derogate the intent or purpose of the ordinance.

With regard to all these factors, the overriding consideration is the improvement and safety for whoever occupies the structure.

So, on the basis of these findings, the Chair moves that we grant the Special Permit being sought on the condition that the work proceeds in accordance with the same plans identified with regard to the variance and conditions of the variance that we granted.

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

ALL BOARD MEMBERS: Aye.

CONSTANTINE ALEXANDER: Five in favor of the Special Permit granted.

(IN FAVOR: Constantine Alexander, Brendan Sullivan, Douglas Myers, George Best, Jim Monteverde.)

(7:00 p.m.)

(Sitting Members for Case #BZA-006097-2015: Constantine Alexander, Brendan Sullivan, Douglas Myers, George Best, Jim Monteverde.)

CONSTANTINE ALEXANDER: Come back for a second. Now the other case, your very first case we opened, and then the project moved on, and for legal reasons, you kept it open, I think.

ATTY EDWARD GOTTLIEB: We wish to withdraw.

CONSTANTINE ALEXANDER: The Chair

moves that we accept the petition of the request to withdraw -- I should have called the case first.

The Case is 006097. Again, the address is 562 Franklin Street. That's the case. And the motion -- a request by the petitioner to withdraw this petition.

All those in favor say "Aye."

ALL BOARD MEMBERS: Aye.

CONSTANTINE ALEXANDER: Five in favor.

**(IN FAVOR: Constantine Alexander,
Brendan Sullivan, Douglas Myers,
George Best, Jim Monteverde.)**

(7:35 p.m.)

(Sitting Members for Case #BZA-006009-2015:

**Constantine Alexander, Brendan
Sullivan, Douglas Myers, George Best,**

Jim Monteverde.)

BRENDAN SULLIVAN: The Board will hear Case No. 006009-2015, 30 Brattle Street.

Is there anybody here representing that particular case?

We're in receipt of correspondence addressed to Ms. Pacheco from James G. Wagner. "Please find attached a request to continue this hearing. I make this request very reluctantly given the prior history on this, including earlier continuances.

Although the several continuances while the signed permits were in flux were not the applicants' fault. I am sure that the ZBA is going to wonder about the current request.

Therefore, I have included a fairly robust explanation of the situation.

Mr. Bohler will follow-up with you on this request on Monday. I would love to be able to avoid having to have alternate members come on Thursday for a mere procedural vote. But we should talk about what is needed under the procedures.

We request that the matter be rescheduled from June 25 to July 16, or such other time as the panel commencing the hearing on this petition may be assembled. This is not a request that we make lightly given what we have heard at the initial hearing, but it's needed for the reason I now describe.

Citizen and it's co-tenants heard loud and clear from your Board the need to make a full redesign of the proposal for this building.

Citizen's sign designer has rendered

a number of alternate designs which have been considered by Citizen and its co-tenants.

As you can imagine there is give and take on several aspects of the design. Though, Citizen has tried to make the needed reduction in the sign area from its proposed signs rather than the other retail tenants. Even so, this has been a tricky process.

Additionally, Citizen is considering a programmatic change not tied to this particular branch, that could require a change in the design or appearance of the signs.

Rather than proceed with the current application and then seek approval later of a new design, we would urge that an additional month would avoid a return trip

to your Board for review of that new set of changes.

And you should have already received a waiver of deadline for action on this variance.

Many thanks, James Gray Wagner."

Any requests or comments from the Members of the Board?

DOUGLAS MYERS: No comment.

CONSTANTINE ALEXANDER: George, any...?

GEORGE BEST: No.

BRENDAN SULLIVAN: Is there any comment from members of the public on this request for a continuance?

I'm seeing none. There is some correspondence in the file from Carol O'Hare basically requesting that we not continue it, or that if we do, that July

16, as requested, would not be a proper time, and that we continue this matter after Labor Day.

DOUGLAS MYERS: I would say, Mr. Chair, that it would be nice if we had a count on how many continuances have previously been requested by the applicant. I don't know that that would change my vote tonight, but it might provide -- might make members feel more confident if there's any desire to inform the applicant that no further continuances will be entertained.

UNIDENTIFIED AUDIENCE MEMBER:

Mr. Chair, could you speak up?

DOUGLAS MYERS: Sure. I won't repeat that, but in the future, I will speak up.

BRENDAN SULLIVAN: Mr. O'Hare has -- it's not a detail, but there has

been six continuances, but there's been somewhat of a tortured history in this whole petition.

Some administrative, maybe missteps or whatever, and so, I think my primary -- if that answers the question.

I think my primary focus would be to get this thing right. It's a prominent site. It's somewhat difficult site, but, ultimately, we really need to get it right, and that with the number of tenants involved with now Citizen Bank, separating from Royal Bank of Scotland, and really going on their own, and possibly having an internal redesign of their colors, their logos, and so on and so forth, it's probably prudent, in my mind, to continue this one more time.

I thought the last time that we

would give it one more go around, which would have been tonight. But I think under the circumstances, that a couple of the issues they have raised, and not the least of which is trying to get all of the tenants onboard with a compatible design and number of signs that may be true, that would be my feeling and request.

Jim, any...?

JIM MONTEVERDE: I have no concern about extending it. If it gets better, it's to everyone's benefit.

BRENDAN SULLIVAN: George?

GEORGE BEST: I have no really problem with continuing it, but I do want to know if they're doing an architectural look back at how that area was signed before because some of the signage was internal. It wasn't posted on the outside

of the building, and I think that's the way the building was designed.

BRENDAN SULLIVAN: I think those comments will be spread on to them anyhow.

Let me make a motion that we continue this, that we feel that the -- to inform the petitioner that the sense of the Board is that one more continuance will be entertained, and that they should be prepared to go forward at the rescheduled date, which will be, Sean?

SEAN O'GRADY: September 10.

BRENDAN SULLIVAN: September 10, 2015 at 7:00 p.m. on the condition that the petitioner change the posting signs, plural, to reflect the new date of September 10 at 7:00 p.m., that those signs be maintained for at least a period of 14 days prior to the September 10 hearing,

that any changes to the plans, submissions that we have now in the file be in the file and be submitted by 5:00 p.m. on the Monday prior to September 10, which takes us back -- that's not Labor Day, is it, the Monday prior to?

UNIDENTIFIED AUDIENCE MEMBER: Labor Day is the 7th.

BRENDAN SULLIVAN: That would be Labor Day, that Monday prior. So if we gave them to noon on the Tuesday, which would be the 8th, just to give some added time.

CONSTANTINE ALEXANDER: To the extent we did that, we shrink the time for the public to come and look at the file.

I think you would be better served making the date on the Friday before the Labor Day weekend, so that the public will

have all the week of the hearing, too.

BRENDAN SULLIVAN: Except that we close at noontime.

CONSTANTINE ALEXANDER: No, I didn't come on Friday.

TIMOTHY HUGHES: But that doesn't offer any extra time to look at it except for Monday or Tuesday for a few hours.

CONSTANTINE ALEXANDER: All of Tuesday. That's all. They get it in. Somebody can come in 9:00 on Tuesday or 4:30 on Tuesday and look at the file. Just given --

BRENDAN SULLIVAN: You know, maybe a better thought would be that if we require that their submissions be in by 10:00 a.m. on the Friday prior to -- what date is that, Sean? I'm sorry.

SEAN O'GRADY: No. It's the 4th.

CONSTANTINE ALEXANDER: The 4th.

BRENDAN SULLIVAN: Therefore, it would give the public at least two hours to review it if they wanted to copy it, then they would have the long weekend to review it rather than just two days.

JOHN HAWKINSON: Mr. Chair?

BRENDAN SULLIVAN: Identify yourself, if you would, for the record.

JOHN HAWKINSON: John Hawkinson. Given that the petitioner will have an unconditional three months if you possibly extend the public an entire day, perhaps, and make the deadline the Thursday or the Wednesday prior to the meeting.

Thank you.

BRENDAN SULLIVAN: Doug, what are your thoughts?

DOUGLAS MYERS: My thought is that

typically we have the deadline at the end of the first business day of the week that the hearing is going to occur, and here we're moving it back on the Friday prior to a long weekend. I think that's the close enough, and certainly bends in favor of the public.

I don't think we have to advance -- I mean, I understand they have had plenty of time and they're professionals and they should be able to do it, but what the Chair has suggested is pretty close to our standard practice, but it gives the public an extra business day after the holiday. I think that's clear enough.

BRENDAN SULLIVAN: 10:00 a.m. on the Friday before?

DOUGLAS MYERS: That would give the

public a head-start on the weekend if anyone comes in Friday.

BRENDAN SULLIVAN: So 10:00 a.m. on the Friday prior to, which is September 4th that the new submissions have to be in the file.

Any other comments?

On the motion to grant the continuance until that date?

BOARD MEMBERS: Aye.

BRENDAN SULLIVAN: All in favor?
That's four.

Continued. The hearing will be September 10th. Submissions will be by September 4th.

**(IN FAVOR: Brendan Sullivan, Douglas Myers,
George Best, Jim Monteverde.)**

(7:40 p.m.)

**(Sitting Members Case #BZA 006869-2015:
Constantine Alexander, Brendan Sullivan,
Douglas Myers, George Best, Jim
Monteverde.)**

BRENDAN SULLIVAN: Okay. The Vice
Chair will call Case No. 006869, 1350 Mass
Avenue.

TANYA IATRIDIS: I'll start us off,
if that's okay?

My name is Tanya Iatridis. I work
for the Harvard Planning and Project
Management. And I'm just going to ask our
team to introduce themselves quickly.

ANDREW BARNETT: Hi. I'm Andy
Barnett from Hopkins Architects in London.

EMILY MUELLER de CELIS: I'm Emily
Mueller de Celis from Michael Van
Valkenburgh Associates.

I'm also a long-time resident of
Cambridge for 18 years.

HENRY MOSS: Henry Moss from

Bruner/Cott & Associates, architects. We are executive architects for the project.

TANYA IATRIDIS: We're pleased to be here tonight to present to you our proposal set forth in our application.

And before we begin, I just wanted to point out that we have done lots and lots of studies in trying to understand the DNA of the building, the architect's design intentions, and instead of just showing all the work we have done, we're going keep the presentation short, and if you have any specific questions, we will elaborate at any point.

We have received to date from the Cambridge Historical Commission approval with a Certificate of Appropriateness for meeting the Harvard Square guidelines.

We also met with the Harvard Square

Advisory Committee, and we received their overall support. And the Planning Board received unanimous support from last week.

We're here before you to request three variances, and FAR request of net new square feet 2,943 in a 323,000 square foot building, a height request of 3 feet and 11 inches from the two percent of the roof area.

And because we're requesting these two things and that the building is non-conforming, we're also requesting the alteration and expansion of a non-conforming structure.

So, in terms of the overview -- and, Emily, if you can point out, that would be great -- what's colored in red -- can everyone see that? That's our site of the building. And the name of the building is

the Richard A. And Susan F. Smith Campus Center, formerly known as the Holyoke Center.

As you can see, it's located right in Harvard Square. Across the street from Mass Avenue is the Harvard yard, and in the back towards the river are the Harvard houses.

The T of Harvard Square is right next to it. Right there, as she's pointing. And on the east and west is Harvard Square.

The building has ten stories. And our project is really on the first and second floor and on the tenth floor and just some small portions of the basement.

Why are we doing this project? We're doing this project because we want to create an environment that fosters

collaboration and builds community.

We believe that this location is ideal where Harvard and the public meet. It could be a destination for social cultural and intellectual life and welcoming to everyone.

We also want to create vibrant welcoming entrance for the visitors in the community. Right now, when you approach the building, there's nothing welcoming about it.

If you want some information about anything that goes on campus or anything relating even going to the public bathrooms, you have to navigate yourself in the arcade and in different areas within the building.

And what we're trying to do is just bring that into a nice welcoming area for

visitors and the community.

We also want to create a comfortable casual indoor living room environment. We put some chairs in our Harvard yard six years ago, and it was a hit, and we call that our outdoor living room. Everybody is invited to sit there.

People have been requesting that we have an indoor living room space because eight or nine months out of the year, they would like to sit and have a communal space. This is part of this project.

We also want to enhance the commercial food venues. We're keeping the same amount of food venues we have today. And actually, what we would like to do is enhance it and integrate it into the communal spaces.

We also want to make sure we

contribute to the dynamic urban environment of Harvard Square. This building has to engage with Harvard Square on all sides and make it much more interesting in that way.

And we also want to respect original architecture. The architect, Sert, he was -- he played an important role in the history of architecture. So whether we like the building or not, we just have to respect his architecture.

So in terms of the public realm, I want to share with you some of the contributions this project makes in terms of the public realm. We're -- the first one is we're increasing and creating, I think, unique public space in Harvard Square.

Right now, the interior space of this building, about 7,000 square feet

roughly, is open to the public, not counting the commercial entities that the public is allowed to come without having to purchase any food or from any of the vendors. They can come and sit, and they're free to come into this interior space.

We're increasing that 300 percent. We're making it from 7,000 to 35,000 square feet more.

The exterior -- the totality of the exterior of the project, we're increasing open space 28 percent, and in terms of the uniqueness, we feel that the welcome area, the common spaces are all going to provide these unique spaces that do not exist right now in Harvard Square and possibly not even in Cambridge.

What we're doing is we're creating

this communal open common spaces that will have interior land scrapes and indoor living rooms with fireplaces.

So you can purchase your coffee down the street at Starbucks and come in on a winter day, anybody, and sit by the fireplace.

We're also providing a unique space. The whole Dunster Street rooftop, which is filled with mechanical equipment, we're converting that into a roof garden, again, open to the public. You can bring your lunch, hang out there. It will be very beautiful.

The second thing we're doing is we're improving and increasing green space. We're adding green walls in the building and interior landscape, putting trees in the building for all seasons. Also, from

the exterior perspective we are also improving the Forbes Plaza and the Mount Auburn Plaza. We're adding seven additional trees on the site and creating more green roofs, and as I mentioned, the rooftop garden.

In terms of programs for the public use, we're also increasing the number of events and information access to the public. Now you can go to a place very welcoming and see on the walls everything, all the events going on within the campus. And you can buy your tickets there. You can learn about Harvard University, but also about Cambridge and there will be art displays, casual performances, hang out for food, chess, board games, street artists and more.

Fourth, what we're doing is we're

improving an increase of commercial food venues. We're increasing it by 26 percent than what we have today, and we're adding at least 60 percent additional bike racks everywhere we could fit the site.

So, those are contributions to the public realm.

Now, in terms of the zoning variance request, the FAR request of net new, which is 2,943 square feet. Most of that has to do with conversions for mechanical equipment, changing it to usable space, or from parking spaces, changing it to kitchen space, support space. And some of it are additions.

What we want to share with you is when we did this building, we started this building, we looked at it as comprehensive project, not trying to -- looking at it in

terms of the square footage. We looked at it in terms of the program and holistically what would make sense for the program and for respecting the architect's intentions. And that has have been our approach from day one.

I would be more than glad to go over all the details of the square footage request. We have done lots and lots of analysis.

Let me move to the height request. The height request is 3 feet and 11 inches.

Do you want to point?

That drawing there shows you the rooftop, and it's two percent of the rooftop area, and on that elevation you can see on the north elevation, the 3 feet and 11 inches which is really that projected bay that comes out.

The building height as defined by the zoning ordinance is 112 feet. The highest point of this building with mechanical equipment, because there's lot going on up at the top, is 154 feet.

And what we're doing is we're increasing it -- we would like to increase it for 116 feet only on the two percent of the rooftop. Andy's going to describe more what in terms of the design and what that is about.

Why don't I turn it to you. You can stand over there.

ANDREW BARNETT: I'll try and describe very quickly the project to you, and basically, here we are. This is the first floor existing plan section through Holyoke Street, Dunster Street, cross-section into the building.

When we looked at the DNA of the building and its history and really how it changed from its original concept to how it exists today, there's a floor plan at the first floor that's really been just chopped up and made into a whole series of disconnected quite small-scale spaces across the entire floor. You can see it in the different colors on the floor plan.

In the section, you've this very powerful idea really of pulling these two-story pavilions out which pertains to the H Floor, which you can see here.

But in the middle of this, the original concept got filled in with mezzanines which encroach on the original width of the arcade. Not only that, but these mezzanines are so low to the ceiling, they're actually illegally inaccessible by

today's codes. They're very, very low.

So the section heights change across from one side to the other. They also step down along Holyoke Street. So in terms of accessibility across the first floor of the building, it's extremely challenging really.

If we look at the proposed plan, the proposed section, just very cynically with idea is to gather sort've the piecemeal and disarranged kind of elements of the program, particularly those most public elements that should be the front door of the building, and bring them together in a more generous welcoming to the front door onto Forbes Plaza and Mass Avenue. So there's none of this kind've illegibility. It's a much clearer plan.

And then create a new indoor living

room, as Tanya's mentioned, where the original Holyoke pavilion is on Holyoke Street. And the third venue is down the whole length of Dunster Street and then opening out through these newly conceived plans, new connections all the way from the arcade to the street of Dunster and Holyoke to there. We're opening the connectivity of the building to be an urban building in a way that it was actually intended before it got chopped up like this plan shows.

Here is the proposed cross-section. These floor levels and these changes and the story height really completely prevent us from making that indoor living room for the building that's part of the program.

And so, the idea is to replace the existing Holyoke pavilion with a new pavilion, two-story pavilion with proper

floor heights, and to introduce really across the whole section a new way for new light, landscape and view, and connectivity with the urban realm really all the way from Holyoke Street to Dunster Street.

You can see that across that yellow common space that runs all the way from one side to the other.

To keep the fabric of the Dunster Street pavilion, but to rethink how that works, make it a two-story height space, and then make new public access from the arcade to a new rooftop by removing mechanical equipment from the roof.

Just taking you through bit by bit, this is welcome area. Here is the current section from the Au Bon Pain section. Here is the plan. Here is the proposal.

I mean, to us, actually, when you

really start to look at Forbes Plaza, it's quite practical in the sense that you have this one raised part in the middle and unusually for a piece of urban realm, it actually separates itself from the urban realm in changing of level across all three sides which really not only identifies this place with Au Bon Pain, but it also renders a lot of the outside space as circulation space, rather than gathering space, as you probably know really.

You then have this the way through the arcade which then separates this space. It's very neutral underused territory.

The idea then is to -- the original concept of this building was a very connected transparent two low stories of the building. Au Bon Pain doesn't really respect that at the moment. It's quite

odd, single story lien to roof, the idea really is lift the roof of Au Bon Pain to a new two-story pavilion that extends and respects the two-story idea and removes the change in level to Forbes Plaza, extends the inside floor level all across the entire plaza making it a one indoor and outdoor public space extending all the way to Mass Avenue. And taking the four existing trees which we will decline and will be moving them further out to the edge of Forbes Plaza and Mass Avenue to create a new more generous double height indoor and outdoor space of a kind of new size and dignity which we believe is actually appropriate to this fulcrum point of the urban realm.

DOUGLAS MYERS: Before you go on to the next board. I had a little trouble

with the scale on that drawing as it appears in your plan.

I wanted to ask, what is the present distance between that part of the existing Au Bon Pain pavilion and the curb of Massachusetts -- or sidewalk of Massachusetts Avenue, whatever your reference point is, the public boundary, where the sidewalk would be. What is the distance --

ANDREW BARNETT: Between here and here?

DOUGLAS MYERS: Yes.

ANDREW BARNETT: It's about 44 feet.

TANYA IATRIDIS: It's about 40 feet.

DOUGLAS MYERS: In the proposed section below when the pavilion that's now Au Bon Pain is built up, with the additional story added, what will be the

distance from the northern most point of the pavilion from the same point on the sidewalk.

EMILY MUELLER de CELIS: That will be 30.

DOUGLAS MYERS: That's a reduction of how many feet? 14 to 10 feet?

EMILY MUELLER de CELIS: 10.

TIMOTHY HUGHES: 10 to 14. We got two different numbers I heard.

ANDREW BARNETT: The space of Au Bon Pain, but not on the canopy that protects the space currently.

BRENDAN SULLIVAN: So basically, Doug, your question is: From here to the sidewalk?

DOUGLAS MYERS: Yes.

BRENDAN SULLIVAN: Now it will be from here to the sidewalk?

DOUGLAS MYERS: Correct.

BRENDAN SULLIVAN: That's a net reduction of ten feet.

EMILY MUELLER de CELIS: Yes.

DOUGLAS MYERS: Roughly 25 percent.

BRENDAN SULLIVAN: Give or take a few feet.

ANDREW BARNETT: The existing versus proposed. Obviously, it's not really about necessarily the dimensions of the space, it's about the quality of the space. And what we're faced with today is actually something where you have three very discontinuous pieces of architecture that don't have very much to do with each other across the front. They don't allow which we always wanted some transparently or connectivity of the building. They actually block that sense of connectivity.

So the idea we have got is to actually lift per se the roof of Au Bon Pain to make a new extension, very light, extremely transparent extension which opens the public space all the way back to service at the very back. So it actually extends the public space in a way that's indoor and outdoor.

The center has a new entrance canopy which brings the line of the arcade and signals that to the front of the building where at the same time it's better than the lean-to roof, cutting down trees on that side, what we're doing is opening up that connection. We're actually opening it with these really large sliding doors, the central frontage of the building, so not only visually, but physically the space will be open all parts of the year when

it's appropriate, and that inside and outside space will actually be physically linked.

Around the back of that space, all the public functions are from the front door of the building. You will toilets, information desk, welcome desk, ticketing and cafe on the corner of Dunster Street which links to a staircase on the corner to a second floor cafe and gallery above it.

The public space of the cafe is the first floor and second floor creating views and connections between the building and the T and Harvard Square.

If we were to walk in Au Bon Pain currently, this is kind've the disconnected view you get from the inside and outside. This is a view from a very similar position, from the inside to outside, which

shows really that new connection between indoor and outdoor space that's possible.

Not only for just a part of the year, but because it's a new internal space, it allows that public space to be occupied for the whole of the year when the Forbes Plaza would really have very little public occupancy. It's a 12-month-of-the-year public space. Not a partial public space.

If you're approaching from the T, this is what you would experience today. The concrete wall that separates the raised area, it pushes -- it makes Mass Avenue and the bit between the raised area and Au Bon Pain into much more restricted circulation space. The idea is by extending that space from inside to outside. We have one completely accessible

level space for everybody.

The levels rise up so that it's completely level on the top of Dunster Street. So you're completely engaging with the levels onto the T and Harvard Square.

As I say, this kind've whole idea of the current blockage really opening out and extending the public realm to the back of the building to the front door.

If we were to walk down Holyoke Street -- I'm sure you're all really familiar with the building you see today -- it's four different spaces with four different floor levels.

The idea is again to raise the roof on that to replace that with exactly the same footprint, replace the pavilion with a new pavilion which is also two-story, but like the front, is a double story onto

Holyoke Street. So rather than separating the arcade and the building from Holyoke Street to engage it in a new, transparent way.

We have level access on the northern side. We've got another access on the southern side. So these new entrances to the building are not only on the front, but also on either end of the new pavilion down Holyoke Street introducing light into the building and views and connectivity all the way through to the line of the arcade and similarly from the arcade opening and have that view and connectivity all the way to the street.

Just to give you an idea about how that relates -- what the idea is inside of the new living room really is to create -- this is the line of the arcade.

This is Holyoke Street.

The idea is to actually introduce a new landscape space which is external, which makes new lobbies opening up the arcades. The arcades become less of a passage through or walk through and actually becomes a place of arrival to this new indoor living room with connections all the way down to Holyoke Street, a new food venue at Holyoke Street level, and then steps up to the second-floor level.

So if you were in the arcade today, you walked into the pharmacy, rather than a series of sequential small scale places that block off any other connection from the arcade, you would walk through into this space which becomes lit by a third story bringing light in a new way into the building really with landscape designing

one edge of it and then on the other side, the floor levels stepping down and opening in an engaging way to the level of the pavement in the street outside.

Above a series of small scale slightly more private, slightly different feeling -- and smaller scale, family of rooms really, which group themselves around this single central indoor space for the project really.

If we were going down Dunster Street, this is the credit union. This is the current Dunster pavilion. The credit union has this very strange low ceiling. The idea is to remove that. Create again this sort've feeling of generosity that was in the lower floor of the building which was originally conceived them. Opening out these food venues across the whole frontage

of the Dunster pavilion. So the space again engages between outside pavement and the indoor food venues.

And then the little variance that we're asking for on this Dunster Street side is to create from the arcade a new staircase with a lobby at the top of it to get you out, so that instead of looking at that as the mechanical equipment on the Dunster Street pavilion, we removed equipment, took -- sort've like take them on either end of the Dunster pavilion so the ramps are recessed away from the streetlight to create this new public roof garden on the second-floor level which is a real new opportunity and will be visible from Dunster Street from the corner of Massachusetts Avenue, and also bring in light and sunlight into the building in the

afternoon which it just don't enjoy at the moment.

Finally, like the Cambridge Savings Bank, like many of the rooftops around Cambridge, what we really want to do is create a beacon at roof level, kind've respecting Sert and to -- extending Sert's vision of this architecture he created across the roof scape of the Holyoke pavilion. You can see many of his buildings in Cambridge and Boston.

To create this new small scale beacon, which like the other pavilions we have introduced, tried to respect Sert on the one hand, but they don't mimic Sert, they differentiate themselves.

So what we want to do, just like Sert did really on a small scale, but in a dynamic way just push our pavilion out from

the line of the Sert building and slightly out from the adjacent roof pavilions to create this beacon that kind of reveals itself as you drive -- you come along Mass Avenue on the one hand. The way it's located in the frontage of the building, it also has this kind've fantastic ability to speak like many of the cupolas and roof scrapes have in Harvard do.

Across the city here is a view of the lantern that you would see from north from the yard.

BRENDAN SULLIVAN: What is the purpose of that room?

ANDREW BARNETT: It's multipurpose room really which they have meetings, seminars.

TANYA IATRIDIS: It's collaborative space.

BRENDAN SULLIVAN: What is it used for now?

TANYA IATRIDIS: Now, it's the news office, I think. There's a lot of offices there now. Right now it's a terrace.

ANDREW BARNETT: It's an unused north facing terrace actually. It's a single -- it's the only terrace that will be a double width. There's a terrace there, a terrace there, and this one is double width. It's seeking to making a single scale terrace like the other one by making a half-scale little pavilion next to it.

TANYA IATRIDIS: So if we close that terrace right now it's within the FAR of the building. We can do that. What we're seeking is the bay just moving out for, I think it's 116 feet FAR and it's just 3

feet 11 inches. It goes high.

BRENDAN SULLIVAN: This beacon is on
24 hours a day?

TANYA IATRIDIS: The beacon is
supposed to be lighten up. Right now the
building if it -- it gets dark right away
because there are offices. So the idea is
that Harvard would keep it --

BRENDAN SULLIVAN: So this is a
modern day search light?

TANYA IATRIDIS: I don't know what
the search --

UNIDENTIFIED AUDIENCE MEMBER: They
called it a lantern.

TANYA IATRIDIS: Well, the idea was
to have it stand out a little different.
You can explain the architecture or, Henry,
you maybe want to explain it a bit.

HENRY MOSS: I think this picture

does begin to remind us how drab the higher portions of Harvard Square get after closing hours of offices.

And part of what this is meant to mark is that there's a vibrant public area at the base of this building. You can see a lot of what Harvard properties offer from across the river and so forth.

But from the north of Cambridge looking back down Mass Avenue, and so forth, basically you see this.

Part of what we're trying to do is remind people that there's this accessible, local, vibrant, ground and second-floor level that's open to everyone, otherwise, it's pretty drab. It's a beacon.

BRENDAN SULLIVAN: And why not carry that along, or is it to be a singular focal point?

HENRY MOSS: It's the latter just as she said.

ANDREW BARNETT: He can have this object and open space and object and open space. What we don't want to do is just fill in all of those. Even though we cannot cover the cost is the fact you have this serrated edge.

BRENDAN SULLIVAN: You don't want it to look like a bracelet, you want it to be a singular focal point.

TANYA IATRIDIS: Right.

HENRY MOSS: An engagement ring.

TANYA IATRIDIS: Yes. That I never heard of.

HENRY MOSS: We ARE coming three and a half feet up above the roof line. In the meantime, it serves 42 feet above that with elevator shafts which are really visible

from the south and another 18 feet of -- you probably have seen this -- a white painted concrete, that's immediately behind this, but pretty much unnoticeable except from the roof.

DOUGLAS MYERS: Is there any definition of the degree of illumination projected by the lantern?

ANDREW BARNETT: I mean, what we want to do is like the buildings below actually. We thought very long and hard about how -- what is material of this section. We don't want to have more concrete. What we're trying to do is create very, very light weight filigree architecture. We have the most transparent glass you can actually buy. It's called white glass, but very low iron content. It will be very transparent as it looks in

these views.

And then --

DOUGLAS MYERS: What about my question?

ANDREW BARNETT: Yes, sir. You know, I'm just -- inside the building, the new parts we're lining that with timber. It will glow more than shine out like any kind of search light. It will have -- it will be lighting through the timbers so you will see the glowing warm light. It's a little glowing beacon rather than a light.

DOUGLAS MYERS: You really are not answering about the degree of any analysis of the degree or strength of the illumination.

TANYA IATRIDIS: The lighting, your lighting.

ANDREW BARNETT: Well, it's a soft

light. It's not a hard --

HENRY MOSS: This is what we're aiming at.

ANDREW BARNETT: That's not the intention of all levels of this new architecture to create this warm glowing interior light through a very translucent glazing system, rather than, I think, it's hard, commercial and cold.

DOUGLAS MYERS: The light will come from inside the building?

ANDREW BARNETT: The light --

DOUGLAS MYERS: Entirely inside the building?

ANDREW BARNETT: Yes. Exactly. We'll be up lighting the timber and like being through the timber, like a timber front to back shape. That's the beginnings of the idea how the lights will work. It's

the glowing timber that will light and you will see through the glass not any direct --

TIMOTHY HUGHES: Anything else?

TANYA IATRIDIS: No.

TIMOTHY HUGHES: Any questions at this point from the Board Members other than the ones we've already asked?

JIM MONTEVERDE: If I could. I believe you mentioned at the beginning you have gone through a number of iterations, schemes, and concepts with the renovation.

What would happen to your scheme in total if we weren't receptive to the encroachment on Forbes Plaza?

TANYA IATRIDIS: We wouldn't be able to do the welcome area in terms of the fitting the program in there. The welcome area is -- actually it's got the service

wall, and behind that wall is the driveway, and so it's very limiting where we could go.

The idea was to integrate all of the uses, the cafe, Au Bon Pain and all the welcome uses all out front, and we would not be able to achieve that.

JIM MONTEVERDE: And problematically that's not achievable within the building footprint now.

TANYA IATRIDIS: No. Because we're doing -- well, we're doing -- if you look at the first floor, we got the health services on the side, the big living room in where we're having it, and then the cafe row all through Dunster Street, and then the other spaces also will be an independent venue that is existing today.

ANDREW BARNETT: Because it's a

service cull and around it, it's literally physically impossible to build backwards. The only way is to build forwards.

JIM MONTEVERDE: Okay.

TANYA IATRIDIS: Right. And the idea was to make the space even better than today in terms of the quality.

JIM MONTEVERDE: On the upper level plan, the roof gardens that will be created, does all that -- will the mechanical equipment be abandoned?

TANYA IATRIDIS: No.

ANDREW BARNETT: No. The idea is the equipment is we take it off the roofs only we're recessing it above each compound ramp.

TANYA IATRIDIS: Do you see it on the sides?

JIM MONTEVERDE: It's down low.

TANYA IATRIDIS: I can show it to you right here. It's right here. These are tucked in like in a --

ANDREW BARNETT: Here is the one on the Holyoke side. The Holyoke roof it also has mechanical equipment on its roof. Where they are is tucked in well recessed from the back from the pavement on either side above the --

JIM MONTEVERDE: That gives you the roof space back.

ANDREW BARNETT: That liberates the roof space basically.

JIM MONTEVERDE: Is that a public amenity or is that a --

TANYA IATRIDIS: Yes. Where you see the yellow is public amenity. These are the mechanical equipment on the plan.

They were all removed, removed and

tucked in here.

BRENDAN SULLIVAN: What are the hours of public access to the public spaces?

TANYA IATRIDIS: That's a very good question.

BRENDAN SULLIVAN: Roof garden and plaza.

TANYA IATRIDIS: We don't have specific hours right now. For the future, the building, if all goes well, we'll be opening the 2018 in the fall, and what we would like to say is that we're going to keep it very similar to what it is now. For example, all the interior space, the arcade, and all these living rooms we've created right now the arcade is open 7:30 in the morning until 10:00 at night. That has fluctuated depending on a lot of

operational issues for the arcade, but that will still remain, and now you will be able to go to the second floor, first floor and be in those living rooms.

In the front, Au Bon Pain which is going to be where the welcome area is integrating all that space. Right now Au Bon Pain from Monday through Friday they open at 5:30 in the morning till midnight, and on Saturday 5:30 to 1:00 a.m. and they have fluctuated over the years depending on supply, demand and security issues. We would like to say our intent is to keep it very similarly as it is now.

BRENDAN SULLIVAN: Public restrooms which are -- you have the credit union, I guess, are those going to be 24 hour or...?

TANYA IATRIDIS: No. Well, the space in the welcome area, if we follow

very similarly what we're saying hear about Au Bon Pain, they will be open probably early in the morning, 5:30, 6:00, I don't know, whatever we establish. Because we also have the new food vendors will have go through the License Commission. There's a lot of things we have to figure out.

BRENDAN SULLIVAN: The public restrooms.

TANYA IATRIDIS: The public restrooms are the same. Like the welcome area is open whether it's 5:30 till midnight or 1:00 in the morning, the public restrooms will be open just like the welcome area.

BRENDAN SULLIVAN: How do you access the new location of the public restrooms?

TANYA IATRIDIS: I will show you right here on the plan.

Can I have the board -- I'll do it here.

BRENDAN SULLIVAN: I see it's behind Harvard Trust.

TANYA IATRIDIS: You access them by here. You enter the door here and you go -- there's a little hallway and it's right behind here, all the restrooms.

BRENDAN SULLIVAN: You go in there. I see the ticket services.

TANYA IATRIDIS: The ticket services is in the front here. And this is the wall and this is a wall, and this is the back of an elevator.

You just -- it's right -- you go down this little hallway, and in the back here, there will be public bathrooms. And right now the public bathrooms you have to walk in here and go through security and up

the stairs. They're not accessible.

But now they will be accessible and there will be more, and also on the second floor, because we have in the cafe on the second floor, there will be public bathrooms upstairs, too.

Right now in Au Bon Pain, you have to buy something and get a key to get in here. Here you can sit without buying anything. This is one large space.

DOUGLAS MYERS: The elevator that you mentioned, public access to the elevator?

TANYA IATRIDIS: Well, this elevator goes up to a nonpublic access area, but the elevators inside there -- I will show you.

So when you walk in and you want to come to the second floor, there's an elevator here that you can take and go up

to the second floor.

DOUGLAS MYERS: So there is public access to the second floor?

TANYA IATRIDIS: There is public access. I'm sorry, yeah.

DOUGLAS MYERS: No, no, I understand.

TANYA IATRIDIS: I misunderstood you. So there is one, yeah, because all of the new space will be accessible to the persons with disabilities.

ANDREW BARNETT: So that elevator also deals with the level difference between Holyoke Street and the arcade, that is accessible to persons with disabilities as well?

TANYA IATRIDIS: That's a good point. There are two -- you're right. You can enter it this way. You got to go

up -- let me do -- hold on a second. I apologize. We have better drawings.

BRENDAN SULLIVAN: They will be ADA compliant, basically?

ANDREW BARNETT: We're making it -- don't ask me the percentage, but, I mean, the ADA space is high on the mezzanine floors; we're making it a hundred percent accessible.

TANYA IATRIDIS: And the outdoor spaces, too, because Forbes Plaza, the majority of it is not accessible for wheelchair use.

GEORGE BEST: Does that decrease the footprint of the Au Bon Pain and how many more vendors are going to be in that space?

TANYA IATRIDIS: We haven't decreased it. What we've done is we've integrated it. So are actually have an

upstairs now and downstairs. It's just we enhanced it very differently.

There probably will be one food vendor in the welcome area. We haven't yet gotten there. But it's on two floors, one vendor, and the rest of the spaces. And we're probably going to increase maybe from six vendors across the -- all of the first and second area to maybe eight, or it could be depending on if the vendor may want more or less space.

HENRY MOSS: The Dunster Street frontage will now become restaurant externally.

ANDREW BARNETT: Accessible from the arcade and from the street and then where Finale was, that food venue.

TANYA IATRIDIS: All of the tables will be spilling into Dunster Street. So

Dunster will be activated as all
restaurants.

ANDREW BARNETT: On the other side
of this little green space where the arcade
is in the center, there's also smaller food
venues here.

TANYA IATRIDIS: To enhance the
arcade.

GEORGE BEST: On the tenth floor,
that's my last question, you've a meeting
room. Is that open to the Riverside
community.

TANYA IATRIDIS: The tenth floor is
going to be used more collaborative space
and meeting space that the faculties have
requested, and a lot of student and faculty
we're trying to cross-collaboration and a
lot will take place. We want to bring
people in in these spaces and upstairs do a

lot of collaboration and then come back down and mingle.

GEORGE BEST: It's university specific.

TANYA IATRIDIS: Right. Absolutely, yes.

GEORGE BEST: Have you thought about community specific like the Riverside community is right there. Is there any chance they could have a meeting space?

TANYA IATRIDIS: Well, there's a welcome area actually. Upstairs there's a multi-purpose room which is on the second floor, right here. And this room abuts this cafe. And we've talked a lot about with many folks, including the city, for meeting space for the community when it's an open -- it's a space that can be used for that. And actually it sits right near

the welcome area and I think it's a great amenity.

ANDREW BARNETT: Right. On the second floor on the line of the arcade, so it's completely central as you enter the building.

HENRY MOSS: We have been using that floor for public sessions having to do with this project for months now.

GEORGE BEST: You can continue with that, hopefully.

HENRY MOSS: Well, those were rehearsals.

TANYA IATRIDIS: Well, that multi-purpose room, there could be a sign for that. I mean, it could be reserved for that purpose. Just like the information office downstairs is sometimes reserved by the community.

TIMOTHY HUGHES: Is this on one of your boards?

TANYA IATRIDIS: Yes.

JIM MONTEVERDE: The proposed is a beautiful rendition. If I read the plan correctly, Forest Park faces north, correct?

TANYA IATRIDIS: Yes.

JIM MONTEVERDE: So that very bright, the existing view and the darker view.

TANYA IATRIDIS: Where are you looking at? I'm sorry.

JIM MONTEVERDE: Forest. This is Forest? That's the proposed and the existing.

TANYA IATRIDIS: And the proposed and the existing.

JIM MONTEVERDE: Right. The

darkness in the existing photo is really time of year, it looks like it's autumn or winter. And the brightness in the proposed is the artistic license?

TANYA IATRIDIS: Well, I will let you speak to that. They want to know if this is a transparent glass.

ANDREW BARNETT: Yeah, sure. Time of year, maybe. But, yeah, I mean, we -- yeah, that is true. There's a difference between the two. But at the same time, I think it's still the points that I made earlier that I think are really important that this is a very heavy glazed piece. This is being reglazed and made into a single story, the whole thing is being lifted up. It will have this lovely ambient light from inside. We're making it with a white glow-on glass. That feeling

of the space glowing from inside to outside which is fundamentally part of the original concept will be -- it will feel like that.

JIM MONTEVERDE: I appreciated that from the presentation. It brings me full circle back to my original question which was: In that three-quarters of a million square feet in the building, that same frontal concept isn't achievable without pushing that facade out into Forbes Square and doing just what you're describing?

ANDREW BARNETT: It's not true blue in programs space, we can't go backwards. If we're pulling those program spaces that I showed you in blue earlier on pull it into one space, so instead of looking around to find these spaces hidden away behind these various points in the building, if you want to create that with

the city's equivalent of Au Bon Pain and more, that is not the amount of space. And in addition, I mean, what we feel is Au Bon Pain currently has no quality of interior space. It's very cramped. What we're doing is actually giving a little bit more dignity space and appropriate scaled space for the functionality of the building.

TANYA IATRIDIS: And I would add that the location of this welcome area, the way it's designed, it's supposed to be designed as one, the outside and inside, and the location is the proximity to the T and to the yard. That's where people are coming and that's where we wanted to put the program.

HENRY MOSS: We wanted to make a legible civic space that was able to collect all of these scattered things that

people had to know -- currently have to know about in order to approach.

Now you can go there and it will be readable. A whole family could go in there and just do three different things in 15 minutes and be -- and stay in contact with one another. No matter what the weather is.

TIMOTHY HUGHES: Further questions from the Board?

I am going to open this up to public testimony.

TANYA IATRIDIS: Should we leave?

TIMOTHY HUGHES: No, no. Stay put.

UNIDENTIFIED AUDIENCE MEMBER: Do we get information questions first or...?

TIMOTHY HUGHES: James, you are going to have to come forward and identify yourself if you want to ask questions.

So I guess that would be under public testimony, wouldn't it? I went to set a couple guidelines here.

If you sent a letter and you're going to reiterate what you wrote in a letter, please didn't identify yourself, so I don't have to read this into the record later. If you heard somebody make a point that's already been made, please don't make it again.

I mean, there's an awful a lot of correspondence in here, and this could take an awhile. So let's not duplicate our efforts here.

You want to step forward.

UNIDENTIFIED AUDIENCE MEMBER:

Usually there are first information questions and then public comment.

TIMOTHY HUGHES: No, no. No. Not

here, no.

We do questions from the Board Members after the presentation, we give them a chance to respond and then open up to public testimony. That's our schedule.

TIMOTHY HUGHES: Can you present closer to the stenographer? It will make her job easier, and please identify yourself and spell your name. Thank you.

THOMPSON POTTER, JR.: My name is Thompson E. Potter, Jr. T-H-O-M-P-S-O-N is my first name. E, for Eldridge, Potter, P-O-T-T-E-R, Jr. I live at 79 Martin Street, Apartment 23 in Cambridge. I've resided in Cambridge for the better part of 40 years. Although, I'm not a native Cambridgian or from Massachusetts originally.

I just want to read a very brief

statement, and make a very brief two comments about this presentation that I heard.

A brief statement in opposition to Harvard University's proposed major alterations to Forbes Plaza Harvard Square. Question: Did Harvard invent chess, own a patent on the game? Have the right to seclude chess players from the public gaze and enjoyment and taking pleasure in others quiet, peaceful, thoughtful enjoyment of the games in progress?

Forbes Plaza is a spacious, peaceful place in which the public community and visitors alike are drawn to relax, to refresh themselves and to regroup, to meet friends and family, to enjoy the trees, the birds, the sky, to people-watch, to read, and even study, to grab lunch with the

kids, to laugh, to sit quietly and rest.

Forbes Plaza is a piazza, a true piazza, a peaceful, inviting out-of-doors place for everybody's everyday enjoyment.

If this proposal goes through, if Harvard's encroachment on Forbes Plaza is authorized, we may as well rename Harvard Square, Harvard's Square.

Harvard doesn't need any more glittering window-dressing our programmatic spaces.

Forbes Plaza belongs to a community far wider and far more diverse than Harvard real estate and Harvard Square Business Association and Harvard Board of Overseers.

It's a most pleasant place for them to be sure, but also for everyone else.

Forbes Plaza is a landmark enjoyed by the community and neither to be taken

for granted nor encroached upon by the dubious visions of the architects, by the rich and powerful. The latter may enjoy it just as the way the rest of us do, and that's enough for them.

By the way, it already is in the view of many, a very legible civic space. I'm not sure that the planners understand what an arcade is. It certainly is not a mall.

The elevated space is wonderful, something like a slight removal for those sitting there for the hurly-burly shaded and cool even on the hottest days.

Harvard, if you want some more programmatic space, why don't you build some homes for the proliferating homeless population in Harvard Square. That would be inviting. That would invite all of us.

Thank you.

TIMOTHY HUGHES: Next? I would advise people making comments to try and restrict themselves to the zoning issues that we're faced with making an adjudication on here tonight.

James, are you ready?

JAMES WILLIAMSON: Yeah. Sure.

TIMOTHY HUGHES: Would you identify yourself, please, for the stenographer?

JAMES WILLIAMSON: My name is James Williamson, 1000 Jackson Place in Cambridge. I've lived in Cambridge for 45 years. I spent a lot of time in Harvard Square over the years and have been to quite a few of the meetings about this.

And it wasn't until the fifth meeting that I went to that I realized and really understood and appreciated what's

going on here, and what this proposal is really about.

And, yes, I do have a letter which I sent, I guess. Did you get the letter?

TIMOTHY HUGHES: Here, yeah.

JAMES WILLIAMSON: It was also published in Cambridge Day after I sent it to the ZBA. The issue for me is Harvard can have a campus center, but they don't need to do this to the public space, to the public open space and the public plaza which we have had for 45 years or however exactly however long it's been. There's talk about Sert, there's talk about the drawers, the drawer effect and all of that, and I'm not talking about hanging drawers either.

Yes, all that's good, but what's left out is Sert's commitment to a public

plaza. Sert came here from -- he was ministering in, I believe, in the Republican Government of Spain. He fled fascist Spain and came to Cambridge, and brought the idea of a public plaza with him, and he created a gift to the people of the City the Cambridge, which is this spacious public plaza.

The dimensions of this plaza are important. If you truncate it with a two-story glass box that sticks out in addition to what Au Bon Pain already has, another ten feet and two stories and not just where Au Bon Pain are, but clear across the entire front. You have done -- you have truncated this outdoor public plaza significantly. And that's crucial, I think, in your deliberation.

Is this really in the public

interest? Is this really in the interest of the enjoyment of this public plaza as a shared public plaza?

The other two pieces to this are the raised seating. And I'm not convinced it necessarily has to be raised, but if you go and sit in this raised seating area behind what I call the corral, you sit there and you're protected from the hurly-burly of the public sweeping along Mass Avenue, and you can look out and see people walk by in front of you.

In Harvard's reorientation of this, they're putting a planter there, and the seating is going to be behind the planter as a kind of front porch for Harvard's new magnificent center, and you won't be able to look out at people walking by in front of you along Mass Avenue. That's the whole

point of cafe seating, sidewalk cafe seating.

You sit there and you watch the people go by. Well, there's going to be a planter now in their plan, the seating will be inside, and that seating is basically a front porch for Harvard's magnificent new campus center as I read their plans.

The third problem. The third thing that's problematic about their proposal, and it's not really visible to the public, but when they remove this wall, and there may be some sense to make adjustments to the plaza, I agree with that, there could be some, what Jan Devereux in her letter, I think, called "TLC" for the plaza. Sure enough.

But in removing this wall and putting the planter parallel to Mass Avenue

they way they're proposing it, and having this big two-story blast box stick out, they're basically inviting people, as they have said, from the T to walk on a diagonal from the T, directly toward for the new entrance to their new campus center.

What's that going to do the seating area that they're saying is going to be additional seating for the public? You're going to be sitting there with people streaming by you in both directions both two and from the Harvard Square T station. What's that going to do to this seating area that they're saying is going to be, you know, additional seating for the public? You're going to be sitting there with people streaming by you in both directions on their way to and from the Harvard Square T Station?

That doesn't work as a public sitting area as far as I'm concerned, I think there are questions -- the hours, they're saying, "Well, this is going to be open to the public." Well what's going to happen in January when Harvard closes down for what is called J term, when everybody goes home? What's going to happen during vacation?

Is Harvard going to make a commitment now that all of these areas are going to be open inside until 10:00, the welcome area that they're describing until midnight and 1:00 on weekends regardless of what happens with the new cafe?

Those are all important questions, too, that need to be, I think, decided by the Board tonight and be made a condition of any agreement.

But the basic thing that I think I would like to ask you to ask Harvard to do is go back to the drawing board about the plaza, and invite a representative group of people from the various constituents, chess players, people who use the plaza for public protest, people who enjoy sitting on this raised terrace area. And I talked to quite a few of them who were really astonished and not happy at all about this plan. Bring as many of those people together to sit down with Harvard's architects and planners and rethink the plan for the plaza so that Harvard can have their campus center, and we can still have a public plaza that we can all enjoy, including people who are Harvard affiliates in the tradition of a great anti-facetious to Sert.

Thank you.

TIMOTHY HUGHES: Anyone else that wants to be heard? Thanks.

Come forward if you want to speak.

RUSS GARBER: I'm Russ Garber. I live at 65 Dana Street in Cambridge.

So distinguished ladies and gentlemen, and honored dignitaries of Cambridge. I've played chess for a long time there, not always. And I would like to say that among the chess players, there are many Harvard alumni, Harvard faculty and many Cambridgians.

Also, Harvard Square or Smith Plaza is known worldwide amongst chess players.

Chess is an international game. It's played in more countries than any other sport or game, it's the embodiment of diversity. People come from all over the

world. I'm not exaggerating just for the purpose of the chess in Harvard Square.

So I don't have any complaints about the plan. I just would like to say that we appreciate the fact that you are considering the chess players, and thank you for kind attention and excellent presentation of the new plan.

TIMOTHY HUGHES: Thank you.

Come forward. Put your hands up a little higher.

WILLIAM GREENLAW: Good evening everyone. My name is William Greenlaw. That is spelled green like the color, law like attorney.

I'm a student representative on campus representing of the dorms, I would like to speak on a couple issues here today. I would like to let the record

reflect that this is uncoached testimony and all of the opinions are my own, and I have taken notes from what I heard today.

So I just wanted to address a couple of quandaries that we've actually heard this afternoon.

One of the issues that Mr. Potter had brought up earlier was that Harvard will be taking away Forbes Plaza. I would like to dispute this just a little bit in that we have been told ten feet is the actual encroaching distances that we're defining, is that correct?

So I can't imagine that this is as dramatic as we might believe it to be. Number one, the encroaching distance that's coming out from Au Bon Pain is covering several sets of stairs. So already you're not losing any space that you would never

have really sat on anyway.

Number two, I haven't done the mathematics, I haven't actually measured them out myself, but if that's to be believed and the stairs are really a nonfactor here, and then you're losing, what, five or six feet? Which I can't seem to see would be a large loss for the community.

If I may briefly address also the idea of a raised terrace. A number of people have been bringing up the idea of the raised terrace is important. I do agree somewhat with that. To actually remove from the hurly-burly from the people that are passing by, the significance of actually having a raised terrace seems to allude me for a couple reasons.

For people who are sitting on the

ground floor, people who are experiencing the hurly-burly, I haven't really yet experienced a time when I've been personally there sitting on the first floor of the Forbes Plaza that people have actually been interrupting me or walked in between the tables or anything like.

The only people who were actually enjoying the first floor are the people who actually intend to sit down.

So by lowering the first floor or, sorry, the raised terrace to a lower floor, I can't imagine people would lose anything else except for perhaps imagined perception of being removed from the hurly-burly of the actual campus.

And in addition to that, I'm also very in favor of removing the raised terrace because in the spirit of handicap

accessibility, even if handicap people don't desire to use the entire space, it is definitely within the realm of reason to make sure that someone is handicap, they can use the entire space.

As a person who's acquainted with quite a few people who use wheelchairs and motorized vehicles to get around, that's something I would definitely support.

To speak to the previous gentleman's comment. Yes, I would definitely like to see and make sure that people who play chess, and remain where they are enjoy the sport as it was meant to be played. Because I think some it is something that's very important to the community, and I would make sure that -- I would like to see that that continues.

The point for the first gentleman

this afternoon is definitely well taken, though, because there has been a lot of talk about setting a closing time of midnight or 1:00 or depending whatever the supply and demand is, as they brought up earlier would be.

I do take the point seriously that during J term, I would like to see the building is actually open to individuals who are not actually attending Harvard campus. I think that's entirely fair. And we're going to describe it as something that's going to be shared space between the community and Harvard University then pushing to actually having J term opening during that month and a half when people aren't here is not an unreasonable question to ask.

And that concludes my testimony and

I yield my time, Mr. Chair.

TIMOTHY HUGHES: Thank you.

Step forward, please.

DOLLY AMAYA: I'm Dolly, D-O-L-L-Y, Amaya, A-M-A-Y-A. I'm also a Cambridge resident at 30 Cambridgepark Drive. I have been there for the last four years.

And I thank you for this opportunity, especially to the Board that made an excellent presentation, and also to make sure that as a student, I also am able to raise my voice without being coached.

I am currently a doctor degree candidate. Also, as I previously said, a Cambridge resident, and I do volunteer for a great number of organizations within the square. So I always want to make sure -- or within Cambridge. I always do want to make sure that I am here

representing both sides of the spectrum, as a student, I'm also executive vice president of the Harvard Graduate Professional and Student Government, and have been serving for quite awhile, for years now. And so, it's my pleasure to allow the Cambridge residents to assure that we, as the student as well as the community are making sure that your concerns are addressed.

I mean one of them actually that I would like to present tonight is the fact that the enclosing doors and taking away the terrace serves more the fact that during the winter days, which it seems to be a lot more prolonged days than what we have back at home will actually be something that will allow us to endure and enjoy for longer periods of times.

Also the perception of whether being raised or not, since my previous colleague raised that point of being handicap accessible and accessible to chess players, which I'm a player myself, and I want to make sure I do protect that space as well because I like to sit in there and do the same.

That's to validate the fact that we're taking into consideration J Term, and not just for the winter factor, which we don't get to sit outside during the winter, but we would be able to with our new project and also to the fact that during those days I can relate to the fact back at home and the former architect, the original architect who had this wonderful idea, that's -- did this as a reflection of something that I get to enjoy back at home

in all of the Latin American countries that we visit. This is the same. But now with climate -- I mean, with all the climate and weather changes, we're also strategizing in ways in which we could perhaps enjoy a three- or four-season porch kind of setting, and I think that's something that we're taking in consideration.

So to summarize what I'm trying to say, this is not just a powerful statement of the wealthy and rich. I'm not one of them.

I am an entrepreneur who owns a business at Harvard Square and work with the Harvard Business Association to protect all the rights that come with it.

So I'm embracing both sides of this spectrum, and I will be representing both areas and making sure that your voice is

heard as well as ours as a student.

As a student, I do work very closely with the president of the gallery student government which happens to be handicapped, and been with him most of the time and a lot of my friends are handicapped. I go through the difficulties that they experience, and because of that, I can sympathize with the fact that we're keeping all of those aspects into consideration.

And I guess, lastly, I would like to say that for the Board, the variances not only will allow us to complete a project that will be of benefit to the faculty, but also the community because our organization provides over 20-plus programs that includes the community throughout the year, and for that, we now have a space that is not formally given to us because we're

waiting for all of the variances and all of the entire projects be approved, but we're still utilizing, and it's not just students.

I am asking that you will allow us to move forward with the project, and if you have any questions, all 12 Harvard graduate schools will be willing to help you answer those questions.

Thank you.

TIMOTHY HUGHES: Thank you.

Anyone else?

Step forward, please.

KEVIN TIAN: Hi. My name is Kevin, K-E-V-I-N, last name Tian, T-I-A-N. I'm here also as a representative from the Harvard Graduate and Professional Student Government, and I'm a graduate student at the Harvard School of Engineering. And I

also serve as the vice president of finance for the student government.

I'm here to voice my full support of the project. I agree with Mr. Greenlaw's comments from before that they're certainly valid concerns regarding the project, but on the other hand, I want to say that the campus center as it is could be so much more. That the space is currently extremely underutilized, and the renovation project as proposed has the potential to unlock that potential as more than just a building, as more than just a space that just takes up space. People know that building as the Au Bon Pain building rather than anything more to the university, even to the community at large even.

To me, it was the place where health services was. As a student, you don't

really see that building as anything more.

The project isn't a project for the sake of vanity. It's not an exercise of power and wealth. It's something to try to give back to the community to give us a place where we can have all these grand events that includes all of Cambridge, all of Harvard and build this open community that we, as a student government, try to strive for. We try to strive to connect all 12 graduate schools, but we also strive to connect with Cambridge. Cambridge is our home. It's has been my home for the last four and a half years, and I aim to make it my home for that much longer, mostly because I'm a graduate here, but that's besides the point. I love the city. I love this place. I spend most of time in Cambridge and I want to see it improve.

I want to see Harvard Square become that much more lively of a place with that much more energy, and I see this campus center as the potential for that. It has that potential to be that center for the university where everyone can gather around, where everybody is welcome, that the potential to be the heart of the university and it has open arms to everyone in the community. It's not just for students, it's not just for administrators, it's not for the power and wealthy. It's for everyone down from the homeless people in the street that are welcomed to by and chat and relax with us.

That's what I see in this renovation project. And concerns are out there. And I do see the need to address them, but to squander this opportunity and not realize

the potential in this plaza, this building, this center has to me, seems a grand waste of opportunity. And I think it would be such a waste to not see that realty happen.

Thank you for your time.

TIMOTHY HUGHES: Thank you.

Yes, please.

PEBBLE GILFORD: My name is Pebble Gilford, I live at 15 Hilliard Street in Cambridge.

I'm going to focus on just two things and that's the public realm of this project for a brief interchange between the public realm and the university and just for a brief moment, I have talked to the chess players at length, and it seems they have two major concerns, the tables -- I don't know how this comes under variance that you're dealing with, but they

want the tables to be permanent. There seems to be a suspicion if they're not -- not just bolted down, someone can saw through a bolt. Right now, they are on concrete positive posts cemented to the ground as are the chairs.

If those tables can't stay where they are, you know as well as I do, they will be dragged all over the plaza.

I think the other thing they care about is that they see these plans as crowding them. They have a very nice venue right now along the side of the terrace. I think I counted how many tables there were, and I forget. But the main thing about the chess playing tables is the spectators that come and stand around and watch. They're there for hours and I am sure you have seen them. That's part of the attraction of the

chess players.

I must say I get intrigued when they bang on the timers. I don't know how to play chess. Anyway, I think they've got to have space around those tables and not feel crowded.

And I would like to draw your attention to a plan that you must have. I can show you mine. This one, it's
Page -- this is the proposed plan for the first level, Forbes Plaza, in the front, and it's important to compare these -- it's 28 and I think 27.

Anyway, this is the nub of the issue here for people who care about the open space. Holyoke Center first came into being it was back in the late '50s and early '60s, and I was associated with an organization called the "Harvard Square

Defense Fund," and we've taken on sort've a community activist role in what was going on in Harvard Square. And this is the first project that came down the pike for us to look at. We were imminently involved in every step of the way.

When it was first proposed, the plaza, open space was there, there was no Au Bon Pain when it first started. It was just a nice big open space, and I was under the impression and I have to disagree with my colleagues at Harvard, because neither of us have been able to find the agreement. I thought there was an agreement between Harvard University and the city that in exchange for all the extra FAR and density and height that they were getting that they were going to make this plaza public open -- this area public and open. That's

not an unusual deal for a university to make with the city.

Our records are all impounded in the Cambridge Historical Society, and I could not get to them. I think Tanya here tried to find some record of that and you couldn't either. I will continue my research.

But I'm pretty convinced that's what dictated this plaza, and that's why people perceive it to be a deal between Harvard and the city to do this. Because granted, it built a very oversized building.

If you look at this drawing, you can see -- and I have no dimensions on these plans, so it's very difficult. But the original plaza would have gone like this. The blue and the green. Here is the existing. This is the original. This is

the plaza. Then at some point in the early '60s, the deal was made with Au Bon Pain whose founder Louie Kane was on the Board of Bar Overseers -- not the Board of Bar Overseers, was on the overseers at Harvard at the time, and he wanted to open up a food cafe here. So he negotiated with Harvard and he got the right to put in the first Au Bon Pain, if you can believe it. That was the first Au Bon Pain and we weren't happy about that, but so be it. So that happened.

Then a number of years later Au Bon Pain wanted to take over more area in the plaza, and we had a go-around on that and we were opposed to Harvard taking away any more of the plaza for any use and we did not prevail on that.

The only way the compromise we came

to was that there would be the glass enclosed area you see that's the front of Au Bon Pain, and there would be signs on it saying you do not have to buy food to sit in here, and that signage was also to apply to the terrace area, the raised terrace area; in other words, we didn't want to see it become an extension of Au Bon Pain. The public would have to come in and buy in order eat in those spaces, either the terrace area or the front of that first canopy place.

Obviously, the signs didn't last very long and they got taken down. As fast as we put them up, they got taken down.

So, I think it's just as a matter of habit. I don't know about that interior canopy place, but as a matter of habit, I think people feel comfortable taking food

out and sitting on the terrace not feeling they don't have buy to sit there.

The next step was very disappointing to hear about. The next canopy they want to put a two-story canopy, it's ten feet in width; in other words, ten feet from the existing canopy out into the plaza. I don't know this dimension from east to west, but it would be interesting to know what the total square footage of the plaza that's being taken here.

I think this does tie to the FAR. I couldn't figure out it mathematically how you possibly compute what this site was asking forgiven the many, many, many levels. I think it would be incumbent upon someone if you see this drawing -- I don't know what the page number is -- if you see this plan, you see how much was has been

taken over.

This is the property line. We're now down to half of Forbes Plaza from what it was originally. And whether -- this would now all be in the FAR. This new space would be in the FAR.

It doesn't just go to the entrance to the arcade. It comes down here, the canopy, and covers the -- the bank's already moved its door. Its door is out here now. And this whole area is now included in the FAR of center, Smith Center, and the door has been moved to here to out here. This is included in the FAR.

So it definitely -- oh, and the disappointment is it's one thing to get rid of the terrace, and I can understand why it's a handicap problem, it's short of awkward there. But I've noticed in the

first couple days, the sun shinning brightly how many people are clustered under that canopy of trees because it's hot, and they're gathered there mainly up towards Mass Avenue because that's great where the sun shines and it's shady right under there. And they say they're diseased. I don't know if they're diseased or not.

But if you look at the size of that canopy on the terrace, and this is not accurate, that the canopy that's going to come from this tiny little planter on the front -- this is a wooden planter with earth in it and they're going to put -- what kind of trees?

UNIDENTIFIED AUDIENCE MEMBER:

London planetree.

PEBBLE AMAYA: No, no. Birch.

JIM MONTEVERDE: They're proposing
to take out four --

BRENDAN SULLIVAN: Jim, Jim, please.
Pebble, if you can finish up.

PEBBLE AMAYA: I will. I will.

This is very deceptive. The canopy
of these early trees that they're putting
in here are very, very small, and they're
lining up the chess tables along this
access now, east to west, instead of along
here.

And there will be no shade there for
quite awhile, and I think it's a mistake to
think they can sit out there all day and
play chess.

And in addition, this is designed to
be the access from the T into the plaza
between the canopy and between the planter
and the chess players and some tables. And

if you look at these pictures
carefully -- and you all have them -- study
these. You'll see the planters here, the
chess tables here and here is the new
canopy.

There's no room in here for all the
activity that one would like to think will
happen, thus the reason I'm here.

I'd ask you to really look at these
plans because they tell a tail. Here is
another one, the welcome area, the new
Forbes Plaza, and this is the passage way
that everything is going to have happen
getting to and from.

The hours I'm still not sure of the
hours. I think I heard at one of the
hearings that the food venues for students
were going to be open 24/7.

No? The reason I ask that --

TIMOTHY HUGHES: You can respond to that.

TANYA IATRIDIS: I didn't want to interrupt.

TIMOTHY HUGHES: I would like to know the answer, but you can respond later, too, you know what I mean? You don't have to answer specifically to her. You can wait until after you heard all these people and then answer the questions.

PEBBLE AMAYA: The reason I raise it, it's not a problem for me or any of us I don't think. It's a question of how do you have food venues for 24/7 for students and not have the public come in and enjoy the same hours. I don't know how you're going to work that out. That's a problem.

I beg you not to take away any more of public plaza. I think we'll all lose

faith in the process if that happens.

TIMOTHY HUGHES: Thank you.

Do you want to step forward, this gentleman here?

STEVEN HELFER: Steve Helfer,
H-E-L-F-E-R, 3 Crawford Street.

I'm really not going to address any of the specific issues regarding the zoning, but just a word of caution, the last time I saw a major project go in Harvard Square was 1985 -- I lived in Cambridge since 1967 -- where I assume the brightest minds and the best intentions were put into play to completely reconfigure the traffic flow in Harvard Square whereas Boylston Street had been two ways, Massachusetts Avenue you could go straight through, the planners, I assume with the best intentions and the brightest

minds and the best educations possible decided to have traffic go every which way to create beautiful and improved Harvard Square. I don't think it worked. I think it made a nightmare for drivers. We have what is called the pit, which was supposed to be this wonderful place for pedestrians and people to congregate, instead it has really become a problem. I don't think Harvard Square was improved. I think we should be very cautious about this because the urban environment in Forbes Plaza is very fragile. What is working now with a little tinkering might not work at all.

Another project I look at is government center which people have regretted since the last 50 years, never been able to get that back to the way it was.

Again, the park in front of Trinity Church near the Boston Public Library, these are urban areas where people, again, our most prestigious institutions determined they could improve, and what they did is they broke them. And I don't understand why Harvard University -- and I know Harvard University has done some very wonderful things and in some very many areas -- but why when they're taking a building that was designed by a very famous architect that I happen to like and I also think is historic, they need to have such a grandiose see plan.

I really don't think they need such a grandiose plan. They have a student center next to Memorial Hall. Harvard has so much space and so many offices. The law school just built a gigantic building. Why

they need to always do things that are so grandiose?

So I urge caution in this and I would also urge moderation and modesty.

Thank you.

TIMOTHY HUGHES: I have some correspondence in the file. It seems this is a good time to interject that the Cambridge Historical Commission has issued a certificate of appropriateness for this project.

SUPRATIK BOSE: My name is Supratik Bose, S-U-P-R-A-T-I-K. The last name is Bose, B-O-S-E.

In -- I must be very old. In 19 --

TIMOTHY HUGHES: Can I interrupt you for just a second, Mr. Bose. Are you going to reiterate the two letters in the file.

SUPRATIK BOSE: Partly.

TIMOTHY HUGHES: So then I can just reference those as what you've said.

Publicly I don't have to read them later.

SUPRATIK BOSE: Yeah. In 1964, I came with a clear intention of working for Josep Sert, and I got lucky and I did. For five years I worked for him and studied under him both at the Harvard Planning Office as well as in the design school in an urban design program. I was then made the head of Long Range Planning for Harvard in Cambridge and Allston. I was 33 years old.

I was in charge of the Harvard Square Red Line extension from Harvard -- as Pebble knows as well -- and I'm personally responsible for cutting off the connection between Mass Avenue and Brattle Street.

UNIDENTIFIED AUDIENCE MEMBER: I
didn't mean anything personally.

SUPRATIK BOSE: And I left Harvard
in 1960 -- I'm sorry -- 1986, and for
almost 30 years now, I had no
difficulty -- I have not drawn any salary
from Harvard, but, of course, I'm part of
Harvard. And for me they and us there's no
such thing.

For 30 years I have lived in
Cambridge. Now I live at 18A Maple Avenue.

At the Harvard Square Advisory
Committee meeting on August
10th -- June -- I tried to draw your
attention to an important idea of a sense
of place which draws people to come
together and to be together. American
cities rarely have it. Europeans have it
more. I suggested that the proposed

revitalization of Smith Campus Center would drastically improve that sense of place in Harvard Square. And it's also in line with Sert's wishes, in my opinion.

Today, I want to draw your attention to another idea. Please consider a mega trend that started a century ago. Harvard is going from being exclusive to toward being inclusive. This is a very important point to understand. It is not about FAR.

A friend's father graduated from Harvard College in 1913, that's the year before World War I. There's a photograph of him in his quarters at Gold Coast Residence wearing a silk robe.

Students and their own servants, the college students were wealthy, white men, most never needed to work, and Harvard presidents were never paid a salary because

they were wealthy. They had to be.

Now Harvard College has eliminated most quotas from admissions, both restricting and promoting a number of students from religious, ethnic, race, gender groups. Those kinds of admissions has opened the doors for students who could not afford Harvard.

Finally, the on-line courses from Harvard and MIT in English, Mandrin, French, Hindu and Spanish have attracted three million students from around the world.

I still remember in December of 1964 my first morning at Cambridge sitting in a depressing haze Bickford cafeteria with a cup of coffee and a map that I picked up at the Sheraton Commander Hotel the night before trying to figure out where is

Harvard.

There was no information office, no Harvard Gazette, and it was unimaginable that one day there would be chairs in the old Harvard yard for the public. That's just unimaginable.

Today, if Harvard is willing to make a big move away from being exclusive towards being inclusive, spending millions, not only upfront, but in management -- believe me this will cost them -- to create a space with a sense of place for all of us, then let's do it.

TIMOTHY HUGHES: Thank you.

LAURA DONAHUE: I'm Laura Donahue, L-A-U-R-A, D-O-N-O-H-U-E. I'm a resident of Flagg Street in Cambridge for the last 24 years. If I may ask, if I made comments at the Planning Board, do you consider

those already part of the record, or shall I repeat them?

TIMOTHY HUGHES: My correspondence from the Planning Board is strictly that they are in favor of this. I don't have minutes or anything from the Planning Board. I just have that they're in favor of it.

LAURA DONOHUE: I will just repeat what I said there.

As I said, I have been a resident of the Riverside neighborhood for 25 years. I'm also a business owner. I'm the new owner of Bob Slate Stationery for the last four and a half years in Harvard Square. I'm also an alumni of the college.

For me, there are some obvious and really exciting benefits to the Harvard Square retail environment, and we're really

part and parcel of the Harvard culture and the Harvard Square culture. We are -- we hope are part of the reasons why people come to the square. We are unique and we like to be our -- we aspire to be a destination for visitors who we hope will be shoppers.

When I say retail, I mean restaurants as well as stores.

Now, we all know how competitive the retail environment is. We think about competing with on-line. But I wish to shift your perspective a little bit with the three things that we compete a lot with are indoor shopping malls.

We believe we have unique and compelling activities and restaurants and stores; however, we're spread out geographically and we're outside.

And according to the National Oceanographic Society, there are 126 days of some form of precipitation in this part of the world. Leaving aside the extreme events of this winter, even on a normal year, the weather can create some problems for an outdoor shopping environment. I know this because I track this actually. I track the weather with my revenue analysis because I'm a paper store and paper and weather are very intertwined, shall we say.

From our location at 30 Brattle Street, we are on the mezzanine. We look out. We see Brattle Square. And there are days when there is no one, and we hypothesize because there's nowhere for them to go to seek shelter outside of whatever is going out on outside with rain or snow or whatever that doesn't involve

necessarily spending money to someone.

We believe that an indoor environment combined with an outdoor environment could provide some respite for these people which we think would help continue to make Harvard Square an exciting destination. They can compete with the idea of going to a mall.

What we see is at first a starting point. Grab your coffee, go in and sit down, get out your phone, look at your map, figure out where you want to go. And then somewhere during the day, come back take a break point after a long day or even halfway through the day maybe even before lunch or after lunch, rest and regroup.

The key element for me here is public bathrooms. That's probably the number two request we get as a store,

"Where can I find a bathroom?"

Second only, if I may say, to "Where can I park?"

And a comfy chair. And I don't believe I heard about this, but I am sort've hoping there will be some Wi-Fi in there so they can look at their maps to find where they want to go next.

That's makes it a day-long destination which would be very incredibly exciting to us as a retail environment.

We really believe that the design -- and I'm speaking very generally about the design, I'm not speaking about certain specifics and changes and dimensions, the notion of this sort've living room scenario really is very appealing to me, and I speak for myself, I don't speak for the retail environment.

But four years has been an experience for me. We believe this will help Harvard Square continue to be a unique and desirable destination.

If I may speak to one last point. I do hope that the hours, whatever are the hours of public access will be independent of the entire university schedule. We do see that the people coming and going at Harvard Square does sometimes rotate with the Harvard schedule, but not always. You know, we see certain events that draw people to Harvard Square when Harvard is itself not in play.

So I sort am hoping and recommending we consider whatever hours are the hours are just sort independent of the university's sessions, so I offer my support for this project and I hope you

will consider the potential positive impact on the retail environment.

Thank you.

TIMOTHY HUGHES: Thank you.

CATHERINE ALEXANDROV: Hi. My name is Catherine ALEXANDROV, A-L-E-X-A-N-D-R-O-V, of 406 Franklin Street, right over there.

It was really interesting hearing all the comments about this project, and my family and I lived in Cambridge for some time now. We have three kids and traipse everywhere on foot and bike, except in winter. There's nowhere to go.

One of the things we really do like about Cambridge is all the public space, all the amazing parks, the playgrounds. And every time we bump into another part of Cambridge, we find something else and we

appreciate that our tax dollars are going towards this.

And I actually really appreciate that other people's money is going towards this project.

I would love to be able to go into Harvard Square with my kids in the wintertime and have a place, not just like, hey, lets go in the Gap for 20 minutes to get warm, or lets go into Au Bon Pain buy a brownie, and my kids beg me for treats that we don't really need.

And I think one of the biggest problems, as a small business owner also in Harvard Square, is the lack of public facilities and restrooms, I'm specifically sneaking of.

And I know that you can try to like cram your stroller into the Au Bon Pain

bathroom, or there might be other places to go, but it's not publically known. So I think this is a great idea.

I do think there needs to be signage indicating this that is space accessible to the public because I don't think people just coming off the subway realize that they can go into the Harvard building and use that space.

So I think that needs to be clear that like welcome public to our location and even a sign that there are restrooms to alleviate some of the small business owners from being, you know, having their space or restaurants being used just by passersby for the facility. I don't think that's fair to some of the restaurants in the area where people just walk through and use the bathrooms, or people like me when I'm there

with my kids, and somebody suddenly has to use the bathroom, I don't want to walk ten blocks back to my house in January with the ice.

My family and I are in favor of this assuming you guys really make it known it's a public space and not just a Harvard building. So, thank you.

TIMOTHY HUGHES: Thank you.

HEATHER HOFFMAN: Hello. My name is Heather Hoffman, I live at 213 Hurley Street. I came to Cambridge in 1980 to go to law school. And it so happened that that year when I was in property class was the year that Harvard puts up its signs to remind you that this is Harvard's not yours.

So every 20 years so there won't be adverse possession, prescriptive easements

and other such things, Harvard puts up signs.

In fact, we were directed to it by one of my classmates who was in Holyoke center. When I heard about this that was the actually first thing I thought of.

So I think that we need to make sure that if this is supposed to be public, that it's published. And, yes, Harvard owns it and Harvard can tell you maybe that it owns it, but if we don't make sure that the public has access, and that this is something that isn't just at Harvard's whim -- I'm sure we all remember that Harvard yard was closed off completely to all of us without Harvard IDs not too long ago -- then we will have lost the big promise that they're making here that we will get a supposedly new and better public

space.

What I have seen over the years that I have been paying attention in Cambridge is that open spaces like this are too often regarded as places we haven't built on yet. Gardens especially. But a plaza like this is just another one of these land-banged things.

So let's make sure that if we're giving something away, if we're letting Harvard enclose something that's been public for all this time, that we're getting everything that Harvard is promising us and that it's enforceable.

Thanks.

TIMOTHY HUGHES: Thank you.

KIRIL ALEXANDROV: Kiril, K-I-R-I-L, last name Alexandrov, A-L-E-X-A-N-D-R-O-V.

Hi. I'm Kiril Alexandrov. My wife

just spoke. And I just wanted to add a couple more things.

I don't know how many people remember a couple years back before the sub shop was in that arcade area, and the pizza place was in there, how dead that area was.

I think they did a great job opening it up to the public. And I think this new plan will actually add to the next level for that kind of interactivity.

But I think it's pretty important, as a couple people pointed out, including my wife, that Harvard needs to communicate that everything is open to the public. I think that's one of the most important key things. Given their track record what they did with the arcade is a very dull place before that. And as a former student, I would go there, take the elevator, get an

ID, come right back out and leave. There was no reason for me to stay there.

Now you can go there, you can hang out, sit on the benches. There's people going in and out all the time. And 80 percent of them I don't think even are Harvard people.

So I think along that spirit, this next space is good. And Harvard Square has to change in order to stay competitive, in order to become -- to stay a destination for everybody. And with this kind of weather that we have, it's very important that some of these spaces do get built in an area that its easily accessible and viewable to everybody.

I think it's a good plan and I'm in support of it. That's it.

TIMOTHY HUGHES: Thank you.

PAUL OVERGAAG: Good evening. Paul Overgaag, O-V-E-R-G-A-A-G. I'm at 98 Winthrop Street. I'm the owner of two restaurants in Harvard Square. Been in Harvard Square for about 25 years. I think this project is a fantastic example of how Harvard can work together with the community on doing something for the community.

From a strict business point of view, I think for the variance -- for the small amount of variances that they're asking, I think they're giving a tremendous amount of public space back and a tremendous amount of commitment to the community that I think is important, and that's what it's all about. What are we giving up and what are we getting back? And I think it's a positive for everybody.

Thank you.

TIMOTHY HUGHES: Thank you.

ADRIAN LANDSMAN. Hi. My name is Adrian Landsman, L-A-N-D-S-M-A-N. Okay. I one simple thing to say, although I did want to comment to response to some of the things that the earlier speakers said, I was impressed to hear that the chess playing area is known to chess players throughout the world. There's sort of make sense of it now. And I think we also ought to respect the environment that they play under, literally under the trees from the west wind and the south sun, sun from the west -- well, you know what I mean.

But the one thing I want to say is that in the plans, they're very often unforeseen, there are always unforeseen consequences, and very often they're bad.

But in this case one of unforeseen consequences, which, in my opinion is good, is that more of the public space in that area will be nonsmoking because it will be under the jurisdiction of Harvard.

I often use Holyoke Center besides going to the ticket office, the box office, I often use that as a walk-through to avoid the slippery, sliding, older smoothed out and their slippery brick sidewalks.

And sometimes I like to cut through the overhang at Au Bon Pain. It's very -- it's offensive to the eye. It doesn't fit in with the architecture. But it's an overhang that protects us from rain.

But sometimes it's unusable because of the cigar smoker who parks himself under it for the duration of smoking that entire

cigar. You have the advantage of an overhang for the potential of rain, but you have to hold your breath for the whole time.

The area Harvard is proposing to enclose for the indoor/outdoor area will be more of a nonsmoking space.

Also, as far as I can see it, it also includes the area near the current approach to the central arcade. And that area is really not used for anything either. You still have the wide expanse to walk through as you walk east from the Harvard Square station, which is more spacious than the narrow area in front of Cambridge Savings Bank. That really doesn't work.

You still have the sidewalk, but the area near the entrance would be part of

this proposal. Am I correct?

And it would then become useful and you get together with the area that's now right outside of Au Bon Pain would be more nonsmoking space, which actually makes it more usable to more of us in the public.

Thank you.

TIMOTHY HUGHES: Thank you.

TED GALANTE: Good evening. My name is Ted Galante, G-A-L-A-N-T-E.

I live on Oxford Street between Porter and Harvard Square, and we have found over the last eight years or so that there's been a growing expanse of public space that Harvard has been offering to the community.

I take my kids ice skating at the Science Center which is at the end of Oxford Street which I had never been there

before. Free ice skating. The public skate in that area. There's a tent and benches and such there. There's Harvard yard that has its extent of seating now that's fairly welcoming.

The Mount Auburn Street side, we haven't really talked very much about, but, though, it's open now will be more open and inviting and there's more accessible there, so I think that -- I think the quality of the space on the Mass Avenue side that we're talking about is going to be a very high quality.

I agree bringing children into a place as a good urbanist myself, I'm always cutting through Holyoke Center in the winter. We're usually in the winter here.

So, as an architect and as a resident of Cambridge, I stand in support

of the variance applications here tonight.

TIMOTHY HUGHES: Thank you.

Is there anyone else? Step forward.

DAN FRAINE: Good evening. Dan

Fraine, F-R-A-I-N-E. I'm with the Cambridge Savings Bank. We're an abutter as well on Dunster and Mass Avenue, and on behalf of Cambridge Savings Bank, I would like to offer our support for this project.

The focus, I think, should be more on the public spaces. I think the multipurpose room is a great addition. I have been at many public meetings where we have crammed into the second floor of Star Bucks, crammed into conference rooms in Cambridge Savings Bank actually that we made available to the public. A place to sit and look out during inclement weather is also a nice benefit.

I'm speaking as someone who has been involved with Cambridge Savings Bank from the facilities standpoint as well as someone who worked in the square for 14 years and looks for a place to sit in December or January.

Also, I think you cannot underestimate the value of the amenity of public restrooms in the square, and the fact they're tied into the visitors center and information area are key, because, I mean, you shouldn't have to have an underground secret map to find a public restroom in Harvard Square. I think that's the way it is right now. You have to be in the know to find a public restroom.

I think those public spaces are something that should be focused on -- that we should focus on this evening. And also,

the Dunster Street side, I think, is a great improvement.

In speaking with small businesses throughout the years, which I have on Dunster Street, they're constantly talking about the fact of how to get more foot traffic down there. We're kind've orphans of Harvard Square down here. Mount Auburn Street's got the hustle and bustle. Mass Avenue has got all the foot traffic. The middle of Dunster Street, now you put the roof garden there, a couple of extra eateries, some outdoor seating, I think that's going to benefit small business as well as on Dunster.

Thank you.

TIMOTHY HUGHES: Is there anyone else? Step forward, please.

JOHN DIGIOVANNI: Good evening. My

name is John Digiovanni,
D-I-G-I-O-V-A-N-N-I. 50 Church Street in
Cambridge. I also represent an abutter,
the garage building on Dunster and Mount
Auburn Street, and I would like to quickly
give you my take on this.

We're in complete support of this
project. We think it's a significant
improvement as the previous speaker said on
Dunster. I think the location of the HVAC
equipment and rooftop area is a terrific
approach for Dunster Street. I think
having the credit union over there and
having retail and restaurants, there is an
improvement to that street. That's a
corridor of Dunster Street that would
significantly improve with that.

And, quite frankly, on the zoning
relief that they're asking, I think

it's -- relative to the size of the project it seems is de minimus the amount that they're talking about. And I want you to know that we're a beneficiary on another property in Harvard Square from this Board who gave, what I would suggest, a significant benefit on FAR relief which allowed us to bring something that is a positive impact to Harvard Square is the Sinclair, we would not have a music venue in Harvard Square if this Board did not approve an 8,000 square foot deviation from the FAR.

I think the framing of the Forbes Plaza, I think, is not appropriate. I think it's a reconstitution of it in a way that allows more of it covered.

I think the idea that it's accessible and I would suggest there are

7.6 million folks that embark, not disembark, but embark on the Red Line according to the Red Line numbers.

The idea you come off of that area, the folks that do disembark, have that Forbes Plaza much more open, I think is an attractive one. You really need a space that folks might walk by you. You might use the patio. I think that's a real improvement visually and urbanistically.

So I would just like to, as an abutter and as someone that worked in the square for 30 years now, lend my complete support of this project.

UNIDENTIFIED AUDIENCE MEMBER: Can Harvard, at some point, explain what the hardship is here?

TIMOTHY HUGHES: Oh, yeah.

DENISE JILLSON: Good evening.

Denise Jillson. I'm the Executive Director of the Harvard Square Business Association.

I'm not going to reiterate what all of the supporters said. I want to offer our overwhelming support for this application.

And as a resident of Cambridge, 2203 Massachusetts Avenue, I want to personally say that I used to think it was an ugly building, and over these past several months having heard the history of Sert and the building, I have come to really appreciate the building and have really come to almost love it. I think that this plan is elegant and it's going to be such a welcoming, wonderful space, a great addition to the square, and I can't wait to see it completed and finished and people sitting out there playing chess and

enjoying coffee and even bringing peanut butter sandwiches from home and sitting out there. It will be very enjoyable.

Thank you very much.

TIMOTHY HUGHES: Anybody else going to speak? Step forward.

NADEEM MAZEN: My name is Nadeem, Mazen, N-A-D-E-E-M, M-A-Z-E-N.

720 Mass Avenue, apartment 4. Just as an everyday observer of someone who uses the area as someone who used it for some two decades now. I love it as is and I love certain part of the plans to be. But the most important factor that is right now is its community benefit and its accessibility.

To take some part of that away, I think fundamentally changes the character of the square and decreases the benefit to

the community.

My hope is that you can get the best of both worlds, you can make it more beautiful and up to date. You can even make it better in terms of logistics, accessibility, but it has to be with the promise it will be open to the public the way it is now.

And with that problem, I think you can make any number of changes that would excite the community and not scare the community.

The other thing that I heard from a number of planners is that this is a missed opportunity to engage abutting streets and that good planners ought to, for such a sum they're spending, to make sure that the streets, the crossings and the way the new renovation meets those streets is even

better imagined and that's something I think transit advocates have been hoping for around that area, and this is the best time to do that.

In sum, you can't improve something and take away the community aspect of it. And I'm sure that's not the intention of any of the proponents. And so, proposing this type of change, I think the community just wants to see a really explicit promise of openness and of 24/7 on the part being taken away.

TIMOTHY HUGHES: Thank you.

BRENDAN SULLIVAN: Hopeful we've heard from everybody.

TIMOTHY HUGHES: Anyone else?

(No response.)

I'm going to close public testimony.

There's some correspondence in the

file. I will try to be as brief as possible with.

There's Planning Board correspondence that has reviewed the Board of Zoning Appeal Variance application with the Harvard Planning Office staff. The Planning Board supports the variance request for the additions and alterations that are part of the improvements of the existent Holyoke Center, making it the new Richard A and Susan F Smith Campus Center.

The Planning Board recommends granting the relief to accomplish the stated goals.

There was also discussion about some kind of preservation of the existing iconic chess tables.

I have correspondence from the Traffic, Parking and Transportation with

recommendations, which I would like to go over more detail once you've had a chance to respond to public testimony.

I have a Harvard Square Advisory Committee endorsement also with comments and concerns we should address with you once you've had a chance to speak.

I have 16 letters of support in here from various members of the Harvard Community and the community-at-large. Some Harvard Square addresses, some not.

I'm not going to read all of these letters. They're a matter public record, they're in the file and you can come look at them any time you want.

I have two letters that are opposed. One speaker was James Williamson and the other was Jan Devereux who both said what they had to say in their letters when they

were speaking, so I'm not going to read their letters. That's the sum total of the correspondence.

I would like to give the petitioner a change to respond to everything they heard and then there will be some questions I have based on the Harvard Square Advisory Committee and the Traffic, Parking and Transportation.

If you haven't answered those for me, I'll bring those up.

So go ahead. Take the floor again.

TANYA IATRIDIS: Where should we start? Do you want to talk about the Forbes Plaza?

EMILY MUELLER-DECELIS: Sure. So there were many questions about Forbes Plaza that were points of information that I would like to clarify.

First of all, I think one question was understanding the amount of square footage that is being taken away from open space, exterior space. That's 1600 square feet in total is what is happening in terms of the movement into Forbes Plaza.

DOUGLAS MYERS: Can you express that as a percentage of the existing total of the open space?

EMILY MUELLER-DECELIS: So it's 1600 out of 7400.

There was a question about the trees and the -- and what the idea was about moving the trees over to the edge, and the species.

It's London planetree species we're proposing. Right now they're existing London trees which are very low branch of trees and create the more darker condition

that's there.

Our proposal is to replant new trees, new healthy trees, because these are trees that are declining because they have grown into their tree grates and it's basically girdling them and they're in decline and over mature and will be dying soon if nothing happens with them.

But by moving the trees to the -- closer to the end of the northern edge of Forbes Plaza and closer to the sidewalk, that actually brings the trees to the area where there's actually a pocket of light where the trees can create the shade that Pebble was talking about along that edge.

The idea about the planter, it's not a wall, and it doesn't cut you off from the plaza. It actually is more like a piece of

street furniture. It's -- the intent is for the -- this to be a place where you can protect the tree, so the trees are able to be healthy, but it also is a bench that wraps around the whole entire planter so that allows for seating all along Mass Avenue edge so you can see all of the activity that's happening along the sidewalk.

On the south side, that's where we have placed five permanent chess tables, and the idea for that is that you can be underneath the trees and that you have a comfortable seat.

We heard a lot from the stakeholders of chess players there, that the concrete seats there are somewhat uncomfortable and that this would give them the ability to sit on wood. But the new chest tables up

to the codes for international chess playing and the idea is with opening up this area here and taking down the terrace and allowing this to be all at the same elevation, if there's a tournament there or as people are walking by seeing some chess playing, it's possible for you to stop and to be able to watch the games go by the same way it happens now.

Actually, it's in a more pocketed area so that happens here, and that also encourages the kind've connection across, so that if it's a really big tournament, what could happen is this whole area could fill up, and you could see the chess tables and the chess being played there.

In addition to that, right now, part of the reason why the trees are not doing so well is over the years there has been a

retrofit of site lighting into the canopy of the trees which has been detrimental to the health of those trees.

The reason why that the lighting has been put there is to allow for spot lighting on the chess tables. We're going to actually -- we designed that into the plaza so there's specific task lighting for the chess here. So that's within the plans of it, and that it makes it the best kind of scenario for them to be able to see.

There was some question about some circulation going through and -- this is a good example of what people were pointing to.

Coming off the triangle with the T to your back, there's that wall there, and basically, as we have said before, we're trying to open that up to create the

connection there. And we have been looking closely at the grading in this area to allow for an accessible route to go along -- between the planter and the steps so that directs you to the entrances along the front of the facade.

When you're crossing from here, if you want to get into the welcome center quickly, there's a door right at the corner there at Dunster Street. All you have to do is walk up the stairs and go in the door, and there's a staircase that shows that it's publicly accessible up to the second floor. In a way that's a cue for people -- if they want to enter quickly there, or if you want to filter through the plaza, there's -- it's clear next to the planter there's the chess tables, and then there's cafe tables spilling out from the

cafe area. You can filter through the chairs and tables which is typical of urban plazas, and there's a more direct route near the chess tables.

TANYA IATRIDIS: I think I covered most of it. I want to go back to the crux of the issue here and why we're here today which is really the FAR request and the height request. And what I would like to do is walk you through the net new GFA that we're asking in these various areas.

In our proposal in the basement space we're converting about 1664 square feet from an underground garage to a kitchen storage area. And the reason we need the kitchen and storage area in the basement is just to support the kitchen venues upstairs.

That's the first conversion in terms

of the FAR.

On the first floor we have a couple of areas. Again, in this area and this area, which again it's service space for the kitchens that support the arcade venue.

In the welcome area, as we mentioned earlier, it's constrained by the ramp and the service wall back here, right back here. So if we're to locate the welcome area in at the T and near the Harvard yard, we have to place all our program here.

With this constraint, we have to meet the Sert's principle in terms of a two-story height in terms of a historic fabric, this is why we're requesting this area for civic space.

In terms of the second floor we're reconstructing the pavilion, the Holyoke pavilion, because again, it has structural

limitation in terms of lack of connectivity and lack of natural light and head room. That's why we're reconstructing this space right here.

This area here, we're adding FAR because that's the access to the rooftop. And right here, it's the staircase going to the second floor, and right here we have -- we're filling in the floor area where the multipurpose room is going to be.

On the tenth floor, about 625 square feet we're replacing mechanical equipment to more efficient equipment which requires less space, therefore, we're converting the space and we're freeing it up into usable space.

So that's basically from floor to floor. And if I may read our hardship argument, if that's okay with you, a

literal enforcement of the zoning provisions will present the campus center from meeting the essential programmatic and layout requirements that will serve the Harvard and Cambridge community.

More specifically, existing building conditions limit the consolidation of space due to fragmented spaces, differing floor heights and movable barriers created by the building service and structural core and will not allow the program to be created.

The campus comprehensive circulation in portions of floor one and two and finally without the slight additional height will not allow the rooftop beacon to signal the public nature of the building's lower level and would allow the new enclosure of the tenth floor to read as a part of syncopated roof scape of this

historic building.

We have looked at this project in making it all work comprehensibly and these are the areas the FAR has come -- when we add it all up together, that's why we're asking the new net GFA.

TIMOTHY HUGHES: The net GFA is 2943 feet, and it represents a .04 percent increase over where you are now?

TANYA IATRIDIS: Yes, it's less than one FAR.

TIMOTHY HUGHES: The height is an extra 11 feet?

TANYA IATRIDIS: 11 feet, 11 inches.

TIMOTHY HUGHES: Over a span of how far is -- just the front facing facade on Mass Ave, do you know?

TANYA IATRIDIS: Two percent of the roof area.

That room, how big is that? Is that 20 feet?

HENRY MOSS: More.

TANYA IATRIDIS: 28 feet.

TIMOTHY HUGHES: 28 feet I'm hearing from someone in the front row.

TANYA IATRIDIS: 23 feet.

TIMOTHY HUGHES: At this point questions from the Board members.

BRENDAN SULLIVAN: It's not questions more than a comment. I guess I'm a little hung up on this commitment to public access. And you're asking for a benefit, and I sat on the original Au Bon Pain when they expanded into the plaza, and we were concerned then that again you're taking away part of the public domain. It's a public amenity. So you're encroaching upon that then for Au Bon Pain,

but there was somewhat of a benefit to the public because it was a very crowded space initially. And we thought probably at that time, at least I did, maybe that was the end of it. And now, we're asking for more encroachment on the public space, the public domain.

Harvard is asking for a huge benefit. And I can understand the whole idea of the student center and information center and all that other stuff. Then you're saying, "Well, we're asking for something, but we're giving this public access, we're giving a huge benefit to the public. And the space is defined -- what I'm getting hung up on is really public access, hours of operation.

TANYA IATRIDIS: Sure.

BRENDAN SULLIVAN: And as much as we

have defined the actual public space, to me, I think I need to define the public access, hours of operation, day in and day out, 365 days of the year. That's -- I don't have an answer to that, and -- anyhow, if I can get an answer to that? Maybe you can't answer that tonight. I don't know.

TANYA IATRIDIS: Well --

BRENDAN SULLIVAN: But I need sort of a real --

TANYA IATRIDIS: You want to know the exact time when it opens and closes?

BRENDAN SULLIVAN: I want to know how much of this public space is accessible to the public on a time, not a space, but on a time.

TANYA IATRIDIS: I will be more than glad to respond to that.

As I mentioned earlier, this portion of -- the arcade today is open 7:30 to my memory to 10:00 at night today. We're committed -- we may not be exactly 7:00 or 10:00 because of operations and security and we also have to have vendors that go through a process and the times like two years ago this space was open -- it closed maybe at 9:00 at night because when they went to the Licensing Commission there were some issues with vendors.

So I just want to say this is what is open today at this time. When the center was open, all of this will be open versus this. That's the difference. Maybe 7:30 to 10:00 all of this. And on the second floor, if I can find the second floor for you.

UNIDENTIFIED AUDIENCE MEMBER: We

can't see. Everybody else presented from the Board.

TANYA IATRIDIS: I'm sorry. I'll stand up.

So this is the difference between now that's open 7:00 to 10:00, and this plus -- the second floor is not open at all, and what will be open is all of this, in addition to this in comparison to what is open today between 7:00 and 10:00, and in addition to what I'm showing you right now today, the Au Bon Pain area, which is all commercial property, it's vendors, which the Board back, I think -- I have -- I don't know what year it was, when they came to get their Special Permit, there was a condition placed that 80 percent of the city in the Forbes Plaza were managed and owned by this commercial

entity, and that if you were to sit here, 80 percent of it you had to buy food from here.

So 20 percent of the seats were really accessible to the public without having to buy something. In the future, when we build all this and make it happen, all of this space will -- we're saying we'll have similar Au Bon Pain hours which is 5:30 a.m. to midnight, Monday through Friday, and Saturday 5:30 to 1:00. Again, I'm giving you the general idea.

And on the second floor, which is not -- there's no accessibility to the public right now. All of this will be open the same.

So we're going from an individual business owner to suddenly a space that you don't have to buy anything to sit in here,

and we're increasing it here upstairs and downstairs where right now it's -- it's really only the arcade that you can sit in here without having to buy anything, and outside in the Forbes Plaza a hundred percent and inside the welcome area, you can sit without having to buy anything.

JAMES WILLIAMSON: It never has been enforced.

TIMOTHY HUGHES: James, James.

TANYA IATRIDIS: I'm just saying what the Special Permit says.

BRENDAN SULLIVAN: Do you have a copy of that decision there?

TIMOTHY HUGHES: I want to dovetail onto --

TANYA IATRIDIS: Does that answer your question?

BRENDAN SULLIVAN: Partially.

TIMOTHY HUGHES: I will point out the concern of THE Harvard Square Advisory Committee directly goes to what Brendan is bringing up, the public opportunities to access the building at all hours or what kinds of hours will be available. And it includes making the space safe and inviting, not dependent on the operation of retailers, per se.

And they're recommending that that would be memorialized in the decision. So I think we're looking at hard and fast numbers we can put in the motion when it comes about today.

DOUGLAS MYERS: First of all, it's late in the evening, it has gone a long time. It may be superfluous, but I want to thank the public for intelligent comments, comments that this Board will take

seriously. I want to thank Harvard University and the applicants for obviously a very thoughtful presentation on a massive scale of expense and intelligent consideration of factors that are vital to the life of Harvard Square.

And don't think for one minute if our comments tend to be along the line of negative and negativity in questions that we don't appreciate what you've done and what you're trying to do.

I want to say that I think a lot of what at not at issue or no one is questioning here addresses a lot of the concerns and a lot of the points that the public raised, for example, the undoubted improvements to public access and public use on Dunster Street, on Holyoke Street, on Mount Auburn Street are going to be

responsive to much of what the public is saying about winter access to the building, the openness, the use of the side streets. All of those things are going to be -- they're going -- that's a pure benefit for the public and I think a significant contribution by Harvard.

And I haven't heard many comments that are really negative along those lines.

The issue is the Forbes Plaza and the public use of Forbes Plaza and also whether or not -- and this is Mr. Sullivan's point -- whether or not the quality of the enclosed public space is really equivalent to the quality of the open public space.

I take it that all of these other areas, Holyoke Street, Dunster Street are going to be entered through doors, and only

Forbes Plaza is open space.

I think to the public, the public has to be assured that really in a qualitative sense, the public enclosed space is somehow the equivalent of the open space. That's what Harvard has to do before we can justify, it seems to me, taking away 20 percent plus of the open space of Forbes Plaza which is -- I'm not an architect -- but is the heart, is the essence, of Dean Sert's contribution to the life of Harvard Square is Forbes Plaza and its openness and that's what makes Holyoke Center the positive -- that's what makes it a positive contribution to Harvard Square instead of just another high-rise building.

So how can we do that? I think we have to be specific. I think Harvard has to provide a statement of principles. And

I know you can't bind yourself to the future and I know times change, but I think Harvard really needs to provide a statement of principles that this Board can act on and incorporate in its conclusion, a statement of principles about public access, about signage, about regulations, about enforcement. And this is not to create an insuperable burden for you. This is to bring into a concrete form the dialogue between Harvard and the public rights that this Board has to protect.

And I must say that I, for myself, am not prepared to waive this all away as de minimus. Granted, the relief you're requesting is not major relief of FAR and this change and that change, but asking this Board to exercise its discretion, I think we have to consider, I think we're

bound to consider under the ordinance, the effect of all of this is whether it's deleterious on Harvard Square as a whole. And I think we're entitled and obligated to that.

So, frankly, I am concerned about the de minimus of space in Forbes Plaza. I'm concerned because so much is being done to accomplish your objectives in other areas that I fail to see why the plan cannot be modified to preserve the -- cannot be modified specifically regarding the facade and the fronting and elevations that bear on the reduction of Forbes Plaza so as to preserve the public space in Forbes Plaza.

I grant you that you're along the right lines and you're urban planners, and I'm not, to consider such things as

removing the raised terrace, other modifications. There are many, many considerations that a sound urban planning should consider in terms of modifying Forbes Plaza.

Taking away 20 percent of Forbes Plaza, 20 percent plus without being categorical and specific about a statement of principles, so that public access to the enclosed space is the equivalent of that open space, I think that that is simply incumbent upon Harvard.

I will say one more thing. I have gone on a long time. This is an enormous responsibility for the Board.

Forbes Plaza, Holyoke Center -- environs the opportunities you raised -- are one of the most important decisions that will be made about Harvard

Square probably in my lifetime or in the lifetime of many people in this room.

But I see no reason -- I'm one member the Board -- and I certainly respect all of my colleagues -- I feel no reason that we should feel compelled to decide this case tonight. There's a lot of questions to be asked, and in my view, a lot of responses to be made. And speaking for myself, I see no reason to press on to a decision tonight.

Thank you for your patience.

TIMOTHY HUGHES: Other comments from the Board Members?

JIM MONTEVERDE: No. I gave you all my comments before.

TIMOTHY HUGHES: Brendan, do you have anything to add to that?

BRENDAN SULLIVAN: I'm sitting here

and saying I'm going to be very reluctant to offer that I'm not comfortable voting on this tonight, and Doug Meyers, as he does, stole my thunder, and I concur with what Doug was saying. There's been a lot of testimony. I obviously have gone through the file and, what have you. I'm not comfortable to act on this tonight. I've got to get this back through my head to get into a comfortable state too, because I think the responsibility on this Board is enormous to do it right and also to respond to some of the concerns of the public.

TIMOTHY HUGHES: I have a question for you. Do you have a copy of the Traffic, Parking and Transportation report?

TANYA IATRIDIS: We do.

TIMOTHY HUGHES: It looks like we're continuing this case, so that you can

provide Mr. Myers with what he's -- provide the Board with what Mr. Myers asked for.

I want you to take into consideration all the recommendations of the Traffic & Parking, and I wouldn't mind seeing a statement that says you will ascribe to all of this.

TANYA IATRIDIS: We have already sent it to Traffic.

TIMOTHY HUGHES: I don't have their -- your statement in my file.

TANYA IATRIDIS: We have a statement we're complying with everything they said.

BRENDAN SULLIVAN: To give you some direction because you're going to say what really do they want and I may come away tonight with even more questions in my head, but what I'm looking for really is the hours that the public spaces will be

available to the public and whether or not they will coincide with the Harvard schedule or not or that they can be expanded upon to be truly 365 days of the year, and when are they available to the public and when will they be nonaccessible to the public.

I think the restrooms are essential and their availability to the public. Even when vendors are not open, people still have to use restrooms.

And so, again, you're offering this amenity, a benefit that you're asking for and yet, I think we need to be a little bit more specific.

DOUGLAS MYERS: Again, this is going to be brief. And signage, I think you have to give -- you have to say again, you're entitled to have flexible words so that you

don't feel you're binding yourself for the next 50 years, but I think signage -- about conspicuous signage indicating the terms of public use, indicating any restrictions on public use or rules, not that I'm asking you to promulgate a code of 30 pages, but some signs that indicate whether the extent and any limits on public use so the public knows. In other words -- because Forbes Plaza is open, and if you want to reduce Forbes Plaza, I think you got to offer the public the equivalent assurance or near equivalent assurance regarding the enclosed space.

BRENDAN SULLIVAN: We just gave the Divinity School wayfinding signs and we would like to do the same thing for this.

GEORGE BEST: I have one question. There's multiuse space, is that a process

that you have to go through to have that space available to you?

TANYA IATRIDIS: You have to reserve that space.

GEORGE BEST: Then I would like to see the process for that as well.

TANYA IATRIDIS: Okay. There's a lot of operational stuff that has not been sorted out because it's opening in 2018. I would say this: Harvard's intent for the public bathrooms and welcome area is to have similar hours as it does today in terms of Au Bon Pain which is 5:30 roughly to 12 midnight, but we're -- it's difficult for us to say these are the exact hours forever and ever. It's our intent and our principle to have that open to the public. You don't have to purchase anything in that space in order to sit there.

JIM MONTEVERDE: I get that. I get that part.

TANYA IATRIDIS: The bathrooms will be open and operated and manned by Harvard to make sure they're safe and secure. And there will be signage that says it's a -- open at these hours and accessible to the public.

BRENDAN SULLIVAN: What you need to do is memorialize what you just said verbally to us in writing.

DOUGLAS MYERS: In an appropriate document, appropriate heading statement of principles, principles of public use. You're allowed to qualify it, not make it full of loopholes and meaningless. It's something that Harvard is willing to stand by and flexible for future circumstances.

JIM MONTEVERDE: Can I add two quick

thoughts?

TIMOTHY HUGHES: Sure.

JIM MONTEVERDE: My specific concern are the footprints, the area being asked of us on the ground floor, the extension towards Massachusetts Avenue.

You asked for a vote tonight. I don't think I could support that. And then on the tenth floor, even the slight additional area for the beacon, and the request for the additional roof height.

Again, with everything that's been presented this evening, I don't know that I would be able to support that either. So I really ask you to consider those.

TANYA IATRIDIS: Okay.

JIM MONTEVERDE: The other piece is that happens on outside the public view or on side streets are not an issue.

TIMOTHY HUGHES: We heard from the Board Members. It's obvious we're going to continue this case and you need to come up with more information that fleshes out what we need to do to make a decision.

I will read one thing I found a little amusing. The Harvard Advisory Committee said about the beacon the tenth floor that may be too subtle and may require more drama.

TANYA IATRIDIS: There's been a lot of discussion to make it bigger.

TIMOTHY HUGHES: On that I'm going to make a motion that we continue this case. What is our next available or how much time would you think you need?

TANYA IATRIDIS: Well, when do you meet again?

TIMOTHY HUGHES: What is the next

available date for a continued case?

SEAN O'GRADY: July 30th.

DOUGLAS MYERS: I'm afraid in that respect -- the chairman can explain the reasons why. My available dates over the summer, as I have made known to the Clerk of the Board for months is only July 30th. After that I'm not available until September. After that, I'm free in September, October, and so on.

TANYA IATRIDIS: So when -- you mean -- when is the next availability?

DOUGLAS MYERS: Because this is a case heard, the same five members should sit on the next rehearing.

TANYA IATRIDIS: The only date in the summer you're available is July 30th?

DOUGLAS MYERS: Yes.

TIMOTHY HUGHES: That means the

other --

TANYA IATRIDIS: We'll take whatever is offered to us. I don't think we have a choice.

TIMOTHY HUGHES: You've a choice. You can go head with four members, but I don't think that's a prudent choice.

TANYA IATRIDIS: July 30th.

DOUGLAS MYERS: Maybe it is.

TANYA IATRIDIS: I don't think we have a choice.

TIMOTHY HUGHES: The Board moves that we continue this case.

Is everybody else available on the 30th?

JIM MONTEVERDE: Yeah.

TIMOTHY HUGHES: The Chair would move that this case be continued until 7:00 p.m. on July 30th on the condition that the

petitioner sign a waiver in time for a decision and that the postings, the signs posted change to reflect the new time and date and they be maintained for the statutory two weeks for the hearing date, and any plans changed, be in the -- any correspondence be in the file by 5:00 p.m. the Monday before the hearing date to give the public a chance.

I'm saying any correspondence, statement of principle, any change in plans, anything you're going to add to the file be in the file by 5:00 p.m. on the Monday prior to the hearing date.

All those in favor of continuing this case?

BOARD MEMBERS: Aye.

TIMOTHY HUGHES: Five in favor. See you in two weeks.

(IN FAVOR: Constantine Alexander,
Brendan Sullivan, Douglas Myers,
George Best, Jim Monteverde.)

(10:26 p.m.)

(Sitting Members for Case #BZA-006133-2015
Rehearing: Constantine Alexander,
Timothy Hughes, Brendan Sullivan, Douglas
Myers, George Best, Jim Monteverde.)

CONSTANTINE ALEXANDER: The Chair
resumes being the Chair will call Case No.
006133, 209 Broadway.

Anyone wishing to be heard this on
this matter?

ATTY ANTHONY GALLUCCIO: Anthony
Galluccio. I'm partnered with Galluccio
and I'm here with Jai Singh, the architect.
And we did have a successful and productive
neighborhood meeting, but we're not ready

to proceed this evening and wanted to ask the Chair and the members for a continuance, and we will in that time continue to refine and attempt to improve the plan.

CONSTANTINE ALEXANDER: On the latter point first, just speaking as one member of the Board, I didn't think the plans that were put in the file for this one hearing we're going to hear. I don't think you were listening to us at the last meeting. There's too much structure on that lot. All you did was change the number of units in there. You got to think about creating more green space and much less structure on that lot. That's one person's opinion. But I just want you to know that.

ATTY ANTHONY GALLUCCIO: Okay.

CONSTANTINE ALEXANDER: The other thing is that you did put new plans in the file, but you put them in late.

ATTY ANTHONY GALLUCCIO: I understand that.

CONSTANTINE ALEXANDER: We're not going to keep continuing this case. The next time -- we're going to continue it to another date, and we're expecting to decide the case that night. I don't want you to come back and ask for another continuance because of this, that or the other thing.

ATTY ANTHONY GALLUCCIO: I hope so. Thank you. And, Mr. Chair, we'll hopefully be able to reflect the neighborhood support that we have at that meeting and hope that you'll take that into consideration.

CONSTANTINE ALEXANDER: We'll take it into consideration, but Zoning decisions

are not a democratic vote.

ATTY ANTHONY GALLUCCIO: We will reiterate our hardship and hope you receive it.

Thank you, Mr. Chair.

CONSTANTINE ALEXANDER: We haven't made a motion.

BRENDAN SULLIVAN: The only comment, are there going to be any new submissions, a revised dimensional form should also be included. I did not see the new plans reflective of the comments which is what you said. I took a print of them. Maybe you did see them or not see them. I will offer those to you to review them.

CONSTANTINE ALEXANDER: This is a portion of the transcript of the last hearing.

ATTY ANTHONY GALLUCCIO: I have it.

I wouldn't be effective counsel without them.

BRENDAN SULLIVAN: Read them a couple times because --

CONSTANTINE ALEXANDER: You better listen to us.

BRENDAN SULLIVAN: -- they're not addressed in the new plan. So anyhow.

CONSTANTINE ALEXANDER: Okay. We're going to continue this case. It will take awhile.

And by the way, if you do change the plan and you will be changing the plan, I don't know how your successful meeting went with the neighborhood, but if it's going to be different than before, you may need a neighborhood meeting. I don't know. It depends on where -- how it plays out.

Keep that in mind as well.

ATTY ANTHONY GALLUCCIO: We notified all of the public who attended the meeting that tonight was going to be continued. I suspect that's the reason for them not being here. We wanted to give them the courtesy to say we're asking a continuance.

CONSTANTINE ALEXANDER: What's the next available date? Not July 30th. Because after the Harvard case, we're not going to have time unless we do a 24-hour hearing.

ATTY ANTHONY GALLUCCIO: Well, we could be heard before Harvard.

CONSTANTINE ALEXANDER: You could, but...

TIMOTHY HUGHES: That still leave us here 24 hours.

DOUGLAS MYERS: Any date in September or else July 30th, those are the

only dates I'm available.

CONSTANTINE ALEXANDER: I would say not July 30th.

DOUGLAS MYERS: Whatever you say.

CONSTANTINE ALEXANDER: It's up to the other Board Members. If you want to --

ATTY ANTHONY GALLUCCIO: Mr. Chair, if I could. We did take your comments into consideration. As you know, we reduced a unit. And we will continue to work towards improving the plan. There's a seller and buyer. As you know, it's a gas station now that's an Auto Cave. I'm not certain we can hold the deal together until the fall, and I accept responsibility for the plans not getting in. Although it sounds like we need to do better anyway, July 30th would be a preferable date to be heard, if possible.

CONSTANTINE ALEXANDER: You're talking about July 30th and September 10 is six weeks.

ATTY ANTHONY GALLUCCIO: We started in March. Again, not your responsibility, but so the seller and buyer are hanging there. There's a desire in the neighborhood to see a living community there. How big, how it looks is up to you. But July 30th would be helpful.

CONSTANTINE ALEXANDER: It's up to the Members of the Board.

BRENDAN SULLIVAN: I think it could be decided fairly quickly. I don't mean to be cute about it. When the plans come in, I'm going review them, and see if it addresses my feeling on it, and I think it can be decided whether they have or they have not and it could go before Harvard.

CONSTANTINE ALEXANDER: That's a given. They would go before Harvard.

BRENDAN SULLIVAN: And so, I think it can be disposed of.

CONSTANTINE ALEXANDER: If we do it before Harvard and cases always take longer than we think particularly with neighborhood involvement, and then after that we have the Harvard case. It's going to be a long night. I'm going to be here. Whether you take the case before Harvard or after Harvard doesn't affect how much time --

ATTY ANTHONY GALLUCCIO: Even if we lost, I would appreciate going before Harvard.

BRENDAN SULLIVAN: What else is on for the 30th as far as the schedule?

SEAN O'GRADY: You've got eight

cases and you got the Harvard case and 236
Malden Street.

CONSTANTINE ALEXANDER: Oh my God.
That's the one with the two-family house.
They want to convert the one family to the
two family?

SEAN O'GRADY: Yes.

CONSTANTINE ALEXANDER: That one
could take a little bit of time, too.
We'll take them first and before Harvard.

DOUGLAS MYERS: I'm responsive to
the practical consideration you raise. I
feel those are valid considerations, and to
the extent we have flexibility and we can
do it, I think that's a reasonable
accommodation.

We should not to try to put spokes
in your wheels.

BRENDAN SULLIVAN: Schedule it for

7:00 and we'll decide which one will be at 7:00.

CONSTANTINE ALEXANDER: The Chair moves that this case be continued as a case heard until 7:00 p.m. on July 30, subject to the following conditions: It's a case heard and the petitioner has signed a waiver of time for decision, but that further conditions are the posting signs have to be modified, or get new ones to reflect the new date and the new time. Make sure you get 7:00 p.m. on there. Some people don't do that. And further that any new plans and there will be new plans and a related dimensional form must be in our files no later than 5:00 p.m. on the Monday before July 30th.

All those in favor of continuing the case in this matter?

Five in favor.

**(IN FAVOR: Constantine Alexander,
Brendan Sullivan, Douglas Myers,
George Best, Jim Monteverde.)**

CONSTANTINE ALEXANDER: A brief comment: We have on our agenda -- we're going to finish it all tonight -- we have one, two, three, four, five, six more cases.

The last two on our agenda in terms of order are cases that going to be continued as well. It will take only a moment, I believe. We're going to continue those two cases now in case there's someone here for those cases. That's Garfield Street and Kenwood. So they can go home. You don't have to wait two hours and go

home. So let me have the file. I'm going to call Case No. 0070008, 81 Garfield Street. Is the petitioner here?

The Chair would report that we're in receipt of an email from the petitioner saying that Lauren Harder and we would like to request a continuance of 81 Garfield BZA hearing tonight until the August 13th hearing date.

This is a case not heard so any five members can be present. There's no reason not to continue to August 13.

SEAN O'GRADY: There is. We have a full agenda.

SEAN O'GRADY: September 10th.

CONSTANTINE ALEXANDER: September 10th. Can you be here on September 10th? Are there other neighbors who are interested in this case?

Is September 10th okay with you?

MARTIN HILL: Yes.

ATTY ANTHONY GALLUCCIO: So the Chair moves that this case be continued as a case not heard until 7:00 p.m. on September 10th on the following conditions: That you sign a waiver of time for decision, which is a standard requirement for continuing cases, and that you modify the posting sign or get a new one. If you want to modify it, get a Magic Marker and change the date and the time. Make sure you do both to reflect September 10th at 7:00 p.m. and lastly, to the extent the plans and dimensional form in our files now with regard to your project change, those new plans and a new accompanying dimensional form must be in our files no later 10:00 a.m. on the Friday before

September 10th, which I guess is September 4th. If you make any changes, that's the date. If you don't get it in by 10:00 a.m. on September 4th, that Friday, we're not going hear the case on September 10th.

All those in favor of continuing this case on those conditions, please say "Aye."

BOARD MEMBERS: Aye.

JIM MONTEVERDE: We're all in favor.

(IN FAVOR: Constantine Alexander, Timothy Hughes, Brendan Sullivan, Douglas Myers, George Best and Jim Monteverde.)

CONSTANTINE ALEXANDER: One more case and we'll get to the Otis Street case. The Chair will call No. 007034, 22 Kenwood Street.

Anyone here wishing to be heard on

this matter?

There is none.

I think we should have a letter in the file, a letter from the architect for the project of William Schaefer, S-C-H-A-E-F-E-R.

"I am requesting a continuance for BZA case" -- such and such -- "to the next available hearing date. Sincerely yours."

What is the next available hearing date, Mr. O'Grady?

SEAN O'GRADY: July 16.

CONSTANTINE ALEXANDER: How can we have July 10 -- I'm wrong. July 16.

The Chair moves that this case be continued as a case not heard until 7:00 p.m. on July 16, subject to the following conditions: That the petitioner has already submitted a waiver of time for

decision, that the posting sign be modified to reflect the new date and time, and that any new plans -- and there will be new plans -- because the reason we're continuing this case is the plans that have been submitted to date are inadequate, and the new plans in dimensional form must be in our files no later than 5:00 p.m. on the Monday before July 16.

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

BOARD MEMBERS: Aye.

(IN FAVOR: Constantine Alexander, Timothy Hughes, Brendan Sullivan, Douglas Myers, George Best and Jim Monteverde.)

(10:42 p.m.)

**(Sitting Members for Case #BZA-006966-2015:
Constantine Alexander, Timothy Hughes,**

**Brendan Sullivan, Douglas Myers, George
Best, Jim Monteverde.)**

CONSTANTINE ALEXANDER: The Chair
calls case 006966, 282 Otis Street, No. 3.

Anyone here wish to be heard in this
matter?

ATTY SEAN HOPE: Good evening,
Mr. Chair and Members of the Board. For
the record, Attorney Sean Hope, Hope Legal
Law Offices in Cambridge. I'm here with
the owners of 82 Otis Street, Unit No. 3,
Rebecca Bodfish and Douglas Castoldi.

This is an application requesting a
variance of leave to construct a roof deck
on the top fourth floor of the existing
condo. The nature of the relief is
dimensional. We're asking for relief both
for setback and for gross floor area.

CONSTANTINE ALEXANDER: The FAR relief you're seeking, first of all, the building is woefully noncompliant now. It's 2.68 and it's supposed to be no more than 7.5 and you wanted to add another 445 feet, which will put it at 269 which is almost four times what our ordinance allows.

ATTY SEAN HOPE: You're correct. So this is a preexisting nonconforming building. As the Chair mentioned, you could not build this building back today under today's zoning which is consistent with most of the buildings in this area. This is part of a row of separate buildings. I think they're characteristic of the fact that it's over the lot size.

Just to talk about the site, this site and this lot is almost completely

covered by building and there's a small area in the back that is used for an egress, so there's no usable outdoor space.

Part of our reason for relief is that on the top floor, it's a duplex for the third unit, and off the kitchen is a very large area that had a former deck. This was a deck that was existing for over 30 years. The prior owner had taken up that deck to repair the roof and didn't replace it within a two-year time frame.

ATTY SEAN HOPE: When did he do that?

DOUGLAS CASTOLDI: It was 2010.

CONSTANTINE ALEXANDER: It was 2010?

ATTY SEAN HOPE: It was a determination of Inspectional-Services under Chapter 40A that if you have a non-conforming element and that if

you -- it's called abandonment. If don't replace it within the two-year period, it's deemed no longer protected.

So any further deck to rebuild that deck that was there would require relief.

When we actually looked at the deck, part of the consideration was we looked at the existing footprint of what was there. We have a picture in the file and I think it's somewhat helpful.

This is actually a picture of behind this picture, which is the house, the kitchen, and this is looking at actually towards MIT and the river. So Sciarappa Street is here. There's existing fencing here. This was lattice fencing and this was existing. There was an existing roof deck for 80, the adjacent parcel, 80 Otis Street.

When we looked at the deck that we wanted to recreate because the nature of the relief is that it was taken down, we actually thought we could improve upon the deck.

So the existing footprint of the previous deck was 500 square feet, so we're actually having a smaller footprint. The existing lattice, approximately five or six feet high, that went around the perimeter.

What we did in our proposal is we actually pulled in our railing four and a half feet from the edges of the building, and part of that was to keep from the railing being visible from the public way. The building is approximately 41 feet in height, if you go on Sciarappa Street and you look upwards, you won't be able to see the railing, but they did a survey where

they had Doug, who's about six feet, stand on the existing roof and try to take a picture, and you could possibly see his hand.

The idea that this is not going to be visible from the public way because as part of that, we're pulling the deck back. The actual height of the railing. We, looking at this, tried to take into consideration the impact on the street and also abutters. The height of the railing will only be the minimum allowed by the building code. Our proposed railing is 3 feet in height and that's the height for safety.

We looked at the railing style. I think there are competing interests of my clients. They would like privacy on the deck. We heard feedback from others that

something that would have a lattice might be visually impairing to adjacent abutters. So we went with the wire design that would allow light and air to come through. And we kinda struggled with -- that's exactly it.

We looked at different options on the railing, and we thought the wood railing with the cable wires would be appropriate for the existing brick as well in reaction to the Chair's comment.

So there was an extensive amount of outreach we did in preparation for this hearing. We went to the East Cambridge Planning Team and presented these plans and there were comments made that maybe we should have more of a lattice fence to actually prevent an intrusion into a neighbor's yard.

I didn't counsel my client for that. This particular site has two street sides, it's on a corner lot. So you don't have a large backyard you would be into.

The height of the building and the other buildings are close, you don't have that issue that be would be looking into somebody's open yard where they didn't have anyone --

CONSTANTINE ALEXANDER: I am generally familiar with the area, but not intimately. Might you not be able to look into someone's yard across the street?

ATTY SEAN HOPE: Across the street is a building called the Putnam House. It's a Cambridge Housing Authority building and it's a rental of Affordable Housing building. It's built with a zero setback line on two fronts as well. There's no

yard there.

CONSTANTINE ALEXANDER: What about looking into the windows of people?

ATTY SEAN HOPE: To the Chair's point, there are windows directly across from where this roof deck would be. So anyone who was there previously would know in years past there was a roof deck there.

We went and -- we had the tenant who had the adjacent unit and we -- actually not we.

The petitioners went and met with them, literally broke bread. And I think there was a concern what this would be and they showed them the plans and showed them the height of the railing, and the fact it was transparent because of the cable wires, their concerns were alleviated. But we have been experiencing different feedback.

We have the East Cambridge Planning Team and they were very helpful and wrote a letter of support. But they had suggested we replace this existing lattice which would be five and six feet high, and then we also had the feedback from the direct abutters across on Cambridge Street saying they liked the idea that this wasn't going to be a high fence.

What you'll see in the file is we put in two options. My clients are interested on the deck. It's not the railing or the privacy that they're interested in. We wanted to make sure if the Board found that one was more appropriate than the others, we didn't want to be picking for the neighborhood.

CONSTANTINE ALEXANDER: The one you're proposing, the one you would like,

is the three-foot fence with the wire and not the lattice?

ATTY SEAN HOPE: Not the lattice. We call that our A plan. And even though the lattice fence offers more privacy, we have actually shown this at three feet as well. It will not be a taller fence. We felt the three feet was appropriate.

In terms of our setback relief, what we did in preparation for the hearing is we actually took what would be the two front yard setbacks on either side and then the middle area here would be a conforming deck in terms of setback. We tried to apply the application of the setback. We essentially have a narrow strip that wouldn't be any usable deck.

CONSTANTINE ALEXANDER: How wide is that strip?

ATTY SEAN HOPE: Three and a half to four feet.

CONSTANTINE ALEXANDER: 16 feet in length and 4 feet wide?

ATTY SEAN HOPE: The width, we're probably talking about three and a half, four feet in width. Again, the idea to comply with the setbacks we would have a very narrow strip and it wouldn't be a usable deck.

Another reason for the deck -- and this picture in the file probably helps -- one is looking at what is their kitchen area here and this one is back towards the kitchen.

So this area, this is their only accessible open space. They would use this area but for the fact it's unsafe because there's a pitch to it and there's no

railing really.

What we're proposing is to replicate a smaller deck than the preexisting deck, modifying it by moving back the railing and also making a safe condition for this area.

I think the Board knows there's no prohibition against them accessing this roof area. It's really the idea of putting this deck that triggers this additional --

CONSTANTINE ALEXANDER: There's a longstanding policy of this Board, and generally the Planning Board too, against roof decks. We didn't allowed roof decks. You start with the fact that the presumption is no roof deck. And it could apply to privacy issues because of one person putting a roof deck, the next person wants it. And an area as tight East Cambridge in that area with the lack of

open space, there could be a great rush to put roof decks up, and I'm not sure that's in the benefit to the citizens.

ATTY SEAN HOPE: The distinction -- because you're right, there are a lot of tight locations with a similar condition. This is an idea where we're not introducing a new roof deck to area that didn't have one. This was a preexisting deck.

CONSTANTINE ALEXANDER: I don't want to be quarrelsome, but our policy is consistent. You take something down -- not you or anybody -- you want to rebuild it. You start from scratch. You get no benefit from the fact it was there before.

ATTY SEAN HOPE: I would only say in terms of the support letters you have from

the adjacent abutters speaks to the fact that they in terms of the practical living they have experience with the deck and it worked in this capacity.

Also, the adjacent owner at 80 Otis has a deck there as well and has a tall lattice fence. I would say the abutter at 80 Otis Street is the most impacted abutter. He's there so any noise issues or privacy issues that would impact him the most.

The Cambridge Housing Authority building is across a 44-foot street. So, yes, they would have a visual impact. They will not have the greatest impact.

So I do think it's unique that we're on two fronts because if we weren't, we would have abutters on either side and possibly a rear yard, which is some of the

reasons why the Board has not voted in favor of roof decks because it creates privacy issues.

I think you look at the letters in the file -- we haven't received any issues with privacy. That's because of the configuration of the adjacent lots. That's -- and also, I think just the size of this.

I would also say we did hear today we had a neighbor from down the street come and mention to us about a noise issue and they brought a copy the noise ordinance, and just making sure -- East Cambridge is changing, there's a lot of development all over Cambridge. People are more vigilant about the noise ordinance.

Both of the petitioners have lived in Cambridge. I think they have lived here

in Cambridge for 14 years and worked in Kendall Square, purchased this home. They intend this to be their home for long as they are there. They don't have children, but I think part of this idea is they want to have a family. And so, part of this application is to further that.

I also wanted to say that we discussed with the additional condo owners within the building the idea that this is -- even though they have inclusive use of this area, there are other condo unit owners, and as you'll see in the letters in the file, we reached out to them to make sure.

We had a structural engineer come and survey the roof. Even though this was a preexisting roof, we wanted to make sure we would be able to do a roof that's safe

and that we would be able to build what the Board may or may not approve.

I think this case is unique because it has two fronts and facing two streets. The issue of privacy you mentioned would be different if this wasn't on a corner lot. I think the fact that this is an existing deck, even though it doesn't overcome the abandonment issue, I do think the idea -- we're not introducing a non-conforming element. This was a nonconform element that preexisted. And I think that's why it's compatible with the adjacent uses and why you're not going to hear a lot of opposition tonight. And this building is over the allowed -- it's preexisting non-conforming. Even if we built a smaller deck or a reduced deck as we tried to show in the plans, we would

require zoning relief. There's no conforming deck or modified conforming deck that would be appropriate. Any additional element to this would trigger zoning relief.

So I think based on the uniqueness of the circumstances, you don't often find abandonment issues with a deck in this particular case.

I don't think this will lead to a flood, in my opinion, of people coming for roof decks because I think this is really a unique. I think this is a unique case where you had a deck as of 2010. And really as part of it and I'm not arguing -- I'm not trying to argue against Inspectional Services' determination.

But the statute does have an intent provision, and if you intend to abandon,

and in our conversation with the previous owner, he didn't plan to intend to not build back the deck, but he did not do that in the requisite period of time. So we're here before the Board for relief. But there was no issue with the deck, or the roof, or the abutter, or the reason why he gave a preexisting non-conforming element is that they would be allowed to use as of right and be allowed to build as of right.

CONSTANTINE ALEXANDER: Comments of Members of the Board? Questions?

BRENDAN SULLIVAN: No. Did you check with the Building Department as to the height of the railing?

ATTY SEAN HOPE: Our proposed railing at 3 feet? No. None other than just submitted with the application.

JIM MONTEVERDE: Three foot six just

confirming. Just confirm with the state building code.

BRENDAN SULLIVAN: I'm pretty sure it's 42 inches. That's my only -- that's it.

CONSTANTINE ALEXANDER: I open the matter up to public comment.

Anybody here wishing to be heard in this matter.

MARK STRAZZULLO: Mark Strazzullo, 74 Otis Street, Cambridge. M-A-R-K, S-T-R-A-Z-Z-U-L-L-O.

My concern would be that because we don't live too far from them, and we've had to take a beating as far as unnecessary noise pollution goes, that any outdoor activities they have in the entire time they get this, if this permission is granted, because we're that close, and we

have had multiple experiences with multiple people that they at no time abuse the privilege of having such a feature on the house, that whatever outdoor activities they have, hopefully will not involve nuisance-related pets, loud parties, music playing, outdoor musicians, speakers, whatever, card parties, whatever, we just don't want to be impacted by the noise.

In all sincerity, I hope they enjoy the deck if they get it, but ultimately that would be left behind, and whoever comes in after them because we felt we have gone through all these noise issues, that it like kinda handed people with a loaded weapon because the next group of people that might come in might abuse the privilege. Even if these people are very kind souls in their time there and they do

not so, there's the long-term aspect of who comes after them in consideration of that. An obviously there's some size issues, but the biggest is unnecessary noise pollution.

I did provide them with a copy of the Chapter 8 noise control laws, the relevant pages, not the whole 18 pages.

I hope in all sincerity they will take them and study them, and realize we don't want to get into it with them with lawsuits and police and all that, that they will be people that will cooperate with us and work with us if we have any noise issue, so we can ring the bell and say "Something is going on here, can we do something about it before we get into lawyers and lawsuits and all of this?"

We're hoping they are people that can communicate with us.

CONSTANTINE ALEXANDER: It's a valid point. That's the reason on these roofs decks they're either yes or no, because what you consider to be reasonable, they may not, or there may be they are a successive owner. I assume they will not abuse if we grant the relief, the relief that's been granted to them. But you're going to be living with the fact that could change if we grant relief.

So the only protection you have absent protection is for us to deny the roof deck, and you don't have worry about the noise from the roof.

Once the roof deck goes up, if it becomes a little more antsy, it will play out. That's all you can do.

I am just warning you if we grant relief, you have the possibility.

MARK STRAZZULLO: As long as they understand there's rules and guidelines for all of us with regard to Chapter 8, the noise control, that they have to stay within the guidelines of the chapter noise control.

CONSTANTINE ALEXANDER: Whatever the city ordinances are.

MARK STRAZZULLO: All of us have to live like that, it's not because they have the deck. We have been impacted so much that's what brought us here tonight is unnecessary noise policing. We hope they're being kind souls that will work with us so we can ring the bell, so we don't get into lawsuits.

It's up to you and your wisdom and experience whether or not you want to grant them the privilege of having that and we

hope they don't abuse that.

CONSTANTINE ALEXANDER: Anyone else wishes to be heard on this matter?

HEATHER HOFFMAN: Hi. Heather Hoffman, 213 Hurley Street. And I was at the East Cambridge Planning Team.

What I can tell for many years is this is the only favorable recommendation on a roof deck that I can ever remember. So that speaks to how they convince the people in the room that this was a reasonable thing to do. And I would also agree wholeheartedly with Mr. Strazzullo about the noise. That was the thing I brought up because it carries a lot more than people expect.

I don't know if you can work it into your decision, but just a reminder that noise carries and people using the roof

deck should keep that in mind.

CONSTANTINE ALEXANDER: I don't know if I can work that into our decision. But I made the point, and they heard it.

HEATHER HOFFMAN: If it's in your decision, the next person reads it.

CONSTANTINE ALEXANDER: Anyone else wishing to be heard?

There is no one.

We are in receipt of letters. One from Jeffrey Davis who resides 72 Sciarappa Street: I'm writing in support of the variance application to the Cambridge Zoning Board of Appeal to reconstruct a rooftop deck at 82 Otis Street. I have reviewed the plans and due to the height of the building, the deck will not be visible from the street and will have no negative impact. The petitioner's building has no

open space and the modest deck will allow for much needed outdoor amenity that is accessible from their unit. Since a slightly larger roof deck previously existed and was used by the former owner, I urge the Board to find that a hardship exists and approve the requested application."

We do have a letter from the East Cambridge Planning Team signed by Mark Jaquith, President.

"Rebecca Bodfish and Doug Castoldi presented their proposal to the East Cambridge Planning Team to add a roof deck to their home at 82 Otis Street, Unit 3. We understand that there was a deck there some years ago that was removed in conjunction with repairing the roof and not replaced within the period allowed, making

it necessary to seek a variance to add this now. The planning team wishes them well and has no objection to the addition provided that neighbors and abutters whose privacy may be affected have been informed and do not object. The building design is seen as an appropriate one for this type of use. We did ask them for one change that there be a privacy barrier of some kind put in place to create a visual separation between neighbors and the deck area. The lattice barrier in their photograph of the previous existing deck seemed to do nicely in this regard."

That's your about your fall back. There's identical letter. One from James Hays who owns Unit 1 and the other is from William Vardayo, V-A-R-D-A-Y-O, who owns Unit 2. And the letters says each of them

separately, but same thing: "I am writing in support of variance application to the Cambridge Zoning Board of Appeal to reconstruct a roof deck at 82 Otis Street. I reviewed the plans and due the height of the building, the deck will not be visible from the street and will have no negative impacts."

It goes on as the same letter as the letter I just realized from the Jeffrey Davis of 70 Sciarappa Street. So the rest of the letter is identical to Mr. Davis's letter.

We have a letter from Richard Farentino, 80 Otis Street. Same letter in support. Same wording, same everything.

And we do have a letter I know from Councilor Toomey, if I can get to it.

Timothy J Toomey, Jr. Cambridge City

Councilor. "I am writing to you in support of case BZA" -- blah, blah -- submitted by Doug Castoldi and Rebecca Bodfish. The creation of deck will allow the applicant to enjoy outdoor space which would otherwise be restricted because the layout of the property. Also considering that there was a one-time a larger deck at this property, it seems reasonable to allow a smaller structure. I'm in full support of their application. I hope you find favor with this application. Thank you for taking my comments under consideration."

And there's a duplicate letter from the East Cambridge Planning Team, same letter, it just got put in the file twice.

And that's it. I don't see other letters. You didn't hear anything from the Planning Board?

ATTY SEAN HOPE: No.

CONSTANTINE ALEXANDER: I don't see anything from the Planning Board either.

I'm going to call it unless you have any final comments.

ATTY SEAN HOPE: I wanted to address the noise ordinance and I think it came up. This is an ordinance that applies to everybody. There are standards for audible music within a certain decibel level, and I do think that if they were to violate that noise ordinance whether intentionally or unintentionally, there is a mechanism to prevent that.

I also do think too, by having close abutters in close proximity that before it gets down the street to 74 Otis Street would have people on either side that would be able to address that issue. I also

think the fact, at least from my perspective, there was an existing deck, that it was accessible and it was used at one point, means we're not introducing what would be a new condition to an area which oftentimes even you're within the noise level, it can cause a lot of issues for people.

So I do think it's significant that this neighborhood and this building itself had a preexisting deck, and I think the modifications we made to it, make it appropriate.

CONSTANTINE ALEXANDER: Comments from the Members of the Board, or are you ready for a vote?

TIMOTHY HUGHES: I'm ready for a vote.

JIM MONTEVERDE: Scheme A or Scheme

B?

CONSTANTINE ALEXANDER: I'm going to make a motion for Scheme A unless the Board has a preference.

JIM MONTEVERDE: I was going to suggest B.

CONSTANTINE ALEXANDER: Okay. No, no, what's fine. What's the sentiment?

JIM MONTEVERDE: Do I understand it correctly that A is the wire? And the other one --

CONSTANTINE ALEXANDER: And B is the old lattice one.

ATTY SEAN HOPE: That looks higher than it actually is.

CONSTANTINE ALEXANDER: You prefer B?

JIM MONTEVERDE: Yes. Based on the some of comments we heard, I would

suggest --

TIMOTHY HUGHES: Yeah, there was a comment from the East Cambridge Planning Team.

CONSTANTINE ALEXANDER: I'm not sure this qualifies as lattice.

TIMOTHY HUGHES: I love the wire. I love the wood and wire railing, I really do. But I'm hopeful whatever gets you a deck.

BRENDAN SULLIVAN: You may want to change that plan to reflect 3 foot 6.

CONSTANTINE ALEXANDER: I'm going to do that when I make the motion.

BRENDAN SULLIVAN: I like the cable, either one.

CONSTANTINE ALEXANDER: The Chair moves --

BRENDAN SULLIVAN: I'm not going to

see it.

CONSTANTINE ALEXANDER: The Chair moves that we make the following findings with respect to the variance being sought that literal enforcement in the provisions of the ordinance would involve a substantial hardship to the petitioner, that hardship being they would not have sufficient access to the outdoors from their unit given the fact that there's no -- the structure occupies virtually the entire lot and there is no yard space, that the hardship is going to the fact of the basically this is an owner preexisting, non-conforming structure, and therefore, any relief requires zoning relief -- any modification such as adding a deck requires a zoning relief. And the reason they be granted without substantial detriment to

the public nullifying a substantial derogates the intent and purpose of the ordinance.

On the basis of these findings, the Chair moves that we grant the variance being sought on the condition that the work proceed in accordance with three pages of plans, each of which has been initiated by the Chair, except that the railing -- the appearance of the railing will be the lattice one that I have circled, and further that the height of the railing around the deck be 42 inches and not 32 inches -- 26 inches as reflected by the plans.

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

FOUR BOARD MEMBERS: Aye.

Four in favor and I'm going to

abstain.

(IN FAVOR: Timothy Hughes, Brendan
Sullivan,
George Best, Jim Monteverde.)

(ABSTAINED: Constantine Alexander.)

(8:15 p.m.)

(Sitting Members for Case #BZA-006969-2015:
Constantine Alexander, Timothy Hughes,
Brendan Sullivan, Douglas Myers, George
Best, Jim Monteverde.)

(

CONSTANTINE ALEXANDER: The Chair

calls Case No. 006969, 158 Western Avenue.

Anyone here wishing to be heard on this matter?

KIRIL ALEXANDROV: Good evening.

CONSTANTINE ALEXANDER: Good evening.

KIRIL ALEXANDROV: We know our chances were slim from the very get-go. The hardship -- and we know this is not a conventional hardship case and you've your rules for hardship as you very patiently explained.

From our perspective, we see a very different hardship here in Cambridge as serial entrepreneur who wants to stay in Cambridge.

CATHERINE ALEXANDROV: And resident, too, yeah.

KIRIL ALEXANDROV: I have been here

for 24 years, came up here for grad school, I never left. I started five businesses that were all Cambridge based.

And so in my mind, when I see towers growing in East Cambridge for the big ticket companies taking up what you used to be small spaces, right off Binney Street right there, I had looked at biotech space when I spun out a company from MIT. It was only a space that fit our size and our budget was those little one-story buildings that are now completely gone. It's all towers now. Startups can't afford those. So I've seen this evolution over the past 20 years certainly after rent control got lifted, you know, the bridal is off, the horse is just running like crazy.

It's people like us that got affected by this. So it's kind of an

overreaching kind of hardship. So we've had to struggle if we wanted to keep our business in Cambridge, keep our kids in Cambridge schools, have the benefit of Cambridge and contribute to the diversity of Cambridge, because companies start somewhere, right? They're just not born into 50 million dollars companies with two hundred employees.

They start out one employee at a time, one idea at a time.

When I looked at this property, for me, what I thought was interesting is the essential flavor of Cambridge is diversity, it's technology, yet, it's also consumer-based stuff at some point.

CATHERINE ALEXANDROV: Ideas.

KIRIL ALEXANDROV: Ideas that affect everyday people which is what our company

is, which is what Gorilla Gym is. It's home fitness.

Our products are designed for everyday people, not scientists or anybody like that. Of course, they can use them, but they're very few companies like us in Cambridge.

And so when I looked at this area, this is what I saw through my perhaps entrepreneurial eyes rather than anything else.

I saw one block over here from J Street to Howard Street Anytime Pizza, Western Auto used to be here. This block is zoned for commercial use. Somebody made that judgment at some point that there should be commercial on that street -- on that block.

And Western Avenue and River Street

really parallel each other. I mean, these are major arteries. People go in and out of Cambridge. This is what they see.

Cambridge to them is defined by what they see on the street.

CATHERINE ALEXANDROV: Which is quite nice now.

KIRIL ALEXANDROV: Western Avenue looks fantastic. The changes made there are amazing.

This is the building we're talking about right here on the corner of Kinnaird and Western. Straight across from me is the Beantown Taqueria. This is their food truck and then you've AJ Spears right there. That block is a residential block. Somehow they're functioning businesses. And across the street is the Justice House of Prayer, which is -- I don't have a

picture of it, but it's right across the street. It's an official church. It's caddy-corner from us actually. The house with the columns. They have regular services and everything. So I took a look and I saw --

UNIDENTIFIED AUDIENCE MEMBER: Are they legal?

KIRIL ALEXANDROV: They are actually legal here.

CONSTANTINE ALEXANDER: We can't have this dialogue, we have to record.

KIRIL ALEXANDROV: I saw 20 of these businesses at one time. Some have changed since I looked at this. I have been thinking about this house for two years now.

CONSTANTINE ALEXANDER: I understand why you picked this house. Nobody's

attacking your motives.

The fact of the matter is the City of Cambridge has said this is a residential district. We're not going to have businesses in it, and we can only change that through a variance -- we can't change it, we can give a variance for that. But the variance has got to show a substantial hardship. It's got to show -- as I said before, the courts are quite clear and this Board has been quite clear, use variances are very rarely granted. And your hardship, why you want this kind of a structure, there are plenty of places in Cambridge for small startup businesses, you don't have to have this in a residential district where businesses are prohibited. Buy a single-family house.

And particularly troublesome to me

is one of the problems that Cambridge has, lack of single -- affordable single-family homes, and you're just going to take one more off the rolls and make one more business and -- you're not getting my vote. I've been very clear.

CATHERINE ALEXANDROV: Well, I guess we have different definitions about what is considered affordable business office based in Cambridge because we have really been looking for years now to find affordable space to even rent.

I mean, right now we're in the basement of a church with our space to rent, and, you know, this is why a lot of businesses leave and they go to Waltham or they go to other places in the suburbs, and we really are hoping to stay in Cambridge and not throw money down the drain and rent

and keep working in a basement and actually have a space that we can fix up and use nicely.

If we do turn it into a rental property, we're going to leave it in its condition that it is, which is not exactly stellar if you've driven -- well, you must have driven by it if you live in Cambridge.

We can just rent it out like that and it might easily become a party house which would be a bummer, we don't want to deal with that. But, I mean, that's why we have the support of all the neighbors for it to be a business because then don't want six or seven more college students living there and having the walls reverberate and drunken parties in a street.

Our neighbors where we live on Franklin Street a few blocks away were so

relieved when they heard it was going to be a quiet office with no commercial like -- no retail space or anything like that, no big trucks coming and going, certainly no restaurant, no bar, nothing like that, just a quiet space for us to go from 9:00 to 5:00 to have us and three of our employees just sit there at our desks all day.

And so, I'm saying that the hardship really is trying to find decent office space that isn't extraordinary. There's this big gap in the City of Cambridge for those who really have a ton of money, and those who really are working out of their living rooms because they can't find anything else or like us from our basement.

CONSTANTINE ALEXANDER: In the last couple months we've had two cases of use

variances up in North Cambridge, space that would be ideal for what you have, and I am sure they're charging very little rent.

I think you want to stay in the hot areas, Binney Street and the like, and sure, the rents are going to be sky high. Cambridge is diverse place. Keep looking.

And I don't take well what I consider to be an implicit threat that if we don't grant relief, this is going to become a party house. You don't that --

CATHERINE ALEXANDROV: We don't want it to be.

CONSTANTINE ALEXANDER: You don't want it to be. You control it. We don't control it. And the neighborhood doesn't control it.

CATHERINE ALEXANDROV: I'm sorry. I didn't mean to indicate that. I am just

saying we certainly wouldn't want that to happen to our property either.

CONSTANTINE ALEXANDER: Therefore you will rent to responsible tenants.

CATHERINE ALEXANDROV: Hopefully.

KIRIL ALEXANDROV: We have 17 signatures from people in the neighborhood that do want that.

CATHERINE ALEXANDROV: No, 27.

KIRIL ALEXANDROV: 27, I'm sorry. The people that live closest to us, two sisters, abutters they have signed our petition. All the paperwork is there. I put asterisks next to all the abutters.

CATHERINE ALEXANDROV: They're two feet from our property.

KIRIL ALEXANDROV: They're literally two feet from -- their wall is three feet. They would much rather have us in there

than anyone else. If we're in there, we're going to take extra special pride in upkeeping the appearance of it.

Everyone knows how hot the rental market is. We don't have to do that. But we would like to do that because we like Western Avenue, we built a house three blocks from there. I was the head trustee at 516 Green Street that had a leaking problem, two lawsuits. I fixed that building. We have a track record of trying to make Cambridge a better place by either starting a business and maintaining the properties that we did own, and left them in a better place than when we found them.

So I do appreciate the fact that Cambridge housing is limited, but Cambridge is massive place, and the reason Cambridge can be Cambridge is because businesses like

us start here. We grow. We add to the tax base.

The reason Cambridge has money for all these salaries for government officials, it's because there are so many businesses here in Cambridge. We happen to be at a different stage than some of these big ticket businesses in East Cambridge or other places like that. The fact that this is only three blocks from our house really helps us because it shouldn't be -- maybe it should count because we have three kids going to the Cambridge system, we have seen friends evacuate Cambridge for many reason. We love Cambridge. We want to stay there. We love the variety of people, the variety of businesses. We think we contribute to that.

So taking one single-family house

out of commission that's been dormant for three years out of commission anyway, fixing it up. I think -- especially Western Avenue, which is becoming a marquee kind of place. And I think it's of benefit to Cambridge as well as to us.

Again, the hardship comes down to the support that we would like to have as a small family-owned business in Cambridge.

Again, there's 20 businesses on Western Avenue, so somebody must've decided it's a good idea to have businesses on Western Avenue. Somebody must have decided it's a good idea have businesses on River Road.

Some of these businesses are turning into better places to live and work like the former Western Front and places like that. We had three supporters here that

had to leave because this went on so long because we thought it would be at 8:15. But we have 27 people in the neighborhood. We knocked on every door multiple times to try and explain to people what we wanted to do.

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

GEORGE BEST: So I have lived and I grew up in that area. And I have 60 years of experience plus, and for me to see that house turned into a business is not what I would want to see. And we still own property right around the corner. You didn't come by my way.

There are so many people that have left Cambridge because the rents are astronomical and there's not quality housing. I would like to see something

like put affordable housing there and let people come back to Cambridge. Let them raise their children here. Allow them to make use of the public school up the street that's just being refurbished.

I think that it's a great idea that you want to increase the business opportunities in Cambridge, but I think it's more so more important to direct that towards families and children.

CONSTANTINE ALEXANDER: Thank you, George. I didn't mean to cut you off.

Public testimony. Anyone here wishing to be heard on this matter?

MAGGIE COMPHER: Maggie Compher, C-O-M-P-H-E-R. And I'm at 31 Kinnaird Street. So I have two letters here, I did not know that I needed to get this in before. And I have 13 signatures of owners

on Kinnaird Street and some on Western.

And I also have another letter here of someone who has signed your letter, but when they signed it, they didn't realize exactly what you were going to be doing.

CONSTANTINE ALEXANDER: We have that letter in our file.

MAGGIE COMPHER: David Gunther. And then I have two signatures on here of the husbands of the wives have signed your letter, and they didn't really know what they were signing when they signed it. And since we've communicated with them what was going on.

And I do want to say I know you came up to me and said to me that what you wanted to do was just put some desks in the home so you guys could go and work there. But what you didn't explain to me was that

you wanted to change it from residential zoning to business zoning, and we're clearly very opposed to that idea.

CATHERINE ALEXANDROV: I'm sorry I didn't make myself clear.

MAGGIE COMPHER: You didn't share that information.

CATHERINE ALEXANDROV: That was not my intention at all, no. I did say that we were applying for a variance and that's why I was getting signatures.

MAGGIE COMPHER: You didn't say you were applying, you said that what you wanted to do is you wanted to be able to use it as an office space, and all you want to do is put a couple desks in there. That's what you said to me.

CONSTANTINE ALEXANDER: We don't need to get into he said she said. Why

don't you give me your letters, though.

And for the record on behalf of a number of residents of Kinnaird Street you're opposed to the relief?

MAGGIE COMPHER: And a few on Western.

CONSTANTINE ALEXANDER: Thank you.

Anybody else wishing to be heard?

VELMER BROOKS: My name is Velmer, Brooks, V-E-L-M-E-R, B-R-O-O-K-S.

And I live directly across from the house and I am opposed to taking -- to changing it to business zoning.

And when you approached me, I got the same information you gave them tonight and that was "Well, I'll have to rent it to students." Been there all my life.

Students been there all our lives. Harvard and MIT. We're not afraid of students.

You know, if they misbehave, you correct them, or you call the law, but I would like to see it stay as it is.

CONSTANTINE ALEXANDER: Thank you.

Two others. Ma'am?

SAUNDRA GRAHAM. My name is Sandra Graham. S-A-U-N-D-R-A, G-R-A-H-A-M. I live at 189 Western Avenue which is diagonally across the street. And I lived there in Cambridge for all of my life. And I lived on Western Avenue for 50 or more years. And we have been struggling to keep our community together. We also have been struggling to improve it. It was the community that okayed the Western Avenue street improvements and now that the street improvements are there, everybody wants to be on Western Avenue.

Well, all the businesses that you

count were there 50 years ago, 100 years ago. We never changed any zoning. Whoever was here at the time changed it. I know the corner store was there before I was born. And so wasn't the drugstore that left and everything. All of stores that you've counted have been there for over 100 years, I would say. And so, we oppose a house taken off the street and put into a business. Yes, we oppose it because we have been fighting for affordable housing. We know what rent control does to our neighborhood. We know what Harvard's done to our neighborhood. But we have lived there, we have stayed there, and we have fought for affordable housing. We have tolerated the students. They have not been that bad. You just have to put them in their place. That's all. Just put them in

their place. They're not that bad. In fact, they kind've enlightened the environment. They're riding their bikes in the new bike path. They're getting involved with the kids of the neighborhood. We're beginning to build a community again.

I strongly oppose the changing from residential to business.

CONSTANTINE ALEXANDER: Thank you.
Sir.

DAVID KANE: David Kane, K-A-N-E, 32 Kinnaird Street. 45 years ago I was a student at 122 Kinnaird Street. I just wanted to point out since earlier in Harvard you said please address the legal issues about the variance. Even what he said was considered a hardship, which I don't believe it is, there's still the two other criteria, the second one is the

hardship be related to the particular nature of the property and that clearly isn't met. The third one it not degrade the neighborhood, and I think there are two degradations that come. One is that, parking is extremely tight. Once it becomes an office, although they will walk to it, you can't control others who might come and need parking.

We have lost spaces from the Western Street reconstruction in the winter. It has gotten quite impossible. And the other thing, of course, about residential neighborhoods and offices is if you have a lot of offices in a neighborhood -- and I think you can't consider just one exemption, but rather the rule -- if it's okay here, it's okay. Is that the area goes dead at night and it's got a

residential characteristic for it to go
dead at night.

CONSTANTINE ALEXANDER: Thank you.

Anyone else? Sir?

SATAYAN MAHAJAN: My name is
Satayan, S-A-T-A-Y-A-N, last name, Mahajan,
M-A-H-A-J-A-N. I live at 18 Fayette,
F-A-Y-E-T-T-E, Street. I have been a
Cambridge resident for now 25 years.

I wanted to speak on behalf of these
two people. They're actually very great
people despite what is going on this
evening. And you know, I think -- I'm a
serial entrepreneur. I started three
companies. Not as many as you, Kiril. And
they have done well and done well for
Cambridge.

I wanted to say I'm good friends
with a lot of people that own small

businesses in Cambridge, and I see them disappearing and I think that it would -- I'm not sure if that solution will work. I think what they're doing is good. They're trying to create a family business in Cambridge, and I kind've sit on a different side. I deal with well funded ventures and they get lots of money and they have space for those companies, but there's no space for companies like his. It's just a few people, really selling very simple wares that we all need and could become big one day, but they need space they can afford and they don't have it.

And I think if you saw the church basement they're in -- you should have taken pictures and shown them -- you would agree they need something, and this is a beautiful property and they would not do

anything to hurt the neighborhood. I think they would bring it up, and they're good people.

CONSTANTINE ALEXANDER: Thank you. Thank you all for sticking around at this late hour.

ANDREW FARRAR: My name is Andrew Farrar, F-A-R-R-A-R. I live at 4 Lawrence Street, Cambridge, Mass. I was formerly a resident of 14 Kinnaird Street. And I lived in this neighborhood for 32 of the last 36 years. There was a four-year hiatus where we had to leave, but we always knew this was the neighborhood we wanted to live in, the Central Square neighborhood.

And I know, Sandra, you used a very funny term to describe the section of Kinnaird Street that I lived on as a student, the upper end of Kinnaird. I know

Kiril, I coached his son in soccer. This is an ex-extraordinary product, and I worked on a different product called the Gorilla Gym and it, too, is an extraordinary product.

20 years ago I started a toy company in Cambridge working out of my dining room, and I tried very hard to expand my company in Cambridge. It wasn't feasible 20 years ago, and it's not feasible today for that kind of company. I ended up moving to Woburn and then Wilmington and then Lawrence. I created many, many jobs for high school graduate individuals at a living wage. And we were quiet, providing customer service and product development, and it was only as a reconfigured and mature company that I could afford to move back to Cambridge 25 years later.

Finding space is essential. And I heard the discussion about whether it's a hardship or not. We had an entrepreneur talk about it, Kiril talked about it as an entrepreneur. I had that experience 20 years. It was not possible then to find any kind of space that would accommodate a startup company that's not doing software, that's not doing biofarma, just making really good toys.

And to me, Western Avenue seems to be an ideal area for the smart integration of right size commercial development. And it's accessible to its employees without overtaxing the area.

I do not buy the parking issue at all. These -- the individuals who organize in this building will park during the day, they will be gone at 5:00 in the evening.

The stress on parking in my neighborhood and in this neighborhood is overnight parking, and they will decrease that load by converting this to a commercial space. They will, even though it will be nominal, bring extra money to those small business that occupy Central Square, restaurants, the art stores, et cetera, because people will come and spend not a great deal, but a little more money.

I'm confident that Kiril and his company will be an extraordinary neighbor, and without a doubt act responsibly. The design marketing and customer service work associated with his company will be nondisruptive and make the neighborhood safer because when you've business smartly integrated with residential, those business people are there all day long, and when

people are gone for the day -- I recently had a break-in at my house, it was during the day. Cambridge police were fabulous in response. And I argued 24 years ago in front of this Board for a small business to stay across the street, American Moving Company. The decision at that point was that they could not stay there, but I thought that they added to the safety and texture of the neighborhood.

I can assure you finding viable commercial space in Cambridge is a hardship. I heard, is it Constantine? I heard the presentation you had about changing this and the standards by which you have to make this kind of variance, but Cambridge is a different city. It was not possible 20 years ago and it's not possible today to have companies that are really

good companies that hire both highly skilled employees and not so highly skilled employees for jobs in Cambridge. And I know that that, too, is an important issue for you. Not just the nature and texture of Western Avenue, but jobs for our high school students.

And for those reasons I humbly and wholeheartedly support this variance.

CONSTANTINE ALEXANDER: Thank you.

I want to briefly address the substantial hardship you made and this gentleman made. You missed the point. The hardship has got to be there's a hardship relating to the structure that requires it to be used for a business and it can't be used any longer for a residence.

The fact there's allegedly not available low-cost office space is

not -- and that's the hardship -- it's absolutely irrelevant. That's not the issue before us. It relates to this property and the property that -- you have to demonstrate to us that using this as a residence would be a hardship, it can only be used as an office. And that doesn't appear to be the case, at least in my opinion and the opinion of a number of neighbors, as you heard.

Is there anybody else wanting to speak on this matter?

No one else.

We're in possession of some written correspondence. We have the petition that the petitioner mentioned in support signed by many, many people. We have one retraction of a signature from a David Gunther. We do have a letter from Bob

Woodbury who resides at 133 River Street,
No. 1. "I am writing in support of a
change in zoning for the house at the end
of our block, Kinnaird Street at 158
Western Avenue, and we understand that
Kiril and Catherine Alexandrov hope to move
the company in the house as happy customers
of Big Skinny Wallets. My wife Mary and I
would be glad to have them there. The
newly redone Western Avenue seems like a
great corridor to small and medium size
businesses to the existing mixed use. We
support the rezoning of the property as a
commercial office location. We're eager to
see our part of Cambridge nurture
home-grown small businesses and Big Skinny
(with Gorilla Gym) is already a local
success story attracting and supporting
designers, entrepreneurs and expanding

businesses is something the Riverside neighborhood needs. We're pleased that the Alexandrov family moved their home to Franklin Street and we hope that their business settles on Western continues to grow and soon needs to hire more local talent."

And then we have a letter from the Planning Board saying: "The Planning Board reviewed the Board of Zoning Appeals the use of variance application to change the existing single-family house to office use in Residence C1 district. The Planning Board objects to the removing the resident use in what they consider to be an appropriate location for housing. There's been substantial public improvement in the area and the existing residential neighborhood should be supported and not

replaced in this location." There we have it.

I'm going to close public testimony discussion.

GEORGE BEST: I just want to commend you for having a great successful business, and the other thing I want to say is when we're at that stage in our lives, it's time to give back, and I think bringing other people into the community to make that spot vibrant again like it used to be would be a great idea. I think people would appreciate that. And I'm not going to dissuade from you from Cambridge because it has a cache to it, the name, but if you go across the Western Avenue bridge there's a whole strip of commercial property right there, that's -- what is that? Brighton. So if you go over the Western Avenue

bridge, Harvard is on one side and there's a long strip there where they put pizza joints and all that, so that's also a good spot for if you want to be close to Cambridge. Just a suggestion.

KIRIL ALEXANDROV: Can I ask -- let me ask you this: It sounds like you guys are going to vote against this. What is my option to make this happen?

CONSTANTINE ALEXANDER: To convince the City Council to amend the zoning map to allow office use where your house is located. They're the ones that -- it all starts with the City Council. They said your area, residential, no office. They can change that tomorrow. Down Western Avenue it's zoned business, that's your resource, or you can take an appeal if we vote you down of our decision to the

courts, that's the other one. But really the practical one is go to the City Council. You will have objectors, I think, but that's the political life. That's your answer.

BRENDAN SULLIVAN: Let me chime in for a second. Whenever there's a use variance request that comes before us, I always drag out something that was given to me years ago and this is the language of the court and the court said that although all variances are unusual forms of relief from zoning requirements, use variances should be particularly extraordinary because they inherently undermine the local zoning ordinances division of uses. And that was *Mandoza versus Licensing Board of Fall River* and that's what the court is basically saying to us that use variances

have to be the most extraordinary type of relief because when they enacted zoning ordinance many years ago, the very first thing they did was separation of uses. All the dimensional stuff came later, height, width.

The very first thing they did was division of uses, and this sort of drives a stake through the heart of that which is the prima fascia purpose of the zoning. We're guided by the law, caselaw and what the courts have said, we get direction from that. This is a quasi-judicial board. Monday night could be what feels good and so on and so forth. And sometimes you can reach some kind of an accommodation or what have you. This is a quasi-judicial board and we're guided by the courts.

CONSTANTINE ALEXANDER: Your

recourse is the City Council. If you can persuade them to change the zoning, you won't need a variance.

KIRIL ALEXANDROV: Is there a public hearing involved?

CONSTANTINE ALEXANDER: I don't know exactly, you would have to petition them. It would be public hearings.

BRENDAN SULLIVAN: City Council would have to bring a petition forward which gets referred to the Ordinance Committee which then goes to community development, which goes to planning and that comes back to City Council.

UNIDENTIFIED AUDIENCE MEMBER: It's a four- or five-month process.

CONSTANTINE ALEXANDER: Yes.

TIMOTHY HUGHES: You make a great pitch. Your pitch for hardship, it speaks

to the first part of the hardship question, but it doesn't speak to the legal standard that we need to apply in order to find -- to issue a variance. It doesn't speak to that.

KIRIL ALEXANDROV: The second is part is --

TIMOTHY HUGHES: The hardship has to do with the property, the structures on the property, the soil conditions, the topography. It doesn't speak to that at all.

CONSTANTINE ALEXANDER: Yeah.

KIRIL ALEXANDROV: I thought I did a little bit by saying it was on a corner and it had these other entities.

TIMOTHY HUGHES: And like Gus said, any use variance, it has -- those standards of hardship have to be applied to why it

can't be used for what it's zoned for now.

CONSTANTINE ALEXANDER: So you have to understand the legal standard, the second one there has to be a substantial hardship and the hardship is owing to circumstances relating to the soil conditions, shape or topography of such land or structures and especially affecting such land or structure, but not affecting generally the zoning district in which it's located. You don't meet that -- you don't have a hardship, a zoning hardship, you have a more generalized hardship; you can't find affordable rental space in Cambridge.

The second one is your hardship that you're claiming which you don't have, under zoning, is not owing to circumstances relating to soil conditions, shape or blah, blah, blah. You got to -- if you want to

do what you want to do, you have to get the zoning changed. We can't do that. We don't have the legal right to do that. And that's the City Council.

UNIDENTIFIED AUDIENCE MEMBER: The CRA bought the foundry building and they're looking for businesses and nonprofit. They got 53,000 square feet and they just picked a committee and the committee is going to deliberate on what is going to go into the building.

TIMOTHY HUGHES: It's the only small building left on Binney Street.

KIRIL ALEXANDROV: That foundry. That's the last one standing.

BRENDAN SULLIVAN: I suspect part of your master plan is to be able to walk to work.

CATHERINE ALEXANDROV: We don't want

to throw rent down the drain.

CONSTANTINE ALEXANDER: Look up in North Cambridge, there's a number of places you can rent.

CATHERINE ALEXANDROV: That is where we were living.

Thank you for your time.

CONSTANTINE ALEXANDER: You can leave, if you like, but we haven't voted yet.

I'm going to make a motion to grant the variance, as we do, and then if the variance is not granted, we take a second vote as to why we didn't grant the variance.

The Chair moves that we make the following findings: With respect to the variance being sought that a literal enforcement of the provisions of the

ordinance would solve a substantial hardship to the petitioner, the charge of being -- it's a lack of affordable space for small startup businesses, the hardship is owing to circumstances relating to the soil conditions, shape or topography of such land or structures, and the hardship being you're on a corner lot, so I heard, and that desirable relief may be granted without substantial detriment to the public good or nullifying or substantiate derogate the intent and purpose of the ordinance.

The Chair moves we grant the variance being asked.

All those in favor, please say "Aye."

None in favor.

All those opposed? Five opposed.

(IN FAVOR: None.)

(OPPOSED: Constantine Alexander, Brendan Sullivan, George Best, Jim Monteverde, Thomas Hughes.)

CONSTANTINE ALEXANDER: The second vote is the Chair moves we make the following finding with regard to the vote that we just took denying the variance: That we believe that the petitioner did not satisfy the requirements of a substantial hardship, the hardship doesn't allege as one that is general to the City of Cambridge and not to the property itself, that there's no way a hardship relating to the shape -- soil conditions, shape or topography or structures and that relief -- if we granted relief, there would be substantial detriment to the public good in the sense evidenced by the Planning

Board's letter that the city would lose a single-family residence, and the city doesn't want that to happen.

All those voting in favor of voting those provisions.

Five in favor.

(IN FAVOR: Constantine Alexander, Brendan Sullivan, George Best, Jim Monteverde, Thomas Hughes.)

(11:53 p.m.)

(Sitting Members for Case #BZA-007041-2015: Constantine Alexander, Timothy Hughes, Brendan Sullivan, Douglas Myers, George Best, Jim Monteverde.)

CONSTANTINE ALEXANDER: The Chair is going to call 007041, 22 Essex Street.

Anyone here wishing to be heard in

this matter?

NORMAN RUBIN: So what I'm doing is I have a house on Essex Street and I want to renovate the first floor, and back on the first floor I have this little deck. I have a picture to make this clear.

CONSTANTINE ALEXANDER: It's in our files.

NORMAN RUBIN: So 22 is my side with the deck and 20 is the building. So I would like to enclose the deck and --

CONSTANTINE ALEXANDER: You're not changing the footprint?

NORMAN RUBIN: No. The piece above here upward, that's a deck on the second floor, there was a variance granted roughly 25 years ago to put that in. And so, this is what I understand because it's a roof, it's almost okay to do this, but I need a

variance if I have the rules right.

CONSTANTINE ALEXANDER: Okay.

TIMOTHY HUGHES: Yeah.

CONSTANTINE ALEXANDER: That's pretty succinct.

TIMOTHY HUGHES: It could be a Special Permit case.

CONSTANTINE ALEXANDER: It could have been a Special Permit case, but don't worry about it.

NORMAN RUBIN: I did what I could do.

CONSTANTINE ALEXANDER: It's a lesser standard, and given the modest relief you're seeking, you could have asked for that relief. I think you will be on safe ground with a variance.

Questions from the Board?

TIMOTHY HUGHES: The only thing I

remember from the dimensional form he added the extra square footage, and I don't think it should have been added in. It was already -- it's already counted as square footage because it has a roof over it, so there's no increase in your FAR on that.

NORMAN RUBIN: I didn't realize that. I thought it was since --

TIMOTHY HUGHES: Whatever that is, 72 square feet, whatever it turned out to be, it can be deducted from the dimensional form. I don't think that's an issue either. If you want to clean up the paperwork on it.

NORMAN RUBIN: Should I refile it?

TIMOTHY HUGHES: No.

CONSTANTINE ALEXANDER: You need zoning relief.

NORMAN RUBIN: I assumed it was -- I

didn't --

TIMOTHY HUGHES: The relief you're seeking is because -- I don't know it's less than 25 percent, right?

CONSTANTINE ALEXANDER: Could have been a public plaza. You're not increasing the FAR, but you are.

NORMAN RUBIN: This is an old house. 1870.

TIMOTHY HUGHES: You're adding to a non-conforming structure.

CONSTANTINE ALEXANDER: Any comments from the Members of the Board?

(No response.)

I'll open the matter up to public testimony.

Ma'am.

MINKA VANBEUZEEKOM: So my M-I-N-K-A, my last name, V-A-N-B-E-U-Z-E-K-O-M.

TIMOTHY HUGHES: How do you remember that?

MINKA VANBEUZEKOM: It's been a lot of years.

I live on the other side of the house and I guess I don't -- it was so long ago I don't remember, but we must have applied for a variance when we enclosed what was a three-season porch, and that's what triggers this being in this situation. But for me, I have absolutely no problem. I think it will make the back of the house more uniform and I'm looking forward to that. It's nice to be in the backyard and looking. So that won't change the view of people on the street, but I think for us, it's good.

But the main thing for me is I'm going to be a little political. We want to

keep people in the city, and his daughter lives on the first floor, and it's really not big enough. By extending this space, whatever it is, 72 feet 80 square feet, it makes it for her a more convenient place for her to stay and she's going to stay, and she has nice parents that will do the renovation for her.

NORMAN RUBIN: How well put.

MINKA VANBEUZEKOM: There are other people that don't change the footprint when they try and enclose a space and they get met with a lot of opposition and that causes people to have to leave and that's too bad.

CONSTANTINE ALEXANDER: We're very conscious and we get lot of cases that people want to stay in Cambridge and want more living space. We have a legal

standard to apply and we try to be accommodating.

MINKA VANBEUZEKOM: There you go, with the legal standing.

CONSTANTINE ALEXANDER: As Brendan said, we're a quasi-judicial body.

MINKA VANBEUZEKOM: It was a fascinating evening.

CONSTANTINE ALEXANDER: Nothing else. We have nothing in the files.

Are we ready for a vote?

TIMOTHY HUGHES: I am.

CONSTANTINE ALEXANDER: The Chair moves that we make a the following findings with regard to the relief sought; that a literal enforcement of the substantial hardship that the patio needs, the hardship is owing to the fact that this is a non-conforming structure, therefore, any

modification requires zoning relief, and that relief may be granted without substantial detriment to the public good or nullifying or substantially derogating from the intent or purpose of the ordinance. The relief is modest in nature. It had no neighborhood option and it would allow petitioner's family to remain in Cambridge.

So on the basis of these findings, the Chair moves we grant the variance requested on the condition that the work proceed in accordance with plans that you submitted. There are several pages of them. Each I initialed. I am sure you're going to do it because you're not changing the footprint. You have to follow these plans.

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

(IN FAVOR:

Five in favor.

(IN FAVOR: Constantine Alexander, Brendan Sullivan, George Best, Jim Monteverde, Thomas Hughes.)

(12:01 p.m.)

(Sitting Members for Case #BZA-006970-2015: Constantine Alexander, Timothy Hughes, Brendan Sullivan, Douglas Myers, George Best, Jim Monteverde.)

CONSTANTINE ALEXANDER: Last, but not least, No. 006970, 5 St. Mary Road.

Is there anyone wishing to be heard in this matter?

ANDREA WILLETT: We're here applying for a Special Permit for Section 28, 22.2.

CONSTANTINE ALEXANDER: Didn't worry

about that.

ANDREA WILLETT: And a setback in the rear and on the side.

CONSTANTINE ALEXANDER: You're seeking in enclosing a porch?

ANDREA WILLETT: It's three levels. It's a three-level condominium building and there's an existing structure on the back. The bottom is a screen porch. The middle is the open porch and the third is an open porch as well. So we're proposing to close the first level. The second level will remain a porch and the top level is partially enclosed.

CONSTANTINE ALEXANDER: Have you spoken to neighbors and there's no opposition?

ANDREA WILLETT: Yup, one of the other things we had to do is go to the

Cambridge Neighborhood Conservation
District Commission and we have received a
Certificate of Appropriateness from them
and they just asked that we accentuate the
structure of the system that was removed.
So they wanted these vertical elements
called out. We had a corner, a wrapped
corner like this, and they preferred we
have trim all the way down which we're
happy to do. That was the condition they
asked.

CONSTANTINE ALEXANDER: We have a
copy of the letter.

Questions from Members of the Board?

BRENDAN SULLIVAN: A comment. It
looks so haphazard. It looks like
something that would be done on three
different weekends by three different
people in three different eras. I don't

mean to be critical but I just -- it's awful.

TIMOTHY HUGHES: Is any of it done yet?

ANDREA WILLETT: No. You mean built?

BRENDAN SULLIVAN: Yes.

ANDREA WILLETT: The porch?

BRENDAN SULLIVAN: Have you seen the existing -- look at the existing which are three very lovely open porches.

CONSTANTINE ALEXANDER: Classic thing, and Brendan has been rightfully talking about it. We have classic three deckers and people are enclosing them. And that's why I asked the questions about the massing. That's one of the reasons I don't like the enclosing of them. Now, if somebody wants to go out on the open porch

and have a party, they can do it. If you enclose it, you can have a party, but it will be behind closed doors. That's the good part news. But you're tinkering, if you will, or altering some of the fabric of the housing in Cambridge.

TIMOTHY HUGHES: The second floor can still have a party and the third floor can have a small party.

BRENDAN SULLIVAN: Well, there's two things that go on. People are taking interior staircases and moving them outside so they capture some of that space or what they're doing is taking interior space and now pushing it out into the porch.

I'm sorry, but I am somewhat of a purist. I'm not puritanical but I am a purist as far as when it comes to three deckers and outside porches. I have a

three decker, I have three outside porches and the back of three outside porches and the front, very traditional that work. People sit out there and enjoy it.

Not that our lifestyle should impose upon this. This is just a very haphazard plan.

CONSTANTINE ALEXANDER: Why do you want to enclose these porches?

ANDREA WILLETT: The first level really would like the additional living space. It's a growing family and they want to stay in Cambridge. The top level again, they're a growing young family. They have recently moved to the community and it's an opportunity to get a little more square footage in the unit.

And the first floor, the backyard is quite narrow, and it looks into a garage

that goes back. So it's brick wall that they're essentially looking at. Then the top unit looks out over, but they will maintain a little of the deck on the side, so it can look at the nice part of the neighborhood.

BRENDAN SULLIVAN: How long have these people been there? When did they buy the unit?

MIRKO RISTIVOJEVIC: My name is Mirko, M-I-R-K-O, last name, R-I-S-T-I-V-O-J-E-V-I-C.

So we have purchased a unit on the first floor in 2008. And at that time it was my wife and I. In the meantime, we got two kids, so now we have a family of four, plus mother-in-law which lives with us.

CONSTANTINE ALEXANDER: The mother-in-law, that's your problem.

MIRKO RISTIVOJEVIC: Basically for us it's really -- it's kind've okay with a two-year old and five-year-old, but imagine two girls when they grow up a little bit, it will be very difficult to stay in a two-bedroom. This is a two-bedroom unit, and it's five of us right now living there in the most part. We were thinking the -- the porches have to go down, they're in a really bad state. They have to be removed. It's unsafe situation right now especially in the upper floors. So we were thinking if we are replace the porches and if we allow to enclose the porch, we'll get another bedroom which we then can use to continue living there in a three-bedroom apartment, which is suited for a four-family unit -- for a unit of four. I'm sorry. So that was my primary

motivation basically. So that was my primary motivation basically, and so I understand this is not a variance, Special Permit, so we didn't address the hardship or anything like that. That would be our hardship basically that we would eventually have to move, and that's also very difficult if you want to stay in Cambridge. Three bedrooms are beyond what we can afford. It's impossible to buy.

CONSTANTINE ALEXANDER: I mentioned earlier a Special Permit is a lesser standard than a variance. That's another thing working in your favor. That's not like the use variance case we had or other variance cases, but I share Brendan's views about the aesthetics of it all.

I can understand the practical need for what you want to do.

Other comments from Members of the Board?

TIMOTHY HUGHES: I'm not as nostalgic about it.

CONSTANTINE ALEXANDER: Okay, I'll open it up to public testimony.

Is there anybody wishing to be heard in this matter?

(No response.)

We're in receipt of two letters. I'm not going to read them -- it's late at night -- both in support, one from the owner of 3 St. Mary Road and 227 Prospect Street, and the other from owner the 7 St. Mary Road abutting 5 St. Mary Road, as you mentioned in your comments. As I said they're both in support and there's nothing in opposition.

Closed public testimony.

Ready for a vote?

GEORGE BEST: Yes.

CONSTANTINE ALEXANDER: The Chair moves that we make the following finding with regard to the Special Permit being sought. That without a Special Permit, you cannot meet the requirements of our ordinance because of the non-conforming nature of your structure, that effect generated or patterns of access or egress that you're proposing will not cause congestion, hazard or substantial change in established neighborhood character, that the continued operation or development of adjacent uses will not adversely be affected by what you're proposing.

In this regard I would cite the letters from your abutters who are in support of the project, that no nuisance or

hazard will be created to the detriment of the health, safety and welfare of the occupant of the proposed use or the citizens of the city, and that what is being proposed will not impair the integrity of the district or adjoining district or otherwise derogate the intent and purpose of the radiance.

The Chair would note the relief being sought is very modest and perhaps, aesthetic aside, it serves a useful purpose in allowing a couple who needs additional living space to stay in Cambridge.

On the basis of these findings, the Chair moves we grant the Special Permit being requested on the condition that the work proceed in accordance with plans prepared by Andrea M. Willett, W-I-L-L-E-T-T, architect, and they are T1,

D1, A1. All three pages have been initialed by the Chair.

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

Three in favor; two opposed.

(IN FAVOR: Tim Hughes, Jim Monteverde, Douglas Myers.)

(OPPOSED: Brendan Sullivan and George Best.)

CONSTANTINE ALEXANDER: Motion doesn't carry. You need the requirement of four votes. Super majority. Sorry. But the relief has not been granted.

You two need to vote as to why you voted against it. Why don't you make a motion and we can't vote on it because we voted for it.

BRENDAN SULLIVAN: Okay. I would make a motion then to deny relief being requested, that traffic generated path of access would not cause a congestion, hazard, but I do feel it would change -- substantially change, I think it would create a substantial change in the established neighborhood character, and that I feel that a proposed use would not impair the integrity of the district, but I do feel that it would derogate from the intent and purpose of the ordinance enclosing living space into outdoor space.

GEORGE BEST: I agree.

BRENDAN SULLIVAN: I think the aesthetics of it would be quite detrimental to the neighborhood.

CONSTANTINE ALEXANDER: The two of you, in favor of the motion made by Brendan

say "Aye."

Two in a favor of the motion.

(IN FAVOR: Brendan Sullivan and George Best.)

CONSTANTINE ALEXANDER: I'm sorry.

That vote carries as well.

MIRKO RISTIVOJEVIC: What can we do?

CONSTANTINE ALEXANDER: That's an appeal.

ANDREA WILLETT: So there are two issues that we would address, an appeal would be changing the character of the neighborhood and the aesthetics, so it's still Section 22?

CONSTANTINE ALEXANDER: Same section. The Special Permit requirements are for all Special Permits throughout the city wherever a Special Permit is required. You're one of many situations where a

Special Permit was required. I'm not going to give you legal advice.

Your attorney will take you take an appeal to the court claiming that the vote that turned down a Special Permit was impermissible under the ordinance. That you, in fact, met the standards of the ordinance and that we were wrong or the majority was wrong in voting the Special Permit.

Ma'am, I'm sorry. I didn't mean to interrupt you.

GINNY BERKOWITZ: Ginny Berkowitz. My last name is B-E-R-K-O-W-I-T-Z. And I do just want to add in terms of the aesthetics, if you look at the poster board, the porches are actually quite far in the back of the house, pretty much invisible from the street, and the only

place that is seen is in the back where the garage is and by the abutters -- 7

St. Mary Road -- and that the bottom porch is currently already screened in. So there really isn't a whole a lot of change there. The one big change is on the third floor where there's a partial closure and partial opening. Again, the opening part is the only part you can see from the street.

In terms of the aesthetic concern, which we share, and we don't need more space, so we're keeping our porch as it is, and we love having it, is pretty much mitigated from what you can see, and I guess that's just one point I wanted to make. You really don't see it from the street or any other angle actually where you would see a closed porch. I just wanted to add that for the record.

CONSTANTINE ALEXANDER: That's part
of our record now.

TIMOTHY HUGHES: So that's a wrap.

(The Board of Zoning Appeal general
hearing was adjourned.)

ERRATA SHEET

INSTRUCTIONS: After reading the 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, 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.



CERTIFICATION

Commonwealth of Massachusetts
Norfolk, ss.

I, Jill Kourafas, a Notary Public in
and for the Commonwealth of Massachusetts,
do hereby 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, 2015.

Jill Kourafas
Certified Shorthand Reporter
License No. 14903
Notary Public

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