

BOARD OF ZONING APPEAL
FOR THE
CITY OF CAMBRIDGE

GENERAL HEARING

THURSDAY, JUNE 8, 2017

7:00 p.m.

in

Senior Center

806 Massachusetts Avenue

First Floor

Cambridge, Massachusetts 02139

Constantine Alexander, Chair

Brendan Sullivan, Vice Chair

Janet Green, Member

Andrea A. Hickey, Member

Patrick Tedesco, Member

Douglas Myers, Associate Member

Jim Monteverde, Associate Member

Sisia Daglian, Assistant Commissioner

Maria Pacheco, Zoning Specialist

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PROCEEDINGS

(7:00 p.m.)

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

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

After notifying the Chair, any person may make a video or audio recording of our open sessions or may transmit the meeting through any medium subject to reasonable requirements that the Chair may impose as to the number, placement, and operation of equipment used so as not to interfere with the conduct of the meeting. At the beginning of the meeting the Chair will inform other attendees at that meeting that a recording is being made. And the Chair will inform those in attendance that a recording is being made by our stenographer to assist herself when she has to transcribe the minutes of the meeting. Typically we have a citizen of the city who comes

and records our meetings as well. He's not here as of yet anyway. So there's only one person making a recording, but there is one being made.

Okay, with that I'll turn to the business of the meeting. As is our custom, we start with continued cases. These are cases that started at an earlier date and for one reason or another have been continued until tonight.

(7:00 p.m.)

(Sitting Members Case BZA-012889-2017: Brendan Sullivan, Andrea A. Hickey, Patrick Tedesco, Douglas Myers, Jim Monteverde.)

CONSTANTINE ALEXANDER: And the first continued case I'm going to call is case No. 012889, 300 Mount Auburn Street.

I'm not going to sit on this case. Mr. Sullivan will be the Chair of the meeting.

ATTORNEY DANIEL GLISSMAN: Good evening, Mr. Chairman, Members of the Board, Daniel Glissman, attorney with Prince, Lobel, Tye. Here on behalf of our client T-Mobile Northeast. So we're coming back before the Board for 300 Mount Auburn Street. Based on the comments from the Board we went back to the site, we did a new site -- another site walk on the rooftop and we've made some extensive changes to our proposal. We're no longer proposing any antennas to be stealthed within faux flue

pipes in front of the HVAC, and we have moved all the antennas onto the adjacent penthouse.

They'll all be facade mounted on the penthouse and painted to match.

Where we were initially proposing two antennas, we've increased that to four and adjusted the antennas to directionally to point to the correct sectors accordingly. And on the southern facing facade we have added two antennas.

I also have plans as well for those of you who would like to take a look. I believe that these changes are consistent with the request by the Board to eliminate those flue pipes if possible. We did go back and work with our radio frequency engineers to ensure that they were still going to be able to get the appropriate coverage. Initial concern was based on the location of the existing antennas being mounted to the top of that light stanchion, they were worried that they weren't going to get the appropriate

clearance. But after making some adjustments and fine tuning some angles, they said they -- they told us they're able to make it work.

So I'm happy to answer any questions by the Board.

BRENDAN SULLIVAN: My thought is that it cleans it up dramatically.

JIM MONTEVERDE: Good job.

DOUGLAS MYERS: Yeah, photo simulation No. 4 has a very significant improvement.

JIM MONTEVERDE: Yeah, it's great.

ANDREA HICKEY: Much better. Good work.

ATTORNEY DANIEL GLISSMAN: Thank you.

BRENDAN SULLIVAN: Editorializing, that's why 6409 doesn't work. Makes us drag you guys back down here. Perfect example. We will take this -- this is a trophy as to what was proposed -- what would have happened, folks, until the Board reviewed it. Okay? So a good job.

Any questions, concerns?

JIM MONTEVERDE: No.

BRENDAN SULLIVAN: There is no further correspondence received.

For the record, we have gone through the pro forma. The initial presentation 4.32G, 4.32G1 and footnote 49 as to the fact that it is in a residential neighborhood.

That there is an existing telecommunication facility on the roof. And so we have established it as a footprint and allowable.

Also that the petitioner has met the requirements to be before us as a presenter.

If there are no further questions, let me make a motion, then, to grant the relief requested.

The Board finds that it appears that the requirements of the Ordinance can be met with granting of this relief.

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

change in the established neighborhood character of the continued operations of or development of adjacent uses. As permitted in the Zoning Ordinance would not be adversely affected by the nature of the proposed use.

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

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

The Board finds that further -- that the modification of the existing telecommunication facility at the site proposed by the petitioner does not substantially change physical dimension of the existing wireless tower or base station at such facility within the meaning of Section 6409 of the Middle Class Tax Relief and Job Creation Act of 2012, also known as The Spectrum Act. Based on the above

findings, the Board moves that the petitioner be granted the Special Permit it is seeking subject to the following conditions:

That the work proceed in accordance with the plans submitted by the Petitioner and initialled by the Chair.

That upon completion of the work, the physical appearance and the visual impact of the proposed work will be consistent with the photo simulations submitted by the Petitioner and initialled by the Chair.

That the Petitioner at all times shall maintain the proposed work so that its physical appearance and visual impact will remain consistent with the photo simulations previously referred to.

That should the Petitioner cease to utilize the equipment approved tonight for a continuous period of six months or more, it shall promptly thereafter remove such equipment and reinstate the building on which it is located to its prior condition and appearance to the extent

reasonably practical.

That the Petitioner is in compliance and will continue to comply with all aspects the conditions imposed by this Board with regard to previous Special Permits granted to the Petitioner with regard to the site in question.

And inasmuch as the health effects of the transmission of electromagnetic energy waves as a matter of ongoing societal concern and scientific study, the Special Permit is also subject to the following conditions:

And as noted before, if I would ask the indulgence of the Board to say that a special addendum No. 1, and incorporated by reference and the Petitioner is well aware of those --

ATTORNEY DANIEL GLISSMAN: Correct.

BRENDAN SULLIVAN: -- those set of conditions. So I don't have to repeat all of that. And the record will show those to be incorporated in its entirety.

(One, the petitioner shall file with the Inspectional Services Department each report it files with the federal authorities regarding electromagnetic energy waves emissions emanating from all of the petitioner's equipment on the site. Each such report shall be filed with the Inspectional Services Department no later than ten business days after the report has been filed with the federal authorities. Failure to timely file any such report with the Inspectional Services Department shall ipso facto terminate the Special Permit granted tonight.

Two, in the event that at any time federal authorities notify the petitioner that its equipment on the site, including but not limited to the equipment permitted by the Special Permit granted tonight, fails to comply with requirements of law or governmental regulation, whether with regard to the emissions of electromagnetic energy waves or otherwise, the petitioner within ten business days of receipt of notification of such failure shall file with the

Inspectional Services Department a report disclosing in reasonable detail that such failure has occurred and the basis for such claimed failure, and sixty calendar days after receipt by the petitioner of such notification of failure, the Special Permit granted tonight shall ipso facto terminate.

Three, to the extent that a Special Permit has terminated pursuant to the foregoing paragraphs 1 and 2, the petitioner may apply to this Board for a new Special Permit, provided that the public notice concerning such application discloses in reasonable detail that the application has been filed because of a termination of Special permit pursuant to paragraphs 1 and 2 above.)

BRENDAN SULLIVAN: Anything else to add?

(No Response.)

BRENDAN SULLIVAN: All those in favor of granting the Special Permit.

(Show of hands.)

BRENDAN SULLIVAN: Five in favor.

DOUGLAS MYERS: Thank you very much.

ATTORNEY DANIEL GLISSMAN: Thank you.

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

* * * * *

(7:15 p.m.)

(Sitting Members Case BZA-012929-2017: Constantine

Alexander, Brendan Sullivan, Janet Green, Andrea A. Hickey,

Patrick Tedesco.)

CONSTANTINE ALEXANDER: The Chair will call case No. 012929, 45 Richdale Avenue.

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

ATTORNEY JAMES RAFFERTY: Good evening, Mr. Chair, members of the Board. For the record, my name is James Rafferty. I have an office at 675 Massachusetts Avenue in Cambridge. I'm appearing this evening on behalf of the applicants, New 47 Richdale Ave. Trust. Seated next to me are the two trustees and principal owners of the property. Simeon Bruner on my far left, B-R-U-N-E-R. And then my immediate left is Ms. Senta S-E-N-T-A Burton B-U-R-T-O-N.

I'm sure if the board members have had an opportunity to review the file, this is an application to effectively convert a longstanding auto repair, auto body shop on Richdale Avenue into a single-family residence. Mr. Bruner intends and Ms. Burton intend to occupy this as their home. The property today consists of an

industrial-style building of about 14,200 square feet. It consists largely of two levels; a ground floor or a slightly below level that you drive in through a ramp and the second floor. Mr. Bruner has blown up his elevations and plans a little in a way that I think will assist the Board in understanding what he's doing.

The overall concept involves a large removal of an existing portion of the building. And the exterior walls on a portion of the building will remain not as building walls but as courtyard walls. So if you think about it, the floor and the ceiling will be removed. So what Mr. Bruner will do -- and he's far better and able to give you all the details of the construction of what's happening, but if you think about it, the roof comes off the building -- or at least about three quarters -- maybe 60.

SIMEON BRUNER: The whole roof.

ATTORNEY JAMES RAFFERTY: Oh, that's right and you're going to put a new one on.

So the zoning issues arise in two principal areas; one is the non-conforming nature of the building, means that it does not have any setbacks. The entire building is built out to the property line.

Mr. Bruner's proposal involves increasing -- putting about a six-foot addition on to the existing building, but only in the front portion of the building where he intends to create the residence. So the elevation or the -- this section or this floor plan perhaps will show. This is the street front.

JANET GREEN: Can you tip it up a little bit, Jim?

ATTORNEY JAMES RAFFERTY: Sure. This is the -- this is Richdale Avenue here. This is the existing ramp. This portion of the building will go up a few steps. That will be the first floor. The basement will be the existing basement. You go down a ramp, and the balance of the space on the first floor will be a courtyard. So the permitted walls remain in place, but they've now become

courtyard walls.

CONSTANTINE ALEXANDER: What's all around courtyard? What does courtyard abut?

ATTORNEY JAMES RAFFERTY: The courtyard -- the building abuts this -- there's a zero lot line building on the other side --

CONSTANTINE ALEXANDER: It will be a wall of another building.

ATTORNEY JAMES RAFFERTY: In one case it's a wall. On the other side it's a parking lot. There's a parking lot for condominium building. On the -- I'm never great at these directions. The parking lot side is on the west. And we can show you in a surveyor site plan. So there's about a 20 car parking lot?

SIMEON BRUNER: Yep.

ATTORNEY JAMES RAFFERTY: On the west side. And then the building next-door is the former Hathaway Bakery which was converted --

CONSTANTINE ALEXANDER: In the back of the courtyard?

ATTORNEY JAMES RAFFERTY: In the back of the building is a commuter rail.

CONSTANTINE ALEXANDER: Commuter rail, that's right.

ATTORNEY JAMES RAFFERTY: Exactly. And it's at about a zero setback on all four sides of the building.

SIMEON BRUNER: This shows you, Jim. It's from the parking. This shows you the six-foot addition on the front of the building.

ATTORNEY JAMES RAFFERTY: This is the addition.

SIMEON BRUNER: And then these are -- this is courtyard.

ATTORNEY JAMES RAFFERTY: So from a zoning perspective, this wall, like all walls on this building are nonconforming. So increasing the height of the nonconforming wall requires a Variance. The height is still

well below the allowed height.

The GFA in the building is significantly reduced as you might imagine by two occurrences:

One is the basement of the building, which is GFA today, actually becomes the basement of a single-family home. So the GFA of the basement isn't in our FAR calculation.

And then the balance of the building that has become a courtyard, obviously is not GFA either. It's going to be open to the sky. It's one of the most interesting features in the building. And what is happening from a zoning perspective is -- and what we're here for a Variance for is to increase the height of the nonconforming walls in these three areas, and also to add windows on nonconforming walls. The area where most of the windows are being added is the front wall. But as the Board knows, that's on a public way. So the addition of those windows are permitted as of right, notwithstanding the nonconforming nature of

the front wall. And then we've identified the location where the other openings are going. And this opening here, this is facing the parking lot. These are all -- these are existing openings, but remember this is no longer a building wall, it's a courtyard wall. But nonetheless, the openings remain in their current locations.

These are three new openings, two windows and a door, which open on to the parking lot. And I believe you have a foot or two, do you not on --

SIMEON BRUNER: One foot, six inches to one foot, ten inch depending on which side.

CONSTANTINE ALEXANDER: For those three window units you need a Special Permit? That's the other half of the case.

ATTORNEY JAMES RAFFERTY: Right.

For those three and also for windows that are being added in the lower level along the commuter rail side.

CONSTANTINE ALEXANDER: Right.

ATTORNEY JAMES RAFFERTY: The window we've circled here is also an additional opening, but in this location this is a courtyard wall because there is no building. It's only the basement level.

PATRICK TEDESCO: Those windows will be glazed. They just look into the courtyard.

SIMEON BRUNER: We don't know yet. There's a back and forth.

PATRICK TEDESCO: Okay. But they're in the -- they're in the courtyard walls you said?

ATTORNEY JAMES RAFFERTY: Yeah, right.

SIMEON BRUNER: That's correct.

ATTORNEY JAMES RAFFERTY: It's, it's a feature -- certainly the ones in the building will be. And I suspect the one facing the commuter rail, you'll want to --

SIMEON BRUNER: We probably want to glaze them just for acoustic reasons, yes. We want to leave them

through for the airflow for the landscaping but you want to close them for size. Probably these will be closed, the ones on the parking lot will stay open.

ATTORNEY JAMES RAFFERTY: There is one feature of the building that we bring to your attention. And that is the treatment of the building as it abuts the multi-family building next-door. Through some discussion and conversation with the abutter, he's ascended to the construction going, the portion along his zero wall isn't an issue. It is true, however, that in this area right here, so this would be the street, there is a window in this location here on the abutter's building that will be filled in as a result of the wall going up passed the window. So Mr. Bruner has been in extensive discussions with the owner of the building, visited the unit in particular, and for the lot -- there will be a loss of one window. However, Mr. Bruner and the owner of that building have reached an agreement where that owner will have a benefit of a new

opening, a current window on that wall, will be turned into a door. And then this area here, as you step out, would forward the unit, the dwelling unit in the abutter's building, the benefit of a terrace. A tradeoff, if you will, the fact that the window on the abutting building is going to be enclosed once the non-conforming wall is extended.

So I know Mr. Bruner has met with the residents of the condominium next-door. They're excited about the prospect.

The zoning here, given the size of the building, the opportunities for conversion Special Permits would allow for seven dwelling units, and probably in all likelihood any other proposal here would probably involve more than one unit, but try as I might, I haven't been able to convince Mr. Bruner to add a second unit. I said this is going to be your last chance to get the unit. He is -- he's moving up in the world as it were. He currently is a Cambridge

resident, but at the moment he lives on a busy street and he likes the quiet.

SIMEON BRUNER: Of the railroad tracks.

ATTORNEY JAMES RAFFERTY: Of this Avon Hill, Mount Vernon Street area. So he's leaving his Brattle Street house and moving over here recognizing that this is the new cutting edge area in Cambridge where he can walk to the Porter Square T, where he can take advantage -- and his office is only, is down the road here on Prospect Street. He's a very talented architect who you may have seen some of his work the past week. He's responsible for the addition at the Mass. MoCA Museum and his work in institutional architecture is well known. He's the architect, I had the pleasure of working with him on the Lesley Porter Square art complex, the new building, the relocated and refurbished church is the result of Mr. Bruner's efforts. So I think personally he finds this a challenge. Ms. Burton seems up for the challenge. And we're here tonight to suggest that

the building, the hardship is directly related to the very unique elements of the building. That the increase in the wall height is not impactful either on the street or the abutters, and we would urge the Board to grant the relief we're seeking to allow for the creation of this building, the conversion of this into a single-family dwelling.

CONSTANTINE ALEXANDER: For the record as to Mr. Bruner's talents, I now live in a property that he many years ago converted. I didn't buy it from him. It was an intermediate owner I believe, but anyway --

SIMEON BRUNER: Which one? Upland Road?

CONSTANTINE ALEXANDER: Upland and --

SIMEON BRUNER: Whittier.

CONSTANTINE ALEXANDER: And Whittier.

SIMEON BRUNER: Oh, I know -- the big unit or one of the three smaller units?

CONSTANTINE ALEXANDER: The bigger unit. You and your family lived.

SIMEON BRUNER: We did. I had a bunch of nephews who lived there.

ATTORNEY JAMES RAFFERTY: Please, would you expect him in the small units, come on.

SIMEON BRUNER: It's a lot of bedrooms.

CONSTANTINE ALEXANDER: Same area of the city.

ATTORNEY JAMES RAFFERTY: No leaks or anything?

CONSTANTINE ALEXANDER: Say it again?

ATTORNEY JAMES RAFFERTY: No leaks? Everything is holding up?

SIMEON BRUNER: It's over 60 years, don't ask him. It's a nice unit.

CONSTANTINE ALEXANDER: Question: When did the auto repair body use of that property end?

SIMEON BRUNER: About a month ago.

ATTORNEY JAMES RAFFERTY: Very recently, yes.

CONSTANTINE ALEXANDER: So a month ago. That was a legal non-conforming use?

ATTORNEY JAMES RAFFERTY: That's correct.

CONSTANTINE ALEXANDER: So one of the benefits of what you want to do is to bring this property in conformance with the zoning, eliminate the non-conforming use, and have a residential use in a residentially zoned --

SIMEON BRUNER: But we're missing six units. We're only doing one instead of seven.

ATTORNEY JAMES RAFFERTY: Right. As stated in the supporting statement, but I wish I had been as bright to say that -- I've been watching a witness today say he didn't have the courage to say certain things, so I'm thinking perhaps I should have, I should have. But Mr. Bruner, unlike myself, is modest. He didn't want to be too boastful about what he's doing. I think the conversion speaks for itself. A single-family unit, as you correctly point out, it is non-conforming in a significant way. It's not merely an office. It's not -- it's not a different type of commercial use. It's a very active -- so one of the

features, if you look at the building, one of the more dominant features of the building is this huge cement block. Do we have a photo of it? I don't know if you can see it. It comes down. It's in the photos. Oh, on the -- yeah. So yeah, that big thing on the back is related to -- is that exhaust related?

SIMEON BRUNER: It was put on by Arthur D. Little in the 50s and Charlie Sullivan and I tried to figure what it was about. And I have the drawings for it but we don't know what they did with it. It's a big steel structure. It's going to come down. No one's upset about it.

ATTORNEY JAMES RAFFERTY: The other thing that goes away is that the auto body and painting activity vents out the wall overlooking the parking lot in the direction of the adjoining multi-family building. So that, all that activity, including the ventilation that's generated from the auto, the painting, the auto body painting, all of that obviously goes away with a single-family residence. So the

question about health and safety to occupants of the city, as we note in the supporting statement is quite apparent here.

CONSTANTINE ALEXANDER: Okay.

Comments or questions from members of the Board?

JANET GREEN: I was just going to say, I look forward to seeing the courtyard on the Cambridge garden tour.

ATTORNEY JAMES RAFFERTY: I was thinking the same thing because Mr. Bruner's home has been on --

JANET GREEN: His home, I've been many times.

ATTORNEY JAMES RAFFERTY: Oh, okay.

SIMEON BRUNER: Well, Senta is a landscape designer so.

ATTORNEY JAMES RAFFERTY: I thought the same thing, when this is done are you going to make the secret gardens of Cambridge tour?

JANET GREEN: Well, it's pretty secret.

SIMEON BRUNER: It's going right through the house. We'll have to think about that one a little bit. It's more secret, let's put it that way.

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

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

(No Response.)

CONSTANTINE ALEXANDER: Apparently not. There are no letters that I could see in the file, so I'm going to close public testimony.

Anything further you want to add?

ATTORNEY JAMES RAFFERTY: No, thank you.

CONSTANTINE ALEXANDER: Discussion or ready for a vote?

(No Response.)

CONSTANTINE ALEXANDER: Okay.

We're going to take two votes, obviously, one for

the Variance and one for the Special Permit. With regard to the Variance, the Chair moves that this Board make the following findings:

That a literal enforcement of the provisions of the Ordinance would involve a substantial hardship. Such hardship being is that this property could not be converted to residential use which is the zoning district in which it is now located.

And that the hardship is owing to the nature of the construction, sitting on long before zoning requirements that we now deal with that have been imposed, which has zero lot lines on four sides and therefore requires any zoning relief to do what is being proposed.

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

In this regard what is being proposed will allow a non-conforming property, an auto repair body shop, to be

made into a conforming property, a residential use.

Exhaust fans used in the auto body business which spew, if you will, odors and fumes out will be eliminated, and that also helps the health of the citizens of the city, and particularly the people in the neighborhood.

And this proposal has no -- received no objection from abutters or the like.

So on the basis of all of these findings, the Chair moves that we grant the Variance requested on the condition that the work proceed in accordance with plans submitted by the Petitioners, Simeon Bruner and the first page of which has been initialled by the Chair.

All those in favor please say "Aye."

(Aye.)

CONSTANTINE ALEXANDER: Five in favor. Variance granted.

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

ATTORNEY JAMES RAFFERTY: I just want to confirm

there was a Monday filing that reflected -- I just wanted to make sure the date on that --

CONSTANTINE ALEXANDER: It just says April.

SIMEON BRUNER: The Monday filing is dated June.

CONSTANTINE ALEXANDER: Okay, I don't have that in the file. Or if I did, I missed it. Do you have another copy here?

SIMEON BRUNER: Jim, do you have a small copy?

ATTORNEY JAMES RAFFERTY: I do have a small copy, yeah. But the last elements associated with the abutter and that terrace are in June.

SIMEON BRUNER: And also an earlier plans had the building on the north. And that did not work, we moved it. If it's on an earlier plan, it doesn't work.

ATTORNEY JAMES RAFFERTY: That's a smaller version of that.

CONSTANTINE ALEXANDER: Except what you described, these are identical to the ones that were in the file.

MARIA PACHECO: Are you sure they're not in there?

CONSTANTINE ALEXANDER: Maybe they're paper clipped in. Let me give this back to you. Let me just check. I think Maria is right.

SIMEON BRUNER: We didn't have a picture on the latest submission.

MARIA PACHECO: Right there.

CONSTANTINE ALEXANDER: Right there. It's June. Let me initial them, each page.

ATTORNEY JAMES RAFFERTY: Great, thank you.

CONSTANTINE ALEXANDER: Sorry for the confusion. We took the vote and we have to take the vote on the Special Permit. I'm just finishing initialing these pages.

All right, turning to the Special Permit, the Chair moves that this Board make the following findings:

That the requirements of the Ordinance cannot be met without the granting of a Special Permit.

That what is being proposed will not cause -- with regard to traffic generated or patterns of access or egress, will not cause congestion, hazard, or substantial change in established neighborhood character.

That the continued operation or development of adjacent uses as permitted in the Ordinance will not be adversely affected. In fact, it will be beneficially affected given the fact that you're going to be converting from an auto body shop to a single-family residence.

That no nuisance or hazard will be created to the detriment of the health, safety, and/or welfare of the occupant or the citizens of the city. And, again, in fact just to the contrary given the elimination of the exhaust fan.

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

And, again, as I pointed out earlier, that what is being proposed will allow a property that is now a non-conforming use to become a conforming use.

So on the basis of all of these findings the Chair moves that the Board grant the Special Permit requested, again, on the condition that the work proceed in accordance with the plans referred to with regard to the Variance we granted.

All those in favor please say "Aye."

(Show of hands.)

CONSTANTINE ALEXANDER: Five in favor.

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

* * * * *

(7:35 p.m.)

(Sitting Members Case BZA-013091-2017: Constantine Alexander, Brendan Sullivan, Janet Green, Andrea A. Hickey, Patrick Tedesco.)

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

Is there anyone here wishing to be heard on this matter? Good evening again.

DEANNA SKOW: Hello. Deanna Skow, 63 Dudley Street.

ARCH HORST: And Arch Horst, the architect. Black River Architects, 640 Mass. Avenue, Cambridge.

CONSTANTINE ALEXANDER: Okay.

ARCH HORST: So these -- there's a series of

houses along Dudley Street. They all have the same or similar footprints. Things have been done to them over the years. They probably were workers' cottages. They're very small, about 600 square feet on the floor. And they're really only a floor and a half. They don't have a full second floor. So what the Skows are trying to do, their family has grown, and they want to have three full bedrooms. The one room that's used as a bedroom isn't legal. It's not -- it doesn't have the seven-foot dimension in one direction. So what they're proposing to do is add about 75 feet in back on top of an existing extension, add a dormer -- well, it's not really a dormer, it's just an extension of the wall. Because as you can see in the section that it really doesn't sit on the roof. It just sort of --

CONSTANTINE ALEXANDER: Sits on the wall.

ARCH HORST: On the wall.

CONSTANTINE ALEXANDER: On the wall.

ARCH HORST: Yeah.

So they're adding that which is within the setback and two skylights which are in the setback on the other side. And just to make that clearer, the twelve and a half foot setback comes to about the ridge. And the seven and a half foot setback, I mean you can choose which way to go, left or right, would include these two skylights which are going -- and one goes over the new bathroom and one goes over the stair.

CONSTANTINE ALEXANDER: And those skylights are in the setback and that's why you need zoning relief?

ARCH HORST: Yes.

CONSTANTINE ALEXANDER: That's a Special Permit not the Variance.

ARCH HORST: Right.

CONSTANTINE ALEXANDER: Looking for two forms of relief, just to be clear?

ARCH HORST: Yeah.

CONSTANTINE ALEXANDER: Okay.

You want a Variance for the increase?

ARCH HORST: I'm just thinking about that because it's within the setback and you're right, it's a --

CONSTANTINE ALEXANDER: When you put a window in a non-conforming wall, the approach the Inspectional Services Department takes these days is you got to get a Special Permit.

ARCH HORST: Okay.

That's it. It's floor area ratio and it's some changes within the setback.

CONSTANTINE ALEXANDER: Okay.

PATRICK TEDESCO: Just trying to remind myself in the floor area ratio?

ANDREA HICKEY: Yeah, can you talk about that?

ARCH HORST: It's about three percent I think.

CONSTANTINE ALEXANDER: It's significant. Right now it's a 0.5 district.

ARCH HORST: Yeah.

CONSTANTINE ALEXANDER: And right now they're at 0.76. And they would go to 0.8 if we grant the relief they're requesting. They're getting close to 50 percent more than what is permitted from an FAR point of view.

ARCH HORST: These lots are small. And you can almost do nothing without increasing the floor area, right? I mean, if you add even just a little bit.

CONSTANTINE ALEXANDER: And there are setback issues as well?

ARCH HORST: Yeah. Well, the setback issues are profound. I mean it's like two feet. There's a whole, six of these houses I think.

DEANNA SKOW: Yeah.

ARCH HORST: Yeah. And this would not change the appearance from the street. So this is all either in the back or on the side. And the houses are so close together that you can almost not see these changes.

CONSTANTINE ALEXANDER: And currently the house is 1200 roughly, almost 1300 square feet of living space.

ARCH HORST: Right.

CONSTANTINE ALEXANDER: And you're going to add 70-something feet.

ARCH HORST: Right. It's not a lot. It's enough to get us a legitimate third bedroom. And they have three children.

DEANNA SKOW: It will make a big difference for us.

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

(No Response.)

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

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

(No Response.)

CONSTANTINE ALEXANDER: Apparently not.

We are in receipt of two letters. They're identical which I'll read into the record.

One is from Meg Bond who resides at 61 Dudley Street. (Reading) I am writing in support of Deanna and Brad Skow's proposal to make changes to their home at 63 Dudley Street. This person's an abutter obviously. I have had the opportunity to look over the plans and have no objections to them. I hope that you will vote to approve this plan.

And the identical letter comes from Jane Quincy, Q-U-I-N-C-Y who resides at 65 Dudley Street. So you have two letters of support. No apparent opposition to what you're seeking.

I will close public testimony. Anything further you want to add?

ARCH HORST: No.

CONSTANTINE ALEXANDER: Ready for a vote? . We'll

take, again, two votes. We'll start with a Variance.

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

That a literal enforcement of the provisions of the Ordinance would involve a substantial hardship. Such hardship being is that the petitioner has and anyone who resides in that home as a single-family residence of a rather small size and their additional living space is required for growing families.

That the hardship is owing to the fact that this is a non-conforming older structure, and therefore any modification, virtually 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 and purpose of the Ordinance.

And we can make that finding it seems to me on the basis that this is an attempt to upgrade the housing stock

of the City of Cambridge by allowing growing families to occupy the structure with some breathing space.

So on the basis of all of these findings, the Chair moves that we grant the Variance requested on the condition that the work proceed in accordance with two pages of plans prepared by Black River Architects, both of which have been initialled by the Chair.

All those in favor please say "Aye."

(Aye.)

CONSTANTINE ALEXANDER: Five in favor.

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

CONSTANTINE ALEXANDER: Okay, turning to the Special Permit. The Chair moves that we make the following findings with regard to the Special Permit being requested:

That -- and the Special Permit again relates to the skylights in the setback.

That the requirements of the Ordinance cannot be met without the granting of a Special Permit.

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

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

Again, this is, this is, we're talking about skylights. They look up to the sky and there's no issues -- should not be any issues of privacy on abutting properties. And further we have letters of support from the current occupants of those abutting properties.

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

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

Ordinance.

So on the basis of these findings, the Chair moves that we grant the Special Permit requested, again, on the condition that the work proceed in accordance with the plans referred to with regard to the Variance.

All those in favor please say "Aye."

(Aye.)

CONSTANTINE ALEXANDER: Five in favor. Good luck.

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

* * * * *

(7:45 p.m.)

(Sitting Members Case BZA-013092-2017: Constantine Alexander, Brendan Sullivan, Janet Green, Andrea A. Hickey, Patrick Tedesco.)

CONSTANTINE ALEXANDER: Turning to our regular agenda, first case, the Chair will call case No. 013092, 315

Windsor Street.

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

MAGGIE BOOZ: I'm Maggie Booz, B-O-O-Z. Smart Architecture. I'm the architect for the project.

MAUREEN HUGHES: I'm Maureen Hughes. I live at 315 Windsor.

JOSH HUGHES: I'm Josh Hughes. Also living at 315 Windsor.

MAGGIE BOOZ: Josh and Maureen bought the house at 315 Windsor last year, 2016, and they have a toddler. And there's almost no exterior space at the house outside of the driveway. And so what they've done is they've sort of turfed their driveway over and put some bushes and pots to try to sort of privatize the driveway from the street. It's also a very small driveway. And so what they're, what they're hoping to do is to build a garden, a roof garden and deck area up on the top of their flat roof. They have a

really unusual house in that it's only two stories, there isn't any attic space at all, and it has a completely flat roof with a chimney coming out of it right now. And so what we've proposed is a roof, a roof garden that sets in from the front facade about 13-and-a-half feet. So that it isn't looming over the street. It gives them just some desperately needed exterior space.

CONSTANTINE ALEXANDER: What about in the back, is it going to go right to the edge of the roof or close to it?

MAGGIE BOOZ: It does. The roof has a very large overhang as you can see. So obviously we're not on to the overhang. We're a good 22 inches back from the actual edge of the roof.

CONSTANTINE ALEXANDER: My question, the reason I ask the question --

MAGGIE BOOZ: Yes.

CONSTANTINE ALEXANDER: -- is how close will that part of the deck be to the neighboring property?

MAGGIE BOOZ: Yeah, it's really tight.

CONSTANTINE ALEXANDER: The only issue we have is roof decks.

MAGGIE BOOZ: Yeah.

CONSTANTINE ALEXANDER: I'm sorry to interrupt you.

MAGGIE BOOZ: No.

CONSTANTINE ALEXANDER: And something that we are concerned about, particularly in congested neighborhoods which yours is, is issues of privacy and noise. You're looking into people's windows or the ability to do so. Or having wild parties and causing your neighbors a little bit of distress. So that's what -- address that if you will. I know one thing I thought was positive is the fact that the railing is going to be solid.

MAGGIE BOOZ: That's right.

CONSTANTINE ALEXANDER: So that has a private -- that creates its own privacy it seems to me.

MAGGIE BOOZ: Yeah.

CONSTANTINE ALEXANDER: And somewhat of a noise buffer.

MAGGIE BOOZ: Yeah. And we weren't trying to make a, you know, a very, very open space. I mean, in fact I think Maureen and Josh would prefer that the walls were higher, but I was concerned about things getting higher, casting shadows or, you know.

CONSTANTINE ALEXANDER: How high will they be?
I'm sorry.

MAGGIE BOOZ: It's a three-and-a-half foot, 42-inch high railing, you know, essentially. I mean there's a solid part and then there's a small part of open part above it. But we were just trying to -- I was trying to balance giving them the privacy that they wanted and also not make it feel like it was just, you know -- I don't know how to put it, a porch that, you know, that you'd go barbecue on or something. They're not going to do that. I

mean, the idea is to just have an outdoor room and in the way that a garden can be. And to also to grow things.

Because the fact is that the building that's right -- that abuts their property on the south side, which is where all their, obviously where all their light is coming in, is very tall and very close to the property line, too. So there are, that driveway is essentially a very, very shady space. So it -- there's no room to, you know, there's no -- there's no fresh air to this site or to this building. There aren't porches. The building wasn't built with porches. And it, it's just this little solid block, densely placed, very tight on its site. And it seems like one of those rare instances when a deck, a garden up higher could be not quite so airborne as the three-story, you know, flat roof, triple decker type of thing that I know you guys would never approve. So that's what we're -- that's what we're trying to achieve here.

CONSTANTINE ALEXANDER: Have you talked to the

abutters mostly directly affected? We have no letters or anything in the files.

MAUREEN HUGHES: Yeah. We have a letter for you.

CONSTANTINE ALEXANDER: Okay, thank you.

MAUREEN HUGHES: And we can just speak to that a little bit. I'm an elementary school principal. We are looking to continue our family here. We are not looking for a place to party. We are looking for a quiet place.

One of the joys of being a principal is that I know a lot of families and children, but with that comes --

CONSTANTINE ALEXANDER: You're a principal in Cambridge?

MAUREEN HUGHES: I'm not at the moment. I'm not. I'm in a neighboring town.

And so I have the pleasure of often when I'm out in the stores or in the parks, I see a lot of families which is I certainly enjoy. But an opportunity like this would give us a private place to be quiet as a family.

So we do have a letter from one of our neighbors and we have spoken to our neighbors on all sides.

CONSTANTINE ALEXANDER: I'll read it into the file at the appropriate time.

MAUREEN HUGHES: Sure. And one is also here to speak tonight.

CONSTANTINE ALEXANDER: Oh, okay. Questions from members of the Board?

ANDREA HICKEY: Did any of the neighbors voice any concerns or were they all supportive of your project?

MAUREEN HUGHES: They were all supportive. One is -- one actually was a good partner with us as we looked at the plans that we shared at each stage as we developed it.

The other one on the other side has a, in they have a small space with a gorgeous garden which we look out on from their window, and they are the ones who wrote a letter and said how happy they would be. They're on the

third floor, to be able to see a garden, because they cannot see their own from their windows.

MAGGIE BOOZ: That's this right here, right?

MAUREEN HUGHES: Correct, yes.

MAGGIE BOOZ: So there's a -- let me see if I can describe it. This is Maureen and Josh's house. And this is the house that's on Hampshire Street, right here. And they have this lovely little garden right here. And they get good light for it. And then there is quite a lovely house on the other side, on the sort of north side of Josh and Maureen, and there's a pretty good green space in between Josh and Maureen's property and their property. So they've -- and you have -- you tried to contact the apartment building.

MAUREEN HUGHES: Correct. We've been able to speak to the renters but not the owner of that building.

MAGGIE BOOZ: And that's the building at the rear, right back here.

CONSTANTINE ALEXANDER: And the current renters didn't express any opposition?

MAUREEN HUGHES: No, they had no opposition or no objection.

JANET GREEN: This is the house that was rotated onto its site?

MAGGIE BOOZ: It was. It was pivoted.

MAUREEN HUGHES: Yeah. It's a wonderful home. I mean, we've been married five years. This is our first home. We love Cambridge. We want to stay here. We want to raise our children here. So we wanted to come forward and ask.

CONSTANTINE ALEXANDER: Comments or questions from members of the Board at this point?

(No Response.)

CONSTANTINE ALEXANDER: Apparently not.

I'll open the matter up to public testimony. Is there anyone here wishing to be heard on this matter.

Yes, Ma'am, please come forward, both of you, and give your name and address to the stenographer.

JOSEPH BURKE: Okay. My name is Joseph Burke. I live at 327 Windsor Street. And what else? We just -- we just wanted -- one of the things we wanted an opportunity to look at the plans. We haven't seen them. One of the things that also came up in our conversations was basically a venting system, a direct venting system towards our property which concerns me. I know there are noise ordinances in Cambridge, but there are of course these external motorized type which make a lot more noise. You know, something internal. I would prefer it to be the other way if possible towards their driveway area.

Just general concerns about privacy. Things that have come up in conversation here; privacy, lighting, things like that would be something that we would want to know a little bit more about and see exactly what this, the structure looks like.

CONSTANTINE ALEXANDER: This is the time to find out. What's the venting for given the nature?

JOSEPH BURKE: Direct venting, you're going to take the chimney down basically?

MAGGIE BOOZ: Yeah. So what we -- these guys have a broken boiler, so we were going to do a direct vent boiler that is, you know, that doesn't vent through a chimney, it goes out through the side of the house. But we actually did -- I know that Josh and Maureen had said that you were concerned about that. And we talked to the plumber, John Walsh, and talked to him about venting it out in the other direction. And so then it was like, we can do this. We can, you know, we can vent it towards the driveway which of course would be -- I mean, those -- those systems what they do is they, they run all year long because you attach your hot water, you know, to them. So the boiler's making the domestic hot water. So they create steam and exhaust in the summertime as well as in the wintertime. So the two things

kind of became intertwined. Well, that would be great if they don't have to use the driveway for their yard anymore, you know, then we can just vent everything in that direction to kind of keep the exhaust going in, you know, going in that direction rather than in your direction. And we talked to the plumber and he said that was perfectly possible.

CONSTANTINE ALEXANDER: So your representation is you will vent away from these folks' property --

MAGGIE BOOZ: Correct.

CONSTANTINE ALEXANDER: -- and into the driveway.

MAGGIE BOOZ: Correct.

CONSTANTINE ALEXANDER: You also had a question about privacy?

JOSEPH BURKE: Yeah, things of -- it's a roof deck. It looks down into the yard, you know. There is space between our house and their house, of course. But there's, you know, there's always those concerns that, you know, I hope Josh stays -- they stay a long time, because

there's been, there's been a history with the house of about every five years someone basically sells the house and someone new comes in. We have been there life long. I mean, so that's another concern for us basically. And --

ANDREA HICKEY: Could you show me on the plan just the direction of your house? The plot plan.

MAGGIE BOOZ: So this is, you're over here?

JOSEPH BURKE: Yeah.

CONSTANTINE ALEXANDER: So the back and to the rear of the structure, correct?

MAGGIE BOOZ: The side.

JOSEPH BURKE: Sides of the house, yes. We would be next-door.

MAUREEN HUGHES: There's the yard.

JOSEPH BURKE: We're this house right here.

MAUREEN HUGHES: Yeah, this is your driveway. So that's his yard.

JOSEPH BURKE: Yeah, so there it is -- that's the

property line there. That's our yard here, that's their house right there.

ANDREA HICKEY: On the plot plan show me where it would be. Which is the drawing on the top to the left?

JOSEPH BURKE: Here's Windsor Street right there? We're right here.

ANDREA HICKEY: And there's Hampshire.

JOSEPH BURKE: And we're right here. Is that --

(All talking at once.)

ANDREA HICKEY: So the next house that way?

JOSEPH BURKE: Yeah.

ANDREA HICKEY: Where you've represented is the green space in between?

MAGGIE BOOZ: Yes.

ANDREA HICKEY: Okay, thank you for clarifying that.

MAGGIE BOOZ: It seems to me that lighting is an extremely important thing to have brought up. Because that

is something -- and we haven't planned, we haven't planned any -- I mean, there will be lighting of some kind on the door because it's required by code. As you come out of a door and onto a place, but it seems to me that would be something that you guys would have to be particularly careful of in the design because, because you don't want things shining into somebody else's yard.

MAUREEN HUGHES: Of course.

MAGGIE BOOZ: We totally.

CONSTANTINE ALEXANDER: I'm going to suggest that we impose a condition, should we grant the relief you're seeking, that you will do that. Personally, this is only personally, I'm probably dead wrong, I usually am. But I would have made the fence on the deck higher because that would help the privacy for these folks. Three-and-a-half feet is not very high.

JOSEPH BURKE: It's a funny balance for us basically. It's either, you know, you make a higher fence,

you get more privacy but then there's kind of a like a sight line that you lose --

CONSTANTINE ALEXANDER: Yeah.

JOSEPH BURKE: -- looking over that area.

CONSTANTINE ALEXANDER: Choose your poison. If you had to choose, what would you choose? Just out of curiosity.

JOSEPH BURKE: Well, not knowing exactly where the deck is located on top of the house basically is one thing that I'd want to know. I'm not sure. I, I think you mentioned it was 20 feet? How many feet?

MAGGIE BOOZ: It's 13-and-a-half feet.

CONSTANTINE ALEXANDER: The plans show where it's located.

JOSEPH BURKE: I don't have the plans.

CONSTANTINE ALEXANDER: You want to show him?

MAGGIE BOOZ: Thank you.

ANDREA HICKEY: And might there be an option to

have the bottom part solid and maybe a taller, higher part that will let light and air through?

MAGGIE BOOZ: And it is like that. It is. It's just that we have it at 42 instead of at four feet or something.

ANDREA HICKEY: That's what I was thinking.

MAGGIE BOOZ: Yeah.

So this is what -- this is what you see.

JOSEPH BURKE: Right.

MAGGIE BOOZ: Here's the roof plan. So here's the roof plan. Your property is over here.

JOSEPH BURKE: Yeah.

MAGGIE BOOZ: Your house is over here.

JOSEPH BURKE: Right.

MAGGIE BOOZ: It's set back -- it's aligning with the plane of the building but the building then has that big overhang at the roof level --

JOSEPH BURKE: Yeah.

MAGGIE BOOZ: -- and then it aligns -- so it's
in -- the wall of the --

JOSEPH BURKE: For structural purposes you got it
lined up one --

MAGGIE BOOZ: Thank you.

JOSEPH BURKE: I understand.

MAGGIE BOOZ: Thank you.

And then this is set back 13-and-a-half feet from
the roof edge to here.

JOSEPH BURKE: Okay.

MAGGIE BOOZ: So we've tried to, you know, sort of
contain it at the rear.

JOSEPH BURKE: Yeah.

MAGGIE BOOZ: Not make it overly large and not
make this overly high.

JOSEPH BURKE: Uh-huh.

MAGGIE BOOZ: That was the idea.

JOSEPH BURKE: Yeah, I mean I don't know how you

feel. I mean, I like -- one thing that I like is that it's more towards the back of the house as opposed to the front of the house which is kind of nice. I'm glad that, you know, I'm glad that you guys decided to put the direct vent on the other side. That's great, too. Whether it's 42 or higher, I guess wouldn't make a difference either way to us at this point.

CONSTANTINE ALEXANDER: Okay.

JOSEPH BURKE: Just because of the location of the deck itself, too. That would be fine. But, you know, I am.

STELLA BURKE: I'm Stella Burke. I live at 325 Windsor Street, and that side of the house faces their property. And I had the same concerns as Joe did, because of the fact that all the windows of my home face that side. So I was concerned about the privacy issue and the lighting issue. You know, depending on the height of the fence and things like that, if I'm going to lose my sight line and things like that. So, I think we had the same concerns.

JOSEPH BURKE: It seems to me now there's a three decker to this side, you know, not that I'm out there gazing at the stars all night, you know. But at least, you know, you can kind of look through there and you can see -- I mean, so it isn't interfering with us. We were looking at the back end of the house here basically. That was it. I mean it seems, it seems like a nice plan. I mean, yeah, you can't leave, though, you have to stay there.

CONSTANTINE ALEXANDER: I'll put that in the decision.

MAUREEN HUGHES: No, that's why we want to do this. The last family had children and we actually were -- we ended up switching moving boxes. And we said why did you leave? And they said we love this house but we wanted outdoor space. And so we hope to stay. We love having you as neighbors actually. You guys are great.

JOSH HUGHES: Well, you guys do a such nice job with your yard. And next-door neighbors with their garden.

We thought --

MAUREEN HUGHES: They have a beautiful yard, yes.

JOSEPH BURKE: I mean I have nothing to say about it.

CONSTANTINE ALEXANDER: Thank you for taking the time to come down. We appreciate the neighborhood input.

Thank you.

JOSEPH BURKE: Okay, thank you. Good luck.

CONSTANTINE ALEXANDER: Anyone else wishing to be heard on this matter?

(No Response.)

CONSTANTINE ALEXANDER: Apparently not.

We are in receipt of a letter as well from David Cochary C-O-C-H-A-R-Y and Angela Ayre, A-Y-R-E. They reside at 93 Hampshire No. 3. (Reading) Dear Members of the Board: We have resided on the third floor of 93 Hampshire Street for the past 15 years. When we saw the public notice for this project displayed on their property, we approached our

new neighbors with our questions and concerns. They welcomed our questions and comments and have been completely forthcoming with all their information. We came away from this conversation very excited by their proposal. As the neighbors most directly impacted by this project, we think this is an exciting idea that will be an asset to both our living space and to our neighborhood. After closely looking at all of their information, we have no reservations. We will be so happy to look out our window and see rather than an ugly old black flat roof, a vibrant, green garden space. We hope every consideration will be given to this project.

Nice letter.

I'll close public testimony. Anything final you want to add? You don't have to.

MAGGIE BOOZ: Well, I just -- I guess I would point out that in the Zoning Ordinance we do, we do have a Zoning Ordinance that encourages open space and, you know, we have minimums.

CONSTANTINE ALEXANDER: Open space is usually on the ground.

MAGGIE BOOZ: True. But decks and porches count. So, but I would just say it's healthy. It benefits everyone. It's a good thing.

CONSTANTINE ALEXANDER: Well, we've talked -- when I make a motion, we've talked about venting. You've agreed to that. I'm also going to suggest to my board members a condition that you do everything you can to minimize the impact of your lighting on that roof deck in terms of impacting your neighbors. Try to -- obviously a little light over the door is not going to be a big issue, but no major light. I'm not going to be specific. But we don't expect you to disrupt the neighborhood with bright lights. And I don't think you would do that anyway.

MAGGIE BOOZ: It's super important.

CONSTANTINE ALEXANDER: Ready for a vote?

Okay, we have, again, I think we have two votes

here? We have just a Variance. I thought maybe there was more.

Okay, the chair moves that we make the following findings with regard to the Variance being sought:

That a literal enforcement of the provisions of the Ordinance would involve a substantial hardship. Such hardship being is that the nature of the lot particularly is mostly it's paved to the extent there's no structure. Is such that there is a need for other means of providing open space for occupants whoever they may be of the premises.

That the hardship is owing to the fact that this is an older non-conforming structure and 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 and purpose of the Ordinance.

In this regard, the Chair would note that what is being proposed will improve the green space in the

neighborhood. It has neighborhood support or certainly no opposition. And it is something that will enhance the liveability of whoever occupies the structure at 315 Windsor Street.

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

That the work proceed in accordance with the plans provided -- prepared by Smart Architecture, four pages all of which has been initialed by the Chair. That's No. 1.

And No. 2, that any new venting that's going to result from the renovations you're doing to the structure will be directed so they're not on your neighbor's property. It will be toward the driveway.

And No. 3, that you'll make every reasonable effort to minimize the impact of any lighting that you have on your roof deck to not impact your neighboring properties.

That's it. All those in favor of the Variance on

this basis please say "Aye."

(Aye.)

CONSTANTINE ALEXANDER: Five in favor. Variance
granted.

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

* * * * *

(8:05 p.m.)

(Sitting Members Case BZA-013107-2017: Constantine

Alexander, Brendan Sullivan, Janet Green, Andrea A. Hickey,

Patrick Tedesco.)

CONSTANTINE ALEXANDER: The Chair will call case No. 013107, 12 Granville Road, No. 3.

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

BENJAMIN PEARCE: Hello.

CONSTANTINE ALEXANDER: Hello.

BENJAMIN PEARCE: Mr. Chair, Board. Good evening. My name is Benjamin Pearce. I live with my wife on top of the a triple decker on Granville Road, and we are seeking a Special Permit for the installation of a window in the rear gable of the attic.

CONSTANTINE ALEXANDER: I don't mean to interrupt you.

BENJAMIN PEARCE: Oh, sorry.

CONSTANTINE ALEXANDER: I looked at the plans, I thought I saw two new windows on the plans.

BENJAMIN PEARCE: Oh, two new windows. One

opening.

CONSTANTINE ALEXANDER: Your advertisement says one window. But there's going to be two, one in the front of the building and one in the back.

BENJAMIN PEARCE: So the project was started -- the front windows were installed in 2015 along with the skylights. When we purchased the building, there was absolutely nothing in the attic and we insulated it and wanted to add fenestration for -- to make the building more energy efficient and basically be able to store more things in the attic. It's not finished space.

CONSTANTINE ALEXANDER: Yeah, but, so you're adding one window in the rear. And the one in the front has been there?

BENJAMIN PEARCE: Yes, sir.

CONSTANTINE ALEXANDER: Okay. Your plans say new window in the front and new window in the back. That's why I'm confused.

BENJAMIN PEARCE: Oh, gracious. Oh, no, sir, the window in the front was --

CONSTANTINE ALEXANDER: There?

BENJAMIN PEARCE: Was there from 2015.

CONSTANTINE ALEXANDER: Okay.

BENJAMIN PEARCE: I apologize if it wasn't annotated.

And so we went -- the original intention two years ago was to have the window in the rear installed, but the building is not conforming and the contractor did not want to do this. So he framed it up and said you're on your own, buddy. So in order to try and avoid this going forward, I wanted to go ahead and sort out the Special Permit so that I can have my neighbor John Lynch put the window in.

CONSTANTINE ALEXANDER: Okay.

Questions from members of the Board?

ANDREA HICKEY: When did you buy the property?

BENJAMIN PEARCE: 2014.

ANDREA HICKEY: So did you put the front window
in?

BENJAMIN PEARCE: Yes, Ma'am.

CONSTANTINE ALEXANDER: Then I guess it was done
as a matter of right hopefully.

BENJAMIN PEARCE: Yes. We sorted everything out
by the book.

ANDREA HICKEY: All right.

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

Is there anybody here wishing to be heard on this
matter.

(No Response.)

CONSTANTINE ALEXANDER: Apparently no one wishes
to be heard. I don't -- we don't have any letters in our
files.

Did you speak to the person who would be most
affected by your new window?

BENJAMIN PEARCE: Yes, sir.

CONSTANTINE ALEXANDER: And what do you report to us?

BENJAMIN PEARCE: They are, they are okay with it.

CONSTANTINE ALEXANDER: Okay. Discussion or ready for a vote?

JANET GREEN: Ready.

ANDREA HICKEY: Ready.

CONSTANTINE ALEXANDER: Okay.

The Chair moves we make the following findings with regard to the Special Permit being requested:

That the requirements of the Ordinance cannot be met without this granting of this Special Permit.

That traffic generated or patterns of access or egress resulting from the new window will not cause congestion, hazard, 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 proposed. And you've represented to us that the neighbor most affected by the new window does not have any objection.

BENJAMIN PEARCE: Correct.

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

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

So on the basis of these findings, and with regard to the last point, that the relief being sought is rather modest in nature -- so on the basis of these findings the Chair moves that we grant the Special Permit you requested on the condition that the work proceed in accordance with this plan that you submitted.

BENJAMIN PEARCE: Yes, sir.

CONSTANTINE ALEXANDER: Which I have initialled.

All those in favor please say "Aye."

(Aye.)

CONSTANTINE ALEXANDER: Five in favor.

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

* * * * *

(8:10 p.m.)

(Sitting Members Case BZA-013181-2017: Constantine

Alexander, Brendan Sullivan, Janet Green, Andrea A. Hickey, Patrick Tedesco.)

CONSTANTINE ALEXANDER: The Chair will call case No. 013181, 155 Walden Street, No. 2.

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

ATTORNEY SEAN HOPE: Good evening, Mr. Chairman, Members of the Board. For the record, attorney Sean Hope, Hope Legal Law Offices in Cambridge. I'm here tonight on behalf of the petitioners. We have Eliza and Chris Rafferty. We also have project architect Robert Linn.

ROBERT LINN: L-I-N-N.

ATTORNEY SEAN HOPE: So this is an application requesting Variance relief for setback as well as a de minimus 368 square feet addition to the existing three-family structure. This is a non-conforming structure, which it's already over the allowed FAR. And also it's sited within two feet or two-and-a-half feet from the side

yard setback.

The purpose of this petition is to add an additional living space for the second floor occupants, the petitioners. These petitioners have lived in Cambridge for seven years. They have two small children, one of which is in the Cambridge school system. This is a family-friendly neighborhood. If you go by the site, it's directly across from Raymond Park. So the petitioners bought seven years ago with the idea of growing their family and really would like to stay.

The current layout is a two-bedroom, and so the square footage is for an additional bedroom. There is also a deck that is adjacent to the bedroom. That's not included in the FAR. But as you've seen with many three-families, it is additional outdoor space. And for a second and a third floor unit, especially with young children, having that ability to have outdoor space is essential. It's not driving the Variance, but it is part of the design.

If you go see the site, much of the backyard is for parking and it's paved. So really there's not a whole lot of outdoor space.

I would say that this addition makes a lot of sense because of the way the building is laid out. There is an existing first floor addition, and so stacking the second and third floor addition on top of those makes a lot of practical sense.

There's also a financial component. This work is expensive, and so that by having the second and third floor addition, and actually all three unit owners would be participating in the construction. There is the first floor unit owner here who is actually going to be doing some renovations. And so part of that renovations to that basement area would allow for foundation work. So the timing is really right for them to do all three stories, to do it now.

Also, part of the application was reaching out to

the adjacent neighborhoods, adjacent neighbors. And I think -- I know there are letters of support but there is also a petition in the file as well.

CONSTANTINE ALEXANDER: There is.

ATTORNEY SEAN HOPE: So there's very strong neighborhood support. I would say, you know, oftentimes with a rear yard addition there's issues of open vistas or people blocking light and air. If you actually go in the backyard, you'll see that almost all of the multi-families have either decks or some kind of outdoor protrusions in that backyard. So it's almost creating a cul-de-sac. So I would say their proposed addition is consistent with what's already existing for the adjacent surrounding properties.

And I would also say in terms of the depth of the adjacent structure, once you fill in the second and third story, it's really going to be consistent with the depth of the other buildings that are adjacent to it. So for a lot of these reasons the practicality makes a lot of sense.

Also, too, this is not a case where they're going to be taking up open space or building into rear yards which oftentimes leads to flooding and other issues in this area. So there's going to be no lacking in green space. And as I already mentioned, there will be additional small, private open space.

I would also say that sometimes decks, where they're oriented, makes a difference. And even though they're not a generous size decks, they're appropriately sized. They're also positioned in such a way that they're going to be away from some close abutters.

So I think I may have covered most of it. We have the architect here if there's any questions about design from the Board.

CONSTANTINE ALEXANDER: One thing that gives me pause, not a lot of pause, but something I think is worth mentioning and make it part of the record. Is that the house is very non-conforming in terms of FAR. And in a 0.75

district it currently is 1.3. And with the addition you're going -- not dramatically, but you're going up to 1.4.

That's again 50 percent or so above what's permitted. I mean, and you've made the case for why that notwithstanding we should grant the relief. But I think it's important for board members to be aware of that's what's involved in this case is the departure, significant departure of the structure from the FAR requirements of our Ordinance. Most of which is a result of construction long before we had an Ordinance. But nevertheless it's there.

ROBERT LINN: One other small component that adds to the FAR is their back porch has no cover right now. It's ice and water when they're entering from their backyard. We've added a small covering over the back porch that's part of additional FAR.

CONSTANTINE ALEXANDER: How big is that back porch anyway?

ROBERT LINN: The back porch is about

seven-by-nine that we're proposing. The new one. The one we're proposing.

CONSTANTINE ALEXANDER: What you're proposing?

ROBERT LINN: Yeah, the new outdoor deck is approximately seven-by-nine.

CONSTANTINE ALEXANDER: And it will all be covered?

ROBERT LINN: It's covered on the second floor. The third floor is uncovered.

CONSTANTINE ALEXANDER: Okay.

PATRICK TEDESCO: It sits on the roof of the first floor, right? The deck? The existing first floor.

ROBERT LINN: Yes, correct. That's right. Not changing the footprint.

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

(No Response.)

CONSTANTINE ALEXANDER: Okay. I'll open the

matter up to public testimony.

Ist here anyone here wishing to be heard on this matter?

(No Response.)

CONSTANTINE ALEXANDER: Apparently not. We are in receipt of correspondence. We have a letter from Kira, K-I-R-A Barkley who resides at 153 Walden Street, No. 1.

(Reading) I am writing to lend my support for the Variance application to allow for a rear addition and decks for the multi-family property at 155 Walden Street. I'm a director abutter at 153 Walden Street and I've lived in the neighborhood for many years. I've met with the owner and have reviewed the plans and details. After review of the proposed plans, I believe the relief requested is appropriate in size and scale for the neighborhood and make the property more liveable and family friendly.

We have a basically the identical letter from Kathy Lee who resides at 157 Walden Street.

We have again the same letter from the persons who live at 153 Walden Street, unit No. 3. Sarah Smith I believe. I think I got the name right.

And as Mr. Hope pointed out, we also have a petition signed by what appear to be 13 individuals saying: The undersigned neighbors support the Zoning Variance application for a rear addition and decks at 155 Walden Street. Nothing in our files that are in opposition.

Again, I'm not sure if I asked it or not. I'll ask it again. Is there anyone here wishing to be heard on this matter?

SHIREEN JYAWOOK: I'm the first floor owner. I wrote a statement. Can I read it?

CONSTANTINE ALEXANDER: Okay, sure. If you want to come read it into the record. You took the time to come down we should take the time to listen to you.

SHIREEN JYAWOOK: Hi. My name is Shireen Jyawook. S-H-I-R-E-E-N, last name J-Y-A-W-O-O-K. I live at 155

Walden Street, unit 1. I've lived at this address for nearly 15 years. When we purchased unit 1, we picked the location based on three reasons: The price, as we are a middle class family and could not afford single-family home; size, as it had two bedrooms and a den that we could use as a third bedroom; and three, across the street from a park where our kids could have immediate access to outdoor space. As our family grew from two kids to three, our need for more space increased as well. Three-bedroom units in this city are simply outside our financial capability. We made our space work for two daughters and one son. We now have one child in college, one in high school, and one in middle school. All our kids attended public schools here in Cambridge. We love the city and we've seen many friends and families like ours leave the city due to increased cost of housing, lack of space to accommodate middle class growing families. Our building is unique in that the existing structure in our unit provides a bit more space for our

family or for any future family. The units above us do not have this luxury. Our unique space does not allow our close friends and fellow unit owners or future owners the opportunity we currently have. Our unit contains more space than theirs. It provides for an extra third bedroom that they and any future middle class family so desperately needs. Our first floor addition to our existing -- our current existing structure is in the rear of our building and does not extend the current footprint. Does not interfere with our neighbors' views. All the neighbors have structures that are uniform in shape and size and look unlike our first floor addition.

The substantial benefits of making the two stories above us uniform with our existing certainly outweighs keeping the structure as is. This effort you see before you is a unified building of three separate owners, each with the face of our city; an eligible bachelor, a vibrant and growing family, and an older family with growing kids. Our

hope is that this Board will respectfully consider our application and allow the ability of our three middle class families and that of future families an opportunity to remain and be part of this mosaic of this very great city.

CONSTANTINE ALEXANDER: Thank you. Nice statement.

Anyone else wishing to be heard?

(No Response.)

CONSTANTINE ALEXANDER: Apparently not. I'll close public testimony.

Anything further?

ATTORNEY SEAN HOPE: Just one point for the Board. Just the comment about the idea that the house is already over the allowed FAR and we are adding additional square footage.

CONSTANTINE ALEXANDER: More.

ATTORNEY SEAN HOPE: I wish to speak to the point that I think taking the two bedroom of modest size and

adding a third bedroom I think is not so specific to this family. And I think the idea is if the Board was inclined to grant the Variance, I think it would make it more family friendly so that other families could move in. I think oftentimes you will get people who will want an extra bedroom or a large space that's really inclined to their personal needs. But I would say in this case this is something that the Board might see for a myriad of different families with two children looking for some additional space. So in the context of really keeping it to the minimum that would be necessary to have two or three children living comfortably in a home, I think we've kept within that bounds. So I'd only say to distinguish this from other cases where you have a large home and they're looking for more, this is really probably a modest size. And I think anybody, any petitioner that would come would likely need similar relief.

CONSTANTINE ALEXANDER: Okay. Thank you.

I'll close public testimony.

Discussion? Comments? Ready for a vote? Folks are ready for a vote. Okay.

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

That a literal enforcement of the provisions of the Ordinance would involve a substantial hardship. Such hardship being is that whoever occupies this structure to the extent there is a family that needs additional living space or particularly an additional bedroom.

That the hardship is owing to the fact that this, again, is a non-conforming structure and, therefore, any modification requires zoning relief.

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

In this regard the Chair would note that the

relief being sought in terms of the additional construction is modest.

That it has unanimous neighborhood support.

And it will again upgrade the housing stock of the city.

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 prepared by Moskow M-O-S-K-O-W, Linn L-I-N-N Architects, Inc., each page of which has been initialled by the Chair.

All those in favor please say "Aye."

(Aye.)

CONSTANTINE ALEXANDER: Five in favor. Relief granted.

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

* * * * *

(8:20 p.m.)

(Sitting Members Case BZA-013238-2017: Constantine Alexander, Brendan Sullivan, Janet Green, Andrea A. Hickey, Patrick Tedesco.)

CONSTANTINE ALEXANDER: The Chair will call case No. 013238, 1380 Mass. Ave.

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

ATTORNEY CELIA MARCUM: Good evening, Mr. Chair, members of the Board. For the record, attorney Celia Marcum, McDermott, Quilty, and Miller. I'm here on behalf of the petitioner Pressed Juicery. And to my right is Emily Peltzer, Director of retail logistics and food safety.

Pressed Juicery is currently located at 1380 Mass.

Ave. in Harvard Square between the Starbucks and the Cambridge Savings Bank. It's the former Pinkberry who was granted a fast order food permit.

We're currently seeking a Special Permit for a fast order food permit pursuant to Section 4.35, 10.4, and 11.3 of the Zoning Ordinance to change the occupancy of the existing building to include the fast order food establishment for the new Pressed Juicery. The location is 830 square feet with no proposed seating as it's going to be takeout only.

The store has been open strictly under its retail operations for its packaged juice products since this past April and it's developed a very loyal customer base. Pressed Juicery is applying for the fast order food permit in order to sell its customer its popular freeze and heat products. And if you go to page 4 --

CONSTANTINE ALEXANDER: So there's no hamburgers or pizza or anything like that?

ATTORNEY CELIA MARCUM: Nope.

CONSTANTINE ALEXANDER: It's just juice.

EMILY PELTZER: Right now it's just juice.

CONSTANTINE ALEXANDER: And you want to do something else?

EMILY PELTZER: Well, that's what we're here for.

ATTORNEY CELIA MARCUM: Well, if they're granted the permit, they're going to add the addition of the freeze.

CONSTANTINE ALEXANDER: Pinkberry was doing that very thing before.

ATTORNEY CELIA MARCUM: Very similar.

CONSTANTINE ALEXANDER: I mean similar product.

ATTORNEY CELIA MARCUM: Yes.

And this is the machine that we're asking to be allowed to use, and that's on page 5.

And then in addition we want to use the -- bring in the heat product. So everything, the heat and the freeze --

CONSTANTINE ALEXANDER: I'm sorry, what is the heat product?

ATTORNEY CELIA MARCUM: Okay, so essentially it's a juice and then it's steamed in the store and it's taken out in like a coffee beverage.

CONSTANTINE ALEXANDER: So it's hot juice when you take it out?

ATTORNEY CELIA MARCUM: Yes. So it's perfect for like a cold wintery day. And then the freeze is great for summer days like today.

CONSTANTINE ALEXANDER: Does the customer have a choice? Can they come in and say I want hot and cold?

EMILY PELTZER: Yeah, we offer it year round in our other locations.

CONSTANTINE ALEXANDER: How many locations do you have?

EMILY PELTZER: We have 68.

CONSTANTINE ALEXANDER: Oh.

EMILY PELTZER: Yeah.

ATTORNEY CELIA MARCUM: And this will be the second in Massachusetts. One opened on Newbury Street, and everyone seems to love it. And when you go to the location, they're like when are we going to get the freeze and the heat? So it's definitely -- members of the community are already asking about it and they're very excited about it.

CONSTANTINE ALEXANDER: And you're unrelated to Pinkberry?

EMILY PELTZER: Correct.

ATTORNEY CELIA MARCUM: Correct, yes.

And the hours of operation are seven a.m. to nine p.m. seven days a week.

And in January we met with the Harvard Square Advisory Committee.

CONSTANTINE ALEXANDER: Right.

ATTORNEY CELIA MARCUM: And they were very supportive of it. And tonight Denise Jillson from the

Harvard --

CONSTANTINE ALEXANDER: Is here.

ATTORNEY CELIA MARCUM: Yeah, from the Harvard Square Business Association was here and she was going to quickly speak on our behalf.

CONSTANTINE ALEXANDER: I'm sure she will.

ATTORNEY CELIA MARCUM: So if you have any questions that we can answer?

CONSTANTINE ALEXANDER: Well, to grant you or your client a permit for a fast order food establishment, we have to make various findings. So let's tick them off. These are on 11.31.

The operation of the establishment shall not create traffic problems, reduce available parking, threaten the public safety in the streets or sidewalks or encourage or produce double parking on the adjacent public streets. Typically a person who comes to patronize your facility does not drive up?

EMILY PELTZER: Correct, yes.

CONSTANTINE ALEXANDER: It's foot traffic.

Particularly in this location I would think it would be all foot traffic.

EMILY PELTZER: Yeah.

ATTORNEY CELIA MARCUM: Yeah. And they're very close to the entrance of the MBTA Harvard Red Line stop.

CONSTANTINE ALEXANDER: That the physical design, including color and use of materials of the establishment shall be compatible with and sensitive to the visual and physical characteristics of other buildings, public spaces, and uses in the particular location.

ATTORNEY CELIA MARCUM: Yes.

CONSTANTINE ALEXANDER: You want to address that?

ATTORNEY CELIA MARCUM: And they got the appropriate approval from the Cambridge Historical for the signs, and that is going up approximately on the 19th of this month. They got it fabricated, they're waiting for it

to ship.

CONSTANTINE ALEXANDER: Let me diverge for a second. We have under our ordinance we have requirements for the signage.

EMILY PELTZER: Right.

CONSTANTINE ALEXANDER: You're not going to be seeking or depart from -- seeking relief, a Variance for the signage requirements? You're going to comply as it's written?

EMILY PELTZER: Right.

ATTORNEY CELIA MARCUM: Yes, it's already been approved. Yeah.

CONSTANTINE ALEXANDER: Okay, let's see, keep going.

That the establishment fulfills a need for such a service in the neighborhood or in the city?

ATTORNEY CELIA MARCUM: Absolutely.

CONSTANTINE ALEXANDER: Absolutely yes? What's

the need?

ATTORNEY CELIA MARCUM: Well, for a healthy, viable, amazing juice product. The customers already love it and they can't wait --

CONSTANTINE ALEXANDER: In the Harvard Square, general Harvard Square area how many juice -- there's Liquiteria.

ATTORNEY CELIA MARCUM: There's Liquiteria, but we are separate from them. We offer more products, and it's very different from J.P. Licks because the yogurt is a secondary.

CONSTANTINE ALEXANDER: Okay. And I'm just focusing on the juice bars. Other than Liquiteria there are no other juice places currently in Harvard Square that you're aware of?

EMILY PELTZER: I'm not familiar with any other.

CONSTANTINE ALEXANDER: Okay.

ATTORNEY CELIA MARCUM: When we did it, we only

found Liquiteria.

EMILY PELTZER: But we usually try not to set up shop close to others.

CONSTANTINE ALEXANDER: Okay.

That's not necessarily true for these frozen yogurt places.

EMILY PELTZER: I know. Yeah, they're on every corner.

CONSTANTINE ALEXANDER: They tend to be the same product in that --

ATTORNEY CELIA MARCUM: Yeah.

CONSTANTINE ALEXANDER: -- Tweedle Dee and Tweedle Dum.

The establishment will attract patrons primarily from walk-in trade as opposed to drive-in or automobile-related trade. And I think that's quite clear from your location and the nature of the product you sell.

ATTORNEY CELIA MARCUM: Yes.

CONSTANTINE ALEXANDER: The establishment shall, to the greatest extent feasible, utilize biodegradable materials in packaging the food and in the utensils and other items provided for consumption thereof.

EMILY PELTZER: Yeah, our serving spoons are all biodegradable, eco-friendly products.

CONSTANTINE ALEXANDER: The establishment shall provide convenient, suitable, and well-marked waste receptacles to encourage patrons to properly dispose of all packaging materials, utensils, and other items provided with the sale of food?

What will you have -- I assume it's not going to be on the outside?

EMILY PELTZER: No. But we have stainless steel receptacles in the front of house.

CONSTANTINE ALEXANDER: By the front door?

EMILY PELTZER: Yes.

CONSTANTINE ALEXANDER: And I'm sorry, not on the

sidewalk outside the front door?

EMILY PELTZER: No, inside.

CONSTANTINE ALEXANDER: Inside?

ATTORNEY CELIA MARCUM: Yeah.

And trash will be picked up three times a week and recyclable two times a week.

CONSTANTINE ALEXANDER: How does the trash truck come in front of the -- where do they park to pick up the trash? Just out of curiosity. Is there a back door or something?

EMILY PELTZER: Its' in the back, yes.

CONSTANTINE ALEXANDER: There is a back?

EMILY PELTZER: Yeah.

CONSTANTINE ALEXANDER: They're going to access the property from the back?

EMILY PELTZER: Yeah.

And the retail operation has an SOP that they check the front, like sidewalk, the back area where the

trash is three times a day; beginning of shift, change of shift, and end of day.

CONSTANTINE ALEXANDER: Have you had any trash issues with regard to your Newbury Street location, because they're somewhat similar?

EMILY PELTZER: No, we haven't.

CONSTANTINE ALEXANDER: Okay.

And lastly, the establishment complies with all state and local requirements applicable to ingress, egress, and use of all facilities on the premises for a handicapped and disabled persons?

ATTORNEY CELIA MARCUM: Yes.

CONSTANTINE ALEXANDER: You're going to meet all state and federal requirements for the handicapped?

ATTORNEY CELIA MARCUM: Uh-huh.

CONSTANTINE ALEXANDER: Okay. And that's it.

JANET GREEN: Do you have a calorie count on the freeze?

EMILY PELTZER: It's very low.

JANET GREEN: Just checking. Well, you know, it's a requirement that they do that as part of the Affordable Care Act.

EMILY PELTZER: I don't know it off the top of my head. But I believe four ounces is anywhere from -- four ounces, depending on the flavor, 50 to 80 calories.

ATTORNEY CELIA MARCUM: And it also depends on which toppings you put on it.

JANET GREEN: And size 1 is the four ounces?

EMILY PELTZER: Correct, yeah. Size 2 is six ounces. So these are gluten-free vegan products. So they're very different than what you'll see at -- I don't know if you guys have Yogurt Lands out here or Pinkberry even?

JANET GREEN: Had them all.

EMILY PELTZER: Yeah.

PATRICK TEDESCO: When did Pinkberry close?

JANET GREEN: I think it was a while ago.

PATRICK TEDESCO: It was a while ago?

JANET GREEN: Yeah. There were two of them one.

There was one on Mass. Ave. I think. Wasn't that a
Pinkberry down by --

CONSTANTINE ALEXANDER: No, that's a different
one.

ATTORNEY CELIA MARCUM: The one on Newbury Street
is --

CONSTANTINE ALEXANDER: Is a different kind of --

JANET GREEN: No, on Mass. Ave.

CONSTANTINE ALEXANDER: Going towards Porter
Square.

JANET GREEN: Going towards Porter Square on the
left-hand side.

CONSTANTINE ALEXANDER: Yeah, I know exactly where
it is.

JANET GREEN: Isn't that Pinkberry?

CONSTANTINE ALEXANDER: I don't think it is Pinkberry. It's still there.

ANDREA HICKEY: No, it wasn't Pinkberry. It was another name.

PATRICK TEDESCO: BerryLine.

CONSTANTINE ALEXANDER: BerryLine, that's it. You're the guy who's been there.

PATRICK TEDESCO: There's one on Bowes Street or something.

CONSTANTINE ALEXANDER: That's right, that's right.

ANDREA HICKEY: Right.

CONSTANTINE ALEXANDER: Any other comments? That's it with your presentation? Anything else -- you'll have time to add if you have anything.

I'll open the matter up to public testimony. Anyone wishing to be heard? Ms. Jillson.

DENISE JILLSON: Thank you. Good evening. Denise

Jillson, Executive Director Harvard Square business association. Obviously very much in favor of this. Can't wait to try the frozen treat. Apparently there was a little bit of a hiccup with the permitting. You served it and then you couldn't. And I have been there on at least ten occasions when people have walked in looking for the frozen treat, and I think everybody's like me, they're looking to like eat their vegetables in frozen kind of sweet form and make sure you're getting all of your -- all the nutrients that are in the frozen form, too, right?

ATTORNEY CELIA MARCUM: Uh-huh.

DENISE JILLSON: It's perfect. Can't wait. We hope that you'll consider this and I look forward to going to PRESSED JUICERY for -- I've tried the juices, they're really delicious. But this is, this is special and people are looking for it. So we hope that you'll consider it, and thank you.

CONSTANTINE ALEXANDER: Thank you for taking the

time to come down although that's part of your job.

I'm looking for the letter. I'll find it in a second. Here it is. From the Harvard Square Advisory Committee. You've mentioned that they are in support and they are. It's two -- I'm not going to read the letter. I'm going to go to the conclusion. (Reading) The committee discussed the similarities and differences between the proposed business, which you're proposing, and the previous business and concluded that the proposed one will not create any additional impacts on the area.

I thought there was something here that they said. Yeah. (Reading) All members in attendance supported the fast order food Special Permit and find it in conformance with the Harvard Square Overlay District guidelines.

And that's it. Anything further you want to add at this point?

ATTORNEY CELIA MARCUM: I don't believe so.

CONSTANTINE ALEXANDER: Okay. Ready for a vote?

Okay, we're going to make a bunch of findings.
We're going to shortcut this a little bit.

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

That the petitioner has presented testimony establishing that each of the requirements of the Section 11.31 of our Ordinance will be met by what is their proposed operations.

Further since this is a Special Permit case generally, the Board has to make further findings. And so the Chair moves that we make these following findings:

That the requirements of the Ordinance cannot be met without the granting of a Special Permit from this Board.

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

That the continued operation of or development of

adjacent uses as permitted in the Ordinance will not be adversely affected by what is proposed.

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

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

In this regard, the Chair would note that the product line being proposed by the petitioner is one that does not have many other establishments in the Harvard Square area offering the same product.

That there will be no impact on the street pattern. There simply would be nothing located outside the structure, no sandwich boards.

You're not proposing any sandwich boards?

ATTORNEY CELIA MARCUM: No sandwich boards.

CONSTANTINE ALEXANDER: And that also that what is being proposed, as been represented by the petitioner, will comply with our signage requirements of our Ordinance in all respects without the need for zoning relief from our Board.

So on the basis of all of these findings the Chair moves that we grant the Special Permit requested.

All those in favor please say "Aye."

(Show of hands.)

CONSTANTINE ALEXANDER: Five in favor?

JANET GREEN: Yes.

CONSTANTINE ALEXANDER: Relief granted.

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

* * * * *

(8:35 p.m.)

(Sitting Members Case BZA-013293-2017: Constantine

Alexander, Brendan Sullivan, Janet Green, Andrea A. Hickey,
Patrick Tedesco.)

CONSTANTINE ALEXANDER: The Chair will call case
No. 013293, 121 Richdale Avenue.

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

ADAM GLASSMAN: Good evening.

JOHN HAWKINSON: Good evening, Mr. Chair. I'm
recording your meeting.

CONSTANTINE ALEXANDER: For those in the audience,
there's another person recording.

The floor is yours, Mr. Glassman.

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

ROBERTA GOLDSHNEIDER: Roberta Goldshneider, 33
Briar Hill Road in Sharon, Massachusetts.

ROBERT GOLDSHNEIDER: Robert Goldshneider also 33
Briar Hill Road in Sharon.

ADAM GLASSMAN: Good evening. We are here because the owners of 121 Richdale, classic Cambridge triple decker would like to add a fourth unit in the basement, something that would allow them to move into the city at some point. We're here seeking relief because of the lot size. We're about 250 square feet short of a conforming lot for a fourth unit, and the property has no off-street parking. We would be required --

CONSTANTINE ALEXANDER: Let's put this in perspective. To do what you want to do you need -- there are four requirements that you have to satisfy. You only satisfy two. So you're looking for relief for the other two.

ADAM GLASSMAN: Correct.

CONSTANTINE ALEXANDER: The two you've identified.

ADAM GLASSMAN: Yeah.

CONSTANTINE ALEXANDER: The Ordinance is very specific about up-conversions which we consider this, making

three units to four units.

ADAM GLASSMAN: Yep.

CONSTANTINE ALEXANDER: And you are significantly in departure to what -- it's not one of those slightly missing one of four. You're missing two of four. And I want to point out -- we'll get to this later, you have substantial neighborhood opposition. It's in our files. We have letters. There's maybe one letter of support, but maybe I'm wrong.

ADAM GLASSMAN: Is this based on the parking?

CONSTANTINE ALEXANDER: I'll read it -- I haven't read all of them. It's more than just parking, though.

ADAM GLASSMAN: Okay. What we would say is first with regard to the parking, if you see a map of the neighborhood, they're an unusual lot. They're basically the only lot, at least on this entire portion of the street, without any potential for a driveway or off-street parking. They're surrounded by larger multi-family dwelling units

with underground parking. And even the smaller properties on the street all have off-street parking.

CONSTANTINE ALEXANDER: The thing you have to take into account is you have three units on the property now, no off-street parking, because it's non-conforming going back. Now you're going to exacerbate the situation by adding one more unit. You're going to have four units with no off-street parking.

ADAM GLASSMAN: That's right. And in this case -- in other streets it probably wouldn't work. On this street because everyone has off-street parking, there really is no detriment to the neighborhood. The loss of one additional parking space at this point is not gonna create a parking emergency. Everyone has off-street parking on this street.

CONSTANTINE ALEXANDER: Maybe not an emergency. But off-street parking for maybe one car. What about guests who come to visit the people who live on the street?

ADAM GLASSMAN: Sure.

CONSTANTINE ALEXANDER: There's more than one
car --

ADAM GLASSMAN: Sure.

CONSTANTINE ALEXANDER: -- on the dwelling unit.
So I think you're a little bit glib, if you don't mind my
saying so, about the impact on the parking. This is a
narrow street.

ADAM GLASSMAN: It is a narrow Street.

CONSTANTINE ALEXANDER: As I drive down it, I
don't live that far from it, there's always a lot -- there's
parking on both sides of the street. It's not like there's
a lot of empty spaces. So it is an area where parking is
unlike perhaps other parts of Cambridge, parking's an issue.

ADAM GLASSMAN: Okay.

CONSTANTINE ALEXANDER: Anyway, keep going.

ADAM GLASSMAN: Okay, yeah, parking is never easy
in the city.

CONSTANTINE ALEXANDER: That's true.

ADAM GLASSMAN: We could say we're well below FAR. We're not exacerbating any other non-conformities besides the parking.

CONSTANTINE ALEXANDER: And lot area.

ADAM GLASSMAN: Well, the lot area but we're not changing the lot --

CONSTANTINE ALEXANDER: The first unit as a result, you're not going to meet the minimum requirements of our Ordinance.

ADAM GLASSMAN: Right. But that has no real tangible impact on the neighborhood. We're not losing open space. We're not losing sunlight.

CONSTANTINE ALEXANDER: No, you're increasing the density.

ADAM GLASSMAN: Sure, but it's a modest two-bedroom apartment in the basement that would allow a wonderful couple to relocate to our fair city and patronize

to the businesses.

BRENDAN SULLIVAN: They could do that now.

CONSTANTINE ALEXANDER: Yeah.

ADAM GLASSMAN: They don't have all the resources in the world. And having a fourth unit would allow them to maintain the building. They've owned it for ten years. Get themselves in the city. And we're not talking about extravagant luxury housing. It's very modest. At some point it becomes a badly needed dwelling unit in the city for -- in a more modest way.

ANDREA HICKEY: Have the petitioners ever lived in the building or has this always been investment property?

ROBERT GOLDSHNEIDER: My son lived there for a period of time when we first bought the building. He occupied the third floor unit and has since moved out.

PATRICK TEDESCO: The upstairs unit are two bedrooms or three bedrooms?

ROBERT GOLDSHNEIDER: Three bedrooms on the

upstairs and three bedrooms in the second floor.

PATRICK TEDESCO: And the first floor is three?

Two?

ROBERT GOLDSHNEIDER: Four bedrooms.

PATRICK TEDESCO: Four bedrooms?

ROBERT GOLDSHNEIDER: Four bedrooms. There was an addition added to the back of the house sometime ago to add the fourth bedroom.

ADAM GLASSMAN: The basement is the smaller footprint. Here we are.

CONSTANTINE ALEXANDER: Okay.

ROBERT GOLDSHNEIDER: I'm just curious about the opposition to this?

CONSTANTINE ALEXANDER: I'm going to read the letters so you can hear.

ROBERT GOLDSHNEIDER: Oh, good.

CONSTANTINE ALEXANDER: Obviously you can look at the file, but I'll read them into the record.

ADAM GLASSMAN: Here's a picture that shows plenty of parking.

CONSTANTINE ALEXANDER: Not when I've driven down that street --

ADAM GLASSMAN: Okay.

CONSTANTINE ALEXANDER: But point well taken.

ADAM GLASSMAN: And these are the monster multi-families on either side.

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

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

(No Response.)

CONSTANTINE ALEXANDER: Apparently not. And we are in receipt of letters which I will now read into the record.

We have a letter from Celia, C-E-L-I-A Chin, C-H-I-N, 113 Richdale Ave. Unit 34. (Reading) I am a

resident of 113 Richdale Avenue and I am writing in opposition to the application for the addition of a basement rental unit at 121 Richdale Avenue. I apologize for the lateness of this e-mail. I was away and returned on Sunday.

My reasons for objecting are as follows:

One, neither the landlord nor the tenants seem to take responsibility for garbage disposal. The garbage cans and additional garbage bags and discarded furniture have not been taken to the curb for at least two weeks. Garbage cans are full and additional garbage left out in bags making them accessible to foraging animals. There is a gate but it is left open. Although this is not a deterrent for climbing, burrowing, or flying creatures, the fact that the gate is left open makes it easier for animal access. The garbage is left in the front of the house making it an eyesore and odor problem in the warmer weather.

Two, there is very limited parking due to the density of the neighborhood and the narrow frontage of the

property. Tenants park very close to, occasionally sticking into the driveway of my building, making it very difficult to see oncoming traffic or maneuver out when exiting my driveway. This hazardous situation will not be helped with the addition of an additional apartment which will possibly add one or two vehicles.

And then there's letter from Cynthia Enloe, E-N-L-O-E who resides at 113 -- oh, wait, there's another letter first. Sorry.

There's a letter from Judy Cotton. (Reading) My name is Judy Cotton and I live at 113 Richdale Avenue. I want to second Celia Chin's comments contained in her recent e-mail to you. This landlord does not take care of either his back or front yard. Adding another apartment will not only add to the parking problem on Richdale but to the amount of trash and detritus that constantly precedent at 21 Richdale (sic).

A letter from, now Cynthia Enloe, E-N-L-O-E 113

Richdale Avenue. (Reading) Regarding the landlord of 121 Richdale Avenue appealing to create a new basement apartment in the three decker. I am a next-door neighbor and have seen over eight years how the owner has cared for, or rather has neglected this rental property. I don't think there is much evidence that the owner is a proactive, responsible landlord. Repairs take a long time, and his attentiveness to exterior maintenance seem minimal. Thus I am just adding my voice to others who expressed concern about any further renters in 121 Richdale Avenue.

And last we have a letter from Norma Wassel, W-A-S-S-E-L and another person whose last name is Wassel. (Reading) I live at 135 Richdale Avenue and I am writing to express my concern regarding the petition to convert a basement section to an apartment unit. The current landlord does not maintain the property outside. Trash, garbage bags, and items are often left in the front yard. Snow is not left -- snow is not shoveled in the winter. The concern

is that another unit will add to the problem with more trash and other materials left and -- left routinely outside. I request that the decision be delayed until unit 1 has a plan that can be submitted for the physical maintenance of the property. I'm sorry, this is a handwritten letter. And that's all the written comments. As you'll see, they're all in opposition with a common theme or themes to the letters.

ADAM GLASSMAN: Well, to answer that I would just say that I think the owners realize the property needs some attention and with or without the Variance, they'll be upgrading the property.

CONSTANTINE ALEXANDER: Well, you know, we can come back in two years and see how you've done that. I mean, if we deny it tonight it's two years unless you come back with a different proposal.

ANDREA HICKEY: Did you talk to any of the neighbors and were any of them that you --

ROBERT GOLDSHNEIDER: I go to the property maybe

twice a month. We've had a problem with maintenance on the yard where we hired somebody to do the work and they just never showed up.

ANDREA HICKEY: Right. My question is did you talk to them about your proposal?

ROBERT GOLDSHNEIDER: No.

ANDREA HICKEY: Okay.

ROBERT GOLDSHNEIDER: When would we do that?

ADAM GLASSMAN: Well, actually, their son Ari was reaching out to neighbors. There was one who said if it got continued, he'd come back and support it. Other neighbors I think it was just difficult to get in touch with.

CONSTANTINE ALEXANDER: Okay.

ROBERT GOLDSHNEIDER: I will, I would also like to say --

CONSTANTINE ALEXANDER: Yeah.

ROBERT GOLDSHNEIDER: -- that I have confronted our tenants multiple times about the garbage and about

ensuring that it's taken out on a regular basis and that the sidewalk is shoveled. That's all in their lease that they're to take care of that. I'm not there every day to check whether or not it's done. But when I find that there's a problem, I take care of it. I have never had any of the neighbors ever confront me about any issues with regards to the property. This is the first I'm hearing that they have issues with it.

ARI GOLDSHNEIDER: In ten years.

ROBERT GOLDSHNEIDER: In ten years. So I can understand where they would feel concerned about that. And -- but there were -- there's been multiple opportunities for them to confront me and say this is a problem. The only time I've ever been confronted by a neighbor in the property on the left side of our property, it's down numbers, maybe it's 113, maybe in that area, was we had a large tree in the front of the house and they said it would grow enormously large if we didn't take it down or trim it. So we trimmed

it.

We also had a neighbor say that our -- our son gave us a letter that said our tree overlooked their property, and they were afraid if it wasn't taken care of it would fall and cause damage. We had it -- somebody come in, a landscaper come in and take the tree, fix the tree. So we've been responsive when people raise issues with us. Nobody has raised any issues with us until this.

JANET GREEN: Did they all know who to go to? I mean, if you come twice a month, is it a regular time or sometime when they would know when to find you? How would they know?

CONSTANTINE ALEXANDER: I'm sorry, you've got to give your name and address to the stenographer.

ARI GOLDSHNEIDER: Yeah, Ari Goldshneider, 1287 Bay Road in Sharon. I lived at the building for three years when we first purchased it back in 2007. If they did any sort of looking at all, they could find out who the owners

are and send letters. We have received letters. I received a letter regarding the tree back in 2008 and immediately we took, we took the tree down. So, this is the first time we have ever been informed of trash. Now that we're aware, we'll remediate the issue. We can build some sort of, some sort of structure underneath the deck to hold all the trash and make sure that all the people know now that we know that there's a problem. We can't fix problems that we don't know about.

Furthermore, with them being people that will be living in the building, they'll be able to monitor the comings and goings much more, much more easily than as people that --

CONSTANTINE ALEXANDER: Well, creating a fourth unit is going to improve the -- who knows who's going to be in that fourth unit. That fourth unit will be there forever. Your folks will be gone and whoever rents the property is going to rent it out. We're getting a little

bit astray here.

ARI GOLDSHNEIDER: Yes.

CONSTANTINE ALEXANDER: The requirements of the Variance are as follows, you have to establish basically two things:

That a literal enforcement of the provisions of the Ordinance would involve a substantial hardship to the petitioner. The hardship has got to be a hardship that runs with the property. What is the hardship --

ARI GOLDSHNEIDER: Yeah.

CONSTANTINE ALEXANDER: Wait a minute, let me finish.

ARI GOLDSHNEIDER: Sorry.

CONSTANTINE ALEXANDER: What is the hardship? I mean, I understand you -- it increases the value of the property. You get more rental unit with a fourth unit. Or you can provide housing for a family member. But that's not a hardship that the -- a legal definition of hardship for

purposes of a Variance.

It's got to be -- and also that 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 is located. You're not satisfying that requirement. You want a fourth unit for more rental income. Understood. And that's certainly legitimate. It's the American way. But that doesn't satisfy the requirements for a Variance.

ARI GOLDSHNEIDER: Adam, do you want to?

ADAM GLASSMAN: I guess the argument would be they would say for them to come to the city, it can only happen if they've got that fourth unit.

CONSTANTINE ALEXANDER: No, you get rid of one of the other --

ADAM GLASSMAN: Well, no, just financially in order to make it feasible, economically they'd need the rent

from the other three to make the property and make it affordable for them to --

ARI GOLDSHNEIDER: Mom, do you want to say something? Mom, do you want to say something?

CONSTANTINE ALEXANDER: Comments from members of the Board at this point?

ANDREA HICKEY: I think the petitioner has something.

CONSTANTINE ALEXANDER: Oh, I'm sorry. I'm sorry.

ROBERTA GOLDSHNEIDER: So this has been my dream to move back to Cambridge. I spent my young adult years in the city. And in 1980 my building was converted into condos, \$30,000 and I couldn't afford it then. \$30,000 and I couldn't afford it. And it's been my dream to move back. And we really think that this would be our opportunity to do so. I love this neighborhood. I love theatre and the arts and everything that that neighborhood has to offer, and we would love the opportunity and feel that this is how it

would work for us, and I'm not sure it could work otherwise. We just don't see it because of the price of property in Cambridge these days. So, it would really be a dream for me to move back into the city.

JANET GREEN: You know, other people when they're going to come before us with a Variance, do go around and talk to their neighbors and talk about what they're doing. Why they're doing it. Or hear what problems might come up. Try to find solutions. It seems like nothing's -- things haven't happened. I mean, I understand that you may put it in the lease that the snow would get shoveled. But if you take the rent from somebody who doesn't shovel the snow, all those neighbors have to go passed on that sidewalk with the snow not shoveled. And it's not, you know, I just am saying that people often for a Variance will go to their neighbors and say this is what our plan -- this is why, I mean you have a real reason why you want to come back to the city. I don't know if it's a good reason or not. But I'm just

saying that there's not -- there's not any letter of support. And the complaints are strong and continuing.

ROBERT GOLDSHNEIDER: Well, as I said, this is the first time we're hearing of these complaints.

CONSTANTINE ALEXANDER: Janet's point is if you had reached out to neighbors before coming down here, it wouldn't be the first time you heard this.

ADAM GLASSMAN: Maybe we should regroup and see if we can talk to some more neighbors. If you think that.

CONSTANTINE ALEXANDER: Well, I'm a little reluctant. Then you continue the case as you're suggesting. I'm reluctant because I'm not sure that's going to be dispositive. It would help, but you still have to meet the requirements for the Variance.

ANDREA HICKEY: Right. For me the letters are sort of important but they're ancillary. It's not where my focus is. The focus is the hardship.

CONSTANTINE ALEXANDER: Yes.

ANDREA HICKEY: And I understand the dream to move to the city. I live here for a reason, to be a part of that dream. But the requirements are heavy. And hardship is a high hurdle. And I'm just not feeling you're close. And I encourage you to sort of help me to understand to get you closer.

ROBERT GOLDSHNEIDER: Obviously we don't live in the building, so we don't know a lot of neighbors personally. I'm in there doing maintenance on appliances and smoke detectors that get taken down without permission. And I'm usually there once, at least once a month. And if I find that the garbage is out and about, I always take care of it. I go around and take care of it and put it where it's supposed to be. And I cuss a lot about it, too, because it's not like the first time that I've mentioned this to the tenants. And whenever we have a transition like we've had just recently, we get a lot of garbage that comes out from the old tenants leaving and the new tenants coming

in, and that takes a while to clear out.

ANDREA HICKEY: Right, right. Just, again, the comments from the neighbors are important but they're really not at the forefront of my consideration.

CONSTANTINE ALEXANDER: You haven't met the legal requirements.

ROBERT GOLDSHNEIDER: I understand.

ANDREA HICKEY: I'm trying to figure out a way to focus you back on what we need to find.

ROBERT GOLDSHNEIDER: We don't meet the legal requirements of hardship.

ANDREA HICKEY: I'd like you to sort of help me see how you get there. Because in my mind you're not there. You're not close.

CONSTANTINE ALEXANDER: And the hardship has got to be resulting from certain specific items that I've read.

ROBERT GOLDSHNEIDER: Yeah, I know. That's right.

CONSTANTINE ALEXANDER: And not just a general

hardship.

BRENDAN SULLIVAN: And it's not of a personal nature. It would have to be a hardship that would pass to any property owner and not just you specific.

ROBERT GOLDSHNEIDER: I understand.

BRENDAN SULLIVAN: And regardless of your financial situation, as far as you again moving back to the city, you can do that now by moving into the one much those apartments. I think if I -- well, I don't want to get into it, anyhow.

PATRICK TEDESCO: Maybe it's not my place to say this, if you improved the basement, you wouldn't need the open space variance, you wouldn't need the parking variance, you would need an FAR Variance. Right? You still have three units --

ADAM GLASSMAN: Well, we wouldn't need an FAR in our case.

PATRICK TEDESCO: So you would generate more rent

from one of the units. You'd still have three units but you'd have a finished basement.

ADAM GLASSMAN: Yeah, I mean we -- you're right, that's something we could do legally. That's probably the backup option is to renovate the basement and make a duplex. I mean, they were really hoping to create a new dwelling unit which is everything they could get legally with the exception of a stove. Because they don't want to live in a duplex with another family. The hardship for them was just can't come to Cambridge without the fourth unit.

CONSTANTINE ALEXANDER: And, again, that's not a hardship that meets a legal requirement. I think we're ready for a vote.

ADAM GLASSMAN: Yeah.

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

That a literal enforcement of the provisions of

the Ordinance would involve a substantial hardship to the petitioner. The hardship is owing to the I guess the shape of the structures. It's --

ADAM GLASSMAN: Well, it's the lot -- could I still speak? I mean, the hardship is the lot size is too small and we have no space for parking.

CONSTANTINE ALEXANDER: Okay.

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

On the basis of these findings, the Chair moves that we grant the Variance requested on the condition that the work proceed in accordance with the plans prepared by Mr. Glassman which are in our files.

All those in favor please say "Aye."

(No Response.)

CONSTANTINE ALEXANDER: No? No votes in favor.

The motion is denied. Variance is denied.

For the record, I think we need to take a further vote that the reason we denied the Variance, is that the petitioner has not demonstrated a substantial hardship within the meeting of the Ordinance and of the legal requirements of the Commonwealth of Massachusetts and, therefore, is not entitled to a Variance.

Anything further people want to add?

(No Response.)

CONSTANTINE ALEXANDER: I think we're there, anyway.

ROBERT GOLDSHNEIDER: Thank you for your consideration.

* * * * *

(9:00 p.m.)

(Sitting Members Case BZA-013300-2017: Constantine Alexander, Brendan Sullivan, Janet Green, Andrea A. Hickey, Patrick Tedesco.)

CONSTANTINE ALEXANDER: The Chair will call case No. 013300, 27 Madison Avenue.

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

CAMPBELL ELLSWORTH: Yes, good evening to the Board. My name is Campbell Ellsworth architect. I am here with the owner John Savilonis on the end and project manager Brian Butler. We -- these guys are renovating a single-family house up on Madison Avenue. It is a B-Zone. It's a small lot, 4,000 square feet. It's a house that is positioned very close to the left side property line. They are renovating that house completely and bringing it up to an energy efficiency standard which I'm sure you've heard, NetZero here in town. So which by the way, Cambridge on my own research, I know that Cambridge has its own initiative for NetZero homes. For a single and two-family homes, I think that they're not trying to hit that goal until 2025. So these guys are way ahead of that curve.

The very modest modifications that we're proposing tonight create requirements of obtaining a Variance, and there are two Variance requirements. The first, part of the work of the energy efficiency increase is to be able to skin the building, and these guys can talk about the technical aspects of that a little better than I can. But to be able to skin that building in a rigid insulation to sort of increase the thermal capacity of the wall. In doing so, the left side setback is further non-conforming and, therefore, requires a Variance. And I'll point out, I'm sure of course you know that it's very interesting, in Article 22 which is the energy efficiency article of the Zoning Ordinance, that would -- sustainable design and development, that increase in exterior insulation is allowed under that but not if it makes the setback -- not if you start with a nonconforming setback. You have to start with a conforming setback. You can add up to four inches to get to conforming minus four inches, and then that's allowed specifically here. These

guys just sort of pulled the short straw on wanting to do the right thing, but they're in a non-conforming condition to begin with. So, therefore, it's kicked into a Variance situation.

The second Variance we're here -- again, as we had worked on this application, we initially -- is an increase, a very modest increase in the interior square footage of the house, but in doing so the resultant open space that is left in the building is still again less than the required 40 percent of open space required for the B-Zone. We are pretty close to it, but -- and normally, normally this would have been a special -- by adding that square footage, it was slightly more than a 10 percent increase to the house itself. Normally that would have been a Special Permit to add a conforming addition between 10 and 25 percent. But because it triggers this open space, that's what is requiring the Variance.

Just to articulate a couple of points on that open

space. This is the site plan. This is Madison Avenue here. Everything you see that's shaded currently is asphalt. Basically this was 100 percent asphalted except for very small amount of --

CONSTANTINE ALEXANDER: What the was property use for before?

CAMPBELL ELLSWORTH: It was a single-family house.

CONSTANTINE ALEXANDER: With four garages?

CAMPBELL ELLSWORTH: I don't know historically.

CONSTANTINE ALEXANDER: And all paved? I mean, that's not typical of someone with a single-family home.

CAMPBELL ELLSWORTH: This, it's interesting, this bay for many, many years has actually been used as a studio for this house. These are active garage bays. I've seen this before up in North Cambridge. It could have been a tradesperson who kept trucks here or something like that. But this is clearly, it's a two-story very modest single-family house. So there would not have been any sort

of multi -- but anyway, they're going from this -- if you would hold that, to this. So, you know, reducing enormously the amount of paved area, opening up some real usable, technical usable open space. And, however, that -- it's this small addition right here which is currently an open deck. And by enclosing that, again, we are completely within all of the FAR and all of the other things, that is triggering a review of the open space which is under the required 40 percent. So that small addition, which would normally -- conforming addition which would normally have been a Special Permit is triggering a Variance in review of the open space. That's -- so we feel that these are really modest requests. And given the type of work these guys are doing to try to bring this house very much into the 21st century, we think that this, these are reasonable. I will let Brian -- we've got the list of abutters from Maria. These guys had with me, we sort of drafted a letter to the abutters, those were handed out. I don't know, and I know

that probably in there was the invitation if somebody -- I don't know if there are any letters of support.

CONSTANTINE ALEXANDER: I was just looking. There are no letters in the file.

CAMPBELL ELLSWORTH: Okay.

CONSTANTINE ALEXANDER: Wait, what's that here?
No, no, never mind.

CAMPBELL ELLSWORTH: But, so the outreach was made and I think -- well, one of the interesting aspects about that is that the two houses that are directly adjacent, left and right, are currently vacant. One owner died recently and the family is in transition. And another is going through like extensive gut renovation. So both of those guys are, both of those houses happen to be vacant right now:

I think that's the nuts and bolts of it. And if you have any specific questions or if these guys want to address anything about what they're doing there.

CONSTANTINE ALEXANDER: I have none. Anybody else?

BRENDAN SULLIVAN: What are you wrapping the house with?

BRIAN BUTLER: It's rigid -- foam, excuse me. But it's actually skin with a sheathing, it's called -- it's made by the company ZIP. What's nice about it is it's a one step, screw the -- I actually nail the panel to the house and then you're basically ready for siding. But from an energy standpoint, it gives you a continuous insulated blanket, two-inch thermal break so that thermal bridging through the framing of the wall is greatly reduced and it allows us to do far less solar on the roof and still achieve NetZero energy.

BRENDAN SULLIVAN: Okay.

JOHN SAVILONIS: And it comes out to two inches fatter. That's what we're here for. Two inches more at the end of it. When the shingles, when everything gets put back

on it's an extra two inches.

BRENDAN SULLIVAN: And what's the final siding material?

BRIAN BUTLER: Hardy.

BRENDAN SULLIVAN: Hardy Board?

BRIAN BUTLER: Hardy planking.

BRENDAN SULLIVAN: Okay.

You ever sell them on the eBay yet.

CAMPBELL ELLSWORTH: On the eBay?

BRENDAN SULLIVAN: Yeah.

CAMPBELL ELLSWORTH: These guys know how to sharpen it. They keep their pencils very sharp.

PATRICK TEDESCO: Keep your sublets sharp, too.

CAMPBELL ELLSWORTH: Yeah, exactly.

JOHN SAVILONIS: We've been trying to do high efficiency homes in quite a few towns. We've done deep energy retrofits. I don't know if anybody's heard of those. Where homeowners would come in and they want their house

really, really high efficiency homes where you can run small, small air conditioning and heating systems and you can -- NetZero --

CONSTANTINE ALEXANDER: Have you done any other homes in Cambridge?

JOHN SAVILONIS: Percy Place.

BRIAN BUTLER: Percy Place. 264 Walden Street.

JANET GREEN: Where is it?

BRIAN BUTLER: 265 Walden Street. Actually, did you live on Walden Street?

JANET GREEN: No.

BRIAN BUTLER: Oh, okay.

CONSTANTINE ALEXANDER: That's down where the Walden Square Apartments are.

BRIAN BUTLER: A little between -- you know where Paddy's Lunch is? I live next-door to Paddy's Lunch.

JANET GREEN: I know where Paddy's Lunch is.

BRIAN BUTLER: Who doesn't know where Paddy's

Lunch is.

BRENDAN SULLIVAN: So is that big debate going on, too, about that we're making houses too tight also.

JOHN SAVILONIS: Ventilation systems you have to have it.

CAMPBELL ELLSWORTH: You have an HRV going on --

BRIAN BUTLER: It's honestly becoming part of code. They're this close to just going to --

BRENDAN SULLIVAN: Right. It's sort of that draw back that the houses are getting too, too tight.

CAMPBELL ELLSWORTH: Yeah.

BRENDAN SULLIVAN: You know. And they're not breathing.

BRIAN BUTLER: Certainly if you don't get the ventilation right --

BRENDAN SULLIVAN: Right. And that's the key is the ventilation.

JOHN SAVILONIS: Exactly.

BRENDAN SULLIVAN: So anyhow, a little bit of a side here. Shop talk.

BRIAN BUTLER: Which by the way, we are installing actually an imported German HRV system with the highest efficiency rating in the industry. That's part of the project.

BRENDAN SULLIVAN: Are you doing geothermal at all or no?

BRIAN BUTLER: We just found that we're doing air source heat pumps instead of ground source.

BRENDAN SULLIVAN: Yeah.

BRIAN BUTLER: And just, you know, the economics are so stark now. Unless you're already putting in a water well to get the drilling rig out there, especially on a tight site in the city just doesn't pencil.

BRENDAN SULLIVAN: Yeah.

BRIAN BUTLER: And the difference in COP or coefficient performance is small enough now I add two more

solar panels and I'm there.

BRENDAN SULLIVAN: Yeah.

CONSTANTINE ALEXANDER: Andrea, you need some more time?

ANDREA HICKEY: No.

CONSTANTINE ALEXANDER: I'll open the matter up to public testimony. But unless Sisia has something to say, I don't think we have any public testimony. And we have no letters in the file as you've indicated. So I will close public testimony. Ready for a vote or you want discussion?

ANDREA HICKEY: No, ready.

CONSTANTINE ALEXANDER: Okay.

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

That a literal enforcement of the provisions of the Ordinance would involve a substantial hardship. Such hardship being that this is an older structure in need of substantial renovation and then that's what triggers that

need for the relief.

That relief is owing to the fact that the structure, the current structure is oddly located on the lot, it's to one side, and it's paved inordinately on the lot.

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

In this regard what is being proposed will increase the energy efficiency of the structure which is a very desirable thing in the City of Cambridge, and which is being actively promoted by Cambridge, and that it will also improve the housing stock of the city by essentially improving this older property.

So on the basis of these findings, the Chair moves that we grant the Variance requested on the condition that the work proceed in accordance with the substantial set of plans, Good Energy Construction, Inc., prepared. The first

page of which has been initialled by the Chair.

So this is it. You're not going to change. If you do, you've got to come back.

JOHN SAVILONIS: That's the baby.

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

(Aye.)

CONSTANTINE ALEXANDER: Five in favor. Good luck.

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

* * * * *

(9:15 p.m.)

(Sitting Members Case BZA-013282-2017: Constantine Alexander, Brendan Sullivan, Janet Green, Andrea A. Hickey, Patrick Tedesco.)

CONSTANTINE ALEXANDER: The Chair will call case No. 013282, 132-134 Banks Street.

Is there anyone here wishing to be heard on this matter? As you've been sitting here most of the night, name and address to the stenographer.

DERICK SNARE: I'm Derick Snare. I'm the architect in Somerville, Mass.

CONSTANTINE ALEXANDER: You can sit. Your name?

JENNY HONTBO JIANG: Jennifer Jiang Hontbo.
H-O-N-T-B-O. Last name is J-I-A-N-G.

DERICK SNARE: And this is her husband Gi
(phonetic).

CONSTANTINE ALEXANDER: Before we start to discuss the case, we have a basic problem here. As you have probably heard from other cases to get the Variance you're

requesting, we need to satisfy, it's a matter of law, three conditions: That there is a substantial hardship, that the hardship is owing to the specified circumstances, and that relief may be granted without substantial detriment to the public good. And our forms require you to address these three so that we can understand at the outset why you're seeking the relief and why you may be entitled to it. And the form where it comes to the hardship, you're supposed to deal with the hardship owing to certain circumstances, what's written here is "Not applicable." You can't do that. You've got to satisfy that. And if you say "Not applicable," we're going to deny relief.

DERICK SNARE: Oh, well, then I'll address that and, you know, tonight. I certainly didn't mean not applicable to that question. It was -- the question before I thought was I believe it sort of answered the question. Anyway, I will address that then.

CONSTANTINE ALEXANDER: Well, let me just say to

other members of the Board is that satisfactory to you? We could also require that we continue the case until they submit a new form dealing with this issue of what the hardship is -- circumstances which the hardship's entitled or we could hear it out tonight.

ANDREA HICKEY: I think the public has a right to know the theory of the hardship, and if it's not set forth and some interested, you know, neighbor --

CONSTANTINE ALEXANDER: That's a good point.

BRENDAN SULLIVAN: That's the essence of the case.

ANDREA HICKEY: Right. Doesn't really have the opportunity.

So I for one would like to see the case continued and have the forms properly completed so that we and the public know what your theory of hardship is.

CONSTANTINE ALEXANDER: Yeah, I think -- well said. I don't think we're going to hear this case tonight. We're not -- I don't want to open the case up so we don't

have to be a case heard which is a special thing. But I think you've got to resubmit this form and deal with that. Change that "Not applicable" to give reasons that we can understand and the public can understand as Andrea's pointed out.

So we can continue this case. When's the next hearing?

MARIA PACHECO: We have June 22nd.

CONSTANTINE ALEXANDER: June 22nd. Does that work for you?

DERICK SNARE: We'll have to make it work, yeah, of course.

CONSTANTINE ALEXANDER: Okay.

PATRICK TEDESCO: Case not heard so we don't need to be here?

CONSTANTINE ALEXANDER: Right.

The Chair moves that this case be continued until seven p.m. on June 22nd subject to the following conditions.

One is being a case not heard. One, is that the petitioner -- you have to sign a waiver for a time of decision, otherwise we'll turn you down tonight. It's a form everybody signs.

Two, the posting sign that you have up there now, you have to change that to reflect the new date, June 22nd; new time, seven p.m. We can hear the case earlier. We can do it by magic marker or something or get a new form from Maria. And it has to be maintained for the 14 days before June 22nd just as you did for tonight.

And lastly, to the extent -- well, you are going to submit new forms; namely, the -- which we've already identified. They must be in our files no later than five p.m. on the Monday before June 22nd. You've got between now and that Monday deadline to get the new form in.

And to the extent that you want to modify the plans that you have here, those have to be in our files again no later than five p.m. on the Monday before.

DERICK SNARE: Very good. I'll do it tomorrow.

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

(Aye.)

CONSTANTINE ALEXANDER: Five in favor. Case is continued.

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

CONSTANTINE ALEXANDER: We'll see you on June 22nd. I assume that day works for you folks.

UNIDENTIFIED MEMBER OF THE AUDIENCE: Yeah.

CONSTANTINE ALEXANDER: We'll pick whatever date works for you. But you probably want to do it sooner rather than later. That's why I suggested the 22nd.

JENNY HONTBO JIANG: Thank you.

CONSTANTINE ALEXANDER: Thank you.

* * * * *

(9:25 p.m.)

(Sitting Members Case BZA-013329-2017: Constantine

Alexander, Brendan Sullivan, Janet Green, Andrea A. Hickey,

Patrick Tedesco.)

CONSTANTINE ALEXANDER: The Chair will call case
No. 013329, 105 Larchwood Drive.

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

ATTORNEY JAMES RAFFERTY: Good evening, Mr. Chair and Members of the Board. For the record, my name is James Rafferty. I'm an attorney with offices at 675 Massachusetts Avenue in Cambridge and I'm appearing this evening on behalf of the applicant. Seated to my left Niels, N-I-E-L-S and Meredith Peetz-Larsen, P-E-E-T-Z-L-A-R-S-E-N.

This is an application that the Peetz-Larsens have filed to allow for an addition to an existing single-family home. The issue really before the Board involves setbacks. The house is considerably below the allowable FAR, significantly exceeds the open space requirements. But what's happening here is the house, if you've had an opportunity to see the plans, has a -- the house is on a corner of a somewhat unusually shaped lot. It has a round bend in the front. It has frontage along Fresh Pond Lane and Larchwood Drive. The area where the work is being

performed is on the Larchwood Drive side of the property. That condition currently, there's a front setback there that's within about three feet, there's an existing entry into the house. And what the applicants are proposing is to remove that entry entirely and to construct and reorganize the house to give it a mudroom and a slightly better organized kitchen. The Peetz-Larsens live here with their three children, and the demands of their growing family have led them to try to explore a programatically something that works well and doesn't disrupt too much of the existing organization of the house. So the area that they identified for their addition is the area between the existing house and the garage.

There are two aspects of that addition that require relief:

The first is that the -- it's a two-story addition, but a small portion of the first story of the addition remains within the front setback or extends into

the front setback by about less than two feet would you estimate?

EDWARD GAFFNEY: Yes.

ATTORNEY JAMES RAFFERTY: Did I introduce him?

EDWARD GAFFNEY: Edward Gaffney.

ATTORNEY JAMES RAFFERTY: So the architect is Mr. Gaffney, G-A-F-F-N-E-Y. His name didn't change, just his seat.

So Mr. Gaffney designed this addition, and a portion of the first floor, that's a two-story addition, the first floor is in the front setback, so it is not a conforming addition. It is very close to conforming. And it replaces, as I noted, a very significant non-conforming addition.

The other zoning complication that's created by doing this, however, is that the garage, qualified as an accessory structure, and such it wasn't required at the time it was constructed to comply with the full setback

requirements, but would benefit from the setback requirements allowed for accessory structures. And as you know, those structures need to be less than 15 feet in height. At least 10 feet separated from the principal structure. In which case they could be five feet off the side and rear setbacks. In this case it's the existing condition on that garage is about -- it's what is that, Eddy? The garage setback currently is?

EDWARD GAFFNEY: It's in the elevations. Eight foot, six.

ATTORNEY JAMES RAFFERTY: Eight foot, six. And in this case the minimum would be 10 feet.

So the hardship or the way to do this project, at least this portion of the project as of right, would be to take 18 inches off this garage. If they shaved 18 inches off the garage. The garage has existed for a considerable amount of time. There's no change in that setback. The relationship between that wall and the existing neighbors is

unchanged. But the connection, the addition that connects the house to the garage makes the garage part of the structure, and thus it means that the house doesn't conform to the side yard setback by about a foot and a half. So it's for that reason that we need to get setback relief. So the setback relief is related to the impact of a change in the status of the garage from being an accessory structure to now part of the principal structure.

And the second relief is related to the fact that a small portion of the first floor, and only the first floor of the proposed addition projects into the setback by about less than two feet.

It will allow for better organization on the first floor and a much needed guest room on the second floor. So the floor plans and elevations are contained in the file.

The hardship is directly related to the way the garage happens to be sited if the garage were sited a foot or two over.

There is included in the project is an addition to the rear of the garage, but that's a conforming addition. So it's not part of the relief.

That would be the sum and substance of the application.

CONSTANTINE ALEXANDER: Comments or questions from the Members of the Board?

(No Response.)

CONSTANTINE ALEXANDER: I'll open the matter up to public testimony. I assume you're here for this, sir.

RAYMOND FORD: I'm not privy to all the details.

CONSTANTINE ALEXANDER: Could you come a little closer and give your name and address to the stenographer, please.

RAYMOND FORD: I'm not privy to all the details. And so I apologize on that, but we are a family that loves this family by the way. And we abut -- and our house abuts their garage. And we are not concerned about anything that

they want to do other than the extension of the garage. And I do not know whether that's something that fills with, you know, is part of the legal parameters or something that needs, you know, a waiverance (sic). But they are proposing to extend their garage, which would fall along our property line, and that's something that we think would infringe upon us in terms of, in terms of light, it closes us in. It's an issue for us. So like I said, I'm not sure whether I'm, you know, speaking in terms of what is a waiverance or what is, you know, part of your rules or that's the only reason I'm here. Other than that I have no concerns whatsoever.

THE STENOGRAPHER: Okay. Could you give us your name and address, please?

RAYMOND FORD: Yes. My name is Raymond Ford. My address is 101 Larchwood Drive. Our house immediately abuts their house. And they're proposing to extend the garage and that's just something that I think should be questioned.

CONSTANTINE ALEXANDER: Mr. Rafferty, do you have

any comments?

ATTORNEY JAMES RAFFERTY: Well, as I noted earlier, that portion of the project is not subject to relief. It's a conforming. It's a one-story, but it's a conforming addition. It's not going to be an extension of the garage. It's a room. It will be an occupied room. So it's not so much that it's a portion of the garage. But we're very mindful of the fact, and the Fords have been very accommodating and the Peetz-Larsens sent out letters --

CONSTANTINE ALEXANDER: Can you hear, by the way, what Mr. Rafferty is saying?

RAYMOND FORD: I can hear what Mr. Rafferty's saying.

CONSTANTINE ALEXANDER: Okay.

ATTORNEY JAMES RAFFERTY: And the Peetz-Larsens did send out letters and plans and have talked with neighbors about this. There are two letters of support in place.

The 10-foot setback is, it's a rather low one-story element. There's a commitment or a willingness to collaborate on fencing or any type of screening that might work. It's quite low. There's a fence here, and Mr. Gaffney did some calculations for me on the height of the existing fence.

EDWARD GAFFNEY: It's about seven feet plus or minus.

ATTORNEY JAMES RAFFERTY: His estimate is the seven-foot height -- the existing fence at seven-foot height, that the side wall of this room is not that much greater than seven feet. And then it has a pitched roof so it slopes away. So, I only offer that as acknowledgement that it's being done. It's not a two-story addition, which frankly it could be. It is a conforming addition to a non-conforming house, but it's less than ten percent of the GFA. So that, if that was all that was happening in the house, we wouldn't be here. It's not part of the

application, but obviously wanted to share it with the Board because it's reflected on the plans. And in fairness, it will be a single building permit that will address it. And I can only say that I think we hope that the Fords find that that love that they have for the Peetz-Larsens will help them appreciate that what's being constructed here is not in any way intended to cause problems, and they'll work with them on issues around screening and fencing. But it is, it is kind of a component. It's going to be a room. It would be like a playroom or something for the children. It could be a just a nice extra room. And as I said, the house is well below the allowed GFA. And it's -- if you have had an opportunity to see the house, it's very tastefully maintained, designed. The landscaping, the open space is exceptional. So neighbors are understandably supportive of the way the property is maintained and the Peetz-Larsens as a family wanted to stay in the neighborhood. So that would be the observation I have.

CONSTANTINE ALEXANDER: Okay. Anyone else -- thank you, by the way, for taking the time to come down and staying here this long.

RAYMOND FORD: Thank you.

CONSTANTINE ALEXANDER: Anyone else wishing to be heard?

(No Response.)

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

We are in receipt, as Mr. Rafferty has mentioned, of two letters. One is from Jean, J-E-A-N Berko, B-E-R-K-O Gleason who resides -- I'll say it. (Reading) My name is Jean Berko Gleason and I am writing in support of the petition of Niels and Meredith Peetz-Larsen at 105 Larchwood Drive for a Zoning Variance in order to make an addition to their house. I own the house at 110 Larchwood Drive and I've lived there since my husband and I purchased it in 1959. So I am a long time resident of our neighborhood and

feel strongly about maintaining its architectural integrity and zoning appropriateness. I'm one of the neighbors who would be most strongly affected by the proposed changes. My house is right across the street and looks directly out on to that part of the Peetz-Larsen's house where the new configuration would be. The new plan will remove a non-conforming part of the structure and actually results in a greater and more conforming setback. I welcome the proposed changes and believe that they would be a considerable improvement over the current situation.

And also a letter from Judy F. Kugel, K-U-G-E-L and Peter Kugel. (Reading) Peter Kugel and I live at 63 Fresh Pond Lane. We have seen the plans for the house across the street from us and are writing in support of the appeal for a Variance by its owners Niels and Meredith Peetz-Larsen. In the end the changes they propose will actually improve the way the home is sited on the property.

And that is it. I will close public testimony.

Anything further you want to add?

ATTORNEY JAMES RAFFERTY: No, thank you.

CONSTANTINE ALEXANDER: Discussion or ready for a
vote?

JANET GREEN: Ready.

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

That a literal enforcement of the provisions of
the Ordinance would involve a substantial hardship. Such
hardship being is that the petitioner needs to improve the
configuration of the property, or anyone who occupies the
structure needs to improve the configuration of the property
on the lot.

That the circumstances -- the hardship is owing to
basically the location of the current structure on the lot.

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

derogating from the intent and purpose of the Ordinance.

What is being proposed will not affect
the -- basically the outward appearance of the structure.

It will improve the liveability of the structure
and its garage and has -- not unanimous, substantial
neighborhood support.

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 the plans contained in our
file, prepared by Patrick Ahern, architect, the first page
of which has been initialed by the Chair.

All those in favor please say "Aye."

(Aye.)

CONSTANTINE ALEXANDER: Five in favor. Variance
granted.

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

* * * * *

ERRATA SHEET AND SIGNATURE INSTRUCTIONS.

The original transcript and Errata Sheet has been delivered to Inspectional Services Department.

INSTRUCTIONS

After reading this volume of the Zoning Board of Appeals transcript, note any change or correction and the reason therefor on this sheet. Sign and date this Errata Sheet.

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I have read the foregoing transcript of the Zoning Board of Appeals, and except for any corrections or changes noted above, I hereby subscribe to the transcript as an accurate record of the statement(s) made by me.

C E R T I F I C A T E

**COMMONWEALTH OF MASSACHUSETTS
BRISTOL, SS.**

I, Catherine Lawson Zelinski, a Certified Shorthand Reporter, the undersigned Notary Public, certify:

That the hearing herein before set forth is a true and accurate record of the proceedings.

IN WITNESS WHEREOF, I have hereunto set my hand this 22nd day of June, 2017.

Catherine L. Zelinski
Notary Public
Certified Shorthand Reporter
License No. 147703

My Commission Expires:
April 29, 2022

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