

BOARD OF ZONING APPEAL
FOR THE
CITY OF CAMBRIDGE

GENERAL HEARING

THURSDAY, JULY 10, 2014

7:00 p.m.

in

Senior Center
806 Massachusetts Avenue
Cambridge, Massachusetts 02139

Constantine Alexander, Chair

Timothy Hughes, Vice Chair

Brendan Sullivan, Member

Thomas Scott, Member

Janet Green, Member

Maria Pacheco, Zoning Secretary

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PROCEEDINGS

(7:00 p.m.)

(Sitting Members Case #BZA-003850-2014:

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

CONSTANTINE ALEXANDER: The Chair will call this meeting of the Board of Zoning Appeals to order. And as is our custom, we're going to start with continued cases. And the first case I'm going to call is 39 Fairmont Street, No. 003850.

Please come forward. We have a stenographer, so give your name and address to the stenographer.

MONROE HEARN: Monroe Hearn, H-e-a-r-n, 39 Fairmont Street.

CONSTANTINE ALEXANDER: Okay. You're here before us seeking a Variance to build some dormers?

MONROE HEARN: Yes.

CONSTANTINE ALEXANDER: Give us why you want to do it and the reasons for it, and we have -- to grant a Variance, we have to find that -- if we don't grant you relief, there will be a substantial hardship to you, and that the hardship will be owed to the shape of the lot or the soil conditions. And that we can grant relief without undermining the intent of the Zoning Ordinance which is designed to obviously, to govern the land use in the community. So -- and I want to talk to you a little bit about dormer guidelines. I don't know if you're familiar with those.

MONROE HEARN: I did get a copy.

CONSTANTINE ALEXANDER: That's secondary. Why don't start with why you want to do it and tell us a little bit about what it is, the dormers.

MONROE HEARN: All right.

Married and looking to expand my family is the basic idea. The place was set up -- I lived there alone for many years and married -- we're trying to have a baby now and looking to have space for the baby and children.

CONSTANTINE ALEXANDER: Will this dormer create inhabitable space on the top floor that's not inhabitable right now?

MONROE HEARN: No, it is habited now.

CONSTANTINE ALEXANDER: It is now?

MONROE HEARN: Right.

CONSTANTINE ALEXANDER: You want to expand?

MONROE HEARN: Right. As it is now, it's set up as kind of like a loft. So the roof is slanted on both sides, and I basically have a bed on one side -- and it's a center

staircase. And I basically have a bed on one side and a desk on the other side. And there's no headroom, there's no movement. But for me as a single man, it was fine. But now looking to have a baby and my family, trying to create some head space to make two legitimate bedrooms, and the space that actually can be used as a bedroom.

CONSTANTINE ALEXANDER: Do you have a rental unit in this building?

MONROE HEARN: On the first floor.

CONSTANTINE ALEXANDER: On the first floor. Your wife occupied the second floor -- you and your wife occupy the second floor?

MONROE HEARN: Correct.

So that's the basic reason why we're trying to get a dormer is for --

CONSTANTINE ALEXANDER: You need

more room for a hopefully an expanding family?

MONROE HEARN: Right.

I grew up in Cambridge. My mom that just came up is currently a Cambridge resident as well, and looking to stay in Cambridge. As it is now, the space with the slanted roof, we would not be able to stay in that with a baby. There's just not space, there's not space to move, it's not separate. So not being able to do the dormer, we would have to sell the house and move to another area.

We cannot right now afford to turn it into a one family. The renting unit has been a rental unit for sometime. I plan on that to pay the mortgage.

CONSTANTINE ALEXANDER: How big is the rental unit in terms of square feet?

MONROE HEARN: One bedroom.

CONSTANTINE ALEXANDER: I'm sorry?

MONROE HEARN: One bedroom.

CONSTANTINE ALEXANDER: One
bedroom?

MONROE HEARN: It's about 700, 800
square feet?

CONSTANTINE ALEXANDER: That's a
very small one-bedroom apartment. Okay.

We have dormer guidelines, and as you
said you've got a copy. The -- your proposal
seems to meet them all but with one exception,
the most important exception, you're not
supposed to have them -- and the guidelines
are guideline. We take them very seriously.
They're almost legally required. You're not
supposed to have more than 15 feet of dormer
on the side of the house. And I think you
have two, eight-foot dormers?

MONROE HEARN: Correct.

CONSTANTINE ALEXANDER: And this is a stupid question, I ask stupid questions, is there any reason why you can't make them seven and a half feet each? What did you gain?

MONROE HEARN: I could.

So the biggest issue comes to be the center staircase.

JANET GREEN: The center staircase.

CONSTANTINE ALEXANDER: Okay, that's usually the answer. But I wanted to hear it.

MONROE HEARN: With the center staircase where we come up, where it is right now would still be a slanted space. And what we come up with is removing a chimney and then to move the staircase over a little bit so that when you do come up, you would still have some space to go between the two. And

basically just pushing for as much space as possible.

CONSTANTINE ALEXANDER: And this top floor where the dormers are going to be, excuse me, those are bedrooms, in your living area is the second floor?

MONROE HEARN: Correct, correct.

So with that, you know, it does offer some space, but it -- obviously the most efficient would be a full length dormer. But, you know, going with what we can.

CONSTANTINE ALEXANDER: Okay.

Questions from members of the Board?

TIMOTHY HUGHES: No.

JANET GREEN: No.

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

Is there anyone here wishing to be heard on this matter? You can't testify on behalf

of your son, Ma'am.

UNIDENTIFIED AUDIENCE MEMBER: How about the grandmother?

CONSTANTINE ALEXANDER: I guess no one here wishes to be heard.

JANET GREEN: His grandmother.

CONSTANTINE ALEXANDER: Okay.

There are letters in our file. There's a letter from Paul Crawford and Diane Reid, R-e-i-d-Crawford, Eric Lowe, L-o-w-e.

(Reading) Paul Crawford and Diane Reid-Crawford and Eric Lowe residing at 35A Fairmont Street are long-time neighbors of Monroe Hearn. We do not have any objection to Monroe adding a dormer to his property regardless of the size of the addition. Monroe has lived in this house all his life and is a good neighbor and a valued member of the community. In retrospect, his project

is small in comparison to another neighbor who is building a house in his backyard. Therefore, we feel that it would only be fair to allow Monroe to go forward with his project.

And there's another letter. Let me dig it out.

MONROE HEARN: There's about six, yeah. All my neighbors around actually wrote letters.

CONSTANTINE ALEXANDER: Okay, good. I was going to ask you if you spoke to all your neighbors besides the ones who wrote to us.

MONROE HEARN: Yes.

CONSTANTINE ALEXANDER: If I could find it.

MONROE HEARN: Basically everyone on my little block submitted a letter.

CONSTANTINE ALEXANDER: There's a

letter in our file from Kevin Foster,
F-o-s-t-e-r, 43 Fairmont Street. (Reading)
I live and am the owner of 43 Fairmont Street,
Cambridge, Mass. I am aware of the proposed
dormer construction at 39 Fairmont Street,
Cambridge, Mass. I do not have any objection
to the project.

And that same letter, separate letter,
but it says the same wording, comes from
Mrs. Charlotte Lowe, L-o-w-e, 40 Fairmont
Street; from a David S. Finney, F-i-n-n-e-y,
37 Fairmont Street; Kevin Foster, we already
have, and multiple copies. Okay.

MONROE HEARN: Oh, yeah, I did
submit three copies. They told me three
copies of each.

CONSTANTINE ALEXANDER: There are
letters in our file from neighbors who are in
support.

Any neighbor orally -- there's nothing in writing in opposition. Any neighbor express any opposition to you?

MONROE HEARN: No. I've spoken to them all in my area.

CONSTANTINE ALEXANDER: Okay, the plans that you submitted, if we grant approval, we tie them to the plans and you can't change them without having to come back before us. So these are -- you're comfortable these are the plans?

MONROE HEARN: Yes. I'm making sure, the one with the two dormers, right? Looking at -- because I think there might have been three submitted total, but yes.

CONSTANTINE ALEXANDER: I think it's attached to that pile. I'll let you take a look at it.

MONROE HEARN: Yes, that's the one I

just recently brought up.

BRENDAN SULLIVAN: The one dated
7/06?

MONROE HEARN: Yes.

BRENDAN SULLIVAN: If you could just
run me through your second floor unit, you
have living room, dining room, kitchen?

MONROE HEARN: Bathroom.

BRENDAN SULLIVAN: Bathroom. And
how many bedrooms?

MONROE HEARN: No, no bedrooms.

BRENDAN SULLIVAN: There's no
bedrooms on the second floor?

MONROE HEARN: No. The only
bedroom space I was using was the attic space.

BRENDAN SULLIVAN: That's unusual.

CONSTANTINE ALEXANDER: He was
living by himself and just made a bedroom in
the attic.

MONROE HEARN: Well, it was always inhabited space, yeah.

CONSTANTINE ALEXANDER: Remember at some point they must have converted the first floor --

BRENDAN SULLIVAN: Was it a single at some point?

MONROE HEARN: I believe so. Probably going back sometime. I'm sure it was built as a single-family. But it's been a two-family for two generations at least. When I purchased it, it was already established as a two-family. And prior to that when they purchased it, it was already a two-family.

BRENDAN SULLIVAN: The only thing I would maybe change, I would -- Tom, I'll let you chime in on this. Is that from here to there if that were six-foot, eight, and all

that would do is just --

THOMAS SCOTT: Give it a little more slope to that loaf. Because that roof's pretty flat. It's only a quarter, it's essentially a flat roof at a quarter.

CONSTANTINE ALEXANDER: I don't think so. I looked at the house from the outside.

THOMAS SCOTT: No, no, the roof of the dormer.

CONSTANTINE ALEXANDER: Oh, the roof of the dormer.

MONROE HEARN: There's a slope.

THOMAS SCOTT: But it's a quarter of an inch per foot which is essentially what we consider flat.

Would you consider lowering that -- this height at the edge to six, eight just so that there was a little steeper pitch?

BRENDAN SULLIVAN: It gives it a little more of a pitch to it.

THOMAS SCOTT: To the dormers?

MONROE HEARN: Yes.

TIMOTHY HUGHES: Does that finish off inside at six, eight? Is that what we're talking about, or outside?

BRENDAN SULLIVAN: Well, floor to the plate. Top of the plate would be six-foot, eight, roughly. Finish floor to the top of the plate, six-foot, eight.

THOMAS SCOTT: And now he has it at seven, two.

JANET GREEN: How tall is he?

THOMAS SCOTT: How tall are you?

MONROE HEARN: Six, three.

BRENDAN SULLIVAN: Well, you fit through a doorway, so you would be able to fit in here.

TIMOTHY HUGHES: You don't walk around on your tiptoes much, do you?

THOMAS SCOTT: Six-eight is the height of a regular door in a house.

BRENDAN SULLIVAN: Right.

THOMAS SCOTT: It would just give that roof a little more pitch.

BRENDAN SULLIVAN: It's only really for that little bit of an area at the window wall at that point it would pitch up some. It's just, you know, it's tweaking the design a bit, but it's just taking the flatness off of it.

CONSTANTINE ALEXANDER: I take it this is all for aesthetic reasons, not for construction?

BRENDAN SULLIVAN: Well, it would help with the shedding of water.

TIMOTHY HUGHES: It would help with

shedding of water and it would help with the snow load, as it melts, it would melt faster.

BRENDAN SULLIVAN: Right. There are more pluses to it than there are negatives.

CONSTANTINE ALEXANDER: When it comes to doing the motion and we tie it to the plans, accept that, somebody help me with the wording.

BRENDAN SULLIVAN: Now, did you have an architect?

MONROE HEARN: Yes.

BRENDAN SULLIVAN: All right.
Okay.

CONSTANTINE ALEXANDER: Yes,
Leonard Osborn.

BRENDAN SULLIVAN: All right.
Unless, and I can't believe he would come up with any compelling reason not to object to

that, but I would say we'll put in there that from the finished floor to the plate.

THOMAS SCOTT: The top plate.

BRENDAN SULLIVAN: To the top plate would be six-foot, eight inches.

THOMAS SCOTT: And we can modify that on this sheet right here, just change this dimension to six, eight.

CONSTANTINE ALEXANDER: Why don't you write it for me.

TIMOTHY HUGHES: And do you understand everything they're talking about?

MONROE HEARN: Yeah, I follow it.

CONSTANTINE ALEXANDER: That's good because I don't.

Okay, anything else?

TIMOTHY HUGHES: Good.

CONSTANTINE ALEXANDER: Ready for a vote?

TIMOTHY HUGHES: Yes.

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

That a literal enforcement of the provisions of the Ordinance would involve a substantial hardship to the Petitioner. Such hardship being that he needs living in a house he's occupied for many, many years and with a growing family, hopefully a growing family, he needs more space. And without that space he would be forced to move out of the building.

The hardship is owing to the shape of the structure itself. It's a small structure and that just needs additional living space.

And that relief may be granted without

substantial detriment to the public good or nullifying or substantially derogating from the intent and purpose of this Ordinance.

In this regard the Chair would note there appears to be unanimous neighborhood consent.

That the reason for the dormer relief is a reason we've heard before, but from many other citizens of the city, and we take -- we like to try to allow people who live in the city who need more living space within reason, to expand their structure so that they can stay where they are. Particularly in your case, this is a problem -- you didn't buy it three years ago.

MONROE HEARN: No.

CONSTANTINE ALEXANDER: So, on the basis of all these findings, the Chair moves that we grant the Variance being sought on the

condition that the plans -- that the work proceed in accordance with the plans submitted by the Petitioner. They are one, two, three, four, pages, all of which have been initialled by the Chair.

And it should be noted that with respect to the plan Z-4 that the height that's been modified in ink by the Board to reflect six-foot, eight inches to the top plate.

All those in favor of granting the Variance on this basis say "Aye."

(Aye.)

CONSTANTINE ALEXANDER: Five in favor. Variance granted. Good luck.

MONROE HEARN: Thank you.

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

CONSTANTINE ALEXANDER: If you want to see the plans, you can see them in

Inspectional Services.

(7:20 p.m.)

(Sitting Members Case #BZA-003574-2014:

Constantine Alexander, Timothy Hughes,

Brendan Sullivan, Thomas Scott, Janet

Green.)

UNIDENTIFIED AUDIENCE MEMBER:

Mr. Chairman, may I raise a point of inquiry before going forward. We're here for the Western Avenue.

CONSTANTINE ALEXANDER: About to take it up right now and it's going to be withdrawn.

UNIDENTIFIED AUDIENCE MEMBER: I didn't see any of the parties here.

CONSTANTINE ALEXANDER: No, no. Anyway the point is they've requested a withdrawal. This is not going forward. And what that means is they cannot come back

before us for two years unless they come back before us with something substantially different.

UNIDENTIFIED AUDIENCE MEMBER:

Okay, thank you.

TIMOTHY HUGHES: There really isn't anything substantially different from an alcohol use variance.

CONSTANTINE ALEXANDER: They have other issues besides the alcohol.

(Whereupon, a discussion was held off the record.)

CONSTANTINE ALEXANDER: The Chair will call case No. 003574, 148-150 Western Avenue.

The Chair would report that he is in receipt of a letter from Sean D. Hope, Esq., who is counsel for the Petitioner.

(Reading) Please accept this request on

behalf of the Petitioner to withdraw the Variance application for case No. 003574. Unfortunately we were not able to obtain the requisite support from certain abutters who would be directly impacted by the Variance we sought. We appreciate the Board's patience and understanding throughout the process.

I make a motion that we accept the request for a withdrawal.

All those in favor say "Aye."

(Aye.)

CONSTANTINE ALEXANDER: Five in favor. Case withdrawn. Case over.

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

CONSTANTINE ALEXANDER: For now anyway.

* * * * *

(7:20 p.m.)

(Sitting Members Case #BZA-002837-2014:

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

CONSTANTINE ALEXANDER: The Chair
will call case No. 002837, 107 Hampshire
Street.

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

(No Response.)

CONSTANTINE ALEXANDER: There
appears to be no one here. And there is a
letter in our files from the Petitioner.

(Reading) Dear Zoning Board: I would like to
withdraw my petition for a Zoning Variance.
Thank you. It's signed Anne Margaret Finn,

F-i-n-n who is the Petitioner in this matter.

I move that we request the request for withdrawal. All those in favor say "Aye."

(Aye.)

CONSTANTINE ALEXANDER: Five in favor. Case withdrawn.

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

* * * * *

(7:30 p.m.)

(Sitting Members Case #BZA-004123-2014:
Constantine Alexander, Timothy Hughes,
Brendan Sullivan, Thomas Scott, Janet
Green.)

CONSTANTINE ALEXANDER: We're going
to turn to our regular agenda this being 7:30.
And the first case I'm going to call is case
No. 004123, 6 Jay Street.

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

NICHOLAS CARAMELLO: Do I sit here?

CONSTANTINE ALEXANDER: Oh, sure.
Your name and address to the stenographer.

NICHOLAS CARAMELLO: Nicholas
Caramello, 6 Jay Street, Cambridge, Mass.

CONSTANTINE ALEXANDER: The floor is yours. You're seeking a Variance for parking. Tell us why we should grant it and from a point of view, a legal point of view. You know, you got to meet the legal requirements for a Variance which I trust you understand what they are?

NICHOLAS CAMELLO: I hope so.

So, I'm family a of two small kids, two grade school age kids, hoping for a third, we'll see. Parking on Jay Street is very difficult. It's a very heavily densely populated street. There are I think 43 apartments in a 400-foot street. There are 22 parking spots. Parking's extremely difficult at all times, but particularly during snow emergencies, trying to get in and out of the house, get the kids to come do stuff, soccer stuff. I'm their soccer

coach, all that kind of stuff. It's particularly difficult particularly when parking around there. So the parking is very difficult. There's no --

CONSTANTINE ALEXANDER: The dilemma, though, for front yard parking is that you get a parking space but the city loses a parking space because of the curb cut.

NICHOLAS CARMELLO: Yeah. On the 90 feet of continuous space in front of No. 4, 6 and 8 Jay Street, there are spaces for four official parking spots. Five people will park there sometimes because it's Cambridge, people have small cars, they try and park considerately. With the curb cut there would still be parking for four official parking spots. So from an official number of parking spots perspective, there is four, there will be four, because there's a

40-foot area of parking with the curb cut --

CONSTANTINE ALEXANDER: Now there's five parking on the street. There will be four if we grant you the curb cut. And your front yard parking.

NICHOLAS CARAMELLO: There will be one -- it will be the same amount of parking overall on the street. There will not be -- there will not be one less or one more.

CONSTANTINE ALEXANDER: You're dancing --

NICHOLAS CARAMELLO: There's only room for four cars anyway. So, I said in my application there was room for five because five people do park there. But technically that's only if everyone parks perfectly and all the cars are compact cars, which is not -- is often not the case.

CONSTANTINE ALEXANDER: You were

before this Board back in 2005.

NICHOLAS CARAMELLO: Correct.

CONSTANTINE ALEXANDER: And you were seeking a whole hassle of relief.

NICHOLAS CARAMELLO: Yes.

CONSTANTINE ALEXANDER: Including front yard parking.

NICHOLAS CARAMELLO: Yes.

CONSTANTINE ALEXANDER: You wanted dormers, to install -- move windows, enclose two porches. And then before the hearing you withdrew your request for front yard parking.

NICHOLAS CARAMELLO: There was a complaint from a neighbor who was concerned about the renovations going on at 9 Jay Street, the renovations going on at 6 and 8 Jay Street and renovations going on at 21 Jay Street. She was concerned because during that period of time the parking on the street

was horrific. Obviously there were construction crews everywhere. She was very bent out of shape about it, and she objected to what she saw as developers coming in to try to develop the land. Obviously the developers are just trying to find a place to live in Cambridge which is hard enough. At the time I was advised by the BZA members who I think are all different. I'm not sure --

CONSTANTINE ALEXANDER: I was sitting on the case at the time, but I don't remember it.

NICHOLAS CAMELLO: Okay, but anyway. That we should withdraw the curb cut as a concession to the woman from No. 11, which we did, and we were also advised that if we came back in two years, we should apply for the curb cut and see what happens.

CONSTANTINE ALEXANDER: I don't

think we advised you of that. You may have been informally told that by somebody in Inspectional Services. I can't believe they told you you would get it in two years.

NICHOLAS CARMELLO: No, no, they didn't say we would get it. That's all I'm saying, is that you could come back in two years.

CONSTANTINE ALEXANDER: That you could do.

NICHOLAS CARMELLO: Yes. That we could do that, but I just, fell off the radar. And now that I'm -- as the kids got older, I thought it would be easier with parking with the kids. But actually it is harder with all the kids which I didn't realize when I had two smaller kids.

CONSTANTINE ALEXANDER: A lot of things are harder when your kids get older.

NICHOLAS CARAMELLO: Yes, they are.

TIMOTHY HUGHES: Wait until they get to their twenties.

JANET GREEN: They'll want their own car.

NICHOLAS CARAMELLO: They'll move out.

TIMOTHY HUGHES: Yeah, right.

THOMAS SCOTT: Don't count on that.

NICHOLAS CARAMELLO: Also, I didn't put it in the application -- in the file, but I recently just yesterday actually, went around to all of the neighbors that I could find on the street to get this application regarding the cuts and abutters' form of approval and I have some copies of the approval of everyone I could talk to. I've talked to all of the other -- I've got copies.

CONSTANTINE ALEXANDER: These are

multiple copies? We only need one copy.

NICHOLAS CARAMELLO: You want the original?

CONSTANTINE ALEXANDER: That would be great.

NICHOLAS CARAMELLO: That's the original.

So I talked to everyone I could get signatures from. I have not had any objections from anyone on the street. Everyone is either neutral or has given their approval, and I have the signatures for that.

CONSTANTINE ALEXANDER: The dilemma for us anyway, is that we don't look -- generally with favor on front yard parking. We as a Board. The Planning Board does not look with favor on front yard parking. It doesn't make for an attractive streetscape. There are the issues that I

touched on earlier about just losing a parking space for the city because of the curb cut. You're getting your own private parking space. And you're also swimming against the tide these days where the city's current philosophy is we don't want to encourage parking, on-site parking. We want to discourage it, so people will be -- they can't park on the streets they won't have cars. They'll find other means of transportation. Whether that, how long that policy will stay, I don't know, but that is -- that seems to have become the official policy of the city. And certainly on bigger projects they're asking us to not require as much on-site parking as a Zoning Ordinance would require. So I'm -- and I'm only one of five. I have a dilemma with this case, because front yard parking, this front yard

parking, you're in a very -- I've been by your place, it's a very tight area. You're talking about a very small site. I mean, you could virtually use up all of the front yard because your house is quite close to the street and it's off to one side.

NICHOLAS CARAMELLO: It's on the side. I have a --

CONSTANTINE ALEXANDER: We have a copy of the plan here.

You're only going to be -- the driveway itself is only going to be a few feet from the side of the house. On one side.

NICHOLAS CARAMELLO: Yeah.

CONSTANTINE ALEXANDER: There's a letter from the Planning Board which I will read, that is, I don't know, I won't characterize it. I'll let everybody draw their own conclusions from the letter. It

doesn't say flatly no, I will point that out.

NICHOLAS CARAMELLO: So the street itself has, as I mentioned in my application, has curb cuts. Most of them non-conforming, all throughout the street. So the entire street, in terms of the character of the street, the character of the street, already has a very large number of curb cuts because there are so many properties on the street. Additionally, No. 9-1 and No. 9-2, which were renovated in 2005/2006, were -- No. 9-2 was a new house built in back of the property, were granted curb cuts for -- and even in recent times these have been granted, as was the case with No. 17 and No. 19, both of which were granted curb cuts at the same time. And, again, No. 17 was built as an additional property on that lot.

In terms of the aesthetics, aesthetics

are a concern obviously. But the aesthetics of the house, as far as -- when we renovated the house in 2005/2006, we actually reduced the physical footprint of the house from where it was previously and restored it to its original footprint, which I think is probably reflected in the file in order that we would have a proper backyard. And so that we could have, you know, a family backyard and we could create a house that was attractive to families to live in Cambridge. And that's what we are, we're a family living in Cambridge. We have -- most of the house, I mean, the house has been renovated to relatively high levels, improve the street generally. The -- I worked with No. 4 which is my neighbor to the -- on this plot plan, over here on this side, to discuss how I can make this aesthetically pleasant for him.

And we talked about how -- what to do with the fence and the plantings and stuff like that. And I'm working with my neighbor, my condo neighbor in No. 8. We're gonna renovate, do some yard renovations in the front to make the whole front of the house more aesthetically pleasing because the aesthetics --

CONSTANTINE ALEXANDER: And you, I'm looking at the plan --

NICHOLAS CARMELLO: This is not submitted.

CONSTANTINE ALEXANDER: No, I know that. But your parking space is the one, the larger dark square?

NICHOLAS CARMELLO: Yes.

CONSTANTINE ALEXANDER: So everybody knows that.

NICHOLAS CARMELLO: So in terms of keeping the aesthetic appropriate or what I

think of it as appropriate, the pathways that we have are red brick which is kind of Boston red brick, and we're gonna continue that. We'll be planning to continue that throughout the parking spot to keep that again aesthetic consistent with the rest of Cambridge. I think I forgot some other points that I'm probably missing. Maybe that's it.

CONSTANTINE ALEXANDER: I'll give you a moment to collect your thoughts and I'll see if there's anybody in the audience who wants to speak and I'll read the letters in our file and then you'll have a chance to give your remarks.

Anyone here wishing to be heard on this matter?

Sir, your name and address.

NEIL DUGAS: My name is Neil Dugas (phonetic). My address is 11 Jay Street, No.

2. So, I object to the Variance because I think it will increase congestion on the street and make it difficult for -- more difficult for everyone else to park there. There are a lot of parking abuses currently on the street. And what seems to be the pattern is people who have curb cuts, they park a car in their driveway, and they park another car in front of their driveway. There are cars parked across the sidewalk and it's, it's very, very congested. And I think this will contribute to the congestion instead of alleviating it.

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

Is there anyone else in the audience wishes to be heard?

Yes, Ma'am, sorry.

SARAH MORTON: In response to

that --

CONSTANTINE ALEXANDER: Give your name and address to the stenographer.

SARAH MORTON: Sarah Morton at 6 Jay Street. Parking is a serious problem. I completely agree with you. I don't believe we've met. The street is incredibly congested. I mean, I think our effort here is to take the car off the street. And as Nick has pointed out, we really shouldn't be losing a space overall, because as he said, there's really only enough wiggle room for four cars anyway. It's just the situation where, you know, thankfully we have a lot of compact cars on the street. And when everybody parks extremely consciously, you can kind of squeeze five spots in there. But our goal is to take a car off the street rather than to adding to the congestion. So I just

wanted to add that to the conversation.

CONSTANTINE ALEXANDER: Thank you.

NICHOLAS CARAMELLO: I did remember what else I was going to say.

CONSTANTINE ALEXANDER: Yes, sure.

NICHOLAS CARAMELLO: So you mentioned the City of Cambridge has a policy of trying to --

CONSTANTINE ALEXANDER: Discourage car use basically.

NICHOLAS CARAMELLO: -- discourage car use. And I definitely appreciate that. There are 43 separate houses or apartments on the street almost all of which have one or more cars, right? So the minimum, we're looking at 40, 50, 60 cars that are meant to park on that street. There are 22 parking spots currently, full-size parking spots, currently. After the curb cut there will be

again 22 full-size parking spots. It's not like we're taking away any of the, you know, official parking. The Cambridge policy, while I appreciate it, it makes sense, is not consistent with the layout of the street. The street has almost -- the reason that my neighbors, obviously with an exception, I didn't get to talk to everyone, signed off on the approval is because I think generally, again, with one, possibly more exceptions, everyone recognizes it's a problem. And most people that I talk to were either neutral or they suggested it was a good idea which is why I got the approval. So....

CONSTANTINE ALEXANDER: Okay.

We do have some letters in the file which I'm going to read into the record. The Petitioner has submitted letters from the residents at 9-2 Jay Street.

Is that right.

NICHOLAS CARAMELLO: Yes.

CONSTANTINE ALEXANDER:

Christopher -- I can't read the last name.

These are all letters in support.

NICHOLAS CARAMELLO: Yes.

CONSTANTINE ALEXANDER: And then
from 5 Jay Street.

NICHOLAS CARAMELLO: Yep.

CONSTANTINE ALEXANDER: 4 Jay
Street, 7 Jay Street, 12-14 Jay Street, and
9-1 Jay Street. All of these persons have
signed a form letter that simply says: I do
hereby declare approval of installation of
off street parking facility located at 6 Jay
Street.

We also are in receipt of a memo from
the Planning Board. (Reading) The Planning
Board reviewed this application. The

Planning Board does not support front yard parking because it detracts from the residential character of streetscapes and neighborhoods. The Board did review the submitted photographs. And while they do not like it, they do not object to this particular Variance request if front yard parking is a significant pattern on this portion of Jay Street and quality materials, quality materials are used for the parking space.

So everybody can draw what conclusion they want. That's the letter from the Planning Board.

NICHOLAS CARAMELLO: I would be very happy if there are suggestions that's better than red brick, I would be happy to consider that as an option obviously.

CONSTANTINE ALEXANDER: Anything

further you wanted to add at this point?

I'll close public testimony.

NICHOLAS CARAMELLO: I mean I guess just to restate some stuff that's already in the file, is just that the hardship is suffered in part because I don't have access to the back of the house. There's no way to actually park anywhere other than the front because of the layout of the house. The house was built this way in the 1890s.

CONSTANTINE ALEXANDER: But that assumes your conclusion. That assumes you're entitled to a parking space on the lot, and since you can't use the back you have to use the front. But that doesn't follow that you have to have a parking space. That's the problem.

NICHOLAS CARAMELLO: Okay. And I -- understood. And also that the house

itself is -- has a large amount of outdoor area already. Like, I don't know, what the ratio is called, the opening area.

CONSTANTINE ALEXANDER: Open space?

NICHOLAS CARAMELLO: Open space ratio. So we're in excess of the expectations of the minimal expectations by a great -- a large degree. I think it's 0.3 and we're at 0.6-something. I don't actually remember off the top of my head, but it's in the file.

And that further, in our previous renovation, we actually increased the open space available for the house. So --

CONSTANTINE ALEXANDER: And now this parking space would bring -- I'm looking at your plan -- would be, if I'm reading it right, eight inches from the house, the edge of the driveway.

NICHOLAS CARAMELLO: I don't have the plan in front of me.

CONSTANTINE ALEXANDER: It's right here.

JANET GREEN: I was going to ask about the side yard. Is there a setback, a side yard setback that goes with this?

NICHOLAS CARAMELLO: There's a ten foot.

CONSTANTINE ALEXANDER: There's no setback issues on this because there is a requirement that you can't be more than ten feet -- if you're a residential unit on the first floor, residents, the parking driveway can't be, I believe, of ten feet of that but that does not apply to single-family or two-family houses. And that doesn't apply -- and I think the same applies to the setback. There is also a side yard setback

for driveway. We've been through this with Masse, for example. I don't, I didn't -- they didn't ask -- they're not asking for relief on that.

TIMOTHY HUGHES: Front yard setback relief.

CONSTANTINE ALEXANDER: They're asking for front yard setback relief, definitely.

Did you discuss this with --

NICHOLAS CARAMELLO: I discussed this with Ranjit and also with -- mainly with Ranjit, and also with Sean, but mainly with Ranjit. And he -- we went through the Ordinances, and he said that I should apply based upon what I applied, based on that. And I think Maria was there, too. Right?

CONSTANTINE ALEXANDER: Okay.

And the point is if we were to grant you

relief, and when you went down and get whatever permits you need and someone at ISD said well, wait a minute, you need a side ward setback, you have to come back before us. That's the point.

NICHOLAS CARAMELLO: Then that's what I would have to do.

CONSTANTINE ALEXANDER: Not that you -- you would be able to do it with this and you would have to come back.

NICHOLAS CARAMELLO: And come back again. Well, that would be unfortunate.

CONSTANTINE ALEXANDER: Okay, I'm going to close public testimony.

Comments?

TIMOTHY HUGHES: I still don't -- I still don't have the handle on the hardship. Can you go over the hardship question again? The legal standard question, not the first

part of the hardship, but the second part.
What did you put on your application?

NICHOLAS CARAMELLO: I wish I had my application in front of me.

CONSTANTINE ALEXANDER: We have it right here. Hold on. I'll read into the record what you said on hardship.

The hardship -- one sentence, location of the building on the plot does not allow for any other parking configuration.

And that was my point earlier. That assumes that you're entitled to have parking on your premises which is not a given.

NICHOLAS CARAMELLO: Again, that was -- that hardship statement was something that again, it was worked with Sean and Ranjit at --

CONSTANTINE ALEXANDER: I suspect that's what it is, because that's all there

is. There's nothing more. Your hardship is very, legal hardship is, personal hardship. Legal hardship is very, very difficult to establish in this case.

I for one will not support this Petition. I'm sorry. But I know you're in here in good faith but I think we have a policy about front yard parking, and this is not a -- this is a less than ideal situation for front yard parking. You're really shoehorning into a front yard area. Small parking space. And you've got to -- and the fact that there are a lot of other curb cuts in the front yard parking on the street, to me, cuts against you not to support you. I mean, we've got a bad situation, why make it however you wanted to define it, why make it worse by allowing one more curb cut and one more front yard parking? So, I don't know,

I'm just one of five. But I'm sorry, I just can't support the relief you're seeking.

Other members or you want to go to a vote?

TIMOTHY HUGHES: I think there's another regard in which the hardship question, you know, it works against you that the other places don't have the same -- you know, similar situation because basically the hardship question says affected such land or structures but not affects generally the Zoning District in which it is located. But to raise the, for evidence that everybody else on the street's in the same situation, doesn't help your hardship question. It hinders it.

NICHOLAS CARAMELLO: How so?

TIMOTHY HUGHES: Because your situation has to be different from everybody

else.

CONSTANTINE ALEXANDER: Your hardship has to be unique.

TIMOTHY HUGHES: Not the same as everybody else.

NICHOLAS CARAMELLO: The particular hardship that I put into the docket was that my house does not allow for the parking configuration which the others they do allow for a different parking configuration. So No. 9 they have -- I mean you have, there's a plot plan --

TIMOTHY HUGHES: I haven't heard that expressed up until now.

NICHOLAS CARAMELLO: I can give you this which is JS. I have a couple of copies actually. And I should really have marked up the parking spot.

CONSTANTINE ALEXANDER: I'm sorry,

do you have one more?

NICHOLAS CARAMELLO: Yeah, I have two more -- three more.

So, working down from the -- I mean, there are -- some of these houses do have curb cut, they do have a -- so number -- I don't know exactly how to tell you which numbers they are.

No. 15 has parking around the side of the building, around the back of the building, so they have access around the back to the building.

The same as applicable to No. 13. That's No. 11, I'm sorry. No. 11 has two curb cuts, actually, on the side of the building.

No. 9-1 and No. 9-2 have parking.

No. 7 has parking all the way down side of the parking.

No. 5 doesn't have any parking.

No. 3 has access parking down the side of the building.

Number -- on No. 2 has a garage and parking.

No. 4 is the only house that would conform, I think, to the open area requirements for curb cuts. And it also has access right the way through the building.

We're the next one up, which is No. 6 and 8 where there's no access. There's no other way to get in from either side.

No. 10 has parking and a garage.

And then the 16 through 20s have underground parking as part of I guess a relative renovation in the last 30 years, renovation.

So we are the only -- everywhere else has had an opportunity to place parking spots in different places but we don't.

BRENDAN SULLIVAN: But you bought the house with that condition. You know, the other thought as I went down there and I drove around it a couple of times, was that okay, you know -- I always do this exercise, what is the cause and effect of the relief that we're being asked? And if we were to grant this, the cause would be to allow you to park. It would be a very singular benefit to you as the homeowner of No. 6.

And what is the effect? Well, the effect is -- and it does take a parking space off the street. I think the gentleman is absolutely correct, that people will tend to park in the new parking area and also park across the driveway. It does, I think exacerbate the situation. And then all of a sudden what if your co-owner on the other half of the house decides well, it works lovely for

you, I should try the same thing? And then now all of a sudden they come down before us and all of a sudden we say well, wait a minute, it was a good idea to do one, but now how do we say no? How do we be consistent, you know, to that person? You go down two or three doors, there's a handicapped designated space there so that the parking on that side, as it is on Jay Street, is very restrictive. If there were no parking on your side of Jay Street, I think I would be more amenable to it because it would not have the effect that this does.

NICHOLAS CARAMELLO: So I've talked to my neighbor at No. 8 and actually we were originally going to put together a proposal for both of us to put curb cuts. She had no interest in having a curb cut and --

BRENDAN SULLIVAN: And he may sell

and the next person will say you did it, let me do it. So, anyhow, I cannot support it either.

JANET GREEN: I think one of the difficult things is that, you know, at some point in time these ordinances come into place, and they come into place for a specific reason. So you might look and say, well, this neighbor and this neighbor and this neighbor has it, but they may have had it prior to the time that this was the Ordinance.

NICHOLAS CARAMELLO: This is not the case for No. 9, 17, and 21.

JANET GREEN: There are other exceptions. I'm not saying there aren't. That's why there is a process for Variance. That's why the standard for getting that Variance is harder and isn't always obvious when you look down the street and you say but

wait a minute. It's not -- but that's not what -- we're here to look at.

NICHOLAS CARMELLO: To do --

Okay, I guess I have one other thing which is simply a reflection on the fact that as a portion of a family in Cambridge and I -- obviously your decision. I don't understand all of the ins and outs of Variances and stuff like that. Your decision would be what it is. The benefit might be to me to have the curb cut, but it's a benefit to Cambridge to have families moving into these neighborhoods, renovating houses, staying there, and having, you know, a full family life. And the reality of it is with the two children, possibly a third, I'm probably looking at the option of moving away from here, possibly to another part of Cambridge or Brookline or wherever,

somewhere else, because it is not a workable situation to have a family without parking on a street that is so congested. And, you know, we moved into the neighborhood. We improved it. We made a house that was previously -- you can look at the property assessment values, much, much nicer with the purpose of hopefully having a family home to live there. And the parking situation is such that is very, very difficult. And so it's not just an advantage to myself or anyone else in this position, it's also an advantage to Cambridge to have families moving into these houses and living there.

CONSTANTINE ALEXANDER: Any other members want to express views or should we go to a vote?

(No Response.)

CONSTANTINE ALEXANDER: Go to a

vote.

TIMOTHY HUGHES: Sure.

CONSTANTINE ALEXANDER: Okay.

As we always do, we make the motion in the affirmative.

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

That a literal enforcement of the provision of the Ordinance would involve a substantial hardship to the Petitioner. Such hardship being that with a young family and hopefully growing family, the Petitioner needs parking, more parking than is now available, which is none. The only parking is street parking.

That the hardship is owing to the circumstances relating to the fact that there is no other place, using your words from your

application, there is no other place on the lot for parking.

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.

So on the basis of these findings, the chair moves that we grant the Variance to the Petitioner on the ground that this front yard parking would be in accordance with the plan submitted by the Petitioner. It's not dated in any way, but I've initialed it.

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

(No Response.)

CONSTANTINE ALEXANDER: Motion doesn't carry.

NICHOLAS CARAMELLO: Thank you.

CONSTANTINE ALEXANDER: We need to

make further findings. Well, you can leave if you'd like, but we have to make further findings that I move that we deny the variance on the ground that the Petitioner did not satisfy the requirements of Section 10.30.

That there is no substantial hardship within the meaning of the Ordinance by denying relief that there is no special circumstances. The requirement of the statute must be circumstances related to the soil conditions, shape, or topography of such land or structures. And the only thing that might come close to this is the fact that there's no other place on the lot to park. As I said before, that assumes the conclusion that you have a right to have parking on your lot and many people in Cambridge own homes with no parking on the lot.

So I move we make these findings as to

why we denied the Variance.

All those in favor say "Aye."

(Aye.)

CONSTANTINE ALEXANDER: Five in
favor. Sorry.

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

NICHOLAS CARMELLO: Thanks.

* * * * *

(8:00 p.m.)

(Sitting Members Case #BZA-004200-2014:
Constantine Alexander, Timothy Hughes,
Brendan Sullivan, Thomas Scott, Janet
Green.)

CONSTANTINE ALEXANDER: The Chair
will call case No. 004200, 53 Dana Street.

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

CAMPBELL ELLSWORTH: Hi.

CONSTANTINE ALEXANDER: Hello.

TIMOTHY HUGHES: I'm ready for a
vote.

CONSTANTINE ALEXANDER:
Mr. Ellsworth.

CAMPBELL ELLSWORTH: Good evening.

TIMOTHY HUGHES: Go ahead.

CAMPBELL ELLSWORTH: My name is
Campbell Ellsworth, architect. My address
is 267 Norfolk Street in Cambridge. I'm here

with Julia Austin of 53 Dana Street.

We -- we're here to request that we and Julia be able to enclose the one deck, the back deck on her house. It is a -- this is a townhouse. It's 20 feet wide, side to side, and therefore, anything within the minimum setback, minimum setback of seven-foot, six or this action, enclosing the deck, would require a Special Permit so that's why we're here.

This deck --

CONSTANTINE ALEXANDER: The deck you're enclosing was it subject to relief by this Board before, was it not?

CAMPBELL ELLSWORTH: No.

CONSTANTINE ALEXANDER: No? Okay.

CAMPBELL ELLSWORTH: Not in -- no, Julia bought the house in -- we were here before you --

CONSTANTINE ALEXANDER: You were here before. Why were you here before us? I can't remember.

CAMPBELL ELLSWORTH: Oh, for the -- we added an addition on the second floor. Above that -- that was a one-story structure earlier and she was able to add a few square feet up there.

And there was a -- that was an interesting case. The gentleman to the right had opposed it because of materials, and we had modified it, I guess here at the meeting.

JULIA AUSTIN: To do brick.

CAMPBELL ELLSWORTH: And it was a great move. He was right and everybody's happy and it's beautiful.

CONSTANTINE ALEXANDER: Just sort of out of sort of curiosity, why did you seek

the relief you're seeking tonight then?

CAMPBELL ELLSWORTH: Well, Julia had bought it and had lived there only for a little while. The spatial requirements were clearer to her at the time and it wasn't on anybody's radar that this --

CONSTANTINE ALEXANDER: I ask because I always get concerned about people who seek piecemeal relief.

CAMPBELL ELLSWORTH: I know.

JULIA AUSTIN: Yeah.

CONSTANTINE ALEXANDER: That's what I call the salami approach.

JULIA AUSTIN: Yeah, I hadn't been living there that long and mud collects underneath and it's really, we didn't know until we lived there for a year and it's a problem.

BRENDAN SULLIVAN: Why do you want

to enclose it?

CAMPBELL ELLSWORTH: Well, No. 1 there is a, there is an egress door from the basement there. It's a dirt floor right now, and it just collects water and, you know, it's very muddy. It will also enable Julia to have some cold storage under that deck for bicycles and trash cans. We think that is sort of clean-up that area.

BRENDAN SULLIVAN: So right now it's somewhat of a useless area other than a trash collector, enclosing it will help probably with some energy efficiency with some security --

JULIA AUSTIN: Definitely.

BRENDAN SULLIVAN: -- to your unit. And also help in the maintenance?

JULIA AUSTIN: A hundred percent.

BRENDAN SULLIVAN: Is that somewhat

it?

JULIA AUSTIN: Yes.

CONSTANTINE ALEXANDER: Anything else?

CAMPBELL ELLSWORTH: Yeah, the -- that's about it. I mean, the deck, again, it wasn't on our radar when we went before you over a year ago, but the deck is in disrepair, and now Julia having lived there now sometime, realizes that it could be much more useful. Obviously we're creating non-FAR space under there. I think, you know, it's about six-foot, two right now. It's a very short door into that basement. So we would not be increasing any non-conformity, and we would not be building beyond the limits of the existing deck. So no, no I mean, you know, everything in this house is non-conforming and -- but we will not

be increasing --

CONSTANTINE ALEXANDER: You are technically increasing the non-conformity by increasing the massing of your side yard setback intrusion. You're not putting a new setback problem, but you are exacerbating the existing setback problem.

That's -- legally.

CAMPBELL ELLSWORTH: Really? I didn't realize that. I didn't know that massing was a criteria if the --

CONSTANTINE ALEXANDER: If you read -- the ISD takes a position that we haven't overruled it. That if you have a piece of your structure that's on -- that intrudes into a setback, and you want to say put a story above that, you want to do more, not move it closer, just go up.

CAMPBELL ELLSWORTH: Right.

CONSTANTINE ALEXANDER: You've got more massing on the setback, that's a new violation requiring new relief.

CAMPBELL ELLSWORTH: Certainly if you're going up, I would understand. But going down was it --

CONSTANTINE ALEXANDER: Down, up, same thing.

BRENDAN SULLIVAN: Just an opposite direction.

CAMPBELL ELLSWORTH: But what's -- you can also see from the photo that that deck sits right next to a property line fence that is above the base of the deck so it's really -- it won't -- the increase of the mass will not be even noticeable by that abutter who Julia has chatted with over the fence.

CONSTANTINE ALEXANDER: I don't

think -- I didn't see any letters pro or con.

CAMPBELL ELLSWORTH: No, there are none.

CONSTANTINE ALEXANDER: No one expressed any opposition to you?

JULIA AUSTIN: No. I had one neighbor walk by the alley just to check it out and he was totally cool with it. And everyone seems to be cool with it.

CONSTANTINE ALEXANDER: Okay.

Unless you have something to say at this point I'm going to open the matter to public testimony.

CAMPBELL ELLSWORTH: I have nothing else to add. Do you?

JULIA AUSTIN: No.

CONSTANTINE ALEXANDER: You'll have an opportunity to add something.

Is there anyone in the audience who

wishes to be heard?

(No Response.)

CONSTANTINE ALEXANDER: The Chair would report that there are no letters or other communications in the file. So that's all she wrote.

Final comments?

CAMPBELL ELLSWORTH: No, nothing. We've stated it.

JULIA AUSTIN: Yep.

CONSTANTINE ALEXANDER: I'm going to close public testimony.

Discussion? Vote? What's the pleasure?

TIMOTHY HUGHES: Ready for a vote.

CONSTANTINE ALEXANDER: Ready for a vote?

THOMAS SCOTT: Yes.

CONSTANTINE ALEXANDER: The Chair

moves that we make the following findings with respect to the Special Permit being sought:

That you cannot meet the requirements of the Ordinance to do what you want to do simply because you are right on the lot line and any increase of massing increases the -- creates a further setback issue for our Zoning purposes.

That traffic generated or patterns of access or egress as a result of the relief being sought will not cause congestion, hazard, or substantial change in established neighborhood character. This is basically a change that affects your property only, and you're the only ones that are going to be affected by it or benefit by it.

The continued operation or development of adjacent uses as permitted by the

Ordinance will not be adversely affected by this -- enclosing your rear deck. But 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 what you want to do will not impair the integrity of the district or adjoining district or otherwise derogate from the intent and purpose of this Ordinance.

In regard to that the relief is modest in nature.

There's no impact or appear onto any meaningful extent on adjoining properties.

No one, no neighbor has expressed any opposition to the relief being sought.

The relief being sought would increase the utility and of the structure that you now live in and the make it a more usable space,

give you additional space.

So on the basis of these findings, the Chair moves that we grant the Special Permit being sought on the condition that the work proceed in accordance with the plans prepared by Ellsworth Associates, Inc. There are two pages submitted with this Petition and initialled by the Chair.

You know the drill. These are the plans.

CAMPBELL ELLSWORTH: Those are the plans.

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

(Aye.)

CONSTANTINE ALEXANDER: Five in favor. Good luck.

(Alexander, Hughes, Sullivan,

Scott, Green.)

* * * * *

(8:10 p.m.)

(Sitting Members Case #BZA-004168-2014:
Constantine Alexander, Timothy Hughes,
Brendan Sullivan, Thomas Scott, Janet
Green.)

CONSTANTINE ALEXANDER: The Chair
will call case No. 004168, 16 Sargent Street.

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

MARY LOUISE SUDDERS: A group.
Good evening.

CONSTANTINE ALEXANDER: A group?
You're going to try to intimidate us by a
number.

MARY LOUISE SUDDERS: No, not at
all. Hopefully answer any questions. Good

evening.

CONSTANTINE ALEXANDER: Hopefully from our point of view, too.

MARY LOUISE SUDDERS: Yeah, I hope so.

CONSTANTINE ALEXANDER: You're seeking a Variance to build an addition?

MARY LOUISE SUDDERS: Yes. So I've been a homeowner --

CONSTANTINE ALEXANDER: Give your name and address.

MARY LOUISE SUDDERS: Oh, I'm sorry. I'm Mary Louise Sudders. I live at 16 Sargent Street with my husband Bradley Richardson. He kept his name. And thank you.

So I've been a homeowner in Cambridge, I've been a resident in Cambridge since 1978. I've been a homeowner since 1984. And I

think this is the first time I've ever been in front of the ZBA.

CONSTANTINE ALEXANDER: No comment.

MATTHEW JURROS: Nothing like the first time. My name is Matthew Juros and I'm an architect and I represent Mary Lou and Bradley.

J. PAUL NEWMAN: My name is Paul Newman (inaudible). The application states they own a single-family home at 16 Sargent Street. The gross square footage of the home is 2,036 square feet and the lot is 3,999 square feet. It's located in the Residential B District. We proposed to add -- so, and we can take a look at the existing house.

So this is the street view from Sargent Street. And if you walk over to the side and train your neck, you can see that the house

consists of two gables with a space between.

CONSTANTINE ALEXANDER: A deck's there now, right?

MARY LOUISE SUDDERS: Yes, a deck.

ARCH HORST: There's a deck down low.

CONSTANTINE ALEXANDER: What is it? A deck below. What's on top?

MARY LOUISE SUDDERS: It's like a Cinderella deck. You know, just like a tiny little walkway.

CONSTANTINE ALEXANDER: You can walk on it?

MARY LOUISE SUDDERS: Yes. It's a little deck.

BRADLEY RICHARDSON: You can put a chair there.

MARY LOUISE SUDDERS: You can put a chair there.

J. PAUL NEWMAN: You can put house plants up there.

And we propose -- so here's the footprint. The south face here, the side of the street there. So there's our area of interest, the deck. Okay?

We propose to add -- to fill in this deck area on two levels adding a total of 244 square feet.

CONSTANTINE ALEXANDER: Which means that you're going to -- you're a non-conforming structure now as to FAR, just slightly. And you're going to increase that non-conformance, that's the reason you're here.

J. PAUL NEWMAN: That's correct.

CONSTANTINE ALEXANDER: Just for the record.

MARY LOUISE SUDDERS: Yes.

CONSTANTINE ALEXANDER: You're now at 0.50 -- in a 0.5 district you're now at 0.5076 slightly above, and if we grant the you relief you're seeking, you would be at 0.5686.

J. PAUL NEWMAN: That's correct.

CONSTANTINE ALEXANDER: About ten percent more than what is permitted.

J. PAUL NEWMAN: That's correct.

MARY LOUISE SUDDERS: Yes.

J. PAUL NEWMAN: So the addition that we propose just a little bit, the description would fill in the space on both levels. We've got a projecting bay window in the dining room area that projects out two feet. And on the upper level we would propose to match that projection, two feet to add a little bit more space. It's about --

CONSTANTINE ALEXANDER: Is it just a

matter of space? Because it looks to me to my very untrained eye, not very attractive. But that's just me. Okay.

J. PAUL NEWMAN: The idea is that the existing house has sort of a difficulty with its layout in that both owners, sorry, Mary Lou.

MARY LOUISE SUDDERS: That's okay.

J. PAUL NEWMAN: Work at home. And it's desirable to have access to the master bedroom and the study and the office. And they currently have to go down the hallway. They don't have direct access. And so that the idea was to be --

CONSTANTINE ALEXANDER: That's your hardship?

J. PAUL NEWMAN: Existing sort of layout deficiency.

MARY LOUISE SUDDERS: The hardship

is actually to create an office for me. My professional life has changed in the time we've owned the property. I was a public official for a number of years and had an office, and then I was a head of a large children's mental health agency so I had an office. I'm now -- I teach and I also do consulting. So I have no -- I use the dining room table as my office for my consulting with the Justice Department.

J. PAUL NEWMAN: So in --

MARY LOUISE SUDDERS: Just to create an office. I'm sorry. I'll hand it back to the --

J. PAUL NEWMAN: Not at all.

The in the Residential B District the minimum lot size is 5,000 square feet. Okay, it's a larger home. And we are, we're in a substandard size lot.

CONSTANTINE ALEXANDER: How big is your lot?

J. PAUL NEWMAN: 3,399. And so, we're not -- the square footage of the house isn't as big as it would be able to be if the lot were the minimum size.

CONSTANTINE ALEXANDER: Or see it a different way, the house is bigger than it should be because of the lot size. You could go both ways. Be careful the way you make that argument.

J. PAUL NEWMAN: Fair enough.

It's not visible from the street. Barely visible from the street straight on.

MARY LOUISE SUDDERS: And the side of the house overlooks a parking lot.

JANET GREEN: I want to hear more about that when you get to that part, yes.

MARY LOUISE SUDDERS: Yes.

J. PAUL NEWMAN: So it -- the, this is a parking lot that's owned by the church which is in the back and off to the side of this house. And on the opposite side and side of the house -- the church property is to the back and the side of the house.

CONSTANTINE ALEXANDER: Have you spoken to the pastor of the church?

MARY LOUISE SUDDERS: We've not heard from the pastor of the church from the Vineyard Community, but we have heard from our neighbors and we have -- and we can forward the --

BRADLEY RICHARDSON: They're all e-mails.

MARY LOUISE SUDDERS: They're e-mails from our neighbors.

BRADLEY RICHARDSON: And somebody suggested they come here tonight but we

didn't.

MARY LOUISE SUDDERS: We didn't
bring them.

BRADLEY RICHARDSON: We didn't
bring them.

JANET GREEN: So in that parking
lot.

MARY LOUISE SUDDERS: Yes.

JANET GREEN: That parking lot is
all on the side?

MARY LOUISE SUDDERS: Yes.

JANET GREEN: There's no house in
front of it on Sargent Street or anything like
that?

MARY LOUISE SUDDERS: No.

JANET GREEN: It comes all the way
from Sargent Street.

MARY LOUISE SUDDERS: All the way.

JANET GREEN: And comes all the way

back to where?

MARY LOUISE SUDDERS: To the church and then our house. When the church was purchased, the City of Cambridge allowed the grass, that was that property, and all the back of the house that is face Sargent Street to be asphalted.

JANET GREEN: So it used to be grass when you first came there?

MARY LOUISE SUDDERS: Yes. When we bought the house, that was a grass piece of property.

J. PAUL NEWMAN: So that the church parking lot is here now and back here and the church is over here.

MARY LOUISE SUDDERS: So all of this is grass.

BRADLEY RICHARDSON: So the only house is right here. And they're part of

that e-mail there which said fine.

CONSTANTINE ALEXANDER: Did you give your name?

MARY LOUISE SUDDERS: That's Bradley F. Richardson.

CONSTANTINE ALEXANDER: I know.

MARY LOUISE SUDDERS: Sorry.

JANET GREEN: One more question. On the other side of the parking lot. What is on the other side of the parking lot?

MARY LOUISE SUDDERS: A neighbor.

JANET GREEN: A neighbor is there?

MARY LOUISE SUDDERS: Yes.

JANET GREEN: And how wide, how far is it across the parking lot to your house?

J. PAUL NEWMAN: About the same as your lot.

BRADLEY RICHARDSON: Yeah, roughly 40 feet.

MARY LOUISE SUDDERS: And so the our neighbors across the street -- our neighbor, our one neighbor on our side and then our neighbors on the other side, the abutters on the other side of the parking lot are all supportive of this. And we're happy to forward their e-mails. And they all offered to be here tonight.

CONSTANTINE ALEXANDER: Is that it?

MARY LOUISE SUDDERS: That's it.

CONSTANTINE ALEXANDER: Questions from members of the Board before I open it up to public testimony?

TIMOTHY HUGHES: No.

CONSTANTINE ALEXANDER: Okay.

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

(No Response.)

CONSTANTINE ALEXANDER: The Chair

notes that there appears to be no one wishing to be heard.

We are in receipt of excerpts from e-mails or maybe e-mails submitted by the Petitioner. One is from the resident at 10 Sargent Street, Sue Matel, M-a-t-e-l.

(Reading) It looks great. You anticipate any neighborhood opposition to this? If so, we are happy to come to the meeting in support. Happy summer.

One from Karen Ouelette, O-u-e-l-e-t-t-e, 20 Sargent Street.

(Reading) I like it. Go for it. We shall have to talk one of these days.

There's one from Aaron Stone, S-t-o-n-e at 9 Sargent Street. (Reading) Well, Maryann, and I think that is fine as long as we can come and work in that office when we need to. Seriously, though, is there

anything we should do to let the Zoning Board know that we are fine with the Variance or is saying nothing good enough?

One from 15R, I guess that's rear, Sargent Street Anne, with an E, and John Watt, W-a-t-t. (Reading) Looks very nice to us.

And one from Nancie which is spelled N-a-n-c-i-e, Dangel, D-a-n-g-e-l who apparently resides at 4B Sargent Street.

(Reading) Yes, got the notice today.

Drawing looks nice. Please let me know if you need support at the hearing. You never know what people object to. Good luck.

MARY LOUISE SUDDERS: We should have added it in.

BRADLEY RICHARDSON: I gave it to you what they said. I didn't want to edit anything.

CONSTANTINE ALEXANDER: And that's

all we seem to have.

Any final comments before we close public testimony?

J. PAUL NEWMAN: No, that's it.

MARY LOUISE SUDDERS: No.

CONSTANTINE ALEXANDER: I am going to close public testimony.

Comments, questions from members of the Board?

(No Response.)

CONSTANTINE ALEXANDER: As your neighbors were very valuable in communicating their views, we're very tight lipped.

Brendan, you want to look at the file a little bit longer? Take your time. I'll need it back, that's all.

Any comments or questions?

BRENDAN SULLIVAN: Just maybe

wondering about it, that element on the second floor coming out is not going to be a little bit of an overkill I guess.

CONSTANTINE ALEXANDER: That's what I was just trying to get at in my comment.

BRENDAN SULLIVAN: Yes.

But then again it adds a little bit of a feature to the house which would otherwise be a blank, not a blank wall but would be a flat wall.

MARY LOUISE SUDDERS: Right. It would be an....

BRENDAN SULLIVAN: The house of the three gables I guess.

CONSTANTINE ALEXANDER: The house of three gables, not seven gables.

MARY LOUISE SUDDERS: It's a small lot.

CONSTANTINE ALEXANDER: Comments?

Are we ready for a vote. Tom?

THOMAS SCOTT: I'm fine.

JANET GREEN: I'm fine with it.

CONSTANTINE ALEXANDER: Okay.

The Chair will -- time for a motion.
By the way, we're going to tie -- since I don't think you've been here before us before, we have these plans that you submitted.

J. PAUL NEWMAN: That's right.

CONSTANTINE ALEXANDER: These are the final plans. Because if you make any modifications, you're going to have to come back before us. You have better things to do on a Thursday night.

Okay.

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

That a literal enforcement of the provisions of the Ordinance would involve a substantial hardship to the Petitioner.

Such hardship being that the Petitioner needs additional living space in a structure that is somewhat unusual in terms of the internal layout of one portion of the structure to the other.

The hardship is owing to the shape of the structure. Its indentation in the middle making two wings without using the space in between the gap space for living arrangements.

And 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 is modest in nature.

It's a slight increase in non-conformance.

That there appears to be unanimous neighborhood support to the extent the neighbors have commented. To put it a different way, there appears to be no neighborhood opposition. And I think I'll stop right there.

So on the basis of these findings, the Chair moves that we grant the Variance being sought on the condition that the work proceed in accordance with the plans initialled by the Chair. Just one page right here, and I've initialled it.

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

(Aye.)

CONSTANTINE ALEXANDER: Five in favor. Variance granted.

(Alexander, Hughes, Sullivan,

Scott, Green.)

* * * * *

(8:20 p.m.)

(Sitting Members Case #BZA-004127-2014:

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

CONSTANTINE ALEXANDER: The Chair
will call case No. 004127, 1571 Cambridge
Street.

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

Before we start the case. Is there
anyone here in the audience, anyone here in
connection with the case on 1052-1058
Cambridge Street? Are you the Petitioner?

UNIDENTIFIED AUDIENCE MEMBER:

Neighbor.

CONSTANTINE ALEXANDER: I'm sorry?

UNIDENTIFIED AUDIENCE MEMBER:

Neighbor.

CONSTANTINE ALEXANDER: Neighbor.

This case is not going to be heard tonight. Tim made the suggestion. Basically the application was not correctly prepared and so we're going to continue the case to another date, another time. What date are we doing it to?

MARIA PACHECO: We can do July 24th.

CONSTANTINE ALEXANDER: We have room on July 24th? Okay. Can you make it on July 24th?

UNIDENTIFIED AUDIENCE MEMBER:

You'll send a notification, right?

CONSTANTINE ALEXANDER: No further notification. That's why I'm asking you

now. August 14th also is another date. We're going to set a time tonight, but I want to get an idea that you can make it if you want to come.

TIMOTHY HUGHES: The sign will be changed and it will have a new date and time on it.

CONSTANTINE ALEXANDER: But no new mailing or anything in the newspaper.

UNIDENTIFIED AUDIENCE MEMBER: Are you hard on a date yet?

CONSTANTINE ALEXANDER: We can do the 24th of July or 14th of the August. Which do you prefer?

UNIDENTIFIED AUDIENCE MEMBER: What do you think? The 24th okay?

UNIDENTIFIED AUDIENCE MEMBER:
Yeah.

CONSTANTINE ALEXANDER: Okay, it

will be at seven p.m.

UNIDENTIFIED AUDIENCE MEMBER:

Seven p.m. The application wasn't prepared. So they have to do it another night to hear it. So we can come back on the 24th at seven if we want to hear what they're going to propose.

CONSTANTINE ALEXANDER: And I suggest, I don't know what your interest in the case is, whether it's pro or con, but corrected application will be in our files no later than Monday -- five p.m. on the Monday before the 24th of July. So if you're interested, you might want to go to the Zoning Office sometime after five p.m. on the Monday before and see what is now in the file relevant at all to you.

UNIDENTIFIED AUDIENCE MEMBER:

Okay. Thank you very much.

CONSTANTINE ALEXANDER: Thank you, Tim, for reminding me of that.

TIMOTHY HUGHES: Okay.

CONSTANTINE ALEXANDER: Okay. You've been here before us. You know the drill. For the record.

ATTORNEY BRIAN GROSSMAN: Sure. Good evening, Mr. Chairman, Members of the Board. For the record, Brian Grossman, Anderson and Kreiger on behalf of the applicant AT&T. With me is David Ford the consultant from Centerline Communications for AT&T. And behind us is Amjad Md who is a radio frequency engineer with AT&T as well.

AT&T has applied for a Special Permit.

CONSTANTINE ALEXANDER: Excuse me.

TIMOTHY HUGHES: Move forward if you want.

CONSTANTINE ALEXANDER: You can

come forward if you want.

UNIDENTIFIED AUDIENCE MEMBER:

We're neighbors.

ATTORNEY BRIAN GROSSMAN: So, if you can't hear me let me know.

But AT&T has applied for a Special Permit to install a wireless communications facility on the hospital at 1571 Cambridge Street. The need is generally for all the reasons that you've heard on prior applications by AT&T in the recent past. It's continuing its build out to deliver high quality voice and high speed data in Cambridge.

CONSTANTINE ALEXANDER: Is this the first time you're on this building? This is not a situation where you're adding more antennas to a place where you're already at?

ATTORNEY BRIAN GROSSMAN: Correct,

this is a new installation.

JANET GREEN: And nobody else is there?

ATTORNEY BRIAN GROSSMAN: Correct.

CONSTANTINE ALEXANDER: And you're in a residential district?

ATTORNEY BRIAN GROSSMAN: We are. And we will address that and I know it's been addressed in the written materials as well.

CONSTANTINE ALEXANDER: I know you will.

ATTORNEY BRIAN GROSSMAN: Generally the gap starts from the west just short of the intersection of Broadway and Cambridge Street, runs east and reaching just short of the intersection of Beacon and Cambridge. It's runs somewhat north passed Kirkland Street and south of just Broadway, Broadway runs to the southeast and reaches back down

towards Broadway as it runs away from the general property.

I'll ask David to walk you through the site design.

DAVID FORD: Sure. So like every single or most standard AT&T designs you've seen, we're proposing 12 antennas here.

So I'm going to briefly walk through the board where our antennas are going to go and show you as well.

CONSTANTINE ALEXANDER: If you want to come around, feel free. I'm not trying to exclude you in any way.

DAVID FORD: I'll walk through where the antennas will be located. Again 12 antennas.

So our first sector, four antennas which is the actual view. This is the proposed view. We're going to mount four

antennas. Six-foot antennas behind this existing screen wall, replace the screen wall with an RF-friendly fiberglass material so the antennas can shoot through. So this is the actual view right now if you're standing on Cambridge Street. This would be the proposed view. There's no change in the actual steeple. All you're seeing is the change in the actual screen wall.

CONSTANTINE ALEXANDER: You see more stuff on the roof than you do now?

DAVID FORD: Yes, right here. So where the actual steeple and the antennas are going are not changing at all. What you're seeing right here is where the equipment is proposed. It's a 15-by-25 steel equipment platform that's going to be fully screened in with this wall right here. There's an existing elevator penthouse right here and

right here and on the other side of the roof. All we're doing is extending that room out and screening the proposed.

CONSTANTINE ALEXANDER: Are you going to have a gas generator on there to sort of --

DAVID FORD: It's going inside that screen as well.

CONSTANTINE ALEXANDER: Okay. And that's only operates when there's an emergency or need for it?

DAVID FORD: Correct. It turns on once a week for testing, but other than that -- yes.

CONSTANTINE ALEXANDER: What about the noise level?

DAVID FORD: We did a noise study and we're complying with the Cambridge Ordinance.

Just to finish the design real quick.

So, again, that's the steeple.

Secondly, actually this will be right here. This is showing another bump out of the equipment. So right here is the actual view, here's the proposed view. 15-by-25 is all going inside the screen wall fully screened in.

And on the back, second sector. So we have our actual view right here. Proposed view. You can see right here. There's going to be four antennas facade-mounted, low profile mounts prefer and painted to match the building.

And in the last sector it's going to be up on the existing elevator penthouse which is right here. And it's not actually visible from the street, nor is it right here. So we're going to facade mount the four antennas

on this the elevator penthouse high up and painting the ground to match the building as well.

So that goes through the actual design itself. So 12 antennas, 15-by-25 steel equipment platform.

If you have any design-oriented questions, I would be happy to answer those now.

CONSTANTINE ALEXANDER: Sort of in a sense, and talking about something I don't know very much about, but the problem with all of these antennas, one of the problems is that it's cluttering up our rooftops and it's unattractive. And another approach in Wellesley, for example, they're using -- it's called distributed antenna systems. Where you put an antenna on top of a telephone pole which is much less obtrusive. Why not here?

DAVID FORD: I'll let Brian speak about this because he has more experience.

ATTORNEY BRIAN GROSSMAN: Sure. There's two sides of that coin, and I'm gonna touch on one which is the legal question of whether or not it can be imposed as a technological choice and I'm going to put that argument aside.

CONSTANTINE ALEXANDER: I'm sorry elaborate on that a little bit. We have no right to force you to do that?

ATTORNEY BRIAN GROSSMAN: There are cases that talk about other -- we think of DAS as an alternative because it's, you're looking at it as an alternative to a site. It's technological alternative, a technological choice that operates very, very differently. And I'll walk through that actually as we go through the second part

which may be the more satisfying answer which is in this particular area given the size of the gap as a practical matter, the legal question aside, it's not an appropriate solution, but it's not appropriate in every way.

JANET GREEN: Because?

ATTORNEY BRIAN GROSSMAN: I'll walk through all of that with you.

CONSTANTINE ALEXANDER: Because they do have them in Boston.

ATTORNEY BRIAN GROSSMAN: Yes.

CONSTANTINE ALEXANDER: And last time around we were told by someone from your shop, not your shop, their shop, that all the buildings are too high in Cambridge. Well, I did a little investigation and they have them in Boston, the buildings are a little higher in Boston than they are in Cambridge,

so that didn't wow me.

Give me another reason.

ATTORNEY BRIAN GROSSMAN: Sure.

But from a legal perspective, there is case law that says because it's a technological choice. And so it's not a -- it's not really a Zoning choice, but it's a technological choice. And technology issues are within the sole jurisdiction of the FCC, that DAS cannot be imposed as an alternative in the traditional role.

CONSTANTINE ALEXANDER: Whoa, slow down, slow down.

One of the things we have a right to do to look into, it's not in our Ordinance, is a visual impact.

TIMOTHY HUGHES: Especially in a residential.

CONSTANTINE ALEXANDER: I'm sorry?

TIMOTHY HUGHES: Especially in residential.

CONSTANTINE ALEXANDER: Especially in residential.

If we think there's a less of a visual impact from these directed wave antennas. We're not imposing a technological alternative on you. We're saying that the better way in terms of impact on the neighborhood than what you're proposing. And, you know, you guys come in all the time with your competitors and it's one size fits all, you got your antennas in your warehouses and you slap them up on the roof. We're trying to probe, at least I'm trying to probe, is there a better way from the city's point of view to doing this so we don't have all these antennas cluttering up our rooftops.

ATTORNEY BRIAN GROSSMAN: I

understand what you're saying in terms of you're saying look, it's we're looking at it a different way. But that way is an entirely different technology. And what the case is saying is imposition of a technology as the alternative. So you can look at the one site on a -- you look at one site on a building and say look, compared to what we think would be appropriate, you know, why isn't the building down the street which we think offers a much greater opportunity for screening, why are those two not appropriate because that's an alternative when you're talking about the same technology. But when you're talking about a different technology, the issue is can that be -- that technology choice be forced in as an alternative to a macro site? But I don't, look, I'm happy to have the discussion, but I think more importantly as

it relates to this site, I would like to walk you through why in this site -- in this coverage gap from a practical standpoint actually the overall impact in fact would be greater. And from a technological standpoint why it wouldn't work. And it's not as simple as building height and it's not as simple as well, it's being used in Boston, why wouldn't it be used in Cambridge?

Because Cambridge is not being treated as a lesser sister if that's kind of the implication that I'm getting. Boston has, believe me, its share of wireless communications facilities in the last 14 years that I've been doing this and particularly the last several I've worked on projects that involve, you know, involve several hundred sites in Boston. So Boston certainly has its share of macro sites as

well.

Where DAS has been implemented, honestly, the sites that I'm aware of are, again, very limited coverage objectives. They're not the broad-based but it's the targeted objectives that make DAS a solution, an appropriate solution in some instances but not in all. So, the macro site covers a broad geographic area and you know that. And you've seen footprints from --

CONSTANTINE ALEXANDER: Keep going.

ATTORNEY BRIAN GROSSMAN: -- from typical facilities and you have them here.

So, what tends to happen and where DAS seems to be the most appropriate is a targeted solution where you have multiple macro sites around that aren't reaching a specific pocket, that don't necessarily need or require a full macro site to provide the

broad-based geographic coverage, but you have a very surgical problem that you need to solve. The tunnels are certainly a very good example of that, you know, things with DAS have been printed, you know, the TD Bank North Garden inside where you have these hard to reach areas and you need a very targeted solution.

But the nature of DAS is that they're very low power, tend to be very low height because of the structures they use; the utility poles, streetlights, what have you. And so, part of that limitation and maybe what someone was getting at, you know, the building height, is it operates technologically very differently. As I said, it's very low power. It is -- you're effectively taking a wireless network, you're making it a wired network which makes

it much more susceptible to outages and other issues related to wired networks. We've seen it with regular telephone lines and power lines and things of that nature. So you're distributing that and you're running lines between the antennas, and those additional cabling are much more susceptible to being damaged in taking some or all of the network down.

CONSTANTINE ALEXANDER: And they're less obtrusive from a visual impact.

ATTORNEY BRIAN GROSSMAN: Not necessarily. And it also lacks a lot of the flexibility for optimization which means sometimes instead of you have a macro site you can optimize it in and address an area that is supposed to be served by the site but for whatever reason is underperforming, and you can tweak the site. And we've gone through

that in terms of the ability of having antennas that are down tilted or swung one way or another. With DAS, a lot of times you have a much more limited opportunity to do that. In some cases what you end up doing is adding proliferation.

TIMOTHY HUGHES: Can you, are there numbers for that? How much DAS would it take to compensate for a macro site like the one you're proposing? How much different antennas or mount antennas?

ATTORNEY BRIAN GROSSMAN: We haven't run it --

TIMOTHY HUGHES: Do you have those numbers?

ATTORNEY BRIAN GROSSMAN: We haven't run it, but given the size of the area -- and I'm guessing there's a part I'm going to walk through and talk about this

particular area in general that's problematic, you would be -- I'm not an RF engineer.

TIMOTHY HUGHES: He is.

ATTORNEY BRIAN GROSSMAN: He is. But he hasn't run it either.

TIMOTHY HUGHES: Do you have an answer to that question?

CONSTANTINE ALEXANDER: Give your name.

AMJAD MD: I'm Amjad Md. I work for AT&T.

THE STENOGRAPHER: Can you spell your name for me, please?

AMJAD MD: A-m-j-a-d and last name, M-d.

We haven't done any analysis as such like how many DAS nodes are required to cover one macro site. But like Brian is saying

that this macro site is covering a bigger area. And in order to cover the bigger area, we might need like many DAS sites, because DAS sites are such that they have low power, and the footprint of coverage for DAS sites is very low compared to the macro sites. And --

TIMOTHY HUGHES: I get that.

That's why I wanted to see, you know, what the difference would be. And I would appreciate the next time you come before us you can tell me.

CONSTANTINE ALEXANDER: Same comment. I think this should be part of your regular presentations.

TIMOTHY HUGHES: You should be able to figure this out. You're an engineer.

CONSTANTINE ALEXANDER: Next time you come before us, every time you come before us, I want an analysis, not this off the top

of your head, and I want some demonstrative proof on why you can't do this on an alternative system. Because we're not -- I really feel strongly with your notion that we're forcing a technological change on you and we have no right to do that. We're not doing that. We're forcing on you a more -- a better aesthetic solution. And if it has technological implications, then it does. It's not because we like this technological than this. We like the visual impact of this better than what you're doing. Got it?

TIMOTHY HUGHES: And maybe you can make a case for the visual impact being just as strong because there are more numbers involved.

The other question I have before you go on, since I have the RF guy standing. Are these two systems mutually exclusive? Is

there any compatibility between DAS and the macro setup that you have that you do combinations of things and still get the coverage you need in the same area?

AMJAD MD: No, because you cannot put a macro site and a DAS site.

TIMOTHY HUGHES: They don't work together?

AMJAD MD: No. Because you don't want to have overlapping coverage at one point at one place.

JANET GREEN: What did he mean when he said sometimes there would be a little spot that would need covered and then you would use that?

ATTORNEY BRIAN GROSSMAN: Because the macro site is not providing the coverage.

JANET GREEN: The macro site would not reach to a middle place in the -- and then

you would put it. So it would work together in that situation. Right?

AMJAD MD: Those examples are like if it's a mall, like a shopping mall inside where macro site is somewhere far and inside the mall those macro sites will not do anything. And so in that sense, there will be indoor DASs we put inside the mall so to give coverage basically inside not the outside.

DAVID FORD: An example, in downtown Boston we have macro sites on hydro tops surrounding, you're trying to cover maybe a shopping center or just a square, and those macro sites aren't penetrating through the buildings in the way to cover that square so you use DAS to access that square only.

JANET GREEN: So they can work together?

DAVID FORD: Not necessarily because macro is not hitting that area that's why there's a gap there.

CONSTANTINE ALEXANDER:
Supplementing it.

TIMOTHY HUGHES: But they wouldn't work off the same equipment house or the same radio heads or anything like that?

ATTORNEY BRIAN GROSSMAN: No.

TIMOTHY HUGHES: They would be mutually exclusive targeted for separate areas?

DAVID FORD: Right. Two separate facilities.

TIMOTHY HUGHES: Is that accurate?

AMJAD MD: Yes.

CONSTANTINE ALEXANDER: Perhaps not this property because the space, the size of the area that you wanted to cover, in a

smaller area, it is possible, is it not, to put, to have a distributed antenna system?

ATTORNEY BRIAN GROSSMAN: It would depend on the -- it would depend.

CONSTANTINE ALEXANDER: For sure depend. But it's possible. You could have a self-integrated system that's only -- you're not having a compatibility issue that Tim is getting at it if you try to mix and match within an area, but if you don't mix and match within an area, you could use a different system.

ATTORNEY BRIAN GROSSMAN: Again, it's going to depend on the area. I mean there are certain areas --

CONSTANTINE ALEXANDER: For sure.

ATTORNEY BRIAN GROSSMAN: -- there are areas and DAS systems that provide coverage to specific areas.

CONSTANTINE ALEXANDER: I'm going to as Tim suggested, I want this to be covered every time you come before us. I wanted and I wanted -- and I think our Board wants, not just I, facts. I want a reasonable argument, I want to know why. I want to hear you looked at this, you can't -- you don't want to do it, you can't do it because and give us a reason. Okay? All right.

I'm sorry, keep going.

ATTORNEY BRIAN GROSSMAN: And I grabbed this right before I left. So this is just a -- from Google Earth overhead view of generally the area of what we're trying to cover. And so this is the, this is the far end closer to Harvard Square. This is the Beacon. This is Broadway. And so, this is the area that received the coverage from the site. And so what you have is you have a lot

of density-packed buildings. And now in some cases that could actually be helpful. As in this case it's not. But -- and you've, obviously Cambridge Street. Cambridge Street doesn't have utility poles in that area that I'm -- the side streets that are all part of the coverage objective, and so what you would need -- the DAS nodes go on typically the utility structures. On the side streets, there's actually a surprising amount of mature heavily foliage trees. And so if you have utility pole on this side that you wanted to utilize because that's appropriate for a DAS nodes and you have all these trees on this side, on this side, between the building and the DAS node, because they're so low power, those trees are going to effectively block the signal and you're not going to get the coverage to the

buildings even on the other side of the street.

The same problem if you were trying to use a DAS node, you know, strip of DAS nodes up the toe bridge to provide the coverage to the two streets on either side. Those DAS nodes are going to be significantly lower than the buildings in that area, again, certainly you and you much more familiar with the area than I am. I am somewhat familiar with the area with it. A lot of the buildings are more than one story, and so since they are going to be taller than the nodes, again, they're going to block the signal from propagating. It may provide some coverage to, you know, that home, but you're not going to be able to get it, and you're not going to put a strip here and cover all these buildings and all these buildings. And because of the

nature of the trees and the obstructions in the area, you're going to be putting multiple nodes on each street.

And so what happens is you actually end up meeting to a proliferation of antennas in this particular area and the associated equipment boxes that go on the, that go on the utility pole as well. And so --

JANET GREEN: I'd like to say something about that utility pole because we just had the work on the one in my neighborhood and it had Comcast, Verizon, the telephone, the fire department, Harvard. It was, it was -- there were -- I can't remember exactly what the other ones were. There were eight facilities using that telephone pole and that was overused from most of them, but that was because it was in an area where there weren't so many trees and so then they tried

to put it on there. And it really was unsight, about as unsightly and there was no way to put a fence around it. And so I, I think the pole question might be really appropriate at some points, but it's really hard to make it -- and then if you have to work on that pole, they could only work on it from the top down. So whoever got the top utility, they have to come, then the next people have to come and the next people have to come and the next people have to come. So the pole thing is really complicated when you have, like in my experience, I don't know what the other poles are.

ATTORNEY BRIAN GROSSMAN: And touching on that right there, you know, at times those poles are as loaded as they can, then you either need to replace it with something bigger and stronger or you need to

add a new one.

JANET GREEN: That's right. Or they twin it. That's the big Cambridge solution.

ATTORNEY BRIAN GROSSMAN: And that typically is --

JANET GREEN: Which is really unattractive.

ATTORNEY BRIAN GROSSMAN: I was going to say I don't do that work, but I've been at hearings where they've done that and that's been a big topic of discussion and that is typically not popular. And so, again, this particular area, given its breadth, the amount of trees and buildings and the density of them, and with DAS what you get is literally a ribbon of coverage because it's so low power. So if you go to put it on Cambridge, you're gonna cover that little

strip on Cambridge and that's it. It's not gonna cover down, you know, along the side streets. And you have to carry those nodes down the street. I was telling David outside I've been at hearings where there was a neighboring town adjacent to Boston where DAS thought to be a good solution. And when they went to install it, and I think this area it has that same issue, it's so closely packed and the poles are so close to the homes, especially on the side streets, that when they put the antennas up and when they put the boxes up, there was a lot of pushback. And it, so it's -- while it may work in some instances, it may be a good idea in some instances. In some instances even though you could, even if you could do it, it may not be wise to do it. And the beauty is in the eye of the beholder. But for this particular

site, given the impact using the louvers in the steeple, the limited view of the one facade mounted set that can be seen from public roads and then the other set that really can't be seen, you know, from publicly viewed area, I think that compared to running 5, 10, 15, 20, 30, or 40 nodes down the street where they put them in boxes and wiring, comparing the impact for this site to a DAS system for this area, this site in particular because of its design, certainly would have significantly less impact than even a DAS system.

CONSTANTINE ALEXANDER: Okay.

ATTORNEY BRIAN GROSSMAN: I do want to address the -- it is in a residential.

CONSTANTINE ALEXANDER: Right.

ATTORNEY BRIAN GROSSMAN: The residential district. David went through it

in the written statement. It's also in the Cambridge Street health center, it's the overlay district.

As far as the prevalence of mechanical equipment on or above rooftops, certainly Spaulding Hospital has equipment on the roof. The hospital down the street, you know, Cambridge Hospital about a block away has mechanical equipment up the street. Cambridge Rindge Latin has solar panels on their roof as well. There's certainly some mechanical infrastructure on the rooftops of some of the shorter retail buildings along Cambridge Street.

In addition, talking about the area generally, it is predominantly non-residential. Certainly the hospital use itself sets located, again, down the street you have Cambridge Hospital, you have

Harvard Vanguard, you have all the retail uses, restaurant uses, dry cleaner, florist, professional offices, all right there in the immediate vicinity of the proposal.

To be sure there are some, you know, residentially zoned, there were residences near the vicinity, but those are again from the photo sims, very limited visibility. A lot of screening provided by the interesting vegetation and just kind of layout generally of the buildings in the area.

CONSTANTINE ALEXANDER: What about the -- what's in the statute? The existence of suitable function sites in non-residential locations?

ATTORNEY BRIAN GROSSMAN: Sure. I'll let David speak to that a little bit. Again, in the, I think it's in the RF.

CONSTANTINE ALEXANDER: I see the

written materials.

ATTORNEY BRIAN GROSSMAN: In the RF report, this was a particularly difficult area in terms of siting to find a site generally that both worked for RF and also had a willing landlord. I think if you looked --

CONSTANTINE ALEXANDER: Had a what, I'm sorry?

ATTORNEY BRIAN GROSSMAN: A willing landlord for the lease. If you had a chance to look through the materials, there were some sites where RF would have approved it but the landlords would not enter into a lease.

CONSTANTINE ALEXANDER: I'll ask you, they wouldn't go to the lease or terms you didn't accept?

DAVID FORD: I could go through them.

CONSTANTINE ALEXANDER: Yes,

please.

DAVID FORD: We've been looking in this ring rather for years, and years, it's a very old site. We started off at 1420 Cambridge, or I started off at 1420 Cambridge, the Presbyterian church, they needed the revenue. We were trying to make it worth for them. Unfortunately mounting the antennas to the steeple was blocked by a big oak tree right in front. They didn't want to move it. And we had to drop that candidate and move on to the next one.

1481 we never heard back from them. Cambridge Hospital rooftop. Cambridge Health Alliance rather.

The next one 1445 Cambridge Street. This is a three-story condominium. They rejected this property for being too low which evaluated it with along with Deepak.

Next one is 77 Trowbridge Street. This one actually went very far. It's a seven-story residential apartment building approved by RF. We went out there, did a full design visit with our team. 77 Trowbridge, as you know, probably isn't very far from this site. We got very far with the design and then the landlord decided he didn't like it and wanted to drop it. And so we had to move on.

And the next one was 1643 Cambridge Street. I'm sorry, that's what I just said.

Next one was 1384 Cambridge Street. It was suitable but basically they did not express an interest in hosting a wireless communications facility.

And then we also had a few residential meetings with properties on Cambridge Street as well, a condo association meeting. Went

to a few community meetings as well and those were rejected. So every commercial property was targeted and then we started doing away with residential properties. And then we found out that Newton-Wellesley Hospital was doing a deal with AT&T, similar site and same owners in Cambridge. Once we found out that we tried to close the same deal.

CONSTANTINE ALEXANDER: You lost me on that. What about Newton-Wellesley Hospital?

DAVID FORD: Newton-Wellesley Hospital it's owned by the same Cambridge Health Alliance -- Spaulding Cambridge and so we're proposing a facility in Newton-Wellesley if you're familiar with that facility, familiar with the design and wondering we're doing the same thing here. We explained that we're looking at the

facility here and we're making a deal in Newton-Wellesley, let's try to propose the same thing here and that's where it came about.

CONSTANTINE ALEXANDER: Got it.

DAVID FORD: Just to answer a quick question, there's no existing wireless facility in this search area within the suitable AT&T that we've done in the past. That's always the first thing we look at as you know.

CONSTANTINE ALEXANDER: Okay, thank you.

Anything else?

ATTORNEY BRIAN GROSSMAN: Unless you have any further questions for us.

CONSTANTINE ALEXANDER: You have an opportunity to -- well, we'll find out.

Any questions from members of the Board

at this point?

TIMOTHY HUGHES: No. I like the screen wall. You know, I've always thought that as I good alternative.

DAVID FORD: (Inaudible.)

CONSTANTINE ALEXANDER: Better than what we've seen. We'll get to the Planning Board's comments.

DAVID FORD: There are some existing huge generator up there. And so the proposing the new screen wall is not something that's not existing just to let you know that.

CONSTANTINE ALEXANDER: I'll open it public testimony.

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

SELENA TAN: I'm Selena Tan,
S-e-l-e-n-a T-a-n, 1541 Cambridge Street.

Right next-door. Yeah, I was initially concerned about where it was going to be sited and it looks like it's pretty far above where our line of sight would be for the third floor buildings. I do have a couple of questions about -- because I'm not sure what the Zoning Board only looks at visual impact or is there more than that? Because I'm not sure, sorry.

CONSTANTINE ALEXANDER: No, no. I laugh because it's just a little bit vague, too.

Generally the Federal Government passed a statute that says these things are safe in terms of their emissions of electromagnetic waves, at least that's what they say at the time, and basically have taken away from local board's ability to say no, you can't have antenna on the roof. What you can do is and particularly in residential areas

is we can push and rule on the visual impact of it. That's why we asking them those questions. But we can't say, uh-uh, we don't want any telecommunication antennas in Cambridge or use in this area. We don't have the authority to do that.

SELENA TAN: Okay. And so, in this case for me anyway, I know that you have questions, in terms of because you mentioned there being a generator up there --

DAVID FORD: Correct.

SELENA TAN: Is it a pre-existing generator that's up there or is it going to be working with the new equipment?

ATTORNEY BRIAN GROSSMAN: There's an existing generator on the hospital and AT&T is not tying into that. AT&T will be providing its only generator just to provide emergency power. If the facility lost power

during an emergency, that AT&T's facility would still be able to run and provide communications which could be very important during emergencies providing power.

CONSTANTINE ALEXANDER: This is an important thing to understand, when that generator goes on, it makes noise.

SELENA TAN: It sure does. And in fact that was one comment I wanted to make that in fact the hospital's generator is right next-door to my window. I mean, and I know that, you know, I mean, I don't know how long that generator has been there, but every time it turns on, not only do I smell exhaust, it actually drifts into our apartment. And I know it goes to the other levels, it's also very loud. And so I work out -- I have the business at home and I have to shut my windows that's how loud it is. And how smelly it

gets. And so I would, even though I'm not facing that way, so I'm not going to be impacted by the, you know, whatever disturbance there would be, but the folks who are on the other side might have issues with it.

CONSTANTINE ALEXANDER: Understand that Cambridge has a Noise Ordinance and they represented or they have to, the noise is going to be made when this generator is running will satisfy the -- it won't be excess of the what the Ordinance says you can do. So within the law, okay, with regard to noise. But it's going to be there.

SELENA TAN: Yeah.

DAVID FORD: The existing generator that's up there is four or five times larger than the generator we're proposing. It's meant to power the entire hospital not just

the AT&T facility. We are proposing a 450 kilowatt. I won't be surprised in that's upward over 200.

THOMAS SCOTT: And how many times would be that exercised?

ATTORNEY BRIAN GROSSMAN: Once a week.

SELENA TAN: How is it powered?

ATTORNEY BRIAN GROSSMAN: Natural gas.

CONSTANTINE ALEXANDER: What time of day do you run them?

ATTORNEY BRIAN GROSSMAN: It's typically during the middle of the day.

CONSTANTINE ALEXANDER: It's not the middle of the night?

ATTORNEY BRIAN GROSSMAN: The cycle time of the maintenance cycle can be set. So typically it's set for the middle of the day,

the business day, so it's not disturbing. It's not going to be set for three a.m. You know, if it's operating at three a.m., chances are it's a power outage and you may want the site to be up and running.

Mr. Chairman, if I can I just want to give additional details. We do have members of the public, but I know the Board is intimately with facilities and I just need two seconds just to explain the rest of the facility.

CONSTANTINE ALEXANDER: Let me see if there's any other questions before you do that.

ATTORNEY BRIAN GROSSMAN: It might answer a couple.

CONSTANTINE ALEXANDER: Okay.

ATTORNEY BRIAN GROSSMAN: So just quickly, the facility on demand. So we don't

have facilities going to and from the site like the hospital. Only visited one or two times per month for routine maintenance. So there's some parking on the site and that's done in the SUV or a pickup truck. So once the construction's completed, it's a standalone facility. It doesn't generate a lot of additional activities like business or.

CONSTANTINE ALEXANDER: Okay.

Yes.

CARIN NUERINBERG: My name is Carin, C-a-r-i-n, last name Nuerinberg, N-u-e-r-i-n-b-e-r-g, and I have live at 1560 Cambridge Street. And I'm up on the third floor so this is my view. So, I'm concerned about that the impact on our view. I guess I'm disappointed to hear that we can't talk about the potential health impact. I have

three young children who spend a lot of time in our home, again, on the third floor, and to the best of my limited time I've done research and it seems that there hasn't been a tremendous amount of research in this realm. What has been done focuses on workers installing antennas and people walking by on the ground, but not people living in eyesight of the antennas. And I just question -- I'm an AT&T customer. I have great coverage in our home. So I'm just kind of wondering why the need and why so big? Those were my two big questions.

ATTORNEY BRIAN GROSSMAN: I mean, I think in terms of me -- one of the things that comes up a fair amount across carriers is have great coverage, why do you need this site? We're trying to cover a very broad geographic area. And one of the things we're looking

at, two, in terms of one is to overall network reliability. And so given the density in Cambridge, what you can have some appliances with your phone coverage and you're not using it and so you have five bars and impact you. And the other thing at this site is AT&T is doing nationally and throughout New England and Massachusetts with this build out is building out the 4G network. So obviously you've seen a lot of advertising for AT&T about 4G. And this site will allow the AT&T coverage in the area. And to achieve LTE level speeds, wireless broadband speeds along with additional ability. Because even if you have sometimes have unlimited LTE coverage, you can have -- if it's not sufficient what you have is much, much slower than people honestly are expecting wireless networks. iPads, iPhones, Android phones,

all of the Smartphones and tablets out there that are built on not only a Wi-Fi platform but also on the LTE platform, that usage is growing exponentially. Exponentially every year. And so that need and desire is out there and AT&T is trying to make that (inaudible) that is coming ruled out some markets, not Massachusetts yet. It is HD voice and voice which will enable features and bring a whole new generation of quality and ability for all of that requires additional sites.

CONSTANTINE ALEXANDER: I have a question. I'm going to follow up on your comments there. Among your submissions is Exhibit 8, which is entitled, "Maximum Permissible Emissions Report." And I was completely baffled by it.

It shows -- you have a nice table here

which shows sort of the various limits for exposure, but it doesn't say what your facility's going to be. How close are you going to get those.

DAVID FORD: It's on page 7.

CONSTANTINE ALEXANDER: Okay. I didn't read it right.

DAVID FORD: It's peak uncontrolled.

CONSTANTINE ALEXANDER: Does it mean this graph, this squiggly graph?

DAVID FORD: Correct. So look at the peak uncontrolled limit for the blue line. It's 1.09 percent. That means worst case scenario when the site is operating at peak performance, peak control --

CONSTANTINE ALEXANDER: Help her understand it as well.

DAVID FORD: The antennas are facing

the garage, okay. So, what they do, when they do this study for what the peak performance or the output of the site is they do it worst case scenario. So, if an antenna all of a sudden dropped and were shooting straight down to the ground that's how they do it, not on the horizon, so just to let you know.

CARIN NUERINBERG: And that's affecting people on the ground, right?

DAVID FORD: Right. So shooting off the horizon, going out, (inaudible) and it's not going to be touching the ground way farther out. Hundreds and hundreds of feet out. When they do these studies, they do peak uncontrolled. So when they take a human being the quickest straight down to the ground. So that's when they run these on peak uncontrolled limit. If the antenna

somehow came off their tilt or straight down to the ground, you know, someone standing right underneath the facility, and at that point if you're right there, it's 1.09 percent of the FCC mandate limit. So that's what it's coming out of this site. And that's basically what it is.

CONSTANTINE ALEXANDER: One percent of the limit?

JANET GREEN: 1.9.

DAVID FORD: 1.09.

ATTORNEY BRIAN GROSSMAN: When they do those, they also assume perfect conditions. They assume the ground is a perfect reflector. And other things that make it what they call the worst case scenario. The reality is generally a site operating within normal parameters is far, far below even what the maximum permissible

is predicted to be because when you do the maximum permissible exposure prediction, you take all the factors that could potentially increase the exposure and you make them the worst possible. Like the ground is a perfect reflector. Well, asphalt and trees and, you know, dirt and lawn and cement are not perfect reflectors. They absorb some, they reflect some, and they (inaudible). And so all of that from a practical perspective reduce the amount of... Other thing it does do for folks who live in the area, the exposure is done not on a limited basis, (inaudible), but workers have a limited time period that they may be in the proximity, but because of the proximity and because they're inside the permissible public area or publicly accessible area, and so again the studies that we're talking about, general public

studies are and do consider 24 hours a day, seven days a week. So it's not a limited time period. So there's someone working, you know, this close to the antenna has a different exposure level than someone who is in an only a publicly permitted.

JANET GREEN: Why is that? What are the problems that are associated that they have more time --

ATTORNEY BRIAN GROSSMAN: It's just because the power, the proximity to the antenna changes the calculation. And so as you -- if you are in -- if you're inside the -- if you're inside what's considered the public area, the public being not the generally accessible area, you and your exposure is different.

JANET GREEN: I guess presumably the reason they would talk like that is because

having more exposure is considered more something -- there's something different about having more exposure than having less exposure.

ATTORNEY BRIAN GROSSMAN: Well, it's the level of power that you're exposed to.

JANET GREEN: Right. So what's the problem with somebody who gets more exposed? I mean, why do they care about measuring that? What is the problem that they found that makes them want to measure that?

CARIN NUERINBERG: If you Google it, it comes up with a list.

JANET GREEN: You know, if I'm making my --

ATTORNEY BRIAN GROSSMAN: Maybe I'm just --

JANET GREEN: Okay, so they're

telling you that within the -- there's this area where you get maximum exposure and you kind of have to know how many hours you can be exposed to that or minutes or I don't know what it is. What happens if you get more?

CONSTANTINE ALEXANDER: The health impact --

JANET GREEN: What is the health impact? Because the, you know, like somebody who is around a nuclear something, they say you shouldn't be here because if you are, then this problem, health problem you will have and this other problem you might have. What's the problem that they're trying to avoid by telling you you can only have a certain number of hours near these antennas?

ATTORNEY BRIAN GROSSMAN: Again, it's -- the standards aren't based off of

avoiding -- the standards are based off of an exposure and exposure of time.

CONSTANTINE ALEXANDER: Let me ask you a question a different way.

JANET GREEN: Thanks, Gus, because I'm getting through.

CONSTANTINE ALEXANDER: No, no, no. If you're overexposed per the regulations, what happens; do you get cancer, do you get sterile, do you grow a third head?

ATTORNEY BRIAN GROSSMAN: I think there's a whole host of potential issues.

CONSTANTINE ALEXANDER: Like?

ATTORNEY BRIAN GROSSMAN: I'm not sure.

JANET GREEN: But I mean --

CONSTANTINE ALEXANDER: You're not sure? You don't know what the health -- if somebody, AT&T must know what the problem is

that the federal standards is as opposed to protect against. What happens if someone is over exposed?

AMJAD MD: This is a question for health. The guys who do MP studies -- so, I basically work on RF design, so I don't know. I'm not sure of that.

CONSTANTINE ALEXANDER: Sir, you're an AT&T representative, you don't know what the problem is?

DAVID FORD: I've been on rooftops for too long and sometimes I get a headache but nothing more than that.

CONSTANTINE ALEXANDER: I would suspect the Federal Government's worried about more than just a headache.

JANET GREEN: I think it's interesting, you can't ask about health but nevertheless there are these situations

where you can't be closer to it for a certain number of times. Presumably there's some reason about that.

ATTORNEY BRIAN GROSSMAN: But that's why they have the exposure limits. That's why they have -- it's why they have in -- once you're outside of a certain area, they've determined that, you know, it's a generally -- it's a publicly accessible area, we're going to look at that and make sure you're below that particular standard. And as long as we've demonstrated that, which we have, that's the extent --

CONSTANTINE ALEXANDER: I must say, the more we scratch the surface of that, the more troubled I am on what the hell is going on.

BRENDAN SULLIVAN: Because somewhere somehow some laboratory rats in

some lab were exposed to something or other and developed some --

JANET GREEN: Something.

BRENDAN SULLIVAN: -- some crazy behavior. Maybe that's what's wrong with us. But the FCC has concluded almost a year of studies to relook at the emission limits. They have concluded that last November. Lord knows when they're going to come back with new guidelines. They may stay the same, they may change. Most of Europe is now lowering the standards.

The -- you have submitted a proposed emission report as part of your application. Does AT&T or subcontractor monitor on a yearly basis the emissions?

ATTORNEY BRIAN GROSSMAN: In terms of going out and doing an emission survey?

BRENDAN SULLIVAN: Are they

required to maintain....

ATTORNEY BRIAN GROSSMAN:

Typically, no. And in an installation like this, it's going to -- the FCC bulletin --

CONSTANTINE ALEXANDER: We were told differently by another carrier.

ATTORNEY BRIAN GROSSMAN: Yes, I know.

CONSTANTINE ALEXANDER: And every year you must file a report with the FCC regarding emissions, electromagnetic waves emissions from your site.

ATTORNEY BRIAN GROSSMAN: Let me -- it is dependent. The guidelines that cover emissions, cover everything. So they cover FM and AM radio stations which are super high power. And the right atmospheric conditions. You can get WFAN out of New York here (inaudible). Versus the site. The

site such as this one is typically outside of the type of facility that would require annual routine reporting a month.

Another, a personal wireless facility site in another particular instance because of factors related to it, may require routine annual monitoring because Cambridge and Boston have denser population. If you have a site that is on a penthouse and you have a roof deck that is publicly accessible nearby, you know, sometimes on the same roof, that particular site may, because of those site circumstances, require routine annual monitoring. And so I don't want to say that that carrier was wrong or misleading or anything. I know who the attorney was, and he certainly knows his stuff as well, but it may have been just the site specific characteristics of that site.

BRENDAN SULLIVAN: But who makes that determination?

ATTORNEY BRIAN GROSSMAN: It goes by the guidelines of the FCC and OET bulletin 65 I believe. But they, it's an -- it's 30 or 40 page document.

BRENDAN SULLIVAN: So this application, just to run through some of the scenario of events, you have gone out, you have done a study, you have located property that will give you your -- what you need.

ATTORNEY BRIAN GROSSMAN: Uh-huh.

BRENDAN SULLIVAN: You have then entered into a discussion and agreement with the property owner.

ATTORNEY BRIAN GROSSMAN: Uh-huh.

BRENDAN SULLIVAN: You then file application with the Board of Zoning Appeal to get permission for that.

ATTORNEY BRIAN GROSSMAN: Yes.

BRENDAN SULLIVAN: Do you also file an application with the FCC to get their approval to have this locus be considered for a site?

ATTORNEY BRIAN GROSSMAN: For --

BRENDAN SULLIVAN: Do you have to get their approval first before you come here or what is the order of events?

ATTORNEY BRIAN GROSSMAN: No.

There isn't -- as far as I'm aware, and I am -- I've been doing this a long time, there is not a sub -- because AT&T is an FCC licensed provider. They have licenses for this particular area. So they don't go and separately license each particular facility. There are, again, we have certain site specific requirements where you may need to register a structure, you know, with the FAA

or FCC because of a particular --

BRENDAN SULLIVAN: It's somewhat of a pro forma thing, that they fill out an application, send it in to the FCC, somebody gets it and says okay, fine and then they just sort of put it into a folder and --

ATTORNEY BRIAN GROSSMAN: No, as far as I know there isn't that subsequent application with the FCC. AT&T already has licenses for this area.

BRENDAN SULLIVAN: And they just let you run with it.

ATTORNEY BRIAN GROSSMAN: We run, we run the calculation based on the FCC requirements and make a determination if it complies with the guidelines and nothing further needs to be done, then that's the determination. If the calculations demonstrate something different and triggers

a different reporting requirement, then AT&T would have to follow that requirement as set forth in the same guidelines.

BRENDAN SULLIVAN: So the FCC is somewhat out of the process, this process application approval?

ATTORNEY BRIAN GROSSMAN: FCC can do its own spot monitoring or if a problem is identified and reported to them, they have an -- I won't call it a task force, but I can't think of a better term.

BRENDAN SULLIVAN: Investigation.

ATTORNEY BRIAN GROSSMAN: Staff do an investigation. And, you know, in a particular instance they may contact a carrier.

BRENDAN SULLIVAN: So the carrier, AT&T and Verizon and so on and so forth, they basically have a carte blanche, if you will,

to install these facilities, they make the determination where and then it's up to them to get the local approval?

ATTORNEY BRIAN GROSSMAN: Correct.

BRENDAN SULLIVAN: That's really the scenario. And the FCC is sort of --

CONSTANTINE ALEXANDER: But what I'm hearing, and maybe I got it wrong, I'm hearing something I want to reiterate it in a question. If the FCC may nevertheless do site inspections as a regular matter. But they could come in and say, for whatever reason, come in and check the site out.

ATTORNEY BRIAN GROSSMAN: Uh-huh.

CONSTANTINE ALEXANDER: Also if you discover -- that's one element -- a problem with your emissions or something, you have an obligation to report that to the FCC? File some sort of report. Usually you would and

not in the telecommunications or generally, you just do something and you're violating, causing health problems, you have an obligation to notify the regulatory authorities. I assume that applies here.

ATTORNEY BRIAN GROSSMAN: Again, I believe so, but I would have to look and take a look at a specific scenario. There may be under the guidelines certainly if we discovered a problem and it's based on the guidelines, again, you're required to just correct it. Other problems you may rise to a level especially when you're trying something like an FM where you have to report to the FCC. I think there are certainly --

CONSTANTINE ALEXANDER: I assume so.

ATTORNEY BRIAN GROSSMAN: There are certainly circumstances where you have to.

I think the only question I have is if there may be certain minor circumstances where you are not obligated to as long as you've identified the problem and corrected it.

BRENDAN SULLIVAN: And repair and replacement of defective equipment could be just whatever. Now if there was -- if the guy goes up and he comes down and he's green and all of a sudden somebody says oh, there's something wrong up there, so it's up to the repairman, maintenance man to alert his supervisor who just brings it up the chain, food chain somehow.

ATTORNEY BRIAN GROSSMAN: That's one possible scenario.

BRENDAN SULLIVAN: But I guess the larger answer is that if there is a problem, it's not really being monitored --

CONSTANTINE ALEXANDER: No.

BRENDAN SULLIVAN: It would be alerted by the maintenance person that there is --

CONSTANTINE ALEXANDER: Except they may have situations where the FCC, by inspection coming in --

BRENDAN SULLIVAN: Yes, it's like an answer we never really get.

CONSTANTINE ALEXANDER: Yes. Or you discover you have a problem and you have an obligation to report that and presumably what you've done to correct the problem.

ATTORNEY BRIAN GROSSMAN: Right.

JANET GREEN: Do your maintenance --

TIMOTHY HUGHES: We're presuming that they test the site before it's installed. Do you test every site or do you just use numbers based on prior

installations?

ATTORNEY BRIAN GROSSMAN: Well, the numbers aren't based on prior installations. They're based on the calculations that are required by the FCC to insure testing. So once they've done that --

TIMOTHY HUGHES: Right. But that's based on the kinds of antennas you're putting in. You don't actually go out and test every site after you install it, do you?

ATTORNEY BRIAN GROSSMAN: No, we're not required to.

TIMOTHY HUGHES: See. And the rest of that is all moot.

ATTORNEY BRIAN GROSSMAN: The one thing I wanted to add. We're not just reliant on like a maintenance person who may or may not have some RF training. The facilities are monitored 24 hours a day by the

network operation centers --

BRENDAN SULLIVAN: Just to make sure they're working in optimum condition basically.

TIMOTHY HUGHES: Right.

ATTORNEY BRIAN GROSSMAN: But if they were malfunctioning, then that would be identified. And in terms of if everything's in working in the ordinary course, then because of the guidelines and applicable to this particular facility it would be exempt from annual routine monitoring because it's inherently compliant with the guidelines that there isn't a need for testing the -- for follow-up testing to insure compliance down the road.

BRENDAN SULLIVAN: Right.

JANET GREEN: Do you have a report that people who do the maintenance fill out

that shows how many hours they spend doing maintenance and are close to these antennas? If there's a limit to how much people can be close to them? I mean like a bus driver has to fill out something about how many hours they drive a bus because there's a limit about that. If you have a limit, do they fill out a report?

ATTORNEY BRIAN GROSSMAN: I'll be honest, I don't know. After sites are built -- if I hear about, if I hear about it, there's probably a problem or we come back to modify. But, I want to be clear, generally the routine maintenance that happens is not on the antennas, it's the cell technician goes into the site where the equipment is, where the equipment cabinets are. And he may make sure everything is in working order and work there. Typically the antennas, you

know, once they're installed, as long as something's not malfunctioning if it's being replaced, typically the work is not being done on top of them mount.

JANET GREEN: Yes, it was whether it's done there is, it kept record of how much time you spend around them?

ATTORNEY BRIAN GROSSMAN: I just don't know.

JANET GREEN: Is there a reason the general public isn't supposed to be right around them? I just wondered how you monitored the staff.

ATTORNEY BRIAN GROSSMAN: Staff, staff who work in proximity to antennas are -- undergo training in terms of what they're supposed to do, what they can do, what they shouldn't do, time, and everything else. You know, it's not just, although David and

I both spent a fair share of time on the rooftops. We're not doing work on the antennas. They wouldn't just tap me on the shoulder and hand me a screwdriver and tell me to go fix it. If you're going to be doing that and have exposure, you need to have the proper training. So that may actually --

CONSTANTINE ALEXANDER: The question you asked -- that's a very long, somewhat illuminating, in some ways, discussion. But we are concerned, this Board is concerned about the issue you raised, electromagnetic waves, and whether the issue's been properly studied. And more importantly what's going to be okay today, discovered a few years from now may not be and may be revisited or something like that. So what we started to do, at least the last time your partner was here before us, was to

require AT -- in this case, AT&T to file whatever reports they file with the government with the City of Cambridge, City Inspectional Services. So at least citizens will have access to whatever reports there are. You don't have to rummage around the FCC files. And to the extent you want to educate yourself more and see what the situation is, whatever it is, it may not be very many reports is what I'm hearing, but at least you'll have access to them. And to the extent that they're found to be in violation, they've done something that's a problem that's no longer this facility operates in response to the regulations, they'll have to -- they have to file a report with the FCC. And they have to file a report with Cambridge, and it will be revoked if there's a problem. That's the best we can do as we can think of

to deal with the situation.

JANET GREEN: It gives you someplace where you can go and look.

CONSTANTINE ALEXANDER: Basically yes, that's correct.

CARIN NUERINBERG: I have a couple more questions. One is a follow up, and that is in terms of the limits that you're talking about, what is considered the safety sort of like non-public -- what's the limit of that? Is it, what's the distance? And also, is it a bound and is it within the walls or is it open or is it --

ATTORNEY BRIAN GROSSMAN: It's open space. I don't remember if it's 10 feet or 15 feet. So say 15 feet. It may be less. But once you get beyond that.

CARIN NUERINBERG: Okay.

And then the other question that I have

is for the Board, actually, and that is if this goes through as down the road and does this give other, you know, other companies sort of this call to come and install there, too?

CONSTANTINE ALEXANDER: They have could come before us and do the same thing that these gentlemen are doing. There are a number of buildings with Cambridge with three or four companies have their antennas on the roof. And each one comes before us and we deal with it, each one.

CARIN NUERINBERG: Because I was thinking in terms of that, I was wondering about the cumulative impact again.

CONSTANTINE ALEXANDER: That's a question. That is a question. But we don't, again, we can't say legally, there's too many antennas on that rooftop and too much

electromagnetic wave emissions. We do -- if there are a lot of them, the visual impact issue becomes more important, like we did on Norfolk Street. I think that's your facility where there were just too many. We have, we held our feet to the fire as best we can to minimize the visual impact, but it can happen. It very well could happen.

CARIN NUERINBERG: Thank you.

And just I guess my argument is the visual one that I'm not super pleased with that. And then if I could just go back to the impact studies. I don't know that there have been any done on small children and that's concerning to me that, you know, it's wonderful that I would have access to information over time, but I hate to find out down the line that something like this could have affected my two-year-old

developmentally. And so I guess I just come back to, you know, why so much and why in a residential area? And the -- if I could ask a question about this study when the antennas were down, my understanding of that is that would affect people on the ground but the people who are up on the third levels kind of at eye view of this impact is constant when, you know, the antennas are functioning at full throttle let's say. So I just -- I'm just wondering kind of the, that that percentage that you indicated, that 1.9 percent, is that kind of what's in effect constantly? And the closer that you are to the facility the impact is stronger? Is that it?

ATTORNEY BRIAN GROSSMAN: No.

Because of the way that the antennas was propagated, distance usually, if you're

closer, you would expect it to be. You can't see anything on the chart. You would see it in some cases a little bit further away. There may be a little bit of the way the signal propagates. But what David was describing is really what they're doing when they do it, again, because we do it at the worst case scenario. A facility doesn't run seven days a week or --

CARIN NUERINBERG: (Inaudible), on their iPad.

ATTORNEY BRIAN GROSSMAN: Generally don't reach peak capacity. But what happens is what they're really looking at is the nearest point at which there is generally public -- generally accessible public exposure and the maximum potential exposure. And that's that, that's that number. And like I said, that is what they call the worst

case scenario factoring. In a number of different additional factors that in, that exist in theory but don't exist in real life. And so if they consider it the ground is the perfect reflector is that changes the signal and, but the ground isn't a perfect reflector because it's asphalt and grass. And so when they do the calculation, of course, they're factoring that in and so they know theoretical worst case scenario what's the maximum exposure. And we know based on operational characteristics and physics and what happens in the world of signals interact with imperfect reflectors, that we will see something that is significantly less than that in practice. And as long as your worst case scenario is within the FCC exposure guidelines, then the facility will be compliant.

CONSTANTINE ALEXANDER: Anything further?

ATTORNEY BRIAN GROSSMAN: Not from us.

CONSTANTINE ALEXANDER: You have a lot to say. We had a lot of questions.

I'm going to open it up to public testimony?

Is there anyone here wishing to be heard on this matter? You've had public testimony. I'm sorry.

We also have a letter from the Planning Board, a memo, which I will read into the record once I find it.

(Reading) The Planning Board reviewed the proposed installation and found it to be appropriate. The antennas have been placed to be barely visible from the public way and the Planning Board appreciates the

proponent's efforts to -- the word "to" is missing -- to blend the installation in this location. Also the application materials were well done.

And that's it.

Okay, I'm going to close public testimony.

Discussion by members of the Board or should we go to a vote?

TIMOTHY HUGHES: I'm ready for a vote. But just for a matter of information, it's OET bulletin No. 56.

ATTORNEY BRIAN GROSSMAN: All right.

TIMOTHY HUGHES: 65, 56 it's practically the same thing. And it is 38 pages long.

You can find it, too. Just Google it.

CARIN NUERINBERG: What was it

again?

TIMOTHY HUGHES: OET bulletin 56. It's the Operations Office of Engineering and Technology Bulletin about radio frequency exposure.

ATTORNEY BRIAN GROSSMAN: It's on the FCC website.

CARIN NUERINBERG: Thank you.

TIMOTHY HUGHES: It looks like it hasn't been updated since 1999. I don't know. I didn't get to all the appendices yet.

CONSTANTINE ALEXANDER: Okay, the Chair moves that the -- ready for a vote?

-- that we make the following findings with respect to the relief being sought:

That what is being proposed will not cause congestion, hazard, or substantial change in established neighborhood

character.

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

That no nuisance or hazard will be created to the detriment of the health, safety, and or welfare of the occupants or the citizens of the city. And obviously I think, the last things about hazard and impact on the adjoining uses, the Petitioner has the benefit of federal legislation which has concluded that there is no hazard within the standards, within emission standards, by electro -- the emission of electromagnetic waves or telecommunication facilities.

And that, so that is what the finding we're given to us by the Federal Government.

And that the proposed use will not impar

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

Further, because this is in a residential district, we have to make a finding that non-residential uses predominate in the vicinity of the proposed facility's location and that the telecommunication facility is not inconsistent with the character that does prevail in the surrounding neighborhood. We could make these findings on the basis of the evidence cited by the Petitioner regarding the number of non-residential uses in this otherwise residentially zoned area, and that given the -- given the mask, the visual impact, but masking it, that the facility will not be inconsistent with the character that does prevail in the surrounding

neighborhood.

On the basis of these findings, the Chair moves that we grant the Special Permit subject to the following conditions:

That the work proceed in accordance with the plans, the first page of which has been initial by the Chair, submitted by the Petitioner. And that the visual impact will be consistent with the photo simulations submitted by the Petitioner which I've been initialled and we've seen.

And that the antennas that are going to be mounted on the side of the building be painted of a color to match the color of the area that it's affixed to, but not necessarily -- don't reproduce the brick veneer, just the color. We think that's more important, the color rather than -- it's less obtrusive, the color, rather than trying to

copy a brick.

On the condition that if you discontinue the use of this facility for any period of six months, that the -- all the equipment be promptly removed, and the condition of the structure be returned to its original state to the extent reasonably and is practical.

I think that's -- and then there's one --

JANET GREEN: File the reports?

CONSTANTINE ALEXANDER: I'm going to get there.

There's one final condition I'm going to read, it's a little bit longer. This is a -- in as much of the health effects of the transmission of electromagnetic energy waves, it's a matter of ongoing societal concern and scientific study of the Special

Permit being proposed, will be subject to the following conditions:

A: 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 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, assuming we vote in favor of granting the Special Permit.

B: 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 the requirements of law or governmental regulation, whether with regard to the emissions of electromagnetic energy waves or otherwise, the Petitioner shall, within ten base 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 60 calendar days after receipt by the Petitioner of such notification of failure, the Special Permit granted tonight shall ipso facto terminate.

C: To the extent that a Special Permit has terminated pursuant to the foregoing paragraphs, foregoing A and B, 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 A and B above.

That's it.

All those --

BRENDAN SULLIVAN: Only one other thing. That the gas generator, which is a part of this application, that the operation of it shall be done -- operation of it, shall not be sooner than eight a.m. or any later than five p.m.

CONSTANTINE ALEXANDER: Thank you.

BRENDAN SULLIVAN: Monday through Friday.

ATTORNEY BRIAN GROSSMAN: That's the maintenance cycle? That's the typical

maintenance cycle?

BRENDAN SULLIVAN: Correct, yes.

THOMAS SCOTT: That it be housed in a soundproof enclosure.

CONSTANTINE ALEXANDER: Yes. It's to be housed in a soundproof enclosure and that the Petitioner is directed to the extent there are technological improvements to improve the quality -- you don't have to put it in soundproof --

ATTORNEY BRIAN GROSSMAN: It complies. It's on an equipment platform behind a screen wall and it will comply with the Ordinance.

CONSTANTINE ALEXANDER: But to the extent that there are technological improvements that will minimize the noise, though now will comply with the city's Ordinance, the equipment be upgraded to, at

all times, try to get to the lowest noise level emission possible within -- the whatever the current technology is.

BRENDAN SULLIVAN: Some sound attenuation material will work wonders.

CONSTANTINE ALEXANDER: Okay.

All those in favor of granting the Special Permit on the conditions I just enumerated, please say "Aye."

(Aye.)

CONSTANTINE ALEXANDER: Five in favor.

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

ATTORNEY BRIAN GROSSMAN: Thank you.

CONSTANTINE ALEXANDER: Please address some of the issues that we raised tonight. You're going to be before us. DSA

and some of the health issues and stuff like that. I think we're skeptical, all right. Our problems are limited -- I'm skeptical. The more I hear the less comfortable I am with what's going on. I think you need to address that.

Thank you.

* * * * *

(9:30 p.m.)

(Sitting Members Case #BZA-004194-2014:

Constantine Alexander, Timothy Hughes,

Brendan Sullivan, Thomas Scott, Janet

Green.)

CONSTANTINE ALEXANDER: The Chair will call case No. 004194, 1052-1058 Cambridge Street.

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

(No Response.)

CONSTANTINE ALEXANDER: The Chair would report that we have been or the ISD has been contacted by the Petitioner -- well, the Petitioner has been notified that the dimensional form that was submitted is incomplete and incorrect and that a new one has to be filed. And as a result, the Petitioner has requested a Variance -- I mean, sorry, a continuance. And so I move that -- July 24th is when we agreed on, right?

I move we continue this case as a case not heard until seven p.m. on July 24th on the condition that the Petitioner sign a waiver

of time for decision.

MARIA PACHECO: I'll have him sign it.

CONSTANTINE ALEXANDER: Okay.

That the sign that's on the premises be modified to reflect the new date and the new time. Make sure they understand that, Maria. The new date and time.

TIMOTHY HUGHES: They have to do it tomorrow.

CONSTANTINE ALEXANDER: The sign, as being modified, maintained by the period of our Ordinance.

And lastly, that the new dimensional form and any modifications to the drawings and plans that have been submitted already must be in our file by no later than five p.m. on the Monday before July 24th.

Do we have enough time to modify the

sign for the 14 days?

MARIA PACHECO: Tomorrow.

TIMOTHY HUGHES: Tomorrow morning.

MARIA PACHECO: I'll call them
tomorrow.

CONSTANTINE ALEXANDER: Okay.

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

(Aye.)

CONSTANTINE ALEXANDER: Five in
favor.

(Whereupon, at 9:35 p.m., the
Board of Zoning Appeal
Adjourned.)

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

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IN WITNESS WHEREOF, I have hereunto set

my hand this 25th day of July, 2014.

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