

BOARD OF ZONING APPEAL
FOR THE
CITY OF CAMBRIDGE

GENERAL HEARING

THURSDAY, SEPTEMBER 12, 2013

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

Slater W. Anderson, Associate Member

Douglas Myers, Associate Member

Sean O'Grady, Zoning Specialist

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PROCEEDINGS

(7:00 p.m.)

(Sitting Members: Constantine Alexander, Timothy Hughes, Brendan Sullivan, Thomas Scott, Janet Green.)

CONSTANTINE ALEXANDER: The Chair will call this meeting of the Zoning Board of Appeals to order. And as is our custom we start with continued cases, and the first case I'm going to call is case No. 10464, 28 Andrew Street.

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

Good evening. Give your name and address to the stenographer.

CHARLES HENEBRY: Sorry. I'm Charles Henebry of 136 Columbia Street and my wife Lily Porten. We own the house at 28 Andrew Street. We're planning to move there soon once we get work started.

So we were asked to make significant changes to our plans and we are in the process of doing that, but we're also in the middle of renovations at the our current house and they've completely overwhelmed us so we haven't had time to finish with our architect who is handling both jobs. So we'd like to ask for a second continuance.

CONSTANTINE ALEXANDER: Okay.

That should be the last one after a very good reason. In other words, give me a date -- when would you like to have the case -- how much time do you need to be prepared for us? Two months, one month, eight weeks?

CHARLES HENEBRY: Yeah, no, I hear you. The current renovation has been very stressful and bad. We think we're almost done with it. I think two months or three

months would be good just so we don't have to ask for this a second time. And I don't mind pushing it into three months if that's going to be --

CONSTANTINE ALEXANDER: Why don't we do three months?

SEAN O'GRADY: We can go all the way out to December 19th if you like.

LILLIAN PORTEN: Sure.

CHARLES HENEBRY: I think that would be non-stressful.

CONSTANTINE ALEXANDER: This is a case heard. Do we know if Andrea -- she probably doesn't know herself.

SEAN O'GRADY: She said that she would be available for everything except the 26th of September.

CONSTANTINE ALEXANDER: Okay. And what about Doug? He's the other one.

SEAN O'GRADY: Doug said he would be good also.

CONSTANTINE ALEXANDER: All right. The Chair -- this is a case -- the Chair moves that this case be further continued until seven p.m. on December 19th on the condition -- subject to the following conditions. This being a case heard. You have a signed a waiver of time for a decision. But you have to take that sign that's on the house right now and change it, new date, new time. Seven o'clock p.m. and the December 19th. I notice you didn't change it from the last time.

CHARLES HENEBRY: We didn't.

CONSTANTINE ALEXANDER: If you don't do that, we're not going to hear the case.

CHARLES HENEBRY: I realize that.

Makes sense.

CONSTANTINE ALEXANDER: Okay. And on the further condition that any new plans, which there will be, have to be in our files with a revised dimensional form, if required, no later than five p.m. on the Monday before December 19th.

CHARLES HENEERY: I actually didn't change it because we realized we weren't going to need it -- and I didn't want to mislead the neighbors into thinking they should come out tonight.

CONSTANTINE ALEXANDER: No problem.

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

(Aye.)

CONSTANTINE ALEXANDER: Five in favor. Case continued.

(Alexander, Hughes, Sullivan,

Scott, Green.)

BRENDAN SULLIVAN: If I may jump in. On the notice panel, it has to be maintained 14 days prior to the hearing in December. So it doesn't have to be there from now until then. I mean, if you want to take it down --

CHARLES HENEERY: That might make sense.

BRENDAN SULLIVAN: -- and so on and so forth. As long as by December 4th -- 3rd or 4th, you get it back up there with the right date and time, that will be okay. So you may want to calendar something that posts the sign today.

CONSTANTINE ALEXANDER: Very good suggestion.

BRENDAN SULLIVAN: The 3rd or 4th.

CONSTANTINE ALEXANDER: There might be snow at that time and the sign will take

a beating.

CHARLES HENEBRY: Thank you.

BRENDAN SULLIVAN: If you have any questions, call Sean, he has all the answers. Because sometimes to maintain it from now until December may be a problem.

CHARLES HENEBRY: Right. The weather's going to be bad.

BRENDAN SULLIVAN: So you have 14 days prior to the December 19th, so whenever it is.

CHARLES HENEBRY: Thank you.

CONSTANTINE ALEXANDER: Thank you very much.

* * * * *

(7:05 p.m.)

(Sitting Members: Timothy Hughes, Brendan Sullivan, Thomas Scott, Janet Green, Slater W. Anderson.)

TIMOTHY HUGHES: We all set?

The Chair will call case No. 10438, 822 Somerville Avenue.

Is anyone here?

FRED LIBO: Good evening. Fred Libo (phonetic) representing Red Dragon.

You need my address? Everybody all set? Okay, good.

So, this is hopefully the third time a charm. This is our third continuance. We don't need any more thankfully. We have a copy of the -- we notified everybody properly. We went through Community Development and they were down to

raising -- I assume everybody got one. If they didn't, I've got a couple. And then I'll give you a, for those who want it, this is on the side of the building that actually that where the Red Dragon sign could go on. It meets -- the only Variance was the height. And I'll tell you where we are with the process.

We've now gotten -- this is going to be a 6,000 square foot Chinese restaurant on the second floor. It has gone through Department of Public Works. We've gone through the grease traps, tie-ins, that's all done. It's been approved by the fire department. I believe the ADA, I think, has been approved, and now we're down to plumbing and health. So that's, you know, we're moving right along with the process. I'm hopeful if everybody does what they say

they're going to do, hopefully by next week we'll have a Building Permit. So that's kind of where we are. You're probably sick of seeing me now. I've been here three times. You don't have to nod your head so quickly.

I have the owner here. Not the owner, but the owner of the restaurant if there's a question that I can't answer. And you've heard the story before so there's no sense in me keep repeating it.

TIMOTHY HUGHES: Can you just explain exactly what you need relief for?

FRED LIBO: Well, there's no place to put a sign on the first floor.

TIMOTHY HUGHES: I mean, specifically Ordinance-wise it's height for one thing.

FRED LIBO: Well, yeah. It's article -- I got Section 7.16.27 I believe

that's it.

TIMOTHY HUGHES: Does it meet the square footage requirements?

FRED LIBO: Yeah. It's under 60 square feet. We're not asking for relief on anything else other than the height.

BRENDAN SULLIVAN: Where would a Code Compliant or an Ordinance Compliant sign, max would be 20 feet. Where would that be on the building?

FRED LIBO: Here, this is showing -- I'm sorry, I only took one of those. I thought people had them. It shows --

BRENDAN SULLIVAN: This is the proposed. So what I'm saying is where would it be if you had a compliant sign location-wise?

FRED LIBO: Well, there's no place

on the first floor that we can put it.

BRENDAN SULLIVAN: What about the -- below the windows?

SLATER ANDERSON: Right there. This location here. Does that not work?

FRED LIBO: Yeah, that doesn't work. First of all, as you can see -- well, this is where the ban would be right here. Okay? The sign actually may just topple over. I think the banner is just a little shorter than what the sign height would be. And the problem is, of course, I mean people are familiar with the mall at this point. There's really no visibility.

BRENDAN SULLIVAN: You would have the same height of the Walgreens, the Potbelly, the Taqueria going down the side and it would be at that height.

FRED LIBO: Right, but Walgreens is

on the first floor.

BRENDAN SULLIVAN: And second floor.

FRED LIBO: And Potbelly's also on the first floor.

BRENDAN SULLIVAN: Well, the Walgreens is on the first and second floor, right?

FRED LIBO: Right. No, we did the engineering for this, I know what it is. This is -- when we started, we were going to put Sleepy's and then I understand people were kind of renascent about a Sleepy's sign. So the landlord reached out to this fellow, and the only real place where he has visibility -- if he puts it down on the first floor, he's on the second floor, it's really, from a retail standpoint, it's really not going to help his business that's for sure.

And it's pretty low to the ground here. I mean, if you're familiar with the mall, it's not a good -- it's not good visibility anyway. The mall is behind another mall.

BRENDAN SULLIVAN: Well, it's at the same height as the Walgreens.

FRED LIBO: I understand that, but there again, he's on the second floor. You're not going to have a Chinese restaurant on the first floor. It's going to be on the second floor. So I think if you want to have a sign, that's where -- generally that's where it is. Walgreens is on the first and second floor.

THOMAS SCOTT: It looks like there was a sign there previously. What sign was there?

FRED LIBO: That was Pizzeria Uno.

THOMAS SCOTT: And their sign was in

that location?

FRED LIBO: Yeah. That was in that location. They were on the second floor. That got taken down. We took down all the awnings. I understand that the city would like to have the awnings, took down all the awnings. So I mean we've tried to comply with everything that everybody asked for. I think the, I think that -- the comments that I took away was, if you didn't like the Sleepy's font, you didn't like the Sleepy's color. We tried to go with something that I think that everybody would go with. So we made a really strong attempt. And I think the landlord was pretty aggressive in trying to get somebody. This, there's no other -- there's no other room on the second floor. This will be the only sign. So it isn't like Sleepy's was up there, it would be

Sleepy's with 2,000 feet, another store, and possibly another store. You'd have three signs up there. This is one sign, that's the end. Where the sign was before.

BRENDAN SULLIVAN: Is this the only tenant on the second floor?

FRED LIBO: Yeah.

BRENDAN SULLIVAN: Other than Walgreens?

FRED LIBO: Yeah.

BRENDAN SULLIVAN: No other tenants on the second floor? I'm not talking about fronting the street, I'm talking about in the mall.

FRED LIBO: Right. Well, there's no more room. It's 6,000 square feet. And if my memory serves me correctly, I think on the second floor, it's 7,000 feet or 8,000 feet on the second floor.

JANET GREEN: So I have a question about --

TIMOTHY HUGHES: I got a whole pile of these here, what is this?

JANET GREEN: Where the sign is.

TIMOTHY HUGHES: We're not doing this anymore?

JANET GREEN: Where is the sign?

FRED LIBO: Oh, yeah, I'm sorry, yeah, throw that away.

JANET GREEN: Okay, okay, good.

FRED LIBO: Okay, I'm sorry. You want some more of those?

TIMOTHY HUGHES: No, no.

JANET GREEN: The sign doesn't face on Somerville Ave.?

FRED LIBO: Right.

JANET GREEN: The sign faces on, what's the name of that street? The side

street.

FRED LIBO: Whatever that is street.

JANET GREEN: Yes, got it.

BRENDAN SULLIVAN: That's the other thing I would object to would be the tags of, you know, sushi and all the other stuff. If you're going to have a sign --

FRED LIBO: You mean these?

BRENDAN SULLIVAN: Yes. -- it would be just an identification sign of the establishment but just a bill of fare.

FRED LIBO: Bill, can you get into this for a second? We're getting into --

(Indistinct discussion
among board members.)

SLATER ANDERSON: State your name, please.

WEN BIAO ZOU: My name is Wen Biao Zou, W-e-n B-i-a-o Z-o-u.

FRED LIBO: The question that he had was he had some objection of having these things. You want to explain why you -- I mean, this is obviously this is something that you had put in, so maybe you can explain it to the Board.

WEN BIAO ZOU: Shabu is just a way like Japanese say but in English it would be hot pot. Shabu is what that means. Sushi like rice, like some teriyaki style. So basically this sign, it's my name and then I want to tell the people what kind of food we are serving.

FRED LIBO: So the reason -- just so I explain it, the reason is that just having the Red Dragon sign would not indicate exactly what kind of food -- what kind of food you get.

JANET GREEN: Which kind of Asian

food.

SLATER ANDERSON: Or that it's food.
It could be some other --

FRED LIBO: Yeah, Red Dragon could
mean a lot of things.

SLATER ANDERSON: Is it compliant
with (inaudible)?

SEAN O'GRADY: We follow Liza. And
Liza is saying that only violation is to the
height.

BRENDAN SULLIVAN: Sean, signage
behind a window?

SEAN O'GRADY: Yes.

BRENDAN SULLIVAN: Is that included
or not?

SEAN O'GRADY: Yes and no. I think
there's an overall limit to the signage and
some of it is external signage and some of
it's behind the glass. And behind the glass

I think there's sub rules there. I don't know them all that well. But there seems to be a lot of freedom behind the glass.

FRED LIBO: Right. And from what I understand, because I think Planet Fitness has signs behind some glass, and I don't think that was counted in on the square footage on the building.

BRENDAN SULLIVAN: I guess -- well, I mean, in a perfect world I would go for the Red Dragon sign to be below the ban of windows, above the first level. It can come up on to -- into the glass a bit because there is a bottom panel there. So like a bottom section of glass. But then behind the glass that you have, three signs denoting the bill of fare or something. I -- we've seen some of these signs before down in Kendall Square where it gives the name and what they do, and

we have -- or I have objected to that, and I think we have Millennium I think was one pharmaceutical to -- an oncology company or something. But anyhow, that would be my take on this would be that the sign -- I would just like to see a graphic of a Code Compliant, Ordinance Compliant sign and why that doesn't work, that's all. My feeling is that it would be at the same level as Walgreens which aesthetically I think would be a little bit more pleasing.

TIMOTHY HUGHES: Any other comments? Questions from the Board?

SLATER ANDERSON: Well, I know Potbelly's is on the corner in that very location.

FRED LIBO: Right.

SLATER ANDERSON: And I could understand and appreciate that there could be

some confusion if on one side at the same level it said Potbelly's, which it does on Somerville Ave., and at the same height facing the other way it said Red Dragon. So you're sort of showing a sign at the same height, but for two different establishments. And you know, I don't know -- I haven't been in the building. I don't know, is the entrance to the upstairs on Somerville Avenue or is it --

FRED LIBO: There's an entrance that comes through the parking lot. You could go right to the second floor. And the main entrance is downstairs where you go -- you can either go to Walgreens to your left, go up the escalator --

JANET GREEN: It kind of angles.

FRED LIBO: I mean, it's a tough kind of location from --

SLATER ANDERSON: It seems like it's a bit of a challenging building, and that second floor space is challenging. So I have, you know, personally I can see, and there has been signage there before, you know, I have some appreciation I think for the condition.

JANET GREEN: I think I feel the same way about the fact that the restaurant's on the second floor. I differentiate it from the Walgreens a little bit because you come in on the first floor for the Walgreens and you're in that store. Whereas, in this restaurant you're on the second floor. And I also feel that, you know, of the different kinds of things I know that you've looked for in that space, this one seems the more like it contributes regularly to the community and the neighborhood around it and it would be

appreciated. And so I would be -- I don't feel that the sign is a problem. Although I take Brendan's point about it listing the kinds of foods that you serve. I think it's fairly clear that Red Dragon usually means a restaurant and it's not a mattress, you know, it doesn't sound mattresses or something.

FRED LIBO: Yeah, it's true. That doesn't --

JANET GREEN: I think it is pretty clear by the name.

FRED LIBO: I'm not sure you would know what it is.

JANET GREEN: But I'm not offended by it.

TIMOTHY HUGHES: Any more questions or comments before I open it to public testimony?

Does anyone want to be heard on this

matter?

(No Response.)

TIMOTHY HUGHES: I don't see anyone.
I'll close public testimony.

You've made comments already. Do you
want --

THOMAS SCOTT: Just one more
comment. So would you be opposed to having
the main sign on the building and the fare
elegance like in the window below or
something or is that -- or does it have to be
everything in that location?

FRED LIBO: I think his point is
actually -- I mean, we've looked at
this -- to go for our thinking, I've sat down
with the landlord, we've said, you know, if
you have a Sleepy's, you're going to have to
put other signs on the second floor. It
would be better if you got one tenant. And

he searched out and got one tenant. I think there was a sign there, nobody seemed to have an objection before. I mean, it's -- it was, you know, a Pizzeria Uno. It was another restaurant. So, there was in fact they had -- not to mention that, if you went around the corner, they had awnings with Pizzeria Uno on that. We took off all those awnings. So we actually have less coverage. And let's face it, he needs all the visibility he can get if he's going to survive. And I think you put it correctly when you say it should be good for the neighborhood. I can tell you I went into Potbelly's the first time we did the engineering there, too, and I have to tell you the place was packed at lunch. I mean, they're doing what they do. So let's hope that, you know, this is big rent, I got to tell you so.... By the hour you wouldn't believe

how much. So he's making a sizable investment. I think we should give him every shot he can get.

TIMOTHY HUGHES: Personally I would have liked to have seen an alternative that was Code Compliant if you had put it under the windows. It's going to be the only sign on the second floor on the whole building. And just because there was a sign there before, and that's corrected itself, doesn't mean we want to go back to that. Well, personally I don't want to go back to, you know, plastering signs along the second floor all along this building or even anywhere on this building. I mean, we didn't give Walgreens a sign on the second floor.

FRED LIBO: They never went for a sign on the second floor.

TIMOTHY HUGHES: Well, I think the

tenure of the Board which is the reason why they didn't come for a sign on the second floor.

BRENDAN SULLIVAN: Initially it did.

FRED LIBO: Oh, it did?

BRENDAN SULLIVAN: Initially it did.

FRED LIBO: I was told they didn't.

TIMOTHY HUGHES: So I'm not convinced that you can't get away with the sign under the windows there.

You want a second -- you want another chance to bring a rendering of that? And then if I look at it and I say, all right, I see what -- I see your point, then, then maybe you can change my vote. But at this point I'm not in favor of this.

SLATER ANDERSON: There is a lot of

glass to work with there as far as putting something inside the glass and maybe that gives you some, some leeway.

TIMOTHY HUGHES: I don't know if I'm the only one. You might have four votes.

BRENDAN SULLIVAN: No, I concur.

TIMOTHY HUGHES: Oh.

BRENDAN SULLIVAN: That was my opening.

TIMOTHY HUGHES: Oh, I thought I was --

BRENDAN SULLIVAN: Can you pass that down?

TIMOTHY HUGHES: Sure.

BRENDAN SULLIVAN: I mean I would -- Red Dragon, I would put it in here. If it did come up above onto this panel a little bit here. And then you put in, you know, maybe these three things in here or

something like this behind the glass just to -- but, you know, it doesn't have to be just this. It could be this 30 inches, but come up into here. This is sort of dead behind here anyhow. It's going to be blocked off. So I would have no objection to it being in here. And the shabu, sushi, and the grill sort of be in here somewhere. But anyhow, I would like to see a rendering of that and see why that doesn't work.

TIMOTHY HUGHES: Yes.

FRED LIBO: I would just point out you want as much visibility as you can. That doesn't give him good visibility. He's paying a thousand dollars in rent a day. You want this guy to survive. You want the best shot he's got. I mean, I think that would impact his business.

BRENDAN SULLIVAN: And, you know, as

a business person, everybody would want bells and whistles and signs and neons and flashing and lights and everything. It's still my city. I still live in the city. So, you know, to him it's a marketplace. It's my hometown.

FRED LIBO: Right. But there was a sign there before and I guess nobody objected to it before.

BRENDAN SULLIVAN: I understand that.

JANET GREEN: So another thing that I think that's been suggested, that might be really helpful, is the behind the glass idea for being able to put some signage there.

WEN BIAO ZOU: Excuse me, this window sign here is facing the west so it would be loss of sunlight reflection on the glasses. So if anything put behind the

glasses, people don't really can see because of the reflection of the sign.

BRENDAN SULLIVAN: What are your hours of operation?

WEN BIAO ZOU: Excuse me?

BRENDAN SULLIVAN: What are your hours of operation?

WEN BIAO ZOU: Eleven a.m. to eleven p.m.

SLATER ANDERSON: Can they be illuminated behind glass or no?

SEAN O'GRADY: I don't know the rules. We'll have to defer --

FRED LIBO: That I don't think is allowed.

BRENDAN SULLIVAN: Well, CVS has a whole bunch of illuminated signs behind their windows.

JANET GREEN: Right.

BRENDAN SULLIVAN: I mean, everybody has illuminated signs. CVS, Cambridge Savings Bank. I mean all over the mall there. That whole building is covered with interior signage.

SLATER ANDERSON: Interior.

TIMOTHY HUGHES: I expect that if this is facing due west when the sun's going down glaring through those windows, you're going to have a bigger problem than a couple of letters in the window. I mean, people aren't going to want to sit at a table and have the sun blaring down through the window at them. But you'll figure that out.

I still want to see a rendering that's -- you know, if you can convince me that a Code Compliant sign won't work there, then you can have my vote. But until you've shown me a picture that says it doesn't work,

you don't have my vote.

FRED LIBO: You want a Red Dragon sign down here is what you're looking for?

TIMOTHY HUGHES: I would like to see what you could do with that space.

JANET GREEN: And it even looked like what Brendan said that it would stick up above that space.

BRENDAN SULLIVAN: It's dead space anyhow.

TIMOTHY HUGHES: These are all individual letters mounted individually on this thing, right?

FRED LIBO: Yes. That's connected to the building directly. It was on tiles. We took that -- that's why we had to take it out the last time and that would have been 89 square feet. We got the sign fellow --

JANET GREEN: So maybe just show

where the actual height would be if it were code compliant and where it would -- yes, and put that in.

FRED LIBO: We can -- I mean, we've got Autocad, we can put it on.

SLATER ANDERSON: Well, I think the photo illustration of it is most helpful. If you can do like you've done here.

FRED LIBO: Just like we've done here? Okay.

Any other comments beside that? I mean I don't want to --

JANET GREEN: Right.

FRED LIBO: I'm happy to see you people again.

TIMOTHY HUGHES: Members of the Board entertain a continuance to get one more look at this?

JANET GREEN: Yes.

TIMOTHY HUGHES: Okay.

THOMAS SCOTT: If you lowered it, let's say you lowered it below the 20 feet, okay, if you did that and you kept the illumination similar, there'd be no Variance required, right?

BRENDAN SULLIVAN: Correct.

TIMOTHY HUGHES: Right.

THOMAS SCOTT: So I guess what I was saying, for instance, if this is 10 feet to here and then say 20 feet is maybe to here. If you have the sign in this zone right here --

FRED LIBO: I have to go back to the landlord.

THOMAS SCOTT: You would be Code Compliant. You could put the lights here.

TIMOTHY HUGHES: I think he has to at least start below the sill. That might be a

requirement.

THOMAS SCOTT: Oh, is it?

SEAN O'GRADY: Yes, there's something about the sill --

TIMOTHY HUGHES: The dragon's head maybe can go up in the window without it --

FRED LIBO: They also got to be able to be mounted properly, and when you go up too high, you can't mount it to the window.

TIMOTHY HUGHES: It's not necessarily a permanent mounting because it's on glass.

FRED LIBO: Right.

THOMAS SCOTT: You can put a structure across in front of the window and mount it to that.

SEAN O'GRADY: Height, height of sign 20 feet provided is below the sill line of the second floor window where the lowest

part of the roof --

JANET GREEN: It has to be lower than the sill.

THOMAS SCOTT: Okay. So that's pretty limiting.

TIMOTHY HUGHES: Yes.

SLATER ANDERSON: The top of it has to be below the sill?

SEAN O'GRADY: Yes, the sign -- all of the sign (inaudible).

TIMOTHY HUGHES: Although I think I would rather vote for the dragon's head going above the sill line rather than vote for this thing on the second floor the way it is now.

FRED LIBO: Can't visualize it?

TIMOTHY HUGHES: No, I'm having trouble. Well, I still couldn't vote for it without a plan here that actually had it drawn out.

FRED LIBO: Would you want, would you want us to turn this -- I think we can get rid of this and just deal with --

TIMOTHY HUGHES: Yes, exactly.

FRED LIBO: This scale and put it on this side. We can come to that agreement?

TIMOTHY HUGHES: I don't need this pile.

FRED LIBO: Thanks. Paper is cheap.

TIMOTHY HUGHES: How soon do you think you can get that picture to us?

FRED LIBO: You want it next week?

TIMOTHY HUGHES: October 10th would be the first opening. Can we all sit?

SLATER ANDERSON: October 10th. I may be out of town October 10th. We're here on my anniversary this evening and October 10th is my birthday. So this case is

haunting me.

FRED LIBO: October 28th, that's my birthday.

SEAN O'GRADY: 10/24 is the next one.

SLATER ANDERSON: That works for me.

TIMOTHY HUGHES: That works for me, too.

FRED LIBO: Okay. So just so I get this right, we're going to take this section here and I'm going to put that in scale and put the sign in scale so you can see it?

THOMAS SCOTT: But that's the Somerville Ave. elevation.

SLATER ANDERSON: We'd like to see the other elevation.

THOMAS SCOTT: Can't you give us the elevation that's in the photograph?

FRED LIBO: This one?

TIMOTHY HUGHES: The White Street.
We want the White Street one.

THOMAS SCOTT: Can't we get this
elevation?

FRED LIBO: That's this over here.

THOMAS SCOTT: That's not that.
That's the other side.

FRED LIBO: Oh, I'm sorry, you're
right. Okay.

SLATER ANDERSON: The photo
simulation elevation.

FRED LIBO: So I'll give you this on
an Autocad on this.

SLATER ANDERSON: Correct.

FRED LIBO: Put the sign on here
anyway.

THOMAS SCOTT: I mean, you can do it
again on that photograph. I'm fine with
that. I want to see both. I want to see this

again and I want to see the other proposal, because I'm not totally convinced that this is, you know, wrong. So I would like to see --

FRED LIBO: What we did?

THOMAS SCOTT: What you brought tonight.

FRED LIBO: I'm convinced, too.

THOMAS SCOTT: I want to see both. I agree, I want to see both before I make that decision.

FRED LIBO: And that sign -- just so that I make sure, that sign, the regs say I can't go any higher than the sill.

THOMAS SCOTT: But you're here for a Variance, remember? And you're here for a Variance.

FRED LIBO: So I'm going to design, take this sign and design it so that it does

cover up some of the window, above the sill.

TIMOTHY HUGHES: I don't have a problem with that.

THOMAS SCOTT: Yes, I don't think any of us do.

FRED LIBO: I don't want to keep coming back on this.

BRENDAN SULLIVAN: That glass could be taken out and be filled in with solid panel.

FRED LIBO: That's not his deal. That's the landlord.

BRENDAN SULLIVAN: But anyhow.

TIMOTHY HUGHES: Okay.

FRED LIBO: Are we done?

TIMOTHY HUGHES: The Chair would move that we continue this case to October 24th at seven p.m. as a case heard on the condition that you change the sign to reflect

the new time and date.

FRED LIBO: This sign?

TIMOTHY HUGHES: That's the one.

And the new plans, the picture of -- the new pictures have to be in by five p.m. on the Monday prior.

SLATER ANDERSON: We would like the Cad elevation and the photo simulation.

FRED LIBO: What's that?

TIMOTHY HUGHES: By five p.m. on the 21st.

FRED LIBO: Not on the 21st.

SLATER ANDERSON: October 21st.

TIMOTHY HUGHES: The 21st of October.

SLATER ANDERSON: Monday five p.m.

SEAN O'GRADY: No later than, before the hearing.

TIMOTHY HUGHES: No later than that.

That gives us three days to look at it. I don't think it's going to take me three days to look at it.

All those in favor of continuing say "Aye."

(Aye.)

TIMOTHY HUGHES: That's five in favor.

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

FRED LIBO: That's an awful lot. Appreciate it.

* * * * *

(7:30 p.m.)

(Sitting Members: Constantine Alexander, Timothy Hughes, Brendan Sullivan, Thomas Scott, Janet Green.)

CONSTANTINE ALEXANDER: We have a case before us that's not advertised. It's a request for an extension on a Variance that was previously granted so the Chair will call case No. 10315, 265-273 First Street.

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

(No Response.)

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

We are in receipt of a letter from the Petitioner in this case on the letterhead of Kendall Generation Station. A letter is addressed to this Board. (Reading) In accordance with Massachusetts General Law Chapter 40-A, Section 10 please accept this correspondence as a request by NRG Kendall, LLC in the above-captioned matter to extend the Variance issued on October 26, 2012, by the City of Cambridge Board of Zoning Appeal to allow for the installation of an air cooled condenser for six months. Additional time is needed to complete the procurement and design process for this equipment.

To be straightforward I would move that we grant this extension as requested.

All those in favor say "Aye."

(Aye.)

CONSTANTINE ALEXANDER: Five in favor. Extension granted.

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

* * * * *

(7:35 p.m.)

(Sitting Members: Constantine Alexander, Timothy Hughes, Brendan Sullivan, Thomas Scott, Jane Green.)

CONSTANTINE ALEXANDER: The Chair will call case No. 10480, 330 also known as 300 Mount Auburn Street.

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

ATTORNEY SUSAN ROBERTS: All set?

CONSTANTINE ALEXANDER: Yes.

ATTORNEY SUSAN ROBERTS: Thank you,

Mr. Chairman. We are back. My name is Susan Roberts from Anderson and Kreiger. I represent AT&T. With me is David Ford from Centerline Communications.

You may recall that we were here before you on August 15th, and at that time you had asked us to return today with a new design because there were objections to the equipment shelter that could be seen from Mount Auburn Street. And you also asked us to change the pipe mounted antennas that we've got -- not the antennas but the mount itself to some low profile mount. So we have done that. And we submitted on September 9th, this past Monday, new Zoning drawings and new photo simulations that show our new design. And our new design is great because there is no equipment shelter to be seen at all.

CONSTANTINE ALEXANDER: The photo simulations are numbers -- the ones you're looking for tonight are 1D, 2C and 3D?

ATTORNEY SUSAN ROBERTS: Yes.

CONSTANTINE ALEXANDER: Those are the ones we should be focusing on.

ATTORNEY SUSAN ROBERTS: The equipment shelter is gone. And instead what we did was we are using outdoor equipment cabinets. So they're low enough and they're back far enough so that the facility -- well, the antennas can be seen, the equipment shelter cannot be seen from Mount Auburn Street.

CONSTANTINE ALEXANDER: And you moved the antennas up on that one facade.

ATTORNEY SUSAN ROBERTS: Yes, we did.

CONSTANTINE ALEXANDER: Parallel

with the others.

ATTORNEY SUSAN ROBERTS: So the only change this time was the equipment shelter being removed and the outdoor equipment cabinets replacing our equipment shelter from before.

CONSTANTINE ALEXANDER: Mr. Hughes raised a question -- wanted some changes. I don't frankly recall exactly what they are.

ATTORNEY SUSAN ROBERTS: Just the mounting.

TIMOTHY HUGHES: The mount, right.

ATTORNEY SUSAN ROBERTS: So I need to tell you --

TIMOTHY HUGHES: I have that up.

ATTORNEY SUSAN ROBERTS: Yeah, I need to tell you a little bit of a housekeeping matter because when we submitted the Zoning drawings on Monday, the

wrong page was submitted that still showed the pipe mount.

TIMOTHY HUGHES: Oh, I know that's still in there but I see the others.

ATTORNEY SUSAN ROBERTS: So David -- yeah. So David has brought today this new page and that shows the low profile mount that we'll be using.

CONSTANTINE ALEXANDER: Could I have the new page?

ATTORNEY SUSAN ROBERTS: So everybody has the new page.

CONSTANTINE ALEXANDER: I'm working with what's in the file.

DAVID FORD: So these are Monday's file. So it will be direct mounted as requested. And no pipes necessary.

Another thing you pointed out was to have them parallel to the pipe so that it was

lower than the actual antenna. So these are gonna be directly parallel to the mounts, nothing will be hanging down below and everything will be clean and directly mounted to the penthouse.

ATTORNEY SUSAN ROBERTS: So that's a housekeeping matter, I just wanted to confirm how you want to handle that. Whether we should submit a whole new set, whether we should just substitute that page. That page does need to be signed by the engineer so we'll have that done as well.

CONSTANTINE ALEXANDER: It needs to be signed by --

ATTORNEY SUSAN ROBERTS: They're all stamped. All the pages were stamped, that one was not.

CONSTANTINE ALEXANDER: Okay.
Well, from our perspective, you have it

attached to this --

DAVID FORD: Right.

CONSTANTINE ALEXANDER: -- we can approve it as is with this page attached.

ATTORNEY SUSAN ROBERTS: And then, our construction drawings will have it all -- one set.

CONSTANTINE ALEXANDER: Right.

ATTORNEY SUSAN ROBERTS: All stamped.

CONSTANTINE ALEXANDER: I would think that would be sufficient.

THOMAS SCOTT: I think we should write void on this one that's in the set. Because this one replaces this one, right?

ATTORNEY SUSAN ROBERTS: Correct.

THOMAS SCOTT: The Z5.

DAVID FORD: And the drawings you have in front of you are strictly for Zoning,

so they're going to be transformed for the construction anyway. So that happens --

ATTORNEY SUSAN ROBERTS: So on Z5 you can write void.

So does the Board have any questions about the existing design before we go through the various criteria?

CONSTANTINE ALEXANDER: I'm all set.

TIMOTHY HUGHES: I have a question. Didn't we go through the criteria the last time? This is just a design thing, right? We liked the design. We're ready for a vote.

No. Open it up for public testimony if you want.

THOMAS SCOTT: This is good.

CONSTANTINE ALEXANDER: Okay.

TIMOTHY HUGHES: It's very good.

DAVID FORD: Just one thing to add,

not only is it not visible, the outdoor equipment, from Mount Auburn Street but from Memorial Drive. So driving 360 around the building you won't see any kind of equipment.

JANET GREEN: Nice.

DAVID FORD: Everything will be hidden.

ATTORNEY SUSAN ROBERTS: So I do have a little point to add. There was resistance to this designing internally just so you know because having outdoor equipment cabinets does not give AT&T the kind of flexibility for future capabilities as an equipment shelter does. And so I just am telling you that.

CONSTANTINE ALEXANDER: You're saying you may be coming before us again --

ATTORNEY SUSAN ROBERTS: Yes.

CONSTANTINE ALEXANDER: -- to

modify the --

ATTORNEY SUSAN ROBERTS: Perhaps. I mean, you know, hopefully these will be around for a long time and we can work with the outdoor cabinets, but they are -- they do not allow as much flexibility in the future, you know, at -- as compared with the --

CONSTANTINE ALEXANDER: Technology changes so you may be -- technologically you may be advanced.

JANET GREEN: It may be smaller.

TIMOTHY HUGHES: If they're doing their job, it will be smaller.

CONSTANTINE ALEXANDER: Right. We can just turn you down when you come back the next time, right?

ATTORNEY SUSAN ROBERTS: Never want to get turned down.

TIMOTHY HUGHES: You could have them

and those complainers come in with you. We'd be happy to meet them face-to-face.

ATTORNEY SUSAN ROBERTS: You probably met one or two. It's the RF guys, they want a lot of flexibility.

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

(No Response.)

CONSTANTINE ALEXANDER: I guess not. No one wishes to be heard. We don't have any correspondence in the file. There is no need to go back to the Planning Board on this one. We talked about that at the last hearing. So I'll close public testimony.

Any discussion or ready to go for a vote?

TIMOTHY HUGHES: I'm pleased.

CONSTANTINE ALEXANDER: All right.

The Chair moves that this Board make the following findings with regard to the request for the Special Permit to add telecommunications equipment on the premises:

That the Petitioner has submitted evidence that it is a duly licensed federal telecommunications carrier, duly licensed by the federal authorities and in good standing.

That the Petitioner has taken steps to minimize the visual impact of the various elements of the proposed facility. In this regard we would note in particular that the plans that have been submitted tonight as compared to the ones that were before, go a long way toward minimizing the visual impact and it's responsive to the Board's concerns.

That this is not located in a residential district so that we don't have to

have the typical findings there.

ATTORNEY SUSAN ROBERTS: It is.

CONSTANTINE ALEXANDER: It is?

SEAN O'GRADY: It's in a C-2 maybe.

CONSTANTINE ALEXANDER: It is.

Okay. You're right.

ATTORNEY SUSAN ROBERTS: It's in a C-3 district.

SEAN O'GRADY: C-3?

ATTORNEY SUSAN ROBERTS: The facility itself is in the C-3 District.

SEAN O'GRADY: I don't know, I haven't thought about that.

ATTORNEY SUSAN ROBERTS: I can talk --

SEAN O'GRADY: Yes, C-1 in the front C-3 in the back.

ATTORNEY SUSAN ROBERTS: I can talk to you about how there are existing carriers

already, and so the Board has previously made a finding obviously in order to cite those --

CONSTANTINE ALEXANDER: Obviously we made findings in the past for other telecommunications carriers.

ATTORNEY SUSAN ROBERTS: Right.

CONSTANTINE ALEXANDER: But we will repeat that there is a demonstrative public need for the facility at the proposed location.

Petitioner has submitted evidence of the lapses in coverage that will be corrected by what is being proposed.

That there are really no alternative functionally suitable sites in non-residential locations. This is a location that is in one area bounded by residences and then the highway or the Alewife Brook Parkway -- the highway behind.

So it's not an area where there are many large buildings where you can put the equipment on.

That non-residential use, we have made findings before and we are just going to confirm that non-residential uses predominate in the vicinity of the proposed location, and that the telecommunication facility is not inconsistent with the character that does prevail in the surrounding neighborhood.

Further, to grant the Special Permit this Board has to make the following findings:

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

That the continued development of adjacent uses as permitted in the Ordinance

will not be adversely affected at what is proposed.

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

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

In this regard the Chair would note that telecommunications equipment has been present on this structure for a good, long time.

That the Petitioner has taken steps to minimize the visual impact particularly by eliminating the equipment shelter and replacing outdoor equipment cabinets.

So on the basis of these findings, the Chair moves that we grant the Special Permit to permit the work -- the relief being sought on the following conditions:

That the work proceed in accordance with plans submitted by the Petitioner and initialled by the Chair. They are -- the cover page is dated 9/9/13. One page has been voided as marked by the Chair and replaced by a sheet that's been attached. It's a new Z5.

Also on the further condition that the work proceed in accordance with the photo simulations submitted by the Petitioner. The ones that are relevant are photo simulation 1D, 2C, and 3D.

DAVID FORD: It's dated 9/9.

CONSTANTINE ALEXANDER: Also initialled by the Chair.

I'm sorry?

DAVID FORD: Dated 9/9.

CONSTANTINE ALEXANDER: 9/9. I just want to initial them so I'll dig them out.

And that the equipment be maintained or the appearance of it be maintained to continue to minimize the visual impact. And that if the equipment ceases to be used for any period of six months or longer, that the equipment be promptly removed and the property itself be restored to its original condition to the extent reasonably possible. And I think that's it.

All those in favor of granting Special Permit on this basis say "Aye."

(Aye.)

CONSTANTINE ALEXANDER: Five in favor.

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

* * * * *

(7:45 p.m.)

(Sitting Members: Constantine Alexander,
Timothy Hughes, Brendan Sullivan, Thomas
Scott, Janet Green.)

CONSTANTINE ALEXANDER: The chair
will call case No. 126-5 Oxford street.

Does anyone here wish to be heard in

this matter?

You have to give your name and address to the stenographer, please.

ATTORNEY SARAH RHATIGAN: I'm Sarah Rhatigan, one of two counsel to the Petitioner, Mr. Yoffe. To my right and Andrew Bram.

DOUGLAS YOFFE: Doug Yoffe, 50 Falon Street, Cambridge, the Petitioner.

CONSTANTINE ALEXANDER: Before we start, I've got a preliminary question.

ATTORNEY SARAH RHATIGAN: Yes.

CONSTANTINE ALEXANDER: This is a condominium, this structure.

ATTORNEY SARAH RHATIGAN: It's actually not.

CONSTANTINE ALEXANDER: It's not?

ATTORNEY SARAH RHATIGAN: It's a townhouse. I know. Unusual. It's a

townhouse and there were deed restrictions placed on at the time of the townhouse creation, a set of, you know, easements.

CONSTANTINE ALEXANDER: Do any approvals need to be obtained from the occupants of the lots?

ATTORNEY SARAH RHATIGAN: They do and they will, yes.

CONSTANTINE ALEXANDER: Have you obtained them?

ATTORNEY SARAH RHATIGAN: We have not actually executed the documents that will be signed and recorded at the Registry of Deeds. But Mr. Yoffe has consulted with each of the townhouse owners, and I believe we have letters of support from each of them?

DOUGLAS YOFFE: Yes.

ATTORNEY SARAH RHATIGAN: Yes. So it's not in the form that would be recorded,

but it does comply in terms of -- the townhouse restrictions require approval of exterior changes. So this is obviously an exterior change because they're approving his petition in general. We're confident that we'll have the approvals that we'll need to record --

CONSTANTINE ALEXANDER: More to the point, I would have liked you to have something more definite before us. I don't want to see us tonight taking action on this, let's presume we grant relief, and we find out we wasted our time because the neighbors don't approve. I want to know what the risk element of that is. I mean, you've -- what --

DOUGLAS YOFFE: Sure.

CONSTANTINE ALEXANDER: Show us what you got.

DOUGLAS YOFFE: What I've got
(reading) Dear Zoning Commission: I have
reviewed the plans presented to me by Douglas
Yoffe for the proposed renovations at 126 No.
5 Oxford Street, Cambridge, and I have no
objections to the proposed plans.

CONSTANTINE ALEXANDER: Who is
that?

DOUGLAS YOFFE: This I have them --

CONSTANTINE ALEXANDER: Each of the
other units?

DOUGLAS YOFFE: Each of the units
except for there was one who he rents it out.
He lives out of state and I have not
been -- but, you know, he's --

CONSTANTINE ALEXANDER: Under the
documents created in this townhouse, how many
votes do you need for approval? If that
person chose not to approve it, would the

project be stopped?

ATTORNEY SARAH RHATIGAN: I believe it's a majority.

CONSTANTINE ALEXANDER: Majority?

ATTORNEY SARAH RHATIGAN: Yeah.

CONSTANTINE ALEXANDER: You believe you don't know?

ATTORNEY SARAH RHATIGAN: Yeah, I can confirm. You want me to do that?

CONSTANTINE ALEXANDER: You can confirm right now?

ATTORNEY SARAH RHATIGAN: I think so. It's like finding a needle in a haystack.

CONSTANTINE ALEXANDER: I don't want to waste our time.

ATTORNEY SARAH RHATIGAN: I know.

CONSTANTINE ALEXANDER: I want to make reasonable assurance that this thing can

go forward if we were to grant relief.

ATTORNEY SARAH RHATIGAN: I also -- if you -- I don't think I submitted a copy of the restrictions. I could do that as well.

CONSTANTINE ALEXANDER: I didn't see them in the file anyway.

I assume it would be a majority and not unanimous, but maybe even supermajority. I can't believe it would be unanimous, it's possible.

No answer?

ATTORNEY SARAH RHATIGAN: Not yet.

DOUGLAS YOFFE: Anyway, I have consulted and I got them to sign off obviously.

CONSTANTINE ALEXANDER: We're going to need those. Can you give us those?

DOUGLAS YOFFE: Absolutely. These

are for you.

CONSTANTINE ALEXANDER: Let me have them now. I'll read them into the record at the appropriate time.

DOUGLAS YOFFE: I also have some from the abutters, too.

CONSTANTINE ALEXANDER: Give them to me.

DOUGLAS YOFFE: No, they're in there.

CONSTANTINE ALEXANDER: Oh, they're in there?

DOUGLAS YOFFE: Yeah. The ones who are viewing on to the property, and you know --

CONSTANTINE ALEXANDER: Okay, let's proceed. Let's proceed. On the basis of your representation, I'm going to assume that you can go forward if we were to grant you

relief and we're not wasting our time.

ATTORNEY SARAH RHATIGAN: Okay, great.

CONSTANTINE ALEXANDER: Go ahead.

ATTORNEY SARAH RHATIGAN: Thank you.

So, as we've discussed we're here before you today because Mr. Yoffe has recently purchased a property that was in really significant disrepair. And it's a townhouse structure that is very unique in its shape and it's -- do you mind just bringing up?

DOUGLAS YOFFE: Yeah. What I can do --

ATTORNEY SARAH RHATIGAN: Just show me just the elevation that shows the shape of the structure.

DOUGLAS YOFFE: Okay. What I have

is --

ATTORNEY SARAH RHATIGAN: And so --

CONSTANTINE ALEXANDER: This is the elevation we have in our files?

DOUGLAS YOFFE: These are the photos.

CONSTANTINE ALEXANDER: The photos?

ATTORNEY SARAH RHATIGAN: Yeah.

And so the difficulty is that the whole -- this is the south side of the building. But the building side to the right, which is also the rear of the building because the entrance is along this side here, is completely rotted out. So if you stand like literally you can see through the building through a hole. And what's happened is because of the way the buildings were first structured, there's this back atrium area. Sorry, you're flashing through

here. I just want to see this, this is helpful.

The whole back area is an atrium that runs up to the top. And then there's a wall of windows along this top roof ledge, and then also a wall of windows at the back. And so what it's done is sort of create this perfect moisture/heat combination that's in a combination of the --

CONSTANTINE ALEXANDER: There's no question that the building is in disrepair.

ATTORNEY SARAH RHATIGAN: And it needs to be rebuilt. The whole back wall needs to be rebuilt.

CONSTANTINE ALEXANDER: The question is whether it's excessive in terms of our Zoning By-law. You're looking to add 400 feet of space, increasing the broad face by 20% roughly.

You're going to have, through FAR, which is quite non-compliant. You're at 1.04 in a .75 district. You want to go to 1.29. I would further note that I looked at your plans, the drawing here, and you're going from a two-plus bedroom unit to now four bedrooms with a very shall we say generous bedroom, master bathroom suite, and a master -- a closet. And my question is can you do, can you correct the problems and not be such a great departure from our Zoning Ordinance? That to me is the crux of this case.

ATTORNEY SARAH RHATIGAN: I think to the difficulties, one, we've agreed or we've discussed it obviously, it does have to be rebuilt. And the difficulty for Mr. Yoffe if he were to rebuild it as it is today, he's essentially recreating the issues and the

problems that at least in the long term is --

CONSTANTINE ALEXANDER: Is there something in between recreating what's there today and what you're proposing? That's what I'm trying to get at.

ATTORNEY SARAH RHATIGAN: And the other part of this is trying to make it a more liveable, to -- this type of structure at the time that it was built may have been sort of a modern idea. But in terms of safe family living, you have these, you know, this loft space which God forbid you don't want to put anybody in, except for maybe a college student. So the reason for the increase in floor area is because he's extending the floors to create more traditional, you know, floors and interior spaces. The exterior of the building, yes, the roof line is extended so the -- it will visually look larger, but

not substantially larger. Otherwise the footprint of the building at the base remains the same. So he's trying to both deal with the structural, the structural issues and the problems that he has with the existing building as well as making it a liveable place hopefully for his son and fiancée or daughter-in-law?

DOUGLAS YOFFE: Well --

ATTORNEY SUSAN RHATIGAN: Fiancée. We're hoping daughter-in-law.

DOUGLAS YOFFE: Yes, there's a battle going on between my son and daughter --

CONSTANTINE ALEXANDER: That's not for us to worry about.

ATTORNEY SARAH RHATIGAN: Right, that's a personal issue.

DOUGLAS YOFFE: A prosecutor in

Cambridge, too. My daughter is living in Cambridge.

But also one of the major problems, too, that we have in there is that I have a wide open atrium up in there. So from an energy point of view, you're basically heating an unlivable space up there. All, you know, so what I wanted to do, which is really -- the part that increases the floor area ratio is just by separating this -- closing off that on the second floor and the third floor so that when you heat, it stays within the areas. Otherwise you spend, you know, this had a wood stove back then. And it was, you know, it was a very seventies thing. And that, you would heat it, and everything that you have is going up into this peak where there's no, nothing. So I mean from an energy point of view, it's really just not even a, you know, it's like

a big gas guzzler.

CONSTANTINE ALEXANDER: Any questions from other members of the Board?

TIMOTHY HUGHES: Yes, I have a question. Can you tell me how much of that 400 square feet of increase is from just extending, you know, adding a second floor and adding a full floor and an atrium and extending the loft, and how much of it is from increased mass?

DOUGLAS YOFFE: The difference is, it's almost entirely just closing in that atrium internally. The only difference is on the third floor is that we have raised the roof from where they have a clear story over here of windows. We've raised that roof four feet up, and then we just closed underneath there. So as if it were an attic where you would put, you know, in there. So we're

really not adding any -- the only addition is just -- it's really all internal, and it's really designed to separate the floors so that the living space is heated within that living space. And it's beneficial that by filling in these floors, we can then, you know, have more living space and it's a safer and it's potentially, you know, we could have children in there without the risk of --

BRENDAN SULLIVAN: You say it's all internal, but there's a big chunk that's external.

CONSTANTINE ALEXANDER: Exactly.

DOUGLAS YOFFE: The difference is four feet up.

BRENDAN SULLIVAN: The first time I looked at this I was saying if I were in unit 4, is 4 next-door?

DOUGLAS YOFFE: Yeah. Sal.

BRENDAN SULLIVAN: I would say absolutely no way because it's going to cast a shadow on 4. I mean you're blocking off all that sunlight going down to that whole row. I read the pleadings and it says well, okay, it's all rotted, bad framing. To me it's just bad construction. And then my next question is I wonder 1, 2, 3, and 4 units have the same problem. And if we do this to 5, then are they all gonna come down and say well, we have the same problem? I would suggest that they all don't have the same problem. Or if they've had the problem, then it's been corrected by proper construction methods. But I think that you can alleviate -- you can also obviously correct the rot and you can prevent water from coming in with new construction materials and not do it the way they did it. When they built these

townhouses, they were granted certain excesses by going under the Townhouse Ordinance which allowed for the size and shape of this building. And if they varied beyond that, they would not have been allowed to build these buildings. You obviously picked it up at a price relative to the condition. I would have thought that, you know, you're somewhat sophisticated that you just didn't say that okay, I'm going to buy it and oh, my God, I'm sure you did due diligence in buying this thing.

DOUGLAS YOFFE: Um, I think you have higher expectations.

BRENDAN SULLIVAN: And if you didn't, then shame on you because you should have. And then to say well, you know, okay, now we've got all these problems, however, if we badda-bing, badda-boom and keep on going,

we can really make this place a nice place. But I think you bought it in the condition that it was in and knowing that you were going to have to extend a certain amount of money to bring it up to what would justify that expenditure.

DOUGLAS YOFFE: That's --

BRENDAN SULLIVAN: And to add that exterior chunk right on the street to me is quite excessive.

DOUGLAS YOFFE: Um --

ATTORNEY ANDREW BRAM: On the other hand I want to add that there's an engineer's report that says one of the reasons for this, the design that they came up with was to fill this in because that's where the water was shed off the building, and the increased square footage is essentially is incidental to doing this. The recommendation was to

square this off, was to make this pitch come down like this so as not to replicate the water runoff problem and cause the rot. I agree with you, the building could be rebuilt as it is now and in 20 years the same problem would exist again. Now even with modern construction methods. When you say it increases the mass, again, you talk unit 4, you talk about a support is from the guy in unit 4.

BRENDAN SULLIVAN: Because they may want to do this eventually themselves.

ATTORNEY ANDREW BRAM: You're saying they would object because it's changing their, you know, their roof line, their sunlight, their shadow, whatever. We're saying that's not the case. These neighbors want to see this --

BRENDAN SULLIVAN: Are you saying it

will not have any effect?

ATTORNEY ANDREW BRAM: No, no. I'm saying the neighbors don't object what he's doing.

BRENDAN SULLIVAN: All right, but let me ask you: Do you feel it would have an effect?

ATTORNEY ANDREW BRAM: Again, I didn't see a shadow study. I don't know -- I looked at this house. I don't know how significant those changes are going to be on those units that run down the road. And if the way to correct what is clearly a design deficiency is to change the pitch, than I think that's something that the Board should allow, should accept as a Variance. It's a I think a minimal change to the overall structure. You may think it's big because it's filling in that corner, but overall it's

a relatively small change. You know, and again given the streetscape and the houses on either side of it, and the fact that none of the neighbors object to this, in fact, they all have said that they, you know, support it. I don't understand why the Board would have a problem with this and think this is setting some kind of a precedent.

BRENDAN SULLIVAN: Well, I do.

ATTORNEY ANDREW BRAM: I think it's a relatively modest Variance that's being requested.

CONSTANTINE ALEXANDER: Well, I'm sorry, sir, that's not a modest Variance. Whatever else I agree or not agree with, this is not a modest Variance. That's where we started from.

JANET GREEN: You're adding two bedrooms.

CONSTANTINE ALEXANDER: Yes, you're adding two bedrooms.

JANET GREEN: You're adding two bedrooms, that's not modest.

CONSTANTINE ALEXANDER: And you're increasing the size of your living space by roughly 20 percent. That's a lot.

ATTORNEY ANDREW BRAM: But, again, this was built over what would otherwise be the allowable FAR because it was built under the original Townhouse Ordinance.

CONSTANTINE ALEXANDER: Right.

TIMOTHY HUGHES: Which already had a built-in advantage. So you're asking us to exacerbate that.

CONSTANTINE ALEXANDER: Exactly.

Tom, you have any reaction or comments?

THOMAS SCOTT: I guess if you could in-fill to the floor without changing the

permit or the frame of the house, I think I would have less of a problem with it. I think it's the fact that it's growing and as a result, you're getting this larger mass kind of facing the street. I think that's what's problematic. And, you know, the fact that the FAR is increasing so substantially.

ATTORNEY SARAH RHATIGAN: But if what Doug was explaining in terms of the raising of the roof only attributing to really a small amount of the interior increase in FAR, if the Board were to prefer to keep the shape because somehow massing concerns or be a concern for the neighbors, that's really not affecting the FAR significantly, right?

CONSTANTINE ALEXANDER: I didn't follow. I didn't follow your point.

ATTORNEY SARAH RHATIGAN: What you

were suggesting is that you could in-fill on the interior but keep the shape.

THOMAS SCOTT: Right.

ATTORNEY SARAH RHATIGAN: And so I guess the question is how, you know, realizing the concerns of the structural engineer and also just thinking of future, future owners. Say, you know, Mr. Yoffe puts in lots of money to rebuild this structure that's problematic, you know, you still have this atrium space. I can't see how you can in-fill -- you wouldn't -- but there would be no way to do anything essentially with the back side of this, of this, right? And we would be, again, recreating a flawed, you know, architectural design in terms of both where the rain and, you know, where the sun comes hitting the back of the building. I guess it almost creates

more of a hardship for the owner.

BRENDAN SULLIVAN: In my work I have been in many of these buildings, never liked them, never thought they were functional. They were built for a certain purpose, for a certain clientele. Never thought that they worked well or right, but people buy them, people live in them, and people enjoy them. But I'm not one then to, you know, accept okay, it's flawed as you say. Yes, it's flawed. And this is the way we're going to correct the flaw by expanding it out. I mean, that's what I see. It's the massing on the exterior. In-filling some of the floors I have done some of those. And at some point in the third floor, you know, you've got as it is in any attic space, you've got a roof line there that you can't walk out to. So be it. My house was built in 1885, and I have

two bedrooms and the kids can't -- there's a roof line, you walk to it and you bang your head. Now, you know, kids get used to it. Or wears a football helmet, one or the other, I don't know. You get used to it. And that's just the nature of it. You bought a certain structure and that was the nature of beast and it is flawed.

CONSTANTINE ALEXANDER: Yes. At the risk of piling on, that's essentially my problem, too. I can understand or accept if you want to reconfigure the interior to make it more energy efficient in today's world, but I see you increasing the exterior and I think there's a relationship between the two. Which goes back to my very first about it; is there a solution in between what you're proposing and the current situation to be sure the structure needs to be repaired? We

accept -- I accept that. But I, I just think what you're using that as a leverage to do something more that is not permitted by our Zoning Ordinance. So there's more than our Ordinance would allow, and that's the increase of the FAR. I think you can get to what you want to do without changing the exterior and without dramatically increasing your FAR. And you bought the structure. You bought it as it is, to Brendan's point, and, you know, you live with what you bought. You're going to have to repair structural damage, sure. And I think the Board would be sympathetic to that, but you're doing more than that. That's my sense anyway.

DOUGLAS YOFFE: Well, part of my problem, too, is that it's structurally -- even the other people, if you take a look, all of them are having problems

as far as leaks, things like that. It's, it's a flawed design. And really what we're doing is the neighbors are all in favor of it.

CONSTANTINE ALEXANDER: Well, we --

DOUGLAS YOFFE: Everybody is in favor of it. It's correcting that, you know, the flawed design of having all of these valleys, these flashings in there, that everybody's gone over and done other things and you still have leaking roofs. And you still have leaking, you know, flashing within there within the, you know, within the seams and there's deterioration, you know, all through that. I mean I can understand where if, you know, someone didn't want it. But, in fact everybody seems to be supportive. They think aesthetically it will be better and it would be, you know, better for the, better for the neighborhood.

ATTORNEY ANDREW BRAM: I just ask the question of the Board because maybe I'm not following this, but if this individual came in and wanted to change this roof line, not fill in the floors, leave the atrium inside as it is, but simply reframe this part of the building to change this roof line, get rid of this indentation, could that be done without requiring a Variance if the floors are not added because you're not adding floor area?

CONSTANTINE ALEXANDER: You're adding floor areas, but not as much I think.

SEAN O'GRADY: I would have to see that.

ATTORNEY ANDREW BRAM: Why adding floor area if we're going to continue this down to here?

CONSTANTINE ALEXANDER: I guess

you're right.

ATTORNEY ANDREW BRAM: If that were the case, if the Petitioner came back and said I want to seriously correct the design problem because I don't want to have this leakage later. I don't want my kids to have it if they inherit this house, then the Board would be okay with that. That leaves the same change in mass, Mr. Sullivan, that you're objecting to because now this isn't going to be filled in and the siding is going to be here.

BRENDAN SULLIVAN: You're asking the question can, and I don't know the answer to can, you know, if you do that.

CONSTANTINE ALEXANDER: Let me tell you this, the relief if you did that, which you're suggesting, we're not going to give an advisory opinion tonight, but obviously the

relief you would need from us would be much less significant than what you're seeking tonight. That presumably should increase your chances of success. That's the best we can tell you.

Any further questions or should we open to public testimony?

JANET GREEN: I wanted to ask one more question about where do you park?

DOUGLAS YOFFE: There's a parking space.

JANET GREEN: So it's a single parking space.

DOUGLAS YOFFE: A single parking.

JANET GREEN: So it is adding two bedrooms which is going to be a larger family kind of house, but it still would only have one parking space?

DOUGLAS YOFFE: One spot, yeah.

JANET GREEN: Okay.

CONSTANTINE ALEXANDER: Brendan, I'll open to public testimony or do you want to wait?

BRENDAN SULLIVAN: No, no. Go ahead.

CONSTANTINE ALEXANDER: The Chair would open this matter to public testimony. Is there anyone here wishing to be heard on this matter?

(No Response.)

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

The Chair is in receipt of correspondence submitted by the Petitioner. There's a letter that says: (Reading) I have reviewed the plans presented to me by Douglas Yoffe for the proposed renovations of 126 No. 5 Oxford Street. I have no objections to the

proposed plans. And this letter is signed by a Salvatore Albanese, A-l-b-a-n-e-s-e who resides at unit No. 4.

And, I can't read the last name, but she resides at unit No. 1.

And the occupant of 126 No. 2. Again, I can't read the signature.

The occupant of 128 Oxford Street No. 1, Peter Kirby, K-i-r-b-y.

As the resident of 124 Oxford Street signed by Anastasios Christophilos. Anyway, A-n-a-s-t-a-s-i-o first name. Last name C-h-r-i-s-t-o-p-h-i-l-o-s.

And we have more. There's an e-mail from a Miracle Andrade, A-n-d-r-a-d-e addressed to Mr. Yoffe. (Reading) I am in receipt of your letter of 6 September regarding your petition for a modifications. Please be advised that Susan and I support

your efforts. I don't have an address for Mr. Andrade.

ATTORNEY ANDREW BRAM: It's 130 Oxford Street.

CONSTANTINE ALEXANDER: 140 Oxford Street?

ATTORNEY ANDREW BRAM: 30, 130 Oxford Street. Far corner of Forest Street.

CONSTANTINE ALEXANDER: And also we have an e-mail from Mr. Kirby but I've already read his letter.

DOUGLAS YOFFE: That's from the other people over there.

CONSTANTINE ALEXANDER: Yes.

And that's it. There's nothing else in the files. I'm going to close public testimony.

Any final comments before we discuss it among ourselves?

ATTORNEY ANDREW BRAM: One second.

CONSTANTINE ALEXANDER: Do I hear a request for a continuance?

ATTORNEY ANDREW BRAM: We're going to ask to come back to reduce the floor area.

CONSTANTINE ALEXANDER: Okay.

I don't think the Board will have any objection for a request to a continuance. This is a case heard so you need the five of us to be back here for the case.

What's the first available date?

SEAN O'GRADY: 10/10. Everybody else is okay with 10/10.

CONSTANTINE ALEXANDER: Is that enough time for you? You have to get the plans in by the Monday before.

DOUGLAS YOFFE: Sure.

CONSTANTINE ALEXANDER: The Chair moves that this case be continued until

October 10th at seven p.m., this being a case heard subject to the following conditions:

That you sign a waiver of time for decision. Mr. O'Grady has that.

That the sign that you've quite adequately posted has to be modified to change the date to October 10th, and very importantly, the time to seven p.m. And that sign, as modified, has to be maintained for 14 days prior to the October 10th hearing.

And on the last condition that new plans which I assume you're going to be submitting, and any modified table or table of dimensional requirements, if necessary, must be in our file by no later than five p.m. on the Monday before October 10th.

DOUGLAS YOFFE: Okay, that's....

CONSTANTINE ALEXANDER: That's October 7th or something like that. So if

you don't, we're not going to hear the case again. Does that give you enough time?

DOUGLAS YOFFE: Yes.

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

(Aye.)

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

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

* * * * *

(8:15 p.m.)

(Sitting Members: Constantine Alexander, Timothy Hughes, Brendan Sullivan, Thomas

Scott, Janet Green.)

CONSTANTINE ALEXANDER: The Chair will call case No. 10497, 49 Washington Avenue/14 Hillside Avenue.

SEAN O'GRADY: Can I ask you to continue 23 Francis.

(Case Recessed.)

* * * * *

(8:15 p.m.)

(Sitting Members: Constantine Alexander, Timothy Hughes, Brendan Sullivan, Thomas

Scott, Douglas Myers.)

CONSTANTINE ALEXANDER: The Chair instead is going to call case No. 10499, 23 Francis Avenue.

Is there anyone here wishing to be heard on this matter? Where's Sean?

ATTORNEY SEAN HOPE: So our architect is running a little late but hopefully he'll come.

Good evening, Mr. Chair, members of the Board. For the record, attorney Sean Hope, Hope Legal Offices in Cambridge. I'm here tonight with the Petitioner Ellen Van Bever and the owner of 23 Francis Avenue and the architect is here, the architect Bill Huebner from Insight Architecture. This is a Variance application to add a mudroom and a two-story addition onto a single-family home sited in the Residence A-2 Zoning District.

Just some of the existing conditions. This is a two-and-a-half-story structure approximately 6500 square feet on a 9900 square foot lot. The lot in the house are somewhat unique to the street and to the district. This is the only house that is abutting an institutional parking lot and building on two sides as well as there is a walkway along the southwest side of the property along to the rear deck access to the building. Approximately on the driveway side it's extremely narrow. The house is sited as close as eight feet from the adjacent parking lot. This close proximity is particularly challenging for the Petitioner because the driveway is sited on the parking lot side, the primary entrance which is on Francis Ave. actually is through the rear of the property. So practically speaking when

they, when the Petitioners enter their home, they drive to the back where the parking garage is and they actually enter through the back portion of the house. What they don't do is they don't walk around the front of the house and enter on Francis Ave. That's significant because that's where the mudroom is placed.

Now the purpose of the mudroom is to add privacy, a level of security, and as I said, pictures in the file, you can see almost directly into the Petitioner's kitchen if they open the door from the parking lot. So on a given evening -- Petitioner has three young children, and so that mudroom would add a buffer when entering into the property.

CONSTANTINE ALEXANDER: Has the Petitioner considered screening in terms of landscaping to provide privacy from the

parking lot? You know, a large bushes, small trees?

ATTORNEY SEAN HOPE: I think some of that is -- would be visual. There's also noise. So part of the mudroom, one, is to have that level of visual which I think some screening would do. Particularly the fence is directly on the property line, so that really -- and the driveway is actually non-conforming. It's less than 10 feet. So it really is not an opportunity to add appropriate screening. I think at one point Harvard University may have had some shrubbery screening on their property, but it's not something they could control or have the room to do effectively. I also think, too, just the feeling of some kind of separation, the mudroom also as the Board has seen, is also used for energy efficiency. We

live in New England, and so the majority of the year having that mudroom, when you're bringing in groceries and the like, having that mudroom allows you to traverse into what would be their kitchen.

Just some of the -- so this is a non-conforming structure in terms of the FAR. It's in a 0.5 Zoning District and they're at 0.65. I would just like to highlight for the Board that out of the 6500 square feet which the house is listed at in the GFA, 1523 square feet of that is in the basement or below grade. So when you look at the total amount of house, the 1500 square feet of that is in the basement. Just for an --

CONSTANTINE ALEXANDER: The basement used at all for residential purposes?

ATTORNEY SEAN HOPE: Currently now

it's all storage and mechanicals. And so, you know, if you took that 1500 square feet out, you would actually be compliant in terms of FAR. You would be close to 0.49. There would be an opportunity to add some allowable GFA, but not a whole lot, but the basement area pushes it over to the 0.65.

CONSTANTINE ALEXANDER: And you're going to 0.69 if we were to grant you relief tonight?

ATTORNEY SEAN HOPE: Yes. So there's approximately 400 square feet that we're asking for. Of the mudroom it's approximately 100 square feet. The two-story addition is about 230 square feet. So the mudroom is a little bit more than that. But the total is 400 square feet. So it, it satisfies what they would need to accomplish. So part of the rationale, and I think the

architect will speak to it is functionality in terms of the layout of the first floor. Part of the mudroom and the two-story addition is to try to move the majority of the living area away from the commercial side or the institutional side parking lot and move it more toward the residential side. Also when you look at the lot, the residential side has a generous rear yard. We have almost 50 feet between the end of the proposed mudroom, deck to the rear yard line and also 20 feet on the right-hand side. And preparing this application we reached out to the abutters, to the residential abutter, because they have the largest impact. Often times when you're building massing that's not normally there, you know, you have windows and bedrooms that weren't as close. So privacy was an issue to that adjacent abutters. You know, there's

letters of support in the file so we were able to build that in a way that it meets their needs and to be able to support the application.

Briefly I would just like to speak to the Variance for the mudroom. As I mentioned before, the hardship really has to do with the fact that it's sited extremely close to this institutional parking lot and buildings. There's light, noise, as well as safety concerns I mentioned that would allow this mudroom to alleviate some of those issues.

In terms of the hardship for the addition, and the architect can speak to some of the layout, so right now practically speaking they're a family of five and their primary living area is in the kitchen. They have a large foyer, but the way the house is laid out, the house is really broken down into

area, so if Mrs. Van Bever is in the kitchen and she has three children doing homework, having them in the foyer -- and there's also a great room to the front, is not really practical. So part of what the design of the proposed addition would allow them to do is to reorient the kitchen so that the kitchen is now open to what would be the family room.

On the second floor very similar, there is a bedroom that is over the kitchen very close to the driveway side. So being able to extend what is a seasonal porch and be able to build that would also allow for the bedroom to be extended to move the massing towards the residential side away from the commercial side.

I'd like to if Mr. Huebner would like to come and walk through the design and why we chose to -- we have some boards that I

think would help illustrate what we're trying to do.

CONSTANTINE ALEXANDER: Sir, give your name and address to the stenographer, please.

WILLIAM HUEBNER: William Huebner, Insight Architecture. And my residence actually is 55 Goldstar Road, Cambridge.

ATTORNEY SEAN HOPE: Bring it a little closer.

CONSTANTINE ALEXANDER: Yes, if you would.

WILLIAM HUEBNER: Sure. These documents are in your packet but just for illustrative purposes we can go through it. What's shown is referring to or alluding to is the current location of the home on the property. This is Francis Street. The house footprint is here. The driveway, the

ten-foot wide driveway goes passed the home and there's a freestanding garage back in this corner. And as he did note, the fence is actually on Harvard. It's right on the property line. It's their fence, they own it, and there's really no room at all to provide any sort of screening of any significance there.

So what we've done -- okay, and then from existing conditions just so you can see, if this is standing the proposed mudroom that we're talking about tonight, is in the location of currently a back porch. There's a small set of steps and a landing and that's how you currently enter house. And that's the main entrance, and we'll look at that in the plan in just a second. For the family, you drive down the driveway or to the garage or to the parking area and then enter the

house in this back corner. That's the corner where we're proposing for the mudroom. But standing on that landing, Ellen took a picture of one of her children and you can see the parking lot. It's very, very open. There's no screening whatsoever. There's highlights on it and it's basically a paved parking lot.

And this is standing in the parking lot looking back towards their house. Absolutely no screening.

And another shot from their house looking towards the parking lot again and again. Just to give you some context if you didn't get a chance to go by the site.

This end is a shot standing in the yard which is look at the site plan here is over in this quadrant which is the significant open space in the property. It's the nicest

place that's being developed with the landscape plan to create a nice outdoor gathering spot. It is naturally partially screened by the existing garage which is nice. And what we're hoping is that with our mudroom that will create additional layer of physical separation between their outdoor space and the major parking lot and day care center which is located here. So I'm standing in that area looking back towards the home and we'll see in a few minutes where the mudroom is proposed to go which is here, the porch, and then we're hoping to fill this corner in and take this current. It's about a seven-foot wide seasonal porch. One story, two stories, and square that off and make that into a relatively modest size family room or any of the kitchen then out into that space. So site plan and then some

contextual site pictures.

Just to stick with existing conditions for just a second longer, walk you through the existing floor plan, again briefly. This is the current basement space. It does have legal ceiling height, over seven foot. It's seven-foot, two or something. So we're counting all of this square footage in our FAR as we are required to do. There are some pictures that which I can pass this around if you look at it. This is the condition of the current basement. It's chockablock full of mechanical space, duct work, piping, blah, blah, blah. It's a pretty miserable space. But anyway, there it is. It's got the stair coming down and an old utility space coming down with a hot water heater. I didn't draw all the mechanical equipment. It kind of clusters around the chimney in the middle of

the house here.

The current porch it doesn't have a proper foundation but it does -- it's built out over this area right here. You can see its current -- that's its current footprint.

When we go upstairs to the first floor to the main level, we see that porch, this is the current kitchen. This is the current landing that takes you from the kitchen level down to the backyard over to the garage. As Sean was discussing, the house on the main floor consists of basically four spaces. There is a quite large formal front foyer. Very nice room. Little impractical these days for a use. But there it is. Living room, dining room. And then the kitchen currently acts as kitchen, back entry, quote unquote, mudroom, and there is a modest breakfast banquet tucked into this corner.

It's got a lot going on in that little tiny space.

And then if we go to the second floor, we've got master suite at the front and then two bedrooms to the back. And this, again, this is the seasonal porch which is stacked on top of the other seasonal porch below.

Photographs of the existing conditions where we're hoping to do our work. This is the two seasonal porches we're hoping to fill in. Showing you that same view. This is the landing coming off the back from the garage to the kitchen. And then, again, another view of that. And I can put these back up again. Let me look at the design if you like to see that again.

The proposed conditions, same orientation. We'll leave the basement alone for now and just talk about how we're hoping

to make the kitchen work. These are blown up. I left the front foyer and the living room off to give you a little more clarity.

The kitchen remains more or less in the same area, but it's now been oriented towards what we're hoping to do is create this simple open room here. What will happen functionally then is the kitchen now it's got its back to the university parking lot, oriented towards the new room. It's a more generous area for a casual every day kind of breakfast room, a kids' homework space, a modest sitting area, and then a rear landing deck that goes down to the backyard. We've created this in a way to work both this into a mudroom entry and as an access way to go from the back of the house out to the yard and back as for communication. Really, again, turning this away from the parking area and

trying to link the main functional part of the home which we all know is the kitchen, that's where we all live these days, and making that link there.

There's a small areaway here that I've created to get access down to the basement. That's not part of the condition that we're talking about today.

Upstairs we have, you may recall, the master suite to the front and then a sitting area here. And then the bedroom that's currently located here, what we're hoping to do is link to an addition over this room. This will act as -- currently two boys share this room. They're young children still. And the goal would be that these two boys will share this suite and be able to play and communicate back and forth, and over time the grandparents who come to visit on a regular

basis and currently go to the attic when they're visiting, this would turn into an elderly person's suite when they come to visit, a guest suite basically. A quieter bedroom area.

Excuse me.

DOUGLAS MYERS: In the middle drawing on the left-hand side I guess what would be the south side of the property, what is the structure that is on the left side of the drawing? No. It is immediately south of the bay of the existing bay.

WILLIAM HUEBNER: This?

DOUGLAS MYERS: Yes.

WILLIAM HUEBNER: This set of steps uncovered, it's just access to the basement.

DOUGLAS MYERS: Existing?

WILLIAM HUEBNER: No. They're in the back. And they do show up in our drawing

and they are in your packet. The existing stairs start in the backyard, go down and tuck underneath the porch and tunnel through and then you go through the door there. The door's about six feet high and then you have to go down a couple -- another couple steps to get down.

DOUGLAS MYERS: And the presence of that stairway down is what causes the additional infringement on the left setback?

WILLIAM HUEBNER: No. We do not have an infringement on the left setback. That's not a condition that we're addressing today.

DOUGLAS MYERS: I thought in your dimensional information sheet you're reducing one setback from 11 feet to 8.9 feet or 8.2 feet?

WILLIAM HUEBNER: Sean, you'll have

to help me understand where that's --

ATTORNEY SEAN HOPE: On the existing conditions because of the bay on the driveway side, I think that's 8.9, that's what you're referring to? But the mudroom that we're proposing is not encroaching on that setback. So the house is 11-point and the minimum setback is 10 on each side with a sum of 25.

WILLIAM HUEBNER: That would be on this side, correct, Sean, the driveway side.

ATTORNEY SEAN HOPE: Oh, sorry.
Yes, excuse me.

WILLIAM HUEBNER: The ambiguity, the main structure of the house I believe is 11.1 feet or whatever. But there is a box bay off the front corner here, and that's probably what they're measuring, too. So that's a bay -- we're not messing with that. We're not looking for any additional

encroachment on this side. As a matter of fact, on any side but the back we don't have a requirement.

DOUGLAS MYERS: Okay, but on the right side, then, on the right side you say that you're reducing the existing conditions, existing condition of 11.2-foot setback as being reduced to 8.2-foot setback. That's -- I'm just reading from your dimensional form. You say it's on the right side. What's causing that?

WILLIAM HUEBNER: Yeah, I'm not sure why that says that because what we're proposing is to, is to not, not encroach any further over than the existing right side of the home, this direction. You can see here's the existing wall of the house, and our mudroom is not extending beyond that. There's the dimensional line out there but

that's not the structure.

DOUGLAS MYERS: So I should disregard that infringement?

WILLIAM HUEBNER: Disregard that, yeah. I wonder if it's saying we're going out for eight feet, we are extending the current non-conforming condition. That's perhaps what was indicate by that.

DOUGLAS MYERS: On its face it would mean you're creating an infringement if we read it the way it's stated.

ATTORNEY SEAN HOPE: I think we're picking up on an inaccuracy on the dimensional table.

DEREK VAN BEVER: I'm sorry, Derek Van Bever.

CONSTANTINE ALEXANDER: Sorry, state your name for the record.

DEREK VAN BEVER: My name is Derek

Van Bever. I'm Ellen's husband. Hi.

It might be that there was a plan to put the basement entryway on the -- on David and Nancy's side of the house, to the side of the house. Is that what we're talking about?

WILLIAM HUEBNER: Well, there's nowhere near -- what's the delta between the.

DEREK VAN BEVER: Oh, I see, sorry. You've got it on there.

ATTORNEY SEAN HOPE: No, but I think to Mr. Myers' point it's inaccurate. There is not an infringement on that side there.

DOUGLAS MYERS: Okay.

WILLIAM HUEBNER: Yeah. And, again, unless, and maybe I don't know the rules well, but as you can see the areaway that we're proposing, which is again a non-roof -- it's not a structure. It's just -- anyway, it does come towards the left

side, but it doesn't extend beyond the existing bay that's there.

ATTORNEY SEAN HOPE: And it's still not eight feet on that side.

WILLIAM HUEBNER: I apologize for that. I don't know what that's about.

Anyway, where were we? So, generally speaking that's -- those are the conditions.

Now from a design standpoint, what we've done, and again, we can look back to the pictures, you can look at the pictures in your packet. These are just straight architectural elevation views of the back side of the house, west and the back south side of the house, and then we've got a three-dimensional view here to see how that would feel relative to the photographs that we have from that same perspective, and then a colored rendering to give you a little more

sense of depth to the thing. We're not going any higher than the current eave line of the existing home. We're hoping to extend that one bedroom area out over this area, and the mudroom with its porch and the proposed family room.

As Sean pointed out earlier, a large chunk of the square footage is counted in the FAR in the basement. And also in our proposal the current, the new number also includes what's in the existing conditions which are two fairly significant amounts of space, about 160 square feet of space in the current attic which qualifies as FAR because it is above seven-foot ceiling height. But it's completely unfinished space, one of which is one of the spaces is actually landlocked behind an existing bathroom and it's just unfinished space. One of those

little spaces is up there and the other one is up front.

ATTORNEY SEAN HOPE: Just to jump in to clarify, the attic spaces, these are spaces above five feet. These are spaces that are included in gross floor area that are counted by seven feet in the basement.

WILLIAM HUEBNER: That's correct. Five feet.

And also it's a point -- it's an point. It's also one a bit of safety but I have proposed to extend the mudroom roof, a portion of it, across the back of the proposed family room where that deck is in order to protect the doors, provide it's south, southwest facing to provide a little high summer sun shading. And that, of course, that area which accounts for more than 100 square feet is also in the FAR. So we're not

really proposing as Sean stated earlier, we're proposing a fairly modest number of additional square feet. We're trying to rationalize the existing home which is quite nice, but has a couple of flaws in it to make it not particularly functional. We're hoping with a few simple moves with no detriment to the neighborhood we could enhance its functionality.

CONSTANTINE ALEXANDER: Thank you.
All set?

ATTORNEY SEAN HOPE: Yes.

CONSTANTINE ALEXANDER: Questions from members of the Board?

TIMOTHY HUGHES: No.

CONSTANTINE ALEXANDER: I'm going to open it up to public --

DOUGLAS MYERS: One more question.

CONSTANTINE ALEXANDER: Go ahead.

DOUGLAS MYERS: I noticed that you have a powder room shown on your basement plan.

WILLIAM HUEBNER: Correct.

DOUGLAS MYERS: Does the existing basement a bathroom?

WILLIAM HUEBNER: No. It's roughed in. It had a bathroom at one time, and it was torn out a long time ago. In our plan, and it is in the packet, we are planning to try to partition off a piece of the basement, and I've got it called out of our proposed plan as playroom. It's counted in the FAR as existing conditions and also of course counts as FAR in the proposed conditions. And we're trying to capture a little bit of that space and use it. So we're going to hopefully put a powder room back down there. And this is sort of utility space so what when the kids

play in the backyard, we're thinking mostly wintertime and they're coming in, we have them coming in the areaway enter into a rough and tumble semi-finished off space we're calling playroom, and there's the convenience of having that powder room right there. It's not currently in place. The space --

DOUGLAS MYERS: Will that playroom space remain unfinished?

WILLIAM HUEBNER: Well, no, it will have a concrete floor and partition off some of the mechanical space. The idea is to contain it so the kids can play.

DOUGLAS MYERS: No residential use is contemplated?

WILLIAM HUEBNER: No, no bedroom living space, no.

ATTORNEY SEAN HOPE: And this is an

additional letter of support.

CONSTANTINE ALEXANDER: I'm going to open it to public testimony.

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

(No Response.)

CONSTANTINE ALEXANDER: The Chair notes that no one is expressing an interest to be heard.

DEREK VAN BEVER: She's our neighbor.

CONSTANTINE ALEXANDER: Oh, I'm sorry.

JIN COOPER: I have no problem.

CONSTANTINE ALEXANDER: Name.

JIN COOPER: My name is Jin Cooper, J-i-n. I live at 4 Brian Street across the street from their house, but I cannot see from my house and I can't see that -- the

modification is in the back. I probably won't be able to won't see it anyway. So I don't have a problem with it.

CONSTANTINE ALEXANDER: Okay.

Thank you for taking the time to come down.

As I started to say, we are in receipt of some letters. We have a letter from Brian Eliot Burke, B-u-r-k-e, who resides at 18 Francis Avenue. (Reading) I along with my wife Lynn and our four kids -- I won't mention their names -- hereby express our enthusiastic support for the Variance application for 23 Francis Avenue. I have lived in Cambridge for the better part of 50 years and feel strongly that the proposed modification will enhance the character of this wonderful residential neighborhood. I've had an opportunity to review the plans and discuss the project with the Van Bever

family. After careful review and discussion about the proposed plans, I believe the relief requested is appropriate in size and scale for our family-friendly residential neighborhood and it will enhance the property. For all of these reasons I urge you to grant the Variance and allow the requested renovations for this property. I appreciate the Zoning Board's ongoing thoughtfulness and dedication to Cambridge. I like that part.

DEREK VAN BEVER: He's even better in person than on paper.

CONSTANTINE ALEXANDER: Do anything to get our vote, right?

We have a letter signed by David A. Smith and Nancy H. Smith who reside at 21 Francis Avenue. (Reading) We are the Van Bever's nearest neighbors to the south so the

proposed changes to the rear of their house will be right outside our kitchen windows. The addition they propose will be a clear improvement to the shape of their house and a nicer view for us. We enthusiastically support it.

And last we have a letter from Samuel S. Myers, M.D. and Kelsey, K-e-l-s-e-y E. Worth who reside at 22 Francis Avenue.

(Reading) We are writing to lend our support for the Variance application to allow for the renovation of 23 Francis Avenue in order to add a mudroom on the space currently occupied by a small porch and to build a small addition off the back of the house in order to expand the kitchen and add a family room. We are close neighbors living at 22 Francis Avenue in Cambridge and have lived in the neighborhood for many years. We have had an

opportunity to review the plans and discuss the project with the owners and the architect regarding the renovations. After careful review of the proposed plans, we believe the relief requested is appropriate in size and scale for the neighborhood and will enhance the property. For all of these reasons we strongly urge you to grant the Variance and allow full renovations of this property.

And that's it.

Mr. Hope, any final comments?

ATTORNEY SEAN HOPE: No.

CONSTANTINE ALEXANDER: Thank you.

Close public testimony.

Discussion from members of the Board or ready for a vote?

TIMOTHY HUGHES: I'm ready for a vote.

CONSTANTINE ALEXANDER: Okay.

By the way, these are the plans, the vote, when I get to the vote, is going to be tied to these plans we have in our file. These are the final plans?

WILLIAM HUEBNER: Yes, sir.

CONSTANTINE ALEXANDER: If you modify them, you have to come back before the Board.

WILLIAM HUEBNER: Understood.

CONSTANTINE ALEXANDER: The Chair moves that this Board make the following findings:

That a literal enforcement of the provisions of the Ordinance would involve a substantial hardship to the Petitioner. Such hardship being given the location of the structure of joining a commercial parking lot owned by Harvard University and inadequate screening because of the closeness of the lot

lines, the ability to satisfactory inhabit the structure is adversely affected.

That the hardship is owing to circumstances relating to the fact that the structure is now a non-conforming structure. So any addition requires Zoning relief.

And that also is a result of the location of the lot. As mentioned, it is a joining a commercial parking lot which intrudes on the residential nature of the structure in question.

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 that there appears to be unanimous neighborhood support for the project.

That the relief being sought is modest

in nature and would seem to be warranted in view to make the property more readily inhabitable by whoever owns it.

So on the basis of these findings, the Chair moves that a Variance be granted to the Petitioner on the condition that the work proceed in accordance with the plans submitted by the Petitioner, each of which the plans and elevations, and even a site plan, each of which have been initialled by the Chair.

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

(Aye.)

CONSTANTINE ALEXANDER: Five in favor. Variance granted.

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

(8:45 p.m.)

(Sitting Members: Constantine Alexander, Timothy Hughes, Brendan Sullivan, Thomas Scott, Janet Green.)

CONSTANTINE ALEXANDER: The Chair will call case No. 10498, 2 Garden Street.

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

LUTHER ZEIGLER: My name is I'm Luther Zeigler. I'm an Episcopal Chaplain at Harvard. And with me is Edith Dolnikowski, the President of the Board of Trustees of the Episcopal Chapel at Harvard and our counsel Matt Henshon, H-e-n-s-h-o-n. And also present is one of our trustees Christopher Kaneb. And we're here on our application for a Special Permit to reduce the required parking from two spaces to one space. The Episcopal Chaplaincy at Harvard is a non-profit religious organization

associated with the Episcopal Church. We have owned 2 Garden Street which is a residential house, Zoned C-2 for several decades. It hasn't for the past several decades been used for residential purposes, but rather we've leased it to a social organization at Harvard and before that to Harvard University itself for office use. But starting in January of 2014 we will be partnering with a young adult ministry in the Diocese of Massachusetts and we will be having seven to eight young adults living at 2 Garden Street in two upper floors. They will be participating in a social justice ministry, the equivalent of an Episcopal Service Corps. program where they will be working with non-profits and congregations in the Cambridge and Greater Boston area doing outreach and serving the poor and

underserved constituencies.

Because we will be having seven to eight people living in the house, my understanding is under Article 6.36.3 we would need two parking spaces and we only have one. But we would respectfully submit that one parking space will be adequate because none of the Life Together interns who will be living in the house will be permitted to own or maintain a car in Cambridge. All of them will be using public transportation and they will be given public transportation vouchers by their Life Together Program. And we don't -- we respectfully submit that there won't be any additional congestion added to the Harvard Square area. And, of course, public transportation is readily available at 2 Garden Street since we're a hundred yards or so from the Harvard Square T stop and near

major bus lines.

We've submitted as part of our application a letter of support from the sole abutting residential neighbor Reverend Joe Robinson who is the rectorate at Christ Church, our colleague, and he supports our application.

The property on the other side of 2 Garden Street is owned by Harvard University, and I have been in contact with Harvard Real Estate and they have indicated that they do not oppose the application although it is not their policy not to submit a statement one way or the other in such hearings. So we would respectfully request that the application be granted.

CONSTANTINE ALEXANDER: Thank you.
Questions from members of the Board?

TIMOTHY HUGHES: No.

CONSTANTINE ALEXANDER: I'll open it to public testimony.

Is there anyone wishing to be heard on this matter?

(No Response.)

CONSTANTINE ALEXANDER: The Chair would note there is no one expressing an interest to be heard.

The Chair would also note that we are in receipt of certain correspondence as indicated by the Petitioner. First of all, we have a memo from the Planning Board which says: (Reading) The Planning Board reviewed this application and supports this as a good reuse of the existing building in Harvard Square. This particular population is not expected to have vehicles, depending instead on the various transportation modes available in Harvard Square.

And then there are also letters, I will not read into the record, though it will be incorporated as if read, but I'll identify who wrote the letters. There is a letter from the Reverend Luther Zeigler, Z-e-i-g-l-e-r, the Episcopal chaplain at Harvard.

There is a letter from the Episcopal Diocese of Massachusetts signed by M. Thomas Shaw.

And there is also a letter from Jason Long, the managing director of Life Together. And that's your organization that's going to be sponsoring --

LUTHER ZEIGLER: Correct.

CONSTANTINE ALEXANDER: How do you refer to them, students or interns?

LUTHER ZEIGLER: They're interns.

CONSTANTINE ALEXANDER: Also a

letter from the Reverend Joseph O. Robinson who I believe is the director --

LUTHER ZEIGLER: Director of Christ Church.

CONSTANTINE ALEXANDER: Director of Christ Church in Cambridge, and that's it. So there's unanimous letters of support in the file.

Any closing comments you want to make?

LUTHER ZEIGLER: No, sir.

CONSTANTINE ALEXANDER: Okay.

Discussion or we're ready for a vote?

TIMOTHY HUGHES: I'm good with it.

CONSTANTINE ALEXANDER: I think we're all good with it.

The Chair moves that this Board make the following findings with regard to the Special Permit being sought to reduce the required parking on these premises from two to one as

we have to pursuant to 6.35.1 that states a Special Permit shall be granted only if the Board determines and cites evidence in its decision that the lesser amount of parking would not cause excessive congestion, endanger public safety, substantially reduce parking availability for other uses or otherwise adversely impact the neighborhood. In this regard the Chair would point out and this Board will make the following findings that, first of all, and most importantly that the interns did you say?

LUTHER ZEIGLER: Interns.

CONSTANTINE ALEXANDER: Interns who will be occupying the structure which give rise to the Zoning issue before us will not be permitted to have, own or use motor vehicles. And in fact, I'm going to make that a condition of the Special Permit when

we get to it. So that minimizes the need for parking on the premises.

That there is, obviously this premises being right outside of Harvard Square, there is ample public transportation.

Not having parking for the ministry, for the young adult ministry interns, will not cause excessive congestion, it won't endanger public safety, and it won't substantially reduce parking availability for other uses or otherwise adversely impact the neighborhood.

So with regard to all of these is subsumed in the notion that since the interns will not be allowed to have -- who will occupy the structure, are not allowed to have motor vehicles. That eliminates all the concerns that the requirement for parking in our Zoning Ordinance is intended to address.

Further, we have to make further findings to grant a Special Permit, that traffic generated or patterns of access or egress will not cause -- as proposed will not cause congestion, hazard, or substantial change in established neighborhood character.

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

No nuisance or hazard will be created to the detriment of the health, safety, and/or welfare of the occupant of the proposed use, or the citizens of the city. And the proposed use will not impair the integrity of the district or otherwise derogate from the intent and purpose of this Ordinance.

In this regard the Chair would note that we have support from the Planning Board. We have support from -- not we, you have support from the Planning Board. You have support from the abutters. And that what is being designed here is a social mission that is very salutary, and anything we can do to facilitate that is desirable. But the Special Permit as I say would be granted on the condition that if things change, the intern for this young adult ministry may not have motor vehicles. That has to be a continuing requirement that they can't have in connection with living on the premises a motor vehicle.

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

(Aye.)

CONSTANTINE ALEXANDER: Five in

favor. Special Permit granted.

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

LUTHER ZEIGLER: Thank you very
much.

CONSTANTINE ALEXANDER: Good luck.

LUTHER ZEIGLER: With respect to the
written ruling, what's the procedure?

CONSTANTINE ALEXANDER: Okay, the
drill is this: Mr. O'Grady will be writing
up a written ruling and it will take two or
three weeks or so. It will be filed with the
City Clerk. Once it's filed, you'll be
notified when that happens. Then a 20-day
appeal period runs. And any person who has
standing can file an appeal from our decision
within 20 days, appeal to the courts. If
nothing happens in the 20 days, then it's all
over and then you can proceed.

LUTHER ZEIGLER: Thank you very
much.

* * * * *

(8:55 p.m.)

(Sitting Members: Constantine Alexander, Timothy Hughes, Brendan Sullivan, Thomas Scott, Janet Green.)

CONSTANTINE ALEXANDER: The Chair will call at long last case No. 10497, 49 Washington Avenue/14 Hillside Avenue.

ATTORNEY JAMES RAFFERTY: Good evening, Mr. Chairman, members of the Board. James Rafferty appearing on behalf of the Petitioners. Seated to my right Maryann Thompson, and to Ms. Thompson's right her husband Morton Rosenthal. They are the owners of the subject property.

I suspect Board members are familiar with it. It's a significant property at the top of Avon Hill, the corner of Washington Ave. and Hillside. And Mr. Rosenthal and

his wife acquired the property in 1994 -- 2001 from Lesley University. It consists of a principal structure which we have, which we have identified on Lot A, and there is a carriage house which is also a structure of some significance and that is used as a Home Office by Ms. Thompson who is a practicing architect. Their intention is to subdivide the properties. And it's my understanding that this returns the property to their former ownership. That prior to Lesley's acquisition, that these were two separate structures.

CONSTANTINE ALEXANDER: How did the use, the accessory structure, which is now used as an office for the architectural practice, how does that -- how do you get there from a Zoning point of view as a legal, not non-conforming use, but it's certainly

not a residential use of the property? Just out of curiosity.

ATTORNEY JAMES RAFFERTY: It's always been my understanding that it qualified as a Home Office under the exception permitted given the size of the principal office to the principal home.

CONSTANTINE ALEXANDER: So there are no allegations or suggestions that this property has been operated in violation of our Zoning Ordinance as a Home Office?

ATTORNEY JAMES RAFFERTY: None that I'm aware of. It was institutional for many years. When Lesley owned it, it was a conference center. But no, I've never heard that --

CONSTANTINE ALEXANDER: Okay.

ATTORNEY JAMES

RAFFERTY: -- suggestion.

At any rate, the intention of the subdivision is to allow for -- one of the goals is that the carriage house would indeed become a residential use. It's the Petitioner's intention to renovate the property, make interior renovations to turn it back into --

CONSTANTINE ALEXANDER: You'll renovate it and sell it as a single-family home if we grant as opposed to -- assuming we grant relief, whoever buys it can do the renovations, is that my understanding?

ATTORNEY JAMES RAFFERTY: Well, they -- whether it gets sold or not is unclear. They may renovate it and use it as their home.

CONSTANTINE ALEXANDER: Okay.

MARYANN THOMPSON: We want to sell the big part.

CONSTANTINE ALEXANDER: I'm sorry?

ATTORNEY JAMES RAFFERTY: The principal motivation is to sell the larger home where they currently live which is a beautiful and generous home.

CONSTANTINE ALEXANDER: Got it.

MORTON ROSENTHAL: We have five kids.

ATTORNEY JAMES RAFFERTY: It's very generous.

CONSTANTINE ALEXANDER: Okay.

ATTORNEY JAMES RAFFERTY: And if things proceed well here, there would be a listing in the near future and we would be happy to have it sent to your homes if you might be interested.

CONSTANTINE ALEXANDER: I have a conflict interest if I want to go to buy it, but go ahead.

ATTORNEY JAMES RAFFERTY: All right. But at any rate, so the subdivision here creates two conforming lots. The only, the only issue that arises is -- involves the setbacks. Currently the property, as a single lot, is a corner lot. And as such the carriage house does not have any rear setbacks. Given the proposal, the subdivision as we have laid it out, which is the historical way the properties work, what were side yards become rear yards, and the side yard requirements here require setbacks of 35 feet. So the hardship is related to not having to relocate the house if in order to make this house compliant, it would have to be moved forward onto the lot. But the historical relationship between this structure and the surrounding structure has been there for over 100 years. And frankly

there was a way that the lot could have been subdivided as of right which would have created frontage to the carriage house on Washington Ave., which would have then had the effect of not making that a rear yard, but it was, it was the thinking that the Washington Ave. property really should retain its full frontage on Washington Ave. and that lawn be a part of that. And the Board may have seen correspondence. There's been some discussion with abutters about a willingness on the part of the Petitioner to accept a condition in the subdivision Variance that would preclude a curb cut or driveway from being installed on the Washington Ave. edge of the property.

CONSTANTINE ALEXANDER: I was going to ask you that question. You put that in a letter which I'll read in a second, the offer

of the condition still stands? You're still willing --

ATTORNEY JAMES RAFFERTY: Yes, it was a representation that was made early on. The Petitioners held meetings with their neighbors and abutters and a concern was expressed that -- and so this property has parking that's accessed from Hillside Avenue now and so that the -- Washington Ave. And so the main house is called 49 Washington. The carriage house is called 14 Hillside.

So as noted, without being overly creative, you could create a 20-foot swath in from Washington Ave. and give the 14 Hillside Ave. -- it would have the effect of making 14 Hillside, as odd as it may seem, that would also be a corner lot because it would have 20 feet of frontage on Hillside, it would have 20 feet of frontage on Washington, and thus

frankly could be done as near as I can tell as of right because the setbacks in both cases remain a side yard setbacks and they would conform. So, we think it's a logical way to subdivide the property. We think this historical precedent and it maintains longstanding relationships between existing structures and surrounding structures. So for that reason we're asking the Board to grant relief to allow for the subdivision to proceed in the manner in which we've depicted it.

CONSTANTINE ALEXANDER: Thank you.

Questions from members of the Board?

TIMOTHY HUGHES: No.

CONSTANTINE ALEXANDER: No questions.

I'm going to open the matter up to public testimony. Is there anyone here

wishing to be heard on this matter?

Before you are heard let me read into the record the letter I referred to with Mr. Rafferty earlier so you understand what has been proposed in case you want to comment on it.

Mr. Rafferty wrote a letter to this Board on September 10th saying (reading) As a result of recent conversations with concerned abutters at 33 Washington Avenue, the Petitioners would request that if the Board elects to grant their Variance, that a condition be contained in the decision that would not allow for any future curb cut or driveway to be installed from Washington Avenue.

So if we were to grant relief, that's going to be part of our decision. I don't know if that affects your comments, but I

wanted to make sure you understood that.

Go ahead. You have to give your name, too.

MERHI SATER: My name is Merhi, M-e-r-h-i. Last name S-a-t-e-r. We are abutters on 44 Avon Hill Street which the perspective divided lot.

CONSTANTINE ALEXANDER: Come forward. We're having trouble hearing you.

MERHI SATER: We are abutters on one of the sides of the prospective divided lot and the carriage house. Now, the -- we met with our neighbors and we, we have understanding that it's an A-2 lot and the division will be still as A-2. For the record, that that's what our understanding, that they want to renovate that carriage house for their own use. Now, we didn't see any elevations. We didn't see any

prospective, you know, parking spots or renovation on the, you know, the perspective new renovation. So, but we took our words for it that they gonna move it, you know, the parking lot and they're gonna do, they are not gonna alter the building from the outside. It's a minimal renovation. And all of our, you know, we are not against the petition, but we are concerned about changing the Zoning on that. We would like the Zoning to stay at A-2 and they asking for alteration and they're asking for change of occupancy also at the same time. Now, we have no objection to that. And if the objection is to change from home use to personal use, that's fine with us. It doesn't matter. And the only thing is that we wanted to be A-2.

CONSTANTINE ALEXANDER: Let me explain. The Zoning will not change if we

were to grant relief tonight. And what's before us is just, it's subdividing what is one lot into two. And the results, if we were to grant the relief being sought, subject to the condition that I've indicated about driveways on Washington Avenue, it will be two lots created. A 21,230 square foot lot and I 15,526 square foot lot. And the Ordinance requirements you have to have at least 5,000 square feet. You would have two very generous lots.

Now, you made some comments about exterior alterations to the structure. That's not before us tonight. If we were to grant relief, we're just carving this one lot into two. I don't know why -- I don't think they would have any -- as long as they don't extend their building, the building, the carriage house further into a setback, they

would be free to make exterior alterations to the structure if they wish to.

MERHI SATER: That's fine.

CONSTANTINE ALEXANDER: Just so you understand.

MERHI SATER: No, yeah, yeah, I understand. What I'm trying to say also for the record, that it is a single-family as known A-2 Zoning. It's a single-family use. So we, you know, that's for the record that's just when we divide the lot, that it would stay the same thing.

JANET GREEN: So when you say you want it to stay an A-2, which part of A-2 were you thinking of? You're thinking of the fact that it would be a single-family or the fact --

MERHI SATER: Well, right now the building as is it's a Home Office. It's not

a single-family. Now when you subdivide it to A-2, it's going to move to single-family by itself on the structure. So they're getting two things in one. So they're getting the use changed from Home Office attached to the other building to a single-family. So for that reason when we say A-2, it's gonna stay the same as the other property on the other side. So we cannot just say A-2 and with the potential of another Home Office in that A-2.

CONSTANTINE ALEXANDER: One of the things, that's one of the questions I asked Mr. Rafferty earlier, if we do subdivide the lot, the ability to use what is now the carriage house as a Home Office will end because it will not be part of the lot that's joined to the other lot.

ATTORNEY JAMES RAFFERTY: Well, if I

could be just a little precise here. I would suggest that if the new occupant of the home wished to have in the carriage house a Home Office --

CONSTANTINE ALEXANDER: Well, of course. Thank you.

ATTORNEY JAMES RAFFERTY: -- this would not preclude their ability to do that.

CONSTANTINE ALEXANDER: That's true. That's true throughout the district. Nothing new.

MERHI SATER: In the home.

CONSTANTINE ALEXANDER: In the home.

MERHI SATER: Okay.

CONSTANTINE ALEXANDER: And the other thing I wanted to point out is you say a single-family residence, am I correct -- and maybe you can answer

this -- two families are permitted if they can meet the other requirements of the Ordinance or not?

SEAN O'GRADY: Generally no. I mean, there's conversion, some limiting conversion and there's some accessory apartments but....

ATTORNEY JAMES RAFFERTY: It would be no different than any other home addition.

CONSTANTINE ALEXANDER: That's true. I wanted to make that point as well. I just wanted to make sure since you're focusing on the A-2 Zoning, it would make clear to you what it means and what's going on tonight, what it means. As I said, it's just a great -- two conforming lots where one now exists. And that is it. That is what is being sought.

MERHI SATER: Thank you.

CONSTANTINE ALEXANDER: Please come forward.

ANN GOLDENHEIM: Hello. My name is Ann Goldenheim. And I live at 16 Hillside Avenue and actually abut on two sides the property that is under consideration. My question is in the past several weeks, first, I'd like to thank Mort and Maryann for being very open with the neighborhood and explaining what they're planning to do. In my conversations with them, there was initially an easement that was going to be granted down the driveway from Hillside leading to 14 Hillside, and it was my understanding that that easement was going to be removed tonight. And I heard about the no curb cut from Washington, but I did not hear about the easement from Hillside down to 14.

CONSTANTINE ALEXANDER: Would you

like to answer that question?

ATTORNEY JAMES RAFFERTY: I did learn this evening from Ms. Thompson of that conversation. So, while it's not particularly relevant in laying out and discussing this, and I went to the site and I noticed that there's an opening in the fence there and the landscape is accessed, the rear yard here by coming down there. And my suggestion, thinking of the future owner of the new Lot A, would want to be able to get in here and landscape and you may wish to consider an easement. We did so really without thinking that that would be found to be objectionable. I only just learned tonight that there was concern. I haven't been privy to the conversation as to what the nature of the concern would be, but I understand from Ms. Thompson that she did say

that she would -- when she records the easement, she would not include -- when she records the subdivision, she would not include the easement out of deference to her neighbor's concern.

ANN GOLDENHEIM: I just wanted to make sure of that and if that is in fact the case, I am in complete support of the plans.

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

Anyone else wishing to be heard?

JOANNE CITRON: Joanne Citron, C-i-t-r-o-n, 33 Washington. I'm the abutter on two sides of this. So I have a question to you, and this is a crystal ball question so you might not be able to answer it. Assume for the sake of argument that Mort and Maryann's request is granted this evening by the Zoning Board with the restriction that

there can never be a curb cut off Washington Ave. And let's assume further, that the application for the Variance be granted with language that precludes an easement down what is now the driveway on Hillside Avenue, off Hillside Avenue. In the future someone buys the house at 49.

CONSTANTINE ALEXANDER: Which one? Which house?

JOANNE CITRON: The big house.

CONSTANTINE ALEXANDER: The big house.

JOANNE CITRON: At 49 Washington. And now that new owner wants access to his or her yard and comes before this Board and seeks relief. What kind of relief would be available to a subsequent owner once the curb cut is precluded and the easement down Hillside is precluded? What would this

Board have the power to grant?

CONSTANTINE ALEXANDER: The Board would have the power to grant a Variance, depending on what the relief is being sought. But, for example, if the Petitioner, this future Petitioner were to come and say I want a Variance to eliminate the condition about no driveway or like on Washington Avenue, our Board, assuming we felt the legal standard has been satisfied, could grant that Variance.

JOANNE CITRON: So the fact that the restriction is placed tonight does not really preclude the restrictions being lifted at some future point perhaps as soon as three months from now?

CONSTANTINE ALEXANDER: Nothing is ever carved in concrete forever more. No. Obviously any relief we grant anywhere in the

city, it's always open to a future Petitioner to come before a future Board and seek relief from that or alternative relief. Our Board, these five members who are here tonight, if we are sitting on the case at that time, will be very conscious of the fact that we had granted relief tonight based on this condition. And unless there was a compelling case made, I think you could assume, but I can't guarantee it, I could assume that we would not look with favor upon relief being granted. But that five of us might not be sitting when this hypothetical case comes up and I can't tell you what these hypothetical five people would do for this hypothetical case.

JOANNE CITRON: Fair enough. Thank you.

TIMOTHY HUGHES: That's the crystal

ball part of that.

JOANNE CITRON: That's exactly right. That's exactly right.

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

(No Response.)

CONSTANTINE ALEXANDER: The Chair notes that there is no other person who wishes to be heard.

Did I read your letter?

ATTORNEY JAMES RAFFERTY: Yes.

CONSTANTINE ALEXANDER: I couldn't remember if I did.

I don't think we have any other correspondence in the file, none that I see. So I will close public testimony.

Mr. Rafferty, any closing comments?

ATTORNEY JAMES RAFFERTY: Just briefly, and it's slightly in response to the

prior comment. And I do think it is of significance that an as-of-right subdivision and I did have the pleasant opportunity to chat with Ms. Citron last week. And as I explained at that time, an as-of-right subdivision would not contain the restriction that is going to be contained in this one. And she's justifiably concerned about her edge against that side, and I said this is a case where the abutter's interest are in line with the Petitioner's because if we pursued this as-of-right subdivision, then a subsequent owner could in fact seek a -- so it's, it may be an imperfect form of protection but it's a pretty good form of protection and it's far more effective than allowing this to -- if this were going to -- if we couldn't get the relief we needed here and we pursued an as-of-right

subdivision, I don't see how that would serve the interest of the property owners or the abutters.

JOANNE CITRON: Finally the record should also reflect that as Ann suggested, Mort and Maryann have been very cooperative with the abutters and with the restrictions the abutters do support the petition, and this worked out fairly well and I think as things ideally would work out among neighbors. So we're supportive.

CONSTANTINE ALEXANDER: Thank you.

Mr. Rafferty, the plan in which you submitted and we'll tie our relief to does have the easement. I'm going to delete it since you indicated you're not going to pursue that easement just so you understand.

Any further comments?

ATTORNEY JAMES RAFFERTY: No, thank

you.

CONSTANTINE ALEXANDER: Close public testimony.

Discussion by members of the Board.
Ready for a vote?

Okay. The Chair moves that this Board make the following findings:

That a literal enforcement of the provisions of the Ordinance would involve a substantial hardship to the Petitioner. Such hardship being is that they have an unusually large lot with two very large structures on the property and doesn't allow them to most adequately use the lot and the two structures for residential purposes.

That the hardship is owing to the shape of the lot. It is a large corner lot which creates setback issues with respect to one of the structure -- the now the carriage house

structure which would become a separate residence should we grant the relief.

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

In this regard, the Chair would note that granting relief would create a second single-family residence in the neighborhood, which it adds to the housing stock of the City of Cambridge, and particularly maximizes the use of an architecturally significant building for residential purposes.

And that actually granting relief will diminish or eliminate commercial activity that's permitted, but which is undertaken on the property right now.

And that the Petitioner has sought out

the views of the neighborhood and seems to have neighborhood support. At least there is no objection that we've heard.

So on the basis of these findings, the Chair moves that a Variance be granted on the condition that the subdivision be as set forth in a subdivision plan of land submitted by the Petitioner, initialled by the Chair, except that the easement indicated on this property is deleted from the plan.

And on the further condition that no further -- no future curb cut or driveway may be installed from Washington Avenue with regard to the lots in question.

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

(Aye.)

CONSTANTINE ALEXANDER: Five in favor. Variance granted.

ATTORNEY JAMES RAFFERTY: Thank you very much.

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

(9:20 p.m.)

(Sitting Members: Constantine Alexander, Timothy Hughes, Brendan Sullivan, Thomas Scott, Janet Green.)

CONSTANTINE ALEXANDER: The Chair will call case No. 10500, 26 Parker Street.

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

ATTORNEY JAMES RAFFERTY: Good evening, thank you, Mr. Chairman. James Rafferty on behalf of the Applicant, Doctor Joseph Glenmullen. Doctor Glenmullen is seated to my right. And project architect Nancy Dingman, D-i-n-g-m-a-n.

This is a request for a Special Permit

to allow for the addition and enlargement of a few windows on a non-conforming wall on a single-family house on Parker Street. We have attempted to create a visual aid here.

CONSTANTINE ALEXANDER: I wish that visual -- I was going to make a comment later, but that visual aid should be in our files.

ATTORNEY JAMES RAFFERTY: It wasn't?

CONSTANTINE ALEXANDER: No.

JANET GREEN: It was really hard.

CONSTANTINE ALEXANDER: And that makes it very difficult. I'm sorry, we need to see before and afters.

NANCY DINGMAN: Well, you do have before and after.

JANET GREEN: It only wrote new.

CONSTANTINE ALEXANDER: Yes, it wrote new. It could be a new window in the

existing window well. And the problem is we're going to tie relief to plans and that, that's not in our file. I appreciate you're showing it to us.

ATTORNEY JAMES RAFFERTY: But I believe the elevation with the new windows is in there.

CONSTANTINE ALEXANDER: It just says new. It doesn't show --

ATTORNEY JAMES RAFFERTY: Existing?

CONSTANTINE ALEXANDER: Yes.

NANCY DINGMAN: You should have the existing.

ATTORNEY JAMES RAFFERTY: The packet I sent have existing and proposed.

CONSTANTINE ALEXANDER: I don't see it.

JANET GREEN: Maybe it's the yellow magic marker.

ATTORNEY JAMES RAFFERTY: Yes, I don't think they're called out the same way. But there's existing elevation in the packet. And I didn't prepare the application, but what was sent me contains existing and proposed elevations.

CONSTANTINE ALEXANDER: Here it says existing windows, and one, this is north elevation. No change in the south elevation.

ATTORNEY JAMES RAFFERTY: The east elevation.

NANCY DINGMAN: We're only talking about one elevation.

ATTORNEY JAMES RAFFERTY: Yes, only one elevation, the east elevation.

CONSTANTINE ALEXANDER: Okay. East elevation. See all it shows is new window. It doesn't tell me that whether it's

a new window. You put in a Pella window to replace a old window or whether you've moved a location.

JANET GREEN: If that's the new --

ATTORNEY JAMES RAFFERTY: Oh, okay.

CONSTANTINE ALEXANDER: See? And that's the key from our point of view, is to understand exactly what was before in terms of windows and where the windows are going to be now.

ATTORNEY JAMES RAFFERTY: Right. So it would have been better to have an existing elevation and then a proposed elevation.

CONSTANTINE ALEXANDER: You got it, that's exactly right.

BRENDAN SULLIVAN: Proposed new on top of existing.

JOSEPH GLENMULLEN: This is what I

showed the neighbors.

CONSTANTINE ALEXANDER: Why don't you show us now?

JOSEPH GLENMULLEN: An earlier version of it. So we should have included it.

ATTORNEY JAMES RAFFERTY: The proposed elevation does show the new windows, but what's in yellow here are where windows are being eliminated. So I put a checkmark. So there are one, two, three, four, there are five new windows. When I say new, two of them -- three of them are existing basement windows that are being enlarged with window wells. This -- these windows are going away which did not require relief, so what you see here in yellow. And then in this case, two windows are being condensed into one so they actually didn't -- the amount of opening is

actually reduced, but it's a new window. So this will be -- the net effect here is less window. And this is, this is the only honest to goodness new window in the proportion of the facade where there currently is not. There's only one here. This represents a combination of two windows into one with a net reduction in window space. And these ones at the basement window well level are all -- those --

CONSTANTINE ALEXANDER: And the reason for the window relocation?

ATTORNEY JAMES RAFFERTY: They're reorganizing the house and creating --

NANCY DINGMAN: Reorganizing the floor plan. And also there's -- the basement is habitable and so we wanted to have egress windows for the basement.

CONSTANTINE ALEXANDER: Okay. And

have you spoken with -- you indicated --

ATTORNEY JAMES RAFFERTY: Yes. We have letters of support from all abutters even including the affected abutters on the east side.

THOMAS SCOTT: I think you misspoke. The new as the two windows and the yellow is the window that's being removed.

ATTORNEY JAMES RAFFERTY: You're right, you're right. I was doing this upside down. I did misspeak. Yes, because yellow represents windows that have gone away, right. I only checked one. I should have checked two, you're right. So it's not as -- it's not as limited as I suggested. It's in fact the reverse, you're right. So two replace one. So there is an increase in windows.

CONSTANTINE ALEXANDER: And the

next time you'll give us better elevations when you seek this kind of relief, before and after kinds of things.

JANET GREEN: The next time you do major renovations.

THOMAS SCOTT: Can you fold that and put it in the file?

ATTORNEY JAMES RAFFERTY: I think we can peel it off the board.

NANCY DINGMAN: You can have it if you want it.

CONSTANTINE ALEXANDER: That helps us to understand what's going on if we approve these plans. We don't need that. I don't think so.

THOMAS SCOTT: Okay.

CONSTANTINE ALEXANDER: When you counsel clients in the future about these kind of cases, make sure they give you before

and after.

JOSEPH GLENMULLEN: We brought him in very late in the game so I don't think it's Jim.

ATTORNEY JAMES RAFFERTY: The minister wasn't available so they called me.

CONSTANTINE ALEXANDER: Is that it?

ATTORNEY JAMES RAFFERTY: That's it.

CONSTANTINE ALEXANDER: Questions from members of the Board?

I'll open it to public testimony.

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

(No Response.)

CONSTANTINE ALEXANDER: The Chair notes there's no one wishing to be heard.

We are in receipt of letters submitted by the Petitioner. They're all identical.

(Reading) I, we have reviewed the plans for the window changes on the left-hand side of 26 Parker Street prepared by Dingman and Allison Architects and dated May 15, 2013. I, we, have no objections. And it's signed by the residents at 18 Parker Street, 14 Parker Street, 12 Parker Street, 16 Parker Street, 21 Parker Street, 30 Parker Street, and 3 Healey Street. And that's the sum and substance of the public comment.

Any further comments?

ATTORNEY JAMES RAFFERTY: Nothing.

CONSTANTINE ALEXANDER: Ready for a vote?

TIMOTHY HUGHES: Indeed.

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

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

That the continued operation of adjacent uses will not be adversely affected. In this regard the Chair would note that the butters who are affected by the window changes are in support of the relief being sought.

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

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

In short, the relief being sought is modest. It has no neighborhood impact as evidenced by letter of support from the neighbors.

On the basis of this, the Chair moves that a Special Permit be granted a the Petitioner that the grounds that the work proceed in accordance with -- just the east elevations?

ATTORNEY JAMES RAFFERTY: Yes.

CONSTANTINE ALEXANDER: Right?

A plan dated A-2 -- I'm sorry, numbered A2-2. It's dated 7/24/13 and initialled by the Chair.

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

(Aye.)

CONSTANTINE ALEXANDER: Five in favor.

ATTORNEY JAMES RAFFERTY: Thank you very much.

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

* * * * *

(9:30 p.m.)

(Sitting Members: Constantine Alexander, Timothy Hughes, Brendan Sullivan, Thomas Scott, Janet Green.)

CONSTANTINE ALEXANDER: The Chair will call case No. 10501, 45 Reed Street.

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

MAGGIE BOOZ: Maggie Booz, Smart Architecture. And my client Emily Newmann,

N-e-w-m-a-n-n.

We're here to seek relief from floor area ratio requirement at 45 Reed Street. We, Emily has a house that has an inverted dormer, that has a dormer and an inverted porch cut into the roof and she has sort of two concerns. It's really an unusual floor plan in the interior of this house, and there's actually just one bedroom that has a door on it and then a room inside this dormer which is, it does have a door, it has a glass door and glass windows and then this porch. And she has two girls and she'd like to have this room be a bedroom, a second bedroom for her second daughter. And so we are asking for relief by -- for FAR because we'd like to enclose that porch with a roof. It's essentially extend the dormer forward.

The porch has just real water problems.

It just is a bathtub, and it gathers water and it's leaked down into the beam that's overhanging this, this bay window that's on the front of the house. So it's caused water damage. We'd like to kind of take it all apart and we'd like to just eliminate the porch entirely. It's really hard to use a front porch, and she doesn't want a porch off of a bedroom for a little girl. So that's what this is requesting.

CONSTANTINE ALEXANDER: And just for the record, the house right now, at least as to FAR is conforming, and the relief if granted will put you slightly in non-conformance.

MAGGIE BOOZ: Yeah, it's a very slight non-conformity. It's 77 square feet, and it's --

CONSTANTINE ALEXANDER: 77 square

feet.

MAGGIE BOOZ: Yeah, it's a very, very slight non-conformity.

CONSTANTINE ALEXANDER: Okay.

Questions from members of the Board?

TIMOTHY HUGHES: No.

CONSTANTINE ALEXANDER: None? Let me open it to public testimony.

MAGGIE BOOZ: Sure.

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

(No Response.)

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

We don't seem to have letters one way or the other in the file.

Have you spoken to your neighbors just out of curiosity?

EMILY NEWMANN: Yes, they're all

fine with it.

CONSTANTINE ALEXANDER: Okay. I will close public testimony.

Any final comments?

MAGGIE BOOZ: No.

CONSTANTINE ALEXANDER: Comments from members of the Board or are we ready for a vote?

TIMOTHY HUGHES: Ready for a vote.

CONSTANTINE ALEXANDER: Okay.

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

That a literal enforcement of the provisions of the Ordinance would involve a substantial hardship to the Petitioner. Such hardship being that the current status of the inverted gable dormer creates structural problems for the property and

including leakage.

That the circumstances owing to the shape of the structure, and that relief may be granted without substantial detriment to the public good or nullifying or substantially derogating from the intent and purpose of this Ordinance.

In this regard, the Chair would note that the relief being sought is rather modest in nature, and has no neighborhood opposition.

On the basis of these findings, the Chair moves that a Variance be granted on the condition that the work proceed in accordance with a plan submitted -- prepared by Smart Architecture dated July 25, 2013, numbered A-1.0, and initialled by the Chair.

All those in favor say "Aye."

(Aye.)

CONSTANTINE ALEXANDER: Five in favor. All set.

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

MAGGIE BOOZ: Thank you

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(9:35 p.m.)

(Sitting Members: Constantine Alexander, Timothy Hughes, Brendan Sullivan, Thomas Scott, Janet Green.)

CONSTANTINE ALEXANDER: The Chair will call case No. 10502, 286 Concord Avenue.

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

Go ahead.

ATTORNEY SUSAN ROBERTS: Good

evening, Mr. Chairman, members of the Board. My name is Susan Roberts from Anderson and Kreiger. I represent AT&T. With me is David Ford from Centerline Communications and Ernesto Chu from AT&T, and that's C-h-u.

DAVID FORD: Also we have Eric Hoagland, H-o-a-g-l-a-n-d. He's the landlord, the property owner.

ATTORNEY SUSAN ROBERTS: We're here to present on AT&T's proposal to site 12 antennas, a total of 12 antennas on the roof of 286 Concord Avenue. 286 Concord Avenue is in the BA-1 Zoning District. The structure at 286 Concord Avenue is an apartment building. Currently there are no other carriers on the roof of this building. The proposal that AT&T has submitted involves the erection on the roof of two penthouse enclosures. The antennas will be located

inside each of the penthouse enclosures.

When we were before the Planning Board two weeks ago, approximately two weeks ago, I believe it was on August 20th, there was some mixed opinion about the visible -- the visible impact -- the visual, I'm sorry, not visible. The visual impact of the penthouse enclosures, and there were some members of the Planning Board who were accepting of the design. There were some members who were not accepting of the design, and some members who asked us to go and work with Planning Board staff Roger Boothe I believe it was. We were not able to generate new photo sims in time to be able to meet with Mr. Boothe, therefore, on Monday the 9th, this past Monday, we submitted revised photo sims. But as I said, we weren't able to arrange a meeting with him to show him our design.

CONSTANTINE ALEXANDER: Isn't this case premature then?

ATTORNEY SUSAN ROBERTS: Well, the Planning Board when they met on the 20th did not say, and specifically noted that there was no requirement that we go back to them.

CONSTANTINE ALEXANDER: That's true.

ATTORNEY SUSAN ROBERTS: And so we're coming here with the new design for your consideration.

When we were at the Planning Board on the 20th, we discussed what we could do with the penthouse enclosures. The idea was to try and make the enclosures look sort of like an attic perhaps so that they fit more within the, you know, the wooden apartment building.

CONSTANTINE ALEXANDER: They're still going to be fiberglass?

ATTORNEY SUSAN ROBERTS: So that's what we're -- yeah, they look like the wooden. They'll be painted to look like --

CONSTANTINE ALEXANDER: You're going to have two fiberglass structures on the roof?

ATTORNEY SUSAN ROBERTS: On top of the roof, to put in --

CONSTANTINE ALEXANDER: And this is going to minimize the visual impact of what you're proposing to do?

ATTORNEY SUSAN ROBERTS: Well, what we tried to do is add windows to them so they look like an attic. My house, I live in Brookline, and it's sort of an urban area and we have sort of like, you know, a little bit of a pitched roof attic that comes out from our roof. And so, you know, the thought is to try and blend it in so that it looks like

it's part the structure. That was the goal.

This is a small roof. We're limited in what we can do. And as I said, there's no, there are no other carriers up there that we can use as examples and say we want to be like them.

CONSTANTINE ALEXANDER: Why this site?

ATTORNEY SUSAN ROBERTS: So this is something new --

CONSTANTINE ALEXANDER: Why this site? Why not some other site that doesn't have a three-story triple decker with this very noticeable addition of two structures?

DAVID FORD: I can speak to that. This particular search ring has been around for years believe it or not for AT&T. It was originally centered in the Harvard Square area. And actually AT&T brought the

property to the Board, 1558 Mass. Ave., also known as 41 Follen Street and they were denied on the property.

CONSTANTINE ALEXANDER: Exactly.

DAVID FORD: After basically expunging the Harvard Square area per our F needs, the ring was shifted to this area of Cambridge basically southeastern of Harvard Square and centered in this new area. 27 candidates have been looked at, and this is 27th. And we had to call it AA because we ran out of letters in the alphabet.

But basically this search area is consistently all residential. We've gone through and met with plenty of condo associations who voted and ruled against it just because, you know, they couldn't pass the vote. But all commercial buildings in the area were looked at. For instance, the

373 Huron Avenue was ruled out due to constructibility.

We looked at the Fresh Pond Parkway, that 372 Huron Avenue, same story. John Tobin School, which isn't far from the site as well. Talked to them, and they weren't interested in the proposal. Even went to the Honda dealership which is on Fresh Pond Parkway. Again not interested. Just to keep elaborating, I'm not going to go through all 27, but Cambridge Water District. Again, they weren't interested either. We talked about perhaps making a flagpole design, something like that. So the commercial buildings were in fact looked at. We didn't just jump straight to residential. But residences were looked at. And just to go on the Planning Board's -- when we talked about them, they said, you know, half of the

board, even though the recommendation which we just saw today, doesn't really capture this, half the Board agreed with us that, hey, you know, for this type of location, for this neighborhood, it does look good. The other half told us to go back to the drawing board. And they asked us what else could be proposed? So during the Planning Board hearing we kind of went over some possible, you know, alternative options. One was a faux chimney, three faux chimneys on the rooftops, like the brick ones idea. And they asked how large they would have to be? And we came back with roughly four-by-four and six-by-six, and they were turned off by that idea, thinking that, you know, if you're going to have six-by-six or four-by-four chimneys up on the rooftop, you might as well have a faux chimney. And so it was kind of split, as

Susan said, down the middle, half approving and half not approving. And one of the reasons we still would be willing to back to meet with Roger, but going back there's really nothing else beside the faux chimney idea. We can't facade obviously to this building. It wouldn't look appropriate. And other designs due to the rooftop loading, it's very limited to the structure. So there's very limited things we can do that can hold, and structure analysis that was knitted with the application talked about this. There has to be a rooftop opening done once we have the final design approved hopefully by you guys, we can go ahead and open the roof and do some testing like the Brookline Street site because of the limited scope here. So the two designs in front of you both, the variations of the penthouse design really are

what we think and the Planning -- half the Planning Board thought was the best possible option given this rooftop.

CONSTANTINE ALEXANDER: Well, I'll read into the record the Planning Board's communication to us in a second.

DAVID FORD: Sure.

CONSTANTINE ALEXANDER: I want to make sure I understand where we're at. Are you proposing No. 2?

DAVID FORD: Yes.

CONSTANTINE ALEXANDER: No. 1 is off the table?

DAVID FORD: No, we're open to both.

CONSTANTINE ALEXANDER: You're open to both?

DAVID FORD: No. 2 was drafted after the Planning Board said go back.

CONSTANTINE ALEXANDER: Got it. I

understand. So in terms of the plans, the specs --

DAVID FORD: Same.

JANET GREEN: So it's just the windows that are different?

ATTORNEY SUSAN ROBERTS: Yeah. Just so you know --

DAVID FORD: Yes.

CONSTANTINE ALEXANDER: And the slanted roof.

ATTORNEY SUSAN ROBERTS: -- the plans would be the same. The elevations might look a little bit different because the penthouse enclosures would have windows on them. But, again, we had -- we were, we were hoping to get something in to you by this past Monday. So we were, we were able to get the photo sims. We wanted to get your reaction. And once we have, once we have a better idea

of which of the options you like, we will, if we go with the one with the window --

CONSTANTINE ALEXANDER: How about none of the above?

ATTORNEY SUSAN ROBERTS: -- we submit the Zoning drawings.

You know, I know that you push us back a lot and we have, you know, done some pretty good designs as a result of being pushed back. I'm quite honestly not sure what we're going to be able to do this time. There's only so many rabbits one can pull out of a hat at some point.

DAVID FORD: Just to go over the designs that you guys have seen so far: I mean the cannister design like Norfolk Street really wouldn't fit with this characteristic of rooftop. Obviously like I said, Mount Auburn facade mounts really would not work

here.

Other sites, the faux chimneys is a possibility. We could still go back and do the faux chimneys, but per the Planning Board's or the recommendation for what they had given back to us was, you know, why have such a large faux chimney when you could just have a penthouse. Unfortunately it doesn't look stellar, but given what we can do on this rooftop and given the existing sites in the neighborhood, they're all three-story buildings in this general vicinity. You can go a quarter mile out in every direction that's going to be condo associations, you know, residences. There's across the street there's a cafe. Again, it's three stories so it's similar.

CONSTANTINE ALEXANDER: By the way, the Planning Board, let me read it into the

record right now so the Board members have the benefit.

ATTORNEY SUSAN ROBERTS: Okay.

CONSTANTINE ALEXANDER: What the Planning Board wrote to us is: (Reading) The Planning Board reviewed the Special Permit application to install equipment and antennas in a faux penthouse and recommends if the Board of Zoning Appeal grants the Special Permit, that there be a condition that the Community Development Department staff work with the proponent to develop and improve the final design of the rooftop structures.

Speaking for myself, it gets it backwards. It strikes me you should be working with Community Development first, get their blessing, come to us and say --

ERIC HOAGLAND: I think it's --

CONSTANTINE ALEXANDER: I'm sorry?

ERIC HOAGLAND: I'm the land owner,
excuse me.

CONSTANTINE ALEXANDER: That's all
right. I didn't hear what you said.

ERIC HOAGLAND: Can I speak or not?

CONSTANTINE ALEXANDER: Give your
name and just to make sure the stenographer
has your name.

ERIC HOAGLAND: Eric Hoagland, I'm
the property owner. I think there's
tensions in the project because of the -- the
current structure is a wood frame house and
they're trying to work with the constraints
with that. I own the building. I own other
buildings in Cambridge. My intention is to
the appeasement or appendages (inaudible).
And I think that they have intentions on that
project. And I know the -- when you try to

get so many people involved with the structural and engineering and all these people involved and trying to get something that looks good, it's tough. And the last thing I want is a building that looks ugly. That's the last thing. I think it's unusual what they call that observatory hill because you're sitting on a hill. And for the signal it's good for this company to give the signal to the Alewife Brook Parkway traffic so I think it helps. But I think it's challenges in the design. I'm more than confident we can work through it in terms of what has to happen there. Cambridge resident my whole life. I know what Cambridge cares about. And the last thing I want is something on the building that's an ugly appendage.

CONSTANTINE ALEXANDER: We're going to have to be ultimate judge about whether

what goes on -- if we allow anything, that goes up there is okay from a visual point of view. That's our call. Obviously you people will give it your best shot. I'm just speaking for myself. I'm not in any way going to support this proposal. And I do think you might have been advisable to try to work with Community Development, try to garner more support so that some other Boards sign off on something that they will recommend to our Board.

ERIC HOAGLAND: Right.

CONSTANTINE ALEXANDER: But a situation where I've got a really lukewarm mysterious, to me, letter from the Planning Board, I've got something from the visual impact is really significant. Slanted roof or not, windows or not. It's also, it's unusual topography. This is on, as you know,

a hill that goes down toward Alewife Brook Parkway. And so as you -- typically when we have these antennas, they're on high buildings, and you got to look up and oh, my goodness there's this horrible thing.

ERIC HOAGLAND: Yes.

CONSTANTINE ALEXANDER: Here you don't have to look up. You're going down Concord Avenue and it's right in front of you. And to me this is not something that I would like to see or like to see in the city -- I would not like to see this penthouse.

ATTORNEY SUSAN ROBERTS: Right. What I was going to follow up with was do you have any notion of what it should look like?

CONSTANTINE ALEXANDER: We're not here to design -- I'm not here -- maybe other members can give you --

ATTORNEY SUSAN ROBERTS: I guess one

question I would have would be -- our approach had been to try to make the enclosure look like it fits more with the building by painting it to look like the building. I mean, honestly we could make the enclosures bigger, you know, or we could make them, you know, maybe shorter in height and, you know, in terms of the same area, but maybe cover more of the roof? I don't know whether that's something that we could do, but I mean, conceptually --

CONSTANTINE ALEXANDER: I'll let other members of the Board speak.

ATTORNEY SUSAN ROBERTS: Would something like that be compatible, palatable.

BRENDAN SULLIVAN: I don't mean to be cute, but when I looked at the photo sims and so you the word stealth, s-t-e-a-l-t-h

it's there.

TIMOTHY HUGHES: It doesn't look like an antenna.

BRENDAN SULLIVAN: And, again, I'm not trying to be cute. I said that is a misnomer if I ever seen one. And I think to answer your -- so anyhow, I mean I echo what the Chair said.

But I think personally myself I think it's just the wrong building. I don't know what you could possibly do. And I think it's the wrong location. The wrong location, the wrong building. I don't see how -- I just -- and, again, I've sat on a hundred of these cases and we have tweaked them and, yes, there's been a lot of push back so on and so forth.

ATTORNEY SUSAN ROBERTS: I wanted to address the alternative sites because there

were several other residential buildings that, you know, we could have gone on for RF purposes, radio frequency purposes, but no one would enter into a lease with us. And those are listed in RF report that we filed. So it's been a difficult situation. David, as noted, 27 locations we've investigated over three-year period.

BRENDAN SULLIVAN: Yes, but this can't be by default. Well, everybody else has closed the door on us and this is it. We have a willing guy and a willing --

ERIC HOAGLAND: Well, excuse me, wait. I have buildings with cell towers. The challenge is to make it good looking and attractive. I think it's -- I'm a land owner and I don't want an ugly thing on my roof, but I don't want to be chastised because I can't seek that challenge.

CONSTANTINE ALEXANDER: Excuse me, sir, we're not chastising you. We're just expressing our views. Our job is to deal, when it comes to telecommunications equipment, with visual impact. That's about the only thing we can deal with.

ERIC HOAGLAND: Right.

CONSTANTINE ALEXANDER: And what you're hearing, at least from some members of the Board --

ERIC HOAGLAND: Well, you guys just said it was impossible. I heard --

CONSTANTINE ALEXANDER: Well, it could be on this building. It could very well be.

ERIC HOAGLAND: I don't -- I don't --

CONSTANTINE ALEXANDER: Well, that's your view.

DAVID FORD: Just to speak to that, I mean, yeah, definitely I understand you think maybe it's the wrong building and go ahead and look between another building, but as the plot maps as submitted show, the two existing sites, and I could put this on a board or show you guys a little better. But the two different sites, here's the one in Harvard Square. This right here. And the other existing site is down by Alewife, down Concord Ave. here. So we're trying to fill this gap right in between. And unfortunately the gap that's left remaining open is all residential buildings. And we've hit all the commercial aspects, all the commercial buildings in that area. And unfortunately they're either too small, too short or ruled out due to constructibility. So I understand in the grand scheme of things,

you know, in that entire area of Cambridge there could be some buildings that, you know, on paper might look like it might work, but unfortunately those two gaps that I'm showing you here in the red zone in between the two existing sites, there's only so much, you know, property to deal with. And they're all residential. It's up and down Concord Ave. and Huron Ave.

JANET GREEN: And there are no other telecom --

DAVID FORD: There's two telecom --

JANET GREEN: -- in that area?

DAVID FORD: -- and they're over five plus blocks away.

ERIC HOAGLAND: Saint Peter's Church?

DAVID FORD: That's not even the closest one. The two closest ones are 43

Concord Avenue and --

ERIC HOAGLAND: Above Masse's Hardware.

DAVID FORD: So literally it's existing site here, existing site here, search ring in the middle. Same thing with AT&T's site; existing site, search ring in the middle. So where the search ring is centered and where the coverage, you know, gap is, unfortunately is all residential structures. And I mean, if we like us to submit a memo like Brookline Street to show that, you know, the commercial buildings were investigated, I'd be happy to do so. But unfortunately, like I said, everything is commercial.

BRENDAN SULLIVAN: Let me ask a technical question. Are all of the equipment that you guys put on, again, Mount

Auburn Hospital and all the buildings in the city, is all the equipment have the same output?

DAVID FORD: As far as coverage capability?

BRENDAN SULLIVAN: Yes.

DAVID FORD: You can speak to that.

ERNESTO CHU: Yes.

BRENDAN SULLIVAN: So there's no ramping it up or turning it higher?

DAVID FORD: It's already full output. So what we're showing you on these maps as submitted is the site on full air. So it's not like --

ERIC HOAGLAND: The tower and the antennas, the antennas in the tower they can't increase the number of antennas.

DAVID FORD: So it's not as simple as oh, let's turn up the Harvard Square site and

go a little further. Let's turn up the Alewife site and go farther. They're already running at full capacity. In order to branch that gap between the two, and unfortunately the gaps happened to be centered in a residential area.

CONSTANTINE ALEXANDER: Has the capacity over the years, in most recent years been increased as a matter of technological improvements?

ERNESTO CHU: Yes.

ERIC HOAGLAND: AT&T --

CONSTANTINE ALEXANDER: Sir. I'm running this meeting. You're not. You'll speak when I recognize you.

ERIC HOAGLAND: I apologize for being rude. I'm not used to it. Okay?

CONSTANTINE ALEXANDER: What I'm saying is that maybe your time has not come

yet. If a year or two you can get, there's greater capacity, you can produce, you can put it on a different building and not have be in the middle of a residential neighborhood.

DAVID FORD: I understand where you're coming from definitely.

THOMAS SCOTT: Can I ask a question? Could you split this facility up and put it on multiple buildings or does it always have to be on the same building?

DAVID FORD: I mean what you're saying there would be two sites on Concord Ave. instead of one? And we're trying to minimize the --

THOMAS SCOTT: Yes. Or you could have smaller enclosures that are faux chimney like as opposed to these structures which are, they look like rooms up on top of the

building.

DAVID FORD: Right. Right. They were meant to look like that purposely for the penthouse.

THOMAS SCOTT: I understand.

BRENDAN SULLIVAN: Two competing forces here. The competing force is the telecom wanting to get a location and do it the most efficient manner.

THOMAS SCOTT: I understand that.

BRENDAN SULLIVAN: The other, the other competing force is that we don't want to see it.

THOMAS SCOTT: Right.

BRENDAN SULLIVAN: We want it there but we don't want to see it. Or if we do see it, it's got to be as minimal as possible.

THOMAS SCOTT: You mentioned Masse's and I think I sat on that case, and

it had three faux chimneys but they were positioned --

ERIC HOAGLAND: Much better looking.

THOMAS SCOTT: They were positioned in such a way that they were more aesthetic looking. I think the solution was a better one. And my question is, you know, could this be split up and be on multiple buildings and they're all just similar faux chimneys as opposed to these big room-like structures that are kind of offensive and they look like they have no place.

ATTORNEY SUSAN ROBERTS: If I could make a suggestion to the Board because we do want to try to avoid going back to the drawing board and trying to find additional buildings in the area to do what you suggest which isn't a bad idea at all, I would like us to have an

opportunity to see if we can go back and redesign with something that's palatable for you for this building. I do not want to give up this building. It has been --

CONSTANTINE ALEXANDER: No, we would continue the case.

ATTORNEY SUSAN ROBERTS: -- a hard time to get, you know, to find a willing landlord. So let's try and work and see if we can figure out another way to skin this cat. We'll try. And if you want us to meet with Roger Boothe or another planning staff member, I'm not sure if Roger Boothe is actually around. Somebody told me he was taking some sort of leave of absence. I'm not sure. Or was going to be gone for the month of September. If you want us to do something like that, I'm happy to do that. And to see whether we can make it look a little

bit more like it fits within, within the, you know, sort of visual character of the house. And I appreciate Mr. Hoagland's being here and telling you his own, you know, commitment to making his property look good. So I think we need to, you know, take all of -- take, you know, take all of that into account and see what we come up with.

CONSTANTINE ALEXANDER: We've always been amenable in the past when you have problems, to continue the case. To give you a chance or any Petitioner a chance to reconsider plans, having heard from us to try to meet our objections or our concerns. So I don't think that would be an issue. But before I go any further, there are two gentlemen here who have been sitting here all night. Are you here for this case, you want to have opportunity to be heard and now's your

time. You don't have to speak.

ERIC HOAGLAND: One of my tenants is here.

CONSTANTINE ALEXANDER: Well, that doesn't disqualify him from speaking.

LEE CHAN YANG: My name is Lee Chan Yang, Y-a-n-g. And I'm at 294 Concord Avenue. First of all, I admire you guys working so late and so hard. Unfortunately, my neighbor, they can't work like you so today they cannot show up because too late. But they let me to represent their opinion to you guys and this is the first time I speak --

CONSTANTINE ALEXANDER: That's fine.

LEE CHAN YANG: -- publicly with English. My understanding that's A-1 Zone for this location. A-1 Zone means they have three kind people living there. One, 24

hours living there, sleep there, and stay home there. And second kind of people is 12 hours sleep there and 12 hours maybe working outside. And the third kind is people 12 hours working over there but they don't sleep over there. But in this case the abutters or some kind of information, they don't, they didn't get any notice. I mean, when the people working over there 12 hours or 16 hours like me, I get because I am the abutters of the 286.

ERIC HOAGLAND: The tenants of his property don't get notices that you have to share so they felt tricked by the Board.

CONSTANTINE ALEXANDER: That's supposed to be dealt with a posting of the sign. Unfortunately your sign -- not your fault, when I went to the property, the sign was down. It had fallen off the stake that

was put in the ground. And I picked up and tried to prop it up on the porch. So that's how --

LEE CHAN YANG: Maybe in the future these kinds of special hearing, they can let people know, more people knows about those issue and they can join.

CONSTANTINE ALEXANDER: Just so you understand, sir, because you took the time to come down and I appreciate it, this is all set by law. By law notice has mailed of what's going on to abutters and abutters of abutters within 300 feet of their property. Everyone else is notified through a sign that's posted on the property. A big sign for 14 days before the date of the hearing. As I indicated, the sign, they did have a sign initially. The elements did away with it. I'm going to require, I'm going to ask them

to do a better job of posting the sign for the continued case so people in the neighborhood will know when we meet again, they will know about this. They will know when the time is going to be. They're going to know what the case is about.

SEAN O'GRADY: And newspaper also. It's also in the newspaper.

CONSTANTINE ALEXANDER: And also in the newspaper, that's right. Thank you.

LEE CHAN YANG: And we have three kind of people, they all the people they against this issue. I think conclude you have three kind.

One, it's they thought this is going to be health hazard.

And the second one they don't know. They don't know what is this, this antenna gonna cost something. They don't know so

they against.

And the third kind is the most they say they against the company because company never do anything even me. Today I get this paper. They didn't do anything. So the public relationship in future time you should pick up more.

And so the third kind people is they thought AT&T should do something like a commute -- for the community, like community. Like say neighbor in the future we're going to clean this part of street, exchange these antenna. Like this maybe some people would like. But -- or these three kind people so they haven't against those things. And if case go through, if this case not go through, I think it means nothing happened. But if this case go through, I would like to -- city notified

those things, I mean the list --

CONSTANTINE ALEXANDER: Anybody who received a written mailed notice will also be notified of the decision that's being made. And I'm going to get to it in a second. I'm going to ask AT&T to reach out a little bit better to the neighborhood than apparently it has. Tonight nothing is going to happen other than the case is going to be postponed to a different night and you'll hear about that.

LEE CHAN YANG: And then finally I would like to read one sentence. This is from this page this provided by AT&T. And they say most scientists, most not every scientists, most scientists believe that cell site and antenna are unlikely, unlikely to cause cancer or result in health problem. This is -- they provided those things.

And finally I just put my note things, this is my neighborhood, they all against. Yeah.

CONSTANTINE ALEXANDER: What you've handed me and this is for the record, is -- I'll read it. It's a petition. It says: (Reading) We, the undersigned abutters to 286 Concord Avenue, Cambridge, Mass., hereby petition the municipal offices of the City of Cambridge to deny permission to the proposed construction of a cell tower at the property located 286 Concord Avenue, Cambridge, Mass, and I would estimate that about 20 -- 15 to 25 people have signed this petition.

LEE CHAN YANG: Yes.

CONSTANTINE ALEXANDER: That's part of the record now.

Sir, anything you want to say?

UNIDENTIFIED AUDIENCE MEMBER: No, no thanks.

ERIC HOAGLAND: Can I talk at all?

CONSTANTINE ALEXANDER: I think we're going to make a motion to continue the case. That's been the request of the Petitioner I don't think any more needs to be said unless it addresses the motion.

ERIC HOAGLAND: I thought it was -- I don't know the what process is, I'm sorry, I don't have -- can I talk at all?

CONSTANTINE ALEXANDER: Just one second.

DAVID FORD: Do you want us to address the health concern while he's here or wait until the next hearing?

CONSTANTINE ALEXANDER: Wait until the next hearing.

ERIC HOAGLAND: I handed out these

petitions. I handed out the petitions. I handed out the information to all the neighbor. I put the sign back up myself. Okay? I care about the neighborhood. I care about Cambridge. I'm from Cambridge.

CONSTANTINE ALEXANDER: Okay.

ERIC HOAGLAND: I just, I get concerned when people -- I want to -- the No. 1 concern was that the tenants, his family owns half the block, but his tenants of his family didn't get notices and I gave notices to everybody because I want people informed. It's the judgment of this -- if I act disrespectfully, I don't know the process. I'm new to this. I apologize. But I wanted people to be informed, to be involved in the process to just make a decision that was informative.

CONSTANTINE ALEXANDER: Okay.

ATTORNEY SUSAN ROBERTS: I just would like to be able to respond to the RF emissions issue that was brought up in terms of health.

CONSTANTINE ALEXANDER: Do that the next time around. This issue about the health, unhealthiness of this emissions is obviously been around in this country for a while. The Federal Government has addressed it, I think, to a large extent in saying that basically municipalities can't stop cell towers, period. But we do have a right to deal with the visual impact which is why you're here tonight.

ATTORNEY SUSAN ROBERTS: Correct.

CONSTANTINE ALEXANDER: So I understand. I don't think we need to deal with that tonight.

ATTORNEY SUSAN ROBERTS: Thank you.

CONSTANTINE ALEXANDER: When would you like to come back before us? And before you answer that, two things: I think you do need to reach out -- what I'm hearing based tonight, to the neighborhood a little bit more. Maybe you, sir. Somebody needs to have a neighborhood meeting or set up a neighborhood meeting and go over whatever plans you're going to bring before us to make sure people understand us and at that meeting you can talk to the issue of the health issues of microwave emissions.

And the other is a sign that was posted, as I indicated, you put that back up, sir, I appreciate that. You've got to do a better job. Somebody Scotch taped it to a wooden stake. Terrible. People do a very good job at putting signs that stay up. And, again, given the neighborhood, the number of tenants

who don't get mail notices, it's very important that you do that. Do a better job of making sure that the sign is up, stays up so people can read it and understand what's going on.

Okay, with that when would you like to come back before us?

ATTORNEY SUSAN ROBERTS: Well, I guess I have one question and that is what the recommendation is going to be with the Planning Board because I need to know how many meetings we're going to need to have. If we're going to have to, you know, have a meeting with the neighborhood, we have to schedule that. If we're going to have to meet with the Planning Board, I don't know if that's something you care about. Then I need to have time for that.

CONSTANTINE ALEXANDER: I would

like you to try at least to see if the Planning Board will address whatever your new plans, your new proposal is going to be.

ATTORNEY SUSAN ROBERTS: Okay.

CONSTANTINE ALEXANDER: And also Community Development. Apparently the Planning Board's thought --

ATTORNEY SUSAN ROBERTS: Is Planning Board Community Development? I mean, I was thinking they were one in the same.

ERIC HOAGLAND: You need two cycles to do it.

ATTORNEY SUSAN ROBERTS: No, I'm just suggesting Planning Board staff or your staff.

CONSTANTINE ALEXANDER: We have no staff except for this gentleman right here.

ERIC HOAGLAND: Sean.

ATTORNEY SUSAN ROBERTS: I'm happy to meet with Sean on the design. Stuart Dash.

CONSTANTINE ALEXANDER: If Sean will meet with you, that's fine.

ATTORNEY SUSAN ROBERTS: Sean, will you meet with us?

ERIC HOAGLAND: We can take it off. You need two boards.

CONSTANTINE ALEXANDER: Give yourself plenty of time. I know you're under commercial pressures. You're going to need time to rethink, try to meet with some city boards, meet with the neighbors, and then come back to us.

ATTORNEY SUSAN ROBERTS: Right, so my suggestion is --

DAVID FORD: Late October.

ATTORNEY SUSAN ROBERTS: Does that

10/10?

SEAN O'GRADY: October 24th is the first available.

ATTORNEY SUSAN ROBERTS: Let's do that.

CONSTANTINE ALEXANDER: 24th will work for you? Okay.

The Chair moves that this case be continued as a case heard until seven p.m. on October 24th.

You understand that, sir? On October 24th we're going to meet again on this. And hopefully you'll have an opportunity to meet with these folks right here. In fact, if you want to come back, it's October 24th at seven p.m.

Anyway, on the condition that Petitioner sign a waiver of time for decision which is being done.

That the sign be posted and maintained for the 14 days -- reflecting the new date and new time. Make sure you change the time. We've had this problem before with you folks, not your fault. New time of seven p.m. New date of October 24th. And that you make every reasonable effort to make sure that sign continues to be visible and in existence for the 14 days before the hearing.

And lastly, on the condition as you know, any plans, revised plans, photo simulations, and the like, changes to the dimensional form, must be in our files no later than five p.m. on the Monday before October 24th.

ATTORNEY SUSAN ROBERTS: So the 21st.

CONSTANTINE ALEXANDER: So to let you know, if you want to see what the plans

are going to be, if you haven't seen them otherwise, you can come down to the Inspectional Services Department any time after the five o'clock on the Monday before October 24th, everything will be in the files and you'll be able to read them, look at them and analyze them in advance. You don't have to come here and do it on the fly. Okay?

LEE CHAN YANG: Thank you.

CONSTANTINE ALEXANDER: All set.

All those in favor say "Aye."

(Aye.)

CONSTANTINE ALEXANDER: Five in favor. See you on the 24th.

(Whereupon, at 10:10 p.m., the

Zoning Board of Appeals

Adjourned.)

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