BOARD OF ZONING APPEAL
FOR THE
CITY OF CAMBRIDGE

GENERAL HEARING

THURSDAY, JANUARY 14, 2021
6:00 p.m.
Remote Meeting
via
831 Massachusetts Avenue
Cambridge, Massachusetts 02139

Constantine Alexander, Chair
Brendan Sullivan, Vice Chair
Andrea A. Hickey
Jim Monteverde
Matina Williams
Jason Marshall

City Employees
Ranjit Singanayagam
Sisia Daglian
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(6:00 p.m.)

Sitting Members: Constantine Alexander, Brendan Sullivan, Andrea A. Hickey, Jim Monteverde, Matina Williams and Jason Marshall

CONSTANTINE ALEXANDER: Welcome to today's meeting of the Cambridge Board of Zoning Appeals to order. My name is Gus Alexander, and I am the Chair.

This meeting is being held remotely, due to statewide emergency orders limiting the size of public gatherings in response to COVID-19, and in accordance with Governor Charles D. Baker's Executive Order of March 12, 2020, temporarily amending certain requirements of the Open Meeting Law, as well as the City of Cambridge temporary emergency restrictions on city meetings, city events, and city permitted events, due to COVID-19, dated May 27, 2020.

This meeting is being video and audio recorded, and is broadcast on cable television Channel 22, within Cambridge. In due course, there will also be a transcript of the public proceedings.

All Board members, applicants, and members of the
Members of the public will be kept on mute until it is time for public comment. I will give instructions for public comment at that time, and you can also find instructions on the city's webpage for remote BZA meetings. Generally you will have up to three minutes to speak, but this might change, based on the number of speakers.

I will start by asking the Staff to take Board member attendance and verify that all members are audible.

SISIA DAGLIAN: Brendan Sullivan?
BRENDAN SULLIVAN: Brendan Sullivan, present and audible.

SISIA DAGLIAN: Andrea Hickey?
ANDREA HICKEY: Andrea Hickey, present.

SISIA DAGLIAN: Jim Monteverde?
BRENDAN SULLIVAN: He's --

SISIA DAGLIAN: Jim?
BRENDAN SULLIVAN: He's here, but he's not. He's on mute.

SISIA DAGLIAN: We can't hear you. Jason Marshall?
JASON MARSHALL: Jason Marshall, here.

SISIA DAGLIAN: Matina Williams?

MATINA WILLIAMS: Matina Williams, here.

SISIA DAGLIAN: Jim?

[Pause]

CONSTANTINE ALEXANDER: We're in the process of tracking down a fifth member for tonight's hearing. So just bear with us. Does Jim have to sit?

BRENDAN SULLIVAN: No, Jim is the fifth.

CONSTANTINE ALEXANDER: All right, let's continue with the five members, then. Brendan?

BRENDAN SULLIVAN: No, we need Jim.

ANDREA HICKEY: If they're withdrawing, do we need Jim?

CONSTANTINE ALEXANDER: No.

ANDREA HICKEY: I don't think so.

CONSTANTINE ALEXANDER: We're about to start the meeting without Jim.

ANDREA HICKEY: Okay.

SISIA DAGLIAN: Starting the regular agenda.

CONSTANTINE ALEXANDER: Yeah, we're going to start with the regular agenda, so we don't need nobody --
ANDREA HICKEY: Oh.

CONSTANTINE ALEXANDER: -- has to be on that case.

ANDREA HICKEY: Understood. Thank you.

CONSTANTINE ALEXANDER: Okay. Tonight we have our regular agenda, which has been advertised, and we have some continued cases. These are cases that have started a while back, and for one reason or another were continued until tonight. The continued cases have been advertised for 7:00 p.m., not 6:00 p.m., as the case for the regular agenda.

So we'll start with the regular agenda. When we approach 7:00 p.m., I will recess this meeting -- until 6:30, until 7:30, I'm sorry -- and we'll hear the continued cases, and when they're concluded we'll come back to our regular meeting and finish up for the night.

So, with that --

BRENDAN SULLIVAN: We need Jim.

CONSTANTINE ALEXANDER: Hm?

SISIA DAGLIAN: Matina can sit on it.

BRENDAN SULLIVAN: Gus isn't sitting on this one.

CONSTANTINE ALEXANDER: No, I'm going to --

SISIA DAGLIAN: Oh, that's right.

CONSTANTINE ALEXANDER: -- open the case, and I'll
introduce you.

BRENDAN SULLIVAN: But you only have four. You don't have Jim yet. We need him for the first case.

SISIA DAGLIAN: I texted him.

BRENDAN SULLIVAN: He showed up on the screen.

SISIA DAGLIAN: Yeah.

CONSTANTINE ALEXANDER: We're not quite ready to start the regular agenda, because I'm not going to sit on the first case, and that means we only have four members right now. So we're trying to track Mr. Monteverde. He should be -- will be sitting tonight once we get all of them.

JIM MONTEVERDE: Sorry, can you hear me now?

BRENDAN SULLIVAN: Yes.

SISIA DAGLIAN: Yes, we can hear you now.

CONSTANTINE ALEXANDER: Now we can hear you Jim, yes. All right. Now we're ready to go.
(6:05 p.m.)

Sitting Members: Brendan Sullivan, Andrea A. Hickey, Jim Monteverde, Matina Williams and Jason Marshall

The first case I'm going to call is Case Number 100423, 1350 Massachusetts Ave. As I've just indicated. I'm not going to sit on this case, and so, Mr. Sullivan, the Vice Chair, will run this case. Brendan?

BRENDAN SULLIVAN: Mr. Twardowski, are you present?

SISIA DAGLIAN: Yes, they're here.

MICHAEL GAIRNO: Michael Giaimo here for Tim Twardowski, representing Verizon Wireless.

BRENDAN SULLIVAN: All right. If you would introduce yourself with your name, if you would spell it please for the record and also your address?

MICHAEL GIAIMO: Sure, yep. It's G-i-a-i-m-o, Robinson+Cole at One Boston Place.

BRENDAN SULLIVAN: Great, thank you.

MICHAEL GIAIMO: Great, thank you.

BRENDAN SULLIVAN: Okay. Excellent, thank you.
So this is an upgrade to an existing wireless facility.

We've had several of these come before your Board before, and we understand the concerns about visibility. I think this installation meets those concerns.

It is a replacement of existing antennas, the addition of an antenna within a space that it is below a different antenna. So in other words, it's still going to appear very similar. These antennas will be painted or wrapped to match the building.

There will be some relocation of the radio equipment, but it will all be within the same realm as the existing facility. The purpose is to provide better service and upgrade the existing equipment.

And it's a 6409 matter, meaning that it's an upgrade that satisfies all the standards in the federal regulation for a site upgrade like this.

BRENDAN SULLIVAN: Okay. I think I might ask Staff if she could pull up the visual of the existing?

MICHAEL GIAIMO: There you go.

BRENDAN SULLIVAN: And the proposed?

MICHAEL GIAIMO: So you can see it really is the same visual impact as the existing facility, there's nothing
new there.

BRENDAN SULLIVAN: Okay. Any questions by members of the Board? Matina, any questions at this point?

MATINA WILLIAMS: No, I don't think I have any questions.

BRENDAN SULLIVAN: Okay. Andrea, any questions at this point?

ANDREA HICKEY: No, I don't have any questions.

BRENDAN SULLIVAN: Jim?

JIM MONTEVERDE: Jim Monteverde, no, thank you.

BRENDAN SULLIVAN: Jason?

JASON MARSHALL: No questions.

BRENDAN SULLIVAN: Okay. Let me -- since there seem to be no questions, let me open it up to public comment. Any member of the public who wishes to speak should now click the button that says, "Participants" and then click the button that says, "Raise hand." If you are calling in by phone, you can raise your hand by pressing *9 and unmute or mute by pressing *6. Give it a couple of minutes.

SISIA DAGLIAN: I'm not seeing anybody raise their hand.
BRENDAN SULLIVAN: There appears to be nobody calling in from the public with questions or comments. I will close that portion of the public comment.

The Board should be advised that we have no communication from the Planning Board on this particular case -- that it was a requirement because it is in Harvard Square that the Harvard Square Advisory Committee comment.

We have correspondence from Liza Paden dated January 13, and a letter to Maria Pacheco. It says, "I polled the Harvard Square Advisory Committee about the antenna replacement at 1350 Massachusetts Avenue, and they declined to comment on the installation." That is the sum and substance of any correspondence on this particular case. So I will close the public comment.

Councillor, any other final words to say?

MICHAEL GIAIMO: No, no, this is a pretty routine upgrade, and thank you for your attention to it, and we believe it satisfies all the standards that apply to this site.

BRENDAN SULLIVAN: Good, thank you. Any comments or questions from any member of our Board at this time, or are we ready for a vote?
ANDREA HICKEY: Ready.

JIM MONTEVERDE: Ready.

BRENDAN SULLIVAN: Everybody's ready?

ANDREA HICKEY: Ready.

JASON MARSHALL: Ready for a vote.

BRENDAN SULLIVAN: Okay. Under Section 4.40, no 41, and 6.31 g1), in reviewing the special permit application for mobile communication facilities, the Board shall consider the following and reach a determination: The scope of, or limitations imposed by any license secured from any state or federal agency having jurisdiction of such matters.

In reviewing your application, Councillor, I see that you have provided your licensing, and that there are no restrictions with regard to this particular site.

The Board shall also consider the extent to which the visual impact of the various elements of the proposed facility is minimized with the use of existing mechanical elements. Your proposal appears to have minimal visual impact on the existing facilities and building.

The proposed facility will be installed on the penthouse of the building and painted to match the
penthouse, and as such will have no change on the existing visual conditions of the building.

Further, it is located in a Business B zone, so that the Chapter -- I'm sorry, sub note 49 -- having to do with residential zones does not apply to this particular application, and that the applicant must comply with the special permit criteria.

Let me make a motion, then, that to grant the special permit for the installation of the additional facilities as per your application and the supporting documents, the Board finds that the requirements of the ordinance can be met with granting of the special permit.

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

The Board notes the existence of an existing telecommunication facility on the building, and that the additional changing of modification of existing and addition to will have no material impact whatsoever.

The Board finds that continued operation of or development of adjacent uses, as permitted in the ordinance,
would not be adversely affected by what is being proposed.

Again, the existence of existing telecommunication facilities at this locus and the addition will have no adverse effect; in fact it will enhance the telecommunications access to the general public.

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

The operation of the proposed facility would not adversely impact the health, safety and/or welfare of the residents. On the contrary, as I said, the proposed use will be to the benefit to the city, to promote the safety and welfare of its residents, businesses and drivers for an abiding, reliable, state-of-the-art digital, wireless service.

The Board also references the letters from the Harvard Square Advisory Committee which, shall we say, enhances that point. So the proposed installation will not impair the integrity of the district or adjoining district, or otherwise derogate from the intent and purpose of the ordinance.

The proposed facility is designed to blend with
the existing characteristics of the property and reducing any visual impacts of the surrounding area.

Also, there should be some additional findings, and as a condition, the Board also finds that the modification of its existing telecommunication facility to the site proposed by the petitioner does not substantially change the physical dimension of the existing wireless tower or base station at such facility within the meaning of Section 6409.

Based on the finding, the Board moves that the petitioner be granted the special permit it is seeking, subject to the following conditions.

That the work proceed in accordance with the plans submitted by the petitioner, and initialed by the Chair.

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

That the petitioner shall at all times maintain the proposed work, so that its physical appearance and visual impact will remain consistent with the photo simulations previously referred to.
That should the petitioner seek to utilize the equipment approved tonight for a continuous period of six months or more, it shall promptly thereafter remove such equipment and restore the building on which it is located to its prior condition and appearance, to the extent reasonably practical.

That the petitioner is in compliance with and will comply -- continue to comply with all, and in all respects the conditions imposed by this Board with regard to previous permits granted to the petitioner with regard to the site in question.

Further, in as much as the health effects of the transmission of electromagnetic energy waves is a matter of ongoing societal concern and scientific study, the special permit is also subject to the following conditions:

a) That the petitioner shall file with the Inspectional Services Department each report it files with the federal authorities regarding electromagnetic energy waves emissions -- emitting from all of the petitioner's equipment on the site.

Each site report shall be filled -- shall be filed with the Inspectional Services Department no later than 10
business days after the report has been filed with the federal authorities.

Failure to timely file any such reports with the Inspectional Services Department shall ipso facto terminate the special permit granted tonight.

b) That in the event that at any time the federal authorities notify the petitioner that its equipment on the site, including but not limited to the special permit granted tonight, fails to comply with the requirements of law, or governmental regulations -- whether with regard to the emissions of electromagnetic energy waves or otherwise -- the petitioner within 10 business days of receipt of such notification of such failure, shall file with the Inspectional Services Department a report disclosing in reasonable detail that such failure has occurred, and the basis for such claimed failure.

The special permit granted shall ipso facto terminate if any of the petitioner's federal licenses is or are suspended, revoked or terminated.

c) That to the extent that a special permit has terminated, pursuant to the foregoing paragraphs a) and b), the petitioner may apply through this Board for a new
special permit, provided that the public notice concerning such application discloses in reasonable detail that the application has been filed because of the termination of the special permit pursuant to paragraphs a) or b) above.

Any such new application shall not be deemed a repetitive petition, and therefore will not be subject to the two-year period during which repetitive petitions may not be filed.

d) That within 10 business days after receipt of a building permit for the installation of the equipment subject to this petition, the petitioner shall file with the Inspectional Services Department a sworn affidavit of the person in charge of the installation of equipment by the petitioner of the geographical area that includes Cambridge stating that:

a) he or she has such responsibility, and

b) that the equipment being installed pursuant to the special permit we are granting tonight will comply with all federal safety rules, and will be situated and maintained in locations with appropriate barricades and other protections, such that individuals, including nearby residents and occupants of nearby structures will be
sufficiently protected from excessive radiofrequency radiation under federal law.

At the end of the motion, would anybody like to add to that at all any special conditions that would be appropriate?

JIM MONTEVERDE: Jim Monteverde, no.

BRENDAN SULLIVAN: All right. Hearing none, on the motion, then to grant the special permit, Matina?

MATINA WILLIAMS: Yes, I agree we grant the permit.

BRENDAN SULLIVAN: Andrea?

ANDREA HICKEY: Yes, I vote in favor of granting the special permit.

BRENDAN SULLIVAN: Jim?

JIM MONTEVERDE: Jim Monteverde, I vote in favor of granting.

BRENDAN SULLIVAN: And Jason Marshall?

JASON MARSHALL: Jason Marshall, I vote in favor of granting the special permit.

BRENDAN SULLIVAN: And Brendan Sullivan voting in favor of the special permit.

[All vote YES]
Special permit granted.

MICHAEL GIAIMO: Thank you very much.

BRENDAN SULLIVAN: All right. Thank you.

MICHAEL GIAIMO: Good night.

CONSTANTINE ALEXANDER: Thank you, Brendan.
(6:20 p.m.)

Sitting Members: Constantine Alexander, Brendan Sullivan, Andrea A. Hickey, Jim Monteverde, and Jason Marshall

CONSTANTINE ALEXANDER: The Chair will now call Case Number 98710 -- 16 Dover Street. Anyone here wishing to be heard on this matter?

[Side conversation among Board Members]

CONSTANTINE ALEXANDER: Okay, I've called the case. Is there anyone here -- Mr. Hope, are you available on the line?

BRIAN LAVELLE: I am available - Brian Lavelle - can you hear me?

CONSTANTINE ALEXANDER: Oh, yes, yes.

BRIAN LAVELLE: So I am the manager of Hawthorne Development, LLC and Carl Oldenburg I our architect, who will be answering your questions tonight. Sean is not participating; he helped us to put together the package to submit to you folks.


CARL OLDENBURG: Good evening. I'm Carl
Oldenburg, I'm the architect of this project.

I do have a little sort of narrative -- a little description of the project in case some of you are not familiar with all of its details. So I'll just launch into that, but let me know if I'm getting into too much detail.

So the building at 16 Dover Street is an existing, two-family dwelling that is nonconforming with respect to front and side yard setbacks, and also, to the gross floor area.

The left side of it is only two and a half feet from the property line. The front is about a little over 10 feet from the property line, and the existing gross floor area is 4542 square feet, which results in existing FAR of 0.9. The maximum FAR allowed is 0.5.

Our project is a complete gut renovation of the structure and some landscape improves. It will continue to be a two-family dwelling. We're not adding to the footprint of the building, and we're not proposing any major changes to the exterior.

The existing third floor is finished; it's essentially a finished attic. And as such, the ceilings are mostly the underside of the roof structure, and are too low
for the spaces to be used comfortably and to meet current
building codes for headroom.

And there are presently two bedrooms and a sitting
area in the bathroom on the third floor, and we propose to
continue that use, except one of the bedrooms will become a
bonus room instead of a bedroom, but head room is inadequate
when the rear head room -- in the rear bedroom and in the
bathroom.

So we're proposing a shared dormer for the bedroom
to increase the head room. And what I see on the screen are
the existing floor plans, existing elevations, and proposed
floor plans for the first floor and basement, and proposed
floor plans for the second floor, third floor and the roof.

So on the third floor plan the drawing in the
middle, on the drawing the front of the building is toward
the lower part of the screen. On the drawing the front of
the building is toward the lower part of the screen, and the
dormer that we're referring to is in that bedroom in the
back, which is on the top side of the image.

SISIA DAGLIAN: I need a minute.

CONSTANTINE ALEXANDER: Mr. Oldenburg, are you
familiar with the City of Cambridge's dormer guidelines?
CARL OLDENBURG: Yes, I am.

CONSTANTINE ALEXANDER: Okay, why don't you just for the record address that you do comply with the dormer guidelines in all material respects, and to the extent you don't why don't you just identify where and how?

CARL OLDENBURG: Oh, okay, fine. Yeah, so if I could come back to that in a second, as I said -- and actually we do have a revision to propose to the design of the dormer, which I'll get to in a minute, but if you don't mind, let me just continue with the thought process here.

CONSTANTINE ALEXANDER: Okay.

CARL OLDENBURG: Because the issue here is that -- well actually -- sorry I'm stammering here -- but to answer your question, the proposed dormer is designed to be set back on the face of the building by about 18 inches in this case, and the end of the dormer is set back from the back face of the building about a little over two feet.

Now, the drawing you see in front of you, the lower two drawings are the elevation views of the dormer, and the drawing on the lower right corner is the back elevation. And you can see that the proposed dormer has a height at the top which is higher than the existing
And there was a comment from the Historical Commission about that, and we agree that that's not the best design.

And recently in the past couple weeks, couple days, we came up with a proposed design which does not require the height, the top height of the dormer to be any higher than the existing ridge.

So I sent over today a revised cross-section view, which maybe could be pulled up on the screen to show a revision to the shape of it. The drawing on the left is as we originally proposed it. The drawing on the right is a revision.

And as you can see, I've lowered -- what we're doing is we're lowering the floor, the third floor, so that as much we could -- so that we can achieve the required headroom and create a dormer that does not extend any higher than the existing ridgeline and meets the building code for interior headroom.

In other words --

CONSTANTINE ALEXANDER: Can you address the length of the dormer?

CARL OLDENBURG: The length of the dormer would
remain the same as in the original proposal.

CONSTANTINE ALEXANDER: And it is 15 feet or less?

CARL OLDENBURG: It is, it's 10 feet deep, slightly -- less than 11 feet.

CONSTANTINE ALEXANDER: Thank you. Is that it?

CARL OLDENBURG: Yeah, a couple more thoughts is our application also included a request for an additional small-shed dormer, which maybe could be seen on -- yes, on drawing number, not that one but the side view left elevation drawing number 2 in the middle near a gable, so from your cursor move over to the left, and then straight up. At the very top is just a little dormer.

But again, because we are lowering the third -- the floor structure, we don't need that dormer. So we would like to remove that from our request, if that makes sense.

And if -- again, are we clear as to where it is? If your cursor -- where's your cursor now? Yeah, that's it, that one there -- that existed only for the purpose of creating building code required headroom in the existing bathroom. But we no longer need that. So that we can just remove the request.

And that particular dormer was also within the
side yard setback, so it had two issues there. So we can remove that altogether.

CONSTANTINE ALEXANDER: Are these dormer changes reflected in the plans that you filed, in the plans that you have before us?

CARL OLDENBURG: The plans that have been filed include the dormer that we are now requesting to not move, if that makes any sense, and only that supplemental drawing which I sent over recently shows the revised configuration of the shed dormer in the rear.

CONSTANTINE ALEXANDER: Sir, our rules require that the plans that you want us to consider must be filed with the Inspectio nal Services Department no later than 5:00 p.m. on the Monday before the hearing.

I don't think you're complying with that. On the other hand, the changes that you're making are not material, and as such don't create a new -- to my mind, anyway -- zoning issues.

So I'm happy to proceed with the plans that you have. If the other members of the Board have a problem with that, let me know.

ANDREA HICKEY: This is Andrea Hickey, I'm fine
with that.

JIM MONTEVERDE: Jim Monteverde, I'm fine with that.

JASON MARSHALL: Jason Marshall, I'm also okay to proceed. I think it seems like from what he's describing the changes actually make it less intensive. Thank you.

BRENDAN SULLIVAN: [Brendan Sullivan], I would agree.

CONSTANTINE ALEXANDER: Okay. Back to you, Mr. Oldenburg. Is that it for your presentation?

CARL OLDENBURG: Okay, no. A couple -- one more thought. There's the third element of our request is to modify some windows on the left elevation, which we've shown on the screen now. We are adding a window and making a modification to an existing window -- making it smaller and higher.

This is the elevation drawing on the upper left, and the image on the screen shifted down a little bit. So the one we're adding is at the first floor, the third one over from the left. Yes, that one.

CONSTANTINE ALEXANDER: Yep.

CARL OLDENBURG: Right now there's no window
there, we're just adding that one. And then at the top
level the third floor, there's an existing double hub
window.

We're proposing to remove it and replace it with a
small awning type window up higher, and the purpose of that
is to continue to have a window in the bathroom, but in such
a way that makes more sense as far as that anterior design
goes, and it increases privacy, so that there isn't a large
double window looking right into the bathroom.

The window that we're adding is a new kitchen area
on the first floor. We feel it kind of continues the rhythm
and design of the windows on that floor. It's positioned --
although it's right very close to the property line, that
wall is only two and a half feet from the property line, but
the neighboring house is some distance away. It's across a
fairly wide driveway. I think it's maybe 25 feet away or
so.

So we don't feel it's adding to the privacy or
aesthetic issues -- aesthetic problems.

CONSTANTINE ALEXANDER: Have you spoken with the
neighbor to whom -- who face it, who face the new windows?
Because there could be privacy concerns.
CARL OLDENBURG: Yes. May I speak?

CONSTANTINE ALEXANDER: Go right ahead.

CARL OLDENBURG: Yes. So I did meet with the neighbor on the left about the --

BRENDAN SULLIVAN: Excuse me, this is Brendan Sullivan. Is that Brian speaking?

BRIAN LAVELLE: Yes, Brian Lavelle.

BRENDAN SULLIVAN: Yeah, if you could introduce yourself, Brian, for the record.

BRIAN LAVELLE: So Brian Lavelle is my name, and I am the manager of Hawthorne Development, LLC. I did on the recommendation of Sean Hope meet with the neighbor on both sides of the property left and right to explain what we were trying to do, and they seemed pretty happy with it.

CONSTANTINE ALEXANDER: Thank you.

BRIAN LAVELLE: Thank you.

CONSTANTINE ALEXANDER: Anything else in your presentation?

BRIAN LAVELLE: No, just one other thought, and that is that the shared dormer was not really intended to increase the floor area necessarily, but it -- because the floor area is measured to the point where the ceiling height
is greater than five feet, adding the shed dormer is sort of -- consequently increases the gross floor area by in this case 59 square feet, so it changes the FAR from 0.9 to 0.91.

CONSTANTINE ALEXANDER: Right.

BRIAN LAVELLE: So, any questions? Brendan?

BRENDAN SULLIVAN: [Brendan Sullivan] No, I have no questions.

CONSTANTINE ALEXANDER: No questions? Matina?

BRENDAN SULLIVAN: She is not on this one.

JIM MONTEVERDE: No, see how she's not on. This is Jim Monteverde. I just have two questions. I -- you're adding I think two window wells?

BRIAN LAVELLE: Yes, we are.

JIM MONTEVERDE: And those are -- there's no variance or permit requested for it?

BRIAN LAVELLE: Correct.

JIM MONTEVERDE: Okay. And in the revised dormer, and in the -- I guess the left elevation dormer that you're keeping, just -- this is for the Board -- does the dormer guidelines suggest that the top of the dormer should be below the ridge?

BRIAN LAVELLE: I believe it does suggest that,
yes.

JIM MONTEVERDE: Yeah. Is that possible at all in your section?

BRIAN LAVELLE: Yes, it is. Yes. That's the revision that we're proposing, so the left-hand drawing that's now displayed will not be what we would propose. We would propose the drawing on the right.

JIM MONTEVERDE: No, I understand that. But I'm asking the Board if I understand the dormer guidelines correctly that it recommends that the top of the dormer be below the roof ridgeline?

BRIAN LAVELLE: Oh, so --

JIM MONTEVERDE: Right now you're at the ridgeline.

ANDREA HICKEY: Yeah, meaning that it doesn't meet at the peak?

JIM MONTEVERDE: Correct.

UNIDENTIFIED SPEAKER: Yeah.

ANDREA HICKEY: That's my understanding, Jim, as well.

JIM MONTEVERDE: Yeah, so these are old --

ANDREA HICKEY: That it should be below the --
JIM MONTEVERDE: Yeah. The

ANDREA HICKEY: The suggestion is that it be below.

JIM MONTEVERDE: Right. So Mr. Oldenburg, is there a way to achieve that?

CARL OLDENBURG: Oh, I see. Does it -- I don't think that it specifies a specific dimension, but it's probably not much. A few inches, let's say, two or three inches?

And the problem is that in order to meet headroom requirements and have as much slope to the roof as possible, we've got to do some little tradeoffs here.

My feeling was that as you observe the dormer from the ground, it would be difficult to see whether it really is right at the ridgeline or a few inches lower than the ridgeline, and that more importantly, or more importantly visually would be to have the roof of the dormer not be flat, but be sloped.

So my feeling was it would be preferable to basically have the dormer as high as it could be, and still be -- you know, in conformance with the guidelines as much as you can.
Having said that, I think we could probably work it out to lower it a little bit, but I think the roof is going to tend to get flatter as we do that.

JIM MONTEVERDE: Yeah, I'm just saying if you can --, again, my recollection of the dormer guidelines is it does suggest that the dormer roof be below the ridge, and if you have any way to achieve that by some dimension, then I think you could say you're compliant.

CARL OLDENBURG: Okay.

JIM MONTEVERDE: That would be great.

BRENDAN SULLIVAN: This is Brendan Sullivan. Jim, not to add to the confusion here, but I think the policy has been that if complying with the dormer guidelines is not longer than 15 feet, that it comes in the required amount from the face of the main house, which this does, it comes in the required distance from the ends of the roof that it can go to the peak.

JIM MONTEVERDE: Oh, okay, all right. Thank you.

BRENDAN SULLIVAN: I think that Sean O'Grady would chime in on this and say that if you meet three of those tests then the fourth one is okay, or if you meet four of them, then the other one is okay too, so that under this
condition going from the peak down would be allowable.

JIM MONTEVERDE: Right.

BRENDAN SULLIVAN: historically anyhow, so.

JIM MONTEVERDE: No further questions, then.

CONSTANTINE ALEXANDER: Andrea, any questions?

ANDREA HICKEY: Yeah, I do have a question. So I see that you're proposing an addition of a deck, and that you're not requesting any relief for that. Is there a deck presently in the location of the proposed deck?

CARL OLDENBURG: There's a concrete patio.

ANDREA HICKEY: At grade?

CARL OLDENBURG: At grade.

ANDREA HICKEY: All right. The deck that you're proposing, does that meet side yard setback requirements?

CARL OLDENBURG: Yes, it does. Our site plan shows it as seven feet eight from the side yard, and 28 feet eight from the rear yard.

ANDREA HICKEY: I have no further questions.

CONSTANTINE ALEXANDER: Thank you, Andrea. Matina, any questions?

JASON MARSHALL: Mr. Chair, Jason Marshall. I'm on this case.
CONSTANTINE ALEXANDER: Off that case, I'm sorry.

JASON MARSHALL: No, the benefit of going last is all the questions I had have been asked and responded to with satisfaction. No questions.

CONSTANTINE ALEXANDER: Okay.

BRENDAN SULLIVAN: Jim, Brendan Sullivan again. On page -- I don't know, they're not numbered. Anyhow, the ridge connection under the dormer guidelines says, "The preferred setback should be at least one feet -- one foot from the roof ridge, Figure 5. If, however, the dormer meets the recommended setback for side and front walls, the dormer roof may start at the ridge beam, Figure 6."

JIM MONTEVERDE: Okay, thank you.

BRENDAN SULLIVAN: A little clarification.

ANDREA HICKEY: Perfect, thank you.

CONSTANTINE ALEXANDER: Okay, I'm going to now close public testimony. No, I'm going to open public testimony, I'm sorry. Anyone wishing to be heard on this matter? If so, you must now click the icon at the bottom of your Zoom screen that says, "Raise hand." If you are calling in by phone, you can raise your hand by pressing *9 and unmute or mute by pressing *6.
We'll take a moment or so to see if anyone wishes to speak.

SISIA DAGLIAN: I don't see anyone.

CONSTANTINE ALEXANDER: Apparently not, so now I'll close public testimony in its entirety. Discussion, or are we ready for a vote? I'm ready for a vote.

BRENDAN SULLIVAN: Ready.

JIM MONTEVERDE: Ready.

ANDREA HICKEY: Ready.

CONSTANTINE ALEXANDER: Okay. The Chair moves that we make the following findings with regard to the special permit that's being sought: That the requirements of the ordinance cannot be met without the special permit.

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

In this regard, the modifications to what is there does not have an impact beyond the neighboring lots, and there is no objection from any neighbors with regard to what is being proposed.

That the continued operation of or development of
adjacent uses, as permitted in the zoning ordinance, will not be adversely affected by the nature of what is being proposed. Again, the residential use of the building will continue with the modifications that are proposed.

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

So on the basis of all of these findings, the Chair moves that we grant the special permit requested on the condition that the work proceed in accordance with plans prepared by Carl. C. Oldenburg, Architect, and dated 10/30/2020. Brendan, how do you vote?

BRENDAN SULLIVAN: [Brendan Sullivan], yes to granting relief.

CONSTANTINE ALEXANDER: Jim?

JIM MONTEVERDE: [Jim Monteverde], yes for relief.

CONSTANTINE ALEXANDER: Okay. Andrea?

ANDREA HICKEY: [Andrea Hickey], yes in favor of
CONSTANTINE ALEXANDER: Jason?

JASON MARSHALL: Mr. Chair, just a clarifying question, do we have to reference the more recent plans that amended the proposal?

CONSTANTINE ALEXANDER: Well, that's the problem; we have these more recent plans, but we don't have them to initial. These came in after -- as I pointed out earlier -- after the 5:00 p.m. deadline. I'm going to leave it up to the Building Department. They may say --

JASON MARSHALL: Okay.

CONSTANTINE ALEXANDER: -- you've got to come tell the petitioner. These plans are not the plans that you showed to the Board, and therefore you're going to have to go back to the Board. That's the petitioner's problem, because he didn't follow the rules. How do you vote?

JASON MARSHALL: Jason Marshall, I vote in favor.

CONSTANTINE ALEXANDER: Okay, the Chair votes in favor.

[All vote YES]

Mr. Oldenburg, I hope you heard what I just said. You didn't follow our rules, and you may have a complication
when you go to get building permits. But I'll -- that's --
you're going to have to deal with that on your own, and you
may have to come back before our Board. Thank you. Case is
over.
* * * * *

(6:43 p.m.)

Sitting Members: Constantine Alexander, Brendan Sullivan, Andrea A. Hickey, Jim Monteverde, Matina Williams and Jason Marshall

CONSTANTINE ALEXANDER: The Chair will now call Case Number 100881 -- 4 Dinsmore Court. Anyone here wishing to be heard on this matter?

BILL HARPER: I am Bill Harper, I'm Project Designer for Henriette Lazaridis, owner.

CONSTANTINE ALEXANDER: Okay. The floor is yours. What relief are you seeking, and why should we grant it, grant the relief you're seeking?

BILL HARPER: Well, we are hoping to add a small addition to the first story of 4 Dinsmore Court. We are seeking relief because the existing house as it is does not meet -- it's nonconforming. It already exceeds setbacks. We are proposing -- and I'd be happy to start walking through drawings or images of what was submitted --

So here, this is the demolition plan of the existing conditions you can see. So Dinsmore Court is at the right of the screen -- the street, rather. This is to the
rear of the property, and the kitchen is a first-floor addition with a gabled roof. We are proposing to take the gabled roof off, remove that existing deck --

[and then we can go to the next image]

-- and extends the first floor out with an addition of six-foot-four by 10 feet in the existing deck's footprint, and then fill out that square with a deck step, plus a granite stepdown to account for the height, the step to grade.

Then we would put a single flat roof atop the existing kitchen and the new addition to unify it as one. That's visible in the next image, which is the second-floor plan, the roof plan.

The next image is the plot plan, which highlights the deck itself in black, but then the series of boxes, the proposed addition, the series of red boxes, rather... the proposed addition of 6.4 x 10, and then the deck step and then the deck step and then the granite step as well.

Next image is the existing elevations. It's a side elevation, and then the next is a rear elevation showing the gable as it cuts below the existing.

The proposed -- next image -- shows our single,
you know, we're raising the ceiling height, but tucking below the existing -- existing loop, rather.

Next image?

It shows the rear, the full roof as it goes across, so.

Next image?

Okay. Then that's the opposite elevation.

The third photo down, you can go through these quickly. Because this is first from the front of the screen not visible. So this shows the rear addition, the existing gable, and the deck that we are hoping to fill out for the large, the living space. So --

The conventional information obviously shows the -- so the existing house, the existing requirements, the side setbacks are already 7.8. The existing is 3.3 feet. So the house as it is nonconforming.

We are hoping to continue that exterior wall line, extending it out, but not past the existing full kitchen footprint. And so, that's -- I believe that's the extent of the project scope. I'd be happy to answer questions at this point.

CONSTANTINE ALEXANDER: Thank you.
BILL HARPER: Mm-hm.

CONSTANTINE ALEXANDER: Brendan, any questions?

BRENDAN SULLIVAN: No, but I'm just wondering if this was not a candidate for a special permit?

CONSTANTINE ALEXANDER: Jim?

JIM MONTEVERDE: Jim Monteverde. I just have a question. Could you just explain the two compressors that sit up on the new flat roof?

BILL HARPER: Yes. So the compressors -- it's not ideal, but this is an effort to preserve as much open space in the back yard as possible. It's a very tight lot. This was actually the main sticking point of our Historical Commission approval.

JIM MONTEVERDE: I can imagine.

BILL HARPER: Well, so -- and actually, I will say I don't know how much just basically we ended up needing to go a second time, and with a new proposal that would turn both compressors basically parallel with -- so the compressor on the right in this image is sort of parallel with Dinsmore Court.


BILL HARPER: And the compressor on the left is
also parallel.

JIM MONTEVERDE: Right.

BILL HARPER: Which got us approval. Obviously, they weren’t a fan of the compressors being so visible, but also this elevation is a little bit misleading as far as prominence. This is the back of a dense neighborhood. And we were able to gain -- we were able to confirm that we can paint the housing of the compressors.

JIM MONTEVERDE: Yep.

BILL HARPER: So it'll be less visible in front of the slate roof. But it's tricky. It's just not a lot of room.

JIM MONTEVERDE: Was there any discussion about a screen for these things?

BILL HARPER: It got talked about for a little bit, but given the distances required and to keep them apart, and there's a skylight there, we were really hoping not to do a screen. And they gave us approval without it. So we were pleased about that.

JIM MONTEVERDE: Okay.

CONSTANTINE ALEXANDER: All set, Jim?

JIM MONTEVERDE: Yes, thank you. No further
questions.

CONSTANTINE ALEXANDER: Okay, Andrea?

ANDREA HICKEY: I have no questions at this time.

CONSTANTINE ALEXANDER: Jason?

JASON MARSHALL: No questions, Mr. Chairman.

JIM MONTEVERDE: Okay. I'll now open the matter up to public testimony. Again, I'll give the instructions. Any members of the public who wish to speak should now click the icon at the bottom of your Zoom screen that says, "Raise hand." If you're calling in by phone, you can raise your hand by pressing *9 and unmute or mute by pressing *6. We'll take a moment to see if anyone wishes to speak.

SISIA DAGLIAN: Let's see.

CONSTANTINE ALEXANDER: Okay, apparently there's no one who wishes to speak, so I will close -- well, before I close public testimony, I will for the record note that we have a letter of support for the petitioner. It is from Kristine, K-r-i-s-t-i-n-e Langston, L-a-n-g-s-t-o-n and Robert Langston.

"My husband and I are neighbors of Henriette and Matt at 6 Dinsmore Court. We are perfectly happy that they wish to do things to make their home even more lovely. It
is good that people want to improve and make their homes safer." And they have a comment about another neighbor I'm not going to read into the record. The letter concludes, "Please approve the changes at 6 Dinsmore Court."

So with that I'll close public testimony.

Discussion, or are people ready for a vote?

BRENDAN SULLIVAN: Brendan Sullivan, ready for a vote.

JIM MONTEVERDE: Ready.

JASON MARSHALL: Jason Marshall ready for a vote.

CONSTANTINE ALEXANDER: Andrea?

ANDREA HICKEY: I'm ready.

CONSTANTINE ALEXANDER: Okay, thank you. The Chair will make the following motion with regard to the variance being sought:

That a literal enforcement of the provisions of the ordinance, of our ordinance, would involve a substantial hardship, such hardship being that this is a relatively small structure in need of -- on a relatively small lot, and there is a need for additional living space within or without the structure.

The hardship is owing to circumstances relating
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1 to the shape of the lot and the location of the structure as
2 it now is on the lot. This is -- I believe the structure
3 predates the adoption of a zoning ordinance from the City of
4 Cambridge.

5 And relief may be granted without substantial
detriment to the public good, or nullifying or substantially
derogating from the intent and purpose of this ordinance.
6 In this regard, this is another case of a homeowner wishing
7 to improve the structure that he or she or both are living
8 in.

9 That there is no neighborhood opposition; in fact
10 there is neighborhood -- some neighborhood support.
11
12 So on the basis of all of these findings, the
13 Chair moves that we grant the variance requested on the
14 condition that the work proceeds in accordance with plans
15 prepared by Byggmeister, B-y-g-g-m-e-i-s-t-e-r Associates,
16 and William Harper dated 10/23/2020, and the first page of
17 which has been initialed by the Chair.

18 Brendan, how do you vote?
19
20 BRENDAN SULLIVAN: Yes to granting the variance.
21
22 CONSTANTINE ALEXANDER: I'm sorry?
23
24 BRENDAN SULLIVAN: Yes.
CONSTANTINE ALEXANDER: Jim?

JIM MONTEVERDE: [Jim Monteverde] I will grudgingly vote to approve. The discussion about the rooftop suitcases I take objection too, but I don't think it's really a zoning issue, although I wish it was, and if you've presented it to other authority or Boards and they’ve accepted it, I will accept it.

CONSTANTINE ALEXANDER: Thank you.

JIM MONTEVERDE: So I vote to approve.

CONSTANTINE ALEXANDER: Andrea?

ANDREA HICKEY: I adopt all of Mr. Monteverde's comments, and vote to approve.

CONSTANTINE ALEXANDER: And Jason?

JASON MARSHALL: Jason Marshall in favor.

CONSTANTINE ALEXANDER: And the Chair is in favor as well, variance granted, case over.

[All vote YES]

Thank you.

BILL HARPER: Thank you.

CONSTANTINE ALEXANDER: It's now five of 7:00. We have our continued cases starting at 7:00. The next case may be a little bit controversial, so I'm going to suggest
we recess this case starting now, and reconvene at 7:30.

And if we're still dealing with the continued cases at that point, we'll finish doing that, and then we'll reconvene this meeting and conclude our regular agenda.

So thank you to this audience. We will be back with you at 7:30.

-- votes yes as well, so the case is withdrawn.
* * * * *

(7:00 p.m.)

Sitting Members: Constantine Alexander, Brendan Sullivan, Andrea A. Hickey, Jim Monteverde, Matina Williams

CONSTANTINE ALEXANDER: The Chair will now call Case Number 92108 -- 293 Rindge Avenue. Anyone here wishing to be heard on this matter?

MICHELLE BARATTA: Yes, hi. This is Attorney Michelle Baratta. I represent the petitioner, Mr. Mark Reznick, Trustee of N Lady Realty Trust. I know he is here tonight, as well. I don't know if he's been -- I think he's been allowed to join on. So he may be speaking as well about more of the specifics of the work to be done.

But I can go over for you the legal issues and why we're here today.

This is a petition for a variance. The owner, the petitioner, purchased this property in December of 2019, and as you can see from some of the pictures, it's not in great shape. They -- we have some pictures that they should be able to pull up for you if you can't see them.

The work that -- among the work that the
petitioner is seeking to do would be to add some dormers.

The building is a two-family residential, which is allowed. But the existing interior staircase does not meet code. And that is an issue that we are trying to rectify with the dormer, because the property is lawfully nonconforming, both for lot size and you can see on the dimensional form it's -- the lot is too small, the FAR is too big.

So we had to seek a variance in order to get approval for the dormer. The dormer will actually reduce the FAR, but still will not bring it fully into compliance. But it will allow the petitioner to bring the staircase, the upper staircase, into compliance with building and safety codes. The existing staircase is very narrow, and frankly a little dangerous for the existing tenants.

So by adding the dormer upstairs, they can widen the staircase and make it safer for the residents. The dormer -- we did -- the reason this case was continued is because unfortunately we had not fully complied with the guidelines for the dormers, but that has been remedied. You will see in the plans the dormer is exactly 15 feet, it will
not be any longer than that, and it is one and a half feet from the existing roofline, back.

So it should comply with everything. It is a shed dormer. Does anyone have any questions so far?

[Background noise]

CONSTANTINE ALEXANDER: We can't hear.

MICHELLE BARATTA: So in terms of the variance, the hardship that we are seeking to overcome, the property sits on a lot that is irregular. And because of the irregularity, it actually -- it's not even, parallel lines, it's too narrow. It comes back at an angle.

There's actually -- the property comes with an easement from the next property over because it's so close to the existing lot lines that you can see there on the right. That's an easement that -- from the next property over.

So because of that, it's not possible, obviously, to widen the building or change the footprint of the building to make it safer -- the staircase safer.

So really the only way that they can renovate this properly would be to add the dormers, and -- you know, in doing so, again, we're not changing the footprint of the
building. They're not making the building larger. And in fact, the FAR would go down because it will -- they'll be taking some of the space to make the staircase wider as well.

[Background noise]

CONSTANTINE ALEXANDER: Again, I can't understand -- hear -- at least I can't understand whoever's speaking, what you're saying.

ANDREA HICKEY: Somebody has a TV on in the background, I don't know who.

MICHELLE BARATTA: It's not on my end, but --

CONSTANTINE ALEXANDER: I assume, Ms. Baratta, you've finished your presentation?

MICHELLE BARATTA: If anyone has any questions for me --

CONSTANTINE ALEXANDER: Oh yeah, we'll get to that. But I want to make sure we -- before we do that I want to see if you have any more you want to say up front?

MICHELLE BARATTA: I mean, essentially, I think that's it. We're just attempting to make the building safer and comply with existing building codes. And, you know, and we think that this will be good for obviously the public
good. It's not going to change the neighborhood or affect the neighbors in any way. Everything will be done according to the design guidelines, and obviously following all the building codes.

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

BRENDAN SULLIVAN: Brendan Sullivan, no questions.

CONSTANTINE ALEXANDER: No questions? Jim?

JIM MONTEVERDE: Jim Monteverde. One question. Does the building have any -- although it's rather simple -- any historic history to it?

MICHELLE BARATTA: Not that I'm aware of. I know that when we had to file, we did get something back from the Historic Committee saying that this is not covered under their jurisdiction --

JIM MONTEVERDE: Okay.

MICHELLE BARATTA: -- that this is not considered a historic building.

JIM MONTEVERDE: Thank you.

CONSTANTINE ALEXANDER: Andrea, any questions?

ANDREA HICKEY: I have no questions.

CONSTANTINE ALEXANDER: Matina, any questions?
MATINA WILLIAMS: No questions.

CONSTANTINE ALEXANDER: Okay. The Chair has no questions as well. So I'll now open the matter up to public testimony. Any member of the public who wishes to speak should now click the icon at the bottom of your Zoom screen that says, "Raise hand." If you're calling in by phone, you can raise your hand by pressing *9 and unmute or mute by pressing *6. We'll take a few minutes to see if anyone wishes to call in.

[Pause]

No.

SISIA DAGLIAN: I'm not seeing anyone.

BRENDAN SULLIVAN: I don't think you would.

CONSTANTINE ALEXANDER: Okay, there is no -- no one in the audience wishes to speak. There are no letters or other written communications with regard to the site or the project. And so, I will close the public testimony and turn to the Board. Discussion, or are you ready for a vote?

BRENDAN SULLIVAN: Brendan Sullivan, ready for a vote.

JIM MONTEVERDE: Jim Monteverde, ready.

ANDREA HICKEY: Andrea Hickey, ready.
CONSTANTINE ALEXANDER: Matina, are you ready for a vote too?

MATINA WILLIAMS: I'm ready.

CONSTANTINE ALEXANDER: Okay, and the Chair is as well. So the Chair moves that we make the following findings with regard to the variance being sought:

That a literal enforcement of the provisions of the ordinance would involve a substantial hardship, such hardship being as that the structure is old; an older structure in poor condition, and the staircase to the third floor is hazardous to use, so that there is a need to rebuild the staircase, and hence the need for the dormers, for which relief is being sought tonight.

That the hardship is owing to the shape of the lot and the topography of the lot. It's a very oddly shaped lot, even if it meets the street in which it faces, and therefore -- again, it requires zoning relief.

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

In this regard, the Chair would note that to the project complies with our dormer guidelines, and it improves
the safety of this building and the useability of the 
building, and that generally it improves the landscape of 
the city of Cambridge and creates more housing for the City 
of Cambridge.

So on the basis of all these findings, the Chair 
moves that we grant the variance requested on the condition 
that the work proceeds in accordance with plans prepared by 
Seger, S-e-g-e-r Architects, the cover page of which has 
been initialed by the Chair.

Brendan, how do you vote?

BRENDAN SULLIVAN: Yes to granting the relief 
requested.

CONSTANTINE ALEXANDER: Jim?

JIM MONTEVERDE: Jim Monteverde, yes.

CONSTANTINE ALEXANDER: Andrea?

ANDREA HICKEY: [Andrea], I vote yes.

CONSTANTINE ALEXANDER: Okay. Matina?

MATINA WILLIAMS: I vote yes.

CONSTANTINE ALEXANDER: And the Chair votes yes as 
well, so it's unanimous.

[All vote YES]

Variance granted. Thank you.
MICHELLE BARATTA: Great. Thank you so much.
(7:11 p.m.)

Sitting Members: Constantine Alexander, Brendan Sullivan, Andrea A. Hickey, Jim Monteverde, Matina Williams

CONSTANTINE ALEXANDER: The Chair will now call Case Number 95889 -- 207 Lakeview Avenue. Anyone here wishing to be heard on this matter?

SAM KACHMAR: Myself, Mr. Chairman.

CONSTANTINE ALEXANDER: I'm sorry?

SAM KACHMAR: Sam Kachmar, from SKA Architects.

CONSTANTINE ALEXANDER: Okay.

SHIPPEN PAGE: And Shippen Page, Mr. Chairman, from PAGE & POWELL, 174 Lakeview Avenue in Cambridge.

CONSTANTINE ALEXANDER: The floor is yours.

SHIPPEN PAGE: Thank you, Mr. Chairman. This matter I wanted to extend my thanks to the Chairman for acknowledging that there were some issues with respect to the neighbors on this that caused this to be created as a new case tonight because it was never heard.

And in the interim between November and now, the applicant Sam Kachmar and Maggie Courier (phonetic) have met
extensively with neighbors, particularly their abutters, Roger Theberge and Linda Caswell, as well as their neighbor across the street, Crystal Leslie and others, to make sure that they've addressed their concerns.

The relief sought here, Mr. Chairman, is a variance in a special permit because the variance is justified because this house is an 1878 house -- is roughly four feet from the right-side setback, and as such is a preexisting nonconforming structure.

Any attempt to modify the building would require a variance. And to make matters either more complicated or simpler, the Cambridge Historical Commission has granted them, and it will not oppose the demolition of the building, which was sprayed with concrete cladding back in the early 20th century, and as a result the structural elements of it have so weakened, that any modifications to the existing structure would be dangerous and unwise.

The problems that precipitated the neighbor's concerns were the lack of notice concerning the demolition. These have been addressed, and I think the neighbors except for the immediate abutters and the neighbor to the rear on Standish Street, were never concerned with the design of the
building; more with the lack of transparency by the
petitioners.

    I think we've worked our way through that. Mr. Theberge and Ms. Caswell, I think are on the call this
evening. Genevieve Coil (phonetic) and her husband Joe Coil have withdrawn their objection. Crystal Leslie has
essentially withdrawn her objection.

    And Mr. Theberge and Ms. Caswell will not object
the three-foot bump-out on the northern side of the
building, and they've come to a reasonable accommodation
with the petitioners with respect to the mechanical, the
drainage and the walkway.

    So I would defer now to Mr. Kachmar to take you
through a presentation of the building. The problem, as we
identified earlier on, was the relief is sought because Mr.
Kachmar and Ms. Courier wish to relocate the building
farther away from the property at 209 than they would be
allowed as-of-right, but it continues to have a five-foot
setback on the right side which is less than the 7.6 sum of
20 which the code requires.

    So I will stop there. I'll reserve time after Mr.
Kachmar's presentation to fill in the legal requirements for
the granting the variance and special permit. Sam?

SAM KACHMAR: Good evening, thank you members of the Board for hearing us tonight. Sisia, could you bring up the plans? Thank you. My name is Sam Kachmar. I'm from SKA.

I'm here as both architect and applicant for this hearing regarding 207 Lakeview. My wife Maggie and my Associate, Kareen Mello and Stephen Hoen [all names phonetic].

We have lived here in Cambridge since 2008, and we're seeking a variance for the special permit on this part of our house that encroaches into the side yard setback along the side towards 205 Lakeview Ave. Let me take you through the plans. We're seeking zoning relief.

On this first slide, you can see the existing house, and then the historically referenced house we're planning to rebuild in there.

Can you go to the next slide, please?

Here you see the existing site axon (sic) of the house.

Next slide, please?

And then here you can see the proposed home, which
has very similar historical form to it.

Next slide, please?

Here you can see the existing streetscape as photographed, and on the lower portion of this drawing you can see the render of the proposed home.

Next slide, please?

Here in another angle of the same thing; the existing home in the upper level, and the lower render below.

Next sheet, please?

And this you can see our FAR calculations, 0.3 FAR up to 0.44 and our open space is going from a 0.85 to a 0.79.

Next slide, please?

Here you can see the solar studies that we've conducted showing the shadows both in the winter solstice as well as in the summer solstice.

Next slide, please?

And here you can see the street elevations showing the neighborhood and some of the other buildings around the area, the neighborhood buildings. On the lowest drawing, you can see the area where we're seeking relief in the side
yard setback, as well as a railing in the front yard setback or window well.

Next slide, please?

Here on the existing site plan, you can see the location of the current house highlighted in red towards the bottom. You can see the southern yard -- side yard setback where the house is, an existing nonconforming structure about four feet from the property line.

Next slide, please?

And here you can see the proposed home where we have reduced that nonconformity, and now it's five feet back from the property line, and we're seeking a variance for the front yard setback. We're creating a window well and a railing in that front yard.

Next slide, please?

On this slide, you can see a drainage plan. We're proposing a cistern in the rear of the yard, where all the downspouts and the gutters drain into on the property.

Next slide, please?

And here on the lower-level plan, you can see the basement layout.

Next slide, please?
On the first-floor plan, you can see we've moved kind of the main living spaces, the kitchen, the living room, the dining room towards 205 Lakeview in an effort to preserve privacy between ourselves and 209 Lakeview.

Next slide, please?

On the second floor, you can see where we've laid out four bedrooms. We have three children and a growing family.

Next slide, please?

And on the attic level, you can see we've added stairs that go up to the attic. It's kind of a tight head height space. The house currently has 10-foot ceilings per floor, and the Historical Commission requests that we keep those at the same height.

Next slide, please?

On the south elevation, you can see where we tried to maintain the historical look and style of the home, and on the right, you can see outlined in red the area of the requested relief.

Next slide, please?

On the west elevation, you can see where we've maintained the pair of brackets for the Italian style.
Next slide, please?

On the north elevation, you can see where we have oriented the glass openings towards the rear of the yard in an effort to maintain privacy between neighbors.

Next slide, please?

And on the east elevation, you can see where we've spaced out the windows and traditional layout and added a shingle flare (sic) between the first and second floor, to break down the scale of the façade, and the intersecting gable volume within the side yard setback is highlighted in red.

Next slide, please?

And here you can see -- if you want, you can scan to see a video presentation of the outside of the house. Beyond this is the survey of the house.

And the next slide?

And then beyond that is a site plan sort of showing the average distance between many of the houses along Lakeview Avenue.

Thank you for your time. You should have a significant number of letters of support in our file. I appreciate your allowing us to present. Thank you.
CONSTANTINE ALEXANDER: Thank you. I have a quick question. Just maybe out of curiosity, how did you inform the neighbors and deal with the neighbors with regard to the impact of the demolition?

SAM KACHMAR: We hosted multiple Zoom calls, both a neighborhood wide Zoom call to review all those things as well as some individual Zoom calls to address individual concerns.

CONSTANTINE ALEXANDER: And did you have good attendance at that Zoom call?

SISIA DAGLIAN: We did. I think at the Zoom call we had -- I want to say 10 or 11 neighbors at that call, and then we did individual calls with people who wanted or wished to have separate ones as well.

CONSTANTINE ALEXANDER: Okay, thank you. I think one impact apparently of your call which I appreciate was -- and as Mr. Page pointed out -- the occupants at 230 Lakeview Avenue, Joseph and Genevieve Coil, have withdrawn their objection, which they'd expressed with the original petition.

So -- and I guess it worked. I'm able to find out as to everyone else whether they may participate in the call
when I open this matter up to public testimony.

But in the meantime, Brendan, any questions?

BRENDAN SULLIVAN: Brendan Sullivan, no questions.

CONSTANTINE ALEXANDER: Jim?

JIM MONTEVERDE: Jim Monteverde, no questions.

CONSTANTINE ALEXANDER: Andrea?

ANDREA HICKEY: No questions.

CONSTANTINE ALEXANDER: Matina?

MATINA WILLIAMS: No questions.

CONSTANTINE ALEXANDER: Okay, and I've asked my question, or made my comment. I will close public testimony. Oh, no, I won't close it, I will now open public testimony and allow persons to participate in the hearing.

Any member of the public who wishes to speak should now click the icon at the bottom of your Zoom screen that says, "Raise hand." If you're calling in by phone, you can raise your hand by pressing *9 and unmute or mute by pressing *6. We're going to take a few minutes to see if anyone wishes to call in.

[Pause]

Apparently, no one does. So I think we're now ready to close public testimony. As I mentioned, there is
one letter from the Coils withdrawing their objection, and
we do have one new letter from Patricia West, who lives at
60 Standish Street #2.

"I am writing to state my support for the
neighbors, my neighbors, Sam Kachmar and Maggie Currier in
their application for a variance and special permit for
their home at 207 Lakeview Avenue."

Ok, with that --

SHIPPEN PAGE: Mr. Chairman?

CONSTANTINE ALEXANDER: Yes.

SHIPPEN PAGE: It's Attorney Page speaking.

CONSTANTINE ALEXANDER: Yes.

SHIPPEN PAGE: I wonder if you'd like me to recite
the provisions that would form the legal basis for this, or
are you happy to do that yourself.

CONSTANTINE ALEXANDER: I think for the record, it
would be a good idea for you to do that. I'm sorry, go
ahead.

SHIPPEN PAGE: No, that's fine. I just want to
provide that a literal enforcement of the provisions of this
ordinance would involve a substantial hardship, as recited
in the petitioner's application, because the house has a USB
life of its expired and built in 1876, has significant
structural issues that cannot be remedied without rebuilding
the house, and the fact that the house is already a
nonconforming house in the sense that it is only four feet
two inches from one of the lot lines.

The hardship is owing to the following
circumstances relating to the soil conditions, shape or
topography of the land or structures, and especially
affecting such land or structures but not affecting the
general zoning district in which it is located, because it
is nonconforming to the right side of the property, and
there's extensive water issues on the bottom, on the
basement of the property which causes significant flooding.

Desirable relief may be granted without either
substantial detriment to the public good, because it will
not negatively affect the adjacent residential uses, because
the changes will conform with the building code and are less
invasive than would be required by right, and is consistent
with the other residential design on the street.

And it's also reducing the nonconformity by moving
it farther away from the property at 205 lakeview Avenue.

The requested relief will not substantially
derogue from the intent or purpose of the ordinance because
the relief is modest in nature in the sense that it is only
with respect to the right-side yard setback and the modest
window well, and the windows on the right side of the
building, and if improved will increase the quality of
Cambridge's housing stock for renovated family-friendly
properties.

Thank you, Mr. Chairman.

CONSTANTINE ALEXANDER: Thank you, Mr. Page. Now
that public testimony is closed, questions from members of
the Board?

BRENDAN SULLIVAN: [Brendan Sullivan], no
questions.

CONSTANTINE ALEXANDER: Jim?

JIM MONTEVERDE: [Jim Monteverde], no questions.

ANDREA HICKEY: [Andrea Hickey], no questions.

CONSTANTINE ALEXANDER: Matina?

MATINA WILLIAMS: [Matina Williams], no questions.

CONSTANTINE ALEXANDER: And I've asked my
questions, so I have no further questions. I guess we're
ready for a motion. The Chair moves that we make the -- and
we have, as Mr. Page has pointed out, two votes to take; one
for a variance and one for a special permit. I'll start with the variance first.

A literal enforcement of the provisions of the ordinance would involve a substantial hardship, the hardship being is that we have a very old structure, as it's outlived its useful life, and there's a need to basically rebuild and expand the structure, which is what the petitioner proposes to do.

That the hardship is owing to the soil conditions. There are problems with drainage or flooding in the rear of the lot, and also the shape of the lot is on the narrow side, at least for -- and that's what causes the setback problem that's being addressed with the relief being sought tonight.

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, what is being proposed will improve the housing stock of the City of Cambridge. The need for relief is very modest in nature.

And that, again, has been demonstrated over the course of this hearing. The petitioner has obtained what
appears to be unanimous neighborhood consent.

So on the basis of all these findings, the Chair moves that we grant the variance requested on the condition that the work proceeds in accordance with plans prepared by Sam Kachmar S -- I'm sorry, I'll get the right entity's name -- SKA, Sam Kachmar Associates, the cover page of which is dated 01/14/2021, and which has been initialed by the Chair.

Mr. Sullivan?

BRENDAN SULLIVAN: Brendan Sullivan, yes to granting the variance.

JIM MONTEVERDE: [Jim Monteverde], yes for granting the variance.

ANDREA HICKEY: [Andrea Hickey], yes for granting the variance.

MATINA WILLIAMS: [Matina Williams], yes for granting the variance.

CONSTANTINE ALEXANDER: And the Chair votes yes as well.

[All vote YES]

So the variance is granted.

Mr. Page, let's quickly talk about the special permit. I know you -- since we've talked about the variance
all this time --

SHIPPEN PAGE: Thank you.

CONSTANTINE ALEXANDER: -- should we grant the
special permit.

SHIPPEN PAGE: Thank you, Mr. Chairman. I believe
the special permit is for the windows in the right-side yard
setback. It will still be in the setback, it'll be far
removed from 205, but because it's still in the setback, the
reconfiguration of the windows will require a special
permit.

And the justification for that is that this is in
keeping with the architectural design of the building. It
has had no objections from the residents of 205 Lakeview and
will not encroach on their privacy, and it will not be
substantially detrimental to the neighborhood.

CONSTANTINE ALEXANDER: Thank you. Okay. The
Chair moves that we make the following findings with regard
to the variance being sought: Special permit -- I'm sorry,
I said variance; I'm sorry, I meant special permit -- that
the requirements of the ordinance cannot be met without the
special permit.

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

In this regard, the need for the special permit is really very technical in nature. The window that is there now is in the setback from when the building is modified or reconstructed. It will be in the same place, and so there's really no impact. No new impact on the neighborhood.

That the continued operation of or development of adjacent uses, as permitted in the zoning ordinance, will not be adversely affected -- again for the same reasons that I cited a moment ago with regard to traffic patterns and patterns of access or egress.

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

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

So on the basis of these findings, the Chair moves that we grant the special permit requested, again on the
condition that the work proceed in accordance with plans identified and in connection with the variance we just granted.

Brendan?

BRENDAN SULLIVAN: Brendan Sullivan, yes to granting the special permit.

JIM MONTEVERDE: [Jim Monteverde], yes for the special permit.

ANDREA HICKEY: [Andrea Hickey], yes in favor of the special permit.

MATINA WILLIAMS: [Matina Williams], yes in favor of the special permit.

CONSTANTINE ALEXANDER: And the Chair makes it unanimous. I vote in favor as well.

[All vote YES]

Special permit granted, case over.

SHIPPEN PAGE: Thank you very much, Mr. Chairman and members of the Board. Thank you.

SAM KACHMAR: Thank you, Mr. Chairman.

CONSTANTINE ALEXANDER: Thank you.
Sitting Members: Constantine Alexander, Brendan Sullivan, Andrea A. Hickey, Jim Monteverde, and Jason Marshall

CONSTANTINE ALEXANDER: It being 7:30 or actually a little bit later than that, the regular meeting of the Zoning Board of Appeals will be reconvened, and the first case we're going to call as we continue on our agenda is Case Number 100282 -- 51 Cedar Street, #51A. Anyone here wishing to be heard on this matter?

ALICIA POPTANI: Yes, that would be me -- myself, Alicia Poptani. I'm sitting next to my husband, Mohamed Poptani.

CONSTANTINE ALEXANDER: Are we on?

ALICIA POPTANI: Can you hear me?

CONSTANTINE ALEXANDER: I can hear you. Now, I can hear you.

ALICIA POPTANI: Oh.

CONSTANTINE ALEXANDER: I don't see you, that's what puzzled me.

ALICIA POPTANI: Oh, sorry.
CONSTANTINE ALEXANDER: Okay. For the record, please identify yourself?

ALICIA POPTANI: Office, yes. Alicia Poptani. And my husband, Mohamed Poptani, is sitting right next to me.

MOHAMED POPTANI: We're the petitioners.

CONSTANTINE ALEXANDER: Okay. Proceed with why -- the relief you're seeking and why we should grant it.

ALICIA POPTANI: Okay. Good evening. Thank you so much for taking the time to listen to us. We've lived in Cambridge for over 14 years, and we have two young children, both of whom were born here.

We are -- if you could go to the next slide, please. Thank you.

We are applying for a variance to allow for the placement of sheds within the setback ordinance. We feel we need two sheds. The first one, which we've highlighted in blue, is located in the parking area, and that's where we intend to store bikes and sports gear.

The second one, which is highlighted in green, is located in the front yard, and is where we intend to store tools, a push mower, landscaping items, a ladder, among
other items.

Due to the building and property line setback ordinances, we were unable to find a placement for the sheds on our exclusive use land that would comply with all the ordinances. If you could go to the next slide.

We love our house, but it lacks adequate storage. It has a finished basement and doesn't have an attic. We're currently using our basement bedroom to store many of the items we were hoping to move to the sheds, which would allow for the space to be used for remote learning or working from home during the pandemic.

However, we want Mohamed's parents to be able to move in with us after the pandemic, so having this space for them would be vital.

You can go to the next slide, please.

The parking area shed is located on the exclusive use area directly in front of our deeded parking spot. The degree to which the shed would not comply with the ordinance is eight foot of our approximate 180-foot abutment with the properties at 49 Cedar Street, or 4%.

Next slide, please?

The proposed parking area shed is of resin
construction for ease of assembly. We picked it based on being able to accommodate a bicycle.

A typical adult bicycle is six feet long, so we selected a shed of four feet deep by five feet wide. We can move on to the next slide. Sorry, eight feet wide, sorry. Four feet by eight feet wide.

The -- this is a rendering of the shed as viewed from 49 Cedar Suites driveway. The proposed location has a six-foot tall fence that will for the most part hide the parking area shed. You can see the current on the left and the rendered on the right.

Next slide, please?

This slide shows a simulation of shade impact due to the proposed shed. The date used for the simulation is December 21. The left simulation is at 11:00 a.m., the right is at 2:00 p.m.

As you can see, the proposed shed will marginally increase the existing shape created by two healthy trees. The one on the left I believe is 30 feet-ish, and the one on the right 17 feet. That's all for that slide, if you could go to the next one.

So switching gears, this is now the front yard
The shed. It's located at the front of our exclusive use yard. The degree to which the shed would not comply with the ordinance is 10 feet of our 50-foot abutment with Cedar Street, or 20 percent. It would also not comply with the side setback for an additional four feet of our approximately 180-foot abutment with the same property, 49 Cedar. So an additional two percent.

Next slide, please?

The proposed front yard shed is a wood construction. Due to the more visible location of this shed, we wanted to be considerate of its height and chose to limit it to seven feet, as that is the allowable height for a fence.

Prefabricated options, including resin construction weren't available due to this height limitation. We had to pick the size based on being able to accommodate a ladder, and the various other items we noted earlier. We selected a shed of four feet deep by 10 feet wide.

You can go to the next slide, please.

This, again, is a rendering of the shed as we come across the street. As with the parking area shed, the
proposed location is a six-foot tall fence that will for the
most part hide the shed. So, again, left is current; right
is with the proposed shed.

If you could go to the next slide.

We had the opportunity yesterday to present our
case to the North Cambridge Stabilization Committee where we
similarly presented this variance. The additional items
that we discussed were if amending the special permit was
another option for being granted permission for the sheds,
and whether the granting of the requested variance would
create additional variance requests from neighbors.

As part of our application, we submitted plans and
letters of support signed by eight resident neighbors.
Since submitting our application, a landlord of a condo that
abuts us at 49 Cedar Street brought concerns to our
attention. We attempted to be responsive to their concerns
by sending them a new proposed shed, but they quickly
stopped communicating with us.

A second landlord at 49 cedar then joined the
first in submitting a formal letter of opposition and did
not give us a chance to speak with them. We provided a
letter of response addressing each of their concerns.
At this point, I would also like to point out that the only resident and the last of the unit owners of 49 Cedar Street signed our letter of support, which was submitted with our application. We feel the decision provided as part of our response supports the approval of our variance.

In conclusion, we believe the approval of our variance application will have minimal impact on public good and provide much needed storage for our family.

We believe we have managed to carefully select sheds whose aesthetic will not be detrimental to the neighborhood.

We also believe that due to the unique nature of our condo, where we have limited storage space because we don't have a basement or an attic, and the shape of our exclusive use outdoor space requires us to go through this variance process, while other neighbors might either not need exterior storage or sheds or be able to place them such that they don't -- that they do comply with the setback ordinances.

We greatly appreciate your consideration and are happy to answer any questions.
CONSTANTINE ALEXANDER: Thank you. Questions from members of the Board?

BRENDAN SULLIVAN: Brendan Sullivan, no questions at this moment.

CONSTANTINE ALEXANDER: Jim? Jim Monteverde?

JIM MONTEVERDE: No questions, thank you.

CONSTANTINE ALEXANDER: Okay, thank you. Andrea?

ANDREA HICKEY: Nothing at this time.

CONSTANTINE ALEXANDER: Matina?

JASON MARSHALL: Mr. Chair, it's Jason Marshall. I'm back from the other cases, and I also don't have any questions at this time.

CONSTANTINE ALEXANDER: Okay. The Chair has no questions at this point, but I think we might have some as we go forward. Anyway, I'm going to open the matter up to public testimony. I would point out that we have a letter of opposition in our files and a rebuttal on that letter prepared by the petitioner.

In any event, for public testimony, any member of the public who wishes to speak should now click the icon at the bottom of your Zoom screen that says, "Raise hand." If you're calling in by phone, you can raise your hand by
pressing *9 and unmute or mute by pressing *6.

Okay, now's the time if anyone wishes to speak on this matter.

SISIA DAGLIAN: There are two people that wish to speak. Amy Tien, you can go ahead.

AMY TIEN: Hi, can you hear me?

SISIA DAGLIAN: Yes, can you --

CONSTANTINE ALEXANDER: Ms. Tien?

AMY TIEN: Yes. Thank --

SISIA DAGLIAN: -- talk a little louder?

AMY TIEN: Yes. Thank you so much. Amy Tien. I am here on behalf of myself, Amy Tien, and Jennifer Twardowski. We are two Trustees of 49 Cedar Street Condominium Trust, majority represented interest.

As you know, 49 Cedar Street Condominium, we are direct abutters to the right of 51 Cedar Street Condominium. We are here to express our opposition to the proposed site, location and desire to violate the setback requirements.

I just want to -- we want to present the pertinent background in terms of 51 Cedar Street Condominium, which is a two-dwelling development, two-townhouse dwelling plus a one detached dwelling development that was granted under a
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special permit in 2012. We have --

CONSTANTINE ALEXANDER: Excuse me, can I just ask a question? Are you speaking on behalf of the Condominium?

AMY TIEN: Yes, we are. I am.

CONSTANTINE ALEXANDER: Okay, so -- and how many are -- I'm sorry, one more time. How many members are -- not members, how many units are in the Condominium?

AMY TIEN: We have three units, and legally we have the -- two of our Trustees we have majority percentage of interest.

CONSTANTINE ALEXANDER: Okay, thank you. I'm sorry to interrupt, keep going.

AMY TIEN: We have included with our written statement the approved Planning Board site plan in 2012, with parking landscape for the Board's reference and review as we move forward. We would like to address each shed accessory use and its negative adverse impact.

We'll start off with the first shed proposed to be on the front lot line of the front yard. As you know, the shed proposal is 4 x 10 x7 feet high. This will be sitting right in front of the front yard on the frontage lot line, and the site lot line. We feel that this will pose as a
visual and public nuisance.

The petitioners argue that the shed will be surrounded or hidden by a high privacy fence. The shed is of note one foot higher than this fence.

The high privacy fence was not part of the approved Planning Board design site plan. It was changed by the petitioners. The high privacy fence covers nearly 40 feet on their front lot line, and 60 feet of the site lot line between 51 Cedar and 49 Cedar Street.

It was previously a porous, four-foot front lot fence and a four-foot site lot fence. This change has now really affected our driver's site line for pedestrians and runners and pets and bicyclists. It's really now become a hazard. As you know, Cedar Street is a two-way busy, high-traffic street.

In addition, this high privacy fence is really not welcoming on a front lot line -- the front yard. And it's spiteful. It's not very neighborly, and neighborhood friendly. And it really does pose a safety hazard right now to our -- of our cars exiting out of our driveway.

We really -- 49 Cedar Street we really want to work with 51 Cedar Street to lower the fence and return it
to its previous four-foot porous fence for sight line safety.

And as you can see, if we were to restore the necessary sight line without the high privacy fence, we do not want it replaced with another obstructing boundary structure such as this proposed shed.

We now move towards the second shed that’s proposed, measuring 4 x 8 x 9, nearly 9 feet tall, proposed to be placed in front of an open gray parking lot on a designed open space. We will refer you back to the approved site plan, which shows the parking lot of 51 Cedar Street with three parking spaces and a common five-feet landscape area in front. This is required as part of the parking lot standards.

If you were to put this shed on this strip, it will disrupt the strip of the five-feet landscape area required, and this area is really the only open green space of this parking lot area. It really does modify and make changes and disrupt permeable open space.

Our great concerns are with water. It really does affect our middle to rear section of our lot in use. Even though this parking lot landscape area is not on our side,
it is still a valuable open space to us on abutting lot, as
part of the design -- approved design plan.

When you put a concrete slab foundation as they
have already done for preparation of this side, it really --
it does have negative environmental and atmospheric impacts.
In terms of water, it's now created concerns for disrupted
drainage, decreases retention of rainwater, decreases
absorption of heat from sunlight, and increases excessive
water flow onto our abutting lot.

We really would want adequate mulching and
drainage and drying after any major rain or snowstorms.

The height of the shed nearing nine feet is also
problematic. It's a view nuisance. It further limits
sunlight all season, especially in the winter, when we do
cherish a lot of the light coming through, some of the
barren trees during the limited daylight hours. It casts
more shadows onto our abutting yard and property, and does
therefore decrease our enjoyment use of our property.

The height further -- the roofline further poses
other concerns, especially when snow falls or lands on the
roof. Depending on the direction of the wind, this may
result in unwanted snowdrift onto our property lot, as well
as rainfalls that will increase rainwater onto our lot.

Finally, as this is now sitting in the setback of this landscaped area, abutting our property lot line and the fence, it really does interfere with our ability to repair and maintain our fence for the future.

I think overall, we have many, many concerns, and it’s troubling of some of the changes 50 Cedar Street -- 51 Cedar Street have made to their site plans that are not conforming; the changed fence, the increase in parking lot area and originally designed for three parking spaces; now there are five parking spaces.

They have replaced a lot of the front and side yard green space with nonpermeable paver patios and walkways. And adding this additional two sheds really just further decreases nonpermeable space. You know, these sheds itself, we have concerns not only as a public nuisance and safety issue, but again, it really does contribute to the nonconforming of their approved site plan.

So we do request that this variance not be granted.

CONSTANTINE ALEXANDER: Have you had any conversations with the petitioner?
AMY TIEN: We have already had -- we have had discussions.

CONSTANTINE ALEXANDER: And obviously, you didn't reach any agreement? So okay. Okay, I just want to know if this is something that is emerging out of nowhere, or is something that has been a matter of discussion, and that you haven't come to a meeting of the minds. Thank you. Anyone else wish to speak?

SISIA DAGLIAN: C Pierola.

COSTANZA PIEROLA: Can you hear me?

SISIA DAGLIAN: Yes.

COSTANZA PIEROLA: Hello?

SISIA DAGLIAN: Yes.

COSTANZA PIEROLA: Hi. I'm Costanza Pierola, and I am a member of the North Cambridge Stabilization Committee that met last night to hear and discuss this issue, which was presented quite well by both presenters before me. And I just wanted to share with you some of the comments that we had after the presentation, when as approved we discussed the pros and cons of this project. And we are actually -- we actually had the same concerns that Amy had, and in addition some others surfaced
such as setting a precedent for both neighborhood
friendliness -- unfriendliness type of fencing; before it
was four feet, as they say, and without consultation I guess
in the neighborhood they raised it, and it's really quite
different than the rest of the neighborhood.

As you can see from many instances in the city
where that is happening now that right at the street, no
setbacks and a big fence covering the little setback that is
in front of the building.

So as a group, we really discussed these issues as
not in the best community interest. It's not cohesive, the
design. It's also -- goes against the regulations of open
space and setback requirements.

As they already have violated some of that space
by putting a concrete pad, I suppose, in preparation for the
shed being accepted by this Board. But really, it's just
not necessary.

I mean, when they bought the property, it existed
as it is. And if they had a need for sheds maybe they could
do it against in another position, and it was brought up at
the meeting maybe they could put it against the building or
-- you know, somewhere within the setback in their property.
And we understand they want to maintain open space, especially since all the open space is basically in the front between the two buildings -- is already just a very, very bare parking lot with pavers, not green area. So we think it's very important to maintain that green area in the setback where they have the shed, and I for one as an individual, because we're not deciding as a group, but we were just recommending these issues for you to consider, that this is setting a precedent in the neighborhood...

and in the city to eliminate setbacks for storage reasons, or also to put up higher fences, making pedestrian benefits unavailable -- you know, the nice walking around the neighborhood, which we have to do in COVID a lot, and coming up against a fence.

And also, the sight line I really don't know exactly what the physics of it are, but it is an issue when the fence is that high. But if they lowered the fence it might be better, but definitely the sheds don't seem to conform to what the regulations and the zoning permit, because of the setbacks. Thank you.

CONSTANTINE ALEXANDER: Thank you for taking the
time to speak to us. Anyone else, Sisia?

SISIA DAGLIAN: Yes. Michael Brandon?

CONSTANTINE ALEXANDER: Mr. Brandon?

MICHAEL BRANDON: Good evening, Mr. Chairman.

Thank you for hearing me. I am Michael Brandon, 27 Seven Pines Avenue. I am the Clerk for the North Cambridge Stabilization Committee.

I know you have a lot of other cases tonight, so I think I'll try not to go on and just repeat what you've heard, but basically, I did want to thank Alicia and Mohamed for presenting to our group last night, and I think you've heard all the concerns that were raised and questions that were raised.

Just one other issue that I don't think I heard was the question of whether this application indeed meets the criteria for granting a variance from the zoning, in particular, whether there's actually a legal hardship because of soil conditions and so forth -- and probably most significantly whether or not it derogates from the intent of the ordinance.

And the ordinance clearly establishes setbacks, so it's a little hard to understand, and maybe the proponents
will want to address it, but the big issues seem to be, and if you -- the Board might find it helpful to look through I believe Amy Tien said that she had submitted a copy of the approved site plan approved by the Planning Board when the site was developed or redeveloped many years ago, and that third -- well, unit, was added to the very deep back yard that was there.

And if you look at it, as was said, you know, there are just discrepancies. There seem to be showing now five parking spaces. Three were allowed. There was a landscape parking setback, where they are proposing to put one of these sheds. There seem to be an addition of pavers that reduce the green space.

And a big concern as Costanza just mentioned was the high fences on the various parts of the property that weren’t approved according to that site plan.

The issue of the site lines as 49 Cedar exits to the driveway is a real serious concern, especially because it's a pretty heavily -- in addition to the two-way traffic that Amy mentioned, there's a fair amount pedestrian traffic there because there's a park, two elementary schools very nearby off of Rindge Ave.
So that would seem to constitute a public safety threat that at the very least perhaps the Traffic Department should check and see if their standards are met. So I guess in -- and then the other big issue that came up last night was the question of precedent that would be set, because the Board is, I think familiar with that block of Cedar Street, and it's -- you know, it's pretty cramped.

There are an additional 49 -- I think there's another similar property that added a unit in the rear yard. And so, you know, if one person does it, the others want to do it, and it's very -- it's going to be a big change on the streetscape of that residential street.

So I guess we had suggested to the applicants that they might want to check with the Planning Board, and consider maybe seeing if they could amend the special permit that would allow them to make some of the changes that have already been made -- you know, and legalize that.

And so, I went on longer than I had planned, but I think -- oh, well, that's another question the Chairman I'm sure will report on whether there were any comments received from the Planning Board. I suspect not, but I think if they
were aware of some of these issues, that they indeed might want a presentation, so they could at least provide comments to the Board if the case is continued.

So I'll wrap up. Thank you very much. I'm sorry to go on so long.

CONSTANTINE ALEXANDER: Okay. I will just observe that with regard to all -- every time we have a hearing, the agenda is sent to the Planning Board for comments. And most of they have no comments on the cases. And I don't believe they have submitted any comments on this case. So anyway, thank you, Mr. Brandon.

MICHAEL BRANDON: Thank you.

CONSTANTINE ALEXANDER: Sisia, anybody else?

SISIA DAGLIAN: No.

CONSTANTINE ALEXANDER: That's it. So I'm going to close public testimony. Time for a decision. Anyone want to speak to whether or not we should grant the variance.

BRENDAN SULLIVAN: [Brendan Sullivan], I would be opposed to the application, totally.

JIM MONTEVERDE: [Jim Monteverde], I would be opposed as well.
ANDREA HICKEY: [Andrea Hickey], I would be opposed as well.

CONSTANTINE ALEXANDER: Okay, we'll keep going, but the case is over, because they need -- the petitioners need four votes in favor, and the most they could get at this point is two. But anyway, go ahead. Jason?

BRENDAN SULLIVAN: Jason?

JASON MARSHALL: Thank you, Mr. Chairman. [Jason Marshall], and I'm also inclined to not be in favor, I just want to maybe briefly explain why that is.

CONSTANTINE ALEXANDER: Go right ahead.

JASON MARSHALL: You know, because I understand why the applicant, or the applicants are seeking to add storage. And, you know, it's a well-intended objective, but I think for me there's two real primary issues with the proposal.

And, you know, this isn't questioning the personal need, but that's the first issue, the hardship. We are bound to apply a standard that that's the first issue. The hardship, we are bound to apply a standard that’s in our statute in the Massachusetts General Laws, and the hardship has to relate to the parcel itself and not to the personal
circumstances of the people who are living there at that
time.

In addition, you know, the standard for granting a
variance, it's an exacting one. And it's the exception and
not the rule. The request for the setback here of what I
see as a one-foot setback in the front and the side, that
just seems to really eviscerate what the requirements are
for a minimum setback.

So I think either one of those issues alone to me
is significant enough not to approve. So, again, I would be
inclined not to favor the request.

CONSTANTINE ALEXANDER: Thank you, Jason. And the
Chair would make it unanimous. I find -- I must say, I'm
saddened by the fact that in close neighborhoods, this could
come up with some sort of satisfactory resolution, rather
than having neighborhood warfare. But, that's how life is.

Anyway, the motion for a variance is denied.
Yeah, the motion for -- the petition for a variance is
denied. Case over -- not over yet, we have to as a Board
take one more vote to elaborate on the reasons why we're not
going to grant the variance. I think --

ANDREA HICKEY: Gus, if I could interrupt for a
second, did you actually cast a vote?

CONSTANTINE ALEXANDER: Yes, I voted as well.

ANDREA HICKEY: Thank you.

CONSTANTINE ALEXANDER: Okay, yeah. It's five votes opposed, no votes in favor.

JASON MARSHALL: Mr. Chairman, let me clarify, because I had said I was inclined not to support, so let me just clarify and say I vote against the petition. [Jason Marshall, sorry.]

CONSTANTINE ALEXANDER: I'm sorry, repeat that Jason?

JASON MARSHALL: I had said that I was inclined not to support, so let me make it final and say I vote not to support the petition --

CONSTANTINE ALEXANDER: Okay, thank you.

JASON MARSHALL: -- for the record.

[ALL FIVE VOTE NO]

CONSTANTINE ALEXANDER: I maybe jumped the gun. I thought you had said something more firm than that. And now you have said it firmly, and your vote in opposition is noted.

As I was saying, we have to as a matter of law
describe the reasons why we're denying the variance.

There's court -- a judicial decision to that effect.

I think the reasons are pretty obvious from other comments that other Board members have made. But I will try to summarize them. I think -- and please after I do that, if anyone has any comments, suggestions, changes let me know.

The Chair would move that we denied relief because there was no substantial hardship within the legal means of the word. The hardship is just to the people who are now occupying premises, the petitioners, and the hardship is not to the particular, the current owners, but anyone who would occupy the property.

That there's -- the hardship must also be owing to circumstances relating to the soil condition's shape or topography, of such land or structures; and especially affecting such land or structure, but not affecting generally the zoning district in which it is located.

And again, there's absolutely no evidence that this condition would be satisfied. It's just -- again -- back to a desire by the current occupants of the property to have additional storage, by means of these sheds.
And that relief may -- if we granted relief, it could be to the substantial detriment to the public good, and we've had testimony from our presentation to that effect that there is clear -- well, even if we don't even need anything resolved, there's been clear problems with going forward with these sheds.

Anyone else, anyone want to change or add or subtract to (sic) that? Brendan?

BRENDAN SULLIVAN: [Brendan Sullivan], no, I would add that to Jason Marshall's comments. The legal standard has not been met, so.

CONSTANTINE ALEXANDER: And Jim? Jim Monteverde?

JIM MONTEVERDE: Oh, sorry. No further comments.

CONSTANTINE ALEXANDER: Okay. Andrea?

ANDREA HICKEY: I have nothing to add, thank you.

CONSTANTINE ALEXANDER: Okay. And Jason, anything you want to add onto what you said already?

JASON MARSHALL: No, just what I said and the way that you described it, Mr. Chairman. Thank you.

CONSTANTINE ALEXANDER: Okay. All right. So then I take it everybody is in favor of the -- what I just described, and so that should be part of our record, as to
why we denied the variance requested. The case is now over. Thank you.

    MOHAMED POPTANI: I'd like to thank the Board for your consideration. I think both Lisa and I have learned something about the nature of hardships. We didn't quite, I guess, understand the legal definition. So thank you for your consideration and your time.

    LISA POPTANI: Thank you.

    CONSTANTINE ALEXANDER: Thank you.
(8:04 p.m.)

Sitting Members: Constantine Alexander, Brendan Sullivan, Andrea A. Hickey, Jim Monteverde, and Jason Marshall

CONSTANTINE ALEXANDER: The Chair will now call Case Number 100817 -- 56 Churchill Avenue. Anyone here wishing to be heard on this matter? No one wishes to be heard? And because -- the reason for that is that the petitioner has not posted the sign that's required by the zoning ordinance.

So we are unable to continue, to hear this case tonight. We have to continue it to a future date, in which the petitioner does satisfy the signage requirements of our ordinance.

Sisia, do you have any requests from the petitioner as to when they would like to vote?

SISIA DAGLIAN: Not that I'm aware of, no.

CONSTANTINE ALEXANDER: Okay. There's nothing in the file. All right, what's the next available date?

SISIA DAGLIAN: February 25.

CONSTANTINE ALEXANDER: February 25, do we have
room on our agenda?

SISIA DAGLIAN: We have nothing else on that date, correct.

CONSTANTINE ALEXANDER: Okay. The Chair moves that we continue this case as a case not heard until 6:00 p.m. on February 25, subject to the following conditions:

1. That the petitioner sign a waiver of time for decisions. The petitioner has already done that, because they were advised by the Building Department that we're not going to hear the case tonight, for the reasons I just disciplined. So that has to be satisfied.

2. A new sign has to be posted and maintained for the 14 days before February 25, as required by our ordinance, in which the petitioner did not do with respect to tonight's hearing.

And last, to the extent that the petitioner has new, revised plans, specifications, drawings, they must be in our file no later than 5:00 p.m. on the Monday before February 25. That's to enable the members of this Board and the citizens of the city time to review those and to reflect upon them to see if they have any comments or problems.

Vote? Brendan?
BRENDA SULLIVAN: [Brendan Sullivan], yes to the continuance.

JIM MONTEVERDE: And [Jim Monteverde], yes for the continuance.

ANDREA HICKEY: [Andrea Hickey], yes in favor of the continuance.

JASON MARSHALL: [Jason Marshall], yes.

CONSTANTINE ALEXANDER: And the Chair votes yes as well, so the case is continued until February 25.

[All vote YES]
(8:07 p.m.)

Sitting Members: Constantine Alexander, Brendan Sullivan,
Andrea A. Hickey, Jim Monteverde, and
Jason Marshall

CONSTANTINE ALEXANDER: The Chair will now call
Case Number 101523 -- 2 Pearl Street Place. Anyone here
wishing to be heard on this matter?

MAHTA OSTOVARI: Yes. Mahta Ostovari, part owner
and the designer of the new renovation at 2 Pearl Street,
along with my husband, Christopher Pinkham, part owner of 2
Pearl Street Place.

CONSTANTINE ALEXANDER: Okay. You're seeking a --
a variance, for dormers and the like? So --

MAHTA OSTOVARI: A relief on a dormer and window
relocation on a nonconforming building.

CONSTANTINE ALEXANDER: Okay. You have to give us
reasons why you want to do this and why you meet the
requirements for a variance. Sisia's putting on the screen
your application right now.

MAHTA OSTOVARI: Yeah. So this house, we
purchased in July. It's a nonconforming building with the
setback tight on this side of the building where you're putting the dormer, and also, for the back -- the rear side where we are relocating some of the windows just to create harmony for the exterior.

If you move down, you'll see the existing condition of the house.

The next slide will show the areas where we are requesting for the relief -- the windows on the first floor. The windows on the second floor in the rear side, and the dormer on the third floor, where we would like to add for creating efficiency for the building, for the house that we are hoping to move in our family.

The next slide just shows the location of the building, and also, in relation the dorm in relation to the building, the direct abutter.

And the next slide?

Also the series of slides shows the pool (sic) gut renovation of the interior. And the windows that will be removed to be relocated.

The next slide is the second-floor demolition. The third floor shows the area where we would like to get relief to relieve the ceiling to -- the roof to create the
dormer. That would be our -- you will see eventually that
that will become our master bedroom.

This shows the windows where they will end up.
That needs to be resized and relocated. And the next slide
is the second floor. Then the third floor shows where we
are hoping to put a master bath and a closet and a dormer to
gain the height, the ceiling height.

And then the roof plan shows the area which we
followed the 1996 guideline, and which was previously
discussed to have a setback both on the sides and also from
the front by 18 inches.

And then you will see in the following drawings
the elevations and how the dormer is in relation to the
building. Those are the windows. You will see the dash
line shows where the existings are. Some are being resized
and getting smaller, and some are slightly larger.

And this is the side that is 3.5 feet from the
property line, but there is a large side yard, and we -- the
owners have fully endorsed our design.

And then the next slide just shows why these two
windows we have proposed to relocate them or reorient them.

It's for the kitchen that we're hoping to put in the center
of the building.

The following slides just show the section through the building through the house, and also, a section through the dormer with the appropriate setback and in relation to the existing ridgeline.

And if you go further down, these are just the -- this is the final rendering that we have shared with all the direct abutting neighbors, and we have received their endorsement.

Some of these slides we can go through them, but they are all redundant series, like these pictures.

CONSTANTINE ALEXANDER: Have you spoken with your neighbors, the ones that are most affected by what --

MAHTA OSTOVARI: Yes. We have a big list of neighbors that they have supported us for this dormer, and --

CONSTANTINE ALEXANDER: We have a number of letters of support in our file. Did anyone express any -- orally, any negative views about what you're proposing?

MAHTA OSTOVARI: No.

CONSTANTINE ALEXANDER: Thank you.

MAHTA OSTOVARI: Thank you.
CONSTANTINE ALEXANDER: Questions from members of the Board at this point?

BRENDAN SULLIVAN: No. [Brendan Sullivan] no questions, but a comment. I am very impressed with the very concise and thorough presentation.

CONSTANTINE ALEXANDER: Agree.

MAHTA OSTOVARI: Thank you.

CONSTANTINE ALEXANDER: Jim?

JIM MONTEVERDE: This is Jim Monteverde, no questions.

ANDREA HICKEY: [Andrea Hickey], no questions.

JASON MARSHALL: [Jason Marshall], I agree with Brendan. No questions.

CONSTANTINE ALEXANDER: The Chair has no questions as well. So I'll now open the matter up to public testimony. Any members of the public who wish to speak should now click the icon at the bottom of your Zoom screen that says, "Raise hand." If you're calling in by phone, you can raise your hand by pressing *9 and unmute or mute by pressing *6

BRENDAN SULLIVAN: Take a break to see if anyone wishes to speak on this matter.
SISIA DAGLIAN: Yes, two people. Nancy Woods --

CONSTANTINE ALEXANDER: Okay.

SISIA DAGLIAN: Nancy Woods?

NANCY WOODS: Hi, I'm Nancy Woods. My husband Fred and I are the house -- I guess right behind Mahta and Chris's house, so we look at the back deck. We have no objections, and we have submitted a letter to that effect.

CONSTANTINE ALEXANDER: We did. I was going to mention that we do have a letter from you in the files. Thank you for taking the time to speak. Anyone else?

SISIA DAGLIAN: Mahta, we have somebody with your name and their hand up.

CONSTANTINE ALEXANDER: I'm sorry?

MAHTA OSTOVARI: That may be our attorney, Bruce?

BRUCE FITSIMMONS (phonetic): Yes.

MAHTA OSTOVARI: Bruce Fitsimmons maybe.

BRUCE FITSIMMONS: Yes.

MAHTA OSTOVARI: Yes, oh, great. Hi, Bruce.

SISIA DAGLIAN: Go ahead.

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

SISIA DAGLIAN: Wait, wait. He wanted to speak.
Bruce, do you want to speak? I guess not.

CONSTANTINE ALEXANDER: I guess not. We thought we were going to have another speaker; apparently, we do not. So again, we're going to close public testimony. Discussion, or are we ready for a vote?

BRENDAN SULLIVAN: Ready for a vote.

ANDREA HICKEY: Ready.

JIM MONTEVERDE: Ready.

JASON MARSHALL: Ready for a vote.

CONSTANTINE ALEXANDER: Okay. The Chair moves -- by the way, the case is advertised as a variance, but that was an error on the part of the Inspectional Services Department. This is a case for a special permit.

So the vote -- the motion is going to be with regard to granting a special permit to the petitioner. The reference to the variance in the public advertisement I think is a harmless error, in my view.

Anyway, with regard to the special permit, the petitioner -- the Chair moves that we make the following findings:

That the requirements of the ordinance cannot be met without the special permit.
That traffic generated or patterns of access or egress resulting from what is being proposed will not cause congestion -- I'm sorry, I got distracted. Let me start again.

That traffic generated or patterns of access or egress resulting the relief being sought will not cause a congestion, hazard, or substantial change in established neighborhood character.

This is a not unusual upgrading of a residential structure that has neighborhood support and no really adverse effects from the point of view of the citizens of the city.

That the continued operation of or development of adjacent uses, as permitted in the zoning ordinance, will not be adversely affected by the nature of what is being proposed.

And again, as I've covered that with regard to my previous finding, that there's just no -- it's just another instance of upgrading a structure that needs with the passage of time some improvements.

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

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

So on the basis of these findings, the Chair moves that we grant the special permit on the condition that the work proceed in accordance with plans submitted by the petitioner. They're dated 12/15/2020, and the first page -- the cover page of which has been initialed by the Chair.

Brendan, how do you vote?

BRENDAN SULLIVAN: [Brendan Sullivan], yes to granting the special permit.

JIM MONTEVERDE: And Jim Monteverde yes for granting the special permit.

ANDREA HICKEY: [Andrea Hickey], I vote yes in favor of granting the special permit.

JASON MARSHALL: [Jason Marshall], yes in favor of the special permit.

CONSTANTINE ALEXANDER: And the Chair votes yes as well, so it's unanimous.

[All vote YES]
Special permit granted.

CHRISTOPHER PINKHAM: Thank you very much.

MAHTA OSTOVARI: Thank you very much. Thank you for your time, late evening time.

CONSTANTINE ALEXANDER: Thank you.
(8:18 p.m.)

Sitting Members: Constantine Alexander, Brendan Sullivan,
Andrea A. Hickey, Jim Monteverde, and
Jason Marshall

CONSTANTINE ALEXANDER: All right. The Chair will
now call Case Number 101792 -- 17 Worcester Street. Anyone
here wishing to be heard on this matter?

KRISTIN SMITH: Yes, hello. This is Kristin
Smith, one of the owners of the property. Sorry, my Zoom
cut out for a second. Let me start my video.

CONSTANTINE ALEXANDER: Hi, I want to congratulate
the petitioners of this case. This is probably the easiest
case -- I shouldn't be doing this -- easiest case we've seen
in all the years, my years on the Board. -- setback. My
God, what's -- how could that have any adverse impact on
anything? Anyways, go ahead with your presentation.

KRISTIN SMITH: Yes.

ARCH HORST: Mr. Chairman, this is Arch Horst, the
architect.

CONSTANTINE ALEXANDER: Oh, hi, Mr. Horst.

ARCH HORST: How are you?
CONSTANTINE ALEXANDER: Fine, and you?

ARCH HORST: I'm fine, thanks. I thought I was done with you guys, but guess what? We have a case where something was not drawn that should have been drawn when you heard this case originally. It was the skylight. And that's why we're coming back.

CONSTANTINE ALEXANDER: Okay.

ARCH HORST: You can see that -- thank you, Suzanne -- that this is a former stable that’s in the corner of this lot, and the skylight will be -- let's see, if you can show the next page, Sisia, thank you.

The skylight is over the stair, which goes from the first floor to the second floor. And you can see where it's located on the right-hand plan on the upper level there.

The reason there's a request for building inside the setback is that there is -- basically the property sits right on the property line, and within inches of the property line. So this skylight is within the setback.

CONSTANTINE ALEXANDER: And the other -- I mean, the skylight, unlike the window, cannot have any privacy aspects to it, or lack of privacy, except for low-flying
aircraft.

ARCH HORST: That's correct. Right, right.

CONSTANTINE ALEXANDER: So anyway, questions from members of the Board?

BRENDAN SULLIVAN: I have no problem; no questions, no problem.

CONSTANTINE ALEXANDER: Jim?

JIM MONTEVERDE: [Jim Monteverde], no questions.

CONSTANTINE ALEXANDER: Andrea?

ANDREA HICKEY: [Andrea Hickey], no questions.

CONSTANTINE ALEXANDER: Jason?

JASON MARSHALL: [Jason Marshall], no questions.

CONSTANTINE ALEXANDER: And the Chair has no questions as well. We'll open the matter up to public testimony. Any members of the public who wish to speak should now click the icon at the bottom of your Zoom screen that says, "Raise hand." If you're calling in by phone, you can raise your hand by pressing *9 and unmute or mute by pressing *6. We'll take a moment to see if anyone wishes to speak.

[Pause]

There is no one who wishes to speak, so I'll close
public testimony. I think we're ready for a vote.

BRENDAN SULLIVAN: Motion, yes.

CONSTANTINE ALEXANDER: The Chair moves that --

this is a -- this is a special permit case again... The Chair
moves that we make the following findings:

That the requirements of the ordinance cannot be
met without the special permit.

That traffic generated or patterns of access or
egress resulting from this skylight and setback will not
cause congestion, hazard, or substantial change in
established neighborhood character.

And I think the facts speak for themselves on
this; there's no impact on the neighborhood whatsoever.

That the continued operation of or development of
adjacent uses, as permitted in the zoning ordinance, will
not be adversely affected by the proposed skylight and its
location. Again, I think the facts speak for themselves as
to this.

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

So on the basis of all these findings, the Chair moves that we grant the special permit on the condition that the work proceed in accordance with plans prepared by Black River Architects, the first page of which has been initialed by the Chair.

BRENDAN SULLIVAN: [Brendan Sullivan], yes to granting the special permit.

JIM MONTEVERDE: [Jim Monteverde], yes for the special permit.

ANDREA HICKEY: [Andrea Hickey], yes in favor of the special permit.

JASON MARSHALL: [Jason Marshall], yes in favor of the special permit.

CONSTANTINE ALEXANDER: And the Chair votes yes as well, so it's unanimous.

[All vote YES]

Relief granted.

ARCH HORST: Thank you.

COLLECTIVE: Thank you.
(8:23 p.m.)

Sitting Members: Constantine Alexander, Brendan Sullivan,
Andrea A. Hickey, Jim Monteverde, and
Jason Marshall

CONSTANTINE ALEXANDER: The Chair will call our
final case for tonight, Case Number 102551 -- 133 Larch
Road. Anyone here wishing to be heard on this matter?

MEGAN KEMP: Yes, thank you Chairman. Attorney
Megan Kemp, Dash and Associates, 48 Grove Street in
Somerville, here representing the petitioner, Michael
Benedick and Karen Flood, the property owners. Also with me
here tonight is Keith Miller, the architect on this project.

This is an application for a variance on a single-
family residence in a Res B zone. The goal here is to bring
an existing back porch that is in a deteriorating condition
and needs to be fixed up anyway. As part of that, bring it
into compliance with the setbacks by shrinking it on the
side.

Also, as long as we're doing this, it's a good
time to try to make this a more reasonable space, particular
in light of the recent health crisis, realizing that there
is no real protected area where social distancing could happen on the property and screen in part of this new back porch and create an open-air space that can still be usable to the current and future owners.

This is a variance because there is an existing -- it is a preexisting nonconforming building. And so, there is a hardship due to the preexisting nature of the structure.

There's nothing they can do about the size of the existing house. In the setback, there's a small setback on the north side of the house; we can't change that. So any changes that the current or future owners would like to make to the house will require a variance and relief from this Board.

So let's see. Sisia, do you have the documents? Okay, thank you.

MEGAN KEMP: We do believe that relief can be granted without any substantial detriment. All of the work is completely within the back yard of the building. The setbacks will now be conforming; there's no encroachment into the rear setback, it's a very long and narrow lot, which is what had created the setback issues for the
preexisting building to begin with.

The impact is mostly to the neighbors on the two sides of the lot, both who have issued, who've submitted letters in support of this project. They have similar back decks on their property and have no problem with this.

Sisia, if you could go up [one?] slide, I believe. So this will be the side view of the new porch situation. So this is all screened in, just to create a dining area and it's going to be --

KEITH MILLER: Megan, I can jump in on the description.

MEGAN KEMP: Yeah, Keith.

KEITH MILLER: So the design of the porch on the lower level of it, we have some picket screening. This is -- allows air to flow, but blocks the view of the trash receptacles and recycling bins and composting bins that the owner keeps underneath there to prevent pests and visibility for those items.

On the main level, which connects to the first floor, we have vinyl screens with muttons that kind of match the windows of the house. The railings for the screens are located on the interior of the screen, so that provides the
building code requirements for railings. It also doesn't create a lot of extra exterior railing features that aren't prevalent on the rest of the house.

And then for the roof, there is an existing roof deck, or there is an existing second floor deck that already cantilevers off the back of the house. We've expanded that to incorporate the entire roof of the deck for just aesthetic purposes.

A gable roof would obviously block more visibility, create more massing, and just a flat membrane roof isn't very appealing.

So the railing gives it a nice, aesthetic finish, which -- again, matches with the rest of the house. And that was kind of the goal of the aesthetic for the design work on the deck, the porch and the roof deck.

MEGAN KEMP: And again, just quick -- so but for the existing -- the existing setback on the building, there is -- the building is also already preexisting nonconforming over the FAR, and the issue here is that the screen-in porch adds additional FAR to the property, though we're trying to bring the rear porch back into compliance with the setbacks.

There is an increase to the FAR and that is what
we're requesting a variance for.

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

BRENDAN SULLIVAN: [Brendan Sullivan], no questions.

JIM MONTEVERDE: [Jim Monteverde], no questions.

ANDREA HICKEY: [Andrea Hickey], no questions.

JASON MARSHALL: [Jason Marshall], no questions.

CONSTANTINE ALEXANDER: The Chair has no questions as well. I will open the matter up to public testimony. Any members of the public who wish to speak should now click the icon at the bottom of your Zoom screen that says, "Raise hand." If you are calling in by phone, you can raise your hand by pressing *9 and unmute or mute by pressing *6.

We'll take a second to see if anyone wishes to call in.

SISIA DAGLIAN: No, I don't see anyone.

CONSTANTINE ALEXANDER: Okay. So we'll now close public testimony. As we do, I will report that we do have two letters in our files in support of the relief being sought; one from residents at 127 Larch Road, and the other from a resident at 137 Larch Road. So these are closely
abutting or neighboring, I should say -- neighboring lots. And they are supportive -- the owners of those lots are supportive of the relief being sought.

Brendan, you want a -- anybody want any comments, or are we ready for a vote?

BRENDAN SULLIVAN: No, I'm ready for a vote. I think it's a nice plan.

ANDREA HICKEY: Ready.

JIM MONTEVERDE: Ready.

CONSTANTINE ALEXANDER: All right. Brendan?

BRENDAN SULLIVAN: I --

CONSTANTINE ALEXANDER: You did say you're ready, yeah.

BRENDAN SULLIVAN: Yeah, I'm all set to make the motion.

CONSTANTINE ALEXANDER: Jim said he's ready as well. Jim?

JIM MONTEVERDE: Yes, sir, I'm ready.

CONSTANTINE ALEXANDER: Okay. Andrea?

ANDREA HICKEY: Yes, ready.

JASON MARSHALL: [Jason Marshall], ready.

CONSTANTINE ALEXANDER: And the Chair is ready as
well.

[All vote YES]

I take these ready votes as votes in support.

Okay, ready --

KEITH MILLER: Good yes.

CONSTANTINE ALEXANDER: Ready. I expect you're ready to have a vote. Okay, ready. I thought you were ready to have a vote. Okay. Anyways, we've got five votes in favor, none in opposition. Relief granted. All right, I've got to come up with the plans. I'm sorry, one second.

JIM MONTEVERDE: I appreciate the brevity, but --

CONSTANTINE ALEXANDER: The Chair --

BRENDAN SULLIVAN: We may want to run through the pro forma.

CONSTANTINE ALEXANDER: -- where are the plans?

Oh, here they are. The Chair moves that we make the following findings -- geez -- with the relief being sought:

That a literal enforcement of the provisions of the ordinance will not involve a substantial hardship, the hardship being is that the petitioner has a nonconforming deck that intrudes into the setbacks, and is proposing to eliminate that and replace it with a new screen porch, which
in turn has an FAR increase. The increase is modest, and
the overall effect is that for the current petitioners and
anyone else who owns the property, the use of the property
or the desirability of the property would be enhanced.

That the hardship is owing to the fact that this
is a nonconforming lot, and therefore any relief requires
zoning -- any modification requires zoning relief.

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

In this regard, the Chair would note that
neighboring property owners are in support, and that what's
going to happen is we'll have one nonconformance eliminated,
another one created, but the overall effect is to improve
the inhabitability of the structure and the useability of
the lot for whoever owns it.

BRENDAN SULLIVAN: Yes, to granting the variance
[Brendan Sullivan].

JIM MONTEVERDE: And Jim Monteverde yes for
granting the variance.

ANDREA HICKEY: [Andrea Hickey] yes for granting
the variance.
CONSTANTINE ALEXANDER: Jason?


CONSTANTINE ALEXANDER: The Chair votes yes as well. I do need to say that the relief being granted is subject to the plans that were submitted by the petitioner, the first page of which has been initialed by the Chair, and they have been prepared by Miller Design and dated December 1, though it appears very small -- December 1, 2020.

Anyway, relief granted subject to complying with -- proceeding with the plans that I've just identified. The case is over, hearing is over.

MEGAN KEMP: Thank you, Chair, thank you, Board.

CONSTANTINE ALEXANDER: Thank you.

COLLECTIVE: Thank you, have a great evening.

[8:34 p.m. End of Proceedings]
CERTIFICATE

Commonwealth of Massachusetts

Middlesex, ss.

I, Catherine Burns, Notary Public in and for the Commonwealth of Massachusetts, do hereby certify that the above transcript is a true record, to the best of my ability, of the proceedings.

I further certify that I am neither related to nor employed by any of the parties in or counsel to this action, nor am I financially interested in the outcome of this action.

In witness whereof, I have hereunto set my hand this 1st day of February, 2021.

[Signature]
Notary Public

My commission expires:

August 6, 2021
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