BOARD OF ZONING APPEAL
FOR THE
CITY OF CAMBRIDGE

GENERAL HEARING

THURSDAY, JANUARY 6 2022
6:00 p.m.
Remote Meeting
via
831 Massachusetts Avenue
Cambridge, Massachusetts 02139

Constantine Alexander, Chair
Brendan Sullivan, Vice Chair
Andrea A. Hickey
Wendy Leiserson
Jim Montverde
Laura Wernick
Jason Marshall

City Employees
Olivia Ratay, Zoning and Building Associate

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PROCEEDINGS

* * * * *

(6:00 p.m.)

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

CONSTANTINE ALEXANDER: Good evening. Welcome to the January 6, 2022 meeting of the Cambridge Board of Zoning Appeals. My name is Gus Alexander, and at least for the time being, 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 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 public 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 be a transcript of these proceedings.

All Board members, applicants, and members of the public will state their name before speaking. All votes will be taken by roll call.

Members of the public will be kept on mute until it is time for public comment. The Chair will then 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.

I'll start by asking our Staff to take Board member attendance and verify that all members are audible.

OLIVIA RATAY: Jim Monteverde?

JIM MONTEVERDE: Jim Monteverde is present.

OLIVIA RATAY: Laura Wernick?

LAURA WERNICK: Laura Wernick is present.

OLIVIA RATAY: Andrea Hickey?

ANDREA HICKEY: Andrea Hickey present.

OLIVIA RATAY: Wendy Leiserson?

WENDY LEISERSON: Wendy Leiserson present.

OLIVIA RATAY: Jason Marshall?
JASON MARSHALL: Jason Marshall present.

OLIVIA RATAY: Brendan Sullivan?

BRENDAN SULLIVAN: Brendan Sullivan present and audible.

OLIVIA RATAY: Gus Alexander?

CONSTANTINE ALEXANDER: And I'm present, obviously. Okay.
(6:02 p.m.)

Sitting Members: Constantine Alexander, Brendan Sullivan, Wendy Leiserson, Jim Monteverde, and Jason Marshall

CONSTANTINE ALEXANDER: As is our usual procedure, we will start with continued cases. We have three. But even before that, at the first session of each year we elect a new Chair and a new Vice Chair. So that's the first order of business.

I will ask any nominees for our election to the Chair of the Board for the coming year? Anyone wish to make a nomination?

JIM MONTEVERDE: I would nominate Brendan for Chair.

CONSTANTINE ALEXANDER: Any other nominations?

WENDY LEISERSON: I would nominate Andrea for Chair or Vice Chair, either Chair.

ANDREA HICKEY: Thank you. Unfortunately, I am not able to accept appointment for either position, as I plan to step down at some point during this year.

WENDY LEISERSON: Okay. Thank you. Then second
Brendan's nomination.

Brendan's nomination.

Brendan's nomination.

Brendan's nomination.

Brendan's nomination.

Brendan's nomination.
of the Board for this coming year.

Let me just finish up with one item, and then I'll turn the Agenda over to him and add a new item: It is who will be elected Vice Chair.

BRENDAN SULLIVAN: I nominate Jim Monteverde to be Vice Chair for the ensuing year.

CONSTANTINE ALEXANDER: Jim?

JIM MONTEVERDE: Yeah, I accept. It's fine by me. Happy to do it.

CONSTANTINE ALEXANDER: Linda?

BRENDAN SULLIVAN: Laura.

CONSTANTINE ALEXANDER: Oh, I'm sorry.

LAURA WERNICK: Oh, I --

BRENDAN SULLIVAN: Laura.

CONSTANTINE ALEXANDER: I apologize.

BRENDAN SULLIVAN: Linda's not here tonight.

LAURA WERNICK: Are we voting?

CONSTANTINE ALEXANDER: Yes.

LAURA WERNICK: Okay. I vote in favor of Jim Monteverde for Vice Chair.

CONSTANTINE ALEXANDER: I as well.

[All vote YES]
So Jim, you are now our new Vice Chair.

JIM MONTEVERDE: Thank you.

WENDY LEISERSON: And I apologize if I was out of order there for nominating.

CONSTANTINE ALEXANDER: That's quite all right.

WENDY LEISERSON: I said I apologize if I was out of order. I'm happy Brendan is, and Laura and Jim are going to be our people leading us.

JIM MONTEVERDE: Correct.

WENDY LEISERSON: Thank you.

LAURA WERNICK: Thanks.

BRENDAN SULLIVAN: Thank you, Members, for your trust. And I feel privileged to actually be associated with just wonderful people -- very wonderful and very bright people. And so again, thank you for allowing me to be associated with you all.

CONSTANTINE ALEXANDER: And I will thank you on behalf of myself that we're very fortunate to have you accept the position of the Chair. You've had a long experience with this Board and you're very good at what you do.

All right, now we're going to get all the good
stuff out of the way.

WENDY LEISERSON: Can I also say just we want to thank Gus --

CONSTANTINE ALEXANDER: I'm sorry.

WENDY LEISERSON: -- for all of his time serving as Chair and his wonderful fulfillment of that role. So --

JIM MONTEVERDE: Absolutely.

ANDREA HICKEY: Yes. I second that. Andrea Hickey here.

BRENDAN SULLIVAN: Yes. Hear, hear.

CONSTANTINE ALEXANDER: Thank you. Thank you.

WENDY LEISERSON: And I third it.

JASON MARSHALL: I'm coming off camera to also say thank you, Gus.

CONSTANTINE ALEXANDER: [Laughter] Now that we all feel good for congratulating each other, let's to go business.
(6:06 p.m.)

Sitting Members: Constantine Alexander, Brendan Sullivan, Laura Wernick, Jim Monteverde, and Jason Marshall

CONSTANTINE ALEXANDER: So Brendan, you can start with the three continued cases.

BRENDAN SULLIVAN: The first case we will hear is BZA #1434056 -- Porter Circle. Is there anybody here who wishes to speak on that matter?

[Pause]

There appears to be none. We are in receipt of correspondence to Olivia Ratay dated January 5 to the Board of Zoning Appeal from Mr. Scott Vaughn, architect on behalf of the petitioners -- Jeff and Abby Gordon.

"The petitioners have decided to withdraw their application to construct a carport on their property at 6 Porter Circle. Let me know if this e-mail is efficient notice of their request to withdraw their application.

Thank you, Scott Vaughn."

On the motion to accept the withdrawal of the petition at 6 Porter Circle? Laura, on the motion?
LAURA WERNICK: I vote in favor of the motion.

BRENDAN SULLIVAN: All right. Jim Monteverde on the motion to withdraw?

JIM MONTEVERDE: I vote in favor to withdraw.

BRENDAN SULLIVAN: Jason Marshall on the motion to withdraw?

JASON MARSHALL: Sorry, Mr. -- I didn't think I was on the continued cases. But if that's the case, I will.

BRENDAN SULLIVAN: Yeah, if you're going to sit for the ninth, then you can sit on this withdrawal.

JASON MARSHALL: All right. [Jason Marshall] I vote in favor. Thank you.

BRENDAN SULLIVAN: Okay. Constantine Alexander?

CONSTANTINE ALEXANDER: I vote in favor as well.

BRENDAN SULLIVAN: And the Chair [Brendan Sullivan]: I vote in favor of accepting the withdrawal.

[All vote YES]

The matter is withdrawn.
BRENDAN SULLIVAN: The next case the Board will hear is BZA #127988 -- 26 Bellis Circle. Sarah, are you on the call? Is anybody -- nobody calling in. I believe we are in receipt of correspondence via e-mail dated January 3.

"Dear Members of the Board, the petitioners hereby request a continuance of the above-referenced matter, which is scheduled to be heard by the Board on January 6, 2022 as a continued matter.

The petitioners respectfully request that the Board continue this case until February 24, 2022, when the companion case is scheduled to be heard.

Thank you for your consideration of this matter.

Sarah Rhatigan, Esquire."

On the motion, then, to continue this matter on the condition that the posting sign by changed to reflect the new date of February 24, 2022. The new posting time will be 6:00 -- that should this case cede, that it would be
1 necessary should there be any new submittals that it be in
2 by 5:00 p.m. on the Monday prior to the February 24 meeting.
3 We already have a waiver of requirement for statutory time
4 for a hearing, so that is already in the file.
5
6 On the motion then to accept the request for
7 continuing, Laura?
8
9 LAURA WERNICK: I vote to accept the request for a
10 continuance.
11
12 BRENDAN SULLIVAN: Jim Monteverde on the motion to
13 continue?
14
15 Jim?
16
17 ANDREA HICKEY: He's muted.
18
19 BRENDAN SULLIVAN: Jim, on the motion to continue.
20
21 JIM MONTEVERDE: Pushed the wrong button. I vote
22 in favor of the continuance.
23
24 BRENDAN SULLIVAN: Jason on the motion to
25 continue?
26
27 JASON MARSHALL: Jason Marshall yes in favor of
28 the motion to continue.
29
30 BRENDAN SULLIVAN: Mr. Alexander on the motion?
31
32 CONSTANTINE ALEXANDER: I favor the motion.
33
34 BRENDAN SULLIVAN: And Brendan Sullivan on the
motion yes to continue; the matter is continued.

[All vote YES]
Sitting Members: Constantine Alexander, Brendan Sullivan, Andrea A. Hickey, Wendy Leiserson, Jim Monteverde, and Laura Wernick

BRENDAN SULLIVAN: The next case the Board will hear is BZA #149721 -- 54 Park Avenue. Is there anybody here who would like to speak on the matter? It appears that nobody is calling in. We are in receipt of correspondence dated January 3 to the Board of Zoning Appeal.

"Dear Members of the Board, the petitioners hereby request a continuance of the above-referenced matter, which was scheduled to be heard by the Board on January 6, 2022. As reasons for the continuance, the petitioners are in the process of preparing revised plans to address comments received from Board Members at the last hearing. We request that the case be continued to the hearing on February 10, 2022.

Thank you for your consideration.

Sincerely, Sarah Rhatigan, Esquire"

She is requesting February 10. That date seems to
work. Who sat on this case? Did the members who sat on that case -- I believe Andrea, you sat on it?

ANDREA HICKEY: Yes.

BRENDAN SULLIVAN: Mr. Alexander sat on it, Mr. Sullivan sat on it, Andrea sat on it. Wendy, are you available on --

WENDY LEISERSON: Yes.

BRENDAN SULLIVAN: Okay. And Jim, you're available on the tenth?

JIM MONTEVERDE: Yes, I am.

BRENDAN SULLIVAN: So all Members will be there. On the motion, then, to continue this matter? Wendy, on the motion to continue this matter?

WENDY LEISERSON: Yes, I vote in favor.

BRENDAN SULLIVAN: Okay. Jim Monteverde on the motion to continue?

JIM MONTEVERDE: I vote in favor of continuing.

BRENDAN SULLIVAN: Okay, Laura on the motion to continue this matter?

LAURA WERNICK: I vote in favor of continuing.

BRENDAN SULLIVAN: I'm not sure; you didn't sit on this?
LAURA WERNICK: I did not sit on it, no.

BRENDAN SULLIVAN: Yeah. All right. Andrea?

ANDREA HICKEY: Yes, in favor. But could I ask that you confirm the continued date again for me?

BRENDAN SULLIVAN: I think it was the tenth.

February 10.

ANDREA HICKEY: Okay. Thank you. Yes, in favor.

BRENDAN SULLIVAN: Okay. Mr. Alexander?

CONSTANTINE ALEXANDER: In favor.

BRENDAN SULLIVAN: And Mr. Sullivan yes in favor.

[All vote YES]

BRENDAN SULLIVAN: The matter will be continued.

On the motion that the posting sign be changed to reflect the new date of February 10, 2022 at 6:00 p.m. and any new submittals be in the file 5:00 on the Monday prior to the February 10 hearing.

And we already have a waiver of statutory requirement for a hearing and a decision to be rendered therefore, so that is in the file.

The matter is continued. And that wraps up the continued. We will wait; I have to wait until 6:30 for the regular Agenda. So we have 15 minutes to wait until the
6:30 hearing begins.

WENDY LEISERSON: I would like to just recognize you too, Brendan for your service. So thank you very much.

BRENDAN SULLIVAN: So Wendy you're going to sit on Garden Street?

WENDY LEISERSON: That's right. And then I'll say goodnight.

BRENDAN SULLIVAN: Huh?

WENDY LEISERSON: And then I'll be off.

BRENDAN SULLIVAN: You are?

WENDY LEISERSON: Yep.

BRENDAN SULLIVAN: Okay. And then Jim, you're sitting on 10 Garden Street, Jason is sitting on Garden Street, Laura and myself. That's correct, that's the lineup?

ANDREA HICKEY: I think that's correct.

JIM MONTEVERDE: Right.

BRENDAN SULLIVAN: Okay, good. Thank you.

ANDREA HICKEY: Mr. Chair, it's Andrea Hickey speaking. I think that Laura has a conflict on the 7:00 case, and I'm happy to sit on that if that helps. Laura, is that correct?
LAURA WERNICK: That's correct. The 115 Inman Street. I'd like to recuse myself on that one.

ANDREA HICKEY: So Mr. Chair, with your permission I will sit in place of Laura on that case?

BRENDAN SULLIVAN: Correct, if you would; yes.

ANDREA HICKEY: Yes. Happy to do so.

BRENDAN SULLIVAN: Thank you.

LAURA WERNICK: Thank you, Andrea.

BRENDAN SULLIVAN: So we will recess and resume at 6:30.

[BREAK]
(6:30 p.m.)

Sitting Members: Brendan Sullivan, Wendy Leiserson, Jim Monteverde, Jason Marshall, and Laura Wernick

BRENDAN SULLIVAN: We will continue with the regular Agenda. The first case the Board will hear is #154003 -- 10 Garden Street. Ms. Powers?

JEANNINE POWERS: Hi. Yes. Thank you to the Chair and Members of the Board. Can you all hear me okay?

BRENDAN SULLIVAN: Yes.

JEANNINE POWERS: Yes. My name is Jeannine Powers, and I'm a Senior Campus Planner from Harvard University Planning and Design representing the Friends Fellows of Harvard College.

I'm here with my colleagues, Kate Loosian from the Harvard Radcliffe Institute and Michaelann Zimmerman from Roll Barresi.

The Harvard Radcliffe Institute is seeking a variance to permit the installation of two exterior campus identification signs; one of which is located at the structure between the Knafel Center and the Agassiz's house,
the other located on the brick wall adjacent to the
Elizabeth Cary Agassiz's gate along Garden Street.

Both of the proposed signs will displace the new
vernacular name of Harvard Radcliffe Institute as the
identifier of campus.

To adequately serve the identification and
wayfinding needs of the campus, a variance is required to
permit the number of proposed signs, including the height of
the freestanding sign and its location in relationship to
the required setbacks.

The Radcliffe lot currently has 16 nonexempt
signs, with two allowed per building at eight buildings on
the lot.

We're proposing to include two additional
nonexempt signs that will require this variance. The
maximum number of signs permitted would limit Harvard
Radcliffe Institute from adequately identifying its campus
at key public-facing points surrounding the campus.

The proposed height of the freestanding sign
located at the brick wall on Garden Street was selected to
align with the upper portion of the existing brick wall that
partially surrounds the Radcliffe campus.
The proposed location faces a busy intersection that’s adjacent to a variety of multimodal transit options, which many visitors we canvassed will be arriving from.

Regarding the hardship related to the existing conditions, this part of the campus occupies an entire city block that has multiple access points, and is surrounded by high historic brick walls on multiple sides.

Primary building entrances are often oriented toward the Radcliffe yard and not the adjacent streets, and several of the campuses' major buildings have their façades facing those adjacent streets. These characteristics make the relationship between the campus arrival experience and destination buildings unclear for many visitors, especially for those arriving for the first time.

In addition, several buildings contain uses which bring large number of occasional visitors to the campus. This includes the Agassiz's Theater, which is a performing arts space, and houses the Visitor Information Center for Harvard College; the Knafel Center, which regularly hosts lectures, meetings, and special events; and the Schlesinger Library, which is used by Visiting Scholars and researchers.

The materials selected and design provide a
consistent aesthetic for the campus's public face, and
intend to reduce visual clutter as much as possible.

During the design phase, we consulted with the
Cambridge Historical Commission and adjusted our design to
reflect their recommendations. We also received a
Certificate of Appropriateness for these slides at the
November 4 CHC hearing.

The requested variance will allow the placement of
adequate signage to better identify the campus and its
entrances for guests and visitors to the Harvard Radcliffe
Institute, which is consistent with the Cambridge Zoning
Ordinance's assertion that public interest is served by use
of signs by businesses and services to identify their
premises.

I'm now going to turn it over to Michaelann
Zimmerman to review the details of the sign design.

MICHAELANN ZIMMERMAN: Hi. I'm Michaelann
Zimmerman, and I'm here representing Roll Barresi &
Associates, and I can walk you through the details of the
sign -- the sign in question.

So here you're seeing a plan of Radcliffe Yard.
And we have two locations highlighted as 1 and 2 on the
plan. They're the same ones that Jeannine was just discussing. So number 1 is on the brick wall. We can go to that slide.

So these would be dimensional letters that are painted and mounted flush to the existing brick wall. They've been scaled appropriately to complement the brick layers on the wall and also be visible, so that they can help identify the entrance to Radcliffe Yard beyond.

Currently, the wall is sort of a barrier to seeing what is inside. And so any visitors who are trying to find the space would not necessarily know which way to go. The penetrations into the wall will be hidden behind the letters, and should be buried in the mortar joints so that there's nothing unsightly about that.

And the other location -- these are also pin-mounted dimensional letters that would be painted, and they would be located right within the friese above the entrance, which currently there is no sign there.

This is an entrance that is used by the public for public events, and there really isn't a way to know what is beyond without the sign here. The letters are not terribly big. The idea was to make a sign that looked like maybe it
had always been there, and as a confirmation for anybody who wants to enter through this entrance.

BRENDAN SULLIVAN: The program -- the signage program actually involves four signs; is that correct?

MICHAELANN ZIMMERMAN: That is correct.

BRENDAN SULLIVAN: Okay. And under -- after review from the Community Development Department, it was determined that two of the signs would be exempt from relief by this Board because it is necessary for public convenience, and did not exceed six square feet. That was by Mr. Messplay. Is that correct?

JEANNINE POWERS: Yep, that's correct.

BRENDAN SULLIVAN: Okay. So there are four signs that are proposed; however, only two require relief from this Board?

JEANNINE POWERS: That's correct.

BRENDAN SULLIVAN: Yep, okay. All right, just so that we know. All right. Anything else to add? You will have a chance to rebut before the Board, and then we'll have public comment, and then we can come back for the final comment, by you if you wish. Okay?

JEANNINE POWERS: Great. Thank you.
MICHAELANN ZIMMERMAN: Thanks.

BRENDAN SULLIVAN: Any questions from members of the Board? Wendy, any questions at this point?

WENDY LEISERSON: I do have a question. If you could go back to the brick wall signage that's being proposed -- that slide -- so just beyond to the left of the word, "Harvard" are there not signs on those columns there? Like, I can see the red sign on the second column down there by the mailbox, but there are some signs -- I guess those are plaques, is that right? -- in the columns there that say --

JIM MONTEVERDE: There you go --

WENDY LEISERSON: -- these notes, or what do they say?

KATE LOOSIAN: They are dedication -- oh, sorry, I'm Kate Loosian from Harvard Radcliffe Institute -- there are dedication plaques embedded --

WENDY LEISERSON: Okay --

KATE LOOSIAN: -- into the brickwork name the gates themselves.

WENDY LEISERSON: I see.

KATE LOOSIAN: So they are not -- yeah, they do
not provide a directional assist.

   WENDY LEISERSON: But that red sign to the left, doesn't that say, "Harvard Radcliffe Institute"?

   KATE LOOSIAN: It does, yes. The addition of the lettering at the corner here was in part also aimed at allowing people who are driving past, biking past and on public transportation to not have to see a sign as they walk up to it.

   So the scale is something that allows for visitors to really understand where they are without being on the sidewalk.

   WENDY LEISERSON: The reason why I ask is because I was walking by there, and I saw at least 19 I think it was -- 19 signs; some indicators, including the plaques. But that whole block, as you said, has multiple signage facing the street. Is that right?

   KATE LOOSIAN: Each of our gates has -- most of our gates do have a sign. Well, I'm sorry, let me restate that. All of our gates have those dedication plaques that don't actually help us in the wayfinding. Those are historic and they are wonderful. They speak to the past, but they don't help us in the present.
There are identifiers at our gates, and all of a scale similar to the one that you're seeing right -- actually right next to the hand in that picture, so not something broadly visible, other than to pedestrians.

WENDY LEISERSON: Mm-hm.

KATE LOOSIAN: But yes, you are -- there are lots of identification.

WENDY LEISERSON: I'm asking because there was an opposition filed, as you probably know, that requested that that brick façade be left simple, and in walking around that corner, it seemed just a few feet in each direction U sign of this being Radcliffe.

And in fact, I think inside even the gate where the dedication plaques are, there are sort of little signs on posts on the property that say, "This is Radcliffe Yard." you know, "Please, no smoking." Or something like that. You know? "Please respect the sign."

So I'm not sure how likely -- because the parking for that, for nearby is actually beyond that wall. And it's about 12 parking spaces long, I think, between that corner and the corner to Appian Way. And so all of the -- and the bus stops are also near the gates where there are signs.
And the T is of course at the other end near Mass Ave. So they would be coming towards Appian Way. So I'm trying to imagine how many people are really going to need this sign in order to find their way to Radcliffe. Do you have any comments?

MICHAELANN ZIMMERMAN: I would say that a part of this sign is a purposeful effort on the -- by Harvard Radcliffe Institute to kind of make the gates more open. And, you know, as much -- I think -- I do think it will help people who are walking by that don't notice plaques to see that there's something in there. But it is also just a more welcoming gesture to announce the precedent of Harvard Radcliffe Institute.

Some of those signs that you're talking about that are within that first gate, there is a plan to take some of those away, because they don't necessarily want to have signs that greet you with a bunch of rules. There's just been an overall movement towards making the yard a welcoming space for the public to use.

So that would be my comment.

JEANNINE POWERS: I'd also like to add I think the scale, to Kate's point, is very important. I think a lot of
the signs or plaques are much smaller.

So if you're arriving at a distance -- like you said, if there's a bus stop across the street or down the street, it's much more visible from a distance than some of these smaller signs that are placed near the gates.

WENDY LEISERSON: I actually wonder. I mean, it's hard to -- you know, say for certain since it's not actually there now, but the red signs seem to really stand out.

And I would imagine if these are small, black letters per -- you know, the design you compromised on with the Historic Commission, I would have thought that the red signs that were existing on Garden Street, where the bus stops are and indeed right opposite the bus stops might be sufficient for that purpose?

But I will consider everything that I hear.

MICHAELANN ZIMMERMAN: Thank you.

BRENDAN SULLIVAN: Jim, any comments at this time?

JIM MONTEVERDE: Yes. I have similar comments to the photo we're looking at now -- the one on Garden or Concord Ave. It just seems so -- one, I think there are -- as Wendy said -- there are other signage around that really say the same thing.
I have less of an issue with the signage that's in the -- what's on the second slide mounted directly on the building and immediately at the entry. But the one at the corner seems to serve a different purpose, and it could perhaps be done a different way.

I think this Board has seen several over the past two to three years that I recall proposals or signage proposals from the various Harvard schools that have all been done somewhat differently.

But the one I recall were I think last year was the one for the Kennedy School, where they had a series of signs -- some when you got exactly to a building like the second slide, there was an identifier on the building.

There was another level, kind of at a greater scale, that really was almost a pylon in the -- not in a Public Way, but in a -- it was a way to orient and identify the facility or the school in general, and then also with a map to guide you to each of the individual buildings.

And then there was an identifier on the building. That seemed to be a much more easy-to-follow concept... Not easy to follow, but much more appropriate as opposed to sticking a sign on the brick wall that faces the public way
on how to deal with that.

So my question is really, have you looked at any alternatives that more stayed off of the wall, you know, identified if you felt that location was necessary some other type of signage -- freestanding on the wall -- that did identify it as the Harvard Radcliffe Institute, but not mounted on the wall? Was there any other options that you had pursued?

KATE LOOSIAN: This is Kate from Radcliffe. I guess I would like -- I'm going to let -- Michaelann probably will be able to speak best in detail of that. But I would love a little clarification on your question, because off of the wall is in the public way.

And my assumption would be that I couldn't plant a sign on the sidewalk, because I'm -- it's not Radcliffe's property.

I'll also -- and I'll let Michaelann speak in just one second. I'll just speak to the fact that while we find our status as a "secret garden" fairly charming, it really has worked against us in offering sort of open arms to people coming to our programs.

And we are -- Harvard Radcliffe Institute really
is a point of entry for the public in Harvard programming --
in our lectures and in our conferences.

So this was a very thoughtful decision to put this forth. We don't come in front of you lightly. But I do want to let Michaelann speak to some of the thought that -- you know, technically went behind this.

Go ahead, Michaelann.

MICHAELANN ZIMMERMAN: Hi. We did in fact in our earlier versions look at some freestanding signs, which we thought would be less palatable because they were in the public way.

We looked at sort of like a wrought iron framing for a poster display, which would have -- you know, I think if there's some concern that this is about sort of marketing Radcliffe, that those were more directly doing that, and that this was more discreet. It's intentionally black, to be harmonious with the gates and the surrounding environments.

But a big, tall brick wall that doesn't identify itself -- even if when you continue down the street, you come to a plaque that tells you what this private property is, the big long expansive brick wall that doesn't identify
itself isn't very welcoming. It isn't -- it isn't open arms at all.

So that that was how we arrived here was this sort of led you to the gate.

JIM MONTEVERDE: Of. And if I heard you correctly, there was no other opportunity not on the public way to locate any other type of signage that would give you the same identifier, correct?

MICHAELANN ZIMMERMAN: Unfortunately, there is a gateway around the yard, so not really, no.

JIM MONTEVERDE: Right. Okay. Thank you.

MICHAELANN ZIMMERMAN: Okay.

BRENDAN SULLIVAN: Jason, any questions at this point in time?

JASON MARSHALL: Thank you, Mr. Chair. It's always helpful to go later and get to hear the discussion. And I appreciate the exchange. You know, I also -- I think I'd agree that the scale here is appropriate to me.

I also understand the location here at this prominent corner, and the intentionality that went behind putting it here.

The only other comment I would make goes to I
think the clarification that the Chairman made at the
beginning of this item, where there are four signs
referenced in this record -- only two signs are before us
for a variance.

There's a letter in the record questioning whether
all four needed a variance. I don't believe we need to
address that issue, because you are asking for a variance on
these two signs. Ultimately, of course, it's your
responsibility to comply with the zoning bylaws. So I don't
believe we need to act on that.

But I just want to clarify that we are only acting
on these two signage requests.

And with that, Mr. Chairman, I don't have any
other questions or comments at this time.

BRENDAN SULLIVAN: All right. Thank you, Jason.
Laura? Any questions?

LAURA WERNICK: No questions. I was kind of
surprised by the response. I find this quite eloquent and
inobtrusive but clear, and it would actually -- my feelings
would be if you could reduce the number of the red signs,
that would be helpful.

But I find that the way that this reads -- clearly
legible from a distance -- fits in with the character.

So I find it quite a positive addition to the setting. And when you look at this, this photo is quite telling, because there's so many little signs -- the speed limit, the no-turn-on-red, the no parking -- so there's so much visual clutter here, and that Harvard Radcliffe Institute to my mind is just a simple and elegant declaration, and kind of cuts against some of the visual clutter of the other signage that's there.

As I say, even if there's a way to reduce the number of the red signs, can this take the place of some of the red signage that has historically existed there?

I think that would be a betterment to the visual appearance of the -- along the street; a reduction of the -- kind of the more harsh signs I think would be a positive.

But I have no problem whatsoever with what's been presented, either in this location or the other location.

BRENDAN SULLIVAN: Great, thank you. Let me open it to public comment. Does any member of the --

CONSTANTINE ALEXANDER: We don't have any comments. You want to ask if you have any questions?

BRENDAN SULLIVAN: Oh. Yeah, no, I think Board
Members do not -- who's sitting on this? So it's Wendy, Jim, Jason, Laura and myself. Yeah. We're all set. Let me open it to public comment.

Any members of the public who wish 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. You will have up to three minutes to comment on the case before us, and I would ask the Staff to chart the three-minute time slot.

There appears to be nobody calling in at this point. I will close the call-in portion. We are in receipt of correspondence from the Cambridge Historical Commission regarding 10 Garden Street.

"The Cambridge Historical Commission hereby certifies pursuant to the Massachusetts Historical District Act that the work described below is not is not incongruous to the historical aspect or architectural character of the building or district."

They are certifying that they will install three - - they will approve the installation of three new surface-
mounted signs at key locations on the Harvard Radcliffe Institute campus.

"Work will be carried out, as is indicated in the plans, and assigned drawings by Roll Barresi & Associates, title: "Harvard Radcliffe Institute", Radcliffe Yard signage, rebranding, and dated September 2021.

"Approval is granted on their condition that the historical details be reviewed and approved by Historical Commission Staff.

"I also note for the record and incorporate by reference the signed certificate form cover sheet prepared by Community Development, which is a former exercise that any sign applicant has to go before Community Development. Community Development assesses the sign size, location, lighting, et cetera, et cetera, and certifies either that they are in compliance with the ordinance or not."

Out of compliance, they would then come before us. This was all done by Mr. Daniel Messplay, and as such he has approved four of the signs -- two of which he has exempted, because they felt that the sign is exempt because it is necessary for public convenience, and does not exceed six square feet.
We are also in receipt of correspondence from Carol O'Hare dated January 3.

"Harvard has proposed four signs for the Harvard Radcliffe Institute. They all seem modest and tasteful to me."

She's asking, though, for the record, that to forestall future signers' application for signs that are not so modest and tasteful. She's concerned about precedent that could be sent by Mr. Messplay's signed certificates with certification for sign 1 and 4.

I will echo what Mr. Marshall said, that I'm -- don't feel comfortable to analyzing Mr. Messplay's analysis. I take it for fact, and that he has done due diligence and has deemed those two signs to be exempt.

Also we are in receipt from a James Williamson, and he also has no objections to the sign over certain entrances between Knafel and Agassiz. Tastefully done and is appropriate signage. So is the small rectangular sign at Brattle Street, which is not subject to this.

The sign -- and he goes on to comment that he goes on to comment about some other signage, which he feels may not be necessary or appropriate, and he would permit
permitting a small sign, and also possibly as a tradeoff of
the signs. [By] James Williamson, 1000 Jackson Place,
received by the Board and incorporated by reference.

With that: I will then conclude the public
comment and submittal part of the application.

Turning back to the applicants, Ms. Powers, Ms.
Zimmerman, anything else to add at all?

MICHAELANN ZIMMERMAN: I want to add one -- sorry.

BRENDAN SULLIVAN: Okay.

KATE LOOSIAN: Go ahead, Michaelann.

BRENDAN SULLIVAN: Okay.

MICHAELANN ZIMMERMAN: Okay. I wanted to add one thing, which was their -- one of the red signs has been removed in this scenario, where the sign is here. There was a red sign next to the gate that we were discussing that has the historic plaques on it.

So that sign is being removed, whether or not this sign goes in. But that sign would not be there.

BRENDAN SULLIVAN: Okay. Thank you, Ms. Powers.

Anything else to add, or?

JEANNINE POWERS: No, nothing to add for me.

Thank you.
BRENDAN SULLIVAN: Yeah. Okay, fine. Any other further comments by Members of the Board, or are you ready for a motion?

JIM MONTEVERDE: Ready.

BRENDAN SULLIVAN: My feeling on this -- I did not comment -- is that I think history has shown that Harvard really does probably as good a job as any. I don't think they overdo it, and I think they do what is necessary for wayfinding to get people in and out of the area for assessing the programs.

And I also note the comment by the Cambridge Historical that are in favor of this, and again find that it is minimal, and also, tastefully done, and also some of the members of the Board also commented.

Let me make the motion, then, to grant the relief requested, as per the application to install two exterior campus identification signs, as per the location in the application.

The Board finds that a literal enforcement of the provisions of the ordinance would involve a substantial hardship to the petitioner for the following reasons:

The Board finds that the Harvard Radcliffe
Institute is a multibuilding, educational campus surrounding Radcliffe Yard. The core of the campus is accessed by multiple entry points located around the perimeter, and surrounded on multiple sides by high brick walls.

The Board notes that the Radcliffe campus contains several uses that bring a significant number of visitors to the campus, which -- experience has shown -- wayfinding to a particular event/program can sometimes be difficult to navigate for the general public.

These factors highlight the need for additional signage at key intersections and access points surrounding the perimeter of the campus, to help visitors identify specify buildings and guide them to their destinations.

The Board finds that hardship is owing to the fact that the campus has grown in size and also programs over a period of time into a multibuilding campus. And as such, specific building locations can be difficult, and adequate wayfinding is in the petitioner's interest and the general public's interest as well.

The need for greater flexibility in the signage permitted for nonresidential uses in residential C-2 zone is unique to the function of a multibuilding educational group,
and is not typical of other uses in the Residence C-2 Zoning District.

The Board finds that relief may be granted without substantial detriment to the public good. The requested variance is necessary to address the need for clear identification and wayfinding that supports a welcoming environment for the large number of public who visit the campus on a regular basis.

Therefore, the granting of the variance will not be detrimental to the public good, but rather will provide a public benefit by improving the wayfinding and the visual character of the campus.

Desirable relief may be granted without nullifying or substantially derogating from the intent and purpose of this ordinance, but will allow the placement of adequate signage to better identify the campus and its entrances for guests and visitors to Harvard Radcliffe Institute...

Which is consistent with the Cambridge Zoning Ordinance assertion that the public interest is served by use of signs, by businesses and services to identify their premises or the products or services there available.

The Board grants the relief requested on the
condition that the work comply with the application as submitted; also the certification from the Community Development Department, and also, the letter of appropriateness and the condition further reviewed by the Cambridge Historical Committee, and the work initialed by the Chair on this particular date.

On the motion to grant the relief requested, Wendy?

WENDY LEISERSON: I vote in favor.

BRENDAN SULLIVAN: Jim Monteverde?

JIM MONTEVERDE: I vote in favor.

BRENDAN SULLIVAN: Jason Marshall?

JASON MARSHALL: I vote in favor.

BRENDAN SULLIVAN: Laura?

LAURA WERNICK: -- votes in favor.

BRENDAN SULLIVAN: Hm?

JIM MONTEVERDE: You're muted, Laura.

BRENDAN SULLIVAN: Laura?

LAURA WERNICK: Laura Wernick votes in favor.

BRENDAN SULLIVAN: Okay. And Brendan Sullivan votes in favor.

[All vote YES]
Unanimous vote of four Members of the Board. The variances are granted. Thank you.

KATE LOOSIAN: Thank you.
(6:45 p.m.)

Sitting Members: Constantine Alexander, Brendan Sullivan, Jim Monteverde, Jason Marshall, and Laura Wernick

BRENDAN SULLIVAN: The Board will hear Case #154854 -- 22 Water Street. Mr. Braillard?

ADAM BRAILLARD: Thank you, Mr. Chairman and Members of the Board. Adam Braillard, Prince Lobel and Tyre. We're at One International Place in Boston for the applicant, Starry, Inc. for a special permit to install and operate a wireless internet access facility on the rooftop of the building located at 22 Water Street.

We submitted a request to continue this public hearing because we were heard, or we met with the Planning Board on Tuesday night, who had some comments in connection with the design.

And the applicant decided too that if we could continue the hearing to February 10 so that we could review those comments, possibly to see if there are any options for a different design, that would be helpful so we have some time to then go back to the Planning Board with a possible
redesign.

BRENDAN SULLIVAN: Okay. We are in receipt of your request, and the date of February 10 we are booked that particular night, Adam, for any continued cases, so that the next available would be February 24, if that works for you?

ADAM BRAILLARD: Next available. Thank you.

BRENDAN SULLIVAN: Okay. Would -- any comments by Members of the Board regarding the continuance?

JIM MONTEVERDE: No. Sounds good.

BRENDAN SULLIVAN: Hearing none, I will make the motion, then, to continue this matter until February 24, 2022 at 6:00 p.m. as a continued case not heard, on the condition that the petitioner change the posting sign to reflect the new date of February 24, 2022 at 6:00 p.m.

That any new submittals be in the file prior to -- one day prior to the February 24 at 5:00 p.m.

The other condition I would put in would be that you return to the Planning Board prior to coming back to us. They obviously initialed the initial review, and their comments were to be respected, and that I would want them to -- obviously -- see the new submittals and then report that to -- their findings to the Board.
So on the motion, then, to continue this matter to February 24, 2022 at 6:00 p.m.

CONSTANTINE ALEXANDER: Don’t we need to have another condition that he sign a waiver of time for decision?

BRENDAN SULLIVAN: Thank you very much. Yes. That’s why I need somebody sitting shotgun here. And Adam, if you would sign a waiver to the statutory requirement for a hearing and a decision to be rendered therefore. And tonight being Thursday, if you could have that in the file by 5:00 p.m. on next Monday; is that possible?

ADAM BRAILLARD: Yes. Understood. Thank you.

BRENDAN SULLIVAN: Send that onto Maria or to Olivia? So that would be the fourth condition, and the waiver is very important.

So on the motion, then, to continue this matter, Mr. Alexander?

CONSTANTINE ALEXANDER: I vote in favor.

BRENDAN SULLIVAN: Jason?

JASON MARSHALL: Jason Marshall in favor.

BRENDAN SULLIVAN: Jim Monteverde?

JIM MONTEVERDE: Jim Monteverde in favor of the
continuance.

    BRENDAN SULLIVAN: Laura Wernick?
    LAURA WERNICK: I vote in favor.
    BRENDAN SULLIVAN: And Brendan Sullivan yes in favor.

    [All vote YES]
    BRENDAN SULLIVAN: The matter is continued until the twenty-fourth. See you then, Mr. Braillard.

    ADAM BRAILLARD: Thank you.
(7:06 p.m.)

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

BRENDAN SULLIVAN: The Board will now hear Case #151952 -- 115 Inman Street. Andrea Hickey will be sitting in place of Laura Wernick on this particular case. So we have Andrea Hickey, Mr. Alexander, Mr. Marshall, Jim Monteverde and myself sitting on this case, yes?

[Pause]

And I got the high sign yes. Okay, the Board will now hear Case Number #151952 -- 115 Inman Street.

DOUG ARSHAM: Hi. Good evening. Thank you, Members of the Board and Mr. Chairperson for having us this evening. My name is Doug Arsham here with my wife, Jennifer Effron, the residence of 115 Inman Street.

We're before you this evening; our plan is to build a roof deck on our third floor of our house. We are here because we need a variance from FAR.

The house itself was built in 1863. We renovated it four or five years ago with the intent of putting the
roof deck on at some point in the future. The future is here. We have two little kids and need a little extra space.

When we went through the zoning code, we realized that the -- because we're an existing FAR, in creating the dormer that we need for the access to the roof deck, the dormer creates about 40 square feet of additional FAR under the current regulations. So that is what we're looking for a variance from. The plans just came up on the screen here; thank you.

We are also -- I believe, yeah, I think you met my wife; just reminded me. We are also within the setback to our neighbors' house. This is an attached single-family home; it is not a condo.

So we are actually -- where we were building the roof deck is actually within the--quote, unquote-- "setback" of our attached neighbor, who has sent along in the package that we submitted a letter of support with this application of a variance.

BRENDAN SULLIVAN: Okay. And the need for the deck?

DOUG ARSHAM: The need is additional space.
BRENDAN SULLIVAN: Do you have any additional yard space in the back of your building?

DOUG ARSHAM: We do. We have a fairly small yard space in the back. As our kids are getting older -- they're currently 8 and 5, and we hear them in the background. You'll see that any space is good space for us.

And so we're just looking to increase the amount of outdoor space we have, which is -- you know, something that's been exacerbated over the past two years of COVID and the earlier parts of lockdown -- that we need as much outdoor space as we can get.

BRENDAN SULLIVAN: Okay. Olivia, could you pull up the dimensional form?

[Pause]

Okay. So right now it's over -- you're not adding any new violations, you're already over on the GFA. You're not encroaching anymore, and you're basically just going up. There is some additional square footage, which obviously is in that dormer to access the roof deck.

DOUG ARSHAM: Yeah. That's the only place where the additional FAR is located --

BRENDAN SULLIVAN: Yeah.
DOUG ARSHAM: -- within that dormer, per the calculations.

BRENDAN SULLIVAN: Correct. Okay, fine. All right. Any questions by members of the Board? Mr. Alexander?

CONSTANTINE ALEXANDER: I have none.

BRENDAN SULLIVAN: Mr. Marshall?

JASON MARSHALL: No questions at this time.

BRENDAN SULLIVAN: Jim Monteverde?

JIM MONTEVERDE: I just have -- I think you explained the need for the deck. My question was about the hardship, as it's a variance request. So if you could address what the hardship is as one.

And then second, could you just explain the drawing that was up on the screen before? It has some dimensions on it. How large is the deck?

DOUG ARSHAM: Sure. So the hardship -- the reason we need the FAR in the variance on the setback is twofold. So the setback is fairly simple. The only place for us to put the door in our house currently is against the wall -- the separating wall, the party wall between our property and our neighbor's property.
And you'll see it right there where if you were to put it anywhere closer into the building itself, there's a - - we've got all of our infrastructure and our HVAC unit, and also, the door itself would be in a separate room.

And so the best place for us to put this door, or the only place really for the door, is right at the top of the staircase, where we've got it located here. So that's why the door has to be within the setback.

And then also the size of the deck as well. If we were to meet the setback requirements, the deck would be far too small to use. So we've -- that's the first reason for the setback variance.

And the second reason, the second question you asked was -- I'm sorry, could you repeat that with regards to --

JIM MONTEVERDE: Just the size of the deck. The Board has seen a number of roof decks and various configurations, and it has usually reacted negatively to those that are of a generous size.

And the concern is just -- you know, impact on neighbors. You know, does it become a party space? What -- you know, what's the screening around it, what -- how big
does it need to be for -- what is the function? If you're coming out here to read a book, you know, does it need to be that large? Can it be done less impactfully or smaller? That's the point.

DOUG ARSHAM: I know, that's a good question. So we have our family of four. And so for us to be able to sit outside on the roof deck, be able to watch movies, have friends over for the kids; be able to actually use the roof deck and sit on it, be able to have meals on it -- the size that we planned we think is commensurate with the type of activities that we'd be doing out there.

So I think any smaller would create -- the roof deck would be, I wouldn't say, "unusable" but certainly not the size that we need with the family that we have.

JIM MONTEVERDE: Thank you.

BRENDAN SULLIVAN: Andrea Hickey, you got any questions at this point?

ANDREA HICKEY: Yes. I'm having a hard time seeing the thumbnails on the left-hand side. Is there a plot plan that was submitted as part of this application?

Thank you. Great. So respectfully, if the purpose of this deck is outdoor space, as Cambridge goes,
your lot seems to have some pretty decent outdoor space. You know, we hear cases looking for roof decks where there's no sort of green space at all.

And again, when I look at this plot plan, it looks like there is ample room for a family to eat outdoors or kids to play. I'm just not seeing the hardship as presented at present, anyway.

If I could ask the petitioners as well, what room on the top floor would you access this roof deck through?

DOUG ARSHAM: So the roof deck itself wouldn't be accessed through a room; it would be accessed through a top landing.

So as you walk up the stairs of our house, which are on the party wall side of our neighbor, when you get to the top floor of the stairs, there's a small landing. And the landing is where we would locate the door to keep all ingress and egress along that side of that.

ANDREA HICKEY: All right. If I could see the plan that shows that?

Okay. Thank you. I mean, if the petitioners wish to address my comments about there apparently being -- in my mind anyway -- adequate green space or outdoor space, you
know, they're certainly welcome to do so. But those are my comments at present.

BRENDA SULLIVAN: Okay. Olivia, could you pull up the elevation -- yeah, plan of it right there? Okay.

DOUG ARSHAM: So with regards to your question, in the back yard, I think -- you know, there's a couple things. Number one, obviously there's precedence in the neighborhood. A lot of our neighbors have space; they have roof decks.

But for us particularly, the way our family is, and as our kids get older, yes there is space -- I think when you look at the mortgage plot plan, you'll notice that there's a front yard which isn't necessarily space that we sort of hang out in or do anything in. There's the side yard and the driveway that we have.

And then when you look at where the green space actually begins, it's actually fairly small. When we were locked down during COVID, with our family, and when all four of us are outside, it's tight. Yes, we can have a meal, but you only need a couple square feet to actually sit down and have a meal.

So what we'd like to be able to do is just create
more space on our property; not just for us but for our kids
and to be able to have people over, quite frankly.

Not as a party house, of course; we're a family,
we're professional, but to build something that we can
entertain. And we do like to have friends of our children
over; different families. And especially right now with the
way COVID has gone, we're looking for any space that we can
get that we think would create an environment around here
where we can be outside, quite frankly.

ANDREA HICKEY: Thank you. That's all I have, Mr.
Chairman.

BRENDAN SULLIVAN: Jason, did I ask you your
comment?

JASON MARSHALL: Yes, you did, Mr. Chair.

BRENDAN SULLIVAN: Okay, fine. Let me open it up
to public comment. Any members of the public who wish to
speak should now click the button that says, "Participants,"
and then 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, and
you will have up to three minutes in which to speak.
OLIVIA RATAY: Charles Korn?

CHARLES KORN: Hello. Can you hear me?

BRENDAN SULLIVAN: Yes. Identify yourself, please, for the record.

CHARLES KORN: My name is Charles Korn, K-o-r-n, and I'm here with my wife, Karen Korn. We are the abutters on the other side at #113 Inman. We've looked at the plans, and we will state we are 100 percent in support of it. I think they've done a very tasteful addition to the property.

I think in terms of concerns of privacy, I think they've addressed it very well with -- you know, their two children in their small child to have both a meal and a children's play space is impractical.

I think to have a meal area on a deck, for example, and then a separate play area would be very useful, particularly as the children grow.

We also have noticed in the neighborhood almost every single house has a deck of some kind; in fact some fairly substantial decks on their properties. And I think the character of the neighborhood and the character of the neighbors suggests that these will be -- the space will be used very tastefully.
And I think we are very, very, very much in support of what they're trying to do.

And, honestly, it would make a visually very -- fairly unattractive space much more attractive. You know, because we look directly at it. And it would look -- quite frankly, it would be a significant improvement to both their house and to the neighborhood.

BRENDAN SULLIVAN: Great, thank you. Anybody else who wish to comment? There appears to be nobody else calling in. We are in receipt of a correspondence from Mr. Bob Dougherty.

"I'm writing to support Douglas Ashram's petition to build a roof deck with a dormer on his house at 115. I am the direct abutter at 117. I share a party wall and I do not have any concerns with the proposed roof deck, for which the zoning relief is requested will interfere with my property. I have reviewed the plans, and I approve of them."

There is correspondence in the file from the Mid-Cambridge Neighborhood Conservation District.

"Mid-Cambridge Neighborhood Conservation District hereby certifies that the construction described below is
not incongruous to the historic aspect or architectural
classic of the building or district regarding 115 Inman
Street to construct a rear roof deck accessed by third
floor.

"The Commission regarded the proposed design
including the deck railing pulled back from the edge of the
dormer well -- being well below the roof's original lines as
well thought-out and appropriate."

The Board is also in receipt of correspondence
from Alanna Mallon, the Cambridge Vice-Mayor.

"I'm writing on behalf of Douglas Ashram and
Jennifer Effron, who have submitted a request for a variance
to construct a nonconforming addition of a roof deck access
and access dormer to their home.

"This family is one that is deeply committed to
our community. Douglas and Jennifer are actively involved
in the Inman Square neighborhood and the small businesses
that are located there.

"This necessary addition to their home will better
suit their growing family and allow them to remain in a
community that they love. Jennifer and Douglas have done
ample outreach to their neighbors to keep them informed of
the proposed changes to their home and have received two letters of support from their direct abutters, which are included in this application.

"I wholeheartedly encourage the Board to grant this variance regarding this matter. Thank you.

Alanna Mallon, Cambridge Vice Mayor."

[Sum and substance of the correspondence.] I will close the public comment aspect of it. Any further discussion by the petitioner at all, any comments?

ANDREA HICKEY: Mr. Chair, it's Andrea Hickey.

BRENDAN SULLIVAN: Yep.

ANDREA HICKEY: If I could just ask the petitioners, do either of the abutters on the right or the left, do those structures have a roof deck?

CHARLES KORN: Yes.

JENNIFER EFFRON: One.

ANDREA HICKEY: Which one's?

CHARLES KORN: The Korns' house.

ANDREA HICKEY: Are they attached? Is their building attached to you?

JENNIFER EFFRON: No --

CHARLES KORN: No.
JENNIFER EFFRON: -- the other side.

ANDREA HICKEY: On the other side. Okay. Thank you.

BRENDAN SULLIVAN: Okay. Any more discussion by the Board, or shall I make a motion? Any other comments?

JIM MONTEVERDE: Motion.

BRENDAN SULLIVAN: Okay. Let me make a motion, then, to grant the relief requested as per the application and the supporting documentation.

The Board finds that a literal enforcement of the provisions would involve a substantial hardship to the petitioner, because it would preclude the petitioner access to a roof deck, which, as recent events have shown us, that outdoor space -- private outdoor space and singular outdoor space can be very much needed and well sought-out by occupants of a building.

That the Board finds that the hardship is owing to the fact that the building was constructed prior to the enacting of the existing zoning, is encumbered by the existing zoning, is a detached residence, which gives it a zero-lot line on one side, and so that any construction in that particular area -- albeit a dormer and/or roof deck
that encroaches on that setback and cannot be altered.

The Board finds that desirable relief may be granted without substantial detriment to the public good.

The Board finds that the roof deck, though it encroaches over the side property line, does not impact the neighboring properties at all.

The Board finds that there are other roof decks somewhat similar nature in the neighborhood, without any adverse factor on surrounding properties. That immediate abutters have voiced their approval of same, and feel that there would be no impact on their quality of life.

The Board finds that desirable relief may be granted without substantial detriment to the public good, or nullifying or substantially derogating from the intent and purpose of the ordinance, to allow the fair and reasonable use of the property. This particular is unused roof area; can be utilized in a better way.

And again, given the current conditions -- health conditions that society is facing -- and also the fact that there tends to be a shift in societal norms, and that the requiring can be being able to capture some outdoor space does have an enormous health benefit to the occupants of the
property.

For those reasons, I would make a motion, then, to
grant the relief requested on the documentation as presented
in the supporting documents.

On the motion to grant, Mr. Alexander?

CONSTANTINE ALEXANDER: In favor.

BRENDAN SULLIVAN: Mr. Marshall?

JASON MARSHALL: Jason Marshall yes in support of
the variance.

BRENDAN SULLIVAN: Mr. Monteverde?

JIM MONTEVERDE: Jim Monteverde in support of the
variance.

BRENDAN SULLIVAN: Andrea Hickey?

ANDREA HICKEY: Yes, I'm in support of the
request.

BRENDAN SULLIVAN: And Brendan Sullivan in support
of the request.

[All vote YES]

Unanimous vote of five members of the Board. The
requested variance is granted.

COLLECTIVE: Thank you very much.

BRENDAN SULLIVAN: You're welcome.
ANDREA HICKEY: Mr. Chair, this is Andrea Hickey speaking. I am going to step back, but if I am needed at all throughout the evening, feel free to have someone reach me on my cell phone, but I am home and available.

BRENDAN SULLIVAN: Well, your --

LAURA WERNICK: Thank you.

BRENDAN SULLIVAN: -- presence --

LAURA WERNICK: -- Thank you, Andrea.

ANDREA HICKEY: Sure.

BRENDAN SULLIVAN: -- your presence has graced us. Thank you.

ANDREA HICKEY: Thank you, Mr. Chair.

BRENDAN SULLIVAN: We will talk again.

ANDREA HICKEY: Yes, we will. Thank you.

BRENDAN SULLIVAN: Hurry back. Thank you.

ANDREA HICKEY: Thank you, everyone. Goodnight.

LAURA WERNICK: Thank you.

BRENDAN SULLIVAN: Thanks.
(7:25 p.m.)

Sitting Members: Brendan Sullivan, Constantine Alexander, Jim Monteverde, Jason Marshall, and Laura Wernick

BRENDAN SULLIVAN: The Board will now hear Case #154221 -- 213 Harvard Street. Does the petitioner wish to speak?

EVAN SMITH: Yes. Hello. Thank you to Members of the Board for having us here this evening. I am here to represent the members of the 213 Harvard Street Condo Association. 213 Harvard Street was --

BRENDAN SULLIVAN: I just want to --

EVAN SMITH: All right.

BRENDAN SULLIVAN: -- interrupt you for a moment, but there was some discussion the other night by the Planning Board. And their suggestion was that you consult potentially with the Community Development Department about a redesign of the project.

This Board is not a Design Review Board. We deal in matters of the Zoning Ordinance. However, we do respect any comments by the Planning Board Members.
Aside from that, there is significant opposition from the abutting property condominium owners. And there are an awful lot of issues that are raised. You're aware of their letter and their opposition?

EVAN SMITH: We are, yes. And we have made changes during our community process in order to help alleviate or minimize said concerns.

BRENDAN SULLIVAN: And have those changes been incorporated into the new submittals at all?

EVAN SMITH: Yes.

BRENDAN SULLIVAN: So I guess the question that I'm going to ask -- and I will leave it open even to discuss from the Board is whether or not we should even proceed with the hearing of this case tonight in light of the Planning Board comments, in light of the comments by the Condominium Association neighbor, and whether all of these issues can be addressed tonight in a case heard.

If we open up the case, and we go through another hour, hour and a half, whatever it may be, and we wind up continuing it, you're going to have to reassemble the exact same five members, which could kick this down the road a bit in order to gather the five of us together.
My question to you is whether or not you really want to continue this matter tonight, you want to regroup, go back, address all of the issues of the Condominium Association -- and again, they're having to do with light and air, and also, I think the access to the parking, and also, the issue of the Planning Board comments. So.

Evan Smith: Let me pick those off one by one. To the Planning Board comments, my understanding from the Planning Board on Tuesday night was that they were in support of the project going forward to Zoning with the contingency that we speak to them further about the aesthetic design -- not the massing or the layout of the building, but in fact just the aesthetics of the building itself.

And that did not seem unreasonable to us. And we are definitely open to continuing the work on the design.

With relationship to the concerns raised by the 217 Condo Association, if you make the presentation, you'll see that we've addressed the shadow issues significantly by removing a parapet on the top of the building, changing massing slightly.

That issue has been very much minimized. And then
the parking issue -- access to parking -- we would not be able to reapply for the parking as it was formerly. The Dimensional Requirements don't work for the old parking area.

So I think it's worth noting too, if I may, that you know, there are five condo owners who are currently without their homes who formerly lived in this building. The building burned down in May of 2020. They've had a year and a half of dealing with insurance companies and dealing with an investor owner who owned three of the units, who did not want to rebuild. They would very much like to move this process along, so that they can rebuild their homes and move back in.

And we think we've -- the reason we're here asking for variances is that the -- in theory, we could grandfather in the old building as it was, but we run into several issues:

One, we don't meet egress requirements for the basement units, which are present in this. We have a hard time meeting ADA requirement. And the dimensional requirements of parking are such that the grandfathered plan really doesn't work.
And so here we are asking for some minimal changes to the footprint of the building and the orientation of parking, trying to make this better for the occupants, and -- frankly -- better for the neighborhood. So.

BRENDAN SULLIVAN: Okay. On the issue regarding the redesign, and I watched the Planning Board hearing regarding this matter, and the consensus is that yes, they would like to see it rebuilt, obviously -- and they have a right to rebuild.

However, should a redesign of the element of the building change from what is before us tonight, then we cannot approve something that may change. And that not knowing what is going to change, it -- you know, it may change some of the balconies, it may change some of the entryways, it may change -- who knows what it's going to change.

But whatever we approve is what has to be built. And if there's any changes to that, in what we approve, then it's going to have to come back before us again.

So it's a question of which comes first. You know, you could get some zoning relief, but it's the zoning relief on the document that's in front of us. And I'm
hesitant to proceed if that document -- that design is going
to change.

EVAN SMITH: I think the types of things that we
have discussed with abutters of changing simple detailing
issues -- things like potentially a soffit or cornice line
at the top of the building, window detailing -- I don't
think the massing is going to be changing. That was not our
intent was to modify the massing.

There does not seem to be opposition to the
massing shape itself. It's more of whether, you know, it
has a very clean, contemporary look or if it has some more
traditional elements in it.

Can I also just ask the question of when -- if we
were to ask for a continuation, when is the soonest that we
would be able to get before this Board? Cognizant of the
situation of the owners, who are both paying in the injury
that they have suffered.

Not only are they not in their homes, but they're
paying their mortgages still on these -- on this property.
So it's a pretty significant expense to them to delay.

BRENDAN SULLIVAN: I'm sensitive to that and
CONSTANTINE ALEXANDER: I just wanted to point out -- so this is Constantine Alexander, a Member of the Board. If you're going to have changes with the Planning Board, as Brendan has told you, there was a meeting with the Planning Board. The relief we'll give you tonight, should we give it, is useless.

Why don't we get the -- finalize yours with the Planning Board? And that's a question of how quickly you can do that with them -- and then come back to us with the finished product? We don't usually take -- act on cases where the ball is still up in the air. And the Planning Board has specifically suggested that we would give you -- that there be a continuance.

I don't think it's a very good idea -- from the point of view of this Board and from the point of view of your Condominium -- to go forward tonight. You're just not ready.

EVAN SMITH: So I'm asking when would we be able to reschedule to?

CONSTANTINE ALEXANDER: You tell me. You've got to tell us when do you think you can resolve your issues with the Planning Board?
BRENDAN SULLIVAN: March 10. It would be March 10 would be the next available?

CONSTANTINE ALEXANDER: Assuming you are all set with the Planning Board by that date? When we have the final plans, if you will -- not what's been presented to us tonight?

BRENDAN SULLIVAN: Mr. Smith, let me just ask one other question here. The latest submittal that we have here is dated Wednesday January 5 at 12:24, is that correct?

EVAN SMITH: Correct.

BRENDAN SULLIVAN: Well that, then trips over. We usually have a 5:00 deadline of any new submittals on the Monday prior to our hearing, so that this coming in yesterday at 12:24 does not give sufficient time --

EVAN SMITH: I'm sorry, I wasn't submitted -- it was submitted on Tuesday morning at 9:00 a.m., which would have been January 4. That's when it got in -- I received a late e-mail; I was out last week -- I received an e-mail late on Friday of the week before saying that they wanted this in.

I'm not familiar with Cambridge, and getting it in on Tuesday at 9:00 a.m. was the best I could do.
BRENDAN SULLIVAN: Well, at any rate, it went beyond 5:00.

EVAN SMITH: Am I correct in hearing that, you know, if we go forward with this, the Board is likely going to vote against this?

BRENDAN SULLIVAN: I'm not going to -- from one Member, I'm not going to indicate one way or the other on this. It's just that, as I have said and I think as Mr. Alexander has reiterated is that it does not appear to be ready to go.

I think it also is, number one, fatal to your application that it came in after the 5:00 on Monday evening, because it didn't give sufficient time for the Board to --

EVAN SMITH: Okay. I guess at this point we'll continue. It's really unfortunate that we're not able to present this, because we have paid attention to people's concerns and made adjustments.

But if it sounds like this is not going to go the way we want it to, then I guess we have no choice but to ask for a continuation and further delay the return of these homeowners to their units.
BRENDAN SULLIVAN: Other members of the Board?

Jason, any comments regarding the proceeding or continuing?

JASON MARSHALL: No, I think I agree with the earlier comments; that it does feel challenging to act on this request tonight. And it would be helpful to have a cleaner record, to have more time to review the record. So it sounds like the petitioner is inclined toward requesting the continuance. And personally I think that would be helpful.

BRENDAN SULLIVAN: Okay, Jim Monteverde your comments regarding the proceeding or continuance?

JIM MONTEVERDE: I'm in favor of the continuance. I don't think you can proceed tonight at all.

BRENDAN SULLIVAN: All right, thank you. Laura, your comments?

LAURA WERNICK: I agree. I'd be hesitant to proceed tonight.

BRENDAN SULLIVAN: Okay. Let me make the motion then to continue this matter until March 10, 2022 at 6:00 p.m. on the condition that the petitioner sign a waiver of the statutory requirement for a hearing and a decision to be rendered therefore.
Such waiver shall be in the file by 5:00 p.m. next Monday and should be addressed to either Maria Pacheco or to Ms. Ratay -- and that the posting sign be changed to reflect the new date of March 10 and the time of 6:00 p.m.

And that any new submittals regarding this particular case be in the file by 5:00 p.m. on the Monday prior to the March 10 hearing. On the motion then to continue this matter?

CONSTANTINE ALEXANDER: I vote in favor of the continuance.

BRENDAN SULLIVAN: Jason Marshall?

JASON MARSHALL: Jason Marshall yes in favor of the continuance.

BRENDAN SULLIVAN: Jim Monteverde?

JIM MONTEVERDE: Jim Monteverde in favor of continuing.

BRENDAN SULLIVAN: Laura?

LAURA WERNICK: I vote in favor of the continuance.

BRENDAN SULLIVAN: And Brendan Sullivan yes to the -- continuing the matter.

[All vote YES]
BRENDAN SULLIVAN: The matter is continued until March 10, 2022 at 6:00 p.m.
Sitting Members: Brendan Sullivan, Constantine Alexander,
Jim Monteverde, Jason Marshall, and Laura Wernick

BRENDAN SULLIVAN: The Board will hear Case #154682 -- 30 Cameron Avenue. Anybody here regarding -- representing the petitioner? 30 Cameron Avenue? Mr. Bellal Defreitas?

JIM MONTEVERDE: They're there. They were just there a second ago, and then they disappeared.

BRENDAN SULLIVAN: Mr. Bellal [(sic) and per Liberty]?

JIM MONTEVERDE: No, Defreitas is trying to connect the audio. At least that's what my screen says. Nope, now he's on mute.

LAURA WERNICK: Mr. Defreitas, you need to switch off of mute.

JIM MONTEVERDE: There you go.

BELLAL DEFFREITAS: Hello.

LAURA WERNICK: Hello.

JIM MONTEVERDE: Hi.
WAGNER DEFREITAS: I think we should have Attorney David in the meeting as well with us.

BRENDAN SULLIVAN: I don't think he's in. Are you with us?

WAGNER DEFREITAS: Hi, I'm here.

BRENDAN SULLIVAN: Okay. If you would identify yourself for the record?

WAGNER DEFREITAS: I'm Wagner Defreitas.

BRENDAN SULLIVAN: Your address?

WAGNER DEFREITAS: The property address?

CONSTANTINE ALEXANDER: We have that.

WAGNER DEFREITAS: Okay. So 72 Gore Road in Revere, Massachusetts.

BRENDAN SULLIVAN: Okay. Okay, your case.

CONSTANTINE ALEXANDER: All right. Present the case. Your obligation is to tell us why you should give us the relief you're seeking.

JIM MONTEVERDE: Yeah. Mr. Defreitas, are you waiting for your attorney to join you?

WAGNER DEFREITAS: Yes. That's what I was waiting for. And the architect. He was supposed to be here, but I don't --
JIM MONTEVERDE: Maybe we can move this to the end of the Agenda, Mr. Chair?

WAGNER DEFREITAS: Can we do that, so I can try to get hold of them?

BRENDAN SULLIVAN: Yes. All right.

CONSTANTINE ALEXANDER: We're not quite at 7:45, which is the next case; we're a couple minutes away.

WAGNER DEFREITAS: Okay.

CONSTANTINE ALEXANDER: We might as well do it.

CONSTANTINE ALEXANDER: People waiting.

OLIVIA RATAY?: What are the names of the people you're waiting for?

WAGNER DEFREITAS: Lewis and David. David Click. I mean, everyone knew about the meeting, so. Can I try to get hold of them? It looks like they're on, from the Participant list.

BRENDAN SULLIVAN: Could you call them?

WAGNER DEFREITAS: Hang on one second.

OLIVIA RATAY?: Lewis Colton, you can speak.

WAGNER DEFREITAS: [Phone call] Lewis? Are you -- you trying to -- yeah, can you talk to them or not? What about David? They can't hear you? What about David? I'll
call him. One second. Am I heard?

OLIVIA RATAY: You're on the phone.

CONSTANTINE ALEXANDER: Hello?

[Echo: "Hello"]

DAVID CLICK: Good evening, Mr. Chairman and Members of the Board. This is Attorney David Click. My apologies. I was having some technical difficulties on signing in. Can you hear me okay?

BRENDAN SULLIVAN: Yes.

CONSTANTINE ALEXANDER: Yes.

DAVID CLICK: Okay. Thank you. This is an application from the applicant 30-32 Cameron, LLC for relief from the Uniform Dimensional Requirements under Article 5 Section 5.31 for the construction related to certain -- a certain multifamily building at 30-32 Cameron Ave in Cambridge.

This application: It relates to this multifamily building, which just to give the Board a resynopsis (sic) of the surrounding area, it's in a Residence B zone.

The building is a two-story building. It's a bit unique in the sense that as opposed to the surrounding multifamily buildings or residences that are roughly over,
under and three-story buildings, this is a two-story side-
by-side, in that there are four units within the property
with a total square footage of 3420 square feet.

The lot area at the property is approximately 5415
square feet. The current building height is roughly 23.5
feet. The current parking -- amount of parking spaces for
the facility or for the residence is six, and so essentially
this application comes before the Board based on the intent
of the owner in order to enlarge the gross square footage at
the residence that would -- and I can get to it later, but
would coincide and dovetail with the surrounding
neighborhood.

At this point, the -- as I mentioned before, the
gross floor area is roughly -- it's under about 3416 feet.
The ordinance requirements are roughly 2645 square feet. So
it's already falling outside of compliance with what the
maximum requirements could be under the circumstances.

What we're essentially requesting is to take this
four-unit essentially a two-story residence and expand the
living space for the two units on the first floor that are
side-by-side, to expand those into a living space in the
right now underutilized and unused basement.
At the same time, we are asking to expand the third and fourth unit that are both located side-by-side on the second floor of the residence into a third floor that would be of similar height, but would still fall under the height restriction of 35 feet in the Residence B zone.

The proposed -- and I'm happy at any time just in the existing, or what I can say is the existing -- oh, thank you for bringing it up -- so this right here is the actual set of plans showing the existing and proposed. If I may, I don't know if I could have the ability to control the pointer? Is that possible?

BRENDAN SULLIVAN: No, Staff controls it. Olivia Ratay is going to have to control the scrolling.

DAVID CLICK: Okay, that's fine.

BRENDAN SULLIVAN: You can put in a request, and then she's more than capable of complying with that.

DAVID CLICK: Okay. So essentially what we're looking to do here, if you could please turn to Sheet A1?

CONSTANTINE ALEXANDER: Excuse me, sir. This is Constantine Alexander, a Member of the Board. This is a variance. The variance -- requirements of the variance are set by state law. You've got to address and convince us
that you satisfy the requirements for a variance for state law. I mean, the fact that you want to -- you're building on and all that is very nice, but if you don't meet the requirements of a variance, we can't grant you relief.

DAVID CLICK: Yep.

CONSTANTINE ALEXANDER: You're going to address the fact of the substantial hardship if we enforce the ordinance? The hardship that I can see is that the property can't -- you want to make the property more valuable than it is now. That's not a hardship for the purpose of the zoning.

Moreover, the hardship must be owing to circumstances relating to the soil conditions, shape or topography of such land or structures, and especially affecting such land or structure, but not affecting generally the zoning district in which it is located.

I have seen nothing in our files that addresses that issue. You have to persuade us -- and that's one of the requirements maybe not mentioned -- you have to persuade us that you meet these requirements.

DAVID CLICK: Okay. Thank you. So what I would suggest as it relates to hardship and to discuss that now,
due to the uniqueness of this lot; this long-standing existing lot and its shape, coupled with the shape of the structure that's there, that a literal enforcement of the dimensional provisions under 5.31 would involve a substantial hardship, financial or otherwise, as contemplated under Section 40 or Chapter 40A Section 10, here you have a shape of a lot.

And I reference the uniqueness of the shape of the structure because of the way that it's set, and how that affects the Dimensional Requirements -- i.e., the ratio of gross floor area to lot area. The required gross floor area to lot area is 0.5. In our case, the existing conditions already are 0.488.

Our requested conditions, which I was going to get to after explaining somewhat of what the build is is essentially 0.84.

But what we're saying is is that considering the shape and the current -- the shape of the lot, current shape of the structure, that any request for any form of an improvement to the structure or to the property, as would be of benefit to all parties -- those in the surrounding community as well as the applicant -- that it can't be done
without seeking relief...

And -- or seeking relief from this uniform restriction in the Table of Dimensions.

BRENDAN SULLIVAN: Mr. Councillor, this is Brendan Sullivan. I'll amplify upon Mr. Alexander's comments and say that you're not entitled to any expansion; that there is nothing unique about the size or shape of this lot vis-à-vis other sizes and shapes of lots in the surrounding area. Now, you may say it's unique because it only goes up two stories, other properties go up three stories.

Across the street, there is a mix of two- and three-story buildings. And it is encumbered by the current zoning ordinance, which at some point whoever drafted the zoning ordinance and the application of the ordinance to this particular area decided to stay with that 0.50, and that not to exceed that under -- until extreme circumstances.

And yet again, I don't see anything unique about this property as far as the soil, shape or topography, or the placement of the building. Yes, it predates the existing ordinance, but at some point the drafters of -- and obviously started with Community Development, went to
Planning Board; they approved it and went to the City Council to enact is as the governing ordinance for this particular district.

Can we just back up a little bit? When did 30-32 Cameron Ave, LLC purchase this property?

DAVID CLICK: Sometime in the beginning of last year.

BRENDAN SULLIVAN: May of 2021? I don't mean to be cute, but I mean is that roughly it?

DAVID CLICK: If you can bear with me, I can tell you right now. Yes, I believe -- honestly --

BRENDAN SULLIVAN: So that at the time, was the building was occupied or was it vacant, when the new owners took title to it?

DAVID CLICK: I would let Mr. Defreitas answer that.

WAGNER DEFREITAS: Hello. Can you hear me?

BRENDAN SULLIVAN: Yes.

WAGNER DEFREITAS: Okay. Yeah, so there was one unit occupied. But once we purchased the building, they moved out like the next two days.

BRENDAN SULLIVAN: Yeah. Was the building when
you purchased it -- was it condominiums or was it rentals?

WAGNER DEFREITAS: I'm not sure.

BRENDAN SULLIVAN: Well, you had one person living --

DAVID CLICK: It was a -- rental.

BRENDAN SULLIVAN: Well, you had one person living there.

DAVID CLICK: Mm-hm.

BRENDAN SULLIVAN: Did they pay you rent the day after you took --

WAGNER DEFREITAS: Yeah, it was rental. It was rental. Yeah, I just got a text from my --

BRENDAN SULLIVAN: It was rental. So what we're being asked to -- what we're being asked is to take a four-unit previously rental building. And I would assume that given the size of the units and also the condition of the building, it's probably somewhat moderate affordable rental units.

And it would appear that the Cameron Ave, LLC: They then decided that, well, we can maximize this building by -- and again, I'm reading your pleadings, which -- again,
didn't make much sense to me -- that, just stay with me for a minute, the "existing non-occupied space is wasteful and not being effectively used for the inhabitants of this building." So I'm saying to myself, "Well, so then they've taken it all away and decided to put units in there. What benefit is that for the inhabitants of the building?"

And then also adding the third structure -- what benefit is that to the inhabitants of the building, and there is none. It was really an attempt to take this building, take away the rental aspect of it, which there was obviously a community benefit to that, and then to turn it into condos. And so now we get into the area of development and the expansion of the building.

Regarding the -- what you're -- where it was and where you're going, the basement -- we can go floor by floor -- the basement before had no bedrooms, no bathrooms, correct?

DAVID CLICK: That's correct.

BRENDAN SULLIVAN: Okay. The first floor was -- had four bedrooms? Two bedrooms on one side, two bedrooms on the other?

DAVID CLICK: So each unit had two bedrooms, one
BRENDAN SULLIVAN: On the first floor, you had four bedrooms. On the second floor, which was probably a mirror image of the first floor, there was also four bedrooms there. Is that correct? Two on one side, two on the other.

WAGNER DEFREITAS: Yes.

DAVID CLICK: That is correct, because you can see on the left-hand side second floor demolition plan.

BRENDAN SULLIVAN: Right. Okay. So now we're up to -- there is a total of eight bedrooms in the existing -- preexisting building.

On the bathrooms -- on the first -- on the basement, obviously, there were none. Because there was no useable space on there or at the higher levels -- residential occupiable space. The proposal is for four bathrooms in the basement?

DAVID CLICK: Correct.

BRENDAN SULLIVAN: On the first floor, there were two existing, and there are now two more proposed. On the second floor, there were two existing, and now two proposed.

So I guess where I'm going with this is that in
the existing building there were eight existing bedrooms.

What you're proposing is 14 bedrooms. There were four existing bathrooms, and the proposal before us is for 12 proposed bathrooms.

Dramatically going to increase the intensity and use of that building. And I understand you're fighting the ordinance and the -- how you're hampered by it.

The purpose of the zoning ordinance is that it shall be the purpose of the ordinance -- and I'm citing from Section 1.30 -- to lesson congestion in the street, conserve health, to secure safety from fire, flood, panic, other dangers -- to provide adequate light and air to prevent the overcrowding of land and to avoid the undue concentration of population and to encourage housing of persons of all income levels.

What we're being asked is for you to go from the fairly reasonable, moderate rental -- and you purchased the property, obviously, for its current use; I can't think that somebody who's going to pay an exorbitant amount of property because of what they potentially can do -- potentially have to come down before this Board in order to enhance that investment.

However, that happens to be a business decision
that you're purchasing a piece of property for its current use, current condition, and the ability to pay for that. But it's the intensity of the use where I think I draw the line as to what was there existing --

WAGNER DEFREITAS:  Yep.

BRENDAN SULLIVAN:  -- had some public benefit, and what is now being proposed. Is there anybody else? Again, Mr. Click, I'll allow you to come back. You may want to hear some other members of the Board.

Jason, any thoughts on --

JASON MARSHALL:  Thanks, Mr. Chair. You know, I guess similar to you, I have reviewed this application several times before the hearing, and really struggled with understanding what the hardship is.

And to Mr. Alexander's earlier comments -- and as you know, Counsel, variance isn't exactly standard -- I can't discern what our legal ability would be to grant the variance based on the given reason here.

And I agree with the Chair that this is quite an intensive request. So I am struggling with this application. So I don't need to pile on. The Chairman went into it in great detail, and I'll look forward to hearing
what my fellow Board Members say and your response. But that's where I am at this point.

DAVID CLICK: Thank you, Mr. Marshall. I'm open to hear what the Board says. And obviously, you know, it's certainly good feedback to hear. The initial -- just in order to maintain transparency as to bringing this dimensional variance -- dimensional variances are not a -- there's not a streamlined definition as to what the hardship would be for a dimensional variance.

And what level of hardship needs to be shown when you have a dimensional variance under circumstances where the -- essentially the footprint of the property remains the same and the general character of the use remains the same.

That said, certainly open to hear comments from the Board, as to what other -- you know, what other reflections they may have as to what the build is now, and what it could potentially be.

BRENDAN SULLIVAN: Jim Monteverde, your comments, questions?

JIM MONTEVERDE: No, I had two concerns initially. And I think I heard discussion about some of them. I didn't follow the hardship, and I notice that the FAR she is
considerably above the allowed. So -- and from everything I've heard, I would not be in support of the application as it stands.

BRENDAN SULLIVAN: Laura?

LAURA WERNICK: Yeah. I think my fellow Board members have articulated any concerns that I have. Thank you.

BRENDAN SULLIVAN: Okay. Well, Mr. Glick, it's a high hurdle. I'm not sure how you can -- given those comments by the Board, I think the sentiment of the Board is to try to explain away the application and the extent of the relief being requested.

DAVID CLICK: So at this time I just would need given the response from the Board, I would need time to speak with my client before making a further request. Can we come back on a further call, or what are our options for the Board?

BRENDAN SULLIVAN: Well, we could recess this. We have two more cases that may go fairly quickly that -- you know, if you want to recess this, you can come back. Stay tuned; it may be -- you know, a half-an-hour, 45 minutes at the outset. After you huddle, what are the options?
The options are either to we can go forward or we can take a vote up or down. The ramifications of that is that should you be denied relief based on this particular application, that you are precluded for two years coming back.

DAVID CLICK: In which I can state, Mr. Chair, that we're not inclined to go forward to vote.

BRENDAN SULLIVAN: Okay. And on the -- why don't you huddle for 30 minutes, and the other option would be then to continue this matter and take into consideration the comments of the Board and potentially come back with a revised plan?

Do you want to take a 30-minute break, or do you want to just go forward now with the continuance?

DAVID CLICK: I would just go forward with the continuance right now.

BRENDAN SULLIVAN: Okay, that's fine. All right. That's fine. We are into -- we would be into March 10. It's a case heard, and so we would need Mr. Alexander to be present.

CONSTANTINE ALEXANDER: I can be available on the tenth.
BRENDAN SULLIVAN: Mr. Alexander is available.

Jason, are you available on the tenth?

JASON MARSHALL: I am, yes.

BRENDAN SULLIVAN: Jim Monteverde, are you available on the tenth?

JIM MONTEVERDE: I am available.

BRENDAN SULLIVAN: And Laura on the tenth?

LAURA WERNICK: Tenth of February?

BRENDAN SULLIVAN: Tenth of March.

LAURA WERNICK: Of March? I'm sorry. Yes, I expect to be.

BRENDAN SULLIVAN: Yes?

LAURA WERNICK: Yes.

BRENDAN SULLIVAN: Yes. Okay, great. And [Brendan Sullivan] I'm not going anywhere anyhow. So we are all available on March 10, if that works for you, Mr. Click?

DAVID CLICK: It certainly does. I appreciate your availability.

BRENDAN SULLIVAN: Okay. Let me make a motion then to continue this matter until March 10, 2022 at 6:00 p.m. on the condition that the petitioner change the posting date on the sign to March 10, 2022 at 6:00 p.m.
That any changes to the submittal that is before us tonight be in the file by the 5:00 p.m. on the Monday prior to March 10.

That the petitioner sign a waiver to the statutory requirement for a hearing and the decision to be rendered thereof. Such waiver shall be in the file by a week from this coming Monday 5:00 p.m. And it should be sent to either Ms. Pacheco or Ms. Ratay.

And I think that's it. Oh, changing the posting sign; any new submittals be in by 5:00 p.m. prior to March 10 -- by 5:00 p.m. on Monday prior to March 10 and the signing of the waiver. Great. On the motion --

DAVID CLICK: And then --

BRENDAN SULLIVAN: Yes?

DAVID CLICK: I apologize; the waiver, when must that be submitted to --

BRENDAN SULLIVAN: A week from Monday.

DAVID CLICK: Okay. Okay, thank you.

CONSTANTINE ALEXANDER: I should add that a failure to do that means this case will be dismissed automatically.

DAVID CLICK: Understood.
BRENDAN SULLIVAN: Yeah. It's very important that that waiver -- and again, it's very easy; you can sign it, and then you just --

DAVID CLICK: Yeah.

BRENDAN SULLIVAN: -- attach it and sent it right back again. So, on the motion, then, to continue this matter until March 10? Mr. Alexander?

CONSTANTINE ALEXANDER: I vote in favor.

BRENDAN SULLIVAN: Mr. Marshall?

JASON MARSHALL: Yes in favor of the continuance.

BRENDAN SULLIVAN: Jim Monteverde?

JIM MONTEVERDE: Jim Monteverde in favor of continuance.

BRENDAN SULLIVAN: Laura Wernick?

LAURA WERNICK: Laura Wernick in favor of the continuance.

BRENDAN SULLIVAN: And Brendan Sullivan in favor of continuing.

[All vote YES]

BRENDAN SULLIVAN: The matter is continued until 6:00 p.m. March, 10. Thank you, Mr. Click.

DAVID CLICK: Thank you, Mr. Chair. Thank you,
Members of the Board.
Sitting Members:  Brendan Sullivan, Constantine Alexander, Jim Monteverde, Jason Marshall, and Laura Wernick

BRENDAN SULLIVAN:  The Board will hear Case #153095 -- 472 Cambridge Street.  Mr. Noorouzi?

MOHAMMAD NOOROUZI:  Yes.  Good evening.  My name is Mohammad Noorouzi.  And I'd like to thank you for considering my proposal tonight.  And my proposal is for the three-family currently that we have on Cambridge Street to be able to split the first floor of the unit, because the first-floor and second-floor units are very large, and...

But the main purpose is to divide the first-floor apartment by adding to it and a bathroom to the one section of the apartment that I could have my mother to live in one of the units, and my sister, who is becoming a caregiver to her, to be able to live independently in her own apartment at the other section.

BRENDAN SULLIVAN:  Mr. Noorouzi, let me -- this is Brendan Sullivan -- let me just interject here for a minute.  The Members of the Board have reviewed your case.  I'm not
going to make any comments on that particular aspect of it. However, what I did do is I asked the Commissioner regarding the level of the submittal and the proposed layout of the unit on the first floor, was that sufficient for us, if we were to approve it, to pass it onto the Building Department? Whatever we do, it has to be a legal document, and we have to be able to pass not only our comments and our approval onto the Building Department -- Building Inspector -- for a building permit.

However, the level of that document, that proposal, that layout, is really quite deficient and not able to pass onto the Building Department. There was that level, number one.

The other issue that I raised is because you are asking to take that first-floor unit and basically split it into two units, so that you're asking to up the number of units in the building by one?

MOHAMMAD NOOROUZI: Correct.

BRENDAN SULLIVAN: From three to four. However, what that triggers is the state building code. Because each unit has to have a separate means of egress. And on that plan -- Olivia, could you pull up that proposed? So there's
the first-floor plan.

And if you could -- and that is the proposal that is before us, which is deficient. And there is no second means of egress out of the unit. There is also -- I guess where I'm going is it needs to be not necessarily professionally done, but it needs to be more professional in its presentation.

Now, I know that the -- you may have had some discussion with the Commissioner, in that we could allow the addition of another kitchenette unit in that unit, so that you could have two bathrooms and two kitchenette units, and would remain -- it could remain a single unit.

But once you are asking us to split that, and to put it into two units, that then triggers state building code factors, which is beyond our control. We cannot approve this plan based on the fact -- knowing that it violates state building code.

MOHAMMAD NOOROUZI: Understood.

BRENDAN SULLIVAN: My suggestion would be is that you step back from tonight -- I don't know the extent of your discussion with the Commissioner, but I think maybe what you need to do is to have a conversation potentially
with the Commissioner as to what the violations are, and how
they can be addressed.

Because if you were to add another means of egress
out of both of those units, that's going to trigger some
work on the outside of the building -- albeit a doorway,
stairway, whatever it may be, which is going to change the
application that is before us, because then that triggers
potential openings on side -- setback requirements.

It could be a whole host of issues that it
triggers, and it would be derelict on our part to approve
something that eventually is going to get kicked back to you
and you're going to wind up all the way back here again and
wasting a lot of time.

So what I'm trying to do is to short-circuit the
relief that you're requesting, but it has to be in a more
professional manner than what is before us tonight.

MOHAMMAD NOOROUZI: Yes, sir. Absolutely. So if
I -- so should I speak to the Commissioner, or should I --

BRENDAN SULLIVAN: I would speak to the
Commissioner. He would be very well versed -- we cannot
give you advice -- very well-versed as to exactly what the
requirement is if you want to proceed with taking this
particular unit and splitting it into two separate units.

    MOHAMMAD NOOROUZI: Yes.

    BRENDAN SULLIVAN: There was a whole host of other issues that it triggers. And that you should talk to him as to what it is you're going to need to do to address those issues, and then who best to take care of those issues for you, whether it be an architect, or whether it be an architect/attorney in your presentation or whatever. But it really needs to come up quite a few notches than what is before us tonight.

    MOHAMMAD NOOROUZI: Absolutely. Thank you for that advice.

    BRENDAN SULLIVAN: And again, just trying to shorten down. I mean, what you -- again, I don't want to comment on the merits of it. I understand what you're trying to do.

    I'm trying to potentially get you to that point, just trying to cut down on the duration of it, and not do something, stand in your way and then three, four, five months from now realize you can't do it, and then you wind up back here again and you've wasted all that time.

    MOHAMMAD NOOROUZI: Appreciate it.
Brendan Sullivan: So it may take some time, and it's going to take potentially some money, but it's got to get -- be done right. So that's my thought on that.

Mr. Alexander, any comments?

Constantine Alexander: No. I think you said it very well.

Brendan Sullivan: Jason, any comments?

Brendan Sullivan: No, Mr. Chair.

Brendan Sullivan: Jim?

Jim Monteverde: No, I agree. There's no way that I could render an opinion on the plan -- the proposed plan as presented. So I think that's what has to happen.

Brendan Sullivan: Yeah.

Jim Monteverde: Thank you.

Brendan Sullivan: Laura, any comments at all?

Laura Wernick: No, I agree that this is not ready.

Brendan Sullivan: Let me make a motion, then, to continue this matter -- Case #153095 -- 472 Cambridge Street Unit 1, to March 10?

Constantine Alexander: Does that realistically give them enough time?
BRENDAN SULLIVAN: I'm going to put it down at
March 10, Mohammad, and if you see that it's not enough
time, you can always ask for another continuance.

MOHAMMAD NOOROUZI: I appreciate it very much.

Thanks for your time. Thanks. That should be sufficient.

BRENDAN SULLIVAN: Okay. So you don't have that
staring in your face. But, you know, obviously do due
diligence and try to expedite it, and potentially the
Commissioner may take some time.

And so we mark it up for March 10, 2022 at 6:00
p.m. and if you get close to that date and you're still not
ready, then you can inform us and we can set another date.

MOHAMMAD NOOROUZI: Of course.

BRENDAN SULLIVAN: So on the motion, then, to
continue this matter until March 10, 2022 at 6:00 p.m. on the
condition that the petitioner change the posting sign to
reflect the new date of March 10, 2022 at 6:00 p.m. and the
time at 6:00 p.m..

Any new submittals be in our file -- that you
would have to submit them back to us on the 5:00 p.m. on the
Monday prior to March 10. That I'm going to request that
you sign a waiver of the requirement for the Board to hear
the case and to render a decision.

Such waiver -- and again, you can ask for Ms. Ratay or Ms. Pacheco to furnish you that form -- review it, if you're okay with it, sign it and then send it back to either one of the ladies. And it becomes part of the file. Failure to do that and this case will not proceed on March 10, and could be subject to denial. So if you would do those things, then we will see you then on March 10, on the five --

MOHAMMAD NOOROUZI: Appreciate that.

BRENDAN SULLIVAN: -- vote, yes? Any question?

MOHAMMAD NOOROUZI: No, thank you. Appreciate very much. I will sign the waiver as soon. As I receive it, I'll be happy to take care of it.

BRENDAN SULLIVAN: Great. Okay, thanks.

MOHAMMAD NOOROUZI: Thanks for your time, likewise.

BRENDAN SULLIVAN: No, that's all right.

MOHAMMAD NOOROUZI: Thank you. Appreciate it.

BRENDAN SULLIVAN: We want to get it right. We want to do right by you and also by the Board.

MOHAMMAD NOOROUZI: Appreciate it very much. No,
it's good advice. Thank you for your follow-up.

BRENDAN SULLIVAN: On the affirmative vote of five Members of the Board, this matter is continued until March 10. See you then.

MOHAMMAD NOOROUZI: Thank you. Have a good night, everyone. Have a good evening.

BRENDAN SULLIVAN: Thank you.
Sitting Members: Brendan Sullivan, Constantine Alexander, Jim Monteverde, Jason Marshall, and Laura Wernick

Brendan Sullivan the Board will now hear Case #153428 -- 179-181 Third Street. Mr. Risola?

[Pause]

BRENDAN SULLIVAN: Okay, you're on.

CARMELA RISOLA: Thank you, Mr. Chair and the Board.

BRENDAN SULLIVAN: Yep.

PHILIP O'BRIEN: I have with me Camila Risola, who's the applicant. My name is Philip O'Brien. I helped draw up the plans for this project. I'm a designer, and I work with the Risolas to develop this project.

This is an existing two-family residential structure at 179-181 Third Street. The development is to kind of restore it and bring it back. It's going to remain as a two-family.

And as part of the research that we did on site, we documented the existing conditions and drew up plans and
so forth, and you have those as well.

We discovered two windows, which is what we're here to you all about, that were existing at the time that we did the -- predevelopment. And one of them on the second floor was covered over with plywood, because the window had been broken.

And the one on the first floor had been covered over with wood, and then actually sided over it at some point in the past.

There are a lot of windows actually predevelopment on that side on the north side of the building that we're talking about, and we actually closed up about half of them. And we went through a couple of iterations with Inspectional Services on -- to make sure that we got all the dimensions correct on the pre and the post. And so all of the windows on that side fit into the existing window openings, and are the same size or smaller than the existing window openings.

And so we are looking for a special permit to be allowed to bring these two windows -- to allow these two windows to remain. They were on the on the plans that were approved by Inspectional Services, and they were actually built that way. So -- in accordance with the approved
And so when it came time for final inspection of the enclosure, the Building Department basically said no on these two windows, indicating that they weren't preexisting, or they didn't meet the requirements for preexisting.

And we're looking for a special permit on that to allow these two windows to stay where they were. We're trying to restore this house. It's been in the family for a long time.

At one point it was a meat market on the first floor. We used old photographs to try to replicate a lot of the nice details of this building, and we'd like to restore these two windows, along with the rest of them. They're up close to the front of the house on the north, and it would be the adjacent neighbor to the north is in favor and support of keeping these windows.

As I've said, it's been built that way, and so the neighbors had an opportunity, as has the neighborhood, to take a look at this redevelopment and see what we've done, and they are -- this neighbor is in favor.

And so we'd ask for you to consider a special permit to allow these windows to remain as they were on the
approved permit drawings.

BRENDAN SULLIVAN: And the violation is the window opening within a setback?

PHILIP BORDEN: Right. Yeah. The setback basically is -- we're very close to the property line here. And so we're preexisting, nonconforming, and we basically would like to restore the windows to pretty much the way they were. But as I said, the existing case there's a -- there was a fair number of windows along that elevation.

We actually closed up about half of them. The openings totaled pre-renovation 12.7 percent of the north elevation. And the post proposed is 6.2 percent opening. So we've cut down the overall openings on that window by about half by closing up a series of windows there. So I think we've made the condition a little bit better.

You can see the pre and the post are kind of highlighted on the .pdf page 11. That elevation shows -- you can see in red there's a red outline that shows the existing layout of the windows. And then in black overlaid is what the post development is.

And you can see there's a series of double and triple windows toward the right-hand side of that elevation,
and we've closed them up -- the double and the triple, and put in two smaller window openings.

    A lot of the window openings have been made smaller than they were before, and in this calculation I just gave you we're going from 12.7 percent opening of this elevation down to 6.2. It includes all of these windows.

    BRENDAN SULLIVAN: Yeah, okay. Good. Any questions by Members of the Board?

    JIM MONTEVERDE: No questions.

    CONSTANTINE ALEXANDER: No. No questions.

    BRENDAN SULLIVAN: All right, then. Let me open it 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, and you will have up to three minutes if you wish to comment. There appears to be nobody calling in. I will close that portion of the call-in. We are in receipt of correspondence dated November 4, 2021 to Mr. Sanjay Mohantey (sic).

    "To whom it may concern, I have been made aware
that my neighbor, Mr. and Mrs. Charles Risola, are applying for a special permit for their property 179-181 Third Street to keep two of their windows open on the north side of their property.

"I would like to state that I approve of and appreciate all the work that they've done to the house, and do not have any issues with the two front windows on the north side staying open. Please feel free to call Mr. Sanjay Mohanteet."

We are in receipt of correspondence from City Councillor Timothy Toomey.

"Dear Board Members, please accept my strong support for the special permit request occurring on the January 6, 2022 Agenda -- by Charles Risola, Chairman of the CR Nominating Trust to allow the restoration of two existing windows that were boarded up at the time the building permit was issued at 179 181 Third Street.

I also wanted to thank the Board and its members for your many years of service and all the work you've done to help improve the City of Cambridge and our residents.

Thank you very much,

Councillor."
That is the sum and substance of any correspondence. I will close public comment. Any discussion by Members of the Board, any -- ready for a motion?

JIM MONTEVERDE: Ready for a motion.

BRENDAN SULLIVAN: Let me make a motion, then, to grant the relief requested to allow the opening of two windows as per the application and the supporting documents submitted.

With the application, the Board finds that the requirements of the ordinance cannot presently be met; can be met with the granting of this special permit.

The Board finds that traffic generated or patterns of access or egress would not cause congestion, hazard, or substantial change in the established neighborhood character.

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

And the Board also finds that there would not be any nuisance or hazard created to the detriment of the
health, safety and/or welfare of the occupant of the proposed use, or to the citizens of the city.

The Board finds that the proposed restoration of two existing windows brings the total window area on this elevation to less than half of the preexisting, nonconforming condition.

The Board notes that relief was sought from the Board of Building Standards and Regulations for the same issue, which was granted.

The Board finds that the proposed use would not impair the integrity of the district or adjoining district, it would actually enhance it, and otherwise derogate from the intent and purpose of the ordinance, to allow proper fenestration of light and air.

And also, the Board notes the letters in support. On the motion, then, to grant the special permit?

Mr. Alexander?

CONSTANTINE ALEXANDER: I vote in favor.

BRENDAN SULLIVAN: Mr. Marshall?

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

BRENDAN SULLIVAN: Jim Monteverde?
JIM MONTEVERDE: Jim Monteverde in favor of the permit.

BRENDAN SULLIVAN: Laura Wernick?

LAURA WERNICK: Voting in favor of the permit.

BRENDAN SULLIVAN: And Brendan Sullivan in favor.

[All vote YES]

BRENDAN SULLIVAN: Five in favor; the permit is granted. Thank you, Mr. O'Brien.

PHILIP O'BRIEN: Thank you very much.

COLLECTIVE: Thank you very much.

BRENDAN SULLIVAN: And that's it for the night, folks.

JIM MONTEVERDE: Goodnight.

COLLECTIVE: Happy New Year.

BRENDAN SULLIVAN: Happy New Year, stay well.

[8:30 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 ______ day of ______, 2022.

[Signature]

Notary Public

My commission expires:

July 28, 2028
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