BOARD OF ZONING APPEAL
FOR THE
CITY OF CAMBRIDGE

GENERAL HEARING

THURSDAY, JANUARY 27 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

CAMBRIDGE TRANSCRIPTIONS™
Precision, Speed, Reliability
617.547.5690
transcripts@ctran.com
<table>
<thead>
<tr>
<th>Case Number</th>
<th>Address</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>BZA-149665</td>
<td>38 MT. PLEASANT STREET</td>
<td>6</td>
</tr>
<tr>
<td></td>
<td>Original Hearing Date: 11/18/21</td>
<td></td>
</tr>
<tr>
<td>BZA-102207</td>
<td>1923 MASS AVENUE</td>
<td>15</td>
</tr>
<tr>
<td></td>
<td>Original Hearing Date: 08/19/21</td>
<td></td>
</tr>
<tr>
<td>BZA-149683</td>
<td>2 FROST STREET – UNIT 2</td>
<td>32</td>
</tr>
<tr>
<td></td>
<td>Original Hearing Date: 11/18/21</td>
<td></td>
</tr>
<tr>
<td>BZA-155114</td>
<td>33-35 WEBSTER AVENUE</td>
<td>52</td>
</tr>
<tr>
<td>BZA-156685</td>
<td>88 SCHOOL STREET</td>
<td>111</td>
</tr>
<tr>
<td>BZA-154869</td>
<td>43 RESERVOIR STREET</td>
<td>135</td>
</tr>
<tr>
<td>BZA-156992</td>
<td>88 GARDEN STREET</td>
<td>178</td>
</tr>
<tr>
<td>BZA-157013</td>
<td>30-32 CRESCENT STREET</td>
<td>191</td>
</tr>
<tr>
<td>BZA-156403</td>
<td>1 LONGFELLOW ROAD – UNIT 1</td>
<td>194</td>
</tr>
</tbody>
</table>
(6:00 p.m.)

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

BRENDAN SULLIVAN: Welcome to the January 27, 2022
meeting of the Cambridge Board of Zoning Appeals. My name
is Brendan Sullivan, and I am the Chair for tonight's
meeting.

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

There will also be a transcript of the proceedings.

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

I'll start by asking the Staff to take Board Members 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: Jason Marshall?

JASON MARSHALL: Jason Marshall present.

OLIVIA RATAY: Andrea Hickey?

ANDREA HICKEY: Andrea Hickey present.
OLIVIA RATAY: Wendy Leiserson?

WENDY LEISERSON: Wendy Leiserson present.

OLIVIA RATAY: Gus Alexander?

CONSTANTINE ALEXANDER: Gus Alexander present.

OLIVIA RATAY: And Brendan Sullivan?

BRENDAN SULLIVAN: And Brendan is obviously present and audible.
(6:02 p.m.)

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

BRENDAN SULLIVAN: First case I'm going to call tonight is a continued case BZA No. 149665 -- 38 Mount Pleasant Street. Alphen, are you?

CHRISTOPHER ALPHEN: Yep. Good evening, Mr. Chair, Members of the Board. Thank you for having us tonight. I am here with the applicants, Matt and Lindsey Russell, as well as Mike Fields of SKA, as well as the rest of the team at SKA Architects.

As you may recall, we are a continued hearing. The last hearing the Board suggested that we speak to some of the abutters, who expressed some concerns about the proposal. The proposal, which is a 200 --

BRENDAN SULLIVAN: I don't mean to interrupt you -- well, I do actually, sorry. But you're seeking a special permit, and under Section 8.22 d), is that correct?

CHRISTOPHER ALPHEN: That is correct.
BRENDAN SULLIVAN: In reading subsequently to our last get together, and delving a little bit more closely into, obviously, the plethora of correspondence, pro and con, it also occurred to me that I needed to read the section again.

Section 8.222 d) states, "In all districts, the Board of Zoning Appeal may grant a special permit for the alteration or enlargement of a preexisting, dimensionally nonconforming detached, single-family dwelling or two-family dwelling, not otherwise permitted in Section 8.221 above."

And then it goes on to say about the alteration or enlarging of a nonconforming, preexisting unit.

The key phrase there to me is a nonconforming, detached, single-family dwelling or two-family dwelling. This is an attached, single to a rowhouse.

I spoke to the Commissioner, and he confirms that he feels that you cannot seek relief under 8.22 d) because this is an attached, single-family dwelling. And that you would have to seek a variance for relief.

CHRISTOPHER ALPHEN: Okay. If that's the determination of the Building Commissioner and the determination of the Board, I think what's unique about this
particular application is that it is not a condominium, so there are no legal common documents that attach the properties together, where they share the walls.

And so it's in itself -- legally acts as itself. It is a unit by itself not part of some sort of association or anything like that.

The unit itself acts as itself. So the unit is on its own lot. It doesn't share any lots, it's not a condominium lot. It's on a lot that is single by itself and therefore there isn't a combination of units that come together and create, you know, one lot that you would typically see when you have attached units.

So I think that the intent and the purpose of the bylaw was to allow a special permit for a structure like this, which is a unique structure, granted. But --

BRENDAN SULLIVAN: So the distinction on what you're saying is that it's a condominium as proposed, and we have -- you know, and throughout the city there are side-by-side houses that are separated, totally different deeds and what have you and not part of a condominium association.

The wording of the ordinance makes no exception as to the legal status; only that it is either a detached
single-family home, or this one is an attached. And again, we have read it over and over, and the determination is that you cannot seek relief on 8.222 d).

CHRISTOPHER ALPHEN: Okay. So this is my other legal theory, is that under 40A Section 6, it's a requirement that any preexisting, nonconforming structure, which this is, requires a special permit for any expansion or change in use or alteration. You know, that is the case law that came down.

And, you know, if we're not applying under Section 8.22. (sic) 2 d), we're applying under the statute, which is 40A Second 6, there would be -- there's nothing in your bylaws, there's nothing in your ordinance, excuse me -- that permit a special permit for a preexisting, nonconforming structure that is attached.

So, you know, there wouldn't really be another section that we would apply under. It would be under 40A Section 6. It would be under the statute that allows a special permit for a preexisting, nonconforming structure.

BRENDAN SULLIVAN: And that's part of the application, your application is for relief under 8.22 d). So --
CHRISTOPHER ALPHEN: Well, I would say that I did also add the statute, which is 40A Section 6 --

BRENDAN SULLIVAN: Or in the alternative, you could proceed, and the Board could either agree with your interpretation, or they could agree with my reading of the statute. And we would vote one way or the other, either that you are entitled to relief under 8.22 d) or not.

CHRISTOPHER ALPHEN: Well, I don't necessarily disagree with you that the ordinance section, you know, says that it has to be -- you know, a detached, single-family structure. And this is something that I thought about.

But there's no other -- there's no other applicable section of your bylaw, of your ordinance, that permits a special permit for a change in a preexisting, nonconforming structure.

BRENDAN SULLIVAN: Correct.

CHRISTOPHER ALPHEN: You know, if there was a section in your ordinance that said, "an attached, single-family structure" and there's a change in that, I would apply it under that section.

But this was the closest section I could find, while still complying and still following the rules under
the statute under 40A Section 6.

BRENDAN SULLIVAN: Well, the alternative is to -- you could continue this matter and discuss it with the Commissioner. If you disagree with his determination, then you can appeal his determination.

CONSTANTINE ALEXANDER: Or you can apply for -- you can seek a variance.

BRENDAN SULLIVAN: Or you can seek a variance.

CHRISTOPHER ALPHEN: Or you can seek a variance, sure.

BRENDAN SULLIVAN: Or, or you can continue the hearing and the vote of the Board would be whether or not you qualify under 8.222 d) or not.

If members of the Board agreed that you can seek relief under that Section, and you meet the merits of your application, and the vote would go that way, if members felt that you did not qualify for a special permit, the vote would go that way.

CONSTANTINE ALEXANDER: I for one -- this is Gus Alexander, I'm not a Member of the Board, obviously -- I agree with Brendan's analysis and conscious analysis, I don't see that you can file -- you can apply for a special
permit. This is a variance case.

CHRISTOPHER ALPHEN: Yeah, I think the only issue is that, you know, the City is going to run into a situation where, you know, somebody's applying under 40A Section 6 and they might say, "Well, this is something that's missing in the ordinance." And, you know, I think it's our right to apply for a special permit under this case, even though it's an attached structure.

BRENDAN SULLIVAN: Well, again, I'm going by the wording of the ordinance, and that's something --

CHRISTOPHER ALPHEN: So usually when we weren't in Zoom, I'd be able go and whisper to my clients to see what they want to do.

BRENDAN SULLIVAN: You can, and we can -- well, you have the next case, we can go to the third case, and come back to you whenever you're available.

CHRISTOPHER ALPHEN: Okay.

BRENDAN SULLIVAN: You're representing the next case, which is Frost Street on the agenda, but we can skip that, because you can't do -- I'm sure you're very good at multitasking, but that is asking too much.

CHRISTOPHER ALPHEN: [Laughter] Yeah, if you don't
mind, that's fine. And it's my --

BRENDAN SULLIVAN: We'll go to the third case, which is Telecom, and then after we conclude that, we'll come back to you.

CHRISTOPHER ALPHEN: Okay.

CONSTANTINE ALEXANDER: Or later on. We have a whole night ahead of us, so, you know. Yeah.

CHRISTOPHER ALPHEN: Yeah. No, if you don't mind only because I'm preparing for a wedding that I'm having for myself in the next couple days.

If you don't mind just putting this on hold so my clients can just shoot me a text message while I'm doing the next agenda item, and then we can continue this item, and then finish what we're going to do, I appreciate it.

BRENDAN SULLIVAN: We're going to be here for two, three, four hours tonight. So --

CHRISTOPHER ALPHEN: Yeah. So I'd appreciate that. Only because my wedding is on Saturday, so.

BRENDAN SULLIVAN: We'll get you to the altar on time, if that's where it is.

CHRISTOPHER ALPHEN: I appreciate it, yeah.

BRENDAN SULLIVAN: All right. So anyhow, we will
recess this hearing, and then let the petitioner and the
counsel meet or converse, and then we will come back. Give
us the high sign when you're ready.

[Pause]

Okay.

CONSTANTINE ALEXANDER: We probably should set a
time to reconvene this case. I would suggest half an hour?

CHRISTOPHER ALPHEN: I think right after one --
right after the next agenda item I think I'll have an answer
for you.

BRENDAN SULLIVAN: Okay, good. Good.

CONSTANTINE ALEXANDER: All right.

BRENDAN SULLIVAN: All right.

CHRISTOPHER ALPHEN: All right.

BRENDAN SULLIVAN: Thank you.
(6:13 p.m.)

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

BRENDAN SULLIVAN: That being said, the Board will now hear Case Number No. 102207 -- 1923 Mass Avenue.

CHRISTOPHER ALPHEN: Good evening, Board.

Attorney Christopher Alphen; Blatman, Bobrowski & Haverty on the line with me. Waiting for them to get on the line.

BRENDAN SULLIVAN: Are you representing the telecom?

CHRISTOPHER ALPHEN: Oh, no, I'm sorry about that. I thought we were the next on the agenda.

JAKE SHAPPY: Hi. This is -- sorry about that, it made me reconnect in order to participate. My name is Jake Shappy and I'm representing T-Mobile in this regard.

BRENDAN SULLIVAN: Okay. Mr. Shappy, the -- you're proceeding tonight, is that correct?

JAKE SHAPPY: That is correct.

BRENDAN SULLIVAN: Now, the last meeting the reason why we continued it is because there was
correspondence from the Planning Board --

    JAKE SHAPPY: That is correct.

    BRENDAN SULLIVAN: -- that we did not approve it, and that you have -- your client have further discussions with Community Development. Have you had those discussions, or --

    JAKE SHAPPY: Well, we were not told to reach out to Community Development. We were told to make changes, as described by the Planning Board.

    To the extent that it was feasible, we have made those changes and resubmitted documents -- construction drawings, a revised structural and revised photo simulations -- all of which have been uploaded and hopefully provided to the Board.

    BRENDAN SULLIVAN: Okay. Let me just run through what their letter of December 29 and hopefully those improvements, if they were --

    CHRISTOPHER ALPHEN: We were originally applying to move eight antennas -- two antennas per sector -- to three antennas per sector for a total of 12.

    We have gone back. We were able to with technology that's come out in the intervening period from
the initial design come up with an antenna solution that keeps us at the eight-antenna count.

They asked us to set back from the parapet with our remote radio heads. They're not visible from the street for the simulation to show as much. We also were told to use stealth to the extent feasible. Unfortunately with this design, it is not feasible.

We were told -- let me see, side elevation we should avoid the architectural features. I believe that was the cornices. That is where our antennas are.

Unfortunately, due to the radiofrequency engineer requirements, that's not truly feasible either. To the best of our ability, we were --

BRENDAN SULLIVAN: The cornices, and the details at the cornices of the building?

CHRISTOPHER ALPHEN: Yeah. You can see that in the photo simulations. They are not impeding or directly on top of, they are in the same positions using the same style of mounting in the before and after. There is no major difference in those.

BRENDAN SULLIVAN: The other issue was the side-mounted antenna on the side elevation and Davenport
elevation, proposed brick pattern treatment should be replaced with a uniform matte color that matches the brick.

CHRISTOPHER ALPHEN: Yes. Unfortunately, it looks like our photo simulation did not change that, but that is an easy change that we are able to make well prior to construction or permit issue. That is something that we can do essentially day of, if necessary, but we'll be able to make sure that that is a matter color if they do not want the brick simulation.

BRENDAN SULLIVAN: All visual exposed equipment and materials including cabling and brackets should be finished or painted in a matte, dull color?

CHRISTOPHER ALPHEN: Correct.

BRENDAN SULLIVAN: The smallest mounting brackets available should be utilized so that the antennas can be mounted as close to the existing frame and façade surfaces as possible.

CHRISTOPHER ALPHEN: We are currently using the smallest amounts that we can use. We'll still maintain structural integrity for the site. We are making sure not to overstress the walls, making sure that it's safe for mounting. They are mounted as close to the walls as we can,
while maintaining structural integrity.

BRENDAN SULLIVAN: All right. So it seems that you have made some efforts to comply with their suggestions. We have also not received any correspondence back from them. They were -- they did have your new submittals available to them, and it appears not to have any comments. So either they are satisfied with the results or what was proposed is okay.

So anyhow, end of presentation? Reopen it then OT 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 hands by pressing *9 and unmute or mute by pressing *6. There appears to be nobody calling in; I will close the public comment.

Any Members of the Board wish to comment?

JIM MONTEVERDE: I have no comment.

BRENDAN SULLIVAN: Laura, are you -- Jason any comment on this?

JASON MARSHALL: No comment, Mr. Chair.

BRENDAN SULLIVAN: All right, Gus any --
CONSTANTINE ALEXANDER: No comment.

BRENDAN SULLIVAN: Nothing? And I have no comment. It appears that they have made an attempt to, do the investigation, as raised by the Planning Board via Community Development.

So let me make a motion, then, to grant the relief requested, as per the application, to modification the existing T-Mobile wireless communication involving replacing eight existing antennas, adding four additional antennas, replacing four existing RRHs and adding four additional RRHs within the existing leased area.

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

The Board moves that the petitioner be granted the special permit it is seeking, subject to the following conditions:

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

The Chair will also make conditions that regarding the painting as noted in the Community Development communique that the existing pseudo-brick be changed to the matte color. And this will give it somewhat of a stealth appearance -- that that be a condition of granting of this relief.

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

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

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

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

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

That the petitioner shall file with the Inspectional Services Department each report it files with the federal authorities regarding electromagnetic energy waves emissions emanating from the petitioner's equipment on the site.

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

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

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

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

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

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

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

a) he or she has such responsibility, and

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

Also under granting of the special permit, it appears that the requirements of the ordinance can be met with the granting of this relief.

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

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

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. In fact, there would be a public benefit for an
enhance telecommunication facility at this location.

For other reasons the proposed use would not
impair the integrity of the district or adjoining district.
The Board notes other telecommunication facilities on this
locus or nearby, or otherwise derogate from the intent and
purpose of the ordinance.

On the motion to grant the relief requested, Mr.
Alexander?

CONSTANTINE ALEXANDER: I vote in favor of
granting, subject to the conditions that you've put into
motion.

BRENDAN SULLIVAN: Jim Monteverde?

JIM MONTEVERDE: I vote in favor.
BRENDAN SULLIVAN: And Laura Wernick?

LAURA WERNICK: I'm not voting on this continuing case.

ANDREA HICKEY: Gus, it's -- I'm sorry, Brendan, it's Andrea Hickey. I think I am on this case.

BRENDAN SULLIVAN: All right. Andrea.

ANDREA HICKEY: Yes, Mr. Chair. I am voting in favor of granting, in this case.

BRENDAN SULLIVAN: Okay, Jason are you sitting on this one?

JASON MARSHALL: I am, Mr. Chairman, and I vote in favor of granting. Thank you.

BRENDAN SULLIVAN: Sullivan votes in favor. Five affirmative votes. The relief is granted. Thank you. All set.

[ALL vote YES]

CHRISTOPHER ALPHEN: Thank you very much, Members of the Board.

BRENDAN SULLIVAN: Yep.
(6:28 p.m.)

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

BRENDAN SULLIVAN: All right. I don't know, Counsel you're back with us?

CHRISTOPHER ALPHEN: I am.

BRENDAN SULLIVAN: Okay.

CHRISTOPHER ALPHEN: I am, Mr. Chairman.

CONSTANTINE ALEXANDER: Welcome back.

CHRISTOPHER ALPHEN: [Laughter].

BRENDAN SULLIVAN: Okay. What is the -- how do you want to proceed?

CHRISTOPHER ALPHEN: So Mr. Chairman, we understand your concerns, and I was able to speak with my clients. We will continue the hearing.

And I would just state, again for the public record, that I do believe that we're still entitled under a special permit under 40A Section 6 under the statute. But nevertheless, we will continue and have that conversation with the building Commissioner.
I'd also respectfully ask that, you know, we likely will apply for a variance in order to, you know, have any sort of continued dispute with the City. And we would ask that we get on the public hearing list as soon as possible.

And if the Board could so accommodate to get us on the Board on the hearing list sooner than later with a variance application, it would be much appreciated.

BRENDAN SULLIVAN: Okay. That is an administrative procedure. I think that in the scenario of events that you may want to have a conversation with the Commissioner, come to an agreement as to the path forward. And if that is a variance route, then that would have to be applied for. You can ask Staff to accommodate you as quickly as possible.

The question is regarding this particular case to continue this, it would appear that it's going to continue probably for two months, I would think. And that would be March 24. Now, if -- we have two meetings in March or one?

OLIVIA RATAY: One.

BRENDAN SULLIVAN: There's one meeting in March, so -- there are two. If you were to determine that you need a variance, you can apply for it. If you didn't apply for
it, you could be on the -- maybe the first meeting, and -- well, maybe not.

But the opening now is March 24. I could possibly get on that night, and this one here would be scheduled for the same night. If you are heard on the variance, this one could then be -- could go away. But to keep the case alive, we would continue it until March 24.

CHRISTOPHER ALPHEN: Okay.

BRENDAN SULLIVAN: Is that fair, or not?

CHRISTOPHER ALPHEN: Yeah, understood. I think, you know, we wish this was brought up to our attention, obviously, sooner. But it is what it is, and we'll move forward.

BRENDAN SULLIVAN: Okay. So on the motion then to continue this matter until March 24, 2022, on the condition that the petitioner -- I think you already have signed a waiver of a statutory hearing -- the decision to be rendered at the statutory time near the --

CONSTANTINE ALEXANDER: You should have one --

BRENDAN SULLIVAN: We have it? Okay.

CONSTANTINE ALEXANDER: The waiver.

BRENDAN SULLIVAN: The waiver.
CONSTANTINE ALEXANDER: This case was continued before.

OLIVIA RATAY: Should have been --

BRENDAN SULLIVAN: That the posting sign be changed to reflect the new date of March 24, 2022, and that should there be any new submittals relating to this particular case that they be in the file by 5:00 p.m. on the Monday prior to March 24.

CONSTANTINE ALEXANDER: Brendan, I think you want to make clear that also the time on the new sign be 6:00 p.m.

BRENDAN SULLIVAN: The time on the new sign, as Mr. Alexander pointed out, should be at 6:00 p.m., the original time. Should there be two cases that particular night, we would probably hear the public case first vote over this one here, to see which one basically goes away. This one may go away. So anyhow, it's sort of an administrative thing there.

So on the motion, then, to continue this matter until March 24, Mr. Alexander?

CONSTANTINE ALEXANDER: I vote in favor.

BRENDAN SULLIVAN: Andrea Hickey?
ANDREA HICKEY: Andrea Hickey yes in favor.

BRENDAN SULLIVAN: Wendy?

WENDY LEISERSON: Wendy Leiserson yes in favor.

BRENDAN SULLIVAN: And Jim Monteverde?

JIM MONTEVERDE: Jim Monteverde voting in favor.

BRENDAN SULLIVAN: And Brendan Sullivan votes in the affirmative, so that's five affirmative votes.

[ALL vote YES]

This matter is continued until March 24, 2022.
(6:33 p.m.)

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

BRENDAN SULLIVAN: Okay. The next case that we will hear is Case No. 149683 -- 2 Frost Street, Unit 2.

ANDREA HICKEY: Mr. Chair, it's Andrea Hickey speaking. I believe I was only on the continued cases, so I'm going to drop off the meeting?

BRENDAN SULLIVAN: Yeah. You were on this particular case.

JIM MONTEVERDE: This is continued.

ANDREA HICKEY: Oh, it is?

JIM MONTEVERDE: Yeah.

BRENDAN SULLIVAN: Yeah.

ANDREA HICKEY: My apologies. I will stay.

BRENDAN SULLIVAN: I'm glad you're here.

ANDREA HICKEY: Thank you.

BRENDAN SULLIVAN: Okay.

CHRISTOPHER ALPHEN: Thank you, Mr. Chairman. For the record, Attorney Christopher Alphen; Blatman, Bobrowski
& Haverty.

With me are the petitioners, Josh and Anna. But they're showing on the screen there, and we have also have Axel with SKA also with us in the Zoom, the Architect for the project.

As you may recall, this application was continued relatively quickly when the Board discovered that there was a letter of correspondence from the Planning Board asking that they wanted to review this application.

We reviewed that application with the Planning Board at two public hearings. During the -- between the two hearings, we met with the Community Development Department.

They had some suggestions about design -- specifically to the roof, which Axel will go over. End all be all was that the Planning Board reversed course and said that they appreciated the design that we have.

What we're seeking is a variance for FAR. The FAR is going to be 0.01 over. The variance is for -- in this district is 0.5; we're looking for a variance to have an FAR of 0.51.

This is a modest addition. It's needed for the applicants' or the petitioners' family members. They're
having -- they have two twins, and they need to expand their living space.

We're also seeking a special permit for the moving of some windows. And with that, I'll turn it over to Axel, who will go over the plans.

AXEL RAMIREZ-PALACIO: Hi. Good evening, Members of the Board. My name is Axel Ramirez-Palacio. Sam Kachmar Architects here. We're going to present our project, located at 2 Frost, Cambridge, Massachusetts. Here we go. Yes.

BRENDAN SULLIVAN: Axel, the issue before was the design of that third-floor addition, and that I think they felt that it was not comparable or complimentary to the existing structure. Is that basically your information?

AXEL RAMIREZ-PALACIO: That is correct.

BRENDAN SULLIVAN: And so you have redesigned that third floor?

AARON RUBIN: That is correct. We changed it, so we changed the border, we changed the shape of the upper level. We met with a member of the CDD like on three occasions with a little back and forth with him, and with our clients as well. And prior to that our clients with the
neighbors.

So we finally found common ground, and all the parties were agreed -- CDD, our clients, the neighbors around. So we will come with this presentation. And they allowed us to go to be here today. So I will continue here. So our plan consists of a renovation in a condo. This is a building that is owned by a condo association.

Two condos in this building. Condo number 1 has 3833 square feet. Condo number 2 just 1500 square feet.

Our project is based on condo number 2. As you can see, as a family of five, it's a very small space, and that's when we became planning the additional footprint in the making level 3.

So we can go to the next sheet, please?

SAM KACHMAR: Next slide please?

AXEL RAMIREZ-PALACIO: Next page? Next sheet, please?

Well, here you can see an aerial view of the existing condition on the left side, and the proposed condition on the right side. And you can notice the additional footprint on the third level and the main entry of the house on the side of Roseland Street.
Next, please?

Here is a street view from Roseland. But I would like to mention before that there is no intention of any tree removal. We just didn't draw the -- put our trees on the model just for visual purposes.

But you can see the addition on the third floor on the left side of the building and the alteration of the main entry on this elevation.

Next, please?

This is another street view from the corner of Roseland and Frost. You can see on the top existing conditions, and the bottom the proposed design. You can see pretty much in the main façade on Frost Street a big part of the façade on Roseland we have no intention of any alteration.

Next, please?

Here on the left side, we have here a calculation. When you -- this residence is located in Residential District B, but the maximum ordinance for FAR is 0.5. We're trying to move to 0.51; it's a very de minimis increase in the footprint.

On the right side, we have a floor plan. You can
see in red the setback lines, and only effected with special permi. On the top left, you can see the addition of the skylight. And that is within the setback lines.

Next, please?

Here's the north elevation. In the upper part, you can see existing conditions. On the left, the drawings were existing conditions. On the right side is a picture of the existing conditions. On the bottom part, you can see on the left rendering with our addition on the third floor of the main entrance. On the right side you can see the area of relief we're looking at. You know, one's our proposed elevation.

You can see as well on the far right the setback line from the front rear apartment as well.

Next, please?

This is the east elevation. Same on the upper part; you can see existing conditions. Our drawings on the left, existing condition pictures on the right side. On the bottom you can see our proposed design with a render on the left side, and our architectural drawings on the right side. So on the new addition level 3.

Next, please?
This is the south elevation. Again, upper part existing condition, left are drawings of existing condition, a picture on the left and the right side; on the lower part you have the proposed elevation showing again the proposed addition on the third floor. You can see on our architectural drawings on the right side as well.

Next, please?

This is the west elevation. In this elevation there were no more alterations done at all.

Next?

This is level 0, where you can see the setback line being pretty far from -- a very small area and structure on the main entry to the house.

Next, please?

This is level 1. Again, here you can see the addition -- part of the additional footprint on the main entry of the house.

Next?

Level 2 we're just doing internal renovations, no addition at all to the footprint.

Next, please?

Here, you can see on the rectangle the additional
footprint that we have to -- we proposed. We would like to proceed on this one.

Next? Here's the roof plan. You can see the additional roof on the next sheet. We have a QR code that you can access for a video for steadier conditions and you can access with the smartphone camera.

Next sheet, please?

Here we have exterior condition pictures that were requested by the city of Cambridge.

Next?

This is the certified plot plan by the requirement -- requested documentation (sic) as well.

Next?

And here we have the last -- all the letters of support from the neighbors, including the next-door neighbors over at condo number 1. That will be the end of the presentation. Any questions or back to you, Chris?

BRENDAN SULLIVAN: Counsel, you're asking for two forms of relief, other than the special permit for the windows. One is going over the FAR. And the other one would be the height.

AXEL RAMIREZ-PALACIO: Right. The height of the
building -- the height of the building is already nonconforming, but we aren't doing any alteration on that as well.

BRENDAN SULLIVAN: All right. So that the addition would exceed the height allowance also?

SAM KACHMAR: The building already exceeds the allowable height. It's 37.5 feet tall.

BRENDAN SULLIVAN: And this is a continuation of that?

SAM KACHMAR: Correct. Mm-hm.

BRENDAN SULLIVAN: All right. I have no other questions at this time. Let me open it to the Board. Mr. Alexander, any?

CONSTANTINE ALEXANDER: I have no questions.

BRENDAN SULLIVAN: Andrea, any questions?

ANDREA HICKEY: No, Mr. Chair. I have no questions.

BRENDAN SULLIVAN: Wendy, any questions at this time?

WENDY LEISERSON: Just a point of clarification, please. When I was looking at one of your slides in the beginning, when you pointed out the window that was in the
setback line --

    AXEL RAMIREZ-PALACIO: Yes.

    WENDY LEISERSON: Was that --

    AXEL RAMIREZ-PALACIO: Skylight. It says, "skylight."

    WENDY LEISERSON: And were --

    AXEL RAMIREZ-PALACIO: Top right. Top left, I'm sorry.

    WENDY LEISERSON: And that's in the main building?

    AXEL RAMIREZ-PALACIO: It's in the garage.

    WENDY LEISERSON: Yeah. So what's happening in the garage? Is that being transformed into living space?

    AXEL RAMIREZ-PALACIO: Well, we are proposing the garage, and we can go to the next Level 1. Well, what we are doing here is we're going to accommodate the garage for a potential -- you know, storage. The roof is damaged as well. We have to fix the roof; it's all rotted in the short-term now.

    It's going to be used for storage, and as part of the extension as well of the footprint for the family, this will become like a little hangout. It's a multidynamic area. It will remain as the garage. It will remain as the
garage, and it will be occupied in -- like in the summertime it will be occupied as storage for bicycles; little hangout for the kids is the additional part.

But mainly it will be a garage; it will not change.

WENDY LEISERSON: So is this something that needs to be counted in your table, or was counted in your table?

AXEL RAMIREZ-PALACIO: What do you mean? I don't understand your question.

WENDY LEISERSON: I mean, like, is this space something that, you know, is additional square footage that -- or somehow needs to be -- is this livable space or is this -- yeah, it's a question, right?

AXEL RAMIREZ-PALACIO: It was included in our calculations. You can go to the sheet when we have the plot plan and study on our areas. You can see that that area was included.

WENDY LEISERSON: As living space?

AXEL RAMIREZ-PALACIO: Yes. It's in the top area, on one of the first sheets.

WENDY LEISERSON: Okay. Yep. All right. And -- but there's not going to be any kind of plumbing type stuff
there? It's just --

AXEL RAMIREZ-PALACIO: No plumbing. No plumbing.

No bathroom -- nothing, no.

WENDY LEISERSON: Okay.

AXEL RAMIREZ-PALACIO: Nothing at all.

WENDY LEISERSON: All right. Thank you. No more questions.

AXEL RAMIREZ-PALACIO: You're welcome.

BRENDAN SULLIVAN: 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.

[Pause]

Since nobody seems to be calling in, there are some letters in the file who are in favor -- probably four or five of the Members of the Board have read them and there are probably six or seven in the immediate neighborhood who have no objection to this and support it going through.

Let me just sort of make a comment. The funny thing is on these houses, which this was probably built as a
single-family home, and then divided into two condos, which allow for basically starter homes.

And one of the things that happens here on Thursday nights is then we take what was probably a starter home for a couple, and then children come and then require more space which -- what we wind up doing is taking away some of that starter home status.

However -- and of course I don't need to go into Bobrowski's handbook Fourth Edition 2018, where he basically -- again cites a number of cases where it is well settled there's personal hardship. Needing more space is heart-rending, but not a proper factor for consideration.

However, I think that this Board has been somewhat sympathetic to families that start and who grow in a community, who establish roots in the community and basically contribute to the fabric of the city, and have come upon a situation where they need to continue that stability and basically to maintain domestic tranquility.

And there's a public benefit for that, to allow these people to expand the residences and basically stay in the city. Other than that, there is really -- there are options, but maybe not very pleasant ones.
This particular house has I think -- I don't think there's anything unusual about the size, shape or topography of the lot -- all the lots around there are somewhat similar.

However, this particular structure is unique in the fact that it has a mansard roof and very, very difficult, challenging even for a good architectural firm to be able to add some space with the constraints that a mansard roof places on it.

The initial design I thought was not good. This one here is a lot better, and tasteful, so that -- agree. And so I would support the granting of the variance, and also, the special permits to relocate the window. So that's my thought on that.

Mr. Alexander, your thoughts?

CONSTANTINE ALEXANDER: I thought that -- actually you anticipated my thoughts. I was not very -- architecturally -- not at all happy with the original design. But the changes that have been made -- still have some problems, but I can understand what's going on.

I think the reasons that Brendan has cited for the granting relief are valid. And so I would vote in favor.
BRENDAN SULLIVAN: Okay. Andrea?

ANDREA HICKEY: Mr. Chair, I agree with Gus that you've sort of hit all of the points that were in my head. This presentation is better than the prior -- not perfect, but I can live with it. So I do plan to vote in favor, as presented.

BRENDAN SULLIVAN: Wendy?

WENDY LEISERSON: Likewise, I intend to follow my colleagues and vote in favor.

BRENDAN SULLIVAN: Jim?

JIM MONTEVERDE: Same comments. I agree with my colleagues.

BRENDAN SULLIVAN: All right. Let me make the motion, then, to grant the relief in question as per the application and the drawings contained therein. The Board finds that a literal enforcement of the provisions of the ordinance would involve a substantial hardship to the petitioner.

The Board finds that there are unusual circumstances relating to this particular locus; the house, the challenges of adding some additional much-needed space, and that the proposal before us is somewhat de minimis to
achieve that particular end.

That the amount of floor area ratio just tows it over the line a little bit. Reasonable that the height violation is in keeping with the existing height of the house, and does violate the 35-foot limit, but the design is proper, and in keeping with the continuation of that height.

The Board finds that desirable relief may be granted without substantial detriment to the public good, and I would incorporate my earlier comments about people maintaining their residence in the city and contribution that that makes.

The Board finds that desirable relief may be granted without nullifying or substantially derogating from the intent and purpose of the ordinance. And the renovations will improve the neighborhood without any derogating from the streetscape and/or from the surrounding neighbors and the properties.

So on that motion, then, I will -- I make a motion, then, to grant the variance based on that motion, and also, the submittals for the record.

Mr. Alexander?

CONSTANTINE ALEXANDER: I think we want to make it
clear that the vote in favor is subject to the work proceeding in accordance with the plans that have been submitted and you've initialed.

BRENDAN SULLIVAN: Yeah. Those -- thank you -- and those are dated 01/18/22, is that correct? There are three sets in the plans, in the files here, so.

CHRISTOPHER ALPHEN: Axel, when's the latest date of the plans?

AXEL RAMIREZ-PALACIO: 01/18/22 is the correct one, yes.

BRENDAN SULLIVAN: 01/18/22?

AXEL RAMIREZ-PALACIO: Yes.

BRENDAN SULLIVAN: Okay. Okay. Mr. Alexander, your vote.

CONSTANTINE ALEXANDER: I vote in favor. We went through this already.

BRENDAN SULLIVAN: We haven't gone through the lineup yet. I'm sorry, Andrea, you voted for it?

ANDREA HICKEY: Yes, yes. Andrea Hickey in favor.

BRENDAN SULLIVAN: All right. So then Wendy and then Jim also. Okay. And Brendan Sullivan too. So on the motion, then, that the variance is granted.
Now onto the special permit, to add or alter windows within the setback. I think you already touched on those, and the ones that are going to be changed. Is that correct?

AXEL RAMIREZ-PALACIO: That's correct.

BRENDAN SULLIVAN: Okay. So on the motion, then, to allow for the relocation of windows, it appears that the requirements of the ordinance can be met with the granting of the special permit.

Traffic generated or patterns of access or egress would not cause congestion, hazard, or substantial change in established neighborhood character.

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

The Board finds that there would not be any nuisance or hazard created to the detriment of the health, safety and/or welfare of the occupants of the proposed use -- in fact, it would be enhanced -- or the citizens of the city.

The Board finds that the proposed use would not
impair the integrity of the district or adjoining district, or otherwise derogate from the intent and purpose of the ordinance.

And that the -- for those reasons, I make a motion, then, to grant the special permit. Mr. Alexander?

CONSTANTINE ALEXANDER: I vote in favor, so long as the vote is -- the special permit would be granted subject to compliance with the plans we referred to with regard to the variance.

BRENDAN SULLIVAN: Andrea?

ANDREA HICKEY: Yes, in favor and supporting the caveat of Mr. Alexander.

BRENDAN SULLIVAN: And Wendy Leiserson?

WENDY LEISERSON: Yes in favor with the same caveat.

BRENDAN SULLIVAN: Great. And Jim Monteverde?

JIM MONTEVERDE: Jim Monteverde voting in favor.

BRENDAN SULLIVAN: Great. Thank you.

[All vote YES]

The special permit is granted, as per the application and the drawings.

CHRISTOPHER ALPHEN: Thank you very much, Mr.
Chairman.

BRENDAN SULLIVAN: All right.

SAM KACHMAR: Yes, thank you very much.

CHRISTOPHER ALPHEN: Thank you.
(6:57 p.m.)

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

BRENDAN SULLIVAN: Okay. The next cases are 33 -- 33-35 Webster. Sitting on this is myself, Mr. Alexander, Jim Monteverde, Laura you're sitting on this and Jason Marshall you're sitting on the regular agenda?

JASON MARSHALL: Yes, I am. Laura? Laura, are you audible?

LAURA WERNICK: Yes. Hello.

JIM MONTEVERDE: There you go.

BRENDAN SULLIVAN: Laura, you're there?

LAURA WERNICK: Yes.

BRENDAN SULLIVAN: Great. Okay.

LAURA WERNICK: Okay. Thank you.

BRENDAN SULLIVAN: All right. The Board will now hear Case Number 155114 -- 33 Webster Avenue. Mr. Anderson?

DANIEL ANDERSON: I'm going to let Parviz Parvizi introduce himself.

BRENDAN SULLIVAN: Sure. Absolutely.
PARVIZ PARVIZI: Hi. Thank you, Mr. Chair. I'm Parviz Parvizi. That's spelled P-a-r-v-i-z first name, P-a-r-v-i-z-i last name. I'm the owner of 33-35 Webster Avenue. With the Chair's permission, I'd like to share some background.

I've lived in Cambridge as an active member of the community for close to two decades as a renter. In the past five years, my rent has gone up by over 70 percent. My partner and I have tried to purchase a home to get some measure of stability with an eye toward the near future, when we had looked to have aging grandparents with us.

We've submitted numerous purchase offers, typically over asking price, and lost out, often by hundreds of thousands of dollars, in what's become a frenzied market.

We got to the point where we needed to think creatively and be open to a place that needed work, and that we could make our own with some extra effort and sweat equity. We bought 33-35 Webster with that in mind.

We'd like to build our long-term home in the back. The two existing homes in the front are not in great shape, and the City's assessor has given them a grade of 4. We'd like to renovate them to have a multigenerational property
1 with grandparents as they age.

2 Much of what's driving the relief we're asking for with this set of applications is due to the existing nonconforming nature of the property and structures.

3 In addition to our planned improvements, we're able to provide compliance with the zoning ordinance's parking requirements. We've had to reconfigure 33 and 35 Webster to take out living space to incorporate our new primary residence and off-street parking.

4 We're looking to improve the two existing structures for long-term use for our family, which will require limited relief from the zoning ordinance. I'll hand things off to Dan Anderson in a moment to walk through the details.

5 I do want to emphasize that we're staying within the city's square footage limits. No building is higher than the maximum that's allowed in the district, and we have more open space than the ordinance requires.

6 I also wanted to share with you my neighborhood outreach. Starting last fall, I reached out to over 20 neighbors. I hosted an open neighborhood meeting, had met in person or by phone with all but one direct abutter, and
several neighbors who are not direct abutters. The last
abutter corresponded with me in writing.

    Nobody who I communicated with, other than those
filing with you tonight, has expressed opposition to what
we're covering with the permit applications before the BZA.
Neighbor input has focused on how construction would be
conducted and landscaping.

    Since learning of some of the opposition filings
on Monday, I have gotten in touch with some of the filers to
better understand their concerns and clarify the exact scope
of my plans. I hope this outreach has helped address some
of their concerns.

    Through the interactions I've had with neighbors,
I've accommodated for their well-being on things that are
outside the scope of what the zoning ordinance requires, but
just felt like the right thing to do in order to be a good
neighbor -- such as incorporating a deck privacy screen in
the design at 33 Webster, modifying plans for the roof at 37
Webster, planting additional trees, and sharing my plans to
maintain the health and safety of a tree at the back of my
property based on conversations I've had with five different
arborists.
Thanks for your time. I'm really excited to be part of Cambridge as a homeowner, and I'm looking forward to building deeper connections with the community and with my neighbors. I'll now hand it over to Dan Anderson, who's the architect for these buildings.

CONSTANTINE ALEXANDER: I'm Mr. Alexander, one of the Board members. I'd like to have some conversation with you, before we --

PARVIZ PARVIZI: Yeah, please.

CONSTANTINE ALEXANDER: -- move on. I must say I was -- frankly, agree with you about the problems with trying to buy residential real estate in Cambridge these days. It's just crazy, period. However, letters -- no letters of support.

There are several detailed, long letters of opposition, citing all sorts of reasons -- many of which are tied to the trees on the property and the modifications of trees. For those -- and that's not technically a voting issue, the trees, but as you probably know, in Cambridge these days trees are very, very much in the front people's minds, and there's a strong movement about anything that removes trees or damages them or the like.
So I'm not -- and I may be wrong, so correct me if I am -- I think to do some of the tree work that you want or need, you're going to have to remove some of the roots of the trees. Is that right?

PARVIZ PARVIZI: Yes, so it's actually there's one tree. And --

CONSTANTINE ALEXANDER: But that one tree is --

PARVIZ PARVIZI: Absolutely. It's a big tree, and it's --

CONSTANTINE ALEXANDER: Right.

PARVIZ PARVIZI: -- actually, like, a wonderful tree. And so what I did starting in August before really engaging in any of the planning is I met with several arborists to just understand what the situation was with that tree, and if it would even be feasible to build near it, for the benefit of the neighborhood, for my own safety.

But what they've told me is that there's really no risk, or very limited risk, to the health of the tree and the safety of the tree. And if I wanted to be diligent, what I should do is a few things, which is to AirSpade and prune the roots of the tree around the excavation zone.

Because one of the things that happens is when you
excavate sort of near a tree, the excavators will go in and dig and they'll grab the roots. And they'll yank them out. And so they'll grab some roots that are in that excavation zone, but what's particularly harmful is that they'll pull out the roots all the way to the tree.

So if you use an AirSpade to basically create a trench around the perimeter, and then an arborist goes and prunes those roots, what you do is you actually then take that risk away.

You're pruning some roots, just like when you prune branches you have to be judicious in doing that, right? If you prune branches and cut off 50 percent of them, that's going to be really bad for the tree.

And also there's a matter of timing and when you do that. If you do that at a time when the tree is most sort of alive in warm weather, that's more damaging to the tree. If you do it in the winter when it's dormant, that does the least harm to the tree.

So in this case, I sort of developed that plan with the arborists. I chose an arborist. In December, we actually had that AirSpading and root pruning done. So anything in terms of construction when it comes to the roots
would not cause incremental damage to the tree, because we've sort of protected that root area from having the sort of -- the sort of excavators come and yank out the proposed roots.

And then there is a separate set of activities like pruning the branches -- clearly -- giving, taking care of the tree as you should anyway. You know, giving fungicides. It's a Dutch Elm, so there's Dutch Elm -- it's an elm tree, so there's Dutch Elm disease. So fungicide can be beneficial, giving macronutrient boosts -- things of that sort.

So -- and then in the conduct of the construction, there's also a relevant factor there, where what you want to do is make sure you don't put heavy things and heavy equipment on top of the root structure that's closest to the tree, because even if you're not for example digging a hole, if you're just simply putting a lot of heavy things on top of the root structure, you compact the roots. And that can be damaging.

So part of the plan also is to basically cordon off the area around the tree to make sure that no equipment is sort of placed on it.
CONSTANTINE ALEXANDER: There's a letter in the files, I assume from the arborist you selected. It talks about things you can do injecting into the -- which you mentioned, injecting in the roots and the like.

But they all -- almost every one of the measures also talks about you have to get permission from the owner of the tree.

And if those people in opposition have a right to block you, what are we doing? Inviting you to put a -- allowing you to build -- do the work you want; we're going to put the trees at risk and putting the structures at risk. That's what my concern is.

PARVIZ PARVIZI: Sure.

CONSTANTINE ALEXANDER: I don't know where we are, and we're not arborists. Or certainly, I am not an arborist. And are we rolling the dice -- we as a Board, or me as a Board Member, by allowing this to go forward on the basis of a lot of uncertainty about the -- even the midterm, not the long-term -- midterm life of these trees?

I'm sympathetic to what you want to do -- no issues. But I have to consider the other side.

PARVIZ PARVIZI: Sure. I don't know if it's
helpful. I'm happy to address part of that or --

CONSTANTINE ALEXANDER: Yeah. What do you want to
know? I want you to address it.

PARVIZ PARVIZI: Yeah. So if you look at that
list, sort of the couple most critical things are the root
pruning. And that's entirely on my property, and that's
been done. That's completed.

Then the second thing that's important is the
branch burning. And the tree's a border tree. So it
borders 5 Lilac Court. And Graham and Joe own that. They
are -- they live in Chicago, and act as landlords for their
property. I contacted them the fall, you know, sent digital
copies of the file, et cetera. Didn't hear back other than
initial very quick e-mail.

When I learned about their opposition this week, I
did contact them. I had a good conversation with Graham.
Hopefully he -- he was planning on showing up this evening
prior to us speaking to oppose this -- and we talked about a
couple other.

One was on the branch pruning, that's something
that he and Joe have done over the years every two years.
And they haven't had cooperation from the property from my
property, from the prior owners. And so we talked about how we would actually work together on that. That's just something that's beneficial to the tree, regardless of any construction.

And the other activities -- the injections, et cetera. -- those are sort of beneficial bonus things to do. They're good things to do. If they had opposition to that, I'd certainly want to talk it through with them.

But when it comes to the conduct of the construction, I think we've been quite diligent in really the most critical thing, which is making sure the excavation doesn't harm the root structure.

Much of what else is on that list is certainly beneficial and helpful, but everything on that list is kind of going above and beyond kind of the call of duty on this.

The initial recommendations were this tree is really not something that should be harmed by what you want to do. I just wanted to do the right thing and go above and beyond that.

So to answer your question of, "Is this relevant, can somebody block this, will the tree just die and there be harm?" I really don't think so. That's -- from the work
I've done, which has been significant, there's very little reason to believe that to be the case.

CONSTANTINE ALEXANDER: Thank you. You're very good in your comments, and you're responsive to the questions I'm asking. I'd like to see when we have questions from the neighbors if they chose to speak, what they have to say and what you will have to say.

PARVIZ PARVIZI: Yeah. I'd love for Graham and Joe -- hopefully, again, if they have thoughts, hopefully it was a good, helpful conversation. I know they have, you know, their own perspectives on things. And no matter what, you can't have a zero-risk situation. It's not possible to have zero risk.

But in terms of being diligent, you know, I talked to five different arborists. I hired a national company. These are people who have reputations to uphold, and they're not going to come in and do work that's going to just cause significant harm to the community.

CONSTANTINE ALEXANDER: Well, I don't want to pursue this any longer. Just one final comment. If you've talked to five arborists and you've pick one arborists, I don't know what the other four arborists told you. The
Board doesn't know. And they tell you the rest of them agree?

I'm not saying they did. I don't have the benefit of what the other four said to you and why you didn't use any one of the other four, which makes me a little suspicious.

PARVIZ PARVIZI: Well, for whatever it's worth, to be fair, I mean this is public testimony and I'll say that they all said there isn't risk, but in fact the one who I wanted to work with, because of COVID, didn't have availability until later in the spring. So I went with another arborist. So there are at least two that I can demonstrably show said the same thing, wanted to do the same work.

So as for the other three, I mean I could be perjuring myself here, but I think I'm a reasonably -- person --

CONSTANTINE ALEXANDER: -- to the Board Members. You made your point. Okay, I want to hear the rest of the case.

PARVIZ PARVIZI: Sure.

CONSTANTINE ALEXANDER: And presumably the
neighbors who are going to speak.

BRENDAN SULLIVAN: Mr. Parvizi -- and also
directed to Mr. Anderson -- there's three distinct cases
here, but in fact it's really, you know, one lot. This is
going to be a condominium setup?

PARVIZ PARVIZI: I'm planning to just keep one
property, as opposed to condominiumizing, because it's a
family sort of space.

BRENDAN SULLIVAN: So it's going to be one piece
of property, three houses, and a common ownership?

PARVIZ PARVIZI: I mean, I haven't gone through --
that's the current plan. I don't know if there's a
background to one path or another in terms of how you guys
regulate this. That's -- currently that's the plan. But
you tell me.

DANIEL ANDERSON: Mr. Chair, if I may -- this is
Dan Anderson, Partner at Anderson Porter Design. So Mr.
Parvizi, Parviz owns this piece, simple. So he is developing
this, and there's no reason for him to change the ownership
structure of this. And as far -- in all of our
conversations, there is no intention to do so.

And I just would want to make the comment this is
a fairly unusual case, three structures on the lot -- two preexisting, nonconforming structures. But the very first meeting that I had with Parvizi, I asked him to contact an arborist, because in our experience, it just requires extra diligence.

We have added additions and structures underneath canopy using a variety of different methods. But it was first and foremost in our recommendation that before we even started design and planning, that he have a clear path forward with a good arborist.

And the conversations that were reported to me we were as Parvizi described them, all saying that there was nothing -- there was no risk, but with proper management they had a clear path forward.

BRENDAN SULLIVAN: I'll be quite candid is that when -- obviously I've been wrestling with for more than a couple weeks -- have been down to the site three times, four times, and actually stood in the middle of the yard at various times in the morning and in the afternoon to see the direction of the sun, the sunlight, how it would be affected to the neighbors.

And that thought that I came away with and where
I'm at is that you bought a site with two houses on it. Yes, they do need some work and what have you, but then proceeded to basically maximize the site. And by adding that third unit, I understand, you know, your agenda and your wishes, wants and desires as far as that being your home and what have you, but I think that it will have a deleterious effect on the surrounding properties. And again, my observation of sunlight and the effect of the buildings on the neighbors is something I am troubled with and wrestle with. But I'll let you go on with your presentation, Dan, but it's -- it's a tough sell right now on me, anyway. But anyhow.

DANIEL ANDERSON: No, thank you for your observations and diligence in going and visiting the site. It is a tight site. Just as a quick summary, apart from --

BRENDAN SULLIVAN: In hindsight -- and again, Mr. Parvizi, you know, you buy -- again, the site with two houses on it and you paid x number of dollars, whatever that is, for those two pieces of property and houses and the adjoining large lot for the condition that it's in and what
you can do with it as-of-right.

    Now, obviously after you bought it you said, "Aha, there's a potential here to do whatever." But using the Zoning Board or a variance as a vehicle to enhance that initial investment, you know, is really not part of our charge, nor should it be part of our consideration. It's really what is beneficial to the site, and/or to the neighborhood.

    But again, I think that you bought these -- I assume -- from the previous owner and the condition that they were in, what you needed to spend to enhance them, bring them up to code or modern, livable standards, but only as-of-right. And not seeking any kind of relief from the Zoning Board.

    DANIEL ANDERSON: Well, it -- Mr. Chair, this is Dan --

    BRENDAN SULLIVAN: Beyond that -- you know.

    DANIEL ANDERSON: -- so I think that Parviz has a slightly different approach and perspective on this. But let me give a quick rundown of what we're asking for, and we can engage in a conversation about what those specific reliefs are, and how they may or may not be acceptable. And
it's worth having your input as well.

But we're specifically looking at modifications to number 33, which --

BRENDAN SULLIVAN: That's the building on the right.

DANIEL ANDERSON: -- which is the building on the right. Yeah, so the existing as you're looking at it from the street, 33 is on the right, 35 is on the left, and although the application says 35, we've numbered the new structure at the rear as 37.

And fundamentally, the changes were reduction in gross building area to the front two units to allow for what was Parviz's primary interest, was building his own single-family primary residence in the back and renovating the two structures in the front, the existing structures, for the extended family as the family comes down to him in future.

So the modifications to the two structures in the front do in fact ask for increases -- specifically 33 converts the existing second-story to a third story in order to provide the number of bedrooms in there that his program asks for. And that change is an increase of the exposed elevation in a nonconforming setback.
However, it also removes any window openings from that. So there's -- we're talking about a foot and a half, just shy of two feet of side setback on that site. So it is a tight side setback, but in conversations with neighbors and abutters, you know, Parviz mentions the application of a privacy screen on a deck area, and the removal of the one operable window there.

We do have a translucent wall there that can help provide some light, but the only request there is an increase in height in the side yard setback.

Number 35, which is the one to the left as you're facing, is an older workers' cottage, which is in rough shape and has very, very low ceiling heights, and we've reviewed this with the Cambridge Historic Commission, and the strategy is in addition to the second-story, which currently you can't stand up in.

And we are providing this as a -- basically going from a one-and-a-half story structure to a two-story structure, and currently proposing some change in window openings to the north, which faces 41 the abutter.

The addition of a new structure at the rear, number 37, is a conforming structure in all respects,
including FAR, height, setbacks. The only relief that we're really asking for is a variance for a guardrail/handrail to the areaway basement stair access to the lower level.

So it would be -- the hardship created or otherwise is that placing that conforming structure on the site, placing a new curb cut, which we have in the works right now as an application with neighborhood approval would allow there to be conforming parking on the site, conforming off-street parking.

So the strategy employed here is really to meet Parvizi's desired program to improve and modify the two existing structures that definitely needed work, and to create an otherwise conforming single-family primary residence in the rear.

So there wasn't a certain sense of, "Aha, I can do this to maximize." Rather, how can this site meet the programming requirements that Parviz has for a long-term family compound. So we worked at this very diligently, and I think that the opposition came quite late.

Parviz did a lot of outreach, and we didn't see any letters of opposition or quite honestly even responses of opposition, apart from conversations around the tree and
concerns from Lilac Court about privacy and screening, really until Monday.

So I'm certainly happy to open this up to conversation with the Board. I do have one particular request, which is that we were asked to submit the special permit application for number 35 -- again, the worker's cottage that's on the left-hand side -- under 8.22.2.

Again, same as number 33, in that we were increasing the height of that nonconforming -- of the elevation in the nonconforming setback.

It does seem that 8.22.1 h) allows as-of-right a modification, an addition to the second story that further violates the yard and height width strictly by building permit. So I would ask that you kind of consider that.

Certainly, the -- any issues around window placement on that side are legitimately special permit, and Parviz has tried to engage with that conversation. We do have some opposition from new owners at number 41, and Parviz had tried to be as engaging on that front as possible.

BRENDAN SULLIVAN: Regarding the previous statement that you made about just getting a building
permit, had you had a conversation with the Commissioner on that fact?

DANIEL ANDERSON: So I -- in terms of a building permit for number 30 --

BRENDA N SULLIVAN: Because it's written as-of-right.

DANIEL ANDERSON: For number 35, is that specifically what you're asking?

BRENDA N SULLIVAN: Yes.

DANIEL ANDERSON: Yeah. So I had two different response. One is first from Ms. Ratay and the second in conversation with Ms. Ranjit -- with Mr. Singanayagam. He was -- I'm happy to make the argument for it -- he felt that the 822.1 h)1) would only apply to extending an existing roofline.

However, so we were not in agreement of interpretation on that. I put it forward to you that I believe that that is applicable. But now is not the time and place to debate that. We're happy to move forward with just a discussion of the whole piece as special permit.

BRENDA N SULLIVAN: Okay. So he has a different interpretation than you have?
DANIEL ANDERSON: So it comes down to the fact that he thinks that the second-story addition is not applicable to a half story, he says, through a roof. However, part 2 says the dormer to the third story, which is clearly a roof, the half-story.

So I find that I don't agree with his interpretation, I think it is contradictory. But because this project specifically is raising the roof to add to the second story. But I can only give my interpretation.

BRENDAN SULLIVAN: Dan, on the back Unit 37 --

DANIEL ANDERSON: Yes.

BRENDAN SULLIVAN: -- where you're seeking a variance, have you explored an as-of-right solution to --

DANIEL ANDERSON: Yes. So we have an as-of-right -- we do have an as-of-right solution. If we provide a safety grate to cover that basement access areaway, we don't need the variance.

BRENDAN SULLIVAN: Oh.

DANIEL ANDERSON: It's just the guardrail within the side yard setback as I understand it.

BRENDAN SULLIVAN: So you do have the ability to construct whatever you want without needing a variance?
DANIEL ANDERSON: That's correct. And that includes height above new average grade. So we're well within that caveat.

BRENDAN SULLIVAN: All right. I didn't mean to take away from some of your thunder here, but the Board heard it. Did you want any more presentation at all?

DANIEL ANDERSON: No, I would open it back to the Chair and Board for comments. And I'm happy to have all your observations heard.

BRENDAN SULLIVAN: All right. Let me open it up, then, to Board discussion. Mr. Alexander, any additional comments?

CONSTANTINE ALEXANDER: I want to see if the other Board Members have anything they want to say at this point?

BRENDAN SULLIVAN: Jim Monteverde, any comments at this time?

JIM MONTEVERDE: No comments, thank you.

BRENDAN SULLIVAN: And --

CONSTANTINE ALEXANDER: Laura.

BRENDAN SULLIVAN: -- Laura?

LAURA WERNICK: Yes, please. I just want to make sure I understand. And I think that Mr. Sullivan clarified
this, but I just want to go through it. So the 37 could be
done as-of-right, given if you chose to do the grate
coverage, rather than the railing? Otherwise it's as-of-
right?

DANIEL ANDERSON: Correct.

LAURA WERNICK: That's correct? So -- and then
the two front buildings, are they -- were they being lived
in when Mr. Parvizi purchased the property? Were they
occupied?

DANIEL ANDERSON: I don't know.

PARVIZ PARVIZI: Yes, they were. They both were.
The one on the left, the smaller 135, the two bedrooms are
upstairs. They have six-foot ceilings at the maximum, and
then the roof slopes down to a little under three feet. So
those are the bedrooms. And they were living --

LAURA WERNICK: They're not code, though?

PARVIZ PARVIZI: They were certainly
grandfathered. And, you know, to the earlier comments, I
mean, regardless of the thought of -- I don't even want to
kind of try to summarize that earlier thought, but
regardless of the thought of my using the back, that left
side building is just not livable, according to a modern
standard as it is, regardless of anything else that's done.

   It's hard for me to debate that.

   LAURA WERNICK: So you're in fact improving the
   quality of the housing stock, your suggested improvement --

   PARVIZ PARVIZI: Absolutely. I mean, my long-term
   plan is to have my mom live there. Regardless of that, I
   would be happy to walk any of you through that place. It
   would take about five minutes, because it's quite small. A
   six-foot ceiling that goes down to --

   LAURA WERNICK: No, no, I get it, I get it, I get
   it. I'm just trying -- so --

   PARVIZ PARVIZI: Yeah.

   LAURA WERNICK: -- on 37 --

   PARVIZ PARVIZI: Yep.

   LAURA WERNICK: -- so you're making two bedrooms
   that don't meet code will be made to meet code, and will
   become livable? At 33, how many bedrooms are there
   currently? You're -- it'll be the same number of bedrooms,
   they're just as there are now?

   PARVIZ PARVIZI: Want me to answer that, Dan, or
   should --

   DANIEL ANDERSON: I'm just looking at this
quickly. I believe that there are the same number of bedrooms. Currently there are three bedrooms on the second floor, and a kind of quasi-livable bedroom, but quite low ceilings on the third floor.

So we're proposing a -- I believe it is the exact same number of bedrooms.

LAURA WERNICK: Again, in that instance you're making those what you termed, "quasi-livable" into code-approved rooms?

DANIEL ANDERSON: Yeah. It's a very typical, you know, half-story, you know, 1800 -- late 1800s -- yeah. So that's not very usable.

LAURA WERNICK: So the way I'm seeing is that you're -- in both of those instances, 33 and 35 you're improving the quality of the housing stock, making either the same number of bedrooms or the same number of bedrooms more livable than they currently are.

And the house in the rear, the new house is as-of-right, or could be as-of-right with minor adjustments?

DANIEL ANDERSON: That is also correct.

LAURA WERNICK: So okay, that's fine. That's --

DANIEL ANDERSON: Yeah.
LAURA WERNICK: Yeah.

DANIEL ANDERSON: And just to give a little further piece, the number 33, which is the one on the right, could be improved not quite to Parviz's satisfaction, but that dormer ordinance, the 822.1 h)1) would allow an as-of-right 15-foot dormer on that side.

So we're here suggesting that the impact is appropriate under special permits, as per that basically third floor renovation to provide relief -- the same number of bedrooms, but at a more modern and livable capacity.

Thank you.

LAURA WERNICK: That was good. I appreciate that -- that you could have improved the bedrooms and do it as-of-right with/by making it a dormer, rather than changing the roof. Is that correct for 33?

DANIEL ANDERSON: That is correct.

LAURA WERNICK: Yeah. Okay. Thank you. That's all.

BRENDAN SULLIVAN: Jason Marshall, any questions?

JASON MARSHALL: At this point, Mr. Chair, given the extensive discussion that's already occurred, I think I'd benefit most from hearing public comment.
BRENDAN SULLIVAN: Let me now 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. And I will allow the speakers up to three minutes to speak, comment on the case. And I would ask Staff Olivia to monitor the time. And then at the end of three minutes, we will then mute.

OLIVIA RATAY: Lin Yang?

LIN YANG: Am I on?

BRENDAN SULLIVAN: Yes.

LIN YANG: Okay. So I'll be very brief. So I will tell another side of the story. I'm the future owner of 41 Webster.

And according to what I can say, they are taking up space for parking space, but actually they are maximizing the floor area ratio as they could. So I don't think that's the right argument.

And for the neighboring outreach, I was trying to say you are raising the roof too high, and what I said is
they can do it by right. They will not take my input at
all.

And then I have to argue with the Building
Department with the code explanation, and that's why there
are two explanations for them. And then they kind of
started to work with me. So that's that.

And secondly, they are not raising a 1.5 floor
building to 2. -- to 2 they're actually raising the height
for 7.2 feet, which is nearly raising it to 2.5 story
height.

And also for the code, for the both codes 8.2.22
and .1, they both need to be not detrimental to the
neighborhood. So either way, so we -- I don't think that's
being met.

Okay. So other than that, I want to say the
applicant doesn't meet the requirement to the Section
8.22.2.c (sic) where the code requires any enlargement or
alteration of such nonconforming structure. It's not
further in violation of the dimensional requirements. And
the aerial volume is up by 25 percent.

And as stated in the petitioner's proposal, the
application increases the height of the building, which
further violates setback. So that -- the petitioner acknowledged by themselves that they're violating the first requirement.

Also, their building is increasing the height of 36.7 percent, and this will most likely result in a violation for the second requirement.

Secondly, as we pointed out in the opposition letter, the shadow study in the current application is extremely inaccurate. And that being said, given our observation in real life, the current structure of 35 Webster already blocks a significant portion of sunlight of the whole yard and our basement at noon and late fall, winter and early spring.

And any additional increase of the height would definitely block sunlight for our yard and rooms for a longer period of time. And we'll have additional negative impact. We believe this is substantially more detrimental.

And thirdly, the height increase, not as the applicant said, doesn't serve much purpose than design statement. Like, each --

OLIVIA RATAY: 30 seconds.

LIN YANG: -- initially, they have two bedrooms
on the second floor of 35. But now they are dropping the entire bedroom. There's only one bedroom there, and all the other space is open to below and used for demonstration of the high view. And --

BRENDAN SULLIVAN: Thank you very much.

LIN YANG: Okay.

BRENDAN SULLIVAN: Thank you.

OLIVIA RATAY: Graham McMahon?

GRAHAM McMATHON: Hi. Good evening, everybody.

Thanks for hearing from me. And nice to be able to see Mr. Parvizi as well. As he mentioned, we've had some conversations. We were very worried about this property for many reasons brought up by my colleagues and the other neighbors in our conversations.

But the three primary issues that we're worried about are the height of the structure and its effect on shading and light access to our property, which is directly to the south of the 37 structure.

Number two, we're genuinely worried about the integrity of the tree and the unnecessary risk to that integrity by proceeding with the large development plan in this what has traditionally been an open-field space.
And number three, we're alarmed at the position of the windows in the balcony, which in their current formulation look directly into our property into the main living space into it. And those windows are extremely tall and large and face specifically into the property.

So it substantially and detrimentally affects the integrity of our experience of Cambridge and the property that we've owned since 2005.

So we have real worries about this new, large structure being placed, and feel like the Zoning Board should facilitate our efforts to ensure that it's modified to an acceptable extent to be within the character of the neighborhood, without affecting the neighbors so substantially.

And we appeal to you for your help in helping us navigate this position of this particular property. Thank you.

OLIVIA RATAY: Scott Kenton?

SCOTT KENTON: Hello? Hello? Hello, hello?

BRENDAN SULLIVAN: Yes, proceed.

CONSTANTINE ALEXANDER: You're on.

SCOTT KENTON: Okay, yeah. Hi. I'm Scott Kenton.
I am one of the partners who live -- who owns the property next door at 45 Webster. And, you know, as has been mentioned, we have a concern in general about the overall density of the project.

But two things come to mind and one is just the consideration which between -- of the access, the driveway between 33 and 35.

It's very tight, and in my experience, it might be a good idea, whether or not this application moves ahead or not, you know, tonight or another time, that the applicant speaks to the Fire Department and someone in Fire Prevention to determine whether there is going to be some issues with that access for the Fire Department, especially with the new construction going into the back.

And it would be sort of unfortunate if, you know, the Fire Prevention comes back with a necessary revision, and then you would have to come back to the Board. So I just want to mention that.

But the main objection that we next door have, I think, is to the work being done to 35, which I call, "The Worker's Cottage" which is, you know, essentially a historic structure.
My understanding is that in the past, the amount of work that's being done completely dismantling the second-floor half-story and the complete roof would have required the Historic Commission to have purview over it.

I did have a discussion with the Historic folks, and they made clear there has been a rule change unofficially about demolition of percent of roof structure so that they do not have any purview for a public hearing by Historic, although reading between the lines, I got a sense that they wish they did have purview over it.

And our concern is that that structure has -- is just being completely blown out of proportion. It is going from around 19-foot to the ridge to around 28 feet.

So it's an increase of about 40 percent in height. It's affecting -- you know, our property -- the shadow study, as had been mentioned. It just seems excavate. It's going to have a radical change to the streetscape -- you know, notwithstanding any design considerations, just the massing.

And we really have a concern about that. So that's.

BRENDAN SULLIVAN: Okay.
CONSTANTINE ALEXANDER: Is that all?

OLIVIA RATAY: John Hall?

JENNA AND JOHN HALL: Hi. This is Jenna Hall and John Hall. We live directly across from 35 and 33. We live at 36 Webster Ave, and we've lived here for -- well, since 1999. So we've seen a lot of change in the neighborhood. And we welcome new neighbors.

We do have some concerns about the structures in front. We feel that they are too close together. I'm really surprised that any modification can be made to the little house. I mean, it should probably just be taken down. I know one of the Board Members has seen the space, it's extremely, they're extremely close together.

And one of my concerns is about crowding and density of the neighborhood. We have had four large buildings put up to the left of 35, and I worry that there's fire danger.

Because we have had a history of fires in the neighborhood -- you know, 2017 17 houses burnt down. We had a huge fire just a few weeks ago, and then there was another fire around the corner from us yesterday. So there's a lot of fire in the neighborhood. And we're very concerned about
the closeness of the houses.

I'm also very concerned about the large, open windows that are being put on the front of 33. Those will look directly into our property. It looks like Florida ceiling glass on three floors. It's really out of character with the neighborhood, and it's also just really daunting to think about those large neighbor -- large windows on the front, you know.

We live in the city. We love this city. We're not asking for, like, country-level privacy, but those windows are really, really big and open.

And then I'm also just concerned about all of the construction on three different buildings simultaneously. We, as I mentioned, have just lived through a period of, like, four or five years or total redos around us -- new construction.

It's been a constant noise. Our house shakes constantly. It's -- there's -- I'm worried about damage to our foundation, some of the pounding. Our house will literally shake, and this has been going on for years. It's very, very disruptive. So I'm also just concerned about that.
So my two points are the mitigation of the noise and the damage and the, you know, volume of the construction, but also crowding, density, privacy and fire risk. Did you have anything else to add?

JOHN HALL: Uh-huh.

JENNA HALL: Okay. Thank you.

OLIVIA RATAY: Graham McMahon?

LEON SUN: This is Leon Sun. This is -- we're actually -- I'm here with my wife, Zi Wang. We are the co-owners of 6 Lilac Court. We abut Mr. Parvizi's property, kind of on the -- towards the east side. We're owners of this long kind of courtyard to which the big American elm tree has a large portion of its canopy shading our yard.

And so I just want to give a little background about, you know, American elm trees and why this tree is so important. Now, this is a tree -- you know, my father is a plant biologist, and he actually -- I talked to him about kind of the danger of this tree. And so this is a decent tree.

Now, unfortunately in North America, it's been in decline really due to Dutch Elm disease, as Mr. Parvizi's mentioned earlier, and this is -- the root system of this
tree in particular based on my father is that, you know, it
only reaches, you know, three to four feet under the ground.
It's quite shallow.

And, you know, we were in discussion with Mr.
Parvizi about, you know, root pruning and how careful that
should be done. And the fact that it's already been done
during our discussion was surprising to us.

And, you know, our main concern is that based on
the design, the root pruning has already occurred. And that
it's occurred essentially, you know, without our notice, and
that because of the pruning that's already been done, you
can imagine if you take the root system -- if you take a
part of a chair off, or a stool, the chair will be unstable
and fall towards the opposite end, if the heavy -- you know,
wind would blow.

And so essentially, you know, this would blow
directly onto our property. Even though we're not the owner
of this tree, we worry that the tree would directly fall on
our property in our yard or on our deck, you know, when we
are outside on our deck.

And the fact that the pruning had already been
done really worries us that, you know, maybe not immediately
the tree will be in danger, but maybe down the line that the tree might fall with strong wind, and fall on our property and cause property and personal harm.

ZI WANG: So this is Zi Wang, also a co-owner of 6 Lilac Court. Two things that I want to add for the Board to consider first is that Mr. Parvizi argued that the buildings are in very poor condition. However, they are currently both occupied by renters, according to our previous conversations.

And if those buildings can be occupied by renters -- especially, like, short-term renters from VRBO, then I think it's probably not in super bad condition that definitely needs, like, a gut renovation that elevates the floor.

And secondly, I would also like to raise your attention on the gross floor area that's being computed from the plan. According to my understanding of the Zoning Ordinance -- I think it's like number 10.47.1 -- I believe that the indoor garage should also be counted towards the total gross floor area, but they're not. And similarly, for some balconies that have roofs, they're not counted towards the total gross floor area.
So I think -- I really hope that the Board of Zoning Appeal will consider redoing it very carefully.

Thank you.

BRENDAN SULLIVAN: Goodnight. Thank you for your comments. There is no other calls coming in, and I will cease public comment at this time. Let me turn it back to Mr. Anderson. Do you have any comments, or shall I turn it over to the board?

DANIEL ANDERSON: No, I think that there are a few comments there -- some are predominantly questions of clarification. Certainly, on the issues raised by the abutters to the north that are predominantly in terms of the sun shadow studies, we had done an initial sun shadow study based strictly on observable pieces.

We didn't have -- as that was a relatively new construction, we did not have access to public documents of exact placement. And so objections came on Monday this past week. We worked with parties making those corrections.

Essentially, yes, there is shadow impact on 41, which sits directly to the north of number 35. So that increase of height does increase shadows predominantly in the solstice -- I'm sorry, the equinox -- and obviously in
the winter solstice.

The impacts, however, in terms of our assessment are that they predominantly impact, obviously, the yard, which is going to be impacting in those seasons pretty much anyway. Come up the side face of the building, it is a two-story addition at that portion, with a roof deck at the third floor.

And the -- according to our sun shadow studies, which we I believe Parviz distributed, there's no shadow impact on that deck area.

So there's I believe a door, or a glass door and two windows on that side, which would be impacted after the fall equinox and really the kind of later and earlier parts of the day.

But you can gauge that from our shadow study which is included in the set with -- I think the adjustments were within three or four feet of being accurate but, again, were based on our best guess placement from direct observation.

So the abutters to the south: We very much appreciate the concerns about the tree.

Everything that Parviz has done has been consistent with the arborist and tree management approach,
and we have tried to be as conscientious as possible.

I think we've succeeded in keeping the issues of privacy to those abutters to the south, reducing window area visibility, and I know that we had discussions neighborhood meeting with our across-the-street neighbors.

And Parvis is interested in obviously having larger windows. This is a request specifically to the kind of indoor light quality that he was looking for.

But we have a product that is an applied screen that goes from transparent to opaque with a new technology. So it's quite possible to have this be very, very private and either all or portions of these windows be made opaque at any point.

So we tried to be very conscientious about those design considerations.

In terms of our calculations and things, I believe they are all consistent with the zoning code, which we've kept with whatever calculations for covered porch areas, making sure that they don't impact with sizing and placement and distribution of trellises.

So those are square footages that can be legitimately extruded and are -- as far as I can tell are in
compliance with -- fully in compliance with number 37. And I believe Parviz will start construction on that, hopefully with the approval of a guardrail, but can move forward with a grate on that.

So I think the root pruning is very much an anticipation of starting construction on that property. And obviously, the building permits will be dependent on full review from ISD, from the Fire Department, from DPW. The drive will be dependent on the successful application of the curb cut, which is in process.

And I think generally I think it's just a question maybe to ask the Board in terms of their -- how they're looking at this, whether they want to rule on these structures independently, I assume, since they're submitted as independent applications, we can take them one at a time.

And I'd like the opportunity if there does seem to be significant hesitation in giving approval this evening, have the opportunity for a continuance to address any changes that would be of benefit.

Essentially, I think although this is a very -- we do live in a tight urban condition. I would argue that these structures are not inconsistent with the form and
character of the neighborhood, particularly with the
addition of number 41 Webster next door -- very modern in
color.

These are of a traditional size and scale, even
though the placement on the lot is tighter, they work with
all of the dimensional requirements, and I'm happy to have
more conversation with the Board and hear any other
comments.

Thanks.

BRENDAN SULLIVAN: Well, the continuance to have
further discussion with the neighbors and/or to address
issues that were raised is at your option. So it can either
be continued, or we can proceed. So here you would have a
one-time opportunity to request or of course we can proceed.

But what I don't want is when we get into the
evote, and all of a sudden then you ask for a continuance.

If you --

DANIEL ANDERSON: Yeah, so --

BRENDAN SULLIVAN: -- one way or another, that's
all.

DANIEL ANDERSON: No, I appreciate that. I guess
I would ask generally what the pleasure of the Board,
whether there's -- I certainly for number 37, perhaps we
could discuss that for a moment.

If the Board seems disinclined to consider a
variance for that guardrail, I think it would be a -- in the
past that's been a fairly straightforward request. It would
be code required.

I think that the grate, while it will suffice is a
less than ideal piece for the project. But I would hesitate
to push this to a vote if the Board felt that that was
inappropriate, since that would put Parviz in terms of
having to wait two years before you could come back and
request that as a separate item.

BRENDAN SULLIVAN: Okay. Mr. Alexander, what is
your --

CONSTANTINE ALEXANDER: Okay. My thoughts are as
follows: What I feared was going to happen tonight has
happened. There is legitimate -- in my opinion, based upon
what I'm hearing -- legitimate and widespread neighborhood
opposition. It's just not a one-issue case; I've heard
about trees of course, I've heard about privacy concerns,
crowding, design issues.

I think what should be done, the case should be
continued. And that another arborist be brought in to look at the issues of the trees and the like. That arborist should be mutually satisfactory to a neighborhood representative, and of course the petitioner, and get another view.

I think it sounds like maybe the shadow studies need to be redone, and there's been criticism of that. I think the petitioner needs to rethink the design of the project. I think it is probably too dense -- and I can tell -- for the property.

Maybe there are things to be done that will make it much more practical for the neighborhood. But all this means is time and money.

But I don't think there's any alternative -- at least for me. I'm prepared now to vote against granting relief, based on what is before us tonight.

BRENDA N SULLIVAN: Jim Monteverde, your thoughts on either continuing or proceeding with a vote?

DANIEL ANDERSON: Is he there?

BRENDA N SULLIVAN: Jim is on mute.

JIM MONTEVERDE: Sorry. That's -- I'll leave that to the proponent whether it's continued or whether it
proceeds. I'm definitely ready to act on it if it proceeds. I concur with Gus's sentiment -- I mean that's my head talking that it feels too dense.

But when I look at the dimensional form, it's exactly compliant with what the City Standards are, in terms of the FAR, in terms of the amount of open space. So I think, you know, they've met the ordinance and can't complain about that.

There are some design issues or architectural issues, but I don't think that's the purview of this Board. So I'm prepared to vote if that's what the proponent would like to do.

BRENDAN SULLIVAN: Laura, your thoughts as far as if you wish to continue this and have the issues discussed and ironed out, or proceed with a vote?

LAURA WERNICK: I'm concerned because 37 is as-of-right. So they can turn around tomorrow and proceed, which it seems kind of ridiculous for us to hold up something that can be proceeding without -- these are filed as three separate comments. So what is it that we're holding up?

The density is allowed, the square footage is allowed, they could in fact at 33 by changing to a dormer,
this could be as allowed as well.

So there may be some -- I'm just wondering if there isn't some middle ground here where we go ahead and allow the handrail at 37 and suggest are there roof -- are there ways to achieve the bedrooms, make the bedrooms legal and code-compliant?

I think that's the issue is that they're not compliant at this point -- without having this traumatic impact on the neighbors, casting as much shade on the neighbors. I'm not even sure that those two buildings are the real concern for shadows.

So I guess I'm still a little bit -- I'm kind of in line with Jim here. It appears as if we really, particularly with 37 and even with the other ones, they fall within the parameters of the code, as I understand it.

BRENDAN SULLIVAN: Okay.

LAURA WERNICK: I'm not sure what a continuation would achieve.

BRENDAN SULLIVAN: No, your thoughts are right on. Jason, what are your thoughts, as far as whether we wish to continue this matter and have some of those issues further discussed with the neighborhood or have the petitioner come
back and address some of those issues? Or to go forward with a vote?

JASON MARSHALL: Well, I'm happy to share some early thoughts. I mean, ultimately of course it's up to the petitioner as to whether they want to seek a vote or not. I mean, I guess I'll start just by saying, Mr. Parvizi, I'm glad that you persistently stayed in Cambridge and acquiring a property.

And it is a difficult market to break into, and it's clear that you have invested a lot of time in meeting your neighbors and making outreach and exploring different avenues and alternatives for the property.

Unfortunately, as we heard tonight, and what was in the records, it seems like there are still significant concerns remaining with respect to the proposal across all three properties. And there are concerns about shadows with respect to the height, concerns about privacy with respect to windows.

And again, this isn't exhaustive, this is just what we've heard. You know, concerns about credibility of the shadow study. And I would credit the Chair, who observed some of the shadowing himself.
With respect to the proposed variance, you know, I do struggle a little bit as to whether it meets a legal standard for substantial hardship and how it relates to the soil or the shape of the land. Those are threshold issues. So, again, it's up to you.

I'm at this point not inclined to grant the relief. But it is up to you as to whether you want to proceed or not. And as to what you can do as-of-right, obviously you can do it as-of-right.

That's not what's before us, though, just acting on the application that is here in the record as before us tonight.

DANIEL ANDERSON: I appreciate the opinions of the Board very much. One procedural question on the special permit: I note that a denial on the variance is very specific in terms of returning with a substantially different proposal. Is that same standard held through for a special permit? What is the --

BRENDAN SULLIVAN: Yes.

DANIEL ANDERSON: -- read of the Board?

BRENDAN SULLIVAN: Yes.

CONSTANTINE ALEXANDER: Yes.
BRENDAN SULLIVAN: Yes.

DANIEL ANDERSON: Same thing.

CONSTANTINE ALEXANDER: That's what I say.

DANIEL ANDERSON: Same thing. Parviz, I look to you a little bit --

PARVIZ PARVIZI: Oh, yeah.

DANIEL ANDERSON: -- this impacts your schedule more than anything. My sense is that it's a hard sell this evening. I think that your general approach to this has really been neighborly, and the conversations to date with all your Lilac Court abutters and across the street have been very productive.

I think that probably the -- I can't say that you will be able to satisfy all of the requests of all the abutters, but I think it goes a long way to engaging in that conversation.

Would you be inclined -- we would be hopeful that we could be back within a short period of time, but, you know, it's at the availability of the Board Members who've heard the case so far.

BRENDAN SULLIVAN: To March?

PARVIZ PARVIZI: Yeah. Can I be heard here, or --
can you guys here me, am I live on this too, or --

    DANIEL ANDERSON: We can hear you.

    PARVIZ PARVIZI: Oh, great. Yeah, thanks. First of all, I just want to thank everyone for engaging the Board as well as the neighbors. So yeah. It's -- construction's never fun. I've had construction around me in my time in Cambridge forever.

    So I'd certainly appreciate the opportunity for a continuance. We can explore that path. We can explore by right options. I really have been trying to be a good neighbor; certainly 1 and 2 Lilac Court they're directly next to 33 Webster, and it's been a lot of kind of engagement and attention making sure that doesn't impact them.

    And also, just, you know, in building something, at least doing it the right way, rather than just the way that I'm allowed to without having to go in front of a Board.

    But I'd greatly appreciate a continuance, and we can explore both of those paths during the next period of time, whenever we can get this rescheduled.

    BRENDAN SULLIVAN: April 14 would be the earliest
date.

   PARVIZ PARVIZI: Wow. Well, it is what it is.

   BRENDAN SULLIVAN: April 14. Now, can all five Members who sat on this case be available on April 14?

   JIM MONTEVERDE: I can be available.

   BRENDAN SULLIVAN: Jason, are you available?

   JASON MARSHALL: I'm just checking my calendar now, Mr. Chair. Give me one minute, please.

   BRENDAN SULLIVAN: Laura?

   LAURA WERNICK: I'm also checking here, because I have some things at the end of March.

   BRENDAN SULLIVAN: While they're checking, Dan and Parviz, let me leave you with just a couple of thoughts.

   The purpose of the ordinance, Section 1.30, "it shall be the purpose of this ordinance to lessen congestion in the streets, conserve health, secure safety from fire, flood, panic and other dangers, to provide adequate light and air to prevent the overcrowding of land, and to avoid undue concentration of population. That's one aspect.

   The other one is a landmark case, Blackman versus the Board of Appeals of Barnstable, Cambridge Judicial Court. This court has said repeatedly that the power to
vary the application of a zoning ordinance must be sparingly
exercised, and only in rare instances, and under exceptional
circumstances particular in their nature, and with due
regard to the main purpose of the zoning ordinance is to
reserve the property rights of others.

The last thing I'll say is that on Section 8.222
d) which is the clarification of the Bellalta decision that
recently came down, that the Board may grant special
permits, alterations or enlargements -- this is also for the
people listening in, who have raised issues about violations
of various aspects of the dimension -- the Board may grant
special permit for the alteration or enlargement of a
preexisting, dimensionally nonconforming, detached single-
family dwelling or two-family dwelling, not otherwise
permitted in Section 8.22.1 above...

But not the alteration or enlargement on a
nonconforming use, provided that there is no change in use,
and that any enlargement or alteration of such preexisting,
nonconforming, detached single-family dwelling or two-family
dwelling may only increase a preexisting dimensional
nonconformity, but does not create a new dimensional
nonconformity.
Further, in order to grant the special permit, the Board of Zoning Appeals is required to find that the alteration or enlargement shall not be substantially more detrimental than the existing nonconforming structure to the neighborhood.

And that the alteration or enlargement satisfies the criteria in Section 10.43.

Those are three things to be considered by the Board, and also, by the applicants in our consideration of granting relief. We are on for -- I'm sorry, going back to Jason, are you available on the fourteenth?

JASON MARSHALL: I am, yes.

BRENDAN SULLIVAN: And Laura?

LAURA WERNICK: Yes, I am as well.

DANIEL ANDERSON: April 14. Confirmed?

PARVIZ PARVIZI: Was that everybody who's available?

BRENDAN SULLIVAN: I'll go check with Laura.

PARVIZ PARVIZI: Sorry.

LAURA WERNICK: Yes. I am available. Can you hear me?

BRENDAN SULLIVAN: So on the motion, then, to
continue this matter to April 14, 2022, at 6:00 p.m. on the
condition that the petitioner sign a waiver of time to a
statutory requirement for a decision -- for a statutory
decision to be rendered thereof, and that said waiver shall
be signed and in the file by a week from Monday.

Failure to do so will render de facto denial of
any relief for the three properties, and three cases at
hand.

Second, that the petitioner change the posting
sign and we put the new date of April 14, 2022 and the time
of 6:00 p.m.

Third, that should there be any changes,
submissions to the file for Case No. 155114, 155115, 155116
regarding 33,35 and 35-37 Webster Street. All changes must
be in the file by 5:00 p.m. on the Monday prior to the April
14 hearing.

Any other conditions?

On the motion then to continue this matter until
April 14? Mr. Alexander?

CONSTANTINE ALEXANDER: I vote in favor.

BRENDAN SULLIVAN: Jim Monteverde?

JIM MONTEVERDE: [Jim Monteverde] I vote in favor.
BRENDAN SULLIVAN: Laura?

LAURA WERNICK: Laura Wernick votes in favor.

BRENDAN SULLIVAN: Jason Marshall?

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

BRENDAN SULLIVAN: The matter is continued until April 14. See you then.

PARVIZ PARVIZI: Thank you.

DANIEL ANDERSON: Thank you very much. Have a good evening.

CONSTANTINE ALEXANDER: Since this is a waiver of time for a decision you have to find the three conditions. It's a very simple form, and the Inspectional Services Department will give it to you. It's a printed form.

PARVIZ PARVIZI: Oh?

CONSTANTINE ALEXANDER: Just make sure you do it by a week from Monday.

PARVIZ PARVIZI: I will. Thank you so much.

BRENDAN SULLIVAN: Wendy, you're available for School Street?

WENDY LEISERSON: Wendy Leiserson yes.

BRENDAN SULLIVAN: And Laura, you're signing off
just for this particular case, is that right?

LAURA WERNICK: That's correct. Thank you. Thank you, Wendy.

WENDY LEISERSON: No problem.
* * * * *

(8:12 p.m.)

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

BRENDAN SULLIVAN: The Board will hear Case No. 155685 -- 88 School Street.

MATTHEW LARUE: Hi. Good evening. I'm Matthew LaRue. And I'm with my wife, Randa Ghattas. We're residents of 88 School Street, and we're both also Registered Architects, so we're representing ourselves tonight.

We're coming to you because we're undertaking some renovations to our house. We've lived in this house for 13 years, and when we bought it, we understood, you know, it was kind of a fixer-upper.

And we undertook some initial phases of renovations, including the yard. We did the living areas on the first floor. And now we're undertaking what we hope to be is our last phase of renovation where we're just going to take care of the outside of the house, and also adjust some
of the issues on the second and third floor.

This house is from the 1880s. It's over 130 years old. And as part of the work that we're doing, we're hoping to correct a few of the historical deficiencies that existed in the house as far as we know from when it was built.

Really there's -- and I also want to mention that we have a family; we have two children who are school age. And so this house is evolving as the children grown, and we're growing into it. And so a lot of it has to do with how we're occupying the third floor, which is kind of the attic story under the mansard of the house.

We're coming to you tonight seeking relief for three areas. And I think they are pretty minor in our view. And we'll explain to you what those are, if we could.

[Could we switch over, so I can be in focus more?]

RANDA GHATTAS: Yes.

MATTHEW LARUE: Sorry, Randa. That's better.

BRENDAN SULLIVAN: If I can just interrupt?

MATTHEW LARUE: I'm sorry.

BRENDAN SULLIVAN: You're submitting -- the work is to be done on the south elevation, is that correct?

MATTHEW LARUE: On the south elevation and on the
west-facing elevation, correct.

BRENDAN SULLIVAN: Now, on the south elevation we have Study Number 1, Study Number 2, and Study Number 3.

RANDA GHATTAS: Yep.

MATTHEW LARUE: Yes.

BRENDAN SULLIVAN: So what does that all mean?

MATTHEW LARUE: So we provided these studies to you as background, so you could understood the process that we went through and what we're -- where we ended up, and what we're proposing to do.

The main issue here is with the stair going up to the third floor and the head height issue. Today it's -- you bump your head when you get up to the third floor, because you're under the mansard. And our primary goal is to address that and fix it.

At the same time, we're implementing a small study on the third floor, and we want to take advantage of the work that we're doing and carve out a little bit more head height there to make it more useable for us as we evolved to a work at home situations with the both of us and our children at times.

So these studies represent our efforts to look at
how we could address what we understand is language where
the length of dormers on any one side of the house, when
they should not exceed 15 feet.

And the studies showed what it would look like if
we tried to do that. And the first one achieves that
wherever it creates the situation where the distance between
the kind of expanded dormer, which fixes the stair problem,
and the existing dormer next to it is very small and creates
a construction constructability issue.

And I think it has some long-term maintenance
issues with, you know, the collection of snow and ice in a
small area.

And it does effectively change the overall effect
if you add one long dormer, which you would see in the later
elevations.

RANDA GHATTAS: And it doesn't give us the study.

MATTHEW LARUE: And it doesn't really give us any
better headroom in the study. So that's Study Number 1.

If you want to go to the next slide?

Study Number 2 says what if we stayed within the
15 feet, and really minimize what we did in the stair, and
adjust the worst part of it? And so that creates a slightly
better situation for how to construct two separate dormers. But it still leaves a part of the stair where the head height is not code-compliant today, and it would still be a problem.

And then for the next one, Study Number 3, this was just looking at what if we try to break up the massing of the dormer, so this is a long dormer? And it just extends the roofline from the upper slope of the roof in the middle part of the dormer. And that really -- it doesn't end up with a code-compliant head height in the stair.

So it's really a nonstarter, aside from the fact that I don't think it really is visually any -- it doesn't provide a better, visually appealing situation.

BRENDAN SULLIVAN: So the question I have is which of the three studies are you advocating for, and what --

MATTHEW LARUE: So neither of them.

JIM MONTEVERDE: None.

MATTHEW LARUE: If you go to the later elevation -- correct. And so this one is -- we're proposing to have one continuous dormer, and it exceeds the 15 feet, but it's clean, it combines the issue of the stair, head height. It allows us to get a little bit more usability out of the
study space on the third floor.

And I think it's overall just a simpler gesture on the house, and it fits well with the overall design.

CONSTANTINE ALEXANDER: I'm sorry, are you --

RANDA GHATTAS: And if you'd like to see how the conditions at the sections -- we also did some sections to show you what they need; why we're doing what we're doing.

So yeah, that one, slide number 24. You can see what the condition of the stair right now is. It's pretty problematic in terms of how you go up. You can see -- actually Matt going up and down those stairs.

And then what the dormer would do to solve that head height issue.

And if you go to the next section on the next slide, it actually shows the study condition where we're taking a -- carving a tiny space for us to work.

And in the images below, this is really where the relief comes from is that little corner on the existing where we're essentially making the dormer -- it's like 6.7 square feet, it's minor.

But it allows us to actually make -- put a desk in that corner and have some desk space so that we have another
-- a second small study for a touchdown space for when we
are all working from home, and there is the plan kind of
shows that as well, how that -- we can actually do a study,
make it work.

Because otherwise it's just -- the head height
doesn't work. It's too small. So those sections kind of
explain the logic behind what we're doing. It's not
significant -- yeah, that's --

CONSTANTINE ALEXANDER: Are you aware that the
City has dormer guidelines? And one of those guidelines is
that the dormer, single or a pair of dormers, should not be
more than 15 feet long. And as I look at it, I think you've
got about 17 plus feet, but the total proposal -- yes, this
one -- 17 feet, 10 inches.

RANDA GHATTAS: Yes.

CONSTANTINE ALEXANDER: Can you bring that length
of that dormer to 15 feet?

MATTHEW LARUE: Yes, we are aware of it. And
that's why we went through the studies, to see how we can
avoid exceeding the 15 feet.

But our understanding, and we feel that that
doesn't create a better situation, for the reason that I
explained when we walked through the studies.

We understand that you have the ability to still approve something, even if it doesn't meet the guidelines.
I don't know if --

RANDA GHATTAS: I mean, we did -- we did -- I talked -- I met with Ranjit briefly, and he suggested that I share these drawings with the Historical Commission. And they did review them based on some of what we were talking about.

And they said it makes sense based on the conditions that you have, because we do have that stair that is problematic, and then if you look at Study #1, which we could do as-of-right, it's -- I think it's -- I mean, we can avoid the -- we don't get the study, but it does create a really odd situation of this really narrow gap between those two dormers.

It's not as clean as an elevation, and the constructability it's really narrow. I mean, we're leaving very little structure between them. So it gets complicated.

BRENDAN SULLIVAN: Olivia, could you pull up -- the floor plan of the third level. I'm just trying to figure out what is that room between W7 and W8?
OLIVIA RATAY: Between what? Sorry, I can't see.

BRENDAN SULLIVAN: Between -- in other words that no man's land sort of between the dormer -- proposed dormer and the existing rendering?

MATTHEW LARUE: Yeah. Actually if you go to the existing third floor plan, Olivia, that might help explain it a little bit better. So here you can see on the lower part of the plan the existing dormer, which is in the bedroom. And then you see the wall that separates it with the stair. That's that no man's land as you call it.

BRENDAN SULLIVAN: So we're looking at the -- on the left side, so there are basically two bedrooms?

MATTHEW LARUE: Right.

RANDA GHATTAS: Right.

BRENDAN SULLIVAN: At the window on the other side is the window that would stay, is that correct? In Scheme 1?

MATTHEW LARUE: In Study #1, the lower window is the one that would stay, correct.

BRENDAN SULLIVAN: The lower window is the -- is toward the --

MATTHEW LARUE: It's on the left on the elevation.
BRENDAN SULLIVAN: Okay. So that would stay, and then --

MATTHEW LARUE: And then the new dormer --

BRENDAN SULLIVAN: -- has a 22-inch space.

MATTHEW LARUE: Right.

BRENDAN SULLIVAN: And then you'd have another?

RANDA GHATTAS: Yes. And then you have another dormer. Because, I mean, we -- my understanding after talking also with Olivia is that we're allowed to have that dormer over the stair by Zoning, because it only increases the volume. So that's an as-of-right condition.

MATTHEW LARUE: It's not a square footage increase.

RANDA GHATTAS: It's not a square footage increase. It's just that extra space -- that no man's land, as everyone's been describing -- is that we're adding, and yeah. It just makes for a better elevation and a -- I mean, it's extending between two existing dormers. So that's what we're trying to do.

BRENDAN SULLIVAN: So basically, Section 5 you're either going to -- that's that 1-foot-10-space, and then the proposed dormer then would be over the stairway, is that --
MATTHEW LARUE: If you now -- maybe actually if you go to the proposed third-floor plan, we'll show you what our proposal is.

I think because the studies were shown first in the slideshow, it's a little confusing about what we're actually proposing, but this is -- this plan represents our proposal, which is to connect the dormers from the bathroom all the way into what is going to be the study on the bottom of the plan. Takes care of the stair in between them. And in that no man's land gives us a little bit of head room.

BRENDAN SULLIVAN: All right. So it's basically Section 6 would -- if we were to accept Study #1, Section 6 would just be current conditions?

MATTHEW LARUE: Correct.

BRENDAN SULLIVAN: And it would basically interrupt the layout of the room, the --

MATTHEW LARUE: Right.

BRENDAN SULLIVAN: -- it would be --

RANDA GHATTAS: Yes.

BRENDAN SULLIVAN: -- it would be a -- to the room, as opposed to --

RANDA GHATTAS: Yeah, we couldn't make it a
study, because it's just -- there's not enough room, right?
I worked during the height of COVID when we were all working
in that corner. And you actually end up -- the desk has to
be partly in the bedroom space.

So you actually need that extra room from that
corner to make it work, because of the way the mansard roof
comes down. There's just not enough room to get a five-foot
desk in that width.

BRENDAN SULLIVAN: One of the original cases
tonight on Frost Street had a mansard roof, and one of the
findings that I thought was that it was very difficult to
create additional space for the mansard roof; that it was
very challenging and so on and so forth.

Well, obviously you have come up with a solution
for it. Now I see what the solution is, and I'm not sure
that it's aesthetically pleasing. But on the same token,
for the interior space, it may work. And the alternative
may not work, I guess by leaving that bump in the existing
roofline, inside.

JIM MONTEVERDE: Can I ask a -- just throw in a
comment? So can you explain why -- how Study Number 2 does
not work for you?
RANDA GHATTAS: Yeah. If you go to Study Number 2, if you zoom in -- actually why don't you just go to the plan corner, right -- see how you have the plan on the side? Can you zoom in to that a little bit?

JIM MONTEVERDE: I see it. I have it up on another screen, yeah.

RANDA GHATTAS: So -- yeah. So when you step up the stairs. So you -- actually by the third step --

MATTHEW LARUE: The bottom of the stairs is the lower part of the stair.

JIM MONTEVERDE: Right. I understand. Again, I'm --

RANDA GHATTAS: So --

JIM MONTEVERDE: -- looking at the elevation. So that in essence is the section dotted in?

MATTHEW LARUE: Yep.

RANDA GHATTAS: Yeah.

JIM MONTEVERDE: So --

RANDA GHATTAS: So by the third step, you're already at 6'1". The mansard is already bumping; it's already kind of getting into your space. So as you're --

JIM MONTEVERDE: So --
RANDA GHATTAS: -- coming down the stairs, that's a bump into the middle of the stair.

JIM MONTEVERDE: Okay. So if you go to your elevation there that's on the left-hand side for a second?

RANDA GHATTAS: Yeah.

JIM MONTEVERDE: So you count the risers there on that stair?

RANDA GHATTAS: Right.

JIM MONTEVERDE: Where you lose your headroom?

Step one?

RANDA GHATTAS: You lose it --

JIM MONTEVERDE: Two, three?

RANDA GHATTAS: Yeah, you start to lose it -- I can do it in the section, it's better in the section. If you don't mind, I can -- if you go down, you remember the sections? It's easier -- I can't remember how it works.

So if you go to the section, go one -- one riser, two risers, third riser you're already at 6'1". At the top of the third riser, you're already at 6'2". And then after that you're -- it goes below. So if we do the other -- the two dormers that there's a portion of that that is already below code head he is.
And as you're coming down the stairs, you have something popping out in your way that is --

JIM MONTEVERDE: Okay.

RANDA GHATTAS: -- I mean it's --

JIM MONTEVERDE: So --

RANDA GHATTAS: -- it's an unfortunate condition.

JIM MONTEVERDE: No, I understand. So you have 20 pounds of stuff in a 10-pound-bag?

RANDA GHATTAS: Yes.

JIM MONTEVERDE: Right? Between your study, the stair and the bathroom.

RANDA GHATTAS: Yeah, it's just --

JIM MONTEVERDE: I understand the bathroom window you really don't change. You just potentially --

RANDA GHATTAS: Yeah.

JIM MONTEVERDE: -- stylistically revise it?

BRENDAN SULLIVAN: Mm-hm.

RANDA GHATTAS: Yes.

JIM MONTEVERDE: And the mansard or whatever you want to do about the stairs to give you headroom and you really need it for that whole length on that elevation -- that south elevation.
MATTHEW LARUE: Technically, to comply with code you need it for all but one foot of that.

JIM MONTEVERDE: Yeah. And like you showed in your Scheme 1?

MATTHEW LARUE: Yeah.

RANDA GHATTAS: Yeah.

JIM MONTEVERDE: Correct?

RANDA GHATTAS: Yeah, actually Scheme 1 goes all across the entire stair.

JIM MONTEVERDE: Yeah.

RANDA GHATTAS: It just doesn't capture the study area.

JIM MONTEVERDE: Right.

RANDA GHATTAS: So it means that you just don't have that study.

JIM MONTEVERDE: Right. And that was noncompliant at -- what is that, that's 15', 16'1?

RANDA GHATTAS: It's seven --

JIM MONTEVERDE: Of dormer?

RANDA GHATTAS: -- yeah, that one's still --

JIM MONTEVERDE: 12'9" and 3'4"?

RANDA GHATTAS: Yeah, it's still -- if you're
considering -- I don't -- I've heard it different ways, but if the combination of those two dormers is still more than 15 feet --

JIM MONTEVERDE: No, I get it, I get it.

RANDA GHATTAS: So --

MATTHEW LARUE: And I think, you know --

JIM MONTEVERDE: And given -- sorry, and given you occupy the entire residence?

RANDA GHATTAS: Yes. The two kids -- our two kids live --

JIM MONTEVERDE: Right.

RANDA GHATTAS: -- they sleep upstairs, and we sleep downstairs. And I -- there's the study --

JIM MONTEVERDE: No, that's okay. Let me --

RANDA GHATTAS: -- that now we use full-time.

JIM MONTEVERDE: -- ask my questions. So the bathroom's not going to move, and the stair's not going to move?

MATTHEW LARUE: No.

JIM MONTEVERDE: And the dormer is existing, correct? In other words, you can't -- there isn't another use for this? It is what it is?

RANDA GHATTAS: It is. Exactly.
JIM MONTEVERDE: All right. I'm done.

BRENDAN SULLIVAN: It really, it appears that whole wall just needs to be blown out in order to be able to walk up and down the stairs safely, code-compliant, and that the window in the room is the window in the room, and then you've got the windows -- the window in that bathroom, and then --

JIM MONTEVERDE: Mm-hm.

BRENDAN SULLIVAN: -- the rest of it just goes in the stairway.

JIM MONTEVERDE: Mm-hm.

RANDA GHATTAS: Right.

BRENDAN SULLIVAN: For head height to go up the stairs safely and down again.

JIM MONTEVERDE: Correct.

BRENDAN SULLIVAN: All right. Jason, any questions, comments at this time?

JASON MARSHALL: No questions or comments at this time.

BRENDAN SULLIVAN: Wendy? Any --

WENDY LEISERSON: No questions or comments at this time.
BRENDAN SULLIVAN: Gus, any further comments, no?

CONSTANTINE ALEXANDER: Nope.

BRENDAN SULLIVAN: All right. Let me open it to public comments. I'm going to 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 to comment. There's nobody calling in. We are in receipt of letters from Eva Sommaripa --

UNIDENTIFIED: Sommaripa, yes.

BRENDAN SULLIVAN: -- the owner of 15-17.5 Bishop Allen Drive.

"My property shares a border with 88 School Street. I have reviewed the renovation proposal and see no problems. I am in favor of granting the relief."

BRENDAN SULLIVAN: There was another letter from Alexander Schwartz and Halcyone Wise writing in support of the renovation project. Looking over the design, they wholeheartedly support. "As their direct neighbors, we
enthusiastically support the changes proposed."

There is -- well, correspondence that you had written. And I guess that's it.

So I will close the public comment portion. Yep, okay, that's it. Close public comment. Any other thing to add at this point?

MATTHEW LARUE: No, I just want to point out that we're also asking for relief on the two porch roofs on the exterior, which because we're extending the existing one to help cover the entry porch, hopefully -- we're adding the other one, which is partially over exterior steps -- it is also adding a small amount of square footage to our already noncomplying FAR.

BRENDAN SULLIVAN: That's on the west elevation?

MATTHEW LARUE: Yeah, the porch roof on the west, and then on this elevation you can see the roof we're adding over the south.

BRENDAN SULLIVAN: So you're expanding the entry porch?

MATTHEW LARUE: Yes.

BRENDAN SULLIVAN: And the attic? All right. Take it to the Board. Mr. Alexander, your thoughts?
CONSTANTINE ALEXANDER: I'm in favor.

BRENDAN SULLIVAN: Okay. Jim Monteverde, your thoughts?

JIM MONTEVERDE: I'm in favor. Ready for a vote.

BRENDAN SULLIVAN: Wendy?

WENDY LEISERSON: Likewise.

BRENDAN SULLIVAN: Okay, Jason.

JASON MARSHALL: Same here, Mr. Chair. Ready for a vote.

BRENDAN SULLIVAN: Make a motion, then, to grant the relief requested, as per the plans submitted, and the supporting statements. Just to be clear, we are approving south elevation proposed. There is no -- it's not numbered, but it's dated December 12, is that correct?

MATTHEW LARUE: That is correct.

BRENDAN SULLIVAN: All right. Initialed by the Chair, which will include basically a dormer of 17'10.5". Correct?

RANDA GHATTAS: Right.

MATTHEW LARUE: Correct.

BRENDAN SULLIVAN: Okay. And we are also approving on the west elevation? Which is again, sheet --
not numbered, but initialed by the Chair, and that is for the standard entryway and the roof structure after that over it, correct?

RANDA GHATTAS: Right.

BRENDAN SULLIVAN: The Board finds that the requirements of the ordinance can be met. The proposed changes will increase the proposed floor area by 22.3 square feet.

The proposed addition will not result in a change of use, nor create any new dimensional nonconformities.

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

The Board finds that the changes are somewhat de minimis and create a better living situation, code-compliant stairway headroom, which is a benefit to the occupants of the structure.

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 renovation.
There would not be any nuisance or hazard created to the detriment of the health, safety and/or welfare of the occupants of the proposed use -- in fact it would be enhanced -- or to the citizens of the city.

Further, under Section 8.22 d), that the Board may grant a special permit for the alteration or enlargement of a preexisting, dimensionally nonconforming, detached single-family dwelling, or two-family dwellings not otherwise permitted, but not the alteration or enlargement of an already nonconforming use, provided that there is no change in use, and that any enlargement or alteration of such preexisting, nonconforming, detached single-family dwelling or two-family.

They only increase a preexisting dimensional and nonconformity, but does not create a new dimensional nonconformity.

In order to grant, the Board is required to find -- and the Board does find -- that the alteration or enlargement shall not be substantially more detrimental to the existing nonconforming structure to the neighbor, and that as stated, the alterations or enlargement satisfies the criteria in Section 10.43.
On the motion, then, to grant the relief requested, Mr. Alexander in favor. Jim Monteverde voted in favor. Laura, you -- I'm sorry, you're not sitting on it. Wendy in favor. Jason voted in favor. Brendan Sullivan votes in favor. All five affirmative votes.

[All vote YES]

BRENDAN SULLIVAN: The special permit is granted.

RANDA GHATTAS: Thank you very much.

MATTHEW LARUE: Thank you.

BRENDAN SULLIVAN: Good luck.

WENDY LEISERSON: This is Wendy Leiserson. I will be turning things over to Laura again. Thank you very much.

BRENDAN SULLIVAN: Thank you.

WENDY LEISERSON: You're welcome.

BRENDAN SULLIVAN: Stay well.

CONSTANTINE ALEXANDER: Thanks, Wendy.

BRENDAN SULLIVAN: Thank you very much for your time again.

WENDY LEISERSON: Sure.

LAURA WERNICK: Thank you, Wendy.

WENDY LEISERSON: You're welcome.
(8:39 p.m.)

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

BRENDAN SULLIVAN: Okay. Who's presenting it? Sam?

SAM KACHMAR: Mr. Chairman, my name is Sam Kachmar. I'm from SKA. I'll be presenting the case. I'm here with our clients, Dan and Elizabeth Sterner.

BRENDAN SULLIVAN: Okay. It's yours.

SAM KACHMAR: Okay. I'd like to let Dan and Elizabeth introduce themselves, and then I'll run us through the drawings.

BRENDAN SULLIVAN: Sorry, yep.

DANIEL STERNER: Hey, everyone. We're -- I'm Dan Sterner. This is my wife, Elizabeth Libert. We're the owners of 43 Reservoir Street. Elizabeth has been a Cambridge resident off and on since 2007. I've lived here since 2011. We purchased this house in 2016, and we've been kind of slowly renovating it, trying to be sensitive to the historical nature of the neighborhood.
And we're proposing to put a garage in the side yard setback, and that's the project before you this evening. And I'm going to turn it over to Sam Kachmar to speak about the project.

SAM KACHMAR: Thanks, Dan. Olivia, could you bring up the drawings? Thank you very much. My name is Sam Kachmar. I'm a Principal here at SKA. I'm here with Mike Fields, Axel Ramirez and Steven Hoheb from our studio representing Dan and Elizabeth. Thank you, Members of the Board, for your time. We'll take you through our request. Here on the first slide, on the left you can see the photograph of the existing conditions of the house. Then on the right you can see a render of the main house with the proposed carriage house pushed further down and back into the site.

Next slide, please?

On this slide, you can see an existing axonometric of Reservoir Street, with the carriage house set in the driveway.

Next slide, please?

And on this sheet, you can see the proposed carriage house to replace the existing carriage house, set
further into the property and moving further back from the
adjacent properties on Reservoir Street, and keeping it on
the same plane as the existing nonconforming carriage house.

Next slide, please?

On this sheet, you can see the existing
streetscape photo on the top, and the proposed streetscape
render on the bottom -- not really much changed from the
front from the street side.

Next slide, please?

And on this sheet, you can see the existing zoning
calculations for the property. The existing FAR for the
house is 0.2. We're raising it to 0.25, approximately half
of the allowable FAR of 0.5 in the A-1 District.

The existing open space on this lot is 83 percent,
and we're reducing the open space to 77 percent, still well
above the 50 percent requirement in the A-1 District.

Next slide, please?

On this sheet, you can see our shadow studies for
the property. By pushing the carriage house further back
into the property, we move the shadows cast into the
neighbors' property further into their back yard, bringing
additional light into the immediate back yard.
Next slide, please?

On this slide, you can see the significant site plan for the house.

Next slide, please?

And on this slide, you can see the proposed site plan. The existing carriage house is outlined in blue. And the proposed carriage house, in the same plane, showing how we're pushing the structure further back into the property in the yard.

The site plan also shows the proposed location for a dry well and French drains to improve the site drainage on the property.

Next slide, please?

Here you can see the grading plan from the landscape architect.

Next slide, please?

On this slide, you can see the landscape layout from the landscape architect. Please note there are a couple of trees missing from the left-hand side of the landscape plan that were agreed upon with neighbors on Monday afternoon, after these drawings had been submitted to the City.
They have since been added to the landscape plan.

Next slide, please?

On the upper left-hand side of this sheet, you can see the existing carriage house plan. And in the center, you can see a rendering of the proposed carriage house. And in the center bottom, you can see the plan of the proposed carriage house with the green line representing the side yard setback and the red line representing the property line.

Next slide, please?

And on this slide, you can see on the upper left the roof plan on the existing carriage house. And in the center, you can see the rendering of the proposed carriage house.

And in the bottom, you can see the upper level of the proposed carriage house, with the green line showing the side yard setback and the red line showing the property line where we're seeking relief.

Next slide, please?

On this sheet you can see the existing carriage house roof plan on the left, and an axon of the proposed carriage house in the center, and the roof plan on the
carriage house on the bottom center. We tried to keep the roofline of the proposed carriage house low by utilizing a hip roof and dormers, so not to make it too tall to the neighbors.

Next slide, please?

On this slide, you can see the existing east elevation in the upper left, an existing photo of the carriage house in the upper right. On the lower left you can see a proposed rendering of the carriage house. On the lower right you can see the proposed elevation, with the side yard setback on the property line highlighted in red.

Next slide, please?

On this slide, you can see the south elevation in the upper left. On the upper right, you can see the existing photo. On the lower left you can see the proposed render of the carriage house. On the lower right, you can see the proposed elevation.

Next slide, please?

On this slide, you can see the existing west elevation in the upper left, the existing photo on the upper right. On the lower left you can see the proposed render, and on the lower right you can see the proposed elevation at...
the side yard setback and the property line highlighted in
the middle.

Next slide, please?

On this slide you can see the existing north
elevation in the upper left, and the existing photo in the
upper right. Lower left you can see the proposed rendering,
and on the lower right you can see the proposed elevation.

Next slide, please?

Here you can see the existing site survey.

Next slide, please?

And on this slide, you can see the existing photos
of the carriage house. We should have six letters of
support in the file from surrounding neighbors, including
direct abutters.

We reviewed the existing carriage house with the
Historical Commission and it was approved to be demolished
without a hearing.

Thank you for your time and I'd be glad to hear
the insights of the Board.

BRENDAN SULLIVAN: One of the I guess questions --
I'll open this up to discussion is why the accessory
apartment?
SAM KACHMAR: To be able to have my client's parents for extended visits.

BRENDAN SULLIVAN: I mean, I guess my question is, is that an accessory apartment with parking, or is it a structure for parking with an accessory apartment above? And why the need for an accessory apartment?

SAM KACHMAR: The need for an accessory apartment comes from the client's parents visiting for extended periods of time. And so this would allow for separate spaces for our clients to be able to have their parents visit their grandchildren in the area.

CONSTANTINE ALEXANDER: How big would the accessory apartment be?

SAM KACHMAR: I believe it's 700 square feet. It's under the 900 allowable by the accessory dwelling unit.

CONSTANTINE ALEXANDER: So that's the other question I was getting at.

SAM KACHMAR: Yeah.

CONSTANTINE ALEXANDER: Perfect.

SAM KACHMAR: It's an accessory dwelling unit, and it meets all the -- we reviewed those elements with Ranjit.

BRENDAN SULLIVAN: Section 4.22,
"Accessory Apartments" --

SAM KACHMAR: Mm-hm.

BRENDAN SULLIVAN: -- and the purpose of this section, "Accessory Apartments" is to allow for the creation of accessory apartments in all districts. Many large existing single- or two-family dwellings or other accessory buildings on their lots are underutilized.

SAM KACHMAR: Yep.

BRENDAN SULLIVAN: Alterations of these buildings to provide one additional dwelling unit on the lot would be prohibited in most cases, due to the existing floor area ratio and/or lot area per dwelling unit requirement, Section 5.31.

So I guess the purpose of the accessory apartment is to basically allow greater flexibility in the use of space in existing large houses, and/or existing carriage houses that, you know, dot the landscape around the city and that no longer have carriages, aren’t suitable to really park a car in because of their structure.

And so we have occasionally granted relief to convert those existing buildings into an accessory apartment.
Obviously, you're losing that protection here by a very small structure, and once that structure comes down, then obviously you have to comply with all of the prevalent zoning ordinances.

SAM KACHMAR: Right. And that's why we're seeking a variance instead of a special permit.

BRENDAN SULLIVAN: Right. And then it's a very large lot. And I guess the other question is is why can't you build it to conform to the side yard setback?

SAM KACHMAR: Right. Well, we could, quite heavily. The reason to try to pursue it as a variance is that the driveway initially runs along the side of the property line.

And if we move the structure within zoning compliance, we create more impermeable space, we create more driveway essentially. We get a longer driveway. We take down more of the tree canopy within the property.

So the goal of keeping the carriage house, you know, kind of in within where the existing one is is to allow to make that as a reduced impact as possible, as well as to sort of push it slightly downhill so as to not impede on neighbors in the area, whom we have met with multiple
times, both in person and over the phone.

BRENDAN SULLIVAN: Yeah. I'm not convinced that an as-of-right solution isn't warranted. But anyhow, that's -- I understand, obviously.

SAM KACHMAR: Yeah.

BRENDAN SULLIVAN: On that existing structure, that is very, very challenging. In fact, it drops off dramatically, and really would qualify for wetlands at most of the season.

But anyhow.

SAM KACHMAR: We looked at a few different options where we either expanded the existing carriage house and pursued that as a special permit -- you know, where it's an existing nonconformity in a side yard setback. But, you know, we're well below the allowable FAR, and we could extend that.

But that didn't seem like that was going to be as beneficial to the overall project. So that was where we looked at the possibility of rebuilding it new by pushing it a little bit further down the site.

CONSTANTINE ALEXANDER: I have a question.

Section 4.22.21, which Brendan has already cited --
CONSTANTINE ALEXANDER: That's for the conditions -- yeah, the conditions for the construction of a building that's going to have -- or it's for a building that's going to have an accessory apartment?

SAM KACHMAR: Mm-hm.

CONSTANTINE ALEXANDER: The first condition is that the building containing the accessory apartment has been in existence since, on or before February 1, 2019.

SAM KACHMAR: Mm-hm.

CONSTANTINE ALEXANDER: You've been in existence since that, on or before. So I don't know how you meet that requirement/satisfy that requirement?

SAM KACHMAR: Well, I think if we were pursuing that direction, that would fall under a special permit. And that's why we're seeking a variance for building a new structure within the side yard setback.

CONSTANTINE ALEXANDER: I'm sorry, you are. I thought it was a special permit.

SAM KACHMAR: No, it's not a special permit. We're seeking a variance.

CONSTANTINE ALEXANDER: Accessory apartment?
SAM KACHMAR: Yeah. Right -- as a variance, whereas normally if we were doing it within the existing structure, we'd be seeking a special permit for that.

CONSTANTINE ALEXANDER: And what's the -- and how do you satisfy the requirements for a variance, as far as the accessory apartment?

SAM KACHMAR: Right. And so due to the nature of the slope of the grade on that property, to try to move a structure inboard within the zoning setbacks would require a lot of grading. And it would create more, like, water issues for some of the other neighbors.

So our goal is to keep the amount of impermeable space that we'd be adding on there, and as limited as possible and increase the overall drainage of the site by adding dry wells in there.

If we moved it, then we have to just add more driveway. And that just seemed like not the greatest good for the property overall. The more sort of permeable space we can keep on that property, the sort of better the property operates for the city as a whole, in our opinion.

CONSTANTINE ALEXANDER: Of course, if we allow this to happen, this accessory apartment could be a B&B.
SAM KACHMAR: Could be what? I'm sorry, sir.

CONSTANTINE ALEXANDER: It could be used as a --


SAM KACHMAR: Certainly. That would be a risk it could be used as an Airbnb. I do not believe that's our client's intent, and I will certainly allow them to speak to that, but.

CONSTANTINE ALEXANDER: Okay.

DANIEL STERNER: Not our intent.

BRENDAN SULLIVAN: Jason, any comments at this time?

JASON MARSHALL: Sorry. Always a delay coming off camera. I appreciate the presentation. You know, SKA it was really helpful to actually see the different renditions. And we've actually come to in other cases I appreciated the SKA work that you've done.

I -- in reviewing the case beforehand, and even now, given the discussion, I am wrestling still with the legal standards for a variance. And I got to be a little stickler about it, because the state statute requires us to press this issue. And maybe you can help me out. I am struggling with what the substantial hardship is here.
And in reading the application, I think it cited too if the relief is not granted, then it would force you to cut down a tree and hug the carriage house closer to the property.

And that's -- you sort of lose me there. I don't understand how that creates a substantial hardship. You know, it seems like, you know, you still can make beneficial use of your property without the specific design. And to me that goes more to the size of what you're looking to do than it being a hardship.

So maybe there's another way to characterize it, but as the application stands now, I'm struggling to be able to check that box under the statute.

SAM KACHMAR: I think the way we look at it is where the hardship falls is that by paving more area on the site, which -- you know, we could do by right*, it's certainly well below the open space calculations. It's a good-sized lot and has a fair amount of grass and trees on it, to make a long story short.

If we make more impermeable area, we then create more runoff down reservoir hill towards Huron Ave. And by doing that, we create a substantial detriment to the rest of
the neighborhood. And I guess the hardship in our opinion was more towards the neighborhood than specifically towards our clients.

So what we are trying to take into consideration is sure, we could move the carriage house over within the zoning setbacks, but by doing that, we create a lot more driveway space, because then we have to create a three-point-turn, and then we have to build it back out, and everything, as opposed to being able to come straight down the driveway and drive right into the garage.

And so our hope and our thought was given the Cambridge Tree Ordinance has given the hope to sort of protect allowed permeable space, that that's something we could pursue with this project.

JASON MARSHALL: Yeah, and I think that's where I got caught up. Maybe it was the phraseology of forcing you to cut down a tree, even if you're going to -- you know, the ordinance. Of course you wouldn't be forced to do that, you could choose not to pursue the project at all. So maybe that --

SAM KACHMAR: Sure.

JASON MARSHALL: -- maybe that's what tripped me
up. I'm trying to -- I'm trying to understand better not only how it would be a hardship obviously to the current occupants, but anyone who would live there.

And maybe it falls more into, you know, impeding the ability to, you know, replace a structure that's in need of rehabilitation, you know, and make better use. So that — just to the extent we get to a vote, I think there would need to be some other rationale for that than what is currently in the record is what I'm saying.

SAM KACHMAR: Completely understood.

BRENDAN SULLIVAN: Jim Monteverde, any comments at this time?

JIM MONTEVERDE: Yeah, I have the same issue with the request, relative to the property line. I'm looking at the survey, which I'm assuming is an existing survey. That's the BZA sheet 301. And am I correct that with the new garage -- this is the current garage, correct? This is the single vehicle.

SAM KACHMAR: Yeah, it's the current one. Right. Yep.

JIM MONTEVERDE: And in the new garage position, don't you wipe out the three trees that are behind and
beside the 10-inch maple, 20-inch maple, 10-inch willow?
Don't those trees come out just to make the new double car
garage?

SAM KACHMAR: The 10-inch tree and the 20-inch
maple would come out. And in the plan, you can see where
we're planting out the rest of that site, with a lot of
other arbor vitaes, other maples to replace that and
increase the actual tree area.

JIM MONTEVERDE: Yep. I appreciate it. So I
think the position of it, just the fact you're pushing the
garage back further, is what will take the trees out. If
you do step away from the property line, I would certainly
be willing to support it.

And as far as the paving, you could certainly do
that in impervious paving. I'm looking at the survey again
-- calls it a brick paver. The photograph looks like it's
now a bituminous paver. You could certainly introduce some
type of impervious paver if you were worried about the
amount of, you know, cover that you have on ground surface,
hard surface.

SAM KACHMAR: Right. So -- yeah, currently it's
asphalt. And, you know, right now you come down and you go
straight into the garage. So if we slide it down towards where it says, like, "proposed inspection port" --

JIM MONTEVERDE: Yep.

SAM KACHMAR: Then you almost enter the garage from where on that garage element the arrow points up. So that would make that sort of turn coming around into there would add -- you know, a fair amount impervious area.

Not that we don't have the ability to do that on the lot; it just seemed like not really the right direction or the right thing to do if we can keep it a straight shot on the driveway.

JIM MONTEVERDE: Yeah. That's my concern is just --

SAM KACHMAR: Yeah, understood.

JIM MONTEVERDE: With aiding the variance. That's all. I wouldn't -- I would be much -- I would be in favor of everything else if you could get it from the -- get the required setback.

SAM KACHMAR: Yeah.

JIM MONTEVERDE: Setback I have an issue.

SAM KACHMAR: Yeah. I understand that. We looked at those it and pursuing, like, a special permit and
extending the garage. But it seemed like given the condition of the structure that it was better to try to build new from start.

JIM MONTEVERDE: Thank you.

SAM KACHMAR: Thank you.

BRENDAN SULLIVAN: Laura? Laura, any comments at this time?

LAURA WERNICK: I guess I had the same kind of concern as Jim and Jason both mentioned, and I understand the hardship -- the kind of discussion about the hardship on the neighbors, but if you built a smaller, you know, a one-car garage, a smaller garage you'd be doing less impervious pavement.

So it just feels a little bit incongruous, you're building a much larger structure and then saying, "Oh, well, we don't want to shift it away because it's going to create more impervious surface." So I would certainly like to --

SAM KACHMAR: Sorry, go ahead.

LAURA WERNICK: I'm sorry?

SAM KACHMAR: Just that part of this locating of the structure also came from some conversations with neighbors. Over where it says, "Residence B and Residence
A-1," there's a neighbor pretty close to that lot line on
the back side.

And they didn't -- you know, obviously don't
really want a structure kind of plopped in the back in their
back yard in there. And that was, you know, part of the
siting or part of the -- you know, there's an existing
garage here now, what if we just slide that back or kind of
keep it tucked over here on the side?

BRENDAN SULLIVAN: Well, if you're looking at what
is there now, I can only imagine what is proposed. The
garage, the proposed garage is going to be used by the main
house or the carriage house or both? Or --

SAM KACHMAR: It could be used by both, providing
both one parking space for the accessory unit, as well as a
parking space for the main house.

BRENDAN SULLIVAN: All right. Laura, have you
coupled?

LAURA WERNICK: I'm finished, thank you.

BRENDAN SULLIVAN: Okay. 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 have up to three minutes to speak.

[Pause]

There appears to be nobody calling in. There are some -- a number of letters in support. John Gilmore, who lives at 47 Reservoir Street has reviewed the plan, and he has no problem.

He did note that the architect -- the landscape architect has met with him and Mrs. Gilmore on several occasions to discuss the plans. They have kindly agreed to mitigate the effects of the changes on our property through fencing and planting of trees and shrub. There is a correspondence from Maggie Currier, 207 Lakeview Avenue.

There is a correspondence from Greg and Jamie Porreca on 57 Reservoir, Unit 1; Hilary and Dan Rasmussen on 8 Hubbard Park Road; Jeffrey Libert and Mardee Brown, who live at 11 Garden Terrace. They are in favor. Todd Goulet, 20 Madison Street in favor. Lauren Carter (phonetic) on 111 Village Road in favor.

Sum and substance of the correspondence; I will close the public comment at this time.
So you're asking for a variance, and basically the only violation is the side yard setback, is that correct?

SAM KACHMAR: That is correct. We're well below the allowable FAR. We're -- you know, well below the, or well above the open space requirements in there. The only thing is the side yard setback.

BRENDAN SULLIVAN: And as far as the accessory apartment, you can put that in there as-of-right?

SAM KACHMAR: That is correct, sir.

BRENDAN SULLIVAN: A little bit of a hard time connecting the dots on that one, because you're not putting it into an existing structure, because the existing structure is coming down; you're creating a new structure. So the only request that you're asking for is for a side yard setback?

SAM KACHMAR: We're asking for the side yard setback, and I believe in the application it says, "to be used as an accessory dwelling unit?"

BRENDAN SULLIVAN: And you're asking for relief from Section 55.31 and Article 8, which is --

SAM KACHMAR: .22.

BRENDAN SULLIVAN: -- 8.223.
SAM KACHMAR: Correct, sir. I don't know how that gets you to the -- how does that get you to the accessory apartments?

BRENDAN SULLIVAN: The accessory apartment would be allowable by a special permit if we were converting garage, but because we're seeking a variance for the new structure, that's part of what we're seeking as a variance. Sorry if I'm misunderstanding.

JASON MARSHALL: Yeah. I mean, I think you'd have to come back to get the special permit or to seek the special permit. That's how I'm reading it. I mean, you could seek the variance tonight, but I think you'd have to -

SAM KACHMAR: Could I -- we spoke with the Building Commissioner about this. Because originally, we had applied for both a special permit and a variance.

And we got on the phone with Maria and Ranjit, and he said just to apply for a variance for this, because a variance would cover all of those things.

And so that was why we -- we actually amended it from a special permit and a variance to just a variance application, per Maria and Ranjit telling us to just amend
that that way. And I believe Ranjit's on this call, if he
wants to speak to that.

BRENDAN SULLIVAN: Because they'd have a higher
standard?

SAM KACHMAR: Correct, yep.

BRENDAN SULLIVAN: I don't know. I just --
discussion by the Board? Comments? Some direction?

JIM MONTEVERDE: Vote?

BRENDAN SULLIVAN: Jim, your thoughts again on if
I can go back to you?

JIM MONTEVERDE: Yeah, I'm unfortunately not in
favor.

BRENDAN SULLIVAN: Can't hear you.

JIM MONTEVERDE: I don't find the --

BRENDAN SULLIVAN: Jim, you have to turn up the
volume.

JIM MONTEVERDE: Oh, sorry. No, I just have to
bring down my headphone, my microphone. I'm not --
requested for the side yard setback. I don't see the
hardship in locating it the required distance away. I think
I can deal with the impervious or pervious pavers to deal
with the -- you know, ground being able to absorb some
water. So I'm not favoring it.

BRENDAN SULLIVAN: Okay.

DANIEL STERNER: Could I speak to that for a second? I'm sorry if I'm speaking out of turn here. I'm Dan, the owner. So -- and I don't know if this qualifies, I'm not an expert here, as a hardship and I guess we're looking for a hardship that's particular to my lot, rather than to any of my neighbors.

And, you know, I wish they were here this evening. You can see it right here on the survey where it says, "Keeler and Bishop." So they're the home that's kind of right there. We're going to be looking at the lovely carriage house if I move it into the middle of my property.

So, you know, prior to me buying this house, there was a woman here, Suzanne Deutsch, who lived here since 1948. And she lived here from 1948 until she passed, I think, in 2014. We bought the house in 2016.

And then we had this big meeting. When I moved in, I went to all the neighbors. They wanted me to take down a dead tree that was on the kind of the south side of the property, but they all told me how they viewed what they called -- they called this, "the hollow." My big -- I call
it, "the jungle." My big forest in my back yard.

And it's -- and they all kind of view it as this, like, you know, it's my property, right? But they view it as this, like, neighborhood amenity. It's been there. It's this big open space.

And we tried to be sensitive to that in locating this structure, which is why we tried to tuck it along the property line as best we could, rather than putting it at the right middle of an open space that we have, let all my neighbors enjoy.

And then my neighbors to the other side, John Gilmore, you read his letter. We spent a lot of time with them and his wife, Elizabeth, is a really avid gardener. And she's taken to calling my new driveway, "The helipad."

And so I don't really want to have to increase the size of the helipad any further, because I think that's going to upset her more.

So I don't know if that qualifies as a hardship. And I apologize if it doesn't. That was a lot of the thrust here was to try to kind of --

ELIZABETH LIBERT: Work with our neighbors.

DANIEL STERNER: To -- yeah, to be kind of
respectful of these people that we've developed a relationship with over the last five years. I get that I have space to do more or less whatever I want on my property.

We were trying to solve for a lot of problems here, and a lot of different opinions. But we landed on something where, you know, John supported us.

You know, I was hoping that David Keeler and Georgie Bishop would show up this evening. But I know that I have their support. They want me to solve some drainage issues in the back and plant some plants.

So that really is the genesis of kind of why we're asking for the relief to locate the structure. Thank you.

BRENDAN SULLIVAN: Okay. Thank you. Jim, I'm sorry, have you compared your thoughts or --

JIM MONTEVERDE: No. I'm still where I was.

BRENDAN SULLIVAN: Okay. Laura? What are your conclusions?

LAURA WERNICK: Well, I appreciate Dan's last comment there. I think that's very -- to my mind that's very important. I'm put off by the size and the scale of the project, I guess. And that's influencing me. It seems
that all the talk of trying to hide it away and minimize
impervious surface while you're trying to build a
significant new structure on your site is kind of trying to
have it both ways.

So I'm conflicted here, but I guess I'm ready to
support the project as it's proposed.

BRENDAN SULLIVAN: Okay. Jason, your big thoughts
before we take it to a vote?

JASON MARSHALL: I can't promise big thoughts, but
I do, Dan, appreciate the additional background. And I
think that you and your team have appreciated this in good
faith, and tried to resolve issues that have arisen.

I mean, the discussion tonight, it raises a couple
questions about the substantial hardship is still a
question. I think it needs to be thought through or refined
a little bit.

It does seem to still go to the inability to fit
the accessory structure elsewhere on the lot. Has to do --
it seems at least at this point maybe because of size rather
than something relating to the shape, you know, of the lot.

And then the question that came up earlier was
around the accessory apartment. So, you know, I don't think
I'm prepared to support it. You know, you may want to pursue a continuance to run some of those issues down -- that's your choice.

But I don't think based on what's in the record that I would vote to support, if it came to that -- you know, subject to the motion that the Chair would put forward.

BRENDAN SULLIVAN: Okay. All right, I have not chimed in. I guess the -- my thought is that what is probably driving this, obviously, is that the existing structure is a detriment and of no value whatsoever. So we need to replace it with something. And yes, it would be nice to have a place to park your cars.

So potentially one parking area, one parking spot doesn't do it, we should do two. Well, if we're going to do that, then we need more than potentially a parking garage. And so let's do a grander building.

To me, this is really building a house on that site. And that's where it became an accessory apartment, and then it just sort of think grew from there. That then gets part of a master landscape plan. And so the landscape architect gets involved. And again,
the wonderful plan. And very accomplished, but I think then
it became a very nice back yard, side yard, and that's what
sort of drove it...

Except for the fact that let's kick this as far to
the side yard as we can, because then what it does is it
impedes or takes away from our usable open space, and that
the area facing the garage to the right of it -- if we were
to maintain that 15-foot required setback, would almost
become useless space, and render itself to leaves in the
fall and vegetation during the rest of the year and so on
and so forth.

So I think that is -- and yes, I'm not speaking
for you, Sam, but I think that's maybe what drove all of
this. And that if we were to kick it to the side, as close
as we could possibly get, which is what, five feet, is that
what you're proposing?

SAM KACHMAR: It's 5'9" away from the property
line, and that's what we're proposing to keep it -- within
the same line, and possibly --

BRENDAN SULLIVAN: The streetscape, it makes for
an easier entryway egress, and then it allows us also to
park the cars, obviously, behind the house, which they may
be there most of the time, and occasionally this weekend, you know, you may park a car in the garage or something like that. So.

I think the structure itself is excessive. I think it's -- and especially when you're asking for relief and the hardship. I just haven't reconciled the hardship fact, other than that what is proposed before us -- even though I think it's excessive -- I think works for the site, works for accessibility to the structure, which is a direct shot in off of Reservoir Street, and then allows for additional parking of vehicles behind the house.

Where does that leave me? I'm still troubled by the size of the structure. But --

JASON MARSHALL: The size of the structure is 20 x 30, I believe?

BRENDAN SULLIVAN: Sorry?

SAM KACHMAR: I believe it's 20 feet x 30 feet on the structure for the garage.

BRENDAN SULLIVAN: Yeah, and again I go back to my original comment, is --

SAM KACHMAR: Sure.

BRENDAN SULLIVAN: Is it a garage with an
accessory apartment, or is it really meant to have an accessory apartment with a garage underneath?

SAM KACHMAR: Mm-hm.

BRENDAN SULLIVAN: And you can say, well they go hand in hand.

SAM KACHMAR: Yeah.

BRENDAN SULLIVAN: You know? I don't know in that neighborhood, you know, how many other -- now, I know that there are garages in that neighborhood, but are they of this size, and do they have an accessory apartment to it? I dare say that they don't.

So I think that this here would be somewhat different and somewhat unique in the neighborhood.

SAM KACHMAR: If I may respectfully disagree on that one, only in the sense that there are some carriage houses and structures within the neighborhood that I would say dwarf what we have proposed in there. And, you know, there's a wide variety of them.

But I would say that there is many two-car garages with a floor above them, you know, tucked throughout. You know, and some of them have sold off in separate properties. Like the one down on Worthington just around the corner on
Lakeview, you know --

BRENDAN SULLIVAN: They didn't ask for relief on the zoning.

SAM KACHMAR: No, no, no, you're correct. I'm sorry. I'm not meaning to be argumentative; I'm only saying I think there are a fair amount of garages of that size.

BRENDAN SULLIVAN: Okay.

SAM KACHMAR: I hope that's --

BRENDAN SULLIVAN: All right. Shall I make it to a vote? There's an option. I can make a motion to grant, or you can continue this, rethink it, and then come back.

SAM KACHMAR: Can I ask a question, Mr. Chairman?

BRENDAN SULLIVAN: Yes.

SAM KACHMAR: If we tried to renovate the existing structure as a special permit and kept part of the existing structure and then built the remainder of the new garage with that, would that change the dynamic of the request and push us into special permit territory, as opposed to a variance?

BRENDAN SULLIVAN: Well, I'd have to see it.

SAM KACHMAR: Of course, of course. I wouldn't mean at this hearing. I just mean, like, where --
BRENDAN SULLIVAN: It's a different standard.

SAM KACHMAR: Exactly. Right. It is the non-detriment to the neighborhood, as opposed to the hardship, of course.

BRENDAN SULLIVAN: I mean, you could visit that scenario.

SAM KACHMAR: Would it be okay if I just ask my client real quickly the question? Of course, we're not in person, so I'll just do it live here, if it's okay?

BRENDAN SULLIVAN: Well, did you want to talk to Dan or Elizabeth?

SAM KACHMAR: Yep. I have no problem doing it in public. Dan, essentially if we take a vote and it gets voted down, we're dead in the water for two years on the project.

DANIEL STERNER: We'd like to continue. And we're going to reduce the size of the project, like what we want anyway. I don't know if we're talking about this accessory unit, that we don't want, Sam.

So, and then we're just going to reapply with the garage and we'll have this conversation all over again. Let's just move on and continue. Thank you.
SAM KACHMAR: Okay. Mr. Chairman, I think we'd like to seek a continuance, if that would be okay.

BRENDA SULLIVAN: All right. The date? The earliest date would be March 24.

CONSTANTINE ALEXANDER: We have four cases that night, right? Don't we have three --

OLIVIA RATAY: That one's April 14.

CONSTANTINE ALEXANDER: Oh, I'm sorry. You're right, you're right.

BRENDA SULLIVAN: So March 24?

DANIEL STERNER: March 24, yes, works.

BRENDA SULLIVAN: Jim, are you available on March 24? I'm going to ask the same question of Laura and Jason?

JIM MONTEVERDE: Yes, I am.

BRENDA SULLIVAN: Laura?

LAURA WERNICK: I'm wondering if we can't push it to the fourteenth, just so that it's the same night as the other one? I'm not sure. I've got a lot of balls up in the air during the end of March, the beginning of April.

So I just would prefer to kind of keep them together, if possible, on the fourteenth of April.

BRENDA SULLIVAN: Um--
LAURA WERNICK: I think that was the date we had proposed for the earlier continuance.

SAM KACHMAR: The twenty-fourth was one of them, and then April was another.

BRENDAN SULLIVAN: I'm sorry?

OLIVIA RATAY: We've got April 28, but it can't be the fourteenth.

SAM KACHMAR: Okay.

BRENDAN SULLIVAN: Not April 14, but it could be April 28, Laura.

SAM KACHMAR: Prefer March 24, if possible.

BRENDAN SULLIVAN: I'm sorry. Wait a minute. Laura, are you available -- I'm sorry -- on the twenty-fourth of March?

LAURA WERNICK: I'm just not sure at this point. I've got some travel plans that have not been pinned down yet.

BRENDAN SULLIVAN: Okay. So then we're into April. April 28?

LAURA WERNICK: I think that's better for me.

JASON MARSHALL: Is the fourteenth available, where we have the other continued case? Is that, or is it
booked after that?

OLIVIA RATAY: Well yeah, that's free -- Webster.

BRENDAN SULLIVAN: Yeah. Well, it's sort of a --

it's a tight schedule on the fourteenth.

CONSTANTINE ALEXANDER: We have already four cases

on that night.

BRENDAN SULLIVAN: Four continued cases.

CONSTANTINE ALEXANDER: Four continued cases,

that's right.

SAM KACHMAR: We'll be quick.

BRENDAN SULLIVAN: Yep.

SAM KACHMAR: We will be as efficient as we can.

BRENDAN SULLIVAN: I'm sorry?

SAM KACHMAR: I said if you squeeze us in, we'll

be very efficient with your time, if possible. Promise.

LAURA WERNICK: Well, that's what they all said.

SAM KACHMAR: We present pretty quickly and

efficiently, I try to. We can be quicker if you guys want

us to. We try to show everything as well.

BRENDAN SULLIVAN: I don't know. Let me -- Laura,

you're still checking, is that correct? So you're --
LAURA WERNICK: No, I can do the fourteenth, I'm just uncertain of the March 24. I'm just uncertain. And it looks like be another couple weeks before I get that pinned down, so.

SAM KACHMAR: Can we tentatively do March 24?

BRENDAN SULLIVAN: No, the fourteenth is booked.

LAURA WERNICK: You can tentatively do the twenty-fourth, and if I'm not there, then you would just have four.

BRENDAN SULLIVAN: You have the option, then, to go with four members if Laura's not here on the twenty-fourth, Sam.

SAM KACHMAR: I do not imagine you guys are going to vote, you know, the same way on another -- yeah, I mean I think that's --

BRENDAN SULLIVAN: But you would need four affirmative votes.

SAM KACHMAR: Yeah. I don't think it's going to be a contested case. You know, in some ways it's more about the legality and how we frame this hardship or the special permit for that.

BRENDAN SULLIVAN: All right. So shall we continue this until the fourteenth?
SAM KACHMAR: Twenty-fourth.

BRENDAN SULLIVAN: The twenty-fourth?

SAM KACHMAR: Yes.

BRENDAN SULLIVAN: Now, now this is for this particular case.

SAM KACHMAR: Yes.

BRENDAN SULLIVAN: If you decide to go to the special permit, it's going to be a new case.

SAM KACHMAR: Mm-hm. We did initially apply for a special permit and a variance, and it was amended to become a variance. So could we maybe talk to Maria and Ranjit and see if we could amend it back to a variance and special permit?

BRENDAN SULLIVAN: But it's going to require a new publication. It's going to be --

SAM KACHMAR: Yeah, of course.

BRENDAN SULLIVAN: -- readvertised, I think.

CONSTANTINE ALEXANDER: Since the date has been advertised --

SAM KACHMAR: Yep.

CONSTANTINE ALEXANDER: -- of the parent case, we can't change the nature of the relief.
SAM KACHMAR: Of course. I'll talk to Maria and Ranjit and see what the right procedure is to do that, if we go that route.

BRENDAN SULLIVAN: Or the alternative is to talk to Ranjit and Maria tomorrow and if you wanted to file for a -- well, again, I don't know how fast you can put those documents together.

SAM KACHMAR: Very quickly.

BRENDAN SULLIVAN: Quickly?

SAM KACHMAR: Yep.

BRENDAN SULLIVAN: Why don't we mark this up, then, for March 24 as a continued case.

SAM KACHMAR: Okay.

BRENDAN SULLIVAN: And then see how this evolves, or the special permit case evolves. And if the special permit has to be a new case and refiling, and it's not ready on March 24, we can continue this matter if you wish to the special permit case, which keeps the case alive. Does that sound okay?

SAM KACHMAR: Sounds very reasonable, Mr. Chairman.

BRENDAN SULLIVAN: Let me make a motion, then, to
continue Case #154869, March 24, 2025 (sic) on the condition that the petitioner sign a waiver to the statutory requirement for a decision to be rendered on this case and filing.

That such waiver shall be in the file -- signed and in the file by a week from Monday.

That any new plans be in the file by 5:00 p.m. on the Monday prior to March 24.

That the signed -- the posting sign be changed to reflect the new date of March 24 and the new time of 6:00 p.m.

On the motion to continue this matter until March 24, 6:00 p.m., Mr. Alexander?

CONSTANTINE ALEXANDER: I vote in favor.

BRENDAN SULLIVAN: Jim Monteverde?

JIM MONTEVERDE: [Jim Monteverde] I vote in favor.

BRENDAN SULLIVAN: Laura?

LAURA WERNICK: I vote in favor.

BRENDAN SULLIVAN: And Jason? Name and address Jason Marshall yes in favor of the continuance.

BRENDAN SULLIVAN: Brendan Sullivan votes in favor.
[All vote YES]

BRENDA SULLIVAN: The matter is five affirmative votes -- the matter is continued until March 24 at 6:00 p.m.

Thank you.

SAM KACHMAR: Thank you, Mr. Chairman.
(9:26 p.m.)

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

BRENDAN SULLIVAN: The next case we will hear is Case No. 156992 -- 88 Garden Street. Mr. Rafferty?

JAMES RAFFERTY: Good evening, Madam Chair. For the record, my name is James Rafferty. I'm appearing on behalf of the applicant this evening. Present with me are Robert Ketterson -- K-e-t-t-e-r-s-o-n and Kristin Hill. Mr. Ketterson and Ms. Hill are the owners of this property. It has been their home for a few years now.

Also present is Ryan Nevidomsky, from the architectural firm of Catherine Truman Associates. Ms. Truman is also present. And Lauren Harder, the Project Manager, is also present.

This is a somewhat unique case in several respects. The house itself at 88 Garden Street, some Board Members may recall, is actually a house that is on the National Register of Historic Properties.

It was designated in 1964. It also happens to be
a house -- one of the few houses that by virtue of a
preservation easement that the Historical Commission's
jurisdiction extends not simply to the exterior, but to
several rooms inside the house.

This was the home of the famed botanist, Aca Grey.
He used to be located across the street in the corner of
Linnaean and Garden Street, where the Botanical Gardens are.
And Professor Gray was a big deal, as we say in the botany
world. And his house got moved.

And what's before you tonight is a case that has
some relevance to a case that the Board heard in 2006. And
at that time, the Board granted a variance that permitted
the reconstruction of a portion of the property that was in
disrepair -- a studio and a one-car garage.

Back then, the Bellalta case had not come into
existence, so this reconstruction on the same footprint of
this portion of the home required a variance.

And in January of '06, recognizing the hardship
associated with the historic nature of the house, the --
this Board, two members are continuing to sit this evening
that were there in 2006, granted the variance.

And what's before the Board now, candidly, is a
case that I don't completely understand the reason the
applicant has been directed to apply for a further variance.

We are proposing a conforming addition in the rear
of the house, a one-story addition on this studio portion
that was reconstructed. It's about 500 square feet, 512
square feet of additional GFA. It's an addition with a
covered walkway connector. It's depicted in on the plan
A0.0. The site plan shows it.

It's -- so it's a conforming addition to a
nonconforming structure. But what I -- yeah, is that --
that's A0.0. Yes. That depicts it. And you can see -- you
can see the face of the house, it's on the corner -- the
face of the house onto Garden Street is to the left.

And then along the right on the Madison Street
side, you see the extension of the house. And the area
where the cursor is right now, that's where this
reconstructed studio site specific.

And the hashed area behind it is the area where
we're putting on the addition, the diagonal hash. The
different shaded hash to the left of that area, if the
cursor could go a little bit to the left, that work is an
addition to the house that was not part of the variance. So
we were informed that that would be an as-of-right work. 

So the variance is necessary because of the addition to the portion of the structure that received the variance in 2006.

In my experience, I have not been of the opinion that a structure that receives a variance then can never be altered without returning to the Board decades later, as in this case.

This is a conforming addition, well below what's allowed. But we have been advised that the original -- since this is a represented change from the original variance -- that we need to seek another variance in this case.

But what was suggested what we needed is an amendment to the variance. And I'm sure Board Members know such an instrument doesn't exist. So we have applied for an additional variance to construct the area in the rear of this studio.

And the studio was the subject of the variance in 2006. And thus we have been directed to seek another variance for this work.

BRENDAN SULLIVAN: So the Commissioner's feeling
is because the proposed work touches an area that was subject to granting a variance that then triggers that this has to also receive a variance?

JAMES RAFFERTY: Yes. And we discussed it at length. And I think the rationale I can follow it. I think, personally, I have a little trouble with it.

But in terms of its logic, but since the original variance, the 2006 variance -- like all variances -- conditioned the relief upon a set of plans, a particular set of plans. And those plans did not show this addition. That this represents an alteration to those -- to that variance.

But like I said, what we have here is a conforming edition. The variance that was before the Board in 2006, the only reason for the variance, which today could be done by special permit -- the only reason for the variance was because of the front setback.

And the original footprint, the whole house along Madison Street has little in the way of setback. And that's the historic footprint of the house.

So at that time, the variance was granted in that volume, that studio -- that one-story volume was reconstructed on the very same footprint in 2006. So we're
putting a slight addition on the rear, plus the covered walkway.

So adding to the variance -- adding to a portion of the house that represents a deviation from the plan cited in the variance, I think I've characterized the Commissioner's position correctly.

But at any rate, we are here because of the direction we received, and we're asking for the Board to find, as they did in 2006, that the historic nature of the house supports a second finding of hardship, based on the findings that were made in 2006.

BRENDAN SULLIVAN: Any work on the house would require Cambridge Historical review?

JAMES RAFFERTY: Yes. And thank you for pointing that out. And we have received -- because of the designation of the house that the entire house, the work was reviewed.

We received a Certificate of Appropriateness in November, 2021 for all of this work as well as a portion of the interior work. As I noted, some of the cabinetry in the home -- thanks to a preservation easement that was granted by a prior owner -- these were Professor Gray's cabinets.
He kept his botanical instruments or specimens in these cabinets, so now the Kettersons get to gaze upon them and use them. I don't think they bought this themselves, but I think they found alternative uses for this cabinet.

But under this preservation easement, someone from the Historical Commission has the ability once a year to come in and look at the cabinet. So we brought Mr. Sullivan through a few months ago, and he looked at that. There were a few other.

There's some other features of the interior that address. Point being, Mr. Sullivan, to your very pertinent question, this underwent extensive review by the Historical Commission in review that they have, or purview that they have no other property. Interior restoration work also was subject to their approval.

And candidly, we spent nearly 90 percent of the time dealing with the Historical Commission involving the interior work in the very sensitive nature.

There are some other exterior alterations that were reviewed -- windows and openings, and such. Yes. We have a Certificate of Appropriateness, and we do have in the file two letters of support from nearby abutters.
BRENDAN SULLIVAN: Okay let me query the Board.

Mr. Alexander, any questions?

CONSTANTINE ALEXANDER: No. No questions.

BRENDAN SULLIVAN: Jim Monteverde, any questions?

Comments?

[Pause]

Jim's on mute. Laura, any comments, questions?

LAURA WERNICK: No questions. Thank you.

BRENDAN SULLIVAN: Jason, any questions, comments?

JASON MARSHALL: Oh, I probably could talk for a long time with Jim about the very interesting procedural issue. You know, maybe for another day, Jim I -- you know, Bellalta, to help clarify things, where we're seeing sort of additional questions. It's raised.

But in any event, we don't need to reset here, I think. You know, you can't get more direct, on point precedent for a variance than having already granted it for the same property for the same thing. So no questions here, Mr. Chairman.

BRENDAN SULLIVAN: Well, I think Mr. Rafferty was wise. He could either contest the decision of the Commissioner, and then eventually wind up back here, or just
go straight to here. So I think that was probably the
thinking.

Jim Monteverde, any questions, comments?

JIM MONTEVERDE: [Jim Monteverde], no questions.

Thank you.

BRENDAN SULLIVAN: 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'll have up to three minutes to speak.

[Pause]

Apparently nobody is calling in. There is
correspondence from two neighbors -- Laurent and Rumiko
Adamowicz, who live at 84 Garden Street. And they have
reviewed the plans. They've shared them, and they are in
favor.

There is correspondence from Charles Downer, and
plans were developed with a reputable Cambridge
architectural firm, and are proposed to be done in a
tasteful fashion, consistent with the existing structure.
In my view, the proposed changes to the home and the yard represent an improvement to the existing conditions. And he is in favor.

There's also correspondence from the Cambridge historical with a Certificate of Appropriateness, and as part of their Certificate of Appropriateness, they constructed a new basement stair on the east elevation, construct a flat-roof addition in the rear courtyard with a covered walkway to the driveway.

And so they are in favor. The work here is shown by the plans, and that is all interior work, and that is the sum and substance of any correspondence.

Mr. Rafferty, any final few words?

JAMES RAFFERTY: No, thank you, Mr. Chair.

BRENDAN SULLIVAN: Good. Let me make a motion, then, to grant the relief requested, which is to construct a covered porch and a conforming rear addition for a portion of a single-family dwelling.

The proposed covered porch addition complies with all the setbacks and all the dimensional requirements in a Residence A-2 zone.

The Board finds that a literal enforcement of the
provisions of the ordinance would involve a substantial hardship to the petitioner, because it would prevent them to put on this very modest addition, which is an improvement to that particular siting on the lot, and also as an attribute to the existing structure.

The Board finds that the Board, in Case No. 9220 found a hardship existed, and they allowed the addition and the maintenance to replace, and the historical significance of this particular structure.

The Board finds that the hardship is owing to the shape of the lot, and that is abutted on two streets as a front yard setback. Also the expansiveness of the structure, which creates somewhat of a challenge.

And that also it is encumbered by a historical landmark by the Cambridge Historical Commission, which has granted their Certificate of Appropriateness.

The Board finds that desirable relief may be granted without substantial detriment to the public good, and that relief may be granted without nullifying or substantially derogating from the intent and purpose of the ordinance to allow people to expand their residences for just purpose, that we find this is de minimis, that the
covered porch and addition amounts to less than 10 percent increase of the gross floor area.

On the motion then, to -- and that the work comply with the submittals, the drawings which are designed and initialed by the Chair, and also, the supporting statements and the dimensional forms.

On the motion to grant the variance, Mr. Alexander?

CONSTANTINE ALEXANDER: In favor.

BRENDAN SULLIVAN: Jim Monteverde?

JIM MONTEVERDE: Jim Monteverde in favor.

BRENDAN SULLIVAN: Laura? Laura Wernick?

[Pause]

Jason Marshall?

JASON MARSHALL: Jason Marshall yes in favor.

BRENDAN SULLIVAN: Laura?

LAURA WERNICK: Yes in favor.

BRENDAN SULLIVAN: And Brendan Sullivan yes in favor.

[All vote YES]

BRENDAN SULLIVAN: Five affirmative votes. The variance is granted. Good luck.
JAMES RAFFERTY: Thank you, Mr. Chair and Members.

Have a good evening.
(9:42 p.m.)

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

BRENDAN SULLIVAN: The Board will hear Case No. 157013 -- 30-32 Crescent Street. Mr. Rafferty?

JAMES RAFFERTY: Thank you, Mr. Chair. The applicants have filed a request with the Board seeking a continuance on this case. There are ongoing conversations with abutters, and in order to facilitate a better understanding, the applicant is requesting that the matter be continued by the Board at the later date.

BRENDAN SULLIVAN: All right. What's the earliest date? April 28 would be the earliest date.

JAMES RAFFERTY: Okay. If that's the earliest date, I -- like most applicants, this would -- my client would prefer to come back as soon as the Board can hear us. But I understand the demands on your schedule, and if that's the earliest date.

BRENDAN SULLIVAN: There's a long line.

Unfortunately --
JAMES RAFFERTY: Yeah. You're a very popular group, there's no question.

BILL SCOTT: Sometimes yes, and sometimes not so popular.

JAMES RAFFERTY: Well, everyone wants to see you, we know that.

BRENDAN SULLIVAN: April 28 is a case not heard, so anybody can sit on it. On a motion, then, to continue this matter until April 28, 2022 at 6:00 p.m. on the condition -- and this will be Counsel sign a waiver for the statutory requirement for a hearing and a decision to be rendered thereof.

That such a waiver be in the file by a week from Monday. Failure to do so would render the case to be denied.

That the posting sign be changed to reflect the new date to April 28, 2022 at 6:00 p.m. And that any new submittals be in the file by 5:00 p.m. on a Monday prior to the April 28 hearing. All those in favor of the continuance? We already did that, right, Gus?

CONSTANTINE ALEXANDER: Well, yeah.
BRENDAN SULLIVAN: On these conditions.

CONSTANTINE ALEXANDER: I'm in favor of the continuance, with these conditions imposed.

BRENDAN SULLIVAN: Okay. Jim?

JIM MONTEVERDE: Jim Monteverde in favor of the continuance.

BRENDAN SULLIVAN: Yeah. Laura?

LAURA WERNICK: Laura Wernick in favor of the continuance.

BRENDAN SULLIVAN: And Jason?

JASON MARSHALL: Jason Marshall yes to the continuance.

BRENDAN SULLIVAN: And Brendan Sullivan yes.

[All vote YES]

BRENDAN SULLIVAN: Five affirmative votes, the matter is continued.

JAMES RAFFERTY: Thank you again.

BRENDAN SULLIVAN: Goodnight.
(9:44 p.m.)

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

BRENDAN SULLIVAN: The next case the Board will hear is BZA-156403. We have a request from the petitioner. There is correspondence from Wang, the petitioner. "Since submitting my variance and special permit application, I've engaged all my direct neighbors on Longfellow Road and Channing Circle. Many neighbors have given me support letters and given me constructive suggestions.

"As a result of amicably working with all my neighbors, I decided to remove the variance portion. I will not build a double stairway. Instead, I will only apply for a special permit.

"Additionally, I wanted to apply for a special permit for an accessory use, and the following Monday I will file a new application that only continues the special permit for miscellaneous and sundry items."

So if he is going to have -- he is going to file a new application if he wishes to continue this case here.
What's the date? April 28.

So on the motion then to continue this matter until April 28 at 6:00 p.m., on the condition that the petitioner sign a waiver to the statutory requirement for a hearing and a decision to be rendered thereof.

Such waiver be in the file by the week from Monday.

Failure to provide such waiver will be a de facto denial of the relief requested.

That the petitioner change the posting sign to reflect the new date of April 28, and the time of 6:00 p.m.

Any new submittals shall be in the file by 5:00 p.m. on the Monday prior to the April 28, 2022 hearing.

All those in favor? Mr. Alexander?

CONSTANTINE ALEXANDER: In favor.

BRENDAN SULLIVAN: Jim Monteverde?

JIM MONTEVERDE: Jim Monteverde in favor.

BRENDAN SULLIVAN: Laura Wernick?

LAURA WERNICK: Laura Wernick in favor.

BRENDAN SULLIVAN: Mr. Marshall?

JASON MARSHALL: Jason Marshall yes to the continuance.
BRENDA SULLIVAN: And Brendan Sullivan in favor of the continuation.

[All vote YES]

BRENDA SULLIVAN: Five affirmative votes, the matter is continued until April 28. And that concludes the Agenda for tonight.

JIM MONTEVERDE: Excellent, thank you all.

Goodnight, everybody.

LAURA WERNICK: Goodnight, thank you.

BRENDA SULLIVAN: Stay well.

[9:47 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.

Notary Public

My commission expires:

July 28, 2028
<table>
<thead>
<tr>
<th>Page 211</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>January 27, 2022</strong></td>
</tr>
<tr>
<td>Term</td>
</tr>
<tr>
<td>-------------</td>
</tr>
<tr>
<td>increase</td>
</tr>
<tr>
<td>increases</td>
</tr>
<tr>
<td>increasing</td>
</tr>
<tr>
<td>independent</td>
</tr>
<tr>
<td>independently</td>
</tr>
<tr>
<td>individuals</td>
</tr>
<tr>
<td>indoor</td>
</tr>
<tr>
<td>influencing</td>
</tr>
<tr>
<td>information</td>
</tr>
<tr>
<td>informed</td>
</tr>
<tr>
<td>initial</td>
</tr>
<tr>
<td>initialized</td>
</tr>
<tr>
<td>input</td>
</tr>
<tr>
<td>injecting</td>
</tr>
<tr>
<td>injections</td>
</tr>
<tr>
<td>internal</td>
</tr>
<tr>
<td>interpretation</td>
</tr>
<tr>
<td>interrupt</td>
</tr>
<tr>
<td>intervene</td>
</tr>
<tr>
<td>introduce</td>
</tr>
<tr>
<td>invested</td>
</tr>
<tr>
<td>investigation</td>
</tr>
<tr>
<td>investor</td>
</tr>
<tr>
<td>Inviting</td>
</tr>
<tr>
<td>involve</td>
</tr>
<tr>
<td>involved</td>
</tr>
<tr>
<td>involving</td>
</tr>
<tr>
<td>ipso</td>
</tr>
<tr>
<td>ironed</td>
</tr>
<tr>
<td>ISD</td>
</tr>
<tr>
<td>issue</td>
</tr>
<tr>
<td>intention</td>
</tr>
<tr>
<td>interactions</td>
</tr>
<tr>
<td>interest</td>
</tr>
<tr>
<td>interested</td>
</tr>
<tr>
<td>interesting</td>
</tr>
<tr>
<td>interior</td>
</tr>
<tr>
<td>item</td>
</tr>
<tr>
<td>items</td>
</tr>
<tr>
<td>Jake</td>
</tr>
<tr>
<td>James</td>
</tr>
<tr>
<td>Jim</td>
</tr>
<tr>
<td>Jenna</td>
</tr>
<tr>
<td>Jim's</td>
</tr>
<tr>
<td>Job</td>
</tr>
<tr>
<td>Joe</td>
</tr>
<tr>
<td>John</td>
</tr>
<tr>
<td>Josh</td>
</tr>
<tr>
<td>Judicial</td>
</tr>
<tr>
<td>July</td>
</tr>
<tr>
<td>jungle</td>
</tr>
<tr>
<td>jurisdiction</td>
</tr>
<tr>
<td>K</td>
</tr>
<tr>
<td>K-e-t-t-e-r-s-o...</td>
</tr>
<tr>
<td>Kachmar</td>
</tr>
<tr>
<td>K</td>
</tr>
<tr>
<td>Lin 80:11,12,14</td>
</tr>
<tr>
<td>Lindsey 6:12</td>
</tr>
<tr>
<td>limits 156:7</td>
</tr>
<tr>
<td>lines 37:1,3 86:9</td>
</tr>
<tr>
<td>literally 88:20</td>
</tr>
<tr>
<td>looking 33:19</td>
</tr>
<tr>
<td>42:6,10,18,21</td>
</tr>
</tbody>
</table>

Additional notes:

- Macronutrient 59:10
- Madam 178:8
months 21:18
28:17 184:8
morning 66:19
motion 20:6
25:16,20 29:14
30:19 46:14
47:18,19,19
50:2 74:10
108:18 131:10
134:1 164:6
168:10 175:22
176:12 187:15
189:3,7 192:8
195:2
Mount 6:8
mounted 17:22
18:16,22
mounting 17:19
18:14,22
move 16:19
29:12 36:20
56:10 73:19
95:3 127:17,17
137:20 144:14
147:8 150:5
160:13 169:22
moved 147:16
160:18 179:9
movement 56:21
moves 20:19
85:9
moving 34:3
137:1
MT 2:4
much-needed 46:21
multidynamic
8:5,20 9:20
part
parents 142:2,8
174:21
17:3
174:21
17:3
parapet
parameters
paragraph
paragraphs
23:19
23:19
142:10
park
parking
54:7,9
71:8,9 80:18
142:4,5 155:14
155:15 164:14
164:14,16
166:11
part
8:5,20 9:20
36:13 37:5,8
37:17 38:1,3
38:16 41:19
42:3 56:2
59:20 61:1
68:5,6 74:4
90:13 112:3
114:22 115:2,9
119:8 123:10
154:20 155:5,6
158:7 164:21
168:15 180:22
187:6
partially
130:11
Participants
19:11 43:11

80:3 129:6
155:21 186:8
participate
15:16
particular
8:1
28:15 30:7,14
32:12 45:1,5
46:20 47:1
72:4 84:16
90:1 106:3
110:1 160:7
174:5 182:9
188:4,9
particularly
58:4 96:1
100:14
parties
35:3
92:18 197:9
partly
122:4
partner
53:9
partners
85:1
parts
93:13
Parvis
94:6
Parviz 52:20
53:1,2 56:9
57:5,8,11
60:13,22 61:4
63:8 64:7,21
65:6,11,18
68:18 70:5
71:17,20 72:17
72:19 76:11,17
77:5,12,14,20
93:9,21 95:2
97:10 103:4,6
103:22 104:3
105:2,13
107:16,19
109:8,15,18
Parviz's
69:13
79:4
Parizio
52:20
53:1,2 56:9
57:5,8,11
60:13,22 61:4
63:8 64:7,21
65:2,6,11,18

66:3,12 67:19
76:8,11,17
77:5,12,14,20
83:11 90:5
91:6 101:6
103:6,22 104:3
105:2 107:16
107:19 109:8
109:15,18
Parvizi's
71:11
89:10,21
passed
160:16
path
28:11
65:13 66:9,14
104:9
paths
104:20
pattern
18:1
patterns
24:21
49:10 132:11
Pause
14:4
43:15 156:4
185:6 186:13
189:13
pavement
154:13
paver
152:16,17
152:18
pavers
159:21
paving
149:15
152:14,15
people
44:20
47:9 68:6
63:16 106:10
162:1 188:21
people's
56:20
percent
53:8
58:12 81:20
82:5 86:7,14
137:14,15,16
184:16 189:1
perfect
46:4
142:19
perimeter
58:7
period
16:22
21:17 23:22
56:13 82:16
88:14 103:18
104:20
periods
142:9
perjuring
64:16
permeable
147:18 150:13
permission
53:4
60:6
permit
6:21 7:7
8:14 9:7,14,14
9:19 10:14
11:17 12:1,7
18:6 20:20
22:8,20 23:1
23:10,13,16,19
24:3,11,18
27:20 34:3
37:2 39:19
49:1,9 50:5,7
50:20 55:5
72:6,14,16
73:1,4,20
102:15,18
106:12 107:1
133:6 134:7
144:6 145:13
146:15,19,20
147:3 153:22
158:5,10,11,16
158:21 168:15
168:18 173:20
174:8,10,13
175:15,16,18
182:15 194:9
194:16,18,20
permits
10:14
22:3 45:13
79:8 95:7
106:9
permitted
3:19
7:10 25:3
49:14 106:15
132:20 133:9
179:12
permitted
101:7
person
54:22
64:17 145:1
169:9
personal
44:11
91:3
personally
182:6
persons
24:6
perspective
68:19
perspectives
63:11
pertinent
184:11
pervious
159:21
petition
23:21
24:4
petitioner
14:1
20:14,19 21:1
21:11,12,16,22
22:3,9,22 23:5
23:15 24:4,7
29:16 46:18
82:1 98:4,8
100:2 101:5
108:2,9 176:2
188:2 194:7,8
195:4,10
petitioner's
22:12 23:11
81:21
petitioners
33:2
petitioners'
33:22
petitions
23:22
phase
111:21
phases
111:18
phone
19:13
43:13 54:22
80:5 129:8
145:1 156:1
158:17 186:10
phonetic
156:19
photo
16:12
17:17 18:4
21:10,14 137:6
140:7,15,20
141:5
photograph
136:12 152:16
photos
141:11
phrase
7:13
phraseology
<table>
<thead>
<tr>
<th>PAGE 219</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>January 27, 2022</strong></td>
</tr>
<tr>
<td>150:16 physical 20:14</td>
</tr>
<tr>
<td>21:8,13 pick 63:21</td>
</tr>
<tr>
<td>picture 37:7 38:3</td>
</tr>
<tr>
<td>pictures 37:18 39:8</td>
</tr>
<tr>
<td>piece 65:9,18 73:20 79:3</td>
</tr>
<tr>
<td>97:8 pieces 67:21 92:14</td>
</tr>
<tr>
<td>pinned 171:16 173:3 place 53:16</td>
</tr>
<tr>
<td>73:19 77:7 164:13 placed 59:22</td>
</tr>
<tr>
<td>84:10 placement 72:16</td>
</tr>
<tr>
<td>92:17 93:18 94:19 96:5 places 45:9</td>
</tr>
<tr>
<td>placing 71:5,6 plan 35:6 36:22</td>
</tr>
<tr>
<td>39:3,11 42:16 46:5 58:19</td>
</tr>
<tr>
<td>59:20 65:12,14 77:6 83:21</td>
</tr>
<tr>
<td>91:17 117:2 118:21 119:6,8</td>
</tr>
<tr>
<td>121:2,6,9 123:3,3 138:3</td>
</tr>
<tr>
<td>138:6,10,14,20 139:1,4,6,12</td>
</tr>
<tr>
<td>139:21,22 152:5 156:7</td>
</tr>
<tr>
<td>164:21 165:1 180:7,8 183:4 plane 137:3</td>
</tr>
<tr>
<td>138:7 planned 54:5 planning 16:1,9</td>
</tr>
<tr>
<td>20:4 33:8,10 33:15 35:12</td>
</tr>
<tr>
<td>57:13 61:17 65:6 66:9</td>
</tr>
<tr>
<td>plans 20:22 34:5 40:22 82:7</td>
</tr>
<tr>
<td>pointing 183:14 points 46:3</td>
</tr>
<tr>
<td>89:1 153:5 poor 91:7</td>
</tr>
<tr>
<td>popping 125:2 popular 192:1,4</td>
</tr>
<tr>
<td>population 105:19 porch 94:18</td>
</tr>
<tr>
<td>130:8,10,15,19 187:17,19</td>
</tr>
<tr>
<td>189:1 Porreca 156:16</td>
</tr>
<tr>
<td>port 153:2 Porter 65:17</td>
</tr>
<tr>
<td>portion 82:11 89:13 93:6</td>
</tr>
<tr>
<td>124:21 130:4 179:13,17</td>
</tr>
<tr>
<td>180:4 181:3 183:3,19</td>
</tr>
<tr>
<td>187:17 194:14 portions 94:12</td>
</tr>
<tr>
<td>position 84:1,16 151:21 152:10</td>
</tr>
<tr>
<td>183:6 positions 17:18</td>
</tr>
<tr>
<td>possibility 145:19</td>
</tr>
<tr>
<td>possible 18:17 28:4,14 63:12</td>
</tr>
<tr>
<td>72:20 94:1,11 144:20 147:14</td>
</tr>
<tr>
<td>170:21 171:11 172:16</td>
</tr>
<tr>
<td>possibly 29:3 165:15,19</td>
</tr>
<tr>
<td>posting 30:4 108:9 176:9</td>
</tr>
<tr>
<td>192:16 195:10 potential 41:16</td>
</tr>
<tr>
<td>68:3 potentially 125:14 164:14</td>
</tr>
<tr>
<td>164:16 pounding 88:19 pounds 125:8</td>
</tr>
<tr>
<td>power 105:22 practical 21:21</td>
</tr>
<tr>
<td>98:12 precedent 185:17</td>
</tr>
<tr>
<td>predominantly 92:10,12,21</td>
</tr>
<tr>
<td>93:3 preexisting 7:8</td>
</tr>
<tr>
<td>7:12 9:6,14,19 10:14 46:2</td>
</tr>
<tr>
<td>106:13,18,20 133:7,12,14</td>
</tr>
<tr>
<td>prefer 170:20 171:11 191:18</td>
</tr>
<tr>
<td>prepared 98:15 99:11 164:1</td>
</tr>
<tr>
<td>preparing 13:9 present 4:16,18</td>
</tr>
<tr>
<td>4:20,22 5:2,4,7 34:8 172:18</td>
</tr>
<tr>
<td>178:10,14,16 178:17</td>
</tr>
<tr>
<td>presentation 19:9 35:4</td>
</tr>
<tr>
<td>39:17 46:4 67:12 75:6</td>
</tr>
<tr>
<td>148:13 presented 46:6</td>
</tr>
<tr>
<td>presenting 135:6,9</td>
</tr>
<tr>
<td>preservation 179:2 183:21</td>
</tr>
<tr>
<td>184:5 press 148:21</td>
</tr>
<tr>
<td>pressing 19:14 19:14 43:14,14</td>
</tr>
<tr>
<td>40:6,6 129:9,9 156:2,18 186:11</td>
</tr>
<tr>
<td>186:11 presumably 64:22</td>
</tr>
<tr>
<td>pretty 36:13 38:12 93:4</td>
</tr>
<tr>
<td>112:13 116:9 155:1 172:18</td>
</tr>
<tr>
<td>prevalent 144:3 prevent 105:18</td>
</tr>
<tr>
<td>188:2 Prevention 85:11,16</td>
</tr>
<tr>
<td>previous 22:2 68:10 72:21</td>
</tr>
<tr>
<td>91:8 previously 21:15</td>
</tr>
<tr>
<td>price 53:13 primary 54:9</td>
</tr>
<tr>
<td>69:13,14 71:13 83:15 113:14</td>
</tr>
<tr>
<td>Principal 136:7 printed 109:14</td>
</tr>
<tr>
<td>prior 18:5 21:20 30:8 34:22</td>
</tr>
<tr>
<td>160:14 176:8 183:22 192:19</td>
</tr>
<tr>
<td>195:13 privacy 55:17</td>
</tr>
<tr>
<td>70:6 72:1 88:10 89:3</td>
</tr>
<tr>
<td>94:3 97:20 101:17 private 94:11</td>
</tr>
<tr>
<td>pro 7:3 probably 14:6</td>
</tr>
<tr>
<td>28:17 30:15 43:17,19,22</td>
</tr>
<tr>
<td>44:4 56:19 87:11 91:12</td>
</tr>
<tr>
<td>98:9 103:13 164:10 185:10</td>
</tr>
<tr>
<td>186:1 problem 110:4</td>
</tr>
<tr>
<td>114:7 115:4 156:8 169:12</td>
</tr>
<tr>
<td>problematic 116:10 118:12</td>
</tr>
<tr>
<td>problems 45:20 56:11 129:18</td>
</tr>
<tr>
<td>162:5 procedural 102:14 185:11</td>
</tr>
</tbody>
</table>
| 175:2
| Page 222 |
|---|---|
| **January 27, 2022** |

<p>| 131:11 134:1 | 111:21 129:17 |
| 139:18 143:20 | 129:21 132:22 |
| 149:2 157:19 | <strong>renovations</strong> |
| 162:13 166:5 | 38:19 47:15 |
| 168:2 174:22 | 111:15,19 |
| 182:9 187:16 | <strong>rent</strong> 53:8 |
| 188:17,19 | <strong>renter</strong> 53:7 |
| 195:9 | <strong>renters</strong> 91:8,10 |
| 91:11 | <strong>Reopen</strong> 19:9 |
| <strong>repeatedly</strong> 105:22 | <strong>repetitive</strong> 23:21 |
| 23:22 | <strong>replace</strong> 136:22 |
| <strong>replacement</strong> 151:5 152:7 | 159:20 165:8 |
| 164:12 188:8 | 179:17 |
| <strong>replaced</strong> 18:2 | <strong>replacing</strong> 20:8 |
| 20:10 | <strong>report</strong> 22:10,14 |
| 22:16,18 23:7 | <strong>reported</strong> 66:11 |
| <strong>represent</strong> 113:22 187:2 | <strong>representative</strong> 98:4 |
| <strong>represented</strong> 181:11 | 183:4 |
| <strong>representing</strong> 12:18 15:11,17 | 111:12 136:9 |
| 139:7,8 | <strong>represents</strong> 121:6 182:11 |
| <strong>reputable</strong> 186:20 | <strong>reputations</strong> 63:16 |
| <strong>request</strong> 70:9 | <strong>requests</strong> 103:14 |
| 72:5 94:7 | <strong>require</strong> 44:5 |
| 96:14 97:5,12 | <strong>required</strong> 86:3 |
| 136:10 151:14 | 97:6 107:2 |
| 157:14 168:17 | 133:17 153:18 |
| 191:9 194:7 | 159:20 165:8 |
| 20:7 | <strong>requirement/...</strong> 146:13 |
| <strong>requirements</strong> 3:16 17:12 | <strong>requirement</strong> 9:6 |
| 23:2 24:19 | 39:11 81:16 |
| 49:8 54:7 | 82:3, 608:3 |
| 71:17 81:19 | 137:16 143:12 |
| 96:6 132:6 | 146:13 176:3 |
| 147:5 157:5 | 192:11 195:4 |
| 187:20 | <strong>requirements</strong> 3:16 17:12 |
| <strong>requires</strong> 9:7 | 23:2 24:19 |
| 54:18 55:15 | 49:8 54:7 |
| 66:4 81:17 | 71:17 81:19 |
| <strong>rescheduled</strong> 104:21 | <strong>reserves</strong> 106:5 |
| <strong>reservoir</strong> 2:17 | <strong>reserves</strong> 106:5 |
| 135:18 136:18 | <strong>reserves</strong> 106:5 |
| 137:2 149:21 | 135:18 136:18 |
| 156:7,16 | 137:2 149:21 |
| 166:10 | 156:7,16 |
| <strong>reset</strong> 185:15 | <strong>restoration</strong> 184:14 |
| <strong>residences</strong> 44:20 | <strong>residents</strong> 135:19 |
| <strong>residential</strong> 36:18 56:12 | <strong>residents</strong> 24:15 |
| <strong>respective</strong> 111:11 | <strong>resolve</strong> 163:12 |
| <strong>respect</strong> 101:15 | <strong>respect</strong> 101:15 |
| <strong>respectfully</strong> 167:14 | <strong>respect</strong> 101:15 |
| <strong>respectably</strong> 162:1 | <strong>respect</strong> 101:15 |
| <strong>respectably</strong> 162:1 | <strong>respect</strong> 101:15 |
| <strong>respect</strong> 101:15 | 178:19 |
| <strong>respect</strong> 101:15 | <strong>response</strong> 3:14 |
| 73:11 | <strong>responsibilities</strong> 24:9 |
| <strong>response</strong> 71:21 | <strong>responsive</strong> 63:4 |
| <strong>restriction</strong> 3:18 | <strong>rest</strong> 6:13 |
| <strong>rest</strong> 6:13 64:1,19 | 149:22 |
| 152:6 165:10 | 152:6 165:10 |
| <strong>restoration</strong> 184:14 | <strong>rescheduling</strong> 132:9 |
| <strong>rescheduling</strong> 132:9 | <strong>rescheduling</strong> 132:9 |
| <strong>rescheduled</strong> 104:21 | <strong>resulting</strong> 132:12 |
| 132:12 | <strong>results</strong> 19:7 |
| <strong>result</strong> 82:5 | <strong>rethink</strong> 98:8 |
| 132:9 194:13 | 168:11 |
| <strong>returning</strong> 102:16 181:7 | <strong>rethinking</strong> 184:12,13 |
| <strong>reviews</strong> 33:15 | <strong>reviewed</strong> 33:10 |
| 70:14 129:17 | 70:14 129:17 |
| 141:15 142:21 | <strong>reviewed</strong> 33:10 |
| 154:22 187:21 | <strong>reviewed</strong> 33:10 |
| 156:7 183:17 | <strong>reviewed</strong> 33:10 |
| 188:21 | <strong>reviewed</strong> 33:10 |
| 184:20 186:17 | <strong>reviewed</strong> 33:10 |
| <strong>review</strong> 148:17 | <strong>reviewed</strong> 125:16 |
| <strong>revised</strong> 16:12,12 | <strong>revised</strong> 16:12,12 |
| <strong>revision</strong> 85:16 | 111:11 |
| <strong>revoke</strong> 23:12 | <strong>revoked</strong> 111:11 |
| <strong>ridiculous</strong> 99:18 | <strong>ridiculous</strong> 99:18 |
| <strong>right</strong> 12:6 13:22 | 14:8,9,12,13 |
| 35:20 36:22 | 37:7,10,13,18 |
| 37:20 38:3,6 | 39:22 40:4,11 |
| 41:7 42:13,21 | 43:6 46:13 |
| 48:20 51:2 | 52:18 55:16 |
| 57:4,10 58:12 | 60:8 62:18 |
| 67:13 69:5,7,8 | 71:7 73:6 75:4 |
| 75:10 76:4 | 78:19 79:3,6 |
| 80:20 81:1 | 99:17 100:19 |
| 104:10,16 | 110:1 116:9 |
| 119:13,14 | 120:5 121:11 |
| 121:17 122:1 | 123:3,11 124:8 |
| 125:10 126:13 | 126:16 127:11 |
| 128:1,12,16 | 129:3 130:21 |
| 131:16,19 | 132:4 136:13 |
| 140:8,10,14,16 | 140:21,22 |
| 141:6,7 144:5 | 144:7,10 147:1 |
| 147:7 150:10 | 151:19 152:21 |</p>
<table>
<thead>
<tr>
<th>January 27, 2022</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>seeking</strong> 6:20</td>
</tr>
<tr>
<td>20:20 33:17</td>
</tr>
<tr>
<td>34:3 68:13</td>
</tr>
<tr>
<td>74:12 112:12</td>
</tr>
<tr>
<td>139:18 144:6</td>
</tr>
<tr>
<td>146:16,21</td>
</tr>
<tr>
<td>147:3 158:6,7</td>
</tr>
<tr>
<td>191:9</td>
</tr>
<tr>
<td><strong>seen</strong> 87:6,12</td>
</tr>
<tr>
<td><strong>selected</strong> 60:2</td>
</tr>
<tr>
<td><strong>sell</strong> 67:13 103:8</td>
</tr>
<tr>
<td><strong>sense</strong> 71:15 86:9</td>
</tr>
<tr>
<td>103:8 118:10</td>
</tr>
<tr>
<td>167:15</td>
</tr>
<tr>
<td><strong>sensitive</strong> 135:21</td>
</tr>
<tr>
<td>161:6 184:18</td>
</tr>
<tr>
<td><strong>sent</strong> 61:12</td>
</tr>
<tr>
<td><strong>sentiment</strong> 99:2</td>
</tr>
<tr>
<td><strong>separate</strong> 59:5</td>
</tr>
<tr>
<td>97:12 99:20</td>
</tr>
<tr>
<td>115:1 142:9</td>
</tr>
<tr>
<td>167:21</td>
</tr>
<tr>
<td><strong>separated</strong> 8:19</td>
</tr>
<tr>
<td><strong>separates</strong> 119:9</td>
</tr>
<tr>
<td><strong>serve</strong> 82:19</td>
</tr>
<tr>
<td><strong>Services</strong> 22:10</td>
</tr>
<tr>
<td>22:15,19 23:7</td>
</tr>
<tr>
<td>24:5 109:13</td>
</tr>
<tr>
<td><strong>set</strong> 14:6 17:3</td>
</tr>
<tr>
<td>26:15 54:3</td>
</tr>
<tr>
<td>59:5 93:16</td>
</tr>
<tr>
<td>136:18,22</td>
</tr>
<tr>
<td>182:9,9 197:12</td>
</tr>
<tr>
<td><strong>setback</strong> 37:1,3</td>
</tr>
<tr>
<td>37:13 38:11</td>
</tr>
<tr>
<td>41:1 49:2</td>
</tr>
<tr>
<td>69:22 70:3,4</td>
</tr>
<tr>
<td>70:10 72:10</td>
</tr>
<tr>
<td>74:20 82:1</td>
</tr>
<tr>
<td>136:2 139:8,17</td>
</tr>
<tr>
<td>140:11 141:1</td>
</tr>
<tr>
<td>144:9 145:14</td>
</tr>
<tr>
<td>146:17 153:18</td>
</tr>
<tr>
<td>153:20 157:2,6</td>
</tr>
<tr>
<td>157:15,17</td>
</tr>
<tr>
<td>159:19 165:8</td>
</tr>
<tr>
<td>182:16,18</td>
</tr>
<tr>
<td>188:12</td>
</tr>
<tr>
<td><strong>setbacks</strong> 71:1</td>
</tr>
<tr>
<td>149:19</td>
</tr>
<tr>
<td>short-term 41:18 91:11</td>
</tr>
<tr>
<td>shot 153:10</td>
</tr>
<tr>
<td>166:10</td>
</tr>
<tr>
<td>show 17:5 64:13</td>
</tr>
<tr>
<td>116:7 121:2</td>
</tr>
<tr>
<td>162:9 172:20</td>
</tr>
<tr>
<td>182:10</td>
</tr>
<tr>
<td>showed 114:4</td>
</tr>
<tr>
<td>126:3</td>
</tr>
<tr>
<td>showing 33:3</td>
</tr>
<tr>
<td>38:4 61:17</td>
</tr>
<tr>
<td>138:7 139:16</td>
</tr>
<tr>
<td>139:17</td>
</tr>
<tr>
<td>shown 121:4</td>
</tr>
<tr>
<td>187:10</td>
</tr>
<tr>
<td>shows 116:15</td>
</tr>
<tr>
<td>117:3 138:10</td>
</tr>
<tr>
<td>180:8</td>
</tr>
<tr>
<td>shrub 156:13</td>
</tr>
<tr>
<td>shy 70:3</td>
</tr>
<tr>
<td>sic 9:11 39:12</td>
</tr>
<tr>
<td>81:17 176:1</td>
</tr>
<tr>
<td>side 8:19 17:8</td>
</tr>
<tr>
<td>17:22 35:19,20</td>
</tr>
<tr>
<td>35:22 36:7,17</td>
</tr>
<tr>
<td>36:22 37:7,10</td>
</tr>
<tr>
<td>37:18,20,20</td>
</tr>
<tr>
<td>38:6,6 60:21</td>
</tr>
<tr>
<td>70:3,4,10 72:7</td>
</tr>
<tr>
<td>72:16 74:20</td>
</tr>
<tr>
<td>76:22 79:6</td>
</tr>
<tr>
<td>80:15 89:11</td>
</tr>
<tr>
<td>93:5,12 114:2</td>
</tr>
<tr>
<td>119:12,15</td>
</tr>
<tr>
<td>123:3 124:4</td>
</tr>
<tr>
<td>136:1 137:8</td>
</tr>
<tr>
<td>138:19 139:3,7</td>
</tr>
<tr>
<td>139:17 140:11</td>
</tr>
<tr>
<td>141:1 144:9,12</td>
</tr>
<tr>
<td>145:14 146:17</td>
</tr>
<tr>
<td>155:2,8 157:2</td>
</tr>
<tr>
<td>157:6,14,16</td>
</tr>
<tr>
<td>159:19 160:20</td>
</tr>
<tr>
<td>161:11 165:2,5</td>
</tr>
<tr>
<td>165:14 180:15</td>
</tr>
<tr>
<td>side- 17:21</td>
</tr>
<tr>
<td><strong>side-by</strong>- 8:18</td>
</tr>
<tr>
<td>sign 14:3 30:4</td>
</tr>
<tr>
<td>30:10,12 108:2</td>
</tr>
<tr>
<td>108:10 176:2,9</td>
</tr>
<tr>
<td>192:10,16</td>
</tr>
<tr>
<td>195:4,10</td>
</tr>
<tr>
<td>signed 29:16</td>
</tr>
<tr>
<td>108:5 176:5,9</td>
</tr>
<tr>
<td><strong>significance</strong> 188:8</td>
</tr>
<tr>
<td>significant 63:1</td>
</tr>
<tr>
<td>63:18 82:11</td>
</tr>
<tr>
<td>95:17 101:14</td>
</tr>
<tr>
<td>117:8 138:2</td>
</tr>
<tr>
<td>163:3</td>
</tr>
<tr>
<td>signing 109:22</td>
</tr>
<tr>
<td><strong>similar</strong> 45:4</td>
</tr>
<tr>
<td>similarly 91:20</td>
</tr>
<tr>
<td>simple 65:18</td>
</tr>
<tr>
<td>109:13</td>
</tr>
<tr>
<td>simler 116:2</td>
</tr>
<tr>
<td>simply 59:17</td>
</tr>
<tr>
<td>179:3</td>
</tr>
<tr>
<td>simulation 17:5</td>
</tr>
<tr>
<td>18:4,9</td>
</tr>
<tr>
<td>simulations 16:12 17:17</td>
</tr>
<tr>
<td>21:10,15</td>
</tr>
<tr>
<td>simultaneously 88:13</td>
</tr>
<tr>
<td>Singanayagam 73:12</td>
</tr>
<tr>
<td>single 7:15 8:9</td>
</tr>
<tr>
<td>117:11 151:18</td>
</tr>
<tr>
<td>single- 10:18</td>
</tr>
<tr>
<td>69:13 106:13</td>
</tr>
<tr>
<td>133:7 143:6</td>
</tr>
<tr>
<td>single-family 7:9,14,18 9:1</td>
</tr>
<tr>
<td>10:10 44:1</td>
</tr>
<tr>
<td>71:13 106:19</td>
</tr>
<tr>
<td>133:12 187:18</td>
</tr>
<tr>
<td>sir 148:1 157:9</td>
</tr>
<tr>
<td>158:1</td>
</tr>
<tr>
<td>sit 179:20 192:8</td>
</tr>
<tr>
<td>site 18:20 20:13</td>
</tr>
<tr>
<td>22:4,13 23:1</td>
</tr>
<tr>
<td>66:17 67:1,3</td>
</tr>
<tr>
<td>67:16,17,19</td>
</tr>
<tr>
<td>68:7 70:3 71:6</td>
</tr>
<tr>
<td>71:8,16 136:15</td>
</tr>
<tr>
<td>138:2,5,10,11</td>
</tr>
<tr>
<td>141:9 145:20</td>
</tr>
<tr>
<td>147:14 149:16</td>
</tr>
<tr>
<td>152:6 163:3</td>
</tr>
<tr>
<td>164:19 166:8</td>
</tr>
<tr>
<td>180:8,17</td>
</tr>
<tr>
<td>sitting 155:6</td>
</tr>
<tr>
<td>188:4</td>
</tr>
<tr>
<td>sits 92:20</td>
</tr>
<tr>
<td>sitting 3:4 6:3</td>
</tr>
<tr>
<td>15:3 26:9 27:3</td>
</tr>
<tr>
<td>32:3 52:3,7,8,9</td>
</tr>
<tr>
<td>111:3 134:3</td>
</tr>
<tr>
<td>135:3 178:3</td>
</tr>
<tr>
<td>191:3 194:3</td>
</tr>
<tr>
<td><strong>situated</strong> 24:12</td>
</tr>
<tr>
<td><strong>situation</strong> 12:3</td>
</tr>
<tr>
<td>44:17 57:14</td>
</tr>
<tr>
<td>63:12 114:6</td>
</tr>
<tr>
<td>115:1,13</td>
</tr>
<tr>
<td>117:22 118:15</td>
</tr>
<tr>
<td>132:16</td>
</tr>
<tr>
<td><strong>situations</strong> 113:20</td>
</tr>
<tr>
<td><strong>six</strong> 21:17 43:19</td>
</tr>
<tr>
<td>141:12</td>
</tr>
<tr>
<td><strong>six-foot</strong> 76:13</td>
</tr>
<tr>
<td>77:9</td>
</tr>
<tr>
<td><strong>size</strong> 3:13 45:2</td>
</tr>
<tr>
<td>96:4 149:9</td>
</tr>
<tr>
<td>161:16 162:21</td>
</tr>
<tr>
<td>163:19 166:13</td>
</tr>
<tr>
<td>166:14 167:10</td>
</tr>
<tr>
<td>168:6 169:17</td>
</tr>
<tr>
<td><strong>sizing</strong> 94:19</td>
</tr>
<tr>
<td><strong>SKA</strong> 6:13,14</td>
</tr>
<tr>
<td>33:4 135:9</td>
</tr>
<tr>
<td>136:7 148:13</td>
</tr>
<tr>
<td>148:16</td>
</tr>
<tr>
<td><strong>skip</strong> 12:19</td>
</tr>
<tr>
<td><strong>skylight</strong> 37:3</td>
</tr>
<tr>
<td>41:4,5</td>
</tr>
<tr>
<td><strong>sleep</strong> 127:12,13</td>
</tr>
<tr>
<td>slide 35:15</td>
</tr>
<tr>
<td>114:19 116:8</td>
</tr>
<tr>
<td>Page 227</td>
</tr>
<tr>
<td>----------</td>
</tr>
</tbody>
</table>
third-floor 34:12 121:2
thirdly 82:18
thought 10:11
15:45 40:10,14
45:16 66:22
76:19,20,21
122:11 146:19
150:11 163:15
164:9
thoughts 45:15
45:17 63:9
97:15 98:17
99:13 100:19
100:20 101:4
105:13 130:22
131:3 159:9
162:15 163:7,9
thousands 53:14
three 4:11 13:16
16:20 34:20
48:6 64:15
65:3,10 66:1
66:17 76:14
78:2 80:7,9
83:15 84:1
88:5,13 90:2
93:17 99:19
101:16 107:8
108:7,7 109:12
112:13 115:15
124:12 129:10
151:22 156:3
170:6 186:12
three- 150:7
threshold 102:4
throw 122:20
thrust 161:19
thunder 75:5
Thursday 1:4
44:4
tied 56:17
tight 67:17 70:4
85:8 95:21
172:5
tighter 96:5
time 4:8,9 13:20
14:7 22:21
tonight's 3:10
top 17:18 36:11
37:2 41:7,7
42:19 59:15,17
124:18 137:6
topography 45:2
total 16:20
88:15 91:20,22
117:13
totally 8:19
touch 55:9
touchdown 117:1
touched 49:2
touches 182:1
tough 67:13
tower 20:15
tows 47:2
traditional 96:4
traditionally 83:22
timely 22:18
times 21:12
66:17,18,19
113:21 145:1
timing 58:14
tiny 116:16
today 35:5
113:12 115:3
182:14
Todd 156:18
token 122:16
told 16:7,8 17:5
17:8 57:17
63:22 160:21
tomorrow 99:17
175:5
tonight 6:8,12
13:16 15:19
21:17 22:20
23:2 24:11
55:4 85:10
97:16 98:16
101:13 102:12
111:13 112:12
122:10 158:12
163:13 179:10
196:6
tonight's 3:10
top 17:18 36:11
37:2 41:7,7
42:19 59:15,17
124:18 137:6
topography 45:2
total 16:20
88:15 91:20,22
117:13
totally 8:19
touch 55:9
touchdown 117:1
touched 49:2
touches 182:1
tough 67:13
tower 20:15
tows 47:2
traditional 96:4
traditionally 83:22
timely 22:18
times 21:12
66:17,18,19
113:21 145:1
timing 58:14
tiny 116:16
today 35:5
113:12 115:3
182:14
Todd 156:18
token 122:16
told 16:7,8 17:5
17:8 57:17
63:22 160:21
tomorrow 99:17
175:5
tonight 6:8,12
13:16 15:19
21:17 22:20
23:2 24:11
55:4 85:10
97:16 98:16
101:13 102:12
111:13 112:12
122:10 158:12
163:13 179:10
196:6
tonight's 3:10
top 17:18 36:11
37:2 41:7,7
42:19 59:15,17
124:18 137:6
topography 45:2
total 16:20
88:15 91:20,22
117:13
totally 8:19
touch 55:9
touchdown 117:1
touched 49:2
touches 182:1
tough 67:13
tower 20:15
tows 47:2
traditional 96:4
traditionally 83:22
timely 22:18
times 21:12
66:17,18,19
113:21 145:1
timing 58:14
tiny 116:16
today 35:5
113:12 115:3
182:14
Todd 156:18
token 122:16
told 16:7,8 17:5
17:8 57:17
63:22 160:21
tomorrow 99:17
175:5
tonight 6:8,12
13:16 15:19
21:17 22:20
23:2 24:11
55:4 85:10
97:16 98:16
101:13 102:12
111:13 112:12
122:10 158:12
163:13 179:10
196:6
<table>
<thead>
<tr>
<th>Page 232</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>January 27, 2022</th>
</tr>
</thead>
</table>

| 127:3 | 15 126:17 |
| 15-17 129:14 | 15-foot 79:6 |
| 165:8 | 1500 35:9 |
| 154869 176:1 | 155114 52:19 |
| 108:13 | 155115 108:13 |
| 155116 108:13 | 155685 111:8 |
| 156992 178:7 | 157013 191:7 |
| 161 126:17 | 17 87:19 117:13 |
| 117:14 | 17'10.5 131:17 |
| 178 2:18 | 1800 78:11 |
| 1800s 78:11 | 1800s 112:2 |
| 19-foot 86:13 | 191 2:19 |
| 1923 2:7 15:7 | 194 2:20 |
| 1948 160:15,16 | 1964 178:22 |
| 1999 87:6 | 2 |
| 2 2:10,10 9:11 | 32:7,7 34:9 |
| 35:9,10 38:19 | 74:4 81:8,8 |
| 104:11 113:3 | 114:20 122:21 |
| 123:2 | 2.5 81:9 |
| 20 54:20 125:7 | 156:19 166:14 |
| 166:17 | 20-inch 152:1,4 |
| 200 6:18 | 2005 84:8 |
| 2006 179:11,21 | 181:4,20 182:8 |
| 182:13,22 | 183:9,11 |
| 2007 135:19 | 20135:20 |
| 2012 20:17 | 2018160:17 |
| 2014 160:17 | 2017 87:19 |
| 2018 44:9 | 2019 146:9 |
| 2020 3:16,20 | 2021 1:4 183:19 |
| 2022 3:8 29:15 | 30:5 31:9 |
| 108:1,10 192:9 | 192:17 195:13 |
| 197:13 | 2025 176:1 |
| 2028 197:18 | 207156:14 |
| 22 3:22 157:21 | 22-inch 120:4 |
| 22.3 132:7 | 24 28:18 29:3,7 |
| 29:15 30:5,8 | 30:20 31:9 |
| 116:8 170:4,10 | 170:11,13 |
| 171:11 173:2,5 | 175:12,17 |
| 176:1,8,10,13 | 177:3 |
| 25 81:20 | 27 1:4 3:8,19 |
| 28 86:13 171:6 | 171:10,19 |
| 191:15 192:7,9 | 192:17,19 |
| 195:1,3,11,13 | 196:5 197:18 |
| 29 16:16 | 3 |
| 3 33:15 137:21 | 113:3 115:5 |
| 3'4 126:21 | 3073:4 82:21 |
| 166:15,17 | 30-32 2:19 191:7 |
| 301151:16 | 32 2:10 |
| 33 52:6,19 54:7 | 55:18 69:3,8 |
| 69:18 72:8 | 77:17 78:14 |
| 79:3,15 85:7 | 87:4 88:3 |
| 99:22 104:12 | 33-35 2:15 52:7 |
| 53:3,18 | 33,35 108:14 |
| 35 54:7 69:8,9 | 70:11 72:6 |
| 73:7 78:14 | 82:10 83:1 |
| 85:7,20 87:4 | 87:16 92:20 |
| 172:2 | 35-37 108:14 |
| 35-foot 47:5 | 36 87:5 |
| 36.7 82:5 | 37 55:18 69:10 |
| 70:22 74:10 | 76:1 77:13 |
| 83:18 95:1 | 97:1 99:16 |
| 100:4,14 | 37.5 40:7 |
| 38 2:4 6:8 | 3833 35:8 |
| 5 61:10 120:20 | 5'9 165:17 |
| 5.31 143:13 | 5:00 30:7 108:15 |
| 176:7 192:18 | 195:12 |
| 50 58:12 137:16 | 500 180:5 |
| 512 180:5 | 52 2:15 |
| 55.31 157:20 | 57 156:16 |
| 6 2:4 9:5,12,18 | 10:2 11:1 12:4 |
| 89:10 91:4 | 121:12,12 |
| 129:9 156:2 | 186:11 |
| 6'1 123:20 | 124:18 |
| 6'2 124:19 | 6.7 116:19 |
| 6:00 1:4 3:3 | 30:10,13 108:1 |
| 108:11 176:10 | 176:13 177:3 |
| 192:9,17 195:3 | 195:11 |
| 6:02 6:2 | 6:13 15:2 |
| 6:28 27:2 | 6:33 32:2 |
| 6:57 52:2 | 6409 20:16 |
| 7 7.2 81:9 | 70 53:8 |
| 700 142:14 | 77 137:15 |
| 8 156:17 157:20 | 8.22 81:11 |