BOARD OF ZONING APPEAL
FOR THE
CITY OF CAMBRIDGE

GENERAL HEARING

THURSDAY, APRIL 28 2022
6:00 p.m.
Remote Meeting
via
831 Massachusetts Avenue
Cambridge, Massachusetts 02139

Brendan Sullivan, Chair
Jim Monteverde, Vice Chair
Constantine Alexander
Laura Wernick
Wendy Leiserson
Slater W. Anderson

City Employees
Olivia Ratay, Zoning and Building Associate

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PROCEDINGS

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(6:00 p.m.)

Sitting Members: Constantine Alexander, Brendan Sullivan, Jim Monteverde, Laura Wernick, Wendy Leiserson, and Slater W. Anderson

BRENDAN SULLIVAN: Welcome to the April 28, 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.

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 may change based on the number of speakers, and the Chair's discretion.

I'll start by asking the Staff to take Board Members attendance and verify that all Members are audible.

OLIVIA RATAY: Laura Wernick?

LAURA WERNICK: Laura Wernick is here.

OLIVIA RATAY: Jim Monteverde?

JIM MONTEVERDE: Jim Monteverde is here.

OLIVIA RATAY: Slater Anderson?

SLATER ANDERSON: Slater Anderson is here.

OLIVIA RATAY: Wendy Leiserson?

LAURA WERNICK: Wendy Leiserson is here.

OLIVIA RATAY: Gus Alexander?
CONSTANTINE ALEXANDER: I'm here.

OLIVIA RATAY: And Brendan Sullivan?

BRENDAN SULLIVAN: Brendan Sullivan present and audible.
(6:05 p.m.)

Sitting Members:  Constantine Alexander, Brendan Sullivan, Jim Monteverde, Laura Wernick, Slater W. Anderson

BRENDAN SULLIVAN:  First case I'm going to call is a continued case, Case No. 159243 -- 7 Oakland Street. Giovanni, or Stephen presenting?

GIOVANNI BERLANDA-SCORZA:  Okay, good evening. My name is Giovanni Berlanda. I am the owner of the property at 7 Oakland Street. I'm here with Steve Hiserodt, which is the architect helping me with the project. We came to the Board in February to ask for special permit to build a 20 feet dormer on the third floor of my house to expand the bedroom and the bathroom, to make it as a master bedroom.

The Board recommended to reduce the length of the dormer to 15 feet to follow the City guideline on dormers, so we are coming here to the continued hearing to present a new design with a -- which is using the allowed 15 feet to only expand the bedroom, and we are not touching the bathroom. And we are available to answer any questions that come about the design.
BRENDAN SULLIVAN: Okay. The original length of

the dormer was 20 --

CONSTANTINE ALEXANDER: Twenty.

BRENDAN SULLIVAN: Twenty foot, and you have

reduced that to 15 feet. If all of you could pull up sheet

A201. Just put the -- so the Board can see the difference.

That's the other side of the house. 201? Which should

show the left side elevation.

JIM MONTEVERDE: I didn't find it in the drawing

set, Mr. Chair, the elevation that you're referring to. I

found it on the proposed roof plan. It shows the dormer

and dimensions it; I believe.

BRENDAN SULLIVAN: I'm going by the submittal

here.

JIM MONTEVERDE: Yep.

CONSTANTINE ALEXANDER: I remember it differently.

GIOVANNI BERLANDA-SCORZA: I checked the City

website, and the new drawing was there a couple of days

ago.

BRENDAN SULLIVAN: Yeah, we do have the hard copy.

It may not have been scanned in to read in to the record.

Jim, you've seen it?
JIM MONTEVERDE: I saw this -- I saw what's on the website today. And I didn't see the -- I think it would be the south elevation, left elevation as you're facing the house. But I saw it on the roof plan. Let me call it up.

SLATER ANDERSON: Yeah, I mean I have the -- I just downloaded it from the website. Page 34 of the PDF is A 201. It doesn't have dimensions on it, but --

JIM MONTEVERDE: No, I found one with the dimensions on it.

SLATER ANDERSON: Okay.

JIM MONTEVERDE: Let me check. No.

BRENDAN SULLIVAN: Well, the hard copy submitted should be A 201 -- shows that left side elevation, the existing and the proposed. And the proposed shows a 15-foot dormer. Basically, pretty similar to what was the original application, less the addition to the bathroom.

GIOVANNI BERLANDA-SCORZA: Correct.

SLATER ANDERSON: Page 45 of the .PDF, A-011 shows the 15-foot dormer on it. It's got the dimension on it. I believe that's the right one.

BRENDAN SULLIVAN: Yeah, that's it there anyhow.

Okay. So we do have a plan, and we also have an elevation
on it. So anyhow, any questions? Mr. Alexander?

CONSTANTINE ALEXANDER: No questions.

BRENDAN SULLIVAN: Slater, any questions on it?

SLATER ANDERSON: No questions.

BRENDAN SULLIVAN: Jim?

JIM MONTEVERDE: No questions.

BRENDAN SULLIVAN: Wendy?

WENDY LEISERSON: I'm not on this case.

LAURA WERNICK: I think it's me.

CONSTANTINE ALEXANDER: Laura. Laura Wernick.

LAURA WERNICK: Yeah, yeah, yeah. And I have no questions.

BRENDAN SULLIVAN: And I have no questions either. I think that we had opened it up to public comment. Let me open it to public comment, just in case anybody has tried them on the recent presentations.

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're calling in by phone, you can raise your hand by pressing *9 and unmute or mute by pressing *6.

OLIVIA RATAY: Stephen Hiserodt?
BRENDAN SULLIVAN: Who's on there, Steve?

OLIVIA RATAY: Stephen.

BRENDAN SULLIVAN: Stephen, any comment?

STEPHEN HISERODT: Olivia, can you hear me?

OLIVIA RATAY: Yes.

STEPHEN HISERODT: For whatever reason, I wasn't brought in as a participant, so I've been unable to speak until now.

BRENDAN SULLIVAN: All right, this is the public comment part, Stephen. So if you have nothing on the public comment, I'll let you -- after I close if you wish, as their record to speak but -- if it's necessary. There is -- is there somebody calling in other than Stephen?

BRENDAN SULLIVAN: All right. There is one letter in the file, dated February 14.

"We are neighbors of Giovanni and Katia at 7 Oakland. Our property directly abuts theirs on the south side. We would like to express strong support for their proposed dormer addition. They've been wonderful neighbors.

"Their proposal is in-keeping with the neighborhood and doesn't negatively impact any neighbors. We have no concerns and fully support their project."
There is -- that is the sum and substance of any -- I'm sorry, is -- the only people it may concern is the owner of the Condominium at 8 Oakland Street, #2.

"I fully support fully support Giovanni's application for a dormer." That's from Andrew Moschetti, M-o-s-c-h-e-t-t-i.

And correspondence from Daniel Pallin, P-a-l-l-i-n. He's the owner of #9 Oakland, which abuts #7. And they have been aware of the application, and he has been fully supporting, "Please grant this request." That's the sum and substance of the correspondence. And I will close public comment.

Stephen, I don't know if you had anything to add, more so than what Giovanni has already added, or -- not necessary, but if you wish to speak? No? Okay.

Is the Board ready for a motion?

CONSTANTINE ALEXANDER: I'm ready.

JIM MONTEVERDE: Ready.

BRENDAN SULLIVAN: Let me make a motion, then, to grant the special permit for the addition of a dormer, as per the plans submitted. The -- Stephen, one thing I meant to ask is did you submit a new dimensional form?
CONSTANTINE ALEXANDER: Stephen is still here?

BRENDAN SULLIVAN: Is he still there?

OLIVIA RATAY: He's on mute.

STEPHEN HISERODT: There is a dimensional form on sheet A 102. But I did not alter the application dimensional form.

BRENDAN SULLIVAN: Okay.

STEPHEN HISERODT: The only change would be reduction in the --

BRENDAN SULLIVAN: Floor area.

STEPHEN HISERODT: -- total GFA.

BRENDAN SULLIVAN: All right. Okay. If you could just do that, it makes the record at lot cleaner.

STEPHEN HISERODT: Yep.

BRENDAN SULLIVAN: And down the road, it's easier to reference.

STEPHEN HISERODT: Yes, I will do that.

BRENDAN SULLIVAN: -- in the future, anyhow. So if you could redo that, send that off to Maria, and then we will incorporate that as part of the document.

So let me make a motion, then, to grant the special permit to allow for the addition of the dormer, as
per the application, the dimensional form, supporting
statements and the new plans, which are dated 04/22/22.

The Board finds that the requirements of the
ordinance can be met with the granting of the special
permit. The Board finds that traffic generated or patterns
of access or egress would not cause congestion, hazard, or
substantial change in the established neighborhood
character.

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

In furtherance, granting of the special permits
under Section 8.222 d), in all districts the Board may grant
a special permit for the alteration or enlargement of a
preexisting, dimensionally nonconforming, detached single-
family dwelling, not otherwise permitted in Section 8.22.1,
provided that there is no change in use, and that any
enlargement or alteration of such preexisting, nonconforming
detached single-family dwelling may only increase a preexisting dimensional nonconformity, but does not create a new dimensional nonconformity.

In order to grant such special permit, the Board of Zoning Appeal is required to find that the alteration or enlargement shall not be substantially more detrimental than the existing nonconforming structure -- and the Board so finds -- and that the alteration or enlargement satisfies the criteria as stated in Section 10.43, as previously was stated.

On the motion, then, to grant the special permit, Mr. Alexander?

CONSTANTINE ALEXANDER: I vote in favor on the condition, though, that the petitioner or his architects submit and revise drawings showing that the dormer will not be longer than 15 feet. Wonder if that could be clearer.

STEPHEN HISERODT: That drawing is in the submittal on Sheet A 201.

BRENDAN SULLIVAN: Yeah. I think we have that, actually. Okay. Mr. Alexander, in the affirmative. Jim Monteverde?

JIM MONTEVERDE: I vote in favor.
BRENDAN SULLIVAN: Wendy Leiserson?

LAURA WERNICK: It's me.

BRENDAN SULLIVAN: Oh, I'm sorry. Laura.

LAURA WERNICK: And Laura Wernick votes in favor as well.

CONSTANTINE ALEXANDER: Laura, also known as Wendy.

BRENDAN SULLIVAN: Yeah. You look like Laura -- Laura, sorry Wernick.

LAURA WERNICK: This is one -- I'm only one for this one case tonight.

BRENDAN SULLIVAN: So I won't foul up the rest of the night. You're in the affirmative?

LAURA WERNICK: Correct.

BRENDAN SULLIVAN: Slater?

SLATER ANDERSON: Slater Anderson is in favor of the variance.

BRENDAN SULLIVAN: Okay. And Brendan Sullivan in favor.

[All vote YES]

BRENDAN SULLIVAN: The special permit is granted.

Good luck.
STEPHEN HISERODT: Thank you.

GARY HILDERBRAND: Thank you. Have a good night.

LAURA WERNICK: I'm leaving. See you all.

CONSTANTINE ALEXANDER: Bye.

JIM MONTEVERDE: Bye.

LAURA WERNICK: Goodnight.

BRENDAN SULLIVAN: Laura, goodnight. Thank you.

* * * * *

(6:17 p.m.)

Sitting Members: Constantine Alexander, Brendan Sullivan, Jim Monteverde, Wendy Leiserson, Slater W. Anderson

BRENDAN SULLIVAN: The Board will hear Case No. 157013 -- 30-32 Crescent Street. Mr. Rafferty?

JEFF ROBERTS: Thank you. Good evening, Mr. Chair
and Members of the Board. For the record, my name is James Rafferty. I'm appearing this evening on behalf of the property owners, Dana Rogers and Will Borden, of 30-32 Crescent Street.

I should note at the outset that we filed a communication with the Board on Monday modifying the requested relief sought in the application. The application sought a variance to allow for a dimensionally nonconforming driveway on the right side of the property.

There was a concern expressed by the immediate abutter, and after discussion the petitioner has withdrawn that component and filed a revised site plan that no longer depicts a driveway in that location.

So tonight's application, the petitioners are asking only for the Board to act upon this special permit request. And the special permit request relies upon the provisions of Article 8.22.2d, that permits certain modifications to nonconforming one- and two- family structures.

In this situation, this structure is actually 30 and 32 have historically been two separate, attached dwellings.
For a long time, Ms. Rogers lived at 30. She recently bought 32 with Mr. Borden, and the plans as depicted in the drawings reflect the fact that the intention here is to take two attached single-families and convert them into a single, detached dwelling.

The amount of dimensional relief is quite modest, but there are a few provisions -- a few components of the plan which do require relief. There is a request to allow for a dormer, which is depicted -- it's a very compliant dormer in terms of its size and its dimension.

It's also notable that there's a rear deck being added to the property with a ramp.

The deck is in the rear setback, and the ramp is similarly situated. The ramp is needed for handicap access into the property. Mr. Borden is handicapped, so this is a matter of personal convenience, and will provide much needed access.

But because the house doesn't currently have conforming rear setbacks, once again the provisions of 8.22.2D would allow this to proceed while there is work to be done, including the creation of window wells, a new front covered entry.
The project architect Louise Smith, of Louise Smith Design, is present this evening. And she would be happy to walk the board through any aspects of the plan or answer any questions.

But at this point, I think I would wait to see what direction the Board wishes us to pursue.

BRENDAN SULLIVAN: Thank you. I have no questions. I reviewed the file, obviously, and the amended file leading the driveway construction, and focusing basically on the work to be done on the house.

Mr. Alexander, any questions?

CONSTANTINE ALEXANDER: No questions. I mean, the illumination of the variance request makes the case a lot easier, so.

BRENDAN SULLIVAN: Jim Monteverde, any questions?

JIM MONTEVERDE: No questions, thank you.

BRENDAN SULLIVAN: Wendy Leiserson, any questions?

WENDY LEISERSON: I do have one question, which is what happens to the table, now that you've dropped the -- regarding the open space dimension? Now that you've dropped the driveway plan?

JAMES RAFFERTY: The table would return to
existing conditions. There is no impact. Since the deck qualifies as open space as well. So that would be the --

WENDY LEISERSON: Okay.

JAMES RAFFERTY: There is no change in the dimensional form, and I apologize it would appear that maybe we did not amend the dimensional form to reflect that change, as a result of removing the drawing.

WENDY LEISERSON: All right, thank you. So to be clear, there would be no change to the existing open space?

JAMES RAFFERTY: Right. And I'd ask Ms. Smith to verify that, if she's on the call?

LOUISE GOFF: Yeah. There is no change. And it was the dimensional plans should have been --

BRENDAN SULLIVAN: Identify yourself for the record, please.

LOUISE GOFF: Oh, sorry. Louise Goff of Louise Smith Design. The dimensional plan should have been changed and uploaded. So there was a -- it went back to what it originally was.

BRENDAN SULLIVAN: Okay. So just to make the --

LOUISE GOFF: Thank you.

BRENDAN SULLIVAN: -- record clear of the changes.
JIM MONTEVERDE: All right. So there's no impact between existing conditions, open space and requested conditions open space, as a result of moving the driveway.

BRENDAN SULLIVAN: Slater Anderson, any questions at this time?

SLATER ANDERSON: No questions.

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 will have up to three minutes in which to speak.

OLIVIA RATAY: Marc McGovern?

MARC MCGOVERN: Thank you. Just logged in. That was quick. Good evening, everyone. I'd like to speak in favor of 160097. I come before you today not in my capacity as a City Councillor, but in my role as a Licensed, Independent Clinical Social Worker, who is working --

BRENDAN SULLIVAN: Wait a minute.

MARC MCGOVERN: Oh, I'm sorry.

BRENDAN SULLIVAN: Not on that case.
MARC MCGOVERN: Oh. Oh, I'm sorry.

BRENDAN SULLIVAN: Are you commenting on Washburn Avenue?

MARC MCGOVERN: I am.

BRENDAN SULLIVAN: Okay. That's down the road a little bit.

MARC MCGOVERN: Okay. Sorry. I'll wait.

BRENDAN SULLIVAN: Tune in.

MARC MCGOVERN: Thank you. Sorry. My fault.

BRENDAN SULLIVAN: All right. Not a problem.

Nobody else calling in. There is correspondence from March 20 re: Michael Shonley and Rakhshanda Saleem.

And again, you've got an Irish guy trying to pronounce non-Irish names, which is always very difficult and challenging. Anyhow, they're in support of Dana Ross Rogers on putting forward a proposal for renovating their home.

There is also correspondence sort of back and forth between Claude Houle, who is representing Lenore and Jon Cummings at 28, and communication back and forth. But they have reached an agreement regarding the driveway. So that correspondence is not relevant to the work on the
house, which is now before us.

And so, that is the sum and substance of the correspondence. Anything else, Mr. Rafferty, to add?

JAMES RAFFERTY: Yes, thank you, Mr. Chair. Just briefly, the abutter had retained new counsel, successor counsel, and we have had communications in the past few weeks.

And it was represented to me earlier this week by new counsel that as a result of the modifications of the application, that the abutter -- the right abutter here that you just referred to in the prior communication -- does not oppose the variance, the special permit.

But if that's not reflected in either the communications or if no one is present on behalf of that abutter, I just wanted to represent their attorney represented that to me.

BRENDAN SULLIVAN: Great. Thank you. So made it part of the record.

All right. I'll close the presentation part. Any questions by Members of the Board? Ready for a vote?

CONSTANTINE ALEXANDER: Ready for a vote.

JIM MONTEVERDE: Ready.
BRENDAN SULLIVAN: Okay. I make a motion, then, to grant the relief requested, which is to construct a rear deck, an accessibility ramp within the rear setback, a new window well within the left yard setback, new dormer, and replace existing front covered entry, as per the plans submitted, application dimensional forms and supporting statements. [Revised drawing dated April 25, 2022.]

The Board finds that it appears that the requirements 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 the established neighborhood character.

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

There would not be any hazard created to the detriment of the health, safety and/or welfare of the occupant of the proposed use -- and in fact the changes, alterations would enhance the quality-of-life for the occupant.

And 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 in order to allow people to modify their
structures to allow for their better use, livability, and
safety thereof.

The Board also finds that the Board may grant a
special permit for the alteration or enlargement of a
preexisting dimensionally nonconforming, detached single-
family dwelling, not otherwise permitted in 8.22.1, but not
the alteration or enlargement of 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 increase a preexisting dimensional
nonconformity, but does not create a new dimensional
nonconformity.

The Board may grant such special permit, but we
are required to find that the alteration or enlargement
shall not be substantially more detrimental than the
existing nonconforming structure to the neighborhood, and
the Board does so find. And that the alteration or
enlargement satisfies the criteria in Section 10.43, as
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previously stated.

The Board also notes that the special permit for 30-32 Crescent Street is hereby granted.

The Board also notes that the variance applied for has been withdrawn, and is not part of this relief, or part of this decision, other than noting its being removed from the application.

On the motion to grant the special permit, Mr. Alexander?

CONSTANTINE ALEXANDER: I vote in favor of granting the special permit.

BRENDAN SULLIVAN: Jim Monteverde?

JIM MONTEVERDE: Jim Monteverde votes in favor.

BRENDAN SULLIVAN: Wendy Leiserson?

WENDY LEISERSON: Wendy Leiserson votes in favor.

BRENDAN SULLIVAN: Slater Anderson?

SLATER ANDERSON: Slater Anderson votes in favor.

BRENDAN SULLIVAN: And Brendan Sullivan voting in favor.

[All vote YES]

BRENDAN SULLIVAN: The special permit is granted.

JAMES RAFFERTY: Thank you very much.
BRENDAN SULLIVAN: Thank you.

* * * * *

(6:30 p.m.)

Sitting Members: Constantine Alexander, Brendan Sullivan, Jim Monteverde, Laura Wernick, Wendy Leiserson, and Slater W. Anderson

BRENDAN SULLIVAN: The Board will now hear Case No. 156403 -- I'm sorry, the Board will hear Case No. 162489, Longfellow Road.
SAM KACHMAR: Mr. Chairman, can -- I'm Sam Kachmar here from SKA with my client, Hao Wang. Would it be okay to just dive into the presentation?

BRENDAN SULLIVAN: Go ahead.

SAM KACHMAR: Thank you Members of the Board. My name is Sam Kachmar. I'm here tonight with Ian Masters on behalf of our client, Dr. Hao Wang.

We're pursuing a special permit for construction of two window wells within the side yard setback and the creation of a lower-level EDU that will have main access from Mount Auburn Street at 1 Longfellow Road.

SKA has worked with Hao to find common ground with his neighbors and worked together to reach a compromise. We circulated plans with Hao and his neighbors over the week of April 2, 2022 and have made multiple revisions through the week of April 6 in response to neighborhood feedback.

Upon speaking with new counsel for some of the abutters, we requested a continuance on April 14 and are here tonight to seek relief under Article 5 and Article 8 of the zoning ordinance for this project.

We met with some of the abutting neighbors, Weldon Pries and Carlos Neu on April 21 and made some adjustments
to the drawings after that meeting in an effort to work together with the neighborhood, and spoke over the phone and via e-mail with new counsel on April 14, and again today on April 28.

I think we've come to agreement compromise with all of the neighbors. And Olivia, if you could bring up the drawings, I'll just run through those changes really quick.

Here on the first slide, you can see photographs of the property from both Mount Auburn Street and Longfellow Road.

Next slide, please?

Here on this slide you can see the existing floor plan to a Level 0 and Level 1. Note on the right-hand side of Level 0 there are not any window wells in the existing plan.

Next slide, please?

On this slide you can see existing floor plans for Level 2 and Level 3. There is no work being completed on these levels.

Next slide, please?

And on this slide, you can see the existing elevations for the east and the south side of the house.
Next slide?

On this slide, you can see the existing west and north elevations of the home.

Next slide, please?

On this sheet, you can see the proposed floor plan at the Level 0 and the Level 1. On the right-hand side on Level 0, you can see where we're seeking relief for a special permit for the egress window wells. The ADU is labeled as Unit 2 on the lower level, and is below 19 square feet.

Next slide, please?

On this slide, you can see the proposed plans for Level 2 and Level 3. No changes to the plans on this level.

Next slide, please?

On this slide, you can see the proposed southeast elevations.

Next slide, please?

And on this slide, you can see the proposed west and north elevations, where the window wells are on the right-hand side, dotted and labeled there.

Next slide, please?

And here you can see some of the construction
details highlighting those things from the plans. And I know when I went off the survey in photos where it's not as good.

Next slide, please?

Yeah. And then the survey is here, showing where we're five-foot-six away from the property line, the abutting neighbor on Longfellow, and six foot over the other side. So that's where we're within the side yard setback.

And then after that there's a series of photos that I'm happy to go through if it makes sense for the board. But mostly, those are just for general use and context.

BRENDAN SULLIVAN: So the latest drawing we have -- submittal -- the permit set April 25?

SAM KACHMAR: Yep.

BRENDAN SULLIVAN: All of those changes reflected in these documents?

SAM KACHMAR: That is correct, Mr. Chair.

BRENDAN SULLIVAN: I've gone through and read all of the correspondence -- lengthy correspondence, access last year on this. And let me walk you through my thoughts on this.
SAM KACHMAR: Yeah, it's a lengthy file.

BRENDAN SULLIVAN: Is that there is habitable space that was created in the basement. Yes?

SAM KACHMAR: Yes.

BRENDAN SULLIVAN: Okay. Was that habitable space ever permitted?

SAM KACHMAR: I don't know the answer to that, Mr. Chair. As far as I know, it's an existing condition. I don't know if it was created 50 years ago, five years ago, you know, 80 years ago. I don't know when that came into existence.

BRENDAN SULLIVAN: But I think what we're being asked two things is to allow for access into the basement -- obviously window wells, because there's going to be bedrooms down there, and it's required by code and obviously exit. What we're being asked also is to legalize the creation of livable space down in the basement.

I think part of this proposal, or part of the permitting that Dr. Wang is asking for the city is to allow him to excavate the basement to bring the head height up to seven-foot-two.

SAM KACHMAR: Correct.
BRENDAN SULLIVAN: Am I correct with that? Okay.
The only permit that was ever taken out on the property was
taken out on June 29, 2010. And the work was to do work in
the first-floor apartment. It was to remove and replace
walls and fixtures in the existing first-floor bathroom.
And that's the only permit that was to be taken out. So all
the work that has been done in the basement has been done
without a permit.

Now, the history of the property, from what I
understand, is that Dr. Wang, you, and another professor
owned -- he owned the first floor of the unit, you owned the
second and third floor.

At some point, when you assumed -- well, probably
when both of you owned it -- the basement was renovated into
a livable space, because he had a relative living there, and
you had a relative living there. Is that correct?

SAM KACHMAR: Yes.

BRENDAN SULLIVAN: Okay. And yet none of that
work was ever permitted? It was never legalized? So what
you're asking us to do tonight is to legalize what has been
done, and also to bring it up to code-compliance, in order
to allow it to be continually done?
SAM KACHMAR: Yes.

BRENDAN SULLIVAN: All right. So what I've asked -- what I did is a little bit of an exercise when I see that somebody is trying to utilize every square inch of the building, and so assume that the basement is not there, that the units or the facilities of the basement are not there, because they're not there legally.

So in the first floor, we have two bedrooms. And what you're proposing is basically a third bedroom, existing first floor and one in the basement?

SAM KACHMAR: Correct.

BRENDAN SULLIVAN: And on the Unit #2, which is on the second floor, there are two bedrooms. And on the third floor, there are actually three bedrooms. There's two bedrooms that are noted as the same, but that are a study. The study looks like a bedroom, can be used as a bedroom -- to me, that's a bedroom.

So you're asking for three bedrooms for the second-floor unit, and then down on the basement, and then on the basement you're asking for another two bedrooms, correct?

HAO WANG: Speaking for Unit #2, I'm only asking
for one bedroom.

BRENDAN SULLIVAN: One bedroom and one office?

HAO WANG: Yes.

BRENDAN SULLIVAN: Okay. The existing bathrooms for the first-floor unit you're asking for there are two, one existing and one in the basement.

HAO WANG: Correct.

BRENDAN SULLIVAN: Unit #2, you have two bathrooms, and then you're asking for another one in the basement. So that would be three?

HAO WANG: Correct. I just want to make a note, Mr. Chairman. The third classroom in the basement was permitted around 2003 by Peterson Plumbing.

BRENDAN SULLIVAN: So in a typical two-family house, when this is all said and done, what you're proposing basically is an eight-bedroom, six-bathroom house, with four kitchens?

There are two kitchens -- there's a kitchen on the first floor, there's a kitchen for the second-floor unit, and even though you call it a kitchenette, to me it's still a kitchen.

The only thing that's missing as far as the City
is concerned would be a stove. But you don't really need a stove in order to function now. People use microwaves. They use all kinds of devices to cook them in, their meal. To me, this is just terribly overcrowding of that structure, and it's an attempt to, I think, monetize every square inch of it.

And I don't understand the issue that, you know, you claim that you live there. Apparently, the second-floor unit is vacant now. I don't know if it's for the purposes of this hearing, but it had always been rented in the past. There's communication from the neighbors attesting to that.

You have the first floor rented.

And then I don't understand the issue of a continuing having a space for the Unit #2, how is that accessible? Only through the outside of the structure?

HAO WANG: If I understand the Chairman's question correctly, you know our architect --

BRENDAN SULLIVAN: Why, why, if you've got Unit #2 with all of the space up there, the second floor and third floor, the number of bedrooms and number of bathrooms, why do you need more space in the basement for Unit #2?

HAO WANG: Well, okay.
BRENDAN SULLIVAN: Other than to rent it out or to allow more individuals to live in the building, which to me is, you know, overcrowding?

HAO WANG: If I may, Chairman. The -- I have been -- I know that my neighbor and I come from a diverse background. And I have always been very proud in the years that I did go overseas to rent out my unit to Harvard students.

And I'm still -- I'm not regretting that I supported their life when they came to the school, my former alma mater. And I continue wanting to do so.

I mean, the City of Cambridge advocates affordable housing. We passed that provision. That's why I am doing this provision, is that I'd like to create this minimal summer footprint and carbon footprint to create affordable housing for students.

And I do want to amend with that the second-floor unit is not empty, I live there. Wait a minute, excuse me, Councillor, wait a minute, do you live there or do you live in New York?

HAO WANG: I live there.

CONSTANTINE ALEXANDER: How often -- how many days
a month are you there?

HAO WANG: I am there almost every weekend.

BRENDAN SULLIVAN: Every what?

HAO WANG: I go out for -- this is a diverse lifestyle coming into play. I am a consultant, and as any consultant center -- I used to work for a center we fly to our client in the morning, Monday, we fly back to home in the evening Thursday. That's been years of my lifestyle. I'm a very private citizen. When I get back, I stay at my home. People don't see it. And they don't see me.

And I have 30,000 miles of milage on my card to prove in the last two years during the pandemic I commute to work and come back to Boston. I have stacks of plane tickets and train tickets.

And I don't think, you know, the Board asked me if I'm honestly presenting to you, but that's our lifestyle. And it doesn't mean I don't live there, I live, I rent a temporary residence or apartment in Manhattan, but I only live there parttime, and --

BRENDAN SULLIVAN: Is your car registered in Massachusetts or New York?

HAO WANG: My car is registered in New York
because it's garaged in New York.

BRENDAN SULLIVAN: Thank you. Thank you. In the correspondence dated January 2, 2022, going down, skipping down a little bit, "The number of units in my house is two. It will remain a two-family home. My project does not add any new units, simply to bring existing finished basement to be code-compliant."

Then you go on, "Unit 2 is occupied by me now. In the past, I have been transparent to the neighbors, as I usually rent the Unit 2 to four Harvard students. I still plan to do so in the future should I not reside in Unit 2 myself."

HAO WANG: Yeah. I am living there now. In the future, if I do move away, I want to exercise the right to rent my apartment legally, according to Cambridge and Massachusetts laws to the students in Cambridge.

BRENDAN SULLIVAN: But why would they need a space in the basement that they have to go outside to?

HAO WANG: Oh, the basement accessory --

BRENDAN SULLIVAN: It's a two-floor unit.

HAO WANG: The basement --

BRENDAN SULLIVAN: I can't get to yes, anyhow on
this. So anyhow, that's just something to think about. I'm not going to belabor this. Let me ask any other members of the Board if they have any --

SAM KACHMAR: Mr. Chairman?

CONSTANTINE ALEXANDER: I for one cannot accept the fact we're going to have four kitchen units in this basically two-family --

SAM KACHMAR: It's only two kitchen units. A kitchen requires a stove in it, by definition.

CONSTANTINE ALEXANDER: I'm sorry, I couldn't hear what you just said. Can you repeat it?

SAM KACHMAR: Oh, that a kitchen is defined by having a stove by the city. So as kitchenette does not qualify as a kitchen. If there's no stove, there's no kitchen.

HAO WANG: Correct.

BRENDAN SULLIVAN: Right.

CONSTANTINE ALEXANDER: Okay.

BRENDAN SULLIVAN: Jim (sic), any thoughts?

CONSTANTINE ALEXANDER: No, nothing else.

BRENDAN SULLIVAN: Jim Monteverde?

JIM MONTEVERDE: I had the same concerns that you
mentioned, Mr. Chair. My basic question was, you know, how many units are there here? They really look like there are four, not two. And it just seemed excessive.

So I wasn't -- given everything I could read from the plans and have heard, I just -- I wasn't supportive of the special permit yet. Thank you.

BRENDA SULLIVAN: Wendy Leiserson, any questions or comments at this time?

WENDY LEISERSON: I think I just echo the questions of my colleagues and a little bit my confusion as to what's trying to be done here. I also tend to not like to legalize things done without permission in the first place, unless there's some good reason to justify it. Those are my only thoughts at the moment.

BRENDA SULLIVAN: Okay. Slater?

SLATER ANDERSON: No I concur with most everybody. I was confused by the plan. I thought the units were mislabeled, because it seemed like there were four units. So thank you.

BRENDA SULLIVAN: Let me open it to public comment. Any members of the public who wish to speak should now click the button that says, "Participants," and then
1. 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 in which to comment.

   CONSTANTINE ALEXANDER: Anybody?

   BRENDAN SULLIVAN: There's nobody calling in.

   There is quite a lot of correspondence. Somebody is calling in?

   OLIVIA RATAY: Mm-hm. Rebecca Pries?

   BRENDAN SULLIVAN: Rebecca?

   REBECCA PRIES: Yes. Can you see me? I just unmuted.

   BRENDAN SULLIVAN: Yes, we can hear you.

   REBECCA PRIES: Okay. So my name is Rebecca Pries. I am speaking on behalf of a group of neighbors as an abutter to an abutter. I've been a resident of Longfellow Road for 49 years.

   We have worked at great length with Mr. Wang on trying to make sense of his plans. And we've had significant concerns about them. And we've had significant concerns over the time about the number of renters in his dwelling, and the fact that he does not seem to be here very
much.

We would -- as neighbors we would like to support, you know, his request. But we have conditions that we feel are very reasonable, and would like, as the Board is saying, greater clarity on what is being proposed.

So I think that's really what I should say at this moment -- that we have real concerns that what is being attempted is to get permission for a special permit which we ask the lawyer -- the architect to label as Unit #2 being an accessory unit, but there is the unit next to it which remains with a kitchenette, and looks as though it's planned to be rented as well.

And so one of our conditions would be that they should not --

[Noise]

-- shall rent them, sorry.

BRENDAN SULLIVAN: Rebecca, does there appear to be -- how many people appear to be living in the house now?

REBECCA PRIES: There appears now to be one renter on the first floor, and we see a possible tenant on the second and third. I -- we thought she was leaving in March, but I think she's still there. Occasionally, Mr. Wang is
there, and we understand when he's there he is also in the upper floors. Nobody is living in the basement preliminary --

BRENDAN SULLIVAN: Okay.

REBECCA PRIES: -- to our knowledge.

BRENDAN SULLIVAN: When was the last time you saw anybody using the basement? Say as a -- for overnight or --

REBECCA PRIES: I would need to say that's months ago.

BRENDAN SULLIVAN: Okay. Okay. All right. Anything else to add?

REBECCA PRIES: Not at this time. Thank you very much.

BRENDAN SULLIVAN: Okay. Thank you for calling in. There is also correspondence -- again, Mr. Wang it appears to be all of the neighbors -- again, Friday from January 21 and you -- and your correspondents say, "I informed the BZA I wanted to apply for a special permit for accessory use for the basement living space due to this project. The accessory use will clarify the purpose of the newly-renovated basement spaces. This special permit will require me to live in my house as the owner."
BRENDAN SULLIVAN: And again, going through the correspondence and the dialogue, there appears to be an awful lot of misspeak. So I fully understand when Rebecca calls in and says that the neighbors are confused and just need some clarity as to exactly what's going on, what your intentions are.

And, you know, the past history has not been great. And I don't mean to --

HAO WANG: Yes. Thank you.

BRENDAN SULLIVAN: -- editorialize a little bit here, but I'm not sure if you've been a very good steward of the property --

HAO WANG: Mm-hm.

BRENDAN SULLIVAN: -- in going through the amount of correspondence from the neighbors, and how lovely the street is and how well they have maintained their properties.

And I get the distinct feeling that you have really used the house to monetize it to the extent that you possibly can. And are now trying to -- coming in asking for forgiveness instead of permission beforehand.

HAO WANG: Yeah. Thank you, Chairman. I hear all
that. I wanted to tell my side of the story, right? So yes, the drawing is somewhat congested, somewhat. The Unit #1 basement portion was not done by me. It was done by my previous neighbor.

When he passed away, I purchased the unit, so the unit kitchenette, the bathroom and that room in the basement were purchased by me, and it was inherited from its previous owner.

On the Unit #2 side of the basement, like I said, in about 2003, a permit was pulled by Peterson Plumbing from the City of Cambridge to do that legally. At that time, I did not -- I acknowledged my lack of knowledge then, did not know the regulations around other parts of the basement. So we did create partisan walls and installed lights.

So that's really the history. Again, I don't want to say right or wrong. You know, if there's mistakes, it's probably by me without knowing enough. Over the years, Unit #1, and Unit #2 when you asked my neighbor when they see a person living in the basement, I actually can tell you with record that in the last five years, none of the -- there's nobody living down there.

Because every lease that I gave out to my tenants,
usually Harvard students, there's a clause saying that the basement is not permitted to use, it's not legal to live in. So that's a risk as a landlord and Management. And I have all that record, if you so wanted to see.

Now, with all these establishments, with me moving back to Cambridge about two or three years ago, I started, you know, I just continued renting the third and second floor.

The lady that Rebecca mentioned earlier is the last one, and her lease is ending soon, and it will be -- the entire building a couple of months from now will be only two people living there: Me on the second and third floor, and the first floor there's a gentleman that I rent out to.

And I do want to renovate this basement, because it is almost there.

And I read about the Barrett Petition, and I read about the Cambridge needs for affordable housing, with very minimal carbon footprint, and it is a very efficient way. That's why you created accessory use, the ordinance for us to leverage to create more space for people to live in.

I know that I'm at odds sometimes with my neighbor that I allowed young people like my son's age -- I mean they
are Harvard students -- I moved to Cambridge 20, 30 years ago as a young kid. I wanted to rent a place to study.

And I want -- I still want to offer that. It's not illegal that a landlord wants a space to rent to young people. I mean, if they created noise, they violated the law, I'm being fined, and I will regulate.

But please allow me, given the building right now is planned for only two adults living in that building, because we want to keep the unit upstairs stand-alone, and let us finish the last step of the basement.

The statute of units by its definition is that I have to live upstairs in order to rent downstairs. That reason is not that I misspoke, it's that I explained to the neighbor by law in order -- even if in order for me to rent the basement unit out, I need to live there myself upstairs.

So I still think it's worth the cost. I do feel that when I was away for several years overseas, the house maintenance was not great. I mean, I did apologize to my neighbors when I came back, and I plan to do all that. And I will -- now that I live here, I will do all that. And any use of my space, new and old, will be according to Massachusetts law and the ordinance. I'm not going to do
BRENDAN SULLIVAN: You just mentioned that the Professor Zivenko (phonetic)?

HAO WANG: Yes.

BRENDAN SULLIVAN: Zivenko, is that who it is?

HAO WANG: Yes, yes.

BRENDAN SULLIVAN: Yes. That he did over his part of the basement. Is that correct?

HAO WANG: Yes.

BRENDAN SULLIVAN: Yeah. But you did it concurrently? You did it at the same time, did you not?

HAO WANG: I did not. Probably not the same time, but both of them I did about 20 years ago. And I pulled the permit for the basement -- for the bathroom. Had I known better, I would put a full permit.

BRENDAN SULLIVAN: There was no permit for a basement.

HAO WANG: And for the bathroom.

BRENDAN SULLIVAN: There was no permit. The only permit that is on record in the Building Department is the one that I just read out for the first-floor bathroom, correspondence dated November 24 to Marissa and Jordan.
In that correspondence, in the early 2000s, "We both finished out our basements with a bathroom and living storage area." And in 2011, you purchased the Professor's unit and became 100 percent owner --

HAO WANG: Yes.

BRENDAN SULLIVAN: -- of 13 Longfellow Road. I don't want to keep belaboring the point here, but I would not support the granting of the variance and special permit, as per the application, in the current form.

I would entertain accessory use to the basement for Unit #1, but not for Unit #2, and not in the configuration that it is in. That's where I am on this.

CONSTANTINE ALEXANDER: Those are my sentiments.

SAM KACHMAR: May I ask a question?

BRENDAN SULLIVAN: Yes.

SAM KACHMAR: We're discussing correspondence from a variance application, correct?

BRENDAN SULLIVAN: I'm sorry?

SAM KACHMAR: We're discussing correspondence from November of 2021 and January of 2022 that is -- pertains to a variance application, correct?

BRENDAN SULLIVAN: Sam, I'm referring to as
correspondence that Mr. Wang had with his neighbors regarding the property.

SAM KACHMAR: That is --

BRENDAN SULLIVAN: May be in the file for the variance application, but it's also in the file here for the special permit.

SAM KACHMAR: Okay. I didn't know if --

BRENDAN SULLIVAN: Let me answer the question. What I'm trying to determine here and come to is a code of conduct that has been going on in the property for many, many years. And the concerns of the neighbors.

I'm trying to address those concerns of the neighbors. And that the work that was done there was done without permit. It was not legally done.

SAM KACHMAR: Understood.

BRENDAN SULLIVAN: Whether it was in the other file or this file, it's in the file.

HAO WANG: It's actually --

BRENDAN SULLIVAN: No. Sorry to interrupt. I was -- Mr. Alexander, you were commenting?

CONSTANTINE ALEXANDER: No, I just was speaking to in support of what you said as well, I would not -- I could
not see any second unit in the basement. I'm open to a basement unit and accessory apartment, but not two.

This is -- this is a mess, frankly, this property, in terms of how it has been occupied, and then your dealings with the neighbors, and this is not what I want to promote and really exacerbate what's there now. And I think you're overloading the building. And I'm very suspicious -- I have my private views as to what you're doing. I don't want to further them. Period. I'm not in favor.

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

JIM MONTEVERDE: No. I think I spoke before.

BRENDAN SULLIVAN: Wendy, any other additional comments?

WENDY LEISERSON: No.

BRENDAN SULLIVAN: Slater, anything additional?

SLATER ANDERSON: Nothing additional, thank you.

BRENDAN SULLIVAN: All right. Are we ready for a motion?

CONSTANTINE ALEXANDER: I'm ready.

SAM KACHMAR: Mr. Chair, could we possibly request a continuance on this?
BRENDAN SULLIVAN: And the purpose of the continuance would be for?

SAM KACHMAR: Perhaps to redesign the layout of the basement, pending my client's agreement on that?

BRENDAN SULLIVAN: I will give you the courtesy of that, sure. And if you want to consider the comments of the Board -- and also, I would let you have Sam gone through all of the correspondence urge you to do that. Also to have correspondence with the neighbors -- Rebecca, who called in tonight, and come back to us with a final plan.

SAM KACHMAR: Certainly. We did meet with her husband in person a week ago or two weeks ago, and we made some adjustments to the grounds per that. Certainly, we understand that there may need to be more adjustments to the drawing in that case.

And the only point of clarification, which I don't think is much relevant, but Unit #2 can be accessed from the interior of the building, but just through the backs of the stairs.

BRENDAN SULLIVAN: Right.

SAM KACHMAR: You don't have to go outside to get into it, and so forth. But that might just be an irrelevant
point.

BRENDAN SULLIVAN: Right.

SAM KACHMAR: Mr. Wang, do you want to take a continuance, or would you like the Board to vote?

HAO WANG: I certainly -- I also -- I have one question, before I answer the question. Because I did hear the Chairman earlier say that -- earlier saying that he would like to entertain an accessory unit for Unit #1, but not Unit #2. Is that something that we can work off?

BRENDAN SULLIVAN: I would -- I would be for an accessory use, and not an accessory apartment.

HAO WANG: Right. Got you.

BRENDAN SULLIVAN: An accessory apartment.

HAO WANG: That's fine. I assure the Board it has never been my intention to create two units in the basement. I know it's hard for people to see that, but I never wavered. I always wanted only one part of the basement to be accessory use. So if that's -- the Board can entertain it, certainly I would really appreciate the continuation.

BRENDAN SULLIVAN: All right. And then you can work with your architect to revise that plan.

HAO WANG: Correct.
CONSTANTINE ALEXANDER: Mr. Chair, I just want to point out that if we continue the case, it will be a case heard, obviously. I'm not available from June 9 until October. And so you have to go forward, or the petitioner would have to go forward with the other four Members, assuming they're available. I just want to make sure everyone understands that.

BRENDAN SULLIVAN: Olivia, if we were to continue this, what is the first available date?

OLIVIA RATAY: June 30.

BRENDAN SULLIVAN: The first available date would be June 30, which Mr. Alexander is not present, and which you could go with the four current Members. Mr. Monteverde, Wendy Leiserson, and Mr. Anderson, I would; would you be available, the other three Members on June 30?

SLATER ANDERSON: Checking my calendar.

BRENDAN SULLIVAN: I'm sorry?

SLATER ANDERSON: Yeah, I should -- Slater should be available.

BRENDAN SULLIVAN: Okay. Wendy, are you available on the thirtieth?

WENDY LEISERSON: I should be available.
BRENDAN SULLIVAN: And Jim?

JIM MONTEVERDE: I will be.

BRENDAN SULLIVAN: Jim, okay?

JIM MONTEVERDE: Yes, I'm sorry. I will be.

BRENDAN SULLIVAN: Yeah, okay. Now, I throw it back to you. Does June 30 work for you?

SAM KACHMAR: I think that will work for us and will give us some time.

BRENDAN SULLIVAN: Yeah, okay. And Dr. Wang, June 30 works for you?

HAO WANG: Yeah.

BRENDAN SULLIVAN: Will you be available?

HAO WANG: Yeah, I thank you for the Board's patience. Thank you.

BRENDAN SULLIVAN: Let me make a motion, then, to continue this matter to June 30, 2022 at 6:00 p.m. on the condition that the petitioner change the posting sign to reflect the new date of June 30, 2022 and the new time of 6:00 p.m.

That the petitioner sign a waiver, which I think we have on file.

HAO WANG: I did.
CONSTANTINE ALEXANDER: We must.

BRENDAN SULLIVAN: We would have to.

CONSTANTINE ALEXANDER: You must have it, Mr. Chairman? Maybe it's in the file.

BRENDAN SULLIVAN: No, it would be in this one. Wait a minute, I think I have it here. Yep. Yep. I have it. Okay. The waiver is signed. That any new drawings, dimensional forms, application material be in the file by 5:00 p.m. on the Monday prior to the June 30 hearing.

CONSTANTINE ALEXANDER: Did you mention the drawing?

BRENDAN SULLIVAN: I did mention the sign. I think that's it. So that -- changing the sign and any new submittals in by 5:00 p.m. on the Monday prior. And we have an agreement. On the motion, then, to continue this matter to June 30, Mr. Alexander?

CONSTANTINE ALEXANDER: I vote in favor.

BRENDAN SULLIVAN: Jim Monteverde?

JIM MONTEVERDE: I vote in favor.

BRENDAN SULLIVAN: Wendy Leiserson?

[Pause]

Wendy? Are you on mute?
SLATER ANDERSON: No I think she dropped off.

JIM MONTEVERDE: Not there.

BRENDAN SULLIVAN: Slater on the motion to continue?

SLATER ANDERSON: No I'm in favor of continuance.

Thank you.

SAM KACHMAR: Thank you, Mr. Chairman. Thank you, Members of the Board.

CONSTANTINE ALEXANDER: I'm trying to track down our fifth Member, who seems to have been disconnected, to get her vote.

SAM KACHMAR: Can any of us be deputized to?

BRENDAN SULLIVAN: The next matter that we're going to discuss waiting for this hear, but also will be to withdraw the variance application.

SAM KACHMAR: Well, we can't withdraw that without prejudice, because that will reflect badly on the special permit application. We have to leave it until it's approved, if I'm not mistaken.

BRENDAN SULLIVAN: Two different applications, Sam.

SAM KACHMAR: Okay.
CONSTANTINE ALEXANDER: We continue the second Longfellow Road case until June 30 as well? Just -- you never know with the interaction and the like, and you don't want to prejudice the petitioner.

SAM KACHMAR: Yeah. I'm way above my pay grade in maybe making those determinations, but --

BRENDAN SULLIVAN: We'll err on the side of caution on that one.

CONSTANTINE ALEXANDER: Yeah.

SAM KACHMAR: Yep.

BRENDAN SULLIVAN: We've lost Wendy.

CONSTANTINE ALEXANDER: Having trouble keeping people in tow. Just trying to track down Wendy.

SAM KACHMAR: Do we need her vote technically? I mean, we've got --

BRENDAN SULLIVAN: Well, no, but --

CONSTANTINE ALEXANDER: No.

SAM KACHMAR: -- out of courtesy.

CONSTANTINE ALEXANDER: It should only take a few minutes, I hope. One of these days, the Board will meet in person, in which case we wouldn't have these problems of people getting disconnected or disappearing.
SAM KACHMAR: Is there any updates on when that might start happening again?

CONSTANTINE ALEXANDER: I'm sorry?

SAM KACHMAR: Are there any updates on what we might get back to meeting in person?

CONSTANTINE ALEXANDER: No.

SAM KACHMAR: No.

BRENDAN SULLIVAN: We've asked.

CONSTANTINE ALEXANDER: We've been asking.

SAM KACHMAR: Okay.

CONSTANTINE ALEXANDER: Haven't gotten the right answer yet.

SAM KACHMAR: Yep.

BRENDAN SULLIVAN: Wendy?

OLIVIA RATAY: She's going to call in.

BRENDAN SULLIVAN: She's going to call in? Okay.

OLIVIA RATAY: Here she is.

CONSTANTINE ALEXANDER: She's on.

BRENDAN SULLIVAN: Okay. Wendy, on the motion, then, to continue this matter to June 30?

WENDY LEISERSON: Sorry for the computer malfunction. I do agree with the motion to continue this
Brendan Sullivan: So on five affirmative votes, the motion --

Constantine Alexander: Make sure -- there's two continued cases. There are two Longfellow cases, Longfellow Road cases.

Wendy Lischeron: Yes.

Constantine Alexander: And they're both continued.

Wendy Lischeron: I agree to continue both as the Longfellow Road cases.

Brendan Sullivan: Gus? Okay. So the special permit request is continued until June 30.

Now, on Case No. 156403, that was the variance request. And the petitioner is asking that we also continue that matter. On the motion, then, to continue Case No. 156403, Mr. Alexander?

Constantine Alexander: I vote in favor.

Brendan Sullivan: Jim Monteverde?

Jim Monteverde: I vote in favor.

Brendan Sullivan: Wendy on that matter?
WENDY LEISERSON: Wendy Leiserson votes in favor.

BRENDAN SULLIVAN: All right, Slater Anderson on the motion to continue that matter?

SLATER ANDERSON: Slater Anderson in favor.

[All vote YES]

BRENDAN SULLIVAN: On the condition that the petitioner change the posting sign to reflect the new date of June 30, 2022 at 6:00 p.m.; that any changes to this petition that are not currently in the file would be required to be submitted by 5:00 p.m. on the Monday prior to the June 30, 2022 meeting, and we also have a waiver already in the file for this.

On the motion, then, as five affirmative votes, Case No. 156403 is also continued.

SAM KACHMAR: Thank you, Mr. Chairman.

(7:13 p.m.)

Sitting Members: Constantine Alexander, Brendan Sullivan, Jim Monteverde, Wendy Leiserson, Slater W. Anderson

BRENDAN SULLIVAN: The Board will now hear Case No. 160097 -- 54 Washburn Avenue.

DENISE CHICOINE: Good evening, Members of the Zoning
Board of Appeal. My name is Denise Chicoine. I am Counsel for the North Charles Mental Health Research and Training Foundation.

North Charles is renewing its application for a special permit to operate as a non-profit educational use or other institutional use.

North Charles has a 10,000 square feet two-story structure that it rents. The building is located on a piece of land that is 14,670 square feet. There are 27 parking spaces and two handicap spaces. This location is easily accessible from public transport.

There is a history of use of this property that does not conform with Residential B zoning. Since the building was constructed, and for the past 122 years, this building has been used continuously for commercial purposes. It has posted a telecommunication software company, financial services company, a toy manufacturing company, and a refrigeration services company, to name just a few.

The company that was on site prior to North Charles had 120 employees, and was open 24 hours a day. In contrast, North Charles is only open regular business hours, which are weekdays, basically, 7:00 to 7:00.
North Charles is a non-profit that has been offering mental health and addiction counseling services in and around the city of Cambridge for over 50 years. This property is used for administrative offices and counseling services. There is no medical use occurring at Washburn Ave.

North Charles' clientele includes professionals and other contributing members of society. North Charles uses of the property generates less traffic than any as-of-right would, because of its location and proximity to public transportation, and particularly now that many of the clients are using telehealth services and not coming in person to North Charles.

This property is adjacent to Mass Ave, where there is an array of commercial uses.

These already diversified uses will not be negatively impacted if North Charles is issued a special permit. All of North Charles's services are connected within the building, and will not cause any disturbance to the surrounding residences.

There is no hazard or nuisance created by the counseling, which are essentially talk therapy sessions. I
I doubt there would be any controversy if North Charles offered tax counseling or marriage counseling instead of mental health counseling.

North Charles has statements of support from Counselors Zondervan, Toner, McGovern, and Nolan. North Charles has also submitted a petition with 180 signatures in support.

The traffic generated by North Charles's use does not cause congestion, hazard, or substantial change to the neighborhood. This proposed use will not adversely affect adjacent uses. This proposed use will not create a nuisance or hazard. This proposed use will not impair the integrity of the district.

For all these reasons, we respectfully request that the Board grant the special permit, pursuant to Article 4, Section 4.33h -- excuse me b1 or Section 4.33h4.

I would like to turn over the presentation to Gary Houle, who is the Executive Director of North Charles.

Thank you.

GARY HOULE: Hi. Good evening to the entire Board. I'm Gary Houle, the Executive Director of North Charles. I'd like to start off by saying that, you know, I
could spend a lot of time trying to rebut a lot of the
rather specious arguments that have been put forth by the
residents, which frankly date back a lot of years at this
point. But they have no real relevance now.

You know, taking pictures of the full parking lot
after a major snowstorm, taking pictures of persons in
medical distress being put in an ambulance or, frankly,
creating graffiti in order to infuriate business owners in
the area to support their cause, whatever that may be --
and believe me, I didn't not run around spray painting
buildings in the Mass Ave area, because that's called,
"vandalism." You know, that's a rather ridiculous argument
at this point.

Let's also not forget that since the Cambridge
Police have eradicated drug dealing that has gone on for
years at 52 Washburn, and the buildable has been cleaned up
and sold as luxury condos, I'm sure crime in the general
vicinity is down significantly since 2015.

We're not here to defend any bad behavior. We've
cooperated with both the Cambridge and the Somerville
Police using footage from our security cameras to catch an
array of criminals, including bike thieves, package
delivery thieves -- more formally known as porch pirates --
drug dealing that's gone in in our parking lot in the
middle of the night where the dealers have originated and
gone back to Somerville and erratic drivers.

We've performed detailed traffic studies by a
professional engineer, who showed that our presence and use
would and did not create any unexpected traffic issues.

The reason we're here is to focus on the here and
now. I'd like to make sure first of all that you -- in
fact, the entire Board does take time and read all of the
testimony in the support letters that we have accumulated
over the last month -- from neighbors in favor, other city
residents, from our patients, our Staff, from the City
Council, as mentioned before by Denise, from other non-
profits in both Cambridge and around the state.

These precise services -- other Cambridge
residents from the support of the change.org petition --
the 54 Washburn as used is appropriate, safe, and necessary
at this location.

We're currently serving approximately 400 clubs in
our substance abuse and mental health treatment at this
location.
We do all medication distribution at 1493 Cambridge Street, which you know is the Cambridge Hospital, which is in complete keeping with our commitment to the city since the late 1970s, that we perform all treatment at the hospital.

We are only performing talk therapy and counseling for people at Washburn. It also serves as our administrative office.

The most important new information is that since COVID restrictions set in in early 2020, our location has seen a significant reduction in both patient and staff visits.

We are currently operating with most staff on site only three days a week, and 85 to 90 percent now of our treatment is being provided through telemedicine or through the telephone only.

While this may not continue forever, given that insurance, the state and federal government have permanently accepted these forms of treatment as reimbursable, I have to say that this model of treatment, as our model of treatment has changed for good. I do not expect any return to anything close from the previous
attendance levels, particularly patients in particular.

I think it is safe to say that at least 30- to 40 percent reduction on site visits will probably be permanent. With the opioid crisis still raging in Massachusetts, fentanyl presence is rampant and close to 100 percent of our patients have fentanyl on board. Deaths from overdose are still climbing throughout the pandemic.

The other major need is of course for mental health counseling services, which have gone through the roof during the pandemic. We cannot even serve all the need that's out there.

Overall need for our services is only increasing. But still, our parking lot is -- for the last 24 months has never been more than 50 percent full at any time.

It is always important to note that the folks that attend our location are here to stay well from both substance abuse and mental health issues. People want to be in treatment and not on the streets with drug dealing, not in prisons for crime, and not in any related -- to be caught in the throes of a major depression.

Our patient populations tends to be very local --
mostly Cambridge, Somerville, Arlington, and Medford residents. And they don't appreciate, frankly, being filmed constantly by the neighbors.

We have to constantly warn patients to drive state, city and local vehicles that complete anonymity can't be assured in this situation, because of the legally questionable filming that goes on.

And this is a real shame. These folks are nothing but your neighbors and people you run into on a daily basis. They're no different. We operate under strict HIPAA guidelines. We keep everyone strictly confidential, and it's -- we're heavily regulated.

These folks have absolutely no incentive to cause any disruption in the community. I mean, I have to even ask the folks on the Board, do you ever feel the need to cause trouble around your primary care doctor's office? I venture a guess no. You are there for a medical crisis and want to obtain care, treatment, and leave. And our patients are the same.

You know, please note that we also allow the use of our lot on nights and weekends, and as long as the lot is vacated by 7:30 in the morning. And many, many people
in the neighborhood utilize it a lot -- kids play in the lot and people park in the lot.

And quite honestly, you know, I'd like to take this opportunity to, you know, thank the Board for reconsidering this. And given the changes in our circumstances, I think it's very important that this special permit be reconsidered. Thank you very much.

BRENDAN SULLIVAN: Thank you. Denise, anything else to add at this time?

CONSTANTINE ALEXANDER: I have a question.

DENISE CHICOINE: Dan Kauffman actually had a short statement for the Board as well.

CONSTANTINE ALEXANDER: I have a question.

GARY HOULE: Go ahead.

BRENDAN SULLIVAN: Mr. Alexander would like to just make a comment for the moment? Yeah?

CONSTANTINE ALEXANDER: I was the Chair five years ago when we rendered the first, the decision that you're asking us to reconsider tonight. It was just -- we may -- we had a very detailed hearing, and we found that this would cause a substantial change in the neighborhood character.
So this is a densely populated residential district, serviced by a very narrow -- not very, but a narrow street. We rendered our decision. There was a, "then" and I guess there is now, almost unanimous, certainly substantial neighborhood opposition.

As I said, we rendered our decision. We denied the request for the special permit. You took an appeal to the courts, as you have every right to do. The Court did not overturn our decision. And so we are here today, tonight. You're asking us to reconsider now.

I -- have you reached out to the neighborhood? Have you had any neighborhood meetings to -- things you've been bringing out now about how the pandemic has affected how your business operates -- your business, your services operate? Have you tried to explain that to the neighbors?

What have you done, in short, to reach out to the surrounding residents, who are in opposition?

DENISE CHICOINE: Mr. Alexander, if I may, I would like to correct for the record on the point that the landlord has not ruled on the special permit decision that was made in 2016 by this Board. The litigation before the and court is regarding the definition and the zoning of what
constituted general offices.

Also, this is not a request to reconsider what was done in 2016. There is new evidence before the Board now, and there is a new ground on which we are applying for the special permit. So this should be taken as a de novo review.

Finally, I would say that the neighborhood is not unanimous in its opposition to North Charles. There are a number of letters from neighbors in the record that show their support, and North Charles has done an admirable job of being transparent and dedicated to responding to the concerns of the neighbors on a timely basis.

CONSTANTINE ALEXANDER: Thank you.

BRENDAN SULLIVAN: Ms. Kauffman, you wanted to --

JANICE KAUFFMAN: Yes. Thank you for an opportunity to be able to speak before the Board. I just want to say that I am an addictions treatment specialist, and have worked for North Charles since 1973.

I was one of the original folks who became involved in responding to the City of Cambridge's request to address the opiate treatment problem that was occurring during that time.
I have a very long history of knowing what's happened with the -- with our organization, the properties that we have been part of, and also the treatment of substance use disorders.

Since we started the programs, our medication dispensing has always been at the Cambridge Hospital. There's never been a question about that. And the Cambridge Hospital has in fact supported it. In fact, I think one of the letters that's been submitted to the Board is from the Cambridge Hospital.

I was -- the other thing that I want to say is that I was a resident of Cambridge for 12 years. And, as I said, I've been working nearly 50 years for the -- for North Charles, and providing services for the Cambridge Hospital. We are a preferred provider to the Cambridge Hospital, and they have articulated on more than one occasion their dependence on our services.

So I want to just start by framing my comments that way.

I also am involved nationally in the development of treatment guidelines for SAMSA, and have worked with the Institute of Medicine to develop guidelines for the
treatment of opiate use disorders.

And so I am -- I'm also an Assistant Professor of Psychiatry at Harvard Medical School, and I've spent a good deal of time educating residents, medical students, Fellows, about the treatment of addictive disorders. We hold a strong reputation across the country.

I have to say that my commitment to North Charles and the citizens of Cambridge has been, obviously, for a very long time. I've prided myself on being an active part of the community, both previously as a resident and continuing as a service provider.

And one of the reasons for doing that is that Cambridge has been so progressive and committed to the care of patients of mental health and substance use disorder. In fact, as I mentioned earlier, the City of Cambridge requested that we do this work. And we have done so ever since.

I am so disheartened by the actions of our abutting neighbors. And to address the question, when we initially moved to 54 Washburn Ave, we issued and invitation to talk to residents that are on Washburn Ave about what our intent is, what the nature of our services were?
And there were about a handful of people who attended, but the preponderance of people on Washburn Ave did not attend.

So to answer your question, yes, we have reached out, but we've had minimal response to that.

I also have to say that, you know, the relationship that's gone on around how they have treated our patients and Staff I have to say, does not really support reaching out and asking for more of that.

So I wanted to sort of just make those statements to let you know the context by which I am presenting my information.

I was really disheartened about the actions of the Zoning Board to deny us. The permit that was legitimately granted when we moved in to provide counseling services.

The City is well aware of the services that North Charles has provided, and has granted permits to us for many years, throughout different locations in the City of Cambridge.

So to suggest that there was ever any question about what we did, and what we intended to do at 54 Washburn Ave to me personally is really appalling. And I remain
disconcerted about this.

I have to say that I have observed stigma towards our patient population ever since we started the work at Washburn Ave. I have never experienced that to the extent that we have had since we've been there.

I am very well aware of what's going on at Lime and Cooney Street around services that the Cambridge Hospital offers for our patients, and we have enjoyed a supportive reputation and relationship with REM (phonetic) for many, many years.

I feel like the behavior is really personally seen as outrageous. I've observed this behavior of the neighbors towards patients who are coming here to seek help, not to create problems.

So that one would think that you would be worried about people who are not seeking help and hanging out on the streets, not people who are trying to change their lives, and quite frankly have done so in extraordinary and impressive ways.

Specifically, I've seen neighbors taking videos of their comings and goings. Some people have physical disabilities for all kinds of reasons. And some people have
been transported for services in medical cabs because they aren't able to get there in other ways. And that's because of physical disabilities that they have, not because of their substance use disorders.

I think that it's been outrageous to me that they have posted accusatory and misleading pictures on Facebook, have really exaggerated vignettes, as well as violated the privacy of our community members who are coming to get help and actively seeking to treat their substance use disorder.

This I just find appalling. I've seen some letters that have been submitted. And for them to suggest that by virtue of us being at 54 Washburn Ave that we are creating a situation where we're not ensuring privacy, I would contest that what doesn't assure privacy is neighbors taking videos and pictures of our patients coming in and out. I find that just unbelievable for people who are in such an educated and open-minded community.

I have personally spent time with patients addressing the trauma that they have experienced by these activities. The behavior should be an embarrassment to the city, and should not be the kind of reputation that Cambridge would want to support, especially during the
throes of a life-threatening opioid, which continues to rage.

So I am happy to answer any questions that you have. I am happy to come personally and speak to the Zoning Board -- whatever would be your pleasure.

I respectfully request that you support our continued stay at 54 Washburn Avenue, and that you support the care of our community going forward. Thank you for your time tonight.

BRENDAN SULLIVAN: Thank you for your comments.

CONSTANTINE ALEXANDER: I have a question.

BRENDAN SULLIVAN: Yes. Mr. Alexander has a --

CONSTANTINE ALEXANDER: My question is very simple. Have you looked at other properties in Cambridge, or maybe adjoining communities?

BRENDAN SULLIVAN: This will be to Gary.

GARY HOULE: I'm sorry.

BRENDAN SULLIVAN: This would be to Mr. Houle.

GARY HOULE: We looked at -- yeah, we looked at a number of different properties in the area. I probably got -- at the time in 2015, we looked at upwards of 20 properties in the area, right? We found very few that met
our needs, because of the build-out required, really. Because we require, you know, we're not just an open cubicle operation. We need individual offices.

And this particular building was small enough, had a parking area, which is needed, and had -- it needed a limited build-out as far as office space goes, in order to do the counseling, which requires confidentiality obviously. So that's why we landed where we did.

And frankly, the landlord was very -- the landlord was very welcoming of our use.

CONSTANTINE ALEXANDER: You're describing what you did, and it's very notable, in 2016, '15. What about in 2022? Have you looked around to see if there's any comparable or acceptable space that would avoid the issues you're having with your neighbors?

GARY HOULE: I think we're intent on staying where we are, and I don't think -- I have not looked at anything else. Unless the City is willing to buy us a building, I'd be more than happy to look into it.

CONSTANTINE ALEXANDER: Our Board can't help you with that.

BRENDAN SULLIVAN: All right. Let me open it to
any other Board questions or comments, and then open it to public comment. Then we'll allow Denise or Janice to respond at the end of that.

Let me just start off, my own observations is I sat on this case six years ago. And in the interim of those six years, I have every once in a while, gone over to Washburn and just to sort of get a sense of what's going on and what have you.

And it appeared to me to be just normal comings and goings in an office building. And then when this case came before us, then I focused a little bit more clearly. And let me inform the Board that I have probably been there five, six times in the last two or three weeks.

And on occasions I've pulled into the parking lot, because I wanted to sort of count the cars. And I counted 10 cars, and that was at 10:00 in the morning, 10:30 in the morning and I would say, like, really very low level of activity.

When I was met by a security guard, who asked me if I had an appointment. And I said no. And he said, "Well, you cannot be parking in the area" unless I had an appointment to see somebody. And I said, "Well, I'm
actually here -- " I said " -- it's on a City matter, in affiliation with a City agency," And I said, "So I'm just -- so he was a little suspect, and what have you, but he said okay.

And I asked him question. I said, "How long are you here for?" And he says, "Oh, I come early in the morning -- " he says, "-- and I stay here until they tell me I can go." And he says, "Sometimes it could be noontime or something like that."

And I said, "Do people come back in the afternoon?" He says, "Well, I don't know." He says, "Possibly." He says, "I think there is a morning security and an afternoon -- " he says, "-- but I only do the morning thing." Or something.

And I says, "Is this sort of normal?" And he says, "Well, ever since the last couple years--" he says, "-- it's really been quite low key as far as the comings --" he says " -- because of the pandemic and because of the in-person appointments and all."

And, he says, "The point is, I don't even know why they have me here, because --" he says, "-- other than the occasional person who probably lives out of town and wants
to park in the parking lot and walk down the street, jump on the T and go in town or something like that."

So I guess to sum it all up, it seems that the level of activity, the comings and goings, is greatly reduced.

And again, Gary, you explained that earlier in your comments. The reason for that is the pandemic, and that as a result of that, you may have found a new way of doing, conducting your business, and that the people that you serve have also been able to do this remotely.

And so you've been able to take care of them and still operate efficiently, and that as we sit here every Thursday night and put on decks and put on little additions because people are now working from home and decks because they want to get out of the indoors every once in a while, and just get some fresh air, society and societal trends have changed.

We're confronted with those all the time and adjust to that. And so I think that -- I think it's a plus that the level of activity that you're experiencing now and probably will experience in the future is much less than an office building of comparable size -- again, telephone,
telecommunication, operation or whatever, so that the
impact, I think, is greatly reduced.

Something that I think Janice, you may have
brought it up or something like that, and I'm always sort of
wrestling with great terminology or the proper terminology
to use for people that you serve... and you also serve people
that do have some sort of health issues, is that correct, at
this facility, or is it mostly opiate additions or the --

DENISE CHICOINE: I'm happy --

BRENDAN SULLIVAN: Gary, or -- Gary maybe you
could answer this.

GARY HOULE: Yeah, I can answer that. Yes, we
have a mental health -- we have a mental health clinic that
serves, you know, basically people with common mental health
problems -- you know, depression, bipolar disorder,
schizophrenia, et cetera.

You know, the need now is, obviously, through the
roof because of the pandemic. I -- you know, and those
folks, almost 100 percent of those folks are treated right
now telephonically and telemedicine wise.

At this point, I don't think -- I'm reasonably
sure that there are zero mental health patients coming into
the building right now. So -- and that's -- that's pretty
miraculous that we can maintain them and keep them safe, and
not have to see them face-to-face.

And as I've said, as I said too, I -- you know, I
don't guarantee it's going to be 100 percent the way it is
right this second, but I know it's going to be 30, 45
percent reduced activity going forward. It's really -- our
treatment model is changing.

We're learning about -- we're learning this like
everybody else right now. It's -- we're sort of going
through a real change with this modem of care. And a lot of
it is --

A lot of it too is because we can't hire. You
know, hiring is a real problem, and we have a reduced staff,
actually, because of the pandemic. And that's another
reason you don't see as many folks in the parking lot, we're
having trouble hiring. A lot of people just want to work at
home and don't want to come into the office.

So like any other business, really, as far as that
goes.

BRENDAN SULLIVAN: Are you going to hybrid, also
with the existing Staff?
GARY HOULE: Yeah. We actually have a couple people working 100 percent remotely, and I don't think anyone's coming in more than -- any of the treatment staff is not coming in any more than three days a week. The administrative staff is in every day. But, you know, that has nothing to do with treatment.

BRENDAN SULLIVAN: All right. Good. Jim Monteverde, any questions or comments at this time?

JIM MONTEVERDE: No questions, thank you.

BRENDAN SULLIVAN: Wendy Leiserson, any questions, or comments at this time?

WENDY LEISERSON: No, not at this time.

BRENDAN SULLIVAN: Slater Anderson, any questions?

SLATER ANDERSON: No comments.

BRENDAN SULLIVAN: Mr. Alexander, any other comments?

CONSTANTINE ALEXANDER: No. I'm all set.

BRENDAN SULLIVAN: 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.

Generally, we allow up to three minutes, to be strictly monitored. If there are more than 10 or 15 people, I will reduce that to two minutes.

We still have a full slate of hearing: One, two, three, four, five, six, seven, eight cases after this.

So, you know, all I ask is that you express your opinion. We welcome it, but have some consideration from the Board Members also.

OLIVIA RATAY: Sam Kachmar?

SAM KACHMAR: Hi. My name is Sam Kachmar. I'm a resident of Cambridge since 2010. I would just like to express my strong support for the continued support of the mental health and opioid treatment within the city. I think it's very important to support those things everywhere.

That's it!

BRENDAN SULLIVAN: Thank you, Sam.

OLIVIA RATAY: Jeff Melnick?

JEFF MELNICK: Thank you. My name is Jeff Melnick. I live on Reed Street in North Cambridge. I've lived here for 25 years, raised two kids, sent them through the public schools.
I want to talk in strong support of the permit that North Charles is asking for. I don't have to tell the Board Members about the crisis of opiate use in our community and beyond.

I have to say on a personal level, I lost a very close family member 20 years ago to heroin overdose, so this is as personal as personal could be.

But as a neighbor, I have to say that I see that the folks at the Washburn Ave facility are doing God's work and doing God's work in an incredibly successful and purposeful and careful way, as I'm sure is true for many of you during this pandemic.

One of my main social activities has been taking long walks, and one of the things I've done is walk again and again past, because I remember some of the neighbors' points at the first round of hearings five or so years ago.

And if you go by there, and I know that your Chair spoke about going by a handful of times -- I've been by dozens of times -- and you really would have no idea what kind of services are being offered there. There's not any particular chaos; it's a quiet block that has remained quiet, even with the North Charles facility there.
And we just absolutely need this in North Cambridge. You know, if we think about where North Cambridge is and where the density of this kind of treatment facility tends to be, you know, we know that it sort of aggregates around neighborhoods like Central Square.

And we have the need in North Cambridge, the closeness of the Davis Square T stop, the fact that the bus runs right along Mass Ave, near Washburn Avenue just means that it's accessible to a large portion of the population.

As we've heard from the Director, so much of their work has gone to telehealth now. So there's literally as far as I can tell no impact on the community in terms of negative fallout from having the services here and just the most urgent, necessary, positive impacts.

So I really just want to urge you to think about how much we need think of facility in North Cambridge. We don't need another frozen yogurt shop, we don't need another bank, we don't need another donut shop. What we do need is think of social service outline. So thank you so much. I appreciate your time.

BRENDAN SULLIVAN: How many in the queue?

OLIVIA RATAY: Seven.
BRENDAN SULLIVAN: Is Councillor McGovern on the line? You have been holding for an hour and --

OLIVIA RATAY: Marc McGovern?

MARC MCGOVERN: Thank you. And Mr. Chair, I would say that at Monday night City Council meeting, we had over 150 public speakers. So I feel for you. So Marc McGovern, 17 Pleasant Street in Cambridge. I would like to speak in favor of North Charles' petition.

I come before you today on the in my capacity as a City Councillor, but in my role as a Licensed Independent Clinical Social Worker, who has worked for close to 30 years with children and families.

In this capacity, I have seen the opioid crisis destroy lives. I've seen countless children enter the foster care system because of their parents' substance use. I've seen children bury their parents and parents bury their children.

This crisis crosses all demographics. Substance use disorder can impact any of us, and my guess is that we'll know someone who has struggled with addiction.

North Charles provides much needed clinical support to those who are in recovery from this illness, and
addiction is an illness. For those who might say, "Well, you don't live in the neighborhood," I will point out that I live less than 100 yards from the Needle Exchange program on Green Street. I was born and raised in the home I now live. I remember when the Needle Exchange came to my neighborhood, and I supported it then, and I support it now.

So I do understand. And I am not asking anyone to support something in their neighborhood that I don't support in my own. Many neighborhoods have service providers similar to North Charles. What makes Washburn Ave, with the majority of the street being in Somerville, more special than my neighborhood?

I would say just because a handful of abutters have concerns does not mean that those concerns are reasonable or should trump the greater good.

What makes me sad is that if North Charles was providing therapy to married couples or children, we wouldn't be having this discussion. The concern is not about having a clinic at that location, but it is about having that type of clinic in that location.

If I heard correctly tonight -- and I didn't know this until tonight -- that one of the prior occupants of
that building had over 100 staff. If we're concerned about traffic and parking, I would imagine that that was much more disruptive to the neighborhood, yet it was allowed. Let's be honest. We are having this discussion because of the clients they are serving.

I'll also say that the concerns that North Charles is administering medication is not true. I have toured the facility on three occasions. North Charles has added security at the request of the neighbors. They've allowed neighbors to use the parking lot at the request of the neighbors. They have informed their clients to vacate the premises immediately at the request of the neighbors, despite sidewalks being public streets or public places.

So I ask that you please approve the special permit tonight and allow North Charles to continue serving those who need their support, both because North Charles is providing a life-saving service, but also because they've been responsive to neighborhood concerns. Thank you very much for your time.

BRENDAN SULLIVAN: Thank you, Marc.

OLIVIA RATAY: Ivan Toft?

IVAN TOFT: Hi. Thank you very much to the Board
and I'm just going to start by saying very quickly that I agree with Mr. Alexander. Very little has actually changed in the last seven years of experience we've had being neighbors of North Charles.

The first thing that hasn't changed is that all of us on the street -- all of us who wrote, "opposing" and I'm sure the Board agrees -- agree with the support letters on one thing, which is that the service that North Cambridge provides is vital, and the patients deserve that care. They are an underserved community. Cambridge benefits from those services. So we agree on that.

But now we have problems. First of all, if you look at the addresses -- not all of them have addresses -- of the people that are supporting, most of them, like Marc McGovern, live over three miles away. They just don't live on our street. They don't see the comings and goings.

Even the staff that work in the building don't see the comings and goings. It's like a space station. They show up in their cars, they go into the building, they work all day and then they leave. They do not live on our street.

We've been accused of many things that are
offensive. And as someone who's lost a sister to drug 
addiction, I'm deeply offended by the idea that we're all 
these sorts of backward, bigoted NIMBYs who don't support 
the mission. Let's be clear: We all support the mission of 
NCI.

But we can't confuse the mission of NCI and the 
needs of the citizens and of the patients that genuinely 
deserve that care with the location in which the services 
are provided. I'll just go through really quickly, a lot of 
stuff that's been said is just nonsense -- by the attorney, 
by Mr. Houle, or it goes in the opposite direction.

So for example, Ms. Kauffman has spoken twice -- 
first in her letter, and then tonight passionately about the 
so-called abuse that NCI's patients and bigotry and stigma 
of us recording them. Listen, it gives us no pleasure to do 
either, but we're forced to document.

People say, "Well what's it like having ambulances 
come up your street?" "What's it like having somebody open 
a car door and vomit in it?" "What's it like having 
somebody pass out in front of a child?" "What's it like 
finding needles on your street or chain smokers or the beep-
beep-beep of all hours of these kinds of things?"
Well, we're forced against our will to document this stuff with this measure. But it actually speaks to the reverse argument. I don't think Ms. Kauffman is aware that what she's saying is, "This is an argument for North Charles serving this patient community in another location, where they would have accessibility and privacy."

And look, I don't want to go on too long. I could easily reply to the arguments that the attorney raised in this, but I don't really want to do that. It does create a nuisance or a hazard. There has been traffic congestion.

I would surmise -- and I think you, the Board would agree -- that the main reason we're having this revisiting, it's what it is, revisiting of the permit, is because COVID, something beyond Mr. Houle's incompetent leadership, COVID has reduced the patient population.

But along with Ms. Kauffman, COVID really is an argument for North Cambridge doesn't need -- North Charles doesn't need a big parking lot anymore. It doesn't need a big building anymore. If telehealth is the new reality, and the reduction in traffic that it has already caused is permanent, then that's an argument for their moving, right?

So, again, nothing has changed. If you don't live
in our neighborhood, if you don't live next to North
Charles, if you're not here, please don't keep telling us
that there are no negative consequences, that traffic isn't
an issue.

BRENDAN SULLIVAN: All right, thank you.

IVAN TOFT: Mr. McGovern raises this sort of
red herring. All right. Yikes. I could go on. But I'm
only angry now, I'll just say. And I wasn't anger/rage
seven years ago, I was sympathetic. All of us wanted to
help North Cambridge -- I mean and NCI move, but I'm angry
now because Mr. Houle has shown a complete and utter
disregard for our welfare.

BRENDAN SULLIVAN: Thank you.

IVAN TOFT: And I would add his patients' welfare
as well. Thank you.

OLIVIA RATAY: Antje Danielson?

BRENDAN SULLIVAN: I would just please ask the
future speakers to refrain from the personality. Stick to
the issue, but there's no place for that here. Leave the
personality charges out, please.

ANTJE DANIELSON: My name is Antje Danielson. I'm
the owner of 55 Washburn Avenue. I'm a direct abutter to
And Mr. Chairman, thank you very much for letting me speak.

And your last comment, I would say, would apply to Ms. Kauffman, just as much as my neighbor, Ivan Toft. I was appalled by what Ms. Kauffman said about us, about us neighbors who oppose the presence of NCI on our street.

Quite honestly, I feel attacked by her, and that is a not good sign if you want to have neighborly relationships with where you are.

We are opposed to this because this is a Residential B neighborhood, it is a medical facility -- I'm very sorry to say that, it's not just office use. Clearly, there are severely ill people who get treated at this facility and you can't have it both ways. You can't say "It's not medical use, yet we have patients severely ill people that get treated here."

Also, most people who are in support of the facility say that most of the patients there are opiate addictions, addiction patients. And, as Ivan said, none of us in the neighborhood disputes the laudable mission of the facility.

It needs to be -- there needs to be a facility
like this in Cambridge, but we are a Residential B neighborhood, and you have read and heard about all the impacts that this facility has on our street. So I don't have to reiterate that.

What I wanted to mention is that the current presence of the facility is entirely due to the fact that truth has been covered right from the beginning that Mr. Houle's permit -- initial permit application was a lie, and that if back then he would have had to go and get a special permit, the neighbors would have been there to speak to this.

And the operation of the facility for the last seven years has been illegal. They're still under a cease and desist order. And so there is no real precedent for peaceful cooperation either, because he's been there illegally.

And I -- yeah, I just wanted to say that I'm appalled by being accused of not fairly treating the patients that frequent NCI, and I would take that accusation from Ms. Kauffman as evidence for this facility not being in the right neighborhood, because she clearly has a very adversarial position towards the neighbors.
BRENDAN SULLIVAN: Thanks.

ANTJE DANIELSON: Thank you very much.

BRENDAN SULLIVAN: Thank you for calling in.

OLIVIA RATAY: Bill Brathwaite?

BILL BRATHWAITE: Thank you. Good evening. Thank you, Members of the Board. I'd like to address some of the comments that we heard --

BRENDAN SULLIVAN: Bill, if you could speak up, you're --

BILL BRATHWAITE: I'd like to address some of the comments that were given by the NCI Staff. First of all, their attorney is full of BS. The telecom outfit that was there, their parent corporation ran 24 hours a day, seven days a week, but as someone who grew up on this street for 55 years, I can tell you the telecom facility was silent every night.

Maybe once in a great while, a technician would come in to retrieve some tools and equipment and be gone. Blue Air (phonetic) refrigeration plant that was there before them, they were also dead silent. And they only had three trucks. So I don't know where they got their information on the use of this factory, this building.
It was at one point a toy factory, I remember that, but that was in the late '50s and early '60s. Now, I would like to ask Gary who is exactly running around spray painting your facility? It's none of us. We are all grown adults. None of us has time to vandalize your building, and why would one want to do dirt in one's own neighborhood?

Further, I think that the police and fire response logs since NCI has opened on Washburn Avenue would bear out that this facility is a medical facility, and it is a nuisance. Because the response by Cambridge Fire and Professional Ambulance, Somerville Police and Fire is through the roof. And their call logs will bear that out.

When Ms. -- they claim that they entered into this agreement with us on Washburn in good faith by having an info meeting when they first started. No real notice was given to any of the direct abutters prior to them having what they call their "Get to know you meeting."

 Practically no one who is a permanent resident of that street was given a formal letter, chain letter, certified letter, or even a flyer stuck in the mailbox.

I would like to ask if telehealth is working so well for you guys, then I'm sure you won't mind taking your
show home to your house and work out of your home offices.
And then you can not only maximize your efficiency, you can
save the amount that you've been paying in rent to go
deliver better treatment.

And then in addressing Mr. McGovern, he should
come better than to say that most of Washburn Avenue is in
Somerville anyway. It is not. Washburn Avenue is in
Cambridge. The upper end of the street is Newbury Street in
Somerville.

So I don't need to be lectured to by concerned
neighbors when Pleasant Street is at least three miles away
from Washburn Avenue, and Reed Street is an easy mile. We
could actually put the NCI facility right there in Cormier's
Grocery Store and let Reed Street serve the North Cambridge
neighborhood, if that's what's really needed.

BRENDAN SULLIVAN: Thank you, Bill.
BILL BRATHWAITE: Thank you.
BRENDAN SULLIVAN: Yep.
OLIVIA RATAY: Monica Toft?
MONICA TOFT: Thank you. Thank you, Chairman, and
thank you Members of the Board. My name is Monica Toft, and
I live at 63 Washburn Avenue. So we have been dealing with
this for seven years. We're no longer in a hypothetical situation.

The North Charles petition, we received 13 letters in support. Of 11 who provided their address, only one live on Washburn Avenue. Ten live anywhere from 1.3 miles to 3.3 miles or about a 15-to-25-minute car drive away. They are not members of our neighborhood.

They are not impacted, and they have no idea how NCI has impacted us. Yes, we have documented what has been happening, because we were told that it was going to be he said, she said, and the only way to demonstrate our case was to document how disruptive this facility has been.

Yes, COVID has given us relief -- much welcome relief. Our concern is that if it's special permitted, once COVID and the pandemic is over, we're going to go back to levels where we cannot have in this neighborhood.

The parking lot cannot absorb the number of cars. Mr. Houle has said that there's 27 spaces, and he's got 30 staff. Well, they often have group meetings of 10 or more coming and going at the same time. It's pretty dramatic, actually, in the evenings and in the mornings.

We now have two petitions signed against issuing a
special permit. The first one, 2015 and now another one in 2022. And we had to pull together within six days because we did not know this this special permit hearing was coming up.

In six days, we managed to get almost every abutter to sign on -- 31 signatures. And why is that? Because each and every one of them understood what this facility means and its impact.

This has not been hypothetical. Mr. Houle himself is not a Cambridge resident. He does not live on our street. For over three decades -- I think it's four decades -- North Charles did serve Cambridge residents, but it did so from Beacon Street in Somerville, not a Residential B neighborhood in Cambridge.

Moreover, North Charles is not the only talk therapy institution in Cambridge. It may have been when they came here seven years ago, but it is no longer the case. Moreover, there's one even closer in Davis Square. It's like a two-minute walk from the T station.

This is a mental health facility treating mental health patients. What is striking to me is that this staff has little regard for the mental health of our children, our
neighbors, us.

Residents of our narrow street have hoped to raise our children in a quiet, peaceful setting without addicts, overdoses, needles, screaming matches -- regular screaming matches -- an emergency vehicles constantly disrupting our lives.

I just gave a sampling for evidence, and you could see that two of them happened within a week of each other. We never faced these issues before, which explains why North Charles hired a security guard.

And for the record, we didn't request it. All of a sudden, he appeared one day. That makes me very uncomfortable when I go out in the morning walking my dog and having to confront a security guard, who basically shoes me away to stay away from the property.

Again, not a good fit for a residential neighborhood.

BRENDAN SULLIVAN: Thank you.

MONICA TOFT: Thank you.

OLIVIA RATAY: Esther Splaine?

ESTHER SPLAINE: Can you hear me?

BRENDAN SULLIVAN: Yes.
ESTHER SPLAINE: Okay. Hi. My name is Esther Splaine. I've been a Cambridge resident all my life, and I've lived -- I can see the facility, North Charles, from where I live. And I just want to say that currently, because of the COVID pandemic, it is quiet.

But before that, it was not. Packages were stolen. Regularly people were urinating on property, lots of profanity up and down the street. This is a family neighborhood.

People selling pills. Tons of coffee cups from Dunkin' Donuts up and down the street. Police were called regularly -- both Fire, the Fire Department was there often, both from Cambridge and both from Somerville. This is a residential neighborhood. And this is a business that really belongs in a different setting.

I currently -- and I totally understand the whole thing of addiction. I have -- my youngest child suffers with addiction and is currently in a facility. I'm offended by the people who say that we are not sensitive. I don't think that we need to enable dysfunction in order to prove that we are sensitive or are concerned.

I'm just -- I'm just really saddened by the
behavior of this facility and how they don't in any way understand or even try to understand what we as a neighborhood are dealing with.

So that's basically all I want to say, and I just want to say that I've been a resident here for 70 years. Thank you.

BRENDAN SULLIVAN: Thank you very much for calling.

ESTHER SPLAINE: Yep.

OLIVIA RATAY: Collin Fedor?

COLLIN FEDOR: Hi. My name is Collin Fedor and I live at 19 Washburn Avenue. And I just wanted to provide a comment in support of the special permit application. For quite a while that I've lived here with my partner here -- she is a homeowner here actually.

And for the longest while, we've loved walking down our neighborhood, and we didn't actually know that North Charles was -- provided the services that North Charles provides.

So when we ended up learning about it, I actually felt even more proud to live in this neighborhood, because as so many people have said, we're facing a crisis unlike
any other behavioral health crisis -- opioid crisis that we've seen before, and it continues to get worse.

And to know that my neighborhood is doing its part in providing these services to people that live next door, live down the street, live in other parts of Cambridge or Somerville is really important.

And I think that being able to provide these services is challenging for our human services workers who have felt the stress of COVID, for provider agencies that can barely afford to keep them on for a month or a year.

And so I really think that having this facility set up in our neighborhood is something that we need to be able to support, because there are so many people that are challenging and going through this struggle right now.

And so, again, I just want to say as a neighbor on the street, I've noticed it that, that -- you know, looking out the window I haven't seen any increase in, you know, some of those -- the traffic or other issues beyond what traffic that you would normally expect, or, you know, the wind blowing garbage down our street, and it piles up at the parking lot next door to us.

And those are things that are part of living in a
community and living in a city. And I'll go out on Saturday
morning to pick up whatever garbage accumulates from the
crazy wind that we've been having.

But I just wanted to be able to voice my support
as a resident of Washburn Ave and someone who really loves
this city and loves this community and neighborhood and
wants to be part of this fabric -- that I really hope that
North Charles can provide these services in a community-
based setting. Thank you.

BRENDAN SULLIVAN: Thank you for taking the time
to call in.

OLIVIA RATAY: Teresa Cardosi?

TERESA CARDOSI: Hi. My name is Teresa Cardosi,
and I also live in Cambridge. And I'd like you to support
this permit.

One of the aspects of healing for people that have
whatever type of problem -- mental health or substance use --
the ability to be in a stable environment with an
uninterrupted, therapeutic person that they really trust is
really important for their recovery. Because untreated
substance use issues can lead to death.

So I think that the closing of North Charles
Counseling Center, it's really going to jeopardize a lot of clients. So I want to encourage you to support them being open. Thank you.

BRENDAN SULLIVAN: Thank you.

OLIVIA RATAY: That's it.

BRENDAN SULLIVAN: Okay. That is the list of people calling in. I will close the call-in public comment. The Board is in receipt of -- is there one more calling in, Mr. Brandon? Michael?

MICHAEL BRANDON: Yes. Mr. Chair, thank you. This is Michael Brandon. I live at 27 Seven Pines Avenue, about a block and a half away from the facility.

I'm also the Chair of -- the clerk for the North Cambridge Stabilization Committee, the neighborhood organization. And our group has been monitoring this situation for the last seven years, when the facility first opened and permits were sought and denied by this Board.

And then, that has been in litigation while Ranjit Singanayagam, the Inspectional Services Commissioner back in 2015 I believe it was -- might be 2016 -- issued a cease and desist order because the operation does not conform to the preexisting use, which was listed as or determined to be
General Business at this location.

I won't go into the details, but I did send the Board a letter outlining why the special permit application that is before you is not appropriate in this zone in a use that's not grandfathered.

It's a residential -- a small, a low-density residential zone that zoning relief cannot be granted by a special permit -- it requires a variance, and just a dimensional variance in this case -- but instead, a use variance, which -- as the Board knows -- has a much higher, stricter standard of criteria before you can -- you can permit this.

So were you to grant the permit that's before -- the application that's before you, I fear that you're just inviting even more litigation, which the petitioner has been using to delay the required move that they need to make to a legal zoning district?

So I just hope the Board Members, and especially the attorneys, will review that before -- review my arguments before granting this permit, which in my view, based on the evidence submitted by the people who live on the street --
BRENDAN SULLIVAN: All right, wrap it up.

MICHAEL BRANDON: -- is compelling.

BRENDAN SULLIVAN: Okay.

MICHAEL BRANDON: Okay. I'll wrap up.

BRENDAN SULLIVAN: Thank you.

MICHAEL BRANDON: Thanks for listening.

OLIVIA RATAY: Aaron Brathwaite?

AARON BRATHWAITE: Hi. My name is Aaron Brathwaite. Can you hear me?

BRENDAN SULLIVAN: Yep.

OLIVIA RATAY: Yes.

AARON BRATHWAITE: Okay. I've been a resident on 61 Washburn Ave for -- and thanks for having me -- for 75 years. In 75 years, this has been a close-knit community for mainly, you know, families, kids, everything.

But when North Charles came in without, you know, a legal notice like I -- when you ask for a permit, you have to go to the City Hall and if it's a zoning permit, people have to get approved by the Zoning Board, if I'm correct. And that was never done.

We were never actually by mail or by any kind of media or whatever, us -- we weren't informed by the thing --
one day they were just there. I can remember when the last business was there. They were there for about maybe, oh, 9:00 to 5:00.

A lot of people came by bus. Some people came by bike. There was not that many cars in the parking lot. They were all friendly. They would always say hi to you on the street.

But this is -- this goes beyond that. You know, they've been denied. You know, they've been denied throughout court. They only have a permit to -- a zoning permit to work in there. And they just -- this is seven years. And seven years ago, I told the people at the Trolley Car meeting that this was going to last for a long time. And we're just tired of it.

There's plenty of locations right beside the street from where the Social Security office is. There is a building that's been vacant there for, like, the last 10 years. There's a large building, large parking lot around it. And why can't they move there? It just -- and they have all these modern things.

I'm an elder. I'm 75, going to be 76 this year. And this is ridiculous, totally ridiculous. It's taken
seven years; they want to rehash it again. So they want to
carry this on another seven years. Thank you very much for
listening.

BRENDAN SULLIVAN: Thank you for calling in.

AARON BRATHWAITE: Thank you.

OLIVIA RATAY: Matt Pellegrino?

MATT PELLEGRINO: Hi. My name is Matt Pellegrino. I just want to say a little something. I've been living
here at 37 Washburn Ave since 2019.

While I might be new to Washburn Ave, I love this
neighborhood. While I support the work that this facility
does, I oppose the work that's being done in a residential
neighborhood. That's all.

BRENDAN SULLIVAN: Thank you. That is the end of
the callers. I will then now close the public comment part
of the proceedings. I will note that there is a plethora of
communication -- some 121 pages or something in this file.
There is a big lot of communication from people who are
professionals in support of this, and extolling the need for
such services.

There's also a petition signed by 31 people,
collected on April 16, 2022 as previously represented. Most
of these signers are on Washburn Avenue, and they are opposed to the granting of the special permit. And there are other singular comments, letters, aside from the petition also voicing pro granting and against the granting of the special permit.

I'll open it back up again to Gary, if you want, or Denise briefly. Please do not counter the -- some of the remarks were -- it's not helpful to me, and I don't think it's helpful to the Board. Please have mercy on us that want to get into that. And I suspect that you will -- hopefully you will not.

So, again, if you have sort of some final comments that you feel that the Board should know?

DENISE CHICOINE: Thank you for the opportunity. Just two sentences. The first is that North Charles has not been operating illegally for seven years. The court returned the cease and desist order on a motion for preliminary injunction in November of 2015.

The second is the opposition has presented no evidence of current impacts. The photos and letters in the file all relate to 2015, 2016, or maybe 2017, but not current. Thank you.
BRENDAN SULLIVAN: Thank you. And Gary, anything to say?

GARY HOULE: No. Not really. I just want to thank you folks for reconsidering this. And in all honesty, I think that our continued use will in fact be reduced. I mean, I don't think there was an outrageous amount of use in the first place, but I mean it will be substantially reduced at this point.

And yes, COVID came along and we didn't expect it, and nobody did. But unfortunately, what's COVID's caused is an actual increase in the need for our services, frankly, rather than less.

And like I said, a lot of folks are local neighbors who actually we treat. So, you know, it's people you see around the neighborhood are actually in treatment with us, not just some mystery people from Boston or something. That's really not the case.

You know, we're not Mass and Cass, as far as that goes. And we don't intend to be, and we don't let the patients be. And I -- you know, I don't feel this use is more intense than it ever was, or ever will be. Thank you.

BRENDAN SULLIVAN: Thank you. I have a question.
And it keeps coming up every once in a while, I don't know what's the word -- obviously you deal with individuals who have mental health issues that they're dealing with, also substance abuse, and then somewhere along the line I have read, or it came under my eyes that the word "disability" keeps popping up.

And a few speakers tonight have mentioned the word "disability" and its relationship with the classification of your clients. And I do this very gently, I hate to classify or -- because then once you start classifying then you're putting people into a box, and then you go down that road and then it becomes, you know, a stigmata thing, which is -- I want to stay away from that.

Do the people that you service -- they have a disability clinically, is that correct?

GARY HOULE: Some do, some don't. Some with long-term -- some folks with long-term illness, some of the -- I would say if we do have any left of the long-term schizophrenic patients on the mental health side -- may be--quote, unquote-- "disabled" from a government standpoint. The government has ruled that they're disabled, they're on SSDI, and they're disabled.
Now, there are also a class of patients we have that have physical disabilities, that have nothing to do with the mental health or substance abuse that we're treating them for. They may be in wheelchairs, they have had -- you know, back problems, been in car accidents, blah. They're also considered disabled.

There are some substance abusers that are considered disabled too on the -- by the government, and are receiving SSDI. You know, I can't comment as to how many of those people there are, but there are some.

BRENDAN SULLIVAN: I'm just wondering if they somewhat qualify under the Americans with Disability Act and --

GARY HOULE: They do.

BRENDAN SULLIVAN: -- and if, you know, what you provide, what is -- it's under the American Disability Act, and that the people that you serve are protected by that act. That's all. I guess that's sort of what I was going towards, or if it's possible. You know?

GARY HOULE: There's probably a large proportion of our folks that are protected under the ADA.

BRENDAN SULLIVAN: Okay. All right. All right I
have no other comments at this point. Mr. Alexander?

CONSTANTINE ALEXANDER: Are you there?

BRENDAN SULLIVAN: Yes.

CONSTANTINE ALEXANDER: Okay. As I've indicated before, and I'm sure the petitioner is aware, I was Chair of the meeting five or so years ago when the Board unanimously denied relief, the relief the petitioner sought. Each of us would have presumably had their own reason -- his or her own reasons for denying it.

Mine was, and I was focused -- what I really focused on -- was the notion that this caused a substantial change in established neighborhood character.

And in particular, I was concerned given the narrowness to the street, and the fact that it's a residentially -- very heavy residential area, that it would be -- that was going to be the change in neighborhood character; traffic issues. And that's why I voted against it.

Time has passed -- five or so years, and what I've heard tonight, and it's obviously borne true on security generally, is that people are communicating and doing business or socializing remotely. More and more, people are
not jumping in the car to drive in traffic. They're using Zoom or the phone or their computer, and as a result, you don't see as much traffic.

And that's to your testimony to that effect, that you've seen a substantial diminishment of automobile traffic, people not coming in as much as they did before. You don't need all the parking space you probably assumed you needed six years ago.

Well, based on all that, I'm willing to reconsider my vote then, and to vote tonight in favor of granting relief. I think the fears that I had been proved to be ill-founded. So my vote is going to be in favor of granting the relief.

But I have one comment to make to the petitioner: Why haven't you reached out to the neighborhood? You know, you -- I have heard nothing from the neighbors or from yourselves about trying to get the neighborhood to understand what you do, how -- the service you provide -- to mend fences?

And that's part of your problem, frankly. Not enough for me to vote to deny relief, but I think you really should look at yourselves and think about what you should
have done and haven't done. That's my comment.

Brendan Sullivan: Thank you. Jim Monteverde?

Jim Monteverde: You know, I'm leaning in favor of the proponent, the relief. But I want to recognize the numerous comments we heard from the neighbors who spoke in opposition.

And so I'm looking for some way, Mr. Chair, that I could support the request on a conditional basis -- that over a period of time, the proponent would have to come back and basically demonstrate, as Mr. Alexander had said, they had made those outreaches to the community, that some of the community concerns that were addressed -- trash, loud talking, you know, traffic, additional traffic, that the proponent make an attempt or the proponent do -- try and manage to see if that -- all of those conditions could be made better as far as the neighbors are concerned.

Brendan Sullivan: Thank you.

Jim Monteverde: Thank you.

Brendan Sullivan: No, that's -- Wendy Leiserson, comments?

Wendy Leiserson: Yes. I did have a couple of comments. Well, really, one question and one comment, which
is when I told my 14-year-old about my cases today, she said, "Wouldn't it be great to have people looking for help showing models of people trying to get help for their condition as our neighbors?"

And I thought that was a really interesting comment from a 14-year-old. And so I just offer that as food for thought.

But -- because it made me think. And I wanted to just get a very brief statement for the attorney for the proponent. Walk me through, please, the provisions regarding use that some of the -- there's been some discussion about whether you actually could be issued a special permit for this use.

So can you please just very succinctly tell me the legal ground for you getting a special permit?

DENISE CHICOINE: Yes. Thank you. We are seeking the special permit on the ground of non-profit educational use. There has been testimony about the clinic's affiliation with Harvard, and the excellent work it has done on the basis of educating and assisting individuals who have mental health issues and substance use disorders. The alternative ground is some other institutional use not
WENDY LEISERSON: Okay, thank you. Like Jim, though, I am concerned about the neighbors, and while my 14-year-old might have seen what benefit it would have to have an institution like this in the neighborhood, clearly your neighbors do not benefit, and I would be more reassured if there were more community support for this.

So I'm interested in a possible condition that Jim was asking about.

BRENDAN SULLIVAN: Slater, comments?

SLATER ANDERSON: You know, I also sat on this case seven years ago, and I don't feel that my position has changed. I really think I need to look at this narrowly through, you know, the -- what the zoning is saying.

And the impact here, you know, under the special permit provision on the neighborhood seems significant. And it has caused a change in neighborhood character by the people who live there.

And, you know, it's -- what are the options, North Charles moves or the neighbors move? We were not going to make the neighbors move, feel that they are forced out of, you know, where they have lived for decades in some
cases.

   So it's a Res B zone. It's not really the appropriate zone for this type of use. I have tremendous empathy and appreciation and respect for the work that they do. I have family members that access mental health care from similar organizations.

   I just feel like this has been a seven-year battle, and it hasn't gotten better. I agree with Brendan that -- I'm sorry, with Gus that there doesn't seem to have been any effort on the part of North Charles to work with the neighbors in any capacity, and that's unfortunate.

   So I -- I'm not swayed. I'm happy to listen to -- you know, some middle path on this. But I'm going to side with the neighbors on this one.

BRENDAN SULLIVAN: Okay. I also sat on this case the last time, and at that time I think yes, we did take a very strict go in and look at the ordinance, the requirements of the ordinance, and felt at that time that it would impair the integrity of the district or and so on and so forth, and what have you. And I think mea culpa and shame on me.

   I think it's probably -- it could be easy, again,
to say, "Now I voted that way before, and why should I change my vote?" And it would be easy to say yes to the neighbors who live on the street. I do hear them, and I understand their position.

But I can't say no to people that North Charles treats. And so I would vote for the special permit.

As far as a condition Wendy and Slater and Jim, that you have suggested, Gary, let me ask you how long of a lease are you there for? What is the term of your lease?

GARY HOULE: 10 plus five.

BRENDAN SULLIVAN: So you're, Jim, Wendy, Slater, Gus, could we grant a special permit for five years?

CONSTANTINE ALEXANDER: I think we can grant a special permit for whatever we want to grant it for -- five years, one year, 10 years.

BRENDAN SULLIVAN: Jim? Any thoughts?

JIM MONTEVERDE: Yeah. I was just looking for a time frame. And my gut feel is five years feels too long.

CONSTANTINE ALEXANDER: I think so.

JIM MONTEVERDE: Where the proponent, you know, basically has to demonstrate that they've, you know, contacted the community and they've made some -- they've
done some actions to ameliorate the concerns that the
neighbors had, whatever those are -- trash, noise, et
cetera.

You know, it's -- my heart tells me it's, you
know, maybe a year is too soon, maybe two years feels right
about right.

BRENDAN SULLIVAN: Well, I was thinking three
then. If we don't do five, maybe do three, which brings it
up to the 10? Three years?

CONSTANTINE ALEXANDER: I was going to say either
two or three years.

BRENDAN SULLIVAN: Because with three years, then,
they basically have to reapply almost at the 2.6 mark in
order to get on the calendar before they're --

JIM MONTEVERDE: That's fine. Right.

BRENDAN SULLIVAN: So three years?

JIM MONTEVERDE: Yep.

BRENDAN SULLIVAN: Wendy, is that acceptable?

WENDY LEISERSON: Yes, although I'd like you to
be, like, specific about what we're looking for them to do
in the condition --

BRENDAN SULLIVAN: Okay.
WENDY LEISERSON: -- you know, which is outreach.

BRENDAN SULLIVAN: Okay. And I will entertain the Board to chime in on that. Slater, three years, does that seem okay for you?

SLATER ANDERSON: I'm not sure I'm swayed but, you know, I'm the one that's not going to --

BRENDAN SULLIVAN: Okay. All right. Well, I'm giving you the courtesy. All right. Let me make a motion, then, to grant the special permit.

As per the application, supporting documents contained therein 54 Washburn Avenue, to allow the use for educational purposes on land leased by a non-profit educational corporation, social service center and institutional use under the listed sections, the Board finds that the requirements of the ordinance can be met with the granting of the special permit.

The Board finds that the use of the property would be general office use as a non-profit educational and/or institutional use, health care facility, and a social service center.

The issuance of the special permit would meet the requirements of the ordinance as it would conserve the
health of North Charles clientele and the residents of the city, and allow for the most rational use of this particular property, built out to specifically serve North Charles clientele and increase the amenities of the city.

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

And I would add that the established neighborhood character is of a building itself, not necessarily of the people who use the facility.

The Board finds that North Charles offers free parking, and many of North Charles' clientele use public transportation. A large percentage of the clients have used remote services throughout the pandemic, specifically as it does reduce on-site traffic.

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 at this facility.

The Board notes that it has been a nonresidential building for well over the past -- Denise, what did you say,
again, over 100 years, is that --

DENISE CHICOINE: Yes. It was built in 1900, and it's always been used for commercial use.

BRENDAN SULLIVAN: And the Board finds that no nuisance or hazard will be created to the detriment of the health, safety and/or welfare of the occupant of the proposed use, or to the citizens of the city.

I would add that the facility is adding an offering -- a much needed service to not only the citizens of the city, but just our own fellow citizens.

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

The Board finds that the granting of this permit will be for a period of three years, effective from the date of the -- which the date of the permit becomes effective, and also on the other conditions.

BRENDAN SULLIVAN: Mr. Chair, I think we should put in the decision that during that three-year period, we would expect that the petitioner and the neighborhood would try to get together to demonstrate that what is being done
at the address is not a preferably substantial change in
established neighborhood character...

That the fears that people have proven not to be
as severe as they thought, and in turn, the petitioner will
be fulfilling I think about it a social obligation beyond
what it does, very worthwhile services in the health care
area.

But they also have to live with the neighbors, and
they have to reach out and try to make the neighbors not as
antagonistic as they are now, and have been for the last
five years.

BRENDAN SULLIVAN: Okay, Wendy any additional
language that you want put into the decision?

WENDY LEISERSON: No, I think that's good. Thank
you.

BRENDAN SULLIVAN: Okay. Jim Monteverde, anything
these to add?

JIM MONTEVERDE: No. I agree it is great. Thank
you.

BRENDAN SULLIVAN: Okay. And Slater, one last
chance?

SLATER ANDERSON: I appreciate the opportunity.
BRENDAN SULLIVAN: Okay. No, no. And again, I respect your opinion and your views and welcome as always. On the motion, then, to grant the special permit, Mr. Alexander?

CONSTANTINE ALEXANDER: In favor, subject to what we've just talked about.

BRENDAN SULLIVAN: Jim Monteverde?

JIM MONTEVERDE: Jim Monteverde in favor.

BRENDAN SULLIVAN: Wendy Leiserson?

WENDY LEISERSON: Wendy Leiserson in favor.

BRENDAN SULLIVAN: Slater Anderson?

SLATER ANDERSON: Slater Anderson opposed.

BRENDAN SULLIVAN: Opposed. And Brendan Sullivan in favor.

[Four vote YES, one vote NO.]

BRENDAN SULLIVAN: On the affirmative vote of four Members of the Board, the special permit is granted for a period of three years, with the above plan addendum as announced by Mr. Alexander, that we codify the final decision.

Okay. Thank you.

COLLECTIVE: Thank you.
BRENDAN SULLIVAN: Thank you, Janice.

JANICE KAUFFMAN: Thank you.

BRENDAN SULLIVAN: For those who are tuning in for
the 7:15, which has come and gone, 27 Fayerweather Street is
going to be continued. We'll announce the -- I will call
that the case in a little while from now, just so that --
for those of you who are interested in that case, it will be
continued to a further date.

The Board will now -- and also, 145 Willow Street,
they're asking for a continuance? Okay. If anybody is
interested in the 145 Willow Street case, that also will be
continued. And again, that will be called at some time down
the line here.

* * * * *

(8:44 p.m.)

Sitting Members: Constantine Alexander, Brendan Sullivan,
Jim Monteverde, Wendy Leiserson,
Slater W. Anderson

BRENDAN SULLIVAN: Right now, I'm going to call
Case No. 163881 -- 130 Cushing Street. Anybody here
interested in 130 Cushing Street? Nobody calling in. We
are in receipt of correspondence. This is from Bob Xie, X-

"To follow up on our conversation, I'm going to send this e-mail to require an extension or postpone the hearing time. We might make it ready around July. We'll contact you before then when we're ready to go."

So the petitioner has asked for a continuance. They have signed a waiver of the statutory requirement for a hearing, please step and a decision to be rendered therefore. What is the date?

They should be ready around July, so we mark it up June 30? I would say July 14. Hm? July 14. On the motion to continue Case No. 163881 -- 130 Cushing Street to July -- I already forgot it.

CONSTANTINE ALEXANDER: Fourteenth.

BRENDAN SULLIVAN: July 14 on the condition that the petitioner first of all put up the posting sign, the reasons being -- one of the reasons it's being continued is because there was no posting sign ever picked up or put on the property.

That the petitioner put up the posting sign and maintain the posting sign in good order of 14 days prior to
the July 14 hearing.

That the posting sign reflect the new date of July 14, 2022 and the time of 6:00 p.m.

That any new submittals different than what is in the file now -- dimensional form, statement of condition and drawings be in the file by 5:00 p.m. on the Monday prior to the July 14 hearing.

On the motion to continue this matter, Mr. Alexander?

CONSTANTINE ALEXANDER: I vote in favor.

BRENDAN SULLIVAN: Jim Monteverde?

JIM MONTEVERDE: I vote in favor.

WENDY LEISERSON: Wendy Leiserson in favor.

BRENDAN SULLIVAN: Slater Anderson to continue.

SLATER ANDERSON: Slater Anderson in favor of continuance.

BRENDAN SULLIVAN: And Brendan Sullivan yes to continue on the five affirmative votes.

[All vote YES]

BRENDAN SULLIVAN: The matter is continued until July 14, 2022, at 6:00 p.m.
(8:48 p.m.)

Sitting Members: Constantine Alexander, Brendan Sullivan, Jim Monteverde, Wendy Leiserson, Slater W. Anderson

BRENDAN SULLIVAN: The Board will now hear Case Number No. 164908 -- 40 Reservoir Street.

JAMES RAFFERTY: Good evening, Mr. Chair and
Members of the Board. For the record, Attorney James Rafferty, with offices at 907 Massachusetts Avenue in Cambridge, appearing on behalf of the applicants.

Also present this evening are the owners of the property, Mr. and Mrs. Raj Chetty and the Project Architects from CambridgeSeven are present, and I believe Mr. Boyes-Watson may also be participating.

This is an application for an addition to a single-family house in a Residence A-1 zoning district on Reservoir Street.

The lot itself is at the end of a private way looking off of Reservoir Street, and what's proposed is an addition that conforms to the zoning ordinance dimensionally, but since the structure is nonconforming, the special permit is required when the amount of petition exceeds 25 -- exceeds 10 percent of the original GFA. And that is the case here.

It is also the case, however, that the -- even with the addition, the lot is considerably below the allowed FAR, so there is no implication.

There is one other consequence of this addition; it's related to the topography of the lot and the manner in
which it slopes.

And what happens when the addition is placed on the house, the mean grade around the property changes, so that actually the height, there's an increase of about six inches in height when you do the mean grade calculation.

The height district there, the height or requirement there is 35 feet, but the existing house already exceeds the 35 feet height limitation.

So under the provisions of Section 4.22.2d, this existing nonconformity can be continued by virtue of a special permit, as opposed to what would have previously required a variance.

So those are the two components of the case. As I said, the addition is conforming to only requirements of the Res A-1 district. We would be happy to walk you through any of the plans. We have ample architectural talent. But I know your evening is running long.

So we'll simply at this point wait and see if you would like us to provide an architectural presentation or simply await your questions?

BRENDAN SULLIVAN: The Board has reviewed the case, please and I'll ask if any Members of the Board need
any more additional information? Mr. Alexander, anything?

CONSTANTINE ALEXANDER: Nothing more, I'm fine.

BRENDAN SULLIVAN: Jim Monteverde?

JIM MONTEVERDE: No questions.

BRENDAN SULLIVAN: Wendy, any questions?

WENDY LEISERSON: No questions.

BRENDAN SULLIVAN: Slater?

SLATER ANDERSON: No questions.

BRENDAN SULLIVAN: Yeah. And I don't either.

I've reviewed the file. Let me, then, open it up to public comment. Any member of the public who wishes to speak should now click the button that says, "Participants," and then click the button that says, "Raise hand."

If you are calling in by phone, you can raise your hand by pressing *9 and unmute or mute by pressing *6.

[Pause]

There's nobody calling in. We are in communication from Mr. Hugh Warren.

"I'd like to lend my support to Raj and Sundari's proposed plan for the renovation of 40 Reservoir Street in Cambridge. The investment they are making would be good for all of the homes that border their property. Let me know if
there's anything else that we can do."

I think that is the only letter in the file. Are you aware of anything else, Mr. Rafferty?

JAMES RAFFERTY: No, Mr. Chair. That's the only communication I'm aware of. But I do know that the applicants have reached out to some of the neighbors as well. So I think there was ample awareness of what's being proposed.

BRENDAN SULLIVAN: Okay. I'll close the presentation part. Onto the Board and ready for a vote. I always liked that house. I used to run through the yards when I was a young boy. I always thought that maybe I would be able to live on Reservoir Street someday, and boy I had my eye on that house. I knew I could never afford to live on Larch Road, so I took to Reservoir Street.

JAMES RAFFERTY: Well, with all the activity around accessory apartment --

BRENDAN SULLIVAN: How is it?

JAMES RAFFERTY: With all the activity around accessory apartments, perhaps in your downsizing years, we could speak to Mr. Chetty about whether an opportunity might exist.
BRENDAN SULLIVAN: Well, that's all possibility.

There is always hope. Are we ready for a vote?

CONSTANTINE ALEXANDER: I'm ready.

JIM MONTEVERDE: Ready.

BRENDAN SULLIVAN: Okay. Let me make a motion, then, to grant the relief requested as per the application, the supporting documents and the drawings and signed initially by the Chair to construct the conforming addition to the existing nonconforming structure at 40 Reservoir Street.

The Board finds that it appears that the ordinance -- 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 the established neighborhood character.

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

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 the addition and
the realignment of the interior space would be an asset to
whoever occupies the structure.

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.

In furtherance, the Board notes that may grant a
special permit under Section 8.222d. The Board may grant a
special permit for the alteration or enlargement of a
preexisting dimensionally nonconforming, detached single-
family dwelling, but not the alteration or enlargement of 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
may only increase a preexisting dimensional nonconformity,
but does not create a new dimensional nonconformity.

In order to grant the special permit, the BZA must
find that the alteration or enlargement shall not be
substantially more detrimental than the existing
nonconforming structure to the neighborhood, and the Board
does make that finding.

And that the alteration or enlargement satisfies the criteria as stated in Section 10.43 for the granting of a special permit, as previously stated.

On the motion to grant the special permit, Mr. Alexander?

CONSTANTINE ALEXANDER: I vote in favor.

BRENDAN SULLIVAN: Jim Monteverde?

JIM MONTEVERDE: I vote in favor.

BRENDAN SULLIVAN: Wendy Leiserson?

WENDY LEISERSON: Wendy Leiserson in favor.

BRENDAN SULLIVAN: Slater Anderson?

SLATER ANDERSON: Slater Anderson in favor.

BRENDAN SULLIVAN: And Brendan Sullivan yes to grant the special permit.

[All vote YES]

BRENDAN SULLIVAN: Five affirmative votes, the special permit is granted.

JAMES RAFFERTY: Thank you very much.
Sitting Members: Constantine Alexander, Brendan Sullivan,
Jim Monteverde, Wendy Leiserson,
Slater W. Anderson

BRENDAN SULLIVAN: The Board will now hear Case Number No. 165327 -- 27 Fayerweather Street. Mr. Rafferty?

JAMES RAFFERTY: Yes, Mr. Chair. We've submitted
a request based on a request provided by an abutter to continue the case to provide opportunities for further discussion.

So in deference to that request, we have submitted this request, and would ask the Board to provide us with a date at his convenience -- obviously a case not heard.

BRENDAN SULLIVAN: It is a case not heard so I'm sorry, say June 30?

JAMES RAFFERTY: I'm -- if that's the soonest available date, then we will, obviously, abide by that.

BRENDAN SULLIVAN: How about anything in May?

Yeah.

OLIVIA RATAY: We have June 9.

BRENDAN SULLIVAN: June 9?

JAMES RAFFERTY: June 9 is much preferable. Thank you.

BRENDAN SULLIVAN: June 9 as a case not heard, okay. On the motion, then, to continue this matter, vote?

Is there anybody else calling in?

Any other? I know there's been -- Mr. Wiggins is representing somebody, and then also Mr. Heur. Let me open it to Mr. Wiggins, if he has just a comment. Michael?
MICHAEL WIGGINS: Thank you, Mr. Chairman. Can you hear me?

BRENDAN SULLIVAN: Yes.

MICHAEL WIGGINS: Yes. So I represent Margaret Flanagan and Timothy Barrows, who are the abutter just to the south of this property or just downhill from it. And we do have substantial objections to -- petition notwithstanding -- evidently the variance part of it, the height variance has been withdrawn. We'd like to confirm that.

We do object to the special permit for a number of reasons. I don't want to take the time this evening --

BRENDAN SULLIVAN: I don't want to get into the merits either, Michael.

MICHAEL WIGGINS: Certainly not.

BRENDAN SULLIVAN: Right now there's a motion to continue this matter until June 9. Would you or your clients be available and amenable to that date?

MICHAEL WIGGINS: Yes. We could do that.

BRENDAN SULLIVAN: Okay.

MICHAEL WIGGINS: And we'll submit our written comments before then to give you a heads-up.
BRENDAN SULLIVAN: Okay.

MICHAEL WIGGINS: But yes, that would be fine.

BRENDAN SULLIVAN: Okay. All right. Well, thank you. Mr. Heuer on the line do you know, or no?

CONSTANTINE ALEXANDER: "Heuer." [Pronunciation]

BRENDAN SULLIVAN: Okay. No? Okay. All right. So on the motion, then, to continue this matter until June 9, 2022, on the condition that the petitioner change the posting sign to reflect the new date of June 9, 2022 and the new time of 6:00 p.m.

That any new submittals be in the file by 5:00 p.m. on the Monday prior to the June 9 hearing.

Mr. Rafferty, there is a waiver in the file, or there will be?

JAMES RAFFERTY: There will be.

BRENDAN SULLIVAN: There will be, by Monday a week from Monday Counsel will provide the Board with the waiver of statutory requirement for a hearing and a decision to be rendered.

On the motion to continue this matter until June 9, 2022 and Mr. Alexander?

CONSTANTINE ALEXANDER: I vote in favor.
BRENDAN SULLIVAN: Mr. Monteverde?

JIM MONTEVERDE: I vote in favor.

BRENDAN SULLIVAN: Wendy Leiserson?

WENDY LEISERSON: Wendy Leiserson votes in favor.

BRENDAN SULLIVAN: Slater Anderson?

SLATER ANDERSON: Slater Anderson votes in favor.

BRENDAN SULLIVAN: And Brendan Sullivan yes, in favor of continuing.

[All vote YES]

The matter is continued to June 9 at 6:00 p.m.

JAMES RAFFERTY: Thank you very much. Have a good evening.

* * * * *

(9:00 p.m.)

Sitting Members: Constantine Alexander, Brendan Sullivan, Jim Monteverde, Wendy Leiserson, Slater W. Anderson

BRENDAN SULLIVAN: The Board will now hear Case Number No. 163144 -- 25 Walker Street. Mr. Ellsworth?

CAMPBELL ELLSWORTH: Good evening. Can you hear
BRENDAN SULLIVAN: Yes.

CAMPBELL ELLSWORTH: Great. Here we go. Good evening, Mr. Chairman and Members of the Board. I am here with -- let's see, I think if Olivia's running this, we need to let in my client, the owner of the property, Taylor Lowe, who I believe has registered. I don't see him up here, but if he can be let in, that would be great.

I'm here representing the owners of the structure at 25 Walker Street. They are asking for a very modest special permit to modify windows within a required setback.

There we go. Hey, Taylor.

TAYLOR LOWE: Hi.

CAMPBELL ELLSWORTH: The drawings are -- so this is just -- we find because of a very odd configuration that was created some time ago because of this side-by-side single-family structure, that there is a very odd set of setbacks and rear-yard condition.

Back of this house is about seven-and-a-half feet from -- seven-and-a-half-feet from the back property line. But then it actually extends another 50 feet beyond that through the small channel.
The owners are doing a considerable renovation to this house and want to make a more pleasant living space inside. You'll note that there is no change at all to the envelope, to the square footage, to the GFA.

And we -- just to also point out, we have been in touch with -- a letter was sent out to every neighbor on the -- on the Zoning Department's abutter's list.

We -- you have some letters of support in your file for that, including -- most importantly -- the one abutter on that back side who is most affected by this. We think this is a reasonable request, and we hope that the Board finds it the same way. I think the Board has reviewed the proposed window changes. So Mr. Alexander, do you need any more detailed information?

CONSTANTINE ALEXANDER: No more, I'm fine.

BRENDAN SULLIVAN: Mr. Monteverde, any more information or questions?

JIM MONTEVERDE: A question. Is there either a neighborhood association or group or historic Commission or et cetera, that has any say on the façade?

BRENDAN SULLIVAN: Well, Walker Street I don't think. And I don't think it's in -- it's not in the Avon
Hill, and it's not at the Harvard Square. It's sort of in
no man's land.

JIM MONTEVERDE: Right. Okay. Thank you.

CAMPBELL ELLSWORTH: Right. And also just to
point out that this back façade -- the back façade, at
least, which is the one that is requiring the special permit
literally is not visible from the public way at all.

BRENDAN SULLIVAN: Which is the other point too,
that they would not chime in on it, because it is not
visible, right.

Wendy, any questions?

WENDY LEISERSON: Wendy Leiserson no questions.

BRENDAN SULLIVAN: Slater?

SLATER ANDERSON: No questions.

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.

OLIVIA RATAY: James Bennett?

JAMES BENNETT: Hi. My wife and I -- Leah
Thiffault -- are the owners of 27 Walker, which is part of the same structure. We wanted to share our support for the permit, for the variance.

CONSTANTINE ALEXANDER: Thank you.

BRENDAN SULLIVAN: Thank you very much for calling in. This is the sum and substance of anybody calling in. We are in receipt of one, two, three, four letters in support, one in particular from Anne Pierce, owner of the 3 Walker Street Place.

"We are the direct abutters to the back of the house and probably the only neighbors with a good view of the proposed window changes. We think the changes are minimal. It makes sense to allow for more light into the south side of 25 Walker Street.

"Hope the Board agrees, and will allow for the zoning relief of the project."

There's also correspondence from Alex Slive, S-l-i-v-e; the owner of 1 Walker, Doug Elmendorf, and Karen Dynan of 20 Walker; and Nan and George Soule, who are also living at 30 Walker and have no objections; and Siovhan and David O'Connor, 27 Chauncy; Katherine O'Connor, 25, who write in their support.
Okay, ready for a motion?

CONSTANTINE ALEXANDER: Yes.

BRENDAN SULLIVAN: Campbell, you have nothing else to add?

CAMPBELL ELLSWORTH: No, I think it's clear. The drawings are complete. The modifications are minimal. Again, nothing -- you know, nothing in the GFA, height, anything. It's -- I think it's pretty clear.

BRENDAN SULLIVAN: Good.

CAMPBELL ELLSWORTH: Thank you for your time.

BRENDAN SULLIVAN: Let me make a motion, then, to grant the special permit to add or alter the windows within the required setback, as per the drawings submitted and signed and initialed by the Chair.

The Board finds that the special permit -- that the granting of the special permit will -- it appears that the requirements of the ordinance can be met. Traffic generated or patterns of access or egress would not cause congestion, hazard, or substantial change in the established neighborhood character.

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

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 by the realignment of the windows -- additional windows, which would add more light fenestration into the structure.

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.

In furtherance of that, -- and Campbell, you may want to make a note of this, I know you applied under Section 8.222c, but you may also write down Section 8.22.2d, which is a new clarification and an enhancement of criteria that we must meet.

And I'll read it:

In all districts, the Board may grant a special permit for the alteration or enlargement of a preexisting dimensionally nonconforming, detached single-family, not otherwise permitted in 8.221, but not the alteration or
enlargement of a nonconforming use...

Provided that there is no change in use, and that any enlargement or alteration of such preexisting, nonconforming detached single-family may only increase a preexisting dimensional nonconformity, but does not create a new dimensional nonconformity.

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 the Board does make that finding.

And that the alteration or enlargement satisfies the criteria as stated in Section 10.43. We the Board does find, and previously stated.

On the motion, then, to grant the special permit, Mr. Alexander?

CONSTANTINE ALEXANDER: I vote in favor.

BRENDAN SULLIVAN: Jim Monteverde?

JIM MONTEVERDE: Jim Monteverde in favor.

BRENDAN SULLIVAN: Wendy Leiserson?

WENDY LEISERSON: Wendy Leiserson in favor.

BRENDAN SULLIVAN: Slater Anderson?
SLATER ANDERSON: Slater Anderson in favor.

BRENDAN SULLIVAN: Brendan Sullivan yes.

[All vote YES].

BRENDAN SULLIVAN: The special permit is granted.

So 8.222d, Campbell?

CAMPBELL ELLSWORTH: I will look that up. Thank you for the clarification. I believe that Attorney Rafferty cited that before. And let me just ask. I think that as you were reading it, it refers to single-family, detached --

BRENDAN SULLIVAN: Right.

CAMPBELL ELLSWORTH: -- homes. This -- I'll look at it more carefully, but this isn't --

BRENDAN SULLIVAN: Yeah, single, or two-family, sorry.

CAMPBELL ELLSWORTH: Uh-huh. Very good. Thank you again to the Board, and for the vote.

BRENDAN SULLIVAN: Okay. Great.
(9:09 p.m.)

Sitting Members: Constantine Alexander, Brendan Sullivan, Jim Monteverde, Wendy Leiserson, Slater W. Anderson

BRENDAN SULLIVAN: The Board will hear Case No. 164245 -- 141 Fifth Street. Chris, you're on.

CHRIS CHAN: Hello, Chairman and Board Members.
My name is Chris Chan, of Chan Mock Architects, 165 Amory Street in Cambridge, 02139.

I'm here representing the owner of 141 Fifth Street, which is a small, one-and-a-half story Greek Revival building that's surrounded on two sides by triple-deckers, and on another side by another single-family Greek Revival, almost a sister building, as compared to ours.

It's on a very small lot, 50 feet deep, maybe 28 feet wide. And essentially all of the walls are in setbacks -- the major walls in setback.

So we would like to change some windows to get more light into the house, and also finish some of the basement. One whole wall of the house is right up against the brick party wall. So we only have access to light on three walls.

And we'd also like to add a small deck. It's a very small lot, so there is really no outdoor space to speak of. The sister house to the left has a similar deck on top of their one-story rear addition in the back -- the existing rear addition.

So we would like to put something similar on our house.
The project involves no change in -- substantial change in building height or GFA, and I can certainly go through the drawings and take you through them, but I know it's kind of a late hour. So happy to answer questions.

We have sent letters to all the neighbors, and we got one reply, who felt that it was not a problem. Of course, there's really only two houses can even see any of these changes.

So please, if you have any questions, or if you'd like me to take you through these drawings, I'd be happy to.

BRENDAN SULLIVAN: Well, if Olivia could pull up sheet #Z 1.5 of the south elevation, north elevation/south elevation -- basically, the dormers right there.

CHRIS CHAN: I'm having a hard trouble hearing you. My sound is not quite loud enough, I think?

BRENDAN SULLIVAN: Okay.

CHRIS CHAN: That's better. Thank you.

BRENDAN SULLIVAN: I can understand the windows. I can understand actually even the deck in the back. But the length of the dormer, 26 foot two inches gives me pause.

CHRIS CHAN: Well, I mean, that is not part of the request. That's done as-of-right. As you know, there's a
section that allows dormers on two-story buildings, and there's no qualifications for the size of those dormers.

In fact, if you look at that portion of the code, when you get up to dormers on the third story, it limits them to 15 feet, and they're not allowed to go to the ridge.

We have made some adjustments to our dormers. It is below the ridge, it is set back a little bit bit, but it is certainly longer than what is allowed in the Dormer Guidelines.

But again, as you know, those are just guidelines. This is fully compliant with the code, the zoning code, and in fact, you know, we've already applied for the building permit for those dormers.

BRENDA N SULLIVAN: All right. Any questions by Members of the Board? Mr. Alexander?

CONSTANTINE ALEXANDER: No questions.

BRENDA N SULLIVAN: Jim Monteverde?

JIM MONTEVERDE: Do those "I'll call them roof improvements" create any new GFA?

CHRIS CHAN: No. You can see what we do is we wait until we get to about five feet high inside, and then we put the dormer from that point up. So there's no
additional GFA created by either dormer.


CHRIS CHAN: You know, it's just the way the code is written, unfortunately. You know, I do agree the dormer's long. I had actually encouraged the owner -- and I thought this might be a property where we would actually be able to convince the Board to give us another floor, because it's such --

JIM MONTEVERDE: Yep.

CHRIS CHAN: -- a small property. But, you know, that involves risk and quite a bit of time. And we felt this was actually the better way for them to go on this.

JIM MONTEVERDE: Okay, thank you.

BRENDAN SULLIVAN: Wendy, any questions at this time?

WENDY LEISERSON: Wendy Leiserson no questions.

BRENDAN SULLIVAN: And Slater?

SLATER ANDERSON: No questions.

BRENDAN SULLIVAN: Okay. I have no questions. I guess, Chris answered my concern, which -- at any rate, 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.

OLIVIA RATAY: J. Paris?

J. PARIS: Hi. Can everyone hear me?

BRENDAN SULLIVAN: Yes.

J. PARIS: Hi. I'm a neighbor of this house, and just want to say that I do support the project. I think it looks beautiful, and it would probably be a welcome addition to the neighborhood.

My one concern -- and I don't know if it's even worth bringing up to this committee -- is parking. Since there is so much construction already happening on houses on this street, this will be I'm sure bringing in more trucks and more nonresidents onto the street.

CHRIS CHAN: Thank you so much for supporting us. If you can hear me -- I'm not sure if I'm still on. On the call with me is Grant Gao who is the General Contractor for the project. And I will make sure that he contacts you. Are you the neighbor to the left of us, in the matching house?
J. PARIS: Can you still hear me? Yeah, you can, okay. I am -- no, I'm in the tall yellow.

CHRIS CHAN: The tall yellow, okay. Well, we'll make sure that we go around and he contacts all the neighbors to make sure if there's any issue with the construction, you have a contact in terms of parking or whatever.

J. PARIS: Great.

CHRIS CHAN: But we will certainly be sensitive to that issue when the time comes.

J. PARIS: Thank you.

CHRIS CHAN: I really appreciate your coming on and supporting us.

BRENDAN SULLIVAN: That is the sum and substance of anybody calling in, and there is no letters in the file. Chris, unless you have some other correspondence --

CHRIS CHAN: No, I do not. And --

BRENDAN SULLIVAN: Yes.

CHRIS CHAN: And just thank you for the support. And it's -- you know, a fairly small project, which I think is in keeping with what's going on in the neighborhood.

BRENDAN SULLIVAN: Well, it's a small house, and
it needs something.

So let me make a motion, then, to grant the
special permit to construct the roof deck and the new window
and door changes, as per the application, the drawings
contained therein and signed by the Chair.

The Board finds that the -- it appears that the
requirements of the ordinance can be met with the granting
of the special permit.

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

The Board finds that the 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.

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 -- in fact, the health, safety,
and welfare would be greatly improved by the addition of the
deck, what will allow some outdoor open space, and also by
the realignment and addition of the windows, which will add
more light fenestration into the structure.

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

   In furtherance of Section 8.22.2d, the Board finds
that the Zoning Board may grant the special permit for the
alteration or enlargement of a preexisting dimensionally
nonconforming, detached single-family dwelling or two-family
dwelling, but not the alteration or enlargement of a
nonconforming use...

   Provided 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 nonconforming
conformity, but does not create a new dimensional
nonconformity.

   In order to grant the special permit, the Board is
required to find that the alteration or enlargement shall
not be substantially more detrimental than the existing
nonconforming structure to the neighborhood, and the Board
does so make find.

   And that the alteration or enlargement satisfies
the criteria in Section 10.43, as previously stated. The Board grants this special permit that the work conform to the work as detailed in the drawings prepared by Chan and Mock Architects and dated April 25, 2022.

On the motion to grant the special permit?

CONSTANTINE ALEXANDER: I vote in favor.

BRENDAN SULLIVAN: Jim Monteverde?

JIM MONTEVERDE: I vote in favor.

BRENDAN SULLIVAN: Wendy Leiserson on the motion?

WENDY LEISERSON: Wendy Leiserson in favor.

BRENDAN SULLIVAN: Slater Anderson on the motion?

SLATER ANDERSON: Slater Anderson in favor.

BRENDAN SULLIVAN: And Brendan Sullivan in favor.

[All vote YES]

BRENDAN SULLIVAN: five affirmative votes, special permit is granted.

CHRIS CHAN: Thank you very much for your time, and I'm sorry about the late night for everyone.

BRENDAN SULLIVAN: Well, that's all part of it. You know that.

CHRIS CHAN: I know that. Enjoy.

COLLECTIVE: Enjoy.
Sitting Members: Constantine Alexander, Brendan Sullivan, 
Jim Monteverde, Wendy Leiserson, 
Slater W. Anderson

Brendan Sullivan: The Board will now hear Case 
Number No. 166320 -- 145 Willow Street. Anybody tuned in on 
that case? The Board is in -- nobody calling in? The
Board is in receipt of communication from Andrew Plumb, P-l-u-m-b.

"I'd like to request a continuance to the next BZA meeting for this case. I'm dealing with a stomach bug today, and will not be able to make it. Best, Andrew."

BRENDAN SULLIVAN: This is a case not heard, so.

June 30? Thirtieth?

CONSTANTINE ALEXANDER: Yeah.

BRENDAN SULLIVAN: Okay. June --

CONSTANTINE ALEXANDER: This is going to be so quick; you could probably squeeze it in earlier if you wanted to. It's up to you.

BRENDAN SULLIVAN: Right. May 5? So why don't we do that? May 5?

Let me make a motion, then, to continue the matter until May 5, 2022 at 6:00 p.m., on the condition that the petitioner change the posting sign to reflect the new date of May 5 and the new time of 6:00 p.m.; that any new submittals be in the file by 5:00 p.m. on the Monday prior to the May 5 hearing.

Turns out to be pretty soon. Do we have a waiver, or do we even need a waiver? That's the next hearing.
That's next week. Yeah, but that's next Thursday. So we
don't really need a waiver, given the time frame.

All right. The important thing is that the
petitioner change the posting sign to reflect the new time
of 6:00 p.m. and the new date of May 5, 2022. On the
motion?

CONSTANTINE ALEXANDER: 14 days?

BRENDAN SULLIVAN: Well, they'll just have the
existing sign. This is -- so anyhow, there's a sign
present. Mr. Alexander, on the motion to continue?

CONSTANTINE ALEXANDER: I vote in favor.

BRENDAN SULLIVAN: Jim Monteverde?

JIM MONTEVERDE: I vote in favor.

BRENDAN SULLIVAN: Wendy Leiserson?

WENDY LEISERSON: Wendy Leiserson in favor.

BRENDAN SULLIVAN: And Slater Anderson?

SLATER ANDERSON: Slater Anderson in favor.

BRENDAN SULLIVAN: And Brendan Sullivan yes to the
continuance.

[All vote YES] The matter is continued until May 5
at 6:00 p.m.
(9:23 p.m.)

Sitting Members: Constantine Alexander, Brendan Sullivan, Jim Monteverde, Wendy Leiserson, Slater W. Anderson

BRENDAN SULLIVAN: The Board will now hear Case Number No. 167200 -- 309 Pearl Street. Sam and Scarlet Batchelor? Sam? Scarlet?
SAM BATCHELOR:  Hello?


SAM BATCHELOR:  Sorry. Cut out there for a minute while I was officially joining. So yes, I'm -- thank you for having me. I'm requesting a variance to allow parking in the front setback of our house at 309 Pearl Street.

The house is an existing nonconforming corner lot, so there are two front setbacks. This would be on the small -- the smaller street, the Tufts Street side.

Due to the existing geometry of the house, there is -- it's not possible to create parking anywhere that would not be in the front setback.

And the nature of Tufts Street, it's a small, single-block street, more than half the houses do have parking in the front setback already. We are interested in purchasing an electric vehicle but are not able to get a charging station without off-street parking.

BRENDAN SULLIVAN:  Sam, I notice that you obviously have a well-landscaped area there, and obviously it's for use of the family?

SAM BATCHELOR:  Yes.

BRENDAN SULLIVAN:  And if you were to -- and you
obviously need to have a charging station close by?

SAM BATCHELOR: Yes.

BRENDAN SULLIVAN: Hence the reason for all of this, but that the existing hardscape, that's going to remain?

SAM BATCHELOR: That's correct.

BRENDAN SULLIVAN: So when you go to park a car there, you're just going to sort of move some of the furniture to the side and what have you to allow for a car?

When the car is charged, I mean, do you anticipate that you will park the car there, park in front of the driveway, the curb cut or how do you -- going forward on a daily basis?

SAM BATCHELOR: I think if we're allowed to park it in front of the curb cut, we would like to, so we're not taking up any additional spaces, but leaving the hardscape open for use.

That's allowable, though I'm not sure how that's -- to make sure we don't get ticketed into parking in front of our own curb cut. Presumably that's manageable?

BRENDAN SULLIVAN: Yeah, I mean, I'm sympathetic to the challenge of finding a charging station close at hand
in there, without you're able to being parked on the
property, there is no other viable place to put it. And
again, you're on a corner lot, so that presents its own
challenges for what you want to do.

The issue before the Board is that what happens is
that you wind up taking a space away from the general
public, and I notice on Pearl Street that your side of the
street has all the parking, on the other side of the street,
most of the people have all their driveways.

Next door to you, obviously, those people park in
the front yard, because that's the only place they can park,
I guess. And that's the way that whole structure is built.
And it sort of lends itself. Not pleasant looking, but
anyhow that lends itself to parking those three cars in
front of their structure.

Further up the street, nobody has any parking, so
everybody has to park on the street, except you go up toward
the end of the street, there are a couple of houses toward
the end that do park on the front yard setback.

SAM BATCHELOR: Yes.

BRENDAN SULLIVAN: So -- and then again, on the
other side of the street, it appears that everybody parks in
their driveways, and they have plenty of room for parking there. So it's really, I guess your side of the street that the claim is for a parking space. So that's my comment.

Mr. Alexander, any comments?

CONSTANTINE ALEXANDER: Well, what happens -- you haven't bought your electric vehicle, have you yet?

SAM BATCHELOR: No, not yet.

CONSTANTINE ALEXANDER: I think what puzzles me is allowing front yard parking, and you decide not to buy an electric vehicle.

SAM BATCHELOR: It's a little bit of a catch-22.

We can't buy an electric vehicle until we have a place to charge it.

CONSTANTINE ALEXANDER: I'm sorry?

SAM BATCHELOR: It's a bit of a catch-22, though, we can't --

CONSTANTINE ALEXANDER: It is a catch-22.

SAM BATCHELOR: -- we can't buy an electric vehicle until we have a place to charge it.

CONSTANTINE ALEXANDER: It is. It would be nicer if you had come here after you had signed a P&S agreement to buy the electric vehicle, so we know for sure you weren't
just putting in parking for a conventional vehicle. But --

BRENDAN SULLIVAN: The problem there is if you put the money down and we said no, then what do you do? Anyhow?

CONSTANTINE ALEXANDER: Anyhow, I'm in favor.

BRENDAN SULLIVAN: Jim Monteverde?

JIM MONTEVERDE: I have no questions. Thank you.

BRENDAN SULLIVAN: All right. Wendy Leiserson, any questions, comments?

WENDY LEISERSON: I do, which is -- my question is, what is -- and this is probably a technicality -- so what happens to the open space dimensions when you create a driveway on your property here? Because your table doesn't indicate any measurements with regard to that.

So can the Board just clue me in there if you can't? Because you're taking away open space to create a parking area, correct?

SAM BATCHELOR: I'm not sure I follow, so maybe I'm not quite clear on the difference between the parking area and open space, but it will remain open as it is now.

WENDY LEISERSON: Can Members of the Board advise me on that issue?

BRENDAN SULLIVAN: Well, it's hardscape. So it's
not really permeable. Jim, maybe you'll have to chime in on this too. Can it be considered a permeable substrate? It's hardscape. So, I mean it's paved.

JIM MONTEVERDE: Yeah, but what type of paving do you propose?

SAM BATCHELOR: It already is paved with precast UNI pavers.

JIM MONTEVERDE: Oh. But you're in between the pavers?

SAM BATCHELOR: I believe so. I don't actually know whether they're officially.

JIM MONTEVERDE: So it doesn't have a concrete base under it, it just, it -- water can flow? Yeah, okay.

SAM BATCHELOR: Yeah. It is a sand bed.

JIM MONTEVERDE: Okay.

WENDY LEISERSON: So it's going to remain that kind of service?

SAM BATCHELOR: Okay.

WENDY LEISERSON: Okay, thank you.

BRENDAN SULLIVAN: So that when you're not parking a car there, and it would probably be that more often than not, you would park the car in that space, number one while
it's been charged, possibly overnight?

   And then, obviously on snow days and street
cleaning days you obviously would need to park the car
there, obviously, to get it off the street.

   Other than that, you would really want to use that
space, that open space that's there now, as yard space, as
sitting space, and so on and so forth? So it really would
be -- it's going to have an attorney hybrid use.

   BRENDAN SULLIVAN: I suspect probably going
forward, two probably be used more as a recreational sitting
area than it will be for parking the car, I guess. Because,
again, you can park the car in front of the curb cut, and
then use the yard as you use it now. I think is that --

   SAM BATCHelor: Yes, that's correct.

   BRENDAN SULLIVAN: -- your assumption going
forward? Yeah. Okay. Wendy, that satisfies your answers?

   WENDY LEISERSON: Well, I mean, hypothetically if
he sells the house to someone who does not have an electric
car, right, what regarding we are doing for the -- but yes,
I mean, I understand the response to my question about open
space calculations.

   BRENDAN SULLIVAN: Yeah. It's -- actually it's a
very lovely spot to the side of the house there. And I
think that whoever would probably continue to park the car
in the street and use that area for a sitting area, or
outdoor garden area, I would think. Who knows?

WENDY LEISERSON: So I think as long as the
surface remains permeable and is not in the future paved
over as a driveway with a different surface area --

BRENDA SULLIVAN: Yeah.

WENDY LEISERSON: -- I would be okay.

BRENDA SULLIVAN: Yeah. I think we would -- a
condition could be that it be maintained in the condition
that it is now. So that would alleviate the -- your
concerns about paving over in the future?

WENDY LEISERSON: Yes.

BRENDA SULLIVAN: Okay. Slater, any questions,
or comments?

SLATER ANDERSON: Yeah. I mean, I think I agree
that it should remain permeable pavers in perpetuity. And,
you know, you are taking a car off the street if you park in
it. Of course you could park in front of it.

But we obviously are giving you a parking space in
front of your house permanently now, whether you're in the
driveway or not. I mean, that's -- it's a good benefit. So I don't know. I -- these ones, you still have to go through, are you -- have you looked into the whole curb cut process, by the way?

SAM BATCHELOR: Yes. And that's actually what triggered this. I applied not realizing there was a setback requirement. And they kicked me over here.

SLATER ANDERSON: Okay. So you still have to go through that gauntlet?

SAM BATCHELOR: Yes.

SLATER ANDERSON: Okay. Well, I'm -- I'm okay.

BRENDAN SULLIVAN: All right.

SLATER ANDERSON: Thanks.

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.

[Pause]

Nobody calling in. There is no correspondence in the file, so I will close the public comment part.
Sam, is there anything else you want to add? You don't have to, if you feel you have said it all.

SAM KACHMAR: No, I appreciate you hearing me today.

BRENDAN SULLIVAN: Okay. Let me make a motion, then, to grant the relief requested, which is a variance. 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 the size and location of the house on the lot, which predates the existing ordinance, encumbers the homeowner to the availability of a parking spaces.

The fact also that it is a corner location, which has two front yards, which further encumbers the petitioner to be able to locate a vehicle.

The Board finds that the hardship is owing, again, to the shape of the land, somewhat narrow and small in shape, and also the structure they're on, which greatly reduces the availability of being able to park a vehicle on the site.

The Board finds that the relief may be granted
without substantial detriment to the public good. The Board finds that the petitioner wishes to park the vehicle as shown on the drawing to be able to use an electric charging station from the vehicle, which has some public benefit to it.

The Board finds that the desirable relief may be granted without nullifying or substantially derogating from the intent and purpose of the ordinance.

The Board finds that the relief is somewhat de minimis, given the size and location of the lot and the encumbrances and the structure contained on there and limiting the availability of off-street parking.

On the motion to grant the variance, Mr. Alexander?

CONSTANTINE ALEXANDER: I vote in favor.

BRENDAN SULLIVAN: Jim Monteverde?

JIM MONTEVERDE: Jim Monteverde in favor.

BRENDAN SULLIVAN: Wendy Leiserson?

WENDY LEISERSON: Wendy Leiserson in favor, with the condition that the surface remain.

BRENDAN SULLIVAN: Thank you, thank you. The Board grants this variance on the condition that the
1 existing hardscape that is present be maintained at the area
2 not to be -- that the area features of hardscape and the
3 greenscape not be removed for the parking of a vehicle and
4 be paved over with a non-pervious substance. Does that
5 satisfy it, Wendy?

6           WENDY LEISERSON:  Yes, thank you.
7           BRENDAN SULLIVAN:  Okay. Slater Anderson on the
8 motion to grant?

9           SLATER ANDERSON:  Slater Anderson in favor.
10           BRENDAN SULLIVAN:  And Brendan Sullivan in favor
11 of granting the variance.

12           [All vote YES]
13           BRENDAN SULLIVAN:  Five affirmative votes with the
14 condition. The variance is granted.

15           SAM BATCHELOR:  Thank you.
16           BRENDAN SULLIVAN:  Okay. Good luck, Sam.
17           SAM BATCHELOR:  Thanks.
18           BRENDAN SULLIVAN:  And that's it, folks. Thank
19 you very much.

20           JIM MONTEVERDE:  Thank you.
21           SLATER ANDERSON:  Thank you, Mr. Chair.
22           BRENDAN SULLIVAN:  Good job.
WENDY LEISERSON: Thank you. Goodnight.

BRENDAN SULLIVAN: Good job, everybody.

[9:37 p.m. End of Proceedings]
CERTIFICATE

Commonwealth of Massachusetts
Middlesex, ss.

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

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

In witness whereof, I have hereunto set my hand this _______ day of _________, 2022.

[Signature]

Notary Public

My commission expires:

July 28, 2028
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