

BOARD OF ZONING APPEAL
FOR THE
CITY OF CAMBRIDGE

GENERAL HEARING

THURSDAY, NOVEMBER 8, 2018

7:00 p.m.

in

Senior Center

806 Massachusetts Avenue

First Floor

Cambridge, Massachusetts 02139

Constantine Alexander, Chair

Brendan Sullivan, Vice Chair

Janet Green, Member

Andrea A. Hickey, Member

Slater W. Anderson, Associate Member

Laura Wernick Associate Member

Maria Pacheco, Zoning Secretary

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PROCEEDINGS

(7:00 p.m.)

(Sitting Members: Constantine Alexander, Brendan Sullivan, Janet Green, Andrea A. Hickey, Slater W. Anderson, Laura Wernick.)

CONSTANTINE ALEXANDER: The Chair will call this meeting of the Zoning Board of Appeals to order. And as is our custom, we're going to start with continued cases. These are cases that started at an earlier date but for one reason or another have been continued until this evening.

And so before I call the first of the two continued cases we have this evening, I'd like to read a statement:

After notifying the Chair, any person may make an video or audio recording of our open sessions or may transmit the meeting through any medium subject to reasonable requirements that the Chair may impose as to the number, placement, and operation of equipment used so as to not to interfere with the conduct of the meeting. At the beginning of the meeting the Chair will inform other attendees at that meeting that a recording is being made.

And I wish to advise that actually two, at least two recordings are being made. Our stenographer records the meeting to go help her

when she does the minutes of the meeting and a citizen of the city has left his tape recorder here, he also is recording.

Is there anyone else recording this meeting? Or making a video of this meeting?

(No Response.)

CONSTANTINE ALEXANDER: None. Okay. Ready to go.

(7:00 p.m.)

(Sitting Members BZA Case No. 017006-2018: Constantine Alexander, Brendan Sullivan, Andrea A. Hickey, Slater W. Anderson, Laura Wernick.)

CONSTANTINE ALEXANDER: I will start and call the first continued case, 017006, 9 Crescent Street.

Is there anyone here wishing to be heard?

ATTORNEY SEAN HOPE: Good evening, Mr. Chair, members of the Board. For the record, attorney Sean Hope, Hope Legal Law Offices in Cambridge. I'm here tonight on behalf of the petitioners. This is a continued case. And we also have project architect Kelly Boucher.

Spell it for the record.

KELLY BOUCHER: Oh. B-O-U-C-H-E-R. Boyes-Watson Architects.

ATTORNEY SEAN HOPE: And as the Board may remember this was an application requesting Variance relief, was to make a third floor more habitable. And at the last hearing the dormer, the proposed dormer was twice the dormer guidelines. And as we explained some of the functional issues that we were trying to resolve, the Board made a suggestion to go back and work with the architect to see if we could bring the dormer in conformance with the dormer guidelines and still achieve some of the functionality on the third floor. And I think that maybe it appropriate to turn it over to Ms. Boucher to talk about her design rationale and reduction.

KELLY BOUCHER: So after meeting with the homeowners we --

MAHMOOD FIROUZBAKHT: You know, Deidre is technically the only homeowner. I just reside there. She lets me live there.

CONSTANTINE ALEXANDER: You didn't have anything

better to do so you decided to come.

KELLY BOUCHER: So we took your response from our last hearing that the dormer was too long and was sort of not in agreement with what you would normally approve, and so what we did is we went back and looked at the space. We've now separated -- there's an existing bathroom and an existing dormer that's ten-foot, eight. We were extending that almost to a 30-foot dormer. And what we've done instead is we've created an exactly the same size dormer in the master bedroom which actually just forms a niche exactly big enough to fit a bed and two night tables in there. And we've removed the connecting section in the middle which was the bathroom. So they were still looking to have a new bathroom on the third floor. So what we've done is we fit a very tiny little bathroom in the existing sloping eave space as much as we could, which will give them a shower and a sink and a little bit of privacy from the kids as their family grows upstairs. And the other thing we've done is we've -- where the bathroom is shown now, is now their master closet. So when we put the bathroom, we need to find a new place to store all of their things. So we we've extended the master closet in the bedroom into

the triangle shape that slopes down below the roof, which when we do that, in order to get enough headroom and storage space, we felt it was still important to keep the dormer. Because otherwise you really don't get enough circulation in that room to get around the bed and put the furniture and, you know, do all the bedroom stuff. You've got laundry and, you know, things you live with. So our ask is reduced from a 90 square foot addition to a 30 square foot addition. So we're about a third of what we came to ask for. And our dormers also -- our new proposed dormer is about -- we've taken about a third of the length of it off. So we hope that those responses --

CONSTANTINE ALEXANDER: What's the length of the new dormer?

KELLY BOUCHER: The new dormer is ten-foot, eight which is the same size as the existing --

CONSTANTINE ALEXANDER: You're complying with the dormer guidelines with regard to the dormer? Am I right or no?

KELLY BOUCHER: Well, yeah if you add them both together they're almost 21 feet which is a little bit as separate --

LAURA WERNICK: Separate.

KELLY BOUCHER: Oh, then we will comply with the dormer guidelines, yeah, it's under 15 feet by almost four-and-a-half feet.

CONSTANTINE ALEXANDER: Congratulations. I mean, it may not have the interior layout you desired, but you've met our requirements -- our problems -- our problem which was noncompliance with the dormer guideline.

SLATER ANDERSON: Can I just ask a clarification?

CONSTANTINE ALEXANDER: Oh, by all means.

SLATER ANDERSON: So the first dormer that was approved by a Variance previously, correct?

MAHMOOD FIROUZBAKHT: Correct.

SLATER ANDERSON: So isn't it 15 feet per side in aggregate? I mean, I'm not -- I don't have a problem with this plan.

KELLY BOUCHER: If it is 15 feet per side --

SLATER ANDERSON: Because you broke it into two variances. To me you're still adding A plus B.

KELLY BOUCHER: On the driveway side there is a total of

almost 21 foot, 16 inches. 21-foot, four total on that side separated into two equally sized dormers.

SLATER ANDERSON: Yeah.

CONSTANTINE ALEXANDER: And the reason that actually the technical reason you're seeking relief, is you're a non-conforming structure, you're over the FAR. You're going to go a little bit more over your FAR?

KELLY BOUCHER: Exactly. We're increasing non-conforming structure, yes.

CONSTANTINE ALEXANDER: Questions from members of the Board?

LAURA WERNICK: No.

CONSTANTINE ALEXANDER: I'll open the matter up to public testimony.

Is there anyone here wishing to be heard? I'm sorry, Mr. Hope, do you have anything else?

ATTORNEY SEAN HOPE: No, I don't. This is really a design exercise, and I'm glad we could have the architect here to answer

questions from the Board.

CONSTANTINE ALEXANDER: Okay.

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

(No Response.)

CONSTANTINE ALEXANDER: No one wishes to be heard so I'll close public testimony.

Discussion or we ready for a vote?

LAURA WERNICK: I'm fine.

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

That a literal enforcement of the provisions of the Ordinance would involve a substantial hardship. Such hardship being this is an older structure that is not as large as necessary for families, particularly growing families. This would apply not only to you folks but anybody else who buys the property or acquires the property after you.

That the hardship is owing to the fact that it's already a non-conforming structure. So any increase in FAR requires zoning relief.

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

In this regard the Chair would note that this project has unanimous neighborhood support. It would appear from the letters we have received that the petitioner made a very good faith effort to get as close to our dormer guideline requirements as is possible.

And that the relief that is being sought would allow a young, younger couple to continue to live in the city which is always a desirable thing.

So on the basis of all of these findings, the Chair moves that we grant the Variance requested on the condition that the work proceed in accordance with the plans prepared by Boyes-Watson Architects, dated November 5, 2018. They are three pages, and I've initialled each of the three pages.

All those in favor please say "Aye."

(Aye.)

CONSTANTINE ALEXANDER: Five in favor. Relief

granted.

(Alexander, Sullivan, Hickey, Anderson, Wernick.)

* * * * *

(7:10 p.m.)

(Sitting Members BZA Case No. 016999-2018: Constantine Alexander,

Brendan Sullivan, Janet Green, Andrea A. Hickey, Slater W. Anderson,

Laura Wernick.)

CONSTANTINE ALEXANDER: The Chair will call case No. 016999, 163 Hampshire Street.

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

Good evening.

ATTORNEY ALFRED FARESE: Good evening. We have a microphone this time.

JANET GREEN: Yes.

DOLLY COSTELLO: Good evening.

ATTORNEY ALFRED FARESE: My name is Attorney Alfred Farese, Jr., F-A-R-E-S-E. My office is at 366 Broadway, Everett. And I represent Dolly Costello.

This basically is a situation where our intention is to apply for a fortune teller's license. The building that we are looking for use is a mixed building. It is a -- they have three storefronts; two of them, one is a barber shop?

DOLLY COSTELLO: Nail salon, barber shop.

ATTORNEY ALFRED FARESE: Nail salon barber shop.

There was a company called Super Green which dealt with I think solar panels, and they've moved out. They have been in existence for a long period of time using this as a commercial building. So if we have approval here, our next step is to apply for a license and then we have --

CONSTANTINE ALEXANDER: What kind of license do you have to apply for?

ATTORNEY ALFRED FARESE: We have to apply for a fortune teller's license.

CONSTANTINE ALEXANDER: State law requirement?

ATTORNEY ALFRED FARESE: It's a state law requirement. And some towns have their own rules and regulations. It's a payment of \$50 fee for the license. We have to go through a background check, CORI check. We have to produce a long-term lease. And my client has to show that she has a good character. She presently was running a same type of a business in Somerville, but we had problems with the building, mold, etcetera, and was forced to find a new location. And this is in an area where it is quite accessible to her clients.

CONSTANTINE ALEXANDER: Legally you're here before us

because you need a Use Variance. This is a residentially zoned area.

Even though -- and so I guess you should address why we should grant a Use Variance to your clients?

ATTORNEY ALFRED FARESE: It has always been used as a commercial property.

CONSTANTINE ALEXANDER: And it's not readily amenable to being converted to residential use?

ATTORNEY ALFRED FARESE: No, sir.

CONSTANTINE ALEXANDER: Street level, stores, there are other businesses right around it.

ATTORNEY ALFRED FARESE: It's right in the middle of two other businesses. In fact, at one time the hairdresser was in our spot and moved to the bigger spot.

CONSTANTINE ALEXANDER: What will your hours operations be?

DOLLY COSTELLO: Like on that block everybody closes at like seven, seven-thirty.

JANET GREEN: Can you hand her the microphone?

DOLLY COSTELLO: On that block I notice that everybody closes at like seven, seven thirty. Probably just keep it to that and just go with the block of the neighborhood. And Sunday closed. Saturdays, I'll probably close at five.

CONSTANTINE ALEXANDER: So your hours will be consistent with the other businesses?

DOLLY COSTELLO: Yes.

CONSTANTINE ALEXANDER: And not an additional burden on the neighborhood or the residential neighborhood? You're not going to there until one o'clock in the morning?

DOLLY COSTELLO: Not at all.

CONSTANTINE ALEXANDER: With loads of cars coming by?

ATTORNEY ALFRED FARESE: By appointment only.

CONSTANTINE ALEXANDER: I'm sorry?

ATTORNEY ALFRED FARESE: By appointment only.

CONSTANTINE ALEXANDER: By appointment only.

ATTORNEY ALFRED FARESE: Yeah. So people who walk

up cannot be serviced because --

CONSTANTINE ALEXANDER: I'm just fascinated by this whole thing. Is that a requirement of state law or is that your practice, by appointment only?

DOLLY COSTELLO: I prefer it that way.

CONSTANTINE ALEXANDER: You prefer it that way.

ATTORNEY ALFRED FARESE: The state law is, it's so archaic. One of the requirements that's on the books that has been struck down by federal court is that you had to be a resident of the town for a year before you could apply for a fortune teller's license. Ultimately that was, that was brought before federal court here in Boston, and the reasoning of the judge was there is no other profession, no other business in the Commonwealth of Massachusetts that requires a residency period of time for anybody to get a license. And basically the judge indicated that this is like getting a dog license. You come in, you have a hearing, if you're an appropriate person to get it, you're allowed. As long as you're in the proper area that's approved by the town. Some towns have their own zoning that you could have a fortune teller's license in A, B, C, D, E,

F, and G. Unfortunately Cambridge doesn't specify. It just says commercial.

CONSTANTINE ALEXANDER: Cambridge is behind the times. We never had a beekeeper's license. And all the other towns --

ATTORNEY ALFRED FARESE: Sherlock Holmes he was a beekeeper.

CONSTANTINE ALEXANDER: Was he?

ATTORNEY ALFRED FARESE: Yes, he was.

CONSTANTINE ALEXANDER: All right.

Any questions from members of the Board?

BRENDAN SULLIVAN: Yeah. What is the section cited, Gus, on that? The section, the violation section? It should be on the front.

CONSTANTINE ALEXANDER: It's not on here.

BRENDAN SULLIVAN: It's in the front.

ATTORNEY ALFRED FARESE: 45C?

CONSTANTINE ALEXANDER: 4.35.A.2 retail use. It's a retail use that's not permitted in the --

BRENDAN SULLIVAN: 4.35.

CONSTANTINE ALEXANDER: .2A. I'm sorry, 4.35.A.2.

BRENDAN SULLIVAN: Other retail establishments?

ATTORNEY ALFRED FARESE: Yeah.

BRENDAN SULLIVAN: That's pretty broad.

ATTORNEY ALFRED FARESE: It is. They couldn't
find -- the Inspectional Services couldn't find --

BRENDAN SULLIVAN: So it's not listed it's prohibited I
guess is their tact.

ATTORNEY ALFRED FARESE: Basically.

CONSTANTINE ALEXANDER: That's how it works in
zoning. If it's not listed, it's prohibited. That was the beekeeper case.

BRENDAN SULLIVAN: Yeah.

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

(No Response.)

CONSTANTINE ALEXANDER: Guess not.

I'll open the matter up to public testimony. Is there anyone

here wishing to be heard on this matter?

(No Response.)

CONSTANTINE ALEXANDER: Apparently not. So I'll close testimony.

I don't think we have any letters unless one came in late.

ATTORNEY ALFRED FARESE: I do have copies of the last time we were here.

CONSTANTINE ALEXANDER: Yeah, it's in the file, too. I checked. And we saw the signs so you're okay there.

ATTORNEY ALFRED FARESE: Okay.

CONSTANTINE ALEXANDER: Otherwise it wouldn't have gone this far.

ATTORNEY ALFRED FARESE: I understand that. There was a mixup and misunderstanding.

CONSTANTINE ALEXANDER: No problem.

Okay, no letters. Ready for a vote?

JANET GREEN: Yeah.

BRENDAN SULLIVAN: Yeah.

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

That a literal enforcement of the provisions of the Ordinance would involve a substantial hardship. This hardship being is that the premises are not amenable really to residential use being on the ground floor with large windows surrounded by other businesses and, therefore, whoever -- whatever retail business -- whatever use of the property can be made, it has to be basically a business use and therefore requires a Use Variance.

The hardship is owing to the fact the nature of the premises. It is by structure a storefront. It's not a homeowner, not a place for residential use.

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

In this regard what will happen is that a now vacant storefront will be put to a good retail use. It will add another dimension to that area in terms of the kinds of products offerings, commercial offerings that are

available.

So on the basis of all of these findings, the Chair moves that we grant the Use Variance being requested.

All those in favor please say "Aye."

(Aye.)

CONSTANTINE ALEXANDER: Five in favor. Variance granted.

(Alexander, Sullivan, Green, Hickey, Anderson.)

ATTORNEY ALFRED FARESE: One question.

CONSTANTINE ALEXANDER: Sure.

ATTORNEY ALFRED FARESE: We can't file a license until whatever decision here is recorded? I just don't know the procedure.

CONSTANTINE ALEXANDER: It takes a while. We -- this decision, a written decision will be made. I will then -- it takes two or three weeks for the Inspectional Services Department gets that done. I then sign it. It's then filed with the city clerk. At that point it becomes an official decision.

ATTORNEY ALFRED FARESE: Okay.

CONSTANTINE ALEXANDER: But then there's a 20-day appeal period. So long and short of it is probably two to three months before you'd be able to actually start to open the business or you would.

ATTORNEY ALFRED FARESE: Yeah, once you do that, we will apply for the regular license.

CONSTANTINE ALEXANDER: Well, you can start the other applications, but our decision will not become final for a couple of months.

ATTORNEY ALFRED FARESE: Okay. All right.

DOLLY COSTELLO: Thank you.

* * * * *

(7:30 p.m.)

(Sitting Members BZA Case No. 017019-2018: Constantine Alexander, Brendan Sullivan, Janet Green, Andrea A. Hickey, Slater W. Anderson.)

CONSTANTINE ALEXANDER: The Chair will now call our regular session to order. And the first case I'm going to call is case No. 017019, 13 Decatur Street.

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

ATTORNEY SARAH LIKE RHATIGAN: Hello. Good evening, I'm Sarah Rhatigan from Trilogy Law. I'm here representing the petitioners. Introduce everyone here.

CATRIEL TULIAN: I am Catriel Tulian, C-A-T-R-I-E-L T-U-L-I-A-N, architect.

KIMBERLY THORESON: I'm Kim Thoreson, the homeowner.

ANDREW JOHNSON: Andrew Johnson, homeowner.

ATTORNEY SARAH LIKE RHATIGAN: Good evening. This is both a Variance and a Special Permit request. The property's 13 Decatur Street and Ms. Thoreson and Mr. Johnson purchased this home a year ago? About a little over a year ago. They've got two -- well, now two children, one little baby and a little one. And it's an interesting home. The front of the home is the original older home sort of historic home which is quite close to the -- as you're facing the house, the right boundary. The Board of Zoning Appeals granted a Variance in the late 1990s to allow for construction of a sort of modern two-story addition at

the rear which was constructed. When you, when you enter the home, what happened with the previous owner, we're not sure exactly when or how, the previous owner essentially created an illegal second apartment in the basement of the front older portion of the home. And so the way they sort of chopped this up is that they used one room from the first floor, front house stairs down to the basement and then the basement, there's been a second kitchen put in there, bathroom, all sort of tight quarters and, you know, pretty reliably not to code, not with permits. So when these folks purchased it, they didn't want to use this as a two-family home, they wanted to use it as a single-family home. And because of the way the front house was kind of chopped up, it made for unusable front rooms of the house which this Variance is all kind of a product of trying to reclaim the front portion of the house for open space. So what's -- this is the driver of the -- of all the interior changes that are resulting in the need of the construction of the new rear entry to the basement, which is the cause of the Variance request.

CONSTANTINE ALEXANDER: There's a kitchen -- and there's an illegal second apartment. There was a kitchen. What's going

to happen to that kitchen should we grant relief tonight?

ATTORNEY SARAH LIKE RHATIGAN: Great, I'll get to that.

CONSTANTINE ALEXANDER: Okay.

ATTORNEY SARAH LIKE RHATIGAN: So what will happen, the first floor, instead of having the one bedroom and then the stairs down to a basement, they'll remove the front stairs that are within the, within the main house, removing the access to the basement from that front part of the house so that they can create two proper bedrooms at the front of the house. They're also removing what used to be the main entry, because that would, it's sort of unusable in its current situation. And, again, it also allows for more liveable space, so the two children's bedrooms will be in the front first floor.

So in the basement what will happen is the, again, the relief is being requested so they have a proper, you know, code compliant stair entry into the back basement area. That's where all the utilities are. We can show you the floor plan if that's helpful. They, the homeowners are going to remove the stove in the room that had the kitchen. They're not gonna, you know, rip out the plumbing. They'll keep a bathroom down

there. The plan is to essentially create that front room as a sort of an art studio, a place that can be kind of a little messy for the children. It's not particularly attractive or usable for any other purpose, because once you remove the stairs that now exist at the front of the house, the only access into this area is gonna be through the new entry, through the essentially the boiler room into this sort of front studio space.

The benefit to the homeowner and to the city, I think, is that it really removes what's now an illegal apartment. For -- so for their purposes they want to use this as a single-family home. And for future homeowners it also will be a very unattractive option for someone who is trying to sneak an illegal apartment in there. You know, again, even for Airbnb purposes I don't know who would want to walk through the boiler room into a room to rent space if you will.

The -- in terms of the, you know, the impacts of the requested new structure to allow for the entrance, these are visuals that you have in the file, but I think they're just helpful to see the change that we're talking about. So this is the current existing bulkhead entry. So it is, you know, close to the neighboring property. It's not visible. The -- there's a

relatively high wooden fence that bounds the property between this property and the neighboring property which is -- which is a new construction condominium development which I'm sure probably went through this Board for permitting.

The -- this is the proposed shed entry to the basement. And, again, this allows for essentially for code compliant access.

If the Variance were not granted, the homeowners could -- well, they couldn't -- in a code compliant way they couldn't live with this. So it's a little bit of a puzzle as to what would happen if the Variance were not granted. I guess they could, you know, continue to have a noncode compliant entry. But I think the concern is that if they do that, they would, they would have difficulty, you know, if the burner needs to be replaced. I mean, I know contractors are going to have difficulty getting everything down through an old bulkhead entrance. It also would make it almost unusable to be able to use that art studio space in the front of the house.

I think that's it in terms of the Variance matters. And then there's also Special Permit issues. But I'm happy to take questions.

CONSTANTINE ALEXANDER: Any questions on the Variance portion of the case at this point?

(No Response.)

CONSTANTINE ALEXANDER: Why don't you turn to the Special Permit.

ATTORNEY SARAH LIKE RHATIGAN: Okay, great.

So the Special Permit is related to window relief on the side setbacks. So there is a top attic window that is rotting and it's pretty small undersized sort of old, typical old attic window. They'd like to replace it with a slightly larger window in the same location. It's in the side yard setback which is the reason for the relief.

CONSTANTINE ALEXANDER: Right.

ATTORNEY SARAH LIKE RHATIGAN: And then on the other side of the house.... sorry about that.

CATRIEL TULIAN: This is the other side of the house.

ATTORNEY SARAH LIKE RHATIGAN: There we go.

Thank you.

So this shows you a similar change. This is at the attic

window side.

CONSTANTINE ALEXANDER: Right.

ATTORNEY SARAH LIKE RHATIGAN: And then this is a new window that's being requested. This is to provide some light for a bathroom here. This is on the first level of the house.

CONSTANTINE ALEXANDER: Right.

And you said there's a large, a high fence that --

ATTORNEY SARAH LIKE RHATIGAN: The fence is not on this side.

CONSTANTINE ALEXANDER: Oh, it's the other side.

ATTORNEY SARAH LIKE RHATIGAN: So this is the other side of the house where there's a shared driveway with the other neighbor. And that other house I'm not sure how many feet away it is, but it's, it's perhaps maybe 15 feet away.

Just lastly, the homeowners did speak to a number of neighbors. And I know that there are some letters that you received in the file.

CONSTANTINE ALEXANDER: We have them. I'll read

them into the record when it's appropriate.

ATTORNEY SARAH LIKE RHATIGAN: Okay.

And most importantly from our perspective is that the property that abuts on the right side, which is the closest to the shed entry and that attic window has been supportive of the project.

CONSTANTINE ALEXANDER: Okay.

Questions from members of the Board?

(No Response.)

CONSTANTINE ALEXANDER: I'll open the matter up to public testimony.

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

(No Response.)

CONSTANTINE ALEXANDER: Apparently not. And as Ms. Rhatigan said, we do have a number of letters from neighbors which I'll read into the record. It's actually the same letter signed by different people. The letter states: As a nearby owner in the City of Cambridge, I am writing to express my support for the construction of a covered access to the existing basement at the above-referenced premises to replace the

existing bulkhead accessed in the same location. I have discussed the proposed plans for the premises with the current owners, Andrew Johnson and Kim Thoreson, and feel that the renovation plans would be a major improvement to the current property providing a safer exterior access to their basement while creating no detriment to the public good and maintaining the integrity and quality of the neighborhood. In addition, I have no objection to the new window. And this last has been signed by -- I can't read the handwriting of the signatures, but I can read the address:

17 Decatur Street; 19 Decatur Street; 9 Decatur Street; 17 Decatur Street; 30 Lopez Street, unit No. 2; 30 Lopez Street, unit No. 3.

That's it. Unanimous neighborhood support for the project.

Discussion or should we go -- we have two votes to take. All set?

JANET GREEN: I'm ready.

CONSTANTINE ALEXANDER: Okay, let's start with the Variance furs.

The Chair moves that we make the following findings with

regard to the Variance requested:

That a literal enforcement of the provisions of the Ordinance would involve a substantial hardship. Such hardship being is that this structure in its current configuration with its bulkhead to an illegal second apartment is not at all desirable or amenable to the occupancy of the structure. And this applies not only to you folks but to anyone else who would ever own the structure.

The hardship is owing to the fact that this structure is unusual in its configuration and modification over the years and sit on the lot, to the right side of the lot, and so it invades setbacks on that side. And, therefore, modifications to the structure requires zoning relief.

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

In this regard, the Chair would note that the project has unanimous neighborhood support.

That if approved, will result in the elimination of an illegal second apartment in the structure, and generally will make for a more

desirable residential structure in the City of Cambridge.

So on the basis of all of these findings, the Chair moves that we grant the zoning relief requested on the condition that the work proceed in accordance with plans prepared by Stack and Company, each page of which has been initialled by the Chair.

All those in favor please say "Aye."

(Aye.)

CONSTANTINE ALEXANDER: Five in favor. Variance granted.

(Alexander, Sullivan, Green, Hickey, Anderson).

CONSTANTINE ALEXANDER: Turning to the Special Permit. We have to make a lot more findings here.

The Chair moves that we make the following findings with regard to the Special Permit being requested:

That the requirements of the Ordinance cannot be met unless we grant you the Special Permit.

That traffic generated or patterns of access or egress resulting from what you're proposing to do will not cause congestion, hazard, or

substantial change in established neighborhood character.

In this regard we're talking about modifying two windows with minimal impact on abutting properties.

That the continued operation of or the development of adjacent uses as permitted in the Ordinance will not be adversely affected by what is being proposed. Again, we're talking about the windows.

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

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

Again, we're talking about neighborhood support. Has minimal, if any, impact on neighboring properties, and would result in a more desirable single-family structure on Decatur Street.

So on the basis of all of these findings the Chair moves that we grant the Special Permit requested, again on the condition that the work proceed in accordance with the plans referred to with regard to the

Variance we granted.

All those in favor please say "Aye."

ATTORNEY SARAH LIKE RHATIGAN: Mr. Chairman, small point of clarification.

CONSTANTINE ALEXANDER: Sure.

ATTORNEY SARAH LIKE RHATIGAN: You had referenced two windows.

CONSTANTINE ALEXANDER: Yes.

ATTORNEY SARAH LIKE RHATIGAN: So the Special Permit request is actually for three windows. So there are two modified windows and then one additional window.

CONSTANTINE ALEXANDER: Okay.

Correct the record to be three windows.

All those in favor please say "Aye."

(Aye.)

CONSTANTINE ALEXANDER: Five in favor. Special Permit granted. Good luck.

(Alexander, Sullivan, Green, Hickey, Anderson.)

* * * * *

(7:45 p.m.)

(Sitting Members BZA Case No. 017017-2018: Constantine Alexander, Brendan Sullivan, Janet Green, Andrea A. Hickey, Slater W. Anderson.)

CONSTANTINE ALEXANDER: The Chair will call case No. 017017, 32-34 Mount Auburn Street.

Is there anyone here wishing to be heard on this matter? If there's anyone in the audience interested in this case, you can come forward and get a better view of the boards if you like.

MARGARET KEAVENY: Good evening, everyone, how are you?

CONSTANTINE ALEXANDER: Good.

MARGARET KEAVENY: My name is Margaret Keaveny.

I'm from the Cambridge Housing Authority and the project manager for 34 Mount Auburn Street.

JANET GREEN: You need to be a little closer.

MARGARET KEAVENY: A little closer?

JANET GREEN: Closer to you.

MARGARET KEAVENY: Margaret Keaveny, K-E-A-V-E-N-Y.

NEAL MONGOLD: My name is Neal Mongold. I'm the architect for the project from The Narrow Gate architects in Boston. Spell the name? Neal, N-E-A-L M-O-N-G-O-L-D, Mongold.

MARGARET KEAVENY: So before I begin, how much background information would you like me to give?

CONSTANTINE ALEXANDER: Well, I think it's curiosity, I've been on that street a gazillion times over the years. I've never realized Cambridge Housing Authority had a facility there.

MARGARET KEAVENY: Yes, indeed.

CONSTANTINE ALEXANDER: How many residents and what kind of residence?

MARGARET KEAVENY: Let me tell you a little bit about it.

CONSTANTINE ALEXANDER: Yeah, a little bit of background.

MARGARET KEAVENY: Well, 34 Mount Auburn Street is known at CHA as Saint Paul's Residence. It was built in 1924 and it was formerly the rectory for Saint Paul's Church which is across the street. And in 1991 it went, it underwent substantial renovation to convert the building to its current use.

CONSTANTINE ALEXANDER: The property's owned by Harvard?

MARGARET KEAVENY: It is indeed, yes. We have a partnership.

CONSTANTINE ALEXANDER: You have a lease?

MARGARET KEAVENY: Ground lease.

CONSTANTINE ALEXANDER: That's what it is.

MARGARET KEAVENY: Yes, sir.

And so the building has 18 single-room occupancy apartments and two family units. These two family units have separate entrance from the main building. The 18 SROs as we call them,

have -- they share common kitchens and common baths. So there are four common kitchens and seven shared baths for the residents.

CONSTANTINE ALEXANDER: Is it -- do they attract people with handicap? I know you want the handicap van in the parking lot.

MARGARET KEAVENY: Yes.

CONSTANTINE ALEXANDER: Why?

MARGARET KEAVENY: So Saint Paul's serves some of our most vulnerable residents in our portfolio. These are individuals that are formerly homeless, have severe addiction problems, and are some disabled. So we are planning a major renovation this year. Well, I should say in the beginning of 2019 to do a comprehensive interior and exterior renovation of the property. So we're looking to replace the beautiful slate roof, the copper gutters. We're replacing all of the windows, limited, replacing the mantels.

CONSTANTINE ALEXANDER: Are you changing the number of dwelling units in the property?

MARGARET KEAVENY: We are, yes. So we're converting two of our four common kitchens. We're converting two of them to units

because we have such a demand. So we're trying to meet that demand.

And we're also reconfiguring the first floor manager's office into two additional units.

So long --

CONSTANTINE ALEXANDER: So you have handicap -- a van for handicap people?

MARGARET KEAVENY: Yes.

CONSTANTINE ALEXANDER: Will it come frequently?

MARGARET KEAVENY: That, I don't know. I believe we do have certainly people that have, you know, access services. And there is a large van that comes to the parking lot, doesn't park now because it can't at presently. So we want to, and we want to abide by MAAB honestly. So we want to convert one of our handicap accessible spaces, expand it so that it is a handicapped van accessible space in compliance with MAAB.

So, and that's the purpose of why we're here today is under the Zoning Ordinance we have to have five percent of our parking facility landscaped. Currently we don't meet that. Currently we have 2.59

percent of our parking lot is landscaped. We have a small island. And so by converting one of our handicapped spaces, we're going to further just nominally reduce that again to 2.4 percent landscaped in order to serve those that need a handicapped accessible van. And so in order to complete this work, we do need relief from the BZA to do this in the parking lot.

CONSTANTINE ALEXANDER: Okay, sure. Anything else you want to add?

MARGARET KEAVENY: Yes.

NEAL MONGOLD: And if there are any questions about the architecture or the site planning, I'm happy to answer them, but Margaret's the star of the show here.

CONSTANTINE ALEXANDER: Any questions from members of the Board?

(No Response.)

CONSTANTINE ALEXANDER: I'll open the matter up to public testimony.

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

(No Response.)

CONSTANTINE ALEXANDER: No. No one here in the audience. And I don't think we have any letters of the like from interested citizens. So we're all set on that.

Any final comments you want to make?

MARGARET KEAVENY: No, sir. Thank you.

CONSTANTINE ALEXANDER: Okay.

Ready for a vote?

JANET GREEN: Yeah.

CONSTANTINE ALEXANDER: The Chair moves that we make the following findings with regard to the requested variance:

That a literal enforcement of the provisions of the Ordinance would involve a substantial hardship. Such hardship being that they would not be able to provide handicap van accessible space which is essential given the nature of the population of this structure.

That the hardship is owing to the shape of the lot. The building takes up so much of the lot that there isn't not that much room relatively speaking, for landscaping of the parking lot and resulting in the

reason why you're here tonight.

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

To the contrary, this project goes forward and we grant the relief you're requesting, will be to the benefit of the citizens of the city, and particularly to the population that is served by the Cambridge Housing Authority.

So on the basis of all of these findings, the Chair moves that we grant the Variance requested.

All those in favor please say "Aye."

(Aye.)

CONSTANTINE ALEXANDER: Five in favor. Variance granted. Good luck.

(Alexander, Sullivan, Green, Hickey, Anderson.)

* * * * *

(8:00 p.m.)

(Sitting Members BZA Case No. 017024-2018: Constantine Alexander, Brendan Sullivan, Janet Green, Andrea A. Hickey, Slater W. Anderson.)

CONSTANTINE ALEXANDER: The Chair will call case No. 017024, 343-343 1/2 Broadway.

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

ATTORNEY DAVID GRAY HANSON: Yes, sir. Good evening, Mr. Chairman, members of the Board. This is 343-343 1/2 Broadway. For the record, attorney David Gray Hanson of the Cambridge law firm of Clark, Hunt, Ahern and Embry. I'm here on behalf of the Ms. O'Connor and Mr. McCarthy. Mr. McCarthy is the owner of 343 Broadway, also referred as lot A. And Ms. O'Connor is the owner of 343 1/2 Broadway which is lot B. These are two joining properties. My impression is that they are called townhouses, but when I Wikipedia'd townhouse this afternoon, I discovered that a townhouse, at least the way that the English look at it, is a city house for wealthy country people to stay in while they're in the city. That's not what this is. These two houses were built in the 1800s.

What's interesting is they have been inundated with this.

This is a merger doctrine case to clarify. And what's incredibly intriguing about this from my vantage point is that this property has merged about three times; once in '46, once in '56, and once in '86. And I started hearing a lot of sixes, and I said that's the devil, that's three sixes in a row that's why we're here. And so anyway, this property has clearly had a difficulty with this merger, underscores probably the utility of using a seasoned real estate conveyance attorney when dealing with these properties. But in any event, this property was subdivided in January 4th of 1947. There were several conveyances that came out of that subdivision actually. And then it merged again in '86 as I said and when these lots became owned by a Mr. Franklin. Mr. Franklin, unbeknownst to him and not knowing that these properties had merged, deeded these lots out. One to Mr. McCarthy in 199 -- excuse me, in June of 1993. And the other one to Ms. O'Connor in July of 1993. We're here before you guys to separate these two buildings in accordance with the presumption of their ownership and in accordance with the subdivision plan of '47.

Additionally, we have -- we're requesting approval of an off-street parking scheme, two spaces for each house. I want to note that the Board, when granting a Variance to Mr. Franklin back in '91, granted actually four spots for just the right-hand side of the building, which is Mr. McCarthy's property at 343 Broadway. So --

CONSTANTINE ALEXANDER: Did you say you're seeking zoning relief for parking tonight?

ATTORNEY DAVID GRAY HANSON: We're not seeking parking relief. We're actually just asking for an approval of a parking scheme. These are parking schematic. These are parking spaces that are in the back. There's a driveway actually --

CONSTANTINE ALEXANDER: Why do you need that approval? I mean --

ATTORNEY DAVID GRAY HANSON: Just wanted to tie up any strangling.

CONSTANTINE ALEXANDER: It's not advertised at all.
And --

ATTORNEY DAVID GRAY HANSON: Well, we have a

parking scheme that's in the file and it was referenced.

CONSTANTINE ALEXANDER: It is what it is.

ATTORNEY DAVID GRAY HANSON: Right.

CONSTANTINE ALEXANDER: I don't think it's appropriate for us to take action on that tonight.

ATTORNEY DAVID GRAY HANSON: That's fine. The primary goal is to put these -- I mean, both Mr. McCarthy and Ms. O'Connor think they own their respective houses. When in fact by virtue of the merger, they own the whole dog gone thing together. So that's what we're really trying to do here is separate that.

CONSTANTINE ALEXANDER: Okay.

ATTORNEY DAVID GRAY HANSON: That's it.

CONSTANTINE ALEXANDER: How did you discover the problem? Why the case tonight?

ATTORNEY DAVID GRAY HANSON: The sharp eye of Ranjit, actually. Ms. O'Connor went in to do -- to get a building permit for some renovations, and he said I think you have a merger problem, you should contact an attorney. It was that, you know, I've known him

forever. You guys have known him forever. He's one of the great municipal employees of this city, and he's got a very keen eye.

CONSTANTINE ALEXANDER: He is.

ATTORNEY DAVID GRAY HANSON: And this is -- actually, maybe some of you know, this is an issue that comes up more often than not which is obviously --

CONSTANTINE ALEXANDER: We've had merger cases before. Ms. Hoffman who is sitting right there, she knows a lot about merger cases.

ATTORNEY DAVID GRAY HANSON: They happen inadvertently and sometimes to the surprise certainly in this case --

CONSTANTINE ALEXANDER: Almost always inadvertently.

ATTORNEY DAVID GRAY HANSON: And clearly it was a significant surprise to the present owners.

CONSTANTINE ALEXANDER: Questions from members of the Board?

(No Response.)

ATTORNEY DAVID GRAY HANSON: Mr. Chairman, my

client, one of my clients has informed me that actually Ranjit asked for this parking approval. Suggested that we get this scheme, because it's being essentially grandfathered in from this 1991 case.

CONSTANTINE ALEXANDER: My problem is it's not even advertised, though.

ATTORNEY DAVID GRAY HANSON: Okay. All right. It's all off-street parking and not visible to the street or anything. It's relatively innocuous.

CONSTANTINE ALEXANDER: I'm sure it is. But we have to follow procedures and appropriate public notice and that's the reason why I'm concerned, nothing else.

I don't think --

BRENDAN SULLIVAN: Parking spaces are an exercise in measurements, you know; size, width. Not necessarily just the location, but there's a whole other variables --

ATTORNEY DAVID GRAY HANSON: Right.

BRENDAN SULLIVAN: -- that all of that exercise, all of that math has to be done to see whether or not they're actually compliant. I

mean, we have no problem with that. I'm not sure how Inspectional Services -- that's an administrative decision on their part. So we just can't -- we just can't sanction it without having done that mathematical exercise basically.

ANGELIKA O'CONNOR: It was submitted and it was done by an architect.

JANET GREEN: It has to be on the advertisement.

ATTORNEY DAVID GRAY HANSON: I'm not really sure.

CONSTANTINE ALEXANDER: It's got to be a plan and be in our file and show the dimension. We just can't do it tonight.

ATTORNEY DAVID GRAY HANSON: Gotcha. Well, we have that plan in that file, but I'm hearing what you're saying and so we'll defer on that matter tonight.

ANDREA HICKEY: Would they need to continue that part of the case if they wanted a determination on that issue?

CONSTANTINE ALEXANDER: The case wasn't properly advertised for this relief.

ANDREA HICKEY: Can they come back for that I guess is

my question?

CONSTANTINE ALEXANDER: Yes. No reason.

Absolutely right. If you have a problem down the road of any sort, come back before us.

BRENDAN SULLIVAN: Right now I'm blind to the parking scheme.

CONSTANTINE ALEXANDER: Yeah. We're not in any way precluding you from doing something about the parking, we just can't do anything for you tonight.

ATTORNEY DAVID GRAY HANSON: I get that. I mean obviously the critical issue here tonight is separating these so that these people can go about their lives and own their house, each of them.

CONSTANTINE ALEXANDER: Okay.

I'll open the matter up to public testimony. Is there anyone here wishing to be heard on this matter?

Why don't you come up closer and give your name and address to the stenographer, please.

CLAUS DE BANSA: My name is Claus De Bansa. First

name C-L-A-U-S new name D-E, ne name B-A-N-S-A. And I own the property next door at 63 and 65 Inman Street. You know, I don't have much to say, but I think, you know, to you know in fair matters one should see this house is divided in the middle, and each of them has a backyard. And so I think my neighbor lady here she should be granted a parking space in the front so that she can --

ATTORNEY DAVID GRAY HANSON: We're not doing that tonight.

CLAUS DE BANSA: Oh, you're not doing that tonight?

ATTORNEY DAVID GRAY HANSON: I don't -- quite frankly I'm a little perplexed how it didn't show up on the advertisement quite frankly, because it was advised that we do that. And the issue before this Board right now is just limited to the issue of separating the two houses.

CLAUS DE BANSA: Okay.

CONSTANTINE ALEXANDER: Yeah.

CLAUS DE BANSA: Thank you.

CONSTANTINE ALEXANDER: Do you have any opinions or views on the separation of the houses?

CLAUS DE BANSA: No, I think it just should be, you know, equal so everybody has a backyard.

CONSTANTINE ALEXANDER: You're in favor of granting the relief being sought?

CLAUS DE BANSA: Yeah.

CONSTANTINE ALEXANDER: Thank you.

CLAUS DE BANSA: Just that it bring the people to peace.

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

Ms. Hoffman.

HEATHER HOFFMAN: Hi. Heather Hoffman, 213 Hurley Street. And I simply have a question that reveals my ignorance and that is why this isn't eligible for the provision in the Zoning Ordinance for splitting townhouses?

CONSTANTINE ALEXANDER: Good question. Ranjit didn't raise it. It hasn't been raised in the file. I don't know why. Beats me I guess is my response.

HEATHER HOFFMAN: It's as-of-right as I understand it.

CONSTANTINE ALEXANDER: Well, let's see -- let's take a vote of while we're granting the relief. We don't have to worry if it's a matter of right. That issue was not brought to the attention of this Board by Inspectional Services so that's why I'm a little perplexed about trying to respond to it.

Anyone else wishes to be heard?

(No Response.)

CONSTANTINE ALEXANDER: Apparently not. I'll close public testimony.

No letters of like in the file. Discussion or ready for a vote?

BRENDAN SULLIVAN: The only question I would have is that if you're going to have two distinct properties after tonight, are there any provisions or thoughts -- I guess what I'm -- I don't want to see two very distinct properties sitting next to each other, you know, sort of like with a line down the middle. Will the outside, the appearance of it sort of be in commonality, look the same?

ATTORNEY DAVID GRAY HANSON: Totally. You would just assume -- this is not a stretch. You would just assume that this is two

side-by-side -- what I always thought was a townhouse until I read the definition of it, but there's two houses that literally just share a wall.

BRENDAN SULLIVAN: Correct. I get that part of it.

ATTORNEY DAVID GRAY HANSON: And they have separate entrances. There's no way to go across.

BRENDAN SULLIVAN: Right. I'm thinking materials, colors, this and the next thing. One side does white, the other side does black. You know, blah, blah, blah, so on and so forth.

ATTORNEY DAVID GRAY HANSON: I think that whole neighborhood is pretty consistent with, you know, exterior appearance and so forth.

CONSTANTINE ALEXANDER: Brendan, if they chose to paint one side white and one side blue, what's the -- what's wrong with that?

BRENDAN SULLIVAN: Well, I just have seen examples of it that don't look good. But anyhow, maybe that's just me.

No, I just raise the question, is there any provisions for that or are they going to be totally treated as two distinct properties going

forward?

ATTORNEY DAVID GRAY HANSON: Well, I would assume that they would be dealt with -- viewed as two distinct properties, but I think just the common sense aesthetics would preclude someone from making their --

CONSTANTINE ALEXANDER: Let me ask the question a different way. Is there any agreement now or contemplated with regard to the overall management of the two structures?

ATTORNEY DAVID GRAY HANSON: None.

BRENDAN SULLIVAN: Is there any in force now? I mean right now basically you almost have a condominium arrangement; is that correct in a sense? I mean, you own one side and he owns the other side.

ATTORNEY DAVID GRAY HANSON: No, these are two separate -- completely separate buildings that just happen to abut each other. That's really -- they're two houses on --

PAUL McCARTHY: Separated by a firewall.

BRENDAN SULLIVAN: No, I get that part.

ANDREA HICKEY: No systems that are common? No insurance or utilities? They're two separate houses. One could be black and one could be white without a covenant, that could happen.

BRENDAN SULLIVAN: The house that I lived in is identical to this. It's a Philadelphia style duplex is really the terminology, the architectural terminology of it. We happened to own both. We live in one half, we rent the other. But, you know, so I'm very familiar, there's a party wall right down the middle. Both sides are mirror images of the other.

ATTORNEY DAVID GRAY HANSON: Right.

BRENDAN SULLIVAN: But I just raise the issue whether or not there is some agreement as to keep the outside somewhat looking uniform or not. So the answer is no.

ATTORNEY DAVID GRAY HANSON: No, that's right. And there never has been.

JANET GREEN: And there doesn't have to be.

ATTORNEY DAVID GRAY HANSON: And there never has been either.

CONSTANTINE ALEXANDER: What about insurance, fire insurance, one policy?

ANGELIKA O'CONNOR: They've all been separate. We've always --

CONSTANTINE ALEXANDER: You each have your own policy.

ANGELIKA O'CONNOR: -- we assumed it's a separate house.

PAUL McCARTHY: I was shocked.

JANET GREEN: I bet you were.

ATTORNEY DAVID GRAY HANSON: Actually, to be perfectly candid with you, it took us almost two years to get Mr. McCarthy to admit he had a problem. So, yeah, it's unbelievable.

BRENDAN SULLIVAN: Okay.

CONSTANTINE ALEXANDER: Any other comments from members of the audience?

(No Response.)

CONSTANTINE ALEXANDER: There are none. Further

discussion among us or ready for a vote?

JANET GREEN: Ready.

CONSTANTINE ALEXANDER: Okay. The Chair moves we make the following findings with regard to the Variance being sought, the Variance is to subdivide properties that inadvertently merged.

That a literal enforcement of the provisions of the Ordinance would involve a substantial hardship. Such hardship being is that basically we get two single-family homes that is are now one in terms of the lot, the lot by virtue of unaware acts that were made in the past with regard to merging the two properties.

That the hardship is owing to the fact of the nature of the property. It's now one lot with two separate single-family homes with a party wall, and that presents a lot of hardships in terms of disposition of the property, management of the property, and the like.

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

In this regard there's no impact on the city other than

demerging this property. And a merger document is put in place to deal with a different kind of issue than this issue. This was just something that slipped through the cracks by less than depth conveyancers years ago, and now you folks are paying the price for it and having to come before us tonight.

So on the basis of all of these findings, the Chair moves that we grant the Variance requested to subdivide this merged property.

All those in favor please say "Aye."

(Aye.)

CONSTANTINE ALEXANDER: Five in favor.

(Alexander, Sullivan, Green, Hickey, Anderson.)

CONSTANTINE ALEXANDER: You're all set.

* * * * *

(8:15 a.m.)

(Sitting Members BZA Case No. 017022-2018: Constantine Alexander, Brendan Sullivan, Janet Green, Andrea A. Hickey, Slater W. Anderson.)

CONSTANTINE ALEXANDER: The Chair will call case No. 017022, 72 Frost Street.

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

Are you the petitioner?

UNIDENTIFIED MEMBER FROM THE AUDIENCE: I'm not the petitioner. I'm an abutter.

CONSTANTINE ALEXANDER: Okay, let me read a letter into the file. It's from the petitioner.

(Reading) Please accept this request on behalf of the petitioner to continue the above-referenced case and allow for continued discussions with neighbors and abutters.

We're not going to hear the case tonight. We're going to continue it to another night. We'll decide in a second when, and I'll make sure it's a date that works for you as well because obviously you have an interest in the case that brought you here tonight. You understand what's happening?

UNIDENTIFIED MEMBER FROM THE AUDIENCE: Yes, of course.

CONSTANTINE ALEXANDER: Maria, we're going to continue this case. What do we have?

MARIA PACHECO: 72 Frost? The 29th?

CONSTANTINE ALEXANDER: We have room on that night?

MARIA PACHECO: We have only two.

CONSTANTINE ALEXANDER: Let's skip the 29th.

MARIA PACHECO: The 13th will be three, so January.

CONSTANTINE ALEXANDER: If we continue this to
November 29th, does that date work for you?

UNIDENTIFIED MEMBER FROM THE AUDIENCE: That's
fine. Almost any date works for us, sure.

CONSTANTINE ALEXANDER: The Chair moves that we --

UNIDENTIFIED MEMBER FROM THE AUDIENCE: Is that
Thursday, the 29th?

CONSTANTINE ALEXANDER: It will be at seven p.m. by the
way as you'll here in a second.

The Chair moves that we continue this case as a case not
heard until seven p.m. on November 29th subject to the following
conditions:

First, that the petitioner sign a waiver of time for a decision.

We have that I guess. Yeah, we do. So that's been satisfied.

Second, that the posting sign must be modified and maintained for the 14 days prior to November 29th. The sign that's up right now, changing the date to November 29th, and changing the time to seven p.m. If the petitioner doesn't do that, we're not going to hear the case on November 29th. So that's a burden of the petitioner -- on the petitioner.

And lastly, to the extent that the petitioner is going to submit revised plans, modified plans or dimensional form, those must be in our files no later than five p.m. on the Monday before November 29th. That's to allow folks like yourself and us to study them in advance of the hearing on the 29th. So that there are no surprises on that night.

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

(Aye.)

CONSTANTINE ALEXANDER: Five in favor. The case will be continued.

(Alexander, Sullivan, Green, Hickey, Anderson.)

* * * * *

(8:30 p.m.)

(Sitting Members BZA Case No. 017025-2018: Constantine Alexander,
Brendan Sullivan, Janet Green, Andrea A. Hickey, Slater W. Anderson,
Laura Wernick.)

CONSTANTINE ALEXANDER: The Chair will call case No.
017025, 17 Woodbridge Street.

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

ANDREA MORTON: Good evening. My name is Andrea Morton. I'm here with my clients Erin Malone and Pat Knight and Emily Lammert, my colleague. And we're here to request a Special Permit for making adjustments to windows in a non-conforming wall. I have some large boards here to reference if necessary. But the crux of the issue is that we're doing some interior renovations which require us to move some windows around to work with the interior layout, and we also are adding -- removing a bedroom on to this side of the house, and so that requires an egress window. And so the windows that we are replacing, we're not increasing the glazing size at all. We are 3.4 feet away from the side yard. So we're within the side yard setback, but we're outside the zone which is required for fire separation rating.

We're doing a number of other renovation components on this site. We're digging out the basement. We're adding a deck at the rear. We have window wells, but all of those are by-right as we understand from our review with Ranjit. So you can see those referenced in the plans, but we're not seeking any relief for those elements. I think that's really --

CONSTANTINE ALEXANDER: Have you spoken to the neighbor who is most affected --

ANDREA MORTON: We have.

CONSTANTINE ALEXANDER: -- by the new windows?

ANDREA MORTON: Yes. We have -- we have numerous letters of support from neighbors.

CONSTANTINE ALEXANDER: We have one in our file. Do you have others?

ERIN MALONE: Yes.

CONSTANTINE ALEXANDER: My goodness.

ERIN MALONE: We have nine total.

PAT KNIGHT: Including the neighbor.

CONSTANTINE ALEXANDER: I'll put them in the public record in due course. Okay.

Anything else?

ANDREA MORTON: I would say in terms of privacy, we did consider where the windows are relocated relative to the neighbor, and there's not a substantial reworking. It's important enough for us to make

the interior layout reworked, but it's not substantially different in terms of the layout and size of the windows, existing windows in terms of impact to the neighbor.

CONSTANTINE ALEXANDER: Okay. Questions from members of the Board?

(No Response.)

CONSTANTINE ALEXANDER: I'll open the matter up to public testimony.

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

(No Response.)

CONSTANTINE ALEXANDER: Apparently not.

We do have a number of letters of support. They're identical signed by different individuals.

The letter says: I, whoever the person is, a resident of Cambridge, offer my support to the Special Permit associated with this case. End of story. And the -- there's no address of the person who signs them and I'm struggling reading their handwriting. So there's one letter --

PAT KNIGHT: The addresses are at the top of the page.

ERIN MALONE: Well, no, I think that's the only one that doesn't have an address. The others do.

CONSTANTINE ALEXANDER: I'm sorry?

ERIN MALONE: I think that's the only one that didn't write in their name --

CONSTANTINE ALEXANDER: Yeah.

ERIN MALONE: -- their address. The others do have their address.

CONSTANTINE ALEXANDER: Oh, okay.

ERIN MALONE: That one's on Locke Street.

CONSTANTINE ALEXANDER: Do you know what address this is?

ERIN MALONE: It's Locke Street. I don't remember the address number, but I think it's 20.

CONSTANTINE ALEXANDER: Yeah, we have a letter signed by -- same letter as I mentioned, but there's also a note on the bottom. (Reading) We are direct rear neighbors with the Em and Pat and

we have no problem whatsoever with their planned renovation.

And they reside at 30 Shea Road.

We have a note from someone who resides at 18 Woodbridge Street. Again, that's the same letter that's in support.

Another letter from a person who resides at 19 Woodbridge Street, handwritten note, "Good luck to you folks."

PAT KNIGHT: That is the abutter.

CONSTANTINE ALEXANDER: Oh, okay. Good.

And a note from someone 16 Woodbridge Street. This says, "It looks like a great project. My only condition is that I get to see it when it is done." We can't put that in our legal decision. That's for you to work out.

A letter from a person who lives at 20 Woodbridge Street.

20-22 Woodbridge Street.

27-29 Locke Street.

And Nine Locke Street, unit one. So numerous letters of support. And that's all we have.

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

Ready for a vote.

Okay. The Chair moves that we make the following findings with regard to the Special Permit being requested:

That the requirements of the Ordinance are such that you cannot meet the requirements of our Ordinance unless we grant you the Special Permit.

That traffic generated or patterns of access or egress resulting from what you're proposing to do will not cause congestion, hazard, or substantial change in established neighborhood character.

That the continued operation of or development of adjacent uses will not be adversely affected by what you're proposing to do with regard to the relocation of the windows.

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

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

So on the basis of all of these findings, the Chair moves we grant you the Special Permit you're requesting on the condition that the work proceed in accordance with the plans prepared by A. Morton Design, the first page of which has been initialled by the Chair. This means that if you have change location of the windows from what's on here, you're going to have to come back and see us. So these are the final ones.

ERIN MALONE: Okay.

CONSTANTINE ALEXANDER: All those in favor say "Aye."

(Aye.)

CONSTANTINE ALEXANDER: Five in favor. Good luck.

(Alexander, Sullivan, Green, Hickey, Anderson.)

* * * * *

(8:45 p.m.)

(Sitting Members BZA Case No. 017027-2018: Constantine Alexander, Brendan Sullivan, Janet Green, Andrea A. Hickey, Slater W. Anderson.)

CONSTANTINE ALEXANDER: The Chair will all case No. 017027, 30-32 Alpine Street.

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

Hello.

NORMA FINKELSTEIN: Hi.

CONSTANTINE ALEXANDER: Name and address for the stenographer, please.

NORMA FINKELSTEIN: I'm Norma Finkelstein, 30-32 Alpine

Street, Cambridge, the owner.

WILLIAM SIMMONS: I'm Bill Simmons. Do you want my address?

CONSTANTINE ALEXANDER: Just city. Cambridge?

WILLIAM SIMMONS: I'm at Eight Alpine Street actually.

CONSTANTINE ALEXANDER: You can give your address if you like. You didn't have to.

WILLIAM SIMMONS: Anyway, so we applied for a Variance because we're looking for some relief. Basically we went through long process for putting on an addition to her house, but we encountered several sticking points in the definition of what we could do.

Her house is a -- was a non-conforming house. So certain rules were invoked. Mainly that we weren't allowed to add more than ten percent to the volume or area, whether it's one or the other. And also we wanted, what we wanted to do we had to classify the house as a two-family rather than as a one-family. It is now a one family. So we're looking for relief from the provision, the ten percent volume.

CONSTANTINE ALEXANDER: That's one piece of relief

you're looking for. You're also looking for relief for off-street parking which you don't have.

WILLIAM SIMMONS: Well, yes, the off-street parking is a -- goes along with the definition of a two-family. It's a one-family now, so it didn't require an off-street parking. So if we classify it as a two-family, which we have to do in order to -- even though the houses still will be joined in a fashion, it requires an off-street parking. And we want relief from that. And I -- if you want -- I don't know which reason you want me to clarify first?

CONSTANTINE ALEXANDER: Any reason that's persuasive for us.

WILLIAM SIMMONS: What?

CONSTANTINE ALEXANDER: Any reason that would persuade us to grant you the relief you want.

WILLIAM SIMMONS: Well, in terms of the off-street parking, I'm not sure if you're familiar with Alpine Street at all.

CONSTANTINE ALEXANDER: I am.

WILLIAM SIMMONS: There are very few houses that have

off-street parking. The houses are closely conglomerated. And there are one or two people who do have one -- one recent one about a year ago succeeded in getting a curb cut. And the houses at the ends of the street where they abut Concord Avenue and Vassal Lane have parking spaces because it acts as a buffer to the houses on Concord Avenue, but otherwise nobody has off-street parking. And it -- it's in my opinion it's an aesthetic reason, because if everybody had an off-street parking space, the street would be considerably uglier quite frankly.

NORMA FINKELSTEIN: There wouldn't be any room.

WILLIAM SIMMONS: And with everybody parked right in front, because there's no room to go behind the houses at all. So it's -- first of all, it's not needed. The street has adequate parking spaces for everybody on the houses. And secondly, there's the aesthetic reason for not having it.

NORMA FINKELSTEIN: Can I just chime in a little bit?

WILLIAM SIMMONS: Sure.

NORMA FINKELSTEIN: I just want to say what this is all about. So I've lived on Alpine Street since 1980. I moved to Cambridge

in '72. The houses on the street were once all two families, as you probably know. They were built returning GIs. About half the houses on the street have been turned into one family. Some of them turned to one family and back to two family and back to one family. My house when we bought it with my husband, had opened up and we certainly -- we used it as a one family. Our children grew up there. The situation now is I'm a widow. My husband died about two-and-a-half years ago. My daughter, my youngest daughter has two children who live with me because her husband basically left the state and abandoned them. So I have a daughter and two young children living with me, and it's just not a tenable situation, you know, a single-family house. So we're not really making it an official two-family as I understand, but we're dividing the house. But the same amount of people and the same amount of cars are basically there, her car and my car, and that's it. We park in front of the house and we never have any problems.

CONSTANTINE ALEXANDER: You're going to have two kitchens. So you understand --

WILLIAM SIMMONS: Yes.

NORMA FINKELSTEIN: I know.

CONSTANTINE ALEXANDER: Why the Inspectional
Services --

NORMA FINKELSTEIN: I know. So we're dividing the house so that she can live there with her kids and have a place to live. She doesn't have any real income to be anywhere else, so I can be there but also have a little separate space. So that's why we're doing what we're doing. There are no additional cars. There's no, you know, I just wanted to explain. And also the reason why we're adding on this small back room to my part of the house -- and the reason I guess we're declared non-conforming is because 35 years ago we built a room on the one side that we were told we didn't need a Variance for, we just got neighbors' position and that made it non-conforming as I understand it. I'm not sure I understand it all. But the reason I'm putting another little room on, is because I'm 75-years-old, I'll soon be 76. And my family said to me, you're not -- this is crazy. You can't build, you can't make a place for you without at least having the option of a downstairs bedroom. So essentially I'm doing that in case I need a downstairs bedroom because

there's only two bedrooms, small bedrooms. I just wanted to explain why we're doing -- we do have letters.

CONSTANTINE ALEXANDER: That's very good. I appreciate you doing that, that's very helpful. Thank you.

JANET GREEN: Yes.

CONSTANTINE ALEXANDER: Thank you for doing that. And we do have letters in the file as well.

NORMA FINKELSTEIN: You have all of them. I have six letters. I don't know if you have them all.

WILLIAM SIMMONS: The only other thing concerning the volume, we actually -- doing a very careful calculation, we're only -- we were only at 11 percent rather than 10 percent. So basically we're just looking to get rid of that one percent difference. And you may ask well, why, why would it make such a difference? Well, it does make a difference in terms of the design because we had cut back -- we would have to cut back the addition so that the existing room that we're adding would be too narrow basically. So we're looking just to get that extra, extra space.

CONSTANTINE ALEXANDER: Okay.

WILLIAM SIMMONS: That's it.

CONSTANTINE ALEXANDER: Does your daughter have a car?

NORMA FINKELSTEIN: Yes.

CONSTANTINE ALEXANDER: And you have a car?

NORMA FINKELSTEIN: Yes, two cars, that's all. But the two and four-year-olds do not have a car.

MARIA PACHECO: Not yet.

NORMA FINKELSTEIN: There's no additional cars. She's been there for five years -- I mean, they've been there a long time. And when my husband was alive, he had a car.

CONSTANTINE ALEXANDER: The City of Cambridge is involved -- and the Zoning Ordinance wants one off-street parking space for every dwelling unit and that's why we have the requirements. In recent years and with the emphasis on bicycle riding and walking and the problems that all the car traffic causes in the city --

NORMA FINKELSTEIN: Especially in this end of the city.

CONSTANTINE ALEXANDER: -- we have not enforced the requirements for parking, of- street parking as vigilantly as we once did and with the tacit approval of the City Council. Just for your benefit.

NORMA FINKELSTEIN: I don't know how you get -- I mean, I know. I understand. There's like nowhere on Alpine Street you can make additional parking work.

CONSTANTINE ALEXANDER: Questions from members of the Board?

BRENDAN SULLIVAN: You know, I sort of read this as a lady who deserves her own space.

CONSTANTINE ALEXANDER: Right.

BRENDAN SULLIVAN: Maybe a little bit of separation, which will help with domestic tranquility.

NORMA FINKELSTEIN: Hopefully.

BRENDAN SULLIVAN: Improve the quality of your life and help to improve the quality of their life, and it's probably a --

JANET GREEN: I think it's why we have Variances.

BRENDAN SULLIVAN: Right. And you deserve it.

NORMA FINKELSTEIN: Thank you.

BRENDAN SULLIVAN: That's the way I read this.

NORMA FINKELSTEIN: Thank you.

CONSTANTINE ALEXANDER: I think you read it right.

I'll open the matter up to public testimony. Is there anyone here wishing to be heard on this matter?

(No Response.)

CONSTANTINE ALEXANDER: Apparently not. We do have a number of letters of support.

NORMA FINKELSTEIN: I have six letters.

CONSTANTINE ALEXANDER: We have letters from Terrence Tidman.

NORMA FINKELSTEIN: That's our next-door neighbor.

CONSTANTINE ALEXANDER: At 36-38 Alpine Street.

Paula J. Caplan with a C. She resides at 26 Alpine Street.

I guess that's it. No, I have one. I'm sorry. We have a letter from Derrick Egbert, E-G-B-E-R-T.

NORMA FINKELSTEIN: Oh, he sent it.

CONSTANTINE ALEXANDER: 37 Alpine Street.

From Ilene Babbitt, B-A-B-B-I-T-T, 24 Alpine Street.

From Nancy W. Menzin, M-E-N-Z-I-N who resides at 56
Alpine Street.

From Doris Engleman, E-N-G-L-E-M-A-N, 29 Alpine Street.

Quite a few letters of support which is nice. From Elizabeth
Marran, M-A-R-R-A-N (Hull) resides at 44 Alpine Street. And that's it.

NORMA FINKELSTEIN: Yeah.

CONSTANTINE ALEXANDER: So strong neighborhood
support.

WILLIAM SIMMONS: And I would have written one, too, as a
neighbor but I recuse myself.

CONSTANTINE ALEXANDER: I'm looking for the plans.
They must be here attached. When we grant relief, we tie it to the plans
that were submitted. So the work has to proceed in accordance with
those plans. And if you should, for whatever reason, decide to change
those plans, you'd have to come back before us. So these should be the
final plans as far as you're concerned, at this point anyway.

I'll just initial these plans.

Okay. The Chair moves that we make the following findings with regard to the relief being sought:

That a literal enforcement of the provisions of the Ordinance would involve a substantial hardship. Such hardship being that a property -- there's a need for the current occupant of the structure to have a separate dwelling unit, and that may be true of anyone who owns this property, to have two dwelling units on the property rather than one.

That the hardship is owing to the fact that a structure is already non-conforming in this regard. And that relief -- any modification of the structure requires zoning relief.

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

So on the basis of all these findings, the Chair moves that we grant the Variance requested on the condition that the work proceed in accordance with plans submitted by the petitioner, prepared by William M. Simmons, four pages of which, each has been initialled by the Chair.

So these are the final plans.

Mr. Simmons, right?

All those in favor say "Aye."

(Aye.)

CONSTANTINE ALEXANDER: Variance granted. Five in favor.

(Alexander, Sullivan, Green, Hickey, Anderson.)

* * * * *

(9:00 p.m.)

(Sitting Members BZA Case No. 017028-2018: Constantine Alexander, Brendan Sullivan, Janet Green, Andrea A. Hickey, Slater W. Anderson.)

CONSTANTINE ALEXANDER: The Chair will now call case No. 017028, 60 Porter Road.

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

(No Response.)

CONSTANTINE ALEXANDER: We are in receipt of a letter

from Sean Hope, Esquire who represents the petitioner in this case.

(Reading) Please accept this request on behalf of the petitioner to continue the above-referenced case until December 13, 2018. We have become aware of that additional zoning relief may be required and we look forward to presenting a complete zoning application in December.

So, this is a case not heard. The Chair moves that we continue this case -- excuse me, are you here for Porter.

UNIDENTIFIED MEMBER FROM THE AUDIENCE: I'm here for the 9:15.

CONSTANTINE ALEXANDER: Okay. I didn't want to cut you short.

The Chair moves that we continue this case as a case not heard until seven p.m. on December 13th subject to the following conditions:

That the petitioner sign a waiver of time for decision. We have one?

MARIA PACHECO: Yes. Excuse me, do you want to continue to the 13th, because we already have three or do you want to do

it for January?

CONSTANTINE ALEXANDER: Oh, that's right we do have three. Good question.

MARIA PACHECO: And I think they're going to resubmit a new case so this may be withdrawn.

CONSTANTINE ALEXANDER: I think we should continue it to January just in case.

MARIA PACHECO: January 10th.

CONSTANTINE ALEXANDER: January 10th.

The Chair moves that we continue this case until seven p.m. on January 10th subject to the following conditions:

One, that the petitioner sign a waiver of time for decision.

Has Sean done that? I must have missed it. I'm sorry.

MARIA PACHECO: It's right on top.

CONSTANTINE ALEXANDER: Oh, that's why I missed it. Yeah, right here.

Second, that the posting sign be modified to reflect the new date, January 10th, and the new time, seven p.m. And that the sign be

maintained for the 14 days as required by our Ordinance.

And lastly, to the extent that the petitioner plans to amend the drawings and dimensional form that was submitted in connection with the original application, that these items must -- the new items must be in our files no later than five p.m. on the Monday before January 10th.

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

(Aye.)

CONSTANTINE ALEXANDER: Five in favor, case continued.

(Alexander, Sullivan, Green, Hickey, Anderson.)

* * * * *

(9:15 p.m.)

(Sitting Members BZA Case No. 017029-2018: Constantine Alexander, Brendan Sullivan, Janet Green, Andrea A. Hickey, Slater W. Anderson.)

CONSTANTINE ALEXANDER: The Chair will call case No. 017029, 116 Brookline Street.

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

ATTORNEY JAMES RAFFERTY: Good evening, Mr. Chair, members of the Board. For the record, my name is James Rafferty. I'm an attorney with offices at 907 Massachusetts Avenue in Cambridge appearing this evening on behalf of the applicant Ledgemoor, LLC. Seated to my right is John Digiovanni, D-i-G-I-O-V-A-N-N-I. Mr. DiGiovanni's a principal with the ownership entity. And the project architect Jason Jewhurst, J-E-W-H-U-R-S-T. Mr. Jewhurst is an architect with the Bruner/Cott firm in Cambridge.

JOHN HAWKINSON: Didn't they move to Boston?

CONSTANTINE ALEXANDER: I didn't hear that.

ATTORNEY JAMES RAFFERTY: I think I was being told they moved to Boston.

JASON JEWHRST: Two weeks ago.

ATTORNEY JAMES RAFFERTY: Oh. Thank you, I think.

So this is an application for what's known as the EMF building. You may have heard about it or read about it. It's a conversion of what was a light industrial building on Brookline Street. Mr. DiGiovanni

acquired it last year and he's begun the process of renovating it into an office building. And the proposal this evening is seeking a Special Permit --

JANET GREEN: Let me just ask, can you hear back there?

UNIDENTIFIED MEMBER FROM THE AUDIENCE: Yes, thank you very much.

ATTORNEY JAMES RAFFERTY: So the proposal this evening involves the attempt or the effort to install windows on some non-conforming walls. I put together just a little visual images from Google Earth that help people understand the building. Because the building is kind of interestingly sited. So two of the -- two of the four walls are non-conforming walls. So the building has -- the other two walls, one faces a public street and the other one -- the others are conforming. The other wall's conforming. So to be clear, in the plans that have been submitted, we submitted a complete set of the elevations showing the new window openings. Two of those elevations, however, involve as-of-right window openings.

CONSTANTINE ALEXANDER: Which are the two?

ATTORNEY JAMES RAFFERTY: Yes, I'll address that.

So in the submittal set I think it's the last two pages of the submittal.

CONSTANTINE ALEXANDER: Not Pacific street location?

Brookline Street elevation. Pacific Street elevation. Dog park elevation.

And Tudor Street elevation.

ATTORNEY JAMES RAFFERTY: Right. So it's the last two.

It's the dog park and the Tudor Street.

CONSTANTINE ALEXANDER: Those are the ones not in the case?

ATTORNEY JAMES RAFFERTY: No, that is what the case involves.

CONSTANTINE ALEXANDER: Those are the case.

ATTORNEY JAMES RAFFERTY: That is what the case involves.

CONSTANTINE ALEXANDER: That is, sorry.

ATTORNEY JAMES RAFFERTY: Those are the ones that case -- those are the two non-conforming walls.

And in the case of both of those walls, they are on a near zero lot line, you can see on the, the handout with property owned by the City of Cambridge, both of which are open space. The first, the wall that faces the dog park, we've shown it as a city-owned lot, and there are some photographs of the dog park. So the city-owned lot, they're both city owned lots. But the curved lot, the lot that we put some photos in involves the dog park. The other lot, what is called the Tudor Street lot is also a city-owned lot, but that's not actively programmed. It's just an empty lot owned by the City of Cambridge. So both of those walls are non-conforming. And in fact Mr. Jewhurst will need to come up with mitigation for these openings because they're directly on the property line. But there are not structures on either of the two lots here. They're in the case of one that was noted as the dog park, the other is undeveloped.

CONSTANTINE ALEXANDER: Which is the dog park?

ATTORNEY JAMES RAFFERTY: The curved one.

CONSTANTINE ALEXANDER: The curved one.

SLATER ANDERSON: You can see in this aerial.

ATTORNEY JAMES RAFFERTY: Right. And if you go to

the photos, we've added a photo. You can see how the dog park curves around on the next page with the photos.

CONSTANTINE ALEXANDER: Yeah.

ATTORNEY JAMES RAFFERTY: You can see the dogs.

You can see the abutting residential project.

SLATER ANDERSON: That's the back of the building.

CONSTANTINE ALEXANDER: I got it, thank you.

ATTORNEY JAMES RAFFERTY: So it's a blank cinderblock wall. If we were to look at the two walls depicted here. So the building is in the process of renovation. We have been -- obtained a Certificate of Appropriateness from the Historical Commission to authorize these and other windows, re-cladding of some of the areas where the cinderblock is. New entrances on Brookline Street, and some other design features at the property. At the moment what's being proposed here, as I said, two of these walls are the subject of the Special Permit. And the last two pages show the existing conditions in the new openings. In some cases, and Mr. Jewhurst can walk you through, these windows represent returning windows to what were former openings. They have been blocked out.

You can see the photograph, particularly as you look through the dog park, can you see on the first floor where the masonry reveals in the photo where these openings used to be. So the balance of them all approach, overlook the dog park.

We also did an analysis to assist the Board in understanding the impact of the windows. So on the second page you can see the distance particularly on the dog park wall. The distance across the dog park is 70 feet, and then the distance to the closest residential facade is at 93 feet. As you know, one of the criteria in the -- and the reason the Special Permit requirement exists is an understanding of the impact that these windows have on the abutting property. So in this case both of our abutting properties are municipal lots without structures on them. In the case of the dog park lot we thought it would be helpful to understand the visual impact because of the privacy impact. This would be an office building, the walls, the openings would allow for much needed air and light into the space, formerly a light industrial manufacturing. And then for its last ten years it served as a rehearsal space for musical bands. But at any rate, that wall, and as you can see, the Tudor Street wall, the Tudor

Street elevation are looking to have openings. And also in the case of Tudor Street, if you see the photos and elevations, once again three are openings being returned to locations that previously had openings in them. So at some point in the life of the building these openings were closed up.

A Special Permit seeks relief to allow for the openings to be created based on the criteria set forth in the Ordinance that talks about the impact on surrounding uses and the compatibility. We think the distances alone suggest that in a district like this, the separation between structures here is almost 100 feet. And that the opportunity to create air and light into the building is appropriate, will facilitate its reuse, and therefore we're requesting the Special Permit.

CONSTANTINE ALEXANDER: Okay.

Questions from members of the Board?

(No Response.)

CONSTANTINE ALEXANDER: Apparently not. Since we have people in the audience I'll open the matter up to public testimony. We do have some written commentary as well. Actually one -- more than one, I'm sorry. Anyway, and who wishes to be heard? Anyone wishes to

be heard?

PETER PARISE: Yes.

CONSTANTINE ALEXANDER: Give your name and address to the stenographer.

PETER PARISE: My name is Peter Parise, P-A-R-I-S-E, 119 Brookline Street. I submitted the --

CONSTANTINE ALEXANDER: Letter.

PETER PARISE: The opposition letter and some pictures which you have in your file. I'm an abutter on Brookline Street. I look directly across at the 116-120 Brookline EMF building. I'm a lifelong resident along with my wife. I -- about ten years ago we renovated our house with the idea that we were going to age in place in the same neighborhood that our previous three generations of our family have lived. My opposition to this project is specifically the four windows which are on the Brookline Street third floor. I can show you here on my tablet. These drawings were presented on the original site. So the four windows, third floor. I feel that these four windows are gonna severely diminish my privacy.

CONSTANTINE ALEXANDER: You live across the street?

PETER PARISE: Correct, directly across the street. The lights being a public building, the lights will be on all night long. I feel that the lights being on all night long from these four windows where windows never existed, are a detriment to where I'm living right now. There have been suggestions by the applicant to put a privacy screen to help us out, but nothing official has come about with that yet. So thank you for hearing me tonight. All four of my windows; my bathroom window, both of my bedroom windows look directly -- basically the view you have from the pictures I submitted.

CONSTANTINE ALEXANDER: What's the distance?

You're estimate of the distance --

PETER PARISE: From the windows?

CONSTANTINE ALEXANDER: From their window --

PETER PARISE: To my window, 160 feet.

CONSTANTINE ALEXANDER: 160 feet?

PETER PARISE: Correct.

ATTORNEY JAMES RAFFERTY: Mr. Chair, I don't mean to interrupt. What Mr. Parise is referring to are windows that are not on a non-conforming wall.

CONSTANTINE ALEXANDER: That's what I'm trying to understand.

ATTORNEY JAMES RAFFERTY: Which is not the subject of the Special Permit. I mean, we have been in discussion, and Mr. DiGiovanni is attempting to address concerns on those walls. I didn't want to interrupt Mr. Parise, but the two walls that are before the Board are not the Pacific Street and the Brookline Street elevations. They're the dog park and the Tudor Street elevations. And we're very mindful of Mr. Parise's concern. The initial application here contemplated possibly even a roof deck there. And Mr. DiGiovanni has pulled that back until he can reach some resolution. But the windows that Mr. Parise has been referring to are not the windows for which we're seeking the Special Permit for.

CONSTANTINE ALEXANDER: Rephrase that. Should we, and I don't mean to suggest that this be the case, should we deny relief

tonight, you could still go ahead with the project and put the windows that you have a problem with on the front of your building on Brookline Street. So you understand that maybe the project won't go forward if we were to turn this down, but it's not -- to rephrase what Mr. Rafferty is saying, your concerns are not the issue before us tonight.

PETER PARISE: Okay. And my concerns were only based on what was presented to the public based on those drawings which came up previous to this meeting.

CONSTANTINE ALEXANDER: The drawings are accurate. The fact of the matter is some of what's on that drawing requires zoning relief and some does not. And what you're hearing is what you're concerned about does not require zoning relief. Now, if we -- as I said before, I'll repeat it, should we turn the -- deny the relief being sought and should this project be abandoned, those windows would happen.

PETER PARISE: They're not going to abandon the project.

CONSTANTINE ALEXANDER: On the other hand, they go forward, they can put the windows there, don't need any zoning relief as far as I'm aware of, and end of story. So I -- just so we put a framework

around this, I want to be sure it's understood.

PETER PARISE: Well, what more can I say? I'm working on what's been presented. There was additional information brought to me just minutes before this meeting that this wasn't a non-conforming wall. And I did speak with Ranjit before I did come here to confirm that I was following the right steps. So, if Mr. -- the applicant has started to put a some type of privacy wall, would it then have to come to zoning also?

CONSTANTINE ALEXANDER: I'm not exactly sure what that privacy wall would be.

PETER PARISE: Similar to what has been presented on the third floor for the HVAC systems.

SLATER ANDERSON: If it's an enclosed space in the front yard setback it might apply, but a window is a window in the front yard.

CONSTANTINE ALEXANDER: Right.

SLATER ANDERSON: I mean that's, that's not under our jurisdiction in this application.

CONSTANTINE ALEXANDER: Right.

SLATER ANDERSON: The front of the building.

CONSTANTINE ALEXANDER: Yeah.

PETER PARISE: Okay. So that's it, huh?

CONSTANTINE ALEXANDER: Well, no, that's not it. But at least --

ATTORNEY JAMES RAFFERTY: We have the Historical Commission. And any alterations have to be approved, Certificate of Appropriateness.

PETER PARISE: Okay.

ATTORNEY JAMES RAFFERTY: So there's ample opportunity, plus the willingness of the applicant to work with you on these issues.

PETER PARISE: Okay. Thank you, ladies and gentlemen.

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

PETER PARISE: Jim and John, thanks.

CONSTANTINE ALEXANDER: Is there anyone else wishing to be heard? Sir.

You understand the issues before us, sir? Come forward

anyway and give your name and address first.

PETER VALENTINE: I'm going to say what I'm going to say and if you want to stop me, that's fine with me.

CONSTANTINE ALEXANDER: I'm sorry, I'm having trouble hearing you. Come forward, please.

PETER VALENTINE: I'm going to say what I'm going to say and if you want to stop me, that's fine with me.

CONSTANTINE ALEXANDER: Okay. But again remember the issue here is windows and two sides of this building that are -- that require zoning relief. It has nothing to do with the use of the building, which I'm looking at what you gave us tonight is I think what you're speaking to. It's the use of the building, that's not what we're doing tonight.

PETER VALENTINE: Okay, if you don't want me to speak that's up to you.

SLATER ANDERSON: Please, please, have the mic.

CONSTANTINE ALEXANDER: No. Have the mic and you can speak to the issue before us, which is the windows in -- these

non-conforming windows that are being proposed.

PETER VALENTINE: Well, I will --

CONSTANTINE ALEXANDER: Your name again sir?

PETER VALENTINE: I will say what I'm going to say, and if you want to stop me and tell me that that's not the issue before me, then that's fine with me.

CONSTANTINE ALEXANDER: Before I do that could you just give your name and address to the --

PETER VALENTINE: Yes. My name is Peter Valentine. I live at 37 Brookline Street.

CONSTANTINE ALEXANDER: Okay.

PETER VALENTINE: Very short. Request that the EMF building enable artists and business operations in such a way so that they do not interfere with each other's or neighborhood activities.

JANET GREEN: Peter, they can't quite hear you in the room.

PETER VALENTINE: Okay.

ATTORNEY JAMES RAFFERTY: Pull the microphone.

PETER VALENTINE: Should I repeat that again?

JANET GREEN: Yes.

ATTORNEY JAMES RAFFERTY: Yes.

PETER VALENTINE: Request that the building enable artists and business operations -- enable artists and business operations in such a way so that they do not interfere with each other's or neighborhood activities. All the clothing you are wearing have been created by artists. This building and the seats you've been sitting on have been designed by artists. Artists are extremely valuable beings in society. And I believe that they would work very harmoniously with what Mr. DiGiovanni wants to do and beneficially. So that's all I have to say.

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

PETER VALENTINE: Okay, thank you.

JEFFREY YU: Good evening, ladies and gentlemen. My name is Jeffrey Yu. I represent units 1 and 2 of 1000 Pacific Street. The building is actually pretty much adjacent to the property that we are discussing, and I would like to directly address the non-conforming wall, the one specifically related or referred to as "dog park." And I would like

to clarify, even though the dog park is directly adjacent to the building, the dog park is a patch of dirt. It's a black chain link fence about waist high, and then beyond that is the property where I reside. And so to put windows into that non-conforming wall, essentially what I'm saying is there would be a direct line of sight into the living room of unit 1, in addition to other units above unit 1. I believe that -- I am opposed to these windows. The last drawing I saw there were about 20 such windows. Similar to the former gentleman who lives across on Brookline, we bought this property, we raised our children here, we play in the backyard, and we buy it, you know, we want our privacy to be respected. And I certainly want this gentleman to be able to do whatever is within his right with his property, but not at the expense of my privacy and my family's privacy. Living in Cambridgeport, we're not strangers to coexisting with businesses. In fact, across the park there are multiple businesses. There's the MIT graduate student dorms also very close to us. And I feel like the way that it's been structured and designed, we've all -- it has a proper respectfulness and distance. I believe that to raise the directly across looking over to the park on Tudor Street is more than 100 feet, and to go to the MIT dorms is

much more 100 feet. So 100 feet to me is still fairly close. Again, it's just a plot of dog park land and then the building. Right now because it is all brick and there's no windows the privacy is -- there's no question to that privacy. But once you open up all those windows, then the privacy of my family, of the entire building of 100 Pacific street becomes compromised. So I just hope the council can take that into consideration before making the final judgment.

Thank you.

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

Anyone else wishes to be heard?

MARIE HUBER: Hi. Thank you for hearing me. My name is Marie Huber, H-U-B-E-R. I live also at 100 Pacific. My apartment is above unit No. 1. So I'm on the fourth and fifth floors of the building. Equally, I mean regardless of the fact that it's not on ground level, there's nothing between the wall where they would be putting in what's a lot of windows. It's like, you know, a wall of glass, and I think the previous -- or one of the earlier speakers mentioned it was to bring light and air into the

building so I don't know if they're opening windows -- they look like the kind that open. So it's a lot of light coming in. And an equal amount of privacy that I would lose from my living room and my bedroom. So when the building was finished and we all bought our apartments in 2013 I exhaustively researched what the fate of the EMF building might be, because it was already -- it was in the trust, trust hands and looking for what its future was going to be. And I went down to the City Inspectional Services guys and I learned that they wouldn't be able to build a taller building there. And, you know, if it was demolished, the footprint and the ratio of the square feet would be different. And so I did buy my apartment and put my life savings into it to start a family with hope that I would continue to have a lovely view. I know it's not up for discussion, but I think already the six-foot of cladding that they're going to put around the AC units will obscure my view which is fair enough. I'd rather look at the back of the AC units. But there's already an awful lot of ambient noise in the neighborhood from AC units on other buildings. And I really hope that screening also prevents further noise, because it's just directly across from my bedroom. So if I open my bedroom windows, it's going to all come in.

But regarding the wall, yeah, I would ask that you please think that people will be looking into my bedroom if the building goes ahead as planned.

So, thank you.

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

Is there anyone else wishes to be heard on this matter?

(No Response.)

CONSTANTINE ALEXANDER: No one else? I guess not.

We do have a letter in the file. We have a submission from Mr. Valentine which is lengthy and all different kinds of -- I don't know that they need to be read in the record other than what you've already said to us, sir. And we have a letter from Mr. Parise, which I think you've addressed that in your comments. So I don't think it's anything new, new points of view in the file from what we've heard already tonight.

So I think -- let me ask you a question, Mr. Rafferty, and your client, is there any ability to modify what -- the plans to minimize the impact on the neighbors whose privacy are claim to be invaded? Maybe help -- is there some middle ground somewhere here? It's got to be

architectural obviously?

JOHN DiGIOVANNI: So we've been in front of the Historic Commission that has just approved this. So if we make any alteration, we have to go back to the Historic Commission. Last Thursday the Historic Commission voted seven to nothing in favor of this plan. I think it might be helpful, also, to get a sense, you know, when you think about this neighborhood and the distance here -- we've come up -- I think on this one it shows that what we did do was here, 36 feet here, there is no window. So we actually put the staircase and elevator and bathrooms at the corner that's closest to this property. And it begins here. And I think when you sort of Google Earth, some people might think 100 feet or 95 feet isn't a significant distance, but relative to that neighborhood, that's a pretty significant difference in an urban environment like Cambridgeport.

So quite frankly we did what we could do, and create the windows on this section. I think it's, you know -- we surely didn't measure from this window to here, which is further than that. We took the closest window to the corner.

JASON JEWHRST: If I may. It's not shown on this

drawing, but in the pane of the facade of the elevation that we're in, that's in question, we also pulled the windows back another five or six inches inside the wall so that they wouldn't be at that front face of where the metal panel is. So that would, if it were at the face of the metal panel, you would get maximum, you know, light coming from the windows or view. So we pulled that in from the facade. We do have those details that were presented to the Cambridge Historic, and they did approve just pulling the windows themselves. So the face of the glass and the frames is inset from the face of the wall that's in question.

CONSTANTINE ALEXANDER: You mentioned that the building, at least your initial plans are used for office space?

JOHN DiGIOVANNI: Correct.

CONSTANTINE ALEXANDER: Obviously you can't control the hours of the office space, but I would assume that most of the evening hours the, lights will be off and that there is no one in the building? I know you can't guarantee that.

JOHN DiGIOVANNI: Correct. And it was asked about on the Brookline Street. And we'll look at ways of having the lights off

automatically if there's no movement in the space as well. So attempt to use the fixtures --

CONSTANTINE ALEXANDER: So the privacy invasion to the extent it was there would be during daytime hours for the most part.

JOHN DiGIOVANNI: For the most part, correct.

ATTORNEY JAMES RAFFERTY: And to Mr. DiGiovanni's point, in terms of direct sight line, there's been some consideration given to the location of the windows.

CONSTANTINE ALEXANDER: I understand that.

ATTORNEY JAMES RAFFERTY: The direct line of sight is not opposite the building. The windows begin beyond the face.

CONSTANTINE ALEXANDER: I appreciate that. Thank you but I got that from his comments.

BRENDAN SULLIVAN: I sort of have to break things down into simple terms. From here to that wall is probably 40 feet. And probably from where we're sitting to the front of the building, the glass along the front of the building, may be 90 to 100 feet. So it's one thing looking at a plan, but this gives you I think a little better perspective.

Where you're sitting out to the front of that building is probably that distance.

CONSTANTINE ALEXANDER: That's helpful. 100 feet is a long distance.

BRENDAN SULLIVAN: Well, this is 40. So you're --

CONSTANTINE ALEXANDER: In terms of privacy invasion.

BRENDAN SULLIVAN: And I think the fact that the windows are offset --

CONSTANTINE ALEXANDER: Yeah.

BRENDAN SULLIVAN: -- not a direct sight.

CONSTANTINE ALEXANDER: Right.

SLATER ANDERSON: What are the dimensions of these windows?

JASON JEWHRST: So there's the window proportion, sizes of the windows, so the height of the windows is about nine feet above floor. That's typical for an office. And they go down to about desk height. And that's similar for the second floor as well.

The width of the windows -- so there's two windows together.

So there's a metal, a window frame. One foot of glass, another window frame. And then on the other side of that one-foot window frame there's a three-foot window frame. So we've also broken up the glass so it's not one big sheet that you can see through so that there's a metal frame for the glass to be broken. And that was part of the design as well. And there will be some depth to that. So that will cut away for some of the direct view to the clear glass.

BRENDAN SULLIVAN: Is it clear glass, tinted glass, solar glass?

JASON JEWHRST: It will meet current energy codes for the City of Cambridge. So it will be double glazed. So it also won't be a monolithic plain glass that you'd be able see through. It will have low e-coatings which will give it a tint.

BRENDAN SULLIVAN: And that's not just thermal.

JANET GREEN: It's not just or you
said --

BRENDAN SULLIVAN: Thermal pane.

JANET GREEN: It's not just a single pane?

JASON JEWHRST: That's right. There will be thermal pane, double glazed. And so that will also provide another separation of view.

SLATER ANDERSON: What is the -- we're on a corner here, right? This lot sits on a corner or does it not sit on a corner?

JASON JEWHRST: Well --

SLATER ANDERSON: It's hard to tell from the plans.

ATTORNEY JAMES RAFFERTY: It does. It's at the -- the lot extends, I think through the doctrine of merger, the lot extends, there's a separate parcel.

SLATER ANDERSON: That's Pacific lot?

ATTORNEY JAMES RAFFERTY: Yeah. So Pacific Street -- so for purposes of zoning we've got --

SLATER ANDERSON: So there's a rear yard is the question? Like from a zoning standpoint it has a rear yard setback?

ATTORNEY JAMES RAFFERTY: No.

SLATER ANDERSON: It has two sides, two fronts?

ATTORNEY JAMES RAFFERTY: It has two sides. It has

two fronts. It has a Brookline Street front and a Pacific Street front which makes these two sides.

SLATER ANDERSON: What's the side -- conforming side setback?

ATTORNEY JAMES RAFFERTY: What's required under the Ordinance?

SLATER ANDERSON: Yes.

ATTORNEY JAMES RAFFERTY: It's the formula district here. And I think when we did the, you know, when we did the height plus length.

What's required here on the side would be 19 feet.

SLATER ANDERSON: Okay.

ATTORNEY JAMES RAFFERTY: So, yeah, it would be 19 -- well, from our calculation given the height and length of the building would be 19 feet.

SLATER ANDERSON: So to do something that conformed would require obviously probably demolition of the building.

ATTORNEY JAMES RAFFERTY: Right.

SLATER ANDERSON: Okay.

Is there a scenario where the window could be, you know, opaque in some, or a portion of the window could be opaque in a way that sort of lend some privacy? You know, band it or something? I don't know. I'm just thinking if there's -- I mean, you're not going to eliminate the light, but the view out, you know, to mitigate for the neighbors on Pacific? Because I'm not hearing any opposition, correct me if I'm wrong, to the Tudor Street side of the building. We're talking exclusively about the dog park Pacific side.

ATTORNEY JAMES RAFFERTY: Right. And the vast majority of the windows have this sight line.

SLATER ANDERSON: Understood. I mean, people can still look across. I understand and I appreciate the effort on that.

ATTORNEY JAMES RAFFERTY: Right. So....

JOHN DiGIOVANNI: Is your question more about -- did you say about the light?

SLATER ANDERSON: Yeah, the type of glass used.

CONSTANTINE ALEXANDER: Yeah.

SLATER ANDERSON: You know, you can have frosting on windows and I know people are going to want to look out as well, but, you know, I don't know. It's -- I'm --

ATTORNEY JAMES RAFFERTY: I understand.

JOHN DiGIOVANNI: And I suspect they'll also want some shade as well, because this gets a lot of sun. So I actually expect on the inside of this there may be some of those --

JASON JEWHRST: Window treatments.

JOHN DiGIOVANNI: -- the window treatments similar to something like that, because -- am I right?

ATTORNEY JAMES RAFFERTY: Is this southern?

SLATER ANDERSON: That's east.

JASON JEWHRST: You'll have it in the morning. But primarily let's say that's a discussion that -- you would have shade in the morning. Interior shades would be drawn. That would obscure the view. It would still allow the daylight. So that is something that could be, you know, very, I would say easily incorporated to the use --

BRENDAN SULLIVAN: The issue really becomes this time

of the year. From the middle of November until the middle of March or so. It's not the summer.

JANET GREEN: I think you'd be hard pressed to find a place in Cambridge that was 100 feet away from another window in any part of Cambridge. I think it's the number of windows probably that people are feeling, but I mean it seems to me that you pulled it back from the direct line of sight and that you inset the windows in ways to mitigate that. I mean, I realize a change is always striking when you first see it or when you first conceive of it and you don't really have the actual thing that you can look at. But I do feel that you've made a number of decisions, and I think the Historic Commission also takes into account light and --

CONSTANTINE ALEXANDER: I'm not sure that's true. I don't know, but I don't believe necessarily that's the case.

JANET GREEN: No? So they don't think about the neighbors? They think just about the building?

CONSTANTINE ALEXANDER: The historical nature of the building and the historical neighborhood --

ATTORNEY JAMES RAFFERTY: In fairness, the hearings

these issues were addressed.

CONSTANTINE ALEXANDER: Okay.

JOHN Di GIOVANNI: And this side had no historic value.

Historical was on the brick. So this, they were actually looking for us to come up with something on the CMU there, concrete block. So there's nothing historic from their perspective of the value on that piece of it. Although at the first level they actually did appreciate the windows on the ground level that are being replacing windows that were there on the back portion.

JASON JEWHRST: Original, right.

ATTORNEY JAMES RAFFERTY: We've had two hearings at the Historical Commission on the windows and the cladding. The cladding on the top as well as the cladding to break up the masonry block. I mean, it's, it's a rather unpleasant facade and --

CONSTANTINE ALEXANDER: I'm sorry. Did any of the folks who are speaking tonight present at the Historic Commission?

ATTORNEY JAMES RAFFERTY: Oh, yes.

CONSTANTINE ALEXANDER: And did they speak?

JASON JEWHRST: Yes.

CONSTANTINE ALEXANDER: They did.

So Historical had the benefits of their comments in making the decision to 070 --

JOHN DiGIOVANNI: The first gentleman was not. I don't recall --

ATTORNEY JAMES RAFFERTY: Mr. Parise was there.

JOHN DiGIOVANNI: He was here. I'm sorry, Peter was here.

CONSTANTINE ALEXANDER: I know he was there. But his issue was not the issue before us tonight.

JOHN DiGIOVANNI: Right. He brought up that issue, though.

ATTORNEY JAMES RAFFERTY: No, no, I don't disagree that in the hierarchy of issues that they face, I wouldn't want to say that this was paramount, because it wasn't the -- whereas in the case of the Special Permit, impact on adjacent uses is, you know, the paramount element here. But it was, it was known and there was discussion about

issues around lighting. There's one commission member in particular, Doctor Joe Solid who is very focussed on lighting and acoustical issues, noise abatement issues around mechanical equipment. And oftentimes it doesn't seem particularly within the purview of the Historical Commission, but it becomes a much discussed topic as it was in this case.

CONSTANTINE ALEXANDER: Ma'am, you wanted to speak?

MARIE HUBER: Oh, I just wanted to say I specifically didn't speak at the Historical Commission about these issues because I like to be logical, and I felt my arguments were not -- I wasn't concerned with preserving the historical beauty of EMF. I was concerned with my privacy which didn't seem to fall into that purview. So I didn't want to confuse that hearing with my personal concerns.

And I just wanted to add one note, which I guess neither of us mentioned previously. The way our building has been built, it's very glass. So if it was just a regular building with walls and normal size windows, the privacy wouldn't be such a concern. But my living room, for example, is just one -- I have a balcony and one wall of glass. So there's

no privacy afforded by, you know, any portion of brick in the view. So it's a little bit different just losing privacy out of the normal size windows.

JEFFREY YU: Right. So, for example, my living room is floor to ceiling glass, so it is a large area.

SLATER ANDERSON: This is your building here, correct? And you're on two floors?

MARIE HUBER: Top two.

SLATER ANDERSON: The top two? And you're on the --

JEFFREY YU: First two. So everything facing this way, yeah.

SLATER ANDERSON: Okay.

JEFFREY YU: So the corner, two corner units.

CONSTANTINE ALEXANDER: Excuse me. Mr. Rafferty --

PETER VALENTINE: May I give you this piece of paper?

CONSTANTINE ALEXANDER: You may.

SLATER ANDERSON: Question for the architect.

JASON JEWHRST: Yes.

SLATER ANDERSON: What did you say the depth of the

wall is?

JASON JEWHRST: So the wall itself is plus or minus ten to twelve inches deep. So the way we're building the construction on the existing wall that is below the masonry wall, we have a rather deep like age construction and insulation. And we're meeting the energy code for Cambridge. And then the cladding on top of that. So that thickness is, you know, it's about that thick. And then the glass is set back from that by about five to six inches inset. And the windows are separated. There is a count of -- someone counted 20 windows.

JEFFREY YU: 20 plus.

JASON JEWHRST: 20 plus. Say 20 windows. They are spaced out by that same thick wall. So they're not all ganged together which we feel is also important to break up those windows to make sure that you have that depth of wall to sort of cut away from the views or out.

SLATER ANDERSON: So the angled view?

JASON JEWHRST: That's right. The angle becomes much more acute particularly when we shifted it to the south that will exactly -- that will exaggerate that view as you're looking legally into the

wall.

SLATER ANDERSON: I had one idea

question --

JASON JEWHRST: Sure.

SLATER ANDERSON: And you can throw this in the dust bin if you like. Is there a scenario when looking at the windows from above in profile to angle the windows so the angle itself is facing southeast versus, you know, parallel with the wall. So -- because you have that, let's say you've got this depth here. So the windows that are being like this, is like this. So the glass isn't -- is pointing. So when you stand at a window, it's sort of driving your view southeast versus straight out or to the other side. I mean is that, is there a design -- you know, I mean, it's a custom window I'm sure.

JASON JEWHRST: We did review -- it would be a custom window. We did review other alternatives to sort of twist and tip the windows. The challenge becomes, the wall doesn't function as it needs to performance wise thermally for the energy code. And when you bring those windows to that cranked side, it brings all that cold air to the inside

of the face of that wall which becomes a real challenge for the wall to perform thermally. And it would, you know, add a significant amount of complexity to the wall. Whereas, we feel as though the measures that we've taken are fairly consistent with technology and the systems that we're using. And we feel that was an appropriate measure to cut down on the views into the end of the building or out.

SLATER ANDERSON: Okay.

CONSTANTINE ALEXANDER: Good thought.

Anyone else? Any further comments from the audience?

Anyone else wishes to be speak?

(No Response.)

CONSTANTINE ALEXANDER: Guess not.

Any final comments, Mr. Rafferty.

ATTORNEY JAMES RAFFERTY: No. We understand that for certain residents, and the way that building is designed, that maximizes window there will be a change. I hesitate to say this, because I don't want to appear insensitive to the position, but these windows on two sides of this building overlook an active public park. So there are other factors

impacting privacy, particularly on weekends that it's not anticipated that this building will be occupied during those times. So I think Mr. DiGiovanni has heard the concerns, and I think there are ways to mitigate the impact on the privacy through restrictions on lights. And there can be a system designed to lower the lights. It is -- the LEED requirements promote that, and the building will be pursuing LEED certification both in terms of turning off lights at a certain hour as well as using window treatment to mitigate privacy -- impacts on privacy.

CONSTANTINE ALEXANDER: The only problem with that comment is that there's no way of enforcing that or making sure that those, the steps that you're going to look into will ever be implemented.

ATTORNEY JAMES RAFFERTY: Well, that might be true. And then I think the overriding issue, of course, is the physical distance. A 90 plus foot separation.

CONSTANTINE ALEXANDER: That goes to the merits. I'm not dismissing it. But I mean that's not relevant to the point you just made, which is you're going to try to do -- minimize the impact. I'm sure you will. But we have -- the neighbors don't have any assurance and we

don't have any assurance that you will proceed or you'll do the things that might work. From your point of view, I'm just -- I mean it might not be economic or as economic of what you're proposing to do. And here we are. So we've got to deal with what you're proposing tonight.

ATTORNEY JAMES RAFFERTY: Yes, I agree.

CONSTANTINE ALEXANDER: I will close public testimony unless you have anything further.

ATTORNEY JAMES RAFFERTY: No, thank you.

CONSTANTINE ALEXANDER: Time for a discussion.

Anyone want to go first?

BRENDAN SULLIVAN: Well, I think that the location of the windows not being directly right on, right on to that residential building ameliorates some of the problem.

CONSTANTINE ALEXANDER: Yeah.

BRENDAN SULLIVAN: The distance, I think it's quite substantial. And I think, Janet, you're absolutely correct in saying that not too many buildings that have that separation.

The characteristic of your building, which is probably very

nice, sort of is a self-inflicting problem because it leaves you exposed because of all the glass that you have in that building. And so I understand your need and your wanting privacy, but you live in a glass building. You know? And, you know, other than having absolutely nothing else around you, I think that really leaves you vulnerable to, you know, people looking in unless you do something on the inside to block that.

Anyhow, I could support what's before us.

CONSTANTINE ALEXANDER: Or I can go.

SLATER ANDERSON: No, I'll weigh in. I mean, going back to the, you know, the hypothetical conforming scenario, if you had -- you know, if this building weren't here and something were being built there could be glass on that side and under the, let's assume the lot next-door was the same, there would be, you know, a minimum of a 40-foot separation between the side of two new buildings let's say under the formula you described to me. We're looking at over 90 feet here of separation. So I do think that in an urban environment that that does, you know, carry significance. And, you know, I appreciate -- you know,

you've answered the questions we've asked. You've located the windows as far as you can from that existing residential structure. Historic, you know, obviously it sounds like this got some airing at Historic as well. So I'm, you know, I'm inclined to go along with it.

CONSTANTINE ALEXANDER: Anything?

JANET GREEN: For those same reasons I'm inclined to go along with it as well.

CONSTANTINE ALEXANDER: Andrea?

ANDREA HICKEY: I have nothing really to add. I can support it as presented. I think that it's as thoughtful as it can be, you know, given the objections of the neighbors.

CONSTANTINE ALEXANDER: And I have nothing more to add as well. I think Brendan picked up most of the comments I would make. I think you have made a good effort. First of all, 100 feet is a long distance. And you made an effort. I think you're making an effort to minimize -- you made an effort to minimize the impact on the neighbors from the location of the windows where they are now. And I trust you'll do whatever you can, to the extent you can, to deal with the neighbors'

concerns regarding privacy. But I don't think -- I can't think of any way of conditioning this or changing it from what you're proposing, so I would propose to vote in favor as well.

I'll make a motion?

The Chair moves that we make the following findings with regard to the Special Permit that's being sought:

That the requirements of the Ordinance cannot be met unless we grant you the Special Permit. I never understand why that's in our Ordinance, but anyway we have to say that.

ATTORNEY JAMES RAFFERTY: It comes right out of the statute.

CONSTANTINE ALEXANDER: Is that right?

ATTORNEY JAMES RAFFERTY: Yeah.

CONSTANTINE ALEXANDER: That traffic generated or patterns of access or egress will not cause congestion, hazard, or substantial change in established neighborhood character. And, again, we're talking about traffic and patterns of access or egress, which is not the concerns that have been expressed tonight.

And there's one that will be, the continued operation of or the development of adjacent uses as permitted in the Ordinance will not be adversely affected by what is proposed. And on this, this is the closed question in my mind in terms of the finding we have to make, but I think it's been expressed by all the members; the distance between the buildings, the attempt to locate the windows in a way to minimize the impact on the neighbors. In fact, that this is an urban neighborhood and, you know, nothing is going to be perfect. We're not building from scratch. We're not building a newly created industrial park where you can start with a blank screen.

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

So on the basis of all of these findings, the Chair moves that we grant the Special Permit requested on the condition that the work proceed in accordance with plans submitted by the petitioner and initialled

by the Chair. These are the ones you've given us right here.

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

(Aye.)

CONSTANTINE ALEXANDER: Five in favor. The Special
Permit's been granted.

ATTORNEY JAMES RAFFERTY: Thank you very much.

(Alexander, Sullivan, Green, Hickey, Anderson.)

(Whereupon, at 10:05 p.m., the
Board of Zoning Appeals Adjourned.)

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ERRATA SHEET AND SIGNATURE INSTRUCTIONS

The original transcript and Errata Sheet has been delivered to
Inspectional Services Department.

INSTRUCTIONS

After reading this volume of the Zoning Board of Appeals
transcript, note any change or correction and the reason therefor on this
sheet. Sign and date this Errata Sheet.

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I have read the foregoing transcript of the Zoning Board of Appeals, and except for any corrections or changes noted above, I hereby subscribe to the transcript as an accurate record of the statement(s) made by me.

C E R T I F I C A T E**COMMONWEALTH OF MASSACHUSETTS
BRISTOL, SS.**

I, Catherine Lawson Zelinski, a Certified Shorthand Reporter, the undersigned Notary Public, certify:

That the hearing herein before set forth is a true and accurate record of the proceedings.

IN WITNESS WHEREOF, I have hereunto set my hand this 3rd day of December, 2018.

Catherine L. Zelinski
Notary Public
Certified Shorthand Reporter
License No. 147703

My Commission Expires:
April 29, 2022

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