

BOARD OF ZONING APPEAL
FOR THE
CITY OF CAMBRIDGE

GENERAL HEARING

THURSDAY, JANUARY 26, 2017

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

Patrick Tedesco, Member

Sean O'Grady, Zoning Specialist

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PROCEEDINGS

(7:00 p.m.)

(Sitting Members: Constantine Alexander, Brendan Sullivan, Janet Green, Andrea A. Hickey, Patrick Tedesco.)

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

Before I call the first continued case, I would advise the audience, these two gentlemen right here, that after notifying the Chair, any person may make a 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 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 you that a recording is being made. A citizen of the city has left a recording device here. And in addition, our stenographer also makes a recording to assist her when she types up the actual transcript of the meeting. So be advised you're on tape.

With that, I'm going to call the first case.

* * * * *

(7:00 p.m.)

(Sitting Members Case BZA-011933-2016: Constantine Alexander, Brendan Sullivan, Janet Green, Andrea A. Hickey, Patrick Tedesco.)

CONSTANTINE ALEXANDER: 141 Portland Street, case No. 011933.

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

ATTORNEY ADAM KURTH: Yes, good evening, Mr. Alexander, other members. How are you?

My name is Adam Kurth from Anderson and Krieger, here on behalf of the applicant New Cingular Wireless PCS. My colleague Brian Grossman apologizes for not being here this evening. He's traveling out of state --

CONSTANTINE ALEXANDER: You know there's an initial issue here about whether we can hear this case? I don't think it's an issue. We can't hear this case tonight --

ATTORNEY ADAM KURTH: We are aware of that.

CONSTANTINE ALEXANDER: -- because there's no sign and there wasn't last time either.

ATTORNEY ADAM KURTH: We are aware of that. I guess the question -- we would just want to pose the question to the Board just in light of the circumstances, in that the signage was up certainly prior to the meeting needing to be -- you know, the meeting being continued for

the December meeting. Obviously up for some period of time. Tim Greene also here with me, site agent for AT&T, also here has tried to monitor as best as possible. He was made aware of the fact that the signage was down again. Under the circumstances, unfortunately, we cannot say definitively how long the signs were up over the course --

CONSTANTINE ALEXANDER: I've been there twice, just so you know, in the course of the 14 days, and both times there was no sign.

ATTORNEY ADAM KURTH: Okay. So we just wondered or at least ask the question of the Board under the circumstances whether they would be willing to move forward. But we understand it is a clear requirement of the Ordinance.

CONSTANTINE ALEXANDER: Why is there a problem with the sign? Can't you just put it inside the glass window?

TIMOTHY GREENE: Oh, they are going inside the

glass.

CONSTANTINE ALEXANDER: The other one was?

TIMOTHY GREENE: Both of them.

CONSTANTINE ALEXANDER: Well, who takes them down?

TIMOTHY GREENE: That's the million dollar

question.

CONSTANTINE ALEXANDER: Right.

TIMOTHY GREENE: But absolutely. I took pictures of them. I have photos. I put them up. I picked them up from Maria, I put them up, I take photos, and, you know, then all of a sudden they're not there anymore and everybody kind of plays dumb when I call the owner.

CONSTANTINE ALEXANDER: You have to go every other day, every third day go by.

JANET GREEN: Every day.

ANDREA HICKEY: Every day.

CONSTANTINE ALEXANDER: I wouldn't push it every day. And if it's not there, go back to zoning office, get a

new sign, get it put up and check for it every couple of days. That way at least most of the period of time a sign will be up.

TIMOTHY GREENE: Right.

CONSTANTINE ALEXANDER: I have a problem not knowing how many days it was up. I know it wasn't for the last roughly week.

TIMOTHY GREENE: I find it incredibly odd that on both sides of the building they're missing. You know? Sometimes they blow off if they're on outside of a building or on a stick, they fall down. I mean, how many times we've been in front of you? This is a new one. And I've got 675 Mass. Ave. is going to be coming to you again.

JANET GREEN: With the same problem?

TIMOTHY GREENE: No, actually that one is the opposite. They stay up for about four and a half months and someone called and said you can take them down now.

ANDREA HICKEY: You don't get extra credit for

that.

TIMOTHY GREENE: No, you don't get extra credit. You know, if it is what it is, I'll just go get more from Maria, we'll put them back up, we'll try to be more diligent. I've talked to the owner and said, you know, I'm gonna put on the back of them that these also cannot be removed. We'll just go from there.

CONSTANTINE ALEXANDER: Okay. And I would advise you as I said, every other day, every third day, check it out and then replace them if they're missing. That way you'll have most of the time at least a sign. But I think under the circumstances, I'm afraid -- I think we should continue this case.

ATTORNEY ADAM KURTH: Understood.

Is it possible, Mr. Alexander, if it is -- I know there's the Board I believe meets twice a month. Is it possible to get on for the early February meeting?

CONSTANTINE ALEXANDER: We're only going to have

one in February.

ATTORNEY ADAM KURTH: Oh, okay.

CONSTANTINE ALEXANDER: February 17th. Is that the right date?

SEAN O'GRADY: I want to say the 16th, but let me double check on that.

CONSTANTINE ALEXANDER: 16th? Okay.

TIMOTHY GREENE: 16th. 17th is a Friday.

CONSTANTINE ALEXANDER: Is it? Okay. 16th. We have room on the 16th?

SEAN O'GRADY: Yes. You have a last slot on the 16th.

CONSTANTINE ALEXANDER: Okay. You want to do the 16th?

TIMOTHY GREENE: Sure. They have to be up by --

CONSTANTINE ALEXANDER: Ten days -- well, no fourteen days.

TIMOTHY GREENE: No, fourteen. All right, so stop

by every couple days for Maria to make them. That's what I'm worried about.

CONSTANTINE ALEXANDER: Go to see Maria tomorrow or Monday.

TIMOTHY GREENE: Yep. I'll order them up and we'll get them out there and then go from there.

CONSTANTINE ALEXANDER: And we'll go from there.

PATRICK TEDESCO: Is this the building with the big arch?

TIMOTHY GREENE: Citizens Bank. Yeah, Citizens Bank on the one side and then there's a -- another --

PATRICK TEDESCO: And you're putting them in the lobby of the bank?

TIMOTHY GREENE: Yeah, inside the bank.

PATRICK TEDESCO: The vestibule?

TIMOTHY GREENE: Yeah, it says 141 Portland. It's green on the outside. One goes there. And then if you walk around the other way, there's an opening for just a door

for -- there's an office there of a tenant and one goes there. Yeah, they're required two on this one.

CONSTANTINE ALEXANDER: When they're on the outside there is vandalism issues, there is weather issues.

TIMOTHY GREENE: They blow away.

CONSTANTINE ALEXANDER: It doesn't make sense.

Anyway, the Chair moves we continue this case once more as a case not heard subject to the following conditions:

One, that the petitioner sign a waiver of time for decision. And you've already done that for the past one. So that's been satisfied.

Two, that a new sign reflecting the new date, August -- what is it? August. February 16th. You had a heart attack right there.

TIMOTHY GREENE: That sign is never staying up until August.

CONSTANTINE ALEXANDER: And the new time, seven

p.m., and it be maintained as best we can, you can, for the 14 days.

And lastly, to the extent -- I want to mention this, to the extent that you're going to modify your photo simulations or your plans from what was originally filed, those have to be in our files or in ISD no later than five p.m. on the Monday before that date. And in that connection, did you get the message about the photo simulations?

TIMOTHY GREENE: I did. You know what --

CONSTANTINE ALEXANDER: It's not your fault.

TIMOTHY GREENE: No, honestly, I think it was an oversight on my part.

CONSTANTINE ALEXANDER: Really?

TIMOTHY GREENE: I had them. When that package gets put together, it's about 125 pages and there's ten different files that go in. And we made five copies for tonight and I also e-mailed them to Maria.

CONSTANTINE ALEXANDER: When you see Maria and get the new sign --

TIMOTHY GREENE: She already has them.

CONSTANTINE ALEXANDER: Oh, she already has them?

TIMOTHY GREENE: Yeah. As soon as Sean told me they weren't in there, I was like that doesn't make any sense. So I sent them right to Maria.

CONSTANTINE ALEXANDER: People want the photo sims now in advance?

JANET GREEN: Not now.

CONSTANTINE ALEXANDER: I don't think we need them. They're at the office.

Anyway, if you modify those, if you have new developments in terms of your plans, need new photo sims no later than five p.m. on the Monday before.

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, Tedesco.)

* * * * *

(7:10 p.m.)

(Sitting Members Case BZA-011070-2016: Constantine

Alexander, Brendan Sullivan, Janet Green, Andrea A. Hickey,
Patrick Tedesco.)

CONSTANTINE ALEXANDER: The Chair will next call
case No. 0110710, 29 Bellis Circle.

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

(No Response.)

CONSTANTINE ALEXANDER: No one is wishing to be
heard.

We are in receipt of a report in receipt of a
letter from Group Design Build, Inc. (Reading) This letter
is in regards to case -- our case right here. On behalf of
the property owners Nicole Barna (phonetic) and Dudley Wyman
W-Y-M-A-N, as their architectural designer, I am requesting
the continuance of this case until the March 23, 2017, BZA
hearing date. Please confirm the requested change can be
made.

Do we have room on March 23rd?

SEAN O'GRADY: That's odd, because I was under the impression that, this case is being continued out. There's another case that's been filed. Maria told me that that case was being heard on March 9th.

CONSTANTINE ALEXANDER: The same property?
They've got a whole new --

SEAN O'GRADY: Yes, I guess this one was filed incorrectly and they want to --

CONSTANTINE ALEXANDER: This one we had some problems with the plans. They were very inadequate and it wasn't clear what relief they needed, and we sent the architect back to come back with better plans. And then the next thing we heard is the case got continued again because they were still debating what they were going to do and now we've got this letter. I guess they changed architects.

SEAN O'GRADY: Changed architects and re-filed.
So this case is bound to be withdrawn. We're just holding it off for --

CONSTANTINE ALEXANDER: We should continue it to a date. We can put it on March 23rd. We're never going to hear the case.

SEAN O'GRADY: I think it's good for March 23rd and then we'll just talk to them on the 9th when they come.

CONSTANTINE ALEXANDER: Yes.

SEAN O'GRADY: All right, good enough.

CONSTANTINE ALEXANDER: All right.

The Chair moves that this case be continued as a case not heard subject to the following conditions:

One, that the petitioner sign a waiver of time for decision. And the petitioner has already done that. That's been satisfied.

Two, that a new posting sign must be maintained for the 14 days prior to March 23rd, reflecting the new date, March 23rd, and the new time, seven p.m.

And that to the extent that the -- there are new plans, there will be if this thing goes forward, new plans,

the new plans, plus a revised dimensional form must be in our files no later than five p.m. on the Monday before March 23rd.

All those in favor, please say "Aye."

(Aye.)

CONSTANTINE ALEXANDER: Case continued.

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

* * * * *

(7:15 p.m.)

(Sitting Members Case BZA-011949-2016: Constantine Alexander, Brendan Sullivan, Janet Green, Andrea A. Hickey, Patrick Tedesco.)

CONSTANTINE ALEXANDER: And last but not least for the continued cases, we have -- I'll just -- we have 16 Kennedy Road. But we have on our regular agenda a case involving 16 Kennedy Road. So I suggest we hold the continued case until after we hear the case on the regular agenda. If we grant you the relief on the regular agenda,

this becomes mute which you can just withdraw it.

UNIDENTIFIED MEMBER FROM THE AUDIENCE: Okay. We weren't sure about the process, whether we just had to withdraw it after we submit it.

CONSTANTINE ALEXANDER: You don't want to withdraw it too quickly because the withdrawal is treated in our Ordinance as a denial. So if you withdrew it and we turned you down on the new case, you're out of luck for two years unless you have new plans. This at least preserves your right, I don't know if it will work, but it will preserve your right should we turn you down on the regular case.

UNIDENTIFIED MEMBER FROM THE AUDIENCE: Okay, thanks.

CONSTANTINE ALEXANDER: Anyway we're not going to call the case now. We'll wait until after the case -- the regular case starting at 7:30. So we've got 15 minutes.

ANDREA HICKEY: Before you go off the record. On Bellis Circle that was continued, I think that was a case

that was heard.

CONSTANTINE ALEXANDER: You're absolutely right.

It makes no difference for a continuance. You're right, my mistake, Andrea, thank you.

(A short recess was taken.)

* * * * *

(7:30 p.m.)

(Sitting Members Case BZA-012246-2016: Constantine Alexander, Brendan Sullivan, Janet Green, Andrea A. Hickey, Patrick Tedesco.)

CONSTANTINE ALEXANDER: Now the Chair will call the regular session of the Zoning Board of Appeals to order. And the first case I'm going to call is case No. 012246, 16 Kennedy Road.

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

JACOB FARMER: My wife might be straggling in a little late. Should I start with a little intro or what do you think?

CONSTANTINE ALEXANDER: First introduce yourself to the stenographer.

JACOB FARMER: Okay. My name is Jacob Farmer,

F-A-R-M-E-R. I currently reside at One Foster Street in Cambridge. And my wife Jenna Moskowitz is hopefully on her way back in.

JANET GREEN: Looking for parking.

JACOB FARMER: I think she went for a wrap across the street.

CONSTANTINE ALEXANDER: And?

PAUL FIORE: And I'm Paul Fiore, the architect working on the project with Jake and Jenna.

CONSTANTINE ALEXANDER: Okay. The floor is yours. You want both a Variance and a Special Permit as I understand. Go ahead.

JACOB FARMER: So, you know, I want to give you a quick Reader's Digest. So my wife and I are Cambridge residents, been living here for -- I've been here for -- I've been living here about 25 years. My wife grew up in the area. We're not strangers to new construction. My current home I built new in late 90s. I learned a lot

about neighborhood contention and working with the Historic Commission and how to build a consensus. And I've also learned the angst of aggravation when you don't have neighborhood support, that it makes everybody unhappy, and we all have to live together. So when I started this project, we bought this property at Kennedy Road, it looked like the perfect opportunity to build in Cambridge. Very old house, tucked in the back corner of an odd-shaped lot in a beautiful neighborhood. It had the advantage of being large enough that we felt we could build by-right whatever we were likely to want or need, and it seemed that it was flexible enough that we ought to be able to get a consensus with our neighbors and to maybe everybody happy. My wife and I weren't looking to do anything grandiose, we're not trying to build huge or big. We're not trying to make artistic statements. We're just looking for a house for us and our two little girls.

Our requirements were kind of, you know, sort of

mundane suburban things. We're looking to have a two car garage. We're looking to have a yard to play in. We're currently on Foster Street where my backyard is four feet wide. I have little kids. I wanted them to have somewhere safe to play. So a dead end street. A, you know, a play area in the backyard that's nicely isolated from everyone, that seemed like a great win.

So we took on this project, and I really looked at it like a blank slate. I asked neighbors what they cared about. My immediate abutters, who I should add have, you know, since voiced objection. Leonard is here, I'm sure you'll hear what his objections are. We worked with them. I waited several months for him to return from Sweden. So, you know, again, I learned don't be in a rush, don't be entitled, this is everybody's neighborhood. I waited for him to come back from Sweden. I showed him what we were thinking. He gave me his endorsement. He told me he thought we were being reasonable. And then the very tail

end of the process, Leonard alerted me that he no longer supported my plans and that he felt I should start over. Now this was after we were scheduled to have a hearing last month. The hearing got delayed, and then within a day or two of that is when he shifted positions on me. I felt like I was simply in an untenable position. So we did our best to try to listen, to scale back. So you'll notice we have changed our dimensions, at least as best as we can. We believe in our hearts that what we've built is a --

CONSTANTINE ALEXANDER: You haven't built it yet. What you want to build.

JACOB FARMER: Sure, what we want to build. Thank you. What we want to build we feel is actually in the best interest -- is a really nice compromise between what we want as land owners with rights given to us by the Zoning Board -- or Zoning Code and what's in the neighborhood interest.

And, you know, the only other thing I want to say

is that the one thing I didn't anticipate when we bought this property was that we really were buying something the neighbors like to call a park. The previous owner was very generous, people passed through her property to go to, to cut through to Appleton Street. People picked her flowers and lived in her lot, and we're sort of the bad guys that are taking that away from the neighborhood. You know, it's a unicorn. It's an undeveloped lot off Brattle Street in Cambridge. Someone's going to buy it. Someone's going to put a house on it. Someone's going to make it about what the FAR says it should be, and we're the unfortunate or the fortunates to be the ones to do that.

So I hope to --

JENNA MOSKOWITZ: And just add --

CONSTANTINE ALEXANDER: Introduce yourself for the stenographer.

JENNA MOSKOWITZ: Oh, hi. My name is Jenna Moskowitz and I'm the wife of Jacob Farmer.

CONSTANTINE ALEXANDER: Okay.

JENNA MOSKOWITZ: I just wanted to add that we -- you just mentioned bad guys. I think that we also wanted to have an open neighborly feel, inviting people to the garden. You know, it certainly not something -- it's not an us/them situation. I think we want to build a house for us to enjoy but also to enjoy with our neighbors.

JACOB FARMER: So in any case we felt like when the objections were raised, we were in the eleven and a half hour. We had full complete designs. We had -- we gotten really positive feedback from the designs, so when my neighbors told me it's too big and it's tasteless and it will dominate and ruin the neighborhood, other architects, even the Historic Commission, had assured me that they felt we were doing this really tasteful. I happened to print the minutes from the Historic Commission hearing, and we were complimented by one of the board members on our very thoughtful and tasteful accommodating design. So I don't

feel like we're doing anything harmful to the neighborhood.

And I know we'll hear from my neighbors who do feel -- and I hope that when we're done, you know, at least we'll have some third party opinion.

So the last thing I want to say is that the variances that we're asking for are extremely nominal. You know, we're not asking for any -- we're under our height. We're under our FAR. We've met --

PAUL FIORE: That's my job.

JACOB FARMER: Sorry. That's Paul's job.

We're being very, very -- we're not asking a lot.

JENNA MOSKOWITZ: We tried to accommodate.

JACOB FARMER: The only reason we're asking for a Variance in the first place, is that we tried to make a house that was tweaked to meet what we thought was everybody's best interest. Otherwise there's plenty of room to build by-right and we could have done that.

Okay, I'll be quiet. Paul, take it away.

CONSTANTINE ALEXANDER: By the way, we're talking about the Variance at this point. You're also seeking a Special Permit.

PAUL FIORE: Right. And I can --

CONSTANTINE ALEXANDER: We'll do that one at a time. We'll take the Variance case first.

PAUL FIORE: Okay.

CONSTANTINE ALEXANDER: And just address your comments to the Variance and then we'll turn to the accessory apartment.

PAUL FIORE: So I blew -- this is in the packet but I blew it up.

JACOB FARMER: Bring that closer over here.

PAUL FIORE: So, right, so this is the current one that's submitted on Monday and it's actually -- we're asking for quite a bit less relief than we were originally.

CONSTANTINE ALEXANDER: You want to use the microphone? You have to take it out of the holder push a

button to turn it on.

PAUL FIORE: Hello.

ANDREA HICKEY: That's better.

PAUL FIORE: So I guess what I want to do is just outline exactly what we're asking for in terms of variances. As Jacob said, this is a very interesting and sort of difficult lot. It actually has 12 sides to it, which I've learned is called a dodecagon. I didn't know that before. So some new information.

So determining the exact footprint of as-of-right was rather challenging. And so early on we actually had a meeting with Ranjit and sat down and hashed it all out, and he was in agreement with our findings that basically which is this, this hashed area, the as-of-right building area, although there's 15 on one side -- and 15 minimal on each side which that shows with a, with a 35-foot total side setback.

So some of the -- so some of the difficult,

especially difficult one was in the rear yard, sort of defining, you know the, literal definition in the Zoning Code about the rear yard would actually have us be in the not asking for a Variance in the rear yard, but we didn't want to argue that point tonight. What we wanted to do is have the most sort of conservative plan that we reviewed with the neighbors as well and with Ranjit and that's what you see before you here on this plan.

So some of the changes from our original submission is that we were originally asking for four feet of front setback, and part of the reason for that was that one of the important things for Jacob and Jenna were to have a nice open backyard. So we didn't want to take it away from the backyard. We were also -- originally heard from the neighbors that this area was important. And you can see on this, this map up here that that really is a nice open vista that both of those properties share. So the idea to keep that open and this open was always priority for the

design and placement of the --

CONSTANTINE ALEXANDER: Just so I understand to be specific for the Variance that you're seeking.

PAUL FIORE: Sorry.

CONSTANTINE ALEXANDER: Okay. That's all right. You're going to get there, that's fine. If you're going to get there, that's fine.

PAUL FIORE: Yeah.

So what we're actually seeking is this little dark shaded area on the side. We actually have 20 feet to this portion of the building on this side and 15 on this side. So this piece falls within that. And then also if you literally, take this as the backyard set line and you sort of take the 31 required feet and you curve it around all these points, this falls within that as well.

CONSTANTINE ALEXANDER: So you have rear yard and left yard setbacks?

PAUL FIORE: Yes.

CONSTANTINE ALEXANDER: Are the -- those are the setbacks.

PAUL FIORE: Those are the two setbacks.

CONSTANTINE ALEXANDER: That you're not complying with?

PAUL FIORE: That's right.

CONSTANTINE ALEXANDER: Where is the -- know there are some references in the letter we got. There's a right of way? Tell me about that.

PAUL FIORE: There's a line here that is a -- it's not a --

JACOB FARMER: It's a right of way easement for the --

CONSTANTINE ALEXANDER: Is that a passage or can a car drive there?

JACOB FARMER: No. It's an easement for use. It's a strange thing.

JANET GREEN: Who granted it?

JACOB FARMER: The previous owners granted it. So
right before we acquired --

JANET GREEN: To whom?

JACOB FARMER: To the neighbors.

PAUL FIORE: To these neighbors.

JANET GREEN: To those neighbors.

ANDREA HICKEY: For foot passage?

JACOB FARMER: No, for planting.

ANDREA HICKEY: Oh, interesting.

PAUL FIORE: Jacob, it's this house, right?

JACOB FARMER: Correct.

JENNA MOSKOWITZ: Yes.

CONSTANTINE ALEXANDER: So they can plant on that?

JACOB FARMER: So they've basically landscaped it.

CONSTANTINE ALEXANDER: On your property?

JACOB FARMER: Correct.

CONSTANTINE ALEXANDER: Or -- yeah, your property.

JACOB FARMER: So it's a little bit weird. So

when we made our interpretation of the setbacks, instead of like counting this weird peninsula, I just figured why don't we go with the spirit of keeping open space in the back.

CONSTANTINE ALEXANDER: So you went to the -- you did it to the lot line?

PAUL FIORE: So this particular lot line and we're --

JACOB FARMER: Yeah.

THE STENOGRAPHER: You need to speak one at a time, please. Thank you.

JACOB FARMER: So sorry. We'd gotten different interpretation of the Zoning Code.

So one was that the furthest parallel line from the front yard setback is the rear yard setback. That just seemed, whether that's literal or not, it seemed not to represent reality because it's such a weird shaped lot. So we took the interpretation off the back corner and we drew that 31 foot.

PATRICK TEDESCO: So it's as though that triangle shaped space -- in other words, you just struck --

JACOB FARMER: Correct.

PATRICK TEDESCO: -- a line straight down and assumed that --

JACOB FARMER: We locked it off --

THE STENOGRAPHER: Wait, you're cutting him off.

PATRICK TEDESCO: It's almost as though that doesn't exist in terms of your setback. You're kind of assuming it's not your property.

JACOB FARMER: Right. We took the Variance line and we worked with that rather than the literal what we pay taxes on.

PAUL FIORE: It didn't -- it seemed like we wanted so little in the back that arguing the Zoning Code wasn't the best path forward. So we tried to go as conservative as we could with the interpretation. And Ranjit, you know, in actually two conversations with him felt the same way, so I

think we did our due diligence where that is concerned.

CONSTANTINE ALEXANDER: But the outcome of your discussions with Ranjit is that you need zoning relief anyway?

PAUL FIORE: Yeah.

CONSTANTINE ALEXANDER: Okay. That's why you're here tonight.

PAUL FIORE: So the two pieces -- Jacob spoke a bit about the neighborhood issues, and I don't want to get too deep into that except to say that we did meet with the neighbors who live in this house once they, once they had other concerns. And we sat in the dining area which is here, and they voiced that they really wanted to keep sort of an open vista from that location which seemed reasonable, which caused us to not ask for the four feet of front setback relief anymore and we pushed that four feet back. Also, this whole area from this area's really dense with trees. So it seemed to make sense that, okay, we keep that

front vista open by pushing that back, and then this dense area you can kind of can't see through well anyway.

So, and the other move we did is we chopped off about eight feet of this -- I'll explain the house layout in a minute, but there's this sort of bar that connects these two, these two forms, and we cut that back as well. So we made a couple of moves to try to get, take the design we had, rework it. The clients actually said to me, I'd rather you take some length out of our house than push it back into the yard further. So that was our charge, challenge, and that's what we did.

So just a little bit about the house itself. One of our main objections -- another objective, not aside from just the siting, was the bulk of the house. We wanted to minimize bulk as much as we could. And one of the ways we did that is we created these sort of two thinner volumes that are connected by circulation spine basically. And it's probably easiest to show you here. This is the view as you

come up Kennedy Road and you see the side and the front of the house. And then there's this trellis piece that comes out and sort of grabs you to bring you to the front entry. The challenge at this part of the site was basically with the 20-foot setback and the 15-foot setback, we just had enough room for the garage. So with this added piece really is -- and you can see it here coming down the side, really sort of grabs you as an entrance to the house rather than sort of just looking at the garage door.

So you can see here that these are two volumes connected by this circulation spine.

CONSTANTINE ALEXANDER: I notice you have dormers on the structure.

PAUL FIORE: And then we have dormers.

CONSTANTINE ALEXANDER: Do they comply with the dormer guidelines?

PAUL FIORE: They do, yes.

CONSTANTINE ALEXANDER: I couldn't tell from your

drawings. I didn't see any dimensions.

PAUL FIORE: The original submission they were longer and we didn't -- we went back and we shortened them up and we pushed --

CONSTANTINE ALEXANDER: That's your representation. In all respects your dormers will comply with the dormer guidelines not just length --

PAUL FIORE: Yes, setback from here and the front and the back they do, yes.

CONSTANTINE ALEXANDER: Okay.

PAUL FIORE: So I think, so I talked about the bulk, with minimizing the bulk, the sort of -- a couple other issues about the, that I think that are important to point out. The -- Kennedy Road is actually seven or eight feet, I don't know, I forget from the property line. So the house is actually 32 feet back from the edge of the road. And I think we actually, Jake went out and bought two flagpoles, and we actually brought them to the site, set

them up here to see where that faces and how that would affect that. And it actually felt really nice. And I e-mailed the neighbors who have that objection, and unfortunately they were travelling so I didn't get a chance to show them on-site. But I really wanted to show them before this meeting that that distance back really gives them that open vista that they would like to have.

And any other --

PATRICK TEDESCO: I just had another question. When you decided to not seek the four-foot setback variance in the front, did you slide the house back or did you shorten it?

PAUL FIORE: So we removed three feet from the house and shortened it and did move it back one foot.

PATRICK TEDESCO: So you were already seeking rear yard relief and you increased it by a foot?

PAUL FIORE: In that area we're actually not seeking it. We were seeking it on the other side.

PATRICK TEDESCO: Okay.

PAUL FIORE: So it didn't matter on that area either way.

PATRICK TEDESCO: Okay.

PAUL FIORE: And I think, we talked about this. I think that's, I think that's pretty much it.

I can take you through the house itself, the floor plans if that's important.

CONSTANTINE ALEXANDER: Well, not from a zoning point of view, except I would like to know about it when we do the accessory apartment, because I couldn't see on the plans where the accessory apartment's going to be located.

PAUL FIORE: Sure, I'll show you that. Should I do that now or wait?

CONSTANTINE ALEXANDER: Do it now.

PAUL FIORE: Okay.

CONSTANTINE ALEXANDER: Why not.

PAUL FIORE: Okay.

CONSTANTINE ALEXANDER: Yeah, why not? Go ahead.

I assume. There is a basement but there's no delineation because they have a size limitation on how big it should be.

PAUL FIORE: Yeah, no, I apologize. I should have marked it.

This is the basement plan. And only this piece of the basement is the accessory apartment.

CONSTANTINE ALEXANDER: How many feet is that?

PAUL FIORE: How many square feet?

CONSTANTINE ALEXANDER: Roughly.

PAUL FIORE: We're definitely under it. We can look it up.

CONSTANTINE ALEXANDER: I'll tell you what the answer is.

PAUL FIORE: Yeah, we checked. I'm sure about this.

CONSTANTINE ALEXANDER: Accessory apartment shall

not occupy more than 900 square feet or 35 percent of the gross floor area.

PAUL FIORE: Yeah, it's like 700.

BRENDAN SULLIVAN: You've got 456 plus the bathroom, whatever that is.

PAUL FIORE: Why don't we do a quick check on that, Andrew.

BRENDAN SULLIVAN: I mean, they're probably 500 square feet.

PAUL FIORE: And this portion of the basement is a playroom and exercise room and mechanicals and everything for the rest of the house.

CONSTANTINE ALEXANDER: Is this a separate entrance for the accessory apartment?

PAUL FIORE: There has to be.

CONSTANTINE ALEXANDER: Yes. I want to be sure.

PAUL FIORE: There are two. There have to be two actually.

CONSTANTINE ALEXANDER: And the purpose of the use? You have family members that will live there?

JENNA MOSKOWITZ: Yes.

PAUL FIORE: I didn't mention, actually, the first thing I was going to mention. We are in accordance with every other dimension in Article 5.1 and every other -- in compliance with all the Table 5.1 except for the setback. So that's all we're here today to seek relief for.

CONSTANTINE ALEXANDER: Questions from members of the Board at this point?

(No Response.)

CONSTANTINE ALEXANDER: Apparently not. I'll open the matter up to public testimony.

Is there anyone here wishing to be heard on this matter? Sir. You have to identify yourself.

LEONARD BRABERG: My name is Leonard Braberg, B-R-A-B-E-R-G on Four Kennedy Road. I abut 16 Kennedy Road on the northern side.

CONSTANTINE ALEXANDER: So just point out where that is.

JANET GREEN: Could you point out which one is it?

LEONARD BRABERG: Yeah. Maybe you can remove the basement because I have a few questions about the other.

This, by the way, this drawing was not on the website even this morning.

PAUL FIORE: The only one not was -- this is Paul Fiore.

LEONARD BRABERG: I did not see this on the website. I'm surprised. I've not seen it until now.

CONSTANTINE ALEXANDER: Here is what's in our files.

LEONARD BRABERG: It's in your files. So it doesn't count if it's on the website or not?

CONSTANTINE ALEXANDER: No. It's got to be in our files. And I think what he's showing us there is --

PAUL FIORE: These are revised ones.

LEONARD BRABERG: These are revised one, revised last minute on Monday. Yeah, okay.

JANET GREEN: He has until Monday night.

CONSTANTINE ALEXANDER: That's not the last minute. Just so you understand, they have until five p.m. on Monday to do it.

LEONARD BRABERG: Well, okay. I have a question here about the easement, this perpetual easement for the people on Appleton Street. Is the setback counted, assuming the easement is included in the lot or not? Because the easement can either be excluded from the lot or it can be included in the lot?

CONSTANTINE ALEXANDER: You're absolutely right, sir. And let me --

LEONARD BRABERG: If the easement is included, the setback should not be 31 feet.

CONSTANTINE ALEXANDER: You're absolutely correct.

LEONARD BRABERG: It should be 35 feet.

CONSTANTINE ALEXANDER: The point though, is
though that the policy of the City and the Inspectional
Services Department --

LEONARD BRABERG: Yep.

CONSTANTINE ALEXANDER: -- is that if the easement
is sort of equivalent of a road, cars can drive over it --

LEONARD BRABERG: Yep.

CONSTANTINE ALEXANDER: -- the setback is measured
from the edge of the easement.

LEONARD BRABERG: Okay.

CONSTANTINE ALEXANDER: But if it's an easement of
passageway or this one for planting --

LEONARD BRABERG: Yep.

CONSTANTINE ALEXANDER: -- the policy of the
Inspectional Services Department, you ignore that for
purposes of the setback.

LEONARD BRABERG: Okay.

But then I assume the setback should be counted

from the line of the easement so that --

CONSTANTINE ALEXANDER: No, no.

JANET GREEN: That's the opposite of what he said.
That's the opposite.

CONSTANTINE ALEXANDER: Because this is an
easement just for planting and it's not like a street, you
ignore the easement for purposes of the setback calculation.
You go right to the back lot line.

LEONARD BRABERG: So you don't count the depth of
the lot to be this distance?

JANET GREEN: You do.

LEONARD BRABERG: You do.

Then the easement -- then the setback would be 35
feet because it's 100 feet plus a quarter of the depth
exceeding 100 feet to a maximum of 35 feet. Then this
should not be 31 feet setback. It should be 35 feet.

CONSTANTINE ALEXANDER: But he's seeking relief in
any event from the rear yard setback requirement. So

whether technically it's 31 or 35, the fact of the matter is, he, he the petitioner, acknowledges that they don't meet the setback requirements in the rear yard and, therefore, they're seeking a Variance tonight.

LEONARD BRABERG: Why don't they need that? I don't understand. Here they're asking for a Variance because there isn't enough setback. And if this had been 35 feet, it would have been asking for even more Variance.

JACOB FARMER: Our interpretation was the opposite of that. Our interpretation was that if we measured the setback from that furthest parallel line, the other yards are side yards and we wouldn't even need to seek a Variance.

PAUL FIORE: You can even ask the question is this a side yard? You know, there's 12 sides to this.

CONSTANTINE ALEXANDER: I think we're getting tangled up in our underwear here.

JACOB FARMER: Yeah.

CONSTANTINE ALEXANDER: I mean the fact of the

matter is you're seeking a Variance.

PAUL FIORE: Yeah. And it may be --

CONSTANTINE ALEXANDER: Whether it's 31 feet, 35 feet --

PAUL FIORE: And it's more conservatively, we may be seeking another --

CONSTANTINE ALEXANDER: I don't know the relevance of all this to my mind anyway.

JANET GREEN: Right.

LEONARD BRABERG: Okay.

I'm sorry, but I feel this building is far too large for the lot. It's too high, it's too large.

CONSTANTINE ALEXANDER: Let me talk to the height. They comply with --

LEONARD BRABERG: It's within the compliance, yes.

CONSTANTINE ALEXANDER: They're complying on the height.

LEONARD BRABERG: But it doesn't stick with the

neighborhood. It's an eyesore. But I guess I can't do anything about it.

CONSTANTINE ALEXANDER: Well, you can with regard to the variances being sought, but the height?

LEONARD BRABERG: Yeah. So I object to the Variances being sought.

CONSTANTINE ALEXANDER: Understood. On the grounds that you think just basically the structure itself is too large for the lot?

LEONARD BRABERG: Yes, yes, yes correct.

CONSTANTINE ALEXANDER: Okay. Okay.

LEONARD BRABERG: Okay, thank you.

And I'm not just speaking for myself. I'm also speaking for the neighbor on the Southern side of 16 Kennedy Road.

CONSTANTINE ALEXANDER: We have a letter.

LEONARD BRABERG: Okay. So I'm speaking on his behalf, too.

CONSTANTINE ALEXANDER: Okay.

LEONARD BRABERG: And Bill and Eva Todd over here have asked me to speak for them, and based on their opinion they also don't like the building.

CONSTANTINE ALEXANDER: Just so you understand, you say the building is too large --

LEONARD BRABERG: Yes.

CONSTANTINE ALEXANDER: -- but in fact it complies with our Ordinance in terms of size. It's not -- I mean, it may be too large in your view for the lot itself, but the building in and of itself is not too large per our Zoning Ordinance.

LEONARD BRABERG: We of course, all the variances.

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

Sir.

SIMEON BRUNER: Hi, Simeon Bruner, S-I-M-E-O-N B-R-U-N-E-R, 165 Brattle Street.

Is there an elevation of this newest proposal --

CONSTANTINE ALEXANDER: Yes.

SIMEON BRUNER: -- before I comment? Because it's sort of hard to tell what the elevations look like from the very nice renderings.

CONSTANTINE ALEXANDER: Maybe he has them right there.

SIMEON BRUNER: That's an elevation as opposed to a rendering.

PAUL FIORE: I understand. I know the terms. Thank you. That is an elevation.

SIMEON BRUNER: Without commenting about the architecture, I would say that there's nothing extraordinary about the apology of the site. It's relatively flat. And the borders haven't changed, the boundaries haven't changed since the plot was purchased a few months ago. So I don't think that really is a reason to ask for an exemption.

I think from the north and the south these are

pretty blocky buildings. So I think that there really isn't any reason that they should be seeking a Variance. I think they could deal with the -- there's plenty of room on the lot as you say to build a conventional building. Build it within the zoning. And I would urge you not to give them a Variance because I don't think that the, the detailing and the massing really warrants it.

CONSTANTINE ALEXANDER: Just out the curiosity, if they took your advice and eliminated those areas that create the need for the Variance, it would be essentially the same structure, at least in appearance --

SIMEON BRUNER: Right, but you lose a bunch of footage and ten feet on this side. This entire elevation would be shrunk back by about ten feet and that would make a difference.

CONSTANTINE ALEXANDER: And that in your mind would be okay?

SIMEON BRUNER: It would be less objectionable

than it is. I do not think it's okay. I don't think that's a discussion.

JANET GREEN: Where do you live in the houses?

SIMEON BRUNER: I live right here. I abut the abutters. I abut this over here. And I have some expertise in this area. I'm an architect. I don't think there's anything unique or special.

CONSTANTINE ALEXANDER: Well, the standard for zoning relief for the Variance, you may know, but they have a hardship. The hardship being to design the house that they want which would include an accessory apartment given -- they have to build a house of this size, and the hardship is owing to the fact that the shape of the lot is so unusual with all its many sides that locating a structure that in size complies with our Ordinance cannot be done unless there is some setback relief -- a Variance, a setback relief.

SIMEON BRUNER: I think the owner just told you

they have plenty of room to build within the zoning setback.

JENNA MOSKOWITZ: We had met with the neighbors and they requested that we didn't build in a certain direction, so we were trying to comply with their desire.

SIMEON BRUNER: All right. So I think that there's no real reason to do it. They could, you know....

JACOB FARMER: I think the point is if we were to build it, if we were to build it with -- strictly within the Zoning setback, we'd build a house that was actually less advantageous for everyone. Paul didn't mention that we spent a lot of time making sure about preserving privacy, so none of our upstairs spaces look into any of our neighbors' upstairs spaces for instance. And we took into consideration sunlight angles and how they cast shadows. So really we came up with a design that we felt was an integrated nice design, and we got a lot of positive feedback from it and it required what we think is a modicum of relief from Zoning. And then we've done everything else

that I think is considered favorable. We've maximized our open spaces. We've minimized our paved areas. You know, the other thing I didn't mention is my neighbor to the back who's been looking out on this park since she was a six-year-old girl, and she understood that the lot had to get developed and she was very pleased that we oriented our gables so that they were facing her so she's not looking across the back of the house. We're doing our best to keep her vista maximized. So it really was an effort to just build a really nice house, and I think what's unfortunate, you know, I both do and don't fault the Brabergs for this, is that we worked with them, we sought their opinions, we were very intimate and open, we were very patient. We, I mean I have it here in the historic minutes of Mr. Braberg getting -- stayed up late after midnight to endorse our plans. So it's just that at the end he changed his mind and there wasn't time for us to really reconsider and redo, you know, tens of thousands of dollars worth of architecture

work and months of time.

PAUL FIORE: Plus you really like where you ended up.

JACOB FARMER: Well, we think it's beautiful. We think we've done a great job. We think it does fit the neighborhood. And we think it suits the Brabergs' purposes even though they don't see that right now. I hope they will.

PAUL FIORE: We spent a lot of time how these spaces relate to each other and views from the kitchen through to the living room and, you know, you know, we, we talked about making it longer that way instead of this way, but then there was too -- you know, so the they put a lot of energy into the way their family is gonna use this house as well and there was a lot of time spent on that. So going back to the drawing board because of a last minute change of heart when we're asking for so little, seems -- so we did -- and I do want to stress again that we actually really

shortened the house. We pushed it back so we're not asking for any more front setback relief. And even pushed that back. So there were a lot of good faith efforts to get closer to what was desired by one particular neighbor.

CONSTANTINE ALEXANDER: Okay.

Comments or questions from --

LEONARD BRABERG: One more question. I'm glad that Mr. Farmer mentioned sun because I don't know if it's relevant or not, but we lose the sun into our kitchen in the winter up until around eleven o'clock in the morning. It's very important to us.

CONSTANTINE ALEXANDER: Is there any way -- but even if the structure were modified to comply were the Zoning Ordinance, you still have the same problem.

LEONARD BRABERG: I know it might be relevant. As sun was mentioned, I want to mention that we will be in the shade.

CONSTANTINE ALEXANDER: Okay.

LEONARD BRABERG: Thank you.

JACOB FARMER: Just in the spirit of being a good neighbor to Mr. Braberg, I found a lovely application on-line that maps shadows onto Google maps, and we were able to demonstrate that the way the house is positioned today is much more advantageous to them than what they asked us to do instead at last minute.

CONSTANTINE ALEXANDER: Okay, I don't want to get into a debate --

JACOB FARMER: True.

JANET GREEN: Don't go there.

CONSTANTINE ALEXANDER: Anyone else wishes to be heard?

Ma'am. There was a woman behind you raised her hand, too. I don't care who goes first. Both of you can speak.

DANIELLE THOMAS: I'm a neighbor. I live on --

CONSTANTINE ALEXANDER: Your name, Ma'am, please.

DANIELLE THOMAS: Danielle Thomas. I live on Brattle Street officially but my house actually, the entrance is on Kennedy Road. And the charm and the character of the street is that you don't really see the houses. They are hidden by trees. And from my house I can see the corner where the house is going to be built. It's, you know, green. And I think that the house, the setback would change the nature of the house. And also the fact that most houses have got quite large plots around. And I think to suddenly have an enormous house on -- with very little around would change the character of the -- of this street.

JENNA MOSKOWITZ: Could I ask for clarification?

CONSTANTINE ALEXANDER: No. We've got to do this in an orderly fashion.

DANIELLE THOMAS: You can see, I mean, most of the houses on the right side where you are set back. Suddenly you would have a house which is not in keeping with the

others. I find that it should be further in.

CONSTANTINE ALEXANDER: You should keep in mind, and everyone should keep in mind, is that we're not a design review board. We don't pass on the quality, in our opinion, of the architecture or the lack of quality. We deal with dimensional issues and whatever issues the Ordinance deals with.

DANIELLE THOMAS: Right, but the setback goes to the Variance.

CONSTANTINE ALEXANDER: Well, the setback is not in the front yard. They're not seeking a front yard setback Variance. Only the top -- what I'm going to call the top, going up toward Appleton I guess it is, and the rear yard.

DANIELLE THOMAS: It seems that it's much further in this way than the next one or the next one.

CONSTANTINE ALEXANDER: All I know they represented to us is that --

DANIELLE THOMAS: I don't explain very well. But

if you see what I mean. This house, that sticks out a lot more and that's even sticking out more than that. So it goes like that.

PAUL FIORE: But the one, you know, if I do a larger blend, there's one down here that sticks out more. And this one is actually on the street. So they are varied. And I think that's -- that was one of the things that we, you know, sort of played with because this house is landlocked. It's not, it's not -- it's in the middle of a bunch of houses. And finding the right balance --

DANIELLE THOMAS: Right. But in fact you don't have any trees. You will have trees --

CONSTANTINE ALEXANDER: Let's not have a private conversation about -- you made your point.

PATRICK TEDESCO: The reality is is that you're conforming in a front yard. You can argue whether or not that side is zoned appropriately, but it is compliant in that front.

CONSTANTINE ALEXANDER: Exactly.

Ma'am, you wanted to speak.

SENTA BURTON: My name is Senta Burton, S-E-N-T-A
B-U-R-T-O-N and I'm at 165 Brattle Street. I'm a landscape
designer.

CONSTANTINE ALEXANDER: Could you speak louder,
please?

SENTA BURTON: Oh, sure.

CONSTANTINE ALEXANDER: Or come forward.

SENTA BURTON: I'm a landscape designer. My -- of
the concerns to the character of the street, of course the
setback from the Kennedy Road itself is proposed to be in
compliance, although this plan doesn't show it, the proposal
really is out of keeping with the neighborhood. I think my
concern is actually as a designer more generally and is that
realistically like the plan that you've drawn is as it is
because you're trying to fit as much as possible into the
space that you're allowed. Unfortunately, like the code

doesn't quite allow you to do that and that shifts a lot around, which is why you may not want to shift -- change it which is why you're asking for a Variance. And I just find it interesting because program has expanded, there is a request for more space. You're maximizing your use of the site, but it doesn't seem quite necessary to ask for more on top of what you already have in that condition. Like, the site as purchased had unusual borders, had an existing condition with any relationship to that street, but the design that's proposed changes that immensely.

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

Anyone else wishes to be heard?

(No Response.)

CONSTANTINE ALEXANDER: Apparently not. We are in receipt of a number of letters. Some of the comments in the letters are from people who are here tonight so I'm not going to read them again. But let me just go through.

There is a letter, and I'll just read them in the order that they're in our files. From Leslie Jeng I guess is the way it's pronounced. J-E-N-G and Jon J-O-N Biotti B-I-O-T-T-I. (Reading) My husband Jon and I are writing to renew our support for the Farmers' plans at 16 Kennedy Road. We understand that other neighbors have rescinded their support for the plans in the eleventh hour. We feel that the Farmers are doing their best to deal with an untenable situation.

We have a letter from someone, it's handwritten, and I can't necessarily read -- I guess it's Rosamond Zander Z-A-N-D-E-R. Who says she's an immediate abutter at 25 Appleton Street. (Reading) I have reviewed the plans of the proposed house on 16 Kennedy Road in Cambridge owned by Jacob Farmer and Jenna Moskowitz and I support the project without reservation.

And we have a longer letter from Katherine Pearls and Bernard Braberg.

That's you, sir, right?

LEONARD BRABERG: Yes.

CONSTANTINE ALEXANDER: So you've already made your comments. I don't need to read the letter I don't think.

LEONARD BRABERG: No.

CONSTANTINE ALEXANDER: Okay. I think we have more than one copy of that letter. Yeah.

Okay.

We have a letter from Eva Andenaes A-N-D-E-N-A-E-S Todd T-O-D-D and William Mills Todd, III. (Reading) We would like to contribute to the decision on the matter of variances sought by the Farmers of 16 Kennedy Road. While we realize that the lot is a difficult one on which to build within the official setbacks, we feel that at the very least the setback running parallel to Kennedy Road should be honored.

PAUL FIORE: That's, that was written before.

CONSTANTINE ALEXANDER: She's commenting on an earlier plan. And they go on to say we hope a compromise can be worked out with the neighbors.

We have a letter, and I'm guessing from S. -- I'm just going to spell the last name A-T-L-A-M-A-Z-O-G-L-O-U.

(Reading) I live on Three Kennedy Road in Cambridge. My property directly abuts the proposed building. Regretfully I would have to oppose this petition on the following concerns:

One, the volume. Size of land covering. Height.

Two, too close to my property line. You're too close --

PAUL FIORE: That's this house.

CONSTANTINE ALEXANDER: So you're complying with the setbacks there?

So, too close to the street. And you've complied with the front yard setbacks I understand it.

Four, drastically changing the character of what

to this day has been for all of us on Kennedy Road an open country line environment. The same objections were raised by myself and other neighbors during two meetings with the owners and their architects prior to the original hearing of December 15, 2016, in which I was going to be present. As I am presently in Europe, Mr. Leonard Braberg will represent me at the hearing.

And you have done that, sir.

We have a number of duplicate copies of the letter that's why I'm skipping over them.

A letter from Peter and Sigall S-I-G-A-L-L Bell B-E-L-L. (Reading) This is a letter in support of case number such and such for Jenna Moskowitz and Jacob Farmer. We've reviewed their plans as of December 14th -- these are the old plans then. And enthusiastically are in favor of their proposal and feel it will enhance our block. We live two houses away on the same side of the street at Eight Kennedy Road, also known as One Kennedy Road.

Did she give an address? I don't see the address, but she says houses away on the same side of the street.

Another letter that we have already.

We have this letter already.

And that's it. So we have letters of support and letters of opposition besides -- do we have anybody here wishes to speak in support of the petition just out of curiosity?

(No Response.)

CONSTANTINE ALEXANDER: No. Okay.

I'm going to close public testimony.

Any final words before we deliberate? Anything you want to add speak now or forever hold your peace as they say.

(No Response.)

CONSTANTINE ALEXANDER: Okay. Public testimony is now closed.

Discussion? Anybody have any opinions they want

to express? I'll go first if people want but I would happy to have someone else go first.

PATRICK TEDESCO: Well, go ahead, Gus.

CONSTANTINE ALEXANDER: Okay.

I would grant relief. The relief is very modest in nature. The lot is very irregular in nature. I think most of the opposition comes from the fact that the world is going to change in this neighborhood because of this structure. It's different in architecture, in style. It's larger than what was there before, but it, it complies with our Ordinance except for the setback issues that we talked about. And so, on the Variance, I would grant the Variance to allow the building to go ahead in accordance with these plans that they've submitted.

Anybody else want to --

JANET GREEN: I would say, Gus, that I agree with you. I felt like there was consideration about the windows, consideration about the sunshade, consideration to make sure

the dormers conformed to our guidelines, that the request for the Variance is very minimal. They've already shortened the house to make it even less of an impact. So I'm inclined to support it.

CONSTANTINE ALEXANDER: Okay.

PATRICK TEDESCO: I would have trouble supporting this if you were looking for extra FAR, extra height, and extra mass.

JANET GREEN: Exactly.

PATRICK TEDESCO: And I would also have trouble with relief in the front yard. I'm pleased to see you gave up on that. And the rear yard seems minimal impact. And actually the existing house as I understand it is much closer to that back condition. Even though you're seeking relief in the rear you're minimizing the impact to the rear of the property and those neighbors abutting in the back. I agree with Gus, I think the opposition is that this will be impactful in terms of changing the neighborhood, but, but

that's largely as of right and I feel that the relief is minimal and it does owe to the shape of the lot, that's my impression.

CONSTANTINE ALEXANDER: Anyone else?

ANDREA HICKEY: I'm leaning in the direction of granting the Variance. It seems that the comments from the neighbors really have a lot to do with the character of the neighborhood changing. The design and style of the structure, which isn't really before us tonight, and concerns about height as well, which is another kind of factor that you're not before us tonight. I think you've done a decent job in terms of keeping the scale within reasonable limits, and I think there's no question that the dimensions and design of this lot, the way that it's configured is unique and makes it difficult to design a structure that is going to please everyone. So I'm leaning in favor of granting the Variance.

CONSTANTINE ALEXANDER: Thank you. Brendan, do

you want to express any views?

BRENDAN SULLIVAN: No.

CONSTANTINE ALEXANDER: Okay, I think we're ready for a vote.

The Chair moves that we make the following findings with regard to the Variance that's being sought. And, again, we're going to -- after we take this vote, we're going to open up the discussion on the Special Permit with the accessory apartment. Assuming you get the Variance to build the structure. Obviously if you don't, everything else is mute.

That a literal enforcement of the provisions of the Ordinance would involve a substantial hardship, such hardship being that the petitioner would not be able to build a building that complies as to height, volume and the like without the zoning relief. The hardship is owing to the fact that of the circumstances relating to the shape of the lot. And this since we all kind of acknowledge is this

is a very unusually shaped lot which creates almost by definition setback issues.

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 the relief that's being sought is rather modest in terms of minor, and it really is, in my mind anyway, minor setback relief. And that it would allow a development of a lot, though maybe not to the satisfaction of the neighbors, but a lot that does comply with the requirements of our Ordinance.

So on the basis of these findings, the Chair moves that we grant the Variance requested on the condition that the work proceed in accordance with the plans submitted by the petitioner, all of which have been initialled by the Chair.

These are the latest ones you have in our files. I think you've been here before. Any modifications, you're

going to have to come back before us. You're satisfied this is it, the final plans. Okay.

All those in favor granting the Variance on the basis proposed, please say "Aye."

(Aye.)

CONSTANTINE ALEXANDER: Five in favor. Variance granted.

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

JACOB FARMER: Thank you.

CONSTANTINE ALEXANDER: Let's turn to the Special Permit now. The floor is yours. Sorry to wake you up.

PAUL FIORE: No, I didn't know -- so I pointed out where that is. And so the answer to your question, it's 556 square feet.

CONSTANTINE ALEXANDER: Right. Brendan already did the math for me.

PAUL FIORE: Okay. And it is just this portion right here.

CONSTANTINE ALEXANDER: I was just curious about that. We have -- to grant, as you know, maybe people in the audience don't know. Our Ordinance has been modified only some months ago to create -- to expand the ability to have what is called an accessory apartment, but you have to meet certain requirements. And so let's tick them off because if you can't, you're not entitled to the Special Permit. And the one is, I'm going to read them as we go down:

One is the dwelling has not been substantially enlarged and spilled. They were contemplating of taking an existing structure and modifying it to create an accessory apartment. That doesn't apply here. New building.

Prior to alterations -- well...the dwelling contains at least 1800 square feet of gross floor area. And I think you have 4500 or so, right?

PAUL FIORE: Yes, it's over 4,000.

CONSTANTINE ALEXANDER: The lot in which such accessory apartment is located contains at least 5,000

square feet. And your lot does have that. I think roughly twice that.

PAUL FIORE: Yes, it's over 10,000.

CONSTANTINE ALEXANDER: Accessory apartments shall not occupy more than 900 square feet or 35 percent of the gross floor area of the principal dwelling, whichever is less, and shall not be located in a garage. And you pointed out it's not going to be in the garage.

PAUL FIORE: Right.

CONSTANTINE ALEXANDER: And you meet the other dimensional requirements.

PAUL FIORE: That's correct.

CONSTANTINE ALEXANDER: The next one is really, it's not necessarily a zoning requirement. It says the owner of the residence in which the accessory dwelling unit is created must continue to occupy at least one of the dwelling units as their primary residence. Prior to the issuance of a Building Permit the owners must submit a

notarized letter stating that the owner will occupy one of the dwelling units on the premises as the owner's primary residence. So keep that in mind. At some point if we grant the relief, you're going to have to deliver this letter.

And the next one deals with converting a two-family home to a single-family which is not relevant here.

Those are the requirements of this as I'm reading from Section 4.22 of our Ordinance which deals with accessory apartments. So you meet those.

And then we have to make more general findings with regard to a Special Permit to which I'll turn to now. The Chair moves that we make the further findings with regard to the Special Permit being sought:

That the requirements of the Ordinance cannot be met unless you get a Special Permit.

That traffic generated or patterns of access or egress will not cause congestion, hazard, or substantial

change in established neighborhood character.

Now let me make it very clear, we're talking about the 800 -- or the 550 square foot accessory apartment, not the structure itself. And apartment of this size in its nature, finding I'm proposing is that it will not cause congestion, hazard, or substantial change in established neighborhood character.

That the continued operation of or development of adjacent uses as permitted in the Ordinance will not be adversely affected by the creation of the accessory apartment.

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, that is the creation of the accessory apartment, will not impair the integrity of the district or adjoining district or otherwise derogate from the intent and purpose of the Ordinance.

So on the basis of these findings, the Chair moves that we grant the Special Permit for the proposed accessory apartment on the condition that the structure that's going to be erected comply with the plans that I've identified with regard to the Variance we just granted.

All those in favor, please --

BRENDAN SULLIVAN: Yeah, my only pause on this whole section of accessory apartment also known as the Barrett petition I guess.

CONSTANTINE ALEXANDER: Yes.

BRENDAN SULLIVAN: This really pertains to an existing structure. I suppose a literal interpretation would be it's not an existing structure yet.

The other way of doing it would be to put the structure up and then come back seeking the Special Permit, they would probably comply with all of those requirements, and it would probably be somewhat draconian of us to make them come back a second time for that. But I just --

CONSTANTINE ALEXANDER: I wholeheartedly agree with you. As a matter of fact, I raised this issue with the Inspectional Services Department. The 4.22 has been badly drafted. It just contemplates modification of an existing structure, and it should have taken into account creation. And it would be it seems to me a folly to have them come back a second time.

PATRICK TEDESCO: Had we not faced this before?

CONSTANTINE ALEXANDER: No, this is the first one we've had under the new 4.22. So, and typically we don't get too many new residences being built in Cambridge anyway.

PATRICK TEDESCO: True.

CONSTANTINE ALEXANDER: It's more designed to taking a big hold house, old Victorian, and converting it to create an accessory apartment.

So anyway, all those in favor of granting the Special Permit subject to the condition of the compliance with the plans, please say "Aye."

(Aye.)

CONSTANTINE ALEXANDER: Five in favor. Special
Permit is granted.

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

JACOB FARMER: Thank you.

* * * * *

(8:25 p.m.)

(Sitting Members Case BZA-011949-2016: Constantine Alexander, Brendan Sullivan, Janet Green, Andrea A. Hickey, Patrick Tedesco.)

CONSTANTINE ALEXANDER: One piece of business. You have your old continued petition.

PAUL FIORE: Yes.

CONSTANTINE ALEXANDER: I assume you're going to withdraw it now since we granted relief?

PAUL FIORE: Yes.

CONSTANTINE ALEXANDER: The Chair moves that we accept the requested withdrawal of case No. 011949 of 16 Kennedy Road.

All those in favor, please say "Aye."

(Aye.)

CONSTANTINE ALEXANDER: Five in favor. Case
withdrawn.

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

(8:25 p.m.)

(Sitting Members Case BZA-011647-2016: Constantine
Alexander, Brendan Sullivan, Janet Green, Andrea A. Hickey,
Patrick Tedesco.)

CONSTANTINE ALEXANDER: The Chair will call case
No. 011647, 156 Hamilton Street.

Is there anyone here wishing to be heard on this
matter? Good evening. Give your name and address to the
stenographer, please.

LISA D'ALMEIDA: Lisa D'Almeida, 156 Hamilton
Street.

JOHN LODGE: And I'm John Lodge. I'm the
architect.

CONSTANTINE ALEXANDER: Floor is yours.

JOHN LODGE: All right, so we are here tonight to ask for a Special Permit in furtherance of a proposed addition that we're having to the D'Almeida's house. It is, it's sort of one of the Cambridge's sort of little Mid Cambridge mansards. They've lived there for?

LISA D'ALMEIDA: 14 years.

JOHN LODGE: 14 years.

LISA D'ALMEIDA: Almost 14 years.

JOHN LODGE: And they have two children and they're starting to burst at the seams. So the basic idea is to add another bedroom upstairs. And our design is to -- so there are two bump outs on the first floor. This one is a mudroom. And this one is the kitchen. So the design is actually to add some space on top of these two bump outs. We have the FAR necessary to do that under the Section 8.

However, in renovating the back and actually adding two bay windows on the side with both of which are in

the setbacks, we're adding or moving windows within the setback.

CONSTANTINE ALEXANDER: That's why you need the Special Permit.

JOHN LODGE: Exactly.

JANET GREEN: So the square footage stays the same?

JOHN LODGE: The square footage increases but we're under the FAR. Under the allowable.

CONSTANTINE ALEXANDER: They have a slight, slight increase.

JANET GREEN: Got it.

JOHN LODGE: So why don't I -- why don't I just sort of show you the two sides that we're talking about. So on the first floor we're proposing adding two small bays on this wall, and so these windows will be within the side yard setback.

CONSTANTINE ALEXANDER: They're on the plans if

anybody wants to see them.

JANET GREEN: I did see them.

JOHN LODGE: The rear, the rear facade of the building, we are -- we're sort of reconfiguring most of the windows on this side. If you look at these two plans -- so this is existing. This is existing. And this is proposed. So this, this piece of roof actually moves forward because it's, it's going to go on the bump out over the kitchen. So we're replacing what are actually two windows in two small rooms with one window in the reconfigured bedroom. On top of this there's a new window in the bathroom. Actually, you know, this I'm pretty sure this window is not actually within the setback. And I think that it was in error. But anyway, and then this window which is this existing bay window in the kitchen is gonna be replaced with a slightly larger window but not one that sticks out. So, I think that's basically what the design intent is.

And what I would say about the windows in the

backyard is that -- so this is a picture from, taken from the next street down. So the backyard I think -- there's a garage that's pretty much right on the property line on the abutter's property line. So while we are sort of moving further back into the backyard, there still is a fair amount of space between the windows that we're proposing and the residential part of the next lot over.

So all of that being said, that's basically why we're asking for a Special Permit.

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: No one -- apparently no

one wishes to be heard.

We are in receipt of a letter, form letter that's been signed by my count over 20 persons and it says: We are neighbors of the D'Almeida family who live at 156 Hamilton Street. We understand that they are renovating their house to accommodate the changing needs of their family. We have reviewed the design plans for the proposed renovations and we fully support them. We feel that the proposed renovations complement the existing house and are in character with the neighborhood. We hope that the Zoning Board of Appeals will grant them the Special Permit they are seeking and help keep them in the neighborhood for the long term.

And it's I think this letter is very timely because the issue we worry about when we're moving windows around are privacy to the neighbors. And it would appear that the neighbors are not concerned about any privacy issues so that's all to the good.

With that I'm going to close public testimony.

Questions or discussion or ready for a vote?

JANET GREEN: Ready for a vote.

CONSTANTINE ALEXANDER: Okay.

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

That the requirements of the Ordinance cannot be met without the granting of a Special Permit given the setback, current setbacks.

That traffic generated or patterns of access or egress will not cause congestion, hazard, or substantial change in established neighborhood character. And we have the letters that I cited before that support that.

That the continued operation of or development of adjacent uses as permitted in the Ordinance will not be adversely affected by their nature of what is being proposed. And again we have the letters of support.

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 that generally the proposed use will not impair the integrity of the district or adjoining district or otherwise derogate from the intent and purpose of the Ordinance.

On the basis of these findings, the Chair moves we grant the Special Permit being requested on the condition that the work proceed in accordance with the plans prepared by John Lodge Architects. They're several pages along -- the first page of which numbered Z-1 has been initialled by the Chair, and all the subsequent pages have been initialled as well.

All those in favor please say "Aye."

(Aye.)

CONSTANTINE ALEXANDER: Good luck.

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

LISA D'ALMEIDA: Thank you.

* * * * *

(8:30 p.m.)

(Sitting Members Case BZA-012135-2016: Constantine Alexander, Brendan Sullivan, Janet Green, Andrea A. Hickey, Patrick Tedesco.)

CONSTANTINE ALEXANDER: The Chair will call case No. 012135, 301 Huron Avenue.

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

ATTORNEY JAMES RAFFERTY: All set? Thank you, good evening, Mr. Chairman, members of the Board. For the record, my name is James Rafferty. I'm an attorney with offices at 675 Massachusetts Avenue in Cambridge. I'm appearing this evening on behalf of the applicant, the property owner, 301 Huron Ave. LLC. Seated to my right is Scott Shuster. And he is the owner of the property. And to

Mr. Shuster's right is Niles Sutphin.

So this is an application to make some modest adjustments to a two-family house that is currently under renovation. Mr. Shuster has been rehabbing the house. It's part of a -- the patina out there, a series of gambrel houses. And this one -- Dutch gambrel. This one seems to have a 1960s alteration. I predicted there was one member of the Board who would know probably all the background as to how that 1960s looking style got plopped into the middle of that stretch of Huron Village.

BRENDAN SULLIVAN: An architect lived there.

ATTORNEY JAMES RAFFERTY: I've heard that from Mrs. Flynn across the street.

CONSTANTINE ALEXANDER: What is it?

BRENDAN SULLIVAN: An architect lived there.

ATTORNEY JAMES RAFFERTY: With those big plate glass windows and all that stuff. And one of the things that got lost were the front porches and all that. So the

proposal, as submitted and until as recently as today, included the introduction of front porches and rear porches as well as dormers on each side of the building. And the entire project, the increase totaled about 258 square feet.

CONSTANTINE ALEXANDER: 368 square feet.

ATTORNEY JAMES RAFFERTY: 368, but --

CONSTANTINE ALEXANDER: Yes, I did the math based on your dimensional form.

ATTORNEY JAMES RAFFERTY: Well, that's what I did --

CONSTANTINE ALEXANDER: One of us is a bad mathematician, but go ahead.

ATTORNEY JAMES RAFFERTY: Well, I'll take -- chances are it's me. But what's more relevant is that the applicant has elected not to proceed with the dormers. So the relief tonight, which involves the dormers -- so I'm, of course, mindful of the changes in the plan and all that, but it was kind of a late minute

adjustment based on the -- some feedback from neighbors. So what I did, and submitted in the file, is actually did my best for the use of Whiteout to just take the dormers off.

CONSTANTINE ALEXANDER: You did. I mean you did white it out.

ATTORNEY JAMES RAFFERTY: Right. And that's --

CONSTANTINE ALEXANDER: But doesn't this also change your dimensional form?

ATTORNEY JAMES RAFFERTY: It does. We've modified that as well.

CONSTANTINE ALEXANDER: I don't have that.

ATTORNEY JAMES RAFFERTY: Yes, well, we were just doing the math on that.

CONSTANTINE ALEXANDER: Of course, you're supposed to be in on five p.m. on the Monday before.

ATTORNEY JAMES RAFFERTY: Well, in fairness the dormers didn't go away until discussion with the neighbors on Wednesday.

CONSTANTINE ALEXANDER: Well, then you continue the case until --

ATTORNEY JAMES RAFFERTY: Well, I advised the client there's a potential that could happen. What it reflects, though, is that more of a status quo than before. So it's a -- and I understand the plan requirements so -- but it's not as though there's new plans to evaluate, it's just less change than originally thought.

CONSTANTINE ALEXANDER: And it's modest. I mean, the important thing for purposes of our Monday rule.

ATTORNEY JAMES RAFFERTY: Right, I understand. The community is involved and all that. These changes reflected some views expressed by an abutter that originally was perceived to be okay or indifferent and then recently said you know what, I really don't care for the dormers.

The house is, the house is non-conforming on both sides. So the other relief is for Special Permit because there are a number of windows that are being altered or

relocated.

CONSTANTINE ALEXANDER: It's not conforming in a lot of respects, Mr. Rafferty. I mean, I'm looking at your dimensional form. The permitted GFA, gross floor area, for this district is 2,071 square feet per your form.

ATTORNEY JAMES RAFFERTY: Yes.

CONSTANTINE ALEXANDER: The house right now is 4941 square feet, which is almost two and a half times what our Ordinance permits. And you want to even add more space to go to 5147. So you're going to be well, two and a half times more in terms of gross floor area than our Ordinance allows. Similarly with regard to the GFA, the Ordinance is 0.5. You're now at 1.19, again, more than twice, and you want to go even higher to 1.24. You also want to make the front yard non -- setback, non-conforming. Today, according to your form, it's conforming and it's going to be non-conforming. So that's a third piece of relief. And on top of all of this, the house is non-conforming as to two

side yard setbacks and as to height. And you're not seeking any relief for that.

ATTORNEY JAMES RAFFERTY: No.

CONSTANTINE ALEXANDER: But the point I'm getting to is if, this house, if we grant the relief you're seeking is going to be woefully, my words, woefully noncompliant with our Ordinance. And what's the hardship that would justify us from departing from our Ordinance?

ATTORNEY JAMES RAFFERTY: Okay, I was only at the point where I was describing the actual work.

CONSTANTINE ALEXANDER: All right.

ATTORNEY JAMES RAFFERTY: And then you kindly pointed out the non-conformities. So I was referencing the side yard setbacks because that's where there are changes in the windows. So to assist the Board, with that I actually requested Mr. -- Niles to circle those exact windows. So it is correct, that there is dimensional relief and GFA associated, but it's worth noting that the GFA itself, and

while the Ordinance doesn't draw a distinction, I do think it's of some significance that we're talking in the case if you look at the existing condition, the -- we're talking about a front entry that currently is uncovered that would now have a covering over it. And that amounts to about 45 square feet. So similarly all areas of the GFA that are represented here by way of the increase are contained in porches and amenities that are typical for houses throughout the neighborhood. So the hardship has to do with the residential amenities typically associated. So when someone comes up to the door, they don't get rained upon as they get their keys. It is not a bulk impact. It doesn't change the intensity of the use. They are frankly modest enough. It is a typically-sized house for the neighborhood on a lot that is somewhat smaller than average, and that's, that's what I think leads to the larger issue of nonconformity. But one could not suggest it's out of context with the neighborhood. And it's practically a part of a series of

houses. If you go around the corner on Granville Road, this style of house is the same size with the same footprint on the lots, go up and down, nearly every one of them have front porches. This house had the front porch removed as part of this 1960 addition.

So the relief around the GFA -- now, I was not enthusiastic, to be candid, about the application to prove the dormers for much of the reasons that you stated. And I have a very good memory of these lectures that I received from you and I pass them on to clients, and they tell me this and that. And I said I got news for you, it's not a big number, but here's what's happening. Let me tell you what you're gonna get, Mr. Shuster. You bought this house. How much did you pay for this house? These dormers weren't in the house when you bought it. We're not here to increase your profit. I know the drill. It's relevant. It makes sense.

So when the decision was made not to include the

dormers, I welcomed that. I told the applicant that I thought that was probably a wise decision because I wasn't certain how the Board would view the additional dormers.

So in this case I can't disagree with any of the qualitative information you've provided, but I do think -- I mean, the quantitative. But I think from a qualitative perspective, what's being added here, the rear deck -- there is a deck on the house, on the rear of the house now. It's a single-story deck. So now the second floor apartment would also enjoy a deck. When you give the second floor apartment a deck that is not included within the definition of GFA, it has an unintended consequence of becoming a roof to the first floor deck. So all of sudden the deck that has always existed on the first floor of the house now gets counted in the GFA. So those are the type of GFA changes. So they're occurring in three areas; the deck -- the new second floor deck in the rear creates a covering on the first floor deck in the rear. The new front porches, a

portion of them on the second floor, they're all uncovered. But when you put on a nice second floor porch for the front, you have the effect of covering the porch on the downstairs.

Similarly the one on the side, if you look at the photo of that side entry now, there's just no covering over the door. So it's got a very period appropriate -- a very nice porch if you can see it in the side elevation that fits in perfectly with the street. It's a nice residential amenity. But today it's an uncovered point of entry. So now you're going to go up a couple of steps. You'll see it has a gabled entry over the porch. And what would you estimate the size of that porch, the on the side?

NILES SUTPHIN: Square footage?

ATTORNEY JAMES RAFFERTY: Yeah.

NILES SUTPHIN: It's 45.

ATTORNEY JAMES RAFFERTY: So it's 45 square feet.

So when you're talking percentages and math and FAR, it does move the needle, but in an impactful way? We would suggest

no. I would suggest to the Board that the hardship is related to the small size of the lot, the manner in which the house is located. That all of the changes of the GFA being added or requested is less impactful. Doesn't add to the bulk of the house. It doesn't increase the intensity of the use. It's not going to give more square footage. An additional bedroom isn't a way to try to increase square footage in a saleable context. These are just appropriate amenities for a two-family residential house in that neighborhood. I think it's perfectly consistent with the design. The neighbors have been supportive. We have -- do we have letters?

SCOTT SHUSTER: We already filed them.

CONSTANTINE ALEXANDER: I don't think we have them in the files.

SCOTT SHUSTER: I can grab them.

PATRICK TEDESCO: Can I ask a question?

BRENDAN SULLIVAN: Can I see the dimensional form,

Gus?

ANDREA HICKEY: Can I see this in front of you?

ATTORNEY JAMES RAFFERTY: The windows?

ANDREA HICKEY: Yes.

PATRICK TEDESCO: This gable dormer is existing?

I won't comment on your drafting skills.

ATTORNEY JAMES RAFFERTY: Yes. Here's what I did.

I took the existing -- I did it two ways, Mr. Tedesco. So then I took the existing conditions and wrote on the two things "roof unchanged, roof unchanged."

PATRICK TEDESCO: Okay. Because I actually didn't see the existing drawings in the file which was wasn't helpful.

CONSTANTINE ALEXANDER: It was tucked away.

PATRICK TEDESCO: Oh, you did? Okay, so maybe I missed it. I was trying to compare proposed and existing.

ATTORNEY JAMES RAFFERTY: So that's what I did.

So I said okay. So that roof is now unchanged on those two

elevations. So the only -- the change in the side elevations now only occur with the windows.

PATRICK TEDESCO: Are these, these projections some kind of iron fire escape balcony or something?

ATTORNEY JAMES RAFFERTY: Today they are, right.

PATRICK TEDESCO: They are.

ATTORNEY JAMES RAFFERTY: But we're removing those.

PATRICK TEDESCO: But are they connected to a ladder somewhere?

ATTORNEY JAMES RAFFERTY: Well, there's a ladder mounted on the -- yeah.

PATRICK TEDESCO: Oh, I see. This is the back side. Yeah, yeah, I see it. Okay.

ATTORNEY JAMES RAFFERTY: And that's going to go away. That isn't particularly appealing visually. So obviously when we put the -- how many is there, eight here?

SCOTT SHUSTER: Yeah.

ATTORNEY JAMES RAFFERTY: Eight letters from abutters.

PATRICK TEDESCO: Are you otherwise improving the egress condition from the third floor?

SCOTT SHUSTER: Very much so.

PATRICK TEDESCO: I'm trying to understand the scope. You're adding the stair, this winding stair.

CONSTANTINE ALEXANDER: The plans are much less detailed than we usually get --

ATTORNEY JAMES RAFFERTY: Right.

CONSTANTINE ALEXANDER: -- for zoning cases.

ATTORNEY JAMES RAFFERTY: Another element of the dwelling that we haven't focussed too much on is the fact that there's a reason that that third floor has a fire escape on it, and that is because Mr. Shuster discovered that there appeared to be space up there that had all the appearance of a dwelling unit.

CONSTANTINE ALEXANDER: Well, it's a three-family

house now, right?

ATTORNEY JAMES RAFFERTY: Well, yeah, but I think there's some question as to how the third unit. So it's going to be a two-family house.

CONSTANTINE ALEXANDER: Yes, I know that.

ATTORNEY JAMES RAFFERTY: So if one were to talk about intensity of uses and all that, this renovation, this ownership represents now -- I don't think you get too much credit for doing what should have done, but it is of some note that that, it has existed as a third unit. So our suspicion -- I can find no authority for the creation of a third unit on the third floor. So -- and then it was, it was acquired with the understanding that absent the authority to demonstrate how a third unit got put into a two-family district is --

PATRICK TEDESCO: So I just want to be clear. You're adding the spiral stair to solve the egress from the second floor unit which includes --

SCOTT SHUSTER: Yes.

PATRICK TEDESCO: -- the third floor?

ATTORNEY JAMES RAFFERTY: Third floor living space, yeah.

PATRICK TEDESCO: SO you don't need direct access -- direct egress --

ATTORNEY JAMES RAFFERTY: From the third to the ground.

PATRICK TEDESCO: -- from the third floor. But you're adding the stair, but that's not part of the relief that you're seeking because that's simply FAR added by the coverings of the two front porches, front and rear porch?

ATTORNEY JAMES RAFFERTY: That, that stair is not within the setback, but I'm never quite sure whether the stairway and exterior spiral staircases are considered GFA.

SEAN O'GRADY: Uncovered?

ATTORNEY JAMES RAFFERTY: Yes.

SEAN O'GRADY: We generally say no to that.

ATTORNEY JAMES RAFFERTY: That's what I thought.

PATRICK TEDESCO: Are you suggesting that the deck on the second floor that you're adding on the back is for access to that stair, correct?

ATTORNEY JAMES RAFFERTY: Well, that's one of its functions, but I mean it's obviously larger than to provide access.

PATRICK TEDESCO: Correct. But that's how you get to that spiral stair from that deck?

ATTORNEY JAMES RAFFERTY: Yes.

PATRICK TEDESCO: And the front deck is simply for --

ATTORNEY JAMES RAFFERTY: Here it is in the plot plan. The deck. That's the stair that's being referred to. And that's the rear entrance into the first floor. And that's the rear entrance into the second floor.

CONSTANTINE ALEXANDER: I'm going to keep going if you don't have further comments.

ATTORNEY JAMES RAFFERTY: That's essentially -- so you're correct. So the front setback represents a -- the new front setback, the porch itself will be at eleven feet and the requirement in the district is 15.

CONSTANTINE ALEXANDER: 15.

ATTORNEY JAMES RAFFERTY: There is, there is an averaging opportunity in the B District based on the front setbacks of either of the two houses provided that it's no closer than 10. So I candidly didn't do that averaging, but I think it is of some relevance that it's within the 10. Because there are scenarios where 10 is not seen as inconsistent with the intent of the Ordinance. So it was not by accident. But we've put some thought into the size of that porch to make it generous to accelerate access into the unit, but also have an opportunity for a chair or two to fit there.

CONSTANTINE ALEXANDER: Okay.

SCOTT SHUSTER: Are we going to discuss the

meetings of the neighbors?

ATTORNEY JAMES RAFFERTY: Mr. Shuster --

CONSTANTINE ALEXANDER: I'm not trying to listen to your conversation.

ATTORNEY JAMES RAFFERTY: I know. He's prepared to offer some insight in review of his conversations with neighbors and the positive feedback he's got particularly from neighbors across the street about the introduction of the porches.

CONSTANTINE ALEXANDER: Well, we have the letters you've given us. They'll speak for themselves and I'll read them into the record, but if you want to say more that's not covered by the letters, that's up to you.

ATTORNEY JAMES RAFFERTY: I think you're fine to rely on the letters.

CONSTANTINE ALEXANDER: Questions from members of the Board at this point?

(No Response.)

CONSTANTINE ALEXANDER: No questions. 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 are in receipt of letters delivered to us by the petitioner. I think you said there are eight in number. They're signed. They're identical. I'll read the letter and identify who signed them. (Reading) I am a neighbor/abutter of 301 Huron Avenue in Cambridge. I am writing in support of 301 Huron LLC's plans dated December 16, 2016. Because those plans have been modified because you just -- the ones -- it's different plans that they're commenting on, right?

ATTORNEY JAMES RAFFERTY: Right. Different in the sense that they no longer include the dormers.

CONSTANTINE ALEXANDER: Dormers, right.

JANET GREEN: The dormers.

CONSTANTINE ALEXANDER: I just want to make sure I'm understanding.

ATTORNEY JAMES RAFFERTY: No, that is the change in the plan. And those letters support the application that included the dormers.

CONSTANTINE ALEXANDER: Yes, okay.

(Reading) I met with Scott Shuster, the manager of 301 Huron, LLC who showed me the plans and I believe the proposed improvements of the property will make for a nice addition to our neighborhood and fit in with the overall fabric of the neighborhood. I believe the Board should approve 301 Huron, LLC's request for relief. And this letter is signed by Debra Donover (phonetic), anyway, a resident who resides at 316 Huron Avenue.

ATTORNEY JAMES RAFFERTY: That's Downes
D-O-W-N-E-S.

CONSTANTINE ALEXANDER: Downes? D-O-W-N-E-S,

thank you.

I'm not even going to try to read the next person's signature. But he I think, resides at 316 Huron Avenue, unit No. 1.

JANET GREEN: We could see it gets even better on the next one.

CONSTANTINE ALEXANDER: Yeah.

The next one is from the person who resides at 309 Huron, and he or she, I can't tell whether he or she added a footnote. "We will remove left front window on left elevator on second floor as requested by Mr. Lynch and Mr. Lee."

ATTORNEY JAMES RAFFERTY: That's the letter of John Lynch and Grace Lee I believe, is it not?

CONSTANTINE ALEXANDER: You can tell me.

PATRICK TEDESCO: That's your notes, your footnote.

SCOTT SHUSTER: Right. My footnote is on that

elevation, they had asked me to take out those two windows on the second floor which I agreed to do --

CONSTANTINE ALEXANDER: Okay.

SCOTT SHUSTER: Which we -- which are reflected in the plans today.

CONSTANTINE ALEXANDER: A letter from Leslie Cutler, 65 Reservoir Street.

SCOTT SHUSTER: She's directly across the street.

ATTORNEY JAMES RAFFERTY: She's on the corner of Reservoir and Huron. The brick two-family house.

CONSTANTINE ALEXANDER: And a person who resides at 63 Reservoir Street. I cannot read the handwriting.

SCOTT SHUSTER: Rafael.

CONSTANTINE ALEXANDER: It looks like G. Stewart, S-T-E-W-A-R-T.

Amy or something that begins with a B. Anyway, resides at 67 Reservoir Street.

SCOTT SHUSTER: They're direct abutters.

CONSTANTINE ALEXANDER: And someone again I'm not going to try to read this. Resides at 69 Reservoir Street.

PATRICK TEDESCO: Jim Peck.

SCOTT SHUSTER: Jim Peck.

ATTORNEY JAMES RAFFERTY: Peck.

CONSTANTINE ALEXANDER: Jim Peck.

ATTORNEY JAMES RAFFERTY: The house, the house is on Huron but it's one house in from Reservoir, the corner of Reservoir. So several of the Reservoir abutters -- letters are from actual abutters from the left-side of the property.

CONSTANTINE ALEXANDER: Got it.

Okay. I will close public testimony. Any further comments you have, Mr. Rafferty.

ATTORNEY JAMES RAFFERTY: No, I think -- I mean, we're -- don't dispute the fact that dimensionally it does represent an increase. We'd suggest modest in its increase, but it's the type of GFA that does not result in any additional bulk or mass of the building.

CONSTANTINE ALEXANDER: And, again, what's the hardship?

ATTORNEY JAMES RAFFERTY: The hardship is really to the size of the lot and the --

CONSTANTINE ALEXANDER: That's a second standard. What's the first one? Why -- what's the substantial hardship that requires relief?

ATTORNEY JAMES RAFFERTY: Because the units don't have easy access or open space amenities. So these porches that are being added will provide better means of egress into --

CONSTANTINE ALEXANDER: There's no backyard?

ATTORNEY JAMES RAFFERTY: I'm sorry?

CONSTANTINE ALEXANDER: No yard? There's no yard? You have a porch or you have a yard. You're going to have a yard if there's no porch, right? I'm just trying to understand.

ATTORNEY JAMES RAFFERTY: No, no, I know. I was

describing. So I didn't know if you wanted to debate the hardship?

CONSTANTINE ALEXANDER: Well, I don't want to debate it. We have to make a finding.

ATTORNEY JAMES RAFFERTY: I understand. So I'm identifying the hardship. There are discrete elements to the request. There's a front porch that has -- a second floor front porch that has the affect of reducing the -- creating the covering on the first floor. So the unit is now benefitted by light, so there's a French door put up there and those residents can now enjoy air and light in that direction by having a porch. And by providing them with that porch, would result in the covering of the lower level. The hardship provides for air and light and access to the outside for that unit. The porch that's the other front porch into the other unit provides 42 square feet that will provide a modest covering to shelter people exiting and entering the building. And similarly the back porches

provide similar functions. That's the hardship.

CONSTANTINE ALEXANDER: Okay. Could I have the plans by the way. I'm going to need them. Those are the modified --

ANDREA HICKEY: That's yours. Those are ours.

CONSTANTINE ALEXANDER: This is the one that -- right?

ATTORNEY JAMES RAFFERTY: Yeah. So apologize. I think what I attempted to then was to do a hybrid of my change but referencing the existing conditions, because as I said, when the dormers are removed, than the elevations are unchanged but for the addition of the windows. So there's a separate elevation now that shows the changes in the side elevations.

CONSTANTINE ALEXANDER: Let me ask you a question, Mr. O'Grady, should we grant relief subject to these plans, are they sufficient from our point of view going forward should we grant relief for a Building Permit or do we need

more detailed plans?

SEAN O'GRADY: No, I can scale that.

CONSTANTINE ALEXANDER: Okay, I just wanted to be sure.

Okay, I will then close public testimony.

Discussion?

BRENDAN SULLIVAN: I think that the real hardship in this building is that it distinguishes itself as being awful as existing. Out of character, never liked it, never liked the color they painted it, the design, everything about it just it distinguished itself in a not good way. I think that the dormers probably would have tilted the scales of justice a bit so I think it was wise to pull those out. But I think what they're doing to the front is bringing it back to a traditional, a more traditional way aesthetically. It has a form which is pleasing and it has a function.

ATTORNEY JAMES RAFFERTY: Nicely said. I got to write that one down and use it again.

PATRICK TEDESCO: I'm going to ask you, you might know the answer to this question. There's a number of houses along Huron right, if I remember correctly?

BRENDAN SULLIVAN: Well, if you really, yeah, and as Jim said, they all sort of have the same cookie cutter. It's almost Levittown back in the early part of the 1900s, especially if you go down Granville road, there are all of these houses that literally are three times the lot size --

PATRICK TEDESCO: Yeah.

BRENDAN SULLIVAN: -- for FAR. And that they probably have five feet on either side of them, and a little bit of a backyard. And then that's it all up and down. Fayerweather is the same way. That whole area is like that.

PATRICK TEDESCO: I mean architecturally do those houses typically have coverings over the front porch? I mean, I don't know if this is -- you know, this is not like a triple decker where you can predict.

ATTORNEY JAMES RAFFERTY: Oh, no. But to that

point if you were to go on Granville, you would find -- what's happening here is those porches are being added. They were taken away. And so now this reflects the prevailing vernacular of houses of that style with porches on the second floor. They all have the -- you can exit -- access off the living room onto a small second deck. So this is, this represents -- I had some photos of the other houses. This is, this is the style of this house how it was designed and how it was existing in the neighborhood.

BRENDAN SULLIVAN: I think from the streetscape, I mean obviously from a marketing standpoint, when you pull up to it, the proposed will be much more pleasing, much more attractive. It will bring people, you know, other than the dollar sign. I mean, but anyhow, I think the neighborhood benefits from it because the existing house is awful in a word. So anyhow.

ATTORNEY JAMES RAFFERTY: The Historical Commission uses a term in Certificates of Appropriateness

whether the additions are incongruous. And it really was an incongruous --

BRENDAN SULLIVAN: I just say awful.

ATTORNEY JAMES RAFFERTY: Yeah, my thesaurus has those two words closely aligned. But it was incongruous. So, there is a stylistic, but I like that. The form is pleasing and the function -- could I amend my earlier remarks to include that?

BRENDAN SULLIVAN: You don't want to infringe on my copyright.

ATTORNEY JAMES RAFFERTY: Footnote the vice chair.

CONSTANTINE ALEXANDER: Ready for a vote or you want further discussion?

ANDREA HICKEY: No. I would just agree with Mr. Sullivan. If you were before me tonight with the dormers, you wouldn't have had a shot. So I think it was a wise decision to pull that back.

ATTORNEY JAMES RAFFERTY: You don't know how

grateful I am you said that, because sometimes you tell people things and they just don't believe you.

ANDREA HICKEY: No, I mean that would have really put me over the edge too much. So in consideration of that, I'm more inclined to go along with what is left here. That's all I have to say.

CONSTANTINE ALEXANDER: All right. I'm not in support, but I hear what the other members of the Board are saying and so let's move to a vote. The reason I'm not in support is because I don't find a hardship. The hardship here is that you can't market the property for as much money as you will be able to should we grant you the relief and that's not a basis for granting zoning relief. But moving on.

BRENDAN SULLIVAN: I think that's a byproduct of what they're attempting to do, but I think that you have to make it more attractive. But I think as I said, that aesthetically it's far more pleasing. So there is that form

which has that function of having a covered entryway and more traditional.

CONSTANTINE ALEXANDER: Yeah. And my comment has been on Kennedy Road, we're not a design board. We're a Zoning Board. And I might agree with you, but you got to live with the Ordinance as it's been given to us.

Anyway, let's move on.

The Chair moves with respect to the Variance being sought that we make the following findings:

That a literal enforcement of the provisions of the Ordinance would involve a substantial hardship to the petitioner. Such hardship being is that the structure will remain in what most people would say would be an unattractive state.

That the hardship is owing to the -- it's hard to say the small size of the lot, but that's all I've heard. The fact that the lot is relatively small and therefore it skews the dimensional numbers. Makes it look worse than

maybe than they really are.

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

The Chair would note that we have a number of letters from neighbors in support. No apparent neighborhood opposition.

So on the basis of these findings, the Chair moves that we grant the Variance subject to the condition that the work proceed in accordance with a single page plan prepared by Sutphin S-U-T-P-H-I-N Architects and modified by an architect by the name of James Rafferty.

PATRICK TEDESCO: Small A.

CONSTANTINE ALEXANDER: Small A, yeah.

So, subject to work proceeding in accordance with these plans. All those in favor please say "Aye."

(Aye.)

CONSTANTINE ALEXANDER: Four in favor.

(Sullivan, Green, Hickey, Tedesco.)

CONSTANTINE ALEXANDER: One opposed. Variance granted.

ATTORNEY JAMES RAFFERTY: Okay. We've got Special Permits and windows?

CONSTANTINE ALEXANDER: We do?

JANET GREEN: I didn't see that in here.

CONSTANTINE ALEXANDER: I don't remember seeing that. There's no Special Permit here. I noticed it had been filled out, but I didn't see -- sometimes people do that by mistake, but I wouldn't expect you to make that mistake. But anyway, it wasn't advertised for a Special Permit.

ATTORNEY JAMES RAFFERTY: Well, does the approval of the Variance with the elevations with those windows in it address that? I know we've talked from time to time.

CONSTANTINE ALEXANDER: No, no. You've got

to -- you need a Special Permit -- oh, you mean the Variance?

ATTORNEY JAMES RAFFERTY: The Variance approved the elevations in the plans would add -- I mean --

CONSTANTINE ALEXANDER: How do we know what windows will be changed?

ATTORNEY JAMES RAFFERTY: Because I circled one of the -- I took the effort to -- one of the plans I provided, I circled each of the windows that -- and if you compare it to the existing, in most cases, they're very modest changes. They're only two, there are only two new windows. Those are the ones that are on the lower level and those are the ones that Mr. Lynch asked that the two above there be removed. So those are two new openings. All the other openings if you compare that to the elevation are simply slight enlargements of the existing conditions. The windows were all -- if you look in the picture, they're all these kind of fixed-pane 1960-style windows which have been replaced with

double hung windows.

CONSTANTINE ALEXANDER: I'm trying to understand the point you're making. You're saying you would like us to say that the Variance be granted on these plans is sufficient to include the change in the windows?

ATTORNEY JAMES RAFFERTY: Yes. The elevation changes.

CONSTANTINE ALEXANDER: Including the windows. We can't grant a Special Permit for the windows because you haven't advertised for that.

ATTORNEY JAMES RAFFERTY: True. But the Variance which -- the Variance which asks for relief from dimensional limitations would, I mean there was a time when we used to always do it that way.

CONSTANTINE ALEXANDER: Yeah, that's right.

ATTORNEY JAMES RAFFERTY: And then in Variance cases, but then it became a belt and suspenders, why doesn't one do both? So if the Board would see the relief here

is -- I mean, the changes in these windows are rather modest.

CONSTANTINE ALEXANDER: Let me go back if I may, recast vote that we just took and the motion.

That the work proceed in accordance with plans, there are two pages of plans, both prepared by Sutphin Architects, both of which have been initialled by the Chair. So the one plan has the window changes. And the other one has what we've already voted on.

Unless people have a problem with that. Is it okay with everybody if we do it that way?

BRENDAN SULLIVAN: Yes.

CONSTANTINE ALEXANDER: Okay.

ATTORNEY JAMES RAFFERTY: Thank you very much.

CONSTANTINE ALEXANDER: Can I keep this for the file, your photo?

ATTORNEY JAMES RAFFERTY: Yes.

* * * * *

(9:05 p.m.)

(Sitting Members Case BZA-011756-2016: Constantine Alexander, Brendan Sullivan, Janet Green, Andrea A. Hickey, Patrick Tedesco.)

CONSTANTINE ALEXANDER: The Chair will call case No. 011756, 20 Traymore Street.

Is there anyone here wishing to be heard on this matter? Give your name and address to the stenographer, please. Don't we have this in our files already? Or not?

NEIL HEYWARD: Probably this is supplementary presentation for today's discussion.

CONSTANTINE ALEXANDER: This is all in our files.

NEIL HEYWARD: My name is Neil Heyward (phonetic). I'm the owner and resident of 20 Traymore Street.

GERRI HEYWARD: I'm Gerri Heyward, G-E-R-R-I also live at 20 Traymore Street.

KRISTS KARKLINS: My name is Krists Karklins

K-R-I-S-T-S K-A-R-K-L-I-N-S.

CONSTANTINE ALEXANDER: Sorry, the petition was filed Christian Boran.

KRISTS KARKLINS: That is correct. Michael Kim Associates is architect.

CONSTANTINE ALEXANDER: Right.

KRISTS KARKLINS: My colleague. And I'm just -- I represent Michael Kim Associates.

CONSTANTINE ALEXANDER: It's not unusual to have the architect fill out the application. I just didn't see -- the name it didn't match what you just said and I got confused.

I don't know who is going to make the presentation.

NEIL HEYWARD: I can start.

So lived at 20 Traymore Street for six years, almost seven years. I love it. It's a wonderful neighborhood. I got married there. This is my wife Gerri

who lives with me now. And the house -- it's a two-family. We live on the top floor, which it has three bedrooms and one bathroom on the top floor. And that's been fantastic until a few weeks ago, when you may be able to tell from our sleep deprivation that we had a baby. And so the function of that space is getting more problematic for us. We don't have family in state, so we have visiting grandparents. So we're all sharing the same bathroom upstairs. And what we're asking for is to add an additional bathroom on that floor which we'd like to cut out of the main bedroom, that space. And we're trying to do that within the existing envelope. And we can't fit that without adding a dormer, which doesn't expand the envelope. It doesn't expand the footprint of the building, just gives us a bit more head space. And I think that's about 56 square feet.

KRISTS KARKLINS: And it doesn't raise the height of the building either.

NEIL HEYWARD: That would allow us to have a

second bathroom. It will allow us to essentially stay there. We love being in Cambridge. We want to raise our kids here. That second bathroom would allow us to have another kid, which we're planning, and also to have visiting family.

The dormer is consistent in form with some other ones on the street. It's at the back of the house.

CONSTANTINE ALEXANDER: Okay?

NEIL HEYWARD: That's it.

CONSTANTINE ALEXANDER: I'm listening, go ahead.

NEIL HEYWARD: That's everything I wanted to say.

KRISTS KARKLINS: Gerri?

GERRI HEYWARD: He's said everything.

CONSTANTINE ALEXANDER: Did someone have a question about the plans?

BRENDAN SULLIVAN: Well, normally plans come through with dimensions. There were absolutely no dimensions on this showing how it complies with much of

anything. And, you know, I just sort of felt it was inadequate. You know, there's two things we go by, obviously, is compliance with the Ordinance, which again are numbers basically. It's difficult to determine any kind of numbers without any dimensions on the plans. What was just handed to us now, am I to read this right, that this is the front of the house? Where it says existing and proposed?

KRISTS KARKLINS: No, actually the street is on the other side.

BRENDAN SULLIVAN: Here? Right.

NEIL HEYWARD: The top of the page.

KRISTS KARKLINS: That's the backyard.

BRENDAN SULLIVAN: And, again, this is where the problem comes in. It's difficult. You know, I'm in the contracting business but it's difficult --

CONSTANTINE ALEXANDER: Can I stop you right there, Brendan?

BRENDAN SULLIVAN: Yeah.

CONSTANTINE ALEXANDER: If where you're going with this, is we need better plans than these, I think we should make that decision now before it becomes a case heard. We haven't gotten to merits of it at all.

JANET GREEN: Right.

CONSTANTINE ALEXANDER: That would make a continuance a lot easier. If that's your preference.

BRENDAN SULLIVAN: Well, they're going to have to be put it on at some point. I think it should have been put on before now. Better, you know, again, the front, rear, so on and so forth, for anybody to just look at this. I only realized that the dormer's in the back so that would be the rear of the house. And, again, it really has to be the dimensions.

The other thing is in the pleadings, which I think are woefully inadequate, too, and really don't address the issue. So I think it really needs to go back. I think you need to hear it from the Board to go back and redo these to

put down more information, No. 1. And also as far as the reasons are concerned, that you really need to identify a little bit better as to what the hardship is. And I mean we know the reason, we just need more room. But anyhow, you can pick up from there.

CONSTANTINE ALEXANDER: Just to elaborate on that last point. I mean, what you have to do to justify us granting you the Variance, you've got -- we asked you for a statement, because this is what law requires. A literal enforcement of the provisions of the Ordinance would involve a substantial hardship, financial or otherwise, to the petitioner. And your response -- or someone's response to that was the existing building exceeds the allowable FAR. It's non sequitur. You would say we need addition -- the answer should have been along the lines, we need additional living space because we only have one bathroom and our family has grown. And things to that extent. That should be the kind of statement that people make and we have -- we

hear this kind of case many times. So this is really inadequate. And then you have the problem with the plans, have no dimensions, which is not at all typical for our Board and it makes us, makes it very difficult for us to decide.

So I'm going to suggest, following up with Brendan's comment, that we continue this case to allow you to submit new plans and a new supporting statement that address the kind of points that were just made.

JANET GREEN: Would it be appropriate for me to say that I think they should look at the dormer guidelines, and if they're not going to be with the dormer guidelines, they better have a good reason why not.

CONSTANTINE ALEXANDER: And it's hard to figure out whether you're going to comply with the dormer guidelines with the plans we have.

JANET GREEN: Exactly.

CONSTANTINE ALEXANDER: Do you know what our

dormer guidelines are? I don't think you've appeared before us.

We have dormer guidelines in Cambridge, Community Development. They're guidelines, but this Board pays a lot of attention to them. And we expect the plans to come in that meet the dormer guidelines, and if not, there has to be a good reason why not. The dormer guidelines, for example, it can't be more than 15 feet wide and they got to be set back from the ridge line, set back from the front of the roof line by certain amounts. Not just set back. I forget the numbers but they're numbered. So I think when you come back --

BRENDAN SULLIVAN: This is the pamphlet. Okay?

And there's --

CONSTANTINE ALEXANDER: Yeah. And you should be addressing to us why you meet the dormer guidelines, or alternatively, why you're not and why we're not. So as I said, we don't -- it's not a flat absolute rule that you

meet the dormer guidelines, but unless we hear really good reasons why you can't, we're going to -- we're not going to approve plans. In other words, we're expecting you or any petitioner to meet the dormer guidelines.

KRISTS KARKLINS: Okay.

CONSTANTINE ALEXANDER: So we -- new plans, right?

PATRICK TEDESCO: Yeah, and I would just also recommend that you show the full elevations of the house, because there's no reason not to, you know, see this in the larger context. And I only just noticed that this photograph has a little Photoshop intervention to show the appearance of the new dormer from the street which is fine, but maybe a photograph from the back as well.

KRISTS KARKLINS: Okay.

PATRICK TEDESCO: I realize that this is probably intended to show the view from the street.

KRISTS KARKLINS: That's the way it would be most visible.

PATRICK TEDESCO: Right. But still there's impacts to the folks in the back, just to understand the context a little better.

BRENDAN SULLIVAN: There are five tests I think for the dormer guidelines.

CONSTANTINE ALEXANDER: Right.

BRENDAN SULLIVAN: This fails on four of those five. So, again, you just need to -- and, again, they're guidelines, but we try to adhere to them. And if they don't comply -- and, again, this is where the dimension part comes in for us to be able to get -- gauge how they comply or don't comply. And if they don't comply, and I can see the four of the five don't comply, we need to know why. That's all.

KRISTS KARKLINS: Okay.

CONSTANTINE ALEXANDER: When? I think we're going to -- we're booked up for continued cases for a while I think.

SEAN O'GRADY: You're out to March 23rd.

CONSTANTINE ALEXANDER: We have room on March
23rd?

SEAN O'GRADY: Yes, we do have room on March 23rd,
yes.

CONSTANTINE ALEXANDER: Does that work for you,
March 23rd?

KRISTS KARKLINS: I believe so, yeah.

CONSTANTINE ALEXANDER: Okay. Let me make a
motion and listen carefully.

JANET GREEN: And it's not heard?

CONSTANTINE ALEXANDER: It's a case -- yeah, I'm
going to make that point. It's a case not heard. The
reason we're talking case heard, case not heard. If it were
a case heard, then we'd have to have the same five of us at
the hearing. And that, for example, I know Janet can't be
here any time in March. So we're about to push it back to
April. If it's a case not heard, any five members of the

Board can hear the case. So it's important, I think, from a timing point of view from your perspective that it be a case not heard, which is why I interrupted Brendan. I sensed that's where we were going and I wanted to give you more flexibility in terms of time.

KRISTS KARKLINS: Okay.

CONSTANTINE ALEXANDER: So that's a longwinded explanation of what not heard means. Okay.

The Chair moves that this case be continued as a case not heard subject to the following conditions:

One, that the petitioner sign a waiver of time for a decision. And that's right there. This is just because as a matter of law, we have to turn you down unless you signed it. Just the law requires us to decide a case within a certain period of time, and when we continue the case, we go passed that period of time. And it would automatically grant you relief which what we don't want to do tonight. So signing it, it just means you don't have to -- you waive

your right to force us to decide in a short period of time, because you don't want to do that because we'll turn you down. That's the first condition.

The second is that the posting sign that's up there now, you have to maintain it. You have to modify it to reflect the new date, March 23rd. The new time, we'll do it at seven p.m. And that the sign be maintained for the 14 days prior to March 23rd just as you've maintained the sign for the hearing tonight.

And the third, which of course is very relevant, is that new plans and dimensional forms must be in our files no later than five p.m. on the Monday before March 23rd. So if you don't -- you just can't bring them to the hearing. If you don't do it by five p.m. on the Monday before, we'll continue the case again. And the purpose of that is to give us time between that time at the end of the day on Monday and the hearing to read them, think about them, and also allow citizens of the city who have an interest to go down

to the Inspectional Services and to see them as well. So that's the reason why. No later than five p.m. on the Monday before March 23rd. Okay?

KRISTS KARKLINS: Okay.

CONSTANTINE ALEXANDER: All those in favor of continuing the case on this basis, say "Aye."

(Aye.)

CONSTANTINE ALEXANDER: We'll see you on March 23rd.

KRISTS KARKLINS: Can I just ask you a quick question just to reiterate what we need to do with the sign. Do we take it down or keep it up?

CONSTANTINE ALEXANDER: Either you can get a new sign from Maria.

KRISTS KARKLINS: Okay.

CONSTANTINE ALEXANDER: Or take the sign that's there, take a magic marker and just cross out today's date and today's time and put the new March 23rd and seven p.m.

NEIL HEYWARD: And hang that again two weeks before the meeting?

CONSTANTINE ALEXANDER: Yeah, the 14 days before March 23rd. You can take your sign down now and have no sign, but come March 9th you're going to have to get that sign back up with the new information.

NEIL HEYWARD: Okay. Is there an issue of Gerri and I aren't able to come to that meeting?

CONSTANTINE ALEXANDER: As long as you're comfortable with this gentleman or someone from his office is representing you. No, you don't have to be here.

NEIL HEYWARD: It's not a detriment to the case if we're not --

JANET GREEN: No, but you could have a different date if you thought it to be a problem.

NEIL HEYWARD: I think we want it earliest as possible.

CONSTANTINE ALEXANDER: I mean, the only detriment

could be that you would have information if someone raises a question that he or his colleague can't answer. That's the risk I suppose.

I can tell you that no one as of right now has written a letter or commented to this Board on the case which suggests there's no neighborhood opposition. You would know your neighbors --

NEIL HEYWARD: That doesn't surprise me.

CONSTANTINE ALEXANDER: Okay. So therefore I can't advise you not to be here, but it seems to me that's a risk. I mean the risk is you're not here to help, but maybe you don't need to be here to help.

NEIL HEYWARD: Okay, thank you very much.

JANET GREEN: The other thing is on the sign, all continued cases are at seven o'clock. So you have to change that time. Make sure that gets changed, too.

PATRICK TEDESCO: And if you can't be here, you certainly can write a letter that the architect can read on

your behalf.

CONSTANTINE ALEXANDER: Yes, absolutely.

JANET GREEN: Right.

NEIL HEYWARD: Thank you.

KRISTS KARKLINS: Thank you.

* * * * *

(9:20 p.m.)

(Sitting Members Case BZA-012159-2016: Constantine Alexander, Brendan Sullivan, Janet Green, Andrea A. Hickey, Patrick Tedesco.)

CONSTANTINE ALEXANDER: The Chair will call case No. 012159, 14 Hardwick Street.

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

ANDREW STEINGISER: Good evening.

CONSTANTINE ALEXANDER: Good evening.

ANDREW STEINGISER: Andrew Steingiser from Foley Fiore.

DAVID FOLEY: David Foley from Foley Fiore, the acquired part of the team.

CONSTANTINE ALEXANDER: Foley Fiore? So you were --

DAVID FOLEY: We were here earlier.

CONSTANTINE ALEXANDER: The other one. All right.

JOHN ALMEIDA: So I'm John Almeida. I owned the property at 14-16 Hardwick. I'm also an abutter. I'm a lifelong resident of 315-317 Cardinal Medeiros Avenue. It sort of goes --

CONSTANTINE ALEXANDER: So as an abutter, you have no objection to this.

JOHN ALMEIDA: I have no objection. I need to listen to an argument. But my -- so I live right here. So my house comes right up above right to, you turn this back around I think. In this elevation 12 Hardwick Street goes right up to here and my backyard goes right up until this lot and across the backyard of this house.

Anyway, I have again lived there pretty much other than undergrad and grad school. I came back and lived in the same property. I bought -- I lived on all three floors. I'm done, first second and third. And I purchased this property last October. It was actually October of 2015 from the -- I knew the residents there my whole life, and they

left the house in trust and gave me the opportunity to buy out from their family as they knew my interest in staying in the neighborhood with my family. I have a wife and one daughter. And we're looking for more space. We love the neighborhood. We -- there's a lack of housing in the neighborhood.

CONSTANTINE ALEXANDER: Even more so now.

JOHN ALMEIDA: And there's a lack of owner/occupied housing in the neighborhood. A lot of it is being condoed and bought by developers and being rented out. We have a very huge interest in staying in the neighborhood and contributing to the community. And what we thought we'd do is in the need for more space instead of moving outside of this area, is increase the square footage of our residence by converting the top two floors into one duplex. And then we would use the first floor for -- as a rental property and/or for elderly parents, more my in-laws who are in Rhode Island. And that's is my story.

ANDREW STEINGISER: Great. So this project is mostly an interior renovation of this existing triple decker. As John mentioned, we're combining the top two floors and leaving the bottom as a rental. In our work we are not adding any gross floor area to the project. This building is an existing non-conforming to the side setback requirements of Article 5, and we're seeking a Special Permit this evening for moving and removing windows on the east elevation and removing windows on the west elevation.

CONSTANTINE ALEXANDER: I'm sorry, what was the first -- you're going to just remove on the west, but you're moving windows on the east?

ANDREW STEINGISER: That's correct. Right. So if you look at the --

CONSTANTINE ALEXANDER: Have you spoken to your neighbors to the east?

JOHN ALMEIDA: Yeah.

CONSTANTINE ALEXANDER: They could be

affected -- their privacy could be affected BY where the location of the new windows.

JOHN ALMEIDA: That's Roberta's, that's No. 12, correct?

ANDREW STEINGISER: Right.

CONSTANTINE ALEXANDER: I have some letters in the file. No. 12?

ANDREW STEINGISER: No. 12.

CONSTANTINE ALEXANDER: Yeah, we have a letter from Roberta Johnson.

JOHN ALMEIDA: Yeah, yeah, Roberta is very excited about it. More excited than I am.

ANDREW STEINGISER: And the majority of the windows on that elevation are actually in the rear which protrudes back beyond the neighboring building and actually faces John's current residence.

DAVID FOLEY: He'll be looking at himself.

ANDREW STEINGISER: So just to elaborate. The

west elevation here is about a foot away from the property line on that side. We reviewed this project with Ranjit previously, and he advised that we do not move or add any windows to that elevation given that it's less than three feet back from the side elevation. So that's why in this elevation we've only replaced existing windows in kind with new windows and removed a total of four windows from that elevation as a part of results of our interior reconfiguration of the spaces.

The east elevation we have both removed some windows and replaced in their place other, generally smaller windows with the exception of in the rear, again, protruding down the back of the building which faces John's property.

And that's, that's what is triggering the need for the Special Permit. The side setbacks are not conforming as they exist. But we feel that because of the approach of taking with the closer setback and the small effect on the opposite side of the east elevation as it's a side elevation

in an alley, it doesn't really change the character of the building. We feel that this is an appropriate proposal.

DAVID FOLEY: Right, and so?

ANDREW STEINGISER: Right. And as part of the work that is not a part of the scope of the Special Permit, we're also replacing existing exterior materials and rebuilding exterior porches in their existing locations.

PATRICK TEDESCO: What's the setback on the east side where you are adding windows? It looks like it's a typical kind of triple decker density, right?

DAVID FOLEY: Yeah.

ANDREW STEINGISER: Yeah, it is. The existing -- the setback on the east side is five and a half feet to the property line to a point of 3.7 feet at the bay window. The opposite side is we have 1.2 on that side.

CONSTANTINE ALEXANDER: Anything else?

JOHN ALMEIDA: I don't think so.

CONSTANTINE ALEXANDER: Questions from members of

the Board at this point?

(No Response.)

CONSTANTINE ALEXANDER: No questions. I'll open the matter up to public testimony.

Is there anyone here wishing to be heard?

(No Response.)

CONSTANTINE ALEXANDER: We have letters in the file. A letter from Timothy J. Toomey, Jr., City Councillor. (Reading) I am writing to voice my support for John Almeida's request for a Variance -- it's not a Variance, it's a Special Permit -- at 14 Hardwick Street. Mr. Almeida is a longtime resident of the City of Cambridge and has an opportunity to expand his living space for his growing family. I fully support this request to improve the housing stock in the City of Cambridge to accommodate families and hope you will find favor with this application.

A letter from Roberta Johnson who owns 10-12 Hardwick Street. (Reading) I am writing to the Board of

Zoning Appeal in support of John Almeida and his planned renovations at 414-16 Hardwick Street. I have known John Almeida for years as my neighbor at 315-317 Cardinal Medeiros Avenue and I'm very pleased with his plans to renovate the house and his future residence to my left, 14-16 Hardwick Street. John has put a lot of time, care, and effort to planning the renovations and I approve of the plans which he has been sharing with me since he purchased the property. We think the changes to the exterior will be a major improvement and look forward to it. I hope that the BZA approves the plans that John and his architectural firm Foley Fiore Architecture have submitted. We are excited for the project to come to fruition.

There is no more. Just those two letters. Just to make sure. Yep.

With that, I'll close public testimony.

Discussion from members of the Board or are we ready for a vote?

JANET GREEN: Ready.

ANDREA HICKEY: Ready.

CONSTANTINE ALEXANDER: Okay, the Chair moves that we make the following findings with regard to the Special Permit being sought:

That the requirements of our Ordinance cannot be met without a Special Permit given the setback issues and the relocation of windows.

That traffic generated or patterns of access or egress resulting from this will not cause congestion, hazard, or substantial change in established neighborhood character. In fact, these windows should not impact traffic whatsoever, and the changes are not substantial in nature.

The continued operation of or development of adjacent uses as permitted in the Ordinance will not be adversely affected by what is proposed. And we have a letter of support from the neighbor, a butter who testified to 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 that what is being proposed, generally, will not impair the integrity of the district or adjoining district or otherwise derogate from the intent and purpose of this Ordinance.

So on the basis of these findings, the Chair moves that we grant the Special Permit requested on the condition that the work proceed in accordance with the plans prepared by Foley Fiore Architecture submitted by the petitioner and which have been initialled by the Chair.

So you can't -- if you change these, you're going to have to come back before us. These have to be the final plans.

All those in favor please say "Aye."

(Aye.)

CONSTANTINE ALEXANDER: Five in favor. Good luck.

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

* * * * *

(9:30 p.m.)

(Sitting Members Case BZA-012217-2016: Constantine
Alexander, Brendan Sullivan, Janet Green, Andrea A. Hickey,
Patrick Tedesco.)

CONSTANTINE ALEXANDER: The Chair will call case
No. 012217, 571 Franklin Street.

Is there anyone here wishing to be heard on this
matter? Name and address to the stenographer, please.

KIN LO: Kin Lo, 571 Franklin Street.

JENNIFER LO: Jennifer Lo, 571 Franklin Street.

BLAKE ALLISON: Blake Allison from Dingman Allison
Architects at 1950 Mass. Ave.

We were here almost three years ago to request a
Variance for putting a small addition on this property on

Franklin Street and that's been successfully accomplished and the family has grown in the meantime and so now we're back asking for a Zoning Variance basically for the same reasons because of the configuration of the lot with respect to it being a substandard lot in terms of area and with respect to the side yard setbacks and the front yard setback.

It seems like if you look at this photograph here, I have some copies, but I think we always show you wintertime photographs of buildings so that they're not obscured by the trees, but rather than my being longwinded, I think this photograph tells the story with the snow. The proposal is just to put the small porch across the front which you see here. Part of it would be enclosed, part of it would be just roofed over the existing steps.

The footprint of the existing deck, which you see here, would remain the same. These steps would remain the same. So the construction is limited to what you see here,

this glassed-in porch and the new roof across here. And interestingly you can see in this lower photograph that the house did have a porch across almost the entire front.

JANET GREEN: Oh, yeah.

BLAKE ALLISON: Way back when and like you had in the previous case, the porch disappeared, was replaced by this deck, and the part of the Variance that we were granted three years ago was actually to put a small roof over this front door. That roof which was only 18 square feet but that will be sort of absorbed by the new roof.

PATRICK TEDESCO: Was the -- I'm sorry, that was the previous Variance you sought was for just that new roof?

BLAKE ALLISON: No. It was mostly for putting a small addition on the back of the property.

PATRICK TEDESCO: And that photograph on the low right, when was that taken? I'm just curious.

BLAKE ALLISON: Do you know, Kin, when that was?

KIN LO: I pulled it off of Google maps. It

probably has a date on it.

PATRICK TEDESCO: So it couldn't have been too long ago if it was on Google maps.

BLAKE ALLISON: The people who had the house before did a major renovation, and I suspect that's when that porch came off, because they put new siding on the house and new windows.

JENNIFER LO: And we bought the house in 2012.

KIN LO: Sometime in 2012.

BLAKE ALLISON: Well, sometime when Google earth existed.

JANET GREEN: The earth's been here for a while, the Google part that's the addition.

PATRICK TEDESCO: Didn't exist.

BLAKE ALLISON: So as we did before, three years ago, we canvassed the neighborhood, all the abutters and so on, and had a sign-off letter from everyone. Kin and Jennifer have done the same thing this time around and I

believe that's in the record.

CONSTANTINE ALEXANDER: No. I was just looking.
I didn't see any letters in our file.

JENNIFER LO: There was a signature page.

CONSTANTINE ALEXANDER: Maybe I missed it. Hold
on. Keep going. I'll see if I can track them down. I
didn't see it when I first went through it. Did you bring
extra copies by any chance?

JENNIFER LO: I do.

CONSTANTINE ALEXANDER: Okay. It's not essential.

JENNIFER LO: I mean, I have them saved.

CONSTANTINE ALEXANDER: There don't appear to be
any in the file. Oh, wait here. Just way in the back.

JENNIFER LO: I think there's two pages. Four
signatures.

CONSTANTINE ALEXANDER: A petition. We have
reviewed the plans -- I'll wait until I get to it. It's
okay, but keep going.

BLAKE ALLISON: And that's basically it, yeah.

The hardship of the Ordinance is due to front yard setback where we're actually -- because we're enclosing it, that enclosure brings us an encroachment into the required ten feet.

CONSTANTINE ALEXANDER: And that's the only relief you're seeking, is front yard setback relief.

BLAKE ALLISON: Well, and also increasing a non-conforming building.

CONSTANTINE ALEXANDER: Yeah.

BLAKE ALLISON: Yes, initially it's the front yard setback.

CONSTANTINE ALEXANDER: Just the front yard.

BLAKE ALLISON: And it's not gonna come forward any farther than what's already there, and I believe that that's the same footprint of what you see in this photograph.

CONSTANTINE ALEXANDER: And what you're

gonna -- if we grant you the relief and you do the enclosure, is that a mudroom. Is that the idea?

JENNIFER LO: Yes.

CONSTANTINE ALEXANDER: We have this case quite frequently.

BLAKE ALLISON: Yeah. So again, back to the wintertime photograph, it's issue of coming in and out of the house safely.

CONSTANTINE ALEXANDER: Right.

BLAKE ALLISON: With respect to snow and rain and so on. And this being the principal door into the house. And the air lock of course will help with energy efficiency. And, again, this being the main door. Right now it's going to let a big blast of cold air come in with the kids in the midst of taking off their snowsuits and so on. So that's the basic hardship.

And if you want to add anything else about your neighbors and so on?

PATRICK TEDESCO: I just have a design question.
There's lattice on the space under the porch right now.

BLAKE ALLISON: Yes, right.

PATRICK TEDESCO: Is that how you're going to
treat the -- oh, you've got....

BLAKE ALLISON: Yeah, that will basically stay. I
mean it's largely obscured by bushes, but you're right, the
lattice treatment would stay.

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

JANET GREEN: No.

CONSTANTINE ALEXANDER: I'll open the -- I'm
sorry, do you have anything more to add?

BLAKE ALLISON: I don't think so. It's a pretty
small project. I mean, it's a -- it's such a typical house
for the neighborhood, which is very tight neighborhood as
you know. I don't like to sound like attorney Rafferty and
use the fancy Latin term of de minimus, but I think it's

pretty de minimus.

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

Is there anyone wishing to be heard on this matter?

(No Response.)

CONSTANTINE ALEXANDER: Apparently not. And we are in receipt of a petition signed by four individuals or groups. (Reading) We have reviewed the plans for the renovation of the front porch at 571 Franklin Street by Dingman Allison Architects. We have no objections.

PATRICK TEDESCO: Are those -- I'm curious, are those direct abutters?

CONSTANTINE ALEXANDER: Let's see, the address 577 Franklin, 582, 624 Green Street, which is a street behind.

JENNIFER LO: It's the house directly behind.

CONSTANTINE ALEXANDER: Right behind, exactly.

BLAKE ALLISON: Do you want to see the --

PATRICK TEDESCO: That's okay. You're 571.

CONSTANTINE ALEXANDER: And 35 Brook Street in
Winchester, Mass.

JENNIFER LO: That's the apartment.

KIN LO: Oh, yeah, there's a multi-family next to
us owned by --

PATRICK TEDESCO: That's John Miller. Former
Chair of the Zoning Board or Planning Board?

CONSTANTINE ALEXANDER: The name means nothing to
me. Anyway, he's entitled even if he lives in Winchester,
he's entitled to his opinion.

I will close public testimony. Any discussion or
are we ready for a vote?

JANET GREEN: Ready.

ANDREA HICKEY: Ready.

CONSTANTINE ALEXANDER: Ready for a vote.

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

That a literal enforcement of the provisions of the Ordinance would involve a substantial hardship to the petitioner. Such hardship being is that there is a need for a mudroom in the front of the structure of the residence, particularly now that there are small children and it also would help with the heating of the building, of the residence because of the absence of an air lock.

That the hardship is owing to the fact that this is a non-conforming lot as it is and -- no, I guess it's not non-conforming. But in any event, it's owing to the fact that the location of your structure on the lot is such that this is where you would have to put your mudroom.

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.

So on the basis 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

the architect in which have been initialed by the Chair.

All those in favor please say "Aye."

(Aye.)

CONSTANTINE ALEXANDER: Five in favor. Good luck.

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

* * * * *

(9:40 p.m.)

(Sitting Members Case BZA-012268-2016: Constantine

Alexander, Brendan Sullivan, Janet Green, Andrea A. Hickey, Patrick Tedesco.)

CONSTANTINE ALEXANDER: Sorry you had to wait.

Name and address.

ANTHONY DAVLIN: Anthony O. Davlin, 64 Winter Street, Cambridge 02141.

SARAH RITCH: Sarah Ritch and Associates, R-I-T-C-H and it's S. E. Ritch and Associates at 177 Milk Street in Boston.

CONSTANTINE ALEXANDER: Okay, what do you want to do and why should we grant you relief?

ANTHONY DAVLIN: You all were nice enough to allow me to convert this building into a house with an art studio variance on the first floor. And I've had my art studio there for around ten years, and there are certain restrictions about an art studio. Like, you can only have so many employees. And basically I'm outgrowing the space. And even though I'm, I'm obeying the law with having the art

studio in the space, I'm not really well liked in the neighborhood because of the --

CONSTANTINE ALEXANDER: We can't help you there.

ANTHONY DAVLIN: Because of the art studio and we get deliveries and, you know, it sometimes it took out someone's TV and that's not the reason, but it does factor -- it would be nice to be in a proper space and I don't have angry people.

CONSTANTINE ALEXANDER: If we do grant you relief, you'll have a two-family --

SARAH RITCH: He's constrained --

CONSTANTINE ALEXANDER: I'm sorry?

SARAH RITCH: He's constrained within the footprint of the -- which is the existing footprint of the --

ANTHONY DAVLIN: Right. And you know, I don't have a family.

CONSTANTINE ALEXANDER: Wasn't this originally a

warehouse?

ANTHONY DAVLIN: It was a one-story warehouse, non-conforming warehouse.

CONSTANTINE ALEXANDER: Okay. You put a second floor on and that's where you lived?

ANTHONY DAVLIN: I live upstairs.

CONSTANTINE ALEXANDER: Okay. And you have the art studio in the old garage area?

ANTHONY DAVLIN: Yep.

CONSTANTINE ALEXANDER: Okay. And now you want to convert this studio into another dwelling unit?

ANTHONY DAVLIN: Into a dwelling unit.

CONSTANTINE ALEXANDER: Okay. And are you otherwise modifying in the exterior -- are you modifying the structure at all?

ANTHONY DAVLIN: No.

CONSTANTINE ALEXANDER: No modifications to the exterior?

ANTHONY DAVLIN: No.

SARAH RITCH: We're hoping to replace the existing garage door --

CONSTANTINE ALEXANDER: Oh, yeah.

SARAH RITCH: -- with windows. Some of them would be operable, but it's within the same masonry opening.

CONSTANTINE ALEXANDER: Yeah, okay. I'm sorry, you're right. I assumed that to be the case. You weren't going to leave the old garage doors there.

ANTHONY DAVLIN: Right. But we're not making that smaller. Instead of a like big, nice commercial unit --

CONSTANTINE ALEXANDER: How big will the dwelling unit you're creating be on that first floor?

ANTHONY DAVLIN: Well, it's 1200 square foot gross, but that's from the outside of the unit, and I should have that -- it's around.

SARAH RITCH: I have to look --

ANTHONY DAVLIN: It's around 1,050 square feet.

CONSTANTINE ALEXANDER: Total for the building?

ANTHONY DAVLIN: No, no.

CONSTANTINE ALEXANDER: Oh, just for the unit downstairs?

ANTHONY DAVLIN: For the unit downstairs, yeah. Because there are subtractions for -- we have a -- I do glass. I got nervous and put a sprinkler system in. And so there's a fire room and there's a, you know, utility rooms. And because it's a two-family, they have to be separately, you know, separate mechanical rooms.

CONSTANTINE ALEXANDER: There will be no parking obviously?

ANTHONY DAVLIN: There will be no parking, but there is a big curb cut.

CONSTANTINE ALEXANDER: Yes.

ANTHONY DAVLIN: Yeah, but there will be no parking.

CONSTANTINE ALEXANDER: And neighbors besides

cheers that you're going to do this, any comments from the neighbors?

ANTHONY DAVLIN: No. I came in -- I mean, most people are really happy. The guy who works for DPW and my neighbor --

CONSTANTINE ALEXANDER: There are no letters in the file.

ANTHONY DAVLIN: No letters, no neighbors.

CONSTANTINE ALEXANDER: And no one's here to --

ANTHONY DAVLIN: No one's here. I sort have some, you know, small -- I just know, I know people are ecstatic and the building will look better and there will be no more trucks with lift gates and I won't be working, you know, yeah. So yeah.

PATRICK TEDESCO: This property couldn't be leased as a -- rented as a commercial property without a Use Variance in the neighborhood, right?

ANTHONY DAVLIN: That's right.

PATRICK TEDESCO: The Variance was for an art studio, not a commercial --

ANTHONY DAVLIN: I mean, I guess I could just rent it out as an art studio.

CONSTANTINE ALEXANDER: Then your neighbors would still be mad at me.

ANTHONY DAVLIN: Yeah, be mad at me, yeah. And then I would be living above an art studio. I don't know if I would like that.

ANDREA HICKEY: Someone else's art studio.

PATRICK TEDESCO: Depends on the art I guess, right?

CONSTANTINE ALEXANDER: Well, this is an unusual case in the fact that we have a section in the Code 5.21 which deals with what we call up-conversions where you're converting a single-family to a two-family and you've got to meet four conditions. And you don't meet any of them. But this is an unusual -- this is not the typical up-conversion

where you've got a single-family home and someone wants to make it into a two-family to increase the value of the property.

ANTHONY DAVLIN: Right.

CONSTANTINE ALEXANDER: There's no need -- in my judgment, there's no need for parking. There is parking around the building. And beyond that we're going to get rid of what I gather is a neighborhood, not eyesore, but at least nuisance by getting rid of your art studio and create housing for the City of Cambridge. So I find it a little bit unusual personally, but it's not objectionable as far as I'm concerned.

Any other comments?

BRENDAN SULLIVAN: No.

JANET GREEN: I'm pretty good with it.

ANTHONY DAVLIN: Oh, wow. Great.

CONSTANTINE ALEXANDER: Okay. Ready for a motion.

The Chair moves with regard to the Variance being

sought that a literal enforcement of the provisions of the Ordinance would involve a substantial hardship. The hardship being is that the petitioner no longer needs a studio, an art studio, and that the without that there is no good use of that downstairs, that first floor especially since the neighbors were not happy with an art studio in the area.

That the hardship is owing to the shape of the structure and the nature of the structure.

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 relief that's being sought is modest. It will add to the housing stock of the City of Cambridge, and there appears to be no neighborhood objection. And there is hearsay testimony that it will be neighborhood aszas (phonetic) in favor of it.

So on the basis of these findings, the Chair moves

we grant the Variance requested.

All those in favor?

(Aye.)

CONSTANTINE ALEXANDER: Five in favor. Relief granted.

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

(Whereupon, at 9:50 p.m., the

Zoning Board of Appeals Adjourned.)

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 15th day of February, 2017.

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

My Commission Expires:
April 29, 2022

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