BOARD OF ZONING APPEAL
FOR THE
CITY OF CAMBRIDGE

GENERAL HEARING

THURSDAY, JANUARY 30, 2020
7:00 p.m.
In
Senior Center
806 Massachusetts Avenue
First Floor
Cambridge, Massachusetts 02139

Constantine Alexander, Chair
Brendan Sullivan, Vice Chair
Janet Green
Andrea A. Hickey
Jim Monteverde
Laura Wernick
Slater W. Anderson

Sisia Daglian, Assistant Building Commissioner
<table>
<thead>
<tr>
<th>CASE</th>
<th>STREET</th>
<th>PAGE</th>
</tr>
</thead>
<tbody>
<tr>
<td>BZA-017226-2019</td>
<td>763 CAMBRIDGE STREET</td>
<td>58</td>
</tr>
<tr>
<td>BZA-017227-2019</td>
<td>222 JACOBS STREET</td>
<td>66</td>
</tr>
<tr>
<td>BZA-017228-2019</td>
<td>34 FAIRFIELD STREET</td>
<td>129</td>
</tr>
<tr>
<td>BZA-017230-2019</td>
<td>16 NORRIS STREET</td>
<td>136</td>
</tr>
<tr>
<td>BZA-017231-2019</td>
<td>170 LEXINGTON AVENUE</td>
<td>148</td>
</tr>
<tr>
<td>BZA-017233-2019</td>
<td>23 BUCKINGHAM STREET</td>
<td>155</td>
</tr>
<tr>
<td>BZA-017235-2019</td>
<td>315 COLUMBIA STREET</td>
<td>162</td>
</tr>
<tr>
<td>BZA-017232-2019</td>
<td>747 CAMBRIDGE STREET</td>
<td>127</td>
</tr>
</tbody>
</table>
(6:32 p.m.)

Sitting Members: Brendan Sullivan, Janet Green, Constantine Alexander, Andrea A. Hickey.

CONSTANTINE ALEXANDER: Okay, the Chair will call an Executive Session of the ZBA (sic). I recommend that this Board go into Executive Session to discuss strategy with regard to the pending litigation known as Darby et al. versus Port of Authority Appeals et al. and Court Case Number MISC-000095.

Since discussing this case in an open session may have a detrimental effect on the litigating position of the city, such an Executive Session for this purpose is permitted by General Laws Chapter 30A, Section 21-A3.

Upon adjournment of this Executive Session, the Board will reconvene an open session. And so, the vote, with regard to going into the Executive Session is a roll call vote.

Okay, I'll start with you, Brendan.

BRENDAN SULLIVAN: Brendan Sullivan, yes.

JANET GREEN: Janet Green, yes.
ANDREA HICKEY: Andrea Hickey, yes.

CONSTANTINE ALEXANDER: And Constantine Alexander, yes. So we're now officially in Executive Session.

ANDREA HICKEY: All right. So we need to confirm that everything is shut down.

CONSTANTINE ALEXANDER: Yeah. I think the first case we're going to call is the 238 Brookline Street.

BOARD MEMBERS: [Conversation about electing the Chair.]

CONSTANTINE ALEXANDER: Only regular members vote on that.

ANDREA HICKEY: Oh, okay, I'm sorry.

CONSTANTINE ALEXANDER: The Chair will call this meeting of the Board of Zoning Appeals to order. The first item of business is to elect officers for the coming year, present Chair and Vice Chair.

But before I do that, let me make a statement so we can listen to the record.

After notifying the Chair, any person may make a video or audio recording of our open sessions, or may transmit the meeting through any media, 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 that at least two recordings are being made, one is being made by our stenographer to assist her when she prepares the transcript for tonight's meeting, and the second is by a citizen of the city, who's left his tape recorder on the front table.

Is there anyone else here going to be recording this meeting? Taping it? On, no one else. So we're the record all set.

With that out of the way, the very first order of business is to elect officers, Chairman and Vice-Chairman for the coming year. Start with the Chairman. Anyone has any nominations?

BRENDAN SULLIVAN: I would nominate Constantine Alexander to be Chair of the Board of Zoning Appeal for the ensuing year.

JANET GREEN: I enthusiastically second that nomination.
CONSTANTINE ALEXANDER: Without enthusiasm, let me just comment. I make my usual speech, and I'll make it again, and I mean this sincerely -- anyone else wants to be the Chair this year, I'd be happy to decline the nomination. I guess not. Okay. Nominations have closed.

All those in favor of electing me as Chair, please say, "Aye."

COLLECTIVE: Aye.

[ All vote YES -- Andrea Hickey, Janet Green, Brendan Sullivan.]

CONSTANTINE ALEXANDER: Motion carries. So now we go to the election of a Vice Chair. Nominations? Anybody have a nomination?

ANDREA HICKEY: I would like to nominate Mr. Brendan Sullivan as Vice Chair.

CONSTANTINE ALEXANDER: Second?

BRENDAN SULLIVAN: Would anybody like to be Vice Chair? You make the same speech. I don't succeed any time I make that speech, but you will.

JANET GREEN: I second that motion.

CONSTANTINE ALEXANDER: Anyone else? Any other nominations? Nominations are closed. All those in favor
of electing Brendan as Vice Chair please say, "Aye."

COLLECTIVE: Aye.

[ All vote YES -- Andrea Hickey, Janet Green, Brendan Sullivan ]

CONSTANTINE ALEXANDER: Unanimous vote. We now have Officers for the coming year. With that out of the way, let's turn to the first order of business, and as those of you who may not have been at our meeting before, we start with continued case. These are cases that have started at an earlier date, but for one reason or another we have to continue it until tonight.

And after we finish with the continued cases, and we have several, then we'll turn to our regular agenda. I just would say we probably have several continued cases. A good number of them are going to be dismissed pretty quickly, or at last postponed very quickly.
Sitting Members: Brendan Sullivan, Janet Green, Constantine Alexander, Andrea A. Hickey, Jim Monteverde, Laura Wernick, Slater W. Anderson.

CONSTANTINE ALEXANDER: Anyway, with that, I'm going to call Case Number 017127 -- 238 Brookline Street. Anyone here wishing to be heard on this matter? Name and address for the stenographer, please?

ROY HODGEMAN: My name is Roy Hodgman; I live at 238 Brookline Street.

CONSTANTINE ALEXANDER: As you know, I think --

CONSTANTINE ALEXANDER: Spell your last name?

ROY HODGMAN: H-o-d-g-m-a-n.

CONSTANTINE ALEXANDER: You filed amended plans.

ROY HODGMAN: Yep.

CONSTANTINE ALEXANDER: You did not do a table of -- what's the word -- and you are required to do that. Anyway, it's the -- here it is -- dimensional form. And your new plans are different.

The dimensional form you filed the last time, it
needed to be modified. And you were directed if you were
going to submit amended plans, which you did, that you had
to give the amended plans and the dimensional -- a revised
dimensional form has to be in our files by 5:00 p.m. on the
Monday before this night. You did not do that.

Because of that, I'm not prepared to continue --
to hear this case tonight. Because there's information on
there that I would like to know about in advance of the
hearing.

ROY HODGMAN: Okay.

CONSTANTINE ALEXANDER: So other members of the
Board feel about this?

BRENDAN SULLIVAN: No, I think you're correct.

CONSTANTINE ALEXANDER: Okay. So I don't see --
it says here in this case record -- continued one more time,
we've got to decide when, which we'll do right now.

ROY HODGMAN: Okay.

CONSTANTINE ALEXANDER: But you understand --

ROY HODGMAN: No, it's my fault.

CONSTANTINE ALEXANDER: Oh, okay, yeah.

ROY HODGMAN: I'm sorry.

CONSTANTINE ALEXANDER: We're not here to impart
THOMAS ROSE: My name is Thomas Rose, I'm the architect, and I submitted the plans last week, and I thought I had everything prepared, but obviously I hadn't. So I apologize.

CONSTANTINE ALEXANDER: No apologies necessary. Just simply can't go forward with the plans.

THOMAS ROSE: Yeah.

CONSTANTINE ALEXANDER: You may have to apologize for any abutters here who came down and now are not going to -- will have to come down again, but that's neither here nor there. Sisia?

SISIA DAGLIAN: Janet and Brandon aren't here in February -- I mean not Janet, Laura. Either you or Brandon.

LAURA WERNICK: I'm not here the thirteenth.

SISIA DAGLIAN: Right. So March 12 is the first date that we're --

CONSTANTINE ALEXANDER: We have to get the same five people who were at the initial hearing.

BRENDAN SULLIVAN: Right.

CONSTANTINE ALEXANDER: Are we all set? I can make March 12.
BRENDAN SULLIVAN: Yep, yes, hold on.

CONSTANTINE ALEXANDER: Okay.

BRENDAN SULLIVAN: Hold on.

SLATER ANDERSON: It says I have a continued case that night.

CONSTANTINE ALEXANDER: Okay, we'll have now two continued cases then.

SLATER ANDERSON: I'll be here. Okay. We're all set.

CONSTANTINE ALEXANDER: Okay. And obviously this works for you, March 12?

THOMAS ROSE: We'll make it work.

CONSTANTINE ALEXANDER: Can't do it any earlier than that. We'd like to make it earlier, but we just can't get five of us together any earlier than May 12.

CONSTANTINE ALEXANDER: The Chair moves that we further continue this case, again as a case heard, subject to the following conditions:

1) That the petitioner sign a waiver of time for decision, and you've done that already for the emergent one. That's taken care of.

2) That amended plans and dimensional form that
goes along with those must be in our files by 5:00 p.m. on Monday before March 12. And you agree to further modify these plans if you choose to, but we've got to get the further revised plans in our files 5:00 p.m. on the Monday before, with the dimensional form that’s consistent with the revised plans.

If there are no revised plans, then just the dimensional form with these plans.

And then last, have a posting sign for 14 days.

You've got to do it, and you've got to maintain it for the 14 days before the hearing. Either get a new sign from Maria or if there's any room left, modify the old sign. The sign must reflect the date, March 12, and the time, 7:00 p.m.

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

THE BOARD: Aye.

[ All vote YES -- Brendan Sullivan, Constantine Alexander, Jim Monteverde, Laura Wernick ]

CONSTANTINE ALEXANDER: See you on March 12.

COLLECTIVE: Thank you.

CONSTANTINE ALEXANDER: I'm going to call Prospect
Street next, so the people who must be here for that are myself, Brendan, Jim if he's here --

JANET GREEN: I think Laura.

CONSTANTINE ALEXANDER: Laura? Yep, and Jim.

JANET GREEN: Yes.

CONSTANTINE ALEXANDER: So they're all here.

JANET GREEN: Yes.
(7:22 p.m.)

Sitting Members: Constantine Alexander, Brendan Sullivan, Jim Monteverde, Laura Wernick, Janet Green.

CONSTANTINE ALEXANDER: The Chair will now call Case Number 017164 -- 141 Prospect Street. Anyone here wishing to be heard on this matter?

JAMES RAFFERTY: Good evening Madam Chair and members of the Board. For the record, my name is James Rafferty, R-a-f-f-e-r-t-y. I'm an attorney with offices located at 907 Massachusetts Avenue in Cambridge.

I'm appearing this evening on behalf of the property owner, Mark Roos, R-o-o-s. Mr. Roos -- actually the petition is filed by the prior owner, George Sallum, S-a-l-l-u-m.

And I know the Board has -- the case has been continued once before. I recently became involved and have spent a bit of time examining the files in the case. It's quite an interesting case, and it dates back to the history of zoning and rent control.

And in this case, this case goes all the way back
to a 1993 Superior Court action where the decision of the rent control Board denying the removal permits -- this was a five-unit building under rent control, and the finding in the Rent Control Board was -- and here's a copy of the transcript, you can see the first finding of fact is 1) -- this was a five-unit, this was a five-unit building.

And in rent control, the Board members may be aware there was a distinction between a five-unit building and a two or three-unit building that's owner-occupied.

So in this case, if the Board, if the removal permits were issued, the property would have gone off of rent control. And that was something people used to put some effort into.

So there was a BZA case in 1998 --

BOARD MEMBER: Right.

JAMES RAFFERTY: And in this case, they wanted to legalize it as a three-family.

BOARD MEMBER: Right.

JAMES RAFFERTY: I -- when I first looked at the card on this, I assumed it was like this case, an effort to add a unit to go from two to three.

But if you read the decision, and you read that
the opposition to the decision -- and it says in the Case Number 5672, a 1988 case, one of the few cases that not a single member of this Board was sitting on, but they recognized a great deal of opposition to the petitioner's approval; said opposition contending that the variance request was simply a ruse -- they say rise -- to obscure the petitioner's true goal of removing the property from under the rent control ordinance.

So when the commissioner first pointed this out to me, my assumption was that this is yet another attempt at a variance that had been rejected in the past to go from two to three.

This was actually an attempt to go from five to three, with the reason being so there was an appeal taken in the rent control matter, and in the end the court ruled in favor of Mr. Sallum, but the Rent Board said that the only they would allow the removal permits is if Mr. Sallum found apartments for the displaced tenants.

And I met with Mr. -- I'm probably saying his name wrong, am I?

BOARD MEMBER: Sallum.

JAMES RAFFERTY: Sallum. I met with him. He came
to my office a few weeks ago, and he explained that he found
that objectionable, he never did that. And then by 1993, rent control went away.

He did provide me with permits, and he did do work to alter the premises with permits to be a three-family dwelling. He sold it to Mr. Russo, and one of the conditions was that he would current this conflict, because the ISD records reflect a two-family dwelling, and he was unable to get a CEO for a three-family.

So he thought that the easiest thing to do would be to come here and have the Board resolve it. And I think he was here pro se a while ago, and then I was asked to get involved.

So I know the Board in these cases needs to find a hardship, because we're talking about a dimensional -- this exceeds the lot area per dwelling unit, but there is precedence here has that this predated -- this goes into '70s as a five-unit dwelling, and the conversion to three units occurred -- what Mr. Sallum did was after rent control went away, he then occupied it as a three.

He told me the second-floor unit was divided, and it's in the record, the way the building worked was the
first-floor unit, a single unit, a third floor is a single unit, but the second floor had been carved up into three units, which probably never met any building codes or had adequate egress until that.

So he merely -- went rent control ended, he merely combined with permits, altered the premises to make the second-floor unit a single unit.

So that's the history of the case. The hardship really has to do with the long-standing use of the property as a three-family, and this attempt to rectify it.

CONSTANTINE ALEXANDER: We have to go through the rest of the requirements for a variance, like the soil conditions, et cetera, et cetera.

JAMES RAFFERTY: Well --

CONSTANTINE ALEXANDER: Excuse me, I thought you were going to continue this case, and you were coming with a procedure that would avoid needing any zoning relief, and you would be able to use it as a matter of, right?

JAMES RAFFERTY: Well, that had -- and I think, candidly I think we could do that in this case. But the more I got into the case, I said, "Well, since it's on the -- " and I thought what I might hear tonight, which I
wouldn't say would be an improper response, is that this is an argument best delivered to the Building Department and not to the Zoning Board.

CONSTANTINE ALEXANDER: Right.

JAMES RAFFERTY: And perhaps if the Board would indulge us, we would continue it one last time to allow us to do that.

CONSTANTINE ALEXANDER: I would be all in favorite, but it's up to the whole Board if we're continuing this case tonight to allow you to go ahead with the Building Department and hopefully -- from your point of view at least -- avoid having to come back before our Board.

JAMES RAFFERTY: That's nothing I look to avoid doing, but if that were the case, I could live with that.

CONSTANTINE ALEXANDER: Okay. Because I think -- just temporizing, I think you have a tough case on the zoning side.

JAMES RAFFERTY: I don't disagree.

CONSTANTINE ALEXANDER: So if you can proceed without coming to our Board, I think you'd be better served. But that's neither here nor there.

JAMES RAFFERTY: I recognize that. Well, in that
case, then I would -- I think we would appreciate the
opportunity to flesh this out.

CONSTANTINE ALEXANDER: How much time do you need,
and when would you like the case continued to?

JAMES RAFFERTY: I would say I need a few weeks
sometime in the end of February, early March. I don't know
if we consider this a case heard?

CONSTANTINE ALEXANDER: No, it's not a case heard.

JAMES RAFFERTY: No? Did you hear -- I think you
might have heard --

CONSTANTINE ALEXANDER: No, I'm sorry, I did.

JIM MONTEVERDE: I think it is a case heard.

JANET GREEN: It is a case heard.

JIM MONTEVERDE: So I would say what's at the
convenience of the Board, I know you have some continued
cases, so.

CONSTANTINE ALEXANDER: Well, we have March -- it
can't be --

JANET GREEN: March 12.

CONSTANTINE ALEXANDER: -- any earlier than March
12, right? Oh, you're not here in March either? Well,

hopefully this is a case to be continued.
JAMES RAFFERTY: Yeah, I would say -- that's a good way of putting it. I suspect -- and I have suspected for a while, that the remedy probably isn't here.

CONSTANTINE ALEXANDER: Right, it's there.

JAMES RAFFERTY: It's probably across the street.

CONSTANTINE ALEXANDER: Well, that being said, do you still want to have it continued to a date when, if need be, the five necessary people will be here?

JAMES RAFFERTY: I bet we could go with four, given the unlikely aspect --

CONSTANTINE ALEXANDER: Okay.

JAMES RAFFERTY: -- that we would go. And I -- only because if that were to save us dealing with the Commissioner with the taint of a denied variance, as opposed to one that was left unresolved here.

CONSTANTINE ALEXANDER: When can we get the four members who were here the last time? You know Janet can't do it.

JANET GREEN: I can't do it.

CONSTANTINE ALEXANDER: What's the date?

JAMES RAFFERTY: The March 12 date?

CONSTANTINE ALEXANDER: So March 12?
JANET GREEN: Yeah, the twelfth.

CONSTANTINE ALEXANDER: Jim? Because you weren't here.

JIM MONTEVERDE: I'm here.

CONSTANTINE ALEXANDER: You're here? Because I remember the others are. Okay. The Chair moves that we continue this case, once again, as a case heard until 7:00 p.m. on March 12, subject to the following conditions: You know what they are, but I've got to read them for the record.

First, that a waiver of time for decision needs to be filed, and I think your new owners, I think the last time it was signed by Mr. Sallum. So, like you sir, with your permission, or authority, to sign a waiver of time for decision. Otherwise, we'd have to take time for action, and you don't want to hear that action.

Second, that the -- to the extent that you're going to file new plans, they must be in our files no later than 5:00 p.m. on the Monday before March 12. Together with a new dimensional form. As you may have heard from the case right before, the last person who we continued a case for didn't do that. We refused to hear the case.
So if you are getting new plans or modified plans, and dimensional form that conforms to those plans must be in our files no later than 5:00 p.m. the Monday before March 12.

And lastly, the posting sign that's there now, there must be a new posting sign or modification of the old one, but I think a new one -- I noticed the last time the sign was almost washed away and somewhat hard to read.

JAMES RAFFERTY: Probably need a new one.

CONSTANTINE ALEXANDER: Yeah, you need a new one. It must be posted and maintained for the 14 days before March 12. If this were a new petition, I'd have an issue. All those in favor of continuing the case, please say, "Aye."

THE BOARD: Aye.

[ All vote YES ]

JAMES RAFFERTY: No, I'm happy to state for the record too that the petitioner will waive the right to be heard by 5:00. So if we did come back on the fourth, we're --

CONSTANTINE ALEXANDER: There's no requirement that --
JAMES RAFFERTY: Well, I think we could elect to require a full quorum when --

CONSTANTINE ALEXANDER: No, we usually offer the petitioner the opportunity to continue the case if there's not five.

JAMES RAFFERTY: Right. But --

CONSTANTINE ALEXANDER: You don't need to add that. If you came to the hearing -- I learned this recently -- and we said we've only got four, you can say, "I'll go ahead with it."

JAMES RAFFERTY: Oh, that I know. But I think if you came to the hearing and there was only four, I could elect and request a continuance, because I would then need to get four -- I mean --

CONSTANTINE ALEXANDER: Right.

JAMES RAFFERTY: -- that's always been the practice, right?

CONSTANTINE ALEXANDER: Right.

JAMES RAFFERTY: Right. And I'm saying we'll waive that. I wouldn't want to suggest we would then show up here on the twelfth and say, "Oh, there's only four members, we want another continuance." We wouldn't do that.
CONSTANTINE ALEXANDER: I'd probably just deny that request and we'd throw the case out, so it wouldn't be a problem. All those in favor, please say, "Aye."

THE BOARD: Aye.

[ All 5 vote YES - Brendan Sullivan, Jim Monteverde, Constantine Alexander, Janet Green, Laura Wernick ]

CONSTANTINE ALEXANDER: Five in favor, case continued.

JAMES RAFFERTY: There's a certain efficiency to a dictatorship. Thank you very much.

CONSTANTINE ALEXANDER: Thank you.
(7:22 p.m.)

Sitting Members:  Constantine Alexander, Brendan Sullivan, Jim Monteverde, Janet Green, Laura Wernick.

CONSTANTINE ALEXANDER: The Chair is now going to call Case Number 017185 -- 87 Washington Avenue. Anyone here wishing to be heard on this matter? No one wishing to be heard? I want to advise my fellow Board members that the petitioner is withdrawing that petition.

I believe they've come up with a solution that avoids the need for any zoning relief, because it's a construction of a new -- building of a new structure that has raised a zoning problem. They've redesigned it, and so the zoning problems have gone away.

In any event, all those in favor of accepting the requested withdrawal, please say, "Aye."

COLLECTIVE: Aye.

[ ALL FIVE VOTE YES - Brendan Sullivan, Jim Monteverde, Constantine Alexander, Janet Green, Laura Wernick ]

CONSTANTINE ALEXANDER: Five in favor, case
withdrawn.
(7:33 p.m.)

Sitting Members: Constantine Alexander, Brendan Sullivan, Jim Monteverde, Janet Green, Laura Wernick.

CONSTANTINE ALEXANDER: The last continued case is Case Number 017169 -- 45 Orchard Street. Anyone here wishing to be heard on this matter? Okay. Name and address, as you know, for the stenographer.

ABIGAIL LIPSON: My name is Abigail Lipson. I live at 45 Orchard Street in Cambridge.

CONSTANTINE ALEXANDER: Sir?

DIMITER KOSTOV: My name is Dimitar Kostov, I'm the architect. I live at 118 Adena Road in Newton, Massachusetts.

THE REPORTER: Could you spell your name for me, please?

DIMITER KOSTOV: Last name -- first name is Dimitar, D-i-m-i-t-e-r. Last name is Kostov, K-o-s-t-o-v.

CONSTANTINE ALEXANDER: At the outset, you filed amended plans?

DIMITER KOSTOV: We did.
CONSTANTINE ALEXANDER: And it reduced the size of the building, because the FAR went back. But the dimensional form shows no reduction. You had 4712 last time; you have 4012 on the new amended plans. What is it?

DIMITER KOSTOV: I -- that must have been a typo. It is 4379.

CONSTANTINE ALEXANDER: Okay. We want to get that out of the way. 4379?

DIMITER KOSTOV: Yes.

CONSTANTINE ALEXANDER: Now, there was substantial neighborhood opposition the last time. Where does that matter stand with the neighbors? Maybe we'll hear from the neighbors in a second, I don't know.

ABIGAIL LIPSON: The -- I submitted -- oh, I've been talking again with the neighbors. I had begun talking with the neighbors way back when I -- this was just in sketch form, and there was a whole Plan A that didn't even come to the Board because I took my neighbors' concerns very seriously and reduced the height and the square footage and removed some windows and sort of made changes that would make sense to my neighbors before it came to the Board last time.
CONSTANTINE ALEXANDER: Actually, let's go back --

I'm sorry to --

ABIGAIL LIPSON: Sure.

CONSTANTINE ALEXANDER: Let's start from the beginning, as if this was the first hearing.

ABIGAIL LIPSON: Okay.

CONSTANTINE ALEXANDER: Exactly what is it you're trying to do and why?

ABIGAIL LIPSON: So I'm a longtime Cambridge resident, owner-occupant. I have a house -- the house on Orchard Street has a big barn in the back. And I am now actually the oldest member of my family.

And I'm looking to try and find ways in my retirement to age in place, as they say, and that includes some prospect for one-floor living, for maybe some live-in help. I'm trying to think ahead and make plans.

And the house in which I currently live is a very kind of vertical house. It takes stairs to get up, stairs to get to the garden, stairs to get up the stairs, and it's split not sort of first-floor versus second floor, but it's split in half vertically, so that both halves of the house are very sort of vertical.
The barn offers a big, open, flat space inside.

And so, what I'm looking to do is make the property as affordable and accessible as it can be in my retirement, and turn the barn into a living space where there's the opportunity to have all one floor ground level living.

The -- I started off with a much more ambitious plan, as I started to say. I learned a lot from bringing it around to my neighbors and hearing what their concerns were, and made a lot of modifications that proposed the first proposal that you heard.

You heard that there were still neighborhood concerns, and I know that you'll invite that here. I've gone around again to all the neighbors, and talked about the idea of just the even more modest plan that's on the current footprint of the house.

So, you know, roofline change, no square footage change, no setback. It's just within the current structure of the current building.

And there's actually a lot of support in the neighborhood. I've had letters of support and shared my notes with you. As of today, it looks like this. Do you have that?
CONSTANTINE ALEXANDER: I have them. They're on file.

ABIGAIL LIPSON: Okay. The neighbors who -- I think would appreciate weighing in most are the ones that are actually close to the barn. There are a number of neighbors who aren't actually physically very close to the barn, the barn's kind of sitting in the middle of the block. But immediately behind the barn at 166A, those neighbors actually are very close. And they're very supportive of this project. I think from talking with my neighbors and my own feeling, it's that it's a good idea to maintain and look after and improve existing structures -- and also, that we've been reading about sort of the need in Cambridge for housing units and for responsible, small-scale building by owner-occupants as opposed to, or in addition to, rather, you know, larger-scale. And this seems like a -- sort of it would fit in well with that kind of a plan.

My neighbors -- I think one thing I've discovered is that we share -- a lot the concerns that they have I share, because I live there. So I'm also concerned about privacy or noise or -- you know, the open green spaces. And I'm hoping that all along, the changes that I've been making
to the plan address those concerns of my neighbors and their concerns I have as well.

CONSTANTINE ALEXANDER: Okay, and for the record --

ABIGAIL LIPSON: Yeah.

CONSTANTINE ALEXANDER: -- the reason why you need zoning relief is that you're currently over the FAR for the lot? You're at 0.55.

ABIGAIL LIPSON: Yep.

CONSTANTINE ALEXANDER: With the changes you'll not increase the nonconformity, unlike --

ABIGAIL LIPSON: Right.

CONSTANTINE ALEXANDER: -- the first time you were here.

ABIGAIL LIPSON: Right.

CONSTANTINE ALEXANDER: So you'll still be at 0.55 and you're still over.

ABIGAIL LIPSON: Right.

CONSTANTINE ALEXANDER: Which is why you need to be here for your yard setback issues.

DIMITER KOSTOV: Right. And we're in compliance with side and rear setbacks on the property.
ABIGAIL LIPSON: Yeah, it already is.

DIMITER KOSTOV: Right.

CONSTANTINE ALEXANDER: But you need the variance. You need to go over the requirements for the variance. And then I'll open the -- I just want to have you address those, and then I'll open the matter up to public testimony after all the members of the Board ask any questions that they wish to ask.

The first one is a literal enforcement of the provisions of the ordinance would involve a substantial hardship. That hardship has got to run not just to you --

ABIGAIL LIPSON: Mm-hm.

CONSTANTINE ALEXANDER: -- it would be to anyone who occupies, or owns your lot, or occupies the lot. Why -- what's the substantial hardship?

ABIGAIL LIPSON: I think -- did we submit in the materials a statement with some pictures of the barn from before, when we first bought the property? I don't know if you saw that?

JANET GREEN: Can you hold it a little closer? Because it's harder for them to hear in back.

CONSTANTINE ALEXANDER: Whatever you submitted --
ABIGAIL LIPSON: Okay.

CONSTANTINE ALEXANDER: I think you should assume we've -- at least some of us have read --

ABIGAIL LIPSON: Okay.

CONSTANTINE ALEXANDER: In the file.

ABIGAIL LIPSON: The barn was originally twice the size it is now. And we tried to see if it could be fixed up. The front half had caved in, it was rotted, it was infested, it was kind of a fire trap. It was not a good thing for the neighborhood or for the property.

We couldn't find somebody who could either tear it down or fix it up in an affordable way. And we found somebody who could chop it in half and haul away the rotten front half and put the front back on the way it was, so it became half the size.

But it was a little more manageable. And we also had a lot of neighbors saying that they wanted -- they didn't want to see the barn torn down, because it was kind of a buffer between the two avenues. And so, that was great. And I'm glad that we were able to do that.

But, ever since then, it's just a barn. It's good for being --
CONSTANTINE ALEXANDER: I was going to say --

ABIGAIL LIPSON: -- a shed, and it costs a lot of money to maintain it and keep it painted, and the gutters and the tree branches falling on it, and the critters, and it's --

CONSTANTINE ALEXANDER: Well, unless you're going to take them horseback riding, you don't need a barn that size.

ABIGAIL LIPSON: Don't need a barn that size --

CONSTANTINE ALEXANDER: And so, --

ABIGAIL LIPSON: -- and it costs a lot to --

CONSTANTINE ALEXANDER: You're creating housing for the city, or --

ABIGAIL LIPSON: -- that's my hope.

CONSTANTINE ALEXANDER: -- there is a need for additional housing throughout the City of Cambridge.

ABIGAIL LIPSON: Exactly.

CONSTANTINE ALEXANDER: So that sort of would explain the hardship.

ABIGAIL LIPSON: Yeah.

CONSTANTINE ALEXANDER: It's just that --

ABIGAIL LIPSON: It would be a good thing.
CONSTANTINE ALEXANDER: -- it's a structure that has seen its time.

ABIGAIL LIPSON: It's a loss right now, yeah.

CONSTANTINE ALEXANDER: And you'll have to -- then we have to find that the hardship that we talked about is owing to circumstances relating to the soil conditions, shape or topography of such structure, and especially if that -- I don't think soil conditions are involved here, but the location of the barn is right now too close to the lot line.

DIMITER KOSTOV: Correct.

CONSTANTINE ALEXANDER: And so, unless you tore the building down --

ABIGAIL LIPSON: Yep.

CONSTANTINE ALEXANDER: You have in the zoning -- you have a hardship.

DIMITER KOSTOV: Correct.

CONSTANTINE ALEXANDER: That's owing to what the statute says the hardship is relevant to.

ABIGAIL LIPSON: Yeah. We couldn't move it --

CONSTANTINE ALEXANDER: You can't move it.

ABIGAIL LIPSON: -- anywhere that would be inside,
yeah.

CONSTANTINE ALEXANDER: And then lastly that we can grant relief without substantial detriment to the public good, or nullifying or substantially derogating from the intent and purpose of the ordinance. And you want to address that just a little bit?

The fact is that you -- again, it's the point that you're creating the housing, additional housing for the city --

ABIGAIL LIPSON: Yep.

CONSTANTINE ALEXANDER: And with neighborhood support, and the nature of the landscaping as I recall it, around the property. You're not going to impact other properties, unless we hear otherwise from neighbors who are here tonight.

ABIGAIL LIPSON: Yeah.

CONSTANTINE ALEXANDER: We have no letters in the file -- new letters -- that oppose what you want to do. There was a lot of letters before, for another project.

ABIGAIL LIPSON: Yep.

CONSTANTINE ALEXANDER: Any other comments from members, or questions from members of the Board before I
open the matter to public testimony?

ABIGAIL LIPSON: Is there anything about the specifics or logistics that -- Dimiter --

CONSTANTINE ALEXANDER: Specific what, I'm sorry?

JANET GREEN: You need to get a little closer.

ABIGAIL LIPSON: Is there anything about the specifics or logistics of the project that Dimiter can speak to, or do you feel like that's clear?

CONSTANTINE ALEXANDER: The logistics of the project? What do you mean by that?

ABIGAIL LIPSON: Yeah, just what --

DIMITER KOSTOV: You know, any of the --

ABIGAIL LIPSON: What we planned to do with the plans, or --

DIMITER KOSTOV: Any questions regarding the revisions.

ABIGAIL LIPSON: The revisions within the planned footprint.

CONSTANTINE ALEXANDER: They're your revisions.

You know, we'll either accept them or not, or to the neighborhood. If we have problems with them, I think we agree with your intention. I'll open the matter up to
public testimony.

Is there anyone here wishing to be heard on this matter? You'll have your opportunity to -- if you could come up and take the mic? If you want to bring a chair up.

THE REPORTER: Could you spell your name.

SHAREN OLIVER: Shar, S-h-a-r-e-n Oliver, 49 Orchard. I am a direct abutter, and I was here for the original --

CONSTANTINE ALEXANDER: Right.

SHAREN OLIVER: -- November hearing, along with five other abutters who couldn't be here tonight because of the traveling. And I think I heard you say that they all wrote -- e-mailed or wrote letters to the Board in opposition to this.

CONSTANTINE ALEXANDER: To the original?

SHAREN OLIVER: Yeah, I mean, in the past week or so.

CONSTANTINE ALEXANDER: I didn't see very many letters of opposition in the file, when I looked at it.

SHAREN OLIVER: Well, there should be --

CONSTANTINE ALEXANDER: New letters.

SHAREN OLIVER: -- at least five in mine.
CONSTANTINE ALEXANDER: Well anyway, why don't you summarize what those letters of opposition are. I mean, what are the reasons for your continued opposition to it?

SHAREN OLIVER: Well it's basically the same. Everybody else is traveling but me. Even though the plan has changed, eliminating the two additions, it still doesn't comply with the five-foot setbacks and --

CONSTANTINE ALEXANDER: Only in the rear, I think. I think it complies with --

DIMITER KOSTOV: No side and no rear setback compliance.

COLLECTIVE: Yeah.

SHAREN OLIVER: Right. And that's require for accessory structures. And I just don't think that there is a --

CONSTANTINE ALEXANDER: Should we deny the relief? And then we're back to the status quo. Is that to your satisfaction? The barn still sitting there as a barn, not being used as --

SHAREN OLIVER: Yes.

CONSTANTINE ALEXANDER: -- any kind of residential --
SHAREN OLIVER: Yes.

CONSTANTINE ALEXANDER: -- purposes?

SHAREN OLIVER: Because it's -- I mean, the property line of the barn is -- well, I guess a little less than five feet from my --

CONSTANTINE ALEXANDER: Right.

SHAREN OLIVER: -- property, my back yard. And --

CONSTANTINE ALEXANDER: Is there any landscaping behind your property or their property that obscures or shields the barn from the --

SHAREN OLIVER: Oh, I have some forsythia.

CONSTANTINE ALEXANDER: You have some what? I'm sorry.

SHAREN OLIVER: Some forsythia.

CONSTANTINE ALEXANDER: Forsythia. Yep. I spend a lot of time in my back yard, as do Pam and Harry, who are the other abutters at 51. And it's really converting this barn into another house in that back yard. I mean, I know it's -- you know, right now it's just --

JANET GREEN: I'm sorry, it's really hard to understand you. So you need to put the microphone up. She has to take this -- the stenographer has to be able to hear
SHAREN OLIVER: Sorry. So it would intrude on our privacy and our enjoyment in our own back yard. And, you know, we just feel that -- I mean, we feel that -- because I'm a little confused about the legal hardship, but we don't feel that that really fits into the legal hardship.

And to me, it just -- you know, it's kind of a slippery slope. It's kind of guarding this into another dwelling, where it's another dwelling, where it's supposed to be a one- and two-family. And it opens it up to other people, property owners who have accessory buildings in their back yard saying, "Oh, maybe we could try this.'

And it just -- I'm just really strongly opposed. And I'm a little concerned that now we don't seem to have all those letters. But trust me, they were sent some copies of them.

CONSTANTINE ALEXANDER: Okay. Is that it?

SHAREN OLIVER: So yes. Hopefully you will, again --

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

SHAREN OLIVER: Thank you.
SUSAN MATKOSKI: My name is Susan Matkoski, and I hope I'm speaking for my husband and my --

THE REPORTER: Spell your name and your address.

SUSAN MATKOSKI: Susan, S-u-s-a-n Matkoski, M as in Mary -a-t-k-o-s-k-i, and I speak on behalf of -- for my husband too. I don't know. We're at 168 Elm Street North. So we're kitty-corner to Abigail, behind Sharren, Sharren who just spoke. We are in favor of Abigail converting -- Abby very much in favor of the conversion of a barn to a small residence.

I've noticed all these barns around the neighborhood that are in dilapidated shape and I strongly feel, both me and my husband, we feel that these barns that are feeling down could be put to a better use, and will be better taken care of. So we favor Abigail turning her barn, which is probably currently just used for storage, into a very small residence.

We can see her barn from our property from our back windows. I mean, I don't see how using it for storage, or using it for a small residence will impact our life whatsoever. I think that in fact, it will probably be
pleasant to have somebody living there instead of having a
-- just a structure used for storage where the squirrels go
hang out. So that's our standpoint. So --

CONSTANTINE ALEXANDER: Okay. So you are in
support?

SUSAN MATKOSKI: Definitely in support, yes, yep.

CONSTANTINE ALEXANDER: Okay. Thank you for --

SUSAN MATKOSKI: Okay.

CONSTANTINE ALEXANDER: -- taking the time to come
down. Anyone else wishes to be heard? Apparently not. As
you heard, or as in the testimony, there are substantial
letters in our files, both pro and con.

There are about five -- at least five letters I'm
now pointed out to be in opposition. I'm not going to read
them all, but they are from Sharen -- and I'm -- and then
Sharen Oliver, 49 Orchard Street, from another abutter, John
P. Mitarachi, M-i-t-a-r-a-c-h-i, and Regina Mitarachi, who
reside at 164 Elm Street #2. And Elm Street is the street
behind Orchard. Okay?

The letter next is from a Hanna -- H-a-n-n-a no
h, no second h -- White and Ross Marino, and they are the
owners of an abutting condo at 164 Elm Street.
"We are writing to let you know we would like to remain neutral on the upcoming appeal for the barn renovation. We had previously signed something that said we dissented, as long as the footprint doesn't change, and the trees in the surrounding area are not affected, we would like to remain neutral, giving neither approval nor disapproval."

There's a letter from Elinor — E-l-i-n-o-r Winslow, W-i-n-s-l-o-w, who resides at 53 Orchard Street, so a couple of doors down, or a couple of sites down. It's a short letter, so I'll read it.

"Ms. Winslow opposes the project that’s being proposed, for the following reasons. 1) The current barn does not meet the five-foot setback requirement. 2) There will be a negative impact on the privacy to the abutters. 3) The current structure exceeds the 15-foot height limitation."

They have a letter from Harry Shapiro, who resides at 41 Orchard Street, a little closer. He opposes the relief being sought for the following reasons. "Only single and two-family dwellings are permitted in residential — in Residence B District. The proposed structure does not
comply with existing rear and side yard setback
requirements. It exceeds the height limitation. It
significantly exceeds the allowed GFA for a lot of its size.
It will reduce my privacy and substantially interfere with
the quiet enjoyment of my back yard."

And again a letter from Sharen Oliver -- it's the
same letter, from Sharen Oliver that I've read before
expressing opposition.

And then there are, as you've given us, a
petitioner, a summary of a number of people who are in
support. I guess it's in the file somewheres. I saw it
last time I looked.

ABIGAIL LIPSON: I can give you one.
CONSTANTINE ALEXANDER: Do you have an extra copy
of it?
ABIGAIL LIPSON: Mm-hm.
CONSTANTINE ALEXANDER: Thank you.
ABIGAIL LIPSON: And the closest abutters are the
final letter.
CONSTANTINE ALEXANDER: Okay. The letter from
Douglas R. Akun, A-k-u-n, who reside at 53 Orchard Street.
He is firmly in support of the relief you're seeking. A
letter from Krishna, K-r-i-s-h-n-a Agrawal, A-g-r-a-w-a-l, 53 Orchard Street, a letter of support. A letter of support from Dick, Nick Spinelli, S-p-i-n-e-l-l-i, 176 Elm Street. And no objections from -- I guess this is a type of a voicemail message.

ABIGAIL LIPSON: That’s the owner of 176, and --
CONSTANTINE ALEXANDER: That's the owner of 176 --
ABIGAIL LIPSON: -- and Nick Spinelli is his property manager.

CONSTANTINE ALEXANDER: Yeah, and then we have a letter from Nick Silva for the property manager and designated representative from Mark Silver, the owner of 176 Elm Street North, in support. And I'm not going to keep going on. There are a number of letters of support. They're all to the same effect. There we are. Any final comments you want to make? Sir?

DIMITER KOSTOV: Yes, if I may. So I just wanted to make sure that I addressed the comment regarding the privacy and noise. There was some concern about the privacy and the location of the barn in its current placement.

The barn is surrounded by mature worth trees on both sides, and in the rear. That's visible in the existing
photographs on page 10 of the documents that we have submitted.

They provide not only shade, but also sound attenuation, especially in the spring, summer and fall months. The barn itself is considered -- if we're considering that as a single-family residence for Mrs. Lipson, and we feel that her lifestyle is such that it's not really going to present specifically active or loud -- you know, she's not going to occupy the rear of the yard in a very active way that presents an uncomfortable condition for the abutters.

And lastly, Ms. Lipson is a very avid gardener.

So we have actually -- and I think we brought that up at the last meeting -- she has engaged the services of a tree specialist who has evaluated the condition of the hissing trees. We've already made some plans to bring in new trees that will mature as the older ones die out.

So she's very sensitive to the way that her presence will affect the neighbors, and we are in very active conversations on privacy and sound screening methods that can be incorporated into the construction itself, through blinds, sound attenuation, insulation and other
CONSTANTINE ALEXANDER: Thank you. I will know close all public testimony. Discussion by Board members?

I'll offer something up. I mean, I -- just to get the discussion going if need be -- the objections, the reasons for the objections puzzle me (not all of them) -- for example, they say the building is too high at 15 feet. Well, if we were to deny relief, the building is still going to be 15 feet. So that's not going to change.

You're not proposing to increase the height.

You're not going to move the building. So it's still going to be five feet from the rear lot line.

Now, if it's an unused barn, that's a little different in impact in terms of noise and privacy, then in my view the residence you're proposing is rather modest in nature. And you're really looking to use the front half of the structure, not the rear half.

So privacy yeah. I mean, there's always an issue in Cambridge, where when new construction happens, people -- neighbors get affected. The privacy may get reduced.

But so be it. I mean, there is landscaping. I'm not going to -- I would not propose that we put any
condition tied to landscaping, simply because the Building Department has better things -- in my opinion -- better things to do than be arborists or landscape people.

I think -- my personal view -- I think the fears about invasion of privacy are ill-founded, and I like the idea of increasing the housing stock of the city by at least one more residence -- a modest residence in terms of it's not something you'll find on Brattle Street, but it's -- it will add housing to the city. So for all of these reasons, I would vote in favor of granting the variance being sought.

Anyone else wish to speak?

JANET GREEN: I would say that I'm also in favor of this project. I think that the ability for someone to stay in place without doing a monumental restructure of the entire property and building is really thoughtful. And I believe that while there are some neighbors in opposition, there seem to be an equal number of neighbors who are in support of this project.

And so, I feel quite comfortable voting in favor of this project. Anyone else wish to speak, or I can make a motion and find out how the Board feels.

JIM MONTEVERDE: Motion.
CONSTANTINE ALEXANDER: Okay, motion?

JIM MONTEVERDE: Yep.

CONSTANTINE ALEXANDER: Okay.

SISIA DAGLIAN: Oh, sorry. There's also a special permit.

CONSTANTINE ALEXANDER: Say that again?

SISIA DAGLIAN: There was also a special permit.

JIM MONTEVERDE: Special permit.

CONSTANTINE ALEXANDER: Oh. There is?

JIM MONTEVERDE: Yes, parking space.

SISIA DAGLIAN: Reduction in parking.

CONSTANTINE ALEXANDER: Oh, the parking space.

We'll get to that next. Or should -- we should -- well yeah, let's finish the vote on the variance, and then we'll get to the parking space. The Chair moves that we make the following findings:

That a literal enforcement of the provisions of the ordinance would involve a substantial hardship, such hardship being as that the owner of the property, be it the current petitioner or successor owners, will be left with a barn that cannot be really effectively used, except for nonresidential purposes, and that will be a continuing
hardship for the owner of 45 Orchard Street.

That the hardship is owing to the circumstances relating to the shape of the barn and the topography of such land, and that relief may be granted without substantial detriment to the public good, or nullifying or substantially derogating from the intent or purpose of the ordinance.

Again, the point I would make earlier I would repeat for purposes of this motion is that the impact, in my mind, on the neighborhood is not that great. We will get an additional residential structure that will benefit the City, and to my mind, the concerns about invasion of privacy I think are exaggerated -- in my view, and it's easy for me to say -- are exaggerated.

I think we're talking about a modest structure. I'm converting the barn to a modest residence, and I don't see any major impact on the abutters or the neighborhood.

So on the basis of all of these findings, the Chair moves that we grant the variance requested on the condition that the work proceed in accordance with plans prepared by Dimiter?

DIMITER KOSTOV: Dimiter.

CONSTANTINE ALEXANDER: Dimiter, D-e-m -- D-i-m-i-
t-r (sic) Kostov, K-o-s-t-o-v, and initialed by the Chair.

All those in favor of granting the variance on this basis, please say, "Aye."

THE BOARD: Aye.

[ All vote YES ]

CONSTANTINE ALEXANDER: Five in favor, the variance has been granted.

DIMITER KOSTOV: Thank you.

CONSTANTINE ALEXANDER: All right. Now we're going to turn to the special permit. Why don't you address, while I'm fumbling about for the file, why don't you tell us what the special permit you're seeking is?

DIMITER KOSTOV: The special permit we're seeking is in regard to the additional off-street parking space, required one per dwelling unit. So --

CONSTANTINE ALEXANDER: You want to reduce the --

DIMITER KOSTOV: So we want to maintain the two parking spaces we currently have on site, so we can maintain the amount of permeable and open space on the site.

Since our last hearing, we performed a parking study on the street and it has been submitted, it's part of the package, to show the amount of available parking spaces
on the street.

Just as a reminder to the Board, this is a permit parking area. So residents and guests of residents who have a permit can park there for a period of time. And we found that at any time during a week of looking, there is anywhere between three and seven available parking spaces within the block, in adjacency to the property.

CONSTANTINE ALEXANDER: Okay. Questions from members of the Board on the special permit issue? None? Anyone wish to speak to this issue, matter? Public comment? Is there nothing? I didn't see any in the letters in the file that address this issue of the special permit. It's all about the variance which we've just voted on.

Anyway, anyone wish to speak on the parking special permit? I see none. So I think I'll close public testimony. Discussion? Or are we ready for a vote on the special permit? Okay. The Chair moves that we make the following findings with regard to the relief being sought:

That the requirements of the ordinance cannot be met unless we grant you the special permit.

That traffic generated or patterns in access or egress resulting from the reduction of parking will not
cause congestion, hazard, or substantial change in 
established neighborhood character in this regard. We're 
talking about a street that is amply landscaped and there's 
quite a bit of greenery on that street as compared to many 
other areas in Cambridge.

And the traffic -- reduction of parking will not 
affect that. The continued operation of or development of 
adjacent uses, as permitted in the ordinance, will not be 
adversely affected. We're talking about the reduction on 
on-street parking in the general area by one.

And I believe many of the people who live on the 
street or in that area have off-street parking already. So 
it's not a dense neighborhood, where parking is precious.

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

So on the basis of these findings, the Chair moves 
that we grant the special permit requested on the condition,
again, that it complies with the plans we approve with regard to this area.

All those in favor, please say, "Aye."

THE BOARD: Aye.

[ All vote YES ]

CONSTANTINE ALEXANDER: Five in favor, the special permit has been granted.

COLLECTIVE: Thank you very much.
(8:09 p.m.)

Sitting Members: Constantine Alexander, Brendan Sullivan, Jim Monteverde, Janet Green, Laura Wernick.

CONSTANTINE ALEXANDER: Okay. Now at long last, we're going to turn to our regular agenda, and the first case I'm going to call -- I'm going to call Case Number -- oh yeah, 017226 -- 763 Cambridge Street. Anyone here wishing to be heard on this matter? Okay, you've heard the drill, we need your name and address for the stenographer.

JIM CHEN: Good evening Mr. Chairman and members of the Board. My name -- for the record, my name is Jim Chen. I'm the architect at JCBT Architect. Our location is at 585 Washington Street in Quincy. I'm here tonight representing my client here tonight of Panda Bilingual Day Care.

We're here tonight to seek a special permit approval on six new openings -- window openings at the side of the property. And these new six window openings will be non-operable. And the main purpose of these windows is for natural lighting only. And we believe these windows will
provide good, natural lighting for the kids in the classrooms.

CONSTANTINE ALEXANDER: What accompanies natural lighting is, like, invasion of privacy. Is there any --

what's -- you're looking out from the day care center, who are you looking out onto, and will there be any impact on neighbors' privacy, by virtue of the fact that there are new windows being treated?

JIM CHEN: Yes, and those six new openings, two of those are actually facing the abutter's house. And four of the -- remaining four are actually high enough that it's above the roof of an adjacent commercial space.

CONSTANTINE ALEXANDER: Okay.

JIM CHEN: So there's not --

CONSTANTINE ALEXANDER: And you don't have two --

JIM CHEN: Four are okay.

CONSTANTINE ALEXANDER: -- okay, my words.

JIM CHEN: That's correct.

CONSTANTINE ALEXANDER: Now, what about those two, in terms of potential impact on the privacy of the people next door?

JIM CHEN: I believe it's high enough that it
would not cause that impact.

CONSTANTINE ALEXANDER: Have you spoken with the neighbors about this?

SIJIA WANG: They wrote the letter.

CONSTANTINE ALEXANDER: And they said what?

SIJIA WANG: And they say okay.

CONSTANTINE ALEXANDER: Okay.

THE REPORTER: You need to give your name.

JIM MONTEVERDE: And speak into the microphone.

JANET GREEN: She needs the microphone. And put it right close to your mouth.

SIJIA WANG: I am Sijia Wang. Do you need to spell that? Sijia, S-i-j-i-a. Last name Wang, W-a-n-g. I am the business owner.

CONSTANTINE ALEXANDER: Okay. You say you have spoken with those persons?

SIJIA WANG: Yeah.

CONSTANTINE ALEXANDER: And they expressed no opposition to you?

SIJIA WANG: No.

CONSTANTINE ALEXANDER: You've got to say
something.

SIJIA WANG: Oh, no, no.

CONSTANTINE ALEXANDER: So she can put it in the record.

SIJIA WANG: They give us green light.

CONSTANTINE ALEXANDER: They said?

SIJIA WANG: They give us green light, when we asked to open the windows.

CONSTANTINE ALEXANDER: Okay. Anything further you want to add at this point?

JIM CHEN: No, sir.

CONSTANTINE ALEXANDER: Okay. Questions from members of the Board? I'll open the matter up to public testimony. We have someone who's very anxious to speak, so come forward please, and give your name and address to the stenographer, and use the microphone, if you would, please.

NANCY DILANDO: Certainly.

CONSTANTINE ALEXANDER: Just take it off the stand, like we've been doing. Pull it up.

COLLECTIVE: There you go.

NANCY DILANDO: Thank you, good evening. My name is Nancy DiLando. I reside at 757 Cambridge Street. I'm
THE REPORTER: Spell your last name, please?

NANCY DILANDO: Nancy D-i-capital L-a-n-d-o.

And I approve of what they're doing. The windows will overlook our yard area, but because they're so high, they don't really -- it's not a privacy concern issue for us. So I do -- my husband and I do support this, these windows.

CONSTANTINE ALEXANDER: Thank you, thank you for taking the time to come down, and the citizens of the city, we appreciate that, and I'm sure the petitioner does too. Anyone wishes to speak on this matter? Apparently not.

We have only in our file one letter, I believe.

JIM CHEN: Yep.

CONSTANTINE ALEXANDER: It's from Timothy J. Toomey, Jr., Cambridge City Councillor.

"I'm writing to express my support for a special permit application by Panda Bilingual Child Care, LLC on 763 Cambridge Street. There is a high demand of day care in Cambridge, and I believe that this day care will be a great addition to the Wellington-Harrington neighborhood.

"I have not heard any neighborhood opposition to this special permit, and I thank the Board for their
consideration on this matter."

Any final words you want to say before we have our own internal discussion and take a vote? Okay. Discussion? Okay.

JAMES RAFFERTY: I would say let the sunshine --

CONSTANTINE ALEXANDER: I'm sorry?

BRENDAN SULLIVAN: -- I would say let the sunshine light come in.

CONSTANTINE ALEXANDER: That's right. I have a comment about Mr. Toomey's letter, but I'm going to bite my tongue. Okay. This is a special permit application, so we have to make the following findings:

That the requirements of the ordinance cannot be met unless we grant you the relief you're seeking.

That traffic generated or patterns in access or egress resulting from what is being proposed will not cause congestion, hazard, or substantial change in established neighborhood character -- in fact, the impact is very minor in terms of the impact on the neighborhood.

That the continued operation of or development of adjacent uses, as permitted in the ordinance, will not be adversely affected -- and again, we have testimony from an
abutter who took the time to come down in support of what
the petitioner is seeking.

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.
Clearly, there will be no nuisance or hazard for the
children who are -- will be occupying the day care center,
and again we have heard no promise from others in the
neighborhood that nuisance or hazard will result from what
is being resulted.

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

So on the basis of all of these findings, the
Chair moves that we grant the special permit requested
subject to compliance with the plans that are submitted by
the petitioner, all of which have been initialed by the
Chair.

So if you're going to change the location of the
windows in any material way, you're going to have to come
back before us. You're comfortable where they are right
now?

JIM CHEN: We are, yes.

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

THE BOARD: Aye.

[ All vote YES -- Brendan Sullivan, Jim Monteverde, Janet Green, Constantine Alexander, Andrea Hickey ]

CONSTANTINE ALEXANDER: Five in favor.

JIM CHEN: Thank you very much.

CONSTANTINE ALEXANDER: Good luck.
Sitting Members: Constantine Alexander, Brendan Sullivan, Jim Monteverde, Janet Green, Laura Wernick.

JAMES RAFFERTY: Good evening Mr. Chairman and members of the Board. For the record, James Rafferty, 907 Massachusetts Avenue, appearing on behalf of the applicant, Philips of North America. Seated to my right, Dr. Joseph Frassica, F-r-a-s-c -- I'm going to let Dr. Frassica do that.

DR. FRASSICA: F-r-a-s-s-i-c-a.

JAMES RAFFERTY: And only really plugged in members of the Board would be able to honestly tell us where -- I don't even -- this street is. What's it called?

CONSTANTINE ALEXANDER: Jacobs Street.

JANET GREEN: Jacobs Street.

JAMES RAFFERTY: The Board members probably know, but until --

CONSTANTINE ALEXANDER: I visited the site. I know exactly where it is.

JAMES RAFFERTY: Right, so. But that's good
you've been there. At any rate, I'm sure the Board
recognizes this is an application by Philips to install a
sign on the building that’s -- they've just moved into at
Jacobs Street.

CONSTANTINE ALEXANDER: What does Philips do?
What's --

JAMES RAFFERTY: That's a very good question.
That's why Dr. Frassica himself is here, and we welcome the
opportunity to share a little bit about Philips. More than
light bulbs, I found out.

CONSTANTINE ALEXANDER: That's what I was
wondering when I first saw the application.

DR. FRASSICA: I'm the Head of Philips Research in
North America, and Philips is a health care company, not a
light bulb company, and we have services and devices that
help to care for patients from childhood or from birth all
the way to --

CONSTANTINE ALEXANDER: You're a non-profit or for
profit?

DR. FRASSICA: A for-profit company. We have had a
research presence in the United States since 1945, and it
was in Briarcliff New York. In 2015, we recognized that the
place to do health care innovation was Cambridge. And we brought our health care innovation and research team to Canal Park. And that was about 200 people. And over the course of the intervening years, we were about 500 people.

CONSTANTINE ALEXANDER: These are all employees or consultants?

DR. FRASSICA: All employees for Philips. And at that point in Canal Park, it was decided that because our location was so much in the epicenter of health care innovation, we would move our entire presence in North America, our headquarters and our innovation center, to a new building, and that's the 222 Jacobs Street location. We will have now 200 -- we will grow to 2000 employees at that site.

CONSTANTINE ALEXANDER: What are the size of the employees and consultants who will use the structure to go back and forth? What's the foot traffic or the pedestrian traffic to the building? How important is it to have signs? Do you have a lot of -- I'll let you answer the question.

DR. FRASSICA: Our North America innovation center will be the site where we bring health care systems to show them the future of health care. So we'll have a customer
experience center and our innovation laboratories where we bring health care systems from around North America to see what's happening in the sort of future funnel for innovation in Health Care across the continuum of care.

JAMES RAFFERTY: So the volume of visitors to the building?

DR. FRASSICA: We think it'll be between -- if we gauge by what we're doing in Canal Park, it will be between 2000 and 5000 visitors a year.

CONSTANTINE ALEXANDER: A year?

DR. FRASSICA: Yes.

JANET GREEN: A year.

CONSTANTINE ALEXANDER: So that on a daily basis, what does that translate down to? I can't do the math so quickly in my head. I mean, 10 or 15 people a day?

DR. FRASSICA: Maybe.

CONSTANTINE ALEXANDER: On average?

DR. FRASSICA: On some days it may be 50. And on some days, it may be 20, and on some days, it may be 100. It would just depend on the day. But -- and that's really a guestimate, because we have never had our center all together in one building.
So we're basing it on scaling from where we are, and, you know, we think it won't inordinately affect traffic, but it will -- there will be a substantial volume of people from out of town, who will be visiting us to learn about our innovations.

CONSTANTINE ALEXANDER: Okay. Thank you.

JAMES RAFFERTY: Thank you. So the -- candidly, the application was not made without a careful consideration, understanding the hardship requirements associated here. I have advised the client on a range of experiences that the Board has encountered with signage, and the history of signage in Cambridge of course.

So at the outset, I want to draw to the Board's attention that this sign is intentionally not illuminated. It has no lighting at all. You may recall in parts of East Cambridge it has been a longstanding concern. There were objections about the impact of lighting on this sign.

That factor, frankly, was noted by the Planning Board, and I hope Board members have had an opportunity to see their comments, because they were quite thoughtful, including the unique location here. Within a few hundred feet of this location, three municipalities intersect. The
back side of the building is in Somerville, across the
street is in Boston, this is about as far on the outskirts
of Cambridge as one can get.

And the second issue associated with the sign is
Philips' preference was to have their logo attached to their
sign. It's the way their signs appear in their other
locations, it's what their letterheads look like, it's like
bacon and eggs, the logo goes there.

I shared with them the Kayak case a few years ago
that the Board had at Canal Park, where there was found to
be a hardship based on the topography and the landscaping
around the building, but the Board in its wisdom, to use an
expression Mr. Hawkinson gave me, he "acted Solomonesque"
and said, "Sign is acceptable, logo is not."

So those types of cases informed the sign that's
been developed here. The sign in addition to being higher
than the 20-foot allowed actually is larger. The overall
wall sign limitation is at 60 feet. But when you --

CONSTANTINE ALEXANDER: Can you just tell me --
tell the Board, I should say, you're right, the sign can't
be more than 60 square feet. Probably 50 square feet. I
want the exact numbers.
JAMES RAFFERTY: I'm going to the signed certification form done by Mr. Paden.

CONSTANTINE ALEXANDER: It wasn't in our file.

JIM MONTEVERDE: It may be 6.6. Yeah. It's on the drawings too.

CONSTANTINE ALEXANDER: Is it?

JAMES RAFFERTY: Yeah, it's on the drawings too.

CONSTANTINE ALEXANDER: Oh, it's on the drawings.

JAMES RAFFERTY: It's on the drawings too, yeah.

So, as Board members probably know, you submit the sign to the sign certification. 196.3 is the area of the signs.

CONSTANTINE ALEXANDER: And 60 is the -- more of a max under our zoning ordinance?

JAMES RAFFERTY: That's correct.

CONSTANTINE ALEXANDER: Now the -- and what about the height?

JAMES RAFFERTY: The height for all signs, with the exception of the MXD District, is 20 feet.

CONSTANTINE ALEXANDER: Right.

JAMES RAFFERTY: So this significantly exceeds the height. This is at the top of the building. I think it's 173 feet.
CONSTANTINE ALEXANDER: Okay. I think it's important for the record, exactly.

JAMES RAFFERTY: Understood. So there is a significant hardship occurring at the 20-foot level for this sign. And we've attempted to depict that both photographically and narrative in our application.

We did anticipate that an engineer from the MBTA, who would be attending tonight, because we've been discussing with them the wanting to understand as much as we could about the new Lechmere Green Line Extension, and it's coming right across the 20-foot height. So I was able file with the Board, but only this evening.

I don't believe Board members have had a chance to see a letter from Terrence McCarthy, who's the Deputy Project Manager, and he says in his second paragraph right there, it's a brief letter.

He references the appearance we were at at the East Cambridge Planning Team, and he says, "We listened to Philips representatives explain to the group that site lines to the building from Monsignor O'Brien Highway would be obstructed by elements of the new Lechmere Station and Viaduct, now under construction."
"At that meeting, we attested to the fact this would be the case, and presented visual materials supporting this."

In the next paragraph, he goes onto describe those obstructions, and he attached a copy to his letter of the plan. As you can see, the new -- the second page of that has an image that shows -- it was interesting to learn of the plans there.

So we did go to the East Cambridge Planning Team, because we knew the importance of having community support. I reviewed with the applicants the EF sign that was approved by the Board and the role the community support played, and the successful application in that case.

And I'm pleased to report the communication from ECBUT reflects their support for the sign application. I am just, the Planning Board asked to review the case.

The way the Planning Board works is sometimes they'll ask to see cases. In this case, they did ask to see it, and they had an extensive discussion about it. There was some overall conversation about the sign process in general, which I think most people recognize as not always as consistent as other aspects of zoning.
But the -- I would say the sentiment expressed and contained in the Planning Board comments is that the sign is not objectionable, and there was acknowledgment and recognition, that was the attempts that have been made to mitigate the impacts of the sign.

The hardship really involves three areas. If you look at the 20-foot line here, there's a significant landscape burn in front of the building. There's also another structure that is right in front of the 20-foot line, that will totally obscure the sign.

And the third, of course, is the introduction of the new Green Line Station. It's a unique set of circumstances. It's a unique lot in its location and its orientation facing three different municipalities, and it will be abutted by buildings that will be following a different signed regulatory system. It has no adverse impact on any surrounding operators. The owner of the development has signed an ownership certificate in support of the application.

We strongly believe that the sign itself is an important part of the success of Philips in this location, and we have -- Philips, long before they began talk of
building a sign here, became engaged early on with the Cambridge community.

Councillor Toomey has sent a letter that reflects that. There are other letters of support. Because, like, other good corporate citizens, Philips is taking its role in the community very seriously. And that's why they were pleased to receive the type of support they have.

And for those reasons, we believe the hardship is present in this case. The relief requested is warranted, and we would urge the Board to act favorably.

CONSTANTINE ALEXANDER: Of course, you've not addressed one issue you have to address, unfortunately. And I mean that very sincerely, unfortunately, under our zoning ordinance, and that is the hardship must be owing to circumstances relating to the soil conditions, shape or topography of such structures.

JAMES RAFFERTY: Well, the berm certainly affects topography. If you look at the -- if the green berm --

CONSTANTINE ALEXANDER: Right.

JAMES RAFFERTY: -- at the 20-foot line, there is that aspect of it. I'd say it's nearly identical to the circumstances the Board found prevalent in the Kayak case,
where along Canal Park there was a similar berm. It's nearly identical. There's a landscape berm with trees placed in front of it. I think that's the topography issue.

The shape of the lot also has been known to include the location of the lot and unique characteristics, and there's certain uniqueness associated with this.

And the infrastructure being installed in front of the building welcome also makes the 20-foot line, the 20-foot location. So if the -- admittedly there are places above 20 feet where the sign could be seen. But if you look at the building elevation, the façade of the building doesn't lend itself to signage, other than at the top of the building. And that would -- it is the conclusion of the architectural team and others that that was the best place for the sign.

It's not unlike the Genzyme sign in Kendall Square. Granted, the MXD District is different, but placing this on mechanical equipment, non-illuminated sign, no impact at night, seems like the way to make this sign most compatible and not detract from the façade of the building.

So that's why at 20 feet, the signage at the 20-foot band is retail at the base of this building. Philips
will occupy about eight of the floors of this building.

It's going to be their North America headquarters, and I think the hardship is present both in terms of topography and public conditions.

CONSTANTINE ALEXANDER: I'm going to just extemporize for a second. Put up with me. You're a very good -- from what I can see -- a very noteworthy organization. You're a good corporate citizen. You've got support, as has been pointed out from the Planning Board.

We've got letters in the files, et cetera, from the local -- East Cambridge Planning Team; from I think the East Cambridge Business Association, et cetera, et cetera, et cetera.

The problem is that big signs like this don't fit within our zoning ordinance when it comes to signage. What the city needs is to have -- take zoning out of -- take signage out of zoning, and have a sign bylaw with standards for relief that are more appropriate for a sign.

We can't deal with this. I want to go on record, though. I think the city is shortchanging itself by trying to shoeshine -- shoeshine -- fit into the zoning ordinance something that doesn't work, at least in the business area.
JAMES RAFFERTY: Right.

CONSTANTINE ALEXANDER: And it puts our Board in a very difficult situation.

JAMES RAFFERTY: That was noted. And I mean the history here is there was a zoning amendment, you may recall, a few years ago.

CONSTANTINE ALEXANDER: But the zoning amendment is -- get it out of zoning. Zoning you get -- if it's in the zoning bylaw, you got to go through the hardship. And you've got to go --

JAMES RAFFERTY: No, no, no, excuse me. That's only the case when you need a variance.

CONSTANTINE ALEXANDER: Yeah.

JAMES RAFFERTY: The proposed amendments would have allowed signs like this to be addressed through special permit, with a set set of criteria. Now that, after passage there was a campaign run to revoke, and that was repealed. But the issue has been left unresolved, admittedly. That is why applicants find themselves as EF did, and Kayak did, having to come here and seek the variance relief.

In this case, I feel that the physical characteristics and the constraints at the 20-foot level are
real and provide the hardship needed for the Board to make
the necessary finding. And I think all the other
requirements associated with the findings in terms of not
derogating from the intent of the ordinance or having an
adverse impact.

I do think that the Planning Board really put a
fair bit of those into it, and I hope Board members will be
attentive to the issues addressed by --

CONSTANTINE ALEXANDER: Let me take this occasion
to read the Planning Board letter that's in the record, so
people in the audience can hear what you're referring to. I
will not get in later on to all the other letters, other
than to identify that we have them, who we got them from.

But I think the Planning Board -- we always give
deference to what the Planning Board has to offer to us.
And the memo from the Planning Board is, the Planning Board
reviewed the sign variance request by Philips North America
Signage in the Cambridge Crossing area.

This building is part of the Planning Board's
special permit PB #179, which has been under Planning Board
review since the permit was granted in 2002.

The development is spread across three cities,
with three separate and different sign regulations. The building is set back from Monsignor O'Brien Highway behind the MBTA viaduct being constructed for the Lechmere Green Line.

Planning members generally did not object to the proposed sign in this location. Some Planning Board members commented that the sign represents a thoughtful compromise by providing nonilluminated identification signage with letters only, and that the approach is appropriate in this location, given the adjacency to jurisdictions where taller building signage is allowed.

However, other Planning Board members noted that the process reviewing building signage of this type lacks consistency, given that it requires a variance, and is therefore determined based on the existence of a hardship and not solely based on design criteria -- this is a comment that I was trying to mimic or support, but anyway, there we are.

Anything further you wanted to --

JAMES RAFFERTY: No, thank you. Questions from members of the Board?

ANDREA HICKEY: Are there other tenants in this
building, or does Philips have the whole building?

JAMES RAFFERTY: There is I think one biotech company, a small startup, that would be in the first floor and part of the second floor.

COLLECTIVE: [ Use the microphone. ]

JANET GREEN: There are a lot of people interested.

JAMES RAFFERTY: But I think the more relevant point is the signage rights under the LEED --

ANDREA HICKEY: That was going to be my --

JAMES RAFFERTY: Right.

ANDREA HICKEY: -- follow-up question, because --

JAMES RAFFERTY: -- the signage rights go to Philips.

ANDREA HICKEY: -- what if we get additional requests for the same building?

JAMES RAFFERTY: No signage.

ANDREA HICKEY: So only your organization --

CONSTANTINE ALEXANDER: Yeah, we're only going to put this -- yes.

DR. FRASSICA: That's correct.

JAMES RAFFERTY: Yes.
ANDREA HICKEY: Okay. Thank you for anticipating that.

JAMES RAFFERTY: Yeah. It's explained in the lease.

ANDREA HICKEY: Thanks.

CONSTANTINE ALEXANDER: Anyone else wishes to add? Jim?

JIM MONTEVERDE: Did you -- is there any study or any analysis to show a smaller sign, one that's close to compliance, or a location of a sign that's -- in terms of height more into compliance, as opposed to the obvious spot, which is at the top of the building, and the scale of the top of the building, or the building proper, as opposed to more in keeping with the ordinance?

JAMES RAFFERTY: Well, in the case of the 20-foot area, these studies are intended to show we've inserted the 20-foot line across there. So once you get above the 20 feet, you're now dealing with a complete glass façade. So the conclusion was that the sign, if it -- there's a sign being for the retail, that's at the lower level.

So candidly, there was an S for the height of the sign. That was based on an extrapolation of the size.
I can't say candidly that I've seen a study as to whether it would make a difference if the letters were reduced in size? No, I don't believe that study was undertaken. But I think it would appear -- and we do have the sign manufacturer here, the sign rep, or the -- actually he's the sign architect.

I think it was probably informed by as much by the size of the canvas, if you will, the mechanical space and the relationship of the letters to that. But if there was a sentiment that that was larger than preferable, I suppose that could be easily reduced.

CONSTANTINE ALEXANDER: Does that answer your question?

BRENDAN SULLIVAN: Is the exercise -- is the higher you go, the bigger the sign has to be?

CONSTANTINE ALEXANDER: Yes.

JIM MONTEVERDE: Maybe. That's maybe.

JAMES RAFFERTY: Well, I think that's the obvious solution.

BRENDAN SULLIVAN: Yeah, right, yeah.

JAMES RAFFERTY: But we could say more later.

CONSTANTINE ALEXANDER: I'll open the matter up to
public testimony. Is there anyone here wishing to be --

JAMES WILLIAMS: Should we start with information questions first?

CONSTANTINE ALEXANDER: Well, yeah. That can --
sure, go ahead. Yeah.

JAMES WILLIAMSON: I have a couple.

CONSTANTINE ALEXANDER: You're going to have to
come across, sir, and speak into a mic.

JAMES WILLIAMSON: Thank you.

THE REPORTER: Name and address?

JAMES WILLIAMSON: Yes. James Williamson, 1000
Jackson Place here in Cambridge. First of all, in terms of
you were asking about you understand a little bit about the
company. Is this -- so this is not the same company that
does light bulbs?

CONSTANTINE ALEXANDER: No.

JAMES WILLIAMSON: Okay. Totally different
company.

DR. FRASSICA: I don't have a microphone. It spun
off three years ago.

JAMES WILLIAMSON: Oh. So it was a spinoff?

DR. FRASSICA: Philips Lighting is a spinoff.
JAMES WILLIAMSON: From that?

DR. FRASSICA: Yeah.

JAMES WILLIAMSON: And so, this is the same company that I was trying to find out a little bit more about it, and the first thing I found when I looked online is for this past year, 2019, there was a $450 million-dollar contract with the Pentagon, having to do with it health care services. Is that the same company, as far as you know?

JAMES RAFFERTY: The U.S. Government is a customer of Philips. So I believe that if we provided anything from the Pentagon, it would have been for health care provision for soldiers, yes.

JAMES WILLIAMSON: The question -- when I went online, the other question is when I went online, I found looking to see what the logo actually was -- all I saw, or almost all I saw -- was that this is the typical logo. So it would be the typical logo sign for the company.

So I'd be interested in a little bit clearer explanation of why this is not -- because it appears to be a pretty standard, you know, corporate logo for Philips, as find it on --

CONSTANTINE ALEXANDER: I'm not sure what the
relevance of that is.

JAMES WILLIAMSON: Well, because Mr. Rafferty said we are not -- they wanted to use what is their logo, their corporate logo, and this is not that, but --

CONSTANTINE ALEXANDER: Even if you consider this as a corporate logo, and it is, it identifies the name of the company. And it doesn't do it with any fancy curlicues or other things. It was just straightforward Philips.

JAMES WILLIAMSON: Yeah.

CONSTANTINE ALEXANDER: Unilluminated.

JAMES WILLIAMSON: Yeah. And I'm only asking because it was presented as if there had been sort of a concession or a compromise that this is not their -- what they wanted, and is not what they --

CONSTANTINE ALEXANDER: But even if that's the case, that would --

JAMES WILLIAMSON: For the record, I thought it would be reasonable --

CONSTANTINE ALEXANDER: That would not be relevant to us.

JAMES WILLIAMSON: -- to clarify that in fact in my understanding this is the untypical corporate logo sign.
JAMES RAFFERTY: Just to be clear, that's incorrect. We have pictures of signage in other places with the logo, but I didn't bring it.

JAMES WILLIAMSON: I can --

JAMES RAFFERTY: Only if the Chair wants us to.

Maybe we've covered that.

CONSTANTINE ALEXANDER: I don't think we need to get into what this logo is.

JAMES WILLIAMSON: I asked because it was brought up as if it were a favorable recommendation for this --

CONSTANTINE ALEXANDER: Right.

JAMES WILLIAMSON: -- application. But the other thing is, is there any way of better understanding. I mean, I appreciate the images that were provided about the 20 -- the estimate of where the 20-foot from grade would be, but we don't really know is there any way of better understanding that might be available, what the final condition is going to be once the Green Line Extension is completed?

So not what it looks like now, because it's pretty trashy, obviously, there's construction, but what it will look like, and what the alleged impact will be when the
Green Line Extension is completed. Because I think that's what's really relevant, if that's considered relevant.

CONSTANTINE ALEXANDER: You want to respond?

JAMES RAFFERTY: No.

JAMES WILLIAMSON: Anyway, so thank you.

JAMES RAFFERTY: That's the logo.

JAMES WILLIAMSON: Can I see? At least that's where the -- yeah, that's one of them.

CONSTANTINE ALEXANDER: Now you got your information, and you want -- that’s it for now, or at least --

JAMES WILLIAMSON: I thought we were doing information.

CONSTANTINE ALEXANDER: Okay.

JAMES WILLIAMSON: Thank you.

CONSTANTINE ALEXANDER: Anybody else wants information?

JAMES WILLIAMSON: Yes.

HEATHER HOFFMAN: Hi. I'm Heather Hoffman, 213 Hurley Street. And it's a question I didn't think about asking the other night at the Planning Board meeting, which is, "Where is the front door, and how does is this sign
related to someone finding the front door, which I assume is the major goal of wayfinding?"

JAMES RAFFERTY: Aren't those in the middle of the building on the ground floor?

CONSTANTINE ALEXANDER: I see the building --

HEATHER HOFFMAN: My point being, if I'm down on the street trying to find the building, I often cannot see that. I need something at ground level. I've seen places like in Kendall Square and the MXD rules vary -- if you're actually trying to find the front door, you can't. You can find the billboard on top of the building when you're not trying to find the front door. But actually getting to the building and knowing how to get into it, which, as I said is --

CONSTANTINE ALEXANDER: I wouldn't have thought --

HEATHER HOFFMAN: -- is related to wayfinding. So that's why I'm asking, you know, like, from Jacobs -- when you find Jacobs Street, can you find this building?

CONSTANTINE ALEXANDER: Speaking of the -- first of all, the sign, according to Mr. Rafferty, will allow people to find -- to identify the building. You walk to the building, I can't believe when you get to the building,
you're not going to be able to find the front door -- not a building of this sort.

HEATHER HOFFMAN: Then I didn't state it well.

CONSTANTINE ALEXANDER: Okay.

HEATHER HOFFMAN: What I mean is, right now this isn't incredibly built up. It will be.

CONSTANTINE ALEXANDER: Right.

HEATHER HOFFMAN: And I think about Kendall Square. So I might be able to see the sign on top of the building from a distance, but when I get closer, and I am trying to find the actual building that I could see a ways back, but now I can't see the sign because it's up there and I'm down here, and I'm too close to see it, how -- so --

CONSTANTINE ALEXANDER: One of the --

HEATHER HOFFMAN: My purpose is wayfinding is useful down at street level, and so, I am asking if there are -- if we have looked to see if people will be able to see this sign when it's really useful? When they're trying to get to the front door of the building.

ANDREA HICKEY: I would think the number of the building at street level would be useful.

HEATHER HOFFMAN: Is there such a thing?
ANDREA HICKEY: I don't --

JAMES RAFFERTY: Yeah, I would think so.

ANDREA HICKEY: Yeah, I mean --

CONSTANTINE ALEXANDER: I'm troubled, Heather, upon why this is -- your concern is about this is relevant to whether we should allow this sign, that they have inadequate signage with regard to the front door. That's a problem they'll have to deal with and they'll either have to get zoning relief or not.

Why should we deny, if that's what --

HEATHER HOFFMAN: Oh, because -- well, for example, because I can see the Akamai sign from my house --

CONSTANTINE ALEXANDER: Right.

HEATHER HOFFMAN: -- does not mean that I can find the Akamai building, because it's many blocks away.

CONSTANTINE ALEXANDER: But that's not a zoning issue.

HEATHER HOFFMAN: But -- so, well, only because they're in the MXD District.

JAMES WILLIAMSON: If I may --

HEATHER HOFFMAN: If you are saying that the sign is for wayfinding, which means, "Can you find the building?"
just because I can identify it on the streetscape does not
mean I can find it. So that’s my point. Wayfinding is
getting you to the building, not being able to see --

ANDREA HICKEY: From how far away? I mean, come
on.

HEATHER HOFFMAN: Well, like, it could be -- can I
see -- can I tell which one it is? I'm --

JAMES WILLIAMSON: I think Heather is saying the
closer you get, the less helpful it is to have a big sign up
on top of the building.

ANDREA HICKEY: I get that, but also people that
are far away need to see it.

HEATHER HOFFMAN: At what point, though? I mean,
Jacobs Street is going to be built up, and it's going to
have lots of stuff, and it's going to be a street that
people can find. So --

ANDREA HICKEY: I've never heard of it, until this
case.

HEATHER HOFFMAN: Well, that's because they're
still building up that part of the world. And they just
changed the name.

CONSTANTINE ALEXANDER: Okay.
HEATHER HOFFMAN: Yeah. So anyway, that was my question. Have we -- are we actually -- is this actually wayfinding, or is this a billboard?

JANET GREEN: Heather, it seems to me that there are -- you know, there are too -- wayfinding isn't just one thing. There are two kinds of things. One is you find the building, and the second is the information helps you find the door when you get there.

But that part of the information isn't really our purview. Our purview is to say, "This side actually does serve a purpose." And wayfinding from a distance might be a different purpose than whether we can find the front door. That's my opinion of that.

HEATHER HOFFMAN: Yeah. I think I'm failing to express myself well enough, although I'll adopt what James said as my issue. Like, I think there is a qualitative difference between a billboard and a sign that helps you find where the heck the building is.

CONSTANTINE ALEXANDER: Thank you. Anyone? Ms. O'Hare.

CAROL O'HARE: So, Carol O'Hare, 172 Magazine Street.
So as I understand it, any time a building is blocked, say the City of New York, where buildings are blocked all over, that building has a hardship and needs a sign up top. That's the rationale.

This building has an elevated T, it has a berm, I can't remember the third thing that blocks a sign. Well, other buildings have buildings blocking their sign at 20 feet.

Now, Jacobs Street was just renamed, in honor of an African-American woman of yore. I looked it up on Google. Google took me there from Cambridgeport 3.1 miles, zip, zip, zip.

The people who will be coming to this building are the employees and the visitors. I understand that it is a wonderful operation. There are plenty of wonderful operations in this city; profit-making and nonprofit making, educational and not.

So are we going to allow every building that is blocked by another building that is an educational institution a non-profit that's struggling to have a sign at the top of the building because it's blocked by another building?
MXD District, as Mr. Rafferty well knows, because he represented Microsoft, which at the gateway to Kendall Square had this sign --

CONSTANTINE ALEXANDER: Put things on the table --

CAROL O’HARE: Okay. Had this sign at the top. Does everybody see this? I know you -- you know, this is a sympathetic case. And they've got a lot of support. But now we've got three signs over in NorthPoint.

CONSTANTINE ALEXANDER: I'm going to try to make your life easier --

CAROL O’HARE: Yeah. We've been at this for so long. Does East Cambridge -- does NorthPoint really have to be signs all at the top of their buildings? Does every building need a sign on top? As I said, you can get there with GPS.

We don't need signs at the top of the buildings. If they want them, they should amend zoning for NorthPoint.

Okay? Do we really want brand names filling our sky? Why? Why distract us? Because the visitors, who are plenty sophisticated, need signs in the sky?

I like buildings. It's a city. Let's look at the buildings, the designs, the beauty of the structure, instead
of branding everything.

I don't -- oops, I do have a little brand. We'll do, because we can't get away from it. This is a little teeny brand. I don't generally choose to wear brands, but you can. I don't mind if you do. But I do mind if they brand our sky. And yes, they've made concessions -- no lights.

CONSTANTINE ALEXANDER: Which I think, by the way, is a very important concession.

CAROL O’HARE: I do too. I think it's a really important concession. But do people really need a sign in the sky. Do you want people driving looking up like this to find the building? People found buildings before they put signs on the roof. That's it. Thank you.

CONSTANTINE ALEXANDER: Again, I think you endorsed what I was saying earlier, is that we -- our zoning ordinance is applied so that signs like these buildings -- is terribly, terribly inadequate.

And the Council needs to do something about it... ask our Board on an ad hoc basis to pass different sign leads to very unfortunate consequences.

CAROL O’HARE: Well, then, you know, tell them to
do it. They tried to do it. It -- as you know, a decade ago, 15,000 people signed a petition, and Mr. Rafferty will say they didn't know what they were signing, but it was pretty simple.

We don't want signs up in the sky. 15,000 people in 21 days -- not business days -- signed a petition that said, "We don't want branding signs for -- they called it, 'The Microsoft sign' -- we don't want branding signs in the sky." That was 10 years ago. Are we going to start it all over again, over in NorthPoint? Thank you.

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

JAMES WILLIAMSON: So thank you. James Williamson, 1000 Jackson Place, Cambridge. So this has been a little difficult to follow the process. And I will say a word about that. I did stick around.

I actually left and came back for the sort of informal -- well, the review at the Planning Board, and the materials available then did not include, for example, the letter from the East Cambridge Planning Team. I only was able to -- and it was presented not in its full content, it was presented as support from the East Cambridge Planning
When I actually was able to get -- provided with a copy of the letter, I could see that there was actually some dissent at the meeting, and among people who attended the meeting -- people on the board I believe, and members of the East Cambridge.

But in total, the last sentence expresses support after the content of the letter indicates that there was not universal support.

CONSTANTINE ALEXANDER: Well, not universal.

JAMES WILLIAMSON: I'm just pointing out.

CONSTANTINE ALEXANDER: The key is what the conclusion is.

JAMES WILLIAMSON: Well, I'm pointing out --

CONSTANTINE ALEXANDER: Not the debate that goes back and for this.

JAMES WILLIAMSON: -- both the letter was not available and it -- you know, without seeing it, you might think that there was no dissent at the East Cambridge Planning Team.

And also, I know some members of this Board sometimes watch the videos of these discussions, and I'm not
sure that that letter reflects exactly in one key sentence,
you know, what was going on there, if these are going to be
used to indicate, you know, sort of support for this. We
think that there was a little more of a reservation about
supporting -- but then there is the however.

So I'll grant you that some of the uneasiness
about going forward and about recommending that to this
Board was expressed there. So I'll just say that.

I -- you know, the logo thing has come up. I
think if you look, you'll see that there are Philips
buildings with this as the corporate logo, whether you want
to think about that or not. I just -- for the record, this
is their, evidently certainly one of no more than two key
logos that they use for their corporate logo, and it is in
fact what's on top of some of their buildings. I think --

JAMES RAFFERTY: Not to interrupt, but if it
helps, that is the font -- I don't want to mislead -- that
is the font of the Philips brand.

JAMES WILLIAMSON: Yeah, but you --

JAMES RAFFERTY: -- I don't disagree with that,
but it's also a shield.

JAMES WILLIAMSON: So sometimes you have the
CONSTANTINE ALEXANDER: People do not seem to understand what we mean. If it's branding, that's bad. You know, there's -- corporations have Constitutional rights. The First Amendment applies.

JAMES WILLIAMSON: I know, they're considered persons in this country, which was -- that's --

CONSTANTINE ALEXANDER: That's not the issue.

JAMES WILLIAMSON: -- we could get into that if we really want to.

CONSTANTINE ALEXANDER: That's something else.

The fact of the matter is there's been court cases in the Superior Court that said that corp -- that business -- that municipalities cannot forbid signs based upon logos. They --

JAMES WILLIAMSON: No, no, that's not what I'm saying. I'm just -- it was brought up as if it were a concession. One member of the Board said, "Okay, this is the logo." I'm sorry, that's not accurate. There is a --

CONSTANTINE ALEXANDER: So what? So what?

JAMES WILLIAMSON: Well, if -- I'm responding to its having been brought up. If it's brought up, and I think
it's fair to say that's not accurate.

My view is the issue with these signs, one issue with them is -- and it relates to the colloquy about wayfinding -- is that the -- if you want to be able to see something from a distance, that to me really does reflect the concern that people have about corporate branding.

Because basically what you're talking about is somebody driving on the highway somewhere being able to see a sign up on top of a building and say, "Oh, that's where the Philips is." But for most people, it's, "Oh, there's a Philips." So that's one of the concerns about corporate branding, why people talk about it in those terms, and why it's I think a legitimate concern.

CONSTANTINE ALEXANDER: I've got to say it one more time, and I'm going to shut up. Corp -- we can't make a decision, or the city can't make a decision just because it's corporate branding.

JAMES WILLIAMSON: I get it, Gus. I think you're misunderstanding what I'm trying to say about it, but okay.

CONSTANTINE ALEXANDER: I don't think I am, but --

JAMES WILLIAMSON: I concur with what Ms. O'Hare has said about, you know, if you really want to find a place
these days, everybody has a phone and have GPS and all the rest of it. So that issue is I don't think relevant.

The key question I think is what you have already talked about as the Chair, which is the zoning. Look, we have zoning in this city.

If you want, if you do not like the zoning that we have, you know, fight to change the zoning like all the rest of us in the city have to do when we don't like something, and we have to struggle through the political process to get the zoning change to reflect what we would like to see, what our values are, and what we believe our needs are.

And if that's not the case here, I would submit that it would be a big mistake for, and wrong, for the Board of Zoning Appeal to grant it in this case. And if you want to talk about specifics of hardship and no significant detriment to the public, to me it is a significant detriment to the public if you undermine public confidence in government, and you undermine confidence in the zoning regulations and the political process that had led to the existing zoning, and say, "Well, we can just change it, because somebody who, you know, maybe is impressive enough or have deep enough pockets or whatever come before you on


the specifics of the alleged hardship." I don't see that.

I don't see that -- there were three that were brought up. I don't see that a sign couldn't be placed.

Maybe you want to go in the direction of smaller and lower on the building, but to my mind, there could very well be a sign that would be in compliance that would meet all the important needs that are not really significantly undermined by the claim of hardship.

And I would say -- and this is in light of what Carol O'Hare said -- I think it's an actually an elegant building. I think putting this on it, it undermines and detracts from its elegance as a building.

And I'd much rather see an elegant building and have that -- I think that's a more positive piece of our building environment than an elegant building otherwise, you know, festooned with -- call it a corporate brand or just the sign that they would like to have there for whatever reason. So I hope you'll say -- go and get the City Council to change the zoning. Thank you.

CONSTANTINE ALEXANDER: Thank you, James. Anyone else wishes to be heard? Heather? One second. No, no. Is there anyone else besides Heather who wants to be heard?
You already talked once. The gentleman over there, let him speak first, Heather, then you can talk.

HEATHER HOFFMAN: Absolutely.

BILL ZAMPARELLI: Thank you. My name is Bill Zamparelli. It's Z-a-m-p-a-r-e-l-l-i. I live at 7 Emmons Place in Cambridge, and I'm a long-term resident of Cambridge. I'm here tonight, and I didn't really plan to do this, but -- it became -- it came to my attention that there was an issue on -- a signage issue with Philips.

I have -- well, I sit on the Board of Directors at the Chamber of Commerce. I'm on the Board of Directors at Cambridge School volunteers. I'm also a member of the Climate Change Advisory Committee for the City Manager, and I've been involved in the city for 40 or 50 years.

I'm concerned -- I guess it goes back probably a year and a half. I was sitting on the -- I guess it's the Board Development subcommittee for the Cambridge School Volunteers, and I had had a chance to meet a gentleman who works with Philips, who was interested in joining the Board.

So we had an opportunity to meet with Amir Abdullah. And Amir expressed a lot of interest in participating in the community. Cambridge School Volunteers
is a group that basically provides tutoring and mentoring to Cambridge children. I guess it's kindergarten through 12th grade. Philips has actually had a number of people who participated in this program, and we were quite interested in having Amir join the Board.

He came to me about a week ago, and he said, "We're very concerned because we are trying to bring approximately 2000 employees to Cambridge. Basically, they're consolidating all of their operations to this new location, so we're concerned about getting the employees there. But moreover, they had many other business associates who really wouldn't be coming there a lot.

And really, they were concerned because they didn't know how they were going to find this building. If you've seen this location, it's virtually right on the edge of the railroad tracks that serve North Station. It's a difficult place to locate, even when you look for it, if you try to find it.

And I -- and basically, the way he was explaining this to me I said, "Well, you know, this shouldn't be that difficult. You know, you should be able to put some kind of signage up, so they could at least find the building."
And it appeared that nobody appreciated, you know, the commitment that Philips is making to the Cambridge community. I guess I would urge the Board to look at this positively. This is important to retail, to these kinds of businesses, to, you know, strengthen our communities. And realize that this is what they need to do to be successful and so forth.

CONSTANTINE ALEXANDER: Thank you. Sir, do you want to speak? And then Heather, you'll have to wait your turn.

YOUNG KIN: Good evening. My name --

COLLECTIVE: [ Technical conversation ]

YOUNG KIN: My name is Young Kin, Y-o-u-n-g K-i-n of 17 Malden Street. I'm sorry, I came here for another matter, and it sounded happened that this subject came up, and I had to again apologize that I'm Johnny-come-lately, and I have been following this project nearly to always behind the schedule. And I've been talking to the Planning Board about this project -- building.

The building looks great, except the mechanicals at the top. And I've been talking to the Planning Board how we allow it to be built like that without any screening.
And I -- one day I was coming in from Boston on the T, and looking out the window I happened to catch the skyline, and there is this beautiful building which is the mechanical sticking up like a sore thumb.

And I think we could have designed the building -- certainly that will beautify the skyline, and now it's compounding with a corporate log on top.

CONSTANTINE ALEXANDER: Now corporate logo is the name.

YOUNG KIN: A name. If there is a way you can beautify that line by some kind of screen with the name of the company, get people to say, "Wow, they really thought the design through, they are building a beautiful skyline, wow, they have some really civic-minded people behind them."

Thank you.

CONSTANTINE ALEXANDER: Thank you. Okay, Heather, now you have your opportunity.

HEATHER HOFFMAN: Hi. Still Heather Hoffman, 213 Hurley Street. And, you know, I am very, very happy to stipulate that these guys are wonderful people; that they are great neighbors, will be great neighbors, and I'm missing the -- how that connects to topography, soil, et
I -- and I think that there's -- that the notion that the only way that people are going to be coming is by private cars down the O'Brien Highway, and they will not be able to figure out where Jacobs Street is, that might be true right now, but it's not going to be true.

Now, one of the things -- and I was not the person who brought this up in the East Cambridge Planning Team meeting, but I completely agree with it, and I can tell you that it comes up over and over and over, and that is the idea of better wayfinding for campuses.

You've got that problem at Kendall Research Park. That's been the reason why people have made out hardships for high-up signs, because they're back in there. If you're going to be writing a new zoning ordinance -- or not, a new signage ordinance -- that is something that is actually helpful to get people around -- you know, having something like that, having a pillar sign in front of this building that says, "Philips" -- I believe that would be zoning complaint, and it would also be useful.

As soon as someone finds Jacobs Street, which, as I said earlier, is going to be a thing that people are going
to be able to do easily, they will see that. And they will see that at a time when it will actually work to get them to the building.

So I strongly urge you not to grant this variance.

I -- you know, we were supposed to get copies of those mockups and we didn't get them, and when I looked at them quickly tonight, I thought that 20-foot line doesn't make sense. It wasn't the 20-foot line on the building, it was kind of the 20-foot line for where the person was standing.

So anyway, I think they haven't made out their case. And I would be happy to work with people to make a better signage ordinance, because none of us want to keep doing this. Thank you.

CONSTANTINE ALEXANDER: Thank you. Anyone wishes to be heard? Apparently not. As I've indicated in my comments through the discussion, there are many letters of support. I've read to the Board and the members of the audience the memo from the Planning Board.

We have a letter of support from Councillor Toomey, East Cambridge Planning Team, has identified. To the comment James made before, I'm just going to read a portion of the letter by the East Cambridge Planning Team.
The last paragraph, "After the presentation, the members present at the meeting voted to support the proposed sign as presented. The reasoning -- " and they're going through the reasoning " -- the reasoning is that the sign did not appear to have an adverse impact on the surrounding uses or structures, as it will not be illuminated -- " a very important point, in my opinion" -- nor does it appear to create visual clutter.

"However, there was a concern by some of the members that the presenters did not effectively make a case for a hardship. Also the members would like Philips to explore street-level wayfinding, as it is thought to be more effective than the sign.

"In conclusion, East Cambridge Planning Team is supportive of the Philips sign application." So that if there's some wringing of the hands, the bottom line is there is support from the East Cambridge Planning Team, and the East Cambridge Planning Team has always been thoughtful in their presentations, and very involved with their neighborhood. And I think getting support from them, to me, is meaningful.

And there's other correspondence relating to the
20-foot ability -- because of the -- and Mr. Rafferty discussed the new Cambridge -- the new Lechmere Station and the impact it will have in terms of on the ability to identify the building, and therefore the need for a building higher than our ordinance permits.

And again, I would -- and maybe I'm just extemporizing here -- I would put a lot of faith in the fact that it's not an illuminated sign, and it is not a sign that has logos. It is a sign that has a name of a business. And it's put up -- I'm sorry?

JAMES WILLIAMSON: I thought that wasn't relevant?

Is this permitted?

CONSTANTINE ALEXANDER: That's fine I'll keep going. I'm not going to be -- anyway, that's how I feel. I'm going to stop right there. I'm going to close public testimony. Time for a discussion, if we want a discussion, or we can go right to a motion. Anyone wishes to speak?

James?

JIM MONTEVERDE: I do. Just to repeat, I'm just troubled by the size, or that how great the relief that's being requested. I don't want to overexaggerate it, but that it's -- you're at, what, 196 square feet as opposed to
the 16 that you're allowed?

JAMES WILLIAMSON: Mm-hm.

JIM MONTEVERDE: And then that -- and then I saw the graphic in the material. And then the height. I realize that the 20-foot is problematic for all reasons you mentioned, but it doesn't get me to the 173. So -- and I feel trapped that the zoning ordinance is probably from a probably way different era when the buildings were very different, and they were single-occupant, or major occupant, but I feel like I'm bound to what the document says, the zoning ordinance says.

And it doesn't -- I don't see the rationale for the two types of relief to the extent that you're requesting.

JAMES WILLIAMSON: Well --

JIM MONTEVERDE: So at the moment, I can't support it.

JAMES RAFFERTY: I understand. Well, it is noted, and I respect that. The lettering is at six feet. If the sign were to be at the 60-foot height, that lettering would have to be reduced by two-thirds would be my estimate, I spoke to the architect.
I think it becomes quite obscure.

JAMES WILLIAMSON: Sorry, can you use the microphone.

CONSTANTINE ALEXANDER: James, enough. You've not been recognized. You can't interrupt another speaker. Please.

JAMES WILLIAMSON: I'm asking him to use the mic, so I can hear him.

BOARD MEMBER: Mr. Chair, he wanted the microphone.

JAMES RAFFERTY: I recognize the point. The reality is if it has to do with the height of the building. Obviously, if the building was 120 feet high, then the sign would be at 120. So it's not as if it's set out to get that high.

So the height is a function of the building height, and the opportunity to place the sign on a portion of the building that does not mar the design of the building, and the mechanical seems to be the appropriate face to that.

There certainly would be a willingness to reduce the size of the lettering. It's at six feet across. I
spoke to the designer. If a foot came off that, it would be five feet. That would work.

If it was seen -- it would bring it more into compliance on the area question, but we would consider any -- obviously it's in the judgment of the Board if a reduction of the size of the letters would obviously reduce the area of the sign.

CONSTANTINE ALEXANDER: James, any reaction to that? I mean, I -- it strikes me that that's a concession, but I'm not sure how meaningful it is in terms of the opposition to the signage.

ANDREA HICKEY: I'd like to see a reduction in the area of the signage.

JAMES RAFFERTY: Would a verbal reduction suffice? I mean, we have the designer here. We could -- may he be permitted to address the Board?

CONSTANTINE ALEXANDER: He can address the Board.

JAMES RAFFERTY: Thank you.

THE REPORTER: Spell your name and give your address, please.

JASON FIEDETTE: Yes, good evening. My name is Jason Fiedette, F-i-e-d-e-t-t-e. My address is 125 Samuel
Barnet Boulevard, New Bedford, MA, 02745. Good evening.

So if the sign was reduced from 60 to five feet, the portion would reduce down so it kept the same aesthetic, would be approximately 28 feet wide, as opposed to the 32-foot-10, 32-foot-8.75 that it is now. So the square footage would go from a 196 to approximately 140 square feet. So that would be what a portion of the reduction would be, to a five-foot size.

CONSTANTINE ALEXANDER: Thank you.

JAMES RAFFERTY: Thank you.

JASON FIEDETTI: Thank you.

CONSTANTINE ALEXANDER: James? Maybe you want to ask further questions from him, or do you want to -- or not, it's up to you.

JIM MONTEVERDE: No, thank you. I think that seems to address the issue about the size, and -- but it just doesn't help the height. And I just feel like handcuffed.

ANDREA HICKEY: Height meaning the location of the sign on the building?

JIM MONTEVERDE: Correct.

ANDREA HICKEY: Or the height of the letters?
JIM MONTEVERDE: No, the height of the sign on the above-ground.

ANDREA HICKEY: Understood.

JIM MONTEVERDE: Because if the ordinance is 20 feet, I realize that 20 feet is problematic for all the reasons mentioned. But it doesn't get me to the top of the hill again. Without some presentation or discussion about what the options may be, and I understand the building is a certain shape, and therefore the quick conclusion is nice and quick. But the conclusion is to put it to the top without some exploration of what other options would be.

ANDREA HICKEY: So why don't we ask about that? Can the sign or a sign that serves the purpose that you request go anywhere that is not so high?

JAMES RAFFERTY: I think the answer is it's less a function of the height and more a question of the palette or the canvas. Where can it go? It's a totally glazed building. So putting the lettering in the glass -- someone sitting behind that glass will be looking at the back of a sign. So I think it would be universally regarded as aesthetically unpleasing.

So that hardship, if you will, is related to the
fact that the building architecture and design doesn't lend itself to -- and the vast majority of the façade at heights above 20, I don't believe there's another location that this sign could work, without impacting the façade.

CONSTANTINE ALEXANDER: Okay. Brendan?

BRENDAN SULLIVAN: Well, I hear a Board member concerned about the size of the sign, which is valid, and another Board member of the location of the sign. So there's two different angles, which somehow your, Jim, goes to what is the purpose of the sign? And that's where I struggle with, is what is the purpose.

Any signage is either wayfinding, identifying a particular product, which helps you identify a particular business -- you know, Ma Magoo's Subsequent Shop, or whatever it may be or something like that -- Mount Auburn Hospital, I mean we can see, "Entrance" this particular section, that particular section, what have you.

And I think Ms. Hoffmann's comments are really on point is that yes, you can identify this business -- this building from a distance. But then when you get down near the street level, you get into this maze of buildings and streets, and you're getting into the T and all this other
stuff, and all these other future developments. That's 
where it really becomes somewhat of a problem as to, you 
know, you're not walking around with your head up.

You go down Kendall Square sometimes too, and most 
persons don't walk around with their head up. They're 
actually looking at their GPS. And yes, as to where is the 
entrance. You know, you have a -- "you have now arrived at 
your destination" type of thing.

So I think either a monument sign or something 
down at street level really -- most people are going to get 
there by a GPS. Or, if they haven't Ubered or LYFT or 
whatever to get to this particular address, you are now at 
this address. But it's then getting to the front door of 
the building or the building itself.

And with the future development and what have you, 
a sign way up there becomes less beneficial, other than the 
fact that you're at a huge distance away, which you can say, 
"Yeah, it's over there" type of thing.

So I struggle with I don't think it identifies a 
particular business or service, and I don't think it's 
really wayfinding. I think it's branding. And it's nice 
to, you know, big building and have my name on it. You
know?

CONSTANTINE ALEXANDER: Well, I have problems, but not the ones that we've identified so far. Again, I have to comment; it's that branding is not bad. Where people might not like it -- but from a legal point of view, they're entitled to brand.

BRENDA SULLIVAN: If it were within the ordinance.

CONSTANTINE ALEXANDER: That's right. Has to be within the ordinance. But you can't condemn it because --

BRENDA SULLIVAN: And the ordinance, again, to extend the conversation --

CONSTANTINE ALEXANDER: Well, I --

BRENDA SULLIVAN: -- is totally outdated, and what happened is that the City Council has kicked it over to here.

CONSTANTINE ALEXANDER: No, they don't kick it over to here, they just don't want to deal with it, and they leave the mess for us to try to clean up. Anyway.

JAMES RAFFERTY: With all due respect though, I mean, it's not that case that the Board has never granted variances for these signs. We have a mechanism within the
ordinance that's directly related to the hardship. We've identified the hardship. We believe the hardship is quite real and present. And I think Board members need to make decision-making as to the adequacy of the hardship.

CONSTANTINE ALEXANDER: I --

JAMES RAFFERTY: Personal philosophies around branding I think are outside of the jurisdiction -- the purview of the ordinance.

CONSTANTINE ALEXANDER: I think that's right. My problem, though, is I think you a little bit glossed over the argument regarding hardship. The hardship is owing to circumstances relating to the soil conditions, shape or topography of such land or structures, and especially affecting such land or structure, but not affecting generally the zoning district, which is local.

I don't think the argument you make regarding hardship, which of course you need to do to get the variance, meets the little -- the language of the ordinance. It's unfortunate. We should not be dealing one more time with a variance procedure with this kind of restriction from which you're designed for residential housing and construction, and not signage. Signage should be dealt with
But we're given -- the city has chosen not to do that, and we've got to live with the ordinance as drafted and see whether you can meet the variance requirements as in the ordinance.

I have a problem with that.

JAMES RAFFERTY: Mr. Chair, as I pointed out before, maybe -- there is a berm only affecting this building, it is nearly identical to the Kayak case, which had a similar topographical condition about two blocks from here, in fact, where they're located now in Canal Park. So the burden is in there. But it's -- there are characteristics present here that are consistent with hardship findings made by the Board in other cases.

CONSTANTINE ALEXANDER: I will only say that in these signed cases, the Board has been less than consistent in how we apply the ordinance. And then maybe --

JAMES RAFFERTY: I would say you make people work for hardship, as you should. And that's why I think you're seeing less and less of these cases. Candidly, lots of people look for them, and I advise them all the time, if you don't have a hardship here, you're not going to get too far.
CONSTANTINE ALEXANDER: It's not the hardship --
the hardship's got to be related to something.

JAMES RAFFERTY: Understood.

CONSTANTINE ALEXANDER: We all -- including
members of this Board, myself included -- should, shorthand,
you have to establish hardship. But it's a hardship that's
linked to something.

And that link is -- I don't -- in my opinion, just
don't find. I can't comment on the Kayak case. I sat on
it. I don't remember it one bit. It was a good number of
years ago. But we were persuaded at that time.

Our Board has not been entirely consistent on
signage cases. I'll be the first to admit that. Because
we're pushed and pulled in so many directions with a statute
that doesn't really apply to the signage. It's not a
variance case. We shouldn't be using a variance standard,
we should have a different standard, which applies to
signage. And it's relevant to signage. But we don't, we've
got to live with the ordinance that we have before us.

Anyway, anyone else want to comment? Ready for a vote?

JAMES RAFFERTY: Yep.

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

That a literal enforcement of the provisions of this ordinance would involve a substantial hardship to the petitioner, such hardship being that the nature of the MPA modifications and other -- well, are such that it makes it difficult for persons to find the building or identify the building.

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

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

So on the basis of these findings, the Chair moves that we grant the variance being sought on the condition that the work proceeds in accordance with plans initialed by the Chair. Are these good enough, Mr. Rafferty?

JAMES RAFFERTY: Yes.
CONSTANTINE ALEXANDER: Okay. The first page of which it says has been prepared by Poyant, P-o-y-a-n-t, and it was just initialed by the Chair.

All those in favor of granting the variance as moved, please say, "Aye."

JANET GREEN: Aye.

CONSTANTINE ALEXANDER: One in favor. Obviously, well, all those opposed?

[ Vote NO -- Brendan Sullivan, Jim Monteverde, Constantine Alexander, Andrea Hickey ]

CONSTANTINE ALEXANDER: Four opposed. The variance has not been granted. The reasons -- we have to get a vote of those who opposed it, why. I think all of this is embodied in the public discussion we've had for the last probably hour.

I don't know if you need -- if there's any sense to repeating them. You can cull them from the transcript, and what's been expressed before, that the sign is too high, that the -- the hardship is not sufficient from a variance point of view, that there should be a better location for sign, than what is here, and that the case has just not been made that they meet the requirements of the variance.]
All those in favor say “Aye.”

THE BOARD: Aye.

[ Vote YES -- Brendan Sullivan, Jim Monteverde, Constantine Alexander, Andrea Hickey ]

CONSTANTINE ALEXANDER: Case over.

JAMES RAFFERTY: Thank you very much.

CONSTANTINE ALEXANDER: We’re going to take a five-minute recess.

[BREAK]
(9:33 p.m.)

Sitting Members: Constantine Alexander, Brendan Sullivan, Jim Monteverde, Janet Green, Laura Wernick.

CONSTANTINE ALEXANDER: I'm going to resume our hearing. So if I could ask -- excuse me, do you mind stepping outside and having your conversation? The Chair is now going to call Case Number 017232 -- 747 Cambridge Street. Anyone here wishing to be heard on this matter? No one?

We have a letter in our files, if we can get to it, from Nicholas Zozalla (sic). Zozula? I can't read it, he brought over -- Z-o-z-u-l-a. They have council for the petitioner, and I'll just take the portions of his letter.

"The petitioner has been asked by City Councillor Toomey to request a continuance in order to have an additional meeting with certain direct abutters regarding the project. And the petitioner has agreed to honor this request, but requires more time to schedule this meeting in advance of its upcoming BZA hearing, currently scheduled for tonight."
"As a result, the petitioner hereby respectfully requests a continuance from this hearing date from the BZA with a request for a new continued hearing date of February 27, 2020, if available."

I know one of the direct abutters has spoken with us, and said that she can -- you cannot be present in February? I think it's important this case has got a number of substantial community interests, and the case has been around for a while, that we not do it February 27. It's too soon. I think a date is -- April you indicated would be sufficient? What date do we have, Sisia?

SISIA DAGLIAN: Well, Maria has it written down here April 16.

CONSTANTINE ALEXANDER: April 16?

SISIA DAGLIAN: Yeah. That's the first April date.

CONSTANTINE ALEXANDER: Okay. This is not a case heard. So we have -- we can -- we don't have to be -- we're not tied down to a date.

CONSTANTINE ALEXANDER: So the Chair moves that this case be continued until 7:00 p.m. on April 16, subject to the following conditions: and this case has been
That the petitioner sign a waiver of time for decision, and that's already been done in connection with the earlier continuances.

That to the extent that there are modifications or new plans relating to the project that's subject to the hearing, that these new or revised plans together with a dimensional form that supports those plans must be in our files no later than 5:00 p.m. on the Monday before April 16.

And lastly, that the petitioner must -- probably at this point either get a new sign, and post that sign like they did before, posting that sign reflecting the new hearing date, 7:00 p.m. on April 16. And that sign must be maintained for the 14 days, as required by our ordinance.

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

[ ALL FIVE VOTE YES ]

THE BOARD: Aye.

CONSTANTINE ALEXANDER: Five in favor, case continued.

[ All vote YES ]
(9:36 p.m.)

Sitting Members: Constantine Alexander, Brendan Sullivan, Jim Monteverde, Janet Green, Laura Wernick.

CONSTANTINE ALEXANDER: All right. Moving on to -- the Chair will now call Case Number 017228 -- 34 Fairfield Street. Anyone here wishing to be heard on this matter? I'm sure you know by now, name and address for the stenographer. I appreciate your patience, hanging around for so long.


CATHERINE JODASH: Catherine, C-a-t-h-e-r-i-n-e, last name Jonash, J-o-n-a-s-h, 34 Fairfield.

ERUC JONASH: Hi, Eric Jonash, E-r-i-c, same last name, also 34 Fairfield.

NANCY ALLISON: 34 Fairfield is a two-family home being converted into a single-family home. And Catherine and Eric are here working hard to create improvements for both the home and the property that they hope to enjoy as
their family home for many years to come.

So the zoning issue tonight is around FAR. The B District requires an FAR of 0.5, and the existing home has an FAR of 0.57. Our design includes demolishing a basement stair head house, and that removes 24 square feet, thus incrementally potentially improving the FAR.

We'd like to add a bay window on the master bedroom, and that adds 26 square feet. And we'd also like to add, or slightly enlarge the roof over the side door entry to provide practical weather protection.

So there's a general overall delta of approximately 21 square feet. The FRA (sic) remains the same at 0.57, but since we removed, as part of demolition, and added as part of our renovation, we're here before you to ask for the variance.

CONSTANTINE ALEXANDER: Do you need any variances to the setbacks? Are there any setback issues?

NANCY ALLISON: No setback issues. Before we open it, I just want to mention two small items. One is that our builder, we understand that we're in front of the BZA, and we actually understood that when we got the permit. It's part of the permit drawings.
For the sake of expediency in framing our builder has framed the bay. As you probably know, it's easier to frame that cantilevered joist floor when the floor joists are open, understanding that if we needed to snip it off, that's easier to do than to add it later.

CONSTANTINE ALEXANDER: Not necessarily.

NANCY ALLISON: Okay, in any -- the reason I mention is I wanted to make it clear that there is no intention to sneak something by --

CONSTANTINE ALEXANDER: I understand.

NANCY ALLISON: Or, you know, we are all on board and come before you -- and I've come before you on other projects, and wanted to make that clear.

CONSTANTINE ALEXANDER: That's clear. And I can't speak to Ranjit. He has a problem?

NANCY ALLISON: No, Ranjit doesn't have a problem with that.

CONSTANTINE ALEXANDER: Okay.

NANCY ALLISON: There are -- four of the neighbors have signed letters, and we have them here today.

JANET GREEN: I think that we have them. We have them.
CONSTANTINE ALEXANDER: Okay, I thought since they were things we already have -- but okay. Go ahead.

NANCY ALLISON: The only other minor thing I want to mention is that the BZA applications that were submitted mentioned removing and adding a dormer, which would slightly reduce square footage.

As the architect, I misunderstood my client's homeowners' intent. At that time, they wanted to see if they could preserve their dormer, but we weren't sure until we had done demolition a little bit how it would work with the plan. And we found out it could work with the plan, and we would like to preserve the dormer.

So I want to make it clear, in case there's any confusion around that, that the numbers I've shared with you tonight, and their preservation of the same 0.57 FAR, are based on preservation of the dormer. We don't need that extra incremental square footage to do so.

CONSTANTINE ALEXANDER: That was concise, thank you. Questions from members of the Board at this point?

JIM MONTEVERDE: No.

CONSTANTINE ALEXANDER: I'll open the matter up to public testimony. Anyone wishing to be heard on this
matter? No? We do have letters, as -- some of which have been delivered to us. I'm not going to read them, other than the conclusions. They are supportive of the relief being sought.

Yeah, I'm not going to read even the names. We do have a number of letters. There's no letters of opposition. The relief as indicated is rather modest in nature.

I think we're going to close public testimony.

Ready for a vote?

JIM MONTEVERDE: Yep.

JANET GREEN: Yep.

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

That a literal enforcement of the provisions of the ordinance would involve a substantial hardship, such hardship being that this is an older structure that at this point in time needs some modifications to be continued to be a building that's useable for and desirable for residential purposes.

So it's not just peculiar to you folks, it's to anyone who going forward would be occupying this building.
That the hardship is owing to the circumstances relating to the shape of the lot and the topography of the lot, and especially affects this structure. And that relief may be granted without substantial detriment to the public good, or nullifying or substantially derogating from the intent or purpose of the ordinance.

On the basis of all of these findings, the Chair moves that we grant the variance being sought on the condition that the work proceeds in accordance with plans prepared by New Bridge Architecture. I don't see a date here. I know it's from this variance. It's dated November 15, 2019. And the first page of which has been initialed by the Chair.

All those in favor, please say, "Aye."

THE BOARD: Aye.

[ All vote YES ]

CONSTANTINE ALEXANDER: Five in favor, variance granted. Good luck.

COLLECTIVE: Thank you.
(9:43 p.m.)

Sitting Members: Constantine Alexander, Brendan Sullivan, Jim Monteverde, Janet Green, Laura Wernick.

CONSTANTINE ALEXANDER: The Chair will now call Case Number 017230 -- 16 Norris Street. Anyone here wishing to be heard on this matter?

JAMES RAFFERTY: Good evening Mr. Chair.

CONSTANTINE ALEXANDER: Good evening.

JAMES RAFFERTY: Members of the Board, for the record James Rafferty appearing on behalf of the applicants. Seated to my left, Siobhan Reardon, S-i-o-b-h-a-n R-e-a-r-d-o-n. And to my left (sic)-- to my left is Mr. Reardon's brother, Robert Reardon.

This is an application to allow for the construction of some additions and dormers on a two-family house on Norris Street in North Cambridge. The Reardon siblings have recently acquired this home. It was the -- the home has been in the Reardon family for three generations now.

This was their grandparents' home. Their father
and his brother grew up in the home, and now both Robert
Reardon and Mrs. Reardon both work for the City of
Cambridge. Mrs. Reardon's a schoolteacher, Mr. Reardon's a
police officer.

   This represents an opportunity where they're each
going to be able to have an enviable asset. They're going
to have a dwelling unit in the City of Cambridge.

   They've hired the architectural firm of Peter
Quinn, and they've followed the dormer guidelines and come
up with a proposal to create additional living space on the
third floor. We have the architect present, who could walk
you through the plans if you wanted to -- need any
explanation.

   The numbers do tell the story. It's an addition
that represents a change of -- we're going from 3,200 square
feet to almost 3,500 square feet; slightly less than 300
square feet.

   There is also the enclosure of some rear porches,
that will also provide living space, but it's already
included in the square footage because they're covered
porches.

   The changes are consistent with updating
residential dwellings to today's standards, including a modern kitchen and bathrooms. So for that reason, we believe that the age of the structure and the conditions warrant the finding of a hardship, and the granting of a variance. Happy to answer any questions.

CONSTANTINE ALEXANDER: Questions from members of the Board? I'll open the matter up to public testimony. Anyone here wishing to be heard on this matter? Apparently not.

JAMES RAFFERTY: We have one neighbor; he does wish to be heard.

CONSTANTINE ALEXANDER: Did you wish to be heard?

YOUNG KIN: My name is Young Kin, Y-o-u-n-g Kim. I am the neighbor right across from the street, and I'm so glad that I came tonight, and to meet my new neighbor.

I love this Norris Street, because it's such a family-friendly neighborhood, and briefly talking with them, I'm glad that the street has moved down to the third generation, and I like the neighborhood to be kept within the family. And I am telling everybody that the only way I will be leaving my house is in a box.

COLLECTIVE: [Laughter]
YOUNG KIN: And I have already set up so that our property also pass down to our -- my next generation, and my third generation -- my grandson is already loving the house. So I understand the condition of the old houses, and the old houses needs to be built in order for that. So long as they maintain the character of the neighborhood, so long as they maintain the yard space in the back, with no existing trees removed, and also, they preserve the neighborhood and the west side is -- that they don't impact the sunlight on the back yard, if those conditions are considered and work together with our neighbor, and we'll make sure talking and make sure that we talk to the architect, which way it should, and there is no impact on the shadow conditions, I'm all for it. Thank you.

JAMES RAFFERTY: Thank you.

CONSTANTINE ALEXANDER: How old is the structure, by the way?

JAMES RAFFERTY: How old is it?

CONSTANTINE ALEXANDER: Yeah.

JAMES RAFFERTY: Built in the '20s?

COLLECTIVE: Yes

CONSTANTINE ALEXANDER: It's about 100 years?
COLLECTIVE: Yes.

CONSTANTINE ALEXANDER: Thank you. And what about the shadow?

JAMES RAFFERTY: Give your name for the record -- take a microphone -- give your name and spell it.

MILTON YU: My name is Milton Yu for Peter Quinn Architects, Davis Square, Somerville.

JAMES RAFFERTY: And could you address the shadow.

JANET GREEN: She didn't get it.

JAMES RAFFERTY: Spell it.

MILTON YU: Last name is Y-u. First name is Milton.

JAMES RAFFERTY: You're going to need the microphone. Can you address whether there will be any shadow impacts from the dormer?

MILTON YU: Sure. So this direction is actually north. So that actually the -- regarding when we were meeting back there, we were just talking about this right here. So if anything, the plants will be casting a desirable shadow on this portion, not the other way around.

JAMES RAFFERTY: So there's nothing on the addition that will increase the shadow on the abutter's
property?

MILTON YU: No, this is an existing garage.

JAMES RAFFERTY: Okay.

CONSTANTINE ALEXANDER: Feel free to come forward if you want, to see the plans. If you wanted him to repeat that, since you got here a little late?

MILTON YU: Oh, sure.

CONSTANTINE ALEXANDER: Why don't you just summarize what you just said?

MILTON YU: So in our discussion prior to the meeting, we were talking about a potential garden area in this section, which actually would shadow towards our property, not the other way around, because the south is this way.

JAMES RAFFERTY: So to say it another way, the building doesn't put shadow in the area in the abutter's rear yard?

MILTON YU: Right.

JAMES RAFFERTY: Okay. Thank you.


Anything else?
MILTON YU: No, thank you.

CONSTANTINE ALEXANDER: Questions? I'll open the matter up to the public. We already have some -- we obviously have people here who are interested in the project. Any comments you want to make, anyone wanted to make? Apparently not. So I will close public testimony. We do have one letter in the file from Cambridge Vice Mayor Alana Mallon --

JANET GREEN: Mallon.

CONSTANTINE ALEXANDER: -- Mallon, I'm sorry.

JANET GREEN: Yep.

CONSTANTINE ALEXANDER: I just drew a blank. "I am writing on behalf of --" I can never pronounce it, "Siobhan"?

COLLECTIVE: Siobhan.

CONSTANTINE ALEXANDER: I'm sorry, I'm not Irish.

"-- Siobhan Reardon and Bob Reardon, Junior, who have submitted a variance request to construct a two-story rear addition and a dormer on the left and right side, and a request to construct windows on a nonconforming wall at their home at 16 Norris Street.

"This variance request would allow them to do much
needed renovations and expand the living area slightly, without making any significant changes to the existing footprint.

"I have known the Reardon family for many years, as their family is one -- " and they go on " -- it's a nice tribute to the family." I'm not going to -- it's not necessarily relevant to the zoning issue, so I'm not going to read the whole thing. But I will summarize it as being very favorable. Anyway, she concludes:

"I support this variance request, as receiving the small variance and special permit would ensure two valuable public servants can continue to live in the community they serve." A very nice thought.

"I encourage the Board to grant this variance."

And that's all we have. Questions? Comments? Or take a vote?

COLLECTIVE: Ready.

CONSTANTINE ALEXANDER: Okay. The Chair moves -- yep, we have two votes to take. I just want to confirm the variance and the special permit. The special permit we haven't addressed at all, but it's the standard one that we receive about constructing windows on a nonconforming wall.
And no neighborhood has expressed -- the concern we would have here is that this nonconforming -- this window of the nonconforming wall could interfere with the privacy there, and we didn't receive anything that says that, so we have to assume that you have no neighborhood opposition to that. At least that's my assumption.

Okay, let me start with the variance. With regard to the variance, the Chair moves that we make the following findings:

That a literal enforcement of the provisions of the ordinance would involve a substantial hardship, such hardship being that this is an older structure in need of update, whether it's by you folks or someone else who will succeed your ownership, although it seems to me that it's going to stay in the family for a good while.

That the hardship is owing to the -- basically the shape and topography of the lot.

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

So on the basis of these findings, the Chair moves that we grant the variance requested on the condition that
the work proceeds in accordance with plans prepared by Peter Quinn Architects, dated -- the most recent date is December 3, 2019, and the first page of which has been initialed by the chair.

All those in favor, please say, "Aye."

THE BOARD: Aye.

[ All vote YES -- Brendan Sullivan, Jim Monteverde, Constantine Alexander, Andrea Hickey, Janet Green ]

CONSTANTINE ALEXANDER: Five in favor, the variance is granted. Turning to the special are the windows in the setback or the nonconforming wall. The Chair moves that we make the following findings with regard to the relief being sought:

That the requirements of the ordinance cannot be met unless we grant the special permit.

That traffic generated or patterns in access or egress resulting from these windows will not cause congestion, hazard, or substantial change in established neighborhood character, and that the window modifications are modest in nature, and therefore there is no substantial change in established neighborhood character.
And we have heard nothing about hazard, which might result to neighbors as a result of the window changes. That the continued operation of or development of adjacent uses, as permitted in the ordinance, will not be adversely affected by what you're proposing to do. And again, I would turn to the fact that the neighbors have not objected to what you want to do.

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

So on the basis of all these findings, the Chair moves that we grant the special permit being requested -- again, subject to the plans that I've identified with regard to the variance we just granted. All those in favor, please say, "Aye."

THE BOARD: Aye.

[ All vote YES -- Brendan Sullivan, Jim Monteverde, Constantine Alexander, Andrea Hickey, Janet ]
CONSTANTINE ALEXANDER: Five in favor, approved, good luck.

COLLECTIVE: Thank you.
(9:56 p.m.)

Sitting Members: Constantine Alexander, Brendan Sullivan, Jim Monteverde, Janet Green, Laura Wernick.

CONSTANTINE ALEXANDER: The Chair will call Case Number 017241 -- 170 Lexington Avenue. Anyone wishing to be heard on this matter? Good evening. Name -- as you probably know by now, name and address for the stenographer, please.

ELIZABETH CAHILL: Hi, my name is Elizabeth Cahill. I'm an architect at Albert, Righter and Titman Architects, and I'm here with the owners of 170 Lexington Ave, Robert and Lisa Hensey.

And we are here seeking zoning relief for an increase to the gross floor area of an already nonconforming building. And I have drawings here that I'm happy to walk you through if you like.

But basically what we'd like to do is taken down an existing rear open deck and small second-floor balcony and replace it with a two-level screened in porch.

And now the reasons why this is an important
project to the homeowners is twofold. For starters, the issue of disease-carrying insects is becoming more and more of a problem locally, and a screened-in porch will allow them a protected outdoor living space that is a little bit more friendly and useful than what they have now.

And second of all, you can -- it's a little small here, but on our plans, you'll see that the rear of the house where we're proposing to put this addition is the south, southwestern side of the house. And therefore it is the very hot side of the house in summer.

And so, they are currently heavily reliant on air-conditioning during those summer months to keep the house cool.

CONSTANTINE ALEXANDER: So you're saying that basically climate problems are -- first case we've heard where someone has asked for zoning relief because of climate change.

ELIZABETH CAHILL: Well, it is -- I mean, it is a reality that, you know, the sun just bakes this side of the house, and by creating a -- you know, protection in the form of screened porches, it will protect that side of the house, and will reduce the energy load required to run air
CONSTANTINE ALEXANDER: But to read the reasons, it sounds like you're building this -- this house is located in the tropics. I mean, the sun beating down and -- .

ELIZABETH CAHILL: Well, I, I, I -- it -- you know, it's not in the tropics, but --

CONSTANTINE ALEXANDER: I know that.

ELIZABETH CAHILL: -- but it's an old house that allows a lot of heat in. And this will help reduce that problem.

And a couple -- one more note on the design of this. The proposed new footprint of this screened-in porch is about the same as the existing footprint of the deck that's there now. So we're not significantly altering the open space on the property.

We also have several letters of support from --

CONSTANTINE ALEXANDER: Right.

ELIZABETH CAHILL: Many neighbors.

CONSTANTINE ALEXANDER: Yep.

ELIZABETH CAHILL: And we also -- there are -- you have those on file. There's also another note of support in the form of a text message from their rear abutter on Tozer
(phonetic) Road, which we decided would be a little peculiar
to, you know, print out a text message and send it along,
but we can show it if you'd like to see it.

JANET GREEN: People do it.

CONSTANTINE ALEXANDER: That's all right.

ELIZABETH CAHILL: Okay. Any questions?

CONSTANTINE ALEXANDER: My only observation is
you're adding a lot of square footage to the structure. Not
to say that's negative and I'm going to vote against it, but
I'm just struck by the fact that it's 400 square feet.

ELIZABETH CAHILL: It's -- yeah, a little less.

It's 386 square feet, so close to 400 feet.

CONSTANTINE ALEXANDER: Okay. Any questions from
members of the Board?

COLLECTIVE: No.

CONSTANTINE ALEXANDER: I'll open the matter up to
public testimony. Anyone here wish to be heard on this
matter? Apparently not. I'll close public testimony. As
you've indicated, we have a number of letters in our file,
in support of the relief, I'm not going to read them -- of
the relief being sought.

So with that, I'm going to close all public
testimony. Ready for a vote?

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

That a literal enforcement of the provisions of the ordinance would involve a substantial hardship, such hardship being that given the location -- the dimensional location of the structure on the site, the ability to use the back yard or the rear of the house is adversely affected by how the sun impacts the property, and therefore what is being proposed will make the structure more livable for whoever occupies it. It's not just you folks.

I say that because the hardship is not -- can't be just peculiar to yourself. It's got to be it runs with the land. And so, I think you've identified why it does run with the land, climate changing what it is.

That the hardship is owing to circumstances relating to the -- basically it's the shape of structure. It's where it's located now on the site, given the sunlight, requires something more than the deck that you've had there before, you do not have there now.

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

So on the basis of all these findings, the Chair moves that we grant the variance requested on the condition that the work proceeds in accordance with plans prepared by Albert, Righter, R-i-g-h-t-e-r Titman T-i-t-m-a-n-n, dated November, December 9, 2019, the first page of which has been initialed by the Chair.

I would just mention, because I don't think you've been before us before, that these are final plans. Because as you go forward, if you decide you want to modify them, you're going to have to come -- in any material way, you're going to have to come back before our Board.

ELIZABETH CAHILL: Yes.

CONSTANTINE ALEXANDER: So you're satisfied this is it?

ELIZABETH CAHILL: Yes. That is understood.

We've been through a pretty good design process with the homeowners on this, and I think you guys are --

CONSTANTINE ALEXANDER: Okay.

ELIZABETH CAHILL: -- happy with this. We have no plans to change it.
CONSTANTINE ALEXANDER: Okay. All those in favor of granting the variance on this basis, please say, "Aye."

THE BOARD: Aye.

[ All vote YES ]


COLLECTIVE: Thank you.
(10:04 p.m.)

Sitting Members: Constantine Alexander, Brendan Sullivan, Jim Monteverde, Janet Green, Laura Wernick.

CONSTANTINE ALEXANDER: The Chair will now call Case Number 017233 -- 23 Buckingham Street. Anyone here wishing to be heard on this matter? Busy night for you, Mr. Rafferty.

JAMES RAFFERTY: Yes. Volume business these days. Stick around a little longer, you know, not too long.

CONSTANTINE ALEXANDER: Name and address for the stenographer.

JAMES RAFFERTY: Good evening Mr. Chair. For the record, James Rafferty appearing on behalf of the applicant, Christopher Kimball. Mr. Kimball is the homeowner. He's actually now present this evening.

CONSTANTINE ALEXANDER: Oh.

JAMES RAFFERTY: So -- but I venture to guess some of you know Mr. Kimball?

CONSTANTINE ALEXANDER: Sorry, I don't.

JANET GREEN: Know of.
JAMES RAFFERTY: Know of Mr. Kimball, if you follow baking and cooking and things like that.

CONSTANTINE ALEXANDER: I do, but that doesn't mean anything to me.

JAMES RAFFERTY: I think he's on television.

JANET GREEN: He is on television.

BOARD MEMBER: He's everywhere.

JAMES RAFFERTY: You probably don't have a TV, but he's --

CONSTANTINE ALEXANDER: Too busy attending zoning hearings.

JANET GREEN: San Miguel, San Miguel.

CONSTANTINE ALEXANDER: We should have brought some baked goods in.

JAMES RAFFERTY: he didn't want to compromise your integrity.

CONSTANTINE ALEXANDER: [Laughter].

JANET GREEN: Not possible.

JAMES RAFFERTY: They have some very nice things neighbors wrote about him, but I explained you don't pay attention to those things anyway, so we left those out. What we have here is a simple case of -- and this is Dave
Ricci, R-i-c-c-i. Mr. Ricci's the contractor, I apologize.

Paul Worthington is the architect.

This is a single-family home on Buckingham Street, well below the allotted FAR. It has had a shed in the rear for decades. It was deteriorating.

Mr. Ricci and his crew renovated or replaced the shed on this very same footprint, but they neglected to get a building permit to do so, and they were advised by Inspectional Services that that constituted a zoning violation.

So candidly, the shed has been rebuilt. It is on the same footprint as the old shed. The pitch to the roof has been modified to match what the pitch was before. So it meets the -- it meets this --

CONSTANTINE ALEXANDER: I thought I saw something that said it had been changed?

JAMES RAFFERTY: Well, it had been changed.

PAUL WORTHINGTON: Yes.

CONSTANTINE ALEXANDER: Oh.

JAMES RAFFERTY: Because when it was originally constructed, the snow and rain got on it.

PAUL WORTHINGTON: The shingles were rotted. So,
you know, so we made it steeper. When it bothered in April,
we immediately corrected it.

    JAMES RAFFERTY: So the idea was the 15-foot
height of the accessory structure, I don't think it exceeded
the 15 feet, but a neighbor raised an objection. It had a
higher profile above the fence. So the thinking was
replicate exactly what was there. So the roof was
reconstructed to the same pitch as previously.

    So the prior shed was just shy of the five-foot
minimum requirements by a few inches on both sides. This is
on the very same footprint.

    So the relief is related to the setbacks needed
for accessory structures, but it's a very modest increase,
and it merely is a return of a longstanding condition on the
shed.

    So had they been a little more meticulous in
renovate get shed, they wouldn't have had. But the easiest
thing to do was take it down and start over, in which the
variance relief was needed.

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

    COLLECTIVE: No.
CONSTANTINE ALEXANDER: I'll open the matter up to public testimony. Anyone here wishing to be heard on this matter? Apparently not we have. We do have a letter from an abutter, or a neighbor — Victoria and Matt Sutton, S-u-t-t-o-n, 54 Buckingham Street.

"We are writing to provide our support for this special permit application." I don't think it's a special permit --

JAMES RAFFERTY: No, it's not.

PAUL WORTHINGTON: No, it's a variance.

CONSTANTINE ALEXANDER: "-- that you are now considering for the property at 23 Buckingham Street. This permit will allow Chris Kimball and Melissa Baldino to build a shed on their property.

Melissa has discussed the renovation plans with us, and as immediate neighbors of the Baldino-Kimbals, we are able to see the shed in question, from the windows of our home. We feel the planned renovation for the shed to be attractive, and a further improvement on the already aesthetically appealing property.

"We have no concerns or issues with their plans.

We fully support this project, and ask that you approve
their application for a variance. -- now they've got it, 'variance;' right -- for a variance to build a shed as designed."

And that's it.

PAUL WORTHINGTON: We have a couple more letters.

CONSTANTINE ALEXANDER: Ready for a vote?

JAMES RAFFERTY: There might be another letter.

CONSTANTINE ALEXANDER: Save it. Save it for your scrapbook.

PAUL WORTHINGTON: I have a few more.

JAMES RAFFERTY: They might do an addition later.

CONSTANTINE ALEXANDER: No, I appreciate it. I don't want to make light of it. It's good that you talk to your neighbors, and we pay attention to that, for the pro and con.

PAUL WORTHINGTON: Yeah, right.

CONSTANTINE ALEXANDER: Whether the letters are good or bad, we pay attention. All right. Ready for a vote. The Chair moves that we make the following findings with regard to the variance being sought:

That a literal enforcement of the provisions of the ordinance would involve a substantial hardship, such
hardship being as that the shed that was there before is in need of replacement, and this affects the ability to just enjoy the property, and it would apply to whoever owns the property, not just current owners.

The hardship is owing to the -- basically the location of the structure, or the shed on the lot.

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

So on the basis of all these findings, the Chair moves that we approve variance request on the condition -- and this has already been satisfied -- on the condition that the work proceed or conforms to the plans that are in the files, and which are -- they're handwritten plans, and which has been initialed by the Chair. All those in favor, please say, "Aye."

THE BOARD: Aye.

[ All vote YES ]

CONSTANTINE ALEXANDER: Five in favor, good luck.

COLLECTIVE: Thank you, appreciate it.
(10:11 p.m.)

Sitting Members: Constantine Alexander, Brendan Sullivan, Jim Monteverde, Janet Green, Laura Wernick.

CONSTANTINE ALEXANDER: The Chair will now call Case Number 017235 -- 315 Columbia Street. Okay. This is an unusual case. Well, it's unusual for you.

We're not going to get to the merits of it, necessarily, because you, I think you know from the Building Department, because you were granted a special permit for the parking, you moved it -- you moved the project, and you're relocating the parking.

There's a provision in our ordinance about repetitive petitions. We turned you down for the special permit -- now I'm getting it.

JAMES STEINHILBER: But that's incorrect. We were --

THE REPORTER: Could you give your name and address, please?

JAMES STEINHILBER: Sure. James Steinhilber, S-t-e-i-n-h-i-l-b-e-r. We were denied the variance last time.
The special permit was never voted upon.

CONSTANTINE ALEXANDER: Okay. But you were denied a variance, and you're coming back seeking it, with new plans seeking a variance? A different variance?

JAMES STEINHILBER: Yes. The variance we were seeking is to modify the approved rebuild. The rebuild that was approved in November I believe just entered a couple weeks ago.

CONSTANTINE ALEXANDER: The problem was -- the way our zoning ordinance works in Section 1050, "no appeal, application or petition which has been favorably acted upon by the Board of Appeals shall be acted favorably upon within two years of the date of the unfavorable action.

So you're coming, the variance you wanted to get before --

JAMES STEINHILBER: If I may again?

CONSTANTINE ALEXANDER: Yeah, go ahead.

JAMES STEINHILBER: We applied last time for a variance and a special permit.

CONSTANTINE ALEXANDER: Yeah.

JAMES STEINHILBER: The variance was denied. The special permit was never voted upon, and thus there has not
been any unfavorable --

CONSTANTINE ALEXANDER: I understood, I understood that.

LINDSAY LOCKS: And our new application is not for a variance.

JAMES STEINHILBER: Exactly.

THE REPORTER: Could you state your name?

LINDSAY LOCKS: It's to adjust --

THE REPORTER: Could you give your name, please?

LINDSAY LOCKS: Oh, sorry. Lindsay locks. Last name L-o-c-k-s. We had to site the -- it's a variance because our original approved proposal from November was a variance.

CONSTANTINE ALEXANDER: Right.

LINDSAY LOCKS: But we're actually not asking for a new variance today. The only request is for the special permit.

JAMES STEINHILBER: Yes, the two things we're asking today are a variance on a favorably acted upon decision and a special permit that has not yet been voted upon.

CONSTANTINE ALEXANDER: I thought we did -- my
recolletion was we -- you withdrew, you withdrew the basis
of the special permit.

JAMES STEINHILBER: We would argue that, the exact
transmission.

CONSTANTINE ALEXANDER: That's to decide the
rejection you withdrew is treated as a rejection of your
special permit. That's what the building Department, at
least the position of Building Department.

And if that's the case under our ordinance, it's
not fatal, but you've got to get a vote for us to consider
this special permit, which we didn't grant, and then you've
got to go to the Planning Board and get a vote from them.

I'm reading it, 1050 -- all but one of the members
of the Planning Board must consent to what you want. Then
you come back to us, and we actually get to the merits. We
can't do it right now. That's the problem, unfortunately.

JAMES STEINHILBER: Respectfully, I would
disagree. The plain language is that it's unfavorably acted
upon, but thank you, yes.

CONSTANTINE ALEXANDER: The withdrawal is
considered to be a favorable action.

JAMES STEINHILBER: If it's not voted upon, the --
if it's defeated in the variance, the special permit was never addressed, it's your position that it is withdrawn?

Okay. Understood.

CONSTANTINE ALEXANDER: So the Chair moves that we -- well, let me make sure we get the right word -- that there are specific and material changes in the conditions upon which the previous unfavorable action was based. And because of the relocation of the parking and modifications of the structure.

So on the basis of that, the Chair moves that we grant -- we agree with that position, and that you are now satisfying the requirements of 1051, but that requires you next to go to the Planning Board or get their approval there, and then come back for a hearing.

LINDSAY LOCKS: So and in abundance of caution --

CONSTANTINE ALEXANDER: Yeah.

LINDSAY LOCKS: -- we are scheduled for the Planning Board to come up tentatively based on what happened today --

CONSTANTINE ALEXANDER: Right.

LINDSAY LOCKS: -- for February 11. And so, we request to be continued as sort of as soon as possible --
CONSTANTINE ALEXANDER: No, I think actually we're going to --

LINDSAY LOCKS: -- not continued to --

CONSTANTINE ALEXANDER: -- file a motion --

LINDSAY LOCKS: -- vote on the --

CONSTANTINE ALEXANDER: Yes.

LINDSAY LOCKS: -- actual proposal.

CONSTANTINE ALEXANDER: You have to file; you have to do a new advertisement.

JAMES STEINHILBER: Understood.

CONSTANTINE ALEXANDER: Okay. Okay. So I don't know how quickly you can get all that done. I know you want to get the project going. We don't have a problem.

JANET GREEN: You've got the project going.

CONSTANTINE ALEXANDER: What? Sisia, do you have an idea how long if they filed an application, how long would it take to get through the advertisement process?

SISIA DAGLIAN: With us?

CONSTANTINE ALEXANDER: Yeah.

SISIA DAGLIAN: You mean, how far out are we scheduling?

CONSTANTINE ALEXANDER: Yeah. How -- if we wanted
to schedule another hearing on this case?

SISIA DAGLIAN: I'd have to ask Maria.

CONSTANTINE ALEXANDER: Okay.

SISIA DAGLIAN: Probably, like, the eleventh, I would guess.

LINDSAY LOCKS: So we -- I actually met with Ranjit like three times for this. He didn't seem to think it would be an issue for us to come back on the thirteenth, the next zoning hearing. That was sort of -- because I know that he had a whole long conversation with Jeff Roberts from Planning. We sort of went through this back and forth, about whether Planning would vote first.

But I guess I'm a bit confused about we have to read -- be we're not changing the plan, we just have to readvertise the date of the next hearing, correct?

CONSTANTINE ALEXANDER: That's right.

LINDSAY LOCKS: Okay.

ANDREA HICKEY: So the application stands as is?

CONSTANTINE ALEXANDER: Yes, we --

ANDREA HICKEY: There doesn't have to be a new application?

SISIA DAGLIAN: So you're asking for a continuance
of a case not heard? It's a continuance?

ANDREA HICKEY: I'm not sure that's what we're doing.

CONSTANTINE ALEXANDER: It's not a continuance. It's a new -- it's a new petition. It can be the very same material as they used in this one. I mean, you don't have to do anything new, but you have to advertise it as --

readvertise it.

ANDREA HICKEY: So it doesn't have to be a new case? It doesn't have to be a new application?

CONSTANTINE ALEXANDER: I think it does. Let's see, hold on.

ANDREA HICKEY: But then, do they have to pay again?

CONSTANTINE ALEXANDER: Let me just think for a second.

JAMES STEINHILBER: Thank you for thinking about it.

LINDSAY LOCKS: Yeah.

JAMES STEINHILBER: It's very -- quite expensive.

JANET GREEN: It is expensive.

CONSTANTINE ALEXANDER: I know, I know. No, we
I think we can continue it too, without a new advertisement.

JAMES STEINHILBER: Without it need to be the same Board members?

CONSTANTINE ALEXANDER: No.

JANET GREEN: Excuse me -- I think you meant without a new application, not without a new advertisement.

CONSTANTINE ALEXANDER: That's right.

JANET GREEN: You said advertisement.

CONSTANTINE ALEXANDER: Without a new application, and therefore there would be no need of a new advertisement.

ANDREA HICKEY: Oh, you don't?

JUDY GREEN: You just need to change the date.

ANDREA HICKEY: The date. Okay.

JANET GREEN: You just need to change the date and the time.

ANDREA HICKEY: On the sign.

JANET GREEN: On the existing sign.

ANDREA HICKEY: Okay.

JAMES STEINHILBER: So we will amend the existing notice --

JANET GREEN: Yes.
JAMES STEINHILBER: -- to reflect the new dates and schedule for the next available.

ANDREA HICKEY: So can we get that date?

SISIA DAGLIAN: Yeah, we have one continued case on the thirteenth.

ANDREA HICKEY: Phew. All right.

CONSTANTINE ALEXANDER: Okay. So we'll continued this case as if this was -- right now it's a case not heard, and therefore you have no requirement of the same --

ANDREA HICKEY: Same --

CONSTANTINE ALEXANDER: -- five being before you, until 7:00 p.m. on -- what was the date again, I'm sorry?

JAMES STEINHILBER: Thirteenth.


CONSTANTINE ALEXANDER: Okay. Subject to the following conditions:

That you sign a waiver of time for decision. Sisia has that.

That the posting sign be modified to reflect the new date and the new time, and maintain for the 14 days, again 7:00 p.m. on the February date, and continued for the 14 days prior to the hearing. And to the extent that you
decide you want to modify what you -- whenever you're ready
to filed, they have to make -- both modifications and
dimensional form must be in our files no later than 5:00 p.m. on the Monday before the Board date.

All those in favor, please say, "Aye."

THE BOARD: Aye.

[ All vote YES ]

CONSTANTINE ALEXANDER: Five in favor, we'll see you in February.

COLLECTIVE: Thank you very much.

[ 10:19 p.m. End of proceedings.]
CERTIFICATE

Commonwealth of Massachusetts
Middlesex, ss.

I, Catherine Burns, Notary Public in and for the Commonwealth of Massachusetts, do hereby certify that the above transcript is a true record, to the best of my ability, of the proceedings.

I further certify that I am neither related to nor employed by any of the parties in or counsel to this action, nor am I financially interested in the outcome of this action.

In witness whereof, I have hereunto set my hand this _______ day of _________, 2020.

Notary Public

My commission expires:

August 6, 2020