BOARD OF ZONING APPEAL
FOR THE
CITY OF CAMBRIDGE

GENERAL HEARING

THURSDAY, JANUARY 09, 2020
7:00 p.m.
In
Senior Center
806 Massachusetts Avenue
First Floor
Cambridge, Massachusetts 02139

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

City Employees
Sisia Daglian, Assistant Building Commissioner
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(7:00 p.m.)

Sitting Members: Brendan Sullivan, Andrea A. Hickey,
Jim Monteverde, Laura Wernick, and Slater W. Anderson

BRENDAN SULLIVAN: Let me open up the meeting of
the Board of Zoning Appeals for Thursday, January 9, 2020.
I'd like to make a couple of statements first.

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.

Let me inform everybody that there are two
recordings are being made, one by the stenographer and
helping her to prepare minutes of the meeting, and one by a
second is by a citizen of the city.
The second statement is if anybody is going to
speak, we ask that you speak clearly, that you give us your
name, clearly spell your last name for the record, it makes
it much more easier, less difficult for the stenographer to
make an accurate minutes of the meeting. Thank you. Mr.
Wiggins?

MICHAEL WIGGINS: Good evening, Mr. Chairman.

It's Michael Wiggins from the Law Firm of Weston and
Patrick, and I'm here tonight with my clients, Brent
Reynolds -- R-e-y-n-o-l-d-s and Sarah Kelley, that's K-e-l-
l-e-y, and the architect Claudia Noury-Ello, which is N-o-u-
r-e-l-l-o (sic).

And what we're here tonight for is to obtain a special
permit. One or more of you may have been here earlier when
we started out with a variance back in the fall.

But we've discovered since then that the Supreme
Court case, the Velazco case in Brookline authorizes a
special permit to extend existing, nonconforming. In other
words, the 25 percent rule has been sort of superseded by
that statute, or that interpretation of Chapter 40A, Section
6.

So what we're looking for tonight is to extend the
addition -- a very small addition in the scheme of things --
to the existing dwelling, which will remain within the
nonconforming lines. When I say, "small" it remains after
the addition at only 36 percent of FAR.

And it's a two-story addition, deliberately reduced in
ceiling height, and also, without a peaked roof, in order to
lessen the profile, both in the neighborhood and for the
abutting house directly in front of it, to protect the
sunlight to the extent possible.

I'd like to just walk through briefly the lines of
this subdivision, because there has been an objection raised
that we don't have the right setbacks. So let me just start
here by showing you the line of the lots.

This my client's lot, which comes up at Washington
Avenue, comes about 80 -- 73 plus 80 is about 81 feet back
to the front door. And then it goes in both directions this
way.

It goes all the way over to the far side of what
you see on here is a driveway. And this was a subdivision
that was created back in 1940. The abutter to the rear was
also the abutter to that subdivision. There was a larger
lot here.
And this -- at the front this shows the existing conditions, the house that's here now -- that rather large decks that were projected at the sideline, because they're too high.

And this was the -- or, this is the retaining walls and the walls in the back. So it -- what is being proposed is an addition that's set -- as you can see, it stays within the setbacks. It was about a couple of feet too close to the rear line. This stays within that.

And the same thing here -- too close to the front, but stays set back from it, so that -- and then you can see that we stayed 20 feet back from the lot line.

So our lot goes all the way over to next to 101 Washington, and then comes here along the 101 Washington at the rear.

So there's been an objection raised, and the objection is, "Well, you're on a street here. Therefore, you have to be 20 feet back from the street."

And this raises a debate. And you have to go to the ordinance I think, to look at what a street is defined as. It's either a public way, or a private way open to the public. Those words are really important. Because when
this subdivision was set up, these lots were set up so that 89 Washington, for example, would go all the way across.

And if there had been an interpretation back then that it had to be set back 20 feet from the lot line, and this were determined to be the lot line, you could not build on that lot. And of course, they did build on that lot. There's no record of a variance being necessary.

So the subdivision created these lots, and provided right of way for the rear. And interestingly enough, the rear owner had to get special permission when they wanted to develop their lot. They needed a variance from the rear yard setback -- this is 1940 -- and I have a copy that I would like to present to you of that variance.

You'll notice if you scroll down through that, they were required to obtain a right of way as a condition of being able to build back here. Now, that right of way had to be over someone else's land at the time. It certainly was not open to the public. It was there for the sole use of the owner back here at 91 Washington, and that's the way it's been until now.

And if you observe what is there, there's another road that's 20 feet wide. It's a pretty narrow road. And
it admits one vehicle coming up, then parking and then backing out. But that's been that way all the time. It's not available to the public.

In fact, there is no garbage collection. It's sort of -- everybody has to bring their garbage down to the street, Washington Avenue. There is no snow shoveling. You won't find out here what you'll find at other places in Cambridge, where there's private ways. There'll be a sign there. "Private Way" could be "Reynold's Way," "Hoffman Way," whatever. There's nothing there. You just go out the driveway.

And --

BRENDAN SULLIVAN: Who maintains that?

MICHAEL WIGGINS: The abutters. In other words, when they have to shovel snow, they have to hire a private contractor.

I think it's important to distinguish the way this lot played out. And if you look at the deeds for these properties, the deeds do not say, "bounded by a private way." They just say, "Here's my lot, this way," and "Here's my lot this way." There's no mention in those deeds of any public way, or bounded on a way.
Now, some -- if you go around Cambridge and look at private ways, you'll see a cul-de-sac with properties on both sides.

But if you look at their lot descriptions, they say, "bounded by a private way." And some of them, even the lot description would -- if this were the case, if this were the lot description -- would just recite this distance. So right here, "bounded by a private way" wouldn't recite the distance all the way across.

So this is really a semi-generous subdivision if you will. And in no way, shape or form can it be considered a street. So our position here has been that we comply pretty much with everything here, all the requirements.

And I'd like to just put that aside for a second and go on to the standards for a special permit, because there is -- there are several things we have to show. We have to prove to you there's no public detriment from this addition.

And with respect to that, I would address traffic first, by telling you that there will be zero impact on traffic in the neighborhood, since there's no additional bars.
It's the same family here that's always been, they have one car. The property to the rear has one car that comes up and down the road. So no adverse effect on Washington Avenue. It's the same as it always has been, with zero effect there.

The second thing we need to satisfy you with is we're not adversely impacting the character of the neighborhood. And in that regard, I would note that in your record, you have the unanimous ruling of the Avon Hill Conservation District Commission, finding this appropriate.

In fact, a specific finding that I quote from this is -- "We found that this addition is not incongruous to the historical aspects or architectural character of the neighborhood."

And they went on to say that it's minimally visible from a public street, and there's a reason for that. This addition is directly behind the property at 89 Washington Avenue, and someone coming up and down the street -- you have this house here, this house here.

And then if you really look hard and looked around the court, you could see -- you could notice that something is existing, back or it has been built back there. But it's
minimally visible.

I'd also go back to the fact that this is a minimal addition, given that my client's architect has been very conscious about keeping the height as low as possible, so as not to adversely impact the folks at 89 Washington Street.

With respect to whether the adjacent uses are affected at all, if you look first at 91 Washington Avenue, which is to the rear, I'd like to hand you first of all a picture -- this is on the assessor's panel. Do you have an enlarged picture there?

This is the assessor's map, the assessor's photo of 91 Washington at the end of the road. And as you can see from looking at this, what you're looking at is sort of the end of the house; is the door there. There's maybe -- there's a window over the carport, and then there are a couple of side windows off to the left.

The principle orientation of the building at 91 Washington Street is not in the direction of my client's property. It is oriented to the east, into a garden, and after the -- excuse me, I'm just going to pull up another picture here.
After the leaves finally came off the eaves, which seems to be getting later and later now, this is a picture I'd like to show you of the back yard of the neighbor's property, which is oriented toward the east. And as you can see, this house was built to look towards the east. It's basically stem to stern windows, looking in that direction.

That does not look at my client's property, except maybe the yard at the far end of my client's property, which is now going to be -- the decks are going to be a relief.

So if anything, the view, the major view in my client's direction, will be improved by this. So I think that's an important thing to note.

There's also a question about whether the views from the neighbor at 101 Washington Street would be affected, and what I'd like to show you here, and put it in the record, is a copy looking toward that neighbor, from the area where the addition will be. And you can see that they're pretty much well screened now, already.

But notwithstanding that, we've gone to some extra lengths to actually had a landscape design prepared by a landscape architect. Would you just pick that up?

BRENDAN SULLIVAN: This is a plan in which the
addition is shown. And this is where the carport's going to be here. We have applied for the setback as required under special permit. There is an existing sort of trunk of a tree on our property, which has no branches anymore, it's basically a dead tree with vines on it. It will have to be replaced, but we're certainly willing to put robust plantings here.

This is a -- this is the sample planting of an Armstrong tree, which is a fast-growing oak tree -- I'm sorry maple tree, which the architect thought would dovetail with the Japanese maples that are already there.

And over on this side, there's existing bushes, that separate the property from 101. And the proposal is that we would add more bushes if the neighborhood wants that. They can grow up to eight or 10 feet high, depending on what species would be desired.

So I think that's my way of explaining that my clients are -- do want to mitigate as much as possible, and that I think that the interference with the adjacent uses is minimal.

So I think that's about -- in sum, what we're looking to do. We're certainly willing to meet with the
neighbors and work out something with the Board, if you think that any further landscaping is due.

I know that there is some disagreement with the appearance of the addition, but I respectfully submit that that's an aesthetical concern, and really should not be something that the Board should be focusing on in deciding whether or not to permit the special permit.

BRENDAN SULLIVAN: Have you met with the neighbors at all?

MICHAEL WIGGINS: I have talked with their counsel, and I did submit to -- you know, this landscape plan a couple of days ago, but I understand we haven't gotten a specific respond about this plan at this point. I think we have a very strong disagreement about the setback.

BRENDAN SULLIVAN: Well, I was going to say it's more than just plantings, then, is where there was a disagreement. Is that --

MICHAEL WIGGINS: Right. I mean, I know the people have asked, "Can you build something else?" And we've gone to great lengths in designing it.

BRENDAN SULLIVAN: And the purpose of the addition?
MICHAEL WIGGINS: The purpose of the addition is simply to afford more living space to this family. My clients have two small children, and they're sort of cheek to jowl in the existing house, which is only about 1,000 square feet.

BRENDAN SULLIVAN: Okay.

MICHAEL WIGGINS: As I said earlier, they could conceivably add another, you know, another story on top of the addition, because they're only using 36 percent of their yard. But they’ve consciously decided to reduce it to just do what they need.

BRENDAN SULLIVAN: Okay. And the only reason you're here is because it's a nonconforming structure, and you're adding to a nonconforming structure?

MICHAEL WIGGINS: That's correct.

BRENDAN SULLIVAN: Okay. Okay. End of presentation, initial?

MICHAEL WIGGINS: Yes.

BRENDAN SULLIVAN: Okay, any --

MICHAEL WIGGINS: Certainly, we can answer any questions.

BRENDAN SULLIVAN: Yeah, any questions by the
JIM MONTEVERDE: Two quick ones. Last time we were here, there was a question -- and maybe different circumstances, but there was a parking space against the fence, and if I'm reading this survey drawing correctly, there's a five-foot dimension that used to be the -- right, it is an eight-and-a-half-foot dimension, which is the parking slot, correct?

THE REPORTER: I'm sorry, could you just state your name?

BRENDAN SULLIVAN: If you could identify yourself for us. Spell your last name.

CLAUDIA NOURY-ELLO: Claudia Noury-Ello, spelled "N-o-u-r-y hyphen e-l-l-o", the architect. So since the last hearing, we did --

JIM MONTEVERDE: So you took care of -- that's --

CLAUDIA NOURY-ELLO: We took care of it, and that's --

JIM MONTEVERDE: You took care of it?

CLAUDIA NOURY-ELLO: And that's what's accurately represented there, is the --

JIM MONTEVERDE: That's good, thank you. And then
just one question, and I'm positive I had the same question before. If you go back to the survey drawing, the copy I have has a red line that kind of clips through the edge of the house and runs through, and it's not identified as to what is it? What is it defining?

CLAUDIA NOURY-ELLO: Buildable area, where the -- so you can see the buildable area is that dotted line saying, "If I go by all the compliance setbacks, that's where you can build." And so, that shows the existing, nonconforming at the rear.

JIM MONTEVERDE: And then it shows the proposed addition being outside of that --

CLAUDIA NOURY-ELLO: Correct.

JIM MONTEVERDE: -- buildable area?

CLAUDIA NOURY-ELLO: Correct. Do I need the microphone?

JIM MONTEVERDE: Yeah, please.

CLAUDIA NOURY-ELLO: I had problems last time, much better. So see how this data line is -- so this is showing what the nonconformity is. And then this is showing that it also remains nonconforming. We're requesting to continue a nondeformity, but it's less and less than the
JIM MONTEVERDE: And that buildable zone, that buildable line, is that based on a side setback and a back setback?

CLAUDIA NOURY-ELLO: Yes, yep.

JIM MONTEVERDE: Okay. And -- simple question, but --

CLAUDIA NOURY-ELLO: Let me know if I'm not answering you correctly.

JIM MONTEVERDE: No, no, you did. I got it. And in your design of the proposed addition, was there no way to set that addition, so that it would be within that buildable line and not transgress beyond it?

CLAUDIA NOURY-ELLO: Believe me, we beat it down to try to get within that setback after the last hearing. But in my professional opinion, for the amount of money that it cost to construct today, it wasn't worth the effort to pull back so much the sacrifice in that.

JIM MONTEVERDE: Were there plans that were part of the submittal, that basically indicate that?

CLAUDIA NOURY-ELLO: I mean, I have the architectural plans that we brought last time, is that what
you're asking?

JIM MONTEVERDE: Yeah, I'm asking if it was part of the submittal. Was it part of what was filed?

CLAUDIA NOURY-ELLO: Yes.

JIM MONTEVERDE: It was?

CLAUDIA NOURY-ELLO: Yes.

JIM MONTEVERDE: Thank you.

ANDREA HICKEY: I just had a couple of questions. Can you go back to the plan under the landscape plan? Thank you. So 91 Washington, shown on the left, is their only frontage the front of that right of way on Washington?

CLAUDIA NOURY-ELLO: Yes. That's in this depiction.

MICHAEL WIGGINS: 2 Washington Avenue, yes.

ANDREA HICKEY: Right.

MICHAEL WIGGINS: They have -- they abut the other properties to the rear of the setback.

ANDREA HICKEY: Right. So that 91 Washington has no other access to a public way, except by the 20-foot right of way.

MICHAEL WIGGINS: Right. Over the front property.

ANDREA HICKEY: Thank you.
BRENDAN SULLIVAN: Any questions?

ANDREA HICKEY: No.

BRENDAN SULLIVAN: Let me open it to public comment. Again, I would ask that you clearly speak and give your name, spell your last name for the stenographer. Mr. Page, if you would?

SHIPPEN PAGE: Mr. Chairman, if I could I'd like --

JIM MONTEVERDE: You need one of these.

SHIPPEN PAGE: -- Dr. Borofsky to go first.

BRENDAN SULLIVAN: Sure, absolutely. You'll have to speak right into the mic

RICHARD BOROFSKY: Right, okay. My name is Richard Borofsky. My name is spelled B-o-r-o-f-s-k-y. I've lived at 86 Washington Avenue for 40 years, along with my wife, raised two children there. I have never opposed a special permit or a variance for anybody in the neighborhood -- may have been others applied in the immediate vicinity. And I would really like Brent and Sarah to have what they want, which is the ability to stay in there, and to raise their two children.

After the first meeting in October, I reached out
to them and talked with Sarah for maybe an hour. And I suggested a number of changes, except I was the one who suggested rather than apply for a variance that they apply for a special permit.

And I also suggested that they consider other options such as a third story or a building to the other side, which would be -- I guess the -- and actually Consuelo Isaacson is here, who is the neighbor on that side -- had said she would be happy to have them build on that side of the house. It would not create any of the difficulties that are going to be experienced by the Hoffmans who live at 91.

So my objections are first of all about the design. And I understand you just said that it's not a matter of the aesthetics. And I understand that's not what you are dealing with.

But I do want to make a comment, which is that the Avon Hill Neighborhood Conservation District meeting was attended by only four people. None of the abutting neighbors -- the reason is the meeting was held when many of us who were away, I was away, and then several of the other members were away at that time, so --

And the only people who were at the meeting, who
were voting, were people who lived further away in this.
The chairman of the Architectural Commission, Constantin Von Wentzel, lives right next door at 101. He recused himself because -- well, for obvious reasons.

But he did express, and it's on the record, of that meeting, that he strongly disapproved of --

BRENDAN SULLIVAN: Strongly?

MR. BOROFSKY: Disapproved.

BRENDAN SULLIVAN: Disapproved, okay.

MR. BOROFSKY: Yeah. His comments are on the record of that meeting in September. And all of us who have learned about the design after that meeting, who did not have a chance to vote, are strenuously opposed to it.

We all feel that it is -- there are 14 letters actually that have been submitted to the Zoning Board, expressing our disapproval of the design. And it is in our estimation grossly incongruous.

My second objection is that the addition is not, as Attorney Wiggins just said, a small addition. It is a 70 percent increase in footprint, as I understand it. And that is not small. It will be oversized for the lot. Those four houses that were there were built -- it was a subdivision --
built upon a site that would have one house, which is identical to the house that Consuelo and John Isaacson live on.

In those houses, there have never been a family with children, because they're too small. There's only been couples that live there. And so, I couldn't understand why Sarah and John Brent want to increase this. They have a family.

Just, they are good neighbors and good people, and I would love to have them stay. But the oversizedness of the design -- and one other thing I'll mention -- I think are -- may have -- vote my opposition and imposition of the people that have written letters.

As I said, I reached out to them and tried to stop this, but they have not reached out or reached back to me or to any of the neighbors to talk about this, except the immediate neighbors, who are their friends, at 89, I believe.

THE REPORTER: Could you speak up? I'm sorry.

SHIPPEN PAGE: You're having trouble? I'm sorry. I have a hearing loss and I sound like I'm shouting normally. So they're not reaching out to me, communicating
that they were indifferent to our concerns. And I think that has strengthened our opposition.

Once they do, after the October meeting -- we were opposed -- I really thought that they would come to us and ask, "why are you opposed?" I reached out to them, and we talked. Even then, after, they did not show us the design or any changes, except these minimal changes.

BRENDAN SULLIVAN: Great, thank you. I would have just one question, Mr. Borofsky. You knew that the Avon Hill was going to meet, even though you were out of town, or the neighbors were -- mostly, the neighbors were out of town?

MR. BOROFSKY: Yes.

BRENDAN SULLIVAN: Was that -- was your sentiment ever conveyed to them by e-mail or letter at all?

MR. BOROFSKY: Actually, I didn't. Because I was away, I actually did not get the letter in time.

BRENDAN SULLIVAN: Okay, all right. Well, that answers that, then, okay.

MR. BOROFSKY: Yeah.

BRENDAN SULLIVAN: Okay. All right, thank you.

Anybody else like to speak?
CONSUELO ISAACSON: Hi. Can you hear me??

BRENDAN SULLIVAN: Mm-hm.


THE REPORTER: Can you spell your name, please?

CONSUELO ISAACSON: Oh, Consuelo - C-o-n-s-u-e-l-o Isaacson, I-s-a-a-c-s-o-n. I wish we had been around when the first notice came for the architectural commission hearing. I also wish that we had heard about this project, this construction project -- before the meeting, because we would have driven from the beach to come to Cambridge to attend the meeting.

My objection is that the design doesn't look anything like our neighbor. We live in a historical neighborhood. We love it, we respect it, and if you put a picture of the addition next to any of the houses on Washington Avenue, it doesn't fit.

And my objections are those two; one is that we were not consulted, we were not visited -- we were right next door, and we're abutters.

And that frankly, the design does not fit at all
with the Victorian neighborhood that we all respect and love.

BRENDAN SULLIVAN: Okay.

CONSUELO ISAACSON: And that's all I have to say. Thank you.

BRENDAN SULLIVAN: Thank you. Anybody else wish to speak? If you could pass the baton to --

DOUGLAS HANNA: Oh, thank you.

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

DOUGLAS HANNA: Yeah. Douglas Hanna, H-a-n-n-a, and that's 89 Washington Ave. So, I am Douglas Hanna, and me and my wife, Carol Simone, live at 89 Washington Avenue, right in front of Brent and Sarah's house. And, as you've been told already, these are -- there are four houses on this lot, which used to have a large mansion on it I believe back in the '30s, which burned down.

And our houses are originally -- just like theirs -- small. I guess we call them colonials, in a cracker jack, GI housing type -- houses that were put in there in 1940.

And I just would like to point out that both our
house and the house at 85 have had additions approved and
done to them already.

And I feel that, you know, based on the scale of
the houses in the neighborhood, it's not a stretch for them
to ask for some more space, and to be able to raise a family
there, it's -- we live in a house that is about 500 to 600
square feet, bigger than theirs, and I just -- I couldn't
imagine raising my kids in that house, it's just -- it's too
small. So that's about all I have to say. We are not
opposed to this addition, and --

BRENDAN SULLIVAN: Great, thank you.

ANDREA COATES VINSON: Hi, I'm Dr. Andrea Coates
Vinson, and I'm not here to speak to the lot size or the
addition, but I'm here to speak to the medical needs of Inge
Hoffman. I have been her chiropractor for I think about 18
years.

And many years ago, I was the person who applied
for and provided the Commonwealth with the information she
needed to have a handicap placard.

Now, a couple of the guidelines to be entitled to
a handicap placard are that you cannot walk 200 feet without
assistance, and -- you know, it's blindness and loss of a
limb, but also severe arthritis. And that's the reason that Ms. Hoffman -- that Inge -- needs her handicap placard.

And I have an update. I sent a letter back in October, when I heard about this addition, and my concern was her not having 20 -- access to her door, and to her carport 24/7, around the clock. Because she cannot safely walk to the end of her driveway, because of the severe arthritis in her neck and in her lower back.

In addition, and it's to the extent that she has spinal stenosis, which if you know anything about, degenerative change in the spine is a severe -- it's severe in her neck and moderate to severe in her lower back.

In addition, she has osteoporosis. And so, if she falls, and she is at a risk for falling, because of these degenerative changes and her age of 90, almost 91, and if she falls, she is likely to suffer a very significant injury.

So I wrote the letter in support of Inge, because she needs to have 24/7 access to her door for caregivers. Just this week, because of a medical need, twice someone had to come to her door and pick her from -- immediately out the door and take her to medical appointments. She could not --
she could -- the first time she could barely walk to the car.

Today, she was a little -- I think it was today -- a little more able to walk to the car, as I understand, but she could not at all have negotiated the length of that driveway for transportation.

BRENDAN SULLIVAN: How does this project impact?

ANDREA COATES VINSON: If there are construction vehicles, I don't know how they'll be able to construct the addition without -- I mean, I can't directly speak to that, but I believe the construction vehicles will be -- obstruct the driveway, and not provide her case.

BRENDAN SULLIVAN: Okay.

ANDREA COATES VINSON: I don't think there's any other way to get the needed equipment, et cetera back there. Am I correct? Yes. So that was -- that's my feeling. So I have a letter that I wrote as of today, saying that this is still her current medical status, and the extent of her degenerative changes, combined by osteoporosis, constitute a disability. And therefore, she needs to have 24/7 access directly from her door to a vehicle.

BRENDAN SULLIVAN: Okay.
ANDREA COATES VINSON: And not to mention going to get groceries and things for activities of daily living.

BRENDAN SULLIVAN: Okay. Great. Thank you.

ANDREA COATES VINSON: You're welcome.

BRENDAN SULLIVAN: Okay. Anybody else wish to speak? Mr. Page?

ANDREA COATES VINSON: Here is the updated letter.

SHIPPEN PAGE: Thank you, Mr. Chairman. My name is Shippen Page, P-a-g-e. First name is S-h-i-p-p-e-n. I'm at 174 Lakeview Avenue H. Thank you, Mr. Chairman. My client is Inge Hoffman. She's 91 years old, she's -- she's here, in the third row, and she's asked not to speak, but I did want to acknowledge her presence.

She is a -- she's fond of the applicants, would like to see them stay, and has known them, respects the fact that they need more space. The question really is, where this space is to be located, and how this space can accommodate the neighbor's concerns -- in particular Ms. Hoffman.

My colleague, Mr. Wiggins, has indicated that the public way issue is not a significant issue. And I would respectfully disagree. When Ms. Hoffman's predecessor and
interest, Ms. Johnson, built the house back in 1940/1941, there was a right of way quite prominently identified on the plan that went along with that deed.

As such, when deeds have reference, the right of way, for both 91 and 89 and 87 -- the zoning code defines a street, by way of a right of way, both public and private. Ms. Hoffman gets mail delivered to her door. She's a practicing therapist. Her patients come to her house. She's a painter, and she overlooks to the east, right over where this project was designed and built.

And with respect to the right of way, if you look at the way this house is oriented, my colleague would indicate that the frontage of this house is 80 feet. The frontage of the house is eight feet on Washington Avenue. Realistically, this is the street, because if you look at the way, as I've identified in my letter, which I do not know if the Board has received, but I wrote a letter this afternoon, which indicates that if you look at this property from a standard zoning perspective, it nearly complies with all the setback requirements.

If you take the northern side, it's set back 22 feet -- 22.25 feet, where 20 feet is required for the front
setback -- you have 10 feet, sum of 25, to the east and the
west. On the eastern side, it's nine feet nine inches,
which is nearly 10 feet, and on the west you have I think
it's 12 feet, nine inches, something to that effect, it's in
my letter, but it's almost the sum of 25, and in the rear
you've got 29 feet, where you're required to have 25.

So if you look at it that way, and the fact that
probably -- I don't know this for a fact -- probably
everybody who accesses that house comes up the right of way,
and not up the 75-foot front pathway, you've really got an
opportunity here to fill in, or the applicant would have you
give them authority to fill in the front yard setback.

Which means that this house is going to extend
literally to the street line. And I don't know anywhere in
Cambridge where somebody could in fact enlarge that house by
building the street line. It's going to create amazing
mass. And yes, it's within the FAR, it's 36 percent, where
only 50 percent is required, but you've still got a mass
which is literally on the driveway.

I had an architect friend who'd prefer to be
anonymous, because she doesn't want to be part of this case,
but I asked her to give me a rendition of what this would
look like from the street. Now, this was in October. I'd like to submit that to the Board -- I'm sorry I don't have a copy from my colleague, but perhaps Mr. Chairman, you can give it to Mr. Wiggins -- but it may have been downsized slightly, but it's very clear that you can see this from the street.

It is a wall, and it's the exact wall that Mr. Von Wentzel commented on at the Avon Hill Historical Commission, Conversation District, back in September. He does not understand how this would be congruous with the neighborhood.

So those are several points, and I'd like to introduce, if I could, letters from the abutters. I'm assuming the Board has read the letters in opposition that were filed back in October. Is that accurate, Mr. Chairman? Are they in the file? There should be a --

BRENDAN SULLIVAN: They are not --

SHIPPEN PAGE: Over 14 letters in opposition.

BRENDAN SULLIVAN: They are not in the current zoning file.

SHIPPEN PAGE: All right. I reserve -- I would like to introduce those to the Board before our vote,
because I have three additional letters from Consuelo and
John Isaacson at 81 Washington Avenue, Marjory Wunsch at 78
Washington Avenue, and Patricia Lorsch at 108 Washington
Avenue, all strongly in opposition to the proposal.

I also have my letter in opposition, which I e-
mailed to Maria Pacheco, and which I've forwarded to my
colleague, Mr. Wiggins, that supplements my letter of
September -- of October 24, 2019. And if the Board does not
have a copy of that letter, I'd like to submit that right
now, please.

BRENDAN SULLIVAN: Okay.

SHIPPEN PAGE: In summary, Mr. Chairman, I and
Inge Hoffman would support an alternative design. She wants
this nice family to stay. She can't see that this would be
of any benefit to her, and indeed would be a substantial
detriment to her quality of life. She sees patients in her
house. She's 91 years old, and I think this would be a
major, a major problem for her.

BRENDAN SULLIVAN: Right.

SHIPPEN PAGE: Thank you very much.

BRENDAN SULLIVAN: Thank you. Is there anybody
else who would like to speak on the matter? Yeah.
BRENDAN SULLIVAN: I'm Suzy Becker. I'm not a Cambridge resident, and so, I've hesitated to speak.

THE REPORTER: Spell your name, please?

SUZY BECKER: Suzy, S-u-z-y Becker, B-e-c-k-e-r.

BRENDAN SULLIVAN: Your address? I'm sorry.

SUZY BECKER: 299 South Bolton Road, Bolton, Massachusetts. I'm a friend of Inge's, and was one of the vehicles that traveled down the driveway not to take her to a doctor's appointment, but to take her to a seminar that I've attended that she's run for many years at the medical school, Harvard Medical School.

And she's a person of strong character and mind, of -- sad -- deteriorating body, as we've learned. And I want to speak to the direct health impact of the sleepless nights that she's endured since this matter came to her attention, which have had a direct impact. And I think it has caused further deterioration of the health currently.

And beyond that, I want to speak to it as a resident of my home, for about 30 years in this current structure, as a former head of a historical commission and writer of bylaws and president -- hearings with friends applying for like permits.
And I guess that with the size of the increase of
the footprint, I know everybody cares for this family and
wants them to raise their children. I think if we buy a
house -- you know, one of our early -- before we have
children, and it's in a historic neighborhood, we take a
gamble that we're going to raise a family. We hope that we
can continue to raise the family there, and maybe acquire
these permits or whatever, but it is a gamble.

I think what we've seen here is that the gamble
isn't the right gamble, and right time. I hope that she'll
be spared that construction.

BRENDAN SULLIVAN: Right, thank you. If you could
bring that?

SUZY BECKER: Oh, sure. Mr. Page?

SHIPPEN PAGE: Mr. Chairman, as I mentioned
earlier, I have these letters that I assumed had been
submitted to the Board back in October. I'd like to submit
them for the record this time. I have letters from a
professor, Yehuda Safran, who's an architectural historian
in New York.

I have a letter from Anthony Brandt. I have a
letter from Richard Borofsky dated October 24, and Dr.
Borofsky had mentioned that he had spoken earlier, but he didn't have a chance to introduce his letter in evidence.

I have an earlier letter from Andrea Cotes Vinson, who spoke earlier this evening, also dated previously. I have a letter from Howard Medwed, who unfortunately is now deceased, but I don't think it detracts from the point of his opposition.

I have a letter from David Pritchard, who lives on Washington Avenue, I don't have the exact address, but -- oh, 88 Washington Avenue, so across the street. I have a letter from John and Consuelo Isaacson.

I have a letter from Inge Hoffman, and I have a letter from Patricia Lorsch at 180 Washington Avenue. And finally, a letter from Marjory Wunsch, who lives at 78 Washington Avenue -- I'm sorry, and John McDonald who lives in Somerville, who's apparently a friend of Ms. Hoffman's.

Thank you very much.

BRENDAN SULLIVAN: Yep. Anybody else, who would like to speak on the matter? I see one last person.

BRENDA STEINBERG: Brenda Steinberg, S-t-e-i-n-b-e-r-g. I'm a longtime friend of Inge Hoffman's. I've been living at 63 Washington Avenue since 1973, and I'm a fellow
psychologist, and a fellow artist.

And so, I've been very much in touch with Inge as both an artist and a psychotherapist. I've been very aware of how important her yard is to her. She sits not just in the house, but as soon as the weather is warm, she sits outside.

And the aesthetics matter to her more than they do to most anybody else that I know; in addition to which, having had a number of people do construction next to me in the past couple years, and I have my office in my home as well, I have sometimes torn my hair or actually had to -- when I'm painting leave the house to go for a long walk, because I can't stand the noise of it.

And I know that it would be totally destructive for her, and it was already -- and extremely destructive to her just to be considering all of this -- in addition to which I second what her chiropractor said, which is that it -- you know, I've come to the house sometimes because she's fallen down the stairs. There's no way that she can always get herself to where she needs to go in a time of crisis.

And I also -- I supported the help for her patients to come up to see the house without being able to
park because, you know, of the matter of parking permits, et cetera.

BRENDAN SULLIVAN: Okay, thank you. With that, let me close the public comment. There is a correspondence on the file from the Avon Hill Neighborhood Conversation District.

They’ve issued a -- the correspondence, the construction of a new, two-story addition on the north side of the structure, with rear deck and parking space approval was granted, with the following condition: That the Cambridge Historical Commission staff review exterior materials, doors, windows and paving -- work to be carried out as indicated on the drawing by Noury-Ello Architects, is that the current drawing?

MICHAEL WIGGINS: Yes, it is.

BRENDAN SULLIVAN: This here is dated September 3, 2019.

MICHAEL WIGGINS: Yes.

BRENDAN SULLIVAN: There was also -- and there was also a letter of approval -- certificate of appropriateness, that is dated December 19, 2019. Also incorporate by reference letters in opposition submitted by Counselor Page,
into the record. Is there any question by the Board to any
at this time?

COLLECTIVE: No.

SLATER ANDERSON: I think just one -- I think
important clarification.

BRENDAN SULLIVAN: Yep.

SLATER ANDERSON: Because I did not sit on the
original case. It might be important for people to
understand that this is a separate application --

MICHAEL WIGGINS: We can't hear you.

SLATER ANDERSON: There was a prior case in
October that was heard. I didn't sit on that case. That
was a variance request, is that correct?

MICHAEL WIGGINS: That's correct.

SLATER ANDERSON: So one reason the letter weren't
in this file, this is a new application. So those of you
who were concerned that your letters may not have been in
this file, they're in the file from the variance case. This
is now a request for a special permit, which has a different
standard -- very similar facts from what I'm seeing, I did
not sit on the first case, so I don't know. But it -- the
appearance of look at the file, it's the -- more or less the
identical plan, correct?

CLAUDIA NOURY-ELLO: Okay.

BRENDAN SULLIVAN: It was a resubmission?

SLATER ANDERSON: Yes.

BRENDAN SULLIVAN: All right. Mr. Wiggins. Let me ask you, is there any room for compromise, further discussion, or have -- it been talked out?

MICHAEL WIGGINS: Certainly, with respect to the landscaping that we've offered --

BRENDAN SULLIVAN: Well, I think that's --

MICHAEL WIGGINS: -- we figured out that with respect to forcing my clients to change their whole structure around, no, because I think they have a right to -- as the case law dictates -- stand within the nonconforming boundaries.

I do want to respond to a number of things. First of all, I think most importantly for the health reasons, my clients are equally fond of their neighbor. They have no desire whatsoever to adversely affect her health. They will use their utmost efforts to ensure that to ensure that if granted this permit, the contractor takes all precautions.

There is space on their yard on the other side
that -- I'm not a contractor, but I'm sure that that can be used to store equipment.

They would use -- they understand that this often is a way during the summer months, and to the extent that we could use those months to accomplish major construction, they would certainly be more than willing to make that happen, given whatever resources they have and whatever their contract says.

I'd like to go back to -- again, whether this is a street or not, and reemphasize that 89 Washington Street when it was built did not need a variance, when it was building. And it is built right next to the driveway, and it claimed it did not need a variance, because it had a 20-foot setback from its lot line, just like my client's

And let there -- whether -- lest there be any doubt about this, there was zoning back in 1940. There was an existing ordinance that required side yard setbacks. It also required length along the front facing the street.

And if 89 Washington Street did not have that width where the driveway is now, it would have been out of conformance with both sideline setbacks and the frontage -- the width of the frontage along the street requirements.
So it's more than ironic that we're -- and perhaps very unfair to be presented now with a requirement that we be 20 feet back from a 20-foot setback that already exists. That would basically prevent my client from building almost a postage stamp in that direction.

As far as not being forthcoming with the neighbors, my clients spent a lot of time with this, often went over everything with her.

Notice for that Conversation Commission hearing was given. My client sat in the back yard with Ms. Hoffman and went over it before it happened. She apparently doesn't remember that now, but he did. There's no question that he went over that.

After the variance hearing that was continued until January 30, his neighbor outside of this hearing invited people to come and talk about it. No one has showed up, to my knowledge, since then.

So my clients will not be heard to say -- will not agree that they didn't reach out to the neighbors. And they remain willing to do everything they can to lessen the impact as much as possible.

And there was one comment -- "Well, this doesn't
look like our neighborhood, it's going to stick out like a sore thumb." With due respect to people's preferences -- and I don't have any objection to anybody saying they don't like it -- I would remind the Board that Ms. Hoffman's house, which was built back in the '40s was at that time an avant-garde house that stuck out very prominently from the neighborhood.

If you look at the pictures -- and I think it's a handsome house, but that's just my opinion -- but when you talk about the ancient Victorian house and you look at this house that was built in 1940, that certainly was out there in terms of architectural style. So I don't think that's fair to object.

So I think in sum, my client's -- well, actually, I do want to just submit for the record a copy of that 1940 ordinance, because it does say what the side yard requirements are, and what the front yard requirements are. So this is an extra copy that I'd like to submit to the record.

I'd also like to put in the record the pictures that we submitted earlier showing the side of the Hoffman House facing the driveway, and also, the back yard and the
view toward the Von Wentzel house. And I do have a copy of
the landscape plan. We have it up on the Board. I think I
submitted it to the Board for the hearing, but --

BRENDAN SULLIVAN: It's in the folder, yes.

MICHAEL WIGGINS: Okay.

BRENDAN SULLIVAN: But again, I represent to the
Board that we are more than willing to discuss what kind of
tree, what caliber, how fast-growing, et cetera. The view
toward the direction of my client's property at the rear is
vegetated heavily now. We will take every precaution to
make sure that it remains vegetated. We cannot guarantee
that it'll never be noisy during construction, but that
happens when houses get built.

And we will, as I said, make sure everything is
done to have most of the heavy work done when Ms. Hoffman
isn't there, if she is going to be leaving.

Finally, just to go back to the public, this -- as
I said, anybody can have visitors to their property, but
this is in its very essential nature a private way not open
to public use. Ms. Noury-Ello may have something else. You
want to speak?

BRENDAN SULLIVAN: Very brief, if you would, yeah.
You're done? Okay.

LAURA WERNICK: Can I just respond to the photographic rendering that they --

MICHAEL WIGGINS: Oh sure, yeah, thank you. Our rendering itself mentions that there is a tree at the front edge of this --

[Simultaneous speech]

MICHAEL WIGGINS: Swell, you know, you can respond as well. I just responded. Our landscape notes that there is a tree that would be right in that view. So that's a tree that's existing, and you would be willing to do other vegetation. But if you would like to speak as well to that rendering?

CLAUDIA NOURY-ELLO: A lot of the comments that were made tonight in my opinion have nothing to do with the actual variance that we're -- the special permit that we're asking. There was a lot about design -- sorry. But one of the things we talked about at Cambridge Preservation was the view from the street. That's all we talked about, is the view from the street.

And yes, another architect can show you the massing, but it's no different than the neighbors at the
Hanna's at 89. It's the same line being carried.

And I don't think this is relevant in terms of just deciding whether this is a valid design. This is actually not what we're questioning tonight, is whether someone can see from the street.

We'll agree that preservation -- that you could see it from the street, and that it was in keeping with the neighbor, and one of the things that we actually also discussed at length with Mr. Von Wentzel was that there are two mindsets for preservation; you either add on to a house, do a mini-me of the style, or you break away from it.

And everyone on that Board was of the mindset -- myself included -- that when, to preserve you truly preserve what was there, and you can only try to water it down by adding on and mimicking it. We also talked about the nature of the house is not of the quality of Mr. Von Wentzel's house. It's not a supreme example of historical architecture.

So I think all these conversations about design, they could have come to that hearing, and they chose not to, whether they were away or whatever, it didn't really matter. I feel like they're a little bit late to the game. And the
discussions and this is an accurate architect's rendering of what we saw. It was approved.

So, I also think --

BRENDAN SULLIVAN: Okay.

CLAUDIA NOURY-ELLO: -- just being emotional, it is a time for people to come together as a community and all this talk about, "love these people as neighbors," I haven't seen or heard anything besides really being a neighbor.

BRENDAN SULLIVAN: Okay.

CLAUDIA NOURY-ELLO: I'd like to put that on record.

ANDREA HICKEY: Could we get that document, then that, for our client, please?

BRENDAN SULLIVAN: Sure. Okay. Let me close the presentation part. Any questions by the Board at all?

SLATER ANDERSON: No. Have we heard from the neighbor at 85, is that it? Matthew Fischer, is that what that says?

BRENT REYNOLDS: Yeah, they wrote a letter of support that was submitted, and have the same dilemma that we have tonight, that you highlighted right? That they wrote a letter of support --
THE REPORTER: I'm sorry, can you just state your name?

BRENT REYNOLDS: Oh, yeah. My name is Brent Reynolds. Do we need to spell my name?

SLATER ANDERSON: If you will.

BRENT REYNOLDS: B-r-e-n-o-l-d-s.

They're out of the country, they couldn't meet. But there is a letter. But I guess maybe it can't be submitted in this.

BRENDAN SULLIVAN: Okay. Do you have questions or --

ANDREA HICKEY: Yeah, I just had a question. If I could ask Counselor to just sort of briefly repeat from the beginning of your presentation where you talked about measuring of the setback from the true lot line, and not from the southerly most part of the driveway.

Could you just repeat that for me again? Because that's the part I'm struggling with -- where the setback is relative to the driveway would be measured?

MICHAEL WIGGINS: Well, this does -- this just shows the 20-foot width here. So this is our 20-foot setback from the lot line. The actual -- are you talking
about the concrete or the bituminous -- where it is located?

ANDREA HICKEY: I'm talking about sort of the proposed addition, relative to that lot line.

MICHAEL WIGGINS: Okay. It's back from the 20-foot lot line, maybe a couple of feet. But it lines up exactly with the Hanna residence, and its distance from the 20-foot setback.

ANDREA HICKEY: All right. And at the -- again, at the beginning of your presentation, you discussed where the lot line should be measured from, which is the true lot line and not the southerly most part of the driveway.

MICHAEL WIGGINS: That's correct.

ANDREA HICKEY: Could you just repeat that part of your presentation briefly for me? That’s the part I'm struggling with.

MICHAEL WIGGINS: Okay.

ANDREA HICKEY: Where we should be measuring.

MICHAEL WIGGINS: Okay. Again, it has to do with how you describe the lots, and how do you describe your lot if some subdivisions your -- you -- if there's a right of way open to public access, your description will be bounded by a way. And we know from legal interpretation, that means
everybody owns to the middle of the right of way, so to
speak. But that's not what this lot description ever was.

And some also -- and I see that on my own house, I
have part of a three-lot subdivision, and my lot doesn't --
doesn't -- it neither says, "bounded by a way" nor do I own
across the right of way. My description just says, this
line, not that line.

But this is different. This from the get-go, for
this subdivision to work, each of these lots had to have
that included in your description. Otherwise, as I said,
these would not -- this particularly would not have been a
buildable lot. And again, it did not need a variance when
it was built.

Brendan Sullivan: Any other questions? All
right. Comments? Thoughts? Take it to a vote, or we'd be
interested in comments? Anybody want to -- it's a special
permit. Shall I make a motion?

Jim Monteverde: Yes.

Brendan Sullivan: I make a motion to grant the
relief requested, 87 Washington Street, as per the
application, to build a conforming addition to a prior
nonconforming building, requiring a special permit.
Special permits will normally be granted where provisions of this ordinance are met, except where particulars of the location or use, not generally true of the district, or the use permitted, would cause granting of such permit to be the detriment to the public interest.

It appears that the requirements of this ordinance can be met. It appears that traffic generated or patterns of access or egress would not cause congestion, hazard or substantial change in the established neighborhood character.

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

It appears that there would not be any nuisance or hazard created to the detriment of the health, safety and/or welfare of the occupant of the proposed use, or to the citizens of the city.

And for other reasons, the proposed use would not impair the integrity of the district or adjoining district, or otherwise derogate from the intent and purpose of the ordinance.
And there are some conditions and criteria, which is at the Board's discretion to impose, if there are any.

LAURA WERNICK: Could you just repeat what you said about the health and welfare?

BRENDAN SULLIVAN: It appears in the positive, that there would not be any nuisance or hazard created to the detriment of the health, safety and/or welfare of the occupant of the proposed use, or to the citizens of the city. So on the motion to grant the special permit as per the application, all those in favor of granting the special permit, "Aye."

THE BOARD: Aye.

[ ALL FIVE VOTE YES ]

BRENDAN SULLIVAN: Permit granted.
(8:10 p.m.)

Sitting Members: Brendan Sullivan, Andrea A. Hickey, Jim Monteverde, Laura Wernick, and Slater W. Anderson

BRENDAN SULLIVAN: The Board will hear BZA 017217 -- 2019, 3.5 Irving Terrace.

SARAH RHATIGAN: Good evening, everyone. My name is Sarah Rhatigan, Trilogy Law, LLC, and I actually did not file this application, but I was asked to assist a client after there was sort of a wrinkle along the way, an amendment to the application.

So if you're surprised to see me, that's why my name doesn't appear in the record yet. And my client is Wileen Kao. She actually lives in Beijing with her family, but her sister's here, and I'm going to pass the microphone so she can introduce herself.

THE REPORTER: Could you spell your name, please?

WILEEN KAO: I'm Wileen Kao, W-i-l-e-e-n, last name K-a-o, and I'm the owner of 1.5 Irving Terrace, just two doors down from my sister.

CARL SOLANDER: I'm Carl Solander, C-a-r-l S-o-l-a-n-d-e-r-
a-n-d-e-r. I'm the architect, and I did file this.

BRENDAN SULLIVAN: Okay. Is that what you --

SARAH RHATIGAN: Thank you. So this is a special permit application, and there are two aspects of relief that we're requesting the Board to grant. And they relate all to the rear of this townhouse structure.

And there are certain window changes that are being made, and you'll see there was a revised application page and revised plans that reflect -- this was always a plan change, but we didn't realize that relief was necessary.

There's a change at the rear that involves excavating basement stairs that go from the yard level down to a story -- well, it is a basement, but, you know, somewhat above grade basement area in the rear.

The excavated stairs and the railing that would be required for code compliance are considered parts of the structure, according to the Commissioner's interpretation, which is the reason for the amendment to the plans -- and then asking for additional special permit relief.

That actually is a special permit request under the townhouse ordinance Article 11, I think it's 11.15,
which allows for modifications to have townhouses that were
created as-of-right at the time of the construction. So
that was confirmed with the Commissioner.

So what I was hoping to do first, Carl, if you do
not mind, could you just show us the photos? So what I want
us to do is just show you the area in question. It's
actually a little hard to get to the back yard right now.
What happened is the -- my client had started significant
renovations, so there's some construction vehicles and
there's a dumpster on the site.

It's a little hard to get into the back yard to
really see well, but this view -- the far side -- you're
looking at the townhouse structure across another person's
yard. And their townhouse is the one that's the furthest to
the right. And so, this is looking at the rear of the
townhouse.

And what you can see from that is that, of
interest, that the basement level changes will really be
hidden behind an existing fence that's going to remain in
place.

Similarly, this is -- well, this is showing you
the area that will be excavated. And in place of these
windows will now be an entry door. And the room in this
basement area is a bedroom. I think it's currently -- well, the place is in really tough shape.

I'm not sure what it was used for previously, maybe storage. I mean, it was livable space, but it doesn't really look like someone was living there. I don't know what it was used for previously, but it --

CARL SOLANDER: It was a finished space.

SARAH RHATIGAN: It was a finished space, but it didn't quite look like it was used as a bedroom. But it will be a bedroom, and specify for Ms. Kao's folks, her elderly parents, who live in the DC area.

And just so you understand the kind of family dynamics here, so Vivian and her family live most of the year in Beijing. She's, you know, a resident, went to school here and her family is here. Her sister is two doors down, and the plan was to have it after a period of time as a second home, and then ultimately the folks -- their folks want to move up from DC, because they're getting elderly.

They want to have a bedroom where they can actually access the rear yard, without having to go up through the main house up a bunch of stairs back down a set
of stairs.

So that basement excavation is functionally --
it's a pretty simple change, but it's functionally very
important for their enjoyment of their sort of easy access
of the rear yard, which is the only open space on the lot.

Just briefly, to touch on the window changes,
Carl's going to do some gymnastics here to just show you the(existing and the altered windows. So it's interesting that
these are actually special permit, because the building is
almost 15 feet. I think if it was constructed absolutely
perfectly, it would be 15 feet to the rear, and it would not
actually be a special permit requirement.

But I think with the survey's measurements, it's a
few inches into the setback. So the Commissioner and the(ISD is requesting a special permit. So obviously, we're
here today requesting those changes.

But that technicality aside, so the changes are at
the top, so --

CARL SOLANDER: This is existing.

SARAH RHATIGAN: That's existing and this is
proposed. So at the top there's a window at the top where
there were two windows with a -- what do you call that, a
spandrel?

CARL SOLANDER: A post in between.

SARAH RHATIGAN: A post in between. So the post, and the new --

BRENDAN SULLIVAN: Mullion.

SARAH RHATIGAN: -- the mullion, that's the word, thanks.

BRENDAN SULLIVAN: Mullion.

SARAH RHATIGAN: I don't know what a mullion is. A spandrel is something, but I'm --

BRENDAN SULLIVAN: A thing.

SARAH RHATIGAN: It's a thing. I heard people use that word. So this just is a little more window pleasing to improve light to that room, or that space up there. The window changes at this level -- Carl, this window is getting smaller, correct?

CARL SOLANDER: Mm-hm.

SARAH RHATIGAN: This window's getting smaller, which doesn't require relief. These windows are getting a little bigger, so these will be code-complaint access, okay so fire -- yep. And then on the first-floor level, the sliding glass doors remain the same. These windows get
larger?

CARL SOLANDER: Slightly taller.

SARAH RHATIGAN: Slightly taller. And then on the basement grade level, the windows here get a little larger, and then there's a new door, which was in place of a window. In terms of minimal impacts, I think this case is a pretty dramatic example of a very modest change that's super -- very important to the applicant, and hopefully very, very minimally impactful on neighbors. We do have one letter of support that we wanted to submit. It's actually just an e-mail that was provided to the architect's office. I'll submit that to you.

The folks who live right next door are out-of-towners who rent, and have not -- there's no sort of communication from them.

BRENDAN SULLIVAN: And this was all at the rear of the --

SARAH RHATIGAN: It's all at the rear, correct.

BRENDAN SULLIVAN: -- the rear.

SARAH RHATIGAN: Correct. And there hasn't been any indication that there's any concerns from any folks in the neighborhood. And I don't believe that -- when I last
checked, I didn't see that there were any letters of concern, or folks who are concerned from the file.

BRENDAN SULLIVAN: Okay. All right. Anything else at this point? No?

SARAH RHATIGAN: Nothing that anyone --

BRENDAN SULLIVAN: Any questions?

SARAH RHATIGAN: -- anyone has mentioned.

LAURA WERNICK: Is there any change in grade for the new door or just at -- it's already --

CARL SOLANDER: Well, we're -- we have to excavate a stair down.

LAURA WERNICK: A stair.

CARL SOLANDER: Three feet, yeah. It's three feet down to the basement level from the yard.

LAURA WERNICK: So it is a change of grade. It is a Res B District, so technically there's no -- it doesn't actually change the technical definition of the height requirement?

ANDREA HICKEY: Is there a bathroom on that lower level?

CARL SOLANDER: Yes.

LAURA WERNICK: I think there is, yeah.
BRENDAN SULLIVAN: Okay. Let me open it to public comment. Is there anybody here who would like to speak on the matter at 3.5 Irving Terrace? I see nobody -- there is correspondence in the file from the Mid Cambridge Neighborhood Conversation District. Mid Cambridge Neighborhood Conversation District certifies that pursuant to their authority, the alteration to building exterior, including windows, doors, cement board panels, clapboards, replacement of the fence, has been approved.

The work has been carried out as depicted in the plans by reverse architecture in Title 3.5 Irving Terrace, Mid Cambridge NCD submission dated and received June 11, 2019, and revised June 24, with the recommendation that the applicant consult with an arborist regarding mitigation for the existing adjacent tree that appears to be leaning, and could be impacted by the fence replacement. And you will --

CARL SOLANDER: We have consulted with them.

BRENDAN SULLIVAN: -- do that, okay. Certificate is granted up the condition of the work authorized as commenced within 6 months, Case Number MC 5717. The certificate is dated July 2, 2019, and that is the only -- no, there is another correspondence to Courtney Pope.
"Please feel free to share this e-mail with the Board of Zoning Appeal with regard to changes at the premises at 3.5 Irving Terrace, re: Martha and David Osler, O-s-l-e-r, who reside at 4 Irving Terrace, have seen the plans for the exterior of 3.5 Irving Terrace, and support the changes to the rear elevation. We hope this e-mail will suffice, as we are unable to attend. Regards, Martha and David Osler."

That's the only correspondence, unless you have any. And we have spoken to some of your other neighbors, have you, adjoining? Do you know of -- no opposition?

ANDREA HICKEY: I believe that there were efforts to reach out, but not a lot of interest.

BRENDAN SULLIVAN: Okay.

ANDREA HICKEY: No reports of any concern. I will close public comment. Sarah, anything else to say?

SARAH RHATIGAN: No. I mean, I can run through the special permit standard, but I'm sure that you know it. But let me look at the basic concept as it changes -- both the window changes and the excavation --

BRENDAN SULLIVAN: Really --

SARAH RHATIGAN: -- really will have minimal
impacts.

BRENDAN SULLIVAN: Okay. Comments? Questions?

None?

ANDREA HICKEY: Ready.

BRENDAN SULLIVAN: Let me make a motion then to grant the special permit for the work at 3.5 Irving Terrace, as per the application to alter windows and create a door in the setback, start a guardrail to area way, as per the drawings submitted dated 12/18/19, prepared by Carl Solander, and initialed by the Chair.

It appears that the requirements of the ordinance can be met. It appears that traffic generated or patterns in access or egress would not cause congestion, hazard, or substantial change in established neighborhood character.

That continued operation or development of adjacent uses, as permitted in the ordinance, would not be adversely affected by the nature of the proposed use.

And there would not be any nuisance or hazard created the detriment of the health, safety and/or welfare of the occupant of the proposed use, or to the citizens of the city.

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

And that the work be carried out as per the drawing, and the application submitted.

All those in favor of granting the special permit?

THE BOARD: Aye.

[ ALL FIVE VOTE YES]

BRENDAN SULLIVAN: Five in favor, permit granted.

COLLECTIVE: Thank you very much.
(8:24 p.m.)

Sitting Members: Brendan Sullivan, Andrea A. Hickey, Jim Monteverde, Laura Wernick, and Slater W. Anderson

BRENDAN SULLIVAN: The Board will hear Case Number 017220 -- 2019, 37 Bigelow Street. If you would please introduce yourself. Anybody who wishes to speak, could you please spell your last name and give your address for the stenographer.

MIKE DAWSON: Hello, my name is Mike Dawson -- Mike, M-i-k-e D-a-w-s-o-n.

AMIT SRIVASAVA: And my name is A-m-i-t, last name S-r-i-v-a-s-a-v-a and I live at 37 Bigelow Street.

MIKE DAWSON: I have a small design build company, and have been friends and neighbors with Amit and Maitreyi when we lived at Franklin Street in Cambridge. I remember looking at this house in 2006, when they bought it. Their daughter was born three months after they moved in.

They now have three children -- 9 and 13. Amit's parents have passed on. His wife's parents are in their eighties, aging. And the desire is to be able to have
Maitreyi's parents come live with them in their Cambridge home. And that's sort of what drove the desire to increase the space that they have.

So when they first approached me after we did a small kitchen renovation about this idea, I first met with Liza Paden at CDD -- Community Development Department -- to understand the -- I don't have any additional materials to add to the record.

But their property, if you've looked at the it, is sort of basically a carriage house behind the tall mansard. And having not had a client -- a property like this, I wanted to meet with Liza to sort of understand how to approach the zoning.

And she -- when I met with her, she brought up that there was a previous variance. So in 1987 is when -- is the effective date of the construction, turning it into a home. And in 1991, a variance was granted for extending the deck off the back.

So their house is all -- so pretty much built within the back setback and side back, and the 1991 variance was granted because they were extending it into the side yard setback. And so, essentially -- so as far as FAR goes,
that space under the deck counts as FAR.

We're proposing building a livable space below what is the space under the deck, having it be a roof deck above. So we're not looking to create two stories. But we are proposing to square off that deck space, which is going to increase the FAR by 67 square feet.

And we then went -- I talked to Sean O'Grady to ask about the variance process, and once we're modifying something that's already been granted, the direction was that we would indeed need to apply for a variance again for this construction.

So then, we went through the Mid Cambridge Conservation District Process first, and we got the certificate of appropriateness for that.

There are a couple letters of support from neighbors, and that process, that should be in the record. We've met with all the condo -- there's five units in the building that's right on Bigelow. And aesthetically, and in terms of the scope of the construction, we haven't heard any opposition.

BRENDAN SULLIVAN: Okay, just run through exactly what it is that you're --
MIKE DAWSON: Sure. I did bring some larger photographs. So currently, so this carriage house is a vinyl-sided home with -- the back porch is here.

So this is the space below that we're looking to convert into interior space, a bedroom and a bathroom. And this shows the area that we're looking to square off, which I can also show in the plan, proposed -- do you want me to -- so those are the existing.

And here's a rendering from above. And these are just -- in the back, it would be between the front building and their building, which is a shared, well actually it's a drive -- it's a parking space that belongs to Amit and Maitreyi. There's an existing spiral staircase.

LAURA WERNICK: What's underneath?

MIKE DAWSON: It's a -- it's an unused, sort of dark, damp sort of patio space. So it's a dark space that's hard to maintain, and it's not very useful. I mean, there's some tarps below to protect some bikes. This is -- I have copies of the existing variance, of the previous variance.

The only -- so there's a couple photos here that I'll pass around too. This was requested by Alison at the Mid-Cambridge Conservation District, because it's most
visible from Harvard Street and not Bigelow Street. So they wanted to just see -- the first one shows the existing from Harvard Street, and the second is the proposed.

BRENDAN SULLIVAN: But it basically backs up to a parking lot?

MIKE DAWSON: Yes. And there's a tall, brick apartment building on the one side, and where we have the tall window and the spiral staircase is kind of the one small area on this plot that has access to some light, and a view of the tree. So that's sort of --

BRENDAN SULLIVAN: A question I have, I can --

okay, so accept enclosing underneath, because, as you say, it's really a beautiful space.

MIKE DAWSON: Yes.

BRENDAN SULLIVAN: You can't grow anything there. The only thing it collects is possibly some trash and a lot of leaves. And other than that, it's not a very pleasant spot. But what is the need of this?

MIKE DAWSON: So the need --

BRENDAN SULLIVAN: This upper part?

MIKE DAWSON: -- so we looked at this --

BRENDAN SULLIVAN: This upper part here.
LAURA WERNICK: Yeah.

MIKE DAWSON: They don't get much light back there. So we looked at possibly a skylight in the roof deck down into the bedroom.

BRENDAN SULLIVAN: Somewhat of a light tower, if you will?

MIKE DAWSON: Yeah, so -- and I really sort of was -- didn't really like the idea of a skylight right on their deck as well, and sort of standing there there's -- looking towards Bigelow, there's kind of this one path that does get some light, and there's a beautiful tree right there.

So it evolved from just taking advantage of kind of this one spot of light and view of some green, as opposed to the apartment tower to the left. So it's -- that's really what drove that.

BRENDAN SULLIVAN: Yeah, okay.

MIKE DAWSON: That part of it.

BRENDAN SULLIVAN: Yeah. All right. Anything else at this juncture? No? Okay. You'll have a chance to come back, anyhow. Any questions for the Board at this point?

MIKE DAWSON: No.
BRENDAN SULLIVAN: Let me open it to public comment. Is there anybody here who wishes to comment on the application at 37 Bigelow Street? I see none. There is correspondence in the file from the Mid Cambridge -- I'm sorry, there is correspondence in the file from a Patrick and Jan Buckwalter, B-u-c-k-w-a-l-t-e-r.

"We are their neighbors at 35 Bigelow, and they have shared the plans for the addition, and the addition basically fits on the existing footprints and will not impact any neighborhood properties. We hope their plan is approved."

BRENDAN SULLIVAN: There is correspondence from Dina, D-i-n-a Deitsch, D-e-i-t-s-h, I may have butchered that. "As a long time and close neighbors, we are willing -- we are writing in support of their upcoming construction project, and they find that doing it on the existing footprint does not impact the neighbors, and it seems miraculous."

There is correspondence from the Mid Cambridge Historical Commission. "The project was reviewed at a public hearing of the Mid Cambridge NCD, and a certificate of appropriateness issued for a one-story
addition with roof deck and exterior stairs." And the date is January 8, 2020.

The approval for as per the plans, submitted.

Okay. That's the -- some substance of the correspondence.

Let me close public comment. Is there any other comment you wish to make, or -- okay. Let's close the presentation part. Slater, any comments or questions?

SLATER ANDERSON: No.

BRENDAN SULLIVAN: Jim?

JIM MONTEVERDE: No.

BRENDAN SULLIVAN: Laura.

LAURA WERNICK: Uh-uh.

BRENDAN SULLIVAN: Andrea?

ANDREA HICKEY: No.

BRENDAN SULLIVAN: Let me make a motion, then, to grant the relief requested for 37 Bigelow to extend a previously granted variance and square off a second-floor deck and enclose the space below, as per the drawings submitted, and the material, and approval of plans entitled, "37 Bigelow, Cambridge, Massachusetts," dated 10/28/2019 by David Sidell, Seidel?

JIM MONTEVERDE: Seidel.
BRENDAN SULLIVAN: Seidel -- and initialed by the Chair. So basically, you have to build according to these plans. Any changes, you'll have to go back. The Board finds that a literal enforcement of the provisions of the ordinance would involve a substantial hardship to the petitioner.

The Board finds that the current structure -- previously granted a variance for carriage house to a residence -- created this space; that this space has become quite unusable and wasteful, and of no benefit to the homeowner.

The Board finds that the hardship is owing to the siting of the structure on the lot, which renders it nonconforming, and as such, encumbers it to any addition of this nature.

The Board finds that the relief being requested is minimal, would be of a benefit to anybody who occupies this area, and the design of such would provide much needed light into a bedroom.

The Board finds that desired relief may be granted without substantial detriment to the public good, and the Board notices the letter of appropriateness for the Mid
Cambridge Historical -- also two letters in the file from abutters.

The Board finds that relief may be granted without nullifying or substantially derogating from the intent and purpose of the ordinance, to improve the housing stock of the city for its residents and for the occupant of this particular structure.

The Board granted the variance on the condition that the work conform to the drawing submitted and initialed by the Chair. All those in favor of granting the variance on this condition, please say, "Aye."

THE BOARD: Aye.

[ ALL FIVE VOTE YES ]

BRENDAN SULLIVAN: Five in favor. Okay.

Guideline.

COLLECTIVE: Thank you.
Sitting Members: Brendan Sullivan, Andrea A. Hickey, Jim Monteverde, Laura Wernick, and Slater W. Anderson

BRENDAN SULLIVAN: The Board will hear Case Number 017221 -- 2019, 169 Spring Street. Whoever is going to speak, if you would speak clearly, announce your name, please spell your name for the stenographer and for the record.

BILL BOEHM: Bill Boehm, architect -- that's B-o-e-h-m, and I'd like to introduce my clients next.

DANA SAJDI: Dana Sajdi, S-a-j-d-i.

JIM BOWLEY: Jim Bowley, B-o-w-l-e-y.

BRENDAN SULLIVAN: Okay. I'd like to ask my clients to just briefly introduce the project.

DANA SAJDI: Hello, fellow citizens. I came to Boston about five or ten years ago. I bought the house on 169 Spring Street eight years ago, and I was a single woman, and it was a small, pretty little house.

And then -- and it still retains much of its nineteenth century not only architecture but structure, including a very, very steep stairway. Then I turned around
and acquired a huge van. And so, we couldn't fit it into the house.

And then we took turns in falling down the stairs. And then we also realized that we live in a tin box of sorts, because it's very not insulated, and so, it's really hot in the summer and cold in the winter. And one of the walls leans.

So we decided, given we love the neighborhood, and the fact that we couldn't find actually better places that we would reinvest and put everything into the house to make it much more comfortable and energy efficient and suitable for our lifestyle. And so, we hired Bill.

BILL Boehm: Okay. And say, if I might, add the house is seriously sub code in many ways. So we are tonight presenting a proposal to renovate this home, a gut renovation. It's pretty much impossible to do anything to this house without triggering zoning variances. So I guess you've seen the plans.

I was asked to provide shadow studies. I got a voicemail asking for shadow studies, which I have here. The impact -- shadow impacts due to the height addition and the small -- oh, sorry.
BRENDAN SULLIVAN: I'm sorry -- okay to interrupt you?

BILL BOEHM: Yes.

BRENDAN SULLIVAN: I just want to preface --

BILL BOEHM: Okay.

BRENDAN SULLIVAN: -- any presentation just by noting to the Board, I guess, there is a correspondence from the Cambridge Historical Commission. And it's the East Cambridge study area. Their correspondence says, "The project was reviewed at a public hearing of the Historical Commission on December 5, 2019. The design was approved in principle, but the hearing was continued until February 6 to continue discussion about the corner window detail and the eave of the side addition."

"The Commission supports the preservation of the roof overhand eaves. This is a traditional and practical detail for a gable roof building." And it's dated January 8.

I bring this only to the Board's attention because it's sort of an incomplete review or comment by Historical, and does the Board think that this should be continued until after that review process has been continued? Would it
affect what is before us? Any thoughts? That's all.

SLATER ANDERSON: Which detail specifically are you referring to?

BILL BOEHM: I could point those out, if you wish.

SLATER ANDERSON: Yeah, that would be helpful.

BRENDAN SULLIVAN: And the only reason I say it is because if we are going to continue it at the end, one of the problems is we have to assemble the same five people.

BILL BOEHM: Uh-huh.

BRENDAN SULLIVAN: Which -- with vacation, people being away, can kick this thing off until the end of March or April. That's my only -- so that's --

BILL BOEHM: Right.

BRENDAN SULLIVAN: -- why I bring this up.

SLATER ANDERSON: And to extend that is if we proceed today, and we were to approve it, it has to be done to the plans that we have today. We'll put our future changes that the plans, because of this February --

BILL BOEHM: Right.

SLATER ANDERSON: -- hearing, you're going to have to come back.

BILL BOEHM: Right. Understood. We've made
modifications for Historical, they're very minor, I'll point those out. I don't think they would impact your decision on a zoning basis, but I'll point those out, and you can --

JIM MONTEVERDE: Are they in the file, those JPEGs?

BILL BOEHM: No, I brought them with me, because the Historic meeting happened after we filed the plans.

JIM MONTEVERDE: That's the pickle.

ANDREA HICKEY: Yeah, I think they need to be --

JIM MONTEVERDE: That's what we're trying to describe.

ANDREA HICKEY: -- in the file, and --

BILL BOEHM: Why can't you accept these that I brought with me and review them now?

ANDREA HICKEY: Because the public hasn't had an opportunity to review those.

BILL BOEHM: The extent of the change is moving one window about two feet. Do you think that --

JIM MONTEVERDE: Procedurally -- actually, we probably should be procedurally -- Mr. Chair, do you agree that that's --?

BRENDAN SULLIVAN: Well, it's just that the review
JIM MONTEVERDE: Yeah.

BRENDAN SULLIVAN: And we tie any relief to a definitive set of drawings. And those drawings cannot be altered without coming back to us. So as minor as it may be -- it may seem minor tonight, as per your initial discussions with East Cambridge, but as the review goes on, it may even be a little bit more than just that, that's all. And you run the risk of once it gets -- say we were to approve it, once the Building Department gets it, and then looks and sees what we approved, and what East Cambridge has now basically approved, then they're going to say, "Well, which one governs?"

And we would somewhat tip our hat to the East Cambridge, and then you'd have to come back.

LAURA WERNICK: So but just -- if they don't start -- if we don't start tonight --

BRENDAN SULLIVAN: So that's why I wanted to stop the presentation as a case heard, because in order for the five of us to -- it's going to be to the end of March, if not into April.

LAURA WERNICK: But if it's not heard, then --
BRENDAN SULLIVAN: Then you could conceivably be back sooner.

ANDREA HICKEY: Or as soon as possible, the earliest case that we could take after Historical would hear. Do you know when -- so Historical is scheduled --

BILL BOEHM: We're being heard on February 9, I believe.

LAURA WERNICK: Probably could hear you pretty soon after that. It doesn't have to be this group of people.

SISIA DAGLIAN: The thirteenth, February 13 is what I have.

BRENDAN SULLIVAN: Yeah. I mean, you could be back here in February -- you could either be back here February 13 or 27, or it would be toward the end of March.

BILL BOEHM: Is there a space on the February 13 agenda?

SISIA DAGLIAN: As a continued case there is.

ANDREA HICKEY: It wouldn't be continued.

JIM MONTEVERDE: No, it would be a case not heard.

SISIA DAGLIAN: Right, I know. I don't know these -- the other schedule.
BILL BOEHM: I'm sorry, what did you say?

SISIA DAGLIAN: I don't know the full schedule.

LAURA WERNICK: So she's saying that a continued case could be heard on the thirteenth, but then it has to make sure to get five.

BILL BOEHM: But then it would be -- have to be the same five.

BRENDAN SULLIVAN: Well --

ANDREA HICKEY: It would be continued as a case not heard.

BRENDAN SULLIVAN: -- a continued case not heard.

Could be that. Yeah.

LAURA WERNICK: Could we continue --

BRENDAN SULLIVAN: Yeah, it could be heard.

JIM MONTEVERDE: Maybe you could do that, yeah.

BRENDAN SULLIVAN: I just want to throw that out to you and give you that option, because that's really what you're facing.

ANDREA HICKEY: Yeah. And secondly, I also think that if you're sort of tweaking your plans to adjust what you think Historical will want to see, that those plans should be part of our file, prior to the case moving
BRENDAN SULLIVAN: Okay.

ANDREA HICKEY: Okay.

BILL BOEHM: Thank you.

BRENDAN SULLIVAN: All right, so. You're requesting continuance?

BILL BOEHM: Yes.

BRENDAN SULLIVAN: Until February 13? Okay. We make the motion then that we continue this matter February 13, 2020 --

SISIA DAGLIAN: Excuse me.

BRENDAN SULLIVAN: Sure.

SISIA DAGLIAN: You said that February 9 is for Historic?

BRENDAN SULLIVAN: I believe it's the ninth.

JOHN HAWKINSON: February 6.

BRENDAN SULLIVAN: Is that it?

JOHN HAWKINSON: The ninth is a Sunday.

SISIA DAGLIAN: I just want to make sure there are enough days, because he has to file plans by Monday. So --

JOHN HAWKINSON: You're right, it's February 6 is the --
SISIA DAGLIAN: -- there is enough time to file plans for the thirteenth.

ANDREA HICKEY: Yeah, so we need to look at them.

BILL BOEHM: I mean, it's the -- we're very confident that Historic will accept this, we've done what Historic has asked. So I'm -- we can file the same set of plans in advance.

SISIA DAGLIAN: A reminder, the tenth you have to file.

BILL BOEHM: Okay.

BRENDAN SULLIVAN: Let me make a motion then to continue this matter to February 13, 2020 at 7:00 p.m. on the condition that the petitioner sign a waiver of a timely decision on this matter -- that the posting sign in front of the house be changed to reflect February 13, 2020 at 7:00 p.m.; any additional material regarding this application be submitted by 5:00 p.m. on the Monday prior to February 13.

Anything else? I guess that's it.

SLATER ANDERSON: And this is a case not heard?

BRENDAN SULLIVAN: And this is a case not heard.

All those in favor of continuance?

[ All vote YES ]
BRENDAN SULLIVAN: Five in favor of a continuance.

SLATER ANDERSON: See you then.

LAURA WERNICK: You need to sign the waiver.
(8:49 p.m.)

Sitting Members: Brendan Sullivan, Andrea A. Hickey, Jim Monteverde, Laura Wernick, and Slater W. Anderson

BRENDAN SULLIVAN: The Board will hear -- is it 8:00 yet? Yes, it is. The Board will hear Case Number 017219 -- 2019, 544 Mass Avenue.

CLIFFORD SCHORER: Good evening.

BRENDAN SULLIVAN: Good evening.

CLIFFORD SCHORER: Okay. My name is Cliff Schorer. I'm a managing member of Central Square Redevelopment, which owns 544 - 550 Mass Ave. We are here actually on a very, very fine point.

I've been sent here by the Planning Board to begin a process that we began two years ago, which started with environmental remediation, and then spent a year on planning in terms of construction process, et cetera.

When we went to planning to discuss the eventual application of a special permit application, we were told that we need to start with the Zoning Board on a formality, because they cannot --
COLLECTIVE: Mr. Chair, some people can't hear.

Yeah, use the microphone. Get very, very, close to the mic.

CLIFFORD SCHORER: -- rule at the Planning Board fine point of our application. And because our application hinges upon this question, they suggested that we make this application prior to our community meetings, which are scheduled, first Cambridge Board community group on the twenty-eighth, and a number of other meetings that are scheduled thereafter.

So I just want to be very clear on the fine point, because I've heard some of you raise objections about what we hear about -- specifically plan objections, other issues. Our zoning application before you is merely about the lot area per unit, and it determines what the unit count in the eventual proposal will be that is brought for special permits, that will be pending in the future.

BRENDAN SULLIVAN: Okay.

CLIFFORD SCHORER: So I just want to be very clear about that.

BRENDAN SULLIVAN: All right. Let me tell you where I am, and then, you know, we can discuss that.

CLIFFORD SCHORER: Okay.
"Central Square Overlay District shall be considered an area of special planning. The development proposal is listed in subsection 19, except that any large project review, new buildings of 2,000 square feet or more, which you are putting up a new building -- 2,000 square feet or more -- shall be conducted in large project review, shall be conducted by the Central Square Advisory Committee using procedures as specified in subsection 20.

"The committee shall undertake all large project reviews, and shall receive all application for variances and special permits for activities within the Central Square Overlay District for review and comment.

"Within the six months preceding any application, the committee shall prepare a written report of findings and recommendations with respect to the applicant's proposed project. The report shall be forwarded to the applicant, and shall be included any application for building permit, special permit or variance.

"It is expected that in making a decision regarding special permits and variances within the Overlay
District, the Planning Board and/or the Board of Zoning Appeal will give due consideration to the report and recommendation of the Advisory Committee."

Then it was talking about the maximum height and what have you. I guess my question is, have you been before the Central Square Overlay District Commission?

CLIFFORD SCHORER: We informally met yesterday, at their request, through actually the Central Square Business Committee I believe it is -- the office Michael Monestime runs, and they had an informal meeting yesterday morning, at which we discussed the idea of having that process before we passed the zoning question, and the discussion was that to do so would be to rule on a project that doesn't yet have a basis.

So in other words, the Planning Board has still got the special permit authority that you address in there, and therefore between the two meetings, open this meeting, sound the opinion of the zoning on this fine question, the question that the Planning Board cannot rule on, and then we go and do that process for the X number of months.

BRENDAN SULLIVAN: Well, my feeling is that you need to go before the Central Square Advisory Committee with
a formal plan, have a hearing on that, and hearing of use, and then have them file a report to any permit granting authority. I think that's -- to me, the way I read this -- is that would be step number one.

And how you proceed vis-à-vis the Planning Board, Zoning Board -- my own personal view is I would -- and again, I'm a little bit unclear -- I can't connect the dots about the Planning Board's reasoning. I think we sort of like to be the last stop before the permitting, rather than having another one over us, because somebody over us could -- you know --

CLIFFORD SCHORER: Right.

BRENDAN SULLIVAN: -- change it. And then you'd have to come back again.

CLIFFORD SCHORER: Right.

BRENDAN SULLIVAN: And I think that as far as the public is concerned, that there should be an orderly progression of events. It starts with the Central Square Advisory Committee, number one, it may go to Planning, or we may have some discussion -- maybe I would ask Planning Board to submit some correspondence to us explaining their position. And then, you know, so there's one -- one step,
two steps, three steps.

CLIFFORD SCHORER: Just to be sort of clear on the sort of cart before the horse is what you're suggesting. So the plan that we bring forward to the Planning Board, the building itself there are no changes. The question that comes down to the ZBA, or the BZA, is the lot area per unit count?

And even though the plan doesn't change -- what changes is the unit count and the number of inclusionary units. So for us to propose two plans -- one by right, and one assuming that at the end of that whole process the ZBA would revisit the unit count, that -- I understand the Planning Board's logic.

This is a rare occasion where the ordinance in question does not change the actual physical structure of the building. The ordinance in question just changes the unit count we propose, and the number of inclusionary units.

BRENDAN SULLIVAN: And there's ramifications for that.

CLIFFORD SCHORER: Correct.

BRENDAN SULLIVAN: That's right, so --

JOHN HAWKINSON: Mr. Chair?
BRENDAN SULLIVAN: In a minute. So that's why I -- again, I would lean towards going before the Central Square Advisory Committee, having the input of the committee and of the neighborhood, and then you make the decision and have some more discussion with whomever whether you go to Planning, and then come to us, whether you come to us, and then go back -- the Planning Board really is -- I think is the parking. Is that --

CLIFFORD SCHORER: No, actually. The Planning Board is the special permit for height, special permit for the VAR enhancement for local retail preservation.

BRENDAN SULLIVAN: Okay, all right. There are a number of stubs here.

CLIFFORD SCHORER: Yeah, there's three.

BRENDAN SULLIVAN: Yeah, that's right. Okay.

CLIFFORD SCHORER: And that's why they determined that unless we have a hearing count, all of the other questions -- parking, et cetera, are all contingent. So that's why they suggested this guy.

BRENDAN SULLIVAN: Okay.

ANDREA HICKEY: I just wanted to add it's my understanding we can't sort of hear the case piecemeal.
Either we hear the whole case, or we wait until another time
to hear the whole case. We can't give an advisory opinion
on a very narrow issue. That's my understanding.

BRENDAN SULLIVAN: That's correct.

CLIFFORD SCHORER: Right. And I'm sorry, maybe
the phraseology was incorrect. What I'm asking for is BZA
approval on the question of a waiver of the lot area per
unit count, and nothing else.

And then we have to go through -- because
obviously we have two full special permits to seek through
the Planning Department, which involves the entire process
that you're describing, including the -- we understand your
position, but it's exactly counter to what the Planning
Board has --

BRENDAN SULLIVAN: Right. But I would, again,
lean on, I would welcome the input of the Advisory
Committee, and they obviously will have input from the
community. And formulating and coming forth with whatever
plan you want to at the end.

Any other questions or --

JOHN HAWKINSON: Mr. Chair, sorry, would it be
helpful if the Chair could distinguish between the Planning
Board and Community Development staff, because they're not
the same, and the Planning Board has not met on this in any
fashion? Thank you.

BRENDAN SULLIVAN: Community Development is -- has
under their umbrella the Central Square Overlay District.

JOHN HAWKINSON: Also true, but the petitioner
referenced the Planning Board several times, and I think
that was very confusing to some of the audience.

BRENDAN SULLIVAN: Right. Okay. Anyhow, I had a
thought here.

JOHN HAWKINSON: I could clarify that, if you
like.

BRENDAN SULLIVAN: No, that's okay. Slater, any
questions?

SLATER ANDERSON: I'm a little confused as to
what's -- this unit count, why are we asking -- and I want
to be careful, we haven't started this. This isn't heard
yet, or are we in this thing?

BRENDAN SULLIVAN: No, we're not even getting into
the merits of anything.

SLATER ANDERSON: Yeah. So I don't want to ask
questions.
BRENDAN SULLIVAN: No. And that might be an issue. But to me, whether it's one unit or 29 units or 129 units, until it has gone before the Central Square Advisory Committee, had a hearing, neighborhood input and so on and so forth, and then that comes back to us with their recommendation or they may come back and say, "this page was left intentionally blank -- " you know, whatever.

But that's a starting point with me. Do that, have that hearing, have them correspond, and then we will hear the unit count.

JOHN HAWKINSON: Okay.

BRENDAN SULLIVAN: And whether or not it's --

CLIFFORD SCHORER: If I may ask one quick question, just to not basically go back to the Planning Board staff and say we've heard the opposite -- if we start with the community approval process --

BRENDAN SULLIVAN: I think it's quite clear what you have to do.

CLIFFORD SCHORER: If we start with that, is the next step to logically establish the unit count before we go back to the Planning Board for our special permit?

BRENDAN SULLIVAN: I would say yes. I would say
whatever you are going to ultimately submit to us should be submitted to the Advisory Committee, plain and simple, as far as -- that's the way I read it.

ANDREA HICKEY: I'm not sure that wasn't the question.

CLIFFORD SCHORER: That wasn't the question -- the question, I'm sorry, is that we need special permission from the Planning Board, but the entire foundation of that question is what is the unit count, which has to be established by the Zoning Board. So --

JIM MONTEVERDE: I understand. But I think what the Chair has said, and the way the regulations read, you've got to run it up the flagpole with the --

CLIFFORD SCHORER: Yep.

JIM MONTEVERDE: -- whole group, period. You've got to put your plan on the table and go from there.

CLIFFORD SCHORER: Okay, that's fine. And then return to the Zoning Board, before the planning?

JIM MONTEVERDE: I think you laid out a process that indicated it could be either the Planning Board or the Zoning Board, that's your call.

CLIFFORD SCHORER: Or with -- simultaneously.
JIM MONTEVERDE: You'll get the advice under which way it goes, but if you got to do that first step first; put the plan that you proposed --

BRENDAN SULLIVAN: Laura, any comment at all?

LAURA WERNICK: No, I think that's correct.

Andrea, any?

ANDREA HICKEY: No. It does sound like the number of units is going to be -- and the Planning Board decisions are going to be contingent upon a set number of units. So the -- I see the logic, but you have to go through the Advisory -- the route of going through the Advisory Committee.

BRENDAN SULLIVAN: All right. So you've asked for a continuance --

CLIFFORD SCHORER: Yes, please.

BRENDAN SULLIVAN: -- to this matter. Let me make a motion then to continue this matter as a case not heard. Now, I guess the question is, okay, we have January 9 and we got February, we got March. At what point would you be comfortable in scheduling a date?

CLIFFORD SCHORER: I think probably we need to have some feedback in terms of the schedule on the other
approval process, and then come back to you with a day at
the staff level, if that's possible.

BRENDAN SULLIVAN: No, we have to set it now. I
mean, we can set it -- you can set it February 27, March 12,
March 26.

CLIFFORD SCHORER: We have a January 28 schedule
date, and I think we can probably work in the schedule. So
we'll -- how about we try for February 27?

BRENDAN SULLIVAN: February 27?

CLIFFORD SCHORER: Yeah.

BRENDAN SULLIVAN: Okay. Does that work, Sisia?

SISIA DAGLIAN: Yeah.

BRENDAN SULLIVAN: As a case not heard? The
motion then is to continue this matter until February 27,
2020, on the condition that the petitioner change the
acoustic sign to reflect the new date of twenty-seventh of
February at 7:00 p.m. -- that any submissions to the Board
should be in the file no later than the Monday prior to the
February 27 hearing.

That the petitioner agrees to sign a waiver of a
timeframe for rendering a decision on this, if you would
sign the waiver?
CLIFFORD SCHORER: Sure.

BRENDAN SULLIVAN: Anything else to --

MICHAEL WIGGINS: Mr. Chair, for the record, what is the meeting on the twenty-eight? January 28 is the meeting with who?

BRENDAN SULLIVAN: That's the Cambridgeport Neighborhood Association. That's the first of our neighborhood association meetings.

MICHAEL WIGGINS: Okay.

BRENDAN SULLIVAN: On the motion to continue this matter?

[ ALL FIVE VOTE YES ]

BRENDAN SULLIVAN: Five in favor. All right.

Thank you.
* * * * *

(9:32 p.m.)

Sitting Members: Brendan Sullivan, Andrea A. Hickey, Jim Monteverde, Laura Wernick, and Slater W. Anderson

BRENDAN SULLIVAN: The Board will hear Case Number 017211, 336 Pearl Street. Mr. Hope?

SEAN HOPE: Good evening.

COLLECTIVE: Good evening.

SEAN HOPE: Good evening, Mr. Chairman, members of the Board. For the record, Attorney Sean Hope, Hope Legal Offices in Cambridge. I'm here on behalf of the petitioner and owner, Ms. Kim Walker-Chin and project architect Stephen Hiserodt of Mark Boyes-Watson Architects in Somerville. Anyway, thank you for having us.

This is an application requesting zoning relief in the form of a variance, and also, a special permit for windows, to convert a nonconforming existing carriage house. Additionally, there are dormers on this carriage house that set within the rear yard setback that also triggers variance relief.

And lastly, with converting the carriage house
into a residential dwelling by application of the unit. It exceeds the allowable lot area per dwelling unit.

So those are the three elements of the variance. And as I said, there's a special permit for windows within the setback on the existing three-family dwelling.

Just by some brief background, Mrs. Walker-Chin has owned the property for approximately 18 years, and has kept and maintained the property. The property has a three-family on it, multifamily. It also has a carriage house in the rear.

This is relevant to note, the carriage house has been deemed preferably preserved by the Historical Commission, which essentially means that it can't be demolished without process, and through a demolition application; there could be a delay up to one year. That is relevant.

This carriage house, like many of these historic carriage houses were used for horse and buggy. And now, it's actually pretty grand sized. So it's a large size. The part of the proposal is for Mrs. Walker-Chin to be able to utilize that structure as a dwelling.

The proposed use for the dwelling would be either
for herself and/or families. Mrs. Walker-Chin, as she can
tell you, is from Jamaica. She has aging parents. And so,
her current location living in Cambridge is not a large
enough size, so the idea would be to be able to keep the lot
-- keep the multifamily structure and then be able to
utilize the carriage house for her and her family uses.

I would also say too that the existing three-
family house, as stated in the application, is being
converted to a two-family as part of the renovation, so that
right now you have three units on the lot, and if the Board
were to approve the application, you'd still have to
maintain the three units.

So there is an attempt to keep the density in
terms of the unit count consistent with what's there. I
would also say too this carriage house is prominent on the
lot, so if you go by, it stands, it's very visible from the
street. Unfortunately, it has been unused.

And so, there is an economic element to a large
structure that you have to maintain that really doesn't have
the uses that it once had. I would say that the nature of
Cambridge and the shortage of housing really makes the most
rationale, highest and best use for this garage structure as
a residential dwelling.

In preparing for this application, because this structure is so close to the rear property line, we did reach out to the neighboring abutters, and Mr. Hiserodt can talk about some changes that we made to the carriage house.

But I would say some benefits to the conversion.

So one, this is an age structure that is very close to the property line, and currently is not sprinklered. It is not -- there's a type of material, like hardwood siting. So by the renovations, there will be -- the structure will be sprinklered.

The structure will be made more safe. It will still be in close proximity to the property line, but it would also be activated, and to have this as a close to 2,000 square feet structure.

And as you know, when you have these large structures that are unused and not occupied, it does present a potential safety hazard. So the proposal is to activate this for Mrs. Walker-Chin's benefit, and just make some modification to the carriage house that Mr. Hiserodt will be walking through at the request of some neighbors and abutters to mitigate what might be some impact from its
THE REPORTER: Can you just spell your name, please, for the record?

STEPHEN HISERODT: Excuse me?

THE REPORTER: Can you spell your name, please?

STEPHEN HISERODT: H-i-s-e-r-o-d-t. The -- in discussions with the neighbors, they -- the main concern was a series of dormers that face the rear yard on the carriage house, concern about privacy matters. So we've agreed to eliminate those dormers, so that there will be no new openings to the rear of the carriage house.

Do you want me to go through the architecture, or --

BRENDA SULLIVAN: Well --

STEPHEN HISERODT: -- and Sean has described --

BRENDA SULLIVAN: Yeah --

STEPHEN HISERODT: -- the basic scope that --

BRENDA SULLIVAN: Maybe you can start the discussion that I look at this as it's a lot, it's a bit much. How many bedrooms are in the existing three-family?

KIM WALKER-CHIN: One, two, three four. Four --

two on each, the first-floor corner, second floor, and the
top floor I would say one. It's a very small triple-decker, it's not the traditional.

BRENDAN SULLIVAN: And there's four bedrooms on the first floor?

KIM WALKER-CHIN: No, no, no.

STEPHEN HISERODT: Two.

KIM WALKER-CHIN: Two.

BRENDAN SULLIVAN: Two?

KIM WALKER-CHIN: Two on the first --

SEAN HOPE: Two, two and one --

KIM WALKER-CHIN: Two on the second --

SEAN HOPE: So far --

KIM WALKER-CHIN: And then one.

SEAN HOPE: -- right?

STEPHEN HISERODT: Yeah.

BRENDAN SULLIVAN: Two, two and one.

KIM WALKER-CHIN: Yes.

BRENDAN SULLIVAN: So five?

KIM WALKER-CHIN: Correct.

BRENDAN SULLIVAN: And what is proposed?

STEPHEN HISERODT: It's three --

BRENDAN SULLIVAN: 11.
STEPHEN HISERODT:  Three in each?  And -- yeah.

BRENDAN SULLIVAN:  That's a lot of bedrooms.

STEPHEN HISERODT:  Yes.

BRENDAN SULLIVAN:  The purpose of the ordinance is to lessen congestion in the streets, provide adequate light, air and prevent overcrowding of land, to encourage the most rational use of land throughout the city, including encouragement of appropriate economic development, and the protection of residential neighborhoods from incompatible activity, and preserve and increase the amenities of the city.

That's the purpose of the zoning ordinance. To go from five bedrooms to 11 bedrooms on a site, even though it's two structures, to me is overcrowd. That's my -- when I first looked at the this, I said, "They are trying to max out every square foot of building."

And as you said, it is a small, narrow house -- three-family. I couldn't believe that it was a three-family, other than there's probably just a bedroom and a bathroom upstairs and maybe a kitchen, that type of thing or something --

STEPHEN HISERODT:  Yeah.
BRENDAN SULLIVAN: -- like that.

STEPHEN HISERODT: Yes.

BRENDAN SULLIVAN: It does not look like a three-family, it's not -- but anyhow, but then to maximize that, put Unit 1 in the basement -- part of Unit 1 is onto first floor, Unit 2 is second floor and the third floor, and then two maxim out the carriage house by also putting bedrooms and rooms in the basement, I don't think there's a basement to the carriage house. It probably has to be excavated --

STEPHEN HISERODT: Yeah.

BRENDAN SULLIVAN: And so on and so forth. To me, that's a lot. So let me open up the discussion with that.

STEPHEN HISERODT: Yeah.

BRENDAN SULLIVAN: So you know where I'm coming from.

STEPHEN HISERODT: The -- I mean, it's --

BRENDAN SULLIVAN: If you want to go through your presentation that's fine, but --

STEPHEN HISERODT: Well, I mean, I think the details of where -- I mean, what we're seeking relief for are fairly straightforward, as John has -- I mean, the requests for relief.
BRENDAN SULLIVAN: Is this going to be condo-ed, or is it --

KIM WALKER–CHIN: No, it's for me. I'll be still living there. I currently rent the first floor, and I live on the second, which is what I'll still do. I use the first level, the bedroom, for myself. The second level I have, like, my exercise room and my office. So it's still just me and using the space differently, so to speak.

STEPHEN HISERODT: I mean it's not -- it's really just utilizing all of the existing square footage that’s on the lot.

BRENDAN SULLIVAN: Every inch.

STEPHEN HISERODT: Yeah, but it's not uncommon in the city to do so. I mean, most projects will try and maximize the use of the square footage available. I don't think it's a stretch that's uncommon. If I look at the 50 or 60 projects I've done in the last 50 years -- say the bulk of them seek to maximize the available square footage.

SEAN HOPE: Just to see if I can nuance a little bit. So is it -- so one, I think the Board has seen basements have been activated since the barrack, where people have been utilizing this duplex first and second
floor? But my question is, is it the number of bedrooms, or is it the living space?

Because, you know, you can -- he could -- you could activate the whole dwelling in a way that has more open plan, maybe less bedrooms. Because I think, -- and tell me if I'm wrong -- the focus of this was really about the carriage house. You know, it's been about 18 years since there's been a full gut type renovation in this structure.

So I do think when we go from a 2.5 story, you know, probably medium in terms of condition and then you've got to make it brand new, there is this idea of, how do you offset the cost of all of the construction? And you go and you try to maximize it.

But I think the point of the carriage house was really about allowing the petitioner to be able to age in place. So I do think the three-family and the number of dwelling units is by nature going to support her.

But I think if the number of bedrooms is the issue, I think that's something that we could adjust, versus leaving the basement empty, because I think when you have seven feet, when you have a basement and you don't have oil
furnaces and all the things that were in basements,
naturally people want --

BRENDAN SULLIVAN: Well to me -- and again, I'm just speaking for myself --

SEAN HOPE: Sure.

BRENDAN SULLIVAN: -- for other people here, the number of bedrooms means people.

SEAN HOPE: Yep.

BRENDAN SULLIVAN: And people is crowds, crowding, overcrowding.

SEAN HOPE: Mm-hm.

BRENDAN SULLIVAN: Coming and going. And then just it's -- you know, so. I mean, there could be a five-bedroom house with one person in it.

SEAN HOPE: Mm-hm.

BRENDAN SULLIVAN: And, you know, I mean, there's -- well, it's a city. There's no formula. But I just look at this as that you're going from five bedrooms to 11 bedrooms, and it is going to increase the overcrowding of -- that's how I read it.

Now, you're welcome to try and swing me the other way, and I will listen to my other fellow Board members what
their thoughts are on it, and that's my initial. I just
wanted to --

LAURA WERNICK: You should clarify the number of
units. There will still be -- there will be three units on
the site.

BRENDAN SULLIVAN: Yes, that's correct.

LAURA WERNICK: The first floor, the second and
third floor, and then a single-family unit in the carriage
house.

KIM WALKER-CHIN: Right.

LAURA WERNICK: You're not going to divide that up
into --

KIM WALKER-CHIN: No.

SEAN HOPE: And just to be accurate, it's the
first floor and basement, and the second and third floor.

LAURA WERNICK: I'm sorry, with the basement --
first floor and basement. And that's your intent is to stay
on the second and third floor?

KIM WALKER-CHIN: The second and the third floor,
which I'll use the first level of the second floor for my
bedroom and living and kitchen. The upper will be my
office/guestroom and an exercise room.
LAURA WERNICK: And I think I heard Mr. Hope say that you would retire to the -- eventually retired, or eventually move to the carriage house.

KIM WALKER-CHIN: As my -- as I get older, my legs --

LAURA WERNICK: The intent is to rent that out?

KIM WALKER-CHIN: Depends on what's happening at the phase of my life. Probably a family member will come. I'm from Jamaica, so we tend to take care of each other as we get older.

LAURA WERNICK: But it will have how many bedrooms? I'm sorry, how many bedrooms in the carriage house?

KIM WALKER-CHIN: One, two, three, four. Four?

SEAN HOPE: It's four.

KIM WALKER-CHIN: Three plus, really. I mean, it could be wide open space. It doesn't really make a difference. It will probably be a den or an exercise room, which is really the norm.

LAURA WERNICK: So would you feel more comfortable if it were not defined bedrooms -- that there were, more multipurpose room and the bedroom? I mean, I'm concerned
about the same thing.

SEAN HOPE: Yeah.

LAURA WERNICK: It seems like we could get high density.

JIM MONTEVERDE: Yeah, except that what's submitted and we're looking at for the carriage house is more bedrooms.

KIM WALKER-CHIN: It's two upstairs, and we could always open up the basement.

JIM MONTEVERDE: Correct. One on the basement --

KIM WALKER-CHIN: It's not a --

JIM MONTEVERDE: -- one on the ground-floor, two above.

LAURA WERNICK: Sorry?

KIM WALKER-CHIN: Yes.

JIM MONTEVERDE: One in the basement?

SEAN HOPE: There's not a basement in carriage house.

STEPHEN HISERODT: Yes, there is.

SEAN HOPE: Oh, there is?

LAURA WERNICK: Yeah, there is.

BRENDAN SULLIVAN: To answer your question, I just
as the plan is submitted, it looks to me like a lot. And it's just -- it's maximizing. Now, if you were to take the existing three-family, you know, and again, yes, we have allowed and it's the city policy to build down at the basements, that utilize that space and what have you. Now you're adding there's another structure there.

What do you do with that structure? And again, I don't know. Could we have a philosophical discussion as to whether it is right, wrong or different height?

I don't know, other than the fact that I look at 11 bedrooms and I see a lot of people. So that's all.

That's where I'm coming from in this.

SEAN HOPE: Yeah, I mean I -- and this is obviously the petitioner's point of view, but I think if the feedback is that the layout -- the number of bedrooms is objectionable, but the square footage in the carriage house and in the unit itself, I think we could take that advice, potentially look at how we have laid out, because as the petitioner said in the carriage house, four bedrooms, you could easily have more of an open plan. I do think there was a goal to have a bedroom --

BRENDAN SULLIVAN: Right.
SEAN HOPE: On the first floor, so that you don't have to climb stairs.

BRENDAN SULLIVAN: I could see the carriage house without the basement -- just the carriage house; renovation of the existing carriage house.

SLATER ANDERSON: Does the carriage house not have a basement currently?

BRENDAN SULLIVAN: No, slab.

SEAN HOPE: Currently it does not have a --

BRENDAN SULLIVAN: Yeah, it's on a slab.

SEAN HOPE: -- basement space.

SLATER ANDERSON: I mean, it sounds like there are layout changes that we could -- that could be made, that could ease the congestion of a potential --

BRENDAN SULLIVAN: There's only one --

SLATER ANDERSON: I understand, but just --

BRENDAN SULLIVAN: Far more knowledgeable than I, that's why I treasure their input.

SLATER ANDERSON: I understand. But I -- I'm just -- it sounds like, you know, there's another Board member who also seemingly stopped the 11 bedrooms was potentially -- would cause congestion if they were all occupied at the
sesame time, and you know, it petitioner was open to it, and
the Board felt that maybe reorienting the layout so there's
less bedrooms might be more palatable and reduce the concern
for every -- if every room was occupied at a given time.

I think that's something that the petitioner may
consider. That was with the Board, as a group, felt the
proposal was maybe just a hair too far, in terms of the
number of bedrooms.

JIM MONTEVERDE: So just to be clear, yes, I would
agree with Chair that it just seems too dense of a
development, and I'm having trouble following the -- I can
follow the logic of the discussion that the carriage house,
and I appreciate being able to renovate an accessory
structure, that's great.

But the discussion that it's used to be able to
age in place and then have four bedrooms just seems -- and I
understand you've got other family, and there may be other
family there, but then it's also not just you? You know,
after that time, then it's a four-bedroom dwelling, and it
just seems like it gets very dense. So I would agree with
the Chair, that that would be my concern.

KIM WALKER-CHIN: I was looking at it from the
point of view -- like I said, one would be a guest room 
/study, the other one an exercise room.

I understand your point, but we could certainly
make it open and have the office/guest room exercise room
one space, which is okay. But that is where we were coming
from with the design. But that's something -- we can remove
the walls, and just have a big, open area, and just use
floor rugs to make the division, if we need to.

LAURA WERNICK: Can we talk a little bit about the
basement? Because I think that also --

KIM WALKER-CHIN: The basement, because of the --
because of the mechanicals and all of that, it only makes
sense to have the basement and the laundry area, as well as
possibly a den.

You know, it's just the norm in the area when
you're doing basements now. I'm sure you're familiar with
the dense in the basement, possibly a little sofa somewhere
for when the guest comes, and a bathroom.

So that was the idea. But we went forward to make
the walls, so we could have some kind of privacy and
division. But if it's open, it's not about having several
people. You know? That's kind of not the -- that's not the
concept that we're going by.

LAURA WERNICK: Andrea?

ANDREA HICKEY: Yeah. So I have two issues.

KIM WALKER-CHIN: Sure.

ANDREA HICKEY: And I think they sort of mirror my colleague, Mr. Sullivan. It's collectively the number of bedrooms I have an issue with. My second issue is sort of creating an excavated basement living area in the carriage house. I think it's excessive.

I would have less of an issue with the first floor as proposed, so a little under 800 square feet, and then the second sort of level of the carriage house a little under 500 square feet.

But creating all this new space in an excavated basement it's a lot, to quote --

KIM WALKER-CHIN: That can be changed too. If we need to, that's -- it's -- like I said, the carriage house basement space was more for the mechanicals. But if we need to make an adjustment there, that's not a problem.

ANDREA HICKEY: Yeah.

KIM WALKER-CHIN: Because --

ANDREA HICKEY: I don't see a mechanical room in
the plan.

KIM WALKER-CHIN: No, but I am just thinking out loud in terms of it would only make sense, because if you're going to do the living room and the kitchen on the first level, it limits where you can put certain things, as you know, in terms of the mechanicals.

ANDREA HICKEY: Right. Well, those are my objections.

KIM WALKER-CHIN: Okay.

ANDREA HICKEY: The collective number of bedrooms, and there being sort of an excavated living area of any sort, under the carriage house.

KIM WALKER-CHIN: Point taken.

ANDREA HICKEY: Thank you.

KIM WALKER-CHIN: Yeah.

SLATER ANDERSON: Okay. Can someone clarify for me how we can add the basement and not increase the FAR? Is this related to the -- I mean, it would seem like when you're adding a new basement to a three-unit property, you're adding FAR. Now --

SEAN HOPE: Right. So in the existing three-family, part of the proposal is to convert the three to a
two. And under the ordinance, single and two-families, the basement space is exempt, without going to the Board. If it was a three-unit structure, and we went to go exempt the basement, we'd have to get a special permit.

So there's converting it to a two, which allows you to exempt the basement on the two-family, and in the carriage house it would be a single-family dwelling, and the basement would be exempt as well. So that's how both basements can be activated and used without adding additional gross floor area.

But there's no basement in the carriage house.

SLATER ANDERSON: This is true, even of new construction?

SEAN HOPE: No.

STEPHEN HISERODT: I mean, as far as density is concerned, I mean we still meet all of our open space requirements. There's still quite a of lot area left.

BRENDAN SULLIVAN: And you would need the open space.

STEPHEN HISERODT: Yeah. You would need the open space for --

BRENDAN SULLIVAN: And the lot area for the number
of people.

STEPHEN HISERODT: I mean, we did create very small bedrooms, as opposed to widening them out. Losing a bedroom is not a critical issue. I know, you know, for affordable housing, they're trying to get housing that can accommodate larger families.

BRENDAN SULLIVAN: The value in this is not as rentals.

BRENDAN SULLIVAN: No, true, yes. Down the road, the value of this is not as rentals. So I don't live in a bubble.

STEPHEN HISERODT: Yeah.

BRENDAN SULLIVAN: Okay.

SLATER ANDERSON: Just back to my question -- I'm sorry, but you described the carriage house as a single-family? I mean, to me this is a single lot with three units on it. It's not a single-family dwelling. I mean, I am not a -- you know, expert on the subject, but it would seem to me that it's a detached third unit, not a single-family.

STEPHEN HISERODT: I was only talking about in terms of the basement and the zoning, how the zoning would look at this as a freestanding dwelling, so it would be
single, as opposed to a multifamily.

But I think the distinction -- it's a detached dwelling unit, and so to your point, whether it's a single or it's a freestanding dwelling, and --

SLATER ANDERSON: I think it's significant for the exemption of the basement? Whether it's a one or two or a three, it doesn't apply to the three, does it? Or is it because it's attached that’s fine?

BRENDAN SULLIVAN: It's detached, it's a single-family.

STEPHEN HISERODT: So.

BRENDAN SULLIVAN: I'm sorry, did you have your hand up to speak?

AUDIENCE: No.

BRENDAN SULLIVAN: Oh, okay. Sorry. Well, there seems to be some resistance, some pushback. Would you like to continue this matter? To another date?

SEAN HOPE: It does sound like based on the feedback from the Board, that we don't have support for this current proposal, and this made representations that we could modify the plan, still achieve the goals of the petitioner, and maybe have a less congested site.
So based on that, I think we would continue. I know there are some folks here who came. Is it the Chair's preference that they not do public comment and come back, or --

BRENDAN SULLIVAN: I would suspend that, and I'm - any public comment, until the final plan comes back before us. There are letters of support in the -- a letter -- maybe two letters in support, but any public comment I think we would reserve until we see a final plan.

SEAN HOPE: There were actually some changes to the dormers that we talked about in the hallway that we could --

BRENDAN SULLIVAN: And those should be reflected also?

SEAN HOPE: We can do that as well.

BRENDAN SULLIVAN: Because I had a big issue on those also. But we're not getting to that either. And the historical -- I know you had -- I think you had mentioned that it was designated preferably preserved.

SEAN HOPE: Not by hearing by the --

BRENDAN SULLIVAN: No, that's right. So that was in the opinion --
SEAN HOPE: -- Commission, it was just in terms of
--

BRENDAN SULLIVAN: -- in the opinion by Mr. Sullivan?

SEAN HOPE: Yes.

STEPHEN HISERODT: That's right.

BRENDAN SULLIVAN: Only the Board can designate that. Okay. And in your pleadings, you had mentioned that. And then you sort of looked at it, and I want to know when the hearing was, and I went up and they said, "Well, there hasn't been. "So I said, "Well, how could it be?" And they said, "Well, it hasn't been." So anyhow -- I said, okay. So we'll go from there.

We shall continue this request by the Council for the petitioner to continue this matter to a date of -- Sisia, when?

SISIA DAGLIAN: Well --

BRENDAN SULLIVAN: This is definitely heard, so it can either be the thirtieth, which is a full agenda, is that correct?

SISIA DAGLIAN: Yes, it is full.

BRENDAN SULLIVAN: All right.
SISIA DAGLIAN: So we have to go to March.

BRENDAN SULLIVAN: And so, it would kick out to March 12.

SISIA DAGLIAN: Yeah.

BRENDAN SULLIVAN: If -- can all of us be here on March 12?

SLATER ANDERSON: Do we want to confirm that anybody who's come wants to be heard? I mean, since it's been heard, or do you want to not have that?

BRENDAN SULLIVAN: I would -- our usual rule is not to --

SLATER ANDERSON: Okay.

BRENDAN SULLIVAN: -- hear on a continued case.

I know it's a pain in the neck to come down and, you know, wanting to speak, but they're speaking on a plan that is going to change.

ANDREA HICKEY: So it would be the March 12 is what's being proposed.

SISIA DAGLIAN: Yeah.

ANDREA HICKEY: March 12?

BRENDAN SULLIVAN: March 12?

ANDREA HICKEY: Should we perhaps ask folks in the
audience that have come to speak about this case, whether that is an acceptable date for them, March 12?

BRENDAN SULLIVAN: March 12?

SLATER ANDERSON: It's good with me.

BRENDAN SULLIVAN: I'm sorry? Yes, yes, yes, yes, okay.

COLLECTIVE: Yes, that's fine.

BRENDAN SULLIVAN: All right. Slater, you're --

SLATER ANDERSON: Yep, I'm good.

BRENDAN SULLIVAN: You're here, you're good?

Okay. Motion then to continue this matter until March 12, 2020 at 7:00 p.m.; a case heard on the condition that the petitioner sign -- change the posting sign to reflect the new date of March 12 at 7:00 p.m.; that any new submittals, changes to the existing plans and subsequent documents be submitted on the Monday by 5:00 p.m. on the -- prior to the March 12 hearing, that the petitioner sign a waiver to the statutory requirement render a decision on this particular case.

All those in favor of continuing this matter --

AUDIENCE: I will sign.

BRENDAN SULLIVAN: You will sign. Yes.
COLLECTIVE: Thank you.

THE BOARD: Aye

[ All vote YES ]
(9:32 p.m.)

Sitting Members: Brendan Sullivan, Andrea A. Hickey, Jim Monteverde, Laura Wernick, and Slater W. Anderson

BRENDAN SULLIVAN: Okay, the Board will hear Case Number 017225, 3 St. Paul Street. If you would introduce yourself for the record clearly, and spell your last name. Really close to the microphone.

CAMILLE PRESTON: Thank you, good evening.

Camille Preston, C-a-m-i-l-l-e, Preston, P-r-e-s-t-o-n.

MARK NEWHALL: Mark Newhall, N-e-w-h-a-l-l.

BRENDAN SULLIVAN: Okay. Let me begin by asking you if you have spoken to your neighbors?

CAMILLE PRESTON: We have spoken with all of our neighbors, and we've invited folks into our home to walk through the plans. We've actually revised the plans based on feedback from one of our neighbors, and we have letters of support from everybody surrounding our neighborhood, with the exception of one neighborhood.

BRENDAN SULLIVAN: Okay. Because there are significant, and a number of letters in opposition.
CAMILLE PRESTON: Are they neighbors in direct relationship to our property?

BRENDAN SULLIVAN: Well, there's 5 St. Paul Street, there is 5 St. Paul Street, 20 St. Paul Street Unit #1. There is 15 St. Paul Street #4, the Pastor sort of is somewhat neutral, I guess. I'd have to read through that again.

Mr. Snyder who lives at #20. There is #16 St. Paul -- this didn't have any opposition. So --

CAMILLE PRESTON: Sure I believe the only person who is directly affected by the property --

BRENDAN SULLIVAN: I guess, well, where I'm headed is if you -- there was significant opposition. And if you needed further discussion to possibly work something out, I would suggest that we do that.

You can either -- I don't know, it's getting late now, but you can either go into another room, possibly have a discussion, come back to us and say you've resolved, or you're agreed to disagree, or we can continue it to another date, and you have more entrenched discussion.

CAMILLE PRESTON: Okay.

BRENDAN SULLIVAN: If we were to open this, get
going in this and then continue it, because you may decide
it looks like you may not get the four votes, then you're
going to have to reassemble the same board, which may kick
this off then into March sometime.

CAMILLE PRESTON: Can I ask a question of
guidance, just to --

BRENDAN SULLIVAN: Possibly, but I --

CAMILLE PRESTON: -- educate? Well, so we believe
very much in the community values, and we worked hard to
reach out to folks. We had three different meetings with
the Commissioner, to really understand the process, and we
were informed to reach out to all neighbors that were
impacted.

We were informed by the Commissioner that it's not
visible by the street. The only people that are visible to
it have -- we've gotten affirmation the Pastor's been over
to our house, walked through -- he thinks it makes
tremendous sense to people on the east.

So I guess one is we didn't know that there was
opposition from neighbors that it would necessarily impact.

We have invited our --

BRENDAN SULLIVAN: Have you read any of the
letters in the file?

CAMILLE PRESTON: No.

BRENDAN SULLIVAN: No? Where are we on the agenda?

CAMILLE PRESTON: Second to last.

JIM MONTEVERDE: Second to last.

BRENDAN SULLIVAN: Huh?

CAMILLE PRESTON: Second to last.

BRENDAN SULLIVAN: Second to last?

JIM MONTEVERDE: Penultimate, I believe that's called.

BRENDAN SULLIVAN: Hm?

AUDIENCE: It is.

JIM MONTEVERDE: Penultimate, I believe that's called.

BRENDAN SULLIVAN: Yeah.

CAMILLE PRESTON: I guess the question I was going to ask is, obviously we want strong neighbor relations. Our goal is to have light into the kitchen. We've closed one window facing --

JIM MONTEVERDE: Do not --

BRENDAN SULLIVAN: Okay, yeah. I don't want to
get into too much of this. Let me just -- treading lightly here, you're --

JUDY HOUSMAN: I'm Judy Housman.

BRENDA SULLIVAN: Okay. So you're in opposition to it?

JUDY HOUSMAN: Yes.

BRENDA SULLIVAN: Yeah, all right. Why don't I do -- I don't know, try to be Judge Baker's guidance center here. Maybe the five of you, if you could, let me recess this here -- the five of you if you want to go into the other room and just -- no.

JUDY HOUSMAN: I don't think we're there. I mean, this has been -- let me just say --

THE REPORTER: I'm sorry --

JIM MONTEVERDE: No.

ANDREA HICKEY: This would be testimony, you can't --

BRENDA SULLIVAN: Yeah, all right, well then let's -- well, we'll open it then. All right. Okay. Go.

CAMILLE PRESTON: So.

BRENDA SULLIVAN: Unless you want to continue to have more discussion?
CAMILLE PRESTON: I think we should have a conversation. We should have the conversation, because we've invited them to our home several times, we haven't had --

JIM MONTEVERDE: Twice.

CAMILLE PRESTON: Twice.

ANDREA HICKEY: Can you -- we can't take testimony.

BRENDAN SULLIVAN: We have to be careful how we -- how deep we get into this.

ANDREA HICKEY: Unless we're going to hear the case. So what's your pleasure?

CAMILLE PRESTON: I think we would like to proceed?

BRENDAN SULLIVAN: Okay.

CAMILLE PRESTON: At the risk of having to find a time that we can all come back. I understand that that's complicated, but we've worked very hard on this.

ANDREA HICKEY: All right. And it means if you're turned down by the Board, and I'm not suggesting that's where we're going, I don't know enough to say that, then, you know, you couldn't come back with a similar petition for
two years?

CAMILLE PRESTON: Mm-hm.

ANDREA HICKEY: Right?

BRENDAN SULLIVAN: Correct.

ANDREA HICKEY: Correct.

BRENDAN SULLIVAN: That's correct.

ANDREA HICKEY: All right. Just want to make sure you understand that going forward --

CAMILLE PRESTON: Yeah. But we could also at some point if you get to an impasse, we could do a continuance from this conversation, where there's --

ANDREA HICKEY: If the Board was inclined to grant a continuance, yes. That's at our discretion.

BRENDAN SULLIVAN: I'm trying to avoid 45 minutes of discussion, and then continuance. That's what I'm trying to do.

CAMILLE PRESTON: I appreciate that. It's been a big public service --

BRENDAN SULLIVAN: And you gain nothing, as opposed to sending you away, and you can look at all these letters, and you can have further discussions, if anybody's open to that, and then come back sooner than you normally
would, you know? If we continue it tonight, you're here the end of March. Or any sooner than that, you could be here the middle of February.

CAMILLE PRESTON: What is the specific -- I travel a lot for work, so what would be the specific --

BRENDAN SULLIVAN: Well, we meet February 13 or 27. The earliest you could be heard, if we hear it and continue it, would be March 12 or March 26.

MARK NEWHALL: Or the thirteenth or twenty-seventh if we don't hear it.

ANDREA HICKEY: If we do not hear it.

BRENDAN SULLIVAN: If we do not hear it tonight, if we do not open it.

CAMILLE PRESTON: Is it possible that we could read the letter of the neighbors that are not impacted by it, but propose it? Is it possible we could read that and then come back after the --

BRENDAN SULLIVAN: Yeah. Why don't we recess this. Here's the file.

CAMILLE PRESTON: Thank you.

BRENDAN SULLIVAN: Go off to the -- and then I'll hear the next case --
JIM MONTEVERDE: Right.

BRENDAN SULLIVAN: -- and then come back.

CAMILLE PRESTON: Thank you.

ANDREA HICKEY: Stay close --

BRENDAN SULLIVAN: Yeah, this.

ANDREA HICKEY: -- because we only have one more case.

CAMILLE PRESTON: Thank you.

COLLECTIVE: Thank you.

BRENDAN SULLIVAN: All right. And again, if you want to have discussions, please do. If not, then we can agree to disagree. Let me make a motion, then, to recess this hearing and open it up at a later time this evening.

ANDREA HICKEY: Do we need to vote on that motion?

BRENDAN SULLIVAN: Vote on the continuance, if you would, yes. All in favor of --

ANDREA HICKEY: All in favor, on the recess.

BRENDAN SULLIVAN: On the recess.

JIM MONTEVERDE: Recess, yes.

BRENDAN SULLIVAN: Well, go for recess.

ANDREA HICKEY: On the recess?

[ ALL FIVE VOTE YES ]
ANDREA HICKEY: Yes, unanimous.

BRENDAN SULLIVAN: Okay, yes. Bellis Circle?

ANDREA HICKEY: Bellis Circle.
* * * * *

(9:41 p.m.)

Sitting Members: Brendan Sullivan, Andrea A. Hickey, Jim Monteverde, and Slater W. Anderson

BRENDAN SULLIVAN: The Board will hear Case Number 017222-2019, 30 Bellis Circle. Introduce yourself for the record. Please spell your last name. Really speak into the mic, like you're singing a song.

LEVI TOFIAS: Levi Tofias, T-o-f-i-a-s.

ROSEMARY PARK: Rosemary Park, P-a-r-k.

BRENDAN SULLIVAN: And Mr. Tofias, there was one member who has recused herself from hearing the case, which means that you have four members of the Board to hear, which means that you need to get only four votes. Your other option would be to defer to another night, and have a five-member board, which then gives you the option of having four out of five votes.

LEVI TOFIAS: I think we'd like to go ahead --

BRENDAN SULLIVAN: To proceed with the four?

Okay, good. I went down there and I tried to get around the back, and it was all blocked off with construction, it was so tight and narrow, and --
LEVI TOFIAS: Oh, yeah. It is a very tight little street. So for the most part, we're --

BRENDAN SULLIVAN: Really close to the mic, Levi.

LEVI TOFIAS: For the most part, we're keeping the house really how it is. The things that we're changing that we're asking for relief from today are along the rear façade, the side façade, the windows. Because pretty much every wall is in a setback of some sort, of how the --

THE REPORTER: Could you speak up, please?

LEVI TOFIAS: So because of how the existing building is, pretty much every wall is in a setback. So you're altering some windows of the setback, and then we are also adding an areaway to the basement, which there was an areaway before, a covered bulkhead before, that went straight out to the rear.

But as we're changing the interior of the layout, to make a safer egress out from the basement, that areaway would then run along the back wall. So it would be a more direct path to the street. And then also would have the added benefit of making the back yard a little bit more open.

So adding a railing on that, as a structure and
setback. And then enlarging the deck, the uncovered stoop that was there, making it wider, which is also a structure in the setback.

And then the third thing we're doing in the setback is where this roofline -- and I'll talk about it a bit more in elevation, but just to give you an idea, we're changing this configuration of the gable here, with the shed roof on the back.

We're turning this into a flat roof for a number of reasons to deal with the -- some of the water issues that were happening where all these roofs met, and also to allow for solar panels along this south-facing side of the gable.

And then we're reconstructing the covered porch to -- on the back there, just to get an even ceiling in the back. So if you just click on the elevations, you can just --

So this is the side façade. I was just talking about with the cross-gable roof and the shed that's attached on the back. And this red line is showing the extent of the existing roof, and then with the proposed roof drawn above it there. So it's about maybe a foot and a half to two feet above the existing roof line.
BRENDAN SULLIVAN: And then on the far side here, this is the rear façade. So those window changes that are shown here from the existing to the new, those are all in the setback.

And then you can see at the bottom the areaway, the stairs down to the basement, which will require a railing to -- for fall protection from the yard, so nobody would fall down into those stairs.

And then here’s the -- is the porch where it extends another four feet beyond what was existing back towards the house. So the stairs were out at the end of the porch originally, and it's extending back towards the house to the edge of the areaway, going down the basement.

Oh, and then there is one window on the side, which is also in the setback. So on the left-hand side. I think that's about it.

BRENDAN SULLIVAN: Okay. Adding a lot of windows.

LEVI TOFIAS: Yeah, somewhat.

BRENDAN SULLIVAN: I guess repositioning them?

ANDREA HICKEY: Sort of relocating.

LEVI TOFIAS: Yeah, kind of repositioning and grouping together. So --
BRENDAN SULLIVAN: You've spoken to your neighbors on --

LEVI TOFIAS: We've spoken to the neighbors on two sides that we've been able to -- three sides that we've been able to contact, but not the neighbor to the left -- to the right-hand side, sorry.

BRENDAN SULLIVAN: The house to the right, yeah.

LEVI TOFIAS: Yeah.

BRENDAN SULLIVAN: Okay. Which is east?

LEVI TOFIAS: South.

BRENDAN SULLIVAN: Oh, east would be the other way. South. Is it south?

LEVI TOFIAS: So yeah.

BRENDAN SULLIVAN: It would be south. Just trying to think about how north -- southeast, maybe, I guess.

Okay.

JIM MONTEVERDE: Yeah.

BRENDAN SULLIVAN: Okay. All right. Anything else? You know, you can always come back again anyhow, and we'll give you another chance. Let me open any questions?

Let me open it to public comment. Is there anybody here who wishes to speak on the matter of 30 Bellis Circle? Pick up
the microphone if you wish, and -- please give your name and
spell your last name.

DAVID VISE: My name is David Vise, V as in
Victor, i-s-e. I live at 19 Bellis Circle, which is
currently behind --

ANDREA HICKEY: I'm sorry, I can't hear you.

[ Technical difficulties conversation. ]

DAVID VISE: Hi, my name is David Vise, V as in
Victor, i-s-e. I live at 19 Bellis Circle, which is
directly behind the -- sort of abutting the porch addition
to the structure. This -- I'm speaking in support of this
project. I think it's very reasonable in nature. To get
the program in, I understand they have to raise the roof.

I'm not really happy about the addition. Cut into
the sky of that, but it's not a large imposition on us.
There's kind of -- quite a wall of buildings that side of
Bellis Circle.

But the building is sort of difficult in nature.
The rooms are small, so I feel like this program, it's not a
bad compromise, considering some of the others in the
neighborhood.

JIM MONTEVERDE: Thank you.
BRENDAN SULLIVAN: Thank you. Anybody else wish to speak on the matter? There is correspondence in the file. Let me mention that Mr. Tofias had reached out to his neighbors. Just wanted to update everybody on the construction, and notifying them that they may receive some notice from the Board of Zoning Appeal, and he outlines what the plan is, and to attach drawings, and if you support the changes, he'd greatly appreciate a letter. So he has done some outreach.

There is a letter in the file from Mr. William Geraldi, G-i-r-a-l-d-i, 39 A Bellis Circle. "We support the proposed changes. I look forward to welcoming the Tofias family to our street."

There is correspondence from the Cambridge Historical regarding the nature of the structure, which is 50 years old, and is subject to their review, and they feel that no demolition permit application is anticipated. That is some substance of the correspondence. Anything else to add to the proposal, or -- covered it?

DAVID VISE: Hope so.

BRENDAN SULLIVAN: Okay. Let me close the public comment and the presentation part. There are two forms of
relief. One is going to be a variance, and the other one is
a special permit. Slater, any comments?

SLATER ANDERSON: No.

BRENDAN SULLIVAN: Jim?

JIM MONTEVERDE: No, sir.

BRENDAN SULLIVAN: On the variance part, let me
make the motion to grant the requested relief, as per the
application and supporting documents and the plans submitted
to add railing accessory to the rear setback. A small
portion of the roof would be extended higher into the rear
setback.

The Board finds that a literal enforcement of the
provisions of the ordinance would involve a substantial
hardship to the petitioner, because it would preclude the
petitioner from realigning, readjusting and updating the
structure as it is currently.

The Board finds that the hardship is owing to the
nonconforming nature of the structure, which encumbers it
from doing any slight alterations. The Board finds that the
requested relief is fair and reasonable, giving the location
of the structure and the need of not only this homeowner,
but possibly any other homeowner to possibly update the
structure to a more livable residence.

The Board finds that desirable relief may be granted without either substantial detriment to the public good, and the Board finds that relief may be granted without nullifying or substantially derogating or destroying from the intent or purpose of the ordinance to allow people, homeowners, to upgrade their properties, to upgrade, update, and also, protect the amenities.

The Board finds that the petitioner is restoring a structure badly in need of restoration, and will add to the streetscape, noting that Bellis Circle has undergone many changes over the years to the positive, and that this will add to it.

The Board grants the relief on the basis that the work be done in conforming to the plans as submitted, and initialed by the Chair. All those in favor of granting the relief?

THE BOARD: Aye.

[ All FOUR VOTE YES - Laura Wernick recused ]

BRENDAN SULLIVAN: Four in favor. Good luck with that. Bellis Circle is actually sort of a little kids' spot. I always liked Bellis Circle.
LAURA WERNICK: It's great.

ROSEMARY PARK: You guys voted on both of them, right?

BRENDAN SULLIVAN: Laura --

SLATER ANDERSON: Variance and special permit?

ROSEMARY PARK: There's a variance and a special permit.

BRENDAN SULLIVAN: Oh, I'm sorry, the special permit the windows?

SLATER ANDERSON: Yeah, yep, yep.

BRENDAN SULLIVAN: Oh, sorry, sorry. Glad somebody's paying attention.

SLATER ANDERSON: You can tell who's here.

BRENDAN SULLIVAN: On the special permit to add and alter the windows in the existing, nonconforming structure, as per the plan submitted, the Board finds that it appears that the ordinance -- the requirements of the ordinance can be met.

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

The Board finds that continued operation of or
development of adjacent uses, as permitted in the zoning ordinance, will not be adversely affected by the nature or the proposed use. There would not be any nuisance or hazard created to the detriment of the health, safety and/or welfare of the occupant of the proposed use, or to the citizens of the city.

For other reasons, the proposed used would not impair the integrity of the district or adjoining district, or otherwise derogate from the intent and purpose of the ordinance.

The Board grants the special permit to add and relocate windows as per the plan submitted and initialed by the Chair. All those in favor of granting the special permit for the windows?

THE BOARD: Aye.

[ ALL FOUR VOTE YES - Laura Wernick recused ]

BRENDAN SULLIVAN: Four in favor.

JIM MONTEVERDE: Now we're ready.

ROSEMARY PARK: Thank you.

BRENDAN SULLIVAN: Thank you.
* * * * *

(9:57 p.m.)

Sitting Members: Brendan Sullivan, Andrea A. Hickey,
Jim Monteverde, Laura Wernick and Slater W. Anderson

BRENDAN SULLIVAN:  Okay. St Paul, you're back up.

CAMILLE PRESTON:  Thank you for that opportunity to speed read. They're not in the same order and I apologize for that.

BRENDAN SULLIVAN:  That's all right.

CAMILLE PRESTON:  I think we were taken back, because we were led to believe by conversations our neighbors have had, implied that they were not going to oppose this. So it was kind of news that there was actually -- they've obviously spent some time on that. Was there a protocol that we missed that we could have known that in advance? I'm just curious.

ANDREA HICKEY:  They can't hear you.

JIM MONTEVERDE:  You've got to use the mic.

CAMILLE PRESTON:  Was there -- we were led to -- we understood that they were not going to object to our proposal, so they never came back to talk to us again. Was
there a process that we could have followed to understand
that they had solicited?

BRENDAN SULLIVAN: No, the only thing would be to
possibly have called the Building Department Maria Pacheco,
zoning specialist, and ask if there was any correspondence,
or come down and check the file. That's all.

CAMILLE PRESTON: We were down there fairly
recently, and I didn't -- and I had a number of e-mails.

BRENDAN SULLIVAN: Yeah, well these came in in the
last couple of days, so.

CAMILLE PRESTON: So.

BRENDAN SULLIVAN: I mean, I reviewed the file
Monday afternoon after 5:00, and I don't think there was any
letters in there. And then when I went to this afternoon,
then noticed the letters. So they came in in the last
couple of days. So --

CAMILLE PRESTON: Can I ask just --

BRENDAN SULLIVAN: -- it may have caught you by
surprise, but they're there, so -- and it’s opposition, it's
significant, if you read through it, and your call whether
we go forward or --

CAMILLE PRESTON: I guess we --
BRENDAN SULLIVAN: You continue to another time, and then possibly -- again, you know, these letters are accessible to you. You can -- you have to go back to the Building Department; you get copies of them or something like that. And then you could have discussion. It's entirely up to you.

CAMILLE PRESTON: Can I ask just a couple clarifying questions, is that possible?

BRENDAN SULLIVAN: You may not get the right answer, but anyhow, yes. Okay, ask them.

CAMILLE PRESTON: All right. So from the letters, what I understood was the opposition was to the deck, which -- as opposed to the glass, the sliding glass doors to let more light into the back -- into the kitchen, based on the letters. Is it possible to separate the two right now and do the variance for the sliding glass doors?

MARK NEWHALL: The doors were a special permit, and the variance was for the deck.

BRENDAN SULLIVAN: Right. It is. You would have to -- depending how you'd want to do this -- well, let me put it this way, if you decide to go forward with just a slider, and not a deck, then you cannot go back for two
ANDREA HICKEY: I'm not certain. If they withdrew that part of the petition, it would not have come before us?
MARK NEWHALL: Yeah.
BRENDA SULLIVAN: Um--
MARK NEWHALL: Correct.
ANDREA HICKEY: We would not have heard it.
JIM MONTEVERDE: As a -- for a variance?
CAMILLE PRESTON: Quirky one, nonetheless.
MARK NEWHALL: The issue I see --
BRENDA SULLIVAN: Well, I guess that -- yeah, let me backtrack on that. If you withdrew it, then it would not be an action by the Board, but a withdrawal of an application in toto, would then preclude them from coming back in two years. A portion of it.
SLATER ANDERSON: The issue I see is that the slider and the deck are sort of interconnected. Without the deck, you have the slider out. With a code-complaint slider that violates --
CAMILLE PRESTON: You would have to put steps down.
SLATER ANDERSON: -- the code, because the
existing deck is not in front of where the slider is proposed. So you'd have a code issue. So I wouldn't vote for the slider, because it's a slider to nowhere.

CAMILLE PRESTON: You would still want the steps coming down from the slider, without the deck.

SLATER ANDERSON: But that's a whole -- see, it's a different plan. So I don't think we would want it.

JIM MONTEVERDE: Correct.

SLATER ANDERSON: Of we can hear it, and you can take your chances.

LAURA WERNICK: I really suggest you go sit with your neighbors.

CAMILLE PRESTON: Can I ask a guidance question on that? We were -- again, we met with the Commissioner a lot, trying to make the most of this. How wide is the berth of neighbors? We were told that we needed to have support of people who are impacted. So I'm just curious if you can give us guidance on that.

BRENDAN SULLIVAN: Well, they notify people -- abutters --

AUDIENCE: Mr. Chair, the audience couldn't hear.

CAMILLE PRESTON: We're looking for guidance on
LAURA WERNICK: Layers.

CAMILLE PRESTON: -- layers of neighbors who need to engage?

BRENDAN SULLIVAN: Well, they notify abutters to abutters within 300 feet. The list is there. Any citizen of the city can comment, and raise positive comment, raise an objection to it. The Board then weighs that. The Board listens very carefully and intently to objection to what it would deem "affected people." Somebody may be down the street, across the street and so on and so forth.

And again, I'm going to walk very tenderly here, but I want to give you guidance and lawyerly advice. We would weigh that, as opposed to somebody who's directly affected by it, if that answers your question, somewhat. How far do you go?

That's I think a judgment -- you know, I might have one opinion as to who's affected, somebody else on the Board may say, "Well, they don't necessarily think they were that affected." You know, may get the same opinion, you may get five same opinions, you may get four, three different opinions. So I don't know.
SLATER ANDERSON: Let me say this, we've had cases where we've had opposition, and we feel the merits were sound, and we voted unanimously for the thing. But we've also had cases where we don't feel that way, we may not be opposition.

So it's not -- it's not a -- it's not like we've got five votes in favor or five neighbors in favor and two against, therefore we're going to get it, it doesn't work that way.

CAMILLE PRESTON: I think my question too also stems from, we closed off a window to their drive --

SLATER ANDERSON: We can't get into --

JIM MONTEVERDE: Don't --

SLATER ANDERSON: We don't want to talk about it.

CAMILLE PRESTON: I guess I'm wondering, like, did we lose our leverage of, like --

ANDREA HICKEY: We can't really give you guidance on that.

CAMILLE PRESTON: Well, thank you for the guidance that you now provided. I think we'll get some counsel and come back.

BRENDAN SULLIVAN: I think you may want to step
back. And again, you can get copies of these, and --

CAMILLE PRESTON: Thank you.

BRENDAN SULLIVAN: -- you know, find out who is really feels they're most affected by it, and maybe there's some compromise, or maybe you will agree to disagree, and whatever.

But then, I think you may need to step back from tonight, reassemble, and then reassess, and then come back another night with maybe something a little clearer.

And you may come back with the same thing. You know, I don't know. And then you just go for it or something. I -- it's -- I don't know. I don't know that.

You'll have to make that judgment. So on the motion, then to continue this? I'm sorry --

MARK NEWHALL: So, can we get on for February? Is that --

BRENDAN SULLIVAN: February 13, is that still open?

CAMILLE PRESTON: I'm traveling.

MARK NEWHALL: We can't do 13. Is the next one --

JIM MONTEVERDE: Twenty-seventh.

MARK NEWHALL: Twenty-seventh?
CAMILLE PRESTON: This is a heard case, right?
MARK NEWHALL: Not heard.
BRENDAN SULLIVAN: It is not heard.
ANDREA HICKEY: It's not.
BRENDAN SULLIVAN: Not heard.
MARK NEWHALL: Believe it or not.
SISIA DAGLIAN: Yeah, thirteenth to twenty-seventh.
ANDREA HICKEY: Or simply earlier?
LAURA WERNICK: Twenty-seventh?
Like, I'm thinking earlier in the evening. We have little kids.
BRENDAN SULLIVAN: Okay. So let me make a motion, then, to continue this matter.
SLATER ANDERSON: Let's make sure these --
MARK NEWHALL: Twenty-seventh of --
JIM MONTEVERDE: Yep.
BRENDAN SULLIVAN: February 27. Continue this matter until February 27, 2020, at 7:00 p.m.
MARK NEWHALL: We can resubmit plans, is that --
BRENDAN SULLIVAN: I'm sorry?
MARK NEWHALL: We can resubmit plans, is that correct?

BRENDAN SULLIVAN: Yeah. On the condition that the petitioner change the posting sign to reflect the new date of February 27, and we've changed the time to 7:00 p.m. Also, that should the petitioner wish to change, alter the plans or any of the submitted material, that they be in the file no later than 5:00 p.m. on the Monday prior to February 27.

So we really have to have an in and stamped date prior to 5:00 p.m. on the Monday prior to the twenty-seventh. Also, we would ask that you sign a waiver of requirement for statutory time to hear and render a decision on this case, which is -- Sisia will give to you. Really, that's it. Change the postings?

MARK NEWHALL: I'm sorry, what was the waiver again?

BRENDAN SULLIVAN: I'm sorry, change the posting sign.

MARK NEWHALL: Yeah, no, the waiver part.

BRENDAN SULLIVAN: The waiver is -- we have to hear and render a decision within the statutory --
MARK NEWHALL: Ah, I see.

BRENDAN SULLIVAN: -- time frame.

MARK NEWHALL: Yeah, okay. Gotcha.

BRENDAN SULLIVAN: This may fall without that.

MARK NEWHALL: Sure.

BRENDAN SULLIVAN: May go in there with that. We ask that you sign a waiver.


BRENDAN SULLIVAN: -- waiving that decision and

time frame.

ANDREA HICKEY: And that's a routine request.

It's not specific.

MARK NEWHALL: No, I understand. We discussed it would be earlier. Yeah, I got it.

SLATER ANDERSON: If you were to say, "We won't sign the waiver" we'd give the case.

MARK NEWHALL: Yeah.

BRENDAN SULLIVAN: Question, or --

JUDY HOUSEMAN: Yeah. My question is, is like any of the material that's based in this case, do -- you know, do we have to do it again? Do we have to, you know, do we have to rewrite our letters? Do they all stand? Is it all
part of the same, you know, is it all part of the same --

BRENDAN SULLIVAN: -- um-- --

JUDY HOUSEMAN: Because I mean, Monday, you know --

BRENDAN SULLIVAN: Well, we would --

ANDREA HICKEY: Just continue it.

BRENDAN SULLIVAN: Speaking for myself, I would prefer a letter reflective of a new plan, so that the letters that are in the file now are either in favor of or opposed to this plan, which may change.

JUDY HOUSMAN: And I have to see that we did not see --

THE REPORTER: They're in the record.

[Crosstalk.]

BRENDAN SULLIVAN: Maybe if you could come up and just give your name and address. She has to be able to pick it up on her mic.

JUDY HOUSMAN: Oh, I'm sorry. My name is Judy Houseman, H-o-u-s-m-a-n, Judy with a Y, and I live at 5 St. Paul Street. You know, we actually never saw -- we were given a letter -- I mean, I don't know if this is testimony or not, but --
SLATER ANDERSON: No, we don't --

ANDREA HICKEY: We're not taking testimony.

JUDY HOUSMAN: No, I'm trying to say is I'm -- I'm trying to -- I'm confused about whether this is testimony.
But to see a new plan, we need to actually see a plan, because it can't be, we're just planning to, you know, to do this.

ANDREA HICKEY: So there is a deadline by which they would be required to file any new plan.

JUDY HOUSMAN: So this would -- so basically, we would be required to respond between the Monday and the Thursday, is that the basic?

SLATER ANDERSON: Our preference would be that they talk to you before that --

JUDY HOUSMAN: Sure.

SLATER ANDERSON: And not leave it to you to go find the plan.

JUDY HOUSMAN: Right.

SLATER ANDERSON: That's our guidance to you.

JUDY HOUSMAN: But we want to see --

CAMILLE PRESTON: Just like our preference was to hear about objections before we arrived.
JUDY HOUSMAN: Yeah, but we would want to see physical plans, rather -- because we received e-mails that weren’t plans, and were in our opinion somewhat deceptive, so --

SLATER ANDERSON: Okay. Don't get into it.

JUDY HOUSMAN: Okay, no. But I'm just going to say, so I'm just sort of saying we want to see physical plans before -- you know, that would -- you know, otherwise --

ANDREA HICKEY: Right. The rules are in place for that to happen within a certain time frame. We --

JUDY HOUSMAN: But you can't say. I mean, our preference would be that, to see the --

ANDREA HICKEY: These are your neighbors. Go knock on the door.

JUDY HOUSMAN: Yeah.

SLATER ANDERSON: I don't need the microphone. I'm just telling you that the problem is solved for now.

JUDY HOUSMAN: Okay, okay, thanks.

BRENDAN SULLIVAN: Judy, you live at #5?

JUDY HOUSMAN: I live at #5 St. Paul Street.

BRENDAN SULLIVAN: Yeah. Mm-hm. I mean, again, I
don't want to give lawyerly advice here, but if -- I would
-- whatever your new plans are, I would drop them off at
Judy's house, you know?

JUDY HOUSMAN: Okay. That sounds -- that sounds
good, I mean --

ANDREA HICKEY: Which is not a finding or
requirement.

JUDY HOUSMAN: Sure.

BRENDAN SULLIVAN: No, no.

ANDREA HICKEY: It's a friendly --

MARK NEWHALL: Understand.

JUDY HOUSMAN: That's our -- okay.

BRENDAN SULLIVAN: But that will come up at the
hearing. You know, "Did you do such?" and you want to be
able to say, "Yes, we did." You know? So anyhow.

JUDY HOUSMAN: Yeah, sorry.

BRENDAN SULLIVAN: Just try and do as much due
diligence as possible.

JUDY HOUSMAN: So we were just hoping that it
would be resolved one way or the other tonight.

JIM MONTEVERDE: Next time.

ANDREA HICKEY: Next time.
BRENDAN SULLIVAN: Okay. On the motion then to continue this until --

JIM MONTEVERDE: 27, right?

BRENDAN SULLIVAN: Seventh, yeah.

MARK NEWHALL: Twenty-seventh.

JIM MONTEVERDE: Yep.

[ ALL FIVE VOTE YES ]

MARK NEWHALL: Thank you.

BRENDAN SULLIVAN: Five in favor.

ANDREA HICKEY: And don't forget to sign the waiver. That's very important.

[ 10:11 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 ________, 2019.

Notary Public

My commission expires:

August 6, 2021