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PROCEEDINGS

(7:00 p.m.)

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

CONSTANTINE ALEXANDER: The Chair will call this meeting of the Zoning Board of Appeals to order. And at the outset I need to make an announcement as follows:

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

And I wish to advise those of you in the audience that actually two recordings are being made. A citizen of the city has left his tape recorder there. And our stenographer makes a recording to assist her when she

prepares the transcript of the meeting.

Is there anyone else planning to record this meeting?

(No Response.)

CONSTANTINE ALEXANDER: Apparently not.

Okay, with that we'll go to our business. As usual we start with continued cases. These are cases that started at an earlier date and for one reason or another was continued until this evening. And then after we finished the continued cases, we will move on to our regular agenda.

* * * * *

(7:00 p.m.)

(Sitting Members BZA-015324-2017: Constantine Alexander, Brendan Sullivan, Andrea A. Hickey, Slater W. Anderson, Laura Wernick.)

CONSTANTINE ALEXANDER: The first case I'm going to call is case No. 015324, 29 Fairmont Avenue.

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

MARILYN MOEDINGER: Hi.

CONSTANTINE ALEXANDER: As you know, name and address for the stenographer, please.

MARILYN MOEDINGER: Marilyn Moedinger, and address is 387 Broadway.

CONSTANTINE ALEXANDER: I'm sorry.

MARILYN MOEDINGER: 387 Broadway, Cambridge.

ATTORNEY PETER MULLANE: Peter Mullane, M-U-L-L-A-N-E, I'm the attorney representing the applicant.

CONSTANTINE ALEXANDER: This case is for the Special Permit that the Variance case was decided the last time around. So why don't you tell us why you believe you're entitled to a Special Permit. And what the Special Permit covers.

MARILYN MOEDINGER: Sure. We have a presentation. Is it okay if we --

CONSTANTINE ALEXANDER: Oh, of course.

MARILYN MOEDINGER: -- turn your attention to our presentation over there.

CONSTANTINE ALEXANDER: Of course.

MARILYN MOEDINGER: I just want to -- thought this would be an efficient way to proceed.

So next. So here's what we're gonna talk about, where we are right now, and what we've been doing since last time we saw you. Mostly that's focussed on community feedback, the issue of the lots merging and updated design.

Next.

Next.

So we're -- as we know, we're here tonight seeking a Special Permit for digging out of the basement of 29 and 31 and a conforming addition to a non-conforming structure.

Next.

Just to refresh everyone's memory, our considerations for design of the addition are the following: We wanted to make use of the available floor area ratio that's remaining on the lot.

We wanted to expand the kitchen, so that the

family of five, three of whom you see in that picture upside down there, can all sit and eat at the same time, which they cannot currently do.

We wanted to create a multiuse sort of meals and homework area in the kitchen, which there currently is not.

We wanted to create a mudroom and practical family entry. Right now everyone comes in the front door, there's not a place for boots and coats so that's important.

We also wanted to add an additional bedroom and a study upstairs. So the three kids right there, two of them are sharing a bedroom. That's only going to work for so long, so we need to add a bedroom.

And finally, we wanted to preserve the continuous open space in the backyard as much as we could across the lot.

Next.

So what we've been up to, here you can see -- next. Here you can see picture of our community

meeting. We held a community meeting on the 25th of March, a Sunday. We had --

BRENDAN SULLIVAN: That hasn't come yet, the 25th of March.

ANDREA HICKEY: Last year. That's 2017.

MARILYN MOEDINGER: Oh, sorry, it should say 2018. The 25th of February, 2018. May the record stand. Yes, sorry about that. Held on the 25th of February, 2018.

We made a presentation on the project, which is a little bit longer and more involved than this one, just trying to help people understand exactly what we're up to. We got feedback, we addressed concerns, we provided clarification, and because of that meeting, we made some changes which we thought was important to do. That list right there is a list of everyone who came and who signed in. We invited many more people than were able to come, and as a result, we were in communication with those folks via e-mail and text and face-to-face meetings and all that kind

of stuff.

So the result of all of that is that all the abutters were supportive and/or we've met with them individually, some of them multiple times. They understand what we're up to.

We kept a log of all of the letters of which there were a few last time. So we read through everything. 20 additional neighbors wrote letters, mostly for the last meeting, but we read through them all, tallied them, understood what was going on. They either wrote a letter or attended the community meetings, so we have lots of feedback.

What we learned from reviewing that was that the majority of the neighbors only opposed the driveway variance. Some quite vehemently. So that's behind us now. The majority of these neighbors actually expressed support of the addition even while they were expressing opposition to the driveway. All these concerns we addressed via the

community meeting, numerous one on one meetings with the owners, I met with some folks also.

Next.

So merger of lots. I might turn this over to Peter to just clarify. Right now where we stand is that the merger is automatic as you guys understand. There's some paperwork that you guys have been working on. I'll turn it over.

ATTORNEY PETER MULLANE: Yeah, we'll be recording deeds to the condo units to the same individual owner of the property next-door and then the condominium will be dissolved and the lots will be merged into one and then they -- a new condominium perhaps in the future will be created utilizing both existing buildings.

CONSTANTINE ALEXANDER: Okay.

ATTORNEY PETER MULLANE: It will be one big lot as opposed to two.

CONSTANTINE ALEXANDER: That of course is not a

zoning issue for us to worry about. But I was going to raise as you anticipated you take into account there's going to be legal issues doing what you want to do that don't involve zoning but certainly involve your clients.

SEAN O'GRADY: There are significant zoning issues with the merger.

CONSTANTINE ALEXANDER: Is there?

SEAN O'GRADY: Yeah. Because if it doesn't happen, there's a lot line that runs right through the middle of the structure.

CONSTANTINE ALEXANDER: Oh, yeah, yeah, if we don't do the merger.

ATTORNEY PETER MULLANE: Right.

MARILYN MOEDINGER: Correct.

ATTORNEY PETER MULLANE: So the merger eliminates that.

CONSTANTINE ALEXANDER: I understand that. I'm sorry, I misspoke.

MARILYN MOEDINGER: Yeah, so absolutely, there are major, major implications if we -- if the lots don't merge. But they are merging via the paperwork in this packet right here. And just to show a little bit about what that means, so the plan on the left-hand side, you can see there are two buildings there, 29-39 Fairmont is the left most and then 25 and 23 is on the right side there. And so, Juan Carlos, could you go back one just so we're looking at -- yeah, just so that we're looking at -- this is what exists pre-merger, pre-addition right now if you go over there and look at it. So, there is a property line running down between 29-31 and 25. So that's the sort of heavier line that you see in the dashed area. Is everyone clear?

ANDREA HICKEY: Where there's the No. 2 that's not part of 29-31 at present or it is?

MARILYN MOEDINGER: Correct. That's 25. So can I jet over there and just point?

ANDREA HICKEY: Yeah.

MARILYN MOEDINGER: Or we have our own Vanna White over there.

JUAN CARLOS SERNA: That's the lot line.

ANDREA HICKEY: Yeah, got it.

MARILYN MOEDINGER: So what's hatched is the grassy area.

So if we go to the next one, you can see by merging them that lot line disappears, and the lot line that matters now is the one that is going between 25 and 23. So that's where we take our setbacks from. That because of the way that the setbacks work, they're all relative to where the front of the building is and all that kind of stuff. So all of those calculations are in our original set of drawings and in the packet that I gave you guys as an update, because with some of our changes some of the calculations changed slightly.

What that yields when we do all the math, is that our setback is 17.8 and a quarter or something like that.

And so we are not building in the setback with the addition.

So you can see the addition between the buildings. Yep.

So some important changes are that we are no longer removing the egress stair to 25 Fairmont. That was originally part of the design to allow for a -- for the parking space. We're no longer doing that, so we no longer need to remove that piece of building. And we're adding a window well to allow light to come down into the basement which we're digging out. And there's other changes --

LAURA WERNICK: How high above grade is the window well?

MARILYN MOEDINGER: It doesn't come above grade. It will just - just enough so that the dirt doesn't fall in, but yeah.

Next.

So the Special Permit for the basement depth, you can see that we're digging out the basement for 29 and 31, but we are not touching the basement of 25.

Special Permit No. 2 or part of the Special Permit, the second part of it, is the addition. As drawn, as you saw on the site plan, the addition dimensionally conforms. In order to conform to the FAR part, that's the ceiling that we hit before any other ceiling and that allows us to add 625 square feet. That takes into account 114 square feet that were added a couple of years ago. So we've gone through and figured out exactly how much we can add. It represents a 13.5 increase in FAR. And just a reminder that 10 percent is the by-right, 25 percent is the, you know, the 10 to 25 percent is the --

CONSTANTINE ALEXANDER: (Inaudible).

MARILYN MOEDINGER: Exactly.

Next.

To look at the addition more closely design-wise, just a reminder these were our considerations.

We can go to the next one.

So these -- it's a little faint on there, but

that, that's the existing conditions of the first and the second floor.

You can go to the next one.

And the next one. I don't know why those -- these are pretty dense. So I actually -- I have some drawings for us to look at so we can look more closely. The addition on the first floor consists of an at-grade entrance from both sides to allow for the at-grade mudroom. And then you immediately go up a set of stairs into the kitchen, because at that point the grade is lower, it's the back of the house and so we sort of have a split level condition. So you go in at the mudroom at grade and then you can either go down into the new basement or up half a flight into the kitchen. That allows us to have a slightly bigger kitchen. There's the nook for homework and the table and all that good stuff.

Upstairs the addition holds back from the other building and there's room, there's just enough room for two bedrooms up there that will allow, allow room for that to

happen.

So next.

So here's the existing view from the street and here is the view with the addition. So you'll note that it's pretty hard to see because it's actually about 40 or so feet back from the street so you can't really see it. That tree we don't plan on removing. So that will stay there. And then the -- but what obscures a lot of the view is actually the egress stair down to 25.

Next.

And then finally here's the rear of the project. And then you can see the addition here on the next one. So we're simply pulling the volume of the addition back a little bit and building on top of the kitchen. So we can kind of toggle back and forth and you can see. So we're not actually -- we're just changing the windows on the back of the current kitchen and adding the back -- the bedrooms on top. So that's what we have.

I do have some more -- I did -- the one that I submitted on Monday for you guys to review which I think you got as PDFs hopefully.

CONSTANTINE ALEXANDER: I have one here in our file.

MARILYN MOEDINGER: Okay. Here's a couple more.

So there's more explanation in the packet than I gave just right now, but I wanted to give the big picture first.

CONSTANTINE ALEXANDER: Okay. Anything more at this point?

MARILYN MOEDINGER: That's good for now.

CONSTANTINE ALEXANDER: Questions from members of the Board?

BRENDAN SULLIVAN: Well, yeah, I have a couple. In your dimensional form, number of parking spaces, four. You're requesting three. The Ordinance requires six. Where is the parking?

MARILYN MOEDINGER: So, we -- so we were -- that dimensional form, I did not resubmit that with this addendum. So we are not requesting any parking and we are not providing any parking. So we are claiming existing conditions with the existing parking that we have.

BRENDAN SULLIVAN: So where did the parking go?

CONSTANTINE ALEXANDER: Yeah. Okay, existing parking where is it?

MARILYN MOEDINGER: So the existing parking is -- if we can go back to the site plan, there are -- and maybe, Juan Carlos, maybe you should say exactly number of parking spaces because --

JUAN CARLOS SERNA: So 29? I'm sorry.

MARILYN MOEDINGER: They're behind 25 is the short answer.

BRENDAN SULLIVAN: I mean, you just can't take them away and say well, they're not there.

JUAN CARLOS SERNA: We're not doing anything.

29-31 has not had parking and will not have parking.

CONSTANTINE ALEXANDER: I'm sorry, I can't hear you.

JUAN CARLOS SERNA: This lot right here, right? This lot as it exists today has parking spots right here.

MARILYN MOEDINGER: Yep, 1, 2, 3.

JUAN CARLOS SERNA: That are shared with these units and these two units.

CONSTANTINE ALEXANDER: There are three parking spaces there and you get there from -- where your arm is now. There's the driveway in. What about the other side?

JUAN CARLOS SERNA: The other side?

CONSTANTINE ALEXANDER: No. You don't have any parking at all?

JUAN CARLOS SERNA: No.

CONSTANTINE ALEXANDER: How many dwelling units are there on the property?

MARILYN MOEDINGER: At 29-31 there are three.

BRENDAN SULLIVAN: No, 25.

MARILYN MOEDINGER: 25 there are three.

BRENDAN SULLIVAN: And the other half of that?

JUAN CARLOS SERNA: Two.

BRENDAN SULLIVAN: In other words, they're
six -- they're two, six-unit buildings basically?

MARILYN MOEDINGER: They're one, three-unit. So
29 and 31 is three units.

BRENDAN SULLIVAN: Yeah.

MARILYN MOEDINGER: 25 is three units.

BRENDAN SULLIVAN: Yeah.

MARILYN MOEDINGER: 23 which is not owned by Juan
Carlos and not part of this.

BRENDAN SULLIVAN: 23-25 there are six units.

MARILYN MOEDINGER: Five units.

BRENDAN SULLIVAN: And so what you're saying is
that the parking for 25 will be on the lot of 23?

MARILYN MOEDINGER: It already is on the lot of

23. That's an existing condition.

BRENDAN SULLIVAN: Well, but then the 25 is being merged to 29-31.

MARILYN MOEDINGER: Yep.

BRENDAN SULLIVAN: So you're parking the cars for 25, 29-31 on a lot of 23? On the lot that is 23 that you don't own. So you're parking on another property's --

CONSTANTINE ALEXANDER: Give your name and address.

JUAN CARLOS SERNA: Juan Carlos Serna, 29 Fairmont Ave. And Steve who lives at 23, you can correct me, but I think there's an easement where they use the yard and we use the parking spot.

BRENDAN SULLIVAN: Sean, does that make --

CONSTANTINE ALEXANDER: Yeah, is this pre-existing non-conforming use or not?

SEAN O'GRADY: I don't know the agreement between those parties.

CONSTANTINE ALEXANDER: How long has this arrangement been?

JUAN CARLOS SERNA: Ever since I've owned it.

CONSTANTINE ALEXANDER: How long have you owned it?

JUAN CARLOS SERNA: 10, 11 years. 29 Fairmont Ave. I bought the other units over the last few years. But I think it's in the kind original condo deed when the unit -- when 23 got converted, that was the setup. That was how he was able to convert those units into individual units by doing the parking and the yard easement.

CONSTANTINE ALEXANDER: So you have six dwelling units on these merged lots, six parking spaces for them. Not on the property. You have -- but you have parking -- each dwelling unit is entitled to one parking space?

JUAN CARLOS SERNA: No.

CONSTANTINE ALEXANDER: No.

JUAN CARLOS SERNA: If it merges, there's only three spots that are entitled which are currently the three spots for 25.

MARILYN MOEDINGER: So that doesn't change --

JUAN CARLOS SERNA: I'm not gaining or losing any parking. It's a parking neutral situation. We tried to get a parking spot but that didn't work.

SLATER ANDERSON: And your total number of units has not changed?

MARILYN MOEDINGER: Correct.

CONSTANTINE ALEXANDER: I'm sorry, I'm a little bit dense at this point.

JUAN CARLOS SERNA: Okay.

CONSTANTINE ALEXANDER: And I get the number of units is not changing. There are six units today -- and there are six units today before we had our hearing. Where are the people who have those six units park and what are their rights to park there?

JUAN CARLOS SERNA: Currently?

CONSTANTINE ALEXANDER: Yeah.

JUAN CARLOS SERNA: So I've got three long-term tenants on 25 Fairmont Ave. Only one has a car.

CONSTANTINE ALEXANDER: I don't care who has cars and who doesn't.

JUAN CARLOS SERNA: Right. Well, by deed, by deed right 25 Fairmont Ave. has three spots over there. 29-31 has no spots. And that will continue.

ANDREA HICKEY: What does 25 have?

MARILYN MOEDINGER: Three.

BRENDAN SULLIVAN: What about 23?

JUAN CARLOS SERNA: How many spots? Three, four spots?

UNIDENTIFIED MEMBER FROM THE AUDIENCE: Three spots.

BRENDAN SULLIVAN: So, under the proposal, right now there are six parking spaces there?

JUAN CARLOS SERNA: Sure.

BRENDAN SULLIVAN: And you're taking them away?

MARILYN MOEDINGER: No.

LAURA WERNICK: No, they're staying.

SLATER ANDERSON: They're just keeping three. The parking condition is not changing as I understand.

LAURA WERNICK: Nothing is changing, the parking is not changing.

SLATER ANDERSON: Well, the merger's changing things, but....

CONSTANTINE ALEXANDER: The merger shouldn't change the compliance, I don't think, the parking requirements of our Ordinance. My question is is I'm wondering whether today you aren't violating our Zoning Ordinance with regard to parking and whether you need relief for that. That's not necessarily applicable to what you're asking us to do tonight, but I have a feeling that you've got zoning problems beyond what you're seeking to deal with

tonight.

LAURA WERNICK: Because of 29-31 not having any parking?

CONSTANTINE ALEXANDER: Yeah.

JUAN CARLOS SERNA: That's the way it's been in 1850.

CONSTANTINE ALEXANDER: We're not going to decide it tonight.

SLATER ANDERSON: Yeah.

CONSTANTINE ALEXANDER: But I think you have to meet with Inspectional Services to find out whether the parking situation is such that complies or not.

ATTORNEY PETER MULLANE: It doesn't comply in today's zoning. If we were going to do this project today, it wouldn't comply but it's grandfathered. The building's been there for --

CONSTANTINE ALEXANDER: Well, I wonder if it's grandfathered. You're creating a whole new lot.

ANDREA HICKEY: I'm thinking what you're thinking. That when you change the configuration of what was grandfathered, you sort of lose that --

CONSTANTINE ALEXANDER: Yeah, that's the question.

ATTORNEY PETER MULLANE: You lose if the merging is detrimental, but it's not detrimental to --

CONSTANTINE ALEXANDER: Where does that come from? There's nothing in the law that says that it's got to be detrimental. Is there a change, positive or negative is there a change? And if there is a change and that change does not comply with the zoning laws, you either have to get relief, you have to meet with Inspectional Services, and if there's a determination that you've got a problem, you're going to have to come back for another hearing to deal with relief for the parking assuming we grant the relief that you're seeking tonight.

ATTORNEY PETER MULLANE: I know of no case that a merging of two lots creates a zoning violation. A

subdivision of a lot creates a zoning violation, but certainly not a merger of the two lots.

CONSTANTINE ALEXANDER: No. The merger doesn't create, in and of itself, doesn't create a zoning violation, but there are consequences to the merger. And one of the consequences could be that you have a parking issue that was not a problem before, it's a problem now. We're not going to decide that tonight. It's not on the agenda for tonight. But I'm suggesting, and I guess I'm saying to Sean this has to be looked at, assuming we grant relief tonight, with the Inspectional Services Department. And you may find, may, underscore may, that you may need more zoning relief than what you've applied for. That's what I'm saying.

ATTORNEY PETER MULLANE: Fair enough.

CONSTANTINE ALEXANDER: Anybody disagree with that?

SLATER ANDERSON: No, I mean I was on a similar line of thinking but it wasn't actually about the parking.

And the thing this I think going back to the first hearing that I was hung up on, and I know I asked you guys about, you know, look at the merger thing. What I see happening is you have three units at 29-31 on one lot.

ATTORNEY PETER MULLANE: Right.

SLATER ANDERSON: You have three units at 25, both of which are non-conforming as far as lot area per unit, right? So you're creating one lot that now has six units on it. To me you're going from three units non-conforming on one lot to six units non-conforming on one lot. That to me with is where I get hung up from a use standpoint. It's not a dimensional issue. Your merger solves your dimensional problem, but I think you create a use problem. But I may be wrong.

LAURA WERNICK: Is it a floor area problem? Floor area ratio problem?

SLATER ANDERSON: It's units --

BRENDAN SULLIVAN: And the unit, too.

SLATER ANDERSON: Yeah, you're going from three on a lot to six on a lot. Now you could look at well, it's, you know, this amount of square unit per unit and it's about the same, but I don't know if, you know, number of units on a lot at that level that's the part that I'm hung up on.

LAURA WERNICK: Is that something we can --

SLATER ANDERSON: I don't know if it's in our purview.

MARILYN MOEDINGER: I have a question. This is interesting stuff, for sure. If the lots are non-conforming and that's why they merge, right?

CONSTANTINE ALEXANDER: No, they merge because you're merging them.

MARILYN MOEDINGER: Well, no, they don't merge because we're merging them. They merge because they're owned by the same person.

CONSTANTINE ALEXANDER: Right.

MARILYN MOEDINGER: And they're non-conforming.

Right?

BRENDAN SULLIVAN: They merge because they're owned by the same entity. Two adjoining lots under the same ownership entity are considered merged for zoning purposes.

Is that correct, Sean? Two consecutive -- two adjoining lots --

SEAN O'GRADY: Yeah, that's -- I mean, essentially our position is this: What Brendan says with the caveat that we understand that there are cases where that's not the case. We've had a couple of these cases recently, and the Commissioner's taken the position that if you want to claim a merger, that do the merger and after the lot's merged, we'll review it. And that's his position now.

CONSTANTINE ALEXANDER: And the case we're talking about tonight, the parking issues are not before us tonight. We have a -- we have a narrow relief. But I'm simply saying, and I believe, the case is not -- should we grant

you relief, you're not out of the woods yet. You may be. You're going to have to meet with the Inspectional Services Department to see whether additional zoning relief is required.

BRENDAN SULLIVAN: Have you talked to Ranjit or Sean since our last meeting?

MARILYN MOEDINGER: Yes.

BRENDAN SULLIVAN: And you did a full zoning analysis with the commissioner, with Ranjit?

MARILYN MOEDINGER: With Ranjit, yes.

JUAN CARLOS SERNA: Full. We talked to him.

ATTORNEY PETER MULLANE: We talked to him.

MARILYN MOEDINGER: And we reviewed it. I even talked to him again about it today.

SEAN O'GRADY: And he didn't say to you that he wanted a merger first?

MARILYN MOEDINGER: He said that a merger should -- he didn't seem to think that the merger had to

happen before we talked. I mean, it has to happen before -- yeah, I mean it has to happen before the Special Permit is granted, but we could -- right, we certainly can't do the project.

JUAN CARLOS SERNA: We have contingent. I just got them notarized and signed today.

SLATER ANDERSON: Well, it would be conditional on the approval. The merger has to happen.

ATTORNEY PETER MULLANE: We have no objection to that. That's not an issue for us.

JUAN CARLOS SERNA: It's just timing, timing it has to go to the Registry.

MARILYN MOEDINGER: So I guess my question was if two non-conforming lots merge and they're still non-conforming --

SLATER ANDERSON: It's the intensity of the non-conformity that I'm hung up on. I get merger and how it happens. But I question how it's happening with two

improved properties. It's one thing if you've got land that's non-conforming and you're like we're going to conform it, you know, merge them to try to get closer to conformity. But here we have two existing improved non-conforming properties that doesn't give you a conforming -- anything closer to a conforming property combined as under current use.

MARILYN MOEDINGER: It's closer to conformity.

ATTORNEY PETER MULLANE: The side yard setbacks.

LAURA WERNICK: One becomes more conforming.

ATTORNEY PETER MULLANE: Right.

JUAN CARLOS SERNA: It's a -- right. It's a balance. And one becomes a little bit more non-conforming and the other, and in my opinion has non-conforming as they were before.

SLATER ANDERSON: It hasn't created a conforming condition though. When we look at six units on whatever the size of the lot.

JUAN CARLOS SERNA: Some dimensional requirements that it has. Only in terms of drawing eight per land mass, no. But the density is still the same.

SLATER ANDERSON: Going from three on one lot to six on one lot, that's the thing that I see as the --

JUAN CARLOS SERNA: The lot's twice as big. I mean, even though the lot's -- I get if the lot stayed the same size, but when we're adding significant square footage.

SLATER ANDERSON: And I'll just say I'm not like -- I mean, I appreciate the work you guys have done and the changes you've made. And, you know, there's no great ground swell of opposition. I'm not necessarily opposed at this point. I just, you know, there's -- do you understand what I'm saying, Sean, going from three to six units? Not -- does that make sense to you or no?

LAURA WERNICK: Is there anything that says you can't have six units on a lot?

SEAN O'GRADY: There are a series of tests, yeah.

I mean, it changes things. I don't know whether it changes things enough for it -- your lot per dwelling unit is still conforming? Because you're doing a Special Permit.

MARILYN MOEDINGER: Right, yep.

SEAN O'GRADY: So is it getting more? In some ways it is. Does it cross the line that they need relief? No.

SLATER ANDERSON: Okay.

CONSTANTINE ALEXANDER: I continue to believe is that this issue, the impact of the merger is not before us tonight, and we decide yes or no on the relief you're seeking, but with a caution that just, you're not -- the case may not be over.

MARILYN MOEDINGER: Appreciated. Yeah, understood.

CONSTANTINE ALEXANDER: And you go to ISD and either the case will be over if he says no problem or they will identify a problem, in which case you'll have to come

back. That's how I see it.

JUAN CARLOS SERNA: Understood.

CONSTANTINE ALEXANDER: Anybody disagree with that?

ANDREA HICKEY: No. I just had a question. So the condo is 23-25 is the condo now? It's not?

JUAN CARLOS SERNA: 25 is its own condo and 23 is its own condo.

ANDREA HICKEY: I understand. Okay. But they share an easement for parking?

JUAN CARLOS SERNA: Right. An agreement.

ANDREA HICKEY: And you're going to remove 25 from the condo structure is that --

JUAN CARLOS SERNA: Yeah.

ANDREA HICKEY: No? Yeah?

JUAN CARLOS SERNA: We're dissolving the condo. Make it all in my wife's name.

ANDREA HICKEY: I get it.

CONSTANTINE ALEXANDER: Further comments or questions from the board members?

(No Response.)

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

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

(No Response.)

CONSTANTINE ALEXANDER: Apparently not.

We are in receipt, as you mentioned we had many, many letters for the last time.

MARILYN MOEDINGER: Yes.

CONSTANTINE ALEXANDER: Some pro, some con. Most of them dealing with the Variance which has now been decided. We've got one new letter since then, which I'll read into the record. The letter's from Gregory Katz at 21 Andrew Street. (Reading) I am writing to express my support for my neighbor Juan Carlos Serna's application to build an

addition and increase his basement living space at his house at 29 Fairmont Avenue. I own a home around the corner at 21 Andrew Street, and have known Juan Carlos as a neighbor for several years. I've reviewed plans for Juan Carlos's addition, and I think it is modest and appropriate in the context of our neighborhood which has a mixed density characteristic with one, two, and three-family homes often in close proximity to one another. I have in several families leave our neighborhood because of the shortage of reasonably priced family-sized housing. In allowing this addition will be a good way to let Juan Carlos and his family "grow in place," instead. Maximizing the use of basement space is a particularly good approach to increasing the living space in a little Cambridgeport home as it has zero impact on neighbors and the external addition that Juan Carlos is proposing would not have a significant impact either. I hope the BZA will approve Juan Carlos's application and therefore encourage him and his family,

continue to invest in and live in our Cambridgeport community.

And that's it.

And we need -- you're seeking two votes: One is not quite a Special Permit. It's a vote by our Board that -- to exclude the basement area from the calculation.

MARILYN MOEDINGER: From the GFA, yeah.

CONSTANTINE ALEXANDER: I'm looking for the -- here it is.

Yes, on this one -- are we ready for a vote or we want further discussion?

BRENDAN SULLIVAN: Well, I cannot support what's before us. I don't like the idea of connecting the buildings. I don't feel it's necessary. I think that if you're looking for additional space, then you take over the space of the unit next to you that you already own. It's very simple. I -- air, light, everything else is just also getting into the unit at 25. I think that gets blocked off

and I think that you have an alternative. And the alternative is to take over the space on the other half of the house that you already own on the first floor and part of the second floor. That's what you need.

CONSTANTINE ALEXANDER: Well, with regard -- anybody else want to express views or comments?

(No Response.)

CONSTANTINE ALEXANDER: With regard to the first issue, though, whether we exclude the basement from the GFA calculation, our statute which was a relatively recent amendment, says that you will exclude a basement space with the issuance of a Special Permit. In granting such a Special Permit the permit granting authority may, that's us, may approve the exemption provided the permit granting authority finds that the uses occupying such exempted GFA support the character of the neighborhood or district in which the applicable lot is located. So that's the standard for the -- we have to find if we wish to grant the Special

Permit excluding from the GFA calculation the basement area.

I'll make a motion on this.

The Chair moves that with regard to this Special Permit that's being sought to exclude the basement from the calculation of GFA, that the requirements of the Ordinance cannot be met unless we grant the Special Permit.

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

That the continued operation of or development of adjacent uses as permitted in the Zoning Ordinance will not be adversely affected by this exclusion of the basement from GFA calculation.

That no nuisance or hazard will be created to the detriment of the health, safety, and/or welfare of the occupant of the proposed use or the citizens of the city. And that for other reasons the proposed use will not impair the integrity of the district or adjoining district or

otherwise derogate from the intent and purpose of this Ordinance.

Further, that this Board finds that -- or the finding that's proposed is that what you wish to do with regard to excluding the basement from the GFA calculation supports the character of the neighborhood or district in which the site is located. And that's it. Those are the findings we have to make.

BRENDAN SULLIVAN: Can I ask?

CONSTANTINE ALEXANDER: I'm sorry?

BRENDAN SULLIVAN: I'm having a hard time connecting the dots here. You're asking to exclude the basement area in 25?

MARILYN MOEDINGER: No. 29 and 31.

BRENDAN SULLIVAN: 29 and 31?

MARILYN MOEDINGER: Yes.

LAURA WERNICK: Half of it.

BRENDAN SULLIVAN: And --

MARILYN MOEDINGER: No the whole, 29 and 31, yes, the whole thing.

BRENDAN SULLIVAN: So in the basement of 25 there already is an apartment?

MARILYN MOEDINGER: Yes.

BRENDAN SULLIVAN: And there's an apartment on the -- well, we don't know, second floor and third floor?

MARILYN MOEDINGER: Correct.

BRENDAN SULLIVAN: Okay.

So on the first floor of 25 there is a kitchen in the basement of 25?

MARILYN MOEDINGER: So there's a unit in the basement of 25.

CONSTANTINE ALEXANDER: With a kitchen obviously.

MARILYN MOEDINGER: Yep.

A unit in the first floor of 25.

BRENDAN SULLIVAN: Yeah.

MARILYN MOEDINGER: And a unit on floor 2 and 3 of

25.

BRENDAN SULLIVAN: So the third unit occupies two floors?

MARILYN MOEDINGER: Correct.

CONSTANTINE ALEXANDER: And the three units in 25 are legal, they're legal non-conforming?

MARILYN MOEDINGER: Yes.

CONSTANTINE ALEXANDER: How long have they been three -- the basement, how long has that basement or dwelling unit been there?

MARILYN MOEDINGER: 80s I think.

JUAN CARLOS SERNA: 80-something was when the --

CONSTANTINE ALEXANDER: I'm sorry?

JUAN CARLOS SERNA: 1980 is when the condo got converted.

CONSTANTINE ALEXANDER: Okay.

BRENDAN SULLIVAN: And what will the basement of 29 Fairmont be used if it's excluded from the GFA?

MARILYN MOEDINGER: Kid play area. There's a bathroom down there. You know, mudroom. It's part of the mudroom. That kind of stuff.

BRENDAN SULLIVAN: Seems like you're trying to squeeze an awful lot into -- and which again, I find this addition very unnecessary and anyhow. Proceed.

CONSTANTINE ALEXANDER: So on the basis of these proposed findings the Chair moves that we grant the Special Permit being requested. And this is, again, regarding the GFA in the basement, on the condition that before the -- that the merger document be filed or legal deed merging the two properties before you utilize that basement GFA.

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

(Show of hands.)

CONSTANTINE ALEXANDER: Three in favor.

(Alexander, Anderson, Wernick.)

CONSTANTINE ALEXANDER: Opposed?

(Sullivan and Hickey.)

CONSTANTINE ALEXANDER: The motion does not carry.

You need the supermajority under our Ordinance, four out of our five. Simple majority does not do it.

So I will -- we need to make a finding as to why the Special Permit was not granted.

Andrea, do you want to propose it?

ANDREA HICKEY: With respect to the exclusion of the basement area as GFA, the requirement that it be sort of in conformity with what the neighborhood is presently used for really hasn't been discussed, addressed, or presented.

MARILYN MOEDINGER: We can certainly present -- I mean, okay.

ANDREA HICKEY: I'm sorry.

MARILYN MOEDINGER: We included that information in our packet. If you have questions, we'd be happy to answer those questions.

ANDREA HICKEY: That's --

ATTORNEY PETER MULLANE: I think the neighbor's letter that you read --

CONSTANTINE ALEXANDER: Say it again, please.

ATTORNEY PETER MULLANE: The letter that you read tonight addresses that from --

CONSTANTINE ALEXANDER: Well, I think the suggestion is that, you do -- you did present it in your materials, but that two members of the Board were not convinced by what you presented. Or were convinced by what the neighbor said. I think is the only way I can express it.

ANDREA HICKEY: Can you add anything to that?

BRENDAN SULLIVAN: No.

CONSTANTINE ALEXANDER: So that Special Permit has been denied. Do we bother going on to the second permit or it's now moot? In the view of the fact you can't use the basement.

MARILYN MOEDINGER: Yeah.

CONSTANTINE ALEXANDER: And the second Special Permit, if you want, is conforming addition to the non-conforming structure.

The Chair moves that we make the same findings that were proposed with regard to the Special Permit we just voted on except that we don't need to take any action any longer with regard to the GFA in the basement. So and, again, so on the basis of those same findings, the Chair moves that we grant the Special Permit with regard to the conforming addition to the non-conforming structure. Again, on the condition about filing the merger document with the ISD.

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

(Show of hands.)

CONSTANTINE ALEXANDER: Three in favor.

(Alexander, Anderson, Wernick.)

CONSTANTINE ALEXANDER: Opposed?

(Sullivan and Hickey.)

CONSTANTINE ALEXANDER: Again, the motion does not carry.

Do you want to try to express why you voted no this time? We need it for the record, that's all.

ANDREA HICKEY: I agree with Mr. Sullivan's comments that there are alternatives for this family to be provided for in the property that they presently own. I think the connecting of the two structures is not necessary to achieve what the homeowner has represented he seeks to achieve.

BRENDAN SULLIVAN: And is inconsistent with the path in the neighborhood, connecting one building to two distinct buildings, connecting one to the other, which I think will have a detrimental effect on the amount of air, the amount of light available to the windows along that side of the building.

CONSTANTINE ALEXANDER: And might I suggest also the fact that you're creating a six-unit structure in the neighborhood that does not have a building with six units.

BRENDAN SULLIVAN: That could be added also.

ANDREA HICKEY: Yeah, certainly not a predominance of six unit structures.

CONSTANTINE ALEXANDER: Okay.

All those in favor of those findings? You two voting.

(Sullivan and Hickey.)

CONSTANTINE ALEXANDER: Two voting in favor. Case is over. Sorry.

MARILYN MOEDINGER: Thank you.

ATTORNEY PETER MULLANE: Thank you.

* * * * *

(7:45 p.m.)

(Sitting Members BZA-014099-2017: Constantine Alexander,
Brendan Sullivan, Andrea A. Hickey, Slater W. Anderson,
Laura Wernick.)

CONSTANTINE ALEXANDER: The Chair will call case
No. 014099, 140-142 Prospect Street.

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

(No Response.)

CONSTANTINE ALEXANDER: No one wishes to be heard.

We have a request that this meeting, this petition be continued once again. I would just point out for the record that typically we've already granted one continuance and we don't usually grant any further continuance.

However, I would suggest to the Board that there's somewhat special circumstances in this case. There's a new architect who has taken over the project. The project is now substantially different than what was initially presented to us.

And further, most importantly, the petitioner has yet to go before the Cambridge Historical Society or they need to go before the Planning Board. This property is in a specially zoned district, the Prospect Street Overlay District, and in that district is a requirement that there be a hearing and a Special Permit from the Planning Board. That doesn't preclude us from also considering the case. But they have to have that happen.

SEAN O'GRADY: We have to vote the Variance on the Fairmont case.

CONSTANTINE ALEXANDER: No, we turned the Variance down last time.

SEAN O'GRADY: Sorry. I'm sorry, you're correct.

SLATER ANDERSON: Oh, that's the parking space?

CONSTANTINE ALEXANDER: Yeah.

So the Chair moves that we continue this -- you have a date they want to continue it to, Sean?

SEAN O'GRADY: 4/26. April 26th.

CONSTANTINE ALEXANDER: April 26th. They'll have enough time?

SEAN O'GRADY: Well, they give the time in there. They give themselves about a week and a half between the Planning Board, I think it was the last case and where they are.

CONSTANTINE ALEXANDER: I'm just skeptical. I don't want to hear come on April 26th and want another

continuance.

SEAN O'GRADY: I understand.

CONSTANTINE ALEXANDER: They're stuck -- they have some issues with the Planning Board or the like.

SEAN O'GRADY: You certainly can, you know, put them out another meeting or two. I should say this. They say, and I do believe that they spoke with Liza, and so I think they settled on that date. Part of that would involve things that Liza would have to do.

CONSTANTINE ALEXANDER: The only issue they get issues with the Planning Board.

SEAN O'GRADY: All right.

CONSTANTINE ALEXANDER: All right, they want April 26th. I hope they're not asking for a further continuance.

SEAN O'GRADY: Put them down the road then two weeks.

CONSTANTINE ALEXANDER: It's a case not heard. We can do -- what's the next one after April 26th?

SEAN O'GRADY: It's going to be May 10th.

CONSTANTINE ALEXANDER: This is a case not heard.

The Chair moves that we continue this case again as a case not heard to seven p.m. on May 10th subject the following conditions:

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

And he already has done that. So that's satisfied.

Two, that the posting sign be modified to reflect the new date, May 10, the new time, seven p.m., and that the sign -- this modified sign be maintained for the 14 days prior to the hearing as required by our Ordinance.

And lastly, and very importantly, to the extent that as a result of what happens between now and May 10th, requires a change in the plans or dimensional form that is now in our files, that these changed documents be in our files no later than five p.m. on the Monday before May 10th.

The purpose for that is to allow our Board members and interested citizens of the city time to review these plans and to consider them before we actually have the public hearing.

All those in favor please say "Aye."

(Show of hands.)

CONSTANTINE ALEXANDER: Five in favor. Case continued.

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

* * * * *

(7:50 p.m.)

(Sitting Members BZA-012164-2016: Constantine Alexander, Brendan Sullivan, Andrea A. Hickey, Slater W. Anderson, Laura Wernick.)

CONSTANTINE ALEXANDER: And we have another case. Let me call it. 012164, 104 Normandy Avenue.

Is there anyone here wishing to be heard on this

matter?

(No Response.)

CONSTANTINE ALEXANDER: No one does.

This is a case where we granted a Variance several months ago. The Variance by law will expire unless acted on and it's coming to an expiration date, and the petitioner wants an extension of time to act on the Variance. Essentially it's still in the process of negotiating -- let me read the letter, they did write to us.

(Reading) On April 12, 2017, the Board of Zoning Appeal approved our petition to grant us a Variance to our existing home at 104 Normandy Avenue in Cambridge. We are requesting a six-month extension until October 12, 2018, since we are still waiting on additional pricing from a contractor.

All those in favor of extending the case until -- giving a six-month extension, please say "Aye."

(Aye.)

CONSTANTINE ALEXANDER: Five in favor. Extension granted.

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

CONSTANTINE ALEXANDER: And that's it with the continued agenda.

(7:50 p.m.)

(Sitting Members BZA-015610-2018: Constantine Alexander, Brendan Sullivan, Andrea A. Hickey, Patrick Tedesco, Laura Wernick.)

CONSTANTINE ALEXANDER: The Chair will call case No. 351 Pearl Street. We're skipping over the case on Spring Street because one of our members has to leave and we need that person here. I apologize for the change in order but necessity requires it.

As you know, name and address. You've been here before.

JOHN LODGE: So my name is John Lodge. I'm the architect for the project, and my address is 56 Aberdeen

Avenue in Cambridge.

JAMIE FORDYCE: My name is Jamie Fordyce, I'm the homeowner, 351 Pearl Street, Cambridge.

Yeah, so Jamie Fordyce. I'm a longtime Cambridge resident. Came here in 2001 for college. Came and stayed through graduate school. And my wife and I had an opportunity to purchase a two-family home. We have two children, a three-year-old-daughter and a five month old son, and we plan to raise our family on the second -- the upstairs unit of this two-family home. Part of what would enable that is renovations that John has provided for us. And the subject of tonight's Variance application is to seek a dormer which would allow a bathroom on the third floor where my wife and I will have our bedroom and our children will also have their bedroom for us with the children at that age is a matter of safety to be up there with the bathroom on the floor and of course allow us the opportunity to grow with the unit, to grow with us.

CONSTANTINE ALEXANDER: The staircase to the third floor --

JAMIE FORDYCE: Correct.

CONSTANTINE ALEXANDER: -- doesn't conform to the Building Code.

JOHN LODGE: Yes. And I apologize, I know this sounds awfully familiar to some of you given that I've been here twice --

CONSTANTINE ALEXANDER: You can sit down. You don't have to stand.

JOHN LODGE: I've been here twice in the last --

CONSTANTINE ALEXANDER: You're the dormer king.

JOHN LODGE: I'm the dormer king. This one's right around the corner from the original. Is non-conforming --

CONSTANTINE ALEXANDER: Go ahead.

JOHN LODGE: -- the existing stair to the third floor is non-conforming and there's a little bit of a head

height issue. So as we got into the design, we thought well, we're gonna have to redo the stair anyways. And while we're doing that, right now the unit has one sort of antiquated bathroom in the back corner sort of scrolled away behind the kitchen, so we thought okay, if we're gonna redo the stairs anyways, now would be a good time to try and see if we can't get a design that makes the bedroom floor really work and put in a bathroom up there to serve the, you know, the bedrooms as well as the -- and also to then use the antiquated bathroom next to the kitchen as a place for the laundry which is currently in the basement.

So basically the idea is to try and sort of bring all of the services together in the upper two floors, you know, so that, so that they can sort of grow.

CONSTANTINE ALEXANDER: What I hear you saying that you are going to make the non-conforming stair to the third floor conforming?

JOHN LODGE: Yes.

CONSTANTINE ALEXANDER: And you're going to do that but now you decided to add a dormer. It's not like the dormer is there to --

JOHN LODGE: Well, the door -- we need to do something in the head height to make the stair work because it's, you know, the pitch is such that -- and I thought well, if we're going to have to try -- to get a conforming stair in there, we're going to have to do something, either put a big skylight in so we can get the headroom or put a small dormer in. So I thought if we're gonna go for a dormer, let's see, yu know, let's see if we can't get everything that we --

CONSTANTINE ALEXANDER: Your dormer complies with our dormer guidelines?

JOHN LODGE: The dormer complies with the dormer guidelines. It's 12 feet wide, but it's the --

CONSTANTINE ALEXANDER: Setback from the ridge and setback from the front?

JOHN LODGE: Yes. It's actually set back about two feet from the edge of the -- from the face of the building. And we don't -- so we conform with all the setbacks. The only issue that we don't conform with is FAR. So we go from I think about --

CONSTANTINE ALEXANDER: You go from 0.646 to 0.652 in a 0.6 district.

JOHN LODGE: Right.

CONSTANTINE ALEXANDER: You're slightly over now and you'll be even slighter more over --

JOHN LODGE: Right. We'll be about 0.01 over.

LAURA WERNICK: More over.

JOHN LODGE: More over. Exactly.

CONSTANTINE ALEXANDER: Okay.

JAMIE FORDYCE: We've discussed the plans with -- John's plans with our neighbors, particularly the abutting neighbors that the dormer will face, and they wrote a letter that may be on file.

CONSTANTINE ALEXANDER: We don't seem to have any letters which is not unusual.

JAMIE FORDYCE: Okay.

CONSTANTINE ALEXANDER: From neighbors. But you're reporting to us and representing to us that the neighbors you spoke to expressed no objection?

JAMIE FORDYCE: Correct. Support.

CONSTANTINE ALEXANDER: Okay?

JAMIE FORDYCE: Yeah.

CONSTANTINE ALEXANDER: Questions from members of the Board?

(No Response.)

CONSTANTINE ALEXANDER: None?

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

(No Response.)

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

As I've indicated, we are not in receipt of any written communications, pro or con, with regard to this petition.

Discussion, or we ready for a vote?

ANDREA HICKEY: I'm ready.

LAURA WERNICK: Can I see your presentation?

JOHN LODGE: Sure.

CONSTANTINE ALEXANDER: You want to look at the plans?

LAURA WERNICK: Sure.

JOHN LODGE: So this is the zone that we're adding because of the, because of the knee walls and the third floor -- this already counts as part of the FAR because this is the five foot sort of line. So basically -- while the dormer is this big. The part that increases the FAR is right here. So the edge of the actual building is here. So we're set back from the edge of the actual building by about two feet. And so from the property line to the face of the

dormer is nine foot, three. And this side actually has the -- is the driveway side for the abutting unit. So the next house over is probably about 25 feet.

JAMIE FORDYCE: 30 feet, yeah.

JOHN LODGE: Something like that.

And then the dormer itself is set into the roof. The windows are up fairly -- they're about this high, so from a privacy standpoint it's not going to impinge I don't think on the abutters as well.

LAURA WERNICK: Good. Thank you.

CONSTANTINE ALEXANDER: Anything else?

(No Response.)

CONSTANTINE ALEXANDER: Okay. Ready for a motion.

The Chair moves that we make the following findings with regard to the Variance being sought for this dormer:

That a literal enforcement of the provisions of the Ordinance would involve a substantial hardship. Such

hardship being is that the petitioner's third floor of a structure has a non-conforming stair which requires to be brought up to the building -- not required, but to be compliant with our Building Code, State Building Code, requires modification to the third floor.

That the petitioner also needs additional living space for a growing family.

And that these problems, particularly with regard to the staircase, applies to anyone who owns this structure. It's not just peculiar to this petitioner.

That the hardship is owing to the fact that the shape of the structure, particularly interior shape of with regard again to the non-conforming stair and the limited living space within the structure.

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

So on the basis of these findings, the Chair moves

that we grant the Variance requested on the condition that the work proceed in accordance with plans prepared by John Lodge architects, dated February 8, 2018, the first page of which has been initialled by the Chair.

All those in favor, please say "Aye."

(Show of hands.)

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

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

* * * * *

(8:00 p.m.)

(Sitting Members BZA-015467-2018: Constantine Alexander, Brendan Sullivan, Andrea A. Hickey, Patrick Tedesco, Slater W. Anderson.)

CONSTANTINE ALEXANDER: The Chair will call case No. 015467, 130 Spring Street.

Is there anyone here wishing to be heard on this matter? As you heard, give your name and address to the stenographer, please.

MATT ANDERTON: My name is Matt Anderton, 130

Spring Street.

ALISON LIVINGSTON: Alison Livingston, 130 Spring Street.

CHRISTOPHER HOWE: Chris Howe, 72 Farragut Avenue, Somerville.

EVERETT MITCHELL: Everett Mitchell, Mitchell Design and Construction, 448 Main Street, Medford.

CONSTANTINE ALEXANDER: Whenever you're ready. If you want to set up that's fine, too.

CHRISTOPHER HOWE: We're going to start by having the owners speak about.

CONSTANTINE ALEXANDER: Whatever you want. The floor is yours.

CHRISTOPHER HOWE: Speak about their reasons for requesting the Variance. So I think while we set up, you probably could start talking about the hardship.

MATT ANDERTON: So we're seeking a Variance for the addition because of the narrow lot, and without a

Variance we won't be able -- we won't be able to build the type of structure that we need. I mean, essentially we have a growing family. We have an 18-month-old daughter. The house is getting small. It's small already, and now it's very small. So we -- it's really important to us to be able to stay in Cambridge, work in Cambridge, and live in Cambridge and raise our daughter here. My wife is much more eloquent in how she speaks about it.

ALISON LIVINGSTON: So we're both educators. And I'm very committed to being part of schools and school systems that reflect inclusion and real inclusion. We have a biracial baby, and Cambridge is doing some really great work with regard to creating curricula that is racially inclusive, that is ethnically inclusive, that is flexible around gender identity and we just want to be sure that our kiddo gets what she needs to be affirmed. It's very important to us. We -- I've been thinking a lot about how to have enough space to not have our child playing in a one,

like a two-foot by three-foot space in our home. It's pretty tight. And so we went and did a pretty extensive house search I guess last year for about a year and a half, and we were totally priced out the Arlington for darn sure. We missed the boat on that by about ten years. Whoops. And then we started expanding our search to Melrose. And it was an incredibly competitive market. We put in two bids on houses. One bid was \$80,000 over asking. We didn't get that house. One bid was \$100,000 over asking and we didn't get that house. And we felt kind of stuck. We had wondered about an addition, but we didn't have all the information. And so we closed our housing search because it was getting depressing quite honestly, and we thought we would ask for this possibility.

MATT ANDERTON: The house of -- so what we're asking for is -- what we would create in Cambridge would be impossible for us to purchase even if we sold our -- if we sold our home and wanted to buy something equivalent, it

would be impossible for us because it would be way out of our price range. So this is the only affordable way for us to get a larger space and stay in Cambridge.

BRENDAN SULLIVAN: How long have you lived there?

MATT ANDERTON: Since November of 2010.

BRENDAN SULLIVAN: Okay.

CONSTANTINE ALEXANDER: This is to me one of the more difficult and almost heartbreaking kind of cases for Cambridge. We often, as you heard the prior case, we often have situations where people need additional living space in a house that they've outgrown and seek a Variance, but usually the amount of variances are rather modest in nature. 40-foot dormer which is the case we just heard. In your case, your gross floor area currently is 900 feet according to your dimensional form. You want to go to the addition with 1284 square feet, and you already were non-conforming at 900. You're going to increase the amount of floor area by a third. Your FAR, which is a big factor, you're

supposed to be no more than 0.75. You're now at 9.94. You're going to 1.34. Almost twice what our zoning law requires. Those -- that and on top of that you have a neighborhood opposition, including some of your abutters. And I'm not going to comment on it, but it's somewhat understandable. You're going to be protruding into the backyard in the series of row houses. You're going to affect their light, their vistas. This has an impact. We listen to neighbors. We don't make your decisions based on what neighbors want or don't want, we apply the law. But you're asking for unfortunately, to my mind, a lot relative to our Zoning Ordinance. So I have a great deal of trouble supporting the relief you're seeking. That's just one out of five, and you need four out of five. But that's my observation.

Any other observations from members of the Board at this point?

CHRISTOPHER HOWE: We --

CONSTANTINE ALEXANDER: If you want to make -- go ahead.

CHRISTOPHER HOWE: We did come prepared to talk about some of these issues, like the light and shadows to hews and that sort of thing.

CONSTANTINE ALEXANDER: Okay.

CHRISTOPHER HOWE: I don't know what would be helpful to start.

CONSTANTINE ALEXANDER: Anything would be helpful. You have some neighbors, I can see from the nodding heads, you have neighbors in the audience and they might have some comments.

PATRICK TEDESCO: Can I ask a question before you do that?

CONSTANTINE ALEXANDER: Go ahead.

PATRICK TEDESCO: There's one of your abutters in the rear to the right has a small addition, one story. How far out does that project and how does that compare?

CONSTANTINE ALEXANDER: Good question.

MATT ANDERTON: Both of our abutters have projecting additions.

PATRICK TEDESCO: It looks like a bay more than --

CHRISTOPHER HOWE: Yeah. So this diagram actually shows -- so this diagram shows 130 here and then their next-door neighbor to this side has a five-foot addition, and the other side at 1.8 is a ten-foot addition. We're proposing a 12-foot addition.

CONSTANTINE ALEXANDER: But your addition will be a square or a rectangle?

CHRISTOPHER HOWE: Yeah.

CONSTANTINE ALEXANDER: Right? It's not going to be --

CHRISTOPHER HOWE: Yes, right.

CONSTANTINE ALEXANDER: It's going to have much more area --

CHRISTOPHER HOWE: Yes.

CONSTANTINE ALEXANDER: -- not much more.

CHRISTOPHER HOWE: So that's represented here. So it's a rectangle. Yeah. So this is existing, this is the proposed. Yeah. And it's a two-story addition.

CONSTANTINE ALEXANDER: Have you thought of a smaller addition that would be more inconsistent with the impact on the rear yards as your abutters?

ALISON LIVINGSTON: Yes, we have thought about it.

CONSTANTINE ALEXANDER: I'm sorry.

ALISON LIVINGSTON: Yes, we have.

CONSTANTINE ALEXANDER: And you can't manage it?

ALISON LIVINGSTON: Oh, no, we're open to conversation.

MATT ANDERTON: I think these photos will show you a little better.

EVERETT MITCHELL: This might answer your question a little better, the neighbor on -- you can see the two additions on the back of the house now. That's --

CHRISTOPHER HOWE: That's the ten-foot projection there.

EVERETT MITCHELL: So this -- the ten-foot would be in line with the neighbor directly to your right side?

MATT ANDERTON: Yeah.

EVERETT MITCHELL: To one side. And the other side is more of a five or six-foot addition on the back side.

CHRISTOPHER HOWE: Right. So this is the five or six foot and this is the ten foot on this side. So I think --

MATT ANDERTON: And even one down from that has a 12 or 13, the blue you can see is even.

CHRISTOPHER HOWE: That was 12 according to the city's records. This one's a 12-foot addition.

CONSTANTINE ALEXANDER: What number is that, that blue structure?

MATT ANDERTON: 136? 134?

CHRISTOPHER HOWE: 134.

So this gives you -- this photograph gives you have a pretty good sense of the irregularity of the existing. On the back of these existing residences.

SLATER ANDERSON: You're proposing a two-story where I don't see any two story.

MATT ANDERTON: Right, this would be the only two story.

CHRISTOPHER HOWE: That's correct.

PATRICK TEDESCO: And I couldn't connect the letters of opposition or support with addresses of your two direct abutters, they're in opposition?

MATT ANDERTON: Yes.

PATRICK TEDESCO: Both of them?

ANDREA HICKEY: Have you talked to them at all? Would they be inclined to consider something a little --

CONSTANTINE ALEXANDER: Reduced?

ANDREA HICKEY: -- smaller or in kind with what's

on their homes?

ALISON LIVINGSTON: Well, they're here. When there's time, I imagine they'll want to share. I don't want to speak for them.

ANDREA HICKEY: You've talked to them though --

ALISON LIVINGSTON: Yes.

ANDREA HICKEY: -- about perhaps something smaller?

ALISON LIVINGSTON: Not extensively.

ANDREA HICKEY: Okay.

CHRISTOPHER HOWE: One of the things we did take a close look at is the shadows that would be cast by the addition. So this first board shows there are certain times because of the almost direct south exposure. There are certain times that there's no impact from the addition. The most obvious one would be at noon because the sun is directly facing, but also this one shows early in the morning because the sun of course is around to the other

side of the building, so the existing, existing, you know, back of the building is already in shadow at that time of day. And then the other one would be later in the afternoon because the sun of course is passed around the other corner of building. So there are these, you know, short periods of time and the same mid-morning leading up to noon and mid to -- early to midafternoon where there are some shadows cast, but the diagrams here --

PATRICK TEDESCO: And if I could interrupt. I don't think shadows are the issue so much as just adjacency and privacy. You come out here, right here. You come out and you go up and suddenly this window and this window, you know, looking down a wall is before they could look out an angle of the window. Whether it's in shadow or not is kind of irrelevant. You lose that view, you know, up and down the yard. That to me I think is more important than the shadows.

CHRISTOPHER HOWE: This is the view of course.

So, yeah, I mean true, they would be looking at the side of a building, but this is not, you know, a million dollar view either.

PATRICK TEDESCO: But it's access to daylight and sky.

MATT ANDERTON: Right. And we have that existing condition. As you can see on our deck, we're surrounded both sides by additions as well.

PATRICK TEDESCO: Right.

CONSTANTINE ALEXANDER: Well, it seems to me, maybe I'm premature, but it seems to me that this is a case that's right for a continuance for you to rethink your plans particularly with regard to whether you have a two-story addition or a one-story addition and see if you can maybe mollify your neighbors with regard to that. But if you can't, it doesn't mean we're going to turn it down. But I think what you're proposing, me, one person, what you're proposing tonight goes too far from a zoning point of view.

MATT ANDERTON: Is it too far with a over --

CONSTANTINE ALEXANDER: It's too much, you know, in terms of additional square feet, the height of the addition that complies with our Ordinance, but it does create, as Patrick has pointed out, the window, the people who are looking -- who now look at a yard will look at a wall, a blank wall. That's a problem for them. Not a problem for you. I mean somewhat understandable problem, too, for them. I don't know, what do other board members think?

BRENDAN SULLIVAN: This is sort of a tough one because, you know, you're -- you're trapped between two factors here. You bought the house in 2010, you were able to afford it then. If you were to buy your house today, if it went on the market for the market, you wouldn't be able to afford the house you live in.

MATT ANDERTON: Right.

BRENDAN SULLIVAN: So you're trapped in buying it

in a time that you could afford and the value and the prices have gone sky high since then.

MATT ANDERTON: Right.

BRENDAN SULLIVAN: So that's one.

And then if you were to sell it today, what do you do with that bag of money, where can you go?

MATT ANDERTON: Right.

BRENDAN SULLIVAN: And to someplace that would be less comfortable to you than where you live now. And I have an association with a bank and we wrestle with this all the time, where we are gladly lending money to people to add on to their houses, to improve their houses, and so on and so forth, because they have an existing value there. A high value, but an existing value. But yet if you were to go and buy a new house, then the amount that you have to put down yadda, yadda, and so on and so forth, is out of reach. So you get trapped by that. You're trapped in your own house. And you're -- and the trap that you're in the constraints of

the Ordinance, which these buildings would not be built today. So they were built in another era when zoning -- I'm not even sure what the age of these things are.

MATT ANDERTON: 1873.

ALISON LIVINGSTON: 1873 it was built.

BRENDAN SULLIVAN: Yeah. When there was no zoning.

MATT ANDERTON: Right.

BRENDAN SULLIVAN: So they built them back then and now zoning comes in and constrains you. So there's all these forces that are a hardship. And yet I think what Gus is saying is that's fine and we're sympathetic to people wanting to because I understand the trap that you're in, but yet it's the impact. The people next to you, around you, so on and so forth, we're sympathetic to that also. So that there has to be possibly some discussion and what have you. I think it's the impact.

CONSTANTINE ALEXANDER: We're -- I think, only two

of us that talked, we're predisposed to give you relief, but the relief you're seeking tonight may be more than we can grant. I'm having trouble with. So what I'm suggesting go back, rethink, unfortunately scale back your ambitions with regard to additional living space, talk to your neighbors which is important to us, and then we'll see you again.

Does that, did I express it well?

ANDREA HICKEY: I think you expressed it perfectly, yeah. I'm very sympathetic to what your situation is, but the ask as Gus said, is big, especially considering that there is some neighborhood opposition. I think it would be a good idea to sort of rethink the scale and try to work with the neighbors to come back with something that would be a little bit easier for us to help you with.

ALISON LIVINGSTON: We appreciate that.

PATRICK TEDESCO: I would agree.

ALISON LIVINGSTON: You know, I think it's

important for us, too, to think about what makes sense for our family. And if it can't work, it can't work, right? And so the challenge is, and we did consider certainly a first, just a one-story addition, the amount of kind of reward for the cost, it doesn't pan out for our family. So we add a dining room, that doesn't really help a growing family with a baby. You know what I mean? We just -- we're happy to keep on talking about it. And we've considered a bunch of this. And I appreciate that there are many perspectives and sides to try to hold in the space. So I appreciate your thoughts.

CONSTANTINE ALEXANDER: Well, if we continue this case, we'd have to continue it to a time or a date that all five of us, these five people can make. So first of all, how much time would you think you need to rethink and talk to the neighbors? And then we'll see what we can get a date that accommodates that?

MATT ANDERTON: I think we're pretty flexible.

CONSTANTINE ALEXANDER: Sean?

BRENDAN SULLIVAN: Well, the fruits of that discussion may result in a change to the plan. So you're going to have to get involved, too.

CONSTANTINE ALEXANDER: Almost surely it's going to require new plans.

CHRISTOPHER HOWE: Yeah, that's true.

CONSTANTINE ALEXANDER: Take that into account. And those new plans will have to be in our files, you may have heard us say this before, but no later than five p.m. than the money before the new date. That shrinks the period a little bit, too.

CHRISTOPHER HOWE: Essentially three days before the new date?

CONSTANTINE ALEXANDER: Yeah, basically essentially three days before -- let's start, what date -- give me a sense of what, how much time you think you would like?

CHRISTOPHER HOWE: Yeah, I think we need to get back together and go over some ideas. Probably a couple weeks or so I would have to say.

SEAN O'GRADY: May 10th. We could do May 31st.

MATT ANDERTON: 10th is probably.

CONSTANTINE ALEXANDER: First of all, can everybody be here?

ANDREA HICKEY: I'm checking.

CONSTANTINE ALEXANDER: I can make both dates.

ANDREA HICKEY: I can make the 10th.

CONSTANTINE ALEXANDER: My preference would be the earlier of the two days anyway.

PATRICK TEDESCO: May 10th, yep.

CONSTANTINE ALEXANDER: Slater?

SLATER ANDERSON: Yeah, that's fine.

CONSTANTINE ALEXANDER: Okay. May 10th it will be, so let me make a motion.

The Chair moves that we continue this case as a

case heard until seven p.m. on May 10th subject to the following conditions:

One, that you have to sign a waiver of time for decision. Mr. O'Grady will give that to you because otherwise we'll have a problem with the state law.

Two, that the sign that you have up there now be modified to reflect -- you can do it with a magic marker, new date, May 10th, new time, seven p.m. And that the sign be maintained for the 14 days prior to the May 10th hearing just as you did it this time around.

And lastly, to the extent, and I think this will be the case, your plans or your dimensional form and/or your dimensional form changed as a result of this hiatus, that these new plans, new dimensional form must be in our file no later than five p.m. on the Monday before May 10th. And that's for the benefit of -- I know there are neighbors here who haven't spoken, but it seems to me it's premature to speak tonight. You see where we're going. Just to let you

know, in case, I would hope everybody will reach out to one another, but if you don't, May 10th by five p.m. or after five p.m. you can go down to the Inspectional Services Department and see what they're now proposing. But I would hope you would know that before then and have some discussions.

All those -- yes, sir.

BRENDAN SULLIVAN: Would it be fair and would it be wise if they have any comment at all seeing how they came here tonight or is it not necessary?

CONSTANTINE ALEXANDER: I thought probably is not necessary.

BRENDAN SULLIVAN: Okay.

CONSTANTINE ALEXANDER: We were kibitzing about that there, but if other members of the Board feel we should do it, I would be happy to do it. I don't think it adds anything. Because we're going to see new plans. It's not going to see new plans.

ANDREA HICKEY: In my mind they would be commenting on what was on the table not what will be on the table.

BRENDAN SULLIVAN: Okay, that's fine.

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

(Show of hands.)

CONSTANTINE ALEXANDER: Five in favor. Case continued.

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

CONSTANTINE ALEXANDER: Well, I didn't ask can you make May 10th, those folks?

UNIDENTIFIED MEMBER FROM THE AUDIENCE: Is it a Tuesday?

ANDREA HICKEY: It's a Thursday.

CONSTANTINE ALEXANDER: Thursday. Always Thursday. Okay? I should have asked you. I apologize.

SLATER ANDERSON: And I would add that anybody who

submitted something in writing, we have read that obviously so we understand some of the views that have been articulated by neighbors in the letter form.

UNIDENTIFIED MEMBER FROM THE AUDIENCE: Thank you. We appreciate that.

CONSTANTINE ALEXANDER: Okay. Thank you. See you on May 10th.

* * * * *

(8:20 p.m.)

(Sitting Members BZA-015614-2018: Constantine Alexander, Brendan Sullivan, Andrea A. Hickey, Patrick Tedesco, Slater W. Anderson.)

CONSTANTINE ALEXANDER: The Chair will call -- I could ask those of you to be leaving to have your discussions out in the hall so we can keep going.

The Chair would call case No. 015614, 29-30 Seagrave Road. Is there anyone here wishing to be heard on this matter? You know by now, name and address to the

stenographer, please.

RACHEL DELUCAS: Rachel Delucas, 29 Seagrave Road.

And my husband Larry.

LAWRENCE DELUCAS: Lawrence Delucas.

AMY SEMMES: Amy Semmes, S-E-M-M-E-S, architect,
120 Auburn Street, Medford.

CONSTANTINE ALEXANDER: Floor is yours.

RACHEL DELUCAS: So our request today is to
construct two, 15-foot dormers at our home, one of them
within the left-side setback. Our background is that we've
both lived in Cambridge since we started school here in the
late nineties or the mid-nineties. And so we've got very
lucky to have bought relatively early, and so we've kind of
taken advantage of the fact that prices, you know, kind of
put us in a good position.

So just a year ago we purchased a two-family home
with the goal of -- or sorry. We used to live in Area 4 for
like 13 years, owned a condo there for a long time, but then

just moved here about a year ago to a neighborhood right near Alewife with the goal of my in-laws moving in with us in a two-family home. So we have a young son and my mother-in-law takes care of him during the day, so it works out for us. Our goal is to take advantage of our space to support this multi-generational family. We have no plans of moving ever again. So we're trying to make it work. We have a large unfinished attic area, and the purpose of this dormer request is to make the stairs that go up to that level reasonable. You can see in the photo over here a picture of me next to the lovely wall. So....

CONSTANTINE ALEXANDER: The other one doesn't conform to the state Building Code?

AMY SEMMES: Did everybody see that? They're nice, wide gentle stairs, but, you know....

CONSTANTINE ALEXANDER: But otherwise a height level and the like, does it compliant with the state Building Code?

AMY SEMMES: Not -- in every way except for headroom at the landing as you go up and turn.

CONSTANTINE ALEXANDER: So they're non-conforming to the State Building Code?

RACHEL DELUCAS: Correct. So that's really the main hardship that we have. But additionally, we're hoping to take advantage of the dormer space to add a second bathroom. In a family home one bathroom is, you know, not ideal. And then also to put all of our bedrooms on one floor so that we can all sleep in the same level and take care of our kids, you know, or potentially --

CONSTANTINE ALEXANDER: How does it work now?

RACHEL DELUCAS: What's that?

CONSTANTINE ALEXANDER: How does it work now? I assume the first floor is living space?

RACHEL DELUCAS: Yeah, the first floor has a couple of bedrooms on it.

AMY SEMMES: Well, it's a two-family.

RACHEL DELUCAS: Yeah, it's a two-family.

CONSTANTINE ALEXANDER: Oh, okay.

RACHEL DELUCAS: Oh, sorry, the first floor is one apartment where my in-laws currently live.

CONSTANTINE ALEXANDER: Okay, got it.

RACHEL DELUCAS: And then the second floor is our main living space. And the third floor has one bedroom that's finished and then a large unfinished area. So the idea is that the unfinished area would turn into two bedrooms and a bathroom and then, you know, reasonable stairs so that it kind of like takes advantage of the entire space. But of course with the dormers there's this adjustment to the floor area.

AMY SEMMES: Floor area and volume.

CONSTANTINE ALEXANDER: Well, you're going to be going from -- you're supposed to be no more than 0.5 for floor area ratio. You're at 0.74 now, and you'll bump up a little bit more to 0.781 according to your dimensional form.

AMY SEMMES: Yes, there are a couple of issues that currently make the FAR pretty large on the lot. One is this funny little extension that's a tiny, little space.

CONSTANTINE ALEXANDER: It may be funny but it's living space.

AMY SEMMES: It is, but it's a very, very small pod that's about a six-and-a-half foot across room off of the living room on two stories. This sort of faces right where the -- well, it used to be a rotary. The Route 2 intersection --

CONSTANTINE ALEXANDER: Right.

AMY SEMMES: -- near Alewife. It kind of looks right at this little thing. And in addition there's a pre-existing small shed on the property, so those two things.

CONSTANTINE ALEXANDER: What is the shed used for?

RACHEL DELUCAS: All of my yard implements. I take care of the yard and keep all that stuff in there.

CONSTANTINE ALEXANDER: Is it indispensable to you? Not that to say you have to take it down.

RACHEL DELUCAS: I prefer not to remove it. But, you know.

CONSTANTINE ALEXANDER: Okay.

AMY SEMMES: Those are just two factors that are sort of adding to the existing nonconformity that we wanted to point out. Anything else?

CONSTANTINE ALEXANDER: Talk to us about the dormer guidelines. This is more for you. Because you comply with the most important aspect, 15 feet. No more than 15 feet.

AMY SEMMES: Yes.

CONSTANTINE ALEXANDER: But why does it go to the ridge line? And you're too close to the edge of the roof, too, it would appear.

AMY SEMMES: Yes. And these are the diagrams -- these down here are the two diagrams right out

of the -- straight out of the dormer guidelines. So we're trying to comply with the size, the 15-foot limits and --

CONSTANTINE ALEXANDER: Right. And you do.

AMY SEMMES: -- use that on one side for a bedroom and on the other side to fit the stair and the bathroom.

And this looking -- these are a variety of dormers that are also already in the neighborhood.

CONSTANTINE ALEXANDER: But you still haven't -- I don't care about the other dormers. I know the reasons, but I want to get it on the record, why are you not complying with the dormer guidelines in all respects?

AMY SEMMES: The reason that the dormers are pulled out flush with the exterior building face --

CONSTANTINE ALEXANDER: Right.

AMY SEMMES: -- is largely to do with the placement of the stair where the area where we need the additional headroom is the stair follows that exterior wall. So we could not make the headroom over the existing stair

conforming unless the dormer is pushed out --

PATRICK TEDESCO: You're not reconstructing the stairs?

AMY SEMMES: We're not reconstructing, we're just lifting above it. We're not reconstructing or moving it in any way.

So that's the reason that we're proposing a dormer that's not recessed from the building face.

SLATER ANDERSON: So that's one side?

AMY SEMMES: That's one side. The other side could be recessed. We're just proposing that it matches the geometry to the other side because that seems more straightforward and simple.

In terms of the -- this -- most of these neighborhoods don't have a particularly steeply pitched roof. The slope is significantly less than a -- having the peak meet at a 45 degree angle. I find the geometry to really still get enough pitch on the geometry on the slope

of the dormer roof, challenging when the overall roof slope is in the 8 and 12 and 9 and 12 middle range rather than getting more into that equilateral triangle, and it's difficult to do without getting a really flat top roof which I think is unattractive and requires a different, you know, can't be made out of the existing -- matching asphalt shingle, etcetera.

RACHEL DELUCAS: Yeah, I think that's a particularly interesting thing to note because of the orientation of our house relative to 16 and Route 2. It's really very visible as you turn the corner. So the idea of putting a rubber roof, that makes sense with a different pitch that would match the dormer guidelines. I don't think it's ideal aesthetically, but you know, certainly is an option I guess.

AMY SEMMES: So these neighboring or nearby houses -- this is an example of one that does have the equilateral triangle where the roof, the dormer comes down

at a nice pitch and does not have to go all the way up to the roof, but you can see how much more, you know, how much more area there is available above the windows to make that transition. So we're asking relief on two versions of the dormer guidelines. The -- where the ridge starts and pushing it out to the building face.

CONSTANTINE ALEXANDER: Right.

AMY SEMMES: And an awful lot of the dormers in the neighborhood in this whole group of lower pitched roof houses all seem to go up to the ridge.

RACHEL DELUCAS: I believe both of our neighbors have a dormer that meets at the roof ridge line.

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

(No Response.)

CONSTANTINE ALEXANDER: Apparently not. Anything further you want to add?

RACHEL DELUCAS: We did give all of our neighbors

the full plans and everything the moment we submitted the application, and I haven't heard anything directly in opposition.

CONSTANTINE ALEXANDER: We have one letter of support which I'll read in a second. That's the only comment we've received from your neighbors, pro or con.

RACHEL DELUCAS: One neighbor is here as well.

CONSTANTINE ALEXANDER: They'll have a chance to speak. I'm just saying in writing.

I'll open the matter up to public testimony. Is there anyone wishing to be heard in this matter? Sir. Or sirs. Come forward and give your name and address for our stenographer, please.

JOHN WALKER: My name is John Walker. I live across the street at 150-152 Whittemore Ave. And I've met my new neighbors of course. And I've gone through the proposal. I'm also an architect, and I've been involved in a lot situations like that. I don't think that that affects

me a twit, the dormers and -- or all the houses had the headroom problem in the stair. And I think it -- no, I think it's a good use of the house. My own house needs the same thing, but I just keep putting it off. And new people are moving in. Another generation. I've lived there since birth. My only concern about it is, not about the building itself, but about future use. And that's the problem with AB&B's (sic) which I'm sure you've been addressing, and I don't know with what state the Zoning Board is.

CONSTANTINE ALEXANDER: We don't address it. But the City has guidelines now for B&B's and regulations. Don't ask me what they are, Mr. O'Grady can probably tell you.

JOHN WALKER: It would be beneficial to the neighborhood if it wasn't a B&B. We have a congested neighborhood with houses becoming rooming houses and apartments in basements whatever, and it's just creeping in. There's pressure on Cambridge, tremendous Cambridge.

CONSTANTINE ALEXANDER: Sean, I have a question: B&B -- if people comply with the B&B guidelines, which I'm not familiar with, they're allowed to have a B&B? Or are B&B's prohibited.

SEAN O'GRADY: No. Now you need certain guidelines, you can --

ANDREA HICKEY: And you register.

SLATER ANDERSON: Short-term rental.

ANDREA HICKEY: The City of Cambridge website has extensive information --

CONSTANTINE ALEXANDER: Right.

ANDREA HICKEY: -- on registration procedures, and they must be registered. I don't think that we have the authority to sort of prohibit that type of use tied into a request like we have before us tonight.

CONSTANTINE ALEXANDER: Right.

ANDREA HICKEY: But if you have concerns about people in your neighborhood sort of violating the City's

rules --

JOHN WALKER: Well, they live outside my house in the bushes. They're all over the place.

ANDREA HICKEY: Well, you can go down to Inspectional Services and see if they're registered and make a complaint if they're not.

JOHN WALKER: The mean the people in the bushes? They don't register.

ANDREA HICKEY: No, I mean -- in any event.

CONSTANTINE ALEXANDER: We're going far afield.

JOHN WALKER: For the stated purpose of what this is about, I'm in favor of it.

CONSTANTINE ALEXANDER: You're in favor. Thank you.

JOHN WALKER: I have no qualms at all.

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

Is there anyone else wishes to be heard?

(No Response.)

CONSTANTINE ALEXANDER: I'm going to close public testimony.

We are in receipt of one letter or e-mail from a Nataly N-A-T-A-L-Y, Olchanski. O-L-C-H-A-N-S-K-K-I.

(Reading) I Nataly Olchanski, 25 Seagrave Road, recently learned about our neighbor's plans and wanted to say that our family had the same problems as the folks at 29-30 and did similar construction work seven years ago. We are quite satisfied with the results and wish every success to our neighbors. And that's it.

RACHEL DELUCAS: I thought there was one more e-mail.

CONSTANTINE ALEXANDER: I'm sorry?

RACHEL DELUCAS: There was only one e-mail in your file?

CONSTANTINE ALEXANDER: That's all I see.

RACHEL DELUCAS: I was CC'd on another e-mail from

a different neighbor, so that's why I'm a little surprised.

CONSTANTINE ALEXANDER: Oh, there is another one. It's misfiled. It's from Tom Lynott -- is that what you're referring to? L-Y-N-O-T-T-T, resides at 134 Whittemore Avenue. (Reading) I'm an abutter of the property at 29 Seagrave and would like to express my support of the proposed project to expand the third floor and construct new dormers. I greatly appreciate the effort to provide me and other neighbors copies of the plans.

We have two letters in support.

Close public testimony.

Comments, discussion, or ready for a vote?

ANDREA HICKEY: I'm ready.

BRENDAN SULLIVAN: I made a couple of notes there. You had noted that the 15-foot dimension is to the face of the framing. The 15-foot dimension should be made to the outside of the siding.

AMY SEMMES: Okay.

BRENDAN SULLIVAN: All right. So I just made a note on that as a corrective, that's all.

AMY SEMMES: Good to know.

BRENDAN SULLIVAN: What?

AMY SEMMES: Good to know.

CONSTANTINE ALEXANDER: So these plans which we would tie it to subject to be changed to reflect Mr. Sullivan's comments.

AMY SEMMES: So it's not a face of stud dimension. It's an overall exterior side of side.

BRENDAN SULLIVAN: Outside of the siding.

AMY SEMMES: Probably a three inch difference or something.

BRENDAN SULLIVAN: Yeah, to the face of the framing. I wasn't sure if it was inside face or the outside face. But at any rate, in checking with the Department, their policy is that it's to the outside of the framing. I'm sorry, outside of the siding material which is shingles?

Is it shingles? Yeah, okay.

CONSTANTINE ALEXANDER: Okay. Is that --

BRENDAN SULLIVAN: Yes.

CONSTANTINE ALEXANDER: Thank you.

The Chair will make the following motion: The Chair moves that with regard to the Variance being sought, with respect to these new dormers, that we make the following findings:

That a literal enforcement of the provisions of the Ordinance would involve a substantial hardship. Such hardship being is that there is a need for additional living space for this multi-generational family, but more importantly from a zoning point of view, that this would relieve problems with regard to the stairs to the third floor and that would apply to any family or person who occupies the structure.

That the hardship is owing to the shape of the structure; namely, it's an older structure and the staircase

to the third floor does not comply with our current State Building Code.

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

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

That the relief is modest into nature. It is not unusual relief for the City of Cambridge with the number of older structures that it has, and what it will do is allow, in this case, multi-generational use of this older structure which is desirable in this day and age in the City of Cambridge.

So on the basis of all of these findings, the Chair moves that we grant the relief sought on the condition that the work proceed in accordance with the plans submitted by Amy Semmes, S-E-M-M-E-S, dated February 9, 2018, except that with respect to the location of the proposed dormers,

they would go to the outside of the siding of the structure, not to the face of the framing. That's to comply with the approaches that our Inspectional Services Department applies with respect to dormers.

All those in favor please say "Aye."

(Show of hands.)

CONSTANTINE ALEXANDER: Five in favor. Good luck.

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

* * * * *

(8:40 p.m.)

(Sitting Members BZA-015642-2018: Constantine Alexander, Brendan Sullivan, Andrea A. Hickey, Patrick Tedesco, Slater W. Anderson.)

CONSTANTINE ALEXANDER: The Chair will call case No. 015642, 19 Glenwood Avenue.

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

MAGUED BARSOUM: Good evening.

CONSTANTINE ALEXANDER: Good evening.

MAGUED BARSOUM: Magued Barsoum. M-A-G-U-E-D and then B-A-R-S-O-U-M, 19 Glenwood, LLC. And it's my address is 12 Lavelle L-A-V-E-L-L-E Lane in Framingham.

CONSTANTINE ALEXANDER: Floor is yours. You want to change some windows within a setback?

MAGUED BARSOUM: That is correct.

CONSTANTINE ALEXANDER: And they're marked on these plans?

MAGUED BARSOUM: That is correct. I have a stack that's kind of easy to see. So on the street elevation side there is a double door. We would like to hang it to a single door.

CONSTANTINE ALEXANDER: I'm listening.

MAGUED BARSOUM: On the back side we'd like to change a set of windows into a door, two sets of windows into a door.

And on the side elevation there is a window now, would like to change that to a door. And move a basement window approximately two feet or so.

CONSTANTINE ALEXANDER: Have you spoken with your neighbors?

MAGUED BARSOUM: I did. And I have two letters of support from the neighbors.

CONSTANTINE ALEXANDER: Good, we don't have any in our files one way or another.

MAGUED BARSOUM: I apologize. That's one.

CONSTANTINE ALEXANDER: Is that it?

MAGUED BARSOUM: Do you have two there?

CONSTANTINE ALEXANDER: Yes.

MAGUED BARSOUM: Okay, perfect. Thank you. So these are numbers 23 and 25.

CONSTANTINE ALEXANDER: Yeah, 25 and 23 Glenwood.

MAGUED BARSOUM: Right. Which are the ones that would be on that side here.

CONSTANTINE ALEXANDER: And most directly affected by the change in the windows?

MAGUED BARSOUM: That's correct. That is correct.

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

(No Response.)

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

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

(No Response.)

CONSTANTINE ALEXANDER: Apparently not. We are in receipt of two letters delivered to us by the petitioner. One letter is from James P. -- it appears to be Harrison.

MAGUED BARSOUM: That's correct.

CONSTANTINE ALEXANDER: (Reading) I am an abutter at 23 Glenwood Ave. Street in Cambridge and have lived in the neighborhood for 33 years. I have studied the proposed changes and elevations. I find the request to the ZBA entirely reasonable in terms of both function and aesthetics. I am writing to lend my full support for the Special Permit application to allow for the changes in windows into the multi-family dwelling. We support the proposed application request because the property's in dire need of renovation and the additional windows and openings will not negatively impact privacy and will add much needed light and air into the dwellings. For all of these reasons I strongly urge you to grant the special and allow full

renovations of this property.

And the other letter is from Kristin K-R-I-S-T-I-N
Canavan C-A-N-A-V-A-N.

(Reading) We are abutters to the -- it's the same
letter. So I'm not going to read it again. But I've
indicated that Ms. Canavan is in support for the reasons
cited in the letter which in turn were cited in
Mr. Harrison's letter.

So that's it for public comment. Anything further
you want to add at this point?

MAGUED BARSOUM: There's also a fence here
actually that, that's between us, between 19-21 and 23-25
that obscures the vast majority of this --

CONSTANTINE ALEXANDER: Bushes and --

MAGUED BARSOUM: That's right. There's a six or
seven-foot fence on this side and also another one on the
back side as well.

CONSTANTINE ALEXANDER: Okay, good.

Comments or ready for a vote?

ANDREA HICKEY: Ready.

CONSTANTINE ALEXANDER: Ready for a vote? The Chair moves that we make the following findings with regard to the Special Permit being requested:

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

That traffic generated or patterns of access or egress will not cause congestion, hazard, or substantial change in established neighborhood character. In this regard the changes are rather modest in nature and have very little impact on the appearance of the structure.

That the continued operation of development of adjacent uses as permitted in the Zoning Ordinance will not be adversely affected by what is proposed. In this regard the Chair would note that we -- the abutters have written letters in support. And further, that there are fences and landscaping that minimize the visual impact of the proposed

changes.

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

And, again, in this regard the changes requested are very modest in nature, have neighborhood support, and will improve the habitability of the structure.

So on the basis of all these findings the Chair moves that we grant the Special Permit requested on the condition that the work proceed in accordance with plans prepared by Divine Design and Build. Looking for a date.

MAGUED BARSOUM: The date is at the bottom corner here.

CONSTANTINE ALEXANDER: Oh, yes. 2/28 -- dated February 28, 2016?

MAGUED BARSOUM: Sorry, that' '18.

CONSTANTINE ALEXANDER: Mine says '16.

MAGUED BARSOUM: I apologize for that. That's a typo.

CONSTANTINE ALEXANDER: That's okay, we know what it is. And initialled by the Chair more importantly.

All those in favor say "Aye."

(Show of hands.)

CONSTANTINE ALEXANDER: Five in favor. Relief granted.

MAGUED BARSOUM: Thank you, appreciate it.

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

* * * * *

(8:50 p.m.)

(Sitting Members BZA-015644-2018: Constantine Alexander, Brendan Sullivan, Andrea A. Hickey, Patrick Tedesco, Slater

W. Anderson.)

CONSTANTINE ALEXANDER: The Chair will call case No. 015644, 104 Hancock Street, No. 1.

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

RICHARD BROWN: Good evening, my name is Richard Brown, architect, 50 Hillcrest Avenue, Lexington, Massachusetts.

CONSTANTINE ALEXANDER: You want both a Variance and a Special Permit. Let's just deal with the Variance first.

RICHARD BROWN: The Variance is to put a gas fireplace extending on the north elevation. It will be approximately 22 inches deep and four feet wide on the first floor. I have -- it has been approved by the Conservation Commission. These are drawings for the revised Conservation Commission if you're interested in seeing them. They're the same as being submitted.

PATRICK TEDESCO: Historic Commission or the Conservation Commission?

RICHARD BROWN: The mid Cambridge Conservation --

PATRICK TEDESCO: Oh, Mid Cambridge, okay.

RICHARD BROWN: It's an historic -- registered historic house, so we're required to do that.

They made two minor alterations, which I have included in these drawings that you have. They wanted to keep a window that we had removed. We moved it slightly over and they wanted to reduce the size of the chimney, which we agreed to.

So this is a very minor addition to the back. It's hidden from all the neighbors by the fence. To extend on the outside of the frame, you know, the other house will give substantial addition to the interior space.

CONSTANTINE ALEXANDER: How much addition? The fireplace that you're proposing is not that big, and I'm sure there are smaller fireplaces.

RICHARD BROWN: I guess, you know, it's not 22 inches deep. Whether it's inside or outside it projects about 22 inches, two feet.

CONSTANTINE ALEXANDER: All right, if you lose two feet, it's a small portion of the living room. I don't mean to be difficult, but let's cut to the chase. You're an experienced architect. You know how the zoning works. We have to find a substantial hardship. A hardship that runs with the property, not just for your clients. What is the hardship? Do you have to take away -- if you want a gas fireplace, putting it in the living room and not extending into the setback. I have to -- I personally speak for myself, I have trouble granting zoning relief for something like this. A dormer? Yes. You know, additional living space? Yes. Gas fireplace? That you can put in the inside and give up a couple of feet of living space?

RICHARD BROWN: The hardship is that it is a narrow house. And in narrow houses even two feet projecting

in, you know, projects a seven foot, you know, sofa into the sort of walking space which doesn't allow you to really have a table on the other side.

ANDREA HICKEY: But why do you need a gas fireplace?

RICHARD BROWN: Well, we're taking out the large brick fireplace, which when you have it going, is basically an air conditioning system for the winter. It just sort of sucks all the air out.

CONSTANTINE ALEXANDER: So replace that fireplace with the gas --

RICHARD BROWN: That fireplace is in the front corner and we're -- the basic renovation of the house is on the interior. So the living space is moving back towards the kitchen, an open kitchen, living room and that's where they want to have the fireplace.

CONSTANTINE ALEXANDER: Some years ago we had a case -- I actually didn't sit on it. Somebody wanted to

build an addition in the setback in their house because they wanted to put a wood burning oven to make gourmet pizzas and we turned it down. There is no hardship. You didn't need to have a wood burning fireplace or oven. I see the same thing here. I'll shut up. But I'm only one person, but I don't see a hardship for purposes of a Variance. There may be a hardship in general, non-legal terms, but we have to apply the Ordinance and apply state law which governs how we get on the basis for which we can grant Variances.

RICHARD BROWN: I appreciate your concern. I just -- in looking at the floor plan, and when I was laying out the floor plan, having the fireplace into the -- having this fireplace project in here tended to eat a lot of this space because the circulation sort of goes through there and that sort of limits this area in terms of --

PATRICK TEDESCO: Yeah, and these things aren't beautiful, you know, unless you clad them in stone. So when they project into a room, you know, again maybe that's not a

hardship, Gus. But I understand the desire to push it out. And, you know, a hardship would be replacing the inefficient brick fireplace, you know, a less safe fireplace with a cleaner, safer, more efficient -- that's a hardship now.

RICHARD BROWN: That's what we're trying to do.

Relocate it into the --

PATRICK TEDESCO: From an architectural standpoint, these kinds of variations on the facade don't bother me and appreciate the sort of variation.

What is the distance to the property line and then where is the adjacent house?

RICHARD BROWN: I believe the fence is to the -- eight feet to the property line and then there's a significant --

CONSTANTINE ALEXANDER: I'm looking at your dimensional form. It's right here.

The rear is -- well, it's 12 feet from the rear of your lot line. And it actually puts up a 26-and-a-half foot

setback in the rear. So you're already non-conforming as to the rear if I'm reading this right.

RICHARD BROWN: Eight feet, four inches is what the site plan says. And then there's a major driveway to the next house. Some of the photographs show that it's actually under construction now which is -- this is the back side where it would be and this is why it's difficult to take a picture of it because of the construction is right there.

CONSTANTINE ALEXANDER: Right.

RICHARD BROWN: That's, you know, that's about as good as you can get for the picture.

CONSTANTINE ALEXANDER: I'll take it for our files.

RICHARD BROWN: And that fence really pretty much blocks the view of the proposed fireplace, too.

CONSTANTINE ALEXANDER: Any questions from members of the Board?

(No Response.)

CONSTANTINE ALEXANDER: I guess none.

BRENDAN SULLIVAN: I really don't have a problem with it. I looked -- yes, the alternative, you know, having it into the room, I think it destroys the room basically. I think it makes it very problematical circulation and layout and what have you. And I don't have a problem with it to be honest with you. I think if it were -- I'm sorry, how is it clad on the outside?

RICHARD BROWN: It will be wood.

BRENDAN SULLIVAN: So it will just blend in with the siding?

RICHARD BROWN: Yeah.

BRENDAN SULLIVAN: Yeah, I mean, I think after it's all said and done you go by you wouldn't notice that it's not in keeping and fitting with the house at all.

CONSTANTINE ALEXANDER: Okay.

RICHARD BROWN: It has been approved by the Mid

Cambridge Conservation.

SLATER ANDERSON: And it just vents out the side?

RICHARD BROWN: It just vents out the side.

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

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

(No Response.)

CONSTANTINE ALEXANDER: Apparently not. We are in receipt of one letter from Councillor Alanna Mallon, M-A-L-L-O-N. (Reading) I am writing to express my support for Steven Greenberg and Avra Goldman's request for a Special Permit. No, it's not a Special Permit. It's a Variance. A Special Permit so they may install a gas fireplace as part of a renovation on their home at 104 Hancock Street, No. 1. As a fellow Mid Cambridge neighbor, I support these renovations. Their request for this Variance -- got it right this time -- will allow them to add

a new glass fireplace which will have a minimal impact on the neighbors and will be keeping with the character of the neighborhood. I know Steven and Avra's two sons from my time volunteering at alongside them at the Y2Y shelter in Harvard Square. I know they are a family deeply committed to the community as well as responsible and thoughtful neighbors. I encourage the Board to grant them this Variance.

RICHARD BROWN: This is a letter of support of all the condominium owners of that --

CONSTANTINE ALEXANDER: I'll read that.

RICHARD BROWN: -- condominiums.

CONSTANTINE ALEXANDER: (Reading) We, the fellow condominium owners of the Hancock Curt Condominium Trust, have reviewed the plans and elevations proposed for Steven Greenberg and Avra Goldman's residence and we fully support their application for a Variance.

And it's signed by 1, 2, 3,4, 5 condominium

owners.

Close public testimony.

Further comments or questions or we ready for a
vote?

(No Response.)

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

That a literal enforcement of the provisions of
the Ordinance would involve a substantial hardship. Such
hardship being is that the petitioner, and any occupant I
guess of the structure, would not be able to put, install a
gas fireplace that would disrupt the living, the circulation
patterns of the living room, and therefore the need for an
exterior -- modification to the exterior to house this gas
fireplace.

The hardship is owing to the fact that this is
a -- the nature of the development and the structure is such

that you can only -- any modification would require zoning relief.

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

So on the basis of these findings, the Chair moves that we grant the Variance being requested on the condition that the work proceed in accordance with the plans submitted by Richard Brown, architect. I know I initialed the first page. Anyway, here it is. And these plans were attached to a letter from Mr. Brown and which has been initialled by the Chair.

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

(Show of hands.)

CONSTANTINE ALEXANDER: Four in favor.

(Sullivan, Hickey, Tedesco, Anderson.)

CONSTANTINE ALEXANDER: Opposed?

(Alexander.)

CONSTANTINE ALEXANDER: Motion is granted.

Variance granted.

RICHARD BROWN: Special Permit?

CONSTANTINE ALEXANDER: Thank you. I'm sorry, thank you. I forgot about the Special Permit. Let's address that.

You want to relocate several exterior windows and doors?

RICHARD BROWN: Yeah. It's on that same side. Basically there's two windows on the second floor that get relocated because we're moving, extending a bathroom. And the French door and some windows get relocated on the first floor to accommodate the new plan.

CONSTANTINE ALEXANDER: Do you have letters from the --

RICHARD BROWN: It's, you know, the same letters.

CONSTANTINE ALEXANDER: Does it reference the

Special Permit?

RICHARD BROWN: They reference the renovation I believe.

CONSTANTINE ALEXANDER: The plans and elevations proposed. Yeah, I guess -- it doesn't say. It does cover it.

RICHARD BROWN: And that was for the Conservation Commission also that letter.

CONSTANTINE ALEXANDER: Okay.

Questions or comments from members of the Board?

(No Response.)

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

Is there anybody wishes to be heard on this matter?

(No Response.)

CONSTANTINE ALEXANDER: Apparently not.

And we have the letter from -- that I referred to

with regard to the Variance request applies to this Special Permit request as well.

Ready for a vote?

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

That the requirements of the Ordinance cannot be met without the Special Permit.

That traffic generated or patterns of access or egress resulting from what is being proposed with the relocation of windows will not cause congestion, hazard, or substantial change in established neighborhood character.

That continued operation of the development of adjacent uses will not be adversely affected by what is proposed. In this regard the relocation of windows sometimes can cause privacy issues, but apparently this project has support of all the neighbors so that appears not to be of a concern to those who reside in this area.

That no nuisance or hazard will be created to the

detriment of the health, safety, and/or welfare of the occupant of the structure or the citizens of the city. And that generally what is being proposed will not impair the integrity of the district or adjoining district or otherwise derogate from the intent and purpose of the Ordinance.

So on the basis of these findings, the Chair moves that we grant the Special Permit requested on the condition that the work proceed in accordance with the plans previously identified with regard to the Variance we just granted.

All those in favor, please say "Aye."

(Show of hands.)

CONSTANTINE ALEXANDER: Five in favor. Special Permit granted.

RICHARD BROWN: Thank you very much.

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

* * * * *

(9:00 p.m.)

(Sitting Members BZA-015648-2018: Constantine Alexander, Brendan Sullivan, Andrea A. Hickey, Patrick Tedesco, Slater W. Anderson.)

CONSTANTINE ALEXANDER: The Chair will call case No. 015648, 19 Haskell Street.

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

ATTORNEY SARAH RHATIGAN: Good evening.

CONSTANTINE ALEXANDER: Good evening.

ATTORNEY SARAH RHATIGAN: You're all moving smoothly on time.

CONSTANTINE ALEXANDER: Well, sometimes we get lucky.

ATTORNEY SARAH RHATIGAN: Sarah Rhatigan, Trilogy

Law, LLC representing the owners of the property, the Petersons.

ALAN PETERSON: My name is Alan Peterson. I currently reside at 7 Fairfield Street in Medford with my wife.

CONSTANTINE ALEXANDER: You don't occupy the structure?

ALAN PETERSON: Not currently.

CONSTANTINE ALEXANDER: Not currently.

ATTORNEY SARAH RHATIGAN: Not yet.

So Mr. Peterson, and his wife who couldn't be here unfortunately this evening, have plans. They purchased this three-family property in order to live in the first floor and basement which is the major area of renovation for discussion tonight. And then there are two units above that are rented.

CONSTANTINE ALEXANDER: So you're not -- the purpose of excluding the basement area from the GFA is not

to create a fourth apartment on the structure?

ATTORNEY SARAH RHATIGAN: That's correct.

ALAN PETERSON: No, no.

ATTORNEY SARAH RHATIGAN: So it will continue to be a three-family structure. And the renovation of the basement to create liveable space in the basement would allow for the Peterson's family to essentially turn what is now, you know, a dank basement with, you know, utilities, etcetera, not liveable space at all. Also not full ceiling heights, but then turn that into liveable space. And from the plans that you'll see there, the proposed basement area would have two bedrooms for their children. Teen-age children.

ALAN PETERSON: Yeah.

ATTORNEY SARAH RHATIGAN: And there are currently two bedrooms on the first floor, but their renovation plans would essentially do some reconfiguring improvements to the first floor apartment so that there would be one bedroom

upstairs for the parents and two bedrooms downstairs for the children.

CONSTANTINE ALEXANDER: The proposed plans show on the first floor one bedroom and a study.

ALAN PETERSON: Correct.

ATTORNEY SARAH RHATIGAN: Correct, yes. I'm sorry, you're saying for the existing it is?

CONSTANTINE ALEXANDER: Yeah, the existing you say there are two --

ALAN PETERSON: Oh, the existing? It's two bedrooms.

ATTORNEY SARAH RHATIGAN: It is, yeah, yeah.

CONSTANTINE ALEXANDER: We don't have the existing plan for the floor.

ALAN PETERSON: Sorry. It is more or less where that study is only much bigger. So we were shrinking that what is now the second bedroom, we're shrinking that quite a bit because we're gonna put a staircase down to the basement

and we're putting our master bathroom -- expanding the other bedroom on the first floor and make it a master bedroom for the bathroom.

CONSTANTINE ALEXANDER: Okay.

PATRICK TEDESCO: What's the proposed finished ceiling for the basement?

ALAN PETERSON: Eight feet.

PATRICK TEDESCO: Eight feet. And what is it currently?

ALAN PETERSON: Six feet, ten.

ATTORNEY SARAH RHATIGAN: So if you -- just to clarify, I just wanted to make sure that the plans were correct. So the existing plan, which is the EC2 existing conditions for the first floor, currently there are two bedrooms on the first floor.

CONSTANTINE ALEXANDER: Okay, we don't have that plan. Okay.

ATTORNEY SARAH RHATIGAN: Okay, sorry. I think

that was -- it should be part of that submission package.

CONSTANTINE ALEXANDER: I don't.

ATTORNEY SARAH RHATIGAN: I have a duplicate set here.

CONSTANTINE ALEXANDER: That's not crucial.

ATTORNEY SARAH RHATIGAN: Okay, great.

And so this is a Special Permit under the revised Ordinance definitions for what's included as Gross Floor Area in a three-unit property by Special Permit. This Board could choose to exempt that basement floor area from calculations for Gross Floor Area for the building, which is what we've requested that you do.

In terms of the changes to this property and in terms of how they would impact the neighborhood, there's not any change in sort of the character of the use. It's a three-family now. It will be a three-family again.

CONSTANTINE ALEXANDER: That's the question I asked before, right.

ATTORNEY SARAH RHATIGAN: It's also not sort of expanding the number -- well, in any meaningful way, sort the size of the family or turning this, you know, first unit apartment in something that could be rented out to tons of students or, you know, things that might be of concern in terms of, you know, the Special Permit standards of traffic congestion or any sort of changes in the nature of the use. So there aren't -- there would not be any changes to the nature of the use.

In terms of any changes to the structure itself that are required in order to make the bedrooms compliant in terms of, you know, window wells and light to those bedrooms, the changes on the exterior of the structure are all zoning compliant.

CONSTANTINE ALEXANDER: Right.

ATTORNEY SARAH RHATIGAN: So we're not dealing with any other Special Permit relief for the window openings.

There's also some improvements to the rear egress, also again, all zoning compliant. But I just mention them because those are -- they're exterior changes that one might see, but they're essentially moving some rear egress stairs that you can see pretty well from the pictures. Let me just pop this out for you. So if you see the side of the house, you can see a little set sort of ready brown stairs. Those will be removed. And then here's actually a better picture of it so you can see. Those stairs and that exit will be removed. And then this is the back of the house and the current deck. And so what the architect has shown plans to do is to --

ALAN PETERSON: Put a landing.

ATTORNEY SARAH RHATIGAN: This door will continue to be the exit, but there will be a little landing and then stairs that will go down into the backyard.

CONSTANTINE ALEXANDER: In any event these, are zoning compliant and the finding we have to make with regard

to exempting the basement space from the GFA is simply that City Council adopted it, that we have to find that the use is occupying such exempted GFA space, support the character of the neighborhood or district in which the applicable lot is located. And I take it your point is that it's in a very residential area right now, and this will continue to allow a residential use of the structure. So it is, it does support the character of the neighborhood. That's your position.

ALAN PETERSON: Yeah, thank you, yes.

CONSTANTINE ALEXANDER: Okay.

BRENDAN SULLIVAN: For a four member family, you and your wife?

ALAN PETERSON: Correct.

BRENDAN SULLIVAN: And two children?

ALAN PETERSON: Two, a boy and a girl.

BRENDAN SULLIVAN: And if we would not approve this you would have a boy and a girl in the same room

essentially?

ALAN PETERSON: Yeah. We would have two teenage -- we would have a 14-year-old boy and a 16-year-old daughter.

BRENDAN SULLIVAN: It would not enhance the rest and tranquility by any means.

PATRICK TEDESCO: Or the quality of the neighborhood.

ALAN PETERSON: Yeah. There might need to be a noise meter or something.

BRENDAN SULLIVAN: Yeah, I'm not a big fan of -- but I think that people are using their basements because of the value of houses and every square footage, and I think that a family of four in a five-room apartment is not helpful, not conducive, so I think that they have their own bedrooms. And the only place to do it is going subterranean. So probably anyhow, I think it makes sense in this particular application.

CONSTANTINE ALEXANDER: My view is that if you wanted to exempt the basement to GFA to create another dwelling unit, I'd have a lot of problems with it.

BRENDAN SULLIVAN: Yeah, and this is integral part of the first floor?

PATRICK TEDESCO: And I fully support any efforts to create three-bedroom apartments in Cambridge because there's a severe shortage, and it really doesn't impact middle income families and young families. I have a 14 and 16-year-old boy and girl. We live in a three-bedroom, but it's tiny. But nonetheless, it's three bedrooms.

ALAN PETERSON: You're happy to have the three bedrooms?

PATRICK TEDESCO: Yes.

ALAN PETERSON: I guess I would also just add that I had -- I went around to all the immediate abutters, my wife and I. We've been taking care of the property since we've owned it and gotten to know quite a few of the

neighbors and showed them the plans and gave them a letter, and they're all in favor of the project and happy to see that we're actually going to be live in the house. That's important to them. And my wife actually teaches down the street at Cambridge Montessori. She's been there for 17 years, and she's excited about the walking commute to work. As it turns out, this is -- this makes it possible. So we're really looking forward to living there.

CONSTANTINE ALEXANDER: Good.

I think we're ready for a vote.

PATRICK TEDESCO: Did you want to see if there's anybody --

CONSTANTINE ALEXANDER: Oh, yeah.

PATRICK TEDESCO: I don't think there is.

CONSTANTINE ALEXANDER: Is there anyone wishing to be heard on this matter?

(No Response.)

CONSTANTINE ALEXANDER: I assume not. And we

don't have any letters, I don't believe, in the file. I'll check one more time. We do have one. It is from Mary Ann Kenney, K-E-N-N-E-Y, who resides at 19 Haskell Street.

(Reading) I am writing this letter in opposition to the upcoming BZA hearing on 19 Haskell Street because I think the transient use of the property for short-term rental would distract from the public good by changing the character of the neighborhood with travellers coming and going from the property. I request this mail be read at the hearing. Thank you.

I just read it.

I thank this petitioner from a comment is misinformed. You're not looking to --

ALAN PETERSON: No.

CONSTANTINE ALEXANDER: I think she's concerned about Airbnb. What we've heard it's not going to be a separate dwelling unit.

ALAN PETERSON: No.

CONSTANTINE ALEXANDER: It's just going to be additional bedrooms for your family.

ALAN PETERSON: Correct.

CONSTANTINE ALEXANDER: Or the family of anybody who owns and occupies this structure.

ANDREA HICKEY: Just to speak to the letter you read as well, though, Airbnb additional bedrooms can sort of be let out on Airbnb. So the fact that it's being used as bedrooms doesn't necessarily mean it couldn't be used for Airbnb.

CONSTANTINE ALEXANDER: Thank you. That's good.

ALAN PETERSON: She didn't voice her concern to us when we met her. She was --

ATTORNEY SARAH RHATIGAN: Can I just ask for clarification. You said her address was 19 Haskell, but that's the property address. She's not your tenant?

CONSTANTINE ALEXANDER: I read the wrong -- thank you. 11 Haskell.

ATTORNEY SARAH RHATIGAN: 11 Haskell. Okay, thank you for clarifying. I was confused.

ALAN PETERSON: She's our neighbor.

ATTORNEY SARAH RHATIGAN: Okay.

CONSTANTINE ALEXANDER: Now we ready for a vote?

Okay, the Chair moves that we make the following findings with regard to the relief requested, the Special Permit in particular. In fact the Special Permit.

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

I don't know why they have that in here. Obviously. It drives me -- states the obvious. Be that as it may.

That traffic generated or patterns of access or egress will not -- resulting from what you're proposing, using the basement for residential purposes, will not cause congestion, hazard, or substantial change in established neighborhood character.

That the continued operation or development of adjacent uses will not be adversely affected by the nature of the proposed use.

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

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

Further that what is being proposed will support the character of the neighborhood in which the property is located.

What is being -- in short, the reason all of these requirements are being satisfied is that what is being proposed is to just expand their living quarters in a residential, in a three-family house. That no new dwelling units are going to be created.

No extension of the exterior of the building is going to occur. It's just being able to use some space that right now can not be used because it's only a basement.

So on the basis of all these findings, the Chair moves that we grant the Special Permit requested on the condition that the work proceed in accordance with plans prepared by Reisen, R-E-I-S-E-N Design Associates, dated January 27, 2018. The first page of which has been initialled by the Chair.

All those in favor please say "Aye."

(Show of hands.)

CONSTANTINE ALEXANDER: Five in favor.

ATTORNEY SARAH RHATIGAN: I apologize. I'm concerned with the date of the plans. You just said the date of the plans was January?

CONSTANTINE ALEXANDER: Right here January 17, 2018.

ALAN PETERSON: Can I see them?

ATTORNEY SARAH RHATIGAN: The plan set in my file is dated February, 2018. We just need to --

CONSTANTINE ALEXANDER: Is there any difference?

ALAN PETERSON: We don't know. That's existing.

ATTORNEY SARAH RHATIGAN: -- double check to make sure that they are not different.

ANDREA HICKEY: The date is in the bottom right --

ALAN PETERSON: I just want to make sure that the design part is correct.

ATTORNEY SARAH RHATIGAN: And if we have an issue, we'll come back if we have a discrepancy.

CONSTANTINE ALEXANDER: Tonight though. We have one more case.

BRENDAN SULLIVAN: Do you want to take it in the other room, Sarah, to go through it?

ALAN PETERSON: Oh, the basement, yeah, that's right. It's the same.

ATTORNEY SARAH RHATIGAN: These dimensions are slightly different right here.

CONSTANTINE ALEXANDER: Are they material?

ATTORNEY SARAH RHATIGAN: I don't think they're material. I apologize, the architect isn't here because she just had a baby two weeks ago. She did plan on attending. The --

CONSTANTINE ALEXANDER: I think in terms of our vote.

ATTORNEY SARAH RHATIGAN: I'm not seeing material changes.

CONSTANTINE ALEXANDER: The interior dimensions are not going to be -- any change is not relevant. If you were going to show a different use for that basement.

SEAN O'GRADY: That's the new one there?

ALAN PETERSON: That's the new one.

ATTORNEY SARAH RHATIGAN: That's the new one.

ALAN PETERSON: The problem. Let's see if there's

any inconsistency -- yes, this elevation is wrong.

Unfortunately. That's correct.

CONSTANTINE ALEXANDER: But the elevation has no impact on the relief we're granting?

ALAN PETERSON: No, yeah.

CONSTANTINE ALEXANDER: Who cares?

SEAN O'GRADY: I would say to be safe --

ATTORNEY SARAH RHATIGAN: Sean, you'll be with us when we're pulling a building permit.

SEAN O'GRADY: Right, so we've got to be careful. My input would simply be to grab the latest, it's not that much different, sign the latest if you would.

ATTORNEY SARAH RHATIGAN: If the Chair were willing to do that, that would --

CONSTANTINE ALEXANDER: Sure.

ATTORNEY SARAH RHATIGAN: -- certainly make us feel more comfortable --

ALAN PETERSON: Everything's the same place.

ATTORNEY SARAH RHATIGAN: -- because again that'
the -- yeah.

SEAN O'GRADY: Small dimensional change.

CONSTANTINE ALEXANDER: Tell me what you want me
to sign.

ALAN PETERSON: Well, that's kind of you. Thank
you.

I'm glad you caught those.

ATTORNEY SARAH RHATIGAN: Yeah, no. You know,
it's the dates. Proposed, proposed, proposed.

CONSTANTINE ALEXANDER: These are the new ones,
right?

ATTORNEY SARAH RHATIGAN: I'll date it February
8th. Those are the new ones.

CONSTANTINE ALEXANDER: Okay. I've now initialled
the new plans. I should reference the plans dated February
6, 2018.

ALAN PETERSON: Awesome. Thank you very much.

Thank you.

ATTORNEY SARAH RHATIGAN: Thanks very much.

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

* * * * *

(9:20 p.m.)

(Sitting Members BZA-015617-2018: Constantine Alexander, Brendan Sullivan, Andrea A. Hickey, Patrick Tedesco, Slater W. Anderson.)

CONSTANTINE ALEXANDER: The Chair will call case No. 015617, 142 Richdale Avenue.

Is there anyone here wishing to be heard? Good evening, as you know, give your name and address to the stenographer.

TROY VANVOORHIS: I'm Troy Vanvoorhis, 142 Richdale Avenue.

ALISA VANVOORHIS: And I'm Alisa Vanvoorhis, 142 Richdale Avenue.

TROY VANVOORHIS: And so the petition you have

before you -- the request we have before you is to build an addition to our home at 142 Richdale Avenue. It's a single-family detached home in Cambridge that we occupy with our two biological children as well as a boy that we adopted just this past year out of the foster care system. And it's our sincere hope in the future to adopt another child out of the foster care system. But there are various regulations on bedroom occupancy for children who are wards of the state in terms of --

CONSTANTINE ALEXANDER: Really?

TROY VANVOORHIS: -- being able to share bedrooms.

ALISA VANVOORHIS: What floor they're on.

TROY VANVOORHIS: What floor they're on. How many square feet that would not make it possible for us to do so in the current configuration of the house. That, plus the fact that we have four parents who are all over the age of 70, and all capable of living on their own, but we can foresee a situation where they may not be able to do so. We

would like to be able to offer space for them if it should become necessary. And so we, and we are invested. We've lived in the house for nine years. I teach at MIT. Alisa teaches at Boston Public. Our kids are in Cambridge Public Schools. Our church is here in Cambridge.

ALISA VANVOORHIS: We're not going anywhere.

TROY VANVOORHIS: We want to stay. We don't want to move to the suburbs just to get a bigger house. And so we looked into building an addition onto the house, and so those are the plans that you have before us -- before you. The addition is to the rear of the house. It's conforming. The addition itself is conforming in all respects. It's not even as far, you know, we could in terms of conforming building, even a bigger addition, but we're just building what we need. The reason that it's not conforming is because the existing structure is non-conforming.

CONSTANTINE ALEXANDER: It's non-conforming only because of one side, side yard setback?

TROY VANVOORHIS: Yes. If the house itself was six feet to the left on the lot --

CONSTANTINE ALEXANDER: Right.

TROY VANVOORHIS: -- the original structure would be conforming and we wouldn't be here. We would just get a building permit to build the addition. But the existing structure isn't six to the left. It is where it is. And so we are here requesting a permit to build the addition. A Variance to build the addition.

CONSTANTINE ALEXANDER: Thank you. Short and sweet.

Questions from members of the Board?

(No Response.)

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

Sir, do you want to speak?

UNIDENTIFIED MEMBER FROM THE AUDIENCE: No.

CONSTANTINE ALEXANDER: Okay. No one wishes to

speak.

We are in receipt of a petition I guess I would describe it, submitted by the petitioners. (Reading) Please find attached signatures from our abutters in support of our application for a Variance. As you will see, in one case we were not able to get a signature because the neighbors had been out of the country, but in that case we have an e-mail confirming their support. The owner of the abutting property at 23 Hubbard Ave, Carol Hill, does not actually live in the area. And so in that case we were again unable to obtain a signature from her. But we were able to talk with Carol on the phone and she confirmed her support verbally. We do not have an e-mail for Carol and so we don't have any written confirmation from her, but I did indicate her verbal support on the signature line.

And we have whatever we have attached here.

TROY VANVOORHIS: I have the original if you want.

CONSTANTINE ALEXANDER: Okay, no, I don't need the

original. I'm just looking how many people. We have, 1, 2, 3, 4, four signatures it would appear. Or no, two, the owners of 128, 140 Richdale and that's it. I guess those are the two. And then you have attached e-mail from the owner of 150 Richdale, and the verbal confirmation that you explained in your cover letter from Carol Hill at 23 Hubbard. And that's it.

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

ANDREA HICKEY: Ready.

CONSTANTINE ALEXANDER: Okay.

BRENDAN SULLIVAN: I applaud you for what you're doing.

ALISA VANVOORHIS: Thank you.

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

That a literal enforcement of the provisions of

the ordinance would involve a substantial hardship. Such hardship being is that additional living space necessary for certainly to the current occupant of the structure and potentially any other occupant of the structure should they desire to adopt a child through the state auspices needs to have this addition to provide the required bedroom locations.

That the hardship is owing to the fact that this is already a non-conforming structure and therefore any relief, any modification requires zoning relief.

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

So on the basis of these findings the Chair moves that we grant the Variance requested on the condition that the work proceed in accordance with plans submitted by the petitioner, first page of which has been initialled by the Chair, prepared by Community Builders Cooperative. I don't

see a date. Here's a date. Dated January 25, 2018.

All those in favor please say "Aye."

(Show of hands.)

CONSTANTINE ALEXANDER: Five in favor. Good luck
and congratulations.

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

(Whereupon, at 9:25 p.m., the

Zoning Board of Appeals Adjourned.)

* * * * *

ERRATA SHEET AND SIGNATURE INSTRUCTIONS

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

INSTRUCTIONS

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

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

C E R T I F I C A T E

COMMONWEALTH OF MASSACHUSETTS
BRISTOL, SS.

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

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

IN WITNESS WHEREOF, I have hereunto set my hand this 13th day of April, 2018.

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

My Commission Expires:
April 29, 2022

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