

BOARD OF ZONING APPEAL
FOR THE
CITY OF CAMBRIDGE

GENERAL HEARING

THURSDAY, APRIL 25, 2019

7:00 p.m.

In

Senior Center

806 Massachusetts Avenue

First Floor

Cambridge, Massachusetts 02139

Constantine Alexander, Chair

Brendan Sullivan, Vice Chair

Janet Green, Member

Jim Monteverde, Associate Member

Slater Anderson, Associate Member

Sisia Daglian, Zoning Secretary

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1 original architect" -- I won't read his name -- "who was
2 going to perform design and build services fell out of
3 favor, such that they could no longer prove -- they could
4 longer proved (sic) the promised service under our
5 agreement. This left me and the project in a place where I
6 needed to hire an alternative architect" -- I'm not going to
7 read that person's name either. "As of April 16 our design
8 is complete, and our building permit application is complete
9 and in review with the Building Department.

10 In consult with the staff at the Building
11 Department, we are uncertain the building permit will be
12 issued before the 4/26/19 deadline, and therefore request
13 the six-month extension for our variance."

14 Discussion, or should I make a motion that we
15 grant the extension?

16 I move that we grant the extension as requested by
17 the petitioner. All those in favor, please say aye.

18 CONSTANTINE ALEXANDER: Five in favor, extension
19 granted.

20 * * * * *

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1 (7:30 p.m.)

2 Sitting Members: Constantine Alexander, Brendan Sullivan,
3 Janet Green, Slater Anderson, and
4 Jim Monteverde

5 CONSTANTINE ALEXANDER: Okay. I think we're not
6 ready at 7:30 to see to our regular agenda. And before we
7 do that, I want to read a statement for the record, if I can
8 find it. "After notifying the Chair, any person may make a
9 video or audio recording of our open sessions or may
10 transmit the meeting through any medium subject to
11 reasonable requirements that the Chair may impose as to the
12 number, placement, and operation of equipment used so as not
13 to interfere with the conduct of the meeting. At the
14 beginning of the meeting, the Chair will inform other
15 attendees at that meeting that a recording is being made."

16 And I can advise that one recording, at least, is
17 being made by our stenographers to assist in the preparation
18 of the transcript. Anyone else recording or planning to
19 record this meeting? Nope. So just one recording being
20 made. Okay. With that, we'll now go to our first case in
21 our agenda.

22 * * * * *

23

1 (7:31 p.m.)

2 Sitting Members: Constantine Alexander, Brendan Sullivan,
3 Janet Green, Slater Anderson, and
4 Jim Monteverde

5 CONSTANTINE ALEXANDER: It's Case Number 017072,
6 68 Sparks Street.

7 You're back again.

8 ATTORNEY JAMES RAFFERTY: Yes. Hopefully you have
9 fond memories of our prior appearance.

10 MELISSA MORLEY: Can you please state your name?

11 Oh, yes.

12 CONSTANTINE ALEXANDER: Everybody knows who he is.
13 You're --

14 JIM MONTEVERDE: We still need it for the record.

15 ATTORNEY JAMES RAFFERTY: Yes, I was about to do
16 that, but I was thrown off my preparation.

17 So my name is James Rafferty, R-a-f-f-e-r-t-y.

18 I'm an attorney with the offices of Adams and Rafferty,
19 located at 675 Massachusetts Avenue in Cambridge.

20 CONSTANTINE ALEXANDER: Wait a minute. That's --
21 you changed your address?

22 JIM MONTEVERDE: Really?

1 ATTORNEY JAMES RAFFERTY: I'm at 907 Massachusetts
2 Avenue.

3 JIM MONTEVERDE: There you go.

4 ATTORNEY JAMES RAFFERTY: This inspires confidence
5 in the client when the attorney doesn't know his own
6 address. I was at the other address for many years, famous,
7 but thank you. Yeah, I am at -- and I was slowing down to
8 say that, because I always want to remember the change. But
9 yikes.

10 JIM MONTEVERDE: Don't worry. We have your back.

11 ATTORNEY JAMES RAFFERTY: That's considered a
12 senior moment. I report that to my children, they'll just
13 further ridicule me.

14 I'm appearing this evening on behalf of the
15 petitioner, Joseph Glenmullen, seated to my right. Mr.
16 Glenmullen is -- owns this property in -- or is owned by 68
17 Sparks Street, LLC, which is an entity under the ownership
18 and control of Mr. Glenmullen. He purchased this house, and
19 it is under renovation, and some of the work being performed
20 is occurring pursuant to a variance granted by this Board in
21 a prior case. That was BZA Case Number 16737 in July of
22 2018.

1 And at that time, as part of the renovation of the
2 house, the Board might recall Mr. Glenmullen took down a
3 garage that was kind of a mid-century modern-style garage
4 that was kind of not helping the situation. And the back
5 portion of this house also had a modern-style edition with a
6 bit of an atrium-style kitchen, all that.

7 So as I said, work was proceeding, and during the
8 course of construction Mr. Glenmullen encountered some
9 structural problems with the foundation. And his architect,
10 Blake Allison, a well-known and well-regarded Cambridge
11 architect, was involved, and we have some of the
12 photographs, too.

13 CONSTANTINE ALEXANDER: Yeah, it's in the file.
14 We've got --

15 ATTORNEY JAMES RAFFERTY: It's in the file. But -
16 - and the relevance of the foundation work is that it became
17 apparent during the construction and the renovation that
18 there would be -- need to be a complete reinforcing and
19 replacement of this brick foundation. So in doing that, an
20 opportunity -- as part of the larger project, it did bring
21 about some additional thinking on the part of Mr.
22 Glenmullen, and his architect, and contractor that the area

1 that was now going to be so reinforced with this new
2 foundation atop it was a porch, an open porch on the side of
3 the house. And they gave some -- they have given
4 consideration to, well, since there's now a foundation wall
5 there, maybe we could extend the kitchen out slightly.

6 So this is a variance to ask for an increase of an
7 additional -- I wrote the number down, because I don't do
8 math good on the fly anymore. It's 229 square feet
9 additional.

10 CONSTANTINE ALEXANDER: Got it right, yep.

11 ATTORNEY JAMES RAFFERTY: Yeah. So and that --
12 what it essentially means is to take the first-floor kitchen
13 and extend it to the new foundation edge.

14 Before applying for this, Mr. Glenmullen went and
15 contacted all of his abutters to gauge their reaction. And
16 there's noted in some of the letters that we put in the
17 file, several of the abutters preferred this alternative,
18 because the porch was open, had multiple doors, and they
19 thought for privacy and everything else that this would be
20 preferable.

21 So the hardship is clearly related to the
22 structural and foundation work associated with a house of

1 this age. It's being very carefully restored by Mr.
2 Glenmullen. The interiors are being brought back. It's not
3 that it had a lot of neglect, but I'd say the renovation
4 work that was done to it back in the '70's didn't appear
5 particularly deferential to the period in which the house
6 was created. So that approach to the design has been
7 changed by Mr. Glenmullen and Mr. Allison.

8 So we find ourselves back before the Board, and
9 recognizing that people shouldn't make a practice of coming
10 back for more --

11 CONSTANTINE ALEXANDER: Yes.

12 ATTORNEY JAMES RAFFERTY: -- after they're here.
13 So I explained that to Mr. Glenmullen. He knew that, so
14 this isn't a casual request. But we think that the
15 circumstances are sufficiently unique that the Board might
16 consider what amounts to, frankly, a somewhat de minimis
17 increase, but does add that -- most people know, that little
18 extra space in a kitchen really matters. And they're into
19 the renovation, and they're in the kitchen, and they start
20 thinking, well, gee, we're going to have this porch. Why
21 don't we -- why don't we return to the Board and ask for a
22 variance.

1 And thus, here we are. We have filed letters of
2 support. I must say, Mr. Glenmullen did an effective job in
3 reaching out to his abutters. I think nearly every one of
4 them has sent letters of support. We're not aware of any
5 opposition to what's being proposed. And if you've had an
6 opportunity to go by the site, you can see that the work is
7 proceeding with a great deal of professionalism and
8 attention to design and detail.

9 Mr. Allison has big boards. He has plans. I
10 didn't think, unless the Board asked for it, it would be
11 necessary to put that into our presentation. But we stand
12 ready to address any question and share any images of plans
13 with the Board that you may wish.

14 CONSTANTINE ALEXANDER: Any Board members like to
15 see the boards or the -- I'm all set.

16 ATTORNEY JAMES RAFFERTY: Nothing on the boards is
17 different than what's contained in the plans.

18 CONSTANTINE ALEXANDER: That's what I assumed. I
19 would hope that would be the case anyways.

20 ATTORNEY JAMES RAFFERTY: Yes, yeah.

21 So that essentially -- the effect will be that the
22 FAR with go from a 0.54 to a 0.57.

1 CONSTANTINE ALEXANDER: It was a higher number
2 before. Was that just a mathematical error?

3 ATTORNEY JAMES RAFFERTY: Yeah, no. That was a
4 mathematical error.

5 JIM MONTEVERDE: Am I looking at the right one?
6 It says 0.66 --

7 CONSTANTINE ALEXANDER: No, that's an old one --

8 JIM MONTEVERDE: That was the old one?

9 ATTORNEY JAMES RAFFERTY: That was an old one, and
10 I have no -- I --

11 JIM MONTEVERDE: Because this is the one on the
12 website.

13 CONSTANTINE ALEXANDER: Yeah --

14 ATTORNEY JAMES RAFFERTY: Yeah, and then -- and we
15 corrected that, and --

16 JIM MONTEVERDE: Okay.

17 ATTORNEY JAMES RAFFERTY: -- fortunately, someone
18 contacted us and said, how could -- why is that FAR so high?

19 JIM MONTEVERDE: No, no. That's my question that
20 I was about to ask.

21 ATTORNEY JAMES RAFFERTY: Yeah, and because -- and
22 then I said --

1 JIM MONTEVERDE: Okay.

2 ATTORNEY JAMES RAFFERTY: -- we checked. I said -
3 - I don't know where that number -- do we know where that
4 number came from? I'm not convinced how it came about, but
5 it was a very helpful call we got. So we filed an amendment
6 to the dimensional form, because the actual GFA numbers were
7 the same.

8 CONSTANTINE ALEXANDER: Right.

9 ATTORNEY JAMES RAFFERTY: The 5723 number. But it
10 was originally filed at 0.669, so. Yeah, that was an error,
11 so happy to be able to correct that and address that.

12 CONSTANTINE ALEXANDER: Questions with the Board
13 at this point?

14 Yes, sir.

15 JIM MONTEVERDE: Is there a local historic or
16 conservation commission or neighborhood group that has
17 purview to look at this and comment?

18 ATTORNEY JAMES RAFFERTY: No, this location,
19 Sparks Street, is not located --

20 JIM MONTEVERDE: It is not?

21 ATTORNEY JAMES RAFFERTY: -- in a neighborhood
22 conservation district. The project -- we did talk,

1 initially, with Mr. Sullivan about the demolition of the
2 garage.

3 JIM MONTEVERDE: Right, yeah.

4 ATTORNEY JAMES RAFFERTY: He found it not to be
5 relevant. So no, there isn't a --

6 JIM MONTEVERDE: No other restrictions, or --

7 ATTORNEY JAMES RAFFERTY: No other restrictions.
8 We didn't need a certificate of appropriateness or anything.
9 The historic district begins at Brattle Street, and then
10 there's a conversation district on the other side.

11 JIM MONTEVERDE: Okay. Yep.

12 ATTORNEY JAMES RAFFERTY: The marsh half ground.
13 But this is -- this is outside of that.

14 CONSTANTINE ALEXANDER: Any other questions or
15 comments?

16 I'll open the matter up to public testimony.

17 Anyone here wish to be heard on this matter?

18 Apparently not.

19 Well, we do have, as Mr. Rafferty pointed out, a
20 number of letters that are identical -- it's like a petition
21 -- in support of the project. I'll just -- I'll read the
22 form of the letter, and I'll say who has signed them, but --

1 to the extent I can read the handwriting.

2 The petitioner, whatever you want to call it,
3 says, "Since Joe Glenmullen unexpectedly has to replace the
4 foundation of the home he is renovating at 68 Sparks Street,
5 I support his expanding the house's one-story rear
6 extension, enclosing approximately the space that is an
7 existing deck and stairs, to allow for a first-floor
8 mudroom/closet area in the kitchen. The proposed addition
9 is largely hidden from the directly abutting neighbors by
10 the garage -- by their garages.

11 Since Joe is forced to replace the kitchen
12 foundation in any case, the proposed plan makes more sense.
13 We have no objections and support the plan."

14 And this letter was signed by an Amy Woods,
15 resides at 2 Highland Street; a Carol Goss, G-o-s-s, who
16 resides at 19 Buckingham Street; a Rosamund S. Zander, who
17 resides at 66 Sparks Street; a Kenneth -- I'm not sure I can
18 read his last name -- who resides at 70 Sparks Street; Lynne
19 Miller, who resides at 17 Buckingham Street; Noah Feldman,
20 who resides at 72 Sparks Street. And for those of you who
21 are not aware, Mr. Feldman is a very well-known and
22 prestigious professor at the Harvard Law School. Elizabeth,

1 and I can reside the last name, who resides at 64 Sparks
2 Street; Robert Higgins, who resides at 1 Highland Street.
3 Goodness. Benjamin Friedman, F-r-i-e-d-m-a-n, who resides
4 at 74 Sparks Street; John Clark, who resides at 64 Sparks
5 Street; David Peeler, P-double e-l-e-r, who resides at 15
6 Buckingham Street; Judith -- I can't read the last name, but
7 resides at 13 Buckingham Street; Michael Sipser, S-i-p-s-e-
8 r, resides at 21 Buckingham Street. And that's all she
9 wrote, so many letters of support.

10 ATTORNEY JAMES RAFFERTY: Right. Mr. Chair, I
11 think in the file, but these are the three direct abutters
12 who have signed the form letter --

13 CONSTANTINE ALEXANDER: Is this on?

14 Yeah, I'm sorry.

15 ATTORNEY JAMES RAFFERTY: I'm sorry. They're --
16 they've signed the form letter, but then they added personal
17 notes, their personal views over and above. So you did note
18 them, so -- but there are three additional letters, but they
19 are abutters who you have already noted are in support.

20 CONSTANTINE ALEXANDER: Okay.

21 ATTORNEY JAMES RAFFERTY: but I think at least in
22 one case, Ms. Miller, a rear-abutter, notes -- addresses the

1 notion that she actually would prefer the porch being
2 enclosed because of noise issues. But they are in the form
3 letter, but they supplemented their form letter with their -
4 -

5 CONSTANTINE ALEXANDER: Okay. I'll put them in
6 the file. Given the unanimity of the responses in support,
7 I don't think it's necessary to get into these details.

8 ATTORNEY JAMES RAFFERTY: I couldn't agree more.

9 CONSTANTINE ALEXANDER: So, okay. Ready for a
10 vote? My trouble is trying to -- how to craft this vote.

11 The chair moves that we make the following
12 findings with regard to the variance that is being sought,
13 that a literal enforcement of the provisions of the orders
14 would involve a substantial hardship, such hardship being is
15 that in the course of construction, foundation problems were
16 uncovered, which requires an increased elevator shaft or
17 size of the elevator shaft, and provides an opportunity to
18 improve the kitchen of the house, and all these would be
19 true, whether it's this petitioner or any other petitioner.
20 That the hardship is owing to -- well, really, the soil
21 conditions, going -- again, going back to the foundation
22 problems that I've identified, or at the -- Mr. Rafferty has

1 identified, and that relief may be granted without
2 substantial detriment to the public good or nullifying or
3 substantially the intent and purpose of the ordinance.

4 As noted by the unanimous neighborhood support,
5 what is being done will improve the structure itself to the
6 benefit of the neighborhood. And again, this relief is not
7 personal, necessarily, to the petitioner, but with -- is a -
8 - rectifies a hardship that would apply to anyone who owned
9 this property and a wish to add an elevator shaft in the
10 rear.

11 So on the basis of all of these findings, the
12 chair moves that we grant the variances requested on the
13 condition that the work proceed in accordance with plans
14 prepared by Dingman, D-i-n-g-m-a-n, Allison Architects,
15 dated March 3, 2019, the first page of which has been
16 initialed by the chair.

17 All those in favor, please say aye.

18 Five in favor.

19 ATTORNEY JAMES RAFFERTY: Thank you. I was just
20 asking Mr. Allison to confirm, because I know there was a
21 supplemental filing on one of the plans. I just asked him
22 to confirm that the March 3 --

1 CONSTANTINE ALEXANDER: I assume -- I don't --

2 ATTORNEY JAMES RAFFERTY: No, no. It was just
3 dawning on me is -- as you were making the motion. I just
4 wanted to be -- sometimes when there's two sets of plans,
5 right --

6 CONSTANTINE ALEXANDER: I know what you're saying.

7 ATTORNEY JAMES RAFFERTY: -- but I think he's
8 about to confirm that. So thank you very much.

9 (Alexander, Sullivan, Green, Anderson, Monteverde)

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1 (8:00 p.m.)

2 Sitting Members: Constantine Alexander, Brendan Sullivan,
3 Janet Green, Slater Anderson, and
4 Jim Monteverde

5 CONSTANTINE ALEXANDER: The chair will call Case
6 Number 071083, 675 Massachusetts Avenue.

7 Anyone here wish to be heard on this matter?

8 TIMOTHY GREENE: I'll be heard.

9 CONSTANTINE ALEXANDER: Okay. We'll hear you.
10 Name and address for this stenographer, please.

11 TIMOTHY GREENE: Sure, no problem.

12 Good evening, Timothy Greene of 157 Riverside
13 Drive, Norwell, Mass., representing New Cingular Wireless
14 PCS, D/B/B AT&T. New Cingular Wire -- AT&T has an existing
15 installation on the top of 675 Mass. Ave. It's been there
16 for years.

17 We come before you about every 18 months,
18 upgrading the site. I'm before you again to upgrade the
19 site. It involves adding one antenna to the rear of the
20 building.

21 CONSTANTINE ALEXANDER: Do you have two copies of
22 the --

1 TIMOTHY GREENE: I do. I have three --

2 CONSTANTINE ALEXANDER: Why don't you -- I have
3 one here.

4 TIMOTHY GREENE: I grabbed three.

5 CONSTANTINE ALEXANDER: Why don't you past them
6 out to the other members of the Board?

7 TIMOTHY GREENE: Sure. I just -- I've got --
8 there's three of them.

9 But the site has three sectors. Two of the
10 sectors aren't being touched. The one that points away
11 from, say, Mass. Ave. on the back, they're adding one
12 antenna. It's on an existing frame. It's all part of
13 network upgrades. That's about it. I guess I could sit
14 here and talk forever, and ever, and ever, but.

15 CONSTANTINE ALEXANDER: You could.

16 TIMOTHY GREENE: I could.

17 CONSTANTINE ALEXANDER: But we would be bored to
18 tears.

19 TIMOTHY GREENE: Well.

20 BRENDAN SULLIVAN: Will the next thing be the end
21 boxes?

22 TIMOTHY GREENE: Are you -- like, are you

1 referring to, like, 5G?

2 BRENDAN SULLIVAN: Yeah.

3 TIMOTHY GREENE: Well, the short answer would be
4 yes, but it's not something that would deal with a site like
5 this. It would be much closer to the ground.

6 BRENDAN SULLIVAN: Yeah, okay. Yeah. Telephone
7 pole-type thing --

8 TIMOTHY GREENE: Yeah, I -- yeah, I -- I mean, you
9 could use the existing sites, but a site that we're talking
10 about here, pretty high up.

11 BRENDAN SULLIVAN: Yeah.

12 CONSTANTINE ALEXANDER: Any questions or --

13 JIM MONTEVERDE: Yeah.

14 CONSTANTINE ALEXANDER: Yes, sir.

15 JIM MONTEVERDE: Just a couple, just for my own
16 edification.

17 TIMOTHY GREENE: Sure.

18 JIM MONTEVERDE: We've seen -- there are a number
19 of installations where the device is the antenna mounted to
20 the side of the façade as opposed to on a rack that's
21 elevated above the façade.

22 TIMOTHY GREENE: Mm-hm.

1 JIM MONTEVERDE: Is that a -- why the difference?

2 TIMOTHY GREENE: A lot of it depends on the
3 orientation of the antennas themselves. That works
4 perfectly if the point -- if your building goes like this,
5 and you want to look that way. But if you need to get that
6 way, now you're off on an angle. You can't -- they only
7 turn so much.

8 JIM MONTEVERDE: Mm-hm.

9 TIMOTHY GREENE: Sometimes it has to do with how
10 far back you are from the roof edge. Sometimes they hang
11 over the side or the --

12 JIM MONTEVERDE: Right, yeah.

13 TIMOTHY GREENE: -- penthouse is right beside
14 them.

15 JIM MONTEVERDE: No, exactly, yeah.

16 TIMOTHY GREENE: If you're farther back and you
17 put them there, then basically you're just pointing into the
18 ground -- or pointing into the roof the building.

19 JIM MONTEVERDE: Yeah. This one just seems
20 unusual from the majority of other ones that I have --

21 TIMOTHY GREENE: Right.

22 JIM MONTEVERDE: -- sat on, that it's actually on

1 that framing that rises above the façade.

2 TIMOTHY GREENE: Yes, this is a little bit of a
3 different --

4 JIM MONTEVERDE: Yeah.

5 TIMOTHY GREENE: -- site. It's also generally a
6 lot higher than a lot of the other ones that you see.

7 JIM MONTEVERDE: Right, exactly.

8 TIMOTHY GREENE: They all do it differently. Some
9 are on frames. Some are on ballasts. They are all designed
10 different ways to fit in and work.

11 SLATER ANDERSON: Probably a preexisting
12 installation --

13 TIMOTHY GREENE: Definitely preexisting.

14 JIM MONTEVERDE: Yeah.

15 TIMOTHY GREENE: This site's been here since
16 nineteen --

17 SLATER ANDERSON: You wouldn't get this approved
18 now --

19 TIMOTHY GREENE: -- 1999, 2000.

20 JIM MONTEVERDE: Yeah. Yeah.

21 CONSTANTINE ALEXANDER: I was looking, and we
22 don't have any letter from the Planning Board, do we? I

1 didn't see it in the file.

2 SISIA DANGLIAN: Yeah.

3 JIM MONTEVERDE: Yeah, I think if it were a new
4 installation. But the fact that it's above the --

5 CONSTANTINE ALEXANDER: I know.

6 JIM MONTEVERDE: -- parapet, the fact that wire
7 management seems to be not in someone's forte. It's -- but
8 that's what it is.

9 TIMOTHY GREENE: Yes.

10 CONSTANTINE ALEXANDER: I'll open the matter up to
11 public testimony. Anyone here wish to be heard on this
12 matter?

13 Apparently not. We are not in receipt of any
14 written correspondence or other communications regarding the
15 proposed work. So I'll close public testimony. Ready for a
16 vote?

17 Okay. The vote is much longer than our
18 presentation. You'll have to put up with that.

19 The chair moves that we make the following
20 findings with regard to the special permit you are seeking -
21 - your client is seeking. That the requirements to the
22 ordinance that cannot be met without the special permit you

1 are seeking tonight, that traffic generated or patterns of
2 access or egress resulting from what you're proposing will
3 not cause congestion, hazard, or substantial change in
4 established neighborhood character with regard the work is
5 quite high up on the building and has almost no impact at
6 street level, or -- and no visual adverse impact because
7 it's essentially a slight add-on to what's already visually
8 impacting -- adversely impacting the neighborhood. That the
9 continued operation or development of adjacent uses will not
10 be adversely perfected -- adversely affected by what you're
11 proposing, and that, I think, speaks for itself as to the
12 nature of what you're doing and the nature of the
13 neighborhood. No new hazards will be created to the
14 detriment of the health, safety, and/or welfare of the
15 occupant of the proposed use or the citizens of the City,
16 and that generally what you're just proposing will not
17 impair the integrity of the district or adjoining district,
18 or otherwise derogating the intent and purpose of this
19 ordinance. With regard to this and other items that I've
20 identified already, we've already made these determinations
21 with regard to other antennae and other equipment before,
22 and what is being proposed tonight does not affect what

1 we've already found in prior cases.

2 It's also -- since this is a Spectrum Act case,
3 the Board also finds that the modifications of its existing
4 telecommunications facility at the site proposed by the
5 petition does not substantially change the physical
6 dimensions of the existing wireless tower or base station as
7 such facility within the meaning of Section 6409A of the
8 Middle Class Tax Relief and Job Creation Act of 2012, also
9 know as the Spectrum Act.

10 Based on these findings, I move that the
11 petitioner be granted the special permit it is seeking,
12 subject to the following conditions. One, that the work
13 proceed in accordance with the plans submitted by the
14 petitioner and initialed by the chair, and I've already done
15 that. Two, that upon completion of the work, the physical
16 appearance and visual impact of the proposed work will be
17 consistent with the photo simulation submitted by the
18 petitioner and initialed by the chair, and again, I've done
19 that. Three, that the petitioner shall at all times
20 maintain the proposed work so that it's physical appearance
21 and visual impact will remain consistent with the photo
22 simulations previously referred to. Four, that should the

1 petitioner cease to utilize the equipment approved tonight
2 for a continuous period of six months or more, it shall
3 promptly thereafter remove such equipment and restore the
4 building on which it is located to its prior condition and
5 appearance to the extent reasonably practicable. Five, that
6 the petitioner is in compliance with and will continue to
7 comply with in all respects the conditions imposed by this
8 Board with regard to previous special permits granted to the
9 petitioner with regard to the site in questions.

10 Continuing, inasmuch as the health effects of the
11 transmission of electromagnetic energy waves is a matter of
12 ongoing societal concern and scientific study, the special
13 permit is also subject to the following conditions. A, that
14 the petitioner shall file with the Inspectional Services
15 Department each report it files with the federal authorities
16 regarding electromagnetic energy waves emissions emanating
17 from all of the petitioner's equipment on the site. Each
18 such report shall be filed with the Inspectional Services
19 Department no later than 10 business days after the report
20 has been filed with the federal authorities. Failure to
21 timely file any such report with the Inspectional Services
22 Department shall ipso facto terminate the special permit

1 granted tonight.

2 B, that in the event that at any time federal
3 authorities notify the petitioner that its equipment on the
4 site, including but not limited to the special permit
5 granted tonight, fails to comply with the requirements of
6 law or governmental regulation, whether with regard to the
7 emissions of electromagnetic energy waves or otherwise, the
8 petitioner, within 10 business days of receipt of such
9 notification of such failure, shall file with the
10 Inspectional Services Department a report disclosing in
11 reasonable detail that such failure has occurred and the
12 basis for such claimed failure. The special permit granted
13 tonight shall ipso facto terminate if any of the
14 petitioner's federal licenses is or are suspended, revoked,
15 or terminated.

16 C, that to the extent a special permit has
17 terminated pursuant to the foregoing paragraphs A and B, the
18 petitioner may apply to this Board for a new special permit,
19 provided that the public notice concerning such application
20 disposes in reasonable detail that the application has been
21 filed because of a termination of special permit pursuant to
22 paragraphs A or B above. Any such new application shall not

1 be deemed a repetitive petition, and therefore shall not be
2 subject to the two-year period during which repetitive
3 petitions may not be filed.

4 D, that within 10 business days after receipt of a
5 building permit for the installation of the equipment
6 subject to the -- this petition, the petitioner shall file
7 with the Inspectional Services Department a sworn affidavit
8 of the person in charge of the installation of equipment by
9 the petitioner of the geographical area that includes
10 Cambridge, stating that he or she has such responsibility
11 and that the equipment being installed pursuant to the
12 special permit we are granting tonight will comply with all
13 federal safety rules, and will be situated and maintained in
14 locations with appropriate barricades and other protections,
15 such that individuals, including nearby residents and
16 occupants in nearby structures will be sufficiently
17 protected from excessive radiofrequency radiation under
18 federal law.

19 With that, I move that we grant the -- it's time
20 for a vote. All those in favor of granting a special permit
21 subject to the conditions I have recited, please say aye.

22 Five in favor. Special permit granted.

1 TIMOTHY GREENE: Thank you.

2 CONSTANTINE ALEXANDER: Don't go too far.

3 TIMOTHY GREENE: Okay.

4 (Alexander, Sullivan, Green, Anderson, Monteverde)

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1 (8:00 p.m.)

2 Sitting Members: Constantine Alexander, Brendan Sullivan,
3 Janet Green, Slater Anderson, and
4 Jim Monteverde

5 CONSTANTINE ALEXANDER: Okay. The chair -- I
6 think we're ready at 8:00. The chair will call Case Number
7 017085, 60 Vassar Street.

8 Anyone here wish to be heard on this matter? Sir?

9 TIMOTHY GREENE: Hi. My name is Timothy Greene,
10 157 Riverside Drive, Norwell, Mass. I'm here on behalf of
11 New Cingular Wireless PCS, doing business as AT&T.

12 AT&T has an existing facility at 60 Vassar Street,
13 AKA 77 Mass. Ave., AKA Massachusetts Institute of
14 Technology, pretty much in the middle of the campus on the
15 Dorrance Building, Number 16. They have an existing
16 facility. I have some photo sims.

17 AT&T currently has nine antennas up there, and
18 it's going to increase to 12 antennas on this site, façade-
19 mounted. From an actual public view, there's about a sliver
20 on Ames Street that you can see, and it's pretty much off in
21 the distance. Adding three antennas beside the other ones,
22 and this one is part of network upgrades, and also include

1 FirstNet, nationwide First Responder Network, that's being
2 built. This will upgrade this site to that technology.

3 CONSTANTINE ALEXANDER: Okay. And again, they
4 seem to blend in with what's there already now?

5 TIMOTHY GREENE: Yes, these are façade-mounted.
6 They're painted to match. Very little public visual impact.
7 It's almost entirely around -- the MIT campus buildings kind
8 of surround it, but it does cover outside of the campus.

9 CONSTANTINE ALEXANDER: In this case, it's
10 slightly different from the one we just heard, because
11 you're a residentially zoned district.

12 TIMOTHY GREENE: Mm-hm.

13 CONSTANTINE ALEXANDER: And under our ordinance,
14 if you -- telecommunications facilities in residential zoned
15 districts, we have to -- this Board has to make a finding
16 that the -- that non-residential uses predominate in the
17 vicinity of the proposed facilities location, and that the
18 telecommunication facility is not inconsistent with the
19 character that does prevail in the surrounding neighborhood.

20 Now, with regard to these things, obviously we
21 made these findings before and granted you relief.

22 TIMOTHY GREENE: Correct.

1 CONSTANTINE ALEXANDER: So I don't -- I think we
2 can speak to the matter of public knowledge, the
3 neighborhood hasn't changed.

4 TIMOTHY GREENE: No, it will not change. It is
5 predominantly non-residential also.

6 CONSTANTINE ALEXANDER: So it's still
7 predominantly non-residential? So I think we can -- I move
8 that we make that finding, that the non-residential uses
9 predominate as part of our decision.

10 On the matter of the public testimony, anyone here
11 wish to be heard?

12 Apparently not.

13 Questions or comments from members of the Board?

14 There's no public comments.

15 The chair moves that we make the following
16 findings with regard to the relief being sought. And as you
17 have suggested, and which I much appreciate, we'll
18 incorporate the same findings that we made with 675
19 Massachusetts Avenue.

20 TIMOTHY GREENE: Yes.

21 CONSTANTINE ALEXANDER: Okay. On the basis of
22 these findings, I move that we grant the special permit.

1 All those in favor, please say aye.

2 (Voting members raise hands unanimously.)

3 CONSTANTINE ALEXANDER: Five in favor. Thank you.

4 TIMOTHY GREENE: Thank you.

5 (Alexander, Sullivan, Green, Anderson, Monteverde)

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1 (8:15 p.m.)

2 Sitting Members: Constantine Alexander, Brendan Sullivan,
3 Janet Green, Slater Anderson, and
4 Jim Montverde

5 CONSTANTINE ALEXANDER: The chair will now call
6 Case Number 017089, 17 Hammond Street. Anyone here wish to
7 be heard on this matter?

8 MARYANN THOMPSON: Hi.

9 CONSTANTINE ALEXANDER: Good evening.
10 Name and address for the stenographers, please.

11 MARYANN THOMPSON: I'm Maryann Thompson. I'm the
12 architect.

13 HENRY SMITH: Maryann, I think you need to talk a
14 little bit closer to that.

15 CONSTANTINE ALEXANDER: You need the microphone.

16 MARYANN THOMPSON: Oh. Uh-huh, we're getting
17 recorded.

18 HENRY SMITH: That's right.

19 MARYANN THOMPSON: Maryann Thompson, and I'm the
20 architect on the project, and our address is 741 Mount
21 Auburn Street in Watertown, 02472.

22 HENRY SMITH: I'm Henry Smith. I live at 17

1 Hammond Street.

2 CONSTANTINE ALEXANDER: One of the petitioners.

3 HENRY SMITH: Yeah, the petitioner.

4 KATIE CHU: I'm Katie Chu. I'm also with Maryann
5 Thompson Architects at 741 Mount Auburn Street.

6 CONSTANTINE ALEXANDER: Thank you.

7 JANET GREEN: Can you -- you really need to put it
8 closer, so --

9 HENRY SMITH: You have to speak closer.

10 KATIE CHU: My name is Katie Chu. I'm also with
11 Maryann Thompson Architects at 741 Mount Auburn Street.

12 LING LING CHANG: I'm Ling Ling Chang and live on
13 17 Hammond Street.

14 CONSTANTINE ALEXANDER: Thank you. Thank you
15 both. The floor is yours.

16 MARYANN THOMPSON: The floor is ours?

17 CONSTANTINE ALEXANDER: You're the petitioner.

18 MARYANN THOMPSON: Okay. We're the petitioner.

19 Okay. So we have a project that is an interior
20 renovation. We're not expanding the footprint. We're on an
21 existing non-conforming setback. The lot is existing non-
22 conforming, and we're too close to the setback. And we'd

1 like to add -- we'd to like to expand an existing window and
2 expand an existing skylight. And those are the two elements
3 that --

4 CONSTANTINE ALEXANDER: Are they located in the
5 setback?

6 MARYANN THOMPSON: They're located in the existing
7 non-conforming setback. We're not expanding the footprint.
8 When we do expand, if we're allowed to, the window and the
9 skylight will also be adding insulation into the wall, and
10 will be doing a better -- you know, a better U-value with
11 the window.

12 Right now, the window, which is located in the
13 kitchen, is really cold and drafty, which is, I think, one
14 of the reasons that we got called in to renovate the house.
15 So in a way, it's maintenance, but it's also -- it's also
16 making that window bigger and making the skylight bigger.

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

19 Okay. I'll open the matter up to public
20 testimony. Anyone here wish to be heard on this matter?

21 Apparently not. We are in receipt of one letter,
22 which I'll read. It is from Professor Thomas N. -- N as in

1 Nicholas -- Bisson, I guess it's pronounced, B-i-s-s-o-n.

2 "I live at 21 Hammond Street, next door to Henry
3 Smith and Ling Ling Chang. I'm writing in support of their
4 application for a special permit. Henry and Ling Ling have
5 shown me their renderings and discussed their plans with me.
6 I understand the proposed changes include enlarging an
7 existing skylight and the windows beneath it that may face -
8 - that face my property." Sorry. "I support this special
9 permit request, and I also believe the overall impact on the
10 neighborhood will be minimal as these changes will not be
11 visible from Hammond Street."

12 And that's all we have. Questions? I mean,
13 comments, questions, anything from the Board members?

14 JANET GREEN: Nope.

15 CONSTANTINE ALEXANDER: I think we're ready for a
16 vote then. This is a special permit, so we have to make a
17 number of findings.

18 The chair moves that we make the following
19 findings with regard to the special permit being sought.
20 That the requirement of our ordinance cannot be met unless
21 we grant you this special permit, that traffic generated or
22 patterns of access or egress resulting from what is being

1 proposed will not cause congestion, hazard, or substantial
2 change in established neighborhood character.

3 In this regard, the chair would note that the work
4 that's being proposed is not, as pointed out by an abutter,
5 is not necessarily visual -- visible from the street, and it
6 has this abutter's support. And he is the person most
7 directly affected by what is being proposed.

8 That the continued operation or development of
9 adjacent uses as permitted by our ordinance will not be
10 adversely affected by the nature of the proposed work. And
11 again, I would refer back to the letter from the good
12 professor, who testifies to that affect. That no nuisance
13 or hazard will be created to the detriment of the health,
14 safety, and/or welfare of the occupant of the proposed use
15 or the citizens of the City. And generally, what is being
16 proposed will not impair the integrity of the district, or
17 adjoining district, or otherwise derogate the intent -- from
18 the intent and purpose of this ordinance.

19 On the basis of these findings, the chair moves we
20 grant the special permit being requested on the condition
21 that the work proceed in accordance with plans prepared by
22 Maryann Thompson Architects, two pages, and which -- and I

1 have initialed both pages. All of you know the drill. You
2 don't modify these. You've got to come see us again.

3 All those in favor, please say aye.

4 Five in favor.

5 MARYANN THOMPSON: Thank you so much.

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1 (8:23 p.m.)

2 Sitting Members: Constantine Alexander, Brendan Sullivan,
3 Janet Green, Slater Anderson, and
4 Jim Monteverde

5 CONSTANTINE ALEXANDER: Now the chair will call
6 Case Number 017091, 808-812 Memorial Drive.

7 Name and address as, you --

8 JANE CARBONE: Good evening.

9 CONSTANTINE ALEXANDER: -- know, for the
10 stenographer, please, and for our benefit as well.

11 JANE CARBONE: Okay. My name is Jane -- my name
12 is Jane Carbone. Can you hear me?

13 JIM MONTEVERDE: If they can, yeah.

14 CONSTANTINE ALEXANDER: Can you hear?

15 MELISSA MORLEY: Yes.

16 JIM MONTEVERDE: Yeah, you're good.

17 JANE CARBONE: She got our names earlier, too.

18 CONSTANTINE ALEXANDER: Yeah, we can hear you, so.

19 JANE CARBONE: Okay. My name is Jane Carbone. I
20 work for the owner of 808 Memorial Drive in Cambridge. 808
21 Memorial Drive was purchased by us in 1998. The property
22 was built in the '70's, under a housing affordable act to

1 provide affordable housing in Cambridge at the time through
2 a preservation law, through HUD. And in 1998, with the
3 support of the tenants, we bought the property, and did some
4 renovations to the building.

5 Since that time -- and actually, when we bought
6 the building, at that time there were some serious
7 deficiencies in the structure. The building, of the 300
8 units, during a rainstorm, about 220 of the apartments had
9 leaks in the windows in the building envelope, and the --
10 all the plumbing was designed with this copper-coated
11 stainless-steel plumbing, so we had to replace all the
12 domestic hot and cold-water pipes with copper pipes.

13 So initially, the developer did a lot of value
14 engineering that we ended up putting sort of a Band-Aid
15 approach on the property. And now we have the opportunity
16 to refinance, to keep the development -- maintain it as
17 affordable housing.

18 Right now it's 300 units. It has 212 affordable
19 housing units, and 89 market-rate units, and there's about
20 40,000 square feet of commercial space.

21 CONSTANTINE ALEXANDER: Is the building fully
22 occupied right now?

1 JANE CARBONE: It's fully occupied, yes.

2 CONSTANTINE ALEXANDER: Is there a waiting list
3 for it?

4 JANE CARBONE: Yes. Yes. And we work with the
5 Cambridge Housing Authority. And so right now we're in the
6 process of putting together a -- to refinance the
7 development. We have hired Bruner/Cott as our architect,
8 and have put together a pretty extensive capital plan. And
9 in order for us to do that, we are seeking three variances.

10 And the first variance is -- was when we met with
11 the fire department, one of the things that they had asked
12 us to look at was the lobbies, and the lobbies of the
13 development have an entrance for the residents to go in and
14 out, but the fire department, in the command center for the
15 fire department is in the main lobby. It's not in a
16 separate room. It's not in a separate entry. So they
17 wanted us to create, since we're doing the renovations and
18 upgrading the fire alarm system, they wanted us to create a
19 separate entrance so that they could fight a fire or another
20 event using a separate doorway to their command center,
21 rather than having them go in the same entrance that tenants
22 would be exiting in the event of an emergency.

1 So the plan -- so that increases the gross floor
2 area slightly, and that is shown in the application. So
3 that's the first variance.

4 The second variance is, as I stated earlier, the
5 envelope, we've been doing repairs on an annual basis to the
6 exterior, but we still have had some serious leaks in the
7 building. And we've had a structural engineer and an
8 envelope consultant do a series of tests, and we're finding
9 that the structure, the cladding, the rib-faced block that
10 was put on in the '70's, has deteriorated in such a
11 condition that the only way to improve the thermal envelope
12 of this building is to remove the rib-face block and put on
13 a cladding system that would insulate the building and then
14 be a watertight permeable barrier -- impermeable barrier.

15 CONSTANTINE ALEXANDER: While this is -- should we
16 grant relief, while this work is ongoing, will it affect the
17 ability of the -- the use of the building by the current --

18 JANE CARBONE: So we -- we've done several
19 occupied rehabs, and this will be another occupied rehab.
20 The first, in '97, we did an occupied rehab, and what we
21 typically do is we have vacant units that we use as
22 temporary hotel units, and we use those as day units for

1 residents. So while work is happening in their units, they
2 can go to that apartment, and --

3 CONSTANTINE ALEXANDER: I thought you said there
4 were no vacancies in the building?

5 JANE CARBONE: No, there aren't, but there --
6 we'll be creating vacancies when we start the renovations.

7 BRENDAN SULLIVAN: As part of the turnover.

8 JANE CARBONE: As part of -- right. So at some
9 point in time, we'll -- when residents are moving -- the
10 affordable units, there's not a high rate of turnover. But
11 the market-rate, we probably get 10 percent a year. So when
12 those become vacant, we'll set aside four or five of those
13 units, and those will be the hotel temporary units that
14 we'll move people in and out of during the renovation. And
15 that's -- we've done numerous times in our renovations.

16 So the envelope. Right now, Article 22 was an
17 article -- a zoning ordinance several years ago that was
18 created to allow owners to improve the performance of their
19 building by adding additional insulation. And the problem
20 is the dimension is -- you can only add an additional four
21 inches of insulation on to the exterior of your building.
22 And once we take the rib-faced block on and put the large

1 panel that is going to be installed, the -- we're seeking --
2 the panel, the assembly, is about eight inches. So we're
3 seeking relief on exceeding that four inches by another four
4 inches. And that is the second variance.

5 The third variance is, as a developer of
6 affordable housing, we use a rate -- a green rating system
7 that's not the same as LEED, but pretty typical. And the
8 difference is that they focus -- there are some provisions
9 in this green rating system called Enterprise Green
10 Communities that focuses on the health and well-being of the
11 resident versus LEED, which is more of a commercial green
12 rating system of a building.

13 So we have a community space there. We're going
14 to create programs for the residents on health and wellness,
15 and it's more of a -- it's more geared towards multi-family
16 housing than LEED commercial buildings. So that article --
17 that relief, and the relief on the envelope are actually two
18 zoning ordinances that the City of Cambridge is now meeting,
19 and hopefully by next year you won't need a variance for
20 those. That'll just be as of right. But we've been working
21 with the Community Development Department to make those
22 provisions a standard for housing.

1 So Shaun Dempsey is here and has some drawings,
2 and just can show you a little bit about -- more that I was
3 talking about in a little bit more details, and you can ask
4 questions to him.

5 SHAUN DEMPSEY: I guess first, are there any
6 questions?

7 No? My name is Shaun Dempsey.

8 JANET GREEN: You have to put it really close to
9 you. Yeah.

10 SHAUN DEMPSEY: Okay. My name is Shaun Dempsey.

11 CONSTANTINE ALEXANDER: Still speak up a little
12 louder, if you don't mind.

13 SHAUN DEMPSEY: Yeah, okay.

14 CONSTANTINE ALEXANDER: No, no.

15 JIM MONTEVERDE: It's not for us. It's for them.

16 SHAUN DEMPSEY: Okay. Yep.

17 CONSTANTINE ALEXANDER: They have to hear it.

18 SHAUN DEMPSEY: My name is Shaun Dempsey. I work
19 with Bruner/Cott and Associates. We're the architects
20 working with Jane on this project.

21 I have a couple boards here that I'll show you
22 quickly that sort of over, you know, overlay everything that

1 we've just discussed, if you don't mind. Can I?

2 CONSTANTINE ALEXANDER: Go on.

3 JIM MONTEVERDE: Yep.

4 SHAUN DEMPSEY: So the first board is basically
5 just shows you the site, gives you a sense of the site, and
6 it'll give you a picture of the existing building.

7 MELISSA MORLEY: Can you please speak into the
8 microphone.

9 CONSTANTINE ALEXANDER: Yeah, can you take that?
10 Yeah, you should be able to take it off.

11 JIM MONTEVERDE: There you go.

12 SLATER ANDERSON: I don't know how much cord there
13 is.

14 CONSTANTINE ALEXANDER: No, it's pretty good.

15 JIM MONTEVERDE: You're good.

16 SHAUN DEMPSEY: Okay. So this is a site plan of
17 the existing buildings.

18 That would be great. This is great.

19 Memorial Drive, River Street. Building -- the
20 high-rise building is -- we call it Building A, 812. The
21 smaller building that's set in the back is called Building
22 B, just for simplicity.

1 The first item that Jane discussed was in relation
2 to our entry lobby that had the issue with the fire command
3 center, and I'll show you that right here.

4 Thank you, Jane.

5 So this plan shows you the existing condition, as
6 it stands today. And right now, all of the fire command
7 panels that Jane mentioned are right in this space. So it's
8 -- you know, everybody walks over each other.

9 What we would like to do is give the fire command
10 center its own space based on what we reviewed with them,
11 their own separate entry that also allows them to access the
12 elevators while everybody is rushing out this way. And in
13 doing that, we are asking to expand the lobby space by the
14 area that's shown in blue. The outline of the building
15 above, the existing building, comes to this point, so it's
16 all under the original kind of overhang, I guess you would
17 say. So this is the first element.

18 We're also improving the mailroom, because right
19 now the mailroom is located right here, and people get
20 packages stolen, etc. There's a lot of problems with that.
21 So we're trying to make a better space for that as well.
22 And in doing so, we're also going to expand the rear

1 vestibule to the commercial lobby, because this is the
2 elevator for the commercial spaces in the same building. So
3 that's this one.

4 Thank you. Yes, that's right.

5 So that's related to the lobby one. This is
6 related to the over-cladding piece, and the four inches. So
7 this is the original wall construction. This happens, like,
8 about 80 percent of the buildings. The red is the block
9 that Jane mentioned as essentially falling apart. And what
10 we're proposing is to remove that, and then put a new over-
11 cladding system on it. We're working with two over-cladding
12 systems that -- the smaller is about eight inches proud of
13 the existing face of the building.

14 CONSTANTINE ALEXANDER: How -- just out of
15 curiosity, how would you characterize what the building is
16 going to look like once the work -- if we grant relief, work
17 gets done --

18 SHAUN DEMPSEY: Sure.

19 CONSTANTINE ALEXANDER: -- as compared to what it
20 looks like now?

21 SHAUN DEMPSEY: It'll look --

22 JANE CARBONE: Hugh Russell said it'll be --

1 CONSTANTINE ALEXANDER: Sorry?

2 JANE CARBONE: Hugh Russell said it will be an
3 amazing improvement, from the Planning Board. But we do
4 have --

5 JIM MONTEVERDE: The question -- I think are some
6 other buildings in Cambridge, high-rise residential --

7 JANE CARBONE: The Manning.

8 JIM MONTEVERDE: -- that have been converted and
9 refaced --

10 JANE CARBONE: Yes.

11 SHAUN DEMPSEY: That's right.

12 JIM MONTEVERDE: -- with metal. This looks like a
13 metal panel, correct?

14 JANE CARBONE: The --

15 SHAUN DEMPSEY: That's correct.

16 JIM MONTEVERDE: So it's --

17 JANE CARBONE: Right. So the Manning Apartments
18 on Franklin Street.

19 JIM MONTEVERDE: Right.

20 JANE CARBONE: The development and elderly housing
21 building that the Housing Authority did, and that one is a
22 similar cladding-type system.

1 JIM MONTEVERDE: Yeah, there's another one, I
2 think, over by the area of Ford Youth Center --

3 [Crosstalk]

4 SHAUN DEMPSEY: And we have a few images, progress
5 images of what we're intending to do that we can share with
6 you. You know, we'll roll through these quickly, and then
7 get to that.

8 So the basic premise here is that because of the
9 existing structure, we have to connect to the face of the
10 existing slab, which means that everything is outboard of
11 that. And between structural connections, etc., insulation,
12 the -- we're getting to eight inches as sort of our minimal
13 approach. If we went with a different tack, we actually
14 would have to exceed that.

15 So this is -- this is the second item Jane
16 mentioned. And I just brought along the other typical
17 conditions in the building. There's -- you've definitely
18 seen these from the street, the big solid precast concrete
19 walls. Here, you can't -- obviously, you can't take
20 anything away, so you're just going -- yeah, these guys. So
21 you're just, you know, building upon that. So you're -- you
22 can't meet that four-inch. And then the last condition is

1 another variation on this theme, which is just existing
2 load-bearing CMU block that we can't remove, so everything
3 just has to build out from there.

4 So with that said, we share our progress for the
5 elevation. This is the existing elevation on the left, all
6 this rib-faced block that we have to remove. We feel, and
7 we actually had an agreement with our -- with the discussion
8 we had on Tuesday night at Planning Board that the building
9 is very busy as it is, because there's a lot of decks and
10 balconies that project out, project in. So there's a lot of
11 stuff going on. We feel that it's -- you can just do
12 something pretty simple, straightforward, achieve your, you
13 know, your improved efficiency of the building and, you
14 know, comfort of the tenants, etc.

15 So this is --

16 CONSTANTINE ALEXANDER: The existing building
17 today isn't monochromatic to look at, and now it'll have
18 that -- a better color --

19 SHAUN DEMPSEY: Yeah.

20 CONSTANTINE ALEXANDER: -- introduced.

21 SHAUN DEMPSEY: Yeah. And then on the back, so
22 here's just a few views from around the neighborhood, to

1 give you a sense of the scale, because it's huge. Here's a
2 view from across the river, Soldier's Field Road. Again,
3 Building B, the smaller one, the taller one. We're still
4 working the through the patterning and things like that.

5 Here's the view from the park, across the street.

6 And then here's a view just on River Street in front of
7 Whole Foods. So you can see that we're balancing sort of
8 the, you know, everything moving around, keeping it simple,
9 while trying to make it -- modernize it and make it look
10 nice, right.

11 So that sort of -- that concludes our update.

12 JANE CARBONE: And the enterprise --

13 SHAUN DEMPSEY: And the Enterprise is, as what
14 Jane said, the -- it suits this project type more than LEED
15 does -- the LEED approach does. It -- it's -- it has more
16 wellness and safety of the tenants in mind than LEED. LEED
17 is sort of more you have checklists, things that you have to
18 -- that put it together. So Enterprise Green Communities
19 has some of those as prerequisites that are things that you
20 have to do in LEED that work better for this project. It's
21 also for multi-family housing, which is what this project
22 is, so it's just -- it's a better fit.

1 JANET GREEN: So what -- I may have missed it.
2 Just a simple question. What is the name of this building?
3 What do you call it?

4 JANE CARBONE: The address is 808-812 Memorial
5 Drive.

6 JANET GREEN: I know what the address. Is that
7 what you call the building?

8 JANE CARBONE: That's what we call --

9 JANET GREEN: You say we're in 808, or --

10 JANE CARBONE: Yes.

11 JANET GREEN: And all the buildings are the same?

12 JANE CARBONE: Well, 808 Memorial Drive is 12
13 stories, and 812 -- and that's mostly where the family units
14 are. And eight-oh -- 812 Memorial Drive is the high-rise,
15 and that's where more of the one-bedroom and two-bedroom
16 units are.

17 JANET GREEN: Okay.

18 JIM MONTEVERDE: While you have that up, so where
19 are you relative to the property line that you're intruding
20 or you're too close?

21 SHAUN DEMPSEY: So --

22 JIM MONTEVERDE: Everywhere, or in specific spots?

1 SHAUN DEMPSEY: It's in the overlay district.

2 JIM MONTEVERDE: Yeah.

3 SHAUN DEMPSEY: Memorial Drive overlay district.

4 The places relating to the over-cladding --

5 JIM MONTEVERDE: Yeah.

6 SHAUN DEMPSEY: -- there's additional language for
7 7'2". You can't encroach with 7'2".

8 JIM MONTEVERDE: Oh, I see. I see.

9 SHAUN DEMPSEY: This little magenta is that. So
10 we don't even hit that. It's really about the four inches -
11 - not being able to achieve the upgraded cladding within the
12 four inches.

13 JIM MONTEVERDE: Within the four-inch dimension.

14 SHAUN DEMPSEY: That's right. For -- in terms of
15 setbacks, etc., I think we're okay. We're not cladding the
16 garage.

17 JIM MONTEVERDE: Right.

18 SHAUN DEMPSEY: That would have been an issue back
19 here.

20 JIM MONTEVERDE: Mm-hm.

21 SHAUN DEMPSEY: Yeah.

22 JANET GREEN: How many cars go in the garage?

1 JANE CARBONE: Two hundred and sixty-seven.

2 JANET GREEN: Oh.

3 JANE CARBONE: The garages are not -- and again,
4 the -- there's a plan -- because that's -- I guess there's a
5 useful life of a garage, so it's hit its useful life. So
6 every year we probably spend about \$700,000 doing repairs,
7 so we're going to be doing repairs as well over there.

8 Last year, we did some repairs to the deck -- I
9 mean, salt is a killer on the garage, and we did the Whole
10 Foods wall, and we did a lot of repairs on that. And as
11 part of this capital campaign, we're going to be renovating
12 the garage, just doing some more concrete work there.

13 JIM MONTEVERDE: As part of your over-cladding,
14 the windows are all replaced as well?

15 SHAUN DEMPSEY: Yes.

16 JANE CARBONE: Yes.

17 JIM MONTEVERDE: All right.

18 SHAUN DEMPSEY: All balcony sliders and doors,
19 too.

20 JIM MONTEVERDE: Yeah. So I can ask another
21 question?

22 CONSTANTINE ALEXANDER: No, gladly. Go on.

1 JIM MONTEVERDE: I'm not familiar with the other
2 energy criteria that -- I am familiar with LEED, and I'm
3 very familiar with LEED for new construction. And frankly,
4 I use it every day and twice on Sunday for multi-family
5 residential of this scale or greater, so it's actually a
6 very common -- I mean, it's a common entity. It's a known
7 commodity.

8 JANE CARBONE: Right.

9 JIM MONTEVERDE: We do it. We do the checklist,
10 and we -- you know, and we go for either certifiable, or
11 silver, or gold, or platinum. So I know it as a standard,
12 and obviously the City does, and it's written into the
13 zoning. And maybe the zoning will change, but at the moment
14 it's not.

15 So is there any way to demonstrate that you're
16 LEED-certifiable, that's -- to what level you're at when you
17 use this other standard?

18 JANE CARBONE: This is a -- this would be
19 equivalent to LEED Silver. The Enterprise Green Communities
20 criteria --

21 JIM MONTEVERDE: Yeah.

22 JANE CARBONE: -- is equivalent to a LEED Silver.

1 So the checklist --

2 JIM MONTEVERDE: You could so certify that?

3 SHAUN DEMPSEY: Yeah. Yeah. We've run the
4 analysis preliminarily between the two, and the performance
5 criteria for both are off of ASHRAE standards --

6 JIM MONTEVERDE: Yeah.

7 SHAUN DEMPSEY: -- so it falls back to that. And
8 again --

9 JANET GREEN: She needs -- just needs the
10 microphone.

11 SHAUN DEMPSEY: Oh, sorry.

12 The equivalent in -- is ASHRAE, the performance
13 requirements for both systems.

14 JIM MONTEVERDE: Yep.

15 SHAUN DEMPSEY: So in the overview from Enterprise
16 Green Communities, they kind of compare the two, and say
17 where one is, you know, creates more for the community's
18 effort, I guess. But in terms of performance --

19 JIM MONTEVERDE: Right, right, right. Yeah, I
20 know.

21 SHAUN DEMPSEY: -- it's equivalent.

22 JIM MONTEVERDE: Strictly in terms of performance

1 --

2 SHAUN DEMPSEY: Yes.

3 JIM MONTEVERDE: -- if you separate the community
4 component just for a second -- not that it's not a --

5 SHAUN DEMPSEY: Right.

6 JIM MONTEVERDE: -- a valuable goal. But just in
7 terms of the building performance, just to say that you're
8 comparable to a LEED standing --

9 SHAUN DEMPSEY: Mm-hm.

10 JIM MONTEVERDE: -- in terms of the energy
11 modeling and the energy performance, that your sense is it's
12 comparable to a LEED Silver?

13 SHAUN DEMPSEY: Yes, yes.

14 JIM MONTEVERDE: Okay.

15 JANE CARBONE: And we have hired New Ecology.
16 They're our green --

17 JIM MONTEVERDE: Yeah. I know who they are.

18 JANE CARBONE: -- consultant.

19 JIM MONTEVERDE: Yeah.

20 JANE CARBONE: And we got -- Concord Highlands is
21 a project that's under construction, Passive House that
22 we're doing on Concord Ave., and --

1 JIM MONTEVERDE: Yeah. That's another one I'm
2 familiar with.

3 JANE CARBONE: -- we got relief --

4 JIM MONTEVERDE: Yeah.

5 JANE CARBONE: We got relief from the BZA on using
6 Enterprise Green Communities, and I think -- I was involved
7 when they -- I was on the advisory committee when we were
8 creating that Article 22, and --

9 JIM MONTEVERDE: Mm-hm.

10 JANE CARBONE: -- at the time we -- that was the
11 only thing in town, LEED. And since then --

12 JIM MONTEVERDE: No, I understand. Yeah.

13 JANE CARBONE: -- more has been --

14 JIM MONTEVERDE: Right.

15 JANE CARBONE: -- created. And I think Green
16 Communities is more related to multi-family.

17 JIM MONTEVERDE: Yeah, I don't disagree. I'm just
18 --

19 JANE CARBONE: No. Yeah.

20 JIM MONTEVERDE: -- the point just being if that's
21 the statute today, as long as you can say that you actually
22 comply with that, and you're up to a LEED Silver rating,

1 then I think that's -- it's not an issue for me.

2 JANE CARBONE: Great.

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

5 I'll open the matter up to public testimony. Does
6 anyone here wish to be heard on this matter?

7 Apparently not.

8 We are in receipt of some written communication.
9 Excuse me. We got a letter from the Community Development
10 Department, signed by Christopher Cotter, C-o-t-t-e-r, the
11 housing director.

12 "I am writing in support of Homeowner's Rehab
13 Inc.'s application for a variance related to their upcoming
14 renovations of 808 Memorial Drive, a 300-unit mixed income
15 development. We understand that a variance is needed to
16 allow HRI to complete needed exterior re-cladding in order
17 to improve energy efficiency while undertaking significant
18 renovations at the property.

19 The revitalization of this important affordable
20 rental housing resource helps support the City's ongoing
21 efforts to preserve our supply of needed affordable housing.
22 HRI preserved affordability of this property with funding

1 from the City. As you know, it has become increasingly
2 challenging and expensive to create new affordable housing.
3 Ensuring the continued viability -- visibility -- viability,
4 I'm sorry -- of these affordable units at 808 Memorial is
5 extremely important.

6 HRI has a long and successful track record of
7 developing and managing high-quality affordable housing in
8 Cambridge. We are pleased that HRI is now moving ahead with
9 plans for renovations at 808 Memorial Drive, and are hopeful
10 that their request will be approved so that they can proceed
11 with the work to ensure this property can provide -- to
12 ensure this property can provide affordable and sustainable
13 housing for residents for years to come."

14 And also, we have a memo from the Planning Board.
15 "The Planning Board reviewed the proposed plans to re-clad
16 the existing non-conforming mixed use building to make it
17 more weathertight and energy efficient. The Planning Board
18 strongly supports the work and finds it to be a substantial
19 improvement, given the constraints of the building in this
20 promotion -- in this prominent location.

21 The Planning Board also recommends that if the
22 requested variances are granted, that there be a condition

1 of continuing design review as the construction details
2 evolve." I'm going to suggest to our Board that we do not
3 impose such a condition, because it would mean losing
4 control of this case from the Zoning Board to the Planning
5 Board. You might talk to the Planning Board. You may
6 change a lot of the design review. We have to pass on it.
7 So by all means, have conversations with them. If as a
8 result of those conversations you may have to come back and
9 forth, depending upon what the conversation -- how the
10 conversations come out, but I'm not going to put that.
11 Let's let the members of the Board -- in other words, I'm
12 not going to impose such a condition.

13 JIM MONTEVERDE: Are you going to do a mock-up?

14 SHAUN DEMPSEY: Yes, we'll do the mock-up on site.

15 JIM MONTEVERDE: And the Planning Board can see
16 that?

17 SHAUN DEMPSEY: Yes.

18 JIM MONTEVERDE: Yeah.

19 JANE CARBONE: I think it's a staff to the CDD,
20 right?

21 CONSTANTINE ALEXANDER: Probably, if it's
22 released. Yeah. I don't think the full Board --

1 JIM MONTEVERDE: Right, yeah.

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

3 We're exceeding our authority in that condition, so.

4 CONSTANTINE ALEXANDER: Well, usurping our
5 authority by getting the building off -- out of our hands
6 into the Planning Board or Community Development's hands.

7 BRENDAN SULLIVAN: Yes.

8 CONSTANTINE ALEXANDER: That's just not the way it
9 works, that's all.

10 JANE CARBONE: Right. Okay.

11 CONSTANTINE ALEXANDER: Okay. That's all we have.
12 Discussion, or are we ready for a vote?

13 JIM MONTEVERDE: Ready.

14 JANET GREEN: We're ready.

15 CONSTANTINE ALEXANDER: Okay. The chair moves
16 that we make the following findings with regard to the three
17 variances being sought. That a literal enforcement of the
18 provisions of the ordinance would involve a substantial
19 hardship, the hardship being that the building, having build
20 50 years or so ago, is in need of an upgrade, and to deal
21 with modern, like, LEED certification. And this applies
22 whether you own the building or someone else owned the

1 building. It runs with the land and the building.

2 The hardship is owing to the fact of the shape of
3 the building, given its location on the lot, which affects
4 the ability to re-clad to the extent you want to re-clad.
5 And that relief may be granted without substantial detriment
6 to the public good -- excuse me -- or nullifying or
7 substantially derogating the intent or purpose of this
8 ordinance. To the contrary, what is being proposed will
9 improve the public good. It will improve the quality of the
10 affordable housing, as Community Development points out, a
11 very important site. And the city and the residents of that
12 building will all be benefitted if we grant the relief
13 that's being sought.

14 So on the basis of all of these findings, the
15 chair moves we grant the variance request on the conditions
16 that the work proceed in accordance with plans prepared by
17 Bruner/Cott Architects, the first page of which has been
18 initialed by the chair. These are you plans?

19 All those in favor, please say aye.

20 Five in favor.

21 SHAUN DEMPSEY: Thank you.

22 JANE CARBONE: Thank you.

1 JANET GREEN: Thank you very much.

2 (Alexander, Sullivan, Green, Anderson, Monteverde)

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1 (8:56 p.m.)

2 Sitting Members: Constantine Alexander, Brendan Sullivan,
3 Janet Green, Slater Anderson, and
4 Jim Monteverde

5 CONSTANTINE ALEXANDER: The will call Case Number
6 017092, 34 Avon Street.

7 Anyone here wish to be heard on this matter?

8 ATTORNEY SARAH RHATIGAN: Hello.

9 CONSTANTINE ALEXANDER: Hello. I've seen a lot of
10 you lately.

11 ATTORNEY SARAH RHATIGAN: Yes.

12 Which microphones are we using tonight? Is it
13 just one? Just one.

14 CONSTANTINE ALEXANDER: That one. Only one.

15 ATTORNEY SARAH RHATIGAN: Okay, great.

16 CONSTANTINE ALEXANDER: We've just upgraded our
17 technology.

18 ATTORNEY SARAH RHATIGAN: Oh, great.

19 JIM MONTEVERDE: We change it every time, just to
20 --

21 ATTORNEY SARAH RHATIGAN: Oh, yeah. That's all
22 right. I just like that it's a quieter room tonight than

1 our last night -- evening. I'm sure you guys are happy with
2 that, too.

3 I'm Sarah Rhatigan from Trilogy Law, LLC,
4 representing the petitioners.

5 And introduce yourselves.

6 MARCI SPECTOR: Hi, Marci Spector

7 JONATHAN SPECTOR: Hi, Jonathan Spector.

8 JEFFREY KLUG: My name is Jeff Klug, K-l-u-g, the
9 architect.

10 CONSTANTINE ALEXANDER: Thank you.

11 ATTORNEY SARAH RHATIGAN: And Marci and Jon
12 Spector are the owners of the property.

13 We're here before you today with a special permit
14 request that relates to changes to windows and a door
15 opening that are located within side and rear setbacks on
16 the home. If you had a chance to drive by, it's almost
17 difficult to see this home, because it's quite far back,
18 especially for Cambridge, and it's a somewhat small,
19 although really sweet historic home, sited very far back, at
20 the rear of a deep lot, right up against the lot lines at
21 the rear, and the right side is non-compliant in terms of
22 setbacks.

1 The changes that they're proposing to make --
2 excuse me -- are fairly modest in terms of, you know,
3 certainly not a large addition or, you know, expanding the
4 FAR much at all. The relief is related to the need to make
5 some window changes and doors that will greatly improve,
6 both on the second-floor level, providing some light and air
7 circulation to the top floor of the house. It's on the
8 second floor.

9 And then on the right side of the house, the
10 changes relate to removing what's now a little side porch
11 that's -- I'm sorry, not side porch. A -- well, a second
12 porch entry to the house that's located on the right front
13 side of the structure, removing that old porch, and then
14 moving the exit to the patio to the side of the house, the
15 side of the structure.

16 We have some photos. I know it's probably
17 difficult to see it from the street what's going on, so
18 there were some photos that were provided with the
19 application. I have a few additional ones that I'll show
20 you now.

21 CONSTANTINE ALEXANDER: We have them right here.

22 ATTORNEY SARAH RHATIGAN: So I'll leave these with

1 you. So this is a view from -- looking from -- essentially
2 from the front porch toward the side porch that's going to
3 be removed. You can just get a sense of what the -- you
4 know, what the view is from that angle.

5 This is a picture of the right side of the house.
6 So this is where there's currently a window looking out, and
7 that will be replaced by the door that would lead out to the
8 improved patio on the ground level.

9 There are just a few picture of the neighboring
10 properties that would be looking out at the door entry, just
11 so you can get a sense of there are quite a few buildings
12 that actually don't have any windows, which is ideal for us
13 because their impacts are really low.

14 This is a similar view of the -- these are the
15 apartment buildings that abut on the right rear side of this
16 lot. Sorry for a lot of brick building pictures, but that's
17 what we've got. Here's another view of the neighbor that's
18 actually partially to the front of this house.

19 And just in terms of going through -- I could go
20 through in as much detail as you want to hear about the
21 actual changes of window locations, but I'm hoping that the
22 plans are pretty helpful in terms of showing where those

1 changes were?

2 CONSTANTINE ALEXANDER: I'm fine. I don't know if
3 the other members of the Board want to look at them.

4 BRENDAN SULLIVAN: No, no. I've seen them.

5 ATTORNEY SARAH RHATIGAN: Okay. Great.

6 So just in terms of, you know, running through the
7 special permit requirements, the changes that are made, you
8 know, but for the window and door changes, are all
9 conforming to zoning, so there isn't any other variance
10 required. We're not exceeding FAR or making any other
11 changes.

12 The -- there's no impact on traffic, or access, or
13 egress. The -- there won't be any negative impacts on
14 neighboring uses. The construction will all be, you know,
15 residential, aesthetically similar to what's there now. So
16 there will be new windows, so they will be improved,
17 presumably, but they'll be consistent with the architecture
18 of the home and the neighborhood.

19 Let's see. There won't be any nuisance or hazard
20 created for the -- for others in the neighborhood, and we
21 will be able to make these changes without impairing the
22 integrity of the district.

1 We're pleased that we did have some letters of
2 support. There were a few that were submitted to you in
3 advance, and then we received --

4 CONSTANTINE ALEXANDER: We have two in our files.

5 ATTORNEY SARAH RHATIGAN: Yes. And then I believe
6 we have two additional letters. One additional letter?
7 Okay. Let's see what we've got.

8 I believe you already have a letter from 17 Gray
9 Street Condominium Trust?

10 CONSTANTINE ALEXANDER: Yes.

11 ATTORNEY SARAH RHATIGAN: So this is for the
12 building that's immediately behind the house, and frankly,
13 the most impacted structure. And that's two out of the
14 three trustees signing in support of the application.

15 There's --

16 JONATHAN SPECTOR: They don't have that. It came
17 today.

18 ATTORNEY SARAH RHATIGAN: The email that I'm
19 holding now, I will submit to you.

20 CONSTANTINE ALEXANDER: Yeah, we don't have.

21 MARCI SPECTOR: Where are they from again?

22 JONATHAN SPECTOR: They're from one of the brick

1 buildings.

2 ATTORNEY SARAH RHATIGAN: They reside in one of
3 the brick buildings, the email writers of that email. And
4 then there was a letter from 79 Martin Street, Number 2,
5 Karen Darcy and John Vinton.

6 CONSTANTINE ALEXANDER: Yeah, we have that letter.

7 ATTORNEY SARAH RHATIGAN: And you have that one?
8 I have a hard copy if you want that. This is a signed copy.
9 I don't know that it matters to you.

10 CONSTANTINE ALEXANDER: It's okay.

11 ATTORNEY SARAH RHATIGAN: Great.

12 CONSTANTINE ALEXANDER: -- signed it --

13 ATTORNEY SARAH RHATIGAN: Okay. Great.

14 So again, we're happy to answer any other
15 questions. I think we were just trying to hit the basics.

16 JIM MONTEVERDE: The drawings that show the
17 proposed construction on the north façade, is that as of
18 right? Is there relief required for it?

19 ATTORNEY SARAH RHATIGAN: I apologize. The north
20 side, is that the left side of the house as you're facing
21 from the street?

22 JIM MONTEVERDE: It's the one that goes from that

1 to that. Am I looking at the right one.

2 ATTORNEY SARAH RHATIGAN: So your question was is
3 the construction conforming?

4 JIM MONTEVERDE: Yes.

5 ATTORNEY SARAH RHATIGAN: Yes.

6 CONSTANTINE ALEXANDER: Yeah.

7 ATTORNEY SARAH RHATIGAN: Yeah. It's an allowed -
8 -

9 JIM MONTEVERDE: They're raising their room,
10 raising the eave line.

11 ATTORNEY SARAH RHATIGAN: There's --

12 JIM MONTEVERDE: That's not the ridge line, but
13 the eave line on the north. That's all conforming?

14 ATTORNEY SARAH RHATIGAN: That is conforming,
15 yeah. It's a -- we confirmed with the commissioner. It's a
16 second-floor -- essentially, typical to a dormer, but it's a
17 second-floor dormer that's allowed as of right.

18 JIM MONTEVERDE: Yeah, I was going to stay away
19 from the word dormer, but --

20 ATTORNEY SARAH RHATIGAN: Under -- yeah.

21 JIM MONTEVERDE: Just in terms of what it is, it's
22 really that block of the house. You just --

1 ATTORNEY SARAH RHATIGAN: Exactly.

2 JIM MONTEVERDE: -- you know, raise it --

3 ATTORNEY SARAH RHATIGAN: It's just extending that
4 wall up.

5 JIM MONTEVERDE: Yeah, exactly.

6 ATTORNEY SARAH RHATIGAN: Yeah. Yeah. But it
7 actually is expressly listed as one of those allowed dormer
8 provisions.

9 JIM MONTEVERDE: Okay.

10 ATTORNEY SARAH RHATIGAN: And I think I cited it
11 in the application, the particular provision that allows for
12 that to be an as of right construction.

13 CONSTANTINE ALEXANDER: Right.

14 JIM MONTEVERDE: Very good. Thanks.

15 CONSTANTINE ALEXANDER: Any other questions,
16 comments?

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

19 Apparently not.

20 And we are, as the petitioners' counsel has
21 pointed out, are in receipt, actually, of three letters now,
22 which I'll read into the record.

1 One from 17 Gray Street Condominium Trust. It's
2 signed by two trustees, and it simply says, "We right as the
3 trustees of a condominium building that directly abuts 34
4 Avon Street on the east, and owners of units comprising 78
5 percent of the building. We have reviewed the plans of
6 Marci and Jonathan Spector for alterations in their windows
7 and doors. The changes have no negative impact on us at
8 all, hence we support their petition for a special permit to
9 execute these renovations."

10 Then we have a longer letter from Karen Darcy, D-
11 a-r-c-y, and John Vinton, V-i-n-t-o-n. "We are neighbors of
12 Marci Brooks Spector and Jonathan M. Spector of 34 Avon
13 Street. We have had the pleasure of knowing them and their
14 children for the many years they have lived in our
15 neighborhood. They are a very friendly presence on our
16 street, and have prove to be a great addition to our close-
17 knit community, already ready with a kind hello and a chat
18 about the engaging little goings-on that occupy our lives.
19 Very much appreciated. It is this kind of warmth and
20 openness that makes our street a great place to live." And
21 we'll get to the zoning in a second.

22 JONATHAN SPECTOR: Sorry about that.

1 CONSTANTINE ALEXANDER: "We live at 79 Martin
2 Street, two doors down from the Sectors, and have followed
3 the improvements they have made to their property over the
4 years including modifications to their yard that brought in
5 more light and sunshine, plus an upgrading of the fencing at
6 the sidewalk, enhancing its appearance and supporting the
7 visual quality of our street.

8 "As the Sectors request permission from the City
9 to proceed with improvements to their property, we would
10 like to off our support for their plans. Since we will be
11 away at the time of your meeting, we are writing to you to
12 express our views. As we understand the work remains within
13 the footprint of the existing house" -- yeah, it does --
14 "adding a dormer to the rear to enhance usability of the
15 second floor, plus rearranging windows on that elevation to
16 better serve the interior rooms. There are minor changes on
17 the side and front to improve access. Otherwise, all the
18 work is at the rear.

19 "We note that the dormer is below the existing
20 ridge, and is -- it is a shed-type, which tends to be
21 visually modest. This seems to us to be a tasteful and
22 reasonable scope of work that reflects the scale of the

1 current house and yard and its place within the
2 neighborhood.

3 "Accordingly, we recommend that the Board approve
4 -- provide the approvals" -- I'll try again. "We recommend
5 that the Board provide the approvals needed for this work to
6 proceed. WE believe that it will be -- it will not only
7 provide improvements that the Sectors desire for their
8 home, but will enhance our neighborhood as well."

9 And last, we have an email that you submitted to
10 us tonight from Daniel Fayen, F-a-y-e-n, 79 Martin Street.
11 Seven -- yeah, 79 Martin Street, Number 32. "I am writing
12 this letter on behalf of the character and good neighbor
13 qualities of Jonathan and Marci Spector." The rest goes on
14 very, very nicely about your good neighbors, but not
15 necessarily relevant to the zoning, so I'm not going to read
16 it. Not that I disagree with it, but I just don't want to
17 read it.

18 Okay. I think we're done with public comments.
19 Discussion, or are we ready for a vote?

20 JIM MONTEVERDE: Vote.

21 SLATER ANDERSON: Ready.

22 JANET GREEN: We're ready.

1 CONSTANTINE ALEXANDER: Okay. The chair moves
2 that we make the following findings with regard to the
3 special permit being sought. That the requirements of the
4 ordinance cannot be met unless we grant you to the special
5 permit, that traffic generated or patterns of access or
6 egress resulting from what is being proposed will not cause
7 congestion, hazard, or a substantial change in established
8 neighborhood character.

9 To the extent we have the letters in support,
10 which deal with this issues, all in the affirmative. And we
11 have, also, the nature of where the structure is located, to
12 the rear of the lot, which minimizes its impact on the
13 neighborhood generally.

14 Next, that the continued operation of or
15 development of adjacent uses as permitted in our ordinance
16 will not be adversely affected by what is being proposed.
17 Again, we have testimony from the neighbors most directly
18 affected that this is so.

19 No nuisance or hazard will be created to the
20 detriment of the health, safety and/or welfare of the
21 occupant of the proposed use or the citizens of the City,
22 and that generally what is being proposed will not impair

1 the integrity of the district or adjoining district, or
2 otherwise derogate from the intent and purpose of this
3 ordinance.

4 On the basis of all the findings, the chair moves
5 that we grant the special permit requested on the condition
6 that the work proceed in accordance with plans prepared by
7 Butz, B-u-t-z, and Klug Architecture, the first page of
8 which has been initialed by the chair.

9 All those in favor please say aye.

10 Five in favor.

11 ATTORNEY SARAH RHATIGAN: Thank you --

12 CONSTANTINE ALEXANDER: Good luck.

13 ATTORNEY SARAH RHATIGAN: -- very much.

14 JANET GREEN: Thank you.

15 ATTORNEY SARAH RHATIGAN: Thanks.

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1 (9:10 p.m.)

2 Sitting Members: Constantine Alexander, Brendan Sullivan,
3 Janet Green, Slater Anderson, and
4 Jim Monteverde

5 CONSTANTINE ALEXANDER: The Chair will call Case
6 Number 017093, 115 Spring Street. Anyone here wish to be
7 heard on this matter?

8 JEFFREY OLINGER: Everyone have a copy of the
9 drawings?

10 CONSTANTINE ALEXANDER: We have them in the file.
11 You might want --

12 JEFFREY OLINGER: Anyone that needs an additional
13 --

14 CONSTANTINE ALEXANDER: Anyone want an extra copy
15 --

16 SLATER ANDERSON: Since you brought them, I'll
17 take one.

18 JIM MONTEVERDE: I'm set. Thank you.

19 JANET GREEN: I'll take one. Thank you.

20 JEFFREY OLINGER: All right.

21 JANET GREEN: So this is the microphone, and they
22 use that to make their recording for the evening, which is -

1 - being it's all part of the public record. But they need
2 to be able to hear you.

3 BRENDAN SULLIVAN: You can take it out if you
4 want.

5 JANET GREEN: So the microphone needs to be --

6 CONSTANTINE ALEXANDER: Yeah.

7 JANET GREEN: -- close to your mouth --

8 JIM MONTEVERDE: Yeah, you've got to be close.

9 JANET GREEN: -- like this close. Just bring it
10 forward to you.

11 JIM MONTEVERDE: Yeah. Rockstar close.

12 JANET GREEN: So it's comfortable for you.

13 JEFFREY OLINGER: All right.

14 JANET GREEN: But when you're speaking into it, if
15 you -- you'll hear yourself if you're coming through the
16 microphone.

17 JEFFREY OLINGER: Excellent. Can you hear me?

18 JIM MONTEVERDE: As long as they can hear. Yeah.

19 JANET GREEN: Yes.

20 JEFFREY OLINGER: Perfect.

21 JANET GREEN: Yeah.

22 CONSTANTINE ALEXANDER: Now I can hear you.

1 JEFFREY OLINGER: All right. So my name is
2 Jeffrey Olinger, with Olinger Architects, and I'm here with
3 Kathy Wang, who is the owner of 115 Spring Street, near
4 Kendall Square. We are here seeking relief for both an
5 additional six windows that we are adding within a setback,
6 as well as relief for the height change within a setback for
7 a portion of the building.

8 CONSTANTINE ALEXANDER: To be clear, for the
9 record, when I first saw the advertisement, I saw you want
10 to go higher than 35 feet.

11 JEFFREY OLINGER: Mm-mm.

12 CONSTANTINE ALEXANDER: No. And that, think is
13 important to recognize that. You just -- you're just
14 increasing the height in the setback.

15 JEFFREY OLINGER: Correct.

16 CONSTANTINE ALEXANDER: And you'll still be, like,
17 28 feet -- 28 feet high --

18 JEFFREY OLINGER: Correct. We'll still be --
19 we'll still be well below the 35-foot height limit.

20 CONSTANTINE ALEXANDER: Keep going.

21 JEFFREY OLINGER: And so really, it's that simple
22 in terms of what we're trying to achieve. We're renovating

1 a historical house. It has its root in the 1850's. There
2 are -- there has been at least two additions to the property
3 that have grown the building over time.

4 The Fifth Street setback encroaches by about three
5 feet into the -- well, into the side yard setback,
6 technically, because it's a corner lot. The Spring Street
7 setback encroaches now that we've raised the height of the
8 building slightly, so that actually adjusts the setback just
9 enough that it actually pulls that wall into being affected.

10 The new design is looking to take advantage of all
11 of this wonderful outdoor space that's adjacent to the
12 building. So in the new design, the Spring Street entrance
13 forecourt will both serve as the new entrance to the house,
14 as well as serve as a garden that people will be able to
15 enter the street through and pass through before they get to
16 the house. The Fifth Street side yard will be also a tended
17 garden, but will be more of a private garden, accustomed to
18 a back yard essentially, will be how it's used.

19 CONSTANTINE ALEXANDER: Have you spoken to any of
20 your neighbors? Because I have nothing in the file, no
21 letters or anything of the sort.

22 XIAOGUANG WANG: I spoke with --

1 JANET GREEN: Real close.

2 CONSTANTINE ALEXANDER: Yeah.

3 XIAOGUANG WANG: Yeah, I did. I spoke with the
4 neighbors. So this is the house we're renovating.

5 CONSTANTINE ALEXANDER: Yeah.

6 XIAOGUANG WANG: And then behind this house is a
7 house that has no windows, very tall. And see --

8 JIM MONTEVERDE: Yeah.

9 XIAOGUANG WANG: Yeah. There's no windows. So I
10 think opening a window, that's not a factor.

11 JIM MONTEVERDE: Yeah.

12 XIAOGUANG WANG: A view.

13 CONSTANTINE ALEXANDER: You know, any good
14 neighbors.

15 XIAOGUANG WANG: Yeah, I spoke with the --

16 CONSTANTINE ALEXANDER: Okay.

17 XIAOGUANG WANG: -- with the direct abutter.

18 CONSTANTINE ALEXANDER: Where? What location?

19 XIAOGUANG WANG: Just at the side. They pass by.
20 They see --

21 CONSTANTINE ALEXANDER: No, no. Where do the --

22 JIM MONTEVERDE: No.

1 CONSTANTINE ALEXANDER: -- the people who gave you
2 the comment, where do they live?

3 XIAOGUANG WANG: One, they live right behind this
4 house.

5 CONSTANTINE ALEXANDER: They live behind the
6 house?

7 XIAOGUANG WANG: Yeah.

8 CONSTANTINE ALEXANDER: They're abutters?

9 XIAOGUANG WANG: Yeah, without windows. So I --

10 CONSTANTINE ALEXANDER: Okay.

11 XIAOGUANG WANG: I spoke with them. And then I
12 ask neighbor to talk to many neighbors, because I didn't
13 know them. They all agree for us to raise the height two or
14 three feet.

15 CONSTANTINE ALEXANDER: Yeah, but none of them has
16 written a letter. You didn't ask them to put anything in
17 writing?

18 XIAOGUANG WANG: No.

19 CONSTANTINE ALEXANDER: Did you have any
20 interaction with the East Cambridge Planning Team?

21 XIAOGUANG WANG: No.

22 JEFFREY OLINGER: We have been in contact with the

1 Cambridge Historical --

2 CONSTANTINE ALEXANDER: You have to do that, of
3 course.

4 JEFFREY OLINGER: So we've been in conversation
5 with them. And my --

6 JANET GREEN: Yeah, thank you.

7 JEFFREY OLINGER: Yes, we've been in contact with
8 the Cambridge Historical Committee as well, and we've had a
9 lot of conversation about which portion of the house is
10 truly historic, which portion of the house is considered to
11 be addition or alteration.

12 CONSTANTINE ALEXANDER: You didn't get any kind of
13 ruling, if you will, or -- from the historical commission,
14 did you? I don't think I remember seeing it in here.

15 JEFFREY OLINGER: Correct. I don't believe we
16 have received any formal ruling from the Historical
17 Committee.

18 CONSTANTINE ALEXANDER: Okay.

19 Questions from members of the Board?

20 I'm sorry, do you have anything further you want
21 at this point?

22 JEFFREY OLINGER: Nothing further.

1 CONSTANTINE ALEXANDER: Do you have something?

2 XIAOGUANG WANG: So for --

3 MELISSA MORELY: Can you please speak in the mic?

4 XIAOGUANG WANG: For raising the height of the
5 property, the first floor is currently 7'2", very low. And
6 then also, it has -- because the beam is small, we need to
7 add bigger beams. And actually AC, all this pipe running
8 through. So after that, the height will be extremely low.

9 And the second floor currently is 6'8". For us to
10 raising two or three feet, we feel like that will give us a
11 modern look and then comfortable, you know, the modern life.
12 So that's how I perceive it.

13 And then we take pictures about all the abutters.
14 They are all three levels house, and my house is the
15 shortest, even though after raising two or three feet.

16 And because it is a corner lot, behind me the
17 neighbor has no windows facing me, so I thought if I put
18 windows, it wouldn't affect their privacy or obstruct their
19 view. And then --

20 CONSTANTINE ALEXANDER: Is the building in
21 occupation -- occupied, not -- was the building occupied at
22 the time you bought it, or is this -- was it sort of an

1 abandoned building, or --

2 XIAOGUANG WANG: So Kathy lived there for 40
3 years.

4 CONSTANTINE ALEXANDER: What?

5 XIAOGUANG WANG: Kathy, my seller --

6 JEFFREY OLINGER: Previous owner.

7 XIAOGUANG WANG: Previous owner lived there for 40
8 years, having foster care kids. So when I bought it, I
9 already did some painting, ready to move in. But later on,
10 after I removed asbestos siding, find out everything is
11 rotten. So I was forced to, you know, wait for a year to
12 start the construction.

13 And I take some pictures. This is my --

14 JEFFREY OLINGER: So they can speak to this.

15 XIAOGUANG WANG: Okay.

16 JEFFREY OLINGER: Yeah, so the house was occupied.
17 But once we started to look into, I think what Kathy has
18 described now is the existing conditions which we began to
19 uncover, that there was actually a significant amount of
20 dramatically undersized structure. There was a lot of rot,
21 and there was actually a portion of the building -- one of
22 the major corrections we're doing with this renovation is

1 there is an inverted shed roof that was draining water to
2 the middle of the building.

3 CONSTANTINE ALEXANDER: Mm-hm.

4 JEFFREY OLINGER: And so for the life of that
5 addition, it had been providing water to the foundation, to
6 everything in the center, in the core of the building. So
7 there's a significant portion of the interior of the
8 building that was already in pretty severe distress. And I
9 think what Kathy's alluding to is that we began looking at
10 the exterior, and then immediately we realized, oh, this is
11 in fact asbestos shingle.

12 CONSTANTINE ALEXANDER: Okay. Questions from
13 members of the Board at this point?

14 JIM MONTEVERDE: No.

15 CONSTANTINE ALEXANDER: I'll open up the matter to
16 public testimony. Anyone wish to be heard?

17 Sir, you've been sitting here all night, so why
18 don't you go first?

19 KENNETH ZOLON: Originally, this was scheduled for
20 7:30, I thought.

21 CONSTANTINE ALEXANDER: I'm sorry --

22 KENNETH ZOLON: I think originally this was

1 scheduled for 7:00 or 7:30, and now it's at 9:00, so.

2 CONSTANTINE ALEXANDER: Well, we started at 7:30.

3 JIM MONTEVERDE: Sorry.

4 CONSTANTINE ALEXANDER: You're case --

5 KENNETH ZOLON: Okay.

6 CONSTANTINE ALEXANDER: This case is the last one

7 --

8 KENNETH ZOLON: I read the thing --

9 CONSTANTINE ALEXANDER: -- on the agenda, so.

10 KENNETH ZOLON: I read it off the --

11 JIM MONTEVERDE: Oh.

12 KENNETH ZOLON: -- the schedule. You know, I

13 might have made a mistake, of course.

14 I'm Kenneth Zolon, Z-o-l-o-n. I'm from 11 Ware

15 Street, Cambridge. And --

16 CONSTANTINE ALEXANDER: Is that close to --

17 KENNETH ZOLON: No. My story there is that when

18 my grandfather came here from -- he's was escaping the Sino-

19 Soviet War, and they sent him to the United States. He

20 bought a home at 70 Fifth Avenue -- Fifth Street, I'm sorry,

21 Fifth Street, which is a couple of doors down from this

22 house. He lived there -- it's actually -- we've been in

1 that for three generations, that house has -- we've been
2 living there. My nephew sold it a while back, but he still
3 lives in the neighborhood.

4 So I'm here to tell you that the building is an
5 excellent building in terms of form, proportion, looks. You
6 know, there is structural problems in all that. But it's a
7 double square in the front, which is a classic proportion,
8 along the façade. And it's a second-degree rectangle, you
9 know, proportional rectangle, which is a noted classic size.

10 The windows are nicely placed. The proportion in
11 general is -- it's a little jewel in this neighborhood.
12 It's different from all of the buildings, in a way, but it's
13 on a corner, and it kind of holds your eye. It's a very
14 nice building.

15 So in -- what the variance here is calling for is
16 to raise the roof. Raising of a roof is not a simple
17 matter, as you all probably know. It's a very difficult
18 thing to do. You -- it's not just raising the roof. You
19 have to rip off the old roof and probably most of the second
20 floor. So I think that's going to destroy the building.

21 CONSTANTINE ALEXANDER: You think it's what?

22 KENNETH ZOLON: It's going to destroy the looks of

1 the building proportionally. And I'm not sure whether it
2 really needs to be done to live in that building, aside from
3 repairs and all of that. I would advise that you simply
4 restore it nicely.

5 And the other thing is, on the SP, windows aren't
6 allowed on the rear, are they? There's a space between one
7 building and another. If you put windows in there, it's a
8 fire hazard, as I know. I don't mind them putting windows
9 in, because they're kind of hidden. They don't do -- the
10 back elevation isn't something to talk about really. But I
11 think that the building could use a garden in the back, and
12 maybe fire-proofing it on the side.

13 CONSTANTINE ALEXANDER: We're not an architect --
14 you're getting into architectural issues.

15 KENNETH ZOLON: I know. I'm --

16 CONSTANTINE ALEXANDER: -- legal issues --

17 KENNETH ZOLON: This is special permit, though.

18 CONSTANTINE ALEXANDER: I'm sorry?

19 KENNETH ZOLON: This is for the special permit.

20 CONSTANTINE ALEXANDER: Okay.

21 KENNETH ZOLON: Okay.

22 CONSTANTINE ALEXANDER: Still, we deal with --

1 special permit --

2 KENNETH ZOLON: You deal in zoning.

3 CONSTANTINE ALEXANDER: -- get into the --

4 KENNETH ZOLON: Okay. So on the -- well,
5 whatever. On the variance, I think it's -- the building is
6 going to get ruined visually.

7 CONSTANTINE ALEXANDER: Thank you.

8 KENNETH ZOLON: And also, there's other matters on
9 the street, the street side. There are two large threes.
10 And if you do any foundation work, you can probably -- and
11 roof work of major proportions, you may be able to undermine
12 those trees.

13 CONSTANTINE ALEXANDER: Thank you.

14 KENNETH ZOLON: Okay.

15 CONSTANTINE ALEXANDER: You wanted to say --
16 you'll have time -- an opportunity.

17 You wanted to make a comment?

18 JEFFREY OLINGER: Sure, yeah. I think I can
19 address a couple of the concerns that the gentleman has.

20 So first, on lifting the house, that's primarily
21 to repair the sill plate at the top of the foundation. The
22 house would have to be lifted in its entirety, as the

1 gentleman has described. And in doing so, we would use that
2 to correct the ground level -- the existing ground level
3 floor to floor height of 7 feet with some existing, which is
4 using two by sixes for its -- which is -- for its current
5 second floor. That is smaller than what is allowed by code,
6 as well as lower than what is allowed by code for the first
7 floor. So with those two corrections, that's ultimately
8 what's accounting for the additional height that we're going
9 to have in the building.

10 With regards to the concerns over fire, the
11 building is actually set back significantly, and I believe
12 we're 12 feet from the lot line, so that does allow us to
13 have a percentage of glazing.

14 CONSTANTINE ALEXANDER: Okay. Thank you for the
15 clarification.

16 Sir, you wanted to speak?

17 DANIEL COGSWELL: Yeah.

18 Okay. My name is Daniel Cogswell, C-o-g-s-w-e-l-
19 l. I live at 106 Fifth Street, which is three or four
20 buildings from the corner, where this house is, and I am a
21 trustee of the 106 Fifth Street Condominium Association. So
22 I'm familiar with the building and aware of its poor state,

1 and glad to hear that it's being renovated, and especially
2 the paved areas being converted back to gardens.

3 I do have -- so I haven't seen the plans, but I do
4 have a question at the beginning. So what is the current
5 height of the building, and what is it being raised to?

6 CONSTANTINE ALEXANDER: It's 26 feet now, and it
7 will be raised to 28 feet.

8 DANIEL COGSWELL: Okay.

9 CONSTANTINE ALEXANDER: Did I get it right?

10 JEFFREY OLINGER: Yeah. It's -- and there's some
11 change in there, but approximately 26 to 28. It's actually
12 20 inches of total raise.

13 DANIEL COGSWELL: Okay.

14 JEFFREY OLINGER: Twenty and a half inches.

15 CONSTANTINE ALEXANDER: And it's well below the
16 zoning of 35 feet --

17 DANIEL COGSWELL: Sure. Okay. Okay.

18 CONSTANTINE ALEXANDER: -- residential areas.

19 DANIEL COGSWELL: Sure. So that seems fine.

20 I did also have concerns about the trees. There
21 are several big trees. Maybe you can speak to what you're
22 doing to try to prevent those from --

1 JEFFREY OLINGER: Our current plans have no -- we
2 have no plans to modify or affect the trees. And --

3 CONSTANTINE ALEXANDER: Will any of the
4 construction work you're proposing --

5 JEFFREY OLINGER: Yeah, and to --

6 CONSTANTINE ALEXANDER: -- will it have an adverse
7 effect on the trees?

8 JEFFREY OLINGER: Yes, and this also helps to
9 address the previous gentleman's question.

10 CONSTANTINE ALEXANDER: What's that?

11 JEFFREY OLINGER: This also helps to address the
12 previous gentleman's question --

13 CONSTANTINE ALEXANDER: Right.

14 JEFFREY OLINGER: -- regarding the trees. We have
15 a structural foundation design that we use underpinning so
16 that we will avoid having to encroach beyond the existing
17 foundation line. So it would underpinned, and then also --
18 all new foundation work be done towards the interior of the
19 property.

20 DANIEL COGSWELL: Okay. Another question is, is
21 the building being renovated as a single-family home, or is
22 it being converted back to condos?

1 JEFFREY OLINGER: It is going to remain a single-
2 family home.

3 DANIEL COGSWELL: Okay. Glad to hear that. And
4 then are you -- so the back part of it was kind of odd with
5 the additions that they've put on.

6 JEFFREY OLINGER: Mm-hm.

7 DANIEL COGSWELL: Are those staying the same way
8 that they are, or are you going to convert it more -- like,
9 you mentioned that the roof slopes in towards the middle.

10 JEFFREY OLINGER: Correct.

11 DANIEL COGSWELL: Is that going to be --

12 JEFFREY OLINGER: So, yeah. We're actually --
13 we're going to make that into a deck. And if you look at
14 Sheet A-411, that shows kind of a cross-section of what the
15 building will look like.

16 SLATER ANDERSON: That one you're looking at right
17 there, the image on the right is the existing. You see
18 that?

19 JEFFREY OLINGER: Yeah.

20 DANIEL COGSWELL: Yeah.

21 SLATER ANDERSON: And then the one on the left is
22 the proposed. You can see how they're creating a deck in

1 the middle there.

2 DANIEL COGSWELL: Yeah, okay.

3 SLATER ANDERSON: To somewhat deal with the
4 drainage issue.

5 JEFFREY OLINGER: Yeah, we'll do a new roof that's
6 underneath that deck, that it will deal with all the
7 drainage, and then drain everything to the rear lot instead
8 of to the center of the building.

9 DANIEL COGSWELL: Okay. Yeah, I don't have any
10 further questions. This is a nice-looking design. Happy to
11 hear that it's remaining a single-family house. And like
12 the previous gentleman said, we like the look of it, and it
13 looks kind of unique in the neighborhood, so glad to hear
14 that it's being preserved.

15 CONSTANTINE ALEXANDER: Well, thank you for taking
16 the time to come down.

17 DANIEL COGSWELL: Thanks.

18 CONSTANTINE ALEXANDER: And the same with the
19 prior speaker as well. No, no, no. No, I'm not asking you
20 to speak. I'm just thank you for taking the time to come
21 down.

22 KENNETH ZOLON: Oh, okay. I just think that by

1 raising it, you're going to ruin the looks.

2 CONSTANTINE ALEXANDER: You've already expressed
3 your opinion, sir.

4 KENNETH ZOLON: Yeah, okay.

5 CONSTANTINE ALEXANDER: Okay.

6 Are there any -- you want to speak?

7 HEATHER HOFFMAN: Hello. Heather Hoffman, 213
8 Hurley Street.

9 CONSTANTINE ALEXANDER: Just stand a little more,
10 yeah.

11 HEATHER HOFFMAN: Even more?

12 CONSTANTINE ALEXANDER: There you go.

13 HEATHER HOFFMAN: Okay. I'm also familiar with
14 this building, because next door to it is East End House,
15 which is where -- Yeah, East End House is right next to it.

16 CONSTANTINE ALEXANDER: Oh, East End House.

17 HEATHER HOFFMAN: And it's -- the -- should you
18 wish to come join us at the East Cambridge Planning Team
19 Meetings, just go next door, the second and fourth
20 Wednesdays of the month, and you know, come meet your
21 neighbors because we'd love to have you.

22 And so I've -- I, too, am happy to see this

1 building get some attention, because it has fallen into some
2 amount of disrepair. But I have a couple of comments just
3 on the application itself.

4 The first one is cosmetic. I'm a title examiner.
5 I can't let a bad title reference go. So on the ownership
6 information page, could we please change it? The -- Book
7 12492, page 600, is from a very long time ago. That is the
8 prior owner's date. So the correct one is Book 70943, page
9 499. Just please fix it, and I'll be happy.

10 But the other thing is a little bit more
11 concerning, because in the supporting statement for a
12 variance, it says, "Each of the following requirements for a
13 variance must be established and set forth in complete
14 detail," and I don't believe that N/A is an appropriate
15 answer to one of those. And that is the statement, you
16 know, D., hardship is owing to the following circumstances
17 related to blah, blah, blah. We could all recite it on our
18 sleep. I would just like to have an actual thing that puts
19 this within the provisions of the statute and the ordinance
20 in order for you to go ahead.

21 As I say, I don't think there's any one who thinks
22 that it's a bad idea to fix this up. Simply, that we play

1 by the rules. Thank you.

2 CONSTANTINE ALEXANDER: Thank you.

3 Do you comment on the N/A -- inappropriate N/A
4 that Ms. Hoffman points out?

5 I don't remember seeing it, frankly, but I'm just
6 trying to --

7 JEFFREY OLINGER: Yeah.

8 BRENDAN SULLIVAN: It's the second one there.

9 CONSTANTINE ALEXANDER: Oh, yeah. Second one.

10 BRENDAN SULLIVAN: The second one there --

11 CONSTANTINE ALEXANDER: Yeah.

12 BRENDAN SULLIVAN: -- which is the hardship is,
13 you know --

14 CONSTANTINE ALEXANDER: You have to demonstrate
15 that or we can't grant you relief. You just can't say it's
16 not applicable.

17 JEFFREY OLINGER: Yes, I'm sorry. This is a form
18 -- Kathy filled it out.

19 So the hard -- there is significant hardship to
20 the project in that it remains in an unrepaired state.

21 CONSTANTINE ALEXANDER: Well, the hardship, you've
22 got to -- it's got to be relating to circumstances --

1 related to the soil conditions, shape, or topography of such
2 land or structures, and especially affecting such land or
3 structures, but not affecting generally the zoning district
4 in which it is located.

5 Now, this is already a non-conforming structure,
6 is it not?

7 JEFFREY OLINGER: The -- yes. It encroaches on --

8 CONSTANTINE ALEXANDER: So the fact of the matter
9 is any modification to the structure requires zoning relief.
10 That's generally --

11 JEFFREY OLINGER: Yeah.

12 CONSTANTINE ALEXANDER: That's part of the
13 conditions relating to the structure -- topography of such
14 land or structures. That's what you have to -- I assume
15 that's the point you're making.

16 JEFFREY OLINGER: Yes.

17 CONSTANTINE ALEXANDER: Okay.

18 JEFFREY OLINGER: Yes. And that's -- and
19 specifically, it is that the portion of the house that
20 extends into the setback has a gabled roof. That gabled
21 roof currently meets the 115 Spring Street, or the Spring
22 Street length of the building about two feet lower. When we

1 lift the house, there's a significant concern that those two
2 roofs are going to break apart because of the disjunction of
3 the house as it is.

4 The correction at the new level will allow us to
5 unify the ridgelines of the house and create a clean new
6 structure for the top level of the building. That requires
7 us to raise a portion of the house that is in the setback.
8 So there's a technical -- it's driven mostly by technical
9 consideration. That's where there -- this has sort of a
10 tricky --

11 CONSTANTINE ALEXANDER: But the fact of the
12 matters is this -- anybody wanted to renovate this structure
13 would have to face the same issues you're facing. It runs
14 with the land and with the structures. It's not peculiar to
15 your client --

16 JEFFREY OLINGER: Mm-hm.

17 CONSTANTINE ALEXANDER: -- and not -- would be
18 applicable generally.

19 JEFFREY OLINGER: Mm-hm.

20 CONSTANTINE ALEXANDER: Given the nature, the age
21 of the structure, its location on the lot, the nature of the
22 construction, and the deterioration that's resulted over the

1 years, all of this leads to you -- in your opinion.

2 JEFFREY OLINGER: Mm-hm.

3 CONSTANTINE ALEXANDER: And hopefully, our
4 opinion, leads to your need to get a variance that you're
5 requesting.

6 JEFFREY OLINGER: Correct.

7 BRENDAN SULLIVAN: Who prepared that page? To --
8 Ms. Wang, did you prepare it, or --

9 JEFFREY OLINGER: Yes, Kathy prepared that.

10 BRENDAN SULLIVAN: Yeah, okay. Well, I guess the
11 point is that question has to be answered.

12 CONSTANTINE ALEXANDER: Yeah.

13 BRENDAN SULLIVAN: And not an N/A. And that's --
14 it's a legal hurdle that you have to get over, which is
15 really probably the most important answer. So I don't think
16 you understood the importance --

17 CONSTANTINE ALEXANDER: Yeah.

18 BRENDAN SULLIVAN: -- of answering it, so.

19 CONSTANTINE ALEXANDER: Just to elaborate a little
20 bit what he said, for us legally to grant you a variance,
21 you've got to satisfy three conditions. You can't just say
22 on one of them it doesn't apply. If it doesn't apply, N/A,

1 then you're not entitled to relief.

2 But through your architect, we think -- and we've
3 constructed an answer that's not in writing here, but is now
4 going to be part of our record, which -- we'll see when we
5 take a vote -- should justify or not the variance you're
6 seeking. Thank you.

7 JANET GREEN: So -- I'm sorry. Yes, I just want
8 to understand.

9 CONSTANTINE ALEXANDER: Yeah.

10 JANET GREEN: So we're feeling that it's not
11 written in here, however we have covered some of that in our
12 discussion.

13 CONSTANTINE ALEXANDER: Oh, yeah.

14 JANET GREEN: Okay.

15 CONSTANTINE ALEXANDER: It's in the record now.

16 JANET GREEN: So it's now in the record. Okay.

17 CONSTANTINE ALEXANDER: Yeah, if we didn't get it
18 in the record, then their -- then -- and then we granted a
19 variance, we would be in -- you could open to legal
20 challenge.

21 JANET GREEN: Yeah.

22 BRENDAN SULLIVAN: It was fleshed out.

1 JANET GREEN: Yes. Yes.

2 BRENDAN SULLIVAN: To be crude.

3 CONSTANTINE ALEXANDER: This isn't the first time
4 we've had this issue where people -- I'm -- put N/A, and
5 they don't seem to realize you can't N/A it. Well, you can,
6 but you won't get relief, so. Anyway, I think we've beaten
7 this to death.

8 Any further comments from the audience?

9 Apparently not. Thank you, Heather, for pointing
10 that out.

11 And I don't think we have any letters. No, I know
12 we have no letters, because you haven't supplied anything to
13 us and there's nothing in our file.

14 So I'm going to close public testimony.

15 Discussion or ready for a vote?

16 BRENDAN SULLIVAN: Ready.

17 JANET GREEN: I'm ready.

18 CONSTANTINE ALEXANDER: Ready? Okay. We have two
19 votes to take, one with regard to the variance, and the
20 second with regard to the special permit. I'm going to
21 start with the variance first.

22 That -- the chair moves that we make the following

1 findings with regard to the variance being sought. That a
2 literal enforcement of the provisions of the ordinance would
3 involve a substantial hardship, this hardship that this is
4 an older structure in poor condition, and it's not just for
5 your benefit, for anybody who would own the property
6 subsequently. This building is in need of modification, and
7 that is why you satisfy the first condition.

8 The condition -- the hardship is owing to, as
9 we've just discussed, the nature of the structure, the fact
10 it's already non-conforming, in poor condition. And again,
11 this is the something that's not peculiar to you, but to
12 anybody who would own the property. And that relief may be
13 granted with out substantial detriment to the public good or
14 nullifying or substantially derogate the intent or purpose
15 of this ordinance.

16 In this regard, the chair would note that what
17 would result should we grant the variance will be an
18 improvement of the housing stock of the city and preserve an
19 unique and older structure in this neighborhood, all to the
20 benefit of the neighborhood.

21 So on the basis of all of these findings, the
22 chair moves we grant the variance on the condition -- on the

1 condition that the work proceed in accordance with plans
2 submitted by Olinger, O-l-i-n-g-e-r, Architects, the first
3 page of which has been initialed by the chair.

4 And before we take a vote, let me be very clear.
5 These are the plans. If you decide, for whatever reason --

6 JEFFREY OLINGER: Mm-hm.

7 CONSTANTINE ALEXANDER: -- as you go forward you
8 need to modify them, you're going to have to come back
9 before our Board. So you have --

10 JEFFREY OLINGER: I understand.

11 CONSTANTINE ALEXANDER: I trust you're satisfied
12 these are the final plans?

13 JEFFREY OLINGER: Yes.

14 CONSTANTINE ALEXANDER: All those in favor -- so
15 on the conditions that the work proceed in accordance with
16 the plans I've just identified, all those in favor, please
17 say aye.

18 Five in favor. The variance is granted.

19 Let's talk about the special permit, which relates
20 to the windows. We have to make a bunch of findings here.

21 The chair moves that we make the following
22 findings with regard to the special permit being sought.

1 That the requirements of the ordinance cannot be met unless
2 you get the special permit because of the windows in the
3 setback. Traffic generated or patterns of access or egress
4 resulting from what you're proposing with regard to the
5 windows will not cause congestion, hazard, or substantial
6 change in established neighborhood character. In this
7 regard, what is being done will improve the livability of
8 the structure, and it's not been demonstrated to have any
9 negative impact on the neighborhood with regard to, again,
10 the windows we're talking about.

11 That the continued operation or development of
12 adjacent uses as permitted in the ordinance will not be
13 adversely affected by what is being proposed. No nuisance
14 or hazard will be created to the detriment of the health,
15 safety, and/or welfare of the occupant of the proposed use
16 or the citizens of the city. And generally, what is being
17 proposed will not impair the integrity of the district, or
18 adjoining district, or otherwise derogate the intent and
19 purpose of this ordinance.

20 So on the basis of all of these findings, the
21 chair moves to grant you the special permit you're seeking.
22 Again, subject to the conditions that the work proceed in

1 accordance with these plans we identified in connection with
2 -- these right here -- in connection with your variance.

3 All those in favor of granting the special permit,
4 please say aye.

5 Five in favor. Special permit is granted. Good
6 luck.

7 JEFFREY OLINGER: Thank you.

8 XIAOGUANG WANG: Thank you so much.

9 (End of proceedings.)

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CERTIFICATE

Commonwealth of Massachusetts

Middlesex, ss.

I, Melissa Morley, Notary Public in and for the Commonwealth of Massachusetts, do hereby certify that the above transcript is a true record, to the best of my ability, of the proceedings.

I further certify that I am neither related to nor employed by any of the parties in or counsel to this action, nor am I financially interested in the outcome of this action.

In witness whereof, I have hereunto set my hand this _____ day of _____, 2019.

Notary Public

My commission expires:

October 4, 2024