

BOARD OF ZONING APPEAL
FOR THE
CITY OF CAMBRIDGE

GENERAL HEARING

THURSDAY, APRIL 26, 2018

7:00 p.m.

in

Senior Center
806 Massachusetts Avenue
First Floor
Cambridge, Massachusetts 02139

Constantine Alexander, Chair

Brendan Sullivan, Vice Chair

Janet Green, Member

Andrea A. Hickey, Member

Patrick Tedesco, Member

George S. Best, Associate Member

Sisia Daglian, Assistant Commissioner

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(7:00 p.m.)

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

CONSTANTINE ALEXANDER: The Chair will call this meeting of the Zoning Board of Appeals to order, and as is our custom, we will start with continued cases. The continued cases have started at an earlier date and for one reason or another has been continued until tonight, and then we'll turn to our regular agenda.

Before I start and call the first case, I have a statement to make:

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

attendees at that meeting that a recording is being made.

And I wish to advise that not one but two recordings are being made. A citizen of the city is recording. He's left his tape recorder on the front table. And our stenographer records the meeting as well to assist her when she prepares the written minutes of our meeting. So be advised.

Okay, with that I'm going to call the first continued case.

* * * * *

(7:00 p.m.)

(Sitting Members Case No. BZA-015008-2017: Constantine Alexander, Janet Green, Andrea A. Hickey, Patrick Tedesco, George S. Best.)

CONSTANTINE ALEXANDER: I'll call case No. 015008-2017, 20 Surrey Street.

Is there anyone here wishing to be heard on this

matter? Good evening.

ATTORNEY JACK MILGRAM: Good evening,
Mr. Chairman, honorable members. For the record. My name
is attorney Jack P. Milgram and I represent the applicants
Mr. and Mrs. Hsu.

This is a continuation of a prior hearing where my
client was seeking certain dimensional variances in regards
to his proposal to rebuild a rear egress and an attached
deck that was damaged while the petitioner was installing
new siding on the exterior of the home. When we were here
last time, there were several discussions that we had in
regards to what had happened here.

No. 1, the Board pointed out correctly that after
the emergency situation, my client started to do the repair
work without having issued a permit which admittedly --

CONSTANTINE ALEXANDER: More than that, he
extended the deck that was there. More than repairs.

ATTORNEY JACK MILGRAM: That's correct. That's

correct. And that was the second point that was discussed during the hearing that in regards to the deck, the deck that was rebuilt, the dimensions of the deck was greater than what was pre-existing.

The Board was kind enough at that time to give us a continuance to rethink the proposal and to submit revised plans which we did on or about January 26, 2018. That's correct.

I understand that one of the members was not available for several months which is why we're now meeting on I guess April --

CONSTANTINE ALEXANDER: And she's back --

ATTORNEY JACK MILGRAM: -- 26, 2018.

CONSTANTINE ALEXANDER: -- and she's reviewed the file so we're all set.

ATTORNEY JACK MILGRAM: So we have submitted two proposed revised plans as to what we had previously proposed when we were here initially.

CONSTANTINE ALEXANDER: These are the alternatives.

ATTORNEY JACK MILGRAM: That's correct. That's the alternative. And I'll let Mr. Hsu explain to you what we've proposed in order to reduce the dimensions of the deck.

SHIH-CHEN HSU: I want to thank you the members. I'm the owner of the building. I was quite impressed by the last hearing. There was a discussion of low income housing. Myself was a beneficiary of that. I came to this country 46 years ago and I lived in a low income housing paying \$40 a month and that's carried me over for a couple years so I --

JANET GREEN: Is it turned on, the microphone?

CONSTANTINE ALEXANDER: You may have to push a button. Take it off stand.

SHIH-CHEN HSU: Let me start again. I'm quite impressed when I come here. There was discussion on project

of low income housing before my project. And I was a beneficiary of low income housing myself. I came to this country from Taiwan 46 years ago and paid \$40. And because I paid the low income housing rent \$40 a month, plus carry me for quite a few month, so I can feel importance of low income housing from last discussions.

For this meeting first we raised a question from Patrick last time about footage. The new proposal, the difference of the first proposal from the original one was that we cut the one foot away toward --

CONSTANTINE ALEXANDER: That's not on my plan. I don't see where the cut is.

SHIH-CHEN HSU: That's right. The one it's new print. The cut was this piece from the deck. And this was discussion by Patrick last time that we are close to the rear end property. So we cut it back. So after cutting, basically we are come in line with original setback of the deck. So there's no further extrusion. That was our first

proposal to cut the piece out.

CONSTANTINE ALEXANDER: Question, I'm just a little bit confused: On the plans that you submitted --

SHIH-CHEN HSU: Yes.

CONSTANTINE ALEXANDER: -- I don't see that cut back on here.

SHIH-CHEN HSU: The plans already cut out already.

CONSTANTINE ALEXANDER: Already cut out?

SHIH-CHEN HSU: Already cut out.

CONSTANTINE ALEXANDER: Okay.

ANDREA HICKEY: Gus, I think it's this area here.

SHIH-CHEN HSU: Already cut out.

JANET GREEN: This area here.

CONSTANTINE ALEXANDER: Got it, got it. I see it now.

SHIH-CHEN HSU: Yeah, already cut out already. So in other words, planned.

CONSTANTINE ALEXANDER: So now the deck has --

SHIH-CHEN HSU: Is become the same original one,
the setback.

CONSTANTINE ALEXANDER: -- in terms of setback?

SHIH-CHEN HSU: You're right.

CONSTANTINE ALEXANDER: Thank you.

SHIH-CHEN HSU: And the second proposal is we
further cut three feet, three feet, nine inch from this side
here, from this side cutting back here.

CONSTANTINE ALEXANDER: Right. So that reduces
the deck even further --

SHIH-CHEN HSU: Further.

CONSTANTINE ALEXANDER: -- than the first.

SHIH-CHEN HSU: -- first one, right.

CONSTANTINE ALEXANDER: Got it.

SHIH-CHEN HSU: And we really appreciate that you
consider the first proposal. That troublesome for the
second proposal is the moving in and out. We rent the
property out to a student, they move in and out every year.

CONSTANTINE ALEXANDER: Couches and mattresses and such.

SHIH-CHEN HSU: That's right.

And this mechanical structure. If you see the second page of the plan here, the copy you have, the third page, I'm sorry, that my property -- the driveway in my property here, and the driveway here, the width is 13 feet. And this is my neighbor and this is my -- you can see the, two-story deck here. And it's 13 feet. And so further cut is going this direction there.

CONSTANTINE ALEXANDER: Got it.

SHIH-CHEN HSU: And but actually my neighbors is from the deck is only two feet from my property line. I'm 13 feet away here.

The next page, so a lot of open space around here. And you can see view, the picture underneath the deck there is a space here.

CONSTANTINE ALEXANDER: Yes.

SHIH-CHEN HSU: And the reason I request to consider the first proposal is I do have structure, and it's kind of difficult for people to move the mattress this way. They move the mattress, lift it up here. And if I could show the cut in the second proposal, then this one would be a way up here, this one would be maybe use it more dangerous to move things out. If there's no cut, then it has to move to from the front to the deck.

CONSTANTINE ALEXANDER: This is only with regard to the reduction on the side of the deck with regard to what's in the rear property line.

SHIH-CHEN HSU: Oh, it's already -- we reduced. Regardless of what --

CONSTANTINE ALEXANDER: I'm sorry. There are no issues of safety in your judgment?

SHIH-CHEN HSU: No issues whatsoever.

CONSTANTINE ALEXANDER: Okay.

SHIH-CHEN HSU: And so this mechanical structure

here, so if we are allowed to have the first proposal, then we can move the big furniture like a mattress lift up here.

CONSTANTINE ALEXANDER: How do you do that?

SHIH-CHEN HSU: It's traditional move in way.

They have rope and people, one up and one there. So the mover always do this, move the mattress up from --

CONSTANTINE ALEXANDER: He ties a rope around the furniture --

SHIH-CHEN HSU: That's right.

CONSTANTINE ALEXANDER: -- and yank it up?

SHIH-CHEN HSU: That's right, yes, yeah. This is older building. A lot of turns around and very difficult to move. And so this along the way they move every years. We find out this kind of dangerous because there's interference in this area. So it allowed a much easier safe way to move.

CONSTANTINE ALEXANDER: So your preference is the first alternative?

SHIH-CHEN HSU: Yes, first alternative.

CONSTANTINE ALEXANDER: Which is just bring the deck closer, farther away from the rear line?

SHIH-CHEN HSU: Yes, where it become the way as all the structures, yes.

CONSTANTINE ALEXANDER: Okay.

PATRICK TEDESCO: That's the first page. There's two alternatives --

SHIH-CHEN HSU: Yes.

PATRICK TEDESCO: And your preference is the first one?

ATTORNEY JACK MILGRAM: The first one, that's correct.

SHIH-CHEN HSU: And I do have all the neighbor, we talk to all the neighbors, and they all supportive. Actually all my neighbor right now are very, very happy because they can see that I got improvement of the property with a new deck, much nicer.

CONSTANTINE ALEXANDER: Okay.

SHIH-CHEN HSU: Thank you.

ATTORNEY JACK MILGRAM: That's really all.

As I indicated, my client's been a property owner for many years. He owns several properties in the City of Cambridge. To the best of my knowledge -- it's an unfortunate situation. This is the first time he's ever found himself in a situation, in a violation. I'm not excusing it. We had, as you know, a very long discussion last time.

CONSTANTINE ALEXANDER: Right.

ATTORNEY JACK MILGRAM: However, it was somewhat of a panic situation where it became somehow detached from the building.

CONSTANTINE ALEXANDER: Yeah, but the panic situation is understood and I accept and increasing the size of the deck are unrelated.

ATTORNEY JACK MILGRAM: I understand.

CONSTANTINE ALEXANDER: So I don't give you too

much credit for the panic.

ATTORNEY JACK MILGRAM: I understand. I understand.

As my client explained, he'd like to have the first proposal because it will make it easier for people to move in and out. And we have cut out the other part of the deck so that we're farther away from the abutter. And based upon that, if the Board doesn't have any further questions, we simply ask that petition be allowed at this time.

CONSTANTINE ALEXANDER: Questions or comments from members of the Board or any observations as to plan 1 or plan 2?

(No Response.)

CONSTANTINE ALEXANDER: I guess not.

Personally I mean my first reaction was to say plan 2 because I think you got to pay as high as price as possible with regard to what you did. On the other hand, there is a consideration you point out with the air

conditioner unit, and there is a substantial distance between your structure because of the driveway and the next structure. So I personally could go with plan 1. That would be my recommendation to the members of the Board.

SHIH-CHEN HSU: Yeah. I made a mistake this time, but in my record, I always apply for permit. This only time I make this mistake.

CONSTANTINE ALEXANDER: Okay.

ATTORNEY JACK MILGRAM: And last time, right?

SHIH-CHEN HSU: And last time.

CONSTANTINE ALEXANDER: I hope the last time.

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

(No Response.)

CONSTANTINE ALEXANDER: No.

Okay, we'll close public testimony.

I don't know if I mentioned it the last time, we do have a petition -- this was with regard to the original

plans in support of granting you relief, the Variance, which I'm not going to bother reading into the record because it really relates to the plans that were not before us tonight.

ATTORNEY JACK MILGRAM: That's correct. That's correct.

CONSTANTINE ALEXANDER: I'll close public testimony.

Further discussion? Or do you want a motion? The motion I would make would be to grant the Variance based on the plans, we'll call it plan No. 1, which I'm going to initial, which is just reducing the now with the deck farther from the property line, restoring to what it was before, but not requiring cutting off part of the side of the deck.

Is everybody happy with that?

ANDREA HICKEY: I'm fine with that.

JANET GREEN: I'm fine.

CONSTANTINE ALEXANDER: Okay.

All right. The Chair moves that this Board make the following findings with regard to the Variance being sought:

That a literal enforcement of the provisions of the Ordinance would involve a substantial hardship. Such hardship being is that the stairway, which goes to the decks, has separated requiring immediate relief, immediate modification to the structure.

That the hardship is owing to the fact that this is a state of a -- the nature of the structure, it is already a non-conforming structure so any modification requires zoning relief.

And that relief may be granted without substantial detriment to the public good or nullifying or substantially derogating from the intent or purpose of the Ordinance. In this regard the relief is not unusual for Cambridge in terms of rebuilding decks and staircases. That the results if we grant relief is that we have a staircase now that's better

in terms of code compliance, that was there before that was separated from the structure. And in fact we are, we're not increasing the setbacks. The deck itself in terms of its exterior dimensions will be no different than what was there before.

So on the basis of all these findings the Chair moves that we grant the Variance requested on the condition that the work proceed in accordance with plans initialled -- plan, one page, initialled by the Chair. That's plan No. 1.

All those in favor please say "Aye."

(Aye.)

CONSTANTINE ALEXANDER: Five in favor. Variance granted.

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

ATTORNEY JACK MILGRAM: Thank you.

SHIH-CHEN HSU: Thank you.

* * * * *

(7:20 p.m.)

(Sitting Members Case No. BZA-015567-2018: Constantine

Alexander, Janet Green, Andrea A. Hickey, Patrick Tedesco,
George S. Best.)

CONSTANTINE ALEXANDER: The Chair will call case
No. 015567, 379 Harvard Street.

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

(No Response.)

CONSTANTINE ALEXANDER: Apparently not, I think
we're -- we have a letter in our files from Sean Hope, Esq.
Sean is the counsel for the petitioner. The letter states:
Please accept this correspondence as a request on behalf of
the petitioner to withdraw the above-captioned case
currently scheduled to be heard on April 26th.

I make a motion that we accept the requested
withdrawal and that this case be treated as a withdrawn
case.

All those in favor please say "Aye."

(Aye.)

CONSTANTINE ALEXANDER: Five in favor. Case
withdrawn.

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

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(7:20 p.m.)

(Sitting Members Case No. BZA-015542-2018: Constantine
Alexander, Janet Green, Andrea A. Hickey, Patrick Tedesco,
George S. Best.)

CONSTANTINE ALEXANDER: The Chair will call
015542, 80 CambridgePark Drive.

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

(No Response.)

CONSTANTINE ALEXANDER: Apparently not.

We are in receipt of an e-mail from the petitioner
or a representative of the petitioner: Hanover wishes to
formally withdraw our application for the sign variance at
80 CambridgePark Drive. We were granted a continuance from
our original March 8th hearing date to April 26th. However,
we will no longer be pursuing this Variance. We will be
pursuing smaller wayfinding signage that is fully compliant
with the city ordinances. If there is anyone else I need to
contact regarding this matter, please let me know. This
letter was addressed to Maria Pacheco.

The Chair moves that we accept the requested
withdrawal and treat this case as a withdrawn case.

All those in favor please say "Aye."

(Aye.)

CONSTANTINE ALEXANDER: Five in favor, case
withdrawn.

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

* * * * *

(7:25 p.m.)

(Sitting Members Case No. BZA-012446-2017: Constantine
Alexander, Brendan Sullivan, Janet Green, Andrea A. Hickey,
Patrick Tedesco.)

CONSTANTINE ALEXANDER: The Chair will call our
last continued case. It's case No. 015594. Oh, no, I got
the wrong one.

Calling case No. 012446, 671-675 Concord Avenue.

Is there anyone here wishing to be heard on this

matter?

Good evening. You know the drill, name and address to the stenographer.

MICHELLE APIGIAN: Michelle Apigian, A-P-I-G-I-A-N with Icon Architecture. Address? Street?

CONSTANTINE ALEXANDER: No, no.

MICHELLE APIGIAN: So, thank you.

REBECCA SCHOFIELD: And I'm Rebecca Schofield with Homeowner's Rehab.

We have drawings if that's useful.

JANET GREEN: You have to get closer. It's like every word.

REBECCA SCHOFIELD: We have some drawings if that's useful, but they're the same general plan that we submitted initially.

CONSTANTINE ALEXANDER: The same ones we've seen before?

REBECCA SCHOFIELD: Exactly.

CONSTANTINE ALEXANDER: And the issue here is whether or not it's an insubstantial change.

REBECCA SCHOFIELD: Exactly.

CONSTANTINE ALEXANDER: And the change that is substantial or insubstantial relates to height?

REBECCA SCHOFIELD: Correct.

MICHELLE APIGIAN: We had --

CONSTANTINE ALEXANDER: Anyone want to see the plans?

ANDREA HICKEY: I'll take one.

MICHELLE APIGIAN: So when we had been here many months back, we had requested relief on height. And we had specifically cited the different aspects that asked for that relief. But we'd asked for 58 feet. We've been approved for 58 feet. And we cited the Concord Ave. or the Concord -- the parkway overlay district which asks for -- which articulates 55 feet. Well, we didn't realize and didn't articulate was that deep down in that is there's

a specific subdistrict called the Concord Parkway Overlay District that says 50 feet, and we didn't cite that. We had asked for the 58 feet, we were approved for the 58 feet.

CONSTANTINE ALEXANDER: But the height of the building --

MICHELLE APIGIAN: The height of the building has not changed at all.

CONSTANTINE ALEXANDER: -- from what you proposed?

MICHELLE APIGIAN: It has not changed. We simply failed to mention that particular piece of zoning. We would just like to ask that be included.

CONSTANTINE ALEXANDER: The fact that you didn't alert us to the 50 feet --

MICHELLE APIGIAN: Correct.

CONSTANTINE ALEXANDER: -- is one of the possible requirements. But you haven't changed the size of the building.

MICHELLE APIGIAN: No, nothing has changed in the

size, the height, or the footprint.

CONSTANTINE ALEXANDER: Okay.

I would just point out, maybe you're not aware of -- I was looking through the code of Massachusetts regulations with regard to Comprehensive Permits, and there is a mechanism that you may be aware, that you can take -- if our Board were to turn you down, you can take an appeal to the State Housing Committee.

REBECCA SCHOFIELD: Yes.

CONSTANTINE ALEXANDER: Actually, you can't do that in Cambridge because we have more than the minimum required.

REBECCA SCHOFIELD: Right, it's the friendly 40B, yeah.

CONSTANTINE ALEXANDER: Friendly. But if you had to go, if you had the right to go before the Housing Committee, the regulations provide that you can amend your filing that you made before the Board which you're appealing

so long as it's not -- the Amendment's not substantial. So you can show something more to --

REBECCA SCHOFIELD: Okay.

CONSTANTINE ALEXANDER: -- the Housing Committee than you showed to us. And specifically it says that any reduction in height of the building or increase, I'm sorry, increase by less than ten percent is by definition insubstantial.

REBECCA SCHOFIELD: Okay.

MICHELLE APIGIAN: Good to know.

CONSTANTINE ALEXANDER: It's not quite on point of what you're saying, but lends further support to the notion that this should be, in my mind, should be an insubstantial change.

REBECCA SCHOFIELD: Great.

CONSTANTINE ALEXANDER: Comments from other members of the Board?

(No Response.)

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

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

(No Response.)

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

There is no correspondence in the file that I'm aware of. So, I'm going to make a motion that the relief being sought by the petitioner with regard to the height of the building, is an insubstantial change and therefore should be permitted.

All those in favor?

(Show of hands.)

CONSTANTINE ALEXANDER: Five in favor.

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

* * * * *

(7:30 p.m.)

(Sitting Members Case No. BZA-015594-2018: Constantine Alexander, Brendan Sullivan, Janet Green, Andrea A. Hickey, Patrick Tedesco.)

CONSTANTINE ALEXANDER: The Chair will call case No. 015594, 114 Inman Street.

Is there anyone here wishing to be heard on this matter? Floor is yours.

ATTORNEY JAMES RAFFERTY: Good evening, Mr. Chair, members of the Board. For the record, my name is James Rafferty with offices at 675 Massachusetts Avenue. I'm appearing this evening on behalf of the applicant 11 Development, LLC and seated to my left is -- to my right is Scott Shuster, S-H-U-S-T-E-R. This is an application that has had a significant amount of review because it involves the conversion of a nonresidential dwelling into dwelling. 114 Inman Street is the long-time home of the Portuguese Baptist Church built over 100 years ago. And the congregation has dwindled to the point where they've elected to sell the property. If you've had an opportunity to go by, the building is set very deep into the lot. It's a sea of asphalt in front of it, but there's also an attached single-family dwelling that's there as well, and that dwelling has served as the parish house or rectory for the

church.

Mr. Shuster looked at this opportunity and prepared an application, and the matter has been reviewed, first, by the Mid Cambridge Neighborhood Conservation District because it's in their district. And that was a helpful exercise. The proposal involves putting four units in the church and using the rectory as a single-family dwelling. In addition to approval at the Mid Cambridge Neighborhood Conservation District, the project sought and received a conversion Special Permit, a so-called 5.26 Special Permit that was specifically created at the time of the citywide rezoning was done in 2001 to facilitate the conversion of these kinds of structures. So it's a residential district, a C-1 Zone. The church represents a non-conforming use. This would bring the use into conformity.

As it turns out, even though the provisions of the Ordinance or the conversion Ordinance do allow for a

different formula for determining the number of dwelling units based on the square footage of the existing structure, in this case -- and in this case that church could accommodate five dwelling units. Mr. Shuster, after analysis with his architect, felt that a four-unit townhouse, tri-plex units would fit comfortably into the church. And we've spent a lot of time, had a series of meetings with neighbors who were obviously concerned about the density and wanting to understand the relationship to the surrounding structures, because the church itself has very narrow setbacks on three sides. So the design is largely occurring as the Ordinance suggests, is occurring within the building itself. And the Special Permit granted by the Planning Board authorized those changes as well as the overall composition of the lot.

The Variance issues arise on a couple of specific matters. From a GFA perspective, the church building is proposed to have dormers introduced into the third floor.

And if you had an opportunity to review the site plan, you'll see that these dormers really are going to allow for a use of the third floor for a master bedroom, and equally significant a form of egress to allow for a small area outside of the bedroom that will allow for air and light, but will also satisfy requirements -- what did you say that's called, Evan?

UNIDENTIFIED SPEAKER: A search and rescue opening.

ATTORNEY JAMES RAFFERTY: A search and rescue opening such that if the fire department were to arrive, it's a place where the ladders could go up. The dormers that accommodate that are only -- and there are two of them. They're only 31 square feet each dormer. But it represents additional GFA. So there are two of those in the plans. And then there were two other dormers that enhanced the liveability of the bedroom on the third floor. And each of those dormers represents 78 square feet. So in total, the

total collection of dormers in the church is only 216 square feet. But they have a significant impact on the circulation and liveability of the building.

CONSTANTINE ALEXANDER: Do the dormers comply with the dormer guidelines, the design?

ATTORNEY JAMES RAFFERTY: They do. I mean just below the 15-foot requirement.

CONSTANTINE ALEXANDER: Right.

ATTORNEY JAMES RAFFERTY: The egress dormer is smaller as well. I think the dormer -- for guidelines they do. I think the fact that there is two on one side --

CONSTANTINE ALEXANDER: I don't think that's an issue.

ATTORNEY JAMES RAFFERTY: That's not a guideline issue, right, right. But that's not a coincidence. We certainly designed with an understanding of the guideline and wanted to make sure the dormer didn't exceed that.

There's one other dimensional element and that's

in the rectory itself. The rectory has a funny L on the back of it, and a portion is being removed. I think we're removing about 100 or so square feet, and the net new at the rectory is only 98 square feet, but allows for much better circulation. But the overall GFA of the rectory is actually below what it is today. But once we take that portion of that L down, since it's non-conforming, we don't get the opportunity to put it back. I think what it really represents is the fact that these buildings and their size are just needing a bit of tweaking to make them code compliant and functional, and it's happening at a scale that's very consistent with the existing structures. We also were challenged by the number of parking spaces we needed to provide. We wanted to meet the one space per dwelling unit requirement. It was a very strong concern of the neighbors because of the demand for on-street parking in the neighborhood. So we have been able to design a layout. Originally we had the parking layout a bit differently. But

after meeting with the neighbors and design staff at CDD, we put together a three and two combination. One of the things that takes up a lot of space in the parking lot, if you've seen it, is the need for long-term bicycle storage. So we have these mini garages. So whether you own a bike or not, you're going to have this thing. And these will be condominiums. So it will be four in the rectory and one. So it will be a five-unit condo complex. But if you look at the site plan, once we place that thing there -- we didn't want to place it in the way it blocks the entrance to the church, because the church has a certain prominence. We wanted that to be the front door. And interesting -- the units, you can access them all from the interior, but each of them has access, direct access on to a patio. So it was noted by CDD in their commentary in the Special Permit case that the, they found that the three family dwellings that are being proposed here, are consistent with the City's housing policy to provide housing for families. And it was

commented on throughout the hearing process, that these -- if you look at them, these are all three-bedroom units. They have direct access to the outside. They have a little bit of balcony open space on the upper level. And similarly the rectory building will make a fine single-family house. So for all of those reasons, the dimensional relief associated with the parking has to do with the size of the spaces and the setbacks.

CONSTANTINE ALEXANDER: Well, it's in the front yard.

ATTORNEY JAMES RAFFERTY: Well, two of them -- yeah, some of them are in the front yard.

CONSTANTINE ALEXANDER: Sorry, I don't mean to interrupt you. Go ahead. Two in the front yard. There's also landscaping and screening requirements that you're seeking a Variance from.

ATTORNEY JAMES RAFFERTY: That's correct.

So the reality is the current condition has all

non-could be forming parking. No landscaping, parking in the front yard, tandem parking, you name it. So because we're changing the use, however, whatever grandfathering exists with that. So we are taking, there's significant improvements here, but frankly this -- the site is so constrained, and by the time we accommodate the bicycles in a clear pedestrian access -- so a portion of the lot has a sidewalk in it so that the pedestrians that will be going into the building won't conflict with the vehicles. We simply run out of room.

And we also wanted to create, and if you look at the lay of the parking lot, we also want to be able to create a circulation pattern to allow every vehicle to drive out, not to have to back out onto Inman Street. That was a big concern expressed to us by abutters across the street and elsewhere, is backing into that. It's fairly close to the corner. It's just in a lot or two, and it's a one way street but it's a well traveled street. So we initially had

looked at making the spaces more compliant, we could come in at an angle, but every one of those vehicles would have to back into Inman Street. And the consideration was that backing into Inman Street was less than ideal. So the hardship on the parking is related to really vehicular movement and safety and the ability to allow each of all five of those vehicles to drive out. So you are correct. We've cited in our application --

CONSTANTINE ALEXANDER: It didn't say anything in the application. You cited sections. You didn't cite the text, that's the reason I was puzzled. I didn't see anything in the file. It's all right. You covered it now, but you do cite the sections.

ATTORNEY JAMES RAFFERTY: Yes, we did cite the sections.

Well, we -- yeah, they involve the various sections, right. It's the front yard. It's the setback. It's the landscape requirement, and it's the buffering.

CONSTANTINE ALEXANDER: Yeah. There's no way -- the buffering I think I called screening in the Ordinance.

ATTORNEY JAMES RAFFERTY: Yes, yes, it is.

CONSTANTINE ALEXANDER: There's no way of putting some sort of screening on the area of the parking lot, the front yard parking?

ATTORNEY JAMES RAFFERTY: Well, contained within the Special Permit decision is a requirement for ongoing design review with CDD over that issue. Also fencing, whether it should be a more opaque fence or a more solid fence.

CONSTANTINE ALEXANDER: Right.

ATTORNEY JAMES RAFFERTY: So our expectation is, and we would ask the Board to consider if the Board saw fit to grant the relief, to allow for these ongoing design issues that the Special Permit provides for with CDD. And they go -- they're asking for consideration of planter beds

in the front yard, and the possible use of railings and a new curbside street tree if possible.

So a Special Permit case, particularly a conversion case, before you can get your Building Permit you have to get what's called a Certificate of Compliance. So the design staff gets one more look at how all of these issues got resolved. So our approach has been well, we don't know if we can get these parking spaces that we want, so we'll seek the relief to get the number of spaces and the locations we're proposing, and then we'll have final landscaping details approved as part of a design review at CDD.

CONSTANTINE ALEXANDER: Good. So it's going to be an ongoing dialogue, should we grant you relief tonight, in case you're not ready to put the shovel in the ground, you got to go back to --

ATTORNEY JAMES RAFFERTY: Yeah, which is standard in a Special Permit case. Right?

CONSTANTINE ALEXANDER: I know, I understand that.

I just want to get it on the record. Because --

ATTORNEY JAMES RAFFERTY: Yes.

CONSTANTINE ALEXANDER: I personally have concerns about the landscape or whatever you want to call it, landscaping. And I'm hoping that something will come up that will shield the parking lot from what -- from the street for the neighbors to some extent. It's just as you point out, it's just an asphalt lot right now. But that would make sense when you have a church. And you, you weren't worried, church parking's not there 24/7 church at a church, mostly Sunday mornings presumably.

ATTORNEY JAMES RAFFERTY: You know, I noticed that we had a more detailed landscape plan that emerged, and I'm not sure that that was in the file.

CONSTANTINE ALEXANDER: I didn't see this in the file.

ATTORNEY JAMES RAFFERTY: No.

CONSTANTINE ALEXANDER: That's not for our concerns.

ATTORNEY JAMES RAFFERTY: You can see there's ongoing efforts. There is a landscape architect. And we will need to get an approved landscape plan if you look at the text of the Special Permit in order to get the building.

CONSTANTINE ALEXANDER: This is yours. Thank you.

ATTORNEY JAMES RAFFERTY: Okay.

I think as I said for the reasons that -- the variances regarding the GFA, the hardship has to do with the existing structure and the desire to make it code compliant and habitable. They represent modest increases in a lot that's generally right size, but not necessarily for the uses that we're proposing here. So --

CONSTANTINE ALEXANDER: Was the church built to be a church originally?

ATTORNEY JAMES RAFFERTY: Yeah. It's had on addition to it. We reviewed the church at the Historic

Commission because I think as a matter of ecclesiastical architecture, I don't think it's going to win any prizes.

CONSTANTINE ALEXANDER: It looked like a converted single to me --

ATTORNEY JAMES RAFFERTY: I always thought the same thing. And I think we actually have -- Scott's been dealing -- the sellers of this property, the leadership of the church, many of them their parents, their fathers built it. And they talked, it was very much a working class project, built on weekends. And in fact I've asked Scott, he's agreed to give them some names to put a plaque in place. But it was -- and I jokingly said, I said I never heard of Portuguese Baptist. Every Portuguese I know I thought were Catholics. And he said, oh, no, there's a Portuguese Baptist community, not enough of them to keep it going. So what it's principally been used for, as you heard from neighbors, it's been leased out a lot to some Pentecostal denominations, and they've had a lot of Saturday

night social gatherings. It's a big cavern of space inside, too. So the neighbors welcomed us rather warmly.

CONSTANTINE ALEXANDER: I'm sure they did.

ATTORNEY JAMES RAFFERTY: Yeah, because these uses we think will be more compatible. So the crowd from Ryal's (phonetic) won't be coming down the street to dance here. But I hope we've covered it. And Mr. Shuster's a lawyer. So I always have to be careful with my presentation has addressed the legal issues.

Anything you wish to add?

(No Response.)

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

(No Response.)

CONSTANTINE ALEXANDER: Okay, thank you.

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

(No Response.)

CONSTANTINE ALEXANDER: Apparently not. We are in receipt of a number of letters of support. I'm not going to read them all. They're pretty much all the same as I recall.

ATTORNEY JAMES RAFFERTY: Yes.

CONSTANTINE ALEXANDER: Yeah, they're just --

ATTORNEY JAMES RAFFERTY: But they're all immediate abutters along both sides of the property.

CONSTANTINE ALEXANDER: I can't read some of the handwriting, so I'm not going to read the letters.

ATTORNEY JAMES RAFFERTY: But the addresses I would suggest are relevant.

CONSTANTINE ALEXANDER: You're right. But the letter says -- a number of people have signed. I should put that in the record.

(Reading) I have reviewed the plans proposed by 11 Development, LLC and met with its managers Scott Shuster in connection with the proposed development at 114 Inman

Street, and in favor of the plans and development.

Accordingly, I urge any City of Cambridge reviewing entity, including the Planning Board, Board of Zoning Appeals, or any other Board to grant the relief sought and allow this development to go forward.

And the signers reside apparently at 110 Inman Street. Looks like 107 1/2, must be Inman Street.

ATTORNEY JAMES RAFFERTY: Yeah.

CONSTANTINE ALEXANDER: It's hard to read. 111 Inman Street with a little note, no noise before nine a.m., please. We're not going to pass on that. But okay.

This one doesn't put -- this person didn't put her address. She just has an e-mail address. No address. But you can see the letters are all the same and they're all to the same effect.

118 James Street, etcetera, etcetera. And there's no, I didn't see any letters of opposition in the file.

I'm going to close public testimony. Discussion?

Or ready for a vote?

Andrea?

ANDREA HICKEY: I'm just looking for the parking plan in here.

CONSTANTINE ALEXANDER: When I reviewed it --

ANDREA HICKEY: Is there a plan that's called the parking plan?

UNIDENTIFIED SPEAKER: A-020.

ANDREA HICKEY: Okay.

UNIDENTIFIED SPEAKER: And it's to the right there on the bottom.

CONSTANTINE ALEXANDER: Yeah, lower right.

ANDREA HICKEY: Okay, got it.

CONSTANTINE ALEXANDER: You see the three parking spaces near the structure are code compliant in terms of dimensions. It's the two for quote/unquote compact cars that don't comply that require the Variance.

ATTORNEY JAMES RAFFERTY: So if you see that plan,

you'll see that area there where the long-term bicycle storage is taking place, and then we, we also had to accommodate on the left there is a sidewalk. And by the time we do that, we -- as I said, there is a more compliant plan that had angled parking, but it necessitated backing into the street. So that's kind of, even though -- so we're seeking the relief based on the ability to maneuver and drive out.

CONSTANTINE ALEXANDER: Okay?

ANDREA HICKEY: Okay.

CONSTANTINE ALEXANDER: We ready for a vote?

The Chair moves that we make the following findings with regard to the variances being sought, such variances being with regard to the increase in floor area and the departure from a number of our regulations, our provisions of our Zoning Ordinance dealing with parking.

That the first finding is that a literal enforcement of the provisions of the Ordinance would involve

a substantial hardship. Such hardship being that essentially the structure would continue, continue to be a non-conforming use, and inconsistent with the residential neighborhood. So what is being proposed today will deal with the fact that we're creating a structure, and an overall impact is beneficial to the city and more in compliance with our Ordinance than is the case right now.

That the hardship is owing to the fact that this is a very old structure predating zoning, and was not built to have five residential units with parking as now required under our Ordinance.

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

In this regard the Chair would note that this project will create five additional dwelling units for the City of Cambridge, while eliminate a non-conforming structure and seems to have unanimous neighborhood support

and support of the Planning Board with its Special Permit that's already been granted.

So on the basis of all of these findings, the Chair moves that we grant the variances requested with regard to parking and with regard to the size or the floor area of the structure on the basis that the work proceed in accordance with plans, numerous pages, prepared by Khalsa, K-H-A-L-S-A. And they're dated -- I need to find the date on these things. Anyway, they're here. -- anyway initialled by the Chair.

All those in favor please say "Aye."

ATTORNEY JAMES RAFFERTY: I think they're dated 11/2/17.

Mr. Chair, might the decision reflect conditions two and three in the Special Permit that the project shall be subject to continuing design review by the Community Development Department?

CONSTANTINE ALEXANDER: I assumed -- I would be

happy to do that, because it's good. But I don't think we need that because you're bound by that Special Permit.

ATTORNEY JAMES RAFFERTY: Right. But there's a potential conflict that this motion which links us to these sets of plans, if we change the layout of the parking or the landscaping, we might find ourselves with a slightly different site plan --

CONSTANTINE ALEXANDER: I see.

ATTORNEY JAMES RAFFERTY: -- I would suggest, nothing else.

CONSTANTINE ALEXANDER: Okay.

Let me revise the motion.

BRENDAN SULLIVAN: If you want to incorporate that by reference.

ATTORNEY JAMES RAFFERTY: Yeah, and particularly items two and three.

CONSTANTINE ALEXANDER: So in accordance with plans prepared by Khalsa, etcetera. But provided that to

the extent that some modifications of the plans are required by the Planning Board pursuant to conditions two and three of their decision allowing the project to go forward, that that -- the project is to proceed with these modifications and not with the plans we've just seen tonight.

All those in favor please say "Aye."

(Aye.)

CONSTANTINE ALEXANDER: Five in favor. Relief granted.

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

ATTORNEY JAMES RAFFERTY: Thank you very much.

* * * * *

(7:50 p.m.)

(Sitting Members Case BZA-015720-2018: Constantine Alexander, Brendan Sullivan, Janet Green, Andrea A. Hickey, Patrick Tedesco.)

CONSTANTINE ALEXANDER: The Chair will go on to our regular agenda. The Chair will now call case No. 015720, 36 Middlesex Street.

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

STEPHANIE TOURNAS: Stephanie Tournas, T-O-U-R-N-A-S, 36 Middlesex.

TIMOTHY BASS: Timothy Bass, B-A-S-S, 36 Middlesex Street, Cambridge.

WILLIAM SIMMERS: William Simmers, S-I-M-M-E-R-S, Eight Alpine Street, Cambridge. I'm the architect.

CONSTANTINE ALEXANDER: Mr. Simmers, I trust you

prepared these plans?

WILLIAM SIMMERS: Yes, I did.

CONSTANTINE ALEXANDER: They're not what we usually get in terms of detail. I think from my perspective sufficient. But if you come before us again, we need better plans than these.

WILLIAM SIMMERS: More complete plans?

CONSTANTINE ALEXANDER: Yeah, more detail and dimensions. These are just drawings basically.

WILLIAM SIMMERS: I thought --

CONSTANTINE ALEXANDER: But anyway, go ahead. I don't want to divert ourselves.

WILLIAM SIMMERS: Anyway, I'll let my clients speak to the reason why we're doing this, and then I will give some justification for that.

STEPHANIE TOURNAS: We're in an old house and we live on the third floor in the attic. We're looking to age in place, so we'd like to build a bedroom on the first

floor, just a first floor addition that would allow us to age in place but also allow both of our mothers who are still alive to live with us at the end of their years. That's the main thing we're trying to do.

CONSTANTINE ALEXANDER: So you basically need additional living space that would apply to anyone who owned the structure? Maybe they wouldn't have aging mothers or growing old in place, but you need more living space for your goals?

STEPHANIE TOURNAS: It's really to have a bedroom on the first floor when we can't do stairs. Because all the other bedrooms are on the second and third floors.

CONSTANTINE ALEXANDER: What I'm trying to get at is one of the basic requirements for a Variance is that if we enforce the Ordinance as written, it would cause a substantial hardship. And that hardship by law is not a hardship to you folks. It's to anyone who occupies the structure.

STEPHANIE TOURNAS: Okay.

CONSTANTINE ALEXANDER: So maybe the next occupant won't have aging parents or want to age in place. So I'm trying to frame it around the fact that you need additional living space.

STEPHANIE TOURNAS: Okay, would I agree with that.

CONSTANTINE ALEXANDER: I would hope so.

TIMOTHY BASS: I think that's right. We have -- the layout of the house is not easily -- wouldn't be easily reconfigured at all for a bedroom on the first floor, so that's what we're looking for. I think that it's probably something that a lot of people would like to have.

CONSTANTINE ALEXANDER: You said that you had your bedroom's on the third floor right now? How many bedrooms --

TIMOTHY BASS: We have a bedroom -- we have two bedrooms on the second floor, and there's also a bedroom on the third floor that we live in.

CONSTANTINE ALEXANDER: That you use?

TIMOTHY BASS: Yeah, that's right.

CONSTANTINE ALEXANDER: Okay. No bedroom yet -- right now no bedroom's on the first floor?

TIMOTHY BASS: That's right.

WILLIAM SIMMERS: I guess I prepared those drawings. I'm sorry they're not as complete, but I thought they had all the information that we needed to come before the Board. There are really two justifications for doing this:

One is sort of with following the by-law. It's a corner property, which strictly speaking means that it has two front setbacks.

CONSTANTINE ALEXANDER: Yeah.

WILLIAM SIMMERS: The exception to that is if -- you can come up to whatever your adjacent neighbors have built to.

CONSTANTINE ALEXANDER: Where is that? Where does

that exception come from?

WILLIAM SIMMERS: It comes from the by-law.

CONSTANTINE ALEXANDER: The issue you have, why you're here for a Variance is you have a structure that right now is conforming as to FAR, floor area ratio. It's at 0.471 in a 0.5 district. With this addition, you're going over.

WILLIAM SIMMERS: Yes.

CONSTANTINE ALEXANDER: And that's why you need a Variance.

WILLIAM SIMMERS: That's why I need the Variance. But I'm trying to give the reasons for that. Do you need me to go through anymore of the specifics of the --

CONSTANTINE ALEXANDER: Well, it's your -- you decide what you want to tell us.

WILLIAM SIMMERS: Well, I don't know what people have had a chance to look at.

CONSTANTINE ALEXANDER: I think you can assume

that our board members have looked at the plans. If not before, they're doing it right now.

WILLIAM SIMMERS: Okay.

In the by-law it says that you are allowed to come up to the front setback of your adjacent neighbors, even though it may be technically speaking non-conforming according to the -- to the zoning area. Now, the funny thing about this is that the side where we're heading, there is no other, there is no other house on that side of the street to align to. So there's no reference point for -- to establish the line. So it seems logical that one could come up to what the strict limits would be, which would be ten feet away from the property line which we have done as it's shown on the zoning.

The second reason is not one, is more of an environmental one, which is we're adding on the north side of the building. And we, as a result, we are not blocking anybody's view. We're on the corner. We're not blocking

anybody's light. We're not cutting down any trees. We're not -- in other words, we're doing really a minimal impact addition here. And as some of the neighbors, which we will present some letters that have been written they have no, they have no objection.

CONSTANTINE ALEXANDER: Do you have those letters?

TIMOTHY BASS: I just have -- let me just explain. Here's one letter from the person right across the street from us. So this is the person that would view our property the most.

CONSTANTINE ALEXANDER: Right.

TIMOTHY BASS: And we actually spoke with and also gave this little letter to all of the other neighbors on -- near us on Middlesex and everybody on Wilson, but we didn't hear back from anybody.

CONSTANTINE ALEXANDER: Have you heard any objections?

TIMOTHY BASS: No, we have not.

CONSTANTINE ALEXANDER: You just haven't heard, period.

STEPHANIE TOURNAS: Well, verbal -- just verbal approval but no letters.

CONSTANTINE ALEXANDER: Okay. But no verbal disapproval?

STEPHANIE TOURNAS: No disapproval.

CONSTANTINE ALEXANDER: Okay.

TIMOTHY BASS: I -- the only other thing I wanted to add is that our street Wilson is a private drive, private way, and our house runs, you know, at maybe 80 feet along the lot and everything runs about 80 feet along that. And I don't know about who exactly owns the rights to parking, but it's kind of like our spot along there. And so you can park up I think five cars along that as well as the on-street parking. So it means that if you had more people in the house because of the addition, I don't think there will be an issue with people trying to find a parking space.

JANET GREEN: That's a thought about something that might randomly happen in the future, is that what you're trying to address?

TIMOTHY BASS: I was just saying because he was saying that our zoning is for not only us but in the future.

JANET GREEN: Right.

CONSTANTINE ALEXANDER: Okay.

WILLIAM SIMMERS: I think that's it.

CONSTANTINE ALEXANDER: Questions from members of the Board?

(No Response.)

CONSTANTINE ALEXANDER: Apparently not. I'll open the matter up to public testimony. Is there anyone here wishing to be heard on this matter?

(No Response.)

CONSTANTINE ALEXANDER: Apparently not again.

We are in receipt of a letter that has been given to us by the petitioners. The letter is from Leslie,

L-E-S-L-I-E Lawrence, L-A-W-R-E-N-C-E. (Reading) I am unable to make it to tonight's meeting, but as the owner of 24 Middlesex Street on the corner of Middlesex and Wilson Ave., I want it on the record that I support the renovation project that Tim and Stephanie have shown me and explained to me. I know they will be considerate of me during the building process.

And then there's another letter that was distributed to neighbors seeking their support. Those letters were not signed and returned, but it's been represented to us that the people to the extent that any reaction, there was a positive oral reaction to it. And that's all we have.

Discussion or ready for a vote?

Ready for a vote.

The Chair moves that we make the following findings with regard to the Variance being sought, variances being sought. That a literal enforcement of the provisions

of the Ordinance would involved a substantial hardship.

Such hardship being that this is an older structure that in terms of its internal dimensional requirements and internal layout requires zoning relief whether it is for you folks or anyone else who occupies the structure.

That the hardship is owing to the fact that it is a non-conforming structure.

No, I take that back. Is owing to the age of the structure and its shape, which means that the relief being sought requires a Variance.

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

In this regard what is being done is to allow in this case for just the current petitioners, allow them to age in place in the structure. That would apply to anyone else who buys the structure.

It creates additional living space and improves

the housing stock to the city by adding one more bedroom to the structure.

So on the basis of all of these findings, the Chair moves that we grant the relief sought on the condition that the work proceed in accordance with drawings submitted by the petitioner and initialled by the Chair.

I just want to before we take the vote, these are the final, Mr. Simmers, these are the final version. If you change these, you're going to have to come back and get more relief or additional relief.

TIMOTHY BASS: Okay.

CONSTANTINE ALEXANDER: You understand that.

All those in favor say "Aye."

(Aye.)

CONSTANTINE ALEXANDER: Five in favor. Good luck.

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

* * * * *

(8:00 p.m.)

(Sitting Members Case BZA-015833-2018: Constantine Alexander, Brendan Sullivan, Janet Green, Andrea A. Hickey, Patrick Tedesco.)

CONSTANTINE ALEXANDER: The Chair will call case No. 015833, 592 Huron Avenue.

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

KAREN SOROCA: These are letters from our neighbors.

CONSTANTINE ALEXANDER: Thank you.

As you know, name and address to the stenographer.

DERICK SNARE: My name is Derick Snare, 158 Central Street, Somerville. I'm the applicant on behalf of Karen and Adam Soroca. I'm an architect.

KAREN SOROCA: Oh, and I'm Karen Soroca, S-O-R-O-C-A, from 592 Huron Avenue.

DERICK SNARE: And Karen is going to describe the project.

CONSTANTINE ALEXANDER: Floor is yours.

KAREN SOROCA: I mean, he's probably going to come in.

So the goal of our Variance application is to replace a tall unsightly back exit from our home and create a deck with a matching style from the front to the back to give both ourselves and possibly in the future, our parents that will be living downstairs, access to the yard. A lot of the homes around us have similar decks, and I think it makes it comparable in pricing. Moving forward, we're excited. We've been renovating the home for about two years. We bought it from a family that had owned it for almost 90 years. It had the original operator telephone room when we bought it. But we're excited to be done. But I think the thing that we're really missing in any family that would live in this house is that ability to really access the backyard and to enjoy it. And for our daughters to be able to like get out there and play and be a part of

that. We lived on Fayerweather for a long time and that was a big part of our lives, and we're missing -- we're really missing that.

So I guess, you know, in summary what we're trying to do is get rid of that mudroom exit in the back and replace it with a deck that's going to fit the look and feel of the house as it was originally built, and to integrate the fire escape. I have my kids and myself up on the third floor. We lived on the first floor forever. And it scares me. I want an easy escape if God forbid we need it, that to make it little prettier --

CONSTANTINE ALEXANDER: This is a single-family house, though?

ADAM SOROCA: It's a two-family.

KAREN SOROCA: It's a two-family. We rented it the first year. I mean, I don't think it matters, but my mom has some health issues and her and my father were kind of converting it back. So they have a unit on the first

floor when they decide to move up, so they'll live downstairs and we'll live on the second and third floor.

CONSTANTINE ALEXANDER: Okay.

KAREN SOROCA: Is where we're, you know, when they decide they need the help that is the plan. It's a two-family but connected if that makes sense.

CONSTANTINE ALEXANDER: Yep.

KAREN SOROCA: Did I miss anything, Derick?

We shared the plans with our neighbors. Nobody objected. I did hear you ask the question.

CONSTANTINE ALEXANDER: These are the letters --

KAREN SOROCA: -- ask the question. So the woman directly in back of us and the person directly to the side of us and one down, but nobody has objected in the neighborhood.

CONSTANTINE ALEXANDER: I'm sorry, nobody -- give me that again?

KAREN SOROCA: Nobody's objected. We talked to

all of --

CONSTANTINE ALEXANDER: I thought you said nobody has a deck in the neighborhood.

KAREN SOROCA: No, everybody has a deck in the neighborhood. And I look at them and I wish I had one, but anyway.

DERICK SNARE: And the only thing you haven't seen is that we now have a landscape plan which just, just gives as a reference to show that they're going to do a substantial improvement to the property.

CONSTANTINE ALEXANDER: Thank you. I appreciate that, but it's not necessarily relevant to the Variance. But okay.

DERICK SNARE: Yeah.

KAREN SOROCA: But it is exciting for us. I want a yard again.

CONSTANTINE ALEXANDER: Is there a duplicate copy of this letter?

KAREN SOROCA: Oh, did she duplicate it?

CONSTANTINE ALEXANDER: Looks that way.

KAREN SOROCA: Sorry. So there are three letters here.

DERICK SNARE: She duplicate it by hand?

CONSTANTINE ALEXANDER: It's not a photocopy.

ANDREA HICKEY: Feel the back of it.

KAREN SOROCA: She had just tucked it in my mailbox. I did not watch her write it.

CONSTANTINE ALEXANDER: Okay.

Anything else?

DERICK SNARE: No, I think that's the basics.

CONSTANTINE ALEXANDER: Questions from members of the Board?

(No Response.)

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

Is there anyone here wishing to be heard on this

matter?

(No Response.)

CONSTANTINE ALEXANDER: Apparently not.

We are in receipt of letters delivered to us by the petitioner. There is a letter from Joan Walther, W-A-L-T-H-E-R, 15 Park Avenue. (Reading) As the owner of the property at 15 Park Avenue, I approve of the plans for a deck at 592 Huron Avenue.

Where is Park Avenue relative to --

KAREN SOROCA: So our home, the backyard, her backyard touches ours. So she has the main view of the backyard.

CONSTANTINE ALEXANDER: We have a letter from Daniel Chung, C-H-U-N-G and Joseph Chart, C-H-A-R-T. (Reading) We live at 594 Huron Avenue, next-door, and write in support of the project presented by our neighbors Adam and Karen Soroca who live at 592 Huron Avenue. As their neighbors, we have watched with interest the sensitive

renovation that the Sorocas have undertaken to their home. They shared the plans for the renovation of the decks on the back of their home with us and we are happy to endorse the proposed plan. We feel the rear decks will be a wonderful addition to their home. We have no objections to the plan as proposed and encourage the Board of Zoning Appeal to approve the project.

And then lastly, we have a letter from -- tell me who this is. I can't read it.

KAREN SOROCA: I know. And I just met her. It's Joyce Ferra (phonetic).

CONSTANTINE ALEXANDER: That's all right. From Joyce. Her last is unintelligible. (Reading) My name is Joyce -- looks like Foyerstein (phonetic). It's on the first line. I reside at 600 Huron Ave., No. 1, and I am owner of unit No. 1 and unit No. 3. I support my neighbors at 592 Huron Ave. Your name. And they're seeking a Variance to construct a new deck at the rear of the

building. This request seems reasonable as all the other homes from the corner of Park Street and Huron Avenue to 602 Huron have altered their homes and did rear decks -- and added rear decks. The proposed deck is in no way impairing our neighborhood.

And that's it. Has anyone expressed opposition to you orally? I mean there are no letters obviously.

KAREN SOROCA: No.

CONSTANTINE ALEXANDER: Questions from the members of the Board? I'll close public testimony. Questions from members of the Board?

JANET GREEN: No.

CONSTANTINE ALEXANDER: Ready for a vote?

JANET GREEN: Yes.

CONSTANTINE ALEXANDER: This is the hard part.

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

That a literal enforcement of the provisions of the Ordinance would involve a substantial hardship. Such hardship being that access to the rear yard is not -- is desirable as it should be and limits therefore the use of the rear lot -- of the rear yard. And this problem would run to anyone who owns the structure in its current configuration.

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

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

In this regard the relief being sought improves the inhabitability of the structure by opening the rear yard in a better fashion than is the case now. It's consistent with other neighborhood decks and rear yard and use of rear yards, and seems to have unanimous neighborhood support.

So on the basis of all of these findings the Chair moves that we grant the relief being sought, the variances being sought, on the condition that the work proceed in accordance with the plans submitted by the petitioner, and each page of which has been initialled by the Chair.

All those in favor please say "Aye."

(Aye.)

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

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

* * * * *

(8:20 p.m.)

(Sitting Members Case BZA-015799-2018: Constantine Alexander, Brendan Sullivan, Janet Green, Andrea A. Hickey, Patrick Tedesco.)

CONSTANTINE ALEXANDER: We'll call our next case.

The Chair will call case No. 015799, 100
Cambridgeside Place.

Is there anyone here wishing to be heard on this
matter? Haven't seen you in a while.

RICHARD McKINNON: Nice to see you again. Every
four years I come by. Whenever you're ready.

ATTORNEY TIMOTHY SULLIVAN: Tim Sullivan, Goulston
and Storrs on behalf of the applicant and Rich McKinnon. So
here tonight -- Rich, if you want to give a brief intro and
I can pick up from there.

RICHARD McKINNON: My name is Rich McKinnon. I live at One Leighton Street in Cambridge, Mass., and I'm here on behalf of the Cambridgeside Galleria.

Mr. Chairman and Members, what you have tonight before you is an application for two signs on either side of the mall. It is part -- I've been their development consultant for 33 years, since we began it, and it's old. You know, it was tired and we had to do a major renovation of it. We did the interior last year, and now we're ready to do the exterior. So we have worked with our neighbors and the East Cambridge Planning Team and Ms. O'Hare and Ms. Hoffman, and others to try and develop a complete signage and lighting system. And we have gotten good support, good constructive ideas, and we've reached the point where we are down to these last two signs. And Tim is got the more appropriate explanation under the rules of variances, but if I could just show you the top page. I think it simplifies it.

ATTORNEY TIMOTHY SULLIVAN: The aerial view in your book.

RICHARD McKINNON: Yeah, the aerial view. And many of you are familiar with it.

The East Cambridge Riverfront Plan was meant to connect the City of Cambridge with its own river. And the canal was a central part of it. And so, we designed our building in concert with the plan. Part of that design was we put our main door on the canal. And then at the other end of the runway, we had our secondary door on what we donated as front park. We love that. The problem is from First Street and Land Boulevard you can't see in and see the front door or the back door. You drive right by them, Mr. Chairman and members.

And so we're always getting calls up there, our staff are, I'm out here but where are you? It happens all the time.

CONSTANTINE ALEXANDER: Really?

RICHARD McKINNON: And it doesn't do me much good to say, Oh, we're the brick building. So I mean in a nutshell -- the reason why -- by the way, this is part of a sign package which we reduced 4,000 square feet of signage from what was there before. Just took everything down and tried to start all over with the more coherent package. And we tried to avoid variances. And we tried to avoid variances. We tried to, as Chairman always reminds us, respect the code, and use the code as your guide. But we just thought for these two that it made the most sense, that our retailers really deserve some help in there. One of the interesting things about having an enclosed mall is the signage you don't have to put up with. There are 96 stores inside there, and they have a lot of signs, but the public doesn't have to deal with them. They're all on the interior.

So big view, that's why we're here, Mr. Chairman.

Thank you.

ATTORNEY TIMOTHY SULLIVAN: Thanks, Rich.

RICHARD McKINNON: Thank you.

ATTORNEY TIMOTHY SULLIVAN: So thanks, Rich.

RICHARD McKINNON: Thank you, Tim.

ATTORNEY TIMOTHY SULLIVAN: So the packet we provided we just wanted to do a couple of things just to give, you know, as Rich mentioned, there's a larger exterior renovation. These two signs are just -- the only two signs that are subject to relief. All the other signage that's being done at the project the signs are either --

JANET GREEN: We just need you a little closer to the microphone.

ATTORNEY TIMOTHY SULLIVAN: Sure.

The signs are either compliant or replacing pre-existing non-conforming signs.

PATRICK TEDESCO: They're not shown on the renderings, correct?

ATTORNEY TIMOTHY SULLIVAN: Only in context in the

proposed condition signs. So just wanted to show you the location briefly. The signs existing and proposed, talk a little bit about the relief that we're requesting, and why we satisfy the Variance.

So and I think the aerial that Rich spoke to is relevant here particularly with respect to the Variance requirements, as to wayfinding, identifying the project, what's going on inside the building, and visibility from, you know, Monsignor O'Brien Highway as well as Land Boulevard.

The locations of the two particular signs are shown on the context plan. So the first sign is on the corner of Land and Cambridgeside Place and shown in the red, that red area, the sign of course isn't the whole red area, but that's the general location.

The blue is on First Street and that's the location of the second sign. Just to orient folks to the areas that we're talking about.

So the first sign on Land Boulevard you can see the existing condition, the P.F. Chang's corner. That's the existing signage that's out there. How the building exists today. You can see that there's multiple signs as Rich mentioned. One of the effects of redoing the outside is to drastically reduce the number of signs, the overall sign area, and more consolidate. So you can see in the existing conditions, and then if you flip to the proposed conditions, there's much, you know, it's much cleaner, crisper fewer signs. The projecting sign is shown so the right of that image.

ANDREA HICKEY: So are those banner signs for the parking all coming down, those sort of cloth signs that are on the -- above the Macy's?

ATTORNEY TIMOTHY SULLIVAN: Yes, the proposed condition.

RICHARD McKINNON: The signs took on a life of their own like weeds over 25 years.

ANDREA HICKEY: Yes, I'm very, very familiar with the property and I never really liked those signs. But I do agree that on the sides where you're proposing the new signs, that they are needed because people don't know kind of what's behind the brick.

ATTORNEY TIMOTHY SULLIVAN: Yes, that is significant, a significant part of this.

RICHARD McKINNON: Thank you.

ATTORNEY TIMOTHY SULLIVAN: So then on First Street you can see the existing conditions and then, again, flip the page, the proposed projecting sign there as well.

So with respect to the relief that we're requesting from two sections, Section 7.16.22 for the total area of signage permitted on the lot.

CONSTANTINE ALEXANDER: What is the total area of the signage that you're seeking?

ATTORNEY TIMOTHY SULLIVAN: So the total permitted is 12 -- around 1200.

CONSTANTINE ALEXANDER: Yeah.

ATTORNEY TIMOTHY SULLIVAN: We're at 1700.

However, we're down from about 3400. Okay? So these two signs in the proposed condition are what would put us over. Otherwise everything we're doing is compliant. So that's why we're here for relief on the sign area. Even with that relief, we're well below what's out there today by, you know, over 1500 square feet.

And then we're also asking for variances from 7.16.22.B. the area of the projecting signs themselves. Or above that.

The number of projecting signs, we have two as opposed to one.

The height of the projecting signs, and the illumination.

CONSTANTINE ALEXANDER: Be a little more specific.

ATTORNEY TIMOTHY SULLIVAN: Sure.

CONSTANTINE ALEXANDER: The height that what

you're proposing is X and current. The code requires no more than Y. Fill in the blanks.

ATTORNEY TIMOTHY SULLIVAN: Sure. So the area is the allowed is 13 square feet.

CONSTANTINE ALEXANDER: Right.

ATTORNEY TIMOTHY SULLIVAN: We're proposing 423 on those signs when you look in the sign area.

CONSTANTINE ALEXANDER: Okay.

ATTORNEY TIMOTHY SULLIVAN: And with respect to the number, there's one allowed. We're proposing two.

The height is 20 feet, and we're -- one is the highest point is 51 feet and the other is 55.

And with respect to illumination, they're internally illuminated. That's which is not --

CONSTANTINE ALEXANDER: But you're probably not aware that a couple years ago P.F. Chang wanted a projecting sign and we turned them down.

RICHARD McKINNON: Right. And there's one off

just by itself. It's very difficult unless it's part of a, you know, reduction.

CONSTANTINE ALEXANDER: Just a passing comment.

ATTORNEY TIMOTHY SULLIVAN: I think there are a couple of different things, though, with the P.F. Chang's. So this is part of a larger signage program where we're drastically reducing the sign area and what's on the exterior of the building. P.F. Chang's is also one of the tenants that has an exterior facade. One of the main drivers behind having the signage is wayfinding and directing people not only to the project but to what's happening inside the building. And, you know, as Rich mentioned, you know, it's a brick building amongst a lot of other brick buildings with very little visibility from Monsignor O'Brien and from Land, and that's a key component of this. If you walk by the project, you can see that P.F. Chang's is right there. And, you know, it came up at the Planning Board last week, one of the members was talking

about why the projecting signage requirements were there, and he was saying is the 13 square feet that's in the Ordinance is really meant to guide a pedestrian who's trying to find as they're walking down the street a, you know, a location. And, you know, he noted that this isn't, that's not the case here. You know, this is really intended to identify a project for vehicles, for people coming out of public transportation nearby, you know, for people who are trying to find the project, not just the, you know, the Starbucks or the P.F. Chang's, whatever that, you know, little 13 square foot blade sign might be for.

RICHARD McKINNON: Also I think it was developed with more individual stores in mind rather than a large complex this size.

CONSTANTINE ALEXANDER: And when the mall structure was built, it was most of the buildings around it were not there, so it was easier to see.

RICHARD McKINNON: That's right. I should have

brought a picture. It's just, it's the parking lot, the old Lechmere sales, Warehouse Liquors. And that canal was like a mud flat.

JANET GREEN: Yeah, right.

RICHARD McKINNON: That's right. That's right.

CONSTANTINE ALEXANDER: Okay. So the world has changed around you which requires signage that's greater in terms of what you're proposing than our Ordinance requires?

ATTORNEY TIMOTHY SULLIVAN: That's right. That's right.

So just to briefly touch upon the requirements which are in the booklet I handed out, but just briefly, with respect to, you know, the substantial hardship to the applicant, you know, this is a center where everything's happening inside the retail, the restaurants. The majority of that is inside the center. You know, in a day where on-line is becoming very, you know, easy. To be able to direct somebody to the uses, to what's happening there, is

very important aspect of this project; the wayfinding, the identification. You know, without that there is a financial hardship on a center like this. The visibility from Monsignor O'Brien, from Land is a significant piece.

With respect to, you know, the particulars of the site, you know, as was mentioned, you know, we've had a lot of buildings build up around us. The visibility, you know, with Thomas Graves for example on one side and the canal and the separation from Monsignor O'Brien, there is a difficulty in finding this project given the nature of the neighborhood it's in and what it's doing.

And with respect to not derogating from the intent of the by-law or the detriment to the public good, in this case we've been to the Planning Board and they've unanimously recommended, not only supported, but recommended the granting of variances. We have spoken to neighbors, as well as abutters, and they've, you know, favorably supported it. And we're also --

CONSTANTINE ALEXANDER: And to me the East Cambridge Planning Team is important.

ATTORNEY TIMOTHY SULLIVAN: The East Cambridge Planning Team, yes, yes.

RICHARD McKINNON: We were there quite a bit to work with the bigger package. If I might just one thing about the two signs, they're not the same size. They were originally. And then the more we looked at it, especially with the neighbors, we said, you're really never going to be far away on the sign on First Street as you are on Land Boulevard which is Sixth, so that's why we cut the size of the sign down on the First Street side. That explains the difference.

ATTORNEY TIMOTHY SULLIVAN: So I think we're happy to answer any questions.

CONSTANTINE ALEXANDER: All right. Questions? Do we have any questions?

(No Response.)

CONSTANTINE ALEXANDER: No? Andrea.

ANDREA HICKEY: Yeah.

So when you first proposed these signs, were they even taller than what you have now?

ATTORNEY TIMOTHY SULLIVAN: Rich, that's a better --

ANDREA HICKEY: They seem a bit tall to me.

CONSTANTINE ALEXANDER: I think they are.

RICHARD McKINNON: Yes.

ANDREA HICKEY: Is this a compromise for what you --

RICHARD McKINNON: Oh, yeah, yeah. No, absolutely. Absolutely it was.

ANDREA HICKEY: So talk to me a little bit about sort of where you started and how you got there.

RICHARD McKINNON: They were much more illuminated. They were much bigger. They were I think 12 feet bigger. And, you know, once you sort of get the whole

thing set up, you bring it down, you project it up, the ones that is really ought to come down, start sticking out like sore thumbs. And these two -- you know, we had some -- much more signage that's now all within the law that got negotiated inside with no variances. But these ones I think at the end, the reason why the neighbors, and some others were supportive of it is it just made sense. These ones really were needed. But we tried to tailor, as I just said, the signs are different sizes to get the size to the size that was needed.

CONSTANTINE ALEXANDER: And when you made the changes, in response to whom? I mean, the original proposal you said has been scaled back --

RICHARD McKINNON: Right.

CONSTANTINE ALEXANDER: -- from what you have before us tonight. Just out of curiosity, who opposed what you originally were proposing so that led to this

compromise?

RICHARD McKINNON: I'll be very honest with you, Mr. Chairman, we've been --

CONSTANTINE ALEXANDER: Please do.

RICHARD McKINNON: Well, we also did the interior over, as some of you may know that have been there, and we've always looked at the ground floor as really a public street, because it -- it's part of the East Cambridge Riverfront Plan and it connects you from the canal through our building to Front Park to Charles Park and the river. There are all of these connections. So we started with them like two and a half years ago. They -- I think I've had 15, maybe 16 meetings with them, just sort of working through this. And so there was never a case of opposing and then come -- it was just working through and sort of piece by piece by piece. And Christine who is with us here, the architect, knows. I mean it's just, you know, things emerge. We have had a nice relationship with our neighbors.

We've tried to maintain it. We've tried to work hard with them. And so it's a little bit different than sometimes when I'm in other places where you present this and it's bad and you come back with that. This has been more step by step to be honest.

CONSTANTINE ALEXANDER: Okay.

Any other questions from members of the Board?

JANET GREEN: I don't have any.

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

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

(No Response.)

CONSTANTINE ALEXANDER: Apparently not. We are in receipt of a number of written communications. We have letters of support which I'm not going to read other than to say they are in support from the East Cambridge Planning Team.

From Cambridge Camping.

From the Salvation Army. I must say some of these letters in support are because of the charitable activities --

RICHARD McKINNON: They are.

CONSTANTINE ALEXANDER: -- conducted by the owners of the mall and not with respect to the merits of what's before us.

RICHARD McKINNON: Yes, that's true.

CONSTANTINE ALEXANDER: They're saying you've been good to us --

RICHARD McKINNON: That's true.

CONSTANTINE ALEXANDER: -- we'll support whatever you want to do. That's fine.

RICHARD McKINNON: That's right. So we took them in the good nature they were written, too.

CONSTANTINE ALEXANDER: We've got a letter from Urban Spaces, from the East Cambridge Planning Team, which I

personally put a lot of emphasis on because they are very diligent --

RICHARD McKINNON: They are.

CONSTANTINE ALEXANDER: -- and they're protective of East Cambridge.

We have a letter from Marie Saccoccio.

RICHARD McKINNON: Saccoccio.

CONSTANTINE ALEXANDER: Thank you. Saccoccio, S-A-C-C-O-C-I-O who resides at 55 Otis Street. (Reading) I would like to express my support for Cambridgeside Variance requests. As a lifelong resident of East Cambridge, I can attest to the fact that throughout the years Cambridgeside has been our best corporate neighbor from partnering and hosting and supporting neighborhood non-profits, including neighborhood churches, to offering free overnight parking during snow emergencies and various events. To be sure much has changed in the area over the past 30 years and huge development plans are already starting on First Street.

Signage 30 years ago seemed appropriate while lawful today, is no longer effective or even aesthetically appealing. A very good comment.

RICHARD McKINNON: She's an attorney, too, Mr. Chairman.

CONSTANTINE ALEXANDER: I see that next to her name Esquire. That's why it's a good comment.

We have a letter from Carol O'Hare. (Reading) As you know, I've long opposed unnecessary and unjustified zoning variances for too many, too big, too high and/or too bright signs -- and we do know that. But occasionally I've supported such variances. This is such a case. I believe Cambridgeside zoning variances for their two projecting signs are legally, practically, and aesthetically justified especially because they've committed that their signage package dramatically reduces the total number of signs and the overall sign area at the property. And you've dealt with that. And once more, they've done their homework

including by seeking and receiving input and support from the residential and business neighbors.

And that's it. So there is, as you said -- oh, there's one more thing. We have a letter from the Planning Board or a memo from the Planning Board, which I should read into the record.

(Reading) The Planning Board reviewed the projecting sign variances for Cambridgeside at the regular business meeting of April 17, 2018, and voted to support the requested variances. During the review of the submittal, the Planning Board discussed how these projecting signs would be visible and provide wayfaring information to pedestrians and drivers on Land Boulevard and First Street. The signs will serve to differentiate this brick building from the others in the East Cambridge triangle and identify the retail destination. The two signed locations are on two different streets of a large block. This is a unique situation and requires unusual signage to show the

different -- to show the location and entrances of the mall as well as the parking garage entrances. The Planning Board supports this application for the relief from the Sign Ordinance. And that's it.

I'll close public testimony. Any questions or comments from members of the Board?

JANET GREEN: No, I'm good.

CONSTANTINE ALEXANDER: You have anything further you want to say?

ATTORNEY TIMOTHY SULLIVAN: No, thank you.

RICHARD McKINNON: Thank you, Mr. Chair.

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

That a literal enforcement of the provisions of the Ordinance would involve a substantial hardship. Such hardship being that given the current streetscape in this area, there is a need for signage that was not necessary

when the building was constructed some 30-plus years ago.

That the hardship is owing to the fact that this is an older structure built at a time when it wasn't surrounded by other brick structures, including brick structure to the rear.

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

In this regard the Chair would note that it has unanimous support of the Planning Board, support of a number of organizations, and citizens of the city. And it's the final step in reducing actually the total area of signage on the outside of the structure. And in a sense it really declutterizes the structure as it is now, particularly on Cambridgeside Place.

So on the basis of all of these findings, the Chair moves that we grant the relief being sought on the condition that the work -- that the signs proposed will be

in compliance with the materials submitted by the petitioner and initialled by the Chair.

All those in favor please say "Aye."

(Aye.)

CONSTANTINE ALEXANDER: Five in favor. Relief granted.

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

RICHARD McKINNON: Thank you very much.

JANET GREEN: It was the best signage presentation. I never seen a signage petition with so much community involvement and listening.

* * * * *

(8:40 p.m.)

(Sitting Members Case BZA-015890-2018: Constantine Alexander, Brendan Sullivan, Janet Green, Andrea A. Hickey, Patrick Tedesco.)

CONSTANTINE ALEXANDER: The Chair will call case No. 015890, 605 Mount Auburn Street.

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

Okay, as you know, name and address to the stenographer, please.

ATTORNEY FRANZ STRASSMANN: Mr. Chair, members of the Board, attorney Franz Strassman, S-T-R-A-S-S-M-A-N-N, F-R-A-N-Z. Representing HAYG, Inc. To my right is our esteemed architect, Norman Kherlop. To his right is Grigor Mesrobian who owns the business, and his son is to the right of him.

So we're here to --for a Special Permit to put a

canopy over the existing gas pumps at 605 Mount Auburn Street. HAYG is Hayg Auto Repair, but it's a service station and a gas station, they do inspections. And Grigor Mesrobian has been in the business for 25 years. His son Sarkis is in the business with him. Went to Wentworth, graduated in 2014, business management, entrepreneurship and communications. They leased the station in 1999 and bought it outright in October of 2011. Mr. Kherlop to my right is 45 years of architecture and construction management. He was actually involved in the Chunnel project connecting England and France. And from a more immediate standpoint he designed my house and he also designed Mr. Mesrobian's.

So the canopy would serve three purposes:

Obviously one is functional. Just keeping the customers and the workers out the elements. Customers come in for inspections, they come in to pay bills, and things like that.

CONSTANTINE ALEXANDER: This canopy is over the

gas pumps. They come in for inspection, you go into the garage and you have your inspection.

SARKIS MESROBIAN: Right. Now the new mandates in Massachusetts we have to do everything. Customers have to park their car and walk into the office and we have to drive everything.

CONSTANTINE ALEXANDER: Okay, but you still don't need the canopy. They walk into the office, right?

SARKIS MESROBIAN: Well, the office is right in front of the gas pumps.

ATTORNEY FRANZ STRASSMANN: The canopy would connect to the -- there's a --

CONSTANTINE ALEXANDER: Oh, that's my fault, not your fault.

ATTORNEY FRANZ STRASSMANN: So that's three functions of one to keep the folks out the elements. Safety issues in terms of snow and ice that they can potentially slip on. And aesthetics, this is not a metal, sort of

rectangular canopy. Aesthetically it would be sort of a mansard roof that would conform to the existing roof. It would be wood and shingled complementary to the existing roof. There would be steel columns obviously but they'd encase those in wood.

And so in terms of sight lines it wouldn't have any impact on the sight lines currently.

CONSTANTINE ALEXANDER: Except what happens in the evening and the lights are on and the canopy? What's the glare going to be? What's the impact going to be in the evening?

ATTORNEY FRANZ STRASSMANN: Excellent question, Chair. They close at six. They're open Monday through Friday eight to six.

CONSTANTINE ALEXANDER: Really? Close at six?

ATTORNEY FRANZ STRASSMANN: You'll find them there later working on cars, but they stop with the gas. Eight to six --

CONSTANTINE ALEXANDER: The lights will be off on the canopy?

ATTORNEY FRANZ STRASSMANN: Lights will be off, absolutely. Eight to six. Saturdays, eight to two, closed on Sundays.

SARKIS MESROBIAN: Yes.

ATTORNEY FRANZ STRASSMANN: But, again, you'll frequently find them, especially this young fellow right there in there on Sundays. They're very, very hard working. I will say, you know, the neighbors may walk up for a cup of coffee. It's the cleanest bathroom you've ever seen in a gas station. They keep it clean. They keep it neat. Everything is painted. It's state of the art. They're very hard working people. A lot of pride in what they're doing, and the canopy certainly would help.

The neighbors overwhelmingly have supported. Sarkis had drafted a letter, which is in part of the packet there, sort of a petition explaining what it is that we're

trying to do. The neighbors have signed that. And importantly the CEO, President and CEO of Mount Auburn Cemetery has signed it as well.

As you're facing the building, 625 Mount Auburn Street is the commercial building, it's right next-door, the owner of that building has signed it as well.

So, given all of that -- and by the way, we, as you drive up Aberdeen, the sight lines won't be impaired at all. You can see the lights whether you're coming up or down Mount Auburn Street or you're going up Aberdeen Street, there's no issue. That it's going to be tall enough so that the -- a gas truck can get underneath it, or a U-Haul, that sort of thing. And there's no issues of lines of sight if you're driving down the street in terms of what you can see.

CONSTANTINE ALEXANDER: Let me just return to the issue of lighting. You're not going to own this gas station for the rest of your -- maybe for the rest of your life. But somehow someone else is going to own that gas station

and they might want to keep open late at night. Again, I want to return, is there any consideration given to the glare that's going to result? I'm just -- we've had -- let me just explain.

We had a case coming before us on -- at the end of Massachusetts Avenue where it's Route 16, the big Mobil station, and they wanted to put new canopies in, too. And the neighborhood -- there were some residences in the area, were very much opposed to the glare that's going to result. So much so that the gas station Mobil withdrew their application and not put in new canopies. Should we be concerned about at some point in time you're going to disrupt the neighborhood -- not you, but the owner of the gas station is going to disrupt the neighborhood by the excessive lighting resulting from the canopy?

ATTORNEY FRANZ STRASSMANN: I will say if you look at the photos, and they're included in there as well, if you're facing this photo where we're facing.

CONSTANTINE ALEXANDER: Yeah.

ATTORNEY FRANZ STRASSMANN: The canopy's coming out from Mount Auburn Street.

CONSTANTINE ALEXANDER: That's a good point.

ATTORNEY FRANZ STRASSMANN: To the left is the commercial building which is going to be closed at night. And to the right of it -- by the way, we have a letter from the gas station, which you would think they're in competition, they're in support of it as well. And so they -- if you look at these pictures, I think you'd find that first of all, the lights are going to be shining down. I understand what you're suggesting about glare. Behind the gas station is going to be blocked because it's going to be connected to the roof. So there won't be any glare there. To the 625 Mount Auburn Street side, it's a commercial building, it will be closed at night. To the other side coming across Aberdeen is the gas station. So I think that, and we would certainly make sure that the lighting is

adequate from a safety standpoint, but we would also direct it down so that it wouldn't create an issue. And certainly we'd welcome as part of your decision, language to the effect that it's not to disturb the neighbors.

CONSTANTINE ALEXANDER: I've thought about that and I can't come up with -- I'm not smart enough to come up with adequate language that would deal with that. I think we have to rely on the fact that you're going to live for a very long period of time.

JANET GREEN: He's a young man here.

CONSTANTINE ALEXANDER: He may move on to other things.

ATTORNEY FRANZ STRASSMANN: Let me tell you he's a gem. And he's, he got no intention of going anywhere. They bought this facility with the intention of being there. And here's a good picture. Which the picture that has the -- that has the canopy -- I'm sorry, it's the picture that has the canopy. If you look to the right, the

only -- the houses are down Aberdeen. I don't think that's going to be an issue. And we could certainly set it up in such a way that it would not be.

CONSTANTINE ALEXANDER: And across the street is the Mount Auburn Cemetery.

ATTORNEY FRANZ STRASSMANN: Is Mount Auburn Cemetery.

CONSTANTINE ALEXANDER: I don't think you're going to disturb any people there.

ATTORNEY FRANZ STRASSMANN: I wasn't going to go there. I figured I'd let you do that.

PATRICK TEDESCO: How tall is the canopy?

ATTORNEY FRANZ STRASSMANN: The canopy is 16.2 off the ground.

PATRICK TEDESCO: So it accommodates 18-wheel vehicles?

ATTORNEY FRANZ STRASSMANN: Yeah. 15.5 would be the height of those vehicles. We were more concerned not for

the fuel delivery trucks but for the students and the U-Hauls coming in and getting gas. And 15.5 is the height --

PATRICK TEDESCO: So it's higher than the mansard of the existing service garage?

ATTORNEY FRANZ STRASSMANN: It is, it is, yes.

PATRICK TEDESCO: I wonder, just a question to the architect, I mean there's nothing historical about this mansard roof. The mansard is making it appear even taller. Is it necessary?

ATTORNEY FRANZ STRASSMANN: Well, we cut that down -- it was actually taller initially. We cut it -- we wanted it to just be aesthetically pleasing and not be one of these flat metal roofs. I think at some point, and Norman can probably speak to that. At some point the mansard has to be a certain height for it to exist as a roof where you can put shingles on it and so forth, and maybe he can speak to that. Is your concern that it's too high?

PATRICK TEDESCO: I don't think it's necessary.

You described it as a means to be architecturally sensitive to the existing building. I don't think that's necessary.

I mean --

CONSTANTINE ALEXANDER: It's a gas station.

PATRICK TEDESCO: And neither do I think cladding the columns in wood is necessary. And I don't think they would take very much wear and tear either with cars bumping into them.

ATTORNEY FRANZ STRASSMANN: I suppose that's true.

PATRICK TEDESCO: If it's just an exposed steel column and you have to protect it from elements from corrosion, you know, I would consider something stronger, a metal column cover or something.

BRENDAN SULLIVAN: Put a bollard in front of it.

PATRICK TEDESCO: Or bollards or something.

JANET GREEN: Or what? I'm sorry, I missed that.

BRENDAN SULLIVAN: A bollard. You know, which is

like a round lolly-column if you will.

JANET GREEN: Okay.

PATRICK TEDESCO: These are not zoning issues. I don't think there's a height issue with the mansard.

CONSTANTINE ALEXANDER: And also along the same lines, it's also very large, the canopies. 32 feet by 24 feet 7 inches. That's a big area. Height and area. I mean, are you overbuilding this canopy?

ATTORNEY FRANZ STRASSMANN: The 32 is to cover the car that is going to be on the other side of the gas pump. And we, we went out there, the four of us, and kind of measured it off and said, okay, if cars are parked here, you know, and it's raining, are they going to be -- and we're sensitive to that. It wouldn't certainly impact the fellows who are pumping the gas because they're going to be on the inside of that. And then on the 24 feet, it just -- 24 kind of covers if you look at the -- sorry, this picture here. 24 extends out beyond the yellow but not by that much. I

mean, it's -- so it just seemed to -- those numbers seemed to work when we walked out there, we had measures tapes and we were kind of marking it off.

SARKIS MESROBIAN: It's essentially the size of the existing island where the gas pumps. So we based our decisions and planning off of that, well, okay, let's see, a car comes up from gas, he's going to be parked here. Is he exposed to the elements? No. So we can be this way. Is he exposed? Yes. So we have to be here. So we based off what the existing concrete and the floor was and built up.

NORMAN KHERLOP: The advantage of the larger cover was not only protecting people coming in in the vehicles, but also snow removal is a big problem in that area because the city, when they operate and move the snow, some of it comes into the section, and they have to right away clean it. And at that time, it affects the traffic on Mount Auburn Street. So protecting from snow during bad weather, it's all significance.

The other thing is they are paying a lot of maintenance cost to the pumps and to the valves and the inspection holes and shut off on the ground because the area is not well protected. So I think this year how much you paid for the repairing because of inclement weather?

SARKIS MESROBIAN: Yeah, last month in one month we had two bills for \$2,000. In one week the pump failed because it was exposed to water.

Last year we had what, two or three other ones? The average bill is about 800 to 1200 for motherboard. It takes 15 seconds to change.

NORMAN KHERLOP: But I do agree with our friend here, a more slick and simple canopy may be better. I mean, I think the owner's attempt is to make it look more residential, but I don't think it has to be and that's your call.

CONSTANTINE ALEXANDER: Well, it's not our call. Well, it might be our call if we say go back and redesign

and come back with new plans. If you feel that way,
Patrick?

PATRICK TEDESCO: Well, if other board members agree and feel strongly about it, I think just a simple modification. It's not going to look residential no matter what you do. It's got gas pumps in there. It's, you know, it's not a residential street.

JANET GREEN: But I really appreciate the thinking behind it. The thinking behind the neighborhood. The thinking behind how it will look. Trying to get all the details and -- I mean, it really matters when you have a family-owned business like this.

PATRICK TEDESCO: Sure.

JANET GREEN: You really think through it in a different way. It's like your person, not just your business.

PATRICK TEDESCO: Yeah, understand.

JANET GREEN: I think that's true. Although I

think what Patrick said, maybe about the depth of the cover seems to be mostly what you mean about it.

PATRICK TEDESCO: Yeah.

JANET GREEN: I mean the height has to be there because of the trucks coming in.

PATRICK TEDESCO: Sure, the height is the height.

JANET GREEN: The height is the height.

PATRICK TEDESCO: And then thinking about those columns are in clad is important. You know, maybe there's -- maybe there's -- as Brendan said, bollards around them where there's concrete, you know, they're encased in a concrete base that goes up a certain height where there's a party metal column cover. I think wood is not going to last. It's just between snow and salt.

ATTORNEY FRANZ STRASSMANN: Again, the thought was to the cemetery.

PATRICK TEDESCO: Yeah.

ATTORNEY FRANZ STRASSMANN: And my grandparents

are buried there. We all have -- it's a big cemetery. And we are sensitive to that. And, again, Sarkis went in and spoke with the President and CEO and who was very, very gracious and very, very nice.

CONSTANTINE ALEXANDER: Well, the point is, though, if we want to pursue this, we're going to have to ask them to come back with new plans.

PATRICK TEDESCO: I would throw the idea out there if other board members agree. If not --

CONSTANTINE ALEXANDER: I don't have any problem with it. I want to know how to frame when we get to the decision.

JANET GREEN: Is it a simple kind of decision, Patrick, that you're talking about, or is it something that would require them to go back?

PATRICK TEDESCO: It seems that the mansard slope can be made more steep, right? And the drop down a little bit, but, you know, if you're using a certain kind of

shingle that requires -- usually the limitations with shingles is this way. You know, so as long as you're -- as long as you've got some pitch.

BRENDAN SULLIVAN: Well, my thought is that it's not very Cambridge. Whatever --

CONSTANTINE ALEXANDER: Whatever that is.

BRENDAN SULLIVAN: Whatever Cambridge is. And maybe it should not be the standard. I don't have a problem necessarily with the size of the canopy. I don't have a problem with the lighting, because I think at a crossroads of Aberdeen and Mount Auburn at night a lot of lighting may be beneficial to it rather than having a darkish corner, even though there are streetlights. So, and I think the only one really affected by the lighting of this would be the house behind it and that's being shielded by the gas station itself.

CONSTANTINE ALEXANDER: Right.

BRENDAN SULLIVAN: Having a canopy will allow you

to have a fire suppression system which you don't have now. Will probably allow you to have self-serve as opposed to now you have to pump.

SARKIS MESROBIAN: Yeah, we want to stay full service, though.

BRENDAN SULLIVAN: Okay, at least it gives, it's the fire suppression that the canopy brings to the table.

SARKIS MESROBIAN: Yes.

BRENDAN SULLIVAN: That is probably very important.

My feeling when I first looked at this is would like to de-emphasize the massing, the bulk of the canopy and however, you know, we can achieve that. And I think maybe that's -- it seems a little bit out of place, out of character especially on a corner like that. And I would just like to de-emphasize the bulking, the massing of that canopy.

ATTORNEY FRANZ STRASSMANN: Sure.

CONSTANTINE ALEXANDER: I think from my perspective all those comments are very well taken. But the bottom line is we've got to continue the case, let them come back with new plans taking into account what you've heard.

BRENDAN SULLIVAN: And if you could go back and sort of rethink and, you know, take into what you've heard here, you may very well come back and say, no, we want to stick with what we have. Which is okay, that's fine. Or you may come back and say no, you know, we've tweaked it, we've rethought it, taken into consideration, you know, and then let us review that.

NORMAN KHERLOP: Could you make a decision like the height of the canopy should not be more than 16 inches? Because that's what we need structurally. And I don't know if you want to say whether it will be finished with painted steel or -- I mean, because it's not a major -- the concern is to make the mass smaller. It's about four feet now. So coming down from four feet making 16 inches, it's

significant.

CONSTANTINE ALEXANDER: The only thing is when we grant relief, for any project we tie it to plans or photos.

NORMAN KHERLOP: Yeah.

CONSTANTINE ALEXANDER: And if it's a matter of lowering the height, I would say we could use the plans you've given us subject to being --

NORMAN KHERLOP: At 16?

CONSTANTINE ALEXANDER: -- but there's more comments. We heard comments about the wood cladding.

PATRICK TEDESCO: I don't think we want to get specifics with dimensions.

NORMAN KHERLOP: Yeah. We haven't specified -- I haven't specified wood cladding to the columns. All we have are shingles. But what's typical in gas stations it's either they paint the steel column or they cover it with stainless steel, if they want to pay for it, or they encase it with concrete. These are the three options typically

most gas stations do. You may include that as a recommendation, whichever one is your choice. I mean, I'm just trying to simplify this process.

CONSTANTINE ALEXANDER: I understand that. I understand that I know exactly what you're saying. I trust you appreciate that this Board is in favor of granting relief for the canopy. The question is, is that our process is when we grant relief, we tie it to something specific, so that when the time comes to get your whatever you got to get from Inspectional Services, they will pull out the plans that we approved and they'll match it against what you've built. And I can't get there yet without new plans. I think there's enough comments that have been made that requires a new set of plans or photo simulations, what have you. Am I right?

PATRICK TEDESCO: Yes.

CONSTANTINE ALEXANDER: So, I think we need to continue the case to a time when you can present new plans

to us taking into account what you've heard tonight.

Those -- sir?

JOHN HAWKINSON: Mr. Chair, could I offer a brief comment?

CONSTANTINE ALEXANDER: Go right ahead.

JOHN HAWKINSON: John Hawkinson. I just wonder if maybe the Board would suggest to the petitioner that it might be a good idea for them to have a chat with either the Historical Commission staff or the Community Development urban design staff, not in any sort of binding way, but that those folks might have insightful comments about how to manage the design that might be a little bit more fulsome than what the Board can do.

CONSTANTINE ALEXANDER: That's a good suggestion.

JOHN HAWKINSON: Thank you.

CONSTANTINE ALEXANDER: You've heard it. And you should follow what Mr. -- what John is suggesting.

So --

PATRICK TEDESCO: Although it's not a requirement for the Variance?

CONSTANTINE ALEXANDER: No, not a requirement.

PATRICK TEDESCO: It's an option.

NORMAN KHERLOP: We may get some wild ideas out of it.

CONSTANTINE ALEXANDER: You disregard it. We're not saying you have to do what they tell you to do. You might get some further insight to help your case.

BRENDAN SULLIVAN: And you may come back with a couple variations --

CONSTANTINE ALEXANDER: Right.

BRENDAN SULLIVAN: -- of it and say, you know, this is plan A, this is B, this is C, you know. We would like B however, you know, and that's fine. It's just that this here appears to be out of proportion. You know, it's -- as you drive down there, you see that's a canopy, that's what you see. And to me that's just bulky.

PATRICK TEDESCO: And I would also add that if the height is driven by 18-wheeler vehicles, just make sure that the column spacing allows for them to maneuver. Because part of the reason it looks out of proportion is that it looks small compared to its height, so the height suggests the ability to move big vehicles, but the plan with all the columns in it, I would just ask you to double check that. Maybe have a traffic engineer test those turning radii because you can accommodate height, but if they can't turn off of Mount Auburn and make that turn around the column, you know, with a trailer --

NORMAN KHERLOP: The columns would be near the island where the gas pumps are.

PATRICK TEDESCO: Right.

SARKIS MESROBIAN: Right in the middle.

NORMAN KHERLOP: And that is steel protection there also. So I don't think the location of the columns can be an issue.

PATRICK TEDESCO: I would just advise you to double check them, because you don't want to rely on steel protection to protect you from the turning vehicles.

ATTORNEY FRANZ STRASSMANN: Right.

So the Historical Commission? And what the other office he mentioned?

CONSTANTINE ALEXANDER: Community Development.

JOHN HAWKINSON: Urban design staff.

CONSTANTINE ALEXANDER: They have a design staff.

JOHN HAWKINSON: Probably either/or is appropriate. I don't know if this is more Historical or more contemporary depending on which -- either one of those.

PATRICK TEDESCO: I think CDD will give you more practical recommendations.

CONSTANTINE ALEXANDER: Yeah, I don't think Historical would really have much to say on this.

ATTORNEY FRANZ STRASSMANN: Community Development.
Okay, great.

CONSTANTINE ALEXANDER: Now, let's talk about process. We continue the case tonight. You've got -- you're going to come back with new plans or drawings, maybe a number of them, and saying here are the three or two that we can live with. We prefer, as Brendan has said, we prefer No. 1, but these are the three. Those have to be in our files, whatever you're going to propose, no later than five p.m. on the Monday before the case will be heard again. And also you need to get the five of us there for the hearing. We have -- this is what's called a case heard. And we can't have other members sitting on the case any longer. We've gone too far.

ATTORNEY FRANZ STRASSMANN: Okay.

CONSTANTINE ALEXANDER: So, what -- how much time do you think you need? When would you like to continue this case to? And then we'll let you know whether the five of us can be here.

NORMAN KHERLOP: When is your next scheduled

meeting?

CONSTANTINE ALEXANDER: Next one is May 31?

SISIA DAGLIAN: Well, we have May 10th already has three.

CONSTANTINE ALEXANDER: I'm sorry?

SISIA DAGLIAN: May 10th has three continued cases and the 31st has one.

CONSTANTINE ALEXANDER: The 31st would be the one. You got to maintain the sign again for the 14 days. I think May 31st would be the date. If it works for everybody on the Board.

ANDREA HICKEY: That's fine.

NORMAN KHERLOP: We have to have the drawings in by mid May?

ATTORNEY FRANZ STRASSMANN: No, by Monday five p.m.

CONSTANTINE ALEXANDER: By five p.m. on the Monday before May 31st.

JANET GREEN: So the 28th.

NORMAN KHERLOP: May 28th.

ATTORNEY FRANZ STRASSMANN: And physically hard copies or online?

CONSTANTINE ALEXANDER: Hard copies.

ATTORNEY FRANZ STRASSMANN: Hard copies. Okay, sure.

JANET GREEN: So, Gus, are they're closed on Memorial Day on that Monday?

CONSTANTINE ALEXANDER: The Memorial Day is a week before, it's like the 25th or 24th.

JANET GREEN: Oh, is it? No, it says here the 28th. I have Memorial Day as the 28th.

CONSTANTINE ALEXANDER: Well, 31st has got to be a Thursday.

JANET GREEN: Yeah, that's right. So Memorial Day would be the Monday where we would have the plans in the office, and the office might be closed.

ATTORNEY FRANZ STRASSMANN: Friday.

CONSTANTINE ALEXANDER: It would be the Friday
before.

BRENDAN SULLIVAN: And they close at noontime.

JANET GREEN: That's the 25th.

SARKIS MESROBIAN: You guys have great hours. I
wish I had that.

ANDREA HICKEY: Not us.

ATTORNEY FRANZ STRASSMANN: You see what time it
is right now?

CONSTANTINE ALEXANDER: Can everybody make the
Board on the 31st?

JANET GREEN: Yes.

CONSTANTINE ALEXANDER: You understand what we're
doing?

ATTORNEY FRANZ STRASSMANN: Absolutely.

CONSTANTINE ALEXANDER: You can see where we're
going. And I guess don't draw any major negative comments

from what you've heard. Just we want to make sure it's done right.

ATTORNEY FRANZ STRASSMANN: Appreciate it.

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

One, that you sign a waiver of time for a decision. You have to do that because not deciding it tonight. Sisia will give you a copy of something to sign. Just simply a continuance.

Two, the sign that you have posted now, the advertising, you've got to take that sign and modify it or get a new one from ISD. Reflecting the new date, May 31st, the time will be seven p.m. And they have to be -- that sign has got to be maintained for the 14 days just as you maintained it this time around.

And lastly, as I've already said, any new plans, drawings, have to be in our files no later than noontime on

the Friday before May 31st. And that's because of the holiday which cuts you back a little bit.

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

(Aye.)

CONSTANTINE ALEXANDER: Five in favor. We'll see you on May 31st.

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

CONSTANTINE ALEXANDER: Thank you for your nice presentation.

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(9:10 p.m.)

(Sitting Members Case BZA-015893-2018: Constantine Alexander, Brendan Sullivan, Janet Green, Andrea A. Hickey, Patrick Tedesco.)

CONSTANTINE ALEXANDER: The Chair will call case No. 015893, 135 Garden Street.

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

ANDREW PLUMB: Good evening.

CONSTANTINE ALEXANDER: Good evening. Name and address.

ANDREW PLUMB: Sure, okay. My name is Andrew Plumb, I'm the architect from Aamodt Plumb architects. You want the address of the firm?

CONSTANTINE ALEXANDER: No, that's good enough.

ANDREW PLUMB: And the owner -- I'm here on behalf of the owner, Paula Chauncy.

PAULA CHAUNCY: Hi, my name is Paula Chauncy. And I live at 135 Garden Street.

ANDREW PLUMB: So tonight we're seeking Variance relief for -- to build a conforming addition to the second floor of a currently single-story residence at the corner of Garden and Fenno Street. And the reason for the request for the Variance is that we're seeking to add more than the 25 percent of floor area that's permitted under a Special Permit. And I assume -- has everyone had the opportunity to look at the drawings?

CONSTANTINE ALEXANDER: I think you're going to assume we did.

ANDREA HICKEY: Yes.

JANET GREEN: Yes.

ANDREW PLUMB: So I thought I would just sort of explain the project a little bit.

So the existing house is a single-story concrete block structure that was originally built -- do you recall?

DAVID ASHER: Early teens.

ANDREW PLUMB: Yeah, early 1900s.

CONSTANTINE ALEXANDER: What was the original --

DAVID ASHER: I'm David Asher, I'm with Aamodt Plumb Architects.

CONSTANTINE ALEXANDER: What was it originally for? That wasn't a residence.

DAVID ASHER: Cleansers and dyers.

CONSTANTINE ALEXANDER: Say it again?

DAVID ASHER: Cleansers and dyers.

JANET GREEN: Oh, like for dyeing material?

BRENDAN SULLIVAN: It was a dry cleaner in the front part facing Garden Street. Facing the side was a paint shop. Paden had a paint shop there. And then the dry cleaners went out and then the front part became a contractor shop. So there was a contractor and a painter

coexisting there for a number of years. And then that building was sold and then converted into a residence.

ANDREW PLUMB: So that brings us to today. And Paula is interested in adding a bedroom and bathroom on the second level of the house in order to have a little bit more living space.

We feel that the existing conditions of the site does create a hardship because of the fact that we're on the corner of two streets that meet at an angle, creating a trapezoidal plot, and therefore when you apply the setbacks, you basically have setbacks that are not parallel to the building structure and it sort of clips two of the back corners of the existing structure.

CONSTANTINE ALEXANDER: Your hardship really, also is the building was not built to be a residence and therefore needs modification to make it more amenable to residential use.

ANDREW PLUMB: Yes, yes, I would agree.

And we feel -- so what's being requested is to increase the square footage by a total of 836 square feet. The Special Permit would have allowed for the addition of, I think it was 500. And so what we're looking to do is sort of you create a modest addition that sits on top of the existing base, and we believe this is a benefit to the neighborhood because what's, you know, everything else is sort of two, two and a half stories, three stories, and this is sort of this one story exception to the fabric of the neighborhood. And so what we're doing is adding the second floor which brings the massing of the street to more in line with all of the surrounding buildings. And it's also justifying that second level to the corner which creates a buffer between the new construction and the adjacent properties and sort of strengthening that presence on the corner.

You know, the allowable FAR on the property is 3500 square feet and we're not seeking to use all of it.

It's simply to build a sort of appropriate additional amount of living space for Paula to kind of have a comfortable residence there. I think I more or less -- you know, I also just point out that we feel that the -- the existing architectural character of the neighborhood is mostly sort of wood siding and wood trim and, you know, this is obviously an exception with the concrete block. The addition will be made out of wood with wood siding and wood detailing. So we feel that it's sort of going to soften and integrate in a way the existing structure into the surrounding neighborhood more so than is currently there. It's kind of a very stark contrast right now.

CONSTANTINE ALEXANDER: Yes, it certainly is.

ANDREW PLUMB: I don't think I have anything else -- oh, sorry, last thing I'll just say is that, you know, we don't see -- it's important to point out that we're not actually requesting any dimensional relief.

CONSTANTINE ALEXANDER: Right.

ANDREW PLUMB: This is under the FAR. It's respecting all the current setbacks and building heights. And I think that's, that's basically the whole story.

CONSTANTINE ALEXANDER: Questions from members of the Board?

JANET GREEN: No.

CONSTANTINE ALEXANDER: None.

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

(No Response.)

CONSTANTINE ALEXANDER: Apparently not.

We are in receipt of some correspondence. We have an e-mail from Eileen Brody Burke, B-U-R-K-E. (Reading) I am writing to support the home improvement projects of my neighbor at 135 Garden Street. And Ms. Burke resides at 132 Garden Street.

We have another e-mail from I guess it's pronounce Dany, D-A-N-Y Adams and Joe Maguire who reside at 16 Sterns

Street. (Reading) I write to offer our wholehearted support to Paula Chauncy's plan to refurbish the structures on the roof of her house. The back of my house looks out on her roof so the changes will directly affect my view. She has made such improvements everywhere her hand has touched. I'm eager to watch the transformation of the frankly kind of odd-looking wedge that hovers over above my garden. Paula has been a terrific neighbor going above and beyond in many ways, and I believe that it is in everyone's interest to encourage her continued reservations. She has preserved the beloved quiriness of our crazy concrete bungalow while tastefully and thoughtfully improving the landscaping and the overall look of the street surrounding the house. It is a pleasure to walk by. We want to keep her happy.

And last we have a letter from -- it's a real letter from Sarah Gilbey, G-I-L-B-E-Y and Paul Thompson who reside at 140 garden Street. (Reading) We are writing in regard to the above case number, this one, which is our

neighbor's request for a Variance at 135 Garden Street. Cambridge to build a conforming addition of greater than 25 percent to a pre-existing non-conforming structure and to replace and enlarge existing shutters. Having seen the plans for the suggested addition, we would like to express to you our support for the proposed construction. And that's all.

Has anyone expressed any opposition? Any neighbors?

PAULA CHAUNCY: No.

CONSTANTINE ALEXANDER: All right.

Therefore, I'll close public testimony.

Ready for a vote?

JANET GREEN: Yes.

CONSTANTINE ALEXANDER: Ready for a vote. Good.

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

That a literal enforcement of the provisions of

the Ordinance would involve a substantial hardship. Such hardship being from the fact that this is a structure that was built not for residential purposes on a -- and located not -- on the lot, not with a view toward occupation by an individual or individuals.

That the hardship is owing to circumstances relating to the fact that this is a non-conforming structure in terms of our Zoning Ordinance, and so any relief, particularly the relief that's necessary, for what you propose to do requires zoning relief.

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

In this regard what is being proposed will improve the exterior appearance of the structure and the inhabitability of the structure all of which benefits the City of Cambridge and certainly benefits the neighborhood in general.

So on the basis of all of these findings, the Chair moves that we grant the variances you requested on the condition that the work proceed in accordance with plans prepared by Aamodt Plumb Architects and initialled by the Chair.

I'm going to be -- this is it. If you modify them, you have to come back.

ANDREW PLUMB: Right.

CONSTANTINE ALEXANDER: Understood?

All those in favor please say "Aye."

(Aye.)

CONSTANTINE ALEXANDER: Five in favor. Good luck.

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

* * * * *

(9:20 p.m.)

(Sitting Members Case BZA-015914-2018: Constantine Alexander, Brendan Sullivan, Janet Green, Andrea A. Hickey, Patrick Tedesco.)

CONSTANTINE ALEXANDER: The Chair will call case No. 015914, 14 Seagrave Road.

Is there anyone here wishing to be heard on this matter? You know the drill, but maybe you want to tell your clients, give your name and address to the stenographer.

LOUIS ERCOLANI: Hi. I'm Doctor Louis Ercolani, 14 Seagrave Road.

MAEVE McNALLY: Hi. I'm Maeve McNally, 14 Seagrave Road.

KEELIN ERCOLANI: I'm Keelin Ercolani and I live at 14 Seagrave Road.

ADAM GLASSMAN: Adam Glassman, GCD Architects, 2 Worthington Street, Cambridge. Good evening.

CONSTANTINE ALEXANDER: Good evening.

ADAM GLASSMAN: So we're here tonight applying for zoning relief.

JANET GREEN: If you can put it up. Yeah.

ADAM GLASSMAN: Okay. So we're here seeking zoning relief for four relatively small dormers and a small deck in the rear.

The purpose of the dormers is to increase or to improve their habitability on the second floor of their home where they have two bedrooms, one small full bathroom, very limited closet space. The three of them share the bathroom and we're just trying to increase the size of that. We have a young woman who is getting bigger and everyone needs a little bit more space.

We have a stairway without safe head height. So that one dormer serves to make that safe. We kept all the dormers in kind of symmetrical pattern grouped in the center of house.

CONSTANTINE ALEXANDER: And the dormer guidelines?

ADAM GLASSMAN: Meeting the dormer guidelines.

Have you seen the plans?

CONSTANTINE ALEXANDER: Yes. I want to get it on the record.

ADAM GLASSMAN: Yeah.

The existing house is non-conforming. We are increasing the gross square foot by about 120 square feet which is 0.03 increase in FAR. Very modest. And as second floor residents, they have no real direct connection to an outdoor space. So we thought we would create a very small one off the master bedroom.

CONSTANTINE ALEXANDER: A deck?

ADAM GLASSMAN: Not a party deck. It's very

small.

CONSTANTINE ALEXANDER: No. It's 90 -- roughly 90 square feet.

ADAM GLASSMAN: Correct.

And we think we've done this in the way that maintains the scale and character of the house in the neighborhood. We seem as far as we know have support from all abutters. Coowner of the house, which is the Cambridge Housing Authority.

MAEVE McNALLY: Correct.

ADAM GLASSMAN: Happy to answer any questions.

CONSTANTINE ALEXANDER: Questions from members of the Board?

(No Response.)

CONSTANTINE ALEXANDER: Anyone here wishing to be heard in on this matter?

JESSICA DAUSMAN: I am.

CONSTANTINE ALEXANDER: You have to give your name

and address.

JESSICA DAUSMAN: I am an abutter.

and --

THE STENOGRAPHER: Your name, please.

JESSICA DAUSMAN: Oh, Jessica Dausman,
D-A-U-S-M-A-N. And I'm on Kassul Park actually.

The deck would be level with my bedroom. And from
the plans that I saw, we've got straight sight lines from
their bathroom, I assume, which you'll have a curtain or
something in there.

CONSTANTINE ALEXANDER: Hope so.

JESSICA DAUSMAN: But, yeah. I mean if someone's
sitting on the toilet, hi there.

CONSTANTINE ALEXANDER: Are you in opposition
because of this deck?

JESSICA DAUSMAN: Yes, because I think that it
would interfere greatly with my privacy.

CONSTANTINE ALEXANDER: I thought it was an issue

with -- I appreciate your raising this. This Board generally is critical of decks for two reasons: One, privacy, which you've say is going to be a problem for you. And another is potentially noise. That's the party deck that I think Mr. Glassman referred to. I don't think there's a danger, in my view, of excessive noise. There are not going to be big parties out there. But there is a privacy issue.

How far away would you estimate your window that's directly --

JESSICA DAUSMAN: I have some photos.

CONSTANTINE ALEXANDER: Sorry?

JESSICA DAUSMAN: I have some photos.

CONSTANTINE ALEXANDER: Please give them to us.

JESSICA DAUSMAN: Where do you want me?

CONSTANTINE ALEXANDER: You don't have hard copies, you haven't printed them out.

JESSICA DAUSMAN: No. This is looking out my

bedroom window. Can you see that?

CONSTANTINE ALEXANDER: Right. That's -- =you're looking at the, you're looking at the house that's before us tonight?

JESSICA DAUSMAN: Pardon me?

JANET GREEN: That's the house that's in these plans --

JESSICA DAUSMAN: Yes.

JANET GREEN: -- that we're looking at.

JESSICA DAUSMAN: Yes.

CONSTANTINE ALEXANDER: And how far roughly can you estimate the distance?

ADAM GLASSMAN: I can tell you.

CONSTANTINE ALEXANDER: Please.

ADAM GLASSMAN: If she's in the rear, if she's the direct rear abutter, the deck would be 25 feet from the lot -- 24 feet and a half from the lot line.

CONSTANTINE ALEXANDER: And then do you have any

idea how far from your lot line on your side? Six feet, ten feet?

JESSICA DAUSMAN: Six feet, yeah.

CONSTANTINE ALEXANDER: So roughly 30 feet of distance between their house and their deck and your bedroom window?

JESSICA DAUSMAN: Yes.

CONSTANTINE ALEXANDER: That's not a very close distance in my view. But maybe.

JESSICA DAUSMAN: Oh, okay, well....

CONSTANTINE ALEXANDER: No, that's only my view.

JANET GREEN: So you're closer to the lot line than this house is?

JESSICA DAUSMAN: Yes. But as I said, it would be on the same level.

CONSTANTINE ALEXANDER: Right.

BRENDAN SULLIVAN: 30 feet is probably from here to that other piece of wood there. In other words, if you

came down there. So that would be the distance. It's about 30 feet away. This is probably close to a 30 foot --

JESSICA DAUSMAN: I wouldn't say that. I think it's closer. But if that's what the plans say.

JOHN HAWKINSON: 15, two-foot ceiling tiles.

BRENDAN SULLIVAN: Right. So this is 30 feet from this wood to that wood.

JESSICA DAUSMAN: Okay.

CONSTANTINE ALEXANDER: I'm just thinking in terms of invasion of privacy, how much more is being created by the deck? I mean right now people who are in the bedroom can look directly across. So I'm not -- I'm just trying to wrestle with how much of a problem is this.

ADAM GLASSMAN: I mean, I agree with you. And I would also say that appreciating her concerns, if we think about when the deck would be used and by whom. It's off a bedroom. It might be a place to have coffee on a weekend morning. It's not off a kitchen. It's not off a living

room. It's not very big. It might be more of a place for plants.

CONSTANTINE ALEXANDER: Okay.

BRENDAN SULLIVAN: You've obviously had not had any discussions with your neighbor?

LOUIS ERCOLANI: First time.

JESSICA DAUSMAN: I'm an abutter and I never got anything.

ADAM GLASSMAN: That's certainly an oversight, and, you know, regretfully, we didn't make contact.

CONSTANTINE ALEXANDER: I'm certainly puzzled because you've taken the time. You're affected. You've taken the time to come down and speak, and I hate not to give you more opportunity to speak with your neighbors about the project and maybe allay some of your fears. I hate to continue the case, too.

JANET GREEN: I guess, too -- I also have a little bit of trouble thinking of in an urban setting it's hard not

to have that. I'm just trying to think, I mean, not to make it personal, but out of my bedroom that's about how far I am into the house next-door. So I'm not -- I guess I pulled the curtains.

CONSTANTINE ALEXANDER: How important to this project is the deck? I mean you need the additional space, that's the dormers, that's not an issue. I'm just asking to make peace with your neighbors, would it make sense to abandon the deck?

ADAM GLASSMAN: Um.

CONSTANTINE ALEXANDER: I'm not saying you have to yet. But just trying to get to a compromise to see if we can get to a solution.

ADAM GLASSMAN: I guess in interest of being frank, I would say that the deck in some way could possibly be accommodated by-right if we pulled it six inches away from the rear side and possibly two feet from the left side. It wouldn't look as nice. How this impacts the relationship

with the neighbor, I think is up to the owners. But I would say there is a by-right way to get really close to what they want to do here. It just wouldn't, it wouldn't complete the footprint of the sun room and it would look possibly a little odd.

CONSTANTINE ALEXANDER: Right. So other members of the Board have any thoughts about this?

BRENDAN SULLIVAN: I'm sorry, what was your address again?

JESSICA DAUSMAN: 15 Kassul Park with a K.

BRENDAN SULLIVAN: Yeah, okay. So she's right here.

CONSTANTINE ALEXANDER: Yeah.

BRENDAN SULLIVAN: And this is the subject property, subject house here?

PATRICK TEDESCO: She would have been -- should have been notified by mail.

ADAM GLASSMAN: Could I make another comment?

CONSTANTINE ALEXANDER: Sure.

ADAM GLASSMAN: As someone who lives in Cambridge, I understand how change is often unsettling, any amount of change, and often we perceive encroaches into our space and that can change our experience, but I think usually or at least in this case, I think this is one that would probably be -- I think in this situation the fears might not be quite what is expected. It would really not be much different than what is already existing.

JESSICA DAUSMAN: Well, I also have concerns because the back side of your garage is shedding shingles into my yard, which I did leave a note for you guys last year.

CONSTANTINE ALEXANDER: I don't want to get into those issues.

JESSICA DAUSMAN: Yeah, no, I'm just talking about the upkeep.

CONSTANTINE ALEXANDER: Any thoughts from members

of the Board at this point?

I am -- I'd like to decide the case tonight. I don't think it's going to be possible unless we not -- we go ahead we approve the plans that have been presented. I don't think we're going to get any better approach to this project if we continue the case. I think it is what it is.

JANET GREEN: I'm comfortable with the plans as they are to be perfectly honest.

PATRICK TEDESCO: I would agree.

CONSTANTINE ALEXANDER: Okay. I feel the same way. But I'll let others talk.

PATRICK TEDESCO: Although I would ask, you know, if procedurally the abutter was not notified?

JESSICA DAUSMAN: No, I was not.

PATRICK TEDESCO: I mean --

ADAM GLASSMAN: There is a sign up.

CONSTANTINE ALEXANDER: But that's not enough. By law you're required to get notice, you're supposed to get

notice. But the fault is not you and your client. It's the Inspectional Services Department.

JANET GREEN: That's right.

BRENDAN SULLIVAN: Well, she's listed in the notifications.

ANDREA HICKEY: Yeah, receipt I think isn't a requirement.

BRENDAN SULLIVAN: Right.

ANDREA HICKEY: And if -- respectfully if she's on the list, then that requirement's been fulfilled. Sort of the sign is considered the backup.

BRENDAN SULLIVAN: How were you aware of the hearing?

JESSICA DAUSMAN: Because I got a note about the appeal. The notice public hearing blah, blah, blah, blah.

ADAM GLASSMAN: So she was notified.

PATRICK TEDESCO: That's what you would have gotten.

JESSICA DAUSMAN: Notice of public hearing regarding appeal.

PATRICK TEDESCO: Okay.

CONSTANTINE ALEXANDER: Okay?

I'm of a mind to take a vote tonight.

ANDREA HICKEY: I'm comfortable with that.

CONSTANTINE ALEXANDER: Everybody comfortable with that?

Brendan?

BRENDAN SULLIVAN: That's fine.

CONSTANTINE ALEXANDER: Okay, thank you for taking the time to come down. I trust you see we do take your comments seriously.

JESSICA DAUSMAN: I just, you know, I don't have any objections per se. I just want them to be aware of the privacy issues. I was just sort of taken back by this when I saw the plan.

CONSTANTINE ALEXANDER: I think they are very

aware as a result of your coming down.

LOUIS ERCOLANI: Sure, absolutely.

CONSTANTINE ALEXANDER: And I'm sure they will -- I hope they will as good neighbors take that into consideration.

I'm going to close public testimony. Just to get on the record we have some letters. A letter from Karen Downs and Kathryn, K-A-T-H-R-Y-N Killoran, K-I-L-L-O-R-A-N who reside at 15-16 Seagrave Road, unit No. 15. (Reading)

We are the owners and residents of 15-16 Seagrave Road immediately adjacent neighbors to the property at 14 Seagrave Road where the McNally/Ercolani reside. The purpose of this letter is to let the Board of Zoning know of our strong support for the proposed project, of the installation of four modest shed dormers and a small rear deck addition. These properly designed dormers will make the existing third floor habitable space safer and more functional while preserving the character of the building.

The proposed rear deck would be a useful and important amenity for their family. Louis, Maeve, and their daughter Keelin have been living on this street for more than 20 years. I trust you haven't been living for 20 years.

KEELIN ERCOLANI: Not quite.

CONSTANTINE ALEXANDER: (Reading) They take great pride in their neighborhood, and as is demonstrated by the planting trees and the immediate adjacent to Route 16. We know that the dormers will be aesthetically pleasing and will allow them to continue to live in this house. We are communicating with you because we believe that this project deserves to be supported.

A letter, too, from Tiequin, T-I-E-Q-U-I-N Roguerre, R-O-G-U-E-R-R-E and Hong Liu, H-O-N-G Liu, L-I-U who reside at 11-12 Seagrave Road. (Reading) I am writing this letter to give our full support to our neighbors -- I'm not going to mention the names again -- for their plan to add four modest shed dormers on the third floor and other

necessary remodeling work including the small rear deck.
Living in Cambridge is quite an enjoyable experience, and efforts to take care of building and making it more spatial and liveable are worthy of our support.

And lastly, a letter from Dean Petruzzi,
P-E-T-R-U-Z-Z-I from the Cambridge Housing Authority.
(Reading) As owner of the unit 13, 13-14 Seagrave Road condominium, the Cambridge Housing Authority supports the application of Doctor Louis Ercolani and Ms. Maeve McNally, owners of unit 14 of said condominium for permission to construct four shed dormers and a small rear deck at 13-14 Seagrave Road in substantially the same design and location as shown in the attached plans or schematics submitted with their application.

And that's it. So I'm going to close public testimony.

Ready for a vote?

JANET GREEN: Ready.

CONSTANTINE ALEXANDER: Okay.

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

That a literal enforcement of the provisions of the Ordinance would involve a substantial hardship. Such hardship being is that the structure is of a size that requires additional living space and improved access within the structure itself. And this would apply to any family that owns this structure.

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

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

So on the basis of these findings the Chair moves that we grant the Variance being sought on the condition that the work proceed in accordance with the plans prepared

by GCD Architects, the first page of which has been
initialled by the Chair.

All those in favor of granting the zoning relief,
please say "Aye."

(Aye.)

CONSTANTINE ALEXANDER: Five in favor, Variance
granted.

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

CONSTANTINE ALEXANDER: Good luck.

* * * * *

(9:35 p.m.)

(Sitting Members Case BZA-015930-2018: Constantine Alexander, Brendan Sullivan, Janet Green, Andrea A. Hickey, Patrick Tedesco.)

CONSTANTINE ALEXANDER: The Chair will call case No. 015930, 66 Antrim Street.

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

ALEX VAN PRAAGH: My name is Alex van Praagh. I live at 95 Antrim Street, No. 3.

CONSTANTINE ALEXANDER: Before I get into the case at all --

ALEX VAN PRAAGH: Yes.

CONSTANTINE ALEXANDER: -- because I want to avoid having a case heard, are you aware of our dormer guidelines?

ALEX VAN PRAAGH: Yes.

CONSTANTINE ALEXANDER: Why are you proposing dormer that's almost 19 feet long?

ALEX VAN PRAAGH: The dormer in question was presented on November 9, 2017, to you and the rest of the Board, and at that time I explained that it was trying to accommodate headroom on the one side of a stair that is descending from the third floor to the second floor, and on the other side is falling on a load bearing wall. And I acknowledged at that time that it was not in compliance, but that it was extending an existing dormer that was on the exterior wall, i.e. not in compliance, not setback. And it was also extending back in order to accommodate living space but also to work with the structure and make a code compliant stair. My presence in front of you today, tonight

is following a Zoning approval that reviewed the house, and this approval was recorded two months later. During the 20-day period, on the 19th day an abutter filed an appeal. This abutter made no objection throughout my course of trying to resolve things with him. I have subsequently met with him. He has suggested a solution. I have followed it. I have resubmitted the plans, and the dormer that you mention I have no defense on. It is indeed in violation of the guidelines, but I hope it is with good cause and I am trying to also meet the one neighbor who voiced concern.

CONSTANTINE ALEXANDER: Your neighbor wouldn't be concerned if you reduced the size of the dormer and complied with the dormer guidelines? That's not --

ALEX VAN PRAAGH: That was not the objection. It's not on his side of the house. The people on that side of the house wrote letters of support on my first hearing. I have letters -- I have a letter of support from the individual who filed the appeal. It's in my record.

CONSTANTINE ALEXANDER: Yeah.

ALEX VAN PRAAGH: And I can offer you a printout here.

CONSTANTINE ALEXANDER: I think you gave it to us. We have it in the file already. You sent an e-mail to Maria.

ALEX VAN PRAAGH: I did. I did.

CONSTANTINE ALEXANDER: Yeah.

ALEX VAN PRAAGH: Okay. That's the neighbor in question. I'm happy to present the modifications to the design or answer any questions that you may have upon having reviewed the drawings.

PATRICK TEDESCO: So, Gus, if I'm not mistaken, we approved the 19-foot dormer back in November?

CONSTANTINE ALEXANDER: No.

ALEX VAN PRAAGH: Yes. That dormer has not been touched.

CONSTANTINE ALEXANDER: Oh, I'm sorry.

PATRICK TEDESCO: I remember the debate and I remember talking about whether it --

CONSTANTINE ALEXANDER: I didn't remember that, okay.

PATRICK TEDESCO: It was not, it was not with, you know, great jubilation.

CONSTANTINE ALEXANDER: That I remember.

ALEX VAN PRAAGH: And I can respect that. And it was a four to one decision. And the one was -- that was against it noted that you buy this house, you get the house, you work with the house. This square footage is the square footage. What I didn't have the presence of mind to note at the time was that when I bought the house, the public listing of the square footage was over 300 feet less than what it actually was. So as the architect and owner, when I went to do the measured drawings, I ended up with a house that, that was no longer having that margin that I anticipated being able to add. I just mention that as a

point of reference for whatever it's worth.

I, I'm trying to be honest with what the house actually is.

CONSTANTINE ALEXANDER: Please.

ALEX VAN PRAAGH: And what the house actually is listed as when I filled out this form, is 300 -- it's 300 -- it's about 300 feet larger than what you'll see if you Google the house.

CONSTANTINE ALEXANDER: I'm trying to find it -- I looked at the dimensional form for the first case when you appeared.

ALEX VAN PRAAGH: Yes.

CONSTANTINE ALEXANDER: And I can't find it now with your dimensional form for this one. And you're asking for a bigger, more square footage. I want to understand that.

ALEX VAN PRAAGH: Yeah. So the design moved the room to away from --

PATRICK TEDESCO: Could you hold that up?

CONSTANTINE ALEXANDER: I can't see. You have to hold it up. Thank you.

ALEX VAN PRAAGH: It moved the third bedroom away from the abutter who was objecting. He said if you move it away from me, I'll be happy with that. But in order to make that work, it needed to be a dormered, a dormered bedroom. And that added square footage, because previously it was underneath a roof that was simply being extended to the back wall, and under five feet, that square footage doesn't count. And so, and so now there is some square footage that was added. But in effect it's the sort of similar footprint of rooms.

CONSTANTINE ALEXANDER: Is that dormer that you've now added the space to, dormer guideline compliant?

ALEX VAN PRAAGH: It's 12 feet, seven inches long. So it is in length. But it continues the line along the edge of the house so it's not in that regard.

CONSTANTINE ALEXANDER: Is it set back from the face of the --

ALEX VAN PRAAGH: No, it is, it is in line with the other dormer. It is not setback from the --

CONSTANTINE ALEXANDER: And it complies only in terms of length with the dormer guidelines?

ALEX VAN PRAAGH: Correct. And also where it meets the ridge. It's set down from the main roof ridge. It's a very low visibility part of the street. These neighbors are quite close, and I had concerns and I met with them. And it's a two-unit condo and I met with all of the people and they, they are in support of modification.

PATRICK TEDESCO: What's the dimension of the change?

ALEX VAN PRAAGH: Of this bedroom? No, it's actually slightly smaller. It's 12 foot seven inches by, let's see, it's 12 foot seven by 13 foot seven. That's including, including a closet and including a crawl space

that you can't use.

PATRICK TEDESCO: And there's a deck on the other side?

ALEX VAN PRAAGH: And there is. I was thinking more roof garden.

PATRICK TEDESCO: Was that there before?

ALEX VAN PRAAGH: No. That's a result of the massing moving, moving this way. I have the elevations as well.

PATRICK TEDESCO: And how does your abutter feel about that?

ALEX VAN PRAAGH: They -- I reviewed the elevations and plans with them and they are in support. They're okay with it.

These --

BRENDAN SULLIVAN: Gus, is the original case there?

CONSTANTINE ALEXANDER: Yes, here it is.

ALEX VAN PRAAGH: Would you like to see the elevations?

PATRICK TEDESCO: Yeah.

ALEX VAN PRAAGH: So the area that's clouded is the area that shows the new dormer.

PATRICK TEDESCO: Is that deck covered?

ALEX VAN PRAAGH: No, it's not. No. It would be just an open and, again, thinking more roof garden than deck. It's a south facing corner. Due south.

There's a door that, this is the bedroom and the door comes out onto the deck at this point. This is the, this is the new dormer and bedroom that's being pushed to that side of the house.

CONSTANTINE ALEXANDER: I would just comment for the benefit of the members of the Board, if we were to approve these plans, grant the relief, we have a letter or representation from the lawyer who representing the people who took the appeal the last time saying they'll drop their

appeal. So the case will be over.

If on the other hand, if we should turn down what you're proposing tonight, I assume that the appeal of the first case will continue.

ALEX VAN PRAAGH: Well, he needed to be presented with something and so I presented him with a concrete design --

CONSTANTINE ALEXANDER: Yeah, and he said with the design --

ALEX VAN PRAAGH: Yes.

CONSTANTINE ALEXANDER: -- with the approval of the Zoning Board, I'll drop my appeal on the prior case.

ALEX VAN PRAAGH: Yes.

CONSTANTINE ALEXANDER: I'm saying if we were to deny relief tonight, then you're back to the old case presumably which will go to a conclusion. And you might win the case.

ALEX VAN PRAAGH: No, no, I -- it's a year in

court and a hundred thousand dollars and I'll -- it's a no -- it's a non-starter for me. This is a -- I quite honestly had -- was pretty close to just washing my hands of the whole thing. I, I'm -- he came to me, he spelled out what he really needed, I responded. And if this doesn't work, then I'm -- the other case is dead.

ANDREA HICKEY: Can I see the old file for a minute, too, please?

PATRICK TEDESCO: Do you have the previous elevations?

ALEX VAN PRAAGH: The previous elevations?

CONSTANTINE ALEXANDER: We have it in the file.

PATRICK TEDESCO: I'm looking at the street.

ALEX VAN PRAAGH: I can pull them up on my laptop.

PATRICK TEDESCO: No, that's okay. I'm realizing that the deck that's been proposed is on the rear of the house, not on the street.

ALEX VAN PRAAGH: Yes.

PATRICK TEDESCO: Because you're doing this weird thing, you're carving out existing volume in the attic by pushing that bedroom back. Right? Point to the elevation of that new deck.

ALEX VAN PRAAGH: This.

PATRICK TEDESCO: No, the elevation. Front.
Nope. That right there.

ALEX VAN PRAAGH: The front? Yeah, okay.

PATRICK TEDESCO: The third floor deck.

ALEX VAN PRAAGH: This.

PATRICK TEDESCO: Right there. That's the deck you're proposing to your left, right?

ALEX VAN PRAAGH: Yes.

PATRICK TEDESCO: Today that's a full gable with room behind it.

ALEX VAN PRAAGH: It's a flat roof. It's -- the third floor doesn't extend this full length of the floor plate.

PATRICK TEDESCO: Okay.

ALEX VAN PRAAGH: So the proposal here, this volume is new. The current third floor --

PATRICK TEDESCO: Got it.

ALEX VAN PRAAGH: -- ends here.

PATRICK TEDESCO: Okay.

BRENDAN SULLIVAN: The 19-foot dormer if you were required to pull it back to 15 feet, I know it's not desirable, but what would be the grave impact?

ALEX VAN PRAAGH: I can pull it back and have sort of non-compliance on the headroom of the stair on this end, and I could pull it back here and --

BRENDAN SULLIVAN: You know, because structurally I know you said before that you wanted want it to line up with a bearing wall underneath.

ALEX VAN PRAAGH: Yeah, I was going to say I could always find a way to transfer the load.

BRENDAN SULLIVAN: The LDL's that you can --

ALEX VAN PRAAGH: Yeah, there are. It's also allowing a size -- it's -- it gives --

BRENDAN SULLIVAN: I mean, is it fatal to that whole thing? I know it's not desirable but is it fatal?

ALEX VAN PRAAGH: It's not, it's not fatal. It would drastically reduce the utility of the bed -- bathroom that the three bedrooms would share. It's not a large bathroom as it is. So this is, this is the dormer in question and it's accommodating the stair here and it's accommodating the shared bathroom here.

CONSTANTINE ALEXANDER: The problem I had with this, your project from the beginning, and this was commented on last time, is you want to do what you want to do and you're not amenable to some compromises like as far as the size of the dormer. That might not achieve everything you want, but it will at least get you by -- get you a zoning relief.

ALEX VAN PRAAGH: Okay.

CONSTANTINE ALEXANDER: You seem to be so inflexible about these things.

ALEX VAN PRAAGH: I don't mean to come across that way. I was going to present a design by-right to the Building Department and forget about the entire Variance. And the neighbor approached me and he explained that this is what he needed and if I did that, that it would work.

CONSTANTINE ALEXANDER: Well, if you have an as-of-right solution so what?

ALEX VAN PRAAGH: It's not as good.

CONSTANTINE ALEXANDER: From your perspective it's not as good.

ALEX VAN PRAAGH: No, okay, fine. There's always an as-of-right solution. It's, it's, I don't have to touch the house.

CONSTANTINE ALEXANDER: Right.

ALEX VAN PRAAGH: You know, the house is standing. It's a --

PATRICK TEDESCO: See, I'm not -- I think your neighbor did you a favor and that he backed you into a position where you're actually getting a better solution. You're getting a roof deck. You're getting, you know, a nicer bedroom. And you're not compromising on what was the previously most objectionable piece of the project which now has a 13-foot dormer right next to it. So you can't -- our objections about the 19-foot, even though I can understand it was approved, it stood alone on a long roof. Now it's got a 13-foot dormer right next to it. Plus you've added a deck and, you know, I don't object to the design. But I sort of agree with Gus and Brendan. If there's a way to make the 19-foot dormer comply with the width regulation, I would like to see.

CONSTANTINE ALEXANDER: The price you pay is not as desirable a bathroom as you like, but you'll still get a bathroom out of it. It's like the Rolling Stones said, "You can't always get what you want."

ALEX VAN PRAAGH: Yeah, right.

I'm trying to figure out, I don't -- is it possible for you --

BRENDAN SULLIVAN: What's the elevation look along that side?

ALEX VAN PRAAGH: May --

BRENDAN SULLIVAN: -- with the dormer. I'm looking for the drawing.

CONSTANTINE ALEXANDER: This is the current one. 19-foot dormer. Almost 19 feet.

ALEX VAN PRAAGH: I may be able to break up the 19-foot dormer so that it has a similar notch, so that it would be a series of three. I'm concerned that given the mechanics of how things are reviewed, I'm trying to reach a resolution.

CONSTANTINE ALEXANDER: So are we.

ALEX VAN PRAAGH: Yeah.

If I make a modification, is there any way to

approve it tonight?

CONSTANTINE ALEXANDER: It depends on what the modification is. But no, we've got to tie it to plans. This thing is -- and the plans you have before us are not going to have to be modified.

ALEX VAN PRAAGH: Well, I was trying to minimize the modifications. And so this was approved, and I didn't touch it. And the change was taking the mass here and moving it there. That's really the extent of the change.

PATRICK TEDESCO: Right. And I was inclined to say well, we approved the 19-foot dormer before therefore we should approve it. However, in thinking about it, the context has changed.

CONSTANTINE ALEXANDER: Yeah.

PATRICK TEDESCO: Right? It now has this other dormer that just complies right next to it. And so I don't know --

JANET GREEN: That's a tough one. Because I mean

it's reasonable to understand if it's been approved
before --

PATRICK TEDESCO: Yeah, I understand. That's my
dilemma.

JANET GREEN: Not be surprised if it -- you know,
would be approved again or you would expect that.

PATRICK TEDESCO: The same dilemma.

JANET GREEN: So he makes his plans according to
thinking that rather than, you know, trying to put something
over on us again.

PATRICK TEDESCO: I understand.

JANET GREEN: So it's just whatever.

BRENDAN SULLIVAN: Well, you know, it's a 19-foot
dormer plus a 12-foot -- 11-foot dormer.

PATRICK TEDESCO: Yeah.

ALEX VAN PRAAGH: I can assure you that I will try
and make it as aesthetically pleasing as possible for
whatever that's worth. This is a house that's coming on the

tail of many other renovations where I've transformed buildings really drastically for the better. And I've provided some images of that on my earlier case. It's also my own house and neighborhood that I hope to care for. It's also the least visible side of the house facing another roof.

PATRICK TEDESCO: All of your abutters have seen the new plans?

ALEX VAN PRAAGH: They've all seen the new plans and have no objections.

PATRICK TEDESCO: It's getting late.

ALEX VAN PRAAGH: Some neighbors would be here if it wasn't such a late hour.

CONSTANTINE ALEXANDER: But you suggest --

BRENDAN SULLIVAN: So you occupied the first floor, second floor, and third floor?

ALEX VAN PRAAGH: Yes.

BRENDAN SULLIVAN: And you have an apartment in

the basement?

ALEX VAN PRAAGH: Yes.

BRENDAN SULLIVAN: Is that long-term, short-term rental in the basement?

ALEX VAN PRAAGH: It's for friends and family and Airbnb.

CONSTANTINE ALEXANDER: Well, my view, I would be willing to back down on. But I'd like to see new plans that show -- that deal with the dormer issue, get it to -- even though last time around we let it go with a 19-foot dormer.

ANDREA HICKEY: The Board that sat then would let it go. I'm not sure that I was on that first case that I would have decided that way.

CONSTANTINE ALEXANDER: Okay.

ANDREA HICKEY: I think it's important to not say the Board.

CONSTANTINE ALEXANDER: You're right, thank you.

ANDREA HICKEY: It's the Board as then

constituted.

BRENDAN SULLIVAN: Four members of the Board.

JANET GREEN: I'm not sure about that. I mean it is -- I mean, somebody comes before the Board and it's not their -- I mean, we -- the different people sit, and we take our cases and continue them if they've got to be the same people --

ANDREA HICKEY: But this is a new case really as I see it.

CONSTANTINE ALEXANDER: Not really. It is, period.

JANET GREEN: Okay, so, yeah.

ANDREA HICKEY: In any event, I didn't mean to interrupt.

CONSTANTINE ALEXANDER: No, no.

Well, what's the pleasure of the members of the Board before we go through a vote? Do you want to -- take these plans with some modification?

BRENDAN SULLIVAN: Well, you know, my feeling in the last one, I was the dissenter, dissenting vote in the last one. And thought through what you were doing on the second floor, but then it was really you wanted a whole lot. And I didn't think it was necessary. I didn't think the 18.8 dormer or whatever it was. I didn't buy the line up with a bearing wall underneath with LVLs and anything else, you can do anything anywhere. And people come down before us all the time and they're 17-and-a-half-foot dormer, the 18-foot dormers, 19-foot dormers and they all have basically very good reasons for it, and we pull them back into that 15 foot corral. And I'm not convinced you can't do it in 15 feet.

ALEX VAN PRAAGH: I'm sure there's a way, and I -- as I said, you could, I could look at the series of three smaller dormers.

BRENDAN SULLIVAN: To get me from no before to maybe yes now, I think is going to be a redesign of that.

CONSTANTINE ALEXANDER: I think we need to continue this case.

BRENDAN SULLIVAN: Again, I'm just one.

CONSTANTINE ALEXANDER: No, you've heard my sentiment. I'm not happy. I didn't focus on the 19-foot dormer we approved the last time. It wasn't as much, but now under the context of what we're doing, I think it's time to do something to get those dormers back down to where our dormer guidelines should be. I think you need to put on -- put your thinking hat on again.

ALEX VAN PRAAGH: I could tell you a solution right now, three smaller dormers, but it's not going to work in this format to -- these are the plans that I got sign-off on and I presented them.

CONSTANTINE ALEXANDER: Your neighbor's not going to object. It's on the other side. Why should your neighbor have a problem? There's no time frame here.

ALEX VAN PRAAGH: Okay, I mean the time frame is,

is, I'm coming up on a year at this point of trying to get things done.

CONSTANTINE ALEXANDER: If we continue this case until May 31st, I think we have room on our calendar, and all five of us can be here.

ALEX VAN PRAAGH: Okay.

CONSTANTINE ALEXANDER: That's adding a month, roughly a month --

ALEX VAN PRAAGH: Okay.

CONSTANTINE ALEXANDER: -- to the schedule.

ALEX VAN PRAAGH: Okay.

CONSTANTINE ALEXANDER: You got to get your plans in a few days before and blah, blah, blah. The fact of the matter is we're not talking about six more months.

ALEX VAN PRAAGH: I could be heard on May 31st?

CONSTANTINE ALEXANDER: Right, Sisia?

SISIA DAGLIAN: Yes.

PATRICK TEDESCO: The plans have to be in the

Friday before.

CONSTANTINE ALEXANDER: Monday, that Monday before, it's usually Monday before. That's Memorial Day. It has to be in our files by noontime on the Friday before May 31st and that's because we close the offices of the city on noon on Friday.

ALEX VAN PRAAGH: Right.

And then it's 60 days to get the decision filed and then 20 days to for the appeal period?

CONSTANTINE ALEXANDER: The 60 days is flexible.

ALEX VAN PRAAGH: Is it possible that given the --

CONSTANTINE ALEXANDER: That's up to the staff who has got to write the opinions, and I don't know how quickly I can do it or not. I'm not going to speak for them. The 20 days is carved in stone.

ALEX VAN PRAAGH: I get that.

CONSTANTINE ALEXANDER: So maybe it would be less than 60 days, maybe not. Even if it is 60 days, why does

that make a big difference to you? I know you want to get the project done and the matter is you want to get it done --

ALEX VAN PRAAGH: Before, I want to do the exterior work before winter. I was hoping to do the exterior work before last winter. And my kids are starting high school next year. The whole point of the project is evaporating.

PATRICK TEDESCO: I'm sympathetic, but I mean you got sued one day left in the appeal period. You're about to get -- so....

ALEX VAN PRAAGH: Right. And I tried my best to consult with the neighbor.

CONSTANTINE ALEXANDER: I know you did the best you can. You got to remember when this project started, you had a lot of problems getting through the first case.

ALEX VAN PRAAGH: Sure.

CONSTANTINE ALEXANDER: You didn't follow this

guideline, and you didn't follow that. It's been a very difficult process for you certainly and for this Board. I think we need to get the plans right. I think we need to do as much as we can to comply with the former guidelines. I hear you and I'm sympathetic, but I would not support granting relief, me personally. Relief tonight. I think we need to see another set of plans that deal with the former guidelines, or if not tell, you come back and tell us we have to leave it the way it is, we'll hear you. But I think May 31st is the date.

Do other people feel the same way?

ANDREA HICKEY: Yeah.

ALEX VAN PRAAGH: Okay.

CONSTANTINE ALEXANDER: Okay.

The Chair moves that we continue this case as a case heard until seven p.m. on May 31st subject to the following conditions:

One, that the petitioner sign a waiver of time for

a decision. You've done this before. So you'll have to do it again for this case. You did it for the old case. And Sisia will give it to you right now.

Two, that the posting sign must be modified to reflect the new date and the new time, and is to be maintained for the 14 days prior to May 31st.

And lastly, any new plans, and I guess presumably there will be, or dimensional forms are going to be considered on May 31st, must be in our files no later than noon Friday, the Friday before May 31st.

BRENDAN SULLIVAN: May 25th.

CONSTANTINE ALEXANDER: May 25.

ALEX VAN PRAAGH: I would like to get you the drawings that you want, and can I focus on the dormers that have been in question and feel --

CONSTANTINE ALEXANDER: That's a fair question.

ALEX VAN PRAAGH: Feel that the --

CONSTANTINE ALEXANDER: From my perspective, yes.

If the dormers, focus on the dormers and solve our problems or reservations, yes. I don't think we're going to get it to any other aspects of the structure.

ANDREA HICKEY: Yeah, my only issue was the length of the dormer. I can't speak for --

CONSTANTINE ALEXANDER: And there's no time frame on your letter from the person who is suing you. So I don't think they'll care if you wait another month.

ALEX VAN PRAAGH: Time frame wasn't addressed on that --

CONSTANTINE ALEXANDER: No.

ALEX VAN PRAAGH: -- in that regard.

CONSTANTINE ALEXANDER: And you can explain or your counsel can explain to their counsel, that the Board wanted some consideration, some changes or consideration on the other side of the structure. So it really doesn't really impact his client. But that's -- we can't do this until May 31st.

ALEX VAN PRAAGH: Okay. I'll look at perhaps skylights also. I don't know --

CONSTANTINE ALEXANDER: It's up to you.

ALEX VAN PRAAGH: All right. I'm just trying to throw ideas out there to understand so I can get you guys what you --

CONSTANTINE ALEXANDER: Skylights have never been an issue to this Board and they're not privacy issue unless you're on an airplane looking down. I don't think we've gotten worked up on this, never in my time on this Board.

PATRICK TEDESCO: Thank you.

CONSTANTINE ALEXANDER: Take the vote on the motion.

PATRICK TEDESCO: That's right, I'm sorry. Sorry about that.

CONSTANTINE ALEXANDER: All those in favor of continuing the case on this basis?

(Show of hands.)

CONSTANTINE ALEXANDER: Five in favor. We'll see
you on May 31st.

(Whereupon, at 10:10 p.m., the
Zoning Board of Appeals Adjourned.)

* * * * *

ERRATA SHEET AND SIGNATURE INSTRUCTIONS

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

INSTRUCTIONS

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

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

C E R T I F I C A T E

COMMONWEALTH OF MASSACHUSETTS
BRISTOL, SS.

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

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

IN WITNESS WHEREOF, I have hereunto set my hand this 14th day of May, 2018.

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

My Commission Expires:
April 29, 2022

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