

BOARD OF ZONING APPEAL
FOR THE
CITY OF CAMBRIDGE

GENERAL HEARING

THURSDAY, JUNE 13, 2019

7:00 p.m.

In

Senior Center

806 Massachusetts Avenue

First Floor

Cambridge, Massachusetts 02139

Constantine Alexander, Chair

Brendan Sullivan, Vice Chair

Slater W. Anderson

Alison Hammer

Jim Monteverde

Maria Pacheco, Zoning Secretary

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3 Sitting Members: Constantine Alexander, Brendan Sullivan,
4 Jim Monteverde, Alison Hammer, Slater
5 Anderson

6 CONSTANTINE ALEXANDER: The Chair will call this
7 meeting of the Board of Zoning Appeals to order. As is our
8 custom, we begin with continued cases.

9 These are cases that were started on another date,
10 and for one reason or another, are pushed over to tonight.
11 And also, we have no continued case of that sort, but we do
12 have a request for an extension of time with regard to a
13 variance we have granted years ago -- well, not years ago --
14 but a while back.

15 And under the law, if the person doesn't act on
16 the variance within a specified period of time, the variance
17 lapses, and becomes effectively withdrawn.

18 But there is a mechanism where the petitioner can
19 request one six-month extension of the variance. And with
20 that, I'm going to talk about -- turn to that continued
21 case.

22 But first, I need to state after notifying the

1 Chair, any person may make a video or audio recording of our
2 open sessions, or may transmit the meeting through any
3 medium, subject to reasonable requirements that the Chair
4 may impose as to the number, placement, and operation of
5 equipment used, so as not to interfere with the conduct of
6 the meeting.

7 At the beginning of the meeting, the Chair will
8 inform other attendees at that meeting that a recording is
9 being made.

10 And I wish to advise that not only one, but two
11 recordings are being made. One is by our stenographer, to
12 assist her in preparing a transcript of the meeting, and the
13 second is by a citizen of the city who has left his tape
14 recorder on the front desk.

15 Is there anyone here, is there anyone else
16 planning to record, tape record, video record this meeting?
17 I guess not. Okay. With that, I am going to call this one
18 case.

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1 * * * * *

2 Sitting Members: Constantine Alexander, Brendan Sullivan,
3 Jim Monteverde, Alison Hammer, Slater
4 Anderson

5 CONSTANTINE ALEXANDER: It's a request for an
6 extension of time with regard to a variance that we had
7 granted. We have a letter from -- well, the case is on this
8 sheet. I'm sorry.

9 The case is Case Number 014099 - 140-142 Prospect
10 Street. And we have a letter from the architect of the
11 project. This is a project to replace an existing two-
12 family wood structure with 10 units of townhouses, similar
13 in scale as to its adjacent building, also known as Scouting
14 Way Apartments on 144-152 Prospect Street. With all that,
15 the letter is from their architect, Peter Martin: "I'm
16 writing on behalf of the Islamic Society of 1 Boston, to
17 request that the BZA grants a six-month extension of the
18 variance for the five townhouse developments of" -- I
19 thought it was going to be 10 -- "five townhouse
20 developments at 140 Prospect Street.

21 "At this time, bids are being prepared for the
22 project, making the possibility of meeting the building

1 permit acquisition deadline of July 11, 2018, unfeasible.

2 "The overall delay in moving the project forward
3 to meet the July 11 deadline has been due to a number of
4 factors, including the fundraising delays and the relative
5 scarcity of qualified general contractors to bid on the
6 roject, due to the current high level of construction in the
7 region."

8 CONSTANTINE ALEXANDER: Unless there's discussion
9 or objection, I'm going to move that we grant the extend.
10 All those in favor of granting the extension, please say,
11 "Aye".

12 COLLECTIVE: Aye
13 (Alexander, Sullivan, Monteverde, Hammer, Anderson.)

14 CONSTANTINE ALEXANDER: Extension granted. Now we
15 have to wait until 7:30 when we start --

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2 Sitting Members: Constantine Alexander, Brendan Sullivan,
3 Jim Monteverde, Alison Hammer, Slater
4 Anderson

5 CONSTANTINE ALEXANDER: The Chair will call Case
6 Number 017108-2019 -362 BROADWAY. Anyone here wish to be
7 heard on this matter? Name and address for the
8 stenographer, please? Yeah, that -- you speak, no, that is -
9 - you can do that or that; that's so the audience can hear.
10 Whichever you prefer.

11 DUNCAN MACARTHUR: I'm Duncan MacArthur, that's D-
12 u-n-c-a-n, M-a-c-A-r-t-h-u-r. I live at 255 Grove Street,
13 G-r-o-v-e, Cambridge, zip code 02138.

14 SILVANA SAWAYA: I am the architect, Sylvan, S-i-l
15 --

16 CONSTANTINE ALEXANDER: Did you give the spelling
17 of the name?

18 SILVANA SAWAYA: Oh, sorry.

19 CONSTANTINE ALEXANDER: Yeah, please.

20 SILVANA SAWAYA: S-i-l-v-a-n-a, Silvana, S-a-w-a-
21 y-a.

22 CONSTANTINE ALEXANDER: The floor is yours.

1 DUNCAN MACARTHUR: I'm just going to read to you
2 some notes I have here, and then it'll make it easier to go
3 through the trials you have, so.

4 This is obviously regarding 362 Broadway, which we
5 purchased in 2018, hoping to renovate -- we realize it was
6 in rough shape, but we were hoping to renovate the building.

7 After researching the building through Historical,
8 we discovered the building was originally built as a two-
9 story gable structure built in 1851.

10 And in 1970, a one-story flat-roof edition was
11 added to the rear, and in 1921, the entire building was
12 lifted a story to create a commercial space that was used
13 for a market on the first floor.

14 We removed some floorboards to assess the
15 foundation and discovered that the rear addition was built
16 on grade with no foundation at all, and the front part of
17 the building, which has a crawl space, is built on a level
18 foundation.

19 We then invited Sarah Birch and Charlie Sullivan
20 from the Historic Commission, and then Allison Crosbie from
21 the Cambridge Neighborhood Conservation District Commission
22 to tour the property.

1 At this meeting, it was wondered aloud if the
2 original structure could be preserved -- that's the two-
3 story structure -- while we're replacing and improving upon
4 the rear addition.

5 After pulling in an interior demolition permit and
6 gutting the building, we realized this building was actually
7 in worse shape than we had thought.

8 There was extensive rot and pest damage, damage
9 from the neighboring building that had burnt down, and
10 structural timbers and floor joists were grossly undersized.

11 I had some photos I didn't send you, but I could
12 pass around afterwards.

13 CONSTANTINE ALEXANDER: If you'd like.

14 DUNCAN MACARTHUR: Nevertheless, we brought in a
15 house-lifting engineer that we've used in the past. Both
16 the lifter and the engineer believed that the amount of work
17 required to stabilize the house would be monumental in scope
18 considering the size of the building.

19 And then the lifter himself felt that having this
20 structure teetering up 10 feet high in the air off the
21 curbing on a zero-lot line condition next to a public way
22 imposed risks that he was not willing to take, so he passed

1 on the job.

2 At this point, we thought the most prudent thing
3 to do was remove the building entirely and rebuild a new
4 structure, replicating pretty much what was existing, with
5 some improvements both structurally and aesthetically.

6 CONSTANTINE ALEXANDER: He will increase the size
7 of the building?

8 DUNCAN MACARTHUR: 250 feet.

9 CONSTANTINE ALEXANDER: Okay.

10 DUNCAN MACARTHUR: That's correct.

11 CONSTANTINE ALEXANDER: What means --

12 DUNCAN MACARTHUR: I'll go through that.

13 CONSTANTINE ALEXANDER: Okay, good.

14 DUNCAN MACARTHUR: Yep. Because we pushed and
15 pulled some things. May 6, we went in front of the
16 Cambridge Neighborhood Conservation Commission District
17 (sic) where we received a Certificate of Appropriateness.

18 So the things that are changing, and this, I'm
19 going to go through the diagrams. This building is about
20 eighteen inches taller than what is there now, and this is
21 mostly due to the fact that we're going to be using bigger
22 timbers, and bigger floor joists, and bigger roof rafters.

1 We are increasing the FAR 250 feet, which is
2 adding -- another thing we're doing is adding a gable over
3 the flat roof structure. So --

4 CONSTANTINE ALEXANDER: That brings your FAR
5 almost twice what is permitted under our ordinance, just for
6 the record's sake. It's -- you're substantially, when it
7 comes to FAR, will not -- for grant relief would not be in
8 compliance with our ordinance.

9 DUNCAN MACARTHUR: Correct.

10 CONSTANTINE ALEXANDER: Okay.

11 DUNCAN MACARTHUR: And in razing the building,
12 we're not in compliance with -- for parking, for FAR --

13 CONSTANTINE ALEXANDER: Yeah, and parking, that is
14 a special permit.

15 DUNCAN MACARTHUR: Right.

16 CONSTANTINE ALEXANDER: So you need more than one
17 set of relief tonight; you need variance, which is the
18 important one, obviously.

19 DUNCAN MACARTHUR: Right.

20 CONSTANTINE ALEXANDER: Granted, you will also
21 need a special permit for parking.

22 DUNCAN MACARTHUR: Mm-hm, okay. We added dormers,

1 functionality, and changed the configuration slightly of the
2 rear addition. So we actually reduced the footprint of
3 that, but we're increasing the FAR because we added a gable
4 to that.

5 So with that in mind --

6 SILVANA SAWAYA: I brought some drawings.

7 CONSTANTINE ALEXANDER: These are the same ones we
8 have in our files?

9 SILVANA SAWAYA: We can show it to you?

10 CONSTANTINE ALEXANDER: Yes.

11 SILVANA SAWAYA: Or show it to people?

12 CONSTANTINE ALEXANDER: Or both. If anyone in the
13 audience wants to see them, feel free to come up around and
14 take a look. Don't go too far, we're not going to be able
15 to see it.

16 DUNCAN MACARTHUR: So this is obviously the
17 existing building right here. There's no windows on this
18 side, because there was a building on the neighboring
19 property that had burnt down. So we have a zero-lot line
20 condition there, so for code reasons we cannot have windows
21 on that side.

22 This right here is the original structure that was

1 built into 1851. This sort of one-story flat-roof addition
2 was built in 1971, and then they raised the whole building
3 and added this floor in 1921.

4 I don't know when they added that, which -- so
5 there's two-story --

6 CONSTANTINE ALEXANDER: That's a corner lot. I
7 changed it for the record.

8 DUNCAN MACARTHUR: It is a corner lot; it is off
9 Broadway Terrace.

10 CONSTANTINE ALEXANDER: Broadway Terrace is almost
11 like a private way, but that makes it two front-yards, in
12 terms of your setbacks.

13 DUNCAN MACARTHUR: That's correct. And you can
14 see the drawings right here. So in talking with Cambridge,
15 one of the things they wanted, which we would do anyways, we
16 went over sort of two windows, trying to make them a little
17 bit historically correct.

18 As I said, the building is 18 inches taller here
19 than this, but that's mostly due to the build-up of the
20 floor joists that we're doing. We added this gable right
21 here, threw two dormers in the front, and this gable right
22 here, which is the gable over that, which tucks in behind

1 the rear, the front vehicle right there.

2 With these dormers right here, on this side
3 they're pulled back, so that we actually can get a little
4 light on this side, maybe three feet off the property line
5 at the point.

6 We're treating the siding slightly different, so
7 we're going to use the original clapboard that's on the
8 house right now on the part, just to sort of differentiate
9 those and sort of telegraph what happened over the years,
10 but just sort of keep this as it was originally, and then
11 we're going to use a flat board shiplap siding on the rest
12 of it when one does go by.

13 And it also helps break up this whole façade right
14 here, as opposed to just being one -- this is a trickier
15 façade on that side.

16 We've reduced in scope the sort of decks that are
17 on the back, and sort of making them more like balconies.
18 They will not have a roof over them. So in theory, that
19 would be included as FAR because if we look at the structure
20 right now, and in pulling that back --

21 CONSTANTINE ALEXANDER: How many residential units
22 would be there, if we grant you relief?

1 DUNCAN MACARTHUR: It will be one residential unit
2 and one commercial space on the first floor.

3 CONSTANTINE ALEXANDER: Okay.

4 DUNCAN MACARTHUR: Which is currently how it's
5 being used.

6 SILVANA SAWAYA: Exactly as it is now.

7 JOHN HAWKINSON: So I think you're just on the
8 edge of hard to hear.

9 DUNCAN MACARTHUR: Oh, sorry. I can repeat
10 everything, but I'm sort of almost done with my speech,
11 unless there's questions. Do you need me to go over it
12 again?

13 Stenographer?

14 CONSTANTINE ALEXANDER: I think he must have to --

15 UNIDENTIFIED: Keep going.

16 DUNCAN MACARTHUR: Okay. Well, that's kind of the
17 extent of it. I mean, the parking right now, you know,
18 there's a car that parks underneath this area right here,
19 maybe that's why it's extended.

20 So we're pulling that back, creating a little bit
21 more open space up now, if we're using that for the parking.
22 And that's the extent of --

1 CONSTANTINE ALEXANDER: For the variance. We have
2 to talk about the special permit as it relates to the
3 parking, which we'll get to --

4 DUNCAN MACARTHUR: Yep.

5 CONSTANTINE ALEXANDER: -- next.

6 DUNCAN MACARTHUR: Yep. So the variance is at 250
7 square feet above, correct; it's a lot more substantial.

8 CONSTANTINE ALEXANDER: And also, on setback
9 variances as well.

10 DUNCAN MACARTHUR: That's correct. And I can go
11 over that sheet, if you want to maybe do that at the end.

12 CONSTANTINE ALEXANDER: Not for my purposes. If
13 other members want; not for me, I'm happy. Questions for
14 members of the board? Comments?

15 SLATER W. ANDERSON: You mentioned the covered
16 porch in the existing. Did you include that in the FAR, in
17 the gross floor area in the cable?

18 DUNCAN MACARTHUR: Yes, we did. Yes.

19 SLATER W. ANDERSON: Okay, it is in there?

20 DUNCAN MACARTHUR: It is.

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

1 on this matter, on this case? Apparently not. Oh, I'm
2 sorry.

3 MIKE WITT: I'm --

4 CONSTANTINE ALEXANDER: Need you to give your
5 name, come up and read the name and address for the
6 stenographer

7 MIKE WITT: M-i-k-e W-i-t-t, 360 and 358 Broadway.

8 CONSTANTINE ALEXANDER: You're an abutter?

9 MIKE WITT: Yes. So I just wanted to say I like
10 what I see, and I don't have any real concerns about the
11 changes. I welcome seeing a new structure, and I -- the
12 only question that I have is if there is a dormer on this
13 side, which would be the 360-lot size, does that become an
14 issue if I was ever to build something on that lot?

15 CONSTANTINE ALEXANDER: On your lot?

16 MIKE WITT: I don't know why the proponent would
17 create a zoning issue from you? Windows?

18 CONSTANTINE ALEXANDER: If you build, and we have
19 a couple of those cases tonight --

20 MIKE WITT: Yeah.

21 CONSTANTINE ALEXANDER: If you wish to relocate
22 windows in a nonconforming setback --

1 MIKE WITT: Yeah.

2 CONSTANTINE ALEXANDER: -- you need zoning relief,
3 but that's your property alone.

4 MIKE WITT: Yeah.

5 CONSTANTINE ALEXANDER: No bearing on what his
6 property is.

7 MIKE WITT: So, no, I'm happy to -- I like what I
8 see, and I think it would be a nice addition.

9 CONSTANTINE ALEXANDER: Thank you for coming down.

10 DUNCAN MACARTHUR: Mike, you see now that those
11 windows are pulled back. That dormer's pulled back three
12 feet off the edge of the building.

13 MIKE WITT: Oh, so this --

14 DUNCAN MACARTHUR: Yes.

15 MIKE WITT: Oh, I see.

16 DUNCAN MACARTHUR: On this side right here, so
17 you're not right up against the building.

18 MIKE WITT: Okay.

19 DUNCAN MACARTHUR: It's back three feet.

20 MIKE WITT: Okay.

21 DUNCAN MACARTHUR: So even if you went right up
22 against the building, it's --.

1 MIKE WITT: Right. No, I think it would be a
2 really nice addition.

3 CONSTANTINE ALEXANDER: Anyone else? Sir?

4 ROBERT WINTERS: My name is Robert Winters, and I
5 live at --

6 CONSTANTINE ALEXANDER: Got that?

7 ROBERT WINTERS: It's easy to spell, R-o-b-e-r-t
8 W-i-n-t-e-r-s, and I live at 366 Broadway, so I'm one of the
9 closest abutters, perhaps, and then I just have to say that,
10 you know, with, you know, in a kind of a wild time where
11 people try and sort of mega-size everything, this was a most
12 pleasant thing to see.

13 It's just a modest change that's actually making
14 every effort to preserve what's good and make a better
15 building, a more practical building.

16 I'll also say that, you know, because I've been
17 living for 40 years on a mixed residential/commercial block,
18 where we see a lot of the mixed-use buildings being turned
19 to all residential, it's kind of nice to actually see the
20 preservation in the commercial frontage as well.

21 So I'm very genuinely supportive of this.

22 CONSTANTINE ALEXANDER: Good. Thank you again for

1 coming down. Anyone else who wishes to be heard? If not, I
2 will close public testimony. We have no letters in our file
3 from anyone, so we're all done in terms of the case, in
4 terms of presentation of the case. Discussion?

5 JIM MONTEVERDE: Let's see, I'm all set.

6 CONSTANTINE ALEXANDER: Oh, good. I'll make a
7 motion. We're dealing with the variance now; we'll get to
8 the special permit next.

9 The Chair moves that we make the following
10 findings with regard to the variance being sought, that a
11 literal enforcement of the provision of the ordinance would
12 involve a substantial hardship, such hardship being that
13 this is a very old building, 1850s. It is in very poor
14 condition.

15 And so, reconstruction, which is essential if
16 you're going to preserve the building, which I think the
17 city wants to have happen, and a building that's essentially
18 the same in appearance as the one that will be taken down,
19 that the hardship is owing to conditions relating to the
20 nature of the structure, as I mentioned.

21 The structure is in very poor condition, and can
22 only be rectified or made useable for the city by a

1 variance. And that variance -- desirable relief may be
2 granted without substantial detriment to the public good, or
3 nullifying or substantially derogating the intent or purpose
4 of the ordinance.

5 And I think in this regard, I would suggest that
6 there's no detriment to the public good; in fact there is a
7 benefit to the public good, because we're going to preserve
8 both a commercial and a residential space in a building that
9 no longer can be used for that purpose.

10 So on the basis of all of these findings, the
11 Chair moves that we grant the variance requested on the
12 condition that the work proceed in accordance with plans
13 prepared by Silvana Sawaya, Architect, dated 04/29/19. Now,
14 you've been here before, but I just wanted to repeat. These
15 are the final plans. If you modify them, you're going to
16 have to come back before us.

17 DUNCAN MACARTHUR: Mm-hm.

18 CONSTANTINE ALEXANDER: You understand that?
19 Okay. All those in favor of granting the variance on this
20 basis, please say, "Aye."

21 JIM MONTEVERDE: Aye.

22 CONSTANTINE ALEXANDER: Five in favor, variance

1 granted. The special permit?

2 DUNCAN MACARTHUR: So as I mentioned, the parking
3 before was sort of tucked -- well, I don't know if it's
4 relevant, since we're taking the building down, but
5 essentially, we're parking in a front yard setback. So we
6 need set relief from, because we don't have enough front
7 yard setback in that side.

8 CONSTANTINE ALEXANDER: That's true right now,
9 right?

10 DUNCAN MACARTHUR: It's true right now, yep. It's
11 the same situation. So right now, as I said, they're parked
12 underneath that. They park underneath the deck.

13 CONSTANTINE ALEXANDER: The reason I pulled this
14 out earlier, yes -- they said being on a corner lot, you
15 have two front yards, and you've got to meet the setback
16 requirements, and that's more burdensome usually for people,
17 but it's a justification, I think, for getting relief, the
18 relief you're seeking tonight.

19 DUNCAN MACARTHUR: Okay.

20 CONSTANTINE ALEXANDER: Now, you say in your
21 advertisement -- sorry, you refer to Section 2.16 excavate
22 basement. I couldn't find a Section 2.16 in our ordinance,

1 number one, and what's the excavation of the basement? Is
2 that related to the parking?

3 DUNCAN MACARTHUR: It's related to the commercial
4 space, because I think because this space is commercial, so
5 if we have a basement, if it's purely residential, we
6 wouldn't need that relief. But -- this is what I've been
7 told by Ranjit, because it's commercial space --

8 CONSTANTINE ALEXANDER: Right.

9 DUNCAN MACARTHUR: -- we need relief. Because the
10 basement's under the commercial space, we need relief for
11 that too.

12 CONSTANTINE ALEXANDER: So you're asking for GFA
13 exemption for your basement?

14 CONSTANTINE ALEXANDER: Yeah.

15 DUNCAN MACARTHUR: Correct.

16 CONSTANTINE ALEXANDER: Okay. I thought that's
17 what you were doing, but when I saw the -- I couldn't find
18 the section that provides it. But anyway, okay. So there's
19 -- are you going to use the basement for residential
20 purposes?

21 DUNCAN MACARTHUR: No, as a storage, storage for
22 the commercial space, yeah.

1 CONSTANTINE ALEXANDER: Because there's a
2 dishwasher. Your plans show a dishwasher in there.

3 DUNCAN MACARTHUR: It's for the first-floor use,
4 for them to be able to go down there. We actually have
5 somebody that would like to use this property, and they just
6 asked if they could do some dishwashing there.

7 CONSTANTINE ALEXANDER: There's not going to be
8 any stove or kitchen facilities?

9 DUNCAN MACARTHUR: No.

10 CONSTANTINE ALEXANDER: No Airbnb coming?

11 DUNCAN MACARTHUR: No, no.

12 CONSTANTINE ALEXANDER: I've got to have the exact
13 wording we've got to deal with. To grant you that special
14 permit with regard to the excavation of the basement, we
15 have to find that the uses occupying such -- the basement --
16 support the character of the neighborhood or district in
17 what the apropos lot is located.

18 So you're in a residential district now -- no,
19 you're in a business district?

20 DUNCAN MACARTHUR: Business.

21 CONSTANTINE ALEXANDER: Business Zone A-1, but
22 there are residential -- there's quite a bit of residential

1 use in the surrounding area.

2 DUNCAN MACARTHUR: Yes.

3 CONSTANTINE ALEXANDER: I'm a little puzzled why
4 you need zoning relief from the basement, in the basement
5 for a commercial building? Ranjit knows better than I do.

6 DUNCAN MACARTHUR: Yeah, this was -- Bruce Embry
7 was actually the attorney that wrote this up. He couldn't
8 be here tonight because we originally were trying to do this
9 two weeks ago, and he was double booked. So he was going to
10 be here, and he suggested I go sit down with Ranjit, and I
11 did, and he's the one that went through this.

12 CONSTANTINE ALEXANDER: Okay.

13 DUNCAN MACARTHUR: It was because --

14 CONSTANTINE ALEXANDER: And then technically the
15 relief for the parking, it was a setback?

16 DUNCAN MACARTHUR: Setback relief.

17 CONSTANTINE ALEXANDER: Setback from the street?

18 DUNCAN MACARTHUR: From the street.

19 CONSTANTINE ALEXANDER: Not from the building,
20 because you're not going to walk too close to the building.

21 DUNCAN MACARTHUR: Right.

22 CONSTANTINE ALEXANDER: Again, I'll open the

1 matter up -- we have no letters. I'll open that up to
2 public testimony. This is about the parking and the special
3 permit being requested. Anyone wish to speak on this
4 matter? No? Questions from members, or comments from
5 members of the board, and we're ready for a vote on this as
6 well. Ready? Okay.

7 We have to make a different set of findings with
8 regard to the special permit. The Chair moves that we make
9 the following findings with regard to the special permit
10 being sought, relating to the excavation of the basement and
11 the parking lot setbacks.

12 That the requirements of the ordinance cannot be
13 met without the special permit you're seeking tonight.

14 That traffic generated or patterns in access or
15 egress resulting from what you're proposing will not cause
16 congestion, hazard, or substantial change in established
17 neighborhood character.

18 And I think that's spoken to by the fact that use
19 of the building is going to continue as it was before, one
20 residential, one commercial, just a newer and better
21 building.

22 That the continued operation or development of

1 adjacent uses, as permitted in the ordinance, will not be
2 adversely affected by what is being proposed, and we've
3 already had testimony with regard to the variance from
4 people in the neighborhood who support the relief that's
5 being sought tonight.

6 That no nuisance or hazard will be created to the
7 detriment of the health, safety and/or welfare of the
8 occupant, of the use, or the citizens of the city.

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

13 So on the basis of all these findings, the Chair
14 moves that we grant the special permit requested, again,
15 subject to the plans we have requested, again subject to the
16 plans we approved right into the variance.

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

18 JIM MONTEVERDE: Aye.

19 (Alexander, Sullivan, Monteverde, Hammer, Anderson.)

20 CONSTANTINE ALEXANDER: Five in favor; relief
21 granted. Good luck.

22 DUNCAN MACARTHUR: Thank you very much.

1 CONSTANTINE ALEXANDER: Thanks again for your

2 time.

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Sitting Members: Constantine Alexander, Brendan Sullivan,
Jim Monteverde, Alison Hammer, Slater
Anderson

CONSTANTINE ALEXANDER: The Chair will call Case
Number 017117-2019, 117 Walden Street. Anyone here wishing
to be heard on this matter? No, no, wait a minute. You're
not a petitioner, are you?

UNIDENTIFIED: No.

CONSTANTINE ALEXANDER: Well then, you're not yet.
You'll have your time. Relax. Is there anyone here on
behalf of the petitioner? Going once --

SISIA DAGLIAN: There's a letter --

CONSTANTINE ALEXANDER: What?

SISIA DAGLIAN: There's a letter --

CONSTANTINE ALEXANDER: Oh, the request for a --
oh, I didn't know that, I'm sorry.

SISIA DAGLIAN: Yeah, that's it.

CONSTANTINE ALEXANDER: We have a request from the
petitioner to continue the hearing to a later date, ideally
the eleventh of July, but let me know what is doable with
your schedule. And this letter is from Matt Hayes, who I

1 assume is the party in interest? Yes, the petitioner.

2 We generally -- okay, let me -- relax. We
3 generally grant requests for continuances, particularly -- I
4 mean the first time around. If there is neighborhood
5 interest in the case, as there obviously is, we try to pick
6 a date that works for everybody -- not only the petitioner,
7 and the petitioner has requested July 11 -- but the
8 interested parties in the neighborhood.

9 How about July 11, would that work for you folks?

10 Okay.

11 JIM MONTEVERDE: Thursday.

12 CONSTANTINE ALEXANDER: Oh, Thursday.

13 JIM MONTEVERDE: Always a Thursday.

14 CONSTANTINE ALEXANDER: We only meet on Thursday.

15 Okay, the Chair moves that we continue this case as a case
16 not heard. The relevance of that is that if any five
17 members of the board can sit on the date if someone -- let's
18 say Mr. Monteverde can't attend, someone else can sit in his
19 place. We never started on the merits of the case.

20 So the Chair moves that we continue this case as a
21 case not heard until 7:00 p.m. on June 11.

22 JIM MONTEVERDE: July.

1 CONSTANTINE ALEXANDER: July 11 -- July 11,
2 subject to the following conditions.

3 1) That the petitioner signs a waiver of time for
4 decision. Since he signed -- has he signed a waiver yet?

5 SISIA DAGLIAN: I haven't seen it.

6 CONSTANTINE ALEXANDER: Okay. He'll have to do
7 that?

8 JOHN HAWKINSON: Are you sure? I'm pretty sure
9 it's in the file.

10 CONSTANTINE ALEXANDER: In the file? Aha. We do
11 have one in the file. So he's -- he satisfied that
12 condition.

13 2) That the hosting sign that's up there now be
14 either replaced or modified to reflect the new date, July
15 11, the new time, 7:00 p.m.; and that sign must be
16 maintained for the 14 days, as required by our ordinance,
17 just as the sign that was up there now was maintained, I
18 believe, for the 14 days.

19 And lastly, to the extent that the petitioner is
20 going to submit new or modified plans or dimensional form,
21 they must be in our files no later than 5:00 p.m. on the
22 Monday before July 11.

1 That would allow folks like you or anyone -- and
2 us -- to read these before the hearing, so we could have a
3 more informed discussion and hopefully a more informed
4 decision.

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

7 COLLECTIVE: Aye.

8 (Alexander, Sullivan, Monteverde, Hammer, Anderson.)

9 CONSTANTINE ALEXANDER: Five in favor, case will be
10 continued until July 11. Now --

11 SUZANNE HOWARD: Question.

12 CONSTANTINE ALEXANDER: Sure.

13 SUZANNE HOWARD: Have you received --

14 THE REPORTER: Can you come up to the microphone,
15 please, and state your name and address?

16 SUZANNE HOWARD: I'm sorry.

17 CONSTANTINE ALEXANDER: Yeah, and give your name
18 first, too.

19 SUZANNE HOWARD: My name is Suzanne Howard. I
20 live at 111 Walden Street. I'm also a land use lawyer. And
21 so, I'm an abutter to this project, and we have been in
22 touch with the Building Inspector around stopping a

1 foundation going in without a proper permit, and in the form
2 of a special permit on a nonconforming lot in a
3 nonconforming building.

4 These windows only relate to the building.
5 There's no mention of another free-standing building that
6 apparently implies more --

7 CONSTANTINE ALEXANDER: I don't want to get into
8 the merits of this, but that's irrelevant. That --

9 SUZANNE HOWARD: It's highly --

10 CONSTANTINE ALEXANDER: -- it's irrelevant. The
11 fact that there might be -- or seeking to do a second
12 building on the lot has no relevance to whether we should
13 grant or not grant a special permit to move windows. The --
14 and that's why I think Mrs. --

15 SUZANNE HOWARD: The statements on the application
16 are not correct. I'm sure he'll correct them.

17 CONSTANTINE ALEXANDER: That we'll take up as of
18 July 11.

19 SUZANNE HOWARD: Right. What I'm interested in is
20 the process here, whether or not the information that I
21 submitted and other neighbors have submitted to Sean has
22 found its way into the record on this case.

1 CONSTANTINE ALEXANDER: It's in our case.

2 SUZANNE HOWARD: It is?

3 CONSTANTINE ALEXANDER: I've read it.

4 SUZANNE HOWARD: Okay.

5 CONSTANTINE ALEXANDER: And I assume other members
6 of the board have read it.

7 SUZANNE HOWARD: So you've seen my zoning
8 analysis?

9 CONSTANTINE ALEXANDER: Yes.

10 SUZANNE HOWARD: It differs from --

11 CONSTANTINE ALEXANDER: Yes.

12 SUZANNE HOWARD: So I guess we'll see you --

13 CONSTANTINE ALEXANDER: July 11.

14 SUZANNE HOWARD: Thank you.

15 CONSTANTINE ALEXANDER: Thank you. Yes, I'll --

16 LUISA SAN JUAN: My name is Luisa San Juan. I
17 live in 7 Walden near the high rise. My question, I'm sorry
18 for my ignorance, but I don't understand how this works.
19 The windows are already placed. Everything, the building is
20 -- everything, the boards are down, the windows are cut. I
21 can see them from my unit.

22 CONSTANTINE ALEXANDER: Right.

1 LUIZA SAN JUAN: So how does it work? I -- this
2 is a permission to do windows, and the windows have already
3 been done?

4 CONSTANTINE ALEXANDER: If he's done the windows,
5 he's done it at his own risk, because he has to get approval
6 from us first. And if we should turn it down, a problem.
7 Okay? And he has to go back to the old windows.

8 LUIZA SAN JUAN: Okay. Because then I was
9 wondering, I learned that the bulldozer was there opening a
10 hole, and we don't know anything about it. So --

11 CONSTANTINE ALEXANDER: Now that's --

12 LUIZA SAN JUAN: So things happen there before
13 they happen here, and then we have to stop them?

14 CONSTANTINE ALEXANDER: Let me be clear, as I
15 tried to be with the person before you. If they want to
16 build a second building on that lot, and that's their
17 bulldozer I think you're referring to, that's not relevant
18 to this case. It's a completely separate issue.

19 LUIZA SAN JUAN: Yeah. I understand, but see, the
20 pattern is the same. Things happen, and then we give
21 permission?

22 CONSTANTINE ALEXANDER: The only things that are

1 the same is that we look at the zoning.

2 LUISA SAN JUAN: Okay.

3 CONSTANTINE ALEXANDER: And just because there are
4 two completely independent projects on a single lot, that --
5 one doesn't relate to another in terms of relief. There's
6 no reason for us to offer inspectional services to hold up
7 this case.

8 LUISA SAN JUAN: So the windows that he opened, he
9 opened without permission? Because I think my husband is
10 going to --

11 CONSTANTINE ALEXANDER: You'll have to talk to
12 Ranjit in Inspectional Services as to whether --

13 LUISA SAN JUAN: -- save that picture of the old
14 building, how it was, and how the new building's already
15 done, and all the siding of the --

16 CONSTANTINE ALEXANDER: Again, I will suggest you
17 or any other person in the neighborhood talk to Inspectional
18 Services about why this work has started, or has been done
19 perhaps, completed --

20 LUISA SAN JUAN: Yes.

21 CONSTANTINE ALEXANDER: -- before they got
22 permission from our board.

1 LUIA SAN JUAN: Okay, thank you.

2 CONSTANTINE ALEXANDER: Because they'll -- yes,
3 sir?

4 RICHARD ARTHUR: Richard Arthur, just abutting --

5 THE REPORTER: Can I get your name and address for
6 the record?

7 RICHARD ARTHUR: Richard Arthur, better known as
8 Brother R.A. But my concern is how do we join the two, or
9 how do I as a resident that's joining property with plans on
10 building possibly a second building, how do I make sure that
11 that comes before you?

12 CONSTANTINE ALEXANDER: Okay. Here's how it will
13 work. If he wants to build that second building on the lot,
14 he will apply for a building permit. Inspectional Services
15 will say, "You're okay, you don't need any zoning relief,
16 here's your building permit. You or any neighborhood has a
17 right to appeal that decision from Ranjit Singanayagam. And
18 that appeal would come before our board.

19 Alternatively, Ranjit or the Inspectional Services
20 may say, "If you want to do what you want to do, you need
21 this kind of zoning relief and that kind of zoning relief."

22 In which case, it would be just like tonight's

1 case. They'd have to advertise, put out notice, and we'd
2 have a hearing on that relief that he needs for that second
3 building.

4 RICHARD ARTHUR: So I did see the crane or
5 whatever leave out of the back yard. That was behind my
6 house. So they plan to do some work without actually
7 getting permission?

8 CONSTANTINE ALEXANDER: I don't know about that.
9 You -- I don't know.

10 RICHARD ARTHUR: I'm just saying what I saw.

11 CONSTANTINE ALEXANDER: No, no, what I'm saying --
12 the Inspectional Services may, or may have determined they
13 don't need any permission.

14 RICHARD ARTHUR: Mm-hm.

15 CONSTANTINE ALEXANDER: They can do it as a matter
16 of right; they're entitled to a building permit. I don't
17 know the answer to that, and I don't -- but if -- if
18 Inspectional Services did say that, and you don't agree with
19 that, as I said just a few moments ago --

20 RICHARD ARTHUR: Fill out an appeal.

21 CONSTANTINE ALEXANDER: -- you can take an appeal
22 to our board.

1 RICHARD ARTHUR: Okay. Thank you, thank you.

2 CONSTANTINE ALEXANDER: Anyone else? Thank you.

3 UNIDENTIFIED: Can you just tell us where the
4 building plans --

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

7 UNIDENTIFIED: Where do we find this permit that's
8 been issued, and whether or not now we're out of the time
9 period?

10 CONSTANTINE ALEXANDER: I think your Inspectional
11 Services Department.

12 UNIDENTIFIED: Inspectional Services?

13 RICHARD ARTHUR: Yep.

14 CONSTANTINE ALEXANDER: Yeah. Thank you.

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Sitting Members: Constantine Alexander, Brendan Sullivan,
Jim Monteverde, Alison Hammer, Slater
Anderson

CONSTANTINE ALEXANDER: The Chair will call Case
Number 017111, 7 GIBSON STREET. Anyone here wishing to be
heard on this matter? Well, this is phase 2?

NICK PAOLUCCI: Yes.

CONSTANTINE ALEXANDER: Right?

NICK PAOLUCCI: Correct.

CONSTANTINE ALEXANDER: I'm sorry. Give your name
and address to the stenographer, please?

NICK PAOLUCCI: Nick Paolucci from Mass Architect
at 45 Woodmere Drive in Milton.

CONSTANTINE ALEXANDER: For the benefit of the
board members who may not have been here for Phase 1, just
by way of background, because I think it's important to the
case, the petitioner has a detached garage, and got
permission from us to convert it into living quarters. So
it will no longer be a garage.

Now, he's stuck with the fact that the driveway --
paved driveway to what was a garage, now a residence, is

1 paved, and if they want to park on that driveway, they'll be
2 doing front-yard parking, which requires relief.

3 BRENDAN SULLIVAN: It's going to be an office.

4 CONSTANTINE ALEXANDER: It's an office, right. I
5 suspect it was going to be residence.

6 JIM MONTEVERDE: That was your suspicion, but it
7 was unfounded.

8 CONSTANTINE ALEXANDER: In any event, the
9 buildings that are used, you now can't park in that
10 driveway, unless we grant you the relief tonight. Anything
11 further you want to say? I mean --

12 NICK PAOLUCCI: No, just to park in the existing
13 driveway that's there.

14 CONSTANTINE ALEXANDER: And it would be a hardship
15 to have to rip it up, if you wanted to --

16 NICK PAOLUCCI: Right. He'd be parking on the
17 street, and --

18 CONSTANTINE ALEXANDER: Well, a lot of people park
19 on the street in Cambridge --

20 NICK PAOLUCCI: Yeah.

21 CONSTANTINE ALEXANDER: But the fact of the matter
22 is that you'd be stuck with a concrete, paved area.

1 NICK PAOLUCCI: Right.

2 CONSTANTINE ALEXANDER: And if you wanted some
3 greenery, you'd have to dig up the driveway --

4 NICK PAOLUCCI: Correct.

5 CONSTANTINE ALEXANDER: -- is what it comes down
6 to, okay?

7 NICK PAOLUCCI: Questions for members of the
8 board?

9 JIM MONTEVERDE: Are there two vehicles that are
10 parked there now?

11 NICK PAOLUCCI: Yes, there are. It's a two-
12 family, so --.

13 JIM MONTEVERDE: It's a two-family?

14 NICK PAOLUCCI: Yeah, so the owner and --

15 SLATER W. ANDERSON: Because I remember the
16 picture.

17 CONSTANTINE ALEXANDER: Any other questions? I'll
18 open the matter up to public testimony. Is there anyone
19 here wishing to be heard on this matter? Apparently not,
20 and I don't think we have any letters in the file. We
21 don't? So we'll close public testimony.

22 Anyone have discussion, or ready for a vote? See

1 if this was foreordained, when we granted the relief the
2 last time around.

3 BRENDAN SULLIVAN: Well, that's it. Once they
4 abandoned the garage, then that precipitated this.

5 CONSTANTINE ALEXANDER: Yeah, they unfortunately
6 didn't advertise the last time around. We could have heard
7 both variances at the same time. They didn't do that, so
8 that's why we had a second hearing, and you had to come down
9 twice.

10 BRENDAN SULLIVAN: Right.

11 CONSTANTINE ALEXANDER: Okay. Time for a motion
12 for this -- for a variance. The Chair moves that we make
13 the following findings with regard to the variance being
14 sought:

15 That a variance -- that a literal enforcement of
16 the provisions of this ordinance would involve a substantial
17 hardship, such hardship being to the petitioner, or whoever
18 occupies the property, the hardship being that because the
19 existing garage, which is legal, is no longer being used as
20 a garage, it's being used for office space, that there is no
21 alternative for parking on site except in the front yard.

22 They can park in the street, of course, but

1 further, that the front yard has been -- or the driveway, I
2 should say, has been paved, and so it would be somewhat
3 unsightly -- more than somewhat -- to have this driveway to
4 nowhere, to a garage, that the hardship is owing to -- it's
5 really the shape of the lot, and there is -- the way the
6 house is located on the lot, any builder to park on site
7 will have to be in the front yard, and that relief may be
8 granted without substantial detriment to the public good, or
9 nullifying or substantially derogating intent or purpose of
10 the ordinance.

11 So on the basis of all these findings, the Chair
12 moves that we grant the requested variance on the condition
13 that with regard to the front yard parking, it will proceed
14 in accordance -- it will be used in accordance with plans
15 submitted by Nicholas Paolucci, Architect, dated 12-11-18,
16 first page of which has been initialed by the chair. All
17 those in favor, please say, "Aye."

18 COLLECTIVE: Aye.

19 (Alexander, Sullivan, Monteverde, Hammer, Anderson.)

20 CONSTANTINE ALEXANDER: Five in favor, variance
21 granted. We can't call our next case until 8:00, so we'll
22 take a little bit of a break.

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Sitting Members: Constantine Alexander, Brendan Sullivan,
Jim Monteverde, Alison Hammer, Slater
Anderson

CONSTANTINE ALEXANDER: 017105-2019, 13 GARDNER
ROAD. Anyone here wish to be heard on this matter? Don't
be shy. If you want relief, anyway, don't be shy. Come up.

ELIZABETH PALMER: Well, I actually just had a --
I --

CONSTANTINE ALEXANDER: No, come forward and give
your name and address to the stenographer.

ELIZABETH PALMER: I'm Elizabeth Palmer at 236
Prospect Street. And I am not -- I'm just -- I'm part of
the public, not --

CONSTANTINE ALEXANDER: Oh, okay.

ELIZABETH PALMER: I'm not totally with the
project.

CONSTANTINE ALEXANDER: Oh, okay.

ELIZABETH PALMER: But I abut the back of the
property.

CONSTANTINE ALEXANDER: Right.

ELIZABETH PALMER: And I've actually communicated

1 with the developer, and I feel comfortable with the project,
2 but I did have a question. He's already built a sizeable
3 addition on the back, which is not part of this variance,
4 and I just wanted to find out if there was a way to
5 determine if that addition had required a variance.

6 CONSTANTINE ALEXANDER: The answer is go to the
7 Inspectional Services Department. Either speak to Ranjit
8 Singanayagam again or --

9 ELIZABETH PALMER: Sure.

10 Okay.

11 CONSTANTINE ALEXANDER: But I don't know what
12 we're going to do with the case itself tonight. We have
13 nobody here. I think we're just going to have to continue
14 the case. Do we have room on --

15 SISIA DAGLIAN: Oh, we can do the twenty-seventh.
16 -- we already have two cases -- or July 11, which is only
17 Walden Street.

18 CONSTANTINE ALEXANDER: Oh. We have to get a
19 waiver of time for description if we appeal. Any
20 preferences from members of this board if they --

21 COLLECTIVE: Yes.

22 STEPHAN DUBOULOZ: Hold on.

1 CONSTANTINE ALEXANDER: Oh, are you a petitioner?

2 STEPHAN DUBOULOZ: I'm 17 Gardner Road.

3 CONSTANTINE ALEXANDER: I'm sorry?

4 STEPHAN DUBOULOZ: 17 Gardner Road?

5 CONSTANTINE ALEXANDER: Yeah.

6 STEPHAN DUBOULOZ: Yes.

7 CONSTANTINE ALEXANDER: Okay.

8 (Simultaneous speech.)

9 CONSTANTINE ALEXANDER: No, 13, 13 gentlemen.

10 STEPHAN DUBOULOZ: Sorry I'm late.

11 CONSTANTINE ALEXANDER: I was wondering why we
12 haven't seen somebody. Okay. I will start the case.

13 STEPHAN DUBOULOZ: Thank you.

14 CONSTANTINE ALEXANDER: And I just let your
15 architect know, give your name and address --

16 STEPHAN DUBOULOZ: Yes.

17 CONSTANTINE ALEXANDER: -- to the stenographer.

18 Just speak into the mic and she's getting it, she'll here
19 it.

20 STEPHAN DUBOULOZ: My name is Stephan Dubouloz.

21 I'm the manager of 44 Market Street, LLC, the owner of 13
22 Gardener Road. My address is 50 Hancock Street, Cambridge,

1 02139.

2 THE REPORTER: Spell your name, please?

3 STEPHAN DUBOULOZ: D-u-b-o-u-l-o-z, like Zebra.

4 STEVEN HISEROBT: Steve Hiserobt, from Boyes-
5 Watson Architects.

6 UNIDENTIFIED: You have to speak really close to
7 that mic.

8 STEVEN HISEROBT: Yeah. Do you want me to spell
9 it? H-i-s-e-r-o-b-t.

10 CONSTANTINE ALEXANDER: Well, you can take it out
11 of the tripod and just pass it back and forth, it might be
12 easier. Just pull it up.

13 STEVEN HISEROBT: We have an existing,
14 nonconforming structure that is nonconforming with respect
15 to the side yard setback. And the request we are -- the
16 relief we're seeking tonight has to do primarily with
17 relocation of openings on the right-side area.

18 CONSTANTINE ALEXANDER: It's a special permit for
19 both of them; you're not looking at variances?

20 STEVEN HISEROBT: Right.

21 CONSTANTINE ALEXANDER: I just want to make sure
22 the record's clear on that. Okay.

1 STEVEN HISEROBT: Yes. And the other primary goal
2 is a relief for additional volume that is created with the
3 dormer on the roof. So it allows for a 10 percent increase.
4 We end up with, like, a 10 x 2 increase, very small
5 adjustment to that to get one conforming, basically
6 lengthened.

7 CONSTANTINE ALEXANDER: Any discussions with, or
8 communications with a person -- I'm going by the window
9 setbacks -- the people most affected by the windows?

10 STEPHAN DUBOULOZ: Yes.

11 CONSTANTINE ALEXANDER: And?

12 STEPHAN DUBOULOZ: So basically, the discussion
13 was more about the fence between the two buildings, and we
14 came to an agreement that I will leave the existing chain-
15 link fence exactly where it is.

16 I will replace it with a newer fence because the
17 existing one is very old, rusty and damaged, but I will put
18 back a similar fence.

19 The concern of the neighbor was light, because
20 there is a basement unit, and I never had any intention to
21 put a solid fence or whatever. So we agreed on that
22 yesterday.

1 And as far as the windows --

2 CONSTANTINE ALEXANDER: Do you have anything in
3 writing from that neighbor, by any chance? Because there's
4 nothing in our file. A letter, or --

5 STEPHAN DUBOULOZ: I have e-mails, if I can just -
6 -

7 CONSTANTINE ALEXANDER: No, I want to put them in
8 the file, our file.

9 STEPHAN DUBOULOZ: Ah. I can e-mail them to
10 Maria?

11 CONSTANTINE ALEXANDER: Yeah, why don't you do
12 that.

13 STEVEN HISEROBT: If we look at the elevations, I
14 can pass out extra copies. I -- the --

15 STEPHAN DUBOULOZ: Do you want the election?

16 STEVEN HISEROBT: The existing windows, there are
17 a few existing windows on the elevation right now. The
18 amount we're taking away is more or less the same as the
19 amount we're adding. We're moving windows to areas where
20 they are less obtrusive; high windows in the dining room so
21 we don't get direct views out to the neighbors.

22 We have closed up some of the primary openings

1 that are within three feet of the neighbor's house. It's
2 actually very modest.

3 CONSTANTINE ALEXANDER: And the increase in the
4 GFA is right into the window, or it is otherwise?

5 STEVEN HISEROBT: The -- no. Actually, there are
6 windows on the added elements, but they are conforming.

7 CONSTANTINE ALEXANDER: No, I'm wondering what
8 you're doing that pushes you up over the 10 percent
9 threshold that requires this --

10 STEVEN HISEROBT: Oh, okay. The GFA is not over
11 the 10 percent, just the volume.

12 CONSTANTINE ALEXANDER: Okay.

13 STEVEN HISEROBT: And it's just a -- it's a small
14 house, a very low house, so the impact of the addition just
15 has a much bigger percentage increase.

16 CONSTANTINE ALEXANDER: Okay. Anything else
17 further?

18 STEVEN HISEROBT: No. I don't think there's -- do
19 you have anything that you would like to add?

20 CONSTANTINE ALEXANDER: Any questions or comments
21 at this point from members of the board? None? I'll open
22 the matter up to public testimony. Is anyone here wishing

1 to be heard on this matter? Apparently not. We are not in
2 receipt of any letters or other communications, written
3 communications from interested parties. So with that, I'll
4 close public testimony. Discussion, or ready for a vote?

5 COLLECTIVE: Ready.

6 GONZALO GIRIBET: Can we ask something?

7 CONSTANTINE ALEXANDER: Oh, yes, sir. That's why
8 I asked you before.

9 GONZALO GIRIBET: Can we speak here?

10 COLLECTIVE: Yes

11 GONZALO GIRIBET: I'm Gonzalo Giribet from 232
12 Prospect Street, so we're right next to their side of their
13 house.

14 THE REPORTER: Could you spell your name for the
15 record, please?

16 GONZALO GIRIBET: Yes, Gonzalo Giribet, G-i-r-i-b-
17 e-t, 232 Prospect. And, you know, I'm -- so that addition
18 of the back, the 10 percent addition, is directly into our
19 yard.

20 So I'm surprised that they said they have been
21 talking to neighbors, but no one has ever talked to us about
22 anything like that, and doing crisis stabilization.

1 I actually asked one of the guys, I said, "What
2 are you guys building there?" And they said, "We're just
3 doing a deck." But the deck is at the third level.

4 So I thought they were building a deck in the
5 back, you know, when they are going back home and we have
6 moonlight in the morning, we have the light coming into our
7 yard. We have no light coming into our yard at all.

8 And I'm surprised that they said they've been
9 talking about windows with neighbors, but we are impacted by
10 this loss of light. Morning, I know.

11 CONSTANTINE ALEXANDER: I share that surprise, why
12 you didn't speak with this person.

13 STEVEN HISEROBT: That portion of the development
14 doesn't require any relief. We're not -- that's not the
15 setback relief side.

16 JIM MONTEVERDE: Could you speak into the mike,
17 please?

18 STEVEN HISEROBT: Yep.

19 JIM MONTEVERDE: He's speaking of an as right
20 addition that is in the back yard.

21 CONSTANTINE ALEXANDER: Okay. Do you follow that?
22 You see basically where they're located, what they want to

1 do doesn't require zoning relief. So he can do it as a
2 matter of right. It's other things he's doing that does
3 need the relief. That's what's here tonight. Why don't you
4 just leave it on the table; it's easier.

5 Anyone else wishes to be heard on this matter?
6 Nope? Ill close public testimony. Discussion or ready for
7 a vote?

8 COLLECTIVE: Ready.

9 CONSTANTINE ALEXANDER: Ready? Okay. This is a
10 special permit case, as I mentioned. So the Chair moves
11 that we make the following findings with regard to the
12 special permits being sought.

13 I say permits, pleural, because one for windows
14 and setback, and the other for a slight increase in the size
15 of the structure.

16 The first finding is that the requirements of the
17 ordinance cannot be met unless we grant you this relief
18 you're seeking.

19 And traffic generated, or patterns in access or
20 egress resulting from what is being proposed will not cause
21 congestion, hazard, or a substantial change in established
22 neighborhood character, with regard to the modifications are

1 very modest in nature, and the abutter most directly
2 affected, at least with regard to the window relocation, has
3 been represented to us is in support of the petition, or the
4 relief being sought.

5 That the continued operation or development of
6 adjacent uses, as permitted in the zoning ordinance, will
7 not be adversely be affected by what is proposed. And
8 again, I refer to the approval or the nonobjection of the
9 neighbor most affected by what is being proposed.

10 That no nuisance or hazard will be created to the
11 detriment of the health, safety and/or welfare of the
12 occupant, or of the proposed use, or the citizens of the
13 city.

14 And that generally what is being proposed will not
15 impair the integrity of the district or adjoining district,
16 or otherwise derogate the intent and purpose of this
17 ordinance. So on the basis of all these findings, the Chair
18 moves that we grant the special permit requested on the
19 condition that the work proceed in accordance with Boyes-
20 Watson Architects dated November 2, 2018?

21 STEVEN HISEROBT: Yes.

22 CONSTANTINE ALEXANDER: Okay. Could I see them?

1 Not on my page.

2 STEVEN HISEROBT: There is a revision on one sheet
3 that is --

4 CONSTANTINE ALEXANDER: Yeah, that's just a couple
5 more pages.

6 STEVEN HISEROBT: -- more recent --

7 JIM MONTEVERDE: -- in other words a kind of
8 revision.

9 CONSTANTINE ALEXANDER: Well, it says only the
10 revision, yeah.

11 JIM MONTEVERDE: So it's 12719.

12 CONSTANTINE ALEXANDER: Yeah. Okay.

13 STEVEN HISEROBT: Some of it -- it must have split
14 pages.

15 CONSTANTINE ALEXANDER: Okay. With 12719, thank
16 you, and thank this gentleman here.

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

18 COLLECTIVE: Aye.

19 (Alexander, Sullivan, Monteverde, Hammer, Anderson.)

20 CONSTANTINE ALEXANDER: Five in favor, relief
21 granted.

22 STEVEN HISEROBT: I spoke to the City manager.

1 CONSTANTINE ALEXANDER: Yeah? Going to give us
2 some more memories?

3 STEVEN HISEROBT: I told him that as part of the -
4 - what are they spending this year, 1 million dollars or
5 something?

6 CONSTANTINE ALEXANDER: Hi James.

7 JIM MONTEVERDE: Gentlemen.

8 COLLECTIVE: Hi, James.

9 JIM MONTEVERDE: I'm okay, how are you? And
10 Brendan.

11 CONSTANTINE ALEXANDER: What do you -- can you
12 just tell me something about the project that was continued,
13 there was a continuance request from -- is the --

14 STEVEN HISEROBT: They were granted a variance to
15 -- they scaled it down from a number of units down to -- is
16 it 10 or eight units?

17 JIM MONTEVERDE: Ten. Well, it was listed as ten.

18 CONSTANTINE ALEXANDER: I'm sorry, I missed the
19 first part.

20 JIM MONTEVERDE: The case that got continued, the
21 Islamic Society of Boston.

22 CONSTANTINE ALEXANDER: Oh yeah, yeah, yeah, yeah.

1 STEVEN HISEROBT: Just curious what that is, sir.

2 CONSTANTINE ALEXANDER: It was just a real estate
3 development; I mean it was not creating -- it's not
4 religious. The Islamic Society owns it, but it's not for
5 religion purposes.

6 JIM MONTEVERDE: Oh, it's not, like, for housing?

7 STEVEN HISEROBT: The imam is going to live there.
8 The imam is going to live there.

9 JIM MONTEVERDE: Oh, okay.

10 STEVEN HISEROBT: So that's part of his -- he's
11 the Imam of the temple.

12 JIM MONTEVERDE: Right, the Imam.

13 STEVEN HISEROBT: Then the residence comes with
14 that.

15 JIM MONTEVERDE: Oh, so it's one big residence?

16 CONSTANTINE ALEXANDER: Oh, so it's one big
17 residence?

18 STEVEN HISEROBT: No, no, no, and then the rest
19 was going to be rental.

20 JIM MONTEVERDE: Oh, okay. For -- presumably
21 members of the community, I would imagine?

22 STEVEN HISEROBT: Well, anybody.

1 CONSTANTINE ALEXANDER: Yeah.

2 STEVEN HISEROBT: Just that it's open to the --

3 JIM MONTEVERDE: But they didn't --

4 CONSTANTINE ALEXANDER: We don't know how they're
5 going to market it, what they can do. But I mean, we didn't
6 -- it wasn't an issue for us. The question was whether to
7 allow them to do that. Because -- why they did a lot of the
8 zoning board provisions.

9 JIM MONTEVERDE: Yeah. And it was continued from
10 last year or not?

11 CONSTANTINE ALEXANDER: Yeah, we granted the
12 variance last July, or a year ago, yeah.

13 JIM MONTEVERDE: Oh, you did?

14 CONSTANTINE ALEXANDER: And you have a year.
15 You've got to start to take action within a year.

16 JIM MONTEVERDE: I see.

17 CONSTANTINE ALEXANDER: And they're not going to
18 be allowed to do that. So they did an extension. We can
19 grant them by law one six- month extension. This is what we
20 did.

21 STEVEN HISEROBT: To get started on it?

22 JIM MONTEVERDE: Yeah.

1 CONSTANTINE ALEXANDER: But if they don't in the
2 next six months get their act together --

3 STEVEN HISEROBT: Right.

4 CONSTANTINE ALEXANDER: -- the variance will
5 lapse, and you'll have to come back for a while, new
6 hearing.

7 STEVEN HISEROBT: Did it say anything about
8 investor partners, or anything like that

9 CONSTANTINE ALEXANDER: They said they were
10 requesting them for the extension -- suggests that they are
11 having -- not trouble -- they have to, still in discussions,
12 to raise their financing.

13 STEVEN HISEROBT: Uh-huh, uh-huh.

14 CONSTANTINE ALEXANDER: Not our business, but
15 that's what seems to be the case.

16 STEVEN HISEROBT: Right.

17 CONSTANTINE ALEXANDER: That plus inability to
18 find a qualified contractor, given what's going on in crisis
19 stabilization in this area.

20 STEVEN HISEROBT: Yeah, yeah. It's not big enough
21 to enter Scan Scope.

22 Anyway, thank you.

1 CONSTANTINE ALEXANDER: Yeah. Thank you, James.

2 JIM MONTEVERDE: Thank you, see you.

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Sitting Members: Constantine Alexander, Brendan Sullivan,
Jim Monteverde, Alison Hammer, Slater
Anderson

CONSTANTINE ALEXANDER: The Chair will now call
Case Number 017112 284-288 NORFOLK STREET. Anyone here wish
to be heard on this matter?

SIMON BRIGHTENING: It's unusual I get heard
before 9:00 a.m. some days.

Here I am representing a -- this was a --

CONSTANTINE ALEXANDER: I think we have it, don't
we?

SIMON BRIGHENTI: Well, I e-mailed it, but this is
the original. I'm looking in the original.

CONSTANTINE ALEXANDER: As long as we have
something. I'm going to have the original, as long as we
have it in our files.

THE REPORTER: Sir, could you repeat your name,
please?

SIMON BRIGHENTI: Sure. I'm Simon Brighenti, and
I'm with Centerline Communications out of West Bridgewater,
Massachusetts, and representing Sprint in this matter.

1 Thank you.

2 The property that we are looking at is at 284.
3 There is a bit of a discrepancy between what the records
4 here reflect and I think what the assessor had, as far as
5 whether 288 is an actual address the company uses, 288 as an
6 address for their loading deck purposes and such?

7 So we called it 284-288, so we tried to clear that
8 up. And it is an existing telecommunications facility
9 there.

10 There's ATT equipment there, there's a Sprint --
11 I'm sorry, there is Sprint equipment there. It's over by
12 the -- next to the DPW, the recycling center is there.
13 There are some residential, multi-families I think on the
14 Elm Street side, and then, but mostly, again, it is that
15 greatly commercial and municipal uses in that area.

16 So what we're looking at doing, and what we're
17 applying to do, is replace some of the antennas. There are
18 some that are existing there now for Sprint, and we would
19 replace those on the facades here.

20 And then there's a couple up on the roof -- I'm
21 sorry, we'll be looking to place what are called radio
22 units, RRUs on top of the roof, which are smaller.

1 And then we used a -- in the industry, they call
2 it, "stealthing" but I try not to use that word because it
3 sounds a little pejorative to me, like you're trying to hide
4 something, but you're not.

5 You're not really -- so what we're doing is we've
6 placed a -- we're proposed to replace a faux-chimney there,
7 which would have the appearance of brick, and inside there
8 would be these antennas that we'd be adding for the
9 roofline.

10 So what you'll see there is actually you've
11 already got an existing penthouse for the elevator, and we'd
12 be looking at those of these faux chimneys, and inside the
13 chimneys would be these additional antennas that are going
14 to provide better service to the neighborhood in the area.

15 CONSTANTINE ALEXANDER: Do you have any extra
16 copies of the -- it seems to me I shouldn't even -- he's --
17 you filed one, and that's the -- to me, anyway, so we can
18 see what this rooftop's going to to look like before, now
19 looks like, and what it will look like if we grant you the -
20 -

21 SIMON BRIGHENTI: I can pass out this, pass this
22 around if somebody wants to look at it and be provided --

1 CONSTANTINE ALEXANDER: Or I can pass around the
2 hard copy. Give people a chance just to take it.

3 SIMON BRIGHENTI: Oh, sure. I can kind of talk
4 you through it if you like. First page, you see an aerial.
5 Second page, it says, "existing;" that's a shot there from
6 162 Hampshire Street. You'll notice on the left part of it,
7 there are some antennas that are existing. There are some
8 antennas on the right part of it in cylindrical coverings.

9 CONSTANTINE ALEXANDER: Did you talk to the
10 Planning Board?

11 SIMON BRIGHENTI: They didn't contact us. I mean,
12 there was no request for anything from them. I don't
13 believe there was any --

14 CONSTANTINE ALEXANDER: No, there's nothing on
15 file.

16 SIMON BRIGHENTI: So again, what we'd be doing is
17 capturing those antennas within these chimneys, so from a
18 distance, it would look like they are the same chimneys, but
19 obviously they're not functioning chimneys.

20 And again, the purpose of this is similar
21 facilities that we've upgraded in the city here.

22 It's under 6409, but it's also under the town, the

1 city ordinance. We're using the least intrusive method to
2 basically upgrade the system that's there, and provide
3 additional, more sophisticated coverage for people that are
4 looking for better service in that area, and also more --
5 get more traffic there, radial traffic as opposed to
6 vehicular traffic.

7 So again, it's an improvement to the neighborhood,
8 we feel, because it does have additional communications
9 facility ability to the area, both nonemergency and
10 nonemergency facilities. Once these are installed, they are
11 what we call passive structures.

12 So there's no noise, there's no smoke, there's no
13 water use, there's no pull on utilities or excess to the
14 utilities other than what's paid for, or on resources such
15 as school or anything.

16 And the only traffic increase would be initially
17 while there's an installation there; then after that about
18 once -- they say about 11 or 12, about once a month somebody
19 would come by maybe on a pickup truck or an SUV to check on
20 everything.

21 They do have programs that maintain these, so if
22 there are issues that come up, if someone, you know,

1 mentions to the town that it looks like there's something
2 that's nicked or the paint was fading or something. But
3 they do check that regularly, and they do maintain these
4 kinds of items.

5 And again, we don't see any detriment to the
6 neighborhood with this. We feel it's an enhancement to the
7 neighborhood, and again, it is a mixed-use neighborhood in
8 both residential and commercial, and there already are
9 facilities up there from Sprint and other companies.

10 CONSTANTINE ALEXANDER: Yeah, we -- on that last
11 point, under our ordinance, this area is zoned residential.

12 SIMON BRIGHENTI: Right.

13 CONSTANTINE ALEXANDER: And we have to make a
14 finding that the -- what are the words -- that
15 nonresidential uses predominate in the vicinity of your
16 location. We've made this finding many times before.

17 SIMON BRIGHENTI: Yes.

18 CONSTANTINE ALEXANDER: Because, as you point out,
19 there are a number of telecommunication equipment on the
20 roof. And I think we can find that there's been no change
21 in the neighborhood. So we can incorporate these past
22 findings and satisfy the requirement that you need to

1 satisfy.

2 SIMON BRIGHENTI: Okay.

3 CONSTANTINE ALEXANDER: Questions from members of
4 the board at this point? Do you want more time to look at
5 the photos?

6 JIM MONTEVERDE: Well, can I ask a question? So
7 if that's the equipment that's on the roof?

8 SIMON BRIGHENTI: Yes.

9 JIM MONTEVERDE: And that's where you're going to
10 add the --

11 SIMON BRIGHENTI: The chimney.

12 JIM MONTEVERDE: The chimney.

13 SIMON BRIGHENTI: We're covering that.

14 JIM MONTEVERDE: And then are you adding equipment
15 beside the elements that are up there now?

16 CONSTANTINE ALEXANDER: Near the signs.

17 JIM MONTEVERDE: Oh.

18 SIMON BRIGHENTI: It depends on what your
19 definition of, "adding" is, I guess. We're replacing some
20 antennas that are up there already with new equipment, so
21 technically we are adding.

22 JIM MONTEVERDE: So -- yeah, I'm sorry. Will

1 these that you're putting behind the chimney be -- why are
2 you adding the chimney?

3 SIMON BRIGHENTI: That is going to be in addition.
4 Those antenna up there are not Sprint antennas (sic). We're
5 putting Sprint that is up there inside the chimney.

6 JIM MONTEVERDE: So you're going to put the
7 chimney -- the chimney will go around this element?

8 SIMON BRIGHENTI: Yes.

9 JIM MONTEVERDE: Or this is somebody else's
10 element?

11 SIMON BRIGHENTI: No, that's somebody else's
12 element.

13 JIM MONTEVERDE: Well, this is somebody else's
14 antenna?

15 SIMON BRIGHENTI: Right, right.

16 JIM MONTEVERDE: And your chimney's going to be in
17 this position?

18 SIMON BRIGHENTI: Right.

19 JIM MONTEVERDE: And then you'll put your antenna
20 --

21 SIMON BRIGHENTI: Inside the chimney.

22 JIM MONTEVERDE: Inside the chimney?

1 SIMON BRIGHENTI: Correct.

2 JIM MONTEVERDE: Personally, I find the chimney
3 more intrusive than the equipment by itself. Second, I wish
4 the equipment wasn't on the roof. If you could put it on
5 the building, I would prefer you put it on the building,
6 like the rest of the garbage that's on the building.

7 Do you have either one of those two options at
8 hand this evening?

9 SIMON BRIGHENTI: They do -- as far as putting it
10 on the façade of the building, there are some antennas going
11 on the façade, but there is not the room in what they call
12 the sectors to put it there, and they have to go on the
13 roof.

14 And as far as the shielding of it, that was worked
15 out between the landowner and the applicant -- I'm sorry,
16 the structure owner. That is something that, again, is more
17 expensive for the applicant, but is something that we
18 requested. That's what we're looking at.

19 If you wanted to put a condition in there saying
20 that, you know, you try to go back to the landlord and see
21 if they would like it to be naked, we could agree to that,
22 but as far as, you know, I wouldn't -- I would hope that

1 that wouldn't cause, like, any kind of continuance or
2 anything, but if you'd like us to make that attempt again
3 with the backing kind of a suggestion from the board, we
4 could do that, but.

5 JIM MONTEVERDE: In the proposal, how many
6 chimneys are you proposing to add?

7 SIMON BRIGHENTI: There's --

8 JIM MONTEVERDE: Two?

9 SIMON BRIGHENTI: -- there would be two, you can
10 see it in the --

11 BRENDAN SULLIVAN: But if it's on the roof, then
12 it has more direction?

13 SIMON BRIGHENTI: Correct.

14 BRENDAN SULLIVAN: As opposed to if it's on the
15 side of the building --

16 SIMON BRIGHENTI: Right.

17 BRENDAN SULLIVAN: -- and it has a narrower focus?

18 SIMON BRIGHENTI: Correct.

19 BRENDAN SULLIVAN: So you would -- if it were on
20 the side of the building, you would probably have to have
21 more?

22 SIMON BRIGHENTI: That's correct. Yeah, the

1 second would be --

2 JIM MONTEVERDE: I got --

3 SIMON BRIGHENTI: -- you could have --

4 JIM MONTEVERDE: -- I got that.

5 SIMON BRIGHENTI: -- these are omnis.

6 JIM MONTEVERDE: I got that point.

7 SIMON BRIGHENTI: Both omni as opposed to
8 directional.

9 JIM MONTEVERDE: Yeah. I'm just saying I think
10 it's the chimney itself. I just have a concern with the
11 chimney itself, and when you put two of them up there, when
12 you come back or somebody else comes back and it's three,
13 four, five it's like --

14 SIMON BRIGHENTI: I understand.

15 JIM MONTEVERDE: I think it's too much.

16 BRENDAN SULLIVAN: Just what happens is in this
17 vast warehouse of all these antenna and faux chimneys, and
18 these fiberglass --

19 JIM MONTEVERDE: Yeah.

20 BRENDAN SULLIVAN: -- panels, that they're just
21 sort of slapped together.

22 SIMON BRIGHENTI: I understand.

1 BRENDAN SULLIVAN: -- which, you know, sort of
2 like one size and one type fits all, which sometimes works,
3 and sometimes -- more often than not doesn't.

4 CONSTANTINE ALEXANDER: Yeah.

5 BRENDAN SULLIVAN: Looks wise, but anyhow.

6 CONSTANTINE ALEXANDER: My reaction is that this
7 building is being zoned I don't know how many times.
8 There's more equipment than you can imagine on the top, and
9 to try to get them to improve, you're still going to have an
10 ugly building with telecommunications equipment on it. So
11 I've given up. I'm not as upset as you guys are.

12 BRENDAN SULLIVAN: Lipstick on a -- whatever.

13 CONSTANTINE ALEXANDER: This is a -- this is to me
14 a famous building, I mean. You've got more equipment on
15 this damn building.

16 SIMON BRIGHENTI: It's a location that works for a
17 lot of people, because it --

18 CONSTANTINE ALEXANDER: And I think you've got a
19 landlord who's very amenable to putting this stuff up there.

20 SIMON BRIGHENTI: Yeah, that too.

21 JAMES WILLIAMSON: Just an information question?

22 CONSTANTINE ALEXANDER: One second -- wait, wait,

1 wait. One second, James. Any other comments before we open
2 up the matter to public testimony?

3 JAMES WILLIAMSON: An information question, is
4 that all right?

5 CONSTANTINE ALEXANDER: Yeah.

6 JAMES WILLIAMSON: Do that first? Information?

7 CONSTANTINE ALEXANDER: Yeah. Just speak into the
8 mike.

9 JAMES WILLIAMSON: So James Williamson, 1000
10 Jackson Place. Do you need me to spell it? Okay. Do you
11 want me to spell it?

12 THE REPORTER: Sure.

13 JAMES WILLIAMSON: You do? Williamson. W-i-l-l-l-
14 i-a-m-s-o-n, 1000 Jackson Place in Cambridge.

15 CONSTANTINE ALEXANDER: Jim, James, it's stooped
16 over. You can pick up the mike off the -- that would be
17 easier for you.

18 JAMES WILLIAMSON: So three questions. First of
19 all, the upgrade, or the -- as you call it, "better
20 service," can you be more specific about the nature of the
21 upgrade, and just out of curiosity, be more specific -- it
22 says it will entail this new 5G technology, that is

1 controversial to some people, for good or -- for scientific
2 or maybe not yet established scientific reasons.

3 And secondly, just because of the nature and
4 interesting character of the buildings, does the Historical
5 Commission have any role to play in this? Do you happen to
6 know, and it has a -- sort of sometimes there's a staff
7 review, maybe there's been a staff review?

8 And then the third thing I'll think of when you,
9 maybe as you address those two through the Chair. Is that
10 okay?

11 CONSTANTINE ALEXANDER: Well --

12 JAMES WILLIAMSON: The first question was the
13 upgrade. There's two reasons for an upgrade typically. One
14 is capacity and one is performance. Capacity is at -- as
15 antennas become more sophisticated, they're able to provide
16 more bang for the buck, so more people can use -- extend
17 their signals.

18 Because of the constraints of physics, only a
19 certain number of signals can hit the same antenna at the
20 same time, and this increases them so you can have more
21 people, both emergency, like I said, and nonemergency
22 situations, hitting it.

1 Another one is that there are some technical
2 upgrades to the antennas themselves as far as the equipment,
3 the length of service, the battery life, those kinds of
4 things. Somebody, you know, wanted to base it, you know, on
5 the sides. I don't understand. It's just my job five days
6 a week, but that part of it is a little more technical, but
7 that is part of -- the main thing is the performance of them
8 is extended, and the capacity is better.

9 The second question was that we provide the
10 information to -- through, and we work with Inspectional
11 Services, we provide the applications as required, and I
12 believe the -- at that point, other facets of the
13 municipality get involved through a request for input.
14 Sometimes, again, we are asked to go to the Planning Board
15 and make a presentation on it. Other times you do get
16 contact from Conservation or Historic. Again, I don't
17 believe anybody reached out.

18 CONSTANTINE ALEXANDER: I can't believe Historical
19 would be very interested in this building.

20 JAMES WILLIAMSON: Well, that's --

21 CONSTANTINE ALEXANDER: Maybe, maybe not.

22 JAMES WILLIAMSON: So then, and the other -- it's

1 sort of a two-part question about things that are
2 anticipated --

3 SIMON BRIGHENTI: Oh, the 4G?

4 JAMES WILLIAMSON: Well, that, but there was a
5 hearing at the Pole & Conduit Commission Monday that got
6 a little bit of buzz and some e-mails around it, and some
7 neighborhood groups, and I, out of curiosity, attended.

8 And they are working on a new draft of some of the
9 regulations. So are you aware that, and do you anticipate
10 any implications from those new regulations?

11 And then of course there is this proposed merger
12 between Sprint and T-Mobile, which Attorney Generals have
13 gone to court to block? And is there any anticipated
14 implications from that situation and on any of --

15 SIMON BRIGHENTI: Right.

16 JAMES WILLIAMSON: -- What would be relevant to
17 the pertinent --

18 SIMON BRIGHENTI: Okay.

19 JAMES WILLIAMSON: -- variances?

20 SIMON BRIGHENTI: Yeah, right.

21 CONSTANTINE ALEXANDER: Special permit, special
22 permit.

1 SIMON BRIGHENTI: Well, it's a special permit.
2 Some of the discussion at that meeting that you talked about
3 involve more, involved more of what they call a DAS system,
4 which are smaller systems that are kind of interconnected,
5 and are used in different types of areas.

6 So that doesn't really apply to this. This
7 application also was in before that started, so there is a
8 certain grandfather-ness involved here.

9 One of the items that does come up is that we are
10 flexible with the landlords, in that if technology were to
11 change, in that these facilities would become unnecessary,
12 or become anachronistic, then we would have the right --
13 under the lease, they have the duty to the city, with the
14 city, to modify the building, take the equipment down --

15 JAMES WILLIAMSON: Yep.

16 SIMON BRIGHENTI: -- and bring the building back
17 to its status-quo ante; that is, how it was before. As far
18 as the mergers go, I've been in this business long enough to
19 be involved with AT&T and Cingular merged back in 2000,
20 whatever it was.

21 And what happened there was that there was some --
22 repetitive equipment was removed from some properties and

1 from some towers, and then, for instance T-Mobile had to
2 scramble to get onto some of the places that they were
3 getting kicked off of because of the merger.

4 So that does happen. And again, there is enough
5 flexibility within the agreements with the landlords to
6 allow for that --

7 CONSTANTINE ALEXANDER: Oh, but more than that,
8 sir, I mean we --

9 SIMON BRIGHENTI: But yeah, to give the city --

10 CONSTANTINE ALEXANDER: -- we always impose the
11 condition that if they stop using the equipment for six
12 months, they have to remove it and restore the building to -
13 - as best they can, to what it was like before they put the
14 equipment up. So there is protection.

15 SIMON BRIGHENTI: Right. Again, there's a cost to
16 the applicant because of taxes and things like that. So
17 it's beneficial, obviously, to not have that equipment
18 running.

19 JAMES WILLIAMSON: So those are my questions.
20 Thank you, and if I may make a brief comment? I'm
21 sympathetic to the question from Member Monteverde. I just
22 don't know, but I'm glad to hear somebody ask about that,

1 whether masking is maybe unnecessary or more of an impact,
2 so I'm glad to hear that at least being asked about. Thank
3 you.

4 CONSTANTINE ALEXANDER: Thank you, James, for
5 coming down. Anyone else who is wishing to be heard on this
6 matter? Apparently not. I will close public testimony.
7 Any discussion? Questions from members of the board?

8 JIM MONTEVERDE: I'd still like to ask that they
9 consider not to do the shielding, not to do the -- whatever
10 you want to call it, the stealth thing --

11 SIMON BRIGHENTI: The masking.

12 JIM MONTEVERDE: The chimneys.

13 SIMON BRIGHENTI: Right, yeah. Again, I will
14 present that. But again, if that's something that's --

15 CONSTANTINE ALEXANDER: Well, the question is we
16 can make the condition. I mean, as you pointed out, we'd
17 have to continue the case, or they can just request they --
18 in good faith.

19 SIMON BRIGHENTI: Well, I'll go back with the
20 landlord, and maybe as he sees that the board is requesting
21 it -- not demanding it, but requesting it, that may give a
22 little more -- you know, leverage -- to the applicant.

1 JIM MONTEVERDE: And would it be appropriate to
2 say, and if you come back the next time for the next round
3 with another shield, then you'll do a continuance?

4 SIMON BRIGHENTI: Sure, that's fine.

5 CONSTANTINE ALEXANDER: That wouldn't be part of
6 our --

7 SIMON BRIGHENTI: Yeah, but I understand --

8 CONSTANTINE ALEXANDER: -- yeah, but clearly, it's
9 part of the public record.

10 SIMON BRIGHENTI: Sure.

11 CONSTANTINE ALEXANDER: And this gentleman knows
12 yeah, that's the deal.

13 SIMON BRIGHENTI: Good. Message received.

14 CONSTANTINE ALEXANDER: Okay. On these Telecom
15 cases, we have what's a long motion to -- for the release,
16 but let me go through it. It may be helping --

17 SIMON BRIGHENTI: Sure.

18 CONSTANTINE ALEXANDER: -- shortly. Okay. The
19 Chair moves that we make the following findings with regard
20 to the special permit being sought:

21 That the requirements of the ordinance cannot be
22 met without the special permit.

1 That traffic generated or patterns in access or
2 egress resulting from what is being requested will not cause
3 congestion, hazard, or substantial change in established
4 neighborhood character.

5 And the basis for that finding is the supporting
6 stipulations that have been presented would show, though
7 some change, the rooftop that Mr. Monteverde has pointed
8 out. I'm not sure what qualifies -- I move that it not
9 qualify as a substantial change in the neighborhood.

10 That the continued operation or development of
11 adjacent uses, as permitted by the ordinance, will not be
12 adversely affected by what is proposed. Again, if the other
13 telecommunications equipment hasn't adversely affected this
14 area, this won't.

15 And no nuisance or hazard will be created to the
16 detriment of the health, safety, and/or welfare of the
17 occupant of the proposed use, or the citizens of the city.

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

22 And finally, the Chair moves that we make the

1 finding that we find that the modification of this existing
2 telecommunication facility at the site proposed by the
3 petitioner does not substantially change the physical
4 dimensions of the existing wireless tower or base station at
5 such facility within the meaning of Section 6409 (a) of the
6 Middle Class Tax Relief and Job Creation Act of 2012, also
7 known as the Spectrum Act.

8 Based on these findings, the Chair moves that we
9 grant the special permit requested, subject to the following
10 conditions:

11 Before I get there, a final finding is that
12 nonresidential uses do predominate in this residentially
13 zoned district. We've made that finding in the past several
14 times, and before, several times in the past, and there has
15 been no change in the nature of the neighborhood that would
16 change these findings. So they continue to be applicable.

17 Now, based on -- going to the conditions:

18 1) That the work proceeds in accordance with the
19 plans submitted by the petitioner and initialed by, and I've
20 done that.

21 2) That upon completion of the work, the physical
22 appearance and visual impact of the proposed work will be

1 consistent with the photo simulation submitted by the
2 petitioner and initialed by the Chair.

3 3) That the petitioner shall at all times maintain
4 the proposed work, so that its physical appearance and
5 visual impact will remain consistent with the photo
6 simulation previously referred to.

7 4) And this is one that addresses, I think, Mr.
8 Williams' question, that should the petitioner cease to
9 utilize the equipment approved tonight for a continuous
10 period of six months or more, it shall promptly thereafter
11 remove such equipment and restore the building on which it
12 is located to its prior condition and appearance to the
13 extent reasonably practicable.

14 And then last, about the petitioner is in full
15 compliance with, and will continue to comply with in all
16 respects, the conditions imposed by this board with regard
17 to previous special permits granted to this petitioner with
18 regard to the site in question.

19 Now, we also make a long set of findings with
20 regard to the Spectrum Act. With your permission, you've
21 heard them before --

22 SIMON BRIGHENTI: Yes, could I request that they

1 be waived, the reading?

2 CONSTANTINE ALEXANDER: Yeah, waive the reading,
3 and then they'll be part of the record.

4 SIMON BRIGHENTI: Yes.

5 CONSTANTINE ALEXANDER: Okay. On the basis of all
6 this --

7 SIMON BRIGHENTI: Can I --

8 CONSTANTINE ALEXANDER: -- I move that we -- yes,
9 sir?

10 SIMON BRIGHENTI: -- can I make one point, though?

11 CONSTANTINE ALEXANDER: Yeah.

12 SIMON BRIGHENTI: It's a technical point, but
13 there would be a little internal inconsistency if we do
14 succeed with the landlord in not putting the stealthing will
15 not be in compliance with photo simulation; so that will be
16 acceptable?

17 CONSTANTINE ALEXANDER: Yes.

18 SIMON BRIGHENTI: Okay.

19 CONSTANTINE ALEXANDER: And then -- thank you. I
20 should have mentioned that, that the photo compliance -- the
21 photo simulation does not apply if you're going to remove
22 the equipment that's been requested, or relocate the

1 equipment, as requested by members of this board.

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

3 COLLECTIVE: Aye.

4 (Alexander, Sullivan, Monteverde, Hammer, Anderson.)

5 CONSTANTINE ALEXANDER: Five in favor, thank you.

6 COLLECTIVE: Thank you.

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Sitting Members: Constantine Alexander, Brendan Sullivan,
Jim Monteverde, Alison Hammer, Slater
Anderson

CONSTANTINE ALEXANDER: The Chair will now call
Case Number 017120 77 LARCH ROAD. Anyone here wish to be
heard on this matter?

JOHN RILEY: Good evening.

COLLECTIVE: Good evening, hi.

JOHN RILEY: I'm John Riley.

CONSTANTINE ALEXANDER: And you reside at 77 Larch
Road?

JOHN RILEY: I reside at 77 Larch Road.

CONSTANTINE ALEXANDER: And the floor is yours.
You're seeking a special permit to relocate four windows on
nonconforming side of this property?

JOHN RILEY: Yes, I am. We're partly undergoing a
renovation of the property to the rear room, so the first
floor. These rooms include a small bathroom, a big deal, a
kitchen on the north side of the house.

The north side of the house is the side that has a
non-complying setback, and that side has a number of

1 windows, and on the first floor, some of those windows were
2 renovated about twenty years ago, and are not in keeping
3 with the style of the traditional house.

4 Some of those are quite old and need to be
5 replaced. And one is the bathroom window that we're looking
6 to change.

7 Now, in terms of the windows, the houses sit about
8 twenty feet to twenty-four feet apart, and it's our
9 contention that we want to have a little privacy on that
10 side with our neighbors.

11 So our intention here is to reduce the size to the
12 windows, and what we're also doing is putting the windows
13 higher up on the interior wall. So in many ways, the
14 windows become an opportunity to have some sunlight coming
15 into that area of the house, but it doesn't -- you know, we
16 don't want to actually look out. You know, we want to
17 really look in.

18 And so, you know, we feel that it's in keeping
19 with the style of the house, you know? And the windows will
20 offer some cross-ventilation, because there will be casement
21 windows, and they'll be easier to operate than the existing
22 windows that are there that were original, in three of those

1 cases to the house.

2 CONSTANTINE ALEXANDER: Okay. Well, I'll get to
3 that in a second. Questions from members of the board at
4 this point? No questions? I'll open the matter up to
5 public testimony. Is there anyone here wishing to be heard
6 on this case? I gather not?

7 I will report that we do have an e-mail in our
8 files from Hormoz, H-o-r-m-o-z Goodarzy - G-double o-d-a-r-
9 z-y, who resides at 55 Fresh Pond Parkway. I assume that's
10 right around the corner from where you are?

11 JOHN RILEY: Yes, his driveway is accessible by
12 Larch. So he's in the neighborhood of Larch.

13 CONSTANTINE ALEXANDER: And that e-mail is very
14 short. "Thanks for the letter requesting to attend a
15 meeting for the above property." That's yours. "We are not
16 available for that day, to attend the hearing; however, we
17 have no objections to the project, and we'd like to endorse
18 the request for the alterations."

19 And that's it.

20 JOHN RILEY: I also want to comment that I've
21 spoken to my neighbors and to the neighbors that abut my
22 property on the north side of the house, and they're in

1 favor of this as well.

2 CONSTANTINE ALEXANDER: Good. That's part of the
3 public record. Thank you. Just so you know, since you're
4 not a professional, when we approve things, and I think we
5 will, we tie it to the plans that you submitted.

6 JOHN RILEY: I understand.

7 CONSTANTINE ALEXANDER: Okay. And so if you
8 modify, you need to modify those plans; you unfortunately
9 have to come back before here. So you want to be sure that
10 these are the final plans.

11 JOHN RILEY: These are the final plans.

12 CONSTANTINE ALEXANDER: Ready for a vote?

13 Okay. The vote is to grant the special permit to
14 relocate these windows in the setback. We have to make the
15 following findings:

16 1) That the requirements of the ordinance cannot
17 be met unless we grant you the special permit you're
18 seeking.

19 2) That the continued operation or development of
20 adjacent uses, as permitted in our ordinance, will not be
21 adversely affected by what is being proposed, and as
22 testimony to that, we have the e-mail in support, and your

1 report that other neighbors have no objection to the relief
2 you're seeking.

3 3) That no nuisance or hazard will be created to
4 the detriment of the health, safety, and/or welfare of the
5 occupant, or of the proposed use, or the citizens of the
6 city. And again, we have the neighborhood testimony in
7 favor as support for that.

8 4) And that generally what is being proposed will
9 not impair the integrity of the district or adjoining
10 district, or otherwise derogate the intent and purpose of
11 this ordinance.

12 So on the basis of these findings, the Chair moves
13 that we grant the special permit requested, on the condition
14 that the work proceed in accordance with the plans prepared
15 by Amy Semmes, S-e-m-m-e-s, dated November 18 again, 2018,
16 at least that's the cover page, and initialed by the Chair.
17 initialed by the petitioner and initialed by the Chair.

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

19 COLLECTIVE: Aye.

20 (Alexander, Sullivan, Monteverde, Hammer, Anderson.)

21 CONSTANTINE ALEXANDER: Five in favor, special
22 permit granted.

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JOHN RILEY: Thank you very much.

1 * * * * *

2 Sitting Members: Constantine Alexander, Brendan Sullivan,
3 Jim Monteverde, Alison Hammer, Slater
4 Anderson

5 CONSTANTINE ALEXANDER: The Chair will now call
6 Case Number -- 8:45?

7 COLLECTIVE: Yep. Right on schedule. Right on
8 the dot.

9 CONSTANTINE ALEXANDER: Right on schedule, right
10 on schedule. Case Number 017121 634 HURON AVENUE. Anyone
11 here wishing to be heard on this matter?

12 SARAH RHATIGAN: Good evening. How are our
13 microphones these days? Do we need to speak into them?

14 CONSTANTINE ALEXANDER: No, I --

15 JIM MONTEVERDE: Perfect.

16 CONSTANTINE ALEXANDER: Bulky, as always.

17 JIM MONTEVERDE: But same rock star -- take it out
18 of there.

19 SARAH RHATIGAN: Take it out? Okay, great.

20 ALAN PETERSON: Oh, we're going to share?

21 SARAH RHATIGAN: We're going to share. I'm
22 Attorney Sarah Rhatigan, from Trilogy Law, LLC, and I'm here

1 with my client, Alan Peterson.

2 ALAN PETERSON: Yes, hi. My name is Alan
3 Peterson, and I reside at 19 Haskell Street, Cambridge,
4 North Cambridge. I'm the owner of a property that I hope to
5 renovate, and it's -- 634 Huron Ave is the project address.

6 CONSTANTINE ALEXANDER: Do you propose to occupy
7 it?

8 ALAN PETERSON: No. No, no, it's to sell. Yes.

9 CONSTANTINE ALEXANDER: Okay.

10 SARAH RHATIGAN: And this board may have
11 remembered Mr. Peterson's application not that long ago for
12 the Haskell Street property that he does reside at. His
13 wife is in the audience.

14 Mr. Peterson's a renovation/restoration
15 contractor. And the property in question is a preexisting
16 nonconforming two-family structure that dates back quite a
17 long time, and sort of fun fact is that I guess there used
18 to be some flu pandemic victims who --

19 ALAN PETERSON: Yeah, it was used as a house to --

20 SARAH RHATIGAN: A sanitorium, I guess is what
21 they called it.

22 JIM MONTEVERDE: Did they?

1 SARAH RHATIGAN: Yeah. These are the stories.
2 But the house has been, you know, in its current location
3 and largely untouched and unimproved. We did submit some
4 photos to the board so that you'd get a sense of the flavor
5 of the project that Mr. Peterson has in front of him.

6 And we just have a few more that we wanted to
7 submit just so you can get a sense of some inside views of -
8 - this is not close to demolition, this is -- you know,
9 literally at the time of purchase, so that you can get a
10 sense of the inside conditions of the home, which are really
11 quite difficult. I don't mean to inundate you; I'll give
12 you one more.

13 The reason that we're here for a variance is there
14 are essentially two changes that are part of this proposal
15 that result in a need for a variance. The one change is an
16 expansion of the existing dormer that's on the left side of
17 the structure. So there's an existing dormer there that's -
18 - I don't remember the exact dimensions; I think something
19 like seven feet in width.

20 CONSTANTINE ALEXANDER: If I recall, a dormer --

21 JIM MONTEVERDE: It's 12 and a half wide.

22 CONSTANTINE ALEXANDER: -- cannot be more than 15

1 feet wide.

2 JIM MONTEVERDE: Correct, yeah.

3 SARAH RHATIGAN: So the proposed dormer is to
4 expand it to 15 feet.

5 CONSTANTINE ALEXANDER: 15 feet.

6 SARAH RHATIGAN: But not larger. And so, it's
7 expanding it on either side --

8 ALAN PETERSON: 15 inches.

9 SARAH RHATIGAN: Is it 15 inches on each side?

10 ALAN PETERSON: Mm-hm.

11 SARAH RHATIGAN: Yeah.

12 ALAN PETERSON: It stays centered in the roof, as
13 it is.

14 SARAH RHATIGAN: The window openings will be the
15 same.

16 CONSTANTINE ALEXANDER: You want the photos back?

17 SARAH RHATIGAN: Nope, nope, you can keep those
18 photos. And the change at the roofline is going to allow
19 for a more proper-size room at the attic level, that will
20 allow for some furniture. As it exists today, it's both too
21 small to really, you know, have anything up in the attic,
22 and also --

1 CONSTANTINE ALEXANDER: Should we --

2 SARAH RHATIGAN: -- the stairs --

3 CONSTANTINE ALEXANDER: -- grant the relief,
4 you're going to have -- it sold as a two-family house?

5 ALAN PETERSON: Correct.

6 SARAH RHATIGAN: Yes. Yep. And it will continue
7 to be a two-family house. Now, the one thing is just I
8 wanted to submit to you the corrected set of plans, because
9 there was one essentially minor detail that we weren't aware
10 of at the time we submitted the plans, which is in the
11 original set of plans.

12 The top of the ridge of the dormer was shown, both
13 on the existing and on the proposed, at exactly the same
14 height as the ridge, which is what we understood and what
15 the architects understood from a visual inspection, both
16 from inside the attic looking at the interior structure of
17 the roof, and also, from all the angles from the street.

18 There was an inquiry about that from one of the
19 neighbors who had said, "Is that -- are you sure? That's
20 right at the ridge?"

21 So just the other day, just a few days ago, Mr.
22 Peterson had sent some contractors up on the roof to

1 actually take a look and take a snapshot, a photo of that,
2 and what they were able to determine is that the ridge of
3 the dormer is actually five inches, just five inches below
4 the ridge of the main house.

5 So what we've done -- we just wanted the record to
6 be accurate. What we've done is we've presented -- what we
7 have here are highlighted -- both existing plans and
8 proposed plans.

9 Now, the new dormer -- it's not a new dormer --
10 the expanded dormer will continue to have the same height as
11 what exists. It's just this is correcting the fact that --

12 CONSTANTINE ALEXANDER: Five inches.

13 SARAH RHATIGAN: The dormer, both as it exists and
14 as it will be, is five inches below the main roof ridge.

15 CONSTANTINE ALEXANDER: Well, as you know, is that
16 the only difference? The plans that are in the file, we
17 have plans in the file now.

18 JIM MONTEVERDE: Yeah.

19 CONSTANTINE ALEXANDER: This is correction to
20 that.

21 SARAH RHATIGAN: Exactly.

22 CONSTANTINE ALEXANDER: Only for the five inches

1 or so.

2 SARAH RHATIGAN: Exactly. And what we've done,
3 because I wanted to make sure it was really crystal clear
4 and easy for you to see, is that we just highlighted where
5 the change appears on each page.

6 I'm happy to go through it slowly with you -- and
7 apologies, this really was -- you know, literally we just
8 were sitting yesterday saying, "Wait, this is five inches
9 lower, you really need to represent this correctly." It does
10 not affect the square footage request, and it doesn't really
11 have any other impact.

12 CONSTANTINE ALEXANDER: No, it's important,
13 though, that you know if we grant relief, we tie it to
14 plans, and --

15 SARAH RHATIGAN: Exactly.

16 CONSTANTINE ALEXANDER: -- those are --

17 SARAH RHATIGAN: That was our concern.

18 CONSTANTINE ALEXANDER: -- that's why we want to
19 do that.

20 SARAH RHATIGAN: Yeah, yeah.

21 CONSTANTINE ALEXANDER: Well, you -- I want to --

22 SARAH RHATIGAN: I have three sets --

1 CONSTANTINE ALEXANDER: Excuse me, it's important
2 that it's in the record. The representation is these plans
3 are, except for the five inches, is the same with the plans
4 that were there before, because they should have been
5 technically in our files -- you know, 5:00, by 5 p.m. the
6 Monday before.

7 SARAH RHATIGAN: That's correct.

8 CONSTANTINE ALEXANDER: But this is such a minor
9 modification, I feel we could have -- wait it out and go
10 forward with what you have.

11 SARAH RHATIGAN: Okay, thank you.

12 CONSTANTINE ALEXANDER: So just give me one copy.

13 SARAH RHATIGAN: So this is one copy; this is
14 stapled together, the existing. And this is stapled
15 together, the proposed.

16 ALAN PETERSON: You have the same.

17 SARAH RHATIGAN: So this is the corrected set.

18 ALAN PETERSON: For the dormer.

19 CONSTANTINE ALEXANDER: Yeah, okay.

20 JIM MONTEVERDE: I got it.

21 CONSTANTINE ALEXANDER: Okay.

22 SARAH RHATIGAN: And again, I'm happy to flip

1 through pages with you if you want to confirm that.

2 CONSTANTINE ALEXANDER: Questions from members of
3 the board at this point?

4 SARAH RHATIGAN: So --

5 JIM MONTEVERDE: Could I ask one question?

6 SARAH RHATIGAN: Sure.

7 JIM MONTEVERDE: Just out of curiosity, why do you
8 flatten out the front? Curiosity.

9 SARAH RHATIGAN: Yeah, that was the next thing I
10 was going to respond to.

11 JIM MONTEVERDE: Okay.

12 ALAN PETERSON: It's a unique detail that when the
13 house was built, they indented where the front bay on the
14 right side, if you're facing here on out, the right side of
15 the bay comes back into the house to create a bay, but the
16 foundation doesn't. The foundation is out further to the
17 front of the bay.

18 So they built like a fake ceiling down at the
19 bottom of the bay that's like a little hip roof. And it's
20 just been a horrible water condition that has, like, you
21 know, destroyed the foundation there in that corner over the
22 years. And --

1 SARAH RHATIGAN: Yeah. So you can see from the
2 front view, you can see the kind of mod, you know, kind of
3 triangular, indented space.

4 JIM MONTEVERDE: Yep.

5 SARAH RHATIGAN: And it is, I can't -- I mean,
6 there's no view from the inside window. It's like the
7 inside window is looking at a flat piece of siding. So
8 there's no kind of aesthetic reason that it's there; it's
9 very odd. And also, as you mentioned, it's causing some --

10 ALAN PETERSON: Bad water --

11 SARAH RHATIGAN: There's already a lot of
12 deterioration, but it's just kind of contributing to it. So
13 by flattening that wall, it's kind of removing basically a
14 construction kind of defect, or a design defect, I guess is
15 what we'd say.

16 And the increase in square footage is minuscule.
17 But, so overall between the dormer and the change of the
18 front of the -- of flattening out the front of the house,
19 there's a very, very minor increase in square footage that's
20 involved.

21 CONSTANTINE ALEXANDER: 14 feet.

22 SARAH RHATIGAN: 14 feet.

1 CONSTANTINE ALEXANDER: And you have setback
2 issues, as well?

3 SARAH RHATIGAN: We're not altering any setbacks.

4 CONSTANTINE ALEXANDER: Okay, but you --

5 SARAH RHATIGAN: So that there's no setback
6 relief.

7 CONSTANTINE ALEXANDER: Okay.

8 SARAH RHATIGAN: Expressly within it.

9 JIM MONTEVERDE: Right.

10 SARAH RHATIGAN: Because the face of the dormer
11 remains the same, so it's no -- it's just a continuation of
12 --

13 CONSTANTINE ALEXANDER: Okay.

14 SARAH RHATIGAN: -- that horizontal plane. Same
15 thing at the front quarter. There are no window changes.

16 We are reconstructing the roof to the second-floor
17 porch, what came down. I'm not sure if it's wind damage.
18 There was some casualty and that crumbled -- I think it, in
19 fact, fell into a neighbor's yard. So that would be
20 rebuilt, and that's shown in the plans.

21 So just briefly on outreach to people in the
22 community: So Mr. Peterson's been on site since he

1 purchased the property with beginning sort of cleanup work
2 with contractors, and has had quite a bit of, you know,
3 chatting discussions with immediate neighborhoods.

4 And then after we filed the variance paperwork, he
5 sent sort of a "Dear Neighbor" letter to all the people on the
6 city's notice list.

7 And the -- in terms of the concerns of neighbors,
8 people have been concerned about essentially the
9 construction process, and wanting to make sure -- this is a
10 house that does not look lovely. And so, as you can
11 imagine, as they're demolishing there have been concerns of
12 making sure that everything's being essentially done
13 properly.

14 So AI's gone to some lengths to make sure, to kind
15 of double check with his environmental folks that shingling
16 has been tested, which it has. People are wearing hazmat
17 suits.

18 There's also been some concern from the people at
19 the back about water runoff. I understand -- we understand
20 that these aren't zoning matters. And none of the relief
21 that we're requesting really affects those things.

22 But just so you know, in terms of his efforts, he

1 will continue to be talking to the folks around -- behind
2 them.

3 CONSTANTINE ALEXANDER: Right.

4 SARAH RHATIGAN: He spoke to engineering this
5 morning to start talking to them about, you know, what
6 mitigating things he may need to do because the siding of
7 the house is up above folks behind them.

8 So to whatever extent, you know, the fact that
9 he's on site will be an improvement to the current
10 conditions. And that will continue to -- you know, use his
11 usual process.

12 CONSTANTINE ALEXANDER: We don't have any letters
13 from any neighbors or abutters, so.

14 SARAH RHATIGAN: So the only thing -- we did just
15 see an e-mail that literally just came in this evening from
16 the abutter to the left, and it actually looks like it was
17 also sent to Maria Pacheco and --

18 CONSTANTINE ALEXANDER: I sent it to you?

19 MARIA PACHECO: I'm not sure.

20 SARAH RHATIGAN: You sent it to me.

21 CONSTANTINE ALEXANDER: Yeah. We can read it for
22 the record.

1 SARAH RHATIGAN: Yeah, we can read it to you.

2 It's from the owner of the house --

3 CONSTANTINE ALEXANDER: Sure.

4 SARAH RHATIGAN: -- as you face the house to the
5 left. So they're the ones who are facing the dormer, which
6 is helpful. Okay. So this is coming from Hasti, H-a-s-t-i
7 and Carsten, C-a-r-s-t-e-n Petersen.

8 ALAN PETERSON: Pedersen.

9 SARAH RHATIGAN: It's pronounced Pedersen?

10 ALAN PETERSON: Yeah, it's --

11 SARAH RHATIGAN: It's spelled P-e- --

12 ALAN PETERSON: Not to confuse, he's Dutch, I'm
13 Norwegian.

14 SARAH RHATIGAN: Oh, okay. P-e-d-e-r-s-e-n.

15 ALAN PETERSON: Yeah.

16 SARAH RHATIGAN: From 630 Huron Ave, Apartment
17 Number 2, Cambridge. It reads, "Dear Alan Peterson, of
18 Peterson Development, LLC. The historical-minded renovation
19 of this property is much needed and welcome. Can you ensure
20 that the renovation is done according to good dust
21 practices, both interior and exterior? Can you also ensure
22 that the safety of the people in our driveway facing your

1 property is not jeopardized, neither during the construction
2 or after completion of the work, due to falling snow?"

3 SARAH RHATIGAN: And that was sent, like I said, I
4 believe that it was sent to the Commissioner --

5 CONSTANTINE ALEXANDER: Well, neither of those
6 issues are relevant --

7 SARAH RHATIGAN: -- Ms. Pacheco, and --

8 CONSTANTINE ALEXANDER: -- to the zoning relief,
9 but --

10 SARAH RHATIGAN: Right.

11 CONSTANTINE ALEXANDER: -- I would hope that you
12 would, of course, should we grant you the relief, respond to
13 those concerns and deal with them.

14 SARAH RHATIGAN: So I assume that that e-mail will
15 be part of the record, since it looks --

16 CONSTANTINE ALEXANDER: You've read it into the
17 record.

18 SARAH RHATIGAN: I read it into the record, but no
19 other written records. I know that there are a few
20 neighbors who are here today, so --

21 CONSTANTINE ALEXANDER: I'll open the matter to
22 public testimony in a second. Questions or problems at this

1 point from members of the board? No? I'll open the matter
2 up to public testimony. Is there anyone here wishing to be
3 heard on this case?

4 Sir, you have to come forward and speak into the
5 microphone. That one, or you can take a hand mike if that's
6 easiest, if that will be easiest for you.

7 DAVID LANDRIGAN: It's fine. My name is David
8 Landrigan. I live at 636-638 Huron Avenue, where I first
9 lived when I was in first grade, before I started first
10 grade. The house is one that my great grandparents bought.
11 I know it well; I know the neighborhood very well.

12 I know the soil below Huron Ave. I know the soil
13 on Holworthy Street very well through the excavations on
14 both. I know the property next door very well.

15 My major concern, although I support Mr.
16 Peterson's application. I'm not opposing it at all, except I
17 have a very strong concern. There are two times that my
18 house has had water in the basement.

19 The first time was caused by the city. The city
20 remedied it. When I was a boy, Glacken Field -- there was a
21 field. It had grass that high; it was never mowed; it was
22 wild.

1 Over the years, they improved it. As with
2 improvements, sometimes there are problems. They put in an
3 irrigation system. Every fall, they'd bring in the
4 Ingersoll Rand compressor to blow out the irrigation system
5 so it doesn't freeze up. They forgot to turn off the gate
6 valves to the neighborhood. They blew out the water pipes
7 going down Huron Ave, they blew up the water pipes going
8 down on Huron Ave (sic), and they blew out the water entry
9 into my house.

10 That's a one-time event, hopefully. That's not a
11 25-year event. I'm not overly concerned about the city
12 doing that. I think those fellows who did that probably had
13 a good chewing-out.

14 The other time was the property of 634 had a
15 basement that flooded frequently. One time, the occupants
16 of the building decided to pump it. And the first direction
17 in which they pumped the water was toward my foundation.
18 The foundation on that side started leaking.

19 As with the Ingersoll Rand operators I, you know,
20 went out, and I said, "Don't shoot that water to me." So
21 they turned the water in the other direction. It flooded the
22 Montello's, (phonetic) who had even more considerable damage

1 than I had for that.

2 Because the clay soil that forms that hill is very
3 deep. It is -- it doesn't perc. Water stays right on top;
4 it never settles through the top of the dirt at all to the
5 clay at all. And that goes down quite a ways. It does
6 change in its consistency somewhat, but it's almost all clay
7 all the way down.

8 Thank good news it's not wet and jellylike or
9 jello- like, which wet clay can do. So I'm not overly
10 concerned about vibration problems and so forth. But I am
11 concerned about the runoff and flooding my basement. I
12 don't want that to happen.

13 I would ask the board to consider asking the city,
14 DPW or whoever does that, to consider tying it in -- tying
15 in some kind of drainage from the proposed driveway into the
16 city storm system.

17 That would probably, to my way of thinking, make
18 the most sense. And to make that I hope as a condition of
19 the granting of the variance.

20 Thank you.

21 CONSTANTINE ALEXANDER: Thank you. I'm not sure
22 how we -- if we can honor your request. It's not the

1 typical condition for a zoning, but you can make a
2 commitment to the gentleman that you will deal with the city
3 to --

4 ALAN PETERSON: Oh, absolutely. Yeah. Yeah.

5 CONSTANTINE ALEXANDER: We would rely on that
6 representation upon your part. So he will work with you, or
7 you will work with him to get the city, try to get the city
8 to do what you wish, to avoid the flooding in your basement
9 again?

10 ALAN PETERSON: Yeah.

11 CONSTANTINE ALEXANDER: Okay? Anyone else who
12 wishes to be heard in this matter?

13 MARTHA ZIRBEL: Hello. My name is Martha Zirbel.
14 My husband O'Neil and I live at 175 Holworthy Street. The
15 property abuts 634 --

16 THE REPORTER: Can you spell your name, please?

17 MARTHA ZIRBEL: Z as in zebra-i-r --

18 Zebra - i-r -b as in boy- e-l. We abut 634 Huron
19 kitty-corner to the south, and we're downhill, with about a
20 10-foot change in elevation. We've spoken with Mr.
21 Peterson, and we're pleased that the house, which has long
22 been dilapidated and is increasingly in disrepair, is being

1 renovated, and [indiscernible] the original.

2 We understand that there's an increase in density,
3 likely to occur due to the addition of bedrooms and doubling
4 number of bathrooms within the house, attic space and
5 basement.

6 We do welcome the renovation. We have a couple of
7 concerns. There's the presence of an active sewer lateral
8 wall from the back of 634 Huron down to Holworthy Street
9 that may impact our or other adjacent properties.

10 And our second concern is stormwater drainage,
11 which affects us downhill properties, which Mr. Landrigan
12 elaborated on.

13 Regarding this active sewer lateral, we understand
14 that Mr. Landrigan is investigating the location and the
15 condition of the sewer lateral. We haven't yet seen the
16 plan of the lateral, so we don't exactly know where it is.

17 I think we have some indications. We -- based on
18 what I know so far, I think it runs somewhat close to our
19 property and upward part of the property.

20 We have some retaining walls up there that we're
21 concerned about, the impacts of those. Our other concern is
22 634 is -- our observation of living there 28 years is that

1 it received no maintenance of any kind, and the renovations
2 are going to increase the number of occupants, the bathrooms
3 and sewer use, and so, there's more of a potential for
4 leakage or failure of subsequent repairs.

5 Regarding the regular drainage, I can just say the
6 same things as Mr. Landrigan. Our basement is a very
7 sensitive item, because it floods all the time because of
8 the clay soil.

9 We've spent a lot of money putting drainage zones
10 around our property to prevent water from getting into the
11 basement, but just the disbursement of the runoff is not
12 very good in the clay.

13 And we just are hoping that the grading of the
14 back yard and driveway be done in such a manner to reduce
15 any kind of runoff down the hill, not just to the driveway
16 to Huron, but down the hill toward us.

17 And I guess I -- this probably isn't a zoning
18 issue, but what we're hoping is that there will be a
19 requirement that once the investigation of the sewer is
20 complete, that we get notified as to the exact location of
21 it, and that this is made available to the DPW, which I'm
22 sure it will be, and other -- any other interested parties,

1 because to have a lateral on your property or next to your
2 property, you need to know about it, you need to know what
3 it is.

4 And again, as I said, just to ensure that the
5 grading and landscaping reduces and does not increase
6 drainage toward Holworthy Street. That's it.

7 CONSTANTINE ALEXANDER: Thank you.

8 ALAN PETERSON: Could I say another thing or two?
9 No?

10 CONSTANTINE ALEXANDER: Anyone else wishes to be
11 heard on this matter? Guess not. Do you want to respond to
12 the last?

13 ALAN PETERSON: Yeah, I can, actually. In regards
14 to the concern about the lateral, the existing lateral,
15 four-inch lateral, the sewer line that comes out of the
16 property does go out back of the property.

17 I just had it tracked and a camera run down it,
18 which was requested by the Engineering Department at the
19 DPW. I met with them this morning, and they asked me to
20 make a detailed drawing of it, and they gave me a scaled
21 drawing to work with.

22 The good news is that it's in really good shape,

1 and it largely has my immediate rear abutters, Lou and Irine
2 (phonetic), that they were very helpful in letting us get
3 access to their property to track the sewer line. The
4 city's, of course, very interested to know where it is,
5 because they don't have any record of it, and there is --

6 Early on, there is another connection, and they've
7 asked me to do some more research vis-à-vis going to my
8 immediate neighbors next to me to ask if we can drop dye
9 into the toilets, and then try to track if it comes from one
10 of those houses.

11 Now, that being said, it's still on the table for
12 me to abandon that line altogether and go out the front into
13 Huron, you know? So these are -- the issue is being
14 addressed.

15 It's going to be, you know, worked out with the
16 city, and whatever I -- and they want me to do, I think
17 we'll come to an agreement to do the best, you know, for the
18 property and the neighbors, you know? I'm not interested in
19 taking out liability of a line running through somebody's
20 back yard, honestly, so.

21 CONSTANTINE ALEXANDER: Well I'm going to propose
22 when I make my motion to grant the relief, that we have a

1 condition relating to the drainage and the sewerage.

2 ALAN PETERSON: Yeah.

3 CONSTANTINE ALEXANDER: Issues that obviously
4 dominate in this neighborhood, or at least in the
5 neighborhood of your structure.

6 ALAN PETERSON: Yeah, I would also like to --

7 CONSTANTINE ALEXANDER: The relief will not be --
8 I mean, I can't require you to solve it, but I am going to
9 require, if board members agree with me, that you work in
10 good faith to diligently solve them, working with the city
11 and keeping the neighborhood generally apprised of what is
12 going on, and what decisions are being made so that --

13 UNIDENTIFIED: Point of information?

14 CONSTANTINE ALEXANDER: Say again?

15 UNIDENTIFIED: Point of information?

16 CONSTANTINE ALEXANDER: Yes.

17 UNIDENTIFIED: Are you speaking of the effluent
18 type, or of all runoff?

19 CONSTANTINE ALEXANDER: Whatever --

20 UNIDENTIFIED: Whatever water problems may arise?

21 CONSTANTINE ALEXANDER: Yeah, exactly.

22 ALAN PETERSON: Yeah I -- well, if I may, I'd just

1 like to say that -- I could say what I was immediately
2 willing to do is existing, like in the back of the property
3 there is -- the ground just sort of washes away into the
4 neighbor's yard, and I've agreed to build a retaining wall,
5 with appropriate backfill to help mitigate that. It'll
6 help level off the ground. That's one thing.

7 Secondly, I have said that I will do permeable
8 pavers. I'm not going to blacktop anything, or cement any
9 surfaces. I'll use -- you know, appropriate 18-inch deep
10 permeable surfaces will be installed. Those things I know I
11 can do. And then I'm talking to the city engineer about
12 other things that can be done.

13 CONSTANTINE ALEXANDER: Thank you. Anyone else
14 wishes to be heard on this matter? Apparently not. The
15 only letter we have from the files is what you read to us,
16 the e-mail I should say, so I am going to close public
17 testimony.

18 Discussion? As I indicated, I think we should try
19 to -- I can't require, per se, but try to -- we can require
20 the use of good faith, best efforts to resolve the drainage
21 of water issues that apparently affect the neighbor
22 generally.

1 SARAH RHATIGAN: Can I just put a comment in on
2 that? So -- I mean, I think that Mr. Peterson's answered
3 that, so that he absolutely is working in good faith to do
4 what he can. But just to clarify, you know, this
5 neighborhood may have some extreme water issues that Mr.
6 Peterson's project may not solve, so.

7 I just want to be a little, you know, sensitive
8 about how we conditioned his good faith.

9 CONSTANTINE ALEXANDER: Well, let me try when I
10 make my motion.

11 SARAH RHATIGAN: Thank you.

12 CONSTANTINE ALEXANDER: I'm going to wing it, but
13 I'll try. Anyway, ready for him to speak. Okay. First of
14 all, the Chair moves that we make the following findings
15 with regard to the variance being sought:

16 That a literal enforcement of the provisions of
17 the ordinance would involve a substantial hardship, such
18 hardship being -- and this is an older structure in very
19 poor condition, and that it's really not all that
20 inhabitable, so whether for this purpose or any other
21 future, we do need a variance.

22 The hardship is owing to the fact that this is a

1 preexisting nonconforming structure, and one that has
2 water/soil issues, both of which are required for a
3 variance, and that relief may be granted without substantial
4 detriment to the public good, or nullifying or substantially
5 derogating intent or purpose of this ordinance.

6 So on the basis of these findings, the Chair moves
7 that we grant the variance requested, subject to the
8 following conditions:

9 The first is that the work proceed in accordance
10 with two sets of plans submitted by the petitioner, the
11 first page of which has been initialed by the Chair. These
12 plans were prepared by Reisen, R-e-i-s-e-n Design
13 Associates, and they appear to be dated June 13, 2019. Yep.

14 And the second condition is that the petitioner,
15 or whoever owns this property, use all -- use reasonable
16 best efforts to resolve the drainage and runoff issues and
17 sewer issues that are apparently endemic to this property,
18 working with the City officials to get what relief is
19 necessary, and also, keeping the neighborhood, the immediate
20 neighborhood, currently apprised of what's going on, and
21 seeking their advice or their input, so that it is a
22 neighborhood project, but you're going to be ultimately

1 responsible for it, I mean in terms of the money and the
2 like. Are you okay, everybody?

3 So, on the basis of these findings, and subject to
4 the conditions that I've suggested, the Chair moves that we
5 grant the variance requested. All those in favor, please
6 say, "Aye."

7 COLLECTIVE: Aye.

8 (Alexander, Sullivan, Monteverde, Hammer, Anderson.)

9 CONSTANTINE ALEXANDER: Five in favor, variance
10 granted.

11 ALAN PETERSON: Thank you.

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Sitting Members: Constantine Alexander, Brendan Sullivan,
Jim Monteverde, Slater Anderson

CONSTANTINE ALEXANDER: The Chair will now call
Case Number 017123 48 BANKS STREET. Anyone wishing to be
heard on this matter?

NORMAN SCHOPF: My name is Norman Schopf, S-c-h-o-
p-f. I am an architect for the Lubavitch of Cambridge.
This is Elkie Zarchi. Her husband is the applicant, but he
is out of town today.

And more important, she's the Director of the day
care program for the Lubavitch of Cambridge. So we will be
as brief as we can.

CONSTANTINE ALEXANDER: Good idea.

NORMAN SCHOPF: Elkie will need to introduce
herself.

ELKIE ZARCHI: Okay. I'm Elkie Zarchi, Z-a-r-c-h-
i, and I live at 54 --

THE REPORTER: Could you spell your first name?

ELKIE ZARCHI: E-l-k-i-e, and we live at 54 Main
Street, but we own 38, which is where we host the Chabad,
and then we own 48, which is the middle property between 38

1 and our house. And so, it's 38, 48, 54.

2 Currently, we used to just rent out 48 or, you
3 know, have friends stay there, and it is empty now. And so
4 everything we do at Chabad and in the preschool is about
5 creating community.

6 And so, three years ago, we started a preschool,
7 Cambridge Preschool of the Arts. We started it in September
8 of 2016, with nine children, and we are accepting 90
9 children this coming September. So our main location --

10 CONSTANTINE ALEXANDER: Congratulations.

11 ELKIE ZARCHI: Thank you. It's an amazing,
12 diverse community, mostly of Cambridge children, and we have
13 two locations right now, one in East Cambridge at 8 Museum
14 Way, and we're doing an expansion there right now, so that
15 will allow us to accept more children there, and we also --
16 our second location, which we opened this September -- this
17 past September -- is at 299 Concord, at the corner of Walden
18 and Concord, where HR Block is. HR Block's lease runs out
19 in April, and our plan is to immediately start construction
20 and make more classrooms.

21 So we have a huge waitlist. And to that end,
22 actually we have two family day cares associated with our

1 school, so the EEC knows us well, and we work with their
2 family care licensers, because I have an extra classroom in
3 my house, in my finished basement. And obviously, the
4 license is for our group care, and they all work together
5 with us.

6 So what has been proposed, because we have such a
7 long waitlist, is if we can use 48, just the first floor,
8 just for a year, just to tide us over until the expansion is
9 done at 299 Concord.

10 So it would be like a temporary off-site base, the
11 EEC would recognize it as part of the same preschool, but
12 they would license it separately with, like, a -- you know,
13 however they do their licensing for off-site, but
14 connection.

15 CONSTANTINE ALEXANDER: You mentioned one year. I
16 think to be safe, I'm going to suggest to our fellow board
17 members that we grant you the special permit for two years.

18 ELKIE ZARCHI: Okay.

19 CONSTANTINE ALEXANDER: And then, you know, you
20 don't need the two years, hopefully you won't, fine, but --

21 ELKIE ZARCHI: We won't tell our contractor or our
22 contact that we have --

1 CONSTANTINE ALEXANDER: Otherwise, if you do have
2 some delays, you'll have to come back a year from now, and -
3 -

4 ELKIE ZARCHI: Okay.

5 CONSTANTINE ALEXANDER: But I don't want to be in
6 perpetuity either, so that's why I've suggested to you--

7 ELKIE ZARCHI: Thank you.

8 CONSTANTINE ALEXANDER: -- two years.

9 ELKIE ZARCHI: So yeah, there's plenty of parking,
10 but the families who would be coming would be walking. I
11 don't think anybody actually can drive. They're all
12 neighborhood families, which is why the Main Street location
13 is great for now.

14 CONSTANTINE ALEXANDER: Okay.

15 MIKE WILLIAMSON: If you would like, I'll recite
16 the gratuitous details. In any case, it's a single-family
17 residence, the C-1 zone for the owner of 48 Banks Street.
18 It's also the owner of two adjacent properties, which is the
19 Lubavitch of Cambridge and company. We are seeking the
20 special permit for changing use from residential to day
21 care, and at your suggestion for 24 months, it's anticipated
22 to be a temporary use, but 24 months can be very useful.

1 Let's see. We believe that the application meets
2 all of the provisions of the ordinance in Attachment B, page
3 6, which you have in your submission.

4 CONSTANTINE ALEXANDER: That's the requirement for
5 the special permit?

6 MIKE WILLIAMSON: Yes.

7 CONSTANTINE ALEXANDER: There are findings we have
8 to make to grant the special permit.

9 MIKE WILLIAMSON: They are.

10 CONSTANTINE ALEXANDER: Yes.

11 MIKE WILLIAMSON: But we have -- we presented our
12 arguments in support.

13 CONSTANTINE ALEXANDER: Right.

14 MIKE WILLIAMSON: I don't think I need to recite
15 them.

16 CONSTANTINE ALEXANDER: I don't think you need to,
17 either.

18 MIKE WILLIAMSON: Okay. Thank you very much.

19 CONSTANTINE ALEXANDER: Questions from members of
20 the board? I'll open the matter up to public testimony.
21 Anyone wishing to be heard on this matter? James?

22 JAMES WILLIAMSON: James Williamson, 1000 Jackson

1 Place, Cambridge. I think I'm glad to hear that it's been -
2 - I want to just clarify something with the use, reverting
3 to the residential use.

4 There is a big push to knock down zoning. It's
5 been quite controversial throughout the city, and the
6 demands about affordable housing, affordable housing,
7 affordable housing, and so it would just be sort of ironic
8 if something exists that's suitable for housing is, you
9 know, when something is converted to a different use,
10 obviously that would be cause for concern and community
11 interest.

12 So if it -- I'm glad to hear that apparently the
13 plan is very temporary, and it's going to revert to -- and
14 just to clarify, is it in fact going to revert then to a
15 residential use?

16 And are we -- you know, what's the comfort zone in
17 terms of after a period of time? Well, it's working pretty
18 well as an expanded -- you know, there's a big expansion of
19 day care.

20 Maybe this was working well and the neighbors are
21 coming because they walk here, and, you know, after a year
22 and a half, it's like we're going to make this permitted

1 and, well, then it's harder to say no, because it's already
2 kind of becoming -- it's almost an existing use de facto.

3 So I worry about losing -- I mean, especially when
4 people are demanding changes in zoning for affordable
5 housing, letting housing go, if that would be -- thank you.

6 CONSTANTINE ALEXANDER: Thank you, James. Anyone
7 else wishes to be heard on this matter? I guess not. Are
8 we not in receipt of any letters, I don't recall, in our
9 files? So ready for a vote? I've got to go very far on
10 this side.

11 Okay, the Chair moves that we make the following
12 findings with regard to the special permit that's being
13 requested: that the requirements of the ordinance cannot be
14 met without the special permit.

15 That traffic generated or patterns in access or
16 egress resulting from what are being proposed will not cause
17 congestion, hazard, or substantial change in established
18 neighborhood character -- again, to the extent there is
19 congestion or substantial change that will be effective and
20 will take effect for small periods of time at the beginning
21 and at the end of the school day.

22 That the continued operation or development of

1 adjacent uses, as permitted in the ordinance, will not be
2 adversely affected by the nature of what is being proposed.
3 In this regard, the safeguard I think our board will impose
4 is that the special permit will have a limited life. And
5 so, it cannot go on and on and on and affect the
6 neighborhood.

7 And no nuisance or hazard will be created to the
8 detriment of the health, safety and/or welfare of the
9 occupant, or the proposed use, or the citizens of the city,
10 and that generally what is being proposed will not impair
11 the integrity of the district or adjoining district, or
12 otherwise derogate the intent and purpose of this ordinance.
13 So on the basis of these findings, the Chair moves that we
14 grant the special permit requested, subject to the following
15 conditions:

16 1) That the work proceeds in accordance with three
17 pages of plans, which have been initialed by the Chair,
18 prepared by SEA, S as in Sam -e-a- Architects.

19 2) That the special permit will terminate two
20 years from the date of our decision. And so, to continue
21 what is being proposed thereafter will require another visit
22 to our board. All those in favor, please -- yep?

1 BRENDAN SULLIVAN: The date that the decision is
2 filed?

3 CONSTANTINE ALEXANDER: That's what we -- I think
4 that's -- legally, I know what you mean.

5 BRENDAN SULLIVAN: Yeah.

6 CONSTANTINE ALEXANDER: But I think legally it's
7 when it's filed. It's on that.

8 BRENDAN SULLIVAN: It's on that -- court.

9 CONSTANTINE ALEXANDER: It's when it's filed.

10 BRENDAN SULLIVAN: It's filed when I was at the
11 court.

12 CONSTANTINE ALEXANDER: That's the date of the
13 decision.

14 BRENDAN SULLIVAN: That's the start date, yeah.

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

17 COLLECTIVE: Aye.

18 (Alexander, Sullivan, Monteverde, Anderson.)

19 CONSTANTINE ALEXANDER: Four in favor.

20 COLLECTIVE: Thank you.

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Sitting Members: Constantine Alexander, Brendan Sullivan,
Jim Monteverde, Alison Hammer, Slater
Anderson

CONSTANTINE ALEXANDER: The Chair will now call
Case Number 017124 -107 OTIS STREET. Anyone here wishing to
be heard on this matter?

HEATHER CHERRY: My name is Heather Cherry. I
live on 107 Otis Street.

THE REPORTER: Can you spell that?

HEATHER CHERRY: C-h-e-r-r-y. So my parents -- my
Mom grew up in the house, and my father has been there
forever as well, and we want to put a deck, because my Dad
out of nowhere got paralyzed in November, and he can't get
out.

And he has been stuck in the house, except for if
we have an ambulance to take him outside. He used to play
golf, and he was always in our yard, so we figured if we do
a deck, at least he can get some fresh air and --

CONSTANTINE ALEXANDER: We understand -- I mean, I
certainly -- we all, I'm sure, understand that. The thing we
have to worry about, though, is that at some point in time,

1 your Dad and you will not occupy this property, and the deck
2 will remain. And this is a tight neighborhood. I mean,
3 though we do have a letter of support from one neighbor, and
4 maybe you --

5 HEATHER CHERRY: Here's another one, yeah.

6 CONSTANTINE ALEXANDER: -- have more to give to
7 us.

8 HEATHER CHERRY: Yeah. And I think two people
9 might have e-mailed as well. But we don't -- this property,
10 my great grandmother owned it. We don't plan on ever
11 selling it. My aunt is right next door.

12 CONSTANTINE ALEXANDER: The world changes.

13 HEATHER CHERRY: I know, but -- and no one can
14 even -- from the street, you can't even see it. You won't
15 even be able to see that.

16 CONSTANTINE ALEXANDER: The issue of, "might be" -
17 - impact on the privacy of the abutters on either side,
18 because you're going to be -- there's no setback, basically,
19 side yard setbacks. Now, when I walked by and looked at the
20 property, I was amazed at how tight this building is between
21 the two larger buildings.

22 HEATHER CHERRY: Right. But then it goes in --

1 CONSTANTINE ALEXANDER: Right.

2 HEATHER CHERRY: -- if you go in the back of the
3 yard, and that's where the deck's going to be.

4 CONSTANTINE ALEXANDER: Oh, okay.

5 HEATHER CHERRY: So you won't be able to --

6 CONSTANTINE ALEXANDER: I couldn't see that from
7 the street, so I --

8 HEATHER CHERRY: Yeah, you can't -- yeah, so the
9 house goes -- so when you walk in, then it goes like this.
10 So we're going to have it in this corner.

11 CONSTANTINE ALEXANDER: How big is that going to
12 be?

13 HEATHER CHERRY: It's going to be -- I don't know
14 --

15 ALISON HAMMER: The plans are -- 8 x 16.

16 HEATHER CHERRY: Yeah, we just wanted it so that a
17 wheelchair can go out and around. I mean, it could be so
18 that he can be comfortable, I guess.

19 JIM MONTEVERDE: 8 feet x 6 feet.

20 HEATHER CHERRY: Mm-hm.

21 CONSTANTINE ALEXANDER: 8 feet x 6?

22 JIM MONTEVERDE: 8 feet by 16 feet.

1 HEATHER CHERRY: So this would be the yard. The
2 yard is, like, really long. So it would just be, like, a
3 little portion of it.

4 CONSTANTINE ALEXANDER: We haven't seen any
5 neighborhood opposition or abutter opposition, at least in
6 the files.

7 HEATHER CHERRY: I mean, I spoke to everyone.
8 Everyone thinks it's a great idea.

9 CONSTANTINE ALEXANDER: Including the people on
10 either side of the -- most affected by the depth, could be
11 affected.

12 HEATHER CHERRY: Which is -- yeah, my aunt, who
13 lives there, and she's the only person who would actually
14 see it.

15 CONSTANTINE ALEXANDER: Courtney Crummett?

16 HEATHER CHERRY: No, Rita McKim (phonetic).

17 CONSTANTINE ALEXANDER: Well, if you have a letter
18 --

19 ALISON HAMMER: There's a handwritten letter in
20 the file.

21 HEATHER CHERRY: Yeah.

22 ALISON HAMMER: I have it here.

1 CONSTANTINE ALEXANDER: I don't have it in the
2 file. I don't have --

3 HEATHER CHERRY: Last sheet.

4 CONSTANTINE ALEXANDER: Okay, all right. For some
5 reason, that letter didn't get in our files, be that as it
6 may. Questions from members of the board?

7 BRENDAN SULLIVAN: I just think it's the right
8 thing to do.

9 CONSTANTINE ALEXANDER: We've got to be diligent
10 and play by the rules too, but I think you're right. I
11 think it's a good idea. I understand why you want to do it,
12 and especially for long-standing Cambridge residents like
13 your family, you and your family, so.

14 BRENDAN SULLIVAN: Anything that will make his
15 life easier, and a little bit more pleasant.

16 HEATHER CHERRY: Yes, Sunday we were all out, and
17 he was sitting around. It's very sad.

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

20 BRENDAN SULLIVAN: And the fact that this will tie
21 together, he could be on his deck --

22 CONSTANTINE ALEXANDER: That's right.

1 BRENDAN SULLIVAN: -- and they could probably talk
2 to all the neighbors.

3 HEATHER CHERRY: Exactly.

4 BRENDAN SULLIVAN: There's a social component to
5 it.

6 CONSTANTINE ALEXANDER: I don't mean to be
7 sarcastic, but you're not going to be dancing around the
8 deck and having -- on the deck -- having big parties.

9 HEATHER CHERRY: No, no, no, no.

10 CONSTANTINE ALEXANDER: No.

11 HEATHER CHERRY: No, no.

12 CONSTANTINE ALEXANDER: That's always a concern
13 for us when you have tight neighborhoods and decks, because
14 that can be party time, and then the people next door didn't
15 really have their life affected.

16 HEATHER CHERRY: Yeah, I know. So we always had
17 the yard, so basically instead of him being on level, at
18 ground level, he's just going to be out. So it's going to
19 be the same thing.

20 CONSTANTINE ALEXANDER: Right.

21 HEATHER CHERRY: So if we ever had parties, I'm
22 sure all the neighbors would be here objecting.

1 CONSTANTINE ALEXANDER: I'll open the matter up to
2 public testimony. Anyone wishing to be heard? Nope. We do
3 have two letters of support, one is from Courtney Crummett,
4 C-r-u-m-m-e-t-t, who resides at 106 Otis Street Number 3.
5 "I'm writing to support the variance application for 107
6 Otis Street in Cambridge. My name is Courtney Crummett, and
7 I live at 106 Otis Street, which is directly across the
8 street from 107 Otis Street.

9 "I have lived at 106 Otis for almost two years.
10 The proposed second-floor deck will have no negative impact
11 on me. This proposed deck will provide access to outdoor
12 space for a family member living in the residence that has
13 trouble using stairs, and would be a positive impact on the
14 family's quality of life."

15 And then we also have a letter from Joseph P. --
16 P. as in Paul -- I'm going to just spell it -- S-z-u-l-e-w-
17 s-k-i, who resides at 93 Otis Street.

18 "I am a lifelong resident of Cambridge, and own
19 the properties at 93-95 and 97 Otis Street. I am running in
20 support of the petition for a variance to add a deck to the
21 second floor of 107 Otis Street."

22 And then it identifies a few folks as the

1 petitioners. And that's it. So 200 in favor. And this is a
2 drawing of what the deck is going to look like. It's in our
3 files. We always, when we grant relief, we tie it to this.
4 So this hopefully is for your final version.

5 HEATHER CHERRY: Yeah.

6 CONSTANTINE ALEXANDER: Okay. I just want to make
7 sure. Close public testimony? Ready for a vote?

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

10 That a literal enforcement of the provisions of
11 this ordinance would involve a substantial hardship, such
12 hardship being as that given the narrow structure and its
13 location within two larger structures, that access to a deck
14 would improve the living, makes the structure itself more
15 habitable, although there's an immediate need for such, why
16 you're here tonight. This is also applied to any future
17 owners of the property.

18 That the hardship is owing to the fact that this
19 is already a nonconforming structure, so that any
20 modification as requires zoning relief, and that relief may
21 be granted without substantial detriment to the public good,
22 or nullifying or substantially derogating the intent or

1 purpose of the ordinance.

2 On the basis of these findings, the Chair moves
3 that we grant the variance requested, on the condition that
4 the work proceed in accordance with the two pages of plans
5 that have been initialed by the Chair.

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

7 COLLECTIVE: Aye.

8 (Alexander, Sullivan, Monteverde, Hammer, Anderson.)

9 CONSTANTINE ALEXANDER: Five in favor, good luck.
10 I hope your father will enjoy it.

11 HEATHER CHERRY: Oh, so this means that --

12 COLLECTIVE: You're all set.

13 CONSTANTINE ALEXANDER: Or you, not --

14 HEATHER CHERRY: Oh, right, yeah.

15 CONSTANTINE ALEXANDER: -- I mean, not quite yet.

16 HEATHER CHERRY: Oh.

17 CONSTANTINE ALEXANDER: I mean, yes, you will, but
18 the decision has to be written up --

19 HEATHER CHERRY: Oh.

20 CONSTANTINE ALEXANDER: -- that's why we have the
21 stenographer.

22 HEATHER CHERRY: Okay.

1 CONSTANTINE ALEXANDER: Then it's filed with the
2 City Clerk. And then there's a 20-day appeal period, and it
3 goes to the courts. So really until that time runs, you
4 can't start construction. You're probably two or three
5 months out, before you can do it.

6 ALISON HAMMER: And you need to get a building
7 permit.

8 CONSTANTINE ALEXANDER: What's that?

9 ALISON HAMMER: She needs a building permit also.

10 CONSTANTINE ALEXANDER: Exactly.

11 HEATHER CHERRY: Okay.

12 CONSTANTINE ALEXANDER: But you know, I'd talk to
13 IST, they might let you start earlier. That's between them
14 and you.

15 HEATHER CHERRY: Right.

16 CONSTANTINE ALEXANDER: Not --

17 HEATHER CHERRY: Okay.

18 CONSTANTINE ALEXANDER: But that's the way these
19 variances work.

20 HEATHER CHERRY: Okay. And can I take the letter
21 off my door now, or do I still keep it up?

22 CONSTANTINE ALEXANDER: Oh, you're supposed to

1 keep it up until you get a letter saying the decision is
2 final.

3 HEATHER CHERRY: Oh, okay.

4 CONSTANTINE ALEXANDER: So just leave it up.

5 HEATHER CHERRY: Okay, that's fine. All right,
6 thank you.

7 COLLECTIVE: Thank you.

8 CONSTANTINE ALEXANDER: Thank you. I didn't read
9 that letter. Oh, well.

10 (End of Proceedings)

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15 I have read the foregoing transcript of the Board of
16 Zoning Appeal, and except for any corrections or changes
17 noted above, I hereby subscribe to the transcript as an
18 accurate record of the proceedings.

19
20 _____

21 Date

22

CERTIFICATE

Commonwealth of Massachusetts

Middlesex, ss.

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

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

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

Notary Public

My commission expires:

August 6, 2021