

BOARD OF ZONING APPEAL  
FOR THE  
CITY OF CAMBRIDGE

GENERAL HEARING

THURSDAY, JULY 25, 2019

7:00 p.m.

in

Senior Center

806 Massachusetts Avenue

First Floor

Cambridge, Massachusetts 02139

Constantine Alexander, Chair

Brendan Sullivan, Vice Chair

Janet Green, Member

Andrea A. Hickey, Member

Laura Warnick, Associate Member

Alison Hammer

Sisia Daglian, Assistant Building Commissioner

I N D E X

<u>CASE</u>	<u>PAGE</u>
BZA-017104-2019 -- 194R PROSPECT STREET Original Hearing Date: 05/30/19	5
BZA-017094-2019 -- 44 WEBSTER AVENUE Original Hearing Date: 06/27/19	7
BZA-017117-2019 -- 117 WALDEN STREET Original Hearing Date: 06/13/19	13
BZA-017144-2019 -- 117 WALDEN STREET	32
BZA-017138-2019 -- 35 STANDISH STREET	37
BZA-017140-2019 -- 279-283 WESTERN AVENUE	52
BZA-017143-2019 -- 19 BROWN STREET	60
BZA-017142-2019 -- 189 CHARLES STREET	72
BZA-017141-2019 -- 23 CAMBRIDGE PKWY	79
BZA-017145-2019 -- 23 ROCKWELL STREET	93
BZA-017148-2019 -- 900 CAMBRIDGE STREET	100

1 P R O C E E D I N G S

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3 (7:16 p.m.)

4 Sitting Members: Constantine Alexander, Brendan Sullivan,  
5 Janet Green, Andrea A. Hickey, and Laura  
6 Warnick

7 CONSTANTINE ALEXANDER: The Chair will call this  
8 meeting of the Board of Zoning Appeals to order. And, as is  
9 our custom, we begin with continued cases, the cases that  
10 have started at an earlier date, but for one reason or  
11 another were not decided, and have been continued until this  
12 evening. After that, we'll turn to our regular Agenda,  
13 starting with 7:30.

14 Before I call any of the continued cases, I'd like  
15 to read a statement. After notifying the Chair, any person  
16 may make a video or audio recording of our open sessions, or  
17 may transmit the meeting through any media, subject to  
18 recent requirements that the Chair may impose as to the  
19 number, placement and operation of equipment used, so as not  
20 to interfere with the conduct of the meeting.

21 At the beginning of the meeting, the Chair will  
22 inform other attendees at that meeting that a recording is

1 being made, and I wish to advise today the recording is  
2 being made. And again, I would advise that at least one  
3 recording is being made; a citizen of the city is recording,  
4 his tape recorder is right there, and our stenographer  
5 records to assist her when she prepares the transcript of  
6 the meeting.

7           Is anyone else here planning to record? I got you  
8 John -- record a video of this meeting? No. Okay, with  
9 that I will turn to our first continued case.

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2 (7:17 p.m.)

3 Sitting Members: Constantine Alexander, Brendan Sullivan,  
4 Janet Green, Andrea A. Hickey, and Laura  
5 Warnick

6 CONSTANTINE ALEXANDER: It's Case Number 017104 -- 194 Rear  
7 Prospect Street. Anyone here wish to be heard on this  
8 matter?

9 (No response.)

10 CONSTANTINE ALEXANDER: There's no one wishing to  
11 be heard, and I would report to the board and to those in  
12 the audience that the petitioner in this case has withdrawn  
13 his application for the zoning relief. I'll read his  
14 letter. It's from C. Christopher Logan.

15  
16 I'm writing to inform you -- it's addressed to the  
17 Inspectional Services Department -- that the Martins have  
18 decided to request a withdrawal of their BZA application,  
19 blah, blah, blah, due to a reevaluation of the proposed  
20 scope. Given this decision, I will not be requesting a  
21 continuance at this Thursday's BZA hearing.

22

1                   CONSTANTINE ALEXANDER: I think we need to take a  
2 vote to accept or to approve the withdrawal. All those in  
3 favor of approving the withdrawal of this petition, please  
4 say, "Aye?"

5                   THE BOARD: Aye.

6                   [All vote in favor]

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2 (7:18 p.m.)

3 Sitting Members: Constantine Alexander, Brendan Sullivan,  
4 Janet Green, Andrea A. Hickey, and Laura  
5 Warnick

6 CONSTANTINE ALEXANDER: Next we'll turn to Case  
7 Number 017094 -- 44 Webster Avenue. Anyone here wish to be  
8 heard on this matter? Members of the board? Just come  
9 forward and --

10 BARRY ZEVIN: I've got a guest. I'm Barry Zevin,  
11 67 Hampshire Street. I'm not going to be here for long. I  
12 wrote you a letter. I'm at 67 Hampshire and I wrote you a  
13 letter in opposition, nothing to add to it.

14 CONSTANTINE ALEXANDER: I guess -- let me just  
15 advise you that the petitioner in this case has requested a  
16 further continuance. So we're not going to hear the case  
17 tonight.

18 BARRY ZEVIN: Okay.

19 CONSTANTINE ALEXANDER: I don't -- it doesn't look  
20 like anyone from the petitioner is here. This will be the  
21 second --

22 MARGARET EVERETT: Yes, she is.

1           CONSTANTINE ALEXANDER: Oh, you are, I'm sorry.

2 This will be the second continuance. We do not continue  
3 more than twice.

4           BARRY ZEVIN: Okay.

5           CONSTANTINE ALEXANDER: So the next time, and  
6 we're going to set a date, we're going to hear this case up  
7 or down, okay?

8           BARRY ZEVIN: Okay.

9           CONSTANTINE ALEXANDER: Got it? I mean you should  
10 identify who you are to the --

11          THE REPORTER: Yeah, could I just get your name,  
12 please?

13          BARRY ZEVIN: Mine?

14          THE REPORTER: Yes.

15          BARRY ZEVIN: Barry Zevin.

16          THE REPORTER: If you could actually say it into  
17 the record.

18                 [Noise]

19          CONSTANTINE ALEXANDER: God! Help us out.  
20 Spectacular.

21          BARRY ZEVIN, 67 Hampshire Street.

22          THE REPORTER: Could you spell your last name?

1           BARRY ZEVIN:  Z-e-v-i-n.

2           THE REPORTER:  Thank you.

3           CONSTANTINE ALEXANDER:  Great.  And you want him  
4  to -- yeah, please, for the record.  Down -- yeah, or either  
5  -- that's probably better.

6           MARGARET EVERETT:  I'm Margaret Everett, I'm the  
7  owner, and we just need a little more time to review our  
8  plans and figure it out.

9           CONSTANTINE ALEXANDER:  Do you have a date when  
10 you would like to have this date heard?

11          MARGARET EVERETT:  No.

12          CONSTANTINE ALEXANDER:  Well, pick one and I'll  
13 give you --

14          MARGARET EVERETT:  I need to -- a few months would  
15 be preferred if it's possible.

16          CONSTANTINE ALEXANDER:  It's possible.  We're not  
17 going to -- no earlier than September.  We don't -- we have  
18 trouble meeting in August, so.

19          MARGARET EVERETT:  Yeah, so October would be  
20 ideal, September would be possible.

21          CONSTANTINE ALEXANDER:  October is fine.

22          MARGARET EVERETT:  Okay, perfect.

1           CONSTANTINE ALEXANDER:  What do we have for  
2  October?

3           THE REPORTER:  October 10.

4           CONSTANTINE ALEXANDER:  Okay.

5           THE REPORTER:  There's already two cases, and  
6  October 24 there's no cases.

7           CONSTANTINE ALEXANDER:  October 10?

8           [Crosstalk]

9           MARGARET EVERETT:  -- it works with my schedule,  
10  I'm sorry, I can check my schedule but I -- let's say the  
11  twenty-fourth.

12          THE REPORTER:  Okay.

13          CONSTANTINE ALEXANDER:  Which of the two do you  
14  prefer?

15          MARGARET EVERETT:  I'm guessing the twenty-fourth,  
16  I don't know my work schedule yet, but I'll work on that.

17          CONSTANTINE ALEXANDER:  Okay.  We'll continue the  
18  case until the twenty-fourth, but again, make sure that  
19  you're ready the next time around, because --

20          MARGARET EVERETT:  Yep.

21          CONSTANTINE ALEXANDER:  -- we're not going to  
22  continue all the time.

1 MARGARET EVERETT: I understand. Thank you.

2 CONSTANTINE ALEXANDER: The Chair moves that we  
3 continue this case one more time as a case not heard,  
4 subject to the following conditions:

5 One, a waiver of notice for time, a waiver of time  
6 for a decision needs to be signed, and that has already been  
7 done, so that taken care of.

8 Two, and this is -- Mrs. Everett, listen to what  
9 I'm going to say. The condition of continuing in this case,  
10 the next time around you have to take a posting sign, one  
11 that's there, or a new one.

12 And it has to reflect the new date, October 24,  
13 the new time, 7:00 p.m., and that sign must be maintained  
14 for the 14 days where it's required by our ordinance. If  
15 that is not done, we will not hear the case on that date,  
16 and very likely might just dismiss the case out of hand.

17 And lastly, to the extent that there are changes  
18 in the plans, dimensional forms and the length that we have  
19 it on file already, those new or revised plans, documents,  
20 must be in our file no later than 5:00 p.m. on the Monday  
21 before October 24.

22 Remember that date is the eighteenth. That's to

1 allow us, and citizens of the city, to read them and think  
2 about them before the hearing.

3           So those all -- well, two conditions need to be  
4 satisfied. All those in favor of continuing the case on  
5 this basis, please say, "Aye."

6           THE BOARD: Aye.

7           CONSTANTINE ALEXANDER: Five in favor. Thank you.

8           [All vote in favor]

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2 (7:30 p.m.)

3 Sitting Members: Constantine Alexander, Brendan Sullivan,  
4 Janet Green, Andrea A. Hickey, and Laura  
5 Warnick

6 THE REPORTER: It's not quite 7:30 yet.

7 CONSTANTINE ALEXANDER: What's that?

8 THE REPORTER: It's not 7:30 yet.

9 CONSTANTINE ALEXANDER: No, this is --

10 THE REPORTER: Oh, I'm sorry. Yeah.

11 CONSTANTINE ALEXANDER: 017117-117 Walden Street.

12 Anyone here wishing to be heard on this matter?

13 SARAH RHATIGAN: Good evening.

14 CONSTANTINE ALEXANDER: Good evening. Sarah  
15 Rhatigan, Trilogy Law for the petitioner.

16 SARAH RHATIGAN: I recently have been retained by  
17 the owner of this property, largely in connection with  
18 another unrelated case. But he did ask me to just present  
19 the request for a continuance of this matter.

20 The expectation is that we'd like the special  
21 permit application, which is the case matter that you've  
22 just referenced here, to be heard immediately after the --

1           CONSTANTINE ALEXANDER: That's what I'm trying --

2           SARAH RHATIGAN: The primary case --

3           CONSTANTINE ALEXANDER: Fine.

4           SARAH RHATIGAN: And the continuance request on  
5 that one I believe is for September 12.

6           CONSTANTINE ALEXANDER: I think eleventh, isn't  
7 it?

8           SARAH RHATIGAN: I'm sorry, the Thursday. I think  
9 it may be --

10          CONSTANTINE ALEXANDER: Sisia, what is the  
11 September date?

12          SISIA DAGLIAN: The twelfth.

13          CONSTANTINE ALEXANDER: The twelfth?

14          SISIA DAGLIAN: And twenty-sixth.

15          SARAH RHATIGAN: I think Thursday is the twelfth.

16          SISIA DAGLIAN: Yeah, twelfth.

17          SARAH RHATIGAN: Yeah. So it's the September 12  
18 date that we've requested.

19          SISIA DAGLIAN: We can do it. We have just two  
20 other continuing cases.

21          CONSTANTINE ALEXANDER: And we're going to have  
22 one more continued case besides this one, we're going to

1 have four continued cases.

2           SISIA DAGLIAN: Okay. All right. There's two  
3 already that day, so.

4           CONSTANTINE ALEXANDER: Okay. I know Ranjit has  
5 been in correspondence with your client and with the  
6 appellant in the other case. And he's told him September  
7 11. I'm a little worried about that date, but.

8           COLLECTIVE: [Laughter]

9           SARAH RHATIGAN: We'll come on the eleventh, but  
10 I'm sure you'd prefer the twelfth, the Thursday.

11           CONSTANTINE ALEXANDER: Right. No, it's going to  
12 be on Thursday --

13           SARAH RHATIGAN: Yes.

14           CONSTANTINE ALEXANDER: That's what I mean.  
15 Ma'am, you had your hand up. Why don't you -- no, you can  
16 stay there, but [laughter].

17           SUZANNE HOWARD: Hi, my name is Sue Howard. I am  
18 an abutter on the special permit application, and I  
19 understand that there has been a request for a continuance.

20           And also, in connection with this the appeal I'm  
21 also the appellant, and we would like to continue to have  
22 the special permit hearing before the -- as it is on the

1 calendar now, rather than reversing it and having the appeal  
2 heard first.

3           CONSTANTINE ALEXANDER: That's our decision, and -  
4 -

5           SUZANNE HOWARD: Right, right.

6           CONSTANTINE ALEXANDER: -- frankly, I don't know  
7 that we want to have that. I would much prefer to have your  
8 appeal heard first.

9           SUZANNE HOWARD: Okay, well we can -- there's time  
10 between now and September to see what happens in that period  
11 of time.

12           CONSTANTINE ALEXANDER: Oh, absolutely.

13           SUZANNE HOWARD: And I guess I would just -- you  
14 know, from our perspective, we'd like to get the whole thing  
15 consolidated. It's all on one lot, and it's very difficult  
16 to keep filing things in different places, but we'll do it  
17 in a double fashion --

18           CONSTANTINE ALEXANDER: We can't --

19           SUZANNE HOWARD: -- if that's what you decide.

20           CONSTANTINE ALEXANDER: -- consolidate, because  
21 they're two separate petitions. I know you feel otherwise,  
22 but these are unrelated cases.

1           And it's more important we get your appeal out and  
2 decide it before we turn to the special permit case. We're  
3 not going to consolidate the two cases. It will be --  
4 whenever we have it, and I think it's going to be September,  
5 we're going to hear two separate cases.

6           SUZANNE HOWARD: Right, no I -- okay, I understand  
7 that. I'm just saying that it does make it more difficult  
8 for the public to understand the nature of the special  
9 permit and the inadequacies of the special permit  
10 application, for which we have all prepared for a hearing  
11 today very seriously, because we thought that that was going  
12 to be going forward today, and looking at the inadequacies  
13 of that application, pointed to a lot of problems on the  
14 lot, including the second building.

15           And so, when it's all for one lot, the continued  
16 use of the system to keep them separate is a problem from  
17 the public's perspective.

18           So if when you're thinking about this in the  
19 future, you can consider that, we'd really appreciate it,  
20 because this bifurcation, just it's -- it's hard.

21           CONSTANTINE ALEXANDER: Again, one more time.

22           SUZANNE HOWARD: I understand you're going to make

1 your decision.

2           CONSTANTINE ALEXANDER: We're not bifurcating.

3 This is two separate cases, brought -- seeking --

4           SUZANNE HOWARD: It's the same set of facts for  
5 us.

6           CONSTANTINE ALEXANDER: Well, it's not. You've  
7 been making this argument all along. It's not the same set  
8 of facts. Completely different cases. Special permit for  
9 to relocate windows in the setback, and the second case is  
10 to build a new residential structure in the rear of the lot.

11           SUZANNE HOWARD: Okay. Can we add things to the  
12 record in this meeting? The record's open, right, so we can  
13 continue to file --

14           CONSTANTINE ALEXANDER: Oh, yes.

15           SUZANNE HOWARD: -- our analysis of the special  
16 permit, and how maybe make a better argument that --

17           CONSTANTINE ALEXANDER: Absolutely.

18           SUZANNE HOWARD: -- they are really one and the  
19 same project.

20           CONSTANTINE ALEXANDER: Okay. Absolutely.

21 There's no reason to --

22           SUZANNE HOWARD: Okay, so we're now continuing

1 both cases to --

2 CONSTANTINE ALEXANDER: September 12.

3 SUZANNE HOWARD: September 12, and I indicated my  
4 assent as well. And I also --

5 CONSTANTINE ALEXANDER: You signed a Waiver of  
6 sign for the decision?

7 SUZANNE HOWARD: I did sign the waiver, and I  
8 understand that work will be stopped at -- in the back lot  
9 during the period between now and September 12.

10 CONSTANTINE ALEXANDER: That is what --

11 SUZANNE HOWARD: Ranjit's --

12 CONSTANTINE ALEXANDER: -- Ranjit has written his  
13 --

14 SUZANNE HOWARD: -- letter --

15 CONSTANTINE ALEXANDER: -- order is the best way  
16 of putting it.

17 SUZANNE HOWARD: -- agreement. Is it in order?

18 CONSTANTINE ALEXANDER: I don't know, I mean  
19 that's my word. In any event.

20 SUZANNE HOWARD: We would like to know if it is in  
21 order, but he has agreed to it, and we're good with that.

22 CONSTANTINE ALEXANDER: Well, work will not be --

1 I think the petitioner in both cases -- well, the builder  
2 has agreed, am I right? Not to put --

3 SARAH RHATIGAN: I mean just to -- if you don't  
4 mind me interjecting for a minute?

5 CONSTANTINE ALEXANDER: No.

6 SARAH RHATIGAN: I understand that these matters  
7 relate to one another, so we're kind of morphing into the  
8 other -- to the appellant case, and I don't know if we can -  
9 -

10 CONSTANTINE ALEXANDER: I think this is  
11 background, this is just background.

12 SARAH RHATIGAN: This is background, so --

13 JOHN HAWKINSON: 30 seconds.

14 CONSTANTINE ALEXANDER: I'm sorry?

15 SARAH RHATIGAN: Excuse me?

16 JOHN HAWKINSON: 30 seconds.

17 CONSTANTINE ALEXANDER: 30 seconds.

18 JOHN HAWKINSON: Until you can take it up.

19 SISIA DAGLIAN: Oh, it's that --

20 SARAH RHATIGAN: Oh, until the time, the  
21 appropriate time? Thank you for that. The continuance --  
22 let me step back for a moment. The petitioner would love to

1 have the special permit matter resolved as quickly as  
2 possible.

3           The reason that he has agreed to the requested  
4 continuance until September 12 on the special permit matter  
5 is because he understands the concerns of his neighbors, and  
6 he doesn't want to drag people to multiple hearings.

7           He knows that people are concerned about the  
8 appeal, and so, he's willing to consolidate those two  
9 matters. It does delay him in his construction, there's  
10 renovation ongoing on the building.

11           But again, he's willing to -- you know, be a good  
12 neighbor, and to continue that case. If it were not for the  
13 fact that he were, you know, aware of the neighbor's  
14 concerns, he would much prefer to have the matter resolved.  
15 But again, he has agreed to the continuance of the special  
16 permit matter.

17           On the appeal, if I've talked for 30 seconds, and  
18 we can talk about the appeal, on the appeal the appellant  
19 was requested at the request of the commissioner to agree to  
20 continue her petition to allow the Law Department to advise  
21 the Building Commissioner, because it was a very uniquely  
22 intensive application.

1           And the owner was consulted through me in  
2   consultation, and we agreed that we were fine with a  
3   continuance. We'd much prefer to have it earlier, but we're  
4   okay with the September 12 date.

5           And in connection with that, my client was asked  
6   if he would voluntarily stop work under the building permit  
7   that was issued for new construction, to which we agreed,  
8   and I provided a letter to the Building Commissioner  
9   confirming that.

10           And it did provide us a caveat that if my client  
11   has any work that he wants to do in order to secure the  
12   site, because there was a hold and the beginning of framing  
13   for concrete foundation, if there's any backfilling to be  
14   done or fencing or securing of the site so that it's safe,  
15   because we will be on hold for a period of over a month,  
16   that he will make a request to the Building Commissioner in  
17   each instance, and he won't do any work on the site unless  
18   the commissioner allows him to do that.

19           And I'm sure, you know, Mr. Singanayagam is going  
20   to consult the appellant in that case, so that you are aware  
21   of what's going on.

22           But if there's any work being done, it's going to

1 be, again, simply making sure the place is safe.

2           CONSTANTINE ALEXANDER: And it'll hopefully be  
3 signed off on by Ranjit?

4           SARAH RHATIGAN: And it will be signed off on,  
5 exactly. But this is of a voluntary nature. There hasn't  
6 been an order, there hasn't been a withdrawal of that  
7 building permit. I just want to make sure that the --

8           SUZANNE HOWARD: It's my --

9           SARAH RHATIGAN: the procedural record is clear.

10          SIMON BRIGHENTI: Well, the procedural record is  
11 that I have received copies of these letters, I have one  
12 from Ranjit that says that about the continuance, and also,  
13 the direction to staff. So whether or not this is -- then a  
14 letter back from you saying, "Oh, and we are in agreement."

15                 And I'm sure there's been conversations, and we're  
16 just happy that the work has stopped. And we're hoping that  
17 it stopped before, and then it started up about a week ago,  
18 and the whole foundation is poured. This happened next  
19 door.

20                 It did become a public nuisance. We're happy to  
21 have safety concerns. It fills with water, and it's been a  
22 problem, that's why I brought it up initially to the

1 Building Department quite early on in this process, but we  
2 are where we are because it has taken up to this point to  
3 get a response from the building Department in the city.

4           So we're happy that this has come to a place where  
5 it will stop. You know, we have many neighbors that  
6 overlook this site. The building Department will probably  
7 receive a lot of calls.

8           But I understand, and I spoke with Ranjit as well  
9 about the dirt that needs to be shored up on this  
10 foundation, but it was not in discussion that it would be an  
11 ongoing thing. So -- just so you're aware of that. I thank  
12 you.

13           And we also have filed the petitions that we had  
14 ready today in the record, so that you can see that there  
15 are 22 neighbors who are really concerned about what's going  
16 on in the whole lot, whether it's in this proceeding or that  
17 proceeding, and we're happy to do the special permit  
18 earlier. We were totally prepared to come this evening with  
19 a full analysis of what needs to happen.

20           CONSTANTINE ALEXANDER: We'll decide on September  
21 12.

22           SUZANNE HOWARD: Right.

1           CONSTANTINE ALEXANDER: You ought to take the  
2 case. Not going to decide this evening.

3           SUZANNE HOWARD: It would be great to have some  
4 guidance if that's the case, but we're --

5           SARAH RHATIGAN: You're going to be prepared.

6           SUZANNE HOWARD: Well, you're going to hear them  
7 both at the same time anyway?

8           CONSTANTINE ALEXANDER: Yeah.

9           SUZANNE HOWARD: Okay, okay.

10          THE REPORTER: Can I just have you state your  
11 name?

12          SUZANNE HOWARD: Yes. My name is Suzanne Howard.  
13 I live at 111 Walden Street in Cambridge, and I'm also the  
14 appellant and an attorney representing myself, and to a  
15 certain extent the interest of my neighbors. Thank you.

16          CONSTANTINE ALEXANDER: The Chair will move:

17          RICH ARTHUR: May I?

18          CONSTANTINE ALEXANDER: Sir, yes. I'm sorry, I  
19 didn't see you.

20          RICH ARTHUR: Good evening. My name is Rich  
21 Arthur. I am the owner of the house behind 117 Walden  
22 Street.

1 THE REPORTER: Can you spell your last name for  
2 me?

3 RICH ARTHUR: A-r-t-h-u-r, better known as brother  
4 RA.com, and that's why I'm here, just specifically for the  
5 stenographer, for the record.

6 I don't know about all the city and the  
7 proceedings and so on and so forth about this law and that  
8 law, but as a landlord and as an heir, my grandmother left  
9 me the property, and I have to listen to all the rigamarole  
10 that the developer who--quote, unquote--and Sue, I  
11 appreciate all that she has done in dealing with the laws of  
12 the city and the developer, yes, he's all about money and --

13 I have an issue being a black man in America.  
14 Money is debt slaveholders. That's whose image is on money,  
15 and that's what we value.

16 And the trees and the canopy that the developer  
17 because he's about money cut down the trees that I have to -  
18 - now he plans on putting another three- condo unit in the  
19 back yard behind the house --

20 CONSTANTINE ALEXANDER: Sir, you'll have  
21 opportunity to address this all on September 12.

22 ARTHUR RICH: I don't even want to, I just want

1 you to know and understand that whoever the commissioner was  
2 gave them the zoning--quote, unquote--. I called, he gave  
3 them permission, and you can argue this and argue that, and  
4 deal with the rigamarole.

5 But I just want to say that it's disheartening and  
6 discouraging that so many people are valuing not the nature  
7 of life and so on and so forth, but cut down the trees and,  
8 I mean there are turkeys in my back yard.

9 A family of -- I mean, where the turkeys are  
10 fighting. One turkey tried to -- and she, "no, get away  
11 from my children." [Laughter]. And it's just the beauty of  
12 the rabbits, and so on.

13 But you're cutting down, "Oh, no, I have to make  
14 dead slaveholders." It's who, the competition, it's like,  
15 "No, why can't we enjoy the nature of life?" That's all I  
16 want to say, as Richard Arthur, brotherRA.com.

17 And for those that wish to watch my programming,  
18 please do so. It's a difference of opinion. Thank you.

19 THE REPORTER: Can I just get your address,  
20 please?

21 RICHARD ARTHUR: 34 Hubbard Ave, Nana's house.  
22 Thank you.

1           CONSTANTINE ALEXANDER: Thank you.

2           ANDREA HICKEY: Excuse me. I have a conflict in  
3 this case, so I cannot assent to the --

4           CONSTANTINE ALEXANDER: We'll be able to have four  
5 votes. We should make sure we keep in the minutes of the  
6 meeting that Andrea is not voted on this case, she's  
7 abstaining.

8           Okay. Now I think we're ready for a motion  
9 regarding of a continuance of the case involving the special  
10 permit to relocate windows and setback. It's the case that  
11 we have before us, 017117. The Chair moves that this case  
12 be continued until 7:00 p.m. on September 12, subject to the  
13 following conditions:

14           One, that the petitioner signs a waiver of time  
15 for a decision, and he already has done that, that's been  
16 satisfied.

17           Two, that the posting sign that's on the property  
18 must be modified, a new one put up or the existing one  
19 modified to reflect the new date, September 12, and the new  
20 time, 7:00 p.m. that's important, because once before the  
21 client did not do that, and that's the first continuance we  
22 had. So he's good this time, make sure he's good the next

1 time.

2 NANCY JORDALEN: If the paperwork says 144 --

3 CONSTANTINE ALEXANDER: I'm sorry?

4 NANCY JORDALEN: You said it's a different number.

5 CONSTANTINE ALEXANDER: I'm sorry, it's 117.

6 NANCY JORDALEN: It says 144.

7 BOARD MEMBER: That's the appeal.

8 THE REPORTER: I'm sorry, I need you to say your  
9 name.

10 NANCY JORDALEN: Nancy.

11 BOARD MEMBER: The appeal is 144.

12 THE REPORTER: I'm sorry, I can't --

13 BOARD MEMBER: Excuse me for one moment.

14 NANCY JORDALEN: That's different.

15 (Simultaneous speech)

16 BOARD MEMBER: The stenographer needs to get your  
17 last name, ma'am.

18 NANCY JORDALEN: I'm sorry, Jordalen, sorry. I  
19 didn't know -- is that the right number?

20 BOARD MEMBER: She didn't get -- she did not get  
21 your name.

22 CONSTANTINE ALEXANDER: Now what, you have two

1 different cases.

2 NANCY JORDALEN: Oh, okay. Jordalen.

3 CONSTANTINE ALEXANDER: And we're not to your case

4 --

5 THE REPORTER: Please, just --

6 CONSTANTINE ALEXANDER: -- the one you're talking  
7 about yet.

8 THE REPORTER: -- into the microphone, the same.

9 NANCY JORDALEN: Jordalen, J-o-r-d-a-l-e-n. I'm  
10 just an advised, I mean I'm an observer.

11 THE REPORTER: First name?

12 NANCY JORDALEN: Nancy.

13 CONSTANTINE ALEXANDER: Okay, going back to the  
14 sign, it's got to be a new sign or a modified sign  
15 reflecting the new date, September 12, and the time 7:00  
16 p.m.

17 And that, to the extent that it's going to need  
18 revisions to the plans that are in our files and dimensional  
19 forms, you know the drill, those must be in our files no  
20 later than 5:00 p.m. on the Monday before.

21 So that gives you in every physical city an  
22 opportunity to look at the files and to be prepared for the

1 hearing on September 12. All those in favor, please say,  
2 "Aye."

3 THE BOARD: Aye.

4 CONSTANTINE ALEXANDER: Four in favor, one  
5 abstention. Thank you.

6 [Four vote in favor; Andrea Hickey abstention]

7 CONSTANTINE ALEXANDER: Now we'll go to our  
8 regular agenda, and the first case on our -- you might as  
9 well stay -- I think you're going to say something about the  
10 regular agenda.

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(7:40 p.m.)

Sitting Members: Constantine Alexander, Brendan Sullivan,  
Janet Green, Laura Warnick, and Alison  
Hammer

CONSTANTINE ALEXANDER: The first case I'm going  
to call is Case Number 017144. This is 117 Walden Street --  
you're not the petitioner, sorry. This is an appeal of a  
decision by Mrs. Singanayagam. Anyone here wishing to be  
heard on this matter?

ANDREA HICKEY: I may need to --

CONSTANTINE ALEXANDER: I assume you're going to --  
-

ANDREA HICKEY: Okay. Allison is going to sit in  
for me.

CONSTANTINE ALEXANDER: Say it again?

ANDREA HICKEY: Allison's going to sit in for me.

CONSTANTINE ALEXANDER: Okay.

ANDREA HICKEY: 114 is related to 117 --

CONSTANTINE ALEXANDER: Yeah.

ANDREA HICKEY: And I --

CONSTANTINE ALEXANDER: It's going to be a

1 continued case anyway, but it's -- Yes, ma'am.

2 SUZANNE HOWARD: I understand that this has been  
3 continued as well?

4 CONSTANTINE ALEXANDER: Yes.

5 SUZANNE HOWARD: I agree with --

6 CONSTANTINE ALEXANDER: Yes, I know. I've seen  
7 your --

8 SUZANNE HOWARD: Right. So.

9 CONSTANTINE ALEXANDER: I've got -- we have to  
10 take a vote.

11 SUZANNE HOWARD: Okay. So you don't need me?

12 CONSTANTINE ALEXANDER: No, no, no, no, no, no.

13 SUZANNE HOWARD: You're welcome to stay here.

14 AUDIENCE: You don't need to.

15 SUZANNE HOWARD: It's very interesting. I'm happy  
16 to answer questions.

17 CONSTANTINE ALEXANDER: The Chair moves that we  
18 make the following findings, that we approve the following  
19 motion with regard to this 117 Walden Street case, that this  
20 case be continued as a case not heard, until 7:00 p.m. on  
21 September 12, subject to the following conditions:

22 One, that the petitioner, that's you, sign a

1 waiver of time for decision, and you've already done that.

2 Two, that -- well there's no posting sign. This  
3 is just an appeal. That doesn't apply. The only other  
4 condition, then any materials relevant to the case should be  
5 in our files no later than 5:00 p.m.

6 In other words, for the brief I know you've  
7 submitted a brief already, or petitions, it would be very  
8 useful to have in our files by 5:00 p.m. on the Monday  
9 before. Because members of the board, likely citizens of  
10 the city, do go down to read it so they will be prepared for  
11 the hearing.

12 SUZANNE HOWARD: And I can file anything between  
13 now and then?

14 CONSTANTINE ALEXANDER: Oh, absolutely.

15 SUZANNE HOWARD: Right.

16 CONSTANTINE ALEXANDER: Absolutely.

17 SUZANNE HOWARD: And then does that -- do you get  
18 a packet on by e-mail, electronically?

19 CONSTANTINE ALEXANDER: Who, us?

20 SUZANNE HOWARD: Yeah.

21 JANET GREEN: Well we see all this.

22 CONSTANTINE ALEXANDER: We see everything. We --

1 I myself go to the office, the Inspectional Services  
2 Department, and read the actual file. Everybody has to --

3 SUZANNE HOWARD: But if, do you need to file more  
4 than one --

5 JANET GREEN: It's available online.

6 SUZANNE HOWARD: -- as soon as I file it before --

7 CONSTANTINE ALEXANDER: One copy.

8 SUZANNE HOWARD: It will show up on the agenda  
9 with everything --

10 CONSTANTINE ALEXANDER: Yes. One copy.

11 SUZANNE HOWARD: -- that's been filed as long as  
12 it's Monday before 4:00?

13 CONSTANTINE ALEXANDER: Yeah. All those in favor  
14 of this motion, please say, "Aye."

15 THE BOARD: Aye.

16 CONSTANTINE ALEXANDER: Five in favor, continuance  
17 granted.

18 [All vote in favor]

19 SUZANNE HOWARD: Thank you very much.

20 CONSTANTINE ALEXANDER: We'll see you on September  
21 12.

22 SUZANNE HOWARD: See you in September.

CONSTANTINE ALEXANDER: Next?

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2 (7:45 p.m.)

3 Sitting Members: Brendan Sullivan, Janet Green, Andrea A.  
4 Hickey, Laura Warnick, and Alison Hammer

5 BRENDAN SULLIVAN: The board will hear Case Number  
6 017138, 35 Standish Street.

7 DOUG BROWN: Doug Brown, I'm the homeowner for 35  
8 Standish Street. Thanks for having me. I apologize you  
9 have to hear our case again. I realize your time is  
10 valuable, and our architect will not be here tonight, he's  
11 in California at a family event. So he sends his regrets.

12 Two years ago, we were approved for a variance in  
13 a special permit for 35 Standish. Unfortunately, it took us  
14 about twenty-two months to find a place to live.

15 In May, we were able to find a place. We've  
16 moved, and we're now able to go ahead with the project, but  
17 our variance expired after twelve months.

18 I'm here today asking you to renew the variance in  
19 the special permit. I can certainly walk you through the  
20 project, if you'd like me to do that.

21 BRENDAN SULLIVAN: Yeah, on the -- not to  
22 interrupt, but I sat on it, Janet sat on it, Slater

1 Anderson, George and Laura sat on it.

2 DOUG BROWN: Right.

3 BRENDAN SULLIVAN: So Allison did not, and Andrea  
4 did not.

5 DOUG BROWN: I know with --

6 BRENDAN SULLIVAN: You need -- you may have  
7 reviewed the case if you need an overview?

8 ANDREA HICKEY: An overview would be good.

9 DOUG BROWN: Certainly. Before I do, I want to  
10 point out just two changes from two years ago to today.

11 One is that the plans from two years ago were hand  
12 drawn by our architect, and when we started putting together  
13 construction drawings, we realized that it actually couldn't  
14 be built as it was drawn. Windows were not the right size,  
15 there was actually a missing door, an extra window.

16 So one of the things that we've done in the new  
17 set of plans is correct that, and it's all been put into CAD  
18 so it's accurate, so we can actually build what we say we're  
19 going to build.

20 The second is we also used this as an opportunity  
21 to sort of simplify the -- there is a rear addition that we  
22 had reduced sort of at the last minute to satisfy some

1 neighbors, and it ended up coming out somewhat awkward. So  
2 one of the things that we've kind of done is restyled the  
3 siding of the windows to make it look a bit more appropriate  
4 for the shape of that addition.

5 Other than that, nothing has changed. The main  
6 house is the same, the dimensions are all the same, and I  
7 can point out that --

8 BRENDAN SULLIVAN: Yeah, one thing, whether or not  
9 the number has really changed?

10 DOUG BROWN: It has not, it's identical. The  
11 floor plans are the same, the FAR is the same, the setbacks,  
12 the height are the same, that open space is the same.

13 BRENDAN SULLIVAN: So with some just tweaking of  
14 some details, basically.

15 DOUG BROWN: Yeah. It's really just the finishes  
16 on the outside.

17 BRENDAN SULLIVAN: Okay.

18 DOUG BROWN: And then the other thing is just  
19 corrections. The set of plans that you have that we dropped  
20 off a week ago, those were the most up to date that we could  
21 get them.

22 BRENDAN SULLIVAN: Okay.

1           DOUG BROWN: I will point out that there's one  
2 discrepancy in that set of plans, and I have the absolute  
3 latest. The dormer that's shown in that doesn't meet the  
4 guideline, because it connects to the roofline. And that  
5 was in there.

6           It was correct in the original set of plans but  
7 when Will put it in, it didn't get in right. So this set of  
8 plans actually is as correct as I can actually make it.

9           BRENDAN SULLIVAN: Do you want to submit that,  
10 then?

11          DOUG BROWN: Yeah, sure.

12          BRENDAN SULLIVAN: And there's two sets if you  
13 want to look at them. But they are the same as -- basically  
14 the same as what you see.

15          DOUG BROWN: Okay. So I can walk those people  
16 through. This is the current house at 35 Standish, the two-  
17 family home, and it was built in 1925. It -- we've been  
18 there for seven years, and we love our street, but we have  
19 three kids and we're kind of tight. We're in the upstairs  
20 apartment, and we need more space.

21          But one of the problems with these two-families is  
22 it's hard to reclaim a little bit of space. You can't

1 really have half a floor that you rent out. And so, the  
2 decision was made to make it into a single-family. I don't  
3 know how to do that.

4           It has had a lot of deferred maintenance, so there  
5 is a lot of work that needs to be done on it. There also is  
6 a lot of stuff that doesn't pass modern code. So the stairs  
7 up to the third floor are not correct; ceiling heights, et  
8 cetera. And the construction is quite old, dated.

9           So for all those reasons we decided to rebuild,  
10 but to do anything on it, it's already slightly over on its  
11 FAR number, so we need a variance to do almost anything,  
12 even to add a dormer.

13           What we're doing is basically reading a dormer on  
14 the second floor, I mean on the third floor to get to the  
15 top. And then it has an old, very beat-up addition on the  
16 back that was just an enclosed porch at some point, and we'd  
17 like to make that space more useable. It's very narrow,  
18 long, and it's six feet wide.

19           And so, the plan that we've worked on is to sort  
20 of make that into a proper room, so that it can be a family  
21 room on one floor and a bedroom on the other floor. The way  
22 it's set up now, that room doesn't really lend itself to

1 much of anything.

2           These are just the latest, cleaned up drawings,  
3 and they are basically identical to the prior set of  
4 drawings, except they're not hand drawn now, they're  
5 actually from the computer. You can see that really here's  
6 the original house.

7           The additions are a dormer here, and then right  
8 now it has a very squared off, blocky front porch, and the  
9 idea is to extend this roofline slightly to enclose that  
10 roof. Because right now it just has a big, flat rubber roof  
11 on the top that leaks.

12           The addition you can see in the back, it was  
13 approved last time, looked like this, and it had originally  
14 had a roof up here.

15           And you can see sort of the leftovers of the roof.  
16 When the roof came off, and it became -- it started to look  
17 very strange, and so, one of the things that Will suggested  
18 is perhaps we make the addition more modern, and more  
19 appropriate for the shape.

20           So the addition is really just a bedroom here, and  
21 down below it's a family room, sort of replacing the mudroom  
22 that we have now.

1           JANET GREEN: Could you show the first one again?

2           DOUG BROWN: Yeah, sure.

3           JANET GREEN: For the regulations, right between  
4 there.

5           DOUG BROWN: So they're identical in size. One of  
6 -- this had a lot of traditional detailing. It was designed  
7 originally to match the original home; brackets along here,  
8 it had very, very wide eaves that would have gone with a  
9 peaked roof, and when the peaked roof went away, a lot of  
10 these things started to look very funny.

11           You can see it a little bit in the back, back  
12 here, where it had sort of a bay, and it had this very  
13 narrow porch that was maybe only two feet wide, with these  
14 columns that were placed.

15           And so, in general, it didn't really stand alone  
16 as sort of a proper addition. It just sort of looked like  
17 some kind of afterthought. And so, that's the main change  
18 from the old plans to the new plans. It's just to sort of  
19 recast that in a more appropriate sort of, simplified form.  
20 So it's just horizon siding this way, vertical siding this  
21 way.

22           JANET GREEN: And it doesn't change the FAR?

1           DOUG BROWN: No, everything's -- basically he took  
2 the same volume, and he just sort of played with how he  
3 finished it, to sort of make it look better. One of the  
4 things about our lot is it's in the Res B. And so, it only  
5 allows 0.5 for the first 5000, and then for extra space  
6 beyond that you only get 0.35.

7           So it sounds like we're sort of adding a lot, but  
8 we're really -- we have a huge back yard, that's kind of the  
9 neighborhood center. All of our neighborhood kids play in  
10 the back yard. This is sort of an aerial shot of what our  
11 back yard looks like. And the lot goes back all the way to  
12 here, to the tree line.

13           And this is the extent of what we're expanding.  
14 So we'll still have, I think it's at least 70 or 80 feet of  
15 space in the back yard. So we still have plenty of open  
16 space, and we're managing all our stormwater on the site.

17           JANET GREEN: Is that all paved space?

18           DOUG BROWN: Yeah.

19           JANET GREEN: Because I see another car --

20           DOUG BROWN: It's currently a giant, paved parking  
21 lot that -- I think the prior owners, he (sic) did car  
22 repair.

1           And so, it's all paved, and the idea is to make  
2 all of this pavement go away. And we'll just have a simple  
3 driveway here at that front. And then we can recapture that  
4 for grass, because we have a 9-year-old, a 7-year-old and a  
5 5-year-old.

6           And this addition really was -- it's in very rough  
7 shape. It's hard to see here, but it has a whole bunch of  
8 woodpecker damage, and there's now actually birds living in  
9 the attic space.

10           So it -- the most of the contractors look at it  
11 and say it really can't be rebuilt in some way, it just sort  
12 of has to come off and be replaced by a new footprint.

13           JANET GREEN: May I see the file for a second?

14           This is the --

15           DOUG BROWN: That's the old case.

16           JANET GREEN: This is the old case. I just  
17 wanted to see the dimension form on the new case.

18           DOUG BROWN: I have it for you.

19           JANET GREEN: Thank you.

20           DOUG BROWN: It's -- the FAR would be -- it's 0.48  
21 right now, which is already over, we're allowed 0.45. And  
22 the new one would be 0.57. The neighborhood averages about

1 0.62. So our goal is not to make something big that stands  
2 out, but to make it appropriate for the neighborhood.

3 Our direct abutters are mostly two-family, three-  
4 family, and six-family homes. So the sort of -- the abutter  
5 FAR in general is about 0.83, and we have at least three  
6 abutters that are over 1. So it's a reasonably dense  
7 neighborhood.

8 And we love our back yard. So our goal is not to  
9 beat up our back yard. We want to try to preserve as much  
10 of that as we can.

11 Once all that pavement goes away, our open space  
12 percentage goes up to about 62 percent. So it's still a  
13 good amount of green space there.

14 JANET GREEN: So you'd be going from six parking  
15 spaces to one parking space on the site? Am I reading that  
16 right?

17 DOUG BROWN: I would call it one, because they're  
18 sort of inline. So, you know --

19 JANET GREEN: In the driveway?

20 DOUG BROWN: Yeah. So you could park two or three  
21 cars probably in the driveway on the side, but by I think  
22 the city would sort of call that one, because the other one

1 is being obstructed.

2 BRENDAN SULLIVAN: Tandem.

3 DOUG BROWN: Right, yeah.

4 BRENDAN SULLIVAN: One of the recollections I had  
5 on the initial hearing, I went through actually two  
6 hearings, there was some neighborhood input, and you had  
7 actually pulled back from the initial plan that came before  
8 us, but one of the reasons cited for dormers and for  
9 pushout, was because of the horrendous cost in going into  
10 the basement, because of the water table.

11 And one of the reasons for granting the variance,  
12 or one of the reasons that we can hang our hat on is one of  
13 the reasons for granting the variance, and one of the  
14 reasons that we can hang our hat on, is soil conditions.

15 DOUG BROWN: Right.

16 BRENDAN SULLIVAN: And that there was some  
17 testimony from one of the neighbors, or two of the neighbors  
18 in the back on Children's Street who were saying that  
19 they're getting an awful lot of flooding.

20 And that one of the benefits of this project is  
21 that you will do away with a lot of that asphalt, and you  
22 will capture a lot of that surface water, rather than having

1 it as a runoff, and actually plan on doing the storm  
2 management also, which will be of benefit.

3 And that the -- again, cost of upgrading all the  
4 systems in the house and, again, it's just time-worn, and  
5 the added expense of doing that, and that at some -- there's  
6 a breaking point of having to do all of this --

7 BRENDAN SULLIVAN: Right.

8 DOUG BROWN: And not getting the house that  
9 really, you know, makes it all worthwhile I guess is -- I'm  
10 going to -- don't mean to put words in your mouth, but that  
11 was my recollection of the essence of the case, anyhow, and  
12 the need that it was a two-family now, and that we will  
13 bring it to a one-family and it will hope reduce some of the  
14 activity, I guess; kids are active. But that it's -- I  
15 think it will be a benefit to the neighborhood.

16 Are there any questions from the members of the  
17 board at all? Is there anybody here who would like to  
18 comment on the matter? 35 Standish Street. I see nobody.  
19 I will close public comment. There are no letters in the  
20 file. Nothing to rebut.

21 DOUG BROWN: There should be letters in the file.  
22 We have gotten --

1           JANET GREEN: I saw at least one letter.

2           BRENDAN SULLIVAN: Oh, I'm sorry, there was one.

3 I did read one, yes.

4           DOUG BROWN: There were three abutters who  
5 submitted letters in support, and then there was a --

6           JANET GREEN: A list.

7           DOUG BROWN: -- list of, like, 24 neighbors who  
8 said they sent letters.

9           BRENDAN SULLIVAN: There's a letter in the file  
10 from Christine Rogers and Tom Carter, 25 Standish Street,  
11 Unit 1, who --

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13           We believe that they have approached Home Design  
14 as attractive and appropriate to our street.  
15 Greatly improve the existing street. Hope the  
16 board will see fit to approve their proposal.

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18           BRENDAN SULLIVAN: And there is a petition signed  
19 by numbers people, Alba and Sandy Wheeler have again a  
20 letter in support.

21           DOUG BROWN: They sent one last time.

22           BRENDAN SULLIVAN: And they are the next-door

1 neighbors, and probably the one most affected by it. Martin  
2 A-r-y-e-e and Sarah Johnstone at 47 Standish Street. They  
3 believe that the design is reasonable, attractive and  
4 appropriate to the neighborhood, and will improve the  
5 existing streetscape, and they voice their approval.

6 I will close public comment. Any questions, or  
7 let me make a motion, then, to grant the relief requested.  
8 I will incorporate the conditions of the site and the  
9 reasons for this addition really have not changed.

10 The Board will accept the new drawings, somewhat  
11 of a late submittal, but that it is really a tweaking of  
12 some of the details, does not change the amount of relief  
13 requested, and that the changes proposed, even if they were  
14 presented to the board tonight, would be accepted as an  
15 improvement, regarding -- vis-à-vis the dormer.

16 I will ask that we incorporate the findings from  
17 the previous case, and on the condition that the work  
18 conform to the drawings that are drawn by AAB, issued on  
19 07/18/19 by Ruhl, R-u-h-l Studio Architects, 281 Mount  
20 Auburn Street, and initialed by the Chair.

21 Again, I would ask that the conditions and the  
22 reason for granting of a variance, and the special permits,

1 having to do with the relocation of windows, be accepted and  
2 incorporated from the previous case, BZA 012741-2017. All  
3 those in favor of accepting the granting of the variance and  
4 the special permit, as per the original relief being  
5 granted?

6 BRENDAN SULLIVAN: Five in favor, thank you.

7 [All vote in favor]

8 DOUG BROWN: Thank you. There's two copies. Do  
9 you want to sign the --

10 BRENDAN SULLIVAN: There's two. I'm going to  
11 sign. All we need is one for the record.

12 DOUG BROWN: Right.

13 BRENDAN SULLIVAN: And I'll give you -- I'll sign  
14 both of them and give one back.

15 DOUG BROWN: My goal is not to come back to you  
16 with some change that got missed. Thank you.

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2 (8:04 p.m.)

3 Sitting Members: Constantine Alexander, Brendan Sullivan,  
4 Janet Green, Andrea A. Hickey, and Laura  
5 Warnick

6 SARAH RHATIGAN: Good evening again. Sarah  
7 Rhatigan for the petitioner. The petitioner had an  
8 unexpected scheduling conflict, and we were having a very  
9 difficult time finding the principals who really needed to  
10 be here to present the case. So we have requested a  
11 continuance until the August 15 hearing date.

12 CONSTANTINE ALEXANDER: August 15?

13 SARAH RHATIGAN: August 15.

14 CONSTANTINE ALEXANDER: I have to say -- I'm not  
15 sure we're going to have a hearing in August. No, we will.  
16 I'm thinking of the next one, I'm sorry.

17 SARAH RHATIGAN: Oh, no, that's okay. Yeah. I'm  
18 pretty sure that the August 15 date sounded like it was  
19 available.

20 CONSTANTINE ALEXANDER: Let me just check the --

21 SARAH RHATIGAN: We requested a continuance as  
22 well.

1           ANDREA HICKEY: Yeah. Because if I recall, there  
2 was an issue with getting enough members to sit at that  
3 meeting. I don't know if that issue has been resolved.

4           CONSTANTINE ALEXANDER: I think that issue, it's  
5 the next one, the twenty-ninth.

6           ANDREA HICKEY: Oh, okay, my fault.

7           CONSTANTINE ALEXANDER: I think.

8           ANDREA HICKEY: My apologies.

9           CONSTANTINE ALEXANDER: One of the problems --  
10 maybe I'm wrong. The issue is that being vacation time, a  
11 lot of people are not available. And we may not be able to  
12 get a quorum together, in which case, or if we did get a  
13 quorum, it will be only four, and you might want to continue  
14 the case after that.

15           Any reason why you didn't want to hear the case in  
16 September. I mean we'll -- we can do it, I don't have a  
17 problem, I'm just warning you that you might not have the  
18 case heard.

19           SARAH RHATIGAN: I think that what we wouldn't  
20 want to have happen is to request the continuance to the  
21 fifteenth, have that canceled, and then not be able to heard  
22 on the twelfth, September 12?

1           CONSTANTINE ALEXANDER: Can you find out?

2           SARAH RHATIGAN: Because it sounds like you  
3 already have a number of continuances on the twelfth.

4           CONSTANTINE ALEXANDER: We will find out.

5           ANDREA HICKEY: Yes. I just checked my calendar,  
6 and from what I know, it was the reading on the fifteenth  
7 that --

8           CONSTANTINE ALEXANDER: You're having trouble  
9 getting that?

10          ANDREA HICKEY: -- the office was having trouble  
11 getting enough people.

12          SARAH RHATIGAN: She was having a lot of trouble.

13          ANDREA HICKEY: Yeah. So, should we ask Sisia?

14          CONSTANTINE ALEXANDER: Soon as Sisia has got a  
15 moment.

16          SARAH RHATIGAN: So will we be for sure having a  
17 meeting on August 15?

18          SISIA DAGLIAN: Yes.

19          SARAH RHATIGAN: I understand there was trouble  
20 getting --

21          SISIA DAGLIAN: -- but no continued cases.

22          SARAH RHATIGAN: Do you have enough people to sit,

1 because I'm not available, and I know that there -- I saw  
2 some messages that the city was having a hard time getting  
3 enough people, for that week.

4 SISIA DAGLIAN: You know, I'm not positive. I  
5 didn't run in with Maria, but I'm sure --

6 CONSTANTINE ALEXANDER: Well, even if we could  
7 have a -- we say there's no room on the calendar for any  
8 more continued cases?

9 SISIA DAGLIAN: Yeah. It should say no continued  
10 cases.

11 CONSTANTINE ALEXANDER: Okay. So we're not going  
12 to be able to --

13 SARAH RHATIGAN: But I wonder if this case was on  
14 the continued list since we've put in the request. It was  
15 almost immediately after we filed, and she had just started  
16 publication when we realized the conflict --

17 CONSTANTINE ALEXANDER: Do you have the names of -

18 SARAH RHATIGAN: I'm not sure if perhaps Maria put  
19 us on that list already.

20 SISIA DAGLIAN: I don't know, it's -- I don't have  
21 it here. There is a regular agenda starting at 7:00. I  
22 don't know.

1           CONSTANTINE ALEXANDER: Yeah, but the continued --  
2 you don't have a list of the --

3           SARAH RHATIGAN: If you want me to just check my  
4 e-mail and see if Maria may have --

5           CONSTANTINE ALEXANDER: Sure.

6           SARAH RHATIGAN: -- have it confirmed for me?

7           CONSTANTINE ALEXANDER: Sure.

8           SARAH RHATIGAN: I see her letter, or her response  
9 to me confirming her receipt of my request of continuance  
10 from July 15.

11          CONSTANTINE ALEXANDER: Only the request  
12 [Laughter].

13          SARAH RHATIGAN: And I just recall verbal  
14 conversation with her telling me that she was -- we were all  
15 set for August 15. I don't know, is there any way for us to  
16 ask you to vote on a continuance that's contingent?

17          CONSTANTINE ALEXANDER: I'm sorry, say that one  
18 more time?

19          SARAH RHATIGAN: So that you vote on a continuance  
20 that's contingent, so in other words --

21          CONSTANTINE ALEXANDER: Well, we can vote on the  
22 continuance, and if we already have it filled up, we'll just

1 automatically continue it after that, the fifteenth.

2 SARAH RHATIGAN: Right.

3 CONSTANTINE ALEXANDER: We're saying the same  
4 thing.

5 SARAH RHATIGAN: I think we are saying the same  
6 thing, yeah.

7 CONSTANTINE ALEXANDER: Okay. The Chair moves --

8 SISIA DAGLIAN: Yeah.

9 CONSTANTINE ALEXANDER: Sorry?

10 SISIA DAGLIAN: I got it.

11 CONSTANTINE ALEXANDER: What we're going to do is  
12 we're going to put this case on for the fifteenth.

13 SISIA DAGLIAN: Fifteenth, right.

14 CONSTANTINE ALEXANDER: And that will be five  
15 cases on your list.

16 SISIA DAGLIAN: Yeah.

17 CONSTANTINE ALEXANDER: If there's -- in fact  
18 there are five, this case being one of the five, we will  
19 automatically continue that, we'll call it and continue it  
20 again in August to a date, a next available date. That's  
21 what we agreed upon, right?

22 SARAH RHATIGAN: Yes.

1           CONSTANTINE ALEXANDER: Okay. The Chair moves  
2 that we continue this case as a case not heard, until 7:00  
3 p.m. on August 15, subject to the following conditions:

4           One, that the petitioner signs a waiver of time  
5 for decision, did you sign that yet?

6           SARAH RHATIGAN: I think I did, but I'll sign one  
7 if you have an additional one.

8           CONSTANTINE ALEXANDER: Okay, yeah. Two, that the  
9 posting sign be either modified or a new one be put up, and  
10 maintain -- reflecting the new date and the new time, or  
11 both, and that sign be maintained for the fourteen days  
12 prior to August 15.

13           And lastly that, to the extent -- I don't know if  
14 there will be any new plan, revised plans, dimensional  
15 forms, they must be in our file no later than 5:00 p.m. on  
16 the Monday before August 15.

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

19           THE BOARD: Aye.

20           [All vote in favor]

21           CONSTANTINE ALEXANDER: Just check to make sure.

22           SARAH RHATIGAN: Thank you.

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CONSTANTINE ALEXANDER: Thank you.

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(8:14 p.m.)

Sitting Members: Constantine Alexander, Brendan Sullivan,  
Janet Green, Andrea A. Hickey, and Laura  
Warnick

CONSTANTINE ALEXANDER: The Chair will now call  
Case Number 017143 -- 19 Brown Street. Anyone here wishing  
to be heard on this matter?

RANDOLPH WENTWORTH: Hello. My name is Randolph  
Wentworth. It's W-e-n-t-w-o-r-t-h. My legal name is  
Randolph. And I'm here with my wife Sue and our architect  
Bill.

So we're requesting a variance today on two  
things. We'd like to build a mudroom, and we'd like to be  
able to expand an areaway, a window well that's existing at  
grade, and we need to expand it 15 inches in order for it to  
meet code for emergency egress.

On the mudroom, it's 75 square feet. It covers  
over an existing landing for our front porch, and after  
surviving my first Boston winter, we found that every time  
we opened our front door, snow, ice salt, dirt comes  
spraying into the living room.

1           And so it seemed to make sense that kind of  
2 covering that and making someplace where you could have a  
3 transition between the front door and the living room is  
4 what we're -- it's extending the current shed roof that now  
5 covers our kitchen, just extending that out 12 feet, 12.5  
6 feet by six feet. So it's a total of 75 square feet.

7           In addition, [do I need to be on the microphone?]

8           CONSTANTINE ALEXANDER: Yes, please do.

9           RANDOLPH WENTWORTH: So I don't know how easy it  
10 is for you to see, but this is Lynch and Brown Street. It's  
11 a very tight site. This is the current condition, and  
12 extending the kitchen shed roof out towards the street 12.5  
13 feet is what we're proposing to do, and this little box here  
14 is the areaway, emergency egress that we'd like to extend by  
15 15 inches. So that's the basic plan.

16           You can see here's what the front of the house  
17 looks like separate from this board's review. We will hope  
18 to add two windows, just to bring some symmetry and make it  
19 a little more friendly looking at it from the street. And  
20 this is the existing front door. You can see here it the  
21 little steps going to the front door.

22           CONSTANTINE ALEXANDER: Am I correct, did I read

1 in the file that the problems you're having you want to  
2 correct with the mudroom, is it the result of earlier  
3 modifications to the structure?

4           RANDOLPH WENTWORTH: Some years ago, we just  
5 bought the property --

6           CONSTANTINE ALEXANDER: I know you did.

7           RANDOLPH WENTWORTH: -- Labor Day, but going back,  
8 let's see.

9           CONSTANTINE ALEXANDER: I thought I saw that in  
10 here.

11           RANDOLPH WENTWORTH: Many years ago, and I don't  
12 have the picture here, but in your package, there's a  
13 picture from -- I don't know, the 1940s. And originally the  
14 front door was facing the street.

15           CONSTANTINE ALEXANDER: Right.

16           RANDOLPH WENTWORTH: And at some point, some --

17           CONSTANTINE ALEXANDER: Right.

18           RANDOLPH WENTWORTH: -- homeowner said no, we  
19 won't put it on the side. And that's why we have this kind  
20 of peculiar one eye approach here.

21           We'd like to reclaim the relationship of the house  
22 to the street, both facing the front door to the street,

1 instead of to the -- right now what we look out at. This  
2 picture may be in your package. But we look out at four or  
3 five garbage cans, and a bulkhead for our neighbor. That's  
4 our front door.

5           So the hardship that we're looking at is a safety  
6 issue at the front. We're looking at the substandard  
7 condition of having the elements come blowing into our  
8 living room, and we also have a preexisting condition that's  
9 substandard I think. There is no closet I think in the  
10 first floor of the house. There's a little pantry in the  
11 kitchen, but there's no place to put coats and boots and  
12 all.

13           So finally, I mentioned we've got not the most  
14 pleasant view as we step out our front door. So those are  
15 the issues that we're trying to solve with this proposal.  
16 So we have two issues. We have FAR and the setbacks, and in  
17 our case, we're now at 0.67 of an FAR, and with this  
18 addition it would go up just a little to 0.70.

19           CONSTANTINE ALEXANDER: And the requirements of  
20 the zoning is no more than 0.5?

21           RANDOLPH WENTWORTH: Correct. So here's the reason  
22 why I'm asking for some consideration of this fairly minor

1 addition. We just took a look at the FAR of our immediate  
2 abutters. 19 Brown Street is down here, but 17 Brown  
3 Street, our immediate next door, which is this, and this  
4 Little Engine That Could next door, they're at 1.36. We're  
5 proposing with this addition to be at 0.7.

6           The other side of us is a three-story building.  
7 Its FAR is 1.57, and here are the others in the  
8 neighborhood, all of them well above the 0.7 that we're  
9 requesting. And I'm sure you know that in a historic  
10 neighborhood there's all kinds of houses that are jammed up  
11 close to each other.

12           The second issue is setback and it's a long,  
13 narrow site. If we do anything to address it, whether it's  
14 in the back or the side or the front, we're stumbling over -  
15 - we're back at you. We're here looking for a variance.

16           So the side -- the current kitchen is set back 4.4  
17 feet from the property line. Our immediate back neighbor  
18 added a mudroom which is just three feet from my property.  
19 So this is -- you know, it's an old neighborhood. People  
20 have done a lot of things over a lot of years.

21           The other setbacks that I've looked at and tried  
22 to get some sense of context of what is fair and reasonable

1 -- here you'll see across the street this is what we look at  
2 coming out from our house, two properties, 16 and 18 Brown  
3 Street. They're seven feet four inches from each other.  
4 Here between our home at 19 Brown Street and 17 Brown  
5 Street, that's about -- let me see -- nine feet across.

6           And here just 60 feet or so from our house on  
7 Foster is these two, this mudroom and that is just four feet  
8 from each other.

9           So there's a long history of properties being  
10 close and such to each other. In terms of the open space,  
11 impact, as you can see from this closeup will cover the  
12 existing landing. This is kind of lost space anyway, so in  
13 terms of public access to open space, it's hard to get to  
14 that little dead space as it is.

15           I believe that there's community benefit to this  
16 change, it could be a more handsome house, add value to the  
17 neighbors. It'll give our adjoining neighbor with the  
18 garbage cans I think a little more privacy because we're  
19 going to be looking out and we'll add value to him and other  
20 neighbors.

21           We went before the Half Crown Marsh Neighborhood  
22 Conservation District Commission on July 8, and they voted

1 unanimously to approve this proposed expansion. And before  
2 that commission meeting, there were nine neighbors who wrote  
3 letters all in support.

4           One had a condition that she wanted, that any time  
5 we took down the fence between our two properties, that we  
6 replace it with a fence at least as high as it currently is,  
7 which is six feet, and we responded in writing that we would  
8 be happy to do that.

9           So I'd like to ask Bill or Sue if you have  
10 anything to add?

11           THE REPORTER: Could you just speak into the mic  
12 and state your name for the record.

13           BILL HUBNER: No comments at this time. Bill  
14 Hubner, 55 Gold Star Road.

15           CONSTANTINE ALEXANDER: I'm sorry, are you an  
16 abutter or a neighbor?

17           SUE WENTWORTH: I'm his wife.

18           CONSTANTINE ALEXANDER: Okay [laughter].

19           SUE WENTWORTH: My name is Sue Wentworth. We just  
20 wanted to mention too that there would be two windows added  
21 as part of the mudroom.

22           CONSTANTINE ALEXANDER: You pointed that out.

1 SUE WENTWORTH: And a skylight.

2 RANDOLPH WENTWORTH: Two windows, a skylight --

3 CONSTANTINE ALEXANDER: But none of that requires  
4 zoning relief.

5 SUE WENTWORTH: Okay. It just said put it in the  
6 there.

7 RANDOLPH WENTWORTH: All right. That's it.

8 CONSTANTINE ALEXANDER: Okay. Questions from  
9 members of the board? I'll open the matter up to public  
10 testimony. Is there anyone here wishing to be heard on this  
11 matter?

12 RANDOLPH WENTWORTH: Should I back or sit here?

13 CONSTANTINE ALEXANDER: Apparently there is no  
14 one. The petitioner indicated we do have -- there are  
15 letters of support in our files. I'm not sure I'm going to  
16 talk about read them all, I'm just going to identify who  
17 wrote them. They're all in support of them, if you want.  
18 I've got to find them.

19 We have letters of support from Mary Louise H.  
20 Kent and George A. Kent, who reside at 2 Foster Place; a  
21 letter from Rona, R-o-n-a Kiley, K-i-l-e-y supporting the  
22 petition; from Carolyn H. Burns at 8 Foster Place, again in

1 support; a letter from Dwight W. Quayle, Q-u-a-y-l-e. And  
2 Deborah [with an h] - k Manegold. Manegold? Anyway, M-a-n-  
3 e-g-o-l-d.

4 And something, a letter again in support from Anne  
5 W Burling and Donald H. Pfarrer, P-f-a-r-r-e-r. And one  
6 more, a letter from James Van -- R. Van Sickle, who resides  
7 at 15 Brown Street. So it seems to me you had one more --  
8 it's the same, it's just the envelope. And one more from  
9 Toby and Sachi, S-a-c-h-I Rodes, R-o-d-e-s, in support.  
10 [Laughter]. And maybe one more. From Maria Mulkeen, M-u-l-  
11 k-e-e-n, 39 Foster Street.

12 So with that I will close public testimony  
13 discussion, are we ready for a vote?

14 BOARD MEMBER: Ready.

15 CONSTANTINE ALEXANDER: Okay. So I just want to  
16 make a comment. You addressed all the reasons why we should  
17 grant the relief, but none of them was relevant for zoning.  
18 There's a legal standard that has to be satisfied. That's  
19 what I'm going to address right now. But we appreciate the  
20 comments.

21 I don't mean it's not relevant, but --

22 RANDOLPH WENTWORTH: I'm sorry, I'm new at this.

1           CONSTANTINE ALEXANDER: Oh, it's okay. Anyway, we  
2 have to make three findings. The first finding is that a  
3 literal enforcement of the provisions of the ordinance would  
4 involve a substantial hardship, such hardship.

5           The hardship would be it runs with the property,  
6 not just to you personally, and you demonstrated I think, or  
7 testified that the substantial hardship is the fact that  
8 this is an older structure that's been modified a number of  
9 times over the years.

10           And it currently is, at least with respect to the  
11 mudroom area, in need of a modification of your structure as  
12 you propose, and that modification would be necessary not  
13 only for you, but anybody else who would buy the house or  
14 occupy the house; that's the first.

15           The second is the hardship is owing to  
16 circumstances relating to the soil conditions, shape or  
17 topography of your lot, and in this case, as you pointed  
18 out, it's a long and narrow lot, which creates setback  
19 issues that requires the relief you're seeking.

20           And lastly, that desirable relief may be granted  
21 without substantial detriment to the public good, or  
22 nullifying or substantially derogating intent or purpose of

1 the ordinance. In this regard, you've demonstrated that we  
2 have unanimous support from your neighborhood, you have  
3 approval from the mid Cambridge -- I can never get it --  
4 Half Crown --

5 RANDOLPH WENTWORTH: Half Crown Marsh --

6 CONSTANTINE ALEXANDER: -- Marsh.

7 RANDOLPH WENTWORTH: -- Neighborhood Conservation  
8 District.

9 CONSTANTINE ALEXANDER: That's it. And generally,  
10 why would be doing would be upgrading the housing stock of  
11 the city by improving the structure that you now occupy,  
12 which is to the benefit of the city.

13 So on the basis of all of these findings, the  
14 Chair moves that we grant the variance requested on the  
15 condition -- and I've got to find it now -- that the work  
16 proceed in accordance with plans submitted by the  
17 petitioner, they're two pages, both of which have been  
18 initialed by the Chair.

19 Now, to be clear, these are the final plans. If  
20 you'll modify them as you go forward, you have to come back  
21 for relief. Got to be these plans, right? All those in  
22 favor, please say, "Aye."

1 THE BOARD: Aye.

2 [All vote in favor]

3 CONSTANTINE ALEXANDER: Five in favor, relief  
4 granted. Good luck.

5 RANDOLPH WENTWORTH: Thank you very much.

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2 (8:30 p.m.)

3 Sitting Members: Constantine Alexander, Brendan Sullivan,  
4 Janet Green, Andrea A. Hickey, and Laura  
5 Warnick

6 CONSTANTINE ALEXANDER: The Chair will call Case  
7 Number 017142 -- 189 Charles Street. Anyone here wishing to  
8 be heard on this matter? I hope this time you're not  
9 seeking a petition? We're going to get to the merit of it.

10 SARAH RHATIGAN: Another continuance. Sarah  
11 Rhatigan, Trilogy Law. Sorry, can you hear? It doesn't  
12 sound like it's working.

13 [Crosstalk/technical difficulties]

14 SARAH RHATIGAN: Sarah Rhatigan, Trilogy Law, for  
15 the petition, and I'm here with my client, Peter Koskores.

16 PETER KOSKORES: Hi, Koskores. K-o-s-k-o-r-e-s of  
17 189 Charles, LLC.

18 SARAH RHATIGAN: And thank you for hearing our  
19 matter here this evening. So the owner of this property of  
20 189 Charles Street was before this board for a special  
21 permit about a year ago for some renovations to an existing,  
22 three-family home that required special permit relief for a

1 side window, the setbacks, and for the side entry to the  
2 basement.

3 At the time that the plans for that project were  
4 filed with the Building Department, the basement area was  
5 shown as it is today with a mechanical area at the rear of  
6 the basement, and in the front section of the house, a  
7 smallish bonus room, a small bathroom and a laundry area.

8 The square footage in the basement is about five -  
9 - of this additional space I'm referring to is about five  
10 hundred square feet.

11 At the time, the ceiling heights proposed were  
12 under seven feet, and that is in fact what they are today.  
13 When the project was well underway, the special permit you  
14 granted, this board granted last year, the project  
15 renovations were well underway.

16 Construction of the basement was nearly complete,  
17 and it came to the attention of the owner through ISD that  
18 because the property's a three-family, that for code  
19 compliance, technical reasons the bathroom ceiling height  
20 should actually be a full seven feet, even though they're  
21 probably about an inch away from seven feet now.

22 In order to comply with code, the ceiling heights

1 would have to be the seven-foot level, thus triggering new  
2 floor area for the building.

3           And the sort of way of remedying this is to  
4 request a special permit of this board to exempt the floor  
5 area that exists in the basement, so that we will, you know,  
6 continue to comply in terms of FAR floor area and continue  
7 to be able to use the basement as it's been used.

8           There's really -- there are really no impacts to  
9 the neighborhood in terms of, you know, light or air or  
10 traffic or congestion or increased use of this building.  
11 The basement use will be very, very helpful for residents  
12 who live there, because each of the units in this building  
13 are quite small.

14           So I think the basement, wellness room and  
15 bathroom will be used by the uniform owner, who has  
16 currently something like 727 square feet. Each of these  
17 units is quite small. And so, the being able to use that  
18 space in the basement is obviously very helpful.

19           And just so everyone's aware, there's never any  
20 effort on my client's part to, you know, kind of sneak  
21 anything in it, or this was really -- they presented it on  
22 the plans, it was reviewed, they understood that they were

1 building what they were required to build, you know,  
2 apologize for the special permit really required to get, and  
3 it was just one that was brought to their attention that  
4 they needed to increase ceiling heights, that this  
5 additional special permit became necessary.

6 I don't think that we had anything else to  
7 address, unless the board has any questions?

8 CONSTANTINE ALEXANDER: To grant the special  
9 permit you're seeking, we have to make a finding under our  
10 ordinance. And the finding is that uses, occupational --  
11 hold on, I've got to make sure I've got this right -- the  
12 permit --

13 SARAH RHATIGAN: That it's consistent with the  
14 uses of the neighborhood?

15 CONSTANTINE ALEXANDER: -- I'm sorry?

16 SARAH RHATIGAN: Is that the provision that you're  
17 referring to?

18 CONSTANTINE ALEXANDER: Yeah, it's 260 -- it's in  
19 260, Section 2, Subsection 16. We have to make a finding  
20 this to the uses occupying basically this basement area  
21 support the character of the neighborhood or district in  
22 which the applicable lot is located.

1           SARAH RHATIGAN: Yes, and so, -- thank you, I'm  
2 sorry that in our written submission I think we did speak to  
3 this, but the type of basement use that we're talking about  
4 is quite consistent with both uses in this neighborhood and  
5 in the district, which is essentially a finishing of space  
6 in existing basements --

7           CONSTANTINE ALEXANDER: In a residential area.

8           SARAH RHATIGAN: In a residential area, yeah.  
9 Exactly.

10          CONSTANTINE ALEXANDER: Okay. Questions from  
11 members of the board?

12          LAURA WARNICK: So the ceiling in the bathroom is  
13 literally six foot eleven?

14          SARAH RHATIGAN: Correct. Maybe even six eleven  
15 and a half. Hopefully it will be quite easy to remedy.

16          CONSTANTINE ALEXANDER: I'm surprised the Building  
17 Inspector's savvy enough to pick this up. They went in with  
18 a tape measure and they measured the ceilings.

19          SARAH RHATIGAN: It was a matter of plan review,  
20 as opposed to a physical inspection that resulted in the  
21 request.

22          CONSTANTINE ALEXANDER: Okay. Well, kudos to the

1 Building Department, at least in terms of being cognizant of  
2 what the result was.

3 LAURA WARNICK: But the bathroom has been used?  
4 Historically, there was a bathroom there.

5 SARAH RHATIGAN: I'm not sure that -- I don't  
6 think that there is a bathroom in there. Yeah. As an  
7 improved area, I think the basement was pretty yucky before  
8 renovations. But the bathroom has been largely constructed.  
9 It's just it's -- you know, there's no -- you know, use of  
10 that.

11 CONSTANTINE ALEXANDER: Any other questions?

12 BOARD MEMBER: No.

13 CONSTANTINE ALEXANDER: I'll open the matter up to  
14 public testimony. Is there anyone here wishing to be heard  
15 on this matter? Apparently not, and then we don't have any  
16 letters in our files. Well, ready for a vote?

17 So the Chair moves that we grant the special  
18 permit being requested on the condition -- not on the  
19 condition -- based on the fact that the uses occupying the  
20 basement area support the character of the neighborhood or  
21 district in which the property is located, the particular  
22 lot is located.

1           And that's the only finding I think we have to  
2 make to grant the special permit, under our ordinance, as  
3 recently amended. All those in favor, please say, "Aye."

4           THE BOARD: Aye.

5           [All vote in favor]

6           CONSTANTINE ALEXANDER: Five in favor, relief  
7 granted.

8           SARAH RHATIGAN: Thank you.

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(8:44 p.m.)

Sitting Members: Constantine Alexander, Brendan Sullivan,  
Janet Green, Andrea A. Hickey, and Laura  
Warnick

CONSTANTINE ALEXANDER: The Chair will now call  
Case Number 017141 -- 23 Cambridge Parkway. Anyone here  
wishing to be heard on this matter? Good evening.

RYAN LYNCH: Good evening. My name is Ryan Lynch.  
I'm a Site Development Consultant on behalf of AT&T. AT&T  
is seeking to have the board grant a special permit in order  
to AT&T to modify its wireless facility.

I think it says on the rooftop of the Royal  
Sonesta Hotel at 23 Cambridge Parkway. I can pass out some  
existing photographs of --

CONSTANTINE ALEXANDER: Are these the photo  
simulations, or is this the photographs?

RYAN LYNCH: Well, actually, they're photographs  
that well-being no changes visually to the building.

CONSTANTINE ALEXANDER: I think being consistent  
with the photo simulations that I looked at, that's probably  
--

1           RYAN LYNCH:  These are -- that's the same ones,  
2  yep.

3           CONSTANTINE ALEXANDER:  I'll pass them around.  
4  We'll share them.

5           RYAN LYNCH:  I have some construction drawings as  
6  well that might show a more close-up view of behind the  
7  screen wall.

8           CONSTANTINE ALEXANDER:  Okay.

9           RYAN LYNCH:  So to go through the project,  
10 essentially all we're doing is we're closing to install one  
11 additional antenna.  That will be located behind the screen  
12 wall, where the Royal Sonesta sign is commonly located,  
13 along with the rest of our antennas, as well as one remote  
14 radio unit.  That will be serving as the brains essentially  
15 of the antenna that will be mounted behind it with the sign.

16           The antenna is about five and a half feet tall,  
17 and is 12 inches wide, and our photo simulation will show  
18 that there are no changes visually from the street view,  
19 because it is behind the screen wall of the Sonesta sign.

20           CONSTANTINE ALEXANDER:  Okay.  That's not how I  
21 see it, but I'll take --

22           RYAN LYNCH:  Well, there are some that can be seen

1 visually --

2           CONSTANTINE ALEXANDER: Right.

3           RYAN LYNCH: -- from the side, but this one well,  
4 actually be behind the screen wall entirely.

5           CONSTANTINE ALEXANDER: Can you show me the screen  
6 wall you're referring to?

7           RYAN LYNCH: Sure.

8           CONSTANTINE ALEXANDER: On the photo simulation?

9           ANDREA HICKEY: I was going to say, it's sort of  
10 illustrated there. You see the arrow with the new one?

11          RYAN LYNCH: Yeah, are you looking at page A4?

12          ANDREA HICKEY: I'm looking at A3.

13          CONSTANTINE ALEXANDER: A3.

14          RYAN LYNCH: I'm sorry, yeah.

15          ANDREA HICKEY: Yeah.

16          RYAN LYNCH: You can see that there's a whole  
17 cluster of antennas that are actually behind the screen wall  
18 there.

19          CONSTANTINE ALEXANDER: And the first one doesn't  
20 show any screen wall, that's why I'm --

21          RYAN LYNCH: Well that's the sign -- I keep  
22 calling it the screen wall, I'm sorry, it's --

1           ANDREA HICKEY:  The sign itself.

2           RYAN LYNCH:  The sign of itself, the Royal Sonesta  
3 sign --

4           CONSTANTINE ALEXANDER:  Okay, but that's --

5           RYAN LYNCH:  My fault for not clarifying.

6           CONSTANTINE ALEXANDER:  Okay.  That's one area,  
7 one view.  I just see it on the Charles River, and you're  
8 looking -- it's not all obscured?

9           RYAN LYNCH:  It's not at all.  It's actually --  
10 it's tucked behind the wall.

11          CONSTANTINE ALEXANDER:  Right.

12          RYAN LYNCH:  So it's mounted to the brick wall  
13 that the sign is in front of.  So it's -- the best view I  
14 can show you is on A4.  It's actually -- it's tucked in  
15 behind the wall by at least eight feet, so it's sort of  
16 nestled inside there.  So you really can't see it at all --

17          CONSTANTINE ALEXANDER:  Okay.

18          RYAN LYNCH:  -- from any angle.

19          CONSTANTINE ALEXANDER:  Okay.

20          RYAN LYNCH:  That's why the photo simulations  
21 really don't have a before and after, because there's --

22          CONSTANTINE ALEXANDER:  Okay, thank you.

1 RYAN LYNCH: -- nothing that can be seen.

2 CONSTANTINE ALEXANDER: Thank you.

3 RYAN LYNCH: I'm here to answer any questions you  
4 may have.

5 CONSTANTINE ALEXANDER: Did you go before the  
6 Planning Board?

7 RYAN LYNCH: We were not called before the  
8 Planning Board, no.

9 CONSTANTINE ALEXANDER: And you didn't ask to go  
10 before the Planning Board?

11 RYAN LYNCH: We did not.

12 CONSTANTINE ALEXANDER: Okay. So we have no  
13 letters or any communications from the Planning Board in our  
14 files, so just curious. They chose not to -- they're not  
15 troubled. I think everything else is the usual case for  
16 this upgrading under the Spectrum ask. So questions from  
17 members of the board?

18 BOARD MEMBER: I didn't have any questions.

19 CONSTANTINE ALEXANDER: Okay.

20 ANDREA HICKEY: No, just to confirm, it's just one  
21 antenna?

22 RYAN LYNCH: One antenna and one radio that's

1 going to be mounted with it, just right out of the antenna.

2           ANDREA HICKEY: And everything else that's there  
3 will remain there?

4           RYAN LYNCH: Remain there, completely as is, yep.

5           ANDREA HICKEY: And there's room for this to be  
6 hidden behind --

7           RYAN LYNCH: Correct.

8           ANDREA HICKEY: -- the screen wall?

9           RYAN LYNCH: Yes.

10          ANDREA HICKEY: And the second component that you  
11 said is part of it, and both sort of fit behind the --

12          RYAN LYNCH: Yes.

13          ANDREA HICKEY: -- screen wall?

14          LAURA WARNICK: So just for clarity, so I'm  
15 looking at A4 --

16          RYAN LYNCH: Yes.

17          LAURA WARNICK: And it says, "one relocated  
18 antenna and a new antenna."

19          RYAN LYNCH: Yeah. So the new antenna's actually  
20 going to be where that relocated antenna is, and the  
21 relocated antenna is also behind the screen wall.

22          So we're essentially just sort of swapping them

1 just for -- we need separation between specific frequencies  
2 and technologies that we have, and so, in order to achieve  
3 that, we actually moved one over a few feet, just to achieve  
4 that separation requirement.

5 LAURA WARNICK: I gotcha, okay. So the Unistruts,  
6 that's to hold the antenna?

7 RYAN LYNCH: Correct. That's sort of the mounting  
8 bracket to the brick wall that it's on.

9 LAURA WARNICK: Okay, great, thank you.

10 RYAN LYNCH: Sure.

11 CONSTANTINE ALEXANDER: Any other questions?

12 ANDREA HICKEY: So the side of the screen wall is  
13 shorter than the sort of part where it says, "Royal  
14 Sonesta"?

15 RYAN LYNCH: Mm-hm, sure.

16 ANDREA HICKEY: Just visually, it looks that way  
17 to me. So will it be obscured by the side wall as well?

18 RYAN LYNCH: Yes. So the -- well, the sign sort  
19 of extends off to the side of the building --

20 ANDREA HICKEY: Right, I see that --

21 RYAN LYNCH: -- is what you're saying?

22 ANDREA HICKEY: Yeah.

1           RYAN LYNCH: Yeah, so it covers from that view,  
2 yes. And the only other change really that the existing  
3 antennas are already sort of on that corner of the building.  
4 The new antenna's being proposed for inside. I think it's  
5 about nine feet inside of that wall.

6           ANDREA HICKEY: Thank you.

7           CONSTANTINE ALEXANDER: I'll open the matter up to  
8 public testimony. Is there anyone here wishing to be heard  
9 on this matter? Apparently not, and we're not in receipt of  
10 any letters or any other communications. So we can have  
11 discussion, or are we ready for a vote?

12          BOARD MEMBER: Ready for a vote.

13          JANET GREEN: Ready.

14          CONSTANTINE ALEXANDER: Okay, we need to go, as  
15 you well know, from other telecom cases, the whole host of  
16 votes. I'm going to go through them.

17                 First of all, we have to deal with the  
18 requirements of the special permit generally, in seeking a  
19 special permit. I propose that the board find that  
20 requirements of the ordinance cannot be met unless we grant  
21 the relief being sought...

22                         that traffic generated or patterns in access or

1 egress resulting from what you're proposing will not cause  
2 congestion, hazard, or substantial change in established  
3 neighborhood character...

4 that the continued operation or development of  
5 adjacent uses, as permitted in this zoning ordinance, will  
6 not be adversely affected by what you're proposing...

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

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

14 With regard to all of these matters, the Chair  
15 would point out, or the board would find that the relief  
16 before sought is very modest in nature.

17 It's just -- as you pointed out, one more antenna  
18 and one remote radio unit, and all of which will be obscured  
19 behind a panel, if you will. So the impact on the city and  
20 the city citizens, at least from a visual point of view, is  
21 nil.

22 Continuing, I move that the board also find that

1 the modification of its existing telecommunication facility  
2 at the site proposed by the petitioner does not  
3 substantially change the physical dimensions of the existing  
4 wireless tower or bay station at such facility, within the  
5 meeting on Section 6409 A of the Middle Class Tax Relief and  
6 Job Creation Act of 2012, also known as the Spectrum Act.

7 So based upon all these findings, the Chair moves  
8 that the petitioner be granted the special permit it is  
9 seeking, subject to the following conditions:

10 One, that the work proceeds in accordance with the  
11 plans submitted by the petitioner, and initialed by the  
12 Chair, and I've done that, both of the plans in here.

13 Two, that upon completion of the work, the  
14 physical appearance and visual impact of the participated  
15 work will be consistent with the photo simulations submitted  
16 by the petitioner, initialed by the Chair. It's the same  
17 ones you've given us.

18 Three, that the petitioner shall at all times  
19 maintain the proposed work, so that its physical appearance  
20 and visual impact will remain consistent with the photo  
21 simulations previously referred to -- this is a standard  
22 requirement, just maintain -- keep it in good condition.

1           Four, that should the petitioner cease to utilize  
2 the equipment approved tonight for a continuous period of  
3 six months or more, it shall promptly thereafter remove such  
4 equipment and restore the building on which it is located to  
5 its prior condition and appearance, to the extent reasonably  
6 practical.

7           Five, that the petitioner is in compliance with  
8 and will continue to comply with in all respects the  
9 conditions imposed by this board with regard to previous  
10 special permit granted to the petitioner with regard to the  
11 site in question.

12           And then continuing, in as much as the health  
13 effects of the transmission of electromagnetic energy waves  
14 is a matter of ongoing societal concern and scientific  
15 study, the special permit is also subject to the following  
16 conditions:

17           1a) That the petitioner shall file with the  
18 Inspectional Services Department. Each report it files with  
19 the federal authorities regarding electromagnetic energy  
20 waves emissions emanating from all of the petitioner's  
21 equipment on the site.

22           Each such report shall be filed with the

1 Inspectional Services Department no later than 10 business  
2 days after the report has been filed with the federal  
3 authorities.

4 Failure to timely file any such report with the  
5 Inspectional Services Department shall ipso facto terminate  
6 the special permit granted tonight.

7 b) That in the event that at any time, federal  
8 authorities notify the petitioner that it's equipment on the  
9 site, including but not limited to the special permit  
10 granted tonight fails to comply with the requirements of law  
11 of governmental regulation, whether with regard to the  
12 emissions of electromagnetic energy waves or otherwise, the  
13 petitioner within 10 business days of receipt of such  
14 notification of such failure, shall file with the  
15 Inspectional Services Department a report disclosing in  
16 reasonable detail that such failure has occurred, and the  
17 basis for such claimed failure.

18 The special permit granted tonight shall ipso  
19 facto terminate if any of the petitioner's federal licenses  
20 is or are suspended, revoked or terminated.

21 c) That to the extent that a special permit has  
22 terminated, pursuant to the foregoing paragraph a) and b),

1 the petitioner may apply to this board for a new special  
2 permit, provided that the public notice concerning such  
3 application discloses in reasonable detail that the  
4 application has been filed because of a termination of  
5 special permit, pursuant to what I've described already.

6 Any such new application shall not be deemed a  
7 repetitive petition, and therefore will not be subject to  
8 the two-year period during which repetitive petitions may  
9 not be filed.

10 And lastly, that within 10 business days after  
11 receipt of a building permit for the installation of the  
12 equipment subject to this petition, the petitioner shall  
13 file with the Inspectional Services Department a sworn  
14 affidavit of the person in charge of the installation of  
15 equipment by the petitioner of the geographical area that  
16 includes Cambridge stating that

- 17 a) he or she has such responsibility and  
18 b) that the equipment being installed  
19 pursuant to the special permit we are granting tonight, will  
20 comply with all federal safety rules, and will be situated  
21 and maintained in locations with appropriate barricades and  
22 other protections, such that individuals, including nearby

1 residents and occupants of nearby structures, will be  
2 sufficiently protected from excessive radiofrequency  
3 radiation under federal law.

4           On the basis of all of these findings, and subject  
5 to these conditions, the Chair moves that we grant the  
6 relief being sought on the condition that. All those in  
7 favor, please say, "Aye."

8           THE BOARD: Aye.

9           [All vote in favor]

10           CONSTANTINE ALEXANDER: Five in favor, special  
11 permit granted.

12           RYAN LYNCH: Thank you very much. Have a good  
13 evening.

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2 (8:59 p.m.)

3 Sitting Members: Constantine Alexander, Brendan Sullivan,  
4 Janet Green, Andrea A. Hickey, and Laura  
5 Warnick

6 CONSTANTINE ALEXANDER: The Chair will now call  
7 Case Number 017145 -- 23 Rockwell Street. Does anyone here  
8 wish to be heard on this matter? Good evening.

9 CAROLINE HUNTER: Good evening. Hi, I'm Caroline  
10 Hunter, owner 23 Rockwell Street.

11 WILLIAM TURVILLE: William Turville, Architect.

12 THE REPORTER: Could you spell your last name?

13 CONSTANTINE ALEXANDER: T-u-r-v-i-l-l-e. Anyway,  
14 go ahead.

15 CAROLINE HUNTER: This is a request for an  
16 addition modification of an existing building. This is a  
17 homeowner equity property that my late husband and I  
18 purchased from Riverside Community Corporation back in 1980.  
19 We've come before you in the past for modifications, but we  
20 haven't really made any modifications to the building.

21 CONSTANTINE ALEXANDER: I was going to ask you  
22 that question, because you did get zoning relief to allow

1 you to do I think basically what you want to do now. Is  
2 there a reason why it didn't proceed?

3 CAROLINE HUNTER: I don't think we were aware that  
4 we were ever granted, being we were told, we had the denial.  
5 I don't think we ever received the final information that --

6 CONSTANTINE ALEXANDER: I have it in the file.

7 CAROLINE HUNTER: Yeah, I know, the architect is  
8 going to cover that, but I know we had some problems with  
9 the building back then.

10 CONSTANTINE ALEXANDER: Okay.

11 CAROLINE HUNTER: And so, I'm proceeding now to  
12 ask to improve the quality of the building and the amount of  
13 living space that me and my daughter would use.

14 CONSTANTINE ALEXANDER: And what you are proposing  
15 now is essentially similar to what is approved in the past,  
16 didn't go forward because of your problems?

17 CAROLINE HUNTER: Right. We have a few other  
18 additions, which would be built out on the front porch, and  
19 proof of the overhang on River Street. But we were within  
20 the conformity for the buildings within the area.

21 CONSTANTINE ALEXANDER: Okay. All right.

22 WILLIAM TURVILLE: The project is pretty much what

1 was applied for, as you said.

2 THE REPORTER: You need to get a little bit closer  
3 to that.

4 WILLIAM TURVILLE: The project is very much as you  
5 said, like the project that was approved in 1995.

6 CONSTANTINE ALEXANDER: Why I think that's  
7 important is that the zoning relief you're seeking is rather  
8 substantial in nature. You want to go from -- you want to  
9 end up with an FAR of 1.42 in a district where you cannot  
10 propose more than 0.75.

11 WILLIAM TURVILLE: That's correct.

12 CONSTANTINE ALEXANDER: It's almost twice as much.

13 WILLIAM TURVILLE: That's correct.

14 CONSTANTINE ALEXANDER: It's almost twice as much.

15 WILLIAM TURVILLE: That's correct.

16 CONSTANTINE ALEXANDER: But I think given the  
17 counter building consideration, to me it's very important.  
18 The board already granted this; some prior board, not this  
19 board, thought that you were entitled to a variance. And  
20 for reasons unrelated to zoning, it didn't go forward.

21 WILLIAM TURVILLE: That is correct. That's  
22 correct.

1           CONSTANTINE ALEXANDER: I think that argues well  
2 for granting the relief you're seeking tonight.

3           WILLIAM TURVILLE: That sounds good. I would want  
4 to make clear that there are -- as Caroline said -- there's  
5 an enclosure to the front door, and there's new means of  
6 egress from the basement.

7           THE REPORTER: Move a little closer.

8           WILLIAM TURVILLE: There's a new means of egress  
9 through the -- what was a basement hatch. So we had to  
10 build out a little enclosure there.

11           There's a control panel there. The buildings are  
12 going to be sprinkled, which is a new addition to the  
13 project, but not any change in zoning.

14           So basically, that's all in the plans. We've got  
15 everything done, the structural we got a certified site  
16 plan. If you have any questions, or if I forget --

17           CONSTANTINE ALEXANDER: Well, one thing, one  
18 question I want to point out, should we grant relief  
19 tonight, you have not really appeared before us before, we  
20 will tie the relief to the plans that you filed.

21           WILLIAM TURVILLE: Yes.

22           CONSTANTINE ALEXANDER: And these have to be the

1 final plans. If you in the course of construction or  
2 whatever decide to change these plans, you're going to have  
3 to come back before our board.

4           CONSTANTINE ALEXANDER: Sure, of course. You  
5 understand?

6           WILLIAM TURVILLE: And I understand that.

7           CONSTANTINE ALEXANDER: If you're comfortable and  
8 you think this is it?

9           CAROLINE HUNTER: Yeah, I hope so.

10          CONSTANTINE ALEXANDER: Caroline?

11          COLLECTIVE: [Laughter]

12          CAROLINE HUNTER: Yes.

13          CONSTANTINE ALEXANDER: All right. Questions from  
14 members of the board?

15          LAURA WARNICK: Yeah. Can I see the drawing for a  
16 second?

17          CONSTANTINE ALEXANDER: I'll open it by way of  
18 looking at that. I'll open the matter up to public  
19 testimony. Anyone here wishing to be heard on this matter?  
20 Apparently not.

21                 And there is no letters or other communications in  
22 our files, so I will close public testimony. I'd like to

1 give Mr. Sullivan time to review those plans, and then we'll  
2 have --

3 BRENDAN SULLIVAN: No, I'm good, it's just there  
4 was something else I was looking at earlier, and I just --

5 CONSTANTINE ALEXANDER: Well there's another --  
6 maybe you want this? This is the -- Brendan, this?

7 BRENDAN SULLIVAN: No, it's -- no, I looked at it  
8 earlier. There was a question I had no, but that's okay.  
9 I'm good.

10 CONSTANTINE ALEXANDER: Okay. Ready for a vote?

11 BOARD MEMBER: I'm ready.

12 CONSTANTINE ALEXANDER: Okay. The Chair moves  
13 that we make the following findings with regard to the  
14 variance being sought: That a literal enforcement of the  
15 provisions of the ordinance would involve a substantial  
16 hardship, such hardship being that this is an older building  
17 in poor condition in need of modification to improve the  
18 safety of the occupants of the building and the impact on  
19 the neighborhood.

20 That this hardship is owing to the location of the  
21 lot, the corner lot, and the nature of the lot, it's an  
22 unusual grade, as I recall.

1           BRENDAN SULLIVAN:  Yes.

2           CONSTANTINE ALEXANDER:  It goes down a little bit,  
3  which makes modification of the structure difficult, and  
4  that relief may be granted without substantial detriment to  
5  the public good, or nullifying or substantially derogating  
6  intent or purpose of the ordinance.

7           So on the basis of all these conditions, all these  
8  findings, the Chair moves that we grant the variance  
9  requested on the condition that the work proceeds in  
10  accordance with the plans prepared by William Turville, T-u-  
11  r-v-i-l-l-e, Architect, dated June 18, 2019.

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

13           THE BOARD:  Aye.

14           [All vote in favor]

15           CONSTANTINE ALEXANDER:  Five in favor, variance  
16  granted.  Good luck.

17           CAROLINE HUNTER:  Thank you.

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2 (9:15 p.m.)

3 Sitting Members: Constantine Alexander, Brendan Sullivan,  
4 Janet Green, Andrea A. Hickey, and Laura  
5 Warnick

6 CONSTANTINE ALEXANDER: The Chair will now call  
7 Case Number 017148 -- 900 Cambridge Street. Anyone here  
8 wishing to be heard on this matter? Good evening. Name and  
9 address for the stenographer, please. Speak into the  
10 microphone, please.

11 CLARA FRADEN: Yep. Clara Fraden. We're here for  
12 900 Cambridge Street.

13 HANNAH KILSON: Hannah Kilson of Nolan Sheehan  
14 Patten, for 900 Cambridge Street.

15 CLARA FRADEN: Good evening. So we are here with  
16 the Cambridge Housing Authority. I am the Senior Project  
17 Manager for the modernization of Roosevelt Towers, and we  
18 are here tonight to request a substantial change to an  
19 existing comprehensive permit that was issued for the site  
20 in June of 1993.

21 So because Roosevelt Towers, it's quite large,  
22 it's a little over four acres, it also has seven buildings

1 on it, so because of the size of the parcel and the scope of  
2 work that is required on the parcel, we were only able to  
3 rehabilitate for the existing seven buildings at this time.

4 So in order to be able to redevelop the entire  
5 property, we need to be able to separate the financing of  
6 the rehab we can do now, versus the rehab we hope to do in  
7 the near future.

8 So our approach to accomplish this is to subdivide  
9 the parcels without renovations now to prevent future  
10 renovations that are better needed. But this requires  
11 relief from Article 515 of the zoning ordinance, because the  
12 subdivision line that we are proposing falls -- makes one of  
13 the lots we are proposing fall out of compliance with the  
14 zoning ordinance in four ways.

15 So one of the ways is FAR, the required FAR in a  
16 C2 district, where Roosevelt Towers lies, is a maximum of  
17 1.75. When you look at the whole site, we have FAR of 1.52,  
18 but when you subdivide the parcel along the line that we are  
19 proposing, the FAR on one of the lots, Lot 1, falls, so I  
20 mean it's 1.26, and then it rises on Lot 2 to 2.15, which is  
21 above the maximum.

22 The next two ways are -- relate to the side yard

1 setback. So we have three buildings on Lot 2. One is an  
2 eight-story building. So the side yard setback required  
3 there is 63 feet and 5 inches.

4 One is an existing side yard setback, is 41 feet 9  
5 inches, so that's below the requirement, and then the new  
6 side yard setback we are proposing, which is between the  
7 building and the new lot line, has a setback of 37 feet 2  
8 inches. So those are the next two.

9 And then the final one is the ratio of usable open  
10 space, so the minimum requirement is 15%. Again, when you  
11 look at the site as a whole, we're in compliance at 17.8%,  
12 but when you subdivide the parcel, one of the lots increases  
13 to 23%, the Lot 2 decreases to 7%.

14 So none of these noncompliant items are because we  
15 are changing the footprints of the building, it's simply  
16 because of the new calculations, based on the proposed lot  
17 line.

18 And Lot 1, which is the building that we are going  
19 to rehabilitate starting next year is completely in  
20 compliance.

21 The second item that we requested relates to  
22 parking. So in 1993, the comprehensive permit listed 105

1 spaces, but we only have 90 on site today. So we wish to  
2 have the comprehensive permit reflect --

3 CONSTANTINE ALEXANDER: How did you get from 105,  
4 which was required by the relief we granted, to 90. What  
5 happened?

6 CLARA FRADEN: So that's a good question. It's a  
7 bit of a puzzle, but I think there's a couple of options.  
8 So one is we found an as-built plan from 1993 that showed a  
9 couple of spaces kind of diagonally -- I can show them on a  
10 map -- right along the Somerville line. Those aren't there  
11 anymore. So I think that could have been a couple of the  
12 spaces.

13 There is also, we have a small lot on Low Street,  
14 and that is including in the parking calculations for this  
15 site, immediately adjacent to Lot 2. There is now a -- I  
16 think shed on that parcel, so I think that may have taken  
17 some of the spaces.

18 And then we see a lot of our sites that a handful  
19 of spaces are lost when we restrike for handicapped  
20 accessible parking spaces.

21 CONSTANTINE ALEXANDER: With regard to the 90  
22 spaces, how much use is put to them? Is there a parking

1 problem, or do you have more spaces than you need?

2 CLARA FRADEN: Yeah, that's a good question. So  
3 we have more spaces than we need. We've done a number of  
4 visits to the site over the last five months, and at all  
5 hours of the day, from 10:00 a.m. to 11:00 p.m. weekdays,  
6 weekends, and we have always had ample parking on site.

7 It's an average of 19 spaces actually available on  
8 site, the low being we've had a minimum of three spaces  
9 available at 11:00 p.m., and then it went up to something in  
10 the 30s in the morning.

11 So it is a -- it's a site where I think our  
12 residents work many different shifts, and so, it's not a  
13 case where everybody is needing to park there all at one  
14 time.

15 ANDREA HICKEY: Are the spaces assigned spaces to  
16 particular occupants, or can any occupant with -- let's say  
17 an occupant sticker -- park in any space exclusively,  
18 perhaps handicapped spaces?

19 CLARA FRADEN: Yeah, any occupant can park  
20 anywhere on the site, except for exclusively handicap  
21 spaces. With that said, we do see -- our property manager  
22 tells us, and also, just from speaking to residents, I know

1 that residents do kind of tend to park in the places that  
2 were closest to their apartments, obviously.

3           So a lot of residents will even park on Cambridge  
4 Street, there's some spaces right on Cambridge Street, and  
5 there's spaces on Willow Street. So I think a number of our  
6 -- some of the reasons why we had to include parking is  
7 because some residents are using the street parking instead  
8 of the parking meant, actually provided for the site.

9           So the second and the final component of the  
10 parking request is to actually confirm the allocation  
11 between the two lots. And so, we are proposing to do that  
12 along the property line, so there are 39 parking spaces.

13           CONSTANTINE ALEXANDER: It's listed in the plan  
14 showing the --

15           CLARA FRADEN: Yeah.

16           CONSTANTINE ALEXANDER: Can you get -- I was  
17 having trouble --

18           CLARA FRADEN: Yeah, sure.

19           CONSTANTINE ALEXANDER: I've seen it, but I --

20           CLARA FRADEN: So this went --

21           CONSTANTINE ALEXANDER: Could I have that?

22           CLARA FRADEN: Yeah, of course. I have two copies

1 with me. This was a presentation that we prepared for the  
2 Planning Board this week.

3 CONSTANTINE ALEXANDER: Okay, good. This is what  
4 I wanted. Thank you.

5 CLARA FRADEN: I have a smaller version. Do you -  
6 - so this calls out where the different spaces are  
7 allocated.

8 CONSTANTINE ALEXANDER: Well, I think it's more  
9 important from our point of view that we have a plan, which  
10 it is, showing the property boundaries; where is Lot 1 and  
11 where is Lot 2?

12 CLARA FRADEN: Yeah.

13 CONSTANTINE ALEXANDER: Where the parking is going  
14 to be outside is not our concern --

15 CLARA FRADEN: Yep.

16 CONSTANTINE ALEXANDER: At least in my opinion.  
17 Just what is a concern is the reduction from what we  
18 approved the last time.

19 CLARA FRADEN: Yes. So if you go to -- the last  
20 page of this packet has a clean subdivision plan if that's -  
21 -

22 CONSTANTINE ALEXANDER: Either one. If this will

1 allow the ISD to understand where the -- and you're -- the  
2 financing sources --

3 CLARA FRADEN: Right.

4 CONSTANTINE ALEXANDER: -- for Lot 1 -- to know  
5 what they have and what they don't have.

6 HANNAH KILSON: Yeah, exactly.

7 CLARA FRADEN: But that concludes the request, the  
8 relief they're seeking. But the subdivision will go a long  
9 way in helping us ensure that we can rehabilitate the entire  
10 site with time.

11 CONSTANTINE ALEXANDER: Oh, yeah, it's an  
12 important step to rehabilitate the buildings after these  
13 many years of falling into disrepair.

14 CLARA FRADEN: Yes.

15 CONSTANTINE ALEXANDER: Questions from members of  
16 the board? I would just point out as you know, this is a  
17 comprehensive permit case, not a variance case. And so, we  
18 have to make certain findings.

19 But we are not bound by the whole motion of  
20 comprehensive permits allows an applicant to not have to  
21 comply with all the various technicalities of zoning, but to  
22 maintain certain technicalities, which I'll deal with when

1 we get to taking a vote.

2           Anyway, with that, any questions from members of  
3 the board?

4           LAURA WARNICK: So just very hypothetically, Lot 1  
5 has excess capacity, excess FAR and Lot 2 has a deficit. So  
6 in theory one could build additional square footage on Lot  
7 1?

8           CONSTANTINE ALEXANDER: No.

9           LAURA WARNICK: No?

10          CONSTANTINE ALEXANDER: Well, they have to get on  
11 the comprehensive program.

12          HANNAH KILSON: We'd have to come back.

13          CONSTANTINE ALEXANDER: Have to come back.

14          HANNAH KILSON: Amend the permit, so --

15          LAURA WARNICK: Okay.

16          HANNAH KILSON: -- we couldn't do that without an  
17 amendment to the permit.

18          LAURA WARNICK: Okay.

19          HANNAH KILSON: And what we're seeking is not to  
20 have additional --

21          CONSTANTINE ALEXANDER: Right, right.

22          LAURA WARNICK: Okay.

1           CONSTANTINE ALEXANDER: This is just to  
2 facilitate, this revision of the model, I think you should  
3 point it out, is to facilitate the --

4           LAURA WARNICK: No, I totally understand the  
5 current situation.

6           CONSTANTINE ALEXANDER: Any other questions or  
7 comments from the board? I'll open the matter up to public  
8 testimony. Does anyone here wish to be heard on this  
9 matter?

10          JAMES WILLIAMSON: I just have a question.  
11 Questions?

12          CONSTANTINE ALEXANDER: Yeah, sure. Come forward,  
13 though and speak into the mike.

14          JAMES WILLIAMSON: Yeah. My name is James  
15 Williamson, 1000 Jackson Place. The whole parking dimension  
16 of things is becoming very interesting these days in  
17 Cambridge, and in particular with some of the affordable  
18 housing projects that are being proposed.

19                 And so, I'm getting interested in this, and I'm  
20 trying to understand what's going on with the parking from  
21 what was presented tonight, and I am not quite sure I really  
22 understand what's going on. So if you could maybe explain

1 exactly what's going on with the parking, is it just  
2 confirming an existing reduction in parking utilization?

3           CONSTANTINE ALEXANDER: No, no, not quite.

4           JAMES WILLIAMS: Is there some additional thing?  
5 Just I don't understand what's happening with the parking.  
6 Because I know where I live, people -- there are a lot of  
7 issues. There are fights with the towing companies and, you  
8 know, it's like --

9           CONSTANTINE ALEXANDER: What's involved here is  
10 there's a certain number of parking spaces on the lot right  
11 now. They're dividing the lot.

12           JAMES WILLIAMSON: Right.

13           CONSTANTINE ALEXANDER: And because of the way  
14 they're dividing it, one half, one lot, will have more --  
15 most of the parking spaces, and the other lots will have  
16 less. But the number of parking spaces on the lot --

17           JAMES WILLIAMSON: Is going to remain the same?

18           CONSTANTINE ALEXANDER: Yeah, the same. And what  
19 is always done, and what I believe anybody from Lot 1 can  
20 park in -- parking areas in Lot 2 and vice versa. Or do you  
21 anticipate that the person who's going to be acquiring Lot 1  
22 is going to bar people from parking on Lot 2?

1           HANNAH KILSON: Well, I think our thinking about  
2 it had been that we really allocate the 39 spaces currently  
3 to Lot 1 and 51 spaces to Lot 2.

4           Oh, sorry, sorry about that. I think our thinking  
5 in part of the request is to identify that Lot 1 has 39  
6 parking spaces, and that is compliant with the comprehensive  
7 permit. Lot 2 has 51 spaces, and that's compliant with the  
8 comprehensive permit, so that they can each comply with  
9 zoning, relative to parking and with a comprehensive permit.

10           Whether they're -- we can build in kind of  
11 basically the right, because CHA, again, owns both the  
12 parcels that will ground at least one parcel to the  
13 development entity. That we certainly can do.

14           But from a lending standpoint, from a lending or  
15 financing standpoint, the financing entities were more  
16 confirmation that if we say Lot 1 has 39 spaces, that's a  
17 zoning complicate situation. If we say Lot 2 has 51, that's  
18 zoning compliant. If for a property management reason, CHA  
19 decides it wants to grant an easement too for parking, that  
20 could be done.

21           But for zoning purposes, and for what our lenders  
22 understand about what parking each lot has, we do want to be

1 clear that there's that altercation.

2           CONSTANTINE ALEXANDER: I'm a little troubled,  
3 though. Right now, you have 100 -- I'm going to say 99  
4 parking spaces, 90 parking spaces. Anybody who resides at  
5 900 Cambridge Street can park in any one of those spaces.  
6 If we grant relief and divide it, does that mean that that's  
7 not going to -- no longer be the case?

8           HANNAH KILSON: I guess it's the question of the  
9 practice. I think what CHA is found, and Clara can clarify  
10 this, is that in practice the individuals who reside in what  
11 we call the midrise, so the two low-rise units that are in  
12 Lot 2, they park in the spaces closest to their --

13           CONSTANTINE ALEXANDER: I understand.

14           HANNAH KILSON: -- to their development. And as  
15 to the residents in Lot 1, it's similar. They park in those  
16 spaces that are closest to the buildings they reside in.

17           I don't know, I can't -- whether CHA has  
18 contemplated creating a monitoring structure that we really  
19 know whether or not the Lot 1 folks are parking over in the  
20 Lot 2 in practice. I think for us for the financing, it's  
21 important to be able to say we don't need more than 39  
22 spaces in Lot 1 to be zoning compliant.

1 BRENDAN SULLIVAN: You need a --

2 HANNAH KILSON: I don't know if that answers your  
3 question?

4 BRENDAN SULLIVAN: Yeah, you need a clean document  
5 for financing, and how you move those deck chairs around for  
6 that document is one thing, in practice it is another day,  
7 it's another issue.

8 CLARA FRADEN: And it will still remain one, the  
9 same property manager will be a property manager for the  
10 four buildings that we're rehabilitating now, for the --

11 CONSTANTINE ALEXANDER: But what about the owner  
12 of Lot 1? You're going to be conveying Lot 1 to a non-  
13 profit? They will have their own property manager, won't  
14 they?

15 HANNAH KILSON: You mean with the CHA?

16 CLARA FRADEN: Yeah.

17 CONSTANTINE ALEXANDER: With CHA.

18 ANDREA HICKEY: To me that doesn't matter, though.  
19 Because the property manager can't grant rights or interests  
20 that don't exist.

21 CONSTANTINE ALEXANDER: Right.

22 ANDREA HICKEY: So to me, it's irrelevant who the

1 property manager is. I see your point, and I'm a bit  
2 concerned about it too.

3           CONSTANTINE ALEXANDER: I understand what you're  
4 saying, is that obviously in any area, you know, you try to  
5 park as close to where you live as possible.

6           ANDREA HICKEY: Right.

7           CONSTANTINE ALEXANDER: But if you can't find a  
8 space, you go somewhere's (sic) else in the lot. That's  
9 going to be changed, from what I'm hearing. I think it's  
10 going to be changed should we grant you the relief tonight.

11           LAURA WARNICK: I think it's an issue -- I agree  
12 with you from a legal standpoint, and then I also have the  
13 issue of what I think practically is going to happen on the  
14 site, and that's what I think CHA can speak to better than I  
15 can.

16           I think practically on the site, residents of both  
17 the low-rise and the mid-rise are going to park in the  
18 spaces that are available.

19           CONSTANTINE ALEXANDER: That are available.

20           LAURA WARNICK: Right.

21           CONSTANTINE ALEXANDER: If they're not available  
22 on Lot 1, they'll want to go to an area that's Lot 2.

1           LAURA WARNICK: Right. They're basically -- for  
2 financing purposes, they have to have this. After that,  
3 they're not going to monitor it. They're not going to  
4 monitor.

5           BRENDAN SULLIVAN: I don't think the people -- the  
6 residents -- are going to know Lot 1 or Lot 1.

7           LAURA WARNICK: Correct.

8           BRENDAN SULLIVAN: It's just going to be the  
9 complex.

10          LAURA WARNICK: Right.

11          CONSTANTINE ALEXANDER: I hope that's the case.  
12 I'm not sure that --

13          JANET GREEN: Has it been a problem?

14          CONSTANTINE ALEXANDER: -- it will be the case.

15          HANNAH KILSON: No, I mean that was --

16          JANET GREEN: I mean --

17          HANNAH KILSON: -- part of the issue that was  
18 raised --

19          JANET GREEN: -- if it's not been a problem --

20          HANNAH KILSON: -- is that the number of parking  
21 spaces have never --

22          BRENDAN SULLIVAN: You need a paper --

1 HANNAH KILSON: -- in terms of need has not  
2 exceeded use.

3 BRENDAN SULLIVAN: You need a paper document  
4 showing that Parcel 1 is compliant, and Parcel 2 is  
5 compliant. And that's it, I think.

6 BRENDAN SULLIVAN: What I'm getting at though, is  
7 that I agree with all that. But, when all is said and done,  
8 there's going to be a new owner at Lot 1, there's going to  
9 be a new financing service -- source --

10 BRENDAN SULLIVAN: It's not a new owner. It's the  
11 same owner, it's just different financing. It's a different  
12 bank --

13 CLARA FRADEN: No, it's a different owner.

14 CONSTANTINE ALEXANDER: Different owner.

15 CLARA FRADEN: It's being conveyed.

16 CONSTANTINE ALEXANDER: It has to be conveyed.

17 BRENDAN SULLIVAN: It's still Cambridge Housing  
18 Authority, is it not?

19 HANNAH KILSON: Right, but the underlying the  
20 entity that will own the -- will be grounds to property by  
21 CHA. CHA will continue to be the -- well-being the ground  
22 landlord and continue to own the site. But even that

1 entity, CHA or one of its non-profit affiliates will be a  
2 member of that entity.

3 So CHA continues to be involved. It's not a  
4 third-party, to whom the property is being ground leased or  
5 conveyed to. It is a separate financeable entity, of which  
6 CHA or an affiliate of CHA is a member.

7 CONSTANTINE ALEXANDER: A member. It's not a  
8 controlling member?

9 HANNAH KILSON: It actually is a controlling  
10 member. The way our structure will work is that entity will  
11 have two members. 1 will be the LIHTC investor, and 1 will  
12 be the managing member. CHA will be -- control that  
13 managing member.

14 CONSTANTINE ALEXANDER: Jay, jump to you, you  
15 wanted to say something?

16 JAMES WILLIAMSON: Oh, I was just going to say,  
17 because I don't think -- I was just listening to this with  
18 interest.

19 It seems like what might help, and it has been  
20 stated so explicitly, is it sounds like the management --  
21 there's no -- it is not contemplated that people are going  
22 to be told they can't park in wherever they can find a

1 place, and it might help if that were stated explicitly.

2 We -- nobody -- there's no contemplation --  
3 nothing being contemplated here that would change the  
4 current arrangement, which is park wherever you can find a  
5 parking space.

6 CONSTANTINE ALEXANDER: I agree with that. I'm  
7 asking these questions to formulate the conditions. I want  
8 to make that explicit, not just an understanding.

9 JAMES WILLIAMSON: Yeah, great.

10 CONSTANTINE ALEXANDER: That people's ability to  
11 park on both lots will not be affected by the relief we're  
12 granting tonight, the division's 2 lots.

13 JAMES WILLIAMSON: And my guess is there's no --  
14 it's not anticipated that there would be a change?

15 CONSTANTINE ALEXANDER: Not anticipated.

16 JAMES WILLIAMSON: And I -- but I'll just point  
17 out if that's the case, if that were stated explicitly to  
18 say we're not planning to do that, rather than --

19 CONSTANTINE ALEXANDER: Well, I'll do it the other  
20 way around, making sure that they can't do that.

21 JAMES WILLIAMSON: You're the expert.

22 JANET GREEN: I don't understand when they were

1 talking about what they need is the clean copy that says --

2 JAMES WILLIAMSON: Right.

3 JANET GREEN: -- for the financing one thing, and  
4 that by getting involved in this parking, which hasn't been  
5 a problem, we're creating a difficulty in the way that we  
6 state it that would cause a problem.

7 CONSTANTINE ALEXANDER: I don't think the way we  
8 state it will cause a problem. But there could be  
9 theoretically a problem, depending upon what owns -- you're  
10 going to separate the ownership of the lots. We have one  
11 lot now; we're now going to have two. And the rules could  
12 change with regard to people's ability to park.

13 And I don't want to disrupt the neighborhood or  
14 this housing with regard to parking, as a result  
15 inadvertently by granting the relief tonight. I don't think  
16 it will be a problem, but I think it's incumbent upon us, as  
17 we always do, to put conditions in that protect the  
18 situation. And I think that it's not going to be a major  
19 problem.

20 But I do believe we should put some condition --  
21 I'll get to it in a second -- that deals with -- Andrea, are  
22 you --

1           ANDREA HICKEY: No, I agree with you. I think  
2 that if we allow Lot 1 to separate, and Lot 1 has a finite  
3 number of spaces, that that is a separate project,  
4 regardless of the name of the LLC or who the managing member  
5 is. Managing members can change.

6           CONSTANTINE ALEXANDER: Exactly.

7           ANDREA HICKEY: So couldn't you make it contingent  
8 upon the CHA or their affiliate managing --

9           CONSTANTINE ALEXANDER: I'd do it a different way.

10          ANDREA HICKEY: Owner.

11          HANNAH KILSON: No.

12          CONSTANTINE ALEXANDER: I'd do it a slightly  
13 different way. I think the condition is that by granting  
14 relief tonight, the ability of people on 900 Cambridge  
15 Street to park wherever they want to park on the lot, which  
16 now will be two lots, continues. There's no change. The  
17 rule won't change.

18          HANNAH KILSON: I think -- so it gives me pause to  
19 have that as a condition, even if in the practice that's  
20 probably how it's going to appear. Because what I worry --  
21 part of why we come for the relief is to create -- it is for  
22 the relief about what is the required amount of parking for

1 each of these respective lots.

2           And I think we do need clarity on that, that 39  
3 parking spaces under the comprehensive permit, that that's a  
4 number of required parking spaces for Lot 1, and that under  
5 the required number of parking spaces for Lot 2 are 51.

6           I think we want to make sure that that's clear.

7 And I hear the concern of the committee around the issue of  
8 ensuring that residents still have sufficient places to  
9 park, but I am concerned about how we articulate, how that's  
10 addressed. I think we're trying to ask Lot 1 having 39  
11 spaces is sufficient, Lot 1 having 51 spaces is sufficient.

12           CONSTANTINE ALEXANDER: That's it. All I'm  
13 proposing is that we add, just as you have said, add that  
14 with respect to the property 900 Cambridge street. Anybody  
15 who resides at Lot 1 or Lot 1 can park their cars on either  
16 Lot 1 or Lot 2. That's all. But I think we don't --

17           LAURA WARNICK: As long as you state that the  
18 appropriate numbers are --

19           CONSTANTINE ALEXANDER: Oh, yeah. Appropriate  
20 numbers we're going to approve. The 30 -- the 39 --

21           LAURA WARNICK: By lot, by lot, yeah.

22           CONSTANTINE ALEXANDER: Yeah, but I just want to -

1 -

2 BRENDAN SULLIVAN: And that no resident shall be  
3 prevented from parking anywhere on the lot.

4 CONSTANTINE ALEXANDER: Yeah. That's all I'm  
5 saying.

6 BRENDAN SULLIVAN: Yeah, I mean I think it's --

7 LAURA WARNICK: Well, that --

8 BRENDAN SULLIVAN: I think we're delving down into  
9 the weeds, but --

10 LAURA WARNICK: Yeah. I feel the same way.

11 BRENDAN SULLIVAN: I think we're trying to find  
12 the solution for a problem that's not there.

13 ANDREA HICKEY: No, I disagree. I think this is  
14 an important distinction.

15 HANNAH KILSON: But if it's the same owner --

16 BRENDAN SULLIVAN: No.

17 HANNAH KILSON: And they have a current --

18 ANDREA HICKEY: It's not the same owner.

19 CONSTANTINE ALEXANDER: We're not done with the --  
20 it's not the same owner.

21 HANNAH KILSON: Yeah, so I think the concern I  
22 hear is Lot 1 or Lot 1 we can agree that 39 spaces is

1 sufficient, 51 spaces --

2 CONSTANTINE ALEXANDER: Yeah.

3 HANNAH KILSON: -- is sufficient, and that you are  
4 zoning compliant as long as you have those numbers?

5 ANDREA HICKEY: I agree with that, yes.

6 CONSTANTINE ALEXANDER: We all agree.

7 HANNAH KILSON: And so, and then the next step is  
8 will we grant easements or rights to residents of both lots  
9 to park in either? And --

10 CONSTANTINE ALEXANDER: We're not granting  
11 easements. I'm not proposing --

12 ANDREA HICKEY: Yeah, I don't think we have to go  
13 that far.

14 CONSTANTINE ALEXANDER: We don't have to go that  
15 far. It's just that in granting the relief that you're  
16 seeking, dividing into two lots, and referring me to the  
17 parking on Lot 1 and Lot 1 is sufficient. Just that there's  
18 nothing that bars someone on Lot 1 from parking on Lot 1.  
19 That's all we're saying.

20 And that -- I don't want -- I think I'm -- you  
21 know, I understand what you're doing, I mean.

22 HANNAH KILSON: Yeah, yeah, no, I'm -- I think in

1 practice CHA doesn't have an objection to that. And all I'm  
2 -- as we sit here, all I'm thinking is, you know, will a  
3 lender have -- you know, candidly I'm just thinking, will  
4 finance and have an objection? And to be candid, I don't  
5 know the answer to that. And that's what gives me pause.

6 But if -- but in practice, you know, again, as I  
7 said, CHA doesn't object to that concept, because that's how  
8 it thinks it will function.

9 But I also hear the discomfort of the board about  
10 leaving it at that, that you would want to put something in  
11 writing to make it more --

12 BRENDAN SULLIVAN: Financing can be very, very  
13 tricky, and a few words can raise red flags, and it goes  
14 down a whole other avenue. I --

15 ANDREA HICKEY: Right, but our job, respectfully,  
16 is not to make sure that they can get this thing financed.  
17 Our job is to make sure that the spirit of the original  
18 comprehensive permit.

19 CONSTANTINE ALEXANDER: Thank you.

20 ANDREA HICKEY: -- in our decision with respect to  
21 this request.

22 CONSTANTINE ALEXANDER: That's exactly right.

1           HANNAH KILSON: That said, it's that we're coming  
2 in for an amendment to that comprehensive permit, and one of  
3 the issues we're trying to amend is the issue of parking.  
4 So that is in some ways the very point of the discussion is  
5 that we need to amend -- in order to be able to redevelop  
6 these sites in this phase process, we do need to draw -- we  
7 need to change the parking that was granted and imposed  
8 under the initial permit, and --

9           ANDREA HICKEY: Yeah. I understand the need to  
10 sort of confirm and designate a certain number of spaces to  
11 Lot 1 for that to be compliant, I get that. It's the use of  
12 those spaces exclusively for the residents of Lot 1, that  
13 I'm not sure sort of meets the spirit of the original comp.  
14 permit.

15           HANNAH KILSON: I would say that, but, again,  
16 that's the nature of the amendment, is to take the current  
17 comprehensive permit and recognize the ways in which we need  
18 to ask for it to be adjusted in order for this new  
19 modernization to take place.

20           And I think that that is the issue, is that we  
21 need to allow for each of these lots to stand on their own,  
22 relative to their functioning. And part of that is the

1 parking.

2 BRENDAN SULLIVAN: How critical is the timing of  
3 the granting of this release to the overall project?

4 HANNAH KILSON: I would say we're behind schedule.

5 BRENDAN SULLIVAN: Well, we're --

6 HANNAH KILSON: This is a deal that's closing at  
7 the end of summer.

8 BRENDAN SULLIVAN: Well, where I'm going with this  
9 is that you've heard the concerns of the board, and I know  
10 your hesitancy about adding too much language in there, and  
11 would it behoove to step back from tonight, you huddle, and  
12 then come up with the language that you're comfortable with,  
13 or that your lender would be comfortable with, rather than  
14 trying to do this at the table.

15 That's what I'm saying. But now, this is going to  
16 kick this off until September. So that's the only problem.

17 Or, if you're -- if we can -- I mean, I --

18 CONSTANTINE ALEXANDER: It's a good suggestion.

19 BRENDAN SULLIVAN: I understand your concerns more  
20 so than I think -- I think we're really -- we're trying to  
21 solve something that's not a problem.

22 CONSTANTINE ALEXANDER: Well, if that's the case,

1 then there should be no problem with the lender. I'm  
2 concerned --

3 BRENDAN SULLIVAN: But we don't know that.

4 CONSTANTINE ALEXANDER: I know that. But if there  
5 is a problem, then the nature of what we're being asked to  
6 do tonight is different than we're being presented.

7 LAURA WARNICK: Not necessarily.

8 BRENDAN SULLIVAN: I deal with --

9 LAURA WARNICK: It's the --

10 BRENDAN SULLIVAN: -- financial documents on  
11 another hat that I wear, and believe me we are parsing words  
12 on in one word or two or three, some line changes the whole  
13 thing, and then it gets -- it becomes a monster. Anyhow, I  
14 --

15 CLARA FRADEN: I think it is worth reiterating  
16 that in practice, the property is going to operate in the  
17 same manner before the rehabilitation and after the  
18 rehabilitation, and there are many examples of that, there  
19 is one community room in the midrise lot parcel on Lot 2.

20 The residents of the low rise, when they have  
21 meetings, they use that community room. That's going to  
22 stay the same, they're still going to continue to use that

1 community room.

2 LAURA WARNICK: So how does that issue get  
3 addressed by -- is that a -- that's not a concern?

4 CLARA FRADEN: It's not a concern because it's a  
5 property management issue on what is enforced, what is  
6 allowed, and the Cambridge Housing Authority is going to  
7 remain the property manager of Lot 2 and Lot 1.

8 The only way that the CHA would lose control,  
9 because you're right, it is a new owner, but the only way  
10 the CHA would lose control is if we defaulted on our loan.  
11 And we have an extremely -- you know, we have a perfect  
12 track record now of all the projects.

13 So -- but that, am I right in saying that that is  
14 the -- that is really the only way that the CHA would lose  
15 control and it would be a different property manager, and,  
16 you know, a different standard operating procedure for the  
17 site?

18 LAURA WARNICK: I just don't think there's an  
19 issue here.

20 CONSTANTINE ALEXANDER: Well, I don't know. I  
21 think -- I understand Brendan's point about the risks to  
22 lending.

1           On the other hand, we have a responsibility. We  
2 granted the special permit back in -- comprehensive permit,  
3 sorry -- to have a certain number of parking spaces. You  
4 don't even have those, okay, that's fine. But now we're  
5 talking about dividing the plot again. And it could be that  
6 parking spaces are going to be reallocated.

7           And that, I don't know whether -- I don't want to  
8 have that happen. I don't believe that -- I think this is a  
9 few words, we can get this through without any problem, and  
10 we protect the residents of 900 Cambridge. That's my  
11 concern.

12           I don't want to find that residents all of a  
13 sudden, can't find parking, because the owner of Lot 1 says,  
14 "No, you can't use -- you're on Lot 2, you can't use Lot 1  
15 to park your car." That's not the way it is today, and I  
16 don't think we should allow it to be the case.

17           CLARA FRADEN: And, just again, the only way that  
18 that would happen that the owner of Lot 1 would say, "No,  
19 you can't park here" is if the CHA defaulted on a loan and a  
20 new manager came in and took over the lot.

21           CONSTANTINE ALEXANDER: Yeah, right.

22           CLARA FRADEN: And so, yes, that is a possibility,

1 but it is -- you know, a very, very unlikely possibility,  
2 and we have a strong track record.

3 BRENDAN SULLIVAN: It's a permit that was granted  
4 to the Cambridge Health Authority.

5 CONSTANTINE ALEXANDER: Right.

6 BRENDAN SULLIVAN: Should the Cambridge Health  
7 Authority default, a new owner would take over. But, would  
8 they automatically assume that comprehensive program?

9 CLARA FRADEN: Yes.

10 HANNAH KILSON: The comprehensive permit comes  
11 with the --

12 BRENDAN SULLIVAN: So in other words, the title  
13 and the rights and any restrictions automatically transfer?

14 ANDREA HICKEY: Or lack thereof, which is our  
15 concern if --

16 CONSTANTINE ALEXANDER: Well, let's get -- let me  
17 make the motion, with what Andrea and I are suggesting. Put  
18 it to a vote. If it grabs hold, fine, rather than continue.  
19 I don't think there's anything more --

20 ANDREA HICKEY: Unless the petitioners wanted time  
21 to try to figure out how to fit in what we're --

22 CONSTANTINE ALEXANDER: The only problem is that's

1 going to -- as Brendan points out, we're going to be at  
2 least into September.

3           ANDREA HICKEY: Right, but at least they don't  
4 risk a denial.

5           CONSTANTINE ALEXANDER: Or not, they can get the  
6 vote they want, because --

7           BRENDAN SULLIVAN: The other option is to make a  
8 motion, if voted on you go away, and at some point, if you  
9 decide it's not --

10           CONSTANTINE ALEXANDER: Or the lender comes in --  
11 when you get to the lender --

12           BRENDAN SULLIVAN: They could come back to us --

13           CONSTANTINE ALEXANDER: And say --

14           BRENDAN SULLIVAN: -- ask for an amendment --

15           CONSTANTINE ALEXANDER: Yeah!

16           BRENDAN SULLIVAN: -- to that condition.

17           CONSTANTINE ALEXANDER: Absolutely.

18           BRENDAN SULLIVAN: And just say that that  
19 condition is creating a burden to us. This way here, at  
20 least it moves up the process.

21           HANNAH KILSON: Right. And I do think that that  
22 is the process that we want to follow. I guess the

1 question, though, that it opens is, would the -- if it is  
2 determined that a lender finds the language problematic,  
3 would the board, can the board tell us that they would grant  
4 a removal of that provision?

5 CONSTANTINE ALEXANDER: Well, I think you're  
6 getting the sense that we would do that, right?

7 HANNAH KILSON: That --

8 CONSTANTINE ALEXANDER: We can't do that if we  
9 can't legally permit ourselves.

10 HANNAH KILSON: Right, right, I --

11 CONSTANTINE ALEXANDER: But I think that's --

12 HANNAH KILSON: Because we're going to go -- we're  
13 on a short timing path. And so, --

14 ANDREA HICKEY: I just sort of have a question, a  
15 technical question.

16 HANNAH KILSON: Yeah.

17 ANDREA HICKEY: Do we as a board have the  
18 authority to make a condition that both lots remain  
19 available and subordinate that condition to the rights of  
20 the lender? So that if the lender foreclosed, that would go  
21 away? If the loan stays good, then it remains in place?

22 Subordinate that right to -- that requirement to

1 the lender. So that takes the lender's concern off the  
2 table. Because if they ever wound up owning the place, that  
3 requirement would go away. Does that make sense?

4 HANNAH KILSON: Yeah. I hear you; I think the  
5 language in your comprehensive permit would -- because,  
6 again, the comprehensive permit runs with the land. It  
7 comes ahead of any mortgage that's been financed.

8 So you need to put in language that basically  
9 removes that condition in the event of a foreclosure.

10 ANDREA HICKEY: Right. I'm just trying to think  
11 about workaround, it gets --

12 LAURA WARNICK: Yeah, but it doesn't work around,  
13 because then we're getting right back around to where we  
14 don't want to be.

15 CONSTANTINE ALEXANDER: I think you're also --  
16 you're probably advertising -- making more --

17 LAURA WARNICK: Calling attention to it --

18 CONSTANTINE ALEXANDER: That's right.

19 LAURA WARNICK: I understand.

20 CONSTANTINE ALEXANDER: Calling attention to the  
21 lender, and I think they're going to wonder why we're  
22 worried about it. I think it's just a matter of a few

1 words. I really don't believe that the lender's going to  
2 have a problem. And if they do, you come back to the board.

3 ANDREA HICKEY: So you'd like it to be something  
4 like to continue to allow access, parking access --

5 CONSTANTINE ALEXANDER: Yeah.

6 ANDREA HICKEY: -- to the residents?

7 CONSTANTINE ALEXANDER: Take it to the board,  
8 yeah. I think that's the best solution, that's me.

9 HANNAH KILSON: Just say, "To allow access."

10 ANDREA HICKEY: I think use -- access doesn't  
11 really mean use.

12 CONSTANTINE ALEXANDER: Yeah.

13 ANDREA HICKEY: To allow --

14 CONSTANTINE ALEXANDER: I think we have -- it  
15 wouldn't be the word, "access." Use, "park" and any resident  
16 at 900 --

17 BRENDAN SULLIVAN: Well, it's a rite of passage.

18 CONSTANTINE ALEXANDER: Hm?

19 BRENDAN SULLIVAN: It's really a rite of passage.

20 CONSTANTINE ALEXANDER: Yeah, well and also --

21 ANDREA HICKEY: The right to park is different --

22 CONSTANTINE ALEXANDER: To park.

1           ANDREA HICKEY:  -- than the right to pass.

2           BRENDAN SULLIVAN:  Well, passage is walking.

3  Yeah, that's right.

4           CONSTANTINE ALEXANDER:  Yeah.

5           BRENDAN SULLIVAN:  Yeah.

6           ANDREA HICKEY:  I support why just suggested if  
7  you could sort of come up with the words the Counsel --

8           CONSTANTINE ALEXANDER:  I'll try.

9           ANDREA HICKEY:  -- could try to be comfortable  
10 with.

11           HANNAH KILSON:  And before we do that, I'd just  
12 like to clarify two other of the requests that I think are  
13 reflected I think in the cover letter.  And this, again,  
14 just goes back to us wanting to make sure that we have our  
15 lenders and we get financing comfortable.

16           So one was to speak to that Lot 1 complies with  
17 the comprehensive permit, provided there's no change in the  
18 dimensions of the building.  So you believe that's the case?  
19 And I don't know whether we need to affirmatively articulate  
20 that?

21           CONSTANTINE ALEXANDER:  I don't recall seeing any  
22 of that point in any of the materials you used?  Maybe it

1 missed it, but I --

2 HANNAH KILSON: So in the cover -- there were two  
3 cover memos that were provided to the board.

4 CONSTANTINE ALEXANDER: This one, right here.

5 HANNAH KILSON: The one dated July 8, is it?

6 CONSTANTINE ALEXANDER: That's the one. It says  
7 revised --

8 HANNAH KILSON: Revised, right. So if you look at  
9 component #1, Lot 1 --

10 CONSTANTINE ALEXANDER: Yeah.

11 HANNAH KILSON: Right? I -- let me just turn to  
12 it. It says up -- so the third sentence begins, "First we  
13 request an acknowledgment -- this is on spacing the building  
14 on Lot 1 will be allocated 39 spaces."

15 CONSTANTINE ALEXANDER: Right.

16 HANNAH KILSON: Then it goes on and says, "Second,  
17 we request an acknowledgment that so long as the buildings  
18 on Lot 1 are maintained in the current configuration, Lot 1  
19 will be deemed in compliance with the comprehensive permit.

20 And third, we request that when CHA conveys Lot 1  
21 to a new project owner, the comprehensive permit will be  
22 signed. The project owner and the CHA request the zoning

1 and Board of Appeals approval as part of the approval and  
2 substantial change request of such transfer.

3           And part -- and both of the reasons to ask for  
4 those is just so there's frankly no question from when the  
5 lenders or the financiers look at the project, that it's  
6 clear that Lot 1 is in compliance with the comprehensive  
7 permit, and that we have the ability to transfer the  
8 comprehensive permit to the new owner, without seeking  
9 additional board review.

10           CONSTANTINE ALEXANDER: How do we make that  
11 finding that it's -- I mean, we don't --

12           HANNAH KILSON: Well, I think part of -- I think  
13 it's a question of is it in compliance with the  
14 comprehensive permit, right? And so, by, I think by  
15 granting our amendment, I mean one would argue that it's in  
16 compliance with the comprehensive permit because you're  
17 granting our request. But that's

18           ANDREA HICKEY: I'm not saying that that's a  
19 conclusion that we should be

20           CONSTANTINE ALEXANDER: Yes.

21           ANDREA HICKEY: -- drawing. I think someone  
22 should give a legal opinion to render as to that. That's

1 really not a conclusion that is our place to make.

2           CONSTANTINE ALEXANDER: We can approve, you made  
3 special requests that we can grant --

4           HANNAH KILSON: Yeah.

5           CONSTANTINE ALEXANDER: And I propose to grant,  
6 like, you know, your memorandum.

7           HANNAH KILSON: Right.

8           CONSTANTINE ALEXANDER: But the fact that we would  
9 make in the finding, as long as the buildings are maintained  
10 in their current configuration, Lot 1 will be in compliance  
11 with the comprehensive permit. The comprehensive permit  
12 didn't deal with the configuration.

13           HANNAH KILSON: Right. So I guess the granting of  
14 the subdivision is amending the comprehensive permit to  
15 allow us to subdivide it tells us we're in compliance with  
16 the comprehensive permit?

17           CONSTANTINE ALEXANDER: Yeah. I think that's it.

18           HANNAH KILSON: Yeah.

19           CONSTANTINE ALEXANDER: And I think we're going to  
20 grant that, I believe.

21           HANNAH KILSON: I agree.

22           CONSTANTINE ALEXANDER: Grant that relief.

1           HANNAH KILSON: And then I just think it's the  
2 issue of transferring of the comprehensive permit. I think  
3 we've done this previously just to have -- so one issue  
4 always is whether we have to come back to the board when  
5 we're transferring from CHA to the intended development  
6 entity, and in previous transactions we have had the board  
7 restate in your decision that we -- CHA will transfer the  
8 comprehensive permit to the development in the --

9           ANDREA HICKEY: But if it runs with the land, why  
10 do we have to do that?

11           CONSTANTINE ALEXANDER: Yeah.

12           HANNAH KILSON: Well, the -- I believe in the  
13 regulations, which I, pardon me, I don't have in front of --  
14 with me, one of the things the regulations say is that until  
15 the project has been approved under the comprehensive  
16 permit, which here our subdividing and our redevelopment's  
17 completed, then if there's a change in ownership, you need  
18 to have that approved.

19           Once that work is done, it's not a requirement,  
20 but I believe the regulations currently say that. And so,  
21 that's why we're just making that ask.

22           ANDREA HICKEY: I'm not certain about that. And

1 for the same reason, I think it's sort of inappropriate for  
2 us to kind of bless Lot 1 as being compliant. I have the  
3 same response to that request.

4           CONSTANTINE ALEXANDER: Yeah, I. I'm sorry, I  
5 don't think it's, if you've got a problem, come back. But I  
6 don't like the idea of granting open-ended permission on  
7 things. We have -- you've come before us because you want  
8 to subdivide.

9           And I think -- here we're all going to approve  
10 that, and that will allow you to go ahead with your  
11 financing, period. If it turns out there's other issues  
12 from the financing point of view, come back before us. And  
13 seek, just as you did tonight, seek a further amendment to  
14 the relief we've granted.

15           But I -- we shouldn't be granting that. My --  
16 maybe I'm too much of a lawyer, but we have responsibility.  
17 We just can't say, "Do what you have to do to get this lot  
18 subdivided" which is what you're saying.

19           HANNAH KILSON: Respectfully, it's not. I think  
20 what we want to be clear is that the right of transfer to  
21 Roosevelt Towers, LLC --

22           CLARA FRADEN: Roosevelt Towers Family LLC?

1 HANNAH KILSON: -- LLC, is, does not require  
2 further approval of the board.

3 CONSTANTINE ALEXANDER: Well, we're going to vote  
4 tonight to grant the relief you're seeking, allowing you to  
5 subdivide, and it doesn't have to come back before the  
6 board, and maintain parking. That's all we're talking about  
7 tonight. So I'm not sure what your concern is.

8 CLARA FRADEN: I believe that we would have to  
9 come back with an insubstantial change to the comprehensive  
10 permit to transfer to the Roosevelt Towers Family LLC. So  
11 last year, when we were here for Millers River, we requested  
12 --

13 CONSTANTINE ALEXANDER: Right.

14 CLARA FRADEN: -- this approval that we could  
15 transfer from Miller's River Holding LLC to Miller's River  
16 LLC, and it removed the stuff about us needing to come back  
17 for an insubstantial change. And you granted that, so we  
18 were hoping you would grant that again here tonight.

19 But if not, the process is to come back for an  
20 insubstantial change to the comprehensive permit.

21 LAURA WARNICK: So why was it granted before?

22 CONSTANTINE ALEXANDER: Those were very minor

1 modifications to the plan. Nothing to do with anything like  
2 this. I forget, they wanted to have -- reduce a few parking  
3 spaces?

4 CLARA FRADEN: It was a new -- it was actually a  
5 comp -- we were getting a comprehensive permit to start.

6 HANNAH KILSON: Right.

7 CLARA FRADEN: We didn't have one already. We  
8 were amending it. We were here to receive a comprehensive  
9 permit. I have one correction to the dimensional table that  
10 I did submit to you guys on July 10, I believe. So it  
11 stated that the existing front yard setback in Cambridge is  
12 45 feet 9 inches, and that's the requested condition, but  
13 it's 45 feet instead of -- 9 inches off. So I wanted to --

14 CONSTANTINE ALEXANDER: The record will show that  
15 -- we'll move on the motion, but the record will show, the  
16 transcript will show that you made a verbal correction to  
17 the dimensions.

18 CLARA FRADEN: Okay. And then the other thing is  
19 just I spoke about this in the testimony, but it was the  
20 midrise building on Lot 2 requires a side yard of -- or has  
21 a side yard setback of 41 feet 9 inches, but I have here 38  
22 feet, 8 inches on the dimensional table, so.

1           CONSTANTINE ALEXANDER:  Again, the record will  
2 show that you modified all the dimensional form that you  
3 submitted.

4           CLARA FRADEN:  Okay, thank you.

5           CONSTANTINE ALEXANDER:  And let me --

6           ANDREA HICKEY:  Go for it, Gus.

7           CONSTANTINE ALEXANDER:  I'm going to try, anyway.  
8 Let me start.  We've got to make a number of findings,  
9 because it's a comprehensive permit case.

10          ANDREA HICKEY:  Are we done with the public?

11          CONSTANTINE ALEXANDER:  I think --

12          ANDREA HICKEY:  Okay, thank you.

13          CONSTANTINE ALEXANDER:  I'm going to do it again.

14 Anyone else want to comment?  Okay.  We're all set.  All

15 right, here's the -- the Chair moves that we make the

16 following findings with regard to the relief being sought:

17                 That the petitioner continues to satisfy the

18 jurisdictional requirements for eligibility for a

19 comprehensive permit under Chapter 40B of the General Laws,

20 as was determined by this board when the petitioner was

21 issued a comprehensive permit in 1993, in connection with

22 the site in question at 900 Cambridge Street.

1           Two, the petitioner has submitted to the board a  
2 complete and satisfactory application for the comprehensive  
3 permit it is seeking.

4           Three, as a result of the relief being sought, the  
5 property at 900 Cambridge Street will be divided into two  
6 separate lots; Lot 1 containing approximately 123,597 square  
7 feet of land, and Lot 2 containing approximately 57029  
8 square feet of land.

9           Four, the proposed division will not create any  
10 significant health, safety, environmental, design, open  
11 space or traffic issues.

12           Five, the existing affordable housing at 900  
13 Cambridge Street is in need of rehabilitation. Because of  
14 the size of the project at 900 Cambridge Street, the  
15 petitioner is currently only able to obtain financing to  
16 rehabilitate the properties on proposed Lot 1; hence the  
17 need to create Lot 1 with the remainder of what is needed to  
18 finance the rehabilitation of what is now 900 Cambridge  
19 Street to be obtained at a future date.

20           Six, to pursuant plans, the petitioner is seeking  
21 a comprehensive permit, which will affect the property at  
22 900 Cambridge Street as follows:

1                   a) What will be Lot 1, will only have 39  
2 parking spaces.

3                   b) When the petitioner conveys Lot 1 to a new  
4 project owner, the previously granted comprehensive permit  
5 will be assigned to the new project owner.

6                   c) With regard to Lot 2, as a reminder of the  
7 separation from Lot 1, Cambridge zoning requirements with  
8 regard to gross floor area to lot area ratio, side yard  
9 minimum setbacks, and ratio of usable open space are  
10 weighed.

11                   d) The number of onsite parking spaces at 900  
12 Cambridge Street shall be at least 90, Lot 1 and Lot 2,  
13 obviously. All of these changes are necessary to permit  
14 financing for the rehabilitation of the affordable housing  
15 units of 900 Cambridge Street.

16                   Based on the foregoing findings, and subject to  
17 the following conditions, the board hereby approves the  
18 comprehensive permit sought by the petitioner to divide the  
19 current premises of 900 Cambridge Street into two lots, as  
20 proposed by the petitioner, as shown on the plan, initialed  
21 by the Chair. (That's when you get my initials.)

22                   Subject to the following conditions:

1           One, whenever -- oh, I'm sorry -- whoever takes  
2 title to Lot 1, must continue to maintain only affordable  
3 housing on the lot, and complies with all of the terms and  
4 conditions of the 1993 comprehensive permit, insofar as they  
5 apply to what will now become Lot 1.

6           Two, Lots 1 and 2 shall contain at least 90  
7 parking spaces in the aggregate, and that occupants --  
8 residents and visitors to 900 Cambridge Street shall  
9 continue to be able to use all 90 parking spaces. Anything  
10 else? Changes?

11           LAURA WARNICK: I have a suggestion.

12           CONSTANTINE ALEXANDER: Okay.

13           LAURA WARNICK: Instead of saying it so blatantly,  
14 could you say something like -- and I'm not sure how to --

15           CONSTANTINE ALEXANDER: Right.

16           LAURA WARNICK: -- preamble this, but something  
17 about, "will not change existing access to or use of the  
18 site"?

19           CONSTANTINE ALEXANDER: That's good. I'm going to  
20 try to --

21           LAURA WARNICK: By occupants of either.

22           ANDREA HICKEY: By occupants of either.

1           CONSTANTINE ALEXANDER: Or visitor, or I assume  
2 people who visit the people on the property use the parking  
3 spaces.

4           LAURA WARNICK: Well, I think you can say we're  
5 not changing existing access to or use of the site.

6           CONSTANTINE ALEXANDER: That's fine.

7           HANNAH KILSON: Of the cite or of the parking  
8 spaces?

9           CONSTANTINE ALEXANDER: I'm sorry?

10          LAURA WARNICK: Well, the site, meaning anything  
11 on the site. People will be able to put -- residents from  
12 one side will be able to walk on the other side, residents  
13 of one side --

14          CONSTANTINE ALEXANDER: Residents to 900 Cambridge  
15 Street.

16          HANNAH KILSON: They're still 900 Cambridge  
17 Street, right.

18          CONSTANTINE ALEXANDER: So there's no confusion.

19          HANNAH KILSON: The site of 900, yeah. Does that  
20 make the -- I think it allows the parking thing to be called  
21 out, without calling it out.

22          ANDREA HICKEY: The existing use of the site as

1 affordable housing will continue?

2           CONSTANTINE ALEXANDER: I'm sorry?

3           HANNAH KILSON: The existing use of the site as  
4 affordable housing development, that will continue?

5           ANDREA HICKEY: Right.

6           HANNAH KILSON: Right? And that's I think already  
7 articulated in the earlier piece. So that's --

8           ANDREA HICKEY: I'm sorry, I'm having a hard time  
9 hearing you.

10          CONSTANTINE ALEXANDER: Yeah, louder.

11          HANNAH KILSON: I'm saying the existing use of the  
12 site as affordable housing development, and that will  
13 continue, and that's already reflected in the condition  
14 that's already been stated, so I'm kind of thinking in my  
15 head and saying that doesn't seem like it adds, it is an  
16 issue.

17                 And then access to the site, I think that that's  
18 correct. There's not any intention to change access to the  
19 site, so --

20          LAURA WARNICK: Access or use of the site?

21          HANNAH KILSON: Right, changes existing use or --

22          LAURA WARNICK: Access to or use of was the way --

1 HANNAH KILSON: Okay, "Access to -- "

2 CONSTANTINE ALEXANDER: Or use of --

3 HANNAH KILSON: "-- or use of the existing site."

4 CONSTANTINE ALEXANDER: At 900, yeah, at 900

5 Cambridge.

6 JANET GREEN: So then they obviously can go over

7 and use the other --

8 CONSTANTINE ALEXANDER: Yeah. That's the point.

9 I think that's what I referred to. Hopefully the  
10 stenographer has that.

11 [Simultaneous speech]

12 HANNAH KILSON: I don't know that it is defined.

13 BOARD MEMBER: Sorry.

14 HANNAH KILSON: So Margaret Moran is Director of  
15 Planning and Development. Asked, "What's the definition of  
16 affordable housing, and is it broad enough to make sure it  
17 covers the fact that these can be, as we convert from the  
18 federal public housing stock to Section 8 affordable housing  
19 units that are at 80% of AMI or less?"

20 JANET GREEN: Right.

21 HANNAH KILSON: So I think that's just what we  
22 want to be clear about, is when we talk about affordable

1 housing, we're talking about housing that's available to  
2 households with incomes at 80% of the AMI or less.

3 CONSTANTINE ALEXANDER: Do you want to say that,  
4 because the law changes, and you can -- I think just -- I  
5 would --

6 HANNAH KILSON: If it's lowercase "a" and lowercase  
7 "h," -

8 CONSTANTINE ALEXANDER: Yeah.

9 HANNAH KILSON: -- I'm okay with that.

10 CONSTANTINE ALEXANDER: That's what I'm saying. I  
11 would just use that.

12 ANDREA HICKEY: I'm okay with that.

13 CONSTANTINE ALEXANDER: Yeah.

14 ANDREA HICKEY: I think that's the intent.

15 CONSTANTINE ALEXANDER: Yeah, exactly. I just  
16 want to make sure that we're dividing up property, and it's  
17 going to be conveyed to someone --

18 HANNAH KILSON: We appreciate that. I think we  
19 want to protect -- as do we.

20 CONSTANTINE ALEXANDER: Okay. That's the only  
21 reason for concerns although trying the patience of some of  
22 my fellow board members. I think if we're all set now, the

1 motion?

2           ANDREA HICKEY: Yeah. Can you pick up where maybe  
3 you left off -- restate it with Laura's --

4           LAURA WARNICK: All flows to that.

5           CONSTANTINE ALEXANDER: Okay, I was hoping --

6           LAURA WARNICK: Not the whole thing.

7           CONSTANTINE ALEXANDER: No, no, no, no, no.

8           COLLECTIVE: [Laughter]

9           CONSTANTINE ALEXANDER: Don't worry about it.  
10 Don't worry. Okay, I think -- let me try and you pitch in.  
11 The second condition was Lots 1 and 2 shall contain at least  
12 90 off-street parking spaces, and relief for granting  
13 tonight will not change --

14          LAURA WARNICK: Access to --

15          CONSTANTINE ALEXANDER: Access to, or --

16          LAURA WARNICK: -- existing access to --

17          CONSTANTINE ALEXANDER: -- or use of --

18          LAURA WARNICK: -- or use of --

19          CONSTANTINE ALEXANDER: -- the site at 900  
20 Cambridge Street. By the way, while you're writing that  
21 down, I should have mentioned a few thoughts. I want to get  
22 into the record, we do have a memo from the Planning Board,

1 and I think it should be part of the record.

2

3 The Planning Board reviewed the comprehensive  
4 permit application at its meeting on July 23. The  
5 board supports the proposal, and does not find  
6 that the proposed subdivision of the lot raises  
7 any planning issues, given that it does not  
8 propose any physical changes to the development  
9 that was previously approved.

10

11 CONSTANTINE ALEXANDER: What we're going to try to  
12 do is to make sure that continues in the case. All those in  
13 favor, please say, "Aye."

14 THE BOARD: Aye.

15 [All vote in favor]

16 CONSTANTINE ALEXANDER: Five in favor, thank you.

17 \* \* \* \* \*

18 (End of proceedings.)

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CERTIFICATE

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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