

BOARD OF ZONING APPEAL  
FOR THE  
CITY OF CAMBRIDGE

GENERAL HEARING

THURSDAY, AUGUST 15, 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

Andrea A. Hickey

Jim Monteverde

Laura Warnick

Arch Horst

Maria Pacheco, Zoning Secretary

Sisia Daglian, Assistant Building Commissioner

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

2                                   \* \* \* \* \*

3   (7:00 p.m.)

4   Sitting Members:   Constantine Alexander, Janet Green, Jim  
5                                   Monteverde, and Arch Horst.

6                   CONSTANTINE ALEXANDER:   The Chair will call this  
7   meeting of the Board of Zoning Appeals to order, and as is  
8   our custom we're going to start with the continued cases. In  
9   this case, there's only one continued case.

10                   `This is the case that started -- or was  
11   advertised -- for an earlier date, and for one reason or  
12   another was deferred until this evening.

13                   Before I call that case, I'm going to read a  
14   statement, which I record every meeting. After notifying  
15   the Chair, any person may make a video or audio recording of  
16   our open sessions, which this is, or may transmit the  
17   meeting through any media, subject to reasonable  
18   requirements that the Chair may impose as to the number,  
19   placement and operation of equipment used, so as not to  
20   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

Andrea A. Hickey, Member

Jim Monteverde, Associate Member

Laura Warnick, Associate Member

Maria Pacheco, Zoning Secretary

1 being made by Sisia Daglian, Assistant Building Commissioner

2           And I wish to advise today that the recording is  
3 being made, actually two; one by our stenographer to assist  
4 her when she does a transcript of the hearing, and we also have  
5 a citizen of the city who is recording it.

6           Anybody else recording this meeting?

7           (No response.) No one else. Okay.

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2 (7:02 p.m.)

3 Sitting Members: Constantine Alexander, Janet Green, Jim  
4 Monteverde, and Arch Horst.

5 CONSTANTINE ALEXANDER: With that, let me call  
6 the first - the only continued case, Case Number 017140,  
7 279-283 Western Avenue.

8 SARAH RHATIGAN: Good evening.

9 CONSTANTINE ALEXANDER: Good evening.

10 SARAH RHATIGAN: I'm Sarah Rhatigan, Trilogy Law,  
11 for the petitioner, which is Chew Innovation Lab, and me as  
12 my client.

13 JOHN CRITCHLEY: Hi, everyone, I'm John Critchley,  
14 from Chew Innovation.

15 THE REPORTER: Could you spell your last name,  
16 please?

17 JOHN CRITCHLEY: Critchley, C-r-i-t-c-h-l-e-y.

18 SARAH RHATIGAN: Thank you for hearing our case  
19 this evening. This is a request for essentially a  
20 modification of a previous variance that was granted by this  
21 board back in I believe it was 2010.

22 The previous owner of this building came to this

1 board requesting a variance for construction of two  
2 residential dwellings on the property with continuing the  
3 first-floor use as a commercial use.

4           CONSTANTINE ALEXANDER: And this is a business  
5 zone?

6           SARAH RHATIGAN: This is a C1 district, but this  
7 is a property where the first floor along Western Ave has  
8 been commercial since -- probably since it was first  
9 constructed.

10           So it was at that time back in about 2010 the  
11 building was described at the hearing as sort of a  
12 dilapidated building in great need of repairs. The previous  
13 owner did construct the two residential dwellings above, and  
14 the variance that was granted for the first-floor commercial  
15 use was sort of a catch-all set of possible uses for that  
16 first floor.

17           So this board granted under a number of different  
18 use provisions that were essentially like a bakery or a  
19 barber, one of those uses was a restaurant use. I can't  
20 remember the size of the restaurant, but something like a  
21 40C restaurant.

22           So, once the property was redeveloped, the owner

1 actually leased to Chew Innovation Labs or Chew LLC, which  
2 is our client and the tenant of the building.

3           They never intended to open a restaurant;  
4 actually, it's sort of a food innovation company where they  
5 test; they do research and development for new types of  
6 food. So it is a kitchen use, it's not a restaurant use,  
7 technically.

8           But they were operating on that principal for a  
9 little bit over a year, and in the process of moving to the  
10 next stage in their business model where they needed FDA  
11 approval, because of package of products and actually  
12 selling them for use, in the process of doing that, they  
13 realized that the certificate -- if the city were to issue a  
14 certificate of occupancy, the use wasn't going to match  
15 their actual use, which is how we sort of came to work with  
16 them, you know, as attorneys, to try to help them sort out  
17 how to resolve the issue.

18           So in consultation with the Commissioner, Mr.  
19 Singanayagam helped us take a look through the use code to  
20 see if we could find something that was as much in line with  
21 the work that was going to be done in this building, and the  
22 suggestion was, and the request to you the board, is that we

1 be allowed a use that's in the code as 4.34F, and the  
2 description of it is referred to as -- excuse me, I just  
3 want to get the language correct here -- it's a light  
4 manufacturing -- hold on, sorry -- technical office for  
5 research and development. No food is actually going to be  
6 served at the site.

7           And it also falls under the subsection of it's  
8 4.21M, which is light manufacturing. And that's because  
9 there is a very small component of actually creating units  
10 of food that will be packaged, and then can be distributed  
11 to be sold.

12           CONSTANTINE ALEXANDER: How are you going to  
13 distribute it? I mean, I was thinking they're not put up  
14 for sale, but --

15           JOHN CRITCHLEY: No, so what we do is we develop  
16 products, and after 2011, or after 2001, the FDA required  
17 everything that goes in a package has to be through them.  
18 So that led us to this, along with the USDA.

19           So we do test and learns with the consumers. So a  
20 lot of our products are found in Trader Joe's, Whole Foods,  
21 and we make better products. So the idea of utilizing the  
22 space again is to be able to bring up a couple hundred units

1 and do some consumer tests, whether it be via mail or  
2 bringing to a small store.

3 SARAH RHATIGAN: So this would be small numbers  
4 of, like, when we say 100 units we're talking about, for  
5 example, 100 granola bars, you know, packaged to be sent  
6 someplace where they may be sold. But this is not the type  
7 of --

8 JOHN CRITCHLEY: Right.

9 SARAH RHATIGAN: But this is not the type of  
10 manufacturing where they're not putting out products that  
11 are being sold at stores; this is on a very small, limited  
12 basis? We're trying to show people.

13 CONSTANTINE ALEXANDER: How do you distribute  
14 those products to your customers? FedEx?

15 JOHN CRITCHLEY: They would be FedEx, or we'd  
16 directly bring it. So if you imagine --

17 CONSTANTINE ALEXANDER: People aren't walking off  
18 the streets?

19 JOHN CRITCHLEY: No, no. No retail, no -- it's  
20 not a marketplace. It's -- we would go to an Expo West or a  
21 Natural Foods expo and bring products for our clients. And  
22 that's really what drove us to be here today. But no retail

1 sale out of the storefront.

2 SARAH RHATIGAN: So in terms of the impacts of the  
3 use on the neighborhood, it's actually quite a bit less of  
4 an impact than a restaurant use would be, or even -- frankly  
5 even a barbershop or any other -- you know, a bakery.  
6 Because it's the few numbers of employees who would be  
7 working in the facility.

8 They'd receive some shipments of materials, as  
9 would a normal -- you know, sort of, I don't know, another  
10 type of office, perhaps, where, you know, there may be a  
11 shipment a day, and then occasional there would be a pickup  
12 of package store.

13 But no, very little parking impacts or, you know,  
14 noise or, you know, smells or --

15 CONSTANTINE ALEXANDER: When we granted the  
16 variance back in -- 2010 I think you said, we remember our  
17 neighbors who supported the variance request. I didn't see  
18 any support, maybe I missed it in the files. But have you  
19 talked to the neighbors, have they talked to you?

20 JOHN CRITCHLEY: Yes. We sent a letter out to all  
21 the neighbors, informing them that we were doing this, or  
22 were seeking this, and that in fact this small team of 6-10

1 people that would be there would be less of an impact, as if  
2 it was an actual café or whatever it might be.

3 CONSTANTINE ALEXANDER: And what happened?

4 JOHN CRITCHLEY: We didn't receive any responses.

5 SARAH RHATIGAN: And I think one of the things  
6 that the neighbors have probably -- probably the silence is  
7 due to the fact that it has -- well, there haven't been, you  
8 know, a lot of people in there over the past several months,  
9 as they've been sort of on hold wanting to have this  
10 resolved, so that they could have a certificate of  
11 occupancy.

12 Previously, there were folks in the building, so I  
13 think that the neighbors are probably familiar with what's -  
14 - you know, with the current use and what it's been like,  
15 with a low impact to them.

16 CONSTANTINE ALEXANDER: Questions from members of  
17 the board?

18 JIM MONTEVERDE: You said you manufacture  
19 products?

20 JOHN CRITCHLEY: Well, it is manufacturing, but  
21 it's in a -- we do benchtop work in small, couple unit,  
22 light household equipment. And we do send it out for

1 analysis. We have our own food scientists.

2 I'm a chef, so I'm not the seller of the drink, so  
3 I lead the culinary innovations. We have a small team that  
4 develops these on a benchtop, and then they need to bring it  
5 to consumers to find out and evaluate.

6 JIM MONTEVERDE: So is it a commercial kitchen?

7 JOHN CRITCHLEY: It is a commercial kitchen. It's  
8 completely regulated by the FDA, the Fire Department, even  
9 the Sanitation Department does a routine inspection. It's  
10 all -- that is as if it was a restaurant opening tomorrow.

11 SARAH RHATIGAN: Here's another view of the  
12 inside.

13 JIM MONTEVERDE: If the neighbors could come  
14 forward? With anything regarding the commercial kitchen  
15 component of it? No, in the year and a half I've been with  
16 the Shoe, I only heard a peep. We haven't done anything  
17 there for the past three to four months.

18 JOHN CRITCHLEY: Oh, okay.

19 JIM MONTEVERDE: Because I didn't want to -- we  
20 work with really large clients, and it's -- it wouldn't be  
21 correct to make product there without the proper license.

22 ARCH HOST: How often do we receive things? Once

1 a day, twice a day?

2 JOHN CRITCHLEY: Sure. Most of our product comes  
3 in sample forms, really small, through FedEx or UPS. So  
4 there's no produce truck, meat truck and things like that.

5 ARCH HOST: So you might have one UPS delivery,  
6 one FedEx?

7 JOHN CRITCHLEY: Usually on a day, or every other  
8 day.

9 CONSTANTINE ALEXANDER: any other questions from  
10 members of the board at this point? We'll open the matter  
11 up to public testimony. Is there anyone here wishing to be  
12 heard on this matter? Apparently not. I don't have the  
13 file. There were no letters in the file. Going to confirm  
14 there's nobody.

15 There do not appear to be any letters. Okay. I  
16 will now close public testimony. Discussion? Or are we  
17 ready for a vote? I'm ready for a vote.

18 JANET GREEN: Ready for a vote?

19 CONSTANTINE ALEXANDER: Okay.

20 JIM MONTEVERDE: What will this be zoned as? What  
21 will be the use?

22 CONSTANTINE ALEXANDER: The use will be as

1 described in their application; kitchen innovation/resource  
2 space. The Chair moves that we make the following findings  
3 with regard to the variance being sought:

4           That a literal enforcement of our -- well, I can  
5 make, I think what I'll do is the findings that we made when  
6 we granted the relief the last time are entirely applicable  
7 to this case before us. And no facts changed.

8           So I'm going to incorporate without trying to  
9 enumerate the findings we made when we granted the variance  
10 last time. And on the basis of these findings the Chair  
11 moves that we grant the petitioner the variance it is  
12 seeking.

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

14           THE BOARD: Aye.

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

17           JOHN CRITCHLEY: Thank you.

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2 (7:02 p.m.)

3 Sitting Members: Constantine Alexander, Janet Green, Jim  
4 Monteverde, and Arch Horst.

5 CONSTANTINE ALEXANDER: The Chair will now call  
6 Case Number 017146, 26 Clarendon Avenue. Anyone here  
7 wishing to be heard on this matter?

8 SARAH RHATIGAN: Hi, good evening. Again, Sarah  
9 Rhatigan from Trilogy Law, and I'm here representing the  
10 petitioner.

11 DAVID RITTER: Hi, my name is David Ritter. It's  
12 R-i-t-t-e-r, and I currently live in Cambridge a few blocks  
13 from this current property.

14 SAM KACHMAR: I'm Sam Kachmar, I'm the architect  
15 from SK. K-a-c-h-m-a-r is the spelling of the last name.

16 KARINA MELO: My name is Karina Melo. I'm the  
17 Designer at SK.

18 CONSTANTINE ALEXANDER: Thank you.

19 THE REPORTER: Can you spell your last name for  
20 me, please?

21 AUDIENCE: M-e-l-o.

22 KARINA MELO: M-e-l-o.

1 THE REPORTER: M-e-l-o.

2 SARAH RHATIGAN: Thank you. We are here today for  
3 a request for a variance, and this is for renovations to a  
4 single-family home that Mr. Ritter will be moving into with  
5 his family, and the photos from the street here are helpful  
6 to look at.

7 This is a street of homes that all appear to have  
8 built around the same time, that are relatively small,  
9 located close to the front yards, relatively small yards  
10 that were all built preexisting nonconforming to what would  
11 be current zoning requirements.

12 Each of the homes, or at least it looks like  
13 there's at least a set of three or four that all kind of  
14 look the same, they each have one small dormer on the left  
15 side of the house as you look at those homes.

16 And the petition today from Mr. Ritter is  
17 essentially to do two things that require zoning relief.  
18 The one is to expand the left dormer a bit, and to construct  
19 a dormer on the right side of the home, that would  
20 essentially be a mirror to that.

21 CONSTANTINE ALEXANDER: The expansion of the left  
22 dormer in bays and setbacks, is that the reason?

1 SARAH RHATIGAN: Yes, it does, yep.

2 CONSTANTINE ALEXANDER: And generally, you have an  
3 FAR?

4 SARAH RHATIGAN: There's an FAR, yep. If you look  
5 at the dimensional table, the increase in the FAR is --

6 CONSTANTINE ALEXANDER: Well, you've got to go --

7 SARAH RHATIGAN: -- 49 square feet, I think it's  
8 something like --

9 SAM KACHMAR: Let there be light.

10 SARAH RHATIGAN: -- something like 49.

11 SAM KACHMAR: Yeah, 0.58 up to 0.62.

12 CONSTANTINE ALEXANDER: That's not what you have  
13 in your dimensional form.

14 SARAH RHATIGAN: No, that's not -- it's --

15 CONSTANTINE ALEXANDER: It's 0.64 to 0.67 in a 0.5  
16 district.

17 JAMES RAFFERTY: Yeah, it's -- the square footage  
18 difference is --

19 CONSTANTINE ALEXANDER: 51 feet.

20 SARAH RHATIGAN: It's 40 --

21 CONSTANTINE ALEXANDER: Well, it said 61 feet,  
22 according to the application.

1           SARAH RHATIGAN: Yes, thank you. I was trying to  
2 do math off the top of my head, which is not my suit, right?  
3 So it's a very modest change of square footage that results.  
4 And the reason for the --

5           CONSTANTINE ALEXANDER: Okay, I didn't mean to  
6 interrupt you. Go ahead.

7           SARAH RHATIGAN: The reason for the creation of  
8 the dormers in the attic is to actually allow for a livable  
9 room up there for Mr. Ritter's son and partner, who would be  
10 able to reside up there. The second floor of the house is  
11 quite small, and would essentially be Mr. Ritter's --

12          CONSTANTINE ALEXANDER: How old is that, do you  
13 have any idea?

14          DAVID RITTER: Over 100 years old, as far as I  
15 understand.

16          CONSTANTINE ALEXANDER: Okay.

17          DAVID RITTER: It's over 100 years old.

18          CONSTANTINE ALEXANDER: Predates zoning?

19          DAVID RITTER: Yes, sir.

20          SARAH RHATIGAN: It definitely predates zoning.  
21 The other changes to the front porch area, it's now sort of  
22 a sun porch, but not a three-seasoned area. And that's

1 going to be enclosed into the main portion of the house.

2           And the front entry will, once it's modified, it  
3 will result in a code-compliant stair, as opposed to the  
4 current stairs which are steep. You know, there's not very  
5 much depth here.

6           So they're very steep and a little unsafe. Then  
7 the configuration you'll see there will be code compliant  
8 stairs that access nicely into the main part of the house.

9           They're really pretty modest changes. There are  
10 letters of support from both the immediate neighbors, who  
11 are the folks who we anticipate are the most impacted,  
12 who've been supportive.

13           So we're hoping that we're meeting -- there is a  
14 hardship in the sense that there's really not -- there's not  
15 an easy way to make small change to expand a home.

16           In this case, essentially, you're creating one  
17 more livable room for an expanded -- you know, for not an  
18 expanded family, actually for just a relatively small,  
19 modest-sized family. And we're doing it with the most  
20 minimal zoning relief that, you know, really one could  
21 request in this case.

22           CONSTANTINE ALEXANDER: How do you do the dormer

1 guidelines?

2           DAVID RITTER: We reviewed the dormer guidelines,  
3 and the preexisting dormer that's here currently is at the  
4 exterior base of the wall and goes up to about six inches  
5 below the ridge.

6           CONSTANTINE ALEXANDER: Right.

7           DAVID RITTER: So in that expansion, we mimic that  
8 for that reason, because that was already there. And then  
9 we mirrored that on the other side to try to keep the  
10 cohesiveness of the dormers that you have on the flanking  
11 houses.

12           CONSTANTINE ALEXANDER: What is the size of the  
13 dormers?

14           DAVID RITTER: Oh, the size of the dormers is 10  
15 foot 10, in terms of --

16           CONSTANTINE ALEXANDER: So they're below --

17           DAVID RITTER: Well below the 15 feet. Yeah, well  
18 below them.

19           Just also a note that the house immediately next  
20 door has also added a dormer on the other side. They went  
21 through a variance process for that, apparently, and they  
22 were encouraging saying, you know, we found that to be --

1           CONSTANTINE ALEXANDER: Go see those softies at  
2 the Board of Appeal.

3           DAVID RITTER: Well, they were -- I mean, since  
4 they would be in line of sight of this expanded dormer, I  
5 was happy to see that they were comfortable with this.  
6 Yeah.

7           SARAH RHATIGAN: And the last thing, just in terms  
8 of the front entryway, there's also some precedent on both  
9 sides of this home for similar porch structures that are,  
10 you know, within the front yard setback.

11           But other folks who've essentially done the same  
12 thing in order to get access to the home in a code compliant  
13 way -- I have photos if you'd like to see them if it's an  
14 issue.

15           CONSTANTINE ALEXANDER: I think we have some on  
16 file. Your plans have some photos too.

17           DAVID RITTER: Yeah.

18           CONSTANTINE ALEXANDER: And I don't need to see  
19 them, but if anybody else wants to see them? That's it?

20           JANET GREEN: That's it.

21           CONSTANTINE ALEXANDER: Questions from members of  
22 the board. I'll open the matter up to public testimony. Is

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

2 Apparently not.

3 JANET GREEN: Wait, somebody's there.

4 CONSTANTINE ALEXANDER: Oh, I'm sorry. It's  
5 blocked by the -- too big.

6 THE REPORTER: You have to come forward.

7 CONSTANTINE ALEXANDER: No, not you. Come  
8 forward, though, we need to speak to you. Other she can't  
9 hear you.

10 RONALD SULESKI: The stenographers like this,  
11 because then they hear everything. And so, I'd just like to  
12 clarify that this is going to continue to be a single-family  
13 home?

14 AUDIENCE: Absolutely, sir.

15 THE REPORTER: I'm sorry, I need your name and  
16 address, please?

17 RONALD SULESKI: That's right. In any one of  
18 these?

19 DAVID RITTER: That one.

20 RONALD SULESKI: This one.

21 DAVID RITTER: Yeah.

22 RONALD SULESKI: Yeah, Ronald Suleski, S-u-l-e-s-

1 k-i, 32 Clarendon.

2 DAVID RITTER: So next door to you is the McCanns.

3 Are they supporting --

4 RONALD SULESKI: Yes, sir. I have a letter from  
5 them. We're on the other side of the McCanns, so some of  
6 the pictures you have show our house, the purple house. So  
7 yeah.

8 Our real concern was that, oh, this is an attempt  
9 to build three extra units in there and rent them out to  
10 three extra people, which means three or four extra cars and  
11 all kinds of -- and changing the character of the  
12 neighborhood.

13 The neighborhood is still a lot of people who own  
14 the property, and who live in the property, and there are  
15 renters, but they're still -- they're not the majority. And  
16 so, the neighborhood holds together very well.

17 And I think even the McCanns will tell you -- I  
18 mean, when we go away, we tell our neighbors; either in e-  
19 mail or we knock on the door, you know? And by that, we're  
20 really watching the neighborhood. And I guess it's good for  
21 the kids, but it's good for us and the kids too.

22 So we don't have any objection, is that right? So

1 as long as it continues to be a single-family --

2 DAVID RITTER: Can I respond to that? So first of  
3 all, thank you for coming. I think I knocked on your door a  
4 few times, and unfortunately, I didn't catch you when you  
5 were home, so I hope to actually speak with you.

6 So absolutely, I will be living there. My adult  
7 son and his partner will be living there. They're not  
8 renters, they're family members, and we absolutely love the  
9 neighborhood, and we respect that, and we look forward to  
10 having you as neighborhoods.

11 RONALD SULESKI: You'll enjoy the neighborhood.

12 DAVID RITTER: Great. Thank you very much. We  
13 really appreciate it.

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

16 DAVID RITTER: Absolutely.

17 RONALD SULESKI: Sure.

18 CONSTANTINE ALEXANDER: Anyone else wishes to be  
19 heard on this matter? Apparently not. As Ms. Rhatigan has  
20 indicated, we do have some letters in the file. It's  
21 actually the same letter, prepared -- signed by three  
22 different individuals. These letters are all in support. I

1 will -- the letter says,

2

3 As an owner of an immediately neighboring property  
4 in the city of Cambridge, I am writing to express  
5 my support for this proposal to renovate the home  
6 located at 26 Clarendon Avenue. I have discussed  
7 and reviewed the proposed plans with Mr. David  
8 Ritter, and feel that the renovation plans will be  
9 a major improvement to the home and the  
10 neighborhood.

11

12 CONSTANTINE ALEXANDER: And this first letter  
13 comes from the -- I can't read his handwriting, but resides  
14 at 22 Clarendon Avenue. The next one, it looks like  
15 Elizabeth McCann, M-c- --

16 JIM MONTEVERDE: Yep.

17 CONSTANTINE ALEXANDER: -- C-a-n-n, who resides at  
18 28 Clarendon Avenue. And the last is N. Popper, P-o-p-p-e-  
19 r, who resides at 18 Clarendon Avenue. And there are no  
20 letters in opposition.

21 With that, I will close public testimony.

22 Discussion, members of the board, or ready for a vote?

1           JIM MONTEVERDE: Ready.

2           JANET GREEN: I'm ready.

3           CONSTANTINE ALEXANDER: The Chair moves that we  
4 make the following findings with regard to the variance  
5 being sought: That a literal enforcement of the provisions  
6 of the ordinance would involve a substantial hardship, such  
7 hardship being as that the petitioner is listing in a house  
8 that is not unduly large, and therefore has limitations as  
9 to the number of occupants, and also, has a front stair that  
10 involves some risks to its use and needs to be improved from  
11 a safety point of view.

12           The hardship is owing to the fact that this is a  
13 nonconforming structure already, and because it predates  
14 zoning. And that relief may be granted without substantial  
15 detriment to the public good, or nullifying or substantially  
16 derogating intent or purpose of this ordinance.

17           This regards what we're talking about as improving  
18 the housing stock of the city of Cambridge, by the  
19 renovations being proposed; that it does have unanimous  
20 neighborhood support, or provides additional housing for  
21 residents of the city, or at least the occupant of this  
22 building.

1           And so, on the basis of all of these findings, the  
2 Chair moves that we grant the variance on the condition that  
3 the work proceeds in accordance with the plans prepared by  
4 Sam Kachmar, architect, dated 08/08/2019, the cover page of  
5 which is initialed by the Chair. All those in favor, please  
6 say, "Aye."

7           THE BOARD: Aye.

8           CONSTANTINE ALEXANDER: Five in favor, relief  
9 granted. Good luck.

10          DAVID RITTER: Thank you very much.

11          SARAH RHATIGAN: Thank you.

12          RONALD SULESKI: Thanks. Thank you all.

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2 (7:39 p.m.)

3 Sitting Members: Constantine Alexander, Janet Green, Jim  
4 Monteverde, and Arch Horst.

5 CONSTANTINE ALEXANDER: The floor is yours. Name  
6 and address, please.

7 SARAH GARDNER: I'm Sara Gardner, and I'm  
8 petitioning -- I'm an architect partner with Imai Keller  
9 Moore, architects in Watertown, and I'm here petitioning on  
10 behalf of Iain Johnston and Felicity Lufkin.

11 THE REPORTER: What's your address for the --

12 SARAH GARDNER: One Highland Park, Cambridge,  
13 02139. I'm here to petition on behalf of the Lufkin-  
14 Johnstons, in order to gain a variance for a 3.5 x 11-foot  
15 bay window addition, cantilever, off the second floor of  
16 their house, which is going to be in conformance, but it is  
17 a nonconforming, preexisting condition.

18 So I'd like to just show you -- you're probably  
19 familiar with the site. I just wanted to show you that it  
20 is a -- on Highland Park, which is right here, which is off  
21 of Highland Avenue. It's a very nice neighborhood, dead-end  
22 here. Their house is here. The said addition is off the

1 second floor, this facing out onto the back yard. Full  
2 disclosure, that's my house right there, so I understand  
3 this neighbor quite well and how tight it actually is.

4 CONSTANTINE ALEXANDER: How big is the back yard?

5 SARAH GARDNER: The back yard is actually --

6 CONSTANTINE ALEXANDER: From the structure to the  
7 lot line?

8 SARAH GARDNER: From the structure to the lot line  
9 is -- all right -- it's approximately thirty feet, I  
10 believe.

11 CONSTANTINE ALEXANDER: You're not going to be  
12 sitting --

13 SARAH GARDNER: No, no, no. It's approximately  
14 thirty feet, and therefore I still have remaining --

15 CONSTANTINE ALEXANDER: Okay. I didn't want to  
16 hear it was two feet 10 inches from you.

17 SARAH GARDNER: No, no. No, no. That's the only  
18 place where we really do have a lot of space, except that in  
19 fact when I have the bay that's coming out to a larger scale  
20 here, it ends up that I do end up with 20 feet between the  
21 bay window and the edge of the property line.

22 And then I have on this side of the bay, towards

1 the side, I have 19.2 feet, as well on this side I have 9.8  
2 feet on that side.

3 So the addition, which we are doing, I'll show in  
4 the plan, the existing plan is this kitchen that's here.  
5 And as you'll see, it's a rather tight kitchen with an  
6 island -- not an island, but it's actually a peninsula type  
7 of kitchen, and it's got a very solid wall between it and  
8 the back yard.

9 Their back yard, which is facing out -- this is  
10 the back face of their house, which faces out onto this back  
11 yard, the back yard is looking out towards there. That's  
12 their nearest neighbor towards the south.

13 The desire was to actually create a little bay  
14 window addition for a nice dining, or rather, breakfast  
15 nook; therefore, taking full advantage of the nice back yard  
16 in the south going up there.

17 As I described I think in our letter, that I don't  
18 really feel like we have a hardship going on here.

19 CONSTANTINE ALEXANDER: Don't say that.

20 SARAH GARDNER: Okay. All right, okay.

21 CONSTANTINE ALEXANDER: Don't say that.

22 JANET GREEN: I don't know why you said that.

1           SARAH GARDNER: We have a great hardship going on,  
2 I apologize. But the point is that it is a difficult  
3 kitchen, actually.

4           CONSTANTINE ALEXANDER: That's the hardship, yeah.

5           SARAH GARDNER: So that is a hardship. And the  
6 hardship also is that in the dining area, where they are  
7 already seated, they're ending up being exactly 7.5 feet  
8 from the bay window of their neighbor there.

9           And that's a tight situation. The tight situation  
10 that is shown on this site plan, which I really -- this one,  
11 in which you can see that the two bays, if you see closer,  
12 the two bays are facing right up against each other.

13          JANET GREEN: Mm-hm.

14          SARAH GARDNER: So that's pretty tight, and that's  
15 a really difficult situation, and it's a difficult,  
16 difficult kitchen to have done, so that we could get  
17 something that was a little more interesting than just that,  
18 which was this peninsula.

19          And therefore, this really accomplishes that and  
20 that's what we would like to do. It does increase -- right  
21 now the CD-1, the FAR should be 0.75, but we're preexisting.  
22 We are 0.99, we're going up to 100, 101.0. Yeah, exactly.

1           CONSTANTINE ALEXANDER: Meaning 38 feet, roughly?

2           SARAH GARDNER: Correct, 38.5 feet. So that's  
3 what we're adding here. We would argue -- I would argue  
4 that we're actually adding a fairly pleasant relief to the  
5 back of the house, which is that, so that we have a bay  
6 which has a nice shadow, as there were no nice windows in  
7 the back and the south that were taking advantage of the  
8 view in the south side, coming through.

9           Anything else that I should be expressing here?

10          CONSTANTINE ALEXANDER: Your call, not ours.

11          IAIN JOHNSTON: Can I just pop, say something?

12          SARAH GARDNER: Yes.

13          CONSTANTINE ALEXANDER: Of course. Give your name  
14 and address to the --

15          IAIN JOHNSTON: Iain Johnston, One Highland Park.  
16 As you know, these Philadelphia-style homes, this was about  
17 2000 -- in 1902 or 1903 was built -- historically they were  
18 just stairways in the back. Sorry, there are stairways in  
19 the back, and we've been there since 2000. We envisioned  
20 being there until we die, and --

21          CONSTANTINE ALEXANDER: We can't help you there.

22          COLLECTIVE: [Laughter]

1 IAIN JOHNSTON: We really, really wanted to be  
2 able to have sunshine coming in from the south. So this  
3 gives us an opportunity.

4 SARAH GARDNER: We've talked to all the neighbors.  
5 We've -- all of us I think have known all six houses there  
6 for at last 15 years, is that correct? So we've talked to  
7 everybody. Everybody feels very positive about this.

8 CONSTANTINE ALEXANDER: We have no letters.

9 FELICITY LUFKIN: We're not great writers.

10 CONSTANTINE ALEXANDER: But you're representing to  
11 us that the neighbors --

12 SARAH GARDNER: That's correct.

13 CONSTANTINE ALEXANDER: -- have not expressed any  
14 opposition?

15 SARAH GARDNER: That's correct. Everybody thinks  
16 this is --

17 IAIN JOHNSTON: I do have a message.

18 SARAH GARDNER: Oh, you know?

19 FELICITY LUFKIN: I don't know if that counts?

20 IAIN JOHNSTON: This is from one of the abutters.

21 FELICITY LUFKIN: Who would actually be able to  
22 see the addition?

1            IAIN JOHNSTON: Who would be actually looking at  
2 the addition, yes.

3            FELICITY LUFKIN: Oh, this person, right?

4            IAIN JOHNSTON: It said, "We have visitors, but if  
5 you think it would be helpful to show support for your  
6 zoning variance this evening, please let us know. One of us  
7 would go over." So he was willing to come down here, even  
8 with the disturbers to support the project.

9            And as Sarah said, we spoke to all the neighbors -  
10 - that's approximately eight different households, I think.  
11 And we also sent them plans, so and in one instance I  
12 actually showed a neighbor what it would look like. So they  
13 have a very clear sense of what the addition would look  
14 like, and Sarah said everybody was supportive.

15            SARAH GARDNER: That's was quick. We also looked  
16 into the Historical Commission, and we got a letter of  
17 nonapplicability from the Mid Cambridge Neighborhood  
18 Conversation District. And that was in late spring.

19            CONSTANTINE ALEXANDER: Okay. Anything else?

20            SARAH GARDNER: I think that's it. My own sense  
21 of this is that it is on the back side of the house, where  
22 it is having the least amount of impact on the neighborhood,

1 and I feel like we're improving the house in the way you're  
2 going to be able to live in it.

3           CONSTANTINE ALEXANDER: Questions from members of  
4 the board? Nope? No questions? I'll open the matter up to  
5 public testimony. Is there anyone here wishing to be heard  
6 on this matter? Apparently not. And did you not have any  
7 letters on what you've represented to us from your cell  
8 phone? So I'll close public testimony. Ready for a vote?

9           [COLLECTIVE]: Yes.

10           CONSTANTINE ALEXANDER: The Chair moves that we  
11 make the following findings with regard to the variance  
12 being sought: That a literal enforcement of the provisions  
13 of the ordinance would involve a substantial hardship, such  
14 hardship being is that this house as originally designed ha  
15 a poorly designed kitchen, and this kitchen is in need of  
16 improvement. This would apply whether it's you folks or any  
17 subsequent owners of the property.

18           That the hardship is owing to the fact that this  
19 is really a nonconforming structure, and so, virtually any  
20 modification, stereo modification requires only relief, and  
21 that relief may be granted without substantial detriment to  
22 the public good, or nullifying or substantially derogate the

1 intent or purpose of the ordinance, as noted.

2 The work being proposed is modest in scope. It  
3 has no impact on the neighborhood generally, given its  
4 location, and it would improve the quality of the housing of  
5 the city of Cambridge.

6 So on the basis of all of these findings, the  
7 Chair moves that we grant the variance requested, on the  
8 condition that the work proceed in accordance with plans  
9 submitted by Sarah Gardner, dated May 20, 2019, the first  
10 page of which has been initialed by the Chair.

11 Let me be clear; if you have yet not met been a  
12 before, I don't think. If you modify these plans, you  
13 decide to modify them, you're going to have to come back  
14 before.

15 SARAH GARDNER: Right.

16 CONSTANTINE ALEXANDER: So these have got to be  
17 the final plans.

18 SARAH GARDNER: Right.

19 CONSTANTINE ALEXANDER: At least as far as you're  
20 concerned. Okay. All in favor of granting the variance on  
21 this basis say, "Aye."

22 BOARD: "Aye." [ All vote in favor ]

1                   CONSTANTINE ALEXANDER: Five in favor, permit

2 granted. Good luck.

3                   [Collective]: Thank you very much.

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1 (7:00 p.m.)

2 Sitting Members: Constantine Alexander, Janet Green, Jim  
3 Monteverde, and Arch Horst.

4 CONSTANTINE ALEXANDER: Now you can give your name  
5 and address to the stenographer.

6 CADOR PRICEJONES: Hi, my name is Cador  
7 Pricejones, 30 Sycamore Street, Somerville, Mass. I work for  
8 Byggmeister Associates, Incorporated, that contractor. Jose  
9 Raycroft is our client, and the homeowner of 61 Clay Street.

10 CONSTANTINE ALEXANDER: You're looking for  
11 extraordinary relief.

12 CADOR PRICEJONES: Yeah. We're hoping we're not  
13 asking for too much, right -- two inches.

14 CONSTANTINE ALEXANDER: That's about right.

15 CADOR PRICEJONES: We were --

16 CONSTANTINE ALEXANDER: I don't know why they  
17 don't amend the ordinance to allow these kinds of modest  
18 intrusions into the setback for environmental purposes.

19 SARAH GARDNER: It's coming.

20 CADOR PRICEJONES: My understanding is they're  
21 working on that --

22 SARAH GARDNER: It's coming, yeah.

1           CONSTANTINE ALEXANDER: Oh.

2           CADOR PRICEJONES: And I know you're --

3           SARAH GARDNER: Well, maybe by that time if you're  
4 still alive --

5           CADOR PRICEJONES: -- exact the same in Clarendon.

6           CONSTANTINE ALEXANDER: If you're still alive at  
7 that, maybe we --

8           CADOR PRICEJONES: So we were hired to -- among  
9 other things in the house put on a small addition on the  
10 right side, a second-floor master bathroom, and reside the  
11 entire house as part of that. We're putting two inches of  
12 foam on the entire house.

13           The left side is over the side setback, and so we  
14 were denied permission to put the foam on that side, so  
15 we've come here to ask permission to do that.

16           CONSTANTINE ALEXANDER: Questions from members of  
17 the board?

18           JIM MONTEVERDE: Just out of curiosity, what's the  
19 final siding? Beside the foam, what's the --

20           CADOR PRICEJONES: There will be a three-quarter  
21 inch drainage plain --

22           JIM MONTEVERDE: Yeah.

1           CADOR PRICEJONES:  -- which is, you know, advised  
2 for ventilation in the siding.  And then it's a hardy fiber  
3 cement board siding.  We took off vinyl siding and a layer  
4 of wood siding.  So it actually shrunk more and then grew  
5 back.

6           CONSTANTINE ALEXANDER:  Okay.  Any matters of  
7 public testimony?  Anyone here wishing to be heard on this  
8 matter?  No one wishes to be heard, we have no letters in our  
9 files?

10          SARAH GARDNER:  My abutter, my immediate abutters  
11 are here and they're --

12          CONSTANTINE ALEXANDER:  If he wants to speak,  
13 that's up to you.  Give your name and address to the  
14 stenographer.

15          PAUL TREMBLAY:  Yes, my name is Paul Tremblay, 65  
16 Clay Street.  I'm a lifelong resident of 65 Clay Street, and  
17 I'm in favor of it.  Again --

18          THE REPORTER:  Can you spell your last name for me  
19 please?

20          PAUL TREMBLAY:  Yes.  My name is Paul Tremblay, T-  
21 r-e-m-b-l-a-y.  I'm a lifelong resident of 65 Clay Street,  
22 the immediate abutter to 61, and I'm in favor of their

1 proposal. Thank you.

2           CONSTANTINE ALEXANDER: Thank you. I will close  
3 public testimony. There are no letters in our files. Ready  
4 for a vote?

5           [COLLECTIVE]: Yes.

6           CONSTANTINE ALEXANDER: Okay. The Chair moves  
7 that we make the following findings with regard to the  
8 variance being sought:

9           That a literal enforcement of the provisions of  
10 the ordinance would involve a substantial hardship, such  
11 hardship being is that the heating, or the interior heating  
12 of the property needs to be improved upon and what is --  
13 this is a solution to the problem;

14           That the hardship is owing to the fact that this  
15 property is already nonconforming; and that any relief, any  
16 modification to it -- any relief -- would require zoning  
17 relief, and that desirable relief may be granted without  
18 substantial detriment to the public good, or nullifying or  
19 substantially derogating intent or purpose of the ordinance.

20           In fact, what is proposed will be a substantial  
21 benefit to the public good in terms of improving the  
22 environmental issues revolving around the heating of

1 residential structures.

2           So on the basis of all of these findings, the  
3 Chair moves that we grant the relief being sought on the  
4 condition that on the condition that the work proceeds in  
5 accordance with the plans prepared by Byggmeister, B-y-g-g-  
6 m-e-i-s-t-e-r, Inc. dated -- I can never find the date on  
7 these things, there it is, right there -- dated May 5, 2019;  
8 the first page of which has been initialed by the Chair.  
9 All those in favor, please say, "Aye."

10           THE BOARD: Aye. [ All vote in favor ]

11           CONSTANTINE ALEXANDER: Five in favor, relief  
12 granted. Good luck.

13           [COLLECTIVE]: Thank you.

14           CONSTANTINE ALEXANDER: Next one is Green (sic)  
15 Street.

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1 (7:46 p.m.)

2 Constantine Alexander, Brendan Sullivan, Janet  
3 Green, Andrea A. Hickey, Jim Monteverde, and Laura  
4 Warnick

5 CONSTANTINE ALEXANDER: The Chair will now call  
6 Case Number 017149 65 Washburn Avenue. Anyone here wishing  
7 to be heard on this matter?

8 JAMES RAFFERTY: Good evening Mr. Chairman and  
9 members of the board. For the record, my name is James  
10 Rafferty. I'm an attorney with offices located at 907  
11 Massachusetts Avenue in Cambridge. I'm appearing on behalf  
12 of the applicants, Emmanuel Joly -- J-o-l-y, seated to my  
13 right, and his wife, Gail Droneau, D-r-o-n-e-a-u.

14 And to my far right is Paul Rovinelli, the  
15 architect for the project.

16 CONSTANTINE ALEXANDER: Before you proceed now  
17 with your presentation, let me just disclose for the public  
18 record, that Mr. Rovinelli has done architectural work for  
19 me and other members of my family.

20 Ordinarily, I would disqualify myself -- I would  
21 recuse myself from sitting on the case because of this  
22 relationship. But if I did that, we'd only have four

1 members tonight, given this is a bad time of year, and that  
2 would mean you'd most likely want to postpone the case, and  
3 I do not see a need for that particularly, but maybe  
4 rationally. I don't believe this is a very controversial  
5 case.

6           So I'm going to sit on the case unless there's  
7 anyone in the audience who would like to see me recuse  
8 myself, or other members of the board really, more  
9 importantly. No? Now you may go ahead.

10           THE REPORTER: Can you just have you spell your  
11 last name, please, for the record?

12           JAMES RAFFERTY: What's that?

13           THE REPORTER: Mr. Rovinelli?

14           JAMES RAFFERTY: Mr. Rovinelli is R-o-v-

15           PAUL ROVINELLI: R-o-v-i-n-e-l-l-i. Thank you.

16           JAMES RAFFERTY: Well, as noted by the chair, this  
17 is such a simple case. I will --

18           CONSTANTINE ALEXANDER: [Laughter] I gave it away.

19           JAMES RAFFERTY: I was listening to the finding in  
20 the case prior to this one, and I thought we should save  
21 that transcript, because really the issues are the same. In  
22 fact, one might suggest that the board might not get its

1 full compensation this evening, because from my observation  
2 these are very simple cases, you have yet to do any heavy  
3 lifting intellectually when you often deal with such complex  
4 matters.

5           CONSTANTINE ALEXANDER: We'll take care of that  
6 next in September, when you come back with a different plan.

7           JAMES RAFFERTY: Well, there's no need to -- I  
8 just want you to be rested that night, so I'm glad you all  
9 look tanned and relaxed, and I try to get out of here  
10 quickly for you.

11           So this is a case involving a single-family home  
12 on Washburn Avenue, recently purchased by Mr. Joly and his  
13 wife, and they're looking to do some modifications,  
14 renovations to the property. From a zoning perspective,  
15 it's a nonconforming structure because of failure to comply  
16 with one of the setbacks.

17           But what's being proposed here is allowed under  
18 Article 8 because it's an addition -- it's a conforming  
19 addition, a nonconforming structure. However, it's less  
20 than 25% of the overall GFA.

21           The existing single-story rear porch is being  
22 taken down and replaced with one that's slightly larger.

1           CONSTANTINE ALEXANDER:  So the relief you're  
2 seeking is a special permit?

3           JAMES RAFFERTY:  That's correct.  It's a special  
4 permit because it is less than 25%.  Were it to be over 25%,  
5 it would be a variance.  So the special -- the supporting  
6 statement on behalf of the special permit is rather  
7 straightforward.

8           The application indicates that the factors that  
9 get considered, including impacts on surrounding structures,  
10 patterns of egress and the like -- none of those things will  
11 suffer any adverse impacts.

12           The neighbor to the immediate left, the Jolys  
13 contacted them, sent them a letter informing them of the  
14 hearing.  They indicated they had no objection.  And as I  
15 said, it's a modest -- there's been discussion lately around  
16 the role of Section 6 in the state statute, whether or not  
17 this frankly might not meet that definition.

18           But at the moment, Article 8 is controlling the  
19 special permit language; does make clear; that upon a  
20 special permit finding here, because of the small nature of  
21 the improvement, the house remains below the FAR allowed on  
22 the site.  So it is not a case of density, there's no change

1 in unicount, so it really does represent a modest -- I get  
2 accused of using that sometimes too frequently. I think in  
3 this case, I don't -- I think I'm immune from criticism.  
4 It's very much a modest modification, so.

5           CONSTANTINE ALEXANDER: I've already given that  
6 away by saying we'll sit on the case because I think it's a  
7 modest changed.

8           JAMES RAFFERTY: did you use modest?

9           CONSTANTINE ALEXANDER: No, I didn't use the word,  
10 "modest?"

11          JAMES RAFFERTY: No.

12          CONSTANTINE ALEXANDER: I wasn't as eloquent as  
13 you are.

14          JAMES RAFFERTY: No, no, no, I -- the only thing  
15 modest about me they say is my cases.

16          CONSTANTINE ALEXANDER: [Laughter]. Not your  
17 fees?

18          JAMES RAFFERTY: Local lawyers aren't like those  
19 downtown types. At any rate, we have Mr. Rovinelli. He's  
20 prepared a 15-minute presentation, but we didn't think a  
21 shadow study was needed for a one-story addition that's  
22 replacing an existing one-story addition.

1           So it -- I don't mean to trivialize what we're  
2 here for, but frankly it is just so straightforward, we  
3 would hope the board would be able to easily conclude that  
4 the criteria for special permit are present.

5           ALISON HAMMER: Can I ask a question?

6           CONSTANTINE ALEXANDER: By all means.

7           ALISON HAMMER: I assume you've kind of discussed  
8 this with the folks in the Building Department to some  
9 extent? Was there any discussion around the addition of  
10 this well, the stairwell, the exterior stairwell with the  
11 railing? Is that inside of the setback or outside of the  
12 setback?

13          PAUL ROVINELLI: It is outside of the setback.

14          ALISON HAMMER: So it's in the buildable area?  
15 It's just difficult for me to tell from the site plan?

16          PAUL ROVINELLI: Yes.

17          ALISON HAMMER: So that's not within the seven?

18          PAUL ROVINELLI: I believe that's right, because  
19 it's further back in the lot.

20          CONSTANTINE ALEXANDER: Well, I assume the --

21          ALISON HAMMER: Looking at --

22          CONSTANTINE ALEXANDER: -- the Building Department

1 would have flagged that.

2           PAUL ROVINELLI: Oh, no, I'm sorry. It is within  
3 the setback.

4           ALISON HAMMER: Right. So looking at the  
5 rendering to me --

6           PAUL ROVINELLI: Yes, yes.

7           ALISON HAMMER: -- it appears as though it's  
8 written in the setback?

9           PAUL ROVINELLI: Yes.

10          ALISON HAMMER: My understanding and current  
11 interpretations around railings and stairways like that is  
12 that it's considered building --

13          CONSTANTINE ALEXANDER: Yep.

14          ALISON HAMMER: In the setback, which would  
15 request --

16          CONSTANTINE ALEXANDER: A variance.

17          ALISON HAMMER: -- a variance?

18          CONSTANTINE ALEXANDER: That would -- maybe.

19          ALISON HAMMER: And again, not get weird --

20          PAUL ROVINELLI: Yep.

21          ALISON HAMMER: Just because I know what --  
22 because I come up against these things all the time -- I

1 believe they would even consider the lip around the window  
2 well also to be built in in the setback.

3 CONSTANTINE ALEXANDER: Yep.

4 ALISON HAMMER: So I just want to bring those  
5 points up that when you come for building permit --

6 PAUL ROVINELLI: Yep.

7 ALISON HAMMER: -- you may have pushback on those.

8 CONSTANTINE ALEXANDER: Yeah, we may see you  
9 again.

10 PAUL ROVINELLI: Or we may --

11 CONSTANTINE ALEXANDER: I don't know.

12 PAUL ROVINELLI: -- or there may be a  
13 modification.

14 JAMES RAFFERTY: We could relocate it, yes.

15 PAUL ROVINELLI: But it's a valid point, and we'll  
16 be mindful of it.

17 JAMES RAFFERTY: But yeah, thank you. Candidly, I  
18 wasn't focused on that, we were on the addition. So, and I  
19 think there has been recent interpretations that probably  
20 are consistent with what was suggested by the member. The  
21 historical practice may have been different. So we'll have  
22 to see what a below grade --

1           CONSTANTINE ALEXANDER: Yeah, we'll find out.

2           JAMES RAFFERTY: And clearly, it's not relief  
3 that's being sought in this application.

4           CONSTANTINE ALEXANDER: Exactly.

5           JAMES RAFFERTY: So if it's needed --

6           CONSTANTINE ALEXANDER: You'll have to come back.

7           JAMES RAFFERTY: We may, we may return.

8           CONSTANTINE ALEXANDER: Okay.

9           JAMES RAFFERTY: Thank you.

10          CONSTANTINE ALEXANDER: Thank you. Anything?

11 Anybody else have any questions or comments?

12          JIM MONTEVERDE: No, thank you.

13          CONSTANTINE ALEXANDER: I think I may have asked  
14 this, but I'll ask it again. Is there anyone here wishing  
15 to be heard on this matter? No one wishes to be heard.  
16 There are no letters in our files. I'm going to close  
17 public testimony. Any final comments?

18          JIM MONTEVERDE: No, thank you.

19          CONSTANTINE ALEXANDER: Ready for a vote?

20          SARAH GARDNER: Yes.

21          JAMES RAFFERTY: Yes.

22          CONSTANTINE ALEXANDER: The Chair moves that we

1 make the following findings with regard to the special  
2 permit being sought:

3           That the -- first, that the requirements of the  
4 ordinance cannot be met without the special permit;

5           That traffic generated or patterns in access or  
6 egress resulting from what is being proposed will not cause  
7 congestion, hazard, or substantial change in established  
8 neighborhood character; as Mr. Rafferty has pointed out, the  
9 relief is modest and really has no impact to the  
10 neighborhood in general;

11           That the continued operation or development of  
12 adjacent uses, as permitted in the ordinance, will not be  
13 adversely affected by what is proposed -- and again, the  
14 very same point, given the nature of what is the addition.  
15 It doesn't have any impact on the development of adjacent  
16 uses.

17           No nuisance or hazard will be created to the  
18 detriment of the health, safety and/or welfare of the  
19 occupant of the proposed use -- at least I hope not, if  
20 you're putting the addition on -- or the citizens of the  
21 city, and that generally, what you're proposing will not  
22 impair the integrity of the district or adjoining district,

1 or otherwise derogate the intent and purpose of this  
2 ordinance.

3 So on the basis of these findings, the Chair moves  
4 that we grant the special permit being requested on the  
5 condition that the work proceeds in accordance with plans  
6 prepared by H.P. Rovinelli Architects. here we go again,  
7 dated -- somewhere -- dated here, June 17, 2019, the first  
8 page of which has been initialed by the Chair. All those in  
9 favor, please say, "Aye."

10 THE BOARD: Aye. [ All vote in favor ]

11 CONSTANTINE ALEXANDER: Five in favor, relief  
12 granted. Good luck.

13 JAMES RAFFERTY: Thank you. Déjà vu, nice to see  
14 you. Is it like riding a bicycle, does it come back?

15 CONSTANTINE ALEXANDER: Yes. We don't even get  
16 five people here tonight.

17 BOARD MEMBER: I think staff promised September  
18 for the zoning amendment on this, on the expanding of walls  
19 for insulation.

20 CONSTANTINE ALEXANDER: Did they?

21 BOARD MEMBER: Something like that. Not -- I  
22 mean, Community Development staff.

1           CONSTANTINE ALEXANDER:  Oh, okay, I don't --

2           BOARD MEMBER:  But, I mean it's definitely  
3 something like that.

4           CONSTANTINE ALEXANDER:  I would hope so.  I mean,  
5 it's --

6           BOARD MEMBER:  It's coming.

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1 (7:58 p.m.)

2 Sitting Members: Constantine Alexander, Janet Green, Jim  
3 Monteverde, and Arch Horst.

4 CONSTANTINE ALEXANDER: Good. Obviously, what  
5 you're proposing is not controversial in the neighborhood.

6 PATRICK BARRETT: Well, what we're proposing was  
7 approved --

8 CONSTANTINE ALEXANDER: I understand.

9 PATRICK BARRETT: Yeah.

10 CONSTANTINE ALEXANDER: Well, let's just wait.  
11 Just wait a few minutes.

12 PATRICK BARRETT: Sure. Just in case someone  
13 comes running in in the last minute.

14 CONSTANTINE ALEXANDER: You know who I am, in  
15 terms of the last one that was granted?

16 PATRICK BARRETT: Yes.

17 CONSTANTINE ALEXANDER: Okay.

18 PATRICK BARRETT: I do. I mean, I read through  
19 the entire thing. Actually, I was in the audience last  
20 time.

21 CONSTANTINE ALEXANDER: Oh, you were?

22 PATRICK BARRETT: Yeah.

1           CONSTANTINE ALEXANDER: Oh, you were?

2           PATRICK BARRETT: Yeah.

3           CONSTANTINE ALEXANDER: Better for the other  
4 members of the board -- I voted against granting the  
5 variance, but the other four members shouted me down and the  
6 variance was granted.

7           COLLECTIVE: [Laughter]

8           PATRICK BARRETT: I don't remember a lot of  
9 shouting. Well, the original issue hinged on whether or not  
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1 (8:00 p.m.)

2 Sitting Members: Constantine Alexander, Janet Green, Jim

3 Monteverde, and Arch Horst.

4 CONSTANTINE ALEXANDER: They -- name and address  
5 first. No, no, it's okay. Give your name and address for  
6 the record.

7 PATRICK BARRETT: So my name is Patrick Barrett,  
8 41 Pleasant Street.

9 THE REPORTER: Can you spell your last name,  
10 please?

11 PATRICK BARRETT: B-a-r-r-e-t-t.

12 ALEX NEWMAN, 29 Dracut Street, Boston.

13 THE REPORTER: Spell your last name, please?

14 ALEX NEWMAN: N-e-w-m-a-n, like Paul.

15 CONSTANTINE ALEXANDER: P-a-u-l.

16 ALEX NEWMAN: You're welcome, Paul.

17 PATRICK BARRETT: Thank you. My name is Patrick  
18 Barrett. I'm representing Alex and his seconds since the  
19 BZA regarding the variance for exactly the same thing he  
20 came for last time. To speak --

21 CONSTANTINE ALEXANDER: That's important. I want  
22 to make sure I got that right. This is exactly what we

1 approved for last time?

2 PATRICK BARRETT: Like I said, nothing has  
3 changed.

4 CONSTANTINE ALEXANDER: Okay.

5 PATRICK BARRETT: And to your original point,  
6 actually, what hinged originally in the argument was what  
7 Use classification is this? Was it class -- was it Use  
8 classification G, in which case we're doing talking about  
9 two different variances; one for a liquor license not  
10 allowed on the side street, which the law has changed  
11 slightly on that matter now.

12 And two, the use variance for the actual space  
13 itself.

14 CONSTANTINE ALEXANDER: Right.

15 PATRICK BARRETT: Mr. Chair, you were not in favor  
16 of the liquor license portion, but what was determined, and  
17 I wish to actually reiterate this point and would like for  
18 the Board to find it again, is that this doesn't apply to  
19 Use Category G, this is Use Category H, it's the theater.

20 It's only open for operation during the times when  
21 shows will be present. It's not a place you can just walk  
22 into and grab a beer. Simply accessory use inside the

1 structure, and unfortunately --

2           CONSTANTINE ALEXANDER: Nevertheless, alcohol will  
3 be served?

4           PATRICK BARRETT: Nevertheless, alcohol will be  
5 served --

6           CONSTANTINE ALEXANDER: Or offered.

7           PATRICK BARRETT: That's the intent. The second  
8 piece of this was the variance for the use below grade in a  
9 space that historically has been functional. The upper  
10 floors of the building have the Havana Club, there's a salsa  
11 club, there's no residential use in this building.

12           In fact, I feel like I owe Mr. Newman an apology  
13 when I -- I rewrote part of the zoning for Overlay, and I  
14 overlooked the section, because his case had already been  
15 adjudicated, and there's only three properties in the zone,  
16 which is C3 zone.

17           And the relief that is being sought, and is  
18 exactly the same as before, and why we expired hinged -- was  
19 because this is a very difficult project to fund. And Mr.  
20 Newman with great intent began the project, got his  
21 variance, and over time ran out of funding, and about  
22 halfway through his contractor passed away, adding further

1 difficulty.

2           The use had -- the variance had expired. He was  
3 alerted by MSD and we are back. Mr. Newman is ready to  
4 complete construction of the theater. I believe he received  
5 at least one letter from the Central Square Business  
6 Association. Now the Central Square bid --

7           CONSTANTINE ALEXANDER: I don't think we have it,  
8 but maybe if it came in very recently --

9           PATRICK BARRETT: He e-mailed it to you. Michael  
10 didn't send? I didn't bring it with me.

11           CONSTANTINE ALEXANDER: I don't see it.

12           PATRICK BARRETT: I assure the board there is a  
13 letter of support. I -- it was, well I don't have it with  
14 me so I can't speak to it, so we have reached out to the  
15 Central Square Business Associates. We did have a meeting I  
16 was the Central Square Advisory board, which for some reason  
17 didn't take place last time.

18           I'm not sure why that is, but the vote from the  
19 board was favorable. Everyone that we've spoken to is  
20 looking forward, just as they were two years ago, to a  
21 theater being put in this place.

22           CONSTANTINE ALEXANDER: And they're not troubled

1 by the fact that the zoning requirements for this Overlay  
2 District limits places of entertainment to certain street  
3 addresses? You've got to have an entrance on Mass Ave or  
4 Prospect Street, as I recall, or --

5 JAMES RAFFERTY: So what was changed in that  
6 section of the ordinance was that side streets are now  
7 allowed to intersect with Mass Ave, which this property does  
8 not, it runs parallel.

9 CONSTANTINE ALEXANDER: Right.

10 JAMES RAFFERTY: You are allowed to have alcohol  
11 and liquor use. That has not been an issue that has been  
12 raised by anyone, and --

13 CONSTANTINE ALEXANDER: Nobody reads the  
14 ordinance, that's why.

15 JAMES RAFFERTY: Well, I made them all read it two  
16 years ago.

17 PATRICK BARRETT: But the point being is that this  
18 is a very limited area of residential use. All the uses  
19 around it, including the adjacent uses, which are in the  
20 residential use, are commercial. The Green Street Grille is  
21 right next door. And again, the use is inside this  
22 building.

1           And prior to this use expiring, which I question  
2 whether it even has expired, because the entire building is  
3 being used commercially. This basement is an adjacent piece  
4 of this building. One could make the argument that it's  
5 still active use, just simply not being used by any of the  
6 current tenants.

7           The -- but I think in the interest of simplicity,  
8 we brought back the same relief that we sought two years ago  
9 and now see again.

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

12           JIM MONTEVERDE: If I may, thank you. And I think  
13 I'm looking at the correct -- yeah -- part of the package.  
14 It starts out, "The Valley of -- " it basically references  
15 the eighth addition of the Building Code for the analysis.

16           PATRICK BARRETT: Right.

17           JIM MONTEVERDE: That's no longer current, as of  
18 this past January. There's a ninth edition. So I just  
19 encourage you to go look at the ninth edition and confirm if  
20 anything has changed.

21           PATRICK BARRETT: I don't know that it's  
22 significant to what we're doing.

1           CONSTANTINE ALEXANDER: For this case?

2           MICHAEL MONESTINE: Yes, I am. This one  
3 specifically.

4           CONSTANTINE ALEXANDER: [Laughter]. Have a seat.

5           JIM MONTEVERDE: And the second question, you've  
6 got another diagram here about travel path and travel  
7 distance. Again, you just want to confirm that the current  
8 ninth edition is still the same analysis.

9           PATRICK BARRETT: I can actually speak to that.

10          JIM MONTEVERDE: Yep.

11          PATRICK BARRETT: We -- because of this -- I'd say  
12 became thoughtful in terms of the variance passing. We've  
13 been working with Michael Grover rather religiously in terms  
14 of sussing out any further difficulties. The plans that  
15 were originally submitted to this board two years ago were  
16 remedial compared to what was presented to you guys the past  
17 month or so.

18                   The only obstacle to that is ADA compliance --  
19 we'll have to see the variance.

20          JIM MONTEVERDE: Mm-hm. Okay. And has the  
21 Building Department had any comment relative to the egress?  
22 Just is peculiar.

1           PATRICK BARRETT:  So working with -- that's where  
2  we've run into some conflict.  That's where the conversation  
3  really got more intricate, in terms of working with Michael,  
4  which is why --

5           JANET GREEN:  I'm sorry, it's hard to hear you.  
6  Fast.

7           PATRICK BARRETT:  I'm sorry, that's where we had  
8  done some more work with ISD.  Michael Grover, again, has  
9  been very helpful in terms of assessing those kinds of  
10 issues out, and the plans that you have before you are ones  
11 that they are comfortable with.

12          JIM MONTEVERDE:  Good.  And I would just encourage  
13 you to look at the ninth edition of the code, because that's  
14 the one that's applicable.  I'm assuming you don't have a  
15 permit in hand yet?

16          PATRICK BARRETT:  No, we don't.

17          JIM MONTEVERDE:  Oh.

18          PATRICK BARRETT:  We can't get a permit in until -

19          JIM MONTEVERDE:  Yeah, you just should check and  
20 make sure that something else will change.

21          PATRICK BARRETT:  Yes, sir.

22          CONSTANTINE ALEXANDER:  That's good advice.  I

1 think I would point out is that this -- the zoning relief  
2 doesn't tie to the -- I'm not even going to put this in  
3 motion, tie to the plans.

4 It ties to the fact of the access to the street  
5 and not on Mass Ave or a side street, and it also relates to  
6 the fact that this is a commercial enterprise in a  
7 residentially zoned district.

8 So good advice is given you, but it's not crucial  
9 to this case for tonight. It's crucial for your case to get  
10 going, okay? Any comments or questions from members of the  
11 board?

12 JANET GREEN: I was a little confused about the  
13 Mass Ave piece. And when did that happen?

14 CONSTANTINE ALEXANDER: Yeah, I don't --

15 JANET GREEN: Is that something new that it says  
16 about this -- you know, this type of --

17 PATRICK BARRETT: The Overlay was amended in 2016.  
18 I --

19 CONSTANTINE ALEXANDER: But you were here -- no,  
20 no, you came here --

21 PATRICK BARRETT: No, not 20 -- it was being -- it  
22 was actually -- we mentioned it actually at the hearing that

1 I was -- I had submitted a zoning petition myself to redraft  
2 the Overlay. I wrote it.

3 It was actually passed in 2017. This case had  
4 been adjudicated on August 25 of 2016, and I did not submit  
5 that petition until some months after.

6 The change -- the big change was that I identified  
7 all streets in the Central Square Overlay that intersect  
8 Mass Ave, including the intersections of Prospect, but also  
9 clearly define the Use Categories, Use Category G; that is  
10 the Category that requires relief.

11 So if you are on a side street and you wish to  
12 have a Use Category G serving establishment that has  
13 entertainment and dancing, you are required to seek a  
14 special permit. That is not the case in this situation. So  
15 we are in Use Category H, and we are not on the side street.

16 CONSTANTINE ALEXANDER: Any other questions or  
17 comments from members of the board?

18 THE REPORTER: Can I just get the name and address  
19 of the gentleman who joined us, please?

20 MICHAEL MONESTINE: Michael Monestine, M-o-n-e-s-  
21 t-i-n-e, Executive Director of Central Square Business  
22 Improvement District.

1           CONSTANTINE ALEXANDER: Thank you. I'll open the  
2 matter up to public testimony. Is there anyone here wishing  
3 to be heard on this matter? No one wishes to be heard?  
4 There are no letters in our files. So I want to close  
5 public testimony. As you've all heard, this case is  
6 basically reviving a variance that the support granted a few  
7 years back, but lapsed.

8           JANET GREEN: I didn't understand. You're up here  
9 because you're just part of this team, or --

10           PATRICK BARRETT: No, he was supporting. He was -  
11 - the letter I had mentioned earlier came from the Central  
12 Square bid director.

13           CONSTANTINE ALEXANDER: Well, we don't have that  
14 letter, unfortunately.

15           MICHAEL MONESTINE: Oh, unfortunately. Sorry, I  
16 should have brought a copy on my e-mail or whatever.

17           JANET GREEN: But you can attest to that or --

18           MICHAEL MONESTINE: Yeah. And I can say a few  
19 words. Central Square is a handful of districts -- a  
20 historic district, a cultural district, and now this  
21 business and food industry. As we see a net loss of  
22 cultural institutions in the greater Boston area, it's with

1 great enthusiasm that we see a petitioner trying to open an  
2 establishment in our district.

3 So I'm here on behalf for support. We've  
4 comanaged the cultural district of the Arts Council. The  
5 Arts Council is also in favor of this matter. And I just  
6 wanted to come show and give strong support.

7 I've met with the petitioner, we've talked at  
8 length about this, and I've been working with Mr. Barrett.  
9 We would love to see something like this come to Central  
10 Square.

11 CONSTANTINE ALEXANDER: Thank you. Like I  
12 indicated, there are no letters in our files. I think I'll  
13 close public testimony. Ready for a vote?

14 JANET GREEN: Mm-hm.

15 CONSTANTINE ALEXANDER: The Chair moves that we  
16 grant the variance requested; well, first, we make the  
17 following findings. Ad the findings that they could be  
18 identical to the findings we made when we were granted the  
19 variance the first time, and those will be incorporated into  
20 this opinion as well. I'm do not have to read them all out,  
21 because it's basically the same case, just a couple years  
22 later.

1           But one in important change, and that is, there is  
2 a support this time, which I don't think there was last  
3 time, from the Central Square Business Association. Is that  
4 the organization you represent?

5           MICHAEL MONESTINE: Yes. We've now grown into the  
6 Business Improvement District, but it's the same group of  
7 stewards, yes.

8           CONSTANTINE ALEXANDER: So I think we can  
9 incorporate all those findings, and based on those findings,  
10 the Chair moves that we grant the variance being requested.  
11 All those in favor, please say, "Aye."

12           THE BOARD: Aye. [ All vote in favor ]

13           CONSTANTINE ALEXANDER: Five in favor.

14           [COLLECTIVE]: Thank you.

15           PATRICK BARRETT: Thank you so much.

16           [Crosstalk]

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2 (8:15 p.m.)

3 Sitting Members: Constantine Alexander, Janet Green, Jim  
4 Monteverde, and Arch Horst.

5 CONSTANTINE ALEXANDER: The Chair will call Case  
6 Number 017150 72 Dana Street. Anyone here wishing to be  
7 heard on this matter?? No one wishes to be heard? I would  
8 report that the petitioner has requested a continuance.  
9 Apparently, some issues with the neighbors about what is  
10 being proposed, and they need time to see if they can  
11 resolve these with the neighbors. What date?

12 MARIA PACHECO: Separate 26.

13 CONSTANTINE ALEXANDER: September 22?

14 MARIA PACHECO: Six.

15 CONSTANTINE ALEXANDER: Six. That's right. 26.  
16 So the Chair moves that we vote to continue this case as a  
17 case not heard, until 7:00 p.m. on September 26, subject to  
18 the following conditions: First, that the petitioner sign a  
19 waiver of time for decision, and in fact the petitioner has  
20 already done that. That condition is satisfied.

21 Second, that the posting sign that is there now,  
22 or was there, or is there now, needs to be modified to



1 (8:28 p.m.)

2 Sitting Members: Constantine Alexander, Janet Green, Jim

3 Monteverde, and Arch Horst.

4 CONSTANTINE ALEXANDER: 17136 15 Line Street.

5 Anyone here wishing to be heard on this matter?

6 AUDIENCE: Good evening.

7 CONSTANTINE ALEXANDER: Name and address for the  
8 benefit of the stenographer, and use -- take the mic off the  
9 stand and hold it close to your mouth, rock star.

10 MARISSA GREGG: Good evening. My name is Marissa  
11 Greg, and I am here on behalf of Dudley Rose who sits to my  
12 left, and his wife Geraldine Spies, who is not here with us  
13 tonight. And Dudley is the owner of 15 Line Street. If you  
14 want to identify yourself.

15 DUDLEY ROSE: So I'm Dudley Rose. We own a two-  
16 family, 15 and 17 Line Street, and that's the property that  
17 we are seeking to have a curb cut.

18 CONSTANTINE ALEXANDER: We granted that, as you  
19 know. Relief and a variance, with conditions. And that  
20 variance lapsed; you didn't pursue it. We granted, as you  
21 know, relief and the variance with conditions, and that  
22 variance lapsed, you didn't pursue it.

1 DUDLEY ROSE: That's correct.

2 MARISSA GREGG: Correct.

3 CONSTANTINE ALEXANDER: Any reason why?

4 DUDLEY ROSE: Yes.

5 [COLLECTIVE]: [Laughter]

6 CONSTANTINE ALEXANDER: Hit it out of the park.

7 DUDLEY ROSE: Well, unfortunately we didn't get  
8 the action from the City Council, for what reason I don't  
9 know, until in the winter. And --

10 CONSTANTINE ALEXANDER: For the curb cut?

11 DUDLEY ROSE: For the curb cut.

12 MARISSA GREGG: Right.

13 DUDLEY ROSE: And so then, getting a contractor in  
14 place before the expiration, which we were not fully  
15 cognizant of, which is my own fault. We hired a contractor,  
16 he went to pull a permit, and it was like week after it  
17 expired.

18 CONSTANTINE ALEXANDER: Okay. And what you're  
19 proposing tonight is identical to what we saw and approved  
20 the last time? Both in terms of --

21 MARISSA GREGG: That's right. It is identical,  
22 and you'll know from the application, we've mirrored the

1 exact application as filed in 2017, so nothing has changed.

2           CONSTANTINE ALEXANDER: Okay. Questions from  
3 members of the board? We'll open the matter up to public  
4 testimony. Is there anyone here wishing to be heard on this  
5 matter? Apparently not.

6           There is a letter in our files from Tara Herlihy,  
7 H-e-r-l-i-h-y. "Thomas Herlihy and Tara Herlihy of 7 Line  
8 Street are in favor of granting the petitioners Geraldine  
9 Spies and Dudley Rose a parking space."

10           There's actually two bases for relief, as I  
11 recall. Parking -- you need relief for the driveway that  
12 you're going to be constructing, and of course you need --  
13 well, the curb cut's a City Council decision, not our  
14 decision.

15           MARISSA GREGG: Exactly. So I'm following up with  
16 that separately. That's right.

17           CONSTANTINE ALEXANDER: Okay.

18           JANET GREEN: If it was that, you would not park  
19 in the front yard.

20           CONSTANTINE ALEXANDER: Yeah. And we would -- I  
21 would propose we would put the same condition this time that  
22 we did the last time?

1           MARISSA GREGG: Correct. I would expect that as  
2 well.

3           CONSTANTINE ALEXANDER: All set? I think it's time  
4 for a vote, unless people want to discuss things. Not?  
5 Good. The Chair moves that we make the following findings  
6 with regard to the variance being sought: And the findings  
7 that we made when we granted the variance the first time, I  
8 think would be incorporated into this hearing, and no need  
9 to go back and beat the dog.

10           So those findings would be incorporated, and so on  
11 the basis of these findings, the chair moves that we grant  
12 the variance sought, subject to the conditions that we  
13 imposed the last time. So there's no -- I don't want to go  
14 back and read, recite them.

15           MARISSA GREGG: Mm-hm.

16           CONSTANTINE ALEXANDER: But whatever the rules  
17 were before, the rules continue this time. All those in  
18 favor, please say, "Aye."

19           THE BOARD: Aye. [ All vote in favor]

20           CONSTANTINE ALEXANDER: Five in favor, thank you.

21           MARISSA GREGG: Wonderful. Very good. Thank you  
22 very much.

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DUDLEY ROSE: Thank you very much.

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1 (8:45 p.m.)

2 Sitting Members: Constantine Alexander, Janet Green, Jim  
3 Monteverde, and Arch Horst.

4 CONSTANTINE ALEXANDER: The Chair will now call  
5 Case Number 017130 44 Rice Street. Anyone here wishing to  
6 be heard on the matter? Mr. Lodge?

7 JOHN LODGE: Hi, my name is John Lodge, and I live  
8 at 56 Aberdeen Avenue in North Cambridge.

9 THE REPORTER: Last name?

10 JOHN LODGE: Lodge, L-o-d-g-e, and I'm the  
11 architect for the project, and this is Tom Agnew, who lives  
12 at 24 Rice Street. He's the --

13 CONSTANTINE ALEXANDER: Why don't you sit down?

14 JOHN LODGE: So what we're proposing to do is to  
15 substantially renovate -- we're proposing to substantially  
16 renovate a two-family, which is on a rear lot on Rice  
17 Street. And part of the renovation entails us proposing to  
18 add windows within a setback, and also to add an areaway  
19 with new stairs to the basement also.

20 CONSTANTINE ALEXANDER: So you need both a  
21 variance and a special permit?

22 JOHN LODGE: A variance and a special permit.

1           CONSTANTINE ALEXANDER: Two --

2           JOHN LODGE: Correct.

3           CONSTANTINE ALEXANDER: -- things we have to  
4 decide. So let's just talk about the variance first. Take  
5 them one at a time.

6           JOHN LODGE: Okay. So the basic idea for the  
7 variance is that Tom and Ariane are both from England, and  
8 they have -- so their parents are coming -- when they come,  
9 they're going to come for long periods of time. So the idea  
10 is to create -- it's a two-family, so we create a new,  
11 smaller unit in the basement, which would basically be for  
12 the parents who are coming for sort of longish -- you know,  
13 longer periods.

14           The basement as it's currently configured just has  
15 a bulkhead, which doesn't fit the building code for egress.  
16 So the idea is to create a new areaway, which will stick  
17 into the side yard setback about a foot. But then the  
18 outside of the retaining wall sticks into the side yard  
19 setback. So there will be new stairs down into a small sort  
20 of inlet in the basement there.

21           And then on the other side, where this bedroom we  
22 need to create a window well to create an egress window for

1 the bedroom, and that sticks into the side yard setback on  
2 the other side. In terms of the windows from the -- the  
3 special permit for the windows --

4           CONSTANTINE ALEXANDER: Anybody have any questions  
5 regarding the variance?

6           ARCH HOST: Yeah, I do. Is it still going to be a  
7 two-family, or is it becoming --

8           JOHN LODGE: Yeah. It'll be a two-family, it's  
9 just one of them will be bigger, and the other one smaller.

10          ARCH HOST: Okay, fine.

11          JOHN LODGE: As it stands now, there's a full  
12 kitchen on the second floor and full kitchen on the first  
13 floor.

14          ARCH HOST: So I just want to make sure it stays  
15 as a two-family?

16          JOHN LODGE: Oh yeah, it stays as a two-family.

17          ALISON HAMMER: Can I ask you guys a further  
18 question about that?

19          JOHN LODGE: Yeah.

20          ALISON HAMMER: So is it an actual two-family, or  
21 is it like a one-fam plus accessory?

22          JOHN LODGE: Well, as it stands now, it's a two-

1 family.

2 ALISON HAMMER: But what it's going to be.

3 JOHN LODGE: Well, I guess we'll just keep the  
4 two-family designation. I mean, there will be two units --

5 ALISON HAMMER: Right.

6 JOHN LODGE: -- which each can --

7 ALISON HAMMER: I'm just wondering what is -- and  
8 I mean, I was just looking at the -- what is your second  
9 means of egress for the --

10 JOHN LODGE: So it's got a stair, and the second  
11 means of egress will be the egress window.

12 ALISON HAMMER: Right. So I don't think -- I  
13 think Mass code requires two doors, each unit.

14 JOHN LODGE: Well there's -- oh, there's a -- I'm  
15 sorry, there's also a common -- there's a common area  
16 basement, which will have a second door out of the apartment  
17 into the common area, and then out.

18 CONSTANTINE ALEXANDER: So I hear there are going  
19 to be three kitchen units in this building?

20 JOHN LODGE: No. So the second-floor kitchen gets  
21 removed.

22 CONSTANTINE ALEXANDER: How is it going to remain

1 a two-family house?

2 JOHN LODGE: So the first floor and the second  
3 floor will be one unit.

4 CONSTANTINE ALEXANDER: Okay.

5 JOHN LODGE: And then there's a small --

6 CONSTANTINE ALEXANDER: Got it.

7 JOHN LODGE: There's a small apartment in the  
8 basement.

9 [COLLECTIVE]: Okay.

10 ALISON HAMMER: So I just wonder from a building  
11 code perspective, whether having your second means of egress  
12 through the first-floor unit --

13 JOHN LODGE: No, no, no --

14 ALISON HAMMER: It doesn't?

15 JOHN LODGE: There's a mechanical room in the  
16 basement.

17 ALISON HAMMER: Okay.

18 JOHN LODGE: So I mean there will be -- so there's  
19 current access to the mechanical room in the basement, which  
20 has a -- you can go, you can get in from the part of the  
21 basement that goes with the main house. And you can also  
22 get in through the apartment. And then from that common

1 area, there's a door into the same area. So there will be  
2 two doors. You can get to two different doors --

3 ALISON HAMMER: Okay.

4 JOHN LODGE: -- from the --

5 ALISON HAMMER: I see what you're saying.

6 JOHN LODGE: -- apartment in the basement.

7 ALISON HAMMER: I see what you're saying.

8 JOHN LODGE: It's a little complicated --

9 ALISON HAMMER: It's that one staircase, but  
10 certainly not remote?

11 JOHN LODGE: Right. No, we're checking -- I mean,  
12 we can check the box.

13 ALISON HAMMER: Right. You know? Just --

14 JOHN LODGE: Yeah, yeah.

15 ALISON HAMMER: It might come up with the --

16 JOHN LODGE: Oh yeah, no --

17 ALISON HAMMER: -- Building Inspector that those  
18 are not considered, you know, really to remote means of  
19 egress --

20 JOHN LODGE: I understand --

21 ALISON HAMMER: -- considering they're, you know --

22 JOHN LODGE: -- but we will have a --

1 ALISON HAMMER: -- six inches apart.

2 JOHN LODGE: We will have an egress window.

3 ALISON HAMMER: Right, so -- you know.

4 JOHN LODGE: So for the variance, what we're  
5 asking for is -- so there's an areaway to get a door and  
6 stairs that need to go down to this apartment, and there's  
7 another window well for the --

8 THE REPORTER: Can you speak into the mic, please?

9 JOHN LODGE: Oh, sorry.

10 CONSTANTINE ALEXANDER: Just take it off.

11 JOHN LODGE: Just carry it. All right. So we do  
12 --

13 CONSTANTINE ALEXANDER: Now the special permit.

14 JOHN LODGE: Okay. Now the special permit. All  
15 right. So on the special permit, we are basically  
16 rebuilding the back porch to create some exterior deck space  
17 on the second floor and then a covered deck on the first  
18 floor. And so, as we reconfigure it, we're going to redo  
19 the windows in that existing --

20 CONSTANTINE ALEXANDER: You're making a  
21 substantial change to the windows on the walls, and so --

22 JOHN LODGE: Yes, correct. Right.

1           CONSTANTINE ALEXANDER:  Have you talked to the  
2 neighbors?

3           JOHN LODGE:  We have talked to the neighbors.  
4 Actually, we have a letter for -- that is -- although  
5 actually, ironically, that neighbor will be the one facing  
6 the new areaway, but because of the setbacks, none of the  
7 windows that are working on that side are going to be the  
8 special permit.

9           Most of the windows requesting a special permit  
10 are either on the rear end of the porch or on the other  
11 side, which faces parking for the three-family at the front.

12           So this is -- so here's Rice Street, here's the  
13 house.  Sorry.  Here's the house in front.  So the -- we're  
14 talking about this façade and this façade, and actually  
15 replacing the windows in the existing bay in the front.

16           So here there's no sort of -- the closest house is  
17 two lots away, that's a garage.  And off the back, of  
18 course, this house is about 150 feet away, because the  
19 garage is in the back.

20           And as I said, there's -- because we have the  
21 wider side yard setback on this side, we won't need a  
22 special permit for that.

1           So we are enlarging the windows on the bay in the  
2 front and adding a window on this corner, which basically  
3 brings it into the driveway, sort of facing Rice Street.  
4 Any questions?

5           CONSTANTINE ALEXANDER: Any questions from members  
6 of the board?

7           JANET GREEN: How are you with open space?

8           JOHN LODGE: Well, we haven't changed the open  
9 space.

10          CONSTANTINE ALEXANDER: Yeah.

11          JOHN LODGE: Actually, we've slightly increased it  
12 because of the -- when we were redoing the course, we were  
13 cutting back.

14          CONSTANTINE ALEXANDER: And that should reduce the  
15 FAR, though?

16          JOHN LODGE: That will be reducing it slightly.

17          CONSTANTINE ALEXANDER: I'm going to ask if anyone  
18 wishes to be heard on this matter? Unless we're ready for a  
19 vote? No need to do that. And we do have a letter which  
20 was given us tonight, from Steven -- with a v -- Williams.  
21 He has next to his name a life estate, 2000.

22          JOHN LODGE: Yep.

1           CONSTANTINE ALEXANDER: Okay. And Grace Williams,  
2 they reside at 16 Rice Street.

3  
4           We are neighbors of Tom and Ariane Agnew, who live  
5 at 24 Rice Street. We understand that they're  
6 renovating their house to accommodate the changing  
7 needs of their growing family. We have reviewed  
8 the design plans for the proposed renovations, and  
9 we fully support them.

10          We feel that the proposed renovations complement  
11 the existing house and are in character with the  
12 neighborhood. We hope the Zoning Board appeals to  
13 grant them the variance to the special permit they  
14 are seeking to keep them in the neighborhood for  
15 the long term.

16  
17          CONSTANTINE ALEXANDER: And that's it. Ready for  
18 a vote?

19          BOARD MEMBER: Yes.

20          CONSTANTINE ALEXANDER: Let's see. The first vote  
21 will be on a variance. The Chair moves that we make the  
22 following findings with regard to the variance being sought:

1 That a literal enforcement of the provisions of the ordinance  
2 would involve a substantial hardship, such hardship being  
3 that the petitioner proposes to reconstruct -- the right  
4 word -- change the interior of the home and result -- the  
5 use of the basement, which in turn requires for safety  
6 purposes the relief that the petitioner is seeking, that the  
7 relief is owing to circumstances relating to the structure  
8 itself, and the nature of the lot

9           And the relief may be granted without substantial  
10 detriment to the public good, and nullifying or  
11 substantially derogate the intent or purpose of the  
12 ordinance.

13           Again, what is being proposed is to allow an older  
14 home to be modified to the -- continue to be livable for  
15 people who occupy this structure, and maybe morning livable,  
16 whether it's a petitioner or future petitioner, future  
17 occupants of the building.

18           So on the basis of all of these findings, the  
19 Chair moves that we grant the variance on the condition that  
20 the work proceeds in accordance with the plans prepared by  
21 John Lodge Architects, dated 06/20/19, the first page of  
22 which has been initialed by the Chair. All those in favor,

1 please say, "Aye."

2 THE BOARD: Aye. [ All vote in favor]

3 CONSTANTINE ALEXANDER: Five in favor, variance  
4 granted. Turning now to the special permit. The Chair  
5 moves that we make the following findings with regard to the  
6 special permit being requested; that the requirements of the  
7 ordinance cannot be met unless we grant the special permit.

8 We're talking now about the special permit for the  
9 relocation of the windows; that traffic generated or  
10 patterns in access or egress resulting from the relocation  
11 of windows will not be adversely affected by the nature of  
12 the proposed use.

13 The testimony to that is a letter of support that  
14 I've already read, and the lack of any other opposition to  
15 the neighborhood; that the continued operation or  
16 development of adjacent uses, as permitted in the ordinance,  
17 will not be adversely affected by what is proposed -- and  
18 again, I would refer to both the positive letter in support  
19 and the lack of opposition from anyone else.

20 That no nuisance or hazard will be created to the  
21 detriment of the health, safety and/or welfare of the  
22 occupant of the proposed use, or the citizens of the city.

1           That which he is proposing will be the opposite of  
2 a nuisance or hazard, and that generally what will be  
3 proposed will not impair the integrity of the district or  
4 adjoining district, or otherwise derogate the intent and  
5 purpose of this ordinance. And I would disregard the letter  
6 of support that I earlier read.

7           So on the basis of all of these findings, the  
8 Chair moves that we grant the special permit requested,  
9 again on the condition that the work proceed in accordance  
10 with the plans that we've approved with regard to the  
11 variance. All those in favor, please say, "Aye."

12           THE BOARD: Aye. [ All vote in favor]

13           CONSTANTINE ALEXANDER: Five in favor, relief  
14 granted. Good luck. Welcome to Cambridge.

15

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1 (9:00 p.m.)

2 Sitting Members: Constantine Alexander, Janet Green, Jim  
3 Monteverde, and Arch Horst

4 CONSTANTINE ALEXANDER: The Chair will now call Case Number  
5 017151 115 Spring Street. Anyone wishes to be heard on this  
6 matter? Name and address for the stenographer. And read  
7 it, speak into the microphone, holding it close to your  
8 mouth. Pick it up out of the -- that's it.

9 XIAOGUANG WANG: I'm the owner of 115 Spring  
10 Street in Cambridge. I bought the house --

11 MARIA PACHECO: Can you give your name? Spell  
12 your name and give your address?

13 XIAOGUANG WANG: My name is Xiaoguang Wang.

14 CONSTANTINE ALEXANDER: Can you spell it for the  
15 stenographer.

16 XIAOGUANG WANG: Okay. X-i-a-o-g-u-a-n-g. Last  
17 name is Wang, W-a-n-g. So here's my contractor Robert, an  
18 excavation foundation contractor, Marco.

19 CONSTANTINE ALEXANDER: Is the architect here?  
20 You're not the architect?

21 AUDIENCE: No.

22 XIAOGUANG WANG: My architect is --

1           CONSTANTINE ALEXANDER: I have a question. I  
2 mean, the plans that we have in our files --

3           XIAOGUANG WANG: Yes.

4           CONSTANTINE ALEXANDER: -- are for a special  
5 permit application. This is not a special permit. Seeking  
6 a variance.

7           XIAOGUANG WANG: It is a variance.

8           CONSTANTINE ALEXANDER: Yeah, I know, but the  
9 plans identify for a special permit. I'm a little confused.  
10 Do you know when --

11          XIAOGUANG WANG: Did you receive the demolition  
12 plan?

13          CONSTANTINE ALEXANDER: I have the plans that are  
14 in our files. I mean, it just may be a labeling error, but  
15 I just want to be clear. These are the plans that you're  
16 proceeding with? Because if we grant relief, it's going to  
17 be on the condition that you proceed in accordance with  
18 these plans.

19                 And if you try to -- if you want to modify them,  
20 you're going to have to come back before us. They just want  
21 to make sure you're aware of that.

22                 And again, I hope that this is just a labeling

1 error and nothing more. Sorry to interrupt your  
2 presentation.

3 XIAOGUANG WANG: So tonight, we want to seek over  
4 25% demolition, because the structure of the house is --

5 CONSTANTINE ALEXANDER: Right. We granted relief  
6 to a couple of months ago.

7 JIM MONTEVERDE: Right.

8 CONSTANTINE ALEXANDER: For the special permit to  
9 do that.

10 XIAOGUANG WANG: Yeah. We have -- yeah, raised  
11 the height of the house two feet, and also six windows in a  
12 certain area.

13 CONSTANTINE ALEXANDER: But now we gave you the  
14 special permit, as I understand. You start a construction,  
15 and you discovered you needed a lot more than the special  
16 permit covered. And basically, take down more than 25% of  
17 the structure. That changed the rules of the game to a  
18 variance.

19 I think -- I suspect that these are the plans we  
20 must have seen in connection with discussion.

21

22 JIM MONTEVERDE: Yeah, because that was back in

1 March.

2           CONSTANTINE ALEXANDER: Yeah. Okay. So that's  
3 what's involved here. And to grant the variance that you're  
4 requesting, we have to make -- as you may have heard or you  
5 just joined the meeting. We have to make certain findings.  
6 And that's what someone needs to address.

7           We have to find that a literal enforcement of the  
8 provisions of the ordinance would involve a substantial  
9 hardship, that the hardship is owing to the soil conditions,  
10 shape or topography of the land or structures, and that  
11 relief may be granted without substantial detriment to the  
12 public good, et cetera, et cetera, et cetera.

13           So maybe one of you can talk to me, talk to us  
14 about what's the substantial hardship? I bet I know the  
15 answer, we've got to get this on the record. Why the need  
16 to demolish more than 25% of the structure?

17           ROBERT RICHARDS: Good evening. My name is Robert  
18 Richards. I am from All Trades Construction in Quincy and  
19 the reason is for more than 25% Cathy got these plans  
20 approved from the Cambridge Building Department to do the  
21 work that was drawn up by the architect, and, however, he  
22 made a mistake in saying that he was going to raise the

1 whole house to do the new foundation. The back of the house  
2 had so much rot that there is absolutely no way that it  
3 could be raised.

4           At the same time, the front of the house he wanted  
5 to raise, which would have worked fine, but after looking at  
6 the structure, we determined that instead of razing the  
7 house, where the house sits on a quarter lot near the day  
8 care and everything right next door, lots of kids running  
9 around, bus stop is right on the corner, to determine if  
10 razing the house would really be a large issue right on that  
11 corner?

12           It would be much easier to do the work that was in  
13 the plans that were approved by just razing the roof, and  
14 then razing the second floor 18 inches, 18-20 inches.

15           And that was the only reason for razing the house,  
16 was basically to get the height. The house is old. It was  
17 built with very low ceiling heights, and so, we're trying to  
18 bring that up to code, and the best way to do it instead of  
19 razing the whole house and lowering the floors we found  
20 would be just to raise the roof the 20 inches, and the roof  
21 structure really is almost 100 years old and really needs to  
22 be --

1           CONSTANTINE ALEXANDER: How high will this  
2 building -- I'm sorry, I apologize for interrupting you, but  
3 if we grant the relief you're seeking tonight, how high will  
4 the building be? What's the height of the building? Would  
5 it be more than 35 feet?

6           XIAOGUANG WANG: So right now, it's 28.6.

7           CONSTANTINE ALEXANDER: 28 -- you're talking about  
8 a foot or two more.

9           ROBERT RICHARD: Less than two feet.

10          CONSTANTINE ALEXANDER: Less than two feet.

11          ROBERT RICHARD: Yes.

12          CONSTANTINE ALEXANDER: You'll be within the  
13 height?

14          ROBERT RICHARD: Yes, absolutely.

15          CONSTANTINE ALEXANDER: That's what I want to get  
16 on the record. Okay. And I take it the footprint of the  
17 house will not change.

18          ROBERT RICHARD: Is exactly the same.

19          CONSTANTINE ALEXANDER: And the back of the house  
20 that has all the rot, the plans have been approved to raise  
21 that roof to the same height as the front roof. So that  
22 really can't be done without removing the old roof. And

1 with all the rot there, that's impossible to -- we really  
2 did look into supporting the structure, it just isn't  
3 possible with the way that it was built. It was really put  
4 together with a lot of old pieces of wood that we found  
5 around the house.

6           CONSTANTINE ALEXANDER: How old is the building in  
7 your estimate/judgment.

8           ROBERT RICHARD: They told us that the historical  
9 --

10           XIAOGUANG WANG: They told us --

11           THE REPORTER: Speak into the mic.

12           MARIA PACHECO: You have to speak into the  
13 microphone.

14           CONSTANTINE ALEXANDER: You have to speak into the  
15 microphone.

16           XIAOGUANG WANG: So the front is 18, 1780, it's  
17 very old, and we remain -- you know --

18           MARIA PACHECO: 17 -- did you say 1780?

19           XIAOGUANG WANG: Something like that, wow.

20           MARIA PACHECO: Yeah, something like that, yeah.

21           XIAOGUANG WANG: And the back is, you know, built  
22 on soil, organic soil. There's no foundation, and

1 everything's rotted. And when I bought my house, right, I  
2 removed the shingles. People just living there while kids.  
3 Every -- you know, everything's rotten in the front.

4 And the longer I wait, the more the rot becomes.  
5 The neighbors are so eager for me to have this -- ask me why  
6 I'm waiting for --

7 CONSTANTINE ALEXANDER: Okay. Anything further you  
8 want to add? [Laughter] You don't have to, he said  
9 everything. Awesome, thank you.

10 ARCH HOST: Good presentation.

11 CONSTANTINE ALEXANDER: Questions from members --  
12 yes, Arch.

13 ARCH HOST: So the footprint is not changing?

14 ROBERT RICHARD: No.

15 ARCH HOST: And the floor area is not changing?

16 ROBERT RICHARD: No.

17 ARCH HOST: Okay.

18 CONSTANTINE ALEXANDER: That's what I heard too.

19 ROBERT RICHARD: I agree with you.

20 ALISON HAMMER: My only question would be, you  
21 know, more procedurally with what you brought up before,  
22 this discussion about changing from razing the bottom of the

1 house to changing the peak of the house. It's not going to  
2 be the same as what's on the drawing, so what are we --

3           CONSTANTINE ALEXANDER: Well, I -- my point is I'm  
4 going to -- if we can prove this based on these drawings, if  
5 that seems to be the case, they're going to be back before  
6 us.

7           ALISON HAMMER: I mean, is there any way that we  
8 could --

9           CONSTANTINE ALEXANDER: No, I want to have -- we  
10 need to have plans, the plans for the Building Department.

11           JANET GREEN: So --

12           CONSTANTINE ALEXANDER: You raised a good point,  
13 you may have a problem when you go to get the building  
14 permit, assuming we grant you the relief you're seeking.

15           XIAOGUANG WANG: So last time we met here; we  
16 weren't planning to raise the height of the house by two  
17 feet.

18           JIM MONTEVERDE: Correct.

19           ROBERT RICHARD: Right.

20           XIAOGUANG WANG: So we were planning to raise the  
21 height of the house by two feet. So that drawing is after  
22 we were approved. So we sent this drawing to the city of

1 Cambridge Inspection Services just to illustrate the height  
2 is 30.8. Originally the survey is 28.26 in the past.

3 JIM MONTEVERDE: Right.

4 XIAOGUANG WANG: So we are not doing anything --

5 JIM MONTEVERDE: It's not the he is, it's the rest  
6 of the content of the work is actually just as you  
7 described. It's the inverse of what it was originally.  
8 Instead of raising the house and dropping the second floor I  
9 believe it was before. You've now taken the roof off,  
10 raised the roof, and raised the second floor. So you -- the  
11 scope of work is just different. But it's up to ISD and the  
12 building permit.

13 CONSTANTINE ALEXANDER: Yeah.

14 JIM MONTEVERDE: It's not a zoning issue.

15 ROBERT RICHARD: I could add one thing.  
16 Historical was very interested in maintaining the look.

17 MARIA PACHECO: Speak into the mic, please.

18 ROBERT RICHARD: Try to get away with that.  
19 Historical was very interested in keeping the front of the  
20 house looking exactly like it is.

21 JIM MONTEVERDE: Right.

22 ROBERT RICHARD: So what we planned on doing was

1 in raising the house, that extra foot and a half was going  
2 to be on the first floor between the foundation and the  
3 bottom window. Instead, it's going to be between the first  
4 and second floor windows, and we are going to tweak it a  
5 little bit to make it look exactly like it does right now.

6 ALISON HAMMER: So yeah. So it would just be up  
7 to the Building Department to determine whether --

8 JIM MONTEVERDE: Right.

9 CONSTANTINE ALEXANDER: Exactly.

10 ALISON HAMMER: -- what you have in these plans  
11 and what you're going to do are sufficiently similar to one  
12 another for the --

13 ROBERT RICHARD: Correct.

14 ALISON HAMMER: -- these plans to carry it  
15 through, or if we need to come back with plans that actually  
16 reflect the changes that you're making?

17 ROBERT RICHARD: They have submitted -- Cathy has  
18 submitted a new plan with an elevation from the architect.

19 CONSTANTINE ALEXANDER: I guess what Alison was  
20 getting at is maybe -- maybe it would have been a good idea  
21 is to take these plans, sit down with the Building  
22 Inspector, and making sure that if we granted relief based

1 on these plans, you would be free to go.

2 ROBERT RICHARD: I think they did do that.

3 CONSTANTINE ALEXANDER: Fine. I mean, it's your  
4 issue, not our issue. We're just trying to warn you that  
5 you might have a problem.

6 XIAOGUANG WANG: So Ranjit already studied the  
7 plan. We sat down together --

8 CONSTANTINE ALEXANDER: Okay.

9 XIAOGUANG WANG: -- many times, and he encouraged  
10 me to go --

11 CONSTANTINE ALEXANDER: We don't quarrel. We're  
12 just trying to warn you, that's all. There's obviously  
13 nobody here. Any further comments from members of the  
14 board?

15 JIM MONTEVERDE: No.

16 CONSTANTINE ALEXANDER: We have no letters from the  
17 file that I can see. Ready for a vote on the variance? The  
18 Chair moves that we make the following findings with regard  
19 to the relief being sought: that a literal enforcement of  
20 the provisions of the ordinance would involve a substantial  
21 hardship, such hardship being that this is a very old home,  
22 with historical significance, and relief was necessary to

1 preserve that home, and the city not lose it; that the  
2 hardship was owing to basically the soil conditions, at  
3 least on part of the lot, and the fact this is a corner lot,  
4 and the topography of the lot as well; and that relief may  
5 be granted without substantial detriment to the public good,  
6 or nullifying or substantially derogating the intent and  
7 purpose of the ordinance.

8 In this regard, the Chair would note that there is  
9 no neighborhood opposition to what is being proposed; that  
10 there are sound historical reasons why we should grant felt.  
11 And so, on the basis of all of these findings, the Chair  
12 moves that we grant the variance requested on the condition  
13 that the work proceeds in accordance with plans prepared by  
14 Olinger --

15 JIM MONTEVERDE: Right.

16 CONSTANTINE ALEXANDER: Architects.

17 JIM MONTEVERDE: Olinger Architects, yep.

18 CONSTANTINE ALEXANDER: I should put my reading  
19 glasses on.

20 ROBERT RICHARD: I'll help you with this one,  
21 though.

22 CONSTANTINE ALEXANDER: Dated?

1                   ROBERT RICHARD:  March 29 -- oh, here.  March 29 -

2  -

3                   CONSTANTINE ALEXANDER:  Yeah, March 29, 2019.  All  
4  those in favor, please say, "Aye."

5                   THE BOARD:  Aye.  [ All vote in favor]

6                   CONSTANTINE ALEXANDER:  Five in favor.  Good luck.  
7  Hopefully you won't have to come back before me.

8                   COLLECTIVE:  [Laughter and thank you]

9  (9:12 pm)

10 (End of proceedings.)

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CERTIFICATE

Commonwealth of Massachusetts

Middlesex, ss.

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

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

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

Notary Public

My commission expires:

August 6, 2021