BOARD OF ZONING APPEAL
FOR THE
CITY OF CAMBRIDGE

GENERAL HEARING

THURSDAY, APRIL 24, 2014
7:00 p.m.
in
Senior Center
806 Massachusetts Avenue
Cambridge, Massachusetts 02139

Constantine Alexander, Chair
Timothy Hughes, Vice Chair
Brendan Sullivan, Member
Thomas Scott, Member
Janet Green, Member
Douglas Myers, Associate Member
Slater Anderson, Associate Member
Andrea A. Hickey, Associate Member

Sean O'Grady, Zoning Specialist

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P R O C E E D I N G S

(7:00 p.m.)
(Sitting Members Case #10477: Timothy Hughes, Brendan Sullivan, Janet Green, Douglas Myers, Andrea A. Hickey.)

TIMOTHY HUGHES: The first case tonight, the Board will call case 10477, 288 Norfolk Street.

Is there anyone here? So where were we?

ATTORNEY SUSAN ROBERTS: So where were we? Here we are. My name is Susan Roberts from Anderson and Kreiger representing AT&T. With me tonight is David Ford from Centerline Communication. We also have Oscar Suarez. He is from Dewberry and did the drawings and photo sims, can tell you about that and about the structural analysis as well.

So, as we know, this was last before you on our request for a continuance which was granted on February 27th until today. The time between then and now has allowed us to put together a design that very, very, very, very but not completely, represents what you looked at on November 14th. And I'll just summarize briefly the design of the facility so we have that all in one place, and then we can talk about the slight differences from the November 14th photo sims that you saw and what

we're presenting to you tonight. And by the way, since our last appearance before you, what we've submitted is -- are Zoning drawings, photo simulations that are revised based on the new drawings, and two structural analyses; one that was done on February 19th and another one that was done on March 31st. A different structural analyses that relate to different aspects of the facility. So that the first one relates to the loading, the loading dock, roof, and the alpha antennas which did not change. And the structural analysis dated March 31st relates to the beta and gamma sector antennas. Those are the ones that we did slightly change the location for.

So if I might just summarize the design. We have a total of 11 antennas at this site in three sectors. The alpha sector antennas are on the penthouse which is where they've always been, those have not changed. And there are three of them there.

We have associated with those some remote radio head units. There are nine and there are four surge arresters as well. A-2 modules.

In addition we have two additional antenna sectors, beta and gamma, those each have four antennas. Those are housed in the faux chimneys. Faux chimneys are nine foot tall. The antennas are six feet. So the antennas actually sit on top of steel beams that sit on top of the roof.

There's assorted other equipment that is on the roof itself, including cabling and cable trays. And then we are also utilizing the -- actually, we are using the loading dock roof for condensers that we have there, and we're using that as well for additional cable and conduit travelling and so forth.

With respect to the beta and gamma sector antennas that are within the faux chimneys, you'll recall that the faux chimney design is what you had chosen on the 14th of November. So what we did was we placed those faux chimneys in the locations as close as possible to the locations that you saw on November 14th. And the photo sims, what we did with the photo sims, is we showed you what we presented on November 14th and what we're presenting to you tonight. There are additional photos and photo simulations that we took from additional locations just so that you'd have a better sense from the residential areas, you know, the view of the facility. So we took, for example, some additional photos from Norfolk Street, on both sides of Hampshire. I think we took some of Tremont as well just so you would have a better sense of what the facility looks like from the neighborhood. So I don't have any comparisons for those because we didn't take those pictures initially in November, but they are included in

your set of photo sims now.

With regard to the beta and gamma sector antennas, the beta sector ones are the ones that are fronting on Hampshire Street. And because of the structural analyses that we received and from additional building measurements that Oscar actually took when he went to the site again to make sure that all of our measurements were accurate, we ended up moving the beta sector antennas about two feet closer to the loading dock roof. So in that direction. If you're looking on page Z-2 of the drawings, you'll see the roof plan. And if you look at the beta sector antennas, they are about two feet closer to the loading dock roof. So that -- in that direction.

JANET GREEN: What page are we looking at?

ATTORNEY SUSAN ROBERTS: Z-2.

DAVID FORD: On the drawings, not the photo sims.

JANET GREEN: Okay.

ATTORNEY SUSAN ROBERTS: On the drawings. It's easier to see like where the antennas are as they're placed on the roof. So you can tell we've moved it two feet.

With respect to the gamma sector antennas, there are

some -- you'll note on Z-2 as well that there are some condensers that are nearby. So once -- basically what we did was we changed the mount of these antennas from ballast mounts from being mounted on steel beams, so that accommodated the structural analysis that we received to make sure the antennas are placed on the right area in the roof. We put these steel beams there, and as a result of the steel beams being there, we had to adjust the location somewhat with relation -- in relation to the condensers.

So with regard to the gamma sector, we actually moved the antenna, the faux chimney about three feet to the left and one foot back closer to the center of the roof, so away from the edge. So that's how that antenna set was moved. And that's really all that we've done.

I've got Oscar here to explain the structural analyses to you if you have questions about that. In terms of the visibility of the facility, AT&T believes, I believe that we are looking virtually identical to what you're seeing for the November 14th photo sims, very, very similar. But I did want to make sure that you knew that we did move them somewhat. We don't think it changed the views, you know, very much at all. But, again, that's for you to decide.

At this point I would turn it over to the Board for any questions

and know that we're all available to answer.

DAVID FORD: If I may just add real quick, just to explain the timeline what happened since November.

So the photo simulations was not in the Board's favor back in November were based on structural assumptions. When Dewberry actually went into the field to confirm the structural assumptions, they realized that a mod plan had to be proposed on the fifth floor that run two by four by 50 foot beams on the fifth floor, wooden beams, to support the ballast mounts that Suzie first talked about. That was the initial mounting strategy was ballast mounted. Once we realized that the landlord wasn't going to allow these steel beams to run on the fifth floor because he has an architectural firm up there, we had to go back to the drawing board and figure how to get as close back to the 11/14 locations with a different structural analysis which is based on steel beams this time instead of on the roof rather instead of wooden beams on the fifth floor. So that's what kind of drove this.

ANDREA HICKEY: So is it photo 1B that shows that difference?

DAVID FORD: Correct. So if you look at the top of photo

1B, 11/14 that's what the Board viewed. On 11/14, that's what they favored. And we're looking back now with the proposed view very similar, as Suzie stated, not exactly in the same locations but very similar. And if you continue to flip through, 2B shows the same.

ANDREA HICKEY: So the size is the same, it's just the location?

DAVID FORD: Just the locations of the physical chimneys, correct.

JANET GREEN: When you say it's a nine foot, is that on top --

DAVID FORD: No, it's a six-foot antenna.

JANET GREEN: Six-foot antenna.

DAVID FORD: Nine-foot chimney.

JANET GREEN: Nine-foot chimney, six-foot antenna, and that's on the steel beam?

DAVID FORD: Correct. That's what's giving the extra height, right.

ATTORNEY SUSAN ROBERTS: So in other words, the chimney isn't actually nine feet. The chimney's not at nine feet but the

whole, the whole structure stands nine feet above the roof because of the steel beams.

JANET GREEN: So the total is nine feet?

DAVID FORD: Correct.

So 1B, 2B, and 3B showed the comparisons from the 11/14 versus now. And then every additional photo simulation is extra views that we provided as Suzie stated.

TIMOTHY HUGHES: Any other questions from the Board?

BRENDAN SULLIVAN: The proposed cable tray on -- well, the plan Z-2 but an elevation Z-3, is that --

DAVID FORD: It's actually going to be tucked back.

BRENDAN SULLIVAN: Into the corner?

DAVID FORD: Correct, exactly. Painted to match, tucked back.

BRENDAN SULLIVAN: And the horizontal one underneath, again, to the -- going to the right on Z-3 there, where you have the proposed --

DAVID FORD: Correct, yes.

BRENDAN SULLIVAN: -- horizontal tray, that is absolutely, positively necessary to service those three antenna?

DAVID FORD: Sorry, I'm just wanting to make sure we're talking about the same cable tray here.

BRENDAN SULLIVAN: The horizontal cable tray.

DAVID FORD: Yes, correct. That's the only function, the three antennas, right here.

TIMOTHY HUGHES: Doug?

DOUGLAS MYERS: Just to confirm, how many new faux chimneys are being added?

ATTORNEY SUSAN ROBERTS: A total of four. Two antennas in each.

DOUGLAS MYERS: And all of those then would be shown in photo 5-B? All of the new faux chimneys?

DAVID FORD: Correct.

ATTORNEY SUSAN ROBERTS: Wait, that's a good question because there are some existing ones.

DAVID FORD: I know for a fact those are all new proposed chimneys.

ATTORNEY SUSAN ROBERTS: Those are ours?

DAVID FORD: Yes.

ATTORNEY SUSAN ROBERTS: Okay.

DOUGLAS MYERS: Those are all of the new --

DAVID FORD: Correct.

DOUGLAS MYERS: So there are no others except what are shown?

DAVID FORD: Nope. There's two existing chimneys on the roof right now. The four that you're looking are the four proposed by AT&T. You can kind of see the tops of the other two just by looking towards the right.

ATTORNEY SUSAN ROBERTS: Yeah.

DOUGLAS MYERS: And this photo 5B was not before the Board on November 14th?

DAVID FORD: Correct. We just added it to the -- to give you more views from up and down Norfolk Street. As in with photo 6, photo 7, photo 8, and photo 9. They're all new photos.

DOUGLAS MYERS: Nothing further.

TIMOTHY HUGHES: Any questions? Janet?

JANET GREEN: No.

TIMOTHY HUGHES: I'm going to open it up to public testimony.

Does anyone want to be heard on this matter?

(No Response.)

TIMOTHY HUGHES: I don't see anyone.

I'll close public testimony.

I think there was a weigh-in from the Planning Board in the file, but I'm not sure about that. I thought I remembered something about that. But it doesn't make any difference because I can't find it anyway considering that this is the file. Just so you know. Needle, haystack kind of thing.

So is there any other comments from the Board? Or are we ready for a vote?

Oh, I found the Planning Board one. That's just dumb luck. Don't count dumb luck.

(Reading) Planning Board reviewed the Special Permit application for cellular communications equipment. Since the previous presentation to the Planning Board, the Applicant consulted with

Community Development staff and Cambridge Historic Commission staff considered design options to current proposal to use four ballast-mounted stealth cannisters appears to provide the best result. I guess we went way passed that one.

So the real question here is the change in location bothersome or are we good with it? Are we ready to go to a vote?

DOUGLAS MYERS: My comment is I remain opposed to the application. And to me what is decisive really is the photo 5B, which it never had been before the Board before which presents very clearly, I think, the effect of the cumulation of the cumulative effect of the four chimneys on the roof. I mean, I think this is an unacceptable negative effect on the surrounding residential area. And I admit and I've stated on the record that I acknowledge that the residential uses do not predominate in this area, but nonetheless they remain substantial. And I think this is a considerable increase in the number of structural chimneys and vertical structures on the roof, and I think that taken together with the cumulative effect of the chimneys in photo 5B, I remain opposed.

TIMOTHY HUGHES: Any further comment, Brendan?

BRENDAN SULLIVAN: Well, no, I mean I sort of concur.

I mean, it's just -- it just -- it's an overkill of the whole building. I mean, I never warmed up to this whole thing from the very beginning. I thought we were trying to hopefully attempting to soften it somewhat, but it's just, it's -- it's an overkill. I mean, it's way too much on this building. And it's, it's just hub-nub. It's all over the place.

DOUGLAS MYERS: If I can just say, this is very brief. I went again obviously and looked at this building a number of times, and if you stand at the place -- I didn't -- I stood in front of the door virtually of Oleana Restaurant which I think is about where photo 5B was taken. And you look at the roof now, it's not too bad. It's -- it has an uncluttered appearance despite the presence of the number of mobile antenna, mobile phone antennas there, but when you compare what you see now with the effect of four chimneys in this view from the side of Hampshire Street which where residential use completely dominates, I'm just not -- I just can't -- I think that's unaccept -- I think we would be writing this building off to put that many vertical objects on the roof. And I'm not prepared just to say to write this building and this neighborhood off in that respect.

ATTORNEY SUSAN ROBERTS: So if I might respond, as you know, there are other carriers, there are three other carriers that are

on the building already. So that's obviously an issue. AT&T, you're suggesting that AT&T is penalized because we're the last to go on the building.

DOUGLAS MYERS: I'm suggesting no such thing. I've tried to state everything that I possibly can in a completely objective way without -- I mean I cannot, I cannot rewrite history. There are certain antennas there and there are certain that are being proposed, and I can't alter that. But I have, I have tried to phrase this in as neutral way, the effective the new objects, not the cumulation considering what's there, but the cumulative effect of four new objects which is a considerable increase in number. And I certainly, except for the inevitable comparison of before and after, there is, there is absolutely no discriminatory intention or effect, I believe, in what I'm saying.

ATTORNEY SUSAN ROBERTS: So we had other designs that we proposed, some of which did not utilize the faux chimneys and were a little bit larger, but obviously fewer in number. And so we're basing this design based on the choice of the Board on November 14th which was the chimneys. So that's where we were and. We had come before you to select what we hoped was going to be an acceptable design. So we've

come up with penthouses. We've come up with cannisters. We've come up with fewer cannisters to be able to come to the Board with a palatable design based on what's in the neighborhood and based on what's already on the roof. As we know, there are already chimneys on the roof. There are already cannisters on the roof. We have a need for coverage in the area, obviously, critical need for coverage in the area, and this was our design. Can we live with fewer antennas? Can we live with one chimney instead of two? Can we make a bigger chimney so that will lessen the visual impact that you're suggesting because you feel that there's sort of a proliferation of chimneys there? We may be able to do that. I did not bring our RF engineer with us tonight. He's available to me by phone, and if you want I can call him and come back and ask whether we can make due with fewer antennas which would mean fewer chimneys, or to put more in another chimney. And I realize that we've been before you many times, and I know that you're very tired of this site, but it is critical for us and this seems like an ideal building for many reasons, not the least of which is that there already carriers on the roof.

DOUGLAS MYERS: Yes, I think that's what Mr. Sullivan was saying, though, is that we expected something new. Based on the

entire conversation last time and reading of the record, we expected something new and you spoke of completely new approaches. I think -- I don't think it's justified to say that we approve this. You're going back to something we approve. I know you don't, I know you're not saying we approved it in a binding sense or, you know, in a sense that we're obligated, but I don't think there's any -- I don't think -- I think a lot of water has gone over the dam and down the river since November 14th. And I think that it's -- for this Board is not bound in any way morally in terms of putting you to work and labor by the fact that we on November 14th approved some drawings that were before us at that time. For example, it seems to me the fact that the photo sim 5B was not before us at that time, completely takes away the moral effect of any sense that this Board is bound. And I don't think this Board owes you anything in terms of precedent and prior dealings based on the photo sims that were shown on November 14th.

ATTORNEY SUSAN ROBERTS: I agree with you. The Board doesn't owe us anything. I wasn't suggesting that. I was suggesting what our motivation was tonight as we prepared to come back because we weren't able on December 5th, which is the last time the Board heard this substantive aspects to this, to this case. We weren't able to have the

antennas in those locations that you had seen on the 14th. And my understanding, and I think David's understanding was that you wanted to see drawings that were based on those locations because that's what you selected and that's what you had intended to see. I mean, we couldn't do that for you on December 5th unfortunately. So we came back and tried to do that tonight. That's where we were coming from. I wasn't sure in February, given the fact that the structure analysis hadn't been completed, whether structurally we would be able to identically match what was there on November 14th. To me that was my understanding. I thought that was the Board's understanding as well. So if there's another thing that you would like, we certainly stand prepared to accommodate, to change it if you would like, but seriously, we thought that 11/14, that the photos that you saw on those, were our marching orders and so that's what we tried to do today, was to match that as substantially as identically as we possibly could. So that's what we were doing. I just wasn't sure in February whether structurally we would be able to do that but we did. And we jumped through hoops. We've come up with this steel beam design. It's very creative. Initially I can't even tell you what we saw, but we've really, you know, pressed hard to make this design look visually what we think, you

know, matches November 14th. If we were wrong in the assumption that that's what you wanted to see it, you know, that November 14th, the selection on that date wasn't what you wanted, I mean on that day we did choose the number of chimneys and so forth. Again, I am prepared to call our RF engineer right now and if we can reduce the number of chimneys, that's what I'm prepared to do.

BRENDAN SULLIVAN: You see that's a starting point and that resonates with me and, you know, we're starting to get a history here now where there's a number of these where there's sort of start/stop, start/stop continuations and what have you. To me that should be the very first question is what is the least amount of chimneys we can get away with or that would satisfy, which is the most that I can present to the Board. Not let's go for 12, reduce it down to nine, reduce it down to six, and so on and so forth. I get very frustrated and I'm getting a little bit -- I don't want to say tired of it, but I mean it just -- I expect you're representing AT&T to come in with the absolute what you need but at minimal so that it has the minimal amount of impact and not continuing it month after month after month and chipping away and chipping away and then come down with this which you're focusing I think on 5B. I mean, I'm looking at 6A, 6B, 7A,

and 7B and the impact of that.

DAVID FORD: If I may just add real quick --

BRENDAN SULLIVAN: So, you know, to say, well, let me go back to the drawing board and see if we can't reduce, see if we can't reduce. I -- it's -- it's almost like gamesmanship. And, again, I'm not questioning your integrity at all. I think you're a good advocate for your client, but from where I sit, I want to see the absolute minimal which is the max that we are going to approve.

DAVID FORD: Our initial design actually --

BRENDAN SULLIVAN: The minimal impact for the maximum effect.

DAVID FORD: Right. Our --

BRENDAN SULLIVAN: And not keep chipping away and chipping away and chipping away month after month after month.

DAVID FORD: Right.

I just wanted to say that our initial design that we proposed were the two structures, and it was the direction from the Board that we split them and make them slender and propose two instead of one. And this was also the photo sim that was kind of vertical in length and chopped it up with the

eight different options. And based on that those chosen options is why we chose this design as Susan said. And our action item from December wasn't to come back and wow you with a brand new design. It was to come back and wow you with a design that looks as close as possible to the 11/14 that the Board favored so much. So us throwing in the extra additional photo simulations wasn't to, you know, just for the Board's factor. It was to give additional views, to give additional surrounding from the property from the additional residential neighborhood. So it was never actually to come back with something new and surprise you. It was to come back and get as close as possible to 11/14 as possible which I think we did.

ATTORNEY SUSAN ROBERTS: If I might address your point, Mr. Sullivan, AT&T wants coverage. We want to provide the best possible coverage for your customers. So for us we're going to propose the number of antennas that we need. That's the competitive environment that we're in. That's the kind of service that we want to provide for our customers. Not -- remember we're not just talking about voice and text, we're talking about surfing the net and, you know, and we're talking about the future as well. And so, it is -- and I would suggest that all of the carriers feel the same way. I mean, they're not necessarily -- they want to

try and get the best shot possible in terms of coverage and this is what we've done. There hadn't been any objection to the number of chimneys prior to tonight, and I understand that you had, you know, that you had different views of photos and so forth. However, I think because tonight is the first time this issue is being raised, and I just feel that AT&T should have the opportunity to address it if it's possible rather than if this is going, you know, to be a denial tonight, again, for a continuance. I know that you didn't want to do that, but this is a new issue for us because we -- as I said, were trying to conform our design today to what was selected on November 14th.

BRENDAN SULLIVAN: When was this case first heard? Do you have the date?

TIMOTHY HUGHES: Not off the top of my head.

BRENDAN SULLIVAN: It's got to be in the folder someplace.

SEAN O'GRADY: Right on the cover.

DOUGLAS MYERS: I believe this is the seventh hearing tonight.

ATTORNEY SUSAN ROBERTS: It's not. It's the fourth

substantive hearing. We've had two, two at the Board --

BRENDAN SULLIVAN: There's been a few false starts.

ATTORNEY SUSAN ROBERTS: Yeah.

TIMOTHY HUGHES: July 25th it looks like.

ATTORNEY SUSAN ROBERTS: Is when we filed the application.

BRENDAN SULLIVAN: July 25th.

TIMOTHY HUGHES: I don't know when the first transcript was from.

JANET GREEN: It seems to me that we're kind of going around a little bit it in that it was all in one chimney to begin with and we did ask them to separate it into other chimneys. I mean I really am responsive to that. I think the photo sim looks different than the photo sims we were working with maybe when we made that initial saying that -- rather than having a big chunk right there, maybe two slender chimneys would be a better idea. But it was unclear how that was going to look when all the other cannisters, etcetera, were there.

But I do think that our directions to them haven't been as clear as they might have been in that we -- when we were presented with, was it five

options that --

DAVID FORD: Eight options.

JANET GREEN: Eight options?

DAVID FORD: Eight separate options, right.

JANET GREEN: Eight options, and we chose one of them. What we should have said maybe at that point is none of these work. Not just -- but we did choose one. And that, and they've gone off in that direction like working with that option. I don't, I don't think, I don't think it's the best. I think it would be better to look for the lesser number that you need to have on top of that building. And I don't think that AT&T is being penalized for what other people have done or whatever. I just think that we're working with the situation that we have now and so we have to think about that. So that would be, that would be my opinion about it.

TIMOTHY HUGHES: Any comments, Andrea?

ANDREA HICKEY: Well, to continue and then to ask them to come back with something else really only matters if it's the number of chimneys that we object to. We did ask them to do chimneys. And granted we never saw a proposed view like this 5B.

DAVID FORD: We though we were helping you.

ANDREA HICKEY: I know. I understand that. But now it's in our face. And this sort of shows us if we had this, you know, earlier, maybe we wouldn't be sitting here. But....

DAVID FORD: Our last thing we want to do is try to hide this, which is exactly why we proposed more photos and get the better view.

ANDREA HICKEY: Yes.

JANET GREEN: Exactly. And I think we ought to appreciate that that you did that.

ANDREA HICKEY: I'm not wild about how it looks.

DAVID FORD: Right.

ANDREA HICKEY: In my head it's not what I envisioned when we talked about splitting it up. I'm not sure yet where I come out in the end at the moment.

DOUGLAS MYERS: But by the same token I really don't think that at this point it's really helpful to say do we want three chimneys or do we want two chimneys. I mean, we rely on -- you're the public carrier and the communications carrier and you have the expertise. We don't want to play a guessing game here with you and have you come in and say no, we don't like that or we don't like that. But, but I think the Board has been

extremely tolerant and given AT&T plenty of opportunities. And I don't think we've led you down a primrose path by suggesting that when you came in tonight, even if it was close to November 14th, it was going to be approved. So I mean I really think at some point the Board has to take a deep breath and say sorry, we understand the need, we understand the importance of cellphones and mobile communications, but on this case on this building at this time, enough.

ATTORNEY SUSAN ROBERTS: So if I were to make a motion for a continuance because I am sensing that I do not have the votes for an approval?

TIMOTHY HUGHES: Yes, we can put it to a vote for a continuance. If I think there's any reason or we should discuss that as a Board but we need to know that there's a reason for a continuance.

BRENDAN SULLIVAN: I mean, I just --

TIMOTHY HUGHES: Doug's pretty clear on --

BRENDAN SULLIVAN: I don't know how we can salvage --

ATTORNEY SUSAN ROBERTS: I'm suggesting --

BRENDAN SULLIVAN: -- the previous ones that I sort of,

you know, held my nose in saying okay, if you want to come back and come back and come back and come back. And now that I see it in toto, I just, again, I concur and agree with Doug's comments and his objection mirror mine and it's just too -- it's just too much for that building. It's junking up the building. It is -- it's become unsightly and too cluttered.

TIMOTHY HUGHES: I certainly understand that and I can't disagree with that. I come down on a different perspective from Doug. Doug says he's not ready to just write off this building and I already have. I see it everyday. And as far as I'm concerned, I've already written this building off. So more antennas on it, doesn't really affect me I think, you know, anymore. I mean, I've already been inured to the thing for 18 years. So I would, I would vote for this only because I obviously don't care as much as you do, Doug.

DOUGLAS MYERS: That's okay. That's okay. That's okay.

TIMOTHY HUGHES: But having said that --

BRENDAN SULLIVAN: With me there's a tipping point and I think the point has been tipped.

TIMOTHY HUGHES: And if that's the case, I guess my

next question is is there any reason to continue this case or should we just put it to vote and put it to bed?

ATTORNEY SUSAN ROBERTS: I guess what I would ask is if we were to come back or if I were to go in the other room and make a phone call and come back to you later tonight so that we could in fact dispose of it and say we can eliminate two of the chimneys.

DAVID FORD: Correct.

ATTORNEY SUSAN ROBERTS: Would that, would that --

DAVID FORD: We would not come back, we wouldn't redesign and come back and waste your time. If we get approval from our RF engineer to completely eliminate one of the two -- or out of the four proposed chimneys, to completely eliminate two of them, and it's marked on the approved drawings that, you know, one of -- or two of the four --

DOUGLAS MYERS: Then I have to say if that's the case, in view of the role this Board plays and in view of the consideration of the people in the neighborhood and all of the criteria this Board applies, I mean why didn't you do it before?

DAVID FORD: Because the typical AT&T network to

power the data, speed, etcetera, need 12 antennas. That's -- their standard site is 12 antennas. So that's what they're trying to propose on every single site. Whether it's no site or a six antennas, they're going to want six antennas. That's why we're proposing this option now. No, it's not going to work as great as a 12 antenna site or the 11 antenna site in this case, but it's better than no site and that's why we're making the option now.

DOUGLAS MYERS: All right, that I understand.

TIMOTHY HUGHES: If I recess this until later in the tonight, would you entertain looking at another design?

DOUGLAS MYERS: I don't mean to be the stickler, and I'm sorry to take all this on myself --

TIMOTHY HUGHES: No, it's this side of the table. You're not alone.

DOUGLAS MYERS: I know. I feel in view of the long history of this case I want to see -- I want to see complete set of photo simulations. I don't, I don't feel --

DAVID FORD: Well, we can change the photo simulations. We'll just literally X out whatever ones you don't like. It wouldn't change the photo simulations at all.

DOUGLAS MYERS: You mean I can take my pick?

DAVID FORD: Absolutely.

DOUGLAS MYERS: I'm sorry, find that a little incompatible with the amount of time, effort, and attention and intention that this Board has put into this matter that at the end it's eeny-meeny-miny-moe. I mean I take this very seriously. And not that you're being frivolous, but I just find something, something about the procedure right now that your back is against the wall seemingly, I find that, I just can't jump for joy about proceeding in that manner.

ATTORNEY SUSAN ROBERTS: I totally understand and I don't want you to think that it's frivolous.

DOUGLAS MYERS: No, I said it wasn't. I said it wasn't.

ATTORNEY SUSAN ROBERTS: And, but I wanted to say that there have been other examples in Cambridge and in other, you know, in other towns and cities where in order to get something approved, because we don't want to be fighting with the Board, we do want to try and provide the Board with the best design that we can, given our needs. Again, our needs are best served by having the number of antennas that we have here. But if that's going down and we have to, you know, find another

building, do another design, come back here, we could be delayed for quite a long time. And so, you know, reducing the strength of the facility may be preferable to that.

DAVID FORD: Than no facility, right.

ATTORNEY SUSAN ROBERTS: That's what we're dealing with, and I hope you can understand and appreciate it from our point of view, that that's where we are at this moment with this site. And, again, I don't have the authority to say, you know, okay, get rid of two, but I do need to ask. But it may be fine. And it may -- it may be not fine. I don't know. I haven't made the call. But it may be. Since -- we have done this in other sites when pressed. And, again, we understand that our, our coverage is going to suffer some, but that may be preferable to having no site at all or to having a delay finding another place. So I would ask your -- I would ask whether or not we could come back later in the night after I've made this phone call and, you know, and we can talk seriously about it, what visibly makes sense for you in terms of the building given the fact that there are, there's a lot going on on the roof. But we don't want to have a facility design that is not pleasing to you. So if the RF coverage can be reduced, then hopefully the result would be a visibly, a visibly palatable

design for you.

JANET GREEN: I would be inclined to vote for a recess to do that. And I would be inclined for a couple of reasons; one is I think it's a sincere effort to try to make the building better with recognition that, you know, I was really moved, I mentioned this before, by the need for emergency communications at times that we're finding now. And that it's not, it's a good thing to have this, to have the coverage with the least visual negative impact as possible. So I think it's important to try that again.

TIMOTHY HUGHES: Andrea.

ANDREA HICKEY: It would be helpful for me to make my decision to know whether you can do with fewer than four.

BRENDAN SULLIVAN: You know, it's funny, I think we all have maybe multiple facets of it that we don't like individually. One of the, I mean I'm less objectionable to the so-called faux chimneys which I think were tangled on our thing of the chimneys. It's the side mounted antenna and their junkiness all over the place which detracts from any, any carrier plan. And we're starting to get a proliferation of them. We're starting to get, you know, facade-mounted cable trays and all that, and it's just the tipping point for me. And I don't know how you can salvage the

thing. Because I think that the bits and pieces of all of this and then cumulatively when you see it in the final form like we're seeing it tonight, it just, it's, again, I go back to I think it's probably just too much for the building. But anyhow, I leave it up to you.

JANET GREEN: Are there new side mounted?

DAVID FORD: No. We have not changed --

JANET GREEN: There's no new side mounted. Those are already there.

ATTORNEY SUSAN ROBERTS: The side mounted ones that are there are not AT&T's.

ANDREA HICKEY: Right, but they could have added to the total junkiness --

JANET GREEN: Right.

BRENDAN SULLIVAN: That is the whole --

DAVID FORD: If I may just add, those are actually I believe Nextel antennas and they -- the landlord informed me that they are thinking about decommissioning the site. I don't know if that means anything, but that's what he informed me.

TIMOTHY HUGHES: All right, so this is where I'm at. I think you could get a vote to recess until later tonight and I think you might even be able to get a vote to continue this case, but I don't think you're going to get a vote no matter what we do to get the Special Permit.

So what do you want?

ATTORNEY SUSAN ROBERTS: Could we have a recess?

TIMOTHY HUGHES: I would do that. Is everybody here for the night?

DOUGLAS MYERS: I'm in especially.

SEAN O'GRADY: Two members are here only for the next case.

TIMOTHY HUGHES: Think case and the next case.

ATTORNEY SUSAN ROBERTS: We could be back by then.

TIMOTHY HUGHES: One case. We'll recess until we hear one more case.

ATTORNEY SUSAN ROBERTS: Okay, thank you.

(Case recessed)

* * * * *

(7:50 p.m.)

(Sitting Members Case #BZA-002927-2013: Constantine Alexander, Timothy Hughes, Douglas Myers, Slater Anderson, Andrea Hickey.)

CONSTANTINE ALEXANDER: Okay, we're going to jump out of order. I'm going to call case No. 002927, 535 Cambridge Street.

And the Chair would report to the Board that this case was continued once because the Petitioner failed to post a sign. And then this time around I checked the Petitioner did have a sign but they didn't, despite our explicit instructions to the contrary, they didn't change the date, they didn't change the time. So the signage requirements still have not been complied with and, therefore, we cannot hear this case tonight.

We do have a letter from the Petitioner addressed to Maria Pacheco. (Reading) BZA is requiring a new continuance. We changed the sign yesterday.

Yesterday would be April 22nd.

After I received your e-mail. Could you please let me know what the next date would be? Sorry to have to go through this again.

Which I will say amen.

We should continue this case. I'm going to say that we continue this case, one of the conditions this time is that there will be no, absent compelling reasons, no further continuances in this case. Twice they've failed to comply with what is a very simple requirement about putting a sign in a window with the right date and the right time on it.

So, what date do we have? This is a case not heard so we can do it any time.

SEAN O'GRADY: Next available is May 8th.

CONSTANTINE ALEXANDER: Do they have time? It's 14 days before May 8th. Let's put it one more back.

SEAN O'GRADY: May 22nd?

CONSTANTINE ALEXANDER: May 22nd. Okay.

The Chair would move that we continue this case as a case not heard until seven p.m. on May 22nd subject to the following conditions:

That the Petitioner finally post a sign that has the right date, May 22nd, the right time of seven p.m.

That the sign be maintained in accordance with the 14-day requirements of our Ordinance.

On the further condition that if the Petitioner is going to change any plans or dimensional forms that they have submitted previously, that these new forms or amended forms, must be in our files no later than five p.m. on the Monday prior to May 22nd.

And finally, on the condition that absent compelling reasons shown, this case will not be continued further. The Petitioner must understand that we don't want to waste our time and the public's time having a case before us that we can't hear because they didn't read the statute.

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

(Aye.)

(Alexander, Hughes, Myers, Anderson, Hickey.)

* * * * *

(7:50 p.m.)

(Sitting Members Case #BZA-003267-2014: Constantine Alexander, Timothy Hughes, Douglas Myers, Slater Anderson, Andrea Hickey.)

CONSTANTINE ALEXANDER: The Chair will call case No. 003267, 16-18 Bellis Circle.

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

ATTORNEY SEAN HOPE: Good evening, Mr. Chair, members of the Board. For the record, Sean Hope, Hope Legal Offices in Cambridge. We're here tonight with Mr. Duncan MacArthur, MacArthur Construction. He wasn't present at the previous hearing. He's the owner of 16 Bellis Circle. The project architect John Lodge, he is not able to make this hearing, but we have boards as well and we'll be able to answer any architectural questions that the Board might have.

CONSTANTINE ALEXANDER: Like a dormer versus a transverse ridge?

ATTORNEY SEAN HOPE: That's right.

CONSTANTINE ALEXANDER: Okay.

ATTORNEY SEAN HOPE: So this is a continued case once again. We are requesting a Variance for GFA to build two freestanding three-bedroom single-family structures on the lot. At the

previous hearing it was apparent that some continued dialogue needed to happen with neighbors and abutters. Part of the rationale for the design, and Mr. MacArthur can add to this, the lot, because of the size, would allow for three attached townhouses. For various architectural reasons, as well as reasons on the lot, we're proposing two freestanding structures. Because of the heights of these structures, and I think part of what we explained to the Board at the last previous hearing, the front structure is approximately 29 feet with allowable 35 feet. And the rear structure as well is below the 35-foot height limit. This was to decrease the massing of the structures. The site is actually sloped from the front to the rear. Part of the rationale for the two separate structures is also about light and air for the abutters. If you have all the massing towards the front of the lot, if you are an abutter on either side of the lot, you actually have less light and air. So the idea was you need two separated structures would allow for that.

There was also issues about wildlife an unmanaged condition in the rear of the lot. And probably more importantly, also there was drainage and subsurface water issues. And Mr. MacArthur can speak to that. But part of the neighborhood outreach, those concerns that were brought to the Board were discussed with the neighbors specifically. Some of the

improvements, and I'll just mention a few, one of the improvements for the drainage -- this is not -- the drainage issue is not caused from the water falling down. It's actually from the high water table coming up. Part of Mr. MacArthur's conversation with DPW is there's going to be grading on the site. Right now because of the topography, it actually slopes to the back and that's where the water collects. With this proposed construction, they'd regrade the site so that it will actually help so that the water wouldn't all drain into one area.

There's also going to be an underground cistern that's going to be able to collect the water and also appropriately --

CONSTANTINE ALEXANDER: Are there any kinds of plans and the like if we grant relief to tie in line with these plans or is it your representation to us that you're going to change the grade?

DUNCAN MacARTHUR: It's actually been approved by DPW already. So we can give you the plans that are approved by DPW.

CONSTANTINE ALEXANDER: Did you bring those plans with you?

DUNCAN MacARTHUR: I didn't bring them with me because we applied for the permit for the rear house. The rear house on the

lot by itself is conforming. So in applying for that our intention was possibly build that house to begin with that we would close in December, and I met with Jim Wilcox down there. And they have a copy of the plans. So I didn't bring them with me, but you can make reference to the fact that the plans are on file --

CONSTANTINE ALEXANDER: That's not good enough. Did you share the plans that the DPW approved with the neighbors?

DUNCAN MacARTHUR: I explained to the neighbors what we were doing. We built next to it and they were comfortable.

CONSTANTINE ALEXANDER: You had a meeting with the neighbors?

DUNCAN MacARTHUR: Correct.

CONSTANTINE ALEXANDER: I see that in the file. What we requested.

It would seem to me that one of the things you would want to do with those neighbors who raised the drainage issues is to show them a plan or a course of action and explain the DPW signed off on this and you have any problems with it? Apparently that has not been done, am I correct?

ATTORNEY SEAN HOPE: I do think the explanation was

given. I don't think it's necessarily customary, and the neighbors are here to speak for themselves, I don't think there was a request for those actual plans. Part of the protocol for applying for this Building Permit is you have to have DPW sign off. I don't think it's normally customary that we bring that plan to the Board per se, but I think if there was any questions from neighbors and abutters about that actual plan and how that plan would work, we would have supplied them. So we didn't bring them here tonight --

ANDREA HICKEY: They might not have known to ask for it.

CONSTANTINE ALEXANDER: Exactly. Plus the DPW is just from the point of view from the city. Make sure the city's sewerage system and the like are okay. It doesn't necessarily address the issues of abutters who have runoff issues or swampage issues or whatever they're going to be.

DUNCAN MacARTHUR: I actually disagree with that. They're pretty sophisticated with that. And the hardest part about a Building Permit application right now for residents of Cambridge is getting through DPW. It's a long -- they look at it very carefully. And we met

down site -- and regardless, whether I'm asking for FAR relief here or I'm just going to build by right, it's a process I have to go through, and it's part of the permit application that's going to have to be approved by DPW and meet the city requirements for drainage. And they've made those requirements stiffer in the years. And in the past year as we've developed the site right next to this, so we have some experience with drainage down there, and through what we did with them 10 years ago and now, is how we developed this.

CONSTANTINE ALEXANDER: My only point, sir, is I'm going to repeat myself, neighbors came down last time, expressed concerns about drainage. I would have thought that you would have -- and we told you to reach out to the neighbors, as you've done. I would have thought that you would have shown what you're going to do with drainage with the neighbors. If you get their buy-in or if not, can't reach buy-in, you come down before us and say we talked to the neighbors. I don't know if -- we'll find out.

ATTORNEY SEAN HOPE: Yeah.

CONSTANTINE ALEXANDER: I don't know if the neighbors are --

ATTORNEY SEAN HOPE: I felt they were satisfied, but I want to make it clear, we're not making representation that we're going to be able to alleviate the issue. This is subsurface water. So I think the idea is by doing our structure, are we going to exacerbate the problem? And that's -- we're affirmatively going to help mitigate that issue. So it's not that we're going -- that our structure, our second or first structure is going to cause a situation or a worse situation. Right now you actually have a pool of water. And I think the grading of the site is significant because that's really while all the water is concentrated in the rear. I also think, though, by putting a -- by putting all the massing to the front of the lot you would then -- the neighbors only outdoor space would be in this area that actually is the worst area because it's adjacent to Danehy Park.

So I think the design, one, helps that situation because the outdoor space will also be in the back but there will also be a space in the middle. But additionally, too, and I think a cistern, which is a cistern underground, which is not presently there, it is a requirement of DPW. And I think the neighbors can speak, if there was a concern about their understanding of our management plan, that I think we would have provided that to them as well as to the Board. I think from the representations -- I wasn't at the meeting,

that they were sufficiently satisfied, really probably because the condition is so dire in having an open situation. So I think it's only going to be an improvement. And there's been no allegation or indication that somehow by building a second structure further on the rear of the lot that we're going to exacerbate the problem that's there. And I think the wildlife which, you know, sounds funny but it's serious when you have this unmanaged condition that actually will be managed. And as well as if you had the three contiguous structures on the front of the lot there would be less permeable area because you would have a longer wall. So that's another I would say benefit to our proposed design. I think it may be helpful to the Board because this is the second time through, back in 2005 there was a case very similar to this that was approved by the Board with a very similar design, but the neighborhood had changed somewhat and so it was apparent at the last hearing that another conversation needed to be had.

I'd also just like procedurally for the Board, this is one of two steps. The first step would be getting approval tonight, but because the second house would be greater than 75 feet to the lot, we'd have to go and get approval by the Planning Board for having a structure greater than 75 feet. That was done in 2005. And then the reason we're here today is

because that lapsed.

CONSTANTINE ALEXANDER: And you've advertised for a date in June I think --

ATTORNEY SEAN HOPE: That's right.

CONSTANTINE ALEXANDER: -- for the Planning Board?

ATTORNEY SEAN HOPE: That's right. So we have that coming up.

And if the Board wanted to hear a little bit of history, I think Mr. Lodge spoke the last time, but the rationale for the design, I mean, we touched on the non-dormer roof --

DUNCAN MacARTHUR: We purchased the property back in 2006 originally and went through this design process and went through FAR relief, were granted, went through the Special Permit, were granted. We're in the permitting process. And while we're permitting, someone was interested in the property, ended up buying the property from us with the intention of building a single-family home on it. That never happened. They put it back on the market and we repurchased it back in December of '13. And sort of picking up where we left off because we never built on it

and sold the property, we have to go through the Variance all over again.

The design of the building -- and I had developed some -- a property right next to this, so I was sort of familiar with some of the neighbors down there when we purchased this back in 2006. And right away they came and had concerns about developing the property. A lot of it about density, but more density with unit count because Bellis Circle sort of loops around on Sherman Street from one to the other. There's a fair amount of housing on there. A lot of it has off street parking but much of it doesn't. It's sort of 50/50. So they sort of felt -- the neighbors felt that the street was maxed out. So they wanted to make sure, you know, that any parking could happen off street. And ideally, the least amount of units could go in there as possible to alleviate what they felt was density from that point of view.

The other thing that they were very concerned about was a massing in terms of height. They really wanted to keep the buildings low. We're allowed to go to 35 feet. I think we have the buildings down to about 25 feet maximum ridge height. So, you know, there was a lot of effort to keep the building low. And that sort of comes about the dormer situation and non-dormer situation. We never intended that to be a dormer.

We intended that to be a separate volume that sort of popped up because we kept the roofs -- we could put a higher pitch roof on there and do what would be a dormer as the city guidelines dictate, but it would create -- we'd be much higher with a ridge line. And in an effort to keep it lower at 25 feet, and to create a separate room there, we intended that to be a separate volume.

TIMOTHY HUGHES: 25 feet.

CONSTANTINE ALEXANDER: Is it 25 feet?

ATTORNEY SEAN HOPE: It's 29 feet.

TIMOTHY HUGHES: 29 to the top --

DUNCAN MacARTHUR: It's 29 to the top of the --

TIMOTHY HUGHES: Or 29 to the ridge line. Which one is it?

DUNCAN MacARTHUR: I think it's 25 to the ridge line, 29 to the top of the --

ATTORNEY SEAN HOPE: For Zoning purposes.

TIMOTHY HUGHES: Right.

CONSTANTINE ALEXANDER: Zoning purposes 29.

DUNCAN MacARTHUR: Yeah. So to the top of the

curved roof is 29 feet.

So, you know, we wanted to capture that room up there. We tried to do it in a separate volume, and in a way with a curved roof that we'd hoped had some architectural interest. So that was the thought behind that. Once again to drive the whole volume lower.

CONSTANTINE ALEXANDER: To go back to -- as you point out for, obviously correctly, that we did grant relief back in, I don't know --

DUNCAN MacARTHUR: 2006.

CONSTANTINE ALEXANDER: -- a number of years ago.

DUNCAN MacARTHUR: Yeah.

CONSTANTINE ALEXANDER: -- to build a structure. And you got permission from the Cambridge Historical Commission to tear down the existing structure that was there.

DUNCAN MacARTHUR: Correct.

CONSTANTINE ALEXANDER: Conditioned on building a new structure in accordance with the plans that were attached.

DUNCAN Mac ARTHUR: Correct.

CONSTANTINE ALEXANDER: This time you're coming back with different plans. Dramatically different. We went through this, but I want to go through this again.

DUNCAN MacARTHUR: Yeah.

CONSTANTINE ALEXANDER: Different plans, plans that actually have more square footage and therefore greater departure from our Ordinance than you did back then. And my question to you is why? And have you talked to the Cambridge Historical about your new design which is not same design as before?

DUNCAN MacARTHUR: We did. John Lodge did.

CONSTANTINE ALEXANDER: Say it again.

DUNCAN MacARTHUR: John lodge did. The architect went by and talked and ran it by Sarah with Historical, and they made one suggestion, which we did, they wanted on the front house to actually bring the ridge down another four inches. There's a couple -- some of the things we did to change it, they actually approved of and preferred and some of the things they weren't as happy about. But overall they blessed it and just asked us to bring the ridge height down on the first one.

CONSTANTINE ALEXANDER: This is at the staff level

obviously.

DUNCAN MacARTHUR: Yes.

CONSTANTINE ALEXANDER: Anything for our records or our information, anything from writing from them or is this all conversations?

ATTORNEY SEAN HOPE: So, procedurally it was a little bit of a grey area because, you know, they granted -- the end of demolition delay based on a set of plans. And so it was a question of whether or not they would have new jurisdiction over this proposed use. So that's why it actually didn't go before the Commission because there was no demolition delay, but it was procedurally reviewing the plans. Like any BZA application it has to go through review. Sometimes the Historical Commission will sign off. So it was really that same process. But because they had went through it before, I do think it was probably a higher level of review in terms of the design.

CONSTANTINE ALEXANDER: But you could have gotten, I'm not saying you had to --

ATTORNEY SEAN HOPE: Yes.

CONSTANTINE ALEXANDER: -- you could have gotten

a letter from the staff saying based on formal review, we love these plans or words to that effect.

Did you do that?

ATTORNEY SEAN HOPE: It wasn't offered. I think procedurally there really wasn't a mechanism for them to have -- to issue something to the Board because there wasn't a level of review. But we didn't ask for it nor did they grant it, but I think their approval on passing it through to come to the BZA, as well as the design changes that they suggested be made, we thought was sufficient to come before the Board. But, you know, they weren't supposed to do design review. So I do think if they actually put a letter together, you know, there would be a procedural issue because this doesn't go through design review.

CONSTANTINE ALEXANDER: Well, you're telling us that they signed off on it orally. You can't have it both ways, Sean. Either you're out of the loop entirely or they could express something to us one way or the other.

ATTORNEY SEAN HOPE: But I think a point of clarification, it wasn't just orally. There is a procedure mechanism where they have to sign off on an application in order to get to the BZA.

CONSTANTINE ALEXANDER: Okay.

ATTORNEY SEAN HOPE: So it wasn't like every application has to go through that process. Now because they had opined on it initially, they thought on a staff level they would have some type of review. So it was more than oral, but they don't have -- there was no written report because there really wasn't a mechanism for that.

CONSTANTINE ALEXANDER: Okay.

DOUGLAS MYERS: Is there any document where they approved it to go forward to the BZA even with a check and a box?

ATTORNEY SEAN HOPE: So now what they -- there used to be a handwritten sheet, but now with the on-line format, it actually is done procedurally in-house. Where you apply on-line and then you get an e-mail saying that all the requisite departments have signed off and now you can proceed. So that's all we have. We used to get a form.

DOUGLAS MYERS: Do you have the e-mail?

ATTORNEY SEAN HOPE: I do have the e-mail. I could print it out. But procedurally we don't actually get any certificate in the mail at this point. But I would only say we could not be here before the Board had not the city's internal department signed off on it. And we had

to go the extra step of actually going and sitting with them and then making some adjustments to the Board. I wouldn't say this was -- I don't think there's anything missing in the file. There's no procedural paperwork that we don't have before the Board. This is the due process. Before we actually had a written sheet saying, and now they no longer have those.

CONSTANTINE ALEXANDER: At the last hearing, going back to parking that you alluded to and the issues in the neighborhood, a discussion came up about underground parking on this site. Mr. Lodge said he would look into that and get back to us. Providing parking. Anything to report on this? Since he's not here. It was in the transcript that he said he would get back to us. He'd think about it and we would reconvene, as we are tonight, he would give us advice on this.

ATTORNEY SEAN HOPE: I mean I would say just structurally, you know, and I don't know additional conversations that you might have had with him, but because of the high water table --

CONSTANTINE ALEXANDER: That's what I would have thought, but he didn't dismiss it out of hand. I thought he would have said can't do it, let's not even talk about it.

ATTORNEY SEAN HOPE: Yes.

CONSTANTINE ALEXANDER: He didn't say that. He said, oh, yeah, maybe we can do something about parking, let me look into it.

DUNCAN MacARTHUR: As the owner/developer, I would say we can't do it.

TIMOTHY HUGHES: Yes, because engineering-wise it's not impossible. It's just going to increase cost, right?

ATTORNEY SEAN HOPE: You could build a bathtub and essentially build an underground parking garage.

DUNCAN MacARTHUR: On the front house, the one that's facing the street, we basically are, because you go down grade and you tuck in behind it. So we're, you know, underneath the building. We're not technically underground, but we are under the building.

ATTORNEY SEAN HOPE: And I want to add a lot of times underground parking is to keep parking being visible from the public way. And I still think we achieve that without underground parking. So we're not doing parking on stilts, so we're not doing parking within the front yard setback so I think we can achieve the same result without the cause and expense of parking.

CONSTANTINE ALEXANDER: And just to remind the Board members, the last time we talked, we talked about the FAR relief you're seeking. And you want it go to 0.484 in a district that's only supposed to be 04.26. And you're going to -- the gross floor area for the property, which you're proposing, is 4,751 feet when our Ordinance has a restriction of 4,138. Now you've increased slightly the amount of GFA this time as opposed to before, but I think the explanation we heard was that increased GFA was one because of insulation requirements, you had to have thicker walls and that required a little bit more space, and I think also the rear porch in the back if my memory's correct.

DUNCAN MacARTHUR: The front door overhang.

ATTORNEY SEAN HOPE: The front door. Additional GFA.

CONSTANTINE ALEXANDER: Okay. Otherwise it's the same structure as before?

DUNCAN MacARTHUR: Correct.

CONSTANTINE ALEXANDER: Structures?

DUNCAN MacARTHUR: Yep.

CONSTANTINE ALEXANDER: Any questions from

members of the Board at this point or we should hear from the public?

Any questions right now?

(No Response.)

CONSTANTINE ALEXANDER: All right. Is there anyone here wishing to be heard on this matter? And I'll start with is there anyone here who wants to speak in favor? We're going to have several people. You want to speak in favor, sir?

DAVID VISE: Sure.

CONSTANTINE ALEXANDER: Please come forward and let the stenographer have your name and address, please.

DAVID VISE: David Vise. 17-19 Bellis Circle.

THE STENOGRAPHER: Spell your last name, please.

DAVID VISE: V-i-s-e.

CONSTANTINE ALEXANDER: Did you say 17 Bellis?

DAVID VISE: Yes.

CONSTANTINE ALEXANDER: So you're across the street.

DAVID VISE: Right. I'm the owner. I think they've been doing a really good job in keeping the massing down in this building. I

think it fits in really well with the community. I'm really concerned that the community's had a lot of development, and particularly development's been pushed to lot lines. And like his project next-door, his project was built by right next-door, and I think to appease the residents actually, Duncan's actually gone through a lot of effort to try to make separate buildings and do work he wouldn't necessarily have to do if he was building by right. And so I think, I also like the fact that the buildings are separated. And in terms of the way water drainage is in the area, the smaller the footprint of the foundation, you know, the better off, because basically all our foundations are boats in the neighborhood because they all sit on clay and the water just fills up around them. So, you know, any, you know, the by-right proposal which would connect to the foundations across would just create more displacement of water and it would also -- kind of losing my train of thought here. I think more permeable surface. I also like the fact that you can see between the buildings, you know, particularly not so much for myself but for other neighbors that it feels like the neighborhood's a little bit more open. I personally have a building that was allowed to be built 18 inches from my lot line and goes straight up.

CONSTANTINE ALEXANDER: I remember your case.

DAVID VISE: Yeah. And, you know, it's just nice to see somebody, you know, and it's nice to come before the Board and have positive comments instead of having to be fighting everything all the time. And I just think he's been really sensitive to, you know, to our needs in the community.

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

Anyone else in favor?

TIMOTHY WALL: Yeah. Timothy Wall. 14B Bellis Circle. So one of the abutters. So we're on the east side. Duncan has taken the time to talk with us about the plans and address concerns about the drainage. But also we're -- we like the two separate, the separated building design so that there is space. But it directly affects us in that we either see a wall or we can see some sunlight in between the buildings. So the difference between, you know, either three units or two units crammed together is a big issue for us. So this has been positive for us. As well as the reduced height. If they had gone, you know, to the maximum 35 feet or otherwise, we'd again be sort of in the wall situation. So we've all been happy with the plans that we've seen from Duncan.

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

BARBARA THOMAS: I'm Barbara Thomas. I'm also at 14B Bellis Circle. And I'm just supporting what Tim also said. It's very important to me that the drainage drains. I was the person last meeting that brought the wildlife pictures, and I've already seen a reduction. Maybe it's because of the human footprint next-door. So there has not been as much encountering of groundhogs this year which is positive for me. And I like the lower build of the buildings. That is the side of the house that we get our predominant sunlight, where our family spends time, where we grow things. And so I appreciate that we're gonna have some continued sunlight. So that's important to me. And a reduction of mosquitoes if the drainage goes away because that property did test positive for West Nile. So I am hoping that, you know, I won't have to run in, run in at five o'clock every summer evening. So I do see some improvements. So that's a good thing.

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

You've had a chance to speak. Is there something you need to

say?

DAVID VISE: Just one more comment. I just wanted to mention that height was really important for me because my building is fairly close to the street. So this proposal, keeping the roof lines down low was very important to not shed any more shade on our house.

Thank you.

CONSTANTINE ALEXANDER: Okay.

Anyone else wishing to speak in favor?

(No Response.)

CONSTANTINE ALEXANDER: There appears to be no one else.

Is there anyone wishing to speak against?

(No Response.)

CONSTANTINE ALEXANDER: There appears to be no one here who wishes to speak against.

Any final comments, Mr. Hope, or I'm going to close public testimony?

ATTORNEY SEAN HOPE: No.

CONSTANTINE ALEXANDER: Let me read the letters in

the file first, yes, I'm sorry.

We are in receipt of letters. Some of them from people who have spoken tonight, Mr. Wall and Ms. Thomas, saying that they found the plan for the two separate structures acceptable was your letter.

There is a letter from David Vise. I'm not going to read your letter. You are in favor. Your letter speaks in favor.

There's also a letter from Barbara A. Cone, C-o-n-e and Adam Schorn, S-c-h-o-r-n who reside at 24 Bellis Circle. (Reading) I am writing to inform you that my wife and I and some other neighbors of 16-18 Bellis Circle met with Dr. MacArthur of MacArthur Construction Company, Inc. on Sunday, April 6th. We are abutters of the project. At this meeting Duncan showed us several design options of building two residences on the site. After asking questions and getting some clarifications, the group consensus was that the plans submitted to the BZA at the March 14th meeting designated as 16-18 Bellis Circle, 14.01.22 -- that's obviously the date -- John Lodge Architects was satisfactory.

And that's it.

That's the sum and substance.

Anyway, final comments from you, Mr. Hope?

ATTORNEY SEAN HOPE: Yeah. I would just say in addition to the design and aesthetic benefits that two separate structures have opposed to three, the Ordinance also calls for the highest and most rational use of land. And I think this is a case where although you could do three attached townhouses by right, I think this is an opportunity to actually do that and to reduce congestion. I'd also think that it's important that, you know, there is a glut of one and two bedrooms for new constructions that are built around Cambridge. And I think the City Council, as well as the planning staff, have tried to encourage three-bedroom units. And I think with the additional GFA, I think it's important to note that these are three-bedroom units. It doesn't mean that families are going to live in there, but I think it does provide a diversity of new housing stock. I think there are three bedrooms in the aging housing stock. I think it is significant. I think this is a lot in a neighborhood that does lend itself to single-family homes. There's obviously a market for it which is part of that. But I just wanted to add that for the record.

CONSTANTINE ALEXANDER: Thank you.

Okay. With that, I am going to close public testimony entirely.

Discussion from members of the Board? Any views they want to express?

TIMOTHY HUGHES: I'm good with it.

CONSTANTINE ALEXANDER: Okay. Want to take a vote?

Before I take the vote, as you know, Mr. Hope, we tie it to plans. These are the plans you submitted?

ATTORNEY SEAN HOPE: Yes.

CONSTANTINE ALEXANDER: There's a loose page in the file.

ATTORNEY SEAN HOPE: Is it revised?

CONSTANTINE ALEXANDER: Revised A-6.

ATTORNEY SEAN HOPE: Yes. And that was -- so we met with Historical after applying --

CONSTANTINE ALEXANDER: Right.

ATTORNEY SEAN HOPE: -- and so this revised shows the changed four-inch reduced reduction in the roof line so that may be why.

CONSTANTINE ALEXANDER: Just that one page, A-6?

ATTORNEY SEAN HOPE: Yeah. That was the only change.

CONSTANTINE ALEXANDER: But that A-6 replaces A-6 in this group?

ATTORNEY SEAN HOPE: Yes. The only thing I would want to make sure, there's two A-6's because there's 16 and there's 18 Bellis Circle.

CONSTANTINE ALEXANDER: Oh, yes, that's right. They both say 18 Bellis Circle.

ATTORNEY SEAN HOPE: So these are actually the same plans and I think what it is, there's a protocol of having two copies that we supply in the file.

CONSTANTINE ALEXANDER: That's superseded -- this supersedes that? I want to get it right for the purposes of our vote.

ATTORNEY SEAN HOPE: Yeah.

CONSTANTINE ALEXANDER: That's all I'm doing.

ATTORNEY SEAN HOPE: Right.

CONSTANTINE ALEXANDER: Whatever plans we approve tonight, those are the final so we can't change it. Make sure we get

it right.

TIMOTHY HUGHES: Just stick it in there.

CONSTANTINE ALEXANDER: I could initial it, too.

SEAN O'GRADY: Just cross it out and say see other page in case it gets separated or anything.

DUNCAN MacARTHUR: Pull this out?

SEAN O'GRADY: Just cross out or give me a clue so I know I'm looking for a loose page.

Thank you.

CONSTANTINE ALEXANDER: Thank you.

ATTORNEY SEAN HOPE: Thank you.

CONSTANTINE ALEXANDER: Okay, I think we're ready to take a vote.

The Chair moves that this Board make the following findings:

That the literal enforcement of our Ordinance would involve a substantial hardship to the Petitioner. Such hardship being that the Petitioner would be forced to build a structure, if any structure is to be built, that would not be as beneficial to the neighborhood or to the city in light there would be a three -- three-unit townhouse which would create a solid

wall in an area of very small lots and a bit of open space and open area that would be lost.

That the hardship is owing to circumstances relating to the soil conditions and shape of the lot, both. Soil conditions being, as we've heard, it's a very marshy area and it makes building on this lot and location structures difficult. And the lot is oddly shaped. It's quite long lot which is one of the reasons you need Planning Board relief as well as our relief.

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

In this regard the Chair notes that there appears at this point to be -- at least expressed, unanimous neighborhood support for the project.

That the project does add a -- does help the city diversify its housing stock in that it will create single-family residences, new single-family residences with three bedrooms. That being somewhat unusual in today's economy and land use where we either have apartment houses with one or two bedrooms, perhaps a three bedroom or apartments or large structures, single-family structures that have more than three bedrooms, and the result of that is the pricing of such that young families or

people who hope to have a young family, are somewhat priced out of the market. So this does promote -- helps promote the housing stock of the City of Cambridge.

So on the basis of these findings, the Chair moves that we grant a Variance to the Petitioner, to grant a Variance for the relief being sought by the Petitioner on the condition that the work proceed in accordance with plans submitted by the Petitioner. They're are multiple pages in length. The first page of which is a site plan which is initialled by the Chair. And with this exception that page A-6 in the set is going to be replaced by a single sheet that's marked revised 3/5/14, also initialled by the Chair.

All those in favor of granting the Variance subject to these conditions please say "Aye."

(Aye.)

CONSTANTINE ALEXANDER: Five in favor. Variance granted.

(Alexander, Hughes, Myers, Anderson, Hickey.)

DUNCAN MacARTHUR: Thank you for your time.

* * * * *

(8:20 p.m.)

(Sitting Members Case #10477: Timothy Hughes, Brendan Sullivan, Janet Green, Douglas Myers, Andrea Hickey.)

TIMOTHY HUGHES: We'll reopen case No. 10477. What's the upshot of your phone call?

DAVID FORD: It went well.

ATTORNEY SUSAN ROBERTS: Okay, so the person that we spoke with was Deepak Rathore. He's AT&T's radio frequency engineer. He's frequently accompanies us to meetings like this and you've probably seen him here before.

He is agreeable if we, in order to get approval tonight, he's agreeable for us to remove one chimney per sector. So we would be removing two chimneys. And what we thought we would do, if you look at 5B which is the photo sim that we were focusing on before to avoid the clutter, we would propose to remove those two antennas that -- I mean those

two faux chimneys that are in the middle. So we'd end up with one faux chimney on the left and one faux chimney sort of back on the right if you're looking at photo 5B. So that would reduce the clutter, which is one of the objections that you had visually.

I do want to say that elimination of these four antennas will cause a degradation in the ability of customers to have data at the speed that they're -- at the speed that AT&T wants to provide its customers. The speed will be slower. Downloads will take longer. It will take a longer time to download pages. Now, this might not, you know, be too much of an inconvenience for customers. It might be an inconvenience. It might be worse than an inconvenience in an emergency if you're on Google maps and you're trying to download, whatever, I don't know. But what I think I would like to stress to the Board is that this isn't gamesmanship that we're doing here. We don't come playing games and think oh, let's get away, you know, with as much as we can from the Board. We have a legitimate interest in wanting to provide the best service for our customers and as, you know, Janet Green pointed out, in emergency situations for the city as well. And we also want to make sure that we're taking care of your concerns from a visibility standpoint. This is a concern for us as well. AT&T wants to

be a good citizen in Cambridge. We have a number of facilities here. We're going to be having more facilities here. It's important for us to make sure that what we're doing is visibly fitting in with the city's streetscape and that's what we're trying to do here. We also, of course, want to be competitive and we want to provide the best service to our customers.

In this situation I understand the clutter concern. It's definitely there. And we're at the point now where we're willing to eliminate two of the chimneys and suffer somewhat of a degradation in service for now in order to have this site be approved tonight.

DAVID FORD: If I may just add, reduction of the two chimneys -- or two chimneys and four antennas is not gonna affect coverage. The coverage will be the same. It's only going to affect the data download speeds. So this facility is still gonna provide the same amount of call coverage as intended with the 12 antennas, it's just the data speeds that affected. So I want to clarify that.

And one final thing just to Brendan's point earlier, he had brought up concerns about the cable tray as well as the side-mounted sectors in the back. I just wanted to state the fact that the cable tray is not visible from Hampshire Street at all. It's not visible from Norfolk Street to the south.

The only time you're going to see the cable tray is if you look at photo 3B as where it goes up and over the top, it's tucked in. There's already a protruding chimney right there that it's tucked in. Actually Nextel is on the other side and you can't even see them right here. So the only way you're going to see that cable tray, is if you're actually in the back alley near these gas pumps or around the corner looking in through the side corner. And the only people up and down back there are the DPW workers. And so from no public right of way is this cable tray is visible. And also this -- you brought up the side-mounted chimneys in back as well, same story, those are not visible from Hampshire Street or Norfolk Street to the south, and these were not opposed by the Board from the start which is why we have never tried to revise or redesign that sector because the Board said from the start that they had no problem with it. And that's it. So I just wanted to add that.

DOUGLAS MYERS: Can you indicate on photo 7B which chimneys will be removed by your proposal?

DAVID FORD: Okay, so 7B? We have the arrow pointing to the left chimney. So it would be the right chimney.

DOUGLAS MYERS: Why don't you hold up the picture

and show me?

DAVID FORD: Sure.

So the arrow is pointing to this chimney. We're proposing to take away this chimney right here.

DOUGLAS MYERS: The one to which the arrow points?

ANDREA HICKEY: No, the one --

DOUGLAS MYERS: The one behind it -- slightly behind it to the right.

DAVID FORD: I think if you look at Z-2 on the drawings it helps to clarify.

ATTORNEY SUSAN ROBERTS: I, I'm going to have Oscar Suarez answer the question because I want to be sure myself which ones we're eliminating.

DAVID FORD: So if we're looking at beta sector.

ATTORNEY SUSAN ROBERTS: So, so hold on. We're eliminating -- we're eliminating these two?

OSCAR SUAREZ: The internal ones?

ATTORNEY SUSAN ROBERTS: The internal ones.

OSCAR SUAREZ: This one and that one.

ATTORNEY SUSAN ROBERTS: And then on 7B which one would it be?

OSCAR SUAREZ: So, again, right after the one in the back.

DAVID FORD: Right.

ATTORNEY SUSAN ROBERTS: The one with the arrow?

OSCAR SUAREZ: Not the one with the arrow. The other one.

ATTORNEY SUSAN ROBERTS: The other one? Okay.

OSCAR SUAREZ: Wait.

DAVID FORD: That's correct. The one with the arrow pointing to it on 7B, that's the proposal.

ATTORNEY SUSAN ROBERTS: That stays?

DOUGLAS MYERS: That stays.

DAVID FORD: Correct.

DOUGLAS MYERS: The one slightly behind it to the right --

DAVID FORD: Correct.

DOUGLAS MYERS: -- will be removed.

DAVID FORD: Correct.

OSCAR SUAREZ: So closer on the page is the one --

DAVID FORD: So the one closer to Norfolk Street closer to Hampshire Street, those are the ones that are being removed.

DOUGLAS MYERS: And is the second one being removed visible on 7B?

DAVID FORD: You cannot see it.

DOUGLAS MYERS: Okay. I have a question.

Is the type of degraded service that will --

DAVID FORD: Coverage is staying the same. Data.

DOUGLAS MYERS: Your words, not my pejorative word. Your word. But in any event, limitations on service at this site in terms of data download, is that -- how does that compare to the type of service at other AT&T facilities approved by this Board? It's going to be inferior to what we've approved in the past?

ATTORNEY SUSAN ROBERTS: Well, for most of the approvals that we've received from you are standard facility design, is 12 antennas. There have been some designs that you've approved where we

haven't had 12.

DAVID FORD: Brookline Street.

ATTORNEY SUSAN ROBERTS: Brookline Street is one where we had --

DAVID FORD: Definitely six.

ATTORNEY SUSAN ROBERTS: -- six antennas.

So, you know, again, we've been willing to do that. How much -- you know, I tried to ask, you know, is it 50 percent worse? Is it 80 percent worse? Is it 20 percent worse? I couldn't get an answer from our engineer over the phone, you know, in terms of how much are we going to suffer by this. So I can't answer that right now. But he did say that downloads will be slower. So what's happening is that we're essentially eliminating one of the bands. You know, we've got, the 700 band, the 850 band, the 1900 band, the 2100 band. So we're eliminating 700 band which relates to the 4GL, that's what we're doing. And so it's being taken up by another band essentially is what we are need to do.

We're gonna probably have different antennas that we'll use that will help alleviate, you know, that situation. So it's not going to be terrible. I'm sure that we would not be, you know, that the radio frequency engineers

would not be approving this if the, you know, if the service were, you know, unacceptable. So it's obviously acceptable. They're willing to accept it. But in terms of the actual, you know, percentage of degradation or limitation or download speed, slowness or whatever, I can't say.

DAVID FORD: So just this total number of the facility will be seven antennas. So that I can say that AT&T has numerous facilities with seven or fewer antennas that work fine. So there would be varying a facility like that and Brookline Street is an example. 286 Brookline Street, 280 Brookline Street which was approved by this Board. Yes.

TIMOTHY HUGHES: Questions? Further questions from the Board? Discussion?

JANET GREEN: No.

Can you mark on this plan which are eliminated.

DAVID FORD: Eliminated or staying?

TIMOTHY HUGHES: Eliminated.

ANDREA HICKEY: Here's red.

TIMOTHY HUGHES: Thank you.

ANDREA HICKEY: Can you just confirm that it's those two that I circled as well?

DAVID FORD: Correct.

DOUGLAS MYERS: Right on 5B, right?

TIMOTHY HUGHES: Do you have anything to add?

BRENDAN SULLIVAN: No, I think I've said it.

TIMOTHY HUGHES: No further comments; is that right? That was a question, not a statement.

ANDREA HICKEY: None from me.

TIMOTHY HUGHES: Okay, I'm going to put this to a vote. I'll make a motion.

DOUGLAS MYERS: Well, I feel, I feel in fairness to my colleagues and to the Applicant that I should say more. I mean, on the basis of my objection was the, was the visual effect, and I have to say with complete sincere regard for Mr. Sullivan's feelings, I feel that this change will reduce the negative visual impact which was of great concern to me and I am --you know, there's a new concern which is the price of that is to, is to condemn a certain category of cellphone users to inferior download service, but that's a business decision I feel ultimately for AT&T. My concern has been to protect what I felt were the neighborhood interests, and that's been my consistent position throughout. So, I feel satisfied on those grounds,

and if Mr. Sullivan has anything to say I'll listen with respect. But I am prepared to vote in favor.

ATTORNEY SUSAN ROBERTS: Thank you.

TIMOTHY HUGHES: Any final comments, Brendan?

BRENDAN SULLIVAN: No, I will stand by my previous statements plural.

TIMOTHY HUGHES: Okay.

The Chair would move that a Special Permit for telecommunications antennas would be granted for the address at 288 Norfolk Street.

It's been represented to the Board that the carrier has all the proper FCC licensing and all the other Special Permit criteria is in order that comes from your end on the telecommunications stuff.

There are additional Special Permit requirements that I will go over now:

The requirements of the Ordinance can and will be met for the following reasons:

The proposed wireless communication facility will comply with all applicable Special Permit criteria stated in the Ordinance and as shown

in the application letter accompanying this form. This is Section 10.43 of the Ordinance specifies the following criteria:

Special Permits will be normally granted where specific provisions of this Ordinance are met except when particular to location and use not generally true of the district or the use is permitted would cause granting of such permit to be detriment to the public interest.

And the Board would make the finding that the traffic generated or patterns of access or egress would not cause congestion or hazard, substantial change in the established neighborhood character for the following reasons:

Basically this is an unmanned facility with routine maintenance visits of one to two times a month. It's not much of an increase if it can be calculated at all as an increase in traffic. And it certainly won't cause a hazard.

The continued operation of the development of adjacent uses as permitted in the Zoning Ordinance would not be adversely affected by the nature of the proposed use for the following reasons:

The facility is basically in keeping with an existing facility there and existing facilities of other telecommunications carriers and there is no

demonstrated effect on the adjacent uses over the years.

Nuisance or hazard will not be created to the detriment of the health, safety, and welfare of the occupant of the proposed use or the citizens of the city for the following reason:

Once again I would point out that there is -- this has already been a site where telecommunications antennas have existed with no demonstrated, no demonstrated hazard or detriment to the occupants of the building or the citizens.

The proposed use would not impair on the integrity of the district or adjoining district or otherwise derogate from the intent and purpose of this Ordinance. The facility is, although it is in a residential district, is adjoining a lot of non-residential activities and so the Board will make the finding that residential uses do not predominate in this district.

Did I leave anything out?

All those in favor of granting the Special Permit say "Aye."

DOUGLAS MYERS: We should identify in the file very specifically --

TIMOTHY HUGHES: Right, that's exactly right.

DOUGLAS MYERS: -- the picture as identified and

reference it with your signature. And if possible --

TIMOTHY HUGHES: The permit would be -- go ahead.

DOUGLAS MYERS: I was just going to say if you feel that 5B as marked covers it sufficiently, then we don't have to --

DAVID FORD: Yes.

DOUGLAS MYERS: -- mark and identify.

DAVID FORD: 5B and Z-2.

ATTORNEY SUSAN ROBERTS: And Z-2.

DOUGLAS MYERS: And Z-2.

TIMOTHY HUGHES: And the permit would be granted on the condition that two of the antennas as marked on Z-2 of the Zoning drawings and dated -- final date on this it looks like it would be 4/16/14. And that the two with the red Xs through them will be eliminated from this plan and initialled by the Chair and dated today's date.

And further condition that if any of these facilities are to be found not necessary, they will be removed and the building will be restored as much as possible to its original character.

All those in favor of granting the permit say "Aye."

(Aye.)

TIMOTHY HUGHES: That's four in favor.

(Hughes, Green, Myers, Hickey.)

TIMOTHY HUGHES: Opposed?

(Sullivan.)

TIMOTHY HUGHES: That's one opposed.

ATTORNEY SUSAN ROBERTS: Thank you.

* * * * *

(8:40 p.m.)

(Sitting Members Case #BZA-003232-2014: Constantine Alexander, Timothy Hughes, Brendan Sullivan, Thomas Scott, Janet Green.)

CONSTANTINE ALEXANDER: The Chair will call case No. 003232, 25 Eighth Street.

Is there anyone here wishing to be heard on this matter? These are what's in our files now, right?

ATTORNEY RICARDO SOUSA: Same ones, Mr. Chairman.

CONSTANTINE ALEXANDER: Mr. Sousa.

ATTORNEY RICARDO SOUSA: Good evening, Mr. Chairman, members of the Board. For the record, Ricardo Sousa from Prince, Lobe, Tye on behalf of the applicant Sprint Spectrum.

Mr. Chairman, members of the Board, this is a continuing effort

by Sprint Spectrum to upgrade its existing wireless network here in the City of Cambridge to allow us to provide the highest level of 4G level wireless services to our customers. And the nature of this application is that we are currently operating seven panel antennas that are all facade-mounted on the penthouse at the top of the building. And we're actually removing those seven and replacing them with a lower number, six panel antennas, all -- once again all facade-mounted.

CONSTANTINE ALEXANDER: But you're adding.

ATTORNEY RICARDO SOUSA: Together we're also adding remote radio heads at the base of the penthouse itself. And so these new antennas operate primarily with remote radio heads that are on jumpers connected to the antennas. However, from an appearance standpoint it's -- it is fewer panel antennas, which are the largest elements of these wireless antenna installations.

And so if I could, I'd like to walk you through the installation.

CONSTANTINE ALEXANDER: I think there may be neighbors here or abutters who have interest in it. If they are, you want to see what he's going to show, feel free to come forward.

ATTORNEY RICARDO SOUSA: I could do that. And

just for the record, we did have a community meeting at the building itself a couple of months back where we made a full presentation to residents of the building. And in addition to that, we also met with the Planning Board and had a hearing with them. There was only one recommendation with respect to -- from the Planning Board which was to move one of the panel antennas further away from the corner. And we did that in the plans and the photo sims that are submitted and that are in the file and that were submitted last week prior to the deadline reflect that design change.

CONSTANTINE ALEXANDER: Okay. I was going to ask you that question.

ATTORNEY RICARDO SOUSA: And so the best way to look at this is to -- if we could take a look at page C-1 of your plans.

CONSTANTINE ALEXANDER: The point of view of the neighbors, the photo sims, you should go through the photo sims as well.

ATTORNEY RICARDO SOUSA: I could.

CONSTANTINE ALEXANDER: We can start with that.

ATTORNEY RICARDO SOUSA: Mr. Chairman, I think that's a great suggestion. We'll start with the photo sims first.

And so if we turn to the photo sims. And --

UNIDENTIFIED AUDIENCE MEMBER: Would it be better for us to stand back here?

ATTORNEY RICARDO SOUSA: Probably would be better.

So there are two wireless carriers that are utilizing this building for installations. There are some antennas that are located below the roof line. Those are not ours. That's another carrier. There are facade-mounted here. We're simply utilizing the top most penthouse that's on -- it's on the roof right there.

CONSTANTINE ALEXANDER: That one you just pointed to is today existing, right?

ATTORNEY RICARDO SOUSA: That's right.

CONSTANTINE ALEXANDER: Compare that with the --

ATTORNEY RICARDO SOUSA: That's right. So these two photos are comparative. So there is -- the antennas are here. There are two here, and there will continue to be two there. Facade-mounted. And those will be utilized -- they're low profile mounts. So they will not utilize pipe mounts. They're as flush as possible to the facade of that penthouse as we can get.

Then you turn to this view here. Once again these antennas are not ours. That's another carrier. However, you can in this view see our antenna there on the top penthouse. What we tried to do and what we did do, actually, is we zoomed in, and you can see those two antennas. Rather than being together as they were, as you'll see in the plans, which separated them out so there's a little bit of distance in between the antennas themselves, and they are once again facade-mounted. And they do not extend above the height of the penthouse itself:

So then you turn to this view here. You look at this. This is the before. You can see that we have one antenna that's right up, right up against the vent pipe there, that is not ours. That belongs to the property owner. And we have one antenna there and we have one antenna that's in between the two vents. We will continue to have two antennas.

CONSTANTINE ALEXANDER: Are the old antennas pipe mounted?

ATTORNEY RICARDO SOUSA: So they're not.

CONSTANTINE ALEXANDER: So the new ones and the old ones are going to be the same distance from the wall of the structure?

ATTORNEY RICARDO SOUSA: That's right. Except

for one, Mr. Chairman. Since we've installed -- we've had this installation up on this building more than ten years, and so there's been some upgrade to this venting. This venting is more substantial. We have an antenna in between the venting and it's causing interference for our antennas. So that's the only one we can't utilize a flush mount. We need to utilize a pipe mount, that's reflected in the plans, for this one antenna that's in between those two vents. And instead of the antenna will be flush up against the vents. It will just protrude the thickness of the antenna on the outside of the vents so that we don't have any interference. Otherwise there will be some interference caused to that antenna itself.

And then this is just yet another view further away. It shows the before and after of one of the antennas right here. On the penthouse. And so that's a pretty good depiction of -- from a photo simulation perspective of what the installation looks like now and what we anticipate it's going to look like after installation. And once again it's a net reduction on the number of panel antennas. But this will allow Sprint to service the customers in that area much more efficiently at 4G speeds. You know, somebody once said what's the difference in 4G? And one comparison is 4G to wireless service is like color TV to color. To -- excuse me, to television service. And so it

really makes it a much more robust experience.

From a plan perspective the best plan to focus on is C-3. And if you turn to that, that will show the before and the after. Yes, C-3, right at the bottom. That gives you a comparison. The box all the way to the left shows our current configuration. On the left-hand side you see three panel antennas, and on the top right-hand side you see two at the corner, and the bottom right-hand side you also see two at the corner. A total of seven panel antennas. And then if you turn all the way to the right, you only see two on this sector, the beta sector; two here on the gamma sector; and then two in the bottom on the alpha sector. A total of six. And that's the nature of the modification.

CONSTANTINE ALEXANDER: Mr. Sousa, as you know, this is a residential district and, therefore, we have to make additional findings. I was puzzled, in your application where you cite part of the statute that says the findings we have to make because it's in a residential district, you say: The applicant proposes to install its facility within the C-1 Zoning District.

Right?

ATTORNEY RICARDO SOUSA: Yes.

CONSTANTINE ALEXANDER: Consequently this provision of the Ordinance does not apply to the applicant's proposed modification in this facility.

ATTORNEY RICARDO SOUSA: Section 4.32(g)? Is that the section --

CONSTANTINE ALEXANDER: Yes.

ATTORNEY RICARDO SOUSA: -- that I believe you're referring to and perhaps what my brief was referring to.

CONSTANTINE ALEXANDER: Yes. That's the one that says you're going to do something in a residential facility, the residential uses can't predominate.

ATTORNEY RICARDO SOUSA: That's right. And in the past this Board has found that when we're upgrading sites, it doesn't have to find that or come to that finding once again because the Board has already found --

CONSTANTINE ALEXANDER: Your point is nothing has changed in the neighborhood --

ATTORNEY RICARDO SOUS: That's correct.

CONSTANTINE ALEXANDER: -- and therefore we can

incorporate our prior findings?

ATTORNEY RICARDO SOUSA: That's correct, Mr. Alexander. That was my point.

CONSTANTINE ALEXANDER: I didn't get that from your description.

ATTORNEY RICARDO SOUSA: I apologize.

CONSTANTINE ALEXANDER: No, no. It's probably me.

ATTORNEY RICARDO SOUSA: It probably wasn't clear enough.

CONSTANTINE ALEXANDER: I get it now.

ATTORNEY RICARDO SOUSA: Since this installation has been up and running and in operation for over ten years, there was a determination made by this Board since Section 4.32(g) has also been in existence all that time, that in fact residential uses do not predominate here. And this is an appropriate use of this building for wireless antenna installation. And we're not changing the nature of that use in any way. In fact, we're lessening its impact by reducing the number of panel antennas.

Mr. Chairman, that's all I have. With respect I would

respectfully suggest that we've complied with the by-law and that not only with respect to use but also with respect to certain design elements utilizing low profile brackets in all but one location. The antennas themselves will not extend beyond the height of the penthouse itself as well.

CONSTANTINE ALEXANDER: What about painting color?

ATTORNEY RICARDO SOUSA: And there are notes on the plans that suggest that the antennas will be painted to match, not a brick facade but a one color.

CONSTANTINE ALEXANDER: That's fine.

ATTORNEY RICARDO SOUSA: A dark red. That's correct.

That being said, I know the abutters are here and they may have questions and I'm amenable to answering any questions that they may have.

BRENDAN SULLIVAN: On C-3 --

ATTORNEY RICARDO SOUSA: Yes.

BRENDAN SULLIVAN: -- detail 3, how far does that antenna protrude off the wall?

ATTORNEY RICARDO SOUSA: Detail 3 at the top?

BRENDAN SULLIVAN: Yes, top right.

ATTORNEY RICARDO SOUSA: Usually it's approximately eight inches off the wall.

BRENDAN SULLIVAN: And that's the low profile?

ATTORNEY RICARDO SOUSA: That's right. That's without a pipe. So very often there will be a distance and then a pipe and then another distance and then the panel antenna.

CONSTANTINE ALEXANDER: How much would that be, just out of curiosity, how closer are you getting to the building? Eight inches now with this. The old way of doing it, how many inches were you --

ATTORNEY RICARDO SOUSA: Approximately 14.

CONSTANTINE ALEXANDER: So six inches closer to the --

ATTORNEY RICARDO SOUSA: That's right. Closer to facade.

BRENDAN SULLIVAN: And where in the photo sims is that antenna located?

ATTORNEY RICARDO SOUSA: And so the one with the

pipe is this one, Mr. Sullivan.

BRENDAN SULLIVAN: Which is?

JANET GREEN: What number is that?

ATTORNEY RICARDO SOUSA: It is, it's this one here. I apologize, Ms. Green. So it's not shown on that photo. You can only see it from this view. This view here.

So it's the antenna that's in between these two white vents.

BRENDAN SULLIVAN: All right. And you do not own this one?

ATTORNEY RICARDO SOUSA: That's correct. We do not own those antennas.

So it's this one right here.

CONSTANTINE ALEXANDER: Further questions, Brendan?

BRENDAN SULLIVAN: No.

JANET GREEN: You said it's, it was determined previously that this is not a residential -- primarily residential?

ATTORNEY RICARDO SOUSA: That's correct. The Board --

JANET GREEN: This is an apartment building, right?

ATTORNEY RICARDO SOUSA: It is an apartment building, but the determination as to whether or not the area is predominantly residential. And I know if you go to Cambridge Street, there are some non-residential uses. The question is how far does the Board look with respect to the area or with respect to the neighborhood? But it's made this determination, at least in two instances, for both carriers.

JANET GREEN: I was wondering what --

TIMOTHY HUGHES: And I'm prepared to live with that, but could you tell me what the wording was exactly?

BRENDAN SULLIVAN: The way I read that, not to put words in your mouth, but the way I read that even though we tend to feel that residential nature predominates the area, that it's not fatal to the application and subsequent approval.

ATTORNEY RICARDO SOUSA: That's correct.

BRENDAN SULLIVAN: Of this location.

CONSTANTINE ALEXANDER: Let me rephrase that a little bit.

The Ordinance requires us -- what the Ordinance says, is that the Board of Zoning Appeal shall grant a Special Permit to erect, what you -- such a facility in a residential zoned district only upon a finding that non-residential uses predominate in the vicinity of the proposed facility's location, and that the telecommunication facility is not inconsistent with the character that does prevail in the surrounding neighborhood.

And Mr. Sousa's point is twice before when telecommunications equipment is going to go on this building, we have made the finding that the statute requires. And his point is is that nothing has changed in the neighborhood since those findings. That non-residential uses do not predominate. And that what is being proposed is not, is not inconsistent with the neighborhood. In other words, we've been there. We decided that the world hasn't changed and, therefore, there is no need -- well, we have to make the same finding, but we're somewhat -- we've done it before, and so it would be hard for us, it seems to me, to say unless we can demonstrate something, to say the findings we made twice before no longer apply. That's your point.

ATTORNEY RICARDO SOUSA: I think that's a good summary, Mr. Alexander, of our position.

JANET GREEN: And we've made it twice before for AT&T.

CONSTANTINE ALEXANDER: Once before for AT&T.

JANET GREEN: Oh, once for AT&T.

CONSTANTINE ALEXANDER: And once for Sprint. And I don't know who the other one is.

UNIDENTIFIED AUDIENCE MEMBER: T-Mobile.

ATTORNEY RICARDO SOUSA: So, it's T-Mobile and Sprint. AT&T I don't believe is on this roof.

JANET GREEN: We haven't got it for AT&T and just for the other two?

ATTORNEY RICARDO SOUSA: Just for the other two, that's correct. That's right.

THOMAS SCOTT: How long is the interim plan, you know, in place?

ATTORNEY RICARDO SOUSA: It's a very short period of time. Usually days.

THOMAS SCOTT: Okay.

ATTORNEY RICARDO SOUSA: Just a matter of getting

a cut over so that we never have to turn off the installation entirely. And so it's a coordination between the fiber company, typically Verizon, and the contractors to make sure that it's done seamlessly.

CONSTANTINE ALEXANDER: Further questions from members of the Board? If not, and members of the community -- I'll open it up to public testimony.

Is there anyone here wishing to be heard? And if the folks behind us want to be heard, would you mind going to the front?

UNIDENTIFIED AUDIENCE MEMBER: Right. Well, we also had a few questions prior to any statements we might make. Is that okay?

CONSTANTINE ALEXANDER: Sure.

GLENNA WYMAN: She lives directly behind --

JANET GREEN: You need to identify yourself, please.

GLENNA WYMAN: Oh, okay. I'm Glenna Wyman and I live in Truman Apartment.

CONSTANTINE ALEXANDER: You live in the building?

GLENNA WYMAN: I do. And I live right below all of

this equipment.

THE STENOGRAPHER: Spell your last name, please.

GLENNA WYMAN: Wyman, W-y-m-a-n. First name Glenna, G-l-e-n-n-a. I've been here a year so I was not able to be able to respond to earlier equipment that had been installed before I even lived there.

Did you wanted to identify yourself so you could ask your question about the penthouse antennas?

ELAINE RONCHITTI: Elaine Ronchitti, R-o-n-c-h-i-t-t-i. 44 Fulkerson Street.

CONSTANTINE ALEXANDER: So you live in a single-family residence?

ELAINE RONCHITTI: Let me see the picture.

CONSTANTINE ALEXANDER: You don't live in the building?

ELAINE RONCHITTI: No, I don't. You can see it in the photo.

CONSTANTINE ALEXANDER: Okay. And your question is?

ELAINE RONCHITTI: But he said that's not his panel, so I really can't ask him. But you say you're putting up less, like six?

ATTORNEY RICARDO SOUSA: That's correct.

ELAINE RONCHITTI: Are they more powerful than what's already there?

ATTORNEY RICARDO SOUSA: So we did a reading, we submitted a report into the file, which is an EME report, electric magnetic energy, just to make sure that the power that's coming out of these installations complies with FCC regulations.

ELAINE RONCHITTI: My question is is it more powerful? I'm not going by ECC regulations or anything like that. Is it more powerful? It's a question.

ATTORNEY RICARDO SOUSA: Typically yes, yes, it is more powerful than it is currently now.

ELAINE RONCHITTI: Is it a health hazard?

ATTORNEY RICARDO SOUSA: No, it's not. It complies with FCC regulations.

ELAINE RONCHITTI: Can they do that? I mean, is it true?

THE STENOGRAPHER: Please, you must speak one at a time.

CONSTANTINE ALEXANDER: Can I interject here?

You should understand the Federal Government has passed legislation and it's through regulatory authorities, they've made a determination that it is not harmful to one's health. That's the -- and so when Zoning Boards like ours have to consider applications, we cannot take a decision, now we're not going to allow this because it's unhealthy. That's taken off the table for us by the Federal Government. Just so you understand.

ELAINE RONCHITTI: Okay. The Federal Government isn't always....

CONSTANTINE ALEXANDER: Well, I mean, you know, you can talk about the influence that the telecommunications have with Congress but that's not for us to decide.

ELAINE RONCHITTI: It's more powerful is what he's saying?

CONSTANTINE ALEXANDER: It is, that's right. But it's not, in the eyes of the Federal Government, that much more powerful

that it would cause a health hazard.

GLENNA WYMAN: Well, that's for him to be saying in his report, but how can he say that when they aren't up yet to measure what they're emitting or receiving?

ATTORNEY RICARDO SOUSA: And so the only way to do that is to actually do these reports fairly standard procedure to prepare a report that gives you the worst case scenario based upon the power output and the types of antennas that are being installed. That's really the only way to do it, otherwise we would have to install them and monitor them. The only thing we could do, an extra step, is actually do a post-construction monitoring to actually report back to the Board that once it's constructed, that in fact the power that's coming out of the installations are consistent with the report and that the power is also below FCC limits. And that's one extra step. It's not something that I believe this Board has done on a regular basis.

In addition to that, Mr. Alexander, I didn't mean to cut you off. In anticipation of the questions we also, I also brought a representative from EBI who can answer any specific questions that you may have regarding EME.

CONSTANTINE ALEXANDER: My question is this: Forget about whether we put that as a requirement.

ATTORNEY RICARDO SOUSA: Right.

CONSTANTINE ALEXANDER: If after the antennas are up and you are emitting impermissible amounts of energy, aren't you shut down by the FCC?

ATTORNEY RICARDO SOUSA: Absolutely. And/or fined, that's correct.

CONSTANTINE ALEXANDER: I'm sorry?

ATTORNEY RICARDO SOUSA: And/or fined.

CONSTANTINE ALEXANDER: Fined.

ATTORNEY RICARDO SOUSA: And there are sporadic tests by the FCC.

CONSTANTINE ALEXANDER: I don't understand why we would need to impose a condition. The Federal Government is doing its job or it's not. We're not going to know.

ATTORNEY RICARDO SOUSA: What I have found in my experience is that municipalities don't want to get involved in that. With respect to interference, that's usually the exclusive jurisdiction of the

FC. With respect to monitoring these EME reports -- excuse me, EME studies, that's also the jurisdiction of the FCC. What the carrier does is has a protocol to measure these sites on a regular basis --

CONSTANTINE ALEXANDER: How regular is that basis?

ATTORNEY RICARDO SOUSA: -- to make sure -- I'd have to ask Mr. McManus if I could. Kevin McManus.

CONSTANTINE ALEXANDER: Once a month once a year.

ATTORNEY RICARDO SOUSA: State your name for the record.

KEVIN McMANUS: Kevin McManus, EBI consultant.

Every carrier does it a little bit differently. So they, the FCC doesn't have any regulations that says they will do it annually or semi-annually, but they do it on their own. The range I see is from six months to two years depending on the carrier.

CONSTANTINE ALEXANDER: And if you do it or a carrier does it and if it does exceed the permissible limits, do you have to report that to the Federal Government?

KEVIN McMANUS: No, what you're required to do is take some type of mitigating measure to make sewer you exceed the limit does not meet you cannot operate. It just means you mean to implement additional controls. You either have to move the antennas, power down the antennas, or perhaps you would actually put more controls on areas where the antennas might be. So....

CONSTANTINE ALEXANDER: Well, what puzzles me is it's self-policing, what you're saying. I would have thought the regulatory framework would be such that you have to have some basis, some periodic basis to report to the government and that you tell the government, no, we're not out of compliance, you've got a statutory or regulatory procedure and time frames and get the things back into compliance. What you're telling me now, and I'm just amazed, you decide you do an investigation, you decide it's -- you're over the permissible limits. I'm not suggesting your client would do that, you just throw it in the waste basket and keep going. I mean, how does anybody in the community, any town official, any neighbor know about this problem? There's no way. It's all -- it's a closed loop.

KEVIN McMANUS: Well, not -- my experience in

addressing that has just been just as the discussion we're having here was earlier, that information as a condition, as an issuance of a special use permit, will require periodic monitoring and that monitoring is obviously available for people to review and evaluate.

CONSTANTINE ALEXANDER: It seems to me the first time we learned about this monitoring and the like, I'm going to suggest to the Board that we condition at least once a year, if not more frequently, you file a report with the Building -- Inspectional Services Department certifying that you are within the -- not exceeding whatever is permissible in terms of the emissions so that we have a record. And if it's a problem down the road, we can pull something out and say wait a minute, folks, you told us this was okay and now we're finding out it's not. I want that. I would like that. And I would like to see that in all future cases quite frankly.

ATTORNEY RICARDO SOUSA: And, Mr. Chairman, just anecdotally in preparing for this hearing, I also spoke to the RF engineer for Sprint and they simply don't want to be fined, which is something that is a big concern for them. And which is another reason why they do their monitoring.

CONSTANTINE ALEXANDER: You only get fined if somebody knows about it. If you don't file it with anybody --

ATTORNEY RICARDO SOUSA: If there are periodic tests by the FCC on these sites, and they happen to be out of compliance, then it's not a good thing from the carrier both from a monetary standpoint -- so the FCC engineer could visit one of these sites and find that it's out of compliance and able to fine Sprint.

CONSTANTINE ALEXANDER: We don't know how frequently the FCC -- is it a blind, is it a sort of blind survey? They come in, they don't give you any prior warning, they just show up one day?

ATTORNEY RICARDO SOUSA: That's right. What I've been told by the RF engineer for Sprint is that it's not noticed in advance.

CONSTANTINE ALEXANDER: Okay.

ATTORNEY RICARDO SOUSA: There is that danger out there. So not only do we want to be in compliance, but also there's that fear that you can be fined as well.

CONSTANTINE ALEXANDER: Can you tell me -- you've been up on this building for maybe ten years, how many times you've roughly been inspected by the FCC?

ATTORNEY RICARDO SOUSA: I don't know that off the top of my head. I don't know that.

CONSTANTINE ALEXANDER: Is there any assurance that every building that has these facilities at some point in time within a frame period of time gets inspected? I want to make sure there's a check and balance here. Because the neighbors have concerns. Neighbors of others throughout the city have had concerns about the health issues. This is the first I'm learning about this mechanism.

ATTORNEY RICARDO SOUSA: Right. But also as you can see from the report, the levels at which we're at relative to the FCC limits are very, very low. Incredibly low.

CONSTANTINE ALEXANDER: Right. Nuclear power plants to keep the radiation very low and then one day something blows up and it's very high.

ATTORNEY RICARDO SOUSA: Yes, understand that.

All I can say is that we're complying with the FCC regulations. It's the structure that's in place now. As I said, what we could do is after construction Mr. McManus's company could actually go there with a monitoring device and confirm what the actual readings of the new

antennas are and report that back to the Board. I think that's something that would be perhaps useful and could address the concern that you expressed because. So that's an actual reading once it's, once it's on air.

GLENNA WYMAN: We had an additional question spring boarding after what you said.

CONSTANTINE ALEXANDER: Sure.

GLENNA WYMAN: When was the last time that you, that Sprint or its consultant or the FCC has, you know, checked the levels that are coming or going from these antennas?

ATTORNEY RICARDO SOUSA: Well, we checked them to prepare this report.

KEVIN McMANUS: Right.

GLENNA WYMAN: Prior to that?

KEVIN McMANUS: We did monitoring on the rooftop with the existing conditions and I think the --

GLENNA WYMAN: To prepare this report.

KEVIN McMANUS: Correct.

GLENNA WYMAN: Prior to that.

CONSTANTINE ALEXANDER: Her question is prior to

that, when was the time before that that you did an investigation? Good question.

KEVIN McMANUS: We had not been engaged to do this prior to that monitoring that's in the record.

ATTORNEY RICARDO SOUSA: Whenever there's an addition of antennas, there would be a new report prepared by the RF engineer. And so this installation, however, has been up and running for approximately ten years.

GLENNA WYMAN: With no monitoring?

ATTORNEY RICARDO SOUSA: No. I would not say that. That's not the case. As Mr. McManus suggested, there's a program that each carrier has that ranges between six months and two years where the RF engineers for the carrier actually goes to the site and monitors the energy coming from these installations. And so I don't have the log in front of me, that's why it's not fair for me to speak without having the information in front of me.

CONSTANTINE ALEXANDER: I think we're going to --

ATTORNEY RICARDO SOUSA: Protocol.

CONSTANTINE ALEXANDER: -- I'm going to require at

least once every 12 months you monitor and file a report with the city and it would be open to inspection by the neighbors to find out.

GLENNA WYMAN: I may address that further in my comments. Because the question is where are you monitoring from? You're certainly not within our apartments right below these installations.

ATTORNEY RICARDO SOUSA: No, of course not. We don't have access to your apartments. But Mr. McManus can go through the methodology that he utilized to essentially capture the readings.

Kevin, if you could talk about how you developed your report and how you did your monitoring.

KEVIN McMANUS: Sure. We typically want to do the monitoring in the areas as close as we can get to the antennas where some worker or somebody who might be on the roof as a resident or as a superintendent of the building could be there. So we are by -- we are looking to see where could people be as close to the antennas as possible? That's where we're taking our readings. We take them both at the rooftop. We also took readings at ground level to evaluate what the general public might experience as well. So when we do that, we typically try to be at the face of the antenna. And understand that these antennas are designed, their

signal is designed to go out towards the horizon, not down. So very little power is directed down towards a roof surface. It is really designed to tie in with other parts of the cellular network, and so by design we try to be at that level of the antenna face. And then looking at our modules, we try to do that in areas around the entire perimeter of the building and at ground level. So the numbers that we see there are pretty representative of what you would see because we don't expect or anticipate people will be elevated up on that penthouse surface to be directly in front of the antenna. Certainly not a resident.

And the other question to you, that I just wanted to, your other point was the, what is the effect within the building itself? Understand that there's significant signal loss or attenuation as a result of the roof surface itself. It varies depending upon the type of surface, but it's very significant and we calculate that on a regular basis just to put people's mind at ease for just that question.

The other thing is that remember if you're behind the antenna, you are by design out of the emissions field. The emission field is going out towards that horizon, it's not coming back towards the building.

GLENNA WYMAN: Although that's in, from what I've

read, that, that's contested by some scientists in fact, you know, below and behind may or may not be safe areas.

KEVIN McMANUS: Well, I'll just speak to my experience in monitoring many, many rooftops all over the country. That when I have the meter and I'm a foot behind an active antenna, I could have essentially background RF antennas. Because the engineers design -- these not have power going back towards the building. Its power is directed towards the horizon.

GLENNA WYMAN: All right. In terms of going -- is it okay that I'm asking all these questions?

CONSTANTINE ALEXANDER: Keep going.

GLENNA WYMAN: In terms that you're saying that it doesn't go through the roof, doesn't that depend on the nature of the roof material?

KEVIN McMANUS: Oh, sure, the roof type of material and the roof will certainly have an effect.

GLENNA WYMAN: Well, for instance, this roof, I'm told by the manager of the building, is rubber roofing with tar and gravel on top of that. It's not metal, it's not like a metal barrier against electromagnetic

fields. So do you have an opinion about that kind of material and how -- what ability it has to block any stray radiation from the antennas?

CONSTANTINE ALEXANDER: He can answer that question, but I don't want to go beyond this on this area. I think we're getting a little bit a far afield from the Zoning point of view. If you can answer that question.

KEVIN McMANUS: Sure. I mean the material does affect, the type of material will affect to what extent the signal will penetrate, but I can tell you that -- and there are published data for wood, for gravel, for rubber roof surfaces, and it's, the signal at least declines by half and I suspect by more. I don't want to comment directly because I haven't seen the structural engineering for this particular roof, but I can certainly document that there is a significant signal loss first because very little power is originally -- is initially directed down. And secondly, you're going to have between that you said gravel --

ATTORNEY RICARDO SOUSA: Tar and rubber.

KEVIN McMANUS: Tar, rubber roof, and then some type of framing. All of those will attenuate the signal dramatically. Which is why we tend to have poor cellphone coverage when you're inside a building

or inside your car, same idea.

GLENNA WYMAN: If someone in the community is making a phone call on the Sprint network, are they communicating with those cellphones? I mean, those cellphone antennas?

KEVIN McMANUS: Depending on which part of the cell that they're in. Each cell is probably a two square, you know, a two square mile radius that works together. So the idea is that the one part of the network will then transfer the call into another part of the cell as you move through that, you know, that part of the city.

GLENNA WYMAN: Okay. So there may be some, some, you know, like if she was living nearby and she had her Sprint phone, there may be some direct communication going back and forth between her cellphone and the antenna?

KEVIN McMANUS: Correct. But as I said, most of that is happening antenna to antenna rather than a phone to an antenna. It's uploaded and then goes within that cellular network at the horizon level.

CONSTANTINE ALEXANDER: Think of a relay system. It goes to one and then it relays to another one, I think.

ATTORNEY RICARDO SOUSA: That's right, handoffs.

GLENNA WYMAN: You may not need a relay because you're right there near the antenna, right?

CONSTANTINE ALEXANDER: Depends on where the call is going.

KEVIN McMANUS: That could be true. But, again, if you're passing through that cell and that cell is not able to transfer the call from one part of the network to the other, then you lose that column.

GLENNA WYMAN: You mean that antenna or that --

KEVIN McMANUS: You lose the phone call because --

GLENNA WYMAN: So you said if you're passing through that cell, did you mean passing through the antenna?

KEVIN McMANUS: Oh, no, I'm sorry. When I say cell, I mean it's the area that each of these antenna installations is designed so service.

GLENNA WYMAN: Patty, did you have a question? Is that okay if her --

CONSTANTINE ALEXANDER: Taking over for the Chair?

GLENNA WYMAN: Sorry.

CONSTANTINE ALEXANDER: No, it's okay. Go ahead.

Give your name and address to the stenographer.

PATTY MICHAELS: Sure. I'm Patty Michaels. And 25 Eighth Street, apartment 57, Cambridge, Mass., 02418.

But I just want to go on record and say that it's a shame what the city is doing to us people. I know we're just commoners or whatever, but this is bad for your health. And I mean, I've been living there in this building now for seven years. And if it wasn't for Glenna telling me all this stuff, it makes sense, it makes sense. You know, my health is deteriorated since I've moved in there. So, you know, I mean you can all go home to your wonderful houses but we got the problems. We got bad health out of this. And fine, I mean, what is it, the total amount of antennas on our roof now is 13? Oh, come on. It's not nice. It's not nice to be doing this to us. Cambridge is probably one of the wealthiest towns and now that -- oh, I forget. See, I forget now. I forget what I was saying, but it's, it's not good. It's not good. And for money. Money talks.

CONSTANTINE ALEXANDER: I just want to point out as I said before, this is not a Cambridge issue. It is a federal issue and we

have very limited ability.

PATTY MICHAELS: Yeah, but still.

CONSTANTINE ALEXANDER: I don't want to debate it with you. You made your point. I want to make it clear because you said that the city of Cambridge doesn't pay attention to its citizens. We do the best we can.

PATTY MICHAELS: Yeah.

CONSTANTINE ALEXANDER: But we're restricted by the Federal Government and you have to understand that.

PATTY MICHAELS: It's a shame, for money, that's all it is. They get money.

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

RICHARD GIORGIO: Hi. Richard Giorgio, G-i-o-r-g-i-o. I live at 184 Thorndike Street. So directly across from here.

I know you've said Federal Government has come out and said there's no health risk, but Brazil just completed a study that in 2011, a ten-year study that being near these towers can cause cancer and other

things. They even admit it. 500 meters away should be. So that's like 0.3 miles. There's an elementary school across the street. I don't know. There's health concerns. I don't care what the Federal Government says. The World Health Organization has come out and said these towers are dangerous. I don't know. Everybody's got to work and pick how they work or something like that. But I'm just going to go on the record, some of these people have earned their own special place in hell. They're going to put these towers on buildings with old people in there when there are health concerns, they're old. Old people get cancer and die. I think it's very bad. I, I don't know -- that's it.

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

ELAINE RONCHITTI: May I ask another question?

CONSTANTINE ALEXANDER: One last question.

GLENNA WYMAN: I am -- I've got comments to make, too.

CONSTANTINE ALEXANDER: Okay.

ELAINE RONCHITTI: If I have a Sprint wireless, where does it bounce off of? The old age home in the back? I mean, the senior

center?

KEVIN McMANUS: If you're holding a cellphone, a Sprint cellphone, where does the cell signal go? If you're in that --

ELAINE RONCHITTI: I'm right behind the senior apartment building.

UNIDENTIFIED AUDIENCE MEMBER: Building, yeah.

ELAINE RONCHITTI: Where would it bounce off of?

KEVIN McMANUS: It would presumably go to whatever available, closest antenna is there.

ELAINE RONCHITTI: It's not going over to Verizon -- the horizon?

KEVIN McMANUS: Right. What I'm saying is the total operations of that antennas are managing hundreds and thousands of data. They got calls and people's photos and that kind of thing as well. So it's not just your phone. I'm saying that, and obviously your phone is in and of itself a wireless device, right? It emits the signal. And that, that is also regulated by the Federal Government in terms of how much power can be in that cellphone. So, but I just wanted to make sure we don't confuse the two things. Your cellphone, yes, it will be communicating with those antennas,

but not at the kind of power levels that we evaluate it. Because remember there's a lot of other information coming and going through those antennas in the network.

ELAINE RONCHITTI: Is it the same with your computer? The Sprint wireless computer, same thing that will bounce off of --

KEVIN McMANUS: Any wireless device has a signal. A baby monitor, a microwave oven can be considered a wireless device as well.

CONSTANTINE ALEXANDER: Thank you. And you said you had some comments?

GLENNA WYMAN: Yes. I'm Glenna Wyman again. Before I was just asking questions, now I'd like to make a statement.

CONSTANTINE ALEXANDER: Go ahead.

GLENNA WYMAN: And No. 1 is addressing some of the, you know, issues that -- are you Richard Sousa?

ATTORNEY RICARDO SOUSA: Ricardo Sousa.

GLENNA WYMAN: Right. Who has been their attorney in the past for Nextel, the predecessor for Sprint.

ATTORNEY RICARDO SOUSA: That's right.

GLENNA WYMAN: And in the prior authorizations for cellphone towers up there, and I'm looking at July 2007 and a decision that was made there. I guess Mr. Bailyard from your office was also involved, too, maybe?

ATTORNEY RICARDO SOUSA: He was my associate.

GLENNA WYMAN: Yeah.

At any rate, I would say that the Board ought to reconsider its finding that non-residential uses predominate in the community. You know, it wasn't accurate then, that wasn't that long ago, and it's certainly not accurate now. If you look at the photos, they're clearly residential settings. We don't have any stores in our community. You know, there's a school. But, again, that has a heightened need for safety as well. That's where children are. That's where their brains are developing. That's a block away. And then another very heightened group for protections are the elderly and the disabled. People whose health is on the decline. And as you know, some other people here touched upon. You know, as you get older, I just wanted to give you for the record, just one fact sheet on cell tower studies that -- compiled by a Vermont group and they're not even that

recent. And more recent research I've done is, you know, is even more frightening. But if you look at all of the kinds of side effects that are involved there, they're all the kind of things that elderly people experience. We don't want to feel as we're getting older, is this a natural cause of my aging or is something pushing this along? You know.

So in addition to the residential one, two, three-family properties in the neighborhood, there's 59 households in that one building with one or more people in them. And we, you know, we may not be owners, but we are citizens and residents of Cambridge. And I also want to say as to the FCC guidelines, you know, my research indicates that their guidelines are incredibly lacked. Europe is ahead of us. Canada has the same problems. Canada is sort of -- and as you alluded to, you know, our Congress and our FCC are very much, you know, responsive would be the positive way to put it, to the communications industry who I'm sure pays, you know, the campaign costs of these politicians. And I do -- as to whether or not the people living right under these entities are safe, there is a professor at Trent University in Canada who has made it her business to study cellphone towers and the radio and she, and she tries to write for a lay audience. So, you know, please don't think that she's not bright because she's trying to

write so people can understand it. But she, you know, and concludes in that particular article that cellphone antennas have no business being on schools or residential settings. And she talks in there, in that article, about taking her device into people's apartments. And one of her meters shut off because -- one of her meters shut off because -- to protect itself from the excessive electromagnetic fields, it turned off. And so, you know, I understand that you guys feel constrained, but I have to also say that attorney --

ATTORNEY RICARDO SOUSA: Sousa.

GLENNA WYMAN: -- Sousa, himself on his own website, and I've made a copy that I'd like to share with you guys, indicates that you guys do have a little wiggle room, even not withstanding the ridiculous FCC stuff that was kind of worked its way into the Middle Class Relief Act in 2012 probably to get some conservative to come on board. And you'll see, I've highlighted, and I'd like to submit this for the record, that you do have wiggle room to consider whether or not, what they're doing is substantial physical change or not. They're talking about 12 new antennas on top of the, you know, in addition to the seven, that they're taking one of those away, but they've admitted that they're stronger, they're more powerful and

they're adding 12 radio head antennas. So, you know, query whether or not that amounts to a substantial change.

Further, you know, that particular part of the law refers to, you know, that these attorneys are now saying that you guys have no local authority or the Federal Government preempts you refers to wireless towers or bay stations. So these are antennas, they're not wireless towers. So that you may have some wiggle room there in terms of whether or not, not withstanding that you -- based on the information that was available to you at the time and the representations of counsel for these corporations may have made decisions, I think it would -- you would be really remiss to continue down a path where there continues to be research coming that not only are these things, the safety standards are inadequate partly because they don't take into account someone whose bedroom might be under there and is spending a third of their day near these antennas and shooting back and forth. And so then it would be remiss to make a finding as is suggested in Attorney Sousa's material, his cover letter to the application, he was talking about that there should be a finding that there are no, no nuisance or hazard created to the detriment of the health -- is this the current one? No, that's an old one. But I think you end up doing that kind of thing. Hold

on, I just wanted to.... It talked about noxious emissions. Let me look at the language real quick.

Yeah, nuisance or hazard will not be created to the detriment of the health, safety, and welfare of the occupants of the proposed views. Well we're occupants, you know, as well as citizens of the city. And these are kind of boilerplate assertions without much anything behind them. Now he's got this big fat report there, but it's not about things that are up yet or not. And, you know, in that article measuring things from within the apartment -- now we had a meeting with an associate from his firm and, you know, the head of the housing authority, and contrary to his representation, it wasn't a full and, you know, complete disclosure. In fact, we felt like we were getting, you know, sort of road blocked with any of our questions. And since it was no technical person there, it was just an attorney who claimed no knowledge of the technicalities that we were asking. And in fact, you know, the Housing Authority in its request for proposals for, for the roof that led to some of this stuff, you know, delegates maintenance on the roof to these outside outfits who have no legal obligation to us, the tenants in the building. They're not our landlord. And so it's almost like there's this black hole where nobody is responsible. Now the attorney

associate Ms. Grant from your office said sure, we could send a monitor in to your apartment if you wanted to have the levels measured. I wouldn't want it to be just for me. I think there's a number of people in the building who are concerned. But I also, it seems to me that probably the level of input and output it varies depending on the time of day. For some reason I think in the evening is when there's a lot of traffic, you know, there's interference with my radios and there are other reasons why it seems to me there are, you know, you can't just measure. It has to be, it has to be measured when they don't know it's being measured, and it has to be measured at different times a day working with -- it needs to be blind to the corporation.

But the other thing I did want to say because I don't know --

CONSTANTINE ALEXANDER: I hope this is your final remarks.

GLENNA WYMAN: What's that?

CONSTANTINE ALEXANDER: I hope you're coming to a conclusion.

GLENNA WYMAN: I am very soon. If you hold on one second. There was -- another concern is that there's a lot of equipment up

there. There is not only a micro turbine, you know, generator, up there that's capturing heat that's being lost from the system and recycling it, and you know all these antennas from two different corporations, communications companies, and all of this base equipment that is processing it all. Our building, if you look at a map from about 100 years ago, I found one on-line at Boston Public Library, our building sits on marsh land, filled marsh land. Eighth Street didn't exist about 100 years ago. And in fact when one of our neighbors recently remodeled, and he probably came in front of you, he lives -- an Irish fellow on Thorndike Street, he had to put some piles in because there's water down there. It's peat and water. And, you know, it may be that our building wasn't such a smart idea to be built on that kind of -- you know, especially with the rising sea levels. But I question whether or not all this equipment is safe on the roof. If you go down the exterior -- one of the staircase beside my apartment, there is a crack running all the way down the wall from the eighth floor to the first floor, which suggests to me that there is settling or something going on that, you know, heavy equipment on the, you know -- and I doubt there's been any studies by the Cambridge Housing Authority or these communication companies or the city to determine

whether or not this is smart going forward. But, of course, that's aside from the health issues that I do think you have some leeway on.

And damage to the roof surface. I live right below that rubber roof. And when I spoke to the manager about the foot traffic, which is fairly substantial between the two companies, between the housing authorities own business up there, and Comcast, I said are they always walking on like protected cat walks? Oh, no, no, when they're working on the equipment, they have to step off the cat walks and they're in those areas. Well I know from having a rubber roof in the past, that rubber roofing is not something that should be sustaining a lot of foot traffic. So there's an issue about that. And the threats to quiet enjoyment in our apartments. There are other people on my floor who are already having roof leaks that I wouldn't be surprised if it's related. And, you know, I'm also concerned about, you know, whether that kind of a roof is adequate protection against --

CONSTANTINE ALEXANDER: Okay, we're going far afield now.

GLENNA WYMAN: Okay. Let me see if I want to touch on anything else I was raising here.

A number of people in the building have issues about whether or not there's interference with their phones. My radios I certainly -- I can't even get GBH on two of my three radios, which I've never had a problem with before. It's very nearby. And, you know, it's a different times of day again which raises questions in my mind about that kind of interference. And I would ask that you put conditions on there that there be blind testing with cooperating tenants on the eighth floor at least if not other floors, you know, because it's not clear to me that it's just the top floor that would be affected, where we could get monitoring similar to what that professor did in those apartments in Canada as a condition of any extension. Although I would ask you to seriously maybe postpone this so that the Board can consider whether or not you want to keep going down this path.

And then the last thing, please, is that, you know, I did do some 2013 research. In 2010 two studies, most of the studies are out of this country because the Federal Government isn't really interested apparently in financing this stuff within the country. But they did a testing on salivary alpha amylase, immunoglobulin and cortisol levels, all stressor indicators, and found that they were very high on people within a pretty -- let me just see. What -- their conclusions were radio frequency electromagnetic fields

and considerably lower field densities than international guidelines have said may influence certain cycle biological stress markers. And I certainly have felt very stressed since I've moved into this place. And I think there's a lot of people in this building who behave in a very stressed manner. Now there's a whole lot of reasons for that, but we don't want to think that it's this stuff on the roof that's benefitting people who feel like they have to have automatic download of some movie.

CONSTANTINE ALEXANDER: Thank you.

GLENNA WYMAN: Thank you.

CONSTANTINE ALEXANDER: Just a few points briefly and I don't want to rebut.

In terms of going on the roof, usually it's once a month for service? How freakily do you go to the roof?

ATTORNEY RICARDO SOUSA: Once or twice a month.

CONSTANTINE ALEXANDER: Once or twice a month.

ATTORNEY RICARDO SOUSA: And it's not for the antennas themselves, it's just for the cabinets.

CONSTANTINE ALEXANDER: And to the extent that your workmen go on the roof and damage the roof, I assume your

agreement with the Housing Authority means you're responsible for it?

ATTORNEY RICARDO SOUSA: Absolutely. Just like any other tenant, Mr. Chairman, we would be responsible for maintenance for any damage we may cause. I feel like I need to respond just a few points. I don't want to belabor the point, but with respect to Section 6409, the Middle Class Tax Relief Act, this is not an application under that section. That's an ever evolving federal statute. And so the article that's there is talking about how it's ever evolving. But it has nothing to do with this application. This application is pursuant to the Special Permit guidelines and to Section 4.32(g) of your Zoning By-Law. It's not Section 6409. It's an entirely different federal statute.

With respect to whether or not we simply go on these type of buildings, Housing Authority buildings, that's not the case. We have wireless installations on hospitals. As you know Mount Auburn Hospital has an installation. Many hospitals in the city of Boston have installations. Schools have these types of installations. Many, many residential buildings in urban environments have these types of installations. So we don't just focus on providing service for all of Cambridge by simply going on this housing authority. They're everywhere. They're everywhere

where I live as well in my municipality as well so it's not necessarily focussed.

That being said, wireless services become ubiquitous. We find locations where we think it's appropriate, and we follow all the guidelines that the municipalities sets forth requesting the Special Permit that's required, and also filing the types of reports. We don't make blanket statements. The report, the EME report that we submitted backs up the fact that it complies with the EME regulations set by the FCC. And with respect to interference, that interference is not caused by our wireless antenna installations. That's something that's very strictly regulated as well. There is spectrum in which we operate and we have to operate within that spectrum. And that prevents us from causing that interference to televisions or other types of electronics. So I felt I just needed to state those on the record.

CONSTANTINE ALEXANDER: Thank you.

GLENNA WYMAN: Is there one more --

CONSTANTINE ALEXANDER: Oh, Ma'am you've had your opportunity.

GLENNA WYMAN: One thing.

CONSTANTINE ALEXANDER: Wait, no. No. No. You've had your opportunity.

I'm going to close public testimony. Except I would point out we have a letter from the Planning Board which says: The Planning Board reviewed this application, the one before us, and finds that the replacement of seven existing antennas with six is an improvement. And if the Special Permit is granted, that there be conditions that the antennas and the radio heads match the facade finish and that the location of one of the new antenna be moved away from the edge of the building to the existing and less obvious location.

You already addressed, and it will be a condition about the matching facade finish.

ATTORNEY RICARDO SOUSA: That's correct. The plans reflect that matching facade finish.

CONSTANTINE ALEXANDER: And what about the moving away?

ATTORNEY RICARDO SOUSA: We did that. The plans that are submitted as part of the record, reflect that antenna which is this one here, was moved away from the corner on the other side of that vent.

CONSTANTINE ALEXANDER: Thank you.

ATTORNEY RICARDO SOUSA: Thank you, Mr. Chairman.

Discussion from members of the Board?

JANET GREEN: Yes, I had a comment about it. I really have, as you know, favored the importance of communication, reliable communication and the use of communication, but I was very surprised about the monitoring situation to be quite frank. I didn't understand quite whether you were monitoring AT&T, but in fact there were three carriers up there now and whether it's cumulative.

GLENNA WYMAN: Two.

CONSTANTINE ALEXANDER: Two.

JANET GREEN: Isn't there Sprint?

ATTORNEY RICARDO SOUSA: Sprint and T-Mobile. AT&T is not on this building as far as I'm aware.

JANET GREEN: Okay. So two carriers up there. But I don't know if it's cumulative monitoring.

ATTORNEY RICARDO SOUSA: It is.

JANET GREEN: And so you monitor all of them at one

time even though it's each individual carrier that's responsible for how often they do it?

ATTORNEY RICARDO SOUSA: So we each monitor our own EME. However, this report was done on a cumulative basis so that it could inform the Board what the cumulative EME is on the building.

JANET GREEN: I'm more telling you what surprised me about this. It's not your report I understand.

ATTORNEY RICARDO SOUSA: Sure.

JANET GREEN: But that's a spec of time, you know, that's a moment in time. But I'm saying in the ongoing monitoring, I would say that a lot of us on the Board were surprised about that and the casualness of it and the fact that it's left up to individual companies to do it. I mean, we're pretty careful about monitoring noise. We're pretty careful about looking at light from signs and how it affects people. And so as I say, I'm in favor of good communication and the importance of having the facilities to do that, but I find the monitoring quite disturbing or the lack of monitoring.

ATTORNEY RICARDO SOUSA: All I can say, Ms. Green, is that the protocol is set forth by the FCC. It's our obligation

to comply with those regulations.

JANET GREEN: I understand that.

ATTORNEY RICARDO SOUSA: It's not really to make them.

JANET GREEN: I understand that.

CONSTANTINE ALEXANDER: But you educated us, and as I said, I'm going to put some conditions when we take a vote and not just for you folks, every time we have a telecommunications case in the future, those same conditions are going to appear in my view. Because I think it is something we weren't aware of and I think it gives some comfort to us and the community about what's happening with regard to these antennas.

ATTORNEY RICARDO SOUSA: Yeah. And just trying to understand why. I'm not sure why it is, but there are many of these installations throughout the country. The FCC is what it is. And so it doesn't have a staff that's probably large enough to literally to go to every location.

JANET GREEN: That's not a good enough answer. You know, from my point -- that's just my point of view.

ATTORNEY RICARDO SOUSA: I'm just trying to --

JANET GREEN: I understand that. I understand how those budgets are cut and I understand who cuts them and why.

ATTORNEY RICARDO SOUSA: Yeah.

THOMAS SCOTT: Mr. Chair, there's a couple of places on drawing C3 where it says they're reserved antenna locations. I'd like to strike those from the plan. I don't know what exactly that means, but I certainly don't want to approve additional antenna locations that, you know, were not intended by this submittal.

ATTORNEY RICARDO SOUSA: I have no objection to that, Mr. Scott.

THOMAS SCOTT: Okay.

CONSTANTINE ALEXANDER: Okay. Are we ready for a vote?

Okay, the Chair moves that this Board make the following findings with respect to the relief being sought:

That with regard to the fact that this is a residential -- the proposed antennas to be mounted on 25 Eighth Street is in a residentially zoned district.

That we find that non-residential uses predominate in the vicinity of the proposed facility's location.

And that the telecommunications facility is not inconsistent with the character that does prevail in the surrounding neighborhood. With regard to this, we've made this finding twice before, and there is nothing with regard to the vicinity of the proposed location that would change the finding that we made before in non-residential uses predominate in the vicinity.

And further that, again, the character of the neighborhood is not changed since it's two times before when we made a finding that the facility is not inconsistent with the character that does prevail in the surrounding neighborhood.

And, therefore, we have already signed off on these issues.

Further, that with regard to the general findings for a Special Permit, that traffic generated or patterns of access or egress will not cause congestion, hazard, or substantial change in established neighborhood character. With regard to the hazard element, which we'll come to in a second again, that although there has been information supplied to us about the possible health risks of what is being proposed, there is also substantial

scientific evidence that there's not a hazard, and our Board doesn't have the authority, doesn't have the qualifications or the expertise to resolve this issue as to whether there is a hazard or not. We have to go to the fact that the Federal Government, seems to me, and I think we find that the Federal Government has made a determination that there is not sufficient hazard and therefore we accept that determination by the Federal Government.

And that the operation or development of adjacent uses will not be adversely affected by what is being proposed. Although people may be nervous about the fact that there is telecommunications facilities in the area, there are telecommunication facilities in a lot of different areas in this country, and there's been no determination or apparently evidence that has been an adverse effect by the addition of the telecommunications equipment.

That no nuisance or hazard will be created to the detriment of the health, safety, and welfare of the occupant or the citizens of the city. And I've already addressed the issue about health and safety.

And that the proposed use will not impair the integrity of the district or adjoining districts or otherwise derogate from the intent and purpose of this Ordinance.

In that regard the Chair would again note that we made this filing twice before with respect to this facility and there has been no changes in the neighborhood or that area or the building itself that would cause us to revisit this issue.

So on the basis of these findings the Chair moves that we grant the relief being sought subject to the following conditions:

That the work be proceed in accordance with plans submitted by the Petitioner. They're -- the date on here is 4/14/14. They're numbered T1, G1, C1, C2, C3, C4, C5, and C6, each of which have been initialled by the Chair.

Further, that the work proceed in accordance with photo simulations submitted by the Petitioner. The first page is not numbered, but the first page in which has been initialled by the Chair.

By the way, with respect to the plans, except that the plans as they indicate intend that there's a reserve for future use, that those are not -- well, they can stay in the plans, but if there are any future use, you must come back to see us.

ATTORNEY RICARDO SOUSA: Of course.

CONSTANTINE ALEXANDER: And that you cannot rely

upon what's in the plan to avoid coming back to see us if you wish to add more.

That to the extent that the facility is abandoned or not used for a period of six months, the antennas will be removed from this building and the building will be restored to its prior condition as nearly as possible.

On the condition that the facade -- that the antennas be painted in a color as shown in the plans, to match as nearly as possible, the facade of the building except there will be a single color and not a simulated brick.

On the further condition that at least once a year the Petitioner must submit an EME report to the city of Cambridge disclosing the energy levels that are being emitted and that this report be filed with the Inspectional Services Department and made available to the public.

Finally a condition that to the extent that any time you are determined by the Federal Government to not be in compliance with the federal rules regarding emissions report -- EME, energy emissions, that the city be promptly notified of this and all details regarding the noncompliance be made available. This being filed with the city through the Inspectional Services Department.

BRENDAN SULLIVAN: On the one year within -- just

backing up a little bit. You want them to monitor it at least once a year.

CONSTANTINE ALEXANDER: At least once a year.

BRENDAN SULLIVAN: I just wanted to see if we can define that a little bit closer saying that monitoring must occur within one year from the date of the effective --

CONSTANTINE ALEXANDER: Within every 12-month period.

BRENDAN SULLIVAN: Calendar or running.

CONSTANTINE ALEXANDER: Right.

And that the report must be in detail typical for that which is submitted to the Federal Government or what is done by industry standards. It can't be a skeleton report. It's got to comply with industry standards in terms of its detail and disclosure.

BRENDAN SULLIVAN: Okay. We're at the end of April now. This is not to become effective until June something or other? Are we talking now between June of 2014 and June of 2015?

CONSTANTINE ALEXANDER: That would be the first report.

BRENDAN SULLIVAN: Okay, so it's one year

anniversary. Not to exceed a year anniversary and subsequent year anniversaries after that.

CONSTANTINE ALEXANDER: That was my intention.

ATTORNEY RICARDO SOUSA: Thank you, Mr. Sullivan, appreciate it.

CONSTANTINE ALEXANDER: Anything else?

THOMAS SCOTT: And that the reserved --

CONSTANTINE ALEXANDER: I said that. I said the reserved is not -- by virtue of approving these plans, we're not granting them the right to do that. They have to come back before us if they want to use that reserved antenna authority designation.

ATTORNEY RICARDO SOUSA: Sure.

CONSTANTINE ALEXANDER: All of those in favor of granting the Special Permit with the conditions that I just annunciated, please say "Aye."

(Aye.)

CONSTANTINE ALEXANDER: Four in favor.

(Alexander, Hughes, Sullivan, Green.)

CONSTANTINE ALEXANDER: One opposed?

THOMAS SCOTT: Yes.

ATTORNEY RICARDO SOUSA: Thank you, Mr. Chairman.

* * * * *

(9:50 p.m.)

(Sitting Members Case #BZA-003455-2014: Constantine Alexander, Timothy Hughes, Brendan Sullivan, Thomas Scott, Janet Green.)

CONSTANTINE ALEXANDER: The Chair will call case No. 003455, 47 Oxford Street, also known as 30 Mellen Street.

Is there anyone here wishing to be heard on this matter? Give your name for the record and then I want to make a statement before you begin your presentation.

ATTORNEY SUSAN ROBERTS: I'm Susan Roberts from Anderson and Kreiger representing AT&T. And with me is Dan

Bilezikian, B-i-l-e-z-i-k-i-a-n. From SAI Communications and also George Smith from Lesley University.

CONSTANTINE ALEXANDER: Let me start, and this is a personal statement on my part, maybe it reflects views of other members of the Board, I don't know. We've had problems with your photo simulations before and we've told you that and we've told you more than once and you started to correct them. You've taken a step backwards in my judgment in regard to these photo simulations. They're either dark or they're a mile away from the building. I don't think they give a good representation. Compare them to what Sprint gives us, which are wonderful photo simulations in terms of they are very informative, and the reason I put a lot of stock in photo simulations is that we, one of the things that we have to look at, and we look at with minimizing the visual impact, and that's the way we determine that, you can see what it's going to look like, the photo simulations. I don't feel I can make a determination based on these photo simulations. And I'm going to tell you right up front I'm going to abstain on this case. So you're not going to get my vote. I don't know how other members of the Board feel, and maybe I'm just being a cranky old man at almost ten o'clock at night. That's just how I feel. I wanted to put that on

the record.

With that said, go ahead.

ATTORNEY SUSAN ROBERTS: So if I might respond. Typically in the other matters that I personally have been representing AT&T on, the photo sims that we have submitted have been done by Dewberry Engineers. And in this particular case it's a different engineer, Hudson Design. I don't know that they have submitted for you in Cambridge before. I also have looked at these and what I would note is that in fact the descriptions are very complete in terms of what you can see and what you can't. In terms of the distance in reference to that, those were actual photos taken without any kind of zoom. I did ask the person who took the photos and that's what he told me. And he also told me that, you know, he was limited by the time of day and so forth. In terms of photo 1, I realize there's a sun spot there.

BRENDAN SULLIVAN: But he's got to come back.

CONSTANTINE ALEXANDER: We do this every time. You're responsible for those photo simulations. He doesn't tell you what you're going to give us. You tell them what this Board requires. And if they can't do it, don't come down before us and submit photo simulations

that don't tell us anything.

ATTORNEY SUSAN ROBERTS: Okay. So....

CONSTANTINE ALEXANDER: If there's one other member of the Board that feels the way I do, then I suggest we continue this case.

ATTORNEY SUSAN ROBERTS: Right, I understand.

TIMOTHY HUGHES: I suggest you continue it just one member of the Board feeling that way, otherwise you're at a disadvantage.

ATTORNEY SUSAN ROBERTS: Yeah, I understand.

TIMOTHY HUGHES: You need four votes out of four people left.

ATTORNEY SUSAN ROBERTS: Okay, when can we have a date?

SEAN O'GRADY: June 12th.

CONSTANTINE ALEXANDER: Is there anyone here wishing to be heard on this matter? You're from Lesley, I know. Anyone else? I want to make sure we pick a date for people who took the time to come down tonight.

(No Response.)

CONSTANTINE ALEXANDER: Nobody.

Okay, the Chair moves that this case be continued as a case not heard until seven p.m. on June 12th on the condition that the Petitioner sign a waiver of time for decision.

That the sign be modified. The sign has been posted now to reflect the new date and the new time and that this date be maintained -- the sign be maintained for the period required by our statute. And that to the extent that you are going to be submitting new photo simulations, that these must be in the file no later than five p.m. on the Monday before. And any other modifications to the plans, likewise, have to be in our file by that time.

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

(Aye.)

(Alexander, Hughes, Sullivan, Scott, Green.)

CONSTANTINE ALEXANDER: Five in favor. Case continued.

ATTORNEY SUSAN ROBERTS: Thank you.

* * * * *

(9:55 p.m.)

(Sitting Members Case #BZA-003472-2014: Constantine Alexander, Timothy Hughes, Brendan Sullivan, Thomas Scott, Janet Green.)

CONSTANTINE ALEXANDER: The Chair will call case No. 003472, 32-34 Rockingham Street.

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

RICHARD BROWN: We do not have a cell tower.

CONSTANTINE ALEXANDER: You may have other problems, but we'll get to that in a second. Name and address for the stenographer.

RICHARD BROWN: Good evening, my name is Richard brown, 50 Hillcrest Avenue, Lexington, Massachusetts.

CONSTANTINE ALEXANDER: You're the architect for the project?

RICHARD BROWN: I am the architect. (Inaudible).

CRAIG HALAJIAH: I'm Craig Halajiah, the owner of 32-34 Rockingham Street.

STAVIOULOA FOTOPOULOS: And I'm Staviouloa Fotopoulos. I'm -- (inaudible).

THE STENOGRAPHER: Please spell your first name and last name for me.

STAVIOULOA FOTOPOULOS: Spell it?

THE STENOGRAPHER: Yes.

STAVIOULOA FOTOPOULOS: S-t-a-v-i-o-u-l-o-a, Staviouloa. And my last name F-o-t-o-p-o-u-l-o-s.

CONSTANTINE ALEXANDER: Before we start, I want to make -- I'm pontificating. I'm going to make a statement. Are you aware of the fact that we have dormer guidelines?

RICHARD BROWN: Yes.

CONSTANTINE ALEXANDER: Okay. You know what the dormer guidelines provide in terms of length of the dormer?

RICHARD BROWN: Yes.

CONSTANTINE ALEXANDER: No more than 15 feet?

RICHARD BROWN: That's correct.

CONSTANTINE ALEXANDER: How long is the dormer you're proposing? 49 feet?

RICHARD BROWN: 42 feet I think.

CONSTANTINE ALEXANDER: 42 feet, okay.

RICHARD BROWN: Yes.

CONSTANTINE ALEXANDER: You're not even close. And you should know, and maybe you don't, I'm not sure you've come before us before, there are guidelines is something we pay, our Board, a lot of attention to. And we -- if we're not going to -- if the Petitioner wants relief and is not going to comply with them, we want them to comply as closely as possible and hear good reasons why they can't fully comply. I mean, you're not obviously even close in the ballpark. I don't see how you're going to get relief from this Board tonight with a 42-foot dormer.

So I think --

TIMOTHY HUGHES: Having said that, it would be better if we didn't get into the merits of this case.

CONSTANTINE ALEXANDER: That's why I raise it now. And the point is you may want to -- if we start -- you should understand, if we start the case and we come to the point where we decide you're not going to get the votes and you want to continue the case, we have to continue the case to a date in which all five of us, these five people,

myself included, can be present and that sometimes pushes it out further. If we continue it now before we start the case, we can do it with any five people. Our Board has more members than the five you us. We can likely hear the case much earlier. But you're going to have to go back to the drawing board anyway to revise -- presumably to revise your plans. It's your call. You can cut it off now. You'll have more flexibility in terms of what you're going to come back with us or you can proceed. But I want to alert you upfront that you've got a big -- you're pushing a rock up a very big hill when it comes to the dormer guidelines.

RICHARD BROWN: We understand this. We had a conversation with Ranjit prior to sort of developing the concept, and he warned us that, you know -- I knew -- I've been here before many years ago and I know the dormer guidelines. And the one side of the building has a very long dormer.

CONSTANTINE ALEXANDER: Right.

RICHARD BROWN: Which we --

CONSTANTINE ALEXANDER: Understand, let me caution you don't get too far into the merits.

RICHARD BROWN: I'm not. I'm not.

CONSTANTINE ALEXANDER: Okay.

RICHARD BROWN: But he also recommended the possibility of bringing in additional possibilities to this board meeting and that that might be a possibility to mitigate your concerns about an extra long dormer.

CONSTANTINE ALEXANDER: And well, then if you want to go forward, you know, we may vote you down or you may see which way the wind is blowing and you're going to continue the case and it may be pushed out. It's your call. I'm trying to give you maximum flexibility.

JANET GREEN: Gus, the advantage I think is if they do open it even if they continue it is they get to hear some of the objections. You know, some of the concerns that people have.

CONSTANTINE ALEXANDER: That's the balance, yes. Although I think --

JANET GREEN: I mean, there is the dormer. So it's pretty --

CONSTANTINE ALEXANDER: It's up to you if you want to present to us why you need a 42-foot dormer or any -- that's fine, too.

But I will....

RICHARD BROWN: We don't want to get into this too much because I realize if we get into it, then we're committing with meeting with all five of you.

CONSTANTINE ALEXANDER: Right.

RICHARD BROWN: We sort of came up with a couple different options:

One, reducing it slightly.

One, reducing it to, I believe, sort of 19 feet or something? Which was the bedroom plus the staircase because the staircase is a head bonker for me.

And the other reducing it to 15 feet which is just the bedroom plus a small closet. Which would be 15 feet and within all of the dormer guidelines. So those are sort of --

CONSTANTINE ALEXANDER: Again, on those -- I don't mean to be difficult.

RICHARD BROWN: No, I realize I don't want to get into --

CONSTANTINE ALEXANDER: You should have put

those in the file. If you have other plans, you could have put them in the file. Because any -- if you're going to propose an alternative, say a 19-foot dormer, we have to have seen those. They have to be in the file by Monday, Monday previous by five p.m. You can't walk in with plans, new plans alternative plans.

RICHARD BROWN: Okay.

CONSTANTINE ALEXANDER: Our rules just do not permit it.

RICHARD BROWN: That's my mistake then. I was under the impression from Ranjit that I could. But I was clearly mistaken. So we should continue to the next --

BRENDAN SULLIVAN: Do you want to recess this and if you want to go in the other room and just talk among yourselves, let us go to the next case and then come back. Don't feel under pressure that you have to make an immediate decision here.

CONSTANTINE ALEXANDER: Right.

BRENDAN SULLIVAN: Like you're sitting there with a light bulb over your head.

RICHARD BROWN: Yeah, thank you.

BRENDAN SULLIVAN: If you want, you know we'll recess this, we'll hear the next case. Go off and talk to your client and then come back and tell us whether you want to proceed with whatever or you want to continue it and we can mark it up on another date.

CONSTANTINE ALEXANDER: Only if you feel the need for that. We're not trying to pressure you to decide right here.

RICHARD BROWN: I understand.

CRAIG HALAJIAH: If I understand correctly, they won't consider the alternative plans tonight?

TIMOTHY HUGHES: That's correct.

JANET GREEN: We can't.

CRAIG HALAJIAH: And so --

CONSTANTINE ALEXANDER: It's a no brainer to me.

CRAIG HALAJIAH: So you would like us to submit one of the alternate plans and reschedule the hearing?

CONSTANTINE ALEXANDER: Yes, that's what I would like you to do and have those plans in the file by the Monday before whatever that rescheduled date is. And I would suggest -- this is a suggestion on my part only, don't come in with a smorgasbord. In other

words, pick an alternative plan. You know the dormer guidelines now. Pick a plan that -- obviously a 15-foot dormer from our perspective is the best. But it may not be from yours. If you want to try to convince us for a 19-foot dormer, that's your call. And if you want to try again to convince us for a 42-foot dormer, that's your call, too. But I don't hold up too much hope. Only speaking for myself.

TIMOTHY HUGHES: I don't think you're speaking just for yourself.

RICHARD BROWN: It sounds like a 15-foot dormer would be acceptable?

CONSTANTINE ALEXANDER: You don't need to be a weatherman to know which way the wind's blowing.

RICHARD BROWN: Okay.

TIMOTHY HUGHES: I mean, yeah, I mean you have to have some convincing argument to get us outside of the guidelines.

CONSTANTINE ALEXANDER: And we've done it.

THOMAS SCOTT: And the guidelines don't preclude having two dormers that are 15 feet, correct?

RICHARD BROWN: It's total 15 feet.

CONSTANTINE ALEXANDER: Total of 15.

THOMAS SCOTT: Total on a side. Oh, okay.

RICHARD BROWN: One of the schemes is --

TIMOTHY HUGHES: You could always cut back the big one you've got on the other side.

RICHARD BROWN: One is 14 -- one of these schemes has a 10-foot dormer and then a five-foot dormer.

JANET GREEN: And the guidelines aren't just the feet, it also says about window placements and how big the windows are and where you can put them.

TIMOTHY HUGHES: How it is on the ridge line. And how far --

RICHARD BROWN: The ridge line is a tough one.

TIMOTHY HUGHES: But there are compelling reasons in a lot of these third floor spaces to go to the ridge line.

RICHARD BROWN: Yeah.

TIMOTHY HUGHES: If there's a compelling reason of -- that's what I'm saying. That for us to deviate from the guidelines, because they are guidelines, and we will deviate for compelling reasons.

CONSTANTINE ALEXANDER: Right.

RICHARD BROWN: Okay.

CONSTANTINE ALEXANDER: And I see on the 15-foot length because that's the one that tends to be the most important to us. The others we have more frequently given relief from or not followed the guidelines, like the ridge line and the front.

RICHARD BROWN: Otherwise if we present to you we have to get all five of you next which might be in July or something?

CONSTANTINE ALEXANDER: I can't say if we move forward.

TIMOTHY HUGHES: We're looking at late June anyway.

CONSTANTINE ALEXANDER: What's the earliest not heard, June?

SEAN O'GRADY: No. Do you have your plan ready to go? You can just pop it out and just try to get it in the file? Is that ready?

RICHARD BROWN: Yeah.

SEAN O'GRADY: We can hear them next time around.

CONSTANTINE ALEXANDER: May 8th?

SEAN O'GRADY: May 8th.

TIMOTHY HUGHES: There you go.

CONSTANTINE ALEXANDER: May 8th, that's less than a month. Two weeks.

RICHARD BROWN: That sounds good.

TIMOTHY HUGHES: But you have to change the sign tomorrow to reflect the new time and date so you'll have your 14 days statutory --

RICHARD BROWN: So does it need to be a new sign from you?

TIMOTHY HUGHES: No, no. You can just take a magic marker.

SEAN O'GRADY: Don't forget the time.

CONSTANTINE ALEXANDER: Use a magic marker.

TIMOTHY HUGHES: Don't forget to change it. Time and date.

JANET GREEN: And the time is seven.

TIMOTHY HUGHES: But he'll tell you that in the motion to continue.

RICHARD BROWN: Okay.

CRAIG HALAJIAH: It will be before this group in two weeks?

CONSTANTINE ALEXANDER: If the five of us are here.

TIMOTHY HUGHES: Very much like this group. It may not exactly be this group.

CONSTANTINE ALEXANDER: But mostly if not four of us.

TIMOTHY HUGHES: It's going to be him.

CONSTANTINE ALEXANDER: Okay.

The Chair moves that this case be continued as a case not heard until seven p.m. on May 8th on the subject to the following conditions:

That the Petitioner sign a waiver of time for decision. That has to be done as a matter of law otherwise we'll decide the case adversely to you tonight.

That the sign be modified. It can be done by a magic marker, to reflect the new date and the time, both. And that sign has got to be up for the 14 days prior to May 8th as required by our Ordinance.

And then lastly on the condition that any new plans, or revised plans, any -- if you're going to have new plans, you better have new

dimensional forms as well. All of those have to be in our files no later than five p.m. on the Monday before May 8th. So you've got a week or two to put them in. But if you don't get them in the files by --

RICHARD BROWN: We have the dimensional and the statement for the Variance right here.

CONSTANTINE ALEXANDER: For each of the new plans you have a new dimensional form?

RICHARD BROWN: Yeah.

CONSTANTINE ALEXANDER: Perfect. Okay. Can he file them right now?

SEAN O'GRADY: You can hand them over right now.

CONSTANTINE ALEXANDER: So you've complied with that condition. But if you change your mind again --

TIMOTHY HUGHES: You might as well put them both in the file and then we can talk about what you want to talk about when you come back.

CRAIG HALAJIAH: The 19 is the hallway --

CONSTANTINE ALEXANDER: Put them all in the file so you can maximize your alternatives and then you can try to persuade us on

May 8th which one you want.

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

(Aye.)

CONSTANTINE ALEXANDER: Five in favor. Case continued.

(Alexander, Hughes, Sullivan, Scott, Green.)

* * * * *

(10:15 p.m.)

(Sitting Members Case #BZA-003503-2014: Constantine Alexander, Timothy Hughes, Brendan Sullivan, Thomas Scott, Janet Green.)

CONSTANTINE ALEXANDER: The Chair will call case No. 003503. We'll open the case for the record.

ATTORNEY SUSAN ROBERTS: Susan Roberts, from

Anderson and Kreiger representing AT&T. With me is Derek Patton from Centerline Communications.

So this is a facility on a building that's owned by MIT. It has office space and retail on the bottom. And of course it has the iconic clock tower on Main Street that is clearly seen from the photo sims. The facility will have 12 antennas, four per sector, and like the existing Sprint antennas that are on one of the screen walls, AT&T will locate two of the antennas sectors on other sides of that same screen wall. And then that's the west end, I'm sorry. That's the west end of the rooftop. And then on the east end there will be four antennas in the third sector as well. So there will be a total of 12 as I said. In addition, there will be an equipment room that we are going to use that's inside the clock tower. Formerly the equipment room was used by Nextel. Nextel has abandoned or decommissioned rather the site. So we're taking over the Nextel locations for the equipment room and for the antennas for that matter.

In addition to the antennas, of course, there's other equipment that we have which includes remote radio heads. We have seven per sector that we're locating near each sector, so seven per sector. The equipment is actually located near the antennas.

DEREK PATTON: Below and unseen.

ATTORNEY SUSAN ROBERTS: Right.

In addition there is a natural gas generator that is also located on the roof.

CONSTANTINE ALEXANDER: Is that something new? I don't think we've seen these before. Are they emergency generators in case the power goes out, right?

DEREK PATTON: Yep, exactly.

CONSTANTINE ALEXANDER: Is that becoming an industry practice?

DEREK PATTON: As far as AT&T is concerned, it's become a major priority since the hurricane a few years ago where a lot of the sites were just wiped out for a long time because they didn't have generators. So it's become a big priority for them.

CONSTANTINE ALEXANDER: Are other carriers doing that as well, do you know?

DEREK PATTON: I mean, AT&T is my bread and butter, so....

CONSTANTINE ALEXANDER: Okay.

TIMOTHY HUGHES: Are you selling the generator space to your competitors, do you know?

DEREK PATTON: No, no shared use.

ATTORNEY SUSAN ROBERTS: I will say Sherman Street, do you remember that? There was a natural gas generator there that was sited.

So in addition to the antennas, the remote radio heads units, the cabling, the equipment room, and the clock tower, there's also other ancillary equipment. There are GPS antennas and so forth. So in constructing the facility, AT&T has taken care of sited, a location on the roof where it provides the least visual impact. And by the way, Derek told me tonight that the visibility of the generator is actually even less now that it's actually slightly moved the generator so it can't be seen at all at this point. Although I'm told that, you know, this is a slight change that is not reflected in the photo sims. If you want, hopefully we will get approval tonight, but if you want us to provide updated ones, you won't be able to see the generator at all.

And in any case, we believe that because the equipment's located in a clock tower, of course, you won't be able to see that. The components

on the roof look entirely appropriate in terms of other rooftops in the area. This is, you know, a highly mixed use, busy area as you know. A number of office buildings with retail. All sorts of activity going on in this part of Kendall Square.

CONSTANTINE ALEXANDER: This is a residentially zoned district surprisingly. So your argument is that the non-residential uses predominate in the vicinity. And that what you're proposing is not inconsistent with the character of the surrounding neighborhood.

ATTORNEY SUSAN ROBERTS: That's correct. Most of the buildings in the area are actually office or many of them are office and retail, as you know, on the street.

If you'd like, I can stop here. You can ask questions of myself or Derek. If there are none, then I --

CONSTANTINE ALEXANDER: I have no questions.

TIMOTHY HUGHES: I have questions. What's the material that houses the antenna? Obviously signals can go through it, right? What's it made out of?

DEREK PATTON: The screen wall is metal. It's a metal screen wall. What it's propped up against?

TIMOTHY HUGHES: No, what's actually boxing in the antennas that's going to be painted the color of the wall that it's mounted to?

DEREK PATTON: That's just paint.

TIMOTHY HUGHES: All of these antennas are actually behind a metal wall?

DEREK PATTON: No, they're not behind -- the antennas itself are up against this wall. There's nothing in front of it.

TIMOTHY HUGHES: There's nothing in front of that?

CONSTANTINE ALEXANDER: No casing around --

TIMOTHY HUGHES: No box around it?

DEREK PATTON: No, just painted to match.

TIMOTHY HUGHES: So the screen wall isn't actually screening anything? Well, it's not screening your stuff, it's screening equipment on the roof.

ATTORNEY SUSAN ROBERTS: Exactly.

TIMOTHY HUGHES: Now why can't you build a screen wall that these antennas are, that's actually a wall that matches the screen wall instead of having all these boxes pop off of it? Why can't -- since you've got four on every side of this, why can't you just go all the way

around this with the material that will cover the antennas?

DEREK PATTON: Well, the existing Sprint antennas that are on this wall are that way. The Nextel antennas that were in the place of these were that way. So we just went with previous --

TIMOTHY HUGHES: I understand with why you went with it. But is it possible to do it another way? That's my question.

ATTORNEY SUSAN ROBERTS: Put a screen wall around the screen wall?

TIMOTHY HUGHES: A screen wall around the screen wall that the antennas can still project through? Is there a material that you can do that with?

DEREK PATTON: That is possible, yes. I mean, I that's -- the simplest answer, yes, that would be possible put another screen wall if MIT was okay with us putting another screen wall in front of the screen wall.

TIMOTHY HUGHES: I trust that these -- the difference in colors between the screen wall and these antennas is just so that we can see where the antennas are in the photo sims?

ATTORNEY SUSAN ROBERTS: Yeah.

TIMOTHY HUGHES: It's going to be a better match when it's actually done, right?

DEREK PATTON: Exactly, yeah.

BRENDAN SULLIVAN: How are those antennas being secured to the screen wall?

DEREK PATTON: Pipe mounted.

BRENDAN SULLIVAN: Do you have a detail on that?

DEREK PATTON: Should be in the -- that's definitely more of a construction drawing detail opposed to what we have here which are Zoning drawings.

CONSTANTINE ALEXANDER: Should be. That's the whole package.

ATTORNEY SUSAN ROBERTS: We don't have a detail of the pipe mount.

TIMOTHY HUGHES: We have had details on the mounting brackets. In fact the last package, Sprint had it. They don't have one here.

THOMAS SCOTT: They don't share their details with AT&T?

TIMOTHY HUGHES: Apparently not.

THOMAS SCOTT: I think what they're alluding to is a low profile mount as opposed to a pipe mount. The pipe mount sticks out the building 16 -- at least what we're told, 14 inches and the low profile is eight inches.

BRENDAN SULLIVAN: That's what we're looking for, like that.

ATTORNEY SUSAN ROBERTS: Yeah, those aren't included obviously in our drawings.

CONSTANTINE ALEXANDER: We can put a condition that they're pipe mounts.

ATTORNEY SUSAN ROBERTS: I was going to suggest. If you want to make it as a condition, that would be fine.

BRENDAN SULLIVAN: Well, we heard that the pipe mount actually protrudes the antenna further from the building than the low profile mount.

DEREK PATTON: The main reason for that, for us on-site was because of the tight corner that we have on a lot of these. To be able to come out was a big deal for our RF engineer while we were on-site.

BRENDAN SULLIVAN: Again, going forward, I would want to see a detail similar to what they usually provide to us.

DEREK PATTON: Understood.

TIMOTHY HUGHES: I'd like to see a screen wall instead of seeing all these individual antennas.

THOMAS SCOTT: I think on this building given the location and the distance set back from the edge of the roof, and if it's painted the same color as the screen, I don't have as much of a problem.

TIMOTHY HUGHES: I understand that.

BRENDAN SULLIVAN: I would rather see --

TIMOTHY HUGHES: But I have to tell you something --

BRENDAN SULLIVAN: -- I would rather see a structure of some dimension --

TIMOTHY HUGHES: Right.

BRENDAN SULLIVAN: -- that would encompass --

TIMOTHY HUGHES: Exactly. That's what I'm talking about.

BRENDAN SULLIVAN: -- encapsulate those antenna so that you see the superstructure out in front. And I don't care if you put 15

of those things behind it.

TIMOTHY HUGHES: Exactly. And this, and this building actually lends itself to it because it's already got the screen wall there. All you got to do is come just 14 inches off of that and with a new screen, you know?

BRENDAN SULLIVAN: I'm firmly convinced whoever manufacturers these things have got to have three million of them sitting in a warehouse someplace and they're just shipping them out to the wireless --

JANET GREEN: Texas.

BRENDAN SULLIVAN: And they buy them cheaply and they say it works and we're going to keep using them until we -- and yet we have seen when we really press the issue, alternative applications that don't look like antennas. And they blend in and you never know what they are. It's only because they own these things already. And the antenna are unsightly. And I go back to the original one on Norfolk Street. And it just -- I hate to see the antenna. And that's what jumps up at me.

CONSTANTINE ALEXANDER: Am I hearing the sentiment at least from some members of the Board that we should send these folks back and come back with new plans with a screen wall?

TIMOTHY HUGHES: No.

CONSTANTINE ALEXANDER: I'm asking.

THOMAS SCOTT: I'm not in favor of that.

CONSTANTINE ALEXANDER: I'm not in favor of that either, but if there are two members who are --

TIMOTHY HUGHES: I just wanted to put it out there. I think that's something that they should be thinking about in their design options in the future.

CONSTANTINE ALEXANDER: That's fair.

THOMAS SCOTT: I think that's true in some cases, but I think in this case --

TIMOTHY HUGHES: This is a perfect case.

THOMAS SCOTT: I don't think so. I disagree.

TIMOTHY HUGHES: Because I mean it would just it would basically mimic the screen wall that's already there. It's not like you're even adding --

THOMAS SCOTT: This is so far back you're never even going to see this.

TIMOTHY HUGHES: -- it's not like you're not even

adding a superstructure.

THOMAS SCOTT: The case we saw previously they look like hell on the building because they're on the building. I agree there, if you can somehow encase them in something, it would look better. But here you're just not going to see this.

CONSTANTINE ALEXANDER: Well, I'll repeat my question, do you --

TIMOTHY HUGHES: No, no, I'm ready to go ahead with it.

CONSTANTINE ALEXANDER: In fairness to the Petitioner.

JANET GREEN: I had one --

CONSTANTINE ALEXANDER: Just one thing, sorry.

JANET GREEN: Yes.

CONSTANTINE ALEXANDER: Certainly, Ms. Roberts, you have to counsel your client in the future to take a harder look --

ATTORNEY SUSAN ROBERTS: I just noted that.

CONSTANTINE ALEXANDER: -- going forward.

I'm sorry, Janet, I cut you off.

JANET GREEN: No, no, it wasn't related to the visual aspect of it.

Do you ever share space or sell space between two different companies, like, I can't get there now but I need just a little bit of space or I need it temporarily or anything like that? Has any other telecommunication company ever used your site for anything whatsoever? Your antenna?

DEREK PATTON: Our antennas?

JANET GREEN: Yes.

DEREK PATTON: I don't believe that I can speak to that. I know that there's some of the smaller companies rent out or lease out the network itself.

JANET GREEN: Yes.

DEREK PATTON: But --

JANET GREEN: Like for roaming?

DEREK PATTON: Just the smaller, very smaller companies, like Cricket or something like this. I mean, that's just an example of a company. They lease out other company's networks. So, specific wise I can't get into that because I'm not too familiar with it.

JANET GREEN: Right.

DEREK PATTON: But that happens. The networks are leased out.

JANET GREEN: The smaller networks are leased out?

DEREK PATTON: Yes.

TIMOTHY HUGHES: Technology exists to share antennas.

JANET GREEN: Some day.

TIMOTHY HUGHES: But they don't.

CONSTANTINE ALEXANDER: That could be associated with maybe antitrust issues.

TIMOTHY HUGHES: Spoken like the lawyer.

CONSTANTINE ALEXANDER: Anyway, any other further comments from members of the Board?

(No Response.)

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

ANTHONY WONG: Hi. All right, I'm Anthony Wong.

I live on 60 Wadsworth which is the grey tall building right here. And I just want to say I'm a little concerned about the noise from the generator. I looked at the sound study and you're accounting for a 10DB reduction because of roofing. But in my building there's a clear line of sight to the generator, I think, so there would be no attenuation from any roofing because you can see it directly. So I was wondering if there's been any effort to look at what would the sound be at my building just because we're really -- we're literally across the street from this building so it's worth looking into.

ATTORNEY SUSAN ROBERTS: If I can respond, the generator used only in an emergency. So unless there's a loss of power, the generator isn't heard except that it's tested for half an hour once a week. We test it during the day. You're probably not around. So that's all that, you know, matters is a half an hour a week just to make sure that it works. And it would only kick in in a grave emergency when there's a loss of power. So hopefully that --

ANTHONY WONG: I understand.

TIMOTHY HUGHES: Anthony, you have other things on your mind when it kicks in. Except that half an hour a day, when it's

kicked on half an hour a day, does it fit within the decibel levels of the city --

ATTORNEY SUSAN ROBERTS: Yes, it does.

TIMOTHY HUGHES: -- city's sound ordinance?

ATTORNEY SUSAN ROBERTS: Yes, it does.

DEREK PATTON: Regardless of when it comes on, for one, we're working with MIT now to be a specific time that they're choosing. And it might only be every two weeks. It's something that I guess we can look into. And they requested that, so we're working on that. And they're going to pick a time sometime between nine and five I would presume to be determined.

CONSTANTINE ALEXANDER: And there is a noise ordinance. Cambridge has a noise ordinance. So even in that half hour --

ANTHONY WONG: But my question is do you meet that sound regulation at my building, right? Obviously you need it at ground level, which is what you're calculating. And will you meet it at my building? And I think that's a fair question to have answered. I don't know what the answer is, but you probably need to have someone look at it. And that's all I wanted to ask.

THOMAS SCOTT: Is the unit in a sound enclosure?

DEREK PATTON: Yes.

THOMAS SCOTT: Because you can buy them with different levels of sound attenuation.

DEREK PATTON: Exactly. Yeah, it's in a standard sound enclosure. So there's open units as well, and it's in a sound enclosure, yes.

BRENDAN SULLIVAN: The noise ordinance, I believe, says it cannot exceed a certain decibels within 50 feet of the source. So it's not just down -- they don't measure it at ground level. It's at 50 feet that it gets measured; is that correct, Sean?

SEAN O'GRADY: That's a different ordinance. I don't really know, but I know it's considered to be pretty strict.

DEREK PATTON: Well, in that 102 Sherman Street which was a case from a few weeks ago, that generator was placed right directly outside of an apartment building, feet away from residents. And I met on-site with one of the managers from the apartments to hear what that's like and know that, and they were comfortable moving forward with it being that close. And so, I mean that's obviously even worse.

CONSTANTINE ALEXANDER: This generator is going

to be inside the clock tower, isn't it?

ATTORNEY SUSAN ROBERTS: No. The generator is in the center part of the roof. If you look on the drawings, on Z2, it's located more toward the center of the roof.

CONSTANTINE ALEXANDER: I don't know if that's the answer to your question. But that's all we can tell you.

BRENDAN SULLIVAN: Well, I guess the -- I don't know, again, if it's reassuring or not, but should it be a problem, then the city does have a mechanism to measure it 50 feet away. It can only exceed a certain number. It cannot exceed a certain number of decibels. If you can hear it, you're more than 50 feet away from this I would think, and that's the regulatory measuring stick --

ANTHONY WONG: Okay, thank you.

BRENDAN SULLIVAN: -- for that.

TIMOTHY HUGHES: So if it seems excessive, then you can call the city and have them come over and measure it from your apartment.

ANTHONY WONG: Okay.

THOMAS SCOTT: Call MIT.

CONSTANTINE ALEXANDER: Any other comments?

(No Response.)

CONSTANTINE ALEXANDER: The Chair notes there are no other comments.

JOHN HAWKINSON: I'm sorry.

CONSTANTINE ALEXANDER: I'm sorry, I missed you.

JOHN HAWKINSON: I was half laughing and half raising my hands.

CONSTANTINE ALEXANDER: Okay.

JOHN HAWKINSON: John Hawkinson. I just want to make two observations or maybe three.

One is I think the city has a lot of difficulty enforcing the noise ordinance. So suggesting that it's easy to go and go to (inaudible) and have her take a measurement and have that resolved is super hard.

My understanding of the ordinance is that it's measured at the lot line, whatever that means, and I think there's actually a lot of ambiguity of what that means vertically.

And then lastly, the filing suggests or states it's going to use the Level 1 noise enclosure and there's a Level 2 noise enclosure available in

the filing, and the Petitioner has not suggested using that. And that might be a condition the Board might consider imposing or Mr. Wong might consider advocating for.

CONSTANTINE ALEXANDER: Maybe Tom can help me with this, because I'm not at all familiar with this. There's a Level 1 and a Level 2?

JOHN HAWKINSON: They're not using the better one. There's one that makes it 3-D quiet --

CONSTANTINE ALEXANDER: How do I identify it? By level?

JOHN HAWKINSON: It's on the cut sheet in the filing. I think they call it Level 1 and Level 2.

TIMOTHY HUGHES: So in this case the higher number is a better product?

JOHN HAWKINSON: That's my understanding.

DEREK PATTON: Changes the sound level by approximately three decibels.

TIMOTHY HUGHES: The difference between one and two?

DEREK PATTON: The difference between one and two.

JOHN HAWKINSON: It's on page 36 --

CONSTANTINE ALEXANDER: Of what?

JOHN HAWKINSON: -- of 80 of your -- of the whole thing. Yeah, the Level 2 acoustic enclosure is the better one.

CONSTANTINE ALEXANDER: Okay.

Okay? Thank you. That was very valuable information.

Anyone else wishing to be heard?

(No Response.)

CONSTANTINE ALEXANDER: No one wishes to be heard.

We are in receipt of a memo from the Planning Board with respect to this Petition. (Reading) The Planning Board reviewed the replacement antennas and found them to appropriate on the building -- to be appropriate on the building. The installation is barely visible from the public way and will be finished to blend with the screen wall. The use of the clock tower for the equipment means that it will not be visible at all.

And that's it. By the way, I should have -- I neglected to compliment you on the photo simulations. These are the kinds of photo

simulations we would expect generally from you folks and what we didn't get on Oxford Street.

ATTORNEY SUSAN ROBERTS: Okay, thank you.

CONSTANTINE ALEXANDER: Cheers to you on this one.

Final comments, Ms. Roberts?

ATTORNEY SUSAN ROBERTS: If you'd like, I could go through the points.

CONSTANTINE ALEXANDER: Oh, you probably should, yes. You've already touched on the -- or maybe you haven't, go ahead. The floor is yours, go ahead.

ATTORNEY SUSAN ROBERTS: So with respect to the conditions under the wireless ordinance 4.32(g)(1) and 4.40 footnote 49, AT&T has the requisite licenses to show authority to operate the facility.

The visual impact is minimized by the design whereby we're situating the antennas on the screen wall and are painting them to match so that the antennas will be minimally visible.

Because the -- because there is a required finding that non-residential uses predominate in the area, we can establish that the area

consists of a large number of office buildings and retail buildings although there are, of course, residential uses in the area as well. However, we would suggest that the non-residential uses consisting of the office and retail uses do predominate in the area.

CONSTANTINE ALEXANDER: And in fact we've made this finding before because we've had other applications.

ATTORNEY SUSAN ROBERTS: There is another -- right.

CONSTANTINE ALEXANDER: And the neighborhood has not changed with regard to non-residential uses from what we've found before.

ATTORNEY SUSAN ROBERTS: That's correct. Given that Sprint is already on the roof.

CONSTANTINE ALEXANDER: Right.

ATTORNEY SUSAN ROBERTS: And this is probably implied, but the facility is not inconsistent with the character of the neighborhood which features other buildings with penthouses and screen walls and the like similar to what is on this building.

The Special Permit criteria under the Section 10.43 are met.

The requirements of the Ordinance are met because there's no traffic access or egress causing any congestion, hazard, or substantial change to the neighborhood character.

Continued operation of adjacent uses will not be adversely affected by the nature of the facility.

No nuisance is created to the detriment of health, safety, welfare of the occupant or citizens.

There's no impairment of the integrity of the district or adjoining districts nor derogation from the intent or the purpose of the Ordinance.

And with that we would ask that this Special Permit be granted for this facility.

CONSTANTINE ALEXANDER: Thank you.

Comments from members of the Board or are we ready for a vote?

(No Response.)

CONSTANTINE ALEXANDER: Ready for a vote.

Okay, the Chair moves that this Board make the following findings:

That with respect to the -- that the Petitioner has presented

evidence that they are a duly licensed carrier and in good standing with the FCC.

That with regard to the fact that this facility will be in a residentially-zoned district, that we find that non-residential uses predominate in the vicinity of the proposed facility's location, and that the telecommunication facility is not inconsistent with the character that does prevail in the surrounding neighborhood.

In this regard the Chair would note we have made this finding before since this is not the first telecom case that we've had with regard to this premises, and the neighborhood has not changed from the last time we made this finding.

And then further that with regard to the general conditions for a Special Permit, that traffic generated or patterns of access or egress will not cause congestion, hazard, or substantial change in established neighborhood character. And in this regard that the only traffic that will be generated will be a service official who once or twice a month checks on the facility.

That the continued operation of adjacent uses will not be adversely affected by the nature of what is proposed. In this regard, the

Chair would note that there are other telecommunications uses on this building.

And that no nuisance or hazard will be created to the detriment of the health, safety, and welfare of the occupant or the citizens of the city.

And that the proposed use will not impair the integrity of the district or adjoining district or otherwise derogate from the intent and purpose of this Ordinance.

In that regard the Chair would note that we have a letter of support from the Planning Board, and that in this area general, the Kendall Square area, state-of-the-art telecommunications facilities and communication abilities are essential to the commercial nature of this area.

So on the basis of these findings, the Chair moves that we grant the Special Permit subject to the following conditions:

That the work proceed in accordance with the plans and the photo simulations submitted by the Petitioner, and as part of their application the first page of which has been initialled by the Chair.

However, that the mounts be -- not for -- the equipment not be pipe mounts, but low profile mounts.

That the emergency generator be enclosed in a Level 2 enclosure.

That the facade or the exterior of these, of the proposed antennas be painted in a color to match the facade of the building but in a flat single color, not in a simulated brick pattern.

That to the extent that the Petitioner abandons the use of these antennas for a period of six months or more, that they be promptly be removed and the building be restored to its prior condition to an extent reasonably practicable.

That we would require, and this is going to be a new requirement in the future, I believe, that at least once a year, every 12 months from the anniversary of the date the relief is granted, that the Petitioner conduct an EME energy audit or testing of the premises in a form compliant with industry standards and that this report be filed with the Inspectional Services Department promptly within that 12-month period. Every 12 months, that to the extent that the FCC determines or you determine and report to the FCC that you're not in compliance with whatever FCC requirements are in effect at the time with regard to energy emissions, that you promptly, as soon as practicable, notify the Inspectional Services Department and submit a copy of whatever material you give to the Federal Government or the FCC so that it's on file for the citizens of the city.

BRENDAN SULLIVAN: And have we agreed on the low profile mounts?

CONSTANTINE ALEXANDER: I made it as a condition.

THOMAS SCOTT: He made that a condition.

BRENDAN SULLIVAN: Okay.

CONSTANTINE ALEXANDER: Did I move that I -- did I include the -- the 12, if you abandon the facility.

The other thing with regard to the color, not only the initial color be consistent with the facade of the building, but that you maintain that color. If it deteriorates, if the paint deteriorates, you must be required to repaint or whatever has got to be done, to continue the visual camouflage of the antennas you're proposing to erect.

TIMOTHY HUGHES: Which would be totally unnecessary if there was a screen wall.

CONSTANTINE ALEXANDER: They'd have paint the screen wall.

TIMOTHY HUGHES: It's a wall.

CONSTANTINE ALEXANDER: Anyway.

ATTORNEY SUSAN ROBERTS: Could I just ask a

clarification on the energy? Is it the MPE?

CONSTANTINE ALEXANDER: It was represented to us by one of your competitors, EME is what I wrote down. I'm looking for it.

ATTORNEY SUSAN ROBERTS: So, is that --

BRENDAN SULLIVAN: It's an amount of emissions.

ATTORNEY SUSAN ROBERTS: The radio frequency emissions?

CONSTANTINE ALEXANDER: Yes.

BRENDAN SULLIVAN: Correct.

ATTORNEY SUSAN ROBERTS: So, we have filed -- I'm sorry?

TIMOTHY HUGHES: He referred to it as electro magnetic --

CONSTANTINE ALEXANDER: EME.

ATTORNEY SUSAN ROBERTS: So we have filed a radio frequency emissions report, an MPE report with our application.

CONSTANTINE ALEXANDER: Yes, you did.

ATTORNEY SUSAN ROBERTS: So that's what you're

talking about?

CONSTANTINE ALEXANDER: That report, you have to do that every 12 months.

ATTORNEY SUSAN ROBERTS: We'll do that every -- I just wanted to make sure. We call that an MPE.

CONSTANTINE ALEXANDER: Okay. We were told EME.

TIMOTHY HUGHES: Different company. They won't share anything. But we already established that. They won't even share acronyms. You know, I don't know how you get them to antennas.

CONSTANTINE ALEXANDER: All those in favor of granting the Special Permit subject to these conditions, please say "Aye."

(Aye.)

CONSTANTINE ALEXANDER: Five in favor. Special Permit granted.

ATTORNEY SUSAN ROBERTS: Thank you.

(Alexander, Hughes, Sullivan, Scott, Green.)

BRENDAN SULLIVAN: Going forward we would want to see a detail on the mounts for the antenna just so that you can make a mental

note of that.

* * * * *

(10:45 p.m.)

(Sitting Members Case#BZA-003520-2014: Constantine Alexander, Timothy Hughes, Brendan Sullivan, Thomas Scott, Janet Green.)

CONSTANTINE ALEXANDER: The Chair will call case No. 003520, 65 Wendell Street.

Is there anyone here wishing to be heard on this matter? You've got a tough case before us, right?

JOHN PATTISALL: Very tough.

CONSTANTINE ALEXANDER: Very tough.

JOHN PATTISALL: Good evening. John Pattisall. Hi, my name is John Pattisall. My wife Andrea and our four-year-old daughter

recently relocated from San Francisco back to this area so we've boomeranged and are settling in Cambridge and making some renovations to 65 Wendell Street, and the petition that we have in front of you this evening is to request for a permission to add skylights on the third floor in the roof structure at the back of the property line.

The situation is that that area of the home will become a bedroom. There's a window in that room, and these skylights would provide little, a little light to the situation. And that's the -- and oh, I should also say that we have shared the plans that you have that's part of the submission with all four abutting neighbors. And they are all in support. They have signed, I think you have copies of their signed support. And I have originals here if you would like.

CONSTANTINE ALEXANDER: We have a couple in the file.

JOHN PATTISALL: There should be four. If not --

CONSTANTINE ALEXANDER: We do have four. I thought you were referring to more than that.

JOHN PATTISALL: Just the four.

CONSTANTINE ALEXANDER: You don't need them.

JOHN PATTISALL: And of course it's at two side adjacent properties on the property abutting from the front of the home, and most importantly the property that's directly behind the home and has a sight line to these windows. And we've shared with them. And this property has skylights themselves. So they're very understanding and are in support.

MARTIN CAFASSO: But they can't be seen from either house. That's the intersection.

THE STENOGRAPHER: And your name?

MARTIN CAFASSO: Martin Cafasso.

CONSTANTINE ALEXANDER: Questions from members of the Board?

TIMOTHY HUGHES: No.

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

(No Response.)

CONSTANTINE ALEXANDER: No one wishes to be heard.

As the Petitioner indicated, we have four letters of support of the relief being sought from the resident or residents of 64 Wendell Street, 63

Wendell Street, 69 Wendell Street and 60 Gorham Street.

That's all she wrote.

Anything, any comments from members of the Board or ready for a vote?

TIMOTHY HUGHES: Ready for a vote.

CONSTANTINE ALEXANDER: I think that's a good idea.

The Chair moves that we make the following findings with respect to the Special Permit being sought:

That traffic generated or patterns of access or egress resulting from these skylights will not cause congestion, hazard, or substantial change in established neighborhood character. I think the location of the skylights and the nature of the skylights speak for itself in terms of that requirement.

And the continued operation of adjacent uses will not be adversely affected by the nature of what is proposed. The letters in support by the abutters indicate that will be the case.

That no nuisance or hazard will be created to the detriment of the health, safety, and or welfare of the occupants or the citizens of the city.

And that what is being proposed will not impair the integrity of the district or adjoining districts or otherwise derogate from the intent and purpose of this ordinance.

And the Chair would note in this regard the relief being sought is rather modest in nature. That skylights in a setback, which is why you're here before us. Is not unusual. And there are no privacy issues because of the nature of the skylight and how they face the sky.

So on the basis of these findings the Chair moves that we grant the Special Permit being requested on the condition that the work proceed in accordance with the plans prepared by Peter Wright Architects. There are two pages. The consisting rear elevation and proposed rear elevation, both of which have been initialled by the Chair.

All those in favor of granting the Special Permit say "Aye."

(Aye.)

CONSTANTINE ALEXANDER: Special Permit granted.

(Alexander, Hughes, Sullivan, Scott, Green.)

(Whereupon, at 10:50 p.m., the

Zoning Board of Appeals Adjourned.)

ERRATA SHEET AND SIGNATURE INSTRUCTIONS.

The original of the Errata Sheet has been delivered to Inspectional Services.

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I am not related to any of the parties in this matter by blood or marriage and that I am in no way interested in the outcome of this matter.

I further certify that the testimony hereinbefore set forth is a true and accurate transcription of my stenographic notes to the best of my knowledge, skill and ability.

IN WITNESS WHEREOF, I have hereunto set my hand this 12th day of May, 2014.

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Catherine L. Zelinski
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