

BOARD OF ZONING APPEAL  
FOR THE  
CITY OF CAMBRIDGE

GENERAL HEARING

THURSDAY, SEPTEMBER 18, 2014

7:05 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

Sean O'Grady, Zoning Specialist

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## PROCEEDINGS

(7:05 p.m.)

(Sitting Members Case #BZA-003764-2014: Constantine Alexander, Timothy Hughes, Brendan Sullivan, Thomas Scott, Janet Green.)

CONSTANTINE ALEXANDER: The Chair is going to call the Board of Zoning Appeal to order. And as is our custom, we're going to start with our continued cases. The first case I'm going to call is case No. 003764, 650 East Kendall Street.

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

DAN WINNY: My name is Dan Winny, W-i-n-n-y, architect representing Ipsen, I-p-s-e-n.

As you said, a continued case for signage variance. We appreciate the Board's willingness to continue the case until tonight. However, in June when it was continued, East Cambridge Planning Team was

planning to look at this case on September 10th. Subsequently they had to reschedule that to early October which is the reason for our request for a continuance until November 6th. In discussion with Barbara Broussard this morning, I've learned that they've had to reschedule that again to October the 29th. So we'd actually like to ask for a continuance until the 20th of November so that there's time for us to go to the Planning Board in between the East Cambridge meeting and the BZA hearing. So, if the Board would be willing to grant us a further continuance until the 20th of November, we'd appreciate it. Barbara has offered to write a letter to the Board explaining that they've had trouble scheduling -- I guess it's busy in the sum and all that.

CONSTANTINE ALEXANDER: No need.

Your representation is sufficient. I think the reason for the continuance is obviously very well founded. So I think a motion is in order.

I'm going to move that we continue this case to November 20th?

SEAN O'GRADY: Yes.

CONSTANTINE ALEXANDER: Until seven p.m. on November 20th on some of the following conditions:

A waiver of -- this is a case not heard. We have a waiver of time for decision.

The sign has to be modified to reflect the new date and the new time. And to be posted for the 14-day period that's required by our Ordinance.

And to the extent that the plans that are on files now with regard to the sign are changed, modified, updated, those new plans

must be in our files -- you know the drill.  
Must be in our files by five p.m. on the Monday  
before November 20th.

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

(Aye.)

CONSTANTINE ALEXANDER: Five in  
favor.

See you in November.

DAN WINNY: Thank you very much.

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

\* \* \* \* \*

(7:10 p.m.)

(Sitting Members Case #BZA-004519-2014:

Constantine Alexander, Timothy Hughes,

Thomas Scott, Janet Green, Douglas Myers.)

CONSTANTINE ALEXANDER: The Chair will next call case No. 004519 -- starting again.

The Chair will call case 004519, 241-243 Walden Street.

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

For those of you in the audience that are here for that case, this is the more recent case that's been filed by the petitioner. Now, they -- if you've been here before you know they filed a petition, they had a lot of issues, the Board did, neighbors did, they continued the case, and have subsequently filed a new petition. The old petition is still pending in limbo if you will. But this is a new petition and that's what we're hearing tonight.

Mr. Embry, I would appreciate you doing early in your presentation, for our benefit and the benefit of the people in the audience, compare what we have now to what we had before, and also to at some point in your presentation the detailed exactly the Zoning relief you need with respect to the current petition.

ATTORNEY BRUCE EMBRY: Good evening and welcome back from summer vacation. My name is Bruce Embry, E-m-b-r-y. I'm with the firm of Clark, Hunt, Ahern, and Embry. We're at 150 CambridgePark Drive in Cambridge.

I'm here tonight with David Masse who is the manager of the 249 Walden Street, LLC, which is the petitioner. I'm joined by Milton Hu who is an architect with the architectural firm who has done the design for the project.

To compare the two cases, the earlier case that was before you and this case, essentially anyone who knows the corner of Concord -- sorry, Walden and Sherman Street knows about Masse Hardware. That building has gone back to the time in memorial. Mr. Masse and his family have ceased operation of the business. What they want to do is take the existing structure, without doing any change to the envelope of the building, and retain the four residential units, the four apartment units that are in the second and third floor and convert the first floor, former commercial space, the Masse Hardware space, to two residential units giving a total of six units for the building.

When first we appeared, we proposed a project, again, that did not expand the

envelope of the building. The question was could we locate six parking spaces on the lot in order to satisfy the Building Commissioner and the Zoning requirements for one space per unit. We developed a plan that did locate the six spaces, actually seven spaces, to provide an additional space for the abutter on the lot. That plan met with, shall we say, significant resistance from the abutter for a variety of reasons, which I don't think I need to detail other than to say that it was not a satisfactory arrangement for the Sherman Street abutter.

So essentially what we did is we went back to see if we could figure out a way to create a parking arrangement that would satisfy the two abutters, be as acceptable as possible to the neighborhood. And what we have done is we've involved a parking plan for

four cars on the lot. We have enlarged the open space with paving and landscaping.

There is a turnaround within the lot that allows people to -- if they're facing into the lot, they can turn around so that they can go face out onto Walden Street in order to exit.

The key differences, therefore, between the two petitions, the building petition is the same, the parking petition is we're now asking in the new petition for relief to provide four spaces, and the associated relief for setbacks for sides and building and to, again, allow for the curb cut to provide the ingress and egress from the parking, the driveway. And that's basically it.

The plan, I know you have. I think the plan more or less speaks for itself. I'm happy to talk more about it or Milton can add

whatever you need to know about the engineering, the design of the plan.

CONSTANTINE ALEXANDER: Let me ask you, to me a very fundamental question in this case. A lot of the neighbors -- and I think you were a little bit unintentionally, you omitted the fact that there was concern by the neighbors last time around not only the abutter, which you correctly summarized, but parking in general. That there's an area that has some parking issues in the neighborhood, and that's one of the reasons why six parking places on a lot for six dwelling units was something -- and even the neighbors had a problem with that as I recall. And now you're diminishing obviously to four. And you don't -- in my judgment, you're not located anywhere near public transportation. You can argue that. I guess it depends how

much --

ATTORNEY BRUCE EMBRY: It's a block or two to Concord Avenue.

CONSTANTINE ALEXANDER: You can walk to Concord Ave. or you can walk further to Mass. Ave. to Porter Square. But it's not down the street. It's not like in many cases we have on Cambridge Street where you walk out the front door and the bus stop is there.

And the other thing that is troublesome for me, not -- I'm not precluded. I'm not saying I'm going to vote it down because you don't have six spaces, but what's troublesome to me is that you have a solution to this to provide six parking spaces for six dwelling units, and that solution is the lot you own right across the street. Why aren't you providing two spaces on that lot?

ATTORNEY BRUCE EMBRY: Well, the

entities that own these two lots are different and have been different for --

CONSTANTINE ALEXANDER: They're not controlled by Mr. Masse? Aren't they controlled by Mr. Masse?

ATTORNEY BRUCE EMBRY: Yeah, I don't want to pretend that they're not.

CONSTANTINE ALEXANDER: So Mr. Masse owns both entities. He owns both lots. Why not provide -- I know the answer by the way. Why don't you tell me the answer. Why don't you put two spaces in that lot?

ATTORNEY BRUCE EMBRY: I don't represent that arrangement over there, so I don't actually know the answer to that and perhaps David would offer his own answer.

CONSTANTINE ALEXANDER: Whoever wants to speak to it.

DAVID MASSE: The answer to it is

that we have already taken a deposit on the lot and they're buying the entire lot and they're building as many units as they can get in accordance with parking.

CONSTANTINE ALEXANDER: That's what I thought. You said you've taken a deposit? Is it under contract?

DAVID MASSE: Yes.

CONSTANTINE ALEXANDER: So you sold the land or entered into a contract to sell the land?

DAVID MASSE: Right.

CONSTANTINE ALEXANDER: And giving up thereby the contract is consummated, the two parking spaces you could have provided at 241-243, leaving us with a situation where you're saying well, we don't have any choice. You don't have any choice. We don't have any control over the lots next-door, and, you

know, we can get four on the lot and satisfy the concerns of the abutters. I guess I'm still -- I said what I'm going to say, but I'm still troubled by the fact that you would have sold the property before getting relief on this property and then coming to us and saying my hands are tied. They wouldn't have been tied if you just reversed the process and straightened out your Zoning on 241-243 and once you knew what the solution was and sold the property next-door.

DAVID MASSE: We did it because we had previously had it drawn up where we could park six cars. I mean, we had, we had planned on parking six cars on our lot, and the abutter objected to the six cars.

CONSTANTINE ALEXANDER: I'm not trying to be difficult, but you planned on doing that, but you needed Zoning relief.

There was no guarantee. The neighbor could have said we're in love with this, and we could have said as a Board, uh-uh, too many parking spaces in this lot, they're too close to the lot lines, and too close to the -- you knew you were going to have Zoning issues before us with regard to six spaces and now four spaces, yet you went ahead and left us with what choice do we have is sort of what you're saying to us. We don't have any other spaces to provide parking, therefore, let us only have four spaces on our lot that has, building with regard to building six dwelling units. I'm going leave it there. To me that's very troublesome.

ATTORNEY BRUCE EMBRY: Well, I suppose there's a half empty and half full view of this, and that is that the building as it stands now has no parking spaces, and --

CONSTANTINE ALEXANDER: But is it not true that the parking spaces, at least informally, were provided to the people who own the four units on your lot next-door?

DAVID MASSE: Just as a good will gesture. I mean, there was nothing ever set up for that.

CONSTANTINE ALEXANDER: I understand. Nobody had legal right to it.

DAVID MASSE: Right.

CONSTANTINE ALEXANDER: But your good will gesture -- your good will has continued for a long, long time to allow the --

DAVID MASSE: Well, no. I mean, while I was there previously we didn't own that property and they parked on the street.

CONSTANTINE ALEXANDER: Since when have you owned that?

JANET GREEN: Weren't there signs on that second property, though, that said this is for the residents of a certain apartment?

DAVID MASSE: We did when we set it up, yes.

CONSTANTINE ALEXANDER: How long ago was that, roughly?

DAVID MASSE: How long ago was what?

CONSTANTINE ALEXANDER: Did you buy the second lot, you had the ability to have the second lot?

DAVID MASSE: My father bought the second lot, I don't know, back in the sixties maybe.

CONSTANTINE ALEXANDER: So for 40, 50 years maybe, you provided parking for the residents of your structure at 241-243?

DAVID MASSE: Right.

ATTORNEY BRUCE EMBRY: Let me get

back to the half full part.

TIMOTHY HUGHES: It's sort of half empty.

ATTORNEY BRUCE EMBRY: We've worked over the half empty.

Basically the half full part is that if Mr. Masse were to board up the store, the status quo would maintain. The four units above would have tenants. There would be no requirement for them to have parking. It's a pre-existing, non-conforming use. So really if we want to look at this in a more positive way, I think what we can say is that this is an opportunity to get four cars off the street, and I don't know that Mr. Masse should feel like he's being penalized for being a good neighbor and because he had no reason not to allow people to park on his -- the separate lot that his family had

across the street should certainly now create a Zoning imposition for him on the Masse Hardware lot. So, you know, again, I mean, I'd like to think of it in the positive sense, and I mean there's been some serious work on trying to get neighbors on board. Both abutters are in agreement with the four car plan. It's actually aesthetically nice and a much improved plan over the original.

THOMAS SCOTT: And didn't you close a curb cut on Sherman?

ATTORNEY BRUCE EMBRY: I'm sorry?

THOMAS SCOTT: You closed a curb cut on Sherman?

ATTORNEY BRUCE EMBRY: Right.

CONSTANTINE ALEXANDER: This is a better proposal.

ATTORNEY BRUCE EMBRY: And there's a telephone pole that doesn't have to get

moved.

THOMAS SCOTT: That was one of the concerns was having a curb cut on Sherman?

ATTORNEY BRUCE EMBRY: Well, they were concerned about the circulation of traffic coming out on Sherman Street. And we've basically eliminated that with green space and paving here and fencing, by the way, which is intended to be a visual screen both here and here for both abutters.

Mr. Masse had a neighborhood meeting on the 10th.

CONSTANTINE ALEXANDER: Yes, talk to us about that. We requested you do that. And I very much appreciate that you did do it.

ATTORNEY BRUCE EMBRY: And that happened. 20-some odd people attended.

DAVID MASSE: I gave you a copy the minutes.

ATTORNEY BRUCE EMBRY: People had a chance to take a look at the plan.

CONSTANTINE ALEXANDER: How would you characterize the neighborhood response to the proposal?

ATTORNEY BRUCE EMBRY: I think the neighborhood response was generally favorable with, you know, the typical kind of concerns that anybody in any neighborhood would have for the fact that, you know, parking is at a premium on the streets in Cambridge and I think we all understand that.

CONSTANTINE ALEXANDER: That is the issue unfortunately or -- the fact of the matter is parking is the issue. There's a -- parking is a problem there. You're proposing to create dwelling units without parking spaces. And you've always provided parking spaces, I'm sorry to disagree with

you, for the people who lived in that structure in the past. You provided them next-door in the lot that you've now no longer -- before getting relief from us, and finding out our views on this, you've now put yourself in that box and now you're asking us, if you will, to bail you out and that's probably not a very good way of putting it because it's too strong. I don't mean it to be that pejorative. That's been troublesome. That's the part. I would agree with you, in my judgment, aesthetically that is far better than what we saw before. I don't disagree with that. But there's a price for aesthetic improvement and that price is parking. I'll hear from the neighbors. I presume there are some neighbors here who want to speak to us.

That is the crux of the matter. You do

need relief in terms of the parking lanes and you're going to be too close. Parking lanes need to be set back from a building.

ATTORNEY BRUCE EMBRY: Exactly.

CONSTANTINE ALEXANDER: You've got problems there.

ATTORNEY BRUCE EMBRY: None of the spaces on this plan conform, they all need relief from the side yard or from the building, that's true.

CONSTANTINE ALEXANDER: What about bicycle parking, is that still an issue?

ATTORNEY BRUCE EMBRY: Yeah -- no, that's been taken care of and free parking bicycle parking.

CONSTANTINE ALEXANDER: Okay.

Other questions from members of the Board.

THOMAS SCOTT: Can you talk about

when the business was there, what did you do about parking for people who wanted to visit your store? Where did they park?

DAVID MASSE: We had the parking lot across the street.

THOMAS SCOTT: And how many cars did that hold?

DAVID MASSE: Did it hold?

THOMAS SCOTT: Yes.

DAVID MASSE: 24 cars, something like that.

THOMAS SCOTT: And that accommodated all of your business customers.

CONSTANTINE ALEXANDER: And the tenants.

DAVID MASSE: And the tenant.

CONSTANTINE ALEXANDER: Should we open it up to public testimony?

DOUGLAS MYERS: Just so I would have

an idea of alternatives, if the Board denied relief, what would be the future of the now commercial part of your property in the immediate and near future?

CONSTANTINE ALEXANDER: That's gone.

DAVID MASSE: That's a good question. I don't, I don't know. I don't know. I mean --

DOUGLAS MYERS: Would you feel yourself forced, obliged to continue, to present it, to offer it for sale as a commercial space?

DAVID MASSE: Where are they going to park if it's a commercial space?

DOUGLAS MYERS: Okay.

DAVID MASSE: They can't.

ATTORNEY BRUCE EMBRY: And I think that's -- I think that is the focal point of

the argument, and that is that we either retain the commercial use, people are going to be parking all over the street to attend the commercial use, that's certainly not what anybody is interested in seeing. And --

CONSTANTINE ALEXANDER: The unfortunate thing here is that you should have -- hindsight is always 20/20. You should have gotten your Zoning situation for this structure for the parking straightened out before you made any arrangements to dispose of the property next-door inasmuch as the property next-door has provided parking for this structure. And if you want to give up that parking and still take -- and then come to us and say -- you know, it's sort of like the, you know, the old quasi legal definition of chutzpah. You murder your mother and father and then you ask the jury

for mercy for relief on the ground that you're an orphan. You put yourself in a position that we have to give you relief or you've got a real dilemma seems to me. I don't know what happens to the old retail space. You don't have parking any longer.

DAVID MASSE: But at the same -- excuse me.

CONSTANTINE ALEXANDER: Yes.

DAVID MASSE: At the same time whether we provided the parking for those tenants across the street, we weren't obliged to provide parking because they were grandfathered.

CONSTANTINE ALEXANDER: You weren't obliged, but it didn't facilitate your ability to lease the property, facilitated the rental structure. In any event, if you told the people you weren't obliged to

provide parking, they're no longer able to park since you sold the lot across the street. You might have trouble renting the place or the rents would come down. One of the attractions, it seems to me, in your old arrangement was you could provide parking to people right across the street. Never a problem. There's 40-something spaces. And if you wanted to park, you can park. That's a nice attraction for the apartment in Cambridge. The other problem is you have two-bedroom apartment and a study. Those are relatively large apartments. They're likely to draw people who have cars and maybe more than one car. And here we are with a shortage of parking spaces in an area that needs parking spaces. I am -- I'm repeating myself as I usually do.

I'm going to open the matter up --

THOMAS SCOTT: Can I say something? I tend to disagree a little bit because if the lots were contiguous, I'd agree with you. But the lots were separated by a street. And I think he has every right to be, you know, to offer that other lot up and it doesn't have -- really have anything to do with the lot that he owns on the other side of the street. Only fact that it's owned by the same entity or a different entities under the same name. So I tend not to completely agree. If they were contiguous lots, I would agree.

CONSTANTINE ALEXANDER: Fair comment.

Any other questions at this point?

TIMOTHY HUGHES: The other observation I would make is that, you know, the retail space could get swallowed into,

the building could become into a four-unit building and the retail space could get swallowed into that. It doesn't have to be retail space. It doesn't have to be six units. There are other places you can go. But I have to say having said that, I liked the first plan with the six parking spaces and I was happy with that. I was ready to go with it.

CONSTANTINE ALEXANDER: Further questions or comments or should I open it up to public testimony? We'll have a chance to talk again.

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

ATTORNEY KEVIN CRANE: My name is Kevin Crane, C-r-a-n-e. I'm an attorney. I represent Dennis and Tina Brunetto who are the --

JANET GREEN: Excuse me, if there are any neighbors in the back, can you hear?

FROM THE AUDIENCE: No.

TIMOTHY HUGHES: You should move forward.

CONSTANTINE ALEXANDER: This is a bad situation.

ATTORNEY KEVIN CRANE: Is that functional, that mic?

SEAN O'GRADY: Yes. Give it a try.

TIMOTHY HUGHES: Turn it on and find out.

ATTORNEY KEVIN CRANE: I'll raise my voice.

CONSTANTINE ALEXANDER: I think it's working.

TIMOTHY HUGHES: It's got an on/off switch on the top.

ATTORNEY KEVIN CRANE: Attorney

Kevin Crane, 104 --

CONSTANTINE ALEXANDER: Why don't you sit to the side so you're semi-facing the audience and they can maybe hear you.

ATTORNEY KEVIN CRANE: Attorney Kevin Crane, 104 Mount Auburn Street, Cambridge, Massachusetts. I represent the immediate abutters Dennis and Tina Brunetto. We've come a long way from having automobiles on our property line crossing on a shared easement to looking out the window to grass and a clearly demarcated fence as far as whose property is on which side of the line.

CONSTANTINE ALEXANDER: Make it clear, the abutter you represent is on Sherman Street.

ATTORNEY KEVIN CRANE: On Sherman Street.

CONSTANTINE ALEXANDER: Okay.

ATTORNEY KEVIN CRANE: And also from cars, we've come a long way from having cars coming in and out of Sherman Street with the deletion of the proposed curb cut there.

The removal of the present garage will be a certain addition, and my clients would say that they're in support of this proposal. We'd like to thank Mr. Masse for considering our concerns and incorporating it into the present plan. I'm not going to say anything regarding the parking aspect of it, but I will say that there is concern of my client that I think there are other people in the neighborhood that what would happen to the building if the relief wasn't granted.

CONSTANTINE ALEXANDER: That's a good question.

ATTORNEY KEVIN CRANE: And you just don't know. It's a wild card. And I think

the present proposal has enough general acceptance, although I think I still reserve, as you would, Mr. Chairman, the issue of parking. But there is that general concern as to what would happen to the building if the relief wasn't granted? At least with this plan we know what we're getting.

Thank you.

CONSTANTINE ALEXANDER: Thank you.

Anyone else wishing to be heard on this matter?

Sir. Again, maybe so people can hear you.

EARNEST TARQUINIO: I live at -- I don't have very much to say other than I live at 268 Walden Street.

CONSTANTINE ALEXANDER: And your name?

EARNEST TARQUINIO: Earnest

Tarquinio, T-a-r-q-u-i-n-i-o.

CONSTANTINE ALEXANDER: And your address again, sir?

EARNEST TARQUINIO: 268 Walden.

CONSTANTINE ALEXANDER: So you're down the street a bit?

EARNEST TARQUINIO: Yeah. I've known Dave. I've known the family. I support his plan. I think the parking is definitely, I can see people's concerns. Parking in that area is definitely tight, but knowing Dave and knowing the pride he takes in what he does, the building's going to look good. He's going to improve the area. Maybe the trade off is that maybe there's going to be some tight parking for a couple of cars. But I'd op for that rather than have -- and have a nice building and a nice area. So I support Dave. I hope you guys

pass his plan.

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

And let me make it clear that my remarks were in no way cast dispersions on you, Mr. Masse. You have an impeccable reputation for retail in the city. And we have our Zoning Ordinances. I didn't want to leave you with any impression other than that.

Anyone else wish to be heard on this matter? Sir.

MALIK LATIF: Thank you.

CONSTANTINE ALEXANDER: Thank you.

MALIK LATIF: My name is Malik Latif, M-a-l-i-k L-a-t-i-f. I'm a butter 237 Walden Street, right next to the lot.

I've been neighbor to Masse's family for almost 40 years, and they have been really

great in business. They have been really great in the neighborhood, and they have done a lot for the community. I understand that there is an issue of parking and it is very critical. Now there have been some mistakes, and because of that there is a bottleneck. But you members of the Board are the experts. You have to decide and you have to solve this puzzle. There's nobody else to decide. You have to decide. Let's look at some of the bad growth. David Masse's family has worked there for many, many years. They have been great neighbors. They've done a lot. In fact, the family has been recognized by the city with the -- in the gardener. Masse's gardener. I personally believe they are doing their -- a lot of service to the community. They deserve something back, and this is not entirely their interest. I'm

talking off something coming back to the city. There are two apartments being built extra. I'm getting -- and everybody else is getting letters from the city for scholarship for the students to help the homeless people to do various acts of deeds, kindness, and here we have an opportunity to increase the city's coffer. One thing.

Secondly, somebody will be accommodated there. Somebody will benefit from it. I understand when there is some benefit, there is always a little bit of disadvantage as well, but you are the expert as I said before. You have to look at the plan as a whole and see where the community as a whole benefits, not me. I'm individual. I'm directly affected. In fact, the wall between myself and Masse's is right there. Otherwise, that wall will be moved and I will

be directly affected by the parking there. However, I'm looking at the community as a whole. I have to look at how many people will benefit? Is the city going to benefit? Is it going to decrease a little bit? Homelessness? So all those factors. I'm not expert. I can only have some feelings. I can have feelings of recognition to the family. I could have feelings of doing something for the community, but here you have a great responsibility. You are the experts. You are the person who will decide. Here is a bottleneck. It is really a big problem how to solve it, and nobody else can solve it but you are the ones who will. And I am hoping, hoping you will consider all those factors in solving this problem.

CONSTANTINE ALEXANDER: Well, thank you for passing the buck to us.

MALIK LATIF: Thank you.

CONSTANTINE ALEXANDER: I have a specific question for you, sir. Thank you for coming down. Sir, don't too far. Now, I have one question for you.

MALIK LATIF: Sorry.

CONSTANTINE ALEXANDER: One of the reliefs they're seeking, under the zoning Ordinance their driveway for the parking is supposed to be at least ten feet from your property line. They're not going to be ten feet. And that's -- they're asking us --

MALIK LATIF: I understand that.

CONSTANTINE ALEXANDER: Is that a problem for you?

MALIK LATIF: Not for me, no.

CONSTANTINE ALEXANDER: That's what I wanted to know.

MALIK LATIF: Thank you.

CONSTANTINE ALEXANDER: Is there anyone else wishes to be heard on this matter? Ma'am.

RUTH ALLEN: Hi, my name is Ruth Allen, and I own a business at 260 Walden and I also live at 48 Fenno Street which is a street away. I want David to have the six spots. He was gracious enough to have a meeting, which was wonderful, and a lot of neighbors went to this meeting. And the one thing that came out in this meeting was that parking is an issue. I've been in business, not myself, but my family, like David -- David's been 125 years. Patty's is only in for 80 years so we're young. We also do a lot for the neighborhood and a lot for the community. And if the parking relief for four cars versus six cars, that's gonna spill over and that's what a majority of the

neighbors were concerned about when we did have that meeting. I apologize, a lot of them couldn't make it tonight, but that's the concern.

The other thing is that we loved what he did with the building. I mean, the building itself is absolutely beautiful, what he will do. So we were -- we said definitely we're in complete backing of David getting these things, but we also want the six parking spaces. And I understand it. It's not neighbor versus neighbor, but the entire neighborhood, we -- a lot of us don't have driveways in that area. We don't have -- so it's on-street parking. And a majority of these apartments now -- I know that Cambridge doesn't believe it, but people actually still drive in the city of Cambridge, and actually in our neighborhood specifically because

they are families. They have two cars and not just one, and we're not going to feel guilty about having two cars. They have children. They have dogs. They have, you know, they have to drive places. And a lot of these people don't have parking as it is. So I know people say the parking isn't the issue, you have to take the parking out of it.

CONSTANTINE ALEXANDER: One second.

RUTH ALLEN: But that is it, you know.

CONSTANTINE ALEXANDER: One of the dilemmas, and thank you for coming down. And you say not neighbor against neighbor. That's exactly what we have here. You go to six parking spaces, this neighbor is going to make be very unhappy. If we go to four, other neighbors are going to be unhappy.

RUTH ALLEN: The rest of the

neighborhood is going to be unhappy. So I mean, I understand living next-door. But whatever, whatever happens, I mean we're there for the duration, a lot of us. In our section of Cambridge we're not movers and shakers. We don't leave. I mean, my grandparents bought the house in '26. There's five of us that are still a third and fourth generation in the same houses on my same street. We have a very great community in that section of Cambridge, and it is a community. And if you make this allowance, then it does disrupt. So, and I know you guys have the final say and I don't --

CONSTANTINE ALEXANDER:

Unfortunately we do.

RUTH ALLEN: Yes.

CONSTANTINE ALEXANDER: Let me go back to the point of it, would you say, and

give me your opinion, that the neighborhood that you speak of, is by in large are they opposed to four parking spaces? I know you're not going to know either way. But what would you say is the tenure or the temper of the neighborhood with regard to this proposal for four parking spaces?

RUTH ALLEN: They weren't happy. They wanted the other two. That meeting that we had and that was the reiterating thing, that people were saying well, okay, what about where are the other two people? And you know what, having four parking spaces doesn't mean there are going to be four cars. Those four cars could be actually six cars or eight cars. So you're giving four parking space to four people, but there could be like, you know, another four or five cars.

CONSTANTINE ALEXANDER: Zoning law

only requires one unit per one space.

RUTH ALLEN: We understand. And that's all we can hold it to. But in reality, that's not the reality. There are two and three cars in these apartments. So, David did try to hold to the law by giving one parking space, but the reality is that it's not just one. And the neighborhood knows that.

So -- but thank you for your time.

CONSTANTINE ALEXANDER: Thank you for coming down.

Anyone else wishes to be heard on this matter?

DENNIS BRUNETTO: Hi. My name is Dennis Brunetto and I'm the abutter.

CONSTANTINE ALEXANDER: The abutter on Sherman Street?

DENNIS BRUNETTO: On Sherman

Street. And the plan that's proposed here is -- addresses all of my family's concerns.

CONSTANTINE ALEXANDER: I understand that.

DENNIS BRUNETTO: The old plans would have had everybody's neighborhood concern would be on my property. So that, microcosm would be in my --

CONSTANTINE ALEXANDER: Which way do we go? Either way we're going to offend somebody.

DENNIS BRUNETTO: But this plan addresses all my family's concerns and I approve it.

CONSTANTINE ALEXANDER: Okay, thank you very much.

Anyone else wishes to be heard on this matter?

You'll have a chance to speak.

One more time. Anyone else wants to be heard in this matter?

KAREN BRUNETTO: Well, I have -- okay.

CONSTANTINE ALEXANDER: You don't have to speak.

KAREN BRUNETTO: I don't have to -- well, I'm the other abutter. My brother -- this is my brother and I'm Karen Brunetto.

DENNIS BRUNETTO: You have to forgive us, we're only 59 years on the block. So we're the babies.

KAREN BRUNETTO: We're the grandkids on the block.

CONSTANTINE ALEXANDER: You folks are in support of this petition because it affects your property.

(Both speaking at once.)

KAREN BRUNETTO: (Inaudible).

Well, we don't have the circular driveway going around the corner, and one thing as people saying well, what are you going to do with two apartments that don't have a car? Well, why can't Mr. Masse reward the people who don't have a car with say a lower rent. Saying I will give you a break on rent if you say you have a bike, you use bus, public transportation, and that takes two cars off the streets. So that's a possible option is, like, you have four spaces for people paying a higher rent for that extra space.

CONSTANTINE ALEXANDER: We can't get into that. I mean, we can't dictate what tenants he chooses.

KAREN BRUNETTO: Well, if you say let's have two rental -- if you rent this without a space --

CONSTANTINE ALEXANDER: We can't -- again, we can't do that as a Zoning Board. We can either say you can have this plan with four spaces and another plan with six, but how he structures his rental arrangements, what dispensation he gives to people who don't -- rent breaks if they don't have a car that's his business. It's not our business. But I do want to return to one issue that Mr. -- and it occurred to me that Mr. Hughes has raised. What about the possibility of reconfiguring the inside of the structure so that rather than six units you have four units and you have four parking spaces and everybody's happy. Why -- have you considered that? If you have, why are you not proposing that? I realize it would require more work and, therefore, greater expense. That goes without saying, but is

there a possibility of that?

ATTORNEY BRUCE EMBRY: Well, I think the -- I think the configurations would wind up with these gigantic apartments which are probably not compatible with the kind of population that you have.

CONSTANTINE ALEXANDER: How gigantic? The four units that exist now, how many bedrooms are they?

DAVID MASSE: Three.

CONSTANTINE ALEXANDER: Each are three?

DAVID MASSE: On the second floor -- on the second and third floor they're each three bedrooms.

CONSTANTINE ALEXANDER: So you have four, three-bedroom apartments in the building?

DAVID MASSE: We have four,

three-bedroom apartments.

CONSTANTINE ALEXANDER: Wow, in that building?

DAVID MASSE: Yes.

CONSTANTINE ALEXANDER: So what you're proposing is smaller.

DAVID MASSE: You would have two, five-bedroom apartment and you would have five cars in each apartment.

CONSTANTINE ALEXANDER: I hear you. One last time, anyone else wants to speak?

Sir, you spoke already. Anything new to add?

EARNEST TARQUINIO: Well, I was at the neighborhood meeting also, and I had a different feeling for the meeting. It's, like, it wasn't people were objecting to it. Yes, there was acknowledgement that there was

parking, there was parking issue. There's always -- I've lived there on and off for a long time. It's a main street. There's always parking issues. It's always been a parking issue, but I didn't get a sense that that was something that would preclude Dave from doing what he wanted to do. That's the feeling I got from the meeting. So, again I was at the same meeting she was at.

CONSTANTINE ALEXANDER: Mr. Embry, you wanted to speak. Just a question, just an estimate, right now as part of we know or that the people who rent the four units that are in the building right now have the ability to use the space across the street? How many of those spaces are used? Since you've got four, three-bedroom apartments. I've got to believe there are more than four cars.

DAVID MASSE: They only, they use

four.

CONSTANTINE ALEXANDER: Only four spaces?

DAVID MASSE: Four spaces.

CONSTANTINE ALEXANDER: Each three-bedroom apartment only has one car?

DAVID MASSE: I wouldn't say that. They may be parking somewhere else. They only use four spaces.

CONSTANTINE ALEXANDER: Okay.  
Mr. Embry, I am sorry.

ATTORNEY BRUCE EMBRY: I guess I wanted to sort of summarize by saying that obviously this is not a perfect solution or we wouldn't need to come here if we had the perfect solution. So what we're trying to do is balance, you know, abutting desires, neighborhood desires, this property owner's desires, the city's desires. And, you know,

what does the city think is the best use for this property?

The conversion to residential from this sort of vague commercial use on that corner is, I mean, I don't think I have to make a special argument about that. I think that that is a very desirable thing for the community. I don't think the community has benefitted from having a commercial use on that corner. And to have, you know, Mr. Masse beautify the building and turn it into something that somebody would actually like to live in, is I think a positive. And when we weigh that against the cost of that is do we want to put two cars on the street? And to me it seems like the weight favoring the building is greater. Now you may disagree, but I think we've satisfied the needs of the abutters. I think the community

has not really spoken here. I think only one person has come to speak on behalf of the neighborhood and I'm not so sure that that's an accurate representation of the neighborhood's concerns. Would it be better if there were not two cars on the street? Sure. Sure. But at what price? At what cost? And, you know, I think Mr. Masse has been -- and his family have been great citizens in this community for ions, and I think if you look at the standard which is substantial detriment, I don't know that we get there.

DAVID MASSE: If I may correct him. When he said that having a commercial property there was not --

TIMOTHY HUGHES: I would hope you would correct him on that.

ATTORNEY BRUCE EMBRY: No, to

substitute.

DAVID MASSE: It would correct the traffic. It will correct the traffic. I mean, there are no more trucks delivering and there are fewer cars because --

TIMOTHY HUGHES: I thought it was a benefit to the neighborhood.

CONSTANTINE ALEXANDER: I've got to make one comment and this sounds harsh, but I think it's important for the record. There's no question, Mr. Masse, that you've been an outstanding citizen of the city as a retailer. But that doesn't entitle you special treatment on this project.

DAVID MASEE: I agree.

CONSTANTINE ALEXANDER: So we treat you just like everybody else when it comes to this case tonight.

MILTON HU: I just wanted to point

out, I don't know if this has been overlooked, but there was a previous scheme where the driveway continued from one street to the next.

CONSTANTINE ALEXANDER: Yes, that's the first one.

MILTON HU: So because we're not doing that and we're doubling back out the same driveway, we're actually gaining at least another space on this on the street because we don't have the extra curb cut.

CONSTANTINE ALEXANDER: Okay.

TIMOTHY HUGHES: Is there parking along that -- I don't think there's no parking on that side of the Sherman Street anyway. It was a good effort, though. I appreciate that.

DOUGLAS MYERS: A couple of questions.

CONSTANTINE ALEXANDER: Sure, go ahead.

DOUGLAS MYERS: The ownership structure that you anticipate assuming that the Board were to approve tonight, is it's going to be -- the building will be owned and the apartments will be rented?

DAVID MASSE: Yeah.

DOUGLAS MYERS: They're not condominiums?

DAVID MASSE: Not condos, no.

DOUGLAS MYERS: And given that, are the four spaces that are there, will they be allocated to specific rental units?

DAVID MASSE: They would be, yes.

DOUGLAS MYERS: And will the new units be the units without parking spaces? Or how -- what are your thoughts about that?

DAVID MASSE: I was thinking the new

units would be the ones without parking spaces because they're going to be smaller units and less income.

DOUGLAS MYERS: Less rental income.

DAVID MASSE: Less rental income, that's right.

DOUGLAS MYERS: In any event?

DAVID MASSE: Yes.

CONSTANTINE ALEXANDER: Let me just remind the Board that the old case, the original case, was six parking spaces which didn't appeal to the abutter on Sherman Street and is still live. So there is, if you will, we have the ability to either approve this with four spaces, approve the one with six spaces or approve neither obviously. I just want to point out it's not just -- we do have the luxury of considering both in context. Realizing that whichever one we

choose, we're going to antagonize at least some of the neighbors.

Okay, with that I'm going to close testimony. Time for deliberation by the Board.

Anybody want to be brave enough to start?

TIMOTHY HUGHES: Sure. I got nothing to do. Like I said before we opened it to public testimony, I was in favor of the six car scheme. I think it's a little bit disingenuous of the abutter on that side who has a parking scheme that very much approximates what the six -- what the extra two cars would have been like if you had had the six car scheme. I mean, it's very -- they're very close to the property line. They probably, you know, setback, you know, violations, but it's grandfathered and

it's -- I understand they have, they have what they need and they don't want to see that change at all. But like I said, I think that's disingenuous and that's why I was favor of the six car scheme.

The other thing is that, you know, no matter what happens going forward, if this became a retail on the first floor again, it still wouldn't have the benefit of parking. And they would have to come back for relief from parking for a new retail establishment to whoever they might lease it to or rent it to because any of the parking that existed for that retail establishment was across the street and it's gone. One way or another it's gone. So like I said, I prefer the six car scheme. I could vote for the four car scheme, but I just want, I want that out there.

CONSTANTINE ALEXANDER: Just a question for Sean. Does every retail use require parking?

SEAN O'GRADY: Yes.

CONSTANTINE ALEXANDER: I wasn't sure of that.

SEAN O'GRADY: I mean, there's exceptions but I mean --

CONSTANTINE ALEXANDER: As a general rule.

SEAN O'GRADY: General rule, yes.

TIMOTHY HUGHES: Bicycle repair shop shouldn't require parking.

CONSTANTINE ALEXANDER: Except for bicycles.

TIMOTHY HUGHES: They have to walk the bicycle in.

DAVID MASSE: How do you get the broken bike in?

CONSTANTINE ALEXANDER: On your back.

Your preference would be the six parking spaces?

TIMOTHY HUGHES: It would.

CONSTANTINE ALEXANDER: Anyone else wants to speak or not?

THOMAS SCOTT: Well, I think the elimination of the curb cut on Sherman Street is a positive for this plan as well. Given the traffic configuration in that area, I just think it helps to not have that curb cut on Sherman Street. So I'm a little more in favor of this plan than the six car scheme.

CONSTANTINE ALEXANDER: Janet?  
Doug?

DOUGLAS MYERS: I'll speak briefly. Like Tim, I could support the six or the four.

And like Tom, I slightly favor the four

because I really, I mean, I think we have -- the Board has to act on the evidence, the testimony that we hear, and our inferences that we draw from that. And I just don't hear burning community outrage or opposition. I mean, I see an area where there are parking problems and I see Cambridge having parking problems as a whole, and I just believe these two cars will flow -- these two spaces will flow into the general mass of parking problems in that area. And for that reason I just think that's too generalized and too little impact on the community judging by the testimony I hear as opposed to very specific impacts on the abutter and on what is a very promising and positive project for this property.

CONSTANTINE ALEXANDER: Janet?

JANET GREEN: I have a slight

preference for the six car solution, but I can support the four car solution. I agree with what Doug said about the, you know, clearly there were differences of opinion in the neighborhood. It wasn't clear to me that there was an overwhelming feeling one way or another.

I do agree with the Chairman that it was unfortunate that it was presented to us in a way that the other -- that you sort of came to us to solve this problem before making the agreement about the other piece of property. I think that sort of set a tone and didn't feel right to me at the beginning, but when I listened to people's comments, I would agree with Doug and say that I don't hear overwhelming opposition to this four car plan.

CONSTANTINE ALEXANDER: If I may,

still bottom line, you would prefer the six to the four?

JANET GREEN: Yes.

CONSTANTINE ALEXANDER: Okay.

Remember we -- whichever one we do we need four votes in favor, for the benefit of the audience and the benefit of the petitioner, who probably doesn't need that.

Under the state law to grant relief, variance relief, the state requires what we call a supermajority, four out of the five. A simple majority is not sufficient. The simple majority the relief is defeated and relief is denied.

Okay, I've dodged long enough.

To me this is an extremely difficult case. I didn't like the six parking space solution, but I don't like the four parking space solution either. I think there are

real parking issues in this neighborhood. I am very much troubled by the way this case has come before us. You know, the fact you took away the spots that would have been a natural solution to this problem. And you could have sold the building across the street and you could hold out two parking spaces for you knew what you were going to do here and you wouldn't have a problem before us. I don't think. And you would only need little technical relief and the neighborhood would be satisfied.

That said, and I do think aesthetically the four parking space solution is better than the six, but I am really troubled about the parking. And I -- the six parking space solution causes consternation for the one abutter on Sherman Street. There are other solution to that. There's fencing and the

like. And I'm -- I guess where I'm coming out is with a great deal of reluctance, I like the six parking space solution better than the four but very barely. What I'm seeing here is we've got three votes in favor of six and two in favor of four. Neither would carry muster. If we voted on both of them tonight, which we can do, both of them would go down to defeat. And I don't think that's what anybody here wants on this Board, I don't think.

DOUGLAS MYERS: Although both Tom and I expressed a willingness to consider the six and I would think rather --

CONSTANTINE ALEXANDER: Which I'm getting to. Thank you, Doug. No, no, that's fine.

What I'm going to suggest we do -- and I know Mr. Crane's not going to be very happy.

I'm going to suggest we continue this case momentarily and take up the six parking space, and if you get the votes for that, then we can come back to this case and it gets dismissed obviously because you don't need it anymore.

Is that okay with everybody else?

TIMOTHY HUGHES: That's fine with me.

CONSTANTINE ALEXANDER: Okay.

The Chair moves that this case be continued until a later in tonight's meeting so that we can take up another case first.

All those in favor say "Aye."

(Aye.)

CONSTANTINE ALEXANDER: Five in favor.

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

\* \* \* \* \*

(8:00 p.m.)

(Sitting Members Case #BZA-003670-2014:

Constantine Alexander, Timothy Hughes,

Thomas Scott, Janet Green, Douglas Myers.

CONSTANTINE ALEXANDER: Now we're going to call 003670, 241-243 Walden Street. This is the six unit.

DOUGLAS MYERS: Gus, since this case now is the case we're going to take up, 04519 --

CONSTANTINE ALEXANDER: That's the one we just continued.

DOUGLAS MYERS: I apologize. 003670.

CONSTANTINE ALEXANDER: That one we just continued one.

DOUGLAS MYERS: I'd like to raise a point, because I don't know, this case might become the final case on which we take official action. In reviewing the transcript of the meeting of June 26th, there were references to Brendan Sullivan sitting

in the case and speaking at the meeting, and I would just like to say that that did not -- that seemed to me somehow an error in the transcript.

CONSTANTINE ALEXANDER: He did not speak. You're right. The record should reflect that in fact.

DOUGLAS MYERS: The record should reflect that in fact I sat. Nonetheless, we don't know where this case is going and it seems to me the record should be clear because Mr. Sullivan disqualified himself.

CONSTANTINE ALEXANDER: Thank you.

Okay, we didn't vote on the continuance. So all those in favor of continuing this case --

TIMOTHY HUGHES: We did.

CONSTANTINE ALEXANDER: Okay.

So we're now going to turn to the

original case, with the six parking spaces. It's two -- as I said, it's 003670. We have the file before us. We have the plans before us. I don't know if there's any discussion that's warranted.

I think I'll open it up to public testimony. We've heard from -- and I don't want to -- we know Mr. Crane's views and of your client obvious. You testified. Is there anyone else who wants to speak now on the case that would allow six parking spaces, one for each dwelling unit on the lot, the parking now -- the parking area would be curb cuts on both Walden Street and on Sherman Street. And so the parking, if you will, will go around the back of the building with the one-story addition on the Sherman Street side being taken away obviously to provide the parking. Inside the building would be no

different. Am I correct, sir?

DAVID MASSE: It would be the same.

TIMOTHY HUGHES: I do need some clarification on this. The Special Permit was to create a shared driveway. Now is that really a shared driveway?

DAVID MASSE: No.

TIMOTHY HUGHES: Or is that a long curb cut that runs -- there's no separation in the curb cut.

DAVID MASSE: The shared driveway was for different parking.

TIMOTHY HUGHES: All right. So we're talking about the delineation of the fencing or something that would delineate the parking from the abutter from your property or aren't we?

DAVID MASSE: No, no. The fence would still be there.

TIMOTHY HUGHES: The fence would be there?

DAVID MASSE: Yes.

TIMOTHY HUGHES: And the fence exists now?

DAVID MASSE: Between our driveway and ours no there's a wall.

TIMOTHY HUGHES: There's a wall there from the building. But there would be a fence there that on the property line that would separate -- distinctly separate --

DAVID MASSE: Exactly.

TIMOTHY HUGHES: -- the parking and driveway areas?

CONSTANTINE ALEXANDER: Do you have any sense of what that fence would look like, how tall it would be?

DAVID MASSE: Six foot.

ATTORNEY BRUCE EMBRY: It would be

the same style of fence that we were proposing for the four space plan.

CONSTANTINE ALEXANDER: Okay.

Mr. Crane, I know you want to speak. Not surprisingly. Come forward, please.

ATTORNEY KEVIN CRANE:

Mr. Chairman, for the record again, attorney Kevin Crane, 104 Mount Auburn Street for Dennis and Tina Brunetto. I will speak to the parking now.

CONSTANTINE ALEXANDER: Yes, you will.

ATTORNEY KEVIN CRANE: People do ride bikes. People do walk. Okay?

Parking is an issue in the city of Cambridge in neighborhoods like this. How it all washes out, we don't know. We're talking about two parking spaces versus having my clients have the congestion

underneath their window that the six-car plan would present.

CONSTANTINE ALEXANDER: Let's just test that a little bit if I may. I'm not trying to be argumentive.

You're on the other side of the lot line, your client's lot line, is there not a driveway there?

TIMOTHY HUGHES: Aren't they parking underneath their own window at this point?

CONSTANTINE ALEXANDER: And why isn't the issue -- the problem --

ATTORNEY KEVIN CRANE: There would be more cars coming and going because all six cars would be access out onto Sherman Street.

CONSTANTINE ALEXANDER: Yes, but there still would be --

ATTORNEY KEVIN CRANE: And there

would be backup there.

CONSTANTINE ALEXANDER: What if we had a six-foot fence between the property, why wouldn't that also be a partial solution to your clients -- not entire, a partial solution to your client's problems?

ATTORNEY KEVIN CRANE: As a partial solution, that's the first time I've heard of it tonight.

CONSTANTINE ALEXANDER: Well, we could always propose that.

ATTORNEY KEVIN CRANE: The existing plan still calls for an easement across my client's property which I don't think has been amended at all.

CONSTANTINE ALEXANDER: No. But that easement -- what Mr. Masse and the counsel represented to us is they're not going to pursue that.

ATTORNEY BRUCE EMBRY: We take that down. There's space for the driveway.

CONSTANTINE ALEXANDER: The easement is not going to be pursued, and that relief for the shared driveway is off the table. That's not going to be there.

So what they're proposing and certainly if we grant relief for the six parking units we're going to impose, is a six-foot -- at least a six-foot fence that would go along the lot line. So you would have that, plus the fact that there is parking near the side. So it's not like your client, his residential court is right on the lot line. And where they had no cars underneath their window before, now they're going to have cars. They're going to have more cars, I grant you that. It's not quite as dire as you put it -- as you suggest it seems to me.

ATTORNEY KEVIN CRANE: Well, maybe it doesn't seem to you, but it would seem to my client as far as the coming and going is concerned. Again, we're talking about two parking spaces.

Now, we don't know how many cars are going to be generated by these particular units.

CONSTANTINE ALEXANDER: That's true.

ATTORNEY KEVIN CRANE: You know, I'll give you just as an example, I live across the street from 40 Norris Street, the old North Cambridge Catholic site, which is actually very similar neighborhood residentially to this site. Now that building has just been fully -- it's been occupied. I don't know whether it's fully or not. As far as the parking, and we had many

discussions over the years about the parking on that particular site, in the end, the parking is going to be what the parking is.

CONSTANTINE ALEXANDER: That's true.

ATTORNEY KEVIN CRANE: Okay? In that instance there was 25 parking spaces, one parking space for each dwelling unit. Okay? It has ended up, for various reasons, one of them being I think the developer is charging the tenants additional fees for parking off street. The parking in the street is horrendous right now. Okay? So we can't control what the parking's going to be. That's a 25-unit building which satisfied the parking requirement, one space per dwelling unit. Okay?

Again, this is two spaces. And Mr. Embry, on behalf of his client, can

consider which proposal they want to pursue, but I think that I've made my point.

CONSTANTINE ALEXANDER: You have. And I think the bottom line is we're going to have parking problems here with this property no matter what. I think we are better off having parking problems on six spaces on-site or four? And that's the issue before us. We're going -- I grant you, I agree with you, there's going to be parking issues after this is all over no matter what.

ATTORNEY KEVIN CRANE:

Mr. Chairman, there will be real parking issues when the site across the street gets developed.

CONSTANTINE ALEXANDER: That's true. Presumably whoever owns that property, maybe not Mr. Masse won't be any longer, is not going to seek parking before

us, because if they do, God help them.

ATTORNEY KEVIN CRANE: Okay, thank you.

CONSTANTINE ALEXANDER: Thank you.

Anyone else wish to be heard on this matter if you haven't said anything before?

DENNIS BRUNETTO: I just like to make a point, whatever the disposition of the Board is, if it goes to a six space, the nature of my property is gonna change for about duration of my life. So, you know, the property as I know it can change. I just want to address that small issue. It will be a -- it will be unlike what it is now.

CONSTANTINE ALEXANDER: Thank you, sir.

I'm going to close -- unless you have anything further. Mr. Embry?

ATTORNEY BRUCE EMBRY: Well, I think

it's fair to say that we preferred the six-space configuration to begin with.

CONSTANTINE ALEXANDER: You did.

ATTORNEY BRUCE EMBRY: And then we stepped back and tried to figure out a plan B.

CONSTANTINE ALEXANDER: You did.

ATTORNEY BRUCE EMBRY: And, again, it was a balancing act, and we would prefer the six-space plan as well frankly.

CONSTANTINE ALEXANDER: Okay.

Thank you. And we do appreciate -- on behalf of the Board, we do appreciate your client's willingness to try to work with this Board and the neighborhood to try to come up with a solution. But one that satisfies many people. There's obviously no solution to satisfy everyone.

I don't know if we want to speak

further. I'm ready to vote. As I said before, I'm in support of the six unless, you know, we can take the vote and see how it comes out. And if we don't get the four votes for that, we go back to the four. And if we don't get the votes for that, no relief at all. Do people want to speak to it, speak further or not?

DOUGLAS MYERS: Well, just listening to the discussion since our previous discussion of the four-space proposal, I'm -- other Board members have the complete right to disagree with me as they often do, but I'm more convinced than ever that the four-space proposal is correct.

TIMOTHY HUGHES: Can you elucidate?

DOUGLAS MYERS: I think the, I think the flow-through driving pattern --

TIMOTHY HUGHES: You think that's a

problem?

DOUGLAS MYERS: -- and the kind of overwhelming -- there's going to be just a great number of right turns onto Sherman Street in front of the abutter's property and there will be a number, I think specific traffic problems right there in a way that would not be the case with people exiting on Walden Street and making right turns in front of this rental property.

CONSTANTINE ALEXANDER: Not to encourage your point of view, Doug, but one thing that has not been brought out, and I live sort of generally in the area, is the corner of Walden and Sherman is a busy, busy corner. I know there's a traffic light there and people are trying to get out of -- on either parking lane, either on Walden or on Sherman are going to have a problem.

Traffic's going to be backed -- this is not an ideal site.

DOUGLAS MYERS: Plus in view of the potential development across the street, that to me is a, it counts against the flow-through and the right turn or the frequent right turns which would be right across from any new development.

TIMOTHY HUGHES: But I do think the right turn on Sherman Street wouldn't be backed up by the light. It would be an easier to do than to do the right turn coming out on Walden Street which would have a light backing up traffic in front of it, you know, every single time you went out. I think the left turn out from Sherman Street would be almost impossible based on traffic patterns and probably going to have to take the right and turn around if you want to go the other

way. I understand that, you know, there would be an increased flow in front of the abutter's property, but the abutter has been doing, coming out of the driveway on that street for 59 years?

DENNIS BRUNETTO: Not that long, but look at the size of my neck.

DOUGLAS MYERS: Okay.

CONSTANTINE ALEXANDER: Tom, if you want to say anything or not we can take a vote, it's up to you.

THOMAS SCOTT: I'm still in favor of the four-space scheme. I, again, kind of agree with Doug, I don't like the additional curb cut. I like the increased green space that this plan offers that the other plan had zero. I don't think we should overlook that aspect as well.

CONSTANTINE ALEXANDER: Is there a

possibility that, if we went six parking spaces besides the fence, you could provide some greenery along the side?

ATTORNEY BRUCE EMBRY: Absolutely.

CONSTANTINE ALEXANDER: I'm sorry?

ATTORNEY BRUCE EMBRY: Sure.

TIMOTHY HUGHES: I don't think you have the room.

CONSTANTINE ALEXANDER: Do you have the room? That's the question.

ATTORNEY BRUCE EMBRY: I see what you're saying.

MILTON HU: You mean along the property?

CONSTANTINE ALEXANDER: Yes, on Sherman Street abutters.

MILTON HU: I mean with the plan as much as it is dimensionally we have left for the driveway, the minimum ten feet which

looks like at the narrow end 10.7. So it's a little bit more generous towards the sidewalk.

CONSTANTINE ALEXANDER: You could put some greenery.

MILTON HU: Yeah. We could address that.

CONSTANTINE ALEXANDER: It may not be preferable for a homestead.

ATTORNEY BRUCE EMBRY: Foundation planting or something like that.

DAVID MASSE: Sure.

CONSTANTINE ALEXANDER: I think it's time to take a vote. And let's see where we get the four votes on. We're talking about the six parking space plan. So let's take this case and bring it to a conclusion.

The Chair moves that with respect to the relief being sought, we're talking about the

six parking spaces again, this Board make the following findings:

We're talking about the various relief being sought.

Does that still have a Special Permit, too? That's what made me stop. Are we going to need a second vote?

THOMAS SCOTT: This lists a Special Permit in here.

TIMOTHY HUGHES: Yes, for a setback.

CONSTANTINE ALEXANDER: Okay.  
We'll do the Variance first and see whether it passes.

As I said, the Chair moves that we make the following findings:

That a literal enforcement of the provisions of the Ordinance will involve a substantial hardship to the petitioner. Such hardship being that the petitioner would

be unable to provide, to make an effective use of the ground floor of this structure.

The structure will not be able to return to a retail use. No. 1, it's not in a neighborhood that has a lot of retail. There are some, but not a lot. And, therefore, the petitioner would be left with either making apartments that are very, very large, which are not necessarily economically feasible.

That the hardship is owing to the shape of the structure. The structure is such that it required -- uses up an entire lot, virtually the entire lot, and it is a structure that predates Zoning. And, therefore, that creates the hardship that requires a need for the six parking spaces on the lot and the various relief if that's required to do that.

And the relief may be granted without

substantial detriment to the public good or nullifying and substantially derogate to the extent and purpose of this Ordinance.

In that regard the proposal being brought before us would provide one parking space per dwelling unit as provided on our Zoning Code. That such is appropriate in view of the fact that this property is located at a good distance, not impossible distance, but a good distance from public transportation.

And that this proposal, although it does work to the detriment of one abutter, would seem to have, it's not conclusive, but it would seem to have the support of most of the other neighbors in the area because it would minimize the parking issues in the neighborhood as compared to a solution that if they gave relief for less than six parking

spaces on the lot.

So on the basis of these findings, the Chair moves that we grant the Variance being sought on the condition -- the conditions that one, that the work proceed in accordance with the plans submitted by the petitioner, been prepared by Peter Quinn Architects. They are dated, the latest version which you have, dated June 16, 2014. The first page of which T-1 has been initialled by the Chair.

On the further condition that with respect to the lot line between this property and the abutting property on Sherman Street, that a fence be erected to shield the abutter on Sherman Street from the parking activities that would result because of the use of the driveway that goes to Sherman Street, such steps be a fence at least six feet in height.

And that the petitioners, to the extent

that he -- I'm not going to be very specific, but the petitioner is encouraged to provide as much planting and other greenery along that Sherman Street boundary line to, again, minimize both the visual impact of the fence and also to further increase the buffering between this property and the Sherman Street property.

So on the basis -- those are the other conditions that we would impose.

All those in favor of granting the Variance on this basis say "Aye."

(Aye.)

CONSTANTINE ALEXANDER: Four in favor?

(Alexander, Hughes, Green, Myers.)

CONSTANTINE ALEXANDER: One opposed.

(Scott Opposed.)

CONSTANTINE ALEXANDER: So the relief has been granted for the six parking spaces. I trust you're going to withdraw your other petition? Let me call the case.

(8:15 p.m.)

(Sitting Members Case No. BZA-004519-2014: Constantine Alexander, Timothy Hughes, Thomas Scott, Janet Green, Douglas Myers.)

CONSTANTINE ALEXANDER: The Chair will now recall or call again, case No. 004519, 241-243 Walden Street.

ATTORNEY BRUCE EMBRY:

Mr. Chairman, we respectfully request that this petition be withdrawn.

CONSTANTINE ALEXANDER: All those in favor?

DOUGLAS MYERS: Is there a Special Permit?

CONSTANTINE ALEXANDER: Hold that

for a second. I asked it and then I didn't follow up.

The Special Permit was to have a common shared driveway. Now you don't need that anymore?

ATTORNEY BRUCE EMBRY: No, we don't need it.

CONSTANTINE ALEXANDER: Thank you for calling it to my attention.

SEAN O'GRADY: New driveway for Walden Street with less than required setbacks and parking with no setbacks. You still need that?

CONSTANTINE ALEXANDER: It's not the common shared driveway, it's the less than ten feet.

Thank you. Sorry for the confusion.

Okay, with respect to the Special Permit to have less than ten feet setback, on

the driveway on Walden Street, which a Special Permit is being sought, the Chair moves that this Board make the following findings:

That patterns, that traffic generated or patterns of access or egress would not cause congestion, hazard, or substantial change in established neighborhood character.

In this regard, to the extent that there could be impact of this sort, that when we get to the conditions that would be imposed on the Special Permit, that this would minimize and obviate the problem created, the potential problem created by the driveway on Sherman Street.

That the condition -- the continued operation of development of adjacent uses will not be adversely affected by the nature

of the proposed use.

In this regard, again, the conditions that we propose would minimize the adverse effect, and that in any event the area on the other side of the lot line is already has a driveway and so it's not the usual situation where the new driveway on what would be within ten feet or very close to the structure on Sherman Street.

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. Again, I would make reference to the conditions which are attended to alleviate, not avoid this risk.

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

regard, the Chair will incorporate the findings we made on this same language with regard to the Variance.

So, therefore, the Chair moves that we grant the Special Permit with the conditions that were imposed with regard to the Variance both with respect to the fencing and the greenery, the planting of the greenery.

And also further that you proceed in accordance with the plans that I referenced with regard to the Variance and have been initialled by the Chair.

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

(Aye.)

CONSTANTINE ALEXANDER: Four in favor.

(Alexander, Hughes, Green, Myers.)

CONSTANTINE ALEXANDER: One

opposed.

(Scott Opposed.)

CONSTANTINE ALEXANDER: Motion carries for the Special Permit. And going back to the same.

ATTORNEY BRUCE EMBRY: Same request that we withdraw.

CONSTANTINE ALEXANDER: The Chair moves that we accept the case to withdraw in this case.

All those in favor say "Aye."

(Aye.)

CONSTANTINE ALEXANDER: Five in favor. Case withdrawn.

ATTORNEY BRUCE EMBRY: Thank the Board very much. It was a lot of work. Thank you.

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

\* \* \* \* \*

(8:20 p.m.)

(Sitting Members Case #BZA-004073-2014:

Timothy Hughes, Thomas Scott, Janet Green,  
Douglas Myers, Slater Anderson.)

TIMOTHY HUGHES: The Vice Chair will  
call case No. 004073, 82-84 Alpine Street.

Pick up where we left off, shall we?  
Just identify yourself for the stenographer.

MICHAEL O'SHEA: I'm Michael  
O'Shea. I live at 340 Walden Street,  
Cambridge.

ADAM GLASSMAN: Architect, Adam  
Glassman, Two Worthington Street, Cambridge.

TIMOTHY HUGHES: Tell me what's different and then tell me why we're still going to the ridge line.

ADAM GLASSMAN: Well, there were a few suggestions that we were asked to consider to be in conformance with the guidelines. One was pulling the dormers in from the side walls 18 inches on either side, which we've done.

We were asked to enlarge the windows to meet or exceed the 50 percent of the dormer side, which we've done. You can see we've directed for the purpose on either side.

We're still at the ridge line and I recall there were some general recognition that we could not lower the clear ceiling height on the inside of the dormer. We have to be at seven feet, and that means we need to connect the dormer to the ridge line.

We've got generous setbacks from the front to the rear of the house. And that's what we were asked to do, and I think we've done it.

TIMOTHY HUGHES: Did you lose any square footage pulling it in? Or was that all under five feet under the head height that was accountable anyway?

MICHAEL O'SHEA: No, we did lose square footage by pulling it in, yes. So it would be 15 feet times three feet; 15 feet long a foot and a half on each side, 45 square feet about.

TIMOTHY HUGHES: All right. I just see that the two dimensional forms that I have are exactly the same. They didn't get adjusted. But if it got adjusted, it would be downward not upwards.

MICHAEL O'SHEA: Downward.

TIMOTHY HUGHES: By about 45 feet --

MICHAEL O'SHEA: About 45 feet.

TIMOTHY HUGHES: -- 90 feet saying.

MICHAEL O'SHEA: 45 is the total.

TIMOTHY HUGHES: Oh, that's total.

Oh, right. Foot and a half on each side. I get it. I can do math once in a while.

Any questions from the Board before we open it up to public testimony?

(No Response.)

TIMOTHY HUGHES: Does anyone want to be heard on this matter?

(No Response.)

TIMOTHY HUGHES: I see no one. I'll close public testimony.

Any comments from the Board?

SLATER ANDERSON: What's the height at the ridge inside?

MICHAEL O'SHEA: Seven foot, three with a subfloor. That's the existing attic

single subfloor.

DOUGLAS MYERS: And what are the dimensions of the bedroom as revised?

ADAM GLASSMAN: The -- I didn't make a note of that calculation. I really wasn't -- I didn't realize it was a critical --

DOUGLAS MYERS: Is it smaller than the bedroom?

TIMOTHY HUGHES: I've got a scale.

ADAM GLASSMAN: It is smaller. What's that?

SEAN O'GRADY: We have a scale coming.

DOUGLAS MYERS: That's all right.

ADAM GLASSMAN: We're okay. I've been told we're okay. Thank you.

TIMOTHY HUGHES: I'll take that back. I know how you architects are, you get

a nice tool in your hand and you walk off with it.

Any other comments from the Board?

THOMAS SCOTT: I mean, I'm not particularly happy with the, you know, the slope of the roof. It almost looks like a flat roof addition to the building. It -- I don't know how you solve that problem. You've already gone to the ridge line. Unless you went higher than the ridge line, and I don't think our dormer guidelines address that.

ADAM GLASSMAN: Right. We can't go higher than the ridge line and we need to keep it a certain head height on the side. We really --

THOMAS SCOTT: And you can't bring the eave line down any more to create more slope?

ADAM GLASSMAN: Well, we're at six-six clear.

THOMAS SCOTT: Yes, okay.

TIMOTHY HUGHES: Yes, I understand that.

THOMAS SCOTT: It looks funny.

TIMOTHY HUGHES: Yes, I know.

THOMAS SCOTT: But it's nice that it's pushed as far back as possible from the main street. So....

TIMOTHY HUGHES: So are we ready for a vote? I'm looking for a nod from Slater.

SLATER ANDERSON: Yes.

TIMOTHY HUGHES: The Board would move that the Variance be granted for the two, 15-foot dormers at 82-84 Alpine Street.

A literal enforcement of the provisions of the Ordinance would involve a substantial hardship, financial or otherwise to the

petitioner for the following reasons:

The existing unit is a non-conforming house. One has two bedrooms and one bath and cannot accommodate a growing family.

Converting the unused attic to living space would be the only way to solve this problem.

The hardship is owing to the following circumstances relating to soil conditions, shape, or topography of such land or a structure especially affecting -- dot, dot, dot.

The existing non-conforming structure and associated front and side and rear setbacks would make any expansion of the existing building footprint in further violation of the existing setback conditions. So we have to say that it's the position of the structure on the property that the structure I presumably predates our

Ordinance.

Desirable relief may be granted without either substantial detriment for the public good for the following reasons:

Proposed dormers are modest in scale, consistent in the neighborhood style and barely visible from the street because they are, as pointed out, set back farther into the building.

Relief may be granted without nullifying or substantially derogating from the intent or purpose of the Ordinance for the following reasons:

The increase in gross area is modest.

The proposed design blends into the neighborhood. I would agree with that.

The Variance would be granted on the condition that it would be in substantial conformity with the plans.

I have elevations. I don't have plans.  
Do we have plans in the file?

Or substantial conformity with the  
elevations in the file.

SLATER ANDERSON: I think the last  
sheet has the plan.

TIMOTHY HUGHES: That's a floor  
plan.

Do you have dimensions on your plans?  
Just kidding because you wanted to borrow the  
scale and all that. All right.

As initialled by the Chair on page 1 of  
A-1 and dated today's date, 9/18, whatever it  
is.

All those in favor of granting the  
Variance.

(Show of hands.)

TIMOTHY HUGHES: That's five in  
favor. The Variance is granted.

(Hughes, Scott, Green, Myers,  
Anderson.)

ADAM GLASSMAN: Thank you.

\* \* \* \* \*

(8:30 p.m.)

(Sitting Members Case #BZA-004044-2014:  
Constantine Alexander, Timothy Hughes,  
Brendan Sullivan, Thomas Scott, Janet  
Green.)

CONSTANTINE ALEXANDER: The Chair  
will call -- go to our regular agenda now at  
long last and we'll call case No. 004044, 633  
Cambridge Street, No. 1.

Is there anyone here wishing to be heard  
on this matter? And you heard the drill,  
give your name and address for the

stenographer, please.

ATTORNEY KAREN SIMAO: Thank you.  
Good evening, Mr. Chair, members of the Board, Karen Simao, McDermott, Quilty & Miller, 131 Oliver Street, Boston, Massachusetts. To my left Mr. Max Toste, T-o-s-t-e. To my right, Mr. Aaron Sanders. Both are the owners of the business proposed at 633 Cambridge Street sited as Elm Street D/B/A Lone Star Taco Bar.

May I proceed? Thank you,  
Mr. Chair.

The application before the Board this evening relates to a Special Permit. I'm sure that the Board is familiar with the space, but this is the space that Lizzy's has operated at for many years. Mr. Toste and Mr. Sanders have had a great success in operating a similar operation in Allston in

Boston, Massachusetts. And I raise that because what they did there was created very much a neighborhood restaurant and location in a very congested area, very similar to the challenges that Cambridge has in many of its neighborhoods. And so I lead with that just to cite that the operation, the history of these folks is very much -- they are in the business of creating businesses to cater to the neighborhood. They are not in the business of creating destination locations, which I know many of the finer dining establishments do. That being said, they are investing a significant amount of funds in renovating the space, although the use has been there for sometime. Of course, a facelift is needed, and part of that facelift would include in the floor plans that the Board has, reallocating some of the seating.

One, to create additional bar seating for single seats, which there are many of in the city, folks who want to come in and dine by themselves and are not comfortable sitting in the dining room area. And it also adds some additional dining room seating to that.

CONSTANTINE ALEXANDER: How did you get 21 extra spaces in the property without changing the envelope of the building?

ATTORNEY KAREN SIMAO: I think you'll hear from one of the neighbors that the capacity that they previously had when it was at capacity, the space actually looked quite empty. There's a significant amount of room there to reallocate the seating.

TIMOTHY HUGHES: They got rid of the kitchen, Gus.

CONSTANTINE ALEXANDER: Well, I noticed that in the plans. They basically

did.

TIMOTHY HUGHES: It's tacos. How much kitchen do you need?

ATTORNEY KAREN SIMAO: This is true.

TIMOTHY HUGHES: They pull the truck up out front.

CONSTANTINE ALEXANDER: I expect Mr. Hughes is an expert.

TIMOTHY HUGHES: I've never been to Lizzy's. Never. I think.

ATTORNEY KAREN SIMAO: And so to that end, in looking at the requirements for the Special Permit, we feel very confident that the Board could, within its discretion, grant this increase. There would not be extra congestion. This is absolutely a neighborhood location to the extent that anyone wants to come to the location as a destination spot, there is ample metered

parking. This is across the street from the Lechmere spot. This would not be any detriment to the neighborhood. In fact, we fully expect it will enhance the neighborhood. Nor will it endanger public safety.

I would just note for the record, these two gentlemen -- we all already went to the Licensing Board. The license has been approved to them. But as part of this entire process, both the liquor licensing and this process with the Zoning Board, they've conducted quite extensive community outreach. Not only are the people in the building itself sportive, which you have those letters of support, they did also meet with the East Cambridge Planning Team as well as the business association and have unanimous support, not only for their

business at this location but for their character and reputation in the business that they have run. And I know that there is at least one person present as well that would like to voice their support.

CONSTANTINE ALEXANDER: Counsel, the Special Permit to reduce parking is governed by section six-point -- as you cite in your application, 6.35.1.

ATTORNEY KAREN SIMAO: Correct.

CONSTANTINE ALEXANDER: And that section requires us to -- I'll read from it: We can only grant the Special Permit if the Board determines and cites evidence in its decision that the lesser amount of parking will not cause excessive congestion, endanger public safety, substantially reduce parking available for other uses, or otherwise adversely impact the neighborhood.

And then it goes on to say: In making such a determination, the Board shall also consider whether or not less off street parking is reasonable in light of the following: The availability of surplus parking in the vicinity, the availability of public transportation, etcetera.

I noticed there was nothing in your submission that's dealt with this. Take a few minutes addressing that if you would, please.

ATTORNEY KAREN SIMAO: Certainly. And just based on my previous comments that is in fact the section I was looking at. Pursuant to Section 1, the proximity to the MBTA transit station. Clearly Lechmere is directly across the street, and there is also a bus line that runs right through the area.

CONSTANTINE ALEXANDER: Lechmere is

not across the street.

JANET GREEN: It's not directly across the street. It's like four blocks away.

CONSTANTINE ALEXANDER: It's walking distance.

ATTORNEY KAREN SIMAO: It's walking distance.

TIMOTHY HUGHES: I think the bus line works.

ATTORNEY KAREN SIMAO: And the bus line -- and the bus line is there.

I would also say that the -- in going through the rest of the subsections, it's a tenth of a mile from lot No. 12, the parking facilities for the City of Cambridge.

And, again, I would note that there is quite an extensive amount of metered parking in the location. So, again, in the evenings

the businesses in that area are not using that metered parking.

CONSTANTINE ALEXANDER: Were there, any to your knowledge or your client's knowledge, are there any parking issues with respect to Lizzy's?

ATTORNEY KAREN SIMAO: We are unaware of any issues with Lizzy's at all. All the outreach indicated quite clearly that there were no issues with it. And, again, that extensive community process was conducted specifically with that in mind. If the out -- if the outcome of those meetings had been different, our application may be different before you today.

CONSTANTINE ALEXANDER: You'll have a chance.

Anything further you want to say right now?

ATTORNEY KAREN SIMAO: Not at this moment. Thank you, Mr. Chair.

CONSTANTINE ALEXANDER: Questions from members of the Board?

TIMOTHY HUGHES: No questions.

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

ELAINE CARRIERI: Hi. Elaine Carrieri, C-a-r-r-i-e-r-i. I live around the corner on Eighth Street. And I just want to make you aware that this parking issue is going to be in relation to another parking issue that's coming up on the agenda which is straight -- right across the street. Lizzy's was never full, so you can't compare it to Lizzy's. I don't know what parking relief means to a business, if somebody could

explain.

CONSTANTINE ALEXANDER: Sure.

Under our Zoning Ordinance we have various parking requirements and various uses.

ELAINE CARRIERI: Yes.

CONSTANTINE ALEXANDER: For a restaurant you're supposed to have at least X number of off street parking spaces for a number of seats in the restaurant.

ELAINE CARRIERI: Okay.

CONSTANTINE ALEXANDER: And they come up short, particularly since they're increasing the seating in the restaurant.

ELAINE CARRIERI: Okay.

CONSTANTINE ALEXANDER: They come up short. I forget about how many.

TIMOTHY HUGHES: Four, four and a half? One parking space for every five seats.

CONSTANTINE ALEXANDER: Anyway, that's how it gets there.

ELAINE CARRIERI: Okay. It is a commercial area and it's all metered parking except for the residents around the area. And I -- I'm just -- parking is an issue in that area.

CONSTANTINE ALEXANDER: So you're concerned about it?

ELAINE CARRIERI: Yes, I am concerned.

CONSTANTINE ALEXANDER: You're not necessarily opposed? I'm not putting words in their mouth.

ELAINE CARRIERI: I don't care if they open.

CONSTANTINE ALEXANDER: They can't open if they don't get parking relief. You're not suggesting to us that we turn this

down? And, again, I'm not putting words in your mouth.

ELAINE CARRIERI: No, I know. But I mean parking relief for a restaurant in a residential/commercial area which is already congested with traffic and parking issues. We all know what happens in September when students come back to the neighborhood. They all have cars. Okay. And plus we live in the courthouse area. That isn't even resolved yet. So we don't even know what's going to happen with that building. So that's what we're up against in East Cambridge. So that's....

CONSTANTINE ALEXANDER: Thank you.

Let me ask you a question. The restaurant in Allston, the format of this restaurant is similar -- going to be similar to that?

MAX TOSTE: Yeah, pretty similar.

CONSTANTINE ALEXANDER: What is your experience in Allston in terms of your client base, is it a lot of walk in? Because you have a lot of students living in this general area.

MAX TOSTE: There's a lot of students, but there's also a lot of neighborhood people that live in lower Allston and Brighton.

CONSTANTINE ALEXANDER: People drive from other parts of the city as far as you know.

MAX TOSTE: We've definitely create a bit of a draw because of our reputation. But our core has always been a neighborhood spot. You know, when there's a blizzard, we're full in the neighborhood. That's how you can judge who your clientele are.

They're not driving across town in the snow. But there's a lot of cyclists who I hang out with, and I ride a bicycle. And they come in here. And, again, that's kind of always been our approach is to create the neighborhood environment because that's been longevity idea for us to be a staple of the neighborhood. So that's just been a success story. So we'd like to continue that in Cambridge.

CONSTANTINE ALEXANDER: All I'm getting at is I'm trying to get a sense on how much of a strain on parking, off street parking is going to be put on by your restaurant. And we've had other restaurants before us and they've made a case that we're quite confident that most of the people who are going to be coming to our restaurant are going to come by public transportation, bike,

or walk and therefore not having cars.

MAX TOSTE: The overwhelming majority of my regular customers and friends and people in the neighborhood are very excited that we're coming to Cambridge so they don't have to go to Allston anymore. Literally I've heard that over and over again. I know our demographic is established right there. And I live just half a mile away on the edge of Union Square. This is my backyard as well. So I know the neighborhood.

CONSTANTINE ALEXANDER: Okay.

MAX TOSTE: They definitely will walk.

ATTORNEY KAREN SIMAO: And I don't want to put words in your mouth.

CONSTANTINE ALEXANDER: Why not?

ATTORNEY KAREN SIMAO: But I think

that one of, this has been an ongoing project. As I recall, this was a spot that you both actively sought out because there was a demand from your patrons in this Cambridge area that wanted to see you in Cambridge. So, we're very confident that that is the majority of the base.

MAX TOSTE: I think that neighborhood is underserved. In regards to parking I don't feel like there's anybody across the street from us that's going to be using the spots. There's no other restaurants around there.

FROM THE AUDIENCE: Well, isn't there a restaurant --

CONSTANTINE ALEXANDER: Ma'am, you can't speak out. You'll have an opportunity to speak. This gentleman had his hand up.

PAUL FIORE: Hi, my name is Paul

Fiore and I live on Otis Street which is a block away, and I lived there for 15 years and I've had my office on Cambridge Street for the last 15 years as well. And I'm part of a family's organizations in the neighborhood called the East Cambridge Family's Group which is over 100 families, and everybody is a buzz and excited about this restaurant. I'm actually here for another reason tonight, but everybody's really excited about it and this is exactly what we need in our neighborhood for our, you know, we have a bunch of kids, we're -- you know, a restaurant we can walk to and these guys have a great reputation. We know it's going to be a great restaurant. I'm speaking for myself that I think a lot of the traffic is going to be foot traffic. There's also the Red Line, which believe it or not, is almost equal distance

to the Green Line so there's a lot of public transportation in this area. And lastly, there are lots of empty spaces on the streets and the metered spaces in the evening, they're usually full in the daytime but not in the evening. So I support this very highly.

CONSTANTINE ALEXANDER: Thank you.  
Thank you.

Now, Ma'am, you wanted to speak.

STACEY COOPER: My name is Stacey Cooper. Isn't there a restaurant opening across the street very shortly?

CONSTANTINE ALEXANDER: You mean the one on Cambridge Street where the old furniture store used to be?

STACEY COOPER: No, where the 660 liquors used to be. That's going to be a restaurant as well as the old furniture

store, that's supposed to be retail with apartments on top as well. So now we're looking at four new businesses with parking issues.

CONSTANTINE ALEXANDER: Yes, we are. Okay. And that's the thing we have to weigh as a Board to make our decision, but you're right, correct.

Anyone else wishing to be heard on this matter?

JASON GRIMM: Jason Grimm, 6 Eighth Street. I just want to say, listen, I live there and I'm part of everybody and I didn't know anything at all about the restaurant. You know, and I'm excited for you. That's nice, a restaurant. That's great. I hope it's profitable for you. But parking is terrible. You know? Especially in the wintertime, you know? And you're increasing

it from, I don't know, what are the numbers?  
The seating?

CONSTANTINE ALEXANDER: They're  
going to add 21 seats.

JASON GRIMM: They're going to have  
21 seats. What was it before?

CONSTANTINE ALEXANDER: Do you know  
what it was before?

ATTORNEY KAREN SIMAO: I believe it  
was 55. The number that we're seeking for  
the increase is from 55 plus.

CONSTANTINE ALEXANDER: 76. Hear  
that? 55 before, seats and now 76.

JASON GRIMM: I have no objection at  
all to having a restaurant in there. As far  
as the parking, I mean, there's a restaurant  
there at Seventh and Cambridge that people  
come. There's a Portuguese Club that has  
functions there on Thursday, Friday,

Saturday, Sunday, nights that they park at the meters after five o'clock. And with new businesses coming in, I'm sure those hours are gonna extend on the meters from six o'clock to eight o'clock. When the residents come in at night after work or the students come home, they park on Cambridge Street. They park at the meters and they know that they can -- and especially during street cleaning, you know what I mean? I mean, you have to find -- you have to -- I have to park five blocks away in order to get to my house just on the street cleaning night. And I usually park on Cambridge Street because I can at least stay until nine. And then, but eight o'clock it's during the residential street. So I mean parking is tough and I don't want to beat a dead horse, so thank you.

CONSTANTINE ALEXANDER: There's no question. I don't think anybody on this Board would dispute that parking is an issue in all of East Cambridge particularly along Cambridge Street. The question I think that we have to wrestle with is even the nature of the establishment, the kind of business they're going to conduct, how much additional strain are they going to put on the parking? As best we can tell how many people are going to be driving to go to this restaurant and therefore need a place to park? If it's just going to attract largely people in the neighborhood, you're parking problems are not going to be any worse. They're still going to be bad, they're not going to be worse. That's the issue before us.

JASON GRIMM: You're right in that sense, but, you know, bicycles, I mean, I've

got two signs in front of my house, all right? And when I come out and there's a bicycle clipped to the sign, it makes it difficult -- we have senior citizens walking down across the street from the Truman Apartments. It makes it difficult with trash barrels. It makes it difficult with trees. It makes it difficult with the bikes. And so it is kind of a safety issue, though, in that sense.

CONSTANTINE ALEXANDER: Thank you, sir.

Anyone else wishing to be heard? Yes.

NICHOLAS TERRAFRANCO: Hi, Nicholas Terrafranco (phonetic) Five Mullins Court, Cambridge. I've lived there for about four years. I'm about three blocks away. I have never had any problems with parking. Granted I moved from the South End, so

sometimes I don't get to park directly in front of my house, but I always get to park on my block. I know the previous owner, the guy that owned Lizzy's, and the first year that they were opened they were packed, packed, meaning that I would walk in and not get to sit down when the place was half full because they didn't have the occupancy increased. I think that the space is not appropriate for the number of seats that they have allotted. And I also will say that I commuted out the city to work. Coming home I would stop on Cambridge Street, park at a meter, go in, see my friend, have a beer, and then drive home rather than drive three blocks home. I've never found it hard to park on Cambridge Street. Granted I've only lived there for four years, but I think that this neighborhood can support the parking

strain and I think that it's absolutely wonderful to have these guys moving into the neighborhood. I know they're work. They're incredible business owners, and they do great food.

TIMOTHY HUGHES: I hope your luck holds.

CONSTANTINE ALEXANDER: Anyone else wishes to be heard on this matter?

(No Response.)

CONSTANTINE ALEXANDER: The Chair notes that there is no one else.

The Chair would report that we are in receipt of correspondence which I will read into the record.

We have a letter from Timothy J. Toomey, Jr., City Councilor. (Reading) I'm writing to lend my support to BZA case blah, blah, blah -- requesting parking relief for a new

business as well as an increase in capacity.

I should point out you're not seeking Zoning relief for the increase in capacity, just parking.

(Reading) Many residents are looking forward to the opening of the new restaurant in a location that has housed a similar operation for over the 85 years. These changes should not have a detrimental impact as most patrons will come from within walking distance, and as previously stated, there is a long history of a similar operation to the one proposed. Thank you for your attention to this matter. I hope you will find favor with the petitioner's request.

We have a letter from the East Cambridge Business Association. (Reading) I am writing on behalf of the East Cambridge Business Association. It's signed by, I'm

sorry, Patrick Magee, M-a-g-e-e, President,  
(Reading) I am writing on behalf of the East  
Cambridge Business Association to lend our  
support for the application by Lone Star Taco  
Bar requesting an increase in capacity in  
parking. This location has a long history of  
serving the community as a restaurant and  
approval of this application will help to  
contain -- continue that tradition. The new  
operators have discussed their plans with  
abutters, and as far as we understand, have  
received support. It should be or, there's  
a typographical error. For the application.  
Additionally the impact should be minimal, if  
it changes at all, since the space of the  
history of similar use. We look forward to  
the completion of the renovations and the  
opening of a new establishment in East  
Cambridge that will serve the neighborhood.

I assume you're going to join this East Cambridge Business Association, the letter is a little bit self-serving?

MAX TOSTE: I hadn't planned on it necessarily.

TIMOTHY HUGHES: That's because Patrick's place doesn't serve tacos.

CONSTANTINE ALEXANDER: We have a letter from Ken Irwin, I-r-w-i-n. I don't have a street address. Here it is.

(Reading) My name is Kenny -- this is an e-mail. My name is Kenny Irwin and my fiancée Chrissy Civeletto (phonetic) and I live at 21 Porter Street, apartment 2, Cambridge. We've lived in Cambridge for almost 14 years. We are both huge supporters of the new Lone Star Restaurant/Bar that's being built on Cambridge Street at the moment.

TIMOTHY HUGHES: It's being built at the moment? Which one was it?

CONSTANTINE ALEXANDER: I don't know. I have a problem with that.

Aaron and Max have done an amazing job over in Allston and we are very excited for this new place to open in our neighborhood. Unfortunately we are unable to make tonight's hearing at the senior center, so I wanted to e-mail you to let you know that we fully support this new business and as well support the increase in capacity. I have also personally spoken with many of my neighbors. We're all excited as well. We can't wait for it to open. It's going to be great for the city of Cambridge and especially our neighborhood.

This is a letter that's misfiled.

I think that's it. I thought there was

one more. Yes, there is.

This letter is from the trustees of the Lambert Condo Association addressed to this Board. (Reading) We are unit owners/residents of the Lambert Place Condominium Association and respectfully submit this correspondence as evidence of the community's support for the proposed expansion of seating capacity at the Lone Star Taco Bar located at 635 Cambridge Street, Cambridge, Massachusetts. The owner of the Lone Star Taco Bar, Aaron Sanders also owns the Ellum, a very popular restaurant with an excellent reputation within the city of Boston and is known as a well-managed establishment. Mr. Sanders met with us personally and has given us confidence that we can expect a similar experience from the Cambridge location. As

a result of his experience in the restaurant industry, we feel that Mr. Sanders -- we feel that the Mr. Sanders' ownership of the Lone Star Taco Bar will yield no negative effects on the community but will instead improve the overall quality of the area. Due to Mr. Sanders' reputation and experience in similarly situated areas within the city, the community is confident that the expansion and seating area will have no negative impact on parking in and around the area. This is further supported by the fact that a restaurant has existed in the same location for sometime and that community is acclimated to the sort of traffic and parking availability produced by a restaurant in this location. Based on these factors we are pleased to provide our support of the proposed increase in seating capacity.

And that's it.

I'm going to close public testimony.  
Do you have any final comments you'd like to make?

ATTORNEY KAREN SIMAO: I would just -- in summarizing if I may, Mr. Chair, certainly acknowledge that nobody's here saying that parking in Cambridge is not a problem. What we're saying here this evening is that because of the existing operation and the nature of that operation, the experience that these folks have in operating something similar in an equally dense location and the fact that this is very much a neighborhood operation and we expect foot traffic to be the primary source of business and that any ancillary folks that drive in, like the example of the neighbor who lives and stops along his way, that that is

supported and would not enhance any of the existing parking problems. And we would just ask that the Board take those factors into the consideration assessing this particular request at this particular location. Acknowledging and understanding that there is an issue in Cambridge and that other developments may impact that and that other types of restaurants may impact that. But this type of restaurant in this location catering to neighbors and foot traffic, we do not believe will in any way exacerbate the existing parking.

CONSTANTINE ALEXANDER: Thank you.

I'm going to close public testimony. Discussion from members of the Board? Are you ready for a vote?

TIMOTHY HUGHES: I'm ready for a vote, but I will make a comment.

CONSTANTINE ALEXANDER: By all means.

TIMOTHY HUGHES: I appreciate the fact that you already have a successful restaurant because if somebody comes before me and is opening their first restaurant and says this is not going to be -- they don't want it to be a destination restaurant, it's just going to be a, you know, a neighborhood restaurant, I find that disingenuous. Let's face it, everybody wants to be recognized for their efforts. You want your restaurant to succeed and sometimes the neighborhood is not big enough for a restaurant to succeed. But I believe that this is going to cater to the people on this side of the river and make it easier for us to get the, you know, the kind of operation that you've been operating in Allston all along. So I'm totally in favor.

CONSTANTINE ALEXANDER: Anyone else wish to speak?

(No Response.)

CONSTANTINE ALEXANDER:

Okay, I'm ready for a motion I take it, right?

Okay, the Chair moves that we make the following findings with regard to the Special Permit being sought to reduce the parking requirements for the proposed restaurant at 633 Cambridge Street:

That the restaurant that's being proposed will not cause excessive congestion, endanger public safety, substantially reduce parking available for other uses, or otherwise adversely impact the neighborhood. In this regard the Chair would note that the nature of the business, the type of restaurant is such that it is, is

likely to attract people who come not from other areas of the Massachusetts and therefore drive in, but likely to be people who walk, take public transportation, which I'll address in a second or even ride a bicycle.

And further in support of the fact that there is, there should be no adverse impact from this additional seating capacity without the requisite parking, is that the Cambridge Street is an area that has ample public transportation; there's a bus line that goes right along Cambridge Street. And in addition the location is not very far or too far from the Lechmere T station.

Further, that I've already addressed the fact that the further findings we have to make, that patterns of access or egress will not cause congestion, hazard, or substantial

change in established neighborhood character. In this regard it has been pointed out by the petitioner, a restaurant has been at this location for many, many years. And so the neighborhood character is not going to be changed. And that with respect to congestion, for the reasons I've cited earlier with regard to the findings, that we believe that there will not be congestion caused by the proposed or expanded restaurant.

That the continued operation of adjacent uses will not be adversely affected by the nature of what is being proposed.

And that no nuisance or hazard will be created to the detriment of the health, safety, and/or welfare of the occupant, or the proposed citizens. We assume you're going to comply with the health laws when it

comes to food handling.

MAX TOSTE: Yes.

CONSTANTINE ALEXANDER: 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 the Ordinance. In this regard the Chair would note that there is substantial neighborhood support to the effect that this will not be detrimental, it will be beneficial to the general neighborhood. So there is no detrimental impact.

Therefore, on the basis of all these findings, the Chair moves that we grant the relief from parking as requested by the petitioner for the Special Permit.

All those in favor say "Aye."

(Aye.)

CONSTANTINE ALEXANDER: Five in favor. Good luck.

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

\* \* \* \* \*

(9:00 p.m.)

(Sitting Members Case #BZA-004610-2014: Constantine Alexander, Timothy Hughes, Brendan Sullivan, Thomas Scott, Janet Green.)

CONSTANTINE ALEXANDER: The Chair will call case No. 004610, 10 Glassworks Avenue.

Is there anyone here wishing to be heard

on this matter?

RICH MCKINNON: Thank you very much, Mr. Chairman, Members. My name is Rich McKinnon and I live at One Leighton Street in Cambridge and I'm here on behalf of the applicant Avalon Bay. and we got a letter as I think another applicant may have earlier from the East Cambridge Planning Team asking us to go to their October 29th signage meeting. We also got -- you got actually a slight more restrictive letter from the Planning Board. So if it's all right with you, we'd like to postpone until after that 29th meeting so that we can recollect our thoughts.

CONSTANTINE ALEXANDER: It's all right with me. And I'm sure it will be all right with the Board. You mentioned the restrictive letter from the Planning Board

which I haven't seen. If you want to meet with the Planning Board and will you have enough time to meet with the Planning Board, meet with East Cambridge, make changes if you need to, and be able to be ready for our November 20th meeting?

RICH McKINNON: Sean and I spoke earlier and the 6th meeting in November is too early. So we'll wait -- and I spoke to Heather for the second meeting I think that will give us time to do that, be here and be ready to do something more constructive than tonight.

CONSTANTINE ALEXANDER: The Chair moves that we continue this case as a case not heard until seven p.m. on November 20th on the conditions that:

One, you sign a waiver for time of decision. We have to do that.

Two, that the sign that is now posted on the property be modified to reflect the new date, and the new time. November 20th --

RICH McKINNON: The panel.

CONSTANTINE ALEXANDER: You can do it with a magic marker. And that this sign as modified be maintained for the 14 days prior to the hearing as required by our Ordinance.

And lastly, to the extent that the plans you have in our files now with regard to the signage are modified, changed, those new plans must be in our files by no later than five p.m. on the Monday before November 20th. If they're not, we're not going to hear the case on the 20th.

RICH McKINNON: That all sounds very fair, Mr. Chairman.

CONSTANTINE ALEXANDER: All those

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

(Aye.)

CONSTANTINE ALEXANDER: Five in  
favor.

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

\* \* \* \* \*

(9:05 p.m.)

(Sitting Members Case #BZA-004772-2014:  
Constantine Alexander, Timothy Hughes,  
Brendan Sullivan, Thomas Scott, Janet  
Green.)

CONSTANTINE ALEXANDER: The Chair  
will call case No. 004772, 35 Fresh Pond  
Parkway.

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

ATTORNEY JAMES RAFFERTY: Good evening, Mr. Chair, Members of the Board. For the record, my name is James Rafferty. I'm an attorney with law offices at 675 Massachusetts Avenue in Cambridge. I'm appearing this evening on behalf of the applicant Bank of America. Seated to my right is Mr. Virgil Pacheco, spelled just like Maria. No relation I'm told. And to Mr. Pacheco's right, attorney Jonathan Casiola (phonetic) who is an attorney with our office.

I suspect the Board is familiar with the location. This is a request for a Variance based on the area of signs. And the issue presented in the case is that the wall sign formula is calculated based on the frontage

that faces the public street. And this case, the building, a rather handsome building that replaced a wood frame structure that was in serious decline was designed with masonry and brick and has set forth certain sign bans in it, but it's -- one of its most dominant features is its curved end where the bank is located. But because of the nature of the curve, portions of the facade of the building after it goes beyond facing the street, that area doesn't get included in this, in the sign, the wall sign calculation. So the wall sign calculation here is the portion of this -- the Bank of America's face that faces the street that allows them 61 square feet of wall signs. And they have looked closely at the area where the curve is and they installed and created a sign that's about 59 square feet. And they did that after careful

consideration with their designers talking about the relationship of the sign to the entry and it's considerably below what the sign bin is, but it has the effect of using nearly all of the allocated wall sign for that particular sign. Although, I would estimate that -- probably not anything beyond the word "Bank" has been included in the wall sign calculation, because of the determination was made that that portion of the wall doesn't face the street.

So having said that, there's a couple of things related to the hardship. The building was intentionally designed to have front and entries on both sides of it. So the balance of the building, there are stores along the balance of the building that face the parking lot, those wall signs are permitted because they don't have frontage.

And so in this case we, we, this particular location doesn't get the benefit of the full frontage on the street even though this portion of the building can clearly be seen from the street but it doesn't face the street. So what the application seeks to do is to allow for the installation of a second wall sign in the area between the curve and the adjoining store. And I think we have an image of that.

CONSTANTINE ALEXANDER: You do. And your application to the Community Development.

ATTORNEY JAMES RAFFERTY: Correct, yes. And most of the information relevant to this as the Board knows is contained in the sign certification form.

And so the proposed sign that really is the subject of the Variance is conforming in

terms of its illumination, its height. It's just that it's bigger. It exceeds the allowed amount of wall sign. And as I said, that's a calculation based on the building. So, it has been pointed out, and I think one would have to acknowledge that a decision was made here to make a sign of a certain size over the entry which left only a few feet of signage available for the balance. But I think that determination was made, and Mr. Pacheco can share with you that they were getting ready to open the business, that they looked at that expanse, they felt that that was an appropriate place to place the sign, and they elected to come here and ask the Board to consider the hardship of the geometry of the building and the manner in which the building faces the street and consider whether the Board would allow it.

The proposed sign that we're talking about is about 39 square feet and it's a typical sign. It would fit right in the masonry reveal that all of the these stores -- it would be very consistent with all of the other storefronts along that bank. They all have a similar sized opening. And you can see from some of the photos that they all have signs that pretty much fit into that area.

CONSTANTINE ALEXANDER: And it also faces a parking area, the second sign?

ATTORNEY JAMES RAFFERTY: No. This is the parkway.

VIRGIL PACHECO: I think one of the things that we noticed --

CONSTANTINE ALEXANDER: I'm confused.

VIRGIL PACHECO: One of the

problems --

ATTORNEY JAMES RAFFERTY: I just wanted to respond to the question. So this is a shot taken across the parkway looking at the building, and we're talking about this area right here. This portion of the building.

CONSTANTINE ALEXANDER: Oh, okay. I see. And then there's a second sign that goes around the bend if you will?

JANET GREEN: So when you're driving down, you would see the big sign that's there already?

ATTORNEY JAMES RAFFERTY: That's the only sign you can see because --

JANET GREEN: And you want another sign that's also facing out onto Fresh Pond Parkway but just down a little bit?

ATTORNEY JAMES RAFFERTY: Right.

So that sign can be seen from traffic arriving from Huron Avenue. It cannot be seen at all by traffic approaching in the other direction.

CONSTANTINE ALEXANDER: And that's the reason you need a second sign?

ATTORNEY JAMES RAFFERTY: That's the basis for the request of the second sign. The sign is proposed at -- I believe we're calling it 39 feet. If there was a thinking that that sign should be smaller, I talked to Mr. Pacheco, you know, if that was something that the Board felt, but you can see here in the sign certification form that only this portion of the building is getting credit for the formula. And so, as I said, the building itself it is the enhance-ability, and there was a considerable amount of attention to creating appropriate locations for the sign.

And there is a certain symmetry to the signs. The landlord has required signs to have a certain rhythm and location. They're all surface mounted and comply with the illumination and area requirements. It just happens that the curve here is what's causing them to do that. If one were to focus over the size of the door and the size of the entry, the design consideration was a sign much smaller than that, would not fit as harmoniously into the building as that one does.

JANET GREEN: The new sign, not the existing curving sign? The harmonious sign is the one that exists now or the one you wanted?

ATTORNEY JAMES RAFFERTY: No, the harmony comes from the size of the curved sign because if it -- if we took -- if that sign

was reduced by -- it would have to be reduced by half.

CONSTANTINE ALEXANDER: At least.

ATTORNEY JAMES RAFFERTY: At least. At which point you'd have this granite sign base and you'd have the store and you'd have a rather small opening. And so, the thinking was well, that sign should bear -- the size of that sign should bear some relationship to the curvature of the building. And the building went through some pretty close scrutiny that was really a charge to make it a handsome building. By retail building standards I would suggest it's a well-designed building and it has been well received architecturally. It does have -- it's parking in the rear as is the requirement in the Parkway Overlay District. I can tell you that for some retailers that's

a challenge because certain in the retail shopping center world, they like to see the parking in front of the building. Cambridge has a policy which I think reflects our urban design standards that the parking should be behind the building and that's what exists here.

THOMAS SCOTT: Can you take a legal left if you're coming up the parkway on the opposite side of the street?

CONSTANTINE ALEXANDER: Coming from the shopping center?

THOMAS SCOTT: Can you take a legal left into the parking lot?

VIRGIL PACHECO: There is a double entry from the -- in the --

ATTORNEY JAMES RAFFERTY: I'm not convinced you can, though. There is a sign that says do not enter.

BRENDAN SULLIVAN: There's a solid line.

ATTORNEY JAMES RAFFERTY: There's a double yellow line so I don't think you can go left on the double yellow line.

But you -- yes, I don't think you can.

CONSTANTINE ALEXANDER: If you're driving down the street from the rotary and you see, you see the sign that you're asking us to approve, and you say oh, my God, I do -- it reminds me I need to go to the Bank of America to go to the ATM machine, how does one -- and you can't make the left-hand turn, how does one get to the, your bank?

ATTORNEY JAMES RAFFERTY: You would go up and take a left at the gas station and you would have to circle behind the auto dealership and come around.

CONSTANTINE ALEXANDER: Okay. I

mean, there is a function in what you're telling me and I'm being persuaded, and there is a function and a reason for this second sign. And I wanted to see -- I always want to test the sufficiency for that reason. If you can never get into, into the lot because you can't make a left-hand turn and there's no way of getting -- making a left-hand turn, then you don't need the sign. But I'm being told, and I think it's true based on my experience, that you can pretty easily get back to -- if you discovered seeing the sign on the building, you want to go to the Bank of America branch, you can easily -- relatively easily get back to the --

JANET GREEN: You go to Huron and --

ATTORNEY JAMES RAFFERTY: No, no.

You don't have to go to Huron. You take a

left on to Lexington. And then you travel -- what is that? Hawthorne?

JAN DEVEREUX: Double yellow line. Excuse me. You have to take -- cross the double yellow line to take the left turn onto Lexington and take another left on to Worthington and take another left on Lakeview and back out on to the parkway.

ATTORNEY JAMES RAFFERTY: I would say patrons of the gas station and the auto dealership are very familiar with the left turn. I think it happens regularly. It's how one accesses the gas station on that side of the road, and I have seen and participated -- customers of the auto dealership make the same left but it may be that it's a double yellow.

CONSTANTINE ALEXANDER: Okay, thank you.

Questions from members of the Board?

(No Response.)

CONSTANTINE ALEXANDER: I'm going to open the matter up to public testimony. And you'll have concluding remarks. I'll open it public testimony.

Is there anyone here wishing to be heard on this matter? Please come forward. And you know, name and address to the stenographer.

JAN DEVEREUX: I'm Jan Devereux. My address is 255 Lakeview Avenue. I'm here tonight both as a resident of the neighborhood. I live at the end of Lakeview that is closest to the parkway, so I was against the sign when I came in. I'm now even more against it now that I learned that Bank of America would like to send all of its illegal left turns down and around the block

down to drive passed my house to go to the ATM machine. It's really kind of laughable because, you know, the prow of that handsome building is the most desirable spot. There is no question that the Bank of America chose to locate itself in that place because it's the most prominent place. And as you're coming down the parkway, usually at a crawl, you have plenty of time to notice that the Bank of America is located in that spot and to make the legal right turn into the parking lot. And I have to add that this is the parkway district which is supposed to be designed to reduce visual clutter, you know, and to calm things down and we're asking for more signs. And although the building is very handsome, as you're coming down in the direction toward the prow of the building, all you see is the parking behind the

building. So it is really no hardship that there is parking behind the building because the lot is plainly visible as is the sign. I think it's a really bad precedent to add more signs. This is, you know, almost 50 percent more, right? They've already got their allotted bit.

CONSTANTINE ALEXANDER: In terms of size.

JAN DEVEREUX: They want to almost double the signs, and that combined with the fact that all of the other tenants in the building are abusing the temporary sign privileges by putting flags and banners and sandwich boards on the sidewalk, you know, week after week, month after month. So I just think it's a really bad precedent and I think you ought to hold the line on it.

Thank you.

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

Anyone else wishing to be heard?

CAROL O'HARE: Carol O'Hare. I would like to sit if you don't mind. Mr. Chairman, I --

CONSTANTINE ALEXANDER: Your name for the record.

CAROL O'HARE: Oh, yes. My name is Carol O'Hare, 172 Magazine Street, Cambridge.

I sent you several communications about this, and at first I was planning to speak only about the deficiency of the public notice for this and hope that you would take this as the case study for bad public notice for signage because -- and -- but I have been convinced that my second part will be about the substance of this sign because once I

finally understood what was happening here I just -- my jaw dropped.

So, first of all, on the public notice. This public notice, so-called notice, describes this Variance in the following way: To install a non-conforming wall sign. I will read you several other notices that have been submitted that our public notice in the true sense of the word. This is a notice for 42 Francis Avenue to propose a freestanding sign that requires Zoning relief for a required setback.

This is for 820 Mass. Ave. to allow the Cambridge YMCA to install two externally illuminated wall signs above the sill line of the second floor windows.

This is for 640 Memorial Drive, the Sanofi building, formerly the Ford Motor Company building. To install an internally

illuminated wall sign to be mounted on the mechanical penthouse facing the Charles River.

You get the drift. I think that notice is supposed to be telling the public not what Zoning sections they can research, but giving them enough information about what is being proposed so that they know whether they want to ask further questions about it by, for example, visiting ISD and looking at the plans and the presentations. So I have, I submitted that to you. If these sorts of -- if that notice and some others like it, which I can give you that both Mr. Rafferty and others have submitted to -- for as if they were true notices, if that's what you want the public to know so that everybody has no idea what is being applied for except by reference to some obtuse Zoning section so they have to

figure out how to go on-line, how to research -- you get what I'm saying.

CONSTANTINE ALEXANDER: Yes, but if I may address the issue of notice before you get to the merits. You have two points: And I have to respectfully disagree with your position in regard to the adequacy of the notice. I think you miscomprehend or didn't totally appreciate the purpose of a notice requirement in a Zoning advertisement or any other kind of advertisement for legal relief. The idea is to put the public on notice that relief is being sought and the gist, the general nature of the relief. In this case it's exactly what is stated to a non-conforming wall sign -- let me just finish.

Knowing that, a person interested in the case then knows that if he or she wants

to learn more about this case, you have the right to go to the Inspectional Services Department and read the file as you yourself did because I saw you there, and/or alternatively just come to the public hearing and find out about it. To require great specificity in a public notice, would draw out the size of the public notice, the cost of the advertising, and for 99 -- in generally 99 percent of the people who see that notice, would not be interested. I see a non-conforming wall sign at 355 Fresh Pond, I have no interest in this case. But if you did have an interest, you have the opportunity to come down to the Zoning office and also to come to the hearing as you have done. I -- so I don't want to -- I just have to --

CAROL O'HARE: May I finish?

CONSTANTINE ALEXANDER: You can after I finish.

CAROL O'HARE: Okay.

CONSTANTINE ALEXANDER: I respectfully disagree with your notion. I think this notice is perfectly adequate for the nature of the relief being sought. Other cases may need a little more detail and that may be why the other ones you cite had the detail. But I can't accept the fact myself that this notice is inadequate.

CAROL O'HARE: The majority of the notices in the last two years that have been -- I've researched every single one of them, have described, just as you would expect, just as the -- shall I read you some of the building --

CONSTANTINE ALEXANDER: No, I don't think you need to read them.

My point simply is that the notice is put together, the nature of the public notice is put together by the petitioner. The petitioner.

CAROL O'HARE: I understand that.

CONSTANTINE ALEXANDER: Let me finish, Ma'am.

CAROL O'HARE: What I am suggesting is that the petitioner should not put together the notice. The petitioner --

BRENDAN SULLIVAN: Let me suggest something here. I don't necessarily disagree with you.

CAROL O'HARE: Yes.

BRENDAN SULLIVAN: However, I really do not want to take the time in trying to decide how many angels can dance on the head of a pin. I don't care if there's a pin. I don't care if there are angels. This is an

administrative issue, not an issue before us. And I really just want to get to the merits of this particular case.

CAROL O'HARE: That's fine.

BRENDAN SULLIVAN: And, again, I don't disagree with you, Carol. What I'm saying is that I think this issue should really be taken up with the Commissioner because he's head of the department who then controls --

CAROL O'HARE: I have done that, but -- I have done that. Please, and there --

BRENDAN SULLIVAN: We cannot solve that.

CAROL O'HARE: Okay. Is there no way for me to communicate with this Board in that fashion because I have a number --

CONSTANTINE ALEXANDER: You have.

BRENDAN SULLIVAN: But we can't control that. We're listening to you. We can say that's all very nice. We cannot control that. And if you get no satisfaction with the Commissioner, then --

CONSTANTINE ALEXANDER: Let me slightly disagree with Mr. Sullivan. If the notice is inadequate, we can make that determination and say we're not going to hear the case tonight because it's inadequate. We do have a role to play.

CAROL O'HARE: If I --

CONSTANTINE ALEXANDER: Let me finish, please.

CAROL O'HARE: Sorry.

CONSTANTINE ALEXANDER: I'm telling you that I've made the determination that this notice for this case is adequate. What this case is about is a non-conforming -- a

proposal for a non-conforming wall sign. That's -- that tells the world, including this Board, what this case is generally about. And from there on it's up to the citizens of the city to pursue the case and learn more about it if they are concerned about a non-conforming wall sign at 35 Fresh Pond Avenue.

Let's move on to the merits. You said you have objections on the merits.

CAROL O'HARE: Okay, the merits. Why didn't the Mayor just assign a small curved sign so that they can install a second compliant sign facing the parkway? Why should the BZA even consider granting a Variance for a second sign when the bank and their branders have already drawn on virtually all of their legal square footage for their curved sign? Given how well

branded the bank already is, doesn't their curved sign provide more than enough visibility from the parkway, and what exactly is the bank's so-called substantial hardship that they installed too large a sign to begin with and now they want another one?

This seems almost embarrassing from start to finish. And it's almost a waste of the public's time because this parkway, as I've said in my letters, is now sign alley because of all the Variances that have been granted for non-compliant signs over the years.

CONSTANTINE ALEXANDER: In this area?

CAROL O'HARE: No. Well, it continues over by -- doesn't Fresh Pond Parkway continue over by the stores?

CONSTANTINE ALEXANDER: I can only

think of one sign that we granted relief for and that was for the Honda dealer up the street if you will.

CAROL O'HARE: I'm thinking of the shopping center signs.

CONSTANTINE ALEXANDER: We've granted no relief except for at least for my term, and it's been about 10 years. We granted relief for Whole Foods to put up the roof sign, but it was required to be smaller than what they proposed.

CAROL O'HARE: No, the signs that stick up.

CONSTANTINE ALEXANDER: The Honda dealer?

ATTORNEY JAMES RAFFERTY: The shopping center. That's the old A&P signs. Those big pylon signs? They've been there since the fifties and they're grandfathered.

BRENDAN SULLIVAN: The liquor store there was a --

CONSTANTINE ALEXANDER: Did we have a sign case for that? I think you're right.

BRENDAN SULLIVAN: Yes.

CAROL O'HARE: Okay, I also have to read a letter from Patty Nolan.

CONSTANTINE ALEXANDER: We have that letter. I'm sorry, we have a letter in the file.

TIMOTHY HUGHES: There is a letter in the file.

CONSTANTINE ALEXANDER: Just wait one second if you need to read it. All right? You can read it or I can read it. It's up to you.

CAROL O'HARE: I'll read it if you don't mind. She called me and asked me to.

CONSTANTINE ALEXANDER: Go ahead.

CAROL O'HARE: (Reading) Dear Zoning Board of Appeals, I am writing to oppose the request for a Variance for a non-conforming wall sign for 355 Fresh Pond Parkway. I live on the west side of Cambridge and a Bank of America customer and do much of my shopping and errands in the Fresh Pond area. Therefore, I am familiar with the area. I often go there by bike and often by car. You know more than anyone that the city has Zoning for a reason. We, you as our representatives, should only allow Variances with true hardships, the granting of which will improve the overall quality of life in the city. In other words, a hardship of an individual or a company or organization, especially if it is financial in nature is not the city's concern. Your concern is to hold the line for all of us and

protect our Zoning Code as imperfect as it may be. In this case I find no hardship. The branding of the bank is already clear and abundantly visible. There is no need for a second sign. And of course the potential for precedent setting must be foremost in your minds. I urge you to keep that foremost in your mind and deny this Variance. This area has many signs already. Visual clutter does not make for appealing urban environment. This request would add to the visual clutter to all of our detriment and not benefit anyone except provide some free advertising for the Bank of America. When such perks come at the expense of the public, it is up to our representatives like you to protect us.

CONSTANTINE ALEXANDER: There's more to the letter.

CAROL O'HARE: That's another

matter I think.

CONSTANTINE ALEXANDER: Oh, yes, it's about parking spaces.

CAROL O'HARE: It's the Masse's.

CONSTANTINE ALEXANDER: Okay, you're right. I hadn't read that far. Thank you.

Anything else?

CAROL O'HARE: No. Thank you for your time.

CONSTANTINE ALEXANDER: Thank you for coming down and to be so involved in our Zoning.

Is there anyone else wishes to be heard on this matter? Sir, I'll let you go first.

MICHA SCHATTNER: Micha Schattner, Lexington Avenue. I would like to discourage the sign as information. I would like to --

JANET GREEN: I think people can't hear you.

MICHA SCHATTNER: I don't see any immediate benefit on the sign for the information as a bank, it's fine. I would discourage anything that's -- promotes or does anything to left turns on this -- it's not parkway, it's a parking way. It's a four lane jam especially at the end of afternoon and in the afternoon or in the evenings. Otherwise traffic crowds normally in the afternoon northwards and in the morning southwards, and if left turns, you're in trouble. It's already heavy loaded road.

The possible, and not exactly legal left turn, into Lexington was done partially because of the car dealership and mainly as an access to the Turbin School because they didn't want busses to turn left that close to

the rotary where the Lakeview, the excel lane exits -- spills into. So I don't think that this is really a legal entrance even though people do it. I simply don't see any extra benefit in it.

That's it, thank you.

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

Ms. Hoffman, you wanted to speak?

HEATHER HOFFMAN: Hello. Heather Hoffman, 213 Hurley Street on the other end of town. And I wanted to speak because the Chair brought up something that I think is a really good example, and I was here the night that you discussed the Whole Food sign. A friend of mine happened to be the lawyer who had told her client that they were probably asking for too much. The Whole Foods had designed their facade for a bigger sign than

the Ordinance allowed and this Board didn't bite. You said no, we've got this for a reason and we're gonna stick with it. And I think that if this facade is designed for more signage than the Ordinance allows, that is not your problem and it's not our problem. I agree this -- those red Bank of America signs are extremely visible. And another case that I was here for that involved a bank was in Harvard Square where a certain bank that has its name emblazoned beneath a very prominent clock that everyone looks at, was looking for another sign down at street level and this Board said you can choose. I think that you were right again in that situation. The one other thing that I would add is that at the Planning Board meeting where this sign and several other things of this sort were discussed, the Board actually had a

discussion of the Sign Ordinance in general, its purposes, its history. And when my husband who was filming that meeting gets it together to post that, I will try to remember to send a link to the Board because I think it would be helpful. I really think that we're at a point where several of you have expressed frustration with the Sign Ordinance. The public has. Many people have. And it may be time for a dialogue about whether it needs some changes. But as --

CONSTANTINE ALEXANDER: Who would the dialogue be with?

HEATHER HOFFMAN: Well, the elected officials are the ones that have to make the effective changes. However, the people that work with it on a day-to-day basis should be part of that discussion because you have the practical knowledge, as does the Planning

Board and various members of city staff. You know what actually happens, and those are the sorts of things that ought to inform policy. But in any event, I agree with what the Planning Board said on this, and the Planning Board sent a letter that said that they believe you should deny this requested Variance. And if you don't have it, Ms. O'Hare does and she can hand you a copy.

CONSTANTINE ALEXANDER: Yes, I think she should. I don't see it in the file.

HEATHER HOFFMAN: There you are.

CONSTANTINE ALEXANDER: Thank you.

HEATHER HOFFMAN: You're welcome.

So thank you very much.

CONSTANTINE ALEXANDER: You're welcome. Just for the record on the Whole Foods sign, I remember that very well because the Whole Foods wanted to put a very large

sign up there. And the hardship is that the people can't find the store. And at the same time they were asking for that larger sign, they were expanding the capacity of the store because it had too many people. So that's why we turned it down. Slightly different set of circumstances. And in terms of -- I have to speak. We don't play -- our role with regard to the sign by-law, we all acknowledge it is a problem. We don't play a role in that. Everything gets dumped on us. We have a Zoning Ordinance. It's the control, it's designed, and passed by the City Council. They can change it. They're frankly passing the buck to us and saying, you deal with it through the Variance process. But that doesn't work. If we're going to discharge the responsibilities, the standard for -- the legal standard for a Variance is

very difficult to satisfy and it's not a way, it's planning by inches in an incremental way. So I encourage you, since you're a vocal citizen and a concerned citizen of the city, go to the City Council and tell them it's time, again, we try -- the city tried this once before, but it's time to change, to revisit the Zoning Ordinance. But don't -- I think it's unfair to say we got to do it. I'm not saying you're saying that. I don't need for you to respond. This is really for the record. It's time for the City Council to step up and not just pass the buck to us. But otherwise, thank you, Ms. Hoffman.

Does anyone else wish to speak?

WALTER McDONALD: I just -- my name is Walter McDonald. I wondered if you are going to read that?

CONSTANTINE ALEXANDER: Oh, I absolutely will.

WALTER McDONALD: I mean into the record?

CONSTANTINE ALEXANDER: I do that after everybody who wants to speak speaks.

Is there anyone else wishing to speak on this matter?

(No Response.)

CONSTANTINE ALEXANDER: The Chair notes that there is no one else who wishes to speak. The Chair would report that we are in receipt of a memo from the Planning Board which reads as follows: The Planning Board reviewed the BZA application materials and the CDD, that's the Community Development Department, signed certification and opposes the Variance request to exceed the total area allowed for signage for the bank. The sign

labelled No. 2 would be in addition to the approved 59 square foot sign over the bank entrance within 20 feet of this proposed sign. There does not appear to be a hardship for additional signage allocation among the Fresh Pond Parkway.

And that's all. There are no other -- in our files there was a letter from Patty Nolan which Ms. O'Hare read into the record, and she summarized the written materials that she herself submitted and I don't think we need to refer to it.

CAROL O'HARE: Excuse me, I have several other letters that were submitted to you.

CONSTANTINE ALEXANDER: I don't have them in our file.

CAROL O'HARE: Well, Maria sent them to me.

CONSTANTINE ALEXANDER: I'm looking at the file. Maybe I'm not looking very well which wouldn't be the first time. I have your e-mails and I have Patty Nolan's and now I have the Planning Board. I have nothing else.

I'm sorry, there are some. Yes, there is. I apologize. There's a letter from a Genevieve Coyle, C-o-y-l-e. (Reading) I oppose the desire of Bank of America to be given a Variance to add more signage. Their building is well signed as it is. You cannot miss it as you drive towards the bank.

And there is an e-mail from Steve Harris. (Reading) Enough already. B of A does not need additional non-compliance signage. If they want two signs, they must design two signs that comply with Zoning requirements. If they're given a Variance,

then every other business on Fresh Pond Parkway will demand the same.

And a letter from Ann Sweeney.

(Reading) I'm writing to oppose the Sign Variance of the Bank of America on Fresh Pond Parkway. The last thing that Fresh Pond Parkway needs is more distractions. Fresh Pond Parkway is treacherous enough without the addition of an oversized light-up sign added to the mix. I am struggling to understand why anyone would think that the proposed signage is a reasonable suggestion. This is Cambridge, Massachusetts, not Vegas. I should add it's not Everett either.

There is an e-mail from Margaret -- Margaret Weyerhaeuser, W-e-y-e-r-h-a-e-u-s-e-r. (Reading) Please, there is already plenty of Bank of American signage at the new B of A near the

rotary by Fresh Pond gas. Why yet do we need another sign? It's not like anyone is going to miss that it's a B of A. Furthermore, it just clutters Fresh Pond Parkway with more and more signage, which then other merchants will want to have their additional signs to cut through the clutter and so on and so on. Please don't consider to the signage pollution along the parkway.

I think I got them all. Did I miss any?

CAROL O'HARE: I have a couple more.

CONSTANTINE ALEXANDER: Thank you.

CAROL O'HARE: And did you do Ann Sweeney?

JAN DEVEREUX: Actually, we e-mailed this one very late this afternoon so probably have not read it. And please don't read it all into the record.

CONSTANTINE ALEXANDER: I'll just

summarize the conclusion.

We have one from an Ovadia, O-v-a-d-i-a R. Simha, S-i-m-h-a who resides at 6 Blanchard Road. (Reading) We would like to register our opposition to the petition from the Bank of America for additional illuminated sign on Fresh Pond Parkway. The bank has already used up the sign space they are entitled to and it is quite adequate for -- from the perspective of the passing drivers and those of us who live in the neighborhood. We are all hoping that the additional existing noisy confusion of signs in this area will be quieted as more and more residential building emerges along the drive. Please do not let the petitioner contribute further to the confusion. And it's actually from O. Robert and Evelyn Simha, S-i-m-h-a.

And we do have a longer letter, which I'm not going to read into the record. It is from the Board and Officers of the Fresh Pond Residence Alliance. And in summary it says that we should oppose -- what does it say? It goes on. I'll read just the first paragraph, first sentence. (Reading) We are writing today to express our opposition to the Sign Variance being requested at 355 Fresh Pond Parkway.

All of the correspondence appears to be unanimous, substantial, and negative.

Mr. Rafferty, anything you want to add at this point?

ATTORNEY JAMES RAFFERTY: Well, I think -- I think we've appreciated the Board's time and we've identified the issue as it's related to the geometry of the building. I know Mr. Pacheco would like to

just by addressing the decision of why the decision was made for that particular sign because I think it's a legitimate point of inquiry whether this is a situation that in some ways was created by decision making at the bank.

CONSTANTINE ALEXANDER: Agree.

Mr. Pacheco.

VIRGIL PACHECO: First, I would like to thank you for your time.

Secondly, there's been enough opposition to the fact of this site has a large amount of signage. I want to be clear that there are several Coming Soon signs that are temporarily posted on the storefront windows that ultimately, upon opening, will be removed. Therefore, just leaving the one sign on the entry. I think we've kind of all set precedents on our end that it is a visible

sign as you're approaching perpendicular to the radius, less noticeable as you're coming from the rotary and whatnot. Ideally the sign being linear in format with the logo, naturally if we had reduced it down to 60 percent to allow that additional 30 percent for that overflow on Fresh Pond Parkway aside, knowing signage and the visibility and distances and whatnot, the signage would literally have been, you know, just a blob on the wall. So, we kind of made the decision initially we needed a sign over the entrance. It's proportionately placed over the front doors. It's a prominent location of where the banking center entry is. It was relatively percentaged with the existing facade of the building, and as we've noticed, you know, there's that deficiency along the building essentially where every other

tenant has been.

The other thing I wanted to mention is that we in no terms forcing people to make illegal terms as we mentioned. I mean, ideally we just want some reference for oncoming vehicles to visit the building from the front facade. And given that radius you've seen the elevations. It does diminish. Although we're taking a perspective photo of it and promenading it, you know, to you to give a better perspective on what it looks. But anyone coming through on a car at 30, 40 miles an hour can really pass it up and not see it. Most people are not kind of driving, look the to the left constantly or looking back in their mirrors, and I think that's pretty much it.

CONSTANTINE ALEXANDER: Thank you.

Anything else?

ATTORNEY JAMES RAFFERTY: No, thank you.

CONSTANTINE ALEXANDER: I'm going to close public testimony. Do you still want to proceed to a vote?

ATTORNEY JAMES RAFFERTY: Yes.

VIRGIL PACHECO: Yes, I'll just throw out one -- I mean if the Board's in favor of the sign and the square footage of the sign is maybe not preferable, we'd certainly be looking to reduce it if it could be. But I'm not sure of the legalities of how we go through that.

CONSTANTINE ALEXANDER: Your counsel will advise of you this. If we go to a vote and you're turned down, you cannot come back before us with a new non-conforming sign for two years unless it is substantially different, I'm not sure what the exact

wording is. And we have to make a determination that that's the case, the Planning Board would have to make a determination that that's the case. And then if we make a determination, then we would have a separate hearing as to whether we will approve the new proposed.

Withdrawal, if you withdraw the petition tonight, it's treated as being turned down and that will be the case for the new sign if you want to come back with a new one. If we proceed to a vote, it's the same result. You'll not be -- unless you can convince us and the Planning Board that whatever new proposal you have is substantially different. I think those are the different --

ATTORNEY JAMES RAFFERTY:

Materially, significant changes.

CONSTANTINE ALEXANDER: Then you cannot come back for two years.

ATTORNEY JAMES RAFFERTY: Well, Mr. Chair, as we noted or as I had noted earlier, if there was a sense, and I agree that the public sentiment doesn't support that. If the sense was that the proposed sign at 39 feet is too big because it's only two feet that are compliant. But it didn't strike me that it was the type of case to continue, reduce that sign further if people have a -- if the Board has a philosophical difficulty, then -- but if we got some indication that that sign reduced and obviously, you know, I don't want to bring people back to a case that doesn't have any --

CONSTANTINE ALEXANDER: I understand. Obviously in terms of neighborhood or citizen commentary I don't

think a reduced sign is going to change anybody's mind.

TIMOTHY HUGHES: I don't think reducing the sign you're suggesting is enough. I think you're going to have to reduce the one over the arch and reduce the other one to get closer to the conforming or what you can do as a matter of right.

ATTORNEY JAMES RAFFERTY: Right.

CONSTANTINE ALEXANDER: I know what you're asking and it's a fair request. You might want to hear the sentiment or take the Board's pulse, if you will. I can tell you my pulse is that my eyes have been opened by the neighborhood commentary. I thought this was frankly not a very difficult case, but now I believe it is and I would not be in favor of granting the relief you're seeking. That's my -- that's only one out of five.

JANET GREEN: I'm not in favor.

CONSTANTINE ALEXANDER: That's all you need. You don't have to ask the other three. We'll go to a vote, you're not going to get your motion. You need four as you know. Anyway, if others want to speak.

TIMOTHY HUGHES: Then the question still remains whether or not, you know, if it makes any sense to even continuing if substantial changes can be made to it and come back in front of us.

BRENDAN SULLIVAN: I can see no compelling reason to vote for any relief on a sign ordinance for this building.

JANET GREEN: I agree with Brendan.

THOMAS SCOTT: And I believe that any sign that's going to encourage an illegal left turn is not going to get my vote.

CONSTANTINE ALEXANDER: I think you

don't need to be the weatherman to know which way the wind is blowing.

Do you still want to go to the vote? It doesn't make any difference, it's the same. Six of one, half dozen of the other.

ATTORNEY JAMES RAFFERTY: I would -- I think what we would request is to withdraw the case.

CONSTANTINE ALEXANDER: Thank you, very much appreciate that.

ATTORNEY JAMES RAFFERTY: And we would ask the Board to vote a withdrawal and we will -- I can discuss the consequences. I do think the Board would agree that an application that had different dimensions would require a determination by the Board as to whether those changes or dimensions were in fact sufficiently material, and I can review that and people may have their own

opinions as to whether that would be. But at least I think, I think with the Board's indulgence, we would request to withdraw the case.

CONSTANTINE ALEXANDER: The Chair moves that this Board moves to accept the petitioner's request to withdraw this case.

All those in favor say "Aye."

(Aye.)

CONSTANTINE ALEXANDER: Five in favor.

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

\* \* \* \* \*

(9:50 p.m.)

(Sitting Members Case #BZA-004826-2014: Constantine Alexander, Timothy Hughes, Brendan Sullivan, Thomas Scott, Janet Green.)

CONSTANTINE ALEXANDER: The Chair will call case No. 004840, 616-620 Cambridge -- oh, I'm sorry. I skipped. I apologize.

I'm going to call case No. 004826, 5 Old Dee Road.

Is there anyone here wishing to be heard on this matter? Mr. Rafferty, we're going to need you back here.

ATTORNEY JAMES RAFFERTY: I usually spend this time that clients showing clients there's no spillover from a prior case and they should not be nervous.

CONSTANTINE ALEXANDER:  
Mr. Rafferty, for the record.

ATTORNEY JAMES RAFFERTY: Thank you, Mr. Chairman. Again, for the record, James Rafferty on behalf of the applicants seated on either side of me. Valentine

Talland, T-a-l-l-a-n-d. Ms. Talland is on my right. And her husband Nagesh, N-a-g-e-s-h Mahanthappa, M-a-h-a-n-t-h-a-p-p-a.

So this is a case involving a somewhat unique house on a fairly unique street. Old Dee Road is one of those trivia streets in Cambridge you have to really know Cambridge neighborhoods to know where Old Dee Road is. I know Board Members know every street in Cambridge. But Old Dee Road is -- we don't have many cul-de-sacs, and Old Dee Road is a cul-de-sac. It's tucked into the corner of the larches neighborhood, and it has an eclectic array of structures on it.

JANET GREEN: Yes, it does.

ATTORNEY JAMES RAFFERTY: There's the famous house across the street was the home of B.F. Skinner, the famous psychiatrist

of the Skinner Box that you may have been familiar with. His daughter I believe still lives in the home. And that's one of the -- many of these homes, some of them are of a modern home. There's been a few demolitions. And this house -- this is the Skinner house.

TIMOTHY HUGHES: That's the Skinner Box? It's three or four boxes stuck together.

CONSTANTINE ALEXANDER: Where are the pigeons?

ATTORNEY JAMES RAFFERTY: And there are -- some houses have come down, there are some new houses, but there are only six or seven house us on the street, and the petitioners have been living there now for about four years and they are eager to make some changes to the house. It kind of has a

1950s suburban feel to it, and the -- it's a uniquely shaped lot which goes directly to the issue before the Board, because what's being proposed is an addition that conforms to the GFA requirements. It doesn't adversely impact the open space, but it does -- a portion of the addition goes into the front setback. It's a lot because of its nature doesn't have a rear. It has two sides and two fronts. But the existing condition almost has the same impact in the front setback. In fact, Mr. Fiore, the architect, will show you in his site plan if you have it there, Paul, a bit of an overlay of where the existing footprint is and where the proposed footprint is. And you can see that -- you can see where that's happening, so there's a little bit of a shift. The overall percentage of structure or GFA in the setback

is actually less than what's there today. So in some ways the proposal makes the property more conforming, not less conforming.

The applicants have done a good job of communicating with their neighbors. There are several letters of support in the file. And we're unaware of any neighbor that has difficulty with it. But I know you've had a long night and Mr. Fiore, who I should have identified, Paul Fiore, F-i-o-r-e. He's the project architect. He could walk you through the changes and an interesting juxtaposition of some modern materials with existing. As I said, the street itself has elements of that and both in the existing houses; standalone examples of it and some modern additions to houses. So he's really worked hard to try to create something that accommodates the programatic needs of the

client but addresses the unique nature of the lot, and it's really the curved nature of the lot. So we could do that full presentation or we could merely answer any questions if you like.

CONSTANTINE ALEXANDER: My question, you're also applying for a Special Permit but I don't think you need one. It's a Special Permit for windows in a front yard setback, and I think that position -- and Sean can correct me if I'm wrong, it's the position with ISD that you don't need a Special Permit for windows in a front yard setback.

ATTORNEY JAMES RAFFERTY: You know, that's correct. We don't need a Special Permit.

CONSTANTINE ALEXANDER: That makes our job easier.

ATTORNEY JAMES RAFFERTY: Yes.

When it faces a public way. That's correct.  
So perhaps we --

CONSTANTINE ALEXANDER: Let's  
withdraw that. You want me to withdraw that  
I should say?

ATTORNEY JAMES RAFFERTY: Can I just  
convince myself that we don't need it. That  
may be true, but --

TIMOTHY HUGHES: You may not want to  
revisit withdraw right now.

ATTORNEY JAMES RAFFERTY: You know,  
having it doesn't hurt. So I mean to the  
extent that it's needed, I guess -- Paul,  
could you think of -- are there any other  
facades -- it's only -- so openings are  
non-conforming walls apply to -- there's an  
exception for those walls that face the  
public way. So I guess the -- so when we  
looked at this, we did flag the fact that we

did have some non-conforming -- that we did have some openings on these, but you're quite right, when they face a public way, the exception applies.

CONSTANTINE ALEXANDER: I just like to avoid having to read our Zoning Ordinance of the Special Permit.

SEAN O'GRADY: May I just -- the windows are in the addition, that's the subject of the Variance?

ATTORNEY JAMES RAFFERTY: Yes. So -- and the Variance covers it anyhow?

SEAN O'GRADY: Yes.

ATTORNEY JAMES RAFFERTY: Yes, I've often thought that, too, if you're in for a penny, you're in for a pound. As long as we don't show up in six weeks looking for a Building Permit and, whoops, we should have got that Special Permit on the windows.

CONSTANTINE ALEXANDER: I don't think so.

Okay. Questions from members of the Board?

TIMOTHY HUGHES: No.

CONSTANTINE ALEXANDER: No questions. I'll open the matter up to public testimony.

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

Sir.

AL PACHECO: Al Pacheco, 54 Larchwood Drive. I'm a neighbor of these fine folks, and I'm in full support of the project.

CONSTANTINE ALEXANDER: Thank you. Thank you for taking the time to come down and persevere after a long night.

Anyone else?

(No Response.)

CONSTANTINE ALEXANDER: The Chair would note that we are in receipt of a form letter that reads as follows, and then I'll identify who has written it. (Reading) I have reviewed Valentine Talland and Nagesh Mahanthappa's plans to renovate their home. I apologize. By relocating their garage and expanding the second floor above it. The work will greatly improve this single-family house and benefit the neighborhood. I urge the Board to grant this Variance and Special Permit they have applied for to allow for this work to be performed. It's signed by the occupants of 11 Old Dee Road. And that same letter has been signed by the occupants of 14 Old Dee Road.

We also have an e-mail -- no, this is again misfiled. I think that's it in terms

of our files.

So, I'll close public testimony.

Anything further, Mr. Rafferty?

ATTORNEY JAMES RAFFERTY: No, thank you.

CONSTANTINE ALEXANDER: Public testimony has been closed.

Discussion or ready for a vote?

TIMOTHY HUGHES: Ready for a vote.

JANET GREEN: Ready for a vote.

CONSTANTINE ALEXANDER: The Chair moves that this Board make the following findings with regard to the Variance being sought:

That a literal enforcement of the provisions of the Ordinance will not -- would involve a substantial hardship to the petitioner. Such hardship being that the petitioner needs additional living space and

cannot achieve it given the -- I'll get to it in a second, the nature of the shape of the lot without running afoul of our Zoning Ordinance.

That the hardship is owing to the shape of the lot, which makes additions almost impossible without complying with the Zoning Ordinance.

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

In that regard the Chair notes that there appears to be unanimous neighborhood consent to this project, and that the lot it -- the street itself as a cul-de-sac really off by itself in the terms of the city of Cambridge. And so the impact of what is being proposed is only on the immediate

neighbors and as I said, they are in support.

So on the basis of these findings, the Chair moves that we grant the Variance on the -- the Variance being requested on the condition that the work proceed in accordance with plans and drawings submitted, prepared by Foley Fiore Architecture. There are one, two, three, four, five, six, seven, the first page of which is dated 6 August, 2014, and initialled by the Chair.

All those in favor of granting the Variance subject to this condition, please say "Aye."

(Aye.)

CONSTANTINE ALEXANDER: Five in favor. Good luck.

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

\* \* \* \* \*

(10:00 p.m.)

(Sitting Members Case #BZA-004840-2014:  
Constantine Alexander, Timothy Hughes,  
Brendan Sullivan, Thomas Scott, Janet  
Green.)

CONSTANTINE ALEXANDER: The Chair  
will call case No. 004840, 616-620 Cambridge  
Street. Is there anyone here wishing to be  
heard on this matter?

Mr. Hope.

ATTORNEY SEAN HOPE: Good evening,  
Mr. Chair, Members of the Board. For the  
record, attorney Sean Hope, Hope Legal Law  
Offices in Cambridge. I'm here tonight on  
behalf of the petitioner, the owner of 620  
Cambridge Street.

BINOJ RADHAN: My name is Binoj  
Radhan. First name B-i-n-o-j. Last name,  
R-a-d-h-a-n.

CONSTANTINE ALEXANDER: Why is the petition filed by Shree Manakamana?

ATTORNEY SEAN HOPE: That's the name of the LLC and he is the manager of LLC. We also have tonight for the presentation from Khalsa Architects and Design, architect Melissa Toops. The project architect couldn't be here tonight because of a conflict.

This is an application requesting Special Permit relief to convert an existing commercial space on the second floor as currently a dance studio into a compatible four units of residential housing. This is -- the property is approximately 6200 square feet and it's sited in the Business A District. Applying code of residential units in following the Res C2B Zoning as well.

The proposal seeks to use the interior

space. There are no additions to the square footage or building outside of the structure. So this is a totally within these existing framework of the building.

The site is almost completely covered by asphalt and building. There is a small green area in the back of the property, but essentially it's completely covered by the building as I said. And the property was designed and built for non-residential purposes. So it qualifies as a pre-existing non-conforming structure. The proposal as I said, seeks to convert the second floor to two-bedroom units. They range from 620 -- 675 square feet to 824. Each of the units is varying size between those two dimensions. It's based on the layout and the corridor width and existing structure of the building. I would like to just point out to

the Board this use with ground floor retail and -- excuse me, residential above is consistent on this part of Cambridge Street. If you look from Cardinal Medeiros to the courthouse, the two adjacent properties have the same structures as well.

As part of our community outreach, we reached out to the East Cambridge Business Association. And one of their requirements was really to promote the ground floor retail. There's a letter in support for this project. One of their --

CONSTANTINE ALEXANDER: From East Cambridge?

ATTORNEY SEAN HOPE: From the East Cambridge Business Association.

CONSTANTINE ALEXANDER: Keep going. I'll find it.

ATTORNEY SEAN HOPE: One of their

goals is to promote the ground floor retail, and part of that is the belief if you have additional housing on the second floor and above, that would be able to support the growing retail use that is coming to Cambridge Street. There's a lot of retailers that's on there, but as you see there's changing to more restaurants and there's a myriad of office uses and nail shops, so they're really trying to transform Cambridge Street and that's one of the reasons why they supported the project.

The existing second floor use currently has a dance studio. Under the Code that's considered under the Article 4, it's considered an institutional use and it's also vocational. I bring that up because of the intensity of the use.

CONSTANTINE ALEXANDER: What's the

parking requirement? Didn't the dance studio have a parking requirement?

ATTORNEY SEAN HOPE: They do. I was going -- they have a parking requirement. So, if you applied the Code and they didn't take advantage of any of the grandfathered parking of the building, they would require six parking spacing for each instructional classroom. So currently there's three instructional classrooms. So they would require 18 parking spaces.

CONSTANTINE ALEXANDER: They've been operating for a dance studio for sometime or why are they operating in violation of our Ordinance because they don't have 18 parking spaces?

ATTORNEY SEAN HOPE: I can't speak to that. I do know the building under Article 6 there are some grandfathered uses

and stuff. And this is part of a new use that is not an exception of a grandfathered use then they would be allowed to --

CONSTANTINE ALEXANDER: In any event, the parking is -- relief is less than the parking relief that's been in existence so far.

ATTORNEY SEAN HOPE: Right. Our representation is that this would be a less intense use. By analogy and anecdotally, we talked with some of the neighbors, part of the challenge was a lot of the dance classes happen after evening hours between five and the evening time. That directly conflicted with residents and abutters coming home. It exacerbated some of the parking conditions that are already on Cambridge Street. I would say that we've heard that the dance studio was a neighborhood amenity but it did

cause that parking conflict.

Additionally, the property's well served by public transportation. We have a graphic here to show all the different modes of transportation. This is a website called Walker's Paradise. And what it does is it looks at certain parcels and identifies all the different options of public transportation. So from this site, and I can't read the text there, but within 0.5 miles there's a train station and a Lechmere stop. And I would like to point to the Board there is an anticipated stop at the top of Webster Avenue at the border of Cambridge and Somerville with anticipated to come. And within 0.2 miles there are two bus stops, and then also within -- I have it here, within one mile, there is transit cars. And also 10 Hubway stations and EZ Ride and car share.

It's served by a multitude of transportation options.

Also part of this walking store, they have a 95 out of 100. It looks at all of the grocery stores, restaurant and other amenities. There is a goal of Cambridge to produce less auto centric population, and so one of those goals is to provide all of this transportation options. So we do feel that the suitability of residential uses is compatible and will promote that growth policy of other uses.

In addition, there's the Special Permit criteria that's applicable to all Special Permits, but also there is additional Special Permit criteria. One of those criteria under Article 6 is proximity to public transportation. And so I think this graphic shows that well here. And also to the

traffic generated and access and egress will not be detrimental to this proposed use. As I said, this is a use that is all throughout Cambridge Street, and we feel the existing proposed uses and other uses will be equally and more.

And so now I'd like to turn it over Melissa to walk through the proposal.

CONSTANTINE ALEXANDER: You can be brief.

MELISSA TOOPS: I will be very brief.

CONSTANTINE ALEXANDER: Go back to the first page.

TIMOTHY HUGHES: Can I ask a question? I really have one question. That 600 square foot two-bedroom apartment, does it have a bathroom?

MELISSA TOOPS: It does. It does.

CONSTANTINE ALEXANDER: I was going to ask the very same question.

MELISSA TOOPS: I believe it's 675 and change.

JANET GREEN: They're doing whole buildings of apartments that size down on the waterfront.

CONSTANTINE ALEXANDER: What do they call it, mini apartments? I'm sorry. I want you to go back to the first page. Where is -- the people who reside on the second floor where -- how do they get into the building? Where is the entrance to the building?

MELISSA TOOPS: Utilizing the existing entrance.

CONSTANTINE ALEXANDER: The one entrance?

MELISSA TOOPS: Correct.

CONSTANTINE ALEXANDER: You have a presentation. Go ahead.

MELISSA TOOPS: The question regarding the square footage is -- let me quickly go through this. As irregular shape of the site as well as the existing footprint to the building that we're not exceeding. And the proposed use, as mentioned, to show retail on the first floor. We're showing the four units. They do range from 623 square feet all the way up to 824 square feet. They're all two bed, one bath.

TIMOTHY HUGHES: All the way up?

MELISSA TOOPS: All the way up.

TIMOTHY HUGHES: I like the way you phrased that.

CONSTANTINE ALEXANDER: Two bedroom apartments?

MELISSA TOOPS: We're utilizing

existing openings in the front facade as well as utilizing the existing openings in the front facade as well as the existing front door as well.

This is our proposed elevation. It's similar to the rendering that you saw previously.

CONSTANTINE ALEXANDER: I'm sorry. The issue here is parking relief.

MELISSA TOOPS: Yes.

CONSTANTINE ALEXANDER: We don't -- it's -- the hour is late. I don't mean to be rude.

MELISSA TOOPS: No, no. By all means.

TIMOTHY HUGHES: It's small but nice.

ATTORNEY SEAN HOPE: I would just like to clarify one thing in the submission

packet, and on the drawing there's actually two decks being filed and proposed. We are eliminating one deck.

CONSTANTINE ALEXANDER: It's irrelevant to the parking. And if we grant relief, it's not going to be tied to any plans. So thank you anyway for calling it to our attention.

That's it?

ATTORNEY SEAN HOPE: Yes.

CONSTANTINE ALEXANDER: Any questions from members of the Board besides your question?

TIMOTHY HUGHES: No.

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

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

Sir?

PAUL TAMMARO: Paul Tamaro,  
T-a-m-m-a-r-o. A resident of Four Marion  
Street. 49 years. I have no problem at all.  
I'm actually in favor of anybody that's going  
to bring cars anywhere in Cambridge of  
the -- as to access for parking, there's a lot  
more that they haven't discussed here. On a  
snowstorm away from Twin City Plaza which has  
a roof or they have they have temporary  
parking at on Rufo Road after five o'clock.  
Because Cambridge Health Alliance closes and  
that immediate area opens up so that's  
another area that they could utilize on their  
behalf. They have two parking areas on  
Warren Street directly in back of 705  
Cambridge Street which is for car sharing  
which just went in this year. In fact, only  
a couple months ago. And that's less than  
200 feet from their location. And so I just

want to put that out there.

One thing I do have a comment about is the signage.

CONSTANTINE ALEXANDER: What? I'm sorry?

PAUL TAMMARO: The signage. The existing signage they have. I'm personally thinking Cambridge is right now in the process of putting (inaudible) which are all down facing lighting. They cut down on light pollution. They should rehab so they have the light above and it goes down. Right now it illuminates that's both sides.

CONSTANTINE ALEXANDER: That's something that's not before us.

PAUL TAMMARO: This is all commercial street. That should be done the whole length of the street just a matter of --

CONSTANTINE ALEXANDER: Thank you.

Anyone else wishes to be heard on this matter?

Sir. Mr. Pacheco.

AL PACHECO: I'm Al Pacheco. I'm the owner of Pacheco Jewellers and I've been on my spot at the -- right across the street from the hidden furniture building for 25 years and I've been on the street for 50 years. So parking is golden from Inman Square down to Lechmere. We have residential. We have business. But from the railroad tracks down we're gonna be the hot place in Cambridge, East Cambridge. And we want to make it vibrant. I see nothing but vacant stores, okay? And as a business person, I know my parking situation's the same as anybody else, you know? But that dance studio, they have at least 20 cars parked in there all the time. So I think it's going to be a relief if you have four people

even if they have two cars each. I say, they're going to have permit parking so. I mean, Cambridge, East Cambridge is gonna be the hot place like I said, you know? We're gonna have, you're gonna have a petition on the 30th here for a new restaurant, the 660 package store and they're very good. I'm for that, you know? More vibrant, more customers for me, you know? I'm there for business. But I also I have concerns about the. You know, the residential side. They have no place to park. But this gentleman said, it's very good. They have parking on Rufo Road and they have municipal parking on the Warren Street. So if we all work together, live and let live. We all need to make a little money, you know, for our families.

CONSTANTINE ALEXANDER: Thank you

very much for taking the time to come down.

Two gentlemen here.

MANUEL BARROWS: Hi. Manuel Barrows (phonetic). My family owns 725-731 Cambridge Street. I'm here in support of this project. I'm a big believer in mixed use housing, residential above and commercial below. I built the 660 building. I sought relief from the Zoning Board back in the early 90s. Got relief to build 12 apartments at 660 with the store on the first floor. On 725 Cambridge Street I built eight apartments above the existing business there and he's my tenant. And mixed use development is something that really works. This is what he's trying to do. I believe that this development will cause less of a demand on parking, on the street parking than what exists. And it's a very good idea. But

historically throughout the neighborhood, back in the 60s when we had this urban renewal project, they wanted to demolish a lot of the existing buildings that had housing to put just commercial buildings, and we changed their minds so that now we have mixed use and it seems to work much better. The Justice Star Corporation, non-profit, they're a big building mixed use on Cambridge and Tremont Street, and I think it's, it's an idea that works in that part of the city.

Thank you.

CONSTANTINE ALEXANDER: Thank you.

Thank you for coming down.

JASON GRIMM: Jason Grimm, 6 Eighth Street. I'm not quite sure as to what they're asking. Are they asking to remove four meters from Cambridge Street?

CONSTANTINE ALEXANDER: No, no, no.

The requirement -- they're going to put four apartments on the second floor. Under our Ordinance they have to provide on-site parking for four, four on-site parking spaces. There is no place on the premises as you see now for four on-site parking spaces. So they're asking us to allow them to have four apartments in that building with no on-site parking for those four apartments. That's what the case is about.

JASON GRIMM: And there's two bedrooms?

CONSTANTINE ALEXANDER: Each of them has two bedrooms.

JASON GRIMM: So eight cars.

CONSTANTINE ALEXANDER:  
Potentially.

JASON GRIMM: Potentially. Now there are parking lots away. And I live

there. I don't want to walk all the way down to Rufo Road and then have to be out by seven o'clock because that's when the, the Health Alliance has to come in and park. So you have to be gone by then. And I'm -- look, I live there. It's just, the parking is just a pain in the ass. And listen, I'm all for -- listen, let's get the businesses going. Let's get it be vibrant. Let's make you guys make money. That's great, you know. But we have to live there. We have to park there. And parking is a premium. And I don't know, I just --

CONSTANTINE ALEXANDER: You're making the assumption, though, that there are going to be eight cars parked on the street. What the petitioner is saying is that with all the prevalence of public transportation, as this gentleman pointed out, nearby

off-street parking, and the fact that the city is discouraging people to have cars in the city, all of that should mean that we -- there will not be meaningful additional burden to the neighborhood if we allow this to go forward.

JASON GRIMM: I understand what the city's trying to say. So that's like me saying well, hey, why don't I just give up my two cars and take public transportation? But in reality I'm not gonna do that because I want to be able to go a little further than where public transportation's gonna take me and I want to be able to get there when I want to get there not have to wait for a certain time. So, I understand that.

CONSTANTINE ALEXANDER: Thank you, sir.

Anyone else?

ELAINE CARRIERI: Elaine Carrieri, 13 Eighth Street. You mentioned community meetings, community input. Did you -- was there a community meeting about this?

ATTORNEY SEAN HOPE: I think I was referencing the East Cambridge Business Association --

ELAINE CARRIERI: Oh.

ATTORNEY SEAN HOPE: -- as well as the direct abutters who have letters of support in the file.

ELAINE CARRIERI: Right, but those people go home at night. They don't live in the area. We live in the area. We deal with it everyday. The dance studio never bothered us, Mr. Pacheco. And I don't know, but -- and these letters that go out? I live on the same block as them and I did not get one of these letters. This is the notice

about tonight.

CONSTANTINE ALEXANDER: The notice is legally sent to every abutter and an abutter to an abutter within 300 feet. So if you don't qualify for that you're not entitled.

ELAINE CARRIERI: Even though I live on the same block.

BRENDAN SULLIVAN: It goes out to the property owners.

ELAINE CARRIERI: My mother owns the property and she didn't get one.

CONSTANTINE ALEXANDER: That's why we post notices, signs, and that's why --

ELAINE CARRIERI: No, I saw the sign. I totally understand that.

CONSTANTINE ALEXANDER: That's the legal requirement for that.

ELAINE CARRIERI: No community

input. Okay.

CONSTANTINE ALEXANDER: You've spoken.

JASON GRIMM: I just want to know how do I get on the mailing list because I didn't receive any notice.

CONSTANTINE ALEXANDER: You should if you are an abutter or an abutter to an abutter within 300 feet of the property line.

BRENDAN SULLIVAN: They use the Assessor's list.

CONSTANTINE ALEXANDER: Yes, they use the Assessor's list.

BRENDAN SULLIVAN: Which means you have to be the property owner to an abutter or an abutter to an abutter within 300 feet of the location.

CONSTANTINE ALEXANDER: Here are some of the letters that were just returned.

Everybody -- they're mailed out. Some people don't get them because the Assessor's list doesn't correspond with present reality.

JASON GRIMM: Okay.

CONSTANTINE ALEXANDER: Anyone else wishing to be heard?

STACEY COOPER: I would. So my name is Stacey Cooper. Is it possible to maybe put two apartments instead of four so that way we're not dealing with as many vehicles?

CONSTANTINE ALEXANDER: That's entirely possible if they want to do that. They would still need Zoning relief, but it would be for two parking spaces.

STACEY COOPER: Right. Instead of having to deal with four.

CONSTANTINE ALEXANDER: They're asking us for four. Four small apartments.

We could turn them down and they could back and try for two. That remains to be seen.

BRENDAN SULLIVAN: The dance studio is there now and I don't doubt that their use of the property and their impact is quite intense. Is there any time when that second floor is dark if the dance studio is not there?

STACEY COOPER: That it's dark?

BRENDAN SULLIVAN: Dark. No lights on.

STACEY COOPER: I would suppose so.

BRENDAN SULLIVAN: Are they there on weekends?

STACEY COOPER: They are.

BRENDAN SULLIVAN: Sundays?

STACEY COOPER: Yes.

ELAINE CARRIERI: On Saturdays and Sundays between the Portuguese Club, the

Saint Anthony's Club, they have a band that rent out for weddings. Our weekends are horrendous anyway. So....

BRENDAN SULLIVAN: So is there any time that you know of that that second floor is as that picture depicts, that there are no lights on at all or there is always lights on?

STACEY COOPER: No, I don't think there are always lights on.

JASON GRIMM: During the day --

AL PACHECO: On the weekends there is.

JASON GRIMM: During the day there is nobody there.

BRENDAN SULLIVAN: I guess where I'm trying to get at is that it's probably more conducive to the neighborhood to see some lights on there at night on the weekends, normal residential use.

CONSTANTINE ALEXANDER: That goes to the point, which I agree with you, about mixed use being very desirable in what the city wants because it assures that there will be lights in the building at all times.

BRENDAN SULLIVAN: Right.

Before the dance studio what was the use of the second floor?

ELAINE CARRIERI: It was a furniture store, and years ago somebody --

MANUEL BARROWS: It was a karate studio, martial arts. And then the dance studio.

CONSTANTINE ALEXANDER: And the apartment, the furniture store never used the second floor for the furniture?

MANUEL BARROWS: At one point a long time ago a furniture store on the second floor. And all of this remained commercial

use since then.

BRENDAN SULLIVAN: So going back to Mr. Pacheco said, and that resonates with me is that Cambridge Street, as there is in other streets, which used to be very vibrant commercial areas, families, the old timers, if you will, are dying off, the kids don't want the business anymore. The businesses come, businesses go, and the next thing you know there are vacant spots. And whether it be gentrification, whether it be a changing of dynamics or whatever, the worse thing a businessman wants to see I think, and the worst thing a resident wants to see is vacant stores, for lease, for rent, for whatever. Other than taking a building like that, knocking it down and making it a park, it is going to have some impact somewhere. The question I think is this proposed use a more

desirable use and a less -- has less impact and more compatible to the neighborhood. And I have to come away and say yes. Even though it's not going to be without some concede. There may be no cars. People who rent those apartments may have absolutely no cars at all, and I think those type of units are more conducive to people who are taking bicycles or who are taking the T. They are either going to be working in Kendall Square. You know, it's just, that's -- and so anyhow, it's going to lessen the impact and other than having a vacant lot and making it a park, that's going to be some, some added something. But I think it's going to be greatly diminished and probably not be noticed.

CONSTANTINE ALEXANDER: Anyone else wish to be heard?

(No Response.)

CONSTANTINE ALEXANDER: The Chair notes that there is no one. We are in receipt of a number of letters that I should read into the record or maybe in some cases summarize.

We have a letter from Dennis A. Benzan, Vice Mayor of Cambridge, B-e-n-z-a-n.

(Reading) I write to express my support for this case requesting parking relief for a new renovation project that will bring new homes to Cambridge Street. The City of Cambridge is in need of housing so I enthusiastically support a request that will keep families in our great city. In addition, I support the request for parking relief because the new renovation project will serve to revitalize the area. The owner has communicated his plans to neighbors and abutters and has in turn received overwhelming community support

in his proposal.

We have a form letter that's addressed -- it says: I am writing to lend my support for Zoning relief for the property at 620 Cambridge Street. This property has been a neighborhood eyesore and occupied by several intense uses, including the dance studio. We fully support the addition of residential uses to the property that will be consistent with the fabric of the neighborhood as well as the requested reduction in parking. We hope you will vote in favorably on the Zoning relief application. And the letter is signed by residents of 621 Cambridge Street, 622 Cambridge Street, 600-602 Cambridge Street, 625 Cambridge Avenue.

We also have a letter from Timothy J. Toomey, Jr., City Councillor. (Reading) I

am writing to lend my support to BZA case, this case, requesting parking relief for a new renovation project that will bring new homes to Cambridge Street. While parking can be difficult along Cambridge Street, the requested relief at this location is reasonable as the renovation will improve the ground floor retail and bring new residents to Cambridge Street. Overall this appears to be a very good project and will contribute to the many improvements happening along Cambridge Street. The owner has performed due diligence with the neighbors and abutters and has received support in his proposal which comes hand in hand with the request for this relief. I hope you will find favor in the petitioner's request.

And last we have a letter from the East Cambridge Business Association from Patrick

Magee, M-a-g-e-e, President. (Reading) I am writing on behalf of the East Cambridge Business Association to lend our support for application by Shree Manakamana requesting a reduction in parking requirements at 620 Cambridge Street. The applicants have reached out to other businesses and abutters to discuss the project, and we feel this is an overall improvement to the business district. The project will create a renovated retail space that is ADA compliant and bring new residents to the street that will support the local businesses. Many business owners and landlords understand that parking needs and improving business along the corridor will go hand in hand. Parking for sure is an issue that all Cambridge Street businesses struggle with. In this particular case the benefits outweigh

the requirement of four parking spaces. And that's it.

With that I'll close public testimony. Any final comments, Mr. Hope?

ATTORNEY SEAN HOPE: I just wanted to say that I think the Board said it best, but I think Mr. Sullivan's comments about the vibrancy. I think this is about revitalizing not only this building but continue that to revitalize Cambridge Street, this portion. I also think there's a housing demand that speaks to the need for additional housing, and I think specifically the availability of public transportation to this location makes this application for reducing the parking specifically appropriate and we ask that you vote favorably on our request.

CONSTANTINE ALEXANDER: Thank you.

With that, as I said, I've closed public testimony.

Any discussion or we ready for a vote?

TIMOTHY HUGHES: I'm ready for a vote, but I like the report on the walkability. That's first time in ten years that I seen somebody put one of those things up there.

ATTORNEY SEAN HOPE: It's called Walker's Paradise. They do a great job. They go and update the information. It's a great resource.

CONSTANTINE ALEXANDER: The Chair moves that we grant the Special Permit being sought to reduce the parking requirement by four spaces with regard to the addition of the four residential units in the structure.

That the lesser amount of parking, the reduction, i.e., the four lesser spots will

not cause excessive congestion, endanger public safety, substantially reduce parking availability through other uses or otherwise adversely impact the neighborhood.

In this regard the petitioner has submitted evidence and there is support from the neighborhood that there will not be an adverse effect on the neighborhood. That will result in -- the result contrary and that will have a structure that has retail on the ground floor and dwelling units on the second floor, which is a desirable outcome for the City of Cambridge, particularly along Cambridge Street.

And the petitioner further submitted ample evidence that there is availability -- that the -- there are plenty of public transportation that will allow the citizens or the occupants of the dwelling

units to get from place to place.

There is also as one gentleman pointed out, there are surplus off-street parking in the vicinity of this site.

The further findings that we must make with regard to this Special Permit being sought is that -- some of these I already covered in regard to the earlier comments; that what is being proposed will not cause congestion, hazard, or substantial change in established neighborhood character. To the extent that there is substantial change, it would appear it would be to the better of the city and not to the worst.

And that the continued operation of adjacent uses will not be adversely affected by the nature of the proposed use.

We've had at least one, Mr. Pacheco, a businessman in the area testify or testimony

to that effect. And it will not adversely impact the neighborhood.

No nuisance or hazard will be created to the detriment of the health, safety, or welfare of the occupant of the proposed use 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.

In this regard the Chair would note that there's unanimous neighborhood support.

There is support from the local business association. And there is support from a public official. And that is also -- the Board can note that the type of mixed use that is being proposed is something that this Board finds desirable for the city,

and in particular for the Cambridge Street area.

On the basis of all these Special Permits, the Chair moves that we grant the Special Permit being sought to reduce the parking requirements for this site by four spaces.

All those in favor say "Aye."

(Aye.)

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

CONSTANTINE ALEXANDER: Five in favor. Thank you.

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(10:35 p.m.)

(Sitting Members Case #BZA-004828-2014:  
Constantine Alexander, Timothy Hughes,  
Brendan Sullivan, Thomas Scott, Janet  
Green.)

CONSTANTINE ALEXANDER: The Chair  
will call case No. 004828, 24 Arlington  
Street.

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

ATTORNEY JAMES RAFFERTY: Good  
evening, Mr. Chairman. For the record,  
James Rafferty on behalf of the applicants,  
George and Barbara Beal. Mr. and Mrs. Beal  
are seated to my right.

The project involves a single-family

home that they recently purchased and they're going to be moving to Avon Hill from the city of Newton. Some would say --

CONSTANTINE ALEXANDER: Good judgment on your part.

ATTORNEY JAMES RAFFERTY: Some would say social climate.

GEORGE BEAL: I agree up there.

ATTORNEY JAMES RAFFERTY: Mr. Beal has long lived in the community.

This case is not dissimilar to the Old Dee Road case. It's a modest addition well within the allowed GFA, but the house has -- it's siting on the lot is set back considerably. So it's got a very significant front yard, almost 75 foot setback. And the rear is slightly less than 19 feet. I apologize, I should have introduced our architect Josh Fenollosa,

F-e-n-o-l-l-o-s-a. So Fenollosa has designed what is a modest mudroom. And the portions of the mudroom will be in the setback area, but it doesn't change the -- it's no closer to the rear setback than a projection that already exists there.

And there are letters of support from the neighbors, and most critically I would suggest the rear abutter from 25 Lancaster Street who is arguably intended to has the benefit --

CONSTANTINE ALEXANDER: You haven't mentioned and I know you will, we're talking about nine square feet.

ATTORNEY JAMES RAFFERTY: Yes, the reason nine square feet, there's an interesting structure on the lot that is actually coming down. So the square footage of that structure comes away. It's some

military-style gazebo or something. It's been there for -- I just learned that the Conservation Commission, Historical Commission wants to have a public hearing on the demolition of that structure. So....

CONSTANTINE ALEXANDER: Welcome to Cambridge. You still want to come to Cambridge?

ATTORNEY JAMES RAFFERTY: It's a great place to practice law. These kinds of regulations, I'm not knocking it.

And so at any rate, Josh could go through the change. They are quite modest. They have to be in this location because it's the way the house lays out. It's the area of the kitchen. We would be able to get a modern kitchen into the building. As I said, the exterior alteration has been approved, although I don't know if the Avon Hill

Conservation Commission sent their Certificate of Appropriateness. I don't --

GEORGE BEAL: They didn't apply.

ATTORNEY JAMES RAFFERTY: Oh, it was non-applicability because they -- but they usually send that notice as well. But we did have a public hearing on that.

So that's essentially the case. As I said, the house the well below the allowable GFA. The change in GFA is nine, only nine square feet but the issue is presented with a setback.

There's also a window issue. There's some windows on the back wall. But the latest is --

JOSH FENOLLOSA: There's a window that's within the setback, we're withdrawing that. We're keeping the existing window in the kitchen.

ATTORNEY JAMES RAFFERTY: Another case of excess lawyering.

CONSTANTINE ALEXANDER: You mentioned -- you compared this thing or made reference to 5 Old Dee Road. Since the people are here, I must say architecturally this is far superior to what we saw on Old Dee Road.

ATTORNEY JAMES RAFFERTY: I only meant the legal issue. Meaning complying GFA with the setback issue.

GEORGE BEAL: I think Josh missed that. He likes the architecture better than the previous architect they seen.

JOSH FENOLLOSA: I thought you wanted to see the drawings.

ATTORNEY JAMES RAFFERTY: Do you have the drawings? Would you like to look at the drawings?

Can he put them on the table? He mounted them on the board for you and we've been waiting three hours.

TIMOTHY HUGHES: I'm ready for a vote.

ATTORNEY JAMES RAFFERTY: Now that you've seen the drawings?

JOSH FENOLLOSA: There you go.

ATTORNEY JAMES RAFFERTY: Nice house on Arlington Street. The prior owner had been there --

BARBARA BEAL: 50 years.

ATTORNEY JAMES RAFFERTY: They don't change hands too often up there.

CONSTANTINE ALEXANDER: I trust you have nothing more to say?

ATTORNEY JAMES RAFFERTY: With that intro, you're right.

CONSTANTINE ALEXANDER: I assume no

questions from Members of the Board?

TIMOTHY HUGHES: I'm good.

CONSTANTINE ALEXANDER: And I'll open it up to public testimony.

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

(No Response.)

CONSTANTINE ALEXANDER: The Chair notes no one wishes to be heard. For the petitioner, I will state for the record that we are in receipt of a number of letters in support from neighbors with no opposition that I can see. But I'll put all the letters in the file. All of these letters as written will be incorporated by reference in their entirety into the file.

ATTORNEY JAMES RAFFERTY: I would note they are all abutters including the rear abutter.

CONSTANTINE ALEXANDER: Okay.

That's the most important one. They do include the rear abutter who is the person most affected by what is being proposed.

Okay, ready for a vote?

JANET GREEN: Yes.

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

That a literal enforcement of the provisions of the Ordinance would involve a substantial hardship to the petitioner. Such hardship that the petitioner needs to modify the rear of the structure with respect to making the kitchen area more usable.

That the -- and that the hardship is owing to the fact that the location of the structure on the lot, so it is basically that.

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 would note that relief being sought is rather modest in nature and it does have unanimous abutter support, including the support of the abutter most directly affected by what is being sought.

So on the basis of these findings, the Chair moves that we grant the Variance being sought on the condition the work proceed in accordance with two pages of plans A1.1 and A2.0, both initialled by the Chair.

You're not going to change these? Because if you do you have to come back.

JOSH FENOLLOSA: Right.

CONSTANTINE ALEXANDER:

Mr. Rafferty will tell you.

So these plans, by the way, which have  
been initialled by the Chair have been  
prepared by Brown, Fenollosa,  
F-e-n-o-l-l-o-s-a Architect, Inc.

All those in favor of granting the  
Variance on this basis say "Aye."

(Aye.)

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

\* \* \* \* \*

(10:45 p.m.)

(Sitting Members Case #BZA-004850-2014:  
Constantine Alexander, Timothy Hughes,  
Brendan Sullivan, Thomas Scott, Janet  
Green.)

CONSTANTINE ALEXANDER: The Chair  
will call case No. 004850, 640 Memorial  
Drive.

Is there anyone here wishing to be heard  
on this matter? Give your name and address  
for the record. And then I want to advise you  
of something that you may not be aware of.

ATTORNEY TIMOTHY TWARDOWSKI: Good  
evening, Mr. Chairman, Members of the Board.  
My name is Timothy Twardowski with Robinson  
& Cole in Boston, Massachusetts,

representing the applicant Verizon Wireless.

CONSTANTINE ALEXANDER: We just received literally hours ago, a long extensive memo from the Planning Board which suggests a redesign of the project. We take the Planning Board recommendations very seriously. I'm wondering whether you want to continue this case and consider the Planning Board's views and give a little more time, perhaps, your call, and perhaps redesign the project.

ATTORNEY TIMOTHY TWARDOWSKI: I did attend the Planning Board meeting on Tuesday evening and I did receive a copy from the Planning Board's comments. What I would like to do this evening, if I could, is to just give a brief overview of the existing conditions of the project and then perhaps suggest that we go through each of the three

sectors of antennas and discuss the recommendations that were made by the Planning Board, you know, based on my own experience, it's, you know, this Board does obviously give great weight to the Planning Board's recommendations, but it doesn't necessarily always follow them.

CONSTANTINE ALEXANDER: I would just point out if we do that --

ATTORNEY TIMOTHY TWARDOWSKI:  
Pardon me?

CONSTANTINE ALEXANDER: If we do that, and as the evening progresses and you can see that this Board is very sympathetic to what the Planning Board is saying, and perhaps you're going to realize you're not going to get relief on the plans you have before us tonight, this will be a case heard and when we then continue the case, you'll

have to continue it to a time when all five of us are present. So it could push the project out farther if you go that route.

ATTORNEY TIMOTHY TWARDOWSKI:

Right, understood.

CONSTANTINE ALEXANDER: Okay.

ATTORNEY TIMOTHY TWARDOWSKI: And to be honest, given the time frame in which we received the Planning Board's comments, we weren't able to prepare a revised set of plans or photo sims. So what I'd like to do is get, you know, further feedback from this Board to make sure that when we go back and do make some revisions to the plans, that we're responsive not only to what the Planning Board has said but any additional comments.

CONSTANTINE ALEXANDER: You'll have a case heard. You're not troubled by the fact to do this, this case will become a case

heard if we continue it, and you'll have to have -- and you may be pushed farther out in terms of when you have to come back before us.

ATTORNEY TIMOTHY TWARDOWSKI: Yes. Admittedly we came here this evening with the anticipation that we would not get a decision this evening, but we would have at least the benefit of your input.

CONSTANTINE ALEXANDER: I haven't even seen this Planning Board memo. I just got it.

ATTORNEY TIMOTHY TWARDOWSKI: I just got it this afternoon as well.

CONSTANTINE ALEXANDER: I know. And I suspect other members of the Board haven't. So it's going to be hard, it seems to me, tonight to give you our views on what the Planning Board has said without having seen what the Planning Board has said. So

I'm not sure we're going to accomplish what you want to accomplish.

ATTORNEY TIMOTHY TWARDOWSKI: Okay.

Perhaps we can just get started and then if it turns out that way that the members feel that it's not productive than we'll reconsider.

CONSTANTINE ALEXANDER: Okay.

ATTORNEY TIMOTHY TWARDOWSKI: I do have copies of photo sims. I'm not sure --

TIMOTHY HUGHES: Do you have copies of the Planning Board letter?

ATTORNEY TIMOTHY TWARDOWSKI:  
Pardon me?

TIMOTHY HUGHES: Do we have a copy of the Planning Board letter? Since we're going to be addressing that specifically.

ATTORNEY TIMOTHY TWARDOWSKI: I may have one additional copy.

BRENDAN SULLIVAN: When I reviewed the case, I had questions that I was raising about and I was interested to see the feedback from the Planning Board. In fact, actually they have addressed most of the concerns that I have without getting into the meat of it.

CONSTANTINE ALEXANDER: Would it help if at this point if I read, for the benefit of the Members, read the Planning Board memo?

TIMOTHY HUGHES: Sure.

THOMAS SCOTT: Yes.

CONSTANTINE ALEXANDER: Let me do that before you start your comments.

ATTORNEY TIMOTHY TWARDOWSKI: Okay.

CONSTANTINE ALEXANDER: (Reading)  
The Planning Board reviewed the proposed installation and found several instances where modifications could be made to minimize

the visual impact of the antennas. The following comments are provided to the Board of Zoning Appeal:

The Planning Board is generally satisfied with the proposed antennas on the east elevation and notes that the existing antennas have a clumsy appearance with the striped color treatment which protrudes -- I have the same problem -- above the parapet line. The proposal to match the paint finish with the white tile is supported, and the lower profile installation positioning appears to be an improvement on the existing situation. In regard to the north elevation, the Planning Board represents that the antennas be repositioned so they do not interrupt the cream brick cornice line when viewed from the street. The wireless RRH unit and junction box also appear to be

adding some clutter to the rooftop. The Planning Board, therefore, suggests that their positioning be reviewed to determine if a further setback on the wall plain is possible. The Planning Board is most concerned about the southwest elevation which is the most prominent view of the building. According to the photo simulations, the antennas will protrude above the parapet like the existing antennas. The Planning Board recommends that the new antennas be located below the parapet line to minimize the visual presence.

Alternatively moving the antennas to a new location that does not detract from the principal facade, such as the existing mechanical penthouse should be considered. Given the above considerations, the Planning Board strongly recommends that a redesign of

the antenna installation be undertaken to improve the visual appearance and to address how the antennas can better complement the architecture of the building. The Planning Board also encourages the use of a matte finish for all painted materials, including cabling, and the use of a smallest mounting brackets available to achieve a low profile installation.

You've seen it so you know.

Other Members of the Board? That's what the Planning Board said. I'd be happy to pass this around.

ATTORNEY TIMOTHY TWARDOWSKI: May I circulate copies of the --

JANET GREEN: We're looking at the things that are already making suggestions about being changed and we're --

CONSTANTINE ALEXANDER: That's part

of the package what you're submitting?

ATTORNEY TIMOTHY TWARDOWSKI:

That's right. Same photo simulations that were on the basis of Planning Board's comments.

CONSTANTINE ALEXANDER: And what's in our files right now?

ATTORNEY TIMOTHY TWARDOWSKI:

That's correct.

Using the Planning Board comments kind of as a guidepost for discussing the proposal just to orient the Board, this is a copy of the roof plan. To the south is Memorial Drive. To the north Waverly Street. Three sectors of antennas are located here. This is referred to in the Planning Board's comments as the southwest elevation.

CONSTANTINE ALEXANDER: Which is the one they had the most concern with?

ATTORNEY TIMOTHY TWARDOWSKI:

That's correct.

And this set of antennas, also wall mounted, is referred to by the Planning Board as the north elevation. The north elevation antennas are shown in the photo sims on pages 1 and 2.

CONSTANTINE ALEXANDER: Why don't we start there. Let's take it one step at a time.

ATTORNEY TIMOTHY TWARDOWSKI: I would be happy to do that. Let's start with the north elevation.

CONSTANTINE ALEXANDER: That's the first two pages of the photo sims.

ATTORNEY TIMOTHY TWARDOWSKI:  
That's correct. The way the photo sims are organized, the first -- photo 1 there is existing conditions, which shows what's up

there today. And then the proposed conditions show the proposal. In effect what we're doing is for all of the -- all three sectors, there currently are four antennas wall mounted. The proposal would swap out one for one. So four antennas would come down, four new ones would go up.

CONSTANTINE ALEXANDER: What type of mounts would you use for the new antennas? Low profile mounts?

ATTORNEY TIMOTHY TWARDOWSKI: They are pole mounts.

CONSTANTINE ALEXANDER: What about low profile mounts?

ATTORNEY TIMOTHY TWARDOWSKI: They are pole mounts. It's based on existing today. Based on the Planning Board's comments, I have discussed with the client if there is a lower profile mount that can be

used, and I was informed that we can use a lower profile mount and we would be happy to do that on all of these cases.

CONSTANTINE ALEXANDER: I should comment that we've consistently said we would like low profile mounts. I'm a little troubled you came before us and you change your mind and not even use low profile mounts. Please advise your client that it's a non-starter if you're going to come before us with pole mounts that are not low profile mounts. Okay?

ATTORNEY TIMOTHY TWARDOWSKI:

Understood.

Okay, so again, looking at photo 1, the proposed, proposed condition, you can see the antennas are, again, in the same location. There is a set of remote radio heads that are located on the rooftop behind the facade.

One of the Planning Board's comments was to ask if we could move those further back so that they would not be visible above the cornice of the roof.

CONSTANTINE ALEXANDER: Right.

ATTORNEY TIMOTHY TWARDOWSKI:

Conversations that I've had with the construction manager as well as the engineer, is that we can in fact move those further back and we will do so with the revised set of plans that we come back to you with.

And, again, I think the Planning Board was satisfied with the proposal to color the antennas to match the facade with the background. And they did ask that we lower them a small degree so that they do not break the cornice line and that's another change that we're happy to make.

CONSTANTINE ALEXANDER: That's

something if you were looking for feedback from the members of the Board, this Board member strongly supports that. I think the notion sticking above the parapet line and the cornus line is a non-starter for me. There's no reason why you can't lower them to visualize the minimum impact.

TIMOTHY HUGHES: Is there a reason why you can't put them up higher on the mechanical penthouse? Grey on grey would be better than non-brick on brick.

ATTORNEY TIMOTHY TWARDOWSKI: Are you asking specifically about the darker, the dark grey shapes on the stacks rising up above?

TIMOTHY HUGHES: Yes.

ATTORNEY TIMOTHY TWARDOWSKI:

Ask -- where's Dan? With me this evening is Dan Brown who is the RF engineer with C

Squared Technology.

TIMOTHY HUGHES: I love your books by the way.

ATTORNEY TIMOTHY TWARDOWSKI: He's moonlighting.

And we have, and obviously in response to the Planning Board comments we have had conversations with the client about that. And I'd ask Dan to address that more specifically in terms of the effect that moving the antennas further back on this building would have specifically in terms of this particular facade.

DAN BROWN: Yeah. We have discussed that option within Verizon internally and with the RF. We want to prevent virtually the antennas intensifying that in the capacity to the network. So it's very important that we're able to down tilt

all of the antennas and properly control the signal coming out of each of them in order to prevent interference from the other sites. Verizon does find that the location of the antennas that currently does provide them with optimal performance as far as location goes. If we were to raise the antennas up higher, we'd need to down tilt them, maybe require some mechanical tilt. It may look a little bit worse. We prop it down to ultimately control and prevent interference.

TIMOTHY HUGHES: You see that thing on top of the building with the stacks, that grey thing that's there? How do you think you can possibly make that look any worse?

CONSTANTINE ALEXANDER: You wanted feedback.

ATTORNEY TIMOTHY TWARDOWSKI: And we appreciate the feedback and we will

certainly investigate that option if there's a general consensus of the Board, we're more than happy to look into that.

CONSTANTINE ALEXANDER: Yes.

ATTORNEY TIMOTHY TWARDOWSKI: And to the extent it's technologically feasible --

CONSTANTINE ALEXANDER: I would report that at least two members of the Board think that.

DAN BROWN: We can look into that further, that strong suggestion.

ATTORNEY TIMOTHY TWARDOWSKI: I think that pretty much covers all the comments that the Planning Board had for that particular sector on the north elevation. Unless the Board has further questions or comments, I'd be happy to move on to a different sector.

CONSTANTINE ALEXANDER: Speaking for myself only, I echo the Planning Board's comments. I think they're well thought out on this and the other comments that you can address, and I would urge you to comply with them and redesign the facility.

ATTORNEY TIMOTHY TWARDOWSKI: Okay.

The next sector which is referred to in the Planning Board comments as the east elevation. And just to point these out on the roof plan, these are shown as the gamma sector antennas and on this side of the building.

And in this particular case the Planning Board commented that the striped appearance of the existing antennas was somewhat clumsy, and to my untrained eye I would tend to agree with that. The recommendation is essentially to go forward

with what we've proposed and the proposed conditions, photo location No. 5, which is rather than striping the antennas but to make them a solid cream color to match the background behind it which gives it a much cleaner proposal, and then also to use a lower profile installation which we are, again, we'll be happy to come back with on revised plans.

The last and the one that the Planning Board had the most difficulty with is the southwest antennas, which are the ones on the rounded shape of this building. And these are shown on photographs No. 4 -- I'm sorry. Nos. 3 and 4.

CONSTANTINE ALEXANDER: That's three if I'm counting it right. You're not counting the first two pages?

ATTORNEY TIMOTHY TWARDOWSKI: At

the bottom of each photograph there's photo location.

JANET GREEN: I just found it. These are really hard.

ATTORNEY TIMOTHY TWARDOWSKI:  
Forgive me, photo location No. 3, I'm sorry. And in that case, you know, the Board expressed unhappiness obviously with the fact that the antennas protrude above the cornice line, not just breaking the line, and also I believe that the striped appearance. We had given some thought to lowering the antennas, given the amount of -- I mean it looks just to the -- based on the photos that it's -- we're looking at just over a foot, that they extend above the roof line. One thought we had, obviously, was to lower them. The concern there, and we'd like feedback from the Board on this, is that below the red

brick there's, you know, white and some more architectural detailing, that to the extent that that, you know, the Board is sensitive to have antennas pass in front of that, you know, we don't want to lower it and then come back and be, you know, not -- have the Board not happy with that type of a proposal, but I think lowering to some degree in that case is another possibility, but we would like the feedback on that.

CONSTANTINE ALEXANDER: Well, you know, the comment, you're asking for feedback from us. That's appropriate. But we haven't had time to think this through. I'll give you my feedback, but I'm not in any way going to say I can't change my mind the next time you come by.

ATTORNEY TIMOTHY TWARDOWSKI:  
Understood.

CONSTANTINE ALEXANDER: Because I don't have time. I'm not sure what this exercise is achieving for you -- but if you want to do it, you want to do it. I also personally agree with the Planning Board's comments about lowering the antenna. I don't like the antennas that break the roof line or the parapet line because it makes them so much more noticeable. And if you try to minimize the visual impact, it's just as you know a key aspect of our Zoning approval for telecom cases, that's how you do it. You don't go above, you don't break the roof line or the parapet line.

JANET GREEN: And doesn't this if you lower it, you're lowering it into the design feature below?

TIMOTHY HUGHES: Into the cornice line.

ATTORNEY TIMOTHY TWARDOWSKI: And that was the initial concern that I had in my discussions with the client, based on the prospect of lowering.

JANET GREEN: And Mr. Hughes' suggestion this is where you look. Why not put them up --

TIMOTHY HUGHES: This wasn't where I was looking at it, but it might be another opportunity for it.

CONSTANTINE ALEXANDER: Other solutions.

TIMOTHY HUGHES: You can't break the cornus, you know, how far out you have to come out if you drop it down to cover the cornus and then you have the problem with the two colors because neither one of those architectural details is the same height as your antenna.

ATTORNEY TIMOTHY TWARDOWSKI:

That's fair. I'm agreeable.

TIMOTHY HUGHES: This is a terrible location and a tough spot to put some antennas. I don't know, how this got passed in the first place.

CONSTANTINE ALEXANDER: It's a prominent location in terms of visibility.

JANET GREEN: And a beautiful building.

BRENDAN SULLIVAN: The antenna of a certain dimension --

ATTORNEY TIMOTHY TWARDOWSKI:  
Correct.

BRENDAN SULLIVAN: -- with height can you not get the same function out of something that is like that?

DAN BROWN: No.

BRENDAN SULLIVAN: Do you need this

height?

DAN BROWN: Yeah, the length of the antenna determines the gain and also the vertical beam width which is really where most of the power is projected out of. So by cutting the antenna down from the four foot to a two foot, we're cutting the gain significantly. And as well, we're almost doubling the vertical beam width.

BRENDAN SULLIVAN: Even if it gets wider?

DAN BROWN: Antennas don't necessarily work that way. If we were to do a shorter and longer one, the padding would actually be covering more this way up and down and into space and the ground in a very small portion on the horizontal plain.

THOMAS SCOTT: Can they be moved back on the penthouse? Why can't they be

moved back onto that penthouse?

JANET GREEN: Yes, and make them grey.

THOMAS SCOTT: I mean, the building is historical in nature and I can't, I just can't see those antennas functioning anywhere along that facade and blending in with the building. That's just not gonna happen. I don't know how these got approved.

ATTORNEY TIMOTHY TWARDOWSKI: One thought that we discussed in response to the Planning Board's comments, and this I think ties into the last array that we just discussed on, which is shown on page 5 is that if you're looking at photo location No. 4, if you look to the right-hand side of the photograph, there is a raised element on the facade with a rectangular cream colored shape which essentially is -- it matches the

feature of the building, that north elevation antennas are located on. And that's, I think from discussion --

THOMAS SCOTT: I would be opposed to that.

ATTORNEY TIMOTHY

TWARDOWSKI: -- that would work.

THOMAS SCOTT: I would be opposed to that.

TIMOTHY HUGHES: I'm not that fond --

THOMAS SCOTT: I don't understand why they can't be pushed back on to the penthouse.

ATTORNEY TIMOTHY TWARDOWSKI: Can you address --

DAN BROWN: Yeah. I mean similar to what we discussed in the north elevation by moving antennas back to the penthouse would

add an extra height which isn't necessarily what the network needs right now. That could actually induce some interference. That is something that we can look into further if that's strongly suggested.

CONSTANTINE ALEXANDER: Would doing that make these antennas non-functional? Because you may have to make a tradeoff here. Lose some functionality to your antennas in return for making -- minimizing the visual impact. You can't have it -- we're trying to suggest -- you may not be able to have it both ways. If everything you want from a technical point of view but not paying attention to what the city needs in terms of minimizing the visual impact. I think that's something you better go back and think about and present some -- if you think you can't do it, move doing what Tom has

suggested, give us persuasive reasons why you can't do it. And think -- and meanwhile, think about it and try to do what Tom has suggested or some compromise better than what is on this plan right now.

ATTORNEY TIMOTHY TWARDOWSKI: And we're certainly willing, you know, to work with this Board's comments as well as the Planning Board's comments to the extent that it's feasible to do so. And, you know, certainly appreciating, you know, based on experiences I've had with this Board and the projects that we've gone through from start to finish, I understand this Board's perspective in terms of exposing antennas of this sort and, you know, I think what separates this from other applications is that this is an existing site. It's one that's been in place since the year 2000 when

it was originally permitted as a Special Permit. And it's also our position that it's covered by Section 6409(a) of the Taxpayer Relief Act, which I've addressed in the materials that were submitted to this Board, and it's our position based on that legislation which was adopted in 2012 that this is in fact a modification of an existing facility that, you know, the Board's ability to deny is basically preempted.

Would we come in with a new facility that proposes, you know, that has this degree of stealthing or lack of stealthing? Probably not. But the client's position is that, you know, to the extent that it has federal preemption under that Section 6409(a), it's a lot more difficult to get them to make changes, but we're happy to do that and we're trying to work with the Board this

evening in order to make improvements to the site.

CONSTANTINE ALEXANDER: I think you've heard -- I don't know if, Brendan, you started off you said you had some questions you wanted to see if the Planning Board addressed them. Do you have anything else you want to tell these gentlemen?

BRENDAN SULLIVAN: No.

ATTORNEY TIMOTHY TWARDOWSKI: If I may, since we have RF here, I also have Doctor Don Haes who submitted the RF emissions report which is also in your packet. If there are any questions of that nature, if, you know, we could discuss those this evening or if we're really just talking about design-related issues. I'm just thinking about the need of bringing the entire team back.

TIMOTHY HUGHES: I'm just talking about design related issues. I don't personally care about the RF emissions.

CONSTANTINE ALEXANDER: I don't think in the past we worry too much about that. So it's your call. Again, I'm not prepared to sign off and say absolutely we have no RF issues. You've got to make your own judgment on that.

BRENDAN SULLIVAN: And you should not be precluded in bringing back maybe a couple of alternates, you know? Maybe you think this is what is Planning Board is saying, this will address that issue. But you may also have a plan B for that particular location or something.

ATTORNEY TIMOTHY TWARDOWSKI:  
Right.

BRENDAN SULLIVAN: So that there may

be some --

CONSTANTINE ALEXANDER: On that point, though, I would expect you're going to go back to the Planning Board with new -- assuming you're going to redesign, going back to the Planning Board first and we're going to get an updated memo from the Planning Board. I don't --

ATTORNEY TIMOTHY TWARDOWSKI: I, I'm sorry, I don't mean to interrupt.

CONSTANTINE ALEXANDER: No, no.

ATTORNEY TIMOTHY TWARDOWSKI: In having conversations with Liza Paden in the Planning Department, she has informed me that essentially the Planning Board is using a new process for reviewing these types of applications. They have a new design planner who that essentially prepared the comments that are before you this evening.

She made the presentation to the Planning Board on Tuesday night. The applicants weren't given a chance to speak. My understanding from talking to Liza is that the Planning does not want us to come back. That essentially those are their recommendations and they want the Board of Appeals to take it from this point. I'd be happy to talk with her further tomorrow, and I will do so, to make sure that is in fact the case. But, you know, just -- and obviously you can follow up on your own, you know, but I'm just cautious about there being an expectation that we go to the Planning Board when if the case is that the Planning Board doesn't want us to go back.

CONSTANTINE ALEXANDER: If the Planning Board doesn't want to have you back, you don't have to go back before the Planning

Board. I would like you to have the discussion with Liza and report back to us and say we did go back to the Planning Board with new plans, and we have a new memo or the Planning Board said they didn't want to talk to us anymore.

ATTORNEY TIMOTHY TWARDOWSKI: At a minimum before we come back I will have met with the planner. The design planner.

BRENDAN SULLIVAN: She can send a memo to the Board to that effect.

CONSTANTINE ALEXANDER: Would you ask her that the memos be submitted to us a lot earlier in the process than hours before the hearing?

ATTORNEY TIMOTHY TWARDOWSKI: I would be happy to.

CONSTANTINE ALEXANDER: It's not your responsibility.

ATTORNEY TIMOTHY TWARDOWSKI: I don't think I carry too much weight in that respect, but I would make the suggestion.

CONSTANTINE ALEXANDER: Maybe we'll follow up on our own.

ATTORNEY TIMOTHY TWARDOWSKI: Unless there are further comments or questions, we'd be happy to understand take a continuance this evening and we'll be happy to continue working on this project in response to those comments.

CONSTANTINE ALEXANDER: I have no further comments.

TIMOTHY HUGHES: I don't have anything more.

CONSTANTINE ALEXANDER: The Chair moves that this case be continued as a case heard on the condition -- until -- what's the time? Do you have a date that you would like

to take?

ATTORNEY TIMOTHY TWARDOWSKI: The sooner the better.

CONSTANTINE ALEXANDER: I'm not sure sooner is that quickly. We have a lot of other cases.

Sean, when do you think we can hear this case?

SEAN O'GRADY: 10/16.

CONSTANTINE ALEXANDER: The only trouble with 10/16 is we do want the Planning Board to comment on new plans. That doesn't give them enough time. I don't know if they will comment. What I'm hearing is they probably won't. But I think we should give them at least the courtesy of seeing new plans and see if they do want to comment.

SEAN O'GRADY: So you're --

CONSTANTINE ALEXANDER: I'm

thinking a month later. 11/20.

SEAN O'GRADY: 11/20? No, we're all full then.

TIMOTHY HUGHES: I'm not here then.

SEAN O'GRADY: December 4th?

BRENDAN SULLIVAN: What is after 10/16?

SEAN O'GRADY: 11/6.

BRENDAN SULLIVAN: 11/6.

CONSTANTINE ALEXANDER: We have nothing. You said a month later so I skipped.

I thought we only had one meeting in November.

SEAN O'GRADY: 11/6.

CONSTANTINE ALEXANDER: You can make it, Tim?

TIMOTHY HUGHES: Yes.

CONSTANTINE ALEXANDER: Everyone

else? This is a case heard.

The Chair moves that this case be moved to seven p.m. on November 6th as a case heard on the following conditions:

That the petitioner sign a waiver of time for decision.

That the posting sign be modified to reflect the new date and the new time; seven p.m. on November 6th.

And that this modified sign, which you can do manually, there's no requirement other than that, take a magic marker and scratch out what's there now and put a new date and time.

And that the modified sign be maintained on the property for the 14 days before the hearing as required by our Ordinance.

And lastly, to the extent, and I guess there will be, new photo simulations and any

new plans, they must be in our files no later than the five p.m. on the Monday before November 6th.

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

(Aye.)

CONSTANTINE ALEXANDER: Five in favor. Case continued. See you in November.

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

\* \* \* \* \*

(11:10 p.m.)

(Sitting Members Case #BZA-004874-2014:  
Constantine Alexander, Timothy Hughes,  
Brendan Sullivan, Thomas Scott, Janet  
Green.)

CONSTANTINE ALEXANDER: The Chair  
will call case No. 004874, 75-77 Norfolk  
Street.

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

MAGGIE BOOZ: Good evening. I'm  
Maggie Booz, B-o-o-z, Smart Architecture.  
I'm the architect for the Zibelniks, the new  
owners of 75-77 Norfolk Street.

We have two requests from the Zoning Board: One is for a Special Permit, and one is for a Zoning Variance.

The Special Permit is for three items, the major one of which is the alteration of the slightly shed to flat roof that's on the rear portion of the house right now. We are requesting to make a gabled roof out of it. Albeit a shallow gabled roof, so we can have less runoff into a very, very small side yard setback on the north side of the building. That portion of the construction of that roof that's within the side yard setback is what we're asking for a Special Permit for.

We're also for asking for a Special Permit to relocate the rear window at the second floor. We're pushing it over to the north on that facade of about 30 inches or so. And we're also asking -- there's also a

slight change in the doorway that leads to the basement that's on that facade on that west facade. And those are the Special Permit items.

The Variance is a very small request to increase the floor area of the building. We're removing two dog shed enclosures to two basement entrances that exist in the building now. One of those basement entrances we're eliminating altogether, and the other one we're keeping. We're taking the enclosures that are on them off. And then there's an alteration of the dormer at the south facade of the building.

Currently there is a double gabled dormer with a partial shed transition piece between them and we're asking to complete that shed transition and to sort of regularize the south facade with a

symmetrical two gable partial shed dormer. All of those changes resulted in about six square feet of floor area change. And thus, that's the Variance we're asking for.

JANET GREEN: You had a lot to do.

ANYA ZIBELNIK: You know the house? The neighbors are so, so happy.

CONSTANTINE ALEXANDER: They should be.

MAGGIE BOOZ: And I do have letters from them as well.

CONSTANTINE ALEXANDER: I'll read them into the record.

MAGGIE BOOZ: Okay.

CONSTANTINE ALEXANDER: The good news is almost anything you'll do to this property will be an improvement right now.

ANYA ZIBELNIK: Well, I'm trying to make it to Historical because the neighbors

really care about that. So we'll be on the same page. We're on the same wave length with neighbors that I talked to them before I bought the house to see that we are, you know, there will be a community.

CONSTANTINE ALEXANDER: And these plans in our files, these are the ones that are up there, are the final plans?

MAGGIE BOOZ: That's correct, yes.

CONSTANTINE ALEXANDER: Questions from members of the Board?

(No Response.)

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

Is there anyone wishing to be heard?

(No Response.)

CONSTANTINE ALEXANDER: There is no one wishing to be heard.

We are in receipt of three e-mails which

I'll read into the record.

One is from Pam Larson, L-a-r-s-o-n and Michael Hutcherson, H-u-t-c-h-e-r-s-o-n, 79 Norfolk Street. (Reading) We are writing in full sport of Anya Zibelnik's renovation plan for her house at 75-77 Norfolk Street and believe the changes will be a huge improvement on the existing structure. Anya has been exceptionally considerate in her designing process and in anticipation of renovation work asking for our approval and input on the plans keeping us informed of progress and concerns for noise levels. We look forward to having her as a neighbor.

And we have a letter from Amy MacDonald, M-a-c-D-o-n-a-l-d. (Reading) My husband EJ Krupinsky, K-r-u-p-i-n-s-k-y and I have no objections to the proposed changes by Anya Zibelnik for 75-77 Norfolk Street. In fact

we enthusiastically endorse the plans as it will improve the integrity of the this 19th century house.

And last we have a letter from Oliver Kendall, K-e-n-d-a-l-l. (Reading) I, Oliver Kendall and my husband James McKowen, M-c-K-o-w-e-n are the owners of 71 Norfolk Street, No. 1, which abuts 75-77 Norfolk Street, which is undergoing review for renovations and updates. James and I do not have any opposition to the proposed alterations by the new owner Anya Zibelnik 75 dash -- it says 55. It should be 77 Norfolk Street. She has reached out to us and shared the plans with us. She has our full support and we are eager to see the building undergo some well deserved renovation.

And then they said they're out of the country next week so they're not able to

attend the meeting in person. And that's it.

I'm going to close public testimony.

Any final comments?

MAGGIE BOOZ: No.

CONSTANTINE ALEXANDER: You don't need to.

MAGGIE BOOZ: I can't believe your patience through an evening like this.

CONSTANTINE ALEXANDER: Any comments from members of the Board or want to go to a vote?

TIMOTHY HUGHES: I'm good with it.

JANET GREEN: I'm good.

CONSTANTINE ALEXANDER: Okay. The Chair moves -- we have to make two votes, actually, one for the Variance and one for the Special Permit.

With regard to the Variance, the Chair moves that we make the following findings:

That a literal enforcement of the provisions of the Ordinance would involve a substantial hardship to the petitioner. Such hardship being the petitioner would not be able to renovate and restore and frankly the delapidated structure.

That the hardship is owing to the circumstances relating to the fact that the structure is currently a non-conforming structure. And, therefore, any relief requires Zoning relief for a Variance.

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 the project has the support of the most directly affected abutters, and that it will improve the housing stock of the city of Cambridge by

restoring a 19th century home from its current decrepit condition.

Therefore based on these findings, the Chair moves that we grant the Variance being sought on the condition that work proceed in accordance with plans prepared by Smart Architecture and initialled by the Chair. And they are numbered A-3.0, A-3.1, A-7.0, A-71, A-X.3, A-X.4.

All those in favor of granting the Variance on this basis say "Aye."

(Aye.)

CONSTANTINE ALEXANDER: Five in favor.

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

CONSTANTINE ALEXANDER: Now for the Special Permit.

The Chair moves that we make with

respect to the Special Permit being sought that we make the following findings:

That what is being proposed will not cause congestion, hazard, or substantial change in established neighborhood character or impact traffic generated or patterns of access or egress.

In this regard in fact just to contrary will be the case in terms of approving the established neighborhood character.

That the continued operation and development of adjacent uses will not be adversely affected by what is proposed and, again, just a contrary, what is being proposed will basically adverse -- not adversely, substantially affect for the benefit of the neighborhood.

And that no nuisance or hazard will be created to the detriment of the health,

safety, or 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 districts or otherwise derogate from the intent and purpose of this Ordinance.

In this regard the Chair would incorporate the same findings with regard to the derogation of intent and impair the integrity that we made with regard to the Variance that we granted.

And, therefore, I move the Special Permit be granted on the condition that the work proceed in accordance with the plans identified with regard to the Variance that we just granted.

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

(Aye.)

CONSTANTINE ALEXANDER: Five in favor.

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

(Whereupon, at 11:20 p.m., the Board of Zoning Appeal

Adjourned.)

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**ATTACH TO ZONING BOARD OF APPEALS**

**DATE:** 09/18/14

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**IN WITNESS WHEREOF**, I have hereunto set  
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