

BOARD OF ZONING APPEAL
FOR THE
CITY OF CAMBRIDGE

GENERAL HEARING

THURSDAY, MARCH 31, 2016

7:00 p.m.

in

Citywide Senior Center

806 Massachusetts Avenue, First Floor

Cambridge, Massachusetts 02139

Brendan Sullivan, Acting Chair

Thomas Scott, Member

George S. Best, Associate Member

Andrea A. Hickey, Associate Member

Laura Wernick, Associate Member

Jim Monteverde, Associate Member

Sean O'Grady, Zoning Specialist

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PROCEEDINGS

(7:20 p.m.)

(Sitting Members: Brendan Sullivan, Thomas Scott, Jim Monteverde, Andrea A. Hickey, George S. Best, Laura Wernick.)

BRENDAN SULLIVAN: Let me call to order the Board of Zoning Appeal for Thursday, March 31, 2016.

Before we begin the cases, I'll make a statement.

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

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

We are being recorded, and also a transcript by our stenographer, and also there was also another audio recording being made by another gentleman.

So with that, let me open up.

* * * * *

(7:20 p.m.)

(Sitting Members Case BZA-009268-2016: Brendan Sullivan, Thomas Scott, Andrea A. Hickey, George S. Best, Laura Wernick.)

BRENDAN SULLIVAN: First case I'm going to call is case No. 009268-2016, 196-200 Elm Street.

Is there anybody here interested in that matter?

(No Response.)

BRENDAN SULLIVAN: The Board is in receipt of correspondence dated February 28th. (Reading) Please withdraw my request for a Variance at 196 Elm Street as I have -- as I have leased the space.

Is that right? As I have leased?

SEAN O'GRADY: Yes, that would be right. Is that coming from Cerny?

BRENDAN SULLIVAN: Yes, Sharon Cerny.

SEAN O'GRADY: Yes, so she must have rented it to

somebody else is I think what she means.

BRENDAN SULLIVAN: Oh, all right, so that's what it is. Okay.

So on the motion to accept the withdrawal, all those in favor? Who is sitting on this one? Any five.

ANDREA HICKEY: I'm in favor.

(Sullivan, Scott, Hickey, Best, Wernick.)

* * * * *

(7:20 p.m.)

(Sitting Members Case BZA-009112-2015: Thomas Scott, George S. Best, Jim Monteverde, Andrea A. Hickey, Laura Wernick.).

THOMAS SCOTT: The Acting Chair will call case No. 009112 which is 40 Concord Ave.

Good evening. Whoever is going to speak state your name and address for the record.

MARK VERKENNIS: Mark Verkennis, Harvard Planning Project Management, 1350 Massachusetts Avenue, Cambridge.

JONATHAN AUSTIN: I'm Jonathan Austin with Austin

Architects.

KATE LUCIEN: I'm Kate Lucien. I'm with the Radcliff Institute at 79 Brattle Street.

THOMAS SCOTT: This is a continued case. I think we were pretty well on our way to --

MARK VERKENNIS: Yes.

THOMAS SCOTT: -- an approval of the case. However, there was one kind of outstanding issue related to the parking and the adjacency of the parking to the addition within the ten-foot setback. And I think we were looking for a little bit more relief with regard to that issue. You want to give us your --

MARK VERKENNIS: Yeah. When we met a couple months ago or so we weren't really in position to commit to tweaking that parking a little bit because as I said, the lot itself is controlled by the Harvard parking office, but we did meet with them and they were amenable to essentially removing one of the spaces from the lot that is nearest to

that building which seemed like a very easy way to remedy that.

Jonathan, do you want to speak to that with respect to the revised plan looks like?

JONATHAN AUSTIN: It's really simple for removing that space in here we're able to get a little bit more setback, not ten feet by the geometry is that much more satisfying. So we thought it was a good improvement to that.

MARK VERKENNIS: It was a good comment from the Board. I think we're all happier with that as well.

THOMAS SCOTT: It definitely relieves that little bit of congestion at that corner and gives us a buffer now.

MARK VERKENNIS: Yes, much better design.

THOMAS SCOTT: Okay, good.

JONATHAN AUSTIN: We also took the opportunity to look at further elevations of the building, and I think that we've, we've made a more composed addition.

This is the back of the building. The entrance is just here. And side elevations are here and here. So I think it was a good example of maturing.

THOMAS SCOTT: And those revised drawings in are in the file?

MARK VERKENNIS: They were submitted Monday. If not, I have copies that were submitted to --

THOMAS SCOTT: I want to make sure -- it looks different to me. This copy that was with the letter that was issued March 28th. This elevation proposed east which is on the next page. That's existing.

KATE LUCIEN: There's an existing above the new.

THOMAS SCOTT: You know what, I think that page is missing.

MARK VERKENNIS: Really?

THOMAS SCOTT: I think there's one page missing.

MARK VERKENNIS: Okay, I have copies, the full copies.

THOMAS SCOTT: Let me see that one. East. Okay.

This page is missing from the one that was issued with the letter.

MARK VERKENNIS: Okay.

THOMAS SCOTT: Okay, so we'll take this one off the letter, put the letter with this one and we'll trash this set. Is that okay?

MARK VERKENNIS: That's fine.

THOMAS SCOTT: Okay, that's better.

MARK VERKENNIS: Good.

THOMAS SCOTT: Thank you.

We have to open this up for public comment. Is there anyone here wishing to step up and give us any public comment on this issue, please come forward?

(No Response.)

THOMAS SCOTT: Nobody seems interested.

To the Board, is there anyone on the Board who would like to further discuss this issue?

ANDREA HICKEY: No, I think that's what we were anticipating.

JIM MONTEVERDE: That's for the improvement.

MARK VERKENNIS: And your feedback on that as well.

GEORGE BEST: I think it's a more thoughtful rendition.

UNIDENTIFIED AUDIENCE MEMBER: Excuse me. Will anyone be presenting an overview of what this proposed change is at 40 Concord?

THOMAS SCOTT: They just did. Did you not hear?

UNIDENTIFIED AUDIENCE MEMBER: The sign said 7:30. Posted at the site.

THOMAS SCOTT: Oh, it said 7:30?

UNIDENTIFIED AUDIENCE MEMBER: Yeah.

So I'm here early.

THOMAS SCOTT: Oh, it was mis-posted.

MARK VERKENNIS: It was continued.

THOMAS SCOTT: Yes, but the posting time should have been 7:00 p.m., not 7:30.

Oh, boy, we've got a procedural issue here.

UNIDENTIFIED AUDIENCE MEMBER: I have a photo of it here if you'd like to see it.

THOMAS SCOTT: Sure, you want to bring that up?

Yes, we can wait five minutes and start the presentation.

ANDREA HICKEY: Wait and start over.

THOMAS SCOTT: We'll wait five minutes. Why don't you bring that up, though, let's take a look.

MARK VERKENNIS: That's our mistake. We should have corrected the -- sorry about that.

KATE LUCIEN: Our apologies.

THOMAS SCOTT: Here it is, 7:30. It was posted. We'll have to wait five more minutes. I apologize. You'll have to redo your presentation. This gentleman was late because of the posting and he has a right to hear the

presentation.

KATE LUCIEN: Definitely.

MARK VERKENNIS: Absolutely.

GEORGE BEST: So we have two minutes.

THOMAS SCOTT: We have to wait three minutes.

KATE LUCIEN: That's okay. Sorry.

ANDREA HICKEY: Should we recess and then begin again in three minutes or no?

JIM MONTEVERDE: We'll just be quiet.

THOMAS SCOTT: We'll sit quietly for three minutes.

(A short recess was taken.)

THOMAS SCOTT: So for the record, we're going to continue the presentation of the case 009112, 40 Concord Ave. It is now 7:30, we just ask the applicant to please re-present, re-present the material so that this gentleman can hear what's going on.

MARK VERKENNIS: So just by means of the brief

overview of the project from the last hearing we had, the Radcliff Institute is proposing a small addition on the building at 40 Concord Avenue, and this addition is being added basically to do two things with the building: To comply with state Building Code. It is a need for a second secure means of egress to the building, and to comply with state accessibility regulations to make the building fully accessible with persons with disabilities. So accessible restrooms, the egress stair in an elevator lobby are housed in that sort of yellow square you'll see that's being added to the building.

One of the Variances that we were seeking was for the setback between the building and the existing or the addition and the existing parking lot. When we came to the Board the last meeting, there was actually another parking space there. The Board, I think, astutely suggested that it might be better if we could revise our plan a little bit to allow a little bit more breathing space around the building

so that the addition did not immediately abut the parking spaces.

At the time we were unable to make that commitment to the Board because the parking lot is not controlled by Radcliff, it's controlled by Harvard University's parking office.

So subsequently we did meet with our parking office who were amenable to eliminating one of the spaces which allows us to create that green buffer and eliminate that pinch point, if you will, of the addition.

THOMAS SCOTT: So Zoning requires a ten-foot buffer between the parking and the building. We now have approximately a 6.7-foot buffer. So by eliminating that space we actually were actually able to get more of a buffer, not the entire buffer, but one that we feel is accommodating enough to approve the project.

The other thing to note is that all of the work associated with the addition, the addition is actually

behind and not really visible from Concord Ave. So I don't know if that is an issue or something that you were thinking about. But it's the yellow piece that's a tab on the back of the building there. That's where most of the work is going to be done. And then of course the whole inside of the building is being renovated as well.

So do you have any questions, sir?

UNIDENTIFIED AUDIENCE MEMBER: I did have just a few.

THOMAS SCOTT: Okay.

THE STENOGRAPHER: Can you give us your name and address, please?

FRED RUBIN: Sure. My name is Fred Rubin. Last name is R-U-B-I-N. And I live at 6 Bond Street right around the corner here. And I'm just basically here on behalf of some of my neighbors and myself who don't necessarily come to the table with any preconceived notions, just wanted to understand this better. I promised to report back to them.

The few questions I have I think relate to the most probable questions everyone will ask me which are in no particular order.

No. 1, the signage that was announcing the meeting facing Concord Street seemed to imply that there was an issue, and this is common I think in a lot of Cambridge Zoning with setback.

MARK VERKENNIS: Correct.

FRED RUBIN: And I'm not sure, because this is away from both Concord and Parker, I'm not sure where the setback issue comes into play.

THOMAS SCOTT: Yes, can you point that out?

MARK VERKENNIS: Sure.

The setback issue actually is a requirement in the Zoning Ordinance of a building wall that has windows in it, it cannot be closer than ten feet to a surface parking lot. That's the setback issue.

THOMAS SCOTT: It's not from the property.

MARK VERKENNIS: What --

FRED RUBIN: The people from the street, or from the curb.

THOMAS SCOTT: From the property line.

FRED RUBIN: Okay.

THOMAS SCOTT: Right.

FRED RUBIN: I think I understand that.

The second thing people wanted to know, and they permitted to ask, after this is done, as envisioned, I assume there will be no more and no less parking spaces than there are today?

MARK VERKENNIS: There is one less parking space. And but they're required by a Special Permit that allows the use of the site by Radcliff to maintain 22 spaces.

FRED RUBIN: Right.

MARK VERKENNIS: There were 23 there originally, but we are eliminating one of them, but we have to have a minimum of 22.

FRED RUBIN: Okay. And I think another question of interest, is I don't know if anyone has done this long division, but yeah, I think like a lot of neighborhoods, everyone's -- in my neighborhood is interested in green space and obviously sometimes compromises have to be made, but obviously you always prefer, or most neighbors prefer a minimum loss of open space as possible. When you look at that property overall, the measure in square feet or acres or whatever you want, square inches, what percent less green space will be there when you're done than is there today as we speak?

MARK VERKENNIS: Probably. I mean, Jonathan, you probably.

JONATHAN AUSTIN: I don't know the answer to that question, but if I had to guess, I would say it's one percent.

MARK VERKENNIS: We're picking up a little bit of green space by eliminating the one and then the footprint

and the new addition is how large?

FRED RUBIN: Okay, great.

And then the last question I have only because I'm not that familiar with the mechanics of these things is I will discuss this with my neighbors probably this weekend. As I sit here, I don't imagine anyone will have any concerns, but if they did, what would be, what if any venue is left for them to place those concerns? Or is this it?

THOMAS SCOTT: So, this is it. We're going to take a vote tonight once we close the proceedings of this hearing and then we'll -- the members will take a vote. If they're all in favor, it basically is passed and the only way they could, you know, offer an opinion is they have to aggrieve the decision and, you know, come to a lawsuit or something like that.

FRED RUBIN: Well, okay.

MARK VERKENNIS: But if you had concerns, you know, when the project is ongoing, you can certainly --

KATE LUCIEN: I was about to interrupt with that, but certainly in terms of what the construction will be like in process, we will be very open to making sure that you understood what was coming and there's a venue for Harvard to receive feedback on issues during construction if there are any and share them with the project team.

FRED RUBIN: So as it stands --

KATE LUCIEN: That's not a closed loop at all.

FRED RUBIN: Okay.

KATE LUCIEN: At all.

FRED RUBIN: Appreciate that.

And, again, I'm not anticipating anything specific, but even in that venue where would be the point of entry to voice those concerns?

KATE LUCIEN: I think it would start with me to be honest with you.

FRED RUBIN: I should get your name off line?

KATE LUCIEN: Yeah.

FRED RUBIN: And then the other thing is if -- do you then have, you know, an estimate and start and finish date for this?

KATE LUCIEN: Approximate. Again, assuming approval, I think we're looking to begin construction in August or September and it's about a nine-month process.

FRED RUBIN: Okay.

MARK VERKENNIS: That is the addition and the renovation of the building.

KATE LUCIEN: Right. And the majority of the building as Tom so noted, is inside the building.

FRED RUBIN: Right. And when the building is done, that little orange part is the new stuff, how high will that be compared to the building it's attached to?

KATE LUCIEN: About the same height.

FRED RUBIN: About the same height, okay.

KATE LUCIEN: All right.

THOMAS SCOTT: So the pink on this diagram is the

new addition. Everything else is existing.

FRED RUBIN: That's all the questions I had.

KATE LUCIEN: Thank you.

THOMAS SCOTT: The plans are in public record.

You can actually go to Inspectional Services and get copies if you want. If you wanted to share that information or if you want to offer that up, you can obviously provide him with PDFs maybe of the documents, so that you can share them with your neighbors or whoever else is interested.

FRED RUBIN: I appreciate that.

THOMAS SCOTT: Okay?

So if no other comments?

JIM MONTEVERDE: No.

THOMAS SCOTT: So I'll frame a motion.

The Acting Chair proposes Variance be granted as follows:

A literal enforcement of the provisions of this Ordinance would involve a substantial hardship to the

petitioner for the following reasons:

The building that comprised the abutting quadrangle were all built prior to the adoption of the Cambridge Zoning Ordinance and its provisions which govern the maximum allowable floor area permitted on a lot.

The Zoning provisions would require that the required code compliance and accessibility modifications be accommodated within the buildings's existing floor area and volume fully meeting the specific dimensional and spatial requirements associated with the required modifications within the building would result in a loss of approximately 800 square feet or about 24 percent of the buildings's assignable floor area. This would have a significant structural impact to the building.

The alternative would not enable accessible entrance in close proximity to the site's accessible parking, making it far less desirable for persons with disabilities.

These impacts would present a substantial hardship for Radcliff Institute for Advanced Study as it would significantly limit the Institute's ability to address its programmatic space needs within its existing buildings and to meet its accessibility obligations.

A literal enforcement of the Zoning provisions would require either the removal -- with regard to the window issue, a literal enforcement of the Zoning provisions would require either removal of the window within ten feet of the existing on-grade parking eliminating natural light at this level of the stairway, or the relocation of the parking space nearest the addition, which provides one of the building's two new accessible entrances. This would create a hardship to the entity by making locations of parking less convenient to the new accessibility entry.

They've addressed this specific issue by eliminating one parking space, increasing the setback to the building, although it's not meeting the specific letter of

the Zoning Ordinance, it definitely improves the situation.

A literal enforcement of the Zoning provisions would necessitate a more limited renovation, scope precluding full building accessibility and needed life safety improvements and, therefore, place limitations on the building's continued institutional use.

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

The proposed addition has been located on obtrusively at the rear of the building to minimize its visibility to the public and designed in a manner that is sensitive to the existing historic building and the surrounding neighborhood.

The proposed renovation will result in a significant improvement and life safety for the building occupant and accessibility for persons with disabilities.

The requested relief allows the Radcliff Institute

for Advanced Study to undertake a more comprehensive renovation of the building furthering the long-term preservation of this historic resource.

A desirable relief may be granted without nullifying or substantially derogating from the intent or purpose of this Ordinance for the following reasons:

The Cambridge Zoning Ordinance allows non-conforming buildings to remain in place and to be altered and expanded.

The proposed addition can be readily accommodated on the site in a manner that respects the historic character of the building and does not impact the overall physical character of the building, the quadrangle.

Therefore, the requested relief does not nullify or substantially derogate from the intent or purpose of the Ordinance, granting the requested Variances consistent with the intent and purpose of the Ordinance, and will further the preservation of non-conforming historic structure while

significantly approving its efficiency and functionality.

I have initialled the plans that were presented this evening and in substitution for the ones that were put in the file on Monday as one page happened to be missing.

If anyone doesn't have anything further to add to that, all those in favor say "Aye."

(Aye.)

THOMAS SCOTT: Five in favor.

(Scott, Hickey, Best, Monteverde, Wernick.)

MARK VERKENNIS: Thank you very much. Thank you for your patience this evening.

* * * * *

(7:45 p.m.)

(Sitting Members Case BZA-009453-2016: Brendan Sullivan, Thomas Scott, Andrea A. Hickey, George S. Best, Laura Wernick.).

BRENDAN SULLIVAN: The Board will hear case No. 009453-2016, 152-154 Raymond Street.

Anybody is welcome to speak. Prior to your speaking, if you would please give us your name and address clearly so that it can be duly recorded.

COLIN SMITH: Okay, hi. Good evening. My name is Colin Smith. I'm the architect. C-O-L-I-N S-M-I-T-H. 1666 Massachusetts Avenue, Lexington. I am the architect.

Joined here with Chris Brooks who is also an architect. And Sylvia and Bryan.

BRYAN WILSON: I'm the owner.

COLIN SMITH: And Sylvia is here this evening.

This property is a two-and-a-half story structure on Raymond Street, not unlike many of the structures along Raymond Street which are predominantly three -- technically three-story and two-and-a-half story structures.

We're before you tonight for a request for an increase to FAR in height. The lot and building are existing non-conforming. And then just lastly the owners, Sylvia and Bryan, have reached out to the direct abutters

and perhaps even abutters of abutters, to review the project with them and no one expressed any concern over the proposal.

And if there are any specific questions with regards to the neighbors, I'm sure Bryan would be happy to answer them. But I'll let Chris take over on the details of the project.

CHRIS BROOKS: And like he said, I'm Chris Brooks, B-R-O-O-K-S. I'm an architectural designer.

And so currently the house has a very low roof and the owners wanted to put on -- they wanted to make it their permanent residence and add a master suite on the third floor. In order to do that, we needed to raise the ridge of the roof that we were to put liveable space up there currently and add dormers. In order to get headroom for plumbing fixtures, we would have needed to have a flat roof dormer extended across the top there. So what we've done, that was kind of a really design jumped off from was

stacking the circulation, the current stairs that are extremely non-conforming currently, we want to make that safer and also make the path of travel up to the master bedroom easier. So that determined where the first drawing was in the bottom right and for the bathroom which is further on the right side there. Both of those dormers add up to 15 feet in length. A dormer on the left is where the master bedroom would sit is also 15 feet in length. So, we are raising the roof 3.3 feet.

So currently the lot is extremely non-conforming. So I think that FAR is 1.04, and required by the Zoning Ordinance is 0.75. So we wouldn't be able to add any square footage if we were to conform to the Zoning Ordinances. And also by raising the ridge there, the lot is -- the house is currently non-conforming in terms of both side yard setbacks. We don't propose increasing that non-conformity, but raising the ridge based on how we calculate the setback requirements. Our requirement would increase, but like I

said, we're not increasing the footprint of the structure at all. We're not increasing the eave. What we're asking for is an increase in the height of the ridge which ends up increasing the square footage of the structure.

BRENDAN SULLIVAN: Okay, what you're proposing in itself complies with the Ordinance though?

COLIN SMITH: Correct.

BRENDAN SULLIVAN: Maps at 35 and you're going to 34.

Okay.

There's a high standard. Obviously you have to show hardship because as you stated, the Ordinance is 0.75. Right now the house is at 1.04 and you're going to 1.13 which is a 50 percent beyond what the Ordinance allows now and it's a lot. Also there are the dormer guidelines. I don't know if you're familiar with those or not.

CHRIS BROOKS: Yes.

BRENDAN SULLIVAN: And other than the lengths of

the dormers, it doesn't conform with the coming down from the ridge and it doesn't, you know, it lines up with the outside wall which the dormer guidelines frowns upon. So if you could address the whys for that I guess.

CHRIS BROOKS: So the position of the stair along the outside wall and stacking that circulation, that dormer specifically doesn't allow us to bring that wall in in terms of getting head height for that stair walking up there, and so we wanted the other dormers to match that specific condition.

In terms of pulling the ridge down from the main ridge that requires one foot off the main ridge, I think that was a structural issue. I think it also saved cost as well.

COLIN SMITH: It was a structural consideration. And as Chris mentioned, we're limited by the stairwell in the front, and currently the stairs in the back of the structure, and I have some photographs of it. It's a double

winder, unequal risers. When you walk to the top, you basically hit your head on the ceiling rafters. The headroom is about four and a half feet.

ANDREA HICKEY: Can I see that as well?

COLIN SMITH: Sure.

So the stair and just isn't adequate edge protection. The stair is non-compliant on about four different counts. What we -- and we can't fix it where it is. So our proposal is to bring it to the front of the structure over the existing stair, front stair. But in order to do that we need a dormer for headroom. And as Chris mentioned, unfortunately we're not -- that doesn't allow us to bring the dormer back off the exterior wall. We made it no bigger than it needs to be by code. That isn't to say that the dormer for the master bedroom couldn't be offset. We can look at that. There are some building envelope details that we can resolve. As you know, it's easier to stack a wall on a wall structurally. But we can,

we can alter this a little bit, but we're very limited with the dormer here at the stair.

BRENDAN SULLIVAN: Okay, so I know. The hardship issue.

CHRIS BROOKS: Sure. So....

BRENDAN SULLIVAN: Soil, shape, topography, and what makes your property unique, and your opening statement was that it's very typical of all the other houses in the neighborhood.

COLIN SMITH: But the lot was created before the by-laws --

BRENDAN SULLIVAN: Right.

COLIN SMITH: -- were enacted. And the shape of the lot and the location of the structure on the lot don't allow us to build a by-right project. And so that's what the hardship is, it has to do with the size and shape of the lot.

BRENDAN SULLIVAN: But that's unique to your

property. It's very typical of any of those up and down the street.

COLIN SMITH: It's, it's one of the smaller lots on the street. As I recall, Bryan, I don't know if you can speak to that.

RYAN WILSON: There are a bunch of similar houses built 1928 and 1929. I bought this in '78, and some of our neighbors have made additions to their houses, not increasing the square footage per se, but putting a full bath on the upper finished attic. I noticed down the street there have been brand new construction going on that are four levels, you know, houses have been torn down, and I think this is a good addition to the neighborhood. It will make the house much, much nicer and certainly much more liveable than it has been.

BRENDAN SULLIVAN: I'm not sure if that gets to the standard that we have to find, though. Your intentions are to move here?

BRYAN WILSON: Yes, eventually.

BRENDAN SULLIVAN: So that would be a condition if we were to grant it that you have to occupy this?

BRYAN WILSON: Well, let me tell you my story. I'm living in Lexington right now in a huge house, and my wife and I are all alone right now, and we're expecting at some point I'm not going to be able to take care of that large house. We're looking -- one of the reasons we're doing this improvement in Cambridge is to eventually move back into our town of Cambridge. So I'm not sure when that would be, probably, you know, three years, four years down the road.

BRENDAN SULLIVAN: So you need more space to move back?

BRYAN WILSON: Well, I'd like to have a much more liveable space. The attic was finished when I bought the house like it is now but it's pretty limited.

BRENDAN SULLIVAN: But you would have the option

of occupying the entire house, first and second floor?

BRYAN WILSON: This is true. And it's a two-family, but it would nice to have some income from one of the floors.

COLIN SMITH: And you don't need all that space.

BRYAN WILSON: I don't need all that space. We need both levels.

BRENDAN SULLIVAN: I mean I'm just thinking of climbing up a flight of stairs and then another flight of stairs, that's all.

BRYAN WILSON: Yeah, you're right. That's occurred to me.

BRENDAN SULLIVAN: As years have gone by and we've seen an awful lot of these and it doesn't happen. You know? So, not to cast dispersions or question your motives here at all, but we've seen an awful lot of this and so, anyhow.

Well, anything else to add?

CHRIS BROOKS: I'm not sure. I think we covered

everything.

BRENDAN SULLIVAN: You can get a chance to come back if you want to think about it or something.

Any questions by members of the Board at all?

ANDREA HICKEY: Could you put a bathroom in the attic without the proposed addition?

CHRIS BROOKS: Not with the plumbing code of having to have six-foot-eight at the -- where you stand at the plumbing fixture, we wouldn't be able to do that. There's currently a non-conforming plumbing fixture there right now. We wouldn't be able to put a master bedroom up there. I don't think it would be possible or functional.

COLIN SMITH: Right, these red lines depict five-foot headroom, and the plumbing code requirement if the center of each fixture in front of it is six-foot-eight. So in order to get a bathroom up there, it would be in the middle of the space, and basically be a stair to a bathroom. There would be no other space up there that would be

permissible because the headroom limitations. So the bathroom would be in the middle and you couldn't get around it.

ANDREA HICKEY: What's the approximate square footage of the space within your two red lines there?

COLIN SMITH: So that's 407 square feet.

ANDREA HICKEY: That's not the whole?

COLIN SMITH: No, that's just the current slot of defined square footage.

ANDREA HICKEY: Okay.

COLIN SMITH: But it's not habitable square footage because that includes five-foot ceiling height and an above --

ANDREA HICKEY: I get it.

COLIN SMITH: And we're proposing after all is said and done, seven, five, five, so it's approximately 350 square feet outside of the red lines.

LAURA WERNICK: Can you talk a little bit about

the neighborhood again? You said other houses have occupied their third floor. Have they raised the roof? What is the relationship of the --

BRYAN WILSON: Well, two doors down there is a house that obviously put a little bath and a balcony within the existing roof line. We have a photograph of it.

COLIN SMITH: That's the view off of that: This is -- is that across the street?

CHRIS BROOKS: Yes.

COLIN SMITH: 145 is across the street.

LAURA WERNICK: Are they the same height or are they --

ANDREA HICKEY: Can I see that?

LAURA WERNICK: Are they the same height as your proposed?

CHRIS BROOKS: I'm not sure. I didn't measure the building.

LAURA WERNICK: Or --

CHRIS BROOKS: My guess is that if the windows are at least 18 inches off the ground, the ridge would get off the similar height.

LAURA WERNICK: It's approximately the same as what your height would be?

CHRIS BROOKS: It's about seven inches below what we would be allowed to do by-right.

COLIN SMITH: And the height really, as Chris has mentioned, is driven by the architecture of the house. The gable roof, and we're not looking to change the house stylistically. We could cap it at its current height but we would have a flat roof and it would change the roof drastically and it's not what the house is.

LAURA WERNICK: So the first floor used by -- it's rented.

BRYAN WILSON: That's right.

LAURA WERNICK: And how is the second floor used now, is it rented?

BRYAN WILSON: At the moment it is. And my tenant is moving out later this year.

LAURA WERNICK: Okay. So having that the addition makes even the second floor unit, the unit a more usable --

BRYAN WILSON: Absolutely.

LAURA WERNICK: -- unit.

BRYAN WILSON: I have three people living there, four people living there with one bathroom.

BRENDAN SULLIVAN: Tom?

THOMAS SCOTT: I had five with one bathroom.

ANDREA HICKEY: We had seven.

BRENDAN SULLIVAN: We had seven. I'm not sure if it suffered any deep psychological damage but maybe we did.

Tom, any questions?

THOMAS SCOTT: So you kept the eave line intact. Even though you didn't push the wall of the dormer back, you kept the eave line intact.

COLIN SMITH: You mean in terms of being

continuous across the dormers?

THOMAS SCOTT: Continuous across the dormers, correct.

COLIN SMITH: Yes.

THOMAS SCOTT: And the combination of these two dormers is a maximum of 15 feet?

COLIN SMITH: Correct.

THOMAS SCOTT: No, that's it.

BRENDAN SULLIVAN: Any other questions at all?

ANDREA HICKEY: I'm just struggling with the hardship question a bit.

BRENDAN SULLIVAN: You know, and I obviously know this street very well. It's tight. I mean, they're close together. And to me it's just an awful lot of massing at the top of this house aside from the fact that you're 50 percent over by the allowable. And, you know, there's really no discernible hardship. There is some things that are incumbering you, but those are not hardships under the

law. And, you know, the house is the house. And as far as needing -- moving back, needing three bedrooms and an office and a den, I mean that could be -- and a walk-in closet which is a size of a bedroom, can easily be accomplished by taking over the whole house, you know, rather than going through this enormous expense of \$250, \$300,000 or so, and then wanting to keep a rental unit. The pay back on that would be a long time. But, anyhow, those are numbers, and I don't want to get into that.

Let me open it up to public comment.

Is there anybody here who would like to speak on the matter 152-154 Raymond Street?

(No Response.)

BRENDAN SULLIVAN: Seeing none, we are in receipt of correspondence. (Reading) To Whom It May Concern, I'm the owner of 157 Raymond, No. 1, directly across the street from 152-154 Raymond. I've been a resident of the same house since 1976. Bryan and Sylvia Wilson have

significantly improved both the structure and appearance of their property at 152-154 Raymond Street during the many years they have owned it. They appropriately maintained both the appearance of the property and the yard. They've always been respectful neighbors and then landlords. I find that the small increase in height and other proposed and property improvements would be in harmony with the rest of the neighborhood. For these reasons I strongly support the petition. Norman Daoust, D-A-O-U-S-T, unit owner 1, 157 Raymond.

And that's the only other correspondence that's in the file.

You don't have any other?

BRYAN WILSON: No.

BRENDAN SULLIVAN: No? Okay.

All right. Let me close public comment. Anything else to add before we take it to a vote?

BRYAN WILSON: I might want to add that, you know,

I'm looking at the street after many, many years of being in the neighborhood and I noticed, you know, down the block there are a lot of new construction going on which are four levels, you know, new buildings with parking and so that the street has changed in character considerably over the years. And, you know, my feeling is that this improvement will add to the value of certainly the house but also to the neighborhood. And it's my hope that the Board will approve it. I think it's good for the city, and good for the community.

BRENDAN SULLIVAN: All right. Anything else?

LAURA WERNICK: Mr. Chair.

BRENDAN SULLIVAN: No? Sorry, yes.

LAURA WERNICK: I'm sympathetic to the owner. I think it does improve the usefulness of the house. It provides two units, whether ideally the owner would move back in, but to go from two units and if the owner in the future decides to move in, it would then become one unit so

you're actually reducing the unit, the amount of housing in the city which I don't think is good for the city. So I'm sympathetic to the proposal.

THOMAS SCOTT: Well, I think the FAR is a big ask, you know. It's, you know, you're asking for a lot more FAR and it's substantially more. And my question is could you do it with less? You know, does it have to be such a big ask in terms of how much you're adding? What you've got on that third floor level is a den that could be the master bedroom. You know, is it really necessary to have an office, den, a master bedroom, a walk-in closet that's the size of a room? You know, it's pretty hellacious I think for apartments I've lived in in Cambridge. And I guess the question is could you do with less? Is this really -- is it all necessary in terms of, you know, the ask? Because the ask is a big one. And we very rarely approve projects that ask for a 50 percent increase in FAR.

COLIN SMITH: Just to answer your question, there

is certainly some flexibility here. We don't have it with the stair. We're stuck with that one.

THOMAS SCOTT: I see that.

COLIN SMITH: We have a little flexibility in the bathroom and the bedroom in terms of dimensions, so I think we could reduce those two a little bit and have them still work. And I very much appreciate the comment about not taking housing units away from the neighborhood. And I think that's been a consideration as well and trying to use the structure that we've inherited rather than making bigger changes to it and thereby changing the character of the neighborhood is not something that we set off to do. And we're dealt a difficult hand because the lot is and structure is existing non-conforming, but the lot is very small and we're looking to make it more usable.

CHRIS BROOKS: So if we were, so currently the design calls for leaving the chimney where it is. If we were to rearrange the plan and put a bedroom back in that

area, we would lose some square footage and we wouldn't be quite asking for so much. I think it would be difficult to get it down to anything within --

BRENDAN SULLIVAN: And the redoing of the house, could you not put in a direct vent system? I mean, if you're going to -- or has the heating system not been scheduled to replace?

COLIN SMITH: So we've discussed that.

BRYAN WILSON: Well, I would like to replace the heating system for the upper floor. It's currently steam systems, two boilers --

BRENDAN SULLIVAN: Well, I'm just thinking of the exhaust aspect, the chimney. Again, that, I don't want to get into redesigning here at the table, but those are things to consider, anyhow, that maybe there is square footage that can be re -- you may have to rearrange the deck chairs somewhat and achieve whatever it is. It's just a huge ask. But, anyhow, let me finish with -- Andrea, what's your --

ANDREA HICKEY: I'd like to see you perhaps reconsider the scope of what you're requesting conceptually sort of keeping two units. Two separate units is an important consideration, but I think the massing of this and really finding hardship, I'm still struggling with. I'd like to see you perhaps reconsider a scale back a little bit. That's really just my --

BRENDAN SULLIVAN: George.

GEORGE BEST: Well, I'd like to see a redesign pretty much. I understand the challenges, but I think you can actually get to your objective in a different way. So that's how I feel.

BRENDAN SULLIVAN: The reality of the situation is that if we were to take it to a vote and you did not receive four affirmative votes, then you would preclude it from coming back for two years.

The other option is to ask for a continuance, step back, absorb what you've heard, and possibly come back with

something different that you might be -- that you think might be acceptable. Or you may come back with the same plan and say, no, this is it, and then we can consider it. You have to assemble the same five people. So....

COLIN SMITH: We'd like to have a continuance.

BRENDAN SULLIVAN: Okay.

Sean, when would be --

SEAN O'GRADY: May 12th is our first opening.

BRENDAN SULLIVAN: Can everybody make May 12th?

LAURA WERNICK: I cannot make May 12th.

SEAN O'GRADY: May 26th.

ANDREA HICKEY: Not good for me.

GEORGE BEST: Not good for me.

SEAN O'GRADY: June 16th.

BRENDAN SULLIVAN: Or you could go with just four, but you would need four affirmative votes.

ANDREA HICKEY: I can do the 16th. I know that's pretty far out.

LAURA WERNICK: I'm good for the 16th.

THOMAS SCOTT: Good with the 16th.

BRENDAN SULLIVAN: June 16th?

GEORGE BEST: Yeah.

COLIN SMITH: June 16th is that what we said?

BRENDAN SULLIVAN: That works for you guys?

All right, let me make a motion, then, to continue this matter to June 16, 2016, at seven p.m. on the condition that the petitioner change the -- sign a waiver of time for a time frame for a decision if you would.

Second of all, that you change the posting sign on the house to reflect the new date of June 16th, and the new time of seven p.m.

And that should there be any changes to the plan, that those changes be submitted by five p.m. on the Monday prior to June 16th. So if you have any questions on that, then you can check with Maria or Sean.

CHRIS BROOKS: Do they need to be submitted by

mail or electronically?

BRENDAN SULLIVAN: However you have done it.

CHRIS BROOKS: Electronically?

BRENDAN SULLIVAN: Yeah, electronically, yeah.

SEAN O'GRADY: Physically in person is how you want to do it.

BRENDAN SULLIVAN: Because it takes a while to --

SEAN O'GRADY: I just don't want him to put it in the mail on the Monday and think that everything is okay.

BRENDAN SULLIVAN: Okay, yeah. Because I will review it if not 5:30 that night, at least the next day, so -- and if it's not there, then we'll have to kick it again.

Anyhow, on the motion to continue this matter to June 16th?

(Show of hands.)

BRENDAN SULLIVAN: Five in favor.

(Sullivan, Scott, Hickey, Best, Wernick.)

COLIN SMITH: Just a question about the forms. I don't know if we ask that gentleman here.

SEAN O'GRADY: You can just sign your name at the bottom signature there.

BRYAN WILSON: You want me to sign as the owner?

SEAN O'GRADY: Just sign on one of those lines.

* * * * *

(8:10 p.m.)

(Sitting Members Case BZA-009513-2016: Brendan Sullivan, Thomas Scott, George S. Best, Andrea A. Hickey, Laura Wernick.)

BRENDAN SULLIVAN: The Board will hear case No. 009513-2016, 25 Eighth Street.

Mr. Sousa.

ATTORNEY RICARDO SOUSA: Good evening, Mr. Chairman, members of the Board. For the record, Ricardo Sousa here on behalf of T-Mobile. And I would like to do, if I could, is just hand out some photo simulations. Some

additional copies. These are the same simulations that were submitted as part of the file.

And, Mr. Chairman, by way of background, T-Mobile is in the process of, consistent with our other applications recently of upgrading its existing wireless network here in the City of Cambridge on primarily on all of their existing sites.

So T-Mobile currently operates six panel antennas on this particular building, 25 Eighth Street, that's owned by the Cambridge Housing Authority. And this petition is simply to swap out three of the existing panel antennas and replace them with our newest L700 panel antennas in the same exact location. And so currently we operate six panel antennas, and that if this petition is approved, we will still operate six panel antennas all facade mounted on the facade of the building.

And if I could, I'd like to just walk you through where those are:

Here's the roof plan. So we currently have -- I'll just wait for an abutter to get close. We currently have two panel antennas here, two here, and two here all facade mounted. And the dark antennas are the ones that we're going to replace. Once again, the same exact location using low profile brackets, facade mounted, and as I said, in the same location.

And we've presented these plans and the photo simulations to the Planning Board I believe on or about last week. And on March 23rd they submitted a recommendation to the Board. They've made two suggestions:

The first of which is rather than paint the antennas so that they have grout lines, they would like one solid finish, a matte red finish. Of course, we're amenable to doing that, not only on the antennas that we're replacing, but also on the other three antennas as well.

And then their other suggestion was on the newer antennas, the L700 antennas, they would like us to utilize,

if we can, a smaller antenna that's consistent with the other three antennas that are there and existing. And I've been able to reach out to T-Mobile and confirm that we will be able to use smaller antennas so that we won't have a different size antenna.

THOMAS SCOTT: That's not reflected in the simulation?

ATTORNEY RICARDO SOUSA: It is not. We were not able to -- by the time we got the Planning Board recommendation, I was not able to get confirmation that we would utilize smaller antennas.

ANDREA HICKEY: Does smaller mean shorter?

ATTORNEY RICARDO SOUSA: Shorter. I apologize.
Yes, shorter.

BRENDAN SULLIVAN: So that the heights would be --

ATTORNEY RICARDO SOUSA: So that the height of the antenna -- that's correct, Chairman Sullivan. The height of the antennas would be similar so that all six antennas would

be similar height.

GEORGE BEST: So would they look like what's there now?

ATTORNEY RICARDO SOUSA: That's correct. That's right.

BRENDAN SULLIVAN: Okay, anything else?

ATTORNEY RICARDO SOUSA: No, I don't have any additional commentary, but I'm happy to answer any questions that you may have regarding the petition.

BRENDAN SULLIVAN: Any questions from the Board?

ANDREA HICKEY: Not for me.

THOMAS SCOTT: You're going to paint all the six all the same color, no brick or mortar lines?

ATTORNEY RICARDO SOUSA: That's correct.

BRENDAN SULLIVAN: Let me open it to public comment.

Is there anybody here who wishes to speak on the matter 25 Eighth Street?

Yes.

UNIDENTIFIED AUDIENCE MEMBER: One question I had
is --

BRENDAN SULLIVAN: Identify yourself.

GLENN A WYMAN: My name is Glenna Wyman, W-Y-M-A-N,
25 Eighth Street.

And one question that I had is where were
the -- where was the signage posted for this hearing at 25
Eighth Street?

ATTORNEY RICARDO SOUSA: So I'm not exactly sure,
Mr. Chairman. A consultant for T-Mobile posted the signs.

BRENDAN SULLIVAN: I thought I saw it. Did you
check it?

SEAN O'GRADY: I didn't get out to that property.

BRENDAN SULLIVAN: I did see it. And now I'm
trying to remember.

GLENN A WYMAN: Can I show some pictures to
look -- I had to look to find it outside.

BRENDAN SULLIVAN: Yeah.

GLENNA WYMAN: There was no signage at the -- may I sit here?

BRENDAN SULLIVAN: Yeah, sure.

ATTORNEY RICARDO SOUSA: Of course.

GLENNA WYMAN: No signage in front of the building, the address that the building is at on Eighth Street. There was a big sign inside hanging on our bulletin board.

ANDREA HICKEY: When did you take those pictures?

GLENNA WYMAN: I took them -- wait a sec, I can increase it. 3/24. So, yeah, that was --

THOMAS SCOTT: That was the only sign posted?

GLENNA WYMAN: That was inside.

THOMAS SCOTT: That was inside.

GLENNA WYMAN: Yeah, there was signage outside. It wasn't on the front of the building, it was on the side of the building on Thorndike which is very lightly traveled.

And it wasn't -- when they posted in front of the building, it's either been on the gate that is adjacent to the sidewalk -- or actually on the tree in front of the sidewalk. And so usually it's been -- I'm sorry, this -- usually it's been like on this gate.

BRENDAN SULLIVAN: Yeah.

GLENNA WYMAN: Or, you know, closer to the street.

This one was actually hung up on the wooden board that the voting records go on, on the, you know, the side back of the building if you've ever seen where they vote at 25 Eighth Street which is behind the fence. It was covered. I just want to see if I can -- it's covered by a piece of -- kind of cloudy Plexiglass. And the only reason it shows in these pictures is because I've got my flash on. In the pictures without the flash, I mean you really can't see it. It's not like a lit area.

ANDREA HICKEY: So you observed signs in three different locations?

GLENN WYMAN: No, two locations.

ANDREA HICKEY: Two locations.

GLENN WYMAN: Side of the building instead of the front and inside where, you know, the only one who sees it are the people who live in the building who don't have abutters' rights. I don't think it was adequate notice and that might explain why there's nobody here tonight. And, you know, I can show you, you know, you can -- I could show -- this is what it looks like if my flash camera isn't on. It's in the dark.

LAURA WERNICK: That's at night.

ATTORNEY RICARDO SOUSA: It's taken in the dark, right?

GLENN WYMAN: Yeah. Right. The front of the building is lit so even during, you know, during the night you can see signage. So it's only if I have my flash camera on that you could see it in the side of the building. And, again, you know, it's under this cloudy Plexiglass thing,

sort of jury rigged in because it doesn't really fit in that space which is for the voting -- registered voters, it's behind this black fence.

BRENDAN SULLIVAN: Okay. I went out two weeks ago. Well, not quite two weeks, ten days or so ago. Because I mean, I review, make sure the signs are all up. I did see it and so I was satisfied that there was a posting sign up.

GLENNA WYMAN: On the side of the building there?

BRENDAN SULLIVAN: On the side of the building, right.

GLENNA WYMAN: Right. And that is -- Thorndike Street, that little piece of Thorndike Street it might be busier further down the Galleria or the courthouse, but that is not a well traversed street as opposed to, you know, the part of the building that faces Eighth Street which is in fact the address. So it doesn't really, I think, give even adequate notice about what that sign pertains to and is not

at an address. That's not the address -- that side entrance is not, you know, what people think of as the address for that building.

BRENDAN SULLIVAN: All right.

THOMAS SCOTT: I tend to agree. I think it should be posted on the front of the building, you know, adjacent to the address. That's where it's intended to be posted.

Is there any reason why it couldn't have been posted there?

GLENN WYMAN: Not that I can see. I mean as I said, it's either been on the fence or sometimes on the tree, you know, even closer to the street. And it's very well lit in the front of that building but not in the side where this was posted.

ATTORNEY RICARDO SOUSA: You know we've posted this -- we've had applications on this site a number of times, not only for this applicant but for another applicant, Sprint. We typically work with building

management, Cambridge Housing Authority to just have them post the signs. We don't necessarily have the authority to post it anywhere. There's no clear direction on exactly where -- and I think that's the common practice, there's no specific requirements on -- with respect to this property you need to post it here or there.

BRENDAN SULLIVAN: Who picks up the sign? Who signs for it?

ATTORNEY RICARDO SOUSA: We do. The petitioner does.

BRENDAN SULLIVAN: You hand it off to --

ATTORNEY RICARDO SOUSA: The site acquisition agent picks up the sign. Sometimes we post it and sometimes the sign acquisition --

BRENDAN SULLIVAN: He hands it off to a building superintendent or something?

ATTORNEY RICARDO SOUSA: That's typically -- we always contact the building owner or building management to

coordinate signage.

BRENDAN SULLIVAN: Who may not really understand the importance of having it properly posted.

ATTORNEY RICARDO SOUSA: Right, except for in this case, you know, this has -- this is a site that has been subject to a number of applications before this Board, and so they are accustomed to posting signs.

GLENNA WYMAN: Well, I don't think it's ever been posted there before in the three years I've been there.

BRENDAN SULLIVAN: Well, we can -- it's your call, we can either proceed with the cloud over our heads or -- and then if it could be contested on an improper notice or continue this to as soon as possible and then proceed.

ATTORNEY RICARDO SOUSA: Of course, Mr. Chairman. I would respectfully request that we continue -- excuse me, that we proceed and not continue the hearing subject to the -- at least the objection of the abutter relative to

notice. I feel comfortable that it was noticed properly, not only in the newspaper, but also subject to the signs that were provided to us on the property itself.

BRENDAN SULLIVAN: Okay. You were going to say something?

SEAN O'GRADY: And the mailings.

ATTORNEY RICARDO SOUSA: And the mailings, exactly.

Thank you, Sean.

GLENN WYMAN: And then the other question I had about who gets the mailing? Because when I looked at prior, you know, applications I think you're the attorney both for Sprint and for T-Mobile.

ATTORNEY RICARDO SOUSA: That's correct.

GLENN WYMAN: And it seemed to me that sometimes the address list seems to be different on different applications.

BRENDAN SULLIVAN: It goes by the Assessor's list

and it's property owners and abutters to abutters.

ATTORNEY RICARDO SOUSA: And with all due respect, I don't send the notices, the City does.

BRENDAN SULLIVAN: That's by statute and the City handles that.

GLENNA WYMAN: So you're saying that the list of the people its sent to should always be the same, because it's both the cellphone antenna systems are up on the same roof?

BRENDAN SULLIVAN: It should be -- the property owners may change. It may not be the same list.

GLENNA WYMAN: But the street addresses should be the same.

BRENDAN SULLIVAN: It goes by the current Assessor's list, the owner of the property, current property of the locus, and abutters to abutters within 300 feet. Those are the ones that are notified.

ATTORNEY RICARDO SOUSA: And once again for the

record, that list is generated by the City and the notices are sent out by the City. We don't have any involvement in that process as a petitioner.

GLENNA WYMAN: Would anyone want to take a, you know, peek back and forth a little bit.

BRENDAN SULLIVAN: We've seen it.

GLENNA WYMAN: All right.

BRENDAN SULLIVAN: Anything else?

GLENNA WYMAN: No, I don't think so.

ANDREA HICKEY: Thank you.

BRENDAN SULLIVAN: Okay, thank you.

ATTORNEY RICARDO SOUSA: Thank you.

BRENDAN SULLIVAN: All right, then I think that we can proceed.

ATTORNEY RICARDO SOUSA: Thank you, Mr. Chairman.

BRENDAN SULLIVAN: Anybody else?

LAURA WERNICK: Can you clarify for me, so does the fact that there's a concern about the posting impact our

decision relative to the appropriateness of the antennas?

Of the proposed antennas?

BRENDAN SULLIVAN: Basically, and correct me, is that calling into question posting whether or not the requirement for the posting has been met which upon appeal could say that there was a defect in our proceeding just to hear the case, that's all. It has nothing to do with the merits of the case.

ATTORNEY RICARDO SOUSA: That's right. And I would agree with that, Mr. Chairman.

Just an event that an abutter who has standing who could appeal this matter and does appeal could appeal on that ground itself.

BRENDAN SULLIVAN: That they were not duly notified or something like that. Well, anyhow.

THOMAS SCOTT: I think, you're before us a lot on these cases.

ATTORNEY RICARDO SOUSA: I am.

THOMAS SCOTT: And to kind of hand it off to a third party and just assume that it's going to be put in the right place, I don't think it's really adequate. I mean, I think and some instructions should be given that it has to be posted in a -- on a public way adjacent to the property address and facing the public way. And for one of them to be in the lobby of the building, that doesn't meet that criteria. And the other one being in what seems to be the back side of the property, I'm not so sure if that meets the criteria, either. So I don't know -- I guess all I'm saying is, you know, I'm not going to vote against it because I think the merits are appropriate, but I am a little disappointed at the posting, and I think somebody should pay more attention to that.

ATTORNEY RICARDO SOUSA: Very good.

BRENDAN SULLIVAN: I have felt that for a while that the attorneys representing clients need to be more aware of that posting requirement, and a lot of times they

will have the property owner pick it up, they themselves may pick it up, hand it off, and then we have many a varied and inconsistent displaying of the poster. It's almost like people don't take it as serious.

THOMAS SCOTT: I agree. I don't think people take it seriously enough.

BRENDAN SULLIVAN: So I think that the attorneys who represent clients need to be very aware and to be on top of it as much as you don't want to waste your time coming down and saying --

ATTORNEY RICARDO SOUSA: And I take your point. There have been instances in the past, a Chairman Mr. Alexander, has not seen a sign where we'd like it to be, we've asked for more direction. I think we're getting better at it. Going forward, I can absolutely bring photos of the posted signs so that I'm prepared to talk about exactly where those signs have been placed. We do give direction to those third parties. We sometimes post them

ourselves. In this case we knew we had Cambridge Housing Authority and we have their experience relative to other applications for this site and that's why we felt comfortable. But going forward I can absolutely make sure I bring photos of those postings.

BRENDAN SULLIVAN: Or not just allow it, assume that somebody doesn't put as much weight on it as you should.

ATTORNEY RICARDO SOUSA: Understood, understood, Mr. Chairman.

BRENDAN SULLIVAN: I'm sorry, you were still on your presentation. No, you said you concluded. That's right, I had opened it up to public comment.

ATTORNEY RICARDO SOUSA: Yes.

BRENDAN SULLIVAN: Furthering public comment there is a letter transmittal from the Planning Board. (Reading) The Planning Board reviewed the proposed installation and has the following suggestions if the Board of Zoning Appeal

approves the Special Permit:

The proposed antenna pairs on two different lengths. The Planning Board suggests that the pairs be the same length, finished in a solid color to match the brick facade rather than the brick mortar pattern.

The antennas should be located below the roof line profile. This should minimize some of the visual impact of the proposal.

The Planning Board also suggests that the associated cabling for the installation be neatened and/or concealed to remove the haphazard appearance. Whether the cable can be attached to the top or the back of the antenna, it should be attached to the wall to minimize the shadows and clutter.

So you're in agreement --

ATTORNEY RICARDO SOUSA: We're amenable to that condition as well. Tightening up the cabling absolutely.

BRENDAN SULLIVAN: All right. Let me close public

comment.

GLENNA WYMAN: Can I ask a few questions about the substance of the thing? That was more about notice, but I did actually have a couple.

BRENDAN SULLIVAN: Okay.

GLENNA WYMAN: One question is the antennas that are replacing three of the antennas, are they more powerful? Are they emitting more electromagnetic fields than the ones they are replacing?

ATTORNEY RICARDO SOUSA: So I can answer that through the Chair. These operate just at a different spectrum. These operate at the 700 megahertz spectrum versus a 1900 megahertz spectrum. They will both comply with FCC regulations relative to power output and also electromagnetic energy. And that will also be a requirement of the decision of the Board as well.

GLENNA WYMAN: So what does it mean to be at 700 versus you said 1900?

ATTORNEY RICARDO SOUSA: Yes, so those are not power designations, those are the frequency, the FCC frequency that is assigned or licensed by the FCC to T-Mobile.

GLENNA WYMAN: All right. So what about emissions, electromagnetic fields?

ATTORNEY RICARDO SOUSA: Those will -- both antennas, the old antennas and new antennas, will have to comply fully with FCC regulations regarding EME.

GLENNA WYMAN: Okay.

So do you know or not know whether or not they actually emit more electromagnetic fields? I happen to have a particular interest because I think my apartment on the eighth floor, right below the roof line, with my living room bordering Thorndike Street, has two of those things on the outside of my living room wall about 12 feet, 12 inches, you know, on the other side of the wall.

ATTORNEY RICARDO SOUSA: Yes. So what will happen

is once the antennas are installed, the radio frequency engineer will actually take a reading on the power output and also the EME for that antenna and it must comply with FCC regulations.

GLENN WYMAN: So do you not know the answer to the question about whether or not it would actually emit more than the current one?

ATTORNEY RICARDO SOUSA: I don't know the specific power output. I think it would be --

GLENN WYMAN: Do you have a general idea?

ATTORNEY RICARDO SOUSA: I would suggest that it would be similar to the power output from the other antennas that are there now.

GLENN WYMAN: Okay.

And then the other thing is, you know, we did get, I got a copy of the Sprint annual test and report that they submitted to the city. And it isn't clear to me whether they were actually measuring just the output from their

devices on top of the building and whether or not the Board may want to consider asking each of these companies to measure the cumulative effect, not just of their stuff, but the sister company stuff up there because of course to the people who may be affected who live nearby or underneath or next to these devices, it's the effect of both companies' devices that we're concerned about.

BRENDAN SULLIVAN: My understanding is in order for them to be approved, to be licensed by the FCC to even allow them to this installation, that they have to comply with the FCC regulations. The FCC then also takes into consideration neighboring or approximate other devices in assembling their determination whether there is a health concern. That's my understanding. And so we don't have a specific answer for you --

GLENN WYMAN: Okay.

BRENDAN SULLIVAN: -- but in investigating this a little bit further, it has -- I've been told that they do

take all the locations of other carriers in the approximate area into consideration whether or not it is within the guidelines.

GLENN WYMAN: Right. But if I recall from the hearing in 2014 involving Sprint with the same counselor, FCC never measures any of this stuff, it's all on --

BRENDAN SULLIVAN: They have to measure it and they hand in the report. FCC does not come out and do it, no.

GLENN WYMAN: But they're measuring their own stuff and nobody measuring the fact that --

BRENDAN SULLIVAN: It's a cumulative thing. It's a cumulative from the location, that's my understanding.

GLENN WYMAN: Well, I guess what I'm asking is, you know, I assumed from 2014 that you are now asking all cellphone companies to emit something to create something like this once a year at least?

BRENDAN SULLIVAN: I'll read into the record, yes.

ATTORNEY RICARDO SOUSA: That's correct.

GLENNA WYMAN: And is there a way to beef up what you're asking them to do so they're measuring the whole electromagnetic fields that are being generated by all the equipment up there, theirs and the competing equipment?

BRENDAN SULLIVAN: I don't think we can, and I don't think I'm going to at this hearing tonight anyhow. At least I would not. I don't know if anybody else feels is that --

THOMAS SCOTT: I think it's a great question frankly, but you know.

ANDREA HICKEY: I don't think we have the authority unfortunately. That's beyond the scope of what we're sort of tasked to do.

ATTORNEY RICARDO SOUSA: It's my understanding that Council has -- Council for the City of Cambridge has looked into this issue and has guided this Board relative to the conditions that they have approved for any such

decisions dealing with wireless telecommunication installations.

BRENDAN SULLIVAN: Right. Yes, that basically exceeds our authority.

ATTORNEY RICARDO SOUSA: And I would suggest also that those conditions are much more comprehensive than almost any other municipality that I do work before.

GLENNA WYMAN: Well, that's not comforting. But you guys made a decision in 2014 that I don't -- I was of the impression you consulted with Council, you based on the revelations during that 2014 Sprint hearing that FCC didn't do any tests.

BRENDAN SULLIVAN: The FCC does not do any tests, Ma'am.

GLENNA WYMAN: Right.

BRENDAN SULLIVAN: So no sense belaboring the point.

GLENNA WYMAN: So you guys made the condition that

Sprint had to do this report.

BRENDAN SULLIVAN: They have reports that they have to file periodically, correct.

GLENNA WYMAN: But that report was something that this Board was innovative in -- not that I felt that it was kind of a modest thing, but it was better than nothing.

BRENDAN SULLIVAN: It was a prior condition on them anyhow, we just accentuated that condition.

ATTORNEY RICARDO SOUSA: Right. I just have to parse words with you a little bit. Each of the carriers, even before that condition came into effect, would always do an analysis once they installed any of these installations, the condition required with that report also be submitted to the city. Prior to that condition, the company kept those reports and since filed them with the FCC. The condition required that we also file them with the City of Cambridge. That was the subtle difference and that's how essentially the City expanded its authority relative to this issue.

GLENNA WYMAN: All right. So there is no requirement anywhere when you're filing a testing or filing reports with the FCC to take measurements of everything that's going on up there, just --

BRENDAN SULLIVAN: There is none.

GLENNA WYMAN: There is none. Even though we've got the same attorney representing the two companies and they certainly could coordinate if they wanted to.

BRENDAN SULLIVAN: Again, that exceeds our jurisdiction and our authority at this time.

GLENNA WYMAN: For reports? You're still allowing them to do that. I doubt that it does.

ATTORNEY RICARDO SOUSA: I would suggest this application deals only with the T-Mobile application.

BRENDAN SULLIVAN: Correct.

ATTORNEY RICARDO SOUSA: That application for Sprint has already been resolved. There's a decision in place, there are conditions put in place for that require

that applicant to continue to meet those conditions and follow those reports, and I would suggest that the jurisdiction of this Board relative to this particular hearing deals only with the T-Mobile installation.

GLENN WYMAN: Well, certainly and when Sprint comes in, they could impose stricter standards at that time.

ATTORNEY RICARDO SOUSA: They could.

GLENN WYMAN: Just like they imposed standards on Sprint that they hadn't before in 2014.

ATTORNEY RICARDO SOUSA: I would agree with both of those statements.

BRENDAN SULLIVAN: Anything else at all?

GLENN WYMAN: That's it.

BRENDAN SULLIVAN: Okay, let me close, then, public comment.

Okay. Mr. Sousa, if we could walk through the prerequisites.

ATTORNEY RICARDO SOUSA: I can.

BRENDAN SULLIVAN: The Board will consider the scope first of all, that in compliance with Section 4.32.G Footnote 49, the Board shall consider the scope or limitations imposed by any licensed secured from any state or federal agency having jurisdiction over such matters.

You have submitted proof that you are duly licensed.

ATTORNEY RICARDO SOUSA: That's correct, Mr. Chair.

BRENDAN SULLIVAN: There are no limitations imposed on said license.

The Board shall consider the extent to which the visual impact of the various elements of this proposed facility is to be minimized.

And the let the record show that we will incorporate the Planning Board comments that the petitioner, through counsel, has agreed to comply with those requirements which will then satisfy the visual impact on

the proposed facility.

Where it is proposed to erect a facility in the residential zoning district, the extent to which there is a demonstrated public need for the facility, the Board shall grant a Special Permit to erect such a facility in a residential zoning district only upon finding that the non-residential uses predominate in the vicinity of the proposed facility location and that the telecommunication facility is not inconsistent with the character that does not prevail in the surrounding neighborhood.

And if you could just elaborate a little bit on that.

ATTORNEY RICARDO SOUSA: I can, Mr. Chairman. On page 5 of our application we listed all of the non-residential uses that are in the vicinity, including the Eastside Bar and Grill, Skin Art Studio, New Deal Fish Market. Rock & Roll Day Care, Boston Bed Company, Alfredo's Italian Kitchen, The Whale Nine Restaurant and Cafe,

Gorgeous Nail Salon. In addition to that, there's been consistent practice of this Board that once this installation has been recognized as being appropriate for this location, a modification is of that existing installation is consistent with this requirement under the Zoning By-Law.

BRENDAN SULLIVAN: Okay.

Let me make a motion, then, to grant the Special Permit as per the application with the only caveat I would ask if those plans could be updated, Mr. Sousa, just to reflect --

ATTORNEY RICARDO SOUSA: Of course, Mr. Chairman, the newer antennas? The shorter antennas? Yes.

BRENDAN SULLIVAN: And --

ATTORNEY RICARDO SOUSA: There's a set here if you like.

BRENDAN SULLIVAN: Is that an extra set?

ATTORNEY RICARDO SOUSA: It is.

BRENDAN SULLIVAN: I'll just make a note.

ATTORNEY RICARDO SOUSA: And if you'd like, I can update the photo simulations as well and also submit those.

BRENDAN SULLIVAN: That would be great. And have that in the file before I sign.

ATTORNEY RICARDO SOUSA: Yes.

BRENDAN SULLIVAN: Okay, I'll make a motion, then, to grant the Special Permit.

The Board finds that the requirements of the Ordinance can be met.

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

The Board finds that the installation is as stealth as possible.

That it is an attempt to change out outdated equipment for a new equipment which is a needed change in

the neighborhood and for the community.

The Board also finds that the continued operation of or development of adjacent uses as permitted in the Zoning Ordinance would not be adversely affected by the nature of the proposed use.

The Board finds that there is an existing facility on the locus at the moment, and there has been no detrimental effect.

The Board finds that there is no nuisance or hazard created to the detriment to the health, safety, or welfare of the occupant of the proposed use or to the citizens of the city.

The Board finds that the proposed facility will comply with all federal, state, and local safety requirements, including the standards established by the FCC, the Federal Aviation Administration, and the American Standard Institute and Massachusetts Department of Public Health.

The Board finds that the proposed installation will not impair the integrity of the district or adjoining districts otherwise derogate the intent and purpose of the Ordinance. The purpose and intent of the Ordinance would be to allow the carrier to upgrade the equipment to better service the community.

Also as an add -- actually, you may want to keep that for your file.

ATTORNEY RICARDO SOUSA: Thank you.

BRENDAN SULLIVAN: Cathy, here's yours.

Inasmuch as the health effects of the transmission of electromagnetic energy waves is a matter of ongoing societal concern and scientific study, the Special Permit is also subject to the following conditions:

That the petitioner shall file with the Inspectional Service Department each report it files with the federal authorities regarding electromagnetic energy waves emissions emanating from all of the petitioner's

equipment on the site. Each such report shall be filed with the Inspectional Service Department no later than ten business days after the report has been filed with the federal authorities. Failure to timely file any such report with the Inspectional Services shall ipso facto terminate the Special Permit granted tonight.

That, in the event that at any time federal authorities notify the petitioner that it's equipment on the site, including, but not limited to the Special Permit granted tonight, fails to comply with the requirements of the law or governmental regulations, whether to regard -- whether with regard to the emissions of electromagnetic energy waves or otherwise, the petitioner, within ten business days of receipt of such notification of such failure, shall file with the Inspectional Services Department a report disclosing in reasonable detail that such failure has occurred, and the basis for such claimed failure. The Special Permit granted tonight shall ipso

facto terminate if any of the petitioner's federal licenses are suspended, revoked, or terminated.

That, to the extent that a Special Permit has terminated pursuant to the foregoing paragraphs A and B, the petitioner may apply to this Board for a new Special Permit provided that the public notice concerning such application discloses in reasonable detail that the application has been filed because of a termination of Special Permit pursuant to paragraph A or B above. Any such new applications shall not be deemed a repetitive petition, and therefore will not be subject to the two-year period during which repetitive petitions may not be filed.

That within ten business days after receipt of a building permit for the installation of the equipment subject to this petition, the petitioner shall file with the Inspectional Services Department a sworn Affidavit of the person in charge of the installation of equipment by the petitioner with a geographical area that includes Cambridge

stating that A, he or she has such responsibility; and B, that the equipment being installed pursuant to the Special Permit we are granting tonight will comply with all federal safety rules and will be situated and maintained in locations with appropriate barricades and other protections, such that individuals, including nearby residents and occupant of nearby structures, will be sufficiently protected from excessive radio frequency radiation under federal law.

Anything else to add?

That should the facilities cease to remain in operation, that they be removed in a timely fashion and that the building be restored to its original condition prior to the installation of these facilities.

All those in favor?

(Show of hands.)

BRENDAN SULLIVAN: Five in favor.

(Sullivan, Scott, Hickey, Best, Wernick.)

ATTORNEY RICARDO SOUSA: Thank you, Mr. Chairman.

Thank you, members of the Board. Have a good night.

BRENDAN SULLIVAN: Good night.

* * * * *

(8:50 p.m.)

(Sitting Members Case BZA-009485-2016: Brendan Sullivan, Thomas Scott, George S. Best, Andrea A. Hickey, Laura Wernick.)

BRENDAN SULLIVAN: The Board will hear case No. 009485-2016, 472 Green Street. Mr. Hope.

ATTORNEY SEAN HOPE: Good evening, Mr. Chairman, members of the Board. For the record, attorney Sean Hope, Hope Legal Offices in Cambridge.

I'm here tonight on behalf of the petitioner, 472 Green Street, LLC, the owner of a building that's 472 Green Street.

This is a non-conforming four-unit building that's located in Residence C-1 district. This may be one of the

few remaining cases that you hear such as this where the petitioner is looking to take a basement space that a portion of the basement are slightly below seven feet and portions are at seven feet. This is not a dirt floor, this is actually a poured concrete floor that is has waved in some ways. I think the significance of the seven feet rule is that per the Ordinance, basement spaces that are seven feet are counted as gross floor area, spaces that are below seven feet are not counted as gross floor area. There's been a history of owners of properties utilizing basement space that's below seven feet, and there's no rule that you can't build that space out as habitable living space. Oftentimes this creates a below standard living space that you'll have space that's less than quality, a lower -- even when you have window wells, you still have a below standard height. In this scenario, this is a building that has one unit vacant which is why the petitioner is only bringing forward this particular unit.

When this building is renovated, the building would require to be sprinklered and so part of -- although this is not relative maybe to this application, part of the building permit they will have to sprinkler the building. That it is also going to decrease the liveable head height in this area. So what we're actually petitioning for is to have the whole basement space be living area, have the height of greater than seven feet. That means the portions that are less than seven feet will now be triggering gross floor area. And because this is a four-unit building, the whole building is over the allowable gross floor area. It's over by almost 0.75 in the existing building that 1.3. So it's already over. And so even though we are just essentially taking this basement area and making it all greater than seven feet, thereby increasing the gross floor area, it's still triggering the Variance because the property is over. So, I say this might be the last application you see like this because the City Council has

passed the Barrett petition about a month ago that is going to exempt basement GFA for one and two families. A building such as this would be a multi-unit, and so by Special Permit instead of a Variance after May 1st, this would be allowed by Special Permit. The reason why the petitioner is going forward as a Variance is, one is because of the timetable that they're under. There's also the unit became vacant, and frankly, it's not quite clear exactly what the final version of this petition would be. There's been some assumptions that way was voted on by the City Council will be the final version, but nonetheless he decided to proceed with this application. So it is a Variance. I think that it does satisfy what would be a hardship, which would be living space that in order to be utilized would have to be left alone so you would have essentially areas that would be substandard in terms of height space, along with the idea that you have a sprinkler system so that you would have just less than fully habitable living space, and you would also

be an effect on the occupant of the unit as well as future occupants and future owners of this building. I do think it's been seen throughout Cambridge that basement space, when it's available, utilizes living space and oftentimes people will take the living space that they have or they'll come before the Board. This is not a case where you have crawl space where you're digging deep. This is, you know, portions of it are level and portions that are not, and so we're talking about inches throughout this basement space. And so, I think that it's a very practical application. I think it's going to increase the living space. It's going to allow for the building to be sprinklered in such a way, and that's essentially it. It's straightforward.

We don't have a lot of pictures of the proposal because there are no changes to the exterior of the building. There are some new windows added to the front of the property, those are in the elevations, but those are allowed without Zoning relief so those are not part of the

Variance for hardship. And so the hardship is specifically for the areas of the basement that are below seven feet, that once we, if we are granted relief, will be seven feet or above and that is the, that is why we have this increase in gross floor area in the application.

BRENDAN SULLIVAN: The area sort of meant to be basement area. I mean, and the building's been there for how long?

ATTORNEY SEAN HOPE: It's a previously non-conforming building, so I'm sure the building was there before zoning. I think the reality is that these basement spaces, I think the current reality is that people are looking for additional living space, that these with areas if they weren't zoning or they weren't relief, they would still be utilized. And there's nothing in the Ordinance that would prevent that.

In this particular case normally you have a whole basement space that's not seven feet. This is a case where

actually the floor is not a dirt floor, but it's just warped the way they poured the concrete. So you actually have a middle portion that's seven feet and you have another section that's six-eleven.

So I think the reality is we're really talking about inches in various spaces in the basement that's precluding it from being able to be dug out. So there was -- technically he could go as far down the water table and so that you could have a really awkward living space, you wouldn't do that, I think the reality is. But I understand to the Chair's point, these were existing, but I think all throughout Cambridge people are looking for additional space and I think it's also relevant and the City Council has chose to pass a petition that would -- actually for one and two-families and for even bigger buildings, this makes sense and they have actually lessened the threshold to do that.

BRENDAN SULLIVAN: It doesn't really address the

hardship issue.

But, anyhow, you know, it's funny, personally I look at the petition, what the person is trying to do, and then the second thing I do is go to the pleadings. Whether a literal enforcement of the provisions of the Ordinance would involve a substantial hardship, financial or otherwise to the petitioner for the following reasons:

A literal enforcement -- your words, I guess, or somebody's words. A literal enforcement of the Section 5.31 of the Zoning Ordinance would be a substantial hardship because the basement floor of the petitioner's two-level residential unit is uneven resulting as sporadic sections of the basement height at seven foot, plus or minus. In other areas at six-foot-ten and six-foot-eleven. This condition prevents the petitioner from utilizing the basement area as functional living space with comfortable floor to ceiling heights substantially -- substantially devaluing the value of the units as well as liveability for the occupants. And

that's what really caught my eye. Substantially devaluing the value. I mean, how can leaving it as it is substantially devalue or not allowing this substantially devaluing the units?

ATTORNEY SEAN HOPE: So I think the reality is that as I --

BRENDAN SULLIVAN: Which means -- that says to me that it takes away the value of the building to leave it in the condition it's in without --

ATTORNEY SEAN HOPE: I think the reality is that basement spaces are utilized. I think that oftentimes --

BRENDAN SULLIVAN: How does it devalue?

ATTORNEY SEAN HOPE: So, I think that if you're going to build bedrooms or living space down in this basement and you feel congested and you actually have -- I think if your point is that the value is what the value is, and it's not being devalued, then maybe I was inarticulate in how I drafted it. But I think the hardship has to run

with the land, and I would say that whether it's this owner or the other occupants of this building, if you're living in this space, you're going to have living space down there, that the idea that you would just leave it as is, in terms of what you can get for rent -- I think value is one aspect, but I also think there is also impact on the occupants of the building which I think is relevant, because I think people are going to live there, it's residential ongoing. I think if you're going to be --

BRENDAN SULLIVAN: People are going to live where, in the basement?

ATTORNEY SEAN HOPE: Well, so it's an existing basement. It's going to be now a two-floor unit. So, I think throughout Cambridge, you've seen people take what as a basement before and make it living space. Why? Because the cost of land is so high, they want to have more space, and so they would take what would be a basement unit and now it would become either a playroom, a bedroom, or a den.

BRENDAN SULLIVAN: That requires a whole series of Building Code compliance if you're going to turn that into living space.

ATTORNEY SEAN HOPE: Definitely. And so it's challenging to deal with. It's not something that is --

BRENDAN SULLIVAN: Even now with the windows, you know, there's eight percent of the living area has to have natural sunlight, has to have four percent -- has to have outside air. I don't know if these plans which are before us would comply with that.

ATTORNEY SEAN HOPE: Um.

BRENDAN SULLIVAN: Egress and all that other stuff.

ATTORNEY SEAN HOPE: Egress, and I'm not a Building Code expert, and I think that -- I understand your point, and I -- we did actually review the issue with the window wells and walkways and Building Code issues, but the Building Commissioner, he also did express some of the

concerns, and I passed that on to the petitioner knowing that if we -- focusing on the height and the subject of the Variance, not the Building Code, but if they don't meet Building Code, whether or not this Board approves it, they would have to meet it.

One of the aspects about egress is an existing building with bulkheads and things that don't meet code, is by sprinkling the building. Sprinkling the building is very -- it's expensive, very or not, extensive in the context of this application, but it's also something that makes these below grade spaces safer. And so they're going to sprinkler the building. I think that does eliminate what might be an egress problem, there is a bulkhead, but if the bulkhead isn't of the right size and of the grade of the stairs and then sometimes even at the point of CO a building inspector could said we're not going to approve this, because you don't have the proper height. That's Building Code. Your point is well taken. These are challenging

spaces to convert into living space, but, again, there's a strong demand on living space. There are plenty of two-bedrooms, there are plenty of single studios, there are plenty of one-bedrooms, there's not many three-bedroom units and so when you have an opportunity with only a duplex on the first floor, I think when you look into space, it's often challenging when you go up because you're blocking light and air. So I think there's a reality of the market that when there's an opportunity to be able to use --

BRENDAN SULLIVAN: Is this space the exclusive use of is that unit 1?

ATTORNEY SEAN HOPE: Yes.

BRENDAN SULLIVAN: So nobody else can use it?

ATTORNEY SEAN HOPE: Nobody else can use it.

BRENDAN SULLIVAN: Well, anyhow.

LAURA WERNICK: How is the basement being used now?

ATTORNEY SEAN HOPE: So currently it's a poured

concrete so it's not a dirt floor, but it is not living space.

LAURA WERNICK: Storage space.

ATTORNEY SEAN HOPE: Essentially. So the same family has owned it. It's right down the street here. The same family has owned it for many years and so it's been, you know, all four units are -- had been family, and so this was the first unit that came available. The other are there -- whatever agreement with the owner to be there, but I do think this idea of using, you know, a first floor and below basement or whatever, below grade spaces is becoming more and more common because it's becoming more and more challenging to be able to capture that. Usually it's the third bedroom or a play space. You don't see kitchens down there because no one wants to be in a dark area. So you try to keep most of the living space above grade, and in this case this is not the whole basement area, it's just a portion of it that actually has some light.

I would say a third storage for mechanical and utilities because there happens to be no access for window wells. So there's only usually a portion that you can use to Mr. Sullivan's point, that you can meet Building Code. You just can't necessarily create light and air everywhere and so this application lends itself to the areas of the basement that can be used and meet Building Code. And also, again, this is, this is driven by the fact that there are portions of the floor that are seven that would be allowed to be dug down to seven-three or seven-six or whatever is appropriate with the sprinkler system that's going to be added.

LAURA WERNICK: So presumably they're trying to add a bedroom or a playroom?

ATTORNEY SEAN HOPE: That's right.

BRENDAN SULLIVAN: It says a bedroom, bathroom, and an office.

THOMAS SCOTT: The issue before us is just FAR,

right?

ATTORNEY SEAN HOPE: That's it.

THOMAS SCOTT: And you're saying come May 1st this would be exempt from that FAR?

ATTORNEY SEAN HOPE: No. So exempt would be -- because if there are no changes, and I don't want to speak for the Council, but as it's been voted and approved on, and it would be effective May 1st, that one and two-unit dwellings would be exempt. A single-family, and you want to use your basement, you can dig down and add -- you can use that --

THOMAS SCOTT: As long as it meets code you can do it?

ATTORNEY SEAN HOPE: As long as it meets code.

THOMAS SCOTT: So why not just wait a month?

ATTORNEY SEAN HOPE: So this wouldn't be exempt for one. It would be a Special Permit.

THOMAS SCOTT: Okay. But I think --

ATTORNEY SEAN HOPE: Two, this would be a Special Permit. The City Council has looked at these spaces and they have said within some bounds of purview, because maybe some unintended consequences in certain spots, that this is something that we're going to take away and lessen. And so the practicality of the timing with this, it's not quite clear what you have. But I also think this is different than other areas where you have maybe a crawl space and you don't have sufficient -- where you really have this space where half of it could be used, and it's just the fact that the floor is warped. And we're talking about inches. Six-ten to seven feet. If the floor was poured level at seven feet, then the whole thing would be and we wouldn't be here. But we are here. And I think this is a good use of this space. I think this could be a quality unit. I do think that three-bedroom units are in short supply, and frankly, if you know, the Board didn't approve it, they would still likely use it, but it would just be less

habitable and it would just -- it would impact the value to the owner and the occupant of the space would essentially suffer because they would have sprinkler systems, they would have smaller heights that just would be less --

THOMAS SCOTT: And you would come back for us for a Special Permit to do --

ATTORNEY SEAN HOPE: I could. And I --

THOMAS SCOTT: And the standard is less for a Special Permit, is that --

ATTORNEY SEAN HOPE: Well, and I just want to say --

BRENDAN SULLIVAN: They don't necessarily have to prove hardship.

THOMAS SCOTT: You don't have to prove hardship.

ATTORNEY SEAN HOPE: I also don't -- I don't want to presume that. I don't know what changes the Board might make. And so I'm just -- I wanted to bring that up not to say this is a rubber stamp, but also in the context.

Sometimes the Board will look to see what policy from the City is saying about the below grade spaces, and I think this is coming in response to lots of basements being created at six-eleven. And so they'll build these spaces and people are buying very expensive homes with very short ceilings with the basement, and that's the way the code is. It's not preventing liveable space. It's just preventing it to be functional and so I think this is a perfect example of where -- and this is unique from other cases where the whole basement is six-six and it was always just utilities and it was a dirty basement and it was never meant -- it can never be used. This is a floor that is actually waved. And this came because we had a building inspector go in there, and when they went there, they said we have seven feet, we can build this out. And under inspection it's seven feet here but over here it's six-ten and over there it's seven. And so this is how we got here. This is a very unusual case where you have a poured concrete floor that is actually

warped. It's not flat. And I think there are other cases where you have a crawl space where it was never, could never be living space or you have some other things. This is a basement that, you know, is fairly dry, that they poured a flooring on there, and it's just a function of really how that floor was poured which creates this really unique situation is why we're here.

BRENDAN SULLIVAN: That was never meant to have a bedroom or a bathroom and an office down there.

The other thing is that facing the building on the left side there was a walkway, a walkway is five-feet wide.

ATTORNEY SEAN HOPE: That's right.

BRENDAN SULLIVAN: With the window wells it's going to be three feet plus actually. So that you're narrowing that walkway down to less than two feet.

ATTORNEY SEAN HOPE: That's a really good point. That was actually pointed out to us this week and that would be -- so that would be a Building Code violation. I believe

there's a minimum of three-foot walkway, and so those window wells would be two deep. If we didn't sprinkler the building, we would have to have operable windows as a second means of egress. So part of the sprinklering the building is going to eliminate the operable windows. To the Chair's point, we would actually have to meet Building Code. We could not build those three-feet wide. We actually have to reduce those to have a minimum of a three-foot walkway.

This was brought to our attention this week after the Monday deadline, so it wasn't -- we weren't able to change the plans, but I also say in terms of the Zoning Code in our hardship that is not a factor that would impact that. But I would say to the Chair, I'd like to put for the record, we would not build that if it doesn't meet Building Code and once we were made aware of these window wells.

BRENDAN SULLIVAN: Well, if you change, if we were to approve the plan, then you have to build to the plan or come back before us. With the exception of the window wells

if they were to be reduced or eliminated, then I would think that that would be a reduction and it would probably be okay. I mean, but if they are a change in location or a change in size, then that's a change to the plan.

ATTORNEY SEAN HOPE: So you're saying that if we actually reduce them by that foot necessary to meet Building Code, and I would hope that the Board -- that would be a de minimus change because it really wouldn't be one that would --

BRENDAN SULLIVAN: I think that's a reasonable request.

LAURA WERNICK: It then reduces the amount of light coming into the building.

BRENDAN SULLIVAN: Well, again, one thing triggers another.

ATTORNEY SEAN HOPE: Yeah, and I do think with the reduction of size --

BRENDAN SULLIVAN: It's almost, I mean, again, not

to criticize but maybe a critique, not a criticism. I wouldn't do that. Maybe this should have been reviewed a little bit deeper with the Commissioner or the building inspector. But I mean you had the option to take it back or go forward.

ATTORNEY SEAN HOPE: Yeah. I would say the window wells are not a part of what we're here today for. I often do counsel the people that you can -- that the Board can approve for zoning, and I know there are some expertise in Building Code and you can get something approved for zoning and the Building Department can say this doesn't -- and they could update the IBC and we'd have to do that. But to your point, that's something that I think a developer should catch in walkways and distances.

BRENDAN SULLIVAN: Okay. Okay.

I don't know if anybody else -- I'll come back to you.

Andrea?

ANDREA HICKEY: No, I'm okay. Nothing.

BRENDAN SULLIVAN: George, any questions at this time?

GEORGE BEST: No.

BRENDAN SULLIVAN: Let me open it to public comment.

Is there anybody here who wishes to speak on the matter 472 Green Street?

(No Response.)

BRENDAN SULLIVAN: I see nobody here. You don't have any submittals or anything like that as far as public comment?

ATTORNEY SEAN HOPE: I didn't have any, no.

BRENDAN SULLIVAN: Public opinion.

Okay, let me close public comment.

Throw the ball back into your court.

ATTORNEY SEAN HOPE: Yeah. Again, I think that it is a unique situation where you have a floor that's warped

where you have seven and you have less than seven.

I think this is going to improve the housing stock of the City of Cambridge by adding three-bedroom units in areas where those are quote/unquote called family units.

And I think that -- this would be -- instead of having what would be below standard living space really for no really good reason, but for this application of this part of the Ordinance. I think this is not going to impact negatively anyone.

I think this is in line with the intent and purpose of the Ordinance for the most rational use of land.

I think also in the context of what you see in terms of renovations, you see these basement spaces being used, and I think this is an opportunity for utilizing this basement space as living area, but to make it functional and habitable in the appropriate way.

So I would ask that this is, you know, even though it -- we here for a Variance, and I do think they are

hardships to not only the occupants of the building ongoing as a rental building but also to the owner as well, and I would ask that you would vote in support of it.

BRENDAN SULLIVAN: Okay. Let me close that part of it.

Any comment? Thoughts?

ANDREA HICKEY: Do I understand correctly the whole building is owned by one person or one entity, they're not individual units?

ATTORNEY SEAN HOPE: That's correct.

BRENDAN SULLIVAN: George, any thoughts, comments?

GEORGE BEST: No, not at the moment.

BRENDAN SULLIVAN: Tom, what are your --

THOMAS SCOTT: The windows in the basement are they existing?

ATTORNEY SEAN HOPE: Yes.

THOMAS SCOTT: Are they being enlarged?

ATTORNEY SEAN HOPE: I think those are --

LAURA WERNICK: One's being added.

THOMAS SCOTT: One's being --

LAURA WERNICK: One, two, three, four, five. One, two, three, four. So there's one being added.

THOMAS SCOTT: One in the front.

BRENDAN SULLIVAN: That window well along the front is.

LAURA WERNICK: One, two, three, four five on this one.

ATTORNEY SEAN HOPE: It doesn't require relief because it's facing the street.

LAURA WERNICK: So, two windows are being added?

ATTORNEY SEAN HOPE: Yes. And actually on the elevation, the very front, there are additional windows being added, and those are under Article 18 exempt or allowed by the Building Permit.

And I would only just add if the Board did decide to approve, I would ask if you could add in the record the

piece about adjusting the window wells and just so that we wouldn't get stuck creating larger window wells than the Building Code would allow. I'm sorry that you're burdened to do so.

LAURA WERNICK: So the elevations don't show the windows in the basement windows?

BRENDAN SULLIVAN: Yeah, no, they don't.

LAURA WERNICK: These are the only windows?

ATTORNEY SEAN HOPE: No, those weren't drawn in.

BRENDAN SULLIVAN: Any thoughts?

LAURA WERNICK: So the request, can you just read what the Variance is for again?

BRENDAN SULLIVAN: Right. Now the building is at 1.33. Floor area ratio, 1.33. The max allowed is 0.75. So it's well over now. And they're going to 1.43. They're adding --

ATTORNEY SEAN HOPE: 591, almost 600 square feet.

BRENDAN SULLIVAN: So a little less than ten

percent, but that would bring it up to 85 percent over the allowable.

ATTORNEY SEAN HOPE: And, again, these are just functions. There's a floor plate in the basement and there are parts that are counted and parts that are exempt because of the way the floor is warped. And by actually making it all seven feet, you're taking parts that make them count and don't count. Just by increasing the height, all of it to over seven feet, those pockets will be less than seven feet are exempt and are added. So we're adding --

LAURA WERNICK: In fact, once you put the sprinklers in, then it's all below seven feet.

ATTORNEY SEAN HOPE: Well, no, so if we actually made it -- and I think the idea is --

BRENDAN SULLIVAN: The proposal is to go to floor to ceiling eight feet.

ATTORNEY SEAN HOPE: So we're actually -- but the trigger is at seven feet. We're not going to seven stock.

We're going like we did eight feet per plan.

LAURA WERNICK: The existing condition if you put in sprinklers --

ATTORNEY SEAN HOPE: That's right.

LAURA WERNICK: -- then everything would be below, the clearance would be below seven feet everywhere. You don't have any -- if you put in sprinklers, it's -- none of it is habitable.

THOMAS SCOTT: I don't think you measure to the sprinklers. I think you measure to the ceiling plane.

LAURA WERNICK: I think you measure to the clearance.

ATTORNEY SEAN HOPE: I don't know if it's habitable. I think that the point I was making is just your floor to ceiling. You would -- it's already a lower ceiling --

LAURA WERNICK: I understand, but once you put those sprinklers in, your habitable area is -- you don't

have habitable area anymore.

ATTORNEY SEAN HOPE: And my experience --

BRENDAN SULLIVAN: The sprinkler does not impede that to be honest with you. They can put the sprinklers in today and not lower the floor to ceiling height. So the sprinkler really does not affect. What they're asking for is to lower -- it's a question of either --

LAURA WERNICK: Are you sure about that?

BRENDAN SULLIVAN: -- facing the bridge or lowering the water, right? What they're asking is to lower the basement floor.

LAURA WERNICK: Well, I understand what they're asking for. I totally understand.

BRENDAN SULLIVAN: But the sprinklers don't affect it.

LAURA WERNICK: I thought the sprinklers --

BRENDAN SULLIVAN: No.

LAURA WERNICK: -- once they're in --

THOMAS SCOTT: No. You could have the soffits --

ATTORNEY SEAN HOPE: The bottom of the joists.

THOMAS SCOTT: -- and other elements that are
lower --

BRENDAN SULLIVAN: It goes to the base. I mean,
this floor here is sprinklered and you don't see any
sprinklers.

LAURA WERNICK: Okay, the sprinklers in this
condition are below the ceiling. In here.

BRENDAN SULLIVAN: It doesn't have to be. Does
not have to be. They put the piping for the sprinklers in
the base of the floor joists.

LAURA WERNICK: I think the sprinklers have to be
below the ceiling, but maybe --

BRENDAN SULLIVAN: No.

ATTORNEY SEAN HOPE: I think sometimes that
happens. For cost reasons, I mean you think it's less

aesthetic to have them out, but sometimes they do that. When you're gutting a building, you try to put them in certain areas and so -- but I think overall, just have a condition that with or without the sprinklers, I think the sprinklers add as an additional element that I think would be all if we were able to go down this additional space, to make it comfortable and liveable and much more like the floor to ceiling above. It wouldn't be quite as large, but I think eight foot is a reasonable floor to ceiling height. It's a comfortable floor to ceiling height. And, again, if the floor was -- if the level within an inch, we could just go dig out and we wouldn't be before this Board. But this is the -- what we have here, and I think this would remedy that in a way that would actually increase the quality of the space ongoing. It's going to be a rental unit, at least the plan for this owner, and that means it would have lots of different families living in this space and it would be able to be home for lots of Cambridge residents. And I

think the City would be well served by approving this which I think is a --

BRENDAN SULLIVAN: Affordable housing. Affordable for somebody. Okay.

Anything else?

LAURA WERNICK: No, I understand.

BRENDAN SULLIVAN: Hesitation or not?

LAURA WERNICK: It's very difficult to say the quality of the space given the -- so you're saying, yes, if you're expanding the housing in Cambridge, which is important, but if you're expanding it with space that has, you know, very little light are we really accomplishing anything. So I'm not sure the quality of the space is really adding to the housing in Cambridge.

BRENDAN SULLIVAN: It would be subterranean. It would have to comply with the Building Code which calls for --

LAURA WERNICK: The eight percent.

BRENDAN SULLIVAN: -- eight percent light and four percent fresh air and would probably just meet that. And somebody would have to, you know.

LAURA WERNICK: Prove that.

BRENDAN SULLIVAN: Yeah. Find that it's okay or something like that. You know, or so. Anyhow.

LAURA WERNICK: Okay.

BRENDAN SULLIVAN: I'll make a motion, then, to grant the relief requested.

The Board finds that a literal enforcement of the provisions of the Ordinance would involve a substantial hardship to the petitioner because it would preclude the petitioner from utilizing some space and basement. The current space has a sporadic uneven floor to ceiling height of de minimus variation.

And that the granting of this Variance, the Board finds would be fair and reasonable use of this space.

The Board finds that the hardship is owing to the

pre-existing non-conforming nature of the structure which was built higher to the existing -- in existence of the current Zoning Ordinance.

And that the Board finds that the unevenness of the basement floor which is probably caused by certain soil conditions, would allow the petitioner to use some space but then preclude the petitioner from using other space, and that creates a hardship to the petitioner and not utilizing the entire space.

The Board finds that relief may be granted without substantial detriment to the public good.

The Board finds that the current policy and anticipated passing of an Ordinance by the City Council is to encourage use of basement areas where allowed which is much at need in the City.

And that this would further the public good by providing a habitable space as part of the unit on the first floor of this building and to allow for expanded use by

families.

Relief may be granted without nullifying or substantially derogating from the intent and purpose of the Ordinance.

The Board finds that the requested relief is consistent with the intent, purpose because it would allow most rational use of this particular piece of property and provide additional three-bedroom apartment which is much needed in the city.

The Board finds that the granting of this Variance is subject to the plans submitted with the potential caveat that should upon further review by Inspectional Services, that the window wells are either not needed or can be reduced in size, then the Board will allow a reduction in the size and possible relocation of the two window wells along the left side of the building. The front window well is not subject to this relief as it's not necessary. So the Board will allow some reduction in the size of the window

wells.

That sort of cover it.

ATTORNEY SEAN HOPE: Thank you.

BRENDAN SULLIVAN: All those in favor of granting
the relief?

(Show of hands.)

BRENDAN SULLIVAN: Five.

(Sullivan, Scott, Hickey, Best, Wernick.)

* * * * *

(9:20 p.m.)

(Sitting Members Case BZA-009518-2016: Brendan Sullivan,
Thomas Scott, George S. Best, Andrea A. Hickey, Laura
Wernick.)

BRENDAN SULLIVAN: The Board will hear case No.
9518-2016, 67 Smith Place.

Mr. Shannon, we're all set here.

TIMOTHY SHANNON: Yep. My name is Timothy Shannon
and I'm the owner of a piece of property at 67 Smith Place,

and I was requesting a Special Permit from the Board to construct a new storage building for storage of vehicles and probably, you know, traffic equipment. I own an adjacent property that's rented to the Cambridge Police, and right now this building would service, you know, being an addition to the existing property and would be used to store, you know, vehicles and traffic equipment.

BRENDAN SULLIVAN: Tim, there's correspondence from Stephanie Groll. Have you seen this?

TIMOTHY SHANNON: Oh, yeah, yeah, yep.

BRENDAN SULLIVAN: So if you can address that.

TIMOTHY SHANNON: Okay, she asked me, because I'm requesting --

BRENDAN SULLIVAN: Let me, actually, this is between you and I, but there is -- this is from Stephanie Groll who is in charge of?

TIMOTHY SHANNON: PT. It's -- she's in charge of --

BRENDAN SULLIVAN: Parking and Transportation
Demand Management Officer.

TIMOTHY SHANNON: Yeah.

BRENDAN SULLIVAN: And it was to the Commissioner.

(Reading) I've been working with the property owner at 67
Smith Place and he has satisfied my initial requirement for
PTDM compliance. Therefore, it is fine to move forward with
this BZA hearing.

And it was initial -- I didn't see this, I'm
sorry. There was an initial correspondence where she asked
us not to act on this petition because there was some
non-compliance or something.

TIMOTHY SHANNON: Yeah, but I met with her and I
pretty much worked with her and, you know, made the material
available for her.

BRENDAN SULLIVAN: So she's fine and you're fine?

TIMOTHY SHANNON: Yeah, okay.

BRENDAN SULLIVAN: Okay. So, anyhow, the --

TIMOTHY SHANNON: And this is a, this is the plan of the building. And then this is -- if you look at this, Mr. Sullivan, this is the existing building that the police occupy now for the maintenance. And this is the adjacent piece of property I own here. This is the proposed storage building. And what will happen is the police will use both of these properties and they'll be accessing, you know, through their own gate this way. They won't be coming up this roadway. This will be completely fenced in.

BRENDAN SULLIVAN: Okay.

And it's much needed and very necessary I guess?

TIMOTHY SHANNON: Yes.

BRENDAN SULLIVAN: Let me open it to public comment.

Is there anybody here who would like to speak on the matter of 67 Smith Place?

UNIDENTIFIED AUDIENCE MEMBER: I'm an abutter and in favor of it.

BRENDAN SULLIVAN: Just ask that you give your name.

EDWARD HASSEY: My name is Edward Hassey. I own 67 Smith Place, unit 7 and 17. And the police presence has been greatly appreciated. There has been very little activity. You know, there's no -- there's very little activity in any way or form. So we we're definitely in favor of it.

BRENDAN SULLIVAN: Thank you.

There's correspondence in the file to Liza Paden regarding 67 Smith Place. (Reading) I've attached a letter signed by a group of neighbors in Cambridge Highlands. The neighbors on this letter are in favor of Tim Shannon's building, the storage area in site 17A of 67 Smith Place.

The -- actually it's from Ann Tennis. Sorry. To Liza Paden. Ann Tennis, T-E-N-N-I-S.

(Reading) This letter is to inform you that the following people are in favor of Mr. Shannon's building, the

storage unit at 67 Smith Place. The building would be an asset to that area. And it is signed by one, two, three, four, five, six, seven people who abut the property actually on Griswold Street.

TIMOTHY SHANNON: I also have some letters here, too.

BRENDAN SULLIVAN: And a whole shoe of letters from all of the other people who have businesses in the area. So we will enter all those into the record. No need to read them.

What else?

TIMOTHY SHANNON: That's pretty much it. It's an industrial zone area. You know, it's one of the last places in Cambridge that has industrial zoned garages and buildings and it's a -- it's really worked out for the Cambridge Police as far as accessibility and location. And they just actually, you know, they need more space. And there's not a lot of space in Cambridge. So, you know, I kind of, you

know, was approached by them and we're gonna try to work it out and get it, you know, built and so we can, you know, accommodate their use.

BRENDAN SULLIVAN: Probably a good tenant.

Any questions by the Board at all?

ANDREA HICKEY: None for me.

BRENDAN SULLIVAN: George?

GEORGE BEST: No.

THOMAS SCOTT: So it's just storage of vehicles?

Is there any maintenance that goes on?

. DEP. SUPERINTENDENT JAMES DEFRANCESCO: On the first garage we have a maintenance, but more storage we've outgrown with the speed trailers and stuff and they have computers on them and, you know, some of our winter equipment for plows that our people do for plowing around the station. So we have to move all that stuff around now to make it a lot easier if we can put it give us better access.

TIMOTHY SHANNON: Yeah. Mainly the existing building is for the maintenance division. They have, you know, the mechanics work on the different equipment which came in front of this Board a few years ago to get, you know, licensed to have repair so that they could work out of the garage.

LAURA WERNICK: Is the existing building metal?

TIMOTHY SHANNON: Yeah, it's a steel building.

LAURA WERNICK: Similar construction?

TIMOTHY SHANNON: Yeah, it's going to be ordered and constructed by the same company that installed the other building. It's just smaller, 60-by-60. The other building is 75-by-60.

BRENDAN SULLIVAN: Let me make a motion to grant the Special Permit.

The Board finds that the requirements of the Ordinance can be met.

The Board finds that traffic generated or patterns

of access or egress would not cause congestion, hazard, or substantial change in the established neighborhood character.

The Board finds that it's an industrial zone. Presently it will remain the same, and that the addition of this structure will have absolutely no impact or deleterious effect on the surrounding area.

The continued operation of or development of adjacent uses as permitted in the Zoning Ordinance would not be adversely affected by the nature of the proposed use.

There would not be any nuisance, hazard created to the detriment of the health, safety and/or welfare of the occupants of the proposed use and/or to the citizens of the city. And the proposed use will not impair the integrity of the district and adjoining district otherwise derogate from the intent and purpose of the Ordinance.

The Board finds that this is a most needed and welcome addition to this particular area as it will enhance

the operability of the police department and it is adjacent to an existing maintenance building and that the addition of this building makes is a fair and reasonable request to augment that and have it all in the same general location.

And that the work comply with the plans as submitted.

All those in favor?

(Show of hands.)

BRENDAN SULLIVAN: Good.

(Sullivan, Scott, Hickey, Best, Wernick.)

TIMOTHY SHANNON: Thank you very much.

* * * * *

(9:30 p.m.)

(Sitting Members Case BZA-009582-2016: Brendan Sullivan, Thomas Scott, George S. Best, Andrea A. Hickey, Laura Wernick.)

BRENDAN SULLIVAN: The Board will hear case No. 009582-2016, 33 Kinnaird Street.

Is there anybody here on that matter?

(No Response.)

BRENDAN SULLIVAN: I see nobody in attendance.

The Board is in receipt of a correspondence from Hope Legal Law Offices regarding 33 Kinnaird. (Reading)

Please accept this request on behalf of the petitioner to continue BZA case No. 009582 to allow additional time to continue discussion with interested neighbors and abutters.

We apologize for the delay and look forward to presenting the Variance application once the parties have had a full opportunity to discuss the details and merits of the requested relief. Thank you for your time and attention,

Sean Hope.

The request is to continue this matter until April 28th as a case not heard if the docket will allow.

So on the motion to continue this matter to April 28th -- signage is not required or --

SEAN O'GRADY: Just give me the Monday and the

signage.

BRENDAN SULLIVAN: Okay.

So that on the condition that the petitioner change the posting sign to reflect the new date of April 28th at seven p.m.

And that if there are any changes to the plans, that the petitioner have it in by five p.m. on the Monday prior to the hearing date of April 28th.

All those in favor of granting the continuance?

(Show of hands.)

BRENDAN SULLIVAN: Five in favor.

(Sullivan, Scott, Best, Hickey, Wernick.)

(Whereupon, at 9:30 p.m., the

Board of Zoning Appeals Adjourned.)

* * * * *

ERRATA SHEET AND SIGNATURE INSTRUCTIONS

The original transcript and Errata Sheet has been delivered to Inspectional Services Department.

INSTRUCTIONS

After reading this volume of the Zoning Board of Appeals transcript, note any change or correction and the reason therefor on this sheet. Sign and date this Errata Sheet.

PAGE	LINE	
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I have read the foregoing transcript of the Zoning Board of Appeals, and except for any corrections or changes noted above, I hereby subscribe to the transcript as an accurate record of the statement(s) made by me.

C E R T I F I C A T E

**COMMONWEALTH OF MASSACHUSETTS
BRISTOL, SS.**

I, Catherine Lawson Zelinski, a Certified Shorthand Reporter, the undersigned Notary Public, certify:

That the hearing herein before set forth is a true and accurate record of the proceedings.

IN WITNESS WHEREOF, I have hereunto set my hand this 13th day of April, 2016.

Catherine L. Zelinski
Notary Public
Certified Shorthand Reporter
License No. 147703

My Commission Expires:
April 29, 2022

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