

July 15, 2021

BOARD OF ZONING APPEAL
FOR THE
CITY OF CAMBRIDGE

GENERAL HEARING

THURSDAY, JULY 15, 2021

6:00 p.m.

Remote Meeting

via

831 Massachusetts Avenue
Cambridge, Massachusetts 02139

Constantine Alexander, Chair

Brendan Sullivan, Vice Chair

Wendy Leiserson

Laura Wernick

Slater W. Anderson

City Employees

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617.547.5690

transcripts@ctran.com

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

2 (6:00 p.m.)

3 Sitting Members: Constantine Alexander, Brendan Sullivan,
4 Wendy Leiserson, Laura Wernick, and Slater
5 W. Anderson

6 CONSTANTINE ALEXANDER: Welcome to the July 15,
7 2021 meeting of the Cambridge Board of Zoning Appeals. My
8 name is Gus Alexander and I am the Chair.

9 This meeting is being held remotely, due to
10 statewide emergency orders limiting the size of public
11 gatherings in response to COVID-19, and in accordance with
12 Governor Charles D. Baker's Executive Order of March 12,
13 2020, temporarily amending certain requirements of the Open
14 Meeting Law; as well as the City of Cambridge temporary
15 emergency restrictions on city public meetings, city events,
16 and city permitted events, due to COVID-19, dated May 27,
17 2020.

18 This meeting is being video and audio recorded,
19 and is broadcast on cable television Channel 22 within
20 Cambridge. There will also be a transcript of the meetings
21 in due course.

22 All Board members, applicants, and members of the

1 public will state their name before speaking. All votes
2 will be taken by roll call.

3 Members of the public will be kept on mute until
4 it is time for public comment. I will give instructions for
5 public comment at that time, and you can also find
6 instructions on the city's webpage for remote BZA meetings.

7 You will have up to three minutes to speak. That
8 rule, because I anticipate a lot of folks who want to speak,
9 we're going to try to enforce that rule pretty tightly.

10 So if after two minutes and 30 seconds someone is
11 still speaking, he or she will be alerted you have 30
12 seconds left. At the end of those 30 seconds, that will be
13 it, and that person's mic will be cut off and we'll move on
14 to the next person or matter to be determined.

15 I'll start by asking the Staff to take Board
16 member attendance and verify that all members are audible.

17 SISIA DAGLIAN: Laura Wernick?

18 SLATER ANDERSON: Slater Anderson.

19 LAURA WERNICK: Laura Wernick is here.

20 SISIA DAGLIAN: Okay, Slater?

21 WENDY LEISERSON: Wendy Leiserson.

22 SISIA DAGLIAN: Wendy, okay. You're audible.

1 Brendan?

2 BRENDAN SULLIVAN: Brendan Sullivan present.

3 SISIA DAGLIAN: And Gus.

4 CONSTANTINE ALEXANDER: Okay. All right. It's
5 been verified that all members of the Board are on. And so
6 we'll go to our first case.

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2 (6:02 p.m.)

3 Sitting Members: Constantine Alexander, Brendan Sullivan,
4 Wendy Leiserson, Laura Wernick, and Slater
5 W. Anderson

6 CONSTANTINE ALEXANDER: Our first case is Case
7 Number 127462 -- 197 Vassal Lane. Anyone here wishing to be
8 heard on this matter?

9 DAVID KALE: Yes, Mr. Chair.

10 CONSTANTINE ALEXANDER: Yes?

11 DAVID KALE: Okay. My name is David Kale. I'm
12 the Assistant City Manager of Fiscal Affairs, and I'd like
13 to make an opening statement and introduce to you other
14 members who will be making a presentation to the BZA this
15 evening.

16 CONSTANTINE ALEXANDER: Okay. Before you do that,
17 it's my understanding -- and correct me if I'm wrong -- is
18 that certain of the relief that has been advertised is not
19 going to be sought tonight.

20 We want specifically the signage relief and the
21 relief regarding 80 percent solar energy system coverage.
22 Am I correct?

1 DAVID KALE: You are correct, Mr. Chair.

2 CONSTANTINE ALEXANDER: Okay. Let's talk about
3 the procedure for these two cases, which will be heard
4 presumably sometime in the future. We will continue the
5 case tonight, and take a vote -- this Board will.

6 The usual procedure is that we'll require the City
7 -- someone on behalf of the City -- to sign an extension of
8 time, because under the state law, we must decide cases
9 within a certain period of time from when the case is filed.

10 The standard form -- everybody who's continued the
11 case with our Board signs it.

12 Once that is done, and once you are ready -- or
13 the city, I should say -- is ready to proceed with these two
14 continued matters, we will follow the procedures essentially
15 for a new case.

16 We will -- you will be required to, or the city
17 will send out notices to all people who receive notices of
18 this meeting -- neighbors and abutters -- I think you're
19 withdrawing it?

20 DAVID KALE: Yes.

21 CONSTANTINE ALEXANDER: I'm sorry. I was told
22 that we're continuing.

1 BRENDAN SULLIVAN: No.

2 CONSTANTINE ALEXANDER: I'm sorry.

3 BRENDAN SULLIVAN: Yeah, it's those two items are
4 being withdrawn.

5 CONSTANTINE ALEXANDER: I'm sorry, I was
6 misadvised. I misunderstood. Okay. Those two elements of
7 the case are gone; they're withdrawn. Therefore, the relief
8 -- no relief will be granted.

9 So we'll turn to the other matters that are
10 identified in the advertisement for the case. And so with
11 that, the floor is yours, sir.

12 DAVID KALE: Thank you. Members of the BZA, good
13 evening. We have reached an important milestone in this
14 project, and are pleased to have this opportunity to present
15 to you information on the Tobin Montessori and Vassal Lane
16 Upper School Building project.

17 This project is an important investment in public
18 education and in the community. We're hoping to receive
19 your positive feedback on our application.

20 I will note that the Planning Board voted
21 unanimously this week to strongly support this proposal and
22 recommends that the BZA grant the request and relief.

1 CONSTANTINE ALEXANDER: Sir, in due course I will
2 read -- we did receive a memo from the Planning Board
3 outlining and describing what action they're taking and what
4 recommendations they're making. I will read that into the
5 record in due course.

6 DAVID KALE: Thank you. As you already noted, we
7 are withdrawing our request contained in our application for
8 relief from signed requirements -- quantity, size and
9 allowances, and we are withdrawing our request for relief
10 related to the 80 percent solar energy system of coverage,
11 as you have noted.

12 This project is much needed, and continues our
13 ongoing investment in our community. With the construction
14 of this new school, we will be able to provide adequate
15 space to educate our students, provide for a new DHSP
16 preschool with four new classrooms, as well as provide for
17 Special Start and Autism Spectrum disorder program.

18 In addition, this project provides for pedestrian
19 and bike paths, and incorporates several features to support
20 the city's sustainable goals. The fields and parks will
21 also be improved with the new soccer field, improved Little
22 League field, and new playground structures, which will

1 enliven the open spaces and increase the usability for all

2 There is a great amount of information that we
3 will provide to you to support our application, and I hope
4 the following presentation by our design team will help to
5 facilitate your appreciation and understanding of the
6 project's goals and requested relief.

7 We have several City and school staff at the
8 meeting tonight to answer any questions, as well as our
9 design team from Perkins Eastman. Presentations will be
10 made by Dan Coplon-Newfield, Head of School of the Vassal
11 Lane Upper School, followed by Dan Arons, Principal of
12 Perkins Eastman, and then by Jamie Frost, Principal of the
13 Tobin Montessori School.

14 We thank you for your time tonight, and now I will
15 turn it over to Dan to do his presentation. Thank you.

16 CONSTANTINE ALEXANDER: Thank you.

17 DANIEL COPLON-NEWFIELD: Thank you members of the
18 Board. I appreciate the time. I hope you're having a good
19 evening.

20 So my name is Daniel Coplon-Newfield. I am the
21 Principal of the Vassal Lane Upper School located at 197
22 Vassal Lane, upstairs from the Tobin Montessori School. For

1 just some quick context, the Vassal Lane Upper School is a
2 six-story middle school, of which there are four others in
3 the city. We get -- our students come from the Tobin
4 Montessori downstairs, the Haggerty School and the Graham
5 Park School.

6 In addition to our General Education program, we
7 have two other programs that exist in our school. We have
8 our program for students with language-based learning
9 disabilities, and soon we'll add a fourth program for our
10 students with autistic spectrum disorders.

11 In addition to that, we are the middle school
12 program for students who are learning English for the first
13 time in our sheltered English immersion program. And as a
14 result, we have -- you know, we are the largest of the upper
15 schools in the city, and are expecting -- as I'll talk about
16 briefly -- expecting to continue to grow that size for us.

17 So one of -- the first thing you should know about
18 the Vassal Lane Upper School is that we are 10 years old,
19 and we are in a building space that was not designed for us.

20 It was designed as a K-8 school and not to house
21 300+ Upper Schoolers. We have cramped hallways, poor
22 sightlines, and in addition the school was just not designed

1 as a middle school, it wasn't designed for teeming and
2 clustering of teams.

3 And in addition, we don't have a front door
4 presence in our current building. Our school is on the
5 third floor, and in order to get to our main office, you
6 have to come in through the front door by ringing the bell
7 at the Tobin getting brought in up a ramp up another flight
8 of stairs to find our main office.

9 This creates some real not just traffic flow
10 problems, but just a general sense of, like, where is our
11 school and how do families -- particularly our families in
12 our SEI program, who are new to schooling in America -- how
13 do they find those places?

14 All right. As you'll hear later tonight, our
15 building at 197 Vassal is past its shelf life, particularly
16 on the third floor. This affects this pretty greatly, given
17 that any given significant or not so significant rain or
18 snowstorm, the roof leaks regularly in multiple places, and
19 significantly throughout the year.

20 And while we love sharing our space with our Tobin
21 friends and we do a really nice job sharing that space, it's
22 worth mentioning that it's worth mentioning that our school

1 -- our entire building is designed and structured based on
2 when we have availability of space, not based on
3 programmatic needs; not based on our philosophy as a middle
4 school.

5 We lack a full-sized gym, we lack a cafeteria big
6 enough to house all of our students and have school lunches
7 at a time that makes sense for us, rather than when it's
8 available to us.

9 And as I said earlier, we are a growing school
10 population. Our general education numbers and the addition
11 of the ASD strand to our programming and the SEI program
12 continue to make us a larger school.

13 Next year will be our largest student Census as a
14 three-year, you know, for our sixth-grade students. And
15 that is expected to continue.

16 We are moving into a space this summer similarly
17 not designed for a sixth-grade school, and one that was not
18 specifically designed for our projected enrollment. We will
19 make it work; we always make it work, but every year that
20 our students and families are without a school that was
21 built for them creates a hardship for them and their
22 families and our staff.

1 The project has already, as you know, been delayed
2 by a year because of COVID, and we are the third school in
3 line to get a middle school built for middle school
4 students.

5 So we've spent 10 years waiting for us to start
6 this four-year project, and we are anxiously looking forward
7 to it getting started to build a space that was really built
8 and designed with middle school students in mind for their
9 staff and their families as well.

10 So we're really looking forward to it, and we look
11 forward to getting this relief so that we can have this
12 project built on time, and we can open in September 25.

13 And I am going to turn it over to my friend, Dan
14 Arons.

15 DAN ARONS: Thank you, Principal Dan. And thank
16 you, Mr. Chairman and the Board. We've been very much
17 enjoying working with the school and the city on this for a
18 couple years.

19 We would like to share with you a presentation
20 that first off highlights those elements that Dan was just
21 talking about -- the components of the project include on
22 the next slide not only the Tobin-Montessori School and the

1 Vassal Lane Upper School, but a preschool for classes that
2 the city is working to increase that program, as well as a
3 community school, after school.

4 And then important site elements, including the
5 improvements to Father Callanan playground, as David was
6 talking about; An important resiliency element, a stormwater
7 infrastructure improvement that is to relieve problems of
8 water moving across the neighborhood. It's not just a
9 school infrastructure -- a problem that already exists that
10 will be only worse in the coming years.

11 The project also includes underground parking and
12 soil remediation, and we will talk about that in the coming
13 moments.

14 The existing and proposed work is something we'd
15 like to share with you. The site, as you know, is between
16 Vassal Lane and Concord Avenue close to Fresh Pond and the
17 Fresh Pond Parkway.

18 It's an irregular site, and has made the project
19 primary challenging.

20 So let's look just ever so briefly at the history
21 of this. It goes all the way back to the glaciers, but we
22 won't spend a lot of your time tonight on that. But because

1 of that, there are some wonderful clay deposits, as there
2 are in a few spots, but uniquely to this site.

3 This was a clay pit and brick manufacturing site.
4 And from that, the city had a wonderful hole into which
5 waste was deposited, and is in fact still there, making
6 development of the sites quite challenging.

7 The next slide will zoom in a little bit on the
8 extent of that clay pit. It's much of this 9.2-acre site,
9 and continues across to the Massachusetts Armory on the
10 adjacent site on Concord Avenue.

11 The existing building sits on both Res B and open
12 space zones. An interesting point is that the zoning was
13 done after the 1971-1972 construction of the Tobin School.
14 But if you look at the next plan, you'll see that the school
15 sits on Vassal Lane. The Callanan playground sits on
16 Concord Avenue.

17 The plan is very much the same. We propose in the
18 next slide straddling the Res B and OS [open space] zones,
19 in much the same location. But as you heard, the program
20 has grown. And so while the footprint is quite similar, the
21 size of the building is in fact a bit larger.

22 The next slide shows the planning organization --

1 the programming diagram that, again, from Concord Avenue has
2 the Callanan playground, and from Vassal Lane has the
3 schools, the classrooms and support spaces.

4 And then shared spaces -- gym and auditorium,
5 cafeteria, are moved to the middle of the site. And you'll
6 see soon why that's so important.

7 Through our conversations with the community --
8 the next slide -- you'll see that we are pulling the
9 building, the massing, away from Callanan Playground, away
10 from the nearby neighbors on Alpine Street.

11 And the vehicular access is from Vassal Lane with
12 a bus loop on the left or west side, closest to the
13 Commercial area, which is an important connection.

14 And then a small arrow -- excuse me -- indicates
15 where cars, passenger cars, would enter and go underneath
16 the building. There is not surface parking plan for this
17 site.

18 And not only is the building moved towards the
19 south, but we have designed to have the lowest part of the
20 building closest to the Alpine neighbors on Vassal Lane
21 growing a bit towards the commercial district and reserving
22 the inside of the site for the largest, highest mass of the

1 building.

2 This massing puts the building between
3 Constitutional designed Article 97 open space, which is in
4 the process of being adjusted, and extends beyond Callanan
5 Playground, and a stormwater storage tank that I mentioned
6 is very important for resilience on the left and west side
7 of this rather irregular site.

8 And so you'll notice that we're not asking for
9 relief as to setbacks. The proposed building is by rights
10 and outside of the setbacks. In fact, if you look at the
11 right-hand side of the existing and the left-hand side,
12 you'll see as compared to the proposed, the proposed has
13 greater setbacks.

14 Because we're trying to provide as much green
15 space and distance between the property line and the
16 building as possible.

17 So the proposed site plan is this. We can see
18 that it's a very green area. In fact, in front of the
19 building is a green area, including a [36:02 indiscernible]
20 which are actually -- they're lovely, naturalistic areas,
21 but they're actually part of the stormwater control and
22 management.

1 Right now, there's a bus loop that's right in
2 front of the building. And so we've moved that, tucked it
3 away to the side on the commercial area.

4 So with that, let's talk a little bit about what
5 Daniel was talking about in terms of building beyond its
6 shelf-life, or beyond its useful role. This is a building
7 on the exterior.

8 It doesn't take long walking around to see that
9 windows have been leaking. The concrete block has been
10 stalling; in fact you can see exposed rebar that doesn't
11 have any concrete cover anymore. A lot of work is needed to
12 fix that, if it even could be.

13 So the inside, the interior: Daniel mentioned the
14 water coming down in buckets -- literally in buckets. The
15 HVAC system does not provide proper ventilation, and the
16 rooms with be 60-degree angles cut out of them; it's just
17 not very good for furniture layouts or modern teaching and
18 group learning.

19 So let's step back a little bit, and look at the
20 view -- existing and proposed from Vassal Lane. You'll see
21 that we propose a building that is much more open, that has
22 activity with a green sword between protected trees along

1 Vassal Lane and the building, and has a residential scale.

2 And from the Callanan Playground side, that's
3 where the more civic side is with the gyms. But again,
4 windows that look out to the playground and a friendlier
5 look to it than the existing.

6 And let's now take a look around at the entrances.
7 There are four different programs and five entrances to the
8 building. Here you see Vassal Lane -- the Vassal Lane
9 entrances to both Vassal Lane Upper School and the Tobin
10 Montessori School.

11 And if we go around sort of clockwise moving first
12 towards Fresh Pond, we see the entrance to the preschool
13 protective opening.

14 If we go a little bit farther, we get to the bus
15 drop-off where a lot of the students will be coming in a
16 canopy protection; bicycles distributed around all of the
17 entrances, including Bluebikes already planned for.

18 And then from the Callanan Playground, we see the
19 more civic scale, also with bicycle routes and connections
20 to playgrounds.

21 When you go into the building from these
22 entrances, they all join up in what we call the heart of

1 school. This is a place that has enough breathing room; for
2 students to pass for different age students to go in
3 different levels, and also to connect to the natural
4 environment.

5 And speaking of the natural environment,
6 sustainability has been a very important aspect of the
7 project from the beginning. This will be, of course, a Net
8 Zero emissions building, not burning fossil fuel. It's also
9 going to be the most energy efficient of the schools so far,
10 and approaching Net Zero energy, meaning it will make its
11 own power on site.

12 Now, that's a little bit challenged by the reduced
13 footprint.

14 But that's something that is certainly a goal.
15 There are other goals related to education and
16 sustainability, stormwater and sustainability and reduction
17 of embodied (sic) carbon. So a lot going on there in
18 addition to sort of providing improved site resources.

19 So let's get to the relief that is requested. You
20 know, I think you've heard that a lot of this relief is
21 borne of the unique site conditions; not only in terms of
22 the geometry, but also the topography -- the fact that we

1 are building over a clay pit. The bedrock is some 60 feet
2 below the grade, and so deep foundations are required.

3 But while the bedrock is low, the groundwater is
4 high, and the groundwater is in contact with some of the
5 waste of the last/previous decades. And so there's a lot of
6 work to be done around that.

7 So these challenges would be true for any
8 development of the site. The relief we're requesting has to
9 do with Section 4.25 of the procedural requirements, and you
10 have the Planning Board's letter on that. It's for floor
11 area ratio, height and for the vehicular aisles, as well as
12 a special permit for tandem parking. We'll take these one
13 at a time.

14 In terms of the community process, we have not
15 only met and listened to the community over about two years,
16 but we have also adjusted the program.

17 We've taken away four of the preschool classrooms
18 that the city is trying to build across the city, as well as
19 two community school classrooms. These are programs that
20 will need to be provided elsewhere, but we still have some
21 of that, and we hope to be able to be provide that through
22 this proposal.

1 Our meetings have numbered many, including 15
2 community meetings and special topic meetings, as well as 85
3 Focus Group meetings and departmental meetings. So over 100
4 meetings so far. And believe we've gotten good feedback
5 along the way.

6 The next question is regarding the floor area
7 ratio. This is largely a result of the very important
8 programs that the city would like to provide here and
9 provide in a timely way. And you see there that that goes
10 for both Res B and open space.

11 Next up is the building height. And here the
12 building, as I mentioned, is of various heights. It's
13 lowest 42 feet closest to the nearest neighbors and rises
14 along Vassal to the left to 55-foot-six.

15 In the back, where we have the more civic scale,
16 the auditorium on the left is a bit over 57 feet, and the
17 gym on the right about 63 feet, with a rectangle in the
18 middle -- not only the middle of the site, but the middle of
19 the back of the building that's just over 70 feet.

20 And that is the fly loft, or space above the --
21 that's required above the stage, in order to lodge sets and
22 provide lighting and the like.

1 We can quickly look at the elevations, which are
2 provided in your package. But from Vassal Lane, you can see
3 that the lower end of the building on the right is closer to
4 the neighbors at 42 feet, and the Vassal Lane Upper School
5 is 55-foot-6 on the left-hand side of the page.

6 And if we look from the civic side, the north and
7 Callanan Playground, you can see -- you know, maybe just
8 point out that that fly loft which is in the middle is the
9 highest point and it's away from the building.

10 If we look from the east, in this case we're
11 looking at Vassal Lane on the left and Callanan Playground
12 on the right, with the academic -- lower academic wing close
13 to Vassal Lane and the higher Civic gym on the right-hand
14 side.

15 And from the west, again now Vassal Lane is on
16 your right, and the Callanan Playground and Armory are to
17 your left. This is a bit higher, and this is closer to the
18 commercial zone.

19 So then the final topics -- two elements of cars
20 to talk about, the first being tandem parking. Now, all of
21 the parking is underground. So we're looking at a basement
22 level.

1 And the orange, it's accessed by this serpentine
2 ramp that comes from Vassal. The orange -- highlighted
3 orange spaces -- are tandem spaces, where Staff would
4 partner up and park in others. Now, we request relief, and
5 this would be similar to what was done in open as well as
6 MLK.

7 And then the request regarding the aisles: In
8 this one southwest lobe of parking, we're requesting 16 and
9 16.5-foot lanes in lieu of 20- and 22-foot lanes. And the
10 20- and 22-foot lanes are part of zoning and part of
11 standard practice when you have 90-degree angle parking, as
12 you'd have at many surface lots.

13 In this case, we have one-way traffic, and we have
14 angle parking at 60 degrees. And industry standard is to
15 provide 16- to 16.5-foot drive aisles.

16 We feel that making it wider would actually create
17 more of a dangerous situation than this, because folks
18 dropping off students might be tempted to sneak by the
19 driveway, and that's not something that either our consults,
20 VHB or the City Traffic Department staff would want us to
21 do.

22 So that is a quick look at the requests, and I

1 think that the Principal Jamie Frost is going to wrap us up.

2 JAMIE FROST: Great, thank you. Good evening
3 members of the Board. And thanks for providing me with a
4 couple of minutes just to talk about how important this
5 project is to not only myself, but tonight I speak on behalf
6 of the Tobin Montessori staff, the Tobin families and also,
7 the children at Tobin Montessori.

8 And I'll just build off of what Principal
9 Copeland-Newfield stated, which was not only was 197 Vassal
10 not designed to house a full middle school, but it was
11 definitely not designed to house a Montessori School.

12 We opened our doors in 2007, and since then we
13 have worked tirelessly to create a Montessori environment
14 within that building. We've knocked down walls to
15 accommodate our multi-age classrooms. We've built office
16 spaces for the growing number of interventionists and
17 related service providers.

18 But probably the most important thing we've done
19 is we've really worked hard to create a safe environment and
20 child-friendly environment for our three-year-olds and our
21 Special Start integrated preschool students as well as our
22 ASD -- autistic spectrum disorder students.

1 That's one thing that's been the toughest about
2 being at 197 Vassal is the existing building was definitely
3 not designed to accommodate the youngest, most vulnerable
4 learners in CPSD, and either (sic) is the swing space that
5 we're moving into for quite a period of time.

6 We need a building that can accommodate both the
7 physical and social and emotional needs of these young
8 students, and it really can't wait. They need appropriately
9 sized bathrooms to accommodate toilet training. We need
10 spaces for children who need sensory input. We need space
11 where students can just go and move their bodies. You know,
12 the list just goes on and on.

13 And beginning in September, our ASD population is
14 growing. We're gaining a new classroom, and we are also
15 expanding our Special Start programming. And we're so
16 excited to offer high-quality early childhood experiences,
17 and we just need a building that makes this accessible to
18 all of the children and families.

19 So with that, I think I'll turn it back over to
20 David maybe?

21 DAVID KALE: Thank you. So that concludes, Mr.
22 Chair, our presentation. And then obviously we're available

1 for questions that the BZA may have.

2 CONSTANTINE ALEXANDER: The you. We will -- I'll
3 make the members of the Board available to ask any questions
4 they wish at this stage, and then we'll go on to public
5 commentary.

6 But before I do that, I want to put into the
7 record two things: one is a memo or a letter we received --
8 we being the Board of Appeals -- from the Planning Board
9 dated July 14. And I will read it in full.

10 "The Planning Board reviewed this BZA application
11 -- " this BZA application is obviously 197 Vassal Lane "--
12 during a meeting on July 13, 2021 and voted to forward the
13 following recommendation to the BZA:

14 "The Planning Board strongly supports this
15 proposal and recommends that the BZA grant the requested
16 relief. The proposal represents a vast improvement over the
17 present conditions of the school building and open space on
18 the site.

19 "The expanded school facilities will provide
20 better educational opportunities for the children of
21 Cambridge and programs serving the needs of the larger
22 community.

1 "The project will also achieve high standards of
2 energy performance in support of the city's environmental
3 goals.

4 "The zoning relief being sought appears to be
5 relatively minor, particularly given that the additional
6 building height and volume is scaled to be minimally visible
7 from public ways.

8 "Given the discussion at the Planning Board and
9 the years of public design process that has preceded this
10 review, the procedural requirements of Section 4.25 of the
11 zoning ordinance would not seem to provide any further
12 information that would benefit the city's decision-making.

13 "As the design of the building and site
14 progresses, there are two areas where the Planning Board
15 would encourage the project team to make continued efforts.
16 Board members encourage striving for as much tree canopy as
17 possible, given the Board's urban forest goals and
18 priorities.

19 "Board members are also hopeful that as the
20 architectural design advances, the façade will incorporate
21 character, texture and scale to achieve visual interest for
22 people outside the building, while still complying with the

1 internal constraints of the school building."

2 That's from the Planning Board.

3 We also have received a letter -- we being the
4 Board of Zoning Appeals -- from the Parking and
5 Transportation Demand Management Planning Officer, and the
6 number of pages in length, and a lot of it is just data --
7 statistics and the like.

8 But the bottom line is -- I'll read you the
9 sentence from the first paragraph:

10 "The final decision -- " the decision they made "
11 -- is an approval." So there's an approval from Parking and
12 Transportation Demand Management, parking.

13 With that -- that's I think important to the
14 record, important for the audience, and for my fellow Board
15 members to be aware of the advice you're receiving from
16 other Boards who have a strong interest and expertise in
17 what is being proposed tonight.

18 Okay, with that, Brendan, do you have any
19 questions?

20 BRENDAN SULLIVAN: [Brendan Sullivan] I have no
21 questions at this time.

22 CONSTANTINE ALEXANDER: Okay. Laura?

1 LAURA WERNICK: I agree with the Planning Board's
2 recommendations, particularly about keeping the work on the
3 elevations and trying to make the place more engaging, in
4 line with the neighborhood.

5 But it looks like a great plan, and I think it's a
6 very important project for the community and the city.

7 CONSTANTINE ALEXANDER: Thank you. Slater?

8 SLATER ANDERSON: No comments. I thought it was a
9 good presentation. I think they've made an exceptional
10 effort to get input from the community and modify the plan
11 to satisfy the concerns and needs of the school and the
12 community and neighbors. So thank you.

13 CONSTANTINE ALEXANDER: Thank you. And Wendy?

14 WENDY LEISERSON: Hi. Yes, I do have just a
15 couple of questions, based on having listened to the
16 Planning Board presentation, which I thought was also good.
17 But I --

18 CONSTANTINE ALEXANDER: Excuse me, there's an echo
19 or a noise in the background. That's from you or from us?

20 SISIA DAGLIAN: It sounds like a fan or something.

21 WENDY LEISERSON: Ah, yes, sorry. Hold on just
22 one second. It's -- I'm in Plymouth without air

1 conditioning, hang on.

2 [Pause]

3 WENDY LEISERSON: Okay. Is that better?

4 CONSTANTINE ALEXANDER: That's better. [55:05

5 from the transcriptionist: Thank you, Mr. Chair!]

6 WENDY LEISERSON: Great. Okay. Sorry about that.
7 So I just for our records wanted to revisit a couple of
8 points I think were raised by the Planning Board before they
9 reached their recommendation.

10 And I believe, if you could just confirm for me
11 that you had already presented the tree removal points to
12 the city, and you had also already had the arborist look and
13 an expert look at the viability of the mature trees in
14 particular that members of the public were concerned about,
15 and had not found that there would be a viability in either
16 replanting those, and no intrinsic plant value in keeping
17 them consistent with the project. Is that correct, if I'm
18 stating it correctly?

19 DAVID KALE: Dan, do you want to -- or Brendan, I
20 guess, just generally we've met with the Council at their
21 last meeting, and basically had conversations about the
22 trees and basically have looked at -- and again, stated that

1 the trees would be difficult to maintain.

2 And we promised to take a look at that and
3 basically -- but it doesn't appear that as we gather more
4 information that is going to be possible.

5 And then we have looked at trying to take a look
6 at whether or not the trees could be transplanted. But
7 again, that does not look that promising.

8 So I don't know who else would like to chime in on
9 that. Owen O'Riordan had another commitment, but if he's on
10 the call, he can maybe add to that, or Brendan. But I think
11 that summarizes the answer to the question.

12 BRENDON ROY: You've got that correct, yes.

13 WENDY LEISERSON: And so therefore that was part
14 of the Planning Board's consideration already? Right.
15 Okay. Thank you. That's all for now.

16 CONSTANTINE ALEXANDER: Thank you. I will now
17 open the matter up to public testimony, and before I do, I
18 want to make another statement -- well, a couple things. I
19 want to make another statement.

20 As I indicated earlier, each person who wishes to
21 speak will have two minutes to speak, because I anticipate
22 we're going to have a lot of people who wish to speak, we're

1 going to enforce that two-minute rule, as I've indicated
2 earlier.

3 I once again plead -- I make this plea, and no one
4 ever listens to it, but if someone has said something that
5 you want to say, it doesn't help to say it again. We get
6 it. We're not as stupid as we look, except for the Chair.

7 So please keep your comments limited to the two
8 minutes, and the issues at hand.

9 And with that, let me point out one thing. Most
10 of the written opposition to granting the relief being
11 sought by the petitioner that I've seen in our files
12 concerned either the design of the building or the removal
13 of trees. Neither issue involves the Zoning Board of
14 Appeals. Design is a Planning Board issue.

15 And the Planning Board has spoken; it supports the
16 project that is before us tonight. And tree preservation --
17 an important issue for the city -- is not a zoning issue.
18 Our ordinance does not deal with trees. And therefore, it
19 is not a matter that we can consider.

20 Those of you who are concerned with the
21 presentation need to turn to the city boards and city
22 officials charged with tree preservation and maintenance.

1 And with that, I'll now give you the instructions as to how
2 to participate if you wish to speak.

3 Any members of the public who wish to speak should
4 now click the icon at the bottom of your Zoom screen that
5 says, "Raise hand."

6 If you're calling in by phone, you can raise your
7 hand by pressing *9 and unmute or mute by pressing *6.

8 By the way, I should have mentioned, and I will
9 mention now, we have substantial correspondence in our files
10 both from supporters of the relief and those who are opposed
11 to the relief. So we do have a lot of information already
12 before us.

13 With that, Sisia?

14 SISIA DAGLIAN: Yeah. Suzanne Blier?

15 SUZANNE BLIER: Thank you very much. Suzanne
16 Blier, 5 Fuller Place. And I'm going to be mostly reading a
17 letter from Doug Brown, who can't be here.

18 But I was at the Planning Board last night, and
19 one of the things that they noted was that they do not have
20 the power to actually engage on that matter. So just to
21 clear that. And they were really distraught that the city
22 cares so little about trees, and it will take a full 60

1 years to grow what would be needed back.

2 But let me jump in to Doug's statement. "I'd like
3 to speak to you tonight regarding your concern for the public
4 process to date, as well as specifically object to any
5 granting of a variance from the requirements of Section
6 4.25.

7 The first thing we hear from the project team is
8 that the requirements of Section 4.25 are an onerous burden
9 that they are unable or perhaps unwilling to meet, and that
10 regardless such a requirement shouldn't apply to government
11 projects.

12 My answer is that it was specifically written for
13 government projects, "The purpose of this section is to
14 provide for public notification and review of governmental
15 and institutional non-open space development, statutorily
16 exempt from prohibition in designated open space districts."

17 Further, they had four years to prepare, even
18 though they have failed to satisfy the necessary reporting
19 requirement during that time.

20 They now tell us that they've already engaged in
21 enough public process, and that the community has received
22 enough chance for information and input, leaving aside the

1 question of whether the public actually had any input at all
2 in the process. That consisted mostly of City Staff and
3 contractors using up much of every meeting telling us their
4 plans.

5 I would only point out that the public has still
6 received almost no information on the site or landscaping
7 plan. The extent of canopy loss and the amount of paving,
8 the loss of two playing fields and the project's cool factor
9 score what it will be, whether a public playground or
10 otherwise.

11 Thank you.

12 CONSTANTINE ALEXANDER: Thank you. Thank you for
13 taking the time. Sisia, next?

14 SISIA DAGLIAN: Toa Chaney-Rivera?

15 TOA CHANEY-RIVERA: Hi. I'm one of the citizens
16 here in Cambridge. I'm on Sherman Street, and I was not
17 aware about this project.

18 We've been -- the reason why we moved here from
19 Central Square is because of the trees, and because of the
20 community environment, the equipment that you have in terms
21 of nature protecting people.

22 We had an old apartment near Central Square, and

1 it was surrounded by dust by the new buildings that are
2 coming up, thanks to MIT and other condominiums surrounding
3 the area, which -- I mean, it's a bit of a lack of knowledge
4 when it comes to health, right?

5 And so I'm supporting the trees, but I do feel
6 like not -- the community here is not well aware of what's
7 going on. There should be more communication for the people
8 that live here and get them involved. I have put posts up
9 around the community, and somebody seems to just go around
10 and chain them off.

11 I'm not saying that I'm doing something extremely
12 wrong; however, I see signs about cats that have been lost
13 and they finally found the guy who kills them. But the fact
14 that you're able to keep signs about cats, but you're not
15 able to keep up signs about trees to educate the community,
16 that's very disappointing.

17 I do feel like there should be another way to
18 communicate to the people other than next-door neighbors.
19 My husband is also an architect, and I also did design
20 school at the BAC, as well as the GSD, so I'm well aware of
21 the design development of the construction.

22 So I do think that it should be reconsidered, the

1 proposal for the water park where it's blocking the streets.

2 CONSTANTINE ALEXANDER: We'll move on to the next
3 person.

4 SISIA DAGLIAN: Phone number ending 8311.

5 HEATHER HOFFMAN: Hello. [Heather Hoffman, 213
6 Hurley Street.] I would like to endorse what Suzanne Blier
7 and through her Doug Brown said. And I want to just add a
8 little bit of history to that.

9 The City Council has passed various ordinances
10 that require additional process -- like public hearings.
11 We're sitting in one. And the city's general reaction to
12 those has been, "it is a pain in our neck."

13 The one I'm most familiar with is the disposition
14 of city property, where for years and years, no matter what
15 was being disposed of, the City Manager asked the City
16 Council to vote for diminution of the process, because it
17 would just be a pain in his neck to go through the entire
18 process of public hearings, writing reports and such that
19 the City Council had created. And I got to say, it was a
20 really good process.

21 And here we're being asked to do the same thing.
22 You know, the city had stepped away from this diminution of

1 process for a while.

2 And you know, if you go down Ames Street and enjoy
3 the parklet outside of Mead Hall, you can thank the question
4 that I asked at the hearing for disposing of that 20-foot
5 strip of Ames Street.

6 I think that the Planning Board was ill-advised to
7 say that they would not have added anything to the question
8 of the non-open space use on open space here, because I
9 think that that would have allowed them to think about
10 various things, including siting of the stormwater and the -
11 - and how the trees were being treated.

12 And I will say that as the previous speaker said,
13 the Planning Board was really very, very concerned about the
14 short shrift that the city was giving the trees.

15 So I hope that you will vote against that
16 particular waiver, because it's not just procedural. It is
17 about making better decisions. Thank you.

18 CONSTANTINE ALEXANDER: Thank you, Heather.

19 SISIA DAGLIAN: Let's see, who else? Mike
20 Nakagawa.

21 MIKE NAKAGAWA: Hello. Mike Nakagawa, 51 Madison
22 Avenue, North Cambridge. My wife was actually a teacher at

1 Vassal Lane Upper School, and my son went there as well.

2 And yeah, I know how the school is, and I can see
3 a lot of good things coming from the design, particularly of
4 the building features. And am supportive generally of the
5 plans and appreciate trying to save the mature trees along
6 the Vassal Lane sides.

7 I am concerned about part of the design in the bus
8 turnaround area and the trees being taken down there, and
9 therefore I would ask that we do not give the variance for
10 Section 4.25 for the non-open space uses within the Open
11 Space District, because we haven't really had that last
12 chance to review some of the design benefits.

13 Over time, there's been lots of design community
14 input, but when it all got put together, we haven't had the
15 final review of what the tradeoffs were. The tree removal
16 plan only came last month, and so we got to see that.

17 And at the Planning Board meeting on Tuesday, they
18 did not allow any public comment on the issue. So there was
19 no final public review of that.

20 And I think overall, there's going to be support
21 for this. But there might be a chance to do a few more
22 things and have a review and allow the public to comment per

1 Section 4.25.

2 And I think that it -- I mean, it's just one part
3 of it. And that would give people that chance to have the
4 input and maybe have a new look at the final tradeoffs of
5 what they really are, and how we want to address them, and
6 maybe some new ideas. Like, we don't necessarily need to
7 buy the Armory for the stormwater tank. Maybe we could use
8 an easement underneath it and let them keep the ownership.

9 So there are other things that could be done, but
10 they need their opportunity to be discussed and if we give
11 the variance from that section, then I think the people lose
12 out in being able to influence the final design stages here.

13 And so I ask that you look at that. Because the
14 city is -- we've had all these climate resilience and tree
15 protection, but the city is doing the largest scale removals
16 of trees here and --

17 SISIA DAGLIAN: Time.

18 MIKE NAKAGAWA: -- actually at Jefferson Park. So
19 thank you.

20 CONSTANTINE ALEXANDER: Thank you.

21 SISIA DAGLIAN: James Williamson?

22 JAMES WILLIAMSON: Thank you. Can you hear me?

1 SISIA DAGLIAN: Yes.

2 CONSTANTINE ALEXANDER: Yes.

3 JAMES WILLIAMSON: Thank you. My name is James
4 Williamson. 1000 Jackson Place, Jefferson Park, on the
5 other side of the tracks from this site. And I went to one
6 of the meetings. I think -- I hope you'll listen.

7 If -- you know, if you want to find out whether a
8 black person got beaten up by cops, you ask the police? No,
9 you ask the people in the community and the individuals
10 involved, "Was there an adequate community process."

11 I mean, the idea that you're going to take the
12 word of the people who are promoting this -- for all the
13 decent aspects of it -- as far as the community process is
14 kind of offensive, you know? Ask the people in the
15 community how the community process was.

16 Secondly, the Planning Board -- I know there's at
17 least one member of the BZA who has in the past said they
18 listen to what goes on at the Planning Board on BZA cases,
19 and don't necessarily just go with what's the written
20 version of it.

21 If that was the case, and for anyone who didn't
22 listen, there were numerous, strenuous objections and

1 concerns raised about this project by members of the
2 Planning Board about the trees; about the retention tank,
3 about skirting the process that's the established process.

4 Why is that seen to be necessary, if only just to
5 mute the opportunity for discussion and proper evolution of
6 the concerns in fact of the community?

7 And, like a --

8 SISIA DAGLIAN: 30 seconds --

9 JAMES WILLIAMSON: -- crooked politician on the
10 Senate floor after saying, "Yeah, I don't really like --
11 they didn't really provide evidence of Weapons of Mass
12 Destruction, but I'm for the invasion." So that was quite
13 disturbing.

14 And finally, on June 28, Owen O'Riordan at the
15 Council meeting said the reason why you can't do anything to
16 protect these trees is because of the retention tank. And
17 he was asked explicitly by Councillor McGovern, is it
18 because of the retention tank? And he said, "Yes, it's
19 because of the retention tank."

20 But at the Planning Board Tuesday night, the city
21 -- the person in charge of construction for the city --
22 Brendan -- said, "Oh, it's because of the construction.

1 It's not because of the retention tank." Can they not get
2 their story straight? Can we have a little --

3 SISIA DAGLIAN: James?

4 CONSTANTINE ALEXANDER: James, James?

5 JAMES WILLIAMSON: -- decent honesty and
6 straightforward, factual accurate information from the
7 people who are supposed to work for us?

8 CONSTANTINE ALEXANDER: James, we're going to cut
9 you off in a few seconds. Please.

10 JAMES WILLIAMSON: I look forward to seeing it --

11 SISIA DAGLIAN: Time.

12 JAMES WILLIAMSON: -- eventually.

13 CONSTANTINE ALEXANDER: Thank you.

14 SISIA DAGLIAN: Doina Contescu?

15 DOINA CONTESCUE: Hello, everybody. Can you hear
16 me?

17 SISIA DAGLIAN: Yeah. Yes.

18 DOINA CONTESCUE: Okay. Hi. My name is Doina
19 Contescu. I live with my husband, Jesse Winder, at 59
20 Seville Street; literally almost kitty-corner away from the
21 Tobin School. We've lived here for at least 15 years I
22 think, and I knew about the meetings that were taking place

1 regarding the Tobin School construction.

2 Today is the first day I was able to learn that
3 trees were going to be removed. So I'm not sure exactly how
4 you justify having informed the community and involved the
5 community in the whole process, when this was dropped on us
6 at the very last moment.

7 And what I would like to say is that if there was
8 a will, there would be a way. And I also find it very
9 ironic that the Principal of the school, who was here giving
10 evidence, he had the picture of a tree behind him on the
11 wall while he is out there basically signing the death
12 warrants of these living beings.

13 So I'm extremely upset. I hope that you will make
14 this process longer, so that we can actually understand
15 better why you chose to remove the trees, and -- well,
16 anyway, we are all watching you guys.

17 And we want you to do your job for us, which is to
18 protect not just the environment for the children, but also
19 the environment for the entire community.

20 CONSTANTINE ALEXANDER: Let me comment, please,
21 again. I thought I made this point before, but obviously
22 it's not registering. We do not, as a Zoning Board --

1 Zoning does not concern itself with trees.

2 Whether to preserve the trees, not to preserve
3 them, that's not within our jurisdiction, and that's not
4 appropriate for comment tonight. It just -- it's just not
5 relevant to what we have to decide tonight.

6 Furthermore, it appears -- I wasn't there -- it
7 appears that the Planning Board is of the same opinion. And
8 that's why they didn't spend much time on trees at their
9 hearing.

10 I can't speak for the Planning Board. I can speak
11 for the Board of Zoning Appeals; we don't have authority to
12 deal with the tree issue. There should be something in the
13 City -- some body, some person who has responsibility for
14 that. But that person or body is not this Board.

15 We'll resume calls.

16 SISIA DAGLIAN: I don't see other hands raised.

17 CONSTANTINE ALEXANDER: Okay. I gather public
18 commentary has been completed. I guess it's time for us to
19 move into a discussion on the merits. As I mentioned
20 before, we do have abundant commentary in writing in our
21 files, or in the files for this case -- some in support,
22 some in opposition.

1 But as I said before, I don't propose to read each
2 and every one of them into the record.

3 So that's it. Time for a decision. I'll make a
4 motion -- I think that's the way to proceed -- to grant the
5 relief, and we'll take a vote, and then see how the vote
6 turns out.

7 The Chair moves that we make the following
8 findings with regard to the -- and we're only going to talk
9 about right now the variance for -- the variance that's
10 being sought, not the special permit:

11 That a literal enforcement of the provisions of
12 the ordinance would involve a substantial hardship. We're
13 talking about the granting of -- the reasons why we can
14 grant the variance.

15 That the hardship is owing -- and this is
16 important -- owing to circumstances relating to the soil
17 conditions, shape or topography of such land or structures,
18 and especially affecting such land or structure, but not
19 affecting generally the zoning district in which it is
20 located.

21 And that lastly, that desirable relief may be
22 granted without substantial detriment to the public good, or

1 nullifying or substantially derogating from the intent or
2 purpose of this ordinance.

3 So on the basis of all of these findings, the
4 Chair moves that we grant the variance being requested on
5 the condition that the work proceeds in accordance with the
6 set of four different sets of plans that are in our files;
7 each one of which has been initialed, the first page or
8 second page of which has been initialed by the Chair.

9 Excuse me -- we're taking a brief recess.

10 [BREAK]

11 CONSTANTINE ALEXANDER: Brendan, how do you vote?

12 BRENDAN SULLIVAN: I would support this. And I --
13 to do due diligence watched both the City Council discussing
14 this matter, and also watched the Planning Board last
15 Tuesday night. And I must say that the questions from the
16 Council were very direct, and really covered every facet of
17 the project.

18 And that the answers that were given also were
19 very much on point, and seemed very -- appeared very logical
20 to me by all of the engineers, by the commissioner, by the
21 architect and his staff and team.

22 And so any of the questions that I had going into

1 this were some of the questions, obviously, that were raised
2 by the general public I found the answers to them last
3 Tuesday night during the Planning Board. I watched that
4 entire proceeding.

5 And yes, Ted Cohen did initially raise the issue
6 of the 4.25 procedural requirement, and that whether or not
7 that should be waived. And the other members of the Board
8 really didn't chime in.

9 Ted had made that comment from the beginning of
10 the discussion toward the end of the discussion. He
11 basically said that he didn't find that enforcing that to
12 the letter [I believe, and I don't want to mis paraphrase
13 him] he did not think that it would add anything beyond this
14 hearing's presentations. Hence, that's the language that
15 the Planning Board wrote in their report.

16 They enthusiastically supported it. There was
17 some, obviously, discussion, regarding the trees; that's not
18 part of our purview. And not part of the relief that's
19 being granted tonight. And Hugh Russell made some very
20 pointed observations on that point.

21 So I did watch both of those proceedings. I came
22 away with answers to questions, and so I would support this

1 in the granting of the variance being requested -- the
2 variances being requested.

3 CONSTANTINE ALEXANDER: Ms. Wernick? How do you
4 vote?

5 LAURA WERNICK: I vote in favor of the motion.

6 CONSTANTINE ALEXANDER: I'm sorry. I didn't catch
7 that.

8 LAURA WERNICK: I vote in favor.

9 CONSTANTINE ALEXANDER: Okay, thank you. Sorry.
10 Slater?

11 SLATER ANDERSON: Slater Anderson votes in favor
12 of the requested variance.

13 CONSTANTINE ALEXANDER: Okay. And Melissa?

14 BRENDAN SULLIVAN: Wendy.

15 WENDY LEISERSON: Melissa?

16 BRENDAN SULLIVAN: Wendy.

17 CONSTANTINE ALEXANDER: Wendy. I'm sorry --
18 Wendy.

19 LAURA WERNICK: [Wendy Leiserson.] Thank you. I am
20 going to vote in favor as well, but I also, like Brendan,
21 want to express to members of the public that I gave
22 considerable attention to the impact of a variance seeking

1 to get around a public hearing.

2 And so I just wanted to say that my read of the
3 variance requirements literally says to me that we have the
4 authority, and that there is hardship in this case that
5 supports granting the variance sought with regard to not --
6 to waiving, rather, the procedural requirements of 4.25.

7 And I just want to say that the -- I share, you
8 know, the public's -- I hear, I want the public to make sure
9 that they know that they've been heard on all of the points
10 that they've raised.

11 We have read the opposition papers that have been
12 submitted. Like Brendan, I also attended the Planning Board
13 and heard all of the arguments there.

14 But with regard to the jurisdiction that we have,
15 with regard to this project and the open space -- the non-
16 open space use on open space land, which is really the very
17 precise reason for 4.25, I do not see a reason that we can
18 fail to grant the variance requested.

19 CONSTANTINE ALEXANDER: Thank you. And to make it
20 I guess unanimous; the Chair will vote in favor of granting
21 the variance.

22 [All vote YES]

1 CONSTANTINE ALEXANDER: I have nothing more to say
2 about why that hasn't been said already by my colleagues in
3 their earlier votes.

4 So with that, let me make it clear that when I say
5 the motion is the work has to proceed in accordance with
6 plans that I referred to, that these -- it doesn't mean that
7 changes cannot be made to the plans that do not relate to
8 the relief requested, so that we're talking about only
9 complying with the plans insofar as it affects the need for
10 further zoning relief, not others.

11 So the variance has been granted with regard to
12 the request. Let's move on to the special permit, which
13 involves -- allows tandem parking, which will provide an
14 additional 33 parking spaces. That requests a special
15 permit.

16 The special permit under our ordinance is quite
17 different than a variance. In fact, the ordinance provides
18 that special permits will normally be granted, where
19 specific provisions of the ordinance are met, and then there
20 are some exceptions.

21 So the Chair moves with regard to the special
22 permit that the requirements of the ordinance cannot be met

1 unless we grant the special permit that's being sought.

2 That traffic generated or patterns of access or
3 egress resulting from what is being proposed will not cause
4 congestion, hazard, or substantial change in established
5 neighborhood character.

6 Keep in mind that the parking is underground, and
7 that the means of egress and access are well-defined, and
8 this project does have the support of the special permit --
9 of the Parking and Transportation Demand Management Planning
10 Office.

11 That the continued operation of or development of
12 adjacent uses, as permitted in the zoning ordinance, will
13 not be adversely affected by the nature of what is being
14 proposed, with regard to parking.

15 In that regard, we've received no communication
16 from the city or abutters, I should say, regarding the
17 parking that would suggest that there will be adverse effect
18 on the continued operation of or development of adjacent
19 properties.

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

1 and generally what is being proposed will not impair the
2 integrity of the district or adjoining district, or
3 otherwise derogate from the intent and purpose of this
4 ordinance.

5 So on the basis of these findings, the Chair moves
6 that we grant the special permit regarding parking that has
7 been requested, on the condition that the work proceed in
8 accordance with plans referred to with regard to the
9 variance we just granted.

10 Brendan, how do you vote?

11 BRENDAN SULLIVAN: Brendan Sullivan yes to
12 granting the special permit.

13 BRENDAN SULLIVAN: Slater?

14 SLATER ANDERSON: Slater Anderson votes yes to
15 granting the special permit.

16 CONSTANTINE ALEXANDER: Okay. Wendy? Melissa?
17 I'm sorry.

18 SISIA DAGLIAN: Wendy.

19 BRENDAN SULLIVAN: Wendy.

20 CONSTANTINE ALEXANDER: Wendy. I asked for Wendy
21 and I got nothing. I got the wrong name. Wendy?

22 LAURA WERNICK: You're still on -- you're on mute

1 again.

2 WENDY LEISERSON: Oh, okay. Hello?

3 LAURA WERNICK: Yes, go ahead.

4 WENDY LEISERSON: Okay. Wendy Leiserson. I'm
5 voting in favor of the special permit.

6 CONSTANTINE ALEXANDER: Okay. And Laura?

7 LAURA WERNICK: Laura Wernick voting in favor of
8 the special permit.

9 CONSTANTINE ALEXANDER: The Chair votes as well in
10 favor.

11 [All vote YES]

12 CONSTANTINE ALEXANDER: The special permit is
13 granted. Excuse me. We're taking a brief recess again.

14 [BREAK]

15 CONSTANTINE ALEXANDER: All right. The recess is
16 over. The case is over. Thank you very much.

17 DAVID KALE: Thank you, Mr. Chair, thank you Board
18 of Zoning Appeals.

19 CONSTANTINE ALEXANDER: You're welcome.

20 DAN ARONS: Thank you very much.

21 CONSTANTINE ALEXANDER: Okay, we'll take a brief
22 recess of a couple of minutes until I get the files for the

1 next case in order.

2 [BREAK]

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2 (7:16 p.m.)

3 Sitting Members: Constantine Alexander, Brendan Sullivan,
4 Wendy Leiserson, Laura Wernick, and Slater
5 W. Anderson

6 CONSTANTINE ALEXANDER: The Chair will now call
7 Case Number #120040 -- 150 Cambridge Park Drive. Anyone
8 here wishing to be heard on this matter?

9 [Pause]

10 CONSTANTINE ALEXANDER: No one wishes to be heard.
11 I would report to the Board that the petitioner's counsel
12 has requested a continuance of this case.

13 Oh, I'm sorry. Jim, you're on the line? Mr.
14 Rafferty?

15 JAMES RAFFERTY: I'm sorry. Can I be heard?
16 [James Rafferty for the petitioner.]

17 CONSTANTINE ALEXANDER: We can hear you now.

18 JAMES RAFFERTY: Thank you. Sorry about the
19 delay. Simply wanted to confirm the written request where
20 the applicant is seeking a continuance, based on the
21 conversations that occurred at the Planning Board in their
22 review of this matter.

1 We would hope if the Board could accommodate us in
2 about two months, that should give us ample time to resolve
3 the design issues that have arisen.

4 CONSTANTINE ALEXANDER: Sisia, what would be the
5 second hearing in September?

6 SISIA DAGLIAN: September? It would be the
7 twenty-third, and there's no other cases that date.

8 CONSTANTINE ALEXANDER: Okay. September 23 okay
9 with you, Mr. Rafferty?

10 JAMES RAFFERTY: Yes. Thank you, Mr. Chair. Very
11 much so.

12 CONSTANTINE ALEXANDER: Okay. The Chair moves
13 that we continue this case until 6:30 -- no, 6:00 p.m. on
14 September 23, subject to the following conditions:

15 That the petitioner sign a waiver of time for
16 decision. That that waiver must be signed and delivered to
17 the Building Department no later than 5:00 p.m. on a week
18 from Monday. If not, the case will be dismissed. Mr.
19 Rafferty, you're familiar with the procedures on that and
20 the nature of the waiver?

21 BRENDAN SULLIVAN: Yes, sir.

22 CONSTANTINE ALEXANDER: Second, that a new posting

1 sign, or a new posting sign or a modification of the
2 existing posting sign reflecting be maintained for the 14
3 days prior to September 23.

4 And that lastly, to the extent -- I guess there
5 will be -- new plans or modified plans, drawings,
6 specifications and the like, they must be in our files no
7 later than 5:00 p.m. on the Monday before September 23. If
8 not, we will not hear the case on September 23.

9 Brendan, how do you vote?

10 BRENDAN SULLIVAN: Brendan Sullivan yes to
11 granting the contact us.

12 CONSTANTINE ALEXANDER: Moving on, Laura? Laura?

13 LAURA WERNICK: Yes to granting the continuance.
14 Thank you. Slater?

15 SLATER ANDERSON: Slater Anderson yes to granting
16 the continuance.

17 CONSTANTINE ALEXANDER: Wendy?

18 WENDY LEISERSON: Yes. Wendy Leiserson yes for
19 granting the continuance.

20 CONSTANTINE ALEXANDER: And the Chair votes yes as
21 well.

22 [All vote YES]

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CONSTANTINE ALEXANDER: The case is continued until September 23.

JAMES RAFFERTY: Thank you. Excuse me, Mr. Chair. Could you confirm the time? Was it 6:30 or 7:00?

CONSTANTINE ALEXANDER: No, it wasn't 7:00. 6:00 actually?

JAMES RAFFERTY: Okay. Thanks very much. Have a good evening.

1 * * * * *

2 (7:20 p.m.)

3 Sitting Members: Constantine Alexander, Brendan Sullivan,
4 Wendy Leiserson, Laura Wernick, and Slater
5 W. Anderson

6 CONSTANTINE ALEXANDER: The Chair will now call
7 Case Number # 119516 -- 30 Vassal Lane. Anyone here wishing
8 to be heard on this matter?

9 JAMAAL SIDDIQUI: Hi. Jamaal Siddiqui from New
10 England Design Construction representing Kathleen and Marion
11 Reine for 30 Vassal Lane.

12 CONSTANTINE ALEXANDER: Okay. And what relief are
13 you seeking, and why should we grant the relief?

14 JAMAAL SIDDIQUI: There is an existing window --
15 kitchen window -- that we're trying to expand by a few
16 inches. It's within a rear setback of the property. It's
17 staying in the current location.

18 It's a very small, minor request that we're
19 making. We have done previous projects in Cambridge,
20 similar size, for large windows that were within a setback.

21 CONSTANTINE ALEXANDER: Okay. And that's it?

22 JAMAAL SIDDIQUI: That is it.

1 CONSTANTINE ALEXANDER: Thank you. Questions from
2 members of the Board? Brendan?

3 BRENDAN SULLIVAN: [Brendan Sullivan], no
4 questions.

5 CONSTANTINE ALEXANDER: Laura?

6 LAURA WERNICK: How much is it being expanded by,
7 just dimensions?

8 JAMAAL SIDDIQUI: There is a rear elevation of
9 that window, but the existing window I can bring it up
10 actually. If you keep on going -- yep. So the existing
11 window was 2'7' x 2'9" tall, and the new window is going to
12 be 4'3" wide by 3'5" tall.

13 LAURA WERNICK: Thank you. No further questions.

14 CONSTANTINE ALEXANDER: Slater?

15 SLATER ANDERSON: No questions.

16 CONSTANTINE ALEXANDER: Okay. Wendy?

17 WENDY LEISERSON: Wendy Leiserson no questions.

18 CONSTANTINE ALEXANDER: All right.

19 I have one question. With respect to the enlarged
20 window, have you had any contact with the person -- the
21 neighbor who would be affected by this in terms of maybe
22 invasion of privacy or what have you? Have you heard

1 anything one way or another from that neighbor?

2 JAMAAL SIDDIQUI: We haven't gotten any opposition
3 from the neighbor. There is an existing fence between their
4 property and our property as well.

5 CONSTANTINE ALEXANDER: I'm sorry. Say that
6 again, please?

7 JAMAAL SIDDIQUI: We haven't heard any kind of
8 opposition from the neighbor, but there is an existing fence
9 between their property and ours.

10 CONSTANTINE ALEXANDER: Good. Thank you very
11 much.

12 JAMAAL SIDDIQUI: So based on --

13 CONSTANTINE ALEXANDER: Okay. Thank you very
14 much. Okay. Thank you. I'll open the matter up to public
15 testimony. Any members of the public who wish to speak
16 should now click the icon at the bottom of your Zoom screen
17 that says, "Raise hand."

18 If you're calling in by phone, you can raise your
19 hand by pressing *9 and unmute or mute by pressing *6.
20 We'll I'll take a moment to see if anyone wishes to speak.

21 [Pause]

22 CONSTANTINE ALEXANDER: Nope. Apparently no one

1 does. So I think we will close public testimony. I will --
2 unless there is a need for discussion, I'll start with a
3 motion to grant the relief that the petitioner is seeking.
4 Then again, this is a special permit.

5 That the requirements of the ordinance cannot be
6 met unless we grant the special permit -- unless a special
7 permit is granted.

8 That traffic generated or patterns of access or
9 egress resulting from the window change will not cause
10 congestion, hazard, or substantial change in established
11 neighborhood character.

12 Again, we're talking about one window, not a
13 substantial increase in the size, but an increase. And it's
14 facing -- it's at the rear and facing of the neighbor who
15 has a fence between the window that's going to be enlarged
16 and the neighbor's property.

17 That the continued operation of or development of
18 adjacent uses, as permitted in the ordinance, will not be
19 adversely affected by what is proposed.

20 Again, the only I think impact it could have
21 happen would be for that neighbor who is facing the window,
22 and as we said before, that neighbor appears to be not

1 concerned about the window change.

2 No nuisance or hazard will be created to the
3 detriment of the health, safety and/or welfare of the
4 occupant of the proposed use, or the citizens of the city.
5 And again, we're talking about nuisance or hazard, and a
6 slight enlargement of the window will not cause that.

7 And that generally, what is being proposed will
8 not -- the proposed change will not impair the integrity of
9 the district or adjoining district, or otherwise derogate
10 from the intent and purpose of this ordinance.

11 So on the basis of all these findings, the Chair
12 moves that we grant the special permit requested on the
13 condition that the work proceed in accordance with plans
14 prepared by NEEC Design and Construction, the first page of
15 which is dated 09/21/2020 -- no, 04/21/2021, the first page
16 of which has been initialed by the Chair. Brendan?

17 BRENDAN SULLIVAN: Brendan Sullivan yes to
18 granting the special permit.

19 CONSTANTINE ALEXANDER: Slater?

20 SLATER ANDERSON: No Slater Anderson yes to
21 granting the special permit.

22 CONSTANTINE ALEXANDER: Laura?

1 LAURA WERNICK: Laura Wernick yes to granting the
2 special permit.

3 CONSTANTINE ALEXANDER: Wendy?

4 WENDY LEISERSON: Wendy Leiserson yes to granting
5 the special permit.

6 CONSTANTINE ALEXANDER: And the Chair votes yes as
7 well.

8 [All vote YES]

9 CONSTANTINE ALEXANDER: Special permit has been
10 granted.

11 JAMAAL SIDDIQUI: Thank you very much. Have a
12 nice night.

13 COLLECTIVE: Thank you.

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2 (7:21 p.m.)

3 Sitting Members: Constantine Alexander, Brendan Sullivan,
4 Wendy Leiserson, Laura Wernick, and Slater
5 W. Anderson

6 CONSTANTINE ALEXANDER: The Chair will now call
7 Case Number #119814 -- 110 Berkshire Street Unit 1. Anyone
8 here wishing to be heard on this matter?

9 DAVID FENCHEL: Yes. This is David Fenchel from
10 Traverse Architects.

11 CONSTANTINE ALEXANDER: Okay. The floor is yours.

12 DAVID FENCHEL: Thank you. I am the architect
13 from Traverse Architects representing Judy and Dory True
14 (phonetic) of 110 One Berkshire Street. We're requesting to
15 relocate an existing window about one foot horizontally in a
16 nonconforming wall and to add a matching window.

17 We need the special permit because of the
18 violation doesn't meet the minimum side yard setbacks of 7.5
19 feet. That wall is approximately 3.7 to 4.1 feet from the
20 side yard setback.

21 In the photos on the left, we're illustrating the
22 existing conditions. And then the three renderings show the

1 proposed relocated and added window.

2 The proposed work does not exacerbate the
3 nonconforming condition, and it is not detrimental to the
4 neighborhood or public interest.

5 The windows improve access to daylight and fresh
6 air, and it is in keeping with the existing building's
7 fenestration along that nonconforming wall.

8 The proposed work does not change the use of the
9 building; it doesn't negatively impact the neighbor's
10 privacy or access to daylight and fresh air, and does not
11 impede views or cast shadows onto those adjacent properties.

12 CONSTANTINE ALEXANDER: Okay. Anything further?

13 DAVID FENCHEL: Do you have any questions?

14 CONSTANTINE ALEXANDER: We're going to find out in
15 a second. Brendan?

16 BRENDAN SULLIVAN: Brendan Sullivan no questions.

17 DAVID FENCHEL: Thank you.

18 CONSTANTINE ALEXANDER: Laura?

19 LAURA WERNICK: No questions. Thank you.

20 CONSTANTINE ALEXANDER: Slater?

21 SLATER ANDERSON: No questions.

22 CONSTANTINE ALEXANDER: Wendy?

1 WENDY LEISERSON: Wendy no questions.

2 CONSTANTINE ALEXANDER: The Chair has no questions
3 as well. So we'll open the matter now up to public
4 testimony. We do have one letter in our files. It's from
5 the co-owners of 106 Berkshire Street, and they say, "we
6 have no objection to the requested relocation and addition
7 of windows at 110 Berkshire Street."

8 Okay. Opening the matter up to public testimony.
9 Any members of the public who wish to speak should now click
10 the icon at the bottom of your Zoom screen that says, "Raise
11 hand."

12 If you're calling in by phone, you can raise your
13 hand by pressing *9 and unmute or mute by pressing *6. I'll
14 take a moment to see if anyone wishes to speak.

15 [Pause]

16 CONSTANTINE ALEXANDER: No one does, so we'll
17 close public testimony. I think I'll make a motion to grant
18 the relief. We'll see how the vote goes. The Chair moves
19 that we make the following findings with regard to the
20 special permit that's being sought:

21 That the requirements of the ordinance cannot be
22 met without the special permit.

1 That traffic generated or patterns of access or
2 egress resulting from the window relief will not cause
3 congestion, hazard, or substantial change in established
4 neighborhood character.

5 And the facts here speak for themselves; these are
6 two modest window changes on the side of the house and don't
7 have an impact on the street or the neighborhood generally.

8 That the continued operation of or development of
9 adjacent uses, as permitted in the zoning ordinance, will
10 not be adversely affected by the nature of what is being
11 proposed. And the reasons for this finding is the same as
12 what I just mentioned with regard to traffic generation or
13 patterns of access or egress.

14 No nuisance or hazard will be created to the
15 detriment of the health, safety and/or welfare of the
16 occupant of the proposed use, or the citizens of the city.

17 And that generally, what is being proposed will
18 not impair the integrity of the district or adjoining
19 district, or otherwise derogate from the intent and purpose
20 of this ordinance.

21 So on the basis of all these findings, the Chair
22 moves that we grant the special permit requested on the

1 condition that the work proceed in accordance with plans
2 prepared by Traverse Architects, dated 04/14/2021, the first
3 page of which has been initialed by the Chair.

4 Brendan, how do you vote?

5 BRENDAN SULLIVAN: Yes to granting the special
6 permit.

7 CONSTANTINE ALEXANDER: Laura?

8 LAURA WERNICK: Yes to granting the special
9 permit.

10 CONSTANTINE ALEXANDER: Slater?

11 SLATER ANDERSON: Slater Anderson yes to granting
12 the special permit.

13 CONSTANTINE ALEXANDER: Wendy?

14 WENDY LEISERSON: Wendy Leiserson yes to granting
15 the special permit.

16 CONSTANTINE ALEXANDER: The Chair votes to grant
17 the special permit as well.

18 [All vote YES]

19 Special permit granted. Case over. Thank you and
20 good luck.

21 DAVID FENCHEL: Thank you. Thank you very much.

22 CONSTANTINE ALEXANDER: Let's take a few minute

1 recess while I get the files in order for the next case.

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2 (7:31 p.m.)

3 Sitting Members: Constantine Alexander, Brendan Sullivan,
4 Wendy Leiserson, Laura Wernick, and Slater
5 W. Anderson

6 CONSTANTINE ALEXANDER: Okay. The Chair will now
7 call Case Number #120388 -- 237 Putnam Avenue. Anyone here
8 wishing to be heard on this matter?

9 JOHANNA SCHNEIDER: Thank you, Mr. Chairman and
10 members of the Board. My name is Johanna Schneider. I'm an
11 attorney at Hemmingway & Barnes in Boston, and I'm here on
12 behalf of Brickman BSS Owner, who owns the building.

13 Along with me tonight are Dan Vaccarino and Kelly
14 Oyekoya, the owner; and Ronald Margolis, our Project
15 Architect.

16 We are here before you this evening seeking zoning
17 relief for a very modest change to the existing building at
18 237 Putnam Avenue. I'll just start with a little bit of
19 background about the building.

20 237 Putnam is part of a complex of buildings
21 located on Putnam and Blackstone. These buildings were
22 constructed in the late 1800s, early 1900s. They have

1 always been in commercial use with the current existing
2 legal occupancy as office, lab and R&D.

3 Due to a rezoning by this city in 1999, the
4 buildings are now preexisting, nonconforming, with both
5 respect to use and dimensions. And the complex -- the
6 exterior of the complex is subject to a City of Cambridge
7 Landmark designation.

8 With respect to the project that we're seeking
9 relief for, there is currently an open pedestrian walkway
10 that connects the buildings at 237 Putnam and 21 Blackstone
11 at the second floor. There is a picture of this in our
12 submission package.

13 There are actually -- I believe there are some
14 photographs in our package as well, if we can scroll to
15 those? Yes, if you could click on that one.

16 So you can see in the background there -- it's
17 highlighted in red, the walkway area that we're talking
18 about tonight.

19 And if we can click to the next slide, that also
20 gives a good view of it. Yeah. This is the area that we're
21 talking about.

22 The owner has been negotiating with a prospective

1 tenant to lease space on either side of this walkway. So we
2 were going to improve conditions for this tenant and future
3 tenants of the building.

4 The owner would like to enclose this walkway.
5 This will improve the safety and comfort of building
6 employees who pass between the two buildings. This is an
7 issue, as you might imagine, that's particularly acute in
8 the winter months and on rainy days.

9 The overall area to be enclosed is 200 square
10 feet, and it will not be visible from a public way. This
11 does, however, require relief for an increase in FAR, as
12 well as an extension of the preexisting, nonconforming use,
13 and the preexisting, nonconforming structure.

14 At this point, I can stop. And if the Board
15 wishes, we can have Ron Margolis walk through the plans for
16 the enclosure, or I can just move on to discussing our
17 compliance with the variance criteria.

18 CONSTANTINE ALEXANDER: From my perspective, we
19 can just move on to the requirements of the variance and why
20 you satisfy them.

21 JOHANNA SCHNEIDER: Okay, terrific. Thank you.
22 With respect to the first criterion: Literal enforcement

1 will create a substantial hardship. This will prevent the
2 owner from enclosing space to increase the safety and
3 comfort of tenants who currently use a walkway that is open
4 to the elements year-round.

5 It will also limit the sizes and types of tenants
6 that the owner is able to lease to, as prospective tenants
7 may not view it as desirable to have space separated by an
8 outdoor walkway.

9 The hardship is in fact owing to the preexisting,
10 nonconforming status of these buildings which date back to
11 the late 1800s and early 1900s, and were rendered
12 nonconforming by a 1999 rezoning.

13 Additionally, the exterior of the buildings are
14 subject to a landmark designation, which constrains the
15 ability of the owner to make other types of changes in order
16 to connect these buildings.

17 The enclosure would not be visible from a public
18 way and we did confirm with Landmarks and confirm that they
19 had no issue with the proposal for that reason.

20 These are certainly conditions that are unique to
21 the property. I don't think that there are very many old
22 preexisting, nonconforming buildings that have this sort of

1 outdoor walkway that needs to be enclosed.

2 Desirable relief can be granted without
3 substantial detriment to the public good. As I said, the
4 purpose of enclosing the walkway is to enhance the safety
5 and comfort of tenants passing between, and will not be
6 visible from a public way, nor will it have any impact
7 whatsoever on members of the public.

8 We did reach out to all of the abutters and
9 neighbors by letter and in person. We received no questions
10 or comments about the proposal.

11 And finally, relief can be granted without
12 derogating from the intent of the ordinance. This is a
13 really modest addition. It's only 200 square feet to an
14 83,180 square foot building.

15 The only extension of the existing nonconformities
16 is with respect to this covered area. The far is
17 imperceptibly increasing. It's currently a 1.46, and it
18 will also be a 1.46 after this enclosure.

19 And finally, the enclosure will promote the safety
20 of building tenants, and it will conserve the value of the
21 buildings by making this building more marketable for
22 prospective tenants.

1 And with that, I'm happy to answer questions, but
2 we do request that the Board grant the requested relief for
3 this modest addition.

4 CONSTANTINE ALEXANDER: Thank you. Brendan, any
5 questions?

6 BRENDAN SULLIVAN: Yeah. [Brendan Sullivan] No, I
7 don't have any questions at this time.

8 CONSTANTINE ALEXANDER: Laura?

9 LAURA WERNICK: Laura Wernick no questions.

10 CONSTANTINE ALEXANDER: Slater?

11 SLATER ANDERSON: Slater Anderson no questions.

12 CONSTANTINE ALEXANDER: Wendy?

13 WENDY LEISERSON: No questions.

14 CONSTANTINE ALEXANDER: The Chair has no questions
15 as well. We will now open the matter up to public
16 testimony. Any members of the public who wish to speak
17 should now click the icon at the bottom of your Zoom screen
18 that says, "Raise hand."

19 If you're calling in by phone, you can raise your
20 hand by pressing *9 and unmute or mute by pressing *6.

21 We'll I'll take a moment to see if anyone wishes to speak.

22 [Pause]

1 CONSTANTINE ALEXANDER: No one -- apparently no
2 one does wish to speak. So I will close public testimony.
3 Again, I think I will start just by making a motion for
4 relief, and we can take a vote on that.

5 And if there's issue -- or questions or issues,
6 we'll take them up as we proceed with the vote.

7 The Chair moves that we grant -- that we make the
8 following findings:

9 That a literal enforcement of the provisions of
10 the ordinance would involve a substantial hardship, such
11 hardship being if there are two related buildings that are
12 connected by a bridge that is not covered, and therefore it
13 makes -- the use of that bridge is to go from building to
14 building difficult in inclement -- if the weather is
15 inclement.

16 That the hardship is owing to the fact of the
17 shape of the structures -- the two separate structures,
18 again separated by a bridge without a cover, or other
19 substantial shelter.

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

1 ordinance.

2 In this regard, the relief being sought has had no
3 detriment whatsoever to the public. The buildings are set
4 back a good distance from the street, and the relief is
5 almost not noticeable in terms of the change to the
6 connection between the two structures.

7 So on the basis of all of these findings, the
8 Chair moves that we grant the variance being requested on
9 the condition that the work proceed in accordance with the
10 relative photographs submitted by the petitioner which are
11 in our files, and which have been initialed by the Chair.

12 Brendan?

13 BRENDAN SULLIVAN: Brendan Sullivan yes to
14 granting the variance.

15 CONSTANTINE ALEXANDER: Slater?

16 SLATER ANDERSON: Slater Anderson yes to granting
17 the variance.

18 CONSTANTINE ALEXANDER: Laura?

19 LAURA WERNICK: Laura Wernick yes to granting the
20 variance.

21 CONSTANTINE ALEXANDER: Wendy?

22 WENDY LEISERSON: Wendy Leiserson yes to granting

1 the variance.

2 CONSTANTINE ALEXANDER: And the Chair votes yes as
3 well.

4 [All vote YES]

5 CONSTANTINE ALEXANDER: The variance is granted.

6 JOHANNA SCHNEIDER: Thank you very much.

7 CONSTANTINE ALEXANDER: Thank you.

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2 (7:40 p.m.)

3 Sitting Members: Constantine Alexander, Brendan Sullivan,
4 Wendy Leiserson, Laura Wernick, and Slater
5 W. Anderson

6 CONSTANTINE ALEXANDER: The Chair will now call
7 Case Number #122045 -- 25 Kelly Street. Anyone here wishing
8 to be heard on this matter?

9 LIZ CAHILL: Yes. Liz Cahill here from ART
10 Architects. I'm here representing the owners at 25 RC (sic)
11 Kelly, Rick Wellisch and Cary Friedman. And we're here
12 because we need a variance to convert their existing garage
13 structure into a storage shed and a garden shed or a spa
14 shed.

15 And the reason we need a variance is two part. I
16 think one reason is that the existing structure is
17 nonconforming with the side yard setback. We don't actually
18 wish to change that at all. We want to retain the existing
19 footprint just as it is.

20 And then the other reason is the fact that because
21 it is currently considered a garage structure, it is
22 partially exempt from gross floor area calculations. By the

1 changing the usage, the entire structure will need to be
2 counted towards first-floor area, and the property is
3 nonconforming in this regard.

4 This is the existing conditions' site plan. The
5 structure in question is at the top left small 18' x 18'
6 existing garage there. Now, 18' square by modern standards
7 can't really be used as a garage anyway.

8 So the owners here, they don't use it as a garage.
9 They already are using this as storage. And so the intent
10 here is to continue to use it as storage, and as sort of an
11 extension of their garden space in the back yard.

12 Next slide, please?

13 Thanks. And as you can see here, this is the
14 proposed condition in area and in siting. We're not
15 proposing any sort of change whatsoever.

16 Next, please?

17 This is the existing plan for the structure. It's
18 -- we've now rotated 90 degrees. So the two garage doors,
19 which are a page down, are pointed towards the existing
20 driveway and the two existing windows there are looking to
21 the side or to the back yard. Those windows are broken and
22 boarded up.

1 The whole structure is in disrepair, and it's in
2 need of repairs and of sprucing up, and in that process we'd
3 also like to convert the use away from garage and more
4 towards what it's actually being used for for storage and
5 with the added part of this spa shed on the left.

6 Next, please?

7 And so here's the proposed plan with two openings
8 facing the driveway and the two larger openings page left
9 here opening up to the existing garden.

10 The next few pages are the elevations. If -- you
11 know, I realize this is for zoning purposes, so maybe you
12 don't want to fuss over the design here, but the next few
13 slides show all of the design changes that we're proposing.

14 Those two windows would be going away. We're
15 cutting the openings there. And the garage doors on the
16 street-facing side on the next page would be converted to
17 finished wall with two sliding barn doors.

18 And then further along into the slideshow we've
19 got a few photos of the existing conditions. That first
20 photo we're standing on Kelly Street looking up the
21 driveway. You know, as you can see, the owners are already
22 using the driveway as their -- where the keep the cars.

1 They're not using the existing garage for any sort of
2 vehicle storage.

3 And the next -- that second photo there is showing
4 the existing garage doors.

5 And the next page, we're seeing what this looks
6 like from the back yard near the house. It's -- and in that
7 bottom photo, you can get a sense of the degree of disrepair
8 that the inside of the structure is currently suffering
9 from, and that needs to get fixed up.

10 And with that, I'll answer any questions that you
11 all may have.

12 BRENDAN SULLIVAN: This is Brendan Sullivan.
13 Elizabeth, is that sort of like a 1940s or a 1950 --

14 LIZ CAHILL: Yeah, the clients might now --

15 BRENDAN SULLIVAN: -- out of the Sears catalogue?

16 LIZ CAHILL: It is a Sears catalogue structure.

17 BRENDAN SULLIVAN: Yeah, okay.

18 LIZ CAHILL: It predates the current owners, I
19 believe.

20 BRENDAN SULLIVAN: Okay. And it's run its course?

21 LIZ CAHILL: It's -- it's -- well --

22 BRENDAN SULLIVAN: Its shelf life is over?

1 LIZ CAHILL: Well, we want to retain parts of it.
2 We don't want to replace the roof. We don't want to change
3 the nature of the two -- the back façade or the -- I think
4 it's the east façade facing 29 Kelly Street. Those two
5 façades would remain untouched, but we do want to
6 structurally reinforce it from inside, so that it can
7 continue standing.

8 BRENDAN SULLIVAN: Okay.

9 LAURA WERNICK: Ms. Cahill?

10 LIZ CAHILL: Yeah.

11 LAURA WERNICK: A quick question for you related
12 to neighbors?

13 LIZ CAHILL: Yes.

14 LAURA WERNICK: So this is going to become a more
15 visibly apparent use, particularly the spa?

16 LIZ CAHILL: Mm-hm.

17 LAURA WERNICK: Have you talked with your
18 neighbors?

19 LIZ CAHILL: Yes.

20 LAURA WERNICK: Were there any concerns?

21 LIZ CAHILL: No. Rick and Cary collected some
22 letters of support from a number of their neighbors,

1 including the neighbor right behind them and to the side
2 which would be closest to the building. And I think the
3 other side that the new openings would be facing. And
4 they've all supported this.

5 LAURA WERNICK: Thank you.

6 CONSTANTINE ALEXANDER: Anybody else -- I'm going
7 to talk about -- Brendan's asked some questions and so has
8 Laura. Anything you want to ask, Slater?

9 SLATER ANDERSON: No questions.

10 CONSTANTINE ALEXANDER: Thank you. Wendy?

11 WENDY LEISERSON: No questions.

12 CONSTANTINE ALEXANDER: Okay. Thank you as well.
13 The Chair has no questions. I think what questions I might
14 have had have been raised by my colleagues already. So with
15 that, I will close public testimony. I don't believe we
16 have any letters in our file. Let me just check the file.

17 No, there are no letters in the file regarding
18 from neighbors or citizens of the city. So I will now open
19 the matter up to public testimony. Any members of the
20 public who wish to speak should now click the icon at the
21 bottom of your Zoom screen that says, "Raise hand."

22 If you're calling in by phone, you can raise your

1 hand by pressing *9 and unmute or mute by pressing *6.

2 We'll take a moment to see if anyone wishes to call in.

3 [Pause]

4 CONSTANTINE ALEXANDER: No one does, so we'll
5 close public testimony. As before, I'm going to make a
6 motion. I don't think there's a need for a discussion, but
7 if there is it'll come out in the discussion of the vote.

8 The Chair moves that we make the following
9 findings with regard to the variance being sought: That a
10 literal enforcement of the provisions of the ordinance would
11 involve a substantial hardship, such hardship being as that
12 the structure is in very poor condition and cannot be really
13 rehabilitated, and so there's a need to replace the
14 structure with something that's more appropriate and more
15 usable than the old structure.

16 That the hardship is owing to the age of the old
17 structure and the shape of the lot, which requires -- for
18 which any change to the structure would require zoning
19 relief.

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

1 ordinance.

2 The proposed change to the -- I'm going to refer
3 to a dilapidated garage -- is interior to the property.
4 It's in the rear yard, shielded by fences, and so it has
5 really no impact on the neighborhood or the city in general.

6 So on the basis of all of these findings, the
7 Chair moves that we grant the variance requested on the
8 condition that work proceed in accordance with plans
9 prepared by ART Architects, dated May 10, 2021, the first
10 page of which has been initialed by the Chair.

11 BRENDAN SULLIVAN: Brendan Sullivan yes to
12 granting the variance.

13 CONSTANTINE ALEXANDER: Laura? Laura?

14 LAURA WERNICK: Laura Wernick yes to granting the
15 variance.

16 CONSTANTINE ALEXANDER: Slater?

17 SLATER ANDERSON: Slater Anderson yes to granting
18 the variance.

19 CONSTANTINE ALEXANDER: Wendy?

20 WENDY LEISERSON: Wendy Leiserson yes to granting
21 the variance.

22 CONSTANTINE ALEXANDER: And the Chair votes yes as

1 well.

2 [All vote YES]

3 CONSTANTINE ALEXANDER: Variance granted. Thank
4 you.

5 LIZ CAHILL: Thank you very much. Have a good
6 night.

7 CONSTANTINE ALEXANDER: Have a good night too.

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2 (7:50 p.m.)

3 Sitting Members: Constantine Alexander, Brendan Sullivan,
4 Wendy Leiserson, Laura Wernick, and Slater
5 W. Anderson

6 CONSTANTINE ALEXANDER: The Chair now will call
7 Case No. #122191 -- 1043-1059 Cambridge Street. Anyone
8 wishing to be heard on this matter?

9 JAMES HAFFERNAN: Mr. Chairman and members of the
10 Board, Jim Haffernan here from Rich May, PC representing the
11 applicant. May I proceed?

12 CONSTANTINE ALEXANDER: Before we get into it --
13 can you hear me?

14 JAMES HAFFERNAN: Yes.

15 CONSTANTINE ALEXANDER: -- presentation, I believe
16 this case has to be continued. You appeared before the
17 Planning Board with regard to the relief that is being
18 sought.

19 We haven't received a report from the Planning
20 Board, and it's my understanding that the Planning Board
21 wants to defer their meeting with you, with your client, I
22 should say.

1 Further, there's been a letter of objection by a
2 neighbor or abutter, who points out that what is being
3 proposed on these plans is a 14-foot-high chimney or
4 enclosure or elevator to be constructed if we granted the
5 relief. That is rather obtrusive, given the location of the
6 lot, given the surrounding area.

7 I would like to hear from the Planning Board and
8 see what their views are with regard to this.

9 So bottom line is you have a date for your
10 Planning Board hearing the next hearing?

11 JAMES HAFFERNAN: Well, that's tentative. And if
12 I may, we were instructed to come to you, and simultaneously
13 the Planning Board has approved and is waiting for us to
14 update them whether this gets approved here. So we would
15 like to proceed with the condition that we continue going
16 with the Planning Board.

17 They had approved roof decks, and as we would like
18 to explain tonight, having gone towards the final end, the
19 final hurdle of this process going back to ISD with the
20 Accessibility Review, the elevator needed to go up one more
21 floor to the roof to provide accessibility to all residents
22 of the building, which we've now received a number of

1 letters of support, including just around 5:00 tonight from
2 the City of Cambridge Commission on the Persons with
3 Disabilities.

4 So it's our belief from speaking with ISD that we
5 can simultaneously go through the Planning Board and BZA
6 and, we're encouraged to come to you first. The Planning
7 Board is looking for an update from us. So it's been
8 approved, but we need to go back for a plan change,
9 depending on how you rule.

10 So presenting kind of a chicken or an egg problem
11 if we're being asked to then go to Planning Board first.

12 CONSTANTINE ALEXANDER: The dilemma as I see it is
13 that we always would like the views of the Planning Board
14 before we make our decision. And what's being asked of us
15 is to flip that. And, you know, particularly where there's
16 a design issue here, I would like to hear from the Planning
17 Board.

18 I'm speaking for myself, but other members of the
19 Board may feel otherwise. But I think we should hear from
20 the Planning Board something in writing with their views on
21 this project, and then we can take up the zoning issues.
22 Anyone -- any members of the Board feel otherwise?

1 BRENDAN SULLIVAN: [Brendan Sullivan,] no I concur
2 with the Chair on the reasoning, and also the added value of
3 having it go before the Planning Board first and then come
4 to us.

5 CONSTANTINE ALEXANDER: Any other members of the
6 Board have any views they want to express?

7 LAURA WERNICK: Mr. Chair, is there a specific
8 reason -- I didn't quite understand why the Planning Board
9 was waiting for something specifically they're waiting for
10 us to do before they can proceed?

11 CONSTANTINE ALEXANDER: I don't know as well.
12 Maybe -- all I know is that we were advised that the
13 Planning Board -- there were to be a further hearing at the
14 Planning Board and because of we don't have the final
15 decision, certainly not in writing from the Planning Board,
16 it seemed to me and I guess it seems to Mr. Sullivan, that
17 we should defer this case until that happens.

18 Unless I can tell --

19 JAMES HAFFERNAN: If I may, we were encouraged to
20 get everyone's changes, but the Planning Board had approved
21 the roof deck, and then go into ISD. It was determined that
22 we needed a variance for the elevator to provide

1 accessibility.

2 The Planning Board was open-minded to either
3 option of how we proceed, but we wanted to wait and see how
4 everyone would come together, if it wouldn't or not. So
5 that's kind of presenting us a different avenue, as we
6 expressed with the ISD.

7 The project was already approved. This is a
8 change to the roof deck, sure, but it is a reason that's
9 justified and providing accessibility to the residents.

10 I should also note we have a separate request, and
11 I just want to extend the previously approved variance
12 granted on the setback. So there is a note that answers
13 your question before. We've kind of given direction to get
14 your take on the elevator, and we will present that to the
15 Planning Board, which is tentatively scheduled for [2:10:43
16 audio unclear]

17 CONSTANTINE ALEXANDER: Well again, I don't -- you
18 know, I -- the Planning Board generally gives us their --
19 they always give us their views on a case in writing, or
20 they may tell us in writing they have no views. Fine. We
21 haven't had any of that in this case, and we do have a
22 neighborhood or a neighbor opposition.

1 To be sure you're right, there's letters of
2 support, but there is a letter of opposition. And I would
3 like, myself, as a member of this Board, to hear from the
4 Planning Board or some sort of written communication
5 regarding the relief you're seeking.

6 So again, I would continue this case, but I --
7 unless other members of the Board feel otherwise, Mr.
8 Sullivan agrees the case should be continued, and I haven't
9 heard anything to the contrary from other Board members.

10 So I would again -- I guess I'll make a -- I will
11 say we're going to make a motion to continue the case to a
12 future date. Do you have any idea, sir, when you will hear
13 from the Planning Board? Do you have your further
14 communication when you would want to, in short, continue the
15 case to; what date?

16 JAMES HAFFERNAN: Again, we were told August 10
17 tentatively. I understand they're having scheduling
18 conflicts given summer and the schedules that come with
19 summer. Again, if I may, I would like to get at least the
20 extension on the already approved variance through, just for
21 timing reasons.

22 CONSTANTINE ALEXANDER: I don't want to do that.

1 This will make it a case heard. If we're going to continue
2 the case, we'll have to figure out a way to get all five
3 members of the Board -- this five members -- sitting on the
4 case.

5 I can tell you August 10 I will not be available.
6 So the case will not go. That's why I'm trying to continue
7 the case now. But to have a case on August 10 if you get
8 the advice, and you do what we have to do to continue the
9 case.

10 If you force us to start the case tonight and we
11 have to continue it, it's going to be continued at least
12 until September. I don't think that's in your interest.

13 JAMES HAFFERNAN: I understand. Again, we're
14 hoping to have the hearing on August 10 with the Planning
15 Board. So we would like as soon as possible before this
16 Board, soon after. I know you've already earlier tonight
17 --

18 CONSTANTINE ALEXANDER: We have -- the only
19 hearing --

20 JAMES HAFFERNAN: I'm sorry --

21 CONSTANTINE ALEXANDER: -- we have in August,
22 August what? We don't have any schedule? I thought we did.

1 SISIA DAGLIAN: The nineteenth, we asked for it.

2 CONSTANTINE ALEXANDER: Oh, okay. So we have to
3 continue the case until September, I'm advised. It would be
4 the first session of September, which would be September 2,
5 two weeks later. So the Chair moves that we continue this
6 case --

7 BRENDAN SULLIVAN: If I can -- this is Brendan
8 Sullivan, if I can interject here -- if we were to hear this
9 tonight and say we were to grant the variance, there's
10 probably no need to go back to the Planning Board, because
11 you've already got the relief that you're requesting.

12 The other tact is that the Planning Board approve
13 a portion of this -- the decks and so on and so forth, but
14 without this particular element. You take this new element
15 and what they approve toto as a single package. They may
16 have had a different opinion, a different tact, and also
17 possibly modified the design a bit.

18 So I think -- what I think is where the Chair is
19 going is that because you're modifying something -- an
20 element, adding an element that the Planning Board did not
21 see, that they should have the opportunity to opine on that.
22 And that correspondence -- that opinion really directs our

1 opinion or our action.

2 So that's sort of my thinking on the issue.

3 CONSTANTINE ALEXANDER: You expressed it better
4 than I did. And that's my thinking as well. So --

5 BRENDAN SULLIVAN: So we're into September.

6 CONSTANTINE ALEXANDER: September 2.

7 BRENDAN SULLIVAN: Seven?

8 CONSTANTINE ALEXANDER: Second.

9 BRENDAN SULLIVAN: Second -- September 2.

10 CONSTANTINE ALEXANDER: September 2. Okay. The
11 Chair moves that we continue this case as a case not heard
12 until 6:00 p.m. on September 2, subject to the following
13 conditions:

14 That the petitioner sign a waiver of time for
15 decision. It's a standard form that we use, and has been
16 signed by every person who continues the case. Just simply
17 waives the time for a decision prior to September 2.

18 That waiver, which can be obtained from the
19 Building Department must be signed and delivered to the
20 Building Department no later than 5:00 p.m. on Monday a week
21 from this coming Monday. Failure to do that would mean this
22 case would be dismissed.

1 Second, that a new posting sign or a modification
2 of the existing posting sign will be erected and maintained
3 for the 14 days prior to September 2, and that to the extent
4 that any new or modified plans, drawings or specifications
5 are not in our files as of tonight, must be in our files by
6 no later than 5:00 p.m. on the Monday before September 2.

7 Brendan, how do you vote?

8 BRENDAN SULLIVAN: Brendan Sullivan yes to the
9 continuance. Now it's at September 2 at what time? 6:00
10 p.m., yep. Yes.

11 CONSTANTINE ALEXANDER: Slater?

12 SLATER ANDERSON: Slater Anderson [2:16:32 audio
13 unclear]

14 CONSTANTINE ALEXANDER: I'm sorry, I can't hear
15 you.

16 SLATER ANDERSON: Slater Anderson votes in favor
17 of the continuance.

18 CONSTANTINE ALEXANDER: Thank you. Laura?

19 LAURA WERNICK: Laura Wernick yes to the
20 continuance.

21 CONSTANTINE ALEXANDER: Wendy?

22 WENDY LEISERSON: Wendy Leiserson yes to the

1 continuance.

2 CONSTANTINE ALEXANDER: And the Chair of course
3 votes yes for the continuance as well.

4 [All vote YES]

5 CONSTANTINE ALEXANDER: So the case is continued
6 until 6:00 p.m. on September 2, provided that the petitioner
7 signs a waiver of time for decision that I earlier referred
8 to, and otherwise satisfies the conditions of the vote we
9 just took, and namely that a new posting sign or a modified
10 posting sign be erected and maintained for 14 days prior to
11 September 2.

12 And lastly, to the extent that there's been a
13 change in any of the plans, specs and the like to a part of
14 the file now they must be -- those modifications must be in
15 our files no later than 5:00 p.m. on the Monday before
16 September 2.

17 Brendan, how do you vote?

18 BRENDAN SULLIVAN: Yes to the continuance.

19 CONSTANTINE ALEXANDER: Slater?

20 SLATER ANDERSON: Slater Anderson yes to the
21 continuance.

22 CONSTANTINE ALEXANDER: Laura?

1 LAURA WERNICK: Laura yes to the continuance.

2 CONSTANTINE ALEXANDER: And the Chair votes -- oh,
3 Wendy. I'm sorry.

4 WENDY LEISERSON: Wendy Leiserson yes to the
5 continuance.

6 CONSTANTINE ALEXANDER: And the Chair votes yes as
7 well.

8 [All vote YES]

9 CONSTANTINE ALEXANDER: I would note from my
10 fellow Board members, since a number of you are sitting
11 tonight as substitutes, that there's no need for you to sit
12 on the case come September 2, unless we have vacancies at
13 the time and you're so kind as to agree to sit.

14 Case over. See you on September 2.

15 JAMES HAFFERNAN: See you September 2. Thank you.

16 CONSTANTINE ALEXANDER: Yes. At 6:00 p.m.

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2 (8:03 p.m.)

3 Sitting Members: Constantine Alexander, Brendan Sullivan,
4 Wendy Leiserson, Laura Wernick, and Slater
5 W. Anderson

6 CONSTANTINE ALEXANDER: The Chair will now call
7 Case Number #121712 -- 133 Elm Street, Unit 2. Anyone here
8 wishing to be heard on this matter?

9 SAM FENTRESS: Hello. Hi. My name is Sam
10 Fentress, and I'm sitting here with my wife, Bess Taylor.

11 BESS TAYLOR: Hi.

12 SAM FENTRESS: And we are the owners of the
13 upstairs condo at 133 Elm Street, the second. And we love
14 our neighborhood.

15 We've here for 12 years now. In fact, our
16 daughters go to school right next door at the elementary
17 school right here [2:19:11 this speaker's audio cuts out
18 intermittently on Zoom this last year in the pandemic,
19 as we both started working from home. And I've continued.
20 I will be continuing working from home. We've really] and
21 working.

22 Our issue is that our house is on a very

1 undersized lot. It is very narrow and [2:19:32 audio
2 unclear] It was built in the 1890s. Any construction would
3 be violating code.

4 But we are looking to build a new room on the
5 third floor. It would sit right on top of our second floor,
6 so wouldn't change the footprint in any way. And in fact it
7 would be barely visible from the street, the changes.

8 The back room would be pretty much invisible, and
9 we are considering what we are asking to gable the sides a
10 little bit, but we are -- sorry, dormer the sides a little
11 bit, but -- we are keeping those dormers within the
12 guidelines as we understand them from Cambridge.

13 We have spoken to all of our neighbors around and
14 in the vicinity of our building. And we've heard no
15 objections, and in fact we've heard approvals from
16 everybody, and we've got letters from those, and [2:20:46
17 audio unclear] architect, Damon Sidel.

18 DAMON SIDEL: Hi. My name is Damon Sidel of Mix
19 Design and Development. I've been helping Sam and Bess with
20 their renovation design. And so if you'll step to Slide 3
21 it would be fine I can explain what we're hoping to do.

22 You can see here that we are increasing the FAR by

1 adding -- by extending the main mass of the building. So
2 the gable will get longer, as Sam described, to put some
3 space over the two-story rear portion of the house, and two
4 dormers that follow the city guidelines, one on each side.

5 So we're increasing the FAR on this nonconforming
6 -- existing nonconforming lot size, existing nonconforming
7 area per dwelling unit, existing nonconforming minimum lot,
8 width and feet and side and front setbacks.

9 We're not doing anything in the front setback.
10 These dormers will be in the side setbacks.

11 CONSTANTINE ALEXANDER: Can you confirm that the
12 dormer you're going to be adding will conform to the dormer
13 guidelines, or to the extent that they do not, how do they
14 not?

15 DAMON SIDEL: Correct. So if you'll go two more
16 slides, please?

17 CONSTANTINE ALEXANDER: Okay.

18 DAMON SIDEL: So here's the proposed massing of
19 the house. You can see the extension of main gable mass
20 over the rear two-story portion. And then the two side
21 dormers.

22 And if you go one more slide?

1 This is the existing area that you have now, and
2 you can see on the third floor the smaller, purple rectangle
3 there is the existing useable space.

4 If you go one more slide?

5 But the addition of the two dormers, one on the
6 right of this Level 3 plan follows the guidelines. It is --
7 meets the ridge. It is set back from both front and back of
8 the house by more than three feet, and the total extent, if
9 you go probably two more slides I think have dimensions on
10 there.

11 Actually, you can just go three slides. That will
12 give you a little bit bigger plan there. You can see the
13 cumulative dimension on the -- flip the plan sideways on the
14 dormer on the upper portion of the plan there is 12 feet.

15 And the dormer that we're asking essentially
16 extending the stair -- the dormer over the stair on the
17 bottom there, to add a bathroom. The cumulative dimension
18 on that side is 15 feet.

19 And then the back portion that we're doing the
20 gable extension on the two-story portion of the house is the
21 end of the house, and it is just the same ridgeline and the
22 same gable shape.

1 I have elevations on the next page that compare
2 the existing and the proposed outlined. So you can see from
3 the front of the house on the right the two dormers. You
4 can see it from the sides, and then from the back it's just
5 same roof shape that's just getting extended.

6 And then if you go to the next slide, or two
7 slides? Yep.

8 A little 3D of massing in the context with the
9 City's model. There is the before, and the slide after
10 shows the proposed. And I will note, actually, on that
11 slide Sam and Bess pointed out to me that we colored the
12 existing skylight in the front there inaccurately. That's
13 already there. We're not changing that.

14 And then some views with the massing model from
15 the street.

16 So next slide shows from Hampshire Street looking
17 down Elm Street. We see it peaking up there over the two-
18 story building by its neighbor.

19 And then the next slide shows from the other end
20 on Hampshire Street poking out -- again, that is an existing
21 window, the blue one, the existing skylight.

22 And then the slide that you're pointing two right

1 now, #18, shows very diligently the way that Bess has spoken
2 to all of their neighbors and gotten either verbal approval
3 saying this all sounds good showing my plans to them and our
4 design to them -- or written approval -- which was in our
5 application many, many e-mails in support of them doing what
6 they need to do to stay comfortable in their home in
7 Cambridge.

8 CONSTANTINE ALEXANDER: Thank you. Brendan, any
9 questions at this point?

10 BRENDAN SULLIVAN: Now, what is the FAR? I wrote
11 this down.

12 CONSTANTINE ALEXANDER: FAR is now 0.77 and it
13 will go to 0.85, and the district is 0.75.

14 BRENDAN SULLIVAN: Okay. Okay. Yep, no it's --

15 CONSTANTINE ALEXANDER: Roughly 225 feet --

16 BRENDAN SULLIVAN: Yeah.

17 CONSTANTINE ALEXANDER: -- additional structure.

18 DAMON SIDEL: Correct.

19 BRENDAN SULLIVAN: Okay. I'm all set.

20 CONSTANTINE ALEXANDER: Okay, Laura?

21 LAURA WERNICK: No questions. No questions, thank
22 you.

1 CONSTANTINE ALEXANDER: Thank you. Slater?

2 SLATER ANDERSON: No questions.

3 CONSTANTINE ALEXANDER: Wendy?

4 WENDY LEISERSON: No questions.

5 CONSTANTINE ALEXANDER: The Chair has no questions
6 at this point either. So I will close public testimony and
7 open the -- I mean I will open public testimony, I'm sorry.
8 As the petitioner has noted or his representative noted,
9 there are numerous letters of support in our files for the
10 project; no letters of opposition. Okay.

11 Any member of the public who wishes to speak
12 should now click the icon at the bottom of your Zoom screen
13 that says, "Raise hand."

14 If you're calling in by phone, you can raise your
15 hand by pressing *9 and unmute or mute by pressing *6. I'll
16 take a moment to see if anyone wishes to speak.

17 [Pause]

18 CONSTANTINE ALEXANDER: Okay.

19 SISIA DAGLIAN: Phone number ending 8311.

20 HEATHER HOFFMAN: Hi. It's Heather Hoffman from
21 213 Hurley Street. And I'm really just curious about
22 something, because as a Title Examiner, I occasionally come

1 across condos getting variances like this, and I'm just
2 curious as to whether the -- they're prepared to amend the
3 condo docs, because they're clearly invading the common
4 areas.

5 I understand that this doesn't particularly
6 pertain to this, but it's still somewhat of a concern
7 because they don't own the roof. They own an interest in
8 the roof.

9 Anyway, thank you.

10 CONSTANTINE ALEXANDER: Good question, Heather.
11 Thank you. Have you -- to the petitioner and their
12 representative, have you approached the condo
13 ownership/management; however it's run, and do you have
14 approval to do what you are proposing to do?

15 SAM FENTRESS: Yes, we do. We are in close
16 contact with our condo mates downstairs. We have spoken
17 with them about increasing our share of the condo fees. We
18 currently pay two-thirds of condo fees, but we will increase
19 that by our floor ratio. And yes, they are in full approval
20 of the way it changes their skyline and the roof structure.

21 CONSTANTINE ALEXANDER: Good. Thank you.

22 BESS TAYLOR: And we'll probably be redoing the

1 roof with --

2 CONSTANTINE ALEXANDER: All right. Anyone else
3 wishes to speak?

4 SISIA DAGLIAN: Yes. Shawn Henry?

5 SHAWN HENRY: Hello. Can you hear me?

6 SISIA DAGLIAN: Yes.

7 CONSTANTINE ALEXANDER: Yes.

8 SHAWN HENRY: Great. This is Shawn Henry. I live
9 at 145 Elm Street. I am very much in support of Bess and
10 Sam's addition, primarily because I believe that anything we
11 can do to the houses in Cambridge that continue to allow
12 families to raise their children here is a good thing.

13 CONSTANTINE ALEXANDER: Thank you for taking the
14 time to support your neighbors. Anyone else?

15 SISIA DAGLIAN: Mm-hm. Jordan Dolman?

16 JORDAN DOLMAN: Hi. This is Jordan Dolman. I'm
17 the neighbor directly to the north -- arguably one of the
18 most impacted, and I'm fully supportive of Sam and Bess's
19 plans. They shared them early, and I think it will be great
20 to have to them stay in the neighborhood as well.

21 CONSTANTINE ALEXANDER: Thank you again for taking
22 the time. I'm sure your neighbors will appreciate it.

1 SISIA DAGLIAN: Mm-hm. Eric Lee?

2 ERIC LEE: Hi. My name is Eric Lee. We live in
3 137 Elm, which is also to the north of Sam and Bess. And we
4 fully support their plans. We're fully sympathetic with the
5 struggles they're going through, and we love having them as
6 neighbors.

7 CONSTANTINE ALEXANDER: Thank you as well.

8 SISIA DAGLIAN: That's it.

9 CONSTANTINE ALEXANDER: That's it. Okay. I'm now
10 going to close public testimony. I think I would just make
11 a motion and see how the vote goes.

12 The Chair moves that we make the following
13 findings with regard to the variance being sought:

14 That a literal enforcement of the provisions of
15 the ordinance would involve a substantial hardship, such
16 hardship being as that there's a need for additional space
17 in the unit that the petitioner occupies, and that that
18 would apply to not only this petitioner, but any other
19 occupant or owner of the property; it's just too small, to
20 put it in some simple and nonlegal terms.

21 That the hardship is owing to the age and shape of
22 the structure, which prohibits expanding this living space

1 without zoning relief.

2 And that relief may be granted without substantial
3 detriment to the public good, or nullifying or substantially
4 derogating from the intent or purpose of this ordinance.

5 In this regard, as we have seen or heard, there is
6 substantial and unanimous neighborhood support for the
7 relief being sought.

8 And what will result will be an improvement to the
9 housing stock of the City of Cambridge. It will be an
10 update and expansion in a city that needs certainly more
11 room for growing families, young families.

12 So on the basis of all of these findings, the
13 Chair moves that we grant the variance requested on the
14 condition that the work proceeds in accordance with plans
15 prepared by Mix Design and Development dated April 27, 2021,
16 the first page of which has been initialed by the Chair.

17 Brendan?

18 BRENDAN SULLIVAN: Brendan Sullivan yes to
19 granting the variance.

20 CONSTANTINE ALEXANDER: Laura?

21 LAURA WERNICK: Laura Wernick yes to granting the
22 variance.

1 CONSTANTINE ALEXANDER: Thank you. Slater?

2 SLATER ANDERSON: Slater Anderson yes to granting
3 the variance.

4 CONSTANTINE ALEXANDER: Wendy?

5 WENDY LEISERSON: Yes to granting the variance.

6 [Wendy Leiserson.]

7 CONSTANTINE ALEXANDER: And the Chair votes yes as
8 well. Variance granted. Good luck.

9 ERIC LEE: Thank you very much. Appreciate your
10 time.

11 COLLECTIVE: Thank you.

12 CONSTANTINE ALEXANDER: Thank you.

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2 (8:18 p.m.)

3 Sitting Members: Constantine Alexander, Brendan Sullivan,
4 Wendy Leiserson, Laura Wernick, and Slater
5 W. Anderson

6 CONSTANTINE ALEXANDER: The Chair will now call
7 Case Number #115236 -- 159 Allston Street. Anyone here
8 wishing to be heard?

9 GWENDOLYN NOYES: I'm the representative for the
10 owner. Gwendolyn Noyes is my name.

11 CONSTANTINE ALEXANDER: Okay. Your name, please?

12 GWENDOLYN NOYES: Gwendolyn Noyes.

13 CONSTANTINE ALEXANDER: Okay.

14 GERALDINE SMALL: I'm here, Gwen.

15 GWENDOLYN NOYES: Oh, good. And the owner of --
16 the owner of the property, Geraldine Small, is also on the
17 line, and the architect of record, Scott Vlasak, I believe
18 is also on the line. I just will do a brief introduction.

19 This is a project that was approved by the Zoning
20 Board in October of 2019. At that time, the -- it's a
21 project that is on a lot that is smaller than what is
22 usually allowed for a three-family.

1 And our plans were unanimously approved at that
2 time. We made it clear that we intended to have a Passive
3 House certification for new construction of a triple-decker,
4 and we also wish to put three parking spaces on the
5 property.

6 And the Zoning Board at that time unanimously
7 approved the project with the exception that because one of
8 the parking spaces was in a portion of the property that was
9 with a -- had a shared variance -- a shared, what am I
10 trying to say?

11 CONSTANTINE ALEXANDER: Shared use with the
12 neighbor?

13 GERALDINE SMALL: No, we gave up the spot.

14 GWENDOLYN NOYES: Yeah. We gave up the parking
15 space, and it only has two spaces now. And the Board
16 unanimously approved it.

17 The architect on the who is on the screen has been
18 working on this project since then, and as mentioned
19 earlier, our intention was -- is to have the project be
20 Passive House certified.

21 In the course of doing the working drawings and
22 reviewing the process of designing and measuring all the

1 energy efficiency requirements, we discovered that we needed
2 to rearrange the windows and cut back on some of the window
3 sizes. And so we've gotten the preliminary certification
4 from the certifying agency.

5 However, it required cutting back the windows.
6 And we have drawings that illustrate that. And Scott Vlasak
7 is on the screen, and he can explain the situation.

8 SCOTT VLASAK: Yes. Thank you, Gwen. Good
9 evening, Board members. My name is Scott Vlasak from Bruce
10 Hamilton Architects. And as Gwen just mentioned, I've been
11 working closely with her and with Geraldine on the
12 architectural design since the submission and approval by
13 the BZA previously.

14 So on the second slide are the current exterior
15 elevations that we are planning to build. The window
16 changes that Gwen was referring to primarily were on the
17 right and left side elevations, which are the long sides
18 that face toward the neighboring properties.

19 There were no changes to the back elevation in the
20 lower left corner of the slide, and there were a few minor
21 changes to the front elevation.

22 So I'll briefly describe those changes, and then

1 I'm happy to answer any questions.

2 So the -- on the front elevation, the primary
3 change was on the second and third floor on the left-hand
4 side. What is shown there is a swinging door and two
5 adjacent windows on each of the second and third floors.

6 Originally, that was more or less shown a little
7 bit -- a little more ambiguously, I guess, on the first
8 submission. You know, and so that window was just further
9 defined. I guess you'd say it really didn't change in size
10 as much as it did in configuration.

11 The second- and third-floor windows on the right
12 side of the front elevation, all that was done to those was
13 the sill height was raised slightly.

14 On the right and the last elevation, there was
15 more or less just an overall reduction in the amount of
16 windows. And as Gwen mentioned, that was really kind of
17 fine-tuning the building envelope with respect to Passive
18 House.

19 And, you know, getting the window placements where
20 we wanted them, but also getting the correct ratio of solid
21 wall to window area that we were looking for for the design
22 for the energy efficiency of the design.

1 And I think it's also important to note that the
2 original elevations that were approved didn't really show a
3 lot of detail as far as the different siding areas, and how
4 that was broken up.

5 So these elevations do show the different types of
6 siding that will be proposed, and that particularly helps on
7 the right and left side elevations in this building to break
8 up the building mass and -- you know, along with the window
9 placements to kind of articulate the entire façade on both
10 of those sides.

11 So I think that's everything I wanted to mention.
12 I didn't know, Gwen, if you had anything to add to that?

13 CONSTANTINE ALEXANDER: Before we do, a question:
14 As I recall, when we heard the case the last time, on one
15 side of the building, your structure -- I forget whether it
16 was the left or the right -- it was intruding to the
17 setback. It was nonconforming as the setback on that side.
18 And we granted relief anyway.

19 Have you -- going to that side, where the building
20 will be too close to the lot line from the zoning point of
21 view, have you spoken to or received any communication from
22 the people who are on the other side of that setback, who

1 will have the new window arrangement -- they'll be affected
2 by that, have you reached out to them, have they reached out
3 to you? Where do we stand?

4 GWENDOLYN NOYES: The windows -- Geraldine may
5 have something to say about this, but the windows are
6 actually -- there will be fewer windows than there have been
7 before, and in the previous iteration of the plans, we had
8 support from all the neighbors. So this would be, if
9 anything, lessening their exposure to the --

10 CONSTANTINE ALEXANDER: I understand that. I
11 understand the logic to what you're saying --

12 GWENDOLYN NOYES: Yep.

13 CONSTANTINE ALEXANDER: -- and I agree with it.
14 But you never know with neighbors and a new occupant may
15 have moved in next door. It would have been nice if you had
16 reached out or someone had reached out.

17 GERALDINE SMALL: I have.

18 CONSTANTINE ALEXANDER: Oh, good, okay.

19 GERALDINE SMALL: I have reached out to the
20 neighbors. What I've done is as we've progressed through
21 the project, I write a letter -- a personal letter -- and I
22 put it under their doors, under their mats, just to inform

1 them what's happening.

2 And so in my mind, I've kind of divided it up into
3 five stages. And so we've finished a couple of the stages.
4 But I feel like it's important to keep them informed as to
5 what's been happening, and I have my number and my e-mail on
6 there.

7 And I haven't heard from any of the neighbors in
8 regard to any of the changes or anything that's happened at
9 the property.

10 So I think good news is -- I mean no news is good
11 news.

12 CONSTANTINE ALEXANDER: Well, congratulations. I
13 think you've proceed in exactly the right way, particularly
14 as a good neighbor. And obviously we haven't received any
15 communication from a neighbor upset about what you're
16 proposing. So I will take that as --

17 GERALDINE SMALL: Thank you.

18 CONSTANTINE ALEXANDER: -- implied consent. Thank
19 you.

20 GERALDINE SMALL: Thank you.

21 GWENDOLYN NOYES: Thank you.

22 CONSTANTINE ALEXANDER: Questions from members of

1 the Board?

2 BRENDAN SULLIVAN: Brendan Sullivan no questions.

3 CONSTANTINE ALEXANDER: Slater?

4 SLATER ANDERSON: Slater no questions.

5 CONSTANTINE ALEXANDER: Laura?

6 LAURA WERNICK: No questions.

7 CONSTANTINE ALEXANDER: Wendy?

8 WENDY LEISERSON: No questions.

9 CONSTANTINE ALEXANDER: And the Chair has asked
10 his question. So I'm satisfied. So I will close public
11 testimony.

12 BRENDAN SULLIVAN: Open.

13 CONSTANTINE ALEXANDER: Sorry?

14 BRENDAN SULLIVAN: Open.

15 GWENDOLYN NOYES: Thank you very much.

16 CONSTANTINE ALEXANDER: Open.

17 BRENDAN SULLIVAN: And then you can close it.

18 CONSTANTINE ALEXANDER: I'm now going to open to
19 public testimony.

20 BRENDAN SULLIVAN: Open it, and then you can close
21 it.

22 CONSTANTINE ALEXANDER: I've been chastised by my

1 fellow Board member about the difference between opening and
2 closing. Anyway, I will open the matter up to the public.

3 Any member of the public who wishes to speak should now
4 click the icon at the bottom of your Zoom screen that says,
5 "Raise hand."

6 If you're calling in by phone, you can raise your
7 hand by pressing *9 and unmute or mute by pressing *6. So
8 we'll take a moment to see if there's any persons who wish
9 to speak.

10 [Pause]

11 CONSTANTINE ALEXANDER: No? There are none. So
12 I'll close public testimony, and I will now proceed to a
13 motion, and see how the Board votes.

14 The Chair moves that we make the following
15 findings with regard to the variance being sought:

16 That a literal enforcement of the provisions of
17 the ordinance would involve a substantial hardship. The
18 hardship is not just to this petitioner, but to any other
19 owner or occupant of the structure at 159 Allston, and that
20 being that it would prevent the improved and environmentally
21 better heating of the building.

22 That the hardship is owing to the location of the

1 building relative to its neighboring structures.

2 And that desirable relief may be granted without
3 substantial detriment to the public good, or nullifying or
4 substantially derogating from the intent or purpose of this
5 ordinance.

6 In fact, what is being done will improve how
7 citizens of the city, or this citizen, will use, obtain
8 electric service, all to the benefit of the community.

9 So on the basis of all of these findings, the
10 Chair moves that we grant the variance being sought on the
11 condition that the work proceed in accordance with plans
12 under the name Design Consultants, Inc. dated -- if I can
13 find the date, I can't here it is, no I can't find it. The
14 print is too small for me to read, so I will not give the
15 date, but -- the first page of which has been initialed by
16 the Chair.

17 Brendan?

18 BRENDAN SULLIVAN: Brendan Sullivan yes to
19 granting the variance.

20 CONSTANTINE ALEXANDER: Slater?

21 SLATER ANDERSON: Slater Anderson yes to granting
22 the variance.

1 CONSTANTINE ALEXANDER: Laura?

2 LAURA WERNICK: Yes. Laura Wernick yes to
3 granting the variance.

4 CONSTANTINE ALEXANDER: Wendy?

5 WENDY LEISERSON: Wendy Leiserson yes to granting
6 the variance.

7 CONSTANTINE ALEXANDER: And the Chair votes yes as
8 well.

9 [All vote YES]

10 CONSTANTINE ALEXANDER: Variance granted.

11 BRENDAN SULLIVAN: Five minutes?

12 GWENDOLYN NOYES: Thank you.

13 GERALDINE SMALL: Thank you.

14 CONSTANTINE ALEXANDER: Take a five-minute recess.

15 BRENDAN SULLIVAN: Thank you.

16 CONSTANTINE ALEXANDER: What time is it now? It's
17 8:31. We'll recess until 8:30 -- it's 8:32. We'll recess
18 until 8:40. So take a break for recess.

19 GWENDOLYN NOYES: Thank you. Goodnight.

20 CONSTANTINE ALEXANDER: Thank you and goodnight.

21 GERALDINE SMALL: All right, thank you.

22 SCOTT VLASAK: Goodnight. Thank you.

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[BREAK]

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2 (8:29 p.m.)

3 Sitting Members: Constantine Alexander, Brendan Sullivan,
4 Wendy Leiserson, Laura Wernick, and Slater
5 W. Anderson

6 CONSTANTINE ALEXANDER: The Chair will now
7 reconvene our meeting, having a brief recess. And the Chair
8 is now going to call Case Number #125782 -- 2067
9 Massachusetts Avenue. Anyone here wish to be heard on this
10 matter?

11 DAN KLASNICK: Yes. Good evening Mr. Chairman and
12 members of the Board. My name is Dan Klasnick. I represent
13 Verizon Wireless in the proposed modification to its
14 facility located at 2067 Massachusetts Avenue.

15 Just by way of background, the facility was
16 originally installed pursuant to a special permit in 1997,
17 and I think that by proposing to install a -- or rather
18 modify an existing facility, what Verizon Wireless is doing
19 is really adopting a creative strategy for enhancing its
20 network.

21 We did include a set of detailed plans and also,
22 some photo simulations to support the request for this

1 qualified 6409(a) modification and special permit.

2 If we could just please proceed to sheet C1, the
3 rooftop plan, please? Thank you.

4 As I indicated, this is a rooftop perspective of
5 the building with Verizon Wireless's facility installed as
6 well as the proposed modification.

7 Currently, Verizon Wireless has installed 12
8 antennas on the rooftop with its equipment shelter. The
9 antennas are frame-mounted, and while it's a little
10 difficult to see, I'll describe what we're proposing to do.

11 And what we're going to do is modify the facility
12 by relocating six antennas, two per sector, onto side-by-
13 side mounts. We're going to relocate three of the existing
14 antennas to existing pipe mounts. We will be relocating
15 three additional antennas and installed three new antennas.

16 So we currently have 12 antennas, and then when
17 the installation is modified, there will be a total of 15
18 antennas within the same footprint. You can see the
19 antennas are significantly or substantially set back from
20 the roof edge and frame-mounted, as I've indicated.

21 If we could just move to the next slide, please,
22 which is the elevation view.

1 Once again, a little difficult to see, but this
2 shows two of the sectors that Verizon Wireless will be
3 modifying and not changing the footprint or overall size of
4 the frames themselves, but utilizing that existing space
5 more wisely and consolidating the antennas as I had
6 indicated on the side-by-side mounts and relocating the
7 antennas, that allows them to add that additional antenna
8 without increasing the overall footprint of the facility.

9 If we could just scroll down to the photo sims,
10 please.

11 This is just a view of the building as it exists.
12 You can see from this perspective -- you can't see the
13 facility.

14 Then the next one, please?

15 This is the site selection map; three different
16 photo simulations were taken of the -- from different
17 perspectives. The first slide --

18 Next slide, please?

19 This shows you the existing view north off of
20 College Drive.

21 And then the next slide, please?

22 And this shows you -- we highlighted how we're

1 going to be modifying the facility, which you can see once
2 again the footprint doesn't change. We maintain the same
3 gray coloring to match that penthouse.

4 Next slide, please?

5 This is just another existing perspective from
6 northwest from Massachusetts Avenue showing the existing
7 facility.

8 And then the next slide, please?

9 This shows you once again the modification of the
10 facility. And then there's one additional location. If we
11 go to the next slide, please?

12 This one's taken from the parking lot actually.
13 You can just barely see one sector up on the right-hand side
14 there.

15 Then if we just go to the next, please? Showing
16 you the site modification that would occur.

17 The purpose of this modification is really to
18 improve Verizon Wireless's voice and data capabilities,
19 improve wireless services for the Cambridge residences,
20 businesses and commuters. And I think it's highly
21 advantageous to use an existing facility modified in this
22 manner to provide for the additional capacity.

1 And as we have noted in our narrative, we submit
2 that this does satisfy the standards not only for a special
3 permit under the Cambridge ordinances, but also under
4 Section 6409, and we would therefore respectfully request
5 the Board approve the facility. Thank you very much. I'm
6 available to address any questions.

7 CONSTANTINE ALEXANDER: Thank you. Members of the
8 Board, Brendan any questions?

9 BRENDAN SULLIVAN: No questions.

10 CONSTANTINE ALEXANDER: Okay, no questions.
11 Slater?

12 BRENDAN SULLIVAN: No questions at this time.

13 CONSTANTINE ALEXANDER: Any questions?

14 SLATER ANDERSON: No questions.

15 CONSTANTINE ALEXANDER: Laura?

16 LAURA WERNICK: No questions.

17 CONSTANTINE ALEXANDER: Wendy?

18 WENDY LEISERSON: No questions.

19 CONSTANTINE ALEXANDER: The Chair has no questions
20 as well. So I want to open the matter up to public
21 testimony. We have no letters or the like, any
22 communications in our file.

1 BRENDAN SULLIVAN: Planning -- Planning. [I'm
2 sorry Brendan Sullivan] -- Planning Board.

3 CONSTANTINE ALEXANDER: It's a late arrival, then.
4 It wasn't in there yesterday.

5 BRENDAN SULLIVAN: There were some discussions --

6 CONSTANTINE ALEXANDER: Oh, you're right.

7 BRENDAN SULLIVAN: -- regarding this the other
8 night.

9 CONSTANTINE ALEXANDER: Okay, I'll read that into
10 the file. Thank you, Brendan. The Planning Board reviewed
11 this application during a meeting on July 13, 2021, and
12 decided to forward a positive recommendation with the
13 comments in the attached COD memo.

14 Sir, Councillor, are you familiar with this
15 communication from the Planning Board?

16 DAN KLASNICK: Yes. I had the pleasure of meeting
17 the Board on Tuesday and reviewing the memo. It was
18 discussed -- there was just item 1 on that memo I noted to
19 Staff, and Staff communicated to the Planning Board that
20 they were suggesting perhaps being able to put a cover to
21 actually make the antennas look larger, or more uniform in
22 appearance.

1 And I explained that that's not technologically
2 feasible, and it was reported at that Planning Board meeting
3 that they understood, and that was really just sort of a
4 generalized recommendation.

5 So other than that, you know, everything is as
6 proposed by the memo and supported by the Planning Board.
7 Thank you.

8 CONSTANTINE ALEXANDER: So aside from that, you
9 will comply or you will respond positively to the comments
10 from the Planning Board's CDD Staff?

11 DAN KLASNICK: Yes, sir, Mr. Chairman.

12 CONSTANTINE ALEXANDER: Thank you. All right,
13 I'll open the matter up to public testimony right now. Any
14 members of the public who wish to speak should now click the
15 icon at the bottom of your Zoom screen that says, "Raise
16 hand."

17 If you're calling in by phone, you can raise your
18 hand by pressing *9 and unmute or mute by pressing *6. I'll
19 take a moment to see if anyone wishes to speak.

20 [Pause]

21 CONSTANTINE ALEXANDER: No one does. Thank you.
22 Close public testimony. I think we're ready for -- I mean,

1 we are, we're ready for a vote. As the Board members know,
2 the vote we take with regard to telecom cases is extensive.
3 I will nevertheless make the motion, and then we can vote
4 yes or no.

5 So first of all, dealing with the general
6 requirements for all special permits, the Board finds that
7 the requirements of the ordinance cannot be met unless we
8 grant the special permit that's being sought.

9 The traffic generated or patterns of access or
10 egress resulting from what is proposed will not cause
11 congestion, hazard, or substantial change in established
12 neighborhood character.

13 And the presentation from the petitioner's
14 representative is self-explanatory. No rooftop additions or
15 modifications certainly will not cause congestion or hazard,
16 or make a substantial change in established neighborhood
17 character.

18 That the continued operation of or development of
19 adjacent uses, as permitted in the zoning ordinance, will
20 not be adversely affected by the nature of what is being
21 proposed. Again, we're just talking about modifications to
22 equipment on the top of a roof.

1 No nuisance or hazard will be created to the
2 detriment of the health, safety and/or welfare of the
3 occupant of the proposed use, or the citizens of the city.

4 And generally, what is being proposed will not
5 impair the integrity of the district or adjoining district,
6 or otherwise derogate from the intent and purpose of this
7 ordinance.

8 Again, with regard to all of these items, what is
9 being proposed by the petitioner is -- at least in
10 appearance -- a modest modification to rooftop equipment,
11 which has no real impact on the neighborhood or the citizens
12 of the city from a visual point of view.

13 And lastly, the Board also finds that the
14 modification of its existing telecommunication facility at
15 the site proposed by the petitioner does not substantially
16 change the physical dimensions of the existing wireless
17 tower or base station at such facility within the meaning of
18 Section 6409(a) of the Middle Class Tax Relief and Job
19 Creation Act of 2012, also known as the Spectrum Act.

20 Based on these findings, the Chair moves that the
21 petitioner be granted the special permit it is seeking,
22 subject to the following conditions:

1 One, that the work proceed in accordance with the
2 plans submitted by the petitioner and initialed by the
3 Chair.

4 Two, that upon completion of the work, the
5 physical appearance and visual impact of the proposed work
6 will be consistent with the photo simulations submitted by
7 the petitioner, and initialed by the Chair.

8 Three, that the petitioner shall at all times
9 maintain the proposed work, so that its physical appearance
10 and visual impact will remain consistent with the photo
11 simulations previously referred to, and subject to changes
12 in response to the Planning Board comments.

13 Four, that should the petitioner cease to utilize
14 the equipment approved tonight for a continuous period of
15 six months or more, it shall promptly thereafter remove such
16 equipment and reinstate the building on which it is located
17 to its prior condition and appearance, to the extent
18 reasonably practicable.

19 And five, that the petitioner is in compliance
20 with, and will continue to be in compliance with in all
21 respects, the conditions imposed by this Board with regard
22 to previous special permits granted to the petitioner with

1 regard to the site in question.

2 In as much as the health effects of the
3 transmission of electromagnetic energy waves is a matter of
4 ongoing societal concern and scientific study, the special
5 permit is also subject to the following conditions:

6 a) That the petitioner shall file with the
7 Inspectional Services Department each report it files with
8 the federal authorities regarding electromagnetic energy
9 waves emissions emanating from all of the petitioner's
10 equipment on the site.

11 Each such report shall be filed with the
12 Inspectional Services Department no later than 10 business
13 days after the report has been filed with the federal
14 authorities.

15 Failure to timely file any such report with the
16 Inspectional Services Department shall ipso facto terminate
17 the special permit granted tonight.

18 b) That in the event that at any time federal
19 authorities notify the petitioner that its equipment on the
20 site, including but not limited to the special permit
21 granted tonight, fails to comply with the requirements of
22 law, or governmental regulations -- whether with regard to

1 the emissions of electromagnetic energy waves or otherwise -
2 - the petitioner, within 10 business days of receipt of such
3 notification of such failure, shall file with the
4 Inspectional Services Department a report disclosing in
5 reasonable detail that such failure has occurred, and the
6 basis for such claimed failure.

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

10 c) That to the extent that a special permit has
11 terminated, pursuant to the foregoing paragraph a) and b),
12 the petitioner may apply through this Board for a new
13 special permit, provided that the public notice concerning
14 such application discloses in reasonable detail that the
15 application has been filed because of a termination of the
16 special permit pursuant to paragraphs a) and b) as described
17 above.

18 Any such new application shall not be deemed a
19 repetitive petition, and therefore will not be subject to
20 the two-year period during which repetitive petitions may
21 not be filed.

22 d) That within 10 business days after receipt of a

1 building permit for the installation of the equipment
2 subject to this petition, the petitioner shall file with the
3 Inspectional Services Department a sworn affidavit of the
4 person in charge of the installation of equipment by the
5 petitioner of the geographical area that includes Cambridge
6 stating that:

7 a) he or she has such responsibility, and

8 b) that the equipment being installed pursuant to
9 the special permit we are granting tonight will comply with
10 all federal safety rules, and will be situated and
11 maintained in locations with appropriate barricades and
12 other protections, such that individuals, including nearby
13 residents and occupants of nearby structures, will be
14 sufficiently protected from excessive radiofrequency
15 radiation under federal law.

16 Brendan, how do you vote?

17 BRENDAN SULLIVAN: Brendan Sullivan yes to
18 granting the special permit.

19 CONSTANTINE ALEXANDER: Laura?

20 LAURA WERNICK: Yes to granting the special
21 permit.

22 CONSTANTINE ALEXANDER: Slater?

1 SLATER ANDERSON: Slater Anderson yes to granting
2 the special permit.

3 CONSTANTINE ALEXANDER: Wendy?

4 WENDY LEISERSON: Wendy Leiserson yes to granting
5 the special permit.

6 CONSTANTINE ALEXANDER: And the Chair votes yes as
7 well.

8 [All vote YES]

9 CONSTANTINE ALEXANDER: Special permit granted.

10 DAN KLASNICK: Thank you very much for your time.

11 CONSTANTINE ALEXANDER: Thank you.

12 DAN KLASNICK: Good evening.

13 CONSTANTINE ALEXANDER: Good evening.

14 BRENDAN SULLIVAN: Thanks, Dan.

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(8:56 p.m.)

Sitting Members: Constantine Alexander, Brendan Sullivan,
Wendy Leiserson, Laura Wernick, and Slater
W. Anderson

CONSTANTINE ALEXANDER: The Chair will now call
our last case for the evening, Case Number #121039 -- 65
Banks Street. Anyone here wishing to be heard on this
matter?

UNIDENTIFIED SPEAKER: Ranjit is on.

ELKIE ZARCHI: Yep. I don't -- oops. Hello. Hi.
I'm Elkie. I'm just looking to see where our architect is.
He was -- I know he was on the call, Morris Schopf.

SISIA DAGLIAN: I didn't see his name on the call.

ELKIE ZARCHI: Oh. You know what? He's the -- I
think he's maybe on our link. So it says, "Hirschi
(phonetic) Zarchi."

SISIA DAGLIAN: I've been -- yeah, trying to
promote everybody under that name. There's several people.

ELKIE ZARCHI: Okay. We're going to call in. But
I guess we can work backwards, and I can just tell you a
little bit about our petition.

1 [Phone ringing]

2 MORRIS SCHOPF: Can you hear me?

3 ELKIE ZARCHI: Yes, Morris, yes.

4 MORRIS SCHOPF: Okay. So I am Morris Schopf. I'm
5 the architect for the owner. 65 Banks Street is an existing
6 two-story, two-family dwelling on Banks Street, Cambridge,
7 Massachusetts in the Residence C-1 zone.

8 The owner is Lou Rich (phonetic) of Cambridge and
9 Company. Their offices are down the street and across the
10 street at 38 Banks Street, Cambridge.

11 The owner provides early childhood education and
12 day care as the Cambridge Preschool of the Arts. This
13 application seeks a special permit for the change of use
14 from two-family dwelling to day care classrooms for no more
15 than 38 children. This will provide classrooms for nearly
16 immediate use while a new facility is being renovated at 243
17 Hampshire Street in Inman Square.

18 And equally important over period of the use
19 permit to meet the demands for affordable day care in the
20 neighborhood, as families are required to return to work
21 from COVID restrictions.

22 I can recite the rest of the permit, but the

1 application is pretty straightforward. There are no changes
2 to the exterior or the footprint of the building, with the
3 exception of -- you know, cosmetic items.

4 The interior will be used for classrooms during
5 the special permit period. The articles relevant are
6 referred to in the application, and we believe that all the
7 provisions of the ordinance will be met in connection with
8 the proposed use under Section 19.30 of the objectives of
9 the Urban Design Ordinance.

10 And the rest of the special permit questions are
11 answered in the application. I will turn it over to Elkie
12 to explain the mission of the Cambridge Preschool of the
13 Arts and their use of this building.

14 Elkie?

15 ELKIE ZARCHI: Hi. Thank you for your time. So I
16 think you may remember us from a few years ago. About five
17 years ago we started a preschool, Cambridge Preschool of the
18 Arts, to provide, you know, to answer the very high demand
19 for child care need in Cambridge.

20 Over the last five years we grew faster than we
21 could have ever imagined. We went from enrolling nine
22 children five years ago to 160 this coming September. And I

1 think, you know, we have a really good standing with the
2 EEC. Our quality is top-notch.

3 We've never had any incidents or red flags. We
4 have built an amazing, amazing community -- a diverse
5 community. That's always been our mission, and that
6 continues to be our mission.

7 And it seems that in the immediate Harvard Square
8 neighborhood, there are very few options. And so being able
9 to provide for our families, especially given the fact that
10 during COVID even more child care centers have to close, we
11 thank God we're so lucky and blessed to have not only stayed
12 afloat, but have grown tremendously over this last year.

13 So having this while we expand 243 will just give
14 us the ability to, you know, let more students off our
15 waitlist and be able to provide child care and community for
16 our families.

17 All of our families in the Harvard Square will be
18 walking. So it would not change the flavor or the traffic
19 in the neighborhood. I live on Banks, so very familiar with
20 the neighborhood. We are surrounded by Harvard buildings.
21 65-67 is all surrounded by Harvard buildings. So I do not
22 we would be bringing more noise; maybe just some more

1 laughter and smiles to the block.

2 CONSTANTINE ALEXANDER: How long do you anticipate
3 you'll need these temporary classrooms?

4 ELKIE ZARCHI: So if we could get it for the three
5 years, that would be marvelous, because at 243 Hampshire, we
6 can't fully expand there, because Moona's, the restaurant,
7 has -- we inherited their lease when we bought their
8 building. So we won't be able to expand that space for a
9 few years.

10 CONSTANTINE ALEXANDER: A few years?

11 ELKIE ZARCHI: For like, three years, yeah.

12 CONSTANTINE ALEXANDER: That's not exactly
13 temporary.

14 ELKIE ZARCHI: I guess, you know, we'll take it
15 for as long as you can give it to us.

16 CONSTANTINE ALEXANDER: My concern is this. I
17 mean, otherwise I have no problem with the relief you're
18 seeking. But I have seen in the past temporary structures
19 or temporary use of a building become permanent 20 years
20 later, and still being used for what we granted temporary
21 relief for.

22 So I don't want to be in a position where we have

1 to face, you know, we're sort of -- I don't want to use the
2 wrong words -- we would grant relief on one basis, and it
3 turns out that wasn't the basis that was appropriate.

4 So I'm going to put a -- I want to put a time
5 frame in short, on how long we will grant the relief.

6 ELKIE ZARCHI: Okay. Isn't this application
7 anyways limited for three years?

8 CONSTANTINE ALEXANDER: I'm sorry, I can't
9 understand you. one more time?

10 ELKIE ZARCHI: Isn't this application that we're
11 applying for, isn't it by definition only three years
12 anyways, maximum?

13 CONSTANTINE ALEXANDER: No, it's not. If we grant
14 you relief tonight, with no condition, it'll be permanent.

15 ELKIE ZARCHI: Okay. What do you know?

16 CONSTANTINE ALEXANDER: And that's not what I
17 want.

18 ELKIE ZARCHI: We didn't even know that. We
19 didn't even know that. How do you like that? So --

20 CONSTANTINE ALEXANDER: I'm sorry.

21 ELKIE ZARCHI: We didn't even know that. We
22 thought it was only for three -- limited to three years.

1 CONSTANTINE ALEXANDER: Give me a period of time
2 where you're comfortable, where you will no longer --

3 ELKIE ZARCHI: Can we do three years?

4 CONSTANTINE ALEXANDER: Three years? That's --
5 I'm -- fine with me. I'll see what my fellow Board members
6 think of that.

7 BRENDAN SULLIVAN: Yeah. This is Brendan
8 Sullivan. Elkie, what is the school year, or what is the
9 day care year, or is there a day care year, or is it 24 -- I
10 mean, is it 12 months?

11 ELKIE ZARCHI: We go through the summer. Yeah, we
12 go through the summer. We take a little break between our
13 academic and our summer sessions. We run on an academic
14 calendar, but we offer care through the summer.

15 BRENDAN SULLIVAN: Okay. So if today is July
16 2021, and we extend for three years through 2024, what month
17 of 2024, December?

18 ELKIE ZARCHI: Can we do it -- yeah, we -- our
19 school year starts September 1. So can we do it through --
20 like start it September 1 and do end it the three years at
21 the end of August?

22 CONSTANTINE ALEXANDER: So you're talking about

1 August 31, 2024?

2 ELKIE ZARCHI: Yes.

3 BRENDAN SULLIVAN: Okay.

4 CONSTANTINE ALEXANDER: That's fine with me.

5 BRENDAN SULLIVAN: Yep.

6 CONSTANTINE ALEXANDER: Other members of the
7 Board, have you got any thoughts on that?

8 [Pause]

9 CONSTANTINE ALEXANDER: Hearing none, I'll open
10 the matter -- well, anybody have any comments? Brendan,
11 you've given your comments, I think.

12 BRENDAN SULLIVAN: No. I think you covered any
13 concern I had.

14 CONSTANTINE ALEXANDER: Okay. Slater? Any
15 questions or comments?

16 SLATER ANDERSON: No. No comments.

17 CONSTANTINE ALEXANDER: Okay. Laura?

18 LAURA WERNICK: No questions.

19 CONSTANTINE ALEXANDER: Wendy?

20 WENDY LEISERSON: I just have one question with
21 regard to the congestion and traffic for pickup and drop-off
22 that you mention in your application. Do you already know

1 where the families are coming from if you have to say that
2 most of them will be walking to and from, or?

3 ELKIE ZARCHI: Yeah. So our families are -- right
4 now there's the House 48 Banks Street. We had that last
5 year, the last two years also on a variance. So those
6 families are graduating.

7 So they would be coming to 65-66. And I also
8 have an overflow classroom in my house, like in family care.
9 So they would be graduating.

10 So I know all the families, and I know the
11 families that are joining. So everybody is walking. And
12 worst-case scenario, someone is driving for whatever reason,
13 we have plenty -- ample parking right across the street at
14 Kebab, that they can park in. And they know that driveway.
15 So -- and this property also has four spots.

16 WENDY LEISERSON: Okay, thank you. No more
17 questions.

18 CONSTANTINE ALEXANDER: Thank you, Wendy. I've
19 asked my question already, so I have no further questions.

20 We'll now open the matter up to public testimony.
21 Any members of the public who wish to speak should now click
22 the icon at the bottom of your Zoom screen that says, "Raise

1 hand."

2 If you're calling in by phone, you can raise your
3 hand by pressing *9 and unmute or mute by pressing *6.

4 We'll I'll take a moment to see if anyone wishes to speak.

5 [Pause]

6 SISIA DAGLIAN: Yeah. Avishay?

7 AVISHAY BEN SASSON-GORDIS: Hi. Thank you very
8 much, dear Committee Members. I'm speaking as a parent in
9 Elkie's Preschool of the Arts and as a neighbor of the
10 property; I live right around the corner, and I'd like to
11 speak strongly in favor of the Preschool of the Arts in
12 general and what they're doing and talk to three things, as
13 somebody who lives in the community here.

14 The first is how the Preschool of the Arts
15 contributes to community. So one of the things that this
16 neighborhood really benefits from other than being close to
17 the Harvard campus is the young families that are able to
18 live in this area. And so to be able to live in this area,
19 we depend on child care, and especially throughout the
20 pandemic.

21 The commitment and the level of organization that
22 Preschool of the Arts has been able to offer to all the

1 families..

2 Some of our friends are in other locations, and
3 the friends that we've made in this location have been
4 transformative for our mental well-being; for our ability to
5 continue working and being active in our communities, but
6 also to the mental well-being and to the growth of our
7 children.

8 And we've seen this both through the friends that
9 they've made throughout this time, but also we have
10 something to compare it to, which is lockdown last year.
11 Not -- on a usual year, we wouldn't have been able to
12 compare it to that, but this year we can. And I'm happy to
13 report that children that go to POTA are much happier than
14 children that are forced to remain at home.

15 And the availability of child care in the Harvard
16 Square area is not terribly high, to put it mildly.

17 The other thing I would say is that the sort of
18 families we met at the Preschool of the Arts throughout our
19 time in the program -- and we've been with Elkie for two
20 years, our daughter entered day care when she was four
21 months old, I'll speak to that in a moment -- has been
22 different than the sort of people we would have otherwise

1 met.

2 We've met people who are engaged in other
3 professions who come from different backgrounds, and this
4 sort of diversity is something that we really appreciate
5 Preschool of the Arts bringing to our lives.

6 And finally, in my family I am responsible for
7 most child care throughout the day. In most families, I
8 recognize that that's not necessarily the case in terms of
9 gender roles.

10 And we have found that when we were forced to stay
11 at home and child care was not available or not affordable,
12 one of us had to pay the price in terms of career
13 development and growth.

14 And I can really appreciate -- again, because I
15 have a basis for comparison -- what Preschool of the Arts is
16 making possible for families who are able to enroll in terms
17 of going to work, developing as individuals and contributing
18 to the larger Cambridge community by being able to leave the
19 house and know that your children are in the best possible
20 hands.

21 So this is a testimony from somebody who lives
22 here and, you know, can appreciate the parking shortage in

1 the neighborhood very, very acutely and the noise when it
2 happens, but can also -- and the first thing Preschool of
3 the Arts contributes to neither of those, but really
4 contributes to our well-being as a community, as a diverse
5 community and as a community of people able to fully live
6 our lives here.

7 CONSTANTINE ALEXANDER: Thank you. Thank you for
8 taking the time and for having the patience to speak to us
9 tonight. Anyone else, Sisia?

10 SISIA DAGLIAN: No.

11 CONSTANTINE ALEXANDER: Okay. That's it. So I'm
12 going to close public testimony. As I may have mentioned,
13 we also have a letter in our file in support of the relief
14 being sought. And the relief being sought is a special
15 permit.

16 So I'll make a motion, and we can then debate the
17 motion or approve it or turn it down.

18 The Chair moves that we make the following
19 findings with regard to the special permit that's being
20 sought:

21 That the requirements of this ordinance cannot be
22 met without the special permit. That traffic generated or

1 patterns of access or egress will not cause congestion --
2 resulting from what is being proposed will not cause
3 congestion, hazard, or substantial change in established
4 neighborhood character.

5 What will happen is we're going to do an expansion
6 of the learning experiences offered by the school, and it's
7 consistent with what's there now, except that it will be
8 more for the next couple of years, because I'll get to that
9 in a second -- there will be more children coming and going
10 to the school and parents taking children to the school if
11 necessary.

12 That the continued operation of or development of
13 adjacent uses, as permitted in the zoning ordinance, will
14 not be adversely affected by the nature of the proposed use.

15 It's more the same, except there's more. There's
16 just -- there's a school now there, and there will be a
17 school there later offering the same services to young
18 students. Again, there will just be more of them.

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

22 And generally, what is being proposed will not

1 impair the integrity of the district or adjoining district,
2 or otherwise derogate from the intent and purpose of this
3 ordinance.

4 In fact, it will further the intent and purpose of
5 this ordinance, because it'll encourage services --
6 educational services that are not necessarily offered in the
7 public schools. And certainly not for children of the age
8 who may be attending these classes at the facility.

9 So on the basis of all of this, the Chair moves
10 that we grant the special permit being requested by the
11 petitioner on the condition, or subject to the condition
12 that this special permit will terminate August 31, 2024, at
13 which time there will be no ability to use these temporary
14 classrooms as proposed by the petitioner, except if they
15 seek further zoning relief at that time, and we grant the
16 zoning relief.

17 Brendan, how do you vote?

18 BRENDAN SULLIVAN: Yes to granting the special
19 permit.

20 CONSTANTINE ALEXANDER: Slater?

21 SLATER ANDERSON: Slater Anderson votes yes to
22 granting the special permit.

1 CONSTANTINE ALEXANDER: Laura?

2 LAURA WERNICK: Yes to granting the special
3 permit.

4 CONSTANTINE ALEXANDER: Wendy?

5 WENDY LEISERSON: Yes to granting the special
6 permit.

7 CONSTANTINE ALEXANDER: The Chair votes yes as
8 well.

9 [All vote YES]

10 CONSTANTINE ALEXANDER: It's unanimous. The
11 special permit has been granted for the next three years or
12 so. Thank you. And that concludes our --

13 COLLECTIVE: Thank you.

14 CONSTANTINE ALEXANDER: You're welcome. Oh, I'm
15 sorry, I should have -- that's all right, never mind. I
16 would have -- making reference to the plans submitted by the
17 petitioner, but I don't think it's necessary in fact, given
18 that you're not going to modify the exterior of the
19 structure.

20 So part of my musings and wanderings, this hearing
21 is completed. The case is over. Thank you very much.

22 COLLECTIVE: Thank you very much. Goodnight.

1 [09:14 p.m. End of Proceedings]

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CERTIFICATE

Commonwealth of Massachusetts

Middlesex, ss.

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

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

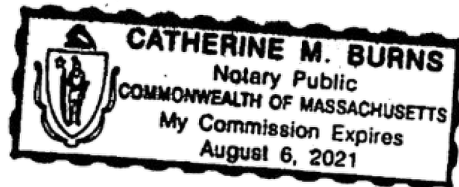
In witness whereof, I have hereunto set my hand this 23rd day of July, 2021.



Notary Public

My commission expires:

August 6, 2021



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