

BOARD OF ZONING APPEAL
FOR THE
CITY OF CAMBRIDGE

GENERAL HEARING

THURSDAY, OCTOBER 7, 2021

6:00 p.m.

Remote Meeting

via

831 Massachusetts Avenue
Cambridge, Massachusetts 02139

Constantine Alexander, Chair

Brendan Sullivan, Vice Chair

Slater W. Anderson

Alison Hammer

Jim Monteverde

Laura Wernick

City Employees

Olivia Ratay



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P R O C E E D I N G S

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(6:00 p.m.)

Sitting Members: Constantine Alexander, Brendan Sullivan,
Jim Monteverde, Laura Wernick, and
Slater W. Anderson

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

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

This meeting is being video and audio recorded,
and is broadcast on cable television Channel 22 within
Cambridge. There will also be a transcript of tonight's
proceedings, in due course.

1 All Board members, applicants, and members of the
2 public will state their name before speaking. All votes
3 will be taken by roll call.

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

8 Generally, you will have up to three minutes to
9 speak, but that might change based on the number of
10 speakers.

11 I'll start by asking Olivia to take Board member
12 attendance and verify all members are audible.

13 OLIVIA RATAY: Jim Monteverde?

14 JIM MONTEVERDE: Jim Monteverde is present.

15 OLIVIA RATAY: Slater Anderson?

16 SLATER ANDERSON: Slater present.

17 OLIVIA RATAY: Laura Wernick?

18 LAURA WERNICK: Laura Wernick present.

19 OLIVIA RATAY: Brendan Sullivan?

20 BRENDAN SULLIVAN: Brendan Sullivan present.

21 CONSTANTINE ALEXANDER: And the Chair is also
22 present. So tonight we will start with continued cases, as

1 we always do when we have continued cases. These are cases
2 that started at an earlier hearing, but for one reason or
3 another were continued until this evening.

4 We have three continued cases this evening,
5 although one is going to -- when we get to it, is going to
6 be continued further.

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(6:03 p.m.)

Sitting Members: Constantine Alexander, Brendan Sullivan,
Jim Monteverde, Laura Wernick, and
Slater W. Anderson

CONSTANTINE ALEXANDER: Anyway, the first case I'm
going to call is Case Number 132592 -- 621 Cambridge Street.
Anyone here wishing to be heard on this matter?

SARAH RHATIGAN: Good evening, Mr. Chairman. This
is Sarah Rhatigan -- Trilogy Law -- members of the Board.
Thank you very much for being with us this evening.

I'm here representing RPI Cambridge Street and
Riverside Properties, the developer. And Brett Levy is here
with me, the Principal there. [Can you wave, Brett?
Thanks.] And Peter Quinn is our architect.

PETER QUINN: Good evening.

SARAH RHATIGAN: Board members may remember we
were before you at a hearing towards the end of August, I
believe, and we'd asked for a continuance to have our first
hearing. So this matter has actually not been heard by this
Board before, just in terms of where we are.

Just a little bit -- I'd like to tell you about

1 the process here. This is a renovation and reconstruction
2 -- redevelopment of a building along Cambridge Street that
3 is familiar to many people.

4 This is essentially a building that has three
5 components to it. The center building was occupied by the
6 Mayflower Poultry Company, which was a wholesale poultry
7 plant that had a retail component in the front.

8 And on the left side is a furniture store for many
9 years.

10 And then on the right side is a historic barn
11 structure, two stories. And at the top story there was a
12 residential apartment connected essentially to a recording
13 studio, so commercial space up there as well.

14 CONSTANTINE ALEXANDER: How many residential
15 apartments are there, today?

16 SARAH RHATIGAN: It was just one -- it was one
17 space up there, and somewhat connected to the commercial
18 space. But there was technically an apartment there.

19 The application that's before you today is a
20 special permit. And there are two reasons here for the
21 special permit.

22 One is that there's a proposed change of use

1 within a nonconforming property. And the change of use is
2 to permitted uses in this district. And we spelled them out
3 in the application, but essentially for the vast majority of
4 the building, the plan is to redevelop this for an office
5 R&D type tenant.

6 And Brett will be available to answer, you know,
7 any questions about sort of what the business plan is or
8 proposition is for the use. But that is really the purpose
9 that the owner had for purchasing the property and doing
10 this redevelopment project.

11 As part of the public process engaged throughout
12 over the past four months -- engaging with the neighbors and
13 the community in the East Cambridge Business Association, it
14 became clear to the owner that they really had concerns
15 about retaining a retail component in this project which
16 was the reason that plans were revised and then resubmitted
17 to this Board, and the plans that you're looking at today
18 show a lot of effort made by the developer to sort of work
19 around having a central retail component.

20 So there's a -- I think it's a 1000 square feet
21 retail space.

22 The application also provides some flexibility in

1 terms of the types of tenants that may occupy the space. We
2 don't have tenants already, and there's a reason for that
3 which is there's really such substantial amounts of work
4 that need to be done to get just the base building
5 components in place that will take a long enough timeframe;
6 that it's just too much time for the owner to be able to
7 engage tenants and actually get them, you know, signing
8 leases when they don't even know if, you know, the city
9 would allow the use.

10 So this is really the first stage in being able to
11 renovate and redevelop this property.

12 I'm going to turn this over pretty quickly to
13 Peter, who will go through the specifics of what changes are
14 being made, so that you can see the plans and we'll go
15 through those page by page.

16 But just before I do that, I'm going to try to
17 very briefly give you a flavor of what the public process or
18 the engagement has been by the owner with members of the
19 neighborhood and the most impacted abutters.

20 So beginning in July -- well, even before then
21 there was outreach to immediate abutters and to some members
22 of the East Cambridge Business Association. But as soon as

1 plans were available, the owner distributed plans to all of
2 the abutters -- and there actually are a substantial number
3 of people on our list -- and also encouraged those folks to
4 distribute them to friends and neighbors and any who might
5 be interested.

6 And there was an in-person meeting on the site, I
7 believe it was the end of July -- actually we will have
8 somebody correct me on the date, but -- I believe yes, it
9 was --

10 CONSTANTINE ALEXANDER: How well attended was
11 that?

12 SARAH RHATIGAN: It was quite well attended.

13 CONSTANTINE ALEXANDER: How would you --

14 SARAH RHATIGAN: Brett, can you give me an
15 estimate? I know we have everybody's names --
16 approximately.

17 CONSTANTINE ALEXANDER: Yeah, approximately how
18 many?

19 BRETT LEVY: Forty people; 40 plus people.

20 CONSTANTINE ALEXANDER: 40; four-0?

21 BRETT LEVY: Yeah, just over --

22 SARAH RHATIGAN: Four-0, yeah.

1 BRETT LEVY: Four-0.

2 CONSTANTINE ALEXANDER: Thank you.

3 SARAH RHATIGAN: And all of the people in
4 attendance who were interested and wanted to be added to a
5 distribution list provided e-mail addresses.

6 And there was a presentation of the plans that
7 were -- the original plans that were submitted. This is
8 before the changes were made to add the retail component.

9 There was a really healthy discussion and some
10 feedback. The largest take-home was that the developer
11 really needed to find a way to keep retail in this project,
12 because it was such an important part of the -- sort of
13 community.

14 Plans were revised, reworked, and when revisions
15 were available, the developer circulated a description of
16 what changes have been made that addressed the retail
17 component that I've talked about -- also some more detail
18 and understanding of what mechanical systems would be
19 necessary for the building.

20 And they were able to provide more detail about
21 mechanical systems on the roof, which Mr. Quinn will show
22 you in one of our slides, and generally address some

1 concerns that folks had about operations of the building.

2 And another meeting was held. This one was held
3 on Zoom, and was quite well attended; less than 40 people, I
4 think. But -- and that was, I believe, August 31.

5 In the meantime, also we presented to the East
6 Cambridge Planning Team. And the East Cambridge Planning
7 Team, I believe, has a letter or maybe two letters in the
8 file. That was also a very helpful process. A lot of
9 feedback was provided.

10 There are some concerns that the developer was
11 able to address. There was I think a concern about losing a
12 residential unit that the developer made real efforts to try
13 to kind of wrestle with, but that just wasn't going to be a
14 feasible possibility, both for architectural reasons as well
15 as programmatic reasons.

16 And the unit that's there is a little unique.
17 It's sort of -- as I said, it's sort of connected to the
18 commercial use, not quite a traditional type of residential
19 unit.

20 Finally, I just want to mention that the East
21 Cambridge Business Association and members of that group
22 have been constantly in continuous discussion with the

1 owner, and has been quite helpful in going through some of
2 the important aspects of how the project is going to -- we
3 believe, and I believe that East Cambridge Business
4 Association has concluded as well -- will bring a less
5 impactful but also vibrant use to the area, with office
6 workers who will be coming in daily and shopping and eating
7 locally -- all things that, you know, are part of their
8 concern.

9 The last and very -- could have started here,
10 actually, because it's in part one of the most important
11 aspects of the project -- the middle building and the
12 building on the right, the tall barn two-story structure are
13 historic. They're listed on the National Register.

14 And we went through a process with the Cambridge
15 Historic Commission and a hearing, which was very well
16 attended, and also well received by the Historic Commission.
17 And they granted a Certificate of Appropriateness for the
18 project.

19 I believe you have that in your file.

20 Peter, can I pass it to you?

21 SARAH RHATIGAN: And Olivia, if you don't mind, if
22 you could put the plans up now? The plans --

1 PETER QUINN: Thank you. Peter Quinn of Peter
2 Quinn Architects Somerville, Davis Square. Thank you and
3 good evening to the Board members and members of the public.

4 If -- Olivia, if you could turn to Sheet Number 8,
5 that would be really helpful. It's otherwise known as --
6 yeah, right there -- existing photos. Thank you.

7 So at the top here, you can see two existing
8 photos. These were taken this last summer. The building,
9 although it looks like two separate buildings, is actually
10 three.

11 The -- of course the barn building, which was the
12 original trolley car barn going back to horse days, is on
13 the far right.

14 And then just to the left of it, where the poultry
15 retail outlet is, that was another building, a small amount
16 of which was still intact in the rear.

17 And then completely to the left is a more
18 contemporary building from the late '50s or early '60s --
19 just a simple, one-story building with a minimal steel frame
20 and a small loading dock on the far left.

21 So that was our raw material to work with. The
22 building is -- the brick masonry façade on all sides. And

1 some renovation had been done to the existing building --
2 the existing barn building in particular, probably 30 or 40
3 years ago. Some of them we were able to work with.

4 We can go next to the floor plan on -- existing
5 floor plan, Sheet 6, I think. There we go.

6 So this gives you an idea how it lays out in the
7 existing condition. Starting from the left, that's the
8 grade level loading dock that I mentioned, which is kind of
9 like a tunnel on the side.

10 And then a big open space held up by a couple of
11 steel columns.

12 And then the bigger block on the right side of the
13 image is the barn -- is on the far right. And that has been
14 used on the ground floor as kind of a truck way and
15 refrigerator storage area.

16 And then on the left there is more refrigeration
17 in the front, which is at the bottom of the sheet, is the
18 retail space.

19 On the second floor -- Sheet 7, please? -- in the
20 existing condition, this is all this kind of loft space that
21 had a small bedroom in it. And -- but otherwise mostly work
22 space on there. It was -- it is -- has a small balcony on

1 the side, which serves as a fire stair on the far right.

2 Next will be the street view, Sheet 10, please?

3 So here you can see the sort of basic move that
4 were made here. We did get permission from the [19:06
5 indiscernible to taken down the middle building, as -- you
6 may have some questions about that, but basically the
7 building was in very, very bad shape. The middle building
8 was essentially rotting.

9 So with that in mind, that gives an opportunity to
10 create a new building between the contemporary building on
11 the left and the barn building on the left that create a
12 small plaza to give a little more space at the sidewalk,
13 some outdoor seating.

14 And then we are also, you know, undergoing a
15 restoration with windows, and bigger openings throughout the
16 project -- but in particular on the barn restoring the old
17 windows with new, divided light windows -- which we'll
18 continue to confer with the Historic Commission Staff on
19 that with how they get detailed.

20 We can go to Sheet 13. I can take you a little
21 bit more through the elevations. There we go.

22 So you can see below, that's the existing front

1 elevation drop-off to the [20:14 audio unclear] And then
2 above is what we're proposing. So you can see starting from
3 the left new garage door on the grade-level loading dock.

4 And then moving to the right, we've opened all
5 that up in order to create a retail space on the right side
6 of that first piece of brick. That's about 1000 square
7 feet, and there's also an entry there into the commercial
8 tenant that will occupy the majority of this space here.

9 And then the white section is our new piece of
10 building in the middle. It's a connector building, but it
11 can also stand on its own. It gave us an opportunity to
12 collect as many mechanical pieces of equipment as possible
13 in a new rooftop, screen rooftop area.

14 That area is going to have heavier beams and, you
15 know, be able to take the loading from all the mechanical
16 equipment. I'll go into that in a minute when we show the
17 section.

18 But we also leave a small amount of area on the
19 main commercial building to the left, where we may also have
20 a screen if we need it. So there is some equipment up there
21 now. Our intention is to screen.

22 And then going to the right, we see the barn

1 building. All of that is existing openings taken back to
2 their original masonry size -- masonry open size, and then
3 filled in with new divided light windows.

4 So I think you can see it presents a much more
5 active storefront than -- you know, and street front to the
6 sidewalk and pedestrian, with a little bit of recess at the
7 white building in the middle. Gives a kind of nice
8 opportunity for creating a space and a proper sidewalk, and
9 also, creating an entry that will be used by the commercial
10 tenant --

11 And then if you can -- just the next slide,
12 please? This is the side view. This would be the right
13 side of the barn building. We see in the lower picture
14 there are some existing windows. Many of them don't
15 completely fill their masonry opening.

16 And then down below, the masonry openings are
17 actually filled in with brick. So we are proposing to open
18 that up with traditional double-hung windows and new headers
19 and -- sills. Take away the emergency egress balcony that's
20 hanging off the building.

21 But we did get in some interesting -- some good
22 feedback from the neighbor, who's directly across from this

1 about 15 feet away, maybe a little further, that they would
2 like to see these -- their privacy retained.

3 So these lower windows will be frosted in order to
4 maintain privacy, but it still allows the commercial tenants
5 to get light into their space -- there behind this wall.

6 The next slide, please; the next drawing?

7 This is the rear of the building, which as you can
8 see in the lower drawing presents some complications in
9 terms of layering the different pieces of the building. The
10 barn building, starting with that, actually has a small
11 annex on the back, which has a sloped roof on it. That is
12 not in very good condition. And so we're rebuilding the top
13 part of that. The lower part, its masonry is fine.

14 CONSTANTINE ALEXANDER: Excuse me, how far from
15 the lot line, the rear lot line, is the building now? I
16 mean --

17 PETER QUINN: Yeah. Just to give you -- it's
18 essentially -- actually why don't we just go to both
19 platforms, so you can see that. That would be Sheet --
20 right there, 4. Yeah. You get a good idea.

21 So this is what in the rear there we're rebuilding
22 that structure. It is now on the property line and will

1 stay on the property. So to the left of that, there's a
2 piece of structure that we're taking out, where it says,
3 "new rear patio." That building actually extends right to
4 the property line, as it is now. So we'd be taking it --

5 CONSTANTINE ALEXANDER: How far is the rear lot
6 line -- in other words, I take it those are residential
7 structures behind --?

8 PETER QUINN: Number 22 Lambert is. And I'll
9 mention that in a minute, because we did negotiate with that
10 owner on some windows on the rear. But that other box that
11 you see above the number, or just to the right of the number
12 134.1 is a transformer. It's a major transformer. That
13 serves the tower that's a little further up the page here.

14 CONSTANTINE ALEXANDER: Thank you.

15 PETER QUINN: So that's really the only abutter at
16 22 Lambert on this side. So we're actually pulling the
17 building back eight-foot-six in this middle building area,
18 to create a new rear patio.

19 And then the rear of the building has this 8 by 6
20 grass strip behind the -- you know, the 1960s one-story
21 thing, which will continue to retain.

22 Now, go back to the elevations. That would be

1 Sheet, probably, 12. Yeah. That's good.

2 So what you're seeing here is starting from the
3 left, a rebuild of that annex that's on the back of the barn
4 building. We use it for an egress stair.

5 And then the middle part you see here in a fenced
6 patio area.

7 And behind that is our middle building. You can
8 see beyond that a screen for the mechanical equipment that I
9 mentioned that goes all around it.

10 And then finally to the right, those -- this is a
11 masonry block building in the rear. It's the same building
12 that is the one that I call the, "1960s commercial
13 building." That's all -- you know, concrete block on the
14 rear side.

15 We are making some openings that are quite high to
16 let in light -- you know, kind of at a transit level. I
17 think this has six feet here from the slab to the
18 windowsill. And that was something we -- the owner of this
19 project was able to work out with the neighbor, who was
20 nearby to the right.

21 So, again, you can see the mechanical screen if
22 you need it on top of the one-story section. We can go to

1 the last slide on the elevations -- I'm sorry -- Number 16.
2 Sixteen. Thank you.

3 So there are -- you know, very few changes here.
4 It's mostly a matter of if you see the barn building, that's
5 quite a ways away, because we're actually standing at the
6 far end of the commercial building.

7 But those -- there are a number of windows there
8 that have been blocked up, so we're opening those up as
9 well. They're intended for the second-floor commercial use
10 of the barn. You can also see the fenced area on the far
11 left, where we've created this rear patio for the commercial
12 users, with a six-foot fence around it.

13 So if we could go to the site section, which I
14 think is Sheet 17?

15 Yeah. Now, we were asked to, you know, verify how
16 well the screening works. And we're proposing to put about
17 a five-foot high screen around the grouping of mechanical
18 building that we'll have there. And we feel that this will
19 screen the vast majority of mechanical equipment very
20 easily.

21 If you stand across the street here -- you might
22 have to shift the drawing to see it, but there's a person

1 standing on the far sidewalk.

2 You can see the sightline of the proposed building
3 and the screening. You really can't see any equipment. And
4 the existing building has a similar kind of cutoff, maybe a
5 little higher. But, you know, it's not necessary to go any
6 higher, because we've managed to get rid of the field
7 equipment. But I think that works pretty well.

8 Lastly, if you could go to Number 18, Sheet 18.
9 This is just a repeat. And that's our 3D view. You can see
10 what the existing condition looks like in that photo at the
11 bottom; a very lovely addition. We were able to open some
12 windows on the side here of the barn. They're actually in
13 there now, but locked in.

14 And you can also see the windows that I mention on
15 the second level of the barn that look out over the roof.
16 They're quite high and they're more like transom windows, so
17 that they'll just bring in light, you know, into the space.

18 So with that, I will close my presentation. Thank
19 you. Appreciate it. Happy to take your questions.

20 CONSTANTINE ALEXANDER: Thank you.

21 SARAH RHATIGAN: Thanks. I was just going to
22 conclude too -- just really briefly, I'm sorry, I know we've

1 talked for a little while, but just to focus the reminding
2 the Board that there are two special permits that we're
3 requesting -- so the one I described at the outset, which is
4 the change of use within the existing building.

5 Note again that all of the uses requested are
6 allowed. They have, we believe, a reduced impact in terms
7 of traffic and loading activities that are currently part of
8 what has existed on the site for many years.

9 And reduced square footage, modestly, by 500
10 square feet or so I think is the deficit, or the
11 diminishment. Some more open space. The parking
12 requirements for the new use are less -- quite a bit less
13 than the existing uses would be if they were continued.

14 The second special permit is, as you point out,
15 the rear elevation. Those window openings that Peter was
16 describing on the rear elevation, those do require a special
17 permit.

18 The modifications on the sides -- the side
19 elevations -- don't technically require a special permit.
20 We did want to show those to you because of the work --
21 wanting you to see, of course, the whole project; and also,
22 to understand the response to trying to make sure that we

1 were responsive to the neighbors' concern about privacy with
2 the translucent windows.

3 And I think that it's a good time for me to rest
4 and to be able to answer any questions, and also, of course,
5 Mr. Levy's here to answer questions as well.

6 CONSTANTINE ALEXANDER: You mentioned the fact
7 that -- and there was a letter in our files to that effect
8 -- that the East Cambridge Business Association is in
9 support of this project. But what about the East Cambridge
10 Planning Team?

11 SARAH RHATIGAN: My understanding is that the East
12 Cambridge Planning Team continued to do express some
13 concerns because they had concerns about what lab, quote,
14 unquote, "lab use" would be in the building? And
15 secondarily being concerned about the loss of the
16 residential unit in the building.

17 And --

18 CONSTANTINE ALEXANDER: They would not be in
19 support, I'm sure.

20 SARAH RHATIGAN: I don't believe that they are.

21 CONSTANTINE ALEXANDER: I have -- we have a letter
22 in our files that says they are not in favor of the relief

1 you're seeking.

2 SARAH RHATIGAN: Mm-hm.

3 CONSTANTINE ALEXANDER: Just for the record.

4 SARAH RHATIGAN: Yep.

5 CONSTANTINE ALEXANDER: And did you mention the
6 Historical -- Cambridge Historical has approved this
7 project?

8 SARAH RHATIGAN: They have, yes. And we have --
9 the Certificate of Appropriateness is in your files. Yep.
10 Thank you.

11 CONSTANTINE ALEXANDER: I'll open -- I'll see if
12 members of the Board have questions. Brendan?

13 BRENDAN SULLIVAN: [Brendan Sullivan] No questions.

14 CONSTANTINE ALEXANDER: Jim?

15 JIM MONTEVERDE: [Jim Monteverde] I have a
16 question. If you can go back -- Sisia, if you could go back
17 to Sheet 17, that's the section through the new building, I
18 believe. So -- and this relates to the rooftop.

19 And I appreciate the screen that's there, and I
20 see the equipment that's there. Relative to the proposal,
21 the possible research and development for lab use, this
22 strikes me as a bit understated for what a lab -- depending

1 on what lab use it is -- may require.

2 In other words, exhaust stacks, they're 10 feet
3 tall, or taller than the -- any adjacent window. There's --
4 it understates if a tenant would want a stand-by generator
5 for any of their experiments or anything else that they're
6 doing, that would be considerably taller than the screen
7 wall.

8 So what type of equipment are you anticipating
9 would hide behind a five-foot tall screen wall? Related to
10 laboratory use?

11 PETER QUINN: Yeah, this is Peter Quinn. We've
12 set this up for a kind of normal commercial tenant, who
13 might be doing -- you know, office or R&D, but not as a --
14 you know, wet lab or any kind of -- you know, thing that
15 requires the type of equipment you're mentioning.

16 JIM MONTEVERDE: Right.

17 PETER QUINN: That does not mean -- you know, the
18 way zoning is set up, it lumps all these uses together, as
19 an allowed use in this district. So, you know, the office
20 is just writing software is in the same category as the --
21 you know, the lab that is designing the next vaccines.

22 So, you know, it is -- as mentioned in the

1 beginning by Sarah, it is very difficult to anticipate who
2 your tenant is going to be. I think, you know, we're -- we
3 know that if there was a lab tenant, that some of this
4 information would have to be, you know, brought back.

5 I believe there's a review process for some of
6 this equipment, if it gets too big. And, you know, we will
7 probably add additional screening. But that's not what
8 we're anticipating to happen.

9 But Brett Levy --

10 JIM MONTEVERDE: Yeah, so that's the part I'm just
11 trying to --

12 PETER QUINN: Yeah. I understand.

13 JIM MONTEVERDE: -- investigate. Because in the
14 -- and I'm reading the old BZA application form from July
15 15, but Sarah, I think you used the same wording, which is
16 really what the Ordinance says, "Office, Research and
17 Development, and/or Laboratory."

18 PETER QUINN: Yeah.

19 JIM MONTEVERDE: It's really the laboratory one
20 that to me has a hook into it, and potentially in terms of
21 the type of rooftop equipment you could anticipate. And I
22 would suspect it would be significantly larger and/or

1 taller.

2 And I think if you were to come back, or this
3 proposal were to show screen walls that would have screened
4 some of that equipment, or some of that equipment you can't
5 screen, right? Exhaust stacks have to extend above any
6 screen wall for disbursement -- that's the part that I have
7 the concern with. But I think you've answered my question.
8 Thank you.

9 LAURA WERNICK: If I can just go a step further,
10 Jim? They are showing 8' and 10' tall equipment, and how
11 that would be screened by the 5' high wall.

12 JIM MONTEVERDE: Yep.

13 LAURA WERNICK: So that's not to say your concerns
14 are not valid, because that's -- the equipment is being
15 shown at the back of the building, towards the back of the
16 building. But --

17 PETER QUINN: If I may --

18 LAURA WERNICK: -- that does show what the
19 implications of taller equipment would be.

20 PETER QUINN: Right.

21 JIM MONTEVERDE: Yep.

22 PETER QUINN: If I may, we will request it to show

1 that, even if it's with another building, business
2 association. So, you know, it's there as a matter of
3 record.

4 BRENDAN SULLIVAN: This is Brendan Sullivan. At
5 any rate, any equipment that is installed at the exterior of
6 the building would have to comply with the current
7 ordinance, which is what? 50 decibels at the property line?
8 Is that correct, Peter?

9 PETER QUINN: I believe it more or less follows
10 the state law, which --

11 BRENDAN SULLIVAN: Yeah.

12 PETER QUINN: -- says that you're only allowed a
13 certain amount of increase.

14 BRENDAN SULLIVAN: Okay. But it's at the property
15 line?

16 JIM MONTEVERDE: Right.

17 BRENDAN SULLIVAN: And it's --

18 PETER QUINN: At the property line, yeah.

19 BRENDAN SULLIVAN: Yeah. And you would be putting
20 in some sound attenuation?

21 PETER QUINN: Absolutely.

22 BRENDAN SULLIVAN: Materials --

1 PETER QUINN: On the inside of that.

2 BRENDAN SULLIVAN: Right, to comply with it.

3 Okay.

4 CONSTANTINE ALEXANDER: Laura, do you have any
5 other comments or questions you want to make?

6 LAURA WERNICK: No. I was going to ask about the
7 lab as well. Thank you.

8 CONSTANTINE ALEXANDER: Okay. Thank you.

9 Slater, anything you want to say?

10 SLATER ANDERSON: No comments at this time, thank
11 you.

12 CONSTANTINE ALEXANDER: Okay. I'll now open the
13 matter up to public testimony, before I -- I'm looking for
14 the instructions, just a second -- but before I do so, I
15 will mention that we do have a number of letters in our
16 files. There is some neighborhood opposition.

17 I would characterize it as people are unhappy
18 about the impact on an established neighborhood,
19 particularly the residential aspects with this change in the
20 building.

21 That's not unanimous. As I've mentioned, the East
22 Cambridge Business Association, Cambridge Historical are all

1 in support. So with that, by way of background, any members
2 of the public who wish to speak should now click the icon at
3 the bottom of your Zoom screen that says, "Raise hand."

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

6 We'll wait a few minutes to see if anyone wishes to call in.

7 Apparently, there is no one who wishes to call in, so I'll

8 close public testimony. And we can move to -- I'm sorry,

9 there is -- apparently someone does wish to speak.

10 OLIVIA RATAY: Phone number ending in 8311?

11 HEATHER HOFFMAN: Hi. Heather Hoffman, 213 Hurley
12 Street. I will note that the Historical Commission is
13 considering the landmarking petition for the Live Poultry
14 Fresh Killed sign tonight as well. So this is all over
15 town.

16 I think that one of the things we're learning
17 living in a neighborhood that is becoming denser and denser,
18 and where there's more and more HVAC equipment for
19 businesses next to residences is that what these -- what the
20 meters pick up and what the ears pick up are not necessarily
21 the same thing.

22 And people are finding a lot of this HVAC

1 equipment that is maybe close to the legal requirement just
2 deafening.

3 One of the things that is not really dealt with at
4 all in the ordinances is what height you should take the
5 readings at. Because that varies a whole lot.

6 Just as an example, at my house on Hurley Street
7 between Third and Sciarappa, I have found sound from the
8 Boston Engine Terminal in Somerville incredibly loud under
9 the right conditions. That's what, half a mile away,
10 something like that.

11 So to say that -- and then there is the sightline.
12 Well, okay, so people standing on the sidewalk, guess who --
13 there's a building right behind the people standing on the
14 sidewalk. And that building is not a blank wall there.

15 And in fact there are people in that building who
16 will be dealing with the sound that isn't screened from them
17 if there's 8- and 10-foot-tall equipment. They'll be seeing
18 the stuff that isn't screened from them.

19 I find too often that proponents assume that
20 people only walk by on sidewalks, and that no one actually
21 occupies any buildings around, unless you force them to
22 address that.

1 So -- and yes, what people said about labs, we've
2 got a lab proposal just down the street. And it's -- you
3 have -- depending on what they're doing -- you have stench,
4 you have noise; you have a whole lot of things.

5 So I wish that the proponents could just commit to
6 having offices. I'm not crazy about it. I would like to
7 have the residents. I'm glad that there will be a
8 storefront there.

9 But labs are killing the neighborhood. And I wish
10 -- I don't care that zoning allows it, we're working on
11 that. But I wish that the people would acknowledge that
12 people live here. Please! Thank you.

13 CONSTANTINE ALEXANDER: Thank you, Heather.
14 There's no one else. So now we really will close public
15 testimony. As we've been doing in the past, what I'm going
16 to propose, unless other members of the Board object, is
17 I'll make a motion to approve, to grant the relief being
18 requested with whatever conditions I think are appropriate,
19 and then we can have a further discussion among the Board
20 members off that motion. And i.e., do you support it, do
21 you oppose it? Et cetera.

22 So with that procedure, the Chair will move that

1 we make the following finding, which is required by Section
2 10.43 of our Ordinance:

3 One, that the requirements of the Ordinance cannot
4 be met unless we grant the relief that's being sought.

5 That traffic generated or patterns of access or
6 egress resulting from this project will not cause
7 congestion, hazard, or substantial change in established
8 neighborhood character.

9 To be sure, there will be change in established
10 neighborhood character, but I for one would suggest that
11 it's not substantial. There was a business use there
12 before; there will be a business use here now. It is a
13 laboratory use proposed, as Ms. Hoffman has pointed out.

14 And to my mind, I'm not sure if that's a
15 substantial change. This is not going to be a -- it's a
16 Sanofi 20-story building with all kinds of labs inside, I
17 don't believe. I think it's going to be a more modest
18 laboratory use -- should the laboratory be used over there.

19 That the continued operation of or development of
20 adjacent uses, as permitted in the Zoning Ordinance, will
21 not be adversely affected by what is being proposed. Again,
22 I think there's room for argument here. I would suggest

1 that its commission is being satisfied. It would not be an
2 adverse effect.

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

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

10 So on the basis of these findings, the Chair moves
11 that we grant the special permit requested on the condition
12 that the work proceed in accordance with plans prepared by
13 Peter Quinn Architects, dated August 13, 2021, the current
14 page of which has been initialed by the Chair. With that,
15 Brendan?

16 BRENDAN SULLIVAN: [Brendan Sullivan] I would
17 support the motion to grant the special permit.

18 CONSTANTINE ALEXANDER: Jim?

19 JIM MONTEVERDE: [Jim Monteverde] I would support
20 the motion.

21 CONSTANTINE ALEXANDER: Okay. Laura?

22 LAURA WERNICK: Laura Wernick would vote in

1 support of the motion.

2 CONSTANTINE ALEXANDER: Slater?

3 SLATER ANDERSON: Slater Anderson supports the
4 motion.

5 CONSTANTINE ALEXANDER: The Chair supports the
6 motion as well, but I have to make -- I think I want to make
7 a comment.

8 [All vote YES]

9 This is what happens in a mixed-use community, one
10 that's -- things change. We had a poultry place there
11 before, and now we're going to have -- we may have a
12 laboratory. Some residential uses will be lost.

13 But that's the nature -- I think the nature of
14 life in an active city like Cambridge. So I vote in favor
15 -- all five have voted in favor. The special permit has
16 been granted.

17 [All vote YES]

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(6:44 p.m.)

Sitting Members: Constantine Alexander, Brendan Sullivan,
Jim Monteverde, Laura Wernick, and
Slater W. Anderson

CONSTANTINE ALEXANDER: The Chair will now call
Case Number 126224, 107 First Street. Anyone here wish to
be heard on this matter?

FRANK MERONEY: Yes, I do. How are you? This is
Frank from FASTSIGNS.

CONSTANTINE ALEXANDER: I'm sorry?

FRANK MERONEY: I'm sorry, you have to speak more
clearly.

FRANK MERONEY: Yes. This is Frank from FASTSIGNS
--

CONSTANTINE ALEXANDER: Okay.

FRANK MERONEY: -- speaking on behalf of 107 First
Street Urban Spaces.

CONSTANTINE ALEXANDER: If I may, and I'm probably
being rude -- let's cut to the chase.

FRANK MERONEY: Yeah.

CONSTANTINE ALEXANDER: You want to put -- we have

1 sign restrictions in our Zoning Ordinance. What you're
2 proposing is far in excess of what our ordinance permits.

3 Further, we have neighborhood comment --
4 opposition -- from people who are members of the public who
5 are substantially well versed in our sign provisions of our
6 ordinance, and we have the Planning Board who opposes this.

7 Why should we grant zoning relief here? What's
8 the basis?

9 FRANK MERONEY: Nice to be --

10 CONSTANTINE ALEXANDER: By the way, your
11 application did not deal with what you -- it's incomplete.

12 FRANK MERONEY: Okay. I'm sorry.

13 CONSTANTINE ALEXANDER: I'm sorry.

14 FRANK MERONEY: I apologize if you're angry with
15 us. We were just trying to present a case. Initially, we
16 didn't realize that there would be such opposition, and
17 we've had -- we've had signage approved that was twice as
18 much as this in other cities, so it didn't seem like a big
19 deal. However, it does fit the building's scale, if you
20 look at the building.

21 It's very small -- if you could bring up the
22 plans, if we have it -- if it's okay to present what we

1 have? Or would you just like to move on?

2 CONSTANTINE ALEXANDER: Okay.

3 FRANK MERONEY: Okay. There we go. So our --
4 this is our option that we first presented to the Board.
5 It's a banner on each corner, page 1 and 2. They're, in our
6 opinion, very modest to the building's scale.

7 The wording, the lettering, the copy is legible at
8 that scale. And that is our argument is if we go much
9 smaller, the wording becomes irrelevant; it's not readable
10 for most people. The text copy size is, you know, 10
11 inches, which at 100 feet is comfortable from street level.
12 And that is our argument, and that's what we propose. And -
13 -

14 CONSTANTINE ALEXANDER: Why do you have to have a
15 sign of this size on this building? Why can't you have more
16 modest signs or other means of advertising to rent your
17 apartments?

18 FRANK MERONEY: I'm sure we can. This is what my
19 client wanted to propose.

20 CONSTANTINE ALEXANDER: Thank you.

21 FRANK MERONEY: Now, pages 3 and 4 are -- you
22 know, the total square footage, if I'm not allowed, is 240

1 square feet total, if I'm not -- or, excuse me -- yes, I
2 think it's 240 square feet total, if I'm not mistaken, per
3 building, or something like that. You can correct me if I'm
4 wrong. But this is more in line with the total square
5 footage allowed by the City of Cambridge.

6 And if -- I think it's -- at this point it's more
7 of a relief on height restriction than it is on total square
8 footage. And this is something that we're okay with going
9 towards and presenting and being -- you know, putting on the
10 building if the Board would approve this.

11 Like I said, it's not much different from Option 1
12 in -- you know, page 1 and 2 Option 1. However, it does
13 fall within the total square footage allowed. Do you see
14 the difference of those two, and how we're not really asking
15 for much more in Option 1, except for going around the
16 corner and making it look more balanced?

17 CONSTANTINE ALEXANDER: Thank you. Brendan, do
18 you have any questions or comments at this point?

19 BRENDAN SULLIVAN: Yeah. This is Brendan
20 Sullivan. I think that the real hurdle that you have to
21 satisfy is the legal one, which is the hardship relating to
22 the soil, shape or topography of the locus.

1 And in your supporting statements you obviously
2 wrote, "none" or, "not known." And when I opened up the
3 meeting the previous time, I had requested that you people
4 fill that in and provide the legal explanation, the legal
5 basis for us to grant you a variance to even put any sign on
6 this building that is in violation.

7 And you guys really haven't done that. And from
8 where we sit, that is either a nonstarter or a starting
9 position. And because you guys have failed to address that
10 legal basis, to me it's a nonstarter.

11 FRANK MERONEY: Can I interject real quick?

12 BRENDAN SULLIVAN: So I would not support your
13 proposal at all.

14 FRANK MERONEY: Okay. Can I interject real quick?
15 So reaching out to the -- you know, Maria, she said we could
16 not change or alter the language of the application, only
17 the dimensions.

18 We did -- I did reach out to the client and ask
19 them for -- to provide the answer to that, which I did not
20 get one at that time to update that application. But we did
21 attempt to update the application and were told we can
22 adjust that -- the answer to those questions for this

1 meeting, the rescheduled meeting.

2 So only dimensions were told that we could adjust
3 for this meeting. Is that not the case?

4 BRENDAN SULLIVAN: That's not the case. That's a
5 misunderstanding, because I was very clear when I opened up
6 the hearing previous that that had to be satisfied; that
7 requirement needed to be filled in and the legal basis had
8 to be brought forward. And failure to do that to me is
9 fatal to your application, as far as my vote is concerned.

10 CONSTANTINE ALEXANDER: Jim? Any comments or
11 questions you want to make at this point?

12 [Pause]

13 CONSTANTINE ALEXANDER: Jim?

14 JIM MONTEVERDE: This is Jim Monteverde. I have
15 no questions. Thank you.

16 CONSTANTINE ALEXANDER: Okay. Laura?

17 LAURA WERNICK: Laura Wernick no questions.

18 CONSTANTINE ALEXANDER: Slater?

19 SLATER ANDERSON: No questions. I would just
20 comment that an unknown hardship is -- makes it difficult
21 for us to rule in the applicant's favor.

22 FRANK MERONEY: Well, can I ask a question? That

1 hardship was not -- that hardship -- a sign of this type in
2 general -- could you read the question? It doesn't relate
3 to it.

4 CONSTANTINE ALEXANDER: The Zoning Ordinance says
5 --

6 FRANK MERONEY: A sign.

7 CONSTANTINE ALEXANDER: -- that one of the reasons
8 -- one of the findings you would have to make to grant --
9 only one -- to grant the variance you're seeking is that a
10 literal enforcement of the provisions of the Ordinance would
11 involve a substantial hardship --

12 FRANK MERONEY: Yeah.

13 CONSTANTINE ALEXANDER: -- financial or otherwise
14 to the petitioner. And the fact of the matter is you
15 didn't. You have not, despite specific instructions -- you
16 have not addressed this issue. And the fact of the matter
17 is it's an important one.

18 Anyway, moving on, I think I've said what I'm
19 going to say up to this point. We'll open the matter up to
20 public testimony. Okay.

21 Any members of the public who wish to speak should
22 now click the button that says, "Participants" and then

1 click the button that says, "Raise 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 take a few moments to see if anyone wishes to call in.

5 OLIVIA RATAY: Phone number ending in 8311?

6 CONSTANTINE ALEXANDER: I'm sorry?

7 HEATHER HOFFMAN: Hi. It's Heather Hoffman, 213
8 Hurley Street. And because of the approximately 100 numbers
9 buried in the middle of Third Street, I'm quite close to
10 this building.

11 I wrote to you and said there is no hardship, and
12 I completely agree with what Mr. Sullivan said -- that
13 without a hardship, there is no legal basis whatsoever for
14 granting a variance. Thanks.

15 [Beep]

16 CONSTANTINE ALEXANDER: Hello? Did we lose you,
17 Heather? Okay, thank you. Anyone else wish to speak?

18 OLIVIA RATAY: Carol O'Hare?

19 CONSTANTINE ALEXANDER: Ms. O'Hare?

20 CAROL O'HARE: I just want to say that, as you
21 know, I've written once initially and then a P.S. more
22 recently. And I want to add just one thing. If this sign

1 were to be approved with this excess height and size, then
2 the city will be draped in variance-requiring, "For rent"
3 signs because, especially given the rental market vacancies
4 these days. That's it. Thank you.

5 CONSTANTINE ALEXANDER: Thank you. Is that it?
6 Well, I'll close public testimony. And as I've done before,
7 or I did in the prior case, I'll move right to a motion to
8 grant the relief, and we can take it from there.

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

11 That a literal enforcement of the provisions of
12 the Ordinance would involve a substantial hardship to the
13 petitioner -- the hardship again, substantial hardship in
14 the -- not from a business point of view, but from a legal
15 point of view.

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

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

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

3 So on the basis of all of these findings, the
4 Chair moves that we grant the variance requested on the
5 condition that the project proceeds in accordance with plans
6 submitted by the petitioner, prepared by Perkins Eastman,
7 the first page of which has been initialed by the Chair.

8 Brendan, how do you vote?

9 BRENDAN SULLIVAN: I would vote no to granting the
10 variance.

11 CONSTANTINE ALEXANDER: Jim?

12 JIM MONTEVERDE: Jim Monteverde, I vote no for
13 granting the variance.

14 CONSTANTINE ALEXANDER: Laura?

15 LAURA WERNICK: Laura Wernick, a vote no against
16 -- vote no for granting.

17 CONSTANTINE ALEXANDER: And Slater?

18 SLATER ANDERSON: Slater Anderson votes no on the
19 variance.

20 CONSTANTINE ALEXANDER: And the Chair votes no as
21 well.

22 [All vote NO]

1 CONSTANTINE ALEXANDER: So it's unanimous that we
2 deny the relief being sought, the variance being sought. So
3 the petition fails. We need to take one more vote to record
4 why we voted no.

5 And I'll try my hand at it, and if anybody wants
6 to improve on what I've proposed, please jump in.

7 The Board has denied relief on the grounds that
8 the petitioner, despite specific instructions, has never
9 demonstrated any reason why this will be a substantial
10 hardship.

11 In fact, the petitioner neglected to supply direct
12 advice from the Chair -- the then Chair -- at an earlier
13 hearing; just did not comply. Just ignored the requirement.

14 That there are no special circumstances relating
15 to soil conditions, shape or topography of such land or
16 structure. It's just a plain old building.

17 And lastly, that relief cannot be granted without
18 substantial detriment to the public good. And for this we
19 have the letter from the Planning Board opposing the relief
20 being sought. Any additions or subtractions?

21 BRENDAN SULLIVAN: No, I think that covers it.

22 CONSTANTINE ALEXANDER: Brendan, how do you vote?

1 BRENDAN SULLIVAN: I would vote yes to your motion
2 for the denial; supporting your reasons for the denial of
3 the variance.

4 CONSTANTINE ALEXANDER: Thank you. Jim?

5 JIM MONTEVERDE: And [Jim Monteverde] I would
6 support your description there for the denial.

7 CONSTANTINE ALEXANDER: Laura?

8 LAURA WERNICK: I vote yes to support the denial -

9 - CONSTANTINE ALEXANDER: Slater?

10 LAURA WERNICK: -- the description for the denial.

11 CONSTANTINE ALEXANDER: Thank you, Laura. I'm
12 sorry to interrupt you. Slater?

13 SLATER ANDERSON: I concur with your description
14 of your reasons for denial.

15 CONSTANTINE ALEXANDER: I made it; I support it as
16 well.

17 [All vote YES]

18 CONSTANTINE ALEXANDER: So those are -- all in
19 favor, we've got five in favor -- we've denied the variance
20 and we just approved the reasons why we denied the variance.
21 Case over.

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(7:00 p.m.)

Sitting Members: Constantine Alexander, Brendan Sullivan,
Jim Monteverde, Laura Wernick, and
Slater W. Anderson

CONSTANTINE ALEXANDER: The Chair will now call
Case Number 116393 -- 14 Bigelow Street. Anyone here wish
to be heard on this matter?

[Pause]

CONSTANTINE ALEXANDER: Anyone? No? Okay. We
are in receipt of a letter from the petitioner saying, "We
are on the calendar for the October 7 BZA meeting" -- which
you are - "I'd like to request a continuance until later
this winter, please."

Well, if you'll acknowledge this is still a case
not heard. What are our times, Olivia? Let's try December
16.

CONSTANTINE ALEXANDER: The Chair makes the
following motion with regard to the requested continuance:

First, that the petitioner must sign a waiver of
time for decision. That waiver was signed already in
connection with the first continuance, and it need not be

1 signed again.

2 Second, that a new posting new posting sign must
3 be erected by the petitioner and maintained for the 14 days
4 prior to the hearing on December 16. That sign should
5 reflect the new date, December 16, and the new time, 6:00
6 p.m.

7 And that lastly -- to the extent that there are
8 new or modified plans, descriptions, drawings, what have you
9 -- they must be in our files no later than 5:00 p.m. on the
10 Monday before December 16.

11 Brendan, how do you vote?

12 BRENDAN SULLIVAN: Yes to the continuance.

13 CONSTANTINE ALEXANDER: Jim?

14 [Pause]

15 CONSTANTINE ALEXANDER: Jim?

16 JIM MONTEVERDE: Jim Monteverde yes to the
17 continuance.

18 CONSTANTINE ALEXANDER: Okay. Laura?

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

21 CONSTANTINE ALEXANDER: Slater?

22 SLATER ANDERSON: Just a clarification. So this

1 was a case heard? I mean, I'm happy to vote --

2 CONSTANTINE ALEXANDER: Not heard.

3 SLATER ANDERSON: It's not heard?

4 CONSTANTINE ALEXANDER: This is a case not heard.
5 So there's no need for the five of us who are here tonight
6 to sit on that case, then.

7 SLATER ANDERSON: Okay. Because I was just
8 looking at the transcript in file; it seemed lengthy. So I
9 assumed it was heard.

10 CONSTANTINE ALEXANDER: Oh, it was heard? I'm
11 sorry, I have to apologize. The case was heard. I wasn't
12 here for that hearing. So you would have to -- does
13 December 16 work for you if we --

14 SLATER ANDERSON: Well, according to the
15 transcript from June 10, it was Gus, Brendan, Andrea, Jim
16 and Matina.

17 CONSTANTINE ALEXANDER: You're right. And I'm
18 sorry, I didn't read that as carefully as I should have.
19 Well, you can vote tonight to continue it until that date,
20 that time and date.

21 If come December 16 we don't have all five of the
22 members that are on the sheet right now, we'll either -- the

1 petitioner can either further continue the case or proceed
2 with four members. You have to have at least four.

3 LAURA WERNICK: But Gus, couldn't it be the
4 members who originally heard it?

5 CONSTANTINE ALEXANDER: Say it again, please?

6 LAURA WERNICK: Could it be the members who
7 originally heard the case, since we did not hear the case
8 tonight?

9 CONSTANTINE ALEXANDER: Well, I -- what I know,
10 Laura is I've got a sheet from Maria, which indicated the
11 five people who need to sit on this case.

12 LAURA WERNICK: Yeah, but I don't think I'm one of
13 them.

14 CONSTANTINE ALEXANDER: The people are myself,
15 Brendan, Andrea, Jim -- no, "MW," that's --

16 LAURA WERNICK: Matina. Matina.

17 CONSTANTINE ALEXANDER: -- Matina. I'm sorry,
18 you're right. Thank you. And "JM" who is --

19 LAURA WERNICK: Jim Monteverde.

20 JIM MONTEVERDE: Me. That's me; Jim Monteverde.

21 BRENDAN SULLIVAN: [Brendan Sullivan] I think that
22 if we could schedule it to then, provided that the five

1 original members are available on that date. If not, we
2 would open it on that particular date and continue with --

3 CONSTANTINE ALEXANDER: Or if we have only one --
4 if we have only one -- we have four in the file, the
5 petitioner has the right to proceed.

6 BRENDAN SULLIVAN: Those are our options.

7 CONSTANTINE ALEXANDER: We'll decide that then.
8 Okay. Case continued.

9 SLATER ANDERSON: So just for clarity, Gus, I did
10 not -- I will vote to continue it, assuming I have the
11 authority to do that, just so you have that on record.

12 CONSTANTINE ALEXANDER: Now, you don't have to --
13 you will not sit on that case in order to continue.

14 SLATER ANDERSON: I know, but do you need a vote
15 tonight on continuing it from the --

16 CONSTANTINE ALEXANDER: Yes.

17 SLATER ANDERSON: -- present members?

18 CONSTANTINE ALEXANDER: We note a vote to
19 continue.

20 SLATER ANDERSON: Yeah. Okay.

21 CONSTANTINE ALEXANDER: It can be any member who's
22 sitting tonight.

1 SLATER ANDERSON: All right.

2 CONSTANTINE ALEXANDER: -- can vote to continue
3 it. Not a vote on the merits.

4 SLATER ANDERSON: Yep. I'm voting for the
5 continuance, then.

6 CONSTANTINE ALEXANDER: Okay. And the Chair has
7 voted for the continuance as well. So that concludes our
8 continued case agenda.

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(7:05 p.m.)

Sitting Members: Constantine Alexander, Brendan Sullivan,
Jim Monteverde, Laura Wernick, Slater W.
Anderson and Alison Hammer

CONSTANTINE ALEXANDER: We'll now turn to our
regular agenda. And the first case, which I'll call in a
second -- well, the first two cases involve Harvard College.
And I'm not going to be sitting on these cases. But Brendan
Sullivan will be the Chair for that. And who was at this
number? Alison?

BRENDAN SULLIVAN: Alison.

CONSTANTINE ALEXANDER: Alison, are you on?

ALISON HAMMER: Yeah, hi. I'm on.

CONSTANTINE ALEXANDER: Okay, great. Okay,
Brendan. The floor is yours.

BRENDAN SULLIVAN: [Brendan Sullivan] so the lineup
card for the members is myself, Jim Monteverde, Laura,
Slater and Alison. Correct? Yes. Thank you.

The Board will call Case Number 134123 -- 13
Kirkland Place. The Board is in receipt of correspondence
dated October 5 to the Chair on behalf of the Presidents and

1 Fellow of Harvard College.

2 "I am writing to request a continuance of our
3 hearing scheduled for October 7, 2021 with the Board of
4 Zoning Appeals regarding the property at 13 Kirkland Place.
5 We respectfully request that this hearing be continued to a
6 subsequent date to allow us to continue our discussions of
7 the proposed project with the neighbors.

8 "Thank you in advance for your assistance.

9 Alexandra Offiong."

10 BRENDAN SULLIVAN: Have they requested any
11 particular date going forward?

12 CONSTANTINE ALEXANDER: No, I don't know.

13 BRENDAN SULLIVAN: Okay. It's a case not heard.
14 What date shall we assign? If they didn't say, I would --
15 this being -- oh, Alexandra, are you on?

16 ALEXANDRA OFFIONG: Yes.

17 BRENDAN SULLIVAN: Oh. Hi. Welcome.

18 ALEXANDRA OFFIONG: Hi there.

19 BRENDAN SULLIVAN: Hi.

20 ALEXANDRA OFFIONG: We could suggest November 4,
21 if that's available?

22 BRENDAN SULLIVAN: That's available? November 4

1 is available.

2 ALEXANDRA OFFIONG: That would be great.

3 BRENDAN SULLIVAN: All right. So on the motion to
4 continue this matter until November 4, provided that the
5 petitioner sign a waiver of the statutory requirement for a
6 hearing and a decision to be rendered thereof, which I see
7 is in the file -- that box has been checked.

8 That any new submissions, changes to the
9 application form or drawing be submitted to the Board by
10 5:00 p.m. on the Monday prior to November 4.

11 And that the posting sign which is on the property
12 be changed to reflect the new time of November 4, 2021 at
13 6:00 p.m. And if you would do that, then we will be fine.

14 On the motion, then, to continue this matter?
15 Jim?

16 JIM MONTEVERDE: Jim Monteverde. I vote in favor
17 for the continuance.

18 BRENDAN SULLIVAN: Laura?

19 LAURA WERNICK: Laura Wernick in favor.

20 BRENDAN SULLIVAN: Slater?

21 SLATER ANDERSON: Slater in favor.

22 BRENDAN SULLIVAN: Alison?

1 ALISON HAMMER: Alison Hammer in favor.

2 BRENDAN SULLIVAN: And Brendan Sullivan is in
3 favor. And so the matter has been continued until November
4 4. Thank you. Is it 6:45 (sic) yet? Yes, I guess it is.

5 [All vote YES]

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(7:08 p.m.)

Sitting Members: Constantine Alexander, Brendan Sullivan,
Jim Monteverde, Laura Wernick,
Slater W. Anderson and Alison Hammer

BRENDAN SULLIVAN: The Board will hear Case Number
134484 -- 5 Sacramento Street. Alexandra?

[Pause]

BRENDAN SULLIVAN: Okay, you're on.

ALEXANDRA OFFIONG: Great. Good evening. Good
evening, Mr. Chair, members of the Board. Alexandra
Offiong, Harvard Planning Office. I'm joined tonight by
Architect Kelly Boucher and Tom Lucy of Harvard Public
Affairs and Communications.

And we're here to discuss the proposed renovation
of 5 Sacramento Street. So I'm going to provide a quick
summary of the project and the requested relief, and Kelly
will walk you briefly through the plans.

So 5 Sacramento is a large, 9200 square feet, 19th
century wood frame building that has been owned by Harvard
University for more than five decades. It sits on a large
institutional lot with three other university buildings, all

1 of which house Harvard's affiliates. And so we are
2 proposing a full renovation of the building to house
3 Harvard's graduate students and faculty.

4 And our intent is to do a very high-quality
5 project. We're taking a preservation approach, which has
6 been supported by the Executive Director of the Cambridge
7 Historical Commission.

8 We have some significant sustainability goals, and
9 anticipate that the project will gain Passive House
10 certification.

11 And through the process, we have engaged with the
12 local community in several ways. We've hand-delivered
13 project notification to all the houses in the immediate
14 Baldwin neighborhood area.

15 We've presented the plans to be added to
16 Neighborhood Council, and Harvard representatives have
17 engaged in a dialogue with immediate neighbors about the
18 project, and that's resulted in some commitments that the
19 university is willing to make to address some specific
20 issues.

21 And those commitments have been submitted to the
22 Board just today as proposed conditions that relate to the

1 utilization and the appearance of the adjacent parking lot,
2 as well as the commitment not to house undergraduates at 5
3 Sacramento Street.

4 So that's kind of the background. We're here to
5 request zoning relief with respect to use, height, and
6 nonconformity. And starting with use. So Harvard is
7 seeking a special permit to convert 5 Sacramento from an
8 institutional health care use to an institutional housing
9 dormitory use.

10 So for the past four decades, Harvard has leased
11 this building to a health clinic specializing in mental
12 health care outpatient treatment. And this clinic recently
13 relocated to another location.

14 So the building is vacant, and the university has
15 considered the reuse of the building. So it's important to
16 note that the only allowable uses by right are one- and two-
17 family dwellings. It's in a Residence B Zoning District.

18 And putting that in context, the Cambridge Zoning
19 Ordinance would actually -- they define a family dwelling
20 unit as one with at least 1100 square feet. And this
21 building would fit eight of those family units.

22 So the use of such a large structure for single or

1 two-family units is really just such a significant
2 underutilization of the building that Harvard has no need
3 for at this time.

4 So we don't have a viable as-of-right option forth
5 vacant building. So we're proposing to convert the building
6 to university housing use, which will be very compatible
7 with the residential character of the site, of the
8 neighborhood, and it will also address the city's priority
9 for universities to house more graduate students. That's
10 something that we hear often, and we definitely want to try
11 to address that through this project.

12 So the housing will be professionally managed by
13 Harvard University housing, just as they do with the
14 adjacent building at 5 Sacramento, which is right behind --
15 5A Sacramento, excuse me -- which is right behind 5
16 Sacramento.

17 And the building will accommodate 25 beds and 7
18 units. So while the former health care use was -- it was
19 well integrated into the neighborhood, the proposed
20 institutional housing use, it will have fewer neighborhood
21 impacts.

22 So the intensity of the use will be less with the

1 housing, including far fewer daily visitors and fewer
2 automobile trips. The nature of the housing use in general
3 is just more compatible with the surrounding residential
4 neighborhood, and particularly in terms of the hours of use
5 and the temporal use pattern of a busy clinic.

6 The physical characteristics of the house are also
7 more compatible with institutional housing than with the
8 health clinic, because the building was actually originally
9 built as housing.

10 The operational needs of the clinic with the
11 special security requirements that it had -- deliveries and
12 the many daily visitors created more impacts to the
13 neighborhood than the use that we are proposing for
14 university housing for graduate students and faculty.

15 So overall, the proposed use will have fewer
16 impacts than the preexisting.

17 The project also seeks relief with respect to
18 height of the building. So the building is legally
19 nonconforming for height at 45.2 feet in a zone that allows
20 up to 35 feet. The relief that we are requesting relates to
21 a very minor increase -- about a third of a foot in the
22 height calculation.

1 ALEXANDRA OFFIONG: I am going to hand it over
2 Kelly Boucher right now, our architect, and she is going to
3 walk you through the plans. And I think you have the
4 presentation. I think the city has the presentation.

5 KELLY BOUCHER: Great. Thank you, Alexandra.

6 I'm Kelly Boucher, the architect for the project.
7 This is a street view of 5 Sacramento. It's a big,
8 beautiful, old Queen Anne Victorian house.

9 And our project intent is mostly to keep the old
10 fabric of the house -- the old trim, the old windows, the
11 railings -- all the lovely detailing with some very minor
12 edits to make the very back ell of the house a little bit
13 more livable, as well as adding window wells to the
14 basement.

15 If you could go to the next slide?

16 Here, a few context photos of the building. So in
17 the upper right is pretty much the same shot you saw on the
18 cover. And there's a view from the other side between 5 and
19 3A Dudley House on the upper left.

20 There are some pictures of the back. So currently
21 there's a big, main structure. There's a rear ell that over
22 the years there have been some additions put on and sort of

1 both different heights and sort of stuck on to the back.

2 And the view of the existing overhang and rear ell
3 is sort of in the area that we're looking to do some work
4 in.

5 And currently, you know, there's a yard there, and
6 there's a big fire escape that you can see in that lower
7 right photo that we're looking to strip off, as we preserve
8 the exterior. If you want to flip to the next slide? Thank
9 you.

10 Up at the top are the existing elevations of 5
11 Sacramento Street. And you can see in the upper left that
12 the existing building height is 45.2 from the very peak of
13 the roof to the existing average grade. The exterior
14 improvements that we are proposing are some conforming
15 dormers.

16 So right below the proposed east elevation, you
17 can see in pink is a proposing dormer. That was reviewed on
18 site with Harvard and the Cambridge Historic. And we felt
19 that was an appropriate design for the building.

20 And also in yellow you can see the window wells
21 that are affecting our average grade.

22 So there are four new window wells being added;

1 two on this side, two on the opposite side, none on the
2 front. If you want to go ahead to the next slide?

3 So we're also looking to add a dormer in the back
4 rear ell in. Again, that's a conforming dormer. They meet
5 the building's GFA requirements less than a 10 percent
6 addition. And here you can see another window well.
7 There's also an areaway in that back elevation that's a
8 little bit hard to see from here.

9 So basically, our exterior changes are quite
10 minimal: a few dormers at the back ell, some window wells
11 to get fresh air, egress/life-safety into the basement
12 units, but essentially -- you know -- leaving the building
13 untouched as much as possible, preserving the old trim... the
14 old, you know, beauty of the house while making some very
15 minor improvements to help the livability on the inside of
16 the building.

17 BRENDAN SULLIVAN: This is Brendan Sullivan. The
18 dormers, do they comply with the dormer guidelines that the
19 city has established?

20 ALEXANDRA OFFIONG: So the dormer on the east
21 elevation, and if you want to go back -- so right now, the
22 one on the right-hand side is existing.

1 We're proposing a matching other dormer. Those
2 dormers are five feet a piece. The little stretch between
3 the dormers is slightly bigger than 10 feet. So we're
4 adding about 15 feet on this side, which I know is a little
5 bit bigger than is allowed.

6 But it was done at the suggestion of Charlie
7 Sullivan to help carry -- you can see on the second floor
8 there are windows that line up perfectly with those dormers.
9 And so that was done intentionally to create symmetry and to
10 actually help balance the dormers.

11 You could slide it over so that it would comply
12 and work the floor plan there. But Charlie had said he
13 would prefer it in this location.

14 In the back, our dormer is actually 16 feet long.
15 And I know that the dormer guidelines say 15 feet. So this
16 dormer is closer to meeting, and the one in the back I would
17 say does not.

18 BRENDAN SULLIVAN: And the reason for the 17 feet,
19 or the additional two feet is functional inside space?

20 ALEXANDRA OFFIONG: Can you flip to the slide
21 Number 4?

22 BRENDAN SULLIVAN: Okay.

1 ALEXANDRA OFFIONG: So yeah, it's to get
2 functional space. There's a bedroom and a stair in that
3 dormer facing the back. And because of the way the dormer
4 is going to connect with the existing roof, which is quite
5 complicated and steep, instead of making a bowie there or a
6 gap, I carried it all the way to the side.

7 And by doing that, I think it will help eliminate
8 snow loads in that area and help simplify some of the
9 framing construction that's going to need to be done to get
10 that dormer in.

11 BRENDAN SULLIVAN: Okay. All right. Anything
12 else?

13 ALEXANDRA OFFIONG: No. That's all I have. If
14 you have any questions, I'm happy to field them.

15 BRENDAN SULLIVAN: Any questions by members of the
16 Board? Jim, any questions?

17 JIM MONTEVERDE: No questions. Thank you. Jim
18 Monteverde no questions.

19 BRENDAN SULLIVAN: Laura?

20 LAURA WERNICK: No.

21 BRENDAN SULLIVAN: Any questions?

22 LAURA WERNICK: No.

1 BRENDAN SULLIVAN: Slater?

2 SLATER ANDERSON: No questions.

3 BRENDAN SULLIVAN: Alison?

4 ALISON HAMMER: No questions.

5 BRENDAN SULLIVAN: All right. Let me go back to
6 Alexandra. There was correspondence that came in today from
7 Tom Lucy. And let me just -- I don't know, the -- I was not
8 aware of it actually -- had reviewed the file. This must
9 have come in today. The later basically says,

10 "Dear Mr. Sullivan,

11 "Attached, please find proposed conditions for the
12 Board of Zoning Appeal to consider attaching to the
13 decision, should the Board grant the relief being sought by
14 Harvard University, relative to 5 Sacramento Street.

15 "We are filing these conditions at the request of
16 abutters following multiple meetings with them to discuss
17 the project and adjacent parking area, also owned by
18 Harvard.

19 "The proposed conditions do not have any impact or
20 propose any changes to the plans, architecture or relief
21 being sought as part of Harvard's application, relative to
22 the 5 Sacramento Street building.

1 "We apologize for any inconvenience that
2 presenting these draft conditions may cause members of the
3 Board tonight, but we hope that you understand our desire to
4 ensure the concerns of the abutters to 5 Sacramento were
5 addressed in the formal process associated with the Board's
6 deliberation for the application.

7 "Going further, the proposed conditions to 5
8 Sacramento Street, Harvard wishes to renovate 5 Sacramento
9 Street to use as graduate student, faculty and other
10 affiliate housing.

11 "The project is currently contemplated as
12 described in Attachment A, provided that Harvard is able to
13 secure all applicable permits for the project on or before
14 June 30,2022, and the project is constructed such that it
15 includes at least seven residential units and 25 beds, and
16 be as otherwise substantially consistent with the attached
17 plans, all of the conditions in this sentence being referred
18 to as the condition, and Harvard commits as follows:

19 "The 5 Sacramento Street building will not be used
20 by Harvard for undergraduate residences. And Harvard will
21 not prior to the date that is the 25th anniversary of the
22 date up which final certificate of occupancy is issued for

1 the project construct any residential, retail, institutional
2 or other occupied or unoccupied building on the land
3 currently used as a surface parking lot and delineated on
4 Attachment B.

5 "And Harvard will install a landscape buffer area
6 on the south edge of the parking lot area immediately
7 adjacent to the public sidewalk that will include plantings
8 and landscape elements, but no street furniture such as
9 benches.

10 "The buffer will extend a minimum of 12 feet from
11 the edge of a public sidewalk into the parking lot site, but
12 will not be installed in a manner that prevents vehicle
13 access and egress to the parking lot; nor will it block the
14 curb cut in the public sidewalk.

15 "If the project does not satisfy the conditions,
16 then these commitments shall not apply."

17 BRENDAN SULLIVAN: There are two letters in the
18 file from apparently an abutter. There's two individuals
19 who live at 12 Sacramento, and another individual that lives
20 at 10 Sacramento that basically referenced this Letter of
21 Commitment from Harvard.

22 Now, Alexandra, do you have any comment on that,

1 or are you -- obviously I guess in full support of it, but
2 asking that this be attached to any decision. Is that --

3 ALEXANDRA OFFIONG: Yes. This was the result of
4 some very productive dialogue between Harvard University and
5 the neighbors.

6 And I think we heard some of the concerns about
7 the site, and so we came together and were able to come up
8 with use conditions that we felt were fine with the
9 university, and would address some of those concerns.

10 So I think we suggest that they be attached as
11 conditions to an approval such as the -- if we're able to
12 achieve that. And I think that would be a very successful
13 ending to this case.

14 BRENDAN SULLIVAN: Okay. Alexandra, any other
15 comments before I open it to public comment at all? At this
16 time, you will have a chance to rebut anything that's said.
17 Any questions or comments by members of the Board at this
18 point? Jim?

19 JIM MONTEVERDE: No comments. Thank you.

20 BRENDAN SULLIVAN: Laura?

21 LAURA WERNICK: Nope. No comments.

22 BRENDAN SULLIVAN: Slater?

1 SLATER ANDERSON: No comment.

2 BRENDAN SULLIVAN: Alison?

3 ALISON HAMMER: No comment.

4 BRENDAN SULLIVAN: Okay. Let me open it to public
5 comment. Any members of the public who wish to speak should
6 now click the button that says, "Participants," and then
7 click the button that says, "Raise hand."

8 If you are calling in by phone, you can raise your
9 hand by pressing *9 and unmute or mute by pressing *6, and
10 you will have up to three minutes to speak.

11 OLIVIA RATAY: Abra Berkowitz?

12 ABRA BERKOWITZ: Yeah, thank you. Abra Berkowitz,
13 16 Walden Street. I actually came here for a different
14 case, but I'm so glad that I'm here now, because I think
15 that the project sounds great.

16 We definitely need to house more students -- in
17 particular, graduate students who end up looking for housing
18 in the open market. So I just wanted to applaud Harvard for
19 doing this.

20 The building also looks like it'll look really
21 nice, because it's going to look similar to as it is right
22 now.

1 And I'm not -- I don't live on Sacramento Street,
2 but I'm just super happy to hear that you guys talked to
3 neighbors and also kind of addressed their concerns. So I
4 think it looks awesome. Thank you.

5 BRENDAN SULLIVAN: Okay. Thank you for calling
6 in. There appears to be nobody else calling in. I will
7 terminate the call-in portion of public comment. Let me
8 read two letters to the file. One is from Carl and Susan
9 Frieden -- F-r-i-e-d-e-n, on 12 Sacramento Street.

10 "We live at 12 Sacramento Street and are abutters
11 of 5 Sacramento Street. I am writing to offer our support
12 of Harvard University's application at 5 Sacramento Street
13 and the relief being sought subject to several commitments
14 that the university has made to abutting neighbors to keep
15 the project consistent with the residential character of the
16 neighborhood.

17 "As part of the discussions between Harvard and
18 abutting households, including ours, we have asked the
19 university to memorialize some commitments regarding the
20 utilization and appearance of a parking lot adjacent to the
21 adjacent to the 5 Sacramento Street building, as well as a
22 promise not to house undergraduates in the building.

1 "Should the project move forward, I hope that you
2 will favorably consider and approve the conditions that
3 Harvard will share with you at the hearing."

4 BRENDAN SULLIVAN: There was a second letter in
5 the -- submitted to the Board from Anne Charlotte
6 Hogstadius. Sorry if I did not pronounce it -- H-o-g-s-t-a-
7 d-i-u-s, 10 Sacramento Street.

8 And Charlotte basically says that she's offering
9 her support, subject to several commitments that the
10 university has made, and asked again that we memorialize
11 Harvard's commitment as a condition.

12 And that is the sum and substance.

13 Now, there is also Catherine Rondeau. She lives
14 at 8 Sacramento Street.

15 "I'm writing to offer my support for Harvard
16 University's application. I believe that the evidence in
17 their filing demonstrates that they have met the necessary
18 requirements to be granted the relief being sought. As part
19 of the discussions with Harvard, my neighbors and I have
20 asked Harvard to memorialize some commitments."

21 BRENDAN SULLIVAN: And that is the reference
22 letter from Tom Lucy. And that is the sum and substance. I

1 will close public comment.

2 My only comment -- and I open it up for the Board
3 to enlighten me a little bit -- I'm a little bit hesitant to
4 incorporate the conditions, because it has really nothing to
5 do with the application before us.

6 And if Harvard wants to make a commitment to the
7 community, the surrounding resident -- and that's one thing,
8 not to be used for undergraduate residences; well that's
9 sort of disparaging undergraduates. I guess maybe they feel
10 that better behavior comes with being a graduate or an
11 assigned, affiliated faculty member.

12 The other one, "Harvard will not prior to the date
13 that is the 25th anniversary of the date upon which the
14 final certificate" -- "in other words for 25 years" --
15 Harvard is committing not to construct any residential,
16 retail, institutional, or other occupied building on the
17 land."

18 Again, that has nothing really to do with this
19 particular project before us.

20 And that, "Harvard will install a landscape buffer
21 area on the south edge of the parking lot immediately
22 adjacent to the public sidewalk this will include plantings

1 and landscape elements with no street furniture such as
2 benches.

3 "The buffer will extend a minimum of 12 feet from
4 the edge of the public sidewalk into the parking lot site,
5 but will not be installed in a manner that prevents vehicle
6 access and egress to the parking lot, nor will it block the
7 curb cut in the public sidewalk."

8 That is one that probably pertains to 5 Sacramento
9 Street. The repurposing of the building into residential,
10 and as I read these supporting statements that the residents
11 of 5 Sacramento will be using that parking lot.

12 Is that right, Alexandra?

13 ALEXANDRA OFFIONG: The residents of 5 Sacramento
14 will have the ability to use parking at that surface lot
15 next door.

16 BRENDAN SULLIVAN: Right. So that one there might
17 be directly tied to the proposed use at Sacramento Street to
18 -- and again, I think it's the neighbors and people who have
19 sent letters. The intention is to restore the residential
20 character back to this site and the adjoining site.

21 But I ask other members of the Board their
22 thoughts on what I have just said.

1 Jim, any thoughts at all on these conditions?

2 JIM MONTEVERDE: No, I've already done something
3 like this before, Brendan, where there have been -- you
4 know, negotiations with the neighborhood, and we've not
5 included them in the -- in any Zoning Board ruling, because
6 they really have nothing to do with the zoning issues at
7 hand. So I have no issue with letting them remain as kind
8 of a separate letter, but not being part of the decision.

9 BRENDAN SULLIVAN: All right. Laura, your
10 thoughts on the conditions?

11 LAURA WERNICK: Yeah. I agree with that, that it
12 seems like there could be a memo of understanding or
13 something apart from this hearing -- apart from our decision
14 for the specific items.

15 BRENDAN SULLIVAN: Okay. Slater, your thoughts on
16 this?

17 SLATER ANDERSON: In agreement with the consensus
18 on that.

19 BRENDAN SULLIVAN: All right. Thank you. Alison,
20 your thoughts?

21 ALISON HAMMER: I agree with my fellow Board
22 members that this would probably be best dealt with as an

1 agreement between the parties and not as part of the
2 decision of the BZA.

3 BRENDAN SULLIVAN: Okay. Alexandra, does this put
4 Harvard into a dicey situation, or you feel that -- and
5 you've heard, I think, our concerns that it is a site
6 agreement with Harvard. I applaud Harvard for committing to
7 this.

8 But I think our feeling is that it is not germane
9 maybe to the neighbors, but that it is really not germane to
10 the actual project in front of us, or the request for the
11 special permit. So --

12 ALEXANDRA OFFIONG: Well, what it's in the
13 conditions or not, Harvard intends to -- you know, live up
14 to this agreement. So I think that if the Board doesn't
15 feel it's appropriate to be in these conditions, we will
16 find a way to work it out with the neighbors through a
17 different vehicle, through a different memorandum or
18 understanding or something.

19 So I'm sure we can -- we'll find a way.

20 BRENDAN SULLIVAN: Okay. I know that before --
21 and I rolled back the clock a little bit -- when the law
22 school building was built at the corner of was it Everett

1 Street and Mass Avenue --

2 ALEXANDRA OFFIONG: Mm-hm.

3 BRENDAN SULLIVAN: -- and the neighbors sort of
4 brought forward a commitment Harvard had made some many,
5 many years ago, something like that, and again, I think
6 there was some discussion on that.

7 But I think at that time we even felt as a Board
8 that legally that was an inside agreement with Harvard and
9 the surrounding neighborhood, but that not really a zoning;
10 it maybe would have exceeded our authority to impose it.
11 And so anyhow, I think that's the way we would leave it.

12 ALEXANDRA OFFIONG: Yeah.

13 BRENDAN SULLIVAN: The only one would be
14 potentially the landscaping one. But again, I would, if we
15 impose the condition 3, having to do with the landscaping, I
16 guess my feeling would be that would be okay, because it's
17 directly germane to the other two.

18 Harvard can make their own commitment and sign it.
19 And at some point, should Harvard not live up to it, they
20 can then address that to some future Board or something. So
21 that would be my feeling.

22 So Alexandra, your presentation?

1 ALEXANDRA OFFIONG: Yeah, just the first -- the
2 first condition, it does relate to the 5 Sacramento
3 building. It relates to the use. Just wanted to make sure
4 that was clear.

5 BRENDAN SULLIVAN: The use is for undergraduates
6 and for faculty affiliates. Is that correct?

7 ALEXANDRA OFFIONG: It's actually graduate
8 students and faculty affiliates, yes.

9 BRENDAN SULLIVAN: Yes, okay. So that is a --
10 that's a condition. So that precludes undergraduates, if
11 you will.

12 ALEXANDRA OFFIONG: Okay. So our -- right. In
13 our application, we clarified that it would be used by
14 graduate students and faculty affiliates. And so by not
15 stating, "undergraduates" that inadvertently implies that we
16 won't have undergraduates. Is that what you mean?

17 BRENDAN SULLIVAN: That's what I'm saying, or that
18 I'm accepting your presentation -- that it would be graduate
19 students or faculty affiliated with.

20 ALEXANDRA OFFIONG: Okay.

21 BRENDAN SULLIVAN: And that -- so that sort of
22 narrows that down.

1 So that's if we were to -- somebody else bring in
2 undergraduate students, and somebody in the neighborhood
3 were to contest that, that's the discussion tonight, but
4 also the supporting statements specifically state what it is
5 for, so if it excludes anything else. So.

6 ALEXANDRA OFFIONG: Okay. So therefore the
7 condition isn't necessary, since it's already implied? It's
8 already stated within the application?

9 BRENDAN SULLIVAN: It's already stated --

10 ALEXANDRA OFFIONG: Okay.

11 BRENDAN SULLIVAN: -- you know. So, and that's
12 what the basis of the variance is being granted for. So
13 that's my interpretation of it, anyhow.

14 ALEXANDRA OFFIONG: Okay.

15 BRENDAN SULLIVAN: So let me make a motion, then,
16 to grant the relief requested. There are two forms of
17 relief. One is a variance. And the variance is to exceed
18 the maximum height, which in fact the building is not
19 changing, except that we are instead of raising the ridge,
20 we lowering the water, if you will. And the other one would
21 be an alteration and enlargement of a nonconforming
22 structure.

1 So let me make a motion, then, to grant the
2 variance and the relief being requested. The Board finds
3 that a literal enforcement of the provisions of the
4 Ordinance would involve a substantial hardship to the
5 petitioner, because it would prevent the petitioner --
6 Harvard University -- from converting the existing building
7 -- formerly a health care facility -- into a residential
8 use, providing 25 beds of housing for its graduate students
9 and faculty affiliates.

10 The hardship is owing to the fact that the
11 building, built into 1891, is encumbered by the current
12 Zoning Ordinance, which would prevent any expansion beyond
13 the current structure, or increase of occupancy beyond a
14 one- or two-family residence as-of-right, the use of which,
15 in the Board's opinion, in light of the need to provide
16 housing for its students and faculty affiliates -- is not a
17 reasonable use of the property.

18 The hardship is the need to comply with the state
19 building code vis-à-vis life-safety code compliance
20 modifications. The creation of light wells increases --
21 technically increases the mean grade around the property,
22 and thus increases the maximum height permitted on the lot,

1 though there is no increase in the height of the structure.

2 The Board finds that desirable relief may be
3 granted without substantial detriment to the public good.
4 The project response to the Cambridge Growth Policy 52,
5 which states that major educational institutions should be
6 encouraged to provide housing for their affiliates through
7 effective use of existing landholdings.

8 The Board finds that this project will replace
9 exterior fire escapes with an interior, code-compliant
10 secondary means of egress, which will dramatically improve
11 life safety for the residents of the building, dramatically
12 decrease the intensity of use from the previous health
13 clinic with regard to persons coming and going at the
14 property, and also daily automobile use.

15 The Board finds that desirable relief may be
16 granted without substantial detriment to the public good, or
17 nullifying or substantially derogating from the intent and
18 purpose of the Ordinance.

19 Both the Mass Zoning Enabling Act and the
20 Cambridge Zoning Ordinance allow nonconforming buildings to
21 remain in place, and even be expanded, so long as the
22 change, extension or alteration is not substantially more

1 detrimental to the neighborhood than the existing.

2 The Board finds that the proposed project at 5
3 Sacramento Street can be readily accommodated on the site
4 within the existing building footprint, in a manner that
5 does not impact the overall physical character of the lot or
6 of the surrounding neighborhood.

7 The proposed project will result in no adverse
8 impact in terms of traffic or shadows.

9 And the project provides public benefits of
10 improved accessibility, life safety, and preserving a
11 significant 1891 Queen Anne Victorian design structure,
12 which is more compatible with the established neighborhood
13 character, and it positively address the city's desire to
14 encourage more institutional housing.

15 And I reference the aforementioned Cambridge
16 Growth Policy Number 52. And we also note the letter from
17 the Cambridge Historical Commission.

18 On the motion, then, to grant the variance as
19 pertinent plans submitted, and the supporting statements and
20 the dimensional form, Jim Monteverde on the motion?

21 JIM MONTEVERDE: Jim Monteverde in favor of the
22 motion to grant relief to the variance.

1 BRENDAN SULLIVAN: Laura?

2 LAURA WERNICK: Laura Wernick in favor of the
3 motion.

4 BRENDAN SULLIVAN: Slater?

5 SLATER ANDERSON: Slater Anderson in favor of the
6 motion.

7 BRENDAN SULLIVAN: Alison?

8 ALISON HAMMER: Alison Hammer in favor of the
9 motion.

10 BRENDAN SULLIVAN: And Brendan Sullivan votes in
11 favor of granting of the variance.

12 [All vote YES]

13 BRENDAN SULLIVAN: The variance is granted. On
14 the special permit, and the special permit -- Alexandra, if
15 you just want to touch on that, I know it has to do with
16 conversion of the building into dormitory use, but if you
17 just want to just touch on that for a moment?

18 ALEXANDRA OFFIONG: Sure. So, again, the special
19 permit is seeking to convert the building from a health care
20 institutional use to an educational institutional dormitory
21 use. And that's a change that's allowed by special permit,
22 so long as you can demonstrate that there are fewer adverse

1 impacts on the neighborhood.

2 So, which we have discussed through the reduction
3 in intensity of use, fewer daily visitors, fewer automobile
4 trips, and more compatibility with the building and the
5 neighborhood.

6 BRENDAN SULLIVAN: Great. Thank you. On the
7 motion, then, to grant the special permit, the Board finds
8 that the requirements of the Ordinance can be met with the
9 granting of the special permit for the following reasons:

10 The Board finds that as per Section 4.56.c.8
11 footnote 6 of the Ordinance, the proposed dormitory use at
12 this location can be allowed by a special permit if the
13 Board of Zoning Appeals determines that the proposed
14 institutional use will have fewer adverse impacts on the
15 neighborhood than the preexisting use.

16 The Board finds that the former institutional use
17 was a health care clinic, and the Board finds that the
18 former clinic use had a daily population of approximately
19 150 people, as per the application.

20 And the Board finds that many of the clients and
21 staff travel to the site by automobile.

22 The Board finds -- notes here -- the Board finds

1 that the proposed institutional residential use will provide
2 25 beds, housing, and seven units serving the Harvard
3 University affiliated community, predominantly graduate
4 students and the faculty.

5 The Board finds that traffic generated or patterns
6 of access or egress resulting from what is being proposed
7 would not cause congestion, hazard, or substantial change in
8 the established neighborhood character.

9 The Board finds that the preexisting health clinic
10 use had a total population of approximately 150 people per
11 day, and that many clients and staff traveled to the site by
12 automobile, which constituted approximately 40 daily trips.

13 The proposed university housing is anticipated to
14 generate far fewer daily trips, as only approximately 10
15 percent of the Harvard University housing tenants own
16 automobiles.

17 Typical travel patterns to campus destinations are
18 usually on foot, bike, or via the Harvard Shuttle. Spaces
19 at the adjacent parking lot will be allocated to meet the
20 required parking at 5 Sacramento Street.

21 The Board finds that continued operation of or
22 development of adjacent uses, as permitted in the Zoning

1 Ordinance, would not be adversely affected by the nature of
2 the proposed use.

3 5 Sacramento building is surrounded by other
4 housing uses, including housing for Harvard affiliates to
5 the west and north on the same site, and private residences
6 to the east.

7 The introduction of the new university housing
8 will be fully in keeping with the adjacent uses.

9 The Board finds that nuisance or hazard would not
10 be created to the detriment of the health, safety or welfare
11 of the occupant of the proposed use, or to the citizens of
12 the city for the following reasons: The proposed housing
13 use will not create any nuisance or hazard to the safety or
14 welfare of the occupants of 5 Sacramento Street. In fact,
15 it will be enhanced.

16 The proposed housing will instead positively
17 impact the occupants of the building by providing additional
18 housing stock, which lessens the burden on the existing
19 housing stock in the adjacent area by making -- and opens up
20 housing available to nonaffiliated citizens of the city.

21 The Board finds that the proposed use will not
22 impair the integrity of the district or adjoining district,

1 or derogate from the intent and purpose of the Ordinance.

2 The proposed institutional housing use would be
3 consistent with the uses of the other three buildings on the
4 site, with the predominant residential uses in the
5 neighborhood.

6 The Board finds that the proposed use will enhance
7 the existing building and aesthetically far more pleasing.
8 The intensity of the use will be less with housing,
9 including fewer daily visits and fewer automotive trips.

10 The nature of the proposal is more compatible with
11 the surrounding residential area. On the motion, then, to
12 grant the special permit as per the documents submitted, the
13 dimensional form and the supporting statements incorporated
14 therein, Jim, on the motion to grant the special permit?

15 JIM MONTEVERDE: Jim Monteverde yes to the special
16 permit.

17 BRENDAN SULLIVAN: Laura?

18 LAURA WERNICK: Laura Wernick voting yes to the
19 permit.

20 BRENDAN SULLIVAN: Slater?

21 SLATER ANDERSON: Slater Anderson yes to the
22 special permit.

1 BRENDAN SULLIVAN: Alison?

2 ALISON HAMMER: Alison Hammer voting in favor of
3 the special permit.

4 BRENDAN SULLIVAN: And -- thank you, and Brendan
5 Sullivan votes to grant the special permit. Both variance
6 and special permit are granted. Thank you, Alexandra. Nice
7 presentation.

8 ALEXANDRA OFFIONG: Thank you very much.

9 ABRA BERKOWITZ: Thank you very much.

10 [All vote YES]

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(7:38 p.m.)

Sitting Members: Constantine Alexander, Brendan Sullivan,
Jim Monteverde, Laura Wernick, and
Slater W. Anderson

CONSTANTINE ALEXANDER: Moving on, The Chair will
now call Case Number 137449 -- 55 Raymond Street. Anyone
wishing to be heard on this matter?

[Pause]

CONSTANTINE ALEXANDER: Hello?

MATT HAYES: Hello?

CONSTANTINE ALEXANDER: Yes?

MATT HAYES: Hi. I'm Matt Hayes, Mr. Chairman and
members of the Board. Matt Hayes, owner of 53 Raymond
Street. I wanted to give a quick introduction to myself, to
Zac Cardwell with Maryann Thompson, and a little bit about
the project.

The current 53 Raymond is currently a single-
family dwelling with an accessory unit that's been being
used that way for the past 40 years or so.

We met with the neighbors -- all of the -- most of
the abutting neighbors and some of the other neighbors when

1 we went through the initial Design Review for the demolition
2 permit in front of Avon Hill Conservation. We received our
3 Certificate of Appropriateness from the Conservation
4 District.

5 And I guess I just wanted to say before I kind of
6 hand it off to Zac, we -- in the design process we really
7 tried to kind of fold the neighborhood into the design. And
8 in doing so also, we designed a lot of our proposed
9 building, which has been blessed, I guess, in a sense by
10 Historic around the trees on site.

11 I don't know if that's going to come up or if it
12 will come up, but it's always just good to be sensitive of
13 the trees. And we did do that in our design.

14 So I guess I wanted to just preface with that. We
15 did take careful consideration of reaching out to the
16 neighbors, and around the trees on site.

17 So I'll turn it over to Zac, and he can kind of
18 delve in to the architectural and speak to some of the
19 relief we're seeking, and I can jump back in with any
20 questions or any answers that I can answer.

21 ZAC CARDWELL: Great. Thanks, Matt. If we could
22 pull up our plans, that would be helpful to see too. So --

1 CONSTANTINE ALEXANDER: Can I ask a question
2 before you start, Mr. Caldwell?

3 ZAC CARDWELL: Yes, yeah.

4 CONSTANTINE ALEXANDER: Or Cardwell, I'm sorry.
5 Specifically, what relief you're seeking? You want a
6 variance to create an accessory apartment, and you want a
7 setback -- I'm sorry, rear yard setback relief? Is that it?

8 ZAC CARDWELL: A side yard for a garage structure,
9 which is attached just via an outdoor connection to the main
10 house. Otherwise, there would be --

11 CONSTANTINE ALEXANDER: Let me just start with the
12 accessory apartment. Looking at your plans, it's going to
13 be in the basement I believe?

14 ZAC CARDWELL: Correct.

15 CONSTANTINE ALEXANDER: Am I correct?

16 ZAC CARDWELL: Yes.

17 CONSTANTINE ALEXANDER: There's no kitchen on the
18 plan.

19 ZAC CARDWELL: It's sort of the L-shaped line in
20 the corner is the kitchen area. It's -- we're not showing
21 the stovetop and fridge and all that. But --

22 CONSTANTINE ALEXANDER: The problem is that an

1 accessory apartment, if you want to get a variance, must
2 have a kitchen.

3 ZAC CARDWELL: Yes. So this would have a kitchen
4 in that corner? You know,

5 CONSTANTINE ALEXANDER: It's not shown on the
6 plan?

7 ZAC CARDWELL: It's not shown on the plan. You're
8 absolutely right. It's not shown on the plan.

9 CONSTANTINE ALEXANDER: How can you say it's -- we
10 need to have plans that show a kitchen --

11 MATT HAYES: Listen, I went there --

12 CONSTANTINE ALEXANDER: -- if you want a zoning --
13 a variance for an accessory apartment. Otherwise, this is
14 just more living space: Two more bedrooms, two more
15 bathrooms and the like.

16 MATT HAYES: I think that little L in the corner
17 there, and there's a little island with the three seats
18 right there; I think the only thing that's missing is the
19 cooktop -- yeah, right -- exactly, where that's shown.

20 CONSTANTINE ALEXANDER: Because I don't -- were
21 those starry things supposed to be a range cooking area?
22 You see what I'm talking about?

1 MATT HAYES: No, those are plants --

2 ZAC CARDWELL: No.

3 MATT HAYES: -- outside in the window well.

4 CONSTANTINE ALEXANDER: They're plants. Where is
5 the kitchen on the plans?

6 ZAC CARDWELL: It's not shown. You're right. The
7 intention -- the intent is --

8 CONSTANTINE ALEXANDER: If it's not shown, then
9 you don't have the accessory apartment, and we can't take
10 action on that tonight.

11 JIM MONTEVERDE: Mr. Chair?

12 CONSTANTINE ALEXANDER: Yes.

13 JIM MONTEVERDE: Sorry, this is Jim Monteverde.
14 Jim Monteverde.

15 CONSTANTINE ALEXANDER: Yes, Jim.

16 JIM MONTEVERDE: I'm following Zac's description
17 and looking at the plan. Could we not acknowledge that that
18 L-shaped countertop, which is drawn there, is in fact -- or
19 if you so represent it to us -- is in fact the kitchen with
20 refrigerator, range, sink, et cetera? And that that in fact
21 is the kitchen?

22 That's what you're saying, correct?

1 ZAC CARDWELL: Correct.

2 MATT HAYES: Yeah.

3 ZAC CARDWELL: Right, yeah.

4 CONSTANTINE ALEXANDER: I'm sorry, just help me
5 where that L-shaped area is?

6 JIM MONTEVERDE: Sorry, I'm pointing on my --
7 yeah, there you go.

8 CONSTANTINE ALEXANDER: Okay, up there. Okay.

9 JIM MONTEVERDE: That's the countertop, which I
10 assume -- which seems certainly long enough to accommodate a
11 refrigerator, sink and stovetop or range.

12 ZAC CARDWELL: Yes, for sure.

13 JIM MONTEVERDE: Right.

14 MATT HAYES: Yes.

15 JIM MONTEVERDE: So I think it's just --

16 CONSTANTINE ALEXANDER: This is the point -- that
17 it usually --

18 JIM MONTEVERDE: -- it's something shown, not
19 labeled.

20 CONSTANTINE ALEXANDER: -- we would have plans
21 which would show where the cooktop is, where the
22 refrigerator is, what have you. These plans look to me like

1 just additional living space, perhaps for a relative or the
2 like, but all right let's move on. But I'm really troubled
3 by the fact that we don't have very well-designed plans with
4 regard to the accessory apartment.

5 MATT HAYES: Zac, you go ahead.

6 ZAC CARDWELL: So the kitchen aside, you know, not
7 showing the range and all that, we're seeking relief because
8 this is a new structure not built before --

9 CONSTANTINE ALEXANDER: Right.

10 ZAC CARDWELL: -- 2019.

11 CONSTANTINE ALEXANDER: Understood.

12 ZAC CARDWELL: But otherwise, all of the
13 stipulations for a special permit accessory apartment in a
14 single-family are met as far as size. So it's the accessory
15 apartment and the stair access down is what we're asking for
16 relief on related to the accessory apartment.

17 The setback is just for the garage structure.

18 CONSTANTINE ALEXANDER: Right.

19 ZAC CARDWELL: Everything else is within the
20 setback.

21 CONSTANTINE ALEXANDER: What is the purpose of the
22 accessory apartment, should we approve it? Is it to be for

1 family members to have a separate living area, or are you
2 planning to rent it out to --

3 MATT HAYES: No. Specifically it's not for
4 rental. It would be for family members or an au pair. But
5 specifically not for rentals.

6 CONSTANTINE ALEXANDER: Okay.

7 MATT HAYES: No.

8 ZAC CARDWELL: Following in sort of the spirit of
9 the section of zoning to provide a greater diversity of
10 housing options than that are allowed, just as-of-right in a
11 single-family district.

12 CONSTANTINE ALEXANDER: Okay.

13 BRENDAN SULLIVAN: This is Brendan Sullivan.
14 Olivia, could you pull up the site plan? The site plan?

15 ZAC CARDWELL: I think this is the existing site
16 plan.

17 BRENDAN SULLIVAN: So --

18 JIM MONTEVERDE: It's --

19 BRENDAN SULLIVAN: -- now you're taking down the
20 existing house?

21 ZAC CARDWELL: Correct.

22 BRENDAN SULLIVAN: Are you building off the

1 existing foundation, or is the foundation coming out?

2 MATT HAYES: The foundation is coming out as well,
3 and in doing so, we're pulling -- we're pulling the building
4 in on both sides from the lot lines.

5 So compared to what it is now with the current
6 structure, we're pulling in the right elevation off of the
7 right property line and staying with the left elevation,
8 we're building that considerably off the last property line
9 as well.

10 BRENDAN SULLIVAN: So the violation is where?

11 MATT HAYES: The violation, I guess, Zac, what is
12 it? Is it the fact that we have -- we're asking for an
13 accessory unit in a new structure?

14 ZAC CARDWELL: That's the violation for the
15 accessory apartment. The violation for the setback -- I
16 think if you go to page maybe 4, I can't quite see them all.

17 BRENDAN SULLIVAN: I guess where I'm going with
18 this --

19 ZAC CARDWELL: All right. If you go to the first
20 floor, page 2 --

21 JIM MONTEVERDE: Yeah, I see.

22 ZAC CARDWELL: -- apologies.

1 BRENDAN SULLIVAN: -- I guess what -- where I'm
2 going with this is if you're starting off with a blank piece
3 of paper, why can't you build a structure that doesn't
4 require any zoning relief?

5 MATT HAYES: I mean -- yeah, go ahead, Zach.

6 ZAC CARDWELL: Well, the intent for the relief on
7 the setback is because we're tied with an outdoor walkway on
8 the second floor, we can't have the smaller setback than an
9 accessory structure is allowed.

10 And having the smaller setback aligns the new
11 garage structure with the existing curb cut driveway area,
12 whereas doing it 10 foot puts it sort of offline.

13 MATT HAYES: Yeah. So since the main structure --
14 the main house is connected to the garage via the skywalk,
15 it basically makes the garage part of the structure, which
16 takes away its accessory building, which would have it
17 within five feet of the property line.

18 And since we are attached to the main structure,
19 it's construed as the main structure. So we pushed it to 10
20 feet for the sum of 25 on both sides, and that's why we're
21 seeking relief.

22 And again, to Zac's point, it's to move the garage

1 over to the five feet so that it does line up with the
2 driveway, and it's really -- because we have that skywalk,
3 which I just think is a --

4 BRENDAN SULLIVAN: Well, what it does is it takes
5 a while from the patio. Is that correct?

6 MATT HAYES: It's suspended above the patio.

7 ZAC CARDWELL: Yeah, pushing the garage --

8 JIM MONTEVERDE: Yeah.

9 ZAC CARDWELL: -- to 10 feet takes away from the
10 patio.

11 MATT HAYES: Oh, right. Yeah, yeah, yeah, yep. I
12 mean, the patio is perfectly big as is; is fine the way it
13 is, and that's not really why we're seeking the relief.

14 The relief is really to line the garage up with
15 the driveway -- and again, because we have this skywalk,
16 which basically extends the main structure out to the
17 garage. That's why we're within -- if we didn't have the
18 skywalk, we'd be at 10 feet, we'd be at five feet.

19 But since we have the skywalk, which again I just
20 think is a cool design feature, we tried -- we're seeking
21 relief to push it back to what an accessory building would
22 have, I guess, as a setback.

1 BRENDAN SULLIVAN: Yeah -- [Brendan Sullivan] -- I
2 can't connect the dots on that one, there. It's sort of
3 like that's the tail wagging the dog -- that accessory
4 structure, the garage. But anyhow, I will defer for the
5 moment.

6 MATT HAYES: Okay.

7 CONSTANTINE ALEXANDER: It does seem to me you --
8 with a little bit of imagination, or maybe change in design,
9 you could have avoided the need for any variance with regard
10 to setbacks. But that's not what you're proposing, so we'll
11 go -- as Brendan said, we'll go forward on that.

12 We'll return -- Mr. Cardwell, anything further you
13 want to say?

14 ZAC CARDWELL: No. I mean, I think that's it.
15 It's really -- you know, trying to get the typical setback
16 for an accessory structure, even though we're connected with
17 a -- you know, an outdoor sort of connection between the
18 main house and the accessory structure and getting an
19 accessory apartment in a new structure.

20 CONSTANTINE ALEXANDER: Anything further? Either
21 of you want to speak? I'll ask Board members if they have
22 any questions or comments at this point? Brendan?

1 BRENDAN SULLIVAN: No. Not at this point.

2 CONSTANTINE ALEXANDER: You made your comments.

3 Jim?

4 JIM MONTEVERDE: [Jim Monteverde,] just a question.

5 Looking at the plan and then looking at the dimensional
6 form, in the way the basements are arranged in the accessory
7 apartment --

8 MATT HAYES: Yep.

9 JIM MONTEVERDE: Is the reason that you want that
10 to be an accessory apartment is so you don't count it as
11 part of the square footage and therefore --

12 MATT HAYES: No.

13 JIM MONTEVERDE: -- it doesn't kick you over the
14 0.5 --

15 ZAC CARDWELL: No. It's included in that number.

16 JIM MONTEVERDE: Oh, it is?

17 ZAC CARDWELL: So we're -- yes.

18 JIM MONTEVERDE: Okay. So with that, it's at the
19 0.5, you're right at the Ordinance requirement?

20 MATT HAYES: Right.

21 ZAC CARDWELL: Correct.

22 JIM MONTEVERDE: Okay. Thank you.

1 CONSTANTINE ALEXANDER: Laura?

2 LAURA WERNICK: No questions.

3 CONSTANTINE ALEXANDER: Okay. Slater?

4 SLATER ANDERSON: I guess I'd only make -- my one
5 question is, is this intended to be your residence, owner-
6 occupied?

7 ZAC CARDWELL: No, it's not.

8 SLATER ANDERSON: Okay. So how do you know the
9 basement's not going to be rented?

10 ZAC CARDWELL: I mean, I guess it's hard for me to
11 say that, but I guess we designed it with -- we designed it
12 with a staircase down, and we designed it with a second
13 egress to the family room, thinking that that would be just,
14 like... the egress to that family room on a lower level needs
15 to stay unlocked anyways as a second means of egress.

16 So it's just like I -- and I talked to actually a
17 neighbor about this too, that the intent is really not for
18 it to be a rental unit, and that's why we have this
19 connection to the family room and to the rest of the house.

20 So I -- I mean, I guess -- yeah, that's kind of my
21 rationale. Yeah.

22 SLATER ANDERSON: All right. My other sort of

1 comment was going to be related to the garage setback and
2 the need for that.

3 And I agree that, you know, you probably could
4 work within the setback limits, but I would recognize that
5 the curb cut -- and it's hard to relocate a curb cut -- does
6 give some logic to why you would locate the garage in the
7 setback.

8 So I do buy that argument. I don't necessarily
9 know if you could say that you're not -- it's not going to
10 be rented if you're not going to be the occupant of the main
11 residence.

12 So those are my two comments. Thank you.

13 CONSTANTINE ALEXANDER: Thank you, Slater. I've
14 made my comments already, so I have nothing more to say at
15 this point. So I'll open the matter up to public testimony.
16 We do have some letters in the file, which I'll turn to
17 following public testimony, if there is any.

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

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

1 a moment to see if anyone's calling in.

2 [Pause]

3 OLIVIA RATAY: Abra Berkowitz.

4 CONSTANTINE ALEXANDER: Mr. (sic) Berkowitz?

5 ABRA BERKOWITZ: Hi, thanks. Yep. Abra
6 Berkowitz, 16 Walden Street.

7 CONSTANTINE ALEXANDER: Miss, I'm sorry.

8 ABRA BERKOWITZ: Oh, you're fine. It happens all
9 the time. Yeah. So I think -- and I know this is probably
10 not within the purview of the BZA, but I am concerned about
11 the trees. And I walk past there every day.

12 And I am wondering if you wouldn't need to -- if,
13 first of all if you're going to be cutting trees so that you
14 can have your driveway to the attached parking structure?
15 And if you could avoid doing that altogether just by
16 shrinking the house.

17 I mean, because you're proposing a massive house,
18 like, a five-bedroom house with an apartment, 8300 square
19 feet.

20 I just -- I guess I don't understand how you plan
21 to, like, keep the trees you can, because it looks like
22 there's a bunch of really mature trees there, and why you

1 would really need to decrease the setback, if you could just
2 shrink the structure itself.

3 So to me, it just doesn't seem like the project
4 that is aligned with our values as a city. We're concerned
5 about having, you know, permeable soil, so that we can keep
6 the water cycle moving -- you know, have reduced flooding.
7 We want shade trees so that we're not getting overheated.

8 I just don't -- I mean, a house with a sitting
9 area, a living room, what else, a family room, a mudroom --
10 I mean, to me it feels excessive in a neighborhood that's
11 very well served by public transportation.

12 So -- and I know, again I'm speaking to values and
13 maybe not kind of what's within the purview of the BZA
14 itself, but by granting this setback and the accessory
15 apartment, kind of think about how maybe the project
16 proponents could change some things before granting those.

17 And that includes potentially shrinking the square
18 footage so that you can save some of those trees, and so
19 that you don't have to have an attached garage as well,
20 where it is currently located.

21 So I guess I would really like to know more about
22 the trees that will go kind of, and how you can address some

1 of the other environmental concerns as well. So --

2 CONSTANTINE ALEXANDER: Before the petitioner
3 response, let me talk about the trees for a second, and the
4 ground rules. We have two letters of opposition in our
5 files. Both of them are opposed because of removal of
6 trees, and the impact on the environment.

7 Our Zoning Ordinance makes no mention of trees.
8 It has nothing -- we have nothing in the Ordinance that
9 allows us to make the decision based upon the removal or
10 denial -- if that's the case -- based on trees.

11 The City Council has to amend -- if they want to
12 have our Board or another Board addressing or taking into
13 account tree impact with regard to construction in the city,
14 they have to adopt something. They've got to amend the
15 Zoning Ordinance, or they've got to do another body that it
16 passes solely on trees.

17 We don't have the right in my opinion -- and I
18 think I'm right -- to deny zoning relief because of a tree
19 removal. It's just not in the Ordinance, which I
20 unfortunate, by the way. I'm sympathetic to the notion
21 about the impact on our environment with tree removal.

22 But the city's got to do something about it. We

1 can't sit here as a Zoning Board and make it up. Anyway,
2 that's my rant for the evening. And I'm frustrated by this.
3 I'm frustrated by the lack of direction from the city
4 leaders who like to talk about trees, but do nothing about
5 regulating or the removal of them, or promoting them, or
6 what have you. And they just leave it to Boards like ours,
7 which have no authority to try to deal with it. And it's
8 frustrating. Anyway.

9 MATT HAYES: Could I respond as well?

10 CONSTANTINE ALEXANDER: Go right ahead.

11 MATT HAYES: Thanks. So also during design, we
12 met with the Head of Forestry, we met with my landscape
13 architect on site with neighbors. We met with my arborist,
14 who went around and took stock of all the health of all the
15 trees.

16 And our designs and the relief we're seeking would
17 have no impact on any of the trees that are currently on
18 site. There's -- I mean, at the very front left corner of
19 the property, there's a very dead cherry tree, which we've
20 already received a permit for.

21 So we've gone through all the motions with
22 Forestry, with our neighbors, with a landscape architect,

1 with arborists, and we've been very sensitive to all of this
2 with our design.

3 From a design standpoint too in a massive house,
4 the idea was to create a -- like, something that was
5 contextual to the street with the other houses and the
6 massing of the other houses.

7 And in talking to Historic and to Charlie
8 Sullivan, he was like, "Listen, really what I'd like to see
9 with this is reengaging this house with the street, and the
10 streetscape." Because right now it's just covered in a
11 fence and trees, which is also what we tried to do.

12 So the size and the mass I think we tried to
13 address that. The trees we definitely tried to take that
14 into consideration. And I guess ultimately with regards to
15 the zoning aspect, none of this actually is impacted by the
16 relief that we're seeking.

17 ZAC CARDWELL: Now, I would add, if we could
18 scroll down to the existing photos, just the concerns about
19 the trees. And one of the things that Matt came to us about
20 this project, the first thing he said is, "I don't want
21 taking the trees out." Which we do work for DCR.

22 We're -- you know, environmentalists -- our work

1 area. So we appreciated that.

2 So you can see in the bottom photo on this page
3 the drive -- this is where the existing drive is, is where
4 the new drive is going to be. And before you get to the
5 trees is where the -- in the back there is where the garage
6 is.

7 I think if you go to the next page, you can see,
8 like, where the existing parking is. It's like sort of
9 under the building, and there's like a huge sort of just
10 surface lot. That's where the garage is. It's not going
11 further into the site where there's large, mature trees.

12 ZAC CARDWELL: Right. And I guess also to that
13 point, we -- we tried to line up the garage with our
14 neighbors' property to the right, who also has a garage.

15 They have a very similar situation. They have a
16 driveway kind of hugging their property line. We have a
17 driveway hugging our property line.

18 And they've got a driveway -- they've got a
19 garage, you take the driveway down and the garage is three
20 and a half feet from the property line, so that it lines up
21 with the driveway.

22 So again, so that's the only -- so I guess that's

1 kind of -- it's not my rant, but it's my explanation.

2 CONSTANTINE ALEXANDER: Thank you. We do have one
3 public comment in support. It's from the -- very brief
4 support -- it's from Byron Good, who resides at 77 Raymond
5 Street. And he has no wishes with what is being proposed.
6 With that, any other public comment?

7 MATT HAYES: Can I say one point? One thing?

8 CONSTANTINE ALEXANDER: Yes.

9 MATT HAYES: That 77 -- although 77 seems far away
10 from 53 or 55 is actually the direct abutter on the proposed
11 accessory unit and staircase side.

12 CONSTANTINE ALEXANDER: Thank you.

13 MATT HAYES: Yep.

14 CONSTANTINE ALEXANDER: Nope? Nothing? Okay.
15 I'm going to close public testimony. I've already
16 referenced the written letters we have in our files. I'll
17 make a motion to grant the relief if we do, and then we can
18 discuss that and vote yes or no on the motion.

19 The Chair moves that we make the following
20 findings with regard to the variance being sought: That --
21 let me get out the requirements of our ordinance in a second
22 -- that a literal enforcement of the provisions of the

1 Ordinance would involve a substantial hardship... such
2 hardship being that with regard to the construction of the
3 new building, there is a need for -- the older building, the
4 existing building is old, it's not well-situated, and there
5 is a need for -- whether it be this petitioner or any future
6 occupant or owner of the property, there is a need to start
7 again with regard to building a residence.

8 And with regard to -- I'm going to return to the
9 accessory apartment in a second -- that the hardship is
10 owing to circumstances relating to the fact that this is
11 already a nonconforming structure, and that any
12 modifications of rebuild requires zoning relief.

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

16 What will happen, should this project go forward,
17 is an improvement to the residential housing stock of the
18 city by creating a new -- by building a new building that's
19 more appropriate for the times, and preserves the longevity
20 of the use of a structure on that property.

21 With regard to the accessory apartment, the relief
22 being sought is modest. It's just -- with regard to an

1 accessory apartment -- in that they want to put an accessory
2 apartment in a building that -- it would be a new building.
3 And our Ordinance requires that the building has to have
4 been built at an earlier date.

5 But in fact the impact of this is not very great.
6 The least important part of the accessory apartment notion
7 is the -- when the building was built. It's more important
8 about the relative size of the accessory apartment to the
9 structure itself and the size of the structure. And as to
10 all of these requirements, the petitioner will satisfy them.

11 So on the basis of all of these findings, the
12 Chair moves that we grant the variance requested on the
13 condition -- variances pleural -- on the condition that the
14 work proceeds in accordance with plans prepared by Maryann
15 Thompson Architects, dated July 16, 2021. Brendan?

16 BRENDAN SULLIVAN: Brendan Sullivan yes to
17 granting the variance.

18 CONSTANTINE ALEXANDER: Jim?

19 JIM MONTEVERDE: Jim Monteverde no to granting the
20 variance.

21 CONSTANTINE ALEXANDER: Laura?

22 LAURA WERNICK: Yes to granting the variance.

1 CONSTANTINE ALEXANDER: Slater?

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

4 CONSTANTINE ALEXANDER: The Chair votes yes as
5 well.

6 [Four vote YES, one vote NO]

7 CONSTANTINE ALEXANDER: The variance is granted.
8 Thank you.

9 MATT HAYES: Thank you.

10 ZAC CARDWELL: Thank you.

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(8:16 p.m.)

Sitting Members: Constantine Alexander, Brendan Sullivan,
Jim Monteverde, Laura Wernick, and
Slater W. Anderson

CONSTANTINE ALEXANDER: The Chair will now call
138453 -- 7 Healey Street. Anyone wishing to be heard on
this matter?

[Pause]

MARY AND DAVID MCELROY: I'm sorry, do I need to
repeat myself? Did you -- can you hear me?

CONSTANTINE ALEXANDER: Yes, we can.

MARY AND DAVID MCELROY: Oh, okay. I'm sorry. So
good evening. This is Mary and David McElroy. We're the
homeowners of 7 Healey Street, and we're representing
ourselves in this case. We're applying for a special permit
to modify an existing window on a nonconforming lot.

In our application we submitted two drawings that
show the existing window and the dimensions, and then
another drawing that shows the proposed changes that we
would like to make, which we'd like to move the window up 12
inches and increase it vertically, or keep the -- increase

1 it vertically.

2 CONSTANTINE ALEXANDER: Okay. Have you -- well,
3 you have spoken to neighbors, because there's --

4 MARY AND DAVID MCELROY: Yes.

5 CONSTANTINE ALEXANDER: -- as I will mention later
6 there's a number of letters of support and no letters of
7 opposition.

8 MARY AND DAVID MCELROY: Yes, we've --

9 CONSTANTINE ALEXANDER: When it comes to windows,
10 the one concern we have, if we have a concern, is the -- all
11 the windows impinge upon the privacy of abutting property
12 owners. Will they -- you know, intrude in the -- you'll be
13 able to look into their house, or what have you. Do you
14 wish to comment on that?

15 MARY AND DAVID MCELROY: The existing window, and
16 the window if we make the change, currently looks out onto a
17 brick wall in the neighboring condo. So --

18 CONSTANTINE ALEXANDER: Good answer.

19 MARY AND DAVID MCELROY: -- it should not make any
20 change to the privacy. It shouldn't make any changes to the
21 privacy of the --

22 CONSTANTINE ALEXANDER: Okay.

1 MARY AND DAVID MCELROY: -- tenants in the
2 abutting property.

3 CONSTANTINE ALEXANDER: Okay. Thank you.
4 Questions from members of the Board? Brendan?

5 BRENDAN SULLIVAN: [Brendan Sullivan,] I have no
6 questions.

7 CONSTANTINE ALEXANDER: Jim?

8 [Pause]

9 CONSTANTINE ALEXANDER: Jim Monteverde?

10 [Pause]

11 CONSTANTINE ALEXANDER: Jim? Are you there, or
12 maybe you're muted? Well, I'll move on while we're waiting
13 for Jim. Jim, are you there? Laura?

14 LAURA WERNICK: No questions.

15 CONSTANTINE ALEXANDER: Okay. Slater?

16 SLATER ANDERSON: No questions.

17 CONSTANTINE ALEXANDER: The Chair has asked what
18 questions he has, so. And Jim, one last chance for a
19 question.

20 [Pause]

21 CONSTANTINE ALEXANDER: Okay. I'm going to close
22 public testimony. Any members of the public who wish to

1 speak should now click the icon at the bottom of your Zoom
2 screen that says, "Raise hand."

3 If you're calling in by phone, you can raise your
4 hand by pressing *9 and unmute or mute by pressing *6.
5 We'll wait a moment to see if anyone's calling.

6 [Pause]

7 Apparently, no one wishes to call in and to offer
8 comments. So I will close public testimony. As I mentioned
9 earlier, we have a substantial number of letters from
10 neighbors in the area, all of which are in favor of granting
11 the relief that's being sought.

12 So the Chair moves that we grant the special
13 permit requested by the petitioner -- well, let me go back.
14 The Chair moves that we make the following findings with
15 regard to the special permit being sought by the petitioner:
16 That the requirements of the Ordinance cannot be met without
17 the special permit.

18 That traffic generated or patterns of access or
19 egress resulting from what is being proposed will not cause
20 congestion, hazard, or substantial change in established
21 neighborhood character.

22 As mentioned, we're talking about a modest window

1 change that's going to face a brick wall.

2 That the continued operation of or development of
3 adjacent uses, as permitted in the Zoning Ordinance, will
4 not be adversely affected by the nature what is being
5 proposed. And best evidence of that is all the letters of
6 support in -- coming from people who have adjacent uses.

7 No nuisance or hazard will be created to the
8 detriment of the health, safety and/or welfare of the
9 occupant of the proposed use, or the citizens of the city.

10 And generally, what is being proposed will not
11 impair the integrity of the district. So on the basis of
12 these findings, the Chair moves that we grant the special
13 permit requested on the condition be consistent with the
14 materials -- with regard to the new window, as set forth in
15 the application or the supporting documentation, and which
16 have been initialed by the Chair.

17 Brendan?

18 BRENDAN SULLIVAN: Yes to granting the relief
19 requested.

20 CONSTANTINE ALEXANDER: Jim?

21 JIM MONTEVERDE: Jim Monteverde in favor of the
22 relief requested.

1 CONSTANTINE ALEXANDER: Okay. Laura?

2 LAURA WERNICK: Laura Wernick in favor.

3 CONSTANTINE ALEXANDER: Slater?

4 SLATER ANDERSON: Slater Anderson in favor of the
5 relief.

6 CONSTANTINE ALEXANDER: Okay. And I vote in favor
7 as well.

8 [All vote YES]

9 CONSTANTINE ALEXANDER: Special permit granted.

10 MARY AND DAVID MCELROY: Thank you.

11 CONSTANTINE ALEXANDER: Thank you.

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(8:22 p.m.)

Sitting Members: Constantine Alexander, Brendan Sullivan,
Jim Monteverde, Laura Wernick, and
Slater W. Anderson

CONSTANTINE ALEXANDER: The Chair will now call
Case Number 138047 -- 14-16 Myrtle Avenue. Anyone here
wishing to be heard on this matter?

JOOKUN LIM: This is Jookun Lim, the architect for
the project.

CONSTANTINE ALEXANDER: I'm sorry?

JOOKUN LIM: This is Jookun Lim, the architect for
the project.

CONSTANTINE ALEXANDER: Okay.

JOOKUN LIM: Presenting the owners.

CONSTANTINE ALEXANDER: Sir, since you are the
architect, additional plans were submitted today to the
Zoning office. It's too late. We're not -- those plans are
going to be disregarded. The only plans we're going to be
working with are the plans that you earlier submitted.

JOOKUN LIM: Correct.

CONSTANTINE ALEXANDER: Okay?

1 JOOKUN LIM: Yep. That's fine.

2 CONSTANTINE ALEXANDER: All right. The floor is
3 yours.

4 JOOKUN LIM: Olivia, can you show the photographs?
5 The photographs? Yeah.

6 This is the building. There's the existing porch,
7 which is pretty run down. The owner's trying to replace
8 that.

9 Next slide?

10 And this is the proposed new porch, which is 37
11 square feet larger than the original. I think it is more in
12 character with the porches that are on the street. So
13 that's one relief, the 37-square foot addition. And the
14 existing deck is 1 foot 3 into the setback.

15 The other relief that we are looking for is the
16 window -- this elevation.

17 [Olivia, the elevation on the other side, on this
18 side? No, the photographs on the other side.]

19 Okay, this is the existing elevation from the
20 other side.

21 And the proposed is the next slide, I think.

22 Yep. This is the proposed. So we are also

1 proposing enlarging these three windows. And for that there
2 will be a window well. The reason for the windows is just
3 to have more ventilation in the basement. It is within the
4 setback, but the window wells are going to increase the
5 average height of the building. And we are still
6 conforming. So that's what we are looking for as a relief.

7 So the relief is the addition 37 square feet, in
8 order to be able to accommodate a door directly from the
9 street into the lower unit.

10 The original building actually has two separate
11 entrances as well; entrance to the lower unit and another
12 direct to the upper unit. So we're sort of going back
13 there. That's it.

14 Any comments?

15 CONSTANTINE ALEXANDER: Hello?

16 JOOKUN LIM: Hello?

17 CONSTANTINE ALEXANDER: Yes. We're here, we're
18 here.

19 JOOKUN LIM: Yeah.

20 CONSTANTINE ALEXANDER: Okay, I want to confirm,
21 that's the end of your presentation?

22 JOOKUN LIM: Yes, correct.

1 CONSTANTINE ALEXANDER: Thank you. Questions?

2 Brendan?

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

5 CONSTANTINE ALEXANDER: Jim?

6 JIM MONTEVERDE: [Jim Monteverde] The use of the
7 basement space will be for what?

8 JOOKUN LIM: It's an addition to the lower unit,
9 which is conforming to the existing code.

10 JIM MONTEVERDE: Right.

11 JOOKUN LIM: We're finishing the basement.

12 JIM MONTEVERDE: So it's a continuation of the
13 first floor. It'll also get basement space as well?

14 JOOKUN LIM: Yes, yeah. Yep.

15 JIM MONTEVERDE: Yeah. And that basement space is
16 reflected on your dimensional form for the requested gross
17 area?

18 JOOKUN LIM: Yeah.

19 JIM MONTEVERDE: Or is that deleted?

20 JOOKUN LIM: Correct. That's included in the --
21 in the application.

22 JIM MONTEVERDE: Okay. Thank you.

1 CONSTANTINE ALEXANDER: Laura?

2 LAURA WERNICK: No questions.

3 CONSTANTINE ALEXANDER: Slater?

4 SLATER ANDERSON: No questions.

5 CONSTANTINE ALEXANDER: The Chair has no questions
6 as well. I'll now open the matter up to public testimony,
7 but first I will report that we have four letters of support
8 in our files; no letters of opposition. Let me get out my
9 instructions.

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

13 If you're calling in by phone, you can raise your
14 hand by pressing *9 and unmute or mute by pressing *6.
15 We'll wait a second and see if anyone wishes to call in.

16 [Pause]

17 CONSTANTINE ALEXANDER: Nope? There is no one who
18 wishes to call in. So I will now close public testimony.
19 As I've indicated, we do have letters in our file, all of
20 which are in support.

21 The Chair moves that we grant the special permit
22 -- well, the Chair moves that we make the following findings

1 with regard to the special permit being sought:

2 That the requirements of the Ordinance cannot be
3 met unless we grant the special permit.

4 That traffic generated or patterns of access or
5 egress resulting from what is being proposed with regard to
6 the special permit will not cause congestion, hazard, or
7 substantial change in established neighborhood character.

8 And in fact what is being proposed is modest in
9 nature, and really has no impact on the neighborhood
10 character.

11 That the continued operation of or development of
12 adjacent uses, as permitted in the Zoning Ordinance, will
13 not be adversely affected should we grant the special
14 permit. And the reasons there are the same with regard to
15 patterns of access or egress. We're talking about a modest
16 piece of -- a modest modification of the structure.

17 No nuisance or hazard will be created to the
18 detriment of the health, safety and/or welfare of the
19 occupant of the proposed use, or the citizens of the city.

20 And generally, what is being proposed will not
21 impair the integrity of the district or adjoining district,
22 or otherwise derogate from the intent and purpose of this

1 Ordinance.

2 So on the basis of all these findings, the Chair
3 moves that we grant the special permit on the condition that
4 the work proceed in accordance with plans prepared by Joon
5 -- Jookun, J-o-o-k-u-n Lim, the first page of which has been
6 ini-- oh, I'm sorry, dated -- last dated August 17, 2021,
7 and the first page of which has been initialed by the Chair.

8 Brendan?

9 BRENDAN SULLIVAN: Brendan Sullivan yes to
10 granting the special permit.

11 CONSTANTINE ALEXANDER: Jim?

12 JIM MONTEVERDE: Jim Monteverde yes for granting
13 the special permit.

14 CONSTANTINE ALEXANDER: Laura?

15 LAURA WERNICK: Laura Wernick yes for granting the
16 special permit.

17 CONSTANTINE ALEXANDER: Slater?

18 SLATER ANDERSON: Slater Anderson yes for granting
19 the special permit.

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

22 [All vote YES]

1 CONSTANTINE ALEXANDER: Special permit granted.

2 JOOKUN LIN: Thank you.

3 CONSTANTINE ALEXANDER: Thank you.

4 BRENDAN SULLIVAN: Mr. Chair, could we take a
5 five-minute --

6 CONSTANTINE ALEXANDER: Yeah. Let's see what time
7 it is?

8 BRENDAN SULLIVAN: -- pause?

9 CONSTANTINE ALEXANDER: It's 8:31. We'll recess
10 this hearing for five minutes until 8:36, at which time
11 we'll resume.

12 [BREAK]

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(8:35 p.m.)

Sitting Members: Constantine Alexander, Brendan Sullivan,
Jim Monteverde, Laura Wernick, and
Slater W. Anderson

CONSTANTINE ALEXANDER: All right. The Chair will
resume, our -- and the recess -- the five-minute recess we
took as being over. We're going to resume our agenda for
tonight. And the next case I'm going to call is Case Number
138603 -- 382-392 Harvard Street. Is there anyone here
wishing to be heard on this matter?

NATHAN WONG: Yes. Thank you, Mr. Chair and
members of the Board. I am Nathan Wong, representing
ownership for this multifamily residence over at 382-392
Harvard Street.

I'm joined here tonight by my colleague Kevin
Quinn, as well as our architect from Boyes-Watson, Stephen
Hiserodt.

This historically registered property was built in
1900, and has been in our ownership since 2013. And
although it's been home to many residents and graduate
students over the years, physically it's in need of much

1 repair.

2 And so as such, we've been planning on some
3 renovation plans over the past year, and we're in front of
4 the Board today to walk through what we hope will be a much-
5 enhanced housing option for future residents.

6 As mentioned, the design work is being spearheaded
7 by Stephen, who will walk us through the technical details
8 in just a moment.

9 But I just wanted to point out that much of the
10 work really is being focused on improving the interior
11 units. I'll never state that a gut renovation and
12 restoration is a small undertaking, but there will be indeed
13 no additional units added to the total count. In fact,
14 there will be one fewer.

15 On the exterior, we plan on performing a
16 restoration that's in keeping with the original character of
17 the building. And indeed our approach was recently
18 presented to and approved by the machine back in May. So
19 Stephen, over to you.

20 STEPHEN HISERODT: Okay. I think you touched upon
21 most of the relevant background. So I think we can jump
22 right to the relief requested. There is one -- a change to

1 the dimensional form was submitted on Monday. And I don't
2 see it included in the materials that you can get online
3 through ISD. So I just wanted to make sure that that was
4 going to be part of the official record.

5 If -- Olivia, if you can check to make sure it is
6 there, I would appreciate it. That is the older form.
7 There is one that has the change in height circled in red
8 with the date next to it, which I think doesn't appear to be
9 there. It was given to Maria on Monday. So do we need to
10 --

11 CONSTANTINE ALEXANDER: I'm sorry. I got
12 distracted. I didn't ask -- I didn't get the question.
13 Please repeat it, sir?

14 STEPHEN HISERODT: There's a missing dimensional
15 form that included a change in --

16 CONSTANTINE ALEXANDER: We have the new
17 dimensional form that reflects the change.

18 STEPHEN HISERODT: Oh, okay, good.

19 CONSTANTINE ALEXANDER: We do have that material.

20 STEPHEN HISERODT: It wasn't in the materials that
21 I could see online. So I wasn't sure that it made it in.
22 Okay. So with the relief requested, we are asking for a

1 variance and a special permit. The variance is related to
2 some added courtyards --

3 Olivia, if we go to the first-floor plan, next
4 sheet down.

5 CONSTANTINE ALEXANDER: The variance is related to
6 the height?

7 STEPHEN HISERODT: It's related to the height. So
8 we've created for egress purposes three window wells and two
9 areaways that provide access to exits; egress for bedrooms
10 and common spaces at the basement level.

11 This in turn creates a change in mean grade, which
12 therefore creates a change in height -- a technical change
13 in height. The actual ridge location is not increasing or
14 moving in any way.

15 So the variance relief requested is based on the
16 increase in a nonconforming height of the existing building.
17 It also has ramifications on setback for formula related
18 setbacks. The only one that's pertinent on this is the
19 right-hand side.

20 So it's a relatively insignificant change. It
21 doesn't impact the neighbors, doesn't impact the view of the
22 buildings from the larger neighborhood. And it doesn't

1 really have any impact on the intent of the zoning for this
2 district.

3 CONSTANTINE ALEXANDER: Can you show on the plan,
4 or refer us to the plan that shows the setback issue at the
5 change in setback? It impinges on a nonconforming side
6 yard? Where would I find that?

7 STEPHEN HISERODT: It is this side yard right --
8 you can't see my mouse moving -- Olivia, the right-hand
9 side? It's that side yard setback right there.

10 BRENDAN SULLIVAN: Oh, so it's there.

11 STEPHEN HISERODT: If you go to the site plan, it
12 will be -- well, even that does not -- it is now on the
13 left-hand side on this site plan.

14 CONSTANTINE ALEXANDER: All right.

15 STEPHEN HISERODT: The adjacent building on that
16 side of the lot, there is a driveway, and then a wall that
17 is likely a brick wall -- a two-story brick wall with two
18 openings; stairwell openings in the middle, and then office
19 openings. That is a business or education use. So it's not
20 -- it's not a residential use. Privacy concerns are far
21 less impactful in this case.

22 It is a tight setback. But again, it's not -- the

1 setback change is only related to the height change. So it
2 is really minor to insignificant -- basically less than four
3 inches.

4 BRENDAN SULLIVAN: This is Brendan Sullivan. On
5 the application -- Stephen, maybe you can answer this -- the
6 request is to construct two egress window wells -- two
7 egress areaways; basement level, which will lower the mean
8 grade around the building, increasing the nonconforming
9 building height.

10 The existing height right now is 70 what?

11 STEPHEN HISERODT: The existing height is 38 feet.

12 CONSTANTINE ALEXANDER: 38 right now, and it will
13 go to 38.8?

14 STEPHEN HISERODT: Yeah.

15 BRENDAN SULLIVAN: 38.8, I'm sorry. Yep. And
16 you're going to go to?

17 STEPHEN HISERODT: 38.88. It's essentially 10.5
18 inches.

19 BRENDAN SULLIVAN: And the next -- and increasing
20 the required setback at a nonconforming side yard. Is that
21 a mistype there?

22 STEPHEN HISERODT: The side yard --

1 BRENDAN SULLIVAN: You're not increasing the
2 required setback, you're encroaching. Is that correct?

3 STEPHEN HISERODT: It's currently nonconforming.
4 The side yard is a formula setback, so it's $H+1/7$. Whenever
5 H increases because of the reduction in mean grade, then the
6 required side yard also increases.

7 BRENDAN SULLIVAN: I mean the wording, "increasing
8 the required setback." It's encroaching. You're not
9 increasing the setback; you're encroaching on the setback.
10 Is that correct?

11 STEPHEN HISERODT: Well, no. Because --

12 BRENDAN SULLIVAN: Is that a miswording --

13 STEPHEN HISERODT: -- the building's not moving.
14 The setback is increasing. So, I mean it's semantics to a
15 degree, but we are not moving that side wall of the building
16 at all. When you calculate the height plus the length of
17 the building divided by 7, if the height is increasing by
18 10.5 inches, then the setback will increase by 10.5 inches
19 divided by 7.

20 It's a technicality.

21 BRENDAN SULLIVAN: You're right. I guess we got
22 that.

1 CONSTANTINE ALEXANDER: That's easy.

2 BRENDAN SULLIVAN: Yeah. It's just the -- yeah,
3 increasing the setback, he's not -- so that the setback has
4 to be greater. Okay. All right. It's an odd wording.
5 Okay. Okay.

6 STEPHEN HISERODT: Is it clear, or --

7 CONSTANTINE ALEXANDER: I think it's clear.

8 STEPHEN HISERODT: Okay.

9 CONSTANTINE ALEXANDER: I mean, I think we get the
10 point. I think we find the wording puzzling, "increasing
11 the setback." But I think you --

12 BRENDAN SULLIVAN: Because it increases the
13 required number?

14 STEPHEN HISERODT: Yes.

15 BRENDAN SULLIVAN: Yeah, okay. So you're not
16 increasing the --

17 CONSTANTINE ALEXANDER: I think we get it.

18 BRENDAN SULLIVAN: Yep, okay I get it. I connect
19 the dots on that one.

20 STEPHEN HISERODT: Do we want to move on to the
21 special permit relief requested? We might as well.

22 Olivia, I sent you today a clarification exhibit.

1 I don't know if you had a chance to put it into the file;
2 just makes it easier to describe. Thank you very much.

3 On this elevation, we have some movement of window
4 openings. This is a nonconforming right-side setback. So
5 any movement or increase in new openings have to be -- have
6 to receive approval. The windows hatched (sic) in red over
7 the area attached in red are existing openings. The new
8 openings are the ones that are in grey.

9 So we have approximately four new openings and two
10 -- four moved openings. They are facing a business or
11 education use, so that the privacy concerns are much less.
12 The window opening changes on the right-hand side occur at
13 what is basically a non-opening brick wall at the back of
14 the neighboring building.

15 And the front change is on the left-hand side on
16 the elevation. There's two new openings that face a very
17 limited opening -- again, business use on the neighboring
18 building.

19 So I don't think that there's much privacy impact
20 to be worried about. And I don't believe we've had any
21 negative comments on these changes.

22 CONSTANTINE ALEXANDER: That will be our call.

1 STEPHEN HISERODT: [Laughter]

2 CONSTANTINE ALEXANDER: Thank you. Anything
3 further, Steve?

4 STEPHEN HISERODT: No. I think that is -- that
5 describes the changes, the relief we're seeking for the
6 project.

7 CONSTANTINE ALEXANDER: Thank you. Brendan, any
8 questions?

9 BRENDAN SULLIVAN: No. No questions. Brendan
10 Sullivan no questions.

11 CONSTANTINE ALEXANDER: Jim?

12 JIM MONTEVERDE: Jim Monteverde no questions.

13 CONSTANTINE ALEXANDER: Laura?

14 LAURA WERNICK: No questions.

15 CONSTANTINE ALEXANDER: Slater?

16 SLATER ANDERSON: No questions.

17 CONSTANTINE ALEXANDER: And the Chair has no
18 questions as well. So I think we have no letters in the
19 file, by the way. So I'm just now going to see if there --
20 I will open the matter up to public testimony, to see if
21 someone wishes to comment orally.

22 Any members of the public who wish to speak should

1 now click the icon at the bottom of your Zoom screen that
2 says, "Raise hand."

3 If you're calling in by phone, you can raise your
4 hand by pressing *9 and unmute or mute by pressing *6.
5 We'll wait a second to see if anyone wishes to speak.

6 [Pause]

7 CONSTANTINE ALEXANDER: No? It's consistent with
8 the fact that no one wished to write, either. I'm sorry?
9 Someone's coming? I'm sorry. We do have someone who wishes
10 to speak.

11 OLIVIA RATAY: Marie Sorensen?

12 MARIE SORENSEN: Hi. I just wanted to ask if
13 zoning relief is required for the creation of new living,
14 habitable space in the basement.

15 CONSTANTINE ALEXANDER: Well, what does the
16 petitioner believe? I think they're not seeking relief
17 regarding the additional space in the basement. They want
18 the relief for the window wells. So --

19 STEPHEN HISERODT: The basement use, it is
20 currently GFA. And we are not increasing the number of
21 units -- dwelling units; we're actually reducing by one. So
22 no, relief is not required.

1 CONSTANTINE ALEXANDER: And ultimately the call
2 will be made by the Building Department.

3 STEPHEN HISERODT: Yes.

4 CONSTANTINE ALEXANDER: When they go to the
5 relief, if the Building Department reviewing the plans think
6 they need zoning relief, they will tell them and turn down
7 the -- not grant the building permit. And the petitioner
8 will have to come back before us to seek that relief.

9 STEPHEN HISERODT: We have reviewed with the
10 Commissioner the current plans, and the conclusion was that
11 additional relief was not needed for that area in the
12 basement -- just the two points that we came with today.

13 CONSTANTINE ALEXANDER: Okay. Ma'am, did that
14 answer your question?

15 [Pause]

16 CONSTANTINE ALEXANDER: I guess so. Anybody else
17 wish to speak? No? Okay. So we'll close public testimony.
18 And we -- as indicated, there are two pieces of relief that
19 the petitioner is seeking; a variance with regard to height
20 and the special permit with regard to relocating -- adding
21 and relocating openings on a façade.

22 I'll start with the -- I'll make a motion with

1 regard to the height -- the variance, which, as I said,
2 relates to height.

3 A literal enforcement of the provisions of the
4 Ordinance would involve a substantial hardship, such
5 hardship unless we grant the variance.

6 The hardship is owing to really an odd situation,
7 in a sense. The grade level on the property is being
8 changed with regard to the construction of egress window
9 wells and area -- window wells. That changes the grade
10 level. As a result, the building now gets raised -- at
11 least statistically, and that raise makes the building too
12 high.

13 But from a visual point of view, the building will
14 look the same as it's always looked in terms of its
15 protrusion from the ground up. So it's a very technical
16 problem, that only a variance can solve.

17 The hardship is owing to what I've just described
18 -- that the circumstances relate to the lowering of the
19 grade level, so as to allow the construction of egress
20 window wells.

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

1 substantially derogating from the intent or purpose of this
2 Ordinance. Again, it's a technical paper relief that's
3 being required. And it is required. But it doesn't have
4 any impact on the land use of the city or the neighborhood
5 itself.

6 So on the basis of all these findings, the Chair
7 moves that we grant the variance requested on the condition
8 that the work proceed in accordance with plans prepared by
9 Boyes-Watson Architects, dated October 4, 2021.

10 Brendan?

11 BRENDAN SULLIVAN: Yes to granting the variance.

12 CONSTANTINE ALEXANDER: Jim?

13 JIM MONTEVERDE: Jim Monteverde yes to granting
14 the variance.

15 CONSTANTINE ALEXANDER: Laura?

16 LAURA WERNICK: Yes. Laura Wernick yes to
17 granting the variance.

18 CONSTANTINE ALEXANDER: Slater?

19 SLATER ANDERSON: Slater yes to granting the
20 variance.

21 CONSTANTINE ALEXANDER: And the Chair votes yes
22 with regard to the variance as well. Variance granted.

1 Now we have to turn to the special permit, which
2 relates to the adding of new openings in the rear-facing
3 wall, which is a nonconforming wall. Again, another
4 technical issue that requires zoning relief, unfortunately
5 for the petitioner.

6 That the requirements of the Ordinance cannot be
7 met unless we grant the special permit that's being
8 requested. That traffic generated or patterns of access or
9 egress resulting from what is proposed will not cause
10 congestion, hazard, or substantial change in established
11 neighborhood character.

12 And I think the facts speak for themselves. It's
13 obvious it has no impact on established neighborhood
14 character.

15 The continued operation of or development of
16 adjacent uses, as permitted by the Zoning Ordinance, will
17 not be adversely affected by what is being proposed with
18 regard to the new openings.

19 And generally, what is being proposed -- and no
20 nuisance or hazard will be created to the detriment of the
21 health, safety and/or welfare of the occupant of the
22 proposed use, or the citizens of the city.

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

5 Once again, this is technical issues that require
6 zoning relief, but they have no substantive impact on the
7 city itself.

8 So on the basis of all these findings, the Chair
9 moves that we grant the special permit requested by the
10 petitioner on the condition that the work proceed in
11 accordance with plans which we have referred to and approved
12 in connection with the variance.

13 Brendan?

14 BRENDAN SULLIVAN: Brendan Sullivan yes to
15 granting the special permit.

16 CONSTANTINE ALEXANDER: Jim?

17 JIM MONTEVERDE: Jim Monteverde yes to granting
18 the special permit.

19 CONSTANTINE ALEXANDER: Laura?

20 LAURA WERNICK: Laura Wernick yes to granting the
21 special permit.

22 CONSTANTINE ALEXANDER: Slater?

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

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

5 [All vote YES]

6 CONSTANTINE ALEXANDER: Special permit granted.
7 So both the variance and special permit have been granted.

8 NATHAN WONG: Thank you very much.

9 STEPHEN HISERODT: Thank you all.

10 CONSTANTINE ALEXANDER: Okay.

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(8:57 p.m.)

Sitting Members: Constantine Alexander, Brendan Sullivan,
Alison Hammer, Laura Wernick, and
Slater W. Anderson

CONSTANTINE ALEXANDER: The next case I'm going to
call is 6 Sargent Street. And Jim, it's my understanding
that you're not going to sit on this case?

JIM MONTEVERDE: Yes. I'm going to sit this one
out. Thank you.

CONSTANTINE ALEXANDER: Okay. And Alison, are you
on?

ALISON HAMMER: Yes, I am.

CONSTANTINE ALEXANDER: Okay. So we have our
five.

JIM MONTEVERDE: Thank you, Alison.

ALISON HAMMER: My pleasure.

CONSTANTINE ALEXANDER: The Chair will now call
Case Number 141574 -- 6 Sargent Street. Anyone wishing to
be heard on this matter?

CHRIS DURBIN: Yes, I would. Good evening, Mr.
Chairman and members of the Board. My name is Chris Durbin.

1 I'm joined by Steve Moon, our builder.

2 My wife Portia and I bought this three-family in
3 April, as housing for a family of 10 refugees. Happens to
4 be a single Mom and her nine children.

5 The youngest child is wheelchair bound due to a
6 spinal cord injury, so we're attempting to make the unit
7 accessible for him. That's why we are seeking a special
8 permit for the larger door opening at the back of the house,
9 and a variance for the second set of stairs off the back
10 deck, since the current stairs will be covered by a
11 wheelchair ramp.

12 In the front of the house we're seeking a height
13 variance to add a window well and egress window, since right
14 now there's only one way out of the basement and the laundry
15 and utilities will be down there.

16 We are seeking a height variance to add solar
17 panels to the roof to make the unit as green as possible,
18 and to provide a reduction to their utility bills. These
19 panels will not be seen from the street.

20 Regarding the variances for the basement window
21 well and egress window, the solar panels and the new rear
22 stair, the hardship referenced in the Ordinance is not being

1 able to accommodate this refugee family and their mobility
2 handicapped son without the proposed relief.

3 Due to the condition and arrangement of the
4 existing structure and lot, we believe that the variance can
5 be granted without substantial detriment to the public good
6 or nullifying or substantially detracting from the intent or
7 purpose of the Ordinance.

8 For the special permit for the new back door
9 opening, we believe this relief -- and I should say it's a
10 larger back door, not a new back door, but the larger
11 opening -- we believe that this relief will not cause any
12 change to traffic patterns, congestion, hazard, or
13 established neighborhood character, nor would it create a
14 nuisance or hazard to the detriment of the proposed use for
15 the citizens of the city.

16 We have reviewed the plans with our neighbors,
17 whom I believe had submitted letters of support, including
18 the neighbors directly abutting the building on either side,
19 and a neighbor across the street.

20 Thank you for considering these requests. As I
21 said, Steve's on the call as well to answer any detailed
22 questions you might have.

1 CONSTANTINE ALEXANDER: Let me make a -- just a
2 preliminary comment just to change a little bit what you
3 said. To grant a variance, we don't grant variances --
4 legally you're not entitled to a variance just to change a
5 structure to accommodate a family or an individual.

6 It's going to sort of run with the land; it's got
7 to be an improvement to the structure that will benefit
8 anyone who thereafter occupies the structure; it may
9 benefit, obviously, as it will, the current proposed
10 occupants of the structure.

11 Let me broaden your presentation or your comment
12 on that to suggest --

13 CHRIS DURBIN: Okay.

14 CONSTANTINE ALEXANDER: -- it will improve the
15 living conditions for anyone who occupies the structure.

16 CHRIS DURBIN: Thank you. Yes.

17 CONSTANTINE ALEXANDER: Thank you for a brief and
18 good presentation. Questions? Brendan?

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

21 CONSTANTINE ALEXANDER: Okay. Alison?

22 ALISON HAMMER: I had one question, which is

1 whether the new handicap ramp itself needed relief or not?

2 CHRIS DURBIN: It did not, at least based on the
3 research we had done with the Building Department.

4 ALISON HAMMER: And do you know what that was
5 based on? Just because it seems to run in the setback from
6 -- when I look at the drawings. IS it because it's a
7 temporary structure?

8 CHRIS DURBIN: Yes.

9 ALISON HAMMER: Or -- I'm just curious.

10 CHRIS DURBIN: It's a temporary structure.

11 ALISON HAMMER: Oh, okay.

12 CHRIS DURBIN: Yeah. It's a metal structure; it's
13 temporary.

14 ALISON HAMMER: Okay, thanks. That was my only
15 question.

16 CONSTANTINE ALEXANDER: Thank you, Alison.

17 Laura?

18 LAURA WERNICK: No questions.

19 CONSTANTINE ALEXANDER: Slater?

20 SLATER ANDERSON: No questions, thank you.

21 CONSTANTINE ALEXANDER: I have no questions. But
22 I do say -- I do want to comment that I applaud what you're

1 doing in terms of creating housing in Cambridge for these
2 refugees -- a refugee family.

3 Okay we have two -- just let me make sure I've got
4 this -- two forms of relief being sought: A variance and a
5 special permit.

6 The variance with regard to the insulation of the
7 window well increases the height beyond the max of 35 feet;
8 and again, as in the previous case, that's a result of
9 change -- it's a technical result of a change in grade
10 level. And it doesn't really increase the imposing nature
11 of the structure in terms of its height.

12 And also, you will need a variance to install an
13 egress window in the basement and to add solar panels to the
14 roof -- so to add solar panels to the roof. Therefore,
15 there's a need for a set of stairs in the back for a second
16 means of egress.

17 Again, all -- if I may comment -- very notable
18 requests and beneficial to the city and to whoever will
19 occupy this structure going forward, assuming we grant the
20 relief, the variance being sought.

21 So with regard to the variance, the Chair moves
22 that we make the following findings:

1 That a literal enforcement of the provisions of
2 this Ordinance would involve a substantial hardship, such
3 hardship being not only to the proposed current occupants of
4 the structure, but all those who follow.

5 And it deals with, again, a very technical issue
6 -- changing grade level -- which has no visual impact or
7 neighborhood impact in terms of the imposing nature to the
8 tenant. It is imposing on the structure; just a technical
9 matter.

10 That the hardship is owing to the circumstances
11 relating to the fact that this is already an older building
12 -- not already -- it is an older structure, and that any
13 modification to be made requires zoning relief.

14 And that desirable relief may be granted without
15 substantial detriment to the public good, or nullifying or
16 substantially derogating from the intent or purpose of this
17 Ordinance.

18 So on the basis of all these findings, the Chair
19 moves that we grant the relief -- the variance sought on the
20 condition the work proceed in accordance with the plans
21 prepared by CVT and dated -- somewhere there's a date --
22 yes, dated June 11, 2021.

1 Brendan?

2 BRENDAN SULLIVAN: Brendan Sullivan yes to
3 granting the variance.

4 CONSTANTINE ALEXANDER: Alison?

5 ALISON HAMMER: Alison Hammer yes to granting the
6 variance.

7 CONSTANTINE ALEXANDER: Laura?

8 LAURA WERNICK: Laura yes to granting the
9 variance.

10 CONSTANTINE ALEXANDER: Slater?

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

13 CONSTANTINE ALEXANDER: Okay. And the Chair votes
14 yes as well.

15 [All vote YES]

16 CONSTANTINE ALEXANDER: So the variance is
17 granted.

18 Turning to the special permit, which is to add new
19 openings to the rear-facing wall, which is nonconforming,
20 the Chair moves that we make the following findings with
21 regard to this requested special permit:

22 That the requirements of the Ordinance cannot be

1 met without the special permit.

2 That traffic generated or patterns of access or
3 egress resulting from what is proposed will not cause
4 congestion, hazard, or substantial change in established
5 neighborhood character. And the nature of what is being
6 sought, the new openings in the rear-facing wall, speak to
7 that. It makes it quite clear that this requirement is
8 satisfied.

9 That the continued operation of or development of
10 adjacent uses, as permitted in the Zoning Ordinance, will
11 not be adversely affected by what is proposed.

12 That what is being -- no nuisance or hazard will
13 be created to the detriment of the health, safety and/or
14 welfare of the occupant -- I'm looking at something else,
15 I'm sorry -- or the occupant or the citizens of the city.

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

20 So on the basis of all of these findings, the
21 Chair moves that we grant the special permit requested --
22 again on the condition that the work proceed in accordance

1 with plans referred to with regard to the variance we just
2 granted.

3 Brendan?

4 BRENDAN SULLIVAN: Brendan Sullivan yes to
5 granting the special permit.

6 CONSTANTINE ALEXANDER: Alison?

7 ALISON HAMMER: Alison Hammer yes to granting the
8 special permit.

9 CONSTANTINE ALEXANDER: Laura?

10 LAURA WERNICK: Laura Wernick yes to granting the
11 special permit.

12 CONSTANTINE ALEXANDER: Slater?

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

15 CONSTANTINE ALEXANDER: And the Chair votes yes as
16 well.

17 [All vote YES]

18 CONSTANTINE ALEXANDER: Special permit granted.
19 Case over. Thank you.

20 CHRIS DURBIN: Thank you very much.
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(9:08 p.m.)

Sitting Members: Constantine Alexander, Brendan Sullivan,
Jim Monteverde, Laura Wernick, and
Slater W. Anderson

CONSTANTINE ALEXANDER: The Chair will now call
Case Number 141100 -- 110 Hampshire Street. Anyone wishes
to be heard on this matter?

DANIEL ANDERSON: Good evening, Mr. Chair and
members of the Board. Dan Anderson, Partner at Anderson
Porter Design, now at 1972 Mass Ave in Cambridge; also a
Cambridge resident.

CONSTANTINE ALEXANDER: Okay, two comments, if I
may, at the outset. I gather that there was some disputes
with neighbors? And we have a letter in our files from Mary
O'Connor, which says that, "I wish to confirm the resolution
reached between the petitioner and my clients." Mary
O'Connor apparently is an attorney.

DANIEL ANDERSON: That's correct.

CONSTANTINE ALEXANDER: And in this letter which
she sets forth, she says, "It is essential that these agreed
to provisions be incorporated into any decision reached by

1 the ZBA, to avoid any disagreement and to ensure
2 compliance." We don't do that. If you have a dispute
3 between neighbors, neighbors have to resolve that, and if
4 the result --

5 [Dog barking]

6 CONSTANTINE ALEXANDER: Hello? Oh, there's a dog
7 in the background.

8 DANIEL ANDERSON: Yeah, that's my dog. Sorry.

9 CONSTANTINE ALEXANDER: Nah, that's all right.

10 DANIEL ANDERSON: My wife just got home.

11 CONSTANTINE ALEXANDER: The city -- I don't want
12 -- the City doesn't want to get involved in neighborhood
13 disputes. You have a dispute, you work it out if you can,
14 enter into a contract that reflects the resolution. And
15 should there be a question later on as to whether this
16 contract is being honored, the players can go to court.

17 But the City of Cambridge is not going to get
18 dragged into court over a resolution that was worked out by
19 neighbors. So I just want to make it clear that we're not
20 going to -- if the neighbor's lawyer is on the phone, that
21 we're not going to make this part of our decision, should --
22 whatever decision we reach.

1 The other thing I want to point out is and these
2 troubles -- maybe just troubles me personally; we have a
3 letter in our files from -- let me dig it out, I'm sorry --
4 from Marlaine Parker, who resides at 266 Columbia Street,
5 and who identifies herself as a third-generation
6 Cantabridgian. This relates to the special permit -- I'm
7 sorry -- to the change in window openings within
8 nonconforming yard setbacks.

9 We generally -- for the one of -- this is a rare
10 case for a neighbor who's directly affected by this is
11 opposed because she thinks -- she believes that her privacy
12 will be violated, and her enjoyment of her property will be
13 interfered with, should we grant this relief.

14 Speaking only for myself, I'm very sympathetic to
15 her, if she's right. Have you tried to work this out? Can
16 you give us a history as to what your dealings [are] with
17 this individual?

18 Because if I'm -- again, if I believe that her
19 privacy or her enjoyment of her property will be affected by
20 what you're seeking, I'm going to vote against it. I'm only
21 one of five --

22 DANIEL ANDERSON: Understood.

1 CONSTANTINE ALEXANDER: But I'm going to vote
2 against it.

3 DANIEL ANDERSON: Mr. Chair, thank you very much
4 for bringing those to the attention. Trina Murphy, who is
5 the owner/developer for this project is also available on
6 the call.

7 But let me give you a little bit of summary of the
8 history, and assure you that we have -- that the
9 owner/developer has gone to great lengths, and has reached
10 agreements with both abutters in this regard.

11 So there are two neighborhood meetings held at the
12 end of September, and I'll treat these one at a time. So
13 Molly and Cyrus, who engaged Mary O'Connor as their
14 attorney, were particularly concerned that the fence that
15 has been existing there for a very long time is on their
16 property, along with a little bit of a walkway.

17 And we basically have agreed, and we're happy to
18 stipulate as any condition, whether you choose to include it
19 or not, that we will remove the fence, the existing walkway
20 would be removed, and a new fence built on the walkway, and
21 we've repeatedly agreed to that.

22 And for some reason, they felt that it was

1 necessary to hire an attorney to have these somehow read
2 into public record and made as a condition.

3 This will happen, whether you do that or not. I
4 have the assurances of the developer and builder that that
5 is their intention. And so hopefully there's no issue. We
6 asserted as much in a follow-up letter.

7 And I think it was really somewhat their
8 nervousness that this would not happen that they were
9 prevailing on us.

10 And I know in past cases, these discussions with
11 neighbors have sometimes been written in as conditions, but
12 I'm at the mercy of the Chair and the Board's opinion on
13 that.

14 Regarding --

15 CONSTANTINE ALEXANDER: Do you have -- I'm sorry,
16 I apologize for interrupting -- but you have written a
17 letter -- there is a letter to the neighbors who you were
18 negotiating with saying that you're going to do what it is
19 that was agreed to be done? Do I have that right?

20 DANIEL ANDERSON: That's correct, and it's entered
21 into public record.

22 CONSTANTINE ALEXANDER: Okay.

1 DANIEL ANDERSON: And --

2 CONSTANTINE ALEXANDER: Where's the public record.

3 DANIEL ANDERSON: The letter was sent via e-mail,
4 and I believe that Ms. Pacheco uploaded that into the portal,
5 along with --

6 CONSTANTINE ALEXANDER: No, it's in the portal,
7 but it doesn't mean it's part of our decision.

8 DANIEL ANDERSON: Oh, I see.

9 CONSTANTINE ALEXANDER: Unless it makes it part of
10 our decision.

11 DANIEL ANDERSON: Yeah. So --

12 CONSTANTINE ALEXANDER: But you have gone on
13 record, that you will honor what was agreed to?

14 DANIEL ANDERSON: That's correct, and enumerated
15 each of those agreements specifically. So if this is in
16 public record, we're going on record saying that that is
17 going to be accompanied.

18 CONSTANTINE ALEXANDER: Okay. And I think that
19 does it, without getting our Board in the middle of it. I
20 don't want --

21 DANIEL ANDERSON: No, no. I appreciate that very
22 much. Secondly, Ms. Parker -- Marlaine Parker came to the

1 neighborhood meeting -- Zoom meeting -- we did that
2 virtually, and Trina Murphy actually met with her earlier
3 this evening.

4 We prepared a visualization of a new fence, a new
5 six-foot fence and mature, densely planted evergreens that
6 would occur on both abutting fences -- both abutments of her
7 property to our Hampshire Street property, and talked her
8 through all the window placements.

9 I did send a copy of that to Olivia Ratay, if it's
10 the pleasure of the Board to bring that up. But
11 essentially, Marlaine has agreed that that's a reasonable
12 protection of her privacy. It does, in fact, provide
13 significant screening to the barrier of the property.

14 And so you can see the before and after; although
15 the before makes the fence look fairly nice it's pretty much
16 falling down. It's an older stockade fence.

17 CONSTANTINE ALEXANDER: My dilemma is, is that how
18 do I get this into the record, so that it is part of our
19 decision, because we don't have --

20 DANIEL ANDERSON: So, if I could help with that, I
21 would say that we're going and happy to have it as a
22 condition to the approval of this, or the decision of the

1 Board, that we will replace the existing stockade fence with
2 a new fence, and plant densely planted, mature evergreens on
3 both abutting portions of the property.

4 CONSTANTINE ALEXANDER: How big is -- how tall is
5 the new fence going to be?

6 DANIEL ANDERSON: Six feet. She actually said
7 she'd be happy with something taller, but I believe six feet
8 is the highest that would be allowed as-of-right.

9 CONSTANTINE ALEXANDER: So it would be a six-foot
10 -- I'm sorry, six-foot fence and plantings?

11 DANIEL ANDERSON: That's correct. Specifically
12 mature evergreens.

13 CONSTANTINE ALEXANDER: The plantings will be
14 mature evergreens, is that right? I'm trying to make notes.

15 DANIEL ANDERSON: Yes, that's correct. I think that
16 if we were to plant, you know, four-foot-high ceilings, it
17 wouldn't accomplish what she's looking for.

18 CONSTANTINE ALEXANDER: [Laughter] Okay. All
19 right. Thank you. That's very helpful.

20 DANIEL ANDERSON: Good. No, thank you for addressing
21 that. So I think that, you know, we really wanted to
22 address the two components of the special permit that were

1 here, which were really changing the existing windows and
2 adding new window openings to an existing, nonconforming
3 single-family structure that has nonconforming side and rear
4 yard setbacks -- additionally adding a window well in the
5 nonconforming rear yard setback to allow for a new basement
6 -level bedroom.

7 CONSTANTINE ALEXANDER: Okay. I'm looking at the
8 plans that you submitted, and one of the sheets has an
9 existing building and a proposed building.

10 DANIEL ANDERSON: That's correct.

11 CONSTANTINE ALEXANDER: The relief we're talking
12 about tonight is limited solely to the existing building.

13 DANIEL ANDERSON: That's correct.

14 CONSTANTINE ALEXANDER: Not -- you understand
15 that?

16 DANIEL ANDERSON: I do understand that, yes.

17 CONSTANTINE ALEXANDER: Okay. There was some
18 concern from the Building Department that this might be
19 misunderstood, but okay.

20 DANIEL ANDERSON: Yeah.

21 CONSTANTINE ALEXANDER: Thank you.

22 DANIEL ANDERSON: To also clarify, we've had numerous

1 discussions with the Commissioner of Buildings, Mr.
2 Singanayagam. And the proposed new structure is entirely
3 without requirements for relief; it's an as-of-right
4 structure.

5 CONSTANTINE ALEXANDER: Okay.

6 DANIEL ANDERSON: Because that's not a --

7 CONSTANTINE ALEXANDER: It's as-of-right; you
8 don't need any zoning relief?

9 DANIEL ANDERSON: No. No zoning relief is
10 requested or required.

11 CONSTANTINE ALEXANDER: Okay. I think I've jerked
12 you around in terms of your presentation. Anything else you
13 want to add or restate or reformulate?

14 DANIEL ANDERSON: Only in the -- only other
15 conversations and requests that the abutters had really had
16 to do with -- also with, I guess with landscape; that
17 there's apparently a fair amount of invasive plant species
18 on the site -- weeds that have grown up over time. So the
19 owner/developer has more than happily agreed to remove that
20 from their site.

21 The conversations really were about window
22 openings and privacy and view. And Marlaine with her now

1 recent agreement -- the kind of remediation that we've
2 provided is acceptable. And then Molly and Cyrus were happy
3 with the window placements that abutted to their side.

4 I think, from our standpoint, we look very
5 carefully at where windows are placed; how furnishings are
6 arranged within rooms to maintain that privacy, and take a
7 lot of care and pride in making sure that that's done
8 sensitively.

9 So happy to walk through that. There are some
10 changes that are required, because we have a fairly low
11 ceiling height between -- from the first floor. So we're
12 reframing the second floor, which causes us to raise the
13 sill height for some of the new windows. So that creates a
14 few new changes.

15 But I'm open to questions regarding the project in
16 general.

17 CONSTANTINE ALEXANDER: One further question, just
18 to maybe get confirmation: This is with regard to the side
19 of your house that abuts Marlaine Parker?

20 DANIEL ANDERSON: Yes.

21 CONSTANTINE ALEXANDER: You said you've worked out
22 an arrangement that you're going to build -- or your client

1 is going to build a six-foot fence along that border, and
2 that there would be mature evergreens to be planted along
3 the fence?

4 DANIEL ANDERSON: Yep. Yes, that's correct.

5 CONSTANTINE ALEXANDER: Okay. Just want to make
6 sure. I have -- I forgot to take that up -- enough time?
7 Brendan, any questions for you?

8 BRENDAN SULLIVAN: Brendan Sullivan no questions
9 or comments.

10 CONSTANTINE ALEXANDER: Jim?

11 JIM MONTEVERDE: Jim Monteverde no questions.

12 CONSTANTINE ALEXANDER: Laura?

13 LAURA WERNICK: Laura Wernick no questions.

14 CONSTANTINE ALEXANDER: And Slater?

15 SLATER ANDERSON: Slater no questions.

16 CONSTANTINE ALEXANDER: Okay. I will now open the
17 matter up to public testimony. We do have some letters in
18 the file. I don't know if we ever identified them; the
19 letter from Marlaine Parker, and the letter from the
20 attorney for the other abutters. So that's been put into
21 the record, if you will.

22 Other than that, I'm going to open the matter up

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

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

6 We'll take a moment to see if anyone's calling in.

7 [Pause]

8 OLIVIA RATAY: Jonathan Behrens?

9 JONATHAN BEHRENS: Hi. Jonathan Behrens. I'm at
10 115 Hampshire Street, which is right across the street from
11 where this project is going to be. So I'll say that I'm
12 somewhat disappointed to see that it's going to be two
13 single-family homes instead of some apartment buildings.

14 We know the city is going through a massive
15 housing crisis, but I also understand that that's what the
16 zoning allows there. So it's not really the fault of the
17 developer on that part.

18 I'll also say I was disappointed to see that there
19 is going to be a lot of space for car storage. It would be
20 awesome if you could find a way to add some bicycle storage
21 or promote biking at that location. It's right along the
22 bike lane -- big transit corridor there.

1 I'd imagine that that's not super expensive to do,
2 and might be something that the Board could require, or the
3 developer could voluntarily do. So I would hope you would
4 think about that. Thank you.

5 CONSTANTINE ALEXANDER: Thank you for taking the
6 time to call in. Anyone else?

7 OLIVIA RATAY: Marlaine Parker?

8 CONSTANTINE ALEXANDER: Oh. I'm glad she's on the
9 phone. Ms. Parker?

10 MARLAINE PARKER: I'm sorry. I just unmuted
11 myself. Thank you, Mr. Chairman and Board members.
12 Marlaine Parker.

13 CONSTANTINE ALEXANDER: You've heard your name
14 taken in vain --

15 MARLAINE PARKER: Yes --

16 CONSTANTINE ALEXANDER: -- by me, and I just want
17 to -- well hopefully you'll address, you agree with
18 whatever's been said, and that you have reached an agreement
19 with the developer?

20 MARLAINE PARKER: I have agreed to certain
21 elements of the proposal, but not in its entirety. I still
22 oppose the proposal as it stands, basically because I feel

1 like they do not meet the minimum requirements for setbacks,
2 and, you know, I just feel like if there's regulations to be
3 met, then what's the point of having regulations unless
4 they're met?

5 CONSTANTINE ALEXANDER: Well no, that's why we
6 have the Zoning Board.

7 MARLAINE PARKER: Mm-hm.

8 CONSTANTINE ALEXANDER: If they can't meet the
9 regulations, they can seek relief from our Board, subject to
10 specific standards.

11 MARLAINE PARKER: Right.

12 CONSTANTINE ALEXANDER: And that's what we're
13 doing tonight. The fact of the matter is, are you satisfied
14 with the six-foot high fence and the planting of mature
15 evergreen trees?

16 MARLAINE PARKER: I am satisfied with that as far
17 as the 112 structure. I have a whole bucket of other
18 concerns for the 110 structure. And I understand we're not
19 speaking about that tonight. May I ask a question?

20 CONSTANTINE ALEXANDER: Go ahead.

21 MARLAINE PARKER: Okay. What kind of format would
22 the 110 structure be under? I know they proposed they have

1 the right of use, or as-of-right, but is there no public
2 involvement in that?

3 CONSTANTINE ALEXANDER: Your question will be
4 answered by the fellow I'm speaking with. But the fact of
5 the matter is, that's not before us tonight.

6 MARLAINE PARKER: Right.

7 CONSTANTINE ALEXANDER: They're claiming to be
8 able to do that as a matter of right.

9 MARLAINE PARKER: Mm-hm.

10 CONSTANTINE ALEXANDER: If that's correct -- the
11 Building Department will determine whether that's correct --
12 they don't need any relief, as long as they stay within the
13 requirements of our building Ordinance.

14 That's not -- the problem with tonight's case is
15 they can't do that. And that's why they need zoning relief.
16 And that's why we're having the hearing tonight.

17 So I think you're ahead of yourself with regard to
18 110 Hampshire Street.

19 MARLAINE PARKER: Mm-hm.

20 CONSTANTINE ALEXANDER: If you don't like what
21 you're seeing built, all right, speak to the Building
22 Department. Speak to Mr. Singanayagam. And he will be able

1 to review the plans, review what's going on, and to tell you
2 whether they need zoning relief -- which if they do, the
3 project will stop until they get that relief, or at least
4 have a hearing -- or if not, they can do what they need to
5 do, or want to do, I should say.

6 Does that answer your question?

7 MARLAINE PARKER: Yes, it does. And I will
8 contact the Building Department.

9 CONSTANTINE ALEXANDER: You should. They are very
10 helpful, and they're the people to go. We -- you go to us
11 because of the problem, it's already developed or you know
12 is going to be developed. This is not that with regard to
13 110.

14 MARLAINE PARKER: Yeah, the, the -- I mean, I
15 still have issues with -- well, no, it's the other building
16 that would cause these issues. So as far as the 112
17 structure, I'm okay.

18 CONSTANTINE ALEXANDER: Okay. Well, thank you
19 again for taking the time to call.

20 MARLAINE PARKER: Thank you.

21 DANIEL ANDERSON: Okay, thank you, Marlaine.

22 MARLAINE PARKER: You're welcome, thank you.

1 CONSTANTINE ALEXANDER: Anyone else?

2 OLIVIA RATAY: Molly Frey?

3 MOLLY FREY: Hello. Mary Allison Frey -- I go by,
4 "Molly" -- and my husband, Cyrus Eyster, 114 Hampshire
5 Street. We just wanted to make sure that both the bits of
6 correspondence dated October 6 were acknowledged for
7 inclusion in the record? And it sounds like you do have
8 those pieces of correspondence.

9 We wanted to thank the developer for coming to an
10 agreement with us about the -- the items on the property
11 that are sort of along our property line with our next-door
12 property where they're doing work. And just wanted to thank
13 Dan for his representation of those elements in the meeting
14 here tonight.

15 We appreciate the positions of the Board in terms
16 of, you know, placing conditions, and appreciate them not
17 wanting to get in the middle of it. So just wanted to thank
18 to Board -- the Chair and the Board for their time and
19 consideration.

20 CONSTANTINE ALEXANDER: Thank you.

21 DANIEL ANDERSON: Thank you, Molly.

22 CONSTANTINE ALEXANDER: Anything else?

1 DANIEL ANDERSON: Cyrus as well.

2 CONSTANTINE ALEXANDER: Anyone else? Okay, that's
3 the last speaker, am I right? Okay.

4 OLIVIA RATAY: Herrie (phonetic)?

5 HERRIE: Hi. My name is Herrie (phonetic), and I
6 actually live a little bit down the street from Hampshire
7 Street, but I walk by it pretty much every day on my way to
8 work.

9 I'm actually a 4th generation Cambridge resident
10 as well. So I know the area pretty well. And it would be
11 nice to see something to be done with the vacant lot, and to
12 see some newer structures in that area.

13 Because I know even just across the street, there
14 has been some newer developments. And it just -- kind of
15 just brings a little bit more life to the area. And it
16 would be nice to see what they do with the single-families.

17 And I think that, you know, with the rebuilding of
18 the fence and putting more trees up, that will kind of bring
19 some more curb appeal to the entire corner of Columbia and
20 Hampshire as well.

21 CONSTANTINE ALEXANDER: Thank you. That's it? I
22 think that's it for public comment. So I will close public

1 comment. I've already referred to the written materials we
2 have in our files. So I'm going to make a motion with
3 regard to granting the special permit, and we can decide
4 whether we want to approve that motion or not.

5 The Chair moves that we make the following
6 findings with regard to the relief being sought:

7 That the requirements of this Ordinance cannot be
8 met unless we grant the special permit.

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

13 Again, we're talking about the structure at
14 existing building, Unit 112. We are not talking about, and
15 we're not dealing with the proposed building, Unit 110.
16 That's for another day.

17 That the continued operation of or development of
18 adjacent uses, as permitted in the Zoning Ordinance, will
19 not be adversely affected by the nature of the proposed use.
20 And that will be satisfied with regard to one of the
21 abutters, based on the conditions I'm going to suggest.

22 That no nuisance or hazard will be created to the

1 detriment of the health, safety and/or welfare of the
2 occupant of the proposed use, or the citizens of the city.

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

7 So on the basis of all of this, the Chair moves
8 that we grant the special permit requested, subject to the
9 following conditions:

10 One, that the work proceed in accordance with the
11 plans submitted by Anderson Porter Design, dated 08/12/21.

12 Two, that with regard to the structure that -- let
13 me get the information right -- that faces, well faces --
14 it's a structure owned by Marlaine Parker. [I don't have an
15 address for her here right now, but --]

16 With regard to that, a six-foot high fence, a
17 fence which is no less than six feet will be constructed,
18 and that the petitioner will plant mature evergreens along
19 this structure, all of which is designed to maintain the
20 privacy of the occupant at 266 Columbia Street, Marlaine
21 Parker.

22 Brendan, how do you vote?

1 BRENDAN SULLIVAN: Brendan Sullivan yes to
2 granting the special permit.

3 CONSTANTINE ALEXANDER: Jim?

4 JIM MONTEVERDE: Jim Monteverde yes to granting
5 the special permit.

6 CONSTANTINE ALEXANDER: Laura?

7 LAURA WERNICK: Laura Wernick yes to granting the
8 special permit.

9 CONSTANTINE ALEXANDER: Slater?

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

12 CONSTANTINE ALEXANDER: And the Chair votes yes as
13 well.

14 [All vote YES]

15 CONSTANTINE ALEXANDER: Special permit granted.

16 DANIEL ANDERSON: Thank you very much.

17 CONSTANTINE ALEXANDER: Thank you.

18 DANIEL ANDERSON: Have a good evening.

19 CONSTANTINE ALEXANDER: Okay. We have one more
20 case. Give me a second to get my papers in order.

21

22

* * * * *

(9:33 p.m.)

Sitting Members: Constantine Alexander, Brendan Sullivan,
Jim Monteverde, Laura Wernick, and
Slater W. Anderson

CONSTANTINE ALEXANDER: The Chair will now call
Case Number 143046 -- 103 Spring Street. Anyone here
wishing to be heard on this matter?

TIMOTHY FORD: Yes. I'm Tim Ford. Good evening,
Mr. Chairman and Board members. Thank you for hearing me on
the property of my parents, and my future home for my
daughter. If you can put some pictures up, I would
appreciate it at this moment?

CONSTANTINE ALEXANDER: Sure.

TIMOTHY FORD: And you see -- here are some other
pictures on I believe there's three down lower. No, I'm
sorry. Five, is it? Yes, you can see the house is very,
very old. The windows are just about gone. The foundation
is falling apart. Basically, no one's really been in the
home for almost two years.

CONSTANTINE ALEXANDER: Really? The house has
been unoccupied for two years?

1 TIMOTHY FORD: Well, I've been in there off and on
2 when I worked nights. I was going in once in a while off
3 and on, and I actually teach karate next door, so I stayed
4 there when I was teaching, but then COVID came in. I was
5 more so in the home.

6 CONSTANTINE ALEXANDER: And how did the structure
7 get located where it is on the lot? It's so far set back.

8 TIMOTHY FORD: Actually, there was a home in front
9 of it at one time.

10 CONSTANTINE ALEXANDER: I'm sorry?

11 TIMOTHY FORD: There was a house in front where
12 the truck is at one time.

13 CONSTANTINE ALEXANDER: Oh, there was? Okay.

14 TIMOTHY FORD: And that burned down. And then my
15 father purchased the property, and they just leveled the lot
16 -- you can see where my truck is -- and then my father put
17 the addition on when I was a child, the white addition
18 there, and the porch.

19 CONSTANTINE ALEXANDER: Okay.

20 TIMOTHY FORD: And now we're just trying to
21 upgrade everything to code, because the foundation,
22 plumbing, the heating, windows -- everything is just falling

1 apart. And it's -- the doors are undersized. They're only,
2 like two foot eight. And some were, like, two foot four.
3 They're all different sizes.

4 We're trying to make everything up to code, much
5 easier to access for error -- even if there's a fire in the
6 future, things like that. Just to make it code and more
7 livable for my daughter.

8 CONSTANTINE ALEXANDER: Okay.

9 TIMOTHY FORD: And you can see the print on I
10 believe is Number 1. It definitely enhances the
11 neighborhood, compared to the picture next to it, with
12 existing additions. And we had a few people in the
13 neighborhood comment, as my sister and I went around showing
14 people the blueprints. And some people are phoned, and also
15 gave some letters to the Historical Society, which we've
16 been approved also, which was dated back on 09/07/21.

17 CONSTANTINE ALEXANDER: How big is the lot right
18 now?

19 TIMOTHY FORD: It's a good-sized lot. Actually,
20 you could put your --

21 CONSTANTINE ALEXANDER: If we can bring up the
22 files, I'm looking for it as we speak. Yeah, we have it.

1 TIMOTHY FORD: Yeah.

2 CONSTANTINE ALEXANDER: The lot is 5085 feet,
3 basically.

4 TIMOTHY FORD: Yeah.

5 CONSTANTINE ALEXANDER: 5085 feet.

6 TIMOTHY FORD: Mm-hm.

7 CONSTANTINE ALEXANDER: But the location of the
8 structure -- the home on the lot is weird, because --

9 TIMOTHY FORD: Yes, it is.

10 CONSTANTINE ALEXANDER: -- because of what you
11 pointed out; that there was another house in front, and that
12 house is gone.

13 TIMOTHY FORD: Right. Because that was the
14 walkway -- the right of way, and then my father couldn't go
15 to the left more for the construction.

16 CONSTANTINE ALEXANDER: Okay. Have you spoken to
17 neighbors?

18 TIMOTHY FORD: Yes, we have. And some of them
19 very kind, and totally agree with us. And some have given
20 letters to the Historical Society, and I believe it's
21 supposed to be uploaded to the Board?

22 CONSTANTINE ALEXANDER: We have letters in our

1 files in support -- one letter. And we do have a
2 certificate of appropriateness from the Cambridge Historical
3 Commission --

4 TIMOTHY FORD: Yes.

5 CONSTANTINE ALEXANDER: -- with regard to the work
6 you want to do.

7 TIMOTHY FORD: Correct, we do.

8 CONSTANTINE ALEXANDER: Which is also to the good,
9 right?

10 TIMOTHY FORD: Yes. And that was approved
11 09/07/21.

12 CONSTANTINE ALEXANDER: Okay.

13 TIMOTHY FORD: And the lot next door we also own
14 also.

15 CONSTANTINE ALEXANDER: [Laughter] All right. Have
16 your daughter move next door.

17 TIMOTHY FORD: Ah --

18 CONSTANTINE ALEXANDER: [Laughter] I'm kidding.

19 TIMOTHY FORD: She wants to keep that. That's the
20 family home for my mother and father and my sisters and I,
21 and she wanted to keep the next generation going. But as --
22 it needs upgrading in the cold.

1 CONSTANTINE ALEXANDER: Okay.

2 TIMOTHY FORD: Being in construction, I would not
3 let her move into that house.

4 CONSTANTINE ALEXANDER: Fine. Anything else you
5 want to add?

6 TIMOTHY FORD: No, I'm -- any questions you have
7 I'm willing to answer.

8 CONSTANTINE ALEXANDER: We'll ask them in a
9 second. First, let me ask any members of the Board if they
10 have any questions. Brendan?

11 BRENDAN SULLIVAN: [Brendan Sullivan,] I have no
12 questions or comments at this time.

13 CONSTANTINE ALEXANDER: Jim?

14 JIM MONTEVERDE: Jim Monteverde no questions.

15 CONSTANTINE ALEXANDER: Laura?

16 LAURA WERNICK: Laura Wernick no questions.

17 CONSTANTINE ALEXANDER: Slater?

18 SLATER ANDERSON: No questions but one comment. I
19 believe there are three letters of support in the file.

20 CONSTANTINE ALEXANDER: I'm sorry? Yes, there
21 are.

22 TIM FORD: There should have been four. But

1 that's okay.

2 CONSTANTINE ALEXANDER: We won't penalize you for
3 losing that one. Or maybe our office did, or the Building
4 Department Office did. But thank you, Slater. And I have
5 asked my questions already. So we've talked about the
6 letters in the file. I will now open the matter up to
7 public testimony.

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

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

14 [Pause]

15 CONSTANTINE ALEXANDER: No. Apparently, no one is
16 calling in, so I think we can now close public testimony.
17 As I've done in the past, I'm going to make a motion to
18 grant the variance requested, and we'll take it from there
19 as to whether we vote in favor of that.

20 Okay, the Chair moves that we make the following
21 findings with regard to the variance being sought:

22 That a literal enforcement of the provisions of

1 the Ordinance would involve a substantial hardship, such
2 hardship being this is an older structure in poor condition,
3 poorly located in the lot. And there is a need -- whether
4 it be for this petitioner or any future owner of the
5 property -- there is a need to upgrade the property.

6 That the hardship is owing to the fact -- it's the
7 shape of the lot. It's long and narrow, and just that. To
8 get to modify the structure, there's a need for zoning
9 relief, which is the subject of tonight's hearing.

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

13 So on the basis of all of these findings, the
14 Chair moves that we grant the variance requested on the
15 condition that the work proceeds in accordance with plans
16 prepared by Golden, G-o-l-d-e-n Designs in Danvers,
17 Massachusetts and dated April 20, 2021.

18 Brendan?

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

21 CONSTANTINE ALEXANDER: Jim?

22 JIM MONTEVERDE: Jim Monteverde yes to granting

1 the variance.

2 CONSTANTINE ALEXANDER: Laura?

3 LAURA WERNICK: Laura Wernick -- oops, hold on a
4 second. Laura Wernick yes to granting the variance.

5 CONSTANTINE ALEXANDER: Okay. And Slater?

6 SLATER ANDERSON: Slater Anderson yes to granting
7 the variance.

8 CONSTANTINE ALEXANDER: And the Chair will make it
9 unanimous. I vote yes as well.

10 [All vote YES]

11 CONSTANTINE ALEXANDER: Variance granted. Good
12 luck.

13 TIM FORD: Thank you. Have a good night.

14 CONSTANTINE ALEXANDER: Thank you. And with that,
15 our agenda is completed for this evening.

16 JIM MONTEVERDE: All right. Thank you all. Have
17 a good evening.

18 CONSTANTINE ALEXANDER: Thank you all.

19 SLATER ANDERSON: Thank you all.

20 LAURA WERNICK: Good night.

21 JIM MONTEVERDE: Goodnight.

22 CONSTANTINE ALEXANDER: Goodnight.

[09:41 p.m. End of Proceedings]

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.

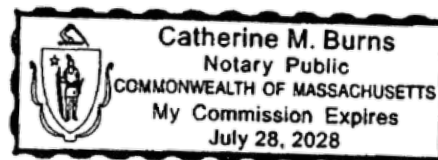
In witness whereof, I have hereunto set my hand this
28th day of October, 2021.



Notary Public

My commission expires:

July 28, 2028



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