

BOARD OF ZONING APPEAL
FOR THE
CITY OF CAMBRIDGE

GENERAL HEARING

THURSDAY, FEBRUARY 25, 2016

7:00 p.m.

in

Citywide Senior Center
806 Massachusetts Avenue, First Floor
Cambridge, Massachusetts 02139

Constantine Alexander, Chair

Brendan Sullivan, Member

Thomas Scott, Member

Janet Green, Member

Jim Monteverde, Associate Member

Alison Hammer, Associate Member

Sean O'Grady, Zoning Specialist

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PROCEEDINGS

(7:00 p.m.)

(Sitting Members General Business: Constantine Alexander, Brendan Sullivan, Thomas Scott, Janet Green, Alison Hammer.)

CONSTANTINE ALEXANDER: The Chair will call this Zoning Board of Appeals to order. I will open the meeting up with a statement:

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

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

And I would point out that someone is making a recording. There is a recording right there. You should be aware that this is being recorded.

In addition, we have a stenographer who makes a transcript of our hearings. She also makes a recording to assist herself when she -- when the time comes to translate her notes into the transcript. So there will be two recordings being made.

With that, the first order of business, before we get to the cases, is there's been a further complaint filed with the Attorney General's office regarding our Board's compliance with the Open Meeting Law. The Legal Department on our -- on behalf of our Board has drafted a response. That response has been distributed to the members of the committee.

I'm going to make a motion that we approve the City's response. If anyone on the Board wants to discuss the response, then we're going to have to go into Executive Session. If no one wishes to discuss it, we can take a vote and just move on.

So does anyone want to discuss it and go into

Executive Session.

(No Response.)

CONSTANTINE ALEXANDER: No one does.

The Chair moves that we approve the draft response prepared by the City's Legal Department. It's dated, at least the draft that I have, is dated February 26th, and it's in response to a further complaint filed with the Attorney General's office. I don't have the date on the letter, but anyway it was earlier, obviously earlier than the City's response.

All those in favor of approving the Legal Department's response, please say "Aye."

(Aye.)

CONSTANTINE ALEXANDER: Five in favor. Motion carries.

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

* * * * *

(7:00 p.m.)

(Sitting Members Case BZA-009107-2015: Constantine Alexander, Brendan Sullivan, Thomas Scott, Janet Green, Alison Hammer.)

CONSTANTINE ALEXANDER: And now we'll go to our continued cases. I'll call our continued cases, our only continued case of the night, case No. 009107, 8 Acorn Street.

Is there anyone here wishing to be heard on this matter? Please come forward. You should give your name and address to the stenographer.

MARK SULLIVAN: Right. Mark Sullivan, 8 Acorn Street. Homeowner.

CONSTANTINE ALEXANDER: And the petitioner.

MARK SULLIVAN: Thank you, yeah. And petitioner.

NATHAN HAMMETT: Nathan Hammett and I work for the designer, Kevin Latady Design.

CONSTANTINE ALEXANDER: The floor is yours.

MARK SULLIVAN: Great, thanks. And my wife Ann is here tonight and my across the street neighbor Joe Pyne.

CONSTANTINE ALEXANDER: If you wish to speak, just let us know and give your name and address to the stenographer.

JOSEPH PYNE: Me, too?

CONSTANTINE ALEXANDER: Anybody that wants to speak, yes. If you're going to speak. If you're not, no need. Decide later. We have time.

Sir.

MARK SULLIVAN: Great.

I've been working with Nat and Kevin Latady in first of all, in the exterior renovation and improvement of our house which was finished amazingly in December while the weather was really fantastic. Nat's brought some new photographs of the exterior, and our petition tonight is for a Variance related to a dormer for our third floor into which we hope to put a, a sort of a full ceiling

height -- turn the existing bathroom and full ceiling height and put a bathtub in there, because currently it has a shower. And then a Special Permit for windows as well.

CONSTANTINE ALEXANDER: Okay, we'll take the Variance case up first. And as you may know, there's a standard you have to satisfy. We have to find that you've satisfied the three prongs to the test, and then we're going to get on to the dormer guidelines which are something else.

It has to be a substantial hardship. And your hardship is that results in your seeking the Variance from us.

MARK SULLIVAN: Right. The hardship is this is a bathroom on the third floor of the house that is used by two bedrooms, and currently as I say it's, I guess you'd call it a three-quarter bath. So it has a shower. Currently the ceiling height essentially doesn't allow for a bathtub or a shower. There is no -- we probably --

CONSTANTINE ALEXANDER: How high is the ceiling?

MARK SULLIVAN: Well, it's sloping --

CONSTANTINE ALEXANDER: Leg.

MARK SULLIVAN: So right into the roof line,
roughly --

NATHAN HAMMETT: There's an image here that shows
the --

MARK SULLIVAN: Anybody over the age of four has a
similar circulation pattern.

NATHAN HAMMETT: The ceiling is well below five
feet at the toilet, and the only full head height is at the
sink and the shower.

CONSTANTINE ALEXANDER: And you say -- this is a
half bath now because of the nature of the roof. I mean --

MARK SULLIVAN: Well, I guess technically because
it has a shower it's considered a three-quarter bath.

CONSTANTINE ALEXANDER: Well, I thought I heard
you say. I misunderstood.

MARK SULLIVAN: Yeah.

CONSTANTINE ALEXANDER: You could put a shower -- you didn't have a shower there, either. You have a shower --

MARK SULLIVAN: Yeah. The shower stall that's kind of like inside corner of the bath, that's where the maximum --

CONSTANTINE ALEXANDER: And you want to put a tub in a different location?

MARK SULLIVAN: Yeah, we hope to do with this, I guess it's sometimes called the Nantucket dormer or an in-fill dormer between the two existing dormers which are original to the structure. So back to 1896 when the house was built, if we could wipe the slate clean, we would be mindful of the city guidelines for dormers and say well, either one or both of those would be great if they weren't there. But they are there.

One of them serves the stairway from the second floor to the third floor, and then the other is a window

from a bedroom.

CONSTANTINE ALEXANDER: Do you have -- you're on two floors your unit?

MARK SULLIVAN: That's correct.

CONSTANTINE ALEXANDER: On the floor below you have a full bath there?

MARK SULLIVAN: There is a full bath there because, obviously because of the ceiling height and the configuration, it's just a little bit different.

CONSTANTINE ALEXANDER: Are there any bedrooms on that floor?

MARK SULLIVAN: There's one bedroom.

CONSTANTINE ALEXANDER: One bedroom on that floor, two bedrooms on the top floor?

MARK SULLIVAN: That's correct, yeah. And then the second floor which is kind of the main living floor, there is -- there's a room that has been used as a bedroom. We've got two children, two adult children. One of -- our

older daughter lives on the first floor right now, and so we give her a break on the rent. She's saving money for eventually to buy a place. And our younger daughter is in college, and she'll graduate next May. So she comes back for vacations and breaks and summer, etcetera.

So, you know, we've lived with it for a long time. It's a little, you know, kind of funky.

NATHAN HAMMETT: 32 years.

MARK SULLIVAN: Yeah. We bought the house and we've lived there all our lives and as we say, we're probably going to come out on a stretcher, because where else would we -- we love the neighborhood and we're well-established in the neighborhood.

CONSTANTINE ALEXANDER: And then the second test is the hardship, you've identified, and you need a more headroom for your second floor bathroom.

MARK SULLIVAN: Right. And I also -- I think possibly, you know, an opportunity for natural light and

natural ventilation. It does have fan ventilation.

NATHAN HAMMETT: There is no window in the current bathroom.

CONSTANTINE ALEXANDER: Okay.

And the hardship is owing to the fact that this is a non-conforming structure, I think you've told us. That means any modification requires zoning relief.

NATHAN HAMMETT: Yes.

MARK SULLIVAN: Right. I'll rely on Nat for the calculations here.

CONSTANTINE ALEXANDER: And relief may be -- the third test: Relief may be granted without substantial detriment to the public good or nullifying or substantially derogating from the intent or purpose of the Ordinance.

In this regard, you've already identified the fact that you've placed -- you've lived in for a long time. Your neighbors support what you want to do.

MARK SULLIVAN: Uh-huh.

CONSTANTINE ALEXANDER: Which gets us now into the dormer guidelines, which you didn't deal with the last time which is why we continued the case. And I just for the record, because you weren't here last time. You were here. I remember you. The guidelines are guidelines. However, we -- this Board pays close attention to them and expects them to be complied with. Not, universally. We have granted zoning relief without -- even though the dormers don't comply. And the big issue with your dormer is -- because you're connecting the two dormers, you're going to have a 27, 25-foot dormer when these dormer guidelines say you shouldn't be anymore than 15 feet in length.

MARK SULLIVAN: Right.

CONSTANTINE ALEXANDER: So that's --

MARK SULLIVAN: Sure.

CONSTANTINE ALEXANDER: That's what we've got to wrestle with.

MARK SULLIVAN: And as a homeowner could I just offer a thought?

CONSTANTINE ALEXANDER: Oh, yeah, go ahead.

MARK SULLIVAN: As I say, the two existing dormers that are there right now, to me it's, you know, and these are peaked dormers so they kind of fit the neighborhood, etcetera. And the plan that Nat and Kevin have come up with is, again, what I've seen referred to as a Nantucket dormer. And there's a photo right in the city dormer guidelines that is similar to what we're thinking about --

NATHAN HAMMETT: Sure.

MARK SULLIVAN: -- and what we're proposing. So it's stepped back from the existing face rather than a peaked roof, it will have a shed roof. So to me the visual appearance will be appropriate.

NATHAN HAMMETT: In every way we've tried to meet the guidelines where we can. You know, the facing wall on the south facade steps back a foot and a half from the

existing wall. The roof runs continuous in front. Where the proposed dormer roof intersects the existing roof, it's set back on the ledge. So, again, we've tried to do what we can to meet the guidelines where possible.

CONSTANTINE ALEXANDER: And the neighbor who is most affected by your dormer is in support?

MARK SULLIVAN: That's a Boulukoses and I'm pretty sure they sent an e-mail.

CONSTANTINE ALEXANDER: I'll read it into the file at the appropriate point.

MARK SULLIVAN: That's great.

And so I think the photos give you a pretty good sense of the because of the relative tight property lines in our neighborhood, the available angles for a neighbor, and certainly my abutters to see this thing would be a pretty significantly reduced. And, again, I think, you know, they are in support. I've shared all the drawings with them and the elevations and the floor plans and I think they have a

pretty good understanding of what we're proposing. And, again, the fact that it's almost hidden from street view and from any of my immediate neighbors.

NATHAN HAMMETT: I think by stepping it with those existing two parent dormers there and how it's been configured, there's a very limited view shed to actually experience what we're proposing from either the public view or any of the abutters.

CONSTANTINE ALEXANDER: And, again, the key part of the record, your house is very much non-conforming now in terms of density, FAR. You're at one point -- actually going to reduce it. You're going to be at 1.893, and you're going to 1.890 in a district that you're not supposed to be more than 1.6.

MARK SULLIVAN: Yeah. So I tried to wrap my head around FAR a little bit. But it was interesting that, you know, I always liked the idea that we might be slightly less non-conforming.

CONSTANTINE ALEXANDER: We like that, too.

NATHAN HAMMETT: So, anyway, I don't know and the spill out, there is an existing stairway at the rear corner that we'll be removing which will remove 53 square feet. So with -- the proposed dormer adds approximately 44 square feet. So the total FAR is about nine feet, which is nominal but it's a reduction. So it doesn't --

CONSTANTINE ALEXANDER: And these plans, these are the final plans, right? We went through this last time when you were here. I mentioned that if we should grant relief, we will tie it to these plans. And if you choose to modify these plans, you have to come back before us.

MARK SULLIVAN: Right.

CONSTANTINE ALEXANDER: Assuming we grant you relief in the first place.

I have nothing more. I should stop talking.

Any questions from any member of the Board?

THOMAS SCOTT: Are those a set of the plans?

Could I see those?

NATHAN HAMMETT: We have a set of some images here that are more recent.

THOMAS SCOTT: Okay.

NATHAN HAMMETT: I have --

BRENDAN SULLIVAN: At the opposite side of the house with the existing dormer there is a laundry/sewing room. And have you considered putting the bathroom in there and then using the existing bathroom as the laundry/sewing room?

MARK SULLIVAN: We did consider that, and it's a pretty significant change from what the architects had designed from a moving partition walls perspective and relocating plumbing, and so we're into some pretty significant additional expense that we really would like to avoid if at all possible.

NATHAN HAMMETT: That's driving this, you know.

MARK SULLIVAN: Yeah.

And that dormer, because that dormer has a rather large window in it, then you're kind of faced with the, that often happens with you've got a window that's in the space of a bathtub so you have to change the window and make it, you know, like a durable weatherproof material, etcetera. We did look at that when we knew we had to seek the Variance and we did decide that if we can't -- if we can have approval, that would be much better use of the space for us.

NATHAN HAMMETT: This shows some of the original floor plans.

CONSTANTINE ALEXANDER: While Tom's looking at those, does anyone else have any questions?

(No Response.)

CONSTANTINE ALEXANDER: If it's okay, I'll open it up to public testimony, Tom, while you're reading that.

THOMAS SCOTT: Yes.

CONSTANTINE ALEXANDER: The Chair will open this up to public testimony.

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

JOSEPH PYNE: I just --

CONSTANTINE ALEXANDER: You have to give us your name and spell it. You don't have to come forward, but just make sure she -- however you want to do it, so she can hear you and we can hear you.

JOSEPH PYNE: Joseph Pyne, P-Y-N-E. 9 Acorn Street, apartment 1. And it's in Cambridge obviously.

I just wanted to say that Mark not only gave me a set of the plans, but he also gave me a tour of what he was going to do. And I really didn't find any reason, this is, I didn't find any reason, you might, but to object to it. You know, it's not like it's a blaring dormer, you know, coming out, making a three dormer. It's recessed, if I understand correctly, back. Exact amount of feet or inches, I don't know but....

CONSTANTINE ALEXANDER: Okay, thank you. Thank

you for taking the time to come down.

JOSEPH PYNE: That's fine.

CONSTANTINE ALEXANDER: Anyone else wishing to be heard?

(No Response.)

CONSTANTINE ALEXANDER: Not.

Okay, we are in receipt of some letters which I will read into the record. We do have e-mails or letters. One from Carol Boulukos that you referred to before. It's spelled B-O-U-L-U-K-O-S. It's actually Carol and Athanasios, A-T-H-A-N-A-S-I-O-S Boulukos, 10 Acorn Street. (Reading) Mark Sullivan has shown us and given us a copy of the architect's drawings of the work to be done at his house at 8 Acorn Street which is right next-door to our house. We totally approve of the building of the connected dormer -- connecting dormer, and of the new windows he is adding at the rear corner of his house and the changing of the window at the rear peak to a side-by-side double window.

We have a letter from Linda Dubuque D-U-B-U-Q-U-E.

(Reading) My name is Linda Dubuque, I live at 531 Putnam

Avenue, unit 2, and my property abuts 8 Acorn Street.

Regarding the Zoning Variance request referenced below, I am

aware of and do not object to the proposed scope of work.

Another letter from Alison, it's one L,

A-L-I-S-O-N Gillies, G-I-L-L-I-E-S and Robert Boudreau.

(Reading) We are neighbors of Mark Sullivan and Ann

Tikkanen. We own and live at 16 Acorn Street. There is one

house between us and Acorn Street. We are writing to

support their petition to add a dormer and two new corner

windows to their house. They have shared their plans with

us and we see no adverse affect to us or the neighborhood in

these changes.

A letter from Marjorie Adams, 17R Acorn Street.

(Reading) I am writing this in support of Mark Sullivan's

request for a Zoning Variance to construct a new dormer and

Special Permit, including two corner windows at his

residence at 8 Acorn Street. Mark and Ann have shown me and other neighbors the plans for the renovations of the top floor and has gone over them in detail with me. I understand what he is requesting and completely support his plans. The plans will affect the exterior only minimally and are consistent with us -- with the style of the house and the neighborhood setting. There will be no negative impacts to my property or that of our neighbors. Over the 20 plus years that Mark and Ann have been our neighbors, I've observed their careful maintenance and improvements to the house and they've always been great about keeping their neighbors informed.

And that's it. So only letters of support.

I'm going to close public testimony. Any final comments you want to make before we consider this? No?

MARK SULLIVAN: I just say that I understand in an ideal world if we were looking to add a dormer there, the perfect situation would be if there were no existing, you

know, structures on the roof. There are, and on the side that we're talking about, they are original. So, again, just as a homeowner, it just seems to me, even though it is -- would end up with too much running feet of dormer, that it is a pretty practical use of some available space for us to get, you know, a little bit more commodious bathroom.

CONSTANTINE ALEXANDER: Okay, thank you.

I will now close public testimony.

Discussion? Comments? We ready for a vote?

THOMAS SCOTT: I mean, it's the biggest dormer I think we will have ever approved --

CONSTANTINE ALEXANDER: I know.

THOMAS SCOTT: -- for the time that I've sat on the Board. I'm a little bit -- I mean, I'm not sure I get the hardship. It is a functioning bathroom. There's a shower there. I know it's not ideal, but it is functioning. It really departs from what our dormer guidelines try to,

you know, make us adhere to as a Board. I'm having a hard time with it, frankly, because it's so big.

CONSTANTINE ALEXANDER: Well, we have warned at the last hearing that this was going to be an issue.

JANET GREEN: I would say that it's larger than anything that we would ordinarily approve. But I walked all over and I couldn't see it from any place. It's just -- you know, the --

JOHN HAWKINSON: Mr. Chair, could you ask the audience to be a little quieter?

SEAN O'GRADY: Folks, could you go outside, please?

CONSTANTINE ALEXANDER: Excuse me, yes, if you're going to have any conversation, outside, please.

Thank you.

JANET GREEN: The distance between the two houses made it very difficult to even see where this dormer was going to be, and that the distance between is the other

house I believe the person who's here.

CONSTANTINE ALEXANDER: I'm also -- I started out where Tom started. What made me -- gave me pause was the fact that it's going to be, the connecting is going to be recessed. So it's not nearly as noticeable as is one massive dormer that's flat plane across, which to me is important. But it's a tough case for us because of the -- it is a very large dormer as Tom has said.

Anyone else wishes to be heard?

BRENDAN SULLIVAN: Well, if we were -- never, I shouldn't say never. We would not approve a 25-foot dormer if it come down and do a de novo. The house was built when?

MARK SULLIVAN: 1896.

BRENDAN SULLIVAN: My house was built in 1885 and I have these peaks and we've learned to dodge over the years or bang your head into all these low ceilings and what have you. And we have a laundry/sewing room similar to where your bathroom is now that my wife has adapted. It goes to

the sloped ceiling and what have you. But anyhow. But being in the business and being in many of these houses, that area between those two dormers becomes a no man's land and in a sense becomes nice space, but not very usable. And I think anybody would look at that and say, boy, if we could only push this thing out a little bit more, it would enhance this third floor tremendously with probably very little effect. And if you go by this and probably tends to work tieing the two of them together in a rather benign way in a sense. Yeah, it's a big number, but as far as the inside of the house and the workability and the liveability of that third floor, it would make a huge difference.

CONSTANTINE ALEXANDER: Yes.

BRENDAN SULLIVAN: So, I think for those reasons I would support it.

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

So you understand, as a matter of law, to get the

Variance you need four -- it's a super majority, it's not a majority. So you need four votes.

So, the Chair moves that this Board make the following findings with regard to the Variance being requested:

That a literal enforcement of the provisions of the Ordinance would involve a substantial hardship to the petitioner. Such hardship being is that the petitioner has usable space on the third floor that is not being sufficiently used and needs additional space to improve the bathroom on that floor.

That the hardship is owing to the fact it's a non-conforming structure, very old, and any modification to the structure requires Zoning relief.

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

In this regard, the Board notes that what is being

proposed does not comply with our former guidelines, but as designed, it does mitigate the effect, the adverse effect that the former guidelines are intended to deal with and that this project has unanimous neighborhood support.

So on the basis of these findings, the Chair moves that we grant the Variance requested on the condition that the work proceed in accordance with plans submitted by the petitioner prepared by Latady, L-A-T-A-D-Y Designs, dated -- the first page of which is dated 12/18/15, and it's initialled by the Chair.

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

(Aye.)

CONSTANTINE ALEXANDER: Four in favor.

(Alexander, Sullivan, Green, Hammer.)

CONSTANTINE ALEXANDER: Opposed?

(Scott.)

CONSTANTINE ALEXANDER: Variance is granted.

MARK SULLIVAN: Thank you very much.

CONSTANTINE ALEXANDER: Now we go to the Special Permit which is an easier situation. Just talk a little bit about, why you're doing these window changes.

MARK SULLIVAN: The -- this is a back room at the rear of the house. That room currently, which has been used as a bedroom in the past, and now with one child out of the house, that this is kind of an office area for us, etcetera. The proposed windows are basically at the rear corner of the house and certainly improves liveability, ventilation. Our lot being as tight as it is, I never heard the word view-scape before and now --

NATHAN HAMMETT: View shed.

MARK SULLIVAN: View shed. But certainly pleasant and the aesthetic of being able to borrow the view out the rear of our house. The Boulukoses have a beautiful backyard.

NATHAN HAMMETT: They have a beautiful backyard.

MARK SULLIVAN: And Alison and Bob Boudreau have quite stunning maple tree that overlords the whole neighborhood. So, a lot of it is to bring more light into the room, more natural ventilation, and more natural views on what is a pretty tight city lot.

CONSTANTINE ALEXANDER: Okay.

Questions on the Special Permit?

(No Response.)

CONSTANTINE ALEXANDER: None.

I'll open this matter up to public testimony. Is there anyone here wishing to be heard in regard to the Special Permit?

(No Response.)

CONSTANTINE ALEXANDER: No one wishes to be heard.

We have the letters that I've already written into the record so we don't need to read them again.

Ready for a vote?

JANET GREEN: Yes.

CONSTANTINE ALEXANDER: Okay.

The Chair moves that this Board make the following findings with regard to the Special Permit you're seeking. These are all required by our statute -- by our Ordinance which I'm going to go through.

That you cannot -- the requirements of the Ordinance are such that you cannot satisfy them without getting the Special Permit you're seeking tonight.

That traffic generated or patterns of access or egress resulting from what you're proposing to do with regard to the windows, will not cause, congestion, hazard or substantial change in established neighborhood character.

That the continued operation or development of adjacent uses will not be adversely affected by what you're proposing.

That no nuisance or hazard will be created to the detriment of the health, safety, and/or welfare of the occupant. That's you. Or the citizens of the city.

And then generally that what you're proposing to do with the regard to the windows, will not impair the integrity of the district or adjoining district or otherwise derogate from the intent and purpose of the Ordinance.

So on the basis of these findings the Chair moves that we grant the Special Permit requested, again, on the condition that the work proceed in accordance with the plans identified in connection with the Variance that we granted.

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

(Aye.)

CONSTANTINE ALEXANDER: Five in favor. Special Permit's granted. Good luck.

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

* * * * *

(7:30 p.m.)

(Sitting Members Case BZA-009307-2016: Constantine

Alexander, Brendan Sullivan, Thomas Scott, Janet Green,

Alison Hammer.)

CONSTANTINE ALEXANDER: Okay, the Chair will call case No. 009307, Auburn Court, 1 Brookline Place.

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

JANE CARBONE: Yes. Is this where we sit?

CONSTANTINE ALEXANDER: Wherever you like. As you may have heard, name and address for the record.

JANE CARBONE: Jane Carbone from Homeowner's Rehab at 280 Franklin Street in Cambridge.

ROSS SPEER: Davis Square Architects. Ross Speer, S-P-E-E-R. Davis Square Architects, Somerville.

CONSTANTINE ALEXANDER: Okay, this is a case for a Comprehensive Permit. With your indulgence I'm going to take a few minutes mainly for benefit of the two board members who never sat on this case before and just give an overview, and also for members of the audience who are here and interested in this case.

Generally we, this Board deals with -- not generally, all the time with Special Permits or Variances as you've heard in the case just before us. But we have another area that we from time to time have cases, that's Comprehensive Permit. Comprehensive Permit is created under Section -- Chapter 40(b) of the General Laws. 40(a) is the statute that creates Variances -- the rules for Variances and Special Permits.

40(b), when it was adopted, it got the nickname the anti-snob zoning law. And the origin of it is is that people were finding back in the 60s and 70s that the ability to make, to construct affordable housing was being obstructed or hindered by strict Zoning requirements, a whole permitting process where you have to get a zillion permits to do any kind of construction. So 40(b) was intended to cut through that and to have a process that's called a Comprehensive Permit.

Someone like yourselves, only have to come before

this Board, and all the other Boards who would otherwise normally would weigh in, give comments if they have any comments to us. So it's one proceeding and that's the proceeding tonight for the Comprehensive Permit.

The process allows or permits this Board to override local requirements and regulations that are inconsistent with affordable housing needs if environmental and planning concerns have been addressed. Basically 40(b) expresses a strong public policy in favor of waiving local restrictions where appropriate to facilitate affordable housing.

So the usual rules for Variances do not apply. It's just a general approval of this. And the approval is by a majority vote, simple majority vote. It's not the super majority that's required for Variances and Special Permits.

So we can impose conditions if we decide to grant a Comprehensive Permit unless the conditions make the

proposed construction uneconomical. So that's the background. That's why we're here today for a Comprehensive Permit.

Now with that, why don't you just walk through the project that you're bringing before us tonight.

JANE CARBONE: All right, thank you.

BRENDAN SULLIVAN: One other facet that's also important is that the plans need not be totally complete.

CONSTANTINE ALEXANDER: Thank you. That's right. We approve -- so your preliminary plans that you put in, but we will condition if we grant relief, that the final plans must be given to the Building Inspector before the construction starts and they've got to be generally consistent with what you've shown us tonight. But not the final -- as Brendan has pointed out, not the exact plans which we usually do in the cases with Variances and Special Permits.

JANE CARBONE: Great. Thank you very much. And

thank you for having us come before the Board.

As I said, my name is Jane Carbone. I'm Director of Housing at Homeowner's Rehab in Cambridge, and we're a non-profit affordable housing developer. And we've been in Cambridge developing affordable housing since about the 70s. And the history of Auburn Court, this site is actually located at University Park. And in 1997 HRI was designated the developer of that site through the City of Cambridge, and the overall development is owned by MIT and they have a -- they have a lease to Forest City to do all the mixed use development at the site, and HRI was designated to do the affordable housing component. So the affordable housing component at University Park goes from Pacific Street to Franklin Street and it's 137 units. And we are now looking at a capital plan to improve the 77 units which was Phase I of that development, and we're going through the process now of putting together a capital plan to do those -- to renovate those units. And at the same time the City has

been asking us to, you know, aggressively pursue affordable housing options in Cambridge, you know, purchase land, purchase properties, and we have found it very difficult to compete in the market. There's just not a lot for us to compete with, you know, market buyers, and so we have been out priced in 99 percent of our deals.

So we carefully looked at this site and realized that when it was built in '97, 1997, there was a small parcel -- in-fill parcel that was slated for future development if the need be. And so now we're looking at that parcel. We're calling it Lot C, and looking at the opportunity to develop affordable housing on that site.

So we hired Davis Square Architects and we came up with a proposal, and we had a community meeting. And originally the site -- we had designed it for 12 units. So Ross will talk a little bit more about the design and I'm just going to give the history.

So in order for us to get the Comprehensive

Permit, there are three things that we're seeking modest relief on, and the first one is overall FAR.

When University Park was built, the requirement for FAR was about 725,000 square feet of housing. And so we exceed that by about 3,000 square feet by building this development. So we're asking for relief on that.

We're also asking for relief --

CONSTANTINE ALEXANDER: I thought you -- you're asking for relief of 11,000 plus.

ROSS SPEER: 13,000.

JANE CARBONE: Sorry.

ROSS SPEER: 13,000 I think. I'm not sure what the number is.

CONSTANTINE ALEXANDER: 11,000 and change.

ROSS SPEER: That's it. That's about the size of this building.

CONSTANTINE ALEXANDER: Okay.

JANE CARBONE: And the other -- we're seeking

relief also on parking that, you know, we're finding in our developments that there is -- we're encouraging alternative transportation and we're finding that there aren't a lot of vehicles that are used in our developments, and so we're seeking relief for parking for the eight -- nine additional units.

And then there is a requirement for indoor bike parking, and we have proposed -- originally had proposed the required parking for indoor bike parking in an adjacent shed that was more than 200 feet from the building. And the site, you know, the development is really trying to meet a lot of needs. It's trying to build affordable housing, it's trying to work with the residents that are adjacent to it to try to keep as much open space as possible, and also trying to satisfy, you know, the requirement for parking -- for indoor bike parking. So we weren't able to locate the indoor bike parking within the footprint of the building because we wanted to not encroach as much on the open space

that was available, so we located it in a shed. And since the first submission we've made a change based on recommendations from the Bike Committee and recommendations from the Planning Board. So we've now changed that and we have increased the amount of bike parking to 15 indoor bike spaces. So it's still 240 feet away in a shed, but it's not, we're giving -- we're trying to provide more indoor bike parking there than what was originally submitted.

CONSTANTINE ALEXANDER: So I'm going to go back to the parking in a second. But on the bike, there is bicycle parking. It's just more -- a little farther away than our Ordinance says you should have.

JANE CARBONE: Yes.

ROSS SPEER: 200 is the requirement. We're at about 235.

CONSTANTINE ALEXANDER: Okay.

And on the parking, I think it's been your experience, I think it's the experience of this Board, that

particularly with affordable housing, there is not the same need for car -- indoor parking for cars particularly where you have -- you're close to public transportation.

JANE CARBONE: Yes.

CONSTANTINE ALEXANDER: And also the City's policy in recent years has been to discourage --

JANE CARBONE: Reduce.

CONSTANTINE ALEXANDER: -- automobile use and, therefore, not be rigid in terms of parking requirements.

JANE CARBONE: Correct.

So, the development originally was 12 units and then we had -- we had a community meeting and we saw the size of it which was encroaching on the open space, and so we reduced that to eight units there.

And then there is some concern with the residents that are directly abutting that, you know, they're going to be losing light and they're gonna be losing some of the open space. There is -- so we will continue to work with direct

abutters and come up with a, you know, a feasible plan to redesign the open space to make it more attractive, and there's some design amenity that we can create there for them. And Ross will speak a little bit about the design of the building to bring more sunlight into the development as well.

CONSTANTINE ALEXANDER: What kind -- describe the size of the units in terms of the bedrooms.

ROSS SPEER: Two and three bedrooms.

CONSTANTINE ALEXANDER: How many of each? You've got nine units?

ROSS SPEER: Eight units.

CONSTANTINE ALEXANDER: Eight plus one.

ROSS SPEER: Eight plus one, that's correct.

CONSTANTINE ALEXANDER: How many will have one bedroom?

ROSS SPEER: There's one efficiency, there's one studio, and the rest are all twos and threes. I'm sure

they're outlined how many we have. But they're mostly threes, I believe.

JANE CARBONE: Right. Mostly family units, that's what the need is.

CONSTANTINE ALEXANDER: And, again, that's the City's policy --

JANE CARBONE: Right.

CONSTANTINE ALEXANDER: -- like to see more multi-bedroom units.

JANE CARBONE: Right.

CONSTANTINE ALEXANDER: That encourages and allows family to use them.

JANE CARBONE: Did you want to talk a little bit about the design?

ROSS SPEER: Yes, if I may.

CONSTANTINE ALEXANDER: Please.

ROSS SPEER: And I have streamlined the proposal a bit. We have, you know, if we want to look at plans and

things like that, we have boards that are ready. But I tried to streamline the presentation to get into as much detail that deems appropriate. If you want more, we can talk more.

Let me give you some background as to what's where.

So from a location standpoint, this is Auburn Court. Central Square is here. Mass. Ave. is here. So coming down Brookline Street and -- this is Brookline Street, Brookline Place. This is MIT University Park here. So Auburn Court was built in two phase. This is Auburn Court I, Auburn Park, and then Auburn Court II was built later on. So we're specifically talking about the renovations pertaining to Auburn Court I. And specifically one of the things to see I think in this is, and we've itemized the green spaces. There are a number of different kinds from small sitting spaces to dog parks to soccer to --

CONSTANTINE ALEXANDER: Lot C where you want to

build, what is there now? Is that green space, too?

ROSS SPEER: It's green space. Here are some photos of it. It's certainly light and open space to the surrounding, but it doesn't have any particular program elements to it. This is, this is across the street to Brookline Place. So this is -- this is pretty much where the building will be. It's basically a grass area and a trash and recycle facility which we will now incorporate into our new building. So it will be part of our building, it will be replaced by there.

And these are other surrounding views of the same thing. Toward the rear of it there is a seating area and there are a couple of transformers that we have to work ourselves around. So this area further in will be right for more discussions with the residents and some landscape improvements to build that into something that really suits their needs with that space.

We're also told that this parcel, not part of this

project, but this Watson Street parcel is owned by the City and is slated to be moving forward into some sort of a green park space. How it's being programmed, what's going to happen, I don't know, but it's another green parcel to think about.

CONSTANTINE ALEXANDER: Should we grant you relief and the project is built, do you then manage it?

JANE CARBONE: Yes. Well, we hire Wynn Management. They're a national firm, and they manage all of our properties. They currently manage the site and will continue to manage that development.

CONSTANTINE ALEXANDER: Including the Lot C?

JANE CARBONE: Right.

ROSS SPEER: Okay.

So just a little bit about the design process and, again, as Jane said, it's very much been about a really self-managed balance process. Affordable housing is really critical. But Auburn Court is an HRI development and it

needs to work well for everyone.

So originally from a zoning standpoint, as you move closer and closer to University Park, the heights that are allowed grow. So technically 80 feet is allowed on this parcel, which we never considered. Our project is at four stories.

As Jane said, originally it encroached further in and it was 12 units and we just felt in the interest of trying to keep a balance, we needed to pull it back, so we scaled back from twelve to eight units, and you can see we started to -- this is the -- I don't know if you can see it, this is the view from -- looking across Brookline Place and this is from the south. The corners that face into that courtyard will basically trim those away and made those into slightly smaller units so we can get more light down into that remaining courtyard.

This is the remaining piece and then we'll work with the residents and our landscape designers to decide

exactly what goes into that space. So that's the overview.

And that would be a view that looks closer to the street view on there.

From a design standpoint, most of Auburn -- - most of Auburn Court has a very solid context design; flat roof, three stories, and some mid-rise buildings mostly very pleasant and contextual. Once in a while there's a building, usually on Brookline Avenue, that has just a little bit more splash of color. This building has slightly different roofs, different color. This one has slightly different roofs, different color. So the rest of it is fairly contextual. So we've pretty much tried to stay with that model. I think this will be the slightly special building because everything along Brookline Place is contextual. It gives us an opportunity to add some bay element as small splashes of color. Same window patterns, same window sizes, same siding, same materials generally of what the rest of Auburn Court is and will be.

Homeowner's Rehab is very well known for building very high performance buildings.

LEED, high levels of LEED pretty much in every case and very, very good energy performing. This will be the same.

We've been meeting with energy consultants and likely it will be LEED Gold is what we're thinking at the moment. As we get more into the criteria, we'll find out more.

But very high energy performing, very durable fibrous cement materials, and a context that blends in with the rest of it.

JANE CARBONE: The other piece of this is there was an old management office on the mid-rise building that we're now converting to a unit. So we're taking --

CONSTANTINE ALEXANDER: Right.

JANE CARBONE: They've moved to another location so we're capturing that space.

ROSS SPEER: That this unit. This is a mid-rise building where we capture the management office here.

On the bike sheds, previously an active drawing on this board, I think you have more up-to-date information. The bikes were split in two locations, this being even further away. After meeting with the Bike Committee, we went up to 15 spots, we increased the size of this because it's more -- it's closer, it's at about 235 feet, it's right down the sidewalk, right under the street, right on out. So they were --

JANE CARBONE: Just to clarify. We didn't meet with the Bike Committee. That's the letter that the Planning Board got, so and then we responded to that. And we did get positive feedback and the Planning Board seemed satisfied.

ROSS SPEER: That's right.

I have additional site plans if it's helpful depending on how many, you know, how much you'd like to see.

CONSTANTINE ALEXANDER: It's up to the members of the Board. I'm happy.

BRENDAN SULLIVAN: I've reviewed the case anyhow.

CONSTANTINE ALEXANDER: You want to see more?

THOMAS SCOTT: No, I'm fine.

ROSS SPEER: Okay.

CONSTANTINE ALEXANDER: Alison, you're fine, too?

ROSS SPEER: We can pull them off as necessary as you like.

JANE CARBONE: So I think, I think that is if for everything that we want to say. We talked about the relief that we're seeking and our plan is to move forward, get the financing, and start construction, you know, as soon as we can.

CONSTANTINE ALEXANDER: Let's talk a little bit about that and then I'll open it up to public testimony.

There are three jurisdictional requirements to get a Comprehensive Permit: One is that the applicant is a

501(c)(3) non-profit charitable corporation.

I saw nothing in the file that demonstrates that.

JANE CARBONE: We sent it over to Maria today.

CONSTANTINE ALEXANDER: That was a letter asking
for an extension of time. That doesn't do it.

JANE CARBONE: No, it was our corporate --

SEAN O'GRADY: I'm sorry, I thought you knew.

CONSTANTINE ALEXANDER: No, no, I didn't know.

SEAN O'GRADY: There is another letter in there.

CONSTANTINE ALEXANDER: Oh, I'm sorry.

JANE CARBONE: I think it was included and then we
sent more information over today.

CONSTANTINE ALEXANDER: And that letter is
just -- help me find it. Oh, yes, here it is. It's a
letter from the Massachusetts Department of Revenue. And it
says, the first sentence says: A review of our records
indicates that the Massachusetts sales/use tax exemption for
Homeowner's Rehab, Inc., a tax exempt 5001(c)(3) will expire

on such and such a date. So at least Massachusetts believes you're a 501(c)(3).

All right, so you've satisfied that -- you've proven to us that you satisfy that jurisdictional requirement.

The second one is says that you're supposed to have -- that you're a fundable project. You're supposed to have give us evidence that you've received an approval letter. And what's in the file is not that.

JANE CARBONE: Right.

So DHCD has received the application.

CONSTANTINE ALEXANDER: Yes. And they've acknowledged that.

JANE CARBONE: And they came out on Tuesday for a site visit, and their 30 days is March the 10th, I think. And so they gave us positive feedback and they're just waiting for that date to expire.

CONSTANTINE ALEXANDER: But since you

don't -- often when people come before us --

JANE CARBONE: They would have it, right.

CONSTANTINE ALEXANDER: They have it. You don't have it. So to the extent we do grant you relief, one condition is going to be that you have to get that letter --

JANE CARBONE: Yes.

CONSTANTINE ALEXANDER: -- you're going to need the financing anyway. Before you can go forward so we can satisfy the requirements of the statute.

JANE CARBONE: Okay.

CONSTANTINE ALEXANDER: And the third is that you have control of the site. And you've given us a reference to -- you have a lease from the --

JANE CARBONE: Sublease.

CONSTANTINE ALEXANDER: Sublease from the Forest City that says that the site's yours.

JANE CARBONE: Yes.

CONSTANTINE ALEXANDER: And that lease is still in

full force and effect?

JANE CARBONE: Yes.

CONSTANTINE ALEXANDER: And you're in good standing. No violation.

JANE CARBONE: No.

CONSTANTINE ALEXANDER: This is a little different, because you usually have a deed.

JANE CARBONE: We'd love to have a deed.

CONSTANTINE ALEXANDER: Okay. So I think you satisfy all the jurisdictional requirements.

JANE CARBONE: Okay.

CONSTANTINE ALEXANDER: And then we'll have to get to the finding.

I am going to open it up to public testimony at this point. Is there anyone here -- any questions from the Board at this time?

THOMAS SCOTT: Did you perform a shadow study based on the height of the building?

ROSS SPEER: We did do some shadow studies.

THOMAS SCOTT: I'm concerned about that courtyard becoming a rather dark place because of the height of this building and, you know, it's basically put in the south quadrant of the site, so it's going to cast a shadow for a good portion of the day.

ROSS SPEER: At certain times of the day for a good portions it does.

THOMAS SCOTT: Right.

ROSS SPEER: It does.

JANE CARBONE: I mean the garage, too, is six-story and that's the taller structure.

ROSS SPEER: It's in shadow some of the time already, that's true.

THOMAS SCOTT: That was it.

ALISON HAMMER: Can I ask you a question about parking?

In the image that I see there, the parking area

looks really full. Are there other parking areas? Do you have any kind of parking utilization studies?

JANE CARBONE: We have -- right now we have 104 spaces at the site and we don't have -- not -- and we have 137 units, so we don't have -- we have utilization of them. The market rate tenants tend to turn over and sometimes we have some spaces that are available, but we've never had the need to provide additional parking. I think the garages are available if we have an overflow through Forest City but we've never had the need for additional parking.

ALISON HAMMER: So if somebody moved in there with a car, they'd be able to get a parking space?

JANE CARBONE: Yes.

JANET GREEN: Are they assigned parking spaces?

JANE CARBONE: Yes.

CONSTANTINE ALEXANDER: So you would be assigning a parking space to someone who moves in?

JANE CARBONE: If someone has a car.

CONSTANTINE ALEXANDER: If they have a car.

JANE CARBONE: Yes.

CONSTANTINE ALEXANDER: But rent these, not buy.

JANE CARBONE: But it's 100 percent affordable where the balance of -- the current development now is mixed income, so there's a percentage. And in this phase it's 39 affordable and 7 moderate and 31 market. And so the majority of the people who have vehicles are the market rate. And so this is all affordable so we don't expect it to be one-to-one at all.

CONSTANTINE ALEXANDER: Okay.

ALISON HAMMER: But even if it was, you would be able to accommodate them?

JANE CARBONE: Yes.

BRENDAN SULLIVAN: Your supply exceeds the demand?

JANE CARBONE: Yes.

BRENDAN SULLIVAN: Basically.

JANET GREEN: I just have a question. What is 60

percent of the area median?

JANE CARBONE: Oh.

FROM THE AUDIENCE: I can look it up while you talk.

JANE CARBONE: We'll find that out.

CONSTANTINE ALEXANDER: That's it?

I will now open the matter -- while he's looking it up, I'll open the matter up to public testimony.

Is there anyone here wish to be heard on this matter? Mr. Boyes-Watson.

MARK BOYES-WATSON: Mark Boyes-Watson, 100 Pacific Street. I'm a near abutter living just to the left of the board, so within sight of the project. So I'm here to speak in support of the project. I think it's a, first of all, fulfilling a very important need. I think it's intelligently located and designed. It actually has some benefits. It screens the view of the garage from Brookline Street, so I think in some ways improves the ambiance of

that walk of Brookline. And overall I'm just, I think it will fit in there and we'll never remember that there was an open space there. And there is, as the proponents pointed out, just off that board is the Park Pacific. So there's a good amount of open space that compensates for that loss in the public arena. So I'm fully in support of the project.

CONSTANTINE ALEXANDER: You wrote a letter to us as well. So no need to read the letter since you've given your letter orally.

MARK BOYES-WATSON: Thanks.

CONSTANTINE ALEXANDER: Ma'am.

IRAM FAROOQ: May I speak from here?

CONSTANTINE ALEXANDER: Sure. As long as you speak loud enough so that we can hear you.

IRAM FAROOQ: Yes, thank you, Mr. Chair. I'm Iram Farooq, I'm Assistant City Manager for Community Development. I'm here to provide a little bit of context on the changes that have transpired since the Bicycle Committee

and the Planning Board have looked at this project, and my department staffs both of those committees. And also to express the City's strong support for this project.

So the Chair, at the start you spoke about many of the things that I was going to mention as significant, but this is really a rare opportunity to create, you know, 100 percent affordable, nine new affordable units, right in Central Square, very close to transit. So the opportunity is a tremendous one.

And the Planning Board, as you saw in their letter, supports the project.

CONSTANTINE ALEXANDER: Yes, I'm going to read that letter into the record after oral comments are given.

IRAM FAROOQ: Perfect.

And so the proponent has worked very closely with our staff to refine the project and even before they got to us in detail, they've worked with the neighborhood, many of whom are their tenants but, you know, people who are

impacted to try to refine the project, reduce the size of the project, to address the issues that were raised, and even since they met with the Planning Board, they have made changes to account for the Planning Board and the Bike Committee's desires to see increased parking -- increased bicycle parking -- I'm sorry.

And so that is we think that's a huge change.

We've sent the changes to the Bicycle Committee. They have not met since that time, but we've heard from some of the members that they support the changes and they feel that's very positive. So this project does, I think, also a really great job of balancing the needs for open space, for affordable housing, bike parking, you know, all of the things that in some ways Community Development is a steward of, so we think from a planning perspective, we think this is a very positive development and the City and city staff are incredibly supportive of that. And so I wanted to get that in the record as well.

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

SPENCER IRVINE: I just wanted to answer the one gentleman's question.

CONSTANTINE ALEXANDER: Give your name.

SPENCER IRVINE: Oh, sorry. Spencer Irvine. I actually live in 42 Pilgrim, which is the building just to the right of the -- well, where their development is. Right. There you go.

So he had the question about the -- if there's any shadow study or analysis. So I can say that where we are there's actually a lot of light right now. So the six-story parking garage has very little effect on the light. We get, probably, I don't know, something like -- you said like four to six hours of light. And the sun isn't very high in the sky, it goes right above that one building that's right across. So where this four-story building is that apartment will get zero light. So as far as shadows go and if it

totally blocks out the sun, I don't really think there's anything you can do in terms of landscaping to make sun appear where there is no sun.

CONSTANTINE ALEXANDER: I think you're right.

SPENCER IRVINE: That's something to note.

When we got the apartment, the main reason we were actually deciding on a place here and a place on Davis Street, and by juggling many factors, the place in Davis Street had two bathrooms. This had a balcony with a lot of light. So, we chose the balcony with a lot of light. It does greatly reduce the value of those apartments. So something to consider and I also just wanted to answer your question.

CONSTANTINE ALEXANDER: Let me ask you this: Are you opposed to us granting the Comprehensive Permit?

SPENCER IRVINE: I wish it was a lot shorter. I'll say that at least. I also know that a lot of people do use that green space and that is a massive chunk. That's

our whole sight line out which is now gone. So I would say I oppose it.

CONSTANTINE ALEXANDER: Okay, thank you.

Anyone else? Sir.

EVAN GLOVER: I just have --

CONSTANTINE ALEXANDER: Name.

EVAN GLOVER: Evan Glover.

I just had a concern about, like, how aware the actual abutting residents really are of the project. I've attended a meeting prior that most of them seemed pretty opposed to it, but, like, there wasn't a lot of further discussion and explanation of, like, what might happen to the porches or the people abutting, and that kind of -- and the light issues or whatever. I was just a little concerned -- my concern is, you know, the issues that he raised are also how aware of the construction -- the actual residents of Auburn Court really are.

CONSTANTINE ALEXANDER: That's a fair question.

EVAN GLOVER: And I as one am just -- I don't know.

CONSTANTINE ALEXANDER: Can you answer that?

EVAN GLOVER: That was really, you know.

JANE CARBONE: Yes.

So we had a meeting and the people here were in attendance and expressed --

CONSTANTINE ALEXANDER: How did you advertise the meeting?

JANE CARBONE: We, we put an ad in the paper and then we sent notices to residents and we got the list of abutters from the City.

CONSTANTINE ALEXANDER: Right.

JANE CARBONE: And then advertised and then canvassed the streets and then we sent flyers to every resident in the development. So then we had a meeting, and mostly it was the -- we got support from the most of the abutters and support from the residents within the

development. I think in this courtyard the residents that are here are the ones that came and expressed concern about, you know, losing sunlight and some open space. So, you know, in urban cities that's a challenge to not encroach on those elements, and, you know, we did the best we could by moving the -- shrinking the size of the building and shrinking some of the elevations to bring it down, but, you know, there is gonna be a loss of sunlight in some areas and there is gonna be a loss of open space. We will continue to meet with those families to redesign, you know, people are not gonna lose balconies or, you know, their -- the buildings adjacent, the two buildings adjacent, if you go to the site, there's only one set of windows. So they were always designed for future -- a new building to be added to that. It's like a missing tooth. And so that was always a plan for this site. So I mean maybe it should have been fenced off to be not used because it wasn't really part of the open space plan. It was never -- it had a trash and

recycling, but it was used as open space. So that -- and then we sent letters again about this meeting and then we posted the notices and then people have had my number and I've gotten a few calls from residents.

CONSTANTINE ALEXANDER: Anything more you want to add?

EVAN GLOVER: I just like, you know, whatever happens, I just think that, like, more communication would be beneficial because, like, I didn't get a letter about this meeting, for example, and I don't -- I really don't think my -- talking to some of the neighbors, I don't know if they're fully, like, aware. I know I did get one flyer for a previous one, but --

JANE CARBONE: Well, the sign was right at the trash area for tonight's meeting.

EVAN GLOVER: Like falling down, yeah.

JANE CARBONE: Well, there were three signs actually. One in three different locations.

CONSTANTINE ALEXANDER: Okay.

Well, I think the comment is noteworthy.

JANE CARBONE: Right.

CONSTANTINE ALEXANDER: I mean -- obviously, to build up there is going to have adverse impact on some people's properties.

JANE CARBONE: Right.

CONSTANTINE ALEXANDER: On the other hand, it's important that there's constant flow of communication --

JANE CARBONE: Right, right.

CONSTANTINE ALEXANDER: -- and acceptance of their ideas to the extent that it's realistic. And so I would urge you to continue that should we grant you relief tonight.

JANE CARBONE: Okay. We will, yes.

CONSTANTINE ALEXANDER: I suspect you will.

Ma'am.

JULIE SIMPSON: Hi. I'm Julie Simpson. I also

live at Auburn Court. Just on the topic of communication, I never received any flyers or anything like that. I'm here because I saw the sandwich boards that were set up and so that was very helpful.

A couple of points: I'm generally very much in support of this project. Anything that can increase affordable housing in this neighborhood is a great, great project, great idea. If there would be any way to increase the bike parking, that would be wonderful because that's a real giant lack in -- throughout the whole complex.

And just for the record, I had to wait eight months to get a parking spot. So there aren't parking spots available for everybody. But I also applaud the City for not encouraging more car use because that just seems rational to me.

Thanks.

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

Anyone else wishes to be heard? Ma'am.

CHERYL-ANN PIZZA-ZEOLI: My name is Cheryl-Ann Pizza-Zeoli, I'm with the Cambridge Affordable Housing Trust so I'm a little biased because I really focus on the importance of increasing the supply of affordable housing in Cambridge. And I know you know this, but I just wanted to give you some data.

If you look at all of the housing stock in Cambridge; so the private stock, the affordable housing, of the rental housing only twelve percent are three bedrooms. And only five percent are four bedrooms. It's just such a significant need. And with this project you get three, two-bedrooms and four, three-bedrooms. And that's, there are tradeoffs in all of this and I know you're very acutely aware of that. But I really believe in HRI's ability to continue to interact with the community and to listen to their concerns and respond to them. And this is a terrific project and we rarely get an opportunity to see something

like this.

CONSTANTINE ALEXANDER: Okay, thank you.

Anyone else? Sir. Oh, you're getting us the information?

DAVID DOWNES: Right. David Downes also from Homeowner's Rehab. The response to your question about whether 60 percent of area median income -- for a family of one that is 41,000 and for a family of four that is 59,000.

JANET GREEN: Thank you.

CONSTANTINE ALEXANDER: Okay.

I'm going to close public testimony at this point. We do have some letters.

First of all, for the record, I would advise that the following city departments were contacted in connection with this petition: The Community Development Department, the Conservation Department, the Fire Department, the Historical Department, Law Department, Public Works Department, and Traffic and Parking Department. None of

these organizations have submitted anything to us in writing and no one here is speaking on their behalf. So, but they have been advised. We have had a communication from the Planning Board, which I will read in a short while into the record. So that's it.

Now, as to the written comments, we have a letter from Timothy J. Toomey, Jr., City Councillor. (Reading) I am writing to lend my support to the application by Homeowner's Rehab to permit construction of nine additional affordable housing units in Auburn Court. The need for affordable housing options in Cambridge is extreme. The Auburn Court development at University Park has been very successful and consists of many family-sized units and a mix of income levels. The opportunity to create an additional nine units of housing should not be missed. The applicants have already performed extensive outreach to abutters and have received much support for the proposal. They will continue to communicate with current residents of Auburn

Court and address their concerns as they arrive. As a City Councillor I hear from residents seeking affordable housing options on a daily basis. Projects such as this are greatly needed, and I hope that the Zoning Board will be able to support this application and grant the relief needed to build homes for nine deserving Cambridge residents and families.

There is a long memo from the -- this is regarding the bicycle -- the back and forth with the bike owners, Bicycle Committee, the City of Cambridge Bicycle Committee, and you've covered that in your comments.

And last but not least there is something from the Planning Board. (Reading) The Planning Board reviewed the Comprehensive Permit request submitted by Homeowner's Rehab for nine additional dwelling units. Eight of the units are new construction on the existing Auburn Court parcel and one is a conversion of an existing office space to a dwelling unit. The Planning Board voted to enthusiastically support

the proposal finding it to be in appropriate scale with the existing development. The Planning Board recognizes the sensitive tradeoffs that this proposal has gone through in order to provide additional use, all of which will be affordable. The Planning Board does suggest that the Homeowner's Rehab continue to work on providing as much long-term bicycle parking as reasonable, feasible for residents. That was your point. The Planning Board also encourages HRI to continue the discussions with residents regarding the changes to the Lot C open space area behind the addition.

And you've spoken to that in your comments.

We also have a letter from the Cambridge Affordable Housing Trust. (Reading) On behalf of the Cambridge Affordable Housing Trust, I am writing to express the Trust's strong support for HRI's application for a Comprehensive Permit to enable them to create nine new affordable rental units, including the construction of a new

eight-unit building on Lot C at their existing Auburn Court I development. The addition of these nine units of affordable rental housing supports our ongoing efforts to expand the supply of needed affordable housing.

Opportunities for lower income families to find housing in the community, particularly family-sized apartments, are almost non-existent. Therefore, the creation of these new units at Auburn Court, including two, three-bedroom and four, three-bedroom apartments is extremely important. The need for affordable housing in Cambridge remains as high as ever as market rates continue to far outpace the incomes of most households. For instance, a recent rent survey conducted by the City's Community Development Department found asking rents in Cambridge of \$2,750 -- I think that's per month -- for two-bedroom apartments and \$3,300 for three-bedroom apartments. Well beyond what low and moderate income families can afford. Meanwhile there are currently more than 1400 households in the City's application pool of

applicants seeking affordable rental housing in Cambridge. As has been discussed in recent months, finding new affordable housing development opportunities have become increasingly challenging due to the market competition for sites and difficulties in assembling feasible development plans given the extraordinarily high land costs in Cambridge. HRI's plan to build on the site which they already control helps to make this project feasible. HRI has a long and successful track record of developing and managing high quality affordable housing in Cambridge. Some examples are -- some examples of HRI's recent successes include the acquisition, preservation, and renovation of two important expiring use properties; Putnam Square Apartments and Chapman Arms Apartments containing a combined total of 119 affordable units. And the new construction of Putnam Green Apartments, a 40-unit rental property located in Cambridgeport. We are very pleased that HRI can seize this opportunity to create new housing units at Auburn Court and

are hopeful that this project will be able to move forward quickly so that nine low income families will be able to benefit from this madly needed housing. We appreciate the Board's longstanding support of affordable housing and thank you for your consideration of this important project.

And that's it. So I'll close public testimony.

Anything, any final words you want to add?

JANE CARBONE: No. I think, you know, we will continue to work and take the recommendations of the Planning Board and work meeting with the residents directly affected by this development. And we have increased the parking -- the indoor bike parking so I think we've met that.

CONSTANTINE ALEXANDER: I would ask that with regard to your ongoing outreach, apparently your -- the notices or whatever you sent out before didn't reach the intended audience or all of the intended audience. I think you have to do a better job frankly.

JANE CARBONE: Right.

CONSTANTINE ALEXANDER: In making sure you keep the neighborhood apprized and that you listen to their views and interact in a way that's constructive for everybody concerned.

JANE CARBONE: Yes.

CONSTANTINE ALEXANDER: That's fine.

JANE CARBONE: Yes, that's my only comment.

CONSTANTINE ALEXANDER: Discussion by Members of the Board?

(No Response.)

CONSTANTINE ALEXANDER: I can move on then to the vote. It's a little bit longer than the Variance vote. Let me start.

First of all, we -- the Board -- I move that the Board make the following findings with regard to the jurisdictional requirements for a Comprehensive Permit:

One, that the Homeowner's Rehab, Inc. has

presented documentation that it is a 501(c)(3) non-profit charitable corporation. On the basis of which we find that it is an eligible applicant under Chapter 40(b) because of its non-profit status. The applicant, therefore, has standing to seek a Comprehensive Permit as a non-profit organization pursuant to the Codes of Massachusetts regulations.

Second, is fundability. You haven't demonstrated that to us tonight. You don't have the funding in hand. And so that's going to be a condition which I'll get to later in my comments.

And lastly, that the applicant has represented to the Board evidence of its control of the site in the form of -- I'm sorry. Applicant has represented to the Board that it has control of the site through an amended and restated construction and sublease agreement dated January 9, 1995, that remains in full force and effect.

So based on these foregoing findings and subject

to satisfaction of the conditions we will be imposing, the Board finds that the applicant has met all of the jurisdictional findings of the CMR, Code of Massachusetts Regulations.

Okay.

For the record, the applicant has submitted to the Board a complete and satisfactory application for a Comprehensive Permit.

That the Board finds that the applicant has met all of the jurisdictional requirements of the Code of Massachusetts Regulations, as I've indicated earlier.

That the applicant has submitted evidence concerning the continued need for affordable housing in the City of Cambridge and the surrounding regions.

On the basis of that evidence and the Board's knowledge of housing in the City of Cambridge, the Board finds that there continues to be a regional need for affordable housing and a substantial unmet need for

affordable housing in the City of Cambridge.

The project consists of nine units, all of which will be affordable according to the requirements of Chapter 40(b), and of eligible subsidy programs.

The units will be developed with state or federal subsidy and will be subject to long-term affordability restrictions require them to be sold initially and on resale at restricted prices to households with incomes below 80 percent of the area median income.

JANE CARBONE: It's rental housing.

CONSTANTINE ALEXANDER: You're right. I got this from -- you're right.

So I'll just stop with the nine units and the rest is not relevant. Thank you.

In reviewing the project, the Board has not identified any significant health, safety, environmental, design, open space, or no adverse impact on storm drainage, traffic or other engineering, and planning matters that

would support denial of the project or outweigh the local or regional housing need.

That in reviewing the project, the Board has determined that the applicant has taken reasonable measures to ensure the project's compatibility with abutting properties and its surrounding neighborhood, including neighboring commercial and residential uses.

And that the Board has determined that the relief from the specific requirements of local restrictions and regulations requested by the applicant is necessary in this circumstance to ensure the creation of affordable housing and to allow the construction of the project as proposed.

So based on all of the foregoing, the Board finds that the proposed development meets the requirements for a Comprehensive Permit under Chapter 40(b) and thus such a permit shall be granted to the applicant subject to the following conditions:

One, that final detailed construction plans must

be submitted to the Building Inspector to ensure that the final plans are consistent with the preliminary plans submitted to the applicant, the first page of which has been initialled by the Chair. And that's what you've given us in the file.

Two, that the applicant deliver to the Department of Inspectional Services a letter from the Department of Housing and Community Development in the form of a determination of project eligibility for the project meeting the requirements of the Code of Massachusetts Regulations including that the project is acceptable and eligible for family -- for funding and, therefore, eligible for a Comprehensive Permit pursuant to the Code of Massachusetts Regulations as a fundable project.

I think that's it. Anything else or ready for a vote?

All those in favor of granting this Comprehensive Permit based on the findings I have read and subject to the

conditions I have enumerated, please say "Aye."

(Aye.)

CONSTANTINE ALEXANDER: Five in favor.

Comprehensive Permit granted.

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

ROSS SPEER: Thank you very much.

JANE CARBONE: Thank you very much.

* * * * *

(8:15 p.m.)

(Sitting Members Case BZA-009224-2016: Constantine

Alexander, Brendan Sullivan, Thomas Scott, Janet Green,

Alison Hammer.)

CONSTANTINE ALEXANDER: The Chair will now call
case No. 009224, 17-19 Bellis Circle.

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

Okay, as you heard, name and address to the
stenographer, please.

ROBERTA TURRI VISE: Roberta Turri Vise two names,
T-U-R-R-I V-I-S-E.

CATHERINE TRUMAN: Catherine Truman, T-R-U-M-A-N.

ROBERTA TURRI VISE: Thank you, so we are looking for a Variance for an existing non-conforming building in a Residence B. And the Variance would be an addition, basically kitchen addition, and within the existing setbacks of the building. And the addition to that we will remove a vestibule entering the basement also on the side of the house which will also actually reduce the setbacks on the west side of the house by about four and a half feet. And the reason for this really is to increase the size and usability efficiency of the kitchen, get some natural light into the kitchen. Right now because the kitchen is set back between two wider rooms adjacent to the kitchen and it is west facing, so there's light that's blocked by this, basically the size of the living room and the family room. In addition to the fact that the outside of the building and

on the west side because of that bump-out of the vestibule, there are lots of different angles on the side of the house, it's not very appealing from the street. So we really feel like this --

CONSTANTINE ALEXANDER: You're only adding six feet?

ROBERTA TURRI VISE: It's only six square feet.

CATHERINE TRUMAN: Net.

CONSTANTINE ALEXANDER: Yes, right.

ROBERTA TURRI VISE: Yes, over the existing FAR.

CONSTANTINE ALEXANDER: I found in the file that you've contacted a number of neighbors whom you've identified.

ROBERTA TURRI VISE: Yes.

CONSTANTINE ALEXANDER: I saw nothing in the file, any responses.

ROBERTA TURRI VISE: We didn't get any written responses. We had a number of conversations and they were

all positive, but we've got nothing in writing.

CONSTANTINE ALEXANDER: But they were positive. You're representing to us that you orally received positive responses?

ROBERTA TURRI VISE: Correct, yes. Absolutely. I do have an updated elevation, and the only change that we made was we just slightly increased the size of the kitchen.

CONSTANTINE ALEXANDER: Wait a minute. It's the same as these?

ROBERTA TURRI VISE: Yeah, it's a little taller. The window's a little taller.

JANET GREEN: We need to see the exact one.

CATHERINE TRUMAN: We haven't finished any construction documents or anything yet so we haven't worked out the final, final size.

CONSTANTINE ALEXANDER: Let me be very clear, when we approve, if we approve, we tie it to these plans we have.

If you're going to make changes, you're going to have to come back before us.

ROBERTA TURRI VISE: Right.

CATHERINE TRUMAN: Then I guess we'll be making these exact windows.

ROBERTA TURRI VISE: Yes. I don't know how many copies you need.

CONSTANTINE ALEXANDER: I'm just asking why weren't these given to us before? Why weren't they in the file before tonight, these revisions?

ROBERTA TURRI VISE: Because we only just made them recently, I'm sorry. We only just made them recently. And my husband and I were looking at them and oh, but -- we were a little last minute. We did a little more homework with the window shopping thing.

CONSTANTINE ALEXANDER: And this is A2.0 to replace the one in the file?

ROBERTA TURRI VISE: Correct. I have more copies,

too, if you need them.

CONSTANTINE ALEXANDER: I only need one for our records, but maybe other members want to see it.

JANET GREEN: Does it increase the square footage?

ROBERTA TURRI VISE: No.

CATHERINE TRUMAN: It's a change to the window size.

ROBERTA TURRI VISE: It's only a couple inches. I wasn't sure how precise.

So that's it.

CONSTANTINE ALEXANDER: Questions from Members of the Board?

(No Response.)

CONSTANTINE ALEXANDER: While they look at the plans, I'll open the matter up to public testimony.

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

(No Response.)

CONSTANTINE ALEXANDER: Apparently no one wishes to be heard.

We're not in receipt of any -- last I looked anyway, any written communications, pro or con. You have advised us that you've spoken to neighbors --

ROBERTA TURRI VISE: Yes.

CONSTANTINE ALEXANDER: -- you did reach out to the neighbors and you've gotten oral responses, positive oral responses.

ROBERTA TURRI VISE: The people across the street were enthusiastic because they do not like the side of our house.

CONSTANTINE ALEXANDER: I'll let other Members of the Board take a look at those revised plans.

THOMAS SCOTT: These windows got bigger?

ROBERTA TURRI VISE: Just a little taller, yeah.

THOMAS SCOTT: A little taller?

BRENDAN SULLIVAN: Yes.

CONSTANTINE ALEXANDER: I don't need the other -- give them all to me. I'll put them in the file.

Any comments from Members of the Board or questions or are you ready for a vote?

JANET GREEN: I'm ready.

THOMAS SCOTT: Good.

CONSTANTINE ALEXANDER: Ready for a vote. Okay.

All right. The Chair moves that we make the following findings with regard to the Variance being sought:

That a literal enforcement of the provisions of the Ordinance would involve a substantial hardship to the petitioner. Such hardship being that the petitioner has a kitchen that is not fully functional, because of its size, and this is intended to create additional kitchen space.

That the relief is owing to the fact that the nature -- is a non-conforming lot, and the nature of the structure as it is now so that any addition requires Zoning relief.

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

In this regard the relief being sought is modest in nature, and apparently has no neighborhood opposition.

So, based on these findings the Chair moves that we grant the Variance sought on the condition that the work proceed in accordance with plans prepared by Catherine Truman Architects. They're numbered A1.0, A1.1, A2.0, and there's also some elevations, drawn elevations as well.

So on the -- that's the condition to the relief if we grant the relief.

All those in favor please say "Aye."

(Aye.)

CONSTANTINE ALEXANDER: Five in favor. Variance granted. Good luck.

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

* * * * *

(8:25 p.m.)

(Sitting Members Case BZA-009268-2016: Constantine Alexander, Brendan Sullivan, Thomas Scott, Janet Green, Alison Hammer.)

CONSTANTINE ALEXANDER: The Chair is going to call 009268, 196-200 Elm Street (North).

The Chair will report that we are in receipt of a letter from the petitioner requesting a continuance until March 31st. Which is a, this is a case not heard at this point so we can continue that and don't have to worry about having the same five of us present on March 31st.

So I'm going to move that we -- the Chair -- the Chair moves this we continue this case until seven p.m. on March 31st subject to the following conditions:

One, that the petitioner sign a waiver of time for decision.

Did they do that yet?

SEAN O'GRADY: I believe they have, yes.

CONSTANTINE ALEXANDER: That's been done.

Two, that the posting sign that's there now, be modified to reflect the new date, March 31st, and the new time, seven p.m. And that that sign as modified be maintained for the period of time required under our Ordinance, i.e. either the ten days or two weeks? Two weeks?

SEAN O'GRADY: Two weeks.

CONSTANTINE ALEXANDER: Two weeks before March 31st.

And lastly, I don't think this is going to be relevant, but to the extent that the petitioner wants to make changes to any construction plans or dimensional forms, that those modifications have to be in our file no later than five p.m. on the Monday before March 31st. If that's not done, then we will not hear the case on March 31st.

All those in favor please say "Aye."

(Aye.)

CONSTANTINE ALEXANDER: Motion carried. Case continued.

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

* * * * *

(8:25 p.m.)

(Sitting Members Case BZA-09223-2016: Constantine Alexander, Brendan Sullivan, Thomas Scott, Janet Green, Alison Hammer.)

CONSTANTINE ALEXANDER: The Chair will call case No. 009223, 24 Upton Street.

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

LORI COWLES: My name is Lori Cowles at 239 Alston Street, No. 2, Cambridge. I'm just going to try to keep this simple. I don't know how much of a presentation to give. I habitually brought the drawings a little bit larger. It's nothing new. It's all what you have in the packet.

CONSTANTINE ALEXANDER: Nothing new.

LORI COWLES: Nothing new, nothing new, just a little bigger.

So I am requesting a Variance to add 195 square feet to a non-conforming structure and a non-conforming lot and in essence to be in conformance with the rest of the neighbors.

CONSTANTINE ALEXANDER: This is all -- just for the benefit of the people who haven't seen the file, this is all to the rear of your structure?

LORI COWLES: All to the rear of structure.

CONSTANTINE ALEXANDER: It's basically a row house, so there's nothing, no space on either side, the front yard is the front yard.

LORI COWLES: Correct.

CONSTANTINE ALEXANDER: And your neighbors to your left and to your right have decks of this size that's consistent with what you're proposing?

LORI COWLES: Correct. And they both have written letters of --

CONSTANTINE ALEXANDER: Yes, we're going to get to that.

Okay, and the reason for wanting this?

LORI COWLES: Currently the house is uninhabitable. I've shown pictures.

CONSTANTINE ALEXANDER: Uninhabitable is that --

LORI COWLES: Uninhabitable, yes.

CONSTANTINE ALEXANDER: Is that the toilet sitting in the backyard? I was going to ask you about that.

LORI COWLES: You can call me crazy. My mother did, too. I didn't put it there. That's where it was when I first saw it and that's where it is until I get a contractor to do the work.

So, yes, in effect I bought it and would like to add the 195 square feet, which is basically taking the rear portion in it's existing footprint and going up one story.

It will be therefore identical to the other seven row houses in the row. I thought it was very interesting, I talked with Charlie Sullivan in Historic, and he gave me that top image there which is a map circa 1900, and the -- I don't know if you can see them all, but basically half of them used to be one story in the back and half are two story. Now they're all two story in the back with the exception of No. 24.

CONSTANTINE ALEXANDER: Did you just buy this property or acquire it?

LORI COWLES: I did just buy this property, yes.

So, and then the -- sorry, but, you know, Google went north facing up. The bottom image that is Upton Street along the way and you can see where the red dot is is the back, the one story and all others are two stories. All others have decks out the back, decks at the second floor, various -- variable in sizes and configurations, but it's uniformly that way with the exception of No. 24.

CONSTANTINE ALEXANDER: Usually we look askance at decks in dense neighborhoods because of privacy issues, but that's certainly not the case here. You're being defensive in getting your own deck is what it comes down to.

LORI COWLES: Yes, yes.

So, I'm not sure what else I need to tell you.

I have reached out to all four of my abutters.

The two abutters at the back are actually triple deckers, one owner is in Plymouth the other one is in Arlington.

I've spoken with both of them.

CONSTANTINE ALEXANDER: We have letters of support which I'm going read. I don't know if these are the ones that you're referring to.

LORI COWLES: The letters in there are No. 22 and No. 26.

CONSTANTINE ALEXANDER: Okay.

And no one has spoken to you and threatened your life and limb if you're going to do this?

LORI COWLES: They're more thrilled than that.

It's kind of a little bit of a derelict building right now.

CONSTANTINE ALEXANDER: Okay.

Questions from Members of the Board?

(No Response.)

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

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

(No Response.)

CONSTANTINE ALEXANDER: Apparently not.

The Chair would note that we are in receipt of letters. One is from Ann Marie Plasse or Plasse, P-L-A-S-S-E resides at 26 Upton Street. And also from Gerard Plasse who resides at 146 West Main Street, Marlboro, Mass. I'm not going to pursue that any further. (Reading) We are abutters to 24 Upton Street and we have discussed the intended project with Lori Cowles. We understand the intent

is to enlarge the rear portion of the building from one story to two stories on the existing foundation and within the existing building footprint. This will be in alignment with the rear, rest of the row houses on the block. We understand that a new first floor deck and a second floor porch will be constructed, and a relocated entry to the basement from the backyard will be relocated in the L-portion of the property. As abutters to 24 Upton Street, we take no exception to the work proposed and support the request for a Variance.

And there's also one more letter, it's on the back. It is from John Ochsendorf, O-C-H-S-E-N-D-O-R-F who resides at 22 Upton Street, and Ann Carney, C-A-R-N-E-Y who resides at 22 Upton Street. (Reading) We are abutters to 24 Upton Street and we have discussed the intended project with Lori Cowles. That's the exact same letter as the one I read before, but it is, as before, in support of the relief being sought. And that's it.

I will close -- unless you have anything further you want to say?

LORI COWLES: No.

CONSTANTINE ALEXANDER: I will close public testimony. Discussion or ready for a vote?

JANET GREEN: Ready.

CONSTANTINE ALEXANDER: Ready for a vote.

The Chair moves that with respect to the Variance being sought we make the following findings:

That a literal enforcement of the provision the of the Ordinance would involve a substantial hardship to the petitioner. Such hardship being that the petitioner needs additional living space. That the only way to obtain this living space given the fact that it's a row house, is to extend into the rear of the structure.

And that other -- well, and that the hardship is owing to the fact that there are special circumstances involving the shape of the lot and the location of

structures on the lot.

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

So on the basis of these findings, the Chair moves we grant the Variance requested on the condition -- and let me stop right here.

These are the plans. We're going to tie relief to these plans. These have to be the final plans. If not, you're going to have to come back before us. So you understand that and your architect understands that.

LORI COWLES: I do.

CONSTANTINE ALEXANDER: Okay.

On the basis that the work proceeds in accordance with the plans prepared by KVS Design, numbered A1, A3, E1, E3, all of which have been initialed by the Chair.

All those in favor please say "Aye."

(Aye.)

CONSTANTINE ALEXANDER: Five in favor. Variance granted. Good luck.

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

* * * * *

(8:35 p.m.)

(Sitting Members Case BZA-009297-2016: Constantine Alexander, Brendan Sullivan, Thomas Scott, Janet Green, Alison Hammer.)

CONSTANTINE ALEXANDER: The Chair will call case No. 009297, 17-19 Pemberton Street.

Is there anyone here wishing to be heard on this matter? Please come forward. Give your name whoever is going to speak, name and address to the stenographer.

DANIEL LASSERRE: Hi. Daniel Lasserre. I'm the owner of the house. D-A-N-I-E-L, last name L-A-S-S-E-R-R-E.

CONSTANTINE ALEXANDER: Do you live in the house right now?

DANIEL LASSERRE: Not yet, sir, because it's in --

CONSTANTINE ALEXANDER: No, I know it's in work, but before the work started, were you the occupant?

DANIEL LASSERRE: No, no, no, I just bought the house last year.

CONSTANTINE ALEXANDER: And you're going to live in it?

DANIEL LASSERRE: Yes.

ATTORNEY DEREK SMALL: Good evening, Mr. Chairman, Members of the Board, my name is attorney Derek Small. I have a business address of 15 Broad Street, Boston, Mass. With me as he explained is Mr. Daniel Lasserre who is the owner of the property. We're here today seeking zoning relief in way of a Variance which will allow for a small addition to be built in there, which is approximately 165 square feet. A dormer on the second floor level which is approximately 30 square feet, and --

CONSTANTINE ALEXANDER: What's the length of the dormer? Are you aware of our dormer guidelines, sir?

Because you haven't appeared before us.

ATTORNEY DEREK SMALL: No. But the architect that did the plans --

CONSTANTINE ALEXANDER: These are the same plans we have, right?

ATTORNEY DEREK SMALL: Yes.

CONSTANTINE ALEXANDER: Okay. A smaller version here.

DANIEL LASSERRE: It's a small dormer.

ATTORNEY DEREK SMALL: It's a small dormer and --

CONSTANTINE ALEXANDER: In the front yard.

ATTORNEY DEREK SMALL: Yes. Which is necessitated by the fact that it's a corner lot.

CONSTANTINE ALEXANDER: Well, necessitated by the fact that you're tearing down the existing garage that's there and putting your addition up there and that requires you to park on the front yard.

DANIEL LASSERRE: Yes.

CONSTANTINE ALEXANDER: But if you didn't tear down the garage and put up the addition, you wouldn't need zoning relief for front yard parking.

DANIEL LASSERRE: That's correct. There is only one bedroom in the apartment so we need to create --

CONSTANTINE ALEXANDER: Is it a two-family house?

ATTORNEY DEREK SMALL: Yes.

CONSTANTINE ALEXANDER: Okay. It's a one-bedroom apartment.

ATTORNEY DEREK SMALL: Okay.

CONSTANTINE ALEXANDER: Okay. Let's -- let me maybe cut to the chase a little bit.

ATTORNEY DEREK SMALL: Okay.

CONSTANTINE ALEXANDER: You're looking for three different kinds of -- the Variance is three different things you've identified:

The addition, which has a deck on it, which for this Board you need -- I don't believe you've appeared

before us before. We look very carefully at decks on the second floor because of privacy issues for neighboring properties, and this is a very dense neighborhood. And as you know or should know, you've got opposition from your neighbors. Their privacy is being invaded if we allow the deck to happen.

DANIEL LASSERRE: Really?

CONSTANTINE ALEXANDER: You have neighborhood opposition.

DANIEL LASSERRE: Okay.

CONSTANTINE ALEXANDER: At least last I looked.

DANIEL LASSERRE: We sent a letter to all the neighbors and the feedback was positive from everybody and including today. So that's surprise for us.

CONSTANTINE ALEXANDER: Well, okay.

DANIEL LASSERRE: We can eliminate the deck.

ATTORNEY DEREK SMALL: We did flyer the neighborhood.

CONSTANTINE ALEXANDER: Second of all, front yard parking is something this Board does not look with favor on. It doesn't mean we haven't granted it. And particularly in corner lots where you have two front yards. But this is a need for front yard parking is being created by yourself by putting up the addition. And, you know, this house has been there probably 100 years in its present configuration with its current dimensions. So, you know, people can use the structure without putting in an addition and taking away a garage and creating front yard parking.

And the last is that the dormer guidelines. We have -- these are guidelines. But we pay close attention to the dormer guidelines and we, we do -- from time to time we don't require people to adhere to them, the case you heard earlier this evening, but generally we do. But one of the requirements of the dormer guidelines, one of the major requirements in my judgment, it can't be more than 15 feet. Your dormer is a lot longer 15 feet. The dormer that you

would be creating you're adding by what's there now. So you've got problems, serious problems on all three things you're seeking relief on and you've got neighborhood opposition. So, that's where we stand.

DANIEL LASSERRE: So the -- if there is opposition even from you, the Board, we need to keep the garage intact, is that what it is? We need to keep it?

CONSTANTINE ALEXANDER: I'm not saying -- I'm saying that the likelihood of us granting relief for front yard parking, just to focus on that, it's not very great. Therefore, you could either tear that garage down and park on the street as long as you have enough parking spaces for the number of units. You need two parking spaces on-site, and I don't think you'll have that.

That's what it comes down to for the parking.

ATTORNEY DEREK SMALL: Okay.

CONSTANTINE ALEXANDER: I mean, people have lived in this house, again, for a long time and people didn't feel

a need -- I mean, they had -- they felt a need for parking, they created a garage and you've taken it down. And you got to show, to get a Variance, you've got to show a substantial hardship. I don't know what the hardship is. You want the building to be bigger than it is than you bought it.

DANIEL LASSERRE: We want two bedrooms.

CONSTANTINE ALEXANDER: I know. We all want a lot of things, but you've got to meet a legal standard. It's very tough. As, you know, sir, it's a very tough standard. It's got to be a substantial hardship to you. And the hardship is not, as I said, it's not that the building is uninhabitable right now. It's habitable as a one-bedroom apartment. The unit you're talking is one bedroom.

DANIEL LASSERRE: Yes.

CONSTANTINE ALEXANDER: That's a problem. And the problem of you putting a deck on there that virtually, according to the neighbor anyway, looks into your neighbor's window, is not a thing we look with favor upon. And the

dormer guidelines --

DANIEL LASSERRE: We felt that the deck would, you know, improve the environment instead of --

CONSTANTINE ALEXANDER: Not to your neighbors.

ATTORNEY DEREK SMALL: Yes.

DANIEL LASSERRE: Well, we can take the deck away. That's not a big issue. We just want to -- I mean, the garage looks awful, you know, it's an addition that has been built there just to put one car inside, because two cars don't fit in there. And so we thought that, you know, creating two parking space in front and converting this ugly garage into a nice living bedroom was an improvement for the neighborhood.

If the deck is not acceptable, sir, we can take it away. But it's -- we cannot put two cars in the garage, they don't fit. So whether we take the garage away and then we would be allowed to park the cars where the garage is, is that what it is? And I don't think that's an improvement

for the neighborhood, but --

CONSTANTINE ALEXANDER: Can I ask you one other question? I found in the file an e-mail from Mike McCormick, I guess he's your builder.

DANIEL LASSERRE: He's the contractor.

CONSTANTINE ALEXANDER: To the David Byrne who is in the Inspectional Services Department. This e-mail was written on December 1st, so a couple of months ago.

(Reading) With regard to 17-19 Pemberton Street, Cambridge, there will be no addition, deck, or porch work completed at this time. Our permit application submitted will cover work to the existing property only. No zoning review or Variance required.

What's happened in two months that brings you down here tonight?

ATTORNEY DEREK SMALL: I think that was written prior to, obviously, we doing the plans and revisiting the whole site and revisiting the whole project that we wanted

to do.

DANIEL LASSERRE: So the architect --

ATTORNEY DEREK SMALL: And beneficial to the owner.

DANIEL LASSERRE: I'm sorry.

The architect I hired, they don't know the rules so he didn't do the, you know, the work first time for this addition the way it was supposed to be, that's why we are here tonight. In between we corrected the parking space and I am ready to take the deck away. And if that's acceptable, we would have, you know, better living space than what it is now even for the neighborhood. You know, so we are -- I'm ready to compromise.

BRENDAN SULLIVAN: And when did the dormer get built?

DANIEL LASSERRE: What is it?

BRENDAN SULLIVAN: The dormer which is subject of relief and not allowed under the current zoning. That's

already been framed in.

DANIEL LASSERRE: Yes, but this is not supposed to be the case because the dormer, we don't really need it. I don't know, the prepare the --

ATTORNEY DEREK SMALL: Yeah.

DANIEL LASSERRE: -- they prepared the framing.

BRENDAN SULLIVAN: Sounds like a lot of bad behavior and haphazard behavior going on here.

. When you bought the house, when did you buy it?

DANIEL LASSERRE: May of 2015.

BRENDAN SULLIVAN: When you bought the house, you had to have plunked down an awful lot of money for a house that was going to have to work for you and not only work if you get relief from the Board, because that's -- put it in blunt terms, that's a roll of the dice. And so you bought the house, proceeded with the work, and then hoping to get this Board to approve it.

DANIEL LASSERRE: For the addition?

BRENDAN SULLIVAN: Right.

CONSTANTINE ALEXANDER: The addition in the front yard parking and the dormer --

JANET GREEN: And the dormer.

CONSTANTINE ALEXANDER: -- the dormer that you built.

DANIEL LASSERRE: But the dormer can be -- I mean we cannot build it because.

CONSTANTINE ALEXANDER: Sir, you've done it --

JANET GREEN: It's there.

CONSTANTINE ALEXANDER: It's there. And why didn't you proceed in the way that every other citizen in the city does? You want to do some work, you check with the Zoning people to see if you need zoning relief. If you do, you come before us. That's not what you're doing here.

DANIEL LASSERRE: I agree. I was surprised to see it, but I disagree with the fact that we imperatively need a dormer. It can be eliminated, and the roof is not done. We

are -- we are in the framing phase inside the house. So the dormer can go, and if we could have the addition without the deck, that would be a good for me, you know.

ATTORNEY DEREK SMALL: I think what needs to happen is we need to go back, have discussions with our contractor about some of the work that was probably done without permit or without knowledge of the owner, and then revisit how we handle the site and the things that we want to do on the site.

CONSTANTINE ALEXANDER: That's a good suggestion.

ATTORNEY DEREK SMALL: And then if there's zoning relief that we're seeking, then we'll come back at a later time.

CONSTANTINE ALEXANDER: Yes.

I mean you understand. You've got the message.

ATTORNEY DEREK SMALL: Sure.

CONSTANTINE ALEXANDER: You're looking at three kinds of relief and all three of them -- your prospects are

not very good to be blunt. So you might want to go back and think of doing something that doesn't require zoning relief at all.

ATTORNEY DEREK SMALL: Sure.

DANIEL LASSERRE: But we know exactly what we need to --

ATTORNEY DEREK SMALL: We can work with Tim and figure out.

CONSTANTINE ALEXANDER: I'm amenable to continuing the case. But it's going to be a case heard which means you've got to get the five of us to sit here. And I can tell, I know Janet to my left is not going to be here for the next three sessions, so we're not looking any earlier than April.

JANET GREEN: That's right. The second one in April.

CONSTANTINE ALEXANDER: Second one in April.

DANIEL LASSERRE: We appreciate that, thank you

very much. And I'm sorry.

ATTORNEY DEREK SMALL: We'll come back with new plans.

CONSTANTINE ALEXANDER: My hope would be you're not going to come back at all because you're going to revise what you got and comply with our Zoning Ordinance. Because I think anything along the lines of what you have here is not going to go very far.

DANIEL LASSERRE: Thank you for giving us the opportunity to make it work. Appreciate it.

CONSTANTINE ALEXANDER: Ma'am.

LOUISE PARKER: As one of the abutters I want to suggest that meeting with the neighbors beforehand we might be supportive of certain zoning variances.

CONSTANTINE ALEXANDER: That's a good suggestion.

LOUISE PARKER: We agree, the garage wasn't attractive. But we were quite shocked when we got these plans and saw what was going to happen. So I think whether

you get -- it's way out of line with the neighborhood. The property is already way out of line with the neighborhood. What should be there is a garden. That's what the property across the street looks like. But it's not that we're not willing to work with you. It's not that we even care about that dormer so much. We cared that it was built without coming before this Board. When we saw the deck, when we saw the roof height, it, it was way -- we got a letter saying, you know, it's all going to be within the square footage, and we were quite shocked when we saw what happened. So I think talking to us first, you may actually get some support that you're not getting now, but you, but you did it. And so, you know.

THE STENOGRAPHER: Could you tell us your name, please?

LOUISE PARKER: I'm Louise Parker. I live at 1 Warwick Park.

The other issue is that we're a little confused

because this whole thing about the parking is not making any sense to us. The plans we showed, showed parking on Pemberton -- on Warwick Park, not on Pemberton. So we're not sure what is being called a front yard.

CONSTANTINE ALEXANDER: Just to help you a little bit on that. Under our Zoning Ordinance when you have a corner lot, each side is considered to be a front yard.

JANE CARBONE: Okay, thank you.

CONSTANTINE ALEXANDER: That's why you have -- so you have a front yard on Pemberton, and you have a front yard on Warwick.

JANE CARBONE: There are many neighbors, some are here today, they were very worried because they thought you were attempting to put parking on Warwick and Pemberton.

BRENDAN SULLIVAN: Don't associate front yard parking with the front door.

LOUISE PARKER: That was, again, talking to the neighborhood. There are a lot of people that you

could -- have solved some things.

BRENDAN SULLIVAN: It might be helpful that when we send you on your way, if you want to go into the next room --

CONSTANTINE ALEXANDER: That's right. Start the dialogue right now tonight.

DANIEL LASSERRE: We appreciate that right now.

CONSTANTINE ALEXANDER: That's a very good suggestion. So the earliest day we can hear the case would be?

SEAN O'GRADY: April 28th.

CONSTANTINE ALEXANDER: April 28th.

Does that give you enough time or do you want farther? We can continue it again. I'd rather not. Because we've got to get the five of us present again.

ATTORNEY DEREK SMALL: I would say probably the first one in May.

CONSTANTINE ALEXANDER: What's the first one in

May?

SEAN O'GRADY: The 12th.

CONSTANTINE ALEXANDER: Can everybody make May 12th, the five of us? I can make it I know that.

BRENDAN SULLIVAN: Yes.

JANET GREEN: Yes.

SEAN O'GRADY: That's a waiver he's going to ask you to sign.

CONSTANTINE ALEXANDER: Okay. The Chair moves that this case be continued as a case heard until seven p.m. on May 12th subject to the following conditions:

That the petitioner sign a waiver of time for decision, which is right there. That's No. 1.

The second condition is that the posting sign that you have up there now, you have -- modify it to reflect the new date and the new time. You can do it by magic marker. And it has to be maintained. You can take it down now, but it's got to be up for the 14 days before May 12th as

required by our Ordinance.

And lastly to the extent that there are new plans, and there will be, presumably, they must be in our files and a modified dimensional form in our files no later than five p.m. on the Monday before May 12th. That's, that's -- the purpose of that is to allow these Board Members and also the members of the community to come in and check them out and learn about them. If you're not -- if you don't do that, if you don't get them in by five p.m. the Monday before May 12th, we won't hear the case on May 12th. That will set you back further.

UNIDENTIFIED AUDIENCE MEMBER: Did I hear you put a restraint on the dormer construction that has already proceeded because if it continues it's going to be a --

CONSTANTINE ALEXANDER: Yes, he can't continue with the --

ATTORNEY DEREK SMALL: It won't continue.

CONSTANTINE ALEXANDER: They represented they're

not going to do that.

UNIDENTIFIED AUDIENCE MEMBER: It's framed up there and ready to be finished.

CONSTANTINE ALEXANDER: They're going to stop construction.

UNIDENTIFIED AUDIENCE MEMBER: I wanted to make sure you made that clear.

SEAN O'GRADY: The Building Department will allow anything that's exposed to the elements to be closed in. So there may be preservation that goes on there.

CONSTANTINE ALEXANDER: On the other hand, it's very possible if it comes back and they want a dormer, we may say no, he's going to have to take it down, modify the structure, and return it to what it was before.

ATTORNEY DEREK SMALL: Exactly.

CONSTANTINE ALEXANDER: Okay. On the basis -- therefore, I've made the motion. All those in favor of continuing the case -- you understand, May 12th at

five p.m.?

LOUISE PARKER: As far as I know. There's a lot of us here.

CONSTANTINE ALEXANDER: To the best you can. Take up Brendan's suggestion to go in the next room and to start your dialogue now I think it would be very helpful.

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

(Aye.)

CONSTANTINE ALEXANDER: Case continued.

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

* * * * *

(9:00 p.m.)

(Sitting Members Case BZA-009258-2016: Constantine Alexander, Brendan Sullivan, Thomas Scott, Janet Green, Alison Hammer.)

CONSTANTINE ALEXANDER: The Chair will call case No. 009258, 39 J.F.K. Street.

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

ATTORNEY ANTHONY GALLUCCIO: Good evening, Mr. Chair. Thank you. Good evening, Honorable Members. My name is Anthony Galluccio. I'm a partner with Galluccio and Watson. I am the -- I filed the application that the Chair described. I'm joined by architects for both the space that we seek relief for, also the building, and also a representative of Sweetgreens. I'm happy to report that we did receive a favorable recommendation from the Harvard Square Advisory Monday night, which was a productive hearing. And we also have a letter of support from Harvard Square Business Association. So we're pleased with that.

Just to speak briefly about the application, it's the, what I call the Crimson Travel building. I know that will date myself.

CONSTANTINE ALEXANDER: You're right.

JANET GREEN: Go away often, isn't it.

ATTORNEY ANTHONY GALLUCCIO: That's right, go away often. So, it was the space occupied more recently by CVS. We're excited the -- I have gotten to know the concept over the last six months, and, again, Colleen is here from Sweetgreens, she can give you a little more background. We believe that it fulfills a unique need. It's an organic salad, soup, concept which I'll allow Colleen to talk a little bit about if you desire. But can you actually order sort of al la carte, different kinds of salad. They have seasonal items that come in. It's a farm-to-table concept. So I was trying to think back as to the last sort of salad concept, and the last one I can remember was Souper Salad which closed quite a while ago.

CONSTANTINE ALEXANDER: Down on the conner of Brattle Street and Church Street there's a place -- there's a big soup and salad place there.

ATTORNEY ANTHONY GALLUCCIO: Right now?

CONSTANTINE ALEXANDER: Yeah.

ATTORNEY ANTHONY GALLUCCIO: Oh, okay.

CONSTANTINE ALEXANDER: Been there a couple years at least. Where the Old Sage's Market Place.

JAMES WILLIAMSON: Buffet style.

CONSTANTINE ALEXANDER: It's buffet style but it's a salad bar.

ATTORNEY ANTHONY GALLUCCIO: Market on the Square. Also my client. Yeah, that's more --

JANET GREEN: Another excellent place I'm sure.

ATTORNEY ANTHONY GALLUCCIO: I know my food. I would say this is a different concept, and I'll let them talk more about it.

The space, again, it's -- the restaurant will occupy the first floor. We do have some, I think, some designs that will please you hopefully.

The applicant has talked to Historical. So anything we do will be with Historical approval.

Minimal changes to the building, but we do have a

window concept, you know, we'd like to provide to you that the Advisory Committee seemed pleased with.

A couple of issues that came up with the windows, we intend for the windows to not protrude out into the street, but they will open up. So we think that's a nice amenity for the square.

Signage is minimal. We -- one of the nice things about this concept just speaking to, speaking to the application, because of the sort of farm-to-table nature, there's only three product groups that get delivered to the restaurant:

One is proteins. That gets delivered twice a week.

Greens is the only category that gets delivered daily.

And then paper is delivered once a week. So.

CONSTANTINE ALEXANDER: Where are the deliveries made to? There's no back door or anything, is there?

ATTORNEY ANTHONY GALLUCCIO: There is an alley along the back of that building that serviced, you know, the old Leo's Place. So there's an alley along the back, but they could -- all these deliveries will come in before ten o'clock in the morning. And in other locations they actually have deliveries sometimes as early as seven or earlier, and the product is there as the store opens because they have to prepare, which was discussed at the Advisory which I think is helpful. So at the time of the day they could be delivered on J.F.K. Street. They don't expect to have any deliveries after ten o'clock. So I think that's helpful. And again it's not -- they don't have a lot of variety of products coming in, so it's really that one daily and then again proteins are twice and then paper is once.

We've discussed trash. The alley in the back services the building, so there will be daily trash pick up for three categories: Compost, recyclables, and trash. So that was helpful for the Advisory Committee to sort of raise

those issues and incorporate those.

CONSTANTINE ALEXANDER: What are the hours -- contemplated hours of operation?

ATTORNEY ANTHONY GALLUCCIO: You know, I think we're talking ten, eleven to -- I'd like to -- the applicant, I think, would be fine with ten p.m., but I'd probably ask for eleven just in case we have a -- it's -- I know they -- they've operated in student populated areas before, but I think they might find that students like to eat a little later. So I'd probably ask for at least eleven if that would be okay. I mean, obviously would like to leave that up to the License Commission when we pursue Common Victualer if possible. But we're not, if the Board wanted to limit the evening hours within a reasonable time, we'd be amenable to that.

CONSTANTINE ALEXANDER: You said the window treatment or -- is that in the file? I don't think I saw it yesterday.

ATTORNEY ANTHONY GALLUCCIO: Yes. I'm going to ask Ernie.

Do we have the rendering that shows the proposed treatment?

ERNIE VASQUEZ: Sure.

ATTORNEY ANTHONY GALLUCCIO: This is Ernie Vasquez. He's the architect working on the --

CONSTANTINE ALEXANDER: It should have been in our files by five p.m. on the Monday before.

ATTORNEY ANTHONY GALLUCCIO: We did show an external -- it's under construction. This is not really part of the application, Mr. Chair. We're asking for relief for the interior of the building as it relates to fast food.

CONSTANTINE ALEXANDER: You're asking for a permit to operate a fast food.

ATTORNEY ANTHONY GALLUCCIO: That's true.

CONSTANTINE ALEXANDER: That's what you're asking.

ATTORNEY ANTHONY GALLUCCIO: This is doesn't speak

to any relief with respect to the building.

CONSTANTINE ALEXANDER: Well, yes, it does, sir. When we decide whether to grant a permit for a fast food establishment order, we look at the whole project. We look at the appearance, the street appearance, the signage, to the extent that signage is part of it, to where waste receptacles are. It's a package, and this is one part the package that wasn't given to us.

ATTORNEY ANTHONY GALLUCCIO: I'll, check Mr. Chair, as to what was -- I believe we did provide an exterior rendering. And if you look at A2, there is a storefront improvement submission in the packet.

CONSTANTINE ALEXANDER: This is the packet that was in our files by five o'clock on Monday?

ATTORNEY ANTHONY GALLUCCIO: Yes, it was part of the application.

CONSTANTINE ALEXANDER: Is this it? The interior you're referring to?

ATTORNEY ANTHONY GALLUCCIO: Yes.

CONSTANTINE ALEXANDER: It is here. You had a change.

ATTORNEY ANTHONY GALLUCCIO: I just asked the architect to come up.

CONSTANTINE ALEXANDER: Earlier than that. I thought you said there was a change made.

ATTORNEY ANTHONY GALLUCCIO: No.

CONSTANTINE ALEXANDER: My mistake.

ERNIE VASQUEZ: There are a couple copies if you want to pass them out.

ATTORNEY ANTHONY GALLUCCIO: Yes, I would refer to the submission.

CONSTANTINE ALEXANDER: All right.

BRENDAN SULLIVAN: Do you have a copy of that?

ATTORNEY ANTHONY GALLUCCIO: I think this is just a close-up. A close-up that represents signage. I just want to -- that's a blowup of what we submitted actually.

CONSTANTINE ALEXANDER: And to your point earlier, one of the requirements that we have to make and find is that the physical design, including color and use of materials of the establishment shall be compatible with and sensitive to the visual and physical characteristics of other buildings, public spaces, and uses in the particular location. So it is, it is part of the picture.

ATTORNEY ANTHONY GALLUCCIO: Yes, I agree.

CONSTANTINE ALEXANDER: Okay.

ATTORNEY ANTHONY GALLUCCIO: And I guess I was relying heavily on the Harvard Square Historic's oversight, too, that having faith that they will be watching us very closely.

CONSTANTINE ALEXANDER: What are you going to be doing about waste receptacles for patrons as opposed to the store?

ATTORNEY ANTHONY GALLUCCIO: Good question. If

I --

CONSTANTINE ALEXANDER: I hope you're going to give me a good answer.

ATTORNEY ANTHONY GALLUCCIO: I think it's above my pay grade. I'm going to ask for the operations Eric Emery who is here so he can speak to -- there are five other locations in Massachusetts so they have some common practices. I would --

CONSTANTINE ALEXANDER: Give your name and address to the stenographer.

ERIC EMERY: Hi, how you doing? Eric Emery, E-M-E-R-Y from Sweetgreens. I'm a development manager for the east coast.

So typically from an operational standpoint inside these stores, we have two trash bins they're called and they have a trash container and a compost container, and those are conveniently located for the customers to dispose of their waste when they exit the store.

CONSTANTINE ALEXANDER: You mentioned the windows

are going to be open?

ATTORNEY ANTHONY GALLUCCIO: They can open, yeah.

CONSTANTINE ALEXANDER: If you open them so that someone can, can they get the food without going inside the premises?

ATTORNEY ANTHONY GALLUCCIO: No, not a takeout window.

CONSTANTINE ALEXANDER: Okay.

JANET GREEN: And they open into the building and not out on the sidewalk?

ERIC EMERY: Exactly. They're an accordion. So it's an operable storefront, architectural glazing which basically accordions itself into the corner and it will, it will protrude into the building versus outside of the building.

CONSTANTINE ALEXANDER: Okay.

JANET GREEN: And do you have good luck getting people to understand compost and --

ERIC EMERY: I think so. I mean I like to think that --

JANET GREEN: I'm just curious.

ERIC EMERY: -- yeah, no. I think, you know, the customers that appreciate our brand have a good understanding of it. And it's a culture for us and a belief for us. So, you know, if there's an opportunity to educate, we take advantage of it.

JANET GREEN: The City of Cambridge now does composting in some parts of the city.

CONSTANTINE ALEXANDER: Yes, they do.

JANET GREEN: And they're promoting it.

ERIC EMERY: Excellent. We're excited about the opportunity.

CONSTANTINE ALEXANDER: Now, the nature of the cuisine, the salad, is there a theme? Is it Asian? Is it -- or is it just any across the board, salad, soup and salad?

ERIC EMERY: No. That's a great question. I think if there's a theme, the theme for Sweetgreen is that we try to source everything locally.

CONSTANTINE ALEXANDER: Yeah, okay.

ERIC EMERY: So it's more the localtarian approach. It's all organic, so there's no pesticides. This is really true transparent natural food. Some of the recipes are traditional. We have an avocabbo salad, you know? And then we'll have nine that will be mainstays on the menu, three of which are grain bowls. So we'll introduce, you know.

COLLEEN HARRISON: Wild rice, quinoa, and farro.

ERIC EMERY: Okay, in addition to the greens. And then we have three seasonal salads which change five times a year, and those differ by region. You know, if New England's going to have a different availability of greens than out in California per se.

CONSTANTINE ALEXANDER: Okay.

ATTORNEY ANTHONY GALLUCCIO: And Colleen introduce yourself.

COLLEEN HARRISON: Yeah. Hi, everyone, I'm Colleen Harrison, I'm the GM for the company.

ATTORNEY ANTHONY GALLUCCIO: The company's gotten a decent amount of good responses everywhere they went. I don't know if you wanted to just give a background on the seasonal items that come up and what's unique about the offering?

COLLEEN HARRISON: Yeah. So we -- it's a really neat company, because like Eric was saying, you know, in New England and the world we have four seasons, but with Sweetgreen we have five, because we really, really, really like to commit to that seasonality. We say that we sort of get to know the farmers before we get to know, you know, landlords and all that stuff. That's how committed we are to really changing with what's best for our guests, what's best for the community, what's best for the environment. We

really try to pay attention to the carbon footprint and, you know, what sort of our guests are consuming, what's best for them.

CONSTANTINE ALEXANDER: What's closest location that you have now to this one if we grant relief?

COLLEEN HARRISON: Let's see, I would say Back Bay would be closest.

ERIC EMERY: 659 Boylston Street.

CONSTANTINE ALEXANDER: In Boston?

COLLEEN HARRISON: Right near the Boston marathon finish line.

THOMAS SCOTT: When you say you source locally, what do you do in wintertime? How local is local?

ERIC EMERY: Turnips.

COLLEEN HARRISON: So we -- I was telling our guests all this winter that we got a little spoiled in the Boston market. We work with Wards Berry Farm which is in Easton, Mass. I want to say. But -- so we have something on

the menu right now called an apples and winter squash salad. And until about two weeks ago that was just for Boston local hubbard squash. General -- I don't know if any of you have tried it, it's really delicious. Nice and buttery and sweet. Unfortunately we just ran out and we're on to butternut squash like all the other ones, and that's a real nice example of our commitment to that.

ATTORNEY ANTHONY GALLUCCIO: Mr. Chair, as a procedural matter, having learned from my past experience here, I did do a secondary mailing to follow-up the City mailing to abutters just to invite them to meet or engage before --

CONSTANTINE ALEXANDER: Good.

ATTORNEY ANTHONY GALLUCCIO: -- so we did both mail -- obviously the City did it, but I also did a personal mailing and I haven't received any calls of concern.

CONSTANTINE ALEXANDER: Thank you. Thank you.

Anything else? You can sit down. You can stand

if you like. This gentleman's going to stand, I don't want him to stand all night. Thank you.

Anything else, Mr. Galluccio?

ATTORNEY ANTHONY GALLUCCIO: No, thank you, Mr. Chair.

CONSTANTINE ALEXANDER: What about -- just looking at the requirements of the Ordinance.

ATTORNEY ANTHONY GALLUCCIO: Yes.

CONSTANTINE ALEXANDER: What about compliance with all state and local requirements for handicapped and disabled persons?

ATTORNEY ANTHONY GALLUCCIO: The space is being fully renovated so it will be completely compliant with all of those regulations.

CONSTANTINE ALEXANDER: One of the plans I saw in the file was right next to you and between you and Whitney's is a proposed David's Tea Room. Is that anything related to you?

ATTORNEY ANTHONY GALLUCCIO: It is not. It is -- it's in the building. It's not part of this application.

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

Questions from Members of the Board?

(No Response.)

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

Is there anyone wishing to be heard?

Mr. Williamson.

JAMES WILLIAMSON: Can I speak from here?

CONSTANTINE ALEXANDER: Sure, if you speak loud enough.

JAMES WILLIAMSON: So James Williamson, 1000 Jackson Place in Cambridge. I have a few thoughts for your consideration. I'm not -- I haven't a preconceived idea about any of it, but some things that occur to me.

One is mention was made about the -- I didn't hear the word recycling. I heard composting. I don't know how many of you may be familiar with Boloco, the one in Harvard Square, I have been in there numerous times over several years and found their management of the trash versus recycling versus composting completely confusing, and I think it might be useful to have a little more clarity about what is what and to have that conveyed to customers, not just for Sweetgreen, but for any businesses going forward, so the people know and it's clear, this is for trash. Because what happens at Boloco, they say oh, we just throw it all in one and it gets sorted out or whatever. And different places can be quite confusing. So I'm wondering if there couldn't be a little more clarity about that.

I am concerned about the sidewalk. The sidewalk is very narrow there. It's already congested. Capital One Peete's came for a -- went to the City Council for a sandwich board, permit for a sandwich board on what's

already a very congested sidewalk right across the street, and I would wonder if it wouldn't be appropriate to ask whether there could be a commitment not to ask for a sandwich board as part of, you know, this deliberation.

The French doors. I mean, I did take a look at the plan that was available. I didn't quite appreciate that it appears that it's a French door --

CONSTANTINE ALEXANDER: Neither did I.

JAMES WILLIAMSON: -- situation. And I'm not necessarily against that, but I wonder if you're walking down the sidewalk, which is already pretty narrow sidewalk, and the French doors are all of them are open, what kind of an experience is that gonna be for people on -- walking on the sidewalk and maybe even for customers of the establishment. So I'd like to see that there be some kind of commitment around not having anything else associated with the establishment that could be an obstacle for people using the sidewalk.

And then the last, I'm just curious a little bit more about the nature of the company. Apparently there are five. Is it based in -- I get the impression it may be based in California, I'm not sure.

CONSTANTINE ALEXANDER: I'm not sure. It's a fair question. I'm not sure it's relevant to our determination.

JAMES WILLIAMSON: You know, if that's part of your deliberation or not --

CONSTANTINE ALEXANDER: I suggest you talk to these folks after the hearing.

JAMES WILLIAMSON: You know, what kind of a company it is and are they planning to roll out a bunch more? They have plans for maybe any others in Cambridge.

CONSTANTINE ALEXANDER: Well, even if they were, which I guess might be the worse case, that's not -- we take each case as it comes. If they want to open one up in Central Square, we may turn it down. It's not relevant in short. The other points you make are worthwhile.

Anyone else? Ms. Gifford.

PEBBLE GIFFORD: I'd like to see the plan of the facade if I could. What's the capacity going to be?

CONSTANTINE ALEXANDER: Speak up a little bit.

PEBBLE GIFFORD: Pebble Gifford, 15 Hilliard Street, Cambridge.

ATTORNEY ANTHONY GALLUCCIO: Through you, Mr. Chair, 36 seats which we, you know, we think is a decent amount of seating. We're -- obviously there's a 20 percent threshold. So if you're over 20 percent for carryout, you require a Special Permit for fast food if more than 20 percent of your food is taken off premises, so it's a pretty low threshold, but we think the seating is significant.

CONSTANTINE ALEXANDER: I'm sorry, I'm not catching this 20 percent threshold. Educate me.

ATTORNEY ANTHONY GALLUCCIO: Well, the reason you would have to apply for a fast food Special Permit is based on a number of prongs.

CONSTANTINE ALEXANDER: Yes, yes.

ATTORNEY ANTHONY GALLUCCIO: And so we believe we may have more than 20 percent carried off premises of the food. So we're --

CONSTANTINE ALEXANDER: You satisfy that prong is what you're saying?

ATTORNEY ANTHONY GALLUCCIO: No, we think we may be over the threshold, that's why we're asking for relief, but we, we're -- there's actually a significant amount of seating so we think that there may not be -- there will probably not be a significant burden.

PEBBLE GIFFORD: But what about the takeout versus the non-takeout, how do you satisfy that?

ATTORNEY ANTHONY GALLUCCIO: That's why we're asking for fast food. There will be -- there's expected to be more than 20 percent. And this is the -- this is a finished rendering just with some coloring. And this represents signage which we think is minimal. There are

projection signs there now, that you may or may not remember that we, we may not keep all of them but we may keep a couple of the existing projecting signs.

ALISON HAMMER: Will there be delivery?

ATTORNEY ANTHONY GALLUCCIO: Yes. So that was what I spoke to at the beginning. There's, there's one delivery a day.

ALISON HAMMER: Oh, I mean delivery to customers?

ATTORNEY ANTHONY GALLUCCIO: Oh.

ERIC EMERY: No. Currently we're not delivering to customers.

COLLEEN HARRISON: No, we are not delivering to customers. There are a few services out there that now come pick it up for, you know, it's very popular with students. But they sort of just wait in line just like the regular guests.

CONSTANTINE ALEXANDER: Mr. Williamson, I'm sorry, you made several points. The first one you made, I didn't

write it down.

JAMES WILLIAMSON: The trash recycling, the management of all that.

CONSTANTINE ALEXANDER: Oh, yes, thank you. I got it.

JAMES WILLIAMSON: The clarity of what goes on with that.

CONSTANTINE ALEXANDER: Yes, okay.

JAMES WILLIAMSON: The design of it I guess.

PEBBLE GIFFORD: Are you saying that these projection signs -- are you saying that the projections signs that are here now will continue?

ATTORNEY ANTHONY GALLUCCIO: We have a right to keep them. We may or may not keep them all. I actually doubt that we will keep them all.

CONSTANTINE ALEXANDER: Let me make it clear that any -- if we grant relief tonight, it will not be in regard to signage. They will have to submit a permit and make the

requirement for signage.

PEBBLE GIFFORD: Thank you for reminding me.

How wide is the sidewalk here?

CONSTANTINE ALEXANDER: It's narrow.

ATTORNEY ANTHONY GALLUCCIO: It's a typical city
Harvard Square sidewalk.

Ernie, do you know what the sidewalk condition is?

ERNIE VASQUEZ: I know it's narrow. I couldn't
give you a number off the top of my head.

CONSTANTINE ALEXANDER: Two to three abreast kind
of sidewalk.

ATTORNEY ANTHONY GALLUCCIO: We will be happy to
condition that we will not have a sandwich board.

CONSTANTINE ALEXANDER: We're going to get there,
don't worry about.

PEBBLE GIFFORD: What about the projection of
those doors when they open?

ATTORNEY ANTHONY GALLUCCIO: Those are windows,

they will open only in. The windows will not project on to the sidewalk.

PEBBLE GIFFORD: They will not?

ATTORNEY ANTHONY GALLUCCIO: Correct.

PEBBLE GIFFORD: And this is the door to the whole complex?

ATTORNEY ANTHONY GALLUCCIO: That's correct.

PEBBLE GIFFORD: And Sweetgreen is going to occupy this and this?

ATTORNEY ANTHONY GALLUCCIO: It's the old CVS space so it's easier for me to show you on the, on here. That's the door. That's the old Leo's Place and then it comes to -- it's, it's about a little less than 2,000 square feet on the -- on that floor. Like, two storefronts kind of.

JAMES WILLIAMSON: So the entry is going to be in the same location? It's just going to be a modified entry?

PEBBLE GIFFORD: Whitney's, is that still going or

has that been closed? It's in here, one of these.

ATTORNEY ANTHONY GALLUCCIO: Yeah.

PEBBLE GIFFORD: Are you aware of that?

ATTORNEY ANTHONY GALLUCCIO: Yeah.

PEBBLE GIFFORD: Do you know whether Mr. Chan has plans for that yet? But it is closed I believe.

ERNIE VASQUEZ: Whitney's is open.

PEBBLE GIFFORD: Oh, it is?

CONSTANTINE ALEXANDER: Whitney's is open, Leo's is closed.

ATTORNEY ANTHONY GALLUCCIO: Yes, Leo's is closed, correct.

PEBBLE GIFFORD: So that will be next. All right. And I didn't get for some reason didn't get the notice for the Advisory Committee so this is my first look at it.

ATTORNEY ANTHONY GALLUCCIO: Oh.

PEBBLE GIFFORD: Well, that happens sometimes. But I will call them about it.

And I think the no sandwich boards really help. The streets of Harvard Square, especially on J.F.K. are just getting so jammed with obstacles and the trucks, they're never out of there by ten o'clock no matter what anybody says. And then you have the trash, and it's just very unpleasant to walk along there. You take your life in your hands and hope you make it. And I can't imagine any tourist or pedestrian likes it either. So the freer we keep the sidewalks --

CONSTANTINE ALEXANDER: We've got the message.

PEBBLE GIFFORD: The obstacles free would be better. Thank you.

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

Is there anyone else wishing to be heard? Ms. Jillson.

DENISE JILLSON: Denise Jillson, Director of the Harvard Business Association. I'm here tonight to show

support. We wrote a letter, but I just wanted to respond if I could to Mr. Williams' comment about the windows.

JAMES WILLIAMSON: Williamson.

DENISE JILLSON: We do have windows that open on J.K.F., the Russell House Tavern and the sidewalk experience is actually quite nice, particularly when you're walking down on a summer night and, you know, you can hear the din from the inside and it's, it just adds to the vibrancy. So it's a very nice experience.

CONSTANTINE ALEXANDER: Thank you.

DENISE JILLSON: Thank you.

CONSTANTINE ALEXANDER: Is there anyone else wishing to be heard?

(No Response.)

CONSTANTINE ALEXANDER: Apparently not. All right. We'll close public testimony.

We are in receipt of a, let's see, a letter from the Harvard Square Business Association, Ms. Jillson

referenced. (Reading) On behalf of the Harvard Square Business Association Board, members, and staff we are pleased to submit this endorsement for the above-noted application from Sweetgreen to operate a fast food establishment at 39 J.F.K. Street in Harvard Square. As is customary, we have spoken to representatives of Sweetgreen and have been given assurance they will comply -- a word is missing. They will comply with the City's requirements regarding daily operations and have assured they will partner with us in our efforts to be good stewards of Harvard Square. We look forward to welcoming Sweetgreen to Harvard Square and hope they will join the association. Their offerings provide seasonal, healthy, and fresh options. We feel certain that students, residents, and visitors to the Square will benefit from this concept, whether eating in or taking out. There is already a lot of buzz and excitement. Their unique concept fills a need for farm-to-table fresh salads and grain bowls using lots of

fresh veggies and whole grains. We are further encouraged to see activity in this space which has been vacant for sometime. Large parcels of empty spaces, particularly in a highly visible location such as J.F.K. Street creates an unacceptable blight in our community. Sweetgreen will be a nice addition. We respectfully urge your approval of this application and thank you for your consideration.

And then we have -- we have a letter from the Harvard Square Advisory Committee. And I would point out that as a requirement for anybody seeking to open an establishment in Harvard Square as defined, that they have to receive advice -- we have to receive advice from the Harvard Square Advisory Committee. And the letter that we have says -- And starts with a summary. (Reading) Anthony Galluccio representing Sweetgreen Restaurant introduced Sweetgreen representatives and architect -- these are actually minutes of a meeting -- representatives and architect Tim Noonan, Ernie Vasquez, and Keith Bettencourt.

The restaurant is based on a seasonal menu.

I'm not going to go -- what goes here is what you've already told me -- Mr. Galluccio has already told us.

Comments of the Harvard Square Advisory Committee.

(Reading) A motion was made and seconded to support the application for the fast order food establishment that the proposal meets the guidelines of the Harvard Square Overlay District. There is a need for fast food order in Harvard Square for employees of the square as well as the student population. The facade improvements will bring more positive activity along J.F.K. Street. One committee member e-mailed concerns about the window openings and how they would work on the narrow sidewalk. The committee does not support A-frame signs on the sidewalk, but does support an interesting and unique projecting sign or signs as well as a wall sign. The committee discussed the restroom operation, which at the moment, is planned to be open and not require a

code or key. The Sweetgreen position is that a well-managed restaurant can operate clean and controlled facilities without keys and codes. Good luck.

There was also discussion of the use of Wi-Fi in the restaurant and whether it would be provided by the restaurant. (Reading) The following conditions are suggested by the committee if the Board of Zoning Appeal grants the Special Permit. One is that trash and composting to be handled in such a way as to prevent spillage on the public sidewalks and street and to require monitoring to keep the area clean. Signage should be scaled to the pedestrian level. A loading and delivery plan should be submitted taking into account the type and frequency of deliveries with limits on the hours and locations to prevent conflicts with the busiest times on J.F.K. Street. All members in attendance supported the fast order food Special Permit and find it in conformance with the Harvard Square Overlay District guidelines.

And that's it. Let's go back to this delivery stuff. You said that you would be willing to accept a condition that no deliveries will be made after the hour of ten a.m. each day? Did I hear you say that?

ATTORNEY ANTHONY GALLUCCIO: Yeah. I, you know, as it -- yeah, I mean, if it could be worded in such a way -- there are circumstances, snowstorms, and I just worry -- I don't want them to be out of compliance with their Special Permit because of a --

CONSTANTINE ALEXANDER: I'll word it in such a way to try and deal with that.

ATTORNEY ANTHONY GALLUCCIO: If you would. I don't think -- the intention is to comply with that.

CONSTANTINE ALEXANDER: I understand. The point is that the intention is there will be no deliveries after ten o'clock in the morning or later.

ATTORNEY ANTHONY GALLUCCIO: Correct.

CONSTANTINE ALEXANDER: I want to make sure there

are no other letters in our files. I don't believe there are, though. No.

Okay, questions from Members of the Board?

JANET GREEN: No.

CONSTANTINE ALEXANDER: I'm going to close public testimony.

Discussion or we ready for a motion?

THOMAS SCOTT: Ready.

JANET GREEN: I'm ready.

CONSTANTINE ALEXANDER: Ready.

Okay, we have to make two kinds of findings to grant the Special Permit:

One relates to the general requirements of the Special Permits in the City for any kind of a project that requires a Special Permit. And then there are special requirements just for Special Permits for fast order food establishments. So starting with the general ones. The Chair moves that we make the following findings:

That it appears the requirements of the Ordinance cannot be met without a Special Permit.

That traffic generated or patterns of access or egress will not cause congestion, hazard, or substantial change in established neighborhood character. And with regard to this finding, the Chair would note that subject to compliance with the conditions we will be imposing with regard to the Special Permit, which I'll get to in a second.

That the continued operation of or the development of adjacent uses as permitted in the Zoning Ordinance will not be adversely affected by what is proposed.

And, Mr. Galluccio, you said you wrote to people in the neighborhood which would be businesses and you got no adverse comments back?

ATTORNEY ANTHONY GALLUCCIO: Correct.

CONSTANTINE ALEXANDER: And we've received nothing, too.

That no nuisance or hazard will be created to the

detriment of the health, safety, and/or welfare of the occupant of the proposed use or the citizens of the City.

And that what is being proposed will not impair the integrity of the district or adjoining district or otherwise derogate from the intent and purpose of the Ordinance.

Further, the Chair moves that we -- the Chair moves that we make the following further findings:

That the operation of what is being proposed will not create traffic problems, reduce available parking, threaten the public safety in the streets or sidewalks. Again, subject to the conditions that we are going to impose, or encourage or propose double parking on the adjacent public streets.

That the physical design of the establishment shall be compatible with and sensitive to the visual and physical characteristics of other buildings, public spaces, and uses in this particular location.

That what is being proposed fulfills a need for such a service in the neighborhood or in the City.

And that the establishment will attract persons primarily from walk-in trade as opposed to driving or automobile-related trade. And I think that's obvious from where the location is, people are not going to be driving from Brookline to come get your salads.

The establishment shall, to the greatest extent feasible, utilize biodegradable materials and packaging the food and utensils and other items provided for consumption thereof.

And we didn't address that. Is it your practice to use biodegradable?

ERIC EMERY: Absolutely, yeah.

CONSTANTINE ALEXANDER: Okay.

That you're going to provide convenient, suitable, and well-marked waste receptacles to encourage patrons properly to dispose of all packaging materials, utensils,

and other items provided with the sale of food.

And that is represented to us the establishment will comply with all state and local requirements applicable to ingress, egress, and use of all facilities on the premises for handicapped and disabled persons.

So on the basis of these findings, the Chair moves that we grant the Special Permit requested subject to the following conditions:

That there will be no -- on the premises in front or anywhere near the premises, there will be no sandwich boards or other forms of advertisement on the side -- on the sidewalk, such that they would impede the ability of people to walk up and down the sidewalk.

Two, that the -- in addition, there will be no other -- with regard to structural items, including projecting windows, that's not being proposed. There will be no steps taken that would interfere with pedestrian traffic on J.F.K. Street.

That there will be no deliveries after ten a.m. in the morning except with an exception that for emergency situations, occasional emergency situations, deliveries may be made after ten a.m., but not on any kind of regular basis.

And that with respect to the premises, that the petitioner use all reasonable efforts to make sure that trash stays within the premises and is not -- does not find its way to the sidewalks or the city streets.

And that containers for trash, compacting and -- I can't read my --

JAMES WILLIAMSON: Composting.

CONSTANTINE ALEXANDER: Composting, thank you.

Will be marked separately, and you'll take efforts to make sure the people put the stuff in the right bins.

BRENDAN SULLIVAN: Different colored bins are now available to those types of establishments.

CONSTANTINE ALEXANDER: That's right.

BRENDAN SULLIVAN: That are clearly marked.

CONSTANTINE ALEXANDER: So that it be clearly marked, bins of differing colors.

Any other conditions that we want to impose?

JANET GREEN: No.

CONSTANTINE ALEXANDER: On the basis of my motion with the conditions, all those in favor of granting the Special Permit please say "Aye."

(Aye.)

CONSTANTINE ALEXANDER: Four in favor.

(Sullivan, Scott, Green, Hammer.)

CONSTANTINE ALEXANDER: One opposed. Relief granted.

(Alexander Opposed.)

* * * * *

(9:35 p.m.)

(Sitting Members Case BZA-009321-2016: Constantine

Alexander, Brendan Sullivan, Thomas Scott, Jim Monteverde,

Alison Hammer.)

CONSTANTINE ALEXANDER: The Chair is going to call case No. 009321, 17 Francis Avenue.

Is there anyone here wishing to be heard on this matter? Name and address to the stenographer, please.

MARTIN CAFASSO: Martin Cafasso, 98 Hammond Street in Cambridge, Mass. I'm the owner of 17 Francis Avenue.

PETER WRIGHT: I'm Peter Wright and I'm at 107 Larch Road in Cambridge. I'm the architect.

CONSTANTINE ALEXANDER: The floor is yours.

PETER WRIGHT: Okay, the existing building is -- it has in the past, for six decades it was used as to take care of a disabled individual who since has passed away. And in doing so the house -- building had to accommodate for a myriad of caretakers. There were three, if not four kitchens. There were, I think, nine, nineteen locked rooms?

MARTIN CAFASSO: Yes.

PETER WRIGHT: You know, so it was just a maze of things. And the rear of the house where our work is focussed on and relative to this appeal, there was, there is a stair presently that was, I'd say slap-dashed, put on, revised, added on, again, to connect certain floors to other floors but never really continually connecting all four floors in the rear of the house.

MARTIN CAFASSO: It looks a lot like they were open stairs that were subsequently over time covered over.

CONSTANTINE ALEXANDER: Were these stairs added to the building at some point?

MARTIN CAFASSO: It could have been -- they were open air stairs that built walls around.

CONSTANTINE ALEXANDER: But no Variance -- I couldn't find anything in the file.

MARTIN CAFASSO: I didn't see anything in the record. Yeah.

CONSTANTINE ALEXANDER: So if it was done, it may

have been done in violation.

MARTIN CAFASSO: It could have been. We have no idea when it was done.

PETER WRIGHT: And concerning that portion of the building we'd like to -- and the design, we show a continuous stair connecting all four floors and we filled in that one -- the corner, the right-hand rear corner where the stair is presently but not covering the total area but we filled that area in as a one-story addition there. And we also, to accommodate setbacks, there's an existing entry on that right-hand side on the driveway which we've reduced and pushed it and we reduced it in depth so that we are now conforming on the side setbacks, the total allowed. And the other, the only transgression on the dimensional --

MARTIN CAFASSO: Is the height of the building.

PETER WRIGHT: Is the height of the building, correct. It exceeds 35 feet presently. We're not touching that. We're not even going near that height with the new

construction.

CONSTANTINE ALEXANDER: And the reason you need relief is the building right now is over the permissible FAR. And, in fact, though, if we grant you relief tonight, you're going to reduce slightly the FAR.

PETER WRIGHT: Correct.

CONSTANTINE ALEXANDER: Because right now you're 0.72 in a 0.5 district and your plans put you at 0.71 slightly less.

PETER WRIGHT: Yes.

MARTIN CAFASSO: And as much as non-conformity exists is contained in the basement which as we know is in flux right now.

Just to be clear that this building was created into a two-family back in 1946. It's documented with the City, so we're just trying to create two viable units and acknowledge a two-family house.

PETER WRIGHT: Yeah. And the design we like to

think is more in the tone with the neighborhood and the envelope changes are not visible from the public way. They're in the rear and is not near -- it's not near a corner street.

CONSTANTINE ALEXANDER: I noticed the relief includes a deck. A second-story deck?

PETER WRIGHT: Yes.

CONSTANTINE ALEXANDER: And this Board always takes a hard look at that for fear of privacy or noise issues. You should talk to us about that.

PETER WRIGHT: Yes. We didn't want to -- we wanted to maintain that one-story, that section as a one-story addition. We thought being such it would be nice to have a little space up there for the unit.

MARTIN CAFASSO: It's looking at a membrane roof from inside the house. It probably won't be used all that much. But we've also gone to great pains to meet with everybody in the neighborhood and everybody has given their

consent and they don't seem to have a problem with it.

CONSTANTINE ALEXANDER: You're correct, obviously.

And I'll get to that later on in the hearing, the neighborhood support for your project.

MARTIN CAFASSO: Would you like us to explain it in terms of aesthetic reasons or were you hoping to -- the reason for that deck to begin with?

CONSTANTINE ALEXANDER: No. I mean, if you feel you want a deck or need a deck, that's your decision. My concern would be, and I'm sure the other Members of the Board would be the issues of impact on abutting property. But your answer has been, well, we've shown this deck to people who may be affected and no one is complaining.

MARTIN CAFASSO: And only one other neighbor that has the view of the deck.

CONSTANTINE ALEXANDER: I don't need anything more, but other Members of the Board. Guess not.

JAMES MONTEVERDE: No.

PETER WRIGHT: I know it's late, so I don't really have anything relevant to say. I can answer questions, though.

CONSTANTINE ALEXANDER: Okay.

Questions at this point?

(No Response.)

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

(No Response.)

CONSTANTINE ALEXANDER: The Chair notes no one wishes to be heard.

We are in receipt of correspondence. We are in receipt of letter from Allen M. Green at 19 Francis Avenue.

(Reading) I am an abutter of 17 Francis Avenue, resident at 19 Francis Avenue. I am writing in support of the Variance requested by Martin Cafasso the property at 17 Francis.

I've reviewed Mr. Cafasso's plans and spoken with him during

a neighborhood meeting he had organized to discuss his plans for the property. As a neighbor of 17 Francis Avenue, I am aware that the house has been occupied for over 50 years by a disabled gentleman who required round-the-clock care during his lifetime. The 19-room house was developed over the years to accommodate his aging mother and the staff that cared for them. Over the years the area has attracted families with younger children. The plans proposed by Mr. Cafasso appear to me to be in keeping with the housing needs for such families and will support the stability of this cohesive neighborhood.

And then we have a multitude of letters, they're all the same. Different people have signed these letters.

MARTIN CAFASSO: I have four more as well.

CONSTANTINE ALEXANDER: I'm not going to read them. I'll just read the letter. Most of it has just the signature line, I can't read half of them so I'm not going to try to say who it is. But we have I'd say a good ten

letters, more than ten. And the letter reads: (Reading) As abutters and neighbors of 17 Francis Avenue, we are writing today to lend our support for the Variance Martin Cafasso has requested for the property. We reviewed the plans and many of us have discussed them directly with Martin at a community meeting devoted to the subject. We feel that requested changes will be both a vast improvement to the home and also beneficial to our neighborhood. And that's it. And there appears to be no letters of opposition or any other negative comments.

With that, I will close public testimony.

Any discussion or ready for a vote? Ready for a vote?

JAMES MONTEVERDE: Ready.

CONSTANTINE ALEXANDER: Tom, do you need more time to look?

THOMAS SCOTT: No.

CONSTANTINE ALEXANDER: Can I have the plans back?

The Chair moves that we make the following findings with regard to the Variance requested:

That a literal enforcement of the provisions of the Ordinance would involve a substantial hardship to the petitioner. Such hardship being that this is a structure that has a deteriorated rear staircase and which would be replaced by a more up-to-date and safer staircase.

The hardship is owing to the circumstances relating to the shape of the structure and its location on the lot.

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

In this regard the Chair would note that there is unanimous neighborhood support for what is being proposed. The relief being sought is modest in nature.

So, therefore, based on these findings, the Chair moves that we grant the Variance requested on the condition

that the work proceed in accordance with the plans many pages in length, prepared by Peter Wright Architect all of which have been initialed -- Peter Wright Studio Architects, all of which have been initialed by the Chair.

All those in favor please say "Aye".

(Aye.)

CONSTANTINE ALEXANDER: Five in favor.

(Alexander, Sullivan, Scott, Monteverde, Hammer.)

* * * * *

(9:45 p.m.)

(Sitting Members Case BZA-009301-2016: Constantine Alexander, Brendan Sullivan, Thomas Scott, Janet Green, Alison Hammer.)

CONSTANTINE ALEXANDER: The Chair will call case No. 009301, 147 Prospect Street.

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

ATTORNEY SEAN HOPE: Good evening, Mr. Chairman,

Members of the Board. For the record, attorney Sean Hope, Hope Legal Offices in Cambridge. I'm here tonight on behalf of the petitioner. We have Marcia Kirssin, the owner of 147 Rear Prospect Street. We also have project architect, mark Boyes-Watson. And then we also have the developer Mahmood Firouzbakht.

This is an application requesting zoning relief. We're requesting a Variance, specifically for the lot width of the frontage. Also Variance relief for the setbacks both side and rear, and also a Variance for the back of clearance. There's a 22-foot backup clearance requirement that we need Variance relief for.

We're also requesting a Special Permit. We're going to have vehicle parking partially within the side yard setback which requires Special Permit relief.

Just by brief background about the existing lot. So this is a 7200 square foot lot. They have a house, and I think it would be helpful to have the site plan. So the

house is in the rear of the lot. So this is a lot that abuts Prospect Street and the house is approximately --

JANET GREEN: Can people hear that are here for this case?

ATTORNEY SEAN HOPE: So the lot is approximately 105 -- 165 square feet in depth, and the house is at the rear of the lot. There's only one existing house on the lot, although the site can actually contain four units as-of-right for the lot area per dwelling unit. The site is accessible only by a passageway. The passageway is approximately 12 feet wide, and the passageway is actually used by abutters at 143 and 145 Prospect Street. You have an abutter here that uses the private way, and there's an abutter here that uses -- the access to this passageway. And the property owner has been using this passageway for several decades and this is the only means of access and egress over the property.

Originally we thought that this passageway was a

private way and would meet the requirements of a street under Article 2. And we went to DPW and did some research. At the end of the day it was unclear whether or not it would meet the requirements. So by default it is a passageway and it doesn't meet the requirements of a street.

Briefly that was important because if this passageway was considered a private way, then the lot would be considered a corner lot. So as it is right now, because it doesn't have the required lot width, it's actually an unbuildable lot because under Article 5 the requirement is at least 20 feet width in order to have the lot be buildable. As it stands now, this is, this is less than the 20 feet.

The other impact, if this was a private way, is the rear yard setback. Now, for lots that are in the C-1 District, the rear yard setback is only 20 feet. But because the lot is over 100 feet, the rear yard setback is actually 30 feet. So if you look at this lot and it's

really I call it like a pork chop shape lot. The buildable area is actually this square in the rear. And so if you have -- this dimension is about 65 feet. And so if you applied that 30-foot setback to the 65 feet lot, you really have a very limited buildable footprint in which to actually build a building without zoning relief.

CONSTANTINE ALEXANDER: A building in addition to the building that's on the lot?

ATTORNEY SEAN HOPE: Yes, a building in addition. But just saying if you were to do a conforming building on the lot, a buildable footprint would be pretty limited. So this is already there --

CONSTANTINE ALEXANDER: I'm sorry, the hour is late. You're saying that if this lot were vacant now, no building?

ATTORNEY SEAN HOPE: That's right.

CONSTANTINE ALEXANDER: And you wanted to build a new building --

ATTORNEY SEAN HOPE: That's right.

CONSTANTINE ALEXANDER: You can only -- finish the sentence, go ahead.

ATTORNEY SEAN HOPE: You would really only be able to build in a very limited footprint at the front of the lot because this now is a 30-foot lot. And really the buildable area is this square foot. This footprint in the rear. And I only --

CONSTANTINE ALEXANDER: What about to the side, though? My right -- yes.

ATTORNEY SEAN HOPE: So because this is a front and this is a rear, you actually have side, side, and a side yard setback here. So you could, I guess, technically and if you could look at this footprint, I don't think you could replicate the same footprint of the existing house.

CONSTANTINE ALEXANDER: Could you build a building in that area --

MARK BOYES-WATSON: I have an illustration.

CONSTANTINE ALEXANDER: What's that?

MARK BOYES-WATSON: I have an illustration.

CONSTANTINE ALEXANDER: Okay.

ATTORNEY SEAN HOPE: So we did in preparation -- I think Mark can show you, we did do an as-of-right proposal.

CONSTANTINE ALEXANDER: Yes, I would like to see that.

MARK BOYES-WATSON: Let's leave it the same way up. This is actually a -- if I may.

ATTORNEY SEAN HOPE: Yeah.

MARK BOYES-WATSON: This is actually illustrating a townhouse which actually doesn't have the requirement for the 20-foot frontage as it happens.

CONSTANTINE ALEXANDER: Put aside the 20-foot frontage, we know about that.

MARK BOYES-WATSON: This is where you would build an as-of-right three-unit project.

CONSTANTINE ALEXANDER: That's tearing down the

current house.

MARK BOYES-WATSON: If you're willing
to --

CONSTANTINE ALEXANDER: But if you wanted to
maintain the current house --

MARK BOYES-WATSON: Yeah.

CONSTANTINE ALEXANDER: -- which is one of the
goals of this project, and you wanted to maybe, maybe you
can't build two units, maybe you want to build one unit,
could you not build that one unit in a way that complies
with the setback requirements?

MARK BOYES-WATSON: You could probably move the
entire existing house into that footprint. It would be
rather close to this lot line. There's no requirement to
set back from that lot line.

CONSTANTINE ALEXANDER: Okay, but could you do
that?

ATTORNEY SEAN HOPE: You could do that.

JANET GREEN: You mean if they move the existing house?

CONSTANTINE ALEXANDER: Do you have to move the existing house?

JANET GREEN: To get it to do that?

MARK BOYES-WATSON: You have to move -- if you're not interested in, in, in -- you could move the existing house into any location on the lot that conforms. Why would you even move it? Except that there is a strong, there's strong support for the idea of moving it to -- it's actually a 200-year-old house -- just under 200-years-old. Which actually has been moved before.

CONSTANTINE ALEXANDER: That's right.

MARK BOYES-WATSON: This would be the second move. So, yes, you know, I mean obviously.

CONSTANTINE ALEXANDER: Where I'm going with this, and we'll get into it in more detail, it's just me speaking, is I'm a little troubled by the fact that this -- I think

you're jamming the lot. I mean, I would like to see a project that complies with keeping the current house, wherever located, building another dwelling unit on the property that complies with all the setback requirements. I have no problems personally speaking with the 20-foot issue, the Special Permit we would get to with regard to the parking lot. But I am a little troubled by what you're doing in terms of crowding the lot.

ATTORNEY SEAN HOPE: The other point I didn't get to, and I think -- I understand your question, so this site is also located in the Mid-Cambridge Conservation District. And so one of the requirements, we had to go there to get a Certificate of Appropriateness prior to coming to the Zoning Board. One of the requirements that the Board imposed was about wanting the existing house because of its historical character and the significance to the neighborhood, to be visible from the public way. And so the location of this existing house, they call it a more prominent location, one

of the -- one of the benefits by moving the house that is actually visible from Prospect Street, which is pretty narrow, it actually constrained where the other two houses on the lots would be.

CONSTANTINE ALEXANDER: You keep talking two houses, and I mean you're catching my drift, I'm talking about one other house.

ATTORNEY SEAN HOPE: I understand. But even the existing house, to be prominent from the public way, would be within the rear yard setback and would also be in the side yard setback. This wouldn't be -- even by moving the house that was part of the requirements for Mid-Cambridge, it would be creating a zoning relation. Right? So there is no moving the house to meet the requirements of the binding Certificate of Appropriateness that would allow for a new development that wouldn't required zoning relief.

CONSTANTINE ALEXANDER: Okay. But the Certificate of Appropriateness that's their bit, and we have our own

separate jurisdiction. We have our own separate laws, rules we require. Maybe they run in conflict. I'm suggesting from our -- from the Zoning point of view, you may have to do something, because I think, personally speaking, I am troubled by the fact, as I said several times now, what the lot's going to look like in terms of the amount of structures on it should we grant you the relief you're seeking.

ATTORNEY SEAN HOPE: Well, I think one of the things that -- we actually brought a model because part of the idea of how many lots fit comfortably on the lot is really a function of the other structures that are also there. So partly of the hearing process, we actually had a model of the adjacent houses to see how these two -- these three structures would fit on the lot. But I also do think in terms of jamming something into a lot, also must be a function of what the lot area per dwelling unit is allowing under the zoning district. So this is a 7200 square foot

lot. Zoning would allow four units on that lot. Four units we believe wouldn't fit. And we don't think we would have that approved by Mid-Cambridge. I also think the size and the scale of the houses compared to each other and compared to the adjacent neighborhood, and I think Mark can speak to this, we got feedback from the Commission and also from residents and abutters, that the size and the scope was consistent with what they would think for three-bedroom houses in this area. So I think we can maybe talk about context, but I think context and density needs to be looked in terms of what zoning does allow. We're not maxing that out. I think we are achieving three bedrooms. And really the major zoning violation is on this rear yard setback that's 30 feet. I think that in terms of the sides, we meet pretty close to most of the side yard setbacks. I think this particular lot has ample parking in there. Usually parking's an issue when you're trying to put multiple units on a house. We're not doing on-grade parking, we're not

doing at-grade parking. So we don't have the rear yard setback. I think it's really because of the depth is over 100 feet that we have a 30-foot setback. I think even a 20-foot setback would be challenging to me, but I think it's significant that even a house that's really driving the locations of the other structures on the house would still need relief. So it's not that we need relief just to do more than one house. And I say that to say because one of the requirements in Mid-Cambridge was to make sure that this house, not only was restored, but it was visible from the public way.

CONSTANTINE ALEXANDER: Yeah, but again. I understand the requirements of the -- Mid-Cambridge. We have our own requirements. So, you know, maybe you can't satisfy everybody. So it comes down to that. They're looking for is visual impact and aesthetic impact, and I understand that. We have to apply a legal standard. It's quite a different standard.

ATTORNEY SEAN HOPE: Yes.

CONSTANTINE ALEXANDER: And you haven't -- we haven't addressed -- you'll probably get to it.

ATTORNEY SEAN HOPE: Yes.

CONSTANTINE ALEXANDER: You haven't addressed why you meet the requirements of the -- for a Variance, particularly the hardship requirement.

ATTORNEY SEAN HOPE: Yeah, and I think -- so I wanted to first talk about the dimensional non-conformities. I think we understood there was a dimensional non-conformity that's driving the rear yard setback, which is the depth of the lot. Also, you know, I think this lot is unique, and one of the requirements for hardship is that you have certain factors that affect this lot just as specifically and not generally in the --

CONSTANTINE ALEXANDER: That's the second one. What's the hardship?

ATTORNEY SEAN HOPE: So, but I think they're

connected. So the dimensional non-conformities constrain the lot to do three dwelling units. And so the hardship really has to do with the fact that the petitioner. And Marcia's the petitioner, and she's going to speak to her personal financial hardship, and I think that it would be appropriate. But really to summarize, and I'll let her get into detail, part of -- this is Marcia's sole asset.

CONSTANTINE ALEXANDER: Mr. Hope, you're playing to the audience, and I don't mean to be disrespectful, but you know that a personal hardship -- financial hardship to the person currently occupying the premises does not satisfy the requirements for a Variance. It's got to be a hardship that runs with the property, that whoever owns this property has the hardship. As sympathetic as I am, and I think other members of the Board, would be to your hardship, that doesn't really get us there.

ATTORNEY SEAN HOPE: I disagree. I think we've had cases where you have an owner of a house that either has

a family situation or a living situation and they have a hardship and their hardship is based on their current situation, and I think the Board has found that the hardship that they have may not necessarily be the hardship that runs to the next occupant. But I do think it's important that this three-unit proposal, and, you know, I don't want to steel your thunder, but Marcia has had this property, has met with several developers. Several of them wanted to destroy the house and build four or three units on the house. I think her, Marcia was adamant on wanting to be able to restore the house that has significance to her and her family. But also, this is being her soul asset, the lot -- the value of this lot to Marcia is severely diminished because of this dimensional non-conformities that create setback challenges that would not be apparent if the lot wasn't recessed, if the lot depth -- if you didn't have five setbacks instead of removing to have two setbacks on either side. I do think the dimensional non-conformity on

this lot actually makes it challenging to do the three lots which is actually allowed as of right. So when you look at what the lot would say zoning says you can do four or you can do three, but for some of these dimensional non-conformities. And for Marcia she really needs to be able to -- Ms. Kirssin really needs to be able to maximize the value to really satisfy what is her personal hardship. And I think it would be appropriate if you speak to this.

BRENDAN SULLIVAN: But, again, that is outside the Ordinance and outside of our able to grant relief.

CONSTANTINE ALEXANDER: Right.

ATTORNEY SEAN HOPE: Which particular piece is outside?

BRENDAN SULLIVAN: That it is a personal financial hardship not to be able to maximize a lot and develop --

CONSTANTINE ALEXANDER: Right. That's a developer's hardship, not a personal hardship to the -- a Variance that's intended to deal with.

ATTORNEY SEAN HOPE: I would disagree. I mean, I think that, you know it says --

BRENDAN SULLIVAN: If you go through case law, Sean, absolutely.

CONSTANTINE ALEXANDER: Come on, you know better than that, Sean.

ATTORNEY SEAN HOPE: I do -- I mean I think the statute does talk about financial or otherwise. I'm not saying that's the soul reason --

BRENDAN SULLIVAN: Well, now we can really get into it, as financial or otherwise, that if you could do something as-of-right, however, in order to build this addition here, you are encouraging -- encompassing some type of soil conditions, rock, whatever it may be. And in order to overcome that obstacle, then you would create a severe financial hardship on the petitioner. So consequentially rather than doing that, then the petitioner is asking for a slight addition here which may impact one of those. That's

how the -- what the intent of the Ordinance was. Not that a person has a financial -- I mean, I could very well say, hey, you know, I have some hardship, maybe I stop working and I would like to, you know, get another unit so I can put an addition on the back of my house so I can get some more income so I can increase the value of my house. The Ordinance does not address that.

ATTORNEY SEAN HOPE: With all due respect, I don't think the situation you described is anywhere close to the significant impact that this is going to have on her financial well-being. I do understand that if someone just said I want more money or I want more opportunity, that's very different than what I think we're proposing. And I think at this point I would really like an opportunity for Ms. Kirssin to be able to state the impact of what she's looking to do on this lot. I think it is different than saying I want more. I understand that point, but I don't think that's what we're proposing here, and Marcia has

prepared a statement, and I think it's important to hear the impact on these non-conformities.

If the Ordinance was strictly enforced and you were only able to do this single-family, this would have a severe substantial hardship to the petitioner. And I'd like for her to be able to present that to the Board.

MARCIA KIRSSIN: I appreciate your forbearance in listening to me. I am not exaggerating the difficulty in which I find myself and I didn't expect it to happen. I'll try to remember what I'm saying.

I am the property owner, as Sean said, of 147 Prospect Street. My name is Marcia Kirssin. I'll spell that for you. It's harder than Firouzbakht. It's K-I-R-S-S-I-N.

And in 1977 my husband and I purchased the property from the Buckley family. The son of the Buckley family Stephen has been kind enough to share his memories of the house with me and has written a letter to you about

that. We moved into the house in December 1977 when my son Brian was one-and-a-half-years-old. And he was thrilled to have more inside space to run and run and run and stairs to climb. Not quite safe, but we had to supervise him. We lived there for a long period of time with a series of my husband's seeing eye dogs, one or two cats, and for a short time Kermit the Frog, and a ferret.

In 1994 my husband and I separated. Brian attended Bart College, and I lived in the house alone.

For 17 years I worked for the City of Cambridge in the Cambridge Public School system as a family liaison, first for the Baldwin School which was then called the Agassiz School, and then for the Bureau of Pupil Services. I think it's fair to say that I worked hard and diligently, and you may not know about the salary was not exactly monumental.

I also volunteered a great deal of time particularly in the establishing a chess in the school

program, coordinating the program at the Baldwin School and mentoring the high school chess team. One of the members of the high school chess team was my neighbor from 149 Prospect Street, Cameron Smith who was one of our very talented players, and my son was also a strong player on the team. The high school chess team won nine state championships and placed fifth in the United States for three years.

I urge you to accept this proposal because it would be a severe financial hardship for me if the whole project, including three units is not approved.

The house, as Sean said, it's my only asset. I'm really down to only asset, and I had a series of health issues which required that I pay privately out of pocket for -- which depleted most of my savings for over a year of hospitalization and nursing home care. Among my health issues are diabetic neuropathy, which intermittently made me immobile, and then eventually made me permanently immobile for a period of time. I also contracted breast cancer and a

large benign brain tumor, which had to be removed, as well as other more minor ailments.

Currently my income is at poverty level and I never believed this would happen to me, and I can tell you it's very difficult, but I'd like to tell you just a little more detail.

A third of my income is spent for rent in Somerville Public Housing. A third of my income is required for healthcare expenses. And the other third is supposed to cover everything else. The third is about a thousand a year, and I can pay for food and Wi-Fi and phone. In order -- I have used all the rest of my savings and borrowed money from my family in order to be able to occasionally purchase a piece of clothing or share a meal with my friends or buy a small gift for my two grandsons, ages six months and three-and-a-half years. I have no money for travel and no money for entertainment.

I just want to check because.... okay, yes. This

sets up a vicious circle. Financial hardship creates a great deal of stress. Stress has a negative effect on my health which costs more money and creates more financial hardship. It's very difficult.

I'd like to now turn to the condition of the house and its sale.

There were some financial struggles along the way which led to slow deterioration of the property on Prospect Street and eventually led to it being unsafe to live in. When I was last hospitalized, I -- the Cambridge Inspectional Services condemned my house, and I was then displaced from Cambridge until this time. I used some of the rest of my savings to pay for an apartment in Somerville where I could continue to recover my health and my mobility.

There's a story about how I got myself out of the nursing home. It was not a place I wanted to be and I was just barely ready so I needed some more time to work on that. It became evident that I had to sell my house, my

only asset, and there's no money left. And so I talked to a number of developers, and as Sean mentioned, most of them wanted to tear down the house and put up four units. I had lived in the house for a long time and raised my son there and it was very emotionally stressful for me to have it just destroyed, and so I cried a lot. And I kept looking. And fortunately I found a buyer, Mahmood Firouzbakht who was willing to restore the house and work with the Mid-Cambridge Neighborhood District Commission to develop the plan that you have before you. The Commission agreed with me that the house should be preserved and required, it's a requirement that it be moved so that it can be seen from Prospect Street.

I am asking you to approve this project to give me what goes to allow the house to be restored and to give relief to my financial hardship. I would say extreme financial hardship. I want to be able to retire comfortably. By the way, I'm 74. I have retired

previously, and I would like a larger living space and modest financial security. I would like to be able to provide for and spend more time with my two grandchildren ages three-and-a-half and six months. Because my health limitations, it would be very preferable if I could live -- continue to live near my family and friends which would be financially possible only if you approved the Variance application.

My son lives in Medford. My friends live in Cambridge, just to give you a sense of the kind of cost that it would be.

In conclusion, thank you so much for your patience. I want to share a little bit about my family. This is my daughter-in-law Nicole. She is the breadwinner. This is my son Brian. At this time, he is a stay-at-home dad and he has been amazing in providing a very enriched environment for Noham (phonetic) and for Ezra. This is Ezra, the baby. And this is Noham the older brother. And

I'd like to you especially look at this picture as I pass it around where Ezra has his most wonderful smile.

I'll just tell you a tiny bit about each of them. Ezra has just learned to crawl and he's loving it. He's explored his environment. He likes electric plugs. I don't know why they all like electric plugs, but they do, and he likes to feel the fringe of the rug and explore anything that he comes in contact with. He is a gentle child with a very calm disposition.

I'll tell you, I have three years of stories about Noham. He's wonderful. But I'll just stick to one.

CONSTANTINE ALEXANDER: Just stick to one, please.

MARCIA KIRSSIN: Yes, I appreciate your forbearance. When Ezra was born, Noham was not quite three and he was prepared for the baby, but it was a big change in his life that he had not imagined. A couple months later he went to preschool for the first time. The school had 40 students, although his class is smaller, and then two months

later his mother went back to work. So one day he said to Brian, I would like to have a second dad. We can presume that dad would be for Ezra. So Brian asked him well, where would you get one? Noham knew, Target. Thank you very much.

CONSTANTINE ALEXANDER: Thank you for taking the time to come down here and it's a very -- not an easy thing you've had to say and, you know, we've listened to you.

MARCIA KIRSSIN: I appreciate that.

CONSTANTINE ALEXANDER: And we do appreciate your situation. But I think you have to understand, too, as difficult as it may be, that we have an obligation, a legal obligation, to enforce the zoning laws of the City of Cambridge. And we tried -- we do our best. We don't always get it right, but we do our best. Speaking only for myself, I can tell you I'm very amenable to granting you a Variance that would allow you to stay in your house and allow the house to stay. But I'm not convinced yet that there is not

another solution that's less dense than what is being proposed. That's my problem. I'm willing to otherwise to grant the relief. That's speaking only for me. Other members of the Board may feel differently. But that's my problem.

MARCIA KIRSSIN: I'll add one more thing. I have some debt on the house and it will be a huge capital gains tax. So having one unit would have a big impact on me still.

CONSTANTINE ALEXANDER: Well, anyway.

JANET GREEN: Well, anyway that's --

MARK BOYES-WATSON: Maybe if I could just --

JANET GREEN: Yeah.

CONSTANTINE ALEXANDER: Yeah.

MARK BOYES-WATSON: I understand.

This is a model we prepared for Mid-Cambridge. We might as well use it here. So I just want to pass this around. We actually have the site plan shown on here. So

we are approaching from Prospect.

CONSTANTINE ALEXANDER: You keep moving it around.

MARK BOYES-WATSON: Here's Prospect.

CONSTANTINE ALEXANDER: Okay.

MARK BOYES-WATSON: And I think, you know, if ever there was a site that was one of those sites that's topographically unusual --

CONSTANTINE ALEXANDER: All the other buildings on your plan are existing buildings?

MARK BOYES-WATSON: Existing buildings.

CONSTANTINE ALEXANDER: None of this isn't what you would like to build?

MARK BOYES-WATSON: No, we haven't started yet.

JANET GREEN: I see some other boxes over there.

MARK BOYES-WATSON: I wanted to illustrate that. And actually when you zone in here, it looks tight but I think that the -- first of all, I think the lot is a really unusual lot, as unusual as I've come across. And I think

that the -- I mean, just this project started for me anyway, talking to Charles, Charles Sullivan from the Historical Commission. This is the second oldest house in this area of Cambridge, and it's a jewel as far as he's concerned. Now were it not there, as we were discussing, that the -- which is the strangest thing, this oddly enough --

JANET GREEN: Is there anybody here who wanted to come see this who hasn't seen it? You can come forward.

MARK BOYES-WATSON: And this is the thing, the enforcement of zoning, etcetera, etcetera, if the building were to burn tomorrow, this is -- I could, I can go to the Building Department and put a Building Permit and build this building here.

CONSTANTINE ALEXANDER: And that would have four units?

MARK BOYES-WATSON: Actually three. Because I have three parking spaces in the back here, and I don't see how to get four. Indeed if I was parking here, but I need

your help to park here. But without any help at all, I can build this thing. Which -- well, I would weep and you would weep and so would Cambridge weep.

And so what we started building the premises, that the buildings which is this --

CONSTANTINE ALEXANDER: That's the existing building?

MARK BOYES-WATSON: That little piece her. This sweet thing. But actually it's not the whole, if you noticed on the site plan here. This is here right now, this building. In this position.

So, and, you know, discussion with Charlie and Charles Sullivan at the Historic Commission, talking about what could happen and realizing -- actually, even at this point we're even unsure what the yards are. And I still -- the interpretation as to which yard is which is still -- but it's further evidence that this is an unusual lot and kind of doesn't come under the normal sort of rule

of things where we can usually determine those things eventually. So what the proposal is is to move this house here with its porch, and then to add these two units here like this. So the result of that is, is the preservation of the house. This is smaller than is allowed by zoning. And you can feel it, it's a bit smaller than this building. This building is more or less -- this is about 400 square feet less large than it can be and one unit less than the lot is zoned for. The issue of density is an interesting one, in fact, in both in criteria of square footage and in number of units, this is less than is allowed. I know there are a lot of parameters in this. Anyway, so what we have here, then, is this is a single and then there's two townhouse units in each of these. And we worked with Historic. And in fact this is a misrepresentation because there are dormers on that pitched roof, so --

CONSTANTINE ALEXANDER: They comply with the dormer guidelines?

MARK BOYES-WATSON: We're still learning to use -- they comply with the dormer -- (inaudible) but we'll get the dormers on next. But it's the idea of it. And I think when you start to see it in context. And we actually -- and you start to see that the views from the street of Prospect, and actually Broadway is here. So a long views back into the site.

We also, interestingly going another sort of measure of density, is open space. So this, after we built all of this we are still providing significantly more, ten percent or more of a percentage. We're spending 39 percent open space where the code is only 30. So it actually -- with all of the -- with all of the development it's still quite handily satisfies open space requirements of the Ordinance.

So, that's really the proposal. And I think that it's amazing, density is a very strange thing, strangely perceived, what we looked at is some of these -- it -- when

we looked at the, the relief actually for the buildings themselves is setback relief. The parking has it's own thing. But it's actually only setback relief.

CONSTANTINE ALEXANDER: I understand.

MARK BOYES-WATSON: We're asking for only, and I don't mean only. But the setback relief is that we, we actually could have attached this to here which is a sadness. So actually as we push it here, we create this setback violation here on this side. That's one.

JANET GREEN: So if you attached it, it would not have a setback problem?

MARK BOYES-WATSON: We could have made that one -- we could have got that one to work.

JANET GREEN: Okay.

MARK BOYES-WATSON: And this one, again, if I attached it here, I know I'm shaking my thing in all directions. But basically we're a little too close to this lot line -- and by a little too close it should be eleven

feet. And we are to the building eight feet, and to the bay maybe six feet, right, so we have a foundation bay (inaudible).

JANET GREEN: When it's put together or when it's apart like it was?

MARK BOYES-WATSON: Yeah. When it's -- the relief requested is to go from eleven-foot required setback to a -- it's fundamentally an eight-foot one but the bay projects. This one, the requirement would be seven-foot, six and we're at four. The rear yard -- the rear yard, if it as it now turns out, is a big violation, because we know we would have to be up here, right, because of this strange long protuberance. So the setback relief matches no setback relief in this direction. So we're asking for -- it's three-and-a-half feet of setback relief from this side, about four feet of setback relief here, and substantial relief for both of these buildings to be not, you know, in this direction. But we also took account when we located

them, we were looking at the surrounding buildings and trying to not impact our neighbors.

CONSTANTINE ALEXANDER: Now, what if -- I'm trying to understand this.

MARK BOYES-WATSON: Yeah.

CONSTANTINE ALEXANDER: If you leave this the way it is, the way you had it.

MARK BOYES-WATSON: Yeah.

CONSTANTINE ALEXANDER: And you cut this -- cut it in half, so it's only one unit, one additional unit --

MARK BOYES-WATSON: Yes.

CONSTANTINE ALEXANDER: -- and you can put it over here and over here, so the lot is much less cluttered, and you still achieve what Mid-Cambridge wants. So you can see this structure from the street.

MARK BOYES-WATSON: You could absolutely do that. It's just that the project is gonna be a lot more marginal.

CONSTANTINE ALEXANDER: I understand that.

MARK BOYES-WATSON: And you're right. You --

CONSTANTINE ALEXANDER: That's the
point --

MARK BOYES-WATSON: Remembering that this is not
exceeding the zoning on the site, not even remote --

CONSTANTINE ALEXANDER: No, but there is an
aesthetic context to this. I mean, your case for zoning
relief is very thin. I'm being blunt. It's very, very
thin.

MARK BOYES-WATSON: I hear you, but the zoning --

CONSTANTINE ALEXANDER: So, therefore, I'd like to
see a better project than what is being proposed here in my
judgment.

MARK BOYES-WATSON: But the zoning is, like, I
mean in terms of those setbacks, the relief being requested,
right, is to continue the existing parking pattern, but
improve it. And so fairly minor setback relief, you know,
you're talking about buildings like this.

BRENDAN SULLIVAN: But you could not build those today.

MARK BOYES-WATSON: That argument I absolutely --

BRENDAN SULLIVAN: And to say, well, they did it so consequentially --

MARK BOYES-WATSON: No, I know.

BRENDAN SULLIVAN: -- we're going to be in compliance for that. And then eventually you build a building and then that guy builds a building and then that guy and you have downtown Manhattan.

MARK BOYES-WATSON: I think we're not -- we're not approaching that.

BRENDAN SULLIVAN: Does that make sense?

MARK BOYES-WATSON: We're not approaching that are we? Because the fact is this is less units and less density than what is allowed on the site. So I really -- that argument that somehow we're Manhattanizing -- this is simply exercise less than the allowed rights on the site and trying

to do it in the most sensitive way.

BRENDAN SULLIVAN: The area that the house is sitting on, that square right there --

MARK BOYES-WATSON: This one?

BRENDAN SULLIVAN: What is the area of that? Take away the drive. So, in other words --

MARK BOYES-WATSON: Yeah, help me out.

BRENDAN SULLIVAN: So if you give me this area here.

CONSTANTINE ALEXANDER: Yeah, that's a lot.

MARK BOYES-WATSON: Yeah, what is it?

BRENDAN SULLIVAN: What is that square footage and how much house is going to occupy that?

MARK BOYES-WATSON: Oh, you mean if we took out the tail in terms of square footage?

BRENDAN SULLIVAN: Correct.

MARK BOYES-WATSON: The -- Heather, is she still here? It's on here. I don't want to misrepresent.

UNIDENTIFIED AUDIENCE MEMBER: 18 foot, 8.

MARK BOYES-WATSON: 18 by 108.

ATTORNEY SEAN HOPE: While Mark is finding out that calculation, the only thing I would add, though, is that if you take out this front, and I understand where you're going with it, what could you build on the rear lot? I think it's really just frontage that also creates this rear yard setback. So you're asking us to take away the square footage here and then still apply the 30-foot setback which....

MARK BOYES-WATSON: So the development rights associated with the long -- I think of it like a steamer, right. It's got a long neck. Is that what they call it? Long neck. Anyway 0.75 times 1944 is -- it didn't work.

CONSTANTINE ALEXANDER: That's why you went to architecture school, you can't do your math.

MARK BOYES-WATSON: I wasn't good at that. 1,458 square feet of buildable area. It's derived from this piece

of the lot.

BRENDAN SULLIVAN: So, again, what is the area of that?

MARK BOYES-WATSON: So the remaining -- well the remaining -- if you take 1944 off the --

ATTORNEY SEAN HOPE: 7200.

MARK BOYES-WATSON: Is it exactly 72?

UNIDENTIFIED AUDIENCE MEMBER: 7262.

MARK BOYES-WATSON: Never had people have to wait for me to unlock my phone while I'm doing this. What we're hoping it comes out to three units, right, Brendan?

BRENDAN SULLIVAN: No, no. What I'm trying to get at --

MARK BOYES-WATSON: You would still be allowed to build --

BRENDAN SULLIVAN: How much of that area?

MARK BOYES-WATSON: You will still be allowed to build three units.

BRENDAN SULLIVAN: All right, now.

MARK BOYES-WATSON: 5258 would allow me to build three units.

BRENDAN SULLIVAN: All right, now, and how much -- what you're proposing, how much of what you're proposing, how much of what you're proposing is going to occupy that 5258?

MARK BOYES-WATSON: Oh, in terms of lot area?

BRENDAN SULLIVAN: Yes.

MARK BOYES-WATSON: Are you asking that I can satisfy the open area requirement?

BRENDAN SULLIVAN: I just want you to stop right there, and then I'll tell you my conclusion.

MARK BOYES-WATSON: That's a different calculation. But anyway, let me just see.

So what you're asking is what's the total footprint that we're putting on that?

BRENDAN SULLIVAN: Yes.

MARK BOYES-WATSON: God. Testing my skills.

You're going to tell me why I'm doing. It's not very big. 2279. 2279 is a proportion of the actual lot which I've now lost. If this fictitious lot was only 5258 and the lot coverage is 22 -- 2279, I'm going to divide that into the other, right? So 5258, 43 percent. That's pretty good.

BRENDAN SULLIVAN: So you're covering 43 percent of the area?

MARK BOYES-WATSON: Did I do that right around? I'm not good at math. Did I do it right? Let me do it the other way around.

So if I take the --

ATTORNEY SEAN HOPE: The lot size.

MARK BOYES-WATSON: Yeah, 2279. No, I think it is right.

ATTORNEY SEAN HOPE: It's a little less than half.

MARK BOYES-WATSON: No, that's right. So 43

percent. Yeah, that's the thing. Despite it being a weird lot, I really think the request here is for setback relief. There isn't for density. It's not for --

MAHMOOD FIROUZBAKHT: Could I get a point of clarification? So it's 43 percent, and what would be required?

MARK BOYES-WATSON: If somebody wrenched off that --

JANET GREEN: Yeah, just --

MAHMOOD FIROUZBAKHT: Right.

MARK BOYES-WATSON: -- you could still build three units. But they wouldn't --

MAHMOOD FIROUZBAKHT: In a C-1 District, what's the lot coverage?

MARK BOYES-WATSON: There's no -- there's not lot coverage. It really expresses the need for open space.

MAHMOOD FIROUZBAKHT: Got it.

MARK BOYES-WATSON: But it is an indicator of

density I agree. I mean, the efficiency here is that actually everything around these structures is pretty nice by the time we're done in terms of the landscaping, what have you. The usability of it for the each individual owner.

JANET GREEN: So what do you see from -- I see where you're going to see, you would see the original house from Prospect, but what do you see from Broadway?

MARK BOYES-WATSON: So that's illustrated here. So what you have -- yeah, at the top here is Prospect before and after. And down the bottom -- and it's not deliberately, it's there -- it's about 150 -- is it 150 feet from Broadway to our building? You see our building in the back there?

JANET GREEN: Yeah.

MARK BOYES-WATSON: It's actually deep, deep. You know, the way to think about it, when you go down Broadway -- in fact, if you look at this, what I use to

calibrate my -- part of my attitude to that building, was I'm a great fan of this development. You know, this is the one where they say the two historic houses and there's a bar at the back? You know that nice project on Broadway. A pair of historic houses and a lawn leading to a fairly modern row of townhouses, that's how far that is from Broadway. This is how far that -- that's why it looks so far away in my drawings. It's a long, long way away from the street. It's a long view. And that's the, that's the bar building that sits, you know, as you look at it.

MARCIA KIRSSIN: You can just see the house in its current position which is close to the bent, between the Broadway house and mine, you can see it if you look quickly.

THOMAS SCOTT: And how does the parking work for these new units?

MARK BOYES-WATSON: So the parking is. The parking is all on that original driveway.

THOMAS SCOTT: It's all on that driveway.

MARK BOYES-WATSON: Yeah. We tried to improve it because right now, right now if you looked at the survey -- well Sean was presenting it's parked more or less straight on. So what we tried to do here is improve that so it's more normal. Where you're driving on an angle and then you come down and we provided this thing, which not only acts as a full court for the nice old house, but it actually gives you the opportunity to turn your vehicle around.

CONSTANTINE ALEXANDER: Will people be parking in there?

MARK BOYES-WATSON: No, this is no parking down here. It's also the notion of a muse. So you're going to walk down this driveway and get to these houses, so it's nice it's not cluttered, you're not walking passed cars. It's civilized.

CONSTANTINE ALEXANDER: So, I'm sorry, where is the parking?

MARK BOYES-WATSON: The parking is on these

diagonal spaces.

CONSTANTINE ALEXANDER: I got you.

MARK BOYES-WATSON: By turning them you're getting backup and length of space.

CONSTANTINE ALEXANDER: Does it have anything to do with the view of the relocated house from Prospect Street?

MARK BOYES-WATSON: I wouldn't say over the existing condition because there's a big fence here now.

CONSTANTINE ALEXANDER: Right.

MARK BOYES-WATSON: But I would say they are between you and the house. So I wouldn't say it wouldn't make any difference to that.

CONSTANTINE ALEXANDER: And you showed that to Cambridge Historical?

MARK BOYES-WATSON: Yeah, oh, yeah.

CONSTANTINE ALEXANDER: I mean to Mid-Cambridge, I'm sorry.

MARK BOYES-WATSON: Yeah, yeah, they were -- everything you're seeing they've seen.

THOMAS SCOTT: So you're proposing five spaces?

MARK BOYES-WATSON: Yes, we're proposing five. What we also are doing is trying to improve or allow the continuing use of these spaces very tight. So we've got some blanks in here so that they can pull out and get out themselves is the sense of this shared -- this strange -- really the status of this passageway is very nebulous. So what we are trying to do here is we're trying to fix things without causing detriment to the neighbors, right?

ATTORNEY SEAN HOPE: And I'm not sure how relevant it is for the Board, but part of the Mid-Cambridge criteria is to control in-fill development. And so what actually triggered the binding view is the fact that we were increasing the lot size by 30 percent. So the idea of three units or how this fits in the context of the other building,

really was the focus of our review. I mean the design changes -- we did a host of design changes. That's really their charge, that's the point where they go from non-binding review, which is essentially a hearing, a community hearing, to a binding review. So, you know, we made the argument about what the lot allows, but I do think Mid-Cambridge District is really the Board that is charged by the City to actually control this size development. Now they knew we had to get zoning relief and they knew we had to come to this Board and plead our case. But I do think in terms of the massing, scale, and size this was approved. And even the landscaping. They didn't just focus on the in-fill. They talked about -- and there were neighbors that wanted us to do certain mitigation, what you see in the letters, as part of this development to make sure what works and to control the private way, to make sure that it works better than it works now.

I also mentioned for the parking. So there was a

series of cars here that were unregulated. So if you actually walk down there now, there was cars and these weren't even all related to this use. And now this would be regulated in a way. And so part of the idea is putting the five cars there would be able to accommodate extra cars. If you only have three parking spaces, where else do you park? You're naturally going to figure out a place to park. But I think the idea was we were going to create the overflow parking that could be impacting the other abutters and we received the support for that.

CONSTANTINE ALEXANDER: Views from Members of the Board?

BRENDAN SULLIVAN: I mean, I'm not convinced by this plan.

CONSTANTINE ALEXANDER: I'm sorry?

BRENDAN SULLIVAN: I'm not convinced.

CONSTANTINE ALEXANDER: I'm not either to be honest with you. I'm not convinced that you can't come up

with a better solution. I'm not opposed to granting a Variance. This is not the proposal I would grant a Variance for.

JANET GREEN: I would like to hear what the people --

CONSTANTINE ALEXANDER: Sure. I'm not going to cut it.

JANET GREEN: I know we haven't gotten there yet. We haven't gotten that far.

CONSTANTINE ALEXANDER: You want to hear from the audience.

Is there anyone here wishing to be heard on this matter? Give your name and address to the stenographer when you come up here.

MARY JO CLARK: My name is Mary Jo Clark, 32 Crescent Street in Cambridge, Mass.

CONSTANTINE ALEXANDER: Where is Crescent Street on this? Are you in the area?

MARY JO CLARK: I'm sorry?

CONSTANTINE ALEXANDER: Where is Crescent Street
in relation to this --

MARY JO CLARK: Oh, Crescent Street is not near
here.

CONSTANTINE ALEXANDER: Oh, okay.

MARY JO CLARK: This is more of a character
reference for Marcia.

CONSTANTINE ALEXANDER: Oh, okay.

MARY JO CLARK: And also, I wasn't thinking of
talking about this, but I know I've visited Marcia a number
of times in her home. Very hard to get in there. Very hard
parking. It is not a very good space the way it is --

CONSTANTINE ALEXANDER: Understood, we agree with
that I think.

MARY JO CLARK: -- currently. And I guess what I
had wanted to say is that I've known her for 35 years and I
know what a struggle she's had. And the past few years

rehabbing and she's been a good friend. She took care of -- my son was one of the chess kids that she took care of. And I know that she's not trying to get any kind of, you know, anything other than support for herself and for her family.

CONSTANTINE ALEXANDER: We understand that.

MARY JO CLARK: And also Mahmood lives on Crescent Street, and I know he has done some renovations to his house which was so sensitive to the neighborhood and so thoughtful in terms of the -- so I would trust that what they are doing is something that would be very thoughtful to the abutting property and I just wanted to say that.

CONSTANTINE ALEXANDER: Thank you.

MAHMOOD FIROUZBAKHT: Thank you.

CONSTANTINE ALEXANDER: Sir.

GEORGE SALLUM: My name is George Sallum,
S-A-L-L-U-M. I own 141 Prospect Street which is --

CONSTANTINE ALEXANDER: Should be over here I

think.

GEORGE SALLUM: Yeah.

CONSTANTINE ALEXANDER: Yeah, right there.

GEORGE SALLUM: And I am speaking in favor of this project by virtue of I know the need for the dwelling units in this area because of its proximity to Harvard and MIT.

CONSTANTINE ALEXANDER: Right. It's a choice piece of property in terms of its location, there's no question about that.

GEORGE SALLUM: It's just the need. Plus there is another thing that -- because it improves this, what you call it, tail, a rattail, passageway, whatever. Anyway, I don't live here, I live on 127 Larch Road and I am here just to support this and I thank you.

CONSTANTINE ALEXANDER: We thank you for coming down and staying here until this hour of the night, thank you very much.

GEORGE SALLUM: It was a pleasure.

CONSTANTINE ALEXANDER: Thank you, sir. Ma'am.

ELANA BOSCH: My name is Elana Bosch, B-O-S-C-H.

I own 155-153 Prospect Street which is the tallest building in that area. I agree that development needs to happen. It is, it has been neglected, let's say, for a while. I was very concerned about the amount of shade that that was going to be causing on my small yard, but I have to say I was very impressed with how much effort was brought to the table to address my concerns, and I know a lot of the other neighbors were very concerned about other issues and they really tried. So I think from a developer standpoint, I am very encouraged that there's a lot of effort made so far. I'm very happy with that. But I do agree with what you were saying and the density and -- yeah, so.

CONSTANTINE ALEXANDER: Okay, thank you, thank you as well.

Is there anyone else wishing to be heard?

(No Response.)

CONSTANTINE ALEXANDER: Apparently not.

We could go into the letters, but maybe we should take a step back.

You've heard -- you've heard at least two Members of the Board have problems with what you're proposing and that is fatal as you well know. Would you like to take sometime to reconsider this project and -- reconfigure it, not reconsider it. We want you to go through with it. I shouldn't say that. I'm willing to grant a Variance that allows this property to be maintained, allow the person to stay in her home, but I don't know if this is the best project that can be done for that property. And that's our responsibility.

THOMAS SCOTT: I will say that I'm in favor of it. I think the project will be a huge improvement to this property. I think it's sensitively done. It's responding to a lot of different requests from the Historical Board, and I just think that, you know, from an architectural

sensitivity to what's around it, I think it's, it's well done. So I would be in favor of it.

JANET GREEN: And I was, I really agree with Tom. I think it's a good project, good use of space. There's not -- it sounds like they've worked a lot with the neighbors to get, you know, so that it -- to tweak it here and there and do what people have desired to have in that space and not even -- and not ignoring your situation, but not even considering that particular personal situation, I think this is a strong project for this area.

CONSTANTINE ALEXANDER: I'm sorry, you were going to say something, Mr. Hope?

ATTORNEY SEAN HOPE: Yeah, I just wanted to understand as we make a decision on what to do, is it just the number of units and the density?

CONSTANTINE ALEXANDER: Yes, speaking only for myself, yeah, it's the number of units. I'd like to see one unit being added and preserving the house.

ATTORNEY SEAN HOPE: And is it the unit count or is it the mass --

CONSTANTINE ALEXANDER: Well, the mass -- obviously they're related. Two units mean more massing than one unit.

ATTORNEY SEAN HOPE: Yeah, I mean sometimes massing is also about height.

CONSTANTINE ALEXANDER: No, if you look at that, we got a lot more open space for the property if we only had cut it in half which is just obviously the facetious in my comment, but something like that it would allow, it would allow the project to go forward. It would allow you to stay in your home. Yes, it may not be as much of a return on investment obviously you got one less unit, but that's not our job is to maximize your return on your investment. I don't know, that's how I look at it:

The other problem -- problem, the other issue you should be aware of if we do continue the case to reconsider

it, it would be three, unless you -- Janet won't be here for the next three sessions. So it will be a month or two away before you could come back before us. End of April I think is the next time you would be around.

Alison, what are your thoughts on this?

ALISON HAMMER: My thoughts on this? I think I would support this. I think it's been -- I understand there are some legal concerns that are outside of all the other people who have vetted this project, but it does seem like it's been thoroughly sensitively vetted with many, many groups and individuals. You obviously have a plethora of abutters here who I'm sure have a plethora of opinions, and the fact that you've been able to bring them out here mostly in support of your project, I certainly know firsthand how difficult that could be. Multiple other boards having oversight, myself as a designer, I think it's quite well done. I do understand that some of the -- some of the asks seem a bit excessive. You know, maybe you could have tried

to pull back out of other setbacks, but overall it seems nicely done.

MARK BOYES-WATSON: I mean my problem -- I mean just to -- I mean, I don't think I'm going to turn anybody's opinion.

CONSTANTINE ALEXANDER: I'm sorry.

MARK BOYES-WATSON: I don't think I'm going to sway anybody's opinion this evening, but just speaking to the argument made tonight is that the reduction of a unit, which you could say is a measure of density is one thing, reduction of square footage will indeed -- which is the only way I can get the thing to shrink a little, you know, it's -- immediately impacts the financials in a very substantial way. I mean, I think that the thing that I don't even want to be making this argument, but these things are not so easy to make the money work. So that is a big difference. It's like a 30 percent difference in the project like this is life and death. So I don't think you

should view it so lightly. I don't agree with your legal argument, but I'm not the lawyer. Because I can't believe if this doesn't have a hardship, this site, you show me one that does. I mean, I don't know what you're all seeing but I don't see it. I mean, I don't see what you're doing for the City by denying this. I don't see what you're doing -- I don't see why? Why? I don't see it. I don't see it. I really don't see it.

ALISON HAMMER: I would add one thing to my thinking as well, which is that if I were developing this project and I faced this rejection, I would probably just go and do the as-of-right project which would be horrendous dust.

ATTORNEY SEAN HOPE: And to that point the idea, you know, it's not clear that if we went back to Mid-Cambridge whose job is to look at in-fill development and make sure, you know, it's the right scale, it's compatible to the neighborhood, it preserves the historic

buildings, which part of their criteria, it wouldn't pass that. So I think -- we started off with as-of-right. You always counsel clients to start as-of-right. And we showed -- we talked to Charlie Sullivan, he said we need to preserve this. So we almost backed into this. I understand the Board doesn't care always about financials. I understand that, but I think when you have, to me, a very unique lot shape that really takes what will be allowed by the Ordinance in terms of three units and all of a sudden now we're tripped into several different Variances only because of the size and shape of the lot.

BRENDAN SULLIVAN: But it only allows three units if you comply with the other requirements. You know, that's just one step along the way. That's just one checklist.

ATTORNEY SEAN HOPE: I agree with you,
so --

BRENDAN SULLIVAN: To say, well, you know, we could build six units if we have a bigger lot. But you

don't have a bigger lot.

MARK BOYES-WATSON: If we took down the historic house, we could build the three units. I mean really -- I've been here before. We really are here -- we're basically -- we really want to take this to 200-year-old house and put it under threat. Who are you protecting from what? The, you know, where is the detriment to the abutters? Where's all the scary things that are supposed to be happening? I don't see it. This house will be at risk if this Variance doesn't go through. It doesn't work as a two-unit project, and especially it's substantially small.

ATTORNEY SEAN HOPE: And I'd also make the point zoning is a very clumsy tool. I think the reason you have this Board, is when you apply the zoning, sometimes you have results that don't make a lot of sense, that you can only do one house because the length and depth of the lot.

BRENDAN SULLIVAN: But you haven't showed us why

you can't do two.

MARK BOYES-WATSON: But you can do two. But do you really think that --

BRENDAN SULLIVAN: Other than saying it doesn't work financially.

MARK BOYES-WATSON: Well, of course it works financially. If the land value comes plummeting down, but there's serious ramifications with this case, I don't know request we do that to her.

BRENDAN SULLIVAN: So it can work?

CONSTANTINE ALEXANDER: Yeah.

MARK BOYES-WATSON: Yeah, but why would you do that? Why?

BRENDA SULLIVAN: Well, because it --

MARK BOYES-WATSON: Why? Why? Why? Why? I haven't heard why. I have not heard why.

BRENDAN SULLIVAN: Abstract number --

MARK BOYES-WATSON: You always yelling at me.

Why? Why would you turn this down? Why?

BRENDAN SULLIVAN: You don't know --

MARK BOYES-WATSON: No, you don't have a reason to turn it down. I mean I'm always the one --

BRENDAN SULLIVAN: I would not vote for this.

MARK BOYES-WATSON: I know you won't. You won't now because I've lost my temper. But really, I don't get it. I don't get that. And it doesn't make sense to me.

ATTORNEY SEAN HOPE: Well, there's a person whose situation is at stake and I think what we're getting a little bit off -- I don't know if there is a viable two-unit proposal here. And I don't mean just for zoning, because we can put things in a box, but we're talking in reality here. If you're saying that we don't have the votes here, then I just -- I know this is a late hour, but I think I would really need to talk to Marcia. Could I ask for a brief recess just to figure out what our move is. I don't want to continue for no reason, and if this is not viable, then I

want the Board to understand what you would be voting for.

And if we could just have a minute and talk to Marcia.

CONSTANTINE ALEXANDER: Sure, take your time.

(Whereupon, a discussion was

held off the record.)

CONSTANTINE ALEXANDER: Okay, we'll call the meeting back to order.

MARK BOYES-WATSON: May I just apologize for my behavior.

CONSTANTINE ALEXANDER: We're intemperant sometimes, too, at this late hour.

ATTORNEY SEAN HOPE: So, I think for us, you know, we want to do a project that can work. We -- we're not sure that two units would be as burdensome as we believe it is. And we feel like in the interest of Marcia, we need to at least look at it. I also think that it would give us -- we want as much feedback -- if it's just -- to me just knocking the unit down and do whatever is not enough guidance. Even

if this Board approves, we have to then go back to Mid-Cambridge.

CONSTANTINE ALEXANDER: And that's reducing --

ATTORNEY SEAN HOPE: Reducing a unit. If that's the only feedback we have, that's not as helpful for us as we warrant feedback from the two people. If we get approval here, we still have to go back to Mid-Cambridge and get their approval as well, and so you know.

CONSTANTINE ALEXANDER: Frankly, from Mid-Cambridge's point of view, if you relocate -- if the project involves moving the structure over so it's visible from Prospect Street and preserving the structure, I don't know why Mid-Cambridge would have any other problems otherwise. They're not going to say well, you definitely have two units.

ATTORNEY SEAN HOPE: I think there's a financial reality that if you're knocking a unit down, you may still need to make each unit bigger to make the project work.

CONSTANTINE ALEXANDER: Right.

ATTORNEY SEAN HOPE: So it's just not needing the unit to go forward, there's GFA that would be left on the lot that we have to find a way to capture, and so that could change the size and scope of both houses, even if they keep the fenestration. That's why I think for us getting as much feedback about really what would work, because I do feel like this is a second round of design review. We went to Mid-Cambridge who charged us to look at in-fill development and the exterior, and so we're here for zoning but we're also getting some design review. So, I think it would be helpful to go back and try to get at least -- so this way we have the same square footage, but this was two units. And somehow the lot covered was a little better. Would that be, you know, we'll wait until April. We can't come back again and then come back again. As much feedback as we could get so that we know --

CONSTANTINE ALEXANDER: I personally would like to

see less structure on the lot. You're going to keep the old house and that's, that's a given and it's essential to my point of view. I want to maintain it with the view to Prospect Street as Cambridge Historical -- I don't like what's -- the two units over there, which strikes me takes up too much of the lot, and I, you know, I think it's only -- this is all driven by financial return and it's not driven by anything other than that. And I am not convinced that you cannot get a financial return however less, it will be less, but building one unit which would have more green space in the lot, particularly if you move the unit farther back which would lessen the impact of this on the person's property over here. She's getting -- we heard basically -- I heard anyway, lukewarm support for the project and concerns about that. I'm trying to address that. Give her more space between --

ATTORNEY SEAN HOPE: I would only comment that that same comments were made at Mid-Cambridge, that didn't

hold a lot of water, and I feel --

CONSTANTINE ALEXANDER: That's them.

ATTORNEY SEAN HOPE: We have a book of letters in the file that from other people who aren't, in her building is much larger than anything we're proposing. I know that's irrelevant, but I'm just saying I'm speaking --

CONSTANTINE ALEXANDER: I appreciate that.

ATTORNEY SEAN HOPE: I'm asking for feedback, and this is really about lot coverage potentially. So if we cut the lot coverage back and we kept a total of three units, if we made the units less big?

CONSTANTINE ALEXANDER: Sure. We want to see the specifics.

ATTORNEY SEAN HOPE: Yeah, I mean just conceptually.

CONSTANTINE ALEXANDER: The number of units is not the crucial thing, it's lot coverage.

ATTORNEY SEAN HOPE: Okay, that's helpful.

CONSTANTINE ALEXANDER: That's what I can tell you. I don't know if Brendan wants to add anything or subtract or not.

BRENDAN SULLIVAN: No, just have to see what they come back with.

CONSTANTINE ALEXANDER: Okay.

When's the second one in April is when?

SEAN O'GRADY: 28th.

CONSTANTINE ALEXANDER: 28th of April, that's the first time we can get the five members. Other members?

ALISON HAMMER: I can't.

CONSTANTINE ALEXANDER: You can't. Can you make the next one?

ALISON HAMMER: Yeah.

SEAN O'GRADY: May 12th.

CONSTANTINE ALEXANDER: May 12th.

Can you make it, Tom?

THOMAS SCOTT: Yes, I can.

CONSTANTINE ALEXANDER: Brendan?

BRENDAN SULLIVAN: Yes.

CONSTANTINE ALEXANDER: Okay, the Chair moves that this case be continued as a case heard until seven p.m. on May 12th, subject to the following conditions:

That the petitioner sign a waiver of time for decision, which he's about to do.

That the posting sign be modified to reflect the new date and the new time, and that it be maintained for the period required by our Ordinance.

And to the extent that there are new plans, that these plans and the accompanied dimensional forms, table of dimensional requirements be in our files no later than five p.m. on the Monday before May 12th.

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

(Aye.)

CONSTANTINE ALEXANDER: Five in favor case

continued.

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

* * * * *

(Whereupon, at 11:00 p.m., the

Planning Board Adjourned.)

ERRATA SHEET AND SIGNATURE INSTRUCTIONS.

The original transcript and Errata Sheet has been delivered to Community Development Department electronically.

INSTRUCTIONS

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

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

C E R T I F I C A T E

**COMMONWEALTH OF MASSACHUSETTS
BRISTOL, SS.**

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

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

IN WITNESS WHEREOF, I have hereunto set my hand
this 11th day of March, 2016.

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

My Commission Expires:
April 29, 2022

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THE DIRECT CONTROL AND/OR DIRECTION OF THE CERTIFYING
REPORTER.**

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