

BOARD OF ZONING APPEAL  
FOR THE  
CITY OF CAMBRIDGE

GENERAL HEARING

THURSDAY, SEPTEMBER 15, 2016

7:00 p.m.

in

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

Constantine Alexander, Chair

Andrea A. Hickey, Member

Patrick Tedesco, Member

Slater W. Anderson, Associate Member

Jim Monteverde, Associate Member

Maria Pacheco, Zoning Secretary

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(7:05 p.m.)

(Sitting Members: Constantine Alexander, Andrea A. Hickey, Patrick Tedesco, Slater W. Anderson, Jim Monteverde.)

CONSTANTINE ALEXANDER: The Chair will call this meeting of the Board of Zoning Appeals to order. I'll make the following announcement:

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 will inform the audience that our stenographer does make a recording to assist herself when she types up the transcript. So you're on tape just be aware of that.

So with that out of the way I'm going to call the first case.

We'll start with continued cases. These are cases that started at an earlier session and for one reason or another were continued -- was continued.

\* \* \* \* \*

(7:05 p.m.)

(Sitting Members Case BZA-009894-2016: Constantine Alexander, Patrick Tedesco, Slater W. Anderson, Jim Monteverde.)

CONSTANTINE ALEXANDER: First I'm going to call 1 Kendall Square, building 100.

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

(No Response.)

CONSTANTINE ALEXANDER: Okay.

We do have a letter or an e-mail so to speak from the architect who I think has been the person who is driving

this case for the petitioner saying he wants to postpone the case. But my understanding of it, his concept of continuing the case is indefinitely. That's not how we do business here, and he should be so informed.

I think you already informed him of that, Maria.

I think I would also report to the Board that this person, this petitioner though instructed that he had to maintain the sign for the period of the continuance, did not do that. Which doesn't make my heart feel very warm and fuzzy about the petitioner. But we in the past we have given petitioners like this one more chance. My suggestion is we continue this case one more time.

For those of you who are on the Board and who may not be familiar with this case, this involves the new restaurant over in Kendall Square, a smoke shop, and they want signs that are not permitted under our Zoning Ordinance so seeking a Variance. The Planning Board is opposed to what they want to do. There is neighborhood opposition to

what they want to do, which is why the case got continued the last time. And they want to -- and they asked to continue now so they can reach out to the neighborhood associations, appear before the Planning Board, and make whatever design revisions required from the feedback they received.

I'm going to suggest, since this is going to take them awhile to do all of this -- this is a case not heard by the way. I'm going to suggest that we continue this case to the first session in December, which is about 75 days from now. It will give them time to get their ducks in order so to speak.

The record should be made clear at least from the Chair's point of view, absent very compelling circumstances there will be no other continuances. It's going to be up or down in December.

And the petitioner should be notified of this, if they don't maintain their sign for the next hearing, the

continued hearing, I'm going to move that we dismiss the case for failure to comply with the notice requirements of our Ordinance.

PATRICK TEDESCO: You're referring to the zoning, the sign for the hearing, not the actual building sign?

CONSTANTINE ALEXANDER: There is signs -- they want to put some signs on their building or their rented space that don't comply with our Ordinance.

PATRICK TEDESCO: Right. But you said they need to maintain the sign --

CONSTANTINE ALEXANDER: I'm sorry, I should have made that clear.

PATRICK TEDESCO: I wasn't clear.

CONSTANTINE ALEXANDER: The posting sign that you have to do for all hearings.

So, Andrea?

ANDREA HICKEY: I have a conflict on this case.

CONSTANTINE ALEXANDER: I think you can vote on

the continuance.

ANDREA HICKEY: I don't know if I can.

CONSTANTINE ALEXANDER: We don't need you.

ANDREA HICKEY: Okay.

CONSTANTINE ALEXANDER: Don't feel hurt, we don't need you.

ANDREA HICKEY: I'm not.

CONSTANTINE ALEXANDER: Okay, so there will be just four people voting on this.

The Chair moves that we continue this case -- what's the first meeting in December?

MARIA PACHECO: December 1st.

CONSTANTINE ALEXANDER: December 1st.

The Chair moves that we continue this case as a case not heard until seven p.m. on December 1st subject to the following conditions:

One, that the petitioner sign a time for waiver of decision. And the petitioner has done that in connection

with the earlier hearing.

Heather, are you here for Kendall Square? It's going to be continued. I'm in the process of doing that right now just so you're aware of that.

HEATHER HOFFMAN: Thank you very much. I appreciate it.

CONSTANTINE ALEXANDER: Okay.

One, that condition has been satisfied.

And, two, this is the important one, the petitioner must maintain the sign as required by our Ordinance for the 14 days prior to December 1st. Failure to do that, as there's been failure in the past, will lead to a dismissal in this case without getting to the merits. It's just failure to comply with our Ordinance.

Three, that to the extent that the petitioner is going to modify the plans for its signs as now set forth, that the modified plans, and any other relevant dimensional information, must be in our files no later than

December -- the Monday -- no later than five p.m. on the Monday before that December 1st.

Again, failure to do that, and if they come down, it comes down she/he, he/she comes down here to present plans to us that haven't been in our files so neighbors -- interested citizens can properly inspect them, we're going to dismiss the case.

In short, my patience as a member -- as the Chairman has run short and the petitioner should be made to understand that.

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

(Aye.)

CONSTANTINE ALEXANDER: Four in favor. Case continued.

(Alexander, Tedesco, Anderson, Monteverde.)

\* \* \* \* \*

(7:10 p.m.)

(Sitting Members Case BZA-010359-2016: Constantine Alexander, Andrea A. Hickey, Patrick Tedesco, Slater W. Anderson, Jim Monteverde.)

CONSTANTINE ALEXANDER: Okay, the Chair will call case No. 010359, 69-73 Jay Street.

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

ATTORNEY SEAN HOPE: Good evening, Mr. Chair, members of the Board. For the record, attorney Sean hope, Hope Legal Law Offices in Cambridge. I'm here with the petitioners who are the owner of 69 Jay Street. We have Mr. Junot Diaz and Marjorie Liu.

Spell your name.

JUNOT DIAZ: Of course. First name is Junot, J-U-N-O-T. Last name is Diaz, D-I-A-Z.

MARJORIE LIU: And my name is M-A-R-J-O-R-I-E. And last name is L-I-U.

ATTORNEY SEAN HOPE: So this is a Variance request

requesting Variance relief essentially what we call a volume request. There is a front element on the existing structure that they actually are raising the height approximately two feet plus or minus, and because of that the volume area because it's within the front yard setback is requiring relief.

There's also a window within this bay window as well.

There is also a side yard bay that is being created, that did create additional GFA but it's outside the setback. This is part of a major renovation of a delapidated four-unit structure.

The petitioners are reducing the unit count to two units. So there's going to be a reduction in the intensity of the use.

There was a some minor demolition as part of this renovation. So if you look at the FAR, the -- actually FAR is decreasing even though there is an increase in building

mass, so that's kind of -- so the bay window on the side, which you can't see from the street, it does trigger relief although we're not actually adding to the structure itself.

As I mentioned, this is a delapidated structure. It hasn't been occupied for the last 20 years. But if you drove by it, it was a neighborhood eyesore. There was work done but there wasn't any building permits to speak of that was pulled on the structure.

As part of the renovation, it became apparent there were some structural deficiencies with the structure that were just part of the overall renovation. As the Board has seen many times, often when you're taking a large structure and converting it to less units, oftentimes there are layouts on the interior that need to be changed because there was a four and now it's a two. Part of these renovations for that front bay structure is to increase light and air into areas that were appropriate when it was a four-unit but now that it's a two-unit have really created

some darker spaces with that.

The previous hearing was continued. There was -- in the neighborhood, there was some concern about the renovation. It wasn't essential to the Variance request. The area that the Variance is facing the street wasn't impacting anyone, but they were still overall parts of the renovation that were allowed as of right but there still was some concern. Between now and that time we have been able to reach out. There was one direct abutter who had an issue. Privacy was the issue. Oftentimes the Board understands that we have properties that are non-conforming in close proximity, even a modest change can sometimes create issues of privacy. We resolved that issue with that abutter.

CONSTANTINE ALEXANDER: Is that the fellow --

ATTORNEY SEAN HOPE: I believe there's a handwritten -- yes.

CONSTANTINE ALEXANDER: Mr. Ring?

ATTORNEY SEAN HOPE: That's right. And there was an appeal which is not part of this. But is also part of --

CONSTANTINE ALEXANDER: And he's going to withdraw that appeal.

ATTORNEY SEAN HOPE: Yes. That was part of an overall compromise to work out with the abutters.

I also think there was additional neighbors who initially may have been in opposition. I don't know if there are new letters, but I know there's no renewed opposition.

So from our understanding those people who had an opposition previously are now either no longer in opposition and/or in support. We have from the direct abutter.

I also want to say in preparation for thinking about how to style the house, because there was some demolition, there was an administrative review at the Historical Commission and so that they did opine on the design. It's not within any conservation district but they

did opine on the design and they felt that it was bringing back some of the historic aesthetic value of the structure.

Again, the request is modest in relief and I think it's also part of the overall, again, renovation. If you look at the house and look at some before and after pictures, you may only notice that the volume on that front bay is a little wider, if you notice it at all. Probably to the trained eye you pick that up. But other than that, it's a reduction in the amount of units and I think it's a vast improvement to the property in the neighborhood.

CONSTANTINE ALEXANDER: Okay. As you point out, there was a lot of -- our file is filled with letters both for and against the relief you're seeking. I don't know what, what the most recent developments are, so maybe we'll find out when I open the matter up to public testimony.

Beyond that, I think I would, I would comment that the relief you are seeking is modest. And certainly I was a little surprised myself seeing the file, seeing the amount

of opposition which sounded -- a lot of it was opposed to construction noise as a result of the work that's being done, maybe a misunderstanding of how the zoning works.

ATTORNEY SEAN HOPE: I think -- yeah, maybe a misunderstanding how zoning works. But, you know, I think when you have properties in close proximity, you have new people come into the area and possibly when change happens, but as far as we're concerned that's water under the bridge. We wanted to make sure before we came back to the Board that those issues were resolved and we feel that we've successfully done that. I actually don't think you'll have anyone in opposition here tonight but we'll see.

CONSTANTINE ALEXANDER: Let's find out.

I'm going to open the matter -- I'm going to do it out of order, but I'm going to open the matter up to public testimony. Is there anyone here wishing to speak on this matter?

Ma'am. One at a time. You have to come forward

and give your name and address to the stenographer, please.

DEBORAH CHASMAN: Okay. My name is Deborah Chasman. Deborah, D-E-B-O-R-A-H Chasman, C-H-A-S-M-A-N. I live at 54 Sixth Street. I live across town, but I've known Junot Diaz for 20 years. I've lived in Cambridge for 20 years. And you may know him as a famous writer. You may know his books. If I named the awards, we'd be here all night, but you may not know that he's also incredibly well known for his generosity for young writers, supporting young writers, encouraging young writers, writers of color, students of all kinds. So much so that the City of Cambridge actually named a day after him in 2009. The City was so happy that he made Cambridge his home. So I just want to say that I think this is precious little to ask, a beautiful bay window where he and Marjorie can write and work is precious little to ask for all he's done for this community.

CONSTANTINE ALEXANDER: Thank you.

And there are some folks back there. You want to speak? One at a time.

MICHAEL LANGLOIS: Well, we're a couple.

CONSTANTINE ALEXANDER: You can speak in tandem if you want. Name and address for the stenographer.

MICHAEL LANGLOIS: Mike Langlois. I'm the owner of 67 Jay Street. And this is my husband.

DAVID RING: David Ring.

MICHAEL LANGLOIS: And we are here to speak in support of the Variance request. We initially had some concerns about it and we've had the opportunity to discuss and come to an agreement. So we support the Variance.

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

Ma'am.

AMY THOMPSON: Amy Thompson. I live at 55-57 Jay Street. And I wrote a letter. Actually, you probably have it somewhere in the pile there.

CONSTANTINE ALEXANDER: I'm sure we do.

AMY THOMPSON: I've owned my house since 1984.

I've seen a lot go on in the neighborhood. This house was always an eyesore and lovely owners but a real neighborhood eyesore. And things started to change right about the time your house was built, and it's really added to the neighborhood and nice people moved in and I know there's been a conflict and I feel really bad about that. Obviously I have nothing to do with it. I hope that you've resolved your issues. And I just wanted to speak on behalf of -- I think the house is beautiful. It's, it's quality construction. I think it really adds to the neighborhood and I'm -- I approve of really everything that has gone on. And compared to the building that -- the building that went on next to me on the other side of my house where they -- it was one house and they built three, and it's been incredibly invasive. I think they stayed within the footprint. There are a few changes but overall it's, it really suits the

neighborhood and I just hope everybody is happy when all of this is over because I think it's a great addition to the neighborhood along with the modern house that you live in. They kind of blend together.

Okay? Thank you.

CONSTANTINE ALEXANDER: Thank you again for coming down.

Anyone else wishing to be heard?

(No Response.)

CONSTANTINE ALEXANDER: Apparently not. And apparently you were right, Mr. Hope. There appears to be no opposition beyond the letters that are in our file.

I'm going to close public testimony. Ordinarily we would read these letters into the record. I am -- I'm loathed to do so. First of all, it will take 20 minutes. And I think most of them are really sort of out of date in the sense that they express opposition when the opposition like Mr. Ring has withdrawn it. The letters of support are

obvious. We have -- we've got testimony here from citizens who are in support. And so unless other members of the Board feel they want to hear me read, I'm going to stop it at that.

JIM MONTEVERDE: Thank you.

CONSTANTINE ALEXANDER: You're welcome.

Okay. Any final comments, Mr. Hope, on the Variance and then we'll get to the Special Permit next.

ATTORNEY SEAN HOPE: Okay.

No. Well, I was going to say procedurally and Sean or the Chair -- initially when the application was filed as a belt and suspenders approach, there is a window which is in the setback which is being altered. So there is a Variance for the volume, but there was also reference to a Special Permit for a window.

CONSTANTINE ALEXANDER: Yes.

ATTORNEY SEAN HOPE: In my conversations with the Building Commissioner, oftentimes when you get a Variance on

a facade, that Special Permit may not be necessitated, so --

CONSTANTINE ALEXANDER: I thought the Special Permit -- isn't that related to the modification of the bay window. It's around the side, bay window for the kitchen.

ATTORNEY SEAN HOPE: Right, on the, on the --

CONSTANTINE ALEXANDER: That's a different --

ATTORNEY SEAN HOPE: Yes. There is a -- if you're facing the window on the left-hand side, there is a bay. But that is actually on the outside of the setback.

CONSTANTINE ALEXANDER: Oh, it is?

ATTORNEY SEAN HOPE: Yes.

CONSTANTINE ALEXANDER: You applied for the Special Permit. I think we should proceed with the Special Permit. There would be no questions going forward.

ATTORNEY SEAN HOPE: I agree.

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

Any comments from members of the Board are we

ready for a vote or votes?

PATRICK TEDESCO: All set.

ANDREA HICKEY: I'm ready.

CONSTANTINE ALEXANDER: Here's where I become a medieval shamaman, I say some magical words and if all goes well relief is granted.

Okay, 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 is that the petitioner's structure is quite old, in quite poor condition, and because of its location on a corner and the way the windows are such, the lighting, natural lighting, is not what it could be and would be desirable for a house in the 21st century.

The hardship is owing to the fact that this is an odd shaped lot and that you have a non-conforming structure, so that 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 this Ordinance.

In this regard the Chair would note that the project appears to have unanimous neighborhood support.

That the zoning relief being requested is in fact quite modest and it will allow house with some historical significance to continue to be used by citizens of the city. The current petitioner or subsequent occupants of the structure.

So on the basis of these findings the Chair moves that we grant the Variance being requested on the condition that the work proceed in accordance with plans prepared by LW Design Room, the first page -- there are multiple pages, the first page of which has been initialed by the Chair. Let me just stop there.

You know the drill, but these are the final plans,

sir? If he wants to change them, you have to come back.

JUNOT DIAZ: Of course.

CONSTANTINE ALEXANDER: All those in favor of granting the Variance on this basis, say "Aye."

(Aye.)

(Alexander, Hickey, Tedesco, Anderson, Monteverde.)

CONSTANTINE ALEXANDER: Moving on to the Special Permit.

The Chair moves that with regard to the Special Permit being requested we make the following findings:

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

That what is being proposed with regard to this window 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 is

being proposed. And we have testimony to that effect from neighbors.

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.

So on the basis of these findings the Chair moves that we grant the Special Permit being requested on the condition that the work proceed in accordance with the same plans referred to with regard to the Variance.

All those in favor please say "Aye."

(Aye.)

CONSTANTINE ALEXANDER: Five in favor. Good luck.

(Alexander, Hickey, Tedesco, Anderson, Monteverde.)

\* \* \* \* \*

(7:30 p.m.)

(Sitting Members Case BZA-011167-2016: Constantine Alexander, Andrea A. Hickey, Patrick Tedesco, Slater W. Anderson, Jim Monteverde.)

CONSTANTINE ALEXANDER: The Chair will call case No. 011167, 69-73 Jay Street.

The petitioner is David Ring.

MARIA PACHECO: He just left.

CONSTANTINE ALEXANDER: Is there anyone here wishing to come forward on this matter?

(No Response.)

CONSTANTINE ALEXANDER: No one does.

We are in receipt of a letter from Mr. Ring. It says: I, David Ring, formally withdraw my Variance application -- it's not a Variance -- appeal application. And that's it. And they just cite the number of the case. So he made a request for withdrawal.

The Chair moves that we accept this requested withdrawal. In fact this withdrawal is that it's a denial of the relief legally which means that the individual cannot come back for at least two years, but he seems to not be bothered by that.

So all of those in favor of accepting the requested withdrawal please say "Aye."

(Aye.)

CONSTANTINE ALEXANDER: Five in favor. Case withdrawn.

(Alexander, Hickey, Tedesco, Anderson, Monteverde.)

\* \* \* \* \*

(7:45 p.m.)

(Sitting Members Case BZA-010985-2016: Constantine Alexander, Andrea A. Hickey, Patrick Tedesco, Slater W. Anderson, Jim Monteverde.)

CONSTANTINE ALEXANDER: The Chair will call case

No. 010985, 216 Norfolk Street.

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

Please give your name and address to the stenographer.

WILLIAM HERBERT: So I'm William Herbert, 216 Norfolk Street.

BILL BOEHM: And I'm Bill Boehm. I'm the architect. And I live here in Cambridge, 18 Laurel Street.

CONSTANTINE ALEXANDER: Before we go further, if you were here at the beginning, I announced that people can make a recording of these hearings. And I announced that the stenographer is making a recording. There's another recording being made just so you're aware. This is being recorded by a private citizen.

WILLIAM HERBERT: No problem.

CONSTANTINE ALEXANDER: Go ahead.

BILL BOEHM: Out of curiosity, are the private

citizens who make recordings asked to say who they are when they're making the recording or not?

CONSTANTINE ALEXANDER: We can't ask them that. I had a fight with the Attorney General about that.

JOHN HAWKINSON: You can ask.

CONSTANTINE ALEXANDER: He can tell you if he wants.

JOHN HAWKINSON: You can ask.

BILL BOEHM: Okay, you want to?

WILLIAM HERBERT: Sure, yeah. So I bought this house in 2009 when I went to work at MIT for a little bit.

CONSTANTINE ALEXANDER: Where?

WILLIAM HERBERT: MIT, just down the road a little bit.

I lived there for six, seven years. Had some people renting it for about last two years since I've been working away from Cambridge. My wife and I see Cambridge as a long-term home for us. We love it. So we talked to Bill

about what we could do with the house. And he's come up with these interesting plans. One of our primary objectives was to restore or renovate the original house which is -- dates back to 1854 I believe. So the front of the house is, that's -- the design preserves that. And then on the back of the house we'd like to split it into another unit so that we can, so that we can potentially rent that out. And then when our family grows bigger, going to grow into that rear unit. So that's the overall plan.

I suppose that that -- are there any questions on the overview of the house?

CONSTANTINE ALEXANDER: You should deal with why you're here tonight. I mean, I understand what you want to do, that's fine. It's good you told us. But what's your zoning problem?

WILLIAM HERBERT: Sure. I think Bill knows the details better than me because Bill did the design. So I'll let him speak to that.

BILL BOEHM: Sure. So one last piece on the background is that we prepared a first design and went to the Historic Commission with it and were asked to return with another design. So that this is -- we were originally going to demolish the entire house. We came back, and after advice from the Historic Commission and hearing the neighbors, we've decided that we will -- we are -- this current scheme is to preserve the front house and do the addition in the back.

The reason we're here tonight is because we are in need of a few variances:

One is simply conversion of a one-family to a two-family dwelling. And as you know, the area is zoned for multi-family so we're okay, but we still needed that as a protocol for a request.

CONSTANTINE ALEXANDER: Well, let me just modify that a little bit --

BILL BOEHM: Sure.

CONSTANTINE ALEXANDER: -- for the benefit of the Board members.

You are in a district where you could have one-family or two-family. If you're going to what we call up-convert, you're going to go from one-family to two-family, I can't think the zoning section, but you have to meet four requirements. You meet three, but the fourth one you don't meet and that's why you're here tonight. You have to have parking for each of the units.

WILLIAM HERBERT: Right.

CONSTANTINE ALEXANDER: And you have to have two on-site parking spaces. And clearly your lot doesn't support, doesn't allow two parking spaces. So you need, that's your, that's your major, in my mind anyway, your major Variance is the fact that you want us to allow you not to have two parking spaces on the lot for your two-family structure.

BILL BOEHM: We are planning on having two parking

spaces, though, they'll just be non-conforming.

CONSTANTINE ALEXANDER: I thought there were not going to be two?

BILL BOEHM: Yes, two.

JIM MONTEVERDE: Graphically it shows two.

CONSTANTINE ALEXANDER: Oh, are there?

JIM MONTEVERDE: Yeah, graphically it shows two.

CONSTANTINE ALEXANDER: Okay. So you're going to have --

BILL BOEHM: There will be two, but they'll be non-conforming and that we will be within the five-foot setbacks to the property line. And we will not have the minimum driveway width. The minimum driveway width is more the function of the existing configuration of the house that we're preserving. It pinches in at the upper end of the lot since we get only about nine and a half feet. Mitigating that is the fact that our property, the property actually is open to the property next to it and already paved, so

they've been using the driveway. The existing driveway is already like eleven and a half feet wide because of that fact. So it's not as tight as it seems, but --

PATRICK TEDESCO: Does the abutter share that driveway?

BILL BOEHM: No.

WILLIAM HERBERT: No, he doesn't.

CONSTANTINE ALEXANDER: And is he in opposition to what you want to do with the two-family house?

BILL BOEHM: No, he doesn't.

We have a larger plan if it helps to visualize that. These are the two spots that are dimensionally correct. It's just the five foot to the property line, and then here's where we run into the narrow lot, up here, because this is the property line. But this wedge to the edge of our neighbor's house is actually paved and has been driveway for some number of years and that there's no intent to change that. A fence continues down along the property

line.

WILLIAM HERBERT: 116 years ago.

CONSTANTINE ALEXANDER: And I think that neighbor there has no problems with what you want to do?

BILL BOEHM: Correct.

And as you can see, it's a relatively shallow lot. There are several lots in here that are kind of extra shallow because of the once factory and now Cambridgeport school's lot sort of cut into the normal depth of lots which makes this a 75-foot long lot.

WILLIAM HERBERT: I think they changed when they had a fire, you know, access to take some of the lots.

PATRICK TEDESCO: Is that the Fletcher Maynard Academy behind it?

BILL BOEHM: No, it's the Cambridgeport School.

PATRICK TEDESCO: Oh.

CONSTANTINE ALEXANDER: And the zoning relief you're seeking, is all related to the parking?

BILL BOEHM: They all are parking.

CONSTANTINE ALEXANDER: So that the addition itself doesn't require any relief?

BILL BOEHM: No, it's as of right.

CONSTANTINE ALEXANDER: As of right.

And have you spoken to your neighbors about this project?

WILLIAM HERBERT: I have, yeah. I mean principally this neighbor here is -- I get along very well with him. I actually, you know, told him to turn up today. Unfortunately he didn't. I take that as a sign he doesn't have any objections.

CONSTANTINE ALEXANDER: We don't have any letters of opposition or support for that matter.

WILLIAM HERBERT: And he's always been happy for us to use the drive for multiple cars. See we've never been able to do this because the current structure is shown by this dotted orange line.

PATRICK TEDESCO: So you're increasing your rear yard setback, right?

BILL BOEHM: Yes.

PATRICK TEDESCO: And you're increasing it to a conforming condition?

BILL BOEHM: Yes, that's right. We're going from -- less than about eight feet to about 15 feet. And that's about to exactly 15 feet.

CONSTANTINE ALEXANDER: Okay.

BILL BOEHM: Neighbors are aware of the project and they were at the historic meetings.

WILLIAM HERBERT: Yeah.

CONSTANTINE ALEXANDER: They were at the historic meetings?

WILLIAM HERBERT: I would say almost every single one (inaudible), and for them that was the most important part was the preservation of the front structure of the house which is the historic part. So they all came.

BILL BOEHM: This is the -- how the front will look after it's been restored. It's now clad in aluminum siding and all the details lost. So that will appear more or less the way we believe it did around the turn of the century. 1900. That turn of that century.

CONSTANTINE ALEXANDER: That century.

BILL BOEHM: And then in the back we have the addition which is not seen from the front of the house.

CONSTANTINE ALEXANDER: Any of your neighbors comment on the fact that you have a deck in the back and that could have privacy or noise issues?

WILLIAM HERBERT: No one commented on that.

BILL BOEHM: No, no one's commented on it.

WILLIAM HERBERT: They only cared about the front. You know, directly behind is the school which obviously during the night and on the weekends there's no one there.

CONSTANTINE ALEXANDER: The deck, second floor decks particularly in dense neighborhoods are sometimes, not

sometimes is often a matter of concern for our Board for noise, privacy, but this deck is there as a matter of right as I see it so we have nothing to say about it. But I would trust -- well, you're going to be living there. Initially you're not going to be living in that part of the house that has a deck, are you?

WILLIAM HERBERT: No, in the front part.

CONSTANTINE ALEXANDER: In the front.

WILLIAM HERBERT: Yeah, exactly.

CONSTANTINE ALEXANDER: I'll trust your tenant, I assume will be your tenants, will not be too noisy with regard to the use of the deck.

WILLIAM HERBERT: I hope not.

CONSTANTINE ALEXANDER: Okay.

Questions from members of the Board?

(No Response.)

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

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

(No Response.)

CONSTANTINE ALEXANDER: No.

As I mentioned there are no letters in our files.

I think I'll close public testimony.

Any final comments you may have?

BILL BOEHM: No.

CONSTANTINE ALEXANDER: Okay.

Discussion or ready for a vote?

JIM MONTEVERDE: Vote.

CONSTANTINE ALEXANDER: Okay.

Okay, the Chair moves that we make the following findings with regard to the Variance being requested:

That a literal enforcement of the Ordinance would involve a substantial hardship. Such hardship being that the petitioner would not be able to maintain a structure of some historical significance without being able to convert

to a two-family house and to prevent needs to provide parking for the two. The parking will be provided, it just will not be comply through our Ordinance in very technical respects. But functionally the property will have two parking spaces.

The hardship is owing to basically the shape of the lot and the topography of 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 what the petitioner proposes will add another housing unit to the City of Cambridge which is desirable.

That the relief and what is being done will preserve -- allow the preservation of the existing renovation of the existing structure. And so the bottom line is that the City will be for the better as a result of what folks will do.

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 the plans submitted by the petitioner, prepared by Boehm B-O-E-H-M Architecture, first page of which has been initialled by the Chair.

All those in favor say "Aye."

(Aye.)

CONSTANTINE ALEXANDER: Five in favor.

(Alexander, Hickey, Tedesco, Anderson, Monteverde.)

CONSTANTINE ALEXANDER: Variance granted.

WILLIAM HERBERT: Thank you very much.

\* \* \* \* \*

(8:00 p.m.)

(Sitting Members Case BZA-011102-2016: Constantine Alexander, Andrea A. Hickey, Patrick Tedesco, Slater W. Anderson, Jim Monteverde.)

CONSTANTINE ALEXANDER: The Chair will call case

No. 011102, One Memorial Drive.

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

(No Response.)

CONSTANTINE ALEXANDER: The Chair notes that there is no one here wishing to be heard.

The Chair would report that we are in receipt of a letter from James J. Rafferty, Esq., counsel for the petitioner. (Reading) Please accept this correspondence as a request to continue this case. We would request that the matter be placed on the agenda for September 29th if the Board's schedule permits.

And I am advised by Maria that the Board's schedule does permit.

I'm going to make a motion that we continue this case until seven p.m. on September 29th subject to the following conditions:

One, that the petitioner sign a waiver of time for

decision.

Two, that the posting sign be maintained for the 14 days prior to September 29th.

And three, to the extent that the petitioner is going to submit new or revised plans, drawings, or dimensional form, that these must be in our files no later than five p.m. on the Monday before September 29th.

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

(Aye.)

CONSTANTINE ALEXANDER: Five in favor. Case continued.

(Alexander, Hickey, Tedesco, Anderson, Monteverde.)

\* \* \* \* \*

(8:15 p.m.)

(Sitting Members Case BZA-011070-2016: Constantine

Alexander, Andrea A. Hickey, Patrick Tedesco, Slater W.

Anderson, Jim Monteverde.)

CONSTANTINE ALEXANDER: The Chair will call case  
No. 011070, 29 Bellis Circle.

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

FRANZISKA AMACHER: We really appreciate your  
time.

THE STENOGRAPHER: I'm sorry, Ma'am, could you  
please speak up. We're making a transcript.

FRANZISKA AMACHER: Okay, I'm sorry. I tend to  
speak very softly so I'll do my best.

THE STENOGRAPHER: Thank you.

FRANZISKA AMACHER: So we are submitting both a  
Variance and a Special Permit --

THE STENOGRAPHER: I'm sorry, did you give your  
name?

FRANZISKA AMACHER: My name is Franziska Amacher.

I'm an architect. This is Dudley Wyman, he's the owner.

And Nicole Barna.

THE STENOGRAPHER: Okay, can you spell the last names, please?

DUDLEY WYMAN: Mine is spelled W-Y-M-A-N and Barna is B-A-R-N-A.

THE STENOGRAPHER: Okay, great, thanks.

FRANZISKA AMACHER: And they bought this house because their house was too small and because of the beautiful --

CONSTANTINE ALEXANDER: The house they were living in before was too small.

FRANZISKA AMACHER: Correct.

CONSTANTINE ALEXANDER: So they sold that and bought this house?

FRANZISKA AMACHER: Yes.

CONSTANTINE ALEXANDER: I wanted to understand.

FRANZISKA AMACHER: And it has kind of a great

long backyard which allows you to do, you know, plantings and agriculture. And they're even used to be a chicken coop back there. So anyhow, it's located in a really fantastic location.

THE STENOGRAPHER: Ma'am, I'm just going to remind you to please keep your voice up.

FRANZISKA AMACHER: Oh, okay.

CONSTANTINE ALEXANDER: Maybe it will help to switch places with her.

FRANZISKA AMACHER: It's in a fantastic location right next to Danehy Park.

NICOLE BARNA: Do you know Bellis Circle?

CONSTANTINE ALEXANDER: Oh, I know. We've had a number of cases there.

DUDLEY WYMAN: Recently?

CONSTANTINE ALEXANDER: Recently and not so recently. We've had cases involving that street.

FRANZISKA AMACHER: Danehy Park is right here.

CONSTANTINE ALEXANDER: Okay, but let's talk about the Variance. Move down a little bit so you're closer to the stenographer.

Sir, if you want to get closer to hear better, feel free.

FRANZISKA AMACHER: The reason why we need a Variance is that the lot is very narrow and the current house already doesn't conform to the setback requirements. So it's not terribly -- if you look at the dimensional form, it's not terribly much off, but -- we want another copy. I have another copy.

CONSTANTINE ALEXANDER: We have a copy here. We want to make sure this is a copy -- I must say the plans are not very adequate to me anyway. It doesn't have the detail that we need to usually see, or plans for a zoning relief.

SLATER ANDERSON: Dimensional information.

CONSTANTINE ALEXANDER: For example, when we get to the Special Permit, I can't find the new window you want

to add on your plans.

FRANZISKA AMACHER: Oh, well there are practically all windows are in a new location.

CONSTANTINE ALEXANDER: Yeah, but typically we have existing and then what is proposed so we can see where the new windows are going to be added. The detail, I mean you've been before us before. I recognize you. The detail here is not as what we would like to see as a Board.

FRANZISKA AMACHER: Okay.

CONSTANTINE ALEXANDER: I think we can proceed with what you have, but if you come before us in the future, I would expect more detailed plans.

FRANZISKA AMACHER: Okay. I apologize for that.

PATRICK TEDESCO: So there are no existing elevations in the setback?

FRANZISKA AMACHER: No, we just have photographs.

CONSTANTINE ALEXANDER: Photographs, yeah.

Typically we get existing elevations, proposed.

Existing layout, proposed. So we can put one against the other. And also so the building inspector, if we grant relief, can now look at and see exactly what it is that we approved so he can make sure that what you're going to do complies with what we approved.

FRANZISKA AMACHER: Okay.

So this is an existing front elevation.

CONSTANTINE ALEXANDER: Okay. So now how is this going to change against the plans?

SLATER ANDERSON: Yeah, let's see. This is -- no, this is a side. That one right there.

JIM MONTEVERDE: This set.

CONSTANTINE ALEXANDER: That's older.

JIM MONTEVERDE: Older, yeah.

SLATER ANDERSON: Yeah, you can see it here. It's significantly different in the front there. I mean I think on the sides, too.

JIM MONTEVERDE: Do you have those sheets, the

same sheets there? Can you point them out to us? Sorry, on your larger board.

FRANZISKA AMACHER: Oh, okay.

CONSTANTINE ALEXANDER: I think it's the same thing we have.

JIM MONTEVERDE: Just point to it if you can describe it.

FRANZISKA AMACHER: Okay. So the existing house has a bay window where it is diagonal sides but, however, it projects slightly into the setback requirements.

CONSTANTINE ALEXANDER: Right.

FRANZISKA AMACHER: And with the new proposal, our bay is just straight out.

SLATER ANDERSON: Can you show us this -- sorry, this plan right here. Do you have a large version of that on the back side maybe here of this one?

FRANZISKA AMACHER: There is a large version here.

SLATER ANDERSON: Yeah, so the red line is the

existing?

CONSTANTINE ALEXANDER: Where's the red line? I'm  
sorry.

SLATER ANDERSON: See the very thin red line.

CONSTANTINE ALEXANDER: Yeah.

PATRICK TEDESCO: And so you're squaring off  
the --

FRANZISKA AMACHER: Yes.

SLATER ANDERSON: And expanding.

FRANZISKA AMACHER: Right. And the, there is an  
entrance structure here --

CONSTANTINE ALEXANDER: Right, right.

FRANZISKA AMACHER: -- which is non-conforming  
which we're proposing to tear down.

CONSTANTINE ALEXANDER: So when you tear that down  
and build the addition, you're asking us to approve --

FRANZISKA AMACHER: Yeah.

CONSTANTINE ALEXANDER: -- what will be the impact

on the zoning? Will there be more non-conformance to the setbacks or less?

FRANZISKA AMACHER: No, on here there is no more non-conformance.

CONSTANTINE ALEXANDER: So you're going to solve the non-conformance?

FRANZISKA AMACHER: Correct.

CONSTANTINE ALEXANDER: What is the Variance you're requesting?

FRANZISKA AMACHER: So you see that in the existing first floor, if you look at the images of the first floor additions here, little additions --

CONSTANTINE ALEXANDER: Yeah.

FRANZISKA AMACHER: -- they are right here on this red line. So we're coming further out. However, this is -- if you look at that drawing, there is the 25 feet setback and we're okay about that with the new structure. But because the setback here, even though we're continuing

this line, is non-conforming, you know, we need a Variance.

CONSTANTINE ALEXANDER: Are you increasing the non-conformance by extending the structure back? I just want to understand.

FRANZISKA AMACHER: Yes.

CONSTANTINE ALEXANDER: So you're non-conforming to a certain extent today?

FRANZISKA AMACHER: Correct.

CONSTANTINE ALEXANDER: And you want to make more non-conformance?

FRANZISKA AMACHER: Correct.

CONSTANTINE ALEXANDER: Not getting closer to the neighboring property --

FRANZISKA AMACHER: Yes.

CONSTANTINE ALEXANDER: -- just extending the straight line?

FRANZISKA AMACHER: Exactly.

SLATER ANDERSON: A foot and a half into the

25-foot setback. If I understand this correctly. One foot, six inches.

FRANZISKA AMACHER: Yeah, with that corner there.

CONSTANTINE ALEXANDER: Okay.

Is that the only Variance relief you need?

FRANZISKA AMACHER: The existing deck as you can see here, is higher than the four feet that you're allowed to do and -- in terms of height. The height from --

CONSTANTINE ALEXANDER: There's nothing that says that you can't -- there's nothing that prohibits you from being more than four feet. There are other consequences to it that may make it part of the structure so --

FRANZISKA AMACHER: Well, it's --

CONSTANTINE ALEXANDER: Not just the four feet.

FRANZISKA AMACHER: It's into the set -- 25 feet setback, which is why I thought it is an issue. Is it?

CONSTANTINE ALEXANDER: I don't know. I mean, it's your job to convince us or tell us why.

FRANZISKA AMACHER: I mean, so anyhow because of that we are just modifying the deck. We're actually bringing it back a little further.

CONSTANTINE ALEXANDER: That's why I'm puzzled. If you're doing that, why do you need -- why is the deck as modified going to create zoning issues?

FRANZISKA AMACHER: Because it's non-conforming as it exists.

CONSTANTINE ALEXANDER: But you're going to reduce. It's still going to be non-conforming after you're done?

FRANZISKA AMACHER: Because of the height. I think it's four feet that you're --

CONSTANTINE ALEXANDER: I'm not that converse with the technicalities of the Ordinance. I'm -- the first time I've ever heard about it, the problem of the deck being more than four feet or less than four feet. It's a consequence that causes other consequences.

FRANZISKA AMACHER: Right.

CONSTANTINE ALEXANDER: It's not just because it's four feet.

FRANZISKA AMACHER: Oh.

PATRICK TEDESCO: What's beneath the deck, is it like a storage shed?

FRANZISKA AMACHER: It's just -- yeah, like that.

PATRICK TEDESCO: Does it have something to do with FAR, because --

CONSTANTINE ALEXANDER: No, no, not according to the dimensional form anyway.

FRANZISKA AMACHER: It's five feet or less inside.

PATRICK TEDESCO: I see.

CONSTANTINE ALEXANDER: Let's see your dimensional form.

Okay. I can't figure it out from your dimensional form why you would need relief for this aspect of it. But I will report that you're okay on your FAR which is very

important.

FRANZISKA AMACHER: Okay.

CONSTANTINE ALEXANDER: And for the most part you're okay with your setbacks. So it looks like technical.

FRANZISKA AMACHER: Yeah, you know, it's, let me say another thing. We're planning to make this house NetZero. At least that's the goal. And because of that we're adding four inches of insulation on the outside.

CONSTANTINE ALEXANDER: Right.

FRANZISKA AMACHER: Which means that we're getting a little more into the setback. And I know there is an exception in your Zoning By-Laws Article 22-something, but it only applies if you're set back is more than seven foot, two inches. And we have like six foot, nine inches on this side. So we're making it somewhat worse. But only, you know, minimal.

SLATER ANDERSON: Because you're expanding the exterior.

CONSTANTINE ALEXANDER: Yeah.

FRANZISKA AMACHER: Yeah.

CONSTANTINE ALEXANDER: For the installation?

FRANZISKA AMACHER: Right.

So --

CONSTANTINE ALEXANDER: It sounds like the relief you're seeking is very modest in nature in terms of the impact on the nature. On the other hand I wish I understood better exactly why it's --

PATRICK TEDESCO: On the dimensional form are the side yard setbacks conforming?

FRANZISKA AMACHER: No.

CONSTANTINE ALEXANDER: No. That's what the issue is. I mean, but it's hard to read from the dimensional -- I'll read it to you.

PATRICK TEDESCO: Because you mentioned a bunch of new windows.

CONSTANTINE ALEXANDER: I mean it says existing

7.8 on the left side dash 7.4. I assume the structure must --

SLATER ANDERSON: You see that on the plans.

FRANZISKA AMACHER: Yeah.

CONSTANTINE ALEXANDER: And now you're going to go to 7.5 to 7.0.

FRANZISKA AMACHER: Right.

CONSTANTINE ALEXANDER: And the Ordinance requires 7.5. So you're going to meet that, to 7.16. So you're going to be 0.16 off from what the Ordinance requires.

FRANZISKA AMACHER: Yeah.

CONSTANTINE ALEXANDER: That's on the left side.

On the right side it looks like you're going to be okay. Because the Ordinance requires 7.5 to 7.16 and you're going to be 7.0 to 6.6. So it looks like only on the left side you've got an issue and this is a very minor issue.

FRANZISKA AMACHER: Right.

PATRICK TEDESCO: So in other words, the windows

proposed on the side of the house --

CONSTANTINE ALEXANDER: That's different. That's a Special Permit. That's a preferably preserved.

PATRICK TEDESCO: Would not require a Special Permit?

CONSTANTINE ALEXANDER: No, it's going to require a Special Permit. But we're not talking about that yet.

PATRICK TEDESCO: Oh, okay.

SLATER ANDERSON: 7.16?

CONSTANTINE ALEXANDER: Yeah.

SLATER ANDERSON: Where is that derived from? Isn't it seven and a half. 7.16.

FRANZISKA AMACHER: Let's see, I found some exception.

SLATER ANDERSON: Is that the exception there when they --

FRANZISKA AMACHER: Yes, that's the exception, exactly. Seven foot two is the installation, right. That's

the 7.16.

SLATER ANDERSON: Okay. Well, I'm not too troubled by it.

CONSTANTINE ALEXANDER: No, I'm not either. But I am troubled by the fact that --

SLATER ANDERSON: The windows are -- I know we're not on the Special Permit yet. So we should focus on the Variance.

CONSTANTINE ALEXANDER: Focus on the Variance first.

FRANZISKA AMACHER: Okay. So then in addition to that, but we're going using the 35 feet height limit, but we're planning to raise the house.

CONSTANTINE ALEXANDER: You want a height Variance?

FRANZISKA AMACHER: No, we don't because it's still -- we're not big taller than 35 feet.

CONSTANTINE ALEXANDER: Right, right.

FRANZISKA AMACHER: So I just want to mention it.

CONSTANTINE ALEXANDER: You don't have to tell us that you're going to continue to conform.

FRANZISKA AMACHER: Oh, okay.

CONSTANTINE ALEXANDER: What you have to tell us is where it is that you're not going to conform.

FRANZISKA AMACHER: Right.

CONSTANTINE ALEXANDER: Height is, you're going to 31 feet and of course 35 feet is permitted. You're well within the height.

FRANZISKA AMACHER: Yeah, right.

CONSTANTINE ALEXANDER: A lot of things you're not going to change so we don't need to worry about. We have to worry about the things that don't comply with the Ordinance.

FRANZISKA AMACHER: Okay, great. So that's it.

CONSTANTINE ALEXANDER: For the Variance, okay. Let's talk about the Special Permit before we get to votes.

FRANZISKA AMACHER: Okay.

CONSTANTINE ALEXANDER: Starting with the fact -- can you show me on these plans where these new windows are going to be --

FRANZISKA AMACHER: Okay.

CONSTANTINE ALEXANDER: -- that we don't know.

FRANZISKA AMACHER: That's uh --

CONSTANTINE ALEXANDER: No. I want to see them on these plans that you filed.

FRANZISKA AMACHER: Oh, okay.

So here are the plans.

So we already talked about the front elevation.

CONSTANTINE ALEXANDER: Right.

FRANZISKA AMACHER: The side elevation currently has a few windows right here, but otherwise there are no windows.

CONSTANTINE ALEXANDER: And that would be -- and you're going to add two windows -- sorry.

SLATER ANDERSON: You can see right here there are two windows right here.

CONSTANTINE ALEXANDER: Yeah, I can see those.

FRANZISKA AMACHER: We are adding these and we are adding these windows.

PATRICK TEDESCO: In the basement the clear story windows?

FRANZISKA AMACHER: And the basement, yes. And the, you know, there is -- the neighbor is quite close by so we were concerned about the privacy, but they're totally in support of this. So we also tried to place them so they're not so right, you know, opposite.

CONSTANTINE ALEXANDER: Those are the only windows you're adding the ones on the south elevation?

FRANZISKA AMACHER: No, those are the ones in my opinion the crucial one.

CONSTANTINE ALEXANDER: I'm sorry, I didn't say it well. These are the ones that you're seeking zoning relief?

FRANZISKA AMACHER: Right.

CONSTANTINE ALEXANDER: The one that you're going to add on the south elevation?

FRANZISKA AMACHER: Yes.

CONSTANTINE ALEXANDER: Any other windows are not requiring any zoning relief if you're adding any windows?

FRANZISKA AMACHER: Okay.

CONSTANTINE ALEXANDER: Am I right?

FRANZISKA AMACHER: Well, I think the north elevation does also require some relief.

SLATER ANDERSON: Both sides?

CONSTANTINE ALEXANDER: Yeah, I would think so.

FRANZISKA AMACHER: And on the north side unfortunately it's hard to see because of the trees.

CONSTANTINE ALEXANDER: What about the neighbor on the north side, does he or she have any problems from a privacy point of view?

NICOLE BARNA: They haven't said.

FRANZISKA AMACHER: And it's much further away.

CONSTANTINE ALEXANDER: Okay.

PATRICK TEDESCO: Could you point out the windows on the north that are also new?

FRANZISKA AMACHER: So they're, let's see. I mean, they're -- they're slightly in a different location from what they were. But these were, are new. Let me see, but we're also taking out some.

CONSTANTINE ALEXANDER: I got to repeat. I think what you're doing tonight is sufficient from my point of view to allow us to act. But the next time we're not going to -- I'm not going to accept these kind of plans.

FRANZISKA AMACHER: Okay.

CONSTANTINE ALEXANDER: You understand?

FRANZISKA AMACHER: Yeah.

CONSTANTINE ALEXANDER: These are really minimal from the point of view of us trying to make an informed decision.

FRANZISKA AMACHER: I see, yeah.

PATRICK TEDESCO: I'm just curious, too, that pattern on the roof is that suggesting solar panels?

FRANZISKA AMACHER: Yeah.

PATRICK TEDESCO: What does the pattern representing?

FRANZISKA AMACHER: Three rows, ten each. And it's --

PATRICK TEDESCO: You just changed the tone.

JIM MONTEVERDE: But is there a pattern? Are they different colors? Are they different materials?

FRANZISKA AMACHER: No, no --

PATRICK TEDESCO: They're just standard --

FRANZISKA AMACHER: Just so that you can see that they're different panels there. They're all the same.

JIM MONTEVERDE: So in essence it will be a black roof?

FRANZISKA AMACHER: Yes.

JIM MONTEVERDE: Three rows blank panels?

FRANZISKA AMACHER: Right.

JIM MONTEVERDE: You won't see that pattern in reality?

FRANZISKA AMACHER: Right.

CONSTANTINE ALEXANDER: Okay.

The gentleman that was standing here is not here any longer. He might be interested in this case.

SLATER ANDERSON: He said he didn't, wasn't going to say anything. He was just an interested neighbor.

CONSTANTINE ALEXANDER: Okay.

Anything else?

FRANZISKA AMACHER: That's it.

CONSTANTINE ALEXANDER: Any questions at this point from members of the Board?

ANDREA HICKEY: No. I would just say I had a little hard time kind of following exactly --

FRANZISKA AMACHER: I'm sorry.

ANDREA HICKEY: -- exactly what it is you're looking for.

FRANZISKA AMACHER: Maybe --

JIM MONTEVERDE: Just to reinforce that. I'm an architect. I can't read them. I can't figure out what was there before and what's new. So, I would just reinforce what the Chair asked and really in future visits, really, please, just show us an existing elevation and a proposed elevation, an existing plan and a proposed plan. Very simply.

CONSTANTINE ALEXANDER: And the next time -- sorry, Jim.

JIM MONTEVERDE: No, that's okay. So just please, because I, looked through those before and I really could not describe what you were trying to do. And I still cannot follow, although they seem to be de minimus, some of the zoning issues and where they come from. Just

absolutely -- it's a little confusing, which isn't a good place to be.

FRANZISKA AMACHER: Oh, okay. I made a mistake.

SLATER ANDERSON: That says 36.

CONSTANTINE ALEXANDER: What's the 36 feet there?

It shows a height of 36 feet?

JIM MONTEVERDE: Yeah, not 35 feet.

CONSTANTINE ALEXANDER: Your dimensional form shows says 31 feet. 36 requires a Variance.

FRANZISKA AMACHER: Yeah.

PATRICK TEDESCO: I thought the peak was 35 with the ridge being on the big house was 35, right? Oh, I see -- that's what that dimension refers to.

FRANZISKA AMACHER: Maybe I took an average?

CONSTANTINE ALEXANDER: You didn't advertise for height relief for a Variance. I'm not going to proceed with this case tonight. If you need a height variance, come back with better plans and also to address some of the issues

that we raised tonight and we'll consider it. But this is -- I mean, we're just fumbling around in the dark.

SLATER ANDERSON: Yeah, because the form isn't exactly consistent with that.

FRANZISKA AMACHER: Yeah, I don't know what happened.

ANDREA HICKEY: And the difference would require some other kind of relief for request.

CONSTANTINE ALEXANDER: Yeah.

JIM MONTEVERDE: The drawings suggest it's over the 35 feet.

CONSTANTINE ALEXANDER: Yeah. Height variance on top of it.

PATRICK TEDESCO: You may have taken the height from the average grade, but if it's 36 it requires relief.

SLATER ANDERSON: But I know from experience that one thing that gets people's attention is if you're a neighbor, is that why is the house seven feet taller, and

that's what this is suggesting.

FRANZISKA AMACHER: It's going up 20 inches.

SLATER ANDERSON: Well, this says existing is 29 feet, and that plan shows 36 feet. That's seven feet.

FRANZISKA AMACHER: I think there's a mistake somewhere.

SLATER ANDERSON: So, take a look at it. It may be a mistake, but that's important because the neighbors, there may be some that don't realize the house is going up seven feet if that's the case.

FRANZISKA AMACHER: It's going up 20 inches.

NICOLE BARNA: I mean we want to keep it so it matches the neighborhood.

SLATER ANDERSON: Understood.

FRANZISKA AMACHER: It's going up, it's going up to be even with the -- right now the kitchen level is 20 inches higher than the general level which is, you know, a problem with serving food and so on.

JIM MONTEVERDE: If I may, I mean just given the state of the documents and the questions back and forth, just -- I personally could not support the request based on just the level of -- I just can't see it, I can't read it. I can't, I can't knit the two together. And I see what you're saying. I understand most of the issues are fairly de minimus, but just please, I could not support it.

CONSTANTINE ALEXANDER: Same here. I cannot support it. And if the two of us can't support it, it would defeat it.

ANDREA HICKEY: Yeah, if we were to take a vote at this point.

JIM MONTEVERDE: You don't want a vote.

SLATER ANDERSON: These are the plans that you're going to go forward with, and if we were to endorse them, then, you know, that's -- that could be problematic.

FRANZISKA AMACHER: Right.

SLATER ANDERSON: The neighbors are saying why

were these things approved?

FRANZISKA AMACHER: Yeah.

CONSTANTINE ALEXANDER: I think we need to continue this case and you need to submit new plans and a new dimensional form.

FRANZISKA AMACHER: Okay.

CONSTANTINE ALEXANDER: With more specificity exactly with what the relief you're seeking, and as Jim said, I want the new plans to show existing elevations, proposed. Existing plans, proposed. You can put one against the other.

PATRICK TEDESCO: Existing height.

JIM MONTEVERDE: Not photos, please drawings.  
Drawings, please.

CONSTANTINE ALEXANDER: Architectural drawings.

FRANZISKA AMACHER: Okay.

SLATER ANDERSON: On the proposed it's always helpful to have a little ghost of where the existing windows

were so we could see the change there.

FRANZISKA AMACHER: Okay.

CONSTANTINE ALEXANDER: How much -- we have -- we're going to continue this case, it seems quite clear. It's what we call a case heard because we've got into the merits. The same five of us have to be here when we hear the case again.

FRANZISKA AMACHER: Yeah.

CONSTANTINE ALEXANDER: So we have to find out what works for us. How long do you need to get the plans that we -- and the new dimensional form that you just heard us say you need?

FRANZISKA AMACHER: Just a few days.

CONSTANTINE ALEXANDER: A few days?

FRANZISKA AMACHER: Yeah.

CONSTANTINE ALEXANDER: Okay.

Because you have to have it in our files by five p.m. on the Monday before the day we continue it to.

FRANZISKA AMACHER: Okay.

CONSTANTINE ALEXANDER: So let's say we continue this to September 29th, you would have to have them here by five p.m. on the Monday before September 29th.

FRANZISKA AMACHER: Okay.

CONSTANTINE ALEXANDER: Complete plans. New plans. New dimensional plans. You can make that schedule?

FRANZISKA AMACHER: Right.

CONSTANTINE ALEXANDER: Can you?

FRANZISKA AMACHER: Yeah.

JIM MONTEVERDE: That's the 27th, right? The Monday before the 29th is the 27th?

ANDREA HICKEY: No. 26th.

JIM MONTEVERDE: Oh, the 26th?

ANDREA HICKEY: Yeah.

CONSTANTINE ALEXANDER: Well, first of all, can --

SLATER ANDERSON: Well, that was the next thing, I am not here on the 29th.

CONSTANTINE ALEXANDER: Okay. We'll look to another date.

MARIA PACHECO: October 13th.

CONSTANTINE ALEXANDER: Can people make October 13th?

PATRICK TEDESCO: I believe so.

JIM MONTEVERDE: I can.

PATRICK TEDESCO: Yes.

ANDREA HICKEY: Yes.

CONSTANTINE ALEXANDER: And I would like -- okay, good, we're going to continue this case in a second to October 13th.

I would ask that you do the revised plans and the dimensional form, that you go back and show them to your neighbors, the ones most affected by it because they may not have appreciated from what you want to do from what you showed them before. It's just good neighborly communications. Okay?

FRANZISKA AMACHER: Okay.

CONSTANTINE ALEXANDER: All right. The Chair moves that this case be continued as a case heard until seven p.m. on October 13th subject to the following conditions:

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

Two, that the posting sign that you have up there now, modify it. You can do it with a magic marker to reflect the new date and the new time, both. And it has to be maintained for 14 days before October 13th just as you maintained the sign for tonight.

And last, the new plans, new dimensional form must be in our files no later than five p.m. on the Monday before October 13th.

FRANZISKA AMACHER: So there's no way we can do it on the 29th?

CONSTANTINE ALEXANDER: No.

JIM MONTEVERDE: No.

CONSTANTINE ALEXANDER: Or if you want to go ahead with four people and run the risk of being defeated because you need four votes. It's your -- we could do it. I would not recommend it to you because you're really taking a big gamble that you're going to get everybody else on this Board to support it. Most people would not do that. You want to get five so you have a cushion, if you will, one person could still be opposed if he or she wants to be opposed but you could still get relief.

FRANZISKA AMACHER: Yeah.

CONSTANTINE ALEXANDER: So, anyway, five p.m., no later than five p.m. on the Monday before October 13th; new plans, new dimensional form must be in our files.

FRANZISKA AMACHER: Okay.

CONSTANTINE ALEXANDER: All those in favor of continuing the case on this basis please say "Aye."

(Aye.)

CONSTANTINE ALEXANDER: Case continued until  
October 13th.

FRANZISKA AMACHER: Thank you.

(Alexander, Hickey, Tedesco, Anderson,  
Monteverde.)

\* \* \* \* \*

(8:45 p.m.)

(Sitting Members Case BZA-011097-2016: Constantine  
Alexander, Andrea A. Hickey, Patrick Tedesco, Slater W.  
Anderson, Jim Monteverde.)

CONSTANTINE ALEXANDER: The Chair will call case  
No. 011097, 2 Bedford Street.

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

MING-LUN TUNG: Yes. High there.

CONSTANTINE ALEXANDER: As you probably figured  
out by now, give your name and address to the stenographer.

MING-LUN TUNG: My name is Ming Tung.

CHRISTOPHER GULLY: Hi.

ERIN TROY: Erin Troy. And our current address -- our current address, right?

CONSTANTINE ALEXANDER: Yes.

ERIN TROY: Yeah, 12 Alston Place, Brookline, Massachusetts, 02446.

CHRISTOPHER GULLY: My name is Christopher Gully. I'm a licensed architect representing them. I'm also a member of the Central Square Advisory Committee and appointee, but since this is a different part of Cambridge I don't think there's any conflict of interest.

MING-LUN TUNG: So I guess we should explain our story.

CHRISTOPHER GULLY: I'll get the storyboard set up behind you. You can tell the story.

MING-LUN TUNG: Hello.

CONSTANTINE ALEXANDER: Hello.

MING-LUN TUNG: So the story is we bought the

property on January 4th with the intention for a gut renovation. We hired a contractor company who has worked in Cambridge before.

CONSTANTINE ALEXANDER: And the house you bought had 1200 square feet?

MING-LUN TUNG: That was around 1200 square feet.

CONSTANTINE ALEXANDER: Okay. That's what your form says. And you were going to do a gut renovations inside?

MING-LUN TUNG: Yes.

ERIN TROY: Yes.

CONSTANTINE ALEXANDER: And then you found problems?

ERIN TROY: Yes. So then we did the gut renovations and then we found little problem after little problem. We knew there was some damage to the foundation. Originally we were gonna fix that. You know, we were gonna fix -- basically redo the frame. You know, it was gonna be,

everything was gonna be newly reinforced and everything. And then we found fire damage to the existing frame. Walls were just all over the place. And then the final kicker was that they had cut through four of the five beams sort of holding the roof together.

MING-LUN TUNG: To create the loft.

JIM MONTEVERDE: Oh, my goodness.

MING-LUN TUNG: To create the lofty -- if we could show this. The lofty --

ERIN TROY: They really wanted to make a cathedral ceiling, so they did.

MING-LUN TUNG: They did. But what happened is that after they cut it, which we don't know how long ago that happened, I don't -- there was no records of that happening. The roof actually started to slowly collapse so none of the walls were plumb.

ERIN TROY: And the frame is going.

MING-LUN TUNG: And also in their attempt to

enclose the porch, they actually cut through all of the front structure, lateral structure support so there's no more support -- lateral support on the front side. And they literally nailed two-by-fours together to reinforce the old beams.

CONSTANTINE ALEXANDER: So you need to tear it down and build a whole new structure?

ERIN TROY: Yes.

CONSTANTINE ALEXANDER: Period, end of story.

ANDREA HICKEY: Before it falls down.

ERIN TROY: Yes.

MING-LUN TUNG: Yes.

CONSTANTINE ALEXANDER: However, the structure you bought was 1200 square feet. You were prepared to live -- if you could have renovated --

ERIN TROY: Yes.

CONSTANTINE ALEXANDER: -- in a structure of 1200 square feet. Now you want to build a structure 1700 square

feet.

MING-LUN TUNG: So that was -- okay, I'm sorry.

CONSTANTINE ALEXANDER: No, no. I just want to point out for the benefits of the members of the Board that right now this is district allows FAR of 0.75.

MING-LUN TUNG: Right.

CONSTANTINE ALEXANDER: Your existing structure is 1.04 which is 50 percent more than what the Ordinance allows. You want to go to 1.48, which is twice as much as our Ordinance requires. Speaking only for myself, I'm sympathetic. I understand why you need to build a new house. Not 17 -- in my mind, not 1700 square feet.

MING-LUN TUNG: So what happened is as I was filling out the forms, it says to include the finished basement space. So I went ahead and included the finished basement space as part of my FAR calculations. So the finished basement space is actually about 400 square feet and the actual house itself is actually above ground. It's

1300 square feet.

CONSTANTINE ALEXANDER: But that finished basement is FAR. It's more than seven foot ceiling? The height of the ceiling is going to be occupied --

CHRISTOPHER GULLY: It's occupiable space.

MING-LUN TUNG: It's occupiable space.

CONSTANTINE ALEXANDER: It's not the question of the height so much, sir, it's just the amount the intensity of the use of the lot. That's what FAR is about. It's to modify -- control the density. And it's a function of how big your lot is and the like. And 0.75 is the max is supposed to be in this district. We granted relief beyond that. But to go to twice as much as our Ordinance permits. To me, and I'm only one of five, it's more than I can handle.

PATRICK TEDESCO: Can I ask a question? The existing basement in the existing house is not considered habitable?

MING-LUN TUNG: No, it's not.

PATRICK TEDESCO: The ceiling is too low?

MING-LUN TUNG: It's about six feet.

CHRISTOPHER GULLY: It's six feet so not habitable.

PATRICK TEDESCO: And the delta between, including the basement and the new proposal, if you remove the basement, where does your FAR sit?

MING-LUN TUNG: So the delta would be 100 square feet difference.

PATRICK TEDESCO: So you would still be over?

CONSTANTINE ALEXANDER: 60 square feet.

CHRISTOPHER GULLY: What he's counting is the finished the den, but if you were to take away the mechanical room --

MING-LUN TUNG: I see what you're saying.

CHRISTOPHER GULLY: -- and, you know, that, that program, then it's -- then it should be below the -- it

should be around 1200.

MING-LUN TUNG: So are you saying that if we exclude the basement space completely, or are you saying if we exclude the usable space of the basement?

PATRICK TEDESCO: Right now with the new FAR calculation, you just included the proposed basement or the entire basement?

CHRISTOPHER GULLY: The entire I believe. I can show you. I could show you what the proposed looks like. So this, this almost square rectangular basement space here was included in the, in his gross FAR that he submitted in the paper.

CONSTANTINE ALEXANDER: You don't include the mechanical space in the FAR calculation?

JIM MONTEVERDE: Which is the FAR. Is it grey?

CHRISTOPHER GULLY: The mechanical room, yeah, is 67 square feet. It's mechanical.

CONSTANTINE ALEXANDER: So the rest of that

cross-hatched is all living space?

CHRISTOPHER GULLY: Yeah.

CONSTANTINE ALEXANDER: So, again, it goes to the intensity, unless you made that basement such that it was not inhabitable, less than seven feet in terms of height, if you couldn't use it as a family room, you've got -- you're still back to a house that's going to have 1600 roughly square feet in a district, you're way over what the district permits.

PATRICK TEDESCO: But just one last clarification, I apologize.

CONSTANTINE ALEXANDER: No.

PATRICK TEDESCO: Forgetting for a moment what's finished and what's not finished, the upper two floors constitute how many square feet compared to the existing building?

MING-LUN TUNG: So if you exclude the basement completely, it would be about 1300 square feet.

PATRICK TEDESCO: And you now have 1200?

CHRISTOPHER GULLY: That's the 100 square feet.

MING-LUN TUNG: That's the 100.

And the main reason why we have the additional square footage, is we decided to go with not just NetZero but this will actually be a NetPlus house in terms of energy production if we go with a single pitched roof. So I went through EnergySage and got some quotes and calculations back. In this configuration with the solar panels on the roof, with the 27 panels, and I have a very specific -- it will be LG panels, monocrystalline 220 watts per panel. It will be around 8.8 kilowatt rated. It would generate around, around 11,700 kilowatt hours a year, which will be a net of around two and a half thousand kilowatt hours a year NetPlus of the estimated energy usage of the house.

ERIN TROY: So, but when you make the roof a single slant, you wind up with more habitable space that's over the seven-feet, six feet under the, under the roof. So

that's where that kind of above ground extra 100.

CONSTANTINE ALEXANDER: You could have everything you want above ground if you made the basement not inhabitable. But not, in terms of lowering the ceiling in the basement so that it is not, it is not suggested for living space.

CHRISTOPHER GULLY: Now just to get the Board's opinion, if we were to submit with the ceiling and then it's of course carried out with the ceiling built down lower so that it's technically not occupiable space, would that satisfy the Board?

CONSTANTINE ALEXANDER: It wouldn't count in your FAR calculation.

CHRISTOPHER GULLY: Right.

CONSTANTINE ALEXANDER: You're not supposed to use it for living purposes under our building. I guess the State Building Code maybe.

MING-LUN TUNG: Right.

CHRISTOPHER GULLY: I know that the basements, that use of basement had just changed and been passed fairly recently and I thought that --

CONSTANTINE ALEXANDER: I think that's for accessory apartment.

JIM MONTEVERDE: It's for apartments.

CONSTANTINE ALEXANDER: Yeah, it's not --

JIM MONTEVERDE: It's not the same.

PATRICK TEDESCO: What is your intention for the finished basement?

MING-LUN TUNG: Actually it's for the in-laws.

ERIN TROY: Our in-laws frequently come for childcare for the baby that's running around. We thought it would be nice for them to have a place to stay that's like separate so we're not always on top of each other. That was our intention for it.

SLATER ANDERSON: So the Barrett petition which is this accessory apartment provision that was passed by the

City Council, I haven't read it over in a while, but there's -- could there be applicability here in some context?

CONSTANTINE ALEXANDER: I think it's for a separate dwelling unit.

ANDREA HICKEY: Yeah, if it was its own unit. This is a room with a, you know pseudo --

SLATER ANDERSON: But with some minor design modifications, I mean --

JIM MONTEVERDE: Don't you access it directly from the outside?

ERIN TROY: Yes.

SLATER ANDERSON: This has its own access?

JIM MONTEVERDE: Yes, it has its own.

SLATER ANDERSON: Can we look at the basement again?

ERIN TROY: Yeah, we put that purposely so that they can use it --

SLATER ANDERSON: It's got a bathroom and I mean there's a stair, but --

MING-LUN TUNG: Yeah, the existing basement has a bulkhead that comes out farther that makes the parking, existing parking space under the existing carport, doesn't, doesn't work too well because -- so we turned it alongside the building and, you know.

SLATER ANDERSON: But this interior stair to the first floor that can be closed and locked and --

ERIN TROY: Yeah.

SLATER ANDERSON: -- and separate?

ERIN TROY: Yeah.

MING-LUN TUNG: And we have the first floor plans.

CONSTANTINE ALEXANDER: I'm not familiar with this. I know what --

PATRICK TEDESCO: That changes the assessment.

ANDREA HICKEY: And what about light and window, light and window requirements in an apartment?

PATRICK TEDESCO: You have two units. You're suggesting make that a habitable unit?

SLATER ANDERSON: Well, but it's not a unit for resale purposes. It's an accessory unit. It's different, yes.

JOHN HAWKINSON: If it's appropriate, Mr. Chair.

CONSTANTINE ALEXANDER: Go ahead.

JOHN HAWKINSON: John Hawkinson, 84 Mass. Avenue.

My understanding of the Barrett petition which is one of those that is confusingly drafted is that it changed the definition in Article 2 of GFA to exclude basement and cellar spaces in single-family and two-family houses.

SLATER ANDERSON: That's exactly right. That's my understanding.

JOHN HAWKINSON: But not limited to accessory apartments, right. And so, you know, I'm certainly not the zoning expert, but I understood it would apply here.

CHRISTOPHER GULLY: That was my understanding of

it as we were going through the design permitting process, but I'm no expert on it.

SLATER ANDERSON: That's my understanding but, you know, Sean's not here to consult.

CONSTANTINE ALEXANDER: Exactly. Exactly. You didn't consult with Mr. O'Grady and he's not here tonight. I'd like to know more about this and get a better feel for exactly how the amendment applies to this and where we are with the FAR, because as I said, I'm only one, starting with no way 1700 square feet. Particularly when you bought a house knowing you were only going to have 1200 square feet. And, you know, if the place wasn't going to fall down, you would have lived in the house with your in-laws with 1200 square feet. I can see going more, 13, 1400, but not 1700. But there may be other ways around this.

So I think we got to continue this case. You need to sit down with Mr. O'Grady and we all get a better understanding of the Barrett amendment.

CHRISTOPHER GULLY: I'm on the business association with him actually.

CONSTANTINE ALEXANDER: And we'll meet again. And this is a case heard.

JIM MONTEVERDE: That said, however, being that plus, I mean you would be applauded for everything that you're doing. And for the wreck that the house actually turned out to be and for hanging in there to rebuild it and rebuild it in place and modify it, I have not heard of your energy strategy. I think it's terrific. All of that is very positive. So don't take, you know, the request to come back as some, you know -- we just want to clarify something here. The rest of it, you know, you're doing a good thing. This is all good news.

CONSTANTINE ALEXANDER: We need to understand -- we need more facts. We need to understand this a bit better. Some of this stuff we're hearing for the first time tonight.

PATRICK TEDESCO: It would certainly be to the benefit of this Board to get a better sense of how the amendment affects zoning.

ANDREA HICKEY: There might be other strategies if for some reason the amendment is not appropriate, to do a little less living space in the basement to sort of --

CHRISTOPHER GULLY: We could increase the mechanical.

MING-LUN TUNG: Increase the mechanical.

ANDREA HICKEY: When I say little, I can't say what number. But I think there might be more than one other strategy to kind of get you where you might want to be before us.

CHRISTOPHER GULLY: Okay.

PATRICK TEDESCO: Space under the stair -- might calculate stair under the stair. Calculate that.

CHRISTOPHER GULLY: We are calculating the overall box.

PATRICK TEDESCO: There's ways to widdle away at that.

CONSTANTINE ALEXANDER: Before we continue the case, I'm going to ask if there's anyone here wishing to be heard on this matter.

(No Response.)

CONSTANTINE ALEXANDER: Okay, I think we do need to continue this case. You need to explore this further with Mr. O'Grady. Think about as Andrea suggested, an alternative like playing around with the basement space. We need to know a little bit more about the new amendment, the Barrett amendment, and then we can go back and revisit this case. Okay?

CHRISTOPHER GULLY: Okay.

CONSTANTINE ALEXANDER: Now we've got to get the same five of us here. I assume we're filled up?

MARIA PACHECO: For the 13th.

CONSTANTINE ALEXANDER: We have room for the 13th?

MARIA PACHECO: Yeah.

SLATER ANDERSON: That works for me, I'm already here.

CONSTANTINE ALEXANDER: Okay. October 13th.

The Chair moves that we continue this case as a case heard until seven p.m. on October 13th. So it won't be as late as this.

PATRICK TEDESCO: I think we've already got a seven, the previous one.

CONSTANTINE ALEXANDER: All new cases are at seven.

ERIN TROY: I was going to say I thought the other people were at seven.

CONSTANTINE ALEXANDER: Subject to the following conditions:

You have to sign a waiver of time for decision. Maria has that for you, because we're required by law to render a decision within a specific period of time.

Two, that the posting sign that you have there now, modify it. You can do it with a magic marker, to reflect the new date, October 13th, new time, seven p.m.

MING-LUN TUNG: Okay.

CONSTANTINE ALEXANDER: And that sign must be maintained for the 14 days before October 13th just as you've done it for tonight.

And lastly, to the extent and there will be new plans, most likely, new dimensional form, other information, it must be in our files no later than five p.m. on the Monday before October 13th. That's to allow us and the citizens of the city to study the -- your new proposal in advance of the hearing. If you don't do that, we're not going to hear the case on October 13th.

CHRISTOPHER GULLY: Sure.

CONSTANTINE ALEXANDER: All those in favor of continuing the case on this basis say "Aye."

(Aye.)

CONSTANTINE ALEXANDER: Five in favor.

(Alexander, Hickey, Tedesco, Anderson,  
Monteverde.)

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(9:00 p.m.)

(Sitting Members Case BZA-011175-2016: Constantine  
Alexander, Andrea A. Hickey, Patrick Tedesco, Slater W.  
Anderson, Jim Monteverde.)

CONSTANTINE ALEXANDER: The Chair will call case  
No. 011175, 98-Rear Sherman Street.

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

HILARY WARD: I'm Hilary Ward from New England  
Design and Construction.

CAROLYN FISHER: Carolyn Fisher.

THOMAS SEUFERT: Thomas Seufert, S-E-U-F-E-R-T.

CONSTANTINE ALEXANDER: Floor is yours.

HILARY WARD: So we're here for a Variance of setbacks for additions of dormers onto an existing single-family house. The house is within the setback, the side setbacks and so those dormers, even though they're on the front, the side of the dormers are in the side setback so they will be set back, but we can't -- they're less than three feet from the property line so it's a pretty snug fit there.

So the --

CONSTANTINE ALEXANDER: You're aware that we have dormer guidelines?

HILARY WARD: I am, yes. And I've gone through those and I've talked to Sean O'Grady at the city.

CONSTANTINE ALEXANDER: And you need to speak to them to what extent you comply, to what extent, if any, you don't comply.

HILARY WARD: Yes, it's not --

CONSTANTINE ALEXANDER: I think the size of the

dormers 15 feet. You're not -- you're okay there.

HILARY WARD: Right. The dormers add up to 15 feet. There is an existing dormer on the other side of the house. So if this is the side --

CONSTANTINE ALEXANDER: Right.

HILARY WARD: -- this is our new dormer and this is the -- the existing is a full shed dormer and it's at 15 feet. So these two are seven-and-a-half feet each and they add up to 15 feet but they are, you know, from zero inches.

CONSTANTINE ALEXANDER: Okay.

And do you go to the ridge line, the top of the dormer?

HILARY WARD: They do.

CONSTANTINE ALEXANDER: That doesn't comply with the dormer guidelines.

HILARY WARD: It doesn't. The head height up on that story existing is right at seven feet the ridge.

CONSTANTINE ALEXANDER: Most important for us,

historically at least is the size of the dormer. We may be understanding about not needing to go to the ridge line for head height and also for economic reasons.

What about from the side of the roof? You set back as required?

HILARY WARD: Yeah, it's set back -- well, it's not as much as set back, it's set back two-foot, five.

CONSTANTINE ALEXANDER: And what is it supposed --

HILARY WARD: I think it's three feet.

CONSTANTINE ALEXANDER: So you're close?

HILARY WARD: Yeah, and it's set back.

PATRICK TEDESCO: The face of the dormer is back from the lobby?

HILARY WARD: Right, right.

CONSTANTINE ALEXANDER: You're substantially in compliance with the dormer guidelines.

HILARY WARD: That's what we talked about. We don't have a sprawling roof to go from, but I think

proportionately it fits in there.

CONSTANTINE ALEXANDER: Okay. And the reason you need the dormer?

HILARY WARD: There are existing bedrooms up there now and one of the things is that there's no egress window, and there's not a whole lot of room for egress window. And there's, they have three children and one full height bathing space in the house. So putting -- there's a bathroom there, but it doesn't have a shower. And so as kids get older and five people in the house, a shower is really nice.

CONSTANTINE ALEXANDER: I can't tell you how many dormer cases we've seen where people want to build a dormer because they needed more headroom for the bathroom on the top floor. It's not an unique situation.

Questions from members of the Board?

(No Response.)

CONSTANTINE ALEXANDER: There's no one in the

audience so I think it's safe to say there's no one here who wants to be heard.

And I didn't see any letters in the file either.

Did you speak to your neighbors?

CAROLYN FISHER: We did, yeah. We spoke to two separate neighbors, especially the woman who owns the house exactly kitty-corner from ours. She's very supportive. She said she would absolutely support our petition.

A neighbor around the corner actually asked, half joking, if she could come and speak in favor of us, but --

CONSTANTINE ALEXANDER: You should have told her yes.

CAROLYN FISHER: So, no, we've heard only positive things from the neighbors.

CONSTANTINE ALEXANDER: Good, okay.

SLATER ANDERSON: And you have a commercial building on one side, too?

CAROLYN FISHER: Yes.

THOMAS SEUFERT: Correct.

CONSTANTINE ALEXANDER: These plans, by the way, I'm not sure you've been before us, when we approve a Variance, we pull this up to compliance with the plans you submitted.

HILARY WARD: Right.

CONSTANTINE ALEXANDER: These are the final ones?

HILARY WARD: These are the ones, right.

CONSTANTINE ALEXANDER: Okay. Sometimes architects give us preliminaries and they go to build and it's not what we approved and they got to come back before us.

HILARY WARD: I'd rather not change them, too.

CONSTANTINE ALEXANDER: Ready for a vote?

PATRICK TEDESCO: Yes.

SLATER ANDERSON: Yes.

CONSTANTINE ALEXANDER: Okay, the Chair moves that we 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 there is a need for additional height space and living space on the third floor to make the bathrooms in the structure fully functional.

The hardship is owing to the fact that this is already a non-conforming structure, and therefore that any modification would require 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 Chair would note that the relief being sought is quite modest. It's not unusual, and it will improve the housing stock of the City of Cambridge.

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 -- prepared by NEDC Construction, dated August 12th, and multiple pages and I've initialled the first page.

All those in favor say "Aye."

(Aye.)

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

(Alexander, Hickey, Tedesco, Anderson, Monteverde.)

(Whereupon, at 9:10 p.m., the

Zoning Board of Appeals Adjourned.)

**ERRATA SHEET AND SIGNATURE INSTRUCTIONS**

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

**INSTRUCTIONS**

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

<b>PAGE</b>	<b>LINE</b>	
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_____	_____	<b>CHANGE:</b> _____ <b>REASON:</b> _____
_____	_____	<b>CHANGE:</b> _____ <b>REASON:</b> _____

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

\_\_\_\_\_

**C E R T I F I C A T E**

**COMMONWEALTH OF MASSACHUSETTS  
BRISTOL, SS.**

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

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

**IN WITNESS WHEREOF**, I have hereunto set my hand this 29th day of September, 2016.

---

Catherine L. Zelinski  
Notary Public  
Certified Shorthand Reporter  
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April 29, 2022

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