

May 13, 2021

BOARD OF ZONING APPEAL
FOR THE
CITY OF CAMBRIDGE

GENERAL HEARING

THURSDAY, MAY 13, 2021

6:00 p.m.

Remote Meeting

via

831 Massachusetts Avenue
Cambridge, Massachusetts 02139

Constantine Alexander, Chair

Brendan Sullivan, Vice Chair

Andrea A. Hickey

Jim Monteverde

Laura Wernick

Slater W. Anderson

City Employees

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

2 * * * * *

3 (6:00 p.m.)

4 Sitting Members: Constantine Alexander, Brendan Sullivan,
5 Andrea A. Hickey, Jim Monteverde, Laura
6 Wernick and Slater Anderson

7 CONSTANTINE ALEXANDER: Welcome to the May 13,
8 2021 meeting of the Cambridge Board of Zoning Appeals. My
9 name is Gus Alexander and I am the Chair.

10 This meeting is being held remotely, due to
11 statewide emergency orders limiting the size of public
12 gatherings in response to COVID-19, and in accordance with
13 Governor Charles D. Baker's Executive Order of March 12,
14 2020, temporarily amending certain requirements of the Open
15 Meeting Law; as well as the City of Cambridge temporary
16 emergency restrictions on city public meetings, city events,
17 and city permitted events, due to COVID-19, dated May 27,
18 2020.

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

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

4 Members of the public will be kept on mute until
5 it is time for public comment. I will give instructions for
6 public comment at that time, and you can also find
7 instructions on the city's webpage for remote BZA meetings.
8 Generally, you will have up to three minutes to speak, but
9 that may change depending on the number of speakers.

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

12 SISIA DAGLIAN: Andrea?

13 ANDREA HICKEY: Present.

14 SISIA DAGLIAN: Jim Monteverde?

15 JIM MONTEVERDE: Present.

16 SISIA DAGLIAN: Laura Wernick?

17 LAURA WERNICK: Present.

18 SISIA DAGLIAN: Brendan Sullivan?

19 BRENDAN SULLIVAN: Brendan Sullivan present.

20 SISIA DAGLIAN: And Gus. Slater?

21 SLATER ANDERSON: Present.

22 CONSTANTINE ALEXANDER: I've got him on my screen.

1 Okay, let's start.

2 Okay. All the members are present. Tonight we're
3 going to have both, as usual, continued cases and regularly
4 scheduled cases. Continued cases are cases that started at
5 an earlier date, but for one reason or another have been
6 continued until this evening.

7 The agenda -- I mean, the schedule is a little bit
8 cockeyed in that we have returned meetings intertwined with
9 the regular agenda, so we'll be jumping back and forth. But
10 the first case I'm going to call is a continued case.

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2 (6:03 p.m.)

3 Sitting Members: Brendan Sullivan, Andrea A. Hickey, Jim
4 Monteverde, Laura Wernick, Slater W.
5 Anderson

6 CONSTANTINE ALEXANDER: It's Case Number 108723 --
7 135 and 137 Elm Street. Anyone wishing to be heard on this
8 matter? By the way, I'm not going to sit on this case.
9 Brendan Sullivan, the Vice Chair, will be running this case.
10 Brendan?

11 BRENDAN SULLIVAN: Mr. Campbell?

12 CAMPBELL ELLSWORTH: Good evening. My name is
13 Campbell Ellsworth. I'm the architect for the owners at 135
14 and 137 Elm Street. The owners are Elizabeth and Jordan
15 Dolman and Eric and Heather Lee. We've got three out of
16 four of those present here.

17 We are a continued case. We presented that last
18 time, and we heard very clearly the comments of the Chairman
19 and the Board. We have a new set of drawings. That is an
20 older -- right, that's the one I want. Yep, terrific.
21 Okay.

22 So what I'd like to -- I mean, I'm joined by the

1 owners. I will try to articulate the need, which is
2 actually made clear in the application, but these are two
3 young families, all of whom work in the tech industry.
4 They've been shut down. Their families are expanding.

5 They would really like to add some more space to
6 their homes in anticipation that there's very high
7 likelihood that some of them may be working from home for a
8 very extended period of time.

9 And should you wish to hear from them, Mr.
10 Chairman and the Board, they are available to speak.

11 BRENDAN SULLIVAN: Yeah, Campbell I think what I'd
12 like to do is -- not to take away your thunder, but if you
13 could just briefly show us what the original plan was that
14 was submitted the last hearing, and the net changes -- you
15 know, the net design change.

16 CAMPBELL ELLSWORTH: Yes, the --

17 BRENDAN SULLIVAN: We've read your pleading
18 tonight. I for one am very sympathetic to the pleadings and
19 need for the request that is before us. But just to sort of
20 move along, if we could pull up what was originally proposed
21 --

22 CAMPBELL ELLSWORTH: Sure.

1 BRENDAN SULLIVAN: -- and what is now on the
2 Board.

3 CAMPBELL ELLSWORTH: Sisia, are you able to find
4 that there's an image in that set? I could also share my
5 screen if that is allowed here.

6 SISIA DAGLIAN: Yeah. I think we're going to have
7 to allow you to do it, Campbell.

8 CAMPBELL ELLSWORTH: Okay, good. Let me know.
9 I'm disabled on screen sharing right now.

10 SISIA DAGLIAN: Hang on. Bear with me just for a
11 second. I'm trying to find those drawings. Oh, okay.

12 SISIA DAGLIAN: You should be able to share now.

13 CAMPBELL ELLSWORTH: Okay. That's wonderful.
14 Very good. Okay. Super. Okay. Are you able to see those?

15 BRENDAN SULLIVAN: Yes.

16 CAMPBELL ELLSWORTH: Okay. So -- and you can
17 probably see my cursor as well. So this was a model -- the
18 top left and the bottom left are the model of the existing
19 structure. It's pretty accurate.

20 And what we had proposed at the time was a cap on
21 the top in a much more modern articulation, where with
22 windows that were not necessarily aligned, but had an

1 independence to them.

2 You can see there is a modern section of the
3 building which you see from the driveway side, which is
4 actually housing the spare tower.

5 But the comments of the Chairman and the Board
6 last time were about kind of the disconnection, the fact
7 that up on the -- from the street, the top left was not
8 symmetrical; that there was not a relationship of the top to
9 the bottom, there was a bit of a battle going on with
10 styles.

11 And we took that really to heart, and I think that
12 our current solution really address those -- many of those
13 things, if not all of those things.

14 Mr. Chairman, is that enough?

15 BRENDAN SULLIVAN: Yes. And now the new --

16 CAMPBELL ELLSWORTH: Okay, great. Sisia, would
17 you like to bring it up, or did you want me to bring it up
18 as part of that same set?

19 SISIA DAGLIAN: We'll do it.

20 CAMPBELL ELLSWORTH: Okay. So these are just --
21 if you could just hold here for a second, so this is --
22 these are three Mansard rooves at the top that we find

1 around Cambridge. The addresses are underneath.

2 And these are also interesting because the bay
3 window that you find on the front of the building also is
4 articulated up into the Mansard. You find that it's not as
5 prevalent as a flat Mansard, but it does happen, and it's a
6 very elegant thing. And we feel that even that ties the
7 building together.

8 But Sisia, if you would go now to the drawing of
9 the elevations, which is the down -- right there, yep.
10 Super.

11 Okay, so what we actually are presenting, we
12 looked at the several different options, and I think that
13 the Mansard structure actually works the best, for a variety
14 of reasons. One is that this building by itself without
15 anything has a very strong presence. It has a very high
16 parapet, as I pointed out last time. It has a very deep and
17 overhanging parapet.

18 And because it's high, the addition of a Mansard
19 is only about five feet above that. Now, often Mansards are
20 both up on top of a knee wall, so this is not uncommon also,
21 but it actually sort of -- if you will -- minimizes the
22 effect.

1 The fact that this would be a Mansard is also
2 interesting. Obviously, this would be a dark shingle up
3 above there on that Mansard that would -- I don't want to
4 say blend in, but it would be very much appropriate.

5 Now, this original structure I can also point out
6 was built in 1902, and it would have been completely
7 appropriate even at the time to build a Mansard in 1902.
8 And so what we're actually doing is we're creating an
9 addition to this that is stylistically correct while still
10 allowing that center portion that you see on the driveway, -
11 - which is a more modern portion -- to sort of have its own
12 existence without a lot of competition, if you will, from
13 the top.

14 So I'm looking -- you can see on the top right of
15 this drawing, we're taking the existing bays that are on the
16 first and second floor and pulling those up to create a bay.

17 We have absolutely taken the advice of the Board,
18 and we are now aligning windows and are, you know, bringing
19 them very tightly together on the second, the third floor,
20 so this feels like a unified hold.

21 I do want to point out just on the bottom right of
22 this drawing, that is the side to the south. We are not

1 requesting any windows in that.

2 We didn't before, and we're not now, because that
3 façade is way inside the allowable setback. And were we to
4 request windows at this time up on that third floor, it
5 would have required a special permit, which I was told would
6 not have been able to be heard tonight, because that was
7 new. So we feel we have a very good design.

8 Sisia, if you want to go one sheet up, that is the
9 plan.

10 So, again, based on the comments and advice if you
11 will of the Board, we have now filled in that front-facing
12 façade, so that the front of the house to the street -- city
13 -- is balanced.

14 We have therefore, then, where we had the decks on
15 that upper -- that upper right part of the drawing is the
16 new current proposed third floor. So we had had the decks
17 on the top left and the top right of that plan; now we have
18 them actually condensed and centered.

19 That area still does house mechanical equipment,
20 so we didn't want to fool around with that too much and, you
21 know, try to move that stuff around, but we think that this
22 is now a very appropriate solution that will work kind of

1 beautifully with the streetscape.

2 BRENDAN SULLIVAN: The Mansard also allows you
3 some additional square footage, too.

4 CAMPBELL ELLSWORTH: Yeah, we're -- it --

5 BRENDAN SULLIVAN: Which is a little bit of a
6 bonus, in a sense.

7 CAMPBELL ELLSWORTH: It's a little bit of a bonus,
8 and what we did is we sort of squeezed the baths and the
9 bedrooms, and we were able to carve out -- actually the
10 whole core of this application is really that these families
11 are out of space.

12 They're -- you know, they're making home offices
13 in little alcoves of bedrooms. So that allows them to
14 actually carve out a nice little space that they can --

15 BRENDAN SULLIVAN: Yep, good.

16 CAMPBELL ELLSWORTH: -- do their work.

17 BRENDAN SULLIVAN: Okay. Any questions from any
18 members of the Board? Andrea?

19 ANDREA HICKEY: I have no questions.

20 BRENDAN SULLIVAN: Slater?

21 SLATER ANDERSON: No. No, I like what I see.

22 BRENDAN SULLIVAN: Okay, Laura.

1 LAURA WERNICK: No questions. Didn't select you
2 last on the Ws, but anyhow. Jim Monteverde, any questions?

3 JIM MONTEVERDE: [Jim], no questions. Thank you.

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

8 If you are calling in by phone, you can raise your
9 hand by pressing *9 and unmute or mute by pressing *6. We
10 will give you up to three minutes to speak while we're
11 waiting for any and all calls to possibly come in, I will
12 note for the record that there are approximately eight
13 correspondents in favor of the project and requesting that
14 the Board approve it as submitted.

15 Any calls coming in?

16 SISIA DAGLIAN: Yes, Sean Henry.

17 BRENDAN SULLIVAN: Mr. Henry, if you would please
18 speak?

19 SHAWN HENRY: [Shawn Henry.] I am the neighbor to
20 the direct north of this. I am very supportive of this
21 particularly because I like seeing families being raised in
22 Cambridge, and I'm supportive of our neighbors.

1 BRENDAN SULLIVAN: Thank you for calling. Any
2 others?

3 SISIA DAGLIAN: Bess Thaler?

4 BESS THALER: Hi, I'm Bess Thaler of 133 Elm
5 Street on the other side. I'm also in favor of this project
6 for the same reasons that Shawn said. We want to see people
7 able to stay in the neighborhood.

8 BRENDAN SULLIVAN: Great, thank you.

9 SISIA DAGLIAN: I don't see any other calls.

10 BRENDAN SULLIVAN: Seeing no other calls coming
11 in, I will then close public comment. Let me open up the
12 discussion that -- read the pleadings, and I fully concur
13 that there is a need.

14 Saw the pictures, obviously, of everybody being
15 cramped in the existing structure, and so -- you know, I'd
16 like your guys' plan, and it works well number one for the
17 petitioner, for the families, and also, I think for the
18 streetscape. It's much more pleasant and blends in much
19 better.

20 Any other comments by members of the Board?

21 JIM MONTEVERDE: No comments.

22 BRENDAN SULLIVAN: Ready for a motion, then?

1 ANDREA HICKEY: Ready.

2 JIM MONTEVERDE: Ready.

3 BRENDAN SULLIVAN: Okay. Let me make the motion,
4 then to grant the request for the variance and the -- as per
5 the plans submitted dated, it's May 10 and initialed by the
6 Chair, with also the accompanying dimensional information.

7 The Board finds that a literal enforcement of the
8 provisions of the ordinance would involve a substantial
9 hardship to the petitioner.

10 The Board finds that the original structure on the
11 lot was built in 1902, and that the current structure is
12 encumbered by the prevailing ordinance of this time. And as
13 such, any expansion would require some relief from this
14 Board.

15 The Board notes that the expansion -- somewhat de
16 minimis in nature, re: asking for a bathroom and a bedroom
17 to accommodate a growing family is much needed and desired,
18 and that as far as I'm concerned is somewhat de minimis in
19 nature.

20 The Board finds that the two-unit owners of the
21 original structure, which -- to add -- the building on top
22 of the existing flat roof and keeping within the footprint,

1 and not expanding to the side or front beyond that
2 footprint, and therefore having less of an impact on
3 abutters.

4 The Board finds that the hardship is owing to the
5 fact that the original building built in 1902 has not been
6 enlarged, and the 2011 modifications that was done as of
7 right. And as such, the Board finds and accepts the
8 petitioner's presentation that there is no other way to add
9 additional space, other than to go up.

10 The Board finds that relief may be granted without
11 substantial detriment to the public good. The new addition
12 will not cast any significant shadows or on adjacent
13 properties, and that the Board notes the letters of support
14 for immediate abutters to the plan and project.

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

19 The Board finds that Section 1.30, the preamble
20 specifically encourages development -- proper development --
21 to encourage housing for persons of all income levels, and
22 to encourage the most rational use of land throughout the

1 city, and also, to make adjustments to existing housing to
2 accommodate growing families.

3 On that basis, then, I would request that the
4 Board grant the variance, as being requested. Andrea, your
5 vote?

6 ANDREA HICKEY: Andrea Hickey yes in favor of the
7 --

8 BRENDAN SULLIVAN: Laura?

9 LAURA WERNICK: Laura Wernick yes in favor.

10 BRENDAN SULLIVAN: Jim Monteverde?

11 JIM MONTEVERDE: Jim Monteverde yes in favor.

12 BRENDAN SULLIVAN: Slater?

13 SLATER ANDERSON: Slater Anderson yes in favor.

14 BRENDAN SULLIVAN: And Brendan Sullivan also in
15 favor.

16 [ALL FIVE VOTE YES]

17 BRENDAN SULLIVAN: Five votes in favor. Variance
18 is granted. Good luck.

19 CAMPBELL ELLSWORTH: Thank you very much.

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(6:20 p.m.)

Sitting Members: Constantine Alexander, Brendan Sullivan,
Andrea A. Hickey, Jim Monteverde, Laura
Wernick

CONSTANTINE ALEXANDER: Thank you, Brendan.

We'll now turn to our regular agenda for actually two cases,
because they're really twin cases. They involve a structure
that is proposed to be removed and rebuilt that straddles a
neighboring -- adjoining property. The cases are Case
Number 110709 -- 116-118 Henry Street, and 110270 -- 120-122
Henry Street.

Anyone here wishing to be heard on this matter?

Hello?

BARBARA BRYANT Yes, I do. This is Barbara
Bryant. I'm the owner of one of those properties.

CONSTANTINE ALEXANDER: Okay.

LAURA FEDDERSEN: Hello, this is Laura Feddersen.
I'm the Design/Build Contractor for Barbara's property.

CONSTANTINE ALEXANDER: Okay. Are you going to
make the presentation?

LAURA FEDDERSEN: Yeah. I can present the

1 drawings.

2 CONSTANTINE ALEXANDER: The floor is yours, rather
3 the mic is yours.

4 LAURA FEDDERSEN: Okay. So this is -- it's an
5 existing garage structure that was built in 1930. And it
6 actually straddles two neighboring properties, which you can
7 see here on the plot plan.

8 So this is 116-118 Henry Street, and the
9 neighboring lot is 120-122. They're both two-unit
10 buildings. And so there's four parking spaces existing in
11 this garage.

12 And we're basically just applying to tear down the
13 existing structure and rebuild it on exactly the same
14 footprint.

15 The reason is because the garage, being very old -
16 - from 1930 -- has fallen into disrepair, which we can see
17 if you show some of the images of the garage structure.

18 And we worked with the engineer and worked with
19 the contractor, and determined that it's going to be less
20 expensive, less complicated and longer lasting if we can
21 tear down the original structure and rebuild it.

22 CONSTANTINE ALEXANDER: Okay.

1 LAURA FEDDERSEN: So we're applying for relief for
2 the setback requirement, because it does cross that property
3 line, so it does not adhere to the side setback.

4 CONSTANTINE ALEXANDER: Thank you. I mean, it --
5 with regard to the structure, I think the case is pretty
6 obvious -- to me, and it's not controversial.

7 But my question is the decks, or the roof garden.
8 If I did my math right, you're going to add 800 plus 400
9 square feet of garden on the top of the roof. And how high
10 is this garage, by the way? How high?

11 LAURA FEDDERSEN: The garage? The garage is going
12 to be 11-foot-11, so about twelve feet high. And the top of
13 the railing would be 14-foot-11. So it's still under the 15
14 feet for accessory structures.

15 CONSTANTINE ALEXANDER: My concern would be the
16 disruption to the privacy of the neighboring property.
17 Because I know the neighbor most directly affected has
18 written a letter of support -- that's fine, but there are
19 others who will be affected.

20 And that's an awful lot of elevated, artificial if
21 you will, in the sense that it's not grass, or what --
22 space. Any concerns about the impact on the neighbors?

1 LAURA FEDDERSEN: Yeah, we have gotten support
2 from a lot the neighbors. We have several that have written
3 letters of support and verbal letters and verbal support,
4 which we can get letters of support from.

5 CONSTANTINE ALEXANDER: Any opposition? Did you
6 get any people who were skeptical or uncertain about the
7 rooftop gardens?

8 LAURA FEDDERSEN: Do you want to speak to that,
9 Barb?

10 CONSTANTINE ALEXANDER: I'm sorry?

11 BARBARA BRYANT: Thank you. No, we've got support
12 from our -- everyone that we've spoken to, including, as you
13 said, the person most affected is Kim, who is currently
14 doing some building of her own.

15 And then the neighbors on the other side of our
16 house who -- they can't really see it very well because
17 there's trees and so on in the way.

18 And the general response is they appreciate the
19 effort to beautify the neighborhood by adding more green
20 space.

21 CONSTANTINE ALEXANDER: Thank you. Questions from
22 members of the Board? Brendan?

1 BRENDAN SULLIVAN: Brendan Sullivan no questions.

2 CONSTANTINE ALEXANDER: Jim?

3 JIM MONTEVERDE: Jim Monteverde no questions.

4 CONSTANTINE ALEXANDER: Andrea?

5 ANDREA HICKEY: Andrea Hickey no questions.

6 BRENDAN SULLIVAN: And Laura?

7 LAURA WERNICK: Laura Wernick no questions.

8 CONSTANTINE ALEXANDER: I don't have any questions
9 beyond the one I asked. So I'm going to open this matter up
10 to public testimony. Let me give the instructions. Any
11 members of the public who wish to speak should now click the
12 icon at the bottom of your Zoom screen that says, "Raise
13 hand."

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

17 SISIA DAGLIAN: Brad Harkavy.

18 CONSTANTINE ALEXANDER: I'm sorry,

19 SISIA DAGLIAN: Brad Harkavy, please go ahead.

20 BRAD HARKAVY: Hi. So we -- I guess we're co-
21 petitioners, because we are the neighbors. But I -- you
22 know, I -- we've lived in the neighborhood along with Barb,

1 the other petitioner for 20 years, and putting a rooftop
2 garden on top of a garage is a -- I think a spectacular
3 improvement to what we have today, or even if we rebuilt the
4 garages, because it's a large -- you know, black space that
5 is neither attractive nor helpful from a -- you know, sort
6 of from a -- you know, from sort of an environmental
7 standpoint.

8 And, you know, talking to the neighbors --
9 particularly Kim, who's directly adjacent to it -- you know,
10 it's a spectacular improvement.

11 Furthermore, it's not just gardens we're looking
12 at, it's all vegetables, which, you know, are not something
13 you often see within an urban setting. So, you know, we are
14 big fans of making it happen.

15 CONSTANTINE ALEXANDER: Okay. Thank you for
16 taking the time to offer your views. And I would point out
17 that your good neighbors that you have now may not be your
18 neighbors in the future, and the future owners of these
19 properties could take out the garden and put a big deck out
20 there and have a -- basically another room, a substantial
21 room and could have parties and the like.

22 You're not concerned about that? I'm not saying

1 you should be --

2 BRAD HARKAVY: Yeah, no I --

3 CONSTANTINE ALEXANDER: -- just want you to
4 understand what's involved. This is not forever, this
5 garden with all the plantings.

6 BRAD HARKAVY: I appreciate that. And I'm well
7 aware of that.

8 CONSTANTINE ALEXANDER: Okay. Anyone else?

9 SISIA DAGLIAN: Yes. Phone number ending 1593?

10 KIM WALKER-CHIN: Hi, this is Kim Walker-Chin.
11 I'm the neighbor that's right next to the garage. And I'm
12 in favor of it.

13 Barb always did a lot of green planting on the
14 roof, and it's beautiful. She has a lot of vegetables, and
15 I think it will certainly improve the views coming from my
16 property. So I am 100 percent behind her with her green
17 space. Can you hear me?

18 CONSTANTINE ALEXANDER: Yes, we can, and thank you
19 for taking the time to give us your views. Anyone else?

20 SISIA DAGLIAN: No.

21 CONSTANTINE ALEXANDER: Okay, there's no other
22 persons wishing to speak, and so I will close public

1 testimony.

2 I would report that we have letters, or maybe a
3 letter -- singular -- in the file in support of the project.
4 Nothing in opposition. So with that, I will close public
5 testimony. Discussion, or I can put a motion on the table
6 and we can vote on it?

7 BRENDAN SULLIVAN: This is Brendan Sullivan. One
8 thought that I had -- and I know how we look somewhat aghast
9 at decks, and possible impact on the neighbors -- and I
10 think that the purpose of what is before us is to have a
11 rooftop --

12 CONSTANTINE ALEXANDER: Go ahead.

13 BRENDAN SULLIVAN: -- with a somewhat small
14 seating area. So looking down the road in the future,
15 should somebody decide not to have a garden there, which is
16 a nice amenity I think to have, and decide to do away with
17 that, now all of a sudden, you have expanded the potential -
18 -

19 CONSTANTINE ALEXANDER: That's my point --

20 BRENDAN SULLIVAN: -- sitting area from Lord
21 knows, I don't know, maybe 20 percent to almost 100 percent.
22 And would anybody entertain a motion that we could looking

1 forward, if there would be a problem, to avert that problem
2 by limiting the amount of seating area or requiring that it
3 be?

4 And I don't know how you can do that, because now
5 you get into the policing of whether or not somebody has a
6 garden, and somebody who's garden can also be somebody's
7 not-so-pretty garden.

8 CONSTANTINE ALEXANDER: I sort of was sort of
9 approaching it and similarly to you. I was trying to do it
10 on the condition that it could only be used for gardens and
11 limited seating space.

12 But it puts the Building Department and the
13 landscapers -- I think it would be a little too much of a
14 burden on the city's Building Department to monitor that.

15 So I -- you know, the current neighbors, it seems
16 to me, seem to have no problem with this. I'm willing to
17 run--quote, unquote-- "the risk." I'm ready to go forward.

18 ANDREA HICKEY: Mr. Chair, it's Andrea Hickey
19 speaking.

20 CONSTANTINE ALEXANDER: Yes, Andrea?

21 ANDREA HICKEY: So I believe one of the current
22 neighbors is sort of an owner of part of the green space,

1 one of the folks who was speaking in favor of it. So that
2 person obviously is biased in support of his own project.

3 CONSTANTINE ALEXANDER: [Laughter]

4 ANDREA HICKEY: I would be for just limiting the
5 use of the area to garden space, and leave it at that. I
6 think when you start to use the word, "seating" then are two
7 folding chairs or one small bench -- you know, I don't think
8 we want to get into what "seating" is, but I think if we
9 would just limit the use to garden purposes.

10 CONSTANTINE ALEXANDER: Okay. I think we're all
11 on the same page. I'd have to make a slight modification to
12 allow limited seating in the garden area.

13 I can't -- I don't know how to do it, but
14 basically I would suggest basically it can be used for
15 garden and other green space uses, with limited seating for
16 people who want to sit on the roof and appreciate the
17 landscaping that's being done in the garden. Is that okay
18 with you, Andrea?

19 ANDREA HICKEY: Or perhaps not for entertaining or
20 something like that. I don't know.

21 CONSTANTINE ALEXANDER: Well, if you have a -- I
22 don't want to get into the bushes here, but if they have a

1 neighbor or friend over, and they want to have drinks
2 outside and, you know, sit among the gardens, I don't have a
3 problem with that. The problem is when you get 20 people.

4 LAURA WERNICK: Mr. Chair?

5 CONSTANTINE ALEXANDER: Yes.

6 LAURA WERNICK: Can I just address a question to
7 Ms. Bryant?

8 LAURA WERNICK: I'm just curious, because
9 structurally the requirements for having, you know, minimal
10 soil or vegetables up there are very different from having a
11 structure that could hold -- you know, a party, a number of
12 people.

13 Do you have any sense what the structure -- what
14 the new structure is designed for in terms of live loads?
15 Is that -- because I --

16 BARBARA BRYANT: Yes. So we had a structural
17 engineer do an analysis --

18 BRENDAN SULLIVAN: Barbara, if you could identify
19 yourself for the record?

20 BARBARA BRYANT: This is Barbara Bryant, the owner
21 of 116-114 Henry Street. Yes, so the structural engineer
22 did an analysis of -- and there are standard formulas for a

1 load-bearing roof for the vegetable garden. And so they did
2 that analysis to determine how much weight could be borne.

3 My impression is that that is a greater weight
4 than, like, if you had a roof deck for entertaining or
5 something like that.

6 And in fact, we went through a whole analysis of
7 how to reenforce the current structure in order to put the
8 gardens and containers up there, and that's where we ran
9 into the issue that the recommendation was strongly to
10 rebuild, because doing a retrofit to make sure it was
11 structurally sound with some of the crumbling walls wasn't a
12 great idea.

13 So I'm not sure if I answered your question, but -
14 -

15 LAURA WERNICK: Then I was wrong in my assumption.
16 So that's fine.

17 BARBARA BRYANT: And Laura, I don't know if you
18 want to explain more?

19 LAURA FEDDERSEN: Sure, yeah. Yeah, the engineer
20 and architect did design it to hold the load of the
21 planters, which actually are 18-inch soil. That's a pretty
22 hefty structure.

1 LAURA WERNICK: More substantial, yeah.

2 LAURA FEDDERSEN: And then the decking area is --
3 I mean, the whole roof has been [done] with the same
4 structure, so the decking area is designed to support the
5 wide load, which I believe is -- you know, a lot more than
6 the 65] square foot live loads than is required.

7 LAURA WERNICK: Okay. Yeah, I was actually going
8 in a different direction. If it was merely soil -- layer of
9 soil, then that might not have been -- have the live load
10 that could support individual -- a number of individuals up
11 there. But --

12 LAURA FEDDERSEN: Right.

13 LAURA WERNICK: -- you've responded to my
14 question. Thank you.

15 CONSTANTINE ALEXANDER: Thank you. Any -- no
16 other -- any other comments? No one else wishes to speak
17 from the public? As I mentioned, we do have at least one
18 letter of support in our files, and no letter of opposition.
19 So I'm going to close public testimony.

20 I'm going to propose that we -- when I make my
21 motion -- that we just don't touch the garden. I think we
22 can put some conditions about -- well, what's the sense,

1 Brendan, you would like to see something that says only a
2 small number of people can have seating up there?

3 BRENDAN SULLIVAN: Yeah. I just don't know the
4 actual language. I can't put into words my thoughts very
5 well.

6 CONSTANTINE ALEXANDER: I mean, that's a problem.

7 BRENDAN SULLIVAN: And so I think that I would
8 accept this plan as presented.

9 CONSTANTINE ALEXANDER: You would what?

10 BRENDAN SULLIVAN: I would accept --

11 JIM MONTEVERDE: Right.

12 BRENDAN SULLIVAN: -- the plan as presented.

13 JIM MONTEVERDE: Yeah, this is Jim Monteverde.

14 Just to help with the language, it seems like we can accept
15 the plan as presented with the walkways around the planting
16 area, and this specific seating area shown, period.

17 CONSTANTINE ALEXANDER: Give me that again, Jim,
18 please?

19 JIM MONTEVERDE: We could accept the planting beds
20 -- the plan as shown.

21 CONSTANTINE ALEXANDER: Okay.

22 JIM MONTEVERDE: The planting beds, the walkways

1 around them, and the specific seating area shown. It has
2 the capacity of eight people. Right? Basically we're
3 approving it for the plan submitted.

4 CONSTANTINE ALEXANDER: Okay.

5 BRENDAN SULLIVAN: Yeah, Jim, good. Good thought.

6 CONSTANTINE ALEXANDER: Yeah. Thank you, Jim.
7 Okay. I'm going to make a motion, and we'll take it from
8 there. The Chair moves that we make the following findings
9 with regard to the variance being requested:

10 That a literal enforcement of the provisions of
11 the ordinance would involve a substantial hardship, such
12 hardship being as that there is an old and very -- garage in
13 very bad condition that needs to be replaced. So -- and
14 that has nothing to do with the current owners. The
15 garage's time has come, and it's time for a new one.

16 Second, that the hardship is owing to basically
17 the condition of this structure as it is now. It's not
18 going to get any better, so it's time to tear it down and
19 build a new one.

20 And we know, too, that the footprint of the new
21 structure will be identical to the footprint of the old
22 structure. So it's not a situation where open space on the

1 ground is going to be reduced.

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

5 What is being proposed will allow the two neighbors to
6 continue to have on-site garage space, and the added benefit
7 of getting some green space on the roof of the garage.

8 On the basis of all of these findings, the Chair
9 moves that we grant the variance requested on the condition
10 -- subject to the following conditions:

11 One, that the work proceeds in accordance with
12 plans presented by the petitioner. These are plans that
13 were prepared by Anthony Sanchez, and I'm looking at the
14 date -- I will find it -- dated January 16 of this year, and
15 the first page of which has been initialed by the Chair.
16 This applies to both cases, by the way.

17 And second condition is that the garden -- the
18 rooftop garden be maintained in accordance with the
19 railings, walkways, and the seating space that is shown on
20 the plans now. And they can be reduced, but not increased.

21 How do you vote, Brendan?

22 BRENDAN SULLIVAN: Brendan Sullivan yes to

1 granting the relief for 116-118, 120 and 122 Henry Street.

2 CONSTANTINE ALEXANDER: Laura?

3 LAURA WERNICK: Yes in favor of granting relief.

4 CONSTANTINE ALEXANDER: Andrea?

5 ANDREA HICKEY: Yes in favor of granting relief in
6 both related cases.

7 CONSTANTINE ALEXANDER: And Jim, by the way before
8 you take your vote, is the motion as I framed it, is that
9 satisfactory to you?

10 JIM MONTEVERDE: Yes, yeah.

11 CONSTANTINE ALEXANDER: Okay. How do you vote?

12 JIM MONTEVERDE: This is Jim Monteverde. I vote
13 in favor.

14 CONSTANTINE ALEXANDER: And the Chair votes in
15 favor of the variances for both properties.

16 [All vote YES]

17 Relief granted.

18 LAURA FEDDERSEN: Thank you.

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2 (6:40 p.m.)

3 Sitting Members: Constantine Alexander, Brendan Sullivan,
4 Andrea A. Hickey, Jim Monteverde, and
5 Laura Wernick

6 CONSTANTINE ALEXANDER: The Chair will now go
7 back to our continued agenda -- continued case agendas, and
8 the Chair is calling Case Number 100817 -- 56 Churchill
9 Avenue. Anyone here wishing to be heard on this matter?

10 [Pause]

11 MEGAN KEMP: Good evening, Mr. Chairman and
12 members of the Board. My name is Attorney Megan Kemp
13 representing from Adam Dash and Associates, 48 Grove Street,
14 Suite 304, Somerville, Massachusetts -- representing the
15 owners of the property, Kerry and Prithviraj Tanwar.

16 So first of all, thank you for allowing the
17 continuance in March, as our office has just been hired to
18 help sort out some issues that you had printed out with the
19 application previously.

20 Since then, we've filed a new set of plans and
21 amended the dimensional, paveable (sic) and supportive
22 statements in the file.

1 This petition is for a special permit under the
2 Subsection 15 of the definition of Gross Floor Area to
3 exempt finished basement space in a dwelling structure that
4 is not a detached single or two-family house from the gross
5 floor area counts, that it is not part of the FAR
6 calculation.

7 In essence, what we're looking to do is finish in
8 the space of about 314 square feet in an existing basement,
9 to create some more livable space for the petitioners and
10 their growing family.

11 It will result in basically a den, where they can
12 now move their home offices downstairs out of their bedroom,
13 and an additional bathroom where the children coming home
14 from soccer and other sports practices can rinse off before
15 trampling dirt through the house.

16 CONSTANTINE ALEXANDER: And to get this special
17 permit you're requesting; we have to make a finding that the
18 use is occupying the basement area support the character of
19 the neighborhood or district in which the applicable lot is
20 located.

21 MEGAN KEMP: Correct. And this is a residential
22 district. This is part of a three-townhouse condo

1 development. It is neighbored by the Burns (sic) apartment
2 building on one side, the Matignon High School on the other,
3 and then the North Cambridge residence -- you know,
4 residence.

5 So, this is certainly to create more usable family
6 space in a residential neighborhood to make this something
7 where the family can continue to live here and expand, both
8 for themselves and for any future owners, because there is
9 no space in this area to expand out of the unit.

10 Again, this is part of a townhouse development.

11 So, there are other structures -- you know, with
12 party walls right up against it on the lot already. So the
13 only space available is to convert some of the basement, in
14 order just to have some additional living space for the
15 family.

16 So everything would be completely internal to the
17 unit, so there's nothing that would happen externally that
18 would affect any of the neighbors or abutters.

19 This wouldn't create any traffic, because it's
20 just for use by the family. This isn't, you know, any
21 additional bedrooms or anything like that. There's no
22 additional traffic, it's not going to be a hazard to anyone.

1 It's simply renovating existing space.

2 CONSTANTINE ALEXANDER: Thank you. The Chair
3 would report that we have a -- there is a letter in the file
4 from the Condominium Association, basically approving what
5 is being proposed. And there are no letters from the
6 neighborhood or anywhere else in opposition.

7 Questions? Brendan?

8 BRENDAN SULLIVAN: Brendan Sullivan no questions.

9 CONSTANTINE ALEXANDER: Jim?

10 JIM MONTEVERDE: Jim Monteverde no questions.

11 CONSTANTINE ALEXANDER: Andrea?

12 ANDREA HICKEY: Andrea Hickey no questions.

13 CONSTANTINE ALEXANDER: Laura?

14 LAURA WERNICK: No questions.

15 CONSTANTINE ALEXANDER: The Chair has no questions
16 as well. I don't believe there's any letters in our file.
17 So I will make a motion.

18 The Chair moves that we grant the special permit
19 being requested pursuant to Section 2(16) of our zoning
20 ordinance on the grounds that what is being proposed with
21 regard to using this basement space supports the character
22 of the neighborhood or district in which the applicable lot

1 is located.

2 In short, what will happen will be there will be
3 more living space in this residential structure for the
4 family that now occupies the structure itself.

5 Brendan? Oh, I'm sorry. Let me just -- on the
6 basis of -- so on the basis of all of these findings, if we
7 granted a special permit, the Chair moves that we grant the
8 special permit requested on the condition that the work
9 proceed in accordance with plans prepared by Miller Design,
10 LLC, the cover page of which has been initialed by the
11 Chair.

12 Brendan?

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

15 CONSTANTINE ALEXANDER: Laura?

16 LAURA WERNICK: Laura Wernick yes to granting the
17 special permit.

18 CONSTANTINE ALEXANDER: Andrea?

19 ANDREA HICKEY: Andrea Hickey yes in favor of the
20 special permit.

21 CONSTANTINE ALEXANDER: Jim?

22 JIM MONTEVERDE: And Jim Monteverde yes in favor

1 of the special permit.

2 CONSTANTINE ALEXANDER: The Chair votes in favor
3 as well.

4 [All vote YES]

5 The special permit is granted.

6 MEGAN KEMP: Thank you.

7 CONSTANTINE ALEXANDER: Thank you.

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2 (6:46 p.m.)

3 Sitting Members: Constantine Alexander, Brendan Sullivan,
4 Andrea A. Hickey, Jim Monteverde, and
5 Laura Wernick

6 CONSTANTINE ALEXANDER: The next case we're
7 scheduled to hear is at 7:00. It's a continued case. It's
8 7 Springfield Street. So -- and it's not quite 7:00 yet, so
9 I propose that we recess this hearing until 7:00 p.m., when
10 we'll reconvene and start with page 7 Springfield Street.
11 Thank you.

12 DAN ANDERSON: Sure, happy to address that. So
13 again, Dan Anderson, Anderson Porter Design. So previously
14 we were in front of you with a seven-unit project plus
15 commercial with limited parking seeking a variance for side
16 yard setbacks.

17 What -- we took this back under construction, met
18 with neighbors who had voiced some opposition, and listened
19 carefully to some of the concerns that you and the Board
20 members had.

21 So the proposal that is in front of you is
22 significantly changed in a number of ways. First of all,

1 there is no additional -- there are no additions to the
2 structure. We're working with it as is.

3 We are proposing an increase of only one unit with
4 no commercial so the project is a four-unit structure. It
5 conforms in all ways there with the lot area per dwelling
6 unit as being well below, below the allowable 1.75 FAR, and
7 has the full four parking spaces, so one per unit. So we
8 have a large, three-bedroom unit, 2 smaller one-bedroom
9 units and a three-bedroom unit.

10 And we feel that this -- well, it was received
11 very well by the neighborhood meeting that we had on April
12 13, and I would say also addressing other concerns from the
13 Board.

14 The primary entry is from the street front, so
15 there is no side entry. This still proposes removing the
16 small, concrete set of steps that blocks the easement in the
17 back, so it continues to improve the driveway access for
18 everyone.

19 And since we're not proposing to do any -- the
20 previous proposal has an additional three feet of extension
21 at the rear; although that was allowable under the rear yard
22 setback, that no longer is the case, so that there is

1 increased or sufficient -- more than sufficient open space
2 area.

3 The only reason that we're back in front of you
4 for relief are that we need special permit approval for the
5 changes in the window openings on the side yard setback.
6 And because we've added -- we removed any area way steps,
7 which were also a concern.

8 The reason for a variance would be that we have --
9 you know, guardrails on basement egress and access windows
10 that are in the side yard setback. So --

11 CONSTANTINE ALEXANDER: You also a variance
12 because you're having four units, too. Four units is one
13 more than permitted, I believe?

14 DAN ANDERSON: No, seven were permitted. So we're
15 well under the lot area per dwelling unit.

16 CONSTANTINE ALEXANDER: No, I understand that.
17 But I thought that there was a restriction on the number of
18 units as well in our ordinance. But anyway, it's not worth
19 debating. You're seeking a variance, and we'll deal with it
20 in due course.

21 DAN ANDERSON: Okay.

22 CONSTANTINE ALEXANDER: Let me ask you a question,

1 how does one access the parking in the rear of the building?
2 Do you have to go out the front door and walk down the lane,
3 the parking lane?

4 DAN ANDERSON: Yes, that's correct.

5 CONSTANTINE ALEXANDER: Okay. So it's a narrow --
6 obviously it's a narrow parking lane. So that's the safest
7 way of getting there? That's a problem I suppose for the
8 people who -- the residents of the structure? They'll know
9 that when they buy their unit or rent their unit.

10 DAN ANDERSON: That's correct, and limited access
11 as well. It's not like it's a heavily trafficked street.

12 CONSTANTINE ALEXANDER: I see that you still have
13 the decks?

14 DAN ANDERSON: We --

15 CONSTANTINE ALEXANDER: Proposing to add decks to
16 each of the four units, is that right?

17 DAN ANDERSON: -- we have rear balconies.

18 CONSTANTINE ALEXANDER: Balconies?

19 DAN ANDERSON: Yep, that are conforming. They
20 don't -- they're well within the rear yard setback, and
21 there is one roof deck, which is also conforming.

22 CONSTANTINE ALEXANDER: What's the size of these

1 balconies? The three balconies are the same dimensions, I
2 believe, from the --

3 DAN ANDERSON: Yeah. They're roughly three feet
4 by six feet.

5 CONSTANTINE ALEXANDER: Three feet by what?

6 DAN ANDERSON: Six feet.

7 CONSTANTINE ALEXANDER: Six feet. So they're --
8 people -- more than one person can get on that balcony?

9 JIM MONTEVERDE: Excuse me, they look a bit more
10 than that in width. Yes, 10 feet is --

11 CONSTANTINE ALEXANDER: And how big is the deck on
12 the --

13 JIM MONTEVERDE: It's 10 feet long -- it looks --
14 this is Jim Monteverde. It looks like it's 10 feet long.
15 I'm looking at the drawing, if I'm looking at the correct
16 drawing.

17 DAN ANDERSON: Yeah, I stand corrected. Let me --

18 JIM MONTEVERDE: 10-foot-long --

19 DAN ANDERSON: -- look at my documents.

20 JIM MONTEVERDE: It looks like a 4 x 10 or
21 thereabouts?

22 DAN ANDERSON: Yeah, sorry. It's 10 feet by 4

1 feet. I --

2 JIM MONTEVERDE: Yeah.

3 DAN ANDERSON: -- didn't mean to misspeak, I was
4 going based on memory.

5 JIM MONTEVERDE: Yep.

6 CONSTANTINE ALEXANDER: And what about the roof
7 deck, the one on the top?

8 DAN ANDERSON: Also quite small. I believe it's
9 about 5 feet by 10 feet. Let me just --

10 CONSTANTINE ALEXANDER: Okay.

11 DAN ANDERSON: Yeah, five-foot-seven. I don't
12 have a length on it, but approximately ten feet.

13 CONSTANTINE ALEXANDER: To my point of view, this
14 is a major problem, these decks, or these balconies, as you
15 can them.

16 DAN ANDERSON: Mm-hm.

17 CONSTANTINE ALEXANDER: This is a very tight
18 neighborhood. Your buildings are right on top of each
19 other. The potential for noise and disturbance of the
20 neighboring properties is significant.

21 I have a real problem -- I don't know about other
22 Board members, there's only one of five, I don't know how

1 the other Board members feel -- but I'm troubled very much
2 by these balconies and roof decks.

3 DAN ANDERSON: I'd like to --

4 ANDREA HICKEY: Hi, excuse me, this is Andrea
5 Hickey. Sisia, could you bring up the drawing showings the
6 balcony?

7 CONSTANTINE ALEXANDER: No, I don't think that's
8 it.

9 JIM MONTEVERDE: There you go. Over on the right-
10 hand side. Right? There's a balcony there shown on the
11 second floor, third floor --

12 DAN ANDERSON: Yep.

13 JIM MONTEVERDE: -- and then you can see the
14 railing at the rooftop?

15 DAN ANDERSON: Right.

16 CONSTANTINE ALEXANDER: There's another drawing
17 that has a different perspective. You can see them coming
18 out from the building, not -- the lower levels.

19 DAN ANDERSON: Yeah, if you go to the previous
20 elevation, number -- slide 11?

21 JIM MONTEVERDE: There you go.

22 CONSTANTINE ALEXANDER: Yep, that's the one.

1 DAN ANDERSON: So, I would be interested in
2 hearing more comments on this. But, you know, I think, you
3 know, the site does meet the open space requirements. It
4 does not allow a lot of outside private open space. It's
5 predominantly green buffer around the parking.

6 I think as we've all discovered here in pandemic
7 times, people really value some amount of private open
8 space.

9 We were proposing those assuming that they all fit
10 within the allowable gross build area, and didn't violate
11 setbacks; that therefore that was a reasonable proposal.

12 We did have larger decks previously. The --

13 CONSTANTINE ALEXANDER: -- so that you can't walk
14 out on the deck, but you would have access to the fresh air.

15 DAN ANDERSON: So we have both types. [Again, Dan
16 Anderson, Anderson Porter Design.]

17 The south elevation, which you're seeing now on
18 the right-hand drawing, those do not protrude. Those are
19 Juliet balconies that are tight against sliding doors.

20 The two that you see projecting on the rear, the
21 lower one is the window well. The two upper projection
22 balconies, so there are only two of them that are the 4 feet

1 x 10 feet. Those serve the second floor and third floor
2 respectfully -- respectively.

3 And as I said, we reviewed this carefully with
4 neighbors. We had certainly no opposition. We had, you
5 know, a great deal of -- I don't know if there's written
6 support for it, but I'm interested to hear more conversation
7 about this.

8 JIM MONTEVERDE: I think Sisia -- sorry, this is
9 Jim Monteverde -- Sisia, could you back in the set a bit to
10 the cover sheet? There's an aerial photograph -- no, the --
11 I think the, yeah, that's it, that's it. Number 1.

12 And if you can enlarge to the left-hand side?
13 That's -- I think that's the neighborhood context.

14 And I think what -- right, the Juliet balconies
15 are on the face that we're looking at there, the broad face
16 that we're looking at?

17 DAN ANDERSON: That's correct.

18 JIM MONTEVERDE: The balconies would be around the
19 back, where you see that vehicle parked. And the balconies
20 are kind of facing -- there's a blank wall, two blank walls
21 at 90 degree angles, then across a roof. So they're kind of
22 removed from where the -- the closest neighbors to them

1 actually are the -- where the 1369 Coffee House is right on
2 Cambridge street. Those little dormers that you see, those
3 are the neighbors who are most proximate to it.

4 That's kind of the neighborhood context for it.
5 So I think the 4 x 10, you know, they could be a little bit
6 smaller, but I'm not -- I'm not overly against them, and I
7 can see the difference between those being some type of
8 exterior projection versus the Juliet balconies that are
9 along the entry drive.

10 LAURA WERNICK: I tend to agree with Jim. I think
11 it's not unreasonable, because of the location, because of
12 the immediate context. I can't believe -- I don't think
13 that the --

14 JIM MONTEVERDE: Yeah.

15 LAURA WERNICK: -- disturbance, that any
16 disturbance would --

17 JIM MONTEVERDE: Right. This is Jim Monteverde.
18 The roof deck may be a different story. Because then you're
19 well above the -- you know, everybody around. But I think
20 the ones on the second and third floor, I don't -- I would
21 be okay with it.

22 ANDREA HICKEY: This is Andrea Hickey speaking.

1 Sisia, could you show us the dimensions of the roof deck
2 please? I --

3 LAURA WERNICK: Floor plans?

4 ANDREA HICKEY: Yeah.

5 JIM MONTEVERDE: It's kind of smack in the middle
6 of that drawing. It says five-foot-something across, and
7 then there's no length dimension, but it's -- if you can see
8 it, Andrea, it's off of that bedroom?

9 ANDREA HICKEY: Yeah.

10 JIM MONTEVERDE: I'm running my cursor, but you
11 can -- there you go.

12 LAURA WERNICK: It's also off of a bedroom. So
13 people have to go upstairs, tromp through someone's bedroom
14 in order to get out of the bed. It's not totally conducive
15 for huge parties, certainly.

16 JIM MONTEVERDE: Yeah.

17 DAN ANDERSON: The intention was to have it be
18 very modest, as you can see. I apologize if there's not a
19 length dimension on there, but you can see the dashed
20 balcony below, which is 10 feet. So it may be just a little
21 bit short of 10 feet.

22 ANDREA HICKEY: I'm all set with that, thank you.

1 This is Andrea again.

2 CONSTANTINE ALEXANDER: Thank you, Andrea.

3 Brendan, do you have anything you want to add?

4 BRENDAN SULLIVAN: No, I think the other members
5 of the Board have covered my concerns, anyhow. And the
6 other members of the Board have covered any concerns or
7 questions that I would have, and the answer is forthcoming,
8 so I'm all set.

9 JIM MONTEVERDE: This is Jim Monteverde again.
10 Mr. Chair, if I could ask a different -- a separate question
11 --

12 CONSTANTINE ALEXANDER: Of course.

13 JIM MONTEVERDE: -- please?

14 CONSTANTINE ALEXANDER: Of course.

15 JIM MONTEVERDE: Can you -- I'm trying to follow,
16 what's the height in the basement? It's the FAR. And it's
17 the total square footage that your -- in your dimensional
18 form that's on your sheet Z1.1 that says, it includes the
19 basement square footage.

20 What's the height of that basement at the -- you
21 know, to the other side of the framing currently?

22 DAN ANDERSON: I believe that it is seven foot and

1 something. I took -- essentially, even if it were...

2 Well, I believe it is accurate in saying that
3 we're not increasing the net square footage, but even if we
4 were to -- if it were, like, say 6 foot 5 and we were to
5 excavate and add that as gross square footage, we still
6 would be under the allowable FAR, because it's calculated as
7 if.

8 JIM MONTEVERDE: Yeah, I noticed that, as opposed
9 to the ordinance of 1.75. You still come up to 1.26 with it
10 or -- yeah, even with it.

11 DAN ANDERSON: Yeah. And we didn't even bother,
12 you know, excluding mechanical space, which there's
13 mechanical and storage.

14 JIM MONTEVERDE: Yeah, correct, okay.

15 DAN ANDERSON: Yep.

16 JIM MONTEVERDE: All right, thank you.

17 DAN ANDERSON: Sure.

18 CONSTANTINE ALEXANDER: Okay. I'm sorry, I'm
19 going to -- Mr., anything further you want to add, before I
20 open the matter up to public testimony?

21 DAN ANDERSON: Unless there are more questions
22 from the Board, I think that I've given it as broad an

1 overview as I can, so --

2 CONSTANTINE ALEXANDER: Okay. No, that's fine. I
3 didn't know if you -- we got you, we diverted you a bit. So
4 I wanted to make sure you had an opportunity to get to all
5 of what you want to say.

6 DAN ANDERSON: No, thank you. I think I've
7 covered it.

8 CONSTANTINE ALEXANDER: Before I open the matter up
9 to public testimony, Brendan, you have any?

10 BRENDAN SULLIVAN: I have no questions.

11 CONSTANTINE ALEXANDER: No, nothing? Jim?

12 JIM MONTEVERDE: No, sir.

13 CONSTANTINE ALEXANDER: Laura?

14 LAURA WERNICK: No.

15 CONSTANTINE ALEXANDER: Laura?

16 LAURA WERNICK: I do not.

17 CONSTANTINE ALEXANDER: Okay, and Andrea?

18 ANDREA HICKEY: I have nothing further, thank you.

19 CONSTANTINE ALEXANDER: Okay. I will now open the
20 matter up to public testimony. Any members of the public
21 who wish to speak should now click the icon at the bottom of
22 your Zoom screen that says, "Raise hand."

1 If you're calling in by phone, you can raise your
2 hand by pressing *9 and unmute or mute by pressing *6. Take
3 a few moments to see if anyone wishes to avail themselves of
4 this privilege.

5 [Pause]

6 SISIA DAGLIAN: I don't see any raised hands.

7 CONSTANTINE ALEXANDER: Okay. It looks like no
8 one has raised their hand.

9 We do have some letters in the file. Well, these
10 letters are mostly outdated, because they were in response
11 to the original proposal, which has been substantially
12 modified, as we learned tonight. So I'm not sure.

13 There were letters of opposition, but the
14 opposition I think was based on the old plans, and I see no
15 new letters pro or con in our file.

16 So I'll close public testimony. Ready for a
17 motion? Or we're onto discussion?

18 BRENDAN SULLIVAN: Yeah, [Brendan Sullivan] if I
19 can ask Sisia, a deck above is it the second level or the
20 third level?

21 SISIA DAGLIAN: Above the third level. So the
22 roof deck here will count towards gross floor area.

1 BRENDAN SULLIVAN: Right. And would require a
2 variance or not? Only if it --

3 SISIA DAGLIAN: Exceeds the height or the GFA.

4 BRENDAN SULLIVAN: Okay. Only if it kicked the
5 number over --

6 SISIA DAGLIAN: Correct.

7 BRENDAN SULLIVAN: -- the allowable, and also, if
8 it were within the side yard?

9 SISIA DAGLIAN: Correct, yeah.

10 BRENDAN SULLIVAN: Okay.

11 CONSTANTINE ALEXANDER: Okay?

12 BRENDAN SULLIVAN: Yeah. All set.

13 CONSTANTINE ALEXANDER: Okay. I'm going to make -
14 - should I make a motion? Other members of the Board, are
15 you ready?

16 JIM MONTEVERDE: Yes, sir.

17 ALISON HAMMER: Ready, ready.

18 CONSTANTINE ALEXANDER: Okay. The Chair moves --
19 and we'll talk about the variance first -- the Chair moves
20 that we make the following findings with regard to the
21 variance being sought:

22 That a literal enforcement of the provisions of

1 the ordinance would involve a substantial hardship, such
2 hardship being that this is a much older structure in need
3 of updating and modification. And that applies to whomever
4 would own the property going forward, assuming no relief
5 would be granted tonight.

6 That the hardship is owing to nature of the
7 structure and its age, and the fact that it's especially
8 affecting this residential structure in an area that borders
9 on a commercial district.

10 And that relief may be granted without substantial
11 detriment to the public good, or nullifying or substantially
12 derogating from the intent and purpose of this ordinance.

13 So on the basis of all of these findings, the
14 Chair moves that we grant the variance requested on the
15 condition that the work proceed in accordance with plans
16 prepared by Anderson Porter Design, the -- looking for the
17 date. It's dated [I need new glasses] April 13, 2021, the
18 first page of which has been initialed by the Chair.

19 Brendan?

20 BRENDAN SULLIVAN: Brendan Sullivan yes to
21 granting the variance.

22 CONSTANTINE ALEXANDER: Laura?

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

3 CONSTANTINE ALEXANDER: Andrea?

4 ANDREA HICKEY: Andrea Hickey yes to granting the
5 variance.

6 CONSTANTINE ALEXANDER: Jim?

7 JIM MONTEVERDE: And Jim Monteverde yes to
8 granting the variance.

9 CONSTANTINE ALEXANDER: The Chairman votes yes as
10 well.

11 [All vote YES]

12 So the variance is granted. Let's turn to the
13 special permit.

14 Sir, do you want to make a short -- I assume a
15 short -- presentation regarding the need for the special
16 permit? The petitioner's representative?

17 DAN ANDERSON: Yes. [Dan Anderson, Anderson Porter
18 Design.] So the special permit is being requested to --
19 strictly to modify the existing window openings within side
20 yard setbacks, and because it's a particularly narrow lot of
21 40 feet, we have no other alternatives but to seek relief to
22 make those changes.

1 And the purpose of those changes are really to
2 make the interior spaces more accommodating and to provide
3 for better light, air and comfort.

4 CONSTANTINE ALEXANDER: Thank you. Short and
5 sweet. Questions from members of the Board?

6 BRENDAN SULLIVAN: Brendan Sullivan no questions.

7 CONSTANTINE ALEXANDER: Jim?

8 JIM MONTEVERDE: Jim Monteverde no questions.

9 CONSTANTINE ALEXANDER: Laura?

10 LAURA WERNICK: No questions.

11 CONSTANTINE ALEXANDER: Andrea?

12 ANDREA HICKEY: No questions.

13 CONSTANTINE ALEXANDER: The Chair has no further
14 questions. I'll open this part of the case to public
15 testimony. So again, any members of the public who wish to
16 speak should now click the icon at the bottom of your Zoom
17 screen that says, "Raise hand."

18 If you're calling in by phone, you can raise your
19 hand by pressing *9 and unmute or mute by pressing *6. Take
20 a second or two to see if anyone wishes to speak?

21 [Pause]

22 No. No one wishes to speak. We'll close public

1 testimony. I think we're ready for a motion based upon the
2 discussion we've had before, or does anybody wish to discuss
3 this case further? This aspect of the case?

4 BRENDAN SULLIVAN: All set.

5 CONSTANTINE ALEXANDER: Okay. All right. The
6 Chair moves that we make the following findings with regard
7 to the special permit that's being sought:

8 That the requirements of the ordinance cannot be
9 met unless we grant the special permit.

10 That traffic generated or patterns of access or
11 egress resulting from what is proposed for the special
12 permit will not cause congestion, hazard, or substantial
13 change in established neighborhood character. In fact, with
14 regard to hazard, it does reduce the hazard to the extent of
15 access to the outdoors.

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

19 And no nuisance or hazard will be created to the
20 detriment of the health, safety and/or welfare of the
21 occupant of the proposed use, or the citizens of the city.

22 And generally, what is being proposed will not

1 impair the integrity of the district or adjoining district,
2 or otherwise derogate from the intent and purpose of this
3 ordinance.

4 In sum, the modifications that require the special
5 permit are modest in nature, are very rational in terms of
6 the use of the structure. So on the basis of all of these,
7 the Chair moves that we grant the special permit on the
8 condition that the work proceed in accordance with plans we
9 referenced with regard to the variance we just granted.

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

12 CONSTANTINE ALEXANDER: Jim?

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

15 CONSTANTINE ALEXANDER: Andrea?

16 ANDREA HICKEY: Andrea yes in favor of granting
17 the special permit.

18 CONSTANTINE ALEXANDER: The Chair -- I'm sorry,
19 Laura?

20 JIM MONTEVERDE: Laura?

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

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

3 [All vote YES]

4 Special permit is granted. Thank you. Case over.

5 DAN ANDERSON: Thank you very much, have a good
6 evening.

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(7:22 p.m.)

Sitting Members: Constantine Alexander, Brendan Sullivan,
Andrea A. Hickey, Jim Monteverde, and
Laura Wernick

CONSTANTINE ALEXANDER: All right. We'll now
turn to our regular agenda, and the Chair will call Case
Number 111216 -- 42 Blakeslee Street. Anyone here wishing
to be heard on this matter?

[Pause]

Petitioner, or representative?

STEPHEN HISERODT: Panelist, Mr. Chairman?

KATHLEEN AND JERRY GARVEY: Kathleen and Jerry
Garvey.

CONSTANTINE ALEXANDER: Yes.

SAM KACHMAR: And Sam Kachmar from SKA, Mr.
Chairman.

BRENDAN SULLIVAN: That's Sam.

SAM KACHMAR: Can you hear me, Mr. Chairman?

CONSTANTINE ALEXANDER: Now we can, yes.

SAM KACHMAR: Okay. Great. So we're here for 42
Blakeslee. We're here with the clients Kathy and Jerry

1 Garvey. And we're here seeking approval for a special
2 permit application for three windows that were framed and
3 relocated at the left yard setback. Two of the windows are
4 located at the second-level stairwell and another at the
5 grade level, at the mechanical room.

6 I believe Sisia or Gus -- thank you. On the cover
7 page here shows the profile of the front of the house. No
8 work has been done to the front of the house.

9 Next slide, please?

10 On the lower left side shows the property lot and
11 the plot plan. The plot plan indicates the left yard
12 setback is 5.8 feet from the property line. The plot plan
13 has also been submitted with the application.

14 Next slide, please?

15 These show the -- some of the photos from that
16 setback. I believe the following photos show the windows
17 have been boarded up, per the request.

18 Next slide, please?

19 And next slide?

20 You can see here the boarded up windows are the
21 windows in question.

22 Next slide, please?

1 Again, you can see another two at the second
2 level.

3 Next slide, please?

4 And this shows the [1:27:15 audio unclear] at the
5 grade level, which is leading into the mechanical room.

6 Next slide, please?

7 This sheet shows the area plans for the house, and
8 no changes have been made to the FAR requirements.

9 Next slide, please?

10 This sheet is the lower level. And the red at the
11 upper left corner indicates the proposed windows within the
12 south side yard setback, the mechanical room.

13 Next slide, please?

14 This is the lower level -- I'm sorry, this is the
15 first-floor level. There is no [1:27:48 plot line in work]

16 Next slide, please?

17 This is the second-floor level showing the two
18 windows at the stairwell. This is reframed, due to the
19 stairs kind of having to be reframed.

20 Next slide, please?

21 This shows the third-floor level, and no work is
22 being done here.

1 Next slide, please?

2 Again, this shows the roof plan and all of it
3 being done.

4 Next slide? This is the front elevation. And the
5 red, kind of marks the location for the windows at the left
6 side yard.

7 Next slide, please?

8 This is the left side elevation. The two areas
9 marked in red are the two window -- three windows in
10 question that we're seeking approval for.

11 Next slide, please? This is the street elevation.
12 Again, on the right side in red shows the window in
13 question.

14 Next slide, please?

15 And this is the right side elevation. There's no
16 work being done here.

17 Next slide?

18 And this is the plot plan for the house. On the
19 left side you'll see the 5.8 left side yard setback. And
20 then the next page shows the dimensional forms, also
21 indicating that no changes to the FDR requirements.

22 This is the end of the presentation. As you see

1 in the plot plan and the dimensional form in submission,
2 along with some photos, I believe that there are some
3 letters of support in the file. Thanks for your time.

4 CONSTANTINE ALEXANDER: Okay. Is that the end of
5 your presentation?

6 STEPHEN HISERODT: It is.

7 SAM KACHMAR: Yes sir, Mr. Chairman.

8 CONSTANTINE ALEXANDER: Sure. I have no questions
9 or comments to make at this point. Brendan?

10 BRENDAN SULLIVAN: Brendan Sullivan no questions
11 or comments.

12 CONSTANTINE ALEXANDER: Jim?

13 JIM MONTEVERDE: This is Jim Monteverde. I don't
14 have any questions about the windows. I do have one
15 question about what looks to be an existing condition, the
16 back elevation. There's a door on the third floor that
17 opens up to space. There's no guardrail. Is that current
18 condition, and that's the intended condition?

19 STEPHEN HISERODT: No, and that is an error on our
20 part that we missed, actually. That door has been boarded
21 up, and it's not what we're requesting relief for.

22 SAM KACHMAR: There is no door at that location.

1 That's a drafting error.

2 JIM MONTEVERDE: Yeah, okay. Thank you. That's
3 all. No questions.

4 CONSTANTINE ALEXANDER: Andrea?

5 ANDREA HICKEY: I have no questions.

6 CONSTANTINE ALEXANDER: Laura?

7 LAURA WERNICK: No questions.

8 CONSTANTINE ALEXANDER: Okay. So I'm going to
9 open this matter up to public testimony. Any members of the
10 public who wish to speak should now click the icon at the
11 bottom of your Zoom screen that says, "Raise hand."

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

15 [Pause]

16 No? No one wishes to speak, so I will close
17 public testimony. Ready for a motion?

18 BRENDAN SULLIVAN: Ready.

19 CONSTANTINE ALEXANDER: Okay. The Chair moves
20 that we make the following findings with regard to the
21 relief that's being sought:

22 That the requirements of the ordinance cannot be

1 met unless we grant the special permit. That the traffic
2 generated or patterns of access or egress that would result
3 from the special permit will not cause congestion, hazard,
4 or substantial change in established neighborhood character,

5 As pointed out at presentations, there's not a --
6 the relief, talk about three windows, two of which are to
7 the side of the structure, have very little if any impact on
8 the established neighborhood character, and will not cause
9 any congestion or hazard.

10 That the continued operation of or the development
11 of adjacent uses, as permitted in the ordinance, will not be
12 adversely affected by the nature of the proposed use.

13 And again, I refer to the point I just made
14 regarding the small number of windows and their location and
15 their impact on the neighborhood or lack of impact.

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

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

1 So on the basis of these findings, the Chair moves
2 that we grant the special permit requested on the condition
3 that the work proceed in accordance with plans prepared by
4 Sam Kachmar Associates, dated March 11, 2021, the first page
5 of which has been initialed by the Chair.

6 Brendan?

7 BRENDAN SULLIVAN: Brendan Sullivan yes to
8 granting the special permit.

9 CONSTANTINE ALEXANDER: Jim?

10 JIM MONTEVERDE: Jim Monteverde yes to granting
11 the special permit.

12 CONSTANTINE ALEXANDER: Laura?

13 LAURA WERNICK: Laura Wernick yes to granting the
14 special permit.

15 CONSTANTINE ALEXANDER: Andrea?

16 ANDREA HICKEY: Andrea Hickey yes in favor of
17 granting the special permit.

18 CONSTANTINE ALEXANDER: Okay. And the Chair votes
19 yes as well, makes it unanimous.

20 [All vote YES]

21 Special permit granted.

22 COLLECTIVE: Thank you, Mr. Chairman very much.

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(7:32 p.m.)

Sitting Members: Constantine Alexander, Brendan Sullivan,
Andrea A. Hickey, Jim Monteverde, and
Laura Wernick

CONSTANTINE ALEXANDER: The Chair will now call
Case Number 113146 -- 221 Concord Avenue. Anyone here
wishing to be heard on this matter? Hello?

STEPHEN HISERODT: Hi, this is Steve Hiserodt --

CONSTANTINE ALEXANDER: All right.

STEPHEN HISERODT: -- from Boyes-Watson
Architects. I believe we should have the --

MARIA RONDEAU: Hello?

STEPHEN HISERODT: -- Maria Rondeau as well.

MARIA RONDEAU: Yes. Hi, good evening.

STEPHEN HISERODT: Maria, do you want to introduce
yourself?

MARIA RONDEAU: Hello, good evening. Hi, Steve.

STEPHEN HISERODT: Maria, do you want to explain
or describe your new restaurant and --

MARIA RONDEAU: Okay. Yeah. Should I get
started?

1 CONSTANTINE ALEXANDER: The floor is yours.

2 MARIA RONDEAU: All right. Oh, thank you. Sorry
3 for the delay. Good evening. Thank you for sharing our
4 space, Board of Zoning Appeals. I appreciate the time.

5 My name is Maria Rondeau, and my partner, Juanma
6 Calderone, the two of us together own and run a restaurant
7 in Union Square, Somerville, called, "Celeste."

8 We've been here for a little over three years --

9 CONSTANTINE ALEXANDER: Something happened. The
10 screen froze.

11 JIM MONTEVERDE: Froze.

12 MARIA RONDEAU: Hello? Hello?

13 CONSTANTINE ALEXANDER: Okay.

14 MARIA RONDEAU: Hello?

15 CONSTANTINE ALEXANDER: Now it's working again.

16 MARIA RONDEAU: Is that better? Oh, okay. All
17 right. Sorry, I paused it. Yeah, I was just explaining a
18 bit about our background.

19 My partner and I have a restaurant in Union
20 Square, Somerville, called, "Celeste." It's a small Peruvian
21 restaurant we've been running, and operating for about three
22 and a half years now.

1 And we ourselves are Cambridge residents, and we
2 live right around the corner from the proposed site for this
3 new location.

4 So we were offered the opportunity to take a look
5 at this space and we fell in love with the building. We
6 know the neighborhood, we love the neighborhood, and we
7 always dreamed of having a space right around the corner
8 from where we live.

9 So when this opportunity came up, we considered it
10 seriously, and we are thrilled that we can move forward
11 hopefully with everybody's blessing on this for this next
12 project.

13 So the idea for this new project is that we will
14 continue creating a space -- kind of a neighborhood place
15 for bringing community together. That's very much what has
16 happened here in the Union Square area.

17 I've become very involved with the small business
18 community as well. I'm a Board member of the Union Square
19 Main Streets, and we take pride in the area around us, as
20 well as the people that come to visit us, and have been very
21 supportive.

22 We -- the pandemic of course has taken a big toll

1 on all restaurant industries. We feel like we came together
2 as a family, both with the people that work here and with
3 the community at large.

4 So now with this new opportunity, we're hoping we
5 are looking for parking relief that we will explain a little
6 bit more in detail. But the concept for the restaurant
7 itself is to continue making Peruvian food.

8 My partner is Peruvian, he learned to cook from
9 his mother, and this restaurant will have very different --
10 a different menu than what we serve here. These are more
11 based on stews, but we opportunity to do in this location
12 with a little more space.

13 We have a raw bar. We have a grill -- things that
14 we don't necessarily have the opportunity to do in our very
15 small space here in Somerville.

16 So we are hoping that we have your blessing, and I
17 will hand it off to Steve now. And I'm happy to answer any
18 questions that you may have.

19 CONSTANTINE ALEXANDER: Well, I've got a few
20 questions. Just what's the seating capacity going to be in
21 the restaurant?

22 MARIA RONDEAU: 48 feet.

1 CONSTANTINE ALEXANDER: 48 feet?

2 MARIA RONDEAU: Yeah. The layout is organized
3 very similar to how we operate in Celeste, where we have a
4 bar and an open kitchen with a -- kind of a bar across where
5 people can sit at and kind of participate and experience
6 this cooking.

7 And then there's also seating along the window,
8 more like a bistro style -- bistro style seating, and then
9 there's a smaller room adjacent to the larger six-pack of
10 beer, where we would have tables -- a table layout.

11 So the larger room would seat 28, and the smaller
12 room would seat 20 that we would also be able to close out
13 for private parties.

14 CONSTANTINE ALEXANDER: But these are all on the
15 ground level? There's no seating or the like in the
16 basement?

17 MARIA RONDEAU: That's correct. Everything is on
18 the ground level. Mm-hm. The downstairs is really only for
19 a wash area and prep kitchen. We're not even cooking, it's
20 just more a prep area, and all the cooking happens upstairs
21 in the open kitchen that faces the clients that come in.

22 So I believe the screen is now showing the overall

1 layout. The main floor has the long bar facing across. It
2 would be east-west in this orientation, with the kitchen at
3 the back towards the back wall.

4 Half of that long bar has kitchen, and half of it
5 has bar. And the bartender, cook -- everybody would be in
6 this general spaces operating. And then a long bar across
7 where people would be seated at seats 12 people.

8 Then there's ample circulation space and seating
9 towards the window, kind of bistro seating with a bench,
10 small tables.

11 And to the left would be the private room with a
12 freestanding table that could be reconfigured for private
13 events or anything else like that.

14 BRENDAN SULLIVAN: Maria, this is Brendan
15 Sullivan. What are the hours of operation?

16 MARIA RONDEAU: So right now we're looking at
17 evening hours, 5:00 to 10:00 during the weekends. Sunday we
18 would close a little earlier at 9:00, and on Fridays and
19 Saturdays at 11:00 would be the latest. So we would stop
20 taking reservations around 9:30 so that people kind of wrap
21 up and are done by 11:00.

22 CONSTANTINE ALEXANDER: When will you open for

1 business?

2 MARIA RONDEAU: As soon as possible. But it's
3 going to take a little while. We are waiting for this
4 hearing, then there's a couple that you have to do the
5 building permit, a liquor license.

6 And so as soon as all of that gets approved, we
7 would get started, and we're hoping that through the summer
8 we would be building and open in early fall, if possible.

9 CONSTANTINE ALEXANDER: You misunderstood my
10 question. I know you've got a lot of red tape you're going
11 to have to go through with the city, and then in regard to
12 the restaurant, when is the restaurant going to open? What
13 hours?

14 MARIA RONDEAU: Oh, I'm sorry. We're -- right now
15 we're looking at 4:00 p.m. And possibly at some point see
16 how that goes, possibly opening earlier. But initially it's
17 a dinner service.

18 CONSTANTINE ALEXANDER: Okay, thank you. Other
19 members of the Board have any questions? Jim?

20 JIM MONTEVERDE: Yeah, this is Jim Monteverde. I
21 have one question. I think the request is for a parking
22 reduction from the required 12 to six spaces? Is there a

1 plan, or can you somehow show me where the six spaces are?

2 MARIA RONDEAU: I'll allow Steve to speak to this.

3 JIM MONTEVERDE: Yeah.

4 MARIA RONDEAU: Okay?

5 JIM MONTEVERDE: Yeah.

6 MARIA RONDEAU: Thank you.

7 JIM MONTEVERDE: Thank you.

8 STEPHEN HISERODT: The six spaces that are
9 existing are actually for the residential uses on the same
10 lot. We will not be able to provide -- the additional
11 parking requirements for the restaurant itself is six
12 spaces. There is currently due to open space requirements
13 other space requirements. There's no space on the lot to
14 provide any parking for the restaurant.

15 JIM MONTEVERDE: Right. So they ask us to provide
16 zero parking for the restaurant?

17 STEPHEN HISERODT: Yes.

18 JIM MONTEVERDE: Okay. Just wanted to be clear.
19 Thank you.

20 STEPHEN HISERODT: There are --

21 CONSTANTINE ALEXANDER: I would point out that
22 whatever -- should we grant relief tonight, that relief will

1 be perpetual, if you will. And if the current petitioner
2 decides to move somewhere else or whatever, another
3 restaurant might move in and they will not have any parking
4 requirements.

5 I mean, one of the arguments that was made in the
6 presentation is that the restaurant could open up late in
7 the afternoon when most of the businesses in that area will
8 not need parking; they'll be closing or being close to
9 close, and that -- I think that's right, provided that we
10 continue to have this restaurant with these hours.

11 But if we don't, we're back to -- you know, maybe
12 a much more congested neighborhood as a result of the lack
13 of parking. Just an observation.

14 BRENDAN SULLIVAN: Yeah. [1:43:55 indiscernible
15 proper name] Avenue is going to feel the brunt of any
16 parking.

17 CONSTANTINE ALEXANDER: I'm sorry?

18 JIM MONTEVERDE: Right.

19 BRENDAN SULLIVAN: Or you will feel the brunt of
20 any parking.

21 MARIA RONDEAU: I mean, what we anticipate, just
22 the way that we operate here, let's say where we are in a

1 very tight urban condition as well, most people that visit
2 us either walk or Uber over -- Uber, Lyft, any sort of
3 public transportation of that sort.

4 There are also buses -- that's probably more
5 unlikely that people would take a bus, but the most people
6 that arrive here knowing that it's a kind of a dense urban
7 area, they -- and mostly our neighborhood, anyway, we're
8 very happy about that, most people walk.

9 So that's not to say that some people don't drive,
10 and there are spaces of course, but yeah. For evening out,
11 yeah, everything opens up on Concord and Huron, since most
12 of those are operational in daytime, yeah.

13 STEPHEN HISERODT: We should also consider there
14 are currently three bus lines which run up and down Concord
15 Avenue on a 60-minute to a half-an-hour basis.

16 There are 15 or so metered parking spaces within
17 200 yards of the restaurant, and there is ample open parking
18 up and down Concord Avenue that is less used in the evening.
19 But there seems to be plenty of capacity in the
20 neighborhood.

21 CONSTANTINE ALEXANDER: Okay. Other members of
22 the Board have any questions you want to ask now?

1 BRENDAN SULLIVAN: All set.

2 CONSTANTINE ALEXANDER: Okay. I will open the
3 matter up to public testimony. Any members of the public
4 who wish to speak should now click the icon at the bottom of
5 your Zoom screen that says, "Raise hand."

6 If you're calling in by phone, you can raise your
7 hand by pressing *9 and unmute or mute by pressing *6. Take
8 a moment to see if anyone wishes to call in.

9 [Pause]

10 SISIA DAGLIAN: Yes, there is. Councillor Nolan?

11 COUNCILLOR NOLAN: Thank you. This is -- I am on
12 live, correct?

13 SISIA DAGLIAN: Yes.

14 COUNCILLOR NOLAN: This is -- thank you. It's
15 Patti Nolan. I am -- I do happen to be a City Councillor.
16 I'm also a neighbor. I live about all of three blocks from
17 this site. And I want to speak in full support of this
18 application for several reasons.

19 I did post when I heard about this. It was
20 through a Boston Eater magazine that restaurant might be
21 coming. And I have to note it's a totally unscientific
22 survey, but there were many comments from neighbors, all of

1 which were excitement -- I think there were nine -- and
2 there were 44 hearts on the post when I said that this
3 restaurant was opening up in our neighborhood.

4 So I think that's a strong signal of support.

5 As you also all know, there's also -- not quite a
6 crisis, but there has been an incredible difficulty citywide
7 of empty storefronts across the city due to the pandemic.
8 Retail is suffering. There are storefronts that have really
9 sought to try to get people in that have not worked.

10 So that's another reason why I support this, so
11 that we can have a storefront that will be filled with a
12 vibrant, wonderful restaurant that has proven itself in
13 another place.

14 It matters to me that they're local people. It
15 matters to me that it's an immigrant family who is bringing
16 a different kind of cuisine to the neighborhood. I also --
17 it's a small, local business I wholly support and I'm sure
18 the Board does too, any way we can.

19 I actually went by the site today and just got
20 totally excited, asked a couple passerbys about it. People
21 seem to be quite enthusiastic.

22 I do want to address the parking issue, because

1 it's clearly something we'll should think about, and that's
2 the center of this relief request. I am concerned living in
3 the neighborhood -- again, that it definitely is something
4 to think about.

5 However, we as a city are trying very hard to
6 discourage people from just hopping in their car and going
7 everywhere. Many people in the city, myself included, are
8 thinking of eliminating parking minimums across the board
9 anywhere, because it is something that advantages and
10 actually sends a message that it makes sense for everybody
11 to drive.

12 That -- I think zero parking for a restaurant in a
13 neighborhood that does have parking spots, particularly in
14 the evening on the street, on many of the avenues -- I live
15 right on Huron Ave, which is also a place that in the
16 evening there are often empty spots right in front of my
17 house and across the street.

18 It is one of the few places in Cambridge -- I
19 maybe shouldn't advertise -- that is not resident parking
20 without a meter. And yet, you can often find spots.

21 So for all of those reasons, while I really
22 appreciate the Board being thorough and looking at this, and

1 yet I think the new way is for us to make sure that we're
2 not requiring parking for something like this because --
3 again, between public transportation and neighborhood need
4 for this kind of restaurant and think of retail business
5 that will bring people to the neighborhood, I can only be
6 1000 percent in support.

7 And I hope you grant this, and that it will be one
8 of the first of many that we support as much as we can the
9 local, small businesses that are so central to our identity
10 and also to our city and our economy.

11 That's it. Any questions, let me know, but I'm
12 speaking about resident and if it matters as a City
13 Councillor, but if not then ignore that and just as an
14 enthusiastic neighbor.

15 CONSTANTINE ALEXANDER: Thank you. Anyone else?

16 SISIA DAGLIAN: Yeah, several. Jonathan Austin?

17 JONATHAN AUSTIN: Good evening. My name is John
18 Austin. I'm an architect with offices at 219 Concord
19 Avenue, immediately to the right.

20 Just an example of what it means to not have a
21 vibrant use in this building, over the last 10 years, the
22 neighborhood stroll that occurs in the center has for a

1 number of years retail uses in this building, and it was
2 great during the neighborhood strolling during December.

3 And for the last couple of years due to
4 construction and then due to COVID, that obviously put a
5 hold, and that event occurs in December. And it's really
6 important to encourage and have uses like this in a
7 cityscape such as this.

8 And so for the sake of all the business we've had
9 in this intersection, Huron and -- I very much support a use
10 like this going into this building. Thank you very much.

11 CONSTANTINE ALEXANDER: Well, thank you for taking
12 the time to offer your views.

13 SISIA DAGLIAN: Jessica Eshleman?

14 JESSICA ESHLEMAN: Good evening, Honorable Members
15 of the Cambridge BZA. My name is Jessica Eshleman. I'm the
16 Executive Director of Union Square Main Streets. We are the
17 Small Business Group supporting small businesses throughout
18 Union Square.

19 And it has been a pleasure to welcome Celeste to
20 our business district just over three years ago, and then
21 more recently Maria to our Board of Directors. She has been
22 an incredible leader in our play space, economic development

1 efforts.

2 I am calling in to express full endorsement of the
3 request for this variance. One thing I have learned from
4 Celeste and their leadership is this is a team who knows who
5 to work with little to make a lot happen.

6 As Maria was indicating, her space in our district
7 is quite small, and quite frankly so is our parking supply
8 as well. This group of -- this pair of entrepreneurs has
9 really cultivated a following of folks who love the concept
10 of neighborhood businesses.

11 And whether it's walking, biking, rideshare or
12 public transit to get there, it's something that I witness
13 on a regular basis their customers not only -- you know,
14 complying with but doing it with joy, knowing that they're
15 contributing to a vibrant business district.

16 I'm really confident that this new enterprise of
17 theirs will bring much to your city, much to the
18 neighborhood that it will be serving, and I've heard so many
19 great points offered by the City Councillor and the
20 architect before, which I won't repeat, but I just want to
21 express fully our support as well.

22 CONSTANTINE ALEXANDER: Okay. Thank you.

1 JESSICA ESHLEMAN: Thank you.

2 SISIA DAGLIAN: Astrid Steverlynck?

3 ASTRID STEVERLYNCK: Yes, hello? My name is
4 Astrid Steverlynck, and I'm also a neighbor. And, you know,
5 I also live in the neighborhood. I live on 243 Concord, so
6 it's only like three doors down. And I also want to express
7 my support for this restaurant coming to our neighborhood.
8 I think it will be really nice to have them here.

9 And I also know Maria for -- I have known her for
10 many years. My kids went to school here in Cambridge with
11 her kids, and I know her and -- I know that they are going
12 to build something really beautiful there.

13 They -- especially, you know, now is Harvard
14 Square looking a little dim after COVID, and you know, and
15 all the -- you know the things that we know that happened
16 during the last years I think it will really bring some
17 spirit to our neighborhood.

18 And I agree that parking in the evening is not a
19 problem in our neighborhood. There's plenty of space on
20 Concord Ave. And so I just want to say I support Celeste
21 coming to our neighborhood. Thank you.

22 CONSTANTINE ALEXANDER: Thank you.

1 SISIA DAGLIAN: Zachary Baum?

2 ZACHARY BAUM: Thank you very much. My name is
3 Zachary Baum. I serve as President of the Board of Union
4 Square Main Streets in Somerville.

5 I want to echo so much of what Jessica offered as
6 to what Celeste has offered to our district in Union Square
7 and specifically what Maria and Juanma have offered to our
8 neighborhood of businesses and residents.

9 Before Maria served on our Board, she took up as
10 one of the leading forces in our Good Food for All campaign
11 in the founding years. This is a fundraiser that
12 restaurants take up to raise money for our -- the SNAP
13 matched funding to provide lower-income residents with
14 opportunities to purchase goods at the Union Square farmers'
15 market.

16 The generosity and leadership that Maria and
17 Juanma have offered to use resources and expertise that they
18 have to serve the entirety of our community has been
19 inspiring, and something that I value so much to what they
20 bring to Union Square, to a community of businesses that we
21 value so much, and to all of their diners -- myself as a
22 resident; also I want to just enjoy the beauty that they

1 bring in to the world.

2 And I recommend this more highly for bringing
3 their creation to Cambridge.

4 CONSTANTINE ALEXANDER: Thank you.

5 ZACHARY BAUM: Thank you.

6 SISIA DAGLIAN: And one more. Sam Kachmar?

7 SAM KACHMAR: Hello. My name is Sam Kachmar. I'd
8 just like to speak as both a resident of the neighborhood at
9 207 Lakeview Ave and as a local business owner.

10 I'm in full support of this restaurant and the
11 relief they're seeking for the parking spaces. It would be
12 great to be able to walk to a restaurant and bar in the
13 area. So just wanted to voice our full support for them.

14 CONSTANTINE ALEXANDER: Okay.

15 SISIA DAGLIAN: That's it.

16 CONSTANTINE ALEXANDER: [Laughter]

17 SISIA DAGLIAN: [Laughter]

18 CONSTANTINE ALEXANDER: No more public comment.

19 So I'm going to close public testimony.

20 SISIA DAGLIAN: One more, sorry.

21 CONSTANTINE ALEXANDER: One more? I'm sorry, this
22 is one more.

1 SISIA DAGLIAN: Katherine Oh?

2 KATHERINE OH: Good evening. Hi. My name is
3 Katherine Oh, and -- I'm sorry, I didn't know I had to raise
4 my hand in order to be on the roster. I am -- well, I used
5 to be a resident of Cambridge, but I am still very closely
6 tied to Cambridge, especially that neighborhood. My older
7 son is a student at St. Peter.

8 And so I am also down -- I have also known Maria,
9 -- who are now graduating seniors, have been in third grade
10 at the Tobin School.

11 And so I can really vouch for hers and also
12 Juanma's character, I suppose. I find them to be one of the
13 top people that I've ever met in my entire life. And I
14 think that they will bring so much joy, so much wonderful
15 business to the neighborhood that the idea of them coming
16 back to Cambridge is very exciting for me.

17 So I hope that you will approve their special
18 request for a parking variance, so that we can all benefit
19 from their restaurant and their presence. Thank you.

20 CONSTANTINE ALEXANDER: Thank you for taking the
21 time. Now we're all done, right?

22 SISIA DAGLIAN: Yeah, yeah.

1 CONSTANTINE ALEXANDER: Okay. The Chair would
2 also report that we have voluminous letters in our files,
3 all of which enthusiastically support the relief being
4 sought, and for the most part praising the quality of the
5 food that's offered at the restaurant that the petitioner
6 and her now maintains in Somerville.

7 Okay. Discussion, or are we ready for a vote?

8 BRENDAN SULLIVAN: All set.

9 CONSTANTINE ALEXANDER: Okay.

10 BRENDAN SULLIVAN: Brendan Sullivan all set.

11 CONSTANTINE ALEXANDER: All right. The Chair
12 moves that we make the following findings with regard to the
13 relief being sought:

14 This is a special permit actually, so I've changed
15 my gears. One second.

16 That the requirements of the ordinance cannot be
17 met, obviously, unless we grant the relief for reduced
18 parking.

19 That traffic generated or patterns of access or
20 egress resulting from the reduced parking will not cause
21 congestion, hazard, or substantial change in established
22 neighborhood character. There is testimony from the

1 petitioner that the restaurant will be open for the most
2 part -- open at times that the other businesses in the area
3 or eating places are winding down.

4 So the impact is not as great as one might expect,
5 with regard to the reduction of parking.

6 The continued operation of or development of
7 adjacent uses, as permitted in the zoning ordinance, will
8 not be adversely affected by the reduced parking -- again,
9 for the reasons that I just expressed -- that the hours
10 don't correspond with the hours that are allotted to the
11 other businesses in the area.

12 That no nuisance or hazard will be created to the
13 detriment of the health, safety and/or welfare of the
14 occupant -- I hope not -- of the occupant or the citizens of
15 the city.

16 And generally, what is being proposed will not
17 impair the integrity of the district or adjoining district,
18 or otherwise derogate from the intent and purpose of this
19 ordinance. In fact, it will promote the intent and purpose
20 of the ordinance. It encourages the formation of a small
21 business, and it also supports -- mutually supports the
22 other business uses in the area.

1 So on the basis of all of these findings, the
2 Chair moves that we grant the special permit.

3 Brendan?

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

6 CONSTANTINE ALEXANDER: Jim?

7 JIM MONTEVERDE: Jim Monteverde yes to granting
8 the special permit.

9 CONSTANTINE ALEXANDER: Laura?

10 LAURA WERNICK: Yes to granting the special
11 permit.

12 CONSTANTINE ALEXANDER: Andrea?

13 ANDREA HICKEY: Andrea Hickey yes in favor of
14 granting the special permit.

15 CONSTANTINE ALEXANDER: Okay. And I will not be
16 the skunk in the garden party; I vote yes as well.

17 [All vote YES]

18 Now the vote, relief granted.

19 MARIA RONDEAU: Thank you. Thank you so much.

20 JUANMA CALDERONE: Thank you.

21 CONSTANTINE ALEXANDER: Thank you.

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(8:00 p.m.)

Sitting Members: Constantine Alexander, Brendan Sullivan,
Andrea A. Hickey, Jim Monteverde, and
Laura Wernick

CONSTANTINE ALEXANDER: The Chair will now
call Case Number 112778 -- 12 Newman Street. Anyone here
wishing to be heard on this matter?

MAGGIE BOOS: Yes. Mr. Chairman, this is
Maggie Boos calling in.

CONSTANTINE ALEXANDER: Yes.

MAGGIE BOOS: Smart Architecture -- I'm the
architect for Emily Sequiera at 12 Newman Street. And we
are here to present our case for a special permit for the
project.

CONSTANTINE ALEXANDER: Go right ahead.

MAGGIE BOOS: Our -- the house at -- Emily's house
is a nonconforming house in its -- on its left-side setback.
It otherwise conforms to floor area ratio, front and rear
yard setbacks and height.

It has been added to very slightly in the past,
but enough that the additions we're requesting fall in the

1 10 percent to 25 percent category of increase in floor area.
2 So we're seeking a special permit for an increase of no more
3 than 25 percent of the original square footage before the
4 building became nonconforming.

5 What we're seeking relief for is a one-story
6 addition on the first floor on the right side of the
7 building, and we're seeking permission to build a shed
8 dormer on the right side of the building on the third floor,
9 and also, to raise the knee walls of an ell that exists
10 there now.

11 We might want to go straight to -- can I control
12 this? No. We might want to go straight to the elevations.
13 I think it will explain best what's happening. So this is
14 the existing front elevation.

15 That ell is shown off the right side of the
16 building, and you can see it doesn't come up as far as the
17 ridge, the main part of the house and the headroom on the
18 third floor is extremely low.

19 It's extremely low in the main part of the house,
20 but it's too low to walk into in the ell, even though it is
21 actually finished space up there. I mean, you could put a -
22 - you know, a beanbag chair and bend over and, you know,

1 crouch into the space.

2 My client has three children, two of whom are over
3 six feet tall and -- over six feet tall, but who are six
4 feet tall, and who -- and occupying this house with three
5 children and herself. We're trying to make the third floor
6 a useable -- a really useable space for a bedroom.

7 You can go to the next slide, the next page. This
8 shows the ell from the -- showing the southwest side of the
9 house, shows the ell that doesn't come up to -- whose ridge
10 doesn't come up to the primary ridge.

11 Go to the next page, please?

12 This is the rear elevation. The ell is shown on
13 the left.

14 Next page?

15 This is the left side elevation, the northeast
16 side, and shows another change that we want to make, which
17 is a change to the windows at the first floor on that side,
18 which you'll see in the proposed elevations. You can go to
19 the proposed elevations, please.

20 This shows the one-story addition on the right
21 side of the first floor. There's a small shed, or a small
22 hip roof at that point. And it also shows the raised ell

1 area with the shed dormer coming off of that south side
2 slope of the primary volume.

3 CONSTANTINE ALEXANDER: I suppose, since it is
4 you're talking about the dormers, you know, we have our
5 dormer guidelines -- can you address how you comply or don't
6 comply with the dormer guidelines?

7 MAGGIE BOOS: The dormer guidelines ask that the
8 dormers be set back from the ridge of the roof, and they --
9 sorry, from the rake of the roof and they -- which we are
10 doing, and they ask that the dormers not be all the way up
11 to the ridge.

12 However, in the construction of the ell, which
13 isn't -- isn't a dormer, really, it's an ell off of the
14 primary volume, the only way to achieve seven seats of
15 headroom is to bring that ridge up to the height of the
16 existing ridge, seven feet being the code requirement for
17 habitable space.

18 So that's what we're doing. We're making a code
19 worthy space at the interior, and it made sense
20 architecturally to have that dormer have the same ridgeline.
21 I think that the sort of chaoticness (sic) of how the dormer
22 would look otherwise would be not as attractive.

1 I mean, it's also a fact that when you're looking
2 at any of this from the ground, you can't see that that shed
3 dormer is coming up to the -- you know, to the ridge. The -
4 -

5 CONSTANTINE ALEXANDER: What about the length of
6 the dormer?

7 MAGGIE BOOS: Sorry?

8 CONSTANTINE ALEXANDER: The length of your
9 proposed dormer?

10 MAGGIE BOOS: I'm sorry?

11 CONSTANTINE ALEXANDER: The length of your
12 proposed dormer. How long --

13 MAGGIE BOOS: Oh, it's smaller than the proposed,
14 than 15 feet.

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

17 MAGGIE BOOS: Yeah.

18 CONSTANTINE ALEXANDER: Thank you.

19 MAGGIE BOOS: Yeah. Okay. You can go to the next
20 page, please.

21 This shows the shed dormer to the left, the raised
22 ell to the right, and the habitable space inside. It also

1 shows the one-story addition at the first floor, with the
2 triple windows. And it shows the railing in the back of the
3 house that we're proposing to go around the -- around the
4 porch roof.

5 There is currently a door coming out the back of
6 the rear of the house at the second floor level onto a
7 porch, and there is no railing. It's just a rubber roof.
8 So we're proposing to put a railing up for safety.

9 Okay, you can go to the next page.

10 This shows the ell off the left side of -- the
11 raised ell off the left side of the house, and shows the
12 railing at the second floor level on the porch.

13 Okay. And then if you go to the next page,
14 please, 7.3, this shows the window changes that we're
15 proposing on the first floor of that north side of the
16 house. So we're proposing to close two windows and open a
17 new window in the kitchen area.

18 And then you can also see the railing that is
19 being proposed on the porch at the left side on the rear of
20 the house.

21 Let's see. In terms of the photographs, the next
22 image is the shingle house, looking at the front of it, with

1 the single window at the third floor.

2 You can go around to the next photograph. That
3 shows the ell protruding out. You can't really see what the
4 roof is doing, but it's shorter than the main volume.

5 And that right there is the space of the first
6 floor addition. So we're adding about four feet on the
7 first floor. We're extending the house out so that it's
8 flush with the ell on that side.

9 And then the next image shows the doors coming out
10 on the rear of the second floor, out onto a railing less
11 roof.

12 So we're trying to make additions that are in
13 keeping with the architecture of the building that don't
14 overwhelm the building and respect the architecture that's
15 there. It's a really, really charming house, and several of
16 the houses on the street do have dormers that have been put
17 on the third floor.

18 But I think this house is a real -- it's a real
19 gem in that neighborhood, and I think that the neighbors
20 feel that way too. It's just a really lovely building.
21 We're trying very hard to make additions to it that are
22 equally nice and keep with the architecture.

1 So we're staying within the floor area ratio,
2 within the setback requirements, and requesting special
3 permit under the Article 8 section that allows the additions
4 up to 25 percent.

5 CONSTANTINE ALEXANDER: Thank you. Anybody have
6 questions? Brendan?

7 BRENDAN SULLIVAN: Brendan Sullivan no questions.

8 CONSTANTINE ALEXANDER: Laura?

9 JIM MONTEVERDE: Jim Month --

10 CONSTANTINE ALEXANDER: [Laughter] Jim?

11 JIM MONTEVERDE: No, that's okay. Laura go ahead.

12 LAURA WERNICK: No questions.

13 CONSTANTINE ALEXANDER: Andrea?

14 ANDREA HICKEY: No questions, thank you.

15 CONSTANTINE ALEXANDER: And Jim no questions I
16 think I heard you say?

17 JIM MONTEVERDE: Yeah, no questions. Thank you.

18 CONSTANTINE ALEXANDER: Okay. And the Chair has
19 no questions. So I'll open the matter up to public
20 testimony. Any members of the public who wish to speak
21 should now click the icon at the bottom of your Zoom screen
22 that says, "Raise hand."

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

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

4 [Pause]

5 SISIA DAGLIAN: I don't --

6 CONSTANTINE ALEXANDER: No?

7 SISIA DAGLIAN: No, but the owner I think wishes
8 to speak.

9 CONSTANTINE ALEXANDER: The owner wishes to speak?

10 SISIA DAGLIAN: Yeah.

11 CONSTANTINE ALEXANDER: Okay.

12 SISIA DAGLIAN: Emily?

13 [Pause]

14 SISIA DAGLIAN: Emily, you can unmute and --

15 EMILY SEQUIERA: I'm sorry, can you hear me?

16 SISIA DAGLIAN: Yeah.

17 CONSTANTINE ALEXANDER: Now we can, yes.

18 EMILY SEQUIERA: Thank you. I just wanted to say
19 thank you to Maggie for the presentation, but I also wanted
20 to add that I did meet and speak with all of the abutting
21 neighbors, and they are all in support of the project, and
22 excited about the, you know, continuing to improve the looks

1 of the house. So I just wanted to add that.

2 CONSTANTINE ALEXANDER: Thank you. Thank you for
3 bringing that to our attention, because we don't have any
4 letters in the file --

5 EMILY SEQUIERA: Sure.

6 CONSTANTINE ALEXANDER: -- from your neighbors.

7 EMILY SEQUIERA: Sure.

8 CONSTANTINE ALEXANDER: But your representation of
9 what they told you is good enough.

10 EMILY SEQUIERA: Thank you.

11 CONSTANTINE ALEXANDER: Ready for a motion?

12 BRENDAN SULLIVAN: Yes, yes.

13 CONSTANTINE ALEXANDER: Okay. The Board moves
14 that we make the following findings with regard to the
15 special permit that's being sought:

16 That the requirements of the ordinance cannot be
17 met unless we grant the special permit.

18 That traffic generated or patterns of access or
19 egress will not cause congestion, hazard, or substantial
20 change in established neighborhood character.

21 In this regard, the neighborhood -- the nature of
22 the structure will not change. There won't be a substantial

1 change for sure. And no congestion or hazard will be
2 created by the proposed work.

3 That the continued operation of or development of
4 adjacent uses, as permitted in the zoning ordinance, will
5 not be adversely affected by what is being proposed. Again,
6 we're talking about modest modifications to the structure
7 that will not have any impact on the neighborhood, except to
8 the extent it will be beneficial.

9 And that no nuisance or hazard will be created to
10 the detriment of the health, safety and/or welfare of the
11 occupant of the proposed use, or the citizens of the city.

12 And generally, what is being proposed will not
13 impair the integrity of the district or adjoining district,
14 or otherwise derogate from the intent and purpose of the
15 ordinance.

16 So on the basis of all of these findings, the
17 Chair moves that we grant the special permit requested on
18 the condition that the work proceed in accordance with plans
19 prepared by Smart Architecture dated March 23, 2021, the
20 first page of which has been initialed by the Chair.

21 BRENDAN SULLIVAN: Brendan Sullivan yes to
22 granting the special permit.

1 CONSTANTINE ALEXANDER: Jim?

2 JIM MONTEVERDE: Jim Monteverde yes to granting
3 the special permit.

4 CONSTANTINE ALEXANDER: Andrea?

5 ANDREA HICKEY: Andrea Hickey, yes, I'm in favor
6 of granting the special permit.

7 CONSTANTINE ALEXANDER: Laura?

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

10 CONSTANTINE ALEXANDER: And the Chair says yes as
11 well to the special permit. It's unanimous. Special permit
12 granted.

13 MAGGIE BOOS: Thank you so much.

14 EMILY SEQUIERA: Thank you.

15 MAGGIE BOOS: Thanks for approving that restaurant
16 too. Great!

17 JIM MONTEVERDE: As long as you can walk.

18 MAGGIE BOOS: I will.

19 CONSTANTINE ALEXANDER: -- town, I think,
20 considering the letters of support for that restaurant.

21 EMILY SEQUIERA: Excellent.

22 MAGGIE BOOS: Thank you.

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CONSTANTINE ALEXANDER: Thank you.

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(8:15 p.m.)

Sitting Members: Constantine Alexander, Brendan Sullivan,
Andrea A. Hickey, Jim Monteverde, and
Laura Wernick

CONSTANTINE ALEXANDER: The Chair will now call
Case Number 113073 -- 81 Belmont Street. Anyone -- I mean
71 Belmont Street, I'm sorry. Anyone wishing to be heard on
this matter?

[Pause]

Hello?

[Pause]

SISIA DAGLIAN: You can unmute yourself.

LISA MURPHY: Hi.

SISIA DAGLIAN: Yeah.

LISA MURPHY: Can you hear me now?

SISIA DAGLIAN: Yes.

LISA MURPHY: Okay, thank you. Sorry about that.
We are Lisa and Charles Murphy, the contractor working with
Yul and Noi Amara at 71 Belmont Street, and we are looking
for approval on a special permit to extend the existing roof
on that porch.

1 I believe we submitted pictures of existing
2 conditions, as well as the plans, and letters of support
3 from their neighbors.

4 CONSTANTINE ALEXANDER: Okay. I think the relief
5 you're seeking is quite obvious, I mean in terms of it's not
6 a sophisticated change to the structure. We understand the
7 purpose of what you're doing, and as you have said, it is
8 supported by a petition really from all of the neighbors,
9 from most of the neighbors --

10 LISA MURPHY: Correct.

11 CONSTANTINE ALEXANDER: There's neighborhood
12 support for what is being proposed. Questions from members
13 of the Board? Brendan?

14 BRENDAN SULLIVAN: Brendan Sullivan no questions.

15 CONSTANTINE ALEXANDER: Jim?

16 JIM MONTEVERDE: Jim Monteverde, just a comment.
17 When I look at the precedent photographs, or the other
18 neighborhood photographs that are attached. The other homes
19 that have enclosed second floor porches, it leads me to
20 desire an ordinance that would not allow it, and frankly I
21 don't know that I could support it.

22 But really what it does for the character of the -

1 - and I understand the neighbors may be in support, but what
2 it does for the character of -- the immediate character --
3 the character of the immediate neighborhood, the street, I
4 just think these are -- I cannot support it.

5 Just for the change that it brings to the overall
6 character of the building itself, and how that affects the
7 front yard, the sidewalk, the street.

8 I think putting those pertinences, enclosing them
9 really just changes the character so dramatically of the
10 building itself and its presence on the street that I would
11 not support it.

12 CONSTANTINE ALEXANDER: Okay. Do you think the
13 impact of what it wants to do is that significant in terms
14 of the impact on the streetscape for the neighborhood?

15 JIM MONTEVERDE: I do.

16 CONSTANTINE ALEXANDER: Okay. Anyone else wish to
17 speak? I mean, Andrea?

18 ANDREA HICKEY: No. I tend to agree with Jim, but
19 I'm not completely decided yet.

20 CONSTANTINE ALEXANDER: All right. And Laura?

21 LAURA WERNICK: Yeah, I'd like to just look at it
22 a bit more, I think. And I think I'm sympathetic to what Ji

1 is saying. Certainly, what's shown there is -- but I think
2 it --

3 CONSTANTINE ALEXANDER: Okay.

4 LAURA WERNICK: It's challenging, certainly, but I
5 understand what Jim is saying.

6 JIM MONTEVERDE: Yeah. Can I just comment within
7 the -- just for members of the Board?

8 CONSTANTINE ALEXANDER: Sure.

9 JIM MONTEVERDE: I mean, I know it's public, but
10 the photos that are attached, I prepared a document to send
11 to the City Council to basically -- because I think
12 sometimes, we've seen a couple of these come through where
13 my understanding is they have been approved at -- not even
14 approved, but as of right by an interpretation that says
15 because it counts as FAR, you can go ahead and enclose it.

16 And I've taken photos of exactly houses like this
17 as part of our presentation to basically show why something
18 like this, or people will do the -- we've seen other cases
19 where they've enclosed the ground floor or something to that
20 effect. And just I think when you look at it across the
21 street, I just take exception to it.

22 And when I see the ones around town that I know

1 we've approved, it just breaks my heart. So I've kind of --
2 I'll be submitting something to the City Council to
3 basically not make this as really --

4 CONSTANTINE ALEXANDER: Good for you.

5 JIM MONTEVERDE: -- some other review process to
6 her review these. At the moment, I just -- I can't support
7 it.

8 CONSTANTINE ALEXANDER: That's the point, I think,
9 Jim, you make and it's a good point. We're not an
10 architectural review Board.

11 JIM MONTEVERDE: Right.

12 CONSTANTINE ALEXANDER: We're a zoning Board.

13 JIM MONTEVERDE: Right.

14 CONSTANTINE ALEXANDER: And your comments
15 basically are a criticism of the architectural impact of
16 what is being proposed, which is -- I accept it.

17 JIM MONTEVERDE: Well --

18 CONSTANTINE ALEXANDER: But I'm not sure that it
19 falls within our province to deny relief simply because we
20 don't like the architecture.

21 JIM MONTEVERDE: Well, no, it's not. I think the way
22 the introduction to the ordinance is written, it starts off

1 generally and broad enough about, you know, impact on the
2 neighborhood, consistency with the neighborhood in keeping
3 with.

4 And I think my exception springs from that. I'm
5 not trying to comment on architecturally what it does with
6 this piece structure, it's more what it does in the
7 cityscape and the streetscape. So yeah, I understand your
8 point, Mr. Chair, but --

9 CONSTANTINE ALEXANDER: Okay.

10 JIM MONTEVERDE: -- I still take exception to it.

11 CONSTANTINE ALEXANDER: And I understand yours as
12 well. I mean, we are in need of some more architectural
13 review in Cambridge. We're not the Board to do it, unless
14 the zoning ordinance has changed.

15 But, point well taken.

16 LAURA WERNICK: And can we ask just again what the
17 -- how it's going to be used, how is the -- what's the
18 intention?

19 LISA MURPHY: So it literally is just for them to
20 be able to sit out on the second floor. It's not anything
21 to use year-round. And where there is already an existing
22 portion of roof, it would literally just add the roof so

1 that it would accommodate them to sit out there and
2 eliminate elements, essentially.

3 LAURA WERNICK: Mm-hm.

4 CHARLES MURPHY: And beyond that, to address Jim's
5 concerns, it would actually kind of become consistent with
6 the character of the neighborhood as every house on this
7 street actually has an enclosed porch for their second
8 floor. We're the only house that doesn't, and it kind of
9 stands out in that way.

10 JIM MONTEVERDE: That's a good thing.

11 CONSTANTINE ALEXANDER: [Laughter]

12 JIM MONTEVERDE: Some would take that as a good
13 thing.

14 CONSTANTINE ALEXANDER: I was going to make the
15 same comment. I mean --

16 JIM MONTEVERDE: Yeah. And if I could -- can I --
17 if I could ask a follow-up question, just to --

18 CONSTANTINE ALEXANDER: Go ahead. [2:23:22
19 indiscernible]

20 JIM MONTEVERDE: -- comment about the, you know,
21 basically just putting a roof over the porch. I'm looking
22 at the second-floor plan. Those are all sliders that -- is

1 this not enclosed for four-season use?

2 LISA MURPHY: Correct.

3 JIM MONTEVERDE: Okay. Thank you. Yep.

4 LISA MURPHY: You asked, we're not -- it's not to
5 be used for year-round. That's what you were asking?

6 JIM MONTEVERDE: Yeah, but it's an -- there are
7 enclosures that go around the perimeter to basically enclose
8 it year-round?

9 CHARLES MURPHY: Yeah.

10 JIM MONTEVERDE: Yeah. Okay. Thank you.

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

13 LISA MURPHY: Yeah, but it's not year round. It
14 is --

15 CONSTANTINE ALEXANDER: Any members of the public
16 who wish to speak should now click the icon at the bottom of
17 your Zoom screen that says, "Raise hand."

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

21 [Pause]

22 SISIA DAGLIAN: Nope.

1 CONSTANTINE ALEXANDER: Apparently not. So I'll
2 close public testimony. As indicated in the presentation,
3 there is a -- I would call it a petition signed by many of
4 the neighbors, all in support of the relief being sought.
5 So there we are. Further discussion?

6 LAURA WERNICK: Well, I think that Jim's proposed
7 letter is important, and I'm glad to sign onto it, Jim. I'm
8 not sure that we can -- as the Chairman indicated, can we --
9 and I agree with you it's -- those houses are really
10 disturbing when you see the enclosed second floor.

11 But I'm not sure we can as the Zoning Board refuse
12 this petitioner because of that appreciate.

13 CONSTANTINE ALEXANDER: Further discussion, or
14 should I just make the motion and then vote?

15 BRENDAN SULLIVAN: [Brendan Sullivan] I would be
16 for a motion.

17 CONSTANTINE ALEXANDER: Okay.

18 JIM MONTEVERDE: Yep. I'm ready for a motion.

19 CONSTANTINE ALEXANDER: Then I will make the
20 motion. The Chair moves that we make the following findings
21 with regard to the special permit being sought: Okay, here
22 we go. That the requirements of the ordinance cannot be met

1 unless we grant the special permit to extend the roof.

2 That traffic generated or patterns of access or
3 egress will not cause congestion, hazard, or substantial
4 change in established neighborhood character. I think it
5 has an impact, as Jim Monteverde pointed out, but I don't
6 think it falls within the context of denying the special
7 permit.

8 That the continued operation of or development of
9 adjacent uses, as permitted in the zoning ordinance, will
10 not be adversely affected by the nature of the proposed use,
11 that is the enclosure of the -- the extension of a roof over
12 the deck -- over the porch, I'm sorry.

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

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

20 So on the basis of these findings, the Chair moves
21 that we grant the special permit being sought on the
22 condition that the work proceed in accordance with the plans

1 prepared by David Harmon, H-a-r-m-o-n Architecture dated
2 September 7,2020, the first page of which has been initialed
3 by the Chair.

4 Brendan?

5 BRENDAN SULLIVAN: Brendan Sullivan yes to
6 granting the relief.

7 CONSTANTINE ALEXANDER: Jim?

8 JIM MONTEVERDE: Jim Monteverde no.

9 CONSTANTINE ALEXANDER: Okay. Andrea?

10 ANDREA HICKEY: Andrea Hickey yes in favor of
11 granting, but I do want to say that I endorse Mr.
12 Monteverde's letter to the City Council to address this
13 issue. I don't love this petition, but I don't think we can
14 deny it. Thank you.

15 CONSTANTINE ALEXANDER: Thank you. And Laura?

16 LAURA WERNICK: Yes to the petition.

17 CONSTANTINE ALEXANDER: I'm sorry?

18 LAURA WERNICK: Yes to the petition.

19 CONSTANTINE ALEXANDER: Yes to the petition. What
20 about yes to granting the special permit?

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

1 CONSTANTINE ALEXANDER: Okay. And the Chair would
2 echo Andrea's comments. I think that the letter should go
3 to the City Council. Whether it does anything with it is
4 something else, but it's needed. There should be some
5 architectural review, and we don't have it right now in our
6 governing ordinance in the city. But in any event, the
7 Chair -- the vote is four in favor, one opposed.

8 [FOUR VOTE YES, ONE OPPOSED]

9 The special permit is granted. Thank you.

10 COLLECTIVE: Thank you.

11 JIM MONTEVERDE: Mr. Chair, can I request a two-
12 minute break?

13 CONSTANTINE ALEXANDER: Why don't we take a five-
14 minute break.

15 JIM MONTEVERDE: All right, thank you.

16 CONSTANTINE ALEXANDER: We'll resume at 8:33.

17 [BREAK]

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(8:33 p.m.)

Sitting Members: Constantine Alexander, Brendan Sullivan,
Andrea A. Hickey, Jim Monteverde, and
Laura Wernick

CONSTANTINE ALEXANDER: Okay, the Chair will now
end the recess and resume our meeting. And we will call
Case Number 109870 -- 22 Gray Gardens East. Anyone here
wishing to be heard on this matter?

[Pause]

They went to swim in the swimming pool at the
neighbor downtown street.

PAUL SULLIVAN: Okay. Can you hear me now?

CONSTANTINE ALEXANDER: Yes.

PAUL SULLIVAN: Oh, okay. Thanks. Good evening,
members of the Zoning Board. I'm Paul Sullivan with the
Sullivan Company, and I'm representing my client, Jeffrey
Lichtman, and Linda Tucci with regard to gaining relief to
extend their existing deck at their home on Gray Gardens
East.

The deck itself actually meets the A2 zoning
requirements of the seven-foot setback which is under 25.

1 It's seems like quite a bit. But the issue came when we
2 went to get the building permit that we were told the deck
3 was too close to the brick garage. So the deck is --

4 CONSTANTINE ALEXANDER: That's right. But
5 unfortunately the advertisement for the case didn't say
6 that. I mean, you're supposed to -- when you do your
7 advertisement, you're supposed to put the public on notice
8 about what it is in general terms you're seeking.

9 And the problem -- what you're seeking is you want
10 to extend the deck to a place where it is too close to the
11 garage in terms of our zoning ordinance. It has nothing to
12 do with six inches from the corner of the house.

13 The plans you submitted show that the deck, should
14 we grant you the relief, will be 2. -- I guess eight feet
15 from the garage. That's what this is all about.

16 PAUL SULLIVAN: Well, all we had to go by was the
17 dimensional setbacks of the A-2 district, which doesn't say
18 anything about the garage. That came up when we went in to
19 get the permit, so we applied for it as such. I'm at a
20 little bit of a loss here.

21 CONSTANTINE ALEXANDER: That's all right. I think
22 we made the point. The relief that you're seeking, if I may

1 be so bold as to venture my own opinion, the relief you're
2 seeking is very, very modest in nature.

3 I think it's not been correctly stated in your
4 advertisement, and to some extent the public has been a
5 little bit misled, not that I think it makes a difference.

6 I guess I would only point out that it leads --
7 should we grant the relief you're seeking, it could be
8 attacked in court by an aggrieved neighbor claiming that you
9 didn't properly advertise the case. And --

10 PAUL SULLIVAN: We do have a letter of support
11 from the neighbors.

12 CONSTANTINE ALEXANDER: I understand that. But
13 there's a lot of other people who can -- you know, you may
14 have your neighbor -- your client may have an enemy in the
15 neighborhood who doesn't realize it's an enemy.

16 The point is is that this is not done the way it
17 should have been done, and if it were a more complicated or
18 controversial case, I for one at least would require you to
19 readvertise and readvertise. But I'm prepared to go
20 forward, as the case is prepared.

21 If any other members of the Board feel otherwise,
22 please speak up. I guess not. Okay. So I think you said

1 everything you wanted to say about the relief you're
2 seeking?

3 PAUL SULLIVAN: Yes, thank you. Appreciate that.

4 CONSTANTINE ALEXANDER: You need a variance. And
5 the variance requires that you meet three conditions. I can
6 dig it out from the statute. One second, just bear with me.
7 Okay.

8 That a literal enforcement of the -- first one --
9 a literal enforcement of the provisions of the ordinance
10 would involve a substantial hardship, such hardship being
11 obviously that the client will not be able to extend the
12 deck to the extent he or she wish to do so. The substantial
13 -- that's off to the side.

14 Second, that the hardship is owing to the --
15 basically the shape or topography of the land or structure.
16 So again, given the fact that there is an existing garage
17 and an existing residence, that's the -- and where they're
18 located causes the need for a variance.

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

22 And again, the -- back to where I started, the

1 relief being sought is very, very modest, and there's no
2 neighborhood impact. And so that would be how you satisfy
3 that condition.

4 Did I do a good enough job?

5 PAUL SULLIVAN: Perfect.

6 CONSTANTINE ALEXANDER: Okay. Questions from
7 members of the Board?

8 BRENDAN SULLIVAN: Brendan Sullivan no questions.

9 CONSTANTINE ALEXANDER: Jim?

10 JIM MONTEVERDE: Jim Monteverde no questions.

11 CONSTANTINE ALEXANDER: Andrea?

12 ANDREA HICKEY: I'd like to hear a bit about the
13 hardship.

14 CONSTANTINE ALEXANDER: I'm sorry, say it again,
15 please?

16 ANDREA HICKEY: About hardship in this case, I'd
17 like to hear the petitioner speak to that.

18 CONSTANTINE ALEXANDER: Okay.

19 PAUL SULLIVAN: Well, they want to enjoy their
20 back yard. They have a gorgeous back yard -- gardens and so
21 on. And the deck that's there is modest at best, and it is
22 not off the back of the kitchen, where they would get the

1 most enjoyment from that.

2 So not having a -- you know, a complete deck out
3 there keeps them from full enjoyment of their beautiful yard
4 that they maintain very well.

5 ANDREA HICKEY: Thank you.

6 PAUL SULLIVAN: You're welcome.

7 CONSTANTINE ALEXANDER: Laura?

8 LAURA WERNICK: No questions.

9 CONSTANTINE ALEXANDER: Okay. I'll open the
10 matter up to public testimony. We have only -- what do we
11 have, there is a letter in our files in support from the
12 abutting neighborhood -- the neighbor.

13 Okay. Any members of the public who wish to speak
14 should now click the icon at the bottom of your Zoom screen
15 that says, "Raise hand."

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

19 [Pause]

20 SISIA DAGLIAN: I think the owner, Linda Tucci.

21 CONSTANTINE ALEXANDER: Hm?

22 SISIA DAGLIAN: The owner, Linda Tucci. Would you

1 --

2 CONSTANTINE ALEXANDER: Okay.

3 SISIA DAGLIAN: -- wish to speak?

4 LINDA TUCCI: We're both here.

5 JEFF LICHTMAN: Yeah, this is Linda Tucci and Jeff
6 Lichtman are here together. Yeah, this extension allows us
7 to use our kitchen without having to go downstairs to get to
8 our back yard, which -- Linda's mother is 100 and thank
9 goodnight is still walking around, but she doesn't go
10 downstairs. So for her the deck is the only way she can
11 really be outside.

12 We would very much like to allow this deck to be
13 used. It's a little too small the way it is now for most of
14 the kind of things you might want to do on a deck. So it
15 would help us.

16 But also, the house is already closer to the
17 garage than the deck would be. So we're not in some way
18 impinging on the walkway between the house and the garage.
19 That would still exist, and it would be in fact a little
20 wider where the deck is relative to where the house is,
21 which also abuts the garage.

22 CONSTANTINE ALEXANDER: That's a very fair point,

1 and I think maybe it's the most compelling reason for us
2 granting the zoning relief. So good for you. Good point.

3 Anything further?

4 JEFF LICHTMAN: No, not from us.

5 CONSTANTINE ALEXANDER: Ok.

6 PAUL SULLIVAN: Same here.

7 CONSTANTINE ALEXANDER: I don't think anybody --
8 do we have anybody else who wants to speak? No.

9 SISIA DAGLIAN: No.

10 CONSTANTINE ALEXANDER: So I'll close public
11 testimony. Discussion from members of the Board about this
12 deck that's going to get too close to the garage, under our
13 zoning, that is?

14 BRENDAN SULLIVAN: Brendan Sullivan. I've seen an
15 awful lot of this particular example where you've got a deck
16 and then you've got sort of a stepdown into what was a patio
17 area or paved area. It actually becomes a hazard --

18 CONSTANTINE ALEXANDER: Yes.

19 BRENDAN SULLIVAN: -- and stepping down, and
20 either you've got the railing, which then divides the area
21 and it sort of becomes neither fish nor fowl. You know, so
22 you -- by extending the deck then you make a far more usable

1 and actually a safer environment for people to navigate, and
2 also, to enjoy. So I would be all for this. I think it's
3 all the right reasons.

4 CONSTANTINE ALEXANDER: Okay. Jim?

5 JIM MONTEVERDE: No comments, no questions.

6 CONSTANTINE ALEXANDER: All right. Let me --
7 Andrea or Laura, do you have anything you want to comment on
8 or should I move on to making a motion?

9 ANDREA HICKEY: This is Andrea, you can move on,
10 thank you.

11 CONSTANTINE ALEXANDER: Okay. All right. The
12 Chair moves that we make the following findings with regard
13 to the variance being sought:

14 That a literal enforcement of the provision of
15 this ordinance would involve a substantial hardship, such
16 hardship being is that this deck is ill-conceived where it
17 is now, and by extending it -- Mr. Sullivan's pointed out it
18 actually increases the safetiness (sic), increases safety in
19 the use of the deck.

20 That the hardship is owing to the fact that this
21 is an existing situation. There is already a garage that's
22 close to the main -- the residential structure. And

1 therefore what is being proposed doesn't add anything to the
2 detriment of our zoning ordinance.

3 And in fact, as I pointed out and Mr. Sullivan's
4 pointed out, it really is benefit from a zoning point of
5 view and safety point of view.

6 And that desirable relief may be granted without
7 substantial detriment to the public good, or nullifying or
8 substantially derogating from the intent or purpose of this
9 ordinance. Again, the relief sought is very modest in
10 nature, with no impact beyond the lot itself.

11 So on the basis of all of these findings, the
12 Chair moves that we grant the variance requested on the
13 condition that the work proceeds in accordance with plans --
14 drawings, really -- prepared by the, or submitted by the
15 petitioner, two pages of which, both of which have been
16 initialed by the Chair.

17 Brendan?

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

20 CONSTANTINE ALEXANDER: Jim?

21 JIM MONTEVERDE: And Jim Monteverde yes for
22 granting the relief.

1 CONSTANTINE ALEXANDER: Andrea?

2 ANDREA HICKEY: Andrea Hickey yes in favor of
3 granting the relief.

4 CONSTANTINE ALEXANDER: And Laura?

5 LAURA WERNICK: Yes to granting the relief.

6 CONSTANTINE ALEXANDER: The Chairman votes yes as
7 well.

8 [All vote YES]

9 Variance granted. Good luck with the deck.

10 COLLECTIVE: Thank you very much. Appreciate it.
11 Goodnight.

12 CONSTANTINE ALEXANDER: Goodnight.

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2 (8:46 p.m.)

3 Sitting Members: Constantine Alexander, Brendan Sullivan,
4 Andrea A. Hickey, Jim Monteverde, and
5 Laura Wernick

6 CONSTANTINE ALEXANDER: The Chair will now call
7 our last case, Case Number 113905 -- 134 Hancock Street.
8 Anyone here wishing to be heard on this matter?

9 [Pause]

10 JOHN BUCKLEY Hello, am I in?

11 SISIA DAGLIAN: Yes, you are.

12 JOHN BUCKLEY Very good. My name is John Buckley,
13 and I'm Architect of Record for the project, and I'm
14 representing Lili and Rebecca Walsh.

15 CONSTANTINE ALEXANDER: Okay.

16 JOHN BUCKLEY: So the -- our proposal is
17 essentially to remove square footage of a nonexisting dormer
18 and relocate some square footage in the rear of the property
19 on a second-floor addition. And some context of the
20 project: I'd like to look through some elevations showing
21 the proposed demolition, and the new scheme.

22 So if we actually go to the drawing 301, it's

1 closer to the beginning of the document. Yep, there we go.

2 So what you can see, the drawing to the right of
3 the page is the front façade, so that's on Hancock Street.
4 And the dormer at the top is nonoriginal dormer that has a
5 very strong presence.

6 And we are proposing to remove that square footage
7 and remove the habitable space in the attic, and relocate
8 that towards the rear of the property.

9 So if we skip down a few pages to some other
10 elevations, that should be clear.

11 So the new proposal, as seen here, shows the
12 removal of the dormer, but a new second-story addition
13 towards the rear.

14 And the next page down shows the rear elevation,
15 which shows the addition of the hip roof. And then I think
16 the following images are really telling about kind of where
17 this came from, and why it we've decided -- you know, that
18 this is probably a better use of the building.

19 So this building is quite old -- mid 1800s -- and
20 it's been relocated to a nonconforming lot. It's
21 nonconforming on lot minimum lot size 5000 square feet. So
22 out of the gate, our GFA, allowable GFA is hamstrung. And

1 the building is as it exists now would be over an allowable
2 GFA.

3 But the building as proposed would be within an
4 allowable GFA, if our lot was -- you know, proper 5000
5 square feet. I believe the lot right now is 4200 and some
6 odd square feet.

7 But by the pictures, this dormer is somewhat of an
8 offensive character in the neighborhood. The neighborhood's
9 kind of a lovely area, and this nonoriginal dormer really
10 adds a strong street presence that's kind of lackluster.

11 And more to the point, the building is older. It
12 has lower ceilings, and our proposal, instead of trying to
13 make use of what is a really cramped attic space which has
14 functional, you know, living spaces in it currently, you
15 know, our proposal is to, you know, move that space into a
16 more rational floor plan that conforms on code.

17 We have a proper staircase, you know, it is a
18 better, safer building by moving the living space to the
19 rear.

20 So that's the gist of our proposal. And I'm happy
21 to talk further, but -- and answer any clarification.

22 CONSTANTINE ALEXANDER: I have no requests.

1 Anybody else? Jim?

2 JIM MONTEVERDE: Yeah, [Jim Monteverde] one
3 question: I see toward the end of the presentation
4 metatarsal a certificate of appropriateness from the Mid-
5 Cambridge Neighborhood Conservation District Commission.

6 JOHN BUCKLEY: Mm-hm.

7 JIM MONTEVERDE: And there's a comment that asked
8 you to reconsider options for the front entry with the
9 placements of columns and glazing. Is that incorporated in
10 the scheme that you've submitted tonight?

11 JOHN BUCKLEY: That is not. So that comment --
12 there were two comments made in our historic review, neither
13 of which were binding. The one that we took to heart was
14 there was previously a feature on the roof that was like a
15 widow's walk type element to conceal some skylights.

16 And they had suggested that, you know, that's kind
17 of a false faux element, and that we could just show the
18 skylights. So this proposal does show that change.

19 The other suggestion was to keep the cadence of
20 the columns in the front element. We've pointed out, and
21 also showed an earlier photograph where this area was glazed
22 and enclosed. I believe that was from 1922. And our

1 proposal -- this is two separate units, you know, with a
2 party wall in between the two. And so there's two separate
3 entrances coming up to this entry vestibule.

4 And our proposal changes from three columns that
5 you see from the street façade to four columns.

6 And behind the -- there's a panel in between the
7 two central columns that will basically conceal kind of a
8 mudroom capacity. And, you know, there was a comment that -
9 - you know, they would like to see this remain as is, but it
10 wasn't a very strong comment. And, you know, we did not
11 take that as -- you know, this is a must.

12 And I also believe that -- again, an outcome of
13 our historic review was that by and large this looks pretty
14 good. They were very happy with the removal of the street
15 dormer and the addition at the back, and that -- you know,
16 for the most part we were doing a strong positive for the
17 neighborhood, and that this front areaway was -- you know,
18 some, an opinion worth maybe not overlooking but accepting,
19 if that makes sense?

20 JIM MONTEVERDE: Yep, thank you.

21 LAURA WERNICK: And just a question out of
22 curiosity. So you've taken out that third floor -- the

1 floor is no longer on the third floor, is no longer there?
2 And the second floor now kind of a -- almost a double height
3 space?

4 JOHN BUCKLEY: Not quite. So the ceiling heights
5 are quite limited in the building. And so we are keeping
6 the first floor height the same, and then the second floor
7 ceiling is being raised to gain us some square footage -- I
8 mean, not square footage, to get some ceiling height.

9 And so that, you know, essentially makes the attic
10 space, which is already tight and cramped, you know, even
11 more so. And so we have no intention of having any
12 habitable space in the attic at all.

13 And more to the point, our new proposed addition
14 to the rear has a lower ceiling -- lower roof height and,
15 you know, that follows into a lower ceiling height. So
16 that's below the -- you know, occupiable space regardless.

17 So there's a small portion that runs kind of
18 central parallel to the ridge that is, you know, seven foot
19 and plus, or five-foot plus, but the majority of that space
20 is nonhabitable (sic).

21 LAURA WERNICK: So the skylights there are just
22 purely for that --

1 JOHN BUCKLEY: The skylights essentially are
2 shafted down to the floor below.

3 LAURA WERNICK: Okay, yep. That's fine.

4 JOHN BUCKLEY: So that they illuminate the
5 stairwell from the inside.

6 LAURA WERNICK: Great, thank you.

7 CONSTANTINE ALEXANDER: Any other members of the
8 Board have any questions they want to ask Mr. Buckley?

9 JIM MONTEVERDE: Nope.

10 CONSTANTINE ALEXANDER: Apparently not. I'm going
11 to now open the matter up to public testimony. Any members
12 of the public who wish to speak should now click the icon at
13 the bottom of your Zoom screen that says, "Raise hand."

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

17 [Pause]

18 CONSTANTINE ALEXANDER: Nothing? There is
19 nothing, so we will close public testimony. I will just
20 mention that the -- there's a statement of basically support
21 from the owners and Trustees of the 10 Hancock Place
22 Condominium Trust, and there are some letters -- also other

1 letters of support. No letters of opposition.

2 Should I make a motion?

3 BRENDAN SULLIVAN: Yes.

4 CONSTANTINE ALEXANDER: Okay. The Chair moves
5 that we make the following findings with regard -- excuse me
6 one second, let me get my files out -- I'm a little confused
7 with the paperwork here, I've lost my -- no, no, the public
8 advertisement.

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

11 That a literal enforcement of the provisions of
12 the ordinance would involve a substantial hardship, such
13 hardship being this is an older structure in need of
14 modernization and improvement, and that's not particular to
15 the existing owner, but to anyone who would occupy the
16 structure going forward.

17 That the hardship is owing to the fact that this
18 is already a nonconforming structure, so any modification
19 requires even modification that really reduces the lack of
20 compliance in terms of FAR. Nevertheless, it's required
21 rezoning relief, and that desirable relief may be granted
22 without substantial detriment to the public good, or

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

3 In this regard, there is neighborhood and
4 Condominium Trust Support. This has been approved by the
5 Mid-Cambridge Historical District. No opposition. The
6 bottom line is that the city's housing stock will visually
7 be improved by what is being proposed.

8 So on the basis of all of these findings, the
9 Chair moves that we grant the variance being sought on the
10 condition that the work proceed in accordance with plans,
11 the first page of which has been initialed by the Chair,
12 prepared by John Buckley Architecture, the first page of
13 what has been initialed by the Chair.

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

16 CONSTANTINE ALEXANDER: Jim?

17 JIM MONTEVERDE: Jim Monteverde yes to granting
18 the variance with -- again, just a little, if I may: I
19 think the removal of the dormer and adding a space in the
20 back of the house are all very positive moves.

21 I do take exception to closing in the front porch,
22 but I don't think that overrides the positive benefits of

1 everything else that the proponent is proposing. So I will
2 vote in favor of it.

3 JOHN BUCKLEY: Thank you, Jim.

4 CONSTANTINE ALEXANDER: Andrea?

5 ANDREA HICKEY: Andrea Hickey yes in favor.

6 CONSTANTINE ALEXANDER: Laura?

7 LAURA WERNICK: Laura Wernick yes in favor.

8 CONSTANTINE ALEXANDER: And the Chair votes yes in
9 favor as well.

10 [All vote YES]

11 Variance granted. Thank you.

12 JOHN BUCKLEY: Thank you very much. Appreciate
13 it.

14 CONSTANTINE ALEXANDER: Meeting is adjourned.

15 COLLECTIVE: Goodnight. Thank you. Bye-bye.

16 [09:00 p.m. End of Proceedings]

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CERTIFICATE

Commonwealth of Massachusetts

Middlesex, ss.

I, Catherine Burns, Notary Public in and for the Commonwealth of Massachusetts, do hereby certify that the above transcript is a true record, to the best of my ability, of the proceedings.

I further certify that I am neither related to nor employed by any of the parties in or counsel to this action, nor am I financially interested in the outcome of this action.

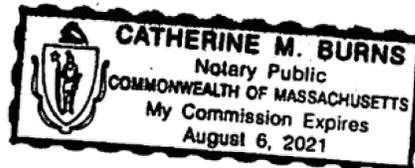
In witness whereof, I have hereunto set my hand this 26th day of May, 2021.



Notary Public

My commission expires:

August 6, 2021



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