

BOARD OF ZONING APPEAL  
FOR THE  
CITY OF CAMBRIDGE

GENERAL HEARING

THURSDAY, MARCH 13, 2014

7:20 p.m.

in

Senior Center

806 Massachusetts Avenue

Cambridge, Massachusetts 02139

Constantine Alexander, Chair

Timothy Hughes, Vice Chair

Brendan Sullivan, Member

Douglas Myers, Associate Member

Andrea A. Hickey, Associate Member

Sean O'Grady, Zoning Specialist

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## PROCEEDINGS

(7:20 p.m.)

(Sitting Members Case #BZA-003187-2014: Constantine Alexander, Timothy Hughes, Brendan Sullivan, Douglas Myers, Andrea Hickey.)

CONSTANTINE ALEXANDER: The Chair will call this meeting of the Zoning Board of Appeals to order. As is our custom, we'll start with the continued cases. And the first case I'm going to call is 003187-2014, 8 Kennedy Road.

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

(No Response.)

CONSTANTINE ALEXANDER: No one is in attendance.

The Chair will report that he is in receipt of an e-mail from Martin Cafasso, of Martin Cafasso Designs, LLC. It's actually addressed to Maria Pacheco. (Reading) It says I am writing to you today to request a

continuation for the hearing on the Variance and Special Permit application for 8 Kennedy Road scheduled for this Thursday, March 13th. Unfortunately my clients and I didn't realize we needed to update the sign in front of the house to reflect the new hearing date. We, therefore, request a consideration of one further continuance until the meeting of March 27th when the Bells would like to present their case. We will immediately update the sign in the front yard.

Parenthetically I should hope so. I think we made it very clear to them in our motion the last time to update the sign.

TIMOTHY HUGHES: Yes, they weren't here then, though.

SEAN O'GRADY: No.

CONSTANTINE ALEXANDER: I'm sorry?

SEAN O'GRADY: They were not here.

CONSTANTINE ALEXANDER: No, they were not here. But I'm sure you must have told them.

SEAN O'GRADY: Yes.

CONSTANTINE ALEXANDER: In any event, March 27th works?

SEAN O'GRADY: Yes.

CONSTANTINE ALEXANDER: Any discussion or should I make a motion.

DOUGLAS MYERS: Not heard?

CONSTANTINE ALEXANDER: Not heard.

The Chair moves that this case be continued until seven p.m. on March 27th. This being a case not heard, a waiver of time for decision should be in our files, on the condition that the Petitioner, this time, update the sign to reflect the new date, March 27th, the new time, seven p.m. And to maintain that sign as required for the two week period

as required by our Ordinance.

And on the further condition that to the extent that the Petitioner proposes to amend the plans that have already been submitted, they must be in our files no later than five p.m. on the Monday preceding March 27th.

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

(Aye.)

CONSTANTINE ALEXANDER: Five in favor. Case continued.

(Alexander, Hughes, Sullivan, Myers, Hickey.)

\* \* \* \* \*

(7:20 p.m.)

(Sitting Members Case #BZA-003084-2014:  
Constantine Alexander, Timothy Hughes,  
Brendan Sullivan, Douglas Myers, Andrea

Hickey.)

CONSTANTINE ALEXANDER: The Chair will next call case No. 003084-2014, 23-25 Longfellow Road.

Is there anyone here wishing to be heard on this matter? I assume these are the ones already in our files?

DONGJAE CHO: Yes, I think the same drawings.

CONSTANTINE ALEXANDER: These are extra copies in other words you're giving us?

DONGJAE CHO: Yes.

CONSTANTINE ALEXANDER: Okay, you're seeking a Variance to add a dormer basically -- let me clarify, the original application also asked for a roof deck, but from the drawings, I see the roof deck has been abandoned?

DONGJAE CHO: Right.

CONSTANTINE ALEXANDER: You're no longer seeking any relief for a roof deck?

DONGJAE CHO: Yes, I abandoned the roof deck design.

CONSTANTINE ALEXANDER: Okay.

Floor is yours.

DONGJAE CHO: We had a conflict with my neighborhood last time. And also some, some of my design was conflicted with the dormer -- Cambridge dormer design guidelines. So I had a discuss with my neighborhood. The -- consequentially that's how I, I abandoned my roof deck design. And also as I'm abandoning it now, it's conforming to the design guideline for the dormer.

CONSTANTINE ALEXANDER: The dormer guidelines. So basically it looks like you're not 100 percent compliant, you're

mostly there?

DONGJAE CHO: Yes.

CONSTANTINE ALEXANDER: Okay.

To get a Variance you have to meet certain conditions. We have to make a finding that you met certain conditions and, I'm going to go over them with you. But before we get there, I want to ask you some questions.

The structure is a two-family house?

DONGJAE CHO: Yes.

CONSTANTINE ALEXANDER: Are you or your family members going to reside in one of the two units?

DONGJAE CHO: Yes.

CONSTANTINE ALEXANDER: Okay.

Is the unit you're going to reside in the one where you're putting the dormer?

DONGJAE CHO: Yes.

CONSTANTINE ALEXANDER: And the reason why you want to put the dormer in is?

DONGJAE CHO: The attic space is, you know, it's a pitched roof. So there is not enough headroom. And because the old existing structure has difficulties with the accessibility to the attic area, so we are trying to build a full dimension stair going up to the attic area.

CONSTANTINE ALEXANDER: So you need the dormer to build a Building Code compliant stairway to the third floor?

DONGJAE CHO: It's not for the stair, but as I'm building the stairs, I'm losing some of the occupiable area. And then I'm kind of pushing that area to the dormer underneath the new dormer area.

So if you see the last page, this is the simple diagram explaining how much I'm

gaining through these.

CONSTANTINE ALEXANDER: No, I see that. And we get that anyway from your dimensional form. I know you're increasing the area and it's all going to be in the attic area.

DONGJAE CHO: Right.

CONSTANTINE ALEXANDER: I'm looking for the floor plan for the attic area, though, in here. That would be the third floor?

DONGJAE CHO: Yes.

CONSTANTINE ALEXANDER: Okay.

So if we grant you relief, what will be on the third floor is a study?

DONGJAE CHO: Yes.

CONSTANTINE ALEXANDER: With a couple of closets and that's it?

DONGJAE CHO: Yes.

CONSTANTINE ALEXANDER: And right

now is there any inhabitable space on the third floor? I mean, what's there now on the third floor, anything? Is it just an attic?

DONGJAE CHO: Yeah, it's just an attic area.

CONSTANTINE ALEXANDER: No rooms?

DONGJAE CHO: No rooms.

It is open to each side of the living room right now, but we are closing, closing that open space to the -- I mean, opening to the below and then making it as a room and then will -- some of the area will be -- will be, will have a higher headroom with new dormer structure.

CONSTANTINE ALEXANDER: Okay.

And how many rooms are on the second floor? I can tell if I look at the plans. There's a bedroom, a master bedroom, a bedroom?

DONGJAE CHO: Yeah, two rooms. Two rooms on the second floor and one room on the first floor. So there's no first and second floor plans.

DOUGLAS MYERS: Do you have children?

DONGJAE CHO: Yes.

DOUGLAS MYERS: Where will you and your family live, in the second floor unit?

DONGJAE CHO: First and second and third.

DOUGLAS MYERS: I see.

DONGJAE CHO: And basement will be the renter unit.

CONSTANTINE ALEXANDER: So the first floor now has a kitchen and dining room or dining area?

DONGJAE CHO: Uh-huh.

CONSTANTINE ALEXANDER: A bedroom?

DONGJAE CHO: Yes.

CONSTANTINE ALEXANDER: And that's essentially it. And I mean the bath and the like in terms of....

And then the second floor is where you have your living room and two bedrooms?

DONGJAE CHO: Two bedrooms.

CONSTANTINE ALEXANDER: Your master bedroom.

DONGJAE CHO: Yes.

CONSTANTINE ALEXANDER: And you want to add now a study on the third floor?

DONGJAE CHO: Yes.

CONSTANTINE ALEXANDER: Is there a bathroom up there?

DONGJAE CHO: No, there is no bathroom.

CONSTANTINE ALEXANDER: No bathroom.

Okay, going back to where I started, well, first of all, for the record, the issue here is floor area ratio.

DONGJAE CHO: Yes.

CONSTANTINE ALEXANDER: You're right now a non -- the structure is non-compliant. You're at 0.83 in a district where you're not supposed to be more than 0.5.

DONGJAE CHO: Right.

CONSTANTINE ALEXANDER: And the dormer, which is going to add a little bit more space, is going to bring you up to 0.848.

DONGJAE CHO: Yes.

CONSTANTINE ALEXANDER: So from 0.83 to 0.848. And I think you've got a setback issue. You're not extending into the setback further. But you're going to be in a non-conforming setback and you're going to have more massing because you're going to

have a dormer up there. So I think technically you also need relief, I think I'm right, on the setback.

SEAN O'GRADY: Sorry.

CONSTANTINE ALEXANDER: I'm sorry?

SEAN O'GRADY: I'm sorry I didn't hear you.

CONSTANTINE ALEXANDER: Okay. No, I think if I read the plans right, the side where the dormer's going to go, it's actually -- is non-compliant.

SEAN O'GRADY: Okay.

CONSTANTINE ALEXANDER:  
Non-conforming. So just to get the record straight, to the extent that's so, are you going to increase the massing of the structure on this site which you will, you're going to add a dormer on the third floor, you need relief for that as well. Setbacks and

FAR.

DONGJAE CHO: Oh, okay.

CONSTANTINE ALEXANDER: And we have to make three findings. I'll try to get you to address them with me.

But literal enforce of the Ordinance would involve a substantial hardship to you. And that this hardship is owing to circumstances related to soil conditions, shape or topography of the structure that's special to your property.

And the last is that relief may be granted without substantial detriment to the public good, a more general standard, or nullifying or substantially derogating from the intent and purpose of the Ordinance.

And I think what you're telling us is that the hardship is owing to the shape of the structure. It's a non-conforming

structure. So any addition is going to require relief.

And the literal enforcement is that you don't have sufficient living space. You need a study on the third floor.

Do you do business at home? Do you work at home?

DONGJAE CHO: I'm an architect so I do a lot of drawings at home.

CONSTANTINE ALEXANDER: Do you have an office elsewhere?

DONGJAE CHO: I work for Payette, and then I'm also willing to work at home very often.

CONSTANTINE ALEXANDER: Do you do special projects for clients on your own at home?

DONGJAE CHO: This house is my first project. I like to extend this kind of

experience and this space will be my kind of Home Office.

DOUGLAS MYERS: How old are your children?

DONGJAE CHO: Now ten -- nine months.

DOUGLAS MYERS: So the need for a third floor study is obvious.

CONSTANTINE ALEXANDER: Okay.

Questions from members of the Board?

BRENDAN SULLIVAN: Well, I don't know if somebody else -- but it looks like the dormer is, if you look at sheet 1 and right to the very right it says the existing skylight. And you have the peak of that roof, it almost looks like the dormer is hanging over that peak.

DONGJAE CHO: Oh, that's the -- that's the --

BRENDAN SULLIVAN: And then if you go to sheet 303, it seems to be identified even a little bit more. And it just appears odd to me that if we follow -- I guess what I'm saying is that I would like to see the dormer tie into this point over here as opposed to the dormer which appears to be hanging over that intersecting point. And I don't know why that is.

DONGJAE CHO: That's because of the existing structure condition. If you see the plan on A-103, there's a wall on the right side. That wall is continuous wall from the basement so it's -- so I really cannot move this wall either side.

BRENDAN SULLIVAN: Sure you can. No, you can. I mean you can do it with LVLs. You can do it with all kinds of structural members. You don't have to -- there's

plenty of ways of doing that framing. I would just not want that dormer to hang over the roof. I mean, it seems like it's odd. It's hanging out there.

DOUGLAS MYERS: Brendan, is what you say appear on any of the side elevations?

BRENDAN SULLIVAN: Well, it appears on 303.

CONSTANTINE ALEXANDER: Yes, that's what it is.

BRENDAN SULLIVAN: See here? In other words, this intersecting peak is back up in here somewhere corresponding to that. And it looks like the roof of this dormer is hanging beyond that.

DOUGLAS MYERS: I see what you're saying.

BRENDAN SULLIVAN: Tim, do you see?

TIMOTHY HUGHES: I see exactly what

you're saying, yes.

BRENDAN SULLIVAN: And, again, I mean you have a structural engineer on board here and, you know, I'm sure he could -- only because we have done dormers with this exact same situation and we have moved it over, that's all. And I know what you're saying is that there is a wall underneath here usually picking up there and going all the way down. But with structural members, whether they be LVLs or they be, you know, a piece of steel or something, in the floor, you could pick up that load from the dormer, that outside wall, down and pick it up from here to that outside wall there very easily.

So my only comment would be that I would want that dormer shifted so that the roof of the dormer, the side wall intersects the -- that point of the roof.

DONGJAE CHO: Okay.

TIMOTHY HUGHES: I understand that. But if you look at the drawing on 303 and you shift it, then it takes the symmetry off the stacking of the windows. And I mean, you would have to shrink it if you were going to maintain the same kind of symmetry. It is an odd little detail, isn't it?

BRENDAN SULLIVAN: Right.

TIMOTHY HUGHES: And it's not just, it's the roof hangs over. The side wall of the dormer, does it, does it go right -- does it hang over also? I mean, it looks like it does according to this drawing.

DONGJAE CHO: Which drawing?

TIMOTHY HUGHES: I'm looking at 103 now.

DONGJAE CHO: The dashed line?

TIMOTHY HUGHES: This dark line

that's on the side wall of the dormer.

DONGJAE CHO: Yes, I made it six inch.

TIMOTHY HUGHES: How far is this distance right here?

BRENDAN SULLIVAN: I mean, Tim, look at 104. And you can see how --

TIMOTHY HUGHES: Oh, yeah.

BRENDAN SULLIVAN: -- you can see it right there. I mean, it's just -- it's odd.

TIMOTHY HUGHES: Yeah, I don't even know how you do that.

BRENDAN SULLIVAN: Well, that's correct. I mean, it's creating a problem. A visual one, but I also think a -- I'm not sure how it's going to work very well.

TIMOTHY HUGHES: No. It's going to be a real lay awkward little --

BRENDAN SULLIVAN: It's going to be

a trap there.

TIMOTHY HUGHES: Yes. Awkward little....

I think it needs to slide over, you're right. But the question do you want to slide the whole thing, that's fine? If you want to maintain a symmetry, then he's going to have to shrink it a foot, six inches on each side.

CONSTANTINE ALEXANDER: Given the reasons why they want the dormer, is there any reason why they can't shrink it?

TIMOTHY HUGHES: I don't know.

CONSTANTINE ALEXANDER: It's not needed for headroom for a stairway.

TIMOTHY HUGHES: No, because the stairway's over here.

CONSTANTINE ALEXANDER: I know.

TIMOTHY HUGHES: There must be headroom there already, right?

CONSTANTINE ALEXANDER: I mean, I don't know, unlike other cases there's no reason why the dormer can't be shrunk from what I could see.

TIMOTHY HUGHES: No, I mean I can see. Yeah, the overall dimension then would be down to 12 feet, and then it would be like -- it would still be 11 feet of interior space I would think, you know? Or pretty close.

BRENDAN SULLIVAN: And it's a work space.

TIMOTHY HUGHES: And it's a study. So it's not like you're trying to accommodate --

BRENDAN SULLIVAN: It could be a bedroom eventually, there's no bathroom up there.

CONSTANTINE ALEXANDER: Study.

TIMOTHY HUGHES: Nice lighting in there.

Yeah, it would shrink it. I mean the interior space is probably 12 -- around 11 foot, 8 now or something like that. And that would go to 10, 8 or something like that. I don't know exactly how thick those walls are. I don't know what the siding material is. I imagine it's a two-by-six wall, but I don't know what the siding material is or the interior finish is.

Are we going to need a new drawing?

DOUGLAS MYERS: Brendan, at the risk of appearing obtuse is the problem that you're referring to show up on drawing A-301?

BRENDAN SULLIVAN: It doesn't.

DOUGLAS MYERS: It does not.

BRENDAN SULLIVAN: Because we're looking at it this way.

DOUGLAS MYERS: It's a side-view.

BRENDAN SULLIVAN: Yes, it's on 303.

CONSTANTINE ALEXANDER: If we require new drawings, and I think we will, then I think we have to continue the case as a case heard and send you back to do your drawings reflecting the comments you've heard from the members of the Board.

DONGJAE CHO: Okay.

CONSTANTINE ALEXANDER: I for one would like to do that.

BRENDAN SULLIVAN: Well, I think we have to get it right.

TIMOTHY HUGHES: Yes, I mean when you redraw it, you can decide yourself whether you can just shift it and it still looks good to you or if you're going to shrink it to maintain a certain kind of symmetry so you can stack your windows in the same place.

I mean, you could shrink one side and still stack your windows in the same place or you can shift them and your windows would not be stacked over the ones underneath. But I think you need to redraw it at least twice until you can figure out what's going to work for you.

DONGJAE CHO: Right.

TIMOTHY HUGHES: And both of the drawings have to have that edge of that wall or the edge of the roof of the dormer tying in right at the peak.

BRENDAN SULLIVAN: So it's this point right in here. The, it should tie right in at that point right there but not go beyond it.

DONGJAE CHO: Okay.

BRENDAN SULLIVAN: All right? And again you've got the same, that same thing

right here where it shows that it's, you know, it's hanging out. So....

And as far as picking up that wall down below, again, you can expand -- you can put an LVL, piece of steel, anything, and shift that dormer any way at all and pick up that weight.

TIMOTHY HUGHES: Yeah. I mean --

BRENDAN SULLIVAN: That's quite simple.

TIMOTHY HUGHES: Yeah, you're not that far off from the wall. In fact, you may still be over the top of the wall in part instead of the whole thing. You know, so it shouldn't take that much reinforcement I don't think. But we do need to see another drawing.

BRENDAN SULLIVAN: And I think you can probably come back on the 27th.

SEAN O'GRADY: Yes.

ANDREA HICKEY: I don't think I'm available that evening. I'm not.

CONSTANTINE ALEXANDER: What's next, April 10th?

SEAN O'GRADY: What's the scope of redrawing it?

TIMOTHY HUGHES: I don't know whether he can do it in the other room. It's on three drawings. This has got to get shifted to that point right there. This outside wall has got to get shifted to right there.

DOUGLAS MYERS: There's no controversy here, maybe we could go ahead with four members. It's not as if anyone is opposed. It's his decision, right?

CONSTANTINE ALEXANDER: I'll ask him.

I also want to open it to public testimony. This gentleman here wants to speak.

(Discussion over plans.)

SEAN O'GRADY: I mean, I can see all of that.

CONSTANTINE ALEXANDER: Beg your pardon?

SEAN O'GRADY: If the idea is to pull him in six inches on each side, I think we can just make a notation.

ANDREA HICKEY: Pull in on this side. It's not necessarily on this side.

TIMOTHY HUGHES: But he doesn't have to pull it in there, but he does lose the symmetry on the structure, right?

ANDREA HICKEY: Right. But he could do maybe two windows here so it's not intended to be three, three, and a three

offset over here.

CONSTANTINE ALEXANDER: Well, if you can think we can modify the drawings.

SEAN O'GRADY: I'm sorry, I don't mean to take over. What's your preference here?

DONGJAE CHO: I can -- so what's the option?

SEAN O'GRADY: Well, your option is go off think about it and decide what you want and come back sometime in April.

CONSTANTINE ALEXANDER: Although you could come back in March, I'll explain to you, on the 27th if you're willing to go with only four members of the Board. I'll explain that to you in a second.

SEAN O'GRADY: Right.

CONSTANTINE ALEXANDER: You can go on the 27th with new plans. You have

to -- I'll explain that. Or you could if you want to make sure you have five people here, we do it in April. And the reason for that is we have -- because we started the case, the five of us have to finish it. To get any relief for anybody, you need four votes. So if there's five of us, you can have one person who votes against it and the other four vote for it, and you get relief. If you go with four and one person votes against with the four, you're out of luck, you're turned down. So, statistically if you will, you're safer to have five members rather than four, but it's your call as to whether you want to do it. If you really want to proceed in March and you're willing to take the risk, I don't know how to quantify that, it's your call.

But think about it for a second because I want to open this matter up to public

testimony. This gentleman was here before if I recognize you correctly. And you wrote a letter in opposition. It's in our file.

TONY MARTIN: If I could clarify that, Mr. Chairman.

CONSTANTINE ALEXANDER: I'm sorry?

TONY MARTIN: I'd like to clarify.

CONSTANTINE ALEXANDER: Give your name to the stenographer.

TONY MARTIN: My name is Tony Martin. I am the neighbor at 3 Channing Circle immediately behind over the fence of Mr. Cho's new residence. And the letter that you received was from No. 5 Channing Circle, a friend and neighbor, Mr. Gardner Brown. He has had knee surgery and is unable to attend. And I should clarify that I'd like to compliment Mr. Cho, I now call him DJ because it's a little hard to get the first

name right, because he did listen to the Board and he did come and speak with us, which he had not done before. He listened to us and he was kind enough to accommodate our concerns that there might be both an invasion of our privacy from the roof deck and also a noise factor which was going to be problematic for us. We're very close. We're 15 feet close to his residence. And he was good enough to then eliminate the roof deck. And he showed us from a three-dimensional illustration that we should not be concerned about the blocking of some skylight that we were very concerned about. Mr. Brown would not have the problem of any blocking of skylight. We are right behind. He's to our side. Mr. Brown was concerned about the noise, but I can now assure him that we've eliminated that

concern, and I feel confident that although you have a letter in the record, that were he here, he'd like to speak for him, that he would withdraw that objection because we have none. And I appreciate your accommodating us and allowing us to talk to the issue.

CONSTANTINE ALEXANDER: Okay, thank you.

TONY MARTIN: Thank you.

CONSTANTINE ALEXANDER: Back to you, sir, what do you want to do?

DONGJAE CHO: I will accept the advice about these corner piece and I will, I will follow the direction.

TIMOTHY HUGHES: You want to redraw it?

SEAN O'GRADY: You want to hear the next case maybe and I'll have a moment with him and spread out all his options for him?

CONSTANTINE ALEXANDER: Is that  
okay, Brendan?

BRENDAN SULLIVAN: Sure.

CONSTANTINE ALEXANDER: We're going  
to recess this case, and you can work with  
Mr. O'Grady and we'll move on to the next  
case.

(Case recessed.)

\* \* \* \* \*

(7:45 p.m.)

(Sitting Members Case #BZA-003139-2014:

Constantine Alexander, Timothy Hughes,

Brendan Sullivan, Douglas Myers, Andrea Hickey.)

CONSTANTINE ALEXANDER: The Chair will call -- we're going to our regular agenda, case No. 003139-2014, 69 Clarendon Avenue.

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

ATTORNEY SEAN HOPE: Hello, good evening, Mr. Chair, members of the Board. For the record, attorney Sean Hope, Hope Legal Law Offices in Cambridge. I'm here today on behalf of the Applicant to request a continuance. We had planned to be before the Historical Commission in March where they would have ruled on our demolition request. We were unable to be heard at that hearing, so now we would want to extend to a date in April to allow us to go before the Historical

Commission and hopefully be set before the Board the next time.

CONSTANTINE ALEXANDER: April 10th okay with you?

ATTORNEY SEAN HOPE: So the hearing for -- yes, that would be appropriate.

TIMOTHY HUGHES: How many cases, continued cases do we do in a night? Because I see there's three here already on the 10th.

CONSTANTINE ALEXANDER: I'm sorry?

TIMOTHY HUGHES: How many continued cases on a given night?

CONSTANTINE ALEXANDER: Yes.

TIMOTHY HUGHES: I see three of them listed here already for April 10th.

CONSTANTINE ALEXANDER: Sean said the 10th was available for the prior person --

TIMOTHY HUGHES: Oh, okay.

CONSTANTINE ALEXANDER: That's the reason I assumed the 10th was okay for Mr. Hope's client.

TIMOTHY HUGHES: All right.

CONSTANTINE ALEXANDER: This is a case not heard so we don't have to worry about who will be here.

The Chair will move that this case be continued until seven p.m. on April 10th on the conditions that the Petitioner sign a waiver of time for a decision.

That the posting sign be modified to reflect the new date and the new time, both. And that the sign be as modified, be maintained for the two-week period required by our Ordinance.

And lastly, that to the extent that you're going to modify whatever plans and dimensional forms you have in our files now,

that these revised documents be in our files no later than five p.m. on the Monday before April 10th.

All those in favor of continuing this case, say "Aye."

(Aye.)

(Alexander, Hughes, Sullivan, Myers, Hickey.)

CONSTANTINE ALEXANDER: Five in favor. Case continued.

\* \* \* \* \*

(7:50 p.m.)

(Sitting Members Case #BZA-003267-2014:  
Constantine Alexander, Timothy Hughes,

Douglas Myers, Slater Anderson, Andrea Hickey.)

CONSTANTINE ALEXANDER: Okay, the Chair will call case No. 003267-2014, 16-18 Bellis Circle.

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

ATTORNEY SEAN HOPE: Yes. Good evening Mr. Chair, members of the Board. For the record, attorney Sean Hope, Hope Legal Offices in Cambridge. I'm here tonight with the project architect, Mr. John Large. This is an application requesting Variance relief from the dimensional requirements of the Ordinance, specifically the gross floor area of the district to construct two freestanding, three-bedroom single-families. The lot is approximately 9,800 square feet and it's sited in the Res

B District.

Before we get into the specifics of the application, I would just like to give the Board a brief history of the parcel.

CONSTANTINE ALEXANDER: Before you even do that, your dimensional form is blank as to the FAR under the requested -- if we grant your request what the FAR will be, you didn't fill it in.

ATTORNEY SEAN HOPE: Okay. So, it's 0.4 --

CONSTANTINE ALEXANDER: Now it's zero obviously. It's a vacant lot. And the Ordinance requirement, according to your form, is 0.426.

ATTORNEY SEAN HOPE: Right.

CONSTANTINE ALEXANDER: If we grant your request, what will the FAR be.

ATTORNEY SEAN HOPE: 0.484.

CONSTANTINE ALEXANDER: Wait a minute.

ATTORNEY SEAN HOPE: 0.484.

And on-line I know they converted to two different forms, the on-line application -- is the on-line dimensional table in the packet?

CONSTANTINE ALEXANDER: I don't know.

ATTORNEY SEAN HOPE: Okay. There was a question --

CONSTANTINE ALEXANDER: One of the plans I saw did have an FAR on it.

JOHN LARGE: Yeah, if you look at Z1.

ATTORNEY SEAN HOPE: It's on the site plan.

CONSTANTINE ALEXANDER: It shows 0.4 -- no, 0.47 -- no, what is it?

JOHN LARGE: I didn't do the

percentages, I just did the actual -- the allowable square footage and then the overage. I can do the math if you want.

CONSTANTINE ALEXANDER: Well, you had that in your dimensional form.

JOHN LARGE: Which, the --

CONSTANTINE ALEXANDER: The gross floor area. But you don't have the FAR. You have it for what the Ordinance requires, but you don't have what the -- what you'll have if we grant you the request.

JOHN LARGE: Okay. So I can do the math.

CONSTANTINE ALEXANDER: Why don't you do the math.

JOHN LARGE: You keep going and I'll do the math.

CONSTANTINE ALEXANDER: Okay, go back. I interrupted you again.

ATTORNEY SEAN HOPE: So from the beginning. This is an application requesting a Variance relief from the dimensional requirements to construct two freestanding, three-bedroom single-families on a Res B lot that's 9800 square feet.

Brief history of the parcel. In 2006, the owner and the owner now and the owner back in 2006, Mr. Duncan MacArthur, owned the parcel. At the time the site contained an existing two-family structure at the front of the lot. As part of the approval process, he had to go through the Historical Commission to demolish the existing structure. Part of the demolition approval was looking at the replacement structure and issuing a Certificate of Appropriateness which they had done.

The Applicant came to the BZA, the

Zoning Board and received approval from the gross floor area and then went to the Planning Board for a Special Permit which is the same path we'll have to take with this application. The Planning Board Special Permit is regarding -- there's a rule in Res B that a building cannot be constructed greater than 75 feet from the property line without a Special Permit. So they went through a three different apartments and received approval.

Subsequent after all the approvals were reached, the existing structure was demolished. And then prior to obtaining a Building Permit, the lot was sold. The owners of the parcel at that time never pulled a Building Permit. And per statute both approvals expired last per statute. So we're here tonight.

The application is substantially similar to the 2006. This application is requesting an additional 89 square feet from what was proposed previously. So the rationale --

CONSTANTINE ALEXANDER: Why?

ATTORNEY SEAN HOPE: Excuse me?

CONSTANTINE ALEXANDER: Why?

JOHN LARGE: Two reasons:

One, in order to meet the new energy code, we went from a two-by-four wall to a two-by-six wall, which actually added say roughly 30 feet per building. And then on the rear building we increased the size of the entry porch slightly. So that's pretty much it.

CONSTANTINE ALEXANDER: Did you, did you relocate the structures on the lot? Because --

JOHN LARGE: Maybe within a few weeks.

CONSTANTINE ALEXANDER: You have a front yard setback now.

ATTORNEY SEAN HOPE: Of ten feet.

CONSTANTINE ALEXANDER: I'm sorry?

ATTORNEY SEAN HOPE: Of ten feet.

CONSTANTINE ALEXANDER: Ten feet, yes.

Did you have that before?

JOHN LARGE: The front unit is exactly what it was before. To be honest, you know, I -- when we did -- we started out with the -- with the original worker's cottage and sort of working off of that. To be honest, I should have gone back and sort of looked at where we ended up in terms of the setback from the front yard setback. I mean, I think we're still --

ATTORNEY SEAN HOPE: We're at --

CONSTANTINE ALEXANDER: Let me look at your -- I'm looking at your dimensional form for 2006. And it showed 10 feet.

JOHN LARGE: Okay.

CONSTANTINE ALEXANDER: And you're still at 10 feet now.

JOHN LARGE: Yeah.

ATTORNEY SEAN HOPE: We're 10 feet.

CONSTANTINE ALEXANDER: All right.

ATTORNEY SEAN HOPE: So the rationale -- so the site in the Res B district can accommodate three attached structures. So even though the Res B doesn't allow multi-families, if you do attached townhouses or three attached structures, back in 2006, based on the neighborhood feedback, it was seen more desirable to create separate structures than long massing

of the walls. I think one, the Planning Board which has a different set of criteria, but when they look, they also look at Res B of open yard vistas. If you are one of the abutting parcels and you have an open yard that you're looking through now, having a 50-foot wall of a new connected townhouse would block light and air.

Also for the occupants of the building, if you're going to share party walls, the noise congestion would be less desirable than if you had freestanding structures.

Additionally --

CONSTANTINE ALEXANDER: You could build a two-family structure on the structure. That's also Zoning compliant.

ATTORNEY SEAN HOPE: Right. And I think the comparison is what you could do as of right, which would be the three versus what

we're doing --

CONSTANTINE ALEXANDER: Well, what you could do -- three comparisons. You could do as right as a two-family and still have more light and air.

A three-family which pushes the envelope, if you will, a little bit. It cuts down light and air.

Or what you want to do tonight.

JOHN LARGE: That's right.

CONSTANTINE ALEXANDER: But it's not like it's either/or. If we don't grant you relief, up goes the three-unit townhouse.

JOHN LARGE: Right.

ATTORNEY SEAN HOPE: Right.

I think there is some practicality to the economics of purchasing the lot and what you would -- what you're allowed to do by the rules. And so the idea was -- and then John

can talk about this in more detail, they started off with the design for three attached, three attached townhouses. And that was the say the highest and best use in their opinion at the time. But also know that we had to go to the Planning Board -- part of their criteria is looking to reduce congestion and massing. So it was kind of a two step process. And so the idea of coming to the Zoning Board, they sought to create two separate structures.

I also want to point out that with the three attached structures, the initial plan was to do two-family units -- excuse me, two- bedroom units. These are three-bedroom single-families. In Cambridge, through the City Council, and also at the Planning Board, they have been encouraging developers to try to create three-bedroom units. There are

three-bedroom units now existing, whether they're converted multi-families, but there is a demand for single-family, three bedrooms which you don't see as much in Cambridge. Plus largely because the lot sizes just aren't available to do that.

So I think this is an opportunity to create much needed what I would call family-sized housing in an area that has lots of families. I think this area has several narrow but very long lots. So it does create this opportunity to do what you couldn't do in another areas. And I think it might be helpful for the Board a little bit, John, to walk through the orientation of the two single-families.

JOHN LARGE: Sure.

I'll start with, I mean, I -- I'll start with the front unit which I suspect is fairly

self-explanatory.

CONSTANTINE ALEXANDER: I'm sorry?

JOHN LARGE: I'm assuming that the unit that's fronting right on Bellis Circle, is reasonably self-explanatory as to why we located it where we located it. It's basically where the existing or the now defunct but at the time where the existing worker's cottage was. We basically kept one house sort of where there had been a house. And then in order to sort of maximize the amount of usable space for the two houses, get the driveways in that are reasonable to use, and to sort of take advantage of the views back towards Danehy Park, we pushed the rear structure to the back of the site and then we -- if, well, hold on a second. The design of that is really sort of specific to the views, the views of Danehy. They basically

sort of -- the front of the -- the back of the house opens up towards Danehy, towards sort of what's a pretty unusual situation in Cambridge where you basically have a sweep of, you know, trees and grass and nothing else out the back window. But generally speaking, the way we laid out the floor plans was pretty much sort of defined by what we had to work with in terms of keeping, keeping the building apart, working with the setbacks. Sorry, working with the setbacks, and figuring out how to get enough parking on the site. So that's basically how we ended up with the layout on the site.

If you'd like, I can sort of walk through the elevations as well.

CONSTANTINE ALEXANDER: Why don't you.

JOHN LARGE: All right. So the

front unit which fronts right on Bellis Circle, basically what we did was come up with a design that somewhat recalled the layout of the original worker's cottage is basically sort of a --

CONSTANTINE ALEXANDER: There's a gabled roof obviously?

JOHN LARGE: Yes.

CONSTANTINE ALEXANDER: The other structures next-door all have flat roofs so it's different appearance?

JOHN LARGE: Yes, basically.

Basically one of the drivers behind this facade was working with Historical. This is back in 2006. Because we took down a worker's cottage and they, they wanted something that they, you know, felt was reasonably appropriate. So the --

CONSTANTINE ALEXANDER: You

represented to us what you have tonight, which is before us, is what was shown to the Planning Board back in 2006? I mean, in general design?

JOHN LARGE: Yes, yeah.

CONSTANTINE ALEXANDER: The Planning Board was very clear you can demolish a structure provided that you're going to build in accordance with certain plans that you showed them then?

JOHN LARGE: Yes.

ATTORNEY SEAN HOPE: And to add to that, too, there was a question of whether Historical Commission now that the structure was --

CONSTANTINE ALEXANDER: Down.

ATTORNEY SEAN HOPE: -- whether they had jurisdiction. And so from their point of view they had jurisdiction and they wanted to

review at staff level. And there was a question, and we went before the Historical Commission on the staff level. They reviewed these plans. They actually made some minor alterations to them. But I think the point is that this had another go round in review to make sure that we were doing what was compatible in the existing neighborhood that's changed over the last eight years.

CONSTANTINE ALEXANDER: They're on board if you will?

ATTORNEY SEAN HOPE: Yes. They had to sign off on this.

JOHN LARGE: I don't know if you received an updated version of this particular elevation.

CONSTANTINE ALEXANDER: I hope so.

JOHN LARGE: I went through this with Sarah last week. And basically what we

did was she said the ridge line was four inches higher in 2006 than it is now. So now it's -- so we lowered it the four inches. So we're back to pretty much --

CONSTANTINE ALEXANDER: But what we have is the lowered roof line?

JOHN LARGE: Yes. As long as, as long as there's sort of an overall elevation from grade to roof line which says 26-foot, 11. And that's on A6.

CONSTANTINE ALEXANDER: 26-B11 and three-quarter inches?

JOHN LARGE: No, 726-B11.

CONSTANTINE ALEXANDER: Yes. 26-B11 and three-quarters inches. That's what this says. A6 of your --

JOHN LARGE: I think I have the revised one.

ANDREA HICKEY: They're not -- I

don't think they're the same.

CONSTANTINE ALEXANDER: They don't look like they're the same.

ANDREA HICKEY: So disregard the A6. Keep going forward.

JOHN LARGE: Oh, I'm sorry. It's a little confusing because -- because there's actually a Building Permit for the rear unit, it's not numbered -- it's numbered as two different projects. So there are two A6's, and I apologize for that. If you look at the A6 --

ANDREA HICKEY: But we have this. We do have that? Same thing?

CONSTANTINE ALEXANDER: Yes, that's the same thing.

That says front unit. That doesn't say anything.

JOHN LARGE: Right. I did that just

to make it clearer for everybody.

CONSTANTINE ALEXANDER: No, no, no. This is not the same. This has a roof height of 23 feet, eight inches.

ANDREA HICKEY: That's what this is.

JOHN LARGE: The roof line of 23 feet, eight 8 inches is from the first floor level.

CONSTANTINE ALEXANDER: Right.

JOHN LARGE: So what Sarah was concerned about was the height from grade. So we actually, we just pushed the building down into the grade further. So....

CONSTANTINE ALEXANDER: Okay.

JOHN LARGE: I'm sorry, I think that was all more confusing. But in any event....

And then on the side elevations of that, basically as you go down the hill, the garage is sort of tucked to the rear of the house.

And then the roof becomes a hip in the back.

CONSTANTINE ALEXANDER: Excuse me. I assume the people sitting in the audience are interested in this case. If you want to see the drawings that he's showing us, come forward.

JOHN LARGE: They're probably the same copies.

UNIDENTIFIED AUDIENCE MEMBER: When you say A6, is it the A6 that we have?

JOHN LARGE: Yeah.

All right. And then at the rear of that building the roof -- there's a hip roof. Again, the desire was to sort of keep the massing as low as we could, so where we could put a hip in, we put the hip in. The front is a gabled front because that addresses the street and that addresses the --

CONSTANTINE ALEXANDER: Ma'am, are

you able to see?

UNIDENTIFIED AUDIENCE MEMBER: Yes,  
I'm able to see.

CONSTANTINE ALEXANDER: Okay.

JOHN LARGE: So that's basically  
the -- what the concerns or what drove the  
elevations of the front anyway.

And in the rear unit, which is further  
away from the -- further away from the  
street, again, our main concern in terms of  
the abutters was to keep the ridge line down  
as low as we could. To that end there is a  
small room on the third floor which pops out,  
and I know that from the dormer perspective,  
this is not what you guys like to look at, it's  
popping up. But in fact what happened was  
the ridge line was higher. So what we did is  
sunk the ridge line on either side. But  
because the -- we need the head room in the

third floor room here, and actually the headroom on the sides is only seven feet in here. That stayed high and then the ridge line on either side of that went down. So if you -- I mean, if you look at the total height, it's basically 27 feet. So it's still a fairly low ridge line for, you know, for two-and-a-half story building.

ATTORNEY SEAN HOPE: That's plan A5?

JOHN LARGE: Yes, plan A5.

CONSTANTINE ALEXANDER: One of the structures is going to have a roof deck or a second floor deck?

JOHN LARGE: Yeah.

CONSTANTINE ALEXANDER: Is that the front structure?

JOHN LARGE: That's the rear structure facing Danehy.

CONSTANTINE ALEXANDER: Not houses

facing --

ATTORNEY SEAN HOPE: Yeah.

CONSTANTINE ALEXANDER: How do the height of these building compare to the buildings on either side of the lot?

ATTORNEY SEAN HOPE: Shorter.

JOHN LARGE: Yes, lower.

CONSTANTINE ALEXANDER: Lower?

JOHN LARGE: Yes.

UNIDENTIFIED AUDIENCE MEMBER: Not to the houses on the west, I'm to the house to the west and it's considerably lower --

TIMOTHY HUGHES: Could you identify yourself, please?

TOM PALATTO: Sure. My name is Tom Palatto (phonetic). I live at 26 Bellis Circle. I'm one of the abutters.

JOHN LARGE: I mean, you're -- the lot is higher.

TOM PALATTO: Right. The grade is higher.

JOHN LARGE: So I suspect -- do you know what the roof of your house is?

TOM PALATTO: I don't know, it's a flat roofed house. It's pretty short and squat. So I don't know.

JOHN LARGE: Yeah. So the houses to the east, it's definitely lower. And I suspect it's probably roughly speaking the same as that because that, the slope the side slopes to the rear and the houses to the west are slightly higher up. The grade is higher up.

CONSTANTINE ALEXANDER: And could you address the dormer guidelines and the fact that you're not complying with them?

JOHN LARGE: No, we didn't, I mean --

CONSTANTINE ALEXANDER: Why not?

JOHN LARGE: Well, I -- because well, because I thought it was a new house and it's a new house so I'm not adding a dormer, but....

CONSTANTINE ALEXANDER: Wait a minute. Our dormer guide -- you're looking for Zoning relief. The Zoning relief says you have to comply -- you should try to comply with the dormer guidelines.

JOHN LARGE: So in terms of the guidelines, as I said, what we originally had was a ridge that was much higher, right? And so I think with the ridge much higher, so are you talking about having more than 15 feet of dormer?

CONSTANTINE ALEXANDER: Well, all the requirements. That's the principal one, the 15 feet.

JOHN LARGE: Well, to be honest with you. Well, on the front there's a stair coming up here inside the dormer which, you know, we need the headroom. And to be honest this was, you know, I should have looked more carefully at this, but I wasn't -- I wasn't thinking that was part of what we were going to be -- and again --

DOUGLAS MYERS: As an architect is there any doubt in your mind that even though you kind of backed into that form on the third floor is that a dormer in your opinion? Is it a dormer?

JOHN LARGE: Well, you know what, I mean to me it's sort of a transverse ridge line. I mean, I don't, it's not -- you know, it's not -- if I looked at that, I would say well, that's not a dormer. It's a separate roof going in the different direction.

CONSTANTINE ALEXANDER: Tim, do you have a view on this about whether it's a dormer?

TIMOTHY HUGHES: No, I don't --

JOHN LARGE: You know --

TIMOTHY HUGHES: I couldn't come up with another way to describe it. But if he can, then maybe it's not a dormer. I mean, a transverse ridge line? I don't know if that works for me. But, you know.

JOHN LARGE: Well, you know, I mean the semantics of it are whatever they are.

SLATER ANDERSON: Well, without it --

TIMOTHY HUGHES: Well, wait a minute, semantics are important because we don't have transverse ridge line guidelines. We have dormer guidelines.

JOHN LARGE: All right, fine, fine.

SLATER ANDERSON: But without it there is no room on the third floor. I mean, to me a dormer is an extension of an existing space. To me without this element, I don't think it's a great element, but there isn't a space up there. Is that my understanding?

JOHN LARGE: Yeah.

SLATER ANDERSON: That there's no space up there without this element?

JOHN LARGE: No. I mean, you know --

SLATER ANDERSON: How wide is it? I don't see any dimensions on these.

JOHN LARGE: It's --

SLATER ANDERSON: Did you scale the thing?

TIMOTHY HUGHES: I didn't bring it tonight. This was supposed to be a quick night. You know, two cases and we're out of

here.

JOHN LARGE: I'm going to say it's 15 feet.

TIMOTHY HUGHES: Of course you are. That would simplify it.

JOHN LARGE: I think it is. No one has a scale?

SLATER ANDERSON: We need rulers. Anybody.

JOHN LARGE: If you look at a quarter scale, it's less than 15 feet actually.

The stair coming up is three feet, so that's, you know, that's not five times three.

CONSTANTINE ALEXANDER: Questions from members of the Board?

TIMOTHY HUGHES: I want to be clear, the alternative, would this be a more conforming dormer if the ridge line had

stayed at a higher height?

JOHN LARGE: Well --

TIMOTHY HUGHES: Or would it still be non-conforming? Was it still going to pop up above the ridge line?

JOHN LARGE: No.

TIMOTHY HUGHES: It was going to go to the ridge line?

JOHN LARGE: A foot down from the ridge line.

TIMOTHY HUGHES: A foot down from the ridge line.

So what this was considered preferable because it kept the height of the building and the mass of the building down some except for that one spot?

JOHN LARGE: Yeah. I mean it -- it's roughly speaking two feet lower. The ridge line on either side of my transverse

ridge line is, you know, sort of two feet lower.

TIMOTHY HUGHES: Transverse ridge line. I'm going to go home tonight and start writing the transverse ridge line guidelines.

Can I see that plan when you get a chance? I want to get another look.

CONSTANTINE ALEXANDER: While you're looking at that, I'm going to open it to public testimony because we have people here interested in the matter.

TIMOTHY HUGHES: Yes, that's good.

CONSTANTINE ALEXANDER: Is anyone here wishing to be heard on this matter?

Give your name and address.

TOM CULOTTA: Sure. Tom, and my last name is Culotta, C-u-l-o-t-t-a. And I'm here because I'm concerned about my

neighbor. I'm one of the abutting houses. I heard this gentleman talk about the, you know, original plan and try to make something that's friendly to the homes to the east. Well I'm to the west and nobody's really addressed our concerns.

One of my concerns is that, first of all, you know, the letter I received from the Bells was he wanted a Variance to go above the original square footage. And I don't understand why he would do that for new construction. It's new construction. Why does he have to have a big, bulky home in that area? The reason being I'm concerned about light concerns. Where both of these homes are placed, light concerns for upstairs, downstairs, backyard. I have a garden that's growing right along the side, very sustainable area that will, you know, these

homes will pretty much, you know, hamper my -- the garden that I plant and I spend a lot of time using in the summer. And, you know, my request to the developer is that they reduce the square footage down to something that conforms to what's required for this area. I don't understand, you know, new -- it's new construction so you're starting if a blank slate. Why does it have to be -- in my opinion, the only reason why the developer is doing that is to get more square footage to make more money. It doesn't make sense to me. That's what I wanted to voice.

CONSTANTINE ALEXANDER: Okay.

Your view is basically you want a smaller structure on this lot in terms of size?

TOM CULOTTA: Right. And even from

a height standpoint, too, that would be ideal for me as a neighbor.

CONSTANTINE ALEXANDER: Okay.

Anyone else wishing to be heard? Sir?

TIMOTHY WALL: Timothy Wall. And this is my wife Barbara Thomas. We're abutters on the east. So we were here for the last round of hearings. The first, where the first plan introduced was the wall of structures that would block out light for everybody on that side. And of course nobody was happy with that. That was presented as sort of the only alternative. We have several concerns, light is one and massing another. There's also the matter of drainage.

CONSTANTINE ALEXANDER: Of what?

TIMOTHY WALL: Drainage.

And so, at one time there was a large

willow in the back of the lot which tended to pull up a lot of the standing water.

Currently after any -- pretty much any amount of rain there's a fair amount of standing water in the lot almost all the time now.

When the willow was there, you could probably walk around and not sink several inches, but it's not been the case for several years. So I'm concerned about, you know, if in order to be a liveable spot that it probably has to be raised some. In our current space during heavy rains even though with the side plots are elevated a fair bit, the drainage seems to be difficult even getting out of the sewers. So --

CONSTANTINE ALEXANDER: Do I take it your point is that -- I mean drainage is a problem generally for this lot obviously. What they're proposing going to in your view

increase the drainage problems? Because they could do other things on the property without any Zoning relief. A single-family house, a two-family house, and even perhaps a three-unit townhouse. Those will have draining issues, drainage issues, too. Or you feel that this is going to be a more serious drainage issue to be allowed what they want to do?

TIMOTHY WALL: I'm not -- I want to find out if, if they're planning to raise the grade or if that's in any way part of the plan. I notice that their basement's there as well as a garage which it looks like it's down fairly low, you know.

JOHN LARGE: What I can say is that we have a civil engineer that we're working with and -- we have engaged a civil engineer to work with us and the DPW trying to address

the drainage issues, you know, more comprehensibly that people have in the past.

CONSTANTINE ALEXANDER: If I may interject, could the civil engineer when he finishes his report, require you to modify the structure, the design of the structure, the location of the structure?

JOHN LARGE: I mean, I don't think so. I think they --

CONSTANTINE ALEXANDER: Well, shouldn't you have done that first so we have that buttoned down? I mean --

JOHN LARGE: Well, I mean so, you know, in terms of -- it meets all of the criteria for permeable area and etcetera, etcetera, etcetera. And obviously we want a site that's well drained if people are going to live there. So we've engaged a civil engineer, but you kind of need the input of

the DPW to work with the civil engineer. And part of this is working with the storm sewer. So basically it's an iterative process. The civil engineer, he has a preliminary report, which we're gonna give to the DPW and work with DPW to sort of figure out how to --

CONSTANTINE ALEXANDER: I

understand that. I think we understand it's iterative process. But I'm wondering why we're in the process where we are, we being the Zoning Board of Appeals. Shouldn't you have done these steps first before you came before us so we don't have these things hanging over us?

JOHN LARGE: Well, I mean as far as the civil engineer is concerned, you know, he feels confident that, you know, he can work with the DPW to come up with a drainage system to work with the design that we have.

ATTORNEY SEAN HOPE: And, John, I mean, correct me if I'm wrong, but didn't the civil engineer look at the plans that we had drafted in terms of having basement space, as part of his report would have let us know if that wasn't feasible to do the --

JOHN LARGE: Yeah.

ATTORNEY SEAN HOPE: I think the Chair is asking whether or not are we at the Board prematurely --

CONSTANTINE ALEXANDER: And also the abutters.

JOHN LARGE: To address, you know, I mean I understand the abutter's concerns and from his, you know, to address his concerns, I think what will happen is that our civil engineer will work with the DPW to try and mitigate the storm water issues on our site, you know.

CONSTANTINE ALEXANDER: But the DPW doesn't worry about the drainage as it impacts neighboring properties as much as the drainage into the city systems.

JOHN LARGE: Correct. But given our property is actually the lowest property of all of the abutters, I don't think that's going to be -- I mean, you know, we're not going to get into the sort of issue of -- I mean at the -- you have to keep your water on your property. That's, you know, that's what the DPW says. And so, you know, I think we have a sort of tentative series of retention basins and dry wells that we're working with. You know, we're going to work with the DPW, to either hold on-site or put it in storm sewer system, and that's what the civil engineer has been retained to sort of address.

CONSTANTINE ALEXANDER: I'm not sure you've finished your comments yet.

TIMOTHY WALL: Yeah, and as well, you know, there's the lighting concerns. We do appreciate, you know, there's a gap in the back of the house so we can get some western light. We don't have much hope on the other side since it's over there. But Barbara had another question.

CONSTANTINE ALEXANDER: Give your name to the stenographer.

BARBARA THOMAS: Barbara Thomas, 14 Bellis Circle, abutters on the east side as well. We took some pictures of our house. I don't know if this would help to -- ours is the blue house. And so what Tim is talking about is the concern when these go in, that possibly the flooding -- there would be flooding that pours into our yard, our

garden, and all of that. So one of the other issues I wanted to address is since the workman's cottage has been taken down and the willow tree has been cut down, it's been more than six years. There's a wonderful wildlife that lives there if you're into that, I'm not. What my question is is as you build, what are you going to do about the huge warren of groundhogs that I regularly am capturing and killing. I'm killing them. I'm totally -- there are quite a few groundhogs there. In fact, I don't know where the driveway is gonna be. I guess you're gonna be putting the driveway over here? There is, there is a hole that I've covered with a brick. The previous owner gave me permission to go over there and get my Sarah Palin on and deal with them. But they are constantly -- they're -- I've

sealed up a hole. They've moved closer, they've moved closer. They're moving towards this area. They do eat hundreds of dollars of my produce. There are other -- there are other things I try to do to -- well, basically to make a long story short, I know some other people when they have their house -- when something -- construction happens, rats flee to the four corners and suddenly people who didn't have rats suddenly have rats. What are you going to do about these groundhogs?

JOHN LARGE: I guess we're going to have to work with you on the groundhogs.

BARBARA THOMAS: I mean, because they're huge. They are like toddlers.

UNIDENTIFIED AUDIENCE MEMBER: I can attest.

BARBARA THOMAS: And they are known

to carry rabies. And they are considered a pest creature like a rat.

CONSTANTINE ALEXANDER: Do you have a dog or a cat?

BARBARA THOMAS: The neighbors do. I grow cat nip and I have it in my yard --

CONSTANTINE ALEXANDER: The hedgehogs a danger the neighbor's cats?

BARBARA THOMAS: No. But you see they have these teeth that constantly grow like a rat's and they're constantly chewing. They chew our bricks. They started tunnelling a little bit into our driveway. Our driveway has these weird kind of sinkhole feels to it. And the cats do try to -- the neighbor's cats do go into the different holes. I've stuck my hands in. I've done probes into the different holes, and it -- there's like a -- there are dorm areas,

their lavatory area, their back hatch area. It is huge in this expansive land. And so I'm just very concerned. I don't want to wait, you know, go and take my recycling out and get bit by one of these things that possibly has rabies or whatever. And they're having wars with skunks and losing.

CONSTANTINE ALEXANDER: That's why I think you're brave to put your arm underneath there. I don't think I would do that with those.

BARBARA THOMAS: They ate my son's prized cabbage in the second grade and he was distraught. So, you know, ever since then it's been me smiling capturing them like a huntress. I just, I have a concern about the groundhogs. And I've seen footprints already in their wake so yeah, and you know.

CONSTANTINE ALEXANDER: Okay.

Thank you.

BARBARA THOMAS: Oh, and then West Nile. The -- there has been a scientist that has been coming over every summer and he hangs a net in the back of that property and captures all the females and they always test positive for West Nile.

TIMOTHY WALL: That's right. It is like a marsh.

BARBARA THOMAS: It is.

TIMOTHY WALL: Since the willow tree --

CONSTANTINE ALEXANDER: Yes, one at a time. We have to keep a record. Finish.

BARBARA THOMAS: It does test positive. And the scientist's first name is Mark. I could look into my e-mail -- I told Peter Chu the previous owner to look into this, but he never did. But whenever someone

is on the property, I'm like, hey who are you and what are you doing? And he looked like he was using a moonshine thing back there, but it was like, collecting females and they tested positive. And so as a result what I would do after heavy rains is just throw over larvicides, like mosquito larvicides because I've been very concerned for the safety of my family and neighborhood. They've found dead birds with West Nile there. And so I just like really like Tim are concerned is the drainage and that wildlife. So West Nile and rabies.

CONSTANTINE ALEXANDER: Thank you.

Anyone else wishes to be heard?

BARBARA COHEN: Barbara Cohen, 24 Bellis. And I guess this -- the letter that was sent to us didn't answer our question about the necessity for more square footage.

I thought I overheard something about green construction or their needing to be this additional footage. So that wasn't clear to me, and he may have answered it and I may not have caught it.

CONSTANTINE ALEXANDER: Can you verify that?

JOHN LARGE: I can, sure.

BARBARA COHEN: I didn't hear very well.

JOHN LARGE: So, no, what I said was from -- the difference between what we are asking for now versus what we were asking for in 2006 is the square footage has gone up about 80 square feet and the reason for it going up that additional 80 square feet was because we -- to meet the new energy code you need more insulation so you need thicker walls. So we had two-by-four walls to

two-by-six walls. And also there's a larger covered porch. There's a larger porch at the front entrance to the rear. And so that's where the 80 square feet extra comes from.

BARBARA COHEN: Okay.

CONSTANTINE ALEXANDER: And did you get your question answered?

TIMOTHY HUGHES: How much over, over the FAR is it in terms of square feet?

ATTORNEY SEAN HOPE: So 613 square feet. And if you spread that among two structures, approximately 300 square feet per structure.

ADAM SCHORN: And the letter here was --

CONSTANTINE ALEXANDER: Sir, give your name. One person speak at a time. Give your name.

ADAM SCHORN: My name is Adam Schorn

S-c-h-o-r-n. And I also live at 24 Bellis. And I'm just -- the letter says that it's asking for additional 568 square feet. So that's, that is our question.

JOHN LARGE: No. What I said is that from --

ATTORNEY SEAN HOPE: He's saying the letter he received. Additional square footage was 568, is what you said the letter says?

ADAM SCHORN: And that's what the letter says.

CONSTANTINE ALEXANDER: And this is a letter to the neighbors?

ADAM SCHORN: This is a letter from MacArthur Construction Company.

BARBARA COHEN: Do you have a copy of that letter?

CONSTANTINE ALEXANDER: I didn't

see that letter. Thank you.

ATTORNEY SEAN HOPE: When was that letter dated?

ADAM SCHORN: 25 February this year.

BARBARA COHEN: You want a copy?

ATTORNEY SEAN HOPE: Thank you.

CONSTANTINE ALEXANDER: The letter does say 568 square feet.

What does your dimensional form say?

JOHN LARGE: I think that's right. I think it's 568.

DOUGLAS MYERS: But that's not with respect to the 2006 application?

JOHN LARGE: That's right.

DOUGLAS MYERS: That's the difference.

JOHN LARGE: That was 470-something.

CONSTANTINE ALEXANDER: Yes, your

dimensional form shows you're adding 613. And the letter to the neighbors said 568.

JOHN LARGE: All right, so that's something between us. I thought it -- I mean, I think it's 568, that's right.

CONSTANTINE ALEXANDER: Well, you know, I'm starting to get a little bit frustrated here. I've heard -- You keep saying we're going to talk to the civil engineers later at some point. You can't get your forms right. You didn't give us the FAR in the form, it was blank. Your FAR as to the additional square feet is different than what you told the neighbors. I'm still up in the air about the dormer guidelines and the height. I'm not sure this case is ready to be decided. I think you better go back and rethink this thing and give some straight answers to the neighbors and to us and with

more detail than you've given us. This is not one of these things well, you know, it's in process and you're the first chumps we're going to talk to. That's me. And I blow off some steam. I don't know how other members of the Board feel.

SLATER ANDERSON: Sean, with new construction is there any specific storm water management plan requirement?

SEAN O'GRADY: Yes.

SLATER ANDERSON: Okay.

Is that something that would be submitted at what point in the process?

SEAN O'GRADY: Prior to the Building Permit being issued.

SLATER ANDERSON: Okay.

SEAN O'GRADY: Well, we've changed -- yes, you know, in that process.

SLATER ANDERSON: Yes.

CONSTANTINE ALEXANDER: Doug, you've been noticeably quiet.

DOUGLAS MYERS: And I agree with you. I think you've stated it from my perspective a very moderate, fair way. That this needs more work and maybe more consultation with the neighbors. I'm not sure to what degree the neighbors have been consulted, but it sounds like they've not been or have not had much of a chance to participate in any discussion with the developer. So --

CONSTANTINE ALEXANDER: Other comments from members of the Board?

TIMOTHY HUGHES: The FAR is the only thing you need a Variance for?

ATTORNEY SEAN HOPE: That's right.

CONSTANTINE ALEXANDER: And also the front yard setback, too.

ATTORNEY SEAN HOPE: Not the front yard. The rear yard setback.

CONSTANTINE ALEXANDER: Oh, the rear, I'm sorry.

ATTORNEY SEAN HOPE: And that's at the Planning Board. They can only issue that.

CONSTANTINE ALEXANDER: That's right.

SLATER ANDERSON: Is that because of the deck in the back?

ATTORNEY SEAN HOPE: No.

JOHN LARGE: No, it's because of the -- you're not allowed to build further back than --

ATTORNEY SEAN HOPE: So basically the setback we meet. But there's additional relief 75 feet from the front yard street which is specific for Res B for the open yard

because the lots are long and narrow. So we actually meet the base Zoning except for the gross floor area where there's this additional (inaudible) for the structure 75 feet from the lot line.

TIMOTHY HUGHES: So if you carved 568 square feet out of these two buildings, you could build it as a matter of right except for the Planning Board's given you a Special Permit for the setback.

ATTORNEY SEAN HOPE: That's right.

JOHN LARGE: And I think actually if we did it, if we did attached townhouses we could do that as of right, too, because it's --

SLATER ANDERSON: I think that that's an important --

TIMOTHY HUGHES: It would be two units or three units?

JOHN LARGE: Yeah, right so....

SLATER ANDERSON: That's the balance for the neighbors to consider is the alternative of a, you know, the two structures versus one large wall. Do we have a plan that, an old plan that shows the townhouse plan?

JOHN LARGE: Yeah, and you know, I think to be fair to the neighbors, they should see this so I'm happy to show them this. I actually just run this off today.

ATTORNEY SEAN HOPE: In preparation we did a mockup thinking the Board would want to see what it would look like in terms of the massing of what it would look like -- how long the building wall would be if we did a conforming attached --

SLATER ANDERSON: And that is a conforming plan in your opinion?

ATTORNEY SEAN HOPE: Yes, it's conforming.

CONSTANTINE ALEXANDER: I know you want to see it. I'm not going to deny you it. I think another reason why to continue this case is for you to show that to the neighbors. And also I mean, if you will, this is a threat, okay? If you don't give us relief we're seeking, we can build something worse and without your approval. They're not saying that directly, but that's the strong message. And that's a message to you, too. Whether they'll do it, I don't know, if we turn them down. But they could do other things, too, like a two-family house or even a single-family house.

But I think you should talk to the neighbors and also deal with some of the issues we've raised tonight and come back to

us.

SLATER ANDERSON: Does Duncan MacArthur own the property now?

ATTORNEY SEAN HOPE: He does.

BARBARA THOMAS: I have a question. Years ago when we had this discussion about the townhouse, there was a discussion about underground parking and the concern was the increased traffic on the circle. So with this townhouse is this the same story you're threatening --

CONSTANTINE ALEXANDER: Why don't we -- let's not take time tonight.

JOHN LARGE: We can talk about that.

CONSTANTINE ALEXANDER: I would be interested in underground parking given the soil conditions on this lot. I wouldn't think you can do it.

TIMOTHY HUGHES: Well, you can do

anything. It's the question of time and money.

DOUGLAS MYERS: As I sit here as a member of this Board, I really almost always react adversely when an Applicant comes in and says, one of the arguments for granting us this Variance is we can do something a lot worse of right. I almost always take that argument amiss and react poorly if you can make that argument. Because if you can do it of right, do it of right. But don't come in here and try to leverage us acting just on our discretion in your favor to do something that the Ordinance doesn't permit just because you're telling us it's something of right is going to be worse. You have the right to do it so do it.

TIMOTHY HUGHES: I think in defense of the Petitioners, I don't think that's the

way they came in here tonight. We pulled that out of them.

DOUGLAS MYERS: I understand.

CONSTANTINE ALEXANDER: But that was implicit --

DOUGLAS MYERS: For the benefit of the neighbors and the public because I think there are two sides of this and I want to make sure people hear both sides.

JOHN LARGE: Can I add a little historical context? And I think you guys can weigh in on this. We actually did start with detached townhouses, and we moved away from that, you know, when we started to talk to the neighbors. Now obviously the neighbors are not the same as they were eight years ago. But it was not, you know, do this or else. It was let's do this and we let the neighbors know, and they were like well we have some

concerns. And then we thought well, fine, two detached houses actually, you know. We like that better than two.

DOUGLAS MYERS: I didn't mean to suggest that you were doing that, I really didn't. I just meant to speak of the general conversation.

JOHN LARGE: I understand that, but I just want to make it clear that that is not where we started. I agree with you, I would take that amiss as well.

CONSTANTINE ALEXANDER: But in any event, I totally stand by my original point. This needs further discussion between you, and you folks and the neighbors for them to better understand what you want to do, for you to hear them out as to their concerns, they get a better look at the plans and you can deal with some of the issues that we talked about

and come back before us. I strongly urge that they do that.

DOUGLAS MYERS: What about the dormer?

TIMOTHY HUGHES: I think if you can't come up with an architectural term for that other than dormer, then you're going to have to look at it with the guidelines. I will say I've scaled it out with a piece of paper and just marking things out, it's less than 15 feet. It's probably around 13 feet if in fact it's a dormer and not a built-in pillbox or whatever, you know. But if you're going to keep calling it a dormer, we have to talk about it in terms of the dormer guidelines.

JOHN LARGE: I called it a transverse ridge line. I never said dormer.

TIMOTHY HUGHES: You know, I would

say that if the ridge lines actually intersected at any point, but they don't, you know, so I don't know if I would go with the transverse ridge line.

JOHN LARGE: I don't think you would be happy if the ridge lines intersected with (inaudible) you would be less happy.

TIMOTHY HUGHES: I understand it would create more height. It's like it says a curb top, and I mean that it doesn't -- it doesn't specifically have a ridge line anyway.

JOHN LARGE: Right. Well, structurally.

TIMOTHY HUGHES: Structurally it does, yes. It's not obvious.

CONSTANTINE ALEXANDER: April 10th is not good for Andrea.

ANDREA HICKEY: It was March to the

April.

TIMOTHY HUGHES: And the 10th is full.

CONSTANTINE ALEXANDER: How much time would you need by the way? So March is out. The March date 27th.

ATTORNEY SEAN HOPE: So the 10th potentially?

CONSTANTINE ALEXANDER: The next one after that. We have room? Let me check with Sean.

Sir, did you want to speak? You don't have to speak now. You could have another time?

GREG CHECK: Greg Check, C-h-e-c-k, 15 Bellis. So we are right across the street from the development. And some of my concerns would be what's gonna happen like with the construction trucks during the

construction phase? Parking is so limited already. The street is narrow, and it's a two way street. And our driveway is gonna be right directly across from where the driveway of the development is going to be. So trucks will probably be trying to turn in and out right where our driveway also meets. I don't know if this is the avenue to --

CONSTANTINE ALEXANDER: And the answer is no. This is an issue that comes up all the time. It's a legitimate one, about people, neighbors who are concerned about what's going to happen during the construction phase. But that's not a Zoning issue. We can't turn someone down because of that. But the city has other ways of dealing with that and usually, hopefully the person doing the construction, in this case the developer, works with the neighbors to come

up with the best solution possible. So that's something that's really not relevant for us in our decision just so you know that. But you're not without remedy, that's my point.

GREG CHECK: Okay.

So I could start a discussion with the developer, but from the city, what side should I go to?

CONSTANTINE ALEXANDER: Sean, how does the city get involved with that issue?

SEAN O'GRADY: What are your concerns exactly?

GREG CHECK: During the construction phase, all the traffic and the parking of the trades, trucks and that stuff, because parking is limited and it's a two way street that's very narrow already.

SEAN O'GRADY: We tolerate parking

on the site. Off site on the street is to the discretion of the Traffic and Parking Department.

GREG CHECK: Traffic Advisory Committee?

SEAN O'GRADY: Traffic and Parking Department.

CONSTANTINE ALEXANDER: You could complain to them or work with them if there are issues.

GREG CHECK: Out of fairness I should first talk to the developer as to my concerns --

CONSTANTINE ALEXANDER: Right.

GREG CHECK: -- see what ideas they have. Okay. Because then also Traffic and Parking would be the people I could talk to about now with the increased traffic from this development that maybe we should

consider turning the street into a one way instead of a keeping it as a two way. That's Traffic and Parking?

SEAN O'GRADY: Right, Traffic and Parking.

GREG CHECK: Those were really my concerns about it.

Thanks.

CONSTANTINE ALEXANDER: Okay.

April 10th is a date? Can everybody make it?

SEAN O'GRADY: No. We've overbooked.

CONSTANTINE ALEXANDER:  
Overbooked. What's the next one?

SEAN O'GRADY: 24th.

CONSTANTINE ALEXANDER: 24th?

SEAN O'GRADY: April 24th.

DOUGLAS MYERS: Fine.

CONSTANTINE ALEXANDER: I know I can make it.

BARBARA THOMAS: Will the neighbors get something in the mail?

CONSTANTINE ALEXANDER: I'm going to get to that in a second. I want to make sure the dates right. I'll explain.

There will be no new mailings by the city now. But we will -- in part of -- we're going to instruct the Petitioner to contact the neighbors and have a meeting with them about the issues that have been raised tonight and any modification that they're proposing. So that will be really among yourselves, but they are going to be directed to do that between now and April 24th, if that's when we're going to have the hearing.

By the way, could people make it out there, general, the audience?

SLATER ANDERSON: Good with me.

BARBARA THOMAS: March 24th?

CONSTANTINE ALEXANDER: April 24th.

It will be around seven p.m. depending what other cases we have that night.

Sir.

GREG CHECK: Greg Check again. We will be out of town during that time so if I have any concerns about any subsequent things, would I just mail --

CONSTANTINE ALEXANDER: You got it. Put it in writing.

GREG CHECK: Thanks.

CONSTANTINE ALEXANDER: Or tell one of your neighbors who could convey it to us at the hearing. But better write us a letter or an e-mail whatever.

GREG CHECK: Thank you.

CONSTANTINE ALEXANDER: Okay, ready

for a vote?

ANDREA HICKEY: Yes.

CONSTANTINE ALEXANDER: The Chair moves that this case be continued as a case heard until seven p.m. on April 24th on the conditions that the Petitioner sign a waiver of a time for decision.

On the condition that the posting sign be modified to reflect the new date, April 24th. The time of seven p.m. And that the sign be maintained for the period of time required by our Ordinance.

And if you don't do that, as Mr. Hope knows, we won't hear the case on the 24th.

And lastly to the extent that you modify your plans or your dimensional form, that those modifications must be in our file no later than five p.m. on the Monday before April 24th.

Those are all on the formal conditions before I take the vote. Informally you're instructed to meet with the neighbors at a time that's convenient for all and to review the comments you've heard tonight and any modified plans so that the neighbors are fully informed before our next hearing.

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

(Aye.)

CONSTANTINE ALEXANDER: Five in favor. Case continued.

(Alexander, Hughes, Myers, Anderson, Hickey.)

\* \* \* \* \*

(8:40 p.m.)

(Sitting Members Case #BZA-003084-2014:

Constantine Alexander, Timothy Hughes, Brendan Sullivan, Douglas Myers, Andrea Hickey.)

CONSTANTINE ALEXANDER:

The Chair will reconvene 23-25 Longfellow Road.

Okay, what's the result of your working with Mr. O'Grady?

DONGJAE CHO: As you advised and you advised I updated the drawing on drawing A-303. So I shrink on each side and then I try to meet these dormer corners to the ridge end. So, yeah, this is the modification.

CONSTANTINE ALEXANDER: Which way should I pass it first? We'll go this way and then that way.

BRENDAN SULLIVAN: Yes, I think that does it. So that's fine. It will, it will shrink the number a little bit. I mean I

don't know how, but anyhow.

TIMOTHY HUGHES: Yes, that's going to make his FAR --

ANDREA HICKEY: Yes, I'm happy with that.

CONSTANTINE ALEXANDER: All right. Any further questions or comments from members of the Board or ready for a vote? Ready for a vote.

ANDREA HICKEY: Ready.

TIMOTHY HUGHES: Do we want to change the dimensional form now or do we have the numbers to compute that? I mean, it's obviously his FAR is going to go down.

ANDREA HICKEY: It's going to be less.

BRENDAN SULLIVAN: Well, it might suggest that before the decision is signed that that be put into a more, a better form

and that the numbers be reflective of that.

In other words, the numbers going to be reduced. So that the dimensional form be correct and that that be redone to a more precise set, a filing set. And then the Chairman can review that and then before he signs the decision, then if everything is good to go, then you'll be fine.

CONSTANTINE ALEXANDER: You follow? It's the mechanics, we want to make sure our file is complete.

BRENDAN SULLIVAN: They're all legal documents actually.

DONGJAE CHO: Uh-huh.

CONSTANTINE ALEXANDER: Okay, the Chair moves that this Board make the following findings with respect to the Variance being sought, this Variance by the way, again, for the record does not include

a roof deck that was originally advertised. That's been withdrawn by the Petitioner.

That a literal enforcement of the provisions of the Ordinance would involve a substantial hardship to the Petitioner. Such hardship being that the Petitioner needs additional living space, and the attic is available if relief is granted with the modifications proposed to alleviate the occupational issues with regard to the third floor.

That the circumstances are relating to the hardship is owing to the, basically the shape of the current structure as a non-conforming structure, and therefore any modifications would grant additional living space requires Zoning relief. And that relief may be granted without substantial detriment to the public good or nullifying or

substantially derogating from the intent or purpose of this Ordinance.

In this regard the relief being sought is modest in nature. And it does not have -- there was one neighbor in opposition, but that opposition seemed to have been related to an earlier set of plans and not these plans. And at the end of the day the Petitioner will have a structure more -- the housing stock of the city of Cambridge will be improved by the structure as proposed to be modified.

On the basis of these findings, the Chair moves that we grant the Variance being sought with regard to the dormer on the condition that the work proceed in accordance with plans submitted by the Petitioner. They are A-100 through A-104 and A-301 through A-303 with the exception that with

regard to A-303 the plan that will be, for the condition on the plan being consistent with the page initialled by the Chair.

And the further condition that prior to the granting of any Building Permits that the Petitioner submit a new clean plan, A-303, and modify -- and a new dimensional form modified to reflect what's shown on A-303. All to the satisfaction of the Chair.

All those in favor of granting the Variance as so moved, say "Aye."

(Aye.)

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

(Alexander, Hughes, Sullivan, Myers, Hickey.)

(At 8:50 p.m., the ZBA Adjourned.) **ERRATA SHEET AND SIGNATURE INSTRUCTIONS.**

The original of the Errata Sheet has been

delivered to Inspectional Services.

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

I am not related to any of the parties in this matter by blood or marriage and that I am in no way interested in the outcome of this matter.

I further certify that the testimony hereinbefore set forth is a true and accurate

transcription of my stenographic notes to the best of my knowledge, skill and ability.

**IN WITNESS WHEREOF**, I have hereunto set my hand this 25th day of March, 2014.

---

Catherine L. Zelinski  
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