

BOARD OF ZONING APPEAL  
FOR THE  
CITY OF CAMBRIDGE

GENERAL HEARING

THURSDAY, MAY 14, 2015

7:00 p.m.

in

Senior Center

806 Massachusetts Avenue  
Cambridge, Massachusetts 02139

Constantine Alexander, Chair

Brendan Sullivan, Member

Douglas Myers, Associate Member

George S. Best, Associate Member

Laura Wernick, Associate Member

Sean O'Grady, Zoning Specialist

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## PROCEEDINGS

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(7:20 p.m.)

(Sitting Members Case #BZA-006097-2015: Constantine Alexander, Brendan Sullivan, Douglas Myers, George S. Best, Laura Wernick.)

CONSTANTINE ALEXANDER: The Chair will call this meeting of the Zoning Board of appeals to order. And is our regular practice, we will start with continued cases. These are cases that started at an earlier session and for one reason or another needed to be continued. And so the first continued case I'm going to call is case No. 006097, 562 Franklin Street.

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

(No Response.)

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

The Chair would report that this petitioner, and with respect to the very same property, has a case on our agenda for the May 28th meeting. I guess they tweaked their plans or whatever. So it makes no sense to proceed with this case this evening. I suggest we continue this until May 28th at which time we can hear the case that's on the regular agenda for May 28th as well as this case. We can hear them both together. They both need to be heard or one be heard and the other be withdrawn or whatever.

So, the Chair moves that we continue this case as a case not heard on the condition that to the extent that the petitioner wants to proceed with this case and is changing the plans or dimensional form, that it be in our files, these

plans -- new plans, new forms must be in our files no later than five p.m. on the Monday before May 28th.

And on the further condition that the posting sign must be modified to reflect the new date, May 28th, the new time, seven p.m. And that this modified sign must be maintained for the two weeks required under our Zoning Ordinance.

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

(Aye.)

CONSTANTINE ALEXANDER: Five in favor. Case continued.

(Alexander, Sullivan, Myers, Best, Wernick.)

\* \* \* \* \*

(7:20 p.m.)

(Sitting Members Case #BZA-006157-2015:

Constantine Alexander, Brendan Sullivan,  
Douglas Myers, George S. Best, Laura  
Wernick.)

CONSTANTINE ALEXANDER: The Chair  
will next call case No. 006157, 15  
Crescent Street.

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

KELLY SPEAKMAN: Kelly Speakman,  
S-p-e-a-k-m-a-n. And the address is 30  
Bowes Street in Somerville.

JOHN FRANK: John Frank, 15  
Crescent Street.

CONSTANTINE ALEXANDER: You are  
the petitioner?

JOHN FRANK: Yes.

CONSTANTINE ALEXANDER: The floor  
is yours.

KELLY SPEAKMAN: So our petition is to add a new wood burning fireplace to an existing single-family home located on Crescent Street.

So this is the existing house. And as you can see, both the house predates the Zoning Code. So even though it complies for FAR, it's very close to one side property.

CONSTANTINE ALEXANDER: Lot A, is it a separate lot?

KELLY SPEAKMAN: No, this is one --

CONSTANTINE ALEXANDER: All one lot?

KELLY SPEAKMAN: Yeah. There used to be a garage back over here that's come down over the years. So the driveway's here and this is all open.

So our petition is to add a six square foot on the first floor and the second floor. So 12 square feet total. Fireplace, right -- located right here, which is the family room. And that is an existing -- an existing 4.3 foot setback which we would look to reduce as well as put the chimney on the outside of the building.

CONSTANTINE ALEXANDER: You're going to reduce it from 4.3 to 2.6 feet from the lot line?

KELLY SPEAKMAN: Yes.

CONSTANTINE ALEXANDER: And it's supposed to be -- on the Ordinance 12 feet, 12.2 feet?

KELLY SPEAKMAN: Yes, it's a C-1. So it's a mathematical formula. And if you were to do it -- we didn't do the



multiplane, obviously it doesn't meet 7.6 which is the minimum, but it's still good. We did --

CONSTANTINE ALEXANDER: You also, that would be a separate vote, a Special Permit, too, as well.

KELLY SPEAKMAN: So in addition to changing the -- to adding the fireplace, right now there's a window where the fireplace is. Or very close to. So there's a window here where the fireplace would go. And in order to keep light in the basement, we'd like to add a new window to the side which is in the setback as a Special Permit, as well as add a window in the back. In the back is also in the setback, so that's a Special Permit as well.

So add two windows in the basement,

one on the side, one in the rear, and the chimney.

CONSTANTINE ALEXANDER: And the reason you're putting the chimney, if you will, on the exterior of the structure and not on the interior?

KELLY SPEAKMAN: On the second floor is the master bathroom. There's a lot of plumbing and complicated geometries up there, and it would be not feasible to run a wood burning fireplace flue up there.

LAURA WERNICK: The plan has a window well in the back?

KELLY SPEAKMAN: Yes.

LAURA WERNICK: So that's new also?

KELLY SPEAKMAN: Yes, the window well would be new.

CONSTANTINE ALEXANDER: And because it's in a setback, it's a non-conforming side. They have to get a Special Permit not a Variance, that's a different form of relief. Less onerous form of relief which you learned in your orientation session.

KELLY SPEAKMAN: So the chimney would add 12 total square feet. The property would allow a 4200 square foot residence with the FAR that's allowed, but with our new proposed 12-foot chimney we're still only at 2982 so we're well under the FAR that's allowable.

CONSTANTINE ALEXANDER: Questions from members of the Board?

DOUGLAS MYERS: Abutter response?

KELLY SPEAKMAN: John has several letters from his neighbors in support.

Three different letters.

CONSTANTINE ALEXANDER: We have one in the file. We have one from Debra Lee.

JOHN FRANK: They came through as one PDF file.

KELLY SPEAKMAN: It might be each page is a separate letter. They were sent through to Maria.

CONSTANTINE ALEXANDER: We have three in our files.

I'll get to those in a second.

JOHN FRANK: Yes, sir.

CONSTANTINE ALEXANDER: Any other questions, Doug?

DOUGLAS MYERS: No.

CONSTANTINE ALEXANDER: I'm going to open the matter to -- it's a pretty straightforward case. I'm going to open

the matter up to public testimony.

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

(No Response.)

CONSTANTINE ALEXANDER: The Chair would note there's no one here wishing to be heard. The Chair would report that the petitioner pointed out that we do have letters from neighbors. We have a letter from Debra Lee who resides at 29 Crescent Street. (Reading) I am writing to express my solid support for my neighbors John Frank and Elsie Sunderland in their application for Zoning relief from your Board. I have reviewed their plans to build a chimney on the east side of their house at 15 Crescent Street next to the property I own. They have shared and explained their proposal and I am firmly

in favor of the work they plan to do.

We also have a letter from Deidre Deegan, D-e-e-g-a-n and Mahmood Firouzbakht who reside at 7-9 Crescent Street. (Reading) We own the house located at 7-9 Crescent Street directly next to John Frank and Elsie Sutherland's house at 15 Crescent Street. We are writing to show our support for John and Elsie's application for Zoning relief from your Board. We have reviewed their plans and support their efforts to improve their property with a chimney and basement windows.

And last, we have a letter from Sue Kriegsman, K-r-i-e-g-s-m-a-n, and Hitesh, H-i-t-e-s-h, Trivedi, T-r-i-v-e-d-i who reside at 12 Crescent Street. (Reading) We own the house located at 12 Crescent

Street directly across from John Frank and Elsie Sutherland's house at 15 Crescent Street. We are writing to show our support for John and Elsie's application for Zoning relief from your Board. We have reviewed their plans and support their efforts to improve their property with a chimney and basement windows.

And that's it. There are no letters in opposition.

Did anyone express any oral opposition to your proposal?

JOHN FRANK: No.

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

Discussion by members of the Board or ready for a vote?

GEORGE BEST: Yes.

CONSTANTINE ALEXANDER: This is

with regard to the Variance. We'll take the Special Permit after that.

The Chair moves that this Board make the following findings with regard to the Variance being sought:

That a literal enforcement of the provisions of the Ordinance would involve a substantial hardship to the petitioner. Such hardship being that the petitioner would be unable to construct a chimney to enhance the family room with a fireplace in the family room given the interior plumbing of the building.

That the hardship is owing to the location of the building on the lot. It's off to one side and, therefore, it raises setback issues. At this point the wall that where the chimney's going to appear is non-conforming already and it will be



further non-conforming.

And that desirable relief may be granted without substantial detriment to the public good or nullifying or substantially derogating from the intent or purpose of the Ordinance. In this regard the relief being sought is rather modest. It appears to have unanimous neighborhood support.

So on the basis of these findings, the Chair moves that we grant the Variance being sought on the condition that the work proceed in accordance with the one page plan. It's numbered A101, prepared by Boyes-Watson Architects and initialled by the Chair.

All those in favor please say "Aye."

(Aye.)

CONSTANTINE ALEXANDER: Five in

favor.

(Alexander, Sullivan, Myers, Best, Wernick.)

CONSTANTINE ALEXANDER: Special Permit relates to the fact that you want to put windows in the setback. And you covered all the issues here. I think we're ready for a vote on this.

With regard to the Special Permit the Chair moves that we make the following findings:

That the requirements of the Ordinance cannot be met given the fact that this -- the windows are going to be in a non-conforming setback -- a wall that's a non-conforming setback.

That traffic generated or patterns of access or egress will not cause congestion, hazard, or substantial change

in established neighborhood character.

We're talking about two small windows at a basement level.

That the continued operation of or development of adjacent uses will not be adversely affected by what you're proposing, and to that extent we have letters of support from those persons who could be affected by what is being proposed and have no objection to what is being proposed.

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

And that what you're proposing to do will not impair the integrity of the district or adjoining district or otherwise derogate from the intent and

purpose of the Ordinance.

On the basis of these findings the Chair moves that we grant the Special Permit being sought on the condition that the work proceed in accordance with the page, one page plans that I've identified with regard to the Variance.

All those in favor please say "Aye."

(Aye.)

CONSTANTINE ALEXANDER: Five in favor.

(Alexander, Sullivan, Myers, Best, Wernick.)

\* \* \* \* \*

(7:30 p.m.)

(Sitting Members Case #BZA-006496-2015:

Constantine Alexander, Brendan Sullivan,  
Douglas Myers, George S. Best, Laura  
Wernick.)

CONSTANTINE ALEXANDER: We'll turn  
to our regular agenda.

The Chair will call case No. 006496,  
153 Lexington Avenue.

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

JON CHRISTOPHER SUMMERFIELD: Yes.

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

JON CHRISTOPHER SUMMERFIELD: My  
name is Jon Christopher Summerfield. My  
address is 153 Lexington Avenue. I'm the  
property owner of the subject property.

AMY SEMMES: My name is Amy  
Semmes, A-m-y S-e-m-m-e-s. I'm the

architect for the project. And my address is 120 Auburn Street, Medford, Massachusetts.

CONSTANTINE ALEXANDER: Tell us why you're here and why we should give you relief.

JON CHRISTOPHER SUMMERFIELD: I'm here to seek permission to do a small one story addition on the rear of my property at 153 Lexington Avenue. The principle purpose for which to mitigate the effects of the accumulation of water, snow, and ice at the rear entrance. The -- which ultimately results from an unconventional architectural decision to build the residence with the exits and entrances underneath the eaves of the peaks of the story A frame.

AMY SEMMES: This is the street

side and this is the back side and this is all how it comes out. Yeah.

JON CHRISTOPHER SUMMERFIELD: When I bought the property 18 years ago, it never occurred to me to even think about the back three floors of snow, water, and ice exactly at the rear entrance which was right against the wall. And the property is -- currently the house is currently 72 square feet below FAR requirements under the Ordinance, and the net effect with respect to FAR with the Variance would be to change that to 199 square feet above.

CONSTANTINE ALEXANDER: And I think the percentage terms, you're at 0.439 now. You would go to 0.474. And our Ordinance says no more than 0.448. So you would be slightly -- you're barely in conformance now. You'll be slightly out

of conformance if we grant you relief.  
Plus you have setback issues.

JON CHRISTOPHER SUMMERFIELD:

Right.

CONSTANTINE ALEXANDER: Because  
you're going to continue -- you're not  
going any closer to the lot line. You're  
actually going to continue the wall that  
is now too close to the lot line farther  
back.

JON CHRISTOPHER SUMMERFIELD: Yes.

And we seem to continue that wall  
principally because it would be infeasible  
and impractical for us to do that in any  
other way if we're going to move the rear  
door which is now against that wall.  
There are -- there are several hardships  
that are listed in the application. The  
first of which and the most important of



which is the mitigation of the accumulation of water, snow, and ice and the complete blockage of the rear entrance in the winter months like this last winter when the back door was not usable. And also the frequent flooding of the basement which has occurred for years due to the condition of the foundation at the entrances at the rear of the property.

CONSTANTINE ALEXANDER: Plus the fact that the location of the structure on the lot is rather close to one lot line and therefore --

AMY SEMMES: Yes, it's actually a large 7600 square foot lot.

CONSTANTINE ALEXANDER: Yes. For some reason --

AMY SEMMES: But it's only four feet from one side.

CONSTANTINE ALEXANDER: Right.

And so any addition to the rear part of that structure requires Zoning relief because you're going -- you're going to extend the rear yard setback intrusion. Not rear yard. Side yard setback intrusion.

JON CHRISTOPHER SUMMERFIELD: Yes.

I also listed hardships that result from the -- from the fact that the Ordinance reduces or penalizes the owners of Area B residences above 5,000 square feet by reducing the allowable FAR from 50 percent to 35.

CONSTANTINE ALEXANDER: I'm not sure that's a hardship. That's not what the City Council decided when they wrote the Ordinance. So --

JON CHRISTOPHER SUMMERFIELD:

Yeah.

CONSTANTINE ALEXANDER: Bring your case to them.

AMY SEMMES: Well, but I'd like to point out that he's being charged for having a tall basement which is a very wet space so there's --

CONSTANTINE ALEXANDER: Yes. We've had that kind of case before us before.

AMY SEMMES: That's the area that's counting before FAR.

CONSTANTINE ALEXANDER: It's unusable.

JON CHRISTOPHER SUMMERFIELD: It's unusable FAR and it's considerably wet basement space which I could never practically convert it to liveable space.

The relief that I'm seeking can be

granted without any way affecting the rights and privileges of any other area property owners without any, any negative affect on the rights and privileges of the city or of the general public. And with the expressed consent of the only two abutting property owners who could have any -- any objection, the area where the -- where the one story addition is proposed can only be seen from my abutters on the immediate south and north. It's invisible to anyone in front of the house and in and it's also invisible to anyone on the abutters to the east because of a 40-foot high double wall of trees that includes holly that are year round. So those are the terms or the description.

CONSTANTINE ALEXANDER: You covered the points you have to cover, very

good.

Questions from members of the Board?

(No Response.)

CONSTANTINE ALEXANDER: Okay.

There are no questions.

We do have letters of support which I'm going to get to in a second.

JON CHRISTOPHER SUMMERFIELD:

Okay, sir.

CONSTANTINE ALEXANDER: You've identified them, but I'm going to read them into the record.

JON CHRISTOPHER SUMMERFIELD:

Certainly.

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

Is there anyone wishing to be heard on this matter?

(No Response.)

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

As I mentioned, we are in receipt of two letters. One is from Frank J. Paolitto, P-a-o-l-i-t-t-o and his wife Diana. I presume his wife, Diana Paolitto. (Reading) I am the owner and full-time resident of 147 Lexington Avenue, the property that abuts on the south of Mr. Summerfield's residence at 153 Lexington Avenue. With regard to Mr. Summerfield's appeal to the Board under this case, I want to inform the Board that I have had an opportunity to discuss with Mr. Summerfield his plans for a one-story addition and to review the plans submitted to the Board and labelled BZA submittal set March 8, 2015. I have -- and I have no objection to these

plans.

The other letter is from Frances, that's c-e-s. I think it's pronounced. Gajewski, G-a-j-e-w-s-k-i 155 Lexington Avenue. And it's an identical letter, but it's signed obviously by Ms. Gajewski.

And that's all the commentary that we have in our file. Certainly no opposition. So I'm going to close public testimony.

Discussion by members of the Board? If people haven't seen the plans they're right here. All set for a vote?

The Chair moves that this Board make the following findings with regard to the Variance being sought:

That a literal enforcement of the provisions of the Ordinance would involve a substantial hardship to the petitioner.

Such hardship being that the petitioner and when in times of various inclement weather has problems getting into the rear of the house due to the design of the house when it was originally built. And therefore this impediment detracts in the ability to enjoy the premises.

That the hardship is owing to the shape of the structure, the way -- where the eaves are located and the location on the lot. That gives rise to the setback issues.

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

In this regard what is being proposed will improve the design of the



house, the inhabitability of the house. Those neighbors who might be affected by this have no objection to what is being proposed. In fact, they are in support of the relief.

So on the basis of all of these findings, the Chair moves that we grant the Variance being sought on the condition that the work proceed in accordance with plans -- a set of plans submitted by the petitioner, prepared by Amy Semmes.

AMY SEMMES: Semmes.

CONSTANTINE ALEXANDER: Semmes.

Dated March 8, 2015. The first page of which has been initialled by the Chair and is numbered A0.0.

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

(Aye.)

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

(Alexander, Sullivan, Myers, Best,  
Wernick.)

\* \* \* \* \*

(7:45 p.m.)

(Sitting Members Case #BZA-006447-2015:  
Constantine Alexander, Brendan Sullivan,  
Douglas Myers, George S. Best, Laura

Wernick.)

CONSTANTINE ALEXANDER: The Chair will call case No. 006447, 29 Brewster Street.

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

MAGGIE BOOZ: Hi, I'm Maggie Booz, B-o-o-z. I'm the architect for Trevor Hardy at 29 Brewster Street.

Do you want to introduce yourself, Trevor?

TREVOR HARDY: Trevor Hardy. Myself and my wife Isabelle bought the house in the last year and busy with some renovations and looking to move our family over there, hoping to move in towards the end of this year and be excited about being in Cambridge.

CONSTANTINE ALEXANDER: This is a

side by side house?

MAGGIE BOOZ: It's an attached house.

CONSTANTINE ALEXANDER: Attached house?

MAGGIE BOOZ: Yes.

CONSTANTINE ALEXANDER: And you're looking for a roof deck?

MAGGIE BOOZ: Yes.

CONSTANTINE ALEXANDER: And the other side already has a roof deck?

MAGGIE BOOZ: They do, yes. They do.

There are photographs there of, of the -- looking towards the neighbor's side. Because we're an attached house, we have obviously a zero lot line and we're, we're also a narrow lot. So we have the seven and a half foot setbacks is, you

know, seven and a half foot setbacks on the side yard setback requirement.

CONSTANTINE ALEXANDER: And there's really a doorway into where you want to have a deck?

MAGGIE BOOZ: There is, yes.

CONSTANTINE ALEXANDER: There must have been a deck there before or what?

MAGGIE BOOZ: I don't see evidence of a deck. There's a fire escape out there, you can see that.

CONSTANTINE ALEXANDER: Oh, that's right.

MAGGIE BOOZ: And I didn't -- you know, there's a rubber roof and there's a deck next-door. But I don't see that there was a deck. I don't know. I don't know what the situation was. And Historical didn't have anything on it.

So, we can build a deck by right along there, but it ends up being seven feet wide. And if you go back, if we go back as far as the neighbor does, back behind the chimney there, it's about -- her deck is about 17 and a half feet long. So we're just asking to go to that line. But we would end up with a seven foot long by seven -- seven foot wide by 17 and a half foot long deck, which is just kind of eccentric. So we're asking permission to go, to put our -- and it would be to the exterior of the roof. In other words, it would be to the driveway side where, you know, precipitous side. In other words, we wouldn't be allowed to build any deck up to her deck. So we're asking permission to build up to the zero lot line. And then --

CONSTANTINE ALEXANDER: The fire escape is going to go?

MAGGIE BOOZ: The fire escape is going to go, yeah. Yeah.

So we have -- there are two bedrooms on the third floor. Isabelle and Trevor have two little boys and those are their bedrooms. And really it's just sort of a matter of, it seems like the practical thing to do to put a railing around that whole area.

CONSTANTINE ALEXANDER: Especially if you have two young children on the second floor --

MAGGIE BOOZ: Exactly.

CONSTANTINE ALEXANDER: -- they open the door and off the side of the roof.

TREVOR HARDY: That's what we're

concerned.

MAGGIE BOOZ: We talked about putting a window there instead of the door, take away the fire escape. But, you know, then like you're just -- well, I mean, I have two boys.

DOUGLAS MYERS: Would you require a Variance to put a railing around the deck? Around the edge?

MAGGIE BOOZ: I think so. Yeah, I think so.

SEAN O'GRADY: Yes.

LAURA WERNICK: And the fire escape is not a required means of egress?

MAGGIE BOOZ: It's not, no. It's a single-family and we have -- you know, the door or window, we could make an egress window here but the door is egress to the exterior, you know, safety area.



So as long as we have a way out, out of the bedroom on the third floor, they don't require you to go to a deck. This one happens to have a flat roof outside of it.

LAURA WERNICK: And would your proposed railing match your neighbor's?

MAGGIE BOOZ: Yeah, it would. It's a square baluster railing and the whole idea is to try to make it as consistent as possible on that whole perimeter.

We have gone to the neighbors, you know, notified everybody that we were coming here, and I think a couple of people may have -- you may have letters in the file.

CONSTANTINE ALEXANDER: We have letters in the file. You should be aware, and we'll get to it in a second, a letter

of opposition.

MAGGIE BOOZ: There is?

CONSTANTINE ALEXANDER: A letter of opposition. We'll get to that.

MAGGIE BOOZ: Oh, okay.

DOUGLAS MYERS: Was your choice of size dictated by the desire to be of the exact same size of the neighbor's deck?

MAGGIE BOOZ: Yes, that's the reason.

DOUGLAS MYERS: And in fact that's the way it turned out approximately 13 feet by 17 feet?

MAGGIE BOOZ: Yes, yes. That's right.

CONSTANTINE ALEXANDER: Other questions from members of the Board?

(No Response.)

CONSTANTINE ALEXANDER: I'm going

to open the matter up to public testimony.

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

(No Response.)

CONSTANTINE ALEXANDER: Apparently not.

We are in receipt of several letters which I'm going to read into the file.

MAGGIE BOOZ: They didn't communicate with us.

CONSTANTINE ALEXANDER: I'm sorry?

MAGGIE BOOZ: They didn't communicate with us. I mean --

CONSTANTINE ALEXANDER:  
Understand.

First letter is from Elizabeth -- the first letter I'm going to read is from Elizabeth Halstead, H-a-l-s-t-e-a-d who resides at 25 Brewster

Street. That's your other side.

TREVOR HARDY: Yes, correct, yeah.

CONSTANTINE ALEXANDER: (Reading)

We are writing to because we cannot attend the Board's hearing in person. We want to put on record our support for this Variance request. As Mr. and Mrs. Hardy's neighbors sharing a driveway, we will have close together visibility to the proposed roof deck and railing and have no objection to this proposal. It will increase the safety of their children and increase the family's enjoyment of their property and therefore should be supported and approved.

We have a letter from Myra -- I'm going to read that last. That's the letter in opposition. Let's get the letters of support first.

A letter from Jean J-e-a-n Little,  
who resides at 35 Brewster Street.

(Reading) Like other perspective near  
neighbors of Isabel and Trevor Hardy, I  
live at the other end of the building, I  
support their proposal to construct a deck  
and railing on the roof of the two story  
part of their house. Since their  
immediate neighbor Linda Ditmar (phonetic)  
and their close neighbors at 25 Brewster  
Street Libby Halstead and Laurie Jones all  
support the Hardy's requested Variance, I  
urge you to approve it.

We have a letter from Linda Ditmar.  
(Reading) I am writing because I cannot  
attend the Board's hearing in person. I  
do want to put on record my strong  
support, that's in bold face, for this  
request. As Mr. and Mrs. Hardy's

immediate neighbor, I am the one most likely to be affected by this plan and yet I see no problem. Again, bold faced with it. In fact, my own townhouse unit already has such a deck built not by us but by the previous owners. Since it faces the back of the house, my deck is not visible from the street. It also does not violate any historic design and is not intrusive on the Highland Street neighbors who face my deck at the back of our townhouse. I feel strongly that Mr. and Mrs. Hardy should enjoy a similar possibility. In short, as an abutter, I strongly support their petition to construct a roof deck and railing on the existing flat roof over the second floor. I know that a door to the roof is already in place.

And then we have a letter of opposition. It is from Myra Gordon, G-o-r-d-o-n who resides at 22 Highland Street. I want to get to the location in a second. But the letter says: I am writing in opposition to the petition for 29 Brewster Street to be heard on -- tonight. Mr. and Mrs. Hardy are requesting a Variance to construct a deck on the second floor. It is our preference that they are not allowed to do that. They can certainly put up a railing to make the existing roof safe -- the existing door safe. There is no need to extend the area on the roof any larger than the minimum allowed by law. We do not want the privacy of our yard to be impacted in any way by any additional deck.

I just want to mention I think they misunderstand that you're going to extend the area on the roof any larger than the amount allowed by law.

More importantly, where is 22 Brewster Street?

MAGGIE BOOZ: I know exactly where her house is. I know where that house is.

CONSTANTINE ALEXANDER: I'm looking at the plan in here and it looks like --

MAGGIE BOOZ: They are officially abutters.

CONSTANTINE ALEXANDER: Are they?

MAGGIE BOOZ: On the zoning list.

CONSTANTINE ALEXANDER: They're abutters of abutters though?

MAGGIE BOOZ: Yes, abutters of abutters.



CONSTANTINE ALEXANDER: Because 22 is over here and you're over here.

MAGGIE BOOZ: Yeah.

CONSTANTINE ALEXANDER: So I'm having trouble seeing how they can even see your deck or can they?

TREVOR HARDY: No, they can't. There's also --

CONSTANTINE ALEXANDER: That's 22 Highland.

TREVOR HARDY: There's also a large row of trees. I think that's why Linda made the point that even to the people that's 15 Highland, the -- her deck is not intrusive because there are trees back there. So -- and I'm -- I may catch a vague glimpse in the distance through the trees, but I find it hard to believe that --

CONSTANTINE ALEXANDER: In the wintertime they can see more, but you're not likely to be using the deck that much in the wintertime either.

TREVOR HARDY: Yeah.

MAGGIE BOOZ: So could you just go back to the letter for a second?

CONSTANTINE ALEXANDER: Sure.

MAGGIE BOOZ: I just want to understand what they were saying. They would approve of a railing around the --

CONSTANTINE ALEXANDER: Yes. They said they can -- your client can certainly put up a railing to make the existing door safe. There is no need to extend the area on the roof any larger than the minimum allowed by law.

DOUGLAS MYERS: That could refer to what could be built as of right.

CONSTANTINE ALEXANDER: Yes, that's what I think it's referred to. But I think the question is not that they're going to extend the roof, they're just going to put a railing up on the roof that's there right now, correct me if I'm wrong.

MAGGIE BOOZ: That's correct.

CONSTANTINE ALEXANDER: And that railing causes a need for Zoning relief.

MAGGIE BOOZ: And it's short of the --

BRENDAN SULLIVAN: It's hard to decipher whether if their objection is on principle of granting the Variance --

CONSTANTINE ALEXANDER: Yes.

BRENDAN SULLIVAN: -- or if it's a practical objection that the other half of this has posed a problem in the past with

people congregating, noise, invasion of privacy, so on and so forth.

MAGGIE BOOZ: Right.

BRENDAN SULLIVAN: If that were the case, then I would look differently on this case. But if it's just on principle and it's hard to decipher exactly where the nature of that opposition is to put a railing around there, which they do not object to, then the space could be used as a deck, albeit without a platform, so that the end result would be the same.

CONSTANTINE ALEXANDER: Yes, exactly.

BRENDAN SULLIVAN: Maybe not as pleasant as, you know, walking on a rubber roof as opposed to a decking, but it still could be used for the same purpose. And it would look the same from the -- so that

that would belie their objection as far as invasion of privacy because it still could be used as a deck and would still require relief from the Board.

CONSTANTINE ALEXANDER: Right.

You touch upon an issue that -- not issue, but concern this Board always has with roof decks. We don't look with favor on them.

MAGGIE BOOZ: I think as soon as you say roof deck, that's exactly -- people have a --

CONSTANTINE ALEXANDER: And the reason is privacy, noise. So I was struck by the fact that there already is a roof deck there and nobody in the neighborhood is complaining other than 22 Highland. You would say one roof deck is bad enough, one more is too much.

MAGGIE BOOZ: I think probably because they come out of bedrooms, they don't naturally come out of any public part of the house. So going up through someone's bedroom and out on to the roof deck is probably not -- it's probably just not done very often.

CONSTANTINE ALEXANDER: You would be surprised how many roof decks that we see that are --

MAGGIE BOOZ: From bedrooms?

CONSTANTINE ALEXANDER: Yes.

MAGGIE BOOZ: Oh, really?

DOUGLAS MYERS: What is the surface of the roof area now?

MAGGIE BOOZ: It's a rubber roof.

DOUGLAS MYERS: So I mean as a practical matter, most people would be disinclined to use a rubber roof surface

for the purposes ordinarily associated with the deck without some sort of additional flooring of the type that is associated with a deck.

MAGGIE BOOZ: Primarily I would say because when you walk across rubber roofs, you risk puncturing them every time you walk on them which is why, you know, grocery stores and flat roof buildings have big pads that you can walk on out to the, you know, to service equipment and so forth.

DOUGLAS MYERS: Since this is a Variance, we're obligated to find a hardship. What is the hardship that requires the construction of this roof deck?

MAGGIE BOOZ: Well, the hardship is -- there is a roof deck allowed by

right which could go all the way to the back of the building, which we didn't do. We pulled it in. It's a good six feet in or so from the rear of the building because we just wanted to line it up with the other one. We thought it would look better. But we could build a roof deck out to the end of the building. We have plenty of room in the back with 35 feet or something from the rear yard setback. So we're fine back there. It's just that it would be awkwardly narrow because we would have to stay seven and a half feet away from the zero lot line, property line. So it would be about seven, you know, by right, we could build something seven feet wide and 24, 23 feet long. So we're asking for a Variance because we have an unusual situation in that that would put



the roof deck on the exterior part of the half of the roof that we would be allowed to build on. That is the part that's got the precipitous drop. So you have a roof deck that was capturing that door and, you know, going out the area of refuge, whatever, whatever you want to call it, out but along the drop off wall. So we just start asking for permission to do something that sort of normalizes it. And we have a -- I mean, owing to the lot size, it's a less than 50 foot lot. So it's an unusual lot size in the Zoning, for the Zoning District. In addition to the fact that the Zoning Ordinance doesn't take into account zero lot lines. It doesn't really adjust itself to accommodating a building that this -- an attached structure.

CONSTANTINE ALEXANDER: Not to be argumentive but to follow up on Doug's point, the right you're making, or grounds on the premises that you have a Constitutional right or it's a matter of right to have a roof deck --

MAGGIE BOOZ: Yes.

CONSTANTINE ALEXANDER: -- the answer could be is that just giving the structure you have, no roof deck or you live with this long narrow roof deck that you can build as a matter of right.

MAGGIE BOOZ: Right.

DOUGLAS MYERS: I'm troubled by the suggestion that the strongest argument is that you are trying to match the neighbor's roof deck. I don't see any justification for the Variance aside from that argument, and I mean it is an

argument in favor of symmetry, from an architectural point of view, but the argument, well, we were entitled to the Variance because we want to match the neighbor's roof but we're not intent to put a railing up by right and thereby come up with what is a fact, there is no neighbor roof deck 13-by-17 feet would be an extremely large roof deck in my experience on this Board. So I'm -- that gives me considerable pause for thought. Plus other things that I'll get to later.

MAGGIE BOOZ: Okay, so we're trying to create a situation wherein one can safely exit the building from a bedroom where children are sleeping and not have them be precariously perched on a roof deck that's over towards the edge of the roof. So we're asking for what we

think is a -- what I would have considered a very minimal request of using the entire roof for -- and, you know, encasing the deck with a railing that matched architecturally the rear of the other building and the side of the house. So, you know, the -- I mean, I can talk to you about the sort of attention of the use of the roof deck which is basically nothing. They have no intention of using it in any way for entertaining or anything like that. It was really just to say, okay, we've got this roof here, let's put decking on it, so they can -- so it can be walked on safely and we won't be creating this weird tunnel of a roof deck.

CONSTANTINE ALEXANDER: From my perspective, which convinces me is that you have a test case already. You have

the other deck. The other deck has not caused neighborhood problems that you worry -- that we worry about when it comes to roof decks.

MAGGIE BOOZ: Yeah.

CONSTANTINE ALEXANDER: And given that, given the fact that you do have a door to the roof anyway, strikes me as, you know, maybe we're pushing the envelope a little bit to grant you the relief in terms of the strict technicalities, but personally I don't get too worked up about it.

MAGGIE BOOZ: Well, I can't imagine that Trevor and Isabel want to move into a neighborhood and, you know, have parties on the roof deck, offend all their neighbors. They're not those people, they're not those people if those

people exist.

DOUGLAS MYERS: We can't judge the future.

MAGGIE BOOZ: I know.

CONSTANTINE ALEXANDER: The deck is there forever.

DOUGLAS MYERS: It's not part of record and we can't judge. I will say, and not to testify, but we are encouraged in the exercise of our professional capacity here to take a view of the premises, and I was able to gain access to the rear yard of 22 Highland Street today. And even though these are very large houses and imposing houses, the rear yard is not that -- the rear of the house at 22 Highland Street is not that distant from the rear of the house at 29 Brewster Street. And there is a -- and in my

experience there was a direct view from the line of the porch to the second story of the house at 29 -- 22 Highland Street. Plus a view down is the yard, it was admittedly screened by the trees that were there. In other words, I saw enough to satisfy me that the concerns of the neighbor were not far fetched, were not remote, but without saying, you know, that absolutely that they were valid, that there was something to them. And in addition -- I myself, as other Board members know, I take a critical view of a second floor deck. I see nothing prescinding from the neighbor's deck, even if considering this deck exclusively just by itself for what it is, it seems to me to be very typical of all -- to have the potential for all the drawbacks that are

typical of second story decks in a quiet single-family residential neighborhood. So I sound a different note from the Chair and I would like to state my feelings, my views for the record.

CONSTANTINE ALEXANDER: Good.

DOUGLAS MYERS: And to inform the applicant what they are.

MAGGIE BOOZ: Okay. I've too been in the yard of 22 Highland Street, not recently, but because of another case I was involved with in which they were objecting, because I know that they have a history of objecting to Variances. And I will say that they have -- I don't know what it -- you know, what the space of their backyard has to do with the argument against this roof deck except that they have ample open space on their site, a



large porch themselves on the rear of the -- I think you can go on the top of as a matter of fact, and I -- you know, if the porch that's nearer to them, which is this porch right here, has not bothered them and they don't make mention of it in their letter, then I can't see how one further away, which is the one that I'm representing tonight, could bother them more than this one.

LAURA WERNICK: How do you see it being used? How will the deck be used?

TREVOR HARDY: As Maggie said, it's coming off of one of two bedrooms on the third floor. My primary concern here is safety. And I'm actually an architect by background and I feel pretty strongly that this is the right thing to do for the building. I don't think it makes any

sense, as Maggie was saying, to build a long, narrow deck like this which would also need a handrail the whole way around. And I think it visually would be a lot more conducive.

LAURA WERNICK: You could do a seven-by-seven. I'm not sure just how you -- what are you using it for?

TREVOR HARDY: You know, maybe someone could go and sit out there and read a book in the afternoon. I certainly don't envision -- I mean, we share this party wall with the neighbor and we obviously are going to be very sensitive to our neighbor's needs. For us to -- there's absolutely no way for us to get any kind of -- if we were to, you know, want to go up there and have lunch, I mean, we'd be hiking up three floors

with whatever we wanted to have for lunch. So I think it would be -- I think the simple answer then is, you know, more of a passive use deck.

I personally have looked at it as a great opportunity to just get outside and enjoy some of the afternoon sun, and I certainly don't anticipate that we'll be throwing any wild parties up there. You know, and again, I do see this as my primary concern being -- making sure that given that the door is already there, how do I make this safe for our boys in the simplest and most effective way that's going to marry with the architecture of the existing building. And given what the neighbor did or the prior owners did, I think this is, you know, the most reasonable and elegant outcome for the

building's point of view.

MAGGIE BOOZ: So does it make a difference, the floor, you know, the floor surface? I mean if --

CONSTANTINE ALEXANDER: You're going to replace the floor surface?

MAGGIE BOOZ: If we put a railing up around the whole area so that it matched the neighbors's and so that it went along the edge of the roof and became something sort of architecturally viable, looked like it should be there, then -- but don't put a floor surface down, does that make any difference?

CONSTANTINE ALEXANDER: Not to me.

DOUGLAS MYERS: To me because then it's not a deck.

MAGGIE BOOZ: Because then anybody can walk out on the roof anyway, right?

It's just safer when you put a railing around it.

CONSTANTINE ALEXANDER: That's something that I think it's worth stressing, is the fact that you already have a roof deck, if you will. You have a door out there.

MAGGIE BOOZ: Yeah.

CONSTANTINE ALEXANDER: You have to deal with that door. I mean it's unless you want to board it up or do something. People are going to go on the roof and why not have something that's safe and I think architecturally pleasing is the way I look at it.

TREVOR HARDY: And, Mr. Chair, just to that point, that door, that glass door is the only way that this bedroom gets light. There's a smaller window that

runs down the side of that --

CONSTANTINE ALEXANDER: You couldn't board it up. It wouldn't make much sense.

TREVOR HARDY: We absolutely don't want to board it up. So I really do see this as the most simple, practical, and elegant way to marry what the neighbor has done with what we think is right to do and keep our boys safe at the end of the day. And, you know, I was surprised to hear the neighbor's objections. All of the -- you know, all of the neighbors that would be impacted by this I think far more significantly have all voiced their strong support. And, you know, maybe if -- I think noise or visibility was going to be a problem from the backyard, I would have expected maybe the folks directly across

from us on Highland to say, look, you know, we have an issue with this. And Laurie and Libby who I think, you know, it's most visible from their house, are fully in support of it as well. You know, if we had, you know, if we had received notification of the concern, I absolutely would have gone over and tried to explain what we're trying to do.

CONSTANTINE ALEXANDER: What Ms. Booz has suggested, I don't think it would have been much good. It sounds like these people --

MAGGIE BOOZ: I'm afraid that it may not have --

CONSTANTINE ALEXANDER: They don't want any changes. The law is what the law is, the Variance. That's a speculation. We shouldn't speculate.

TREVOR HARDY: Could I ask you a question just to clarify something in my own mind? So by right we could build some kind of a deck there anyway; is that right?

CONSTANTINE ALEXANDER: I have to study the plans. From what I gather your architect has said.

MAGGIE BOOZ: By right you could go with something that led all the way to the end and was this wide. From there. So not be on the seven and a half foot mark.

CONSTANTINE ALEXANDER: Once you can build something on there as of right, and then the noise issue and then the invasion of privacy is there. So it strikes me that if you can't solve that problem, then build something that makes



sense.

MAGGIE BOOZ: That's our feeling.

BRENDAN SULLIVAN: There's really two issues: There's a practical hurdle and a practical bar. The practical -- I mean, the legal hurdle aside, and I think Doug raises some very, very good salient points, but the practical, practicality of the situation for me is that they can do something as of right. I think it would be silly -- I don't think it's fair and reasonable to push them into that situation. And that the practicality of the situation is that if they did a railing, they could still use it as a deck and it would not be desirable to them. And I think that the practical solution is to make it compatible with the neighbor's next-door.

CONSTANTINE ALEXANDER: Yes.

BRENDAN SULLIVAN: And to me, that carries the day and over the legal issue even though it's very much salient. So I would support it as....

CONSTANTINE ALEXANDER: Any other comments or questions or are we ready for a vote?

Doug, are you all set?

DOUGLAS MYERS: Yes.

CONSTANTINE ALEXANDER: Okay. The Chair moves that we make the following findings with regard to the Variance being sought:

That a literal enforcement of the provisions of the Ordinance would involve a substantial hardship to the petitioner. Such hardship being is that effectively there is provision for a roof deck now

with a door that goes out, and that leads to safety issues in terms of the lack of railing or any kind of enclosure on this area from which the door leads.

That the hardship is owing to basically the nature of the structure itself, with this door that leads on to a second floor roof. That's somewhat unusual except to the extent of their neighbor, adjoining houses, I guess the same thing. And they, and they have a roof deck.

Why were they able to do it without any Zoning relief? To interrupt.

SEAN O'GRADY: I don't know if it's preexisting or --

BRENDAN SULLIVAN: I was going to ask that question but I didn't want the answer.

CONSTANTINE ALEXANDER: It just hit me right now when I heard it. But I think we know why.

BRENDAN SULLIVAN: That's why I didn't ask the question.

CONSTANTINE ALEXANDER: Didn't pull a Building Permit. That's why, anyway.

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

In this regard what is being done is to create a roof deck into something that's more architecturally pleasing and safer. And one that the neighbors most directly affected, not only affected, but most directly affected, do not oppose and

in fact is consistent with the roof deck from the other half, the adjoining house that sits with the zero lot line.

So on the basis of these findings, the Chair moves that we grant the Variance being sought on the condition that the work proceed in accordance with the plans prepared by Smart Architecture. They're numbered A-3.2 and A-3.3 and initialled by the Chair.

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

(Aye.)

CONSTANTINE ALEXANDER: Four?

(Alexander, Sullivan, Best, Wernick.)

CONSTANTINE ALEXANDER: One opposed?

(Myers.)

CONSTANTINE ALEXANDER: Variance  
granted.

\* \* \* \* \*

(8:15 p.m.)

(Sitting Members Case #BZA-006539-2015:  
Constantine Alexander, Brendan Sullivan,  
Douglas Myers, George S. Best, Laura  
Wernick.)

CONSTANTINE ALEXANDER: The Chair  
will call case No. 006530.

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

(No Response.)

CONSTANTINE ALEXANDER: The Chair

notes there is no one wishing to be heard.

The Chair is in receipt of a letter for -- the Board is in receipt of a letter from Mahmood Firouzbakht regarding this property. The letter reads: In connection with the Zoning application for 236 Walden Street, I respectfully request a continuance of this case to the Board's June 11, 2015, hearing. I was recently informed of certain concerns raised by neighbors regarding this application, and some additional time will be helpful to hopefully addressing such concerns in a satisfactory manner. The neighbors have indicated to me a preference for a continuance to the June 11th hearing at which time some or all will be available to attend. I appreciate the Board's accommodation to this request and look

forward to the upcoming hearing.

The Chair will move, unless people have any objection, I'm going move that we continue the case.

BRENDAN SULLIVAN: Is there anybody in the audience?

CONSTANTINE ALEXANDER: Yes, I should ask, thank you.

Is there anyone here wishing to be heard in this matter with regard to the continuance or otherwise?

(No Response.)

CONSTANTINE ALEXANDER: There is none. Thank you.

The Chair moves that this case be continued as a case not heard until seven p.m. on June 11th on the following conditions:

That the petitioner sign a waiver of



time for decision.

Has Mahmood done that yet?

SEAN O'GRADY: No.

CONSTANTINE ALEXANDER: Okay. We should get that from him.

That the posting sign be modified to reflect the new date and the new time. New date being June 11th, the time, seven p.m.

And that the sign be maintained to the 14 days required by our Ordinance.

Before I make the -- take the vote, you said something about re-advertising. Are they planning to re-advertise?

SEAN O'GRADY: They are re-advertising. This case will be withdrawn ultimately and there will be a new case on the schedule.

CONSTANTINE ALEXANDER: So we have

to keep this case alive until they withdraw.

Okay. On the basis of my motion which has the three conditions, I move that we continue the case until June 11th.

All those in favor please say "Aye."

(Aye.)

CONSTANTINE ALEXANDER: Five in favor.

(Alexander, Sullivan, Myers, Best, Wernick.)

(8:15 p.m.)

(Sitting Members Case #BZA-006552-2015: Constantine Alexander, Brendan Sullivan, Douglas Myers, George S. Best, Laura Wernick.)

CONSTANTINE ALEXANDER: The Chair will call case No. 0065532, 107 Hampshire Street.

Is there anyone here wishing to be heard on this matter? You're back.

ALONSO GUZMAN: Yes.

ANNE MARGARET FINN: The architect is supposed to be here.

ALONSO GUZMAN: We will do our best to represent ourselves.

CONSTANTINE ALEXANDER: At this time I don't see any letters of opposition from your neighbor.

ALONSO GUZMAN: We actually changed the --

THE STENOGRAPHER: Okay, can you please give us your name?

ALONSO GUZMAN: Yeah. My name is Alonso Guzman, G-u-z-m-a-n. A-l-o-n-s-o.

CONSTANTINE ALEXANDER: I should explain to my fellow Board Members except Brendan who was here. This property was

here a while back. They wanted to build an addition. They needed additional living space and that there was opposition from a neighbor because the addition would block their view, and after the neighbor was intractable and so you decided to withdraw your petition. You came back with a different proposal going down rather than up.

ALONSO GUZMAN: Yeah.

It's -- maybe you, Margaret, can explain a little bit better.

ANNE MARGARET FINN: We can do one bedroom in the basement and not go over the FAR, but to get the second one in we have to go over the FAR. And the house is very small and we need two bedrooms for our kids in the basement.

CONSTANTINE ALEXANDER: The impact

on the neighborhood is next to nothing because you're going down, and I mean it's not like you're going to intrude on anyone else's property. But you are going over the FAR that's what you point out, that's why you're here before us.

ANNE MARGARET FINN: Yes.

DOUGLAS MYERS: Looking at the plans I have one question, I would just be interested in your thought process as they were reflected ultimately in your plans. Why is it that you chose to have a bathroom for each bedroom in the proposed basement rather than have community one bathroom downstairs that would serve both bedrooms?

ANNE MARGARET FINN: Because it's a boy and a girl teenagers.

ALONSO GUZMAN: Yeah, we're

waiting for the bathroom, you know. It can be torture.

CONSTANTINE ALEXANDER: How many bedrooms are upstairs?

ANNE MARGARET FINN: It's like two and a half, because one of them is really small and it's not heated.

CONSTANTINE ALEXANDER: So the upstairs, you have -- I assume these are your children right here. So upstairs would be just for you guys?

ANNE MARGARET FINN: Yeah.

ALONSO GUZMAN: Yeah.

BRENDAN SULLIVAN: I can think of two words: Domestic tranquility.

CONSTANTINE ALEXANDER: Yeah, I figured that out.

ALONSO GUZMAN: Exactly.

CONSTANTINE ALEXANDER: Also out

of sight out of mind. I don't have any questions.

Anybody else have any questions at this point?

DOUGLAS MYERS: I asked mine.

CONSTANTINE ALEXANDER: Yes, you asked yours.

I'll open the matter up to public testimony.

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

PAUL SUSSMAN: I'm a neighbor. I just want to support their petition.

CONSTANTINE ALEXANDER: Give your name and address.

PAUL SUSSMAN: Paul Sussman (phonetic), 99 Hampshire Street. Okay, I just wanted to support their petition.

CONSTANTINE ALEXANDER: Thank you

for taking the time to come down. That's all for public testimony. There are no letters in our file. There's your architect. Better late than never.

ANNE MARGARET FINN: We got in on time.

CONSTANTINE ALEXANDER: Your clients have made an eloquent presentation already. If you want to add anything, feel free.

CAROL MARSH: Fabulous people. Would you like to see even more drawings? No.

CONSTANTINE ALEXANDER: Okay, I'm going to close public testimony unless, I'm serious, do you want to address the Board, feel free.

I'm going to close public testimony. Discussion or ready for a vote?



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

That a literal enforcement of the provisions of the Ordinance would involve a substantial hardship. Such hardship being, and that this is an old, small -- an older home that has limited living space, and for those -- for the petitioners who live in this building and wish to stay in the neighborhood, they have a strong need for additional living space.

That the hardship is owing to the basically the shape of the structure. Its smallness.

And that relief may be granted without substantial detriment to the public good or nullifying or substantially

derogate from the intent and purpose the Ordinance.

In this regard the Chair would note that what is being proposed will increase the inhabitability of the structure, which in turn improves the housing stock of the City of Cambridge which is a desired goal of our Board and of the City Council.

And that there is no neighborhood opposition to going down.

So on the basis of these findings the Chair moves that we grant a Variance on the condition that the work proceed in accordance with the plans prepared by Helios. They're two pages in number, A1.0 and A2.1, both of which have been initialed by the Chair.

Before we take the vote I just want to be clear because you don't appear

before us often. These are the final plans? Because if you modify them, you're going to have to come back -- your clients are going to have to come back before us. You're comfortable that this is it?

CAROL MARSH: Can I take a quick glance of what is in front of you?

CONSTANTINE ALEXANDER: Sure.

CAROL MARSH: That's correct.

CONSTANTINE ALEXANDER: Okay.

Therefore, I just made the motion with the condition. All those in favor please say "Aye."

(Aye.)

CONSTANTINE ALEXANDER: Five in favor. Granted.

\* \* \* \* \*

(8:30 p.m.)

(Sitting Members Case #BZA-006586-2015:

Constantine Alexander, Brendan Sullivan, Douglas Myers, George S. Best, Laura Wernick.)

CONSTANTINE ALEXANDER: The Chair will call case No. 006586, 27-29 Glenwood Avenue.

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

RON WYMAN: My name is Ron Wyman. I'm the owner of the house.

AMY SEMMES: My name is Amy Semmes, S-e-m-m-e-s, 120 Auburn Street, Medford, Mass., architect.

CONSTANTINE ALEXANDER: Okay, you want some Variances?

AMY SEMMES: Yes. We -- I'm hoping you will consider them.

CONSTANTINE ALEXANDER: Well, consider them, whether you get them is

another question. But we'll consider them.

AMY SEMMES: Ron has just recently bought a house in this two-family house in Cambridgeport.

CONSTANTINE ALEXANDER: I'm sorry to interrupt you so quickly. Is it already an existing two-family? It doesn't look like a two-family from the outside.

RON WYMAN: Yes.

AMY SEMMES: It's a large two-family and it's in very decrepit condition.

CONSTANTINE ALEXANDER: Yes, it is.

AMY SEMMES: So it's a big project to take on. But he's taking it on. And some of the things that have to be changed

because of the decrepit condition of the house is first off, the entry porch needs to be restored. It was ripped off the house because there were ants at some previous time. I think your packets have better pictures maybe than these that you can --

CONSTANTINE ALEXANDER: This is the garage.

AMY SEMMES: -- that you can take a peek in.

The house originally had a front porch with a deck above. There's still a door up on the, you know, facing the street on the second floor that leads to nothing now. So -- but the house is so close to the street, the front setback is so small that even to restore the former porch, we need a Variance for that work

and it's Ron's intent to --

CONSTANTINE ALEXANDER: Once you tore, not you, but the prior owner tore it down, then you're back to build a new house and you have problems with the front yard.

AMY SEMMES: So our -- there is almost an identical, a house with a different roof line but otherwise the same, and essentially identical porch design and one of the houses next-door that we will be restoring. And the other one's similar. The house, the other side also --

CONSTANTINE ALEXANDER: Are you going to occupy one of the units in this building?

RON WYMAN: Yes. I just sold my -- I used to live on Pearl Street and I

sold that and now I just finally got moved back. Yeah.

CONSTANTINE ALEXANDER: Around the corner?

RON WYMAN: Yeah, moving back.

AMY SEMMES: The other aspect of the property is that it has this large very decrepit three bay garage that takes up almost the entire backyard that we're frankly amazed it survived the winter. Ron was out there propping it up.

RON WYMAN: I had to have it propped up and a tarp thrown over to get through the winter.

AMY SEMMES: So our hope is to demolish this building and replace it with a smaller garage. That garage is actually already in the side and back setbacks closer than the five feet that's allowed,



but I think because the driveway is tight quarters enough, our petition is to put the back and side wall of the garage in line where it is now which is three or three and a half feet.

LAURA WERNICK: Three and a half. 3.3 in the back.

AMY SEMMES: Yes, three and a half in the side and 3.3 in the back. We're trying to hold the building wall where it is. Now people are used to it. It just gives us a little bit more maneuvering room.

CONSTANTINE ALEXANDER: It will be a two car garage now?

RON WYMAN: Yes. And that allows us to pull two cars up so they're not completely in tandem if we can keep it where it is.

CONSTANTINE ALEXANDER: Yes.

And also the rear porch, tell us about the rear porch.

AMY SEMMES: There's currently a very sad sack rear porch on the building that's sort of got a big notch out of it, where the entry staircase goes. I think the reason for this configuration was because they were trying to keep access to that third garage bay, making it really, really tight back there. So -- and it's in really crummy shape. So what Ron is hoping to do is demolish this porch and build another one that will essentially square off the volume. And as is similar to the front porch, I have a roof deck on top for the use of the second store -- second upper unit of the two family.

The way these sort of Zoning statistics of those three requests compile is that --

CONSTANTINE ALEXANDER: Your FAR issues, you're already non-conforming and you're going to make it a little bit more non-conforming.

AMY SEMMES: Yes, we are.

CONSTANTINE ALEXANDER: You're at 0.850 to -- you're going to 0.885 and you're --

AMY SEMMES: We're supposed to be at 0.6.

CONSTANTINE ALEXANDER: Right. It's substantially over already.

AMY SEMMES: It's substantially over already. But we would also like to point out that we are improving the garage and the back -- open space in the back.

We are, that's -- obviously doesn't affect the FAR calculation, but it definitely affects the bulk of buildings on the site and how it feels.

CONSTANTINE ALEXANDER: And your front yard setback, as you pointed out for the restoration of the front deck, front porch.

AMY SEMMES: Yes. We -- which I think historically it's a correct move for the house.

RON WYMAN: And on the city website the picture of the house is still shows the --

AMY SEMMES: It still shows the --

CONSTANTINE ALEXANDER: The old --

AMY SEMMES: Yeah, that's actually in here. Well, I have black and white pictures that aren't very, you're not

going to be able to see them anyway.

That's the guts of the proposal.

Any questions? Part of it also  
involves --

CONSTANTINE ALEXANDER: That's my  
line. Any questions from Members of the  
Board?

AMY SEMMES: The far side of the  
building away from the garage is all in  
the setback, and because we're doing a  
sort of a gut renovation, we are wanting  
to move some windows and add a couple of  
windows. We're adding a basement window  
and then we're moving three windows.

CONSTANTINE ALEXANDER: You have a  
Special Permit.

AMY SEMMES: And that has to fall  
under the Special Permit category as a  
part of the request.

DOUGLAS MYERS: Question?

CONSTANTINE ALEXANDER: Yes.

DOUGLAS MYERS: The pictures in the file comparing the previous front porch with the existing condition and the front door are very potent for making your case. But I wanted to ask, the new front porch as you propose it in your plans, is that going to occupy the exact same space, place, and dimensions as the previous front porch?

AMY SEMMES: Yes.

DOUGLAS MYERS: More or less exactly?

AMY SEMMES: More or less exactly. I mean, we can actually see where the -- for instance, you see where the railing was ripped off? It doesn't -- we're not going to push all the

way to the corner. We're going to keep that little setback so that the porch doesn't stick too far out passed the bunker. And then on the other side it just folds into the corner.

LAURA WERNICK: So you showed the window. The photos of the other houses with similar porches, are they --

AMY SEMMES: Yes.

LAURA WERNICK: -- is the front plane of those houses -- the front plane of the porches of those houses approximately where the front plane of your porch --

AMY SEMMES: Yes.

LAURA WERNICK: -- is uniform down the street?

AMY SEMMES: Yes.

RON WYMAN: The three houses are

essentially the same just different roof lines.

LAURA WERNICK: And you have the same front porch line?

AMY SEMMES: Yes.

LAURA WERNICK: Without your front porch you're the missing tooth?

AMY SEMMES: Yes. There's actually -- there's an entry deck left over, and so we can see exactly where the old porch was. It's just a front door is all barred and....

CONSTANTINE ALEXANDER: Other questions from members of the Board?

LAURA WERNICK: How wide will your garage be? The old one is 24 feet.

AMY SEMMES: The footprint of the garage is going to be 24, 4 by 20 foot, 6 feet. 24, 4 is the width, it's --



LAURA WERNICK: So it's the same size as the existing?

RON WYMAN: No, smaller.

LAURA WERNICK: Sorry.

RON WYMAN: About 25 percent smaller.

AMY SEMMES: The garage was 30 foot, 2 inches by 20 foot, 10. So we're chopping six feet at least off of it.

LAURA WERNICK: Okay.

RON WYMAN: And the big intention of that is to have a bigger backyard.

CONSTANTINE ALEXANDER: A bigger garden.

RON WYMAN: Right.

CONSTANTINE ALEXANDER: Other questions from Members of the Board?

(No Response.)

CONSTANTINE ALEXANDER: I'll open

the matter up to public testimony.

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

RON WYMAN: There were -- several of the neighbors sent e-mails.

CONSTANTINE ALEXANDER: I'll get to that. First we ask if anybody wants to speak. And the Chair would note that no one wishes to be heard.

The Chair would report that we are in receipt of e-mails. There is one e-mail from Denise and Ben Thompson at 33 Glenwood Ave. (Reading) We are the resident owners and westerly abutters of 27-29 Glenwood Ave. Mr. Wyman has shown us the drawings of the proposed renovations and we are in support of all proposed renewals and changes and are happy that the house is being brought back

to life, particularly the front porch which has been sorely missed for years.

And then we have another e-mail signed by a number of residents, Sarah Hickler, H-i-c-k-l-e-r, 30 Glenwood Ave., unit 1; Darcy Hoytt, 30 Glenwood Ave., unit 2; Julie Anathan, A-n-a-t-h-a-n/Terry Strangel S-t-r-a-n-g-e-l, 30 Glenwood Ave.,unit 3; Chi, C-h-i-Fong, F-o-n-g Wang and Karen Davie, D-a-v-i-e, 28 Glenwood Avenue, unit 1; Gregory Jordan and Sofie McKinley, 28 Glenwood Ave.,unit 2; and Kim Wilson, 28 Glenwood Ave., unit 3. And their e-mail reads as follows: We the resident owners of 28-30 Glenwood Avenue, Cambridge, have reviewed the plans submitted by Louis Ron Wyman for 27-29 Glenwood Avenue, and approve all renovations and improvements to the

property as outlined in the plans. We unanimously support the appeal for a Variance to build a front porch, replace the back porch, and deteriorating garage. We are especially supportive of the appeal for the replacement garage to remain in its present location to accommodate more room for off street parking thus relieving potential congestion of on street parking on Glenwood Avenue.

And then last, we have an e-mail from Carol O'Hare, well known to this Board, who resides at 172 Magazine Street, the corner of Glenwood Avenue. (Reading) We reside one house away from this property which has been let go for sometime. The front porch restoration has been a work not in progress for some years. The three car garage is in very

bad shape, etcetera. The new owner, Ron Wyman, has described the project and has shown us his architect's plans. Based on this information, we felt that the proposed project will bring the property back up to snuff. The front porch will be restored within its pre-existing setback, and the rebuilt garage to be located within the former setbacks, will be smaller than the existing garage. We, therefore, support your granting this Zoning relief. That's it.

Any final comments?

(No Response.)

CONSTANTINE ALEXANDER: You don't have to.

Okay.

LAURA WERNICK: I just have a question about --

CONSTANTINE ALEXANDER: I just closed public testimony. Okay, now discussion by Members of the Board. Go ahead.

LAURA WERNICK: The trash enclosure?

RON WYMAN: That's going.

LAURA WERNICK: That's going? Okay.

RON WYMAN: Yeah.

CONSTANTINE ALEXANDER: Anything else?

Okay, let's move to votes. We need two votes, one for the Variance and one for the Special Permit.

The Special Permit being to relocate the windows in a setback, non-conforming setback.

With regard to the Variances, a

literal enforcement of the provisions the Ordinance would involve a substantial hardship to the petitioner. Such hardship being is that the build is now in poor condition, and without changing the nature of the use, i.e. two family, this will upgrade the quality of the structure and, therefore, improve the streetscape in this area.

The hardship is owing to the shape of the structure. Given where it's located with the missing front porch too close to the front lot line, and the fact that it's already a non-conforming structure. Therefore, any additions in terms of additional space would require Zoning relief.

And the relief may be granted without substantial detriment to the

public good or nullifying or substantially derogating from the intent and purpose of the Ordinance.

In this regard the Chair would note that we have unanimous neighborhood support and in one more example of an improvement to the housing stock of the City of Cambridge.

So, therefore, I move that we grant the Variance on the condition that the work proceed in accordance with two sets of plans prepared by Amy Semmes. Does it have a date on it? Dated March 30, 2015, and May 8, 2015, one set of -- both which are initialed by the Chair; one relates to the garage and one relates to the modification of the main structure.

All those in favor of granting the Zoning relief in favor of this motion



please say "Aye."

(Aye.)

CONSTANTINE ALEXANDER: Five in favor.

(Alexander, Sullivan, Myers, Best, Wernick.)

CONSTANTINE ALEXANDER: On to the Special Permit. This relates to the windows.

That the Chair moves that we make the following findings:

That the requirements of the Ordinance cannot be met except by virtue of a Special Permit, given the fact that the windows will be relocated in a non-conforming setback.

That the traffic generated or patterns of access or egress will not cause congestion, hazard, or substantial

change in established neighborhood character.

And that no nuisance or hazard will be created to the detriment of the health, safety -- no, I skipped one. The continued operation or development of adjacent uses will not be adversely affected by what is proposed. In this regard neighbors in the area who might be affected by privacy issues given the new window locations are in support of the relief being sought.

That no nuisance or hazard will be created to the health, safety, and welfare of the occupant or the citizens of the city.

And that what is being proposed with regard to the relocation of windows will not impair the integrity of the district

or adjoining district or otherwise  
derogate from the intent and purpose of  
the Ordinance.

On the basis of these findings the  
Chair moves that we grant the Special  
Permit being sought on the condition that,  
again, the work proceed in accordance with  
the plans referred to with regard to the  
Variance that we granted.

All those in favor please say "Aye."

(Aye.)

CONSTANTINE ALEXANDER: Five in  
favor. Good luck.

(Alexander, Sullivan, Myers, Best,  
Wernick.)

\* \* \* \* \*

(8:45 p.m.)

(Sitting Members Case #BZA-006619-2015:  
Constantine Alexander, Brendan Sullivan,  
Douglas Myers, George S. Best, Laura  
Wernick.)

CONSTANTINE ALEXANDER: The Chair

will call case No. 006619, 7 Malcolm Road.

Is there anyone here wishing to be heard on this matter? You want a monstrous set of relief, right?

GEORGE FINN: We do, exactly.

It's listed as 12 inches and the point of fact is seven and a half inches. But to raise the porch roof to match the existing roof line. And one of the neighbors was unable to --

CONSTANTINE ALEXANDER: We have a number of letters from neighbors.

Okay, why don't you explain just briefly for -- at length if you wish why you're here tonight.

DOUGLAS MYERS: Have you introduced yourself to the stenographer?

CONSTANTINE ALEXANDER: Oh, I'm sorry.

GEORGE FINN: I'm sorry. I'm George Finn owner of No. 7 Malcolm Road. And this is my mother.

BRENDA FINN: I'm Brenda Finn. I own the first floor and my son and his family own the second floor.

GEORGE FINN: We're -- the Variance is to raise the porch roof which is a shed dormer roof, 12 inches -- eight inches in fact. But 12 inches is the Variance to match the roof line of the existing roof line of the home.

CONSTANTINE ALEXANDER: You rebuilding the front porch below?

GEORGE FINN: We are entirely. Correct, yes.

CONSTANTINE ALEXANDER: Same dimensions as --

GEORGE FINN: Exactly as it stands

now. There's insufficient barrier in the earth. There's no poured concrete forms. It rests on nothing really, and it's -- the porch is falling off the home.

BRENDA FINN: It's going down.

CONSTANTINE ALEXANDER: Is it settling?

GEORGE FINN: Dramatically.

CONSTANTINE ALEXANDER: So the second floor much less than 12 inches? Well, now you're moving it up.

GEORGE FINN: I had that conversation many times with Zoning Board. I can't tell you where it originally was. It might have originally been where I'm proposing to place it, but it's not there now.

CONSTANTINE ALEXANDER: Questions from Members of the Board?

(No Response.)

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

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

(No Response.)

CONSTANTINE ALEXANDER: Certainly no one wishes to be heard.

We are in receipt of a number of letters most of which are handwritten so I might have trouble reading them, but I'll do the best I can.

We have a letter from Sue Hirsh, H-i-r-s-h and Charles Glick who reside at 16 Malcolm Road. (Reading) We understand that our neighbor George Finn of 7 Malcolm Road is seeking a Variance that would allow him to raise his porch roof 12 inches. We live across the street from



George and his family and support his request.

A letter from someone whose name I can't read, but resides at either 9 or 7.

GEORGE FINN: No. 9.

CONSTANTINE ALEXANDER: No. 9.

It's 9 Malcolm Road. (Reading) I am George's neighbor and I understand the project as described. I approve of the work to be done as a neighbor.

A letter from a resident Paul Doyle at 3 Malcolm. (Reading) Please accept this note as evidence of my support for the Variance applied for by George Finn and Brenda Finn at 7 Malcolm Road. I believe the project will be a property improvement. It is also worth noting that George Finn is a good community neighbor -- good community member, and he

helped me clear my snow this past winter.  
Good for you.

And --

LAURA WERNICK: Bribery.

DOUGLAS MYERS: Strong  
recommendation.

CONSTANTINE ALEXANDER: Another  
one, last name is Murphy. I can't read  
the first name. I'm not sure of address.  
(Reading) I approve of porch, a room being  
raised 12 inches at 7 Malcolm Road.

I guess the person resides at 3  
Malcolm Road. Murphy is the last name?

GEORGE FINN: Correct. They're  
above the other recommender.

CONSTANTINE ALEXANDER: And last  
but not least a letter from Jenny Monroe  
and Douglas Gray, G-r-a-y. (Reading) We  
support George Finn with -- these folks

reside at 14 Malcolm Road. (Reading) We support George Finn and Brenda Finn's Variance application. We understand that they will be raising the porch roof 12 inches.

And that's it.

Do we have plans in here?

GEORGE FINN: I did not bring them, but I was hoping that they were included.

CONSTANTINE ALEXANDER: We should have one in the file. Yes, one page.

GEORGE FINN: Uh-huh. There might be a page behind it. There's a front and then a side elevation as well.

CONSTANTINE ALEXANDER: There's at least one more. You're right, two.

Okay, I'm going to close public discussion.

Any discussion or questions from  
Members of the Board? Ready for a vote?

Okay, the chair moves that we make  
the following findings with regard to the  
Variance being sought:

That it a literal enforcement of the  
provisions of the Ordinance would involve  
a substantial hardship to the petitioner.  
Such hardship being that he will not be  
able to improve the structure of his front  
porch that has been in deteriorating  
condition.

That the hardship is owing to the  
location of the structure on the lot.

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

On the basis of these findings the Chair moves that we grant the Variance being sought on the condition that the work proceed in accordance with two pages of plans; they're numbered A1.1 and A2.1, prepared by Architect's Team and initialled by the Chair.

All those in favor please say "Aye."

(Aye.)

CONSTANTINE ALEXANDER: Five in favor.

(Alexander, Sullivan, Myers, Best, Wernick.)

GEORGE FINN: Thank you very much.

LAURA WERNICK: Good luck.

GEORGE FINN: Thank you. Have a good night.

\* \* \* \* \*

(9:00 p.m.)

(Sitting Members Case #BZA-006583-2015:  
Constantine Alexander, Brendan Sullivan,  
Douglas Myers, George S. Best, Laura  
Wernick.)

CONSTANTINE ALEXANDER: The Chair  
will call case No. 006583, 32 Creighton  
Street.

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

KAMRAN RASTEGAR: Good evening.  
My name is Kamran Rastegar and this is my  
wife Christine Bustany and we're here with  
the architect Anthony Sparandara. We're  
here to have an application for a Variance  
which is part of a larger renovation  
project in the house.

The property is one that we

purchased a few months ago and we're just sort of getting started with renovation. The house has been in very poor repair for many years. It was owned by the same family for about 80 years and not very much was done to it. And so we're undertaking a pretty thorough renovation, we hope, of the property.

And so the variance permit pertains to a very small part of the larger renovation. It's fairly modest part of that renovation. And it's, it involves a very small increase in the square footage of the house. I believe it's something along the 1.5 percent FAR increase.

As I said, this increase specifically located in the back bedroom on the second floor. It's rather small room. It's about eleven by twelve feet,

and we're hoping to just push that wall back within the footprint of the house just to kind of to line it up with the lower wall, the lower foundation of the house when the renovation is completed. This is, you know, requested for mainly for functional reasons from our perspective that will become much more functional for us. As you see, we have a growing family and we wanted to be able to make use of that room as a bedroom. It's a small room and it will make it into a medium size room is what we're hoping to do.

Also, you know, we would think that this small increase allows us to improve the house overall within a specific design that we've come up with with our architect, and so we would hope that it



also has a kind of benefit to the community in terms of handsome aesthetics of the house that's in need of repair for sometime.

We just note that also this change that we're requesting would put the house actually into kind of a correspondence with the neighboring house which is a very similar expansion that had been carried out in the 1980s. And actually the owners of the house 28 Creighton Street were before this Board just about a month ago to ask the Board --

CONSTANTINE ALEXANDER: To enclose a screened room?

KAMRAN RASTEGAR: Yeah.

CONSTANTINE ALEXANDER: Your house is a condominium.

KAMRAN RASTEGAR: It's a

condominium.

CONSTANTINE ALEXANDER: How many units?

KAMRAN RASTEGAR: Two.

CONSTANTINE ALEXANDER: Two?

KAMRAN RASTEGAR: They're double deckers to each other and each is a condominium of two. We share interests on the driveway and parking with folks on the other house next-door, but they're not in the condominium with us.

And so we've, we've reached out to all the neighbors in that kind of little enclosure, the shared parking lot.

Everyone has expressed support. We have signatures and a statement to that effect. Our condominium people, the condominium with us, are also supportive. And we were able to reach out to one of the back

abutters. There are two houses, two properties that are abutting on the back, one of them has expressed support. The other one, the address was in Austin, Texas and I wasn't able to get in touch with the owner of that unit. We haven't had the chance to sort of inform him.

So, I think that, you know, just again as a summary, it's fairly minor. We were thinking fairly modest increase to enhance the quality of the house for us quite a bit and we hope that it also contributes to kind of the general improvements with the neighborhood.

We're happy to answer any questions and of course our architect is here also.

CONSTANTINE ALEXANDER: Questions from Members of the Board?

(No Response.)

CONSTANTINE ALEXANDER: No questions.

There's anyone in the audience that wants to be heard in this matter?

(No Response.)

CONSTANTINE ALEXANDER: There's no one in the audience.

We are in receipt of a letter from -- I'll read it. It's an entitled statement of condominium member support. (Reading) We the undersigned John Grady and Tasair, T-a-s-i-a-r Lauve, L-a-u-v-e are members of the condominium association of 32-34 Creighton Street, Cambridge, Mass., and owners of 34 Creighton Street. We have reviewed the renovation plans of unit 32 which include a request for a Variance permit for a modest expansion of a second floor rear bedroom. We support

the applicants in their application for this Variance permit.

Excuse me, I have a question. Is that -- are there other condominium members who haven't signed this who supports your need?

KAMRAN RASTEGAR: No. That's the only condominium.

CONSTANTINE ALEXANDER: That's the one question that we ask when people want to modify a condominium is that has your association approved it?

KAMRAN RASTEGAR: Make sure everyone's on board. Yes, and they have.

CONSTANTINE ALEXANDER: Thank you. That's all we have.

KAMRAN RASTEGAR: And would you like to have a copy of this letter with the abutters' signatures?

CONSTANTINE ALEXANDER: The Chair would note that we are in receipt of a letter multiple -- signed by the residents at 28 Creighton Street, 26 Creighton Street, and 39-44 Regent Street. These are abutters to 32 Creighton Street.

(Reading) We the undersigned are neighbors and/or abutters of 32 Creighton Street.

We have been informed of the renovation plans to that property which includes work that requires a Variance permit from the Board of Zoning Appeal and hereby state that we support the proposed renovations of that property as well as the application for a Variance permit as outlined in the attached drawings.

And what are attached are the drawings that you've submitted in connection with your application.

KAMRAN RASTEGAR: Yes.

CONSTANTINE ALEXANDER: And which we will reference in our decision.

KAMRAN RASTEGAR: Okay.

CONSTANTINE ALEXANDER: And that's all we have.

Any questions from Members of the Board? Ready for a vote?

DOUGLAS MYERS: First I was a little concerned about the effect of the addition possibly and not making your building asymmetrical in its two units from the rear. But your point about your neighbor's building is well taken. And although I think its modifications are not going to be identical to yours, they're going to be substantially similar, and as a result, even though the two buildings taken together will be in a way

symmetrically, asymmetrical because the rear, other rear unit will not be built out, but two buildings, two units across the driveway will be symmetrical and I was satisfied with that.

KAMRAN RASTEGAR: It's fortuitous.

DOUGLAS MYERS: Compatible, yes.

KAMRAN RASTEGAR: Yes, thank you.

CONSTANTINE ALEXANDER: Any other questions or comments from Members of the Board?

(No Response.)

CONSTANTINE ALEXANDER: We're ready for a vote.

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

That a literal enforcement of the provisions of the Ordinance would involve



a substantial hardship to the petitioner. Such hardship being that the petitioner needs additional living space for -- the petitioners for their growing family.

That the hardship is owing to the shape of the structure, which right now is non-conforming and therefore requires any relief, any modification to the structure that requires Zoning relief.

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

In this regard the Chair would note that the relief being sought is rather modest. It has the support of the condominium association and abutters. And has no impact on the city beyond the

people who are in support of the petition.

So on the basis of these findings, the Chair moves that we grant the Variance being sought on the condition that -- stop right here. We're going to tie it to these plans that were submitted.

These are final plans, because if you modify them, you're going to have to come back before us. Sometimes people don't realize it.

KAMRAN RASTEGAR: We understand.

CONSTANTINE ALEXANDER: On the condition that the work proceed in accordance with the construction plans submitted by the petitioner, multiple pages in length, each of has been initialed by the Chair.

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

(Aye.)

CONSTANTINE ALEXANDER: Variance  
granted. Good luck.

(Alexander, Sullivan, Myers, Best,  
Wernick.)

(Whereupon, at 9:10 p.m., the  
Zoning Board of Appeals  
Adjourned.)

\* \* \* \* \*

**ERRATA SHEET AND SIGNATURE INSTRUCTIONS**

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

**INSTRUCTIONS**

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

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

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

**COMMONWEALTH OF MASSACHUSETTS  
BRISTOL, SS.**

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

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

**IN WITNESS WHEREOF**, I have hereunto set my hand this 27th day of May, 2015.

---

Catherine L. Zelinski  
 Notary Public  
 Certified Shorthand Reporter  
 License No. 147703

My Commission Expires:  
 April 29, 2022

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**#BZA-006097-2015**

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**#BZA-006157-2015**

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**#BZA-006447-2015**

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[1] - 119:2

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**0.439** [1] - 22:14

**0.448** [1] - 22:16

**0.474** [1] - 22:15

**0.6** [1] - 94:2

**0.850** [1] - 93:18

**0.885** [1] - 93:18

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**006447** <sup>[1]</sup> - 33:7  
**006496** <sup>[1]</sup> - 20:8  
**006530** <sup>[1]</sup> - 74:7  
**0065532** <sup>[1]</sup> - 78:7  
**006583** <sup>[1]</sup> - 119:7  
**006586** <sup>[1]</sup> - 87:7  
**006619** <sup>[1]</sup> - 110:7  
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