

BOARD OF ZONING APPEAL
FOR THE
CITY OF CAMBRIDGE

GENERAL HEARING

THURSDAY, AUGUST 11, 2016
7:00 p.m.

in

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

Constantine Alexander, Chair
Brendan Sullivan, Vice Chair
Patrick Tedesco, Member
Douglas Myers, Associate Member
Laura Wernick, Associate Member

Sean O'Grady, Zoning Specialist

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PROCEEDINGS

(7:05 p.m.)

(Sitting Members: Constantine Alexander, Brendan Sullivan, Patrick Tedesco, Douglas Myers, Laura Wernick.)

CONSTANTINE ALEXANDER: The Chair will call this meeting of the Zoning Board of Appeals to order. And at the outcome, I'm going to recommend that this Board go into Executive Session to discuss pending litigation, specifically Richard D. Fanning versus Constantine Alexander, et al Land Court Docket No. 144847462/RBF. It's necessary to go into Executive Session because our discussion about this pending litigation, it could have an adverse -- a detrimental effect on our ability to talk about this case.

So I move that we go into Executive Session. And I'm going to take a roll call vote by person.

All those in favor of going to Executive Session?

(Show of hands.)

CONSTANTINE ALEXANDER: Five in favor.

Roll call. Brendan?

BRENDAN SULLIVAN: Brendan Sullivan, yes.

PATRICK TEDESCO: Patrick Tedesco, yes.

CONSTANTINE ALEXANDER: Constantine Alexander,
yes.

LAURA WERNICK: Laura Wernick, yes.

DOUGLAS MYERS: Douglas Myers, yes.

CONSTANTINE ALEXANDER: Okay. So we're going into
Executive Session.

We'll call you back. Don't go too far when we're
ready to go.

(EXECUTIVE SESSION.)

* * * * *

(7:25 p.m.)

(Sitting Members: Constantine Alexander, Brendan Sullivan, Patrick Tedesco, Douglas Myers, Laura Wernick.)

CONSTANTINE ALEXANDER: Okay, the Chair will now open the public session of this meeting of the Board of Zoning Appeals.

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

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

The recording is being made?

JOHN HAWKINSON: Yes, sir.

CONSTANTINE ALEXANDER: There will be a recording of our session. Actually, there will be two. Also our stenographer makes a recording to assist her in preparing the transcript of the meeting.

Okay, as you know, we just had an Executive Session. And at that Executive Session the Board took a vote.

* * * * *

(7:25 p.m.)

(Sitting Members Case BZA-009329-2016: Constantine Alexander, Brendan Sullivan, Patrick Tedesco, Douglas Myers, Laura Wernick.)

CONSTANTINE ALEXANDER: Now, let's move on to the agenda.

First, as is our practice, we start with the continued cases. These are cases that we heard once before but for one reason or another deferred decision.

The first case I'm going to call is case No. 009329, 24 Winter Street.

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

(No Response.)

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

I would report that we have an e-mail from the Vendettis who are the petitioners in this matter. (Reading)

With the disappointment in the process, we will be withdrawing the permit for 24 Winter Street as of July 25, 2016. We will be reapplying in the future. Thank you.

The Chair moves that we accept this request for withdrawal.

All those in favor please say "Aye."

(Aye.)

CONSTANTINE ALEXANDER: Five in favor. The case is withdrawn.

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

* * * * *

(7:25 p.m.)

(Sitting Members Case BZA-009842-2016: Constantine Alexander, Brendan Sullivan, Patrick Tedesco, Douglas Myers, Laura Wernick.)

CONSTANTINE ALEXANDER: The Chair will next call case No. 009842, One Kendall Square, building 100.

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

(No Response.)

CONSTANTINE ALEXANDER: Apparently no one wishes to be heard.

The Chair would report that we are in receipt of a letter from Katie, K-A-T-I-E Popov, P-O-P-O-V, member manager of Scott AG. (Reading) As petitioner of this case, Scott AG, LLC, is hereby withdrawing this case for One Kendall Square.

The Chair moves that we accept this requested withdrawal.

All those in favor please say "Aye."

(Aye.)

CONSTANTINE ALEXANDER: Five in favor, case is withdrawn.

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

* * * * *

CONSTANTINE ALEXANDER: Sir.

RICHARD FANNING: I would like to know what the vote was.

CONSTANTINE ALEXANDER: That's an Executive Session. I can't tell you what the vote will be. You'll find out in an appropriate time.

RICHARD FANNING: When is an appropriate time?

CONSTANTINE ALEXANDER: You'll have to talk to the Legal Department about that.

We took a vote and the Legal Department will implement the vote.

RICHARD FANNING: Is there someone from the Legal Department here now?

CONSTANTINE ALEXANDER: I don't see anyone here.

DOUGLAS MYERS: They left, five, ten minutes ago.

CONSTANTINE ALEXANDER: You can give them a call
in the morning. Nothing is going to happen between now and
then.

RICHARD FANNING: Five years.

* * * * *

(7:30 p.m.)

(Sitting Members Case BZA-010782-2016: Constantine

Alexander, Brendan Sullivan, Patrick Tedesco, Douglas Myers, Laura Wernick.)

CONSTANTINE ALEXANDER: Ready for our regular agenda. The Chair will first call case No. 010782, 102 Appleton Street.

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

You know the drill, Mark.

MARK BOYES-WATSON: Yes. So I'm Mark Boyes-Watson from Boyes-Watson Architects, 30 Bowes Street, Somerville.

EDWARD KERSLAKE: And I'm Edward Kerslake. I bought the house with Linda Grey my wife and two buys. We currently live on Woodbridge Street, 15 Woodbridge Street in North Cambridge, and we bought the house at 102 Appleton Street, 02138.

MARK BOYES-WATSON: Do you want to say a couple of things about you and then I'll just introduce the --

EDWARD KERSLAKE: Sure. So I've lived in

Cambridge since 2000.

CAROL O'HARE: Is there any way people can talk louder? Last time I was here there were mics.

DOUGLAS MYERS: Maybe if you turn your chair just slightly like sort of diagonal --

CONSTANTINE ALEXANDER: Face Mr. Hawkinson that way you'll -- that way maybe they can hear and we can hear as well.

EDWARD KERSLAKE: So I've lived in Cambridge since 2000. My wife has lived in Cambridge her entire life; through college, grad school. We lived in faculty housing on Linnaean Street, and then we lived in our current house in North Cambridge for just over 12 years. We've been looking for a larger property in Cambridge for a while, which as you know is tough. We managed to buy this one at the start of the year, and then I learned that it was non-conforming. And it's also in a to-be designated historic district. The new Reservoir Hill historic

district. We've been working with Mr. Sullivan and his team since the start of the year. And we were reviewed last week finally by the Historic Commission and I'm happy to say that they approved our plans. So I thank you for the opportunity.

CONSTANTINE ALEXANDER: The way I understand it now, your house will be in an historic district?

EDWARD KERSLAKE: They haven't decided yet. It has been going on for a year. I think they go into -- because it's undecided, they treat it as if it's in a historic district.

CONSTANTINE ALEXANDER: And the consequences for that?

EDWARD KERSLAKE: It's for historic review.

CONSTANTINE ALEXANDER: Meaning modification to your structure would require approval?

MARK BOYES-WATSON: Yes. So they go through the -- whether or not the house is preferably

preserved, have that finding, and then they look at the proposed project and they issue a Certificate of Appropriateness like they would under normal procedure. So we went through that last week, and the culmination of a process with them. And so today, we're here just to explain the ways in which the house was non-conforming and ask for permission for various changes that I'm going to quickly run through.

So --

EDWARD KERSLAKE: Hey, Mark, one thing I should say --

MARK BOYES-WATSON: Yeah.

EDWARD KERSLAKE: -- because it required both historic and zoning, I spent a lot of time with the neighbors. So I got a series of meetings where I took them through the plans. And it was actually a great process because I got to meet all the neighbors which was nice. Many of them had never met, so it was particularly nice I

brought them together. And nicely as a result I got I think 13 letters of support.

CONSTANTINE ALEXANDER: We have loads of letters in the file. Maybe they're the same ones maybe not.

EDWARD KERSLAKE: I tried to make it so the blue is surrounding 102 and everybody that is shaded blue here put in a letter as well.

MARK BOYES-WATSON: So we can just check whether that you have all of these.

CONSTANTINE ALEXANDER: Did you find any opposition? Anyone speak in --

EDWARD KERSLAKE: I think a lot of fatigue with construction in the area. So that was one thing that people asked for, can you be sensitive to the neighbors. I said well, look, I'm going to live in the house and I'm going to live there everyday.

I think people like the design. I think it helps that the house is in very bad shape at the moment. I think

people have been looking at it as a bit of an eyesore. But I would say --

MARK BOYES-WATSON: Your left-hand side neighbor, the one where -- the non-conformity is on the left-hand side of this house. So Ed spent a fair amount of time on fenestration and on the issues that you often review relative to -- they're relatively close to the houses to make sure that he was super pleased with the final result. I think he's one of the letters in the file.

CONSTANTINE ALEXANDER: Okay.

MARK BOYES-WATSON: So, it's, it is 102 Appleton is -- as you come up the hill, you got the relatively bigger lots. This is over a 12,000 square foot lot. This is the house. And then you come over the hill and it goes downhill and the houses are a little more closer together.

So this is 102 Appleton. And it is -- it looks like this now. And you can see in the photographs as Ed was describing, that left-hand side setback is this one. It's

not, there was an apartment on the third floor, the external egress stair here. So this is a facade that -- this bit of it actually, the little cross gable is non-conforming. And so are all these pieces at the bottom. You'll see in our proposed design we try and tidy all of that up and simplify it. Coming out not quite as far as the existing porch. So we're in a similar place to the non-conformities, but all down at the first floor. So that's one of the things we did on the left-hand side.

This is the rear elevation and a couple of views from the street.

So --

DOUGLAS MYERS: On your plan that's on the table now --

MARK BOYES-WATSON: Yeah.

DOUGLAS MYERS: -- which direction is Huron Avenue and which direction is Brattle Street?

MARK BOYES-WATSON: So Huron is here. Brattle is

here.

DOUGLAS MYERS: Yes.

MARK BOYES-WATSON: Sorry. South is down the page, yeah.

DOUGLAS MYERS: Thank you.

MARK BOYES-WATSON: Yeah.

So, just to look at that then, this is -- I have existing here and proposed down below. And here you can see driveways on the right-hand side of the property, entrances on the left. And here I just hatched the non-conformity just to show that. So it's right now the surveyor has that at seven-foot, three. The allowable is ten. So it's not hugely non-conforming but it's a few feet non-conforming. And being non-conforming it throws us into a process -- it's non-conforming not only here but actually it also is slightly, I had a drawing which I've now lost it. It's slightly taller than it's -- the average grade. So the two non-conformities that it has is that it's slightly taller

than it's allowed to be in that left-hand setback that I was just referring to.

So that relates to -- so I just -- I actually did a board here just to give you a quick visual on the kinds of things, and then I've got a couple of boards to see what -- so we're here because it's a non-conforming house, left-hand side setback and height. And the proposal is to extend this house more than 25 percent of its current area or volume. If you add up from the existing to where it is, it's another 30-foot expansion. And I did this quick because it's actually expanded lots of little places. I thought I would do a quick review of where those changes occur. And so what we have down here is the plans first, second, third. And I'm just showing you the proposed down here. And I'll quickly review where the changes are.

There's an addition on the front porch and this part of it is in the setback. There's a little in-fill between the existing front entry porch and where that stair was, we

actually in-fill on the first floor. And an extension in the rear, here. And then on the second floor, we have an extension in the rear. And then on the third is a smaller extension. So we changed the way the volume entrance of the house works.

So in total, as I said, these extensions are more than the 25 percent, so we're asking for your permission to do this in the granting of a Variance.

So what we went through just to establish how that worked is that we -- the house is with a new district. So they found it preferably preserved and we were working to make sure that the changes -- and I have a couple of things just to show you, some of the stuff.

CONSTANTINE ALEXANDER: Are you going to talk to us about the height, too? Because it's the other part of the Variance.

MARK BOYES-WATSON: Yeah. So the height -- yeah, the height is now --

CONSTANTINE ALEXANDER: It's non-conforming now.

MARK BOYES-WATSON: It's non-conforming now. And we actually are making slightly a change to the height and actually a change to the building, which is that we are -- Ed is really committed to building a highly efficient house. So this house is gonna be wrapped in insulation. So if you look at our dimensional form, you'll see that the height is increasing actually.

CONSTANTINE ALEXANDER: Yes. It's go from 37.8 to 38.3.

MARK BOYES-WATSON: And that is literally the four inches of insulation that sits on the top of that roof and stops cold bridging of the --

CONSTANTINE ALEXANDER: There's no other way of providing insulation that doesn't increase the height?

MARK BOYES-WATSON: There is. There are ways in which you can absolutely increase the insulation. You can -- well, we will be doing that as well in terms of

filling the void, the filling of the thing with insulation, but it's highly -- the most energy efficient thing is to get that wrapped so that there isn't a transfer of those wood joists.

BRENDAN SULLIVAN: And even doing closed cell foam --

MARK BOYES-WATSON: We're doing that as well.

BRENDAN SULLIVAN: On the inside?

MARK BOYES-WATSON: As well. You've actually got the open cell and then the closed --

BRENDAN SULLIVAN: So open on the inside?

MARK BOYES-WATSON: Right. Where the dew point where you want it in the roof.

PATRICK TEDESCO: So you're laying a rigid insulation layer on top of the wood joists?

MARK BOYES-WATSON: Yes. On top of the sheathing. And in fact, then it gets -- one more piece of sheathing before the shingles go on. And it's about this much more,

and the four inches of insulation in that --

BRENDAN SULLIVAN: And what's the roofing material?

MARK BOYES-WATSON: It's going to be asphalt shingle.

LAURA WERNICK: So is that going to happen on the rest of the roof as well?

MARK BOYES-WATSON: It's on the rest of the roof and actually on the walls also.

LAURA WERNICK: All the roofs are getting raised by that four inches?

MARK BOYES-WATSON: Yes. So the only bit that's actually over, though, it's interesting. The only business -- it sounds like a huge thing, but because the ridge --

EDWARD KERSLAKE: Can I just say, there's two benefits:

One is you lose the thermal bridging that the

wooden studs are very conductive for the heat. So you lose that by putting the insulation on the other side.

The other and more important benefit is an air and water sealant, because if you end up with a small air gap in a very tight house, you end up with a lot of rotting in that area. So when they put this external insulation, they layer it so that the joints don't line up and that makes it very, very airtight so you don't get air going up through the structure.

BRENDAN SULLIVAN: Yeah, it's really the transfer of air that you're trying to minimize.

MARK BOYES-WATSON: Yeah.

So you just, here this existing condition, so we're talking about where that peak is increasing by the five inches of that overlay in this.

DOUGLAS MYERS: And that's the only increase in height that you're talking about that's above 35 feet --

MARK BOYES-WATSON: Exactly.

DOUGLAS MYERS: -- that one gabled peak?

MARK BOYES-WATSON: Yes, it's kind of like --

DOUGLAS MYERS: Nowhere else on the ridge lines --

MARK BOYES-WATSON: Nothing else is

going --

DOUGLAS MYERS: -- to go above 35 feet?

MARK BOYES-WATSON: Right. So the only part of the project that is above the height limit is the peak right in the center of the ridge, more or less in the center of the lot also.

DOUGLAS MYERS: And the only extent which is increasing above 35 feet is this four inches having to do with insulation?

MARK BOYES-WATSON: Exactly, yes.

DOUGLAS MYERS: Okay.

MARK BOYES-WATSON: Yes. Otherwise we are not increasing the height above the allowable height. Yes, so just exactly.

And just as quickly with a review and just to reiterate the things that I was saying. So here's that existing down below and proposed above. So here you have that expansion of a big dormer that was put on to accommodate this apartment on the third floor. So what we're doing here is tidying up this porch. The neighbor's fence, you can see that is here. Mostly these were modest windows, and that was worked out with the neighbor. And that's the little bit of in-fill that I showed in blue in the plan. And you can see the dormers removed. You can see the front porch added. So there's kind of a simplification process going on with the way that that works as well, but that's the -- that's the side of the house where the greatest non-conformity occurs.

And then this is illustrative of the changes, and so now you're looking a little bit from further south of the house and you're seeing the existing down below. You can see the new porch. You can see again that while there are

expansions to the house, there are some pieces removed such as this second floor porch that overlooks the neighbor here. So this becomes a single story so that this bay is, this original bay is left more prominent in the proposed.

So as I said, we went through with Historic to make sure that they found this to be appropriate and consistent with the neighborhood and which they, which they did.

So, I can take you through each of the elevations, but I don't know that I need to.

So I think just to reiterate, then, we also -- so the parking remains down here. There's a system for moving cars into the basement that is proposed here.

CONSTANTINE ALEXANDER: What is that anyway? I saw that referenced.

MARK BOYES-WATSON: Yeah, that's a car elevator. You drive onto it.

CONSTANTINE ALEXANDER: There's going to be a car

elevator?

MARK BOYES-WATSON: It descends into the basement.

CONSTANTINE ALEXANDER: For a single-family home?

MARK BOYES-WATSON: Yeah.

EDWARD KERSLAKE: Historical will only let you have a garage if it's not visible. And we're going to pave the entire south facing side --

MARK BOYES-WATSON: Yeah, we did look at other alternatives for doing the car, but this one there's no -- from their point of view nothing is visible on the surface.

PATRICK TEDESCO: And there's a roof to the structure that sits --

MARK BOYES-WATSON: Yes, exactly. So it actually has a platform that you drive onto and it sits down and then it re-establishes the driveway.

EDWARD KERSLAKE: It sits on the ground in the basement and hydraulic pumps lift it up and you drive in and

it goes --

DOUGLAS MYERS: Do trees fall back into place?

EDWARD KERSLAKE: The Thunderbirds?

MARK BOYES-WATSON: Exactly.

PATRICK TEDESCO: The bat cave.

LAURA WERNICK: I think of Batman.

MARK BOYES-WATSON: Thunderbirds II.

EDWARD KERSLAKE: The advantage with it is it doesn't require the excavation of a ramp. So it's, you know, in a way -- and the technology is, you know, it's actually quite common. It's the same technology that they use for automobile ramps when they prepare them. The difference is those are actually designed to be held up so there are locking mechanisms. This one doesn't. It descends of its own free will.

CONSTANTINE ALEXANDER: I don't. I don't think I've ever seen a zoning case before us for a single-family home where we've seen this.

MARK BOYES-WATSON: It's my first time.

EDWARD KERSLAKE: I sold them in London. I just learned from Charlie that, you know, a garage was going to be no-go. And I was visiting my niece who lives in London, and this mini Cooper popped out of the ground and I was, like, awesome.

CONSTANTINE ALEXANDER: You want to speak to the Special Permit?

MARK BOYES-WATSON: Yes. So the Special Permit is because of that -- going back to this left-hand elevation, the Special Permit is for changes to an existing non-conforming elevation. So when we were looking at this and reviewing where this staircase is, etcetera, so to the extent that we change any of the fenestration on here, we need to and are seeking a Special Permit from you to make sure that that's not incongruent. And so just, to specifically then it's everything you see -- not this so much as everything on this surface is subject to the Special

Permit.

LAURA WERNICK: So can you describe what the treatment is above the single right there?

MARK BOYES-WATSON: So what happens in this house is that the internal stair system is all behind this part. And so when you come in through the front hall, you enter into the foyer and you come up a stair that comes up passed here, and there's a fantastic moment that Ed is very much in love with when you're at the top, and you have this fantastic view over North Cambridge. So actually that's -- there's nothing behind this. It's an inner stair so it's not an occupied room, but it's a lovely room when you walk from the attic down to the bedroom floor, you get this --

CONSTANTINE ALEXANDER: You'll be looking from Maggio's Rooftops (phonetic).

MARK BOYES-WATSON: You can.

EDWARD KERSLAKE: You can see Fresh Pond in

Belmont.

CONSTANTINE ALEXANDER: Can you really?

EDWARD KERSLAKE: It's an amazing view.

PATRICK TEDESCO: That's glass.

MARK BOYES-WATSON: So this is small divided lights and glass filling in. You can see out. This is more or less at ankle height as you walk off the attic.

This is actually a very low gable which is kind of why they had that weird dormer on it before, but because we're descending, it -- we're already descending into a landing by the time you get about here.

EDWARD KERSLAKE: It's very low. So I think the other concern I mentioned was feeling very claustrophobic, but I think that window will make it seem much lighter.

MARK BOYES-WATSON: There's probably overall a little -- well, you know, it's not really an increasing glazing, it's really a moving around of the window to better suit the plan. And actually Ed reduced some of the windows

even in just working with the neighbor.

CONSTANTINE ALEXANDER: That's it?

MARK BOYES-WATSON: Yes.

CONSTANTINE ALEXANDER: Questions from members of the Board?

LAURA WERNICK: So just out of curiosity, going from the two windows to the single window on the second floor, was that something the neighbor asked for?

MARK BOYES-WATSON: No. Actually it's because the way the stair landings work. So actually that is the void as it were between the two staircases that they come up and that's how we got there. If we doubled them up, actually I wanted to double them up, but we end up halfway across the stair. So it was for our internal purposes.

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

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

(No Response.)

CONSTANTINE ALEXANDER: Apparently not.

We are in receipt of many letters and in a number of cases multiple copies. I'm just going to identify the letters -- the authors of the letters for the record. I'm not proposing to read them.

We have a letter from Arch Horst,
H-O-R-S-T -- these are all in support needless to say.

From Bob Higgins --

Arch Horst doesn't give his -- his address is 53
Brewster Street.

Bob Higgins at One Highland Street.

Linda Kaboolian, K-A-B-O-O-L-I-A-N resides at 23
Highland Street.

From Robert MacArthur -- I don't see an address
here unless I missed it.

MARK BOYES-WATSON: He's a direct abutter at
one --

EDWARD KERSLAKE: 106.

CONSTANTINE ALEXANDER: Yeah, he says I am the direct abutter to 102 Appleton Street. Right.

Another letter from Robert MacArthur.

Since people took the time to write, I think I should take the time to get their -- immortalize them in the minutes of our meeting.

Another Robert MacArthur letter.

Another Linda Kaboolian letter.

We have one from Brace, B-R-A-C-E Young.

EDWARD KERSLAKE: He's another direct abutter.

CONSTANTINE ALEXANDER: 88 Appleton Street.

One from David Gross-L-O-H. 89 Appleton Street.

A letter from Kristin, K-R-I-S-T-I-N and Bill Martin, 12 Hemlock Road.

A letter from Miriam (Mimi) Reeder, R-E-E-D-E-R, 4-6 Dunstable Road. These are all streets that are in the general area. I know from my own experience.

A letter from Pete Oldhan, O-L-D-H-A-N who reside at 102 Appleton Street.

A letter from Agnus Bundy, B-U-N-D-Y Scanlon and John Scanlon who reside at One Dunstable Road.

I've already mentioned Bob Higgins.

I mentioned David Gross-Loh. Kristin Martin.

These are all just duplicates it would appear now. Yeah.

And if anybody else I missed, I apologize. But I think we have the sense of what the neighborhood wants or supports I should say.

EDWARD KERSLAKE: This is the rear abutter if you want.

CONSTANTINE ALEXANDER: The what?

EDWARD KERSLAKE: This is the rear abutter.

CONSTANTINE ALEXANDER: Oh.

EDWARD KERSLAKE: Jonathan Coal, 15 Hemlock.

CONSTANTINE ALEXANDER: Yes, we have a letter from Jonathan Coal and Susan Hammond who live at 15 Hemlock Road,

the rear abutters to your property as you point out.

And that's it for now.

I'm going to close public testimony.

Any final comments?

MARK BOYES-WATSON: No.

CONSTANTINE ALEXANDER: Discussion or ready for a
vote?

BRENDAN SULLIVAN: No, it's a good plan.

CONSTANTINE ALEXANDER: Yes, I think so, too.

Okay, we have to take two votes: One for the
Variance and one for the Special Permit.

Starting with the Variance, the Chair moves that
this Board make the following findings with regard to the
Variances 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 lives
in a house of historical significance potentially, it's in

disrepair, and it needs to be improved to make it habitable and a welcome addition to the city.

That the hardship is owing to the fact that this is already a non-conforming structure both as to setbacks and as to height.

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

In this regard the Chair would note that there is obvious unanimous support.

That Historical Commission has signed off on this.

And, again, the end result will be a better addition to the housing stock of the City of Cambridge.

So on the basis of these findings, the Chair moves that we grant the Variance requested on the condition that the work proceed in accordance with plans prepared by Boyes-Watson Architects. Date appears to be July 7, 2016. The first page that's attached to these plans is a site plan

which I've initialled.

So on the basis -- so the condition is
that -- yes, sir.

MARK BOYES-WATSON: Can I just check that's the
right set?

DOUGLAS MYERS: While you're doing that, before we
vote, is there a letter from the Historical Commission in
the file?

CONSTANTINE ALEXANDER: No.

DOUGLAS MYERS: I reviewed the file on Tuesday and
I think it might have come in later in the week.

EDWARD KERSLAKE: I have an e-mail from Charlie.
I think Sarah Burks is on vacation.

CONSTANTINE ALEXANDER: Yeah, there is something.
I don't know. I don't seem to have a letter. Did you see
anything, Sean, any letter come in?

SEAN O'GRADY: Historical, no, I don't remember
seeing Historical, just Planning Board.

EDWARD KERSLAKE: Can I read this? It's short.

CONSTANTINE ALEXANDER: Go ahead.

EDWARD KERSLAKE: (Reading) Sarah didn't write up the motion before she left but you could say that the Cambridge Historical Commission granted a Certificate of Appropriateness for the project as proposed with the condition that the lift remain in the down position except when actually operating. Which is....

DOUGLAS MYERS: Signed from?

EDWARD KERSLAKE: Charlie. Charlie Sullivan, Executive Director, Cambridge Historical Commission.

DOUGLAS MYERS: And dated?

EDWARD KERSLAKE: Dated August the 9th, 4:43 p.m.

CONSTANTINE ALEXANDER: What's the matter?
Problems with the plans?

MARK BOYES-WATSON: Is this the latest set you were given?

CONSTANTINE ALEXANDER: That's what's in our

files, yeah.

EDWARD KERSLAKE: I sent you an update on Monday.

CONSTANTINE ALEXANDER: There's this as well.

DOUGLAS MYERS: That's the latest I think.

MARK BOYES-WATSON: The ones that I was presenting to was this set of plans.

CONSTANTINE ALEXANDER: Okay, that's what I want then.

MARK BOYES-WATSON: I'm sorry.

CONSTANTINE ALEXANDER: Sometimes we get more than one set of plans in our files.

DOUGLAS MYERS: Naturally you would assume the big, heavy ones --

SEAN O'GRADY: Is there any value to this?

MARK BOYES-WATSON: I'm sorry?

DOUGLAS MYERS: Is there any value to this set?

MARK BOYES-WATSON: No, they can go. Because we were iterating with the Historical, so these ones are the

ones I presented.

DOUGLAS MYERS: They're dated later.

MARK BOYES-WATSON: And they're dated later.

DOUGLAS MYERS: Thank you.

CONSTANTINE ALEXANDER: So the condition is that the work proceed in accordance with the plans prepared by Boyes-Watson Architects. They're dated, August 8, 2016. I think they're in our files before August 8th? No, I guess not.

DOUGLAS MYERS: I reviewed them on Tuesday.

CONSTANTINE ALEXANDER: You're right. The first page of which has been initialed by the Chair.

All those in favor please say "Aye."

(Aye.)

CONSTANTINE ALEXANDER: Five in favor. Variance granted.

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

CONSTANTINE ALEXANDER: Now turning to the Special

Permit.

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

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

That traffic generated or patterns of access or egress or resulting from the proposed work will not cause congestion, hazard, or substantial change in established neighborhood character.

That the continued operation of or development of adjacent uses as permitted in the Zoning Ordinance will not be adversely affected by the nature of the proposed use. In this regard we have testimony from all the abutters who concur with that.

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

And that what is being proposed will not impair

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

In this regard the Chair would note again the certificate -- the forthcoming Certificate of Appropriateness from the Historical as evidence that this is the case.

So on the basis of these findings, the Board votes -- I move that the Board grant the Special Permit on the condition, again, that the work proceed in accordance with the plans referred to with regard to the Variance.

All those in favor please say "Aye."

(Aye.)

CONSTANTINE ALEXANDER: Five in favor. Special Permit granted.

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

(8:00 p.m.)

(Sitting Members Case BZA-010755-2016: Constantine Alexander, Brendan Sullivan, Patrick Tedesco, Douglas Myers, Laura Wernick.)

CONSTANTINE ALEXANDER: The Chair will call case No. 010755, 130 CambridgePark Drive.

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

ATTORNEY KEVIN RENNA: How you doing? Good evening.

CONSTANTINE ALEXANDER: Come forward if you can't hear. If you want to sit over here feel free. One second.

ATTORNEY KEVIN RENNA: Yeah, sure.

CONSTANTINE ALEXANDER: All set?

ATTORNEY KEVIN RENNA: I'm Kevin Renna from Goulston and Storrs in Boston here tonight on behalf of the owner of 100 CambridgePark Drive. With me from -- the representative for the applicant, Hanover RS Construction is Kevin Murray.

We also have the very courteous gentleman David Hall with us from Hanover as well.

The application relates to 130 CambridgePark Drive for three variances for height, area, and illumination under Section 7.16.22.

I'll be really brief on going through the actual findings for the Variances, but, you know, long story short, the substantial hardship and the site conditions here are the fact that the lot is -- has no street frontage on the public way. It's set back substantially from CambridgePark Drive with really no visibility and no signage on CambridgePark Drive. So the idea is to literally find the

building and have some visibility from the public way, we needed something up a little bit higher and bigger and well lit.

CONSTANTINE ALEXANDER: This structure is residential, right, it's apartments?

ATTORNEY KEVIN RENNA: Yeah, it's a residential building, but abutted eventually by two residential buildings, railroad tracks behind, office buildings behind the residential and CambridgePark Drive, again, with a private way access, but not a heavily traveled route obviously. You know, we think that the relief can be granted without, you know, any detriment to the neighborhood because, you know, obviously we think it's a very attractive sign and it's of an appropriate scale and, you know, slender up and down so not a lot of eyesore concerns and that sort of thing. And, again, we think it's consistent with all the purposes of the Ordinance.

CONSTANTINE ALEXANDER: Well, let me just -- let's

talk a little bit about that.

ATTORNEY KEVIN RENNA: Yeah.

CONSTANTINE ALEXANDER: By the way, we have to identify the plans and the Board is --

ATTORNEY KEVIN RENNA: Sure.

CONSTANTINE ALEXANDER: This is what you submitted to the Community Development?

KEVIN MURRAY: That's correct, yes.

CONSTANTINE ALEXANDER: And this is the schematic and this is what it's going to look like --

KEVIN MURRAY: That's the rendering, that's correct, sir.

CONSTANTINE ALEXANDER: It's a little garish in my opinion, but that's neither here nor there.

I can understand the need for -- I'm speaking for myself. I can see the need for a height variance and a larger than permitted sign, given as you point out, the location sitting back from CambridgePark Drive. I don't

understand the need for the illumination. There's no -- this is an area with a lot of open area. There's no other illuminated signs in this whole area. You're not competing with other illuminated signs or you need your own illumination.

A residential building, you have to illuminate the size the extent you want to do it here? If we grant this, why don't we -- we're gonna have to grant variances for illuminated signs for other people in this area. We haven't -- so I one cannot -- speaking for myself, cannot support illumination variance. I'm very sympathetic personally to the other two variances that you requested.

ATTORNEY KEVIN RENNA: I don't know if it's worthwhile to have Kevin maybe pitch a little bit the sign --

CONSTANTINE ALEXANDER: Absolutely.

ATTORNEY KEVIN RENNA: I think very important here is the extent of community outreach that the owner went

through to vet it, you know, all three of the variances asked.

DOUGLAS MYERS: When you do that, I think your presentation would be more complete at least more interest to me if you would also address the type of illumination you have, the hours of illumination you propose, and matters along those lines.

ATTORNEY KEVIN RENNA: So, Kevin, why don't you take that, explain a little bit what the sign is and what you've done in terms of communicating with the party.

KEVIN MURRAY: Good evening. I'm Kevin Murray. I'm the project manager on the project. I must apologize, I thought I would have the capabilities of an electronic presentation, so I don't have all of my slides with me.

When we, when we went for the Special Permit, we had renderings that had this type of signage already on the front of the building, and the intent was always to have signage on the building in that location because of the

hardship of the location not having visibility. We, we then modified the sign to include Hanover and the name of the project.

Thank you, I appreciate that. This is my presentation.

CONSTANTINE ALEXANDER: Oh, it's only one copy? We'll all have to share it.

KEVIN MURRAY: I apologize. Sorry about that.

CONSTANTINE ALEXANDER: That's all right. So your illuminated sign will be this on the left, that red thing on the side of the building?

KEVIN MURRAY: That's correct.

CONSTANTINE ALEXANDER: The entire -- that entire area would be illuminated?

KEVIN MURRAY: Just the signs. Just the letters and the numbers.

CONSTANTINE ALEXANDER: Just the letters and the numbers.

KEVIN MURRAY: And the purpose of that, sir, is way finding. You know, it's not only just to show residents the building, but it's, you know, way finding. That's where we put, you know, speaking with Carol and reaching out to the different resident interest groups, we agree that the 130 on the building would help, you know, with way finding. And illuminating the sign, you know, makes that in the evening, you would be able to drive down and be able to see that sign, too.

CONSTANTINE ALEXANDER: Don't people know where they live? I mean, they'll have guests. I understand that. But, you know, it's not that dense an area where they can get lost in finding your building.

KEVIN MURRAY: Well, I think it's a difficult location to locate because of the way that it's behind buildings sort of obscured by 100 CambridgePark Drive, which is -- if not, it's about 80 feet tall. And I think that it would be difficult for guests to find that property without

illumination. And we considered the illuminating aspect very carefully. We considered illuminating it, up-lighting it, but we, we didn't go with that idea because obviously there's residents that live right next to it and that would be, you know, lighting into their apartments. So we scratched that idea.

We investigated halo backlighting. Similar story, it would lean into the apartments.

So we thought that the internal illumination was the best way to light the sign. The internal illumination, with the projection of the letters, you know, the aluminum siding of those letters would, you know, focus that light and contain that light. And we've agreed with the residents' associations that we would only illuminate the sign as necessary, as bright as necessary to be able to be seen from CambridgePark Drive. We don't intend to light it up like Fenway. So....

PATRICK TEDESCO: So the surface, the size of the

letters are aluminum?

KEVIN MURRAY: That's correct, sir.

PATRICK TEDESCO: And the back is also solid?

KEVIN MURRAY: Correct.

PATRICK TEDESCO: And the front is a translucent plastic?

KEVIN MURRAY: That's correct, yeah.

PATRICK TEDESCO: And when it's not lit is there a white surface?

KEVIN MURRAY: It will be white, yes.

PATRICK TEDESCO: Okay.

And the lamp color is white. So you're seeing a white --

KEVIN MURRAY: Yeah, it will be a glowing letter and numerals.

CONSTANTINE ALEXANDER: Is that a good representation there of what it will look like illuminated to Patrick's question? That's illuminated?

KEVIN MURRAY: So that, sir, is what was granted by the Planning Board. And not by the Planning Board, sorry about that, a Special Permit, that's what we applied for. And then the second image there is what we agreed to with after meeting with all of the residents and the communities.

CONSTANTINE ALEXANDER: This is the one?

KEVIN MURRAY: That's the one, yes, sir.

CONSTANTINE ALEXANDER: That's the one.

DOUGLAS MYERS: So how many vertical feet of letters will be illuminated?

KEVIN MURRAY: 27 feet of letters.

ATTORNEY KEVIN RENNA: From the bottom to the top, right?

KEVIN MURRAY: Correct.

DOUGLAS MYERS: That's what I meant.

KEVIN MURRAY: Yes.

CONSTANTINE ALEXANDER: And the bottom, roughly how many feet off the ground?

KEVIN MURRAY: I believe it's --

PATRICK TEDESCO: Two stories.

KEVIN MURRAY: -- 20, 25 feet off the grade.

CONSTANTINE ALEXANDER: So from 25 feet to --

DOUGLAS MYERS: 52.

CONSTANTINE ALEXANDER: -- 52 feet?

KEVIN MURRAY: Yeah, that's correct.

So, you know, if you look at the location, and this is CambridgePark Drive here. This is the property.

CONSTANTINE ALEXANDER: I've seen the property so I'm familiar with it.

KEVIN MURRAY: Okay, good, yeah.

CONSTANTINE ALEXANDER: But go ahead, keep going.

KEVIN MURRAY: Yeah.

So you can see that this is our private access drive here to get down to the property. This obscures our building completely. And so when you're coming down CambridgePark Drive, this is really your focal point to be

able to view that building. That fin signage is right here.
The sign specifically captures that order.

LAURA WERNICK: So what is the name of the street?

KEVIN MURRAY: What is the name of that street?

ATTORNEY KEVIN RENNA: It doesn't have a name.

It's a, you know, the lots back here are -- this is one lot,
this is one lot, and this one wraps around. So it's just an
easement.

LAURA WERNICK: Are they all addressed off of
Cambridge?

ATTORNEY KEVIN RENNA: Yes, exactly.

CONSTANTINE ALEXANDER: I'm sorry, go ahead.

LAURA WERNICK: I'm just wondering if this
could -- would it be possible to have this be another name,
have this be a named street and have your address be off of
that named street so that anyone driving by would find the
street, go back and find the building and not have to find
it --

CONSTANTINE ALEXANDER: It may not meet the requirements for the city for a street. It may be a private way.

Do you own this land?

ATTORNEY KEVIN RENNA: No. That's what I was going to say. That's an easement to get down there.

CONSTANTINE ALEXANDER: Does the easement give you a right to put a sign up at the --

ATTORNEY KEVIN RENNA: No.

CONSTANTINE ALEXANDER: Can you get such a sign -- if you went back to whoever granted you the easement?

ATTORNEY KEVIN RENNA: Well, I think there's -- I mean, I don't think we have, like, you know, every in and out, but I think, you know, the, the sort of conversations that have been had not -- I don't think were received very well. But then the other question was where are you putting it? I believe 100 has, you know, this is kind of some of

their entry here. I don't think they would want a big sign in front of it. The actual private drive is not very wide so it's primarily driveway.

CONSTANTINE ALEXANDER: At least for one car.

ATTORNEY KEVIN RENNA: No, no, I think it's two way with a sidewalk.

CONSTANTINE ALEXANDER: Oh.

ATTORNEY KEVIN RENNA: But then the question is "Where are you putting the sign?" Because you can't put them on the sidewalk or in the two drive aisles.

CONSTANTINE ALEXANDER: I guess I'm puzzled why when you negotiated for this easement, that it didn't occur to you that you would need some sort of signage there to identify that you have your building way back here.

ATTORNEY KEVIN RENNA: Right, well, I mean I guess, again, not having all the history of it, don't know if that would be, like I said, an acceptable or viable option to the others or who knowing a little bit of the

history here, it wasn't -- it wasn't -- the easement wasn't from, is not from these parties.

KEVIN MURRAY: Correct.

ATTORNEY KEVIN RENNA: It's from this party.

KEVIN MURRAY: 150.

CONSTANTINE ALEXANDER: So the reason you probably could have gotten some -- because I don't -- these parts I would say were very interested in what goes into this easement someone over here --

KEVIN MURRAY: It's just the roadway.

ATTORNEY KEVIN RENNA: It's just the roadway.

It's not like a --

CONSTANTINE ALEXANDER: It's like a sidewalk you said?

ATTORNEY KEVIN RENNA: Right.

CONSTANTINE ALEXANDER: So it's two car widths with --

ATTORNEY KEVIN RENNA: Right.

CONSTANTINE ALEXANDER: It's like a street. It may not be a street. It's like a street, and streets have street signs. You know, any street in Cambridge is not illuminated, but it's a street sign. Why, why is that not sufficient?

LAURA WERNICK: Even if it was a street sign that said "To 130", directional.

ATTORNEY KEVIN RENNA: Right, I mean, you know, again, going to the technical standards under the, under the under Chapter 40A, I mean the reality is they have what they have. Having been able -- I would think not to speak for the, you know, the developer, but that certainly is a sign out on CambridgePark Drive that gave an announcement to the building would be preferable to having no presence on the public way that has a travel --

DOUGLAS MYERS: But in absence of exhaustive, thorough exploration of these alternatives we are being asked tonight simply to put your chestnuts out of the fire.

ATTORNEY KEVIN RENNA: Well, I think -- I'm afraid it's slightly different than --

DOUGLAS MYERS: I understand --

ATTORNEY KEVIN RENNA: This is the lot they have. It is -- it does have a hardship. It is different. It is a very atypical lot. Thus you're asking us, and we weren't able to negotiate property rights through a third party.

CONSTANTINE ALEXANDER: I see the hardship with regard why you need a bigger sign and a higher sign than our Ordinance allows, because that's because you're setback.

ATTORNEY KEVIN RENNA: Yeah.

CONSTANTINE ALEXANDER: The hardship for a residential building to need an illuminated sign, even one that's modestly illuminated like this, I can't get there particularly when I think there might be an alternative that will solve your problem in terms of identifying where how to get to the building in the back. I mean, again, this is -- people, the people who live there don't need a sign,

don't need an illuminated sign to find where they live. And I'm sure when they give advice to their -- whoever is going to come visiting their property, to me you drive down CambridgePark, look for the sign --

DOUGLAS MYERS: One other thing, I mean are you going to have a vestibule that's illuminated? I mean this building is not going to be shrouded in darkness I assume.

ATTORNEY KEVIN RENNA: That is --

DOUGLAS MYERS: There's going to be light, there's going to be office, there's going to be, you know, as you drive by the building, cleaning people are inside, interior's going to be illuminated. It's not going to be a black hole.

ATTORNEY KEVIN RENNA: There is going to be some illumination. Hearing all of your points, I would just note the e-mail that we received from Carol O'Hare about this in support of the --

CONSTANTINE ALEXANDER: Yeah, we have the letter.

If she doesn't want to speak, I'm going to read it into the record.

ATTORNEY KEVIN RENNA: I mean, she notes that when she drove to 100 CambridgePark Drive, I passed Hanover's private way and got tangled in another private way beyond that because the street number is confusing. And even Google Maps construction steered me wrong.

CONSTANTINE ALEXANDER: I'll go one more. I had the same problem when I went to look for the property. But the illumination doesn't solve that. The problem is the location of the structure way back --

ATTORNEY KEVIN RENNA: Right.

CONSTANTINE ALEXANDER: -- and there's no identification on the street.

ATTORNEY KEVIN RENNA: Well, let me --

CONSTANTINE ALEXANDER: That's why you need a bigger sign and a higher sign than our zoning permits.

ATTORNEY KEVIN RENNA: The concern with the

illumination is that once it that -- I'm going to state the obvious, really gets dark, you know, you can't see it. So you -- obviously external illumination and back lighting are legitimate solutions to that, that we didn't think were viable here.

BRENDAN SULLIVAN: But who does the illumination benefit? What is the public benefit for the illumination?

ATTORNEY KEVIN RENNA: Well, I think again it's, it's, you know --

BRENDAN SULLIVAN: The people who live there know where the building is, No. 1.

ATTORNEY KEVIN RENNA: Right. Well, I think people, you know, two people in this room at 4:15 on a Friday in the winter who would like to find where the building is would have had a hard time because it would be dark and there would be no way to find it. So the public benefit is -- I don't doubt you could have found it.

BRENDAN SULLIVAN: So I ask myself if somebody is

living in there and somebody is coming to pick them up or to visit, and they say "Where do you live?" And they say, "We live at 130 CambridgePark Drive." And, oh -- or are they going to tell them "We live at Hanover Alewife?" And they're going to say "What's that?" Okay.

So to me there are three things, three reasons for signage:

One is for wayfinding, the other one is for advertising, and the other one is signature which the Chair has very aptly dubbed corporate testosterone or high level corporate testosterone. And I'm just wondering if this is not -- it may help wayfinding, but it's really a signature to me. It's somebody putting their signature on the building. And this is going -- this whole area is going to be Kendall Square West and I'm just wondering if we're not going down a very slippery slope with all of this signage, because then everybody is going to start popping things up, and the next thing it's going to look like Harvard Square at

nine o'clock at night.

CONSTANTINE ALEXANDER: This is a generally virgin territory for the City of Cambridge, and let's get our signage right since we're starting from the beginning. And we have no illuminated signs here, which I think is wonderful. And I can only remember one case where somebody came to us for a second sign and we turned them down. And all the other signs there are all conforming to our Zoning Ordinance I assume since no relief was sought.

Now, I would grant you, as I said several times, you have an unusual site because you just -- and that requires some relief it seems to me. And it also seems to me a limit to the relief.

DOUGLAS MYERS: What is your proposal with regard to hours of illumination? I would just like to know, you know, the complete proposal that you have so we can consider it and go from there.

KEVIN MURRAY: The intent would be that the sign

would be illuminated during darkness. It would be --

DOUGLAS MYERS: That would be through the night?

KEVIN MURRAY: Yes, sir.

ATTORNEY KEVIN RENNA: But, again, I mean I think the people who would be most apt to find the lit sign a nuisance would be the people who are sleeping near it and living near it. So obviously, the intent is not for this to be Fenway. The idea is it's wayfinding. And I mean I totally, totally obviously hear you guys, but the intent is not to be more intrusive in this instance than if you had another form of lighting the sign which obviously there's other technical ways to have it be more lit. The idea is that in this instance, in this context, with this size of sign, the internal illumination is actually less intrusive than having the other lighting sources.

PATRICK TEDESCO: Is this rental property or condominiums?

ATTORNEY KEVIN RENNA: Rental.

PATRICK TEDESCO: Because I look at the windows on the side of the bay, right? These windows right here, and I can't help but think that there's going to be a glow there. I'm just, again, to me the internal illumination is more problematic than an external illumination which to wash or backlit. And, you know, I'm not sure -- I understand the big spotlights, you know, the floodlights from the ground are going to cause issues with the residents, but you know, it seems to me that they're -- an exterior, an interior illumination will provide a glow that will affect that part of it. Maybe not a big deal, it's just a small bay window, but --

KEVIN MURRAY: I think that the internal illumination with the type of sign that we're suggesting really does contain that lighting.

PATRICK TEDESCO: Because the size of the letters are opaque?

KEVIN MURRAY: The sides are solid.

PATRICK TEDESCO: The sides are solid?

KEVIN MURRAY: Right.

Just the face would be opaque.

PATRICK TEDESCO: Just the face would be
translucent?

ATTORNEY KEVIN RENNA: White.

KEVIN MURRAY: Right.

PATRICK TEDESCO: Right. But you've got
aluminum --

KEVIN MURRAY: Solid sign.

PATRICK TEDESCO: -- aluminum on the sides and on
the back?

KEVIN MURRAY: Yes, sir.

And that would contain the light, and like we've
suggested and going on record, you know, we would take the,
tone down that, you know, volume of lighting as well just to
make sure that, you know, for wayfinding, you know, coming
down CambridgePark Drive we all agree that that drive lane

is difficult to find. And, you know, by putting this lighting -- you know, lighting and just a little bit, I think that would help people in the evening.

CONSTANTINE ALEXANDER: Yeah, but three o'clock in the morning? Does someone need -- you're going to have the sign on all night. Three o'clock in the morning someone come visiting someone in the apartment and you need the sign?

BRENDAN SULLIVAN: Maybe there should be signage at the main road.

CONSTANTINE ALEXANDER: Yeah, that's what I'm saying.

BRENDAN SULLIVAN: You know, a sign, with a sort of, again, a simple arrow, you know?

CONSTANTINE ALEXANDER: Yeah.

DAVID HALL: Can we offer some hours?

KEVIN MURRAY: We're definitely open to modifying the hours of the signage, the lighting on the signage.

CONSTANTINE ALEXANDER: Well --

LAURA WERNICK: Can we at least suggest --

DOUGLAS MYERS: Maybe Carol O'Hare would like to speak.

CONSTANTINE ALEXANDER: I want to make sure we're all finished with our questions. We all through?

I'm going to open the matter to public testimony and then you'll have an opportunity to speak again, sir, if you wish.

So, anyone here wishing to be heard on this matter? You have your letter. Can we read your letter or you can speak, whichever you prefer.

CAROL O'HARE: My name is Carol O'Hare, 172 Magazine Street. I'm just totally blown away by the discussion, because as you know, I've been at this for way too long and it's very gratifying to hear you talking about these sorts of considerations. Thank you so much.

You have seen that I have -- I myself have signed

off, so to speak, on this sign. Having been at the site and having seen the applicant's accommodations, I was -- I hadn't appreciated the lighting issue until a couple of days ago when I realized the internal illumination required a third variance. I called Mr. Murray and talked about that. He reviewed with me that the same issues that you have been discussing, which is the fact that the light, the external light supposedly would shine into people's apartments. I did also suggest what you had suggested which was to get a sign at the -- a monument sign, but that didn't go forward. So I don't know whether you will approve this sign. If you do, I want to say that this company has really been very accommodating. And if you do improve the internal illumination, I hope you will include the condition that I suggested to Mr. Murray and that he agreed should be in the conditions so that future owners do not jack the lights up ala Zinc and that the sign's internal illumination will be no brighter or more intense than is required for the sign's

characters (letters, numbers, symbols) to be legible at night when viewed from CambridgePark Drive the public way.

CONSTANTINE ALEXANDER: I applaud your condition, but I don't see how it can be enforced by Mr. O'Grady. I mean, that's a very subjective condition, question. You let them illuminate for a period of time --

CAROL O'HARE: Well, they have measurements.

CONSTANTINE ALEXANDER: Right. But what are the -- I have to put it in the decision, though. What are the measurements?

DOUGLAS MYERS: They said there's a scale of brightness.

ATTORNEY KEVIN RENNA: I think we --

CAROL O'HARE: I mean they can tone it down.

CONSTANTINE ALEXANDER: That's fine.

CAROL O'HARE: I mean I think you can -- there are a lot of unmeasurable conditions that variances --

CONSTANTINE ALEXANDER: I hope not. Tone it down?

Go ahead.

ATTORNEY KEVIN RENNA: We thought that might kind of bridge the gap of not creating ambiguous condition of having perhaps a lighting plan approved by the CDD or approved --

CONSTANTINE ALEXANDER: Oh, no, no, no. No, no, no. If there's going to be a lighting plan, we're going to approve it.

ATTORNEY KEVIN RENNA: Okay. But the idea would be -- I mean, right, I don't think you can put a number on a very objective standard to that.

DOUGLAS MYERS: If you could give us your gradations on your scale of brightness or something like that in terms of --

SEAN O'GRADY: I'm sorry, I have to --

DOUGLAS MYERS: Sure.

SEAN O'GRADY: We can turn lights on, we can turn lights off. We can't be going out.

CONSTANTINE ALEXANDER: Right, correct.

CAROL O'HARE: So, wait a sec, excuse me, I have been very involved with the -- sitting as an audience member at the task force, the outdoor lighting task force, and there are ways to measure lumens, in particular these types of light which are --

CONSTANTINE ALEXANDER: Oh, there's no question you can measure them. The question is how do you -- if it's going to be a condition of our decision, how do we measure, how do we enforce it?

PATRICK TEDESCO: Is there anything in the Ordinance that talks about --

CAROL O'HARE: If you're going to be able to enforce -- if you determine what the measurement standard is, they're certainly going to be able to measure lighting, LED lighting, they already do, when they have -- when they adopt the lighting ordinance. So ISD will be equipped with measuring capacity even if Mr. O'Grady doesn't think so.

SEAN O'GRADY: The lighting committee has been involved in trying to figure this out for years now. When they finally do and we're up and we have all the signs and we have the technology, then we can go out and start measuring lights. But right now, we're not ready for it and I'm not ready for a condition that has me doing something that we don't know anything about. Let the lighting committee finish --

CONSTANTINE ALEXANDER: I think there's a better solution to this issue yes or no with regard to the lighting rather than trying to fine tune --

CAROL O'HARE: I will pursue it.

CONSTANTINE ALEXANDER: I appreciate your suggestion of trying to fine tuning, I think it's not really going to work. That's my opinion anyway.

CAROL O'HARE: Thank you.

PATRICK TEDESCO: Can I ask is the applicant is prepared to talk about a window of operation? Has that been

suggested? I'm just curious.

KEVIN MURRAY: Hours of operation.

DAVID HALL: Yeah. Mr. Chairman, for the record, David Hall from the Hanover Company. I work with Kevin. The company would be open to shutoff time suggested by the Board, ten or eleven p.m., something reasonable. They would go on as soon as darkness fell, and I'm not familiar with the technology. If Kevin tells me that they can be shut off with a switch, we'll shut them off at a certain hour. That might be better for our residents as well, as indeed Mr. Tedesco your concern about bleeding into the units. We don't think there is that problem, but if it is maybe there is an hour of the evening, if that made a difference to the Board, the company would certainly consider it.

CONSTANTINE ALEXANDER: Again, just thinking for myself, I think it's -- the better approach is a black and white solution in this because the hours we're going to have to guess, ten o'clock, nine o'clock and then go back to why

you have the lights in the first place to help people who are visiting someone who lives in the building --

DAVID HALL: Yes, sir.

CONSTANTINE ALEXANDER: Well, maybe they come at eleven o'clock at night and we told them to turn off the lights at ten.

DAVID HALL: Yeah.

CONSTANTINE ALEXANDER: You know? There are alternative solutions to this. A nice sign, unilluminated on CambridgePark Drive at the entrance to your drive, whatever you want to call it, your private road. Or just the fact that you can look to the left. Because, again, this is not a commercial building where people are going to be coming at all different times, all different times. This is a residential structure. The people who live there know where they live, hopefully. And I think if they have guests, they will be able to give them sufficient instructions as to how to get to your place. Namely, you go

down CambridgePark Drive, look for a little street on the left, turn left, our building is at the end. That's all. That will solve the problem.

ATTORNEY KEVIN RENNA: Sure. I mean there's also deliveries and stuff you may not know exactly who's coming --

CONSTANTINE ALEXANDER: In the middle of the night?

ATTORNEY KEVIN RENNA: Well, pizza guy.

CONSTANTINE ALEXANDER: I'm not going to allow -- I'm not going to vote for a sign to allow pizza drivers -- Dominos has got to solve its own problem.

ATTORNEY KEVIN RENNA: Just to the easement thing, and I hear you guys suggesting -- I mean, to be clear, we don't have the property rights to put a sign there and --

DAVID HALL: And we tried.

ATTORNEY KEVIN RENNA: Yeah, I think, you know, it's not something that jumps out at you, and it's not like

the owner of an abutting office building necessarily says sure, go ahead, and we've tried and not, not -- I mean, obviously it's a great but relatively obvious suggestion that would solve a lot of problems for the property.

CONSTANTINE ALEXANDER: Anything further? Yes, I hadn't forgotten about you.

HEATHER HOFFMAN: I know I was behind you. Anyway, Heather Hoffman, 213 Hurley Street. And the first thing I wanted to say besides echoing what Carol said about being incredibly grateful for the way that you've discussed this, because it is a marked change from the way things were done years ago, and I think it is a change for this -- much more the better in the City. So thank you.

The letter from the Planning Board left out some nuance that might -- because I was there when they discussed it.

CONSTANTINE ALEXANDER: Let me just interrupt you. I haven't read the letter from the Planning Board. Why

don't I read it now and you can give us the nuances of that.

HEATHER HOFFMAN: Absolutely. It's one paragraph.
Read it.

CONSTANTINE ALEXANDER: Okay. So we'll interrupt
your testimony for a second.

HEATHER HOFFMAN: Yes.

CONSTANTINE ALEXANDER: We do have a letter from
the Planning Board. It reads as follows: The Planning
Board reviewed the Sign Variance application for 130
CambridgePark Drive and submits the following comment and
support for the Variance request. The Planning Board
approved the building design as part of PB#279. While the
Variances may seem extreme in nature, the sign is not a true
projecting sign. It is proposed to be on the facade of the
residential building and not hanging off a storefront on a
commercial street. This address sign was always shown on
the application submittals for the Special Permit. Overall
the Board members liked the design and location of the sign

and find that the location of the building, being behind the existing office buildings fronting on CambridgePark Drive, creates a disadvantage based on the location. That's a letter I would only -- before you talk, I would -- they don't address signage illumination one bit.

HEATHER HOFFMAN: They did not discuss it, and I think they didn't notice that part.

What's left out of that is that it was not unanimous. There were two votes against and that would be from the Chair, Ted Cohen, and the previous Chair Hugh Russell. And they expressed many of the same reservations that you have expressed. You know, primarily setting a bad precedent. So I wanted to make sure that that was factored into your decision.

CONSTANTINE ALEXANDER: Thank you.

HEATHER HOFFMAN: And also my general frustration that you've also expressed and that you've heard me express with respect to property in my neighborhood, that because of

the way things were done in past years, many years past, there wasn't proper planning for compliant signage. And when you have different buildings that get in different hands or with different tenants, there's been no mechanism for enforcing signage that I think all of us would prefer which is out on the public way. And I don't know exactly how we cause that to happen without hurting people who maybe don't deserve to be hurt because they came along with something that was already set up, but at the same time until you start saying no, as I said to a City Councillor once, no one knows you can.

So I don't envy you and I think that you can probably come to a reasonable decision and I do respect the care for not going into people's windows. And I simply don't know how this -- how the light actually would go, because I know of people who are in fact inconvenienced by light from their own building in their windows. So that's, that's an important consideration. And it may be that all

of us need to tell the City Council that they need to make sure that the Ordinance says when you do these sorts of developments that are multiple buildings and over periods of time, that that's something that has to be taken care of. There has to be a provision for signage at the public ways so that people can find the buildings that don't front on the public ways because it's not fair to anybody coming along later to not make that provision from the beginning. So good luck.

CONSTANTINE ALEXANDER: Thank you.

Anyone else wishes to be heard?

(No Response.)

CONSTANTINE ALEXANDER: Apparently not. I read a letter from the Planning Board and Ms. O'Hare wrote a letter. No need to read it I assume? Okay.

DOUGLAS MYERS: Just pass the Planning Board.

CONSTANTINE ALEXANDER: Sure.

I will now close public testimony. Any final

comments, sir?

KEVIN MURRAY: Just to speak on, you know, on precedent, I think it's important to not make a decision just because you don't want to set a precedent. I think that it's important to recognize the hardships and know that we are applying for a Variance because we do have that hardship and, you know, the only precedent you would be setting is recognizing that, you know, that our Variance is, you know, have merit.

ATTORNEY KEVIN RENNA: But I would echo that. I mean the idea of a Variance is not that, you know, I totally get that you guys are not of the mind to grant sign variances all over the city because people want bigger signs than the Zoning Ordinance allows. But if ever there were a lot that is, you know, in need of some more signage on the building, it's this one for all the different reasons that we've all been talking about. I don't think this gives precedence for someone, you know, fronting on CambridgePark

Drive to say well, you gave them the sign up high because it really is a unique situation.

DOUGLAS MYERS: The issue is illumination.

CONSTANTINE ALEXANDER: Yeah, I was going to say we're like ships passing in the night. Nobody is arguing about -- because I think our Board is -- my sense is unanimous that you need a sign than our Ordinance allows, you need a higher sign than the Ordinance allows because of the location of the building. We get it. And you're going to get our vote I think on this. When it comes to illumination, which has bigger issues, and if we talk about, as you know, one of the requirements for a Zoning Variance, does it derogate from the intent and purpose of the Ordinance? And illumination in an area that is not illuminated right now, that doesn't quote/unquote may not need, and that's the opinion of some of the members of the Board, illumination, is a different kettle of fish.

BRENDAN SULLIVAN: You're a very good advocate for

your client, but every Thursday night we hear if there ever was a building that needed a Variance.

ATTORNEY KEVIN RENNA: That's the first time I've ever said it.

BRENDAN SULLIVAN: But we hear it all the time.

CONSTANTINE ALEXANDER: We're jaded.

ATTORNEY KEVIN RENNA: No, I mean, I'm just kidding.

BRENDAN SULLIVAN: And yes, over the years we have seen the light or possibly not the light, but --

LAURA WERNICK: We're on the dark side.

BRENDAN SULLIVAN: But cutting to the chase, I, I cannot say yes to this and I'm hesitant to say no tonight other than to see if there isn't an alternative. I really am leaning towards a monument sign that directs people down this alleyway and not put something on a building that is illuminated anyhow.

LAURA WERNICK: Could I float an idea?

CONSTANTINE ALEXANDER: Go ahead.

LAURA WERNICK: What if it was just the numbers that were illuminated, but it's not the name of the building but simply the 130? Then you're not --

CONSTANTINE ALEXANDER: Let me make this -- I was going to make the following suggestion is what we could continue this case and have you go back. And you've heard -- see if you can come up with some solutions on illumination not as dramatic or extensive as you're proposing here, but see if there's something a lot more reserved or, I mean, a lot less signage, illuminated signage, hours, type of illuminations, I don't know what, whatever it is and see if that will fly with us.

DOUGLAS MYERS: I would say vertical height also. To me that's a factor. 27 feet is approximately the distance from my seat to side wall there. When I consider that put into a vertical position in an area that is likely to be residential.

CONSTANTINE ALEXANDER: That's Laura's point, too. Maybe not illuminate the whole sign but illuminate some numbers.

DOUGLAS MYERS: I understand.

PATRICK TEDESCO: Can I just - sorry, go ahead.

KEVIN MURRAY: Just to speak on the height, sir. Vetna (phonetic) has a fence that runs down that side lanes. I would say it's a seven foot high fence. When you're driving down CambridgePark Drive in your vehicle, that fence blocks about 20 feet of that corner of my building. So dropping the sign, the numbering any lower than that would be obscured.

DOUGLAS MYERS: No, I agree with you. You've said it starts at an elevation of 25 feet. My point is that starting at 25 feet you have another additional 27 feet of vertical illumination. That seems to me a lot of vertical illumination in an area that's likely to be residential.

ATTORNEY KEVIN RENNA: So you're referring to

illuminating, not the entirety of the sign?

DOUGLAS MYERS: Some vertical distance of the signage that's less -- significantly less than 27 feet.

BRENDAN SULLIVAN: CambridgePark Drive is a public street.

ATTORNEY KEVIN RENNA: Yes.

BRENDAN SULLIVAN: Yeah, okay. I'm just wondering if there's not some city signage that may come into play here. Again, thinking not just for this particular location but going forward, and that's that going forward part that to me can be a slippery slope.

CONSTANTINE ALEXANDER: And I'm frankly not persuaded by the notion that you whoever gave you that easement won't allow you to put a sign up. You probably never asked.

DAVID HALL: We did.

ATTORNEY KEVIN RENNA: Yeah, and again --

CONSTANTINE ALEXANDER: You can go back and say

the Zoning Board is very reluctant to grant a big illuminated sign. Will you please -- it may cost you something, but that's part of life. I mean, we'll pay you something to let us put a street sign, which will not in any way impair the's aesthetics of that area, please. See what happens.

Anyway, I suggest we continue this case unless you want us to -- you want to put it to a merciful death right now. It's up to you. But we'll give you another shot if you want it.

DOUGLAS MYERS: May I, again, at the risk of chiming in, as I said in a comment previous, I would like to have -- when you come back, I would like to see an exhaustive or comprehensive effort made to find another way of getting your signage other than illumination on the building. And even if you have -- do make a comprehensive serious effort and you tell us all about what you've done, I still reserve my right to address the issue on the merits in

terms of what I

think --

CONSTANTINE ALEXANDER: Same here.

DOUGLAS MYERS: -- for the neighborhood and the city.

ATTORNEY KEVIN RENNA: Right. And, again, just to -- and I think that all sounds like great ideas. I'm going to speak for my client and say they'd rather continue than be denied. But to be clear that the -- the subdivided parcel here, I don't think had enough width to get the sign in. And maybe we can look back at it because it's just drive aisles and a sidewalk that the Planning Board obviously wanted a sidewalk and not just drive aisles with a sign. So if this is a condition, that's a shame but that's been there since the eighties, whatever it is.

CONSTANTINE ALEXANDER: Why don't you save that for your next presentation which will be more part of a comprehensive presentation about, you know, which you've

heard us, I think loud and clear, and see what you live with and we'll just tell you whether we can live with what you can live with.

PATRICK TEDESCO: Can I add one comment?

CONSTANTINE ALEXANDER: Sure, go ahead.

PATRICK TEDESCO: If you do come back with sort of more information on how the sign may or may not be illuminated, I would just ask the question whether the halo, the backlit halo is less visible, less objectionable than an actual internally lit sign. And I know you're concerned about, you know, bounce into units and so forth. But if the sign could appear as a silhouette, with the surface behind it lit at night, it's more subtle. Maybe that's the consideration.

The other thing I would ask or suggest is does the fire department have any, you know, concerns or requirements for where the number of the street was located and its level of illumination? Because they require, you know, an address

that they can see. And I don't know if that was at all a factor here when you went before --

ATTORNEY KEVIN RENNA: I know they sign off -- I don't know if you have any other -- I know they sign off on the addressing plan and have input not only on, you know, what the -- what the number's going to be so it goes in their system, so they don't find it to be confusing.

PATRICK TEDESCO: To Laura's point, if the address were illuminated or if lower say at the vestibule level when you drive in, you saw an illuminated sign that was subtle that said 130 CambridgePark Drive as opposed to, you know, seeing the building from afar, that would be just another thing to consider. Not necessarily in lieu of the vertical sign. Personally I don't have an issue with the size or the height of it. I think like most of us, it's the illumination.

CONSTANTINE ALEXANDER: Well, so do you want to continue the case then?

KEVIN MURRAY: Yes, please.

CONSTANTINE ALEXANDER: I assume you do. You know, but for your benefit, this is called a case heard. We started, got into the merits of the case and now we're going to continue it. Which means when we reconvene to hear what your latest proposal is, we have to have the same five of us present. It can't be any five members of the Board. It has to be this five. So for starters how much time do you think -- when would you like to continue the case to? And then we'll tell you right now whether we can all make it.

KEVIN MURRAY: As soon as possible.

ATTORNEY KEVIN RENNA: Yeah, I mean I think we understand you guys are being pretty clear what you're looking for. We can pull it together pretty quickly.

CONSTANTINE ALEXANDER: You have to have it in, your new plans, and I think there will be new plans hopefully, because there will be a supporting statement, by five p.m., no later than five p.m. on the Monday before the

Thursday that we'll meet.

ATTORNEY KEVIN RENNA: Right.

CONSTANTINE ALEXANDER: So keep that in mind, too.

You're going to lose a week there as well.

ATTORNEY KEVIN RENNA: Right, right, right.

CONSTANTINE ALEXANDER: When do you want to try to
continue it?

KEVIN MURRAY: How often do you meet?

SEAN O'GRADY: Your next available is September
29th.

KEVIN MURRAY: September 29th? We can be ready
for that.

CONSTANTINE ALEXANDER: Can we all make the 29th?

BRENDAN SULLIVAN: Yes.

CONSTANTINE ALEXANDER: I can.

LAURA WERNICK: I cannot.

CONSTANTINE ALEXANDER: You can't? Okay.

Next one after that?

SEAN O'GRADY: October 13th.

CONSTANTINE ALEXANDER: I can make it.

PATRICK TEDESCO: As far as I know.

CONSTANTINE ALEXANDER: Laura?

LAURA WERNICK: Yes.

CONSTANTINE ALEXANDER: October 13th. You have plenty of time to think about this.

KEVIN MURRAY: I appreciate that. Thank you.

CONSTANTINE ALEXANDER: The Chair -- I have to take a vote.

The Chair moves that we continue this case as a case heard until seven p.m. on October 13th subject to the following conditions:

First, that the petitioner sign a waiver of time for a decision. Because that's going to be extended out and Mr. O'Grady has that waiver right here.

Two, that the posting sign must be -- not now, you can take it down. But it has to be up reflecting the

new -- for the 20 days, 10 days -- two weeks, I'm sorry,
required under our Ordinance reflecting the new date,
October 13th, and the new time, seven p.m.

And lastly as I've just mentioned, to the extent
you're going to have proposed revised plans or supporting
information, that must be in the -- our files no later than
five p.m. on the Monday before October 13th. That's to give
us and the citizens of the city time to review and think
about what you're now proposing. If you don't do that,
we're not going to hear the case on October 13th and we'll
continue it further. Okay?

All those in favor please say "Aye."

(Aye.)

CONSTANTINE ALEXANDER: Five in favor. See you in
October.

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

ATTORNEY KEVIN RENNA: Thank you.

* * * * *

(8:40 p.m.)

(Sitting Members Case BZA-010823-2016: Constantine Alexander, Brendan Sullivan, Patrick Tedesco, Douglas Myers, Laura Wernick.)

CONSTANTINE ALEXANDER: The Chair will call case No. 010823, 100 Kirkland Street, No. 100.

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

Mr. Hope.

ATTORNEY SEAN HOPE: Good evening, Mr. Chairman.

CONSTANTINE ALEXANDER: Good evening.

ATTORNEY SEAN HOPE: Members of the Board. For the record, attorney Sean Hope, Hope Legal Offices in Cambridge. I'm here tonight on behalf of the LLC,

Camberville Coffee Roasters, LLC. They are the owner/proprietor of the proposed 100 Kirkland Street.

This is an application requesting Special Permit relief to reduce the parking requirements. Just for a brief background, this is a former convenience store located on the corner of Kirkland and Line Street. And the proposal is to have a restaurant with a bakery retail food service business. There is going to be baking and roasting of coffee to be served on-site as well as a high quality food program. They are proposing to bring a chef in to be able to make food on-site for the restaurant.

CONSTANTINE ALEXANDER: So you're going to serve more than just pastries and doughnuts?

AARON MacDOUGALL: Absolutely. That's very core to this concept. I don't want to be just another coffee shop which is serving muffins and to-go stuff. I want to do great coffee, great beverages, creative stuff, unique stuff, what's really good quality --

CONSTANTINE ALEXANDER: That works against your claim for parking for parking relief it seems to me. If you have a -- and just an observation. You know, a coffee shop people don't drive mostly. You service people in the neighborhood, they're going to walk.

AARON MacDOUGALL: Yes.

CONSTANTINE ALEXANDER: If you have a fine dining opportunity or offering, you might get people driving from other parts of the city. And there's a restaurant across the street. And several restaurants just up the street. And where are people going to park?

ATTORNEY SEAN HOPE: And so if I may?

AARON MacDOUGALL: Yes, please.

ATTORNEY SEAN HOPE: Part of the operation, the business hours are going to be from seven a.m. to five p.m. Although it is going to be a restaurant serving high quality food and bakery, the idea is to really give the -- there is a niche for a breakfast and lunch in the area. And that's

not being served. And so the idea is they're actually going to draw from the neighborhood for those particular hours.

CONSTANTINE ALEXANDER: Got it.

ATTORNEY SEAN HOPE: And part of the reason for the seating is really to be able to have the scale enough to be able to survive as a restaurant. If you have just 20 seats, you're going to need a lot more walkthrough, possibly takeout. So the idea is to have enough tables to be able to support the restaurant on the food, on the beverages itself.

In addition to the concept --

CONSTANTINE ALEXANDER: I'm listening.

ATTORNEY SEAN HOPE: Yeah.

Part of the requirement is to make sure that the property is well serviced by public transportation. There's a general criteria for the Special Permit, but also there's special criteria in Article 6. And so this property is adjacent to the No. 69 bus. There are two busses on Kirkland Street that go towards Harvard Square. There's

also a series of ZipCars and Hubways that are in the area that provide a short memo just of a snapshot of the public available transportation options. But as part of our outreach, Mr. MacDougall went to the neighborhood, and what he heard was an overwhelming support and need for a place to actually eat on a weekend for brunch and for breakfast. You can get Kirkland Trap and Trotter has lunch and dinner.

The Biscuit is more of a fast food coffee place, but there's not actually a place that can actually serve breakfast. And so this actually -- the concept is already there, but the support of this notion that you can actually have a restaurant that serves real food, a sit down with printed menus and silverware and to be able to survive in that location.

We did have a letter -- a series of e-mails that were e-mailed to Maria Pacheco, although she was unavailable, I think she was on vacation this week.

CONSTANTINE ALEXANDER: Yes, she is.

ATTORNEY SEAN HOPE: And I don't necessarily know
this --

CONSTANTINE ALEXANDER: There is only one
letter -- e-mail in the file.

ATTORNEY SEAN HOPE: We actually had these
e-mails -- when we realized that they didn't reach her
because she was away, we actually contacted some of those --

AARON MacDOUGALL: That's a portion thereof, yeah.

ATTORNEY SEAN HOPE: That's just a portion of the
letters in the file.

CONSTANTINE ALEXANDER: I have a stupid question
for you. Your advertisement says the Special Permit is to
reduce the parking requirement by four parking spaces. I
looked at your dimensional form and it says you're required
to have seven. And you have zero. How did we get from
seven to four? The numbers don't add up.

ATTORNEY SEAN HOPE: Yeah. I can't speak to that,
but I do know that the spaces are grandfathered for 20

seats, so that would be four spaces. So the idea that we are going to be adding 20 more, so that was -- one per five is the parking requirements. So we -- we're allowed 20 spaces and that would be required for four parking spaces and we're adding 20 more.

PATRICK TEDESCO: 20 seats.

ATTORNEY SEAN HOPE: 20 seats, excuse me, yes.

Not 20 spaces. So if -- I apologize if the dimensional form --

DOUGLAS MYERS: Well, to follow up on the Chair's astute question.

ATTORNEY SEAN HOPE: Yes.

DOUGLAS MYERS: So you're asking for a reduction to zero? That part is correct?

ATTORNEY SEAN HOPE: That's right.

DOUGLAS MYERS: Whether the requirement is not -- so the matter whether it's reduced by four is not really relevant. It's a reduction to zero.

AARON MacDOUGALL: That's right.

PATRICK TEDESCO: And there are four spaces now?

ATTORNEY SEAN HOPE: So there are no spaces now, but because this is an existing commercial space, it would be grandfathered for 20 seats.

PATRICK TEDESCO: Right. You're not actually eliminating existing spaces, you're requesting --

ATTORNEY SEAN HOPE: We're not. Sorry for the confusion. So this is a landlocked site. There is no parking on-site.

CONSTANTINE ALEXANDER: So you may be grandfathered as to four parking spaces or 20, but you don't have it anyway?

ATTORNEY SEAN HOPE: We don't. And so for our seating we would have to require four more spaces.

CONSTANTINE ALEXANDER: And the Variance really -- the Special Permit is to have no parking.

ATTORNEY SEAN HOPE: That's it.

CONSTANTINE ALEXANDER: Okay.

DOUGLAS MYERS: To ask about your concept, is this, is this something along the line of the restaurant Flour or is yours going to be more explicitly for the daytime operation? And more even of a fine dining element than Flour, just to take that concept because that's a very successful concept.

AARON MacDOUGALL: It absolutely is. And so I'm somewhat familiar with it. Not totally intimate with Flour's business model. But my understanding Flour's first and foremost a bakery. And they also have a food. They do have a lot of takeout as well. Every time I've gone to Flour, they've had very efficient pick up process, but to me it's much more of takeout type of business as opposed to dine in. The interior is not particularly well built out. It's not the kind of -- you know, great pastries, great food, no question about that. It's -- they're fantastic. But you don't really want to spend a lot of time inside of a

Flour I believe.

DOUGLAS MYERS: You want something different?

AARON MacDOUGALL: Yes.

PATRICK TEDESCO: It's usually so crowded.

AARON MacDOUGALL: That's it, too. It's crowded.

CONSTANTINE ALEXANDER: Oh, unbelievably crowded.

AARON MacDOUGALL: Yeah, yeah, it is, and great
food.

DOUGLAS MYERS: Successful business model.

AARON MacDOUGALL: Yes.

LAURA WERNICK: But you will have some takeout?

AARON MacDOUGALL: Because we're serving coffee,
it's inevitable people will take it out. It's a morning
drink. Particularly in the morning. We'll see an ebb and
flow throughout the day. There will be more takeout first
thing in the morning during the weekdays than other times
during the week. But there will be some takeout. But what
we're really trying to do is really interesting distinctive

coffee, and you know, basically we want to create a space for people to come and enjoy their coffee, enjoy really good food, and converse and come up with great ideas and do awesome things. And if it's too much of a fast food type environment, it's not going to be that. It's just going to be another coffee shop.

LAURA WERNICK: We're not really voting on the concept.

DOUGLAS MYERS: The concept affects the use, I think that was the Chair's point.

CONSTANTINE ALEXANDER: What about the fact that you're right next door to Savenor's? Savenor's I assume draws their -- people don't walk down the street to go to Savenor's. They drive from Winchester --

LAURA WERNICK: Some of us do.

CONSTANTINE ALEXANDER: Oh, I'm sure. Julia Child did, that's how they became famous. But I mean there are going to be a lot of people driving to Savenor's and they're

going to take up parking spaces and you're going to have people driving to your place hopefully.

AARON MacDOUGALL: Yes.

CONSTANTINE ALEXANDER: Where is everybody going to park?

AARON MacDOUGALL: Yes. First Savenor's is fully aware of this project. Mark Savenor is my landlord. His cousin Ron Savenor runs Savenor's. I mean I've -- you know, they have a copy of my -- you know, basically what I intend to do, there's been full disclosure there. They love the fact that we in a sense kind of cater to the same type of foodie crowd and hopefully can cross-fertilize.

First, their hours are different. They start operating I believe from eleven o'clock in the morning. They're closed Monday and Tuesday as well. So most of their business is actually in the evening for that, sort of five o'clock to six o'clock people come pick up their food or pick up their groceries and the like. So I don't think

we're going to have too much overlap.

There is, there is free 30-minute on-street parking right in front, that strip right in front of us, there's 30-minute free parking there. There's a lot of paid parking. On the Cambridge side of the street, on Kirkland Street. There is free parking in Somerville just across is transition it goes across Beacon Street onto Washington Street, there is free parking as well on Beacon Street. So there's a lot of parking in the area, too. But honestly we're really -- I mean, so central to our concept is being kind of a Cambridge place where, you know, you have this wonderful sort of people who like food and want to try different things and will come. And it is the neighborhood place as well. There are lots of families in the area. So our real hope is that we draw a lot of people from the neighborhood and they come by foot. It's also one of the most highly traffic or commuted by bicycle places in the country on per capita basis. It's amazing. The CDD did the

study and there are so many people who commute by bike in that area.

DOUGLAS MYERS: In that corner particularly.

LAURA WERNICK: You have Washington, Beacon Street is heavily biked.

AARON MacDOUGALL: Yeah.

BRENDAN SULLIVAN: And you may draw from the hospital --

AARON MacDOUGALL: Yeah.

BRENDAN SULLIVAN: -- which is a walk and rather than them going down to Inman Square type of thing.

PATRICK TEDESCO: There's no question that Kirkland, Beacon there's a lot more pedestrian activity and a lot more businesses than people walk through than 10, 15 years ago. It used to feel like a place you have to drive to. And now Inman Square doesn't seem so far away. Inman Square and Harvard square and the hospital, people do walk to that area more often.

CONSTANTINE ALEXANDER: Anything else?

ATTORNEY SEAN HOPE: That's it for now.

CONSTANTINE ALEXANDER: Any questions? Any more 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?

UNIDENTIFIED MEMBER FROM THE AUDIENCE: I don't have anything too insightful to say. But --

CONSTANTINE ALEXANDER: I'm sorry?

UNIDENTIFIED MEMBER FROM THE AUDIENCE: I don't have anything too insightful to say, though.

CONSTANTINE ALEXANDER: Yes, give your name though.

UNIDENTIFIED MEMBER FROM THE AUDIENCE: I'm sorry, what?

DOUGLAS MYERS: Identify yourself.

CONSTANTINE ALEXANDER: For the stenographer.

JAKE BOWER: My name is Jake Bower.

DOUGLAS MYERS: Address?

JAKE BOWER: I live across the street from 100 Kirkland Street. I live in the little Harvard housing unit there. I think a lot of people there would be excited about this business. I don't know how extremely relevant that is to this conversation, but I figure I would say that. There are a lot of people in that immediate area that would be excited about this. I'm not going to drive my car across the street.

CONSTANTINE ALEXANDER: Anyone else?

(No Response.)

CONSTANTINE ALEXANDER: Apparently not. We are in receipt of a number of e-mails and letters, some of which I must say, I'm not going to read them. Some are amusing. We have one from the owner of Trinity, Trina Starlight Lounge,

as a nearby business owner, nearby? I don't think so. But at least a mile. At least a mile.

LAURA WERNICK: It's less than a mile.

CONSTANTINE ALEXANDER: And the other one I liked was someone who wrote a recommendation, it says, I would really, and really is all capped letters, like to put in a word request for coconut milk and almond milk options for my lattes.

PATRICK TEDESCO: Is that a subject for the Board?

CONSTANTINE ALEXANDER: We'll put a condition.

DOUGLAS MYERS: Only after two p.m.

LAURA WERNICK: Sean will have to --

ATTORNEY SEAN HOPE: Enforce that?

LAURA WERNICK: -- enforce that.

CONSTANTINE ALEXANDER: All right. Anyway, I'm not going to identify. There are seriously a number of e-mails and in some cases letters, all of which are in support of the relief you're requesting.

I'll close public testimony. Any final comments?

ATTORNEY SEAN HOPE: No. I just think for the record, you know, we did think long and hard about the concept, and I do think the extra seats really are to make the restaurant work. Like we touched on about the scale, but I think the idea is unlike The Biscuit that has a long lines running on the weekends, we actually want to be able to accommodate the members of the neighborhood and people using the restaurant. And we also are aware, too, that this is a different model. And if it turns out that we are unsuccessful with our current layout, that, you know, we end up having more takeout than come in, which is a legitimate business concept, that we understand that is something that we may have to come to the Board for, and I want to make it known that we are aware -- if we shifted from a restaurant to more of a cafe --

CONSTANTINE ALEXANDER: Oh, okay.

ATTORNEY SEAN HOPE: I didn't make that pretty

clear to Mr. MacDougall, that there is this where you have people come in and frequent the restaurant as opposed to fast food. I think this is really going to be a neighborhood amenity and a vast improvement probably from the convenience store that's been there for several years.

CONSTANTINE ALEXANDER: Thank you.

Ready for a vote or do we want a discussion? I think we're ready.

Okay, with regard to reducing Special Permit to reduce required parking, I'm reading from the Ordinance: A Special Permit shall be granted only if the Board determines and cites evidence in its decision that the lesser amount of parking will not cause excessive congestion, endanger public safety, substantially reduce parking availability for other uses or otherwise adversely impact the neighborhood.

And it goes on, it's irrelevant.

In making such a determination the Board shall also consider whether or not less off-street parking is

reasonable in light of the following:

One, the availability of surplus off-street parking in the vicinity of the use being served and/or the proximity of an MBTA transit station.

Two, the availability of public or commercial parking facilities in the vicinity. You didn't address that. Are there any in that area?

ATTORNEY SEAN HOPE: There is, but the hospital does have a public parking option. You can pay to park there. It is normally by visitors of the hospital. There is also a parking garage in Harvard Square. So, you know.

CONSTANTINE ALEXANDER: They're far away.

ATTORNEY SEAN HOPE: They're further away.

CONSTANTINE ALEXANDER: Further away.

And shared use of off-street parking spaces serving other uses having peak user demands at different times. And you've sort of addressed that in your comments, that you're going to be nine to five?

AARON MacDOUGALL: Seven to five.

CONSTANTINE ALEXANDER: Seven to five, I'm sorry.

AARON MacDOUGALL: Yeah.

CONSTANTINE ALEXANDER: And, for example, Savenor's has got quite different hours than you'll have.

AARON MacDOUGALL: Correct.

CONSTANTINE ALEXANDER: And the places like Tap and Trotter, they're a big dinnertime crowd and you'll be closed by then.

AARON MacDOUGALL: That's right.

CONSTANTINE ALEXANDER: Okay. The Board -- I move that we make those findings, that what is being proposed will not cause excessive congestion, endanger public safety, or substantially reduce parking availability for other uses or otherwise adversely impact the neighborhood.

As the petitioner has demonstrated that there is public transportation, bus lines that run by.

That there is commercial parking facilities

reasonably near the property.

And that the nature of the uses in the area have different operating hours for the most part than what you're proposing.

So I move that we make those findings that's required by Section 6.35.1.

And then further before we, we have to make more general findings for a Special Permit.

First, I move we find that the requirements of the Ordinance cannot be met without a Special Permit. That's been demonstrated.

That traffic generated or patterns of access or egress resulting from your operation will not cause congestion, hazard, or substantial change in established neighborhood character.

This is an area that has commercial uses already. And there's no reason why you're going to cause congestion. And I assume your food will be there will be no hazards.

AARON MacDOUGALL: Yes.

CONSTANTINE ALEXANDER: That the continued operation of adjacent uses will not adversely affected by what is proposed.

In this regard the direct abutters, Savenor's, although they didn't write a letter as far as I can tell, is in support. They must be in support. They leased you the property.

AARON MacDOUGALL: Yes.

CONSTANTINE ALEXANDER: And that the other restaurant operations have not objected, and in one case Trinity Starlight Lounge is in support.

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

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

Ordinance.

In this regard what is being proposed by the petitioner will add a different dimension to the commercial activities in this area, and to that extent is beneficial to the neighborhood generally.

So on the basis of all these findings, the Chair moves that we grant the Special Permit requested to reduce the required parking for the restaurant.

All those in favor please say "Aye."

(Aye.)

CONSTANTINE ALEXANDER: Five in favor. Good luck.

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

(Whereupon, at 9:00 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.

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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 25th day of August, 2016.

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

My Commission Expires:
April 29, 2022

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