

December 10, 2020

BOARD OF ZONING APPEAL
FOR THE
CITY OF CAMBRIDGE

GENERAL HEARING

THURSDAY, DECEMBER 10, 2020
6:00 p.m.

Remote Meeting
via

831 Massachusetts Avenue
Cambridge, Massachusetts 02139

Constantine Alexander, Chair
Brendan Sullivan, Vice Chair

Andrea A. Hickey
Jim Monteverde
Laura Wernick
Alison Hammer
Jason Marshall

City Employees
Ranjit Singanayagam
Sisia Daglian



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617.547.5690

transcripts@ctran.com

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P R O C E E D I N G S

* * * * *

(6:00 p.m.)

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

CONSTANTINE ALEXANDER: Welcome to the December
10 meeting of the Cambridge Board of Zoning Appeals. My
name is Gus Alexander, and I am the Chair.

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

This meeting is being video and audio recorded,
and is broadcast on cable television Channel 22, within
Cambridge. In due course, there will also be a transcript
of the meeting. We have a stenographer -- as we do for all

1 of our meetings -- have a stenographer record the meeting
2 and produce minutes, if you will, afterwards.

3 All Board members, applicants, and members of the
4 public will state their names before speaking. All votes
5 will be taken by roll call.

6 Members of the public will be kept on mute until
7 it is time for public comment. I will give instructions for
8 public comment at that time, and you can also find
9 instructions on the city's webpage for remote BZA meetings.
10 You will have up to three minutes to speak, and I mean three
11 minutes.

12 I've instructed Sisia that at the end of three
13 minutes, if you're still talking, your mic goes off. No --
14 we're not going to go over. We've got too many -- we've got
15 a long night, and I'm sure we're going to have many people
16 speaking -- mostly to repeat what they put in writing
17 before, and to repeat what three other people said f them,
18 all of which means it's a very long night for our Board, and
19 a very frustrating night.

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

22 SISIA DAGLIAN: Andrea Hickey?

1 ANDREA HICKEY: Yes, I'm here.

2 SISIA DAGLIAN: Laura Wernick?

3 [Pause]

4 JIM MONTEVERDE: You have to unmute.

5 ANDREA HICKEY: Unmute, Laura.

6 SISIA DAGLIAN: She's trying. Okay, Jim?

7 JIM MONTEVERDE: Jim Monteverde is here.

8 SISIA DAGLIAN: All right, Jim. Gus and Brendan
9 are here?

10 BRENDAN SULLIVAN: Brendan Sullivan, here.

11 SISIA DAGLIAN: Laura?

12 LAURA WERNICK: Laura Wernick, here.

13 SISIA DAGLIAN: Okay.

14 CONSTANTINE ALEXANDER: Okay.

15 SISIA DAGLIAN: And transcriptionist, can you hear
16 us?

17 THE REPORTER: Yes, I can hear you.

18 SISIA DAGLIAN: Okay, thanks.

19 CONSTANTINE ALEXANDER: Okay, we have -- there are
20 five members. I will start by calling our first advertised
21 case. Let me say something at the outset. Our regular
22 agenda is scheduled to start at 6:00 p.m. We have continued

1 cases -- four in fact, on the agenda. These are cases that
2 have started at an earlier date, but for one reason or
3 another have been continued. They are scheduled starting at
4 7:00.

5 So when we come up around 7:00, if there's a break
6 in the action, I will recess this meeting, we'll hear
7 continued cases, and then reconvene this meeting.

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(6:04 p.m.)

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

Okay, with that by way of background, I'm going to
call the first case, which is Case Number 017326 -- 2072
Massachusetts Avenue. Anyone here wishing to be heard on
this matter?

SISIA DAGLIAN: Sorry, I just need a minute.

CONSTANTINE ALEXANDER: Sisia, any problems?

SISIA DAGLIAN: No, there's just a lot of people
and I have to go screen through and bring people to a
panelist, and -- I should be able to start now.

SEAN HOPE: Just want to test my microphone. Can
everyone hear me okay?

CONSTANTINE ALEXANDER: I'm sorry, Jim? (sic)

SEAN HOPE: I just wanted to make sure that you
can hear me okay? I can try speaking up if you can't.

SISIA DAGLIAN: Yes, we can hear you, Sean.

CONSTANTINE ALEXANDER: Yep.

SEAN HOPE: Good evening, Mr. Chair and members of

1 the Board. For the record, I am Sean Hope. I am the
2 principal of Hope Real estate, and along with my business
3 partner and co-developer, Jason Korb of Capstone
4 Communities. Together, we are CC HRE, 27 Mass Ave, TENANT
5 LLC, the applicant.

6 We are here tonight to present a comprehensive
7 permit to redevelop the parcel known as 2702 Mass Ave,
8 pursuant to Mass. General Laws Chapter 40B.

9 CONSTANTINE ALEXANDER: Sean? Excuse me, Sean?

10 SEAN HOPE: Yes.

11 CONSTANTINE ALEXANDER: If I can interrupt you
12 just for a second. We have a lot of -- I suspect -- I'm
13 sure we have a lot of people on the call, most of whom are
14 not familiar with how comprehensive permit cases go.

15 I'd like to spend a few minutes, at the risk of
16 boring my fellow Board members and you and your client to
17 just simply lay out for the general audience how
18 comprehensive permit cases work. And then after that, I
19 want to address a few comments to you as the applicant.

20 So with that, basically the Board of Zoning
21 Appeals performs three functions. This is week to week. We
22 pass on requests for a variance from our ordinance, we pass

1 on requests for special permits under our ordinance, and we
2 also hear appeals from decisions by the Building Inspector.
3 That last category, we rarely have those cases, but from
4 time to time we do.

5 Variances involve state law. The requests for a
6 variance are established by state law. Special permits
7 involve matters that are generally allowed by our ordinance,
8 but still require approval, a special permit, from the
9 Zoning Board because of the city has decided that as to
10 certain things they want to -- I assume they want to have
11 our Board pass upon them applying a standard that's set
12 forth in our ordinance.

13 Any appeals -- and as I mentioned before, the
14 third category are appeals from a decision of the Building
15 Inspector -- all of these cases require a super majority
16 vote by the Board to obtain relief. Super majority means
17 there are five members sitting on a case; you must get
18 affirmative -- the applicant must get four of those five to
19 vote in favor of the relief being sought.

20 We also now -- we also have a fourth category,
21 which is what we're going to discuss tonight, and that's a
22 comprehensive permit case. By state law, Chapter 40B of the

1 General Laws, we can grant a comprehensive permit. 50 years
2 or so ago, the state legislature decided that more
3 affordable housing was needed.

4 And one reason for the shortage of affordable
5 housing was local requirements, either because of
6 restrictive zoning provisions, or because of requirements
7 for approval from various local Boards, all that added time
8 and expense to a project.

9 So under Chapter 40B, only a comprehensive permit
10 from the Zoning board is required. The Zoning Board need
11 only obtain input and advice from other town boards -- not
12 approvals. The ZBA in short has the right to override local
13 requirements and regulations, including the zoning statute
14 itself.

15 In other words, Chapter 40B expresses a strong
16 public policy in favor of waiving local restrictions and
17 requirements, where appropriate, in order to facilitate
18 affordable housing.

19 The Zoning Board -- us -- can, however, impose
20 conditions on an applicant to mitigate adverse impacts on
21 citizens of the community, with a focus on height, safety,
22 environmental design, open space, and planning aspects of

1 the project.

2 We cannot impose conditions, however, that will
3 make the project -- the proposed development -- uneconomic.
4 And again, consistent with the notion that the city -- the
5 state legislature looking to favor the affordable housing to
6 get the comprehensive permit requires a simple majority
7 vote; three out of five, not the four out of five for
8 everything else.

9 So in short, the Zoning Board of Appeals may deny
10 granting the comprehensive permit, only if there are
11 intractable issues, for which the Zoning Board is unable to
12 create conditions that mitigate the impact of the
13 development. That, in a few words, is how comprehensive
14 permit cases arose, and how they work.

15 Now I want to turn to the actual case before us.
16 And let me say at the outset, I said I wanted to address a
17 few comments to you, Sean.

18 If one am very disappointed in how this case has
19 been developed. It's been slipshod, and it's been rushed,
20 and it makes it difficult for the citizens and certainly
21 this Board to follow what's going on.

22 I don't know why you have, for example, filed your

1 application before you have an eligibility letter. And
2 fortunately for you and your client, or you -- and you are
3 the client, or one of the clients -- we got that eligibility
4 letter today. If we hadn't received it, there would be no
5 hearing tonight.

6 So I'm not happy about it, but that's how it is.
7 And with that, by way of background, you can proceed with
8 the presentation of your case.

9 SEAN HOPE: Thank you, Mr. Chair. And I do
10 appreciate the background. I do think it's helpful. And
11 later in the application, if you could discuss why and which
12 (sic) the site eligibility letter came in. But I -- we have
13 made great efforts to try to make the application as clear
14 and concise as possible. And to the extent we didn't do
15 that, we do apologize to the Board.

16 So to start off with, I'd like to make some
17 introductions, if you could go to the next slide. So we
18 have our project team that is here to make the presentation
19 and answer any questions the Board might have about the
20 proposal.

21 So speaking tonight would be the Project
22 Architect. We have Jason Forney, a Principal of Bruner Cott

1 Architects. We have our Land Use Counsel, Ruth Sillman of
2 Nixon Peabody.

3 We have our energy consultants, Tom Chase or Frank
4 Stone, and I believe Frank Stone is here on behalf of New
5 Ecology. We have our Traffic and Parking consultant. We
6 have Scott Thornton of Vanasse & Associates Inc. We have
7 our landscape consultant, Jennifer Brooke of Lemon Brooke.

8 Next slide, please?

9 As the Chair had mentioned back in 2017, this
10 Board approved a comprehensive permit for Frost Terrace.
11 That's a 40-unit, 100 percent affordable development, very
12 similarly with three accessible parking spaces. I bring
13 this up, as the Chair had mentioned, so this is about 10-12
14 blocks away from 2072 Mass Ave.

15 One of the reasons why we're showing this example
16 is the same development team. Bruner Cott Architects, they
17 were the architects on that project. They also did the
18 Lunder Arts Center, which is directly adjacent to that,
19 which was a big project in the community.

20 And part of the reason why we continue to work
21 with them, I mean they are one of the premier architects, I
22 believe in Cambridge and Boston. But also, they understand

1 the goals of the City of Cambridge on the corridor. They
2 understand some of the guidelines and the history of how
3 some of those Design Guidelines have developed, and we
4 believe that they were the appropriate architect to lead
5 what we believe is a bold and forward- thinking proposal.

6 The second part is also the quality. When you go
7 by the site, and I'm sure many Board members have, you don't
8 know it's an affordable development. It was an element of
9 historic preservation. There was a new building. There was
10 buildings in the back.

11 And so, one of the goals of Jason and I is that we
12 build a building that looks like any other building in
13 Cambridge. And that is not some -- an affordable building
14 that is of a lesser quality.

15 And the last piece which you'll hear more about is
16 we are 60 percent done with the construction of Frost
17 Terrace. And we are starting to receive applications for
18 potential tenants.

19 And I won't go into detail now, but the
20 interest and the number of applications has really been
21 substantial. And that only speaks to the level of the need
22 for affordable housing. We'll get into that.

1 So -- just a couple of procedural elements.

2 First, as the Board said, we did -- we received a Site
3 Eligibility Letter in the file, and that is a prerequisite
4 to coming before the Board.

5 Just to summarize, the letter states that the
6 project is eligible for funding in the form of tax credits.
7 An on-site inspection was completed. Also the fact that the
8 housing and the housing design were appropriate for the
9 location. And lastly that CC HRE Mass Ave Tenant LLC, the
10 applicant, is a limited dividend company.

11 One other piece of housekeeping: So for the
12 relief requested, I would like to refer the Board to the
13 waiver list that was included in the application, as well as
14 the application advertisement. I request those be included
15 and incorporated into the record, as the requested relief.

16 SISIA DAGLIAN: Sean? Sorry, I have to interrupt
17 you. I'm not able to screenshare for some reason. I have
18 an error. Do you have the document? I can give you
19 controls.

20 SEAN HOPE: So --

21 JASON KORB: Why don't you give me control? This
22 is Jason.

1 SEAN HOPE: And I think more important than the
2 documents that I have, the presentation has the full plans,
3 and I think that is --

4 SISIA DAGLIAN: Jason, do you have it? The
5 presentation in front of you?

6 JASON KORB: I do, yes.

7 SISIA DAGLIAN: Okay. I'm going to -- you should
8 be able to share it now. Can you test that?

9 JASON KORB: All right.

10 SEAN HOPE: So -- and it should be slide 3.

11 JASON KORB: Can everybody see that?

12 SISIA DAGLIAN: Yep.

13 JASON KORB: Is it okay like that, or would you
14 like me to go to full screen?

15 SISIA DAGLIAN: I think full screen would look
16 better, yeah.

17 SEAN HOPE: Okay. So -- an when you're ready --

18 SISIA DAGLIAN: Okay.

19 SEAN HOPE: -- if you could go to the next slide?

20 JASON KORB: Where do you go to Full Screen? Do
21 you guys -- oh, here we go. Okay. This is Frost Terrace;
22 this is currently it.

1 SEAN HOPE: Right. So this is when I was
2 referencing the 2017 40B comprehensive permit Frost Terrace.
3 The left is the rendering, and the right is what we are
4 right now going by. And as I mentioned, we're 60 percent
5 through construction, and this is this same development
6 team.

7 So going to the development summary, so just by
8 way of background, the site is at the corner of Mass Ave and
9 Malden, and it's located in the BA2 district. As the Board
10 is familiar, the BAT District is a mixed-use district that
11 allows for multifamily housing. And it has an emphasis on
12 ground-floor retail.

13 A very small sliver of the rear portion of the
14 lot, less than 1 percent, is in the Res B. So as we start
15 looking at the number of waivers, we had to include all the
16 waivers for Res B, because Res B doesn't even allow for
17 multifamily housing.

18 The lot is about 8500 square feet, and it's
19 improved by a one-story brick building and paved parking,
20 formerly the KFC site, as people may know.

21 And then to the development, as I mentioned, this
22 is 100 percent affordable housing. There will be 49

1 affordable apartments, and these will be affordable in
2 perpetuity.

3 There is an emphasis on two and three-bedrooms, so
4 the majority 71 percent will be what's considered family
5 units, two and three bedrooms. The project is seeing
6 Passive House certification. There are also green roof and
7 rooftop solar.

8 As part of the Mass Ave Overlay District, there is
9 emphasis on ground floor retail, and so we're proposing 1000
10 square feet of neighborhood retail and 500 square feet of
11 resident amenity space. There is three accessible parking
12 spaces and two drop-off spaces.

13 We are fully compliant with the bike parking
14 regulations. We have 51 total long-term bike parking
15 spaces. We have an upper-level terrace amenity, and that
16 has been the result of augmenting the proposal to go --
17 going from nine stories on Mass Ave dropping down to six
18 stories in the rear, as you transition into the Walden
19 Street neighborhood Corridor.

20 CONSTANTINE ALEXANDER: Excuse me --

21 SEAN HOPE: And now --

22 STEVEN A. COHEN: Sean? Excuse me. You should

1 just point out, or maybe I will point out -- that these nine
2 stories along Massachusetts Avenue is the result of a filing
3 that was made by you only two days ago. The original plans,
4 and the ones that went before the Planning Board and other
5 Boards, and what I think most citizens of the city saw, had
6 eight stories.

7 SEAN HOPE: So that is not correct. At the
8 Planning Board, they had -- and we presented, and their memo
9 was reflective of it, we presented to them the nine-story
10 building.

11 The change from eight stories, a flat eight
12 stories to nine stories in the front and six stories in the
13 back was the result of direct abutter conversations. So we
14 made that change.

15 The CDD memo at the time that's dated -- that went
16 to the Planning Board, did reference that we may consider
17 going from nine stories and six in the back, and what we did
18 present to the Planning Board in the letter of
19 recommendation to the Zoning Board was the nine stories and
20 the six stories. So --

21 CONSTANTINE ALEXANDER: I understand that. I just
22 want to be sure that those in the audience who may not be

1 aware until right now about the change in the height of the
2 building as it fronts on Massachusetts Avenue. I just
3 wanted to call it to their attention. That's all.

4 SEAN HOPE: I appreciate that.

5 JASON KORB: We also -- do you mind if I
6 interrupt? We also gave a community meeting on 11/24/2020,
7 where we presented this revised design. Everything is on
8 our website at 2072massaveepts.com -- the whole timeline is
9 on there, along with the backup, so you can actually follow
10 the entire timeline of when these plans were released.

11 CONSTANTINE ALEXANDER: Okay.

12 SEAN HOPE: I think what we wanted to clarify is
13 that this was not a last-minute change that wasn't reviewed
14 by the neighborhood. I think you'll see it -- from what
15 we've experienced, a lot of the opposition that we received
16 talks about nine stories, which is evidence of the fact that
17 we've had a full discussion on it, and we have -- we have
18 discussed it fully.

19 Before we get into the actual presentation of the
20 drawings and plans, I would just like to pass over to our
21 Land Use Counsel, Ruth Sillman, so she can just go over a
22 couple of points.

1 RUTH SILLMAN: Thank you, Sean. Can you hear me?
2 Good evening Mr. Chairman. My name is Ruth Sillman, and I'm
3 a partner at Nixon Peabody in Boston. You have to forgive
4 me, I have some health issues relating to my tongue, and so,
5 my speech is not as precise as it used to be, but I thank
6 you for bearing with me.

7 I just wanted to take a minute to review the
8 Chapter 40B initial requirements. The Chair did a very good
9 job outlining and setting the stage for a 40B application.
10 As the Board knows, pursuant to the 40B regulations, to be
11 eligible to submit an application for a comprehensive
12 permit, the applicant of the project must satisfy three
13 requirements:

14 The applicant must be either a public agency, a
15 non-profit organization, or a limited [33:16 indiscernible]
16 organization. And here, applicants are organization, which
17 means that they have agreed to limit profits and
18 distributions from the project.

19 Number 2, the project shall be fundable by a
20 subsidizing agency under a low or moderate-income housing of
21 the program, and again the HCE issued the eligibility letter
22 today.

1 And third, the applicant shall control the project
2 site environment. As noted in the application, the
3 applicants will allow lease of the property from the owner,
4 who is an affiliated entity.

5 In accordance with the requirements of Chapter
6 40B, the applicants request that the BZA find that although
7 the City of Cambridge has received a 10 percent
8 affordability housing Safe Harbor, that the BZA finds that
9 the project may proceed, and that it is consistent with
10 local needs, because number 1 it meets the statutory
11 criteria that I just outlined.

12 Number 2, the project provides much-needed
13 affordable housing, and that to the project is consistent
14 with local concerns, and satisfies health, safety and other
15 local issues, as you will hear from the presentation that
16 will follow.

17 I would now like to turn it over to Jason Korb.

18 JASON KORB: Thank you, Ruth, and thank you, Mr.
19 Chairman. My name is Jason Korb. I'm the Principal of
20 Capstone Communities, Partner with Sean Hope.

21 I just wanted to discuss a little bit more of the
22 details of what level of affordability we're proposing here.

1 This is very similar to the other 100 percent affordable
2 developments that have been proposed in the city, including
3 Frost Terrace.

4 All of the affordable -- all of the apartments
5 will be affordable in perpetuity. And we would request that
6 that's something that you write in your zoning decision, so
7 it actually closed with the land. It's very important to us
8 and to our funders that this affordability be forever.

9 Eight of the 49 apartments would be set aside at
10 or below 30 percent of the area median income. That really
11 has no household minimum income. It had project-based
12 vouchers, which were rent subsidies associated with those.
13 And all of those apartments contain two and three bedrooms
14 for families that are really struggling right now.

15 41 apartments would be at or below 60 percent of
16 the area median income. And you can see these are maximum
17 incomes, not minimum incomes. Maximum incomes ranged
18 between \$53,000 and \$82,000. So it's a really wide swath of
19 folks that can't afford to live in the city, whether they're
20 exceptionally poor or in, you know, working poor, or even
21 middle-income I would say.

22 These are the rents -- just to give you a sense.

1 These include all utilities, except for cable and Internet.
2 They range between about \$1344 for a studio, \$1440 for a
3 one-bed, \$1728 for a two-bed, and [36:48 audio unclear] for
4 a three-bed. And again, those do not include utilities.

5 And I would just like to -- just look at the
6 bottom, and you look at some of the comparable market rents.
7 And these are post-COVID market rents. The pre-COVID market
8 rents were much higher.

9 At the Y that's just down the street, \$3600 for a
10 two-bed. You compare that to -- that does not include any
11 utilities. So that's like, you know, more than double what
12 we would be charging.

13 \$4500 for a three-bed. You know, you factor in
14 utilities, you can do the math. And in order to not be rent
15 burdened -- it says that people are rent burning when they
16 spend more than 30 percent of their adjusted gross income on
17 rent -- households would have to make \$152,000 to \$190,000
18 to afford these rents, which is a lot.

19 And then there will also be preference for
20 Cambridge residents. So 70 percent of the apartments would
21 have a preference for people who either lived or worked in
22 Cambridge, and the city has a very detailed list of how that

1 works.

2 The engagement process: I can tell you this is
3 probably the most robust engagement process I've been a part
4 of since I've been in development. We started working with
5 the City of Cambridge back in April, the Planning Staff. We
6 went through multiple iterations.

7 What we didn't want to do is go out to the
8 community with something that the professional staff at the
9 city couldn't support. And so, we spent many, many months
10 with Traffic and Parking, with Urban Design, Sustainability,
11 refining our plans, refining them again and over and over
12 again.

13 When we did take our plans out in September, we
14 had two large community meetings, two meetings with the
15 Porter Square Neighbors Association, one meeting with the
16 North Cambridge Stabilization Committee, we're very, very
17 sensitive to the Russell Apartments next door.

18 As you know, that's an elderly building owned by
19 the Cambridge Housing Authority. My Mom is personally --
20 she's 83 years old and disabled. I'm exceptionally
21 sensitive to this.

22 And we -- in terms of getting feedback from the

1 community, one resident suggested that we sit at Boards in
2 the lobby and comment cards, which we've done. We have
3 received comments. In general, people are supportive of
4 affordable housing. They have concerns about construction
5 next door, and those are things that, you know, and some of
6 the traffic that's been brought up. And those are things
7 that we'd love to continue working with them on.

8 We've had nine meetings with direct abutters, four
9 meetings with various individuals. If you haven't seen the
10 website, I'd suggest taking a look at it. We have an
11 extremely robust comments section. I believe we responded
12 to the -- almost every single comment. We've had some back
13 and forth, and I think it's been a very respectful dialogue.

14 We have a very robust FAQ section. We've
15 continued to update it. Sean and I and our team have made
16 ourselves available over Zoom day, night, weekends, and I
17 think our opponents can attest to that.

18 Whether they agree or disagree with the project, I
19 think that everybody would agree that we've availed
20 ourselves to anybody and everybody who wanted to chat with
21 us and give us feedback.

22 I've literally given most of my life to this

1 project. We've had meetings with various city departments,
2 as you can see here, all of whom I believe have written
3 favorably of it, and we had a very positive meeting with the
4 Planning Board.

5 So I can say personally as someone who's lived
6 this for the last number of months, it's taken the life out
7 of me, and it's been an exceptionally robust process. And
8 we've had very great attendance.

9 And I think a lot of it has to do with the fact
10 that Zoom has allowed more people to participate in this
11 process than I've ever seen. Normally meetings are held at
12 7:00 at night and families can participate. I have two
13 little kids.

14 You know, we've had Zoom kids where we've had
15 younger people on the Zooms. Whether they agree with us or
16 disagree with us, they participated. And I'd give this
17 process a lot of credit for that.

18 We wanted to highlight a number of changes that
19 came out of the community process. There was an issue
20 brought up -- we originally had the residential entrance on
21 Walden Street. People were concerned that people would park
22 in front of the residential entrance -- Ubers and Lyfts,

1 people picking up people in the building, creating a huge
2 backup on Walden Street. So we relocated the entrance from
3 Walden Street to Mass Ave. I think that was very well-
4 received.

5 We're proposing to widen Walden Street. And I'm
6 not going to get into too much detail, because I know we're
7 short on time. I want to be respectful of your time. This
8 will be discussed later.

9 But this is a huge improvement from what we
10 understand from the Traffic Engineers. We've set back the
11 building on the ground floor, increased the width of the
12 sidewalk along Walden Street. We've tapered the wall at the
13 garage entrance to provide more visibility, and that also
14 allows us to add some planters.

15 One of the issues on Walden Street and Mass Ave on
16 the sidewalks is there's Eversource duct banks that run
17 underneath the sidewalk, which is preventing us from putting
18 in street trees. So any opportunity that we can do to plant
19 ground-level, you know, greenery is a real benefit, I think.

20 We increased the height along Mass Ave from eight
21 stories to nine stories. And that was the suggestion of an
22 abutter, actually, who said, really the height belongs on

1 Mass Ave. Mass Ave is four lanes. There are other tall
2 buildings on Mass Ave. And then step it down to the
3 community.

4 So we responded to that. That change was due to
5 abutter feedback, not something that we just came up with on
6 our own. And the city and the City Planning Staff has also
7 been supportive of that too.

8 We added an upper-level resident amenity space.
9 Our prior original plans didn't have any outdoor space for
10 residents. We heard from the community, "Where are kids
11 going to play? Where are residents going to experience the
12 outdoors?" And so we've hired Jennifer Brook from Lemon
13 Brooke Architects.

14 They're doing -- just purchased a rooftop garden
15 in the city right now. They did the Acton Discovery Museum,
16 which is where my kids love playing, to help design that
17 rooftop amenity space, which is over 1800 square feet.

18 There is a tree on site, that we're planning on
19 saving; retaining a Master Arborist. We updated our traffic
20 study, and we implemented an additional transportation
21 demand measure. So --

22 CONSTANTINE ALEXANDER: Excuse me, can I ask you

1 where the tree is going to be? I didn't think there was any
2 space on the lot --

3 JASON KORB: Sure. Yeah, so there's an existing
4 tree that straddles out site in the CHA's building, the
5 Russell Apartments, and it's literally straddles the lot.
6 And we've hired a Master Arborist to figure out a way to
7 save that one tree. So we have a Tree Preservation Plan
8 from him that we're going to follow, that's part of the
9 materials that we submitted. And we plan to adhere to that
10 plan, commit to that plan, so that tree will be saved.

11 I can see if -- you know, I think we have some
12 photos coming up. And I think that maybe our architect as
13 he starts walking us through - Jason, if you could point
14 where that tree is as we walk around the site -- Mr.
15 Chairman, would that be helpful?

16 CONSTANTINE ALEXANDER: I just wanted -- this is
17 the first time I saw reference to a Tree Protection Plan and
18 a Master Arborist. I'm reading the files, so I'm a little
19 puzzled by the reference.

20 JASON KORB: Yeah. The original submission
21 includes the Tree Protection Plan. Everybody hear me okay?
22 Sometimes I lose volume.

1 COLLECTIVE: Yes.

2 JASON KORB: I think now I'll pass it off to Jason
3 Forney, from Burner (sic) Cott.

4 JASON FORNEY: Thank you, Jason. Good evening Mr.
5 Chair and members of the Board. My name is Jason Forney, F-
6 o-r-n-e-y, from Bruner Cott Architects. I would like to
7 start by setting the context for the project. This is very
8 much a transit-oriented development site about a quarter
9 mile from Porter Square and less than half a mile from
10 Davis, both Red Line and on Mass Avenue, which is the main
11 thoroughfare of Cambridge, served by several buses.

12 As -- yeah, thank you, Jason. A while ago, the
13 site was occupied by the Odd Fellows Lodge, which
14 unfortunately was lost in a fire around 1968, at which time
15 it was replaced by -- or later replaced by a one-story fast-
16 food restaurant with an asphalt parking lot.

17 So this is a view of that as well as the 2050
18 Massachusetts Avenue building owned by the CHA next door,
19 and its party wall, which is pretty much right on the lot
20 line.

21 Another view of kind of the feel of this part of
22 Mass Avenue, fairly well-developed, with the CHA building,

1 the Henderson Carriage House, which is a national landmark,
2 and a taller building in the background there, which is
3 about eight stories.

4 We were particularly -- one of our goals was to
5 kind of be in a conversation with the Carriage House. It's
6 a beautiful building -- repetitive, large windows in sort of
7 a grid pattern, and that had an influence on our design.

8 And I think that the change going from eight
9 stories all the way through to a nine stepping down to six,
10 really an acknowledgment that we do -- that we are
11 transitioning into a residential neighborhood as we move
12 further away from Mass Avenue.

13 Another way of looking at our context here, this
14 is sort of a neighborhood map, indicating the volume and
15 height of the various buildings on this stretch of Mass
16 Avenue. There are tall -- this is an area where there are
17 taller buildings.

18 So looking at that from above, we get the sense
19 that this is a pretty well-developed part of the avenue.
20 And so, our idea is to really in the next slide kind of
21 primary design move of -- you know, occupying that corner of
22 creating a light-colored, white or light grey cube or prism

1 that kind of floats above the ground there, making way for
2 retail space underneath retail or other active uses that
3 help activate the avenue in accordance with a lot of the
4 city planning goals.

5 And then it transitions on both sides.

6 So our kind of overall design goal is obviously
7 creating high-quality affordable housing community,
8 responding to the site, making sure that our design enables
9 an active streetscape and pedestrian-scaled activities,
10 hiding vehicle parking and service areas away from Mass
11 Avenue, using materials that are durable and traditional,
12 but in a modern way, integrating plantings into the building
13 and the streetscape.

14 And then I think you'll see on the next slide
15 thinking about sustainability in a pretty advanced way, as
16 we're following the city's leadership in this area.

17 So in summary, this is -- the building is focused
18 on things that we think align with affordable housing. It's
19 a Passive House design, meaning that it uses very low
20 amounts of energy, keeping the utility costs down. It's
21 focused on resiliency.

22 And also, other things that we think are a good

1 fit with affordable housing such as that tend to occupant
2 well-being, such as the green roof, materials with fewer
3 toxins and chemicals and plenty of daylighting views in the
4 units, in the apartments.

5 Now I'll just walk you around. Looking at the
6 building from a few places, this is further up Mass Avenue
7 looking back towards Porter Square, seeing how that corner
8 changes.

9 Coming a little bit closer, noticing how the
10 building steps down in the back from the corner piece to the
11 six-story piece, which has an outdoor space, complete with
12 plantings that can be viewed from the ground floor, or from
13 the ground.

14 And just pausing a moment to compare the all
15 eight-story building, and the nine-story stepping down to
16 six that was first sort of brought out in mid-November and
17 shown at the November 24 community meeting.

18 Coming around, looking back up from Porter Square,
19 and then from Walden Street looking from the residential
20 neighborhood back to Massachusetts Avenue. I'm noticing how
21 the building steps down there with the planted roof.

22 And the next slide, again, is a comparison of what

1 that was before, as an all eight-story design, and its
2 modification, putting the height on Mass Avenue and bringing
3 the height down in the back.

4 A closer look at the street. The Massachusetts
5 Avenue streetscape includes a relocated bus shelter, as well
6 as potentially a public art piece behind it. The main
7 entrance is in the middle, an active, vibrant retail space
8 on the corner and the residential units above.

9 Coming around to Walden Street, this is a rendered
10 elevation of the building -- again, a lot of those elements
11 are in view here; the retail in the corner, resident amenity
12 room on the ground floor, and then the vehicle parking and
13 service in sort of a piece that recedes into the building
14 with the planter below.

15 Okay, you can go to the next one again.

16 Looking at the corner here, there's a few things
17 to note on the site plan, and I will save some of them for
18 Scott Thornton, who is our Traffic and Parking consultant to
19 talk about. But a few important things: we're focusing the
20 pedestrian entrance off of Mass Avenue, as well as the
21 retail entrance.

22 The vehicle entrance, again, is in the rear, and

1 we worked with the city's Traffic and Parking folks to
2 understand some of the dimensions requires for having a safe
3 vehicle entering and exit.

4 Those red lines indicate the geometry where a
5 driver can see folks on the sidewalk 20 feet away from the
6 garage entrance.

7 Perhaps the biggest move here, which doesn't look
8 big on this drawing, is that we're changing Walden Street.
9 We heard a lot from city planners, and also from neighbors
10 and residents that Walden Street has traffic problems. And
11 we learned that it's because the street is too narrow. And
12 it was formerly a two-lane street that was changed to a
13 three.

14 And so, on the next slide, you'll see what we're
15 proposing here is to go from three lanes of 1 ten-foot and 2
16 eight-foot four, to 3 proper ten-foot travel lanes.

17 By pulling the sidewalk back, creating an easement
18 in -- which gives use for the city sidewalk on the private
19 property, and then also pulling the ground floor of the
20 building back, so that we have around a seven-foot-two
21 sidewalk in the public, where the public can traverse. And
22 that's compared to a six-foot-five existing condition.

1 I'll walk you through the plans very briefly. The
2 basement is reserved for mechanical equipment, as well as
3 the 51 bicycle parking spaces that are accessed from an
4 elevator.

5 I've showed you the ground floor, so we'll jump up
6 to floors 2 through 6 so they stack, and here you get an
7 indication that the way we've laid the building out is to
8 have three-bedroom units on the corners, two-bedroom units
9 in the middle, and then those 2 one-beds looking out over
10 Massachusetts Avenue.

11 So again, a large amount of family-sized units,
12 which the next slide actually will -- oh, sorry. The next
13 one after this has a grid, but going up to the seventh floor
14 and the sixth-floor roof, this indicates the amenity space
15 that we've designed there, which has a wide border of
16 plantings, and then some sort of barrier pulled back from
17 the edge that keeps people from coming over to the edge.

18 This is an unprogrammed space as of now, but we
19 envision it meeting a wide variety of uses by the residents
20 who live in the building.

21 Again, the unit mix, 29 percent one-bedrooms and a
22 combined 71 percent are two and three bedrooms for families.

1 And then on the roof we have some mechanical
2 equipment, which is pulled towards the middle to minimize
3 its visibility. I'll note that it is shown and modeled in
4 all of our renderings. Space for solar, and then looking
5 down onto that low roof below.

6 We've prepared shadow studies here in the winter.
7 From the upper left 9:00 in the morning, shadows cast to the
8 west. In the middle of the day, 12:00 and 3:00, they sort
9 of come out onto Mass Avenue, really blending with the
10 existing shadow patterns, and then at the end of the day
11 start to move towards the east.

12 And summer, similar patterns just a little more
13 exaggerated because the day is longer, noting that they do
14 begin in the morning to the west and do cast some shadows on
15 some of the residential buildings for a short time, then
16 move back towards Mass Avenue, and then over to the east in
17 the afternoon.

18 And the spring and fall, similar shadow patterns.
19 Again, 9:00, 12:00, 3:00 and 6:00.

20 And in summary, in the next slide, Jason, you
21 know, I think that the way to summarize this is that the
22 shadows are layered in with the existing shadows in this

1 part of the avenue. The majority of them are cast onto Mass
2 Ave.

3 Not many of them are cast backwards to the south
4 into the residential neighborhood, with the exception being
5 that there are some early morning shadows cast to the -- on
6 the buildings across Walden Street, and then some late
7 afternoon shadows cast towards the CHA building.

8 And so, now I'll hand it over to Scott Thornton.

9 SCOTT THORNTON: Thank you, Jason. Mr. Chairman
10 and members of the Board, my name is Scott Thornton. I'm
11 with Vanasse & Associates. We prepared a Traffic and
12 Parking assessment for the project. That document is dated
13 November 9, 2020.

14 That assessment included a review of the available
15 on-street parking supply, an estimate of the project trip
16 generation, and a transportation demand management program
17 that's intended to mitigate the project impact on Traffic
18 and Parking.

19 As has been indicated previously and you're
20 familiar with the project -- 49 units, with a small amount
21 of neighborhood retail on the first floor -- three, total
22 parking spaces with 51 long-term sheltered, bike parking

1 spaces that are protected from the elements.

2 The site is an existing approximately 1900 square
3 foot fast food restaurant, was a KFC for a long time. And
4 this slide shows the two access points that presently exist
5 for the site. There's the one towards the back off of
6 Walden Street, and then there's the one in the front that
7 provides access to Mass Ave.

8 And there's a median -- it doesn't show in this
9 slide, but there's a median on Mass Ave that really
10 restricts the movements through that curb cut to right in,
11 right out, right turn out only. And the Mass Ave curb cut
12 has conflicts with a large amount of pedestrians, with
13 bicycle flow, the bike lane is out there, and the bus lane
14 or the bus stop is right in the vicinity of that curb cut.

15 So there's a number of issues associated with that
16 Mass Ave curb cut.

17 We go to the next slide, which you've seen
18 previously. This is the proposed ground-floor plan. And
19 you can see that the Mass Ave curb cut has gone away, and
20 the Walden Street curb cut is retained. And the building
21 features have been designed to accommodate site distance for
22 sitting vehicles.

1 You can see there's two short-term pickup and
2 drop-off spots in the rear of the site and three accessible
3 spaces are also provided. And as Jason was indicating, the
4 features of the site have been designed to maximize
5 visibility for people exiting the driveway with the step
6 back of the wall and some low-lying landscaping area to
7 preserve the lines of sight for vehicles exiting the
8 driveway.

9 As Jason mentioned, I think the critical point --
10 one of the critical points is that the applicant is
11 providing over three feet of property to accommodate the
12 widening of Walden Street to three 10-foot lanes. And this
13 provides better and safer operation for this approach. I'll
14 show you another slide that I think you've already seen as
15 well, but that documents the fact in a little more detail.

16 The applicant has also provided additional
17 property to widen the sidewalk from the existing six foot
18 five inches to seven foot two inches.

19 And these three measures, the closure of the Mass
20 Ave curb cut, the widening -- providing frontage to widen
21 Walden Street to three more standard lanes, and providing
22 initial frontage to widen the Walden Street sidewalk really

1 are significant improvements to vehicular operations and
2 ways to address pedestrian safety.

3 If you'll go to the next slide, you can see the
4 comparison between the existing and the proposed conditions.
5 Where the existing Walden Street cross section has one 10-
6 foot departure lane away from Mass Ave and 2 eight-foot-
7 four-inch approach lanes with a six-foot-five-inch sidewalk.

8 And it doesn't take much to turn this two-lane
9 approach into a one-lane approach, due to the narrow width
10 of the lanes. If you have larger trucks or even larger
11 vehicles that are -- that don't quite provide enough access
12 or enough space for another large vehicle to run up
13 alongside of that movement, that vehicle, that turns the
14 two-lane approach to a one-lane approach, and that just
15 contributes to the vehicle queuing that exists on Walden
16 Street.

17 Whereas the proposed condition provides a more
18 standard, 10-foot or two 10-foot approach layers, which are
19 better able to fit a variety of vehicles simultaneously.
20 And the proposed sidewalk would be -- again, seven-feet-two
21 inches, and anytime a sidewalk can be widened, it's a plus
22 for pedestrians and accessibility.

1 So the next slide, we start to get into the
2 parking study. And we conducted this study based on
3 guidance from the Traffic, Parking and Transportation
4 Department for the city.

5 We looked at the available parking spaces within a
6 quarter mile radius of the project, looked at the on-site
7 parking by quantity and type. And this study area was
8 divided into 27 separate zones. This particular slide shows
9 the site in relation to the study area.

10 We did parking counts on a typical Monday in
11 October to identify parking -- I'm sorry, a typical weekday
12 in October to identify parking demand.

13 The next slide shows the sort of summary of the
14 regulations -- the parking regulations in the area.

15 So if we can go to the next slide, Jason -- there
16 we go.

17 So while we inventoried all 928 spaces in the
18 study area, the only spaces that were counted during the
19 study were the 806 spaces that were comprised of RPP, or the
20 residential permit parking spaces, accessible spaces, and
21 spaces with no regulations.

22 And that totals approximately 806 spaces.

1 The next slide shows these zones, and in
2 particular there's five zones that are located within a two-
3 block radius of the site. Counts were conducted every two
4 hours from 10 a.m. to 10 p.m., and we identified a number of
5 vacant spaces in each of these zones.

6 The next slide shows the number of vacant spaces
7 available at the time periods observed. Now, this is within
8 the entire study area. But for the zones within the two
9 blocks of the site, there's a minimum of 50 to 51 parking
10 spaces available during all the time periods shown on this
11 chart.

12 CONSTANTINE ALEXANDER: This chart identifies --
13 excuse me, sir.

14 JASON FORNEY: Yes.

15 CONSTANTINE ALEXANDER: This chart identifies the
16 number of parking spaces, but does it show how many are
17 empty from various times of the day? I know that there's a
18 lot of -- not a lot -- there's parking spaces around the
19 site, but if you try to find a parking space there,
20 particularly on Walden Street, it ain't there. I know --

21 JASON FORNEY: Yeah, so --

22 CONSTANTINE ALEXANDER: -- because I used to live

1 in that general area. So I wonder --

2 JASON FORNEY: Right.

3 CONSTANTINE ALEXANDER: -- the numbers you propose
4 are a little bit exaggerated in terms of real life, as
5 opposed to theoretical?

6 JASON FORNEY: Sure. So these -- perhaps I wasn't
7 clear. This chart shows the number of vacant spaces that we
8 observed every two hours between 10a and 10 p.m. And again,
9 this is across the entire quarter mile study area, the area
10 within a quarter-mile radius of the site.

11 So we know the people are obviously going to want
12 to park closest to the site, so we also -- there's another -
13 - the study also looks specifically at the zones within a
14 two-block, within a two-block area of the -- two-block
15 distance of the site.

16 And in that area, we identified a minimum of 50-51
17 spaces during each of these time periods. In some cases, it
18 went up to 67; in some cases it went down to 51. But that
19 --

20 ANDREA HICKEY: Excuse me, this is Andrea Hickey.
21 Do you have a slide for that study within the two-block
22 radius of availability?

1 JASON FORNEY: It's actually in the -- through
2 you, Mr. Chair, it's actually in the parking memo. And, you
3 know, we were trying to keep the parking presentation
4 somewhat brief to go there.

5 ANDREA HICKEY: Yeah. I know parking is really
6 important to the neighborhood. So that's not a slide that
7 you're able to share now as part of your presentation?

8 JASON FORNEY: I don't believe we have that
9 loaded, no. But, again, it's in the parking memo. It
10 identifies a number of spaces that are available in the two-
11 block zone.

12 CONSTANTINE ALEXANDER: Following up on Andrea's
13 point, the -- a lot of the -- during the process of getting
14 to where we are tonight, there was those who were opposed or
15 have questions about this project focused on parking.

16 And so, I think a fulsome parking presentation was
17 called for, and not omitting slides that answer a very
18 relevant question that Andrea raised. I'm disappointed that
19 you don't have --

20 JASON KORB: Do you mind if I -- Mr. Chairman, if
21 you give me 30 seconds, I can probably pull it up if I stop
22 sharing my screen for one minute. Would that be okay?

1 CONSTANTINE ALEXANDER: I'm sorry, I didn't get
2 that. Please be?

3 JASON KORB: I could -- if you -- if I had 30
4 seconds, I could pull it up on my screen if I stopped
5 sharing for a minute. Would that be okay?

6 CONSTANTINE ALEXANDER: You've got 30 seconds --
7 not longer than that. This is --

8 ANDREA HICKEY: Yeah, I think Sisia would have to
9 allow him to share his screen, if --

10 JASON KORB: I was just sharing it.

11 ANDREA HICKEY: Okay, thank you.

12 SCOTT THORNTON: I think he's already sharing his
13 screen, so --

14 ANDREA HICKEY: Thank you.

15 SCOTT THORNTON: So I think the -- you know, and
16 if Jason can find that table, that'll identify what we're
17 looking at. Particularly, it should show that there's
18 between 52 and 54 spaces available at 10 p.m., when
19 residential parking is higher.

20 JASON KORB: Everybody can see my screen?

21 SCOTT THORNTON: Yup. Yup, that's the table right
22 there. So these highlighted -- these highlighted bars --

1 highlighted rows, show the zones, the specific zones, and
2 also the number of spaces.

3 And highlighted represent the zones that are
4 within the two-block distance of the site. So as I
5 mentioned, the totals vary between 50 and 67 spaces
6 available during each of these time periods.

7 ANDREA HICKEY: Excuse me, this is Andrea Hickey
8 again. So do we know again within this important two-block
9 radius which of these spaces are metered spaces and which
10 are resident spaces?

11 SCOTT THORNTON: These are a combination of
12 residential permit parking and spaces that had no
13 regulations on them.

14 ANDREA HICKEY: So metered spaces are not I
15 called?

16 SCOTT THORNTON: No. No, these are RPP spaces or
17 no regulation.

18 ANDREA HICKEY: Thank you.

19 SCOTT THORNTON: And in terms of the project
20 demands, you know, we -- the census data indicates that
21 about 32 percent of trips in this area are due to vehicle
22 trips, which likely indicates a lower auto use and ownership

1 percentage.

2 And in terms of trip generation, we also did a
3 trip generation analysis for the site, and we're expecting
4 about -- due to the mode split adjustments based on existing
5 census data, we're expecting about six morning or six
6 vehicle trips during the morning peak hour and nine vehicle
7 trips during the evening peak hour, and this is an
8 incremental increase in traffic levels of the area.

9 In terms of ways to mitigate that impact, the
10 applicant is proposing the TDM program, which has a number
11 of measures that are proven, and that are in the standard --
12 I guess I'd call it the standard toolbox of the city
13 community development and Traffic and Parking departments'
14 ways of addressing project impacts.

15 They include measures such as a Transportation
16 Coordinator to identify and put together packets of
17 information for new residents identifying what types of
18 alternative and sustainable transportation systems are
19 available in the area.

20 We're proposing a transit stream installation,
21 which provides up to date, real-time information for when
22 the next bus is coming by, when the next Red Line car is

1 coming by, when -- what available Ubers or what the closest
2 Uber and Lyft drivers may be to the site, and also, a
3 Bluebike station and dock availability for the Bluebike
4 stations in the area.

5 I just want to conclude by saying that the site
6 plan was reviewed by Community Development, by Traffic and
7 Parking, by DPW. The Traffic Department has reviewed our
8 parking study. They indicated that they -- they believe the
9 traffic impacts would be minimal, and particularly given the
10 site's previous use as a fast-food restaurant, which
11 generated much more traffic than this site, the proposed
12 site will.

13 They also indicated that they support the project.

14 So I'll turn it over to Jason, but I just think
15 that in general, you know, with the TDM program and the
16 alternative modes of transportation that are available. We
17 expect the project to have a very minimal effect on traffic
18 and parking in the area, and actually improve the level of
19 safety at the intersection along Walden Street.

20 Jason?

21 JASON KORB: Sure. I just want to close out by
22 pulling back a little bit more, giving ourselves a 30,000-

1 foot view of what we're trying to accomplish here, which is
2 to provide really high-quality affordable housing for
3 families that desperately need it right now.

4 And here are just some statistics: CHA has over
5 20,000 unique applicants on their waitlist right now. 7100
6 indicate they live in Cambridge or were a veteran. You can
7 see the mobile voucher waitlist numbers, which are just
8 astounding right now.

9 Homeowners' Rehab, the Finch, which I believe was
10 a permit project, they had 2261 applicants for 98
11 apartments. Port Landing, which is a project that Sean and
12 I completed back in 2016, was 1400 applicants for 20
13 apartments.

14 And the demand at Frost Terrace, we're actually in
15 the lease process now at Frost Terrace. Applications are
16 due back for a lottery which will be in February over the
17 next few weeks. We've only been marketing for two and a
18 half weeks. We've sent out over 500 applications.

19 We had 340 people register for our info sessions.
20 The demand is off the charts. We have to hire more people
21 to put applications in envelopes and field phone calls and
22 e-mails and people are saying we're not getting back to them

1 because we're totally overwhelmed with demand right now.

2 And some of the stories are just heartbreaking, they really
3 are.

4 And so, COVID has only made us so much worse. And
5 the Joint Center for Housing Study just came out with their
6 annual report that has all the data that backs all of this
7 up. People really need quality housing right now.

8 And if you want to talk about safety, you know,
9 people who live in overcrowded conditions with lead paint
10 that -- or their heat doesn't work, that's unsafe. That's
11 in my mind an unsafe condition for anybody. It's inhumane.
12 That's how a lot of people are living right now.

13 And this will be some of the most high-quality
14 housing in Cambridge. And that's of the utmost importance
15 to Sean, it's of the utmost importance to me. So I'd just
16 like to leave -- kind of close on that note. I'm thinking
17 about big picture what we're proposing here. Thank you for
18 your time, Mr. Chairman and the Board.

19 CONSTANTINE ALEXANDER: Does that conclude your
20 presentation, or your --

21 JASON KORB: It does.

22 CONSTANTINE ALEXANDER: Okay, fine. Thank you.

1 I'll open the matter up to questions by members of the
2 Board. Brendan, do you have any questions you wish to ask?

3 BRENDAN SULLIVAN: Brendan Sullivan. The one
4 question I would have for either Sean or Jason would be what
5 drove this thing up to nine stories? I mean, when you sat
6 down, you obviously have a blank piece of paper with that
7 lot, and then how does this thing grow? Obviously, the
8 need. There's no doubt that there was a need.

9 I'm sure that even going through all the
10 correspondence, there was nobody who was objecting to -- nor
11 should they -- to affordable housing. It's a very, very
12 worthwhile, very righteous thing to do for your fellow man.
13 I think we all support that.

14 But the impact keeps popping its ugly head. And
15 so, how did this thing get from a blank piece of paper to
16 nine stories. I mean, is it that we're going to build from
17 wall to wall, or and -- how did we get to that height? If
18 you can briefly -- I know this took many months, so I do not
19 need to resurrect all of it, but -- the minutia -- but if
20 you can just sort of tell us how did it get to the size of
21 this building?

22 JASON KORB: So let me try first, and maybe Jason

1 you can add to it. So I think -- so if we're on Mass Ave, a
2 major corridor, and we looked at the some of the
3 surrounding, taller buildings... we have six stories across
4 the street, we have eight stories down the block. There is
5 a nine-story building further down Mass Ave.

6 So part of it is we looked at the some of the
7 larger buildings in context. These buildings aren't LEED,
8 these buildings don't have the Passive House certification,
9 so we looked at that.

10 And that's kind of how we came up with the eight-
11 story building. When we looked at the -- part of it also
12 too is it's about maximizing the opportunity to be able to
13 provide family units. If we were doing a bunch of one-
14 bedrooms, we probably could do a smaller building and a
15 shorter building.

16 But we were looking at doing two and three-
17 bedrooms of quality size. They were the size and scope that
18 we needed to achieve. So that's kind of how we came up with
19 an eight-story building.

20 But it was an eight-story flat building, and we
21 didn't have -- frankly, we didn't acknowledge the
22 residential neighborhood behind. So in our early

1 conversation with our direct abutters, we had a conversation
2 and they were saying, "Look, the massing belongs on Mass Ave
3 because that's a major thoroughfare." And reasonable minds
4 can disagree whether eight or nine stories was appropriate.

5 But what we did hear loud and clear was on Walden
6 Street, we wanted to lower it down to six stories. And so,
7 we -- part of the key was to try to keep the unit count and
8 the number of family units in the.

9 So that's how we came up to nine stories, and then
10 lower down to six stories in the back. And six stories is
11 obviously not the three stories, but it does acknowledge the
12 fact that there's a lower residential neighborhood behind
13 us. I'm not sure if that answers that.

14 BRENDAN SULLIVAN: What were the guidelines under
15 the recently passed Affordable Housing Overlay ordinance --
16 what would --

17 JASON KORB: Yeah, so --

18 BRENDAN SULLIVAN: -- the guidelines be for that?

19 JASON KORB: So the Overlay would allow for a six-
20 story building. So 69 feet, with the idea that it is
21 ground-floor retail on the first floor. And, you know, the
22 Overlay has come up several times.

1 And we've always said to neighbors -- and I'm sure
2 the Board knows this as well -- the Overlay is one of
3 several tools to deliver affordable housing. 40B has always
4 been there.

5 But I think as the Board knows, that there are
6 legal challenges and other things that have stifled
7 affordable housing. So the City Council decided to have
8 another tool.

9 If you would notice that, we dropped it down to
10 six stories in the rear, and that six stories is the same
11 six stories that you would get with the Overlay. So in
12 terms of the building as its approaching the city parking
13 lot and the Walden Street neighborhood, that six stories
14 that we're proposing is the same six-story experience that
15 the neighborhood would achieve.

16 Now, some of the other benefits -- the widening of
17 Walden Street, the Passive House, the retail -- some of
18 these others are doing, those things are also tied to the
19 overall development. And so, --

20 BRENDAN SULLIVAN: Let me interject. Is that on
21 you guys, or is that in conjunction with the city a shared
22 cost, or?

1 JASON KORB: So that's the cost of this project.
2 We are doing this project. The city -- Traffic and Parking
3 suggested it. We researched it and we figured out that we
4 could make it work. So we are giving an easement to the
5 city by pushing our building back to increase the sidewalk
6 and we are taking the cost and the burden of this public
7 improvement that would only be done in this project.

8 BRENDAN SULLIVAN: I give you a gold star for
9 that. I go down Walden Street all the time, and that is a
10 disaster. That's a bottleneck right there. So I give you a
11 gold star for that.

12 But, you know, you had mentioned, or Jason had
13 mentioned, that Cambridge Housing Authority currently has
14 20,700 applicants, and that the Finch Apartments there were
15 2261 who applied for residency for only 98 apartments.
16 You're providing 48 units in a nine-story building.

17 So even if you were to -- I mean, you're never
18 going to satisfy the need for affordable housing, and we
19 should do whatever we can to provide it. But, you know,
20 even if you built 100 of your projects, that only gives you
21 4800 units. There were 20,000 applicants.

22 But, you know, the question is -- again, I'm not

1 trying to be a wise guy here, but what does 108-story
2 buildings look like? I mean, there has to be some urban
3 design element to this, and the effect on surrounding
4 neighbors.

5 And so, that's where I'm a little hesitant on your
6 proposal. You know, I look at -- and again, the other day
7 I'm up at the corner of Huron, and I want to editorialize a
8 little bit here -- the corner of Huron and Concord Avenue,
9 and I look and -- you know, where Sarah's is, and then you
10 look across the way where the Hi-Rise is, and then the other
11 way where there's the gas station, and I'm looking and I'm
12 seeing similar sized lots. What about a nine-story building
13 on either one of those corners? What about on two of the
14 corners?

15 And, you know, the corner of Pemberton, Rindge
16 Avenue and Mass Ave. That's a one-story retail block, and
17 what about a nine-story building there? And then we can
18 always point back to, "Well, you know, you approved it on
19 the corner of Walden and Mass."

20 So I'm not sure if that's the road -- and I'm
21 hesitant -- is that the road that we really need to go down
22 or will go down? Maybe we won't. So, you know, I keep

1 going back to the Affordable Housing Overlay Ordinance and
2 some of those guidelines. So anyhow, that's my comment and
3 I will listen to other members of the Board.

4 The other thing is that a tremendous amount of
5 comments have come in in the last couple of days, which I
6 have not had a chance to review. Your application is 409
7 pages, which I got through, and some other comments.

8 So, again, I value the people who took the time to
9 write in. I was not able to read it all, and I value that.
10 So I would be interested, other Board members, whether or
11 not they also are comfortable with reviewing all of the
12 material that was submitted.

13 CONSTANTINE ALEXANDER: Andrea? You might want to
14 respond to Brendan's question, or you've got other questions
15 of your own?

16 ANDREA HICKEY: Yes, please. So I do have to say
17 that with respect to the issues regarding nine stories and
18 sort of setting precedent, I concur with Mr. Sullivan that
19 it troubles me a bit. I do appreciate the step back in the
20 rear, more residential part of the parcel. But the massing
21 on Mass Ave is still pretty significant.

22 It's tough, of course, to weigh that against

1 providing affordable housing, which, without question, is
2 needed in Cambridge desperately. So I won't repeat what Mr.
3 Sullivan said, except for that comment.

4 With respect to Traffic and Parking, I very much
5 appreciate your parking study and the detail that you've
6 provided tonight, it's really helpful. I know you mentioned
7 that you have another affordable project, Port Landing. Are
8 you still involved with that project?

9 JASON KORB: We are.

10 ANDREA HICKEY: All right. So that unit -- that
11 project, you indicated, had 20 units. Are they all
12 affordable unit?

13 JASON KORB: They are.

14 ANDREA HICKEY: And how many parking spaces are
15 available for the occupants of those 20 units?

16 JASON KORB: So 14 are available. There are 16 in
17 the garage.

18 ANDREA HICKEY: Okay.

19 JASON KORB: We use one for management and
20 maintenance type stuff.

21 ANDREA HICKEY: All right. And do you have any
22 idea -- it's sort of a random question, but -- of those 20

1 units, how many of those units own a car?

2 JASON KORB: Good question. So we know that 14 of
3 the spaces are taken.

4 ANDREA HICKEY: Right.

5 JASON KORB: We did --

6 ANDREA HICKEY: But do you have a waiting list for
7 spaces?

8 JASON KORB: I don't believe we do.

9 ANDREA HICKEY: Okay.

10 JASON KORB: I have not heard of that. That being
11 said, the property manager did indicate to us when we
12 reopened that one or two residents actually bought cars
13 because now they have a garage, which I thought was very
14 interesting.

15 ANDREA HICKEY: Oh.

16 JASON KORB: So.

17 ANDREA HICKEY: All right.

18 JASON KORB: Yeah. So the reason for my question
19 is with 49 apartments proposed here, and really three spaces
20 because we can't count the drop-offs, I just wonder how many
21 of those 49 residents will have cars, and how that really
22 will impact the neighborhood? Can you speak to --

1 JASON KORB: Sure, so --

2 ANDREA HICKEY: I know you can't guess how many
3 will have cars, but just trying to extrapolate the real
4 situation at Port Landing, if that's at all similar?

5 JASON KORB: No, it's a great -- it's a really
6 great question, so -- and Scott can speak to this to. But
7 we anticipate about 50 percent of the units will have cars.
8 So we'll have about 25 cars, plus or minus.

9 ANDREA HICKEY: Okay.

10 JASON KORB: That will be the demand. So similar
11 to Port Landing.

12 ANDREA HICKEY: All right. So from your parking
13 study, if I understood it correctly, within that two-block
14 radius, there being sort of 50 spots available more or less
15 on an average, those spots would seem to be able to
16 accommodate what you anticipate for cars, do I understand
17 that correctly?

18 SCOTT THORNTON: Yeah.

19 JASON KORB: I'd like Scott to go on the record on
20 that one.

21 SCOTT THORNTON: Yeah, absolutely. I think that,
22 you know, if we're looking -- and there's a number of

1 studies and statistics, particularly in Cambridge and, you
2 know, some areas where there's -- where parking is tight and
3 there's a reduced auto ownership percentage, you know, if we
4 have 50 percent car ownership.

5 And that will have us somewhere around 25 spaces,
6 we think that that can be accommodated within the two-block
7 area. But absolutely within the quarter-mile radius, which
8 is still not that far of a walk.

9 Obviously, people want to park closer to their
10 residence; we found that there is sufficient space to
11 accommodate that demand.

12 ANDREA HICKEY: All right. Just looking at the
13 numbers again, comparing to Port Landing. So with 20 units
14 having 14 spaces, you really sort of covered 70 percent of
15 the units with parking. The number is here with 49 units
16 and three accessible spaces don't come anywhere near that.
17 What is the reasoning for not trying to reach that same
18 ratio that you did at Port Landing?

19 JASON KORB: Sure, so there is a lack of space.
20 So the basement -- first of all, in order to get cars down
21 to the basement, you would either have a ramp, which would
22 take up most of the basement space -- Port Landing was a

1 much larger site, and much more suited for a double loaded
2 car garage. So you would actually have to install a ramp
3 here, and Scott can talk more about that. It would have to
4 be an automated ramp.

5 The issue is that when half the basement is bike
6 parking, and all the mechanicals are going into the basement
7 as well, including the transformer, which we know has been
8 an issue in the community. We know that another development
9 didn't account for the transformer in their plans and ended
10 up in a very public location.

11 When we actually -- you heard a lot about this
12 when we did Frost Terrace when we have placed the
13 transformer in any assigned equipment over it at Frost
14 Terrace -- we've done the same thing here as well.

15 Jason, I don't know if you wanted to add anything
16 additional to that?

17 JASON KORB: I think you covered it well. The
18 tradeoffs that we would have to make would be to not have
19 active uses on Massachusetts Avenue, or we would have to go
20 up and displace units.

21 ANDREA HICKEY: How many units would that tradeoff
22 cost you, approximately? How many spaces could you get if

1 you sort of did a tradeoff?

2 JASON KORB: It's hard to say, but if I had to
3 guess, I would say it would take a whole floor of the
4 building, which is six units that would impact financial
5 feasibility.

6 A more likely approach, which we've talked to some
7 neighbors about, would be to add potentially some stackers.
8 This would eliminate the drop-off parking spaces. It would
9 add cost to the project, but the project is right teetering
10 on the edge of financial feasibility, as it is. I mean,
11 it's a very nicely designed building.

12 And so, that's not something we'd commit to today,
13 if the Board wanted us to look at that. We would have to go
14 back and review financial feasibility, which we have some
15 big concerns about, and I think we'd have to even understand
16 -- and Jason, maybe you -- Jason's done a little bit of
17 study on this too, that in terms of the numbers it wouldn't
18 be significant.

19 I think we'd be talking around eight stacking
20 parking spaces. And then you would lose the drop-off
21 parking spaces.

22 ANDREA HICKEY: Right. And I do understand sort

1 of the tradeoff between providing more desperately needed
2 housing versus something like parking. So I appreciate your
3 taking my questions. That's all I have.

4 JASON KORB: Thank you.

5 CONSTANTINE ALEXANDER: Thank you, Andrea. Laura,
6 do you have any questions you want to ask?

7 [Pause]

8 CONSTANTINE ALEXANDER: Laura?

9 LAURA WERNICK: I think -- no, I would just echo
10 Mr. Sullivan's concerns about setting that amount of height
11 on in North Cambridge. That's a big concern for me. But
12 that's really -- that's my major contraindication. Thank you.

13 CONSTANTINE ALEXANDER: Okay. Jim Monteverde?

14 JIM MONTEVERDE: Yeah, this is Jim Monteverde. I
15 concur with --

16 CONSTANTINE ALEXANDER: I think you're muted.

17 JIM MONTEVERDE: -- Brendan. I think I have two
18 concerns, primarily. I --

19 CONSTANTINE ALEXANDER: Jim, I think you're muted.

20 JIM MONTEVERDE: Oh, I'm sorry. I'm sorry, can
21 you hear me now?

22 CONSTANTINE ALEXANDER: Yes.

1 JIM MONTEVERDE: Yeah, sorry. I have two
2 concerns; the initial, the primary is the height. I agree
3 with Brendan, and just from going up and down the street, it
4 just -- there's just too much mass there -- unarticulated
5 mass. I mean, I look at the housing building adjacent to
6 it. To the south, there's a lot of articulation on the
7 façade to try and mitigate the bulk.

8 This one just puts it plainly on the corner, which
9 I appreciate the clarity of it, but it's -- there's just too
10 much and too high -- too high beyond the allowed in the
11 Overlay District.

12 I think that also relates to my secondary concern,
13 which is the urban context, and wanting to not rely -- and
14 assuming that people will not be vehicle bound and they'll
15 use another mode of transportation in town.

16 I think if it were not as tall, therefore not as
17 many units, then I might feel more comfortable with the
18 parking count. As it is, it's -- and I understood the
19 presentation about the parking at Alice's, but I don't see
20 from the floor plan.

21 And I appreciate that this is primarily family
22 housing, but I've seen most of the discussion I think for

1 the not having vehicles as really applying to the -- let's
2 say the young, urban professional who's getting around by
3 Uber or by bike, not a family, where that may in fact have a
4 vehicle or have use of a vehicle.

5 So my secondary concern is just the very limited
6 vehicle count, either on the site or at another site, so
7 some accommodation for parking, and primarily it's the
8 building height is just my concern.

9 CONSTANTINE ALEXANDER: Thank you.

10 JIM MONTEVERDE: Thank you.

11 CONSTANTINE ALEXANDER: And I have a few points to
12 make. Like everyone else who's spoken, I am concerned about
13 the height, the nine-foot height on Massachusetts Avenue and
14 the overall massing on that corner. It's not a big lot, and
15 I understand that.

16 But I'm wondering whether -- why we couldn't have
17 a smaller structure. It would mean less affordable housing
18 to be sure, but we're talking maybe if you went down to a
19 six-story building all around, yes, you'd lose maybe I don't
20 know, 15, 20 units, but you would have -- city overall --
21 the impact on the city would be beneficial. That's where
22 the rubber meets the road in this case, is you've got a very

1 aggressive building that you want to have the town, the city
2 approve.

3 And yes, we do need affordable housing, no
4 question about that, but we're not no question about that,
5 but we're not going to solve the affordable housing crisis
6 by having 49 units as opposed to 30 units. And we do have
7 to take into account other -- in my mind -- considerations
8 besides just affordable housing.

9 That said, I would point out and remind Board
10 members if they're not aware of it, that the petitioner did
11 meet with the city's Traffic, Parking and Transportation
12 body, and I have in my possession -- it's in the file -- a
13 memorandum from that body. And so, several -- it goes at
14 length into a lot of the issue that have been touched upon
15 already.

16 But the Traffic, Parking and Transportation body
17 says that they strongly support this project, and they
18 believe that the project's traffic impacts will be minimal.
19 That's their view. I'm not sure I agree with that, but
20 that's how it is.

21 That's all I would have to say at this point. I
22 think it's time to open this matter up to public testimony.

1 And I suspect it's going to be quite a bit of it.

2 I would ask fervently -- ask the people who are
3 planning to speak, if someone, if you said something in
4 writing before, no need to say it over again orally. We do
5 -- we have read most, if not all, of the files. And we get
6 the message.

7 Second, you're going to have three minutes to
8 speak. Sisia's going to cut off the mic after three
9 minutes. It's sort of a -- it's going to go dead. We do
10 this -- I'm doing this only because we have to finish this
11 case tonight, and a lot of other cases that are sitting in
12 the wings.

13 So with that, I'll open the matter up to public
14 testimony and here are the instructions. Any member of the
15 public who wish to speak should now click the icon at the
16 bottom of your Zoom screen that says, "Raise hand." If
17 you're calling in by phone, you can raise your hand by
18 pressing *9 and unmute or mute by pressing *6.

19 SISIA DAGLIAN: Okay, a couple things. Jason, can
20 you unshare your screen? Okay, that would be better.
21 Thanks. I'm going to -- we have 28 people right now raising
22 their hands. I'm going to bring people into -- as panelists

1 one by one, and then when you're done with your three
2 minutes, the next person will be brought forward as a
3 panelist.

4 [Pause]

5 SISIA DAGLIAN: Oh, I think I have to be a host.
6 Okay. Hang on a second.

7 CONSTANTINE ALEXANDER: Sisia has to step out to
8 get some information from the staff. So we're just going to
9 pause for hopefully a few minutes.

10 BRENDAN SULLIVAN: Oh, I suppose while I -- this
11 is Brendan Sullivan -- I suppose while I have the mic and
12 there's a little pause in the action: A little comment that
13 I would like to make to the developing team is, you know,
14 when you think of affordable housing, I look down Rindge
15 Avenue, which we approved, obviously, the redo of those
16 apartments.

17 And we actually turned the project sort of 180 to
18 put a bigger building in the back and then the smaller
19 building up at the street side pushed it back a little bit,
20 so I have a little bit better streetscape.

21 And the comments that we heard then, and we also
22 heard them not too long ago regarding a Cambridge Housing

1 Authority redo of the apartments -- it was Miller Park or
2 some one of them -- was that people who are in affordable
3 housing, you know, they like trees too, they like open
4 space, they like gardens. We were talking about affordable
5 housing with families.

6 And I know that you're saying that the recreation
7 space can be down the street at different parks and what
8 have you, but, you know, people want to live where they can
9 -- especially with children -- just outside their door,
10 outside their back door, outside their apartment door. And
11 they don't have to go down the street and walk around the
12 corner and what have you.

13 Parents want to be, and guardians want to be,
14 close to their children and their children want to be close
15 to the home. And this doesn't really address that to me.
16 You know, yes there is a green space in the back, to be
17 shared by 49 other residential units, but I don't know.

18 We're just very vertical with this project, and
19 some other amenities that a lot of us take for granted --
20 open space, trees, gardens, green space and so on and so
21 forth is absent. So that's my comment.

22 SISIA DAGLIAN: Okay, representative Decker?

1 REPRESENTATIVE MARJORIE DECKER: Thank you.

2 First, I'm just going to just say this out loud, and I hope
3 it doesn't get held against me, but Mr. Alexander, I'm
4 really stressing out about looking at you with your mask
5 down being so close to Brendan there.

6 And, you know, I'm learning about more people
7 who've gotten this, like, just going into grocery stores
8 with masks on, so just -- I say that.

9 That said, I strongly support this project. I
10 hope that you will have the time to send the letter that I
11 wrote, and I have hardly approached this Board in my 20
12 years as an elected official, hardly as a City Councilor,
13 which might surprise some people, and certainly not as a
14 state representative.

15 But as somebody who grew up in public housing, I
16 can tell you every single one of those 49 units matter. And
17 the idea that we can't solve the problem of affordable
18 housing, I think it's a very dismissive way of actually
19 walking away from the idea that we can actually run to
20 opportunities to create good, affordable housing whenever
21 possible. Those 49 units represent 49 families and
22 individuals whose lives will be absolutely transformed by

1 the opportunity to live in our community.

2 And I'm having a hard time wrapping my head around
3 we want people to use smart growth urban planning. It is on
4 a main street. It is near public transportation, it's on a
5 bus line, and it's actually near a train station to walk to.

6 There's a lot of buildings in that neighborhood,
7 and I lived three blocks from that on the corner of Walden
8 and Richdale for many years, and I don't live too far away
9 now on Raymond so that the traffic through there will still
10 impact my life on Raymond.

11 And those of you who pay attention to these issues
12 will know that nobody's entitled to a parking space on these
13 city streets -- that because you were here first and you
14 have a car, there are days on street cleaning that my
15 husband and I park -- yes, four blocks away from our house.
16 And it is the complexity and the tradeoffs of living in an
17 urban community.

18 This project is beautiful. Both of the earlier
19 projects this development group have done have made me weep.
20 The idea that I might have as a child been able to live in a
21 place where the materials and the design and the location
22 were as beautiful as they are, it is profound.

1 And so, in the same way we want urban planning, I
2 think they have done their best to respond to the needs of
3 the neighborhood for those who have been concerned about the
4 massing. The step back on -- that goes back towards --
5 sorry, I'm -- Walden Street I think is brilliant. They're
6 providing a lot of additional green space.

7 Let's be clear. This project is far more
8 aesthetically pleasing than a lot of developments that are
9 commercial -- both housing and commercial -- in that very
10 neighborhood that had been allowed to go up.

11 And so I think they've gone above and beyond in
12 responding to the needs to the best they can. And I think
13 to say to flip it over, whenever we have the opportunity to
14 provide affordable housing, if you understand who that
15 speaks to -- and I, as somebody who grew up in public
16 housing here, and is so extraordinarily grateful to still
17 live here, and by the way who's given back a lot to this
18 community and will continue to do so, every unit is
19 invaluable.

20 So when we have the opportunity to run towards the
21 possibility of building units, we should be doing that. And
22 so, I really hope that you will embrace this project. The

1 design is beautiful.

2 And we either want to building parking spaces to
3 encourage people to have cars or we don't. And having
4 served in this community for over 20 years, I have whiplash
5 trying to figure out what is it that we want. We provide
6 parking spaces, then we're encouraging people to have cars.

7 We don't provide parking spaces, and then we're
8 worried about people taking public parking spots. We want
9 good urban growth, so we put a building right there that
10 meets every criterion of what good urban smart growth is,
11 and all of a sudden, it's too much.

12 It is not too much. I think it's beautiful. I
13 think the developers have a really good history in this city
14 of doing good work and providing affordable housing, and
15 I'll tell you as somebody who pre-pandemic and during the
16 pandemic -- right, 7:30 I have not been off a Zoom call,
17 like many of you, since 8:00 this morning -- so much of my
18 time is about trying to address the incredible needs.

19 We were the number 1 state in the country up until
20 a month ago for unemployment. We continue to be very high
21 up there. The budget that we just passed left
22 Massachusetts. We took half of our rainy-day fund to be

1 able to pass the FY21 budget. We only have half of that
2 left, and the budget that we're predicting for next year is
3 going to be worse.

4 One in eight Cambridge neighbors is feeling hungry
5 and experiencing food insecurity. This is going to get a
6 lot darker, even as the vaccines start to protect us from
7 the virus. The economic devastation will continue to be
8 experienced by a number of people at a time in which those
9 who are very wealthy seem to be still doing very well under
10 these pandemics (sic).

11 But those who are not are not doing well, and we
12 have an opportunity to continue living our values.

13 And finally, I would just say that for those who
14 are in this incredible privileged position of making this
15 decision, I have to believe that if you truly understand who
16 has the opportunity to live there, or who will be denied the
17 opportunity, that you would reframe what this project means
18 and what it -- and how to actually fight for it, as opposed
19 to pick away at it about why we shouldn't do it. Right?
20 Thinking about if you want it, then you could -- there's a
21 lot there to talk about why the tradeoffs are worth it.

22 And I want it because every day I'm exhausted

1 trying to think about how to meet the needs of people in
2 this community who are suffering exponentially with this
3 pandemic. And I want them to live in Cambridge, because
4 Cambridge is a great community that provides really good
5 opportunities, resources, and can be transformational for
6 people.

7 Having people -- if you can't live in Cambridge
8 because it's not affordable, guess what? You're actually
9 traveling two hours south or north of Cambridge to find an
10 affordable place. And I think that we're a pretty amazing
11 community that will only be amazing as long as we continue
12 to respond to those who want to live here but can't afford
13 to.

14 I don't see how we would be looking at ways to
15 walk away from this. I think that every unit will matter,
16 and I don't know that I have a whole lot more to say except
17 I hope that you do read my letter. For as many of you who
18 think you know my life, I don't tend to actually talk a lot
19 about my private journey from -- and why this project
20 matters to me, but it matters a lot.

21 And I would not be here as someone who's giving
22 back to this community a lot and quite frankly, as someone

1 who's now given back to the state in very important ways
2 through legislation. I've not only advocated for it, but
3 I've passed.

4 And that legislation has touched people who've
5 experienced domestic violence, people who are living in
6 poverty, people who are worried about having guns used
7 against their loved ones or used for suicide. I've passed
8 really big laws in this state that have changed lives and
9 will save lives.

10 And I would have never been able to do it without
11 the opportunity to live in an affordable housing unit in
12 Cambridge with the support and the choices that many people
13 in powerful, privileged positions like you have to do today.
14 You have an awesome opportunity and a privilege to save
15 lives.

16 And this is a good project. This is not a project
17 that we have to, like, hold our nose and vote for, because
18 we have enough of that. This is an amazingly beautiful,
19 well-developed, well-planned project by developers who've
20 proven themselves through their work, not just through their
21 words.

22 Those of you who are serving right now on this

1 Commission and who are in the chamber, I want to thank you
2 for your service. You have a thankless job pre-pandemic,
3 and the fact that I'm sitting here watching you and I have a
4 little bit of palpitations for you, I just thank you for
5 your service right now. And I hope that you will read the
6 letters that have come through. And I hope you will embrace
7 the incredible opportunity and privilege that you have
8 before you. Thank you.

9 SISIA DAGLIAN: Thank you. Councilor Carlone?

10 COUNCILLOR CARLONE: Thank you. I was expecting
11 to speak later, but I appreciate it. As some of you know,
12 I'm an architect/urban designer. I've done 500 units of
13 affordable housing. Only one building was a high rise, and
14 that was in Manhattan many years ago.

15 Almost all affordable housing is done up to six
16 stories. And the reason for that is the cost per square
17 foot is significantly less because once you go over 70 feet,
18 the code requires high rise construction. It's a big
19 percentage increase. I don't understand that, but I'll
20 leave it there.

21 From an Urban Design point of view, I was against
22 the Affordable Housing Overlay because I thought it should

1 focus on Mass Avenue and Broadway, not in the middle of
2 neighborhoods. This -- so this is a perfect site for that.
3 It's -- absolutely should be there. I don't think neighbors
4 are against that.

5 I was asked to participate in the other housing
6 that was mentioned on the other side of Porter Square by the
7 Development Team, and I worked with the neighbors, and I
8 think the resolution is a reasonable compromise.

9 In this case, we're putting the same number of
10 units -- actually a few more -- on a site that's about a
11 little more than a third of the other site size, if I
12 remember correctly.

13 Now, this is public money, and I'm all for
14 maximizing affordable housing. I think the city you should
15 be using its own land to help developers. I've pushing for
16 that. I'm the guy that's gotten more money for affordable
17 housing and am proposing a transfer fee to get even more.

18 But one of the key things I pushed for was
19 context. You want all housing -- whether it's on
20 Massachusetts Avenue or Walden Street -- to blend in. And
21 the more it sticks out, the more it's different. And I
22 think public money should balance the impact on adjoining

1 neighbors.

2 Now for instance, the Board has mentioned the AHO.
3 The AHO is about 70 feet in height on Massachusetts Avenue,
4 and then there would be a transaction in the back, which I
5 believe would be 45. The development team says it can be 60
6 -- maybe that's correct. But on abutting of the district, I
7 believe it should be 45. Sean's saying no. But
8 nevertheless, the maximum height is 70 feet.

9 I see no reason why it should be different.
10 Absolutely not. Let me just see if I -- 17 waivers,
11 including Design Review. The Board said, "How do you
12 mitigate this project?" Is this mitigation? A 102-foot
13 building? The building next to it is 60 feet. The building
14 across the street I believe is 68. Seems to me a 70-foot-
15 high building fits in perfectly, especially one that doesn't
16 really have any traditional architecture to it. This is a
17 shining example.

18 I believe that's all, except I think the
19 feasibility has a lot to do with the height, and I can't
20 imagine that a thirty-unit building 70 feet high would be
21 unfeasible. I don't understand that at all. And I think if
22 that's going to be something that the Board's considering,

1 you should see that. It should be analyzed and you should
2 see that, that it's unfeasible. I don't believe it.

3 Thank you for your time and putting in --

4 CONSTANTINE ALEXANDER: Thank you for your time.

5 COUNCILLOR CARLONE: -- speaking.

6 CONSTANTINE ALEXANDER: Thank you.

7 SISIA DAGLIAN: Pamela Winters?

8 [Pause]

9 SISIA DAGLIAN: Pamela, are you able to unmute
10 yourself?

11 PAMELA WINTERS: Yes, I just did. Can you hear
12 me?

13 SISIA DAGLIAN: Yes.

14 CONSTANTINE ALEXANDER: Now we can.

15 PAMELA WINTERS: Oh, good. Can you -- can
16 everybody hear me?

17 SISIA DAGLIAN: Yeah.

18 PAMELA WINTERS: Yes? Oh, good. Okay. Hi. My
19 name is Pamela Winters, and I live on Orchard Street, not
20 too far from where the proposed building is going to be
21 erected.

22 First of all, I just want to say that I object to

1 Representative Decker's comments. I don't think this
2 project is beautiful, and I know that a lot of her feelings
3 were reflective of her growing up in affordable housing. So
4 I just want to say that.

5 And I do agree with Councilor Carlone's comments,
6 and I think the project should be lower. You -- the
7 proponent is asking for 17 exemptions. I know that I have
8 read 40B, and I know that it is applicable for communities
9 that have 10 percent or less affordable housing.

10 We have almost 15 percent affordable housing.
11 We're never going to accommodate all of the affordability of
12 people who want to live in our community. It's just not
13 possible. We are now one of the ten top densest cities in
14 the entire United States for our population.

15 So meanwhile, Cambridge has 60 affordable housing
16 apartments, and I really -- in reading 40B, I went down to
17 part 4 number 2, and it talked about density and design --
18 the height, the massing details and the color and
19 relationship to the street. And all of those things are
20 coming before the BZA to be judged on this evening. So I
21 really want you to look at that very closely, I'm hoping
22 that you will.

1 And in terms of the parking, there's no reason why
2 they cannot have underground parking for 25 cars. Because
3 guaranteed there will be at least 25 cars that are going to
4 be -- people are going to want to go to work with, or to
5 use.

6 It is much higher in my estimation in the carriage
7 building across Mass Ave, and certainly the senior center
8 next door. So those are -- I know that you're pressed for
9 time this evening. I was on the Planning Board for 15
10 years, so I understand these things. And I'm just -- I'm
11 rather horrified by this building; I have to say. And I
12 think that I also speak for neighbors and other people that
13 I've spoken to about this.

14 So thank you very much for your time. I really
15 appreciate it, and I hope that you come to a reasonable
16 conclusion this evening. Thank you.

17 CONSTANTINE ALEXANDER: Thank you.

18 SISIA DAGLIAN: Thank you. Mitzi Fennel? Three
19 minutes.

20 MITZI FENNEL: Hi, thank you. I'm Mitzi Fennel.
21 I live at 37 Brighton Street. I'm the COO of a public
22 health organization, and I work in public housing. And I

1 support the construction of affordable housing at 2072 Mass
2 Ave. However, I believe it's possible to both provide this
3 much needed housing and not put a significant negative
4 impact on the neighborhood.

5 I'm very concerned about the need to provide
6 parking. I'm specifically speaking about the impact on the
7 residents on my street, Creighton Street, which is a logical
8 first street that the new building residents will go to
9 park.

10 I want to repeat that. If you look at the street
11 layout, it is obvious that the building's residents will
12 first seek to park on our street. The residents of
13 Creighton Street have submitted a letter.

14 I want to highlight some specific concerns related
15 to the parking census. Historically, evening parking has
16 been incredibly challenging on Creighton Street. And a
17 parking count I made for Creighton Street, there were five
18 nights in a two-week period with no spaces at 6:00 p.m.,
19 which is a critical time when residents are starting to
20 return home.

21 And by the way, the developer's census shows eight
22 spaces on the exact time and date that I counted only four.

1 But regardless whether it's eight or four, those spaces will
2 disappear with the addition of at least the 25 cars that the
3 developers assume would be added.

4 We are all clear on the positive human impact of
5 providing affordable housing. I would also like to put a
6 human face to the negative impact on existing residents. I
7 disagree with Representative Decker that having to park many
8 blocks from one's home is a tradeoff of living in an urban
9 area. I don't believe there has to be a tradeoff.

10 Imagine you're my 67-year-old husband with
11 arthritis in both hips, who has arrived home from an hour
12 plus commute, and must drive up and down the three adjacent
13 dead-end streets, and then if a space cannot be found, drive
14 around a half mile loop to get back home.

15 Or you're my neighbor with two young children
16 trying to hold their hands and juggle backpacks crossing
17 traffic after parking within a quarter mile, deemed
18 acceptable by the developer's parking garage census.

19 Or you're my 89-year-old normally very active
20 mother, who will not be able to go out in the evening to
21 events at her church because she's afraid she won't find a
22 parking space when she returns home.

1 These are real quality of life impacts. They'll
2 be multiplied by the number of families on our street and in
3 the neighborhood. I have great faith in the creativity and
4 resources of this city to address these challenges. If you,
5 the BZA, require parking be provided, it will be.

6 I would like to emphasize that this is not an
7 either/or situation. Instead, it should be a yes/and. And
8 thank you for your time.

9 CONSTANTINE ALEXANDER: Thank you.

10 SISIA DAGLIAN: Alright. David Sullivan?

11 DAVID SULLIVAN: Thank you. And thank you, Mr.
12 Chairman and members of the Board. My name is David
13 Sullivan. I live at 16 Notre Dame Avenue. I'm a former
14 member of the City Council, having served five terms. I am
15 a 30-year-homeowner in the North Cambridge neighborhood, and
16 I live less than half a mile from the project.

17 I strongly support this project. I believe, as I
18 have said to this Board many times before, that the most
19 important issue facing the city is affordable housing. I am
20 very conscious of the tradeoffs that several of you have
21 mentioned, and they are significant -- the issues of density
22 and height and necessary parking.

1 I'd like to call -- and there's no doubt that
2 those are real issues, and that they are issues in the
3 neighborhood, which I am a member of. I'm not an abutter,
4 but I live somewhat close -- but I I'd like to point of
5 access a couple things.

6 First of all, there are always tradeoffs.
7 Whenever we build more housing, there are going to be
8 tradeoffs. And, Mr. Chairman, as you eloquently pointed out
9 at the beginning of the hearing, the point of Chapter 40B is
10 to give some weight to affordable housing in terms of how to
11 make those tradeoffs.

12 It doesn't mean that the questions are easy, but
13 it does mean that there's supposed to be a sort of thumb on
14 the scale in favor of affordable housing.

15 Secondly, the experts, the city's experts on these
16 subjects have weighed in. The Traffic and Parking
17 Department has said that they agree with the developer's
18 recommendations about traffic and parking. The Planning
19 Board and the Community Development Department, which are
20 the city's experts on planning have weighed in in favor of
21 the project. It doesn't mean that -- you are the decision-
22 makers. Your board is the decision maker here. It doesn't

1 mean that you have to defer entirely to their
2 recommendations, but you should pay close attention to their
3 recommendations.

4 I understand the concerned about setting a
5 precedent. But I think the answer to that is you will have
6 a chance to look at every single project like this when it
7 comes down the pike. And if you disagree with the next one,
8 well, you can say no to the next one. Or you can impose
9 appropriate conditions on the next one.

10 So this doesn't tie your hands for all future
11 projects. It is important to consider how many people will
12 benefit from every last unit.

13 And it's true that we will not solve the
14 affordable housing project problem in Cambridge with this
15 one project. But it doesn't mean we shouldn't try. It
16 doesn't mean that we can simply throw up our hands and say,
17 "Oh, the problem is too big, let's not do anything about
18 it." we have to try every single time we have an
19 opportunity, and this is a really important opportunity, so
20 I hope you will say yes. Thank you.

21 CONSTANTINE ALEXANDER: Thank you.

22 SISIA DAGLIAN: Lisa Dreier?

1 [Pause]

2 Lisa?

3 LISA DREIER: Thank you. I just put my timer on.
4 Chairman Alexander and members of the Board, thank you for
5 the opportunity to comment. My name is Lisa Dreier. I'm a
6 native of Cambridge and a homeowner on Cogswell Avenue,
7 which is about one block from the proposed site of the
8 building.

9 I'm part of group called, "North Walden
10 Neighbors." We strongly support affordable housing in our
11 neighborhood, but have strong concerns about the design and
12 safety of this project. We have submitted into the record a
13 petition signed by over 260 nearby residents who share these
14 strong concerns.

15 Our fervent plea to the members of the Board this
16 evening is please do not waive Article 19. This project has
17 so many issues that have raised such a strong response from
18 the community that it really requires a project review,
19 including a traffic study that goes beyond the flawed and
20 incomplete parking only study that has already been
21 conducted, and actually looks at the potential safety
22 impacts on vehicle, bicycle and pedestrian traffic on this

1 highly congested neighborhood, adding 200 residents, many of
2 whom have small children, to this congested and dangerous
3 space.

4 A project review would also review the context issues
5 that have been raised this evening. The nine-story building
6 towering over this neighborhood is way out of context with
7 the current buildings in the area, and we would much prefer
8 a six-story height in alignment with the Affordable Housing
9 Overlay.

10 Overall, we are very concerned that this process
11 has been very rushed. The first community consultation on
12 this project was held only weeks ago in the middle of a
13 pandemic. We have an immediate abutter who was never
14 informed about this. We have a large apartment building one
15 block away on 35 Walden that had never heard about this
16 until last weekend. There's been a very rushed process with
17 incomplete community consultation.

18 But those who have heard about it react in shock
19 and horror when they heard that a nine-story monster
20 building is going up on our corner with this type of impact.

21 Once again, we welcome affordable housing in our
22 neighborhood. We see the need, but we do believe that it

1 should be an improved design that provides safety and fits
2 the context. We feel the developers are trying to railroad
3 this project through at too high of a speed, with incomplete
4 and inaccurate project documents provided to the Project
5 Board and to this Board, and that the entire process is
6 flawed.

7 So we request that you slow it down, allow for its
8 sufficient review, allow for sufficient consultation so that
9 we can work together to create an effective design to bring
10 this project into our neighborhood. Thank you.

11 CONSTANTINE ALEXANDER: Thank you.

12 SISIA DAGLIAN: Dana Schaefer?

13 DANA SCHAEFER: Hello. My name is Dana Schaefer.
14 I live on Cogswell Avenue as well, actually. And I do have
15 a lot of concerns about the traffic and safety. And I am
16 very disheartened that I heard that the Traffic and Safety
17 Board did approve this, because we've had a history of
18 talking with Patrick Baxter, who was our point person, about
19 safety issues on Cogswell Avenue a year ago. And we had
20 backups on Walden Street and cutting through Mead and
21 Cogswell documented for the past year.

22 And for them to say that there's no traffic and

1 safety issue is really, really upsetting to us, because
2 we've been talking to them for a while about that. So
3 that's probably my number 1 concern.

4 I also concur with the other Board members' issues
5 about the height and to scale down, and, you know, really
6 the big impact is everybody wants affordable housing, but to
7 put a square peg into this round hole doesn't seem to make
8 sense.

9 I mean, I think that it shouldn't be rushed, there
10 should be more of a nuanced approach to look at this and to
11 definitely hear the concerns of the neighborhood, which we
12 really feel like we haven't been heard, considering this has
13 been an issue for over a year.

14 So I would like to say that I think that the
15 waiver for Article 19 should not be passed by this Board.
16 Thank you very much for your time.

17 CONSTANTINE ALEXANDER: Thank you.

18 SISIA DAGLIAN: Anne Ferraro?

19 ANNE FERRARO: Hi. Can you hear me?

20 SISIA DAGLIAN: Yes.

21 ANNE FERRARO: Thank you for listening to me
22 today. Again, I live on Walden Street, and I agree with the

1 size is too much. I don't believe people who are developing
2 this project really understand the congestion and the impact
3 that traffic has during regular -- like, non-COVID times.

4 You know, half of the people cut through Walden
5 Street. It's one of the most traveled streets to get out of
6 the city; the people that are avoiding the parkway and
7 avoiding going other places that are just as congested.

8 And I've lived on Walden Street for 22 years now.
9 I've owned my home, and I just think it gets worse and worse
10 as things get developed. And there's a lot of people that
11 aren't around here right now, students and stuff that aren't
12 parking.

13 I just -- I ask that Article 19 not be waived, and
14 that they take their time. It's a very dangerous street.
15 There was a child killed at that corner of Mass Ave, who had
16 the right of way, was killed by a truck a few years back. I
17 don't believe that a nine-story building is in keeping with
18 the landscape, on Mass Ave in this area.

19 And I'm -- they mentioned Port Landing, which I am
20 familiar with. Somebody I know lives there, and it has an
21 underground parking garage.

22 And I would ask that they would try to develop

1 something more along those lines so that it would not impact
2 the parking. I have -- there's days when I can't even get
3 out of my driveway at rush time, and angry people that are
4 trying to avoid the Mass Ave light.

5 And also, the issue that they're taking away the
6 curbing on Mass Ave. So you've got people entering and
7 exiting -- 49 families entering and exiting in that right-
8 hand lane that is -- that has the first light.

9 SISIA DAGLIAN: Anne? I'm sorry, your three
10 minutes are up.

11 ANNE FERRARO: Okay, thank you.

12 CONSTANTINE ALEXANDER: Thank you.

13 SISIA DAGLIAN: Cathleen Higgins?

14 CATHLEEN HIGGINS: Hi. My name is Cathleen
15 Higgins, longtime renter in Cambridge, 345 Norfolk Street.
16 We're speaking in strong support of the project.

17 The context of that blending into the neighborhood
18 and the street is just one of our contexts that Dennis
19 Carlone refers to; there's also the context of being one of
20 20,000 people on a waiting list to get decent housing. And
21 also, the context of the ongoing crisis we are in due to the
22 lack of affordable housing in Cambridge and around the

1 country. Those are the significant contexts.

2 The fact that the Affordable Housing Overlay is
3 now in place with its incentivization of 100 percent
4 affordable development is a sign that there's broad support
5 in Cambridge for the type of building that Capstone
6 Community is seeking to build.

7 The passage of the AGO came as more elected
8 officials, policymakers and citizens have come to the
9 realization that residential segregation resulting from
10 racist zoning and federal housing policy needs to end. This
11 building is a step to correcting historical inequities that
12 have kept Cambridge unaffordable for so many.

13 I take issue with just the knee jerk reaction
14 against height. What is wrong with nine stories? There are
15 many wonderful communities -- multistory communities in
16 Cambridge. If we want to make significant dents in the
17 problem, we need density and we need height. Look across
18 the world.

19 If you really cared about the housing emergency,
20 you would embrace these types of buildings -- this type of
21 building to try to end the crisis.

22 Those who are opposed to this beautiful structure,

1 please see how lucky you are that you have the opportunity
2 to meet and welcome to your neighborhood 49 new families who
3 will bring their talents, livelihoods and interests to this
4 Porter Square community. Thank you.

5 CONSTANTINE ALEXANDER: Thank you.

6 SISIA DAGLIAN: Patrick Joyce?

7 PATRICK JOYCE: Hi there. Hi, my name is Patrick
8 Joyce and I live on Mass Ave, a couple of blocks north of
9 the site, and this is my first time speaking at a zoning
10 hearing, so thank you very much for the opportunity.

11 I'm asking you to support the project at 2072 Mass
12 Ave, and I have e-mailed my comments as well, so I'll be
13 very brief. My parents-in-law retired and moved to
14 Cambridge, and they were able to live here and prosper due
15 to city-run affordable housing program. I'd really like
16 Cambridge to not only continue to provide opportunities like
17 that to families, young and old, but to [2:14:00 audio
18 unclear]

19 [Pause]

20 SISIA DAGLIAN: Oops, oops, oops. Patrick?

21 [Pause]

22 PATRICK JOYCE: Hi.

1 SISIA DAGLIAN: Sorry, you got cut off.

2 PATRICK JOYCE: Something happened, I was
3 interrupted. Can you still hear me?

4 SISIA DAGLIAN: Yes, sorry. Yeah.

5 PATRICK JOYCE: Oh. So I'm not sure where I left
6 off.

7 SISIA DAGLIAN: You were talking about your
8 parents.

9 PATRICK JOYCE: So my parents-in-law were -- they
10 moved to Cambridge, were able to live here and prosper due
11 to a city-run affordable housing program, and I'd really
12 like Cambridge to not only continue to provide those kinds
13 of opportunities to families both young and old and to
14 expand them, and I'd like it to happen in my neighborhood.
15 Because I know people like that, I know how it changes
16 people's lives to have opportunities like that.

17 And so I want to echo both Marjorie Decker and
18 David Sullivan and particularly the previous speaker,
19 Cathleen Higgins who I just heard -- I don't know any of
20 these people.

21 But I understand their concerns about height and
22 mass and context which are questions of aesthetics and

1 appearance, and it's a building that has a relatively
2 thoughtful and attractive design compared to what's there
3 right now.

4 And I do hope that we can all keep in perspective
5 that these are questions of aesthetics, as opposed to the
6 much more urgent questions of affordable housing and
7 economic crisis, and of the good that we can do. And I do
8 hope that we'll can keep in mind sort of the relative
9 weighing in of those kinds of concerns. And so, that's why
10 it's an open project.

11 Thank you so much to the Board and to the other
12 speakers. Thanks.

13 SISIA DAGLIAN: Bill McAvinney?

14 BILL MCAVINNEY: Hi. This is Bill McAvinney.
15 Thank you, Chairman and members of the Board. I live at 12
16 Douglas Street, and I strongly support this project, and
17 certainly hope that you will approve the comprehensive
18 permit.

19 A couple of issues: I've now lived in Cambridge
20 for over 50 years, and I have lost an awful lot of my
21 neighbors due to a lack of affordable housing. This project
22 will help me just by making it possible for more Cambridge

1 residents to stay in Cambridge. That's one point.

2 The -- having to do with parking, I really
3 appreciate that these developers have used our -- or my --
4 public money wisely, our public money wisely by putting it
5 almost -- putting as much as possible into housing and not
6 into parking.

7 I actually believe that housing should be a human
8 right, and we should be providing housing to everyone. I do
9 not believe that having a place to park my car should be
10 something that the city provides me. That doesn't seem to
11 make sense to me.

12 And the last point is in terms of height, we need
13 to make choices about if we are going to have enough housing
14 in this city -- and I don't mean by creating extreme amounts
15 of housing, just to maintain it reasonably as it is to
16 accommodate its own growth, we are going to need to increase
17 height or just take open space. We've run out, pretty much,
18 of commercial or industrial space that we can use for
19 housing.

20 So the tradeoff here is do we put that height on
21 our main streets? That would be where I would suggest doing
22 it, not in the neighbors. Not -- definitely not on open

1 spaces. Thank you for your time.

2 CONSTANTINE ALEXANDER: Thank you.

3 SISIA DAGLIAN: Noah Maslan?

4 CONSTANTINE ALEXANDER: I'm going to ask the same
5 question. How many more?

6 SISIA DAGLIAN: 28.

7 CONSTANTINE ALEXANDER: 28? No, we can't go to
8 28.

9 NOAH MASLAN: Well -- hi, good evening Chair and
10 Board. And I think, you know, I'm just here to just say
11 that I strongly support this project. I live on Walden
12 Street a couple blocks down. I think it's a beautifully
13 designed building.

14 I think we need to take -- as a community, we --
15 Cambridge is at the forefront of all cities in the
16 Commonwealth in trying to deal with the affordable housing
17 crisis, and also, the climate change crisis.

18 So we allocate lots of money in the city to have
19 Net Zero buildings, Net Zero schools, but really the primary
20 contributor to climate change are emissions from cars and
21 single-occupancy vehicles.

22 And now here we have an opportunity to build a

1 bit of a taller building, which is totally within context in
2 the scale of Mass Ave, within walking distance of not only a
3 T station, but it is a transportation hub with the Commuter
4 Rail, the Red Line, and bus lines that go all over the
5 place. And so, folks are going to be able to live here
6 without owning cars. And it's going to help address the
7 climate change issue.

8 And then, and finally I just want to say that this
9 is going to improve the safety of Walden Street. I live
10 here with my family. We drive, we bike, we walk down this
11 intersection almost every single day, and by the developer
12 wisely giving part of the private land in order to widen
13 that street is a real -- is going to be a real significant
14 improvement.

15 And I think that none of the comments have really
16 addressed that tonight, and I think it's important that you
17 consider that.

18 Thank you, and appreciate the time.

19 SISIA DAGLIAN: Matthew Goldstein?

20 CONSTANTINE ALEXANDER: Excuse me, before you
21 begin, I want to repeat what I said before. We've got tons
22 of letters, memos, e-mails, what have you commenting on this

1 project. Most are in favor. We don't need to hear people
2 say, "I'm in favor" unless they're going to offer some new
3 reasons why we should -- this Board should approve what has
4 been presented that has not been presented before by the
5 previous speakers.

6 You don't make the case any stronger by dragging
7 this out. It's important we get to the end of the
8 discussion, but I do want to hear from people who have
9 things to say that have not been said before.

10 Go ahead?

11 SISIA DAGLIAN: Should we do one minute?

12 CONSTANTINE ALEXANDER: One minute?

13 SISIA DAGLIAN: To time it?

14 BRENDAN SULLIVAN: 30 people signed up?

15 SISIA DAGLIAN: 27 now.

16 BRENDAN SULLIVAN: Hm?

17 SISIA DAGLIAN: 27 now?

18 ANDREA HICKEY: Mr. Chair, if I could make a
19 seeing no one else in favor, declare that part of the
20 hearing closed -- this is Andrea Hickey -- perhaps as the
21 public sort of comes up one by one, we could ask whether
22 they've made a written submission? And if they have,

1 perhaps move to someone who has not?

2 CONSTANTINE ALEXANDER: That's a good suggestion.

3 BRENDAN SULLIVAN: Brendan Sullivan. To my other
4 fellow Board members, I just asked Sisia, and there are
5 possibly potentially 27 people who have signed up to speak
6 for three minutes. We're going to be here for another hour
7 and a half.

8 And as a reminder, we've 11 cases to hear after
9 this. So this is going to really kick in to tomorrow at the
10 current pace. So I just raise that issue so that you're
11 aware of it.

12 CONSTANTINE ALEXANDER: I think we would ask
13 anyone who wants to speak if they've commented to us already
14 in writing, and if they have, then we'll move on to the next
15 person who wants to speak. Maybe that will move it along.
16 But I would, again, make the suggestion urge everyone to
17 just not speak for the sake of speaking. We hear, we read,
18 and we'll make the best decision we can at the end of the
19 day. But we won't make a good decision if we're exhausted
20 from sitting here.

21 And as Brendan has said, we have 11 other cases --
22 not affordable housing cases. We have people sitting out

1 there waiting, and we have some tough cases coming up not
2 involving affordable housing.

3 So please, let your comments -- or better still
4 not make them -- if the comments that you want to make have
5 already been made by someone or by you in writing.

6 LAURA WERNICK: Mr. Chair?

7 CONSTANTINE ALEXANDER: Yes.

8 LAURA WERNICK: Can we limit people to one minute?

9 CONSTANTINE ALEXANDER: We can do that. I'm not
10 sure -- we'll try that. Okay. Starting now, the speakers
11 will have one minute to speak. And again, if they go over
12 the one minute, their mic will be cut off.

13 SISIA DAGLIAN: Okay, Matthew? Do you want to go
14 ahead?

15 MATT GOLDSTEIN: Yeah, hi. I'm Matt Goldstein at
16 52 Clarendon Ave. So I think part of the point of letting
17 the public speak in these kinds of hearings is to show,
18 like, support one way or the other. So I get that there are
19 a lot of people talking, but that doesn't seem right to me.

20 So I'll just say I've lived in North Cambridge for
21 close to 20 years. We've rented, we now live on 52
22 Clarendon Ave. I'm -- I support this beautiful project.

1 It's site appropriate, you know, it's going to add a lot to
2 what is sometimes a dreary walk along Mass Ave between
3 Porter and Arlington.

4 Our children attend the nearby Graham and Parks
5 Elementary School. So, like, pre-COVID we waited on Walden
6 often in that traffic. And yes, it's congested, and it's an
7 inconvenience, but we live in a city. So the rush hour
8 congestion is caused mostly by, like, regional commuters
9 trying to get across the tracks. So support the project.
10 Thank you.

11 CONSTANTINE ALEXANDER: Thank you.

12 SISIA DAGLIAN: Lee Farris?

13 LEE FARRIS: Good evening. Can you hear me?

14 SISIA DAGLIAN: Yeah.

15 LEE FARRIS: Great. I'm Lee Farris, 269 Norfolk
16 Street. I did write in. I will be within the one minute.
17 I'm speaking for the Cambridge Residents Alliance in overall
18 support of the affordable housing that's proposed here.

19 And the Residents Alliance is a citywide volunteer
20 organization with well over 1000 supporters. We especially
21 like that this is homes for lower-income residents, and that
22 most are family units, and that it's Passive House.

1 We have three requests and concerns. We think the
2 building would be much better if it provided two elevators
3 instead of only one. We would like the developers to
4 protect the residents of the CHA apartments next door during
5 construction; perhaps by paying to temporarily move
6 residents on that side of the building to other apartments
7 if they want to relocated.

8 And lastly, we ask that the developer pay for this
9 city to plant as many trees as will fit in the city-owned
10 parking lot, since no trees fit actually on its property.

11 But again, to repeat, we are strongly in support
12 of this proposal. We request that you ask the developers to
13 accept these suggestions. Thank you.

14 CONSTANTINE ALEXANDER: Thank you.

15 SISIA DAGLIAN: Itamar Tuner-Trauring?

16 ITAMAR TURNER-TRAURIG: Hi, my name is Itamar
17 Turner-Trauring. I'm speaking in support of this project to
18 add something new. One of the Board members referred to the
19 idea that parents need cars. We live about the same
20 distance from Porter Square as this building will be,
21 actually slightly farther. We don't own a car. It's fine.
22 Our neighbors upstairs do most of their transportation of

1 two young children without a car.

2 We know other people in the neighborhood who use
3 their car once a week, or don't have a car at all and they
4 have small children. It is perfectly feasible when you live
5 near a transportation hub, when you live within walking
6 distance of a supermarket and all the stores in the Porter
7 Square plaza to not own a car.

8 And one of the benefits of living in Cambridge as
9 a parent is that there are school buses, and so, you don't
10 even have to drive your kid to school.

11 So again, I support this project, and I do not
12 think that just because you're a parent you have to own a
13 car. I suspect that a lot -- it is perfectly -- given the
14 location it will actually be just fine for many families.

15 Thank you. Again, I support this project and I
16 hope you approve it.

17 SISIA DAGLIAN: Thank you. Ruth Riles?

18 RUTH RILES: Hello. Can you hear me?

19 [Pause]

20 RUTH RILES: Can you hear me?

21 ANDREA HICKEY: Yes.

22 RUTH RILES: All right. I did write in. I am

1 President of the Porter Square Neighbors Association, but as
2 I said in my letter, I'm not speaking for the whole
3 organization.

4 But I just wanted to add that I am disappointed
5 that the Board is not more -- at least in the comments I've
6 heard so far -- more forward-looking. I spent two years of
7 my life on the Envision Cambridge Advisory Board. We looked
8 at Cambridge Street and Mass Ave as places in the city,
9 focused on them to actually put taller buildings.

10 JASON KORB: -- on the list, can you? Sorry.

11 RUTH RILES: And we looked at the possibility of
12 having buildings there as tall as nine or 10 stories, and
13 would that be feasible? I think the building is beautiful,
14 and I think they've made an accommodation to the
15 neighborhood behind it.

16 [Pause]

17 JASON KORB: Hello?

18 CARL NAGY-KOERSHLIN: Hi. I'm not sure if my name
19 was called, I lost connection. This is Carl Nagy-Koershlin.
20 Can you hear me?

21 COLLECTIVE: Yes.

22 CARL NAGY-KOERSHLIN: Sisia, are you there?

1 JASON KORB: Looks like there's some issues going
2 on.

3 CARL NAGY-KOERSHLIN: Yeah. Shall I proceed?

4 JIM MONTEVERDE: Might as well, you have the
5 floor.

6 CARL NAGY-KOERSHLIN: Okay. Carl Nagy-Koershlin.
7 I'm the Executive Director of Just-A-Start, and thank you
8 for your time. I'll be very brief. In addition to being at
9 Just-A-Start, which, like Capstone is very committed to
10 developing high-quality affordable housing and has an
11 established track record in that regard, I'm also a former
12 resident of Creighton Street. And I understand the
13 inconvenience that people are speaking of when they're
14 looking to park their cars.

15 But with all due respect, there's something here
16 that's much more inconvenient that I see every day, which is
17 the inability for people to find decent places to live for
18 their families.

19 So I really do think the proper weight should be
20 given to the tremendous opportunity and life-changing impact
21 that a quality unit of housing in this neighborhood will
22 have on the lives of these individuals and families,

1 connecting them with economic opportunity, mass transit,
2 good schools, good services.

3 So every unit we lose will have a profound impact
4 on -- and curtailing the opportunity for the eventual
5 residents who can't be here to speak because we haven't
6 identified them. So I really encourage the Board to approve
7 the project which has been well thought through with a
8 tremendous benefit for the city. Thank you.

9 WILL MACARTHUR: Hello. My name is Will
10 MacArthur, and I'm a lifelong resident of North Cambridge.
11 This is my first time speaking before the Board, so thank
12 you for the opportunity. I submitted written comments, so
13 I'll keep it very brief. I mean, I just wanted to say that
14 I strongly support the proposed homes on this site, and I
15 think they'll be a great addition to the neighborhood.

16 To make just one additional point, I've heard a
17 lot tonight about the tradeoffs of this project, and I
18 definitely acknowledge those, but I also wanted to speak to
19 the tradeoffs that happen when we don't take advantage of
20 opportunities like this to add the affordable housing we
21 need to the city.

22 It's a tradeoff when many of my former classmates

1 from Cambridge public schools leave the city because we
2 can't afford to live here as young people.

3 It's a tradeoff when people who work in Cambridge
4 make two-hour commutes by car, and it's also a tradeoff that
5 more than 500 Cambridge residents were living without
6 housing even before the pandemic.

7 I hope that the Board considers these tradeoffs as
8 well as those identified by the neighborhood in these
9 deliberations and grants a comprehensive permit for the
10 proposal as written. Thanks very much for your time.

11 JACKSON MOORE-OTTO: Hello. It looks like I've
12 been unmuted. Am I supposed to speak now? This is Jackson
13 Moore-Otto.

14 JIM MONTEVERDE: Go right ahead.

15 JACKSON MOORE-OTTO: Okay. Thank you very much.
16 So my address is 9 Doane Street, and I would like to speak
17 and I would like to speak very briefly in support of this
18 project, which I think is an amazing project.

19 I've lived in Cambridge my whole life, that's
20 almost 21 years. I've been so grateful to live in a place
21 with such amazing education and economic opportunity. And
22 people need a place to live. And I think there are few

1 better places to live than Cambridge.

2 So I hope that as the Board weighs all the issues
3 that have been brought up, they will keep in mind that
4 denying any units created will have a negative impact on
5 potential residents, and conversely creating these units
6 will unlock economic opportunity and housing stability for
7 so many people. Thank you.

8 REVA STIEN: Am I being called on?

9 JIM MONTEVERDE: There you go. You're live.

10 Riva?

11 REVA STIEN: Thank you very much for this
12 opportunity to speak tonight. My name is Reva Stien. I've
13 lived in Cambridge as a renter for 25 years, and I would
14 like to stay here, but Cambridge is very, very unaffordable.
15 I fully support this project. I think, you know, housing is
16 a right that everybody should be entitled to. Having a
17 parking space is not a right.

18 But I would recommend thinking about Zip cars.
19 You know, if there's a way for the development to find a
20 couple of spots on the street, or through the City of
21 Cambridge or maybe giving up one of the handicapped spots
22 for a Zipcar that could be used by the development where

1 people wouldn't each have to own their own car, but would
2 have a car available to them.

3 I fully support this project. It's a catastrophe
4 to be homeless and not be able to find a home where you
5 would like to live. Thank you very much.

6 DANFORTH NICHOLAS: Hi, is it my turn?

7 JIM MONTEVERDE: Yes, sir.

8 DANFORTH NICHOLAS: Okay. My name is Danforth
9 Nicholas. I live on Richdale Avenue, right next to Walden
10 Street just a couple of blocks from the proposed site. I've
11 been a homeowner in the state for 15 years. I want to
12 express my strong support for this project exactly as it's
13 currently envisioned. This is a beautiful building; I want
14 to see it in my neighborhood. And I don't support reducing
15 the height or adding any additional parking.

16 The reason that I live in this neighborhood is
17 because I want to be able to live without a car. And I
18 think that this is a wonderfully car unfriendly
19 neighborhood, and I want to keep it that way.

20 So thank you very much for letting me speak, and
21 I'll let us keep going.

22 JIM MONTEVERDE: Thank you for your time.

1 SUSAN FRANKLE: Hi. This is Susan Frankle. Can
2 you hear me?

3 JIM MONTEVERDE: Yes, ma'am.

4 SUSAN FRANKLE: Thank you very much for the
5 opportunity to speak. My name is Susan Frankle. I live
6 about 300 feet from the proposed development on Houston
7 Park. With all due respect to this discussion, many of the
8 supporters are not in the immediate neighborhood -- not all,
9 but many. And I feel like the context of the safety of
10 intersection is really critical here.

11 And I'm going to add new content, because it's
12 from a set of conversations that I had with Joe Barr
13 yesterday from the -- Joe Barr in the Traffic Department
14 yesterday, and then again, this morning. And I'm guessing
15 Joe Barr's not going to speak today.

16 I really take exception to the Traffic
17 Department's recommendation in strong support of this
18 project. I spoke with Joe, and he told me after we
19 discussed the complexities of the site and I queried him, he
20 said that no one from the Traffic Department has been to the
21 site in almost a year. I find that staggering. No
22 observations on the site from the Traffic Department since

1 this proposal began circulating.

2 You should find this staggering too. Yet the
3 Department is confident that there will be no impact to
4 traffic. We've got a senior center next door with a
5 driveway; we've got an affordable housing unit of seniors
6 and disabled people that abuts this -- that's the Russell
7 Apartments.

8 And so I don't understand how the Department --
9 the Traffic Department -- can strongly support this project
10 when there was a parking study done, not a traffic study
11 done. How could they reach this conclusion?

12 So I strongly urge you do not waive Article 19.
13 This project needs more study. This building will likely
14 last 100 years. I hope it can be resized to be an
15 affordable housing project that is safe for the neighborhood
16 and safe for the future residents. Why wouldn't we pause
17 for a moment and be rigorous in the planning process? Thank
18 you so much for allowing me to speak.

19 JIM MONTEVERDE: Thank you. Jessica?

20 JESSICA SHEEHAN: Hi.

21 JIM MONTEVERDE: I think you're on.

22 JESSICA SHEEHAN: Thank you. Hi. My name is

1 Jessica Sheehan, and I live at 48 Fairmont Street. A quick
2 note about not wanting to have to hear from supporters: If
3 I knew this was going to go through without sacrificing any
4 homes, I would be happy to skip commenting. I have other
5 things that I could be doing with my time too.

6 I'm commenting on because I care about this very
7 much. With the power to make these decisions comes the
8 responsibility to listen to people, even if you find it
9 tiresome or repetitive.

10 With that aside, I strongly support this project.
11 It's a great place for it, and as you well know, these units
12 are desperately needed -- every single one of them. In
13 survey after survey, Cambridge residents cite affordable
14 housing as our number one priority, that's the mandate.
15 There's obviously a lot of support for this project, it's
16 clearly well-planned. Please approve it without sacrificing
17 any affordable homes. Thank you for your time.

18 JIM MONTEVERDE: Thank you.

19 REBEKAH BJORK: Hi. My name is Rebecca Bjork.
20 Can you hear me?

21 JIM MONTEVERDE: Yes. Please go ahead.

22 REBEKAH BJORK: And I live down on Concord Ave,

1 and I've already written in to express my extremely strong
2 support for this project, both based off the need for
3 affordable housing and also the need for Cambridge to walk
4 its talk when it comes to combatting climate change. So you
5 can see that in my e-mail.

6 I wanted to use my minute just to address some of
7 the comments about the impact on parking. I'm (sic) a
8 residential parking permit down on Concord Ave near Garden.
9 It's a very congested parking area, but I understand that my

10 I wanted to use my minute just to address some of
11 \$25 a year doesn't guarantee me a spot in front of my
12 building. I'm happy to walk a little bit of a distance,
13 because opt for basically free parking. And it bothers me
14 to hear other residents of Cambridge upset that other people
15 might also want to use the same public good that they have
16 access to.

17 So again, I'm very strongly in support of this,
18 and I definitely do not want to see parking added. That
19 will only increase the cost, and also, encourage people to
20 drive and continue to contribute to climate change in a way
21 that Cambridge should not be doing. Thank you.

22 JIM MONTEVERDE: Thank you. James?

1 JAMES ZALL: This is James Zall.

2 JIM MONTEVERDE: Yep.

3 JAMES ZALL: This is James Zall, 203 Pemberton
4 Street speaking in strong support of this project. City
5 planners across the country and policymakers here in
6 Cambridge have come to recognize that providing more parking
7 results in more cars and more traffic.

8 Our local policymakers have also recognized the
9 severe shortage of housing, and most especially affordable
10 housing. It has afflicted the city and the region.

11 Cambridge's zoning regulations and practices have
12 lagged behind its policies, as evidenced by this hearing
13 tonight, some of our City Councilors have reported receiving
14 calls almost every week from longtime residents, including
15 school families and seniors, who are being priced out of
16 their homes and cannot find another apartment they can
17 afford.

18 Our city government has repeatedly stated its
19 intention of addressing this crisis. They've taken some
20 steps in this direction, but have hardly made a dent.

21 I have great difficulty accepting the idea that
22 trouble getting out of one's driveway or having to park a

1 block or two away from one's home outweighs the needs of
2 other people to even have a home. I ask this Board to think
3 long and hard before they decide to prioritize cars over
4 people.

5 JIM MONTEVERDE: Wallis Stein (phonetic) are you
6 on? Dave (sic) Eisner?

7 DAN EISNER: Oh, hi. Can you hear me?

8 JIM MONTEVERDE: Like, you have the floor.

9 DAN EISNER: I'm sorry about that. So my name is
10 Dan Eisner. I live at 6 Bristol Street. When I attend
11 meetings like these, my reaction is typically something
12 like, "I'm glad we're getting more housing, but why is it so
13 short? It should be taller." But this project really is
14 pretty much perfect.

15 When I imagine how Mass Ave would ideally be
16 developed, I envision in my mind a series of eight- and
17 nine-story buildings. And then I say to myself, "do not get
18 your hopes up too much." So imagine my pleasant surprise
19 when I look at this project. It really is great. And I
20 hope this can serve as a springboard for more buildings of
21 similar height on Mass Ave.

22 Mass Ave is the type of street where nine-story

1 buildings belong. As a previous commenter said, we don't
2 want tall stories and tall buildings in one-story
3 neighborhoods. So this is exactly where we should be
4 focusing, and we really shouldn't worry about the context of
5 what is currently there. We need to grow and put housing
6 where it makes sense, which is on Mass Ave. Thank you.

7 JIM MONTEVERDE: Thank you.

8 ALAN SADUN: Hello, can you hear me?

9 JIM MONTEVERDE: Alan, yes, we can hear you.

10 ALAN SADUN: Thank you.

11 JIM MONTEVERDE: Go ahead.

12 ALAN SADUN: My name is Alan Sadun. I'm here
13 representing A Better Cambridge, an all-volunteer group that
14 advocates for more housing for all of Cambridge. We
15 wholeheartedly support the proposed project at 2072 Mass Ave
16 and urge you to approve it. My organization has already
17 sent you a letter, so I'll only highlight two points.

18 The first, there is a growing concern amongst
19 urban planners nationwide this most American cities,
20 including Cambridge, have overbuilt their car infrastructure
21 at the cost of decreased air quality, decreased walkability,
22 underutilized land and increased carbon emissions.

1 To correct these trends, ABC believes it is
2 important not to build any additional parking, unless her
3 clear and unmet demand for it. This project located so
4 close to transit does not create any such demand.

5 The second point: Without the stability that
6 affordable housing provides, Cambridge's rising rents leads
7 to waves of displacement, disrupting families and
8 communities, putting all that Cambridge has to offer out of
9 reach for those who need it most.

10 We shouldn't be asking how do we mitigate the
11 project, saying we can't solve the entire problem at once,
12 so why bother? We should be asking, "How do we maximize the
13 project?" We urge you to approve this project. Thank you.

14 JIM MONTEVERDE: Thank you. dan? Yeah, I think
15 you're on.

16 CONSTANZA EGGERS: Hello? I think it's me --

17 JIM MONTEVERDE: No, sorry.

18 CONSTANZA EGGERS: -- on.

19 JIM MONTEVERDE: Ah. You're --

20 CONSTANZA EGGERS: Constanza Eggers.

21 JIM MONTEVERDE: -- we can all hear you. Yep.

22 CONSTANZA EGGERS: Okay.

1 JIM MONTEVERDE: Go right ahead.

2 CONSTANZA EGGERS: Constanza Eggers, and I'm a
3 longtime resident of Porter Road, a few blocks away, where
4 there's also a 26-unit affordable housing building, which is
5 just lovely that we've lived with for many, many years and
6 it fits right in with the neighborhood.

7 I want to say that I strongly oppose the waiving
8 of Article 19 and the request to waive the Design Review.
9 And these are the reasons -- and I am aware, by the way that
10 this is a friendly 40B, not an affordable housing ordinance
11 project, or proposed project.

12 I wouldn't be here -- just like Marjorie -- I
13 wouldn't be here if it weren't for affordable housing. And
14 I had -- I made use of everything I could and then rent
15 control happened.

16 And we all know that that -- ever since then,
17 people have been losing housing, losing housing, losing
18 housing. And that's -- I totally support and I have worked,
19 like many of the people here, for over 20 years on this
20 issue.

21 And we've participated like, you know, Jason said
22 he spent some time -- you know, a lot of hours and whatever,

1 and a lot of -- you know, well we spent a lot of years, like
2 20 years, in meetings participating to make the most
3 democratic way of urban planning, not just build by --

4 [Pause]

5 JIM MONTEVERDE: Gone. Dan? Looks like you have
6 the floor. No? It's like Hollywood Squares watching my
7 screen just trying to figure out who's speaking next. No
8 one yet.

9 ANDREA HICKEY: Jim, is Sisia not on the meeting
10 anymore?

11 JIM MONTEVERDE: I'm -- I don't -- I see her name,
12 but I -- and I see that she's not muted, she's unmuted, but
13 she's not -- I don't hear her.

14 ANDREA HICKEY: And I don't see the Chairman
15 either. Does he --

16 JIM MONTEVERDE: I know. Nathaniel?

17 SUZANNE BLIER: I was called.

18 JIM MONTEVERDE: Nathaniel?

19 SUZANNE BLIER: This is Suzanne Blier, I was
20 called.

21 ANDREA HICKEY: One moment, Suzanne.

22 JIM MONTEVERDE: Hold on. Hold on one second.

1 ANDREA HICKEY: Hold on, Suzanne.

2 JIM MONTEVERDE: We have a couple people who seem
3 to be -- we can hear them at a time. Nathaniel, you're up.
4 We can see your face. Could you just go right ahead, please
5 --

6 NATHANIEL SMITH: Sure.

7 JIM MONTEVERDE: -- for the next minute?

8 NATHANIEL SMITH: Sure, yep. Thank you. My name
9 is Nathaniel Smith. I bought my house on King Street, a few
10 blocks south on Walden from this location about four years
11 ago. I want to thank the Board for letting me speak
12 tonight.

13 Before I bought this house, I lived in the
14 neighborhood as a renter for five years. I strongly support
15 this project as proposed. I take a little bit of issue with
16 the idea that only people outside the community support this
17 project. All of my friends who own homes in this
18 neighborhood, all under half a mile from the site are very
19 excited about it, as proposed.

20 I think it's a remarkable location for an
21 ambitious, affordable housing project. A site like this so
22 close to public transportation and services, and so near

1 such diverse communities as -- you know, the affluent
2 community in Avon Hill, does not become available very
3 often.

4 If the citizens of Cambridge are serious about
5 trying to provide more affordable housing, it has to embrace
6 a project like this on a scale as ambitious as this. If a
7 building like this cannot be built on Mass Ave at this
8 location, then where is appropriate? If not here, where?

9 There are other buildings of a similar scale in
10 both directions on Mass Ave. And this will be in keeping
11 with the style of Mass Ave as an urban artery. I think the
12 project approach to parking is entirely appropriate, and a
13 necessary approach for a city that claims to value
14 walkability and the goals of producing fewer cars on the
15 street.

16 It is entirely appropriate for people who live in
17 cities to park on the street if this results in more cars
18 parking in the neighborhood, thus making it less convenient
19 for people like myself to have one or cars. And good
20 riddance, I'll get rid of one or both of my cars. I
21 understand --

22 [Pause]

1 JIM MONTEVERDE: Suzanne, are you still --

2 SUZANNE BLIER: I am.

3 JIM MONTEVERDE: -- unmuted?

4 SUZANNE BLIER: I am not --

5 JIM MONTEVERDE: Go ahead, please.

6 SUZANNE BLIER: I am unmuted. Thank you, Mr.

7 Chair and members of the BZA. I'm going to give a
8 contradictory statement. I really like the aesthetics of
9 the design, I think it's handsome and really well done, and
10 I commend Jason Korb and others on this, and I have thanked
11 him.

12 At the same time, he was one of several developers
13 who can be credited with playing a key role in the
14 Affordable Housing Overlay Guidelines making their projects
15 financially viable.

16 And I feel it's really important that this be a
17 project that conforms in every respect with what those
18 guidelines convey from the vantage point of height and other
19 things. We don't have a city plan, we have Envision with
20 114 or so goals.

21 So this could be a very important model for
22 further affordable housing project that's right on a

1 corridor, but it's really important that they be a model for
2 everybody else.

3 And we've got the time, because there's some
4 14,000 vacant -- available apartments in the Cambridge area.
5 So let's get this right. People are moving away in part
6 because of gentrification -- condos, not because of this,
7 and I really urge you to ask them to confirm with the
8 Affordable Housing Overlay objectives and criteria. It is
9 now the law, and it's an overlay of the other areas. Thank
10 you.

11 JIM MONTEVERDE: Thank you. Ruth? Ruth?

12 RUTH RILES: I don't wish to speak.

13 JIM MONTEVERDE: Oh, Ruth. No, sorry. I just --
14 I saw your name.

15 YOUNG KIN: My name is Young Kin, and can you hear
16 me?

17 JIM MONTEVERDE: We can hear you, go right ahead,
18 please.

19 YOUNG KIM: Yes. My name is Young Kim. I live at
20 17 Norris Street. Thank you for this opportunity to speak.
21 We seem to continue to delay making a decision in this case.

22 We have heard a lot of -- I heard a lot of good

1 comments and thoughts from the members, and we really need
2 to give Sisia and Jerry (sic) time to work with the
3 community to formulate a compromised plan that will satisfy
4 the critical need for affordable housing, at the same time
5 meeting the needs of the community.

6 Sisia and Jerry made some attempt at trying to
7 listen to our community, but they have been very adamant
8 about the number 45 units. I don't know what that the magic
9 that number 45 is, but by lowering the back half to six,
10 they raise the front by nine to maintain the nine units.

11 Also, they did not follow all the protocols of
12 submit --

13 [Pause]

14 JIM MONTEVERDE: Sorry, that's the one-minute
15 timer. Somebody's playing gatekeeper. Annemarie? I
16 believe the floor is yours.

17 ANNEMARIE FLYNN: Thank you very much. I'm
18 assuming that you can hear me.

19 JIM MONTEVERDE: Yes, we can.

20 ANNEMARIE FLYNN: Yep, good. What I wish to speak
21 to is the character of the neighborhood. I married into the
22 family that owned this house at 341 Walden, which is a

1 little further down, but it's still the same neighborhood.

2 It was constructed back in the '20s by her grandfather, and
3 at the time it was considered affordable housing. You see,
4 black people couldn't buy a house anywhere in Cambridge, but
5 in this neighborhood they could.

6 It was a tree-lined street, with mostly two-family
7 homes, where you would own one part and rent the other. And
8 it was yards with trees and safe parking. We didn't keep
9 our house locked for a number of years. It was only maybe
10 15 years ago we started locking it.

11 This is a neighborhood where my kids could learn
12 to ride their bikes in the yard and learn to climb trees,
13 and they'd play kickball in the street when the cars weren't
14 coming. It's changed a lot since then.

15 JIM MONTEVERDE: Annemarie? Sorry to interrupt.
16 Annmarie, sorry to interrupt, but you're going to get cut
17 off after a minute. So could you please --

18 ANNEMARIE FLYNN: Okay, so please --

19 JIM MONTEVERDE: -- let us know if you're in favor
20 or against, or what your rationale is?

21 ANNEMARIE FLYNN: Strongly against it. I see the
22 problem is when these houses turn over, these greedy

1 developers come in and make these overpriced condos, and
2 that's why the affordable housing isn't here anymore. This
3 is supposed to be an affordable housing neighborhood, not an
4 overdeveloped hindrance to the community.

5 Please stop this development. Consider the
6 traffic, consider the influence it's going to have on my
7 kids. My grandson's growing up here. My daughter still
8 lives in the neighborhood. Please don't do this to us.
9 Thank you.

10 JIM MONTEVERDE: Thank you. Do you think that's 27
11 speakers? I haven't kept count. No.

12 SEYMOUR KELLER: Yes, hello. Is it my turn?

13 JIM MONTEVERDE: Seymour, yes, you're up.

14 SEYMOUR KELLER: Okay, I'm --

15 JIM MONTEVERDE: The floor is yours.

16 SEYMOUR KELLER: -- speaking on behalf of 269
17 people, who signed a petition, what has been submitted, so
18 it's in your file. We are concerned about the safety
19 primarily of this dangerous corner, and what the addition of
20 the nine-story building will do to that.

21 So what we request is impact study to analyze the
22 impact of this development, resize the building in

1 accordance with the old, and enforce the safety and space by
2 regulation. So those are 269 residents, the majority of
3 whom live in close proximity, and 20 of whom are in the Mass
4 Ave affordable housing senior center, which is four feet
5 away from the proposed project.

6 Please don't ignore us.

7 JIM MONTEVERDE: Thank you. Alexa?

8 ALEXA REMPIS: Hi, yes, good evening. My name --

9 JIM MONTEVERDE: You have the floor.

10 ALEXA REMPIS: Thank you. My name is Alexa
11 Rempis. I'd like to read the following statement written by
12 my partner, Aubra Berkowitz (phonetic).

13 "Dear Ms. Pacheco and Board of Zoning Appeals
14 members, I'm writing as a neighbor of 2072 Mass Ave in
15 support of Capstone's project. I live at 16 Walden Street,
16 two houses over from what is now Darul Kebab.

17 "Pre-pandemic, I was lucky enough to meet
18 different neighbors. I met along -- two long-term Cambridge
19 residents, who were voucher holders. Both needed to leave
20 the North Walden area because their rental units were for
21 sale, and they couldn't find neighboring units would fit
22 their vouchers' payment standards. I also met residents who

1 lamented that their children couldn't afford to return home
2 and rent near them after college.

3 "The Capstone project will help keep people from
4 our neighborhood in our neighborhood. The project will be
5 an asset to neighborhood stability. Most importantly, the
6 Capstone project will include Section 8 voucher units and
7 family-sized units."

8 JIM MONTEVERDE: Thank you. Margaret?

9 MARGARET RUETER: Hello, everybody. Hi. I'm
10 Margaret Reuter, and I am actually a resident at the Russell
11 Apartments next door, the senior housing and for disabled
12 and senior residents.

13 And I essentially speak for the other residents in
14 the building here. And this is a really tough conversation.
15 The developer in the city and everybody is really -- you
16 know, giving acknowledgment to people trying to work
17 together to solve an urgent crisis.

18 But I really want to point out to this Board and
19 to people listening to this call that we are a community
20 four feet away of approximately 56 residents who have
21 particular concerns. We're residents of the city.

22 And I've written a letter. We are going to be

1 most affected by this building, and I won't even speak to
2 the fact that we are now going to hear and see people out
3 windows a few feet away from us.

4 What I really am most concerned about is the
5 safety from on Mass Ave. I went out the front entrance
6 today. It took me 22 steps to reach the bus shelter. I
7 passed 2 handicap spaces at the front of our building until
8 I got to the bus shelter -- there is a bike lane -- and then
9 I walked 30 more steps passing what's going to be the
10 entrance -- the residential entrance to 27 --

11 JIM MONTEVERDE: Margaret?

12 MARGARET RUETER: Yep?

13 JIM MONTEVERDE: Margaret, sorry. We've got a
14 time limit of -- you're in a minute and a half now. You're
15 kind of at the limit. Can you --?

16 MARGARET RUETER: Oh, I will wrap up. All I'm
17 asking --

18 JIM MONTEVERDE: For or against?

19 MARGARET RUETER: Yeah, no, it's not that I'm
20 against. I'm asking a pause to study more of the
21 implications.

22 JIM MONTEVERDE: Okay.

1 MARGARET RUETER: I'm not sure the size is the
2 right amount.

3 JASON MARSHALL: Very good. Thank you. Michael?

4 [Pause]

5 Michael? I think we can all hear you.

6 MICHAEL BRANDON: Yeah, thank you.

7 JIM MONTEVERDE: If you want to speak, proceed,
8 please?

9 MICHAEL BRANDON: Yes. It's Michael Brandon. I
10 live at 27 Seven Pines Avenue in North Cambridge. I'm the
11 Clerk for the North Cambridge Stabilization Committee. I
12 have written briefly just to point out that -- ask that this
13 hearing be canceled, because it doesn't seem to meet the
14 requirements under Chapter 40B, the Project Eligibility
15 Letter which suddenly popped up today, and no way for the
16 public to have seen that.

17 The entire process has been just ridiculous. I
18 would ask that you take a look at the requirements under
19 40B. There's a handbook for Zoning Board members to review,
20 and I think you'll see some of the problems.

21 The back room planning that's occurred with
22 certain departments, not others, a real problem. These are

1 public funds, there's dimensions and so, "Oh, we're giving

2 --

3 [Pause]

4 JAMES WILLIAMSON: Are you calling on me?

5 JIM MONTEVERDE: James, hi. You can --

6 JAMES WILLIAMSON: Yeah, hi.

7 JIM MONTEVERDE: -- we can hear you now.

8 JAMES WILLIAMSON: So this is a really --

9 JIM MONTEVERDE: James, there's a one-minute
10 limit, please.

11 JAMES WILLIAMSON: -- process from the perspective
12 of the public, and I -- you know, hope that's duly noted.
13 First of all, a colleague -- a tenant/activist/colleague of
14 mine are working very hard to help somebody who grew up in
15 Cambridge, lived in Cambridge all of his life, but doesn't
16 get the Cambridge resident preference. Why? Because he's
17 living in a basement in Brighton.

18 So we should take a more careful look at all these
19 criteria to see, you know, what's really going on here.
20 This is a regional problem, and it demands regional
21 solutions.

22 And if you're talking about height, why are there

1 boutique hotels in Porter Square, four- and five-story
2 boutique hotels that should have been seven, eight, nine
3 stories but now, they were allowed to come in under
4 residential use. Whereas this is going to be a quarter mile
5 away.

6 For people who talk public transit, those are the
7 people who never take public transit. I take it every day -
8 - the 77 and the 83 -- past this site twice a day for the
9 last 13 years. I don't see any of those people ever taking
10 public transportation. They are going to cut the 77 bus, as
11 part of the service cuts. The Porter Square station is not
12 near this. It's --

13 [Pause]

14 JIM MONTEVERDE: Cyrus, can you -- are you
15 unmuted?

16 CYRUS DOCHOW: Yep, I'm here. Thank you.

17 JIM MONTEVERDE: Please. There's a one-minute
18 limit. If you could keep yourself to that, please?

19 CHRIS DOCHOW: Of course. I am a direct abutter,
20 so I would request just a little bit more time, if at all
21 possible.

22 JIM MONTEVERDE: You'll get cut off after a

1 minute, so I'd start speaking.

2 CHRIS DOCHOW: Okay. I live at 5 Walden across
3 the street. I submitted a letter to the Board.

4 JIM MONTEVERDE: Thank you.

5 CHRIS DOCHOW: Our main point here is that the
6 six-story stepdown in the back is too tall. I submitted
7 sections to the Board that described in some detail. I
8 would urge the Board to look at it very carefully.

9 It's a very modest proposal that I think would be
10 -- it would make a very positive change for everybody that
11 uses Walden Street. Six stories is just too high, it's more
12 than twice the height of the surrounding low-lying
13 buildings.

14 I would also just like to say that what we're
15 talking about is a very modest reduction, two or four units.
16 Far fewer than a building that would have to be redesigned
17 to meet the requirements of the Affordable Housing Overlay.

18 And I would just -- I would like to pause also to
19 note that with all due respect to Carl Nagy-Koechlin of
20 Just-A-Start, we have a unit that is owned by Just-A-Start
21 that has been vacant in our building for over a year. So
22 that's one unit right there that we could pick up if we have

1 to reduce the building by two units.

2 The Zoning Board has the authority to do this, and
3 I urge you to do this to improve the streetscape of Walden
4 so that it appropriately meets the surrounding, low-lying
5 buildings. Thank you very much.

6 JIM MONTEVERDE: Thank you. Ausra?

7 AUSRA KUBILIUS: Hi, thank you.

8 JIM MONTEVERDE: Please keep your response to a
9 minute, please?

10 AUSRA KUBILIUS: I'll try.

11 JIM MONTEVERDE: Thank you.

12 AUSRA KUBILIUS: I live a block away from this
13 proposed project, and I'm one of the signers of the 260
14 whatever petition. My main concern is simply safety --
15 safety because there's going to be about 75 kids in that
16 building who will be coming in and out. I request a safety
17 study more than anything. Not parking, not size, safety.
18 Thank you.

19 JIM MONTEVERDE: Thank you.

20 [Pause]

21 AUSRA KUBILIUS: What? Did I do a good job?

22 JIM MONTEVERDE: You did great, Ausra. You're

1 still on. You can mute yourself, please. All right, thank
2 you. We're waiting for -- I see two more names here, but
3 they're not unmuted.

4 [Pause]

5 Jonathan? You're -- we can't hear you. At least
6 I can't. Are you muted?

7 [Pause]

8 Jonathan, still can't hear you.

9 JONATHAN BEHRENS: Can you hear me?

10 JIM MONTEVERDE: There you go.

11 JONATHAN BEHRENS: Okay, awesome. Sorry about
12 that.

13 JIM MONTEVERDE: Jonathan, you're on. You've got
14 a minute, please.

15 JONATHAN BEHRENS: Jonathan Behrens, 115 Hampshire
16 Street.

17 JIM MONTEVERDE: Thank you. Just keep it to a
18 minute.

19 JONATHAN BEHRENS: I strongly support this
20 project. I believe that every unit matters. We've been
21 hearing from the usual group of opponents that are trying to
22 delay, disrupt and derail this project. Please don't let

1 them.

2 And finally, I wanted to respond to one claim
3 about the thousands and thousands of supposedly vacant
4 apartments. Given that a primary cause of apartment
5 vacancies is the former tenants actually being evicted
6 because they can't afford rent, if this number is remotely
7 close to accurate, that just proves that we need affordable
8 housing so much more. Thank you.

9 JIM MONTEVERDE: Thank you. Hello. Is someone
10 trying to speak? Ausra, you're still on. So I think you
11 should just mute yourself or hang up, please. Or just mute
12 yourself I guess, if you want to. Thank you.

13 I don't see anyone else who is ready to speak. A
14 couple of names seem to be in the wings.

15 [Pause]

16 Sisia, can you hear us at all, or can you speak to
17 us?

18 [Pause]

19 Brendan, are you there? I see your face. Can you
20 -- are you on?

21 [Pause]

22 I can't hear you if you're talking.

1 [Pause]

2 ANDREA HICKEY: Jim, it's Andrea Hickey. Gus
3 seems to have disappeared to. Gus --

4 JIM MONTEVERDE: Yeah.

5 ANDREA HICKEY: -- can you hear us?

6 JIM MONTEVERDE: And I can't hear Brendan.

7 ANDREA HICKEY: Yeah. I mean, I think we need to
8 know that Gus is able to participate.

9 JIM MONTEVERDE: And Sisia's not here. This is
10 like the -- yeah.

11 LAURA WERNICK: It's pretty clear that there's a
12 communications breakdown in the Committee Room, where Gus
13 and Brendan and Sisia are. I'm not able to hear any of the
14 three of them.

15 JIM MONTEVERDE: Right.

16 ANDREA HICKEY: Should we take a 10-minute recess,
17 try to connect with them by phone and then come back to the
18 group and the public and decide how to proceed?

19 LAURA WERNICK: Who's going to make the contact?
20 Andrea, do you want to try?

21 ANDREA HICKEY: I can try. I have to look at my
22 cell phone to see if I have phone numbers.

1 JIM MONTEVERDE: Yeah. I don't think I have their
2 numbers, otherwise I'd be happy to call.

3 JIM MONTEVERDE: Yep. Let's --

4 ANDREA HICKEY: All right. I'm going to step away
5 for a minute and see if I can do that. So why don't we
6 resume -- it's 9:00 now, maybe at 9:10?

7 LAURA WERNICK: Good.

8 JIM MONTEVERDE: That's fine.

9 ANDREA HICKEY: Okay, great.

10 [BREAK]

11 CONSTANTINE ALEXANDER: It's 9:10, should we --

12 JIM MONTEVERDE: Mr. Chair, you're back!

13 CONSTANTINE ALEXANDER: Everybody on? It's 9:10.

14 ANDREA HICKEY: Why don't we take a roll call of
15 the Board, Gus?

16 CONSTANTINE ALEXANDER: Now I'm going to do that.

17 BRENDAN SULLIVAN: Brendan Sullivan, present.

18 CONSTANTINE ALEXANDER: Laura?

19 ANDREA HICKEY: Andrea Hickey, present.

20 CONSTANTINE ALEXANDER: Jim?

21 JIM MONTEVERDE: Jim Monteverde, present.

22 CONSTANTINE ALEXANDER: And Laura?

1 LAURA WERNICK: Yeah.

2 CONSTANTINE ALEXANDER: You're present to. Okay.
3 So here we are. I'll try to start and summarize some of
4 what I've heard and where I think we may want to go.

5 ANDREA HICKEY: Gus, can I -- excuse me and just
6 to interrupt you for a second, and for the record: For the
7 last 15 minutes of the meeting + or -, we were not able to
8 see or hear you, but I understand you could see or hear us.
9 So I think it's important in the record for you just to
10 confirm that you were able to hear testimony during that
11 time.

12 CONSTANTINE ALEXANDER: Yes, I was. And I was
13 able to see as well. Not on my screen -- well, that's a
14 different issue. I can look on Brendan's screen and I can
15 see.

16 ANDREA HICKEY: Okay.

17 CONSTANTINE ALEXANDER: I don't know what the
18 problem is, but it's technical on our end -- our end being
19 the City Council's end.

20 ANDREA HICKEY: Right, well I just --

21 CONSTANTINE ALEXANDER: -- where I'm sitting.

22 ANDREA HICKEY: I just wanted to clarify for the

1 record that you were still able to hear and participate. We
2 just -- some of us just couldn't hear you.

3 CONSTANTINE ALEXANDER: Okay.

4 ANDREA HICKEY: Thank you.

5 CONSTANTINE ALEXANDER: Well, I was able to do
6 that. And --

7 ANDREA HICKEY: Thank you.

8 CONSTANTINE ALEXANDER: -- I will so confirm.

9 LAURA WERNICK: Thank you.

10 CONSTANTINE ALEXANDER: Okay, just I think to try
11 to summarize and to shape an approach, clearly -- and no
12 surprise -- the testimony was overwhelmingly in favor of the
13 affordable housing project.

14 I didn't hear a lot about -- from my point of
15 view, there was obviously discussion of parking and traffic
16 and concerns about the impact, but the city's Traffic
17 Department has said otherwise, and I didn't feel that's as
18 important as the issue of the size of the building, or the
19 front of the building that goes nine stories high as it
20 faces Massachusetts Avenue.

21 I would like to see, and propose the petitioner a
22 building -- that the height of the building on Mass Ave is

1 six feet -- six stories, I'm sorry, not six feet -- six
2 stories, and with a stepdown in the back, a portion is
3 stepped down and the rear of the building is now proposed.
4 That would reduce by my calculation and Brendan's
5 calculation the number of units in the building by maybe 15.
6 That's not a lot, but in the affordable housing area, every
7 unit is a lot.

8 But I think there are corresponding impacts on the
9 community, it's just not about affordable housing. And this
10 approach would not prohibit affordable housing in the area.
11 We still have a substantial number of houses, but at the
12 same time I think it protects -- or protects is the wrong
13 word -- it fosters a better streetscape for the area.

14 So that's where I would go. The petitioner may
15 not want to go that far. They may want us to hold firm, but
16 if we were to hold firm, the case would go to the courts.
17 And they want to hold the project up over roughly 15 housing
18 units, I don't know.

19 But I would return to the fact that all five of us
20 separately without consultation expressed concern about the
21 height of the building -- the nine-story height on
22 Massachusetts Avenue.

1 So that's where I would focus my comments.

2 BRENDAN SULLIVAN: Brendan Sullivan, the comments
3 by Councilor Carlone resonated with me. Those were somewhat
4 my thoughts, but I think he perfectly stated it. And the --
5 he could not see why it could not comply with the Affordable
6 Housing Overlay Ordinance, and which was well discussed in
7 counsel enacted.

8 And I think it should be complied with. I have
9 not seen any evidence that it can't be complied with. And
10 that's -- maybe it's sort of tending to what you're saying
11 also, but I have not seen any evidence to the contrary why
12 the Affordable Housing Overlay Ordinance cannot be complied
13 with at this site.

14 SEAN HOPE: Mr. Chair, when it's appropriate, I'd
15 like to respond to that point about the Affordable Housing
16 Overlay.

17 BRENDAN SULLIVAN: Yeah, if -- well, if we could -
18 - Sean, if you could hold off for a minute -- other members
19 of the Board, if you could sort of voice your thoughts and
20 opinions?

21 JIM MONTEVERDE: Hi, this is Jim Monteverde. Can
22 you hear me? This is Jim Monteverde.

1 CONSTANTINE ALEXANDER: Can't hear you.

2 ANDREA HICKEY: Jim, speak up a bit?

3 JIM MONTEVERDE: Oh, sorry. This is Jim
4 Monteverde. So I shared the Chair and Brendan's concern, as
5 I said earlier, about the height. I'm sure there's a
6 financial way, or a way to explain the finances that someone
7 other than I could go in and analyze and confirm that drives
8 you to the height that you're proposing. But I would
9 certainly not be in favor of it for just that reason.

10 While I'm wholly supportive of everything else
11 that you're doing, that piece alone I would object to.

12 CONSTANTINE ALEXANDER: I'm sorry. What piece
13 alone you would object to?

14 JIM MONTEVERDE: I would basically not be able to
15 support it on that basis.

16 CONSTANTINE ALEXANDER: Okay. I would -- you
17 know, I would remind everyone we heard very early in the
18 public comments, we heard from an individual who was an
19 architect, who also supported affordable housing, but didn't
20 see why he had to go over the front more than six feet, and
21 pointed out that the costs increase dramatically, once you
22 go over six feet.

1 JIM MONTEVERDE: Yeah, Mr. Chair I think I've --
2 you know, I've just -- in my professional life had the same
3 experience. I mean, I kind of -- I've been in the
4 discussions where we put a dollar value on what it means to
5 be a high-rise in the Commonwealth of Massachusetts. You
6 know, it's something I'm sure the design team knows the
7 answer to and could respond to. I don't think that by
8 itself pushes it one way or the other. It's really the
9 difference between the height that's by the Overlay District
10 allowed versus what's being requested.

11 So -- at least in my opinion.

12 CONSTANTINE ALEXANDER: Okay. Laura or Andrea,
13 either one?

14 ANDREA HICKEY: It's Andrea here. I just have a
15 very quick comment. I do agree with the Chair and Vice
16 Chair, I don't see or haven't understood a significant
17 reason why a project like this that's very much needed
18 cannot comply with the Overlay and height requirements. So
19 I'm eager to hear Attorney Hope address that in his
20 comments. I'll defer now to Laura.

21 LAURA WERNICK: Yeah. I think through the public
22 comment, I've actually shifted my position. And while I'm

1 not happy with the nine stories and would prefer to see and
2 eight- six-story-, I do thank that Mass Avenue can handle
3 the height. And so, I think I'm leaning the other
4 direction. But I would like to see if there are options to
5 lower it at least one floor, one level along Mass Avenue.

6 SEAN HOPE: Mr. --

7 CONSTANTINE ALEXANDER: Yes, I was going to ask
8 you if you wanted to speak now.

9 SEAN HOPE: Okay. I'll speak, and then I think
10 also Jason would like to talk about the high-rise piece as
11 well.

12 So first the Overlay -- and I respect the position
13 that the Board is in, that you're trying to figure out
14 balance affordable housing with impact on the neighborhood.
15 But I would say -- so most of those supporters you've heard
16 on the call tonight -- David Sullivan, Marjorie Decker and
17 others -- those were all supporters of the Overlay.

18 The Overlay was never designed to be a cap on
19 affordable housing.

20 Part of the -- the whole rationale for the Overlay
21 is when you use the common mechanism as in 40B, things like
22 appeals, things like neighborhood abutting, appealing

1 approved projects stalls projects. There are lots of
2 projects that never get off the ground because an abutter
3 can pay \$10,000, \$15,000 and stop a project in its tracks.

4 So the Overlay was meant to be another mechanism
5 that essentially there is some public process, there is a
6 Design Review, there's actually no permit that you can
7 appeal and you get a building permit. That means someone
8 could go, whether the site was close to transit or not and
9 put up a six-story building, have -- you have public
10 process, but there is no appealable permit. That is
11 supposed to be a mechanism that's supposed to allow for
12 that.

13 Everybody who supported the Overlay, now that it's
14 being used to now cap -- not by this Board, but frankly the
15 one City Councilor who voted against the Overlay several
16 times is now in front of the Board promoting the Overlay as
17 a way to limit affordable housing. That's not what it was
18 intended to do.

19 Affordable housing was the number 1 goal of the
20 City Council. There are letters in the files specifically
21 approving this project by the primary proponents of the
22 Overlay. So the idea the Overlay now should be shaping the

1 form of all affordable housing wasn't what it intended to
2 do, it was intended to be another tool.

3 So when you do a 40B, you inherently have to
4 compromise. So things like road improvements, we weren't
5 doing that necessarily for ourselves, we were recognizing.
6 We're going over what the Overlay allows. Negotiation with
7 our direct abutters: We sat with our direct abutters. They
8 talked about Walden Street in the back and we lowered it.

9 So if we didn't do the 40B route, then you can go
10 and you can design a building. This would be a lot more
11 stripped down. The quality of the units would be far
12 inferior. We wouldn't be able to do some of the public
13 benefits. Some of the energy efficiency goals wouldn't be
14 met.

15 So I just wanted to tell the Board, and please
16 hear this, that the Overlay was never designed to be capping
17 affordable housing. It was going to be a mechanism. And
18 because there's less public process, and because the
19 public's right to sue and appeal is limited, then therefore
20 that was allowing those projects to go forward.

21 So I would just say that for one the Overlay was
22 never meant to cap all affordable housing. And the idea

1 that that would be used as a limitation I feel like is not
2 what the Overlay was intended to do. And I think that's
3 supported by everybody who supported the Overlay, and it
4 took multiple years.

5 The second thing that I want to talk about is this
6 idea about affordable housing and trees. And I really
7 respect Mr. Sullivan saying that.

8 What I'd like to say in Porter Square is if you
9 have a million dollars, you go and buy a condo in a brick
10 building with no trees, no parking because you have the
11 option to live there, I find that when we were talking about
12 affordable housing, people say, "Affordable people want
13 trees too, but they don't have the option."

14 So we are providing an option. If you live in an
15 affordable unit, you want to live close to transit, you
16 don't want to have a car and you want to use a bus, we are
17 creating that option. So I don't think it's fair to say,
18 "Hey, because we don't have a front yard and a back yard --
19 " which most people in Cambridge don't have. Young families
20 who move to Cambridge are in a condo. They don't have those
21 things. So I think it's not fair to say we shouldn't use
22 affordable housing.

1 The last point I'd like to make is the Envision
2 Cambridge was multimillion-dollars, a 2019 process. They
3 looked at this stretch of Mass Ave as a corridor. They came
4 out with goals.

5 One of the three goals were to increase overall
6 housing production -- encourage affordable housing
7 production for low, moderate and middle-income. So this was
8 a recent study looking at the corridors.

9 And Ruth Riles made the point and she is right,
10 because I was on one of the committees -- eight and nine
11 stories were talked about potentially on certain parts of
12 Mass Ave.

13 So when we talk about context, we took the city's
14 recent study, Envision Cambridge -- multiple year study,
15 multimillion dollar study, if the Board can't find that nine
16 stories is not the perfect height. But I think the idea
17 that six stories should somehow be the test is not
18 consistent with the new planning study.

19 I would also say too when you look at the files,
20 and this is to Article 19, the Planning Board reviewed this
21 project. The Planning Board, who is the design arm of the
22 city, all of the Article 19 criteria, all of that, was in

1 front of the Planning Board. The Planning Board did not
2 write the Zoning Board and say the height was too big. The
3 Planning Board did not say that the scale was off.

4 Now, I would just say lastly, I think the Board
5 has the opportunity to look forward or backwards. Looking
6 forward, in 50 years when this building is built, I don't
7 believe that the idea of scale is going to be as relevant as
8 it is now. We recognize this is a dramatic jump, it's a
9 dramatic change.

10 But looking backwards, trying to say, "Well, we
11 have six stories here, so affordable housing should only be
12 this story: Part of looking backwards and not looking
13 forward is the status quo of our environment, the diversity.

14 When you build this type of building, it changes
15 the diversity of the neighborhood, and of the city of
16 Cambridge. So this is an opportunity to change that. If we
17 say, "Hey, let's limit it, because we want to keep the
18 building next door" we're not looking for the future. And
19 what we're doing is we're actually capping and we're keeping
20 the racial makeup, the economic makeup virtually the same.

21 And so what we're asking the Board is to be bold,
22 to be forward-looking, to actually look at what we want the

1 future to be, instead of maybe keeping it safe for what it
2 is now. So those are the points I want to make. Jason, do
3 you want to touch on the high-rise piece at all?

4 JASON KORB: I don't think I need to make any
5 additional comments, unless the Board has questions for me.
6 Financial cost for 760 CMR 56 I think ought to be considered
7 in a comprehensive permit unless a certain process just --
8 go -- undertaken. I think Sean, you've said everything I
9 would have to say, so.

10 CONSTANTINE ALEXANDER: I personally would agree
11 that the bringing in of the Overlay District is a little bit
12 of a red herring with this case. Yes, the Overlay District
13 may have affordable housing consequences, but as I
14 understand it, and as I analyze it, it's at a different
15 level in the community.

16 The affordable housing that's being proposed
17 tonight is, you know, basic affordable housing. These are
18 the people who need -- who need the financial help through
19 the mechanism for affordable housing under Section 40B, the
20 comprehensive permit process.

21 So I would take that off the table. But I still
22 think that there is a basis -- there's a reason why -- I

1 haven't heard that we can't do this project, it's uneconomic
2 if we go down to six stories. And so, therefore, why not go
3 to six stories, except the fact that the city will lose
4 roughly 13 affordable housing units.

5 But I think there's a balance here. And the city
6 I think will benefit by a six-story building at this
7 location. So I'm -- that's where I am at.

8 SEAN HOPE: Sorry, Mr. Chair, one more comment. I
9 just want to make it clear, some of the benefits, we are
10 paying for the full benefits of the road improvements. The
11 property is going to be Passive House. What's not clear to
12 me, and we need to go check this with our funders -- it's
13 not clear to me that we can just do a six-story building and
14 have all those other public benefit goals that we are doing
15 in this project.

16 So I think we're so focused on the height that
17 we're also maybe losing sight of all the other factors that
18 are permanent benefits to the public in perpetuity. So when
19 we reduce this building, we're not just lowering it, we're
20 likely going to be stripping the façade.

21 And remember, the Overlay will actually shrink the
22 building on two sides. It would be a setback on Walden

1 Street and a setback on CHA. So we're not just talking
2 about now a regular building, the quality and integrity of
3 the units if we follow the Overlay would be compromised.

4 And lastly, the Overlay requires no parking as
5 well. So the idea that there's somehow going to be a
6 beneficial impact if we have Overlay versus not is not the
7 case. Parking is still going to be zero, and that's part of
8 the Overlay.

9 And the other thing, as Councilor Carlone said, he
10 was wrong. Because it's a city parking lot, the Overlay
11 would allow a full six-story building, so there wouldn't be
12 no natural stepdown.

13 So I just want to not lose the fact as, "Oh, we
14 make it lower, it's better for the city." We also lose
15 things. And the ability to do some of these public benefits
16 are all part of the process.

17 Now, I'm not saying we can't do any of those
18 things, I'm just saying it's all a mix. And I think as we
19 lower the building, we put certain things in jeopardy
20 potentially. And I don't want that to be lost as we focus
21 only on the height.

22 CONSTANTINE ALEXANDER: Well, I would again -- I

1 think this issue comes down to economics. I think the fact
2 that you want the building as high as it is because of the
3 profit you'll make on it. I haven't heard that you wouldn't
4 make the profit it wouldn't be a profitable operation if you
5 reduced the height of the building. It would be less, but
6 it would be --

7 SEAN HOPE: Mr. Chair, with all due respect, this
8 is not about profit. This is not about profit. We don't do
9 this for profit, and this is not. We would fight for every
10 single affordable unit. If the Board thought that going
11 down to a lower -- a lower -- I'm just -- I'm trying to let
12 you know what the tradeoffs are. This is not about profit,
13 at all. And this is not.

14 If -- look, if we -- we met with the City
15 Departments, we would not come out with this building if
16 this was not something that was not approached. This was
17 not a Sean and Jason, "We want to build a tall building to
18 enrich our pockets or to have any kind of ego." This is
19 not. We think this is close to public transit.

20 And to Mr. Sullivan's point, if this was on
21 Pemberton Ave, or this was further down Mass Ave, not within
22 walking distance of transit, this is not a building we would

1 propose. Frankly, we are directly on a bus line. You can
2 walk to the grocery store.

3 So I don't believe this is setting a precedent,
4 because we wouldn't be proposing this building even three
5 blocks further down North Mass Ave. We are proposing this
6 building very similar to Frost Terrace because of its
7 proximity to several family and community-serving benefits.

8 JASON KORB: Let me just say one thing. I've
9 dedicated my entire life to building affordable housing,
10 okay? I came from privilege. I didn't have a dime of debt
11 from going to college or grad school, okay? My Dad passed
12 away when he was 69 years old and he didn't get to enjoy all
13 of the money he made as a lawyer, okay? There's more to
14 life than just money. And I own a market rate portfolio and
15 I have most of my money off of that. But I want to help
16 others. That's why I do this, okay?

17 It's not about -- look we can make an AHO deal
18 work, fine. You know what? My guarantees would be a lot
19 less, okay? Instead of having to sign millions and millions
20 and millions of dollars of guarantees on a high rise, I
21 won't have to do that as much.

22 But you know what? Creating these 14 or 18 more

1 affordable units is so much more important to me than that.
2 So instead of everybody thinking and going to greed and
3 going to avarice, I just -- I find that so offensive. I
4 have worked so hard in this business for 20 years of my
5 life, okay? And I'm doing it, and we're doing it because we
6 want to create some extra units of affordable housing for
7 people that really need it -- that really need it!

8 I'm sorry, but going to the greed argument, you
9 can ask anybody in the affordable housing business, whether
10 it's Carl Koershlin from Just-A-Start, anybody in the non-
11 profit world, anybody in the advocacy world from affordable
12 housing about my record. And it's because I love what I do
13 and I care about what I do. And I believe in what I do.
14 And I believe in helping families that didn't have the
15 opportunities that I've had.

16 CONSTANTINE ALEXANDER: Other members of the
17 Board, do you want to chime in, or do you have any views?

18 JIM MONTEVERDE: Yeah. This is Jim Monteverde
19 again. I didn't take what I -- the discussion I heard
20 before as making anyone suspect of greed or avarice or
21 anything else.

22 It was really just trying to understand the -- if

1 there was a -- if the pro forma, or there was a financial
2 basis for the need for the building to be nine stories tall,
3 when there seemed to be a good number of the Board members
4 who seemed to be uncomfortable with it -- myself included.

5 Sean, your point that there are tradeoffs --
6 understood. If you want to explain, either now or in a
7 subsequent discussion what your project would be if in fact
8 it was at the designated level -- I'm not going to say six
9 stories, I think the height that I read on your zoning
10 analysis said 85 feet, if I'm correct?

11 SEAN HOPE: For? So the --

12 JIM MONTEVERDE: I looked in one of your, one of
13 the -- I think that's the Overlay District height, is that
14 correct?

15 SEAN HOPE: So it would be seven stories and 69
16 feet.

17 JIM MONTEVERDE: Oh.

18 SEAN HOPE: It's going to be six stories and 69
19 feet is in the -- because the first floor for retail --

20 JIM MONTEVERDE: Oh, okay, okay. So just -- you
21 know, just show us that scheme. What is it? So what are
22 the tradeoffs? I mean, the quality of the façade, it's not

1 one that sways me. Because I read the description of what
2 it's going to be. If it's about quality inside the units,
3 just -- you know, explain it so there's a rationale and we
4 can --

5 JASON KORB: It's the loss of the apartments. It
6 comes down to the loss of -- you're losing --

7 JIM MONTEVERDE: I understand.

8 JASON KORB: -- you're losing about 14 apartments
9 is my understanding.

10 JIM MONTEVERDE: That part I understand. I heard the
11 discussion that went slightly beyond that to talk about if
12 in fact that was the case, not just 14 units but or the
13 quality or other accoutrements or benefits that the project
14 provides wouldn't be able to provided.

15 Again, I'm just trying to -- I'm willing to --
16 sorry, my concern with the height is if it meant that some
17 units had to go away, I'm perfectly aware of that and
18 willing to make that sacrifice, so as not to set a precedent
19 along Mass Ave for either affordable housing or any other
20 type of construction until the City Council decides that
21 they want to amend the zoning ordinance and make it an as-
22 of-right, or some other conditional use, or condition for

1 it.

2 JASON KORB: Huh.

3 JIM MONTEVERDE: So I'm still stuck on the height
4 and trying to get around it. I'm not talking about avarice,
5 not talking about greed, just strictly height and the
6 precedent it sets.

7 SEAN HOPE: So I would just like to talk about the
8 precedent. I think one of the canons of land use law is
9 that every lot is unique. You'd have to find another lot
10 within a quarter mile fronting on Mass Ave. Now look, the
11 cost of land near transit is exponentially higher. The
12 reason why people go further away, because it's cheaper.

13 The idea that we're going to get another site like
14 this within a quarter mile of this Porter Square T station,
15 I don't see -- everything else is overbuilt. You're not
16 going to get -- you're not going to get more of this. This
17 is part of the reason why we're trying to take advantage of
18 this opportunity.

19 Now look, I'm not saying if the Board said that
20 nine -- we started off with an eight-story building. That
21 was two more stories higher than the CHA. In direct abutter
22 conversations. We did the same thing at Frost Terrace, we

1 worked with our direct abutters and we tried to come up with
2 it. You had the direct abutter over here saying that they
3 supported the height on Mass Ave, but they wanted lower on
4 the back.

5 This is the direct abutter that's going to be
6 impacted by this. That's something -- if the Board was
7 going to take that into account, that's something we would
8 have to look at our funders and see if it was going to work.

9 But I think the idea that we're using this Overlay
10 as somehow the litmus test for what's appropriate, I just --
11 it wasn't intended to do that.

12 And frankly, that's all there by Mark McGovern --
13 four or five City Councilors who we were the proponents of
14 the Overlay supporting this project. And I just find it
15 that it's being used now to somehow limit is just -- I don't
16 think that's what it's intended to do. That's different
17 than the Board in its purview saying, "Hey, for us, nine
18 stories is too high." Or, "nine and six is too high, and
19 there might be a different height." And we're willing to
20 accept that.

21 But I feel like the six stories is being used as a
22 ceiling, a glass ceiling. I don't know where that's coming

1 from. And also, when you talk about zoning, 40B is part of
2 zoning. This is not outside of zoning. The Council doesn't
3 have to go and say, "nine story buildings are allowed
4 citywide as-of-right." I wouldn't even want that.

5 I do believe when you're going to go over the
6 Overlay, you have to compromise, you have to come to the
7 Board, you have to risk an appeal. These are all the things
8 that we're risking, and we understand that. And we are
9 willing to compromise.

10 What we're not necessarily willing to do is go
11 down to North Cambridge and other folks. We are dealing
12 with our direct abutters. We have met with the CHA; we have
13 met with our direct residential abutters several times.
14 And, I mean, the person is on here.

15 So, you know, we're trying to listen to the Board,
16 but I feel like what we're hearing from the Board is not
17 necessarily what we're hearing from our direct abutters, and
18 I would just hope that we could find a way to find a middle
19 ground.

20 But the Overlay to me is not the answer. There
21 are things in the Overlay that would be the same. Parking
22 would be the same, and I do believe if we adhere to the

1 Overlay, we would have a narrower building, we'd have
2 setbacks on both sides, and the quality of those two- and
3 three-bedroom units would be compromised.

4 CONSTANTINE ALEXANDER: You talk about trying to
5 find a middle ground, which is a good idea. I'm trying to
6 do the same, I think this Board is. But what would you see
7 as a middle ground? We've put out a middle ground about the
8 reducing the size of the -- the height of the structure as
9 it faces Mass Ave. What would you see as a compromise?

10 SEAN HOPE: Well, I think our design team feels
11 like if there's going to be height in massing, it should be
12 on Mass Ave, it should not be in the neighborhood. There
13 was a request by our direct abutters, and they are group at
14 5 Walden, to drop the portion on Walden Street a floor
15 lower, which would be losing two residential -- two of our
16 units, but it would mean that the residential portion on
17 Walden Street is 35 feet and the residential neighborhood
18 where we had four-story, that would be a bigger step to
19 that.

20 The only thing I would say is that we actually
21 would have to go and rent and talk to our lenders and look
22 at all the improvements that we're doing, and make sure that

1 it still pencils.

2 But to me, you know, when we did Frost Terrace and
3 we made a compromise, it was because our direct abutters and
4 I came up with what we thought might work. And I think here
5 it should be the same.

6 LAURA WERNICK: So you would not consider keeping
7 the six -- the Walden Street at six and dropping the Mass
8 Avenue to eight? That's not something that's reasonable in
9 your --

10 JASON KORB: During the pause, we actually ran
11 some back of the envelope. And so, the eight to six would
12 be a loss of four units. And the other problem is that
13 wouldn't appease our direct abutters.

14 LAURA WERNICK: No, no, I --

15 ANDREA HICKEY: Councilor, do you mean nine to
16 eight?

17 LAURA WERNICK: Nine to eight.

18 ANDREA HICKEY: You said eight to s --

19 LAURA WERNICK: Nine, eight on Mass Ave.

20 ANDREA HICKEY: Yeah.

21 LAURA WERNICK: Keep your six on Walden, just
22 drop.

1 JASON KORB: Yeah, you would lose four units.
2 Going from nine to five you lose two units. So going from
3 --

4 LAURA WERNICK: Okay.

5 JASON KORB: -- right?

6 LAURA WERNICK: You mean from six to five?

7 JASON KORB: Sorry. Staying at nine and going
8 down to five on the back you lose two units.

9 ANDREA HICKEY: All right, keep --

10 JASON KORB: Okay?

11 ANDREA HICKEY: If you keep --

12 JASON KORB: Dropping it to -- keeping it at six
13 and dropping to eight, you lose four units.

14 LAURA WERNICK: Yeah.

15 JASON KORB: Which completely, there's no
16 financial feasibility at that point.

17 LAURA WERNICK: Okay. Well, that's what we're
18 trying to figure out. That's the first time you've said --

19 JASON KORB: Yes.

20 LAURA WERNICK: -- that there's no --

21 JIM MONTEVERDE: That's kind of the answer.

22 LAURA WERNICK: -- financial feasibility with four

1 units.

2 JASON KORB: Yes.

3 LAURA WERNICK: But there is financial feasibility
4 --

5 JASON KORB: There is still -- I want to point of
6 access, we are right at the edge of financial feasibility --

7 LAURA WERNICK: Okay.

8 JASON KORB: -- as proposed. If the Board imposes
9 a further reduction as proposed by our abutters to go to
10 nine to five, you know, we would have to talk to our
11 funders. So we're not --

12 LAURA WERNICK: I personally don't see the
13 advantage of going to five. I think the Walden Street at
14 six is a very reasonable amount, and is appropriate massing.

15 ANDREA HICKEY: I agree with you, Laura. And I
16 think if the front, you know six to me no longer is a magic
17 number. I was very much persuaded by Councilor Hope's sort
18 of explanation on the Overlay. So I understand that. But I
19 think dropping a floor in the back and keeping the front at
20 nine doesn't really buy enough. So.

21 BRENDAN SULLIVAN: This is Brendan Sullivan. Does
22 it make sense for us, given so much discussion going on as I

1 opened my remarks... was that there was an awful lot of
2 correspondence that had come in in the last couple of days
3 and an awful lot from the Councilors today that I did not
4 get to review: does it -- I just feel this out -- that we
5 continue this matter for us to sit back?

6 Sean and Jason to take under consideration what
7 our comments are, and possibly come back with an
8 alternative? See if you can do it. You may come back and
9 say, you know, "We stick by our plan." You had mentioned
10 about going back to some of your lenders, if you were to
11 reduce the size of the building. And again, I think we're
12 focusing on Mass Ave.

13 And then it gives the Board members some time to
14 potentially review some of the documentation and also some
15 of the testimony tonight. I just throw it out --

16 CONSTANTINE ALEXANDER: That's fine.

17 BRENDAN SULLIVAN: -- that out as an example.

18 CONSTANTINE ALEXANDER: One of the only -- and I
19 agree with that. The issue we have, though, is our docket
20 is filled for the next month or two.

21 And if we wanted to come back and talk about
22 whatever we've agreed on, we'd have to put the project back

1 for a couple of months, and I don't think that's going to be
2 acceptable to the petitioner.

3 BRENDAN SULLIVAN: Brendan Sullivan. I would push
4 this up as quickly as possible, even if it does mean a
5 crowded schedule. As it is, we have 11 more to go tonight,
6 so we're going to be here for a long time. I think it's
7 important enough that potentially -- this is December 10 --
8 that does, that the holidays coming up the first --

9 CONSTANTINE ALEXANDER: The next hearing is going
10 to be probably the second week of January --

11 BRENDAN SULLIVAN: -- the first week in, second --
12 I'm sorry, the first --

13 CONSTANTINE ALEXANDER: I don't have the schedule.

14 BRENDAN SULLIVAN: -- first hearing --

15 SISIA DAGLIAN: January 14.

16 CONSTANTINE ALEXANDER: January 14 is the --

17 BRENDAN SULLIVAN: -- and January 14 --

18 CONSTANTINE ALEXANDER: -- next hearing.

19 BRENDAN SULLIVAN: -- I would propose January 14.

20 CONSTANTINE ALEXANDER: I'm not adverse to
21 continuing to January 14, and I'm not adverse to another
22 long night, because we'll have our regularly -- as tonight -

1 - our regular agenda plus this. But hopefully this
2 discussion on the fourteenth would not be nearly as long as
3 the presentation tonight, which is not a criticism of
4 anyone, it's just the facts.

5 But we've got everything aired out. Now everybody
6 takes a deep breath, think some more about it and come back
7 and we talk on the fourteenth.

8 SEAN HOPE: I think that would be appropriate and
9 --

10 CONSTANTINE ALEXANDER: I'm sorry? I'm sorry, I
11 didn't hear you, Sean.

12 SEAN HOPE: I said I think that it would be
13 appropriate and it would give us some time to digest what
14 we've heard from the Board, and possibly see what options
15 are available. So I -- we would appreciate that.

16 The one thing I was going to say, if the docket is
17 really full on the fourteenth, I have seen the Board call a
18 special meeting.

19 And I'm not trying to add more things to your
20 schedule on the holidays, but if we thought that maybe
21 separating from the fourteenth a date in January in that
22 same week so that we could not have the Board on a marathon,

1 that might be something you might want to consider.

2 CONSTANTINE ALEXANDER: Well, I'm not adverse to a
3 special meeting. But it's very unusual. We've always -- as
4 you know, Sean, being a former Board member we've always
5 resisted that. But --

6 SEAN HOPE: Understood.

7 CONSTANTINE ALEXANDER: If that's what people want
8 to do, it probably would be a week earlier, I would think.
9 I don't think a meeting between now and the end of the year
10 makes sense. The holidays -- there's just a lot going on.
11 But we could do it. I don't know what the availability of a
12 building is, the office.

13 LAURA WERNICK: We could do it New Year's Eve.

14 CONSTANTINE ALEXANDER: I'm sorry?

15 LAURA WERNICK: We could do it New Year's Eve?

16 ANDREA HICKEY: Laura, tell me how it was.

17 BRENDAN SULLIVAN: Brendan Sullivan, I would have
18 thought that tonight could have been a special permit
19 meeting unto itself. I think that if we came back on the
20 fourteenth and this was scheduled at 7:00, that provided we
21 got correspondence from Sean and Jason prior to -- with
22 their position and their bottom line, then I think we could

1 probably hear it, I would think within an hour. And I think
2 maybe we don't have to open it up to public comment.

3 CONSTANTINE ALEXANDER: I hope so. But I think,
4 you know, we've got to be -- the reality is we're going to
5 get a lot of people who want to speak, not the people who
6 are speaking right now, but citizens of the city, both pro
7 and con. And they're going to want to weigh in. And it'll
8 drag on.

9 "Drag on" is pejorative, I don't mean to be -- the
10 comments were good, but I think it will take a while to
11 thresh the comments out and reach a decision on the
12 fourteenth. But I'm willing to do it. If that's what the
13 sentiment is, let's do it.

14 LAURA WERNICK: Would there be a possibility of
15 doing a special meeting on the seventh? Thursday the
16 seventh?

17 CONSTANTINE ALEXANDER: I'm sorry, there was a
18 possibility of doing what, Laura?

19 LAURA WERNICK: A special meeting on Thursday, the
20 evening of Thursday the seventh? I don't know if this group
21 is available.

22 BRENDAN SULLIVAN: Well, if the chambers are

1 available on the seventh, which we're not sure of.

2 SISIA DAGLIAN: We could do it elsewhere.

3 BRENDAN SULLIVAN: We could?

4 SISIA DAGLIAN: Yeah. We could see if we could do
5 it at the other place.

6 BRENDAN SULLIVAN: Yeah, okay. Yeah, I mean, I
7 wouldn't -- that's fine by me. I'll do either.

8 CONSTANTINE ALEXANDER: We'll continue this case
9 until the fourteenth.

10 BRENDAN SULLIVAN: No, until the seventh.

11 CONSTANTINE ALEXANDER: I'm sorry, the seventh.

12 JIM MONTEVERDE: Seventh.

13 CONSTANTINE ALEXANDER: Right. The seventh.

14 BRENDAN SULLIVAN: At 7:00.

15 CONSTANTINE ALEXANDER: At 7:00 -- the usual time.
16 We can do it any time. We have no other cases that night.

17 CONSTANTINE ALEXANDER: Do you want to do it at
18 6:00?

19 JIM MONTEVERDE: 6:00.

20 CONSTANTINE ALEXANDER: 6:00's fine by me.

21 JIM MONTEVERDE: Yep.

22 SEAN HOPE: Great. Thank you.

1 JASON KORB: Thanks.

2 CONSTANTINE ALEXANDER: Is that unanimous? Sean
3 and Mr. Korb, you're --

4 SEAN HOPE: Sure, that's fine.

5 JASON KORB: Yes.

6 SEAN HOPE: Thank you.

7 JASON KORB: Thank you.

8 CONSTANTINE ALEXANDER: Okay. The Chair moves
9 that we continue this case -- certainly as a case heard --
10 until 7:00 p.m. on --

11 ANDREA HICKEY: 6:00 p.m. I thought --

12 JIM MONTEVERDE: 6:00 p.m. --

13 CONSTANTINE ALEXANDER: I'm sorry, 6:00 p.m., 6:00
14 p.m. -- on January --

15 COLLECTIVE: Seventh.

16 CONSTANTINE ALEXANDER: -- seventh, subject to the
17 following conditions:

18 One, that the petitioner sign a waiver of time for
19 decision -- Sean, you know all about that -- and that's --
20 you can get that from, we don't have it tonight, but from
21 the Inspectional Services Department in the next several
22 days.

1 Two, that a new posting sign be put up, and that
2 for the 14 days before the seventh, reflecting the new date
3 and the new time.

4 And that to the extent that at that meeting, you
5 want to propose changes to what we have in our files now in
6 terms of financial information, structural design of the
7 building, et cetera, that they must be in our files no later
8 than 5:00 p.m. on the Monday before January 7. Is that it?
9 All those in favor?

10 BRENDAN SULLIVAN: Brendan Sullivan, yes to the
11 continuance.

12 ANDREA HICKEY: Andrea Hickey, yes to the
13 continuance.

14 CONSTANTINE ALEXANDER: Laura?

15 LAURA WERNICK: Laura Wernick, yes to the
16 continuance.

17 JIM MONTEVERDE: And Jim Monteverde, yes to the
18 continuance.

19 CONSTANTINE ALEXANDER: And of course I also vote
20 yes to the continuance.

21 [All vote YES]

22 So the case is continued until that date, January

1 7.

2 JIM MONTEVERDE: Tenth.

3 CONSTANTINE ALEXANDER: Tenth, I'm sorry.

4 Seventh? Yeah, I thought it was --

5 JIM MONTEVERDE: Seven at 6:00 p.m. Seven.

6 CONSTANTINE ALEXANDER: Seven.

7 SEAN HOPE: Yes.

8 JIM MONTEVERDE: Yep. 6:00 p.m., January 7.

9 CONSTANTINE ALEXANDER: Yeah, okay.

10 SEAN HOPE: Thank you.

11 COLLECTIVE: Thank you.

12 CONSTANTINE ALEXANDER: We'll move back on to our regular
13 agenda. Okay.

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(9:47 p.m.)

Sitting Members: Constantine Alexander, Brendan Sullivan,

Andrea A. Hickey, Jim Monteverde, Laura

Wernick, Alison Hammer and Jason Marshall

CONSTANTINE ALEXANDER: Well, let's start with --

BRENDAN SULLIVAN: Windsor Street.

SISIA DAGLIAN: Windsor Street.

CONSTANTINE ALEXANDER: Yeah, Windsor Street, I want to get rid of -- if we can get rid of two quickly.

The Chair will now call -- we're reconvening, no, we're moving to our continued cases. The first case the Chair is going to call is 370-372 Windsor Street. Anyone wishing to be heard on this matter? I don't believe so. I think the petitioner in this matter had asked if he had to come tonight, and he didn't want to come. So we're all set.

The reason for the continuance is that -- just to quickly refresh people's memory, this was a case seeking a variance because of a dispute a deck that was built, and whether it was built in accordance with the zoning bylaws.

We continued the case, and there's been conflict

1 between the Building Department and Mr. Costa. And Mr.
2 Costa has been trying to get professional help. And I'll
3 read from his e-mail to us.

4 "Unfortunately I am writing to you to request a
5 continuance in this case. Unfortunately, I have been
6 struggling to find new representation." And he goes on to
7 say, "I've contacted lots of people, everybody's too busy."
8 So that's why we're going to continue the case.

9 I would -- I'm going to move that we continue the
10 case until this date, but I'm -- I think Sisia, you're going
11 to have to advise this fellow that no more, this is it. If
12 he can't get someone by the seventh, by the -- no, it won't
13 be the seventh, I'm sorry, I'm --

14 SISIA DAGLIAN: No.

15 CONSTANTINE ALEXANDER: -- getting a little bit
16 confused. When is the next available date?

17 SISIA DAGLIAN: Well, the Board would have to be -
18 - well, February 11 is the next available.

19 CONSTANTINE ALEXANDER: Well, that's going to make
20 him happy.

21 SISIA DAGLIAN: If that gives him enough time.

22 CONSTANTINE ALEXANDER: It's not a case heard, so

1 can everybody make February 11?

2 BRENDAN SULLIVAN: Brendan Sullivan, yes.

3 ANDREA HICKEY: Andrea Hickey, yes.

4 JIM MONTEVERDE: Jim Monteverde, yes.

5 SISIA DAGLIAN: Alison and Jason?

6 ALISON HAMMER: Alison Hammer, yeah, I can make
7 the eleventh.

8 BRENDAN SULLIVAN: And then Jason would be --
9 Jason is on twice a month. He's --

10 JASON MARSHALL: Yes, I can make it.

11 BRENDAN SULLIVAN: Yeah.

12 JASON MARSHALL: Yeah. Can you hear me?

13 CONSTANTINE ALEXANDER: Yes, thank you.

14 JASON MARSHALL: Yes, I can make that date.

15 BRENDAN SULLIVAN: Okay. February 11.

16 CONSTANTINE ALEXANDER: I thought we were talking
17 about Windsor Street. How do we get back?

18 SISIA DAGLIAN: Yeah.

19 BRENDAN SULLIVAN: Correct. We're going to
20 continue to February 11.

21 CONSTANTINE ALEXANDER: Yeah. Okay. The Chair
22 moves that we further continue this case until -- February

1 11 can we do it at 6:00? Do we have anything?

2 SISIA DAGLIAN: We have one continued case that
3 day.

4 CONSTANTINE ALEXANDER: At 6:00?

5 SISIA DAGLIAN: -- I don't know.

6 CONSTANTINE ALEXANDER: Then we'll do it at 6:00
7 on February 11, subject to the following conditions:

8 That the petitioner -- well, he has signed a
9 waiver of time for a decision so we're set there -- that the
10 petitioner may post a new sign selecting the new date --
11 February 11; the new time, 6:00 p.m. -- and that sign be
12 maintained for the 14 days prior to February 11, second..

13 And then lastly to the extent that the petitioner
14 wants to submit at that hearing new financial data, zoning
15 information, plans, what have you, they must be in our file
16 no later than 5:00 p.m. on the Monday before February 11.

17 All those in favor?

18 BRENDAN SULLIVAN: Brendan Sullivan, yes to the
19 continuance.

20 ANDREA HICKEY: Andrea Hickey, yes to the
21 continuance.

22 LAURA WERNICK: Laura Wernick, yes to the

1 continuation.

2 JIM MONTEVERDE: Jim Monteverde, yes.

3 CONSTANTINE ALEXANDER: And the Chair votes yes as
4 well.

5 JASON MARSHALL: Jason Marshall, yes to the
6 continuation.

7 SISIA DAGLIAN: Alison?

8 CONSTANTINE ALEXANDER: So it's a case continued
9 --

10 ALISON HAMMER: Alison Hammer, yes to the
11 continuation.

12 CONSTANTINE ALEXANDER: Okay. And the Chair votes
13 yes.

14 [All vote YES]

15 So the case is continued until the eleventh.

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(9:52 p.m.)

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

CONSTANTINE ALEXANDER: We have another case on
the continued agenda, Case Number 017236. I'm going to call
that case next, because the petitioners are withdrawing. So
all we've got to do is accept the requested withdrawal. Has
he got the file?

Just for the record, we have a letter in the file
from the petitioner saying that, "I am writing to inform you
that we are no longer able to continue with creating new
plans for an addition to our 97 Sixth Street home at this
time. We do understand that if we want to revisit this, we
would need to adhere to the appropriate waiting period."

[That waiting period would be two years, by the way.]

"Certainly, we have decided to adjust our plan and
work on our home's basement level in its place."

CONSTANTINE ALEXANDER: So all those in favor of
accepting the requested withdrawal, please say aye?

BRENDAN SULLIVAN: Brendan Sullivan, yes, Aye.

1 ANDREA HICKEY: Andrea Hickey, yes.

2 LAURA WERNICK: Laura Wernick, yes.

3 JIM MONTEVERDE: And Jim Monteverde, yes.

4 CONSTANTINE ALEXANDER: Mr. Alexander, yes as

5 well.

6 [All vote YES]

7 Case is -- we approve the withdrawal of this case.

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(9:54 p.m.)

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

CONSTANTINE ALEXANDER: Now, moving on to the next
continued case, 57 Pleasant Street. The Chair will call
Case Number 91137 -- as I said 57 Pleasant Street. Anyone
here wish to be heard on this matter? [If the people are
still around.]

SISIA DAGLIAN: I'm sorry, I have to -- [laughter]
[Pause]

SISIA DAGLIAN: Move to French, if they're on.

CONSTANTINE ALEXANDER: I suspect they're long
gone, they being the petitioner.

SISIA DAGLIAN: They were on earlier, but they're
not on now.

BRENDAN SULLIVAN: They may have given up.

CONSTANTINE ALEXANDER: Yeah, that's what I'm
saying, they've given up. We had a -- there was a very
active neighbor.

BRENDAN SULLIVAN: Dr. Johnson.

1 CONSTANTINE ALEXANDER: Dr. Johnson, right. And
2 I'm sure he would have planned to be on the call tonight as
3 well.

4 SISIA DAGLIAN: Here's Monte French, sorry.

5 CONSTANTINE ALEXANDER: One more time I'm going to
6 call this case on 57 Pleasant Street. Anyone here wishing
7 to be heard?

8 MONTE FRENCH: Good evening. This is Monte
9 French.

10 CONSTANTINE ALEXANDER: Okay. I don't see you,
11 sir.

12 MONTE FRENCH: I'm sorry, the camera on my laptop
13 is broken.

14 BRENDAN SULLIVAN: Oh, okay. Mr. French.

15 SISIA DAGLIAN: I'm sorry.

16 CONSTANTINE ALEXANDER: Who?

17 BRENDAN SULLIVAN: Monte French.

18 CONSTANTINE ALEXANDER: Oh, okay. We left off
19 with your neighbor, Dr. Johnson, having -- you were going to
20 have further discussions with him to see if you could reach
21 some accommodation or at least acceptance of what you want
22 to do. Where do those matters stand?

1 MONTE FRENCH: Yes, sir. So I'm the architect for
2 the project. I did reach out to Dr. Johnson right after our
3 last hearing. We had a great conversation about many
4 things, and I think we resolved or came to the issues that
5 he was most concerned about and found a resolution through
6 rodent control.

7 And we came -- arrived at an agreement to develop
8 a rodent control plan and pay for it, to a certain extent
9 that we agreed upon.

10 CONSTANTINE ALEXANDER: We have plans in our files
11 from the initial hearing. Are they still okay? I mean, are
12 you still proposing?

13 MONTE FRENCH: The previous hearing we were
14 requesting relief for, we were at 12 percent for the added
15 volume.

16 CONSTANTINE ALEXANDER: Right.

17 MONTE FRENCH: So we reduced that down to 10
18 percent to meet the zoning relief. The other --

19 CONSTANTINE ALEXANDER: But we need plans that
20 reflect that. I mean, where does that reduction to 10
21 percent, -- where does the 2 percent that's been reduced,
22 where does it come from? How does the plan -- we have to

1 have plans that --

2 MONTE FRENCH: Correct.

3 CONSTANTINE ALEXANDER: -- that we tie our
4 approval to, so that the building Department when the time
5 comes for you to get a building permit can check our
6 decision against what you're proposing.

7 MONTE FRENCH: Correct. These are the plans
8 you're looking at here. They reflect the changes, and we
9 did cloud (sic) all the changes in here to show where the
10 reduction in volume is. The added volume onto the right
11 side or the east side of the building is where the added
12 volume was. We reduced that back to take out the 2 percent.

13 CONSTANTINE ALEXANDER: Yeah, I don't know how --

14 MONTE FRENCH: That's just the site plan, the
15 proposed site plan. If you go into the floor plans, it is
16 also clouded there to show you the area that was moved
17 westward to reduce the volume.

18 CONSTANTINE ALEXANDER: Yeah. We should have --
19 we should have had these plans in our possession for
20 tonight, so we can just look -- again, I'm lost as to how
21 we're going to approve this case tied to plans when we don't
22 have the plans conceptually.

1 MONTE FRENCH: It's my understanding -- we did
2 submit the plans.

3 JASON MARSHALL: Mr. Chair, can I ask a question?

4 CONSTANTINE ALEXANDER: Go ahead.

5 JASON MARSHALL: [This is Jason Marshall.]

6 CONSTANTINE ALEXANDER: Yeah.

7 JASON MARSHALL: Since you said you're now going
8 to 10 percent; does that mean you're not seeking a special
9 permit with respect to the addition?

10 MONTE FRENCH: Correct.

11 JASON MARSHALL: So -- okay, so you're not here
12 asking for a permit anymore?

13 MONTE FRENCH: Well, there is three --

14 JASON MARSHALL: So --

15 MONTE FRENCH: -- there is three issues coming out
16 of the --

17 JASON MARSHALL: -- could you then --

18 MONTE FRENCH: -- there's three issues coming out
19 of the --

20 JASON MARSHALL: Yeah, sorry, you were just ahead
21 of my question, please go ahead.

22 MONTE FRENCH: There's three issues coming out of

1 the previous hearing. One was issues brought up by the rear
2 abutter; the second issue was seeking the special permit for
3 the additional volume of 2 percent over the 10 percent, and
4 the third issue was windows on the west wall that are over
5 the setback line in an as-of-right, nonconforming.

6 So we resolved the rear abutter with Dr. Johnson.
7 We had several conversations with him. I have e-mails, he's
8 in support. I think he may have left because this went
9 long. He was going to speak in support of the project. We
10 did resolve that issue with him.

11 And then the other issue we did resolve on our own
12 was to reduce the additional volume down to the 10 percent
13 required. So the only relief that we're seeking now is the
14 windows on the west wall.

15 CONSTANTINE ALEXANDER: So still where it was
16 before. I don't know how we get the plans in a state that
17 we can approve, based upon that. We should have had new
18 plans.

19 MONTE FRENCH: These are the new plans.

20 CONSTANTINE ALEXANDER: No, these are the plans
21 that are in the file from the last time.

22 JASON MARSHALL: We submitted new plans. I'm not

1 sure how they're not up there.

2 CONSTANTINE ALEXANDER: Okay.

3 ANDREA HICKEY: When were they submitted? This is
4 Andrea Hickey asking.

5 MONTE FRENCH: I believe --

6 SISIA DAGLIAN: They submitted not -- they weren't
7 sent directly to Maria. So she didn't have them posted on
8 Monday, though we did get them beforehand. There was a
9 little bit --

10 ANDREA HICKEY: Right, but I think we need post
11 them in a way that the public has access to them and they're
12 able to see them prior to the hearing.

13 SISIA DAGLIAN: They were posted prior to the
14 hearing, but not until yesterday or today, I think.

15 CONSTANTINE ALEXANDER: And the plans that we have
16 in our files are dated November 23.

17 SISIA DAGLIAN: That's when they sent it to us.

18 CONSTANTINE ALEXANDER: That's when they what?

19 SISIA DAGLIAN: That's when they sent it, but they
20 sent it in sort of an atypical format. So we didn't see it
21 until earlier this week.

22 CONSTANTINE ALEXANDER: Well, I guess what I would

1 like to see if this case --

2 BRENDAN SULLIVAN: We may have to kick this over
3 to January.

4 CONSTANTINE ALEXANDER: Hm?

5 BRENDAN SULLIVAN: We may have to kick it over to
6 January.

7 CONSTANTINE ALEXANDER: That's what I was going to
8 say. You read my mind. I think we have to wait -- we have
9 to -- we can continue this case until January -- the case --
10 January 11.

11 BRENDAN SULLIVAN: January 14.

12 CONSTANTINE ALEXANDER: I can't get that date in
13 my mind.

14 BRENDAN SULLIVAN: January 14 now.

15 CONSTANTINE ALEXANDER: No, no, what's the --

16 MONTE FRENCH: But our --

17 CONSTANTINE ALEXANDER: -- the date for the
18 affordable housing case?

19 SISIA DAGLIAN: Seventh.

20 BRENDAN SULLIVAN: It's the seventh.

21 CONSTANTINE ALEXANDER: Seventh, okay. We can
22 continue until January --

1 MONTE FRENCH: -- but the -- but --

2 CONSTANTINE ALEXANDER: I'm sorry?

3 MARGARET RUETER: Aren't the plans we are looking
4 at right now? Are those the most up to date plans that we
5 sent you?

6 SISIA DAGLIAN: Yes. Yep, they are.

7 MONTE FRENCH: These are the most up to date that
8 are on the screen.

9 SISIA DAGLIAN: Correct.

10 BRENDAN SULLIVAN: [This is Brendan.] Yes, but the
11 problem is that those are not timely files, basically. They
12 were just -- they were not uploaded until yesterday. That's
13 correct, Sisia?

14 SISIA DAGLIAN: Yes.

15 BRENDAN SULLIVAN: Yes?

16 SISIA DAGLIAN: I mean, they were in our
17 possession, but they weren't put into the public domain --

18 BRENDAN SULLIVAN: Okay.

19 SISIA DAGLIAN: -- until yesterday.

20 MONTE FRENCH: All right. I don't know how they
21 were submitted. My client submitted them, and I have -- and
22 I saw the e-mails where he was trying to get confirmation.

1 So I'm not sure exactly what happened, but I know that we
2 tried to meet the deadline. We sent them in before the
3 deadline.

4 BRENDAN SULLIVAN: Yeah, this is Brendan Sullivan.
5 I think he did. It's just that it did not get downloaded
6 into our system until yesterday, what do you, which
7 technically is -- would be considered a late file, even
8 though it was through no fault of yours or your -- the
9 client.

10 MONTE FRENCH: So is there any possibility of
11 moving forward with this and not continuing it?

12 BRENDAN SULLIVAN: It's --

13 CONSTANTINE ALEXANDER: It's not -- it would be
14 departure from our rule.

15 BRENDAN SULLIVAN: -- the problem is, should
16 anybody not have access to it, general public could contest
17 our decision, because they were not able to view the file in
18 a timely manner, which then -- it's a legal issue, and then
19 puts your case at risk that, you know, we could probably
20 defend our decision. The fact that it was not available to
21 the public is not defensible. So --

22 MONTE FRENCH: Well, I guess could I say that the

1 last hearing, the two issues that we came to you with were
2 the volume and the windows?

3 And both of those were in the path to be approved
4 by you, but Dr. Johnson came forward with his concerns and
5 issues that we needed to resolve, and that's why we had the
6 continuance, was because of Dr. Johnson.

7 But we did resolve that issue, so I think when we
8 go back in the records and look at the conversation from the
9 last hearing, you'll find that we were going to move on
10 these two issues.

11 BRENDAN SULLIVAN: [Brendan Sullivan] -- that is
12 correct.

13 CONSTANTINE ALEXANDER: I continue to believe that
14 we can just -- we can just continue the case until the
15 seventh of January, and that we can use these plans -- these
16 -- you don't have to call them new plans, these are now in
17 our files.

18 And so, anyone who -- like Dr. Johnson, who wants
19 to see them can visit between now and January 7. And then
20 on the seventh we will proceed to -- well, I don't want to
21 say approval, consider these plans, and see if there are any
22 objections from neighbors or anyone else in the city who is

1 standing to object.

2 I think it will be a five-minute exercise on the
3 seventh of January.

4 BRENDAN SULLIVAN: We can hear it at 6:00.

5 MONTE FRENCH: Yeah. I guess my concern is,
6 obviously my client couldn't be on the call, but this is
7 going to delay his project for nearly another month. And
8 he's been -- this has put his project on hold. And Dr.
9 Johnson does have a copy of the plans. I sent them to him
10 immediately. He's had a chance to review it.

11 He's been actually calling my phone. I think he's
12 having trouble getting onto this hearing.

13 But he's had the plans, we've had great
14 conversations, he's in support of the project, I have e-
15 mails to that effect.

16 CONSTANTINE ALEXANDER: Well, I still say we
17 continue this case until January 7, and you don't have to
18 submit any new plans. You have to -- you have to post it on
19 the sign reflecting the -- you know, the 14 days --
20 reflecting the new date, the January 7 date.

21 And we'll take the case up on January 7, on the
22 basis of these plans that we have right now, which you say

1 Dr. Johnson has signed off on -- and I'm sure he has.

2 I don't see any alternative without creating legal
3 issues.

4 BRENDAN SULLIVAN: [Brendan Sullivan] -- I would
5 support that motion.

6 ANDREA HICKEY: Mr. Chair, Andrea Hickey here. I
7 support that motion, and I do always think that it's
8 important for the general public, not just one person who
9 may have had a prior objection, but for the entire general
10 public to have access to the filings. I regret that this
11 wasn't the petitioner's fault, but the documents were not in
12 the file for the public purview in a timely manner.

13 So I don't see where we have an alternative but to
14 continue it, in fairness to the public.

15 CONSTANTINE ALEXANDER: Okay. Laura or Jim -- and
16 Jim?

17 ALISON HAMMER: This is Alison Hammer. Can I ask
18 a question?

19 CONSTANTINE ALEXANDER: Oh, I'm sorry. Different
20 group. Yes, go ahead.

21 ALISON HAMMER: Sure. So am I understanding
22 correctly that the windows in question are those on the west

1 side and not those on this side where there is an addition?

2 MONTE FRENCH: Correct.

3 ALISON HAMMER: And is that window configuration
4 still the same one as in your prior application?

5 MONTE FRENCH: Correct.

6 ALISON HAMMER: So, you know, and the -- and were
7 the prior application materials online and available to
8 where people see? I just wonder, Gus, if the -- if we could
9 approve only that elevation which has already been available
10 for people to see and respond to?

11 MONTE FRENCH: Correct, they were.

12 ALISON HAMMER: I don't know if that helps the
13 situation, since there's no longer any relief being asked
14 for regarding the addition, which seems to be the only piece
15 that has changed?

16 MONTE FRENCH: I think that that's been my
17 position as well is that we haven't changed the documents in
18 any worse way or changed what we're asking the relief on.

19 What we're asking relief on is the same as what we
20 submitted before, and there was no adverse comments to it
21 before, and it was going to be approved until Dr. Johnson
22 spoke about his issues, and we did work very quickly to

1 contact him initially, and then followed up to resolve the
2 issue. That was the part that hung it up, and we were happy
3 to work with him and get it resolved.

4 And that's kind of where we're at.

5 CONSTANTINE ALEXANDER: I think a motion to
6 continue the case until January 7?

7 BRENDAN SULLIVAN: Yeah, 6:00. Yes.

8 CONSTANTINE ALEXANDER: Yeah, 6:00?

9 BRENDAN SULLIVAN: Yeah.

10 CONSTANTINE ALEXANDER: The Chair moves that we
11 continue this case as a case heard until 6:00 p.m. on
12 January 7, subject to the -- the only condition I think is
13 that the petitioner put up a new posting sign for the 14
14 days prior to January 7 reflecting the new date, January 7,
15 and the time 6:00 p.m.

16 All those in favor?

17 MONTE FRENCH: Uh --

18 CONSTANTINE ALEXANDER: Yes?

19 MONTE FRENCH: -- yeah, can I on behalf of Dr.
20 Johnson, he's been trying to call me, like, every second
21 here for the last few minutes.

22 SISIA DAGLIAN: He's on the call. Do you want to

1 put him forward?

2 MONTE FRENCH: He's saying that --

3 CONSTANTINE ALEXANDER: We're pointing to him.

4 MONTE FRENCH: -- he hasn't been able to speak.

5 JIM MONTEVERDE: Yeah.

6 MONTE FRENCH: Can we let him speak?

7 JIM MONTEVERDE: I think we're in the middle of a
8 vote.

9 BRENDAN SULLIVAN: Yeah, okay.

10 MONTE FRENCH: I know, but --

11 BRENDAN SULLIVAN: Yes to that continuance.

12 CONSTANTINE ALEXANDER: Okay. Jim?

13 JIM MONTEVERDE: Jim Monteverde, yes to the
14 continuance.

15 CONSTANTINE ALEXANDER: Alison?

16 ALISON HAMMER: Yes to the continuance -- Alison
17 Hammer.

18 CONSTANTINE ALEXANDER: Jason?

19 JASON MARSHALL: Jason Marshall, yes to the
20 continuance.

21 [All vote YES]

22 CONSTANTINE ALEXANDER: And the Chair votes yes as

1 well. So the case is continued until January 7 at 6:00 p.m.

2 Okay. Now we have one more continued case.

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(10:08 p.m.)

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

CONSTANTINE ALEXANDER: The Chair will now call
Case Number 017322 -- 17-19 Cushing Street. Anyone here
wishing to be heard on this matter?

BRENDAN SULLIVAN: Who is sitting on this?

CONSTANTINE ALEXANDER: That's a not heard -- case
not heard.

BRENDAN SULLIVAN: Right. So who's sitting on it?

CONSTANTINE ALEXANDER: Tonight it'll be the five
of us.

BRENDAN SULLIVAN: Yeah, Laura's sitting on it?

CONSTANTINE ALEXANDER: Laura, Jim, you and I and
--

BRENDAN SULLIVAN: Jason?

CONSTANTINE ALEXANDER: No.

BRENDAN SULLIVAN: Not Andrea?

CONSTANTINE ALEXANDER: Sure.

ANDREA HICKEY: Yes.

1 JASON MARSHALL: Yeah, Andrea. So I'm going to
2 say goodnight.

3 ANDREA HICKEY: Right.

4 CONSTANTINE ALEXANDER: Goodnight, Jason. All
5 right.

6 ANDREA HICKEY: I think we can let Allison go if
7 she's not gone already?

8 CONSTANTINE ALEXANDER: Yep.

9 ANDREA HICKEY: Okay.

10 CONSTANTINE ALEXANDER: So let's have a mini roll
11 call. Myself --

12 BRENDAN SULLIVAN: Brendan Sullivan.

13 CONSTANTINE ALEXANDER: -- Brendan, Andrea --

14 BRENDAN SULLIVAN: Jim.

15 CONSTANTINE ALEXANDER: -- Jim --

16 JIM MONTEVERDE: Jim Monteverde's here, yeah.

17 CONSTANTINE ALEXANDER: -- and Laura.

18 BRENDAN SULLIVAN: Yep.

19 CONSTANTINE ALEXANDER: Is that it?

20 BRENDAN SULLIVAN: Yep.

21 MICHAEL WIGGINS: Mr. Chairman?

22 CONSTANTINE ALEXANDER: Yes.

1 BRENDAN SULLIVAN: Wiggins, yeah.

2 MICHAEL WIGGINS: Okay. Can you hear me all
3 right?

4 CONSTANTINE ALEXANDER: Yes, I can.

5 MICHAEL WIGGINS: Okay. Let me just see if I can
6 start the video. The video doesn't seem to -- oh there I
7 am, okay. Good evening Mr. Chairman, members of the Board.
8 I'm here representing Rick Von Turkovich and this is
9 regarding his property at 17-19 Cushing Street.

10 Basically, we're asking for a variance to add a
11 fifth apartment in his basement, which has very ample
12 ceiling and counts as FAR in this building and always has
13 counted, but it's never been able to be used. And so, we're
14 looking for a variance for that.

15 And that will also include a slight variance for
16 lot area per dwelling unit, since we're going to be going to
17 five units from four. It's counterbalanced by a very good
18 increase in open space per dwelling unit, because the garage
19 is going to be ripped down as part of this project.

20 We're also going to be asking for a special permit
21 to allow one less parking space than required for the five
22 units. Currently, there are two -- only two parking spaces,

1 and this project will increase the parking to four units.

2 And then finally, in the special permit area, two
3 of the units' parking spaces will be within five feet from
4 the sideline. So we'll be asking for the special permit for
5 that reason.

6 I'd like to just begin by describing the lot
7 location in the building. There is in the file -- Sisia can
8 show it to you -- a certified plot plan showing the existing
9 conditions of the plan of land. And you'll see that most of
10 this lot is actually in the commercial district in A-1.
11 It's on Cushing Street.

12 To the right in your screen there, you'll see now
13 or formerly Nancy Jane Karrig (phonetic). That is a
14 commercial lot. There are four storefronts in that
15 building, and the blank space there is mostly parking lots.
16 So on that side is all commercial.

17 Some of the house itself is also in the commercial
18 zone. Of course, that doesn't excuse us from complying with
19 Residence B, which is why we're looking for a variance here.

20 I'd like to just show you if Sisia could put up
21 the photo of the front of the building. It's called front
22 and left side of 17-19 Cushing Street. I think that's in

1 the -- one of the pictures that I put in. I don't know if
2 you can skip to that photo? Yeah, there it is.

3 Okay, so that is the front facing Cushing and the
4 side facing Spruce Street. And actually because it's
5 fronting on two streets, we really have two front yards.
6 But this is sort of the prior nonconforming character of it.

7 And then I'd like to go to the next photo, which
8 shows the driveway at the rear -- yeah, I don't know if you
9 can turn that driveway sideways. That's the right side.
10 That's it. Yeah, right there. Thank you. So that shows a
11 portion of the rear of the building.

12 You'll see the stairs coming down to the right,
13 and the driveway -- existing driveway, and then there's a
14 garage in the back. That's the garage that will be coming
15 down.

16 And to the rear of this or the side, depending on
17 how you're defining this, is a fully built-out, three-family
18 condominium building. And that's the one right next to the
19 driveway we worked out with the owners of that to approve
20 this project and one of them is actually -- or has been
21 listening tonight, I don't know if he's still with us or
22 not, but there is a fence all along that side. They're

1 satisfied with the fact that that fence will remain, or Mr.
2 Von Turkovich might replace it with a better one of the same
3 height.

4 But they're satisfied there's enough screening
5 there that the five-foot setback -- we're actually going to
6 be within three feet. So that's why we need the -- they're
7 willing to do that.

8 I would like to now show you, if Sisia could put
9 it up, the existing floor plans, existing basement plan,
10 existing first-floor plan. There it is, okay. If you'll
11 see the existing first-floor plan and the site at the
12 existing basement plan, the existing basement plan shows a
13 large volume of room that's currently storage.

14 And then you see stairs coming down from the first
15 floor at the rear of the property down to a common area in
16 the business. So that is how the basement is currently
17 accessed from the first floor and all the other floors.

18 And in planning to use this space in the basement,
19 Mr. Von Turkovich saw that you could conceivably without
20 even needing a variance, I would submit, because we wouldn't
21 be increasing floor area at all, put a couple of bedrooms in
22 the basement.

1 But really, that would be not very practical,
2 because you'd have to go out of your apartment, go down
3 through a common area, which is actually a laundry area, and
4 then go to the bedrooms in the basement.

5 So there would really be no direct access. And
6 what's more, to make that possible you'd have to destroy
7 part of the first floor, put in a whole new set of third
8 stairs, in order to achieve any kind of reasonable use of
9 the downstairs.

10 And that's why Mr. Von Turkovich hit upon instead
11 of making that floor area extra bedrooms, make it a one-
12 floor studio apartment. And that's what you will see in the
13 set of proposed floor plans. And if you could pull up that,
14 Sisia, we could show you how that looks. That's called,
15 "basement alterations." Yeah, if you could scroll out a
16 bit.

17 So the basement alterations would allow you to
18 access this living area downstairs directly from the rear.
19 You'll see on the right-side stairs going up to the outside.
20 And so, the person living down there would just come in and
21 go directly into the unit, wouldn't have to be interfering
22 with other people or mingling with them in the laundry area.

1 So, you know, if we start to get into the why we
2 need a variance here, I would submit that there's sort of a
3 hardship based on the structure of this building, in that
4 you would have to actually reduce floor area in order to get
5 any kind of meaningful access.

6 With this solution, you've got basically the same
7 intensity of use as you would have had with adding extra
8 bedrooms to the same place, but nothing outside is changing.
9 The exterior is not changing with the exception of a couple
10 of window wells for emergency exit.

11 And the steps at the rear of the property are
12 going to be somewhat altered in order to give enough parking
13 space for cars. So basically nothing will happen in the
14 exterior to really change the appearance of the building.

15 BRENDAN SULLIVAN: Michal, this is Brendan
16 Sullivan. How do you reach the level of the statutory
17 requirement for granting a variance?

18 CONSTANTINE ALEXANDER: Thank you. I was going to
19 ask the same question.

20 BRENDAN SULLIVAN: -- for size, shape or
21 topography?

22 MICHAEL WIGGINS: The structure -- yeah, the

1 structure of the building, that's where I would rest the
2 pitch to you for is that --

3 BRENDAN SULLIVAN: You know, he lists in his
4 pleadings structural considerations and structural problems,
5 and yet there is no evidence showing that, or even
6 correspondence from the structural engineer. And so we're
7 just taking it on hearsay.

8 Let me draw your attention to a case prior --
9 Cryan versus the Board of Appeals of Salem. This was a land
10 court case, #137129 -- 1991.

11 And the court found the petitioner claimed that
12 the interior design of the large structure made use as a
13 two-family impractical. You're saying as a four-family
14 impractical. The court held shape is not synonymous with
15 interior design. And further, that neither the shape of the
16 dwelling nor the shape of the locus is unique.

17 So I think that I don't see how it reaches the
18 statutory requirement for granting a variance where it's all
19 interior design.

20 CONSTANTINE ALEXANDER: I think that's right. And
21 I think you're also not paying attention that -- not you,
22 Mr. Sullivan, but the petitioner -- to the lot area per

1 dwelling unit. You're supposed to have at least 2500 feet.
2 Right now, the four units -- there's 1405 feet per dwelling
3 unit. So it's substantially below. And now if we would
4 grant the relief you're seeking tonight, it would fall to
5 1132.

6 Bottom line is you're talking about crowding too
7 many dwelling units in this structure. And there's no legal
8 justification. You don't have -- you don't meet the
9 requirements for a variance. And therefore I think this
10 case is over, from my point of view. I am not going to
11 support granting relief here.

12 As I said, I think that you take your -- not you,
13 your client, is taking a building and trying to make a few
14 more bucks by crowding one more apartment into the basement
15 of the building and conjuring up a claim for a variance.
16 Not to me.

17 MICHAEL WIGGINS: If I could respond, Mr.
18 Chairman, I think I could have Mr. Von Turkovich talk about
19 this as well, but I think it is structural in the sense that
20 if he has -- if you could put -- if you could use that space
21 in the basement with a very awkward arrangement, based on
22 the structure of the building -- I'm not talking about shape

1 of the building, but I think structure of the building --
2 the way the building is constructed can -- and I've seen it
3 in other areas of the structure -- I'm not talking about
4 just preference, but I'm talking about an actual loss of
5 floor area in order to make a reasonable use of the premises

6 We didn't -- my client didn't actually commission
7 the building of an interior staircase, but I would submit to
8 you that would obviously result in a loss of floor area on
9 both floors. So it could possibly happen that you could
10 have someone have two bedrooms down there, but it would be I
11 think totally impractical.

12 BRENDAN SULLIVAN: Well, no, it's -- [Brendan
13 Sullivan] it's not necessarily impractical, it's not
14 financially feasible to the owner to do it if you were to
15 have a bedroom or two bedrooms down there -- and again, if
16 you want to get into economics, it's probably \$500 a month
17 for a bedroom, roughly.

18 So there's maybe \$1000 -- probably not going to
19 tack on \$1000 for the rent that he's getting to the first-
20 floor unit. However, a separate apartment would garner two
21 or three times that.

22 So it's purely an economic move to make use of

1 that space and he's saying, "Hey, you know, let's see if I
2 can't monetize this." That's the bottom line to me.

3 CONSTANTINE ALEXANDER: And it's the bottom line
4 for me as well.

5 MICHAEL WIGGINS: Well, I would -- I mean, I've
6 talked to Mr. Von Turkovich. He really -- that's not his
7 only purpose of it. I think it's just he thought it would
8 be a good idea to add some living space, and he couldn't
9 come up with a reasonable way that that could happen. He
10 couldn't imagine a way that somebody would be willing to
11 have bedrooms where you'd have to go through the common area
12 to a different floor to access.

13 CONSTANTINE ALEXANDER: And they have a basement
14 space that can't be used for a dwelling unit, because of the
15 problem you identified. There's no given right to have as
16 many dwelling units in the structure as you have space for
17 it. And again, you're going to end up with five apartments
18 that are much less in size than our ordinance requires.

19 There's no hardship here, other than your client
20 is not making enough -- can make more money if we grant the
21 relief he's seeking tonight. That's it.

22 MICHAEL WIGGINS: Well, I would respectfully

1 submit that we have vetted the case with all of the
2 neighbors, and they're all in support of it. I mean,
3 there's no more intensity of use of this building than there
4 would have been with two apartments. So in terms of the
5 effect on the neighborhood or whatever, it seems to be
6 nothing at all.

7 I know that when he first came before you -- I
8 think it was last March -- a lot of the problem, I know you
9 had raised the variance issue and what the reasons were, but
10 I think a lot of it was about the parking. And in fact, he
11 has doubled the amount of parking there. There is public
12 transportation immediately next door.

13 So in terms of as far as what the neighborhood is
14 willing to do, they're all for it.

15 And I'd also ask you to consider the fact that
16 most of this property is in a commercial zone next to
17 commercial buildings, with the three-family condominium
18 building next to it acting as sort of a buffer between it
19 and the Residence B zone.

20 And so, in terms of impact on the neighborhood,
21 it's slight or nothing at all.

22 CONSTANTINE ALEXANDER: Jim, any comments or any

1 questions you want to ask?

2 JIM MONTEVERDE: I don't have any questions or
3 comments, I just -- I don't see the hardship presentation.
4 So I would not be in favor.

5 CONSTANTINE ALEXANDER: Okay. Laura?

6 LAURA WERNICK: I feel the same way. I mean, it
7 is adding another unit of housing total city of Cambridge's
8 housing stock, but as you're saying, it's below appropriate
9 standards for outdoor space. So it's kind of, what are we
10 really gaining?

11 RICK VON TURKOVICH: Yeah. Excuse me, this is
12 Rick Von Turkovich, may I speak?

13 CONSTANTINE ALEXANDER: Yes, you may.

14 RICK VON TURKOVICH: Okay. All right. And I
15 appreciate the opportunity for you to hear our arguments
16 again. I guess, you know, I'm thinking from a sheer
17 practicality sake and speaking to what Ms. Wernick was
18 mentioning is that there are two alternatives here, is to
19 add some additional living space, which would be part of the
20 first-floor apartment, or to add yet another unit of housing
21 to the stock of the city of Cambridge. And we've just spent
22 several hours listening about the shortage of housing.

1 I've owned this property for 25 years. I've
2 operated it as a multifamily. It's -- you know, I've had
3 Section 8 tenants. This isn't a case of just trying to make
4 more money, it's trying to obviously improve my investment,
5 but to also provide additional housing.

6 So when I look at -- and I fully understand the
7 issues with regards to the restrictions, but in exchange for
8 removing the garage, we're actually increasing the open
9 space rather than reducing it. I understand the impact on
10 the lot size per dwelling unit, but overall it's the best
11 use for the space that's available.

12 And I would have hoped that the Board would see it
13 if you weigh the option of, you know, additional living
14 space for an apartment or yet another dwelling unit that the
15 benefit to the city is, you know, is the extra housing and
16 I've done everything I can to solicit support from the
17 neighborhood. Originally, there was an objection due to
18 parking, now we're adding parking.

19 This is -- it's only economically feasible for me
20 to add the parking and do the things --

21 CONSTANTINE ALEXANDER: We're not talking about
22 parking at this point. We're talking about the variance for

1 the additional apartment. We're going to take up the
2 variance for the parking next. I mean, sir, we want to move
3 on. I don't think -- Jim, did you have an opportunity to
4 comment, or do you want to comment?

5 JIM MONTEVERDE: I did. I said I didn't see the
6 hardship --

7 CONSTANTINE ALEXANDER: Oh, you did. I'm sorry,
8 you did.

9 JIM MONTEVERDE: -- be in favor.

10 CONSTANTINE ALEXANDER: Andrea -- I mentioned
11 Andrea -- Andrea?

12 ANDREA HICKEY: Yes. I'd like to comment. So I
13 agree with my colleagues that I am unconvinced with respect
14 to hardship. And in terms of adding another market-rent
15 apartment to the city's housing stock, I'm not sure that
16 that sort of does a lot.

17 Are you offering or willing to make that some kind
18 of affordable unit in perpetuity?

19 MICHAEL WIGGINS: I've had Section 8 tenants over
20 the years. I wouldn't rule out the option of having a
21 Section 8 tenant again. You know, I don't even --

22 ANDREA HICKEY: Right.

1 MICHAEL WIGGINS: -- understand the impact for the

2 --

3 ANDREA HICKEY: Yeah. That would be at your
4 option. I just think the argument of adding another market-
5 rent unit does not persuade me.

6 MICHAEL WIGGINS: Okay.

7 ANDREA HICKEY: That's all I have.

8 CONSTANTINE ALEXANDER: Okay. I'll open the
9 matter up to public testimony. Is there anyone here wishing
10 to be heard -- not here, but on the line -- who wishes to be
11 heard?

12 [Pause]

13 Apparently, no one does and as the petitioner and
14 his counsel have pointed out, there are some letters of
15 support --

16 SISIA DAGLIAN: One person raised their hand.

17 CONSTANTINE ALEXANDER: I'm sorry?

18 SISIA DAGLIAN: One person raised their hand.

19 CONSTANTINE ALEXANDER: One person wants to speak?

20 SISIA DAGLIAN: Yeah.

21 CONSTANTINE ALEXANDER: Okay, I'm sorry. There is
22 someone who wishes to speak. Put them on, or her on.

1 SISIA DAGLIAN: Robert Russell?

2 ROBERT RUSSELL: Hi. Can you hear me now?

3 SISIA DAGLIAN: Yep.

4 CONSTANTINE ALEXANDER: If it's -- please identify
5 your name and address, please?

6 ROBERT RUSSELL: Yes. I'm Robert Russell. I live
7 at 9 Spruce Avenue, which is right next door. I'm in the
8 condo, and I actually abut the unit in the driveway.

9 And I just wanted to say very quickly that, you
10 know, Rick Von Turkovich has been a very, very fine
11 neighbor. We've worked with him. I believe that at least
12 two of the unit owners in my condo or three -- possibly all
13 three -- are supporting this.

14 And I'm not offering an opinion about a variance
15 law or hardship, I can't do that, but just wanted to say
16 that we have a very good relationship with him and he's been
17 -- you know, very -- listened to us very carefully. So just
18 for what it's worth, I wanted to tell the Board that, thank
19 you.

20 CONSTANTINE ALEXANDER: Well, thank you for taking
21 the time at this late hour to speak with us. I'm going to
22 close public testimony. I think we've -- I think we're

1 ready for a motion, because I think we've all expressed our
2 views.

3 BRENDAN SULLIVAN: Yes.

4 JIM MONTEVERDE: Yes.

5 CONSTANTINE ALEXANDER: Okay. The Chair moves
6 that -- the motion has to be in the affirmative -- that we
7 make the following findings with regard to the variance
8 being sought:

9 That a literal enforcement of the provisions of the
10 ordinance would involve a substantial hardship, such
11 hardship being as that there is basement space that could be
12 converted into an apartment if certain -- if the structural
13 relief being sought were implemented.

14 That the hardship is owing to circumstances
15 relating to the shape of the structure, and that relief may
16 be granted without substantial detriment to the public good,
17 or nullifying or substantially derogating from the intent or
18 purpose of this ordinance.

19 So on the basis of these findings, the Chair moves
20 that we grant the variance requested on the condition that
21 the work proceed in accordance with plans submitted by the
22 petitioner and which are in our file. Vote. Brendan?

1 BRENDAN SULLIVAN: No to granting the variance.

2 CONSTANTINE ALEXANDER: Andrea?

3 ANDREA HICKEY: I vote no to granting the
4 variance.

5 CONSTANTINE ALEXANDER: Okay. Jim?

6 JIM MONTEVERDE: Jim Monteverde, no to granting
7 the variance.

8 CONSTANTINE ALEXANDER: Okay, Laura?

9 LAURA WERNICK: No to the variance.

10 CONSTANTINE ALEXANDER: And the -- and I vote no
11 as well.

12 [All vote NO]

13 Variance request denied. We now have to take a
14 vote as to why the variance was denied. The Chair would
15 suggest that we -- the Chair moves that we deny the variance
16 on the grounds that the petitioner did not satisfy the
17 requirements for a variance as set forth in our zoning code;
18 specifically that he did not identify substantial hardship
19 sufficient to warrant the granting of a variance, and that
20 there's no hardship owing to circumstances relating to the
21 soil conditions, shape or topography of this structure.

22 Any additions or suggestions?

1 MICHAEL WIGGINS: No, that's it.

2 CONSTANTINE ALEXANDER: Okay, Brendan?

3 BRENDAN SULLIVAN: Yes to that motion.

4 ANDREA HICKEY: Andrea Hickey, yes to the motion.

5 CONSTANTINE ALEXANDER: Laura?

6 LAURA WERNICK: Yes to the motion.

7 CONSTANTINE ALEXANDER: Jim?

8 JIM MONTEVERDE: Jim Monteverde, yes to the
9 motion.

10 CONSTANTINE ALEXANDER: And the Chair votes yes as
11 well.

12 [All vote YES]

13 So that motion is also adopted. Let's turn to the
14 garage variance. Counsel?

15 MICHAEL WIGGINS: Yes. Well, the variance there
16 would have been for a reduction of the number of spaces.
17 And that part of the special permit I guess is moot in light
18 of the fact that the Chair has voted not to allow the extra
19 unit.

20 However, the setback for the -- setback of the
21 parking spaces, we would like you to consider that.
22 Typically, the requirement of the ordinance is the five-foot

1 setback, and my client would want to proceed, I believe,
2 with being allowed to have the four spaces. And as you've
3 heard from his neighbor who's most directly affected this,
4 he does not object to that.

5 So if you look at -- if you could put up -- if you
6 could please put up the site plan, the proposed site plan,
7 yeah, that's it -- that shows the driveway, and it shows
8 three spaces as the standard one, two and three space. Then
9 there's a compact space. And the setback from the border
10 with the neighbor to the rear is going to be three feet as
11 opposed to five.

12 However, as I said, the fence runs completely
13 along the driveway there. We believe this is a good plan
14 that will bring added relief to the neighboring houses.
15 Currently there are only two spaces there. So this is a
16 substantial enhancement, which would certainly not
17 exacerbate any of the parking and any of the -- it wouldn't
18 have an adverse effect on any traffic in the area.

19 I think that the integrity of the neighborhood
20 would be well-preserved by giving us this waiver as far as
21 the setback from the fence is concerned, especially given
22 that we have unanimous support from all the neighbors for

1 it.

2 ANDREA HICKEY: Counselor, this is Andrea Hickey.
3 I just had a question. So is the plan to remove the garage
4 to make way for these spaces?

5 MICHAEL WIGGINS: Yes, it is.

6 ANDREA HICKEY: Do you have a plan showing where
7 the garage is, or can you describe it in the slide we're
8 looking at?

9 MICHAEL WIGGINS: It's in the certified plot plan
10 that I presented earlier.

11 ANDREA HICKEY: Right, it's just -- I don't know
12 if we can maybe pull that up again. I would just sort of
13 like to see them side by side for a minute. Are we able to
14 do that?

15 MICHAEL WIGGINS: Yes.

16 SISIA DAGLIAN: Can you show us the photos?

17 ANDREA HICKEY: No, not the photos, the plot plan
18 showing the existing condition -- the location of the
19 garage. There it is.

20 MICHAEL WIGGINS: That's it, yep.

21 ANDREA HICKEY: Yep.

22 MICHAEL WIGGINS: So you can see that. There's

1 also in the yard -- sort of in front of that, there's a
2 couple of large trees. The one thing that the abutters to
3 the rear at Spruce Avenue asked is that we not remove any
4 trees in the process of this, and they've agreed to that.
5 My client has agreed to that. The -- one of the pictures
6 shows that very large tree. There's a picture of the right
7 side of the house.

8 And then if you can scroll to the -- the other
9 side of the house, there's a -- that, yeah, that one. Nope,
10 sorry, that's the rear. The other side -- one more back,
11 it's -- there it is, okay. You can see that large tree in
12 the yard next to the garage. That's going to stay. And so,
13 that give us a substantial inflation from the commercial
14 space to the right, and that's an amenity for the neighbor
15 as well.

16 ANDREA HICKEY: Right.

17 MICHAEL WIGGINS: So by removing that wood frame
18 garage, we're adding a lot of open space to the property.
19 That's what I said before. I think it more than compensates
20 for what would have happened if we had lost -- if we had had
21 the fifth space.

22 But overall, this is an enormous enhancement I

1 think, and would benefit the neighborhood, and would
2 certainly --

3 ANDREA HICKEY: Sisia, could we go -- I'm sorry,
4 didn't mean to interrupt you, Counselor. Sisia, could we go
5 back to the slide showing the proposed four spaces?

6 Counselor, I don't see that those spaces are
7 dimension. Can you tell me what the dimensions are?

8 MICHAEL WIGGINS: Yes, I was told that those
9 dimensions are all the standard size, the 8 x -- I think
10 it's 8 x 18. I don't have them -- they're not --

11 JIM MONTEVERDE: I think it's 8.5 x 18 --

12 MICHAEL WIGGINS: 8.5 x 18, really, yeah.

13 JIM MONTEVERDE: -- for the full size for the
14 standards, and I think the compact is 7.5 by -- I forget the
15 width, the length, but --

16 SISIA DAGLIAN: 16 and its dimensioned on here the
17 lengths.

18 JIM MONTEVERDE: Oh, okay. Oh, yes, sorry.

19 MICHAEL WIGGINS: Well, and this is 18, yeah, on
20 the top.

21 JIM MONTEVERDE: Yeah.

22 ANDREA HICKEY: Yeah, so we have the length

1 dimension, but not the width, okay.

2 MICHAEL WIGGINS: But if you look at the 10-foot,
3 I didn't mean to interrupt you, but if you look at the 10-
4 foot width on the driveway which you need to go forward and
5 back and compare that, it looks to be -- you know, you've
6 got the --

7 JIM MONTEVERDE: Right.

8 MICHAEL WIGGINS: -- eight and a half for the
9 width of it.

10 ANDREA HICKEY: Okay. And can you tell me do any
11 cars park in the driveway now?

12 MICHAEL WIGGINS: Rick, could you answer that? I
13 think you said occasionally.

14 CONSTANTINE ALEXANDER: I can't find the fourth
15 parking spot.

16 MICHAEL WIGGINS: Mr. Chairman, you've got --

17 CONSTANTINE ALEXANDER: One-two-three.

18 ANDREA HICKEY: Yeah, it's called, "Compact." It's
19 not numbered, "4."

20 CONSTANTINE ALEXANDER: Got it.

21 MICHAEL WIGGINS: Rick, could you answer that
22 question about the -- who's parking now. I think you told

1 me that we were one or two cars parking there now.

2 ANDREA HICKEY: In the driveway?

3 MICHAEL WIGGINS: Yes. Again, I need Rick to
4 verify that if he's there.

5 [Pause]

6 No. We may have lost him. But that's what I've
7 been told by him, that that's -- the garage has not been
8 getting used for parking before now. It's basically for
9 storage. That's the current use. So with this proposal,
10 that would be demolished.

11 ANDREA HICKEY: Okay. I have no further questions
12 at this time.

13 CONSTANTINE ALEXANDER: Okay. Any other members
14 of the Board have any questions at this point?

15 BRENDAN SULLIVAN: Brendan Sullivan, no questions.

16 JIM MONTEVERDE: Jim Monteverde, no questions.

17 CONSTANTINE ALEXANDER: Laura?

18 LAURA WERNICK: No questions.

19 CONSTANTINE ALEXANDER: Okay. The Chair has none
20 as well. I'll open the matter up to public testimony. Is
21 there anyone here wishing to be heard on this matter,
22 disregarding the setback need for the driveway?

1 [Pause] Apparently not. Okay. There is no public
2 -- no comments, nothing in our file. We have the letters in
3 our file that are referred to in connection with the
4 variance request. No letters of support. I don't propose
5 to read them at this point.

6 So the Chair will close public testimony. This is
7 a special permit case, so I'll go through the requirements
8 for a special permit. The Chair moves that we make the
9 following findings with regard to the special permit being
10 sought:

11 That the requirements of the ordinance cannot be
12 met without the special permit. That traffic generated or
13 patterns of access or egress resulting from what is being
14 proposed will not cause congestion, hazard, or substantial
15 change in established neighborhood character.

16 And again, I think the facts speak for themselves
17 in that we're talking about just the width of a parking
18 space and it has no impact on the neighborhood or cause
19 congestion or hazard.

20 That the continued operation of or development of
21 adjacent uses, as permitted in the ordinance, will not be
22 adversely affected by what is being proposed as permitted in

1 the zoning ordinance will not be adversely affected by what
2 is proposed, and the same reasoning applies to this as
3 applies to the earlier item about congestion, hazard or
4 substantial change.

5 No nuisance or hazard will be created to the
6 detriment of the health, safety and/or welfare of the
7 occupant of the proposed use, or the citizens of the city,
8 given the minor nature of what is being proposed and does
9 nothing to raise the level of a nuisance or hazard.

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

14 So on the basis of all these findings, the Chair
15 moves that we grant a special permit to the petitioner based
16 -- subject to the plans that were submitted by the
17 petitioner in connection with this petition.

18 BRENDAN SULLIVAN: Brendan Sullivan, yes to
19 granting the special permit.

20 ANDREA HICKEY: Mr. Chair, before I vote, could we
21 condition the findings based on the spaces being shown
22 dimensioned, in compliance with the ordinance?

1 CONSTANTINE ALEXANDER: Well, we could, but I
2 mean, if we take the vote tonight, what are the dimensions -
3 - what purpose would that serve.

4 ANDREA HICKEY: To show that they comply in terms
5 of size.

6 CONSTANTINE ALEXANDER: We don't -- we have -- we
7 -- but that -- it would -- not tonight, but after tonight's
8 hearing they would mark up the plans to show that. And we
9 wouldn't be able to react to that.

10 ANDREA HICKEY: Well, respectfully Mr. Wiggins, I
11 believe, has represented that they do comply. So I'm --

12 CONSTANTINE ALEXANDER: I don't see what plans to
13 tie it to. I mean I --

14 MICHAEL WIGGINS: If I could speak, Mr. Chairman
15 --

16 CONSTANTINE ALEXANDER: Yes.

17 MICHAEL WIGGINS: -- I mean, we've established
18 that they do comply in terms of length, so it's just the
19 width and a --

20 CONSTANTINE ALEXANDER: Right --

21 MICHAEL WIGGINS: -- ruler and a plan would prove
22 that, and I'm sorry that we didn't actually spell it out.

1 But it is to scale, and I'm certain that it does, but I'd be
2 happy to condition the relief on the architect producing
3 those numbers, the 8.5 width next to it for standards one,
4 two and three and the compact as well. So --

5 ANDREA HICKEY: Right. And provided they do
6 comply, then we're fine. I don't think we need to come back
7 or vote again. Mr. Chair, if you think I'm complicating
8 things too much, please let me know.

9 CONSTANTINE ALEXANDER: I don't think it's
10 necessary, necessary, myself, but if you would like to
11 propose that, that's fine.

12 ANDREA HICKEY: Does anybody else care to see
13 that?

14 BRENDAN SULLIVAN: So moved.

15 JIM MONTEVERDE: This is Jim Monteverde. No, I'm
16 kind of convinced from the graphics that it's going to be
17 compliant. The standard size is zoning standard size. So I
18 think it's fine without the condition.

19 LAURA WERNICK: It would be a matter of widening -
20 - if the Inspector finds out that it's not quite wide
21 enough, then it should mostly have to be -- then the
22 surfaces would have to be increased to make the width. So I

1 think as long as we're saying it's the assumption that it is
2 the correct width, it has to be constructed correctly.

3 CONSTANTINE ALEXANDER: So -- and the Chair would
4 vote in favor of granting the special permit as well. So I
5 believe we have a unanimous vote, am I right?

6 BRENDAN SULLIVAN: Yes.

7 ANDREA HICKEY: Yes.

8 CONSTANTINE ALEXANDER: Special permit is granted.

9 LAURA WERNICK: You have to take the vote, I
10 think, officially.

11 ANDREA HICKEY: Right. The roll vote.

12 JIM MONTEVERDE: Yeah. I think this was just
13 chitchat.

14 MICHAEL WIGGINS: You voted, right?

15 JIM MONTEVERDE: Yeah, he voted, yeah, he did.

16 BRENDAN SULLIVAN: Yeah.

17 JIM MONTEVERDE: He did, Gus did.

18 CONSTANTINE ALEXANDER: Five all -- five in favor.

19 [All vote YES]

20 Thank you. Case over.

21 JIM MONTEVERDE: Thank you.

22 MICHAEL WIGGINS: Thank you, Mr. Chairman.

1 CONSTANTINE ALEXANDER: Before I go back to the
2 regular agenda and call Kendall Street. I want to get the -
3 - my desk is a mess at this point with folders all over the
4 place

* * * * *

(10:49 p.m.)

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

CONSTANTINE ALEXANDER: The Chair will now call
Case Number 899881 -- 450 Kendall Street. Anyone here
wishing to be heard on this matter?

CORY dEPASQUALE: Hi everybody.

CONSTANTINE ALEXANDER: Hello?

CORY dEPASQUALE: Hi.

CONSTANTINE ALEXANDER: Oh, okay.

CORY dEPASQUALE: This is Cory dePasquale with
Selbert Perkins Design representing Eli Lily, the tenant in
question for 450 Kendall and BioMed Realty, the landowner.

CONSTANTINE ALEXANDER: Okay. The floor is yours.

CORY dEPASQUALE: Firstly, I'd like to thank the
Board of Zoning Appeals. I know this is a late one for
everybody, and it's been pretty long. So --

CONSTANTINE ALEXANDER: It's not your fault that
it's this late.

CORY dEPASQUALE: I will do my best to be brief.

1 We're aware of the stressors facing the Cambridge community,
2 and we're grateful to the city for continuing to move
3 forward with like processes, or with processes like this, so
4 thank you.

5 As I said before, Selbert Perkins Design is
6 representing Eli Lilly the tenant, and BioMed Realty, the
7 landowner in requesting the aforementioned for the site
8 located at 450 Kendall Street.

9 After consulting with structural engineers and
10 signage fabricators, our team has determined wall signage
11 representing the tenant in question can only be installed in
12 the proposed location shared in the plans. This is above
13 the 20-foot height mandated listed in zoning code.

14 As the largest tenant of the building, Eli Lilly
15 is entitled per their lease with BioMed Realty the
16 opportunity to place signage on the building. Eli Lilly is
17 a worldwide leader in life-saving pharmaceuticals and proud
18 to call Cambridge home.

19 By allowing this variance, Eli Lilly will be able
20 to use the full extent of their tenancy agreement. They
21 wish to simply let the public know they're a part of the
22 Cambridge community providing jobs and opportunities to the

1 very important work they provide. This is most recently
2 including some breakthrough treatment related to COVID-19.

3 The proposed placement of the wall sign is both
4 structurally sound and purposely identified to be the most
5 minimally invasive option for signage in the neighborhood.
6 Eli Lilly does wish for the sign to have internal
7 illumination, as it helps with the kind of purpose of
8 putting the sign up.

9 And our design calls for the light control to not
10 only be meeting mandate with the zoning code for scheduled
11 on and off times, but we are calling for a dimmer to be
12 included for the light, should anyone have input on the
13 level of brightness of the sun.

14 In seeking relief, my client wishes to mount the
15 proposed sign in the proposed location further in my design
16 documents here. This will provide Eli Lilly with
17 fulfillment in regard to the extent of their lease with the
18 landowner, and also recognition as part of the Cambridge
19 community. Our proposed sign, we believe, does no detriment
20 the public good.

21 So if you can continue through the slides? We're
22 noting 450 Kendall there. This is the bounding of the sign

1 itself, to show that it fits within the 60-square foot area,
2 or the base of the sign. And the dimensions is 13 feet wide
3 and about seven feet tall.

4 If you go to the next slide?

5 This shows the location of the building.

6 Apologies the .pdf must have "downresd" and it's shown kind
7 of poorly here. But as you can see, the majority of the
8 building is a curtain -- glass curtain façade. And to
9 safely mount the sign on that façade was almost impossible.
10 So we've located it at the top of the building on the
11 mechanical parapet.

12 If you continue?

13 We'll show some renderings of this sign here. So
14 given the structure of the building, it's kind of apparent
15 that it would be hard to mount to that glass façade. You
16 can continue and show a couple different views of this from
17 a distance. So this is -- again, providing recognition as
18 Eli Lilly as the major tenant here.

19 And we also show a rendering of the building at
20 night with the sign illuminated. And this is from a
21 distance. We're aware that the city of Cambridge can be
22 strict about signage opportunities, and we want to make a

1 minimally invasive sign while recognizing the tenant.

2 CONSTANTINE ALEXANDER: Well, you're right on the
3 last point. I'm not saying you weren't right on other
4 things as well, but the city is strict and this Board is
5 strict with regard to seeing none.

6 And your relief you're seeking is in two parts:
7 Height and illumination. Illumination is one that we're
8 really strict on. And I haven't seen anything in your
9 presentation that would demonstrate the need for a variance
10 for the illumination requirements.

11 And the height is substantial. You want to have a
12 sign that's 96 feet high off the ground, when our ordinance
13 only allows up to 20 feet. And there's ample space on the
14 base of this building to put a sign much more compliant, if
15 not fully compliant, with our ordinance.

16 And lastly, I've got to point out, we have
17 opposition -- as you probably are aware -- opposition to
18 granting you relief. We have a letter, which I don't
19 propose to read in full, from the Third Square Apartments,
20 who complain that if we grant you the relief your client is
21 seeking -- I'm going to read from part of it --

22 "Third Square Apartments is a residential

1 building. And the size, location and illumination of the
2 proposed signage will absolutely adversely impact our
3 residents living there, particularly our residents living on
4 the highest levels of the higher floors of the southeast of
5 303 Third Street. That's significant.

6 On one hand, we have people who have residents
7 whose ability to enjoy the residents will be adversely
8 affected, and on the other side we have, frankly, a large
9 corporation which wants to proclaim its name up on high and
10 put it on the top of the building, like some other buildings
11 in that area do. But the zoning for those areas are
12 different than the zoning for here.

13 I can't support that, and I certainly will not
14 support internal illumination beyond what our ordinance
15 allows.

16 I think there's a second letter of opposition as
17 well. Oh, yeah, from Carole O'Hare. She's a citizen of the
18 city who was a -- I'll call it a signage gadfly and very,
19 very, and makes a service to the city in terms of diligently
20 watching for zoning relief with signs and giving testimony
21 pro or con -- and sometimes it's pro -- with regard to it.

22 And she makes the same points. There's no reason

1 to grant the relief. There's no legal reason. It's just
2 another situation where someone doesn't want to comply with
3 our ordinance because. And so, there's no identification
4 issues here.

5 People have done even a bigger sign on top of the
6 building to find the building. It's a very prominent
7 building in the area and with plenty of signage space on the
8 face of the building, so anyone going down the street will
9 know where the Eli Lilly space is.

10 So I for one cannot support, as I've said,
11 granting this variance.

12 CORY dEPASQUALE: Respectfully, the building is
13 fairly tucked within a recent area of develop in the
14 building -- or in the area. And Eli Lilly is not seeking to
15 proclaim that they are a corporation that needs attention.

16 They simply want to be recognized as a member of
17 the Cambridge pharmaceutical company, and given their
18 allegiance to the city and being part of the area, they are
19 not only looking to maximize their opportunity with their
20 lease and the landowner, which I understand is a private
21 agreement.

22 But by having the signage opportunity that they're

1 looking for this variance to grant, they're establishing
2 themselves in the community and using that signage to
3 attract talent and local, you know, potential students and
4 people that would look for jobs with local companies to cut
5 down on commuting time and all of the benefits of working
6 locally.

7 I think that we could potentially cede on internal
8 illumination, or provide an alternative like a halo-lit
9 solution, as opposed to being internally lit. In our
10 variance, we sought out internal illumination, as it can be
11 done very minimally.

12 It's understandable that a local apartment
13 building that has a direct view of the sign would not want
14 internal illumination. And I think that's something that we
15 would be willing to withdraw.

16 But given the architectural features of the
17 building, you can see that there's some screens and
18 protruding glass from the front of the building. It is
19 almost unfeasible to mount a sign to the front of the
20 building.

21 We do respect the zoning code and the sizing
22 restraints that you've laid out, and we are adhering to

1 that. But I think we could withdraw on illumination and
2 maybe consider a different color of the sign to be either
3 black or something that doesn't stand out as much.

4 But there is no way for the tenant to apply
5 signage to the building below that 20-foot height.

6 JIM MONTEVERDE: Can I interrupt? This is Jim
7 Monteverde. Sisia, can you go to page 11 that's in the
8 public filing. It's 11 of 73, way at the beginning.

9 SISIA DAGLIAN: Jim, what is it a drawing of?
10 Because I have an abbreviated version.

11 JIM MONTEVERDE: It's not, it's a photograph.
12 It's an existing condition photograph. It's page 11 into --
13 into the -- nope, it's --

14 SISIA DAGLIAN: Okay. Give me a minute.

15 JIM MONTEVERDE: And what it basically shows is
16 that the street is mounted, it looks like -- I can't tell if
17 it's 20 feet above the ground. It looks like it's five-foot
18 tall, it's mounted on the screen. It basically shows that
19 there's a way to put signage on the building, code-
20 compliant. It has actually two signs that are on the
21 building down at the lower height.

22 So Mr. dePasquale, I understand what you just

1 said, but I'm looking at signage that's applied to the
2 building façade in a way that's perfectly identifiable --
3 large enough to be visible from a mile away. And I think
4 that the -- either in that location or from that projecting
5 metal canopy -- there we go.

6 So this is what's there now? Is there in fact
7 signage on the building now that has the street address on
8 it? That's what we're looking at, 450?

9 CORY dEPASQUALE: I believe the 450 --

10 CONSTANTINE ALEXANDER: Basically --

11 CORY dEPASQUALE: -- actually has been removed.
12 The last time I was on site, I didn't see that.

13 JIM MONTEVERDE: So nice place for Mr. Lilly?

14 CORY dEPASQUALE: I'm not sure that the condition
15 is actually the same. I --

16 JIM MONTEVERDE: Oh. This isn't the existing
17 condition? So all I'm saying is if that's not the case,
18 then from the canopy here, there's some other way to -- or
19 there should be some other way to look at a solution that
20 places us closer to the required height, and not smack at
21 the top of the mechanical penthouse. So I --

22 LAURA WERNICK: If I could just add --

1 JIM MONTEVERDE: -- would not be in support of the
2 variance.

3 LAURA WERNICK: -- on to Mr. Monteverde's -- I
4 agree with Mr. Monteverde, and I think Mr. dePasquale, that
5 every tenant down there wants exactly what your tenant
6 wants, just to let people know where they are. And that's
7 why the zoning -- the ordinance is in place, the sign
8 ordinance is in place, so that we don't have signage all
9 over buildings, and then just limited to fairly minimal
10 height and size.

11 So to all of a sudden say, "Oh, we'll we're going
12 to make an exception" because they'd like to attract local
13 people, it doesn't really overcome what the zoning ordinance
14 is trying to achieve.

15 CORY dEPASQUALE: Understood.

16 BRENDAN SULLIVAN: [Brendan Sullivan.] I would be
17 in favor of making a motion.

18 CONSTANTINE ALEXANDER: Make a motion to?

19 BRENDAN SULLIVAN: To grant.

20 CONSTANTINE ALEXANDER: Grant the relief?

21 BRENDAN SULLIVAN: Yes, so that we can vote.

22 CONSTANTINE ALEXANDER: I would -- well, first I

1 want to confirm that the variance request for the
2 illumination has been withdrawn. Is that correct, sir?

3 CORY dEPASQUALE: That is correct.

4 CONSTANTINE ALEXANDER: Okay. Now, the question
5 with regard to the height of the sign, I think was all agree
6 it's not going to be 90 -- we don't approve 96 feet. I
7 think we just deny that, and then the petitioner can come
8 back with a different proposal as to a sign with a different
9 height, and we can consider that in a separate petition.

10 I think that's the way to go.

11 CORY dEPASQUALE: Understood.

12 CONSTANTINE ALEXANDER: Brendan, do you have a
13 problem with it?

14 BRENDAN SULLIVAN: Yeah, no I -- that's fine.

15 CONSTANTINE ALEXANDER: Oh, okay, all right. The
16 Chair will make a motion -- I think we can go right to a
17 motion at this point. There were no -- other than the
18 letters I referred to, there were no letters of comment, and
19 I don't expect at this hour of the night we're going to have
20 any others.

21 So the Chair moves -- say it again?

22 SISIA DAGLIAN: There's somebody who has raised

1 their hand.

2 CONSTANTINE ALEXANDER: Someone did?

3 SISIA DAGLIAN: Yeah.

4 CONSTANTINE ALEXANDER: Ok. Put her on. We do
5 have someone who wishes to speak.

6 JIM MONTEVERDE: Heather.

7 SISIA DAGLIAN: Heather? Go ahead.

8 HEATHER HOFFMAN: Hi. I'll be very short. I
9 wanted to take the opportunity to agree with the Board and
10 to make a comment that my peer and to the other case that
11 I'm sure you want to forget because it took so long. And
12 that is that precedent matters. Thank you.

13 CONSTANTINE ALEXANDER: Thank you, Heather. Okay
14 the Chair moves that we make the following findings: Well,
15 with regard to the variance being -- the height variance
16 being sought: That a literal enforcement of our ordinance
17 would involve a substantial hardship to the petitioner.

18 That the hardship is owing to circumstances
19 relating to the soil conditions, shape or topography of the
20 structure, and that relief may be granted without
21 substantial detriment to the public good, or nullifying or
22 substantially derogating from the intent and purpose of this

1 ordinance.

2 So on the basis of those findings, the Chair moves
3 that we allow the petitioner -- we grant the petitioner the
4 right to erect a sign on the building 96 feet or so above
5 ground level. Brendan?

6 BRENDAN SULLIVAN: Brendan Sullivan -- no to
7 granting the variance.

8 ANDREA HICKEY: Andrea Hickey -- no to granting
9 the variance.

10 LAURA WERNICK: Laura Wernick -- no to the
11 granting the variance.

12 JIM MONTEVERDE: And Jim Monteverde no to granting the
13 variance.

14 CONSTANTINE ALEXANDER: And the Chair votes no as
15 well.

16 [All vote NO]

17 So the variance request for the height has been
18 denied.

19 I would just point out to the petitioner or
20 petitioner's counsel that if you want to -- if you come back
21 with a different proposal, a different location and height
22 on the front of the building, that would not be in my

1 opinion a repetitive petition. And therefore we can
2 consider that.

3 So I think why want to do with your client is to
4 go back to the drawing boards. If your client wants to have
5 a sign on the front of the building.

6 CORY dEPASQUALE: Understood. Thank you very much
7 for your time.

8 CONSTANTINE ALEXANDER: Thank you.

9 COLLECTIVE: Thank you.

10 CONSTANTINE ALEXANDER: Okay.

11 SISIA DAGLIAN: Okay, hold on.

12 CONSTANTINE ALEXANDER: Let me --
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(11:08 p.m.)

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

CONSTANTINE ALEXANDER: The Chair will now call
Case Number 97333 -- 263 Elm Street. Anyone here wishing to
be heard on this matter?

[Pause]

Hello?

SISIA DAGLIAN: No, I don't think they're here.

CONSTANTINE ALEXANDER: I'm sorry? No?

SISIA DAGLIAN: They're not here.

CONSTANTINE ALEXANDER: Gave up, huh?

SISIA DAGLIAN: They're requesting a continuance.

CONSTANTINE ALEXANDER: Elm Street?

BRENDAN SULLIVAN: Yeah.

SISIA DAGLIAN: Yeah.

CONSTANTINE ALEXANDER: Oh, I didn't see that.

BRENDAN SULLIVAN: Underneath your paper.

CONSTANTINE ALEXANDER: This is my paper.

BRENDAN SULLIVAN: Yeah. There's a note.

1 CONSTANTINE ALEXANDER: Oh, continuing. Okay. Do
2 they have -- Okay. He wishes -- I'm going to read a letter
3 from David Chu.

4 "I just spoke with Ranjit, who brought to my
5 attention an issue with the dormers." I would have brought
6 it to his attention if he hadn't talked to Ranjit. "I would
7 like to ask for a continuance so that I can amend my
8 drawings before appearing in front of the Board of Zoning
9 Appeal."

10 Okay, that's it. So we're going to continue this
11 case. The petitioner understands he has to review the
12 dormer situation. What day would be available?

13 SISIA DAGLIAN: February 11.

14 CONSTANTINE ALEXANDER: February 11? The Chair
15 moves that we continue this case as a case not heard until
16 7:00 p.m. on January (sic) 11, subject to the following
17 conditions: First, that within seven days from today, the
18 petitioner sign a waiver of time for decision, and deliver
19 it to the zoning offices.

20 If he fails to do that, this petition will be
21 deemed denied, and there will be no further case and no
22 further hearing for two years on this case involving the

1 relief that's being sought.

2 Number 2, that the petitioner needs to maintain a
3 sign reflecting the new date, February 11; and the new time,
4 7:00 p.m.?

5 SISIA DAGLIAN: Well, you've been doing 6:00 p.m.,
6 yeah.

7 CONSTANTINE ALEXANDER: 6:00 p.m. -- and again, it
8 must be maintained for the 14 days before February 11. That
9 sign you can take -- the petitioner can take the current
10 sign if he wishes and with a magic marker or what have you,
11 change the date and time. Or he can get a new sign from the
12 zoning office.

13 The key here, though, is he must maintain that
14 sign for the 14 days.

15 And lastly, to the extent that the petitioner will
16 be submitting new plans, specifications and the like -- and
17 he will -- they must be in our files no later than 5:00 p.m.
18 on the Monday before February 11.

19 So the petitioner must not only sign a waiver of
20 time for a decision, but he has to understand that the new
21 plans he's going to come up with must be in our files no
22 later than 5:00 p.m. on the Monday before February 11.

1 Brendan? How do you vote?

2 BRENDAN SULLIVAN: Yes to the continuance.

3 ANDREA HICKEY: Andrea --

4 JIM MONTEVERDE: Jim Monte -- oop, sorry, Andrea,
5 go ahead.

6 ANDREA HICKEY: Go ahead, Jim, I'm sorry.

7 JIM MONTEVERDE: Jim Monteverde, yes to the
8 continuance.

9 ANDREA HICKEY: Andrea Hickey, yes to the
10 continuance.

11 LAURA WERNICK: Laura Wernick, yes to the
12 continuance.

13 CONSTANTINE ALEXANDER: And the Chair votes yes as
14 well. This case is continued until February 11.

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(11:12 p.m.)

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

CONSTANTINE ALEXANDER: The Chair will now call
Case Number 97842 -- 101 Montgomery Street. Anyone here
wishing to be heard on this matter?

[Pause]

Hello? Mr. Glassman? Did he give up?

SISIA DAGLIAN: No, no, he's just --

LAURA WERNICK: No, we got him.

ADAM GLASSMAN: I'm here, everybody.

CONSTANTINE ALEXANDER: Okay.

ADAM GLASSMAN: Hey there. Good evening.

CONSTANTINE ALEXANDER: Good evening.

ADAM GLASSMAN: Good evening. Thank you, Mr.
Chairman and members of the Board. I will try to keep this
as brief as possible.

CONSTANTINE ALEXANDER: [Laughter] Good idea.

ADAM GLASSMAN: My clients who are with me tonight
are John and Nicholas Keramaris and their two brothers, who

1 are looking to do a little development work in North
2 Cambridge and their family's local to the area. They're
3 local here, they live in the neighborhood and they have
4 strong ties to the community.

5 We're here to seek relief in the form of a
6 variance, because what we've got is an existing, single-
7 family home that's only about 1500 square feet.

8 I don't know if you've had a chance to see the
9 letter in our file from our engineer, but he's recommending
10 this as beyond it's useful life and should be rebuilt given
11 the structural issues that exist on all levels of the house
12 between the roof and the foundation.

13 Variance is required because our lot is extremely
14 small. It's only 2600 square feet, 50 feet wide by 52 feet
15 long and 400 and something feet is actually taken up by the
16 easement on the right side, which is Reed Street Terrace.
17 Thank you for pulling those up.

18 The contextual photos on the cover here show the
19 existing single-family. It's kind of an odd eyesore. It's
20 got larger structures on the left and larger structures on
21 the right. You know, before we even got to the structural
22 issues, half of the second floor is nonuseable because of

1 the ceiling heights. You've got moments of low ceiling
2 heights on the first floor, where one would have to bend
3 their head down to get underneath headers. But really it
4 was the structural condition that's compelling us to
5 demolish this house and rebuild it with no opposition from
6 the Historical Commission.

7 Next slide, please?

8 On the left is the existing house as it is now,
9 and on the right is a rendering depicting an enlarged
10 single-family style and scale that respects the
11 neighborhood.

12 Next slide?

13 This site plan shows the existing house. Its rear
14 wall abuts the rear lot line, and the setback envelope, or
15 what you'd call the allowable building envelope is right in
16 the middle of the lot. Doesn't allow much room to build.
17 It's a 360 square-foot envelope.

18 Next slide, please.

19 So on this site plan, you can see the proposed
20 footprint for the new structure, which is nearly identical
21 to the envelope of the existing structure. However, its two
22 most egregious setback violations that are existing leave --

1 reduce those by pulling the main house back from the rear
2 lot line 6.7 feet, where it's at a 0 foot now. And on the
3 left side, we pulled the wall away from the left side lot
4 line and reduced that setback violation.

5 On the lower right-hand portion of the lot, where
6 it says, "proposed brick driveway" is essentially the
7 existing driveway we have now, but we would be replacing
8 impervious surface with pervious pavers, utilizing the
9 existing parking which fits two cars. And that parking
10 would require relief because it is located within a front
11 yard setback currently, and we'd keep it there.

12 Next slide, please?

13 Here the FAR calculations, we've got existing FAR
14 of 0.6. The allowable is 0.5. We've got only two for the
15 most part nonfunctional bedrooms on the second floor.
16 You've got a home that is not conducive to modern living.
17 And in some ways, its architectural shortcomings are even
18 outweighed by the structural. So we're seeking to rebuild
19 this house in a way that's more comfortable and functional
20 for a modern family.

21 Next slide, please?

22 The existing elevations you can see it's

1 idiosyncratic in its profile. It has random bump outs added
2 over the years.

3 Next slide, please?

4 This overlay shows you the existing footprint,
5 which is the hatch -- the crisscross hatch mark. And the
6 dark grey shows you the new building envelope. So we pull
7 it back from the rear, we pull it back from the left, we
8 maintain the front, we maintain the right-side L corner, and
9 on the right side we're extending it 30 inches.

10 In the back, you can see a deck below the
11 crisscross hatch, and that would be useable open space that
12 we'd be providing on the site where there is none now.

13 Oh, and I should just say our existing footprint
14 is actually being reduced by about 38 square feet.

15 Next slide, please?

16 Our existing open space on the left, we have no
17 actual usable open space. We do have quite a bit of
18 impervious paving. In our proposed landscape plan, our yard
19 plan on the right, we're actually increasing our private
20 open space and our usable open space we're creating where we
21 have now usable open space being yard with a minimum
22 dimension of 15 x 15, or if it's a deck must be six feet in

1 the short dimension, and a minimum of 72 square feet.

2 So we're exceeding that with our proposed deck.

3 It's not a party deck, it's on the first floor, and it does
4 meet the requirement for at least some useable open space,
5 where right now we have none.

6 Next slide, please?

7 Landscape plan just showing the amount of proposed
8 green space. Everything is landscaped around the house, and
9 the driveway will be pervious pavers, which is an
10 environmental benefit to the site, which could use all the
11 space for stormwater runoff that we can find for the water
12 to go.

13 Next slide, please?

14 Floor plans depict what is a pretty modest single-
15 family. We've got a first floor with 1048 square feet, a
16 second floor with 1004 square feet, and an unusable,
17 unfinished attic at 355 square feet. That brings us up to
18 2407, and an opposed FAR of 0.92.

19 But I would say if you subtract the unusable attic
20 space, that really brings us down to a 0.78 FAR, which is a
21 much more modest ask than what we're technically asking for.

22 We could -- we could get rid of the attic

1 altogether, but then we'd have a flat roof and that wouldn't
2 really be consistent with the style of the neighborhood, so
3 we think a pitched roof is much more attractive, but we're
4 not proving stairs to the attic. It'll remain unfinished
5 and/or mechanical use only.

6 Next slide, please?

7 The basement would be living space, but not
8 bedrooms. No kitchenettes, just a family room with a direct
9 walkout on the right side.

10 Next slide, please?

11 First floor, nothing extravagant. Dining room,
12 living room, kitchen, small office, entry hall in the right
13 and one bathroom, and a deck off the rear.

14 Next slide, please?

15 Upstairs, we've got three bedrooms, two bathrooms
16 which is really the kind of bare minimum a family needs.
17 Not much to it, no extra space, and really, we're not really
18 increasing the bed count beyond what's existing.

19 Next slide, please?

20 Just enlarged attic plan, all unfinished, and no
21 direct walkup access.

22 Next slide?

1 Roof plan, traditional pitched gable grooves.

2 Next slide?

3 Front elevation. These clouded areas that you see
4 were changes we made after we were talking to several
5 abutters. There was strong support for this project. The
6 abutters really appreciate that we're keeping it a single-
7 family which they believe is important to the neighborhood.

8 One of our abutters asked us to add extra windows
9 and make some commitments to different kinds of finishes and
10 accessories and materials which we've agreed to. You have
11 that letter in the file, and we've also -- and that abutter,
12 or that neighbor is across the street.

13 And we've got a brief letter of support from the
14 abutter who would be most impacted by this project, which is
15 the rear abutter off Reed street Terrace.

16 Next slide, please?

17 Right side elevation, all the elevations are
18 consistent in that this is a traditional-looking sort of
19 colonial or arts and crafts style. It blends in with the
20 neighborhood.

21 Next slide?

22 Rear elevation.

1 Next slide?

2 And the left side elevation, which currently now
3 is too close to the lot line, and has no windows, and is a
4 blank wall, and we've pulled it back enough so we could have
5 a nice, attractive window pattern on all sides of the house.
6 And I would also just like to add that part of our FAR asks
7 are for two covered entries, one on the front and one on the
8 right.

9 And often on these projects in Cambridge, because
10 covered entries count as FAR, we see a lot of new homes and
11 new construction being built with these entries, which is
12 not inviting, it detracts from the neighborhood, but we're -
13 - you know, including, our FAR asks includes those spaces.
14 And that's also not additional living space.

15 Next slide?

16 3D -- oh, back one. Oh, sorry, next one?

17 CONSTANTINE ALEXANDER: [Laughter]

18 ADAM GLASSMAN: Here we go. 3D renderings,
19 getting a better idea of the texture and the character of
20 the house.

21 Next slide, please?

22 Same thing.

1 Next slide?

2 Here what I'd like to show is on the left of the
3 house, left side our abutter is a full-story triple decker.
4 And what I would say is our proposed structure is not only
5 consistent with the size and scale of all our abutters, but
6 we actually remain lower in profile than out left side
7 neighbor at 105.

8 Next slide, please?

9 We'll remain lower and smaller in scale than our
10 right-side abutter. Similar style, consistent in style, but
11 our scale will be less than our neighbors. But our new
12 look, if you will, will definitely be more consistent with
13 what's there now, and I think that's part of the reason why
14 we have support from so many neighbors.

15 And the next slide?

16 And across the street, we have a -- I guess this
17 is a full, three-story structure. So again, we're
18 maintaining a low profile relative to our neighbors. And
19 contextually, I think what we're doing fits.

20 I believe that is the end of the slideshow. We've
21 got two letters of support and a Letter of Recommendation
22 from our structural engineer in the file. Happy to take any

1 questions.

2 CONSTANTINE ALEXANDER: Brendan, any questions?

3 BRENDAN SULLIVAN: No, [Brendan Sullivan] No, I
4 have no questions. Actually, I think it's a nice plan, and
5 a nice transition from what's there now to what's proposed.
6 And it's -- you did a nice job.

7 ADAM GLASSMAN: Thank you.

8 JIM MONTEVERDE: This is Jim Monteverde. I agree.
9 Nice job.

10 ADAM GLASSMAN: Thank you.

11 ANDREA HICKEY: Hi, it's Andrea Hickey. I have no
12 questions. That was very clear. Thank you.

13 ADAM GLASSMAN: Thank you.

14 LAURA WERNICK: Thank you very much. It was a
15 nice presentation. No questions.

16 ADAM GLASSMAN: Thank you.

17 CONSTANTINE ALEXANDER: I have no questions as
18 well, although I concur with Brendan and Jim's comments
19 about it's a nice project. You did a good job. And the
20 neighborhood is certainly going to improve with the work
21 you're proposing.

22 I'll open the matter up to public testimony.

1 Anybody here wishing to be -- not here -- anybody on the
2 line wishing to be heard on this matter?

3 SISIA DAGLIAN: Just one minute. I'm not seeing
4 anyone.

5 CONSTANTINE ALEXANDER: Okay. Apparently, there's
6 no one. There are letters of support, as indicated by --

7 SISIA DAGLIAN: Oh, wait.

8 JIM MONTEVERDE: No, there is.

9 SISIA DAGLIAN: One person.

10 CONSTANTINE ALEXANDER: There is, okay.

11 JIM MONTEVERDE: Yeah.

12 CONSTANTINE ALEXANDER: Sorry.

13 JIM MONTEVERDE: People are slow again to the
14 switch.

15 SISIA DAGLIAN: Peter?

16 JIM MONTEVERDE: Yeah, he's muted. Oh, there he
17 is.

18 PETER DESMOND: I'm unmuted.

19 JIM MONTEVERDE: There you go.

20 PETER DESMOND: All right.

21 SISIA DAGLIAN: Go ahead.

22 PETER DESMOND: I'm at 93 Montgomery Street, which

1 is part of 9395 Montgomery Street, just across Green Street
2 Terrace from 101 Montgomery. Now I just want to say that's
3 a really nice-looking house design.

4 ADAM GLASSMAN: Thank you.

5 PETER DESMOND: Also, it was a really clear
6 presentation. Thank you.

7 ADAM GLASSMAN: I've had practice. Thank you.

8 THE REPORTER: Could you state your name for the
9 record, please?

10 PETER DESMOND: Yes, Peter Desmond.

11 CONSTANTINE ALEXANDER: Thank you for staying up
12 this hour of the night just to compliment your neighbor and
13 his architect.

14 ADAM GLASSMAN: Thank you. Goodnight.

15 CONSTANTINE ALEXANDER: Goodnight. Without --
16 I've already closed public testimony; I'll close it a second
17 time. And as I mentioned, we do have -- there are letters
18 of support in the file, no letters of opposition. So I
19 think we're ready for a vote. Should I make a motion?

20 BRENDAN SULLIVAN: Yes.

21 CONSTANTINE ALEXANDER: The Chair moves that we
22 make the following findings with regard to the variance

1 being sought:

2 That a literal enforcement of the provisions of
3 the ordinance would involve a substantial hardship, such
4 hardship being that this is an older structure, it's a very
5 small structure, in need of substantial rehabilitation and
6 repair work, and therefore it needs -- all of that leads to
7 substantial hardship for the petitioner.

8 That the hardship is owing to circumstances
9 relating to the -- to the basically the shape, well the
10 first thing this is a, the shape of the structure and which
11 is not in terms of today's lifestyle it's not the best of
12 structures. And that -- and lastly that relief may be
13 granted without substantial detriment to the public good, or
14 nullifying or substantially derogating from the intent or
15 purpose of this ordinance.

16 In fact, what will happen is it will improve the
17 housing stock for the city of Cambridge, and that and
18 replace a deteriorating or deteriorated structure with a
19 new, modern structure.

20 By the way, in connection with all of this, the
21 Chair would move -- would include in our motion that the
22 front yard parking, which is a nonconforming front yard

1 parking, be continued for the new project, since it's not --
2 basically the footprint of that parking is going to remain
3 the same, and there's nothing together be gained by taking
4 away a parking space for the residents of the structure that
5 have been there for a good long while. It's not like
6 someone seeking to create front yard parking where there was
7 none before.

8 So on the basis of all these findings, the Chair
9 moves that we grant the variance requested on the condition
10 that the work proceed in accordance with plans prepared by
11 G.C.D. Architects dated October 22, 2020 -- the cover page of
12 which has been initialed by the Chair.

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

15 ANDREA HICKEY: Andrea Hickey, yes to granting the
16 variance.

17 LAURA WERNICK: Laura Wernick, yes to granting the
18 variance.

19 CONSTANTINE ALEXANDER: Jim?

20 JIM MONTEVERDE: Sorry. Jim Monteverde, yes to
21 granting the variance.

22 CONSTANTINE ALEXANDER: And the Chair votes yes as

1 well.

2 [All vote YES]

3 Variance granted.

4 ADAM GLASSMAN: Thank you.

5 CONSTANTINE ALEXANDER: Good luck.

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(11:29 p.m.)

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

CONSTANTINE ALEXANDER: The Chair will now call
Case Number 97200 -- 74 Larch Road. Anyone here wishing to
be heard on this matter?

Sisia?

SISIA DAGLIAN: No, it's --

CONSTANTINE ALEXANDER: The plans.

SISIA DAGLIAN: It's 18 Copley. I don't know
where the plans are. You see plans in there?

CONSTANTINE ALEXANDER: Oh, this is it. Janet?
(sic)

SISIA DAGLIAN: I didn't know if --

CONSTANTINE ALEXANDER: Hang on a second.

[Pause]

Could that be it?

SISIA DAGLIAN: I wonder if it slipped out.

CONSTANTINE ALEXANDER: That's a permit.

SISIA DAGLIAN: I wonder if it slipped out at some

1 point?

2 CONSTANTINE ALEXANDER: Are the petitioners on, by
3 the way?

4 MARKI GAFFEY: Yes. Hi, Mr. Chairman. Good
5 evening.

6 CONSTANTINE ALEXANDER: I apologize for the delay.
7 We're having a little bit of a problem here. We can't
8 locate the plans that were filed and were part of the file.
9 They must have slipped out. And of course it's important
10 for us to have those plans, to consider the case. Give us a
11 few more minutes of searching through the files that Sisia
12 brought over and maybe we'll find them.

13 [Pause]

14 JIM MONTEVERDE: Mr. Chair, do you need the paper
15 copy in front of you?

16 CONSTANTINE ALEXANDER: I don't. I mean, I'm --

17 JIM MONTEVERDE: Because I have the -- if Sisia
18 can share the screen, I have them on a second street.

19 CONSTANTINE ALEXANDER: No, I can share the
20 screen. That's fine. That's not a problem.

21 JIM MONTEVERDE: Yeah, if he can --

22 CONSTANTINE ALEXANDER: I initialed the -- you

1 know, if we grant relief, the initial plan says we lock them
2 down. But that's okay. I'll deal with that.

3 JIM MONTEVERDE: Yeah. If you can share the
4 screen, I can show you --

5 CONSTANTINE ALEXANDER: You know, we'll --

6 SISIA DAGLIAN: I can show the --

7 CONSTANTINE ALEXANDER: I can share -- I do share
8 the screen on all the cases. But I also usually have paper.
9 But I don't.

10 JIM MONTEVERDE: Okay.

11 CONSTANTINE ALEXANDER: Anyway, petitioner on the
12 line?

13 JIM MONTEVERDE: Yeah.

14 SISIA DAGLIAN: Yeah.

15 MARKI GAFFEY: Yes, I am.

16 CONSTANTINE ALEXANDER: Okay.

17 MARKI GAFFEY: May I begin?

18 CONSTANTINE ALEXANDER: The floor is yours.

19 MARKI GAFFEY: Good evening. I'll try to be as

20 brief as possible. My name is Marki Gaffey, and I'm

21 presenting 18 Copley Street. I would like to introduce the

22 architect, Tanya Kara (phonetic) as well as Paul Cammarata.

1 He is a representative of the owner, 18 Copley Street, LLC.
2 We are requesting a special permit for a total of five
3 windows -- two new and three modified on the eastern façade
4 of this nonconforming building, due to it being within the
5 setback of the property.

6 The lot is located in a Residential B zoning
7 district. This nonconforming building contains a total of
8 three units, as well as three parking spaces. On Copley
9 Street and the surrounding neighborhood, there is a mixture
10 of two- and three- unit family dwellings.

11 This lot with a width of 42.86 feet and a depth of
12 100 feet has a total gross floor area of 5311 square feet,
13 and a lot area of 4285 square feet. It contains a narrow
14 front in the eastern setback and a sizable rear in the
15 western setback.

16 I would like to briefly describe the requirements
17 of the special permit and explain how we meet them.

18 Ordinance requirements along the eastern façade are seven
19 feet and six inches or a sum of 20 feet, which 18 Copley's
20 eastern façade does not meet with its two feet and seven
21 inches.

22 The addition of the five windows would not

1 adversely affect traffic or patterns of access. The second-
2 floor windows are located in the stairwell in the bathroom,
3 and the third-floor windows are located in a study in the
4 bathroom.

5 The continued operation or development of the
6 adjacent uses, would not be disrupted by the additions. The
7 windows would not create a nuisance or a hazard, but rather
8 enhance the building's light and ventilation.

9 The windows would be a positive enhancement to the
10 building and overall neighborhood's appearance. The owners
11 had bought this building in 2019 with the knowledge and
12 hopes of renovating and modernizing the façade to enhance
13 the existing streetscape of the neighborhood. And at this
14 point, I would like to direct any questions to the
15 architect, who's also on the line.

16 CONSTANTINE ALEXANDER: I have no questions.
17 Well, actually I guess I do have one. Have you been in
18 touch with the people, the neighbors who face the windows
19 that you're modifying? In other words, are there any issues
20 of privacy that were created by what is being proposed?

21 MARKI GAFFEY: No, sir. The owners have been in
22 contact with the neighbors, and the neighbors did not have

1 any issues with the privacy.

2 CONSTANTINE ALEXANDER: Okay. That's the only
3 question I had. Brendan, you said you had no questions?

4 BRENDAN SULLIVAN: Yeah, no questions.

5 CONSTANTINE ALEXANDER: Jim?

6 JIM MONTEVERDE: Jim Monteverde, no questions.

7 CONSTANTINE ALEXANDER: Laura?

8 LAURA WERNICK: No questions.

9 CONSTANTINE ALEXANDER: And Andrea?

10 ANDREA HICKEY: No questions.

11 CONSTANTINE ALEXANDER: Okay. I will then open
12 this matter up to public testimony, and I guess I should
13 read -- I have to read the instructions for that, if I can
14 find them. [Do you have the instructions for the --]

15 SISIA DAGLIAN: I have them at the bottom of the
16 --

17 CONSTANTINE ALEXANDER: People seem to know how to
18 do it anyway.

19 SISIA DAGLIAN: Yeah.

20 CONSTANTINE ALEXANDER: So let's open the matter
21 up to public testimony. Is there anyone here wishing to be
22 heard on this matter?

1 [Pause]

2 Apparently not.

3 SISIA DAGLIAN: No.

4 CONSTANTINE ALEXANDER: No one wishes to be heard.

5 So -- okay, okay. I'll close the matter -- open it -- I'll

6 close the public testimony. Time for us to consider. Any

7 reason not to make a motion right away?

8 JIM MONTEVERDE: No, ready.

9 CONSTANTINE ALEXANDER: Okay. The Chair moves
10 that we make the following findings with regard to the
11 special permit that's being sought:

12 That the requirements of the ordinance cannot be
13 met without the special permit.

14 That traffic generated or patterns of access or
15 egress resulting from what is being proposed will not cause
16 congestion, hazard, or substantial change in established
17 neighborhood character.

18 As indicated, the relief is very modest in nature.
19 It just involves windows, and there is apparently no impact
20 on the community or the neighborhood on what is being
21 proposed.

22 That the continued development -- operation of or

1 development of adjacent uses as permitted in the zoning
2 ordinance will not be adversely affected by the nature of
3 the proposed use. Again, it's the nature of what was being
4 proposed -- namely just window changes.

5 No nuisance or hazard will be created to the
6 detriment of the health, safety and/or welfare of the
7 occupant of the proposed use, or the citizens of the city.

8 And that generally, what is being proposed will
9 not impair the integrity of the district or adjoining
10 district, or otherwise derogate from the intent and purpose
11 of this ordinance.

12 So on the basis of these findings, the Chair moves
13 that we grant the special permit requested on the condition
14 that the work proceed in accordance with plans prepared by
15 Khalsa, K-h-a-l-s-a Architects dated 09/21/2010, the two
16 pages, both pages of which has been initialed by the Chair.
17 All those in favor?

18 BRENDAN SULLIVAN: Brendan Sullivan, yes to
19 granting the special permit.

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

22 LAURA WERNICK: Laura Wernick yes.

1 JIM MONTEVERDE: And Jim Monteverde, yes in favor
2 of the special permit.

3 CONSTANTINE ALEXANDER: And the Chair votes in
4 favor of granting the special permit as well.

5 [All vote YES]

6 Special permit granted. Good luck.

7 COLLECTIVE: Thank you.

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(11:41 p.m.)

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

CONSTANTINE ALEXANDER: The Chair will now call
Case Number 97200 -- 74 Larch Road. Is there anyone here
wishing to be heard on this matter?

[Pause]

Hello?

SISIA DAGLIAN: It's -- I need a minute.

BRENDAN SULLIVAN: Shippen Page.

CONSTANTINE ALEXANDER: It is Shippen Page.

BRENDAN SULLIVAN: Or Sam. Is that Sam?

SISIA DAGLIAN: Yep, they're on here.

BRENDAN SULLIVAN: Yeah.

SHIPPEN PAGE: Mr. Chairman, can you hear me?

BRENDAN SULLIVAN: There's Shippen.

CONSTANTINE ALEXANDER: Not too well. Try again.

SHIPPEN PAGE: Can you hear me now?

CONSTANTINE ALEXANDER: Yes, better. Thank you.

SHIPPEN PAGE: No, I just have to raise my voice.

1 Thank you, Mr. Chairman. Shippen Page appearing for the
2 applicants, Shahid and Nadia Azim at 74 Larch Road. Michael
3 Fields, from Sam Kachmar Associates will be the architect
4 presenting on this.

5 Just to provide you with an overview, this is a
6 nonconforming structure built in 1913 in a Residence A-2
7 district. The nonconformity arises from the fact that the
8 lot is too small, and there's a side yard setback violation
9 on the side yards of 4.2 feet.

10 CONSTANTINE ALEXANDER: The lot is too small for
11 the addition your client proposes to make. Its not
12 otherwise too small.

13 SHIPPEN PAGE: It's a Residence B district,
14 Residence A-2, Mr. Chairman. I believe the requirement is
15 6000 square feet, and this is slightly short of that.

16 CONSTANTINE ALEXANDER: Okay, thank you.

17 SHIPPEN PAGE: Okay. So what is happening here is
18 that the applicants have been in Cambridge since 2000-2001.
19 They have two children, 9 and 15 or 16, I believe. They are
20 both in the Cambridge schools -- the older one is at
21 Cambridge Rindge and Latin. The wife Nadia's mother comes
22 from Pakistan, and the applicant, Shahid's father is from

1 Canada. They come and stay for long periods of time --
2 months at a time. That relegates their older son to a
3 bedroom in the basement. And so, they've engaged Sam
4 Kachmar Associates to provide them with a plan.

5 And the issue here is that the addition is now
6 within the side yard setback of 10 feet, and it should be --
7 it's now seven feet. And so, there's an additional
8 nonconformity that's been created by this plan. And I'm
9 going to ask Mike Fields to take you through the submission.
10 And then I'd like to reserve time to answer any questions
11 the Board may have.

12 CONSTANTINE ALEXANDER: Okay.

13 SHIPPEN PAGE: Mike?

14 MICHAEL FIELDS: I think we'll wait for the plan
15 to come up here. All right. This is on our -- there we go.
16 All right. Good evening, members of the Board. My name is
17 Michael Fields. I'm here with Sam Kachmar and Steve Hoheb.
18 We're going to present the project at 74 Larch Road on
19 behalf of Shahid and Nadia Azim (phonetic) and their family.

20 As mentioned by Shippen, the Azims have been in
21 Cambridge for nearly 20 years, and this project seeks to
22 expand a cramped living space for their immediate and

1 extended family.

2 From this first cover page, we're just showing the
3 existing and proposed view from the primary frontage on
4 Fresh Pond Parkway.

5 Next slide?

6 And here we see the existing massing of the house
7 from the front.

8 Next slide?

9 Here is the renovation and addition. The gable
10 from the front is extended through to the north side of the
11 house, and the roof on the addition is kept low and conceals
12 proposed solar panels above.

13 Next slide?

14 From the Fresh Pond Parkway, the residence is
15 partially obscured by an existing six-foot fence to remain.
16 The existing structure to remain is about 29 feet tall,
17 below the 35-foot limit, and the addition is less than 23
18 feet tall, as it steps down toward the side street.

19 Next slide?

20 On Larch Road, the addition runs parallel to the
21 street and is partially obscured by the six-foot fence to
22 remain. The curb cut and driveway will remain in the same

1 location.

2 Next slide? One back, please. Hm. All right,
3 we're skipping over our site plan.

4 Next slide?

5 In the sun study, we see that the proposed
6 addition is away from the other abutters, and does not pass
7 any additional shadows in their direction.

8 Next slide?

9 The existing site plan shows the current cottage
10 configuration.

11 Next slide?

12 In the proposed site plan, we show the addition
13 running parallel to Larch Street to maximize open space on
14 the site. On the southern side, the project remains behind
15 the 20-foot setback. On the eastern side, we're showing the
16 existing nonconforming condition, which will remain
17 unchanged.

18 On the Larch Road, we are asking for relief, as
19 the addition would be another nonconforming element, which
20 is three feet over the setback line.

21 And additionally at the rear setback, there's an
22 exterior storage shed attached to the house that exceeds the

1 setback.

2 And as discussed, the other relief we're seeking
3 is to increase the FAR 0.06 over the allowed 0.50.

4 Next slide?

5 In the basement, the -- yeah, in the basement
6 we're doing a full basement, which is about a foot below the
7 existing basement, and would have a rain garden. We'll
8 provide an egress window, where the new and old come
9 together.

10 Next slide?

11 On the existing first floor, we've reconfigured to
12 accommodate a communal kitchen, small family room and a
13 dining room. The addition allows the living room area that
14 is otherwise pinched by the existing structure.

15 Next slide?

16 The addition on the second floor provides for the
17 owner's bedroom in the back. The existing second floor is
18 distributed to the children and extended family.

19 Next slide?

20 The existing unfinished third floor would now
21 provide a home office and breakout space for the kids.

22 Next slide?

1 The roof plan shows the extension of the gable to
2 create the home office for remote work. The existing flat
3 roof is brought up to the height of the existing ridge for
4 headroom and clear storing light. The addition's butterfly
5 roof keeps the roof low at the closet, but opens up at the
6 ends a little bit to bring in some light.

7 Next slide?

8 On the large street or road elevation, the
9 addition runs parallel to the road. To break down the scale
10 of the elevation, we've split the façade with a decorative
11 leader, mixed materials to bring down the perceived height,
12 and employed clear stories at the corners to help dissolve
13 the roof against the sky.

14 The building -- the height of the building sets
15 down towards the road to respect the scale of the
16 neighborhood.

17 Next slide? On the north side, the driveway
18 elevation opens up access to the home. The exterior storage
19 is tucked into the façade away from the neighbors, to avoid
20 an additional opening.

21 Next slide?

22 The west elevation is along the existing

1 nonconforming setback line. The façade will remain in place
2 behind the six-foot fence, and is unified with some new
3 shingles. On the second floor, three windows were removed,
4 so that they do not abut the closest neighbors.

5 Next slide?

6 This is the south elevation from Fresh Pond, the
7 family's primary outdoor living space. It also helps to
8 shield Larch Row from some traffic noise coming off of Fresh
9 Pond Parkway.

10 Next slide?

11 Thank you all for your time and attention. You
12 may scan the barcode below to see an exterior render, and on
13 the following pages, we're showing some additional photos of
14 the existing structure. Thank you.

15 SHIPPEN PAGE: Thank you, Mike. Mr. Chairman,
16 that ends the architectural presentation. I'd be happy to
17 answer any questions the Board may have. We have --

18 CONSTANTINE ALEXANDER: I have a question.
19 Actually, it's from the neighbors.

20 SHIPPEN PAGE: Please.

21 CONSTANTINE ALEXANDER: And I'm asking it on their
22 behalf. Is there a finished basement in the structure now?

1 More than one neighbor has asked about the basement. Is
2 there a finished basement in the structure?

3 SHIPPEN PAGE: Mike?

4 MICHAEL FIELDS: There is currently a finished
5 basement in the existing house.

6 CONSTANTINE ALEXANDER: I'm sorry?

7 MICHAEL FIELDS: There is a finished basement in
8 the existing house with a head height of about six-foot-
9 eleven.

10 CONSTANTINE ALEXANDER: Is that included in that
11 finished basement in the dimensions or the floor area for
12 the structure?

13 MICHAEL FIELDS: It is not. The -- it has been
14 our understanding that basements that are completely below
15 grade do not count towards the FAR.

16 SHIPPEN PAGE: That's correct.

17 CONSTANTINE ALEXANDER: All right. We are -- we
18 have -- are in receipt of a number of letters from the
19 people in the neighborhood, and I'm a little bit amused
20 basically all of them seem to not be very happy with what's
21 being proposed, but they don't want to come out -- it seems
22 they don't want to come outright and say, "I'm opposed." So

1 they wring your (sic) hands and they say, ["Look into this]
2 and look into [that.] So be that as it may.

3 It is a major addition to the structure though.
4 You're going to increase the size of the house by about 75
5 percent, if my math is right, which it probably isn't. But
6 otherwise, it's an attractive proposal.

7 Questions from members of the Board? Brendan?

8 BRENDAN SULLIVAN: Brendan Sullivan -- no
9 questions.

10 CONSTANTINE ALEXANDER: Jim?

11 JIM MONTEVERDE: Yeah, Jim Monteverde. I have one
12 question, and it has to do: Did I hear correctly, are you
13 seeking -- do you need any relief for any of the side yard
14 setbacks?

15 SHIPPEN PAGE: Yes, the -- where the 10 feet is
16 required, Mr. Monteverde, we have -- we now have 0.7 feet.
17 So we're asking for three feet of relief.

18 JIM MONTEVERDE: And that's along Larch?

19 SHIPPEN PAGE: That's correct.

20 JIM MONTEVERDE: So in the -- as you went through
21 the plans of the addition, the piece that actually fronts on
22 Larch, what I couldn't tell from the drawings, I couldn't

1 see any -- I was looking for the dimension that kind of
2 drives that -- the new structure over that setback. Can you
3 --

4 SHIPPEN PAGE: Do you want to show that --

5 JIM MONTEVERDE: -- for a second. It's like the
6 width of the living room, the width of the master bedroom,
7 the width of the home theater. What is it that drives you
8 over that lot line by that dimension? And, frankly, could it
9 be less?

10 SHIPPEN PAGE: Mike, you want to pull up that
11 slide and show Mr. Monteverde what that's -- what's going on
12 there?

13 MICHAEL FIELDS: Yeah.

14 JIM MONTEVERDE: I'm on your BZA 101 I think it
15 is. Right? It's a living room one. I just -- I went
16 through the stack of them from the basement, the first and
17 the second floor to try and find out -- figure out what's
18 the width and what's driving you over that lot line, and
19 could in fact it be pulled back by some dimension?

20 MICHAEL FIELDS: Yeah. It's primarily the width
21 of the living room. You know, it's going to be a little
22 hard to tell, since we're not showing the versions. We kind

1 of keep the plan clean and clear. But yeah, it is -- you
2 know, slightly less than the 16-foot-wide living room and
3 clear, but -- yeah, it is, you know, slightly less than the
4 16-foot-wide living room.

5 JIM MONTEVERDE: I'm sorry. Say that again?

6 MICHAEL FIELDS: So it's a 16-foot-wide living
7 room and part of the logic behind trying to drive that a
8 little bit over that side yard setback was mostly to
9 accommodate the mudroom and then an entry space into the
10 home, without just creating a tube along that side.

11 If we ran it all the way to the side yard setback,
12 you'd have this basically elongated hallway. So that was
13 what kind of led us to try to put it a little bit over that
14 side yard setback, where, you know, it faces the street.
15 There's still a fair amount of yard space over there.

16 And even beyond the actual property line, there's
17 still another 12 or 15 inches I think to actually get to the
18 sidewalk. There's a little sort of no-man's land of town
19 property there -- or city property, I'm sorry.

20 JIM MONTEVERDE: Okay, thank you. So that's my --
21 that's primarily my concern, is the -- generous as those
22 spaces are in the addition, or seem generous in terms of

1 width, is the request for the -- to be able, to not be able
2 to provide the side yard. That's the one piece I'm
3 wrestling with. But thank you for the description.

4 MICHAEL FIELDS: Yeah. And that's why we brought
5 that down to, like, 23 feet I think as well, to make sure it
6 was well below some of the other structures, so it's stepped
7 down towards the street there, and not --

8 JIM MONTEVERDE: Mm-hm.

9 MICHAEL FIELDS: -- the structure on there.

10 JIM MONTEVERDE: Yep, thank you.

11 CONSTANTINE ALEXANDER: Andrea, any questions or
12 comments?

13 ANDREA HICKEY: Yeah hi, thank you. Sisia, could
14 you bring up the slide that shows the site plan with the
15 proposed addition? Thanks.

16 MICHAEL FIELDS: Next one.

17 JIM MONTEVERDE: Keep going.

18 ANDREA HICKEY: Yeah, one more slide.

19 JIM MONTEVERDE: One or two more.

20 MICHAEL FIELDS: Yep, right there.

21 JIM MONTEVERDE: There you go.

22 ANDREA HICKEY: Okay. Okay. Thank you. I have

1 nothing further at this time.

2 CONSTANTINE ALEXANDER: Is that it, Andrea?

3 Laura?

4 LAURA WERNICK: Nothing, nothing further from me.

5 CONSTANTINE ALEXANDER: Okay. I will then open
6 the matter up to public testimony. Any member of the public
7 who wishes to speak should now click the icon at the bottom
8 of your Zoom screen that says, "Raise hand." If you're
9 calling in by phone, you can raise your hand by pressing *9
10 and unmute or mute by pressing *6.

11 Take a moment if anybody wants to speak?

12 SISIA DAGLIAN: Yeah, Margaret. She's been waiting
13 for a while. Margaret, can you unmute?

14 [Pause]

15 SISIA DAGLIAN: Margaret, you have to unmute
16 yourself.

17 [Pause]

18 CONSTANTINE ALEXANDER: You've got her contact?

19 SISIA DAGLIAN: I'm trying to e-mail here.

20 CONSTANTINE ALEXANDER: Oh, e-mail or contact her?

21 SISIA DAGLIAN: Yeah.

22 CONSTANTINE ALEXANDER: The reason for the delay

1 is we think there's someone who wishes to speak, but we
2 haven't been able to hook her in on the system. So we're
3 trying. Just give us a few more minutes.

4 MICHAEL FIELDS: I understand. Thanks everybody,
5 for staying up this late.

6 CONSTANTINE ALEXANDER: Nothing?

7 SISIA DAGLIAN: She's there, but she can't speak,
8 I mean can't unmute. Can you read the instructions again?

9 CONSTANTINE ALEXANDER: Sure. These are the
10 instructions for calling in any comments. You have to click
11 the icon at the bottom of your Zoom screen that says, "Raise
12 hand." If you're calling in by phone, you can raise your
13 hand by pressing *9 and unmute or mute by pressing *6.

14 SISIA DAGLIAN: Margaret, the icon only pops up if
15 you hover over the bottom area of your screen.

16 [Pause]

17 CONSTANTINE ALEXANDER: I think we're going to
18 have to move on. The hour is late.

19 MARGARET: Hi, we finally got it. I'm really --
20 I'm very sorry for the --

21 CONSTANTINE ALEXANDER: No problem, no problem.

22 MARGARET: So we do want to say that we understand

1 that they've worked very hard on this project, and it's
2 their dream and we'd like them to be able to have that
3 dream. But I think the quotas that you see are a little bit
4 deceptive, from our perspective and the other people in the
5 street, who face it, which is these three houses,
6 particularly across from it.

7 This -- what we look at when you look at this, it
8 looks -- if you look at picture number 14, it looks like
9 there's quite an expanse between that wall which is sided
10 with wood and the street. But seven feet is very short.

11 And what we're facing across from us is a
12 monolithic, industrial looking wall. I mean, we live in a
13 neighborhood that didn't show any of the surrounding houses.

th

14 These are old, turn of the century, 20 century houses.
15 That's the neighborhood here.

16 Now, we understood if when we initially saw this,
17 that it appeared there would be almost a 20-foot setback
18 and, you know, their taste is modern, so I understand that.
19 But it's very out of harmony with the rest of the
20 neighborhood.

21 And with having it be -- there -- from my
22 perspective, it's not acceptable to have it any less than

1 the 10 feet, because it really changes the streetscape here.

2 In addition, there's a very large sugar maple, and
3 with the city's concerns about maintaining the canopy,
4 that's quite a loss. And I don't know if that would be the
5 case, or if it was pulled back more. But that is an issue
6 this hasn't been discussed.

7 There is a lot of land on the other side facing
8 the Fresh Pond Parkway, where this could be relocated, and
9 would be less deleterious to the three neighbors who are
10 taking a look at it. That's the summation of my comments,
11 and I thank you for listening.

12 SISIA DAGLIAN: Margaret, can you just give your
13 name and your address, for the record?

14 MARGARET GADON: Margaret, I'm at 77 Larch Road
15 and my last name is spelled G-a-d-o-n.

16 SISIA DAGLIAN: Thank you. And we have somebody
17 else. Colin Morgan?

18 COLIN MORGAN: Yeah. Can you hear me okay?

19 SISIA DAGLIAN: Yes.

20 COLIN MORGAN: Oh, yes. So my mother and I live
21 at 67 Larch Road. We're abutters right across the street.
22 That's my house in gray, upper right. My mother is a doctor

1 at one of the main COVID centers in New England, in Boston.
2 She's the only neurologist there. She has a very important
3 job.

4 She concerned about the amount of noise this is
5 going to make, and that we were not consulted along with
6 many of our other neighbors. We were not consulted about
7 any of this until about a day ago. She's concerned about a
8 lot of construction workers being there in terms of the
9 COVID issue in general, because she can't be out in the
10 hospital like that.

11 And she's concerned of the issue that -- you know,
12 we live right next to Fresh Pond Parkway, which is
13 essentially a major highway that already has a number of
14 accidents occur. They've placed a number of safety lights
15 over the years because of this.

16 There's an extensive history of accidents
17 occurring right at this corner, and her (sic) and I are
18 concerned that this could block some of the site on that
19 highway for drivers, which, you know, are already having
20 issues at that specific corner.

21 If they are able to get this petition, which they
22 say they need because they have two children -- I don't

1 understand why you need this much space because you have two
2 children, doesn't make sense to me as a petition.

3 But if they are able to get it, I would like for
4 them to pay for rodent control. Because as you know, the
5 city of Cambridge has a rodent issue, and construction
6 always worsens it. So they need to pay for rodent control
7 if they're going to do something like this over a year.

8 But I strongly disagree with all of this, as does
9 my mother Alison (phonetic) Morgan -- Dr. Alison Morgan.
10 And again, that 67 Larch Row is where I live. Thank you for
11 your time and have a good night.

12 CONSTANTINE ALEXANDER: Thank you. Any comments,
13 Mr. Shippen? Mr. Page, I'm sorry.

14 SHIPPEN PAGE: Thank you, Mr. Chairman. I do have
15 comments, yes. I know that there's strong support from Bob
16 Keagan, who lives I believe at 71 Larch Road. I don't know
17 if his letter of support is in the file, but there is -- I
18 have to wonder whether or not the difference from Ms.
19 Gadon's point of view of 10 feet versus seven feet is really
20 that material.

21 I walked down that street this afternoon and I
22 have stood on the sidewalk opposite the proposed building,

1 and I tried to imagine if I could discern the difference
2 between seven and 10 feet. I take her comments seriously,
3 and I would just wonder whether that is going to be a
4 determinant objection.

5 With respect to Mr. Morgan's comments, I don't
6 believe there's any site impairment by the improvement
7 coming down Larch Road onto Fresh Pond Parkway. You won't
8 be able to turn onto Fresh Pond Parkway until you're much
9 closer to the Parkway than what Mr. Gadon -- I mean Mr.
10 Morgan suggests.

11 And with respect to the rats, I think that's a
12 perfectly legitimate request. I think any construction
13 involves noise, dust and possible disrupting of the rodent
14 population. So I think the petitioners would probably be
15 more than willing to discuss that with him.

16 And I can't speak to whether or not he was
17 apprised of this. I had believed that the applicants had
18 spoken to their neighbors, and the neighbors were generally
19 in favor of the design. They perhaps were a little
20 surprised when the setback was seven feet rather than 10.

21 But that's one of the reasons we're coming to the
22 Board to get the sense of whether or not this is going to be

1 an appropriate addition in this neighborhood.

2 If it is, I've walked down Larch and Grozier, and
3 there are a number of structures that have rather modern
4 façades tacked onto traditional buildings, and so, it's not
5 unusual. It's certainly not the norm, but it's unusual.

6 Thank you, Mr. Chairman. That's -- I'd certainly
7 ask either Sam or Mike to comment on that, but I certainly
8 respect the people who have spoken about this project.

9 Thank you.

10 COLIN MORGAN: I think Mr. Chairman or Sisia,
11 could we share our screen for a moment just to review some
12 of the neighborhood? We do have some of the images of the
13 other homes on it.

14 SISIA DAGLIAN: Yeah, sure.

15 COLIN MORGAN: Okay.

16 SISIA DAGLIAN: I also want to say there's another
17 person that wishes to speak.

18 COLIN MORGAN: Sure. Would it be appropriate for
19 us to just show one slide, and then they speak?

20 SISIA DAGLIAN: Sure.

21 COLIN MORGAN: Okay. Steve, can you pull that up
22 real quick?

1 STEVE: Yes.

2 SISIA DAGLIAN: Which one do you want.

3 COLIN MORGAN: Oh. You have to stop sharing your
4 screen, Sisia, and then we can share our screen?

5 SISIA DAGLIAN: Is it not a slide that's on this
6 deck?

7 COLIN MORGAN: No, it's not on your set. That's
8 why we just need to share our screens.

9 SAM KACHMAR: Yeah. Concerns came to us
10 yesterday, and so, we took a walk down the street and took
11 some pictures just to --

12 SISIA DAGLIAN: Okay, go ahead.

13 SAM KACHMAR: -- get a sense of. Yeah, and that
14 sheet in there -- and so this sheet here just kind of goes
15 through some of the houses along Larch Row. And the one on
16 the upper left is a relatively modern renovation. The one
17 second to the left -- again, a very contemporary structure.

18 And then there is a mixture of traditional,
19 transitional, and then very contemporary homes that kind of
20 line the street, I think. So there's kind of an eclectic
21 mix throughout that street, as opposed to a singular
22 architectural style.

1 COLIN MORGAN: Thank you, Sam.

2 CONSTANTINE ALEXANDER: Well, as I heard it, I
3 mean you're saying some of the objection was to the nature
4 of the architecture. It's too modern of a neighborhood.
5 And that we're not an architectural review board, whatever
6 our views might be personally. That's not -- should not
7 affect our legal decision as to whether to grant zoning
8 relief.

9 LAURA WERNICK: Is there one more person who
10 wishes to speak?

11 JIM MONTEVERDE: Yeah.

12 SISIA DAGLIAN: Yes, Kate Clearly.

13 KATE CLEARY: Hi. I live next door to Margaret,
14 and I agree with Margaret. I live at 83 Larch Road, and I
15 also live one house away from the other gentleman, Mr. Gadon
16 I think his name is.

17 But that intersection, I'm concerned about even on
18 bad weather n Fresh Pond Parkway what the exterior lighting
19 is going to be. Because on a bad day, there's accidents
20 there all the time and how that's going to affect. And if
21 we're going to see a landscape plan because -- again, I
22 agree Margaret in terms of the trees and what's going to

1 happen there.

2 And in terms of the architecture in the
3 neighborhood, those houses at the other end didn't have to
4 ask for more land. They weren't expanding, they were within
5 the realm of the actual structure itself. This is just a
6 massive addition for a plot of land that doesn't fit it,
7 it's too small. That's all I have to say.

8 SHIPPEN PAGE: Can I speak to that, Mr. Chairman?

9 CONSTANTINE ALEXANDER: Yes.

10 SHIPPEN PAGE: The -- what we're talking about is
11 a lot that's only slightly below what's required for an A-2
12 district. And we're -- the standard really is we are
13 intensifying the noncontributory. And the question I think
14 boils down to, you know, is this a substantial detriment to
15 the neighborhood?

16 And I'm certainly hearing Ms. Cleary, because
17 there's obviously traffic concerns on Fresh Pond Parkway,
18 and I think that the applicants are certainly bearing that
19 in mind. But to the extent that I've heard the comments, I
20 don't think they reflect a substantial detriment. They may
21 not like some of the aspects of the design, but it seems to
22 me that overall this is going to be an improvement to the

1 neighborhood.

2 The house is only I think 0.36 or 0.32 now; it's
3 way below the 0.5 that's allowed by right, and they would
4 only be going over the allowed FAR by 0.6. So that I don't
5 see this as a massive overbuilding, certainly compared to a
6 lot of the areas we've seen even tonight on the
7 presentation.

8 So I would just add that perspective to your
9 consideration. Thanks.

10 CONSTANTINE ALEXANDER: Other members of the Board
11 have any reaction to the comments they're hearing from
12 abutters?

13 JIM MONTEVERDE: This is Jim Monteverde. I'll
14 just say what I said before. The questions I asked before
15 had to do with why is the side yard setback relief required?
16 And can I see that in the plan, and can I understand why the
17 plan drives it to be what's proposed?

18 And I have to say that I -- although I may
19 understand why it may be desirable, I can't see why, or
20 don't understand why a plan couldn't be configured to be
21 within or at the lot line, and not need to step over it.
22 And I think if that's really the concern of some of the

1 neighbors -- adjacent neighbors -- I would share that.

2 CONSTANTINE ALEXANDER: I want to be clear about
3 something. We're not -- again, we're not going to give
4 relief, setback relief, because it's not advertised and it's
5 a special permit.

6 JIM MONTEVERDE: Yeah.

7 CONSTANTINE ALEXANDER: This is not a variance
8 case. So to the extent that there are problems -- and
9 apparently there are -- with the side yard there, the
10 petitioner either has got to get additional relief or a
11 separate petition, get a variance for that, you know, the
12 inadequate setback on this side.

13 All we're talking about tonight is whether the
14 nature of what is being proposed, you know, meets the
15 requirement for a special permit which is -- you know, a
16 danger to the neighborhood and congestion and a hazard and
17 all of those things.

18 But we're not going to give setback relief for that
19 three feet that we're talking about.

20 SHIPPEN PAGE: Mr. Chairman?

21 CONSTANTINE ALEXANDER: Yes.

22 SHIPPEN PAGE: If I may, as I read the Bellalta

1 decision, it says that there is -- even if you create a new
2 nonconformity, it still fits within the special permit.

3 I defer to the idea of it not having been
4 advertised, and I would have to consult my clients about
5 seeking a continuance or seeking another avenue, but I do
6 think that were this to have been sufficiently advertised,
7 it would fall within the special permit requirements of
8 Bellalta.

9 CONSTANTINE ALEXANDER: My point is that I don't
10 think it's -- for the issue we're talking about right now --
11 it's been properly advertised.

12 BRENDAN SULLIVAN: Brendan Sullivan. Shippen, let
13 me just -- you're seeking relief under 8.22.2.

14 SHIPPEN PAGE: Right. We're --

15 BRENDAN SULLIVAN: Seeking relief under that, but
16 also coverage to -- for a special permit. So 8.222 (sic):

17 "The following changes, extension or alterations of
18 a preexisting, nonconforming structure or you were maybe
19 granted in the following cases after the issuance of a
20 special permit -- such a permit shall be granted only if the
21 permit granting authority specified below finds that such
22 changes, extension or alterations will not be substantially

1 more detrimental to the neighborhood than the existing
2 nonconforming use."

3 SHIPPEN PAGE: Right.

4 BRENDAN SULLIVAN: Well, we have a conforming use.
5 But under c), districts and Residents District, "The Board
6 of Zoning Appeal may grant a special permit for the
7 alteration or enlargement of a nonconforming structure, not
8 otherwise permitted in Section 8.221, but not the alteration
9 or enlargement of a nonconforming use --" That's not
10 applicable here.

11 SHIPPEN PAGE: Right.

12 BRENDAN SULLIVAN: -- provided any enlargement or
13 alteration of such nonconforming structure is not further in
14 violation of the dimensional requirements of Article 5." So
15 it appears that you are in further violation of the FAR and
16 also setbacks.

17 CONSTANTINE ALEXANDER: I agree with that. That's
18 the point I was trying to make.

19 SHIPPEN PAGE: But I would respond, Mr. Sullivan,
20 respectfully, that I believe we are in a new landscape with
21 Bellalta, because I think that this is a one- and two-family
22 house that basically has an intensification of a

1 nonconformity, the FAR, going from 0.32 to 0.56, and a new
2 nonconformity, which is the side yard setback by three feet
3 -- still falls within the purview of the special permit.
4 And the city cannot require more than the state law
5 requires.

6 So I would respectfully say that while I defer to
7 the Chairman's assessment of the non notice, I wouldn't
8 agree that in fact we would be required to go for a
9 variance.

10 BRENDAN SULLIVAN: But you're creating a new
11 nonconformity.

12 SHIPPEN PAGE: That's correct.

13 ANDREA HICKEY: Right. I think -- excuse me --

14 CONSTANTINE ALEXANDER: Go ahead.

15 ANDREA HICKEY: This is Andrea Hickey. I think
16 there is a distinction between increasing an existing
17 nonconformity and creating a new nonconformity that the case
18 your referencing does not address.

19 SHIPPEN PAGE: I'm not sure that I agree with you,
20 respectfully, Attorney Hickey, but I think it's something
21 which I would certainly like to take up, and I don't want to
22 waste the Board's time tonight, because I respect that

1 you've all been at this since 6:00. So --

2 BRENDAN SULLIVAN: Yeah, if the new -- if -- well,
3 [Brendan Sullivan] if the new -- if the nonconformity -- say
4 the existing nonconformity in the area is 0.5. Say you were
5 at 0.2.

6 SHIPPEN PAGE: Yep.

7 BRENDAN SULLIVAN: And you were going to 0.3,
8 you're not creating a new nonconformity, you're maybe
9 increasing the existing. Then you can get protection under
10 the special permit where it says that the -- the
11 nonconformity would not be in -- you know, out of character
12 with the neighborhood and a detriment, and so on and so
13 forth.

14 But here you're creating -- you're creating a new
15 nonconformity.

16 SHIPPEN PAGE: Two of them.

17 BRENDAN SULLIVAN: You're stepping over the line,
18 as far as I see. So I don't think that --

19 ANDREA HICKEY: With respect to the setback issue
20 only, as I see it.

21 BRENDAN SULLIVAN: Pardon?

22 ANDREA HICKEY: With respect to the setback issue

1 only. It's a new nonconformity.

2 CONSTANTINE ALEXANDER: That's the issue we're
3 talking about, though.

4 BRENDAN SULLIVAN: Right.

5 JIM MONTEVERDE: Yep.

6 SHIPPEN PAGE: So I would like to suggest, Mr.
7 Chairman, if it's appropriate, that I continue this matter
8 to the next available date -- possibly January 7, post a new
9 sign.

10 And if we have to provide a separate petition for
11 the three-foot-four whatever the appropriate relief is, then
12 I would suggest we do that, so that we don't -- I would just
13 like to be clean with this and respect the Board's and the
14 abutters' positions.

15 CONSTANTINE ALEXANDER: I do think this case needs
16 to be continued. I do think, frankly, that additional
17 relief is going to be required for the setback issue. I
18 don't -- you know, as I'm listening, I have not been
19 persuaded by the argument that this is not so. But if you
20 want to -- we want to continue to January 7; I have no
21 problem with that. But I suspect we're going to -- you're
22 going to continue the case further after that.

1 BRENDAN SULLIVAN: Yeah, Brendan Sullivan. What I
2 read here on the dimensional form, or application, is that
3 there will be three violations. On the right side, you are
4 now conforming at eight foot 10. Requirement is 10, and
5 you're going for seven. So there's a new --

6 SHIPPEN PAGE: Noncon --

7 BRENDAN SULLIVAN: -- nonconformity.

8 SHIPPEN PAGE: Right.

9 BRENDAN SULLIVAN: Then on the rear setback, the
10 ordinance requires 27, you're at 29.6. You're requesting 21
11 feet. So that's a new nonconformity.

12 And then of course the FAR, which is 0.5 ordinance
13 requirement. Existing is 0.32 -- you comply, and now you're
14 going to 0.56, so that's a new nonconformity.

15 CONSTANTINE ALEXANDER: Yep.

16 BRENDAN SULLIVAN: I don't see how you get
17 protection under -- unless you can prove otherwise.

18 SHIPPEN PAGE: No, the numbers speak for
19 themselves, Mr. Sullivan, as they do, but I would -- because
20 I think we have to address the abutters' concerns, and I
21 think we have to address that three-foot setback that Mr.
22 Monteverde's pointed out. And I think that we may have to

1 adjust the design accordingly, but I think that I don't want
2 to do this on the fly. And I prefer --

3 CONSTANTINE ALEXANDER: They all agree with that.

4 SHIPPEN PAGE: Okay.

5 JIM MONTEVERDE: Yeah, agreed.

6 SHIPPEN PAGE: Is that all right to seek a
7 continuance to January 7, Sam and Mike? I don't know if --

8 SAM KACHMAR: A hearing on January 7, or is that a
9 special hearing only for the Walden Street project?

10 JIM MONTEVERDE: Yeah, that was special.

11 SHIPPEN PAGE: Yes.

12 COLIN MORGAN: So I think you guys might have put
13 another project also on the January 7, and maybe that was an
14 error, earlier?

15 SHIPPEN PAGE: No, that was deliberate.

16 COLIN MORGAN: Okay. Yeah. You guys are having a
17 hearing on the seventh.

18 SAM KACHMAR: And we're happy to take -- yeah, the
19 seventh.

20 COLIN MORGAN: We're happy to take the seventh.
21 Just wanted to make sure that it was a hearing date at that
22 time.

1 SHIPPEN PAGE: I'll defer to the Board.

2 BRENDAN SULLIVAN: I think we're on two chan --

3 CONSTANTINE ALEXANDER: I'm going to make a motion
4 to continue this case until January 7.

5 BRENDAN SULLIVAN: Okay.

6 CONSTANTINE ALEXANDER: All right?

7 BRENDAN SULLIVAN: Regular schedule is the
8 fourteenth.

9 CONSTANTINE ALEXANDER: Yeah. I think we'll
10 probably fill -- do we have any room on the fourteenth?

11 SISIA DAGLIAN: Yeah. We have three cases on the
12 fourteenth.

13 CONSTANTINE ALEXANDER: We have three cases
14 already.

15 BRENDAN SULLIVAN: All right. So the seventh is
16 going to be for the comprehensive permit.

17 SISIA DAGLIAN: 57 Pleasant.

18 CONSTANTINE ALEXANDER: We've got 57 Pleasant
19 Street.

20 BRENDAN SULLIVAN: And then Pleasant Street, which
21 --

22 CONSTANTINE ALEXANDER: Which will be quick.

1 BRENDAN SULLIVAN: -- should be just a little
2 cleanup thing. So they could go with the seventh.

3 CONSTANTINE ALEXANDER: Yeah.

4 BRENDAN SULLIVAN: At 6:00.

5 CONSTANTINE ALEXANDER: Yep.

6 SHIPPEN PAGE: I won't (sic) count on 6:00, Mr.
7 Sullivan, but thank you for that accommodation.

8 CONSTANTINE ALEXANDER: Okay. The Chair moves
9 that we continue this case as a case heard until 7:00 p.m. -
10 - 6:00 p.m., I'm sorry, 6:00 p.m. on January 7 subject to
11 the following conditions:

12 1. That the petitioner sign a waiver of time for
13 decision, the usual form, and you're familiar with that, Mr.
14 Page --

15 SHIPPEN PAGE: I am.

16 CONSTANTINE ALEXANDER: -- as is your client, or
17 Mr. Ka -- your, Mr. Kachmar. That must be done within seven
18 days from tonight. If it's not done, it's -- the waiver of
19 time for a decision is not done within that period, this
20 case will be dismissed.

21 SHIPPEN PAGE: Correct.

22 CONSTANTINE ALEXANDER: Second, that the

1 petitioner has to sign -- post a new sign, or modify the
2 existing sign to reflect the new date and the new time. And
3 that sign must be posted and maintained for the 14 days
4 prior to January 7.

5 And lastly, that the petitioner -- to the extent
6 there are revised, modified plan specifications, what have
7 you, those must be in our files no later than 5:00 p.m. on
8 the Monday before January 7.

9 SHIPPEN PAGE: Thank you.

10 BRENDAN SULLIVAN: Brendan Sullivan, yes to the
11 continuance.

12 ANDREA HICKEY: Andrea Hickey, yes, I'm in favor
13 of the continuance.

14 LAURA WERNICK: Laura Wernick, yes to the
15 continuance.

16 JIM MONTEVERDE: And Jim Monteverde, yes to the
17 continuance.

18 CONSTANTINE ALEXANDER: The Chair votes yes to the
19 continuance as well.

20 [All vote YES]

21 Case continued. See you on January 7.

22 COLLECTIVE: Thank you, Mr. Chairman.

1 JIM MONTEVERDE: Mr. Chair, can I request a two-
2 minute break, please?

3 CONSTANTINE ALEXANDER: Sure. Why don't we say
4 we'll resume at 12:30? It's a little bit before 12:00. At
5 12:24, according to the clock I'm looking at.

6 JIM MONTEVERDE: All right, thank you.

7 CONSTANTINE ALEXANDER: So why don't we just take
8 a five-minute or six-minute recess. We're going to come
9 back by 12:30.

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1 modified posting sign -- has to be set forth on the premises
2 reflecting the new date, January 7; the new time -- 6:00
3 p.m.; and maintain for the 14 days prior to January 7.

4 This can be done either by getting a new sign from
5 the Special Services Department or modifying the existing
6 sign with a magic marker or what have you to reflect the new
7 date and time.

8 And lastly, to the extent that there are any new
9 or modified plans, specifications or the like, from what is
10 in our files now, these must be filed -- these new ones --
11 filed with this Board no later than 5:00 p.m. on the Monday
12 before January 7. Brendan?

13 BRENDAN SULLIVAN: Yes to the continuance. Okay,
14 yes to the continuance.

15 ANDREA HICKEY: Andrea Hickey, yes to the
16 continuance.

17 LAURA WERNICK: Laura Wernick, yes to the
18 continuance.

19 JIM MONTEVERDE: And Jim Monteverde, yes to the
20 continuance.

21 CONSTANTINE ALEXANDER: The Chair votes yes as
22 well.

1 [All vote YES]

2 So the case continued. O, okay, we have our last
3 case, believe it or not. Upland Road?

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(12:32 a.m.)

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

CONSTANTINE ALEXANDER: The Chair will now call
Case Number 99204 -- 216 Upland Road. Anyone here wishing
to be heard on this matter?

MAGGIE BOOZ: Yes, please, Mr. Chair. Maggie
Booz, Architect for Dara Arons and Jeremey McDiarmid, the
owners of the house at 216 Upland Road.

CONSTANTINE ALEXANDER: Okay, welcome. You stayed
up very late tonight for us.

MAGGIE BOOZ: I hope I can put coherent sentences
together. My clients are requesting permission to build a
two-story stair addition to the rear of their house, and a
one -story screened porch.

The situation at their house is that they have a
third-floor apartment. They're in a C-1 District, and they
have a nonconforming eastern side yard setback.

And there's a portion of their house existing
right now that's a little one-story office in the back of

1 the house that actually extends past the original house's
2 eastern wall and towards the property line even further.
3 You can see it in that site plan -- the back-left corner of
4 the house.

5 We're proposing to build the stair addition in
6 approximately the same footprint as that rear bump out is
7 now, except instead of 31.9 feet it'll come out another
8 foot. So it's -- right now, that's a six-foot wide, or six-
9 foot deep, one-story addition, and we're requesting a seven-
10 foot-deep one-story addition to house the stair.

11 Then, beyond that, we're requesting a one-story
12 screen porch. So we're requesting permission to build that
13 up to a setback of 23 -- sorry, 23.5 feet from the back
14 property line, which is conforming with the rear yard
15 setback.

16 But both the stair addition that we're requesting
17 and the screen porch that we're requesting align with the
18 original eastern wall of the house, and that wall is
19 nonconforming.

20 CONSTANTINE ALEXANDER: I understand why the case
21 for a variance, for the staircase addition, two stories.

22 MAGGIE BOOZ: Yes.

1 CONSTANTINE ALEXANDER: But what's the
2 justification from a -- complying with -- excuse me,
3 complying with the variance standards for a new one-story, I
4 forget what -- porch?

5 MAGGIE BOOZ: The screen porch.

6 CONSTANTINE ALEXANDER: What -- yeah, screen
7 porch.

8 MAGGIE BOOZ: It's as though -- so the conditions
9 of living in a house these days when you want to maintain an
10 apartment, both for financial and civic reasons -- and there
11 is limited family space on the floors that you occupy --
12 the screen porch is a request to make outdoor space that you
13 can stay in three seasons of the year or more, and really is
14 nothing more than a covered patio. It's a -- you know, it's
15 a patio with a roof over it so the two --

16 CONSTANTINE ALEXANDER: I know, but --

17 MAGGIE BOOZ: -- stay out of the rain.

18 CONSTANTINE ALEXANDER: -- again, the hardship
19 that would justify the screen porch is the upstairs
20 apartment. And I don't see how that qualifies for the
21 requirements for a variance. I'm not trying to be
22 difficult, but it's --

1 MAGGIE BOOZ: Yeah.

2 CONSTANTINE ALEXANDER: -- puzzling. If someone
3 came in here forgetting about the two-story addition for the
4 stairs, and just wanted to put a screen porch in the back of
5 the house, we would say why? I mean, what's the hardship?
6 Why do you need it?

7 MAGGIE BOOZ: And if they were asking for a family
8 room at the back of the house, and they weren't violating
9 floor area ratio, and they weren't violating rear yard
10 setback, and they had limited family space inside the living
11 orders, and the only variance that they were requesting --
12 which is equivalent to what I'm asking for..

13 The only variance that they were requesting is the
14 side yard setback, when neighbors on both sides have
15 addition on the back of their house that extend further as
16 well, it seems to me that it's an appropriate use of the
17 site, that it's a minimal request, and that it is not
18 egregious in terms of the rest of the neighborhood.

19 CONSTANTINE ALEXANDER: I agree with that, but
20 again, I have -- I don't mean to be difficult, but I have
21 trouble finding the legal justification for the variance.
22 The arguments you're making are good commonsense arguments,

1 but they don't justify the granting of a variance.

2 MAGGIE BOOZ: Mm-hm.

3 CONSTANTINE ALEXANDER: That's my problem. And
4 I'm not trying to -- as I said, not trying to be difficult,
5 but we do have to apply the law as it is, and it's not
6 discretionary for variances. And there I am.

7 I could be outvoted, of course. If the other
8 members of the Board don't feel the same way I do, they can
9 vote to grant the variance and it will be 4:1, and that's
10 sufficient.

11 But I -- you know, I just have to be
12 intellectually honest about this. And if I grant a variance
13 here, there's going to be a lot of those cases where I
14 should be granting a variance, because even though the legal
15 standard has not been met -- anyway, I don't want to.

16 MAGGIE BOOZ: Well now, I do have a one question,
17 which is that that last case that was brought before you was
18 a case for a special permit, not a variance.

19 CONSTANTINE ALEXANDER: I know. That may be a
20 problem. In this case, that case may end up with a variance
21 case.

22 MAGGIE BOOZ: Yeah. In our case, if I were to ask

1 for a special permit and didn't have to meet the
2 requirements of the variance, and because I wouldn't be
3 creating any other nonconformities -- that is, there's
4 already a nonconformity to the side yard setback.

5 And I wouldn't be worsening the nonconformity, and
6 I wouldn't be nonconforming in any other way, then wouldn't
7 I be allowed to -- wouldn't I be granted a special permit
8 under those conditions?

9 CONSTANTINE ALEXANDER: Maybe a special permit,
10 but we're talking about a variance.

11 MAGGIE BOOZ: Yeah, okay. So my -- I guess my
12 question is, if I withdrew the portion of this variance that
13 was for the screened porch, and came back to you with a
14 request to -- for a special permit to put on that screened
15 porch, it wouldn't even be the same case, right? Because I
16 would be asking for something different?

17 CONSTANTINE ALEXANDER: Right. You'd have to
18 readvertised. The standard is easier for a special permit.

19 MAGGIE BOOZ: Right, I realize that.

20 CONSTANTINE ALEXANDER: You guys meet the
21 standards for a special permit.

22 MAGGIE BOOZ: Yeah. And this is all because of

1 this Bellalta case that Shippen Page was referring to?

2 CONSTANTINE ALEXANDER: No, it's because I don't
3 see the hardship.

4 MAGGIE BOOZ: Yeah, no, no, I know, I know.

5 LAURA WERNICK: May I just ask a question?

6 CONSTANTINE ALEXANDER: The hour's late, it's very
7 late, and I don't want to belabor this. Would you be
8 interested in withdrawing the request for the screened
9 porch, and see if you can come back with another solution,
10 and we can just consider the two-story addition for the
11 staircase?

12 MAGGIE BOOZ: Well, I guess I'd like to know what
13 the tenor of the Board is. Because if the --

14 CONSTANTINE ALEXANDER: Well, as I said, I'm only
15 one of five. And if the other four members don't have a
16 problem, so be it. The variance would be granted, and that
17 would be it, subject to any neighbor right of appeal.

18 MAGGIE BOOZ: Mm-hm.

19 CONSTANTINE ALEXANDER: Maybe we ought to hear
20 from other members of the Board as to what their views are
21 with regard to the screened porch?

22 LAURA WERNICK: Can I just ask a question about

1 the screened porch?

2 MAGGIE BOOZ: Sure.

3 LAURA WERNICK: Is this the only location? Is
4 there any way of locating it so it doesn't extend the
5 nonconformity?

6 MAGGIE BOOZ: The problem is that we have access
7 to a basement that if it were pushed over so that it didn't
8 -- the exterior access to the basement. And right now they
9 have a -- so if it were pushed over to the west --

10 LAURA WERNICK: Yeah.

11 MAGGIE BOOZ: -- it would be over the --

12 LAURA WERNICK: Oh.

13 MAGGIE BOOZ: -- bulkhead. It would be over the
14 basement entrance.

15 LAURA WERNICK: Okay.

16 MAGGIE BOOZ: And the -- you know, and like any
17 yard, it's always better to have structures over to the
18 sides, so that you can maintain as much useable green space
19 as possible, rather than planting a -- you know, planting a
20 structure in the middle of an open space.

21 Right now, their access to the basement is through
22 the strangest bulkhead you've ever seen. I mean, it's like

1 a square pit that goes down into the ground, and then
2 there's a ladder in it to go down into the pit, then you
3 open a door and go into the basement.

4 So we're trying to make a better -- in this
5 renovation we're trying to make a better basement access
6 over there. You know, a better -- an actual stair in
7 through the bulkhead, rather than a pit.

8 But that's the issue. You know, when you push the
9 structure -- the screened porch structure into the middle of
10 the space, yeah, it conforms then, but it kind of bifurcates
11 the yard and, you know, just isn't -- it isn't a nice
12 architectural strategy.

13 LAURA WERNICK: So I think I would be sympathetic
14 to the Chair's argument that it's -- we have to show the
15 hardship. And I think just having the desire for an outdoor
16 space is not a real hardship.

17 MAGGIE BOOZ: Uh-huh.

18 LAURA WERNICK: Although I'm sympathetic to it.
19 So it's more of a legal fine-tuning, rather than a --

20 MAGGIE BOOZ: Right. And I guess what I'm asking
21 is, is that -- I mean, that may be what you all need to do,
22 you may all need to say, "Okay, it doesn't meet the

1 standards of a variance, so we can't grant it," but I guess
2 what I'm saying is I could just come back, ask for a special
3 permit for the same structure and have a better chance of
4 getting it because I didn't ask for a for variance?

5 And that seems so --

6 CONSTANTINE ALEXANDER: You could meet the
7 requirements of the special permit, you're right.

8 MAGGIE BOOZ: That seems so --

9 BRENDAN SULLIVAN: [Brendan Sullivan] Maggie, what
10 are you doing on the front that is encroaching on the front
11 yard setback?

12 MAGGIE BOOZ: We're just trying to expand the
13 front porch. Their front -- not the covered part, just the
14 deck part, just so that they can get two chairs out there.
15 They have a really nice view of Raymond Park. Raymond
16 Park's right across the street from their house.

17 BRENDAN SULLIVAN: Right.

18 MAGGIE BOOZ: And they have three kids, three
19 girls. And it's just a -- it's really just a request to
20 make that larger so that they can enjoy the front porch
21 like, you know, with actual chairs on it.

22 BRENDAN SULLIVAN: All right, well, for that,

1 that's a new nonconformity. Because right now you're in
2 conformance. The required amount is 10 feet. Right now
3 you're at 11-foot-eight. With the bump out you're going
4 down to seven-foot-eight. So that's a new nonconformity.

5 MAGGIE BOOZ: Mm-hm.

6 BRENDAN SULLIVAN: That would require a variance.
7 The other side yard setback, which is to the left? That's
8 an existing nonconformity. So I guess what Shippen was
9 talking about the -- somewhat the relaxation and the
10 consideration for a one and two families is that we're
11 increasing an existing nonconformity and whether or not that
12 is more detrimental than the existing.'

13 But I think where the front bump out is you would
14 still require a variance of that, I believe.

15 MAGGIE BOOZ: Okay.

16 BRENDAN SULLIVAN: So there's no protection under
17 that case law for that aspect.

18 MAGGIE BOOZ: I'm not sure I understand, Brendan,
19 what you mean? What do you mean?

20 BRENDAN SULLIVAN: Well there's special
21 consideration for one and two-family houses, nonconforming
22 houses, and right now it is nonconforming to the left side

1 yard setback.

2 MAGGIE BOOZ: Right.

3 BRENDAN SULLIVAN: And if you are increasing that
4 nonconformity, you could apply under special permit if in
5 the determination of the Board the new violation is not more
6 detrimental to the exhibiting?

7 MAGGIE BOOZ: I see.

8 BRENDAN SULLIVAN: However --

9 MAGGIE BOOZ: Mm-hm.

10 BRENDAN SULLIVAN: Because you're bumping out the
11 front, you're creating a new nonconformity. It's conforming
12 now. You're creating a new nonconformity. That would
13 require a variance.

14 MAGGIE BOOZ: Mm-hm.

15 BRENDAN SULLIVAN: If you have an existing
16 violation, nonconforming aspect, you're continuing that.
17 You can get protection under that case by way of a special
18 permit. But you're creating a new nonconformity, so you
19 don't get protection under that special permit vehicle.
20 That has to be a variance.

21 MAGGIE BOOZ: And -- well that, but that is part
22 of our proposal tonight.

1 BRENDAN SULLIVAN: That's correct. Is the front
2 and the back.

3 MAGGIE BOOZ: Yeah. Yeah. So --

4 BRENDAN SULLIVAN: Well, let me chime in then,
5 just to move the dialogue along.

6 MAGGIE BOOZ: Yeah. So --

7 BRENDAN SULLIVAN: I mean, I've reviewed it and
8 I've gone by the house and so on and so forth. Actually,
9 I'd say that the screened in porch is -- I mean I don't have
10 a problem with it. I think that's actually a nice little
11 amenity, and I think that people get some enjoyment out of
12 it.

13 And to have a screened in area that protects you
14 from, you know, bugs and all this other stuff and so on and
15 so forth. So maybe it's a little bit larger than I would
16 have thought. But then again, I don't know, I don't have a
17 problem with it; yes.

18 CONSTANTINE ALEXANDER: What I'm hearing is you're
19 amenable to granting the variance.

20 BRENDAN SULLIVAN: To granting the relief
21 requested, yeah.

22 CONSTANTINE ALEXANDER: Andrea?

1 ANDREA HICKEY: Yeah. I don't have a problem with
2 it either. And I do think Mr. Sullivan is right, that --
3 again, creating a new nonconformity would not allow you the
4 safe harbor of the case we spoke about.

5 CONSTANTINE ALEXANDER: That's clearly right. I
6 agree with you as well and with Brendan. That's right.
7 Jim?

8 ANDREA HICKEY: That's all right.

9 CONSTANTINE ALEXANDER: I'm sorry, I didn't mean
10 to cut your --

11 ANDREA HICKEY: No, I'm all set. Thank you.

12 JIM MONTEVERDE: I'm amenable to letting them have
13 their screened porch.

14 BRENDAN SULLIVAN: You have to unmute yourself.

15 JASON MARSHALL: And by the improvement in the --

16 LAURA WERNICK: Jim, we can't hear you.

17 JIM MONTEVERDE: Oh, I'm sorry, it's my -- sorry.
18 I don't have an issue with the screened porch. I can deal
19 with that. I have more of an issue with the variance
20 request in the front yard, but I don't have an issue with
21 the screened porch doing that through the variance.

22 CONSTANTINE ALEXANDER: And Laura?

1 LAURA WERNICK: Yeah. It seems small stuff I
2 guess, and it's late. So I wouldn't oppose it.

3 CONSTANTINE ALEXANDER: You wouldn't have a
4 problem with the variance for the screened porch that's
5 currently proposed?

6 LAURA WERNICK: Yeah. That's -- correct.

7 CONSTANTINE ALEXANDER: Okay. Well, I think --
8 back to you, Maggie, I think we can go -- you can proceed
9 with your case, because you're going to get four votes
10 anyway.

11 MAGGIE BOOZ: Mm-hm.

12 CONSTANTINE ALEXANDER: And that's all you need to
13 get the request for the screened porch.

14 MAGGIE BOOZ: Mm-hm.

15 CONSTANTINE ALEXANDER: So the front porch is
16 something else, but that's not before us tonight.

17 MAGGIE BOOZ: Mm-hm.

18 CONSTANTINE ALEXANDER: So that's a --

19 BRENDAN SULLIVAN: Yeah, it is.

20 JIM MONTEVERDE: It is.

21 BRENDAN SULLIVAN: Well, yeah, it is.

22 JIM MONTEVERDE: It is.

1 BRENDAN SULLIVAN: Yep.

2 MAGGIE BOOZ: Then the --

3 JIM MONTEVERDE: It's in the advertisement, right?

4 MAGGIE BOOZ: It was advertised as such.

5 JIM MONTEVERDE: Yeah. It says, "extension of the
6 uncovered portion of the front porch towards the street."

7 BRENDAN SULLIVAN: It's in the dimensional --

8 CONSTANTINE ALEXANDER: Oh, you're right, you're
9 right.

10 JIM MONTEVERDE: Yep.

11 BRENDAN SULLIVAN: It's in the dimensional form.

12 CONSTANTINE ALEXANDER: I'm sorry, I missed that.

13 JIM MONTEVERDE: Yeah.

14 MAGGIE BOOZ: Do you see this as three different
15 things? I mean, is it possible for you to see it all as
16 one, or -- I mean, is there objection to the front porch I
17 guess is what I'm asking?

18 CONSTANTINE ALEXANDER: My first question is,
19 would be the same as with the screened porch. I mean,
20 what's the justification? What's the legal justification --

21 MAGGIE BOOZ: Yeah.

22 CONSTANTINE ALEXANDER: -- that entitles you to

1 get a variance?

2 MAGGIE BOOZ: It's harder for me to justify that
3 front porch. And also, because it creates a new
4 nonconformity, it would never be considered as a special
5 permit. So I think what I'm going to request here is that
6 we -- if is that I withdraw the extension of the front
7 porch.

8 CONSTANTINE ALEXANDER: I think that's the best
9 way of going about this.

10 MAGGIE BOOZ: Yep.

11 BRENDAN SULLIVAN: Jim, this is Brendan. The
12 requirement is 10 feet, obviously, the setback.

13 JIM MONTEVERDE: Right.

14 BRENDAN SULLIVAN: Right now it's at 11 foot
15 eight.

16 JIM MONTEVERDE: Yep.

17 BRENDAN SULLIVAN: And their proposal is seven-
18 foot-eight. So they're bumping it out four feet, which
19 would be two feet over the line, if you will.

20 JIM MONTEVERDE: Yep.

21 BRENDAN SULLIVAN: So -- yeah, I don't -- again, I
22 -- I think to be honest with you, it's probably a -- knowing

1 the house and the way it faces the park, I think that it's
2 probably a nice little amenity.

3 And I think that the people will probably use it -
4 - as Maggie says, that they'll go out there some evening
5 with their rocking chair and their mint juleps and whatever
6 they drink and enjoy what's going on in the park. It's
7 usually mostly dogs running around, anyhow.

8 I have no problem with that. I think the siding
9 of the house and it's relationship with its neighbors and so
10 on and so forth. I think that to me it's probably not
11 noticeable, and I have no problem with that. If other
12 members do, then that's fine too.

13 CONSTANTINE ALEXANDER: Again, I would -- I feel
14 intellectually I have no choice but to vote against the
15 variance for the front porch. But, if other members like
16 the screen porch -- will vote in favor of fit, we can go
17 ahead and consider it. It's going to be fast.

18 MAGGIE BOOZ: It sounds as though Jim perhaps has
19 a problem with the front porch as well?

20 JIM MONTEVERDE: Yeah.

21 CONSTANTINE ALEXANDER: He did.

22 JIM MONTEVERDE: Yeah. That was my comment

1 before.

2 CONSTANTINE ALEXANDER: Yeah.

3 JIM MONTEVERDE: Yeah.

4 MAGGIE BOOZ: Then I think --

5 JIM MONTEVERDE: Without seeing -- without asking
6 for some other alternative to say, "Look, could you be
7 compliant? Could you be more compliant, could you be closer
8 to compliant --

9 MAGGIE BOOZ: Yeah.

10 JIM MONTEVERDE: -- than what's shown. So that --
11 the front end of the house I have an issue with; the back I
12 don't. So I was with you in your last proposal Maggie,
13 where you were headed.

14 MAGGIE BOOZ: Yeah, I'd like to make that proposal
15 then.

16 JIM MONTEVERDE: Yeah.

17 MAGGIE BOOZ: I'd like to withdraw the extension
18 of the front porch, and if I can do that, then I would
19 choose to have you vote on the rear.

20 JIM MONTEVERDE: And then there's also a special
21 permit, right? For a window?

22 MAGGIE BOOZ: There is.

1 CONSTANTINE ALEXANDER: We haven't gotten that far
2 yet.

3 JIM MONTEVERDE: Yep.

4 MAGGIE BOOZ: Okay.

5 JIM MONTEVERDE: Okay.

6 CONSTANTINE ALEXANDER: Laura, do you have
7 anything you want to say at this point?

8 LAURA WERNICK: No.

9 CONSTANTINE ALEXANDER: Okay. I guess I should
10 open the matter up to public testimony, if there are any
11 night owls out there. So I'm looking for the instructions
12 for the call-in. Here it is. I'll open the matter up to
13 public testimony.

14 Any members of the public who wish to speak should
15 now click the icon at the bottom of your Zoom screen that
16 says, "Raise hand." If you're calling in by phone, you can
17 raise your hand by pressing *9 and unmute or mute by
18 pressing *6.

19 BRENDAN SULLIVAN: I can't believe we're going to
20 have a --

21 SISIA DAGLIAN: There's two people on, but they're
22 not asking to speak, so --

1 MAGGIE BOOZ: It may be my clients, Jeremy and
2 Dara. Dara --

3 JIM MONTEVERDE: Yeah, Jeremy is there but he's
4 muted. And then it's John Hawkinson (phonetic).

5 MAGGIE BOOZ: I will say on behalf of Jeremy that
6 they've spoken to all their neighbors, and I'm not sure if
7 there are letters written to the Board at all.

8 CONSTANTINE ALEXANDER: There are no letters. I
9 didn't see any letters in the file, at least as of a day or
10 so ago when I reviewed the files. But in any event, I'll
11 take your representation that --

12 MAGGIE BOOZ: Yeah, they've --

13 CONSTANTINE ALEXANDER: That there is no
14 neighborhood opposition, no --

15 MAGGIE BOOZ: No neighborhood opposition at all,
16 in all directions.

17 CONSTANTINE ALEXANDER: All right. I will then
18 close public testimony. So we have two votes to take -- and
19 I'm going to make sure it's right -- a variance regarding
20 the construction of the two-story housing addition, the
21 front porch and the screen porch in the back. I think you
22 can take them all up at one time.

1 Anybody disagree?

2 JIM MONTEVERDE: Agreed.

3 BRENDAN SULLIVAN: That's fine.

4 CONSTANTINE ALEXANDER: Okay. All right. The
5 Chair moves that we make the following findings with regard
6 to the three variances being sought:

7 That failure to make these changes would cause a
8 substantial hardship to the petitioner, such hardship being
9 this is an older structure, and particularly with regard to
10 the second-story apartment, there is a need for a better
11 staircase than -- arrangement -- than is there now, and that
12 runs with the structure.

13 It's not just peculiar to the current petitioners,
14 but to anyone who would only -- this house with the
15 apartment upstairs.

16 That there is a -- and with regard to the front
17 porch and the screen porch, there is a substantial hardship
18 in that -- again, given this is an older and smaller
19 structure, there is need for this outdoor space, as part of
20 the residential use of the structure.

21 That the hardship is owing to the fact that this
22 is an older building with an unusually shaped lot of

1 setbacks, and so any modification to the exterior of the
2 structure likely triggers a need for a variance...

3 and that desirable relief may be granted without
4 substantial detriment to the public good, or nullifying or
5 substantially derogating from the intent and purpose of this
6 ordinance? All that's being proposed with regard to these
7 points, that are being proposed are very modest in nature,
8 and there was no opposition from the neighbors, and
9 otherwise enhances the viability of this residence.

10 So on the basis of all of these findings, the
11 Chair moves that we grant the variances requested on the
12 condition that the work proceed in accordance with plans
13 prepared by -- let me get it right, bear with me for a
14 second --

15 BRENDAN SULLIVAN: Smart Architecture?

16 CONSTANTINE ALEXANDER: -- Smart Architecture dated
17 11/09/20, the first page of which -- actually it's on the
18 site plan -- is initialed by the Chair. Brendan, how do you
19 vote?

20 BRENDAN SULLIVAN: So that's the existing plan,
21 and we are eliminating the front porch?

22 CONSTANTINE ALEXANDER: Yeah, eliminating the

1 front porch, adding that screen porch and --

2 BRENDAN SULLIVAN: And the stands.

3 CONSTANTINE ALEXANDER: -- the story --

4 BRENDAN SULLIVAN: -- I would vote to grant the
5 variance.

6 CONSTANTINE ALEXANDER: Jim?

7 JIM MONTEVERDE: Yeah, this is Jim Monteverde.
8 I'd vote to grant the variance.

9 LAURA WERNICK: Laura, a vote to grant the
10 variance.

11 ANDREA HICKEY: Andrea Hickey, I vote to grant the
12 variance.

13 CONSTANTINE ALEXANDER: And the Chair will vote
14 against granting the variance.

15 [FOUR VOTES YES, ONE VOTE NO]

16 But four having voted in favor, the variances --
17 the three variances, really, have been approved.

18 Moving now to the special permit, the new --
19 installation of a new window?

20 MAGGIE BOOZ: We're requesting permission to -- on
21 the opposite -- yeah, thank you, the existing study that's
22 on the rear of the house has a window in it now. And the --

1 we're asking for a window in the part that was granted a
2 variance. I assume that isn't a subject of the special
3 permit because it was part of the variance, correct?

4 CONSTANTINE ALEXANDER: Well, I don't know if you
5 needed a special -- it could have been encompassed by the
6 variance.

7 MAGGIE BOOZ: I thought that's how you treated
8 that.

9 BRENDAN SULLIVAN: Yeah, if, well -- [Brendan
10 Sullivan] -- if you can follow me here... if a wall or a part
11 of a structure is granted a variance, and any element of
12 that structure would be incorporated in it --

13 JIM MONTEVERDE: Yeah.

14 BRENDAN SULLIVAN: If there was an existing wall
15 along -- well, if there is an existing wall along that house
16 and you were adding a window, and it was no -- it was not
17 subject to any other relief, you would then need to apply
18 for a special permit. So the bottom line is that that
19 window is covered under the variance.

20 MAGGIE BOOZ: Okay.

21 CONSTANTINE ALEXANDER: So there's no need for the
22 special permit?

1 MAGGIE BOOZ: No, we do have a window --

2 JIM MONTEVERDE: Oh you do?

3 LAURA WERNICK: No.

4 MAGGIE BOOZ: We do have --

5 LAURA WERNICK: It's existing.

6 CONSTANTINE ALEXANDER: Oh, yes, yes, right, the
7 kitchen. Sorry.

8 MAGGIE BOOZ: Yeah, we do -- on that, on the
9 elevation that you're looking at there, window 3, which says
10 new, is part of what Brendan just described. And number --
11 and window 2 that says, "new" is --

12 BRENDAN SULLIVAN: Okay.

13 MAGGIE BOOZ: -- the window we're asking for a
14 special permit for.

15 BRENDAN SULLIVAN: Right, right.

16 JIM MONTEVERDE: Yeah, correct.

17 MAGGIE BOOZ: And we feel that it does no
18 detriment to the public good that it's been shown to the
19 neighbor who is closer on that side and they have no
20 objection to it, and it is for health and safety reasons in
21 the building advantageous to have a window in the bathroom.

22 CONSTANTINE ALEXANDER: Okay. And the neighbor,

1 obviously, as you said, doesn't have any objection --

2 MAGGIE BOOZ: Right.

3 CONSTANTINE ALEXANDER: -- to this window? All
4 right. Ready for a vote on the special permit?

5 BRENDAN SULLIVAN: Yes.

6 JIM MONTEVERDE: Yes.

7 CONSTANTINE ALEXANDER: The Chair moves that we
8 make the following findings with regard to the special
9 permit regarding the installation of the new window:

10 That the requirements of the ordinance cannot be
11 met unless we grant the special permit.

12 Traffic generated or patterns of access or egress
13 resulting from this window will not cause congestion,
14 hazard, or substantial change in established neighborhood
15 character. This window given its location clearly doesn't
16 generate -- doesn't trigger congestion, hazard or
17 substantial change.

18 That the continued operation of or development of
19 adjacent uses, as permitted by the ordinance will not be
20 adversely affected by what is being proposed -- again for
21 the same reasons just cited.

22 No nuisance or hazard will be created to the

1 detriment of the health, safety and/or welfare of the
2 occupant of the proposed use, or the citizens of the city.
3 And generally, what is being proposed will not impair the
4 integrity of the district or adjoining district, or
5 otherwise derogate from the intent and purpose of the
6 ordinance.

7 On the basis of all of these findings, the Chair
8 moves that we grant the special permit requested on the
9 condition that the work proceed in accordance with the plans
10 referred to with regard to the variance we just granted.
11 Brendan?

12 BRENDAN SULLIVAN: Yes to granting the special
13 permit for the windows.

14 ANDREA HICKEY: Andrea Hickey, yes to granting the
15 special --

16 JIM MONTEVERDE: Jim Monteverde, oh sorry.

17 ANDREA HICKEY: That's okay. Andrea Hickey, yes
18 to granting the special permit.

19 CONSTANTINE ALEXANDER: Laura?

20 LAURA WERNICK: Laura Wernick, yes to granting the
21 special permit.

22 CONSTANTINE ALEXANDER: And the Chair votes yes as

1 well for the special permit, so it's unanimous.

2 [All vote YES]

3 Special permit granted. Case over.

4 LAURA WERNICK: Yay.

5 MAGGIE BOOZ: Thank you so much. Congratulations!
6 Unbelievable that you have to do this every two weeks.

7 COLLECTIVE: Goodnight.

8 JIM MONTEVERDE: So for the Board I'll tell you a
9 funny story. I'm sitting here in my little home office
10 space, right? It's the less insulated portion of my house -
11 - and I have a programmable thermostat. So as of 10:30 this
12 evening, the temperature has been dropping in this space.
13 So not only am I tired, but now I'm really cold.

14 COLLECTIVE: [Laughter]

15 JIM MONTEVERDE: So goodnight to you all.

16 ANDREA HICKEY: Probably more awake than the rest
17 of us, though.

18 JIM MONTEVERDE: Exactly. At least my feet are
19 wide awake, yeah. Goodnight.

20 LAURA WERNICK: So Jim, I just have to tell you
21 that I really appreciate your comments about the Mass Avenue
22 project about the 2050 Mass Avenue, the CHA housing.

1 That was my first project as a Project Architect. That was
2 my --

3 JIM MONTEVERDE: Oh!

4 LAURA WERNICK: -- that was my building.

5 JIM MONTEVERDE: Oh! You know, I was looking at
6 it, and I realized -- I went over there over the weekend,
7 and, you know, I realized the building, you know, danced
8 around, but it was some of the views that they had -- the
9 photographic views that they had kind of justifying their
10 own block that made me appreciate how the mass not only was
11 broken up, but it stepped back from the street.

12 LAURA WERNICK: Yeah.

13 JIM MONTEVERDE: So it wasn't the entire bulk. So
14 it -- yeah, it was nice work, and --

15 LAURA WERNICK: Public housing, very simple, very,
16 very inexpensive, but I think it --

17 JIM MONTEVERDE: Yeah, but in a modest scale.

18 LAURA WERNICK: -- that will be okay.

19 JIM MONTEVERDE: Right. And it's a modest enough
20 scale that frankly in these days it could be done stick on
21 podium and be --

22 LAURA WERNICK: Yeah.

1 JIM MONTEVERDE: -- right? It's the cheapest
2 thing they do, and it would probably work.

3 LAURA WERNICK: Yeah.

4 JIM MONTEVERDE: Yeah.

5 LAURA WERNICK: So always brings back memories
6 when I go --

7 JIM MONTEVERDE: Yeah. That's great. All right.

8 LAURA WERNICK: Okay. See you all. Goodnight.

9 JIM MONTEVERDE: Yep. Bye-bye.

10 LAURA WERNICK: Bye.

11 [01:02 a.m. End of Proceedings]

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CERTIFICATE

Commonwealth of Massachusetts

Middlesex, ss.

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

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

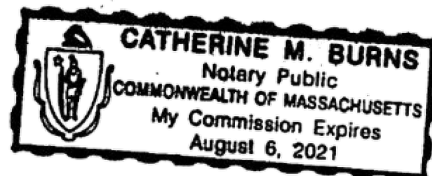
In witness whereof, I have hereunto set my hand this
5th day of January, 2021.



Notary Public

My commission expires:

August 6, 2021



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