

BOARD OF ZONING APPEAL  
FOR THE  
CITY OF CAMBRIDGE

GENERAL HEARING

THURSDAY, FEBRUARY 12, 2015

7:00 p.m.

in

Senior Center

806 Massachusetts Avenue  
Cambridge, Massachusetts 02139

Constantine Alexander, Chair

Timothy Hughes, Vice Chair

Thomas Scott, Member

Janet Green, Member

Douglas Myers, Associate Member

Alison Hammer, Associate Member

Sean O'Grady, Zoning Specialist

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(7:00 p.m.)

(Sitting Members Case #BZA-005875-2014: Constantine Alexander, Timothy Hughes, Thomas Scott, Janet Green, Allison Hammer.)

CONSTANTINE ALEXANDER: The Chair will call this meeting of the Zoning Board of Appeals to order. And as is our custom, we're going to start with the continued cases. And the first case I'm going to call is case No. 005875, 23 William Street.

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

The last time we sent you off because you had a problem with the dormer guidelines.

DOUGLAS OKUN: Yes.

CONSTANTINE ALEXANDER: And I know you submitted new plans.

DOUGLAS OKUN: Yes.

CONSTANTINE ALEXANDER: We'll get to those in a second. Just five minutes, not even five minutes, rehash the case for us. Why are you here? What is the relief you're seeking? What's the hardship and the like so we can start from scratch?

DOUGLAS OKUN: I'm Douglas Okun, architect.

JONATHAN MARCUS: And I'm Jonathan Marcus.

CONSTANTINE ALEXANDER: Because you wanted a master bedroom?

JONATHAN MARCUS: Yeah.

CONSTANTINE ALEXANDER: And the reason for the dormer is to expand the second floor for a shower or the bathroom?

JONATHAN MARCUS: Yeah, turning a half bath into a full bath and making that

a full place where the dormer is.

DOUGLAS OKUN: There were two teeny rooms and a stair coming out and we wanted to expand into --

CONSTANTINE ALEXANDER: And now the dormer is going to be no more than -- it's going to be 15 feet?

DOUGLAS OKUN: 15 feet.

JONATHAN MARCUS: Exactly.

CONSTANTINE ALEXANDER: It's technically still not compliant with the dormer guidelines because it goes to the ridge line.

DOUGLAS OKUN: No, we don't, we lowered it.

JANET GREEN: I did see that.

JONATHAN MARCUS: We tried to fix everything.

CONSTANTINE ALEXANDER: You're

fully compliant?

DOUGLAS OKUN: I believe we're fully compliant. We have 50 percent windows. We're way back from the setback. I think we did it all.

TIMOTHY HUGHES: I'm ready for a vote.

DOUGLAS OKUN: Me, too.

CONSTANTINE ALEXANDER: You stole my thunder, but I've got to open it up to public testimony.

TIMOTHY HUGHES: Yes, I know.

CONSTANTINE ALEXANDER: Any further questions from members of the board at this stage?

TIMOTHY HUGHES: I'm good.

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

Is there anybody wishing to be heard

on this matter?

(No Response.)

CONSTANTINE ALEXANDER: No one wishes to be heard. I will close public testimony.

I don't think we have letters in the file. I think there were. Yes, there are letters of support. I should touch on them.

Yes, there is a letter from Leyla, L-e-y-l-a Tegmo, T-e-g-m-o - Redy, R-e-d-y, 25 William Street. (Reading)  
This is to confirm that I, Leyla Tegmo-Tedy, owner of the duplex floors two and three at 25 William Street in Cambridge have no objection to the extension of the dormers in the Marcus residence at 23 William Street.

And also an e-mail from Rebecca

Hayden, H-a-y-d-e-n and Scott Ruescher, R-u-e-s-c-h-e-r, reside at 25A William Street. That's addressed to the petitioner. (Reading) We are writing in support of your plan to extend the existing third floor dormer on the back of your unit at 23 William Street, Cambridge, in order to create more living space. We are in no way affected by this plan. We can't even see the dormer from the sidewalk, and we have been assured that the extension will not block any of our neighbors' access to sunlight and thereby create unwanted ill will.

I take it you concur that there are no issues about that?

DOUGLAS OKUN: No.

CONSTANTINE ALEXANDER: And also a letter from Carlene Clark and James Cox,

C-o-x, 21 William Street, again, addressed to the petitioner. (Reading) We fully support your plan to extend the existing third floor dormer on the back of 23 William Street in Cambridge. We are not affected by this change and support any improvements to the neighborhood.

And that's all she wrote.

Okay. Unless you have something more you want to say at this point.

DOUGLAS OKUN: No.

CONSTANTINE ALEXANDER: I think we're ready for a vote unless there's more discussion? Ready for a vote.

Okay, the Chair moves that with respect to the Variance being sought this Board make the following findings:

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

a substantial hardship to the petitioner. Such hardship being the petitioner needs additional head space and space generally on the top floor to make the residence more liveable.

That the hardship is owing to the fact that this is already a non-conforming structure and, therefore, any modifications requires Zoning relief.

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

In this regard the Chair would note that the relief being sought is rather modest.

That it has neighborhood support.

That apparently has no impact on

adjoining properties.

And last but not least, the proposed plans comply in all respects with our former guidelines.

Therefore, on the basis of these findings the Chair moves that we grant the Variance being sought on the condition that the work proceed in accordance with plans submitted by the petitioner. There are multi-pages. I've initialled the first page. They are dated 2-12-2015 under the logo or under the name of Douglas Okun and Associates, the architect for the project.

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

(Aye.)

CONSTANTINE ALEXANDER: Five in favor.

(Alexander, Hughes, Scott, Green,  
Hammer.)

JONATHAN MARCUS: Thank you.

\* \* \* \* \*

(7:10 p.m.)

(Sitting Members Case #BZA-005933-2014:  
Constantine Alexander, Timothy Hughes,  
Thomas Scott, Janet Green, Allison  
Hammer.)

CONSTANTINE ALEXANDER: The Chair  
will now call case No. 005933, 22  
Fayerweather.

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

Mr. Rafferty.

ATTORNEY JAMES RAFFERTY: Good  
evening, Mr. Chairman, members of the  
board. For the record, James Rafferty

appearing with the applicants. To my immediate right Ann Morris and to Ms. Morris' right is Frances Frei, F-r-e-i. And Ms. Frei and Ms. Morris are now the proud owners of 22 Fayerweather.

CONSTANTINE ALEXANDER:

Congratulations.

ATTORNEY JAMES RAFFERTY: We were close to a vote if I recall.

CONSTANTINE ALEXANDER: You were.

ATTORNEY JAMES RAFFERTY: We had the misfortune -- the standards were very high that night because as I recall, we had the misfortune of following the greatest presentation that you had ever heard seen in all your years on the Board.

JANET GREEN: You may never forget it.

ATTORNEY JAMES RAFFERTY: I didn't

sleep well that night. It's all right.  
It's all right. Yeah. You know how to  
hurt a guy.

CONSTANTINE ALEXANDER: Notice he  
didn't get relief, though. The relief  
being sought. You usually do a better job  
of getting relief for your client.

ATTORNEY JAMES RAFFERTY: Make  
sure that gets on the record.

Well, so anyway, thank you for  
allowing us the opportunity. As it was  
noted, there were some details both in the  
elevations and the plans. So we hope we  
have addressed those concerns and happy to  
discuss the case further, but --

CONSTANTINE ALEXANDER: Let Tom  
take one quick look just quickly, one  
minute or less the basis, the reason for  
the petition, the basis for relief.

ATTORNEY JAMES RAFFERTY: The petitioner is seeking to put a family room addition at the rear of the property, and the home is a historic home, and it has a certain layout and sizing now. And the goal was to avoid having to disrupt the interior of the house and to orient family living near the kitchen and the backyard. And it enjoyed widespread support by abutters and letters to that effect in the file.

CONSTANTINE ALEXANDER: I think the letters were read into the file the last time so we don't have to do it again.

ATTORNEY JAMES RAFFERTY: Yes.

CONSTANTINE ALEXANDER: Tom?

THOMAS SCOTT: I've reviewed the plans and there's plenty of information on there now to approve them.

ATTORNEY JAMES RAFFERTY: We even brought the architect tonight. If there was any question.

CONSTANTINE ALEXANDER: All right. Questions from members of the Board?

TIMOTHY HUGHES: No.

CONSTANTINE ALEXANDER: Did anyone want look at the plans?

TIMOTHY HUGHES: No, I'm good.

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

Is there anyone who wants to be heard on this matter? Did you want to speak?

FROM THE AUDIENCE: Not unless you have any questions.

CONSTANTINE ALEXANDER: No one wishes to be heard. I'll close public testimony. I'm ready for a vote.

The Chair moves with respect to the relief being sought that a literal enforcement of the provisions of the Ordinance would involve a substantial hardship to the petitioner.

Such hardship being is that the layout of the interior is such that it's not as conducive as to the uses of the property that the petitioner wishes to put this property to.

That hardship is owing to the fact that it's a non-conforming structure already and its location on the lot.

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

In this regard the Chair would note

that there is neighborhood support.

That the relief being sought is modest.

It preserves the historical nature of this house. And, you know, that's about it. There appears to be no reason not to grant relief in terms of the intent and purpose of the Ordinance.

So on the basis of these findings the Chair moves we grant the Variance being sought on the condition that the work proceed in accordance with plans attached, prepared by the Holland Company, and attached to a letter, a letter to us from Adams and Rafferty, dated February 5, 2015.

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

(Aye.)

CONSTANTINE ALEXANDER: Variance granted. Good luck.

(Alexander, Hughes, Scott, Green, Hammer.)

ATTORNEY JAMES RAFFERTY: Thank you very much.

\* \* \* \* \*

(7:30 p.m.)

(Sitting Members Case #BZA-004460-2014: Constantine Alexander, Timothy Hughes, Janet Green, Douglas Myers, Allison Hammer.)

CONSTANTINE ALEXANDER: The Chair will start on our regular -- the Board

will proceed with its regular agenda. The Chair will call the first case, case No. 004460, 90 Hamilton Street.

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

We have a stenographer for all our hearings so give your name and address to the stenographer.

CHICHI LIAO: Chichi Liao. And the address is 9 Francis Street.

DOUGLAS LING: Douglas Ling, L-i-n-g. 97 Wellesley Avenue, Wellesley.

CONSTANTINE ALEXANDER: Okay. Before we start, just a couple of things. I'm a little concerned about this case to be very blunt. First of all, when I went to check the property, not this passed Sunday but the Sunday before, in the two-week period I did not see a sign

posted. And I'm notorious for missing signs. So I'll give you the benefit of the doubt. I understand you advised Mr. O'Grady subsequently that I missed it. Is it your representation to us that the sign has been up for the two weeks that's required for our Ordinance?

CHICHI LIAO: First we put the sign out on the front door.

CONSTANTINE ALEXANDER: When?

CHICHI LIAO: When? The day I pick up the notice.

CONSTANTINE ALEXANDER: Okay.

CHICHI LIAO: On that day.

DOUGLAS LING: We actually put up two.

CONSTANTINE ALEXANDER: Okay.

DOUGLAS LING: The other one is on the other window which you probably missed

because of the snowbank.

CONSTANTINE ALEXANDER: I don't think there was snow there when I was there.

DOUGLAS LING: And then I subsequently moved that to the actual doorway on Hamilton Street, which belong to a tenant of the second floor. That's why Miss Liao did not put it on that door initially, but put it on the closest window that belonged to us. So that was covered.

But this sign has been up since the day she picked it up.

CONSTANTINE ALEXANDER: Okay.

The second issue I guess was distributed to the -- delivered to the Inspectional Services Department, a new dimensional form completely -- not

completely but substantially different from the one that you originally filed. And under our rules this had to be filed, well, technically by the Monday before -- by five p.m. on the Monday before, but of course the city, all offices were closed. But still this was very late filed.

DOUGLAS LING: Right.

CONSTANTINE ALEXANDER: And I am, again, this is a -- given the nature of the case, the dimensional form to me is not as important as it might be in other kinds of cases, but I am troubled by another situation in our rules, and it leaves me to be concerned generally about how you're proceeding with this case and are you -- I take it you haven't gotten any professional assistance in dealing

with our Zoning Ordinance or have you?

DOUGLAS LING: Well, this latest form is prepared by our architect Young Kim, and it represent, you know, the most accurate and professionally done.

CONSTANTINE ALEXANDER:

Technically we should say you come back in the future when we have this in the file for the requisite period of time. I'll defer to my other members of the board. I'm willing to proceed nevertheless given again because of the nature of the relief being sought, the dimensional form is not as important as it might be in other type of cases.

But that gets me to my third concern and that is parking. You're not seeking any parking relief. And parking is an issue in this use. And I have, I guess I

wanted to get some confidence that the fact, the information that you have here regarding parking, which shows that you don't need relief, is accurate. Because if it's not and we were to grant you relief tonight and a month or two months from now when you go to get your Building Permit and get your final permissions and ISD and goes through this building with a fine tooth comb and finds you have a parking issue, you're going to have to come back before us for a Variance. Which we don't like essentially. We like to have all the relief being sought in one hearing. But from your perspective it's also not very efficient as well. So I guess I'm asking you are you really confident that you comply with the parking? I'm going to ask you a bunch of

questions.

DOUGLAS LING: Yeah.

CONSTANTINE ALEXANDER: Are you really satisfied that you meet the parking requirements of our Ordinance that you don't need a Variance for parking?

DOUGLAS LING: Absolutely. I think the -- when we did the parking analysis, based on second floor being the general office use and the ground floor being a day care with six classrooms, the parking spaces, you know, were as required I was told was adequate. And in fact, we have 17 spaces is more than adequate.

CONSTANTINE ALEXANDER: How many stories are in this building?

DOUGLAS LING: Two.

CONSTANTINE ALEXANDER: So just two. You're going to occupy the whole

building?

DOUGLAS LING: No, the second floor is rented out as office use.

CONSTANTINE ALEXANDER: You have offices for the nursery school?

DOUGLAS LING: No.

CHICHI LIAO: Just the first floor.

CONSTANTINE ALEXANDER: What are you going to use it for?

CHICHI LIAO: First floor or second floor?

CONSTANTINE ALEXANDER: First floor I understand is your day care center and nursery school.

CHICHI LIAO: Yeah.

DOUGLAS LING: Yeah.

CONSTANTINE ALEXANDER: And you have six classrooms on the first floor?

CHICHI LIAO: Yes.

CONSTANTINE ALEXANDER: What's the use of the second floor?

DOUGLAS LING: It's currently used as offices. It's rented out for management and investment firm.

CONSTANTINE ALEXANDER: Where do the people that work there park?

DOUGLAS LING: They use --

CHICHI LIAO: The use -- yeah, they use only four spots.

CONSTANTINE ALEXANDER: There are four spots set aside for them, marked?

CHICHI LIAO: Yeah. Most of them take the T, they don't drive in.

CONSTANTINE ALEXANDER: Okay. Well I guess to whether you should get relief -- but I'm just trying to -- one of the issues that we have often in parking,

buildings that have multi uses is that everybody is -- there's a requisite number of parking spaces for one person, and the next person comes in and they need more parking spaces, and all of a sudden we got parking issues. I mean, for example, the second -- if you're not going to occupy the second floor, it could be rented out to some organization or business or whatever where there's a lot of people coming in to park, and all of a sudden the parking spaces that you've claimed for your relief is not available to them or vice versa or we have under parking at the property.

DOUGLAS LING: Right. So the property limited the number of spaces that is allocated to the second floor office.

CONSTANTINE ALEXANDER: You don't

own the property, right?

CHICHI LIAO: I own the property.

DOUGLAS LING: She does.

CONSTANTINE ALEXANDER: You own the property? I'm sorry.

And you also are going to run the -- are you involved in the nursery school?

CHICHI LIAO: Yes, yes.

CONSTANTINE ALEXANDER: Okay. Do you own the nursery school?

CHICHI LIAO: We'll be doing joint venture. Upon there a director to operate the school program.

DOUGLAS LING: A joint venture between the property owner and existing day care operator who has two day cares in Chinatown.

But we're confident that the

parking -- in fact, we know that we're so concerned hearing from the community that traffic is a concern, we actually, you know, spoke to Councillor Denise Simmons and a couple of neighbors who came to our -- we had two public information sessions that hopefully --

YOUNG KIM: I'm young Kim, architect.

CONSTANTINE ALEXANDER: I'm sorry.

YOUNG KIM: I'm Young Kim, architect for this project, 90 Hamilton Street.

CONSTANTINE ALEXANDER: You have the name?

MARNI PRINCE: I just sat down. I heard they were calling people up who wanted to speak. So is it okay that I'm sitting here?

CONSTANTINE ALEXANDER: Sure.

MARNI PRINCE: I live right across the street from the building.

THE STENOGRAPHER: And your name?

MARNI PRINCE: Marni Prince,  
M-a-r-n-i.

CONSTANTINE ALEXANDER: I can see that there are -- from the case is on Hamilton Street, but there are neighbors here, I don't know if they're here in support or in opposition, we'll find out very shortly. I do want to push it a little bit more. Let's get into the nature of the activity that you're going to have here.

Where will the students be coming -- the families of the students; people going to be walking their children to the school or are they going to be

driving and dropping them off?

DOUGLAS LING: That is very hard to predict although we do draw a lot of clientele from the MIT community, but Ms. Liao and her husband are both affiliated with MIT so --

CONSTANTINE ALEXANDER: I noticed there are a number of letters of support from people at MIT. We'll get to them.

How many students will you hope to have?

DOUGLAS LING: We hope to have 60.

CONSTANTINE ALEXANDER: 60? Okay.

DOUGLAS LING: But that's obviously up to --

CONSTANTINE ALEXANDER: Have you put enrollment up? Do you know how many are right now are signed up?

DOUGLAS LING: We haven't.

Although the two Chinatown day care have standing waiting lists. So 30 and it's --

CONSTANTINE ALEXANDER: It sounds to me that it's fair to say there's going to be a fair number of people driving their children to the center?

DOUGLAS LING: Not to our experience, and that's why we did that quick survey of the Chinatown facility. We want to stay with the clientele here, but we did a quick study of how many people drive and when do they drop off. You know, a day care it's unlike a school, the people do not come at 8:30 or at a particular time. So we found that based on the Chinatown mix and most of them are professionals who works in downtown area and some part of MIT actually. And then they, the traffic is well distributed to

over a one and a half hour period during pick up and drop off. So as far as the staff goes in Chinatown, and we will continue to encourage that obviously. 90 percent, over 90 percent of the staff do not drive to work. They take the T. This being on the Red Line is very convenient to some of the teacher who might be living in Quincy or downtown area.

CONSTANTINE ALEXANDER: You're not that close to the Red Line. I mean, you are -- Central Square to Hamilton Street is a good hike.

DOUGLAS LING: Yeah, it's a good hike.

CONSTANTINE ALEXANDER: But I'm not sure the Chinatown analogy, though, is appropriate to Cambridge. I mean, what your experience is in Chinatown is fine,

but I don't know necessarily would translate to what it's going to be like in Cambridge.

DOUGLAS LING: We definitely believe that staffing, for the staff we will encourage or even, you know, subsidize T pass. Our experience is that most of the teachers employ do not get -- drive to work. They use --

CONSTANTINE ALEXANDER: How many teachers will you have? What's your staff going to be like in the school? Six classrooms.

CHICHI LIAO: Two teachers per classroom.

CONSTANTINE ALEXANDER: So you have 12.

DOUGLAS LING: And director and staff.

CONSTANTINE ALEXANDER: And any other staff, if you will, or people employed with regard to the nursery school?

DOUGLAS LING: One director. Administrative. 14.

CONSTANTINE ALEXANDER: You have a 14 person staff. 60 hopefully -- from your perspective, 60 students.

And we're talking all this in a somewhat dense residential neighborhood where the stated goal of our Ordinance is to further residential development.

DOUGLAS LING: Right.

CONSTANTINE ALEXANDER: We have to -- and this seems to me on one hand you can argue this doesn't because it's going to provide a service, and on the other hand it's going to cause traffic problems

for people who live there.

DOUGLAS LING: Right.

So we've been talking to -- including the Traffic Department, talking about potential curb cut in the space, one way in, one way out to alleviate any congestion on Hamilton. We look at the parking lot to see if there's any way to make it more efficient. We're ready to have teachers do curb side drop off with the children so that they won't take up too much time and, you know, even institute some sort of a phased or scheduled, you know, so it will be spread out. Chinatown is more congested than here and we know that it is, you know, it can be dealt with. My personal experience as a parent, you know, I don't spend a lot of time when I drop off my kids. So, and

I know that can be done. And if, you know, I think the goal certainly is for us to fit into the neighborhood, with the community and, you know, we've already held two information sessions and we're going to -- unfortunately we had two cold and snowy days and we had two people come up, both of which were very supportive, had some concerns. I met neighbors. We're handing out flyers for the meeting on the street to also asking people to come. So I think, you know, we do the best we can obviously we --

CONSTANTINE ALEXANDER: I have no doubt about that. The question is whether the best you can is sufficient for us to grant you relief.

DOUGLAS LING: Sure.

CONSTANTINE ALEXANDER: And,

again, I'm being difficult, I realize. But, again, it would have been nicer if you had worked out the thing with the parking department and had a specific solution to present to us tonight rather than us coming up with things.

DOUGLAS MYERS: And I have a question at this point that's on my mind, maybe it will help clarify things. What are the requirements of the city of Cambridge for your use of this property as you understand it?

DOUGLAS LING: In terms of the parking?

DOUGLAS MYERS: Parking.

DOUGLAS LING: Parking is three parking space every two classrooms.

YOUNG KIM: But I have to note that is based upon we calculate upon the

assumption that this lot belongs to C3 Zone in -- on the Zoning map. I'm just learning that this lot belongs to Zone C is; that correct?

ALISON HAMMER: I thought it was in a special district.

CONSTANTINE ALEXANDER: Special district, but the district rules of that district are generally Residence C. As I recall, I think the lot is -- sort of straddles two different zoning districts.

SEAN O'GRADY: My -- the lot, as best as I can locate it with what was in the file, seemed to be in an SD-9 and an SD-10.

CONSTANTINE ALEXANDER: That's two zoning districts, okay.

SEAN O'GRADY: That analysis is as if it's in a C-3 and it's not a slight

difference, it's just worlds apart.

They're just, just worlds apart. So the analysis is done on the wrong zone.

CONSTANTINE ALEXANDER: Not only that, you said three parking spaces for --

DOUGLAS LING: Two.

CONSTANTINE ALEXANDER: I'm sorry?

DOUGLAS LING: Two classrooms.

CONSTANTINE ALEXANDER: Two classrooms, three parking spaces. So you're going to have six parking spaces -- six classrooms, I'm sorry. Right?

CHICHI LIAO: Three is right. Classroom.

CONSTANTINE ALEXANDER: Let's get this straight. How many classrooms you going to have? I want to understand how you got to the parking analysis that says

you're okay with parking.

YOUNG KIM: So here we have the latest plans. Based upon this latest plan we have five classrooms. So this is one, two, three, four, five.

CONSTANTINE ALEXANDER: And for five classrooms, how many parking spaces do you need? You believe you need in the Ordinance?

YOUNG KIM: Based upon the assumption, three spaces for two classrooms. We have the nine parking space needed for five classrooms. Comes out to about -- and then we have office space above, which is less than 4,000 square foot. So one parking space per 1,000 square foot, meaning four. So we have --

CONSTANTINE ALEXANDER: That's

your 13 in your form here. 13/17.

SEAN O'GRADY: Gus, can I just --

CONSTANTINE ALEXANDER: By all means. Yes.

SEAN O'GRADY: You have really a chance here to get this right and get through the BZA, but those numbers on the face are wrong and your count of 17, I'm not sure that that's the count that the city has.

CHICHI LIAO: It is.

SEAN O'GRADY: That is the count that they have?

CHICHI LIAO: Yes.

SEAN O'GRADY: So I won't figure out whether you're right or wrong for another two months. And in two months if there's any errors, and there's errors on that application right there, then I'm

going to call you up and say you got to start all over again. Another four month process.

CONSTANTINE ALEXANDER: That's under a Variance not the same relief. Additional relief.

DOUGLAS LING: You can count the 17 spaces.

CONSTANTINE ALEXANDER: Where I'm going and where I think Mr. O'Grady has touched on it, too, you're coming to us with an inchoate process, you haven't finished your thinking, you haven't worked your way with the city. You're really not -- the dimensional form which came in the 12th hour literally, it's not accurate. I'm troubled why we should hear the case and whether you should take your time and get it all right rather than

having us grant relief or if we choose to grant relief, based upon something on the fact that it may not be accurate.

YOUNG KIM: Sure. Yeah, I would say that is fully just go back there and make corrections on the dimensional sheet. But we found on city of Cambridge, the property data website, that says C-3 and that we did the calculation based upon that information. And right now it's as you're saying --

SEAN O'GRADY: You can't rely on those numbers.

YOUNG KIM: So right now. Just for clarification, now we need to -- if we calculate this number based upon Zone C; is that correct?

SEAN O'GRADY: No. Here's the thing. You're the architect and you come

to the Board and you make assertions and provide proofs. I don't know your project. I don't know really anything about it. I just know that I've stuck my thumb in a couple of times and every time I stick it in, it comes out wrong. And that makes me really nervous because I see your client here, and we see train wrecks all the time, and I just don't want to see another train wreck.

CONSTANTINE ALEXANDER: We're not trying to be difficult. We're trying to make the process that works sufficiently and is correct.

YOUNG KIM: Yes, correct. I understand.

CONSTANTINE ALEXANDER: I don't get a warm and fuzzy feeling so far anyway that this is the case.

YOUNG KIM: Okay, so let me ask you this question: So should we -- SD-9 and 10, is there any specific requirements -- I have hard time to --

SEAN O'GRADY: This is not a conversation to have at this table.

DOUGLAS MYERS: This is a meeting you have to have with Mr. O'Grady at the ISD.

YOUNG KIM: Okay, we'll do that.

CONSTANTINE ALEXANDER: I think that's what you need to do. I'm sorry, Janet, do you want to say something?

JANET GREEN: I have a different concern. If they're going to go away, then I just want to make sure I get my concern across.

CONSTANTINE ALEXANDER: By all means. I'm going to give you a chance.

JANET GREEN: Go ahead.

CONSTANTINE ALEXANDER: I see -- as I said, I see neighbors that I recognize in here. And it looks like the case is going to be continued. Are there any concerns that you want to express to us? Okay. Good. To us and to them before we -- go ahead.

MARNI PRINCE: And so Hamilton Street's here, here is Brookline and here's your building and here's where I live. Where are you planning to put a playground?

DOUGLAS LING: Do you want us to answer?

CONSTANTINE ALEXANDER: Sure, please.

DOUGLAS LING: The state does not require an on-site playground for day

care.

MARNI PRINCE: Okay.

DOUGLAS LING: We can make use of Morse Park down the street within walking distance. That's the state, that's the state regulations. There are plenty of day care do not.

MARNI PRINCE: So would that be the plan then, to take the children and walk them down to the park?

DOUGLAS LING: Right.

MARNI PRINCE: So my concern is that I work from home, and if there was a lot of noise and children playing, then that would be detrimental to my business and my work.

DOUGLAS LING: Are you near the park? You're not near the park?

MARNI PRINCE: I'm not near the

park. I'm right near the building.

DOUGLAS LING: Just the passing through.

MARNI PRINCE: If you're just passing through, then that's okay. If there's a playground there and children are screaming --

DOUGLAS LING: No, we don't have a playground. We save all the space for parking.

MARNI PRINCE: Okay.

CONSTANTINE ALEXANDER: Anyone else before Janet -- I recognize you, sir, go ahead. Again, these are just things we want to get on the table so they can digest it, we can digest it before we reach a decision which is not going to be tonight.

JONATHAN AUSTIN: My name's

Jonathan Austin, 219 Brookline Street.  
Which is opposite the property here. Just  
a little bit of history.

I was part of the group that helped  
rezone this area, so we were very much in  
favor of this gradual transition to  
residential in this area which has  
happened. It's been very successful. So  
on one level I share your concern that  
this is not part of that transition, but  
on another level, I think that the use is  
compatible with encouraging that. So I  
just wanted to state that. I think one of  
the things that troubles me most about the  
property in general, and it really relates  
about to this, is this is a view of the  
property in good weather. And what upset  
me most several years ago was that the  
prior owner took down all of the screen

planting at the periphery of the parking. This has nothing to do with your use of it, but he literally just bulldozed the whole thing down and then asphalted the whole area. That's not the explicit intent of the -- and requirements of the Zoning for parking as you well know. And so I would want consideration of this to be the restoration of the screen planting around the perimeter of the parking lot, five feet around the edges of the parking, even if it meant reduction of parking. I think it's more important to abide by the aesthetic intent of the Zoning Code here.

I also am troubled to hear about the idea of an additional curb cut on Brookline Street. This already has a more than adequate curb cut to the property. So I would be very much against the idea

of having a curb cut there.

Also, you'll see from here that the parking spots abut right up to the windows. This is a change of use. I'm not sure I have all my facts right here, but I think that you need to pull your cars away from windows.

CONSTANTINE ALEXANDER: By five feet I think.

JONATHAN AUSTIN: I think there's a whole bunch of -- for the commercial property it's ten feet. I think there's a whole bunch of design things here that a good response to a good proposal here would need to consider and come back. And I welcome chatting with you about this. But simply to convert this building and use the existing parking lot as is, I would, I would raise my objection to. In

principle I think that the use is compatible with the underlying intended residential area.

CONSTANTINE ALEXANDER: Thank you. Thank you for taking the time to come down, and you as well.

Anyone else wish to express some views for the benefit of the petitioners and this Board?

(No Response.)

CONSTANTINE ALEXANDER: No one else does.

Janet.

JANET GREEN: There's someone else.

CONSTANTINE ALEXANDER: Oh, I'm sorry.

RUTH CARRETTA: Ruth Carretta, C-a-r-r-e-t-t-a. I live on Allston

Street. It's one street parallel to Hamilton. So let's see, I think one of the issues that I think I -- let's see, I have been enjoying the conversation because I think the petitioners have a lot of excitement in their project and so I think that enthusiasm is always a nice thing to see with something new, because I think that property has been a little fallow for a bit. It seems a little quiet. So the energy feels really nice. But then to kind of counterbalance that, one of the issues that I think we might be a little concerned about is the traffic, even on Brookline Street, because that, that with the number of staff and particularly number of students who are going to be coming in, Mr. Alexander, I think you got -- you -- you're really on

point on that that's a high volume for a rather densely populated area, so I just --

CONSTANTINE ALEXANDER: That's a view with which I concur by the way. That's -- that's a view with which I personally concur.

RUTH CARRETTA: I was thrilled to hear you talk about that. I would like to hear a plan about the flow of traffic, you know, at beginning and end of the day with that volume of students and, you know, it's -- if there is only a single entryway into the parking lot I, I can see things getting really clogged up there at the beginning and end of the day. So, again, anything more you can do to flush out that situation would certainly be a welcome addition. So --

CONSTANTINE ALEXANDER: Thank you for taking the time.

Now, Janet.

JANET GREEN: I was very glad to hear that you had two meetings with the neighbors and it didn't work out as well given the snow, and you can't do anything about that. But the thing that concerned me when I was reading the file, not having had a look yet at the property, was that the people who all commented in favor didn't seem to live in the neighborhood. There were more people who would be your clients than people who were -- gave an address on the form. Usually when people are giving us, say I really appreciate having this, they give their address so that we get a sense of what the neighborhood is around. So I was

concerned when I read the file and saw that.

YOUNG KIM: Sure.

JANET GREEN: I would suggest that would need to be fixed.

DOUGLAS LING: We were certainly hoping that more people would come to our meeting.

JANET GREEN: I understand that.

CONSTANTINE ALEXANDER: That's not your fault.

JANET GREEN: It's not your fault. In fact, it's nobody's fault.

DOUGLAS LING: Yeah, well --

JANET GREEN: I just wanted to mention it because as it turns out you come back.

CONSTANTINE ALEXANDER: I see a hand up, sir.

JASON PRINCE: I'll be brief.

CONSTANTINE ALEXANDER: Give your name, though.

JASON PRINCE: Jason Prince, 106 Hamilton. Just to add on to the traffic discussion, it should be noted, I think, that that portion of Hamilton Street is a two-way street, but really it's only a width enough for one car. So when there's people coming in one direction, somebody sort of has to pull over to let the other person pass. And especially this time of year, that's not even really possible. So if there's people going in and out of that parking lot, that's, the potential big problem. I just wanted to bring that up.

CONSTANTINE ALEXANDER: I am going to make a motion to continue this case as a case heard because we got into it.

Other members of the Board want to express comments, questions, things we'd like these folks to consider?

TIMOTHY HUGHES: No, I think it's been laid out.

CONSTANTINE ALEXANDER: Yes, I think you've heard a lot of things: Traffic, the parking lot conditions and how it's going to be laid out, and maybe some landscaping issues. I think we need to hear a little bit better about the parking generally, because I think you were under -- appropriately so, or not surprisingly, under misapprehension over the district that you have to comply with. That's not your fault certainly. I think there are a number of issues you have to go back and think about. Speaking only for myself, I don't think arguments based

upon your experience in Chinatown are going to be very, to me, persuasive here. This is a difference between -- different situation and different environment. And certainly a different residential neighborhood.

Anyway, how much time would you think you would want before you want to come back before us? I mean, to consider maybe trying to have a meeting with the neighborhood this time with no snow if we're fortunate.

JANET GREEN: I'm gone in March.

CONSTANTINE ALEXANDER: It can't be before April. Let me explain. This is a case heard. What that means is that we've got into the merits of the case, obviously, and as a matter of law, the same five of us have to sit when the case

reconvenes. Now we don't have to -- Janet is not going to be here in the month of March. You could come back in March, but it will only be four of us. I have to point out to you to get the relief you're seeking, you need four votes. So if there's five, you can have one dissenter and still get the relief. If there's only four of us, you need a unanimous of the four. Statistically your odds are better if you have all five. But that's your call. We'll do whatever you want. But Janet is telling you that if you want all five of us, the case can't be until the first hearing we have in April. What date would that be?

SEAN O'GRADY: April 9th.

CONSTANTINE ALEXANDER: April 9th.

So anyway, it's your call. What day

would you like to request and I'll make the motion.

YOUNG KIM: So April 9th, then, I can see you five, all of you?

CONSTANTINE ALEXANDER: Hopefully all five of us will be here then. If not, then we have another problem. I think all five of us can be here, yes. We'll all be here. Okay?

SEAN O'GRADY: Okay.

CONSTANTINE ALEXANDER: The Chair moves that this case be continued as a case heard until seven p.m. on April 9th on the following conditions:

That the petitioner sign a waiver of time for decision. That's a standard thing that everybody does with a continued case.

That the sign that is up there right

now be modified to reflect the new -- you can do it yourself with a magic marker, the new date, April 9th; new time, seven p.m., both. And that those -- that sign that's so modified be maintained for the 14-day period before April 9th that's required under our Ordinance.

And lastly and very importantly, to the extent that you're going to submit new plans, new drawings, new dimensional form, they have to be in our files no later than five p.m. on the Monday before April 9th. If they are not, we will not hear the case on April 9th. That's a requirement of our Board.

So on the basis of this, on the motion I just made, all those in favor of continuing the case until April 9th, please say "Aye."

(Aye.)

CONSTANTINE ALEXANDER: Five in favor. So we'll see you April 9th. You have some work to do.

(Alexander, Hughes, Green, Myers, Hammer.)

\* \* \* \* \*

(8:00 p.m.)

(Sitting Members Case #BZA-005909-2014: Constantine Alexander, Timothy Hughes, Janet Green, Douglas Myers, Allison Hammer.)

CONSTANTINE ALEXANDER: The Chair will call case No. 005909, 55 Montgomery Street.

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

Mr. Rafferty, did you bring new plans with the dimension? You had a message from Sean.

ATTORNEY JAMES RAFFERTY: Yes, we did.

CONSTANTINE ALEXANDER: Are they in the file or did you bring them with you?

ATTORNEY JAMES RAFFERTY: They were hand delivered before five o'clock that day we received the call.

CONSTANTINE ALEXANDER: I have no doubt.

I want to make sure I'm working with the right plans. You want to identify them for me?

PAUL FIORE: I can tell you. They just have more dimensions on them.

CONSTANTINE ALEXANDER: That's the

problem just dimensions.

PAUL FIORE: 25 November.

CONSTANTINE ALEXANDER: And these are the plans. And Mr. Rafferty has advised you when we get to a vote and we tie them to these plans if we grant relief, you can't change these.

PAUL FIORE: Right.

CONSTANTINE ALEXANDER: You can but you'll have to come back before us with more relieve. I'm sorry Mr. Rafferty go ahead.

ATTORNEY JAMES RAFFERTY:

Certainly. Good evening Mr. Chair, for the record my name is James Rafferty and I'm an attorney with offices at 675 Mass. Ave. in Cambridge. I'm appearing this evening on behalf of Mr. Joel Wachman, W-a-c-h-m-a-n and Ms. Leslie Shelman.

So in this case the petitioners have been living at this house, at 55 Montgomery Street since 2000. Their son Sam was born there and he's in the front row. And he's a student Cambridge Rindge and Latin. He's getting a credit for his civics course by attending this evening's hearing I suspect.

CONSTANTINE ALEXANDER: He's not exactly impartial.

ATTORNEY JAMES RAFFERTY: The lot is an interesting lot. It's located on Montgomery Street, and it actually contains three structures. If you had not had a chance to look at it, the home is actually a condominium, notwithstanding the fact that it's a freestanding building.

CONSTANTINE ALEXANDER: Is it?

ATTORNEY JAMES RAFFERTY: There are four condominium units. There are the two front buildings, and then the rear building as a semi-attached home with two units there as well. Montgomery Street has a certain regular rhythm to it. Nearly every lot on the street is 6,000 square feet. This happens to be a double lot. This is a 12,000 square foot lot. Two lots have been put together. It has an interesting impact on the property. And I prepared just a little bit of the FAR analysis for the Board to understand the point I'm trying to make here. And I think it has some relevance to the overall context of what's being proposed here.

So, as board members probably know, the Residence B Zoning District has FAR that's somewhat unique. It's a split of

hairs. It's 05. FAR for the first 5,000 square feet, and then it's 0.35 for portions beyond that. So every lot -- every 6,000 square foot lot in this district you can see the allowable FAR is 2800 square feet. And if you were to combine those two lots, you'd see two adjoining lots, two adjoining 6,000 square foot lots could actually have 15 -- I gave everyone one and I didn't keep one for myself.

PAUL FIORE: 58, 7.

ATTORNEY JAMES RAFFERTY: So each lot, each lot could have 2850. And if you combine -- so two adjoining lots could have 5700 square feet on the adjoining lots. In this case, however, when you do the FAR on the 12,000 square foot lot. So when you think about it, same area, same

density, you can only have 4,950 square feet of development. So what's being sought here in terms of the overall impact is actually a GFA number that is about 350 feet less than two lots that abutted each other. So were this to have been a subdivided lot.

I offer this in context because there's a few unique things about the dimensional form. The dimensional form, what doesn't jump at you, is the home that we're talking about at 55 Montgomery Street is an exceptionally small home. It's 798 square feet. But of course the GFA that appears on the dimensional form reflects the four structures and the four dwelling units. This has been a home that the applicant or the petitioners have been living in since 2000. They're raising

their son here. It is a one-bedroom home. It's a one-bedroom home with a little bit of a loft. So they have a makeshift second bedroom. And this is a request not unlike the Board sees from time to time, where a family with a growing family wishes to remain in the city and in the neighborhood. So they've hired Mr. Fiore, and he was very attentive to the context of the building. That if you just take a peek at the photographs of the street, and I know Paul has those, you can really see the relationship of this house to the other two. The two houses on either side of it.

CONSTANTINE ALEXANDER: I saw the picture in the file.

ATTORNEY JAMES RAFFERTY: This is the blue house, and the two houses are on

the either side of it. Mr. Fiore would just take you through what's being proposed here. What's happening here is the roof is going to be raised, and raised in the section that's proposed is a two, a second story addition to this house. It results in an increase of GFA of slightly more than 407 square feet is the total increase.

The overall FAR applied across the lot moves from about a full one to a four-four. So....

CONSTANTINE ALEXANDER: When you're all done and if we grant you relief, you'll feel you'll have a roughly 1200 square foot house?

PAUL FIORE: Correct, it's just over.

ATTORNEY JAMES RAFFERTY: 1205.

From 800 square feet to 12005.

CONSTANTINE ALEXANDER: Small home.

ATTORNEY JAMES RAFFERTY: As I said, if you look at surrounding structures in a different alignment within the same zoning district, you could actually have about 400 square feet more. And I offer that by way of context to say that there was a real understanding of the need to be constrained in this redesign. The footprint of the property is unchanged. As you know, there are certain exceptions under Section 6 of the state statute that allows for second floor additions to non-conforming structures for one- and two-family houses. This would fit that exception, but for the fact that the GFA is already at the maximum. So it

is not an uncommon type of addition. The roof line here is -- increases, but is still relatively low compared to the other structures on either side of it. Maybe Mr. Fiore --

CONSTANTINE ALEXANDER: Before you do that. You mentioned this is a condominium, three units.

ATTORNEY JAMES RAFFERTY: Right. Four.

CONSTANTINE ALEXANDER: Four.

Do you need approval from your condo association?

ATTORNEY JAMES RAFFERTY: Yes. The master deed approvals have been supported and there are letters of support from each of the condominium owners in the file.

CONSTANTINE ALEXANDER: Okay.

ATTORNEY JAMES RAFFERTY: And the necessary approvals within the condo master deed. The reason it works is because there isn't a change in the footprint of the condominium building. So it's a second floor addition.

Portions of -- and Mr. Fiore could explain best, the building does have a second floor now, but it's a very modest second floor. So this -- what will result here is a true two-family house. At 1200 square feet it probably feels like an average town home that you see throughout the city with nice first floor living space and bedrooms and bathrooms upstairs for the petitioners and their teenage son.

CONSTANTINE ALEXANDER: Mr. Fiore.

PAUL FIORE: My name is Paul Fiore, I'm the architect working on the

project. And as Mr. Rafferty said, this is the existing floor plan and this is really the -- this is the bedroom in the house. And it's really a split level. These stairs, you go up half a level, it doesn't look like a split --

LESLIE SHELMAN: That makes it sound very fancy. Thanks.

PAUL FIORE: You go half a level up to the next level, and in this case you enter the living room, half a level down to a very small kitchen -- I'm sorry, this is the proposed. Then you go -- so that you go down to the kitchen and down again to the basement. And you go up. This is the one bedroom. You go up a half a level to what is currently a loft which they use as their master bedroom. And it doesn't

have a door.

CONSTANTINE ALEXANDER: Is there any bathroom on the second floor?

PAUL FIORE: There is not. There's only this small bathroom.

LESLIE SHELMAN: No.

CONSTANTINE ALEXANDER: Okay.

PAUL FIORE: So the idea is they approached us to -- they like the modesty of the house and they approached us to do something as modest as we could, but to, to provide a master bedroom basically. So our proposed plans did that above this portion of the house. And I'll show you three-dimensionally how we accomplished that, but -- and then so now you go through what is this loft, up a set of stairs to a raised portion of that floor which becomes the master, a very modest

sized master bedroom suite.

CONSTANTINE ALEXANDER: Here are the plans if anyone wants to look at them more closely. I'm talking to my fellow board members.

PAUL FIORE: And slow me down if I'm going too quickly.

And one of the ways we tried to keep it scale-wise as modest as we could, is we kept the eave line in the front the same. This is the existing rendering of the existing house. And what we did is we kept the eave line the same and sloped it up only high enough to get the stair to work to get up to this level and then we cupped this roof up and changed the slope to keep the sides as low as we could. So -- and that shows you three-dimensionally.

And this bay, we basically added because right now when you're sitting at the kitchen table, you can't open the refrigerator.

LESLIE SHELMAN: It's like a yacht. It's like a --

PAUL FIORE: If you can just push it a little, you can open the refrigerator. That's the concept behind that.

JANET GREEN: I would call that a hardship.

CONSTANTINE ALEXANDER: Yes, that's a hardship definitely.

LESLIE SHELMAN: Do you want to see these?

SEAN O'GRADY: No, that's okay.

PAUL FIORE: Sorry, Sean.

CONSTANTINE ALEXANDER: Where is

the dormer you were adding?

PAUL FIORE: So the best way to show those, this is the side elevation. Sorry, I cut these in half so I wouldn't get them wet on the way over here.

So this, this is the side of the house facing the left side of the house, facing the street. And this is the dormer that we're proposing.

CONSTANTINE ALEXANDER: How long is that dormer?

PAUL FIORE: It's 13-foot, 6 so it falls within the --

CONSTANTINE ALEXANDER: But at least in terms of --

TIMOTHY HUGHES: Yes, that one works.

PAUL FIORE: Yeah.

And the back of -- so this is the

opposite side of the house. And this is the eave line that I was speaking about that we have to have the same height. And in order to get the stairs through to get to the top, we continue that roof line up and then came down to that amount. So along the back, the elevation is higher. But on the front it stays the same. So if you want to look at the back elevation, this is where it is.

CONSTANTINE ALEXANDER: Okay.

Questions from members of the Board?

Doug.

DOUGLAS MYERS: What's the extent of the setback of the front wall of the dormer from the main wall of the house?

ATTORNEY JAMES RAFFERTY: It's coplanar. I think it's flush.

PAUL FIORE: If I understand you

correctly, it doesn't protrude out from the existing wall.

DOUGLAS MYERS: And what -- why did you choose not to have any setback there? What were the factors that influenced your design?

PAUL FIORE: It was mostly -- it -- I think -- are you speaking about the side dormer?

DOUGLAS MYERS: Yes.

PAUL FIORE: Yeah. There were two factors in that.

A lot of it had to do with making the room actually large enough without changing this main roof. And it makes the square footage work. But we also thought it worked well with the design of the existing house because it already has this sort of window that comes straight up from

the facade. It's not the kind of dormer that was set back. So this dormer exists on the house, and we really just copied it there and then, again, on the other side in a larger form.

DOUGLAS MYERS: But this is not the dormer that's 13 feet long?

PAUL FIORE: No, that's correct. That was this.

ATTORNEY JAMES RAFFERTY: But it's the same genre I think is what Mr. Fiore is saying. It has the coplanar, it continues up the face of the house in the same way that the existing dormer of the house. To your question what drove the decisionmaking, I think part of it was an attempt to remain consistent with the dormer on the other side of the house.

DOUGLAS MYERS: Are you saying

that you don't believe that the -- any setback, well, you just simply eliminated, did not pursue a setback because of your desire to have the dormers similar in their overall appearance?

PAUL FIORE: Mostly, it's also a --

DOUGLAS MYERS: External appearance?

PAUL FIORE: Also aesthetically you see this a lot. I mean I know the dormer guidelines specify a certain setback as not a requirement but a recommendation.

CONSTANTINE ALEXANDER: Exactly.

PAUL FIORE: But you do see this on a lot of historic houses even originally. This is not a -- you know, what would be odd is if this was very

large and sort of made it look like a two story. The fact that it, that it's reduced in size and it's only the size of the room inside, architecturally is a feature that you do see on historic houses like this.

CONSTANTINE ALEXANDER: Okay.

PAUL FIORE: So it's kind of --

ATTORNEY JAMES RAFFERTY: You're right, it does represent a deviation from that aspect.

DOUGLAS MYERS: The basis for my question is it's -- the elimination of any setback at all, and in fact the merging of the front wall of the dormer where the side wall, the main wall of the house, is something that's explicitly not recommended in the dormer guidelines. But I understand -- the reason for my question

is I wanted to find out what factors influenced your thinking and you've explained the structural and they were aesthetic in terms of the similarity from analogy of the dormer on the other side of the house.

ATTORNEY JAMES RAFFERTY: I would note of the three other criteria beneath the ridge line, setback from the edges, and also --

DOUGLAS MYERS: And toward the rear of the house and it overlooks a very wide driveway. And I'm aware of factors that mitigate it, but this was -- since the figure four of the dormer guidelines specifically says that this type of dormer is not recommended, I want to, I really want to explore the other factors that are countervailing.

CONSTANTINE ALEXANDER: Good.

PAUL FIORE: Uh-huh.

CONSTANTINE ALEXANDER: Other --

TIMOTHY HUGHES: I would like to go on record and say that figure four bothers me the most. Because as a contractor, as a builder, that creates, you know, many more difficulties in building a dormer if you can't go coplanar to the support wall, the outside support wall. And so I'm willing to forego that one a lot of times.

PAUL FIORE: So I do -- I've seen really bad examples of coplanar dormers, so I understand why that's in the guidelines. But, again, I feel like if you do it with all of those recommendations in mind and you can do it well. And I think those, that's what I

was hoping we did here at least.

CONSTANTINE ALEXANDER: Any further comments or questions?

(No Response.)

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

Is there anyone here wishing to be heard on this matter? Ma'am.

JULIA LIVINGSTON: I live next-door.

CONSTANTINE ALEXANDER: Give your name. You don't have to get up, but give your name.

JULIA LIVINGSTON: Julia Livingston, 67 Montgomery. And I've lived there a long time since before those other three units were built and, you know, the house that you're in is the original house and it's one the oldest houses on the

street. And when the owner, the developer built those other three units, he had a couple of meetings with all of the abutters, you know, on Reed Street and Montgomery Street. And basically what we were told at the time, and it's a long time ago, so my memory is fuzzy, okay. But what we were told at the time was that this particular house was a historic house and could not be touched because it was historic and you couldn't change anything about it and it would always be at most a two-person house. And it was on that understanding that all of us abutters at the time agreed to go along with the construction of the other three houses. I mean, there were other conditions that were put on it, too. Like, you got to have the parking in the middle the way it

is and shutters on the houses was part of it, too. But anyway, I'm just curious, I mean it seems like a really nice design from -- all I could see was from the back and I am -- are you adding a bathroom as well as a bedroom up there? Is that the idea? I mean, it seems like a really nice design to me. But I was curious to know what you were planning, and also curious about this historic structure thing that I remember. Does anybody know about that?

I'm more interested in the side I look at, not the other side.

ATTORNEY JAMES RAFFERTY: There was a reference as to why the house wasn't being taken down, and it was cited as there was some setback relief on the rear house. And one of the issues was that if they simply scraped the lot and took the

house down, they could build out. They didn't get GFA relief.

CONSTANTINE ALEXANDER: From our Board years ago?

ATTORNEY JAMES RAFFERTY: Yes, but they got setback relief. And over time there's language in the decision or support letters that talked about that you could, you could -- if you took the house down, you could build the same amount of GFA.

So there's references in the prior decision where there was setback relief provided for the rear property and it -- and one of the hardships cited was the fact that they -- that the preference was to put the parking between the structures so that it wouldn't be in the front yard. And there was rear setback

relief given. And one of the hardships cited was that this was subject to the demolition delay ordinance. It's more than 50 years old. It could not come down without Historical Commission approval. And there was a preference that it not come down, that it be preserved. So there's some before and after photos. It was preserved and restored and the complex was granted.

CONSTANTINE ALEXANDER: Do you need relief or approval or review by the Historical with regard to what you're going to do tonight?

JOEL WACHMAN: So that was just a removal that had nothing to do with renovation.

PAUL FIORE: You have to, you have to get a demolition permit. I mean, I'm

speaking from my experience with the Historic Commission. If you want to tear down a building, you have to get a Historic Commission demolition permit which means you need to go before the Historic Commission and they can delay that permit for -- there are a lot of things. Most of you know more about this than I do. But what they probably did I think what I'm hearing you say is that they decided to forego that demo permit and work with the building at that time.

JULIA LIVINGSTON: This was about demolition it wasn't about renovation. I remember the time that they were saying was that it's an interesting structure because it's from one of the few remaining worker's cottages.

LESLIE SHELMAN: I live there, I

love it.

JULIA LIVINGSTON: In this area at the time. A lot of these houses were built with very high first floors because of the conditions in the neighborhood. So that, you know, that's why you have that high basement. Is really it's not a basement like a regular Cambridge house because it's much higher and the first floor is much higher. And, anyway, I think you're doing a great job.

LESLIE SHELMAN: Okay, no, and I just wanted to say I apologize for not knocking on your door. We talked to everybody who had a site line or touched and I don't know -- I guess because you're one more over we missed you.

JULIA LIVINGSTON: Well, I think of myself as your neighbor.

LESLIE SHELMAN: I'm Leslie and I've seen you, but I've been in a Halloween costume every year.

JULIA LIVINGSTON: It's a big Halloween neighborhood.

CONSTANTINE ALEXANDER: Anyone else wishes to --

JULIA LIVINGSTON: Thanks for the explanations. I appreciated it.

CONSTANTINE ALEXANDER: Is there anyone else who wishes to be heard on this matter?

(No Response.)

CONSTANTINE ALEXANDER: The Chair notes that there's no one else. The Chair would report that we are in receipt of letters with regard to this project.

There's a letter from Ron Smith at 51 Montgomery Street. (Reading) I am the

owner of 51 Montgomery Street, the property abutting 55 Montgomery directly to the south. I have reviewed the architectural drawings and fully support the proposed renovation. The project will maintain the family integrity of the neighborhood by altering the plans from one-bedroom space to a two-bedroom house that is more amenable to family life. The proposed renovation will also mimic the scale and aesthetic of the neighborhood which mostly comprises of two-and-a-half story structures with gabled roofs. I believe the renovation will have a positive effect on the neighborhood and wish them good luck during the Zoning process.

There's also a letter, it's a joint letter from Mary Russell and Lorent

Poulain, P-o-u-l-a-i-n, 57 Montgomery Street. Second signatory is Jose-Angel, A-n-g-e-l Gonzalo, G-o-n-z-a-l-o and Carmen Tejerizo, T-e-j-e-r-i-z-o at 59 Montgomery Street. And lastly from Amy Wasserman and Jonathan Levin who reside at 61 Montgomery Street. And the letter says: We the households of the 55-61 Montgomery Street condominium unanimously and enthusiastically support the proposed construction at No. 55. We understand that this plan will increase their square footage from 780 square feet to 1200 square feet as well as increase the height of the building. We have seen the rendered drawings and the finished project and have no objections and nothing but the best wishes for our neighbors in this undertaking.

And last but not least, we have a letter -- oh, we have two more letters. We have a letter from Michael Reynolds and Debra Widener, W-i-d-e-n-e-r who reside at 60 Montgomery Street. (Reading) We are the neighbors of Joel Wachman and Leslie Shelman, the owners of 55 Montgomery Street. We are aware of the fact that they wish to add a bedroom and bathroom to the top of their home, and we have seen the architecture drawings of the proposed final result. With this letter we express our enthusiastic support of their project and wish them good luck.

And actually it's the same letter, this time signed by something Fisk as been modify F-i-s-k. And John -- I guess it's just John -- anyway, 52 Montgomery Street. It's a letter to the same effect as the

prior letter I just read.

So that's all we have in our files, all letters of support, no opposition. And no opposition has been expressed tonight in person.

Any final comments, Mr. Rafferty?

ATTORNEY JAMES RAFFERTY: No, thank you.

CONSTANTINE ALEXANDER: Comments? Discussion? Ready for a vote.

JANET GREEN: Ready.

CONSTANTINE ALEXANDER: Ready for a vote.

Okay, the Chair moves that with respect to the Variances -- we have to do a Special Permit. You're moving windows, too.

ATTORNEY JAMES RAFFERTY: It's been pointed out to me, and I thank you

for the opportunity to address that. That the Special Permit -- that the only window being enlarged or relocated faces a public street and, therefore, qualifies as an exception to the window in a non-conforming wall so we're not going to proceed.

CONSTANTINE ALEXANDER: You're withdrawing your Special Permit?

ATTORNEY JAMES RAFFERTY: Yes.

CONSTANTINE ALEXANDER: I make two motions. I guess the first motion -- let me do it in reverse order. With regard to the Variance being sought, the Chair moves that we make the following findings:

That a literal enforcement of the provisions of this Ordinance would involve a substantial hardship to the petitioner. Such hardship being that this is an

extremely small structure, not conducive to a family, and the occupants of the structure are a family and therefore need additional living space.

That the hardship is owing to the shape, shape of the lot and the nature of the lot with the number of buildings on it and the technical non-conformance with our -- some of the dimensional requirements of our Ordinance.

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

In this regard the Chair would note that the project has unanimous and enthusiastic neighborhood support.

That it will allow citizens of the

city to remain in the city and upgrade the housing stock of the city by having a structure that's more amenable to family use than the current configuration.

So on the basis of these findings, the Chair moves that we grant the Variance being sought on the condition that the work proceed in accordance with the plans prepared by Foley Fiore Architecture. They're one, two, three, four, five, six, seven pages. Each one of which has been initialled by the Chair.

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

(Aye.)

CONSTANTINE ALEXANDER: Five in favor.

(Alexander, Hughes, Green, Myers, Hammer.)

CONSTANTINE ALEXANDER: The second vote is the petitioner has requested -- proposes to withdraw the application for Special Permit on the basis that the relief is not necessary.

The Chair moves that we grant the request of withdrawal of Special Permit application.

All those in favor say "Aye."

(Aye.)

CONSTANTINE ALEXANDER: Five in favor.

(Alexander, Hughes, Green, Myers, Hammer.)

ATTORNEY JAMES RAFFERTY: Thank you very much.

LESLIE SHELMAN: Now the really hard part begins.

CONSTANTINE ALEXANDER: You're

right about that.

\* \* \* \* \*

(8:30 p.m.)

(Sitting Members Case #BZA-005974-2015:  
Constantine Alexander, Timothy Hughes,  
Janet Green, Douglas Myers, Allison  
Hammer.)

CONSTANTINE ALEXANDER: The Chair will call case No. 005974, 201 Alewife Brook Parkway.

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

Hello, give your name and address to the stenographer.

ATTORNEY MICHAEL BOZZA: My name is Michael Bozza. I'm the attorney for Bon Me Foods. My address is 14 Boylston Place, Brookline, Massachusetts. With me Patrick Lunch, Alison Fong the owners of Bon Me Foods and also the architect and the current owner of the space Charles Campus (phonetic).

CONSTANTINE ALEXANDER: You're going to drive out Cheddars, an institution in this neighborhood.

ATTORNEY MICHAEL BOZZA: Cheddars

is here.

CONSTANTINE ALEXANDER: You've been there a long time.

CHARLES CAMPUS: Long time.

ATTORNEY MICHAEL BOZZA: What Bon Me Foods is looking to do is to take over the Cheddar space. It's going to be substantially similar usage, eat in and takeout. Mostly takeout. What we're asking here for is the Special Permit for the fast order food permit.

CONSTANTINE ALEXANDER: Yes.

ATTORNEY MICHAEL BOZZA: The, there will be some interior renovations, but there's not going to be a change in the size of the space. Obviously there would be no change the parking lot.

CONSTANTINE ALEXANDER: Talk about the signage. You'll have a different

sign. Is it going to be illuminated, bigger than the sign that's there for Cheddars.

ATTORNEY MICHAEL BOZZA: I think the size is going to be the same, but as far as the style --

CONSTANTINE ALEXANDER: Style will be different.

ATTORNEY MICHAEL BOZZA: Yeah.

CONSTANTINE ALEXANDER:  
Illuminated?

FROM THE AUDIENCE: Will it be illuminated? Is it now?

CHARLES CAMPUS: Yes.

CONSTANTINE ALEXANDER: Your Cheddar sign now is it illuminated?

PATRICK LYNCH: Yes.

ATTORNEY MICHAEL BOZZA: There's one Alewife Brook Parkway with Dunkin'

Donuts and there's one the actual facade of the building, so those two signs will be replaced.

CONSTANTINE ALEXANDER: Okay.

We have to make various findings. So let me just check -- maybe it's more efficient, let me check them off and you can respond.

ATTORNEY MICHAEL BOZZA: That would be good.

CONSTANTINE ALEXANDER: We have to make, it says we have to make -- find that the following requirements are met:

That the operation of which your establishment will not create traffic problems, reduce available parking, threaten the public safety in the streets or on the sidewalks, or encourage or produce double parking on the adjacent

public streets.

ATTORNEY MICHAEL BOZZA: I don't believe the establishment will do any of those things. Again, the renovation will not include anything exterior to the building, so there will be no change in the existing parking lot which is shared with several of our businesses.

CONSTANTINE ALEXANDER: Right. It's not a situation, which I think this addresses a sidewalk. And you're worried about people walking on the sidewalk or crossing the street. Here you, you're in almost like a shopping center. I mean, it's a different type of shopping center than across the street. There's plenty of parking and -- okay. All right.

The physical design, including color and use of materials of the establishment

shall be compatible with and sensitive to the visual and physical characteristics of other buildings, public spaces, and uses in the particular location.

ATTORNEY MICHAEL BOZZA: Yes, they will be compatible with all of those.

CONSTANTINE ALEXANDER: Okay.

You proposed in your application drawings of the signage and the appearance, but essentially they don't appear like the Cheddar appearance in terms of the impact in the area.

ATTORNEY MICHAEL BOZZA: Yes, that's correct.

CONSTANTINE ALEXANDER: The establishment fulfills a need for such a service in the neighborhood or in the city?

ATTORNEY MICHAEL BOZZA: I believe

so. It's a different type of food, but it's health conscious, it's fast, and it's different option for the area.

CONSTANTINE ALEXANDER: Well, in this neighborhood in particular there is no other -- there are no other fast food operations like this. There is Mexican and there's McDonald's across the road.

ATTORNEY MICHAEL BOZZA: I wouldn't qualify it as fast food. It's fast casual.

CONSTANTINE ALEXANDER: You want the buzz words. Okay. Fast casual.

JANET GREEN: Fast casual.

ATTORNEY MICHAEL BOZZA: It is the buzz word, but it's not Fryolator and everything like that. It's not quite like McDonald's.

CONSTANTINE ALEXANDER: I've been

in your -- frankly, in your Kendall Square operation. Maybe it's the same notion, like an assembly line, you walk in and you order and bang, bang, bang down the line and walk out. Is that how it's going to be?

PATRICK LYNCH: Yes.

CONSTANTINE ALEXANDER: The establishment will attract patrons primarily from walk-in trade as opposed to drive in or automobile related trade. However, should -- well, however doesn't apply.

There are a number of office spaces around there --

ATTORNEY MICHAEL BOZZA: Yeah.

CONSTANTINE ALEXANDER: -- or pharmaceutical and Shire, I think are nearby --

ATTORNEY MICHAEL BOZZA: Yeah.

CONSTANTINE ALEXANDER: -- and the like.

ATTORNEY MICHAEL BOZZA: Yeah.

CONSTANTINE ALEXANDER: And people aren't going to be walking even from Alewife Brook Parkway to your place, I don't think, not too often. That's not amenable to people coming from the other side of the highway or people driving in from the side of the highway.

ATTORNEY MICHAEL BOZZA: Yeah.

CONSTANTINE ALEXANDER: It's really your side of the highway and all the stores and --

ATTORNEY MICHAEL BOZZA: The supermarkets.

CONSTANTINE ALEXANDER: -- and actually apartment houses behind them.

TIMOTHY HUGHES: And the people at Dunkin' Donuts need to eat.

ATTORNEY MICHAEL BOZZA: And Circle Furniture.

CONSTANTINE ALEXANDER: One stop shopping, you get doughnuts and then you come down the street and get your sandwich.

This is an important one. I'm serious, the establishment shall to the greatest extent feasible, utilize biodegradable materials in packaging the food and utensils and other items provided for consumption thereof.

Is that your practice, you use biodegradable materials?

PATRICK LYNCH: Yes.

ATTORNEY MICHAEL BOZZA: And also, you know, appropriately marked for like

the takeout containers and things like that.

CONSTANTINE ALEXANDER: Okay.

But the establishment shall provide convenient, suitable, and well marked waste receptacles to encourage patrons properly to dispose of all packaging materials, utensils, and other items provided with the sale of food.

You'll have that?

PATRICK LYNCH: Places for people to cast away their wrappers and the like.

ALISON FONG: Uh-huh.

CONSTANTINE ALEXANDER: Inside and out?

PATRICK LYNCH: Inside the store I'm not sure.

CHARLES CAMPUS: Certainly inside the store very well marked. The outside

of the store I'm not as clear, but certainly can be provided.

CONSTANTINE ALEXANDER: I would recommend, speaking only for myself, you have something outside the store as well. Someone comes out and then decides they want to unwrap and throw away the wrapper, I'd like to have place to go rather than the parking lot.

And that the establishment complies with all state and local requirements applicable to ingress, egress, and use of all facilities in the premises for handicapped and disabled persons.

Are you available with --

ATTORNEY MICHAEL BOZZA: Yes.

CONSTANTINE ALEXANDER: You're on the ground level and no steps or the like. With the store access to the restrooms on

the same level?

ATTORNEY MICHAEL BOZZA: I believe so. Yes, it's all throughout the sidewalk.

CONSTANTINE ALEXANDER: What will your hours of operation be by the way? And days of operation?

PATRICK LYNCH: Probably seven days. Our current restaurants are operating eleven to eight.

CONSTANTINE ALEXANDER: So eleven to eight.

PATRICK LYNCH: Yeah.

CONSTANTINE ALEXANDER: Questions from members of the Board at this point?

DOUGLAS MYERS: Do you plan to illuminate the signs at times when you're not in operation?

CONSTANTINE ALEXANDER: Good

question.

PATRICK LYNCH: I haven't really thought about that, but I don't -- I don't think we do that at our current restaurant so....

CONSTANTINE ALEXANDER: There really is no need for that if you're relying on walk-in trade and your hours are consistent with walk-in trade, you don't need to have somebody driving down the street at eleven o'clock -- down Alewife Brook Parkway at eleven o'clock at night and see a Bon Me sign.

ATTORNEY MICHAEL BOZZA: I don't know what the current use is, I'm not sure.

CONSTANTINE ALEXANDER: But I think the suggestion is and I think it's a good one, I'll speak for myself, a good

one, if the sign is illuminated, it will not be illuminated when the store is not open for business which will mean, it can only be illuminated between eleven and eight, seven days a week.

PATRICK LYNCH: Okay. That seems fair.

CONSTANTINE ALEXANDER: That sounds fair?

DOUGLAS MYERS: I would certainly approve of that.

CONSTANTINE ALEXANDER: Other questions from members of the Board?

(No Response.)

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

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

(No Response.)

CONSTANTINE ALEXANDER: The Chair notes that no one else wishes to be heard.

We are in receipt of two letters. Each from a city councillor. The first one is from Timothy J. Toomey, Junior. (Reading) I am writing to lend my support to BZA case such and such requesting a fast food Special Permit for 201 Alewife Brook Parkway. The applicant Patrick Lynch, owner and operator of Bon Me is seeking to replace operations an existing fast food establishment that has been serving the public for many years.

Is that true, that you're replacing?

FROM THE AUDIENCE: Replacing Cheddars.

CONSTANTINE ALEXANDER: Oh, yes, I'm sorry. Cheddars. You're replacing Cheddars.

PATRICK LYNCH: Yeah.

CONSTANTINE ALEXANDER: My  
mistake.

(Reading) Since this is a currently existing use at the same location, I would expect there to be no negative impact. Bon Me has other locations in Cambridge and Patrick has a great reputation in the community as a responsible business owner. It's great to see that small businesses have the ability to grow here in Cambridge, and I suspect Bon Me will be very successful in the new location.

The other letter is from Leland Cheung. (Reading) I am pleased to support Bon Me's application for a Special Permit to operate a fast order food establishment at 201 Alewife Brook Parkway. Bon Me has -- successfully operates a restaurant

in Kendall Square and a food truck in Harvard Square, which have earned a positive reputation in the community. I particularly commend Bon Me's commitment to healthy food and environmental sustainability. Bon Me's proposed new restaurant is in a location currently occupied by a fast order restaurant, so I am sure that Bon Me will fit seamlessly in the community. Bon Me's other locations have significant popularity with walk-in customers and an appealing quality for the changing Alewife district. I ask that you approve Bon Me's Special Permit request, and I am confident that the requirements of the Zoning Ordinance will be met and that the Bon Me restaurant will be a welcome addition to the Alewife area.

And that's it.

Any final comments you want to make before we close?

ATTORNEY MICHAEL BOZZA: Not at this time.

CONSTANTINE ALEXANDER: Okay.

I will close public testimony. Comments from members of the Board or are we ready for a vote?

TIMOTHY HUGHES: Ready.

JANET GREEN: Ready.

CONSTANTINE ALEXANDER: Okay.

Since this is a Special Permit, we have -- the Board moves that we make the following findings:

That the traffic generated or patterns of access or egress that would result from what is being proposed will not cause congestion, hazard, or substantial change in established

neighborhood character.

That the continued operation or development of adjacent uses will not be adversely affected by what you're proposing.

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

And that the proposed use will not impair the integrity of the district or adjoining district or otherwise derogate from the intent and purpose of this Ordinance.

With regard to all of these findings, the Chair would note that the property being -- the property is going to replace an existing fast order food establishment restaurant. So we have a

long history of what impact there is on the neighborhood from the operation of such a facility and the impact is negative. There's never been a problem with the existing use, and given particularly Bon Me's restaurant in Kendall Square, which is to my knowledge, created no problems, this should be a welcome addition to this neighborhood. So on the basis of all of these findings, the Chair moves that we grant the Special Permit being sought on the condition that the sign on the premises, which will be illuminated, may not be illuminated at times when the restaurant is not open for business.

All those in favor of granting the Special Permit say "Aye."

(Aye.)

CONSTANTINE ALEXANDER: Five in  
favor. Good luck.

(Alexander, Hughes, Green, Myers,  
Hammer.)

ATTORNEY MICHAEL BOZZA: Thank you  
very much.

\* \* \* \* \*

(8:45 p.m.)

(Sitting Members Case #BZA-005977-2015:

Constantine Alexander, Timothy Hughes,  
Janet Green, Douglas Myers, Allison  
Hammer.)

CONSTANTINE ALEXANDER: The Chair  
will call case No. 005977, 24 Clifton  
Street.

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

ATTORNEY SARAH RHATIGAN: Good  
evening.

CONSTANTINE ALEXANDER: Good  
evening.

ATTORNEY SARAH RHATIGAN: Good  
evening, everyone.

CONSTANTINE ALEXANDER: Good  
evening.

ATTORNEY SARAH RHATIGAN: Sarah  
Rhatigan, Trilogy Law representing the  
petitioners. This is Martin Gardens who

together with JoAnn McClernan (phonetic) owns one of the units in this condominium. Side by side townhouse condominiums. And then Jilna and Joanne Safer (phonetic) are here as well with their daughter. And as you know, we're here for a Variance request and this is a condominium building that was built in approximately 2004 on a 6,000 square foot lot. And at the time that the condominium was built and permitted it had a rear deck which because of probably some faulty construction or materials that were used failed relatively quickly I would say. Maybe six years I guess after its construction? And so our clients have brought some pictures, if you care to see, the disaster that we're dealing with. But because this deck was so unsafe, they actually removed the deck.

This I think was before they realized the difficulties or the complexity of trying to figure out how to rebuild. So what they've been left with since this rear deck was demolished is two condominiums which have first floors which are quite elevated off of the ground, and they have no first floor egress to the outside. So they've had some real difficulties, both insurance issues. They had to get a waiver through the insurance company to allow them to use their basement as a proper egress, and also just the practicalities of -- if you see the photographs which and we submitted with the application, these are each of their sliding doors from their kitchens. They're, you know, you can't go out there so they're barred up.

CONSTANTINE ALEXANDER: You can jump.

ATTORNEY SARAH RHATIGAN: You can jump. It just doesn't look great from the inside but there's also a real -- I mean, something has to be done.

And as we're making plans to try to remedy the situation, they were also dealing with another sort of -- well, I guess probably construction issue, the original design, which is you can't -- you can't see it beautifully in this picture, but there are sort of these wells, concrete structures that bring the -- going from the grade down three or four steps to sort of a cement hallway that run across the back of the property that lead to doors that go into the basement. And when there were open stairs

and a deck above there, they were having some issues with water. But then when the deck was removed, they had some -- a real catastrophe with some severe flooding that I don't remember the timing, I think it was the summer when we got the call last. August 1st.

The so the proposal that you have before you is in part dealing with obviously needing egress and wanting to be able to sort of cover over this basement area in a way that will prevent that flooding from happening again. Also providing them some outside sort of private enclosed space to deal with the other sort of difficulty that they face. Their house backs up on a Cambridge park and pool facility, that it's actually the parking area to that facility. So right

over their fence is an area where people love to congregate. So any time it's nice outside, there are a lot of people who will hang out. And as you've said, they're noisy, they smoke, they throw trash. And so you have your lovely yard but they're kind of not enjoying it.

CONSTANTINE ALEXANDER: At the same token the reason why you're here is you have rear yard setback issues --

ATTORNEY SARAH RHATIGAN: Yes.

CONSTANTINE ALEXANDER: And typically you worry -- we would worry about the setback, the privacy of the abutter.

ATTORNEY SARAH RHATIGAN: Right.

CONSTANTINE ALEXANDER: In this case the abutter is a parking lot.

ATTORNEY SARAH RHATIGAN: Right,

exactly.

And so interestingly, you know, before coming here today we discussed, you know, have you spoken to any neighbors or people concerned? And they've been able to chat with neighbors on either side who are perfectly happy. They didn't, you know, call over the wall to check in with the people who happen to park in the parking lot out back to see how they felt about it. But the -- one of the things that I think is helpful is that there should not be any impact for the people in the rear.

CONSTANTINE ALEXANDER: I'm curious, I was looking at -- and that's not necessarily relevant to the zoning relief, but this new floor, new room that you're proposing to add, is it going to be

a common room for the two families? It's not like you're going to divide it in half --

ATTORNEY SARAH RHATIGAN: Right.

CONSTANTINE ALEXANDER: -- and one have half. You all must get along very well.

ATTORNEY SARAH RHATIGAN: Yeah, they do. Yeah. And the decks on either side would be exclusive to each unit. So to the extent that they want to -- so the side decks are quite small, but, you know, to the extent that they did want to have those separate.

And the -- in terms of the Variance that's requested, in part, it's interesting, this is, you know, a 50-foot wide, 120-foot deep lot. At the time that it was built -- now, I'm not absolutely

certain about this, but the Commissioner told us when we met in advance of the hearing that we're showing the proposal, he had indicated that he thought that the requirement in the Ordinance that decreases the FAR if your lot exceeds 5,000 feet, was enacted after this property was built. And if you look at all of the dimensions, it makes sense, because this was perfectly conforming at the time. So it's 33 feet from the front line, probably to deal with the parking issues. That sort of -- because the house was pushed back in relative terms, it left a smaller rear yard. The previous deck that was there provided a 25-foot setback, which I believe, again, this is I believe at that time that that was the proper setback. So but also just putting in

perspective what the request is, the requested increase in square footage is 242 square feet, but 182 of that is the porch. 60 feet is sort of an artifact that they're covering over an area that will be approximately I think four and a half feet. Not an area that people can walk into, but an area that I think you have described as probably storage for exterior stuff like, you know, shovels and that kind of equipment. So not like the type of square footage I would think that the Code would be really concerned about. But also importantly the -- we're under the maximum FAR to begin with, and so the increase above the allowable is smaller. It's 136 square feet. The -- one other thing just to mention -- so in terms of the rear yard setback, even if you just

look at the addition, we realize we obviously are exceeding the allowable rear yard, but the, the exterior stairs make those numbers worse if you will. And the Code does allow for exterior stairs to lie within setbacks if they're four feet from grade. So these are above that, which in part is sort of a function the way that the grade happens. But they are stairs that are leading from a first floor not a second floor. So even though we're not really falling under that Ordinance, we're sort of, we feel like we're coming within the spirit of that -- what that was meant to do to sort of allow for this kind of situation.

CONSTANTINE ALEXANDER: Questions from members of the Board?

TIMOTHY HUGHES: No.

ATTORNEY SARAH RHATIGAN: I'm sorry, just one last thing which I forgot to mention.

CONSTANTINE ALEXANDER: Sure.

ATTORNEY SARAH RHATIGAN: Because of the way that the neighboring houses are sited closer to the road, if you take a look from either of those sides, I don't think that they'll see the addition or they might see the stairs at the end, but there's not a lot of visibility of this area from either side.

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

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

(No Response.)

CONSTANTINE ALEXANDER: Apparently not.

We are not in receipt of any letters one way or another from neighbors or City Councillors so I will conclude public testimony.

Any final comments? I think you covered everything.

ATTORNEY SARAH RHATIGAN: No.

CONSTANTINE ALEXANDER:

Discussion?

TIMOTHY HUGHES: No, I'm good with it.

CONSTANTINE ALEXANDER: It seems the appropriate thing to do. I understand the need for it, and the impact on the neighborhood is minimal if any.

So I'm going to make a motion with regard to the Variance being sought.

The Chair moves that we make the following findings:

That a literal enforcement of the provisions of the Ordinance would involve a substantial hardship to the petitioner. Such hardship is basically the only way the occupant of the structure can enjoy their backyard, it needs an addition to replace the deck that was -- had been removed and removed not because -- to build this addition, but to for other structural reasons.

That the hardship is owing to the shape of the lot; long and narrow, as the petitioner's counsel pointed out, as well as the fact that the house is cited relatively to the rear of the lot which causes the impact on the rear lot line.

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

derogating from the intent and purpose of the Ordinance.

In this regard, the issues that the role of setbacks; namely, to preserve privacy is not an issue here given the fact that to the rear yard, the rear of the structure are no other residential structures. And further, that the addition that's being proposed will not be visible to the -- except perhaps to the stairs will not be visible to the neighborhood. And then finally that what is being proposed will improve the quality of the inhabitability of the structure itself.

So on the basis of these findings the Chair moves that we grant the Variance being requested on the condition that the work proceed in accordance with the plans

numbered A-1, submitted by the petitioner,  
and initialled by the Chair.

All those in favor, please say  
"Aye."

(Aye.)

CONSTANTINE ALEXANDER: Five in  
favor.

(Alexander, Hughes, Green, Myers,  
Hammer.)

TIMOTHY HUGHES: Good luck.

ATTORNEY SARAH RHATIGAN: Thank  
you.

\* \* \* \* \*

(9:00 a.m.)

(Sitting Members Case #BZA-005978-2015:  
Constantine Alexander, Timothy Hughes,  
Janet Green, Douglas Myers, Allison  
Hammer.)

CONSTANTINE ALEXANDER: The Chair  
will call case No. 005978, 14 Hillside  
Avenue.

Is there anyone here wishing to be  
heard?

PETER WRIGHT: My name is Peter  
Wright, architect. I live at 107 Larch  
Road.

MARTY CAFASSO: I'm Marty Cafasso.  
I'm the owner.

CONSTANTINE ALEXANDER:  
Mr. Cafasso, were you here before us

before? Just to separate the property from the big structure from this --

MARTY CAFASSO: No, I bought it subsequent to that.

CONSTANTINE ALEXANDER: You bought it subsequent to that?

MARTY CAFASSO: Yeah.

CONSTANTINE ALEXANDER: You just bought the smaller house?

MARTY CAFASSO: The smaller house.

CONSTANTINE ALEXANDER: Okay. The person -- to create that separate house, the prior owner had to get prior relief from us.

MARTY CAFASSO: Correct.

CONSTANTINE ALEXANDER: And at the time the representation to us was that they were going to move into that, and the big house was going to be sold -- the big

house and the small house were sold?

MARTY CAFASSO: Yeah.

CONSTANTINE ALEXANDER: Not by  
you.

MARTY CAFASSO: I'm the  
beneficiary.

CONSTANTINE ALEXANDER: We don't  
like to be fooled. We're like Mother  
Nature. We don't like to be fooled.

PETER WRIGHT: We're here to talk  
about No. 14 which is the -- often  
referred to as the carriage house. It's  
about 125 to 130 years old and it has been  
used as a -- mainly as an institutional.  
It was a school for a long time and then  
an office.

MARTY CAFASSO: It's been a school  
since 1915 or something like that.

PETER WRIGHT: Yeah.

CONSTANTINE ALEXANDER: Lesley College used to own that building.

MARTY CAFASSO: They did. And there was another school that was there for 60 or 70 years.

PETER WRIGHT: And Martin is in the process of making it into a single-family residence. And we're here for two reasons: Both a Special Permit and also a Variance. The --

MARTY CAFASSO: Are you sure about that?

CONSTANTINE ALEXANDER: It just says Special Permit.

PETER WRIGHT: Oh, I'm sorry.

CONSTANTINE ALEXANDER: Just a Special Permit.

MARTY CAFASSO: These things matter to them.

DOUGLAS MYERS: It's hard enough, don't make it harder.

PETER WRIGHT: We worked with Avon Hill Historical Commission and they, they have approved all the --

CONSTANTINE ALEXANDER: You don't have a letter I don't think in the file from them.

JANET GREEN: Yes, we did. I saw it.

CONSTANTINE ALEXANDER: I didn't see it when I looked at the file.

PETER WRIGHT: And the elevation has all been approved. And the one that we're dealing with is the one that is the rear elevation, the southeast elevation, which is inside the rear setback and it's non-conforming. And, and being that it is a non-conforming building of course with

Section 8, we're only allowed a certain percentage, of course, in additional square footage. And we are asking for the -- another 715 I believe it is. Yeah, yeah, 715 square feet, which is roughly about one third of the existing basement. The existing basement is a bit shy of seven feet throughout, like maybe a half inch.

MARTY CAFASSO: Six-ten, six-eleven.

PETER WRIGHT: Yeah.

So in this one third of the basement we're asking to go full height to create a rec room.

CONSTANTINE ALEXANDER: You're an honest man. Usually a lot of people would just say hell, let's use it anyway even though it's under seven feet, even though

it doesn't comply with the Building Code, who's going to know. But you're honest.

PETER WRIGHT: He'll know.

MARTY CAFASSO: He's got binoculars.

PETER WRIGHT: And that's the reason on the elevation that we showed -- we asked and we're approved to have a larger windows in the basement for both sunlight and --

MARTY CAFASSO: It's southern exposed.

PETER WRIGHT: Yeah. The site is --

TIMOTHY HUGHES: They weren't so much being honest but being driven by the change in the windows. And then you ask the obvious question, well, what do you need bigger windows in the basement for?

Oh, I see.

CONSTANTINE ALEXANDER: You're right.

MARTY CAFASSO: My laundry likes light.

CONSTANTINE ALEXANDER: That's the hawk eye.

TIMOTHY HUGHES: I don't know if I buy that one.

PETER WRIGHT: And so that, elevation, which I have -- I -- I believe you all have received this.

CONSTANTINE ALEXANDER: Yes, we have it right here.

And these are the final elevations? As you know, we're going to approve it subject to these --

PETER WRIGHT: These are the final ones.

CONSTANTINE ALEXANDER: If we approve it.

PETER WRIGHT: Yes, if it's approved. And --

MARTY CAFASSO: The changes to the basement windows unfortunately we are about 20 feet higher than everybody else and there's a fence there.

CONSTANTINE ALEXANDER: And have you talked to your neighbors about this?

MARTY CAFASSO: The ones that I've met I talked to them. I don't know everybody yet.

CONSTANTINE ALEXANDER: Okay.

And the ones that you met, have they expressed any problems?

MARTY CAFASSO: No.

CONSTANTINE ALEXANDER: Your sign is, I'm going to say, very well displayed.

Which is good. So anybody in the neighborhood can't -- has to know something is going on.

MARTY CAFASSO: I don't have much property on it.

CONSTANTINE ALEXANDER: Some people aren't as good about putting the sign where you put it and you mounted it very, very well. So I congratulate on that.

MARTY CAFASSO: I think that we fleshed out any neighboring concern at the historical meeting.

CONSTANTINE ALEXANDER: Yes, that's a good point. That's the way to do it.

MARTY CAFASSO: And --

DOUGLAS MYERS: So this room in your proposal will have a different

ceiling height than the other rooms on in the basement level?

MARTY CAFASSO: That's right.

DOUGLAS MYERS: And what dictated your selection of eight-foot, four inches? In terms of -- since you're going to have rooms with different heights down in the basement, why did you choose those dimensions?

PETER WRIGHT: I thought that would be --

MARTY CAFASSO: As far as I was concerned, it was below seven and above seven. I didn't see the difference.

PETER WRIGHT: Yeah. Just to create a nicer space down there. We can't go too deeply because of the old foundation. I'm sure the foundation goes much further below the existing floor in

the basement.

MARTY CAFASSO: But is that height germane? Isn't it just a demarcation line at seven feet, whether it's --

DOUGLAS MYERS: I was just curious insofar as the factors that I said. The different ceiling levels and you had choices. I was just wondering how you alighted on eight foot -- eight feet, four inches.

TIMOTHY HUGHES: That sheetrock comes in eight foot, four inch sheets, right?

PETER WRIGHT: Yeah.

CONSTANTINE ALEXANDER: You can't put anything by us, this Board.

PETER WRIGHT: I noticed. I believe that's really all the salient points. Anything else?

MARTY CAFASSO: Just the only other thing is that there are some windows being changed on the first floor level that we requested going to be changed.

CONSTANTINE ALEXANDER: That's all in the plans.

MARTY CAFASSO: Yeah, that building had been worked on in subsequent periods, and, you know, some of that was a mish-mash. And we think it's gonna clean it up from the outside as well as helping the floor plan inside.

CONSTANTINE ALEXANDER: Questions from members of the Board at this point?

(No Response.)

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

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

(No Response.)

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

The Chair would note there are no letters in the file pro or con, but there is a Certificate of Appropriateness in the Avon Hill Commission as you pointed out in your presentation.

Unless you want to add anything, we're ready to take a vote. You all set?

PETER WRIGHT: I'm all set.

CONSTANTINE ALEXANDER: Any discussion or ready for a vote?

MARTY CAFASSO: Unless you want to say no, then we'll keep talking.

CONSTANTINE ALEXANDER: I'm sorry?

MARTY CAFASSO: Unless you want to say no, then we'll keep talking.

CONSTANTINE ALEXANDER: You'll

find out in a few minutes whether we're going to say no or not.

Okay, with regard to the Special Permit being sought the Chair moves that we make the following findings:

That what is being proposed will not cause congestion, hazard, or substantial change in established neighborhood character.

That the continued operation or development of adjacent uses will not be adversely affected by what you are proposing.

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

And that the what you're proposing will not impair the integrity of the

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

On the basis of these findings the Chair moves that we grant the Special Permit being sought on the condition that the work proceed in accordance with three pages of plans prepared by Peter Wright Studio Architects, each of which has been initialled by the Chair.

All those in favor please say "Aye."

(Aye.)

CONSTANTINE ALEXANDER: Good luck.

(Alexander, Hughes, Green, Myers, Hammer.)

\* \* \* \* \*

(9:05 p.m)

(Sitting Members Case #BZA-005986-2015:  
Constantine Alexander, Timothy Hughes,  
Janet Green, Douglas Myers, Allison  
Hammer.)

CONSTANTINE ALEXANDER: The Chair  
will call case No. 005986, 9 Fairmont  
Street, Cambridge Housing Authority.

Is there anyone here wishing to be  
heard on this matter? We've seen you  
before.

JOHN WOODS: Yeah, yeah, I know  
it's been a while. I hope everyone is  
fine.

My name is John Woods. I work for  
the Cambridge Housing Authority, 362 Green  
Street, Cambridge. And I'm here with my

colleague Margaret Keaveny.

I'm here today seeking a Variance to allow some -- construct a 360 square foot trash room at the Woodrow Wilson Court development located on Magazine Street between Chalk and Fairmont. The property -- and Margaret's just going to show the trash room we're proposing would go on what we're calling building 1, the building that actually fronts on Magazine Street. And we selected the trash room location to try to limit any negative impact we'd have on the open space in the courtyard at the site. The site was built in 1949 by the Cambridge Housing Authority and contains 68 apartments. 32, one-bedroom apartments, 32, two-bedroom apartments and four, three-bedroom apartments.

Currently the, the trash system is addressed through a series of 13 trash chutes within the buildings. The residents put their trash in the trash chute, it goes down to the basement, and goes into a compressor system and these large sausages are created that the maintenance crew has to take out from the basement and bring out to the street and it has caused a number of situations where rodent infestation, smells, negative smells. And so, over the course of the last few years we've been looking at upgrading our trash systems in some of our developments, and the solution that we found is to get the trash out of the buildings, out of the basements, and to put it in a single location that the maintenance crew can make sure that they

can police and address.

Another --

CONSTANTINE ALEXANDER: Excuse me, residents come down from their apartments and put their trash and walk into the trash room and deposit it in some sort of a receptacles?

JOHN WOODS: Yes. In fact Margaret will show here on the trash structure that's being created, there will be a trash, single trash chute that only residents can access to put their trash in on the side here. Can you just point that.

MARGARET KEAVENY: Yeah, so the chute's right here and a handicap ramp.

CONSTANTINE ALEXANDER: Oh, okay. It doesn't come from the apartment.

JOHN WOODS: No.

CONSTANTINE ALEXANDER: You bring your bag downstairs, you walk outside, and put it in the chute.

JOHN WOODS: Which is a significant change for, you know, and we have a lot of long time residents, and we're well aware of the fact that this is an impact to their lifestyle. But, again, we found it in some of our other developments that it does, after some adjustment period, work very well.

The other feature about this is that also it's the same location where the recycling will take place.

JANET GREEN: I wondered about that.

JOHN WOODS: Yes.

And so, Margaret, if you can show on the other side.

Also this chute here will handle recycling and also have a compactor system in it. And speaking to Meryl Brott from the recycling center, she says that that's probably one of the most single important things you can do to increase recycling in a development, is to have the location for trash and recycling in the same place as opposed to saying recycling is over here trash is here.

So the trash will go into these chutes, be compacted, and put into two yard bins. The maintenance crew will then open up these doors and remove the bins and bring them out for collection by the city.

CONSTANTINE ALEXANDER: And what's the reaction of the occupants of the structure now to what you're proposing,

and also what are the reaction of the people who live in the adjoining buildings?

JOHN WOODS: Sure. We've reached out -- you know, all our redevelopment activities involve the input of the residents. So this is one component of about a \$2.4 million set of renovations going on here. And, frankly, the reception has been mixed in the sense that it's a difficult transition for some people to make. You know, it's a lot easier, you can -- you don't have to put shoes on, put stuff down the trash chute. And so we're well aware and we're willing to -- and are obviously committed to working with the residents to help them through this transition period.

On the resident side -- Margaret,

can you show that first, the site plan itself? One thing about Woodrow Wilson Court, as you can see on Magazine Street there is a house that is right there on the corner. And we've had a number of discussions with the gentleman who owns that house. Explained what we were trying to do. And sort of went through a fairly lengthy process of explaining to him why we're trying to do it. And I think, you know, I couldn't get a letter of support from him, but I also at this point don't think he's -- has any negative impact, or negative feedback on it.

We did some outreach in preparation for the BZA hearing to the neighbors in addition to what the BZA requires you to do and asked people to come to a meeting to discuss it. First meeting got snowed

out. But then we sent another letter out, and had a meeting on February 3rd. Nobody came. Other than -- I shouldn't say nobody came, because the residents came. The residents in the building came down to continue to add their input into the situation.

CONSTANTINE ALEXANDER: And what was the input that they added?

JOHN WOODS: Well, most of it was a series of questions that were being asked. You know, how big is the chute opening? You know, can anybody else use it besides us? You know, the usual sort of type of questions that people would ask for this type of lifestyle change.

And there are some people who are fairly strenuously objecting to it. If you look here, the -- this -- right below

those two windows, there are two other windows. So we're taking those two windows out. What it does is -- so it makes a significant change to the apartment right behind the new building. We've actually moved the current resident to another location. The -- those two windows will be removed. We're still able to use both those -- it's a two-bedroom apartment, and both windows have another window in it so it's still acceptable. Still within code. But we felt it was fair, not to change somebody's windows, you know. And so we actually were able to move them to another place in our portfolio.

I think probably the one objection you'll hear tonight is from the resident above the trash chute. And I think one of

the biggest concerns that they have are the potential for smells and odors that come up there. And we have taken great pains in this design to ensure that there's a ventilation system that's actually tapping into one of the old trash chute systems that will run from that building through and up with the mechanical vent system up to the fourth floor.

MARGARET KEAVENY: Out through the roof.

JOHN WOODS: Out through the roof.

And the other thing that we found -- this is a very similar design to what we have at Jackson Gardens, which is also using sort of the wall of the building for the fourth wall. And obviously the importance of the

maintenance treating the trash building as a way it should be, each time trash is removed and brought to the city for pick up, there's a wash down procedure that goes on, it's a protocol. There's a drain system in there, hot and -- cold water lines go in there. There's a deodorizer that's put in. And so obviously remaining vigilant about cleaning the trash shed is absolutely important to making sure that the system works.

DOUGLAS MYERS: What would be the hours of use and access?

JOHN WOODS: Residents would be able to use it 24/7. You know, again, through a fob system, they'll be able to access the chute.

DOUGLAS MYERS: A fob system?

JOHN WOODS: A fob system, you

know --

DOUGLAS MYERS: Sort of like a card?

JOHN WOODS: A key, yeah.

Maintenance is there during regular working hours, and so they'll go in there and have a regular schedule to remove these bins. And, you know, there's a capacity to move the two yard bins around so that they're full. But the expectation is that there will be at least two collection periods.

We have an arrangement with the city, the city collects our trash and has one, one pick up. We can also supplement that with a private contractor to make sure that there isn't trash sitting there in particular.

CONSTANTINE ALEXANDER: What about

noise? You know, process, what is stored in that storage area particularly the impact on the people whose windows are right above it? Is there a noise?

JOHN WOODS: The trash compactor at Jackson Garden is, you know, it sort of goes on automatically when enough trash is in there. And the noise has been minimal. There hasn't been any complaints over at Jackson Gardens.

One of the recent comments that we got or requests that we got was to perhaps provide some additional insulation at the wall there if in fact there is some noise issues. We haven't found it to be the case at Jackson Garden. We're going to ask our engineer to look again and see if there's a, maybe another insulation that we can put on the, on that common wall

there. But the, it -- this new trash system is going to cost us about a half million dollars, so we're not skimping on it. We're making sure that it works well. It's aesthetically appealing. We worked with Charlie Sullivan on the design. 1949 building, they're interested in the building, making sure it looks good. So we tried to capture some of the same features of the building itself with the brick and the steel roof.

So the Variances as you see, the dimensional Variances are fairly minimal. We've got obviously an increase of 360 square feet that we're adding to that one building. The FAR changes I think .01 percent. And so we're almost there, but we wanted to make sure that we, we covered all our bases. We're getting financing

for this project. We're going to have a Zoning opinion so we wanted to make sure that everything was perfect on this. So we ask that --

CONSTANTINE ALEXANDER: Just out of complete fairness, this building is right now far out of compliance with FAR.

JOHN WOODS: Yes.

CONSTANTINE ALEXANDER: You're at 2.05 in a 0.5 district. So you're going to go to 2.06 which is a slight increase.

JOHN WOODS: Right.

CONSTANTINE ALEXANDER: So you're starting with -- a non-compliant to start with.

JOHN WOODS: Exactly, that's what the Section 8 to start with.

JANET GREEN: You mentioned that you're going to help the residents

get -- I mean, I can imagine if you're on the farthest building on the fourth floor and carrying this down, there's going to be a significant -- particularly if you don't get through stairs very well.

JOHN WOODS: Right, we'll work with them.

JANET GREEN: How will you work with them?

JOHN WOODS: Our management team will be available to help respond to people that might need assistance to actually bring some of the materials down.

CONSTANTINE ALEXANDER: This building have an elevator.

JANET GREEN: It's a walk up.

JOHN WOODS: No. Four-story walk up. Yeah.

JANET GREEN: So they have to walk

it down?

JOHN WOODS: Yeah.

CONSTANTINE ALEXANDER: I didn't realize that.

JANET GREEN: That's the big change.

JOHN WOODS: No, it is.

JANET GREEN: And especially in the snow.

JOHN WOODS: Oh, yeah.

JANET GREEN: Because now they have to come across in the snow to get to this building.

CONSTANTINE ALEXANDER: Any thought given to -- to having to pick up trash pick up by a member of the staff? Can a resident call down to -- whoever superintendent I'll call him, and say I got trash that needs to go out, can you

come up and get it?

JOHN WOODS: Sure, as long as if, you know, the person has a legitimate condition that they can't do it themselves, sure, absolutely. You know, that's the kind of thing that the CHA would be more than happy to do.

And, again, we, we acknowledge the fact that this is a lifestyle change for folks, and, you know, we got a lot of long term residents out there, so you know.

JANET GREEN: So just to go back to that, what would the process be? How would somebody -- you mentioned that if they were determined to need that help, I can imagine that, who would make that determination?

JOHN WOODS: Each of our developments has a property manager

assigned to it. So they would contact the property manager and express the fact that they need some help in that.

JANET GREEN: And if they're not happy with that just -- so you know how things can happen. If they're not happy with a decision they get, is there an appeal process?

JOHN WOODS: Sure.

CONSTANTINE ALEXANDER: Why not just a regular pick up arrangement? The property manager advises everybody on the third and fourth floor or second floor for that matter, but on Tuesdays and Thursdays and Saturdays we're going to come by and pick up trash to take to the trash center. And that you don't have to have the people calling and nobody answers the phone or the like. Why not something like that?

JOHN WOODS: Yeah. Well, I mean, the hope is the vast majority of the residents will be able to take care of it themselves.

CONSTANTINE ALEXANDER: Well, they don't have to avail themselves for it, but they don't have to reach out. In other words, they don't want have to leave their trash out in the hall for somebody to pick it up, they don't have to do it.

JOHN WOODS: I know. But, again, I think that would be done on an exception basis only. And, again, I think that the idea would be that, you know, that would add significant amount of time to our maintenance staff doing something else.

CONSTANTINE ALEXANDER: Yes, that's true. That's true.

DOUGLAS MYERS: As opposed to a

significant amount of time for the residents to deliver their trash to the site.

My question, do you have any idea, I realize that you don't do a lot of detailed empirical studies, do you have any idea of the amount of trash that residents deliver to your trash system per week?

JOHN WOODS: No.

DOUGLAS MYERS: Or by volume?

JOHN WOODS: No, no, I don't.

DOUGLAS MYERS: Because if it's a consider -- well, it just occurs to me that if you have a considerable volume of trash, it may not be as much of a hardship for you to walk it down the hall to a trash chute multiple times. But if you, if you do, or you generate it periodically

during the week, it's much more of a hardship to walk it some distance from your building to a central location.

JOHN WOODS: Well, and I guess I don't want to -- I fully acknowledge it's easier for the residents to be able to come out and put the trash in a chute on the floor, but I think the quality of life both within the development and within the neighborhood is negatively affected by the rodent population.

DOUGLAS MYERS: I understand.  
Making sausages is not a pretty process.

JOHN WOODS: That's right.  
Literally on that, that's what they call those things, sausages when they come out.

DOUGLAS MYERS: I understand.

ALISON HAMMER: Can I ask then why you wouldn't take the money that you're

putting into creating this new trash room to upgrade your current system of trash chutes to mitigate the rodent or other issues?

JOHN WOODS: Because we have found that despite all efforts, when you have the trash in the basement, in the warm basement and during the winter or what have you, it's just, it just is conducive to creating rodents. You know, you cannot seal it up like we can seal it up over here, so it's just a lack of control. Any sort of management expert would tell you that it's the source of food for the rodents. So we're trying -- as even if the trash system itself through the chutes was upgraded, we would never be able to get the kind of quality and control that we can get over here.

ALISON HAMMER: Because you don't feel like this new design would attract rodents?

JOHN WOODS: No. Because the design itself, you know, the width of the walls, the design of the construction itself, it's almost hermetically sealed as best as possible. You know, there's extra attention to the door sweeps, interlocking door sweeps. The only entrances that are really approachable are where the maintenance guys go in. Everything else is sealed. So it's that capacity to seal it to keep both insects and rodents out.

DOUGLAS MYERS: Multiple doors?

JOHN WOODS: Yeah, those doors on the -- open up.

DOUGLAS MYERS: If someone puts down trash and props the door open and

then brings in trash in a series of trips, the door might be ajar for some period of time, if it's at night, rodents might enter.

TIMOTHY HUGHES: They don't go through a door. They go through the chute system.

DOUGLAS MYERS: From the outside?

TIMOTHY HUGHES: From the outside.

JOHN WOODS: From the outside.

The only way you get trash is through that system. Again --

TIMOTHY HUGHES: And when the chute is open to receive trash, it's closed to the inside building and it only opens to the compactor when it's closed on the outside. So it's never open per se. It's always, it's always closed.

JOHN WOODS: Right. And it's

hooded. We have -- you know, we had situations in the past where kids try to climb in. You can't do that because they have a sort of a hood over within the chute itself that only allow entrance for trash.

JANET GREEN: Have you had a problem with people leaving trash outside? Because, you know, all the donations places where you can push the thing in to the container, there's always stuff all the way around the outside.

JOHN WOODS: Yes. That's been the case in some of our developments where, you know, we do allow some couches and things like that. And one of the things that we're going to combine it here -- there will be a security system, a camera system. So that, you know, it

could happen, maybe once, maybe twice, but hopefully that will deter people from leaving materials over there.

ALISON HAMMER: Is there any concern with only one place to put your trash and one place to put your recycling, that if it were to break all of a sudden all, what was previously serviced by 16 trash chutes there's now only one entry location -- first of all, that seems to be a lot more use and what happens when that possibly malfunctions?

JOHN WOODS: If that happened, we would immediately know it. There's maintenance people on-site everyday, maybe not Sundays. But so, we would -- the residents aren't shy about telling us about problems. So we would immediately have staff down there to deal with it.

CONSTANTINE ALEXANDER: Further questions at this point from the Board members? We all set?

(No Response.)

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

PAULA DOTTIN: I'll be the first one. No. 1 in nine years --

TIMOTHY HUGHES: Please identify yourself.

PAULA DOTTIN: I'm sorry. My name is Paula Dottin, D-o-t-t-i-n. One of the millions of Dottins in Cambridge. I live in -- No. 1, this is a four-story building. The whole place. We are two steps shy of having an elevator when they built this place. It, I'm going to be on the second floor, and currently right now nobody's told me what is the noise, and

it's my two bedrooms. And then in the summertime I won't be able to open the bedroom windows. They used to have the recycle bins underneath my windows. It took me three years to get the recycle bins out of there because people were bringing their trash and everything in the recycle bins. And in the summertime all the bugs and all the smell came through my bedroom window. We moved the recycle bins. They were brought back to where they were underneath my bedroom.

Now, it took us four years to get a trash -- I mean, a cleaning schedule. Four floors. Somebody on the fourth floor they bring down their trash to put in the recycle bin, who's gonna clean the hallway? We just got -- two years ago we got hallway schedules put up? So who's

gonna clean the hallways?

CONSTANTINE ALEXANDER: Don't the maintenance the people otherwise --

PAULA DOTTIN: We get fined if we don't maintain and clean our hallways. They have not told us what they're going to do in regards to if people bring down their trash, send the kids down the trash, the bag breaks in front of your door, who's gonna clean it up? I have no problem with this. They haven't told us how much noise it's gonna make.

CONSTANTINE ALEXANDER: We're gonna get to that.

PAULA DOTTIN: I have allergies. I go to an allergist and get allergy shots every other week. You mean I can only open one of -- each one of my bedrooms, I can only open one bedroom window because

I'm afraid the smell would come in? I've gone through the smell process.

No. 2, our trash gets picked up from the chutes once a week. Two years ago we asked them if in the summertime could they please pick up the trash at -- bring the truck, housing truck, take the trash out at least once a week to avoid the odor that was coming out of the basements. You go in your front door, you smell the odor. They didn't -- they were not cleaning the chutes, the chute room. Our chutes have not been cleaned, steam cleaned in over nine years.

Yes, they got rodent problems. But if you, you know that there's tenants, and they told us, we know that there's tenants taking their plate of food and taking it and scraping their plate in the trash

chutes inside the hallways. The question was can't you explain or -- if you know who they are, can't you bring in and explain to them how to wrap their garbage up? It's in the book. That's the answer we get. It's in the book.

Yeah, they got books, they got books for everything. But if they don't -- No. 1, we've got language barriers in our place. We got two different languages. We got Spanish and we got Creole as well as English. And my concern is, I live on the second floor, I have to keep my -- in the summertime keep my both bedroom windows, I got two in each room, I got to keep them closed and not get fresh air because of the smell? They haven't said what they're gonna do about the smell. And to be honest with you, yes, it

smells -- when you come in from outside into our front hallways, you can smell the trash. They have not been cleaned, they don't clean them on a weekly or even a monthly basis. So when they take those bags out, they take them out, they drag them, put them in the holding cell in the basement. Once a week it gets taken out, that's trash day. So of course it's gonna smell. Of course you're gonna get rodents. And, and roaches and whatever else that there is out there.

I mean, I think it's a great idea, but they haven't addressed -- me as a resident who's gonna clean the hallways.

CONSTANTINE ALEXANDER: I'm going to get to all of those. I know. Keep going. I hear noise and smell.

PAULA DOTTIN: Yep.

CONSTANTINE ALEXANDER: Who is going to clean the hallways? And who is going to help the people on the fourth floor to get their trash into --

PAULA DOTTIN: That's right.

CONSTANTINE ALEXANDER: Those are the issues I want to talk about.

PAULA DOTTIN: I think it's a total of 72 steps, something like that, because it's too short of having an elevator. So you've got some elderly in one bedroom and they're going to bring their trash down? They're not gonna carry it down. They're gonna drag it down. You want them to bring it down on a daily basis, you leave it in the hallway. You leave it in the hallway, trash is gonna --

CONSTANTINE ALEXANDER: You're going to have the same problem with the

chutes.

PAULA DOTTIN: That's right.

CONSTANTINE ALEXANDER: We've got to address the issue about taking the trash from an apartment to the center. You can't rely on -- you can't expect the tenants to -- in my judgment, to rely the tenants and occupants to do that. It's got to be on request on my view. They call downstairs or wherever they call. I've got garbage to be taken down. Please come up.

JOHN WOODS: People who have -- may have a medical condition, we would certainly accommodate them.

CONSTANTINE ALEXANDER: No, I'm not talking about medical condition. We're not going to look at a doctor's certificate. I want the people in that

building, you've got a four-story building, to be able to call down and to where you have and to take -- come get my garbage.

JOHN WOODS: I, I got to tell you, I could say yes, just so I could get my situation taken care of here, but I can't say that we don't have a concierge service for trash. We're expecting residents to maintain their units just like you would in a private housing situation. So I can't commit to having someone call and say I've got garbage here, you've got to come up and take it, because residents are required to maintain their units. Clearly if someone's having trouble or difficulty, we're committed to making sure that we will, we will work with them. I just don't want to give you the false

impression that we can provide that service to the residents.

CONSTANTINE ALEXANDER: I'll see what my fellow board members think. I'm not asking you to promise to give it. I'm talking about condition the relief we give to you providing that service. That's why --

SEAN O'GRADY: Gus, I cannot police the trash. Please.

PAULA DOTTIN: And on a daily basis, none of my trash gets -- I don't wipe trash from a plate into a trash chute. But nine years without the trash chutes being steam cleaned, we've asked.

JOHN WOODS: I think I'm --

PAULA DOTTIN: It's never been answered by us. We've asked for the last three years can you clean the trash chute,

trash chutes? No response. We've asked to clean -- we have dryer ducts. Now the dryer ducts been there for seven years. They haven't been cleaned out. That's a fire hazard. So if they're not doing those two things for us, what, what will this bring us? It could bring us more rodents than what we currently have if you're gonna leave your trash out in the hallway.

JOHN WOODS: I think everyone has the same objective which is to make sure that trash does not attract vermin or roaches. And I think -- clearly, and I say this with all due respect, if we continue to find individuals who are leaving their trash in the hallways, there are mechanisms that we have. There is sort of a maintenance process that the

individuals can be cited for. And eventually a resident who wouldn't perform their responsibilities as a resident -- as a tenant could be fined, could be asked to eventually become evicted.

CONSTANTINE ALEXANDER: I understand.

JOHN WOODS: So there are procedures for that. And so I think the important thing is we had the same objectives, which is to provide a safe quality form of lifestyle for the residents there. And that is why we went ahead and we're spending nearly half a million dollars on this. It's been the result of a lot of research. And, again, I fully acknowledge any time you make a change to the lifestyles of individuals, there's going to be an adjustment period.

And we will, we are firmly committed to working people. I just don't want to make a commitment to be able to have people call and say we're going to pick up the trash.

TIMOTHY HUGHES: Do you have an action plan for the transition?

JOHN WOODS: We don't have a written action plan in place now. The thought was as we moved the project forward to the construction stage, that we would develop one. There's a series of protocols that have to be followed, among them maintenance crew, including that cleaning process of the system. So we will be more than happy to supply you with it when it's completed. This is a brand new system that we're proposing. We know there's going to have to be some

flexibility on all parties on all sides,  
but we believe it's the best way to  
address the trash problem at the site.

CONSTANTINE ALEXANDER: Ma'am.

PAULA DOTTIN: I disagree. I  
think if they clean the trash chutes on a  
yearly -- steam clean them on a yearly  
basis, take the trash out of the basement.  
Not, not just drag it through from the  
thing, because they drag it from where it  
is, and place it right there and it stays  
there all week long. In my building there  
are -- I'm -- the building I'm in is 12  
residents. So there's, there's only one,  
two, three, four, eight chutes in my  
building. Because on the back where the  
other one is, there's two, one-bedrooms.  
I'm in the two bedroom. And they, they  
pull the one, the one bedroom trash, they

pull the bags out, drag it across the floor, leave it there outside the chute room. It stays out there from Saturday till Thursday. I mean actually Friday morning, because they come through and we've asked, like I said, we've asked before to take out the trash during at least once a week to eliminate the flies, to eliminate the stench, and they said no.

CONSTANTINE ALEXANDER: Okay, thank you. Thank you for taking the time to come down.

Ma'am.

TERESA CARDOSI: Hi again. My name is Teresa Cardosi, C-a-r-d-o-s-i. Teresa with no H. And I'm not for the trash room, and one of the --

CONSTANTINE ALEXANDER: I assume you live in the --

TERESA CARDOSI: Yes, I'm sorry. I'm a tenant in building 7. I'm not in the building that that's built on. I would walk to it.

For one thing I don't feel that the tenants were informed. The first meeting they had with the, or maybe the second meeting, with the company that is doing the construction, the whole construction, not just that thing, that was brought up, the trash room, and they were just saying it as a potential and so it wasn't saying -- so I said, you know, I started asking questions about the trash room. And I was told well, this isn't written in stone. We're going to have input from the tenants. And so the next meeting I was at, it came up about the trash room. We're gonna have a trash room. And I said

well, why are we gonna have a trash room? When did you ask us -- where's the input of the tenants. And they said -- the person said, um, they -- the company and whoever had to decide for whatever reason. So it was decided. We didn't have input. There was no input from us except for maybe when they had the first meeting and people would say I want it or don't want it. But there wasn't. That's, that's what it was.

So, that's probably one of the main reasons -- I mean, I might -- could have probably been convinced but we don't even have input at all, and that's the way it's supposed to be. That's the way it's supposed to be. There's like rules, you know? Like you said and you said, I like all the questions that came up here

because they're our questions. And, you know, the fact of, you know, someone's disabled or for whatever reason because there are people with, they have problems with their legs or whatever. It's going to be hard for them to walk over there with the snow, the whole deal. And this, it's my experience that when a person needs something, like that special consideration of coming and getting the trash, they usually have to go what's called the reasonable accommodation thing, and you write out something and then you get the doctors or whatever it is, and they say yes or no. It's not usually you call up the management and they say yes or no. It's not. I wish it could be. And, you know, it could be different because I'm not John and, you know, maybe there's

different ways, but that's usually the way it goes. If you want it, you do it, it's all written down, and then you have it done.

And then the other thing is I think it's true that people are not gonna come down here every single day and put their stuff in a chute. They're gonna either put it in hallway and wait which makes the problem really worse. There are a lot of single parents in there with kids, and they can't go out and leave the kids at home and, you know, and take the whole broad out to put their trash in there everyday. So the bags are going to be dragged down the stairs. And kids, you get to a trash chute and you're a kid, I mean, you're trying to dump this thing in. I don't even know what size these things

are. But I heard that they don't fit the big bags, just the small bags. And now that's, I can only say what I heard because I don't know enough about it, but, you know, the kids are gonna try to get it up there. Oh, it fell on the ground. They're kids. They're just gonna leave it there. It doesn't matter how many camera systems you have there, it's gonna happen.

It's what you want to happen, what should happen, and then reality. And we all know reality is very different. Unfortunately it is.

And I just, they said on -- oh, one thing that I think should have been done about outreach because some of these meetings can't be made. There were very few meetings, one, two, or three and they can't be made by all tenants. So I think

there should have been like a letter put on every door like when they have inspection coming, they put a letter on the door so everyone actually gets it. They, you know, they open the door and it falls down and you read it. And so they know, okay, we might be gonna have a trash room and get rid of the chutes, so come down and let us know or call here or write to us, something like that. But --

JANET GREEN: Were there people there for the meetings that spoke Spanish and Creole?

JOHN WOODS: Yes. We always have interpreters.

TERESA CARDOSI: They do have interpreters.

MARGARET KEAVENY: And I send out notices when we have, meetings which we've

had quite a few since April of 2014.

TERESA CARDOSI: In our building we've had quite a few?

MARGARET KEAVENY: Yes.

JOHN WOODS: Yeah, yeah.

TERESA CARDOSI: And how many total about the trash chute?

MARGARET KEAVENY: Six since April.

TERESA CARDOSI: No, no. How many meetings --

MARGARET KEAVENY: How many?

TERESA CARDOSI: How many meetings did you talk about the trash chute?

MARGARET KEAVENY: Every meeting.

JOHN WOODS: If not six, there had to be five.

TERESA CARDOSI: That's not true.

JOHN WOODS: It is.

MARGARET KEAVENY: Yes it is, I have documents.

JOHN WOODS: And we have materials that we made presentations. Each of these -- we had a professional design firm come in and list a series of priorities that we're going through the --

TERESA CARDOSI: I remember that meeting, but at that point in time -- actually, that meeting -- that's the meeting that they had already made the decision I think. Yes, that's the meeting they already made the decision. But the meeting before that -- I'm just saying.

JOHN WOODS: Sure.

TERESA CARDOSI: You know? And I don't make all six meetings, no. I can't. But that's the specific reason why there should be a better informing system. Put

it on every door, you know, like....

JOHN WOODS: Well we do. And I'm sorry that you feel that way. I think we do make an effort to get input from residents.

TERESA CARDOSI: I know you make an effort, but I think it needs to be a better effort because we're the people that it's going to affect.

And the other thing is on it's part B, attachment C -- I mean attachment B, number -- letter C. It says that the addition of the trash building will not have a negative -- oh, never mind. Sorry. That has to do with how it looks.

CONSTANTINE ALEXANDER: That's okay.

TERESA CARDOSI: The trash system has created rodent infestation and has a

detrimental impact on the quality of life of residents on the site as well as surrounding neighbors.

CONSTANTINE ALEXANDER: What you're reading from is their statement of reasons why we should grant the Variance.

TERESA CARDOSI: It's from the -- it says supporting statement.

CONSTANTINE ALEXANDER: Yes.

TERESA CARDOSI: Oh, oh, okay. I guess the question was substantial detriment.

CONSTANTINE ALEXANDER: That's what they're -- for us to grant the relief they're seeking, one of the findings we have to make, and then they have to try to persuade us to make is that if we don't grant relief, they're suffer a detriment.

TERESA CARDOSI: So this common trash system, that's not what CHA wrote?

JOHN WOODS: That's what we wrote, yes.

CONSTANTINE ALEXANDER: They wrote. They wrote. This is their brief, their memo, their argument why we should grant the relief.

TERESA CARDOSI: Okay.

CONSTANTINE ALEXANDER: We have to grant -- to let them do what they want to do, we have to make three -- by state law and by Cambridge law, we've got to make three findings. That if we don't give a Variance, they will suffer a substantial detriment.

TERESA CARDOSI: Okay.

CONSTANTINE ALEXANDER: That the detriment -- they have a hardship. And

that this hardship is due to certain circumstances; the shape of the lot, the shape of the structure, the soil conditions, etcetera.

And then lastly, we have to make a determination that if we grant relief, it won't be -- create a substantial detriment to the public good.

TERESA CARDOSI: Okay.

CONSTANTINE ALEXANDER: So those are the things. And they're addressing why we should make those findings in what you just read from.

TERESA CARDOSI: Okay.

And the other thing was -- oh, I think I said all this.

Okay. And actually, I've said the rest and you guys are asking actually all the questions that I was going to say so

that's great.

TIMOTHY HUGHES: Yeah, we're good like that.

DOUGLAS MYERS: No, no, you've added a lot not withstanding.

CONSTANTINE ALEXANDER: Tonight I came to this hearing thinking this is a no brainer. And I've learned tonight that this is definitely a brainer. There's some real issues here I didn't appreciate.

JANET GREEN: Real issues.

JOHN WOODS: And I think what's important to understand is that as I mentioned at the beginning, this concept of change is extremely difficult. I'm reminded of the no smoking policy that we've recently initiated. Extremely difficult process of getting people to make a significant adjustment to their

lifestyle. But, again, these are our efforts aimed at improving the long term quality of life at the developments. Change is never easy. So we have committed, and I think one of the things that we pride ourselves at the housing authority for is committed to working with the residents and to make sure that this transition works for them.

CONSTANTINE ALEXANDER: I agree with you the change is always unsettling and change also causes problems. But I think what I heard identified is not nervousness about change, but specific issues that this is what you're proposing creates. And I am very much troubled, I got to tell you, by the fact that people who are four floors up are going to have to trudge down four flights of stairs to

get rid of their garbage. And they may be disabled, they may have been, when they moved into the facility, they may have been physically fit but now have physical problems. They may be a single mother who has got a kid or kids who are going to be left behind in the apartment or come down -- and also there's the element of trash spilling out as they go down the four flights of stairs. I'm taking the worse case with four flights.

JOHN WOODS: Sure.

CONSTANTINE ALEXANDER: But those are real issues.

JOHN WOODS: Those are real issues and we're committed to making sure that we fix them.

DOUGLAS MYERS: Without minimizing, and agreeing with what Mr.

Alexander just said, and in the interest of trying to make some progress on the issue, on those questions, what has been your experience on those specific points at Jackson Gardens if you have a facility like this in place? What has been your experience?

JOHN WOODS: The adjustment period, there was some of that. And we identified people who may have had a legitimate problem and we helped them on that. But those -- the Jackson --

DOUGLAS MYERS: Those specific issues?

JOHN WOODS: Yes.

DOUGLAS MYERS: Is there problem with trash in the hall?

JOHN WOODS: No, no, there is not a problem with trash in the hall at

Jackson Gardens. There is not a problem with people coming down from the top floors putting in the trash. Those problems don't exist in Jackson Garden right now.

JANET GREEN: And it's four story?

TIMOTHY HUGHES: And is this a similar building, it's a four-story walk up?

MARGARET KEAVENY: This is a larger site. So the one thing that's pointed out here is the site is so limited, so dense. And so when we look at our options, we look at A, what's not working? Identify what's not working and the underlying problem that we want to solve. And so we turn to what's tried and true. And that's Jackson Gardens. That was our first time where we really took

them out of the basements, did a similar system here that we're proposing and it works. It works right now. There is not trash on the site. We don't have problems with tenants not putting in their trash. If they have an issue, we've addressed it. We're working with them. So we are committed to the solution because it is tried and true. It is working at Jackson garden glowingly.

JANET GREEN: Then why didn't you give us, then, with your application bring the transition plan that seemed to work so well at Jackson Gardens?

JOHN WOODS: Well, because the transition plan itself hasn't been completely developed.

JANET GREEN: Wasn't it developed for Jackson Gardens?

JOHN WOODS: Oh, sure. Sure. But Jackson Gardens --we used that as an example, but as Margaret pointed out, the site is different. You know, if you've got a larger number of three bedroom units there. The population, it has to be customized to the population. We do, we have 32, one-bedroom units whereas we only have nine, one-bedroom units over at Jackson Gardens. So again that sort of speaks to the different populations that you're gonna have.

CONSTANTINE ALEXANDER: How long would it take you to put together an action plan for this project?

JOHN WOODS: We could probably -- you mean sort of like a protocol?

CONSTANTINE ALEXANDER: Yes. So

the neighbors can --

JANET GREEN: They can see it.

CONSTANTINE ALEXANDER: We can see it.

JOHN WOODS: We would probably need about a month.

DOUGLAS MYERS: And something you would address Mr. Alexander's questions specifically. Even if it's just refers to your -- as a minimum, referring to your experience at Jackson Gardens. So that there's a feeling that these questions are addressed and people have --

JOHN WOODS: Yes.

TIMOTHY HUGHES: I have to tell you I think the trash room is a great idea. But I don't see why you have to eliminate the chutes. I think you've made a situation, you know, worse by the

maintenance people, you know, not taking care of the chutes in the first place. The chutes would -- you know, if your maintenance people were there on-site taking the stuff from the bottom of the chutes into that sealed facility, you could eliminate probably half -- you know 90 percent of your vermin problem anyway right off the bat. But you've created a situation that you want an expensive fix that's going to create a lot of problems for the tenants. You know, maybe it's true that the Jackson Garden thing is -- I don't have any details on that. You haven't shown that. You're just stating that. You didn't tell us how long it took for that process to come into being where they made the transition. So why can't a trans -- why can't an action plan show a

transition where the chutes are still in effect and being maintained and this is where they're collecting the garbage at the same time. You don't have to necessarily leave the garbage sitting in the basements if you have this facility and you don't have to close down the chutes either. You could do both. You could have them both working in conjunction, and that would help people and then you could maybe close down a chute, you know, periodically until you've got everybody on board before you just kind of, you know, throw all the chutes -- lock all the chutes and throw everything into this particular facility, putting all your eggs into this basket.

CONSTANTINE ALEXANDER: There was a gentleman here who wanted to speak and I

want to give him an opportunity to speak.

GEORGE BEST: George Best, I'm at 14 Callender Street. I live across from Putnam Gardens, they still have a chute system but they're very diligent about how they care for it and it's one of the best housing projects in Cambridge. The question that I have is how many, how many people are there in the maintenance team to support the fourth floor for the residents that you have now? And also, are we eliminating any positions when you put this chute in place?

JOHN WOODS: There will be no elimination of any positions. I can't give you the exact amount of maintenance guys that are over there. I think it fluctuates somewhat, but they, they do not plan on removing any of the maintenance

team that's existing there now.

Can I just speak to the idea of a protocol?

CONSTANTINE ALEXANDER: Wait.

DOUGLAS MYERS: Are your responsibilities for the city, citywide or are they specific to different residential developments in terms of the Cambridge Housing Authority?

JOHN WOODS: Yeah, I work all over.

DOUGLAS MYERS: Citywide?

CONSTANTINE ALEXANDER: I'm sure you didn't finish your comment.

JOHN WOODS: I'm sorry.

GEORGE BEST: I also want to know if you already have a system for collecting the garbage and so on, why you're not cleaning the facility. You

know, the chutes down, because that's a very, very important health factor I would think on a regular basis.

JOHN WOODS: Right. And I think it's just a matter of the labor intensive activity associated with the system now. It does require almost constant vigilance. So the idea would be if we can have our maintenance guys spending less time dealing with the sausage system that exists here now and, again, improve the lifestyle of the quality of life at the development by taking the trash out of the buildings itself, you heard the residents talk about that smell of trash consistently there.

TIMOTHY HUGHES: That's my point. You could have your maintenance people taking that trash out on a regular basis

and keeping those chutes clean, and then the tenants would get the ease and usability of the chutes and you'd still have your central collection point that's outside the building.

JOHN WOODS: The compressed --

TIMOTHY HUGHES: And then you'd have your maintenance people to do it instead of putting it on the tenants to do it.

JOHN WOODS: The trash compactor system, trash sits in the compactor system until such a time as triggered and then the compacting process works. Shoots the stuff down to the basement. So it's, it's inherently a flaw in the system that the trash will be sitting in the chute until such time as enough of the trash picks up.

TIMOTHY HUGHES: That can be

changed. That could be calibrated.

JOHN WOODS: Again, it has, it has been a conscious decision to say, all the, all the industry standards are get the trash out of the buildings, you're gonna -- the vermin will fall. You'll get the vermin out of the building itself. So that was why we mirrored what we did over at Jackson Gardens. The gentleman spoke about Putnam Gardens. Putnam Gardens is now going to have trash sheds on the interior of the development because that is the cutting edge technology of trash maintenance now, to get it away from the living quarters.

GEORGE BEST: I don't know how that would go with the residents of my neighborhood.

TIMOTHY HUGHES: But the point

here is who's going to get it away? You want to put all of that onus on the tenants, and I'm suggesting that onus shouldn't be thrown on the tenants, at least not right away. There should be a large transitional period where you educated your tenants to be able to carry this stuff down. And I want to see this in an action plan written down --

JOHN WOODS: I can get there.

TIMOTHY HUGHES: -- before I'm willing to vote on anything here.

JOHN WOODS: I can get you an action plan.

CONSTANTINE ALEXANDER: You're addressing this at a 20,000 foot level. Conceptually what you want to do makes a great deal of sense.

JANET GREEN: It's a good idea.

That part is a good idea.

CONSTANTINE ALEXANDER: Getting it out. But you're not addressing the issues, the nitty-gritty issues on the impact on the tenants and what it means for them living in the structure. You've got to bridge that gap. That's the action plan we want to see.

JOHN WOODS: Okay.

CONSTANTINE ALEXANDER: -- and the occupants should see, and they can comment on.

JOHN WOODS: Okay.

CONSTANTINE ALEXANDER: And I'm not prepared to vote on this tonight.

DOUGLAS MYERS: I think it would be a mistake for us to rubber stamp this proposal tonight --

CONSTANTINE ALEXANDER: That's

right.

DOUGLAS MYERS: -- without requiring considerable more along the lines of what's been mentioned.

CONSTANTINE ALEXANDER: You've heard the comments.

JOHN WOODS: I have, I have.

CONSTANTINE ALEXANDER: From us and the neighbors. I think the action plan is a way to deal with them in your response. You may agree with them, you may say we can't do it.

JOHN WOODS: Right.

CONSTANTINE ALEXANDER: Whatever you want to say, but prepare that, let us look at it, let the occupants look at it, and we'll have another go at this.

JOHN WOODS: Okay. Appreciate the opportunity to talk to you about it.

CONSTANTINE ALEXANDER: Don't run away so fast. We have to pick a date and time.

JOHN WOODS: Okay.

CONSTANTINE ALEXANDER: It's got to be in April. Earliest can be April because we call what is a case heard. All five of us has got to sit on the case and Janet will not be here the month of March.

JOHN WOODS: And, again, one of the difficulties with that is that we have a financing -- when are we supposed to close March? End of March?

MARGARET KEAVENY: Yes.

JOHN WOODS: So it's going to be a difficulty for us and I know that's --

CONSTANTINE ALEXANDER: You can do the closing.

JOHN WOODS: The lenders won't

close if there's --

CONSTANTINE ALEXANDER: They won't close. They'll just postpone the closing and --

JOHN WOODS: Yeah, they will. And there's some federal money involved.

TIMOTHY HUGHES: We're not asking you not to build this thing.

CONSTANTINE ALEXANDER: Right.

TIMOTHY HUGHES: We're just asking you don't close down the chutes until you have a way to transition.

JOHN WOODS: Could you make -- could you give me the approval with the condition that I provide that?

CONSTANTINE ALEXANDER: No.

TIMOTHY HUGHES: No.

CONSTANTINE ALEXANDER: No. No.

JOHN WOODS: Okay.

CONSTANTINE ALEXANDER: You got to show us exactly how you're planning to deal with the issues that have been raised. And we might buy into it, we may not. And we'll of course modify it and put the occupants as well. Not tonight.

JOHN WOODS: Sure. Okay.

DOUGLAS MYERS: It would be -- I think it would be appreciated if you would make an effort to deliver, make sure the action plan at least, of course you're going to generally distribute it, whatever your regular procedures are, you should make a special effort to put it in the hands of the two people who are here tonight to make sure that they get direct --

JOHN WOODS: And we will put it in the hands of every single individual

resident.

CONSTANTINE ALEXANDER: If we continue this case to April 9th, I think you said, will that give you enough time?

JOHN WOODS: Well, we got to make it work, right?

CONSTANTINE ALEXANDER: Yes, I don't want to give you an unreasonable deadline. But April 9th will be the earliest.

JOHN WOODS: Oh, I appreciate the earliness of it.

CONSTANTINE ALEXANDER: That's the best we can do.

JOHN WOODS: Okay.

CONSTANTINE ALEXANDER: Unless you want to go before four of us in March. But as you may have heard, the risks that you --

TIMOTHY HUGHES: I don't --

JOHN WOODS: It feels like I'm going to need that time.

TIMOTHY HUGHES: I think so. Because I'm not hear the last meeting in March anyway. So, you know, it would be.

JOHN WOODS: April 9th it is.

CONSTANTINE ALEXANDER: April 9th. Okay.

The Chair moves, and if you understand what we're talking about, those of you who took the time to come down, we're not going to decide the case tonight. We're going to reconvene on April 9th. You'll hear the details in a second. In between they're going to prepare an action plan to address some of the issues you've identified and some of the comments, and hopefully all of the

comments and all the issues that you've identified. They may agree, they may have a solution, they may not. So they'll give us their case, you'll see it in advance, and we'll do the same thing we're doing tonight hopefully in a more positive way because we'll have more before us on April 9th. And we'll start at seven p.m. hopefully. So you won't be here until ten o'clock at night.

Okay, the Chair moves that we continue this case as a case heard until seven p.m. on April 9th on the following conditions:

One, that the petitioner signs a waiver of time for a decision. He's doing that right now. That's a technicality.

Two, that the sign that is on the property announcing this hearing, be

modified to -- you could do it yourself with a pen magic marker to reflect the new date and the new time, both, and that the sign be maintained for the 14 days prior to April 9th as you maintained it tonight.

And lastly that any reviewed plans and the action plan that we're requiring you to deliver, must be in our files no later than five p.m. on the Monday before April 9th. But on the further condition that you use every reasonable effort to distribute that action plan to the occupants of the structures as long before April 9 as is reasonably possible.

What this means is at least if you don't get or you're worried about it starting after five p.m. on April, Monday before April 9th, you can go down to Inspectional Services and look at the

files. That's the reason we do that. We can have a chance to take a look at it and read it and think about it before the hearing and the citizens of the city will have the same opportunity. Okay.

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

(Aye.)

CONSTANTINE ALEXANDER: Five in favor. We'll see you on April 9th.

JOHN WOODS: Okay, thank you.

(Alexander, Hughes, Green Myers, Hammer.)

CONSTANTINE ALEXANDER: Thank you for taking the time to come down. We appreciate that. You too.

\* \* \* \* \*

(10:00 p.m.)

(Sitting Members Case #BZA-005993-2015:  
Constantine Alexander, Timothy Hughes,  
Janet Green, Douglas Myers, Allison  
Hammer.)

CONSTANTINE ALEXANDER: The Chair  
will call case No. 005993, 73 Frost  
Street.

Is there anyone here wishing to be  
heard? Yes, there is.

Please identify yourself.

EDUARDO BERLIN: My name is -- I'm  
the architect and the petitioner Eduardo  
Berlin. The owners unfortunately couldn't  
make it and we really wanted them to be  
here because of the hardship case which  
they could explain better than probably we  
can although it's quite simple but they

had a family --

CONSTANTINE ALEXANDER: Did you give your name?

NAOMI HEBERT: I'm sorry, Naomi Hebert.

EDUARDO BERLIN: They had a family trip. So a family trip so they couldn't change it so they offered to go ahead.

This is about a shed dormer on a 73 Frost Street facing Prentiss Street which is the other street at the corner lot. Basically this is to give, to make space for renovating the bathroom existing there and to replace this small window skylight there that exists there with a shed dormer consistent with the neighborhood. Consistent with one of the other.

CONSTANTINE ALEXANDER: Why don't you have the plan that shows the view of

the shed dormer?

NAOMI HEBERT: The idea --

CONSTANTINE ALEXANDER: I saw it  
in the file.

NAOMI HEBERT: And you can see the  
existing on the other side.

EDUARDO BERLIN: And this is  
the -- facing the street.

CONSTANTINE ALEXANDER: And the  
hardship is?

EDUARDO BERLIN: The problem is  
they're a family of six -- they have four  
kids. The four kids use the bathroom on  
the third floor. They have --

CONSTANTINE ALEXANDER: Four kids?

EDUARDO BERLIN: Four kids.

They have one other bathroom only  
and the bathroom upstairs is not only  
really small, but because of the

configuration and lack of space, it's really hard in sanitation issues. It has all these problems you don't want to hear about.

JANET GREEN: We can guess.

NAOMI HEBERT: There's really no room for a bathtub. And you have young children so a bathtub would be ideal.

EDUARDO BERLIN: And the solution that we are proposing not only is -- I mean, the neighborhood Lauren and Katie involved in the neighborhood, many of them know the house because they've been there for quite sometime. So they know the bathrooms and they're actually happy that they might be getting rid of it and improving. And as you can see here, it's the type of dormer that not only is, you know, what everyone in the neighborhood

has, many of the neighbors have actually two. But one by one --

CONSTANTINE ALEXANDER: More importantly, it does comply with the dormer guidelines.

EDUARDO BERLIN: It does comply with the guidelines, but it does not comply with the maximum 15 feet dormer.

NAOMI HEBERT: The additional length of the existing dormer and the new dormer would surpass the 15.

EDUARDO BERLIN: The 15 feet.

CONSTANTINE ALEXANDER: I didn't get that from your drawing.

TIMOTHY HUGHES: You don't have a single dormer that's bigger than 15 feet.

NAOMI HEBERT: No.

JANET GREEN: You're okay.

CONSTANTINE ALEXANDER: That's

what I thought.

NAOMI HEBERT: Oh, okay.

EDUARDO BERLIN: So basically this is -- directly across the street facing -- so basically our dormer would be facing this dormer which is the typical, the same type of just across the street. So we wouldn't be adding any new kind of viewing problems. And the neighbors actually are supportive. Like the others.

This is -- on the other neighbor on Frost Street so this is our project, and this the existing dormer and that's the existing dormers.

TIMOTHY HUGHES: Dueling dormers.

EDUARDO BERLIN: Right.

So basically it's a simple case and we are following not only the guidelines but the sign of the house.

CONSTANTINE ALEXANDER: We have in our files, I have five different pages, five plans, they are different elements.

EDUARDO BERLIN: Yes.

CONSTANTINE ALEXANDER: Just so you know if we were to grant relief tonight, we would tie it to compliance with these plans.

EDUARDO BERLIN: Absolutely.

CONSTANTINE ALEXANDER: I mean, these are the final plans?

EDUARDO BERLIN: Those are the final plans.

CONSTANTINE ALEXANDER: Sometimes architects come down and think they can just modify it.

EDUARDO BERLIN: Oh, no.

CONSTANTINE ALEXANDER: You can do it, you have to come back before us that's

all.

EDUARDO BERLIN: Window sizes and everything is exactly that. And so, yes.

CONSTANTINE ALEXANDER: Okay.

Questions from members of the Board?

ALISON HAMMER: I have a question. Do you require a Special Permit as well for the window that you're adding in the dormer?

EDUARDO BERLIN: We do as part of the permit and because that window has to be --

NAOMI HEBERT: Tempered glass.

EDUARDO BERLIN: Tempered glass.

JANET GREEN: But you don't need --

ALISON HAMMER: I'm just asking if it's within the setback.

NAOMI HEBERT: Oh, it's actually

passed the -- behind the setback.

EDUARDO BERLIN: Yeah. We are fully compliant with the setback that --

NAOMI HEBERT: Which you can see in the site plan actually. You see that it's recessed on that side. So....

EDUARDO BERLIN: This is the setback line.

NAOMI HEBERT: So here this dotted line.

EDUARDO BERLIN: And we're going --

NAOMI HEBERT: Right, and this facade is behind that light line. So it's actually the good portion of the house of the --

EDUARDO BERLIN: And so one foot, six inches behind.

CONSTANTINE ALEXANDER: Okay. I'm

going to open the matter up to public testimony. Any questions at this point from members of our Board? You could have more questions if you want.

ALISON HAMMER: I'm out.

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

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

(No Response.)

CONSTANTINE ALEXANDER: No one wishes to be heard. We're not in receipt of any -- from what I can see, any letters pro or con. You said that you have or your clients have talked to some of your neighbors and they received no opposition?

EDUARDO BERLIN: Every single neighbor and every side and even across the street from Frost.

CONSTANTINE ALEXANDER: Were they asked to sign a letter?

EDUARDO BERLIN: No, they did not, no.

CONSTANTINE ALEXANDER: Ready for a vote?

JANET GREEN: Yes.

CONSTANTINE ALEXANDER: The Chair moves that with respect to the Variance that's being sought that we make the following findings:

That a literal enforcement of the provisions of the Ordinance would involve a substantial hardship to the petitioner. Such hardship being that the petitioner is in woeful need of additional bathroom space and that can be -- well, that's a substantial hardship. They need additional space for the size of their

family.

The hardship is owing to basically the shape of the structure and the location on the lot.

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

In this regard the Chair would note that there appears to be no neighborhood opposition to the proposal.

That the dormer does comply with our dormer guidelines, and is consistent in terms of the modification of the structure with other structures in the general neighborhood.

So on the basis of these findings the Chair moves that we grant the Variance

being requested on the condition that the work proceed in accordance with plans, five plans, prepared by -- I knew it was there -- Mode M-o-d-e Studio, LLC and all of each which has been initialled by the Chair.

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

(Aye.)

CONSTANTINE ALEXANDER: Five in favor.

(Alexander, Hughes, Green, Meyers, Hammer.)

EDUARDO BERLIN: Thank you.

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

\* \* \* \* \*

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**COMMONWEALTH OF MASSACHUSETTS  
BRISTOL, SS.**

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

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

**IN WITNESS WHEREOF**, I have hereunto set my hand this 9th day of

March, 2015.

\_\_\_\_\_  
Catherine L. Zelinski  
Notary Public  
Certified Shorthand Reporter  
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My Commission Expires:  
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