

BOARD OF ZONING APPEAL
FOR THE
CITY OF CAMBRIDGE

GENERAL HEARING

THURSDAY, FEBRUARY 26, 2015
7:00 p.m.

In

Senior Center
806 Massachusetts Avenue
Cambridge, Massachusetts 02139

Constantine Alexander, Chair
Timothy Hughes, Vice Chair
Brendan Sullivan, Member
Thomas Scott, Member
Janet Green, Member
George Best, Associate Member

Sean O'Grady, Zoning Specialist

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(7:00 p.m.)

(Sitting Members Case #BZA-004850-2014: Constantine Alexander, Timothy Hughes, Brendan Sullivan, Thomas Scott, Janet Green.)

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 continued cases. And the first case I'm going to call is case No. 004850, 640 Memorial Drive.

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

Good evening.

ATTORNEY TIMOTHY TWARDOWSKI: Good evening. Thank you, Mr. Chairman, members of the Board. For the record, Tim Twardowski of Robinson and Cole representing the applicant Verizon Wireless.

We submitted earlier this week on Monday, a letter requesting a continuance. I believe you should have that in the record. I'm here to answer any questions you may have. Otherwise --

CONSTANTINE ALEXANDER: I'll read your letter into the record.

As counsel has stated, we have a letter dated February 23rd addressed to this Board from Mr. Twardowski. (Reading) This firm represents, firm being Robinson and Cole, this firm represents Bell Atlantic Mobile of Massachusetts, D/B/A Verizon Wireless, the applicant. In its application to modify Special Permit No. 8105 to allow the applicant to upgrade its existing mobile communications facility at 640 Memorial Drive. The applicant hereby requests that the February 26, 2015,

hearing on this matter be continued until the next available hearing date after May 28, 2015. This letter authorizes the Board of Zoning Appeals to continue the public hearing on this case per the foregoing.

So, I don't think we have a problem with continuing. This is a case heard. So we've got to pick a date after May 28th when all -- we believe all five of us can be present. So what's the situation for the first meeting in June? Anybody have --

SEAN O'GRADY: That's 6/11.

CONSTANTINE ALEXANDER: 6/11, my birthday.

SEAN O'GRADY: And if not, 6/25.

CONSTANTINE ALEXANDER: Janet, okay with you?

JANET GREEN: It's okay with me.

CONSTANTINE ALEXANDER: Tim?

TIMOTHY HUGHES: It's okay with me. If it's okay with you, it's your birthday.

CONSTANTINE ALEXANDER: It's okay with me.

The Chair moves that this case be continued as a case heard until seven p.m. on June 11th on the condition that the petitioner modify the posting sign to reflect the new date and the new time.

And that the modified sign be maintained for the two-week period required in our Ordinance.

And further to the extent that the petitioner, as will be the case, is going to submit revised plans and photo simulations, they must be in our file by

no later than five p.m. on the Monday
before June 11th.

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

(Aye.)

CONSTANTINE ALEXANDER: Five in
favor. Case continued.

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

* * * * *

(7:05 p.m.)

(Sitting Members Case #BZA-004610-2014:
Constantine Alexander, Timothy Hughes,
Brendan Sullivan, Thomas Scott, Janet
Green.)

CONSTANTINE ALEXANDER: And now,
Mr. McKinnon, the case you've been waiting
for, right?

The Chair will call case No. 004610,
10 Glassworks Avenue.

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

RICHARD McKINNON: Richard
McKinnon, One Leighton Street, Cambridge.

CONSTANTINE ALEXANDER: The floor
is yours.

RICHARD McKINNON: And thank you.
This is Steve Gorning from Avalon Bay
Development Company.

We were here last time, and by the way, thanks for hearing us on these continuances. We as, you know, the first time went back to the East Cambridge and we reduced the sign as Steve explained to you the last time and have a letter of approval from the East Cambridge Planning Team. However, there was still a letter of objection to the original sign, Mr. Chairman, from the Regatta, our neighbor immediately --

CONSTANTINE ALEXANDER: The new sign, there's a new letter from Regatta.

RICHARD McKINNON: We did indeed. You asked us rightly to go back and see if we could work with Regatta. And so in

fact they were kind enough to give us now a letter of approval which is what the Board had asked us to retrieve last time. So, I have actually the copy of the -- those letters. I don't know if you have it.

CONSTANTINE ALEXANDER: I do -- we do have it. I'm trying to find them. It would be easier if you just give it to me.

RICHARD McKINNON: Sure. There you go.

CONSTANTINE ALEXANDER: One from Regatta.

RICHARD McKINNON: Regatta, and there's also the one from the East Cambridge Planning Team. And then I also took a picture of our updated signage. The boards --

CONSTANTINE ALEXANDER: Oh, you

mean the posting sign?

RICHARD McKINNON: Yeah, the
posting sign.

CONSTANTINE ALEXANDER: I check it
anyway.

RICHARD McKINNON: Because you
always ask me to do to update it.

CONSTANTINE ALEXANDER: Is this
the sign now you're looking for approval?

RICHARD McKINNON: We are indeed.
Yes.

STEVE GORNING: Yes. I have a
larger version, too, if you need it.

CONSTANTINE ALEXANDER: I just
need one.

TIMOTHY HUGHES: You have an
actual size version for us?

STEVE GORNING: Like a scale?

CONSTANTINE ALEXANDER: The reason

you need relief is because why? Just for the record.

RICHARD McKINNON: We've been able to get rid of all of the requests outside the Ordinance other than the height request. It's in excess of 20 feet and that's because we're at the Gilmore Bridge and the bridge itself is 15 feet off of the ground. So that's the only relief we're now asking for.

CONSTANTINE ALEXANDER: Just out of curiosity why do you think you need a sign on the Gilmore Bridge side? I mean, a sign is there to identify. I can see if you're on the other side, and if you're driving down Glassworks Avenue, you want to find out where the building is.

STEVE GORNING: If I may?

CONSTANTINE ALEXANDER: Yes,

please.

STEVE GORNING: I think one of the primary reasons is for people coming from the Orange Line stop, walking across the bridge whether it be guest --

CONSTANTINE ALEXANDER: They don't know where they live?

STEVE GORNING: Well, guests are usually our primary concern, you know, people trying to get to the building or prospects. I mean, our business is to rent, you know, all of the apartments once a year so we have a lot of prospects that come over --

CONSTANTINE ALEXANDER: I like the first part of your argument the people -- guests. Prospects, you're just looking for advertising and they're not identification. I mean usually things we

look for in signs is to allow you to properly identify your premises. Not to simply advertise.

RICHARD McKINNON: Yes.

CONSTANTINE ALEXANDER: And anyway, I don't want to make a big deal of it because you seem to have the support of everybody who counts, but it just strikes me incongruous to have a sign there. It's pure advertising. Let's not kid ourselves. You want to advertise and --

JANET GREEN: But, Gus, you know what, it could be that people see the advertisement in the paper and then they get off the Orange Line and they're trying to find out where they're going to look for it.

CONSTANTINE ALEXANDER: He's got one residential building on it. It's not

a big street. It's not Massachusetts Avenue.

STEVE GORNING: I think what we found is, you know, the bridge and all the stairways and having, people having to really go around, you know, to follow Google maps or something, there is an aspect to, you know, whether it's guests and prospects are a real thing. You know, I'm not going to pretend it's not. We want people to find our building for whatever reason.

CONSTANTINE ALEXANDER: If they've all got Google maps, they'll find your building without Google maps. I don't won't to be precipitous. I've been precipitous, I'll stop.

Anyway that's your case. You have a sign that complies with our Ordinance

except for the height.

RICHARD McKINNON: That's correct.
And we went withdrew the other sign
completely so it's just the one sign.

CONSTANTINE ALEXANDER: The
Planning Board, once upon a time, with one
of your older signs wrote a letter to us.
I didn't see a letter this time. Just out
of curiosity, again, did you go back to
the Planning Board?

RICHARD McKINNON: Yeah, we went
back to Liza, and we went through it. And
Liza did see that we had complied fully
with the request that the Planning Board
made, even more so. They allowed two
signs actually.

CONSTANTINE ALEXANDER: Right,
right.

RICHARD McKINNON: But we've taken

it down.

CONSTANTINE ALEXANDER: They didn't write a new letter, though, to us?

RICHARD McKINNON: Right.

CONSTANTINE ALEXANDER: You didn't go back -- you went to Liza. You didn't go back --

RICHARD McKINNON: We went to Liza. We offered -- to be honest with you with the blizzards and --

CONSTANTINE ALEXANDER:
Understood.

RICHARD McKINNON: She's -- so....

CONSTANTINE ALEXANDER: Questions from members of the Board?

JANET GREEN: No.

TIMOTHY HUGHES: No.

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 that we do have letters in our file. One is from Regatta Riverview Condominium Association, Inc. These should, for the record, this condominium would be most affected by the sign from a point of view of other abutters because they -- that building faces where the sign is posting.

RICHARD McKINNON: Exactly.

CONSTANTINE ALEXANDER: The letter says: On behalf of the Regatta Riverview Condominiums we would like to offer our support of the revised Avalon sign as approved by the East Cambridge Planning

Board. We were appreciative of Avalon's openness to our feedback and willingness to implement changes to the proposed signage. The Avalons have our full approval to install the revised sign overlooking the Gilmore Bridge.

And then you also have a letter from the East Cambridge Planning Team that was referred to in the letter from Regatta. The letter was signed by Laura Cardoos, C-a-r-d-o-o-s general manager as agent for Regatta Riverview Condominium.

And we do have a letter dated January 20th from the East Cambridge Planning Team regarding this case.

(Reading) Mr. Rich McKinnon on attended our meeting on January 14th to show us revised signage for this building located next to the Gilmore Bridge in the North

Point PUD. The sign has been revised to comply with all Zoning requirements except the 20-foot height limit from the ground. Were the sign to be placed within that limit, it would not be visible to anyone crossing the bridge. Clearly this would pose a legitimate hardship, and we all agree that the height limit should be measured from the bridge rather than from the ground beneath it. The sign will not be illuminated. East Cambridge Planning Team is pleased to support this revised sign and ask that the Board grant the appropriate Variance.

And that's it. I don't believe there's any other correspondence -- current correspondence in our file.

RICHARD McKINNON: I believe not,

Mr. Chairman.

CONSTANTINE ALEXANDER: Any final comments before we close public testimony?

RICHARD McKINNON: Just that we appreciate your allowing us to come back a number of times as we have had to to get everything that you requested finally together.

CONSTANTINE ALEXANDER: Fine.

RICHARD McKINNON: Very appreciative.

CONSTANTINE ALEXANDER: Thank you.
Discussion or ready for a vote?

JANET GREEN: Ready.

TIMOTHY HUGHES: I'm ready.

THOMAS SCOTT: Good.

CONSTANTINE ALEXANDER: The Chair moves that we make -- with regard 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 that the building given its location on Glassworks Avenue and its being close to the Gilmore Bridge needs some identification, signage identification beyond what that of which is permitted by our Ordinance.

The hardship is owing to the fact that the location of the structure on the lot, on the street and the neighboring Gilmore Bridge which does obstruct any signage that would be compliant with our Zoning Bylaw from being visible to people trying to -- getting off the public transportation or otherwise coming over the Gilmore Bridge.

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

On the basis of these findings the Chair moves that we grant the Variance requested on the condition that the work proceed in accordance with the plans submitted by the petitioner and initialled by the Chair.

All those in favor say "Aye."

(Aye.)

CONSTANTINE ALEXANDER: Five in favor.

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

RICHARD McKINNON: Thank you all very much.

CONSTANTINE ALEXANDER: Good luck.

* * * * *

(7:30 p.m.)

(Sitting Members Case #10518: Constantine Alexander, Timothy Hughes, Brendan Sullivan, Thomas Scott, Janet Green.)

CONSTANTINE ALEXANDER: The Chair will now call the meeting back to order and we're going to turn to our regular agenda.

The Chair will call case number -- it doesn't have a number. This is a rehearing of the case involving 799 Concord Avenue. And very briefly for those who are in the audience, this case was before us a good number of months ago. We turned down the relief being sought. We did not grant the Special Permit. The petitioner took an appeal to the courts and this case is now in the courts and I gather -- I'm not privy to this, but I gather a proposal has been made acceptable

to our legal department and to the petitioner to modify what is being proposed before, and on the basis a modified version of what we saw the last time. And that's what we're passing on tonight.

Did I get it right, Twardowski?

ATTORNEY TIMOTHY TWARDOWSKI: For the most part. For the record, again, Timothy Twardowski from Robinson and Cole representing Verizon Wireless.

This case, again, is not a new application but was before you in late 2013. We received a denial from the this Board, appealed to the U.S. District Court of Massachusetts. We are here this evening on a remand order from the Federal District Court specific subject matter as the Chair noted of the remand order is to

reconsider or to consider a revised design that results from discussions between Verizon Wireless's litigation counsel and the litigation counsel for the City of Cambridge. It has been sometime so I would be happy to give a quick overview of the original proposal and then I'll explain what's changed.

CONSTANTINE ALEXANDER: Sure.

ATTORNEY TIMOTHY TWARDOWSKI: If I may, I believe you should all have received copies of a revised site plan as well as photo simulations.

CONSTANTINE ALEXANDER: And drawings.

ATTORNEY TIMOTHY TWARDOWSKI: Right, yeah, zoning drawings, simulations, as well as some architectural sketches. So if anybody does not have copies, please

let me know. I do have additional copies.

TIMOTHY HUGHES: I'll take a copy.

ATTORNEY TIMOTHY TWARDOWSKI:

Sure.

Okay, so to refresh the Board's recollection as to the nature of the proposal. This is a wireless communication facility that's proposed for the property located at 799 Concord Avenue. This is the Santa Maria Hospital site on which the Santa Maria Hospital sits now. It's a six-story brick building. What I'm showing you now is the roof plan from the revised Zoning drawings, sheet Z2, and this is looking down on --

CONSTANTINE ALEXANDER: There are people in the audience who want to see as well.

ATTORNEY TIMOTHY TWARDOWSKI:

Sure.

SEAN O'GRADY: Maybe I'll help you out.

ATTORNEY TIMOTHY TWARDOWSKI: This is the roof of the building.

This is the front. Below here would be Concord Avenue.

As you recall, we have existing rooftop penthouses, a total of three on the roof of the building now. Our proposal involves three arrays of four antennas for a total of 12 antennas.

One array is located on the west side of this penthouse.

Second array is located on the south side of this penthouse, the same one.

And the third array is located on the north side of this penthouse here.

There's also an existing ground level garage that will be converted for use as equipment shelter and would also house the emergency power generator for the facility.

CONSTANTINE ALEXANDER: And that's all internal?

ATTORNEY TIMOTHY TWARDOWSKI:
That's all internal. Nothing external there.

The original proposal, and I think it's best if we shift our attention to the photo simulations. The revised version of the photo sims that you have --

CONSTANTINE ALEXANDER: And, again, it's a little -- because I think these folks may want to see these revised.

ATTORNEY TIMOTHY TWARDOWSKI:
Sure.

CONSTANTINE ALEXANDER: If you have an extra one, just give them to one.

ATTORNEY TIMOTHY TWARDOWSKI: I do have extra copies if anyone would like.

Okay, so what you see in these photo simulations, on page 2 we've shown four locations from which these photos are taken. The first was taken from the front of the property along Concord Avenue.

The second photo -- or second set of photos were taken from Sunset Road.

The third set from the rear of the property towards the back of the parking lot.

And then the fourth is taken from Spinehill Place.

For each of these three locations what we've given you is three sets of photographs:

The first labelled "Actual View."
And these start on page 3 of the photo
sims. And this is a perspective taken
from the front of the property along
Concord Avenue. It's labelled actual
view, and this shows you what's out there
today. And this is the same photo that
was used in the original set of photo
simulations.

The next on page 4, which is
labelled "Original Proposal 2013." This
is exactly what we presented to you in
2013. What you see is that the proposed
antennas are mounted on the facade of the
penthouses, painted to match. At the
request of both the Planning Board and
this Board, we've lowered the height of
the antennas so that they would not cross
into the metal flashing at the top of the

penthouses to increase, to make them less visible from this perspective.

The next page what we have labelled as the "Stealth Proposal 2015," is really the significant change that we've made in this design.

CONSTANTINE ALEXANDER: And this is what, for the benefit of the audience, this is what you're asking us to approve tonight?

ATTORNEY TIMOTHY TWARDOWSKI:
That's correct. Yes.

For all four sets of photographs what's depicted in pictures labelled "Stealth Proposal 2015," that is the current proposal that's before the Board this evening.

And what we've done is we've left the antennas in the exact same locations,

but we're proposing to build a fiberglass wall in front of the antennas to fully enclose them, so that as you can see from the photographs labelled 2015, they're no longer visible. And that is true from all four perspectives from which we provided the photo sims. Again, the first set from Concord Avenue, those are pages 3 through 5.

CONSTANTINE ALEXANDER: Let me ask you a question. Why is this -- as a matter of course, why isn't every time you do this, propose to add these antennas, why don't you do what you're proposing to do tonight? Why do we have to --

ATTORNEY TIMOTHY TWARDOWSKI: I wish there were an easy answer for that. In some cases it's not -- it's far more costly. I mean, that is one issue to be

blunt. And in other cases it's made more difficult by existing conditions on the property. It's just not always easy to do this type of a stealth treatment.

CONSTANTINE ALEXANDER: You've come before us other times, and we're going to ask the same question every time. Next time you come by I'm going to ask why we can't have these stealth walls that you have on this project.

ATTORNEY TIMOTHY TWARDOWSKI: I expect you will.

And just to be clear with the Board, when we --

BRENDAN SULLIVAN: It's accounting and engineering department --

CONSTANTINE ALEXANDER: Mostly accounting.

BRENDAN SULLIVAN: -- that are

driving it.

CONSTANTINE ALEXANDER: Probably the treasury department.

BRENDAN SULLIVAN: And unfortunately you're the bearer of the news.

ATTORNEY TIMOTHY TWARDOWSKI: Right.

And just to give a little more background, you know, in terms of how we came up with these plans, based on the discussions that occurred between Verizon attorneys and the city's attorneys, we worked with architect Dan Winny, who we worked with before, you probably recall from the Kendall Square site, Dan did a fantastic job of really designing some enclosures that hid the antennas very well, and I think this Board was very

happy with the work that we presented. And knowing that, we contacted him again and said what can we do to make these antennas disappear in a way that is architecturally consistent with what's there? And so that's whether, you know, people driving by, walking by, or standing still and looking up won't ever know those antennas exist. And what he presented to us, and which we also submitted is this set of architectural sketches that really was the genesis to what you see here in both the revised site plans and the photo simulations.

I would be happy to continue through these. If we turn to page 6, it's actually pages 6 through 9, these photographs show the actual existing view from the Sunset Road perspective, followed

by on page 7 the original proposal with the exposed antennas painted to match the background. And lastly, on page 8 the stealth proposal 2015 with the fiberglass wall enclosure showing that the antennas are no longer visible. The same is true for the other two perspectives. I would be happy to go through those again, but I think you get the picture in terms of what we've done in terms of the stealth treatment here. So with that, I'll conclude and respond to any questions you may have at this point.

CONSTANTINE ALEXANDER: You'll have a chance. We ask the questions first.

I guess just to put it in perspective, again, for the benefit of the audience, many of the concerns that were

expressed the last time, and I suspect will be expressed tonight, some were expressed in writing, were health issues. What you're proposing is not addressing the health issues, which by law you believe there are no health issues by virtue of the act of Congress. What you're doing tonight, what you plan to do is minimize the aesthetic impact of these new antennas to make it less visible and to improve the streetscape, if you will, of Cambridge. That's -- am I right? That's the bottom line of what you're doing?

ATTORNEY TIMOTHY TWARDOWSKI: That is correct. In terms of, you know, the RF signal, the coverage, etcetera, nothing's changed in this proposal.

CONSTANTINE ALEXANDER: Just do a

better job or doing a job of disguising the new antennas you wish to put up on the roof.

ATTORNEY TIMOTHY TWARDOWSKI: Yes.

CONSTANTINE ALEXANDER: And now questions from the Board?

TIMOTHY HUGHES: No.

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

EDWARD KUH: Edward last name, Kuh, K-u-h. I'm the head of Fayerweather School which is an abutting neighbor to Santa Maria and the address is 765 Concord Avenue.

CONSTANTINE ALEXANDER: We have several letters which I'm going to read into the file. I don't think we have a letter on behalf of the school.

EDWARD KUH: We don't. The school

did not submit a letter, but several parents from the school --

CONSTANTINE ALEXANDER: We have three letters plus a memo from the Planning Board. That's what we have in our files.

EDWARD KUH: Right.

So we understand that three of our parents expressed concern the perceived health risk that they would consider leaving the school if the antenna went up, at roughly \$25,000 tuition per student over many years, that's a loss of business revenue. And if it became something in the community that people perceived that this was a risk, that that could impact our viability. So that was our No. 1 thing from a business standpoint.

The other thing is that from the

last time we met, one of the things that -- I guess necessarily our concern, but I remember the Board bringing up was that the coverage that was being provided did not seem to give any benefit to Cambridge businesses or it was really all pointed towards Belmont, except this area that's a wildlife preserve to the north. And then finally something that was a problem for us this time around, was the issue of notice. We weren't -- we got a notice in the mail just last week when we were on our break, but then with the sign that was up, you were saying that the sign that was up in front of the Santa Maria wasn't particularly visible in terms of whether other people in our community are like Evergreen School or anybody else had an opportunity to say anything. I don't

see a change, and our main concern is loss of business of perceived health concerns.

CONSTANTINE ALEXANDER: Okay, just a comment, as you say all those points were raised the last time. We took them into consideration in denying relief. But then the matter went to the courts and our legal department, we have no longer any involvement in it. And apparently, I can only say apparently, the decision was to try to resolve this case on the basis of improving the aesthetics.

So summarizing it regarding the impact on your business or where the signals are going to go, I guess all I can say is, and I don't know the answer, the legal department doesn't feel -- or feels that if this is -- if they can get this solution, this compromise, that they've

done the best job for the city.

EDWARD KUH: Okay, so the only thing that Verizon needed to do was address the aesthetic?

CONSTANTINE ALEXANDER: That's all they've done. I don't want to say all. I don't want to denigrate it. That's what they've done. They've improved the aesthetics. They've minimized the visual impacts. That was the solution that was proposed and that's the solution that I guess the legal department wishes to accept because that's why they asked us to rehear the case.

EDWARD KUH: You as a Board, do you have ability to consider these passed things or not?

CONSTANTINE ALEXANDER: We could. We could deny it as we did before.

EDWARD KUH: Oh.

CONSTANTINE ALEXANDER: But then the legal case would proceed in the courts.

EDWARD KUH: Right.

CONSTANTINE ALEXANDER: And the fear is I guess, fear may be too strong a word, concern of the legal department is that they may lose the case in court, in which case this will go forward and a less attractive version than what is proposed tonight.

EDWARD KUH: Right. So from our perspective we never had the problem with the antenna visually. That wouldn't bother us at all. We would be fine if it lost in court and it looked like the original drawing -- it doesn't matter to us at all.

CONSTANTINE ALEXANDER: Okay.

EDWARD KUH: I didn't think that those were upsetting to look at.

BRENDAN SULLIVAN: Would I be incorrect in characterizing a remand by a judge as a very strong message? Would I be incorrect at that? Or mischaracterizing?

CONSTANTINE ALEXANDER: I'm not sure, Brendan. I'm just speaking off the top of my head, I don't think the judge -- I wouldn't -- I think judges like to resolve cases, cases to get --

BRENDAN SULLIVAN: But if he felt --

CONSTANTINE ALEXANDER: Any solution -- you'll have a chance, sir.

JOHN HAWKINSON: Sorry, I didn't mean to.

CONSTANTINE ALEXANDER: Okay.

Any resolution that the city would accept and the petitioner would accept, the judge is happy with. I don't think he -- I'm just guessing. I don't think he or she got into the merits.

BRENDAN SULLIVAN: Am I reading too much into the remand?

CONSTANTINE ALEXANDER: I think you are. I think the remand was a solution that would solve -- save everybody money and time in pursuing the appeal. And settlements, basically settlement of the case. And we can all decide whether the settlement is sufficient for the city of -- or we can decide if the settlement is sufficient for the city of Cambridge. Obviously from the petitioner's point of view, it's

sufficient for them. They're willing to go forward on this basis to end the case, spend the extra money, if you will, and to better disguise the antennas, but that's all.

BRENDAN SULLIVAN: Okay.

JANET GREEN: And the law says we can't take into consideration the health.

EDWARD KUH: Right, I understand.

JANET GREEN: But you're presenting a business concern.

CONSTANTINE ALEXANDER: Which wasn't put to us before and we turned down the relief, but this is not -- it's not clear obviously, just appeal to the courts, it's not clear that we were correct in our decision and it's not clear that we could win the case on appeal.

EDWARD KUH: Right.

CONSTANTINE ALEXANDER: And so the city. Again, I'm putting words in the mouths of city counsel -- of city -- the Law Department. They decided half a loaf is better than none. Or the risk of getting no loaf, half a loaf is much improved of the visual impact. And that's what they've done, that's what the petitioner is willing to do, and that's why we're here tonight.

EDWARD KUH: Right, thanks.

CONSTANTINE ALEXANDER: You wanted to speak?

CARROLL MAGILL: Carroll Magill, C-a-r-r-o-l-l M-a-g-i-l-l. And I'm with Evergreen Day School and we're tenants at the Santa Maria building. I think our concerns are very similar. We voiced them earlier as well. There is a -- a couple

parents when this initially came up voiced their concerns and possibility about withdrawing from the school, not enrolling their children at our school, which is a non-profit preschool. Again, it's the perceived health risk. Parents of children this age are very concerned about health and safety, environmental concerns for their children. So, again, it's the loss of enrollment that we're worried about. We don't know if it will happen or not. We are a little disappointed that we had no little notice. Again, we're not an abutter. We didn't get anything in the mail. We're a tenant in the building, and we found out about it from an e-mail. The sign is up on a huge snowbank. It's very difficult to see. We were on vacation all week last week. So, again, we didn't have

a lot of notification to address it with our community, which was a problem we had a year ago as well.

FRED LANGENEGGER: Fred Langenegger, L-a-n-g-e-n-e-g-g-e-r. I am one of the owners of the unit at 777 Concord Avenue which is an abutter. We own a condominium in that office condominium building.

I guess I first have a question. Is the Board open to hearing further testimony from the community about -- along the same lines as what was -- what you received?

CONSTANTINE ALEXANDER: Sure.

FRED LANGENEGGER: I mean, I'm just wondering, like, maybe I should say more to the point is -- does that have any bearing anymore on the legal case or the

facts of the legal case set in the decision?

CONSTANTINE ALEXANDER: I'll give you my personal view. We have the right to do the same thing the same thing we did last time. We have a right to reject this and say we still think that there are issues in terms of the economic impact on the community as such, and this solution does not solve that problem. And so we turn down the relief. If that happens, then they go back to the courts. It's out of our hands, and it will proceed to a judge for a decision. It may be as Brendan suggested, the judge who remanded this case may not look with favor upon the city's position going forward if he or she did before. And from the city's point of view, the risk is, as I said, there's

going to be those antennas up there to your dismay and they're not going to be -- they're going to be more unsightly than what is proposed tonight. So again it's half a loaf situation.

FRED LANGENEGGER: Okay, so I, like my colleagues, I would just like to also make the point about the concern about the notice that we received. And the -- so there was -- I think there's a notice came out the week that -- two weeks ago we were digging out of snow, and then last week was school vacation, and last -- which didn't affect me personally, but it did affect the schools. Last Wednesday, Wednesday a week ago, I came down to the Board to look at the file, just try to find out some information. I was completely confused as to why, what's

going on. I had no idea what the question that is before the Board that you're even considering. So I came down, I looked at the file. There was -- and I found nothing in the file on Wednesday afternoon. I spoke to one of the staff people there. They said that Verizon had not filed their papers at that point, that they had until this past Monday to file. I said, fine. I don't know if that's true. I don't know when the papers actually got filed. That was my understanding as of last Wednesday. If that is -- whatever. Just given that, I'm just saying that I made a, I made a good faith effort to gather information about what's going on and I hadn't -- so there was very little information available to me. And without that kind of

understanding of the whole, of the whole situation, I was reluctant to actually -- even though I knew about the situation, I was reluctant to contact any of the neighbors because I didn't know if it was relevant -- I didn't even know what the question was before the Board. So given all of that, I would respectfully request that the Board give the community some more time to actually --

CONSTANTINE ALEXANDER: Let me ask a question. First of all, in terms of the notice, the sign that's up there does comply with our --

FRED LANGENEGGER: Absolutely.

CONSTANTINE ALEXANDER: Maybe it's hard to see given the nature of the size of the lot and the snow. To that extent they did comply with the Ordinance.

Beyond that, the mailing that's required, this is an unusual case. This is a case, in my experience probably over ten years on the Board, I've never had this before, this is not a new case. This is basically a settlement of an existing case and, therefore, what notice requirements are not clear. Clearly it's really a matter between, if you will, the Board, which made its decision once upon a time, and the petitioner, which is looking to compromise, reach a compromise with our Board to put the case to bed.

In terms of continuing the case, I just wonder whether any new information can be brought to our attention that we haven't heard before. You know, I think it's -- we should move on.

FRED LANGENEGGER: Okay.

CONSTANTINE ALEXANDER: I'm sorry, go ahead.

FRED LANGENEGGER: That's where I actually led with my question about whether further new public comment along the line that you've already received would actually make any material difference in this case.

CONSTANTINE ALEXANDER: If there's new information and it's relevant, it could make a difference. But I can't believe that basically how this case was thoroughly vetted back in 2013 and the issues that are before -- the issues were really -- this gentleman identified the health issues, the perceived health issues, the impact, the fact that it was really going to benefit not Cambridge, but Belmont. And also the fact that it's not

as attractive as we would like. Those are the issues that were on the table before completely that we gave our views on that.

The issue of the aesthetics is now being resolved tonight or can be resolved by what is being proposed. The other issue would just be more of the same. I don't know what we can say about the health issues. We can't say much.

THOMAS SCOTT: With regard to the information in the file, they're not required to have it there any sooner than the Monday before the hearing. So you just happened to come in last Wednesday, you know, versus Monday. So the information wasn't there, but they weren't required to have it there until five o'clock on Monday.

FRED LANGENEGGER: I understand.

I'm not objecting on that. I'm not saying they didn't follow your procedure. I'm saying practically the effect on our ability as a community to actually communicate and respond.

CONSTANTINE ALEXANDER: Again, if I believe that you, with more time and more notice, you could bring to bear new arguments that we haven't heard before, I would be very willing to continue the case. We've already -- this Board I think bends over backwards to continue cases to give people a chance to express their views. I don't hear anything. I can't believe that there's anything that we're going to hear. And, therefore, I'm loathed to continue the case further. I'd like to get it resolved one way or another.

FRED LANGENEGGER: Okay. I guess I wasn't thinking like whole new arguments, completely new concepts or something. It's more like, you know, if there is a larger chorus of concern along the same line, if that would make a difference, that's really my question.

CONSTANTINE ALEXANDER: Speaking for myself the answer would be no. I think we heard -- the issue was economic impact. We've heard tonight, again, very concrete concerns about the economic impact. I don't -- the fact if one more person comes in or two more and says, yes, we're going to be economically impacted, I don't think that's going to make a difference in our decision. Similarly last time, there was a big issue, it wasn't mentioned this time, about decrease

in property values. And the petitioner then had an expert come in with an appraisal and I think one of the neighbors had theirs, that hasn't been renewed. I don't know why that would change. So in short I just think we're kicking the can down the road for no good reason. That's just my -- any members of the Board feel differently?

TIMOTHY HUGHES: No, I don't feel differently at all. And I -- the strongest position we can take as a Board is around the aesthetics of this situation. The fact that at the last hearing, and the transcript of the last hearing was right with all this stuff about health issues, really covered over the fact of where we could make our decision, clouded everything up in terms

of the city feeling like they could defend it in court, you know, in a reasonable manner. And that's why it's been remanded and that's why we have a second chance at this to get the aesthetics, you know, done right. But we don't have a second chance to do anything about those issues that, you know, we can't put on the table.

CONSTANTINE ALEXANDER: One thing along those lines, since that case in 2013 this Board has created some new conditions whenever we grant a Special Permit for telecom, that go as far as we can go with the health issue. And I'm going to -- those conditions will be read at the time we make the motion. But it's going to require that they file -- that the petitioner file reports with the city every report they file with the Federal

Government, will be available. If they lose it -- if their permits are suspended by the Federal Government, the Special Permit will be ended.

And further, that they have to give an Affidavit from somebody in charge at the petitioner that the signs that are being installed, do comply with federal law regarding health matters, and that's as far as I think we can go. It's farther than we went in -- we would have gone in 2013 had we granted the relief.

You wanted to speak again?

LYDIA KNUTSON: Doctor Lydia Knutson, K-n-u-t-s-o-n, and I am the -- own 25 percent of 777 Concord Ave. And I am the director of an alternative healthcare clinic that sits on the top floor of 777.

I also, I didn't know the nature of why this had been remanded so I did not actually alert any of the other tenants in 777. But since the hearing more than a year ago, a new group from Mass. General Hospital has moved in on the first floor. It's a group of pediatric neurologists who specialize in autism. I was there when they had that space checked for radio frequency radiation. They were deeply concerned about their EEG machines. They have some very expensive equipment that is -- when they actually hired a company from California to come in and check the space for them. And he came in and he said this is some of the cleanest space I've ever seen. And I said well, you know, they -- Verizon had a petition to put a cell tower on top of that hospital.

He goes, I understand why. This is a really clean place. They could have a really good cell tower up there. And I said well, they did -- the Board did not approve it. And he goes great. This is a great place for you to set up your clinic. You're gonna get good data and this is a good place for you to set up. They actually haven't opened their doors yet. And I would have let them know -- I didn't know the nature of this -- of the topic this evening. I didn't know we were just talking about aesthetics and it seemed to be a done deal. I would definitely have encouraged those pediatricians from Mass. General to voice their opinions. And I do -- I think they should be allowed to voice their opinions. Anyway, I don't know what they will do, whether they'll

decide to move out, I don't know. But I was there when they were specifically concerned about radio frequency radiation in that building for their clinic. So I guess I'm speaking up for them that this could be in terms of economic impact to their business, they might decide to go someplace else given that they actually checked specifically to see what --

CONSTANTINE ALEXANDER: But they went to the trouble of checking, surely they must have knowledge of the fact that there's a very good likelihood that a cell tower is going to appear on top of the building because the case is in the courts right now. So, again, I don't know what -- even if they -- they would be one more instance of alleged economic impact.

LYDIA KNUTSON: Yes, absolutely.

CONSTANTINE ALEXANDER: You know, I'm not sure that would justify continuing the case. We know there are issues. We know the concerns. We don't dismiss them. We don't treat them lightly. We turn down the case, the petition, last time around based on that. But now we're being asked to revisit the issue and say basically don't worry about the economic impact, get -- improve the aesthetics. That's the best the city can do. That's a solution that's acceptable to the legal department, and now they're asking us to bless that, if you will, to grant the relief basically the settlement that they worked out -- the legal department worked out with the petitioner.

LYDIA KNUTSON: I guess I actually don't have any concerns whatsoever about

the aesthetics, I really don't care.

CONSTANTINE ALEXANDER: I don't think too many people do.

LYDIA KNUTSON: Yeah, I really don't care. And I, you know --

CONSTANTINE ALEXANDER: It may be a fig leaf for the city, I don't know.

LYDIA KNUTSON: I think I have, you know, I am -- I'm a small Cambridge business. This is cell coverage for Belmont. I have great -- I have Verizon, I have great coverage at 777. I stand on Griswold Street. I have coverage. This is not coverage for Cambridge. So why does this potential economic impact -- why is it in Cambridge when the service is not for Cambridge?

CONSTANTINE ALEXANDER: It's a very valid question. I'm not sure as a

legal base has found validity in terms of -- I don't think we can turn down a cell tower that's going to have impact on neighboring community. If the building, if the building they want to put it on, and it complies with the federal requirements and it's sufficiently disguised in terms of its impact on the need neighborhood in Cambridge, the fact is that if it benefits Belmont unfortunately, in my view anyway, unfortunately is not relevant.

LYDIA KNUTSON: Because Belmont turned this down several times, at least once that we know of.

CONSTANTINE ALEXANDER: I don't know anything about that.

BRENDAN SULLIVAN: That was down at the end of Pleasant Street and Route 2.

Yes.

CONSTANTINE ALEXANDER: Well, again, we could turn it down again, this Board -- this is not a rubber stamp. This is something that the legal department, with the petitioner, has said to us think about this solution to the problem. If you don't, if you don't -- we don't approve it, the case will go forward in the courts, not before us and the chips will fall where they may.

LYDIA KNUTSON: I guess I would humbly suggest that you turn it down once more.

JOHN HAWKINSON: Hi. John Hawkinson, 84 Massachusetts Avenue. I have actually been following the case in the court, so just a little background. The Court did not remand on its own

motion. The Court remanded because the parties were in settlement and part of the settlement. And as part of the settlement, the parties said Court will you please, we move that you issue an order remanding it. And the Court, I don't even think there was a written document, it was just an endorsement, saying yes, I remand it with a small clarification later. So I think the judge really has no particular position on the remand, not his idea, it's the party's idea. That said --

CONSTANTINE ALEXANDER: Do you agree with that, sir? Do you agree with that point that the judge didn't order the remand, it was basically --

ATTORNEY TIMOTHY TWARDOWSKI:
Right. Both parties submitted a motion to

the Court which was approved by the Court generating the remand.

CONSTANTINE ALEXANDER: But it basically, it was of the institution, the initiation of the parties not of the judge?

ATTORNEY TIMOTHY TWARDOWSKI:
That's correct.

CONSTANTINE ALEXANDER: Your point is correct.

JOHN HAWKINSON: And also the judge didn't deny an earlier motion to dismiss which you might think would mean that perhaps the judge felt that the case had merit. However, I think the primary basis of the city's motion to dismiss was about whether the complaint was filed within 20 days, and the judge felt that the federal statute preempted the 20 days.

So I don't think that spoke to the merit.
So I don't think there's a kind of
thing -- what I did want to ask was merely
I believe the Board held an executive
session on this on January the 8th, and I
presume there's nothing you can disclose
about that content of that executive
session, but I wanted to confirm that.

CONSTANTINE ALEXANDER: Confirmed.
That's why it's executive session.

JOHN HAWKINSON: Well at some
point the contents do become exposable
when the session is moot. It's helpful on
the record that you did seem receive some
confidential briefing of some sort.

CONSTANTINE ALEXANDER: The legal
department asked to meet with us in
executive session to discuss the case.
That was our first discussion of the case

since we decided it back in 2013.

JOHN HAWKINSON: Thank you.

CONSTANTINE ALEXANDER: Anyone else wishes to be heard?

(No Response.)

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

We are in receipt of some correspondence which I'm going to read. We have something from the Planning Board, which I'm going to -- let me do that first. I am a little bit puzzled by it.

ATTORNEY TIMOTHY TWARDOWSKI: Mr. Chairman, if I may make a -- will I have an opportunity to respond to the commentary that's been provided?

CONSTANTINE ALEXANDER: Oh, yes, yes, yes. I get everything out first and

then can you respond.

ATTORNEY TIMOTHY TWARDOWSKI: Fair enough, thank you.

CONSTANTINE ALEXANDER: We have a memo from the Planning Board dated February 25th. (Reading) The Planning Board reviewed the revised Special Permit application to install equipment and antennas with a fiberglass facade over the antenna installation and finds it to be an improved design. The Planning Board continues to recommend that if the Board of Zoning Appeal grants the Special Permit, that there be a condition that the antenna be installed in such a way as to not break the roof line of the facade when viewed from the street, and that any portion of the antennas that extends into the flashing be finished to blend into the

background to minimize the visual impacts of the antenna installation.

I thought that you weren't breaking the roof line.

ATTORNEY TIMOTHY TWARDOWSKI:

We're not. I'd be happy to address that specific comment.

CONSTANTINE ALEXANDER: Why don't you, yes.

ATTORNEY TIMOTHY TWARDOWSKI: I've had conversations with Liza Paden from the Planning Department for the Planning Board hearing on Tuesday. I attended the Planning Board hearing. And when she made mention of that particular condition, my immediate response was well, the original plan we lowered the antennas so it didn't break a roof plane, it didn't break the flashing, etcetera, and now we completely

encased with the screen wall enclosure. She said she understood that. The position -- the way she described it, it's almost like a boilerplate type recommendation from the Planning Board. Out of concern that, you know, what is presented to the Planning Board isn't always the same design that's approved ultimately by this Board, so their concern was that to make sure that this Board doesn't wind up with a different plan which does show the antennas protruding or breaking the roof plane.

CONSTANTINE ALEXANDER: Just for the record, it's your testimony or your position that plans you submitted do comply with what the Planning Board --

ATTORNEY TIMOTHY TWARDOWSKI:
Absolutely.

CONSTANTINE ALEXANDER: Okay.

That's the Planning Board.

There is a letter from
someone -- handwritten letter so I have
trouble reading it. It appears -- reading
the signature. Appears to be Jeanie Fujga
(phonetic), 211 Fayerweather Street, No.
1. (Reading) As a mother of a child, Jake
Fujga, if I got it right, who attends the
Fayerweather Street School on Concord
Ave., I strongly will reconsider sending
my son to the school next year if this
Verizon cell tower is getting permission
to go ahead. I urge you to reconsider the
planning permission -- the planning
permission for this tower.

A letter from Rachael,
R-a-c-h-a-e-l, Burger, B-u-r-g-e-r.
(Reading) I'm writing in regards to the

proposed installation of the antennas at 798 Concord Ave. My son has attended the Fayerweather Street school at 765 Concord Ave., since 2008, and I have been an active parent there, including serving on the Board of Trustees and as treasurer since 2012. My concerns about the proposed cell antennas are as follows:

One, I feel that the jury is out on the health and safety implications of cell antennas and electromagnetic radiation in our environment. These are new technologies and there hasn't been time to properly study their impact. Placing such antennas immediately next to a day care center, pre-K through 8 school and playground, a residential neighborhood, and a public park used by all of the above and more seems imprudent at best.

Two, whether or not you believe that there are health risks related to the cellular antennas, many members of the public perceive that there are or may be health risks, particularly for young children/developing bodies. This could negatively impact our enrollment and ultimately the viability of our school. Should this project go ahead, I would personally think hard about re-enrolling my son at the school despite my long-term commitment at Fayerweather and the excellent experience that my son has had there. I appreciate the economic benefit that would certainly accrue the Santa Maria for hosting these antennas, and understand the value of that for a non-profit institution such as theirs. We've enjoyed our relationship as

neighbors over the years and the visits the children have made there. For this reason in particular I want to express my regret for the loss of revenue that would result in not going ahead with the project.

And then last it's a letter from Jane Gray, G-r-a-y, at 11 Hemlock Road. (Read) I am so appreciative -- I'm so appreciative of this Board's thought and consideration in not allowing the proposed cell tower application near Fayerweather Street school to move forward last year. It was disappointing learn recently that is reopened for consideration. I am the parent of a child in pre-K at Fayerweather, and I have a second child who was scheduled to apply for pre-K there next year. If this cell tower were

improved and I would feel compelled to educate my children elsewhere as I would not want them attending school and playing in a playground next to a cell tower. I go to great lengths to lead a healthy lifestyle and keep my children healthy.

Last autumn after researching the ill effects of cell towers and radio frequency -- it says RF. But I think it means radio frequency. I objected to the placement of this cell tower so close to my children's school, and I detailed my objections in a letter to the Board at that time. Additionally, I took a number of measures to reduce RF exposure in my own home. I disposed of my portable phone system and switched to a wired system. I gave away my Sonos wireless music system. I switched from using WiFi in my to a

hardwired location for my laptop, and set my modem to be turned on only when I need portable internet access. And I travel with my cellphone on airplane mode and no longer in my pocket. I share these measures to emphasize that when I say I will feel compelled to change schools, I mean it. And I believe that as more evidence surfaces about the hazards posed to our children from cell tower radiation, more parents will follow suit. It is my hope that this Board will block the cell tower petition and protect our children. I thank you all very much for your time serving on behalf of the Cambridge community.

And that appears to be the new letters, letters in response to what's before us tonight.

I'm going close, I'm going to now give an opportunity to speak. I'm going to close public testimony unless anyone has more to say.

Yes, sir.

STEVE SLOANE: I would like to add one comment.

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

STEVE SLOANE: Sure. My name is Steve Sloane. I live 178 Green Street in Belmont. And I have a three-year-old at the Evergreen Day School at the location of the proposed antenna, and then also a nine-year-old at the Fayerweather Street school. In addition to some of the concerns I think that's been expressed by the perception and safety, I also just wanted to highlight some of the potential

impacts on the city if this is approved, and I think what you're hearing is some of the concerns that some people who are at the schools and some people who might enroll in the schools might have, and so the schools I think are great institutions for Cambridge, they provide great jobs, but they also provide an alternative for education for residents of Cambridge. And obviously I'm a Belmont resident, but I was 16 year resident in Cambridge and we (inaudible) our child there when we were residents. So there might be an impact on the city just through the great possibility that more students will need to be educated through the public school system which is a good school system.

CONSTANTINE ALEXANDER: Thank you.

Anyone else?

(No Response.)

ATTORNEY TIMOTHY TWARDOWSKI:

Thank you, Mr. Chairman.

One quick point with regard to the notices and the signs. You know, for those who raised that question, the type of notice that was given was agreed to through the remand order. We did post signs, not one but two, two weeks prior to tonight's hearing. We did have people driving by the site on a daily basis to make sure they were all still standing given the weather and the snow conditions outside. So what we did -- and we also mailed -- notices were given. You know, the issue with regard to the school vacations, that's beyond our control.

CONSTANTINE ALEXANDER: Question.

I assume the judge didn't determine what

the notice requirements are. This was something that you worked out with the city counsel?

ATTORNEY TIMOTHY TWARDOWSKI:

That's correct.

CONSTANTINE ALEXANDER: With the legal department. And then the judge just rubber stamped it.

ATTORNEY TIMOTHY TWARDOWSKI:

That's correct.

CONSTANTINE ALEXANDER: So the legal department made the determination together with the petitioner that this would be sufficient notice for the neighborhood.

ATTORNEY TIMOTHY TWARDOWSKI:

That's right.

CONSTANTINE ALEXANDER: And that answers the question you've raised.

ATTORNEY TIMOTHY TWARDOWSKI: And generally speaking the requirement of a posted notice and mail notice two weeks in advance of the hearing, that's at same as any Special Permit under the Zoning.

CONSTANTINE ALEXANDER: You did not make the mailing though?

ATTORNEY TIMOTHY TWARDOWSKI: We did not, the city did.

CONSTANTINE ALEXANDER: No, no. The city makes the mailings?

ATTORNEY TIMOTHY TWARDOWSKI: That's correct.

CONSTANTINE ALEXANDER: The same people who would have gotten -- the same addresses would have gotten the notice?

ATTORNEY TIMOTHY TWARDOWSKI: That's my understanding.

CONSTANTINE ALEXANDER: In 2013?

ATTORNEY TIMOTHY TWARDOWSKI:

That's my understanding.

SEAN O'GRADY: Just to interject, the new mailings would have gone to any new tenants or residents.

CONSTANTINE ALEXANDER: But what about the people who --

SEAN O'GRADY: You have to take the Assessor's list as it stands at that point. So I'm sure it was very similar, but it would have been updated.

CONSTANTINE ALEXANDER: Okay.

ATTORNEY TIMOTHY TWARDOWSKI: And, again, we've heard additional testimony this evening that we did back in 2013 with regards to concerns relative to health effects. It was our position before and it remains our position, that a denial based on -- based on the perceived

business impacts, which are directly tied to health effects, is the equivalent of a decision that's based on concerns relative to health effects which is in fact prohibited by the Telecommunications Act.

Also in regards to business concerns, specifically as to the Fayerweather School, we were at -- the Chair read three letters from parents of students who go there. And I find it interesting that the two of the three parents did not say they're gonna pull their kids out of the school, but they said they would think about doing so. Also, earlier today just out of curiosity, I visited the Fayerweather School website. And on the front page of the website, we have photographs of a row of six students all sitting there with laptops, which

tells me that they have a very robust wireless or WiFi system existing in the school already. I also checked their policy with regards to admissions, and there is a statement that says the Fayerweather School maintains an unranked weight pool of applicants to fill any vacancies that may occur unexpectedly.

So to the extent that we have one, possibly up to three parents who are concerned and not certain whether they would pull those students out, it appears that there's a long list of other parents who are more than happy to take those empty places. So I raise a question as to what exactly is the business impact here?

Secondly in that respect, and to the extent that we're -- a decision could be made on the basis of, you know, business

impacts through a Special Permit, that seems to me that the Board is heading down a line where are we going to be starting to issue denials to restaurants and retail applications because of whatever business impact on competitive businesses down the street. That type of an impact occurs every day when new business enters the marketplace and I think does not provide grounds for denial in this case.

CONSTANTINE ALEXANDER: I would only observe that -- I've been sitting on this Board for a good number of years and we've had unfortunately many telecom cases. I've never had -- we've never had the kind of compassioned objections that we have here. And we've never had elementary schools or schools like the Fayerweather Street School directly

impacted. So I think it's a little bit -- I don't know, not misleading, but the fact that I restaurants are not going to object to a cell tower down the street. But schools where parents are concerned about the health of their children could. So I don't, I don't accept that argument. I'm just going to say personally. I think there are special economic considerations here that warrant -- are really looking hard at this case, as we did the last time. Doesn't mean we're going to dismiss the petition. But I just won't accept that position that you made, I'm sorry.

ATTORNEY TIMOTHY TWARDOWSKI:

Understood.

And in response to, you know, issues with regards to locations either next to schools or healthcare facilities, I would

like to point out that Verizon Wireless and other carriers have facilities located on numerous schools and hospitals in this region. We have facilities located on the St. Peter's School in Concord Avenue in Cambridge. We also have facilities in the Newport, Rhode Island Hospital, Mass. General, Brigham and Women's Hospital. The Children's Hospital also issued an RFP a short time ago looking for wireless carriers to build distributed antenna systems or DAS systems in the hospitals themselves. So I think that tells a quite -- a very different story in terms of the health, you know, the perception of health providers and schools as to any concerns about locating these types of facilities either on or near those types of uses.

CONSTANTINE ALEXANDER: That's it?

ATTORNEY TIMOTHY TWARDOWSKI: Yes.

CONSTANTINE ALEXANDER: Thank you.
I've closed public testimony unless it
was.

STEVE SLOANE: A correction to the
statement that was made. A correction to
a statement that was made.

CONSTANTINE ALEXANDER: Sure.

STEVE SLOANE: There's a
suggestion that Fayerweather has a long
waiting list and I'm not here as a
representative of Fayerweather Street, but
as a parent who served on the finance
committee on the board, the school is not
fully enrolled while a waiting list is
used at grades where there is full
enrollment, it would be incorrect for the
Board to get the sense that there is full

enrollment and, therefore, that a loss of a single student might not have a financial impact.

CONSTANTINE ALEXANDER: I reached that same conclusion without the fact that -- just because you have waiting list doesn't mean there are people down the street wanting to come in. And if there are, those people on the waiting list might decide I don't want my kid near radio frequency, so I'm going to take my kid off the waiting list. Your point is well taken. But I think -- at least I'm there already.

ATTORNEY TIMOTHY TWARDOWSKI:
Forgive me, Mr. Chairman, I have one more item I neglected to submit.

We did have a representative from Santa Maria who was intending to be here

this evening to testify in support of the application. She had a conflict and was not able to attend, but she did send me a PDF copy of letter in support and asked me to submit this to you.

CONSTANTINE ALEXANDER: Let me read it to the record for the benefit of the audience.

The letter is from Mary Jane Nottonson, N-o-t-t-o-n-s-o-n, administrator, on the letterhead of Santa Maria Nursing Facility. (Reading) On behalf of the Santa Maria Hospital, d/b/a Santa Maria Nursing Facility, this letter is submitted in support of Verizon Wireless's revised application to locate mobile communication antenna on the roof of our existing building at 799 Concord Avenue and place equipment inside an

existing ground level garage space. I thank you for your time and consideration.

And I can't help but making an editorial comment, of course she's going to support, they're going to get money. So that's nice, but thank you.

And now we're all set? I guess we are.

I'm going to close public testimony. Is there a discussion by members -- by the Board? People want to express their views? At some point we'll take a vote.

I'll express my views, but I've done too much talking already, but go ahead.

JANET GREEN: I would say that as people probably know, I voted to deny last time. I felt quite compelled by it. I thought about this case a lot after the fact. I thought about all the radio

frequencies that there are in so many aspects of our lives, and I didn't think that we could -- I didn't feel that I could keep being concerned about one particular area. It felt like it was a larger thing and it wasn't just about this situation. So people who have concerns about it, need to address it in a different way than the Zoning Board. They need to address it with their Congress people for that. And I think the recent reaction of Congress around access to the internet really shows that citizens' voices can accomplish something. So I would say that's the way, but I don't think it will be -- I don't any longer think it will be right to deny it in this case.

CONSTANTINE ALEXANDER: My view

the last time around I voted for granting relief basically not because I dismissed the concerns that were expressed, but on the belief that we had no legal basis for denying relief for the reasons that the petitioner has pointed out tonight. I think that's still true. I think what the city's achieved has gotten something in terms of aesthetics, which is not insubstantial. It doesn't do you folks any good, I acknowledge that.

I also think that -- we have since then imposed new conditions on the granting of any Special Permit, not just this one, which I think will go a little ways toward dealing with the concerns that have been expressed. And also I'm going to suggest, as I did the last time, that we put a time limit on the Special Permit.

Time limit of two years. So that every two years the petitioner's got to come back before us, and if the world has changed, science, legislation, we'll be able to take that into account, and if necessary or if we think appropriate, deny relief at that point. It won't be forever. I think that's, in my judgment, the best we can do. I really sympathize with your concerns. They're heartfelt. Whether they're legitimate scientifically, I have no way of knowing. But there is enough out there about the continuing concerns about radio frequency. At least gives me pause, but we're not there yet. Unfortunately Congress has decreed, thanks to the industry's prodding that we just as a Board can't take into account health issues. If the operator was within

certain standards, that Congress has deemed that this is healthy -- not healthy, but it's not unhealthful. And that communities, both state and local, cannot deny relief based upon health concerns. And that's, that's the landscape we deal with every time we have a telecom case before us.

Anybody else want to speak or go to a vote?

TIMOTHY HUGHES: I mean I agree with both of my fellow board members that have spoken, that our legal rights of what we can do legally here is -- our hands are tied by Congress. That's the appropriate forum to change the law. And it's -- we can do what we can do, and we're trying to get the best deal we can get for the city.

I would point out that this is not

totally for Belmont. If you look at the placement of the antennas, certainly Belmont is the beneficiary but, you know, part of Cambridge is benefitting from this also. And the aesthetics is a vast improvement over a lot of what we've seen in the past, and I think this is a step forward in terms of making sure that telecom providers give us a better look in what they're doing on top of buildings across the city. So I'm --

JANET GREEN: Now we know what it can look like.

TIMOTHY HUGHES: Exactly. Once you put their feet to the fire.

JANET GREEN: Once they get rid of all the faux chimneys.

CONSTANTINE ALEXANDER: Do you want to speak more? I'm going to make a

motion. I'll make a motion.

It will take a little while, we're going to go through it.

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

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

That the continued operation of, and development of adjacent uses, will not be adversely affected by the nature of the proposed use.

That no nuisance and hazard will be created to the detriment of the health, safety, and/or welfare of the 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 districts 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 following conditions:

One, that the work proceed in accordance with and entirely consistent with photo simulations, architectural drawings, and engineering plans submitted by the petitioner. Each of which have multiple pages and the first page of which has been initialled by the Chair.

That should the petitioner discontinue telecom services from this

facility, that the equipment being installed be promptly removed and the building be restored to its prior condition to the extent reasonable and practical.

That furthermore, that inasmuch as the health effects of the transmission of electromagnetic energy waves is a matter of ongoing societal concern and scientific study, the Special Permit is also subject to the following conditions:

A, that the petitioner shall file with the Inspectional Services Department each report it files with the federal authorities regarding the electromagnetic energy waves emissions emanating from all the petitioner's equipment on the site. Each such report shall be filed with the Inspectional Services Department no later

than ten business days after the report has been filed with the federal authorities. Failure to timely file any such report with the Inspectional Services Department shall ipso facto terminate the Special Permit granted tonight.

B, that in the event that at any time federal authorities notify the petitioner that its equipment on the site, including, but not limited to the Special Permit granted tonight, fails to comply with the requirements of law or governmental regulation, whether with regard to the emissions of electromagnetic energy waves or otherwise, the petitioner, within ten business days of receipt of such notification of such failure shall file with the Inspectional Services Department a report disclosing in

reasonable detail that such failure has occurred and the basis for such claimed failure.

The Special Permit granted tonight shall ipso facto terminate if any of the petitioner's federal licenses is or are suspended, revoked, or terminated.

C, that to the extent that a Special Permit has terminated pursuant to the foregoing paragraphs A and B, the petitioner may apply to this Board for a new Special Permit provided that the public notice concerning such application discloses in reasonable detail that the application has been filed because of a termination of Special Permit pursuant to paragraphs A or B above.

Any such new application shall not be deemed a repetitive petition and

therefore shall not be subjected to the two-year period during which repetitive petitions may not be filed.

D, that prior to the installation of the equipment, the petitioner shall file with the Inspectional Services Department a sworn Affidavit of the person in charge of the installation of equipment by the petitioner with a geographical area that includes Cambridge, stating that A, he or she has such responsibility; and B, that the equipment is being installed pursuant to the Special Permit we are granting tonight, will comply with all federal safety rules and will be situated and maintained in locations with appropriate barricades and other protections, such that individuals, including nearby residents and occupants of nearby

structures, will be sufficiently protected from excessive radio frequency radiation under federal law.

And then last a final condition that the Special Permit we grant tonight shall continue for two years. And after two years the petitioner should it want to continue to use this facility, must reapply for the Special Permit. And at that point we'll have the ability and people in the audience have the ability to take into account any new, if there are any new, developments either scientifically or legislatively with regard to telecommunications facilities.

So on that's the motion as long as it is. All those in favor of granting relief please say "Aye."

(Aye.)

CONSTANTINE ALEXANDER: Five in favor. Relief granted.

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

* * * * *

(8:30 p.m.)

(Sitting Members Case #BZA-005790-2014: Constantine Alexander, Timothy Hughes, Brendan Sullivan, Thomas Scott, Janet Green.)

CONSTANTINE ALEXANDER: The Chair will now call a continued case that we could not hear until 8:15 tonight because of the failure of the petitioner to modify

the sign as we directed. So the case we're going to call next is case No. 005790, 275 Fresh Pond Parkway.

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

ANDREW BELLIZIA: Good evening. My name is Andrew Bellizia and I'm the President of the Cambridge Honda.

CONSTANTINE ALEXANDER: Go ahead.

ANDREW BELLIZIA: And I was here and the Board granted a Special Permit to replace a sign at 275 Fresh Pond Parkway and unfortunately through my mismanagement and the city's inability to --

CONSTANTINE ALEXANDER: I'm listening.

ANDREW BELLIZIA: -- inability to have an on-line permit application system running to my understanding from my

attorney Vincent Panico, we were late by one day, 24 hours. So, I'm here to respectfully ask the Board that they reissue the permit to put the new sign in place.

CONSTANTINE ALEXANDER: Same sign you had before?

ANDREW BELLIZIA: Same sign.

CONSTANTINE ALEXANDER: That was represented to us the last time. Here one of the reasons why we continued the case the last time was there were a number of neighborhoods -- neighbors' objections. A lot of the objections related to, well, some said the sign that you want to put up, which we did approve before with a number of conditions, was too big. We should reconsider the whole situation.

Further there was neighborhood

opposition because of the way that the property is being maintained. The Dempster dumpster in the back is exposed and it's not been properly shielded from the view of the residential neighbors in the back. And further that the fencing along the street back to the parkway has not been maintained and there's problem with the fencing. Those two in particular were raised. And question is, and I think this Board took those into account, and the question that was raised and was not answered by the people who were represented you at the time, Mr. Panico and your controller, I see in the audience right over there.

ANDREW BELLIZIA: Joseph Lepore.

CONSTANTINE ALEXANDER: Yes.

Question is if we were to grant

relief subject -- the same relief you got the last time but the same conditions as last time, except that the illumination of -- the sign is going to be illuminated would be -- I think before we said eleven o'clock at night. I think you have to turn it off at nine o'clock because of neighborhood objection.

But further we imposed the conditions of disguising of the Dempster dumpster and also with respect of improving the fencing along the rear property, that might make us more amenable to granting the new Special Permit -- to renewing granting a new Variance tonight. You lost the old Variance because you lost by one day. And we didn't have an answer. This gentleman could not give us an answer. I would like to hear from you on

that.

ANDREW BELLIZIA: Okay. I --

BRENDAN SULLIVAN: Can I see the folder?

ANDREW BELLIZIA: I would not agree to putting any other restrictions other than something that has to do with the sign itself. I just don't think that's equitable. I have hired a company that has come in, and to the best of my knowledge, through Bill Casam (phonetic) who has talked to one or several of the neighbors, has corrected the issue with the condition of the fence. Which quite honestly happens on a yearly basis because of the snow. The snow gets plowed, the webbing gets pushed out, some of the retainers break. What something I had never addressed before was the stanchions

that rose up on an angle that used to hold barb wire which isn't necessary anymore. I had those cut off.

As far as the shading of the dumpster, again, to what was told to me by Bill Casam who has had contact with the neighbor and our neighbors, I had offered to shade the dumpster area with textured 111. I think it might have even been mentioned at this Board, but I'm not 100 percent sure. With textured 111 which is three-quarter inch basically exterior plywood with the grooves in it. It's either four or eight, four inches or eight inches wide. And I would have that attached to the fence and either painted or stained in whatever color the neighbors desired.

What came back to me -- I am still

willing to 100 percent do that. What came back to me at the time was according to Bill Casam, the neighbor or neighbors wanted to wait to see how the plantings developed that the city had just installed with the repaving, and work was done around the dealership to see how that affected, I guess, the site line of the dealership. And it was my understanding that if it was decided that either the neighbor and/or neighbors wanted that installed, that I would do it. So I maintained to the Board and the neighbors that I am quite willing to keep the fence in an orderly fashion. It protects my inventory, my customers' cars, and obviously bodes well to the clientele that we walk through the property to show them our facility. And I maintain that I will

at the neighbors' request, install the textured 111 and paint it and/or stain it to whatever color that the neighborhood chooses.

CONSTANTINE ALEXANDER: Thank you. I'm taking some notes. Go ahead.

ANDREW BELLIZIA: Absolutely.

CONSTANTINE ALEXANDER: The neighbors will have a chance to speak who are here to speak.

Different question. One of the issues that was raised at the last hearing was why aren't you building, erecting a sign that complies? You know, the sign that you want is bigger than is permitted under our Ordinance and that the Honda has signs, different sizes of signs and why don't you do one that would be compliant?

ANDREW BELLIZIA: At that point

any smaller than what we have, which is under the site line from Mr. McKernan's house would be shaded or obscured by the tree plantings and wouldn't really be recognizable until you were upon it. I think, and I don't have them with me, but Vincent, my attorney he'd presented to the Board the sight lines and the degrees and so forth. It wouldn't, it wouldn't serve a useful purpose to have a sign that nobody saw until you literally were upon it or passed it.

CONSTANTINE ALEXANDER: Someone's driving Fresh Pond Parkway, they're going to know there's a car dealership and there are other things that identify that it's a Honda.

ANDREW BELLIZIA: Well, I would agree with you that common sense would

dictate that, but advertising is advertising. And it's the reason why the Fresh Pond Mall is lit up like Las Vegas. It's the reason that the Sunoco Station sign is almost one and a half times the height of mine. I think I have kept the sign orderly. I have painted it a flat black so it wouldn't be so intrusive in the way that it looked from the bright silver it used to be. I've done, I think, everything that a human being would consider fair and equitable to downplay as much as possible our position there. I don't use lights over the used car lot. I don't have the streamers or banners. I don't have the flexible guys on the air machines. I try to put forward an image in business application that a reasonable Honda buyer would expect to see.

CONSTANTINE ALEXANDER: Thank you.

I'm going to open the matter up to -- do you have anything else you want to add?

ANDREW BELLIZIA: No.

CONSTANTINE ALEXANDER: I'm going to open the matter up to public testimony unless there are comments from members of the Board?

BRENDAN SULLIVAN: Well, the big question mark that I had was that there was a sign inventory form that was partially filled out and yet the square footage of those signs which is crucial is not filled out. And that was related to Mr. Panico, I guess, and he said he was no longer counsel. But in order for me, I think, and for the Board to gauge whether or not the existing signs are in

compliance or not before we grant this additional one, I would like to see what those numbers are.

ANDREW BELLIZIA: Okay, so am I to understand that by that the current sign I have is not grandfathered in as I was told?

BRENDAN SULLIVAN: Well, again, this form is incomplete and there are four categories. Zoning compliant, grandfathered, variance granted, non-compliant illegal. And the status is supposed to be alongside each one of these existing signs. That's not filled in, and the square footage of each one of those signs to determine whether or not they are in compliance, is not filled in.

ANDREW BELLIZIA: Okay, so I'm to understand that when the Special Permit

was granted last time, that information was not available or applicable in the Board's decision?

CONSTANTINE ALEXANDER: We did not consider that in the Board's decision.

BRENDAN SULLIVAN: What?

CONSTANTINE ALEXANDER: We did not consider that.

BRENDAN SULLIVAN: It was not, that's correct.

TIMOTHY HUGHES: You keep saying a Special Permit. It's a Variance.

ANDREW BELLIZIA: A Variance, I'm sorry.

CONSTANTINE ALEXANDER: A Variance.

BRENDAN SULLIVAN: But that issue has been raised and it's a question mark in my mind as to whether or not the

existing signs, I mean there's a plethora of them are in compliance or not.

CONSTANTINE ALEXANDER: See, and I don't like to disagree with my fellow board members, particularly Mr. Sullivan. But I don't disagree with him, but I've got to make a different kind of observation. If the current signage there, not counting the one that you're talking about replacing, violates our Ordinance, there are remedies for that. I mean, that's not before us tonight. We're looking at this one sign and we grant it or not. That's a separate issue. A neighbor or a concerned citizen of the city wants to file a complaint with the Inspectional Services Department saying you're maintaining illegal signage on the property exclusive of if we grant you the

Variance or not, they can do that. And if the Inspectional Services Department says, yes, you are in violation, you're going to have to rectify it. If they say no, no, you are, your other signage is in compliance, then the citizen has a right to take an appeal to this Board. I would sort of like to see us proceed down that path and not muddy the water, in my view, with the whole inventory of all the signs and kicking the can down the road so much. So I would be prepared to go forward tonight with this sign on its merits and leave it to the city and the citizens to deal with the other signs that are on your property if there's an issue. That's my view.

TIMOTHY HUGHES: Well, I might be but I need to know what was petitioned

for? You know.

CONSTANTINE ALEXANDER: The petition is just to replace the sign that's there now with a new sign.

TIMOTHY HUGHES: But what are the violations of that sign? Why does it need a Variance? Is it a height thing?

BRENDAN SULLIVAN: Square footage.

CONSTANTINE ALEXANDER: Height and square footage.

TIMOTHY HUGHES: So he's already petitioned for the square footage allowance over and above everything that else he's got plastered all over the place, right?

CONSTANTINE ALEXANDER: This sign.

TIMOTHY HUGHES: Yes, I guess maybe I could go ahead with it. As long as it's -- as long as what he's asking for

was, is clear in the Variance petition.

CONSTANTINE ALEXANDER: Oh, I think it is.

TIMOTHY HUGHES: Okay.

JANET GREEN: We discussed this case for a long time.

CONSTANTINE ALEXANDER: Oh, we certainly did.

JANET GREEN: We discussed this for a long time. And we talked about -- we listened to people, we looked -- we talked about light and we talked about sight lines and we talked about a lot of different things. But my concern was these other issues also were brought up at that time in which neighbors were told that they would be taken care of. Now they're back because of this reason and they weren't taken care of.

You know, I mean it was the area around -- that borders their property. I mean, we do make conditions like that when we're doing a Variance even though it's not directly related to the sign, it's directly related to how that impacts on the neighbors. So I think what -- it didn't happen the first time, a feeling that the property was maintained along the borders that they care about the most, and that's why, it seems to me, that's why they're angry now.

ANDREW BELLIZIA: The only way I can answer that is that for the better part of all last year the area was under heavy, heavy construction. And some of the damage, even to my fence, was not caused by me but by construction vehicles and curbstones and piles of wood for

cofferdams and things like that. So it was in complete disarray and it -- I did make the decision, I'm not denying that I didn't, I did make the decision that since on both streets, on one side of the fence was in complete disarray, it would be wasted money to address the fence as far as the material and the post goes when they were being battered on a regular basis.

To address the shading of the dumpster, which was brought up, again, I can only tell you in complete honesty that it came back to me that it was a wait and let's see on putting up the textured 111 and painting it. And then the construction took place, then the plantings happened, then the fall came, and we went into the winter. So I, I am

more than happy and will honor my word to the letter.

JANET GREEN: You can see why they might think you did not take their concerns seriously.

ANDREW BELLIZIA: Point well taken.

CONSTANTINE ALEXANDER: Comments from other members of the Board? I'll open it up to public testimony.

Is there anyone here wishing to be heard?

ADAM GLASSMAN: First thing I want to say is --

CONSTANTINE ALEXANDER: Your name.

ADAM GLASSMAN: My name's Adam Glassman from Two Worthington Street. Good evening, Andy.

You know I've, I like Andy. And I

know that these are decent guys that run the dealership. I've heard testimonies from neighbors of mine who I know well that different kinds of kindnesses and generosity have been extended to them by Andy personally. And to me that says a lot about his character because he's never bragged about these things here or to me, and doesn't wave it on a flagpole. I think part of the issue here is why we're here tonight is that he simply doesn't see what we see everyday. He looks out the front of the house, but for us his back of the house is our front of house. And I think at a certain point they stop seeing how they leave things around, how trash accumulates. I don't think it's willful in the sense that they're intentionally degrading their back of house. However,

what we see everyday and what we think can be taken care of easily with really little cost, is trash barrels filled with I don't know what that have been sitting in a corner for close to a year ironically underneath the variance sign which tells me that they don't notice this. It's not that they're doing this on purpose to get to us, they're just -- they don't see it anymore.

Damage to the fence is caused by not just snow and city construction, by pickup trucks pinning plywood against it that just sits there.

This, this pallet was stuck back there for close to a year along with other debris, and my calls were not well responded to. I, on my own had to go back there and remove stuff. And I get tired

of marching in there and I get tired of policing this stuff. And it's not my job, and I want a friendly relationship with these guys. And, again, I like Andy. I just don't think he's aware of what we are dealing with day-to-day. And I take his word that Bill told him we wanted to do a wait and see with the dumpster. And I think Bill was confused given that for a year I was having conversations with a former plant manager who's not there anymore. And when I brought up to him this idea of replacing or improving this chain link, he was all for it. And we talked for over a year about it and then he, he left for whatever reason and then Bill was stuck in this position of trying to deal with me and other people, and he didn't know what the conversation had

been. And I think we did take a bit of a wait and see approach with this because we wanted to let the construction take its course and see how the vines would do. And I know Andy was watching this.

The dumpster enclosure there was no reason to take await and see with this. And I started to get upset at that last hearing when leading up to it I made phone calls and e-mails to say, listen, I'd like to come out and support this Variance again like I did the first time. I'd rather be here to support the Variance, but there was really no response. There clearly didn't seem to me to be a priority.

CONSTANTINE ALEXANDER: What would you have us do? I hear you and it's a problem unfortunately people

who -- residents or businesses particularly, automotive business have this problem. What would you have us do?

ADAM GLASSMAN: Well, I know what I'd like to see done. I'm not sure what the fairest thing to do is. As somebody who lives across the street from their back of house, I would like to see something like the T-111 enclose the whole yard. And if they want leave stuff around or back into it, you know, we're not gonna see it, we're not gonna notice it. I don't know if that's fair for them. I know they do have a lot of snow. They have a lot of cars and trucks. What I'd like to see is really as little of the back of house as possible.

CONSTANTINE ALEXANDER: A solid fence.

ADAM GLASSMAN: At minimum, it's a question beyond me what we can make them do, but at the minimum the dumpster enclosure --

CONSTANTINE ALEXANDER: I think he's offering to do that. That's off the table.

ADAM GLASSMAN: Yeah. And what I would do, and I don't think it's unreasonable to ask, I would extend it to the Lexington corner. And the reason is not just to provide a visual barrier for us, it would prevent delivery people from parking their truck in front of my house which I have a photo of, and cutting through, and I happen to be there and I documented the cut through which is trampling the city buffers that I and others have spent a great deal of time

using this as a cut through. I know they have to get snow somewhere, but it can't be dumped on these buffers. It just kills them. And unless there is an actual, beyond a guardrail, which keeps cars off which we appreciate which Andy installed when requested, without a fence there, without extending that dumpster enclosure down to Lexington, this buffer will always be either a cut through or a dumping ground for the snow. And it won't do what it's intended to do. That would be the first kind of priority that I would say.

CONSTANTINE ALEXANDER: So we'll move on.

What is your reaction to that? The textured.

ANDREW BELLIZIA: That would limit the view what was happening behind the

fence especially at night. It could possibly be a fire hazard, and I would not be agreeable. Then you open up the can of worms about -- what about the people down the other end? And what about the people around the corner? What is their line of sight? I would agree with you that I'm here about the Special Permit for my sign --

JANET GREEN: Variance.

ANDREW BELLIZIA: Variance for the sign out front. Those are the things that I would like to -- that is the thing that I would like to address at this meeting. I am --

CONSTANTINE ALEXANDER: I understand that. But our point you're asking for relief from the city.

ANDREW BELLIZIA: Yep.

CONSTANTINE ALEXANDER: We are guardians of the city's interest. And if we can improve the city's, the situation with regard to the lot, as part of granting you the relief for the variance, we're going to do that. We do that all the time. And that's what we're talking about. We can, it's just not a simple matter let's just focus on the variance. I want to take a bigger picture. And so -- we're going to give everything that this gentleman has suggested or other people may suggest, but I'm not going to cut off discussion of that. I wanted to think that through.

ANDREW BELLIZIA: Understandable.

CONSTANTINE ALEXANDER: Okay.

I'm sorry, that was your first point. So go ahead.

ADAM GLASSMAN: If I had to, you know, create a laundry list, that would be the first thing.

CONSTANTINE ALEXANDER: Let's try to be reasonable.

ADAM GLASSMAN: And I don't want to be greedy about this and say well, I want everything. I think that's -- provides physical, visual --

CONSTANTINE ALEXANDER: If, if we were to grant the kind of relief you're suggesting regarding the fencing up to Lexington, would that be sufficient? Can any other concerns you have go away? Or you going to have a laundry list? You got No. 2 and No. 3 and No. 4?

ADAM GLASSMAN: No, I don't have a laundry list. I don't want to -- I can't -- I'm here representing myself and

that's my issue.

CONSTANTINE ALEXANDER: That's all you can do. I'm not asking you to represent the neighborhood.

ADAM GLASSMAN: Okay.

CONSTANTINE ALEXANDER: From your perspective.

ADAM GLASSMAN: From my perspective if he went to Lexington and maybe ten feet in the other direction, that would do it. That would really do it. Because things accumulate around that, that I either have to remove myself or I have look at. And when it's in this other direction, this whole dumpster and buffer trampling would go away.

THOMAS SCOTT: Who installed the buffer, the city?

ADAM GLASSMAN: The city.

THOMAS SCOTT: And is the buffer planned with plants?

ADAM GLASSMAN: The city just planted eight feet tall arborvitae and smaller shrubs. They just -- and they also did it down on -- the end of Lakeview they also did that buffer. The difference is there's -- that's where the chain link is, therefore, it can't get trampled and snow can't be dumped on it. So the conditions on that side are different.

CONSTANTINE ALEXANDER: Okay. That's it? Thank you, sir. Thank you. We'll see you again.

Anyone else wishes to be heard on this matter?

JAN DEVEREUX: I had a question. I wanted to --

CONSTANTINE ALEXANDER: You don't

have to speak if you don't want to.

JAN DEVEREUX: Yeah, Jan Devereux from Lakeview Avenue. I'm an abutter from the other side of the street. So I, too, look at the back of the house, the chain link fence. The city's plantings are attractive and they did just upgrade the ones along Lakeview which is nice. We'll see how they survived the winter because they have a tremendous amount of snow on top of them and they were very tender young plants. It doesn't really screen what's going on in the garages. And Adam looks at the dumpster. I look at the service bays, you know, so the garage doors. You know, we've had persistent complaints about the paint fumes. There were prior agreements. I mean a lot this business of the conditions is great except

the enforcement, you know.

ANDREW BELLIZIA: There were no paint fume complaints that I'm aware of since three or four years ago that we installed a new air system, No. 1. Unless you have documentation of them.

And No. 2, all the paints now are water-based so there is no more acetate or smell.

JAN DEVEREUX: Yeah. I'm not really here because we're talking principally about aesthetics and sight lines rather than fumes. I'm just saying that in the context of all of this back and forth over decades as Jack McKernan can testify, conditions get placed and the follow through is poor. So, you know, I would like -- I, too, would like to see the deed asks for a continuous screened

fence. The city has done its best to try to disguise some of what's going on with the plantings, but the plantings are incomplete. I mean, the chain link is an open fence and there are low bushes. So I mean we basically see what's going on. There is trash, there is clutter. It's, you know. It's -- and in the context of the city granting, you know, them relief for a larger sign and, you know --

ANDREW BELLIZIA: It's a smaller sign.

JAN DEVEREUX: It's a larger sign that is allowed, and then there is all this other signage, and I realize we're not talking about that, but, you know, you said the word advertising and when we were talking with Mr. McKinnon it's not about advertising. And the architecture of the

Honda building, as we pointed out last time, has a giant H that can be seen from a great distance. And there are, the word Honda is on -- is in two places on the side of the building and there are all kinds of signage. So that, that front sign really isn't doing the work of identifying the thing. So, you know -- and so anyway, I don't want to babble on. I would like to see some conditions imposed because I feel like we're constantly asking and we're constantly having to call the city, you know, and it's just not --

CONSTANTINE ALEXANDER: You may still have to do that if we impose conditions, because they may not be satisfied --

ANDREW BELLIZIA: May I ask the

date of the last time you had to call the city?

JAN DEVEREUX: I've stopped doing it, but other neighbors have.

CONSTANTINE ALEXANDER: I don't want to get into the -- you can have this discussion out in the hall.

I was going to make the observation, that if we deny the Variance tonight, the old unattractive sign will stay.

JAN DEVEREUX: I get it.

CONSTANTINE ALEXANDER: And there will be nothing he has to do to deal with the fencing and the Dempster dumpster. And on the other hand, if we were to grant relief --

JAN DEVEREUX: I realize that.

CONSTANTINE ALEXANDER: -- we can hopefully improve the situation for the

neighborhood. Assuming this gentleman wants to comply with the conditions we impose. So it strikes me that from the neighbor's point of view, it's in your interest to have relief granted.

JAN DEVEREUX: I agree. I agree. And I was going to ask did you get the letter that we sent?

CONSTANTINE ALEXANDER: Yes.

JAN DEVEREUX: Okay. You got the letter. Don't read it into the record because we'll be here until midnight.

CONSTANTINE ALEXANDER: That's exactly right.

JAN DEVEREUX: I don't have anything more to say. I think Adam was eloquent and I wanted to echo that from the Lakeview perspective.

Thanks.

CONSTANTINE ALEXANDER: Thank you.

Anyone else?

JACK McKERNAN: Jack McKernan, M-c-K-e-r-n-a-n. Things have certainly improved over the years. I live right across the street from the car dealer at 275 Lakeview Avenue. And I was in favor of the previous sign request variance. And I was surprised it didn't go up. And then I found out why it didn't go up because they missed the deadline. And I would still be in favor of that sign, but I'm also interested in the fact that we've had this kerfuffle over what's been going on with the neighborhood and so forth, and the difficulty that I have had in the past in having to make phone calls about things that we'd agreed on not happening. And Andy has always responded well and it's

always been corrected at the time, but it is, it's the situation of constantly having to make the reminder.

So, I think my concern right now is that the buffer that the city put in from -- it's hard to explain it without a chart or a picture, but the chain link fence only goes down to about the edge of where my property begins across the street. From there to the parkway there is no fencing. The buffer that's been planted by the city, which is about four feet wide with the trees, had no fencing. So for a while people were walking through the plantings to get to look at the cars and so forth from where the fence ends to where their current curb cut is. They corrected that by putting in a three-foot high wooden fence, but it hasn't -- that

doesn't stop the snow from going over and getting on to the plants. There is no fence from there on down. And the city is going to put in, I think they call it a water garden, which is a kind of water relief basin that's going to be right there and the planting buffer does go there, but right now the cars are backed right up against that. And I appreciate the difficulty it presents to him because to display his cars he's got to have his space. However, for people to see the back of the cars, they have to walk back on to the planting strip. And at the same time there's no -- there's nothing there to stop the snow from being piled on the plantings there and they have nowhere to put it. I mean, I don't know what the answer would be unless he gets one of

these snow farms himself, you know, where he can melt the snow. So it's a dilemma. It's a real dilemma. Those are my concerns. I'd like to see maybe some kind of fencing in that area.

CONSTANTINE ALEXANDER: Thank you.

Anyone else wishes to be heard?

(No Response.)

CONSTANTINE ALEXANDER: The Chair notes there is no one else. We do have letters one from Ms. Devereux with the wish list for the neighborhood, and as I think you said we don't have to read it. It will be deemed to be part of our record in any event. And also a letter from Mr. Glassman and you've made your presentation and covered that.

I've been lenient in terms of allowing people to talk about past

problems or alleged or actual with the petitioner. It really is not all that relevant frankly, but I think it's sometimes good, cathartic to get this stuff out and off of people's chest.

At the end of the day, as I look at it, I mean you've got a bad situation. You've got a residential area abutting an automotive place, you're going to have problems. It just comes with the territory. It's never going to go away entirely. And I think what we're trying to do, at least I hope what we're trying to do, is come up with some compromise and make some improvement for the neighborhood, something that this gentleman can live with from an economic and practical point of view in connection with allowing him to build a sign or erect

a sign that doesn't comply, the new sign that doesn't comply with our Ordinance in terms of size or height. And that's where we're at. And I think what I'm hearing is I think the Dempster dumpster problem is moot. I think you've offered to put T-11 and paint it so that would obscure the Dempster dumpster.

Did I get that correct?

ANDREW BELLIZIA: Yes.

CONSTANTINE ALEXANDER: If we impose that condition as part of relief that's -- that will meet the objection of the as to that issue of the neighborhood and it's something you will live with.

The question -- the tougher question is the fencing. How much, what kind, how big how long? And I, frankly, I'm at wit's end about that. I, I want to hear

from you again about fencing.

What would you, what would be acceptable to you or what would you propose to do with regard to benefitting the neighbors with regard to fencing?

ANDREW BELLIZIA: To properly maintain the exterior, which I believe I do, but there is some logic in the fact that -- I do walk my yard three times a day. I want to see what's going on. I want to see who's not working and on their cellphone. I want to see what's in the backyard. And he is correct to the fact that you can draw a blind eye after seeing things for a certain period of time. I do have it raked in the fall and in the spring. I do have an individual that comes in and cleans.

CONSTANTINE ALEXANDER: You're

talking about the chain link fence?

ANDREW BELLIZIA: Around on both sides up until the city has done the planting now. It's impossible to keep up with 62 employees and somebody putting a five-gallon barrel down to use to sit on to eat lunch. There's no reason to have the four blue barrels or three, what they were, out there for that period of time. They're empty windshield washer fluid barrels that can be disposed. I am 100 percent guilty of that.

As far as the material on the fence and the fence posts, most of the fence posts have been replaced, ensleeved. The fencing company I think it's -- does anybody remember the name of company? Billy Casam hired them. Irving or Enterprise or something like that. I have

hired them on a regular basis to come in and address the fence in the spring.

CONSTANTINE ALEXANDER: But the fence you're talking about is a chain link fence.

ANDREW BELLIZIA: The chain link fence.

CONSTANTINE ALEXANDER: I think what I'm hearing and moving towards is some sort of solid fence so that you can't see. I mean the chain link fence prevents people from crossing the property line, that doesn't have any visual, as a matter of fact, in my mind, ugly and detracts from the environment. If you have something solid, what about that for a period for some portion --

ANDREW BELLIZIA: I would be worried about vandalism behind the fence

which I lose wheels and tires and --

CONSTANTINE ALEXANDER: I'm sorry, behind -- on your property?

ANDREW BELLIZIA: On my property. Vandalism to the cars that are in my care.

CONSTANTINE ALEXANDER: And why does the chain link fence that you can see through prevent --

ANDREW BELLIZIA: Well, just for that reason you can see through it or if a light goes on or an alarm goes off or if somebody's jacking up a car and putting it on stones, the neighbors are most likely to see it and call the police. Plus if I have a false alarm or I have an alarm, the police are called first prior to me or one of my employees getting there, and I think that it would be somewhat hazardous not to see what was on the other side of the

fence.

Second of all, I'd worry about people defacing it. Kids with spray paint cans and then it becomes my responsibility to take care of that fence on a regular basis.

Third, I don't think it's necessary. The place has been there for 53 years. The fence has been for I don't know how long, but it's been chain link. And other than my failure in the past to properly maintain it, it has caused no problem for either me nor the neighbors around me. And I would say that, again, with me concentrating more on policing the area that it serves its purpose for both of us. There's a lot that can go on behind a shaded area. I mean, you can see graffiti all over the city. And there's a school

right around the corner, not to say that kids from Cambridge wouldn't do that, but we have dealt with graffiti before on the post and the firebox and I have had to take an S.O.S. pad for whatever city function that stainless steel box is in the front and take the graffiti off that. So, I think it would be too tempting and cause problems and deny the police or the fire department what they would need if there was an alarm and God forbid somebody actually was in there.

CONSTANTINE ALEXANDER: Thank you.

No, you've had your opportunity to speak.

ADAM GLASSMAN: I can't correct a misstatement?

CONSTANTINE ALEXANDER: Correct a misstatement?

ADAM GLASSMAN: Yes.

CONSTANTINE ALEXANDER: Just a misstatement, and I don't want to get into a debate. What's the statement that needs to be corrected.

ADAM GLASSMAN: Two misstatements.

CONSTANTINE ALEXANDER: Two misstatements.

ADAM GLASSMAN: Would be the -- I don't want to argue with the police and firemen and safety, but the first is the problem with graffiti which seems to be well overstated here, and a prime concern --

CONSTANTINE ALEXANDER: All right, what's your second point?

ADAM GLASSMAN: The second point is he is talking about this chain link fence as though it is the only chain link

fence. You go to the Cambridge Common, there are plenty of wonderful park quality chain link fences that he could use and satisfy those concerns.

CONSTANTINE ALEXANDER: Thank you.

I'd like to hear from other members of the Board on their views on this. I think that's where -- maybe I'm wrong, but I think, I think we're amenable to giving you the same Variance you got the last time with the same conditions except that I would, as I said, the hours of illumination would be not until eleven, but I think at nine o'clock at night. And --

ANDREW BELLIZIA: Can we split the difference and do ten?

CONSTANTINE ALEXANDER: I'm sorry?

ANDREW BELLIZIA: Can we split the

difference and do ten?

CONSTANTINE ALEXANDER: I was in favor of nine the last time around. But other members of the Board said eleven was better than nine. I don't care. I think we can impose a condition regarding the T-11 going around the Dempster dumpster and it be painted.

TIMOTHY HUGHES: T-111.

CONSTANTINE ALEXANDER: I'm sorry?

TIMOTHY HUGHES: T-111.

CONSTANTINE ALEXANDER: T-111.

Thank you. I'm not a builder as you know.

But the question is what about the fencing? That seems to be the issue here, and I think we've heard I think eloquently your defense of why you want to have -- continue to have, and we've heard from the neighbors and I think they raise

also legitimate issues about the impact of this unattractive chain link fence, not there for aesthetics but it is unattractive.

BRENDAN SULLIVAN: My only thought on the solid fence is that the cure may be worse --

CONSTANTINE ALEXANDER: That's the point this gentleman is making.

BRENDAN SULLIVAN: You're going down a whole other avenue and expensive aside from the cost, it poses -- it brings with it a whole series of problems.

CONSTANTINE ALEXANDER: And people hiding behind the fence. And I think there will be graffiti whatever you want to look at. There will be graffiti.

Anyway, I'm with you, Brendan, on that. I've been persuaded that the

fencing -- I think we can fool around with it a little bit, but the notion of a solid fence, I don't think is desirable.

JANET GREEN: You know, I have in my backyard a chain link fence, and when I would say to people I have a chain link fence, they say how do you have a chain link fence? But it actually looked very nice. And it was painted green and it kind of blended in with the greenery behind it. And you really didn't see it. It did not look like the chain link fence in that picture. That would have been a big difference. I mean, it was taught and it was, you know, it had all its links and it didn't have those green strips in it and it would make quite a difference.

ANDREW BELLIZIA: The green strips are ugly. The day they're installed they

look beautiful. A week later if the wind gets at them, that's why I propose the textured 111 because that will, that will last 20 years.

JANET GREEN: But, you know, I thought that painted green chain link fence might serve what you were concerned about and what the neighbors were concerned about, too.

THOMAS SCOTT: I'm okay with imposing the enclosure around the dumpster with the texture 111. The balance of the fence, I'm, I'm not inclined to provide that as a condition of the approval.

CONSTANTINE ALEXANDER: Tim.

TIMOTHY HUGHES: I have a tendency to agree with Tom on that.

CONSTANTINE ALEXANDER: I think we're unanimous on that.

TIMOTHY HUGHES: I think, as the petitioner has testified, I think we should make it a condition that the policing of the yard has to be something that's kept up with.

CONSTANTINE ALEXANDER: The trouble with that it's going to drive this gentleman here --

SEAN O'GRADY: I can't be responsible for that.

CONSTANTINE ALEXANDER: And I think it's certainly desirable but --

TIMOTHY HUGHES: I mean, what's the points of enclosing a dumpster if you're going to set blue barrels outside the enclosure someplace? Maybe the enclosure should be a little bigger to accommodate any extraneous stuff that you might have floating around even if it's on

a temporary basis.

CONSTANTINE ALEXANDER: I don't want to see a situation every time a workman leaves a barrel out the dumpster, Mr. O'Grady is going to get a call from a neighbor, and he's going to have to run down and deal with it. He's got a lot of other things to do. So I would not get into that. I think we have to rely, on this case, on the good faith of this gentleman and -- who seems to, by testimony from the neighbors, deeply cooperative with the neighborhood and has done what he thinks is sufficient. And I think you represented to us tonight that you will do the best you can to maintain the property in terms of barrels not being outside the dumpsters, but you can't guarantee it. But I would ask you if you

get a call from a neighbor, and I think you do it anyway, that you would promptly take action.

ANDREW BELLIZIA: My door is always open and I am there 95 percent of the time.

TIMOTHY HUGHES: And as far as the illumination hours? The hours of operation, are you open until eleven o'clock?

ANDREW BELLIZIA: No. We're open, right now we're open until eight o'clock. Our hours fluctuate between eight and nine o'clock. Sometimes you have a late customer that -- if it was a point of contention, I think ten would be equitable because nobody is staying passed that.

CONSTANTINE ALEXANDER: Last time we said you had to shut it off at

midnight. So I think it would be an improvement to ten o'clock. I'm amenable to ten o'clock myself.

THOMAS SCOTT: Me, too.

CONSTANTINE ALEXANDER: Ready for a vote?

TIMOTHY HUGHES: Sure.

CONSTANTINE ALEXANDER: The Chair moves that we make -- that with regard to the relief being sought, the findings that we made in the case we previously heard, the case No. 10432, which was decided on August 6, 2013, those findings are incorporated into this hearing to the same extent that were made before.

And those, just to refresh everyone's memory briefly, it's not part of the motion, that the petitioner -- you've got to proceed in

accordance with the plans and photographs that you gave the last time. And I think you were planning to do that anyway.

That the sign could be no higher than nine feet, ten inches, and the square footage of the sign could not be more than 100 square feet, same as last time.

That the materials used in the signage are going to be as shown to us and part of our file.

And the same with the illumination of the sign. That the sign -- the sign may be illuminated at all times except from the hours of ten p.m. and six a.m. on each day. So that's when the signs go dark.

And that you will discontinue the use of other types of signage in the form of balloons, pennants and the like from

being strung from the cars or the structure itself.

And then further, another condition will be that the Dempster dumpster on the property being enclosed by T-111, did I get it right?

THOMAS SCOTT: Yes.

CONSTANTINE ALEXANDER: T-111 siding or materials and to be painted, and the colors chosen by the petitioner. We're not going to choose colors, on a non-mandatory request that you talk to the neighbors about what color you use. Your call is the final call.

On the basis of the findings we made before, we would grant the same Variance we granted before subject to the conditions that I've just enumerated; namely, the same as before, plus the

Dempster dumpster coverage. And before we take a vote, you had your hand up.

JACK McKERNAN: Yes. The original agreement that we have with Andy is that the lights go out and 9:30. This is the new --

CONSTANTINE ALEXANDER: Whatever agreement you had you worked with him. The decision we have is midnight.

JACK McKERNAN: Thank you.

CONSTANTINE ALEXANDER: All those in favor of granting the Variance on the basis that I moved, say "Aye."

(Aye.)

CONSTANTINE ALEXANDER: Four in favor?

(Alexander, Hughes, Scott, Green.)

CONSTANTINE ALEXANDER: Opposed?

(Sullivan.)

CONSTANTINE ALEXANDER: One
opposed. The motion carries.

ANDREW BELLIZIA: I thank the
Board very much and have a pleasant day.
Hopefully you won't see me back in two
years. I'll do a better job with my
management.

Thank you.

* * * * *

(9:20 p.m.)

(Sitting Members Case #BZA-006009-2015:
Constantine Alexander, Timothy Hughes,
Brendan Sullivan, Janet Green, George
Best.)

CONSTANTINE ALEXANDER: I'm going
to call the Brattle Street case.

The Chair will call case No. 006009,

30 Brattle Street.

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

(No Response.)

CONSTANTINE ALEXANDER: No one wishes to be heard. You have something to report to us about this case?

SEAN O'GRADY: Just that there was some confusion this afternoon about whether a case needed to be filed at all.

CONSTANTINE ALEXANDER: So they asked to continue?

SEAN O'GRADY: There's a continuance letter in there.

CONSTANTINE ALEXANDER: I don't have the file.

SEAN O'GRADY: Oh, I'm sorry.

CONSTANTINE ALEXANDER: I didn't ask for it. It's not your fault.

SEAN O'GRADY: Yes, there's a letter in there.

CONSTANTINE ALEXANDER: Did they have a request for a date?

SEAN O'GRADY: As soon as possible.

CONSTANTINE ALEXANDER: It's case not heard so we can hear it in two weeks I guess if we have room on our agenda.

SEAN O'GRADY: Yes, 3/12.

CONSTANTINE ALEXANDER: Okay.

The Chair moves that this case be continued until March -- seven p.m. on March 12th subject to the following conditions:

That the petitioner sign a waiver of time for decision.

SEAN O'GRADY: You won't need one. We won't need one. We discussed that this

afternoon.

CONSTANTINE ALEXANDER: Why won't we need a waiver?

SEAN O'GRADY: Because it was, it's managed to schedule quickly enough where we didn't require --

CONSTANTINE ALEXANDER: We don't need that condition so forget about that.

Further condition that the sign posted on the property be modified to reflect the new date, March 12th, and the new time, seven p.m. Don't -- change the sign, otherwise this case is going to be like this one we just finished, it's going to be heard later in the evening. So make the change in the sign, and the sign as modified has to be maintained for the two weeks required by our Ordinance.

And lastly to the extent that the

petitioner wants to file new plans or new signage, depictions, or any other information like changing the Table of Dimensional Requirements, that these items must be in our file no later than five p.m. on the Monday before March 12th.

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

(Aye.)

CONSTANTINE ALEXANDER: Five in favor. Case continued.

(Alexander, Hughes, Sullivan, Green, Best.)

* * * * *

(9:25 p.m.)

(Sitting Members Case #BZA-006018-2014: Constantine Alexander, Timothy Hughes, Brendan Sullivan, Janet Green, George Best.)

CONSTANTINE ALEXANDER: The Chair will call case No. 006018, 30 Walker Street.

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

ATTORNEY JULIA POWELL: Hi. Julia Powell. My offices are at 174 Lakeview Avenue Cambridge, Mass.

Hi.

CONSTANTINE ALEXANDER: Hello.

ATTORNEY JULIA POWELL: We're here tonight, the petitioners Jason and Claire are behind me, we're seeking a --

CONSTANTINE ALEXANDER: Two and a half people behind you.

ATTORNEY JULIA POWELL: Three quarter people.

TIMOTHY HUGHES: Seven-eighths anyway.

ATTORNEY JULIA POWELL: Exactly.

We are trying to finish their basement and turn it into usable space, raise the ceiling up a little bit, and that puts them radically over the FAR. And normally such an FAR case I would think you would have a visceral reaction against because it's so high, but I think in these particular circumstances you'll find that it's not as dramatic as it seems.

For one, they're not modifying the exterior of the building whatsoever. They are adding a three-by-four window well which is required by the Zoning Code just for egress in the basement. But besides that everything is the same.

Second of all, I have letters of support, very enthusiastic support from

their neighbors. There's full neighborhood support. There's not a single person who does -- do you have all of them?

CONSTANTINE ALEXANDER: I'm just looking. I just see one. I thought there was more in the file than one. Why don't you give me what letters you have.

ATTORNEY JULIA POWELL: Third of all, if you look at the street, the FAR's of many of the properties are between 0.6 and actually 1.05. So many of these houses -- this house was built in 1886. They were, you, you know, grandfathered in well before the Zoning Code came in, and consequentially you have smaller pieces of property that need to be modified in some way, and many other properties have done so on this street over the years. Just

two doors down you've got 0.95. A couple doors down you've got 0.90, 0.83, 0.84, 1.05 I mentioned.

CONSTANTINE ALEXANDER: What you haven't told us, and I'm going to read into the record, right now the facts of your property, your clients' property --

ATTORNEY JULIA POWELL: Yes.

CONSTANTINE ALEXANDER: -- right now you're at 0.61 in a 0.5 zone.

ATTORNEY JULIA POWELL: Correct.

CONSTANTINE ALEXANDER: Not that dramatically in excess. And if we grant you the relief you're seeking tonight, you would go to 0.87.

ATTORNEY JULIA POWELL: Yes.

CONSTANTINE ALEXANDER: That's it if you will.

ATTORNEY JULIA POWELL: So very

high but in fact kind of well within other houses on the street.

And I think the fourth point which is significant in terms of the hardship, is that we've got a young family, they moved to Cambridge a few years ago, they weren't sure if they were gonna stay. They fell in love with the city, and they had a child and now they're having a second child. And I think this is exactly the kind of family we want to encourage to stay in the city. And this house is affordable for them. And a way to continue to make this affordable is to convert some space in a way that I think is the least possible sort of structurally detrimental to the rest of the street.

And I have -- I don't know if it's helpful, but I have the plans that are

bigger.

CONSTANTINE ALEXANDER: We have a copy in our file, but can I keep that?

ATTORNEY JULIA POWELL: Yes, you can keep that. The other pages are just the other floors which are exactly the same.

JANET GREEN: Oh, good, because I don't think the other floors were in the file.

CONSTANTINE ALEXANDER: They were not in the file.

JANET GREEN: They were not in the file, and it made it very difficult to get a sense of what the extra space was.

ATTORNEY JULIA POWELL: And did you guys get the photographs? Because I know I already --

JANET GREEN: There were a -- yes,

I got Maria's note saying -- we got that.

CONSTANTINE ALEXANDER: Here's what's in the file right now.

JANET GREEN: Okay.

CONSTANTINE ALEXANDER: Anyway, keep going, I'm sorry to interrupt you.

ATTORNEY JULIA POWELL: That's sort of the crux of the argument. I mean if you, if you look at the actual plan, we are including in that 0.87 some space that is not technically usable by the Zoning Code because we want to give them some flexibility in case they for instance want to shift the mechanical area to another part. Or if they want to shift the bathroom or shift the laundry. So we didn't want to kind of have them come back here in a year or two because they wanted to shift that space. We wanted to have

the entire space granted, the opportunity to move up above the seven feet. And I think optically it doesn't look good to have 0.87, but if you look at it in context, it's actually not that bad.

CONSTANTINE ALEXANDER: That's it?

ATTORNEY JULIA POWELL: Yeah.

CONSTANTINE ALEXANDER: Thank you.

Questions from members of the Board?

(No Response.)

CONSTANTINE ALEXANDER: There appears to be no questions.

I'll open the matter up to public testimony.

Is anyone here wishing to be heard on this matter?

(No Response.)

CONSTANTINE ALEXANDER: There appears to be no one.

We have a letter from Robin and Laurie Young who reside at 33 Walker Street. (Reading) We live at 33 Walker Street directly across the street from 30 Walker Street, the property owned by Claire and Jason West and before you for your consideration. We have lived in our home for over ten years. Our home is of similar period size and footprint. We have reviewed the West proposed renovation with plans to finish their basement, and are aware of the plan expansion of the side basement window with an addition of window well. Prior to moving in, our basement had been renovated and finished. We've enjoyed having this additional space and can certainly understand how a growing young family could need and utilize this space. We are fully in support of this

proposal and would be happy to see this lovely historic home improved and modernized and keeping with its original character.

We have a letter from Kate Anderson and Ken Nakayama, N-a-k-a-y-a-m-a, 20 Walker Street. Actually, it's a letter addressed to the petitioners. (Reading) Ken and I have lived on Walker Street since 1995 and are pleased to lend our support to Claire and Jason's plan to finish their basement so that it can be used as a play area for Davis and for his little brother who is on the way but hasn't arrived as of yet. We've always enjoyed interacting with children who live on our block, and since children can't play outside all the time, a basement play area should be an excellent solution for

the family.

We have a letter from Anca, A-n-c-a Mamania, M-a-m-a-n-i-a and Ashish Mamania, A-s-h-i-s-h who reside at 21 Walker Street. (Reading) My husband and I are very strongly in favor of allowing the Wests to finish their basement in order to create a playroom for their children. This change, while it may be somewhat impact the FAR, does not truly impact us, the neighbors, in any way, and at the same time would make life much more manageable for the Wests. In Cambridge we generally do not have the luxury of space and cannot build an addition to our houses in order to accommodate our growing household. Therefore, repurposing this already existing basement space in order to make life more befitting of our times, is a

sensible way to go. In fact, we have a separate apartment in our basement thanks to the allowance of the Board a couple of years ago and we use this as a play space for our twin girls. This redefined space has been invaluable to us and has allowed us to stay in Cambridge rather than moving to the suburbs where a playroom or a family room is commonplace. So, again, my husband and I are 100 percent in favor of the chance and very much hope that our neighbors will be able to make better use of their house through the generosity of the Board.

And lastly, a letter from Dan Anderson, A-n-d-e-r-s-o-n and Zoe Anderson who reside at 34 and 36 Walker Street. (Reading) We are the immediate next-door neighbors to the Wests. We rent our unit

at 34 Walker and reside at No. 36 Walker Street. We have reviewed their proposed renovation plans, including the plan to finish their basement, with the addition of a deeper window well to the side of the house next to us. As we continue to raise our family of three girls on the street, we are happy to see more young families joining the neighborhood. We are fully in support of their application for this work and think this is a practical way to maximize the space in their home and enable them to accommodate their growing family comfortably.

Sorry, there's one more. From Lawrence Lesser, L-e-s-s-e-r, again, addressed to the petitioners. (Reading) You have mentioned to me plans you are currently making to do a renovation

project on your house at 30 Walker Street. I live next-door at 26 Walker Street. I know you are hoping to finish the basement which you have told me requires a Zoning Variance. In 2003-4 my late wife and I did an extensive renovation of our house here which required a Zoning Variance so I am familiar with the process. At that time it was helpful if our near neighbors knew our plans and endorsed them, which they did. I would like to give my enthusiastic endorsement for what you propose to do. You have been thoughtful, ideal neighbors since you moved here a year ago. These houses, yours started out as a clone of mine in 1886, have needed updating and reconfiguring to be truly useful in today's lifestyle. What you're planning is inventive and respectful of

both your house and the neighborhood. In fact, two houses across the street have done exactly what you propose to your basement. So your plan is no novelty for the street. As a young family, you are just what Cambridge needs to keep the family to keep it's family-friendly character. I look forward to our neighborly friendship for many years to come.

And that's it. All very nice letters.

ATTORNEY JULIA POWELL: I -- also, sorry, just want to point out that the architect is here as well if you have any questions.

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

Comments from members of the Board

or are we ready for a vote?

TIMOTHY HUGHES: I'm ready for a vote.

JANET GREEN: I'm ready.

CONSTANTINE ALEXANDER: Okay. Let me wave my magic wand.

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

That a literal enforcement of the provisions of the hardship would involve a substantial hardship to the petitioner. Such hardship being that the petitioner within an expanding or growing family, expanding, too, growing family that needs additional loving space.

That the hardship is owing to the fact that this is already a non-conforming structure on a street of older and

non-conforming structures and. And that's it.

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

In this regard the Chair would note that there's unanimous neighborhood support.

That the increase in the FAR is entirely internal. It's with regard to using the basement and doesn't have the usual impact of increased FAR when people want to build an addition to a structure.

And that this kind of upgrading of older structures is desirable for the city in terms of improving and continue to improve our housing stock and to allow

younger families to move into the city and to stay in the city.

So on the basis of all of these findings, the Chair moves that we grant the Variance being requested, on the condition that the work, with regard to the basement, proceed in accordance with the plans submitted by the petitioner prepared by Design Associates, Inc., numbered A1.0 and initialled by the Chair.

And before I take the vote, this is the final plan. If you change these plans, you're going to have to come back before us.

FROM THE AUDIENCE: Understood.

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

(Aye.)

CONSTANTINE ALEXANDER: Variance
granted.

(Alexander, Hughes, Sullivan,
Green, Best.)

* * * * *

(9:35 p.m.)

(Sitting Members Case #BZA-006045-2015:
Constantine Alexander, Timothy Hughes,
Brendan Sullivan, Janet Green, George

Best.)

CONSTANTINE ALEXANDER: The Chair will call case No. 006045, 588-590 Franklin Street.

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

WILLIAM SIMMERS: Hello. I'm William or Bill Simmers of Cambridge, 8 Alpine Street in Cambridge. I'm here as the architect of the project. And these are the people who will be inhabiting the proposed house. And they can introduce themselves.

CHLOE SCHWEINSHAUT: I'm Chloe Schweinshaut, S-c-h-w-e-i-n-s-h-a-u-t. We live at 594 Franklin Street I've been born and raised in Cambridge. This is my husband Kyle.

KYLE SCHWEINSHAUT: Same last

name. 594 is a direct abutter to the proposed project. My wife moved there in 1995 and we live there now with three of our kids and my wife is also pregnant. Not showing as much as the other lady, which is not quite fair so we won't get the sympathy vote there. I'm also a firefighter on the Cambridge Fire Department. I work for the rescue company, and I work in support of the Cambridge Police Department on their SRT team, also. Plan to be here forever.

TIMOTHY HUGHES: At least until you retire.

KYLE SCHWEINSHAUT: Then it will be Florida, but that will be in 30 years.

CONSTANTINE ALEXANDER: Briefly go through the project, what you're going to do. What are you going to take down, what

are you going to put up, and what are the issues from a Zoning point of view.

WILLIAM SIMMERS: Well, I don't know if you've had a chance to look at the plans.

CONSTANTINE ALEXANDER: We have.

WILLIAM SIMMERS: You have, okay.

CONSTANTINE ALEXANDER: But I think for the benefit of the audience and maybe not every member has had a chance to look at the plans.

WILLIAM SIMMERS: I have a few points to make, too, that kind of summarizes it. If you want to go over sort of the bare facts, we were putting an addition on to the side of the house to a non-conforming structure. The addition is completely within the bounds of the new regulations. So it's meeting all of the

requirements.

CONSTANTINE ALEXANDER: Including setbacks?

WILLIAM SIMMERS: Including setbacks, including height, including FAR, including everything. It just happens to be a non-conforming property. However, I would like to emphasize the fact that it's one of the things that I want to emphasize is that every house on the street is non-conforming because the pattern of the street is such that all of the houses were put to one side. So the house is in fact in conformance to the pattern of the street, it just doesn't happen to be in conformance to the new setback requirements. However, all the work that we are doing is conforming. So anyway -- do you want me to go over the

particulars of that? Have you had a chance to look at it?

CONSTANTINE ALEXANDER: Other members of the Board, would you like him to go over the particulars?

JANET GREEN: I think so. I have looked at the file, but it's always better to hear about it.

CONSTANTINE ALEXANDER: I agree.

WILLIAM SIMMERS: So, it's an unusual site in the sense that it's not only non-conforming but it's an old house. It was built in 1867 on the brick foundation, and under the brick is what I would say a loose stone foundation. The first floor, it was not really ever intended to be inhabited and that's why it was constructed as a two-story worker's cottage. That's one of the reasons why we

are adding up and to the side, is because essentially while the ground floor, as I call it, is part of the FAR and counted as part of the FAR, it's not really habitable in the usable sense. It really is a functional basement. It's not a, it's not a strictly habitable area.

So, the surveyor has done a very good job of delimiting the setback requirements, which takes a very careful calculation from the existing grades and we have, we have -- we're within the bounds of the new setback lines. And we're within the bounds of the height even though we are going up. That pretty much is it.

The FAR is under what the 0.75 requirement is. It's at 0.70. That kind of summarizes the facts and figures. They

actually were making more open space, too, as because we're demolishing part of the rear of the house and creating a larger backyard.

That's sort of the gist of what we're trying to do. I'd like to make a few other extra points if I could.

CONSTANTINE ALEXANDER: Sure. Your job to persuade us. Whatever point you want to make, make them.

WILLIAM SIMMERS: Well, you may have noticed that the owner is listed as an LLC, but in fact it's not a corporate thing at all. This is the family that is going to live in it.

CONSTANTINE ALEXANDER: It's quite common for individuals to take title into an LLC for all sorts of reasons. We don't draw any conclusions from that.

WILLIAM SIMMERS: I think that's pretty much it. I think I summarized some of my points before and dealing with the history of the site. I think the -- basically the hardship in this particular case happens to be with the nature of the soil. One of you may be familiar with the workers' cottages that were placed down in the previous two centuries that were placed closer to the river and to the marshland, and there's an undercoating of freshwater clay underneath everything. So the soil is very moist. And in fact, the property has had moisture problems before. And so the reason why we are adding more up high is because of that reason, is because of the nature of the -- they cannot use the ground floor the way you normally would be able to use

a ground floor. It's on the slope, some of that basement is under -- I call it a basement. Let's call it the ground floor.

JANET GREEN: It's this part, right?

WILLIAM SIMMERS: Some of it is under, under -- on particularly in one side is under, undergrade, but technically according to the code definitions, it is a full floor.

Was there anything else?

KYLE SCHWEINSHAUT: I have additional letters of support. I know people sent some in, but I don't know what got here. And I wanted to point out here that the top letter is from the most direct abutter where the addition would be going to. That's Fred and Margo Kempers. They're away in Vermont. They couldn't be

here. But when we started talking about plans -- my wife's known them her whole life. So we've kind of approached it from what would work for them from the start, and they're in full support of the project.

CONSTANTINE ALEXANDER: Good.

KYLE SCHWEINSHAUT: And we've, you know, we've been in communication throughout. Fred's concern was groundwater, and we have the site plan reflecting how we're going to handle and manage all of that. And so, yeah, I think we've, we have met no neighborhood opposition to it. I think everyone's happy to see a family stay there.

CONSTANTINE ALEXANDER: Good, good.

A question for you, sir. These are

the plans that you submitted?

WILLIAM SIMMERS: Those are the plans.

CONSTANTINE ALEXANDER: If we grant relief, we tie them to the plans. These -- these are final plans? Because if they're not in final form, you're going to have to come back before us.

WILLIAM SIMMERS: I don't think that's fair.

CONSTANTINE ALEXANDER: What's not fair?

WILLIAM SIMMERS: What you just said.

CONSTANTINE ALEXANDER: What's not -- I tell you that's the first time I ever heard that before.

WILLIAM SIMMERS: Well --

CONSTANTINE ALEXANDER: That's how

we do it. Fair or not that's how we do it.

WILLIAM SIMMERS: I know that's how you do it. But for them, you know, everything will be in conformity to those plans. But that's not to say that a window may shift position or something like that. Because for them to expect for me to do a complete construction plan and come before the Board where the consequences of these decisions may not be met, would just -- it doesn't --

CONSTANTINE ALEXANDER: Every petitioner who comes before us wants relief building an addition, modifying a structure, goes through the same procedure. They come in with the final plans.

WILLIAM SIMMERS: Right.

CONSTANTINE ALEXANDER: And we approve them or not approve them.

WILLIAM SIMMERS: No, but, but --

CONSTANTINE ALEXANDER: I'm sorry, sir. We'll proceed with these plans tonight. But if Mr. O'Grady -- when it comes -- if you've modified them, Mr. O'Grady may very well deny you the Building Permit and say you're going to have to come back before our Board with what you now want to do. You have to understand that.

WILLIAM SIMMERS: Are you talking about if we change a cornice line inside the building?

CONSTANTINE ALEXANDER: I'll let Mr. O'Grady -- no, a cornice line is not going to do it.

WILLIAM SIMMERS: Are you talking

about reducing the size of the window?

CONSTANTINE ALEXANDER: I'm not going to be cross-examined. Mr. O'Grady really needs to be specific.

WILLIAM SIMMERS: About what you expect.

TIMOTHY HUGHES: Specifically what we expect is specific plans.

CONSTANTINE ALEXANDER: Yes.

TIMOTHY HUGHES: Now you're the one that needs to be specific, not us.

KYLE SCHWEINSHAUT: I think one of reasons Bill and I ran into -- we can't do exploratory demolition to the property until we're issued a Building Permit.

WILLIAM SIMMERS: Exactly.

KYLE SCHWEINSHAUT: And so for us to know exactly where things are going to lay, we need a Building Permit to proceed

to tear open the house to see the condition of what's existing currently.

CONSTANTINE ALEXANDER: You have to understand that you might have to come back --

KYLE SCHWEINSHAUT: I agree.

CONSTANTINE ALEXANDER: Assuming we grant relief tonight. You might have to come back before us if -- as a result of the demolition, you have to change the plans.

KYLE SCHWEINSHAUT: Yeah, but in order to --

BRENDAN SULLIVAN: I don't think it's --

WILLIAM SIMMERS: I'm not talking about the changing the volume or anything concerned with that.

CONSTANTINE ALEXANDER: I said if

you have to do something that's different in these plans, we'll review them with Mr. O'Grady, and if he makes the determination that those plan, what you wanted to do is a departure from these plans --

WILLIAM SIMMERS: Right.

CONSTANTINE

ALEXANDER: -- sufficient that the Board needs to take a look at it, you will have to come back before us.

KYLE SCHWEINSHAUT: We understand.

WILLIAM SIMMERS: I understand that completely. There's no question is just, you know....

JANET GREEN: It just is. It just is.

BRENDAN SULLIVAN: We agree.

KYLE SCHWEINSHAUT: Absolutely.

WILLIAM SIMMERS: I guess my impression was that you were dealing with the Zoning issues, all of the particulars that are in the Zoning regulations, right?

CONSTANTINE ALEXANDER: We are. But the -- if we're going to grant Zoning relief, we want to tie it -- we want to know what we're granting Zoning relief with -- with regard to what. And we ask to see --

WILLIAM SIMMERS: I do, too.

CONSTANTINE ALEXANDER: Well, we ask you to convince -- give us the exact plans to know exactly, exactly's too strong a word. Give us plans so that we can make a determination based on these plans whether you're entitled to relief. If we make that determination and the plans change, we have to reconsider

whether we should have granted the relief.
That's the point.

KYLE SCHWEINSHAUT: Understood.

CONSTANTINE ALEXANDER: I think
you understand.

KYLE SCHWEINSHAUT: I do.

WILLIAM SIMMERS: I think it's
understood.

KYLE SCHWEINSHAUT: I do, I
understand.

BRENDAN SULLIVAN: My reading of
this is that the house because it was
built so long ago and the houses along
that side in that area tend to have
interior flow problems, certain
situations, and what have you. They were
built for another era, another time,
another lifestyle. And basically what
you're trying to do with this is to fine

tune it and to bring things up to a more amenable standard, a newer -- obviously growing family. And so that's what this all encompasses if that's the way I read those drawings anyhow. There's a lot of angles and a lot of bobs and weaves to that house that probably don't work and so this is a fine tuning of that house so that you can be there and retire from there.

KYLE SCHWEINSHAUT: Absolutely.

BRENDAN SULLIVAN: Okay.

CONSTANTINE ALEXANDER: Other comments from members of the Board?

(No Response.)

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

(No Response.)

CONSTANTINE ALEXANDER: The Chair

notes that there is no one wishing to be heard.

The Chair is in receipt of various letters, which I will read into the file and become part of our record.

There's a letter from Fred Scholz, S-c-h-o-l-z and Margo Kempers, K-e-m-p-e-r-s who reside at 582 Franklin Street. (Reading) My wife Margo Kempers and I live next-door to 588-590 Franklin Street and have seen the plans for the changes Kyle Schweinshaut and his wife Chloe would like to make to that site. The site plan showed the distance from our house to the wall of their carport, about 16 feet and about 21 feet from our house to their upper stories. With these measurements -- this is why it's important -- with these measurements we

have no objections to the plans we were shown. And I think the Board should grant Kyle and Chloe whatever they need to go forward.

A letter from Elsa Dorfman,
D-o-r-f-m-a-n.

JANET GREEN: The photographer?

KYLE SCHWEINSHAUT: Yeah.

CONSTANTINE ALEXANDER: That name was familiar. 607 Franklin Street.

(Reading) I am glad to express my pleasure on seeing the plans for rehabbing the house across the street. I see it every day from my computer. I strongly support the project and think it is in keeping with the streetscape of Franklin Street and the adjacent streets. The plans respect the history of this neighborhood. A view of the houses go back to 1855.

A letter from Sarah Hill and Phineas Baxandall, B-a-x-a-n-d-a-l-l, reside at 595 Franklin Street. (Reading) We are writing to express our support for the proposed renovations at 588-590 Franklin Street. We reviewed the plans dated 12 February, 2015 in detail with them and feel the project will not only improve the physical structure, but will also make better use of the property. If there are any major changes to the plans we reviewed, we would of course like the opportunity to weigh in. But as planned, we have no objections.

You understand where we're going with the plans.

WILLIAM SIMMERS: Well, they said major --

CONSTANTINE ALEXANDER: I don't

need a comment from you. Enough, huh?

WILLIAM SIMMERS: I'm just trying to make a point.

CONSTANTINE ALEXANDER: A letter from John M. Gaston, 558 Franklin Street. (Reading) I am a neighbor of the proposed project at 558 Franklin Street. I wish to express my support for this project based on the following:

This block of Franklin Street between Putnam and Bay Street is made up largely of multi-housing buildings. I believe it is important to preserve the single-family homes, even those with small renter units, as they provide an important blend of families in our neighborhood made up largely of empty nesters. This, too, this particular project appears to physically improve the existing home while

providing more green space. For these reasons I support the project and would like to see it go forward.

One more handwritten note from Barbara Behr?

KYLE SCHWEINSHAUT: Yes.

CONSTANTINE ALEXANDER: B-e-h-r. And Barbara Baker. (Reading) This is to inform the Board that I have no objection to the planned renovations at 588-590 Franklin Street. I live across the street at 585 Franklin Street. Best wishes.

And that's all she wrote. So we have unanimous neighborhood support for the project.

Questions from members of the Board or are we ready for a vote?

JANET GREEN: I have one question. It's listed as a two-family.

KYLE SCHWEINSHAUT: Yeah, it is. So we're -- I guess, there's a small rental unit in the basement. I think -- my wife has never lived in the house without other people living in it. So it's our hope that we do not need to use the additional unit as a rental, but we'd like to keep it listed as a two family.

WILLIAM SIMMERS: It's still technically classified as a two family.

JANET GREEN: Okay.

SEAN O'GRADY: Just a point of interest, your plans don't show a second unit. If you don't maintain a second unit, you will lose it.

KYLE SCHWEINSHAUT: We're keeping all the separate utilities, two gas meters and --

SEAN O'GRADY: You have to keep
the two kitchens, all the entrances.

KYLE SCHWEINSHAUT: No, yeah. It
will be --

SEAN O'GRADY: All the separation.

KYLE SCHWEINSHAUT: It will be
like that.

SEAN O'GRADY: Okay.

JANET GREEN: Because you can't go
back.

KYLE SCHWEINSHAUT: Yeah,
absolutely.

JANET GREEN: You can make it a
single but you can't make it a double.

KYLE SCHWEINSHAUT: Right.

CONSTANTINE ALEXANDER: We're
ready for a vote, am I right?

Okay, the Chair moves that we make
the following findings with regard to the

Variance being sought:

That a literal enforcement of the provisions of the Ordinance would involve a substantial hardship to the petitioner. Such hardship being that the older structure is the structure that goes back to the 19th century needs to be upgraded and modified so as to be able to meet 21st century living conditions.

The hardship is owing to the soil conditions of the property, the clay underneath, as well as a fact that this is a non-conforming structure. Therefore, any structural modifications require Zoning relief.

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

Ordinance.

In this regard the Chair would note that there is unanimous neighborhood support, and there's one more instance where allowing a modification of a structure will allow young families to stay in the city of Cambridge.

And further, the relief being sought, the actual technical relief is rather modest in nature. It's basically setback issues, no FAR which is typically the issue when we have addition to the properties.

On the basis of all of these findings the Chair moves that we grant the Variance requested on the condition that the work proceed in accordance with the plans submitted by the petitioner. They are numbered A-G, A1, A2, A3, A4, A5, A6,

and A7, each page of which has been initialled by the Chair.

All those in favor of granting --

SEAN O'GRADY: With the exception that they can keep the unit in the basement.

CONSTANTINE ALEXANDER: Do we need to say that?

SEAN O'GRADY: They're showing nothing in the basement.

JANET GREEN: It doesn't show the kitchen in the basement.

CONSTANTINE ALEXANDER: On the further condition that the second unit be maintained as a separate dwelling unit.

KYLE SCHWEINSHAUT: Yes.

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

(Aye.)

CONSTANTINE ALEXANDER: Five in favor. Variance granted.

(Alexander, Hughes, Sullivan, Green, Best.)

TIMOTHY HUGHES: Good luck.

CONSTANTINE ALEXANDER: Good luck.

* * * * *

(10:00 p.m.)

(Sitting Members Case #BZA-006067-2015: Constantine Alexander, Timothy Hughes, Brendan Sullivan, Janet Green, George Best.)

CONSTANTINE ALEXANDER: Lexington Avenue. The Chair will call case No. 006067, 255 Lexington Avenue No. 1.

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

YOO JIN GLASSMAN: Yoo Jin

Glassman.

ADAM GLASSMAN: Adam Glassman.

CONSTANTINE ALEXANDER: Okay
Mr. Glassman, you know the drill so go
ahead.

ADAM GLASSMAN: I'm happy to
announce that I'm carrying quadruplets and
we really want to be able to stay in the
city and we've got -- of course, I'm
kidding. We've got --

TIMOTHY HUGHES: I think you're
going to need a bigger Honda.

ADAM GLASSMAN: So my wife and I
live in Cambridge since 2005. We have two
children, one in the Cambridge public
schools, the other one will be. We live
on the first floor of the house on the
corner of Lexington and Worthington and
we're trying to get a little extra room so

we can stay where we are. We've got two bedrooms now, and you've seen the plans, and we're proposing an addition with a very small bedroom and a small bathroom.

CONSTANTINE ALEXANDER: This is a condominium? Two units?

ADAM GLASSMAN: It is. And we live on the first floor unit.

CONSTANTINE ALEXANDER: Okay. It's a two-unit condominium?

ADAM GLASSMAN: Two-unit condominium. Originally it was a single-family house. We live in the downstairs minus the original stair. We are trying to figure out how to do this with the least amount of negative impact to the city or anybody else, and we reviewed plans with our neighbors who are all very supportive of us. Everyone

agreed that everyone would be -- would prefer to see the addition in the front which is why we have the setback on the Worthington Street side. Preserves the open space in the back we all share visually, and it's a very modest addition.

CONSTANTINE ALEXANDER: And your only issue is rear yard setback, right? If it were not for that, you wouldn't need Zoning relief.

ADAM GLASSMAN: No, just for the setback, yeah.

CONSTANTINE ALEXANDER: Pretty straightforward.

BRENDAN SULLIVAN: I don't know, I don't like it in the front.

CONSTANTINE ALEXANDER: You don't like it in the front?

ADAM GLASSMAN: It's the corner

property, two fronts.

JANET GREEN: It's on the corner property so it does look like -- okay.

BRENDAN SULLIVAN: And why, why can't you do it back in here?

ADAM GLASSMAN: Well, let's see, I actually prepared a diagram for that.

YOO JIN GLASSMAN: We essentially have to -- if we do an addition in the back where there's more space, we actually have to move through a bedroom to get to the space in the back or we have to move through the bathroom so it would essentially be a circulation space. So we wouldn't be gaining the two bedrooms, we would be losing one to gain two. So it would be three small bedrooms. I think it also impacts our neighbor, the upstairs neighbor, who have their outdoor space in

the back, their backyard. And so we basically share a backyard, but we do have a fence in between us and they really wouldn't want to see anything in the back.

ADAM GLASSMAN: From a Zoning perspective, if we took the proposed addition and we oriented it the three possible ways, we'd be within three feet of our rear neighbor who -- and this would really destroy her gardening experience in addition to losing space that we need and making our backyard no longer functional.

If we moved it into the corner, we'd have to relocate a bulkhead. We would also be violating setbacks with our neighbor to the north.

And this, this position would also box in our housemates in their deck. So this, anywhere in the backyard was kind

of -- none of it worked for our interior use, and each one posed a real negative impact for one of our neighbors.

CONSTANTINE ALEXANDER: So what you want. That's the one --

YOO JIN GLASSMAN: That's what we want. I think visually also exponentially that's like the most less impact on all of our neighbors. And, you know, all of these plans no matter how we look at adding it back here, you would have to move through one of the bedrooms or even the bathroom here. And so it just wasn't feasible.

JANET GREEN: The exterior view was nicer the way you chose it. I mean, it looked more consistent with how we see other houses in Cambridge.

ADAM GLASSMAN: Thank you.

CONSTANTINE ALEXANDER: That's it.

BRENDAN SULLIVAN: The existing on Worthington Street is 21 foot, 6. The Ordinance requires a minimum of 15, and you're proposal is 8 foot, 6.

ADAM GLASSMAN: Correct.

BRENDAN SULLIVAN: I just hate to violate that front yard setback.

ADAM GLASSMAN: You know what's I think unusual about our proposal is that we are abutting this commercial district, the zone. There's nobody who lives on the other side. Nobody can really see this. Anyone who can, has written or come out tonight to support it. This is a very low impact, low profile project.

BRENDAN SULLIVAN: Well, I think what it is that you don't want to sacrifice your rear yard open space. And

so you figure well, the front is useless, let's put it there. And yet I think it does impact the streetscape and I think it does have an adverse affect on it.

ADAM GLASSMAN: Well, no, because you're correct in we don't want to sacrifice our backyard. Even if we were willing to, it would disrupt the long enjoyed experiences of all our neighbors in one way or another and we also have to have -- as my wife explained, we lose either a bedroom or a bathroom or both just to get to --

BRENDAN SULLIVAN: Well, then, perhaps the house doesn't work for you anymore.

ADAM GLASSMAN: I do have a rendering.

CONSTANTINE ALEXANDER: And

the -- just the addition would be.

ADAM GLASSMAN: That would be the addition.

CONSTANTINE ALEXANDER: That's the rendering where the addition would be? I'm sorry.

JANET GREEN: And that's your front door that we see there?

ADAM GLASSMAN: That's our neighbor's front door. And part of our addition includes just a very small entry vestibule, which we don't have now. So when we open the door we get gusts of wind or snow or other elements right in our kitchen.

YOO JIN GLASSMAN: So our entrance is on the Worthington side --

CONSTANTINE ALEXANDER: Right.

YOO JIN GLASSMAN: -- and the unit

upstairs have their entrance on the Lexington side.

CONSTANTINE ALEXANDER: We appreciate that. I can see Brendan's concern.

Other questions or comments?

TIMOTHY HUGHES: I can see his concern, too. But I also see it speaks to the hardship on the corner lot and having two fronts instead of having a side yard, you know.

CONSTANTINE ALEXANDER: Anyone here --

ADAM GLASSMAN: If it helps mitigate it at all, these photos are very stark. I took these when the trees were down so I could represent what this would look like. But three seasons out of the year this whole lot is just covered in

foliage. As far as help mitigating the small visual impact that's there, this is what our sidewalk looks like three seasons out of the year. And this addition would be almost unnoticeable.

CONSTANTINE ALEXANDER: That kind of photo, how -- why do you have a visual problem with the Honda dealer behind you?

JANET GREEN: I was going to ask you why you didn't put a fence.

ADAM GLASSMAN: We've already got a tall fence. We have a six-and-a-half foot fence right there.

JANET GREEN: Between you and them?

ADAM GLASSMAN: Well, on our -- along the sidewalk, yeah.

JANET GREEN: The sidewalk side.

ADAM GLASSMAN: On our sidewalk

side.

JANET GREEN: Not on the car side.

YOO JIN GLASSMAN: Because of the water table the house has been elevated on its foundation so it's legally -- the windows actually look above the fence.

CONSTANTINE ALEXANDER: Other questions or comments from members of the Board at this point?

(No Response.)

CONSTANTINE ALEXANDER: The Chair would open the matter up to public testimony.

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

KIRK PURVIS: My name is Kirk Purvis, P-u-r-v-i-s. I'm the north neighbor. And I can't speak maybe to the Zoning issues. I can speak to the process

that the neighbors, including the condo partners, are engaged and enthusiastic and have been involved in the process and active involvement -- and the architect on the east side is engaged and on board who's in the carriage house that once accompanied the main building. So we really are a little complex where we are interdependent on each other in terms of maximizing, you know, the home that we all enjoy. So this open space that we do all use visually and physically is an eight-foot steel fence that keeps it visually together, although physically divided. So there's this courtyard that the four properties all share, and so that's what's being protected by situating it against the industrial to the -- on their north side. So

you'll -- Zoning-wise I can't touch it. Socially I'm here to say that everyone's on board because everyone has been engaged. There have been modifications that have been -- accommodations made in the process to bring, to address the needs, and that's what I came to say.

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

I see we have a letter in the file, is it from your wife, Cynthia Purvis. Is that your wife?

KIRK PURVIS my sister. 25 years on the street.

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

MATTHEW LONG: Matthew Long, yes.

And I'm a neighbor at 6 Worthington Street, and I would just like to say that I'm in full support of the project, and I would like the Board to think of this project really as an opportunity to step away from Zoning for a moment and think of what it can do for the quality of the city. Think of the adjacent neighbors, which you've just had to deal with tonight in terms of the car dealership which is across the street, and the very unfortunate property which you dealt with three years ago, which is the gas station next-door which neither have anything to do with quality. And here you have owners who are going to build a beautiful addition that's going to enhance the street in a way that those other properties, which are complying will never

do. And so I would just encourage you to think out of the zoning box, so to speak, for what you can do for the city. And I'm in full support of the project and look forward to seeing it built.

CONSTANTINE ALEXANDER: You did write a letter to us which is in our files. I don't have to read it now.

KIRK PURVIS: Yes, I did.

CONSTANTINE ALEXANDER: You point out in your letter, which you didn't mention in your oral comments, you are an architect.

KIRK PURVIS: Yes, I am.

CONSTANTINE ALEXANDER: And I'm reading from your letter: As an architect, I am delighted to see the quality of the addition, he, Mr. Glassman, has designed. It will be a wonderful

architectural contribution to the neighborhood.

YOO JIN GLASSMAN: Thank you.

CONSTANTINE ALEXANDER: Thank you.

ADAM GLASSMAN: For the record, my wife's an architect and it was a 50/50 job.

CONSTANTINE ALEXANDER: I want to thank both of you gentlemen for taking the time to come down and spend your evening with us.

Any other comments?

(No Response.)

CONSTANTINE ALEXANDER: None.

We have in our files some other letters. I'm not going to read Mr. -- your letter, sir, because you've spoken. But we have a letter from the other, the owner of the other unit in the

condominium, Alice Cohen and Lara, L-a-r-a Adams who own unit No. 2. (Reading) We write in support of the Variance requested by the Glassman family who reside in the first floor unit below ours at 255 Lexington Avenue. The Glassmans have both reviewed their plans with us and made changes to the plans to address our concerns. They need additional space and the proposed location is a good placement as it preserves the openness of our yards and fits in nicely with the existing architecture of the house. They have changed their design from a flat roof to a hip roof and have thoroughly answered other questions that we had. We believe that the addition would not negatively impact the neighborhood in any way while hoarding the Glassman's additional space

that they need. We hope you will grant them the Variance needed for this construction. They are good neighbors and friends.

And I have a letter from Cynthia M. Purvis, 249 Lexington Avenue. (Reading)
As a 23-year owner and resident of a two-family house at 249 Lexington Avenue, directly adjacent to 255 Lexington Avenue, I strongly support the proposed Glassman addition to the abutting property at 255 Lexington Avenue. Adam Glassman and Yoo Jin Chung have been caring, responsible, and active members of our necessarily close community. They consulted with me on the design and location of their proposed addition and we agreed that the proposed front yard location of the addition would allow all three abutting

neighbors to continue to enjoy a degree of space, light, and privacy uncommon in Cambridge provided by our contiguous and visually open backyards. The proposed location for their addition respects and preserves what is essentially a shared neighborhood resource while providing the living space their growing family requires. I reviewed their drawings and believe that their addition will only enhance the qualities that continue to attract buyers and tenants alike to our neighborhood. I urge the BZA to grant them this Variance.

And that's it in terms of material in the file.

Any final comments you wish to make?

(No Response.)

CONSTANTINE ALEXANDER: I'll close

public testimony then.

Discussion from members of the Board? Further discussion I should say.

(No Response.)

CONSTANTINE ALEXANDER: Ready for a vote?

TIMOTHY HUGHES: I'm good with it.

CONSTANTINE ALEXANDER: Ready for a vote.

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

That a literal enforcement of the provisions of the Ordinance would involve a substantial hardship to the petitioner. Such hardship being is that this is a small residential unit that needs additional living space for a growing family.

The hardship is owing to the -- basically the location of the land, either -- of the structure on the land, such that the front yard placement has some desirable characteristics in terms of preserving open space and also as a result of the fact that this is a corner lot.

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

In this regard there appears to be unanimous neighborhood support. And the relief being sought is modest. Basically just all you're seeking is a rear yard setback Variance.

And also that the project has the support of the other owner, the other unit

owner in the condominium association as well as other neighbors generally.

So on the basis of all of these findings, the Chair moves that we grant the Variance being requested on the condition that the work proceed in accordance with plans submitted by the petitioner. They're multi-pages in length. The first page of which has BZA set 26, February 2015 which have been initialled by the Chair.

All those in favor please say "Aye."

(Aye.)

CONSTANTINE ALEXANDER: Five in favor. Granted.

(Alexander, Hughes, Sullivan, Green, Best.)

ADAM GLASSMAN: Thank you.

* * * * *

(10:15 p.m.)

(Sitting Members Case #BZA-006068-2015:

Constantine Alexander, Timothy Hughes,
Brendan Sullivan, Janet Green, George
Best.)

CONSTANTINE ALEXANDER: The Chair

will call case No. 006068, 8 Acacia Street.

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

(No Response.)

CONSTANTINE ALEXANDER: No one appears to be here to be heard. The Chair would report that we are in receipt of a letter from the petitioner.

(Reading) We request a continuance of our case to the next available hearing in order to provide more plans. It's signed by the petitioners. In this regard, the reason for the request for a continuance is upon inspection of the file, it appears that the plans that were supplied were insufficient and, therefore, we advised the petitioner that they need to do a better job with the plans and

that's why the petitioner is seeking a continuance.

What's the next available date?

SEAN O'GRADY: March 12th.

CONSTANTINE ALEXANDER: Does that work for them? That should be enough time for them to get new plans.

SEAN O'GRADY: They've actually given us new plans. They may actually be okay right now. I had them -- there's some oddities to go back and talk to the architect and make sure, but they should be ready.

CONSTANTINE ALEXANDER: Okay. Have them do that because I think from -- based on the plans I saw before I'm a little concerned.

SEAN O'GRADY: Yes, me too.

CONSTANTINE ALEXANDER: Okay, the

Chair moves that we continue this case as a case not heard until seven p.m. on March 12th on the condition that -- first of all, I would note that the petitioner has signed a waiver for time for decision.

On the condition that the sign, the posting sign, be modified to reflect the new date, March 12th, and the new time, seven p.m., both. And that this modified sign be maintained for the two weeks required under our Ordinance.

And further to the extent that the petitioner wishes to submit additional plans beyond what is now in our files, that they must be filed by no later than five p.m. on the Monday before March 12th. In other words, we won't hear the case then.

All those in favor please say "Aye."

(Aye.)

CONSTANTINE ALEXANDER: Five in
favor.

(Alexander, Hughes, Sullivan,
Green, Best.)

CONSTANTINE ALEXANDER: Relief
granted.

* * * * *

(10:15 p.m.)

(Sitting Members Case #BZA-006081-2015:
Constantine Alexander, Timothy Hughes,
Brendan Sullivan, Janet Green, George
Best.)

CONSTANTINE ALEXANDER: And last
but not least the Chair will call case No.
006081, 35 Sacramento Street.

Is there anyone here wishing to be
heard on this matter? Time flies two
years ago you were here.

LARRY DONALDSON: I'm Larry
Donaldson and I'm the owner of the
building at 35 Sacramento. And this is
Julie Baine and she is the owner of the
business at 35 Sacramento.

CONSTANTINE ALEXANDER: And this
is again very briefly, describe the
business.

JULIE BAINE: It's a boutique. So

we sell women's clothing, some housewares, tabletop settings, bedding, napkins that type of thing. Heavy on textiles.

CONSTANTINE ALEXANDER: And is most of your business on-line or do you do a lot of walk in?

JULIE BAINE: We do walk in and internet. But we have two businesses: One is primarily an internet business and that occupies the back half of our business. The retail space is actually separated by a false wall, and in the back we have sort of a warehouse scenario set up. And then the space in front is the -- is contextualized for the brick and mortar walk in. Most of our business right now is internet-based, but we do sit in a former spa or corner store location. And so in a pretty viable peripheral to a

very viable commercial area on Mass. Ave. So people are coming. They know about us already, and so they're walking and biking, the neighbors are popping in.

CONSTANTINE ALEXANDER: They're not driving?

Two issues we were concerned about the last time and we limited the Variance for two years was the fact that it's a very dense residential neighborhood and parking and people drove to come to your store might be a problem particularly for the other people who live there.

And second, you're across the street from an elementary school.

JULIE BAINE: Right.

CONSTANTINE ALEXANDER: And traffic safety issues.

JULIE BAINE: Yes.

CONSTANTINE ALEXANDER: But I think what I'm hearing is that as far as you know, your trade, if it's not on-line, it's people who walk to your store.

JULIE BAINE: They do. They walk or we're smack-dab in the middle of Harvard and Porter Square T stations. Mass. Ave. is just a block up, so there's also a bus line. We live in a community of bikers. There's lots of people biking, and so there are lots of other modes of transportation available to people other than just their car. And a lot of our customers don't even have cars. They use ZipCar or a car sharing service if they need that.

CONSTANTINE ALEXANDER: With regard to your inventory, how is it delivered to you and how frequently do you

have people coming in?

JULIE BAINE: It's delivered a variety of ways. Well, mostly U.P.S. or Fed-Ex or DHL will make a delivery. We get deliveries maybe twice or three times a week. It usually comes later in the day. It's never during the school pick-up. They, I think all the delivery guys know when school is letting out because it's really, it's clogged enough with the busses.

JANET GREEN: They don't come in.

JULIE BAINE: Yeah, and they don't want to come near.

CONSTANTINE ALEXANDER: I get caught in that traffic sometimes, too, driving down Oxford Street.

JULIE BAINE: Yes.

CONSTANTINE ALEXANDER: You don't

want to go down there when school is getting out.

JULIE BAINE: I just wanted to offer some letters of support from community members. Some of them are in general boosting "we like this business," but several of them do actually address the more specific status of a retail space rather than just an office space.

LARRY DONALDSON: And I think you might want to talk about the hours that you're open. She's open from Wednesday to Saturday from eleven to six o'clock.

CONSTANTINE ALEXANDER: Just four days a week?

LARRY DONALDSON: Four days a week. Open to the public.

JULIE BAINE: Or by appointment.

LARRY DONALDSON: Or by

appointment. So it's not open seven days a week. There's absolutely no late night activity.

I happen to live adjacent to the property. I live at 94 Oxford and I been there since 1978 and I have a particular interest in having a tenant there that doesn't cause any disruption or any type of problem. And that's been my experience with Julie since she moved in about 18 months ago is I believe the business is totally consistent with the neighborhood.

CONSTANTINE ALEXANDER: Well, I can report I checked with Mr. O'Grady and there have been no complaints filed from anyone for two years operating the business in terms of traffic or anything, any complaints about --

LARRY DONALDSON: And it is a

mercantile building. I mean, it's not suitable to residential. I mean I have to have a business in there, so the question is what type of business should be in there. And I can only tell you that when I first took title to the property back in '78, what was occupying the building, which I don't know if any of you --

CONSTANTINE ALEXANDER: The spa.

LARRY DONALDSON: It was the Agassiz food shop. And, you know, that had its problems. There were issues with people going in buying gum and discarding gum wrappers in front of my house and discarding cigarette wrappers. I mean it was kind of a -- way kind of a dirty business. I was always cleaning up from the residue of people leaving the food shop. And also in terms of delivery, the

city had set aside -- again, this is going back to '78, but the city had set aside two delivery zones which today are valuable parking spots. I mean, I think today it's probably equivalent of four parking spaces that are very much needed. But at the time the food market actually had dedicated delivery zones on either side of Oxford Street. So I think what we have today is a lot more consistent with the, you know, neighborhood and the parking needs of the neighborhood.

And I can also tell you that when we finally discarded the food operation and moved it in a different direction, the place was full of cockroaches. And so, you know, I'm kind of familiar with some of the negative aspects of different types of businesses, and I can only say that I

think this is one that's relatively clean and, you know, doesn't really cause any problems.

CONSTANTINE ALEXANDER: I think that's right. And when I make my motion, I'm going to tie the Variance to continuing the business of this sort. It's not going to be a Variance for any commercial use of this property. We want to keep a close look at it. If it's running a boutique operation that focuses a lot on textiles, is the kind of business that you described. And that's what the -- I'm going to suggest to my fellow board members that's what the Variance should be limited to. I don't think we need any longer, in my view, a time limit. I think you've demonstrated in the two years that you've been operating the

business is that it's not disruptive at all to the neighborhood. So I am for one prepared to make it permanent, but only for the type of business that you're running right now. Or if business changes or new tenants move in, you'll have to come back before us.

LARRY DONALDSON: Fair.

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

No one here wishes to be heard. I can see. Unless you -- no?

The Chair would report that we are in receipt of a number of letters from the petitioner submitted all in support. At the Board's indulgence I'm not going to read them. There's a lot of them. I'm just going to report that they are all favorable with regard to the relief being

sought.

And further, that -- and as such, they're incorporated into our record as if I have read them into the record.

So ready for a vote?

TIMOTHY HUGHES: Yes.

CONSTANTINE ALEXANDER: The Chair would move that we grant, that we make the following findings with regard to the Variance being sought:

That a literal enforcement of the provisions of the Ordinance would involve a substantial hardship. Such hardship being that this is a structure that really is only suitable for commercial use and it is located in an area that is now Zoned residential and, therefore, requiring a use variance.

The hardship is owing to, again, the

structure itself. That it's similar point, there is a structure that is only suitable for retail use.

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

In regard again, now in support of this is the fact that we have a neighborhood and general city support, and the fact that the business is operated for two years without any problems from the city's point of view or any complaints made to the Inspectional Services Department.

So on the basis of this of these findings, the Chair moves that we grant a Variance to the petitioner to continue to

operate a business, a boutique business focussed on textiles and textile products. For that use only. And no limit in terms of the time of the Variance. The Variance is in perpetuity as long as you do business to perpetuity.

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

(Aye.)

CONSTANTINE ALEXANDER: Five in favor.

(Alexander, Hughes, Sullivan, Green, Best.)

(At 10:25 p.m., Planning Board Adjourned.)

ERRATA SHEET AND SIGNATURE INSTRUCTIONS

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

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After reading this volume of the Zoning Board of Appeals transcript, indicate any corrections or changes to testimony and the reasons therefor on this Errata Sheet and sign it.

**REPLACE THIS PAGE OF THE TRANSCRIPT WITH
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REP: CAZ
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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 12th day of March, 2015.

 Catherine L. Zelinski
 Notary Public

Certified Shorthand Reporter
License No. 147703

My Commission Expires:
April 23, 2015

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