

BOARD OF ZONING APPEAL
FOR THE
CITY OF CAMBRIDGE

GENERAL HEARING

THURSDAY, APRIL 28, 2016
7:05 p.m.

in

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

Constantine Alexander, Chair
Brendan Sullivan, Vice Chair
Janet Green, Member
George S. Best, Associate Member
Andrea A. Hickey, Associate Member

Maria Pacheco, Zoning Secretary

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P R O C E E D I N G S

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(7:05 p.m.)

(Sitting Members: Constantine Alexander, Brendan Sullivan, Janet Green, Andrea A. Hickey, George S. Best.)

CONSTANTINE ALEXANDER: The Chair will call this meeting of the Zoning Board of Appeals to order. And as is our practice, we're going to start with continued cases, either cases that we started to hear at an earlier session but for one reason or another and in some cases we never even heard, but the petitioner wanted to postpone or continue the case.

So, before I do that I would like to read a statement that -- this is to advise those of you in the audience:

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

At the beginning of the meeting the Chair will inform other attendees at that meeting that a recording is being made. And so if anyone wishes to record, they're free to do so as long as they come up and advise me that that's the case.

One person is recording this meeting and that's that little mic you see right there. You should be aware of that. And in addition, we have a stenographer as you can see. The stenographer to assist herself in preparing the transcript of the meeting records as well. And so there's two recordings being made.

So with that I will go move on to the first case.

* * * * *

(7:05 p.m.)

(Sitting Members Case BZA-009016-2015: Constantine Alexander, Brendan Sullivan, Janet Green, Andrea A. Hickey, George S. Best.)

CONSTANTINE ALEXANDER: And the first continued

case is 009016, 11 Tremont Street.

Is there anyone here wishing to be heard? Are you the petitioner?

WENDY SHIEH: No, I'm --

CONSTANTINE ALEXANDER: Then you're not ready yet.

Is the petitioner here or a representative?

(No Response.)

CONSTANTINE ALEXANDER: No, apparently not.

The Chair would report that we are in receipt of a letter from Peter Martin, the architect, and Marjorie Jacobs who is the owner of the property.

(Reading) This letter is a formal request that the Thursday, April 28, 2016, variance application public hearing proposed extension at 11 Tremont Street be continued for an additional two months. Our hope is that we can build a modified design by right, but have yet to receive a Building Permit for the revised design. We can appreciate that this delay could inconvenience the owner of abutting

property 13 Tremont Street, Pin Yan Shi, but as she has made no effort to respond to previous design change suggestions by us we feel the date extension is the only way for us to proceed at present. We have been advised by city staff to attend the upcoming meeting to ask for the extension, but the stress caused by the process thus far will only be exacerbated by -- I'm not going to get into the rest of that.

The rest I think is extraneous to the request for a continuance.

So the request is to continue for two months. When would that be? We have two months from now.

MARIA PACHECO: June 16th or June 30th.

CONSTANTINE ALEXANDER: Okay. Well, since you -- let me open the matter up for public discussion. Yes.

WENDY SHIEH: Can I say something? He sent out that letter e-mail to me yesterday.

BRENDAN SULLIVAN: Could you identify yourself,

please?

WENDY SHIEH: Oh, I'm Wendy Shieh, the owner of 13 Tremont Street, the abutter of the 11 Tremont.

When I received that and I immediately respond, because it has been two months I have not heard from them to discuss. So I expect to discuss tonight, and but they discontinued, you know. So, so they request to extend for two months in June. But I couldn't make it in June. I have to have an oversea trip in June. If I can request to extend it to July or August, if that's possible.

CONSTANTINE ALEXANDER: I don't know the availability of the petitioner but they'll make themselves available.

What's the first one in July?

MARIA PACHECO: The 14th.

CONSTANTINE ALEXANDER: Does anyone have a problem with continuing?

BRENDAN SULLIVAN: No, they can extend it beyond

July to a mutually agreeable date.

CONSTANTINE ALEXANDER: I'm sorry, say it again.

BRENDAN SULLIVAN: If they cannot -- if we can set
July 14th --

CONSTANTINE ALEXANDER: That's right.

BRENDAN SULLIVAN: -- if it's not a good date with
the petitioner --

CONSTANTINE ALEXANDER: We'll reset it again.

BRENDAN SULLIVAN: -- we can kick it down the road
again.

ANDREA HICKEY: But it's not a heard case. We
don't -- so it doesn't -- we don't have to check our
calendars.

CONSTANTINE ALEXANDER: That's right, not a heard
case.

Okay, the Chair moves that this -- yes, Ma'am.

WENDY SHIEH: How do I communicate which day would
be good for, you know, should I contact them?

CONSTANTINE ALEXANDER: You have to communicate with the petitioner.

WENDY SHIEH: Oh, okay, I should communicate with them?

CONSTANTINE ALEXANDER: Yes, but we're going to set a date now, at your request, July 14th.

WENDY SHIEH: July 14th?

CONSTANTINE ALEXANDER: At seven p.m.

WENDY SHIEH: Okay, so I have to obtain permission okay from him?

CONSTANTINE ALEXANDER: It will be set today. It will be the 14th.

WENDY SHIEH: It will be set today?

CONSTANTINE ALEXANDER: Done. If the petitioner finds -- if we find out if the petitioner is not here, that the 14th is not a date that's convenient or possible for them, they will advise us and we'll re-continue the case as Brendan has pointed out, to a different date.

WENDY SHIEH: But how do I get informed?

CONSTANTINE ALEXANDER: I think, you know, you don't have to fly from California. If you can communicate with the Building Department, they will tell you what the schedule is. But we -- if we are notified by the petitioner that they can't do July 14th --

WENDY SHIEH: Yeah.

CONSTANTINE ALEXANDER: -- on July 14th we'll do then what we're doing tonight, which is to continue the case to another date.

WENDY SHIEH: Okay.

CONSTANTINE ALEXANDER: But you can be able to find out whether that's going to be on -- if it happens by calling Maria Pacheco right over here.

WENDY SHIEH: Okay.

CONSTANTINE ALEXANDER: Now, if the petitioner shows on the 14th and says I want to continue the case, we'll likely continue it. I don't want to inconvenience

you. You're obviously flying in --

WENDY SHIEH: Yeah.

CONSTANTINE ALEXANDER: You and the petitioner don't talk to each other.

WENDY SHIEH: They don't --

CONSTANTINE ALEXANDER: I don't want to get into a debate about this.

WENDY SHIEH: I'm not debating.

CONSTANTINE ALEXANDER: You're going to have to work that out with the petitioner. We're going to do it to July 14th.

WENDY SHIEH: Okay.

CONSTANTINE ALEXANDER: The case will be heard on that night. The petitioner has said he is trying to work out a solution that doesn't require any relief from our Board. And if that happens, there will be no case, and it will just -- the case will be withdrawn on the 14th and then you have to do whatever you want to do.

WENDY SHIEH: As I said, I prepared to come here and arrange a ticket and all that, and he just dis -- just, you know, canceled it the day before today's meeting. I mean, it's just like, he did the same thing to me last time. I don't know how, you know, how am I gonna schedule my dates?

CONSTANTINE ALEXANDER: I'm sorry, I can't help you. I know that's the problem. We can't do anything about that. It seems the lines of communication between you and the petitioner are not exactly in good shape. I think the problem is you folks are not getting along. Why don't you make an effort to try to get along and to get some communication going so that you can find out not on the day you come here whether we're going to hear the case on the 14th. That's all we can do.

The Chair moves that this case be continued as a case not heard on the following conditions:

One, that the petitioner sign a time for a waiver

of decision. And the petitioner already has done that.

Two, that the posting sign on the property be modified or a new one be put up to reflect the new date, July 14th, the new time seven p.m., and that the sign be maintained for the 14 days required by our Ordinance.

And lastly to the extent that the petitioner is going to submit plans or dimensional forms different from what is in our files right now, those forms and plans must be in our files no later than five p.m. on the Monday before July 14th.

That will give you a chance that it's going to happen. If the case happens that day, you can come in a day or two earlier, you can go to the building office and look at the plans.

All those in favor, please say "Aye."

(Aye.)

CONSTANTINE ALEXANDER: Five in favor. Case continued.

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

* * * * *

(7:15 p.m.)

(Sitting Members Case BZA-008898-2015: Constantine

Alexander, Brendan Sullivan, Janet Green, Andrea A. Hickey,

George S. Best.)

CONSTANTINE ALEXANDER: The Chair will call case
No. 008898, 201 Brookline Street, No. 6.

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

KISHORE VARANASI: Yes, sir.

CONSTANTINE ALEXANDER: Are these the same ones in
our files right now?

KISHORE VARANASI: They will be the same, yes.

CONSTANTINE ALEXANDER: These are the revised
ones?

KISHORE VARANASI: Yes.

CONSTANTINE ALEXANDER: Please come. I mean you

can do whatever you like, but it's easier for you to sit. You just have to give your name and address. We know your address. Name to the stenographer, please.

KISHORE VARANASI: Thank you, Mr. Chairman.

Kishore Varanasi.

SUCHARITA VARANASI: Sucharita Varanasi.

CONSTANTINE ALEXANDER: Okay, the floor is yours.

The procedure is to present your case and we will ask you questions if we have questions. We will open the matter up to public testimony. We have some letters which I will read into the record as well at an appropriate time.

The floor is yours.

KISHORE VARANASI: Thanks very much for seeing us.

I know we continued the case for two times. It was in the interest of working with our neighbors that we couldn't meet until last minute so I think we satisfied them at this point was here today hopefully they'll speak in favor of this. So that's the reason for the continuance. I just wanted to put

that out there up front.

So we both have two children. We live in 201 Brookline Street. It's a condominium building. We have a six-year-old boy and three-year-old girl. And I've lived in Cambridge for 17 years and she lived --

SUCHARITA VARANASI: For ten.

KISHORE VARANASI: For ten.

And we live in this condo for eight years. And the kids go to the Cambridge Public Schools and we want to continue to live in Cambridge. We are part of the community. So our condominium allow us rights, although the zoning doesn't but given it's a one-story structure where the majority of the height is 35 feet, we felt it reasonable size and design we continue to live in Cambridge and that's why we and our next-door neighbor both have kids, both are apparently proposing this request for variance.

The addition that we are making is asking to make is 430 square feet, 1200 square feet base and that's 0.4

percent increase in the FAR. But consequentially we're also adding a roof deck as an open space which is adding to it something like six or seven percent of the open space.

This is an existing structure. A lot of the shape of what we're adding up above is governed by some of the structures that is underneath it. So there is, there is some science adding a bedroom for us and for the kids, but some of it is also by the structure that's about -- we try to keep it to --

CONSTANTINE ALEXANDER: How many bedrooms do you have now on the one floor --

KISHORE VARANASI: We have two bedrooms and one bathroom. And we're hoping to add one bedroom -- two bedrooms, one bathroom. Hoping to change one of the bedrooms up where we have an office and storage and quarters. We don't have a basement in this building so we're trying to make sure that we have enough space.

CONSTANTINE ALEXANDER: And you have two young

children? You have a growing family?

SUCHARITA VARANASI: Yes, yes, we have a boy and a girl. SO at some point -- right now they share a bedroom.

CONSTANTINE ALEXANDER: Right.

SUCHARITA VARANASI: At some point it would be great if they could have separate bedrooms.

KISHORE VARANASI: So quickly just to show you the addition. This is the existing building. It was a Special Permit in 2006, I believe 193. There's a courtyard. 1, 2, 3, 4, 5, 6 units, and we have a parking lot here where we park when you come into the building. So we're adding -- this is our unit and this is unit 5 which is what you're going to hear next. It's very minimal addition that we're making. It is 15 feet, 44 ceilings. The stair takes up quite a bit of space as you might imagine.

JANET GREEN: Show me -- before you go too far, can you show me the one that is your addition?

CONSTANTINE ALEXANDER: The corner.

KISHORE VARANASI: So this is our exact addition.
Our unit is all of this.

JANET GREEN: So it's all of that? Okay.

KISHORE VARANASI: Our unit is all of this and
this is our addition on top. I can show you -- and we think
it's gonna be -- I'm an architect and urban planner. I work
in Cambridge a lot. We think it's going to be a nice
addition to the streetscape. I'll show you back from
Brookline Street as well as the parking lot consequentially.
A lot of this is again based on the structure to follow the
beams. You see both additions, I guess -- yeah, you see
both additions together. It's quite de minimus we think,
but also adds to the scale of the street that we're trying
to keep everything --

CONSTANTINE ALEXANDER: Did you say it's likely
that the owner of the other units are going to want to do
the same thing?

KISHORE VARANASI: We're not sure. At this point

nobody has any plans, but I can't really speak for them, right?

CONSTANTINE ALEXANDER: I understand.

KISHORE VARANASI: So we're asking on the basis of the family at this time. So --

CONSTANTINE ALEXANDER: And this is a condominium?

KISHORE VARANASI: Condominium.

CONSTANTINE ALEXANDER: And you have full support from your condominium association?

SUCHARITA VARANASI: Unanimous consent, yes.

KISHORE VARANASI: And we have letters from all of the neighbors since November, and we have letters of support you may not have in the file.

CONSTANTINE ALEXANDER: We have one letter of support and one letter in opposition which I'll get to.

KISHORE VARANASI: There are three letters of support in this.

SUCHARITA VARANASI: And this will also serve for

the petitioners after us.

CONSTANTINE ALEXANDER: While you're handing that out, Maria, can I ask you a question? Do you know if we heard of a response from Historical? And I talked to Sean about it and he read a note in the file "Sarah will review and respond." This is the comment.

MARIA PACHECO: No, we didn't get anything.

CONSTANTINE ALEXANDER: I'll get to that in a second. Okay, I just wanted to be sure.

KISHORE VARANASI: So, yeah, just to show you the plans really quick. This is the existing living room, kitchen, and the two bedrooms. There's a stair, like I said, that we're adding. It's a long stair, takes quite a bit of space. And you land upstairs and there's a bedroom, smaller bedroom for the kids, one of the kids and the bathroom. And that's the addition we're making.

CONSTANTINE ALEXANDER: Let me ask you a question about your deck, because there's a letter in opposition

relates to the deck.

KISHORE VARANASI: Yeah.

CONSTANTINE ALEXANDER: Why such a large deck in terms of the impact of privacy and noise to the abutters?

KISHORE VARANASI: So, just because of the kids we think the more space we have in the city the better it is.

CONSTANTINE ALEXANDER: I can understand that.

KISHORE VARANASI: And I spoke to Matt our neighbor who had raised a concern. One of the nice things we have done is we don't have any impacts by pulling everything back. From a privacy perspective, we talked about putting landscape to clear the buffer. They have one window that basically faces this way and we've been quite sensitive to that window, it's their bedroom window. We can certainly put a buffer, but it's going to be huge for our kids to be able to occupy the roof deck.

CONSTANTINE ALEXANDER: Do you have a backyard?

SUCHARITA VARANASI: No.

CONSTANTINE ALEXANDER: So you do need it, you need outdoor space.

JANET GREEN: You have no outdoor space.

CONSTANTINE ALEXANDER: For the kids.

SUCHARITA VARANASI: There's a small little walkway courtyard, you know, that's where the doors enter our units, but that's just about it.

CONSTANTINE ALEXANDER: A playground or a swing set or anything like that.

SUCHARITA VARANASI: Yeah, and we're terrified that they're going to break the windows of the units.

CONSTANTINE ALEXANDER: We can't help you with that.

SUCHARITA VARANASI: Right. If they do.

CONSTANTINE ALEXANDER: Did you talk to -- I'll get to the reasons why I'm asking these questions. Did you talk to Cambridge Historical Society about what you want to do?

KISHORE VARANASI: No, we didn't. We did see where they originally filed that there was a note on-line that they reviewed it and that's all I saw. There was no comment. That's all I saw.

CONSTANTINE ALEXANDER: The reason I ask that question is that is we have a letter from the Planning Board in regard to your petition. And let me read it into the file. (Reading) The Planning Board reviewed these two variance requests, they're referring to your neighbor next-door which we'll hear next, and neither supports or opposes -- neither supports nor opposes the request leaving these issues to the BZA and the abutter. The Planning Board has the same comments on both applications; that the additions should be more sensitive to the building character and Brookline Street. By the way I should say this is dated January 7th. This may be based on your old plans.

KISHORE VARANASI: Right.

CONSTANTINE ALEXANDER: Okay. But continues:

(Reading) The Brookline Street facade photo simulation is awkward and crowds the streetscape. I think, again, you've addressed that in your new plans.

(Reading) The Planning Board's suggestion is that if the BZA were to grant these variances, there be a condition that Charles Sullivan/Historical Commission staff review the additions to make them more appropriate within the historical context of the older building.

Now, I would observe that we can't do this. We -- the idea is that we have to approve the final plans. We can't approve the plans and then the Historical says we want these changes and these changes. That means you have to come back to us. It seems to me we have two choices and I'll suggest to the Board my choice:

One is we can continue the case once again and ask you to meet with Historical so we get their views in advance.

Or two, we can respectfully, and I mean that

respectfully, ignore the suggestion from the Planning Board and proceed with the case tonight based on the plans that have been submitted given the time that's elapsed.

I personally prefer the latter, but if you people feel otherwise, we should stop the case right now and continue it further.

SUCHARITA VARANASI: May we speak to that?

CONSTANTINE ALEXANDER: It strikes me that the kind of building that Historical is going to have much interest in frankly, but maybe I'm wrong. What's the pleasure of the board members?

BRENDAN SULLIVAN: Well, I saw that letter and, yes, I was hoping that we would get a follow up subsequent to it. I did query Sean O'Grady today whether he did have some communication and he did alert Sarah up there that there was a new plan, did they want to review it? And he also alerted Community Development planning that there was a new plan, and I would assume that they would have reviewed

it or had option to review it at their previous hearing, planning. And Sarah indicated to Sean that she would either look at it, comment, or possibly not comment. And I think it's --

CONSTANTINE ALEXANDER: She chose the latter.

BRENDAN SULLIVAN: Either didn't have a chance to review it --

CONSTANTINE ALEXANDER: Sean made the request because I asked Sean to call them on Wednesday.

BRENDAN SULLIVAN: So they were made aware.

CONSTANTINE ALEXANDER: They were made aware, clearly at least 48 hours or 24 hours from now. So there we are not withstanding maybe they didn't have time. Maybe, I mean, this is a request from the Planning Board and we try to be responsive to requests from the Planning Board. But I frankly once again I don't think we should -- this case has been dragged out long enough and I can't believe that Historical's going to have an awful lot to say on this, but

what's your pleasure, George?

GEORGE BEST: Well, in their letter they say they neither affirm nor deny, so what would this be? You know, why would we waste time? So I would move to go ahead.

CONSTANTINE ALEXANDER: Brendan, you agree as well?

BRENDAN SULLIVAN: I think they've had an opportunity to review it.

ANDREA HICKEY: Right, I agree. I think we should proceed.

CONSTANTINE ALEXANDER: Okay, thank you. It's unanimous.

Okay, so we now have addressed the Planning Board issue. You mentioned you have letters of support which I'll get to in a second. I have a letter of opposition.

Let me get to the letter of opposition since -- right now and let me read it into the file. The letter is from Sean and Tiffany Hope who reside at unit No.

3 at 131 Erie Street. (Reading) I am writing to express my concern regarding the variance request at 201 Brookline Street. I think they're referring to both again.

We are abutters to 201 Brookline Street and our bay windows look directly at the roof of a condominium building including the petitioner's roof. We live on the third floor of a three-family triple decker across the street in an approximately 1,000 square foot condominium and spend most of our time in the living room area and the bay window view is a significant part of our daily experience. We've often wanted to have -- we have often wanted two additional -- the words are off. We also wanted to have additional living space and can empathize with the congestion of having young children with all the bedrooms and living space on one level. Although it's not clear why the petitioner's hardship is unique to the other units -- to the other unit owners who have similar sized units, I do understand how an additional floor of a living space can

dramatically improve their quality of life. I'm concerned that if the Board approves their FAR request, which is what you're seeking, we will likely see other units similarly apply for zoning relief. Most significantly I am troubled by the size of the decks being proposed. I realize that these units have limited outdoor space especially with young children. Unfortunately given the close proximity of the buildings on our side of Erie Street and the nearly 80-foot apartment building at 150 Erie Street noise pollution is a significant problem. Living across the street on the third floor, sound travels extremely well and I am concerned that these decks will become a nuisance unless we continually keep our windows closed. If the Board does find a substantial hardship, I would request that they limit the size of the deck to the minimum necessary.

Lastly, we were not contacted prior to the hearing and may have a different opinion if an outreach had occurred.

KISHORE VARANASI: Can I ask for the address again?

CONSTANTINE ALEXANDER: Sure. 131 Erie Street.

KISHORE VARANASI: So in your -- this is all the addresses where we dropped the letters, knocked on the doors back in November. So we made sure that we reached out to everybody and some people responded to us and the others haven't.

SUCHARITA VARANASI: So we actually left pamphlets.

CONSTANTINE ALEXANDER: I see you identified --

KISHORE VARANASI: We have letters from people in unit 137, for example, and 141 which are adjacent buildings to this particular person. So we haven't been able to obviously contact -- our attempt was to contact everybody just so you are aware, we've been quite diligent about it.

SUCHARITA VARANASI: And we sent -- yeah, we literally knocked on their door, put pamphlets to start

letting them know this is what we're proposing. You know, our intention for this entire thing is to be able to stay in Cambridge while still being respectful of our neighbors. We want to build the community that we live in and so that's very much what we've been trying to do with all the outreach we've been trying to actually conduct.

CONSTANTINE ALEXANDER: Let me ask the question that's asked in the letter, what about the possibility of reducing the size of the deck?

KISHORE VARANASI: We could --

CONSTANTINE ALEXANDER: Not that you have to, I just want to explore that.

KISHORE VARANASI: It will be, like I said, it would be good to have the deck, but I think the part of the question is under what, what are the conditions under which we would reduce? Like, how do we decide how big? I don't know the direction that we would follow. Is it by five feet or ten feet? You know what I mean?

CONSTANTINE ALEXANDER: I know what you mean. And I guess --

KISHORE VARANASI: They're basically reacting to the other unit because that is closest to him there, them. And just to talk about the one petition, people who are in 141 actually -- I think 133 is the unit right here, this is quite far in terms of what's gonna happen. Sarah Calvo who actually lives here, wrote in support. She actually said having arranged roof deck is much better to look at than black asphalt roof. People have different perceptions. We don't think it will be that much of an impact and a lot of difference.

CONSTANTINE ALEXANDER: You said it's across the street 131?

KISHORE VARANASI: 131 is over here. This is Erie Street, and this is the addition we're talking about.

JANET GREEN: So it's across the street from you?

KISHORE VARANASI: It's across the street, yes.

JANET GREEN: And you're behind then?

KISHORE VARANASI: Our unit is over here. So and our roof deck would look something like this, and this is obviously the next petition that you'll hear, their roof deck will be the front and the back, and the rest of it is the next unit which is unit 4.

CONSTANTINE ALEXANDER: I suppose there is a good chance that Mr. Hope -- Mr. and Mrs. Hope have suggested that other unit owners are going to come in and ask for relief as well.

KISHORE VARANASI: Right, possibly.

CONSTANTINE ALEXANDER: It seems to me it's hard for us to turn them down if we grant you relief. I think we should assume that this building is going to move from a one-story building to a two-story building with a lot of decks around. A deck in my opinion is quite good in my opinion because it sets back your second floor from the street, and it makes for I think a more pleasant streetscape

to my mind. Anyway.

KISHORE VARANASI: Yeah.

CONSTANTINE ALEXANDER: But the other side of the coin is the noise and privacy issues that were created by roof decks.

I should tell, we -- this Board has always been very sensitive to roof decks in Cambridge for the -- that's the reason, we don't -- it's a congested city and there can be problems with noise and privacy issues and so we look very hard at decks.

KISHORE VARANASI: We can certainly look at reducing the roof deck.

CONSTANTINE ALEXANDER: Well, we have to do it tonight.

KISHORE VARANASI: Yeah, yeah, I don't know what the process is. But we can under whatever parameters are agreeable in a way that it's --

CONSTANTINE ALEXANDER: We could take your plans

now and mark off where the new deck would be.

KISHORE VARANASI: Sure.

CONSTANTINE ALEXANDER: The reduced deck I should call it.

Do you want to take time to go next-door? We can take some other cases and come back or do you want to do it on the fly?

KISHORE VARANASI: We can do it on the fly if that's --

CONSTANTINE ALEXANDER: Okay, that's fine, sure.

BRENDAN SULLIVAN: Are you going to run into the same problem with the next case is this.

CONSTANTINE ALEXANDER: I'm guessing. But I think it might be. All you people are congregating on the table.

BHUPESH PATEL: Let's take --

JANET GREEN: What I didn't see in your plans, and maybe I just missed it, was a plan of what's going to enclose the deck?

There's nothing in your plan that includes what is going to enclose the deck.

GARTH GOLDSTEIN: We do have the elevations.

JANET GREEN: So it might be that the elevation of what's enclosing the deck would also be significant.

CONSTANTINE ALEXANDER: The question is how high up -- I mean it can't -- in other words, if they're really high and looking down, I don't think raising the size of the deck --

RENEE BEARD: In terms of privacy, you know, public housing next to us means we won't have privacy either almost.

Renee Beard.

CONSTANTINE ALEXANDER: I'm getting confused. One at a time. Let me -- go outside, please, and there's a room right next-door. Think about raising the size of your railing, shrinking the size of the deck, come back with a proposal. If you want to make a proposal that would

address, try to address the concern of the abutter. You don't have to. I'm just --

KISHORE VARANASI: Just so you know the concern that came is not somebody who is on our side.

CONSTANTINE ALEXANDER: Understood.

JANET GREEN: We know that.

CONSTANTINE ALEXANDER: We'll take that into consideration when you come back with your proposal which means we can't do that, we may need this size deck. I want to give you an opportunity to respond so we have the opportunity to think about it. Okay?

KISHORE VARANASI: Right, thank you.

SUCHARITA VARANASI: Thank you.

(Case BZA-008898-2015 recessed.)

* * * * *

(7:35 p.m.)

(Sitting Members Case BZA-009582-2016: Constantine

Alexander, Brendan Sullivan, Janet Green, Andrea S. Hickey,

George S. Best.)

CONSTANTINE ALEXANDER: The last of our continued cases is 33 Kinnaird Street, 009582. That is a continued case and actually the same property is on our agenda for the regular agenda, so I'm going to postpone consideration of this continued case until after we continue the regular case.

* * * * *

(7:35 p.m.)

(Sitting Members Case BZA-009826-2016: Constantine Alexander, Brendan Sullivan, Janet Green, Andrea S. Hickey, George S. Best.)

CONSTANTINE ALEXANDER: So we'll now turn to the regular case.

The Chair will now call 33 Kinnaird Street, case No. 009826.

Is there anyone here wishing to be heard on this matter? I'm talking about the petitioner. I know there

will likely be people in the audience, abutters who are here for the case.

(No Response.)

CONSTANTINE ALEXANDER: No one is here. I didn't expect anyone to be here.

We are in receipt of a letter from Sean Hope, the attorney for the petitioner. (Reading) Please accept this request on behalf of the petitioner and owner of 33 Kinnaird Street to continue BZA case 009826 to correct discrepancies in the plan so that a full hearing on the merits of the application can take place. In addition we plan to use this extra time to further discuss our proposal with the neighbors in opposition to improve the project if possible. We respectfully request to continue the case until May 26th meeting of the Board of Zoning Appeal.

And it is true that there are -- frankly the file's a mess in my judgment. The dimensional form is not correct, the plans don't match the dimensional form, and

there are issues that were raised also by, about the width of the lot. At least one of the people who are nodding heads.

So the question is whether May 26th is enough time? Since you're the only folks here and I'm -- I haven't asked you to identify yourself. Does May 26th work if we were to continue the case until then, which is a month, which will give them time to revise their plans, give them time to talk to you folks or try to talk to you folks, but if 26th it doesn't work, that doesn't work we'll give you a different date.

BRENDAN SULLIVAN: Just to chime in, May 26th is the Thursday of Memorial Day weekend. Just, if that --

UNIDENTIFIED MEMBER FROM THE AUDIENCE: I think we would prefer a later date.

CONSTANTINE ALEXANDER: I'm sorry? One at a time.

UNIDENTIFIED MEMBER FROM THE AUDIENCE: We're going to prefer a later date.

CONSTANTINE ALEXANDER: I think they need more time myself, frankly.

UNIDENTIFIED MEMBER FROM THE AUDIENCE: The building at 35 Kinnaird, we prefer a later date, too.

CONSTANTINE ALEXANDER: Later date, too? This is again a case not heard. We don't have to worry about dates.

MARIA PACHECO: June 16th.

CONSTANTINE ALEXANDER: June 16th.

MARIA PACHECO: Yes.

CONSTANTINE ALEXANDER: Okay? We have room on the schedule?

MARIA PACHECO: Yes.

CONSTANTINE ALEXANDER: June 16th?

UNIDENTIFIED MEMBER FROM THE AUDIENCE: Yes.

CONSTANTINE ALEXANDER: The Chair moves that this case be continued as a case not heard until seven p.m. on June 16th subject to the following conditions:

That the petitioner with regard to the new

petition, at least, the one that's supposed to be heard tonight sign a waiver of time for decision.

Two, that the posting sign, and this is for both -- well, it's going to be -- the posting sign which has the date and time and notifies the world about the case, must be modified or get a new one to reflect the new date, June 16th, the new time. And you folks can make sure that sign's up there. It has to be maintained for the 14 days that our Ordinance requires.

And that lastly, to the extent that they're going to be new plans or dimensional forms and there will be, that they must be in our files no later than five p.m. on the Monday before June 16th.

Which means for you folks, any time after that, you can come down to the Building Department and get out the file and you'll see what is being proposed to the extent that you haven't been told otherwise directly by the petitioner.

Sir, give your name, please, sir.

BEO LIM: Beo Lim, B-E-O L-I-M, 35 Kinnaird Street. In the meeting at the Historical --

CONSTANTINE ALEXANDER: Can you come up closer?

BEO LIM: In the Historical meeting, hearing --

CONSTANTINE ALEXANDER: Yes.

BEO LIM: -- he promised that he will provide us with a sunshade study and we have not received it. So I'm not sure if he has time, enough time to get this.

CONSTANTINE ALEXANDER: He should -- it doesn't take that long to get a sun study. He could get it done by May 26th I think. I don't think that will be a problem. And anyway, well, we'll make sure he's advised that we expect on the June date that he brings in shade -- shadow studies. That's -- what the word I'm looking for?

DAVID COHEN: Okay.

CONSTANTINE ALEXANDER: Identify yourself. Sorry.

DAVID COHEN: David Cohen, 37 Kinnaird Street. I

don't know if anyone actually requested the sun study or did the sun study. We have the request, but does someone have to order the sun study?

CONSTANTINE ALEXANDER: Well, they'll order it. I mean --

DAVID COHEN: I'm saying does Historical Commission have to --

CONSTANTINE ALEXANDER: No.

DAVID COHEN: So they just -- who actually triggers that?

CONSTANTINE ALEXANDER: We'll tell them, Maria, when she contacts the attorney, that we expect -- when they come in June, we expect them to be among the stuff in our files are shadow studies.

DAVID COHEN: Great.

CONSTANTINE ALEXANDER: And those will be made available to you. And if they don't give them to you directly, come into the office, Building Department office

in the files after five p.m. on the Monday before.

DAVID COHEN: Excellent.

CONSTANTINE ALEXANDER: All those in favor of continuing the case on the basis on the motion I just made?

(Aye.)

CONSTANTINE ALEXANDER: Five favor. Case continued.

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

* * * * *

(7:40 p.m.)

(Sitting Members Case BZA-009582-2016: Constantine Alexander, Brendan Sullivan, Janet Green, Andrea A. Hickey, George S. Best.)

CONSTANTINE ALEXANDER: Now, let's go to the continued case of 33 Kinnaird Street.

I move we continue the case again until June 16th -- I'm sorry, June 12th?

MARIA PACHECO: June 16th.

CONSTANTINE ALEXANDER: June 16th at seven p.m.
subject to the very same conditions that we imposed with
regard to the case we just continued, except that in this
case the petitioner already has signed a time for a -- a
waiver of time for decision.

All those in favor of continuing the case, please
say "Aye."

(Aye.)

CONSTANTINE ALEXANDER: Five in favor.

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

UNIDENTIFIED MEMBER FROM THE AUDIENCE: I just
have a question about that. Why is there another case for
33 Kinnaird that is being continued?

CONSTANTINE ALEXANDER: As I understand it,
they've filed their first petition. There were problems
with it in terms of the -- they didn't -- they didn't even
ask for side yard setback relief and they needed it. So the
only way they could get that, they had to start a new case

and -- which they did. That's the case we -- the first of the two cases we just continued. But the old case, they didn't -- they couldn't withdraw it because that could jeopardize their ability to get relief on the other case. They have to keep that alive. That case is never going to get decided in my opinion. We'll either grant the relief on the regular case or deny it. But whatever we do on that, it's going to be -- it's going to be -- if we grant relief, they don't need to get relief from the continued case. It's done. And if we deny it on the regular case, we're going to deny, in my judgment, likely deny it. It's just procedural in short. That's it.

* * * * *

(7:45 p.m.)

(Sitting Members Case BZA-009724-2016: Constantine Alexander, Brendan Sullivan, Janet Green, Andrea A. Hickey, George S. Best.)

CONSTANTINE ALEXANDER: The Chair will call case

No. 009724, 44 Market Street.

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

STEVE HISERODT: Steve Hiserodt from Boyes-Watson Architects.

STEPHAN DUBOULOZ: Stephan Dubouloz. I'm representing the LLC and I'm the owner of the property.

STEVE HISERODT: So we are seeking what we think is modest relief for new openings on a non-conforming side yard setback. We have a permit now for the bulk of the work being done including the one dormer that we're asking for an opening. So it amounts to an opening in a conforming dormer.

THE STENOGRAPHER: Can you speak up just a louder, please?

STEVE HISERODT: Yes.

An opening in a conforming dormer or an allowed dormer, relocation of a window to a bathroom, and a new door

for a new means of egress.

CONSTANTINE ALEXANDER: Why wasn't this presented when you presented the case with the rest of the relief you wanted?

STEVE HISERODT: In discussions with Ranjit it became -- there were too many facets of it and it became overcomplicated.

CONSTANTINE ALEXANDER: What became overcomplicated?

STEVE HISERODT: This is a different building, and this building is -- it is not part of the original variance request that we were asking for an amendment to.

CONSTANTINE ALEXANDER: Okay.

STEVE HISERODT: And so he wanted to keep them separate.

CONSTANTINE ALEXANDER: That makes sense.

STEVE HISERODT: All of the work being done on here is as-of-right with the exception of these openings.

CONSTANTINE ALEXANDER: Okay.

ANDREA HICKEY: Can I have one of those?

STEVE HISERODT: Yes. Do we need anymore?

JANET GREEN: Sure, I'll take one.

ANDREA HICKEY: We can share.

STEVE HISERODT: So I think --

CONSTANTINE ALEXANDER: The neighbor most affected by what you want to do, have you been in touch with that neighbor or tried to be in touch?

STEVE HISERODT: Yes. The neighbor is actually Just-A-Start.

CONSTANTINE ALEXANDER: Sorry?

STEVE HISERODT: Just-A-Start.

CONSTANTINE ALEXANDER: Oh, Just-A-Start.

STEVE HISERODT: They own the bulk of the properties all the way around, and you've talked with people across the street, but they're not immediately affected by this. The area that we're working on fronts a parking lot,

so they had no objection to the changes we're proposing.

CONSTANTINE ALEXANDER: Okay.

STEVE HISERODT: And it can all be summarized more or less on sheets 204 and 205. 204 shows the existing right side elevation. The dormer actually hasn't been built yet but we do have a Building Permit in place for that. And then the --

CONSTANTINE ALEXANDER: You can build that dormer as a matter of right?

STEVE HISERODT: Yes.

Why the window is not is an odd, odd circumstance in the Zoning Code.

CONSTANTINE ALEXANDER: We had a case before where an esteemed member of the bar in East Cambridge argued precipitously that it's not a dormer unless there was a window into it. We didn't agree with it.

STEVE HISERODT: I would love to get into that argument.

JANET GREEN: Some other time no doubt.

STEVE HISERODT: Yeah. Another thing to add is that there's a fence that's five feet high directly adjacent to these new openings. They are going to a half landing almost at grade, so there may be two feet of exposed window. So it will have very little impact on the parking lot adjacent.

CONSTANTINE ALEXANDER: Questions from members of the Board?

JANET GREEN: No problem.

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

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

(No Response.)

CONSTANTINE ALEXANDER: Apparently there is no one. I don't believe there are any letters of correspondence in our file. Let me just check.

STEPHAN DUBOULOZ: There is one.

CONSTANTINE ALEXANDER: Yes, you're right. There is a letter from Jim and Florrie, F-L-O-R-R-I-E Westcoat, W-E-S-T-C-O-A-T, 33 Market Street. (Reading) As nearby neighbors of 44 Market Street and regarding the application for a Special Permit, we are writing to say that we have no objections to the proposed changes of the window and door of the house.

And that's it. Unless you have any final comments?

STEVE HISERODT: No.

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

Discussion or ready for a vote?

JANET GREEN: Ready.

ANDREA HICKEY: Ready.

CONSTANTINE ALEXANDER: I think we're all ready for a vote. Okay, this is a request for a Special Permit.

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

That the requirements of the Ordinance can only be satisfied with a Special Permit under the circumstances.

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

That the continued operation of or development of adjacent uses as permitted in the Ordinance will not be adversely affected by the nature of the -- of what is being proposed.

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

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

Ordinance.

With regard to these findings that are being proposed, it is noted that the relief being sought is rather modest.

That the impact is on -- most directly on a large parking lot, that there will be a fence that will in partly screen the impact of these new doors and windows.

That the only person -- only neighbor who has chosen to comment on this case is in support.

So on the basis of all of those factors and findings the Chair moves that we grant the Special Permit being requested on the condition that the work proceed in accordance with the plans prepared by Boyes-Watson Architects, the first page of which has been initialled by the Chair.

All those in favor please say "Aye."

(Aye.)

CONSTANTINE ALEXANDER: Five in favor. Relief

granted.

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

STEVE HISERODT: Thank you.

* * * * *

(7:55 p.m.)

(Sitting Members Case BZA-008898-2015: Constantine

Alexander, Brendan Sullivan, Janet Green, Andrea A. Hickey,

George S. Best.)

CONSTANTINE ALEXANDER: The Chair will reconvene
case No. 008898, 201 Brookline Street, No. 6.

Where are we?

KISHORE VARANASI: The roof deck. So we actually
consulted with the other neighbor who we've been working
with in this whole thing, and he felt like if we pull it
away from that edge by a few feet, he will be happy with it.

CONSTANTINE ALEXANDER: Good.

KISHORE VARANASI: The letter of opposition is
actually on the other side of our unit so he wanted to make

sure he's getting some benefit in the conversation. So we're pulling away four feet.

CONSTANTINE ALEXANDER: Four feet? I'm sorry to interrupt you. When we grant relief, we tie it to plans. You just may have heard in the case we just finished, mark on the -- you're going to give me that? Okay.

And that's -- it doesn't say four feet but that's four feet?

KISHORE VARANASI: Yeah.

CONSTANTINE ALEXANDER: Okay. Thank you.

At this point any other comments you wish to -- this may be easier or either way. Same thing.

ANDREA HICKEY: Yes, okay.

CONSTANTINE ALEXANDER: Anything else you wish to say at this point?

KISHORE VARANASI: No, that concludes our remarks. Thank you.

CONSTANTINE ALEXANDER: I'll open the matter up to

public testimony.

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

MATT HOHENBOKEN: I'm Matt Hohenboken, H-O-H-E-N-B-O-K-E-N and so it's 113 Hamilton Street. So our house is a small two-story house right next to unit 6, and we've been working to reach a compromise so we have no opposition to the smaller scale versus the original and I think this scale back in the terrace is acceptable.

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

Anyone else wishing to be heard?

(No Response.)

CONSTANTINE ALEXANDER: No one else.

We are in receipt of correspondence, most of which you just given us, but I want to read it into the record. And first we have a letter in our files from Dagmar van Schweirn, S-C-H-W-E-I-R-N, apparently resides at 114

Hamilton Street. (Reading) I am writing in support of the petitions filed by both, you folks, and the owner of unit No. 5. I live at 114 Hamilton Street. I have seen the plans for the intended additional floor to both of their units and have had my questions answered. I feel that this addition would enable both families to continue to live and contribute to the City of Cambridge and have no objections.

And then there is the letters that were -- you delivered to us tonight. There's a letter from Sarah E. Calvo, C-A-L-V-O, owner of 141 Erie Street. (Reading) I am writing in support of the petitions filed by the owner of unit 6 and the owner of unit 5. This building is at the corner of Brookline and Erie Streets. I own and live in 141 Erie Street directly across the street from the building. I have seen the plans for the intended additional floor to both of their units and have had my questions answered. I strongly support allowing this project to continue as it would allow these families to live and contribute to the

City of Cambridge. Their property, 201 Brookline Street, is the only single-story building in the neighborhood and it makes perfect sense to increase the density in this extremely desirable area without any negative consequences to the neighborhood. Please consider this letter a vote of our resounding support.

A letter from a Premier Property Solutions, LLC, as agent for Tech Lofts Condominium Trust. (Reading) Please let this letter serve to confirm that all six owners of Tech Lofts Condominium at 201 Brookline Street agreed unanimously to allow owners of unit 5 and 6 to build upwards at the annual general meeting held on July 15, 2015. The owners of unit 5 and 6 discussed their plans of the addition at the annual general meeting and obtained approval from all six unit owners. The six condominium units at 201 Brookline Street were each sold with the roof rights, which is allowed by the condominium documents.

And last we have a letter from Cyrus R. Mehta,

M-E-H-T-A who resides at 137 Erie Street. (Reading) I am writing for the petitions filed by the owners of unit 5 and unit 6. I live at 137 Erie Street. I have seen the plans and the intended additional floor to both of the units and have had my questions answered. I have no objections to their proposed petitions.

And that's it. There's a letter from Mr. and Mrs. Hope that I earlier read into the file as well as the letter from the Planning Board or memo from the Planning Board.

Any final comments you want to make?

KISHORE VARANASI: No.

CONSTANTINE ALEXANDER: You don't have to, but I'm giving you the last opportunity.

KISHORE VARANASI: If you would consider our request for relief, yeah.

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

Any comments from members of the board? Are we ready for a vote?

JANET GREEN: I'm ready.

GEORGE BEST: Ready.

CONSTANTINE ALEXANDER: Ready or no?

BRENDAN SULLIVAN: I sort of got into a whole --

CONSTANTINE ALEXANDER: I'm sorry?

BRENDAN SULLIVAN: I can sort of get into all kinds of, you know, these were built as starter homes that every time that we allow these additions -- you know, for you it was very affordable when you bought it. It was a starter home for the two of you. You've outgrown it. So the question, and again this is sort of philosophical question, is do we then as a Board take those starter homes off the market every time we approve this because it's no longer a starter home? When you finish this project, you will have something, obviously that suits your needs, of some certain size and some certain value. If you were just

starting out, would you be able to buy unit 6?

KISHORE VARANASI: It's a very good question, something that we are wrestling with -- we're actually coming at it from the other end. We want to live in Cambridge and we seriously looked at buying another unit that's 300 square feet more. That's the thought when we bought in 2008, yeah, you know what, when we have kids, we can buy. You know what happened to the market between 2006 and 2014, this is unbelievable. We could of course sell our unit to a great profit to a single person in the technology company, a person or life sciences person would buy it and we would make a lot of money, but we wouldn't be able to buy anything in Cambridge. We looked at lot in Cambridge. Not that there are things we can put off for some, everything is about asking cash which we just can't do. The way would I look at it is that we just have to leave Cambridge if we don't do it as a family. So this is a challenge. I think, and we are coming at it from the other end. But the starter

home people also have the same challenge. I think all of us are having the same challenge in the city and we're, I guess trying to figure it out for ourselves.

CONSTANTINE ALEXANDER: The point that Mr. Sullivan's point we have to discussed before. One side of the coin is we lose starter homes which is not good for the community. But the other side of the coin is families like yourself are forced to move out if not the city, the neighborhood at least where you've put in roots and so it's a very tough balancing act.

KISHORE VARANASI: Understand.

CONSTANTINE ALEXANDER: And speaking for myself, I prefer not to approach it that way. We approach each case on its facts. It strikes me, in my opinion, this case is -- the relief is modest. It's certainly genuinely in need within your needs. I don't see any adverse impact to the city other than another piece of housing is going to be worth a lot more than it was before, and that's a problem.

But I don't know if we can as a Board can solve that. And in any event, I very loath to force people, particularly young people, to have to move out of their neighborhoods if not the city because you need additional space and you don't have it unless we give you relief.

BRENDAN SULLIVAN: And then the other issue is -- I mean, agree with what you're saying, and that's the balancing act. And then you obviously contribute, you know, with your, the two of you plus now the four of you to the fabric of the city and to the neighborhood. The other issue is that if this building had two units in it, if you're unit 1 and you're unit 2 and you wanted to do what you wanted to do, okay, then you can take that in the abstract and say it's fine. There are six units. So if we do this five more times, this building is gonna look vastly different than what was approved back in 2005 and what it is today. And then what is that impact with five additions -- six additions rather, six decks or when does a Board say no? So

that's the balancing act.

KISHORE VARANASI: I understand.

CONSTANTINE ALEXANDER: But for this reason I asked the Planning Board, I think, for the exact point to comment on this case because they are the ones who originally approved converting this or I guess was an auto body shop to housing. And just to the point that Brendan makes, does the Planning Board have a view on this? Is this going to be -- because we have to assume that sooner or later there are going to be six second-story units. And they chose not -- you heard the letter, they had no comment. They didn't approve, they didn't disapprove so they weren't too helpful at least in my mind.

BRENDAN SULLIVAN: Well, their silence speaks volumes.

CONSTANTINE ALEXANDER: I think that's right.
Good point.

JANET GREEN: Yes, I think it's also true that

there's a difference between what was a starter home before and what's a starter home now. And do we want a starter home for a single person coming in from the tech community or do we want a starter home for a family with two children? And so while it would obviously be -- cost more to move it in -- to move into it, I think that we're not against having a starter home that would include a family of four which would be something like this. So I mean I would almost argue that this is a starter home for a family of four, and whether we need more already completed families as opposed to a single person, I think that's also a question that comes up.

CONSTANTINE ALEXANDER: Thank you.

ANDREA HICKEY: I'm still a little concerned about the size of the deck thinking ahead that there will likely be five more decks. What was the area of the deck as originally proposed in terms of square feet? Just ballpark even, if you know.

KISHORE VARANASI: I don't know the exact number, but what we're removing, I can tell it's 30 by 4, so 120 square feet we're reducing. So I just want to say this is about 15 by like 400 square feet right here. And this is really the setback with the street.

ANDREA HICKEY: Right, and I like that. I sort of like that sort of box is not on the front of the street. So I have no problem with that. This is what I'm struggling with a little bit.

Is anyone else?

BRENDAN SULLIVAN: Do we know, is the railing, is it considered multi-family so it would be at 42 inches as opposed to 36.

BHUPESH PATEL: It has to be 42 inches.

CONSTANTINE ALEXANDER: I'm not -- I thought the setting it back from the street solved the problem in my opinion.

ANDREA HICKEY: Yeah. George?

GEORGE BEST: And just knowing the area, there's no playgrounds around there. So kids are going to be stuck outside in a little courtyard and that creates chaos. I'd rather have them up and away.

CONSTANTINE ALEXANDER: Chaos upstairs.

ANDREA HICKEY: That's really helpful.

BRENDAN SULLIVAN: Controlled chaos.

ANDREA HICKEY: Yes. That's helpful.

BRENDAN SULLIVAN: In a confined area.

GEORGE BEST: And managed by their parents.

ANDREA HICKEY: I'm satisfied. That's really helpful.

CONSTANTINE ALEXANDER: Ready for a motion? Okay.

The Chair proposes 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, hardship, not the petitioner, hardship. Such

hardship being is that these units are rather small in nature and there's a need particularly for young families with children for additional living space.

That the hardship is owing to the shape of the structure. It is, it is a structure that is as I mentioned before was an old I think auto body shop that was converted to residential use, and there's no ability to extend in the backyard. You have to go up to get additional living space.

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

In this regard the Chair would note that the proposal seems to have unanimous neighborhood support with one exception, and the petitioners have agreed to modify their proposal to at least address the objection and to minimize the impact that this objector fears.

And that, again, this is a way of -- we

took -- the City took a building that was -- had industrial use, converted it to residential, this now makes that residential use much more amenable and contributes to the city in terms of a proper living space.

So 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 plans submitted by the petitioner, they're multi -- many pages, the first page of which has been initialled by the Chair, as modified by a one sheet -- single sheet of paper which is Entitled, "Proposed roof plan," initialled by the Chair. And this sheet shows that the deck that's shown in the other plans will be withdrawn or pushed back by four feet to reduce the size of the deck.

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

(Aye.)

CONSTANTINE ALEXANDER: Five in favor. Variance

granted.

Thank you very much.

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

KISHORE VARANASI: Thank you very much and thanks
for your patience.

CONSTANTINE ALEXANDER: Or your patience. (8:10
p.m.)

(Sitting Members Case BZA-008899-2015: Constantine
Alexander, Brendan Sullivan, Janet Green, Andrea A. Hickey,
George S. Best.)

CONSTANTINE ALEXANDER: The Chair will call case
No. 008899, 201 Brookline Street, No. 5.

Is there anyone here wishing to be heard on this
matter? This is the same?

BHUPESH PATEL: Yes.

CONSTANTINE ALEXANDER: The floor is yours.

BHUPESH PATEL: Okay. So --

CONSTANTINE ALEXANDER: Do you have your one page

marked up?

BHUPESH PATEL: Yes. So my name is Bhupesh Patel,
B-H-U-P-E-S-H P-A-T-E-L of Design Tank. And....

GARTH GOLDSTEIN: I'm Garth Goldstein, G-A-R-T-H
G-O-L-D-S-T-E-I-N of Garth Goldstein Studio.

RENEE BEARD: Renee Beard, B-E-A-A-R-D of 201
Brookline, No. 5.

ADAM BARD: Adam Bard, B-A-R-D. I'm 201
Brookline, unit 5.

CONSTANTINE ALEXANDER: Now your addition is a
little bit different than the one we just heard on No. 6.

BHUPESH PATEL: Correct, correct.

CONSTANTINE ALEXANDER: And before you get to
that, the supporting statement that's in our files is No. 6.
You have two children, too?

RENEE BEARD: Uh-huh.

CONSTANTINE ALEXANDER: Just coincidental.

RENEE BEARD: We staged them.

CONSTANTINE ALEXANDER: I thought you copied or changed the names or something. All right, go ahead.

BHUPES PATEL: So as you know, it was, this building is a six-unit building, one story, and they all have roof rights. Of the six families that live there, these are the only two families with kids together. Actual owners are older parents that do not have any children in the units. So I was brought in once they wanted to reduce the scale. So we were brought in basically to look at taking the scale and making it three to four percent for both units so that if there was any sort of abstract notion of six units increasing it, it would be six times three percent rather than six times almost eight or nine percent. So that was the premise behind the reduction in being with the owners and continuing the case.

The second thing is the original developer developed the units as a one-story, actually as part of a development team that also proposed to develop the property,

and I've worked on over 20 of these sort of one-story retail/automotive buildings where it's either short sided one-story development or it's sort of, you know, the whole kit and caboodle of four story, to do a higher end development. I think the key here is the idea, the short side development has a lot to do with the fact that breaking the roof plain and the floor plain is quite cost inhibitive mainly because it's an automotive building. So nobody wants to get involved with what's below the floor. And breaking the roof plain is tough because it's typically large span steel that really is for a roof load much like a factory is and nothing else. So to get involved and touching that requires rebuilding it.

Typically with the one story, especially in these units, you basically have two bedrooms. But because it's only one story, all of the units when you walk in, you basically walk into the living room. So there's no sort of mudroom. And the kitchen is an open kitchen, open to the

living room and dining room. So as an architect, we're well aware of the fact that if you just combine all three, you can get them into much more efficient space. You don't have to put a pantry in and you don't have to put a mudroom in. So from a start point of a starter home, it's perfect. We have two bedrooms, you have what you need. And from the standpoint of an equation of what you want to sell it for it's perfect. Typically when you're looking at if or an end user for more than three to five years, the lack of the mudroom, the lack of the pantry. The second bedroom when there is no basement basically is sort of the space that serves as storage and second bedroom. So I think that is really the issue from standpoint of both owners that presented.

CONSTANTINE ALEXANDER: Unlike the other plan for No. 6, No. 6 wants to put -- they want to put two bedrooms on the second floor.

BHUPES PATEL: Correct.

CONSTANTINE ALEXANDER: So there's going to be three bedrooms, one for each kid, one for the parents, and the so-called storage room. They're proposing only a master bedroom on the second floor.

BHUPESH PATEL: Correct.

CONSTANTINE ALEXANDER: I'm not in any way -- a generous master bedroom. Bathroom. So you're still going to have the two children and one bedroom downstairs and using the other bedroom as a storage room? Is that what I'm hearing?

RENEE BEARD: We'd rather not but we were trying to be reasonable.

CONSTANTINE ALEXANDER: I'm just out of the curiosity. I'm not going to design it for you. Why didn't you put two bedrooms on the second floor like your neighbors?

RENEE BEARD: We wanted to. We just didn't think there was enough space and we didn't think it was

reasonable. And the outdoor space is very important to us. We have two boys who have a lot of energy and we joke they're like big dogs, they need to run. And so we really wanted space that was safe that they could play in and that was our priority. And we made the concession, you know.

BHUPESH PATEL: So that was the fact that as a starter home it was a little deficient in the sense of the second bedroom is also the basement space slash -- with the premise that we presented it to ourselves as rational planning for adding an additional bedroom with additional space upstairs for storage.

Clearly the variance has two changes that the FAR is increased by three percent by this unit, and the open space has changed and it's increased by seven percent because of the deck space.

The actual logistics, just a few things that the architects can talk about, that basically that the (inaudible) that the fire protection is continued up

throughout it, and the HVAC has to be completely reworked, because like most of these one-story buildings the ceiling is a free for all and everything is just put wherever you want. So a lot of that is reconfigured.

And in summary I think that's why this is a typically coast prohibitive process to do for an end user once you're three to five years, you have to rationalize being in it for ten years to feel like you're getting your money's worth. And I think that's the reason why a lot of people pursue two bedrooms in the whole floor and that's why the performance of a lot of developers beforehand we discourage doing the one story because it ends up with a lot of just efficiency relative to what needs to be applied for later on.

The Planning Board has to take the history and transfer it over to the ZBA. So I think this is something that as individual owners and case by case, I have to deal with a lot, and I think it's just an issue that it's like

you mentioned, it's a balancing act between the starter home and what you'd like to see as a typical three bedroom that can accommodate a family which we're in need of in Cambridge. That's really it. And Garth can go through the basic layout.

GARTH GOLDSTEIN: It's, you know, the entire design is based on trying to basically have both units back-to-back so it's a smaller footprint.

JANET GREEN: Can you put it up?

GARTH GOLDSTEIN: There's a party wall.

JANET GREEN: Okay.

GARTH GOLDSTEIN: So this is unit 5 to the north. Unit 6, which you just heard from, is the south. And we wanted to basically put them together so that it's a smaller footprint, a smaller presence on the street. So we basically had to pull a stair across the building. And what we're trying to do is avoid touching any of the existing buildings and avoid spending money. There's also this large

super structure which is supporting the slab. We have to cut into it, and trying to minimize the amount of structural work that we have to do to accomplish that for financial purposes of course.

CONSTANTINE ALEXANDER: And the second floor it says, that's one large bedroom?

GARTH GOLDSTEIN: There's one bedroom, there's a storage area --

CONSTANTINE ALEXANDER: And a bath.

GARTH GOLDSTEIN: -- a closet, a bathroom, and then relocating the mechanical equipment in the facility to make it less expensive.

CONSTANTINE ALEXANDER: Now, are you, as the owner of No. 6, going to shrink the deck?

GARTH GOLDSTEIN: Yes, we proposed to shrink the deck.

ANDREA HICKEY: I have -- somebody wrote on that.

GARTH GOLDSTEIN: So the complaint was from a

neighbor far to the north over here on Erie Street, so we proposed to knock the deck down 84 square feet on the northern side.

CONSTANTINE ALEXANDER: So that's two foot, pull it back?

GARTH GOLDSTEIN: Pull it back two feet back so they have just enough room to pass around the stair which would give them three feet clearance which is reasonable.

CONSTANTINE ALEXANDER: Okay.

BHUPESH PATEL: And your packet has this page in it, too. It's been marked up already. It shows that.

ANDREA HICKEY: Yes, that's the one.

CONSTANTINE ALEXANDER: Okay.

BHUPESH PATEL: Would you like to add anything?

RENEE BEARD: I don't think so. Similar reasons, you know, we want to stay in Cambridge. We believe in the public schools and the parks and all of the things that we're involved in, and we don't want to leave and we would

also be in a position to leave.

CONSTANTINE ALEXANDER: Do you have any -- not that it's required, but do you have any letters that you want to give to us like the other folks did?

RENEE BEARD: No, those were all for both?

CONSTANTINE ALEXANDER: They were for both? Okay, thank you.

BHUPESH PATEL: And otherwise all the letters have unit five and unit six in them.

RENEE BEARD: We did it together. We went and knocked on doors together.

CONSTANTINE ALEXANDER: Okay.

And that's true with regard to the letter that was in our files from Dagmar van Schweirn, that's right.

RENEE BEARD: And Sarah.

CONSTANTINE ALEXANDER: That's right, they addressed both.

I'll open the matter up to public testimony.

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

(No Response.)

CONSTANTINE ALEXANDER: Apparently no one wishes to be heard.

As indicated, we do have letters in our files, they're actually part of the file in the case for unit 6, all in support, and there is a one letter for Mr. and Mrs. Hope that raised some concerns which you proposed to address by reducing the size of your deck, not by the same way, a smaller reduction which I guess you have a smaller deck to start with. But in any event, a smaller deck by 84 feet.

That's it for public testimony. I'll close public testimony.

Anybody wishing to be heard on this matter or are we ready for a vote?

GEORGE BEST: Vote.

ANDREA HICKEY: Ready.

CONSTANTINE ALEXANDER: I think we've -- all that's going to be said was said with regard to the last case, so I think there's nothing more to add.

So, 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. Such hardship being is that this dwelling unit is undersized, particularly for families and there is a need for whoever occupies this unit is in need for additional living space.

That the hardship is owing to the shape of the structure. It is a former auto body shop, one story in nature with no backyard and, therefore, those are unusual circumstances.

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

In this regard the Chair would note that what is being proposed will allow a family, families to live in the structure with children. And with regard to the current occupants, would allow them to remain in the City of Cambridge and remain in the neighborhood that they have come to love.

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 prepared by the petitioner or petitioner's representatives, first page of which has been initialled by the Chair. As modified by a one-page proposed roof plan also initialled by the Chair which shows a reduction in the proposed deck by two feet, setting it back further by two feet.

So, on the basis of these findings, this condition, the Chair moves that we grant the variance requested.

All those in favor please say "Aye."

(Aye.)

CONSTANTINE ALEXANDER: Variance granted. Good luck.

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

* * * * *

(8:20 p.m.)

(Sitting Members Case BZA-009761-2016: Constantine Alexander, Brendan Sullivan, Janet Green, Andrea A. Hickey, George S. Best.)

CONSTANTINE ALEXANDER: The Chair will call case No. 009761, 482 Huron Avenue.

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

(No Response.)

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

We are in receipt of a letter from Sean Hope, counsel for the petitioner. (Reading) Please accept this

request on behalf of the petitioner to withdraw this case. The petitioner's circumstances have changed and they no longer wish to pursue zoning relief. We apologize for any inconvenience and thank you for your time and attention to this matter.

The Chair moves that we approve the requested withdrawal of the petition.

All those in favor please say "Aye."

(Aye.)

CONSTANTINE ALEXANDER: Five in favor. Case withdrawn.

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

* * * * *

(8:25 p.m.)

(Sitting Members Case BZA-009760-2016: Constantine Alexander, Brendan Sullivan, Janet Green, Andrea A. Hickey, George S. Best.)

CONSTANTINE ALEXANDER: The Chair will call case

No. 009760, 38 Ellery Street.

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

MAGGIE BOOZ: Hello.

CONSTANTINE ALEXANDER: Good evening.

MAGGIE BOOZ: My name is Maggie Booz, B-O-O-Z of Smart Architecture. I'm the architect.

CONSTANTINE ALEXANDER: You're not going to take your coat off. You figure you're going to be in and out pretty quickly?

MAGGIE BOOZ: I'm called all the time I figured I'll just keep it on.

I'm here alone tonight because my clients were called away to an emergency and they're in California. I submit this letter from them. That's Danyel and Fred Logevall who purchased this house recently -- recently in September and they just relocated here from Ithaca. It's a two-family house and was a two-family house and we're

converting it into a one-family house. And the relief that we're seeking is for windows and doors in the rear yard setback. And this drawing here illustrates the existing conditions. There's a two-story deck in the back with doors out of it, and it was, it was never for egress. There is an egress stair from the second floor unit down inside the, inside the building. So this was just a porch on each floor. We're keeping that porch on each floor although we're reducing the size of it. And we're requesting permission to move this upper door over and add two windows beside it, and we're at -- we're requesting permission to do the same thing on the first floor, move the door over, sort of north and flank it with two windows. And then we're removing a door that was just a secondary door on the first floor.

We have --

CONSTANTINE ALEXANDER: And the purpose is to improve the lighting, light --

MAGGIE BOOZ: It is. It's all eastern light in that direction, and so bringing light into the kitchen and a bedroom upstairs.

And my client spoke to their flanking neighbors on both sides and neither one of them had an objection. And so that's the -- that's the relief we're seeking.

CONSTANTINE ALEXANDER: Okay.

Let me read into the file, the letter that you gave us from your clients.

It's addressed to this Board. (Reading) We wish we could be present for this evening's meeting, but regrettably we've had to make an unscheduled trip and are presently in California. We would have liked very much to be present for the discussion of the Special Permit we are seeking and we're hopeful that the committee will reach a favorable decision so that we can proceed with the work. We feel very strongly that the changes we are making are fully in keeping with the character of the house and constitute

real and lasting improvements to the property.

We have been contact with the neighbors whose property directly abut 38-40 Ellery Street for Marsha C. Stubs and Katherine Casey and provided them with a copy of a plot map and construction plans for the back side of the house. Neither has indicated any concern with our plan. As you are aware, we do not have a neighbor directly behind our property on the east side as there is a large parking lot there. Thank you -- thanks for your consideration of our application and for the service you provide the Cambridge community.

I note there's no one in the audience except our friend here so I assume there's no one who wishes to be heard. So unless you have anything further to add.

MAGGIE BOOZ: I don't.

CONSTANTINE ALEXANDER: I will close public testimony.

Discussion or ready for a vote? I think we're

ready for a vote.

ANDREA HICKEY: Ready.

CONSTANTINE ALEXANDER: The Chair moves that -- once again this is a Special Permit case. The Chair moves that we make the following findings with regard to the Special Permit being requested:

That the requirements of the Ordinance can only be satisfied if we grant the Special Permit requested.

That no traffic generated -- that the traffic generated or patterns of access or egress resulting from the work that's proposed will not cause congestion, hazard, or substantial change in established neighborhood character.

That the continued operation of or development of adjacent uses as permitted in the Zoning Ordinance will not be adversely affected by the nature of what is proposed.

That no nuisance or 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 district or otherwise derogate from the intent and purpose of the Ordinance.

In this regard and with regard to all of these findings, the Chair notes and proposes additional finding that the relief sought is very modest in nature.

That the neighbors most affected -- only affected by what is proposed are in support of the petition.

So on the basis of these findings, the Chair moves that we grant the Special Permit requested on the condition that the work proceed in accordance with two pages of plans prepared by Smart Architecture. They are numbered A-3.0 and A-7.0, both of which have been initialled by the Chair.

All those in favor please say "Aye."

(Aye.)

CONSTANTINE ALEXANDER: Relief granted.

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

MAGGIE BOOZ: Thank you very much.

* * * * *

(8:30 p.m.)

(Sitting Members Case BZA-009842-2016: Constantine Alexander, Brendan Sullivan, Janet Green, Andrea A. Hickey, George S. Best.)

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

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

(No Response.)

CONSTANTINE ALEXANDER: The Chair notes no one wishes -- there's no one here.

The Chair would report that we are in receipt of an e-mail from Katie, K-A-T-I-E Popov, P-O-P-O-V. (Reading) I'm e-mailing this request to postpone our appeal date from April 28th to the first meeting in June due to the CPB denial and the balance of steps that committees that will need to review. We will work on the best course of action

with Liza Paden who we will plan to return to visit the Planning Board in May and initial a first visit with the East Cambridge Planning team. As well, let me know if there's any formal paperwork or steps we should take at this time.

Please apprise a June meeting date and we will plan accordingly.

My question is will they have enough time in June? First date?

MARIA PACHECO: Want to do June 30th?

CONSTANTINE ALEXANDER: I won't be here. That's a case not heard, that's fine.

MARIA PACHECO: Okay.

CONSTANTINE ALEXANDER: Okay, the Chair moves that this case be continued as a case not heard until seven p.m. on June 30th subject to the following conditions:

One, that the petitioner sign a waiver of time for a decision. That hasn't been done yet, has it?

MARIA PACHECO: Yes, it has.

CONSTANTINE ALEXANDER: It is. That's already been done.

Two, that the posting sign be modified to reflect the new date and the new time; June 16th.

MARIA PACHECO: 30th.

CONSTANTINE ALEXANDER: Sorry, June 30th, seven p.m., and that the sign be maintained for the 14 days required by our Ordinance.

And lastly to the extent that there are new plans or new dimensional forms, that these must be in our files no later than five p.m. on the Monday before June 30th.

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

(Aye.)

CONSTANTINE ALEXANDER: Five in favor. Case continued.

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

CONSTANTINE ALEXANDER: All done.

(Whereupon, at 8:30 p.m., the

Board of Zoning Appeals Adjourned.)

* * * * *

ERRATA SHEET AND SIGNATURE INSTRUCTIONS

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

INSTRUCTIONS

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

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

C E R T I F I C A T E

COMMONWEALTH OF MASSACHUSETTS
BRISTOL, SS.

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

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

IN WITNESS WHEREOF, I have hereunto set my hand
this 11th day of May, 2016.

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

My Commission Expires:
April 29, 2022

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