

BOARD OF ZONING APPEAL
FOR THE
CITY OF CAMBRIDGE

GENERAL HEARING

THURSDAY, JULY 14, 2016

7:00 p.m.

in

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

Constantine Alexander, Chair

Brendan Sullivan, Vice Chair

Thomas Scott, Member

Janet Green, Member

Patrick Tedesco, Member

Andrea A. Hickey, Associate Member

George S. Best, Associate Member

Alison Hammer, Associate Member

Ranjit Singanayagam, Zoning Commissioner

Anthony Tuccinardi, Building Inspector

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P R O C E E D I N G S*** * * * ***

(7:00 p.m.)

CONSTANTINE ALEXANDER: The Chair will call this meeting of the Board of Zoning Appeals to order. And before I start, I would make an announcement:

That after notifying the Chair, any person may make a video or audio recording of our open session or may transmit the meeting through any medium subject to reasonable requirements that the Chair may impose as to the number or placement and operation of equipment used so as to 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 I wish to advise you that a recording is being made. Someone wants to record the meeting and the recording device is sitting right there. In addition, our stenographer also makes a recording to help her when she

does the minutes of the transcription of the meeting to help fill in the gaps. So there are two recordings being made. So you've all been put on notice that you're being recorded.

Okay, with that, we'll start the meeting.

* * * * *

(7:00 p.m.)

(Sitting Members Case No. BZA-009016-2016: Constantine Alexander, Brendan Sullivan, Thomas Scott, Janet Green, George S. Best.)

CONSTANTINE ALEXANDER: As is our custom, we'll

start with the continued cases. And the first case I'm going to call is case No. 009016, 11 Tremont Street.

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

(No Response.)

CONSTANTINE ALEXANDER: No one wishes to be heard.

We are in receipt of a letter from Marjorie Jacobs who is the owner of the premises at Tremont Street and Peter Martin who is the architect for the project. (Reading) This letter is to notify the Cambridge BZA that we are withdrawing our case pertaining to our request for a Variance for the proposed addition to 11 Tremont Street. Due to the fact that our neighbor at 13 Tremont refuses to discuss any proposed changes to our original design. We modified and reduced our plans so that they fall within the development standards outlined in the Zoning Ordinance. We have subsequently obtained a Building Permit for the modified design proposal. In the spring we informed our

neighbor of our decision to follow this path prior to her return to her home in California.

The Chair moves that we accept this request for a withdrawal. All those in favor please say "Aye."

(Aye.)

CONSTANTINE ALEXANDER: Five in favor. Case withdrawn.

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

* * * * *

(7:00 p.m.)

(Sitting Members Case BZA-010017-2016: Constantine Alexander, Brendan Sullivan, Thomas Scott, Janet Green, George S. Best.)

CONSTANTINE ALEXANDER: The Chair will call case No. 010017, 11 Gray Gardens East.

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

(No Response.)

CONSTANTINE ALEXANDER: There is no one.

The Chair would report that we are in receipt of a letter from Sean Hope, Esq., who is counsel for the

petitioner. (Reading) Please accept this correspondence as a request on behalf of the petitioner to withdraw the above-captioned case currently continued to July 14, 2016.

The Chair moves that we accept this request for withdrawal.

All those in favor please say "Aye."

(Aye.)

CONSTANTINE ALEXANDER: Five in favor. Case withdrawn.

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

* * * * *

(7:00 p.m.)

(Sitting Members Case BZA-010241-2016: Constantine Alexander, Brendan Sullivan, Thomas Scott, Janet Green, Andrea A. Hickey.)

CONSTANTINE ALEXANDER: The Chair will call case No. 010241, 457 Franklin Street.

Is there anyone here wishing to be heard on this matter? Well, the petitioner. You'll all have -- I assume you are neighbors? I recognize you. You'll have your moment.

UNIDENTIFIED MEMBER FROM THE AUDIENCE: We are the petitioners.

CONSTANTINE ALEXANDER: Okay, you'll have your moment. The petitioner will go.

JANET GREEN: They are the petitioners.

CONSTANTINE ALEXANDER: Oh, I'm sorry.

The floor is yours. Please identify yourself for the stenographer.

THOMAS ROSE: Thomas Rose. I'm the architect on the job. We were asked to come back and --

CONSTANTINE ALEXANDER: With a shadow study which I didn't see.

THOMAS ROSE: It's in the folder, I submitted the drawings. It should be.

CONSTANTINE ALEXANDER: You consider this to be a shadow study?

THOMAS ROSE: Well, there's another drawing there where the shadows --

That's a site plan. But I also dropped off the shadow study.

CONSTANTINE ALEXANDER: This is all that's in the file. More plans.

THOMAS ROSE: I updated -- I don't have a record of giving it, but I did.

CONSTANTINE ALEXANDER: So this is it in terms of a shadow study?

THOMAS ROSE: That wasn't a shadow study, that was --

CONSTANTINE ALEXANDER: No, I didn't think it was.

THOMAS ROSE: No, I did have a shadow study. And unfortunately my files --

CONSTANTINE ALEXANDER: Well, if you had it, it should be.

THOMAS ROSE: It should be in there. I did drop it off.

CONSTANTINE ALEXANDER: It's not good enough to give it to us tonight.

THOMAS ROSE: I gave it to Maria almost two weeks ago.

CONSTANTINE ALEXANDER: Okay.

BRENDAN SULLIVAN: Let me see the folder.

CONSTANTINE ALEXANDER: You wanted to see this as well, Brendan?

ANDREA HICKEY: Did it get stuck somewhere?

THOMAS ROSE: Unfortunately my copy, I don't have my copy on me. I dropped my files on the way here. I must have lost it.

CONSTANTINE ALEXANDER: Do you see it in the back? Maybe I missed it, but I didn't see it.

Anyway, since Brendan is looking through it. It's your testimony you did file it as we requested?

THOMAS ROSE: Yes, and we did distribute it to the neighbors.

CONSTANTINE ALEXANDER: Okay. We have a number of comments from the neighbors.

ANDREA HICKEY: Maybe one of the neighbors have a copy of it?

CONSTANTINE ALEXANDER: Does any neighbor here

have a copy of the shadow study with them?

(No Response.)

BRENDAN SULLIVAN: Here it is.

CONSTANTINE ALEXANDER: You got it? Oh, okay.

BRENDAN SULLIVAN: I thought that I had seen it.

THOMAS ROSE: There we go. That's it.

CONSTANTINE ALEXANDER: Okay.

THOMAS ROSE: Oh, God.

BRENDAN SULLIVAN: I recollect seeing it and
I -- well, anyhow.

THOMAS ROSE: Thank you.

So, I took it at kind of the best -- the solstice,
the summer solstice and the winter solstice at noon and
three o'clock. So summer solstice doesn't seem to have much
impact. Winter solstice, the shadows do impact the rear
abutters but I think almost at that time of year almost
anything is --

CONSTANTINE ALEXANDER: That's what the concern

was --

THOMAS ROSE: Yeah.

CONSTANTINE ALEXANDER: -- is just that.

THOMAS ROSE: Yeah.

CONSTANTINE ALEXANDER: Are you aware that we have a number of letters in opposition from the neighborhood?

THOMAS ROSE: I'm not aware of that. I'm aware that there's a number of letters in support also.

CONSTANTINE ALEXANDER: Well, I will read them when the time comes, but I just wanted to let you know, know that.

THOMAS ROSE: There's another drawing I added which was a site plan showing a little more context of the neighborhood and the --

CONSTANTINE ALEXANDER: You haven't changed the plans from the ones we saw the last time?

THOMAS ROSE: No, no. All we did was we took -- one of the neighbors didn't like to have the

photovoltaic panels on the roof on the lower section, so we took those off to appease him. So we tried to respond to what neighbors --

CONSTANTINE ALEXANDER: It might be interesting, we don't normally do this, but let me read to you and to the audience and into the record right now the letters of opposition so you can at least address them, because I gather you're not aware of -- you didn't get copies of them or seen them.

THOMAS ROSE: No.

CONSTANTINE ALEXANDER: Okay. No reason why you should unless you came down to the office and checked the files. Which you could have done but you didn't do.

Anyway, first letter I'm going to read is from David A. Cohen who resides at 37 Kinnaird Street. (Reading)
Dear Sir, I write against the petition for a Variance. As a resident of the Riverside Neighborhood, I am concerned about the rapid loss of green and permeable space in this area.

This project doubles the floor area to the max FAR and increases the footprint of the structure significantly. I see no reason why these projects consider the maximum FAR of 0.75 to be a target to hit within one percent. Open space ratio is reduced from 44 percent to 28 percent, a loss of one third of the available open space. A more reasonable approach would be to maintain the existing footprint and build a single taller coherent structure. For example, FAR 0.6. The method proposed by the petitioner apparently is to allow the elderly residents to stay in their house during construction. This may be a laudable goal specifically but it is not good in the long run for Riverside as a whole. I believe those aging in place have no immediate desire to expand their dwelling, there are other forces at work here.

We have an e-mail from Phyllis Baumann

B-A-U-M-A-N-N. (Reading) I reside at 19 Bay Street and own property on Franklin as well across from the subject property. I am writing because the Variance request does

not meet the legal standard for a Variance. There is nothing typographically unique about the property. There is no particular hardship related to this building. Allowing overbuilding would adversely affect the entire neighborhood and would be inconsistent with past practices at the Board. For example, denial of a minor Variance request at 21 Bay even though the neighbors supported it. Thank you for your attention to this. I am out of town and unable to attend the hearing.

A letter from Joyce Singer who resides at 524A Franklin Street. (Reading) I would like to go on record as opposing the Variance at 457 Franklin Street. Riverside, already one of the densest residential neighborhoods in the city, is constantly losing small pockets of open permeable space and slaws of sky to add-on and backyard condo development. With every new building, thermal mass increases so summer heat increases. Where we used to rely on fans to cool us, now many of the residents are forced to

the extent of environmentally unfriendly use of air conditioning.

We have a letter from Judy Saryan S-A-R-Y-A-N.

(Reading) I am Judy Saryan and I live at 30 Hancock Street with my husband Victor -- I think it's pronounced Zarougian Z-A-R-O-U-G-I-A-N. We have lived here more than 20 years. We are abutters to the Kirchwey residence. I was at the hearing for the approval of the architectural plans and I raised a question about the effect of the addition on the amount of shade that will be cast, particularly the winter months. Ruth Kirchwey delivered the sun study to us and gave us ample time to review it. My husband and I are concerned about the size of the addition and the increasing shade that will occur as a result of the addition. The fact that the new construction will go up another level and will extend several feet is what worries us the most. Many of our windows face the southerly direction which is also where the Kirchwey extension is planned. The extension will

affect our southern exposure to the sun, reduce our view of the sky, reduce the natural light especially in the wintertime, and will affect our sense of space and privacy. We are also aware that our neighborhood has some flooding issues. As open space decreases, there is less square footage for water drainage. This issue can become exacerbated by climate change. We're willing to consider a scaled down proposal.

We have a letter from Jai, I think it's pronounced Jai, J-A-I Wilson who resides at 36 Jay Street. (Reading) I would like to go on record as opposing the Variance at 457 Franklin Street. The Riverside Neighborhood already one of the most densely residential neighborhoods in the city is constantly losing small pockets of open permeable space and swaths of sky. This is the same letter I read before just a different signatory.

A letter from Shelburne S-H-E-L-B-U-R-N-E Thurber T-H-U-R-B-E-R. (Reading) My name is Shelburne Thurber and I

live at 32 Hancock Street in Riverside. I wrote you previously about the house at 69-73 Jay Street. This time writing about a case that hits closer to home. Although I am not an actual abutter to the Kirchwey residence, I am impacted by any change that they are planning to their home. The back of my house looks out over the backyard of (inaudible) property at 30 Hancock Street and on to the backyard of the Kirchwey home. A large part of the reason I bought my place is because of the sense of openness and light from my rear windows. I have a small house tucked in between two larger houses, and from both a psychological and physical standpoint, the sheer size of the proposed addition would adversely affect that very sense of space and light that is such an important part of what makes this house, despite its size, so special. At first I thought the Kirchweys were only planning to build back into their property. I didn't have a problem with that. But upon learning that they're also planning to add a third story, I

became alarmed. My neighbors and I asked for a shade study which I have looked at, and as I feared, the light in our yards will definitely be affected during the winter, a time when it is already dreary enough without losing the little light that there is. With the addition of a third floor in the back, both the light and the sky will be blocked out. Trees will have to be cut to accommodate for this expansion, and what the Kirchweys neighbors will be left with in a sense of a large wall cutting off our experience of sun and sky. I was at the original hearing a month ago when the Kirchweys first applied for a Variance, so I heard all the reasons they want to expand. I personally don't understand why it has to be this big. To double the size of the existing house doesn't seem right to me. I also don't believe that they have met the legal grounds for receiving a Variance in the first place. From what I can gather, they are not experiencing any kind of hardship from this -- from the configuration of the land that would allow them to do

this. If they really feel they have to go this big, I am wondering if rather than going up, they could dig down to gain the extra space they say they need. I am certainly not against anyone adding to their home as long as it is in keeping with the neighborhood and doesn't unfairly and negatively impact those living around them. In this case I feel that the proposed expansion is way too large and will not only affect the sense of light and space for both me and my neighbors but it will also impinge on Victor Zarougian and Judith Saryan's privacy. I moved to this neighborhood 15 years ago in large part because of the scale of the homes and the relationship to the green space. I hope we are not heading to a time when the very thing that makes a neighborhood special is destroyed in order to allow for larger homes that are better suited for the suburbs. As much as I would like to support the Kirchweys in their desire to expand their living space, I feel that the sheer size of this proposal is inappropriate. I can certainly

imagine and consider something less imposing.

And that's it for the new letters. The old letters you mentioned letters of support, we read them into the file at the prior hearing.

So there we are. Do you have any comments, thoughts? I mean obviously the common thread of the criticism is that this is too big.

THOMAS ROSE: Right. Well, we wanted to keep the original house because it has -- we felt that it had some architectural merit. So there's some -- it's an old timber frame house. So we're preserving that. We could have, you know, taken the whole thing down and added a whole new structure --

CONSTANTINE ALEXANDER: What about an addition with two stories rather than three stories?

THOMAS ROSE: Well, we needed the -- the three stories was, you know, because the first floor is up so high, we dropped it down to ground level on the addition.

So that gave us the ability to have three stories.

CONSTANTINE ALEXANDER: Yeah, but, but the third story is what's causing a lot of the problems. Why not have a two-story addition?

THOMAS ROSE: Because the family, we needed that amount of bedrooms.

CONSTANTINE ALEXANDER: I understand that, but you also have to meet the standards for a Variance. And you've got to demonstrate a substantial hardship. And that the hardship is --

THOMAS ROSE: But we're within the envelope. You know, we're 35 feet. You know, it's within the -- within the right there, height. Even if it was two stories --

CONSTANTINE ALEXANDER: I understand that. I understand that. Clearly you're not asking for zoning relief for height.

THOMAS ROSE: Right, right.

CONSTANTINE ALEXANDER: But the fact of the matter is what height, given this configuration of the neighborhood and the adjoining properties --

THOMAS ROSE: They're all three stories.

CONSTANTINE ALEXANDER: Huh?

THOMAS ROSE: They're all three stories the adjoining properties.

CONSTANTINE ALEXANDER: I'm not here to argue with you. I think you've got a problem myself.

ALEX KIRCHWEY: Can I just --

CONSTANTINE ALEXANDER: Of course you can.

ALEX KIRCHWEY: My name is Alex Kirchwey, son of the owners.

So one of those letters mentioned being a small house surrounded by three-story large houses, that's exactly what their house is now. And this would really bring it closer to what they're surrounded by. And I, I don't see that as being unreasonable. I don't think it's going up a

full story from the existing height because like you said, the first story is already raised a half height of the basement so it really going up another half a story from what it is currently.

CONSTANTINE ALEXANDER: Comments from members of the Board? I mean, I'm still troubled. I mean, again, our Board can be liberal at times when it comes to meeting the requirements for a Variance and you're -- basically you want, you want to build this large addition, large relative to what you have now, to allow the whole family to live on the premises.

ALEX KIRCHWEY: Yes.

CONSTANTINE ALEXANDER: It's laudable no question about it. I don't know that it meets the requirements for the standard of the Variance.

ALEX KIRCHWEY: When you say laudable to the existing structure, I think that's key. The existing is a small house.

CONSTANTINE ALEXANDER: Yeah, you can put in an addition smaller addition. I'm just testing, I'm not saying this is how I'm going to vote. You can put in a smaller addition, maybe not what you would like, but it would alleviate your issues with the neighbors because it seems to me from these letters that third story that's causing the problem. And a number of the neighbors have said a smaller addition we would not object to.

ALEX KIRCHWEY: I think it's worth noting that most of these letters are not from abutters or who would be directly impacted from this.

CONSTANTINE ALEXANDER: I think one was.

ALEX KIRCHWEY: One was a direct abutter. The rest were probably contacted and asked to show up.

RUTH KIRCHWEY: May I say something? Ruth Kirchwey. The abutter who's objecting 20 years ago sent a letter to me and perhaps to other neighbors introducing herself and saying she was moving into the neighborhood and

what was our neighborhood like? I responded and welcomed her, told her our neighbors, our neighborhood was wonderful, we had senior citizens, children, families, our kids played on the street and had overnights, this was a really great neighborhood to come to. They had a three-year-old child. The next -- and Judith thanked me for my letter of welcome. The next contact was from Judith's husband who asked me to sign off on some renovations that they were doing to their new home which meant closing in three porches. They have a very small backyard anyway, which made it smaller, and actually changed and I knew it would change the look of that house from our home, from our kitchen window, from our backyard, but as to be a good neighbor, I signed that and yes, it changed the view. I now was looking at a block of a house, a large house 2400 square feet, three bathrooms, those open porches did make a difference when we looked out of our window.

CONSTANTINE ALEXANDER: I'm sorry, what they did

that require a zoning relief.

RUTH KIRCHWEY: I have no idea I signed the plan. Trees filled in and it was, it was, you know, it wasn't a problem. Now our neighborhood has changed, seniors aren't there anymore, there are single -- houses have gone condo, our next-door neighbors three decker keeps turning over very often, and we live in the city. We are a little house. We have 13 -- we raised our children to 600 square feet on two floors. That was cramped and to add four more people with just like a half more space, is just not gonna work. And we can't do it. My daughter-in-law who is here tonight with her children, works from home. She's a graphic artist. She has to have an office. My son works from home once or twice a week he goes out to work, but we -- it won't work if -- I mean, we do -- even though we're one family, we do have to have some separation. And we have -- everybody has a big house. I don't -- I just don't understand why our backyard is considered -- yes, it's open space, but it's full of

trees. If I showed you a pic -- I have some pictures of what Judith and Victor's house looks like from our deck and our yard, all, it's all trees. Judith said she worried about the view from her kitchen. I can't see her kitchen window. I mean, it's just full and they're not our trees, they're their trees. And as far as the light from the winter sky, I have a three decker here, a three decker here, their block of the house there, and Ms. --

SHELBURNE THURBER: Thurber.

RUTH KIRCHWEY: Thurber. She's back there, and I can hardly see her house. I mean I just -- and to have people from Kinnaird, Jay Street, Phyllis Baumann (phonetic) from Bay Street? Why should they limit what we want to do? It just doesn't seem right. And there is a hardship. I'm five-time cancer survivor, my husband's in his eighties, I can't do it -- we can't do it ourselves. But we cannot be on top of each other, it just won't work.

JAMES KOGER: James Koger, K-O-G-E-R, 444 Franklin

Street. There's pictures that she has shows the situation beyond the house there.

RUTH KIRCHWEY: I know it may be too late to enter pictures.

CONSTANTINE ALEXANDER: No, not at all. What are these pictures from?

RUTH KIRCHWEY: From our porch and our second story looking right -- the house we're talking about behind us is not directly behind us, it's to our left. So the people who face Victor and Judy's house is a three decker and they are the ones who are directly in front of their house. We see their house from our left, we see their small backyard from what little bit we can see is in front of us. So it's not as though we're gonna be presenting this huge structure. I just don't -- I can't....

CONSTANTINE ALEXANDER: One thing you should be aware of is that if -- suppose, suppose we grant relief tonight, those neighbors can take -- can go to court and

they can tie this project up for years. So in a sense, it's always better to come up with a proposal that the neighbors can live with and eliminate that risk.

RUTH KIRCHWEY: I understand that. We worked really hard. I mean we've been -- we're trying to get a two structure, but the footprint, you know, the zoning restrictions we just couldn't do it. And that's why, I didn't want --

CONSTANTINE ALEXANDER: Again, I think it's the height going up.

RUTH KIRCHWEY: Yes, I know but we can't go sideways.

CONSTANTINE ALEXANDER: You can't go sideways?

RUTH KIRCHWEY: No.

CONSTANTINE ALEXANDER: Can you go farther back in the rear yard?

THOMAS ROSE: No, we're right on the setback, the rear setback.

CONSTANTINE ALEXANDER: Well, you're asking for setback relief on the sides anyway. You lower the structure. I'm just throwing this out.

RUTH KIRCHWEY: Yeah.

CONSTANTINE ALEXANDER: Extend it farther into the rear yard and ask for zoning relief for rear yard setback.

RUTH KIRCHWEY: How far could we go?

CONSTANTINE ALEXANDER: You could go as far as the lot line I suppose.

RUTH KIRCHWEY: Okay.

CONSTANTINE ALEXANDER: I don't know off the top of my head what the rear yard --

JANET GREEN: How far is it from the back of your house?

THOMAS ROSE: From the --

JANE GREEN: Existing house to the backyard setback?

CONSTANTINE ALEXANDER: We should have a site plan

here somewhere.

BRENDAN SULLIVAN: I have all that here.

THOMAS ROSE: Approximately 40 feet. About 38 feet. It's border line. If they're from the bathroom wall, but from the main house to the boundary it's about 38 feet.

RUTH KIRCHWEY: Okay. And then we have a ten-foot bathroom that we're going to demolish and then add nine feet to that bathroom going out.

BRENDAN SULLIVAN: The existing right now, the rear setback is 31 feet. You're requesting 20.1. The minimum is 20 feet. So you're going right up to what is allowed for the rear yard setback. You're going from 31 foot to 20. So it's eleven-foot addition.

CONSTANTINE ALEXANDER: I, if -- and again I'm only speaking for myself and just blue sky, if you did go back farther and needed relief from our Board, but that relief that you wanted would be supported by your neighbors and you'd eliminate a lot of this neighborhood objection,

might not that be the better approach particularly at the risk of litigation hanging over your head? I just throw that out. And maybe this Board will vote to -- you can stay where you are and this Board will vote to grant the relief on the plans you presented. I don't know that we're going to go on that yet. But I'm throwing that out to you to think about. You don't have to respond right now.

Let me see if there's -- someone back there has been raising her hand several times. Ma'am, you want to speak on this matter? Right?

MARY WOODMAN AMATO: Yes, should I come up there?

CONSTANTINE ALEXANDER: Please come forward if you would, so everybody can hear.

MARY WOODMAN AMATO: My name is Mary Woodman Amato A-M-A-T-O and we live across the street. And we were -- we lived there when they moved into the neighborhood, when Ruth and Ken moved into the neighborhood, and we are welcoming them back and I think it would be wonderful if they have the

whole family come back. And I think the house is -- there may be some feelings about height and maybe they can be worked out, but I think the whole idea is to have wonderful neighbors move back into the neighborhood and have families there again. And I think it's really an important thing. It's what this whole community is about and it's what -- when we first bought our house, we had to go before a community board and we had to promise to live there and raise our family there and we did. So we would love to welcome you back.

RUTH KIRCHWEY: We've been here right along. We haven't left.

MARY WOODMAN AMATO: I know. We'll do whatever we can to make it work.

CONSTANTINE ALEXANDER: Well, your comments are well taken and that's what we're trying to do right now, at least that's what I'm trying to do is to come up with something that the neighborhood could live with rather than

winner and loser and the loser could go to court.

MARY WOODMAN AMATO: I think it's important that a neighborhood is the people.

CONSTANTINE ALEXANDER: Yeah, I know.

MARY WOODMAN AMATO: They create the environment.

CONSTANTINE ALEXANDER: And we'll make a decision tonight if you want us to make a decision on the plans you have before us.

THOMAS ROSE: I think these plans reflect -- we felt that the yard was more important, in trying to preserve as much of the yard as we could. And going into that rear setback, but we, we would lose the yard and I think that would be a real loss.

ALEX KIRCHWEY: Can we have on record what the actual height increase is? I don't remember offhand.

CONSTANTINE ALEXANDER: We should have the dimensional form that Brendan has.

ALEX KIRCHWEY: That might be able to --

CONSTANTINE ALEXANDER: He can tell you in a second. I know it's higher. You've got to go higher than your current structure?

ALEX KIRCHWEY: Yes.

CONSTANTINE ALEXANDER: The addition is going higher, I remember that in the plans.

Well, whatever that -- is there anyone else here wishing to be heard on this matter? Ma'am.

JUDITH SARYAN: Yes. Shall I come forward?

CONSTANTINE ALEXANDER: Please come forward and give your name and address to the stenographer.

JUDITH SARYAN: I'm Judy Saryan and I wrote one of the letters and I'm at 30 Hancock Street in Cambridge. And as you know, we are abutters to the Kirchwey residence. And so I really don't have too much to add, but I wanted to point out that the houses are very close together in this neighborhood. So it's true that some of the houses are higher than other houses, but it's a very dense

neighborhood. As you know, Riverside is dense. And I do think it's one of the denser neighborhoods, you know, in Cambridge. And so what makes this particular space special is the fact that in the back where Ruth pointed out we have a lot of trees. It is like a little oasis. It's, you know, it's very green. But at the same time there's sunlight and, you know, views of the sky. And it's just the -- there is a line of sight which is quite unusual I have to say, and it makes the whole back space very special for the eight households that surround it. So there are in fact eight households today that surround the space. And even though I do recognize the need for the Kirchweys to expand their space, I think it's really important to take into account this very special oasis because it is -- that is exactly what it is. It's a very unusual spot. And there are other places like it in Cambridge behind houses that you don't expect, but if it weren't there, it would change the nature and the character of this particular part of, you know,

of --

CONSTANTINE ALEXANDER: A couple of observations.

One is that although I -- and I'm speaking for myself. I understand how you would want something that benefits the neighborhood generally. It's their property, their land. And if they want to put an addition on it and they want to cut down all those trees, they could do it and, you know, they can do it it's their property.

No. 2, I'm exploring probably unsuccessfully the notion of not going up as high but going further back, that's going to take away the trees, too, would it not?

JUDITH SARYAN: Yes. However, they have already cut down the trees, right?

RUTH KIRCHWEY: We took a pine tree down that was, was rotting our porch.

JUDITH SARYAN: Yes, I realize that. That tree is gone.

RUTH KIRCHWEY: So it's your trees, not ours.

JUDITH SARYAN: Yeah, it's our trees.

JANET GREEN: Do you live in a three-story house or a two-story house?

JUDITH SARYAN: It's a three-story house. So, yes, it's true that some of the houses are --

CONSTANTINE ALEXANDER: Is your house higher?

JUDITH SARYAN: It is higher.

CONSTANTINE ALEXANDER: Higher. So that's why you have an impact from the shading, the shading impact.

JANET GREEN: So is that a single or a three condo or --

JUDITH SARYAN: It's a two-family house except that we do not rent it. The first floor I use as an office. And many times when neighbors need space to live in, we've actually allowed neighbors to just come and live there without charging them rent because they need, you know, a place for three or four months. So it's kind of, we kind of see it reducing the pressure on the neighborhood by not

renting it out.

CONSTANTINE ALEXANDER: And I take it the bottom line as your letter expressed, you're in opposition to the relief that's being sought tonight?

JUDITH SARYAN: Yes, as the plans currently stand.

CONSTANTINE ALEXANDER: I understand that.

RUTH KIRCHWEY: And the oasis you're speaking of is our backyard basically.

CONSTANTINE ALEXANDER: That's the point I made.

RUTH KIRCHWEY: Yes, it is.

JUDITH SARYAN: Well, it's a combination. It's a combination of our backyard and your backyard.

CONSTANTINE ALEXANDER: Okay.

JUDITH SARYAN: It's a combination.

CONSTANTINE ALEXANDER: I don't want to get into a debate about this. Thank you for very much for taking the time.

Now, you asked a question about -- I'm going to

recognize others.

According to your dimensional form, the building right now, your current building is 28.8 feet high, and you'll go with the addition of 35 feet which is the max under our Zoning Ordinance. You can't go more than 35 feet without getting a Variance.

ALEX KIRCHWEY: Okay.

JANET GREEN: If you only go seven feet to add a third story?

ALEX KIRCHWEY: Right.

THOMAS ROSE: Because we dropped it. We brought it down to grade.

JANET GREEN: You brought it down to ground, to grade. So it is within the height limit?

THOMAS ROSE: Yes.

CONSTANTINE ALEXANDER: Ma'am, you wanted to speak. I'm sorry.

SHELBURNE THURBER: Yes. My name is Shelburne

Thurber and I wrote one of the letters. And even though I'm not -- I don't directly abut, I know Ruth says that she can't see me, but I can --

RUTH KIRCHWEY: I can see a little through the trees.

SHELBURNE THURBER: I can really see you.

RUTH KIRCHWEY: Really?

SHELBURNE THURBER: Oh, yeah.

RUTH KIRCHWEY: I have a picture --

SHELBURNE THURBER: I don't have to see a picture. I know. The point is that I can see you. I'm very, very sympathetic to what you're trying to do, I really am, and I understand it and would like to see it happen actually. But it's just the sheer scale of the house. It will be experience -- well, I know but you're --

RUTH KIRCHWEY: I know, because I think of the sheer scale of everybody else's house.

so --

SHELBURNE THURBER: Well, I'm one of those people that lives in a tiny little house --

RUTH KIRCHWEY: A two-family house --

CONSTANTINE ALEXANDER: Ma'am, please no private dialogue.

SHELBURNE THURBER: Thank you.

So I was at the meeting before and I know that at one point you mentioned that one of the reasons you needed all this space was for work space, office space. And when I moved in to my house -- I also live in a tiny, little house, I didn't have enough space for my office, so I rent outside the home. And I feel like -- I'm very sympathetic to wanting to move your family in so that you can all live together, but I think if we have to choose between you having this big house that I do feel will adversely affect many of us, if it's a choice between that and maybe your son and daughter-in-law finding an office space outside the

home, I don't --

CONSTANTINE ALEXANDER: I want to pursue that in a little bit. That occurred to me as well. But we'll wait for it.

Suppose, we talked about maybe a smaller addition and you resisted. Fine. But if we did away with the work/office space, could that -- and you could still have the bedrooms you want, the family -- maybe the family could all live in there. Would that be a solution? In other words, you see what I'm saying? Smaller addition, no office space, but one that the neighborhood could live with? I don't know how much additional space you would save by doing it.

ALEX KIRCHWEY: These are small offices. They're not big, spacious offices.

CONSTANTINE ALEXANDER: Combined they are as much of a bedroom?

ALEX KIRCHWEY: One is -- yeah, probably. Well,

and one of them is considered actually a guest bedroom/office because we have my sister's family may very well come and stay. We have family we would not be able to accommodate in the house as it is.

CONSTANTINE ALEXANDER: Well, again, I'm speaking for myself. I'm probably shooting my mouth off too much. It's laudable to get your family altogether, but you have to understand there may be limits to what you can do particularly when you have neighborhood objections or opposition. You have to live with your neighbors, we have to live with the city as its, with the relief we grant. So, you know, maybe you can't get everything you want. But that's something. I'll just leave that thought right there.

Anyone else wishing to be heard? Ma'am, I'm sorry, are you all finished?

SHELBURNE THURBER: Oh, yes, I think the only other thing I would say is that -- and this is really not my business, but I can't help thinking that it sounds like

especially since you've mentioned your sister, that you may, if you need all that space, why wouldn't one sell and then try to get a bigger house in Cambridge that would accommodate all of this? I don't know.

CONSTANTINE ALEXANDER: That's called economics.

SHELBURNE THURBER: Well, yeah. It's precisely economics. You can get a lot of money for these houses now.

CONSTANTINE ALEXANDER: But, anyway, it's a rhetorical question.

Sir.

VICTOR ZAROAGIAN: Yes. I'm Victor Zaroagian. I live at 30 Hancock Street. I'm an abutter to Ruth and Ken. I'm going to be brief. It's obviously a very, very dense neighborhood and we've been there for 22 years. And Ruth is right, we bought that house we wanted an addition. However, when we bought the house, it was already a three-story house. We didn't go up another level. It was a much larger house than Ruth and Chris's house. We basically stay within

the periphery of the house. So what we did is we took the extended exterior porch and we enclose that. This is what we did. We didn't go, we didn't go to another level. We stayed within the perimeter of the house. What they're trying to do, they're trying to double the house. More than double the house, and they want to go up another level. I'm not against them putting another level to the house. They can certainly put another level to the front of the house, existing part of the house. I would not be against a third level where the existing house is and in the back scaling it down to two levels and maybe even shortening it, not coming as far out to our property. I would not be against that. They can add another third floor to the existing house which basically faces the road so they would get all the maximum space that they're looking for on a third level. And on the back they can go where the porch is and go up two levels there. But I'm also against them coming further out towards our property because it's gonna take away green space. It's

already a very dense area. And we've talked about flooding, we talked about the permeable earth, and privacy issues and light issues as well. But as far as them going and putting another level on the existing house, I think that would be wonderful. They would gain a lot of space right there. We're talking about 600 square feet of space right there which is exactly the dimensions of the existing house. I think that would be, to me, that would be a very easy compromise to go with as an abutter.

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

Anyone else wishes to be heard? Someone who hasn't spoken yet. Yes, Ma'am.

MAUREEN KOGER: I'm Maureen Koger. I live at 444 Franklin Street.

CONSTANTINE ALEXANDER: Can you speak up a little.

JANET GREEN: You have to hold it closer to your mouth.

CONSTANTINE ALEXANDER: Just raise your voice to the extent you can.

MAUREEN KOGER: My name is Maureen Koger. I live directly diagonally across the street from the Kirchweys. It's so nice to see somebody want to do something like their proposal that is not done for profit. Look around the neighborhood. Good heaven. The stuff that people have done I doubt it's the builders and sellers live anywhere around here. They're doing it just for money. And these people have a real reason for doing theirs. So I hope a reasonable compromise can be made to please the neighbors and them. This is a much better reason.

CONSTANTINE ALEXANDER: Thank you. And I, too, as I'm trying probe to see if we can come up with a reasonable compromise, because I agree with you wholeheartedly. What you want to do is -- and I mean I understand what you want to do. No one -- I don't think anyone on this Board opposes it, but you've got a problem. And is there a solution that

everybody gets half a loaf?

Anyway, sir, you wanted to speak.

JAMES KOGER: My name is James Koger, 444 Franklin Street. And one of the most interesting houses and I think possibly the oldest house on the street is their house. It is built out of hand hewn oak beams I believe around 1812. And I have never seen anything like it. It's really unique in my experience. I'm not from New England originally but I've seen quite a few old houses. I've never seen anything like it. So I really believe that the older part of the house should be preserved.

And as far as the permeability of the soil, it really makes me wonder why it is that the city, if they're so concerned about the permeability of the soil, why do they take up the brick sidewalks, pave it with asphalt and put the bricks on top of it? You can't possibly absorb any water. So the city itself is not very concerned about permeability and the small change in permeability I don't

think is going to make very much difference. That said, we're sitting in a very low spot down here. And if I understand, this neighborhood used to be called Paddy's Hollow and it's one of the lowest spots around. So there is an issue with flooding in this area. And the basement is gonna be subject to flooding. Everybody's basement is in the neighborhood. But the city doesn't seem to think it's too much of an issue because of what they do to the sidewalks.

Anyway, I strongly support this. I understand that there would be some shading issues. I have solar panels myself. Someone built, build up and shaded my solar panels, then I can tell you how much it's going to cost me. But we don't have any real impact, any substantial quantitative information on what the shading is gonna accomplish, and I support this petition fully.

Thank you.

CONSTANTINE ALEXANDER: Thank you for taking the

time to come down.

Anyone else wishes to be heard? Sir.

MIKE AMATO: My name is Mike Amato. My wife spoke a while ago. We live at 470 Franklin Street. We bought our house in Riverside Neighborhood Association, because the neighborhood was fighting urban renewal. The city at that time wanted to knock the whole neighborhood down. We spent years stopping that, to keep the families there. I don't know how many people know it, but it was a very heavily West Indian community that was there, and they're slowly being driven out until there's almost nobody left because we wanted to keep families. We fought for years and years. That house that he was speaking about, the ceiling upstairs was so different that they thought it was built by shipbuilders many years ago. To ruin that building in the front would be a disaster. It's gonna miss out on that. My wife and I bought it 52 years ago as a two decker. I wanted my mother to come and live with us on the first floor, so I

asked the city for a zoning appeal. None of my neighbors objected. None of them. What's happened over the years? We're losing families in this neighborhood. You know, we need to keep more families together. We have a park a half a block away, if you want some green space, walk over there. The river is two blocks away. This is not Lexington or Concord, this is Cambridge. It's an urban area. We're here to live with people and we have to adjust our feelings about how we feel about space and those other things to accommodate human beings.

Thank you.

CONSTANTINE ALEXANDER: Thank you for taking the time to come down. Heartfelt comments, I appreciate them.

Sir, you've already spoken. Are you going to add something new? I don't want to get into a debate.

VICTOR ZAROAGIAN: No, I just want to respond saying --

CONSTANTINE ALEXANDER: You are going to debate.

No. Sir, no need for a response. You've spoken. I want to move this matter along. We'll make the decision at the end of the day.

Anyone else wishes to be heard?

(No Response.)

CONSTANTINE ALEXANDER: Apparently not. I'm going to ask members of the Board at this point do they want to weigh in with any comments?

THOMAS SCOTT: I have one comment about the addition. You actually lowered the first floor level so that it's even with the grade. So it creates a 12-foot high space at the first floor level. Is there any reason why the upper two levels couldn't be lowered that four feet to help reduce the mass and the height of the house? I understand you'd have to have like a transition stairway to get up to the other level, but you're already doing it at the first floor level, couldn't you also do it at the second floor level and lower the building by four feet?

THOMAS ROSE: It's possible. We were trying to kind of -- it's, you know, have the second floor which has of the old building and the bedrooms to line up. We were just trying to make that -- tie those two together.

CONSTANTINE ALEXANDER: Again, I'm going to say what I said before --

THOMAS ROSE: I get your point.

THOMAS SCOTT: All I'm just trying to do is throw out some ideas here, that, you know, is there -- the opposition seems to be about the height of the building.

CONSTANTINE ALEXANDER: Yes.

THOMAS SCOTT: So there's got to be a way to reduce the height and still get what you want. You need to --

THOMAS ROSE: I'm not sure four feet is really going to make that much of an impact.

ANDREA HICKEY: To the neighbors it might.

THOMAS SCOTT: But it does. I think it would.

BRENDAN SULLIVAN: It's massing.

ANDREA HICKEY: Yeah.

THOMAS SCOTT: Yeah.

CONSTANTINE ALEXANDER: Anyone else on this Board?

Thank you, Tom, it was a good comment.

Anyone else want to say anything? Not George.

JANET GREEN: I just wanted to say that I think that there was sort of similar number of neighbors who were against it and a similar number to that who were for it, and for it for different reasons. You know, some it was about the house itself. Some it was about the importance of neighbors and people who were there and enabling them to stay in their house. I think I would -- I know when I looked at the house, how different it is from the other houses. It is surrounded by three-story houses. I understand why that happens, but I know sometimes you have that feeling of sort of not in my backyard, and I just have a sort of feeling about that as I listen to it.

BRENDAN SULLIVAN: Well, it all happened because all those houses were built prior to zoning and at some point the framers of this decided that that's not a good idea to continue that. And so that's why, you know, and yet to say well, you know, they're big and we're small and so why can't we go as big? Well, then you're sort of Manhattanizing the neighborhood. You know, if everybody all of a sudden got big, then, you know, where are we then? Not in a good spot. So there is a certain ambience of having sort of, again, built long before zoning. They would not be allowed to be built today. And so yet people buy in to the neighborhood because they see this eclectic collection of houses, some big, some small, so on and so forth, but they also see the light, the air that it brings, the backyards, the diversions of styles and what have you. And yet, you know, what can happen next-door to me? Well, nothing without, you know, because you're -- there's a protection in this book, zoning book, for everybody. And so those people

who buy the houses around their like the neighborhood and yet do feel they're protected so that they don't have this Manhattanizing going on. And so then they come down before us and ask us basically to, you know, protect them against the overdevelopment, the over-massing of houses, not because the next guy has a bigger house that we automatically get bigger houses. You know, if that were the reasoning the scenario, then we wouldn't need this book. So anyhow, that's sort of editorializing here.

CONSTANTINE ALEXANDER: Let me summarize where we are. We could proceed, and it's your call, not us. You could say we've heard it, we've heard everything, we want to go forward with these plans. We could take a vote on it. Just to remind you and the people in the audience, to get the relief you want under a matter of law you need four votes, not three of the five of us. So you need, if you will, supermajority. You may get it, you may not. I'm not suggesting one way or another.

The second one is -- let me just finish.

The second one is to continue this case further.

You folks -- now that you've heard all of this and heard some of the comments from members of the Board, see whether you have another solution or whether you can come back with a new plan and we'll have another hearing and that plan may be satisfactory to everybody, maybe not. But you can do that.

So it's your call. Do you want to push the matter to a vote tonight? And if you lose, you're out for two years unless you come up with a different proposal.

ALEX KIRCHWEY: We can't submit another plan for two years?

CONSTANTINE ALEXANDER: Another plan that's substantially similar to this plan. I can't get into it. It's a vague standard, but it has to be something different. Put that in very lay terms, something different.

BRENDAN SULLIVAN: I was going to say there's a

bureaucratic procedure for that, too, to get to that determination.

JANET GREEN: Or it can be continued, right?

CONSTANTINE ALEXANDER: Yeah, or to be continued, yeah.

JANET GREEN: Or it can be continued. You go back, you listen to all this, you change the plans according to what you feel like. Maybe you don't change them at all.

CONSTANTINE ALEXANDER: That's right.

JANET GREEN: You come back in and say no, we want to go forward with this. Or you come back and say we heard a lot of objection, we hear what the Board is saying, and then we want to consider that.

CONSTANTINE ALEXANDER: That's what it comes down to. You could -- I'm just suggesting now that you've heard a lot finally, you might want to rethink this. You can come back with the very same plans after whatever date we set this for, but it gives you the opportunity not to make a

quick decision right now.

ALEX KIRCHWEY: Can we take a couple minutes to discuss it?

CONSTANTINE ALEXANDER: Of course. What we can do is we can recess this case, we'll take the next case. You can go back in the room back there. You can all sit around and come back and then tell us your decision. Okay?

THOMAS ROSE: Thank you.

CONSTANTINE ALEXANDER: This case will be recessed until after the next case.

(Case recessed)

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(8:00 p.m.)

(Sitting Members Case BZA-009632-2016: Constantine Alexander, Brendan Sullivan, Janet Green, George S. Best, Alison Hammer.)

CONSTANTINE ALEXANDER: The Chair will now call case No. 009632, 56 Amory Street.

Is there anyone here wishing to be heard on this matter? Okay. You've been here before so you know the drill.

CAITLIN KUNZLE: Caitlin Kunzle K-U-N-Z-L-E on behalf of Johnson Shing the owner.

So this is a continuance. We were here once before. We're asking for a third floor addition and

previously we had asked for a third floor deck and a second floor deck. We've since then revised the plans to eliminate the third floor deck and we've downsized the second floor deck. We cut it in half. It was ten feet off the back of the building. We've cut that down to five feet now, and I've added a couple of other drawings existing elevations per your request.

CONSTANTINE ALEXANDER: Your plans have two options?

CAITLIN KUNZLE: Correct.

CONSTANTINE ALEXANDER: Which option do you want?

CAITLIN KUNZLE: So I think it's easier to flip to the last two pages, the 300 series. There's currently a cellar entrance on the first floor that we're keeping but boxing it out. That's the cellar entrance, there's bike storage I believe in there. So it comes off the back of the building about ten feet which was the reason for the ten-foot deck to begin with. Now that we're downsizing it,

option 1 has a five-foot deck all the way across the fence, but then a couple extra feet of that shed would be visible.

Option 2 just kind of bumps out the deck so that the top of the shed is completely covered.

CONSTANTINE ALEXANDER: What is your preference?

CAITLIN KUNZLE: The preference is option 2.

Correct? That the deck -- yeah it covers the roof below. You don't want trash sitting up there or anything like that.

CONSTANTINE ALEXANDER: So the bump out is basically the dimensions of the --

CAITLIN KUNZLE: Correct. It's just to cover the cellar entrance below.

CONSTANTINE ALEXANDER: How far does it bump out?

CAITLIN KUNZLE: About eight or ten feet overall off the back of the deck. So the bump out would be about eight feet.

CONSTANTINE ALEXANDER: And the rest of the deck would be?

CAITLIN KUNZLE: Five.

CONSTANTINE ALEXANDER: Five feet?

CAITLIN KUNZLE: Yes.

JANET GREEN: So the bump out is actually three feet?

CAITLIN KUNZLE: Correct. In the center it bumps out three extra feet, yeah.

And then I also adjusted the FAR values. Last time I was corrected that the cellar entrance and the first floor that's enclosed by the deck, closed.

CONSTANTINE ALEXANDER: I'm sorry, and you said you prefer option 2?

CAITLIN KUNZLE: Yes.

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

(No Response.)

CONSTANTINE ALEXANDER: None.

I'll open the matter up to public testimony.

CAITLIN KUNZLE: Oh, I do have one more letter of support, sorry.

CONSTANTINE ALEXANDER: Oh, please.

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

RACHEL SAMBARI: Hi, I was here. My name is Rachel Sambari (phonetic), 12 St. Mary Road. We're directly behind the -- Johnson and his wife's home.

CONSTANTINE ALEXANDER: You were here last time.

RACHEL SAMBARI: I was here last time. And I still do have a concern about the second floor deck that our yard is directly behind. The building actually does -- there's a significant addition already on the back of the house which puts the house very close to our property line and bumping out the -- that small entrance that's in the back even further is very, very close and that would be basically right on top of our fence. It separates the two. We have a young son, we use our backyard quite frequently,

and having people sitting on top and the noise basically is our concern.

CONSTANTINE ALEXANDER: Okay.

RACHEL SAMBARI: Thank you.

CONSTANTINE ALEXANDER: Thank you for coming.

ALISON HAMMER: Can I make one comment? One thing I noticed when I was looking through your package is that I didn't see a certified plot plan in, just this plan from the Assessor. So that kind of left me with a -- lacking a little bit information about these rear setbacks to your neighbors. Usually that's included in the package. Do you guys have a certified plot plan that you didn't put in or do you not have one?

CAITLIN KUNZLE: So, we don't have one. We went to the Registry of Deeds and they said they didn't have anything on file, I don't believe. Or what it was was the original mortgage plan, I believe, from a number of years ago and nothing has been changed since then. So when I

spoke to Maria in the office, she had said since there haven't been any significant changes, you can try to pass without it. There's a chance that the Board might require it and then in which case we would go and attain it. But through speaking to the Registry of Deeds and speaking to Maria, they said you might be able to squeak by without it.

ALISON HAMMER: Right, but even that, I didn't see that mortgage plot plan in there either.

CAITLIN KUNZLE: Correct.

ALISON HAMMER: So I just felt like I was lacking a little bit of site information especially considering that your direct abutter feels that it's a little bit close. I would have liked to see that closeness in your package.

CAITLIN KUNZLE: I do want to reiterate, we're not changing the footprint of the building whatsoever, the footprint's remaining the same.

ALISON HAMMER: Right.

CONSTANTINE ALEXANDER: But you are creating the

deck which is the issue.

CAITLIN KUNZLE: Right.

CONSTANTINE ALEXANDER: How far will your deck be from the rear lot line?

CAITLIN KUNZLE: It is about 15 feet off the rear lot line.

CONSTANTINE ALEXANDER: And the deck is -- the entrance to the deck is from a bedroom or I forget?

CAITLIN KUNZLE: It's currently a bedroom, but the interior layouts aren't necessarily finalized at this point. They're each one bedroom apartments, so currently they're through the bedroom because we're assuming that --

JOHNSON SHING: It will be a bedroom, yeah.

CONSTANTINE ALEXANDER: I'm just trying to figure out the use of this deck. I mean, particularly neighbors are worried about noise, the deck came off a living room or a family room, it could be another living area.

CAITLIN KUNZLE: No, they're off the bedroom right

now.

CONSTANTINE ALEXANDER: Off the bedroom.

CAITLIN KUNZLE: Uh-huh.

CONSTANTINE ALEXANDER: And the plans are not to change the bedroom arrangement?

JOHNSON SHING: Yeah, the bedroom will get changed. What will happen is we're taking the interior stair away. And based on my contractor, I should have a fire escape egress and that was through the deck.

CAITLIN KUNZLE: To answer your question, the bedrooms would remain at the back of the house. So the deck off the back of the house would be off the bedroom. It just works out better for interior layout for it to fit that way.

CONSTANTINE ALEXANDER: Right. You heard your neighbor who has a problem with the deck. Do you feel you still want to pursue this with a deck and see whether -- what our Board thinks of it? I have to tell you that we -- our Board is very sensitive to decks,

particularly in densely populated neighborhoods. That doesn't mean we haven't approved a lot of projects with decks, but there are a number that we turned down, too.

JANET GREEN: I was confused about whether the neighbor was objecting to the bump out or to the actual deck itself.

JOHNSON SHING: The original -- last time when we were here was the third floor deck. It was --

CONSTANTINE ALEXANDER: Yes, you eliminated that.

JOHNSON SHING: We eliminated that. And you asked us to shrink it down, and which we did. And the only difference was that when we did that by a straight line, the part of the roof was --

CONSTANTINE ALEXANDER: What I heard, Janet, and certainly the neighbor could correct, is that because of the bump out on the ground level going closer to the rear lot line that even added to their discomfort with decks on the second floor.

JANET GREEN: And the bump out is three feet?

CAITLIN KUNZLE: Correct.

CONSTANTINE ALEXANDER: Yeah.

JANET GREEN: The bump out is three feet. But they've narrowed the deck from the original ten feet.

CAITLIN KUNZLE: We've cut it in half.

CONSTANTINE ALEXANDER: To five feet. Five except for the bump out.

JANET GREEN: Except for the bump out. Got it.

CAITLIN KUNZLE: Yes.

I think she was concerned about noise if I understood correctly.

CONSTANTINE ALEXANDER: Yes, that's with the decks.

CAITLIN KUNZLE: And with it being off a bedroom --

CONSTANTINE ALEXANDER: Noise and privacy.

CAITLIN KUNZLE: Extra living space.

CONSTANTINE ALEXANDER: That's a problem we face all the time in Cambridge with decks, is that it can have an impact with neighbors from a privacy point of view and from a -- and/or a noise point of view.

CAITLIN KUNZLE: Yes.

CONSTANTINE ALEXANDER: And this time we have some neighbors that are concerned about that. We have to listen to that, but that's the issue.

CAITLIN KUNZLE: Yes.

CONSTANTINE ALEXANDER: Comments from members of the Board?

JANET GREEN: I have another question. So after you did this, you eliminated the third floor deck and cut it back. Did you then talk to the neighbors about the changes you were making and what did they say?

CAITLIN KUNZLE: I didn't. Did you?

JOHNSON SHING: Not to this neighbor.

CAITLIN KUNZLE: Not that one.

JOHNSON SHING: Because I thought from the last hearing it was all set, we cut it back.

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

(No Response.)

CONSTANTINE ALEXANDER: I don't see anyone.

We do have a letter that was given to us by the petitioner which I'll read into the record. It is from Mohammed Ayaz. Did I get it right? A-Y-A -- maybe a Z.

JOHNSON SHING: Yes, he's majority owner of the property abutting us.

CONSTANTINE ALEXANDER: (Reading) The reason for my writing is to express my support for the dormer addition at 56-58 Amory Street as proposed by Johnson Shing. I have been a long time resident of the Mid Cambridge Neighborhood view -- the proposal as -- I have been a long time resident of the Mid Cambridge Neighborhood view, the proposal as being a great addition to the home. It would pose no

adverse affect on the abutting properties, including my own, and no impact to the property used and therefore I have no reason not to support the proposal. The project aims to maintain the character of the individual home and integrity of the neighborhood. I'm grateful for the opportunity to offer assistance to Johnson Shing, and I again strongly recommend the awarding of the proposal. If I could be of any further assistance, please contact me. He resides at 14 St. Mary Road.

UNIDENTIFIED MEMBER FROM THE AUDIENCE: He does not live there anymore.

CONSTANTINE ALEXANDER: He doesn't live there anymore?

UNIDENTIFIED MEMBER FROM THE AUDIENCE: No, he sold the house.

CONSTANTINE ALEXANDER: Anyway, we have this letter. Thank you.

Anyone else wishes to be heard?

(No Response.)

CONSTANTINE ALEXANDER: Well, there we are, sort of like the case just before. You heard the drill. I mean, if you want to pursue this with the second floor deck, you need to get four votes. You may get it, you may not. You may get a lawsuit if you do get it, or you can think about eliminating the second floor deck and then that would presumably satisfy the objection of the neighbor. What's your --

JANET GREEN: I'm not sure what the --

JOHNSON SHING: What the --

JANET GREEN: -- yes, what the neighbors were asking.

JOHNSON SHING: Well, I can put a, you know, a metal fire escape around my neighborhood, like my neighbor did, the 68 Amory, that would be even uglier eyesore. I have a choice. I rather a deck which I most likely won't be using. I have been living there.

CONSTANTINE ALEXANDER: You could have something other than deck. A more attractive egress stairway. We have this all the time and not a deck that extends the length of the house. So anyway.

Ma'am, do you want to speak a little bit further to your objection as to respond to Janet's question? Could you come forward?

RACHEL SAMBARI: We were just really concerned about -- again, the problem is that the house is already significantly, and as you can see from FAR calculations, significantly bigger than most of the houses in the neighborhood and therefore it comes much closer to the lot line than many others. And my concern is, again, I have a sunroom in the back and it's just having people, literally having people looking straight into my home from that deck.

CONSTANTINE ALEXANDER: They could do it -- if the deck were eliminated, they could do it from the bedroom window.

RACHEL SAMBARI: It's the fact that it's coming even closer to my lot line. Another five feet. There's not a lot back there.

JANET GREEN: It's the deck not just the three-foot extension of the deck?

RACHEL SAMBARI: It's the deck in general. Again, it's having somebody up -- we put in, you know, a fence to block some of the noise, and it's having them up above that and just hearing that. There's an Airbnb next to us, and, you know, the noise from that alone is ridiculous. But, you know, it's just having that up above and the noise kind of coming down. I'm not opposed to obviously anybody having, you know -- obviously we all use our backyards but it's having it above and coming down that's my objection.

CONSTANTINE ALEXANDER: Thank you for elaborating.

JOHNSON SHING: So can I show you the picture of my neighbor? The neighbor that she's complaining about. The Airbnb is exact identical house to mine, same footprint,

except that it eliminated the backyard entrance, the bulkhead with the cellar entrance. They paved it to gain additional parking space. So but prior to that, the two houses are exactly identical footprint. And that house abuts to her property about 70 percent, and mine is only facing part of the rear fence. You guys can look at it. That is the back of my house.

So it's only the backyard is abutting to my yard, but not the rest of the house. So I don't think that the privacy issue could be of concern except that they're probably using the sun deck as a full time play. I can understand that can propose a problem.

CONSTANTINE ALEXANDER: What you're saying is bottom line this deck is very important to you. You want to go forward with the deck. You don't really want to.

JOHNSON SHING: I have already shrunk it down. Would it satisfy if shrunk it another foot?

CONSTANTINE ALEXANDER: I don't think so.

JANET GREEN: So we have the dormer extension, right? And then we have the decking and then there's the third floor --

JOHNSON SHING: The third floor decking has been removed.

JANET GREEN: That's been taken down. It's half of the second floor deck --

CONSTANTINE ALEXANDER: The FAR issues and there seem to be no objection to that. I don't know if board members have any, but I haven't read any neighborhood objection.

JANET GREEN: Right.

CONSTANTINE ALEXANDER: Any members of the Board want to weigh in at this point?

BRENDAN SULLIVAN: Where is the entrance to the basement now, the exterior entrance?

CAITLIN KUNZLE: It's this corner entrance on the first floor plan.

BRENDAN SULLIVAN: Which is A --

CAITLIN KUNZLE: A-101.

BRENDAN SULLIVAN: Yes. Okay.

And then you're going to put in a -- and so what's going to happen down in the basement? Anyhow --

CAITLIN KUNZLE: We're not making any changes to the basement.

BRENDAN SULLIVAN: Nothing?

CAITLIN KUNZLE: We're not changing the footprint to the cellar entrance. It's currently kind of a shed roof.

BRENDAN SULLIVAN: And you want to go all the way up?

CAITLIN KUNZLE: Yeah, we just want to box it out.

BRENDAN SULLIVAN: And the reason for boxing it out? I guess that's why, why at the second level?

CAITLIN KUNZLE: It almost reaches the second level now and we just thought it would look a little bit more aesthetically pleasing if it came up to meet the

underside of the deck so that there wasn't snow falling on there or any other debris could catch on there.

BRENDAN SULLIVAN: Is it capturing any interior space at that point? At that second level?

CAITLIN KUNZLE: No, not at the second level, just the first level.

CONSTANTINE ALEXANDER: Anybody, any other members of the Board -- George?

GEORGE BEST: So there's been a lot of compromise here and I understand that. If you're using the back, the back exit as a fire escape, I'm not sure if there's an issue with that. For me it's not. But I think that in order to exit through a bedroom is perfectly fine. You know, is there another way that you could exit?

CAITLIN KUNZLE: That would be a second form of egress. So there's the main entrance through the first floor door down the stairs. So second -- in the event that there was a fire blocking the front door and that form of

egress, you could go out the back on to the deck.

GEORGE BEST: I see.

ALISON HAMMER: But you could go out the window even if there's not a deck?

CAITLIN KUNZLE: Yes, you could.

BRENDAN SULLIVAN: I mean, the deck is coming out five feet except for the bump out, another two feet.

CONSTANTINE ALEXANDER: Or it could be just all five feet. We could say we don't want the bump out. We want five feet.

CAITLIN KUNZLE: That's why we gave two options.

CONSTANTINE ALEXANDER: They gave us two options. They prefer the bump out. We could say no bump out. Five feet the whole length of the deck.

BRENDAN SULLIVAN: You're not going to have a big crowd at five feet.

CONSTANTINE ALEXANDER: No.

BRENDAN SULLIVAN: It's really for somebody to go

and put a chair out there, probably put some plants out there, to sit and read, have a cup of coffee, something like that. It's not going to have a cocktail party out there.

CAITLIN KUNZLE: Right. That's kind of the intention.

JANET GREEN: That's right.

CONSTANTINE ALEXANDER: That's right.

BRENDAN SULLIVAN: And, again, I take it back to I have a deck off the back of my house which is quite large and it is a Shangri-La to my wife to go out there and sit there and that's it and with the plants and so on and so forth. And so I just envision the amenity that it has to that particular unit or two units I guess it would be, to just have an exterior space to go out, acquired space. I don't think it's going to have the impact. I think it's the fear of something that may not -- I can't see it happening.

CONSTANTINE ALEXANDER: It's a very small technical question, assume we're going to go for a vote

tonight, do the board members prefer option 1 or option 2?

They would prefer option 2. I had no problems with option

2. If that's what they want.

BRENDAN SULLIVAN: It's just a small little --

CONSTANTINE ALEXANDER: Yes, it's a small. I want to make sure nobody has any views on this.

JANET GREEN: I'm comfortable with option 2.

CONSTANTINE ALEXANDER: Okay.

All right, now we're back to where we were with the prior case. Your choices are: You've heard neighborhood objection or neighbor objection I should say. You could proceed with your plans as you presented with option 2. You need to get four votes. If you don't get it, you're turned down.

Or you could, if you wish, I mean I'm not suggesting you have to, you can reconsider now that you heard the neighbor, maybe you don't really need the deck, or you can tell us tonight you eliminated the deck. We can go

on that basis. What do you want to do?

JANET GREEN: Do they have a sense of how the Board feels about it? I mean, have you gotten enough information?

JOHNSON SHING: Yeah, I mean I thought it was just a simple, you know, request.

CONSTANTINE ALEXANDER: Nothing is simple for our Board.

JOHNSON SHING: I compromise already.

CONSTANTINE ALEXANDER: I understand you agree.

JANET GREEN: I agree with Brendan's part of the deck.

ALISON HAMMER: I have another question.

CONSTANTINE ALEXANDER: Go right ahead.

ALISON HAMMER: You know, I think we discussed the deck a lot but we haven't really touched on this dormer, which looking at the plans, am I reading it correctly that it's 30 feet long?

CONSTANTINE ALEXANDER: It is quite large. I didn't know it was 30.

ALISON HAMMER: Across the length of the house.

CAITLIN KUNZLE: Correct. So it mimics the width of the second floor on the third floor. So we're building out on to the rooftop of the second floor. We're not expanding width wise any, just off the back length of the house.

ALISON HAMMER: Right. So I guess just obviously as the Board well knows and you may as well, there are dormer guidelines that the City of Cambridge puts out.

CAITLIN KUNZLE: Yeah. So because we were building out on to the second floor deck, it was unclear whether this would still be considered a dormer or more of an addition.

CONSTANTINE ALEXANDER: That was my reaction frankly when I read the plans. You call it a dormer extension, maybe I'm wrong, but it really isn't a dormer in

the sense of a dormer guidelines.

CAITLIN KUNZLE: It's really an addition.

CONSTANTINE ALEXANDER: An addition. Extension of the roof. So I personally am not troubled by that. But that's just me.

ALISON HAMMER: Right. So you're saying that it's -- they're just adding a third story to part of the house that intersects with the roof of the other part of the house but not like a dormer would?

CONSTANTINE ALEXANDER: That's how I look at it anyway. Right or wrong.

ALISON HAMMER: Okay. Well I have to get out our dictionary of architectural typography that we're kind of skirting the definition here.

CONSTANTINE ALEXANDER: We had a big debate once on a case whether a dormer had no windows was in fact a dormer. Remember? Ranjit remembers that one with Mr. Rafferty. We never had this kind of case.

Anyway, back to where we are. Do you want to proceed with the vote tonight or not?

CAITLIN KUNZLE: If we're going to proceed with a vote, yeah?

JOHNSON SHING: Well, you know, I'm trying to be reasonable, right? So what would make it so I would not have to be turned down?

CONSTANTINE ALEXANDER: Eliminate the deck. I think that's the alternative. No deck.

JOHNSON SHING: What can I do about the fire egress with it?

CONSTANTINE ALEXANDER: You can come up with --

JOHNSON SHING: If I put a stairwell, do I have to come back for the whole process again and well, what, the stairwell is ugly sore thumb, you know, on both sides? Because I'm going to need two stairwell, one for one side of the building.

CONSTANTINE ALEXANDER: I wouldn't think you have

to come back.

RANJIT SINGANAYAGAM: Don't you have a second egress right now?

JOHNSON SHING: I don't have one.

ALISON HAMMER: Do you need a second means of egress in a townhouse? It's a town house, right?

CONSTANTINE ALEXANDER: Two-family side by side.

RANJIT SINGANAYAGAM: You don't need from the second floor. You only need from the first floor.

JOHNSON SHING: I was told by my contractor that I would need that.

CONSTANTINE ALEXANDER: You've been told by a higher authority that you don't.

RANJIT SINGANAYAGAM: In a two-family town house, you need two means of egress first floor.

JOHNSON SHING: On the first floor? Which I have, right. Second floor --

RANJIT SINGANAYAGAM: You don't need it. Not a

requirement by the code.

JOHNSON SHING: Okay. Because I do have a middle stairwell which I'm eliminating. If we do that --

RANJIT SINGANAYAGAM: Oh, to the other floors you mean?

JOHNSON SHING: Yeah. Right here in the middle was a stairwell. I'm eliminating that.

RANJIT SINGANAYAGAM: You need that.

CONSTANTINE ALEXANDER: He does need relief?

RANJIT SINGANAYAGAM: Yes. If he's taking out an existing stairway --

CONSTANTINE ALEXANDER: Right.

RANJIT SINGANAYAGAM: -- one for the outside.

CONSTANTINE ALEXANDER: But is he intruding on the setback?

RANJIT SINGANAYAGAM: I don't know. He may or may not.

CONSTANTINE ALEXANDER: I don't think you -- would

you --

CAITLIN KUNZLE: The setbacks are already non-conforming, but again we're not changing any of the:

CONSTANTINE ALEXANDER: But you'll be increasing the -- but you're increasing the massing of the non-conformity --

CAITLIN KUNZLE: Correct.

CONSTANTINE ALEXANDER: -- by adding a stairwell.

RANJIT SINGANAYAGAM: Enclosed stairway. So --

CAITLIN KUNZLE: So an enclosed stairway would be -- as much.

CONSTANTINE ALEXANDER: You would have to modify the plans to show that.

JOHNSON SHING: The stairwell exit will be -- I don't need it closest --

CAITLIN KUNZLE: No. You would need an enclosed stairway.

JOHNSON SHING: Oh, enclosed.

RANJIT SINGANAYAGAM: Right.

CAITLIN KUNZLE: So which is the lesser of two evils? I think the lesser of two evils.

CONSTANTINE ALEXANDER: You want to go forward with the deck?

JANET GREEN: I'm inclined to support the deck.

ALISON HAMMER: Is the deck even an egress, though? Is there a staircase off of it? There's no staircase off the deck.

CAITLIN KUNZLE: No, there's not currently.

ALISON HAMMER: So, if it's just -- if all this is walking out on to a deck, then I don't see how this is like a means of egress. It's just a deck. And it's not making up for the staircase. So if you need this because this is a means of egress, it's not a means of egress, right? And therefore then you're going to figure out a means of egress, but then if you don't need a means of egress, then this isn't a means of egress, it's just a deck. Which is not

necessarily anything wrong with that, but I think you need to understand the Building Code issues here and if you're meeting them. I wouldn't want you to go through this whole process and go for the Building Permit and have them say this is a fire trap, where's your staircase.

CAITLIN KUNZLE: Okay. I think we should go for a vote.

CONSTANTINE ALEXANDER: Okay.

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

That a literal enforcement of the provisions of the Ordinance would involve a substantial hardship to the petitioner. Such hardship being that the petitioner needs to have additional space for a deck in the back in particular to cover the basement entry on the ground level.

That the hardship is due to the fact that the lot -- the structure's already a non-conforming structure on the lot and, therefore, any modification would require

zoning relief.

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 the petitioner has been very cooperative in trying to meet objections of the neighbors and our Board. That you've reduced the size of the deck that's now on the plans substantially. And that generally it would improve the inhabitability of the structure and would allow this relatively modest deck, five foot in-depth deck. Except for the bump out.

So on the basis of these findings, the Chair moves that we grant the Variance you're requesting on the condition that the work proceed in accordance with plans prepared by Caitlin Kunzle dated -- it looks like June 24th --

CAITLIN KUNZLE: Revision 2 is dated 7/1.

CONSTANTINE ALEXANDER: Sorry?

CAITLIN KUNZLE: Revision 2 is dated 7/1.

CONSTANTINE ALEXANDER: I see it right on the bottom, I'm sorry. Yes, 7/1/2016, initialled by the Chair.

And with regard to the options here it would be option 2, not option 1.

Before I take the vote, these are the final plans. I mean just so you know that if you go forward and you want to modify these plans, you're going to have to come back before us. You're satisfied, assuming you get the vote, these are your final plans, okay?

CAITLIN KUNZLE: Yes.

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

(Aye.)

CONSTANTINE ALEXANDER: Five in favor.

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

RANJIT SINGANAYAGAM: What about the addition?

You only said the deck.

CONSTANTINE ALEXANDER: We granted a Variance.

RANJIT SINGANAYAGAM: I thought you said talking
about deck only?

CONSTANTINE ALEXANDER: Oh, I talked about the
deck in terms of supporting the --

RANJIT SINGANAYAGAM: But the whole thing.

CONSTANTINE ALEXANDER: The dormer extension.

JANET GREEN: The addition.

JOHNSON SHING: I'll give you back the deck.

CONSTANTINE ALEXANDER: Thank you very much.

* * * * *

(8:25 p.m.)

(Sitting Members Case BZA-010241-2016: Constantine Alexander, Brendan Sullivan, Thomas Scott, Janet Green, Andrea A. Hickey.)

CONSTANTINE ALEXANDER: The Chair is going to reconvene 457 Franklin Street.

And, okay, what do you want to advise the Board at this point?

THOMAS ROSE: We'd like to ask for a continuance, please.

CONSTANTINE ALEXANDER: This will be a case heard so we need to get the five members that are here right now together. How much time would you need? When would you like to continue the case to and I'll see what the neighbors who have taken the time to come down what works for their schedule.

THOMAS ROSE: Okay.

CONSTANTINE ALEXANDER: It's your call.

THOMAS ROSE: I know. Okay. I'd need at least two weeks to make the changes.

CONSTANTINE ALEXANDER: Remember if you do modify the plans, which I assume you may -- I shouldn't say I assume, you may. You've got to get the new plans in our files by no later than five p.m. on the Monday before the continued date so two weeks is pretty tight.

THOMAS ROSE: Yeah.

CONSTANTINE ALEXANDER: And I don't know whether it works for members of the Board in any event, but I think you might want a little more than two weeks.

THOMAS ROSE: Yeah, I need a month.

CONSTANTINE ALEXANDER: Okay. So you -- what's the second one in -- middle?

RANJIT SINGANAYAGAM: August you have already two continued cases.

CONSTANTINE ALEXANDER: They're already filled?

RANJIT SINGANAYAGAM: August 11th.

CONSTANTINE ALEXANDER: August 7th?

JANET GREEN: 11th.

CONSTANTINE ALEXANDER: 11th?

RANJIT SINGANAYAGAM: But you already have two cases continued.

JANET GREEN: We have three, right?

CONSTANTINE ALEXANDER: We can have three.

JANET GREEN: We can have three.

CONSTANTINE ALEXANDER: So August 11th would be the date?

Now, since there are members of the audience who have come in for this case, can you make August 11th?

UNIDENTIFIED MEMBER FROM THE AUDIENCE: Can you give us a minute?

CONSTANTINE ALEXANDER: While you're doing that, can all the members of the Board make August 11th?

ANDREA HICKEY: I can.

THOMAS SCOTT: I'm fine with that.

CONSTANTINE ALEXANDER: I repeat the Godfather story.

THOMAS SCOTT: That's fine.

JANET GREEN: Oh, wait a minute. Wait a minute. August 11th? I'm not here.

CONSTANTINE ALEXANDER: It would be at seven o'clock.

JANET GREEN: I'm not here. Sorry, I was looking

at the other day.

CONSTANTINE ALEXANDER: What about the 25th?

JANET GREEN: Sorry about that. The 25th I can be here.

CONSTANTINE ALEXANDER: Can everybody else make the 25th?

UNIDENTIFIED MEMBER FROM THE AUDIENCE: My wife and I will be overseas until the 9th of August. Is it a plan that we have to look at before they submit it to the Board again or how will it work?

CONSTANTINE ALEXANDER: It's up to them. They have to file it with us by five p.m. on the Monday before August 25th, that would make it available to anybody, anybody in the City to come down and look at it. They can make whatever arrangements before with the neighbors to show you. That's up that's a private matter between you. The only requirement is the final plans that they want us to consider has to be in our files no later than five p.m. on

the Monday before August 25th.

UNIDENTIFIED MEMBER FROM THE AUDIENCE: Okay.

CONSTANTINE ALEXANDER: Does that answer your question?

JUDITH SARYAN: So, if we asked that it be like a week later, is that a possibility?

CONSTANTINE ALEXANDER: We only meet twice a month. The next time would be sometime middle of September, early September.

JUDITH SARYAN: I think it's okay. What do you think?

UNIDENTIFIED MEMBER FROM THE AUDIENCE: Well, we are going to be overseas until August the 9th.

CONSTANTINE ALEXANDER: Until when?

UNIDENTIFIED MEMBER FROM THE AUDIENCE: August the 9th.

ANDREA HICKEY: We're not talking before that. The 25th is the date.

JUDITH SARYAN: You're talking about the 25th?

CONSTANTINE ALEXANDER: Yes.

JUDITH SARYAN: Oh, okay. The 25th is fine okay.

JANET GREEN: All right. Because they already have a heard case.

CONSTANTINE ALEXANDER: Okay.

The Chair moves that this case be continued as a case heard until seven p.m. on August 25th subject to the following conditions:

That the petitioners sign a waiver of time for decision. And you've done that already, so that's out.

You have to post a new sign or current sign. Just X out the current date and time to reflect the new date, August 25th, and the new time, seven p.m. And that the sign be maintained for the 14 days prior to August 25th, which you had to do for this one.

And lastly, as I said before, to the extent that you want to submit revised plans from what's in our files

now, those revised plans must be in our files no later than five p.m. on the Monday before together with any new dimensional form. If the new plans changes the dimensional requirements, that has to be in our files by then. If they're not in our files by then, we're not going to hear the case on August 25th. That's a requirement of ours.

And from your point of view, if you can't get these plans, assuming there are revised plans from these folks, you can always come to the office any time after five p.m. on the Monday before and they're available to the public. Okay?

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

(Aye.)

CONSTANTINE ALEXANDER: Five in favor. We'll see you in August.

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

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(8:30 p.m.)

(Sitting Members Case BZA-009894-2016: Constantine Alexander, Brendan Sullivan, Janet Green, Patrick Tedesco, George S. Best.)

CONSTANTINE ALEXANDER: The Chair will call case No. 009894, One Kendall Square building 100.

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

(No Response.)

CONSTANTINE ALEXANDER: Apparently there is no one. We are in receipt of an e-mail from Douglas Wohn,

W-O-H-N. This is to request that the -- referring to this case, (Reading) This is a request to postpone the smoke shop projecting sign case at One Kendall Square. We need more time to feedback the possible design modification and neighborhood input in consultation with the City.

He doesn't suggest a date when he wants to continue this case to. What's the first date?

RANJIT SINGANAYAGAM: In September?

CONSTANTINE ALEXANDER: September?

RANJIT SINGANAYAGAM: 15th.

CONSTANTINE ALEXANDER: 15th is the next one?

All right, we're going to continue this case -- I'm going to make a motion that we continue this case until seven p.m. on September 15th. That is my motion. This motion is subject to the following conditions:

That the petitioner sign a waiver of time for decision. No. 1.

No. 2, that the posting sign be modified to

reflect the new date for September 15th and the new time seven o'clock p.m.

And that the sign be maintained for the 14 days as required under our Ordinance as it is now.

And lastly to the extent that the petitioner is going to submit a revised sign proposal, that the new sign proposal be in our files no later than five p.m. on the Monday before September 15th.

All those in favor please say "Aye."

(Aye.)

CONSTANTINE ALEXANDER: Five in favor.

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

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(8:30 p.m.)

(Sitting Members Case BZA-010390-2016: Constantine Alexander, Brendan Sullivan, Janet Green, Patrick Tedesco, George S. Best.)

CONSTANTINE ALEXANDER: The Chair will call case No. 010390, 194 elm Street.

Is there anyone here wishing to be heard on this matter? Good evening. You should know by now give your name and address to the stenographer.

DIMITER KOSTOV: My name is Dimiter Kostov D-I-M-I-T-E-R K-O-S-T-O-V. I'm the architect on the project. I'm with Jay Schwartz. S-C-H-W-A-R-T-Z design and we're located at 135 Massachusetts Avenue, Boston, Mass., 02115. Took me a while.

MLADEN NISAVIC: My name is Mladen Nisavic, M-L-A-D-E-N N-I-S-A-V-I-C, and I'm one of the property owners at one 194 Elm Street.

DAVID LASATER: David Lasater L-A-S-A-T-E-R. And I'm the other owner.

CONSTANTINE ALEXANDER: The floor is yours.

DIMITER KOSTOV: Great. So we have a property that's located on our very unusual lot. The lot is only 20 and a quarter feet wide by a little over 100 feet long. The house itself is only a smidge over 14 feet wide, which is the facade on the street side. There currently is a staircase with a landing that leads to a door located on the side of the house and an access shed leading to the basement stairs off of the back. The staircase inside the house is a non-conforming non-code compliant staircase to the point where it's actually dangerous. And partly the reason why the gentleman called us is to remedy the situation. They have elderly parents that come and visit. They have a young daughter who comes and stays with them, and we wanted to improve the house. And after some thoughtful looking into possible options, we realized that the best approach is to put a staircase in the existing location except make it code compliant, and that is following the most generous

allowances by the Massachusetts amendments. So with that, however, we need landing space at the top and the bottom which caused for us to look for a Variance in a -- in a footprint increase where the front addition is proposed, the front entry door addition. We're only looking to locate this on the existing footprint of the deck and shed so we're not looking to expand beyond that, that size. And we're also looking to add some dormer space at the top of the stairs so that we can have our head clearance.

CONSTANTINE ALEXANDER: Are you familiar with our dormer guidelines?

DIMITER KOSTOV: We did follow the dormer guidelines.

CONSTANTINE ALEXANDER: Okay. I didn't get a chance to check it out. It's your testimony that you followed the dormer guidelines?

DIMITER KOSTOV: Yes, we followed the guidelines of the dormer, the dormer guidelines of Cambridge.

And the extension of the second floor portion of this new entry addition is to accommodate a three-quarter bathroom, where the original bathroom is on the first floor and was lost because of the increased footprint of the staircase. And both David and London, they are liking to grow their families, so they are looking for a small extra family space which is the proposed one-story addition off the back of the house. As far as that addition is concerned, we are still staying within the Zoning Ordinance footprint regulations. The FAR is within -- is conforming. So realistically what we are looking to the Board for permission to do is become non-conformance with the setback --

CONSTANTINE ALEXANDER: Setback issue.

DIMITER KOSTOV: -- because the setbacks on the site are realistic and not allowing us to do anything.

And in terms of just the overall placement of the house as it currently stands at the lot.

CONSTANTINE ALEXANDER: I must say I was amazed your house right now is only 673 feet? That's more like a studio apartment.

DAVID LASATER: It's fun listening to everybody else wanting a third story.

PATRICK TEDESCO: Don't get any ideas.

BRENDAN SULLIVAN: What is it about the staircase that has become so dangerous over --

DIMITER KOSTOV: So the current staircase, the riser height is about nine inches and the thread depth is only about seven and a half inches.

DAVID LASATER: And they're inconsistent.

DIMITER KOSTOV: Yes, and there's a large discrepancy --

BRENDAN SULLIVAN: There's no requirement to bring it up to Code.

DIMITER KOSTOV: Not currently there isn't. But the desire is to make it safe because they have slipped once

or twice going down.

BRENDAN SULLIVAN: Because with the proposed addition you're also violating State Building Code, too.

DIMITER KOSTOV: In what way?

BRENDAN SULLIVAN: Distance to the lot line. What's the distance to the lot line that you're proposing on the right side?

DIMITER KOSTOV: We have a distance of six inches to the lot line.

BRENDAN SULLIVAN: How much?

CONSTANTINE ALEXANDER: Six inches.

BRENDAN SULLIVAN: Six inches?

DIMITER KOSTOV: And that is on the current footprint of the shed.

BRENDAN SULLIVAN: Right.

And what's the existing Building Code, three feet?

RANJIT SINGANAYAGAM: To have openings within three feet is not enough.

DIMITER KOSTOV: To have openings within three feet.

BRENDAN SULLIVAN: Right.

DIMITER KOSTOV: To have openings within three feet. Yes. So we did ask for a window on the -- affixed stained glass window that's on that side, yes.

BRENDAN SULLIVAN: All right. Well --

CONSTANTINE ALEXANDER: You told us that even if we were to grant you relief --

BRENDAN SULLIVAN: We can't waive Building Code requirements.

DIMITER KOSTOV: Understand. Understood. We can mix it on the wall.

CONSTANTINE ALEXANDER: I think the message is you get no window.

PATRICK TEDESCO: You weren't seeking a Variance with the state for a Building Code?

DIMITER KOSTOV: No, we weren't.

CONSTANTINE ALEXANDER: They couldn't anyway.

That's a head's up. Brendan's giving you a warning.

DIMITER KOSTOV: Understood. Understood.

Absolutely, yes.

PATRICK TEDESCO: Can I ask, remind me, the addition in the back, is it an existing non-conforming setback; is that right? The addition itself?

DIMITER KOSTOV: The addition itself, yes, would fall within the --

CONSTANTINE ALEXANDER: It's going to extend basically, the structure.

DIMITER KOSTOV: Yes. Because our allowed buildable area is about a five foot strip in the center of the lot.

PATRICK TEDESCO: Yes.

DIMITER KOSTOV: And so, yes, both sides of the addition will fall within the non-conforming setback. Yes.

PATRICK TEDESCO: Okay.

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

(No Response.)

CONSTANTINE ALEXANDER: I'll open the matter up to -- I assume -- do you have anything else? You'll have an opportunity to speak again, but anything at this point you want to tell us?

DIMITER KOSTOV: We shared what we wanted to do.

CONSTANTINE ALEXANDER: Okay.

Is there anyone wishing to be heard on this matter?

(No Response.)

UNIDENTIFIED MEMBER FROM THE AUDIENCE: I'd like to be heard.

CONSTANTINE ALEXANDER: I didn't see you. I apologize.

CHARLES CHERNEY: I live across the street. My name is Charles Cherney C-H-E-R-N-E-Y. I live at 189 Elm

which is more or less across the street. I lived there with my wife and our daughter for 15 years. I see the house every morning when I open my door so I have a direct sight line on the house. I've reviewed the plans. I think they're very thoughtful and they respect the streetscape of Elm Street. And the presentation just made I think where the architect spoke about organizing an entrance within the shed on the side of the house respects the integrity of the streetscape and allows the house to grow beyond, as you say, the studio size it is to a size appropriate for a family. So I have -- I'd like to register my full support for the plan presented.

CONSTANTINE ALEXANDER: Thank you. And thank you for taking the time to come down. Ma'am.

CHEYENNE McCARTER: Hi, my name is Cheyenne McCarter. I live at 192 Elm Street. C-H-E-Y-E-N-N-E M-C-C-A-R-T-E-R. So I live right next-door and I'm in full support. And that stairway, I have the exact same stairway

in my house and it's very steep and not so safe. We use it all the time, however, because that's there. But I think it's great. I think that it would add to quality of life.

CONSTANTINE ALEXANDER: Thank you. And, again, thank you for coming down.

CHRISTINA MEDEIROS: Hi, I'm Christina Medeiros, I live -- C-H-R-I-S-T-I-N-A M-E-D-E-I-R-O-S. I live on the other side of 200 Elm Street and I just want to register my support. I -- the plan, they've been forthcoming in sharing with their design and all. So absolutely, they deserve it, to have a little bit more room.

CONSTANTINE ALEXANDER: Thank you.

Particularly after the case we've been hearing so far, it's nice to hear neighbors in support.

CHEYENNE McCARTER: They're very easy to support.

CONSTANTINE ALEXANDER: Anyone else wishes to be heard?

(No Response.)

CONSTANTINE ALEXANDER: There are no letters in the file one way or another.

Any final comments you want to take.

DIMITER KOSTOV: No, thank you for your time.

CONSTANTINE ALEXANDER: Ready for a vote or do people want to discuss it?

JANET GREEN: Vote.

CONSTANTINE ALEXANDER: Ready for a vote.

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. The hardship being is that the structure is that it really is not large enough for a single-family residence and enlargement is necessary.

That the hardship is owing to the shape of the lot. It's a very small and narrow lot, such that any relief, any modification to the structure requires zoning

relief.

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 if the project goes forward, it would result in a code compliant staircase to replace a non-compliant staircase and that it would enhance the housing structure of the City of Cambridge by taking what is now a too small house to a larger size, by no means a mega mansion.

So on the basis of these findings, the Chair moves that we grant the Variance sought on the condition that the work proceed in accordance with plans submitted by the petitioner. They were prepared by Schwartz Design. They're dated May 12, 2016. They're several pages in length. The first page of which has been initialed by the Chair.

All those in favor please say "Aye."

(Aye.)

CONSTANTINE ALEXANDER: One, two, three four?

BRENDAN SULLIVAN: Well, okay. We'll make it unanimous.

CONSTANTINE ALEXANDER: Yes?

BRENDAN SULLIVAN: Yes.

CONSTANTINE ALEXANDER: It's unanimous. Relief granted.

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

* * * * *

(8:50 p.m.)

(Sitting Members Case BZA-010455-2016: Constantine Alexander, Brendan Sullivan, Janet Green, Patrick Tedesco, George S. Best.)

CONSTANTINE ALEXANDER: The Chair will call a case No. 010455, 2 Hollis Park.

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

ATTORNEY SARAH RADIGAN: Good evening. My name is Sarah Radigan. I'm the attorney representing the owner of the project. Mr. Matteosian is here sitting on the opposite side of the plans, and our architect Peter Quinn. And just to for the record, the attorney who filed this application is Sean Hope who wasn't able to be here tonight so I am helping out by presenting to you this evening.

CONSTANTINE ALEXANDER: Fine.

ATTORNEY SARAH RADIGAN: So this, this is a renovation, a gut renovation, an alteration to a two-family home on Hollis Park which is a private road off of Hollis Street in a neighborhood of two-family homes of similar age and structure, but with a very narrow lot. And the house has been modified many times and in somewhat awful form over the many years. None of with permits and none with any record of what's happened to this home over time. But the reason we're requiring both a Variance and a Special Permit, essentially any modification of this not pre-existing

non-conforming structure would require a Variance due to the fact that as originally built it exceeded current -- what would be current dimensional requirements. And in this case the modifications actually decrease non-conformity in both in terms of the square footage liveable space as well as the floor area ratios. It also improves the open space on the lot and the renovations to the building as a whole are really, I think you would agree will be real improvements to the house which is really in dire need of repair.

CONSTANTINE ALEXANDER: And the purpose of this is to convert a two-family into a single-family?

ATTORNEY SARAH RADIGAN: No. It's maintaining it as a two-family property.

CONSTANTINE ALEXANDER: So it would still be a two-family?

ATTORNEY SARAH RADIGAN: And it's all reconfiguring the space within it to essentially modernize it to better utilize the space that exists there.

CONSTANTINE ALEXANDER: And you're proposing a dormer as part of this?

PETER QUINN: Yes.

CONSTANTINE ALEXANDER: And the dormer complies with the dormer guidelines?

ATTORNEY SARAH RADIGAN: The dormer does comply. I think in almost all respects I think there might be one small slight difference. Peter, I'll let you speak to that. It was the ridge line we were discussing.

CONSTANTINE ALEXANDER: You're going to the ridge line, you're not going to go a foot below or whatever --

PETER QUINN: Just slightly below. My name is Peter Quinn of Peter Quinn Architects Davis Square.

The issue is that the existing ridge line is so low that and therefore the height inside the attic area, even though it is finished as it is now, it just -- if you dropped it down significantly, you would end it with a completely flat dormer which is inconsistent with the

neighborhood. And that you would also have such a low headroom, it would be well under seven feet. So we've maintained it so that we can keep within a Building Code acceptable height within the attic area of about seven-foot, three or four underneath the dormer once it's framed out. But you can see we have brought it down a little bit from the ridge.

CONSTANTINE ALEXANDER: But the length of the dormer is --

PETER QUINN: Ten-foot, eight which is within 15 feet.

CONSTANTINE ALEXANDER: And you're setting back from the --

PETER QUINN: Yes, we are, a couple of feet.

PATRICK TEDESCO: Is that the chimney adjacent to the dormer, to the left of the dormer?

PETER QUINN: To the left -- no, that's a skylight.

PATRICK TEDESCO: Oh, I'm sorry.

ATTORNEY SARAH RADIGAN: There's also going to be a removal of sort of a protruding portion of the rear of the property that's going to be removed at the back.

CONSTANTINE ALEXANDER: That's a result of the decrease in the FAR?

ATTORNEY SARAH RADIGAN: That's decreasing square footage.

PETER QUINN: We will. You can think of it that we're swapping FAR from one place to another.

ATTORNEY SARAH RADIGAN: But there's a net 49 square feet of decrease in FAR.

The reason for a Special Permit is that because of the modifications to the building and also restoring what were open window openings that have sort of in this patchwork of renovations over time have been covered up or changed, we are changing openings in -- within a setback.

CONSTANTINE ALEXANDER: Can you just point them

out on the plans?

PETER QUINN: Sure. So the rear of the building is very close to the rear lot line, about seven or eight feet. Of course in this district the rear setback has to be 25 feet. So anything on the rear or on the sides of the rear meet, modify and meets a Special Permit. And so that's -- that approximately right here where I've drawn this blue line and all the way back. Any new window or any modification, that's our Special Permit request.

Elsewhere we're fine with what we're doing, it doesn't require Special Permit.

CONSTANTINE ALEXANDER: Do the neighbors who were affected by the relocation of the windows, have you heard from them? Spoke with them?

ATTORNEY SARAH RADIGAN: Yes.

So the neighbor, as you're facing the house from the street, the neighbor on the left is the most impacted by all of the changes, including the dormer which is, is the

dormer facing her building --

CONSTANTINE ALEXANDER: Right.

ATTORNEY SARAH RADIGAN: As well as the changes and the openings on the side of the house. And Mrs. O'Brien was sorry she couldn't be here tonight, but she did provide us a letter of support. And she's had many discussions with my client and as well aware of the plan changes and has been supportive.

CONSTANTINE ALEXANDER: I'll read this into the record at the appropriate time.

ATTORNEY SARAH RADIGAN: Great.

Just one other thing in terms of others who, you know, may be affected by this. The other changes which are really pretty modest at the rear would be most affected by the neighbor at the rear of the property, and that the owner of that building is owned by an entity called, "Heading Home, Inc." But the owner, I believe she's the owner, the manager of the property. She also has had a number of

discussions with Mr. Matteosian and had expressed her support for the project.

At the rear of the property there is -- I have a number of pictures to share with you, but there is an existing six-foot fence that sort of ends and then there are pieces of it that were off to the side that luckily still exist. There's a shed which is being removed. There's a shed that was encroaching on the neighbor. The shed's being removed and the six-foot fence is extending along the whole back of the property line. So to the extent that the rear neighbor would be able to see a new rear entryway or score or window opening, I don't believe that they would be able to see anything.

CONSTANTINE ALEXANDER: Okay.

ATTORNEY SARAH RADIGAN: The -- I mean I believe we've covered all of the changes to the building and, you know, I can certainly sort of speak specifically to Variance requirements.

CONSTANTINE ALEXANDER: You should.

ATTORNEY SARAH RADIGAN: I also want to allow you an opportunity to comment --

CONSTANTINE ALEXANDER: We'll have time.

ATTORNEY SARAH RADIGAN: -- comment or ask questions.

CONSTANTINE ALEXANDER: We always have time to comment.

ATTORNEY SARAH RADIGAN: So the Variance is -- the required the hardship of the nature of both the size and the narrow width of the lot, the size of the structure and the fact that it's been modified so much over time in ways that have made it kind of unusable for modern living, if you will, in the interior. There's also an additional issue which in the process of starting the demolition of the interior of the property which was really in quite bad shape. Mr. Matteosian uncovered really significant fire damage. Apparently there was a very serious fire that no

one told him about. He went looked for any inspectional records. No permits, no information with the fire department. Has -- ultimately a neighbor finally did tell him that there had been a major fire I think in 1989?

GREGORY MATTEOSIAN: March 1989.

ATTORNEY SARAH RADIGAN: 1989, excuse me. And the repairs which you'll see -- I think I'm giving you the right photographs here. My client was very organized and I managed to unorganize it here. I don't want to burden you with too many photos, but there was really extensive fire damage to the roof which is adding to the -- both the cost of renovations and also probably we'll rebuild to the existing, you know, to the extent --

CONSTANTINE ALEXANDER: Why is this relevant to whether we should issue you the Variance?

ATTORNEY SARAH RADIGAN: Well, I think that in terms of the structure that I think that it has some bearing on whether or not the structure is impacted by --

CONSTANTINE ALEXANDER: The structure now, I mean people are living there and have lived there since 1989.

ATTORNEY SARAH RADIGAN: They have, yes.

CONSTANTINE ALEXANDER: I mean you want to improve the structure. I understand that.

ATTORNEY SARAH RADIGAN: That is true.

CONSTANTINE ALEXANDER: I don't think the fire damage is necessarily relevant for us.

ATTORNEY SARAH RADIGAN: I mean I hear you on that. I think that it does perhaps just help in the context of the hardship of the cost of renovation of the building.

The other thing if it's helpful to you, you'll see that the -- I mentioned that some of these window openings are restoring what were previously larger windows. So what happens in this, it will be the old window frame which was covered up at some point and somebody put in these replacement top windows, which don't let enough light in. And maybe they technically do. I don't know -- they might

technically allow enough light for a bedroom, but not sufficiently. So here's an example of where this window will be recreated in that location. This is a window on the -- thank you. On that lower wall. So I'll give you this picture.

CONSTANTINE ALEXANDER: We can have it for our files?

ATTORNEY SARAH RADIGAN: Yes.

The other thing just to comment is that the -- that the dormer is smaller but consistent with other dormers in the neighborhood. In fact, the houses on both sides of this house have dormers. This is a photo -- so the green house is our house. This is Ms. O'Brien's house who has provided the letter of support, and you can see her dormer addition larger than what ours would be. So hers is, I don't know, approximately 20 feet --

PETER QUINN: Yeah.

ATTORNEY SARAH RADIGAN: -- I would guess? And

ours would be about half the size.

CONSTANTINE ALEXANDER: But the most important thing is you're going to comply with the dormer guidelines?

PETER QUINN: Right.

CONSTANTINE ALEXANDER: Essentially.

ATTORNEY SARAH RADIGAN: Here's another nice example of the dormer on the house on the other side of ours.

CONSTANTINE ALEXANDER: Okay.

ATTORNEY SARAH RADIGAN: Again, I don't want to kill you with this. Mr. Matteosian was good with --

CONSTANTINE ALEXANDER: I don't think we need any more. I think you've made your point.

ATTORNEY SARAH RADIGAN: Good.

So overall we, we believe that there shouldn't be a negative impact to the neighborhood. We think there really will be a positive impact. The -- so the revised updated plans that you have include a landscaping plan so

that you can see there's really been a nice effort to really improve the look and, you know, provide any buffer to the neighbor in terms of how any of these window openings might affect them.

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

JANET GREEN: I wonder do you change the parking? I notice that it seems like the driveway was longer.

PETER QUINN: It is. Yes, that's correct. So we're shortening it a space, a normal space.

JANET GREEN: It will only be one car?

PETER QUINN: Well, in this lane. The custom is that one can park in front of the one's house as well so there's a space out there as all the neighbors have in that -- on this lane.

ATTORNEY SARAH RADIGAN: But there actually is, there's no change to the number or really the dimensions of the parking. There is more paving or sort of cobbles

available now, but it's not -- the actual paved surface will remain the paved surface so there isn't a --

JANET GREEN: But it's not a parking space?

ATTORNEY SARAH RADIGAN: There is a parking space in the driveway.

JANET GREEN: One.

ATTORNEY SARAH RADIGAN: One parking space.

JANET GREEN: Isn't there a long driveway that goes all to the end of the house?

ATTORNEY SARAH RADIGAN: No, it's not a driveway.

JANET GREEN: It's a dirt road sort of?

ATTORNEY SARAH RADIGAN: It -- I mean that's --

PETER QUINN: Packed.

ATTORNEY SARAH RADIGAN: I think it's packed dirt.

JANET GREEN: Yeah, I think it is packed dirt, but it's big enough for two cars.

GREGORY MATTEOSIAN: My name is Gregory

Matteosian, G-R-E-G-O-R-Y M-A-T-T-E-O-S-I-A-N. The home had

a fence that came with a -- it started -- the fence came across the driveway where the bay window is. It's never been any further than that. And there was a door to get in there. The fence has been there for many, many years according to Mrs. O'Brien. There was a garage one time in the back. The garage was removed, there's that one space. There's the one space. There's only one driveway space, Ma'am. And I think what Peter was referring to is the -- and I think Shirley might be able to help me on this, but there's a neighborhood, the neighborhood manner, as it was explained to me, is you can park along the width of your home and that's the way the neighborhood has always functioned, at least according to what I've learned from the neighbors.

CONSTANTINE ALEXANDER: And this parking space that's on that plan, does that space complies with our Zoning Code? It is a code compliant parking space?

PETER QUINN: It is, yes. I mean, I believe the

only thing is that it's in the front yard setback, but that's an existing condition.

CONSTANTINE ALEXANDER: It is there now. But I mean in terms of width and depth.

PETER QUINN: Yes.

PATRICK TEDESCO: I'm just curious, does the property actually extend over the property line?

PETER QUINN: Yes. It does.

PATRICK TEDESCO: I'm just curious.

PETER QUINN: It is odd.

JANET GREEN: Yes, it is.

CONSTANTINE ALEXANDER: Not the first time we've seen a property --

PETER QUINN: Oh, yes.

CONSTANTINE ALEXANDER: Anything further at this point?

ATTORNEY SARAH RADIGAN: No.

CONSTANTINE ALEXANDER: Any comments at this point

from members of the Board?

(No Response.)

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

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

FREDERICK DOW: Good evening. My name is Frederick Dow, D-O-W. Frederick Dow. I live at the Three Hollis Park which is the second dormer that you looked at, and I have to say that we are happy that much of the renovation is moving forward. We're here mostly to observe the process for one which is very enlightening and interesting. We have been here 26 years ago -- 23 years ago for our own dormer, and we were approved with the caveat that there be some additional design to it in order for -- and as you can see, our dormer does have a bit more detail, angles to it, etcetera. And I know that Greg and I had talked about that, and one of our interests was to

improve the neighborhood in terms of the aesthetics. And ours was one of the first to move in that direction, I think. And we were interested in knowing whether there was a possibility of adding a little bit more detail to the dormer rather than having a shed on the -- having a shed effect. I don't know if that meets the code.

CONSTANTINE ALEXANDER: There's no requirements in terms of -- from a zoning point of view. The only requirements are the dormer guidelines which we restrict the location of a dormer and its size, but not in terms of detail.

FREDERICK DOW: Right, right. And when we, we appeared before the Zoning Board, we were told that there was some design cops that were interested in our project, but I, you know, having put into the dormer that way, we certainly see how well it has fit in with the home and improve the house, and we love the design. So we just want to ask whether that was something that we might be added to.

I know Greg has spoken with the architect and there was some reason why they couldn't add a little bit more detail to that.

CONSTANTINE ALEXANDER: That's a private matter, if you will, between you. From a zoning point of view, we don't get into that.

FREDERICK DOW: Well, they did when --

CONSTANTINE ALEXANDER: That was then and this is now.

FREDERICK DOW: This is now.

CONSTANTINE ALEXANDER: We got smarter over the years.

FREDERICK DOW: Perhaps the architect and I could talk at some point.

The other matter is that we're interested in opening up is that -- some of the some of the construction has been -- it's a major project.

CONSTANTINE ALEXANDER: Yeah.

FREDERICK DOW: And it has disrupted the neighborhood a little bit in terms of the trucks coming in at certain hours and leaving and also the impact on the street. I think the pavement itself. I don't know if that's something that --

CONSTANTINE ALEXANDER: I can only tell you that this is often an issue when people want to come before our Board and want to do construction.

FREDERICK DOW: Yes.

CONSTANTINE ALEXANDER: We don't -- like I say, it's not a zoning issue. We rely on the neighbors to be good neighbors and also to the traffic department, I believe, if there are problems that you can't, if you're not happy and you're not getting anywhere, I think you contact the Traffic and Parking, they may be able to do something. We don't get involved in that --

FREDERICK DOW: That's good to know. Then finally

I guess I was interested in knowing, I know that there's going to be central air conditioning and I just want to -- and I know Greg said that the central air conditioning unit is going to be placed in a corner on -- in this area I believe. But I haven't seen the plans. Because, you know, our house abuts here and as an alleyway, any noise --

CONSTANTINE ALEXANDER: I don't mean to dismiss your concerns, but the air conditioning is not an issue of this Board again. That's not a zoning issue.

FREDERICK DOW: Okay.

CONSTANTINE ALEXANDER: The noise is often a factor with air conditioning.

FREDERICK DOW: Right.

CONSTANTINE ALEXANDER: And there is a noise ordinance in the city and they have to comply with that. It's not -- again, another part of the city would enforce it. Most air conditioning units don't violate the noise ordinance. So you have to live with --

FREDERICK DOW: But the Board doesn't need to look at plans relative to where that is going to be placed?

CONSTANTINE ALEXANDER: Not for air conditioning, no.

FREDERICK DOW: I just trust that Greg means to put that in that back corner where it won't be --

CONSTANTINE ALEXANDER: I mean, it's always --

FREDERICK DOW: -- a disturbance there.

CONSTANTINE ALEXANDER: To locate the air conditioning in a place where it has the least adverse impact on neighbors. That's what hopefully will happen.

FREDERICK DOW: And so I guess that's --

SHIRLEY MARK: Is there -- those were the main things. I'm Shirley Mark. I'm his wife at Three Hollis Park. And I guess I -- the thing is that I've heard from other neighbors as well is just whatever you can do to mitigate the impact of construction.

CONSTANTINE ALEXANDER: That's an important issue.

SHIRLEY MARK: We have three children on the street and three families and they're under four-years-old. They're between two and four. And --

FREDERICK DOW: And they leave early in the morning.

SHIRLEY MARK: Yeah, and then neighbors also complained about the noise on the weekend, last Saturday in particular, that they started at seven a.m., the demolition and so people were not too happy about that. That I've heard that from more than one neighbor. So whatever can be done to mitigate the, you know, okay.

CONSTANTINE ALEXANDER: And this is something you have to work out as neighbors.

SHIRLEY MARK: Okay, thank you.

FREDERICK DOW: Generally what is the duration of the project do you think?

GREGORY MATTEOSIAN: In the second week of October. That's our goal. And we're intending to reach it.

FREDERICK DOW: Okay, good. And that's I think all we, we're in support of the project.

CONSTANTINE ALEXANDER: Thank you for taking the time to come down and address important neighborhood issues.

FREDERICK DOW: Yes.

CONSTANTINE ALEXANDER: Anyone else wishes to be heard on this matter?

(No Response.)

CONSTANTINE ALEXANDER: Apparently no one else wishes to be heard.

We are in receipt of two letters that have been submitted to us by the petitioner. One is from Ms. Kerrin

K-E-R-R-I-N Bauers (phonetic) and/or Ms. Xiomara

X-I-O-M-A-R-A Alicia A-L-I-C-I-A writing on behalf of

Heading Home, Inc. The address is 117 Rindge Avenue.

(Reading) Heading home is the owner of 117 Rindge Avenue,

Cambridge, Mass., I have reviewed the letter from the owners regarding renovation of Two Hollis Park and also the

application for a Zoning Variance to add a dormer to the property and windows in the rear setback. I support the application for a Variance to add a dormer to the property at Two Hollis Park and a Special Permit to add windows in the rear setback.

We also have a letter from the -- Mrs. Yvonne O'Brien on behalf of M. Yvonne O'Brien Realty Trust. The address is One Hollis Park. (Reading) My name is Yvonne M. O'Brien and I am the owner and trustee of the Yvonne M. O'Brien Realty Trust for One Hollis Park, Cambridge, Mass. I have reviewed the letter from the owners regarding the renovation of Two Hollis Park and also the application for a Zoning Variance to add a dormer to the property and windows in the rear setback. I support the application for a Variance to add a dormer to the property at Two Hollis Park and a Special Permit to add windows in the rear setback. And that apparently is it.

ATTORNEY SARAH RADIGAN: I actually have three,

four letters that are --

CONSTANTINE ALEXANDER: Are they identical?

ATTORNEY SARAH RADIGAN: Identical.

CONSTANTINE ALEXANDER: Let me just read the names
of the person --

ATTORNEY SARAH RADIGAN: And addresses.

CONSTANTINE ALEXANDER: We also have letters
identical to the ones I just read from, I can't read the
signature, but it's the residents of 113 Rindge Avenue.

From the owner or the resident at 125 Rindge
Avenue, No. 3.

One looks like Jason Perry. I could read this
one, who resides at 125 Rindge Avenue, No. 1. And from
Thomas B. Tufts T-U-F-T-S, and a second name that I can't
read, it's also last name Tufts, who resides at 25 Hollis
Street, apartment No. 2. All of these as I mentioned are
identical to the earlier letters that I've read and are in
support of the relief being sought.

That's it?

ATTORNEY SARAH RADIGAN: That's it.

CONSTANTINE ALEXANDER: Discussion or ready for a vote? Ready for a vote.

We need to take two votes. So let me take the Variance vote first.

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 that this is an older structure that has been modified willy-nilly and sometimes without not necessarily with legal approvals, such that it now needs some relief, some modifications that would make the structure more amenable to residential purposes.

That the hardship is owing to the fact that it is a very odd shaped lot, and the building itself now is not conforming so that any relief requires zoning relief.

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 the petitioner is proposing will actually reduce the non-conformance of the FAR, albeit in a minor fashion, and would otherwise -- otherwise make the property more consistent with the general neighborhood.

On the basis of these findings, the Chair moves that we grants the relief being sought on the condition that the work proceed in accordance with the plans prepared by Peter Quinn Architects. They're several pages in length. Looks like the date is May 31, 2016. The first page of which has been initialed by the Chair.

ATTORNEY SARAH RADIGAN: I'm sorry to interrupt you but the most recent modified plans are dated June --

PETER QUINN: July 8th.

ATTORNEY SARAH RADIGAN: I'm sorry, July 8th.

CONSTANTINE ALEXANDER: Maybe I pulled the wrong ones out. Let's see what we've got. You're right, you submitted --

PETER QUINN: We just shifted the dormer to be more symmetrical. So it's July 8th.

CONSTANTINE ALEXANDER: So, again, plans prepared by Peter Quinn Architects dated July 8th, the first page of which has been initialed by the Chair.

All those in favor please say "Aye."

(Aye.)

CONSTANTINE ALEXANDER: Five in favor.

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

CONSTANTINE ALEXANDER: Variance. Special Permit.

ATTORNEY SARAH RADIGAN: Thank you.

CONSTANTINE ALEXANDER: Unless you don't want one.

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

That the requirements of the Ordinance are such

that you must obtain the Special Permit.

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

That the continued operation or development of adjacent uses will not be adversely affected by the window relocations.

That no nuisance or hazard will be created to the detriment of the health, safety, and/or welfare of the occupant of the proposed structure 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 the intent and purpose of this Ordinance.

So on the basis of these findings, the Chair moves that we grant the Special Permit requested on the condition again that the work proceed in accordance with the plans

identified with regard to the Variance.

All those in favor please say "Aye."

(Aye.)

CONSTANTINE ALEXANDER: Five in favor. Special
Permit granted.

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

ATTORNEY SARAH RADIGAN: Thank you.

* * * * *

(9:15 p.m.)

(Sitting Members Case BZA-010464-2016: Constantine
Alexander, Brendan Sullivan, Janet Green, Patrick Tedesco,
George S. Best.)

CONSTANTINE ALEXANDER: Okay. The Chair will call
case No. 010464, 46 Parker Street.

Is there anyone here wishing to be heard on this

matter?

MELISSA GARCIA: Yes.

MATTHEW SIMITIS: Yes. I'm Matt Simitis. I'm the architect representing Melissa Garcia and her husband Eric, the owners of 46 Parker Street.

We do have, before I introduce the project, we do actually have two changes since the application that I've reviewed with city staff and so I have updated and -- one updated plan. We'd like to strike the language for the accessory apartment in the basement.

CONSTANTINE ALEXANDER: Right.

MATTHEW SIMITIS: And I have a reviewed plan reflecting the removal of the kitchen and the associated spaces for that. I was told to bring --

CONSTANTINE ALEXANDER: It's only internal?

MATTHEW SIMITIS: It is only internal, that's right.

CONSTANTINE ALEXANDER: Otherwise, the reason I

mention that, any plans, new plans should have been in our files by five p.m. last Monday. And in which case we won't hear the case.

MATTHEW SIMITIS: No exterior changes.

CONSTANTINE ALEXANDER: Only interior?

MATTHEW SIMITIS: Only interior changes.

The other -- the one other language that we would like to strike was the discussion was the request for dormers. There are three dormers that were initially proposed, two of them were code compliant, are code compliant. I'm sorry guidelines compliant.

CONSTANTINE ALEXANDER: Right, right.

MATTHEW SIMITIS: We are keeping those. There was an additional that we were hoping to use to achieve code compliant headroom on a stair, but that would result in a dormer that is not compliant according to the guidelines, and so we'd like to strike that dormer. That is an exterior, a visible exterior change.

CONSTANTINE ALEXANDER: I have to tell you I'm a little troubled by all of this. I mean, the advertisement doesn't even correspond to what we're seeing tonight. You drop the accessory apartments and you've now dropped one of the dormers, the big dormer. And you're correct, we would never have approved those dormer guidelines. We approve -- you haven't been before us I don't think. We approve -- when we grant relief, it's tied to plans that we have.

MATTHEW SIMITIS: Yes.

CONSTANTINE ALEXANDER: And I don't know -- we don't have the plans before us that show the removal of second floor dormer.

MATTHEW SIMITIS: I appreciate that.

CONSTANTINE ALEXANDER: Now I suppose since it is just a matter of removal of the dormer we can take the plans that you have submitted and strike the dormer.

MATTHEW SIMITIS: That's right.

CONSTANTINE ALEXANDER: We also, by eliminating this dormer you've changed your dimensional form.

MATTHEW SIMITIS: And that is true.

CONSTANTINE ALEXANDER: And you haven't -- that should have been in our files by five p.m. on the Monday before. You're really pushing the envelope, to be honest, with this Board.

MATTHEW SIMITIS: I appreciate that. I understand that.

CONSTANTINE ALEXANDER: So I'm not happy but I'm of a mind as Chair to go forward with this case on this basis, but I would welcome other members of the Board views on this whether we should go forward tonight or ask for new plans to come in that show no new dormer. Any member of the Board have any strong feelings on this?

PATRICK TEDESCO: Will the new plans be presented by you?

MATTHEW SIMITIS: If that's allowable.

CONSTANTINE ALEXANDER: It doesn't comply with our rules.

PATRICK TEDESCO: Sure, I understand.

MATTHEW SIMITIS: The one thing that I would say that may help with this discussion is that I did include in my initial submission existing conditions, drawings that do reflect the -- what we're proposing, the existing dormer and the not --

CONSTANTINE ALEXANDER: Do you have a new dimensional form with you?

MATTHEW SIMITIS: I do not. I've done the calculations for myself, but I didn't know it was too late for it to be submitted formally. So I have the number to relay, but --

CONSTANTINE ALEXANDER: You can relay the numbers?

MATTHEW SIMITIS: I can relay the numbers.

CONSTANTINE ALEXANDER: Well, again, I'll ask members of the Board, do you want to go forward tonight?

BRENDAN SULLIVAN: What we could do is if we were so inclined to approve with -- without the apartment, eliminating that, eliminating that other dormer is that in the interim, between tonight and the signing of the Variance, that the paperwork get caught up to that and that if it doesn't, then it would delay signing which is going to delay everything down the road. So it behooves you to get the paperwork in reflecting whatever we're approving and also the dimensional form so that that number is a baseline then going forward to, you know, you may never do anything else on this property, but the next owner may. So basically it's to help the building inspectors.

CONSTANTINE ALEXANDER: That's exactly right.

BRENDAN SULLIVAN: Once we pass it off, it's out of our sight, out of our mind. But we don't want to pass off a problem to the building inspector to have to enforce, to have to interpret, to have to try to understand. So anyhow, that's the reason.

CONSTANTINE ALEXANDER: That's how we would proceed if we did proceed. That's exactly right.

Let me ask you a question, I should have asked you before. I'm sorry to interrupt you. As a result of eliminating that too large dormer, does your Special Permit go away now? The request for a Special Permit or do you still need a Special Permit?

MATTHEW SIMITIS: The Special Permit I believe was for the accessory apartment which we were told we don't qualify for.

CONSTANTINE ALEXANDER: Right.

MATTHEW SIMITIS: So as a result, the Special Permit does go away, but not because of the dormer. The dormer is an FAR question.

CONSTANTINE ALEXANDER: And if we do away with the dormer, weren't you going to remove, replace skylights with a dormer?

MATTHEW SIMITIS: Sorry. Two different things.

CONSTANTINE ALEXANDER: Go ahead.

MATTHEW SIMITIS: The question that you're asking about, so there is also a Variance that we're -- one of the other elements we're asking a Variance for is for altering or relocating windows and within the setback, within the side setback. That is not a Special Permit. You were asking -- that is in the language.

CONSTANTINE ALEXANDER: Yeah, I'm reading it. The advertisement says: To create new window locations within the side setback.

MATTHEW SIMITIS: Yes.

CONSTANTINE ALEXANDER: And that's still --

MATTHEW SIMITIS: That is still pending.

CONSTANTINE ALEXANDER: That's still pending.

MATTHEW SIMITIS: That's a Variance and not --

CONSTANTINE ALEXANDER: That's a Special Permit.

MATTHEW SIMITIS: Okay, so the Special Permit

remains. I apologize.

CONSTANTINE ALEXANDER: That's what I'm trying to get at.

MATTHEW SIMITIS: That is not related to the dormer, though.

CONSTANTINE ALEXANDER: Okay. I thought maybe, maybe doing away with the dormer would eliminate the need for the Special Permit.

MATTHEW SIMITIS: No.

CONSTANTINE ALEXANDER: But it's not?

MATTHEW SIMITIS: No.

CONSTANTINE ALEXANDER: Okay. So you need two votes tonight?

MATTHEW SIMITIS: Yes, I still need -- you are correct. I'm sorry.

CONSTANTINE ALEXANDER: That's all right.

MATTHEW SIMITIS: I still need two votes.

CONSTANTINE ALEXANDER: Okay.

And now we go back to, with regard to the dormer that's not going to be built, you were going to remove some skylights?

MATTHEW SIMITIS: That is actually where the two guideline compliant dormers are. There are skylights --

CONSTANTINE ALEXANDER: Oh, that's over there.

MATTHEW SIMITIS: Yeah. So those skylights will be removed and replaced with slightly larger dormers.

CONSTANTINE ALEXANDER: Okay, okay. I got it.

JANET GREEN: You want to speak?

GEORGE BEST: So, there are a lot of dangling pieces and parts.

CONSTANTINE ALEXANDER: That's correct.

GEORGE BEST: Someone coming after us to review it is not going to know or have these, privy to these discussions.

MATTHEW SIMITIS: I see that.

GEORGE BEST: So my preference would be is to do

it over and come back. I'm just saying because that keeps everybody on the same page and nobody's guessing and what should we do. Because when we make a recommendation, you can walk away from the table and forget about it. Or it's not going to be as quite accurate as you thought what we said it would be. So I think if -- and this is my own opinion, if you came back with something that we could all vote on that was clean, fresh, and new, it would be easier for everybody to at least stand in there and work from that baseline.

CONSTANTINE ALEXANDER: Well, we can, at this point we can pursue that, and that's where I was going. That's the reason I threw this open for a discussion for that very reason. This would be a case not heard. So we could, we could hear it next -- we could make a point of hearing it at our next hearing which is in two weeks. You'd have to get the new plans in and dimensional form by five p.m. on the Monday before. When's the next meeting?

ANTHONY TUCCINARDI: It's July 28th.

JANET GREEN: July 28th.

CONSTANTINE ALEXANDER: So you have to get in on the Monday before Monday before July 28th.

MATTHEW SIMITIS: I can do, you know I've done most of that drawing working and I should be able to.

CONSTANTINE ALEXANDER: Frankly, I think that's a preferable way of going. George makes a good point. I really don't like this paperwork catching up. We've done it, but don't like to do it.

MATTHEW SIMITIS: Truthfully I've been scrambling this past week trying to keep this date quite honestly, but I did find that the conversations that I was having were altering the plans and drawings as I was having them, you know. So I do appreciate what you're saying.

CONSTANTINE ALEXANDER: I'm going, and this would be a case not heard so you don't have to have the five of us here.

JANET GREEN: Is there anybody here?

CONSTANTINE ALEXANDER: I know these folks are here far Fayerweather I'm sure.

UNIDENTIFIED MEMBER FROM THE AUDIENCE: No, we're early for the last one.

JAMES WILLIAMSON: Fayerweather right here. This gentleman.

CONSTANTINE ALEXANDER: Anyone here wishing to be heard on this matter of whether we should continue the case?

(No Response.)

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

I am going to make a motion that we continue -- and I don't know how many other cases we have, continued cases.

Do you have a list of how many continued cases we have for July 28th?

MATTHEW SIMITIS: Can I ask a question?

ANTHONY TUCCINARDI: Three.

CONSTANTINE ALEXANDER: We don't usually do more than three.

MATTHEW SIMITIS: That was gonna be my question. When I spoke with people today they suggested that it would be into August, that's part --

CONSTANTINE ALEXANDER: If the other members of the Board don't mind, I would suggest that we -- I don't know if you'll be here on the 28th. I think we can squeeze on another case on the 28th, because I know this has been kicking around for a while. Let's get it done with, but the right way.

MATTHEW SIMITIS: I appreciate that.

CONSTANTINE ALEXANDER: So, the Chair moves that this case be continued as a case not heard subject to the following conditions:

That you sign a waiver of time for decision which is required of whether we have to turn you down tonight.

Do you have the waiver form?

ANTHONY TUCCINARDI: Yes, I do.

CONSTANTINE ALEXANDER: Okay. You can sign that right now.

That No. 2, the sign that's posted now you have to modify that sign. Do it with a magic marker, whatever. Reflect the new date, July 28th. The new time, seven p.m. If you don't change the time, we're not going to hear that case until this time then. You don't want that. We don't want that. So, do those changes and the sign has to be maintained for the 14 days before July 28th, which means you've got to modify that sign tomorrow and make sure it's kept up because that's when the 14 days is going to start to run.

And lastly, as we've already mentioned, any revised plans, and there will be, and any revised dimensional form, which there will be, must be in our files no later than five p.m. on the Monday before July 28th. If

you don't do that, we're not going to hear the case on July
28th, okay?

MATTHEW SIMITIS: Okay.

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

(Aye.)

CONSTANTINE ALEXANDER: Five in favor.

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

* * * * *

(9:30 p.m.)

(Sitting Members Case BZA-010399-2016: Constantine Alexander, Brendan Sullivan, Janet Green, Patrick Tedesco, George S. Best.)

CONSTANTINE ALEXANDER: The Chair will call case No. 010399, 108 Fayerweather, No. 2.

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

WALTER MAYNE: Walter Mayne M-A-Y-N-E and I work for S&H Construction and Building.

CONSTANTINE ALEXANDER: Floor is yours what do you want?

WALTER MAYNE: Okay. There's more paper in the file than I printed out. But --

CONSTANTINE ALEXANDER: You know, you print a lot of paper out and it's in the file but not the key piece of paper.

WALTER MAYNE: Yeah, but what you probably want to see is the photograph of existing windows. So there's a third floor dormer, two double hung windows.

CONSTANTINE ALEXANDER: That's in here.

WALTER MAYNE: Yeah.

CONSTANTINE ALEXANDER: But I don't see where the new window is going to be located. I mean, usually you see a drawing you say here are the two windows.

WALTER MAYNE: Okay, I can explain.

CONSTANTINE ALEXANDER: Maybe if you just point out.

WALTER MAYNE: That's what I was going to do. Is that okay?

CONSTANTINE ALEXANDER: Yes.

WALTER MAYNE: Currently the windows are, this roof line is the same as the roof line in the photograph.

CONSTANTINE ALEXANDER: Yes.

WALTER MAYNE: So the windows are here and here.

They're like one window's between my fingers and the other window is between my fingers.

PATRICK TEDESCO: They're together?

WALTER MAYNE: There's a little space between them. There's a photograph of their existing location.

CONSTANTINE ALEXANDER: That's what I'm looking for right now. All these wonderful drawings are not very helpful to us from a zoning point of view.

Okay.

WALTER MAYNE: There it is.

CONSTANTINE ALEXANDER: There we go. Here are the two windows that you're going to eliminate as you pointed out.

WALTER MAYNE: Yes.

CONSTANTINE ALEXANDER: The new window that you're going to replace it with, where is it going to appear?

WALTER MAYNE: Right here. It's going to partially overlap with this one from about here to here.

It's under my finger.

CONSTANTINE ALEXANDER: I'm going to just roughly with a pen draw it, because basically this is roughly the window opening, right?

WALTER MAYNE: Yeah. It's narrower than that.

CONSTANTINE ALEXANDER: All right, it's not to scale.

WALTER MAYNE: It's a net decrease in window size and it's partially overlapping with that window.

CONSTANTINE ALEXANDER: Okay.

PATRICK TEDESCO: Is its head taller or the same head?

WALTER MAYNE: Same head, same head height.

CONSTANTINE ALEXANDER: These are identical.

PATRICK TEDESCO: Okay.

CONSTANTINE ALEXANDER: Well, anything else you want to say while I'm busy scribbling away?

WALTER MAYNE: If you have any questions I'm here

to answer them.

PATRICK TEDESCO: That's the second window adjacent to it?

WALTER MAYNE: That's a mirror.

PATRICK TEDESCO: Just one window.

WALTER MAYNE: One window smaller than the existing. These are fixed window. Those are operable.

CONSTANTINE ALEXANDER: I seem to recall the condominium association has signed off on this?

WALTER MAYNE: Yeah.

CONSTANTINE ALEXANDER: I think there's something in here. Yeah, there is. We have in our report that we have a letter in our file from the condominium association, excuse me, where you're saying they reviewed the proposed work and they don't see any violations. So no condominium issues for what you want to do.

WALTER MAYNE: Okay.

CONSTANTINE ALEXANDER: Questions from members of

the Board?

JANET GREEN: No.

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

(No Response.)

CONSTANTINE ALEXANDER: James?

JAMES WILLIAMSON: We were having a nice chat over here.

CONSTANTINE ALEXANDER: All right. I'm going to close public testimony. I don't think we have any letters in the file one way another. We don't. Ready for a vote?

BRENDAN SULLIVAN: Yes.

JANET GREEN: Yes.

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

That the requirements of the Ordinance are such that you do need a Special Permit in order to reorder or

relocate the windows to replace the existing double hung windows with the one smaller fixed window.

That traffic generated or patterns of access or egress resulting from what you want to do will not cause congestion, hazard, or substantial change in established neighborhood character.

That the continued operation of adjacent uses will not be adversely affected by what is being proposed.

That no nuisance or hazard will be created to the detriment to 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 the Ordinance.

In this regard the Chair would note that the relief being sought is very modest in nature and really has very little impact on the residents of the area.

So the Chair moves that we grant the Special Permit requested on the condition that the work proceed generally in accordance with a page that's been initialled by the Chair which shows the two windows that are being replaced or eliminated and the approximate location of the new window that it's going to replace.

All those in favor please say "Aye."

(Aye.)

CONSTANTINE ALEXANDER: Five in favor.

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

* * * * *

(9:35 p.m.)

(Sitting Members Case BZA-010524-2016: Constantine Alexander, Brendan Sullivan, Janet Green, Patrick Tedesco, George S. Best.)

CONSTANTINE ALEXANDER: The Chair will call case

No. 010524, 95 Fawcett Street.

Is there anyone here wishing to be heard on this matter? I guess you are. Go ahead. Give your name and address, each of you to the stenographer, please.

ATTORNEY NICHOLAS ZOZULA: Attorney Nick Zozula
Z-O-Z-U-L-A. McDermott, Quilty, and Miller.

ATTORNEY JOSEPH HANLEY: Attorney Joe Hanley
H-A-N-L-E-Y. McDermott, Quilty, and Miller, 28 State
Street, Boston.

EDWARD DOHERTY: Edward Doherty D-O-H-E-R-T-Y, 35
Doherty Ave., Danvers, developer.

DONNY GARRITY: Donny Garrity G-A-R-R-I-T-Y. With
O'Sullivan Architects.

CONSTANTINE ALEXANDER: The floor is yours.

ATTORNEY JOSEPH HANLEY: Thank you, Mr. Chairman.
Thank you, Members of the Board, for having us here tonight.
Just to give you a little bit of background on the
development team. Mr. Doherty is a --

JAMES WILLIAMSON: Could you speak up, please, just because it's hard to hear sometimes here.

JANET GREEN: Try the microphone. If you put it close to you it seems to work.

ATTORNEY JOSEPH HANLEY: Again --

CONSTANTINE ALEXANDER: James, if you want to come back and sit behind here, that's okay.

ATTORNEY JOSEPH HANLEY: I'll speak up. I'll speak up and slow.

Again, thank you for this opportunity. Again, attorney Joe Hanley with McDermott, Quilty, and Miller. Just to -- I want to make you -- familiarize you a little bit with the developer and then go through the site and the process that we've been and restate why we think this is an ideal case for a granting the Variance requested. And I'll ask the architect Donny Garrity to take you through the presentation.

Mr. Doherty, Ed Doherty I've had the pleasure of

representing on other mixed use residential developments in the Greater Boston area. He is a very well respected developer of housing who specializes in home ownership with an on-site affordable component, and that's exactly what this development is that is before you tonight. So the property site, 95 Fawcett Street is in the Alewife Overlay District in the Quadrangle Southeast Overlay. We would suggest in the materials that we have before you is unique in several ways and appropriate for the granting of the Variance in consistency with your standards and required findings. The property is approximately 2,522 square feet of lot. It is at the elbow of Fawcett Street as Fawcett abuts Molten Street and is a triangular asymmetrical irregular shaped lot, which is contemplated in your own findings as one of the, one of many factors that -- to be considered. There are limited circular -- there is limited land area circulation as a result of this shape, and it is unlike others in the area as it's at the corner.

There is an existing two-story building at the property that's most recently occupied by a business called Oriental Furniture. It is a distressed property site and further, you need --

CONSTANTINE ALEXANDER: Distressed in what regard?

ATTORNEY JOSEPH HANLEY: Distressed in the sense of it's in a state of disrepair.

CONSTANTINE ALEXANDER: Oh, it's not distressed from an environmental point of view.

EDWARD DOHERTY: No.

ATTORNEY JOSEPH HANLEY: No.

And it also happens to already occupy the entire front yard as well as three feet of city property. So this case would be a dramatic improvement as well as a minimal -- present only minimal violation.

To give you background on the process here. We have worked very, very carefully and extensively with community as well as Community Development and the Planning

Department to make sure that this project fits with the character of the neighborhood, but also that is appropriate for the granting of the Variance.

We started in December of 2015 working with Fresh Bond Residence Association as well as then its Chair and now Councillor Devereux. They were very accessible and open and helpful to us, and we are proud to say that the process resulted in their favorable review and perhaps also helped to set a standard for developments going forward. So they had issued a letter of support for the Planning Board. We had two hearings at the Planning Board; one in March and one in June resulting in the approval of Special Permits for FAR, height, the flood plane relief, the multi-family use, and the waiver of gross floor area for our parking.

What is being proposed is to revitalize this site in keeping with the Concord/Alewife plan in the southeast triangle and remove the existing two-story building with a five-story, 44-unit residential building with 44 parking

spaces and five affordable units.

CONSTANTINE ALEXANDER: The typical unit, how many bedrooms?

DONNY GARRITY: We have a mix of one, two, and three bedroom.

CONSTANTINE ALEXANDER: Give me an idea of how the mix breaks down. Of 44 units, how many are one bedroom? How many are?

ATTORNEY NICHOLAS ZOZULA: 29 one-bedroom.

ATTORNEY JOSEPH HANLEY: 29 one bedrooms 11 two bedrooms, and four three bedrooms.

CONSTANTINE ALEXANDER: It's unfortunate you couldn't have more three bedrooms.

ATTORNEY JOSEPH HANLEY: I'm sorry?

CONSTANTINE ALEXANDER: Unfortunately you didn't have more -- you couldn't have more than four three bedrooms. The City needs more three-bedroom units.

ATTORNEY JOSEPH HANLEY: Yeah.

JANET GREEN: And where does the affordable housing in this.

ATTORNEY JOSEPH HANLEY: I'm sorry?

JANET GREEN: Where does the affordable housing come in with that?

ATTORNEY JOSEPH HANLEY: Oh, because we, so we are doing more than is required --

JANET GREEN: I know your doing it.

ATTORNEY JOSEPH HANLEY: We have a density bonus for the five affordable units under the inclusionary development policy for the city.

CONSTANTINE ALEXANDER: Would the affordable units be one bedroom, two bedrooms, three bedrooms?

ATTORNEY JOSEPH HANLEY: No, they're commensurate with the general mix.

Did we select them?

ATTORNEY NICHOLAS ZOZULA: Those haven't been selected yet. Those will be selected after this process.

CONSTANTINE ALEXANDER: I mean, you could select after this process five, make all five affordable units one bedroom?

ATTORNEY JOSEPH HANLEY: No. The regulation requires that it be generally commensurate. So in this situation the -- we have a lot of one bedrooms. We have a good amount of two bedrooms, and we have the last three bedrooms. So of the five, you know, it's -- but that's a requirement that we've met with the affordable housing folks with the city and we continue to work with them on.

CONSTANTINE ALEXANDER: Okay. You wanted to say.

ATTORNEY JOSEPH HANLEY: And it's something that this developer is also familiar with in other developments.

EDWARD DOHERTY: As I understand it, the affordable apartment, affordable housing department are going to be the ones that pick them, not us.

CONSTANTINE ALEXANDER: I was going to say at the end of the day it's not a zoning issue.

EDWARD DOHERTY: It's a mix of units. I'm assuming one of the three bedroom units would be --

CONSTANTINE ALEXANDER: But the point being and I wanted to get out, you don't make the decision?

EDWARD DOHERTY: No.

CONSTANTINE ALEXANDER: As long as another city Board gets involved.

ATTORNEY NICHOLAS ZOZULA: Of course.

ATTORNEY JOSEPH HANLEY: And if I may, Mr. Chair, to use your input the reason we -- one of the reasons we need this Variance is if you were to require a literal enforcement and not grant us the relief, we would lose seven, two bedrooms that would become one-bedroom units. So if it is the strong feeling and public policy-wise and -- that we have better family-sized units in the City of Cambridge, then that would seem to support.

CONSTANTINE ALEXANDER: That also means that the affordable units that you would have in the building would

almost surely be one bedroom or almost all?

ATTORNEY JOSEPH HANLEY: Correct, yeah. And it would dramatically change the architectural design as you'll see in the presentation. So just briefly on the community outreach process work with Sean Currin (phonetic) who is here as our community outreach consultant and, again, positive review from the neighborhood association, but also from our abutters. And I know that's a concern of granting a Variance. We have had no opposition. Our only direct abutter is Global Organics which is at 62 Molten, and we've had very positive discussions with them. No opposition. And what you're seeing here and what you'll see in the presentation really is the result of that outreach and that input from CDD in the process.

So I just, just -- I know you have in the packet before you our narrative in support of the Variance, but I would -- I just want to state for the record that I think, you know, you'll find when you look through this, and you

hopefully discuss this with us tonight, that we are on point and an ideal candidate for the grant of this.

CONSTANTINE ALEXANDER: Can you be specific? As you know the three requirements for a Variance. Let's get to each one of them.

ATTORNEY JOSEPH HANLEY: Just to understand, the Variance that we need is Article 10, Section 30 for the front yard. And we have a lot that is an elbow lot at the corner that is irregularly shaped. So to find the front yard they're defining Fawcett Street to be the front yard. Okay? That explains the unique characteristics which go through the Variance.

CONSTANTINE ALEXANDER: What's the substantial hardship?

ATTORNEY JOSEPH HANLEY: So the requirement is 15.

CONSTANTINE ALEXANDER: What's the substantial hardship?

ATTORNEY JOSEPH HANLEY: The hardship is that if

you were to enforce this five-foot differential which is minimal and has no detriment, that you would take seven bedrooms away. You would make this into a much smaller, much poorer -- it would affect the design and the circulation. It would also take away parking. And it would be a far less marketable product for home ownership.

CONSTANTINE ALEXANDER: In other words, you would make less money for the project.

EDWARD DOHERTY: Well, I think it makes less -- it's going to make a -- as far as the standpoint of a layout in a unit and stuff like that, it's also -- it also affects that greatly. So units that remain are, you know, it's -- it is just a much less attractive flow to it. So for someone that's going to live there --

CONSTANTINE ALEXANDER: It can be done. I don't want to belabor this. So you'll make less money from the project. I mean you can -- better units to market if we grant you the relief you're seeking tonight.

EDWARD DOHERTY: Better units to market but a better building overall. A better looking building overall, and I think something that fits in a whole lot better overall.

ATTORNEY JOSEPH HANLEY: It would also be difficult for us to -- it lessens the furtherance of the Concord/Alewife plan goals and objectives. And, again, we -- but what we're here with is the result of strong community output. And if you look at your four requirements, they're not taken, they're not necessarily weighed, you know, one over the other. You have to look at the totality of the circumstances. And that's what we're saying to you, that this is a, you know, 15-foot requirement. Right?

And so there is some mitigating aspects here.
Right?

And we have a front, front wall on this building that is 200 feet and that's the section, 200 feet in length

along the front yard. Only 90 feet of it is in the prohibited five-foot differential. The average is 22 feet, because what we've done is, is we've mitigated the impact by introducing a courtyard that brings folks in that by the way is public realm as well, so people can sit and enjoy and stuff. Absent of the relief granted, we'd have to redesign essentially just -- we'd have to put that wall back, 15 feet would be the entire section.

PATRICK TEDESCO: Just a clarification on that. So the average you used for that average setback includes the rear yard which is courtyard, that's the front yard as well?

ATTORNEY JOSEPH HANLEY: No, no, just the front. So what I'm saying is it's not as if -- so that the requirement is 15, we're at 10. But on that 10, only less than 50 percent of our building is in the forbidden area. Because it's broken up, we have a large courtyard.

PATRICK TEDESCO: That's the -- right that's the

facade for which you're seeking.

DONNY GARRITY: And that's Fawcett Street to orient you, right here.

EDWARD DOHERTY: So the average setback would be including that in there --

CONSTANTINE ALEXANDER: 20 feet.

EDWARD DOHERTY: -- 22 feet.

CONSTANTINE ALEXANDER: 22 feet.

ATTORNEY JOSEPH HANLEY: And so....

The, you know, Ordinance talks about the, you know, the desired relief may be granted without nullifying or substantially derogating --

CONSTANTINE ALEXANDER: Right.

ATTORNEY JOSEPH HANLEY: -- derogating from the intent and purpose of the Ordinance. Well, what we're suggesting is that, you know, the purpose of the Ordinance is, you know, to allow for development with minimal changes that is consistent with the overall streetscape here.

CONSTANTINE ALEXANDER: It also seems to me that front yard setbacks are much more important in conventional residential districts where you have single-family or two-family houses on the street and you don't want them right on top of the street. Here Fawcett Street is not exactly ly suburbanville.

ATTORNEY JOSEPH HANLEY: And we're at its curve.

CONSTANTINE ALEXANDER: And you're on a curve. And the impact from the neighborhood from the diminished front yard setback is not nearly as great as it would be in a more conventional residential neighborhood. That's my take on it.

ATTORNEY JOSEPH HANLEY: Yeah.

Then, you know, so those are some of the aspects when we talk about hardship. I mean, the Ordinance does talk about substantial, financial, and architectural. We think that it's from a public policy standpoint, you don't necessarily want to a building that's going to wall off the

entire front yard, and that's what we've essentially have to do to make a feasible development. So it does relate to financials, but also relates to the architectural and the streetscape. I'd also say that if you look in the area, too, as you indicated, Fawcett Street is not, it's not a grid necessarily.

CONSTANTINE ALEXANDER: Right.

ATTORNEY JOSEPH HANLEY: So there isn't necessarily consistency with regard to what the front yards are, so it's not like we're deviating from the alignment. And the deviation, again, is fairly minimal.

CONSTANTINE ALEXANDER: Okay.

ATTORNEY JOSEPH HANLEY: Do you want to go into anything?

DONNY GARRITY: I can just quickly add there were several other things that I that kind of went into how we approached the site that kind of all added in with how we ended up with this end result. One of them being the public

outreach between the process we went through with the neighbors, the abutters, the associations. And generally the consensus was the idea that they liked this courtyard.

CONSTANTINE ALEXANDER: Courtyard.

DONNY GARRITY: The Atmark project across the street from us, which you may be familiar with, is a large super block development. You can see it here. It sits along this, along Fawcett Street for hundreds of feet. It's broken up. At one point where the future planning has allotted for the potential for a street connection in that area. So one of the things that we thought was nice about what we were proposing was in addition to having a nice public amenity, but also that's courtyard space is going to bring a little bit more light and air and how to alleviate that canyon effect. That would be resulting if we provided that full 15-foot with us and our across the street neighbor, would really start to set ourselves up for a large canyon effect down Fawcett Street.

CONSTANTINE ALEXANDER: Right.

DONNY GARRITY: Another thing that got us to where we are is floodplain, floodplain resiliency which we worked a lot with on the City on. This is a floodplain overlay district and they're very -- they wanted us to be very cautious with our building design and make sure that we put in permanent design standards that would alleviate the building and make it less susceptible to flooding. What we were able to do by kind of taking the long length of the site here on this triangular shape, we're able to get a little extra length for a driveway ramp which allows us to actually raise the ground level of the building up. So what we have happening is we enter on grade for vehicle parking, we actually drive up and get to the higher like first floor ground level plain. We're up like three feet above thereabouts the sidewalk elevation.

The courtyard also allows us to do that. And the pedestrian connection, accessible pedestrian connection that

is, you know, integrated in the park design which is going to be nice. But what it will enable us to do is get our ground level up, get the elevators up above and get our stairs up to a level above the established floodplain elevation. So if the in the event of a flood event, we'll have the building up above what they're projecting that established flood elevation will be.

Another thing about the design, as I mentioned earlier, was the idea of this future street connection. And the district was looking at a potential connection that would be connecting what would be through here and connecting through the Atmark project. So with working through our design for the process, we came up with -- we tried to keep in mind the fact that there could be two fronts for the project. So here's some perspectives of what we're proposing, but we tried to have two front doors. This would be the main one across the street, you know, utilizing courtyard as the main attraction. But we also, this would

be the potential street front on this new street that would be connecting going through. And as you can see, it's here with this connection with the Atmark. But the project has two front yards, excuse me, two front doors. And the way we've located them in the building is on the interior of the site, it allows us to have a midpoint entry point on the future front elevation of the building. It allows us to have a nice front door on the courtyard elevation and it allows us at both instances to cut up above that floodplain issue which the City is very strongly looking for us to make sure that we had accommodated that.

And the other thing that I pointed out was we utilized the inclusionary bonus for the FAR, but the -- we didn't take -- so our result of that would be is at the fourth level we have a roof deck here connecting the two parks that's just part of the design feature, but just something that I wanted to point out that we're not fully taking advantage of a full mass of the building, we have

setback the building along the street so that we have different parapet heights along the street front whereas the Atmark project has a prolific massive along their side.

CONSTANTINE ALEXANDER: Okay.

JANET GREEN: Before you sit down could you address the parking?

DONNY GARRITY: So the parking --

JANET GREEN: How that works?

DONNY GARRITY: The parking is on two levels. The location of our driveway entrance, we had gotten okayed with the Transportation Department, you come in the building here, come up the ramp, we have parking on both sides. We have a vehicle lift on the interior middle of the building. This was located after some discussion with the Planning Board and some help with the staff to find a location that worked the best for both mobility, queueing within the building, and the allowance of cars to move around and for proper entrance backing into the spot on both levels.

CONSTANTINE ALEXANDER: So you would be using that lift, the people who park would be using that lift?

DONNY GARRITY: For half the building.

CONSTANTINE ALEXANDER: For half the building.

How will that work? I mean, there's no one operating the lift, is there?

DONNY GARRITY: No, it's actually just like very similar to a passenger elevator, you drive in, there's a control button, panel that's on the driver's side of the thing, you hit the button to go up or down. Based on the building we have our preliminary designs are saying that the trip would be a total of about one minute including pulling in, hitting the button, pulling out, and backing out of the building. So about a one minute travel time. And we've located it in on the interior of the building so that we're above that floodplain issue, and also that they're able to have the mobility to get into either access of south part or the north part of the building.

CONSTANTINE ALEXANDER: Were the parking spaces -- I'm just curious now. Will there be a sign or is it first come -- in other words, will you have a designated space?

EDWARD DOHERTY: I think that it pretty much goes -- it's two ways it can go. I mean, a lot of times the first people in, you know, they're gonna kind of get their pick. I think a three-bedroom unit that might be a more expensive unit is probably gonna get a more preferential parking spot, but --

CONSTANTINE ALEXANDER: Makes sense.

EDWARD DOHERTY: For the most part on something like this where a lot of units will be sold during construction, I think they're pretty much going to be able to pick their parking spaces.

CONSTANTINE ALEXANDER: The reason I ask because I would think for the people who have to take the lift are not going to be thrilled about parking as people who don't have

to take the lift.

EDWARD DOHERTY: That may be true.

JANET GREEN: You don't have no electric car space or anything like that?

DONNY GARRITY: No, we don't have anything designated right now. We will look into getting spaces.

CONSTANTINE ALEXANDER: Any bicycle parking spaces?

DONNY GARRITY: Yes. On the ground floor we have a large dedicated bicycle space that's accessed through the building interior. That's connected through our courtyard, and also connected to that future front door connection. We have provided more than the minimums that are required and we've positioned it in a fairly prominent space with the help of the design staff to help kind of activate our courtyard space, thought that was an active use and pulled it up.

ATTORNEY NICHOLAS ZOZULA: If I may jump in on

that point. There's 60, proposed 60 permanent bicycle spaces, only 46 are required by zoning. And eight short-term bicycle spaces and five are required by zoning. So on both instances they are, and there's also going to be a bicycle preparation room, you know, with being able to, you know, change tires and make fixes and things like that for folks have that on the site as well.

GEORGE BEST: So back to parking. If you're on level two and for some reason there's a power outage on that side, what happens?

DONNY GARRITY: We are going to connect the both elevators to a backup generator which we're required to have for the building. So there will be a backup generator.

GEORGE BEST: So off topic, why only four, three-bedroom apartments and not -- do you have the room to do, 12?

DONNY GARRITY: Well, we initially we -- if I may. We didn't have any twos -- excuse me, threes in the initial

design. We were pushed by design staff to try to get to that ten percent. So the four units about ten percent. So we were able to get one stack of threes and one in the corner of the building.

ATTORNEY JOSEPH HANLEY: We're also proposing fairly generously sized units as well. So it's not, these aren't small two bedrooms.

DONNY GARRITY: Yeah, one of the advantages of the quirky angles as a result of the building is some of the living room spaces in the units are extra sized than what you typically see. So a lot of these units have something that might be a little quirky but a nice feature for marketability.

CONSTANTINE ALEXANDER: But the bottom line at the end of the day is you're going to have one parking space per unit and sometimes you've got a three-bedroom unit you might -- people might have expected, they might have two cars, the people who occupy that. And they're going to be

out of luck. But that's part of the market. That's what's going to happen.

ATTORNEY JOSEPH HANLEY: Yeah, we actually early on in the process we had more parking. And in working with CDD and Transportation, they asked us to reduce that. But I also say it's, you know, we're building much like this neighborhood for the future not just for today, and through that, you know, we're looking at not just lip service with respect to alternative transportation but commitment to -- I think we've made a very strong commitment, over \$1,000 per unit to mitigation to fund a new Hubway station as well as to fund the study for the pedestrian bridge that's going on. So we, we see this development as being part of the future and transportation is a key aspect of that.

CONSTANTINE ALEXANDER: How far will you be from the Alewife Brook T stop?

DONNY GARRITY: As the crow flies?

JANET GREEN: The crow flies you're there.

ATTORNEY NICHOLAS ZOZULA: With the bridge or without the bridge?

ATTORNEY JOSEPH HANLEY: Yeah.

DONNY GARRITY: I believe, you know, if the pedestrian bridge is put in, it's under a mile. But I believe it's just about a mile if you walk around.

JANET GREEN: You have to go to Concord and go --

ATTORNEY JOSEPH HANLEY: We're --

ATTORNEY NICHOLAS ZOZULA: We're proposing a shuttle.

ATTORNEY JOSEPH HANLEY: So workers --

CONSTANTINE ALEXANDER: You have to work some commercial issues with regard to your parking.

JANET GREEN: What about guest parking? I'm sorry. I mean where do they park?

ATTORNEY JOSEPH HANLEY: Bikes.

JANET GREEN: Guests?

ATTORNEY JOSEPH HANLEY: Bikes.

JANET GREEN: Guests have -- and you know your guest, you have a picnic basket and three children all get on their bike and just come on over.

ATTORNEY JOSEPH HANLEY: Well, and I mean it's a good point. So if you had a building of all three-bedroom units, then you'd really have that difficulty. So we think that, again, we, you know, I'm not the city. We don't control how we get approved. And this went through extensive processing. We wanted more parking but we've also done a lot of measures to help with the shuttle to the train station, helping to fund the study for the bridge, bike sharing. And based on the bedroom count, you know, I think we're pretty much there.

PATRICK TEDESCO: Could you just flash the elevation of the garage section on the other side of Fawcett Street? I want to see how elevation is treated at the garage levels. The renderings are fine. I just want you to point it out.

DONNY GARRITY: These ones here?

PATRICK TEDESCO: Yes.

DONNY GARRITY: This is the garage entry right here.

PATRICK TEDESCO: That's the garage entry. When you're up on the other side. On the other side of the building.

ATTORNEY NICHOLAS ZOZULA: On the back side of the building?

PATRICK TEDESCO: Yes, I want to just see how you're treating the facade at the garage levels.

DONNY GARRITY: Oh, I see what you're saying.

ATTORNEY NICHOLAS ZOZULA: It will be short answers, it will be screened and buffered.

PATRICK TEDESCO: It's the same material as the, as above? It's not an open exposed garage?

ATTORNEY NICHOLAS ZOZULA: It is not an open exposure, no. It will be buffered with the -- for the back

of the Molten Street side. For the Global Organics.

JANET GREEN: It is the future.

ATTORNEY JOSEPH HANLEY: We also have continued design review.

ATTORNEY NICHOLAS ZOZULA: It's not going to be -- the short answer is that it will not be complete open to the elements. You're not going to see in the vehicles.

PATRICK TEDESCO: But the architectural continuity of what's happening above will be down, the openings of the garage will --

ATTORNEY JOSEPH HANLEY: Materials.

DONNY GARRITY: Yes, it's continued, continued wall. We have openings that are gonna be transitioned class. So this isn't the best, but so, the wall continues down and then the window openings are followed down from the residences above so you can pass through the light blue, correct. And we're using translucent glass to allow light passage but not necessarily full vision into the garage.

PATRICK TEDESCO: Okay, thank you.

DONNY GARRITY: Sure.

PATRICK TEDESCO: Do you want to see it?

JANET GREEN: Yes.

PATRICK TEDESCO: That's the garage elevation.

CONSTANTINE ALEXANDER: Moving on. Anything else?

ATTORNEY JOSEPH HANLEY: Just note for the record I assume you have this, but it came in just a couple days ago, the recommendation of the Planning Board.

CONSTANTINE ALEXANDER: Yes, we have it and I'm going to read it into the record.

ATTORNEY JOSEPH HANLEY: Okay, thank you. That's it.

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

BRENDAN SULLIVAN: Well, maybe a comment. I come at this a little bit differently in that when I first look at this, I say here's a guy who is starting off with a blank

piece of paper, basically, and what can you do and why can't you do it as-of-right? And obviously I think this, as it is in a lot of these other cases, is what somebody is trying to maximize the site. Now, it's not a rectangle, it's not square, and I understand that there is some challenges with the site, but on the same token somebody could do something with it. And so the question I have is, again, what can you do as-of-right and why can't you do it? And it probably comes down to dollars and cents.

CONSTANTINE ALEXANDER: That's what I said.

BRENDAN SULLIVAN: But, you should know that the courts don't look very favorably upon dollars and cents and whether or not a project is feasible or unfeasible design challenge or not. So, and, again, I think that it's -- and we've had quite a few of these where it's a question of trying to maximize the return. You know, once you pay for the site it's your cost, but that's not your value. The value of a site is what you can do with it as-of-right and

not come down before the Zoning Board and say, okay, we have this site, somewhat difficult, and in order to, whether it be make a dollar or a million dollars or \$10 million or somewhere in between, we need you to help us justify us buying this site and doing a development. And so that's the question that I have.

ATTORNEY JOSEPH HANLEY: Can I just take the opportunity? I'll try to respond in two areas.

As-of-right, absolutely, the first thing us zoning attorneys and developers do is, you know, what's the worst case situation. As-of-right is also existing conditions which today violates zoning so much so that three feet of the structure is actually on city land.

BRENDAN SULLIVAN: But that's going away. You're starting off with a blank piece of paper.

ATTORNEY JOSEPH HANLEY: Maybe, maybe not. You said, you know, what could we do that is, you know, developers look at that, too. Well, continue the existing

use, do something there with the structure, and to maximize the site, just so we understand, this proposal is not maximizing the site. It has two-and-a-half times more open space than is required by the zoning. Two-and-a-half times more open space than is required by the zoning. The Variance is not like the Variances that you see, I would suggest, respectfully, in the past in that the average setback exceeds what is required for the plane of the building. So it is -- it's not a situation where we're coming in here and we're saying we want to occupy -- if you were maxing out this site, the way to do that is to, is to punt on the front yard setback and build corner to corner in the allowable lot lines and go up and have zero architectural interest and build a building that essentially is not gonna contribute to the spirit and intent of what everyone in the community spent so much time working on in the Concord/Alewife plan. And so there's, you know, I did an as-of-right, and I looked at it, and you could, you know,

you could get a good amount of units but it would be a box with no architectural character or significance and it wouldn't comply and you probably would have issues getting Special Permits. And that's why we're here after a year and a half and very carefully designing this to ask for the minimal relief necessary in order to provide an architecturally pleasing building that conforms with the neighborhood.

CONSTANTINE ALEXANDER: Well, I start with where Brendan was going as well, but what persuades me, though, is that this is very much vetted by other city approved boards and the like. Relief being sought to me is modest in nature, but I don't buy one bit the notion of the average setback is 22 feet and therefore we're not really violating. You are, you are violating by --

ATTORNEY JOSEPH HANLEY: Of course, but it's a mitigation. It's a mitigation.

CONSTANTINE ALEXANDER: That's it --

ATTORNEY JOSEPH HANLEY: But every Variance is different.

CONSTANTINE ALEXANDER: That's folderol. I do give some deference to the fact that this has been -- other members of the city -- the city's offices have looked hard at this and worked hard with you and seem to be satisfied with it. And we're down to just the short strokes at this point to a small Variance.

PATRICK TEDESCO: Question. Are you maximizing the FAR? Remind me you're not seeking --

ATTORNEY JOSEPH HANLEY: No, we have -- well, we've got -- we have a density bonus but as Donny indicated, the massing -- we haven't taken full advantage of the massing because we want to provide relief on the -- and it is the front plane of the building.

DONNY GARRITY: Right. We're slightly --

ATTORNEY JOSEPH HANLEY: That's why, again, we're two-and-a-half, you know, we have two-and-a-half more times

open space.

PATRICK TEDESCO: You're slightly under because you've moved the front part of the roof deck. Otherwise it's approaching FAR.

ATTORNEY JOSEPH HANLEY: Right. As-of-right would cover much more ground area and have far less open space, whether that's desirable or not, I guess, you know, it seemed to be for the community.

CONSTANTINE ALEXANDER: Yeah, here it is. 2.6.

PATRICK TEDESCO: 2.58.

CONSTANTINE ALEXANDER: They're at 2.58.

ATTORNEY JOSEPH HANLEY: That's true. You have in your, in the dimensional information form, you know, we're also significantly less than the allowable height at 65 or 85. So there isn't -- it's not entirely accurate to suggest that it is maxed out at this time. It is designed in a way that of course we're all developers, and the privately financed developers tend to pursue an enterprise but, you

know, as I indicated, this is a developer that has a very good reputation and this is a home ownership exercise, and we're part of really what's becoming a new sort of neighborhood here and it's a little different than perhaps other Variances that you might see is my only point.

GEORGE BEST: So, my issue is it really has nothing to do with that, but the spirit of Cambridge. I am an original Cantabrigian. I grew up here and went to all the schools here, and in the city spirit it's more of a family-oriented environment. So what you're asking is for us to sort of reprocess our thinking into couples with one child. So that's a little bit challenging for me. Okay?

If I was sitting on the other boards, I would definitely push back and say that there are other ways to achieve the same goal with the dollar amount with a different configuration. I do think that -- I still have an issue with four, three-bedroom apartments, that's just my personal opinion. I think the City, the City is turning

into ones and twos and studios and they can't get rid of the one bedrooms because nobody wants them. There's no, no people really. When it comes to housing, the lottery and stuff like that, they're giving away -- they have a waiting list for two bedrooms and three bedrooms and they're giving away the one bedrooms to whoever will take them. So I'm just saying as a developer, you might want to think about that.

EDWARD DOHERTY: I think there's a housing shortage. I know there's a housing shortage across the board; ones, two, studios, threes, single-family houses, everything. There's not enough -- there's not nearly -- I mean, you know, the last I checked on just condominiums is about a 12-day supply in Cambridge for the demand. So I mean housing sorts of needed in any form. I understand exactly what you're talking about, but, you know, I think it's needed across the board. And, you know --

BRENDAN SULLIVAN: Where there is a housing

shortage which goes to your concern is really the 40B's, not this.

GEORGE BEST: That's right.

BRENDAN SULLIVAN: We could not afford these three bedrooms.

GEORGE BEST: No, we couldn't, it's a stretch. But I'm still. I'm still, you know, concerned about where we're going for the future. This is a future plan.

BRENDAN SULLIVAN: These are high end. These are high end.

GEORGE BEST: The future plan of Cambridge and does that really speak to who the city is? Do we want to lock everybody out? I don't know.

ATTORNEY JOSEPH HANLEY: I think, you know, what we've tried to do here is, you know, is to strike the balance in a neighborhood that is part of the neighborhood that is still evolving and very different than the larger box development that we have across the street. And also to

recognize for future that the two fastest growing populations, and this isn't in dispute, it's just a matter of fact, are younger folks not my age and older people not my age and so, you know, Mr. Doherty has had significant experience developing condominium buildings of this size and marketing them and reacting to what real demographics reflect from a scientific standpoint and that's what you're seeing in Cambridge. That's just a fact for the Metropolitan area. Having said that, a lot of times like my wife and I, a new family is one kid or two kids and you decide to stay in the city for a generously sized two-bedroom with one child or you may be empty nesters that don't want to go elsewhere. And so we think this is a very good product for that. And as I said before, that the -- these are not cookie cutter small two bedrooms, and literal enforcement of the front yard would make the twos ones. So it would, it would do exactly what -- and I agree with you, what you might fear, is you can't change

demographics.

GEORGE BEST: Right, so then where is the community?

ATTORNEY JOSEPH HANLEY: I'm sorry?

GEORGE BEST: Where is the community?

ATTORNEY JOSEPH HANLEY: They're in support, strong support.

GEORGE BEST: No, I'm talking about the present community, the future community. What you are developing here, instead of looking forward, you're looking at what you want to build and I'm just saying moving forward, what will that all look like? That whole area at the end of the day, what's that gonna look like?

BRENDAN SULLIVAN: It's gonna look like Kendall Square in a few years.

JANET GREEN: No, it will look like that part over by Alewife.

BRENDAN SULLIVAN: Yeah, by Kendall Square.

JANET GREEN: Look like the nicer design. More thoughtful design, but it will be --

GEORGE BEST: And you'll have a --

ATTORNEY JOSEPH HANLEY: So when you look at the Concord/Alewife plan and you read it, right? A lot of this, again, you know, we don't come here without having thought it through, a lot of these things are processed with the city. Is, you know, meaningful open space, public realm. That courtyard that you're seeing is accessible. When you talk about luxury programs, and I've done many of them, a lot of them close off the public, don't have that type of public realm. And you have developments that have been down there that quite frankly are what you're talking about.

JANET GREEN: Exactly.

ATTORNEY JOSEPH HANLEY: But a development that has two and a half times more open space than is required and has these types of gestures and also has a commitment to the future of this neighborhood by enhancing bike sharing

programs and investing in studies that will lead to pedestrian conductivity and the like is unique and worthy of this type of minimal relief in order to make for our better beginning of a discussion down there. And if you read the letter from the Fresh Pond Residents Association, they went into great depth and numerous, numerous bullets of all the benefits that are provided as a result of this development. And so, yeah, we're looking for a little relief. Not much. And one that your ordinance also talks about is when you grant these front yard Variances, first of all, we had to find the front yard. That's how asymmetrical the property setting is, but you know, it also needs to be consistent with streetscape and what's happening in the future.

One of the things we're committed to doing is also investing in new sidewalks with the Planning Department and to widen those sidewalks and create what maybe you don't have in Kendall Square more of a safe, secure, and a good environment for a long-term home ownership.

PATRICK TEDESCO: That's not an unimportant point. You're widening the sidewalks into the public way into the street. What is the width of that sidewalk?

ATTORNEY JOSEPH HANLEY: They're looking at ten --

DONNY GARRITY: Ten feet right now.

ATTORNEY JOSEPH HANLEY: Well, right now our building is on the sidewalk.

PATRICK TEDESCO: Right, exactly.

EDWARD DOHERTY: We're also talking about with planning about giving them some of the space on our property to widen the sidewalks.

PATRICK TEDESCO: Within the yard?

ATTORNEY JOSEPH HANLEY: It's a deed to have accommodation so that -- I mean, we're very excited about the opportunity and I can't stress enough how helpful it was to have the input of the community leaders that came together. And my understanding in response to some of the concerns that you raised and so we're, we're pretty proud

and maybe even sensitive to suggest that we're not making this into a Kendall Square. In fact, we've, we've really taken a lot of time to study the plan and stand on the shoulders of others who have come before us to do something different.

CONSTANTINE ALEXANDER: Well, I think, I think if I'm reading it right, like Brendan and like George, I'm not thrilled with this project. But the relief -- we're a Zoning Board. The relief you're seeking is relative -- and I think you point out, relatively modest in nature. And to me more importantly is the other city boards who are more responsible for this, for the development of the projects like this have signed off on this, got the approval of that. It seems to me it would be a shame for us to, at this, at the end of the road to torpedo this project. I just don't see a compelling public interest in doing that. So I would, not with a lot of great happiness, but I would support granting the Variance.

JANET GREEN: I can support this Variance.

Actually, I appreciate the attempt of the design not to be just a square rectangle. I share what George's concerns are, but I don't think this ten feet is going to be the answer to it.

GEORGE BEST: But I'm --

CONSTANTINE ALEXANDER: At this point let me read into the public record a memo we got from the Planning Board. The Planning Board -- to us from the Planning Board. (Reading) This project was reviewed and approved by the Planning Board as it requires Special Permits under the Alewife Overlay District regulations and floodplain requirements. Under the AOD regulations the Planning Board was able to grant setback relief, however, the AOD zoning does not allow a reduction in the front yard setback to less than 15 feet. The project proposes a 10-foot setback and therefore requires a Variance. When reviewing the project, the Planning Board felt that the key benefit of the front

setback was to establish a more attractive pedestrian-friendly streetscape. The 10-foot setback which is only proposed for sections of the building is mitigated by the provision of a generous central courtyard. As a result, the average front setback across the entire lot will be more than 20 feet. The proposed development will also include improvements to the public sidewalk on Fawcett Street. The Planning Board believes that in order to provide a comfortable sidewalk and still allow adequate Broadway width, it may be necessary to widen the proposed sidewalk over portions of the private lot. Our approval is conditioned upon working with city staff to determine the appropriate sidewalk design and dimension and to provide a portion of the sidewalk on the private lot if necessary. The Planning Board believes that a greater sidewalk width will further mitigate any impact of a proposed 10-foot setback. Given the considerations the Planning Board supports the Variance.

I'll open the matter up to public testimony. Is there anyone here wishing to be heard on this matter?

(No Response.)

CONSTANTINE ALEXANDER: Apparently not. I'll close public testimony. There are no letters or other communications other than from the Planning Board in our files.

We need further discussion? I'm happy to have or we've been kicking this around for a bit. What's the view? You want to go for a vote or talk some more?

JANET GREEN: I'm ready.

CONSTANTINE ALEXANDER: Everybody ready? Okay.

All right. The Chair moves that we make the following findings with regard to the Variance being requested:

That a literal enforcement of the provisions of the Ordinance would involve a substantial hardship. The substantial hardship would require a revised design to the

structure which would diminish its attractiveness, reduce the amount of additional residential living spaces will be provided by the project.

The hardship is owing to the shape of the lot. It is in a very oddly shaped lot, simply that. And that it's necessary to get relief.

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 this project has been thoroughly vetted by other city boards. It seems to have gotten -- it has gotten the approval from other boards and all that appears to be left except for the issue regarding the sidewalk, is the Variance being sought tonight.

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

petitioner, they are many pages in length, the first page of which has been initialed by the Chair and the first page was prepared by Design Consultants, Inc., and is basically a site plan of the project. Anyway initialled by the Chair.

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

(Aye.)

CONSTANTINE ALEXANDER: One, two three.

(Alexander, Green, Tedesco.)

CONSTANTINE ALEXANDER: Those opposed?

(No Response.)

CONSTANTINE ALEXANDER: Those abstaining.

BRENDAN SULLIVAN: Your vote is?

GEORGE BEST: Well, if we're just voting on the topic, I have to go along with the topic.

BRENDAN SULLIVAN: I'm sorry, I can't hear you.

GEORGE BEST: I'm sorry, if we're just voting on the --

JANET GREEN: The 10 feet?

GEORGE BEST: On the 10 feet. I have no choice but to go along with voting on the 10 feet, but I'm not happy.

CONSTANTINE ALEXANDER: Well, I think all of us have expressed --

JANET GREEN: That's a yes?

CONSTANTINE ALEXANDER: That's a very reluctant yes I guess. Anyway, we all know we need four votes. If we're going to grant relief, we need four votes in favor. We have three so far.

BRENDAN SULLIVAN: So you're voting in the affirmative?

CONSTANTINE ALEXANDER: This is a chicken and egg here. Who is going to vote negative first?

GEORGE BEST: Relatively, yes. I'm just, like, if we had caught it along earlier in the process -- I mean, if we stop it here, what is our gain?

BRENDAN SULLIVAN: My feeling is that the setbacks are important. I'm consistent on that. Whether it's in a house or a commercial building or this type of development and, again, I go back to my initial statement of saying when I look at something like this and I know that they're starting off with a blank piece of paper, then I want to see what you can do as-of-right and why you can't do it. And I know you've gone through the exercise quite a bit internally and you have come to the conclusion that we can't do it as-of-right. We have to have some relief here. But just saying it doesn't --

GEORGE BEST: Make it so.

BRENDAN SULLIVAN: -- prove the case. Because we hear this all the time. And up on the corner of Cameron Avenue and Mass. Avenue there was an unusual building there, they came down and they said that they didn't want to adhere to the setback there, it was set way back from Mass. Avenue and so on and so forth, we held them to the setback in the

front and they put up the building. And they reconfigured the interior of it and what have you.

Down in the corner of Broadway, again, a -- not as extreme as this, but they came in and they could not adhere to the setbacks. They had to build seven units. Eventually they came back with four or five and they had setbacks.

CONSTANTINE ALEXANDER: Yeah.

BRENDAN SULLIVAN: And it goes on and on and on. So I have not been convinced that it can't be done because I haven't been shown that it is impossible to do.

CONSTANTINE ALEXANDER: Well, it can be done. And as I said earlier and I did vote in favor of it --

BRENDAN SULLIVAN: And I understand.

CONSTANTINE ALEXANDER: -- it's less money.

BRENDAN SULLIVAN: I understand there are mitigating --

CONSTANTINE ALEXANDER: And that's it. But the other side of the coin is the City's going to get more units

than it would otherwise get and including affordable units. And the fact of the matter is, again, I have a lot of problems with -- given the fact that the community involvement so far and the approvals that they've gained, for us at the twelfth hour to say no, kill this project which will do.

PATRICK TEDESCO: If I could add, is it appropriate for me to add?

CONSTANTINE ALEXANDER: Yes, go ahead.

BRENDAN SULLIVAN: The vote is still pending by the way.

CONSTANTINE ALEXANDER: That's right. We haven't taken the vote yet.

PATRICK TEDESCO: Setbacks notwithstanding, and I agree with Brendan, but from my perspective a 10-foot front yard setback for this setting for this building typology is not inappropriate especially given the width of the sidewalk. To me it's more about what is the distance from

the curb to the building even though there's public realm. My concerns about the setback are mitigated by the fact that the sidewalk will be widened even at the expense of the property owner, and that the condition is not at all inappropriate from an urban design perspective even though I realize it is in violation.

BRENDAN SULLIVAN: You know, I live up around the corner from here and I beat a path almost every day up Concord Avenue over to Anderson McQuaid which I live it. I'm in the construction business. And I see the Social Security building which was built corner of Concord, and that was pushed off and what have you. And then I see the Atmark and I'm sure that they comply with it, but I had this look that we're creating this canyons of buildings going up and, you know, there is the road and there's no green space. Now if you are providing internal green space, but it's not necessarily street-friendly green space. And as I come around that corner, and again the shovel is there ready to

go to knock down that building, and I go around the corner and all I can envision is that eventually this is all going to get developed. And, again, it's going to look like Kendall Square eventually because Cambridge is such a hot market. You go across the tracks between there and Route 2 what do you see? Building after building after building. So if I'm going to sit here and say yeah, we can waive setback requirements for this and, you know, where do you say -- when do you say no and why should I say no? And when do I say yes? So, and again it's being convinced that I haven't been shown that it is crucial.

JANET GREEN: I would say no if -- I sort of agree with you, Brendan, about the sidewalk mitigating that in that neighborhood. I think it's different than if it had houses and this was going up in the middle of the residential area. For me that's, it's a different area. If this were going to be one of those buildings like over on Alewife where it is strictly a rectangle that just goes up

as high and maxes out the distance and they have seven stories there or whatever it is, I would, I would feel the setback was more important because it would need to mitigate. In this case I think architecturally the building does some, does some of what -- mitigates that canyon effect that I really dislike in Kendall Square and I can't believe nobody ever controlled that. But I don't see this building in the same light.

BRENDAN SULLIVAN: So, I'm sorry, your -- you were voting how?

JANET GREEN: Now, George.

GEORGE BEST: This is a tough one for me. I'll be honest with you. I guess I will have to vote for it even though I'm not happy with it only because it's a uniquely styled building and it doesn't, it does meet the setback on the side with the 15 points sidewalk space.

BRENDAN SULLIVAN: Okay. So you have your vote.

CONSTANTINE ALEXANDER: The Chair would also note

then, for the record, you're going to vote no?

BRENDAN SULLIVAN: I'm going to vote no.

CONSTANTINE ALEXANDER: Four votes being in favor.

The Chair would note that we have a very unfavorable, very reluctant approval for this project. We're not thrilled with it as you can well know. But --

GEORGE BEST: Just squeaked by.

CONSTANTINE ALEXANDER: Just squeaked by is right.

ATTORNEY JOSEPH HANLEY: Thank you.

GEORGE BEST: So the next time, I'm speaking to the developer. Next time you'll be a little bit more thoughtful about what you're doing this. I don't think you'll be squeaking by next time.

EDWARD DOHERTY: Fair enough.

ATTORNEY NICHOLAS ZOZULA: Thank you.

* * * * *

(10:35 p.m.)

(Sitting Members Case BZA-010583-2016: Constantine Alexander, Brendan Sullivan, Janet Green, Patrick Tedesco, George S. Best.)

CONSTANTINE ALEXANDER: The Chair will call case No. 010583, 201 Brookline Street, No. 5.

Is there anyone here wishing to be heard on this matter? You know the drill, the client representative.

BHUPESH PATEL: Hi. My name is Bhupesh Patel, Design Tank, Inc., client rep for 201 Brookline Street.

ADAM BARD: Adam Bard B-A-R-D, the owner.

GARTH GOLDSTEIN: I'm Garth Goldstein from Garth Goldstein Studio.

CONSTANTINE ALEXANDER: The hour is late so to me get to the chase. We approved an addition not, not too many months ago. I don't know how you've changed it. What do you want today that you didn't get before? What's this about? I looked at the plans and maybe it's just me, I just couldn't figure it out.

BHUPESH PATEL: The item that was approved before, just to recall, was -- this is a six-unit building. It's a one-story brick building, industrial building, that was converted into the six units and two of the units wanting to add a penthouse. And we came in front of the Board together to basically add what is four percent FAR to each one of the units. Four percent on one side, three percent on the other. This one was the three percent. The main difference of the units was this unit had a quite a large mechanical closet that made up this sort of jet out on the side here. And this is a one-story building. And we explained that most of the infrastructure is in the ceiling, sprinkler system, including the gas lines, and so forth because it was an industrial building where they just intuned the slab because they didn't want to disturb that or break through it for basically all of the infrastructure besides the drain lines for the plumbing.

As they developed construction drawings, breaking

through the roof plane with this mechanical closet, required disruption to the services for the whole building which was actually assumed already, that they would be fine with it. It's since become apparent that only this unit would be disrupting and the other unit wouldn't have to disrupt the system, specifically the sprinkler system which would have to be revamped based on existing sprinkler code compared to the previous sprinkler code. That cause is what convinced them to take the mechanical closet and put it in the first floor so the protrusion through the building would no longer be this large mechanical closet and we actually sort of sistered the bathroom with that same protrusion. Since we're staying away from that corner that bathroom is now put here.

CONSTANTINE ALEXANDER: What's happening? You're changing the FAR?

BHUPESH PATEL: So the FAR has gone from three percent to four percent.

CONSTANTINE ALEXANDER: Put that in feet. How many feet of FAR are you adding in?

GARTH GOLDSTEIN: 91 square feet.

CONSTANTINE ALEXANDER: 91 square feet.

GARTH GOLDSTEIN: Yep.

CONSTANTINE ALEXANDER: You need to add in 91 square feet. So it's a little bigger from a FAR point of view.

BHUPESH PATEL: It's bigger. And the mechanical closet obviously wasn't part of the FAR because it's --

GARTH GOLDSTEIN: And that is now into the living space.

CONSTANTINE ALEXANDER: Right.

BHUPESH PATEL: Clearly you can see from this red line of what used to be -- sorry about that, what used to be the footprint. That it's changed here and it's changed along this edge. And that's actually now the protrusion for the duct work coming up.

CONSTANTINE ALEXANDER: And we approved it the last time. We required and with your approval, a reduction in the roof deck, size of the roof deck because of neighbor's opposition. This is not going to be affected? Same roof deck that we approved last time. That's going to be a condition if we do approve going in favor.

BHUPESH PATEL: That's correct, same roof deck.

CONSTANTINE ALEXANDER: I know, for example, Patrick wasn't here before. Do you need -- do you have any questions?

PATRICK TEDESCO: The approval before was for the second story?

CONSTANTINE ALEXANDER: No, it was -- yes, the second story.

BHUPESH PATEL: The penthouse, correct.

PATRICK TEDESCO: I reviewed that. I read the previous.

CONSTANTINE ALEXANDER: Okay, good. I wanted to

make sure you were on board. And George, you, too. I don't think you were here for the last one.

GEORGE BEST: No.

CONSTANTINE ALEXANDER: So we did find, we did grant relief the last time. Now we're just slightly tweaking, they want to tweak the relief.

PATRICK TEDESCO: This does not affect any setbacks in the yard requirements?

BHUPESH PATEL: The setbacks are the same because the most extreme protrusion hasn't changed.

PATRICK TEDESCO: Got it.

CONSTANTINE ALEXANDER: And the roof deck is the same, same as we approved.

BHUPESH PATEL: It's actually smaller because the footprint takes up the --

CONSTANTINE ALEXANDER: You're not expanding the roof deck?

BHUPESH PATEL: It's exactly the same.

GARTH GOLDSTEIN: Exactly the same.

CONSTANTINE ALEXANDER: Questions from members of
the Board?

(No Response.)

CONSTANTINE ALEXANDER: I'll open the matter up to
public testimony. Is there anyone here wishing to be heard
on this matter?

(No Response.)

CONSTANTINE ALEXANDER: No one wishes to be heard.
Ready for a vote?

JANET GREEN: I'm ready.

CONSTANTINE ALEXANDER: There are no letters in
the file.

The Chair moves that we make the following
findings with regard to the Variance being sought. I think
in this regard we can incorporate by reference the findings
that we made with regard to the Variance before since it's
essentially -- the project has got some technical changes in

the FAR calculations but otherwise it's the same project. So we'll just shorthand this rather than trying to go through each of the three, the findings that we made before with regard to the earlier petition are incorporated into this one.

So that on the basis of these findings, the Chair moves that we grant the relief being requested on the condition, conditions:

One, that the work proceed in accordance with plans submitted this time, revised plans from the last time, first page of which has been initialled by the Chair.

And further, that -- further condition that the proposed roof deck shall be as set forth on a single sheet page roof plan initialled by the Chair at the hearing on April 28th with regard to a petition then brought by the petitioners. That's to make sure that the roof deck is not going to change.

All those in favor please say "Aye."

(Aye.)

CONSTANTINE ALEXANDER: Five in favor. Variance granted.

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

BHUPESH PATEL: Thank you.

* * * * *

(10:45 p.m.)

(Sitting Members Case BZA-010561-2016: Constantine Alexander, Brendan Sullivan, Janet Green, Patrick Tedesco, George S. Best.)

CONSTANTINE ALEXANDER: The Chair will call case No. 010561, 71 Spring Street.

Is there anyone here wishing to be heard on this

matter?

JOSH FENOLLOSA: Yeah. Josh Fenollosa, F-E-N-O-L-L-O-S-A the architect representing Katherine Carlson and Matthew Bottitta.

So we're here for both a Special Permit and a Variance. We're seeking relief. We have a very narrow lot line at 71 Spring Street and we're seeking relief to -- for additional openings in the existing walls that are within the setback, the side yard setbacks. That's for the Special Permit. They're actually -- yeah, we're -- just the openings.

We're also proposing a basement stair down and new egress that covers it from above from the apartment, the second floor apartment there. So that is building within a setback as well as deemed a covered area, so it adds to the FAR.

MATTHEW BOTTITTA: And it's replacing an existing fire escape.

CONSTANTINE ALEXANDER: What about bicycles?

JOSH FENOLLOSA: So we can go to the plans, but there are stairs down here that are for bicycle storage in the basement. So it's got an Amsterdam gutter which is a --

CONSTANTINE ALEXANDER: How do you get the bicycle out of there on to the street since you're --

JOSH FENOLLOSA: Yeah, so this is -- there's a pathway around that is a shared pathway.

CONSTANTINE ALEXANDER: There is?

JANET GREEN: Yes, there is. I went back there but there's a big brown wall.

KATHERINE CARLSON: A grapevine.

JANET GREEN: A fence with all the vines on it.

MATTHEW BOTTITTA: When were you there? We just repaved it with our neighbors.

JANET GREEN: I was there yesterday or the day before.

MATTHEW BOTTITTA: Oh, yeah.

JANET GREEN: So did I see the paving?

MATTHEW BOTTITTA: Yeah, the new pavers that go --

JANET GREEN: I did see that.

KATHERINE CARLSON: We wanted to be able to take
the bikes off.

JANET GREEN: There was a unique little space.

MATTHEW BOTTITTA: It used to go all the way
around, but then the neighbors on the other side somehow --

KATHERINE CARLSON: Just took back.

MATTHEW BOTTITTA: It was like a U-shape so you
could go in either direction and somebody came and it was
before we got there.

JANET GREEN: Interesting.

CONSTANTINE ALEXANDER: Okay, what about the
second floor now?

JOSH FENOLLOSA: So the second floor there's an
apartment that takes the second
floor --

KATHERINE CARLSON: It's a two-family.

JOSH FENOLLOSA: -- was here as well as upstairs.

And so this, there's an existing fire escape that comes off the back here and so we're proposing that with safer, better means of egress here.

CONSTANTINE ALEXANDER: Where's the bicycle ramp in the storage?

JOSH FENOLLOSA: It's downstairs in the basement.

CONSTANTINE ALEXANDER: Downstairs in the basement?

JOSH FENOLLOSA: Yea.

CONSTANTINE ALEXANDER: You did say that. I'm sorry.

KATHERINE CARLSON: It's a metal bar that runs over the stairs so that we just put the wheel in it and we get it down to the basement, and that way we can clean-up the street sides.

PATRICK TEDESCO: Almost like a car lift.

CONSTANTINE ALEXANDER: I know.

KATHERINE CARLSON: It's our attempt to put a garage in East Cambridge.

CONSTANTINE ALEXANDER: That's not going to work. That's another issue.

JOSH FENOLLOSA: No generator required for this.

JANET GREEN: It's a two-family?

KATHERINE CARLSON: Two-family.

JANET GREEN: But it's not side-by-side?

KATHERINE CARLSON: No, it's a row house and a two -- our unit, we live on the first floor and half of the front half of the second floor.

JANET GREEN: Yes.

KATHERINE CARLSON: And the rental unit is the back half of our second floor and the third floor which is two small bedrooms with dormers.

JANET GREEN: And are you in the part where there's a big white box on the one right next to it? Is

that where --

KATHERINE CARLSON: Big white box?

JANET GREEN: A big -- it looked like a room or something on the back of the one next to you.

KATHERINE CARLSON: Oh, next to -- our neighbor's house comes back much further.

JANET GREEN: Comes back much further?

KATHERINE CARLSON: Yeah, their house actually continues on into their yard. And right now the fire escape is attached to their house. But we've been working with them because they want to re-side and this would remove any connection to their house from that. So they gave us letters in support as well.

JOSH FENOLLOSA: Yeah, and we have four letters of support from --

KATHERINE CARLSON: These neighbors, these neighbors.

JOSH FENOLLOSA: These neighbors here and the

abutters here.

CONSTANTINE ALEXANDER: Why don't you give them to me to put them in the file.

JOSH FENOLLOSA: Yeah, I sent them to Maria today.

CONSTANTINE ALEXANDER: Just so we have them.

Questions from members of the Board?

(No Response.)

CONSTANTINE ALEXANDER: I can open the matter up to public testimony, but I would be assured that no one here wants to testify unless our friend over here does.

I will close public testimony. I will report that we are in receipt of four letters submitted to us by the petitioner from abutters and neighbors. One from Libby Bouvier, B-O-U-V-I-E-R and Andrea Devine who reside at 69 Spring Street.

One from Drew Rodgers R-O-D-G-E-R-S, 73 String Street, unit 1.

One from Ilan I-L-A-N Levy L-E-V-Y, the CEO of Lay

Chat, LLC at 143 Spring Street.

KATHERINE CARLSON: He actually -- I don't know if that matters, but he owns unit 2 in 73.

CONSTANTINE ALEXANDER: Okay.

KATHERINE CARLSON: So he lives down the block at -- anyway that's why his letter is --

JOSH FENOLLOSA: Can we count that as two letters?

CONSTANTINE ALEXANDER: You don't need two letters.

And lastly we have a letter from Anne with an E, A-N-N-E and Richard Taylor who reside at 66 Thorndike Street. All of which are in favor of the relief being sought.

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

JANET GREEN: I'm good.

CONSTANTINE ALEXANDER: I think we're ready for a vote. Let's take the Variance first.

The Chair moves 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 would be that the building being a row house and older in nature, their need for internal reconfiguration, including a staircase down to the basement and for bicycle storage which is not now available on the property.

That the hardship is owing to the fact that this is a non-conforming structure. There are no side yard setbacks or there are -- it goes to the side yard right to the side line and, therefore, any modification to the structure requires zoning relief.

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

In this regard the Chair would note that the relief being sought is modest and has neighborhood support

and facilitates the use of bicycles in the city which is a goal that the city is pursuing.

So, the Chair moves that we grant the Variance requested on the condition that the work proceed in accordance with plans prepared by Brown Fenollosa Architects, Inc. The date is June 16th, first page of which has been initialed by the Chair.

All those in favor please say "Aye."

(Aye.)

CONSTANTINE ALEXANDER: Five in favor. Variance granted.

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

CONSTANTINE ALEXANDER: Now for the Special Permit. With regard to the Special Permit the Chair notes -- the Chair moves that we make the following findings:

That the requirements of the Ordinance can only be met by the granting of the Special Permit. There's no

as-of-right solution.

That traffic generated or patterns of access or egress resulting from what you want to do will not cause congestion, hazard, or substantial change in established neighborhood character.

That the continued operation or development of adjacent uses will not be adversely affected by what is being proposed.

No nuisance or hazard will be created to the detriment of the health, safety, and or welfare of the occupant, you folks, or the citizens of the city.

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

So on the basis of these findings the Chair moves we grant the Special Permit being requested on the condition, again, that the work proceed in accordance with

the plans referred to with regard to the Variance.

All those in favor please say "Aye."

(Aye.)

CONSTANTINE ALEXANDER: Five in favor.

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

(Whereupon, at 10:55 p.m., the

Zoning Board of Appeals Adjourned.)

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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.

PAGE	LINE	
_____	_____	CHANGE: _____ REASON: _____
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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 28th of July, 2016.

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

My Commission Expires:
April 29, 2022

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