

June 27, 2019

BOARD OF ZONING APPEAL
FOR THE CITY OF CAMBRIDGE
GENERAL HEARING

THURSDAY, JUNE 27, 2019
7:00 p.m.

In

Senior Center
806 Massachusetts Avenue
First Floor
Cambridge, Massachusetts 02139

Constantine Alexander, Chair
Brendan Sullivan, Vice Chair
Slater W. Anderson
Jim Monteverde
Laura Warnick

Maria Pacheco, Zoning Secretary



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

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3 (7:16 p.m.)

4 Sitting Members: Constantine Alexander, Brendan Sullivan,
5 Jim Monteverde, Laura Warnick, and
6 Slater W. Anderson

7 CONSTANTINE ALEXANDER: The chair will call this
8 meeting of the Board of Zoning Appeals to order. And as is
9 our custom, we're going to start with some continued cases.
10 These are cases that started at an earlier date, but for one
11 reason or another was continued. And then after that, we'll
12 turn to our regular agenda.

13 Before I call the first continued case, I'd like
14 to read a statement: "After notifying the Chair, any person
15 may make a video or audio recording of our open sessions,
16 which this is, or may transmit the meeting through any media
17 subject to reasonable requirements that the Chair may impose
18 as to the number, placement, and operation of equipment used
19 so as not to interfere with the conduct of the meeting. At
20 the beginning of the meeting, the Chair will inform other
21 attendees at that meeting that a recording is being made."
22 And I wish to advise that not one, but two recordings are

1 being made, one by a citizen of the city, and the other by
2 our stenographer to assist her when she prepares a
3 transcript of the meeting. Is there anyone else planning
4 to, or intending to record this meeting, either/or -- or
5 video it?

6 (No response.)

7 CONSTANTINE ALEXANDER: No. Okay.

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2 (7:17 p.m.)

3 Sitting Members: Constantine Alexander, Brendan Sullivan,
4 Jim Monteverde, Laura Warnick, and
5 Slater W. Anderson

6 CONSTANTINE ALEXANDER: With that, we'll now turn
7 to the first continued case that I'm going to call, and it's
8 Case Number 017102, 106 Otis Street, Number 3. Anyone here
9 wishing to be heard on this matter?

10 You're not the petitioner, are you?

11 GEMA SCHAFF: No.

12 CONSTANTINE ALEXANDER: No, I know. Okay. You
13 have a second.

14 GEMA SCHAFF: Okay.

15 CONSTANTINE ALEXANDER: Let me just start with the
16 petitioner, who's not represented here, is not here tonight,
17 because we have a letter from Mr. Shawn Hope, counsel for
18 the petitioner. And I'll read it into the record.

19 "Please accept this request on behalf of the
20 petitioner to continue for another continuance the above
21 referenced case until the August 15, 2019, meeting. The
22 petitioner and interested neighbors are continuing to

1 discuss the proposal and revise the drawings, requiring the
2 requested additional time. We are hopeful that the
3 requested continuance will allow for greater consensus and
4 support for the variance application."

5 With that, I'm going to suggest not August 15.
6 Now I'll hear from you. Both of you want to speak. But I
7 don't think -- August 15 is not a good time for this board.

8 GEMA SCHAFF: Oh, good. That was what I was
9 asking.

10 CONSTANTINE ALEXANDER: Oh, okay.

11 GEMA SCHAFF: I was just asking for a continuance
12 for September --

13 CONSTANTINE ALEXANDER: That's what I intended --

14 GEMA SCHAFF: Okay.

15 CONSTANTINE ALEXANDER: -- to do anyway.

16 GEMA SCHAFF: Thank you so much. Thank you.

17 CONSTANTINE ALEXANDER: Okay. Maria, what's the
18 first date in September that we can hear it?

19 MARIA PACHECO: We have the twelfth.

20 CONSTANTINE ALEXANDER: Twelfth. We're going to
21 continue it to September 12 --

22 GEMA SCHAFF: Okay.

1 CONSTANTINE ALEXANDER: -- at 7:00 again.

2 GEMA SCHAFF: Okay. Thank you.

3 CONSTANTINE ALEXANDER: So I'm going to make a
4 motion the Chair moves that this case be continued until
5 7:00 p.m. on September 12, subject to the following
6 conditions. First, that the petitioner sign a waiver of
7 time for decision, and he has done that.

8 Second, that the posting sign must be maintained -
9 - must be modified or a new sign obtained to reflect the new
10 date, September 12, and the new time, 7:00 p.m. And that
11 sign must be maintained for the 14 days required under our
12 ordinances, for 14 days prior to September 12.

13 And lastly, to the extent that the petitioner has
14 revised plans, revised dimensional forms, those must be in
15 our files no later than 5:00 p.m. on the Monday before
16 September 12. That's to allow folks like yourself and us to
17 review those in advance of the September 12 date.

18 All those in favor of continuing the case on this
19 basis, please say aye.

20 Five in favor. That's Sullivan --

21 BRENDAN SULLIVAN: Everybody.

22 CONSTANTINE ALEXANDER: That's everybody.

1 BRENDAN SULLIVAN: That's everybody.

2 CONSTANTINE ALEXANDER: She's needs to know the
3 names.

4 Okay?

5 MELISSA MORLEY: We're good. Thank you.

6 CONSTANTINE ALEXANDER: Okay.

7 (Alexander, Sullivan, Monteverde, Warnick, Anderson)

8 CONSTANTINE ALEXANDER: All right. Now we'll move
9 to the other case.

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2 (7:20 p.m.)

3 Sitting Members: Constantine Alexander, Brendan Sullivan,
4 Jim Monteverde, Laura Warnick and
5 Slater W. Anderson

6 CONSTANTINE ALEXANDER: The Chair will now call
7 Case Number 017018, 1500 Cambridge Street. Anyone here wish
8 to be heard on this matter?

9 There is no one wishing to be heard. We have no
10 one here from the -- we have not heard from the petitioner's
11 counsel or the petitioner. We had threatened not to
12 continue this case any longer because it's been -- there
13 have been several continuances already.

14 I believe the petitioner was trying to come up
15 with a solution that would avoid needing any zoning relief,
16 but apparently they haven't succeeded. If they do get that,
17 they're going to withdraw their application. Although I
18 said the last time, no more continuances, except for extreme
19 circumstances. I'm a softy, and I would propose one more
20 continuance. Any members of the board feel otherwise?

21 BRENDAN SULLIVAN: No.

22 CONSTANTINE ALEXANDER: Two weeks? Do we have

1 room in two weeks?

2 MARIA PACHECO: Do you want the eleventh, or July

3 25?

4 CONSTANTINE ALEXANDER: Let's do --

5 MARIA PACHECO: You can't --

6 LAURA WARNICK: I can be here on the eleventh.

7 CONSTANTINE ALEXANDER: It's not a case heard, is

8 it?

9 BRENDAN Sullivan: It's not a case heard?

10 MARIA PACHECO: It is case heard.

11 CONSTANTINE ALEXANDER: It's case heard? I'm

12 sorry.

13 MARIA PACHECO: 1500 is case heard.

14 CONSTANTINE ALEXANDER: When's the best time you

15 can be here?

16 (Simultaneous speech.)

17 CONSTANTINE ALEXANDER: Not you.

18 MARIA PACHECO: And --

19 LAURA WARNICK: I think I could be here at the end

20 of --

21 RANJIT SINGANAYAGAM: Most likely --

22 LAURA WARNICK: When will be the next time?

1 CONSTANTINE ALEXANDER: When will be what?

2 MARIA PACHECO: Jim can't be here.

3 JIM MONTEVERDE: I can't be here.

4 MARIA PACHECO: So you want to do August 15?

5 CONSTANTINE ALEXANDER: Sure.

6 BRENDAN SULLIVAN: I cannot. I'm not here the
7 fifteenth.

8 LAURA WARNICK: I'm not sure that I'm going to be
9 here.

10 CONSTANTINE ALEXANDER: September.

11 MARIA PACHECO: Okay. You want to do the twelfth?

12 CONSTANTINE ALEXANDER: Sure.

13 JIM MONTEVERDE: Yeah.

14 LAURA WARNICK: Of September?

15 CONSTANTINE ALEXANDER: Okay. And this time I
16 mean it, no more continuances.

17 LAURA WARNICK: Oh, I can't do the twelfth of
18 September either.

19 CONSTANTINE ALEXANDER: The Chair moves that we
20 continue this case --

21 LAURA WARNICK: I can't do the twelfth of
22 September either.

1 CONSTANTINE ALEXANDER: Oh, I'm sorry. All right.

2 LAURA WARNICK: I'm sorry.

3 MARIA PACHECO: The twenty-sixth?

4 CONSTANTINE ALEXANDER: The twenty-sixth.

5 LAURA WARNICK: The twenty-sixth is fine.

6 CONSTANTINE ALEXANDER: Twenty-sixth, going once,
7 twice.

8 JIM MONTEVERDE: Sold.

9 CONSTANTINE ALEXANDER: The Chair moves that we
10 continue this case as a case heard, because it's been heard
11 before, until 7:00 p.m. on September 26, subject to the
12 following conditions.

13 That the petitioner file a waiver of time for
14 decision. The petitioner has already done that.

15 That the posting sign be modified. And I note --
16 I would note that the posting sign has never been modified
17 just by our instructions before. But anyway, it be
18 modified, or a new sign obtained, reflecting the date of
19 September 26, the new time 7:00 p.m.

20 And that to the extent there are revised plans,
21 dimensional forms and the like, they must be in our files no
22 later than 5:00 p.m. on the Monday before September 26.

1 Sir, you have your hand up? Oh, I'm sorry. I
2 thought were raising your hand.

3 All those in favor of continuing the case please
4 say aye.

5 Five in favor.

6 And I would -- please, Maria, instruct the
7 petitioner, this is it. We're not going to continue this
8 case any longer. Even my patience has worn down.

9 (Alexander, Sullivan, Monteverde, Warnick, Anderson)

10 CONSTANTINE ALEXANDER: Okay. That's all our
11 continued cases. We can't start our regular agenda until
12 7:30, so you've got five minutes to go to a local bar, or do
13 whatever you want, okay?

14 Excuse me. Could I ask the folks who are not --
15 with the prior case to leave the room, have your
16 conversations outdoors, because we want to continue with our
17 agenda, and get home at a reasonable hour tonight?

18 Mr. Geubru, please, I asked you once.

19 SAMUEL GEUBRU: I'm sorry.

20 CONSTANTINE ALEXANDER: Quiet.

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2 (7:29 p.m.)

3 Sitting Members: Constantine Alexander, Brendan Sullivan,
4 Jim Monteverde, Laura Warnick,
5 Slater W. Anderson

6 CONSTANTINE ALEXANDER: Start with our regular
7 agenda, and the first case I'm going to call is Case Number
8 017132 201-2017 Western Avenue. Anyone here wishing to be
9 heard on this matter?

10 ANDREW FUQUA: Yes, Mr. Chair. I am Andrew
11 Fuquay, I'm the Senior Vice-President and General Counsel
12 for the petitioner, Cambridge Health Alliance, and we are --
13 Cambridge Health Alliance has occupied the building at 207
14 Western Ave, or occupies it pursuant to a 50-year lease with
15 the city of Cambridge, that runs through June 30, 2046.

16 Cambridge Health Alliance previously operated the
17 former Riverside Health Clinic at that location. In 2009,
18 however, Cambridge Health Alliance consolidated the
19 Riverside Clinic with its Windsor Street Health Care Clinic.
20 And since that time, since 2009, the building has remained
21 vacant.

22 Working in collaboration with the city of

1 Cambridge and Cambridge Community Center over the course of
2 the past year or so, Cambridge Health Alliance has been
3 exploring alternatives for making use of that facility,
4 which, again, has been buying fallow.

5 We believe that the requested proposed uses of a
6 community center and a day care center resonate and are
7 consistent with the mission of Cambridge Health Alliance,
8 our mission being to improve the health of the communities,
9 and that addressing social and neighborhood meetings by
10 providing opportunities for, and places for, you know,
11 children and youth to engage in productive activity will
12 address key social determinants of health. And for those
13 reasons, we are requesting this variance.

14 CONSTANTINE ALEXANDER: Could you just be -- to
15 satisfy my curiosity, there are certain activities you can
16 do there by the special permit, you seeking a variance.
17 Specifically, what do you need a variance for.

18 ANDREW FUQUA: We are seeking a variance for the
19 Cambridge Community Center to operate -- I'm just going to
20 check my notes here -- as a social services center, and
21 potentially down the road as a day care center, although I
22 don't believe those plans have been finalized.

1 CONSTANTINE ALEXANDER: So social services, and
2 potentially a day care center?

3 ANDREW FUQUA: Yes.

4 RANJIT SINGANAYAGAM: Yeah, I can't wait for that.

5 CONSTANTINE ALEXANDER: Okay. Ranjit?

6 RANJIT SINGANAYAGAM: The project is in a BA-3
7 zone.

8 CONSTANTINE ALEXANDER: Yep.

9 RANJIT SINGANAYAGAM: It says that you should have
10 residential use in that building.

11 CONSTANTINE ALEXANDER: Right.

12 RANJIT SINGANAYAGAM: But the proposed is not
13 residential or --

14 CONSTANTINE ALEXANDER: They're not all
15 residential?

16 RANJIT SINGANAYAGAM: Yeah, so that's why they're
17 coming for a variance, to continue to use it.

18 CONSTANTINE ALEXANDER: Okay, okay, thank you.

19 BRENDAN SULLIVAN: So, if it was a split use,
20 residential and -- then you'd be okay?

21 ANDREW FUQUA: Yeah.

22 BRENDAN SULLIVAN: But because it's nonresidential

1 use --

2 RANJIT SINGANAYAGAM: Yeah.

3 BRENDAN SULLIVAN: -- then that triggers --

4 RANJIT SINGANAYAGAM: Yeah.

5 BRENDAN SULLIVAN: -- relief? Okay.

6 CONSTANTINE ALEXANDER: Okay.

7 ANDREW FUQUA: We're good.

8 BRENDAN SULLIVAN: And --

9 CONSTANTINE ALEXANDER: I just want the record to
10 be clear when we do it.

11 ANDREW FUQUA: And -- without going into the ice-
12 cream headache of the history of Cambridge Health Alliance,
13 this health -- the Health Center was actually originally
14 opened by the City's Department of Health and Hospitals in
15 1991, pursuant to a variance, which allowed the Health Care
16 Center use.

17 CONSTANTINE ALEXANDER: That portion of the
18 building that you do occupy now, is it heavily used?

19 ANDREW FUQUA: It's currently vacant.

20 CONSTANTINE ALEXANDER: Oh, completely vacant? I
21 thought you had -- there's some activity, there -- my
22 mistake.

1 ANDREW FUQUA: No activity. It's --

2 CONSTANTINE ALEXANDER: No activity whatsoever?

3 ANDREW FUQUA: We're just --

4 CONSTANTINE ALEXANDER: Keeping.

5 ANDREW FUQUA: -- keeping it dehumidified.

6 CONSTANTINE ALEXANDER: Questions or comments,
7 members of the board? Do you want to make a further
8 presentation?

9 LISA PETERSON: Yeah.

10 CONSTANTINE ALEXANDER: Sorry, I didn't realize
11 that. I'm --

12 LISA PETERSON: No, that's fine. Very briefly,
13 I'm Lisa Peterson. I'm the Deputy City Manager.

14 MELISSA MORLEY: Can you spell your last name for
15 the record?

16 LISA PETERSON: P-e-t-e-r-s-o-n, and I just wanted
17 to just add my support, and the city's support for this sort
18 of collaboration. We think this community use would really
19 be very beneficial in being able to use this facility to
20 serve youth and social services, or potentially a day care
21 in the future, I think really is -- would be really great
22 for the neighborhood. Thank you.

1 CONSTANTINE ALEXANDER: It seems to be a really
2 good use for a vacant building in this area. Thank you.
3 Anyone else wishes to be heard on this matter?

4 MELISSA MORLEY: Please regard your name; spell
5 your last name into the record.

6 SAMUEL GEBRU. All right, yep. First name is
7 Samuel, S-a-m-u-e-l, last name G-e-b-r-u, live on Memorial
8 Drive, Cambridge. Thank you.

9 So I work for the Cambridge Community Center as
10 the Director of Engagement and Partnerships. We have been
11 very fortunate over the past year to be working with the
12 City Manager's Office and the Cambridge Health Alliance on
13 this project.

14 You all have received two letters, one signed by
15 our Executive Director and our Board President, and then the
16 other one from several community members. I personally grew
17 up a block away from this health center as a kid.

18 Growing up at 250 Western Ave, I went there for
19 primary care. It's a wonderful amenity that's vacant. And
20 a dormant building, as you know, does no use for the
21 community, and reactivating this will significantly add to
22 the life and to the vitality of Western Ave and to the

1 entire neighborhood.

2 So we're really excited about this. If you'll
3 permit me, may I read one of the letters into record?

4 CONSTANTINE ALEXANDER: Go ahead.

5 SAMUEL GEBRU. Thank you, sir. So this one is from
6 community members.

7 Dear Mr. Alexander, we are writing to express
8 our full support for the Cambridge Public
9 Health Commission's Variance Petition for
10 201-207 Western Avenue.

11 The petition is requesting a change of use
12 for the property from a health center to, and
13 I quote, "social center, including youth
14 service and day care."

15 Since the Riverside Health Center's closing
16 in 2009, the community has looked at this
17 property with much hope and anticipation for
18 what it could be. A dormant public building
19 does not benefit anyone.

20 We are encouraged by the Commission's
21 petition, and respectfully request that the
22 Board of Zoning Appeal grant a variance for a

1 use as a social center during your meeting
2 today.

3 Furthermore, we are in support of the
4 Cambridge Community Center's desire to use
5 the property for short and possible long-term
6 usage.

7 CCC has served the social, educational and
8 recreational use and needs of children, youth
9 and families in Cambridge since 1929. We
10 strongly believe that activating 201-207
11 Western Ave as a social center, where CCC can
12 operate programs, will add to the life of
13 Western Avenue and the neighborhood.

14 As CCC's youth programs continue to grow in
15 enrollment, scope and quality, the
16 organization is faced with the challenge of
17 finding additional space.

18 Granting a variance will enable CCC to work
19 with the City of Cambridge in order to
20 operate its youth programs at the former
21 Riverside Health Center.

22 In doing so, this will substantially benefit

1 the interests of abutters by providing
2 enriching and culturally competent
3 opportunities to a diverse array of our
4 city's youth.

5 CCC's youth programs focus in areas including
6 workforce development and twenty-first
7 century-skills, mental health and cultural
8 competency, history and community engagement
9 and social activism and the creative arts.

10 As a key institution in the neighborhood, CCC
11 is in a prime position to active 201-207
12 Western Avenue as a social center to serve
13 the evolving short and long-term needs of the
14 community.

15 We look forward to an affirmative vote, and
16 thank you for your consideration.

17 This was signed by several folks, including The
18 Honorable Mark McGovern, Mayor of Cambridge; Honorable
19 Denise Simmons, City Councillor; Honorable Timothy Toomey,
20 City Councillor; Honorable Alfred Fantini, School Committee
21 member; Honorable Sandra Graham, former Vice Mayor and
22 State Representative; Honorable Anthony Gallucio, former

1 Mayor and State Senator; Mr. Richard Rossi, former City
2 Manager; the Reverend Virginia Ward of the Abundant Life
3 Church; the Reverend Ellis Washington of St. Paul, African
4 Methodist Episcopal Church; Ms. Erin Pearson of, "Simply
5 Erin's Unisex Hair Salon, Ms. Diana Lempel; and abutter and
6 also, the owner of Practice Space; Ms. Velma Brooks, and
7 abutter; Mr. Anthony Brooks, owner of Coast Café; and Mr.
8 Reuben Dottin, Jr., of Eunique Realty Corporation.

9 So a good chunk of these folks are either
10 abutters, or they operate businesses or institutions in the
11 neighborhood. So thank you.

12 CONSTANTINE ALEXANDER: Thank you for coming down.

13 SAMUEL GEBRU. All right.

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

16 MELISSA MORLEY: Please provide your name, spell
17 your last name and address?

18 CHANNA BAO: My name is Channa, C-h-a-n-n-a, last
19 name Bao.

20 CONSTANTINE ALEXANDER: A little closer to the --

21 CHANNA BAO: Oh, last name Bao, B-a-o, and I live
22 next door at 199 Western, and I'm really happy that you guys

1 are going to be doing something with the building, but I
2 think I was talking my condo association, and we're a little
3 bit concerned about what kind of services they would be, and
4 also, issues with noise if it's a day care center, and
5 issues with traffic, with, like, the -- you know, drop-off
6 of children in the morning. Also, we have a driveway that
7 goes onto Western Ave.

8 So previously, when there used to be a clinic,
9 there would be a lot of people that would double park on the
10 road, they would park in our driveway, and it would just be
11 -- it would be very difficult for people to maneuver that
12 area, and we can't pull out of our driveways as well.

13 And we're also concerned about the noise, because
14 a lot of our bedrooms also face that building. And yeah.
15 So I just wanted to bring those up. If there could be
16 something to remedy that, I would be -- I'm happy that you
17 guys are doing something so productive with the building.

18 CONSTANTINE ALEXANDER: Thank you. Thank you for
19 coming down. Do you want to address -- or?

20 LISA PETERSON: Thank you for the comments. I
21 think the use that is being proposed by Cambridge Community
22 Center will be youth that are going to be walking there, and

1 it's not going to be the very, very young kids that are
2 going to need to be dropped off and picked up by their --

3 CONSTANTINE ALEXANDER: You can't assure that?

4 LISA PETERSON: Yeah, well in terms of the short-
5 term use. What I can say is that before the city or the
6 Health Alliance -- I can speak for them -- would contemplate
7 having a day care center in there, we would have a community
8 meeting and talk about that use with the community? So that
9 would be something we talk about.

10 Right now, we're looking at it being for young
11 people that would be mostly walking there that would be
12 going there. And we would need to be addressing the pickup
13 and drop-off when the use changes, and we'd need to be
14 addressing that with the community.

15 LAURA WERNICK: Could you talk about the hours of
16 operation? There seems to be a noise concern with the hours
17 of operation.

18 MULTIPLE: Yeah.

19 LISA PETERSON: The noise concern -- in the short-
20 term, the hours of operation are afternoon -- oh, well,
21 actually during the summer. So it's 9:00 in the morning?

22 ANDREW FUQUA: About 9:00 to 5:00, 9:00 to 6:00.

1 CHANNA BAO: 9:00 to 5:00 to 6:00.

2 CONSTANTINE ALEXANDER: So it's -- can't hear you.

3 CHANNA BAO: So it's about nine in the morning
4 until about six at night.

5 CONSTANTINE ALEXANDER: 11 months a year?

6 CHANNA BAO: Right now, yes. It could be that.
7 There may be -- I mean, when we're talking about -- we're
8 talking about a change in use that would be permanent,
9 right? But the proposal that's with you is a short-term
10 lease (sic) right now, and what -- a short term use I would
11 say right now, that might have some weekend use, and mostly
12 it's daytime use, not evening use.

13 THE REPORTER: Please speak into the mic.

14 CONSTANTINE ALEXANDER: Ma'am, can you speak into
15 the mic so that she can record it?

16 LISA PETERSON: Yeah.

17 THE REPORTER: No, no, if you want to speak, I
18 would need you to come to the mic.

19 CHANNA BAO: Oh, if you want --

20 SAMUEL GEBRU: Oh, are you talking to me or you?

21 CHANNA BAO: -- if you want to speak?

22 THE REPORTER: Yes.

1 SAMUEL GEBRU: Oh, I'm waiting for her to -- first.

2 CHANNA BAO: Ok, no problem.

3 SAMUEL GEBRU: All right. Thank you, Mr. Chair.

4 Just to add onto Deputy City Manager's remarks --

5 This one? Okay. There's two. All right. So
6 with regards to -- and I appreciate your questions, thank
7 you. With regards to noise, we don't anticipate any noise
8 or traffic issues. Again, our teens, the youth that we
9 serve don't use single-occupancy vehicles. A lot of them
10 will be walking from Central Square Station, a lot of them
11 will probably be biking, you know, like most Cantabridgians
12 do. They don't use single-occupancy vehicles.

13 And then when it comes to noise and hours of
14 operation, again, we're not talking about late-night usage
15 or early-morning usage, this is really sort of standard
16 business hours type, you know? We don't see anything
17 exceeding 8:00 a.m. or exceeding on the other end around
18 7:00 or 8:00 p.m. on the opposite end. Very minimal weekend
19 use if any, and again, it's all programming that would be
20 inside the building.

21 It is also worth to mention to the board that a
22 lot of our teen programs we partner with the Cambridge

1 Public Health Commission and with the Cambridge Police
2 Department and a bunch of other City agencies, so, you know,
3 we will also have other City agencies and partners in the
4 building, including at least two officers with our Creative
5 Arts Program. So they'll be around.

6 CONSTANTINE ALEXANDER: Now, in cases like this,
7 where we have issues -- neighbors have issues about noise or
8 hours of use, what we have done -- and I'm not suggesting
9 yet that we do this for this case --

10 SAMUEL GEBRU. Yes.

11 CONSTANTINE ALEXANDER: -- is grant the relief for
12 period of time -- a year, two years, three years -- whatever
13 we think it's appropriate, to see how things work out, and
14 see what you're predicting, which I assume will be the case,
15 actually happens. Did members of the board have any
16 interest in that? Say two years, grant the variance for two
17 years, and you come back after two years to get it renewed,
18 maybe in perpetuity?

19 LAURA WERNICK: I'm just wondering if the hours,
20 if they can commit to certain hour, if that would be --

21 CONSTANTINE ALEXANDER: Another approach, too. --

22 LAURA WERNICK: -- adequate for the neighbors. If

1 they know there's not going to be anything after 8:00 in the
2 end evening?

3 CONSTANTINE ALEXANDER: Hours and days, sure.
4 Well, I'm open to suggestions.

5 LISA PETERSON: May I? I would like to suggest
6 that if there are complaints, that we would -- that you
7 would say that the variance might be for two or three years,
8 and that if there were complaints, we would need to come
9 back, or the variance maybe permanent, and if there were
10 complaints, we would --

11 CONSTANTINE ALEXANDER: We wouldn't do it that
12 way.

13 LISA PETERSON: We wouldn't do it that way?

14 CONSTANTINE ALEXANDER: Say -- let's just stick to
15 two years.

16 LISA PETERSON: Okay.

17 CONSTANTINE ALEXANDER: You would grant a variance
18 for two years. At the end of two years, you'd come back,
19 and if there were complaints, we would know about it, or the
20 people who are making the complaints would come.

21 LISA PETERSON: Yep.

22 CONSTANTINE ALEXANDER: If there were none, our

1 practice in the past is then we grant the variance in
2 perpetuity. We've had a trial effort, and let's see if
3 everything's okay. But I don't want to do it the way you do
4 it. I want to --

5 LISA PETERSON: No, I -- you know this better than
6 I do. So I -- will defer to you.

7 CONSTANTINE ALEXANDER: Okay.

8 BRENDAN SULLIVAN: Who is the point person for the
9 operation? Would you be the point person there?

10 SAMUEL GEBRU. For the Cambridge Community Center?

11 BRENDAN SULLIVAN: Yeah.

12 SAMUEL GEBRU. For the Cambridge Community -- I
13 serve as the Director of Engagement and Partnerships. Our
14 Executive Director also is here, and one of our Program
15 Directors are here too.

16 BRENDAN SULLIVAN: Okay, I'm just --

17 SAMUEL GEBRU. But in term of --

18 BRENDAN SULLIVAN: -- wondering if exchanging a
19 name with a neighbor --

20 SAMUEL GEBRU. Yeah, I am --

21 BRENDAN SULLIVAN: -- and contact person would be
22 more helpful.

1 SAMUEL GEBRU. In fact sir, I will do it right
2 now. This is my business card. It has my cell phone and my
3 e-mail on it. You can call me anytime.

4 BRENDAN SULLIVAN: Okay, okay.

5 SAMUEL GEBRU. Also, it is -- Mr. Chair, just one
6 thing to note, as to what Deputy City Manager Peterson said.
7 Our short-term use would be for the months of July, August
8 and September.

9 Any potential long-term use by the Cambridge
10 Community Center for any sort of activity related to this
11 variance, that would go through a city or a public process,
12 rather, a community process.

13 So, you know, we're really looking at it for the
14 next three months in terms of our usage. And then long-
15 term, we would engage more of the community, and I look
16 forward to also engaging the condo association and their --
17 any feedback that they may have this summer.

18 BRENDAN SULLIVAN: I want to say, this is not
19 going to become effective, even if we were to approve, until
20 almost the end of August.

21 CONSTANTINE ALEXANDER: That's right. It takes
22 that long before --

1 BRENDAN SULLIVAN: That's right.

2 CONSTANTINE ALEXANDER: It takes that long before

3 --

4 BRENDAN SULLIVAN: It's just -- even if we were to
5 approve tonight, it may take six weeks.

6 CONSTANTINE ALEXANDER: More than that, mostly.

7 KWAME DANCE: So --

8 CONSTANTINE ALEXANDER: One second, sir. I see
9 you.

10 THE REPORTER: Please provide your first name,
11 spell your last name?

12 KWAME DANCE: Yes, ma'am. My name is Samuel Kwame

13 --

14 MELISSA MORLEY: There you go.

15 CONSTANTINE ALEXANDER: Spell it.

16 KWAME DANCE: K-w-a-m-e, last name Dance, D-a-n-c-
17 e. My residence is 143 Hamilton Street.

18 THE REPORTER: Thank you.

19 KWAME DANCE: Again, my name is Kwame. I go by
20 middle name, Kwame. I am a Program Director at Cambridge
21 Community Center, lifelong Cambridge resident,
22 Cambridgeport. Grew up in the center at Cambridge Community

1 Center in the Moore Youth Center across the street, what I
2 was also -- I also served as Program Director for.

3 And what I'll say I wanted to talk about, give an
4 example of what type of program we're aiming to have this
5 year, and why it would be important for us to hopefully
6 expedite the process of occupying the space. This here is
7 part of the Mayor's Summer Youth Employment Program. We
8 hope -- well, we've designed a program called the Mental
9 Health Access Program.

10 "ACCESS" stands for Advancement of Culturally
11 Competent Education Stop Stigma. This is a mental health
12 professional development program for young people, which has
13 an exposure component as well as a psychoeducation and
14 stigma reduction component.

15 This program is going to operate 1:00 p.m. to 7:00
16 p.m., with staff being present until 8:00 p.m. These are
17 teenagers, though, becoming like Samoset from Central
18 Square, et cetera. from the neighborhood.

19 So in terms of the noise, that isn't going to be a
20 factor in the next three months. However, the program
21 starts on July 1, so next Monday.

22 We recognize that it may not be possible in on

1 July 1, but we were hoping to be able to access the space
2 prior to that in order to run this program as a trial. We
3 can revisit going forward as CM (phonetic) and --

4 CONSTANTINE ALEXANDER: Well, let me just comment.
5 You have to understand the way zoning works, not just --

6 KWAME DANCE: Absolutely.

7 CONSTANTINE ALEXANDER: we make a decision tonight
8 orally -- then it has to be written up, and that takes a few
9 weeks by the IST staff. That written decision is then
10 signed and filed with the City Clerk. And that's when it
11 becomes effective, not tonight, should we -- it's then.

12 And then there's a 20-day appeal period, where
13 someone can take a deal to the courts. So, as Mr. Silva
14 pointed out, that you start from beginning to end, you're
15 looking to six to eight weeks before you'll be able to do
16 anything legally.

17 The other thing is we understand -- I think you
18 should get the sense that -- we understand the very good
19 that you're going to do for the community. There's a
20 beneficial aspect to this. We have to worry about the
21 citizens of the city, which is why, I believe, we need a
22 trial for a test group, see how it really works.

1 In a two-year period I think is an appropriate
2 time. If after two years, you come back and all is well, it
3 will be -- for two years we'll extend the variance in
4 perpetuity. But if there are issues then, it comes out that
5 issues did develop, we'll have to wrestle with them at that
6 time.

7 KWAME DANCE: Of course. And this is just a
8 procedural question.

9 CONSTANTINE ALEXANDER: Yep.

10 KWAME DANCE: First of all, I really agree with
11 the two-year period. I think that's a great and fair
12 decision. I am curious, are -- do -- is it ever the case
13 that people will occupy the -- somebody will occupy the
14 space during the appeal process? So --

15 BRENDAN SULLIVAN: We're blind to that.

16 KWAME DANCE: You're blind to that?

17 CONSTANTINE ALEXANDER: We don't -- talk to that
18 gentleman over there.

19 KWAME DANCE: Well, I meant --

20 BRENDAN SULLIVAN: That's administrative.

21 CONSTANTINE ALEXANDER: We don't get involved.

22 KWAME DANCE: Okay. Fair enough.

1 CONSTANTINE ALEXANDER: It may be enforced. It
2 may -- someone may say, "you can't do a darn thing until the
3 appeal period runs in six weeks, or then they look the other
4 way. Doesn't involve us.

5 BRENDAN SULLIVAN: Either way. Got it?

6 KWAME DANCE: Thank you. All right. Thank you.

7 CONSTANTINE ALEXANDER: Thank you. This gentleman
8 had his hand up several times. Yeah, no, that's you.

9 THE REPORTER: Please provide your name, spell
10 your last name, and then provide your address.

11 KIRIL ALEXANDROV: Sure. Kiril Alexandrov, K-i-r-
12 i-l, last name Alexandrov, A-l-e-x-a-n-d-r-o-v. I'm the
13 owner of 215 Western Avenue, which is the building that
14 abuts this building, and I'm thrilled to hear that something
15 could be finally happening, and fully support all their
16 efforts, and can't wait to have them as neighbors. That's
17 all. Just general support.

18 CONSTANTINE ALEXANDER: That's enough. Thank you
19 for coming down.

20 KIRIL ALEXANDROV: Love to have them in the
21 neighborhood.

22 CONSTANTINE ALEXANDER: Anyone else wishes to be

1 heard on this matter? Apparently not. I will close public
2 testimony. We do have a number of letters.

3 KIRIL ALEXANDROV: One more thing, if I can
4 interject?

5 CONSTANTINE ALEXANDER: Oh, I'm sorry.

6 KIRIL ALEXANDROV: One more thing I just thought
7 of? So I've actually been in the building a couple times,
8 because I did extensive renovations in my own building, and
9 I saw how the building was built. I mean, the city spared
10 no expense in building this thing --

11 CONSTANTINE ALEXANDER: Yeah.

12 KIRIL ALEXANDROV: -- rock solid. So I don't
13 think there's -- you know, any concerns for sound, noise, or
14 anything like that. I don't think it should be -- I don't
15 think it'll end up being an issue, because the building was
16 built so well.

17 CONSTANTINE ALEXANDER: We'll find out in the next
18 two years, okay?

19 KIRIL ALEXANDROV: Yeah, but I think -- I think
20 we'll be all right.

21 CONSTANTINE ALEXANDER: Thank you. Okay, as I
22 said, we'll close public testimony. We do have a number of

1 letters in the file, they're all one date. I'm just going
2 to identify -- they're all in support. I'm going to
3 identify who wrote the letters.

4 We have the letter that was referred to you by
5 you, sir, signed by a number of City officials. We have a
6 different letter, signed by different city officials, all in
7 support, with the extensive reasons why. We have a letter
8 from the -- from the Board of Directors of the Cambridge --
9 no, same -- excuse me, I'm sorry.

10 SAMUEL GEBRU. It's two --

11 CONSTANTINE ALEXANDER: Yeah, I -- we have the --
12 you've already spoken, so we'll give counselor the
13 communication. And I think that's it. So we do have
14 letters of support, no letters of opposition, but we do have
15 some concerns from an effective agent. Ready for a vote, or
16 anyone needs a special -- okay.

17 SLATER W. ANDERSON: I have a quick --

18 CONSTANTINE ALEXANDER: No, go ahead, go ahead.

19 SLATER W. ANDERSON: The two-year period, does
20 that commence once the appeal period trials?

21 CONSTANTINE ALEXANDER: It commences when the
22 decision becomes official. This file -- when the written

1 decision is filed --

2 SLATER W. ANDERSON: So it's not the end of the
3 appeal period?

4 CONSTANTINE ALEXANDER: Yeah.

5 SLATER W. ANDERSON: It potentially --

6 CONSTANTINE ALEXANDER: Two years from --

7 BRENDAN SULLIVAN: It's at the end of the appeal.

8 SLATER W. ANDERSON: Here's my only thinking on
9 this.

10 CONSTANTINE ALEXANDER: Yeah.

11 SLATER W. ANDERSON: It would be -- it could be
12 problematic if it were to expire in the middle of the
13 summer, for example, like, during a season where they have a
14 program. I don't know, does the program run year-round, or
15 is it --

16 SAMUEL GEBRU. Mostly in the summer.

17 SLATER W. ANDERSON: Mostly the summer?

18 SAMUEL GEBRU. Right now it's -- name and address
19 The two years is --

20 SLATER W. ANDERSON: The day?

21 CONSTANTINE ALEXANDER: Why don't we pick, like,
22 October 1, 2021?

1 SLATER W. ANDERSON: Fine with me. Name and
2 address That's fine with everyone else? That's two years
3 and a couple more months, so that gets paid by the summer.

4 CONSTANTINE ALEXANDER: Going once, going twice?
5 Okay. All right. So I think we're ready for a vote.

6 BRENDAN SULLIVAN: Give them two full summers?

7 CONSTANTINE ALEXANDER: Yeah, we'll get there --

8 CONSTANTINE ALEXANDER: -- probably this summer.
9 And then the next few summer --

10 BRENDAN SULLIVAN: Well, we don't know about that.

11 CONSTANTINE ALEXANDER: No, we don't know about
12 that, you're right. Okay. The Chair moves that we make the
13 following findings, with regard to the variance being
14 sought: That a literal enforcement of the provisions of the
15 ordinance would involve a substantial hardship, such
16 hardship being as is now being a vacant building that can be
17 put to much better use, community use, should relief be
18 granted -- the relief being sought be granted; that the
19 hardship is owing to the fact that the nature of the
20 building and its location is special to this property, and
21 doesn't affect the community at large; and that relief may
22 be granted without substantial detriment to the public good,

1 or nullifying or substantially derogating intent or purpose
2 of the ordinance.

3 In this regard, it's ample testimony that what is
4 proposed here has all the earmarks of a worthwhile
5 contribution to the city of Cambridge, and something that's
6 quite desirable. So on the basis of all of these findings,
7 the Chair moves that we grant the variance requested for a
8 period ending October 15, 2021. Yes, 2021.

9 So that -- you'll have the opportunity to monitor,
10 speak to Mr. Singanaya -- Ranjit, and he -- if you have
11 problems, he will monitor. His office will monitor, and
12 we'll see everybody in two and a half years.

13 SLATER W. ANDERSON: One recommendation, don't
14 wait until it's about to expire.

15 CONSTANTINE ALEXANDER: Correct.

16 SLATER W, ANDERSON: Come back. Anticipate it.

17 CONSTANTINE ALEXANDER: All those in favor, please
18 say, "Aye." Five in favor, variance granted on the two-year
19 period I had mentioned. Thank you.

20 (Alexander, Sullivan, Monteverde, Warnick, Anderson.)

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2 (7:56 p.m.)

3 Sitting Members: Constantine Alexander, Brendan Sullivan,
4 Jim Monteverde, Laura Warnick, and
5 Slater W. Anderson

6 CONSTANTINE ALEXANDER: The Chair will now call
7 Case Number 017118, 90 Jackson Street. Anyone here wish to
8 be heard on this matter?

9 There is no one. And we have a letter from the
10 attorney for Blue Maple, LLC, which is the petitioner in
11 this case.

12 The letter states -- or the email states that in
13 the advertisement for this meeting there was an error, and
14 that error could cause, should we grant relief, could put
15 the relief in jeopardy should someone challenge, so the
16 petitioner wants to continue the case so we have an
17 opportunity to correct the advertising case, and they can
18 get this done by July 11.

19 So this will be a case not heard, and we'll
20 continue it until 7:00 p.m. on July 11. Is -- the Chair
21 will move that we continue this case until 7:00 p.m. on July
22 11, subject to the following conditions.

1 That the petitioner sign a waiver of time for
2 decision. Maria, has he done that yet?

3 MARIA PACHECO: Yes.

4 CONSTANTINE ALEXANDER: He has. That's been
5 satisfied. Second, that the posting sign that's there, or
6 should be there, must be maintained, should be modified to
7 reflect the new date and time, or a new one obtained, and it
8 must be maintained for the 14 days prior to July 11, as
9 required under our ordinance.

10 And lastly, to the extent that the petitioner is
11 going to submit new or modified plans or dimensional forms,
12 they must be in our files no later than 5:00 p.m. on the
13 Monday before July 11.

14 All those in favor of continuing the case on this
15 basis, please say aye.

16 Five in favor. Case continued.

17 (Alexander, Sullivan, Monteverde, Warnick, Anderson)

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2 (7:59 p.m.)

3 Sitting Members: Constantine Alexander, Brendan Sullivan,
4 Jim Monteverde, Laura Warnick, and
5 Slater W. Anderson

6 CONSTANTINE ALEXANDER: The Chair will now call
7 Case Number 017122, 8 Follen Street. Anyone here wish to be
8 heard on this matter?

9 MELISSA MORLEY: Please provide your first name,
10 spell your last name.

11 BRENDAN SULLIVAN: You can sit at the table.

12 ATTORNEY MEGAN KEMP: Okay, perfect.

13 BRENDAN SULLIVAN: You don't have to --

14 JIM MONTEVERDE: This one works.

15 CONSTANTINE ALEXANDER: Is that microphone
16 working?

17 BRENDAN SULLIVAN: Yeah, just pull it --

18 JIM MONTEVERDE: Just pull it --

19 ATTORNEY MEGAN KEMP: Okay.

20 BRENDAN SULLIVAN: -- close to you. There you go.

21 ATTORNEY MEGAN KEMP: My name is Megan Kemp, K-e-
22 m-p, from Adam Dash and Associates, 48 Grove Street, Suite

1 304, Somerville, Mass., representing Phil and Susan Ragon,
2 the owners of 8 Follen Street.

3 This is an application for a variance to redesign
4 the overhang over the rear entry door. Because it is over a
5 deck area, it counts towards the FAR, so it is a small 19-
6 square-foot addition. It does at one-one thousandth to a
7 preexisting nonconforming FAR. So we are requesting a
8 variance just to make this -- it's a bay window next to a
9 rear door, so they're expanding the bay window so it goes
10 straight across to a neighboring wall so that there will
11 actually be coverage over that door for people who are using
12 that entry or packages that are being left on the rear
13 porch.

14 CONSTANTINE ALEXANDER: That's it?

15 ATTORNEY MEGAN KEMP: That's it.

16 CONSTANTINE ALEXANDER: Very succinct. Thank you.

17 Questions from members of the board ?

18 LAURA WARNICK: So just the roof of the bay window
19 is being --

20 ATTORNEY MEGAN KEMP: Correct. Yeah. So they're
21 -- where it currently edges in on the photo, they're just
22 going to make it a straight line across. It'll be the same

1 copper flashing, copper roof over the same wood trim so it
2 all matches the existing structure. And it's all on the
3 rear side of the building. Nothing is visible to the
4 public. Historic has issued a certificate of non-
5 applicability, because it in a historic district, but it's
6 not visible to neighbors or anyone else.

7 CONSTANTINE ALEXANDER: Any further comments or
8 questions from members of the board?

9 I'll open the matter to public testimony. Anyone
10 here wishing to be heard on this matter?

11 (No response.)

12 CONSTANTINE ALEXANDER: No one wishes to be heard.
13 We're not in receipt of any letters or the like, so I'm
14 going to close public testimony.

15 Ready for a vote?

16 The Chair moves that we make the following finding
17 with regard to the variance being sought. That a literal
18 enforcement of the provisions of the ordinance would involve
19 a substantial hardship, this hardship being this is an older
20 structure that needs some minor modification to protect
21 people entering or exiting from the exit involved with some
22 overhead cover. That the hardship is owing to the fact that

1 this is already a nonconforming structure, so any relief,
2 any modification requires zoning relief. And that relief
3 may be granted without substantial detriment to the public
4 good or nullifying the substantially derogating from the
5 intent and purpose of the ordinance. In this regard, the
6 relief being sought is rather modest in nature. There are
7 no letters of opposition or any indication of neighborhood
8 opposition. And this -- so I would characterize it as one
9 more example of a modification of a nonconforming structure
10 that's desirable for the city of Cambridge to allow housing
11 stock to continue to improve.

12 So on the basis of all of these findings, the
13 Chair moves to grant the variance on the condition that the
14 work proceed in accordance with plans submitted by the
15 petitioner, the first page of which has been initialed by
16 the Chair, by -- architect is Paul Lukez, L-u-k-e-z. And if
17 there's a date on here, I've missed it. Oh, here it is,
18 1/21/19, initialed by the Chair, as I've said.

19 All those in favor, please say aye.

20 Five in favor. Relief granted. Thank you.

21 ATTORNEY MEGAN KEMP: Thank you.

22 (Alexander, Sullivan, Monteverde, Warnick, Anderson)

1 LAURA WARNICK: I think that was the fastest one
2 ever.

3 CONSTANTINE ALEXANDER: What's that?

4 LAURA WARNICK: I think that's the fastest one
5 ever.

6 ATTORNEY MEGAN KEMP: I try.

7 CONSTANTINE ALEXANDER: I can talk faster, if need
8 be.

9 BRENDAN SULLIVAN: We --

10 CONSTANTINE ALEXANDER: We've got to catch up.

11 MARIA PACHECO: Ahead of the curve.

12 JIM MONTEVERDE: We're ahead.

13 CONSTANTINE ALEXANDER: We have to wait until 8:15
14 for the next case. So go back to the pub.

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2 (8:16 p.m.)

3 Sitting Members: Constantine Alexander, Brendan Sullivan,
4 Jim Monteverde, Laura Warnick, and
5 Slater W. Anderson

6 CONSTANTINE ALEXANDER: The Chair will now call
7 Case Number 017119, 496 Massachusetts Avenue. Anyone here
8 wish to be heard on this matter?

9 JIM MONTEVERDE: But you know, why not?

10 CONSTANTINE ALEXANDER: Well, if you can, you do
11 it.

12 TOM HANNON: The Chair, or --

13 CONSTANTINE ALEXANDER: Well, sir, because --
14 yeah, it's more convenient for you to sit there.

15 TOM HANNON: Sure, thanks.

16 Tom Hannon from Sign Design, and we're here to --

17 MELISSA MORLEY: Please provide --

18 JIM MONTEVERDE: Yeah, just talk into the
19 microphone.

20 BRENDAN SULLIVAN: Lean in toward, yeah.

21 JIM MONTEVERDE: There you go.

22 TOM HANNON: Tom Hannon from Sign Design, here --

1 CONSTANTINE ALEXANDER: Can you spell that? Spell
2 your last name for --

3 TOM HANNON: H-a-n-n-o-n. And I'm here from Sign
4 Design to apply for a variance for an illuminated sign
5 cabinet for 496 Mass. Ave. in Cambridge.

6 CONSTANTINE ALEXANDER: Okay. And that's you --
7 the seven-foot square sign, so it's not a very large one?

8 TOM HANNON: Correct.

9 CONSTANTINE ALEXANDER: Okay. And you need a
10 variance. What's the basis for the variance? What's the
11 legal justification? Like, we have to make that finding,
12 the reason I ask you.

13 TOM HANNON: Sure The reason that they need an
14 illuminated sign cabinet is because they need that for their
15 business because they can't be seen at night, and they're
16 open at nighttime, and right now they only have window vinyl
17 on the-- for the business.

18 CONSTANTINE ALEXANDER: And the sign, really, is
19 the just logo, the company logo?

20 TOM HANNON: Correct. It's a clover.

21 CONSTANTINE ALEXANDER: No words, no wording, no
22 clover or anything like that, of that sort?

1 TOM HANNON: No, it's just a clover for the Clover
2 Food Lab.

3 CONSTANTINE ALEXANDER: Clover, yeah.

4 TOM HANNON: And they're -- it's the plant-based
5 food, and --

6 CONSTANTINE ALEXANDER: Okay.

7 TOM HANNON: And we have a letter, too, from the
8 Central Square Advisory Committee.

9 CONSTANTINE ALEXANDER: And we have it as well, I
10 think, if it's the same letter. So I'll read it into the
11 record --

12 TOM HANNON: Sure.

13 CONSTANTINE ALEXANDER: -- at an appropriate time,
14 which will be very shortly.

15 Questions or comments from members of the board?

16 JIM MONTEVERDE: I have a question.

17 So the sign you're proposing is internally
18 illuminated, correct?

19 TOM HANNON: Correct.

20 JIM MONTEVERDE: Visible from both sides,
21 internally illuminated -- So would you not need a variance
22 if you put up a similar -- I don't want to call it a blade

1 sign, but a sign that's perpendicular to the building face,
2 and if it were illuminated from the building? Would that
3 not require a variance?

4 CONSTANTINE ALEXANDER: No, internally --

5 JIM MONTEVERDE: In other words, not internally
6 illuminated.

7 CONSTANTINE ALEXANDER: Not internally
8 illuminated, you know, you might be okay.

9 JIM MONTEVERDE: It would be as a right.

10 CONSTANTINE ALEXANDER: Yeah.

11 TOM HANNON: Correct.

12 JIM MONTEVERDE: Is that not an option for the
13 sign that you're proposing?

14 TOM HANNON: It's really not, and they -- they're
15 going to benefit much more from having an internally
16 illuminated sign as opposed to the sign, like, with the
17 lighting reflecting down on it. And I have a sample of the
18 material that we're using. It's a Lexan polycarbonate
19 material.

20 BRENDAN SULLIVAN: Is it lit -- what are the hours
21 of it being lit?

22 TOM HANNON: It's only going to be illuminated

1 during business hours.

2 BRENDAN SULLIVAN: Okay. Which are?

3 TOM HANNON: I'm not sure of their business hours.

4 It's open at night.

5 BRENDAN SULLIVAN: What time at night do you

6 close?

7 TOM HANNON: I don't own --

8 BRENDAN SULLIVAN: Oh, okay.

9 TOM HANNON: I'm from the sign company.

10 BRENDAN SULLIVAN: Yeah.

11 TOM HANNON: I'm not from Clover. I can look that
12 up, but I --

13 CONSTANTINE ALEXANDER: I guess it's at least

14 11:00 --

15 TOM HANNON: -- it's either 10:00 or 11:00.

16 CONSTANTINE ALEXANDER: -- at night.

17 BRENDAN SULLIVAN: I was going to say, probably --

18 CONSTANTINE ALEXANDER: Yeah -- because that's

19 sort of a busy -- a late area.

20 BRENDAN SULLIVAN: Yeah.

21 CONSTANTINE ALEXANDER: It's an area that has a

22 late traffic --

1 BRENDAN SULLIVAN: Right.

2 TOM HANNON: Yeah.

3 BRENDAN SULLIVAN: Okay.

4 TOM HANNON: I think they're in the location that
5 used to be in The Middle East, correct?

6 CONSTANTINE ALEXANDER: Yes, yeah.

7 TOM HANNON: Yeah.

8 CONSTANTINE ALEXANDER: Across The Middle East.
9 There used to be a pizza place before Clover took it over.

10 TOM HANNON: Oh, yeah. High Five Pizza, I think
11 it was.

12 CONSTANTINE ALEXANDER: High Five Pizza, that's
13 it.

14 JIM MONTEVERDE: Thank you.

15 CONSTANTINE ALEXANDER: I mean, the -- I'm -- and
16 the good news about it is it's a small sign.

17 JIM MONTEVERDE: Right.

18 CONSTANTINE ALEXANDER: And it's almost -- almost
19 it adds to the attractiveness, to me, of the space. It's
20 not advertising unless you know the Clover clover -- the
21 Clover logo. There's no wording or the like, so it's trying
22 to be a modest leaf.

1 Anybody else got questions or comments?

2 BRENDAN SULLIVAN: It's sort of identifying, and
3 there's a -- yeah.

4 CONSTANTINE ALEXANDER: Yeah.

5 BRENDAN SULLIVAN: Yeah.

6 JIM MONTEVERDE: So my only comment --

7 CONSTANTINE ALEXANDER: Yeah.

8 JIM MONTEVERDE: -- if I may?

9 CONSTANTINE ALEXANDER: Go ahead, sure.

10 JIM MONTEVERDE: As I understand it's small, and
11 that's in your favor. But as a precedent, and the fact that
12 there's probably an option to light it, as I've seen other
13 signs lit around town that are a blade sign like that, but
14 lit not internally but from external luminaires, I would
15 wish that you had explored an option that would do that not
16 require you to be internally illuminated. That's --

17 LAURA WARNICK: Is it -- is the sign sitting
18 inside, or is it protruding outside?

19 TOM HANNON: It's a flag mounted sign, so it's
20 going to come -- it's going to come off the building.

21 LAURA WARNICK: Okay.

22 TOM HANNON: It's seven square feet.

1 JIM MONTEVERDE: Yeah, mounted on the façade
2 perpendicular to the façade.

3 CONSTANTINE ALEXANDER: Brendan, do you want to
4 wait to --

5 BRENDAN SULLIVAN: No, no. Go ahead. Go ahead.
6 Go ahead.

7 CONSTANTINE ALEXANDER: Okay, great. I'll open
8 the matter up to public testimony. Anyone here wish to be
9 heard on this matter?

10 (No response.)

11 CONSTANTINE ALEXANDER: Apparently no one is.

12 We do have a letter, as this gentleman has
13 referred to, from the Central Square Advisory Committee.

14 "The Central Square Advisory Committee met on June
15 19 to review and comment on the Clover Food Lab proposal to
16 install a double-sided internally illuminated sign to its
17 existing façade on 496 Mass. Ave. This meeting was
18 conducted pursuant to the provisions outlined in Section
19 20.300 of the Cambridge Zoning Ordinance. The Committee is
20 appointed by the City Manager to undertake all large
21 projects, and reviews of variances and special permits for
22 activities within the Central Square Overlay District and to

1 monitor the progress of the Central Square non-zoning
2 recommendations of a certain study.

3 Committee members who were present spoke in favor
4 of the applicant's proposal, specifically regarding the
5 sign's simplicity. Given the location of the establishment
6 at the corner of Mass. Ave. and Brookline, an intersection
7 that is very active and has a lot of light and color, this
8 illuminated sign will fit well and provide some added
9 visibility to this local amenity."

10 And then they identify which members were present,
11 and which members were not. So it's a letter in support,
12 was signed by the Wendell Joseph, Neighborhood Planner, of
13 the Community Development Department.

14 I will close public testimony. Discussion, or are
15 we ready for a vote?

16 I think we're ready for a vote.

17 The Chair moves that we make the following
18 findings with regard to the variance being sought. That a
19 literal enforcement of the provisions of the ordinance would
20 involve a substantial hardship, this hardship being that
21 this is a busy commercial area that needs some -- an
22 illuminated signage to identify who occupies the premises.

1 That the hardship is owing to the location of the structure
2 and its shape as being a corner structure that requires some
3 signage -- illuminated signage, I should say, and they would
4 make a grant without substantial detriment to the public
5 good or nullifying the substantially derogating through
6 intent or purpose of the ordinance.

7 In this regard, we do have a letter of support
8 from Cambridge from the Central Square Advisory Committee,
9 which is a body charged with basically policing or advising
10 on commercial developments in this area. And as I've
11 indicated, they are in support.

12 From the basis of all of these findings, the Chair
13 moves that we grant the variance requested on the condition
14 that the sign that we are approving complies with the
15 signage that you submitted and has been initialed by the
16 Chair. It's just basically a Clover logo with no words.

17 All those in favor, please say aye.

18 Five in favor. Relief granted. Thank.

19 CONSTANTINE ALEXANDER: Thank you.

20 BRENDAN SULLIVAN: Four in favor.

21 CONSTANTINE ALEXANDER: Oh, I'm sorry.

22 JIM MONTEVERDE: That's all right.

1 CONSTANTINE ALEXANDER: Four in favor, one
2 opposed. Relief still granted.

3 TOM HANNON: Okay. Thank you.

4 MELISSA MORLEY: Who voted no?

5 CONSTANTINE ALEXANDER: Oh, this man. That's who.

6 (Alexander, Sullivan, Warnick, Anderson)

7 We can't have the next case until 8:30, so we've
8 got five more minutes. Hurry up and wait.

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2 (8:29 p.m.)

3 Sitting Members: Constantine Alexander, Brendan Sullivan,
4 Jim Monteverde, Laura Warnick, and
5 Slater W. Anderson

6 CONSTANTINE ALEXANDER: The Chair will now call
7 Case Number 017125, 225 Grove Street. Anyone here wish to
8 be heard on this matter?

9 MELISSA MORLEY: Please record your names, the
10 spelling of your last name, and your street address.

11 CONSTANTINE ALEXANDER: Speak in the mic when you
12 do that.

13 ROBERT LINN: I'm Robert Linn, L-i-n-n, 161 Grove
14 Street.

15 WALID KHALIDI: I'm Walid Khalidi, W-a-l-i-d K-h-
16 a-l-i-d-i, 225 Grove Street.

17 ROBERT LINN: So we're here to request a special
18 permit for an accessory apartment in an A-2 zone that is
19 zoned for single family, but with the caveat from Article
20 4.22.1, which allows an accessory apartment if certain
21 conditions are met. And we believe that we meet all of
22 these conditions. And in fact, we feel that we met all the

1 conditions before that 4.22 was made a little bit easier to
2 meet. So now I think where there was a little bit of
3 ambiguity, we're now beyond any question.

4 CONSTANTINE ALEXANDER: Why don't you just quickly
5 tick off --

6 ROBERT LINN: Yep.

7 CONSTANTINE ALEXANDER: -- the requirements of the
8 current 4.22 so we have it in the record.

9 ROBERT LINN: So the current 4.22 requires that
10 the building be done February of 2019. It has to be over
11 1,800 square feet, the existing building. The accessory
12 dwelling unit can't be more than 35 percent of the overall
13 dwelling or more than 900 square feet, which we're below
14 both of those. And I'm pretty sure that's it for the new
15 part. Before, there used to be a --

16 CONSTANTINE ALEXANDER: Yeah.

17 ROBERT LINN: -- some no substantial addition, and
18 also the owner had to live on the premises.

19 CONSTANTINE ALEXANDER: Just to fill out the --
20 fill out your comment, as you point out, it must be at least
21 1,800 square feet, the structure.

22 ROBERT LINN: Correct.

1 CONSTANTINE ALEXANDER: It actually has 2,937,
2 both floor areas, so clearly in excess. And that the
3 accessory apartment can't be more than 900 square feet, and
4 it's going to be 870 square feet --

5 ROBERT LINN: Correct.

6 CONSTANTINE ALEXANDER: -- according to your
7 application.

8 ROBERT LINN: Yes. That's right.

9 CONSTANTINE ALEXANDER: So as you say, you've
10 satisfied all of the requirements.

11 What he's referring to is that Section 4.22 of our
12 ordinance was modified to create what we've just identified.
13 That's last May, the review of the first one, coming before
14 us under this new section.

15 ROBERT LINN: And Professor Khalidi is here to
16 talk about why he would need it, but I don't know the board
17 needs to hear it.

18 CONSTANTINE ALEXANDER: I don't think that's
19 necessary. I think you meet the requirements -- the
20 mechanical requirements. You meet the mechanical
21 requirements. But I'm -- if you want to speak to it --

22 WALID KHALIDI: If you want me to.

1 CONSTANTINE ALEXANDER: I don't want. It's up to
2 you. If you want, you can do it.

3 WALID KHALIDI: If you have any specific
4 questions, I'd be delighted to answer.

5 CONSTANTINE ALEXANDER: Members of the board, want
6 to hear?

7 JIM MONTEVERDE: No, that's good.

8 BRENDAN SULLIVAN: No.

9 CONSTANTINE ALEXANDER: All right.

10 BRENDAN SULLIVAN: I'm sure it's for a very good
11 reason.

12 CONSTANTINE ALEXANDER: Yes. Yeah.

13 BRENDAN SULLIVAN: I read it. It was in the file.

14 CONSTANTINE ALEXANDER: Yeah. It's in the file.
15 Exactly.

16 Obviously, there's no questions from members of
17 the board. I'll open the matter up to public testimony. Is
18 there anyone here wishing to be heard in this matter?

19 Apparently not, and we are not in receipt of any
20 letters or other written communications regarding the
21 project, so I'm going to close public testimony.

22 Ready for a vote? This is a special permit -- I

1 don't know how to do this. I have never done this before.

2 I've got to figure this out.

3 The Chair moves that we make the following
4 findings with regard to the special permit being sought.
5 That the petitioner satisfies the requirements of Section
6 4.22.1, and therefore is eligible to have an accessory
7 apartment in this structure.

8 Then we have to make -- we have to make findings
9 with regard to the general requirements for all special
10 permits, which I'll tick off. That the requirements of the
11 ordinance cannot be met unless we grant you this special
12 permit. And as I should point out, Section 4.22.4 says that
13 in granting a special permit for an accessory apartment, the
14 board shall determine that the special -- general special
15 permit criteria set forth in Section 10.43 of the ordinance
16 are met, and so that's why we're doing this exercise.

17 That traffic generated or patterns of access or
18 egress resulting from this accessory apartment will not
19 cause congestion, hazard, or substantial change in
20 established neighborhood character. The -- for intent and
21 purposes, this special -- this accessory apartment will have
22 no impact on the neighborhood. It will be well-contained in

1 the structure.

2 That the continued operation or development of
3 adjacent uses as permitted by the ordinance will not be
4 adversely affected by the accessory apartment you desire.

5 That no nuisance or hazard will be created to the
6 detriment of the health, safety, and/or welfare of the
7 occupant of the structure or the citizens of the city. And
8 generally, what is being proposed will not impair the
9 integrity of the district, or adjoining district, or
10 otherwise derogate the intent and purpose of this ordinance.
11 In fact, it will be -- it will further the housing goals of
12 the city of Cambridge, which was the intent when they
13 modified section -- they being the City Council -- modified
14 section 4.22 to facilitate the use of single and two-family
15 structures for accessory apartments under certain
16 conditions.

17 So on the basis of all of these findings, the
18 Chair moves we grant you the special permit you requested on
19 the condition that the work proceed in accordance with plans
20 prepared by Moskow Linn Architects, dated -- March 27, 2019,
21 the page of which has been initialed by the Chair. All
22 those in favor, please say aye.

1 Five in favor. Relief granted. Good luck.

2 ROBERT LINN: Thank you.

3 JIM MONTEVERDE: Thank you.

4 WALID KHALIDI: Ladies and gentlemen, thank you
5 very much.

6 CONSTANTINE ALEXANDER: You're welcome.

7 WALID KHALIDI: That was relatively painless.

8 LAURA WARNICK: That's our intent.

9 WALID KHALIDI: If only all problems could be
10 solved this way. Thank you very much.

11 (Alexander, Sullivan, Monteverde, Warnick, Anderson)

12 LAURA WARNICK: We're going too fast.

13 CONSTANTINE ALEXANDER: We've got to wait until
14 8:45 for the next case, so.

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2 (8:43 p.m.)

3 Sitting Members: Constantine Alexander, Brendan Sullivan,
4 Jim Monteverde, Laura Warnick, and
5 Slater W. Anderson

6 CONSTANTINE ALEXANDER: The Chair will now call
7 Case Number 017127, 238 Brookline Street. Anyone here
8 wishing to be heard on this matter?

9 THOMAS ROSE: I have some renderings. I'll pass
10 them around.

11 JIM MONTEVERDE: You just need to use the
12 microphone.

13 MELISSA MORLEY: Please provide your names.

14 (Simultaneous speech.)

15 CONSTANTINE ALEXANDER: First give your name and
16 address to the -- or at least your name to the stenographer,
17 please.

18 ROY HODGMAN: My name is Roy Hodgman, 238
19 Brookline Street.

20 CONSTANTINE ALEXANDER: Okay. You're the
21 petitioner?

22 ROY HODGMAN: Yes.

1 THOMAS ROSE: My name is Tom -- Thomas Rose,
2 architect.

3 CONSTANTINE ALEXANDER: Okay.

4 THOMAS ROSE: I just wanted to -- these are some
5 handouts of the -- what I have on the board here, some
6 perspectives of the proposed building.

7 So we're requesting a variance to add --

8 CONSTANTINE ALEXANDER: Move your mic --

9 THOMAS ROSE: -- to add about 800 square feet of
10 new living space to an existing eighteenth century building.
11 So it's a Dutch mansard. So we're adding an addition. The
12 building is nonconforming as-is on the site, but the
13 addition is a conforming to the current zoning --

14 CONSTANTINE ALEXANDER: Right.

15 THOMAS ROSE: -- regulations.

16 CONSTANTINE ALEXANDER: Is it -- and they're going
17 to -- the only reason you need relief is setback, as I
18 recall. You -- even with this large edition, you're still
19 under the FAR.

20 THOMAS ROSE: Correct. And that we -- we're
21 within the setbacks also.

22 CONSTANTINE ALEXANDER: Yeah.

1 THOMAS ROSE: Right.

2 CONSTANTINE ALEXANDER: Because the setbacks is
3 what causes the issue.

4 THOMAS ROSE: I don't believe, though. I think
5 that the house is already -- the existing house is within
6 the setbacks.

7 CONSTANTINE ALEXANDER: Yeah.

8 THOMAS ROSE: Right.

9 CONSTANTINE ALEXANDER: So therefore, because --
10 and therefore, any modification of this nonconforming
11 structure requires --

12 THOMAS ROSE: Right.

13 CONSTANTINE ALEXANDER: That's what I was trying
14 to get at.

15 THOMAS ROSE: Yes. I'm sorry.

16 CONSTANTINE ALEXANDER: No, no. Maybe it's me.
17 Okay. That's unusual. In the older structures often when
18 addition to the size you also need FAR relief, and that's
19 more -- to me anyway -- more serious, and you don't need it
20 in this case.

21 THOMAS ROSE: No.

22 CONSTANTINE ALEXANDER: Which is good.

1 THOMAS ROSE: So we're also restoring the existing
2 house, so there will be a lot of work to kind of -- it needs
3 a little love.

4 CONSTANTINE ALEXANDER: And the reason for the
5 addition?

6 ROY HODGMAN: We just moved in. We have two small
7 kids. And we'd like a little bit of room for them grow
8 into, and for our families to come stay with us.

9 CONSTANTINE ALEXANDER: You need more living
10 space?

11 ROY HODGMAN: Yeah.

12 CONSTANTINE ALEXANDER: Sure. Well, from a zoning
13 point of view, a modest change to the house, because again
14 it's only setbacks. And you're already in the setback, so
15 you've got -- it's not a major change from -- in terms of
16 impact on the neighborhood. Yeah.

17 ROY HODGMAN: We've tried to -- We've gone around
18 and talked to our neighbors to describe what we plan on
19 doing. We've spoken informally to neighbors on either side
20 in front of us. Some of them have said they don't have any
21 problems with it. One of our neighbors, whose name is on a
22 piece of paper saying, "I don't have any problem with them,"

1 and our other neighbors have issues they'd like to bring up
2 after this. So we've been trying to --

3 CONSTANTINE ALEXANDER: We don't have anything in
4 our files. You have, maybe, something.

5 ROY HODGMAN: I can give you --

6 CONSTANTINE ALEXANDER: Why don't you give it?
7 We'll put it in the file, and I'll read the letter into the
8 file.

9 ROY HODGMAN: Sure.

10 THOMAS ROSE: Oh, you'll read it?

11 CONSTANTINE ALEXANDER: Or you can read it. I can
12 read it. What -- not quite -- a petition signed by one.

13 ROY HODGMAN: Yeah. Sorry.

14 CONSTANTINE ALEXANDER: Okay. I don't have any
15 questions. Members of the board? Or --

16 LAURA WARNICK: Well, I just have a very personal
17 question, because I raised my two kids in one of these
18 little houses with two bedrooms and a third, I guess what
19 you'd modestly call a study. But we certainly didn't need -
20 - and there -- I find them to be beautiful houses. They're
21 all over Cambridge, and this just seems to be a real
22 significant alteration that's not very compatible with the

1 existing nature of the building.

2 And so you're having four bedrooms total.

3 ROY HODGMAN: Yes.

4 LAURA WARNICK: So it's a -- it seems like a --
5 although I understand you're within your -- it just seems
6 the way you're doing it is pretty dramatic and not very
7 sympathetic to the existing --

8 CONSTANTINE ALEXANDER: Did you show these plans
9 to the neighbors you said you spoke to?

10 ROY HODGMAN: We've -- they have a copy right
11 there, yeah.

12 CARLOS SALAMANCA: Right here.

13 RUTH CARRETTA: We're the neighbors.

14 CONSTANTINE ALEXANDER: Okay. You've seen the
15 plans, I take it?

16 ROY HODGMAN: Yes.

17 CARLOS SALAMANCA: I myself saw it -- saw the
18 plans tonight.

19 MELISSA MORLEY: Can you please identify yourself?

20 CARLOS SALAMANCA: My -- I'm sorry. My name is
21 Carlos Salamanca. I live on 99 Allston Street.

22 MELISSA MORLEY: Last name, can you spell it?

1 CARLOS SALAMANCA: Salamanca is S-a-l-a-m, as in
2 Mary, -a-n, as in Nancy, -c as in car-a.

3 CONSTANTINE ALEXANDER: Anything further, Laura?

4 LAURA WARNICK: No.

5 CONSTANTINE ALEXANDER: Anyone else?

6 I will close -- I will open the matter up to
7 public testimony. Anyone here wishing to be heard on this
8 matter? I suspect you do. If you would come close -- yeah.
9 Good.

10 BRENDAN SULLIVAN: There's a mic up there, so.

11 CONSTANTINE ALEXANDER: There's a mic up there, or
12 you can sit over here, whichever is easiest for you.

13 (Simultaneous speech.)

14 RUTH CARRETTA: Hi. My name is --

15 CARLOS SALAMANCA: I have problems with my feet,
16 so I hope you don't mind. You can move this over.

17 RUTH CARRETTA: Hi. My name is Ruth Carretta. I
18 live at 99 Allston Street in Cambridge, along with Carlos
19 Salamanca, and yes, we are the next-door neighbors of Roy
20 and Caroline. And let's see. We -- the -- Roy had spoken
21 to us -- or, I'm sorry, spoken to me a few months ago in
22 regards to making a change to the building. And you know, I

1 can understand with a growing family. They have a little
2 infant who was sleeping in a teeny, tiny space, and I think
3 that they, you know, they needed some more space. And so
4 that's what Roy had -- I had understood Roy was -- the
5 changes that he -- they were planning to make was to bump
6 out the first and second floor of their house to make, you
7 know, a larger space for their -- for their -- both their
8 children to have a bedroom.

9 And let's see. We did receive the letter from the
10 -- let's see -- from the Zoning Board of Appeals earlier.
11 It was earlier this month. It just happened to coincide.
12 The other person who lives in our household for roughly half
13 the year is Carlos' 90-year-old mom, and she had just
14 returned from Florida and we were kind of getting her
15 settled. When we got the notice I had sort of assumed that
16 that was -- that the change that was going to happen to the
17 building was going to be just the bump-out of the first and
18 second floors.

19 And then on Sunday, happened to be outside and saw
20 Roy and Caroline, and they were glad to see me. I was glad
21 to see them. And they offered to show me the plans for
22 their project, and it was at that point that I was seeing

1 that they're actually planning to build a third story onto
2 their building -- onto the home.

3 Let's see. This was a bit of a concern for me,
4 because our -- we live in a -- one of those cute little, you
5 know, say --

6 SLATER W. ANDERSON: What was your address again?
7 I'm sorry.

8 RUTH CARRETTA: 99 --

9 CARLOS SALAMANCA: 99 Allston Street.

10 RUTH CARRETTA: -- Allston Street.

11 SLATER W. ANDERSON: Yeah. I see where you are

12 RUTH CARRETTA: In Cambridge.

13 SLATER W. ANDERSON: Yeah.

14 RUTH CARRETTA: Yeah, we're on --

15 SLATER W. ANDERSON: I'm looking at a map of the -

16 -

17 RUTH CARRETTA: That's okay. Driveway side of the
18 building.

19 CONSTANTINE ALEXANDER: Yeah, yeah.

20 RUTH CARRETTA: Our house will look out pretty
21 directly onto the new section of the building, and we will
22 be basically seeing the new property, or the new addition.

1 Some of the concerns that we have have to do with, you know,
2 kind of how that's then going to impact --

3 CONSTANTINE ALEXANDER: Sure.

4 RUTH CARRETTA: -- you know, say views from our --
5 from our house, from many of the rooms on our first and
6 second floor. Let's see, our living room, kitchen, our --
7 we have a little, let's see, mudroom/sitting room where my
8 mother-in-law sits. Let's see, those will all now see this
9 rather large addition that's been added. And let's see,
10 there will be less view of trees, and sky, and kind of the
11 very interesting architectural details that currently exist
12 in the home. So that is -- and similarly, our key bedrooms
13 are -- the two bedrooms that we use also face out onto the
14 addition, so that will also be -- the views from there will
15 also be impacted.

16 Let's see. Another concern -- I mean, a related
17 concern is that with the added height of the third floor,
18 there will also -- there is also be -- there will also be
19 changes to the number of windows that are now facing our
20 property. So with that, you know, we will have less
21 privacy, and you know, potential for more light pollution.
22 You know, just things -- we've been talking to Caroline and

1 to Roy about some of these issues. Let's see, you know, but
2 there's still kind of a concern of -- a concern with the
3 current plan for the property.

4 And then there's the addition -- the impact of the
5 change in aesthetic of the building. I think if you're
6 looking from the Brookline side of the street, I think you
7 get to see a lot of the mansard details. From our side we
8 see now, we would be seeing -- with the proposed -- with the
9 proposal, we would see, like, half of a roof plus now this
10 rather contemporary box of a structure going up three
11 floors, and so we'd sort of lose that interesting
12 architectural detail from -- you know, from -- again, from
13 our view. So that is something that we were, you know, a
14 little disappointed to see in the, you know, sort of in this
15 plan.

16 And the size of the third floor does seem to be,
17 you know, rather large as, you know, say, as Ms. Warnick had
18 said. You know, it's -- these are small houses, and now
19 it's going to be a much larger structure, so that's going to
20 change things.

21 CARLOS SALAMANCA: Out of proportion.

22 RUTH CARRETTA: You know, just again, especially

1 from our particular perspective of the house.

2 CONSTANTINE ALEXANDER: Would it be fair to say
3 that you're not -- you support the additional space for
4 these -- for the petitioner. You just don't like the design
5 of this addition.

6 RUTH CARRETTA: I -- the third floor is what is of
7 particular concern to us. That's, I think, the biggest
8 concern. If they were just to go up, you know, say to --
9 they're talking about bumping out the first and second
10 floors in addition to adding a third floor. I think the
11 bump-out would be something, you know, we would support and
12 could live with.

13 I think the other thing is we haven't really had a
14 lengthy time to take -- to review these plans. And you
15 know, because of that I think we'd love to engage in more
16 conversation with -- you know, with our neighbors.

17 CONSTANTINE ALEXANDER: Well, I'm just
18 disappointed in the petitioner's architect for not reaching
19 out to you before. Maybe you were not in the area. You
20 mentioned being in Florida.

21 RUTH CARRETTA: No, no. His mother-in-law--

22 CARLOS SALAMANCA: I've been in -- I've been in

1 Cambridge all along. All I know about the proposed
2 development I knew through her. She has an acquaintance
3 with her -- with them. I don't even know them -- I mean, I
4 just met them tonight. Literally, and so --

5 RUTH CARRETTA: But we did meet tonight. And you
6 know, I think that they were interested in having a
7 conversation. So --

8 CARLOS SALAMANCA: That I acknowledge, yeah.

9 RUTH CARRETTA: You know, we -- you know, we'd
10 like to -- they're our neighbors. We'd like to --

11 CONSTANTINE ALEXANDER: No, I understand.

12 RUTH CARRETTA: We would like to have a -- their,
13 you know --

14 CONSTANTINE ALEXANDER: And I'm sure, and their --
15 and your neighbors --

16 RUTH CARRETTA: Yes.

17 CONSTANTINE ALEXANDER: -- they would like to have
18 --

19 RUTH CARRETTA: They would like to, too.

20 CONSTANTINE ALEXANDER: -- a conversation.

21 RUTH CARRETTA: And so I think if we could work
22 something out where we would feel a little, like, you know,

1 just feel like some of our concerns were being addressed, I
2 think that would be something that we would appreciate.

3 CONSTANTINE ALEXANDER: Well, it smells to me like
4 -- smells is the wrong word. Suggests to me that we need to
5 --

6 RUTH CARRETTA: Yeah.

7 CONSTANTINE ALEXANDER: -- continue this case to
8 give you an opportunity to meet with your neighbor and the
9 neighbor --

10 ROY HODGMAN: That's what we're asking for.

11 CONSTANTINE ALEXANDER: -- have some exchange of
12 ideas. And presumably what would come out of this would be
13 a redesign of what they're planning to do, which means
14 there'd be new plans that you would see and we would see.

15 RUTH CARRETTA: Okay.

16 CONSTANTINE ALEXANDER: Members of the board feel
17 otherwise about this?

18 BRENDAN SULLIVAN: Yeah, I would agree with a
19 fellow board member who put it very delicately, that the
20 building itself is challenging. But this really just does
21 not look right.

22 LAURA WARNICK: I think there are a lot of

1 examples around Cambridge where these houses have been
2 expanded and done very sympathetically to the architecture.
3 I just don't feel like you're there yet.

4 CARLOS SALAMANCA: Right. May I ask a question?
5 Do you know of any particular example? I'd like to see some
6 of these examples.

7 LAURA WARNICK: Well, the one I lived in is on
8 Rice Circle.

9 CARLOS SALAMANCA: Right.

10 LAURA WARNICK: And that is a two-story extension
11 of the original building. It's smaller than what --

12 CARLOS SALAMANCA: Mm-hm.

13 LAURA WARNICK: -- they're looking at. And I
14 tried to put a second -- extend the second floor up and I
15 couldn't do it economically. But I -- there are others.
16 Just kind of wander around Cambridge, North Cambridge
17 particularly. I think you'll see. They are worker's
18 cottages.

19 SW: Yeah, Rice Street I think has some.

20 LAURA WARNICK: Yeah, some. Okay. Yeah, around
21 North Cambridge.

22 CARLOS SALAMANCA: yeah.

1 LAURA WARNICK: Just --

2 RUTH CARRETTA: There's a good Greek restaurant up
3 there --

4 LAURA WARNICK: Oh, yeah.

5 RUTH CARRETTA: -- that we like to go to, so.

6 LAURA WARNICK: Yeah.

7 CONSTANTINE ALEXANDER: One complication is if we
8 continue this case, which I think is where we should go --

9 RUTH CARRETTA: Yes.

10 CONSTANTINE ALEXANDER: -- myself, is we call it a
11 case heard. So the same five members have to be present
12 when we reconvene the case, and I think you may have heard
13 from earlier cases it's going to be a while before we can
14 get all five of us in the same room, which is going to delay
15 the project. But maybe that's --

16 SLATER W. ANDERSON: Well, I am not going to
17 support this case as -- the proposal as is, so --

18 CONSTANTINE ALEXANDER: Well, that's right. I
19 think nobody is.

20 SLATER W. ANDERSON: So that's --

21 CONSTANTINE ALEXANDER: I think that's the case,
22 so.

1 SLATER W. ANDERSON: It is what it is. I mean --

2 CONSTANTINE ALEXANDER: When's the next -- well,
3 let's see.

4 LAURA WARNICK: I think it's September.

5 SLATER W. ANDERSON: Yeah.

6 MARIA PACHECO: I think it's September 26.

7 SLATER W. ANDERSON: I mean, is there an option if
8 they -- the plan changes substantially enough that they file
9 a new plan? Is that -- or --

10 CONSTANTINE ALEXANDER: Could they file a new
11 application?

12 SLATER W. ANDERSON: Yeah.

13 CONSTANTINE ALEXANDER: They could do that.

14 (Simultaneous speech.)

15 SLATER W. ANDERSON: Then you're not stuck with
16 the same five. I mean, I don't know if it'll be any
17 quicker, but.

18 CONSTANTINE ALEXANDER: Yeah.

19 SLATER W. ANDERSON: What's -- what did you say
20 the next date?

21 MARIA PACHECO: Right now we're scheduling for the
22 end of August anyways, so.

1 SLATER W. ANDERSON: It's the same.

2 CONSTANTINE ALEXANDER: Same thing.

3 SLATER W. ANDERSON: The same, probably.

4 MARIA PACHECO: By the time they get ready.

5 SLATER W. ANDERSON: Yeah.

6 CONSTANTINE ALEXANDER: So for the benefit of
7 everybody, particularly the petitioner and his architect,
8 what we would like to see -- we're not going to decide the
9 case tonight. We're not happy with what we've seen,
10 particularly in view of the comments we've received from an
11 abutter. But I think a number of us feel that even -- we
12 don't like the design period, frankly. It's too
13 inconsistent with the structure as it is.

14 So it's time for you to go back to the drawing
15 boards, work with the neighbors, and come back with new
16 plans, which hopefully will meet our satisfaction and be
17 happy and the neighbors will accept. That new case will be
18 September --

19 MARIA PACHECO: Twenty-sixth.

20 CONSTANTINE ALEXANDER: -- 26. So between now and
21 September 26, revise the plans -- talk to the neighbors,
22 revise the plans, and we will all see you on September 26.

1 Does that date work for you folks?

2 ROY HODGMAN: Yes.

3 RUTH CARRETTA: Day before my birthday, yes.

4 SLATER W. ANDERSON: Well, can I add a little more
5 observation to --

6 CONSTANTINE ALEXANDER: Yeah, by all means.

7 SLATER W. ANDERSON: Obviously, there's a path
8 here to do something by right if you stay under the 25
9 percent, correct? Or not?

10 CONSTANTINE ALEXANDER: I believe so. I'm not --

11 SLATER W. ANDERSON: If you stay within the --

12 CONSTANTINE ALEXANDER: Yeah.

13 SLATER W. ANDERSON: -- conformities and non-
14 conformities.

15 BRENDAN SULLIVAN: Well, they may need a special
16 permit.

17 LAURA WARNICK: Yeah.

18 SLATER W. ANDERSON: You need a special permit.

19 SLATER W. ANDERSON: What's the --

20 BRENDAN SULLIVAN: They're going to need some
21 relief anyway.

22 CONSTANTINE ALEXANDER: That's what the ordinance

1 provides.

2 SLATER W. ANDERSON: Okay. That you need a
3 special --

4 BRENDAN SULLIVAN: More than 10, less than 25.

5 SLATER W. ANDERSON: Okay. So 10 would be the
6 threshold for "by right", then.

7 BRENDAN SULLIVAN: Yes.

8 SLATER W. ANDERSON: And between 10 and 25 is a
9 special permit --

10 CONSTANTINE ALEXANDER: Permit, and after that
11 it's a variance.

12 SLATER W. ANDERSON: Okay.

13 CONSTANTINE ALEXANDER: That's how it works.

14 SLATER W. ANDERSON: I mean, there's -- as we had
15 in the case before, there is the basement, potentially an
16 apartment, and one of the issues is a place for visiting
17 people to stay. You know, that's another option. I mean,
18 there are other paths than this path. I'm -- I mean, you do
19 the math on this, you know, the -- it's a -- I mean, the 25
20 percent puts you at about 1,530, I think 1,538 square feet.
21 The 1,995 is just a substantial addition. How much is that?
22 That's a percent increase on that one?

1 CONSTANTINE ALEXANDER: You've got the --

2 SLATER W. ANDERSON: 745 -- 99 -- that's a 60
3 percent increase. It's mean, it's substantial.

4 CONSTANTINE ALEXANDER: It's very substantial.

5 SLATER W. ANDERSON: So I don't know. I mean,
6 there are some paths you could choose. I mean modifying the
7 plan and coming back. But we're going to want to hear that
8 the neighbors are, you know, supportive of that. A petition
9 of one is not --

10 CONSTANTINE ALEXANDER: Yeah.

11 SLATER W. ANDERSON: -- telling to me, so.

12 CONSTANTINE ALEXANDER: Well, we're not going to
13 decide the case tonight. I think we've all agreed on that.

14 SLATER W. ANDERSON: Right.

15 CONSTANTINE ALEXANDER: And if we -- if they don't
16 re-advertise, we hear the case no earlier than September --

17 MARIA PACHECO: September 26.

18 CONSTANTINE ALEXANDER: -- 26. So if you want to
19 be heard on this, but I don't think there's much to be said.

20 SLATER W. ANDERSON: It's your case. Come on up.

21 CONSTANTINE ALEXANDER: Yeah.

22 ROY HODGMAN: I don't have a whole lot to say. I

1 understand the process. I understand the concerns. I
2 appreciate your comments about design and neighborhood and
3 all that stuff. And yeah, we probably could have done a
4 much better job communicating more clearly with our
5 neighbors earlier on in the process. I get that. We will
6 definitely do that before the September 26. Yeah. I mean,
7 I don't know what else there is to say.

8 CONSTANTINE ALEXANDER: Well, I think we're ready
9 for a motion.

10 The Chair moves that we continue this case as a
11 case heard until 7:00 p.m. on September 26, subject to the
12 following conditions. That you sign a waiver of time for
13 decision --

14 SLATER W. ANDERSON: Hold on.

15 CONSTANTINE ALEXANDER: What's that?

16 SLATER W. ANDERSON: I'm not here September 26.
17 Sorry.

18 CONSTANTINE ALEXANDER: Okay. What's the next one
19 after September 26?

20 MARIA PACHECO: October 10.

21 CONSTANTINE ALEXANDER: Are you here for October
22 10?

1 SLATER W. ANDERSON: That's my birthday.

2 CONSTANTINE ALEXANDER: That's good.

3 SLATER W. ANDERSON: Yes, but it's -- that's fine.

4 CONSTANTINE ALEXANDER: October 10 work for
5 everybody else?

6 JIM MONTEVERDE: Yeah.

7 SLATER W. ANDERSON: I will be here.

8 CONSTANTINE ALEXANDER: Okay. We'll continue this
9 case to --

10 SLATER W. ANDERSON: But I'm only sitting on the
11 continued case.

12 CONSTANTINE ALEXANDER: That's an inside joke.

13 The Chair moves we continue this case as a case
14 heard until 7:00 p.m. on October 10, subject to the
15 following conditions which we require for all continued
16 cases.

17 One, that you sign a waiver of time for a
18 decision, because by law we have to decide by a certain
19 time, and we'll go over that. So if we don't sign the
20 waiver, we'll turn the case down, so I think you want to
21 have -- we have a form which everybody signs.

22 Second, that the posting sign that you have there,

1 you need to get a new one with the new date, October 10, or
2 you can take the old one and just with a magic marker change
3 the date and time.

4 ROY HODGMAN: Okay.

5 CONSTANTINE ALEXANDER: And maintain it for the 14
6 days prior to October 10, just as you did the 14 days --

7 ROY HODGMAN: Sure.

8 CONSTANTINE ALEXANDER: -- before tonight.

9 ROY HODGMAN: No problem.

10 CONSTANTINE ALEXANDER: And then lastly, to the
11 extent there are new plans -- and it sounds like there will
12 be -- or new dimensional forms, they must be in our files no
13 later than 5:00 p.m. on the Monday before October 10.
14 That's to give us, the neighbors, time to read the plans,
15 think about them in advance of the hearing.

16 ROY HODGMAN: Yep.

17 CONSTANTINE ALEXANDER: So on the basis -- so
18 that's a motion. Continue -- subject to these conditions.

19 All those in favor, please say aye.

20 Five in favor. October 10.

21 ROY HODGMAN: Thanks.

22 CONSTANTINE ALEXANDER: Thank you.

1 (Alexander, Sullivan, Monteverde, Warnick, Anderson)

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2 (9:05 p.m.)

3 Sitting Members: Constantine Alexander, Brendan Sullivan,
4 Jim Monteverde, Laura Warnick, and
5 Slater W. Anderson

6 CONSTANTINE ALEXANDER: The Chair will call Case
7 Number 017094, 44 Webster Avenue. Anyone here wish to be
8 heard on this matter?

9 (Simultaneous speech.)

10 CONSTANTINE ALEXANDER: Hello.

11 MELISSA MORLEY: Can you --

12 CONSTANTINE ALEXANDER: Come closer

13 MELISSA MORLEY: Can you wait until you get to the
14 mic, please?

15 CONSTANTINE ALEXANDER: Talk into the mic.

16 ERIC ZACHRISON: Yes, sorry.

17 MELISSA MORLEY: And provide your name, spell your
18 last name, and your address.

19 ERIC ZACHRISON: Eric Zachrison, 1 Ludlow Street,
20 in Charlestown, Massachusetts.

21 MELISSA MORLEY: How do you spell Zachrison?

22 ERIC ZACHRISON: Zachrison, Z-a-c-h-r-i-s-o-n.

1 MELISSA MORLEY: Thank you.

2 CONSTANTINE ALEXANDER: And you've been informed
3 by Inspectional Services Department because your application
4 was incomplete; we have to continue this case. It will be a
5 case not heard.

6 ERIC ZACHRISON: Yes.

7 CONSTANTINE ALEXANDER: And I know you -- I think
8 you've been made aware that there's at least one neighbor
9 who is opposed to what you want to do.

10 ERIC ZACHRISON: Yes. I believe a letter was
11 dropped off today about 3:00 asking for a continuance.

12 CONSTANTINE ALEXANDER: Okay, good. I'll read
13 that into the file then.

14 ERIC ZACHRISON: It was --

15 CONSTANTINE ALEXANDER: No, not --

16 MARIA PACHECO: It's in there.

17 CONSTANTINE ALEXANDER: It is. Maybe it's -- here
18 it is.

19 MARIA PACHECO: Right there.

20 CONSTANTINE ALEXANDER: Here it is.

21 Letter says: "This letter is to request a
22 continuance for the review of 44 Webster Avenue based on the

1 comments from one of the neighbors and other factors. We
2 would request that the review be postponed to allow us to
3 meet with the neighbor and address his concerns." And it's
4 signed by Margaret Flanagan Everett.

5 Do you have a date in mind when you want to
6 continue the case to?

7 ERIC ZACHRISON: Probably as soon as possible.
8 We're going to try and talk -- reach out to this neighbor --

9 CONSTANTINE ALEXANDER: Have you spoken to the
10 neighbor?

11 ERIC ZACHRISON: We have not. We only found out
12 about this yesterday.

13 MARIA PACHECO: July 25.

14 CONSTANTINE ALEXANDER: July 25.

15 ERIC ZACHRISON: Great.

16 CONSTANTINE ALEXANDER: That's about a month from
17 now.

18 ERIC ZACHRISON: Yeah.

19 CONSTANTINE ALEXANDER: Hopefully that'll work for
20 you, and --

21 ERIC ZACHRISON: We'll talk to them. And if we --
22 if we can't -- come to an impasse, we'll let you know as

1 soon as we can.

2 CONSTANTINE ALEXANDER: Okay.

3 ERIC ZACHRISON: All right.

4 CONSTANTINE ALEXANDER: The Chair moves that we
5 continue this case as a case not heard, so we don't have the
6 problem of getting the same five, until 7:00 p.m. on July
7 25, subject to the following conditions, as you've heard.

8 That the petitioner sign a waiver of time for a
9 decision. Do we have that yet? We have it. Great. So
10 you've done that.

11 MARIA PACHECO: Nope. It's ready to be signed.

12 CONSTANTINE ALEXANDER: Oh, it's ready to be
13 signed.

14 ERIC ZACHRISON: I will do that.

15 CONSTANTINE ALEXANDER: Don't leave until you sign
16 it.

17 Second, that the posting sign that's up there now
18 be modified or a new one obtained to reflect the new date,
19 July 25, and the new time, 7:00 p.m. Do it with a magic
20 marker.

21 ERIC ZACHRISON: Can we do that with a magic
22 marker?

1 CONSTANTINE ALEXANDER: Yes, you can.

2 ERIC ZACHRISON: Okay.

3 CONSTANTINE ALEXANDER: And that the sign, as
4 modified, be maintained for the 14 days prior to July 25,
5 just as you've done now for tonight's hearing. And that to
6 the extent that the -- you're -- the plans -- well, you have
7 to modify your filing, because it was incomplete. And to
8 the extent that has to be done and any new plans, revised
9 plans, dimensional forms must be in our files no later than
10 5:00 p.m. on the Monday before July 25.

11 ERIC ZACHRISON: Okay.

12 CONSTANTINE ALEXANDER: If that's not done, we're
13 not going to hear the case on July 25.

14 ERIC ZACHRISON: Okay.

15 CONSTANTINE ALEXANDER: And that's to allow the
16 neighbor and us to review in advance, think about what you
17 want to -- relief you want to obtain.

18 All those in favor of continuing the case to July
19 25, say aye.

20 Five in favor. Case continued until July 25.

21 ERIC ZACHRISON: Thank you.

22 CONSTANTINE ALEXANDER: Thank you.

1 (Alexander, Sullivan, Monteverde, Warnick, Anderson)

2 CONSTANTINE ALEXANDER: We've got a little bit of
3 time to wait for the next one. Next and last.

4 LAURA WARNICK: Thank you.

5 ERIC ZACHRISON: I believe that's us also.

6 LAURA WARNICK: Yeah, 9:15.

7 CONSTANTINE ALEXANDER: I'm sorry?

8 ERIC ZACHRISON: I believe that's us also.

9 BRENDAN SULLIVAN: Yeah, we have to wait until the
10 9:15.

11 CONSTANTINE ALEXANDER: Yeah, we've got to wait
12 until 9:15. That's all.

13 ERIC ZACHRISON: Okay.

14 CONSTANTINE ALEXANDER: So you have five, ten
15 minutes. Go ahead.

16 ERIC ZACHRISON: We'll be right there.

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1 ERIC ZACHRISON: The proposal is --

2 BRENDAN SULLIVAN: There you go.

3 ERIC ZACHRISON: The proposal is to add two
4 dormers to the third floor of an existing two-family
5 project. Throughout the project we will be renovating and
6 adding some living space in the basement and closing the
7 rear porch on the first floor. The variance is in respect
8 to the third floor where we will be adding two dormers.

9 The first -- on one side, the dormer is
10 effectively to replace the existing -- the existing stair
11 which does not comply with code requirements. It has
12 winders. It has very narrow treads, and we would like to
13 replace it with a code-compliant stair. And on -- and it's
14 a 15-foot long dormer, near the front of the building, and
15 we'd like to mirror that on the other side. That allows us
16 to add a third bedroom on that floor.

17 CONSTANTINE ALEXANDER: Okay. And the -- why the
18 need for the third bedroom?

19 ERIC ZACHRISON: The third bedroom -- basically,
20 the way the building is laid out right now there are -- the
21 project had three bedrooms on the first floor, but they
22 didn't really function in size the way that code would like

1 them to be. So we would like to move those three -- two of
2 those three bedrooms into the top floor of the unit so that
3 it remains a four-bedroom unit, but that all of the bedrooms
4 are a size that is --

5 CONSTANTINE ALEXANDER: Including a master
6 bedroom, and a master bath on the top floor?

7 ERIC ZACHRISON: Yeah. The master bedroom, master
8 bathroom on the top floor, and there's a kind of a guest
9 suite on the third floor. So there's one on the third --
10 one bedroom, one bath -- or one bedroom and one-half
11 bathroom is on the third floor, then two -- three bedrooms
12 and two baths on the third floor, on the top floor. So the
13 -- the idea is to not lose the bedroom count while we're
14 trying to modernize the unit. And the total amount of area
15 that we'd be adding is about 60 --

16 CONSTANTINE ALEXANDER: About 180 feet, according
17 to my notes.

18 ERIC ZACHRISON: Yeah. And I apologize for that.
19 It's actually about 65 feet, because I had included the
20 first-floor porch, which is not enclosed, as -- I had not
21 included that as GFA initially, but that should have been
22 included in the GFA of the first floor, because it has a

1 roof on it.

2 CONSTANTINE ALEXANDER: Okay. Waiting for the --
3 usually we like the dimensional form to be accurate at the
4 time.

5 ERIC ZACHRISON: Yes, I understand.

6 BRENDAN SULLIVAN: The pleadings are sort of
7 somewhat deficient also, if you --

8 CONSTANTINE ALEXANDER: I'm sorry?

9 BRENDAN SULLIVAN: The pleadings.

10 CONSTANTINE ALEXANDER: Yeah. The other one was
11 really deficient. This is closer, but not --

12 BRENDAN SULLIVAN: Yeah.

13 CONSTANTINE ALEXANDER: Not much closer.

14 BRENDAN SULLIVAN: Right.

15 CONSTANTINE ALEXANDER: I couldn't figure it out,
16 matter of fact, the reason why the hardship.

17 BRENDAN SULLIVAN: Right.

18 CONSTANTINE ALEXANDER: Not a sterling submission,
19 I guess, to be very blunt, in terms of --

20 ERIC ZACHRISON: All right.

21 CONSTANTINE ALEXANDER: -- making it -- allowing
22 us to make an informed decision.

1 ERIC ZACHRISON: All right. I apologize. I'm not
2 sure what might seem --

3 CONSTANTINE ALEXANDER: I don't want to belabor
4 it. I'd like to get out of here tonight. But you say --
5 one of the things you have to persuade us of is "the
6 hardship is owing to the following circumstances related to
7 the soil conditions, shape, or topography of the land and
8 structures, and especially affecting such land or structures
9 but not affecting generally the zoning district in which it
10 is located for the following reasons." And the reason you
11 cited is "the hardship does not require modification to the
12 existing building footprint." Well --

13 ERIC ZACHRISON: Well --

14 CONSTANTINE ALEXANDER: I mean, why does that --

15 ERIC ZACHRISON: Sorry.

16 CONSTANTINE ALEXANDER: -- address the requirement
17 of the -- for a variance?

18 ERIC ZACHRISON: So I assumed that soil
19 conditions, topography, and such land structures referred to
20 the ground plane, and we weren't changing the ground plane
21 for the project.

22 CONSTANTINE ALEXANDER: No, you've got it

1 backwards. The -- you need relief -- you need relief
2 because this is a substantial hardship, and the relief you -
3 - is owing to the fact that there is problems with the soil
4 conditions, etc. If you don't satisfy that, you don't meet
5 one of the requirements for a variance; relief is denied.
6 You've got it apparently backwards.

7 ERIC ZACHRISON: I see.

8 BRENDAN SULLIVAN: That there is something unique
9 about your property --

10 CONSTANTINE ALEXANDER: Yeah.

11 BRENDAN SULLIVAN: -- that is separate from --

12 CONSTANTINE ALEXANDER: Every property --

13 BRENDAN SULLIVAN: -- the surrounding properties,
14 that this uniqueness then qualifies you as a hardship to
15 obtain a variance --

16 ERIC ZACHRISON: I see.

17 BRENDAN SULLIVAN: -- is, you know -- I mean, it's
18 -- this is -- it's really a legal question, and it needs a
19 legal -- legally viable answer.

20 CONSTANTINE ALEXANDER: Well, it's legal, but it
21 is also what the statute -- state statute --

22 ERIC ZACHRISON: I see.

1 CONSTANTINE ALEXANDER: -- requires.

2 ERIC ZACHRISON: Understood.

3 CONSTANTINE ALEXANDER: Substantial hardship.

4 It's not just for you, for the current petitioner, but
5 anybody who occupies the structure. This hardship is caused
6 by soil conditions, topography, or the like. This is
7 special to your property. And then lastly, it doesn't
8 derogate the intent and purpose of the ordinance. You --
9 hardly a persuasive presentation here regarding those --
10 that you meet these requirements, and that's our dilemma.

11 BRENDAN SULLIVAN: Now, the -- are the owners, the
12 current owners going to occupy the property?

13 ERIC ZACHRISON: No, they are not.

14 BRENDAN SULLIVAN: So they -- it's the developers?

15 ERIC ZACHRISON: It's the developers. They're
16 developers, yes.

17 JIM MONTEVERDE: Is it a two-family now?

18 ERIC ZACHRISON: It's a two-family now, and it
19 would remain a two-family.

20 BRENDAN SULLIVAN: And so really, the bottom line
21 is that the request is to add these two dormers, basically
22 to increase the amount of house, which increase the --

1 CONSTANTINE ALEXANDER: The value of the property.

2 BRENDAN SULLIVAN: -- investment.

3 CONSTANTINE ALEXANDER: It's a value ploy. You
4 want zoning relief, which is very difficult to obtain, not
5 because people who are living in the house need more space
6 or got a lot of problems, because you want to increase the
7 value of the property so you can sell it for more money.
8 That doesn't justify a variance, at least to my mind.

9 SLATER W. ANDERSON: I mean, you're turning the
10 second floor into one giant room. It's not like you're
11 lacking for space to put bedrooms somewhere else in the
12 house. You're just trying to push all of those bedrooms up
13 into the third floor into space that doesn't legally exist
14 for you or for your client --

15 ERIC ZACHRISON: Right. Well --

16 SLATER W. ANDERSON: I don't know. I --

17 ERIC ZACHRISON: We are only adding 67 square feet
18 on the top floor. We wanted to -- the -- this started
19 because we wanted to make the stair to the top floor legal.
20 And then when we drew one dormer, which would not have
21 increased the GFA, we wanted to -- we decided that it would
22 be better to mirror the project near the dormer.

1 BRENDAN SULLIVAN: Do the dormers even conform,
2 other than length?

3 CONSTANTINE ALEXANDER: They're 15-foot. They
4 mostly conform to dormer guidelines. I think they're to the
5 edge, to the front --

6 BRENDAN SULLIVAN: Yeah, it's a little bit --

7 JIM MONTEVERDE: Closer to the front.

8 CONSTANTINE ALEXANDER: What?

9 JIM MONTEVERDE: Yeah, to the front.

10 CONSTANTINE ALEXANDER: Yeah.

11 ERIC ZACHRISON: They're set back from the front
12 and set back from the sides just a little bit.

13 CONSTANTINE ALEXANDER: Yeah, you're supposed to
14 be set back from the front as well.

15 ERIC ZACHRISON: Yes. They're set back from the
16 front about three feet, and I think from the sides probably
17 two inches.

18 CONSTANTINE ALEXANDER: I didn't see that. What
19 we're referring to is our dormer guidelines, which are
20 guidelines from the Community Development -- Community
21 Service Department, which --

22 ERIC ZACHRISON: Mm-hm.

1 CONSTANTINE ALEXANDER: -- we regard them very
2 seriously. And we expect people seeking zoning relief to
3 comply with those guidelines totally.

4 ERIC ZACHRISON: Mm-hm.

5 CONSTANTINE ALEXANDER: Well, I'm not wildly
6 enthusiastic about this. I'm only one person.

7 Any further comments from members of the board?

8 LAURA WARNICK: So if you just did the one side,
9 you would still require a variance?

10 ERIC ZACHRISON: I'm not exactly sure, because we
11 would not be increasing the GFA.

12 LAURA WARNICK: Mm-hm.

13 ERIC ZACHRISON: We would be changing the roofline
14 by adding the dormer.

15 CONSTANTINE ALEXANDER: And the FAR -- they're
16 already over the FAR.

17 ERIC ZACHRISON: We are over the FAR already, but
18 we would not be increasing it from what is existing.

19 CONSTANTINE ALEXANDER: The FAR is supposed to be
20 no more than 0.5 or 0.75 now -- or go to 0.79 according to
21 their numbers.

22 SLATER W. ANDERSON: How would you not be

1 increasing it by adding a dormer over the stairs?

2 ERIC ZACHRISON: Because the area under the stair
3 would roughly -- would still be ease area, and wouldn't
4 actually -- so the area on the second floor would get
5 smaller where the stairway is longer, and it changes shape.

6 SLATER W. ANDERSON: Okay.

7 CONSTANTINE ALEXANDER: Any further comments from
8 members of the board?

9 JIM MONTEVERDE: I was curious if you had --
10 because I think the impact of the dormers on both sides
11 certainly has an impact on your neighbors, the street --
12 it's a very public addition as opposed to ones that either
13 happen toward the middle of the massing of the building or
14 toward the rear of the building, so it's a very public one.
15 So have you reached out to your -- you have any input from
16 neighbors --

17 ERIC ZACHRISON: We haven't had any comment from
18 the neighbors, no.

19 JIM MONTEVERDE: You reached out to them? Have
20 they seen plans? Have you knocked on doors or something?

21 ERIC ZACHRISON: We haven't knocked on doors, but
22 we had the signs up, and we've been around --

1 CONSTANTINE ALEXANDER: I think there are some
2 neighbors here who might --

3 DAVID MILTON: Yeah, the neighbors would like to
4 be heard.

5 JIM MONTEVERDE: No, hold on. Hold on.

6 CONSTANTINE ALEXANDER: Wait, wait. You'll have a
7 chance.

8 DAVID MILTON: Thank you.

9 JIM MONTEVERDE: I think the process, if you heard
10 some of the other prior cases this evening, there is -- it's
11 appreciated or expected that you'll reach -- a proponent
12 will reach out to the -- at least the immediate abutters--
13 but to the neighbors to share with them what the plans are,
14 what the intention is, and solicit their input. And if
15 there's input prior to your submission, you certainly work
16 with those neighbors so you can come to an amenable
17 conclusion, and then come to us with a -- with that as a
18 proposal as opposed to vice versa. So yeah, I'd be
19 concerned if you hadn't done that, again, because I think it
20 adds -- the way it's planned, it has a very public presence
21 to it, and we'd just like to know that the neighbors have
22 seen it and they're comfortable with it.

1 CONSTANTINE ALEXANDER: Let me ask. I think
2 you're a neighbor, sir?

3 DAVID MILTON: Yea, we are the abutters on the
4 other side.

5 CONSTANTINE ALEXANDER: Okay. I would open -- let
6 you have a chance to talk. Please come forward and give
7 your name and address in front of the mic, sir.

8 DAVID MILTON: Yeah, hi. My name is David Milton,
9 and I am at 502, which is --

10 MELISSA MORLEY: How do you spell your last name?

11 DAVID MILTON: M-i-l-t-o-n. And I'm the owner,
12 with my wife, of 520 Huron, which as you're facing from the
13 street is on the right, closer to Fresh Pond Parkway. And I
14 was concerned about it before coming here, and hearing about
15 the irregularities, and the lack of forthcomingness and
16 clarity and precision in the plans only underscores the
17 frustration and opposition to these plans. And I know it's
18 beyond your purview, but if you drive by, it's a trash heap
19 there. It's has been for several months. There -- we never
20 had raccoons. I've seen raccoons crawling out of the
21 dumpster that -- anyway, they've chewed through our compost
22 bin anyway. It's loud, it's noisy, and it's messy, and with

1 no end in sight. So there's -- put that to the side.

2 No one has contacted us to discuss these plans,
3 which do greatly affect the character of the neighborhood as
4 well as our enjoyment of our house from what I can tell.
5 First of all, I mean, as you can see in the plans, I mean,
6 currently it's a -- for lack of a better word, a -- it's
7 like a regular triangle, and it's going to -- be much more -
8 - yeah. I mean, you know what it's like. But it's going to
9 be -- it seems to be -- it's much more raised, which is
10 going to be a different style than on any house in the
11 neighborhood as far as I can tell. This is going to be much
12 closer to almost a flat roof. But in any event, it's going
13 to be a larger sort of silhouette than, you know -- I mean,
14 no one wants a hulking house that's out of place, you know,
15 on their street.

16 But I'm also concerned with the light, that this
17 is going to occupy in light. There's windows on my side
18 that are proposed in these dormers that are going to look
19 directly into my bathroom. And I really don't see, in terms
20 of -- so those are my primary concerns, as well as they're
21 also going to be a -- I mean, if it's legal, it's legal.

22 But there are -- the -- there's no great hardship

1 in terms of living space, because currently there is a
2 basement that's now being put into living space. So I mean,
3 the hardship here, and the idea that it's a two-family was -
4 - it was owned by one family for many -- you know, for
5 decades, and then the -- it was family and their parents.
6 And anyways, it's been a woman that's lived there by herself
7 for many, many years, but it was a two-family, and I don't
8 know if that's going to be the ownership structure, or if
9 that's going to become two condos. But clearly, the idea
10 that this is necessary for, you know, continuing what has
11 been this mode of living there is a farce. I mean, this --
12 it sold for \$1.7 million for, you know, a totally trashed
13 house. I mean, at asking price. And clearly, the only
14 hardship here is the hardship to the developer's wallet. So
15 please put me on record as opposed.

16 CONSTANTINE ALEXANDER: Thank you for taking the
17 time to come down, sir.

18 Did you want to speak?

19 DAN JUDSON: Yes, sir. My --

20 MELISSA MORLEY: Please --

21 DAN JUDSON: -- name is Dan Judson, J-u-d-s-o-n.

22 I live at 492. I'm on the left side, if you're facing the

1 house.

2 Our primary concern was that we have a bathroom on
3 the third floor, and with a dormer going in we were very
4 concerned that there would be a window looking right into
5 our bathroom. We've always been looking out at a slate
6 room, and we're concerned about that.

7 We did see plans on -- that we got on the Internet
8 that show the dormer on our side not having a window, which
9 is great. But I don't know if those plans are current or
10 could easily change, and one day I come from work and
11 there's a window there, and I don't know. So I just wanted
12 to make sure. That was my primary concern.

13 But then in speaking with my downstairs neighbor,
14 we live on the south side of Huron Avenue, and we get very
15 little light in the winter as it is. I mean, the snow
16 doesn't melt on our yard, and this is going to actually
17 create a greater pitch to -- you know, obviously a greater
18 pitch to the roof, cut down on pretty much all of the light
19 coming into our yard. And in the summer, too.

20 So it's just -- we just have the concerns. And
21 you know, echoing David here, I know this gentleman said
22 that, you know, they haven't heard anything from the

1 neighbors. Well, you know, we were waiting for this event,
2 you know, to be heard. We didn't --

3 CONSTANTINE ALEXANDER: It's not for you to --
4 it's for them to reach out to solicit the neighborhood, and
5 they didn't do that. I guess sort of I'm saying -- what I'm
6 hearing -- maybe I'm wrong -- is that you didn't follow a
7 very good process. You should learn from other architects
8 and other --

9 ERIC ZACHRISON: Sure.

10 CONSTANTINE ALEXANDER: -- developers. Where you
11 are going to go modify a structure, you reach out to the
12 neighbors, you set up a neighborhood meeting, and you try to
13 get neighborhood support. You may not get it, and we may
14 nevertheless grant you relief. This is a classic case of
15 you didn't do it right, and I think we can -- we have one or
16 two decisions to make.

17 We can take a vote tonight, or -- and if you get
18 turned down -- if you get approved, fine, subject to a right
19 of appeal by the neighbors, by the way, to the courts, or
20 you get turned down. If you get turned down, you can't come
21 back before us for two years unless you come back with a
22 substantially different project and we go through a process

1 that says it's substantially different before we get to the
2 merits of your substantially different project. So that's
3 one. And you need -- to get relief tonight or any night,
4 you need four votes, four out of five. I'm going to tell
5 you right now, I'm not voting in favor of what you proposed.
6 So you can still make, but you're not going to be -- it's
7 going to be close.

8 The alternative is to do what we did in other
9 cases, unfortunately, is to continue this case. But we
10 can't -- it would have be a -- continued to a time when all
11 five of us can be available, on the night in October 12 --

12 MARIA PACHECO: Tenth.

13 CONSTANTINE ALEXANDER: Tenth. So we continue it
14 to October 10, and give you time to rethink what you've
15 done, to sit down with these folks and anyone else in the
16 neighborhood to try to come up with something that's better,
17 at least, than what you had before us tonight.

18 Because you don't have a compulsive case for
19 variance. It's just not a matter of "I can make more money
20 on the property." You've got to show substantial hardship
21 that's peculiar to whoever owns the house which is requiring
22 relief. The hardship is owing to soil condition, shape of

1 the lot, or topography. None of that has been addressed.
2 You haven't -- it's a very -- unfortunately, very inadequate
3 application that you've put forth.

4 ERIC ZACHRISON: I understand. We -- as they
5 pointed out, we saw that the neighbor -- many of the
6 neighboring property had dormers like this, and we assumed
7 that there would be a process for us to get -- to bring it -
8 -

9 CONSTANTINE ALEXANDER: My point --

10 ERIC ZACHRISON: -- to be more similar to the
11 neighboring properties.

12 CONSTANTINE ALEXANDER: You might think about
13 getting a lawyer involved --

14 ERIC ZACHRISON: I -- absolutely --

15 CONSTANTINE ALEXANDER: -- who is familiar with
16 Cambridge zoning.

17 ERIC ZACHRISON: Yeah.

18 CONSTANTINE ALEXANDER: There are a number in the
19 city, and they will help you with the neighborhood process
20 and also the ins and outs. I think that's what you need.

21 ERIC ZACHRISON: Okay.

22 JIM MONTEVERDE: I think -- we were looking at the

1 zoning guidelines as we were all talking, and I think you
2 really -- you should get a copy of these -- of the --

3 CONSTANTINE ALEXANDER: Dormer guidelines.

4 JIM MONTEVERDE: -- dormer guidelines and read
5 them very carefully. I think what you've proposed really
6 doesn't look like it complies, or you may find other
7 examples in the neighborhood. It's just a -- the
8 dimensional requirements in terms of how far back you're set
9 from the roof, top, bottom, sides, what happens on the face,
10 how much of that can be blank, how much of that needs to be
11 fenestration. Please, just -- it's online. Just get a copy
12 and read it, and see if you can adjust to at least be within
13 the dormer guideline for you next proposal. And then,
14 please, as we said, talk to the neighbors.

15 CONSTANTINE ALEXANDER: I'm going to make a
16 motion. I don't think you really want to go vote on the
17 merits tonight.

18 ERIC ZACHRISON: No.

19 CONSTANTINE ALEXANDER: I move that this case be
20 continued as a case heard, subject to 7:00 p.m. on October
21 10. Hopefully that works for the neighbors.

22 DAN JUDSON: Yes.

1 DAVID MILTON: Yes.

2 CONSTANTINE ALEXANDER: Okay. Subject to the
3 following conditions. And you've done -- he's done it
4 already. The -- sign a waiver of time for a decision, like
5 you did for the Webster Avenue case.

6 That the sign that's up there now be either
7 modified or a new sign be obtained reflecting the new date,
8 October 10, new time, 7:00 p.m.

9 ERIC ZACHRISON: Mm-hm.

10 CONSTANTINE ALEXANDER: And that the sign be
11 maintained for the 14 days prior to October 10, as you did
12 for tonight.

13 And lastly, to the extent they're going to be
14 revised or new plans -- and it sounds like there will be --
15 they must be in our files no later than 5:00 p.m. on the
16 Monday before October 10.

17 ERIC ZACHRISON: Okay.

18 CONSTANTINE ALEXANDER: That gives the neighbors,
19 since you haven't talked to them already, time to study
20 them. It gives us time to study them as well. And I
21 heartily encourage you to reach out to the neighbors, get
22 some better advice or some legal advice as to how to conduct

1 the process, because this is not the way to do it.

2 ERIC ZACHRISON: Okay.

3 CONSTANTINE ALEXANDER: All those in favor of
4 continuing the case on this basis, please say aye.

5 Five in favor. Case continued. See you in
6 October.

7 ERIC ZACHRISON: Thank you.

8 (End of proceedings.)

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CERTIFICATE

Commonwealth of Massachusetts

Middlesex, ss.

I, Melissa Morley, Notary Public in and for the Commonwealth of Massachusetts, do hereby certify that the above transcript is a true record, to the best of my ability, of the proceedings.

I further certify that I am neither related to nor employed by any of the parties in or counsel to this action, nor am I financially interested in the outcome of this action.

In witness whereof, I have hereunto set my hand this _____ day of _____, 2019.

Notary Public

My commission expires:

October 4, 2024