

BOARD OF ZONING APPEAL
FOR THE
CITY OF CAMBRIDGE

GENERAL HEARING

THURSDAY, MARCH 12, 2020

7:00 p.m.

In

Senior Center

806 Massachusetts Avenue

First Floor

Cambridge, Massachusetts 02139

Constantine Alexander, Chair

Brendan Sullivan, Vice Chair

Andrea A. Hickey

Jim Monteverde

Laura Wernick

Slater W. Anderson

Sisia Daglian, Assistant Building Commissioner

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

2 * * * * *

3 (7:00 p.m.)

4 Sitting Members: Constantine Alexander, Brendan Sullivan,
5 Andrea A. Hickey, Jim Monteverde, Laura
6 Wernick, 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 will start with continued cases. These are
10 cases that started at an earlier date, but for one reason
11 or another were deferred until this evening. And then
12 we'll go to our regular agenda.

13 Before I start to open the meeting, I would like
14 to read a statement.

15 After notifying the Chair, any person may make a
16 video or audio recording of our open sessions, or may
17 transmit the meeting through any media, subject to
18 reasonable requirements that the Chair may impose as to the
19 number, placement and operation of equipment used, so as
20 not to interfere with the conduct of the meeting.

21 At the beginning of the meeting, the Chair

22 will inform other attendees at that meeting that a
23 recording is being made.

24

25 And I wish to advise that not only one but two
26 recordings are being made -- at least two -- for this
27 evening. One is being made by our stenographer to assist
28 her in the preparation of the meeting, and another is from
29 a citizen of the city, who has left a -- [has he left it
30 yet?] who is about to leave a tape recorder.

31 Anyone else planning to record this meeting, video
32 or otherwise? No one is.

33 Okay, with that I'll open the meeting with the
34 first continued case, and then I'll step aside, since I'm
35 not going to be sitting on that case. The Chair will call
36 Case Number #336 Pearl Street -- 017211. Anyone here
37 wishing to be heard on at matter?

38 SEAN HOPE: Good evening Mr. Chairman and members
39 of the Board. For the record, Attorney Sean Hope, Hope
40 Legal Offices in Cambridge. We're here tonight on behalf
41 of the petitioner. We have Mrs. Kim Walker Chin, and we
42 have

43 Project Architect Stephen Hiserodt from Boyes-Watson
44 Architects.

45 So this is a continued case from January. This
46 was a case where we have an existing multifamily structure
47 in a nonconforming accessory garage at the rear.

48 The proposal was to convert the buildings in the
49 lot to three dwelling units, and there was comments from the
50 Board about the number of units and density. So we revised
51 the plans, and I think it may be best to have Stephen walk
52 you through the modifications. So --

53 THE REPORTER: Spell your name for the record,
54 please?

55 STEPHEN HISERODT: H-i-s-e-r-o-d-t. So we revised
56 the plans to minimize or reduce the density or overcrowding,
57 as it was discussed last time. So we originally had 11
58 bedrooms total, and we have reduced that to -- if you look
59 at the first unit, which was four bedrooms; it is now three
60 bedrooms --

61 SEAN HOPE: You're on sheet --

62 STEPHEN HISERODT: On sheet A101. So we have the

63 same two bedrooms on the first floor and we have reduced to
64 one bedroom, one bath on the basement level.

65 The second unit, second floor and third floor
66 we've reduced from three units -- three bedrooms to two
67 bedrooms, and made one of the bedrooms more of a public den
68 or office space that's accessible to the deck.

69 And then in the third unit, or the carriage house,
70 we've had to cut back on the basement level in order to try
71 and clear some room for the tree, to make sure that we
72 don't impact that. And we have no bedrooms there any
73 longer.

74 And we've got two bedrooms on the second floor,
75 and we've got a family room on the first floor, so we've
76 taken that down to two true bedrooms and a family room, a
77 media room.

78 LAURA WERNICK: So four bedrooms to two?

79 STEPHEN HISERODT: And in addition, we've had some
80 subsequent discussions with neighbors, who remain uneasy
81 about the dormers in the back of the carriage house.

82 The plan that I sent had reduced the three dormers

83 to two, but in further discussions, they've expressed the
84 desire to remove them all. So we have updated drawings,
85 which will show no dormers at all to the carriage house.

86 BRENDAN SULLIVAN: I reviewed the plans on Tuesday
87 afternoon, and I saw that they had not been removed, so
88 those plans are not in the file.

89 SEAN HOPE: They're not in the file.

90 STEPHEN HISERODT: It was just -- we just were
91 able to get everybody together yesterday.

92 BRENDAN SULLIVAN: So we have eliminated the
93 dormers, but put in skylights?

94 STEPHEN HISERODT: Yeah. And that was with
95 discussions -- in discussions with the neighbors, they
96 expressed the skylights will be acceptable, but the dormers
97 would not.

98 BRENDAN SULLIVAN: And those skylights would be
99 within the rear-yard setback?

100 STEPHEN HISERODT: Yeah. The whole building is
101 with the rear-yard setback, so --

102 BRENDAN SULLIVAN: But you're not changing the
103 footprint of the building?

104 STEPHEN HISERODT: No.

105 SEAN HOPE: And the dormers had windows in them as
106 well?

107 STEPHEN HISERODT: The dormers had windows, yes.

108 BRENDAN SULLIVAN: Something that I'm having real
109 difficulty trying to connect the dots is how the existing
110 building is being used as a three-family. Now, I know that
111 you said that you used part of the first floor and part of
112 the second floor. Is that correct?

113 KIM WALKER-CHIN: No, I live on the second and
114 third floor.

115 BRENDAN SULLIVAN: You live on the second and --

116 THE REPORTER: Could you take the microphone?

117 BRENDAN SULLIVAN: If you would introduce yourself
118 for the record?

119 KIM WALKER-CHIN: Sure, absolutely. I'm Kim
120 Walker Chin, and I live on the second and third floor. So
121 currently there is no one on the third, so to speak. It's a
122 unit, but I occupy both floors, and I have a tenant on the
123 first floor.

124 BRENDAN SULLIVAN: So it's a three-family, but

125 there was only two families, or occupied by two individuals
126 or whatever?

127 KIM WALKER-CHIN: That's correct.

128 BRENDAN SULLIVAN: Okay. So it's not being
129 utilized as a three-family --

130 KIM WALKER-CHIN: As a three-family, that's
131 correct.

132 BRENDAN SULLIVAN: As a three-family, okay.

133 KIM WALKER-CHIN: Which is what I'll do in the
134 future as well.

135 BRENDAN SULLIVAN: And going forward after, should
136 you do this project, you will live where?

137 KIM WALKER-CHIN: I will probably live on the
138 second floor as well, or maybe in the carriage house, and
139 then rent the first floor as I do and rent the second unit,
140 whichever one I decide to stay in, or have family members
141 stay in one of the units.

142 KIM WALKER-CHIN: Currently it's -- the building
143 only has three individuals; two people on the first floor
144 and myself on the second and third floor, which is kind of
145 my goal in the future, and probably rent one of the other
146 units.

147 BRENDAN SULLIVAN: Okay. Still having a difficult
148 time with the amount of development for the carriage house,
149 because currently it sits on a slab, has no basement.

150 And I know you've reduced the number of bedrooms,
151 even though that media room can obviously be turned very
152 quickly into a bedroom.

153 It's that you have two bedrooms and you have three
154 full baths, which -- you know, sort of puts a little bit of
155 a different tint on it for me anyhow that it's still going
156 to -- and then you've got a family room in there which,
157 again, has all the tracings of another bedroom, because
158 there's a bathroom right off of there.

159 So you've got two bedrooms and three full baths.

160 KIM WALKER-CHIN: Yes.

161 BRENDAN SULLIVAN: I can't connect those dots. I
162 mean, I'm just --

163 KIM WALKER-CHIN: Let me explain why I decided to
164 do that. The carriage house, I probably will go live in the
165 carriage house eventually.

166 I just went through 16 years with my mom with
167 Alzheimer's, and I realize the older you get, a first-floor

168 level live-in -- so I'm kind of thinking ahead for myself,
169 so when I get to that stage..

170 The home she was living in did not have a bathroom
171 on the first floor, and it was extremely difficult. So for
172 me -- ironically her name is Pearl Walker - I decided this
173 will be my home. I'm from Jamaica, and one day if I'm,
174 like, in her position I may be on that floor, and I need a
175 full bathroom. That's just my personal take.

176 This property I've owned for almost 20 years, and
177 dealing with my mom for 16 years, this is now my goal. She
178 passed away in January -- to make this a "pearl" dedicated
179 to my Mom. It's just the lesson, the wisdom again for
180 taking care of her for 16 years. And the property is
181 falling apart, and I want to fix it now.

182 ANDREA HICKEY: So there's a proposed full
183 bathroom in the basement.

184 KIM WALKER-CHIN: We can remove it, it doesn't
185 matter. I just want to be able to maybe one day, like I did
186 for her, be in a wheelchair and have a bathroom on the
187 first level and --

188 ANDREA HICKEY: Yeah. I understand that.

189 KIM WALKER-CHIN: Yeah, so it --

190 ANDREA HICKEY: It just --

191 KIM WALKER-CHIN: -- we can eliminate it. It's
192 not -- I'm -- you know, like I said, I'm Jamaican and it's
193 one love, I just want to fix my place and move on. I'm not
194 here to -- you know, do anything otherwise. It's always
195 been my dream, and I have the opportunity now, and it's my
196 time. That's it.

197 It's my home, and I went to Boston University.
198 I've always lived in Cambridgeport. It's just my goal, and
199 I --

200 BRENDAN SULLIVAN: Haven't you ever lived in
201 Philadelphia, though?

202 KIM WALKER-CHIN: I lived in Philadelphia too. My
203 ex-husband and I lived in Philadelphia and I came back to
204 Boston.

205 BRENDAN SULLIVAN: The Assessors have your address
206 as Philadelphia.

207 KIM WALKER-CHIN: I know, they need to correct
208 that.

209 BRENDAN SULLIVAN: Any questions? Slater?

210 JIM MONTEVERDE: Well, can you remind me of what

211 the bedroom count is currently?

212 KIM WALKER-CHIN: There is --

213 JIM MONTEVERDE: No, not -- it -- I'm sorry,
214 that's the 11, you -- not the previous scheme.

215 KIM WALKER-CHIN: There is two bedrooms on the
216 first floor -- first -- JIM

217 MONTEVERDE: Existing now, correct?

218 KIM WALKER-CHIN: Existing.

219 JIM MONTEVERDE: Yeah.

220 KIM WALKER-CHIN: There are two bedrooms on the
221 second, and there are two bedrooms on the third. So --

222 JIM MONTEVERDE: Right, so six.

223 KIM WALKER-CHIN: So it's six. So we're not doing
224 anything different, I'm just trying to have an open-floor
225 concept like we're doing now in the 2020 that we have on
226 the first floor, and then the bedrooms are either on the
227 first floor or maybe one in the basement, which is the norm
228 now.

229 That's kind of how the market is going, and that's the goal.

230 And I see clients all the time who want a bedroom

231 in the basement or a bedroom on the first floor for aging
232 parents. It's just the way the real estate is listed these
233 days. And it makes sense. Frankly speaking, that door on
234 the bedroom will also be very large for a wheelchair.
235 That's my only regret when I was taking care of my mom.

236 BRENDAN SULLIVAN: We still get hung up on the
237 carriage house. I mean, utilizing -- digging down and using
238 the basements. And I know that your testimony was that one
239 and two families now are allowed an exemption for the
240 basement. First of all, it's not a one or two-family --

241 SEAN HOPE: Mm-hm.

242 BRENDAN SULLIVAN: And there is no basement there
243 now. So it's sort of like which comes first, you know, the
244 chicken or the egg? I mean it's not a, it's not even
245 residence, much less a one or two-family.

246 So you're saying, well it's exempt, because it
247 will be. So -- but it's not.

248 SEAN HOPE: Yeah. I took the comments, and I
249 understand all your points about -- in terms of the bedroom
250 count, how it looks with the bathrooms.

251 When we specifically looked at the carriage house,

252 part of what we did is we tried to maintain what is her
253 goal? And her goal has remained the same -- really to
254 create this carriage house for long-term planning.

255 And so, when we pulled back the square foot in the
256 basement, we also still had the large floor plan. And so,
257 when we looked at the media room, we were trying to think
258 functionally, before she moves in there, how someone was
259 going to have it to rent and is going to use this?

260 So keeping the bathroom in the basement wasn't
261 looking to add more space. It was like, hey, long-term,
262 you have a basement and bathroom on the first floor. It
263 made a lot of sense for you to leave the basement out.
264 It's costly and expensive to do the bathroom below.

265 The bedrooms on the top floor, to your point,
266 right now we thought if we had bedrooms on that main floor
267 it was going to congest it. If we put bedrooms on the top
268 floor, with the understanding that in the future, as you
269 said, that family room might convert. But I think the goal
270 and the intent were still the same.

271 So we even thought about removing the full

272 basement, and we thought about doing that, to see if that
273 might appease the door. And we thought, hey, let's
274 actually focus on the multifamily, taking the bedrooms out,
275 making that more compatible, because this carriage house is
276 really the one that's going to be for her long-term.

277 So we thought about removing the basement. We
278 didn't think that if we took that space out, that was going
279 to necessarily tip the scales of the Board.

280 The bathroom, that was a trigger. I mean, I think
281 that's maybe something we missed. We thought we got some of
282 the triggers that we're going to say, "hey, wait a minute,
283 this is, we've reached too far."

284 But her intent and purpose was to keep this
285 carriage house for long-term use.

286 The other thing that might have been lost, even
287 though it wasn't a true three-family, we thought if we have
288 three units on the lot and you're adding a fourth, that's
289 just going to be four separate individuals.

290 So we thought by converting the three to a two,

291 really allowing for 2 three-bedroom units, what you see on
292 two floors all over Cambridge, then I felt like the front
293 building felt like your typical two-family.

294 And in the carriage house, it was really like,
295 okay, so the carriage house is there and it's going to be
296 used. If we don't achieve our long-term goals, then I
297 think for her and her testimony, then the whole thing
298 doesn't make sense.

299 And so, that's maybe why we kept certain things in
300 the carriage house, where maybe otherwise if this was just
301 the developer, we would scrap it, still -- you know, have
302 two floors and move on. But we tried to keep what was her
303 intent and purpose in that carriage house.

304 The basement may be a little bit more. We didn't
305 ignore the testimony, but we were trying to have a balance
306 between what her goals were for the property and really
307 still preserving a viable use now and for the future.

308 And if we -- the bathroom or these other rooms are
309 an issue, but if we eliminate the basement --

310 LAURA WERNICK: You still need room for your
311 mechanicals?

312 THE REPORTER: Sorry, I can't hear you.

313 LAURA WERNICK: You still need room for your
314 mechanicals?

315 KIM WALKER-CHIN: That's what I'm saying --

316 SEAN HOPE: Yeah.

317 LAURA WERNICK: Yeah.

318 KIM WALKER-CHIN: -- the mechanical, that's what
319 I'm saying.

320 LAURA WERNICK: -- a storage area.

321 KIM WALKER-CHIN: That's what I'm thinking.

322 SEAN HOPE: The foundation also needs to be
323 rebuilt.

324 LAURA WERNICK: And the laundry room. And those
325 you need?

326 KIM WALKER-CHIN: That's kind of what I'm saying.

327 LAURA WERNICK: That's not --

328 KIM WALKER-CHIN: It's not. And I hate to say it,
329 if I have a nurse in the future, that's not a bad thing to
330 have. I got a wakeup call, and I'm just planning.

331 BRENDAN SULLIVAN: Well, I think the basement is a
332 bit much. I mean, I'm not there, but anyhow. Any other
333 questions?

334 ANDREA HICKEY: So I just had a question, I wanted
335 to make sure I understand sort of the concept. So the
336 three-family house now, you're committing to make that two
337 units that could not be used as three? And the third unit
338 then becomes the carriage house?

339 So without the possibility, except for future
340 relief, there would be three units conceptually? Yeah.

341 KIM WALKER-CHIN: That's correct.

342 ANDREA HICKEY: That's all I have for now.

343 LAURA WERNICK: I'd like to --

344 BRENDAN SULLIVAN: Okay. Slater, anything? Jim?

345 JIM MONTEVERDE: I'm all set.

346 BRENDAN SULLIVAN: Let me open it to public
347 comment. There is correspondence in the file from the
348 Cambridge Historical regarding 336 Pearl Street. "The
349 structure is 50 years old or more, and is therefore subject
350 to the Cambridge Historical Commission Review.

351 "The Executive Director of the Historical
352 Commission has made the initial determination per the
353 Demolition Delay Ordinance that the carriage house at this
354 property is a significant building.

355 "If a demolition permit application were to be
356 submitted, the matter would require a public hearing of the
357 CHC to determine if the building is significant, and
358 preferably preserved.

359 "The staff supports preservation of the carriage
360 house as proposed in the current design."

361 There is correspondence in the file from a Michael
362 Park, who lives across the street at 335-336 Pearl Street
363 for over 10 years, writing to lend his support for the
364 variance to allow for conversion of the unused and
365 dilapidated carriage house into a residential dwelling for
366 the petitioner and her visiting family from abroad.

367 Correspondence from Brad Harkavy, H-a-r-k-a-v-y
368 and Annmarie Mador, M-a-d-o-r writing to support the
369 proposed improvements that Ms. Walker is making --
370 WalkerChin, sorry -- is making to both of the buildings on
371 her property.

372 Correspondence from Judy Regan -- R-e-g-a-n at 329
373 Pearl Street writing to support proposed changes and
374 renovations to her house and carriage house, based on the
375 plan that you saw on the city website.

376 There is correspondence from Kimberly Winter, W-i-
377 n-t-e-r. "As property owners directly adjacent to the
378 project, we support the renovation of the property at
379 336338 Pearl Street. For many years, we have been
380 neighbors, and have known Ms. Walker-Chin to be both an
381 excellent neighbor and responsible landlord. The property
382 has been well-managed and maintained." And they have no
383 objection. And that's the sum and substance of the
384 correspondence. Is there anybody who would like to have
385 public comment? I'll open it up, yes. Could you please
386 give your name and address for the record? And if you'd
387 come up and speak into the mic, please, it would be
388 helpful.

389 BARBARA BRYANT: My name is Barbara Bryant. I
390 live at 116 Henry Street. My property is adjacent to Kim's
391 property, and I am in support of her proposed improvements.
392 Our bedroom windows look out onto the existing and proposed
393 living space, those are her buildings.

394 We feel that a modest increase in living space is
395 important in Cambridge neighborhoods, in order to
396 accommodate the people who live and work in our city.

397 We have a good relationship with Kim, and
398 appreciate her keeping us informed of her plans. We are
399 confident that we can work out any new issues with Kim
400 during and after construction.

401 BRENDAN SULLIVAN: Thank you. Is there anybody
402 else who would like to comment?

403 JULIE HALPRIN: I'm Julie Halprin, and I --

404 THE REPORTER: Could you spell your last name,
405 please?

406 JULIE HALPRIN: H-a-l-p-r-i-n. So my back yard
407 goes right to the carriage house, basically. And I'm just
408 one of the ones that I believe they've already accommodated
409 us. We were concerned, as are my immediate neighbors,
410 about the dormers, because they're so close to the property
411 line.

412 And we had discussed it long ago, and they had
413 been very accommodating, and they had hoped to get back --
414 they kindly invited us to look and have a walk-through, and
415 we all felt -- and we would much prefer there would be no
416 dormers.

417 And so, if that's what's going into the record,

418 that's what -- we much appreciate that.

419 BRENDAN SULLIVAN: Great.

420 JULIE HALPRIN: Okay?

421 BRENDAN SULLIVAN: Thank you.

422 JULIE HALPRIN: Thank you.

423 BRENDAN SULLIVAN: Anybody else who would like to
424 comment? Let's see. There is a correspondence for Barbara
425 Bryant, B-r-y-a-n-t at 116 Henry Street.

426 KIM WALKER-CHIN: She just spoke.

427 BRENDAN SULLIVAN: Oh, I'm sorry.

428 KIM WALKER-CHIN: That's okay.

429 BRENDAN SULLIVAN: That's right. So the letter
430 stands for your comments, and your comments stand for your
431 letter.

432 STEVE PRIESTON: Actually just a question, are the
433 dormers in the project, or are the dormers not --

434 THE REPORTER: I need you to --

435 BRENDAN SULLIVAN: You have to sort of identify
436 yourself, please.

437 STEVE PRIESTON: Steve Prieston, 17 Rockingham
438 Street. I just would like for verification --

439 THE REPORTER: Can you spell your last name,

440 please?

441 STEVE PRIESTON: P-r-i-e-s-t-o-n. I just want a
442 clarification of whether the dormers were part of the
443 project or not. I've met with the neighbors, and there is
444 some confusion about whether they're actually including the
445 property. I've spoken with neighbors at my house, 15
446 Rockingham and 11 Rockingham.

447 BRENDAN SULLIVAN: Okay. To answer your question,
448 there were no dormers on the carriage house. There are two
449 dormers on the main house.

450 STEVE PRIESTON: The proposed new dormers on the
451 rear of the carriage house are not part of that.

452 BRENDAN SULLIVAN: They are not proposed anymore?

453 STEVE PRIESTON: No. Thank you.

454 BRENDAN SULLIVAN: I see. Anybody else wish to
455 comment? I will close public comment. Any last?

456 SEAN HOPE: So I think at the first hearing, when
457 we heard comments from the Board and Chair about the number
458 of bedrooms, I -- internally I explained that even though
459 our zoning ordinance doesn't regulate the number of
460 bedrooms, there is some health and safety portions in

461 different parts that talks about undue congestion and
462 density.

463 And so, understanding the Chair and other members'
464 comments, we went back and looked at that.

465 But I do think when you hear from the neighbors
466 who experience the density on a daily basis, I think it's
467 important to note that the FAR that we're using, and there
468 are some zoning maneuvers with FAR and basement space, but
469 the FAR is essentially staying the same. The number of
470 growing units is staying the same. So in many ways, we are
471 reallocating the number of units, and we are upgrading the
472 property overall.

473 So I would say, you know, we did take the advice
474 from the Board, maybe not going as far. We cut back the
475 basement, we reduced the number of roads. I do think the
476 two-family that was a three lays out like a lot of the
477 typical two-families you do see now.

478 So I think to the extent that the neighborhood and
479 the abutters are comfortable with the layout and the
480 intensity of the use.

481 And also frankly because that the owner and the

482 applicant is going to -- resides in the two-family now and
483 plans to reside, I would ask the Board in the context of
484 this that they yield maybe to the feelings of the neighbors
485 and the applicant, and allow for this to go forward.

486 I would also say to that the ordinance has been
487 amended to allow for accessory dwelling units like this, and
488 so, there are certain requirements, and even further back
489 in the first amendment, there was further amendment to
490 allow for the Board to loosen things like setback
491 regulations under certain circumstances.

492 We chose this path primarily because of the
493 special permit route was a little bit more difficult, and
494 really wasn't necessarily akin to her proposed use. So I
495 would say for all those reasons, I think this is going to
496 add quality dwelling units to the housing stock.

497 Cambridge Park Drive is an area that has a
498 multitude of families, and these are going to be three
499 quality three-bedroom units. And that carriage house will
500 be a two-bedroom unit, but maybe one day a three bedroom if
501 the applicant uses -- proposes to live there.

502 So I think there is a benefit to the lot in terms

503 of having a structure that is antiquated and needs to be
504 developed. I think there's a benefit to the community by
505 adding an additional dwelling unit, and I think we've heard
506 testimony that the density and the intensity of the use is
507 not going to be a problem.

508 And the feedback we heard was really more about
509 aesthetic design of the dormers and I think we tried to
510 mitigate that by removing the dormers.

511 So for all those reasons, I would ask the Board to
512 find in favor of this application, for the reasons that
513 we've expressed.

514 BRENDAN SULLIVAN: So in summation, the only
515 change from the original submission would be the elimination
516 of the three dormers.

517 LAURA WERNICK: Reduction of the rooms.

518 SEAN HOPE: Reduction of the rooms.

519 BRENDAN SULLIVAN: Reduction and naming of rooms
520 as bedrooms.

521 STEPHEN HISERODT: I'm not sure I would
522 characterize it that way, but --

523 BRENDAN SULLIVAN: You wouldn't characterize it

524 that way? I mean, it looks like a bedroom, I think it's
525 going to function as a bedroom.; so you're still in the
526 carriage house?

527 STEPHEN HISERODT: Yeah.

528 BRENDAN SULLIVAN: You're still going to have
529 three full bedrooms -- I'm sorry, two bedrooms and three
530 full bathrooms.

531 STEPHEN HISERODT: Yes.

532 BRENDAN SULLIVAN: Okay. All right. That's it?

533 SEAN HOPE: Yes. I would only say I think we've
534 represented that the basement bathroom brings pause and
535 those bathrooms are there for life. And if there's any
536 concern about future use, the basement bathroom is not --

537 KIM WALKER-CHIN: Critical.

538 SEAN HOPE: In hindsight, if we felt that was
539 going to tip the scales, we would have easily removed that.
540 And so, if that is something that activates the basement in
541 a way that the Board finds objectionable, we would flatly
542 do that.

543 BRENDAN SULLIVAN: Okay, okay. That's it. All
544 right, we'll close that portion of the presentation, and --

545 ANDREA HICKEY: So I appreciate Council's
546 discussion of how it really is a lateral move -- three
547 units, three units. I appreciate that. Does that mean
548 that the kitchen on the existing third floor would be
549 removed, so that unit could not be functioning as a
550 separate unit? To me, that would go a long way.

551 SEAN HOPE: I think that's required, yes.

552 ANDREA HICKEY: Okay. And the full bathroom in
553 the basement is a bit problematic to me. I'd have less
554 apprehension if it maybe were a powder room.

555 I understand maybe the need for a facility
556 downstairs, but a full bath makes that sort of perhaps
557 functionable as a sort of separate suite. It has a separate
558 entrance, correct?

559 STEPHEN HISERODT: No, it doesn't have a separate
560 entrance.

561 KIM WALKER-CHIN: It does not.

562 ANDREA HICKEY: Okay.

563 KIM WALKER-CHIN: No.

564 ANDREA HICKEY: I'd feel a little better if that
565 was a power room and not a --

566 KIM WALKER-CHIN: That's fine.

567 ANDREA HICKEY: -- whole bathroom.

568 KIM WALKER-CHIN: We can do a powder room.

569 ANDREA HICKEY: I don't know what my colleagues
570 think, but I want it to be a condition that the kitchen and
571 the existing third-floor unit be disassembled or whatever the
572 probability is for that. That's all I have for now.

573 LAURA WERNICK: I appreciate your comment about the
574 kitchen. I think that's important. I'm actually
575 comfortable with the layout of the carriage house the way
576 it is now; that the what's called, "the media room" has a
577 storage room off of it, has a mechanical space off it, has
578 a laundry going off of it.

579 So it would be a public way and not a terribly
580 private suite.

581 So I'm comfortable with it. I'm comfortable with
582 having the full bath in there. If other members of the
583 Board feel a benefit of the powder room, then that is what
584 we should do on request, but I think that the layout is
585 appropriate, that the density not be terribly different
586 from what's there now, and it is adding -- as the
587 Councillor said, it's adding a quality house to Cambridge.

588 BRENDAN SULLIVAN: Okay, Slater, you're on.

589 SLATER ANDERSON: I'm satisfied with all I heard.

590 BRENDAN SULLIVAN: Okay. Jim?

591 JIM MONTEVERDE: Yeah. I think with the

592 conditions we just talked about, the skylights, the newer

593 dormers, if you come to some conclusion about the basement

594 bathroom if it's not either deleted or not a full bathroom,

595 that's fine by me, and as long as the drawings are clear

596 that there's no kitchen on that third level, then I think

597 I'm satisfied.

598 BRENDAN SULLIVAN: Okay.

599 SEAN HOPE: Yeah, make that half that density.

600 KIM WALKER-CHIN: Fine.

601 ANDREA HICKEY: So can we have drawings that show

602 the third floor kitchen being deleted?

603 STEPHEN HISERODT: Yes.

604 ANDREA HICKEY: Okay.

605 BRENDAN SULLIVAN: I'm marking up the drawings

606 here, it would be Sheet 103, and I'm denoting that area on

607 the basement as a half bath, toilet and vanity only.

608 STEPHEN HISERODT: Okay.

609 SEAN HOPE: And the previous numbered sheets will

610 be deleted from that set?

611 BRENDAN SULLIVAN: And I'm signing this as, and
612 I'm deleting -- xing out the --

613 LAURA WERNICK: That's part of the -- do you
614 already have that drawing?

615 BRENDAN SULLIVAN: I do. Yeah. All set. We'll
616 make a motion then to grant the relief. Sean. Could you
617 just run through exactly the relief, then? It seems like
618 there's an awful lot of moving parts here.

619 SEAN HOPE: Sure. To be specific, so first there
620 is a variance to convert an existing nonconforming accessory
621 structure to residential use --

622 BRENDAN SULLIVAN: Which is the variance.

623 SEAN HOPE: Which is the variance.

624 SEAN HOPE: And there are no longer dormers, but
625 there are windows on nonconforming façade exceeding the lot
626 area for dwelling unit. That's one.

627 And the special permit to relocate and add
628 openings to a nonconforming façade on the existing
629 threefamily.

630 BRENDAN SULLIVAN: Yeah. Okay. So on the

631 variance, let me make a motion then to grant the required
632 variance to convert the existing carriage house into a
633 residence, as per the drawings submitted, dated 03/10/20,
634 with the Addendum drawing deleting the three dormers --
635 also noting the deletion of the full bathroom in the
636 basement, requiring only a half bathroom consisting of a
637 toilet and a vanity.

638 The Board finds that the requirements -- that a
639 literal enforcement of the provisions of the ordinance would
640 involve a substantial hardship to the petitioner.

641 The Board finds that to the Cambridge Historical
642 Commission staff and the Executive Director, have supported
643 the idea of reserving the existing structure.

644 That the renovation and/or repair of the existing
645 structure would be prohibitive today, in order to comply
646 with that request by the Cambridge Historical Commission.
647 That is one encumbrance.

648 The second encumbrance would be the size and
649 location of said structure on the lot, the size and shape of
650 the lot, and the encumbrances that the existing present
651 zoning ordinance imposes on any renovation of that

652 structure. The Board finds that the existing lot contains
653 two structures with three residences.

654 At the conclusion of this project, it will still
655 maintain three residences; even though the lot area for
656 dwelling unit is exceeded, that it is a current condition,
657 and the Board finds that it's a fair and reasonable waiver
658 of the ordinance.

659 The Board finds that desirable relief may be
660 granted without either substantial detriment to the public
661 good, it will allow for the renovation of a preferably
662 preserved structure, one that is aesthetically pleasing,
663 into a rehabilitated building and one that will serve a
664 purpose of a residence.

665 That the purpose of the carriage house is
666 outdated, no longer needed, and that the use of a residence
667 would be desirable, and of public benefit.

668 The Board finds that relief may be granted without
669 nullifying or substantially derogating from the intent and
670 purpose of the ordinance to preserve existing buildings, to
671 rehab existing buildings, and to reuse them into a
672 compliant use; i.e., a residence. You should know this by
673 heart.

674 I think that's it.

675 The Board grants this relief, noting the changes
676 to the drawings eliminating the dormers; also the basement.
677 She'll only have a half bathroom. Any other conditions?
678 And that the work conforms substantially to the drawings as
679 submitted. Anything else to be --

680 ANDREA HICKEY: What about the number and location
681 of skylights?

682 BRENDAN SULLIVAN: As per the drawings.

683 SEAN HOPE: Per the drawings.

684 ANDREA HICKEY: Okay.

685 BRENDAN SULLIVAN: Yeah. So they would have to
686 conform to what's shown here. All those in favor of
687 granting the variance should convert the existing building
688 into a residence and the other pertinent waiver from the
689 audience please say, "Aye."

690 THE BOARD: "Aye."

691 BRENDAN SULLIVAN: Four in favor, one opposed.
692 Now, regarding the special permit and the special permit
693 would be windows -- and those are highlighted on the drawing

694 - the Board finds that the requirements of the ordinance can
695 be met with the granting of this special permit.

696 The Board finds that traffic generated or patterns
697 in access or egress resulting from what is being proposed
698 would not cause congestion, hazard, or substantial change
699 in established neighborhood character.

700 It's an existing building -- that the windows are
701 being relocated to better allow for proper light and
702 fenestration to the interior of the structure.

703 The Board finds that continued operation of or
704 development of adjacent uses, as permitted in the zoning
705 ordinance, would not be adversely affected by the nature of
706 the proposed use, and also the relocation of the windows.

707 There would not be any nuisance or hazard created
708 to the detriment of the health, safety and/or welfare of the
709 occupants of the proposed use, and/or the citizens of the
710 city; in fact that the relocation of these windows would
711 enhance the livability of the structure, and also increase
712 actually the health and safety of the occupants.

713 And that the proposed changed would not impair the

714 integrity of the district or adjoining districts, or
715 otherwise derogate the intent and purpose of the ordinance.

716 All those in favor of granting relief for the
717 relocation of the windows?

718 THE BOARD: Aye.

719 [All vote YES]

720 BRENDAN SULLIVAN: Five in favor of that.

721 COLLECTIVE: Thank you.

722 KIM WALKER-CHIN: Thank you very much, I
723 appreciate it.

724 SEAN HOPE: That was a thorough decision.

725

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727

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734 * * * * *

735 (7:39 p.m.)

736 Sitting Members: Constantine Alexander, Brendan Sullivan,
737 Andrea A. Hickey, Jim Monteverde, Laura
738 Wernick, Slater W. Anderson

739 CONSTANTINE ALEXANDER: The Chair will now call
740 Case Number 017127 -- 238 Brookline Street. Anyone here
741 wishing to be heard on this matter?

742 ROY HODGMAN: Hi, good evening. My name is Roy
743 Hodgman, H-o-d-g-m-a-n. I live at 238 Brookline Street.
744 This, as you are aware, is an application for a variance to
745 build a conforming addition to a nonconforming structure.

746 The goal of the project is -- there's like three
747 of them -- to open up our house to our back yard, so we can
748 use it directly to add a little bit more space, increase
749 the size of the bedroom on the second floor for its current
750 twoyear-old occupant, and then to add another bedroom to
751 provide a space to have family stay and help the family.

752 At our meeting in June, which is a long time ago
753 now, the main feedback we got both from you and from our
754 neighbors at 99 Allston Street was to work more closely
755 with our neighbors, and make sure that our design sort of
756 addressed the concerns.

757 So we got their feedback immediately after the
758 meeting, spent a little bit of time in July trying to
759 iterate on the design, met with them in August and
760 September.

761 And at our rescheduled meeting in October, I came
762 here and asked you guys for another extension, because we
763 didn't feel like we had adequately exhausted all of our
764 options for making some kind of agreement.

765 We spent some more time in November, and a little
766 bit in December proposing more changes, and then at the
767 meeting in January there were numbers that were often
768 auspicious and now we're here six months later to continue.

769 CONSTANTINE ALEXANDER: So as far as you know, are
770 your neighbors now in support, or at least not opposed to
771 what you want to do?

772 ROY HODGMAN: I do not believe they are in support
773 of what we're trying to do.

774 LAURA WERNICK: They're not.

775 CONSTANTINE ALEXANDER: They're not?

776 ROY HODGMAN: No, that's correct.

777 CONSTANTINE ALEXANDER: We'll hear from them in a
778 second, I assume?

779 ROY HODGMAN: Yes. We've spent a lot of time
780 iterating on the design. The main people -- the variety of
781 feedback that we got from our neighbors were related to the
782 aesthetics of the design, the size of the addition, the
783 change in their view from their house -- looking towards
784 our house, and through many iterations, we have modified
785 our design to try to address some but not all of those
786 concerns.

787 We've lowered the size of the roof. We have
788 changed the siding. We have removed windows from the side
789 of the house facing their house. We proposed several
790 landscaped additions or changes that would try to mitigate
791 the effect of having a larger house next door.

792 And in addition to that, we had spent time going
793 around to the rest of our neighbors in our neighborhood
794 knocking on doors, trying to propose -- trying to present
795 our proposal and get feedback from other neighbors.

796 We've received a wide array of feedback from "I
797 don't care, why are you bothering me?" to, "I have no
798 objections" to, "I'll get back to you" and then never
799 getting back to us to, "I'll get back to you" with people

800 saying, "I'm cool with this," to people shutting off their
801 lights in their house when we came to knock on the door.

802 So some members of our immediate neighborhood
803 support what we're trying to do, others don't, and we're
804 here to go over the design.

805 CONSTANTINE ALEXANDER: Am I correct that if we
806 approve what you want to do tonight, you'll increase the
807 size of the building by more than 50 percent?

808 ROY HODGMAN: Increase the size? Yes. We start
809 off with 1232 feet, and we will increase it to 1900 --

810 CONSTANTINE ALEXANDER: Yeah 700 over -- yeah,
811 right, by more than 50 percent, which is I think the
812 gravamen of the opposition from your neighbors -- the size
813 and bulk of the structure. Doesn't mean it's wrong. I
814 mean

815 --

816 ROY HODGMAN: Yes.

817 CONSTANTINE ALEXANDER: -- the zoning relief, but
818 I think that's the issue. One thing I thought -- and I'll
819 let the others speak -- that intrigued me was if you were to
820 tear this building down tomorrow, you say "I want a whole

821 new building" and build something on the lot in the same
822 area, the same footprint as the current building, you could
823 do it as a matter of right.

824 You don't have any -- any zoning issues that I
825 could see from the dimensional form. It's just the fact
826 that you're putting more than 20, and even accretions on a
827 nonconforming structure.

828 ROY HODGMAN: Correct.

829 CONSTANTINE ALEXANDER: It's an interesting thing
830 for people in the neighborhood -- should understand, is that
831 they do have, or whoever now owns the property -- does have
832 the option to do something very large, larger than what's
833 there now, without needing any zoning relief.

834 THOMAS ROSE: We tried to respect the existing
835 building a little bit too.

836 CONSTANTINE ALEXANDER: Sorry?

837 THE REPORTER: I'm sorry, could you spell your
838 name?

839 THOMAS ROSE: Sorry. My name is Thomas Rose, I'm
840 the architect. We also --

841 THE REPORTER: What was your last name?

842 THOMAS ROSE: Rose, R-o-s-e. We -- I mean, it was
843 important for the client and myself to try to preserve the
844 existing buildings, we're --

845 CONSTANTINE ALEXANDER: I understand that. I'm
846 not suggesting you should tear it down, your building --

847 THOMAS ROSE: Yes.

848 CONSTANTINE ALEXANDER: -- but I think that's an
849 interesting thing to consider, for our Board to consider
850 with regard to approving this --

851 LAURA WERNICK: And for the neighbors --

852 CONSTANTINE ALEXANDER: And for the neighbors too,
853 that's true.

854 ROY HODGMAN: one last thing I forgot to mention
855 is that in the designs that we presented; they don't look
856 substantially different from what we presented in June
857 originally. There are minor changes that we've made or --
858 you know, design changes that we made.

859 But we did go through quite a few iterations on
860 this design to try to move in addition to just the second
861 floor and the back yard, but then we lose the back yard.

862 Tried to put it on a different corner of the

863 house, but then it's within one of the setbacks that we're
864 already nonconforming in.

865 In the basement, we've got some feedback from
866 developers, from other people who have renovated basements
867 recently about probably not wanting to put living space
868 down there, due to the water table in this part of
869 Cambridge.

870 So I want to make it clear that we didn't just,
871 you know, move a window and then resubmit everything, we
872 spent a long time talking to a lot of people trying a bunch
873 of different designs, and we ended up sort of back where we
874 started, but we spent some time working on it.

875 CONSTANTINE ALEXANDER: Before I open the matter
876 up to questions from members of the Board, I should point
877 out that on Wednesday, the Inspectional Services Department
878 received an e-mail from a -- let me get there -- Ken
879 Halpern, H-a-l-p-e-r-n saying, "I live at 98 Allston Street
880 Number 3, and would like to request that you postpone
881 consideration of work for the corner house at 238
882 Brookline.

883 "I received no notice from the owner, and was

884 first alerted to the proposal today by my downstairs
885 neighbor. As the owner-occupant of the top two floors of
886 98 Allston, I would be directly affected by the proposed
887 construction.

888 "While I may not ultimately object to the project,
889 I have not had time to review the potential impact on myself
890 or my view. I have a deck and a library facing the project
891 site, and there could be potential privacy or other
892 considerations.

893 "As a result, I ask that you postpone
894 consideration until a later meeting, so that as a directly
895 affected neighbor, I have an opportunity to consider my
896 position on the proposed work and register that position
897 with the Board of Zoning Appeal."

898 Now, I assume this person should have received
899 notice. Sisia, when did they?

900 SISIA DAGLIAN: Yeah. If the chart is --

901 CONSTANTINE ALEXANDER: So I'm not sure why this
902 person didn't receive the notice, but the petitioner did
903 comply with all the requirements of the ordinance.

904 So I don't know what the other members of the
905 Board feel like, but this case has been postponed many
906 times, and I'm not sure it's time to continue one more time,
907 but what's the sense of the meeting, or the sense of the
908 room?

909 SLATER ANDERSON: What was the address of that?

910 CONSTANTINE ALEXANDER: Of the person who wrote
911 the e-mail?

912 SLATER ANDERSON: Yeah.

913 CONSTANTINE ALEXANDER: 98 Allston Street, Number
914 3.

915 SLATER ANDERSON: Yeah, Kenneth Halpern's on the
916 list.

917 CONSTANTINE ALEXANDER: He's on the list. So I --

918 BRENDAN SULLIVAN: Well, plus there's a posting
919 sign that I would --

920 CONSTANTINE ALEXANDER: Yeah, there's also a
921 posting. And I checked, and you maintained the sign in
922 accordance with their ordinance, so.

923 BRENDAN SULLIVAN: Somebody --

924 CONSTANTINE ALEXANDER: I would not be of a mind
925 to continue this case --

926 BRENDAN SULLIVAN: No.

927 CONSTANTINE ALEXANDER: -- based on this request,
928 but I would -- and if other members of the Board feel
929 differently, so --

930 COLLECTIVE: Agree. No.

931 CONSTANTINE ALEXANDER: Okay. We're going to
932 going forward then, okay? Now, any comments -- questions at
933 this point for members of the Board? Nope?

934 SLATER ANDERSON: No.

935 CONSTANTINE ALEXANDER: I'll open the matter up to
936 public testimony. Is there anyone here wishing to be heard
937 on this matter? One at a time. I'm not sure if a couple
938 of you can come up together. Again, speak into the
939 microphone, or do as I'm doing, take it off the pedestal.
940 It's easier.

941 RUTH CARRETTA: Can you hear me? My name is Ruth
942 Caretta. I live at 99 Allston --

943 THE REPORTER: Can you spell your last name,
944 please?

945 RUTH CARRETTA: Certainly. C-a-r-r-e-t-t-a, and I
946 live at 99 Allston Street with Prilo Salamanca.

947 PRILO SALAMANCA: That's me.

948 RUTH CARRETTA: We -- let's see, we've lived there
949 for -- oh, close to 13 years now, so we're long-time
950 residents.

951 And I think as you've heard, Mr. Hodgman -- let's
952 see -- explain we've had some serious concerns about this
953 project over -- since, you know, since we saw the full
954 scope of it.

955 We certainly do appreciate that they have spent
956 all of time speaking with us trying to iterate and come up
957 with some alternative designs. However, the bottom line is
958 that to us -- it just feels like they're essentially the
959 same design over and over.

960 And they've not addressed our concerns about the -
961 say the significant increase, as you stated. Let's see,
962 that the size of the addition would now bring an increase of
963 close to 57 percent in the size of the existing property.
964 So that just seemed like a huge increase.

965 And two, the aesthetics of the addition seem a
966 little incongruous with the rest of the building. I think
967 we've spoken about this in the past. Let's see.

968 Currently, the house has a mansard roof, it's very

969 pretty, it has kind of that nice curved roofline, and the --
970 it's -- to us, the addition seems like a big box and very
971 linear and more contemporary to tack on to the back of this
972 house. So aesthetically, it just is -- to us it just feels
973 like it doesn't fit with the neighborhood.

974 Two, back in June, let's see -- Ms. Wernick and I
975 think some of the other folks had suggested that we take a
976 look and see if we could find some other maybe similar
977 style properties that also had done additions.

978 And I think in one of our meetings, we actually
979 brought -- we found a very nice little mansard style --
980 let's see -- house in Cambridge Park Drive, not too far
981 from our house, up in Cambridgeport, up in North Cambridge.

982 PRILO SALAMANCA: 34 Fairmont Street.

983 RUTH CARRETTA: At 34 Fairmont Street, and they
984 had a nice addition, something that we felt we could live
985 in. It's a two-story addition that would give the added --
986 a little added space to the bedrooms -- you know,
987 increasing the bedroom size and living space, and it just
988 feels like it was a much more integrated design of a
989 property.

990 CONSTANTINE ALEXANDER: Did you bring this to the
991 Assessor?

992 RUTH CARRETTA: Yes, we did show this to the --
993 let's see -- to the Hodgmans, and they were familiar with
994 the property, they actually liked it, but they felt that it
995 wasn't going to meet their needs, it wasn't --

996 PRILO SALAMANCA: It wasn't what they wanted.

997 RUTH CARRETTA: It wasn't what they wanted; it
998 wouldn't afford them the office space that they were looking
999 for. But I did want to -- you know, say we did try to kind
1000 of help a little bit with our -- you know, with coming up
1001 with some alternatives ourselves to help them.

1002 And let's see, to -- again, some of our concerns
1003 have to do with the size of the property, the new size and
1004 increased size to the property, and also, with extra
1005 windows. Despite having moved some windows, there still
1006 will be some additional windows facing our property. So
1007 that will reduce some of the privacy -- there will be some
1008 additional privacy issues for us.

1009 And let's see...

1010 CONSTANTINE ALEXANDER: No, take your time.

1011 RUTH CARRETTA: Let's see, the additional --
1012 privacy issues. As I said, the design is not something that
1013 we found aesthetically pleasing, and let's see.

1014 We've also been concerned, given the size of the
1015 renovation, that it would take a -- it would be a pretty
1016 significant renovation that would cause a lot of disruption
1017 for a more significant amount of time than if it was a
1018 smaller renovation.

1019 BRENDAN SULLIVAN: Right.

1020 RUTH CARRETTA: We too actually went around to
1021 some of our neighbors, and were able to speak with a number
1022 of them. Let's see -- one of them is actually here with us
1023 this evening and may also speak, but not to be here.

1024 We brought a little petition around as we went to
1025 the neighbors. We showed them some of the designs from the
1026 -- what would have been the January meeting is now I think a
1027 packet that's presented here today.

1028 And so, we've got -- we had -- let's see -- had a
1029 petition that said that we described -- we showed pictures
1030 of the design and described the project, and quite a few of
1031 the folks that we spoke to actually were not in favor of

1032 the project, and I've had them sign this petition, which
1033 I'd be happy to share with the Board so you have that in
1034 your records.

1035 So, again, I think to close -- let's see, I guess
1036 I actually had a question, some technical questions.

1037 CONSTANTINE ALEXANDER: Try, go ahead.

1038 RUTH CARRETTA: We were taking a look at -- we
1039 were -- now that the current dimensional information is
1040 available, we compared the two sets of dimensions, and
1041 we're seeing that there were some differences in things
1042 like the -- let's see -- things like the required minimums
1043 of things, and then we didn't quite understand why there
1044 might be changes in some of those facts.

1045 CONSTANTINE ALEXANDER: Other than -- I mean the
1046 original plans got redesigned.

1047 RUTH CARRETTA: Well, but the original plan got
1048 redesigned. Does that mean, though, that the required --
1049 let's see -- the ordinance requirements would have been
1050 changed too?

1051 CONSTANTINE ALEXANDER: No, no, no. The ordinance

1052 requirements are fixed as an anchor, and then you measure
1053 what you want to do with any petitioner --

1054 RUTH CARRETTA: Okay.

1055 CONSTANTINE ALEXANDER: -- against those
1056 requirements.

1057 RUTH CARRETTA: I mean, some of the changes have
1058 to do with that particular column of numbers on the lot area
1059 for each dwelling unit is different. It goes from 5,000
1060 down to 1,500. Some of the setbacks I couldn't quite match
1061 all the setback numbers, and again, I wasn't quite sure
1062 why.

1063 Some of them were -- may have been rounding
1064 errors, but particularly the front and -- let's see -- and
1065 the south side, or the right side, seemed to be a little
1066 different.

1067 So I wasn't quite sure what that all meant. Let's
1068 see -- and then also the ratio of usable open space to lot
1069 area shows quite a change. It looks like it's dropped by
1070 two, and I don't know if some of this has to do with the
1071 number of dwelling units was increased from an original
1072 number of one to two, so it might be that.

1073 And then missing the length -- the length and the
1074 width of the building was not included on the current
1075 proposal, and I don't know if it's my copy, or if maybe
1076 those are not required to include as part of the
1077 documentation. But it just -- we're not experts on all
1078 these things, but we didn't know if that --

1079 CONSTANTINE ALEXANDER: The dimensional form is --
1080 deals with the issues or the measurements that are relevant
1081 to solving determination. There are some that are not.

1082 RUTH CARRETTA: Right, okay, so it's fine not to?

1083 CONSTANTINE ALEXANDER: Well, I don't know if it's
1084 fine or not, I don't think any of us here could comment it
1085 was that clear or not.

1086 RUTH CARRETTA: Okay.

1087 CONSTANTINE ALEXANDER: I would just point out if
1088 they're not, that would be a basis of someone could
1089 challenge -- and we granted the variance they're seeking,
1090 that would be a basis for upsetting the decision in the
1091 courts.

1092 RUTH CARRETTA: Right, okay.

1093 CONSTANTINE ALEXANDER: So it's the responsibility

1094 of the petitioner -- any petitioner -- to get it right.

1095 Because if we make a decision based upon what's given to

1096 us, and if we're told something that's not right, our

1097 decision is subject to attack.

1098 RUTH CARRETTA: It -- I don't know, Tommy might

1099 have an explanation.

1100 THOMAS ROSE: I have the reason that they're

1101 different is because it's a corner lot, and there's two

1102 front yards.

1103 CONSTANTINE ALEXANDER: Two front yards, right.

1104 THOMAS ROSE: So we calculate that differently.

1105 So there was no back yard, so before I had a back yard

1106 calculation. It's really a side yard, so --

1107 RUTH CARRETTA: I see.

1108 THOMAS ROSE: Those are the reasons why --

1109 CONSTANTINE ALEXANDER: Just so you understand --

1110 RUTH CARRETTA: Right.

1111 CONSTANTINE ALEXANDER: -- under our zoning

1112 ordinance, any corner lot, the yards in each corner are his

1113 front yards.

1114 RUTH CARRETTA: Yes. Okay. But then the right

1115 side and -- let's see west front side, those are up?

1116 LAURA WERNICK: The rear and left side are flip-
1117 flopped from one to the other.

1118 RUTH CARRETTA: No, but I'm talking actually about
1119 the south-ride side. The top one and the bottom one, which
1120 I think --

1121 THOMAS ROSE: So --

1122 LAURA WERNICK: It's because -- I think it's
1123 because the rear is now the side yard. Or -- I'm sorry, the
1124 side yard --

1125 CONSTANTINE ALEXANDER: There's no rear yard,
1126 there's a corner lot.

1127 LAURA WERNICK: Yeah. There's -- it's listed as
1128 the rear.

1129 THOMAS ROSE: Oh, right.

1130 RUTH CARRETTA: Just wanted to be sure that the
1131 numbers were right. Let's see. And I think -- let's see --
1132 so I think to sort of summarize -- and from our
1133 perspective, we don't see -- we feel that if this proposal
1134 had been a two-story increase, Carlos and I would have been
1135 able to support that. And I think we've told that to the
1136 petitioners --

1137 THOMAS ROSE: Right.

1138 LAURA WERNICK: -- on a number of occasions. It
1139 is that third story that just is a killer for us. And also,
1140 we feel that -- again, the aesthetics are not something
1141 that we can support.

1142 CONSTANTINE ALEXANDER: Let me just comment on
1143 that before we take --

1144 RUTH CARRETTA: Sure.

1145 CONSTANTINE ALEXANDER: -- other comments.

1146 Aesthetics are not a zoning consideration.

1147 RUTH CARRETTA: That's true.

1148 CONSTANTINE ALEXANDER: My views are the
1149 aesthetics of this project as well. But that's not for me
1150 to -- it's aside. If we meet the requirements of the
1151 zoning, dimensional, and we -- you know, meet them or we
1152 grant relief, the aesthetics are not a consideration.
1153 Rightly or wrongly, that's how zoning works.

1154 RUTH CARRETTA: Well, if you build -- if you build
1155 -- I'm trying to -- would it be considered that the third
1156 floor that goes above, you know, say in the back of their
1157 house, if there are certain dimensional requirements that

1158 are not being met because the house was built in the 1870s,
1159 when these rules were not in place --

1160 CONSTANTINE ALEXANDER: Right.

1161 RUTH CARRETTA: -- would that impact?

1162 CONSTANTINE ALEXANDER: Well, the only -- as I see
1163 the file, the only reason they need zoning relief is because
1164 the change they're proposing now, plus any prior changes,
1165 are more than 25%.

1166 RUTH CARRETTA: Right.

1167 CONSTANTINE ALEXANDER: And this is a
1168 nonconforming structure, given its age. But otherwise, they
1169 meet all the requirements.

1170 RUTH CARRETTA: Okay.

1171 CONSTANTINE ALEXANDER: That was my point earlier,
1172 that if they wanted to tear the building down --

1173 RUTH CARRETTA: Yes.

1174 CONSTANTINE ALEXANDER: And start again, they
1175 could use the same footprint at least. They could do it,
1176 without any zoning relief, which to me is -- well, we'll
1177 get to that later, it's significant.

1178 RUTH CARRETTA: Sure. Great. And to us it's that
1179 -- the fact that it is quite a bit over the 25 percent
1180 increase.

1181 CONSTANTINE ALEXANDER: That's the case before us.
1182 Not the aesthetics --

1183 RUTH CARRETTA: Right.

1184 CONSTANTINE ALEXANDER: -- it's the fact that it
1185 is the size of the ask.

1186 RUTH CARRETTA: Right. And I think that's -- as I
1187 said, probably one of our --

1188 CONSTANTINE ALEXANDER: I understand.

1189 RUTH CARRETTA: -- What else? Did I miss
1190 something?

1191 CONSTANTINE ALEXANDER: Well, I'll give others a
1192 chance.

1193 RUTH CARRETTA: Yeah. So as I said, I'm happy to
1194 share this with you.

1195 CONSTANTINE ALEXANDER: Oh yeah, that should be
1196 part of our file.

1197 RUTH CARRETTA: Yep. And one of the petitioners
1198 had to reach via e-mail, so I have his e-mail, let's see
1199 attached, which is from his e-mail address that's attached

1200 in there too. And also, -- let's see, I hope that's all in
1201 order.

1202 CONSTANTINE ALEXANDER: I would just point out --
1203 well, I'll wait until later. The petitioner apparently
1204 assigned -- putting aside that e-mail -- by eight people,
1205 or eight signatories to this.

1206 RUTH CARRETTA: And again, we appreciate the time
1207 that everyone, including, you know, the petitioners have
1208 taken and the Board.

1209 CONSTANTINE ALEXANDER: Thank you for taking the
1210 time.

1211 RUTH CARRETTA: Thank you so much.

1212 CONSTANTINE ALEXANDER: Anyone wishes to be heard?
1213 Sir?

1214 PETER BURNS: My name is Peter Burns. I live at
1215 246 Brookline Street, which is on the corner opposite this
1216 house.

1217 THE REPORTER: Could you spell your last name,
1218 please?

1219 PETER BURNS: So my name is Peter burns. I live
1220 at 246 Brookline Street.

1221 THE REPORTER: Could you spell your last name,

1222 please?

1223 PETER BURNS: B-u-r-n-s. And I've lived there 50
1224 years. And I'm a little upset that this is -- this is too
1225 high a building. I do not like it. I wish they could go
1226 out, add a third floor to their house, or tear the house
1227 down and build another house, but I won't --

1228 CONSTANTINE ALEXANDER: Okay.

1229 PETER BURNS: -- and I don't think it's a help to
1230 anybody's property values either, at the end of the day. So
1231 that's what I have to say. I would talk about aesthetics,
1232 but that isn't included.

1233 CONSTANTINE ALEXANDER: No, it's unfortunate.
1234 Fortunately or unfortunately, it's not relevant to our
1235 determinants. Thank you for taking the time to come down.

1236 PETER BURNS: Thanks.

1237 CONSTANTINE ALEXANDER: Anyone wishes to be heard?
1238 Sir?

1239 GENE DOLGIN: Gene Dolgin, D-o-l-g-i-n. I'm at 9
1240 Acorn Street. I don't abut the house, but I'm a friend of
1241 the Roys and a member of the community. I represent a
1242 similar young family trying to stay in the neighborhood, and

1243 really support the work that they need to do to enable
1244 themselves to grow into the home, to stay in the home, and
1245 to be part of the community.

1246 I think it's critical to make space for young
1247 families, and I strongly encourage you guys to allow them
1248 the space to stay.

1249 CONSTANTINE ALEXANDER: Thank you. Anyone wishes
1250 to be heard? Sir?

1251 SEAN HENRY: Sean Henry, H-e-n-r-y, 145 Elm
1252 Street. I raised my kids in Cambridge in a 1200 square foot
1253 place, ultimately had to upgrade. Very supportive of people
1254 who are raising their kids in Cambridge, and having to make
1255 their dwellings be larger in order to do so. I've looked at
1256 the designs, I like them, I would support the project.

1257 CONSTANTINE ALEXANDER: Good. Thank you for
1258 taking the time to come down.

1259 PRILO SALAMANCA: I have a question.

1260 CONSTANTINE ALEXANDER: Wait, wait, wait, come
1261 forward.

1262 PRILO SALAMANCA: Are the comments open only to
1263 abutters and people who live in the neighborhood?

1264 CONSTANTINE ALEXANDER: No, everybody who's here

1265 tonight.

1266 PRILO SALAMANCA: Because I could have brought --
1267 we could have brought a lot of people who know about our
1268 case and --

1269 CONSTANTINE ALEXANDER: You could have, but you
1270 didn't, so --

1271 PRILO SALAMANCA: The rules weren't clear to us.
1272 We just brought -- we just ran through; we spoke to abutters
1273 and people who were going to be directly affected. So I
1274 just have -- I just want to make that known.

1275 CONSTANTINE ALEXANDER: Okay.

1276 PRILO SALAMANCA: Otherwise, we could have brought
1277 an army of people.

1278 CONSTANTINE ALEXANDER: Okay.

1279 MARTA OSTOVARI: My name is Marta Ostovari, O-s-t-
1280 o-v-a-r-i, 128 Hamilton Street. I'm just here, we are
1281 living around the corner from Roy and Caroline.

1282 Again, as a family I'm echoing the rest of the
1283 community's message that we like to keep, you know, small
1284 families with small kids in the same neighborhood.

1285 And one thing I do respect the neighbors who are

1286 going to see this development going up in front of their
1287 house. But at the same time, we can have developers come
1288 and do something that, you know, is not totally something
1289 that you like, and they can totally change the plan and --
1290 but at least they have taken the time to include the whole
1291 community about what they are doing.

1292 And I hope we consider to let them stay and raise
1293 their family.

1294 CONSTANTINE ALEXANDER: Thank you.

1295 CHRIS PINKHAM: My name is Chris Pinkham, P-i-n-k-
1296 h-a-m. I'm actually Marta's husband, and supporter of Roy
1297 and Caroline. And just speaking from -- sort of echoing my
1298 wife's comment about supporting families trying to stay in
1299 this neighborhood, I can speak to us.

1300 We've been trying to stay here for the last two
1301 years, living in a tiny little house and trying to figure
1302 out how to expand that or buy something new, and it really
1303 is a struggle now.

1304 And so I just back them wholeheartedly in
1305 utilizing that space that they have. It's tough. Thank
1306 you.

1307 CONSTANTINE ALEXANDER: Thank you.

1308 MINKA VANBEUZEKOM: My name is Minka vanBeuzekom
1309 and I'll spell that for you v-a-m-B-e-u-z-e-k-o-m as I
1310 money I guess, I don't know -- Mary. So I was a Cambridge
1311 City Councillor, and I dealt with and met with a lot of
1312 people who wanted to stay and couldn't. Not only were they
1313 forced out because of the prices, but they were forced out
1314 because it's so hard to find a family-sized house.

1315 And I did help Roy and Caroline find this house.
1316 It's on a large lot. As you pointed out, it meets -- it
1317 doesn't really violate a lot of the zoning for that area.
1318 It has some interesting features, because it's on a corner,
1319 because the lot is so big.

1320 So I've actually been very impressed that they've
1321 managed to make the plans so that they keep the yard, they
1322 keep the view of this sweet little mansard from the street
1323 and from the Allston side. Unfortunately, as has been
1324 pointed out, the view from 99 Allston I think is the one
1325 that looks a little out of scale.

1326 But as you look at their house next to the design

1327 of 336 Brookline Street, they're right about the same
1328 height, they feel like the same mass. So it doesn't really
1329 -- aside from the aesthetics of it, it doesn't -- it's not
1330 out of scale to that part of Cambridgeport.

1331 I also want to point out that this is the kind of
1332 house that's perfect for multigenerational living and two
1333 little kids. Who knows if they'll have more, but it's
1334 always nice to have grandparents be able to stay there in
1335 the house as it is, just as long as you can have two above.

1336 And let me see, what was my other point? Let's
1337 see.

1338 I guess the real point is about the families. And
1339 we need to accommodate people who want to have their kids
1340 here. You know, we know how it's just so difficult to
1341 raise kids in Cambridge. And we want them to stay, right?

1342 CONSTANTINE ALEXANDER: Thank you.

1343 MINKA VANBEUZEKOM: Thank you.

1344 CONSTANTINE ALEXANDER: Anyone else? Sir?

1345 JOHN WALSH: Hi. My name is John Walsh. I live
1346 at 239 Brookline Street. My family has owned that property
1347 for 57 years, and there have been a lot of people who have

1348 come and gone at 238 Brookline Street, and Roy and Caroline
1349 and their two children are the best neighbors we've ever
1350 had. That's all I want to say. Thank you very much.

1351 CONSTANTINE ALEXANDER: Anyone else? I guess not.
1352 Okay. So I'll close public testimony. There's no further
1353 commentary in our file other than the letter I read earlier
1354 about the request to postpone the hearings, which we have
1355 not acceded to.

1356 ROY HODGMAN: There should have been a letter from
1357 Newark -- what was the last name? She sent it before the
1358 previous meeting in January. And it's going to be
1359 forwarded to the file.

1360 CONSTANTINE ALEXANDER: We have a letter from Ruth
1361 Carretta?

1362 ROY HODGMAN: No --

1363 CONSTANTINE ALEXANDER: Oh, okay. I'm sorry. Go
1364 right ahead. I apologize.

1365 ROY HODGMAN: I'm blanking on her last name right
1366 now.

1367 CONSTANTINE ALEXANDER: But anyway, if it's in the

1368 file, we've read it, or you should assume that we've read
1369 it.

1370 ROY HODGMAN: Okay.

1371 CONSTANTINE ALEXANDER: Any final comments before
1372 I close public testimony and we go to break?

1373 THOMAS ROSE: I mean, I could probably argue some
1374 of the points that were made, but one could be exhausted.
1375 You know, this was an opportunity to reexamine the whole
1376 design. I think we looked at it as a two-story scheme, we
1377 looked at it as a three-story scheme.

1378 We all felt strongly that the three-story scheme,
1379 even though it was denser and a little higher, gave the most
1380 openness to the land. And we felt it was the best
1381 solution.

1382 So it kind of reinforced.

1383 CONSTANTINE ALEXANDER: It seems to me -- and it's
1384 just my personal observation -- it's a conflict between the
1385 space you want, that you think you need, and the aesthetics
1386 of a three-story structure looming behind this nice, small,
1387 unfortunately , house that you now have. And I've said

1388 before, aesthetics are not a valid zoning consideration --
1389 rightly or wrongly --

1390 THOMAS ROSE: Okay.

1391 CONSTANTINE ALEXANDER: -- it's just not part of
1392 our job. Okay. Is that it?

1393 ROY HODGMAN: I guess I'll just point out in
1394 trying to talk to our neighbors, we -- for the people that
1395 did support our project, I have two letters of --

1396 CONSTANTINE ALEXANDER: It's clear. Sir, that's
1397 all right, you can give it to them and put it in the file,
1398 but I think it's clear that this is -- the purpose of the
1399 neighborhood is somewhat controversial; those in favor,
1400 those who are against.

1401 ROY HODGMAN: Right.

1402 CONSTANTINE ALEXANDER: And I think the reasons
1403 why people are against are clear, and I think the support
1404 basically to allow a young family like yours to have enough
1405 living space to stay in the neighborhood. That's I think
1406 the pros and the cons of the case from a not technical
1407 zoning point of view.

1408 Okay, I'll close now public testimony. Discussion

1409 from members of the Board? I'll offer the observation I
1410 made before, is that what to me is -- I'm going to vote in
1411 favor. And it's because I think it is a large structure, I
1412 mean, but it's something you could do as a matter of right
1413 if you started from the beginning.

1414 How can we say now not to allow you to do
1415 something that if you could tear it down and build this
1416 place and you'd have no zoning problems, but we're going to
1417 turn you down because you didn't tear it down and build it
1418 up?

1419 So -- and I -- the arguments are heartfelt on both
1420 sides, by the way. Again, I'll be frank, I'm very
1421 sympathetic on the aesthetics, to those who oppose. I
1422 think this is not the most desirable structure that I've
1423 ever seen for what you have right now. But you have space
1424 needs, so

1425 be it.

1426 Anyway, that's my view.

1427 BRENDAN SULLIVAN: I guess the thought that I

1428 would have is the existing house is a challenge to be able
1429 to do any kind of addition to, because of the mansard
1430 feature of it, other than redoing the whole thing.

1431 And the words of a former Board member ring in my
1432 head, is that these houses were great starter houses for
1433 young people and possibly one or two children. But then
1434 they tend to outgrow those houses and require larger
1435 quarters.

1436 So they take these starter houses, which actually
1437 supported families for years, but anyhow, and then they sort
1438 of add to it, to accommodate their needs. It no longer
1439 becomes a starter house. So there is a great need of
1440 starter houses. We are taking starter houses off -- they
1441 are a dying breed in the city.

1442 And so you say, "Well, okay, it's a starter house,
1443 and as your needs increase, you need more space." But in
1444 Cambridge, it's that great leap. There is no next step up.
1445 It's either you have to live within whatever you have, or
1446 you increase it dramatically. This is dramatic. The house
1447 is a challenge to be able to do it.

1448 Aesthetically, it looks odd to me. And I'm not

1449 sure if I'm qualified to make it any different.

1450 ROY HODGMAN: Right.

1451 BRENDAN SULLIVAN: And I'm sure you've had many
1452 alliterations of trying to make it look, you know, somewhat
1453 more pleasing. And I think maybe that's what the objection
1454 is.

1455 As far as the height of it is concerned, that is
1456 within the limit. If it were over the limit, then we could
1457 have -- we could weigh in much more heavily on it.

1458 ROY HODGMAN: Yeah.

1459 BRENDAN SULLIVAN: But it really, as the Chair
1460 says, really complies in almost every single aspect other
1461 than the fact that it exceeds the 25 percent; hence that
1462 triggers the variance -- hence being here tonight.

1463 So reluctantly, I would have to support it, only
1464 because denying it would be arbitrary, capricious, or
1465 whimsical.

1466 CONSTANTINE ALEXANDER: Thank you.

1467 BRENDAN SULLIVAN: That's my thought.

1468 CONSTANTINE ALEXANDER: Anybody else wish to speak

1469 on this matter, or we go for a vote? Ready? Looks like
1470 everybody's ready. Okay. The Chair moves that this Board
1471 make the following findings with regard to the variance
1472 being sought:

1473 That a literal enforcement of the provisions of
1474 the ordinance would involve a substantial hardship, such
1475 hardship being as that there was a -- this is a very,
1476 rather small residential structure, and there is a need for
1477 greater space for whoever occupies it, particularly the
1478 current occupants of the premises.

1479 The hardship is owing basically to the shape of
1480 the land and structure and the topography. This is a corner
1481 lot, and it is a nonconforming structure. So any further
1482 modifications of any significance requires the variance
1483 that's being sought.

1484 And that desirable relief may be granted without
1485 substantial detriment to the public good, or nullifying or
1486 substantially derogating from the intent and purpose of the
1487 ordinance. In this regard, as Brendan has noted, it would
1488 allow a family to continue to live in the structure that

1489 they've lived in for some time and to raise their family
1490 there.

1491 That there is -- this is not in that sense an
1492 unusual case for us. It's a heart-rendering case, in my
1493 opinion, but it's a typical case -- Cambridge case, given
1494 that -- as Brendan again has pointed out, the escalating
1495 prices for residential structures in Cambridge.

1496 And if we don't allow this relief, people are
1497 going to have to move out of their house. Well, it is a
1498 starter house for the next couple that moves in, but that's
1499 your yin and your yang.

1500 You want to force people out of the city, who are
1501 now living here and being substantial citizens? Or do you
1502 want to make sure there's an adequate supply of small
1503 houses that can be starter houses for new -- for people who
1504 come to Cambridge. And there's no simple answer to that,
1505 or any answer to that, as far as I can see.

1506 So on the basis of these findings, the Chair moves
1507 that we grant the plans. Here it is, yeah, here we go.
1508 Okay. So the Chair moves that we grant the variance being
1509 sought on the condition that the work proceeds in

1510 accordance with plans prepared by Thomas Rose, Architect,
1511 the first page of which has been initialed by the Chair.
1512 All those in favor, please say, "Aye."

1513 THE BOARD: Aye.

1514 [Brendan Sullivan, Jim Monteverde, Slater
1515 Anderson, Laura Wernick, Constantine Alexander vote YES.
1516 Andrea A. Hickey ABSTAINED.]

1517 CONSTANTINE ALEXANDER: Four (sic)?

1518 COLLECTIVE: Andrea's not here.

1519 CONSTANTINE ALEXANDER: That's right, four.

1520 Sufficient votes, variance has been granted. Thank you very
1521 much.

1522 ROY HODGMAN: Thank you.

1523 CONSTANTINE ALEXANDER: We'll take a brief recess.

1524 [BREAK]

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1538 (8:21 p.m.)

1539 Sitting Members: Constantine Alexander, Brendan Sullivan,

1540 Andrea A. Hickey, Jim Monteverde, Laura

1541 Wernick

1542 CONSTANTINE ALEXANDER: The Chair will now call

1543 Case Number 017164 -- 141 Prospect Street. Is there anyone

1544 here wishing to be heard on this matter?

1545 MATT SIMITIS: My name is Matt Simitis. I'm the

1546 architect for 23 Sacramento Street. This is Mia Hilton.

1547 THE REPORTER: Can you spell it for me, please?

1548 MATTHEW SIMITIS: Sorry, Matthew Simitis, S-I-M-

1549 IT-I-S. We are here petitioning the -- actually I should

1550 note by saying, or start by saying I noticed as we were

1551 waiting that the Notice of Public Hearing actually has some

1552 of the description a little inaccurate.

1553 What it says is, "a variance to replace existing
1554 dormer with new dormer in a slightly different location,
1555 with net decrease to FAR." But the actual application has
1556 it more accurately, and that is there is no net increase.

1557 CONSTANTINE ALEXANDER: No change in all?

1558 MATTHEW SIMITIS: Yeah, there's no decrease. It's
1559 an even swap. And then also a special permit to construct a
1560 window in the setback.

1561 CONSTANTINE ALEXANDER: Okay. The property and
1562 the structure are preexisting, nonconforming with respect to
1563 a few items, but most specifically the FAR, the floor area
1564 ratio, and the side setback -- the side setback probably is
1565 obvious, given the special permit.

1566 But the interesting thing is that the work is a
1567 renovation of the second floor and attic of the property --
1568 existing single family, and there is a dormer that will be
1569 removed, and a new dormer constructed.

1570 And so, in our initial thoughts on this, we were
1571 not going to run into issue with the dormer, the new dormer,
1572 because of that even swap.

1573 But we were informed that the mathematics of it

1574 are such that when the dormer is removed in demolition, it
1575 becomes a less nonconforming, and the construction of the
1576 new dormer after that is exacerbating the overage.

1577 So that is in some ways -- the real need for the
1578 dormer that is being removed is a shed dormer, no windows,
1579 and slightly further to the rear of the property than the
1580 new dormer on the same side that will have two windows.

1581 CONSTANTINE ALEXANDER: The reason behind the new
1582 dormer is the old dormer creates safety issues, it uses
1583 stairs to go to the third floor?

1584 MATTHEW SIMITIS: Good point, not exactly. The
1585 dormer itself isn't really relevant for -- in terms of a
1586 stair. But what is happening as part of the project is a
1587 spiral stair internal to the house, or away from the
1588 exterior walls as being removed.

1589 And a new stair is being added under this new
1590 dormer to allow for better access to the attic and make it a
1591 more functional space. So there is, we think, a hardship
1592 there.

1593 CONSTANTINE ALEXANDER: Okay.

1594 MATTHEW SIMITIS: And then that's just -- I don't

1595 know -- that's the description of the new dormer. And then
1596 there's also, on another portion of the floor, that second
1597 floor, excuse me -- that's part of the reconfiguration of
1598 the floor -- sorry the space planning of the second floor.

1599 There is a new bathroom with a window that we're
1600 hoping to consider above a bay window on the first floor.

1601 CONSTANTINE ALEXANDER: Thank you. Questions from
1602 members of the Board? I'll open the matter up to public
1603 testimony. Is there anyone here wishing to be heard on
1604 this matter? Apparently not. I don't even think we have
1605 any letters in our file. We don't. So I will close public
1606 testimony. Any final comments you want to make? Ready for
1607 a vote?

1608 COLLECTIVE: Yeah.

1609 CONSTANTINE ALEXANDER: The Chair moves that we
1610 make the following findings -- we're going to deal with the
1611 variance first, and then we'll go to the special permit --
1612 the following findings with regard to the relief being
1613 sought:

1614 That a literal enforcement of the provisions of

1615 the ordinance would involve a substantial hardship, such
1616 hardship is not specific to the petitioner here, but
1617 whoever would occupy the structure, and it relates to the
1618 fact this is a nonconforming structure that needs
1619 improvement in terms of the stairway to the third floor, as
1620 proposed by relocating the dormer.

1621 That the hardship is owing to the fact that this
1622 is an older structure, nonconforming, and therefore any
1623 relief -- any modification of the structure -- virtually
1624 any modification -- would require zoning relief.

1625 And that desirable relief may be granted without
1626 substantial detriment to the public good, or nullifying or
1627 substantially derogating from the intent and purpose of the
1628 ordinance.

1629 In this regard, the result of the relief being
1630 sought would be to improve the housing stock in the city,
1631 and it has no neighborhood objection if, as evidenced by
1632 the fact that no one has taken the time to comment on this
1633 case.

1634 So on the basis of all of these findings, the
1635 Chair moves that we grant the variance being requested on

1636 the condition that the work proceeds in accordance with
1637 plans prepared by Curl, C-u-r-l Simitis? Simitis?

1638 MATTHEW SIMITIS: Simitis.

1639 CONSTANTINE ALEXANDER: Simitis. And the first
1640 page of which has been initialed by the Chair. Now again,
1641 I'm not sure you've been before us before, but any -- if
1642 you modify these plans or propose to modify them, after
1643 tonight should we grant the relief, you'll have to come
1644 back. So these are the final ones.

1645 All those in favor, please say, "Aye."

1646 THE BOARD: Aye.

1647 [All vote YES]

1648 CONSTANTINE ALEXANDER: Five in favor, relief on
1649 the variance. Turning to the special permit, this is
1650 regarding the new window, which is going to be located in a
1651 setback, and therefore under our ordinance or the
1652 interpretation of our ordinance requires a special permit,
1653 and let me just get to the -- okay. The Chair moves that
1654 we make the following findings with regard to the special
1655 permit being sought:

1656 That the requirements of the ordinance cannot be

1657 met unless we grant you the special permit with regard to
1658 this window.

1659 That traffic generated or patterns in access or
1660 egress resulting from what you're proposing with the window
1661 will not cause congestion, hazard, or substantial change in
1662 established neighborhood character.

1663 In this regard, the Chair would note that the
1664 modification by the addition of the window is very modest in
1665 nature. It seems to raise no substantial change in
1666 established neighborhood character because of the modesty
1667 of what is proposed.

1668 That the continued operation of or development of
1669 adjacent uses, as permitted in the ordinance, will not be
1670 adversely affected by what is being proposed use. And
1671 again, that would return to the lack of any neighborhood or
1672 abutter opposition, and the fact that the modification to
1673 the structure is rather modest in nature.

1674 No nuisance or hazard will be created to the
1675 detriment of the health, safety and/or welfare of the
1676 occupant of the structure, or the proposed use, or the
1677 citizens of the city.

1678 And that generally, what is being proposed will
1679 not impair the integrity of the district or adjoining
1680 district, or otherwise derogate from the intent and purpose
1681 of this ordinance.

1682 So on the basis of all of these findings, the
1683 Chair moves that we grant the special permit requested --
1684 again on the condition that the work proceed in accordance
1685 with the plans referred to with regard to the variance you
1686 just granted.

1687 All those in favor, please say, "Aye." THE

1688 BOARD: Aye.

1689 [All 5 vote YES]

1690 CONSTANTINE ALEXANDER: Five in favor, relief
1691 granted. Good luck.

1692 COLLECTIVE: Thank you.

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1713 (8:31 p.m.)

1714 Sitting Members: Constantine Alexander, Brendan Sullivan,

1715 Andrea A. Hickey, Jim Monteverde, Laura

1716 Wernick

1717 CONSTANTINE ALEXANDER: The Chair will now call

1718 Case Number 017251 -- 21 Howard Street. Anyone here wish to

1719 be heard on this matter?

1720 JAMES RAFFERTY: Good evening, Mr. Chairman and
1721 members of the Board.

1722 CONSTANTINE ALEXANDER: Good evening.

1723 JAMES RAFFERTY: For the record, my name is James
1724 Rafferty. I'm an attorney with offices located at 907
1725 Massachusetts Avenue. I'm appearing this evening on behalf
1726 of the applicant, 21 Howard Street LLC.

1727 To my right is Kevin Aruda, A-r-u-d-a. Mr. Aruda
1728 is a Principal in the LLC ownership entity.

1729 This is a somewhat unique case involving what was
1730 constructed and used for decades as three-family dwelling.
1731 In 1982, the property was granted a variance. One member
1732 of this current Board sat on that case.

1733 CONSTANTINE ALEXANDER: It wasn't me.

1734 JAMES RAFFERTY: But at any rate, the Board voted
1735 at that time to grant the variance to allow for the
1736 conversion of the first floor of the dwelling unit into a
1737 beauty shop, it was called.

1738 So Mr. Aruda purchased the property approximately

1739 10 months ago, believing it to be a three-family dwelling.
1740 He reviewed the property, and the first-floor dwelling unit
1741 had a bedroom and a kitchen.

1742 He obtained a building permit to do a complete
1743 renovation on the property, including all new utilities, his
1744 kind of a before and after picture -- all new utilities,
1745 including a sprinkler system and everything else.

1746 And as sometimes occurs when Mr. Aruda went to get
1747 his certificate of occupancy completing the job, he was
1748 informed by the Inspectional Services Department that it
1749 was only allowed as a two-unit dwelling because of the
1750 existence of the variance.

1751 So what we're asking for tonight is a hardship
1752 based on the fact that it is and has been, was constructed
1753 as a three-unit dwelling.

1754 It appears it had not been used as a beauty shop
1755 for quite some time, and the most logical use of this
1756 firstfloor dwelling unit is as a dwelling unit. It was not
1757 work that was done without authority. He relied upon the
1758 building permit he had. So the hardship is generally related
1759 to the structure itself.

1760 The relief is associated with the fact that the
1761 lot area per dwelling unit here would be exceeded if -- but
1762 that's a preexisting condition, and probably affect nearly
1763 every house on Howard Street, so there's nothing
1764 particularly unique.

1765 The parking at the property accommodates two motor
1766 vehicles, so the application also notes the fact that
1767 there's relief being sought for the parking space that
1768 would be required for a third dwelling unit.

1769 That's essentially the case. We have some photos
1770 of the interior renovations if the Board is interested. But
1771 suffice it to say --

1772 CONSTANTINE ALEXANDER: Just to capitulate,
1773 exactly what is the relief you're seeking? Parking you've
1774 identified.

1775 JAMES RAFFERTY: Right. It's a variance to allow
1776 for three units on a lot where the lot area per dwelling
1777 unit would only allow for -- the preexisting condition
1778 allows for two units. So that's -- there's no change in

1779 GFA. There's no dimensional -- other dimensional change.
1780 There was no exterior alterations made to the property. It
1781 was entirely an interior renovation.

1782 But the grandfathered, preexisting three-dwelling
1783 units ceased in 1982 when the variance was issued. So it no
1784 longer served as a dwelling unit at the time of that
1785 variance.

1786 So the way I worded the application is the
1787 applicant would surrender the rights in the variance. These
1788 are going to -- the first two have been sold as
1789 condominiums. This is a condominium under agreement to be
1790 sold, subject to the resolution of this issue.

1791 So I thought it would be helpful to note that as a
1792 condition of this variance, not that a condo unit owner is
1793 likely to want to operate a beauty parlor in this unit --
1794 that that variance goes away, and it simply restores the
1795 property to its long-standing and historical uses.

1796 CONSTANTINE ALEXANDER: I think that's the key
1797 issue. I mean, the fact of the matter: This was built as a
1798 residential structure. It's in a residentially zoned
1799 district, and the fact that the interim use of this for a

1800 beauty salon should not affect the fact that it's going
1801 back to what the zoning would expect in this area; i.e.,
1802 another residential use.

1803 JAMES RAFFERTY: Yeah. At the time of the
1804 conversion, it was a preexisting three-family, and the
1805 variance created an interruption.

1806 Although it appears that both from the Assessor's
1807 bill, the records, as well as personal observation, that
1808 there was a dwelling unit on this first floor for
1809 something, notwithstanding the existence of the variance
1810 for the beauty parlor. I think the beauty parlor had not
1811 operated for quite some time at that location.

1812 BRENDAN SULLIVAN: I remember the case well.
1813 During the title search, would that not have been picked up,
1814 or how was it overlooked?

1815 ANDREA HICKEY: No, it wouldn't be in a title
1816 search typically.

1817 CONSTANTINE ALEXANDER: No.

1818 BRENDAN SULLIVAN: It's not attached to down Ridge
1819 Street either?

1820 ANDREA HICKEY: No. So if there was a zoning

1821 decision that had to be recorded, that would presumably turn
1822 up in a title search. But --

1823 JAMES RAFFERTY: Well, to Mr. Sullivan's point,
1824 there was a zoning decision --

1825 ANDREA HICKEY: Yeah.

1826 JAMES RAFFERTY: -- but it appears, and I didn't
1827 represent at the time of purchase, it pretty --

1828 BRENDAN SULLIVAN: You weren't even born then.

1829 JAMES RAFFERTY: -- 1982 I was struggling through
1830 Boston College high school. So it is the case though that
1831 -- and Ms. Hickey will know this -- the recording
1832 requirement for zoning decisions probably kicked in at some
1833 point in the '90s.

1834 ANDREA HICKEY: I agree with that generally. I
1835 couldn't say exactly when. So there's not necessarily for
1836 something this old, something that would turn up in a title
1837 search.

1838 JAMES RAFFERTY: Right, yeah.

1839 ANDREA HICKEY: And to Counsel's point, the
1840 Assessor's Records show this residential. There's no sort
1841 of hint from the Assessor's Records. Not that that's
1842 controlling in any way, but the view of the public record in

1843 terms of assessing suggests this is residential. There's
1844 sort of nothing that I see that would show it as commercial.

1845 And --

1846 JAMES RAFFERTY: It's interesting, because the
1847 little bit of the record I reviewed shows that this was not
1848 widely supported in the neighborhood at the time.

1849 Councilor Graham sent correspondence opposing it, and some
1850 other neighbors spoke against it.

1851 But the owner's hardship was that they have been
1852 trying to sell the property for several years for \$30,000 --
1853 the princely sum of \$30,000, and they were unable to do it.

1854 So this particular owner was willing to pay that
1855 high price, but she wanted to relocate her beauty parlor,
1856 which was an ongoing business in the neighborhood, onto a
1857 ground floor. So that was deemed to be an adequate
1858 hardship. We call those the good old days. Attorney
1859 Gordon represented the applicant.

1860 ANDREA HICKEY: I'm sure he did a wonderful job.

1861 CONSTANTINE ALEXANDER: Questions from members of
1862 the Board? I'll open the matter up to -- I'm sorry?

1863 ANDREA HICKEY: No --

1864 CONSTANTINE ALEXANDER: I'll open the matter up to
1865 public testimony. Anyone here wishing to be heard on this
1866 matter? No one wishes to be heard? I don't think there's
1867 any correspondence in the file, so I'll close public
1868 testimony.

1869 Ready for a vote? Okay, the Chair moves that we
1870 make the following findings with regard to the variances
1871 being sought:

1872 That a literal enforcement of the provisions of
1873 the ordinance would involve a substantial hardship, such
1874 hardship being that the -- and it will run with the
1875 property -- is that what was once and originally intended
1876 to be a three-family residential structure would now only
1877 be twofamily.

1878 And Lisa Benson demonstrated that the business
1879 use, as permitted by the earlier variance, would not succeed
1880 in this structure, what would be the nature of the
1881 structure and the nature of the business use that would be
1882 devoted that the formerly dwelling unit, I guess it's on
1883 the first floor.

1884 JAMES RAFFERTY: It is.

1885 CONSTANTINE ALEXANDER: That the hardship is owing
1886 to the fact this was -- again, a nonconforming structure
1887 originally. It had a vocation, it became potentially a
1888 business use, that' being abandoned. It hadn't succeeded
1889 and then what is happening, but in general the structure is
1890 returning to prior, intended use -- namely three dwelling
1891 units.

1892 And that relief may be granted without substantial
1893 detriment to the public good, or nullifying or substantially
1894 derogating from the intent and purpose of the ordinance.

1895 And again, I think this verdict touches on these
1896 points. We're talking about restoring to the residential
1897 housing stock of the city a property that had suffered an
1898 ill-fated use for business purposes.

1899 So on the basis of all of these findings, the
1900 Chair moves that we grant the variance requested on the
1901 condition that the work is consistent with the plans, one
1902 page of plans, that's been initialed by the Chair. Yeah.
1903 All those in favor, please say, "Aye."

1904 THE BOARD: Aye.

1905 [All vote YES]

1906 CONSTANTINE ALEXANDER: Five in favor, relief
1907 granted.

1908 JAMES RAFFERTY: Thank you very much.

1909
1910 * * * * *

1911 (8:42 p.m.)

1912 Sitting Members: Constantine Alexander, Brendan Sullivan,
1913 Andrea A. Hickey, Jim Monteverde, Laura
1914 Wernick

1915 CONSTANTINE ALEXANDER: The Chair will now call
1916 Case Number 017255 -- 26 Lee Street. Anyone here wishing to
1917 be heard on this matter?

1918 IRENE GOODMAN: Do you have these plans, or would
1919 you like to see them?

1920 CONSTANTINE ALEXANDER: Go ahead.

1921 IRENE GOODMAN: Hello. My name is Irene Goodman,
1922 I-r-e-n-e G-o-o-d-m-a-n, the owner of 26 Lee Street. I
1923 have lived at 26 Lee Street for 40 years. It was back in
1924 1979, turned from a rooming house into three condominiums,
1925 when three condominiums were first coming into Cambridge.

1926 And I purchased the second for a condo, and then
1927 over the years purchased the other two condos, and it was
1928 legally converted. So it had to be a three-family, and
1929 then it was converted into a single-family, back to a
1930 singlefamily house back in 2001, 2002, okay.

1931 The relief that we are seeking is to build a
1932 convenient stair outside in the --

1933 CONSTANTINE ALEXANDER: I'm sorry, what kind of
1934 stair?

1935 IRENE GOODMAN: Convenience stair. Outside in the
1936 back yard. We've got the drawings; you can see that. The
1937 hardship is considered because back about 30 years ago,
1938 there were decks built -- short, small decks built on the
1939 second floor, and also, on the third floor by then owners,
1940 and because a variance was required then, that's why a
1941 variance is required now.

1942 We were told by the person at the City Hall that
1943 actually otherwise it would not. But the proposed spiral
1944 convenience stairs would connect the existing first, second
1945 and third floor decks.

1946 And, as I said, the second and third floor decks
1947 required a variance when they were originally constructed.

1948 So the new stairs and existing decks are within
1949 the right side-yard setback, as required by the Table of
1950 Dimensional Requirements.

1951 In order -- it is nonconforming. In order to be
1952 conforming, we'd have to slice our house from the other four
1953 row houses that connect us, and move it -- I guess 15 feet,
1954 which is -- just --

1955 CONSTANTINE ALEXANDER: The only thing that
1956 troubles me is the word, "convenience."

1957 IRENE GOODMAN: Oh, "convenience"?

1958 CONSTANTINE ALEXANDER: "Convenience."

1959 IRENE GOODMAN: Because that is the term that the
1960 architect, who I should say, James VanSickle, had hoped to
1961 be here, but because of the virus --

1962 CONSTANTINE ALEXANDER: But the fact of the matter
1963 is there is access to the street on the third floor and the
1964 second floor?

1965 IRENE GOODMAN: Yes, there is.

1966 CONSTANTINE ALEXANDER: So I mean usually -- not
1967 usually, you do need a substantial hardship.

1968 ANDREA HICKEY: Why do you need these stairs?

1969 CONSTANTINE ALEXANDER: Yeah.

1970 IRENE GOODMAN: Okay. So I own a business and I
1971 downsized it dramatically, and I am now working at home, and
1972 my employees are for the most part working remotely from
1973 home, so that's one reason. And wanting to have meetings -
1974 - just have them go over and not go through the house.

1975 Because the third floor is connected to the other
1976 two floors. It's not separate, it's not a separate
1977 apartment, okay?

1978 And also, my daughter and future son-in-law would
1979 love to be, you know, living back in Cambridge, and having
1980 access -- like, if I were to move to the third floor living
1981 area, they could have the first two floors, and it would
1982 just be a convenience not to have to --

1983 CONSTANTINE ALEXANDER: But the trouble is the
1984 zoning --

1985 IRENE GOODMAN: -- be in each other's --

1986 CONSTANTINE ALEXANDER: The zoning requires a
1987 substantial hardship --

1988 IRENE GOODMAN: Right, so the hardship --

1989 CONSTANTINE ALEXANDER: Not a substantial
1990 convenience.

1991 IRENE GOODMAN: Well, but the hardship is that in
1992 order to have these stairs, the house would have to be --
1993 the house would have to --

1994 CONSTANTINE ALEXANDER: No, you just don't have
1995 the stairs at all, period.

1996 IRENE GOODMAN: All right, so --

1997 CONSTANTINE ALEXANDER: That's how the building --
1998 when you put the deck on the second and third floor, that's
1999 how the use is being used.

2000 IRENE GOODMAN: Okay. So the way it is now,
2001 though, there is no way to get from the third floor outside
2002 without going down the center stairs. Now, suppose there
2003 was a fire and came up the stairs.

2004 Third floor -- you know, where my daughter, that
2005 was where she was -- you know, that was her space -- and my
2006 space right now, where I'm working is -- I'm using it as a
2007 home office.

2008 CONSTANTINE ALEXANDER: There are many, many three
2009 deckers in Cambridge.

2010 IRENE GOODMAN: Right, right.

2011 CONSTANTINE ALEXANDER: And people live with the
2012 fact that if you're on the third floor and you want to --
2013 and something happens, you want to get down on the ground,
2014 you have to use a central staircase, right? It's an
2015 internal staircase.

2016 IRENE GOODMAN: Right.

2017 CONSTANTINE ALEXANDER: You want something
2018 different. You're talking about putting a spiral staircase
2019 --

2020 IRENE GOODMAN: Right, because.

2021 CONSTANTINE ALEXANDER: Which is not the most
2022 practical piece of architecture around.

2023 ANDREA HICKEY: And not the safest if you're
2024 trying to escape a fire.

2025 CONSTANTINE ALEXANDER: Right.

2026 ANDREA HICKEY: That was the only --

2027 IRENE GOODMAN: Well, okay. So the idea was that
2028 the stairs would be -- take up less of a footprint, not be
2029 clumpy like wood stairs. And I've been assured that these
2030 are -- you know, that these are rated as being safe. So I
2031 -- you know, we've worked with an architect.

2032 Now, this I did let my neighbors know that this

2033 was the plan, and got -- you know, to get feedback, I have
2034 had letters of support from several neighbors, and know
2035 that my neighbors from 24 are here with concerns.

2036 CONSTANTINE ALEXANDER: Do you have them, we have
2037 to put them in the file?

2038 IRENE GOODMAN: Yes.

2039 CONSTANTINE ALEXANDER: I don't believe we have
2040 copies.

2041 ANDREA HICKEY: Yes.

2042 IRENE GOODMAN: And these are people who can see
2043 the back yard. It would not effect substantial --. So the
2044 whole thing about -- yeah, going down that central
2045 staircase, I mean for years I've thought I'd feel better if
2046 there were a second means of egress from the second, from
2047 the third floor. And that's part of -- that was part of
2048 the reason for a long time.

2049 Now, with people coming, you know, occasionally,
2050 and as I said, I would love to be able to have the space for
2051 my daughter and son-in-law and a growing family, and me
2052 helping with their core living space, and that would -- so
2053 yes, in that case it is a convenience.

2054 But when this was proposed, as, you know,
2055 supporting statement for the variance, it was that the
2056 hardship was that we couldn't actually move the house.

2057 JEREMY IDEREL: May I say something?

2058 IRENE GOODMAN: Yeah.

2059 JERRY IDERELL: My name is Jerry Iredell -- I-r-e-
2060 d-e-l-l. I'm a contractor. When we look at building
2061 standard stairs, not using circular stairs --

2062 CONSTANTINE ALEXANDER: Right.

2063 JERRY IREDELL: And they take up so much of the
2064 footprint, it would take a lot of space away from Irene's
2065 gardens, and also be, in my estimation, an eyesore.

2066 There are a couple of other properties up closer
2067 to Mass Ave that have -- that we looked at when we were
2068 considering building this -- and they are just -- you can
2069 see them from the street, they are not attractive, and
2070 they're huge, they're massive, to be able to make the turn
2071 up the street.

2072 I actually think they're -- you made mention that
2073 they're not that attractive. I think they're nice. They'd
2074 be galvanized steel as well so they wouldn't rust. Irene's

2075 gone to the expense of making sure that they would continue
2076 to look nice, you know, relative to rusting and having
2077 paint chip and so forth.

2078 IRENE GOODMAN: And there would be open treads,
2079 which are much safer than closed threads --

2080 ANDREA HICKEY: And they're spiked.

2081 IRENE GOODMAN: -- in terms of if there was rain
2082 or snow, anything like that. Yeah, the original houses, the
2083 original rowhouses had two sets of stairs.

2084 ANDREA HICKEY: Which you can see.

2085 IRENE GOODMAN: Now, I know that at least a few of
2086 them didn't, but this -- our house also did. You can see in
2087 the basement, but there are no -- you know, there's no
2088 second set of stairs.

2089 JERRY IREDELLL: Should we show them the pictures?

2090 IRENE GOODMAN: Yeah. I mean --

2091 JERRY IREDELLL: So this -- the plan shows that
2092 this deck would be extended, and the stairs would be right
2093 here. So they would be right here, and they'd go up here,
2094 as you can see in the plans.

2095 We already have -- Irene already has some trellis

2096 here, so that the neighbors who are here are going to speak,
2097 I would assume, won't be able to see the stairs from here
2098 and that it can also be done up on the third floor again.

2099 The railings were removed from the third floor
2100 because they had been rotted. And for safety they have been
2101 removed, and would be brought up with this project of
2102 putting in the stairs.

2103 And, you know, one of my concerns as well is not
2104 having the egress. I'm -- one of my big things with my
2105 company is safety.

2106 And when I walk into a client's home, I look at
2107 smoke detectors, I look at all that stuff. And my concern
2108 which I raised with Irene, is that if there was ever a fire
2109 in a stairwell, you could not get out of the third floor or
2110 the second floor.

2111 The second floor you can jump, but on the third
2112 floor, you could not get out. And you're not going to jump.
2113 You know, you could jump from the third floor down to the
2114 second floor, but, you know, you're still going to break
2115 something.

2116 But for me it's an egress as well. And I don't

2117 particularly like the word, "convenience" because I think
2118 it's a necessary thing to be able to get out of a house in
2119 an emergency.

2120 CONSTANTINE ALEXANDER: Thank you.

2121 JERRY IREDELL: You're welcome.

2122 IRENE GOODMAN: I think there was expressed
2123 concern about whether you're doing this to turn it into an
2124 Airbnb or something like that, and I have no plans to do
2125 that, absolutely not.

2126 This is -- it's been a single-family house. I've
2127 lived there for 40 years. My daughter grew up in Cambridge.
2128 She'd love to return to Cambridge with her future husband,
2129 and, you know, just making it more flexible for us --
2130 safer, flexible and accessible.

2131 CONSTANTINE ALEXANDER: Okay, thank you.

2132 Questions from members of the Board at this point?

2133 BRENDAN SULLIVAN: The only saving grace in this
2134 -- well, when I first saw it, it brought back -- it occurred
2135 to me in that usually when we see these spiral staircases,
2136 it's because people are capturing in the interior stairway

2137 for interior space a la, you know, a larger, kitchen,
2138 bathroom, and then pushing the exit -- their exit --

2139 JERRY IREDELLL: Right.

2140 BRENDAN SULLIVAN: -- stairway to the outside, and
2141 so, all of a sudden it's like, "Oh my God, here we go
2142 again." The only saving grace is the letter from the
2143 midCambridge, which says that it's not viewed from the
2144 public way.

2145 JERRY IREDELLL: I'm --

2146 BRENDAN SULLIVAN: So, and -- you know, yes, the
2147 fact that it's a safety issue -- and I don't know how you
2148 solve that, that is stealth -- that it doesn't not look
2149 massive. Because obviously with the wooden one you've got
2150 all the crisscrossing going on and so on and so forth.

2151 JERRY IREDELLL: Yeah.

2152 BRENDAN SULLIVAN: I mean, there is one way of
2153 obviously getting out of the third floor which -- you know,
2154 I mean I have a house with third-floor bedrooms.

2155 JERRY IREDELLL: Right.

2156 BRENDAN SULLIVAN: And you go, you know, from here
2157 down to there and from here down --

2158 ANDREA HICKEY: Yes that's what --

2159 CONSTANTINE ALEXANDER: That's what this is --

2160 ANDREA HICKEY: -- the proposal is.

2161 BRENDAN SULLIVAN: Well, it's a bit different.

2162 ANDREA HICKEY: Oh, you were saying -- you're

2163 saying just straight set of stairs?

2164 BRENDAN SULLIVAN: Straight, yeah, right. So --

2165 IRENE GOODMAN: That would be --

2166 BRENDAN SULLIVAN: -- you know, you come outweigh

2167 a platform and then you come down with a ladder, basically.

2168 But that's a whole other issue.

2169 JERRY IREDELLL: Right.

2170 ANDREA HICKEY: Yeah. Those true sort of escape

2171 stairs, not convenience, useable, daily stairs.

2172 BRENDAN SULLIVAN: Two different --

2173 ANDREA HICKEY: Concepts.

2174 BRENDAN SULLIVAN: They have the same purpose of

2175 exit, but they function differently. Right. One has a

2176 single function, the other one has a dual function. The

2177 convenience has a dual function or whatever.

2178 But the fact that it's not viewed from a public

2179 way may be the only saving grace for me on that one. And I
2180 don't have a good alternative as far as getting out of the
2181 third floor, second floor without putting any massive
2182 structure --

2183 CONSTANTINE ALEXANDER: Right.

2184 BRENDAN SULLIVAN: Knowing that --

2185 ANDREA HICKEY: Unless you do the straightaway, as
2186 you could describe.

2187 BRENDAN SULLIVAN: Right.

2188 ANDREA HICKEY: I don't think that address the
2189 petitioner's sort of desire to really be able to use those
2190 stairs. I don't mean to put words in your mouth.

2191 BRENDAN SULLIVAN: It would not serve that dual
2192 purpose.

2193 ANDREA HICKEY: Correct. It would serve a safety
2194 purpose, but not a sort of regularly functional --

2195 IRENE GOODMAN: Yeah. And this is not taking away
2196 the house itself is there is no change in the square footage
2197 or anything like that. So --

2198 BRENDAN SULLIVAN: No, the interior space stays
2199 the same.

2200 IRENE GOODMAN: The interior space stays the same,

2201 yes, yeah. And Jerry said there would be privacy screens
2202 and you know need it; we would do more privacy screens.
2203 There was some concern about the foliage -- trees. We said
2204 that there would be absolutely no -- you know, no effect on
2205 that.

2206 And there was also concern about property values.
2207 I actually spoke with a couple of realtors, including one
2208 top Cambridge realtor who just said no, there's no way that
2209 they would see this as a negative impact on property values.

2210 In fact, she said that she actually thought that
2211 it would help increase the property value, because it would
2212 give anyone more flexibility for how they use their house.

2213 ANDREA HICKEY: Unless there's any validity to
2214 concerns that you'd be operating some kind of a business on
2215 a regular basis.

2216 IRENE GOODMAN: I -- my -- I am working from home,
2217 and I do not -- and people who are in my company, they are
2218 working, they come in, one of them once a week and for
2219 meetings. To other one comes a couple half days, and
2220 that's it. So -- and there's no more -- there's no more --

2221 there's no more foot traffic to, you know, to the house
2222 than there has been.

2223 ANDREA HICKEY: I think that's important to put
2224 into the records.

2225 IRENE GOODMAN: Okay, yes.

2226 ANDREA HICKEY: So thank you for clarifying that.

2227 IRENE GOODMAN: Okay, right. And then I think
2228 there's this sense of, you know, setting precedent where the
2229 other four, you know, houses could do the same, and this
2230 would change the complexion.

2231 And I feel like the precedence has already been
2232 set. I mean, if you go around Cambridge, there are so many
2233 -- including on our street, on Lee Street. There are
2234 staircases on the outside going from the yard to the third
2235 floor. It also can be seen by --

2236 CONSTANTINE ALEXANDER: And that --

2237 IRENE GOODMAN: And some of them can be seen,
2238 whereas ours would absolutely not be seen.

2239 CONSTANTINE ALEXANDER: Right. But Mr. Sullivan
2240 said that's an important -- to me an important --

2241 ANDREA HICKEY: To me, it's very important as
2242 well.

2243 COLLECTIVE: Yeah.

2244 IRENE GOODMAN: Yeah, and I did go to the
2245 Historical Commission at the very beginning and talked with
2246 them about this to find out, and we do have -- it's in this
2247 from the Neighborhood Conservation, which she said, "Oh,
2248 this is not a problem."

2249 CONSTANTINE ALEXANDER: Any other comments from
2250 the members of the Board? I'll open the matter up to public
2251 testimony. Anyone here wishes to be heard on this matter?

2252 DAVID FERREIRA: Hello, good evening.

2253 CONSTANTINE ALEXANDER: Good evening.

2254 DAVID FERREIRA: So I'm David Ferreira -- F-e-r-r-
2255 e-i-r-a.

2256 STEPHANIE FERREIRA: I'm Stephanie Ferreira --
2257 same spelling, F-e-r-r-e-i-r-a. We are at 24 Lee.

2258 DAVID FERREIRA: So we're the abutters, and it's
2259 tough being here tonight, because we've had a 14-year
2260 relationship with Irene, and we're trying to balance being
2261 good neighbors with usage.

2262 And frankly, the questions you started out with

2263 convenience and why these stairs are the same questions
2264 we've had.

2265 And what we've been trying to balance is
2266 convenience versus our hardship -- the noise, increase for
2267 traffic. We can see the decks.

2268 We bought pictures from our iPad. We can see the
2269 deck from our porch, from our first floor, our second floor,
2270 our third floor, our roof deck and our garden. So to say
2271 that the site lines are not impacted just isn't accurate.

2272 None of the residences in 5 have connecting back
2273 staircases on the second and third floor. None of them have
2274 external staircases up. We look at that and say, "We're
2275 going to see more people, whether that's the intention or
2276 not, it's going to be noisy, and we're going to have less
2277 privacy in our back yard."

2278 So short-term, we have concerns. The bigger issue
2279 is actually long-term. It's the usage long-term. Irene has
2280 said to us, "I have no intentions of renting it, that's not
2281 my intention." But what we had said to her is, "Well, what
2282 happens when you sell?" And her answer was, "Well, I can't
2283 control what the people who buy the house do next."

2284 And one of our concerns is we have five connected,
2285 single-family houses. This is the chance to keep the five
2286 single-family houses the way they are.

2287 As far as other houses in the neighborhood having
2288 exterior staircases, yes. There are single-family houses
2289 that have driveways on both sides. We're connected, we can
2290 hear the noise.

2291 As far as the fire egress --

2292 ANDREA HICKEY: Could I interrupt you for a second
2293 and ask you to move the mic --

2294 DAVID FERREIRA: Oh, sure.

2295 ANDREA HICKEY: -- very close. I'm not sure the
2296 folks in the back can hear.

2297 DAVID FERREIRA: As far as the fire egress, all of
2298 us are connected. So if we had a fire on our third floor,
2299 we would go up our staircase to the roof deck, and then go
2300 over and knock on the neighbor's door.

2301 So it's really -- when I saw the word,
2302 "convenience," like you I said, okay, "convenience" I don't
2303 -- we're still not sure we understand the reasons why such

2304 an elaborate staircase needs to be built. What did I leave
2305 out?

2306 STEPHANIE FERREIRA: Part of my concern is that if
2307 they can build an outside rear staircase, any one of the
2308 five connected rowhouses can also build a rear staircase
2309 going up to the third floor, which visually is unappealing,
2310 but it's also more that it's easier to make a rental
2311 apartment or a rental office out of that house.

2312 I would hate to see that happen across all five.
2313 We're all zoned single-family right now. Two of our
2314 neighbors have little kids, and all of the roofs are
2315 canceled.

2316 So if you give more access to the third floor from
2317 the outside, you're giving easier access to the roof, which
2318 is a security concern. One of our neighbors down on the
2319 end I guess didn't fit the radius to be invited tonight,
2320 but his first text was, "Well I better make sure I lock my
2321 portico."

2322 So if you kind of extrapolate out, I know she
2323 doesn't intent to do this, but in terms of precedent, I know
2324 she said she doesn't understand what our concern is.

2325 Our concern is if she's able to do this, other
2326 owners will be able to do this, and a future homeowner of
2327 that property could then use that for a third-floor rental
2328 for Airbnb, which would have easier access to the roof, and
2329 easier access to the other four homes.

2330 CONSTANTINE ALEXANDER: Thank you for taking the
2331 time to come down. Anyone else wishing to be heard on this
2332 matter? We are -- as the petitioner submitted to use, we
2333 have three letters.

2334 IRENE GOODMAN: May I?

2335 CONSTANTINE ALEXANDER: I'm sorry, Ma'am, you had
2336 the opportunity. I'll give you -- in a moment I'll give you
2337 the chance.

2338 IRENE GOODMAN: Okay. I just didn't know what the
2339 protocol was.

2340 CONSTANTINE ALEXANDER: We have a letter from
2341 Andrew -- as I said, in support -- Andrew Schulert, S-c-h-
2342 ul-e-r-t and Joy Lucas. Their address is 23 Lee Street. We
2343 have one from Irene Goodman.

2344 IRENE GOODMAN: No, no, Julie.

2345 CONSTANTINE ALEXANDER: I'm sorry, no, that's my

2346 mistake. From Juliette Kayyem, K-A-Y-Y-E-M, and a letter
2347 from -- or note from Molly Howard. As I said all in
2348 support. I'll open the -- are there any final remarks you
2349 want to make? But please keep them brief.

2350 IRENE GOODMAN: Yes, of course, of course. The
2351 whole idea of, you know, turning it into a rental unit, now
2352 I have absolutely no intention of doing that, I don't want
2353 to do that.

2354 CONSTANTINE ALEXANDER: But the point has been
2355 made, and you've acknowledged it. You're not going to be
2356 here forever and ever and ever.

2357 IRENE GOODMAN: No, but I'd like --

2358 CONSTANTINE ALEXANDER: And she's not going to be
2359 here forever and ever.

2360 IRENE GOODMAN: Well, that's true but --

2361 CONSTANTINE ALEXANDER: You can't do it on the
2362 basis that, "I have no intention" or, "My family has no
2363 intention --

2364 IRENE GOODMAN: Right.

2365 CONSTANTINE ALEXANDER: -- of making this into an
2366 Airbnb."

2367 IRENE GOODMAN: Was the ordinance change -- was
2368 there a new ordinance though, in -- my architect said --
2369 CONSTANTINE ALEXANDER: You have to register it as
2370 a whole set of rules.
2371 IRENE GOODMAN: Right. But the City of Cambridge
2372 says we don't have enough housing, and therefore
2373 singlefamily houses, including in the mid-Cambridge
2374 district are
2375 --
2376 CONSTANTINE ALEXANDER: I don't want to get into
2377 the policy of --
2378 IRENE GOODMAN: But I'm just saying that that's
2379 not -- you know --
2380 CONSTANTINE ALEXANDER: Anything else you want to
2381 add --
2382 IRENE GOODMAN: -- the city's --
2383 CONSTANTINE ALEXANDER: -- if you haven't --
2384 IRENE GOODMAN: I mean noise, you know, just the
2385 noise. We're talking about the same, you know, few people
2386 coming and going, and if we're talking about noise, we can
2387 hear our neighbors through the wall. You know, so it's --
2388 It works both ways.
2389 CONSTANTINE ALEXANDER: Thank you.

2390 IRENE GOODMAN: Anyway, that's all I have.

2391 JERRY IREDELLL: I'd just like to make a comment
2392 about their talking about having access to the roof. The
2393 stairway would go up to the third floor, not up to the
2394 roof.

2395 So getting access to the roof is not accurate.

2396 The other thing is, is that -- what?

2397 IRENE GOODMAN: Oh, no, no, I was just going to
2398 say about if they say that they can see the decks, we can
2399 fully have it not not lattice.

2400 JERRY IREDELLL: And there's lattice here --

2401 IRENE GOODMAN: I'm willing --

2402 JERRY IREDELLL: -- that totally blocks --

2403 IRENE GOODMAN: -- to make changes --

2404 JERRY IREDELLL: -- what can be seen, unless
2405 they're at the far back of their yard. They cannot see it
2406 from their yard. I work in the house, and that to me is
2407 not accurate. There's lattice here, and there's lattice up
2408 here. And there can be lattice up here as well.

2409 IRENE GOODMAN: And if it needed to be solid, I
2410 would be --

2411 CONSTANTINE ALEXANDER: Thank you.

2412 IRENE GOODMAN: -- absolutely willing.

2413 COLLECTIVE: Thank you.

2414 CONSTANTINE ALEXANDER: I think we're ready for a
2415 vote, or a discussion on a vote. Anyone wishes to speak to
2416 this matter, or, are we going to take a vote? Vote?

2417 COLLECTIVE: Yes.

2418 CONSTANTINE ALEXANDER: Okay. The Chair moves
2419 that we make the following findings with regard to the
2420 variance being sought:

2421 That a literal enforcement of the provisions of
2422 the ordinance would involve a substantial hardship, such
2423 hardship being as that the access to the second and third
2424 floor perhaps may need a second means of egress in the
2425 event of an emergency, specifically a fire.

2426 That the hardship is owing to circumstances
2427 relating to the shape of the structure, and especially
2428 affecting as such structure -- affecting generally the
2429 zoning district in which it is located.

2430 And that relief may be granted without substantial
2431 detriment to the public good, or nullifying or substantially
2432 derogating from the intent or purpose of the ordinance.

2433 On the basis of all of these findings, the Chair
2434 moves that we grant the relief being sought on the condition
2435 that the work proceed in accordance with plans submitted by
2436 the petitioner, each page of which has been initialed by
2437 the
2438 Chair. All those in favor, please say, "Aye."

2439 THE BOARD: Aye.

2440 [NONE VOTE YES = 5 against]

2441 CONSTANTINE ALEXANDER: None in favor? So it
2442 looks like the relief has been denied.

2443 We have to go on to why. I'll suggest that the
2444 petitioner has not demonstrated a substantial hardship.
2445 There are many, many structures, including right in the
2446 neighborhood. It doesn't have the need for this spiral,
2447 external staircase. And that the hardship is not owing to
2448 the shape of the structure.

2449 It is just-- the structure is not unusual in its
2450 shape, and again there's not -- no one -- there are many,
2451 many structures with this configuration to not have metal
2452 spiral staircases in the rear. Anything else people want
2453 to add?

2454 JIM MONTEVERDE: It's good.

2455 CONSTANTINE ALEXANDER: All those in favor of
2456 these findings, please say, "Aye."

2457 [All vote YES]

2458 CONSTANTINE ALEXANDER: Five in favor. Relief has
2459 been denied. Next case.

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2465 (9:09 p.m.)

2466 Sitting Members: Constantine Alexander, Brendan Sullivan,
2467 Andrea A. Hickey, Jim Monteverde, Laura
2468 Wernick

2469 CONSTANTINE ALEXANDER: The Chair will now call
2470 Case Number 017254-304 Harvard Street. Anyone here wishing
2471 to be heard on this matter?

2472 PHIL WALLACE: My name is Phil Wallace, W-a-l-l-a-
2473 c-e, speaking on behalf, I'm a contractor for my customer,
2474 Michael Epstein, and his wife, April Stone. We're seeking

2475 relief on the rear setback dimensions for a new or for a
2476 second egress from the first floor.

2477 We're replacing an existing window and installing
2478 a door, with a small landing and three steps that will give
2479 them direct access to their rear yard, which they don't
2480 have now.

2481 They have to go either from the third floor or
2482 around the back of the house, or if they go out the back
2483 exit, they have to go into the neighbors' yard, and then go
2484 into their garden.

2485 So that's their hardship.

2486 CONSTANTINE ALEXANDER: Okay. And you also need a
2487 special permit too?

2488 PHIL WALLACE: Yes, we need a special permit for
2489 the rear window, which is in that --

2490 CONSTANTINE ALEXANDER: Setback.

2491 PHIL WALLACE: -- nonconforming setbacks.

2492 CONSTANTINE ALEXANDER: Yep, yep.

2493 PHIL WALLACE: And the calculations were 17x6 and
2494 they only have 14x6 in the back yard.

2495 CONSTANTINE ALEXANDER: Okay. Any questions from
2496 members of the Board at this point?

2497 PHIL WALLACE: Nope.

2498 CONSTANTINE ALEXANDER: I'll open the matter up to
2499 public testimony. Is there anyone here wishing to be heard
2500 on this matter? Apparently not. We don't have any letters
2501 in the file.

2502 MICHAEL EPSTEIN: You do have a couple letters of
2503 support.

2504 CONSTANTINE ALEXANDER: I'm sorry?

2505 MICHAEL EPSTEIN: Sorry, Michael Epstein. You do
2506 have letters of support from the neighbor, as well as our
2507 condominium unit neighbors.

2508 CONSTANTINE ALEXANDER: I don't think it's in the
2509 file. The only letter -- we do have a letter, but it's from
2510 the President of the -- your condo trust, Sienna Scarff,
2511 Sc-a-r-f-f, and I want to summarize it. "The individual
2512 units of the condominium association approves Unit 304's
2513 first-floor renovation." And then there's descriptive
2514 material. You've got more?

2515 MICHAEL EPSTEIN: Mr. Chair, if you'd like, this
2516 is from the neighbor --

2517 CONSTANTINE ALEXANDER: Okay, we should keep it in

2518 our file.

2519 MICHAEL EPSTEIN: Yes.

2520 CONSTANTINE ALEXANDER: And that letter is from
2521 Robert -- he's apparently the -- he lives in part of the new
2522 Lee Street condominium trust, and next-door neighbors at 39
2523 Lee Street.

2524 MICHAEL EPSTEIN: Yes.

2525 CONSTANTINE ALEXANDER: And it says that, "We are
2526 happy to give our Association's approval for what you're
2527 proposing to do. Thank you. Comments from members of the
2528 Board?"

2529 ANDREA HICKEY: Just had a question. Does your
2530 unit have exclusive use of the rear yard area?

2531 MICHAEL EPSTEIN: Yes.

2532 PHIL WALLACE: Mm-hm.

2533 ANDREA HICKEY: Thank you.

2534 CONSTANTINE ALEXANDER: I'll close the matter --
2535 well, I'll open the matter up to public testimony Anybody
2536 wishing to be heard on this matter? No one wishes to be
2537 heard? I will close public testimony, starting with the
2538 variance. Discussion, or ready for a vote?

2539 COLLECTIVE: Ready, vote.

2540 CONSTANTINE ALEXANDER: Okay. The Chair moves
2541 that we make the following findings with regard to the
2542 variance being sought:

2543 That a literal enforcement of the provisions of
2544 the ordinance would involve a substantial hardship, such
2545 hardship being as the nature of the configuration of the
2546 rear yard area, and the access to it minimizes or adversely
2547 affects the ability to enjoy the rear yard, because it's
2548 difficult -- well, next to impossible to get to it
2549 directly.

2550 The hardship is owing to the shape of the
2551 structure, and that substantial detriment -- that relief may
2552 be granted without substantial detriment to the public
2553 good, or nullifying or substantially derogating from the
2554 intent and purpose of the ordinance.

2555 So on the basis of these findings, the Chair moves
2556 that we grant the variance being sought on the condition
2557 that the work proceed in accordance with plans for drawings
2558 submitted by the petitioner, each page of which has been
2559 initialed by the Chair.

2560 All those in favor, please say, "Aye." THE
2561 BOARD: Aye.
2562 [All vote YES]
2563 CONSTANTINE ALEXANDER: Five in favor, variance
2564 granted. Now the special permit. This is with regard to
2565 the door, or -- no, the rear window.
2566 MICHAEL EPSTEIN: Window to a door.
2567 CONSTANTINE ALEXANDER: On the -- an exterior
2568 glazed --
2569 MICHAEL EPSTEIN: Door.
2570 CONSTANTINE ALEXANDER: Door, yeah. That's what I
2571 thought. The Chair moves that we make the following
2572 findings with regard to this special permit, or the special
2573 permit being requested.
2574 That the requirements of the ordinance cannot be
2575 met unless we grant the special permit.
2576 That traffic generated or patterns of access or
2577 egress will not cause congestion, hazard, or substantial
2578 change in established neighborhood character.
2579 I'm talking about a modest variation to the rear

2580 of the structure that has no impact on neighboring
2581 properties, and is supported by the condominium
2582 association.

2583 That the continued operation of or development of
2584 adjacent uses, as permitted in the ordinance, will not be
2585 adversely affected by what is being proposed.

2586 And again, I would refer back to the support or
2587 the lack of opposition from the condominium association and
2588 the neighboring one, Lee Street.

2589 No nuisance or hazard will be created to the
2590 detriment of the health, safety and/or welfare of the
2591 occupant of the proposed use, or the citizens of the city.

2592 And generally, what is being proposed will not
2593 impair the integrity of the district or adjoining district,
2594 or otherwise derogate from the intent and purpose of this
2595 ordinance.

2596 On the basis of all of these findings, the Chair
2597 moves that we grant the special permit requested, again on
2598 the condition that the work proceed in accordance with the
2599 plans and drawings that were referred to with regard to the
2600 variance. All those in favor, please say, "Aye."

2601 THE BOARD: Aye.

2602 [All vote YES]

2603 CONSTANTINE ALEXANDER: Five in favor, relief
2604 granted. We're going to take a brief recess. Come forward
2605 if you like, but...

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2621 (9:18 p.m.)

2622 Sitting Members: Constantine Alexander, Brendan Sullivan,

2623 Andrea A. Hickey, Jim Monteverde, Laura
2624 Wernick

2625 CONSTANTINE ALEXANDER: 017252 -- 39 Mount
2626 Pleasant Street. Anyone here wish to be heard on this
2627 matter? Hi, I'm Melissa McDonald, it's M-a-c-d-o-n-a-l-d.
2628 I'm a landscape architect, and I'm here with my client,
2629 Karen and Andrew Sinclair, who's not here, but owners of 39
2630 Mount Pleasant Street.

2631 We're seeking a variance for two items to be added
2632 to the property. One is a bike shed. We're proposing, if
2633 you look at the site plan, proposing that it be set within
2634 the side setback, and a pergola that would be within the
2635 rear setback.

2636 The family is a one-car family with two kids.
2637 They --

2638 CONSTANTINE ALEXANDER: Excuse me, is the
2639 pergola related to the bike shed or completely different?

2640 MELISSA MACDONALD: No, it's a completely
2641 different structure, and just --

2642 CONSTANTINE ALEXANDER: You know that you have to

2643 demonstrate a substantial hardship, owing to the shape of
2644 the lot?

2645 MELISSA MACDONALD: Correct.

2646 CONSTANTINE ALEXANDER: And you think the pergola
2647 --

2648 MELISSA MACDONALD: That's why I'm here.

2649 CONSTANTINE ALEXANDER: -- meets the requirement?

2650 MELISSA MACDONALD: Yes.

2651 CONSTANTINE ALEXANDER: Okay.

2652 MELISSA MACDONALD: Yep. Just quickly, you should
2653 have a copy of this, but --

2654 CONSTANTINE ALEXANDER: Yep, right here, we do.
2655 It's in the file.

2656 MELISSA MACDONALD: Yeah. So this is the street.
2657 This is the building, it's actually two condos that we
2658 developed separately. This is the other building. But this
2659 is their home.

2660 And so, there's just this -- it's a pretty small
2661 site, with a narrow -- this is an eight-scale, so it's about
2662 12-foot wide band along here.

2663 There's an existing terrace back in this corner,

2664 and there's a fairly large grade change from the living room
2665 going outside, so there's sort of steps coming down to get
2666 down to here. And the site is also sloped coming down in
2667 this direction, so that, you know, they're looking to:

2668 One, have a bike shed, so that they can have their
2669 bikes that they use for commuting to work someplace besides
2670 just kind of leaning up against the house.

2671 So the proposed location is right here, butting up
2672 against the six-foot privacy fence that exists between their
2673 house and the three-foot high, newly developed condos
2674 next door that sort of loom over the site and the house.

2675 This on the front page of this little packet,
2676 that's the house that's on the bottom. And then this is the
2677 style of the shed. It's a company out of Hyannis.

2678 And the next page basically just shows some of the
2679 information about how it's constructed. This is obviously
2680 not the same style, but it just gives you a sense that's
2681 it's a really nice quality little structure.

2682 On the first page, it shows it's a four-foot deep
2683 shed, and it's 10-foot long double doors. So it has room
2684 for all their bikes.

2685 The height in the front of the shed is six feet
2686 five inches, and then it does have a -- it sort of slants
2687 up. So what's abutting the fence is just under eight feet
2688 three inches.

2689 So that's one piece of the -- so the hardship
2690 there is essentially just trying to provide a dry and good
2691 location that's fairly direct shot to the sidewalk so they
2692 can get in and out of there for commuting.

2693 And then the pergola is -- the situation on Mount
2694 Pleasant Street is that a lot of the buildings surrounding
2695 their building are being developed, and getting kind of
2696 larger and looming.

2697 So when you look at the shape of their site, they
2698 have two children who are elementary school age. So they're
2699 trying to really maximize the use of their garden.

2700 So the idea with the pergola is to basically add
2701 another room in that corner of the site. Because it is
2702 sloped. So we've, you know, kind of worked the grading
2703 with metals and everything to sort of get down there.

2704 So the pergola is very open. So on that third

2705 page, you can see it's a structure -- well, that's part of
2706 the construction detail. It's actually probably more
2707 helpful for you to look at the fourth page, that just shows
2708 -- these are not the actual pergola, but it's similar in
2709 feeling, where it's just very simple.

2710 The bottom one wouldn't have those pieces
2711 extending off the end, but it has a very -- just sort of a
2712 grid system on the top, and then it has the lathing on --
2713 two lathing panels on two sides of the pergola.

2714 Just -- again, the basic concept of this is to
2715 provide a little bit more privacy from some of these --

2716 CONSTANTINE ALEXANDER: How does the pergola
2717 previous privacy?

2718 MELISSA MACDONALD: Well, if you're sitting in it,
2719 the --

2720 CONSTANTINE ALEXANDER: It's aesthetic. Pergolas
2721 are aesthetic. You make them --

2722 MELISSA MACDONALD: Oh no, no, they're more than
2723 aesthetic. They provide some sense of enclosure, so that
2724 you feel a little cozier.

2725 And for example on this one, the two sides that

2726 face the neighbors have these lathing panels that are seven
2727 feet wide, which is this -- you know, image on the top. So
2728 that when the neighbors -- the new property that's
2729 immediately adjacent to them has six decks that look down
2730 over their property.

2731 So this is going to give them a little bit of
2732 privacy from either side. And then, you know, we'd be
2733 introducing plants that can kind of curve up and, you know,
2734 produce some light vines that are, you know, coming up over
2735 the top of the pergola.

2736 So it will definitely provide privacy and just a
2737 little bit more separation -- psychological separation as
2738 well, from the neighbors. So.

2739 CONSTANTINE ALEXANDER: Questions from members of
2740 the Board?

2741 ANDREA HICKEY: I have a question. So the bike
2742 shed would really be on the lot line, is that fair to say?
2743 The back of the bike shed?

2744 MELISSA MACDONALD: No, not on the -- I mean, the

2745 fence, the existing fence is on the lot line. So it's going
2746 to be -- but it's going to be pushed up, you know, as close
2747 the fence, which is on the lot line, as possible.

2748 And the reason for that is so that there then
2749 remains enough width in order to take the bikes out of the
2750 bike shed. So there's about a remaining -- about six feet
2751 left between the front of the bike shed and the house.

2752 If you look at the rest of the site, in terms of
2753 -- you know, access and getting the bikes year-round, you
2754 know, for year-round commuting to the street, it really is
2755 -- kind of makes the most sense in this location.

2756 JIM MONTEVERDE: Okay. Does the drawing indicate
2757 that there are other -- there are some air-conditioning
2758 compressors or whatever outside the house, along that --

2759 MELISSA MACDONALD: There is one -- do you want to
2760 speak to that? Because there's a new --

2761 JIM MONTEVERDE: Away from the property line?

2762 KAREN SINCLAIR: Yeah. We recently replaced the
2763 air conditioner compressor, so --

2764 THE REPORTER: Could you state your name for the
2765 record, please?

2766 KAREN SINCLAIR: I'm sorry, Karen Sinclair, S-i-n-
2767 c-l-a-i-r. And we recently replaced the gas furnace and air
2768 conditioning compressors with the electric key pump system
2769 -

2770 - JIM

2771 MONTEVERDE: Okay.

2772 KAREN SINCLAIR: -- that is much slimmer, and
2773 there's one unit attached actually to the brick foundation.

2774 JIM MONTEVERDE: Along that side, basically?

2775 KAREN SINCLAIR: Along the side, but at the rear
2776 of the house on that side.

2777 JIM MONTEVERDE: If the bike shed were closer to
2778 or adjacent to the house, you wouldn't be in the side yard.
2779 You wouldn't be here, correct?

2780 KAREN SINCLAIR: Well, I think -- I'm just looking
2781 at -- it's -- you would still be swinging doors out into --

2782 JIM MONTEVERDE: I don't think you need to come
2783 here for swinging doors.

2784 KAREN SINCLAIR: Well, I -- yeah, okay. Yeah I --
2785 well, I think part of it was we -- we have -- there are
2786 three window wells to the basement.

2787 JIM MONTEVERDE: But what I'm questioning is why. If you
2788 need a bike shed, that's fine. Why does it need to be in
2789 the side yard setback? With whatever on the property you
2790 have, it would seem like you could move it, get out of the
2791 side yard setback and not need relief.

2792 KAREN SINCLAIR: Well, as I was saying, that we
2793 don't really want to cover up the window wells to the
2794 basement. So there are three basement windows along there,
2795 and then two -- actually three windows inside of the house
2796 that we don't want to be --

2797 JIM MONTEVERDE: No, that has been noted in the
2798 plans. It didn't look like there was any obstruction to any
2799 window in the house. But if there is --

2800 KAREN SINCLAIR: Well there are to -- yeah, to the
2801 basement windows, definitely.

2802 JIM MONTEVERDE: Okay. And a similar question
2803 regarding the pergola. So I can understand the desire to
2804 have it. Is there a way to shape it that you would not
2805 require the -- that it occur within the rear yard or the
2806 side yard setback, that would need the relief?

2807 KAREN SINCLAIR: Well, it basically becomes so

2808 small that it wouldn't really be effective to even do. So
2809 that -- you know, in order to -- if we're going to do it,
2810 we kind of want to do it right and have it work for the
2811 site.

2812 So that -- there really isn't another location to do that.

2813 ANDREA HICKEY: I'm sorry, I had a question. So
2814 what's the distance between the window wells?

2815 MELISSA MACDONALD: Well, let's see I have to use
2816 my little trusty. So it's about --

2817 ANDREA HICKEY: Approximately.

2818 MELISSA MACDONALD: Yeah, it's seven feet. Yeah,
2819 actually it's a little bit less. Each one is about six to
2820 seven feet apart.

2821 ANDREA HICKEY: So why do you need a 10 foot long
2822 shed? Why couldn't you have a seven-foot long shed between
2823 two pergolas?

2824 MELISSA MACDONALD: For four bikes, they have two
2825 -- so two bike commuter adults, and then two elementary
2826 school kids whose bikes have strictly become adult-size
2827 bikes.

2828 So a 10-foot shed is -- that will be sufficient

2829 for four regular-size bikes with a seven-foot shed, and
2830 also, accessing and getting out -- you know, getting bikes
2831 in and out of a seven-foot shed would be pretty tricky. I
2832 don't think -- yeah, I mean you couldn't probably fit four
2833 bikes in a 4x7 foot shed.

2834 ANDREA HICKEY: Could a shed conceptually go where
2835 you're placing the pergola, and not require relief?

2836 MELISSA MACDONALD: It certainly could. It would
2837 be a shame within the space, when, you know, they're trying
2838 to create a living space for a family. It's sort of the
2839 largest open space on the site.

2840 Plus, by moving the shed closer to the street, it
2841 just encourages them to use their bikes for commuting,
2842 especially in the wintertime if they're -- you know, moving
2843 all the way from the very rear of the site to the street.

2844 ANDREA HICKEY: Right. I understand it might not
2845 be desirable or convenient.

2846 MELISSA MACDONALD: Right.

2847 ANDREA HICKEY: But if you could do that and not
2848 require relief, maybe that's something to consider. So
2849 feeling at least from some of my colleagues that -- or a

2850 colleague that the pergola, it's hard to sort of justify a
2851 hardship for a pergola. I can see it more for a bike shed.

2852 And if there was a way that a bike shed could be
2853 cited on the property -- maybe not in the most desirable
2854 location from your perspective, but not require relief,
2855 maybe that's something to consider. I don't mean to speak
2856 for my colleagues, though.

2857 CONSTANTINE ALEXANDER: You speak for me, though.
2858 Any other questions or comments? I'll open the matter up to
2859 public testimony. Anybody here wishing to be heard?

2860 BRENDAN SULLIVAN: I'm sort of a big fan.

2861 CONSTANTINE ALEXANDER: I'm sorry?

2862 BRENDAN SULLIVAN: I'm sort of a big fan of
2863 sitting areas outside and pergolas.

2864 CONSTANTINE ALEXANDER: Oh, I am too. I don't
2865 have anything against pergolas, I just don't see why it
2866 justifies zoning relief.

2867 BRENDAN SULLIVAN: I think given this site, which,
2868 you know, has its constraints and what have you with that,
2869 that would be a nice feature. It's a nice --

2870 ANDREA HICKEY: But what's the hardship?

2871 CONSTANTINE ALEXANDER: Yeah?

2872 BRENDAN SULLIVAN: Well, there probably isn't one.

2873 They can live without it, so --

2874 JIM MONTEVERDE: Well, at least they can live
2875 without it. It's just within the dimensions that are just
2876 allowed that wouldn't bring you here. But it wouldn't
2877 require any relief.

2878 BRENDAN SULLIVAN: It would not have -- a reduced
2879 floor would not have much more function.

2880 JIM MONTEVERDE: Okay.

2881 CONSTANTINE ALEXANDER: Sorry, I didn't mean --

2882 BRENDAN SULLIVAN: No, no, the only thing that
2883 troubles me is you were saying I'm not sure which pergolas
2884 that we are considering. Is it this one or --

2885 ANDREA HICKEY: The bottom one -- so actually if
2886 you look at the previous page, there's a construction detail
2887 and it's basically similar to the bottom one, in that it's
2888 very simple.

2889 BRENDAN SULLIVAN: But at some point, if this were
2890 to be granted, this has to be handed over to a building
2891 inspector.

2892 JIM MONTEVERDE: Right.

2893 BRENDAN SULLIVAN: And he's going to say, "Okay,
2894 so what am I approving here, what did you guys approve?"
2895 You know? And it's going to be difficult, unless we say,
2896 "Yeah, that." You know?

2897 MELISSA MACDONALD: Right, well --

2898 ANDREA HICKEY: Well, I think there's a plan on
2899 the third page. So as I understand the presentation of the
2900 picture, it's more conceptual. But that's not exactly what
2901 it would look like.

2902 MELISSA MACDONALD: Correct. Yeah, that's --

2903 ANDREA HICKEY: However, the dimensions would be
2904 as shown on the drawing.

2905 MELISSA MACDONALD: Correct.

2906 ANDREA HICKEY: Okay.

2907 BRENDAN SULLIVAN: So it's this dimension in --

2908 ANDREA HICKEY: That style.

2909 BRENDAN SULLIVAN: This form, this style?

2910 MELISSA MACDONALD: That style, correct.

2911 BRENDAN SULLIVAN: Okay. Just sort of blend it
2912 all together. Okay.

2913 CONSTANTINE ALEXANDER: Okay. We do have some

2914 letters of support, and one from Matt Hayes, who resides at
2915 39 Mount Pleasant, and one from Campbell Ellsworth, who
2916 doesn't live in the neighborhood, but is a practicing
2917 architect that's familiar with the neighborhood and is in
2918 support.

2919 We also have I thought an interesting letter from
2920 Adam Shulman, S-h-u-l-m-a-n, a Transportation Planner, with
2921 the Cambridge Traffic, Parking and Transportation
2922 Department. And he voices support of bike sheds, but points
2923 out that the plans do not show the details of the proposed
2924 bike shed.

2925 And going on, he said -- a point I thought was
2926 most interesting, and I'm going to suggest it be a condition
2927 -- he says, "I think it may be important that a bike shed
2928 be used for storing bikes only, and it should not be
2929 functional for bicycle usage." Otherwise, it's a general,
2930 all-purpose shed." And I think that's right.

2931 So I think I would suggest we get to a vote that
2932 we condition any approval for the bike shed, that it can
2933 only be used for storage of bicycles and not for anything
2934 else.

2935 With that, I'll close public testimony. I'm going
2936 to suggest -- I think there's been some queasiness about the
2937 pergola. The proposal that we have before us is a pergola
2938 and a bicycle shed. I would support the bicycle shed, but
2939 I'm not going to support the pergola.

2940 And if the pergola -- they're lumped together, I'm
2941 going to vote against both. I don't know if other people
2942 feel that way, but I'm -- just that's where I'm coming
2943 from.

2944 I'll make the motion as it is, but with the plans
2945 before us, and it'll sink or swim based upon that. You need
2946 four votes to get relief.

2947 MELISSA MACDONALD: In order for them to be
2948 separated, do we have to come back? Or how does that work?

2949 CONSTANTINE ALEXANDER: No, I would suggest you
2950 abandon the pergola, and you just seek approval for the bike
2951 shed. That would be my view. I just don't see the
2952 justification from a zoning point of view.

2953 I agree from a lifestyle point of view. From a
2954 zoning point of view, I don't see justification of this
2955 pergola.

2956 MELISSA MACDONALD: Okay, one other question. If
2957 we decided because the pergola, which is described in here
2958 and on here, it has a decking floor that's like a mahogany
2959 decking floor?

2960 CONSTANTINE ALEXANDER: What I would suggest is we
2961 vote on the bike shed tonight, we come back with new plans,
2962 more detailed plans of what the pergola is, and how it's
2963 going to operate, and we'll vote on that separately.

2964 ANDREA HICKEY: And I would actually require a
2965 continuance of that part of the case --

2966 CONSTANTINE ALEXANDER: Yeah.

2967 ANDREA HICKEY: -- so we could --

2968 MELISSA MACDONALD: Yes.

2969 ANDREA HICKEY: -- bifurcate it.

2970 CONSTANTINE ALEXANDER: Yeah.

2971 MELISSA MACDONALD: Right. No, I understand that.
2972 What I was going to say, though, is if we just did
2973 basically, like, the deck portion of the pergola without the
2974 structure over it -- in other words, in the same location on
2975 the site as where the pergola is to have basically a decking
2976 platform. In other words, because the site is --

2977 CONSTANTINE ALEXANDER: Would the platform violate
2978 setback requirements? If it does, I think you have to get
2979 zoning relief for that.

2980 MELISSA MACDONALD: Yeah, I think that's right.

2981 JIM MONTEVERDE: Yeah, you'd still be in the same
2982 side yard setback.

2983 ANDREA HICKEY: I think that it does, I think that
2984 it does.

2985 MELISSA MACDONALD: It's still a structure, so --

2986 JIM MONTEVERDE: Right. Nice idea, but --

2987 CONSTANTINE ALEXANDER: I don't think it solves
2988 anything.

2989 ANDREA HICKEY: If it helps you to make a
2990 decision, I'm aligned with my colleague regarding the -- I'm
2991 not supporting the pergola.

2992 I have less of an issue with the bike shed. I
2993 don't love it right up against the fence, but I can probably
2994 live with it, just so you know when we go to vote where I
2995 might be headed.

2996 CONSTANTINE ALEXANDER: So do you want to keep the
2997 pergola in the plans or not?

2998 ANDREA HICKEY: Well, so I don't -- protocol wise,

2999 can we suss out any other feelings?

3000 JIM MONTEVERDE: Two doesn't make a difference.

3001 CONSTANTINE ALEXANDER: It didn't make a
3002 difference.

3003 JIM MONTEVERDE: The numbers don't work.

3004 CONSTANTINE ALEXANDER: They don't count. These
3005 guys don't count.

3006 MELISSA MACDONALD: Oh yeah, that's right, I'm
3007 sorry. I was thinking --

3008 CONSTANTINE ALEXANDER: For a vote.

3009 MELISSA MACDONALD: No, I understand. I was -- I
3010 kept thinking you were on the -- so are you okay with just
3011 having them vote just at this point?

3012 ANDREA HICKEY: Yeah, that's fine.

3013 MELISSA MACDONALD: Okay. So let's separate them
3014 out and vote on them separately.

3015 ANDREA HICKEY: And you're requesting a
3016 continuance for the pergola, to rethink that?

3017 CONSTANTINE ALEXANDER: I would suggest what
3018 Andrea's pointing out, think more about the pergola and

3019 design and come back. Don't try to jam it tonight. Get
3020 your bicycle shed, which I think is the most important
3021 thing for you.

3022 MELISSA MACDONALD: Yeah.

3023 CONSTANTINE ALEXANDER: And then you can decide
3024 what you want to do about the pergola. We can decide that.

3025 MELISSA MACDONALD: Although I'm not sure that
3026 they're -- just if it's -- I guess I'd like to gauge if it's
3027 the fact that you feel like there's not enough information
3028 here for you, or that it's really just the fact that you
3029 don't see a hardship?

3030 CONSTANTINE ALEXANDER: Yeah.

3031 MELISSA MACDONALD: So therefore if we just do a
3032 continuance to come back with more information --

3033 CONSTANTINE ALEXANDER: We might think of
3034 relocating -- putting the pergola some other place on the
3035 lot that doesn't require zoning relief.

3036 MELISSA MACDONALD: Okay. And if we decide in the
3037 period before a continuance that we decide to withdraw it,
3038 we just withdraw it?

3039 CONSTANTINE ALEXANDER: Yeah.

3040 MELISSA MACDONALD: Yeah, okay. All right. Let's

3041 proceed that way then.

3042 CONSTANTINE ALEXANDER: Okay. So we're going to
3043 proceed with plans that if they're not -- well, if they're
3044 bifurcated, the variance vote with regard to this bike
3045 shed, and the continuance with regard to the pergola, and
3046 you could decide whether you want to come back before us or
3047 not.

3048 So is everybody fine with that? Okay. The Chair
3049 moves that we make the following findings with regard to the
3050 bike shed proposed by the petitioner:

3051 That a literal enforcement of the provisions of
3052 the ordinance would involve a substantial hardship, such
3053 hardship being is that bicycle commuting and the use of
3054 bicycles has become more and more part of the fabric of
3055 Cambridge, and there's a need for an outdoor bike -- and
3056 given the nature of the structure, a need for a bike shed
3057 or someplace to store bicycles.

3058 That the hardship is owing to the shape of the --
3059 the location of the residential structure on the lot, which
3060 means that any bike shed, at least as proposed here,

3061 requires zoning relief. It's -- regardless from the shape
3062 of the structure and its location on the land.

3063 And that desirable relief may be granted without
3064 substantial detriment to the public good, or nullifying or
3065 substantially derogating from the intent and purpose of the
3066 ordinance.

3067 So on the basis of all of these findings, the
3068 Chair moves that we grant the variance with regard to the
3069 bike shed on the condition that the work proceed in
3070 accordance with plan prepared by Melissa MacDonald and
3071 initialed by the Chair, and subject to the condition that
3072 this bike shed may only be used for the storage of bicycles,
3073 and for no other use. All those in favor? All in favor?

3074 [Constantine Alexander, Brendan Sullivan, Andrea
3075 Hickey, and Laura Wernick voted in favor. Jim Monteverde
3076 votes against.] Four? Four in favor, one opposed. Motion
3077 carries with regard to the bike shed.

3078 Now, with regard to the pergola, the petitioner
3079 has requested a continuation, and that's fine. It's a case
3080 heard, so we've got to get the five of us together. What's
3081 the next date? At least it's theoretically --

3082 SISIA DAGLIAN: April 30.

3083 CONSTANTINE ALEXANDER: April 30.

3084 JIM MONTEVERDE: Oh, I can't do that.

3085 CONSTANTINE ALEXANDER: Can't do that. What's
3086 after the thirtieth?

3087 SISIA DAGLIAN: May 14.

3088 CONSTANTINE ALEXANDER: May 14?

3089 JIM MONTEVERDE: I can do that.

3090 CONSTANTINE ALEXANDER: Okay, the Chair moves that
3091 we continue this case with regard to the pergola until 7:00
3092 p.m. on May 14, subject to the following conditions:

3093 One, you sign a waiver of time for decision. If
3094 you don't do that, we have to turn it down tonight. And
3095 Sisia has a form you sign, everybody signs, to continue it.

3096 Second, that the posting sign that you have now be
3097 modified -- you can get a new one, or you can do it with a
3098 magic marker to reflect the new date, May 14, the new time,
3099 7:00 p.m., and that it be maintained for the 14 days prior
3100 to the May 14 hearing, just as you did for the sign that's
3101 here today.

3102 And to the extent -- and I suspect this will be

3103 the case -- you come back with a modified plan from what's
3104 here tonight -- that modified plan must be in our file, so
3105 the file of the ISD, Inspectional Services Department, no
3106 later than 5:00 p.m. on the Monday before May 14.

3107 That's to give us and citizens of the city time to
3108 study them, review them, and reach some conclusions.

3109 So on the basis of all of these findings, the
3110 Chair moves that we make the grant the continuation, subject
3111 to the findings that I've just enunciated. All those in
3112 favor, please say, "Five." Say, "Aye."

3113 JIM MONTEVERDE: Aye.

3114 CONSTANTINE ALEXANDER: It's a long night. We'll
3115 see you on May 14.

3116 [All 5 vote YES]

3117 CONSTANTINE ALEXANDER: We'll see you on May 14.

3118 MELISSA MACDONALD: Okay, thank you.

3119 CONSTANTINE ALEXANDER: Thank you.

3120 ANDREA HICKEY: Did we sign?

3121

3122

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* * * * *

3131 (9:43 p.m.)

3132 Sitting Members: Constantine Alexander, Brendan Sullivan,

3133 Andrea A. Hickey, Jim Monteverde, Laura

3134 Wernick

3135 CONSTANTINE ALEXANDER: The Chair will now call

3136 Case Number 017256 -- 1971 Massachusetts Avenue. Anyone

3137 here wishing to be heard on this matter?

3138 COLIN MCCONVILLE: My name is Colin McConville,

3139 from Fino Design Group. I'm joined with Melissa Garcia

3140 from Rock and Roll Day care. We're here representing the

3141 petitioner, Christopher Vuk from rock and roll day care.

3142 This is in regards to their future facility -- day care

3143 facility -- located at 1971 Mass Ave.

3144 This is a five classroom -- this will be a five

3145 classroom facility, and we're requesting relief from all of

3146 their required off-street parking spaces, because all of
3147 the off-street parking spaces for this building are being
3148 reserved for the residential units.

3149 CONSTANTINE ALEXANDER: I'm sorry, say that again?

3150 COLIN MCCONVILLE: All of the off-street parking
3151 spaces that are for this building, there's a small parking
3152 garage -- they're all reserved for the residential units of
3153 both.

3154 CONSTANTINE ALEXANDER: But you required under our
3155 ordinance eight parking spaces?

3156 COLIN MCCONVILLE: Correct.

3157 CONSTANTINE ALEXANDER: You have zero, that's what
3158 you're seeking relief from?

3159 COLIN MCCONVILLE: Correct.

3160 CONSTANTINE ALEXANDER: We're down to zero,
3161 honestly, because you're on Massachusetts Avenue, and
3162 there's plenty of public transportation and ease of access,
3163 plus the fact that day care centers don't generally require
3164 a lot of parking, it's the drop-off and the pickup at the
3165 end of the day.

3166 COLIN MCCONVILLE: Correct.

3167 CONSTANTINE ALEXANDER: How many people will be
3168 working at your center, do you expect?

3169 MELISSA GARCIA: At this point, we anticipated 20.

3170 CONSTANTINE ALEXANDER: 20? And all these -- how
3171 are these 20 going to get to work?

3172 MELISSA GARCIA: Well --

3173 CONSTANTINE ALEXANDER: Speak into the microphone.
3174 Yeah.

3175 JIM MONTEVERDE: That so many people are working
3176 there, or just the total attending?

3177 MELISSA GARCIA: Working, sorry.

3178 JIM MONTEVERDE: Okay, sorry.

3179 CONSTANTINE ALEXANDER: How many students are you
3180 going to have?

3181 MELISSA GARCIA: So in this particular facility,
3182 sir, we anticipate five classrooms, which would give a total
3183 capacity of 52 students.

3184 JIM MONTEVERDE: Oh, okay.

3185 MELISSA GARCIA: Typical Massachusetts regulation
3186 requires particularly one to three, or one to four teachers.
3187 And then our classrooms would be either two to seven or two
3188 to nine children at Rock and Roll day care.

3189 To ensure the safety of the children, we actually
3190 employ an additional staff member per classroom, just for
3191 additional oversight.

3192 And so, the parents of the community in Cambridge,
3193 they often prefer that, because they find it quite nice of
3194 us to offer that.

3195 But during our interview process, we typically
3196 will source our candidates extremely well to ensure that
3197 they are in fact using public transportation, and we
3198 identify that parking is not available.

3199 And so, we typically don't hire an employee,
3200 unless Rock and Roll day care does find alternative parking
3201 that can be rented in a legal fashion, in order to satisfy
3202 that need.

3203 CONSTANTINE ALEXANDER: Questions from members of
3204 the Board?

3205 JIM MONTEVERDE: Have you looked for any other
3206 parking opportunities in the neighborhood that you could
3207 either rent or otherwise have, so you wouldn't be providing
3208 zero? You'd be somewhere trying to approximate what the
3209 ordinance is looking for?

3210 COLIN MCCONVILLE: Yeah, so Christopher has been
3211 searching. He hasn't found any to date yet.

3212 CONSTANTINE ALEXANDER: There isn't much around
3213 that area.

3214 COLIN MCCONVILLE: Yeah, but this facility is not
3215 even built out yet, so it's still a vacant space. So we do
3216 have some time to keep looking, and that's the intention is
3217 to find at least a couple spaces -- maybe one, maybe two
3218 for at least the Director of the facility, and maybe one
3219 other space.

3220 MELISSA GARCIA: And additionally for the drop-off
3221 and pickup, we do anticipate that if in the case it would be
3222 necessary, that we would hire one of our teachers to come
3223 in slightly earlier than anticipated to be available for
3224 kind of like a drive-up drop-off.

3225 And the teacher would direct the child into the
3226 building, so that we weren't having multiple cars trying to
3227 locate metered parking or anything of that such.

3228 And additionally, there are five metered spaces
3229 directly outside of the front of the unit, which typically
3230 begins at 9:00 a.m., and our facility opens at 7:30, and we

3231 require a drop-off by 8:30 a.m. to ensure consistency for
3232 the children within the space.

3233 SLATER ANDERSON: So is the -- those metered
3234 spaces before 9:00, does the signage say that it's loading
3235 and unloading only?

3236 MELISSA GARCIA: There is a loading zone on -- is
3237 it Allen Street?

3238 SLATER ANDERSON: Yep.

3239 MELISSA GARCIA: There is a loading zone on Allen
3240 Street, and that's the street where our main entrance would
3241 be located in fact.

3242 JIM MONTEVERDE: But I guess -- are those meters
3243 before 8:00 a.m., are they resident parking or are they just
3244 --

3245 MELISSA GARCIA: I'm sure there's street parking.

3246 JIM MONTEVERDE: -- free?

3247 MELISSA GARCIA: We deal with that in Cambridge
3248 with our facilities as well, and we typically don't have any
3249 issues.

3250 SLATER ANDERSON: How many other facilities do you
3251 have?

3252 MELISSA GARCIA: We have five right now, so --

3253 SLATER ANDERSON: In Cambridge?

3254 MELISSA GARCIA: That's correct, yes. Working on
3255 our sixth. Well, our sixth will be opening hopefully in the
3256 next 30 days, all in Cambridge, within a two-mile radius.

3257 JIM MONTEVERDE: I believe that loading zone is
3258 for the building. That's the garage access. But there are
3259 a few spaces that say, "For loading only."

3260 SLATER ANDERSON: Yeah, I mean my -- I drive this
3261 section of Mass Ave --

3262 JIM MONTEVERDE: Right.

3263 SLATER ANDERSON: -- every morning with my kids,
3264 taking them to school. And my concern would be, you know,
3265 the parking on Mass Ave, and people stopping on Mass Ave.
3266 You know, some crazy person double parking on Mass Ave.

3267 MELISSA GARCIA: Sure.

3268 SLATER ANDERSON: So I would hope that, you know,
3269 you get a clear guidance on protocol of what to do and not
3270 to do with drop-off.

3271 MELISSA GARCIA: Yes. In our current handbook, in
3272 some of our facilities where parking is a little bit tight,
3273 we do identify strict guidelines that if a parent were to

3274 be seen violating those guidelines, that there will be
3275 repercussions, and that it could result in a termination of
3276 the program.

3277 CONSTANTINE ALEXANDER: How many centers do you
3278 have in Cambridge now?

3279 MELISSA MACDONALD: We have five, and we
3280 anticipate the sixth to open in 30 days -- within the next
3281 30 days.

3282 CONSTANTINE ALEXANDER: So you have a lot of
3283 experience in dealing with -- in all the program parking
3284 issues?

3285 MELISSA GARCIA: Yes, sir.

3286 JIM MONTEVERDE: Yeah.

3287 CONSTANTINE ALEXANDER: Ready? I'll open the
3288 matter up to public testimony. Anything, any comments?

3289 MELISSA GARCIA: Why, thank you.

3290 CONSTANTINE ALEXANDER: I'll close public
3291 testimony. We don't have any letters that I could see in
3292 the file? Ready for a vote? Okay. We're talking about
3293 for a special permit for this reduction in parking. The
3294 Chair moves that we make the following findings with regard
3295 to the relief being sought:

3296 That the requirements of the ordinance cannot be
3297 met unless we grant you this relief from the requirement of
3298 eight parking spaces for the operation of your day care
3299 center.

3300 That traffic generated or patterns in access or
3301 egress will not cause congestion, hazard, or a substantial
3302 change in established neighborhood character.

3303 Clearly, there would be no change in established
3304 neighborhood character just by the location of the
3305 structure, and there is a risk of hazard and congestion
3306 that would result if we approve the reduction of parking.
3307 But we're relying on -- I suggest that we are relying upon
3308 the fact that this Rock and Roll day care center is
3309 experienced enough in dealing with Cambridge parking
3310 issues, and will bring a hands-on approach to minimizing
3311 the impact of congestion or hazard.

3312 That the continued operation of or development of
3313 adjacent uses, as permitted in the ordinance, will not be
3314 adversely affected by the nature of this proposed use. In
3315 this regard, we're talking about price a day, really, when

3316 it's going to be an impact on the neighborhood, and the
3317 first one at least is not doing regular business hours.

3318 And no nuisance or hazard will be created to the
3319 detriment of the health, safety and/or welfare of the
3320 occupant of the proposed use, or the citizens of the city.

3321 And that generally, what is being proposed will
3322 not impair the integrity of the district or adjoining
3323 district, or otherwise derogate from the intent and purpose
3324 of this ordinance.

3325 So on the basis of these findings, the Chair moves
3326 that we grant the special permit requested to reduce the
3327 amount of required parking for this facility from eight to
3328 zero. All those in favor, please say, "Aye."

3329 THE BOARD: Aye.

3330 [All 5 vote YES]

3331 CONSTANTINE ALEXANDER: Five in favor, relief
3332 granted.

3333 MELISSA GARCIA: Thank you, sir. Appreciate it.

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3351 (9:52 p.m.)

3352 Sitting Members: Constantine Alexander, Brendan Sullivan,

3353 Andrea A. Hickey, Jim Monteverde, Laura

3354 Wernick

3355 CONSTANTINE ALEXANDER: We'll call Case No.017263

3356 -- 56 Maple Avenue. Anyone here wish to be heard on this

3357 matter?

3358 ADAM GLASSMAN: Good evening.

3359 CONSTANTINE ALEXANDER: You know the drill.

3360 ADAM GLASSMAN: I know the drill. My name is
3361 Adam Glassman, GCD Architects, Offices of 2 Worthington
3362 Street in Cambridge, and I'm here with Emil Jacob, owner of
3363 Unit 1 at 56 Maple Street.

3364 So we are here tonight to request relief to form a
3365 variance to construct five steps off of Mr. Jacob's rear
3366 porch, which has no direct connection to the yard. It's
3367 adjacent to his garage.

3368 So currently his family is in this frustrating
3369 situation where they need to walk from the garage down the
3370 driveway across the sidewalk into the front door, when the
3371 most rational flow would be from the garage up the steps
3372 into their house.

3373 And relief is required because we'd be modifying
3374 an existing porch within 10 feet of the existing accessory
3375 garage, and we are also within the side setback.

3376 CONSTANTINE ALEXANDER: Questions from members of
3377 the Board? We do have a letter in our files from Philip
3378 Martin, Condo Unit 01 owner. It says, "Emil Jacob, my
3379 neighbor on the adjacent house at 56 Maple Avenue, has

3380 asked permission to construct a new exterior stairway
3381 leading to his condo unit.

3382 "Emil has indicated that all work will commence
3383 after 9:00 a.m. Monday through Friday, and that no
3384 construction will take place over the weekend.

3385 "I have no problem with the proposed project, and
3386 sending this letter as affirmation of my support for zoning
3387 relief, as requested."

3388 I'll close public testimony. Ready for a vote?

3389 COLLECTIVE: Yes sir, ready.

3390 CONSTANTINE ALEXANDER: Are we ready?

3391 COLLECTIVE: Aye.

3392 CONSTANTINE ALEXANDER: Okay, the Chair proposes
3393 that we make the following findings with regard to the
3394 variance being sought:

3395 That a literal enforcement of the provisions of
3396 the ordinance would involve a substantial hardship, such
3397 hardship being -- and this hardship would relate to anyone
3398 who owns this condo unit -- that the ability to access in
3399 terms of the setback is required -- the relief being sought

3400 is necessary to enhance the ability to use the existing
3401 side porch, and the yard in general.

3402 That the hardship is owing to the fact that this
3403 is a nonconforming structure, so any relief -- any
3404 modification requires zoning relief.

3405 And the relief may be granted without substantial
3406 detriment to the public good, or nullifying or substantially
3407 derogating from the intent and purpose of the ordinance.

3408 So on the basis of these findings, the Chair moves
3409 that we grant the variance being requested, on the condition
3410 that the work proceed in accordance with two pages of plans
3411 prepared by GCD Architects, both of which have been
3412 initialed by the Chair.

3413 All those in favor, please say, "Aye." THE
3414 BOARD: Aye.

3415 [All 5 vote YES]

3416 CONSTANTINE ALEXANDER: Five in favor.

3417 COLLECTIVE: Thank you. ADAM GLASSMAN:

3418 Not a convenience stair. * * * * *

3419 (9:57 p.m.)

3420 Sitting Members: Constantine Alexander, Brendan Sullivan,

3421 Andrea A. Hickey, Jim Monteverde,
3422 Slater W. Anderson
3423 CONSTANTINE ALEXANDER: You know the drill, go ahead. Name
3424 and address for the stenographer, please.
3425 MARK BOYES-WATSON: Mark Boyes-Watson from BoyesWatson
3426 Architects, 30 Bow Street, Somerville.
3427 LAUREN HARDER: Lauren Harder, 111 Grozier Road in
3428 Cambridge.
3429 JOSEPH SHEA: Joseph Shea, from FisherBryoles, 470
3430 Atlantic Ave in Boston.
3431 CONSTANTINE ALEXANDER: Okay. We have two special
3432 permits being requested tonight. They're unrelated, so
3433 what I'm going to suggest is you take whatever you want,
3434 but the one take a vote on that special permit and then
3435 we'll go to the other one, rather than smushing them
3436 together.
3437 MARK BOYES-WATSON: Excellent, fine. So I thought I'd
3438 just start with a little bit of background. So yes,
3439 there's two special permits.
3440 The one I think we should just do first is I think
3441 simpler, which is the two special permits are for -- to

3442 allow windows in this back building, and I'll go over what
3443 that is -- that actually within 10 feet of the parking.

3444 And then second we'll go and look at the exemption of
3445 basement GFA in the front building.

3446 So just to give a little bit of that
3447 history -- just a little tiny bit of context. So we are --
3448 the site is on the block between Horon and Walden on
3449 Concord. It's a -- and this is it here -- it's a mixed
3450 block. This plan here is taken from the CDD, when they
3451 were looking at actually creating another overlay in this
3452 district in 2017.

3453 But it -- basically the red is commercial, and
3454 where it's red and yellow, it's a mixture of commercial and
3455 residential. So basically, the block is kind of -- the
3456 reason that the petition was put in place was because it's
3457 actually really treasured by the neighborhood as a kind of
3458 local resource for public-facing services.

3459 So what happened was that we actually started this
3460 project in 2015, and it went through various changes. When
3461 we first started -- when we first got involved in the

3462 project, it was actually all residential. But in 2016, we
3463 permitted a project that actually included retail.

3464 CONSTANTINE ALEXANDER: Wasn't that at the request
3465 of the Historical Commission?

3466 MARK BOYES-WATSON: Yes. The Historical Commission
3467 was really interested in preservation on this site. They
3468 were interested in preserving. This was a historic sort of
3469 Greek Revival from the 1870s, and there was actually a
3470 building there -- and you'll see when I get into the second
3471 half -- this building, at this time working with the Historic
3472 staff, they were actually happy to have the retail preserved.

3473 They actually allowed us in this scheme to remove
3474 one bay of the retail, because we were still getting that
3475 rhythm on the street, and then having this -- it was
3476 actually a grocery store built in about 1920.

3477 When we first proposed this, we actually had a --
3478 and this is relevant for this first special permit -- we
3479 actually had a parking garage under a kind of plaza here.

3480 And so, the elements of the proposal, which was
3481 permitted, was the Greek Revival returned to a use -- a

3482 residential use as a single-family, the four townhouses
3483 across the back, and retail at the front.

3484 During the process, we were finding -- and if you
3485 can imagine the years here -- everything was getting more
3486 and more expensive, and their garage was becoming really,
3487 really expensive and actually unaffordable to do.

3488 So we actually redesigned the plan, and need
3489 another board to that, I can bring that one just, just so
3490 we can see.

3491 So we actually redesigned the plan with surface
3492 parking -- and partly that came from Historic, because we
3493 actually ended up moving this house, it actually has a new
3494 foundation -- we moved it away from the property line to
3495 make it conforming.

3496 And when Historic reviewed that application, they
3497 were like, "You know what? That ramp seems out of
3498 character with the neighborhood. You know, I don't know
3499 if you can do anything -- blah, blah, blah."

3500 They were kind of giving us some pushback, and we
3501 were getting that a little bit from local neighbors as well
3502 in all the discussions, because we're in a public process.

3503 So we went back and actually -- so we had this
3504 coincidence of money and this neighbor stuff to say, "lets
3505 take out that garage." It's relevant, because when we
3506 first designed this building, the windows weren't within
3507 10 feet of the parking, the parking was underneath the
3508 building.

3509 So actually, and so, the project continued, and
3510 actually as we went through, the decline in retail values
3511 was also pushing us economically. And we actually decided
3512 that we should really go to Historic and ask for permission
3513 to remove the retail building, which we did, and that was
3514 not well received, neither by Historic, nor by the
3515 neighbors.

3516 And in fact, they probably -- we were part of a
3517 whole process of the preservation of this mixture of retail
3518 and residential. So actually, there was a petition filed,
3519 didn't actually end up getting passed, which was basically
3520 seeking lots of different things, but amongst them was the
3521 promotion of small local retail.

3522 And it allowed actually various things, including
3523 the exemption of basement square footage, to try and do
3524 that.

3525 Put that aside, it's a lot of complexity.

3526 So basically, we ended up with this building,
3527 which is actually by that stage already under construction.
3528 So what happens is I brought these photographs, which
3529 weren't -- so these -- and why I brought them is because
3530 we're here with an amended application.

3531 When we came, we were already indicating these
3532 windows -- they were actually holes in a building under
3533 construction when we were last here.

3534 And actually, they look like they're windows now,
3535 but actually they're blocked from the inside. So they are
3536 windows on the outside, but they are actually, if you go
3537 on the inside of the kitchens in which they sit, you just
3538 see sheetrock.

3539 So it's like -- it was actually a technique that
3540 was in England, developed by the Nash Brothers, who did a
3541 lot of very symmetrical buildings. And then, so they are
3542 beautiful, well-composed classical buildings, and then the

3543 monarchy or Parliament introduced a window tech, and
3544 everybody started blocking up the windows, so as not to
3545 pay the tax.

3546 So as I grew up there, so I saw a lot of that. So
3547 I've done that quite a lot. So anyway, so the symmetry, so
3548 just to point them out, this is when you look from the
3549 street, when you're just beginning to see them. But this
3550 window and this window, and in the end this window, this
3551 window, this window and this window are actually to those
3552 kitchens, and right now they're boarded over.

3553 We would like -- and I think the Board was
3554 concerned because I think the reason that that rule is in
3555 there, because in a one or two-family house, you're
3556 actually allowed to park right next to the window.

3557 But once you get to multifamily -- and I think
3558 it's really thinking it's kind of like, you know apartment
3559 buildings and strangers pulling up and leaving their cars
3560 running, exhaust may be getting into those units. But we
3561 could fix those windows so they could never be opened.

3562 The advantage of being able to open them up so
3563 there's glass again, it's two-fold. One is that they --

3564 those are the only south-facing windows in the first floors
3565 of these units. And the second is that -- which I think is
3566 just in the way that this courtyard is functioning already
3567 you can kind of feel it -- is that each of these windows
3568 supervise this area, and just keep, you know, vested
3569 individuals constantly monitoring what goes on there. And
3570 that's a great advantage of actually being able to see out
3571 of --

3572 CONSTANTINE ALEXANDER: Is there any proposals is
3573 to put any kind of landscaping in front of those windows

3574 MARK BOYES-WATSON: There isn't, no. There isn't
3575 room. It's only just -- it was only just viable -- when we
3576 switched, when we were in the basement, the parking
3577 actually went further. So in order for those units,
3578 there's only about three feet. So there's a tiny green
3579 strip here.

3580 So actually, that's not quite true. This window,
3581 there is room. See that there, shown in green? But it's
3582 really -- it would be smushed right up against here, it's
3583 not really --

3584 So you are going to see out. And it's
3585 interesting. What we did on the inside is that we have now
3586 -- if you go into those units, we have the kitchen
3587 cabinets, and we actually have shelves across the window.
3588 So it's really a filtered thing, and residents of course
3589 could put up any kind of privacy thing that they wanted,
3590 but it gives the opportunity.

3591 So that's what we'd like to do, is get these four
3592 windows, have permission to open them out and have them
3593 within 10 feet.

3594 So just to go over that, because I didn't really
3595 point it out, the parking is -- these are the parking
3596 spaces. So there's like a granite walkway here that leads
3597 to these doors, and then the kitchens.

3598 And you can see the relationship. It's six cars
3599 for the six units. There is no retail parking back here.
3600 The retail building is small retail, and has no parking
3601 associated with it.

3602 BRENDAN SULLIVAN: Cars are not required to back
3603 out onto Concord Avenue?

3604 MARK BOYES-WATSON: They're not, they can all turn
3605 around on the side.

3606 BRENDAN SULLIVAN: Even if all the cars --

3607 MICHAEL WIGGINS: Yeah, 22 feet or if it meets the
3608 zoning requirement. So the compact ones are 16 feet with
3609 20-foot backup, and the full size are 18 feet with a 22foot
3610 backup.

3611 JIM MONTEVERDE: Is there a wheel stop or anything
3612 that basically defines that -- what appears to be a
3613 pedestrian zone?

3614 MARK BOYES-WATSON: Yes. There's a curb, a
3615 granite curb. Yeah, you can probably see it in the photo.

3616 SLATER ANDERSON: Yeah, it's right there.

3617 MARK BOYES-WATSON: Yeah, see that?

3618 SLATER ANDERSON: Yeah, that's a curb, okay.

3619 MARK BOYES-WATSON: Yeah.

3620 SLATER ANDERSON: And I see your distribution, if
3621 I'm reading it correctly from here, the parking space is
3622 compact and full? Swapping those around doesn't get you
3623 any more real estate in front of that building, you would
3624 in fact get some type of landing strip, whatever.

3625 MARK BOYES-WATSON: Right, no. And in fact,
3626 there's a requirement in the zoning for this, but we
3627 actually -- when we bought the property there was a really
3628 nice tree here, and we've replanted a tree here. But this
3629 string here, there's no room for any --

3630 SLATER ANDERSON: So the two carparks that are
3631 down in the lower end there, we're not trying to move the
3632 trees around, but --

3633 MARK BOYES-WATSON: Yeah.

3634 SLATER ANDERSON: -- the two compacts that are at
3635 the lower end toward the retail, is that -- it looks like
3636 it's size, but that could be full --

3637 MARK BOYES-WATSON: Yeah.

3638 SLATER ANDERSON: The other ones could be compact
3639 to actually give you some buffer between --

3640 MARK BOYES-WATSON: Yeah, it's actually not enough
3641 backup space to look good. That's why they're full. YOU
3642 CAN see that they're further back.

3643 SLATER ANDERSON: Oh, okay, yeah.

3644 MARK BOYES-WATSON: That's the reason.

3645 SLATER ANDERSON: 20 pounds of stuff in an 18
3646 pound --

3647 MARK BOYES-WATSON: Yeah, it's a jigsaw puzzle,
3648 yeah. It's actually not. It's res BA-1 for the
3649 residential is only a 0.75 GFA. It has a very big open
3650 space.

3651 SLATER ANDERSON: I was going to ask. So are you
3652 -- is the building actually hard against the setback, or is
3653 it --

3654 MARK BOYES-WATSON: No, it's actually got --
3655 because what you're looking at if you go back to that
3656 neighborhood, just as a map of context, you look back at
3657 the neighborhood. So basically, in the old days, just a
3658 completely gratuitous history, you could drive through
3659 here.

3660 SLATER ANDERSON: Oh, okay.

3661 MARK BOYES-WATSON: So -- well before we bought
3662 the property, there was an agreement made between these
3663 neighbors and the property owner that deceased that way
3664 through. So people were coming out of the retail onto the
3665 residential street.

3666 So we slowly -- we're part of a process. We're
3667 slowly giving more protection to the neighbors behind here.

3668 Retail on Concord, this building now acts a buffer --

3669 SLATER ANDERSON: Right.

3670 MARK BOYES-WATSON: -- what means anything that
3671 happens on Conrod, including the buses, et cetera. rt
3672 cetera, et cetera and what happens back here. But yeah,
3673 that's the history. And actually, if we have -- I think
3674 it's 27 feet or something to the back yard.

3675 SLATER ANDERSON: What was in the back of that
3676 lot?

3677 MARK BOYES-WATSON: So basically, in the old day
3678 --

3679 SLATER ANDERSON: That used to be Ethan's Parking
3680 so --.

3681 MARK BOYES-WATSON: Yeah. And it was when we got
3682 there.

3683 BRENDAN SULLIVAN: We used to go down, and then
3684 they went back in and that was -- it was actually a small
3685 little out building in addition to the main retail. And
3686 that's sort of their shipping and stuff.

3687 MARK BOYES-WATSON: Yeah. That's that.

3688 BRENDAN SULLIVAN: Yeah.

3689 MARK BOYES-WATSON: That was a two-story building
3690 back here. And here was the retail building, and here was
3691 the Greek Revival. And actually you can kind of even see
3692 -- well, there was a path going all the way through here,
3693 which all of the old recordings have.

3694 SLATER ANDERSON: But the retail of the front, you
3695 preserved -- that's reserved, that's --

3696 MARK BOYES-WATSON: So I'm going to get to that.

3697 SLATER ANDERSON: Okay.

3698 MARK BOYES-WATSON: Depending on Chair's...

3699 SLATER ANDERSON: Because the windows --

3700 CONSTANTINE ALEXANDER: I don't care. I thought
3701 it might be a little more efficient to have a special
3702 permit for the windows, but then move on, but -- MARK
3703 BOYES-WATSON: Yeah.

3704 CONSTANTINE ALEXANDER: Whatever people want to do
3705 is fine with me.

3706 SLATER ANDERSON: I was asking out of curiosity,
3707 so please proceed how you want to proceed.

3708 MARK BOYES-WATSON: Because the answer is, in the

3709 end, we ended up preserving all of the retail frontage,
3710 instead of taking down that bay. And I have it. So this,
3711 this is taken today. So this is the retail today. So
3712 just to -- I'm going to to ask that we just finish because
3713 --

3714 CONSTANTINE ALEXANDER: Okay, good.

3715 MARK BOYES-WATSON: -- it's good for context. So
3716 here it is all the way along here. And the bay that was
3717 previously going to be removed before we got into this
3718 whole process of the removal of this, so we managed to
3719 retain this bay in the final version, and so, the entire
3720 retail frontage is retained on Concord. So it has the two
3721 bays that are these two bays, and then this bay here.

3722 So that answers the question. So in the end, the
3723 Greek Revival was, as I say, moved. The historic frontage
3724 of this was retained and put back into the project. And
3725 I'll go into the relief for that.

3726 CONSTANTINE ALEXANDER: You have any question? So
3727 you're all set?

3728 MARK BOYES-WATSON: Yeah.

3729 CONSTANTINE ALEXANDER: Your presentation for the
3730 special permit for the windows is a little sloppy, not
3731 doing the windows apart. Ready for a vote? Slater?

3732 SLATER ANDERSON: Yeah, yeah.

3733 CONSTANTINE ALEXANDER: The Chair moves that we
3734 make the following findings with regard to the parking
3735 relief being sought by the petitioner:

3736 That the requirements of the ordinance cannot be
3737 met unless we grant the special permit, that traffic
3738 generated or patterns in access or egress resulting from
3739 what is being proposed at the windows will not cause
3740 congestion, hazard, or substantial change in established
3741 neighborhood character with regard to the hazard, if there
3742 is to be a hazard.

3743 That's going to be ameliorated or eliminated
3744 really by the petitioner's proposal that these windows will
3745 be permanently sealed, and not be able to be opened.

3746 That the continued operation of or development of
3747 adjacent uses, as permitted in the ordinance, will not be
3748 adversely affected by what is proposed.

3749 And no nuisance or hazard will be created to the
3750 detriment of the health, safety and/or welfare of the
3751 occupant of the proposed use, or the citizens of the city.

3752 In this regard, the concerns that our ordinance has
3753 with regard to the parking setback if you will from the
3754 structure is based, I believe, or the Board believes, on
3755 the potential health issues from fumes that would go into
3756 open windows.

3757 But the petitioner proposes to eliminate that risk
3758 by permanently sealing the windows, and that would be a
3759 condition of a relief we grant -- I'm going to propose it
3760 will be a condition to any relief we grant with regard to
3761 the parking area too close to the structure.

3762 And that generally, what is being proposed will
3763 not impair the integrity of the district or adjoining
3764 district, or otherwise derogate from the intent and purpose
3765 of the ordinance.

3766 So on the basis of these findings, the Chair moves
3767 that we grant the special permit being requested with
3768 regard to parking on the condition that the work proceed in

3769 accordance with plans prepared by Boyes-Watson Architects
3770 dated 2007 -- "2007, 18" Wait a minute.

3771 MARK BOYES-WATSON: I think it's because they're
3772 --

3773 CONSTANTINE ALEXANDER: I'm sorry? Those are the
3774 right --

3775 MARK BOYES-WATSON: There's a little amended box
3776 too, that you might want to refer to. See the little --
3777 the little bubble just on the right-hand side?

3778 CONSTANTINE ALEXANDER: Oh, yes, I'm sorry, thank
3779 you.

3780 MARK BOYES-WATSON: And actually I think down --

3781 CONSTANTINE ALEXANDER: No.

3782 MARK BOYES-WATSON: Yeah, there. Down there,
3783 that's exactly there.

3784 SLATER ANDERSON: Down here.

3785 MARK BOYES-WATSON: See that -- SLATER

3786 ANDERSON: Yeah.

3787 CONSTANTINE ALEXANDER: Yeah.

3788 MARK BOYES-WATSON: See that little red bubble?

3789 There's a little red bubble there, which I think --

3790 CONSTANTINE ALEXANDER: Oh yeah, sorry. I can't
3791 even read it. Anyway, amended here it is. 02/13/20.
3792 Those are the plans. So -- and on this -- so the work
3793 proceed in accordance with these plans and on the
3794 condition that to the windows that are shown on these
3795 plans that are close to where the parking area is will be
3796 permanently sealed, and not be able to be opened.

3797 All those in favor, please say, "Aye." THE
3798 BOARD: Aye.

3799 [All vote YES]

3800 CONSTANTINE ALEXANDER: Five in favor, this
3801 special permit has been granted. Moving on.

3802 MARK BOYES-WATSON: So just to speak, I already
3803 gave a little bit of history of the retail. So I won't
3804 reiterate that in the context.

3805 I do actually have a list -- I have another
3806 handout. Just that's the -- if that just gives people a
3807 little closer viewing, these are those -- that little area
3808 I think is really helpful to understanding where we are in
3809 the world. That was just -- let me show it to you, and
3810 you'll see what it looks like today.

3811 So I actually have still got this Board up, so
3812 we're just going to refer to -- so when we originally -- I
3813 just want to put -- what I'm going to talk to you now is
3814 the -- is basically the zoning code allows for a special
3815 permit to exempt a basement GFA.

3816 CONSTANTINE ALEXANDER: Got to be consistent with the
3817 neighborhood?

3818 MARK BOYES-WATSON: Consistent with the
3819 neighborhood, right.

3820 CONSTANTINE ALEXANDER: Exact words.

3821 MARK BOYES-WATSON: Right, right. So why I handed
3822 out the little -- both the little view and the -- and this
3823 diagram that was produced by Community Development is just
3824 to say that -- and I think it came as a surprise to Lauren
3825 Harder and to me that there was such a strong feeling about
3826 maintaining this mixed use. There were a lot of signatures
3827 on the petition for this.

3828 And actually since -- what's interesting, and I
3829 was just reflecting -- since we started this project, this
3830 is now a residential site. Actually just outside the

3831 district, this -- the old funeral home -- is now
3832 residential.

3833 So actually, in a way their having withdrawn that
3834 petition so it didn't go through, they are right that it's
3835 threatened, and we indeed threatened the retail when we
3836 moved to remove it. It's just that economically I don't
3837 know why anyone would do that.

3838 So partly, that's why it's important that we're
3839 coming back to you for an amendment to our thing, because I
3840 think that first of all, we didn't do a good job even sort
3841 of describing the history of the property when we were
3842 here.

3843 But the -- so I just wanted to point out a couple of things.

3844 So as I said, it went through this iteration. I
3845 didn't bring the old residential scheme. We actually went
3846 all the way to Historic with a fully developed all
3847 residential scheme. But -- what am I trying to say?

3848 But what is interesting is that -- let me use the
3849 -- so -- because it was also the sense that of course if you
3850 use the basement, there's more useful retail at the site.
3851 But what I want to just point out is that -- unless we were

3852 just looking for that original survey -- is that originally
3853 there were about 4300 square feet of commercial. Is it just
3854 in that one building?

3855 SLATER ANDERSON: Not including the office.

3856 MARK BOYES-WATSON: Including the office. Because
3857 actually it was all commercial, right? So -- but actually,
3858 when we get even with the -- so -- and 3000 square feet in
3859 the basement. So 7,300 square feet.

3860 SLATER ANDERSON: Oh yeah, they --

3861 MARK BOYES-WATSON: Anyhow, but that -- right?
3862 But now, this -- the basement of this commercial building is
3863 actually -- even if -- I'm going to go over this a little
3864 bit. So basically, the -- what I did here is -- this is --
3865 we zoomed in on this building, and it's a little confusing,
3866 so I'm going to explain actually physically what it is
3867 first.

3868 So the building, as you can see from that
3869 photograph, doesn't have any windows facing the street or
3870 anything.

3871 It's not like a basement that's halfway out of the

3872 ground, it's at grade or -- and what happens is, the
3873 building fronts -- this is Concord -- fronts Concord.

3874 Here's the way in to that courtyard, and that actually
3875 comes down to the back here. This is a second means of
3876 egress. There's a stair here that will take you down to a
3877 basement. This is a little one-family house that faces the
3878 courtyard.

3879 So actually, so that little neck -- that's what
3880 that's doing there. And actually, it also was really
3881 important -- and you'll see a letter, if it made it into
3882 the file, if not Lauren has it -- from the abutter here,
3883 who really liked this wall adjacent to his property. In
3884 fact, he shows movies on the community walk around at
3885 business time against the wall of the building. He really
3886 didn't want to see it go.

3887 So we really will work to accommodate him. So
3888 that's what is happening there.

3889 And what we're saying is that there's no need --
3890 what we found as we start to tend this building is that the
3891 tenants really want to be able to get the extra use of this
3892 basement. We don't need the public to come down here. So

3893 it's totally going to be an ancillary use to the use here;
3894 just supporting its viability.

3895 CONSTANTINE ALEXANDER: That's an important issue,
3896 at least for me. That was an issue we were concerned with
3897 the last time around.

3898 MARK BOYES-WATSON: Right. And actually I think -
3899 - and that's why I was trying to point out the junction, now
3900 I don't remember why. Because there was some sense, oh,
3901 could it be independently let, could you come in through
3902 here? Could you really change the patterns in the -- and
3903 that's not the case.

3904 So the patterns will still be, you come in,
3905 there's this emergency egress only, it's only ancillary.
3906 It's not trying to be a separate thing. Nor -- and that's
3907 the other thing I wanted to illustrate on here, which was a
3908 concern -- was that somehow it would be used for the
3909 residential, and it would be a bleed through.

3910 But we have a two-hour wall here and it's solid.
3911 There's no connection of these basements. They're
3912 completely independent. It's an independent structure.

3913 So that's really the big change is first of all

3914 that it is actually only -- only -- it is 1364 feet on the
3915 first floor, and the basement, which we would look to for
3916 you to grant as an exemption from GFA is 1288 square feet,
3917 which is, like, way less than what was there originally,
3918 but maintains that neighborhood character, maintains the
3919 activation of the street, maintains that sense of a village
3920 community, which is really popular for people living in
3921 Europe in this sort of Huron Concord neighborhood.

3922 BRENDAN SULLIVAN: What do you see the use of that
3923 building?

3924 MARK BOYES-WATSON: So we --

3925 BRENDAN SULLIVAN: The marketability of it?

3926 MARK BOYES-WATSON: Well, we think that we will be
3927 able to get exactly that kind of user. What's really nice,
3928 as you can see from the photographs, is the lovely exposure
3929 to the street. It's perfect for a wine bar. We actually
3930 had a wine bar tenant -- a wine bar restaurant tenant who -
3931 - I think you've since seen with the Board because they
3932 couldn't go in here, because we couldn't -- they needed to
3933 use the basement to make that concept work.

3934 And that's one of the things about the sort of --

3935 if you like -- the topography of the retail is that it is
3936 against the street. So having a back of house, the back is
3937 actually under, not on the first floor, as it were. So
3938 that's one of the things that's also -- you make it so it's
3939 useable down there.

3940 BRENDAN SULLIVAN: So a retail occupant --

3941 MARK BOYES-WATSON: Yes. What we want to have is
3942 --

3943 BRENDAN SULLIVAN: -- of that would use the
3944 basement for storage?

3945 MARK BOYES-WATSON: Well, in the one we were
3946 doing, they were going to use -- they were going to put a
3947 dishwasher down there, plate of food down (sic), have some
3948 of the dirty part of their prep, and they would do fine
3949 prep upstairs, for instance.

3950 BRENDAN SULLIVAN: Well, that to me is storage in
3951 a sense. I mean, it's --

3952 MARK BOYES-WATSON: Yes, although the Building
3953 Department --

3954 BRENDAN SULLIVAN: It's not probably storage, but
3955 --

3956 MARK BOYES-WATSON: Yeah, right, it's more of

3957 those kind of uses. The Building Department would actually
3958 regard that as a use, so you wouldn't have been able to
3959 permit it like that.

3960 BRENDAN SULLIVAN: I mean, that would --

3961 CONSTANTINE ALEXANDER: Go ahead Mark, finish your
3962 point. At the end of the day, what you're proposing is
3963 you're not going to sell any merchandise to customers in
3964 the basement, but that's what the upstairs is being used
3965 for. And you're not going to provide services to customers
3966 or patrons in the basement?

3967 MARK BOYES-WATSON: Exactly.

3968 CONSTANTINE ALEXANDER: It's strictly a wine bar.

3969 MARK BOYES-WATSON: That's correct. They're not
3970 going to be invited into the basement. The public will be
3971 on the first floor.

3972 CONSTANTINE ALEXANDER: So you're not going to be
3973 tags?

3974 MARK BOYES-WATSON: Right, exactly. Or even --
3975 actually one of the other letters that you have in your
3976 file, Didriks actually used to use their basement, if you

3977 were even in Didriks, there was a fine goods, home goods
3978 store.

3979 CONSTANTINE ALEXANDER: Yep, yep.

3980 MARK BOYES-WATSON: But we do not intend that. We
3981 are going to use that to support -- and it is really to do
3982 with that. What makes the space really nice also makes it
3983 hard to use. You do need a sort of back of house. And so,
3984 the basement, if you grant, you will allow us to use the --

3985 BRENDAN SULLIVAN: So it could be storage, dry
3986 storage, it could be wet storage, and it could be --

3987 MARK BOYES-WATSON: Yeah.

3988 BRENDAN SULLIVAN: -- back room operations.

3989 ANDREA HICKEY: Yeah, office space for the -- it
3990 could be a kitchen too.

3991 CONSTANTINE ALEXANDER: Yes, that's correct.

3992 BRENDAN SULLIVAN: That's sort of -- to me that's
3993 back-room operations.

3994 CONSTANTINE ALEXANDER: Yeah, I think that's true.

3995 BRENDAN SULLIVAN: Compatible to what goes on.

3996 CONSTANTINE ALEXANDER: If the people can't come
3997 to the kitchen to eat their food --

3998 BRENDAN SULLIVAN: Right.

3999 CONSTANTINE ALEXANDER: -- or drink their wine,
4000 then who cares, in my view, anyway.

4001 ANDREA HICKEY: And I think that the neighbors
4002 feel that the use that is there is supporting the
4003 neighborhood, because, as Mark said, the first-floor space
4004 that's on the street is lovely, but it's small. And so, in
4005 order to actually support that business, they recognize
4006 that the basement use would just be supporting what's
4007 already there.

4008 BRENDAN SULLIVAN: They need as much square
4009 footage to saleable --

4010 MARK BOYES-WATSON: Yes.

4011 ANDREA HICKEY: Yeah.

4012 MARK BOYES-WATSON: Exactly.

4013 BRENDAN SULLIVAN: -- than the other operation. I
4014 mean, I don't mean to take funding away from you, but I
4015 think we can sum it up in 30 words or less here --

4016 ANDREA HICKEY: Yeah.

4017 MARK BOYES-WATSON: -- as to the purpose of it.

4018 JIM MONTEVERDE: Is that a condition of
4019 acceptance?

4020 CONSTANTINE ALEXANDER: Yeah, I would propose we

4021 make the motion that it would be a condition that be based
4022 in space; cannot be used for the sale of merchandise or
4023 customers for the provision of services, whether customers
4024 or patrons. But anything else you want to put that down,
4025 you're entitled to do, in my view.

4026 JIM MONTEVERDE: That's great.

4027 CONSTANTINE ALEXANDER: Finished?

4028 MARK BOYES-WATSON: Yes.

4029 CONSTANTINE ALEXANDER: Okay. Ready for a vote?

4030 Okay, the Chair moves that we make the following findings
4031 with regard to the relief being sought relative to the
4032 basement: That with the conditions we propose, using
4033 basement will support the character of the neighborhood, or
4034 district in which the lot is on.

4035 Further, that the requirements of the ordinance
4036 cannot be met unless we grant the relief being sought.

4037 That traffic generated or patterns in access or
4038 egress resulting from the use of the basement will not cause
4039 congestion, hazard, or substantial change in established
4040 neighborhood character, and because it will be a condition
4041 of the relief we would grant, is that the basement cannot

4042 be used for the sale of merchandise or the provision of
4043 services to customers or patrons.

4044 That no nuisance or hazard will be created to the
4045 detriment of the health, safety and/or welfare of the
4046 occupant of the proposed use, or the citizens of the city.

4047 And again, I would rely upon, or this Board will
4048 rely upon, the conditions that I've already enumerated with
4049 regard to the use of the basement.

4050 And that what is being proposed will not impair
4051 the integrity of the district or adjoining district, or
4052 otherwise derogate the intent of the ordinance.

4053 And that what is being proposed -- well, we don't
4054 need that, that doesn't apply.

4055 So on the basis of all of these findings, the
4056 Chair moves that we grant the special permit with regard to
4057 the use of the basement, on the condition that the basement
4058 space will not be used for the sale of merchandise, or the
4059 provision of services to customers or patrons of the floor
4060 above.

4061 All those in favor, please say, "Aye." THE

4062 BOARD: Aye.

4063 [All vote YES]

4064 CONSTANTINE ALEXANDER: Five in favor, special
4065 permit granted. The case is over.

4066 MARK BOYES-WATSON: Thank you very much, stay
4067 safe.

4068 [10:31 p.m. End of Proceedings]

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4079 CERTIFICATE

4080 Commonwealth of Massachusetts Middlesex,

4081 ss.

4082 I, Catherine Burns, Notary Public in and for the

4083 Commonwealth of Massachusetts, do hereby certify that the

4084 above transcript is a true record, to the best of my
4085 ability, of the proceedings.

4086 I further certify that I am neither related to nor
4087 employed by any of the parties in or counsel to this
4088 action, nor am I financially interested in the outcome of
4089 this action.

4090 In witness whereof, I have hereunto set my hand this
4091 _____ day of _____, 2020.

4092

4093

4094 Notary Public

4095 My commission expires:

4096 August 6, 2021

4097

4098

4099

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