

BOARD OF ZONING APPEAL
FOR THE
CITY OF CAMBRIDGE

GENERAL HEARING

THURSDAY, JULY 23, 2020

7:00 p.m.

Remote Meeting

via

831 Massachusetts Avenue
Cambridge, Massachusetts 02139

Constantine Alexander, Chair

Brendan Sullivan, Vice Chair

Janet Green

Jim Monteverde

Slater W. Anderson

City Employees

Ranjit Singanayagam, Commissioner

Sisia Daglian, Assistant Building Commissioner

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

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3 (6:03 p.m.)

4 CONSTANTINE ALEXANDER: Okay. Welcome to the June
5 (sic) 23, 2020 meeting of the Cambridge Board of Zoning
6 Appeals. My name is Gus Alexander, and I am the Chair.

7
8 This meeting is being held remotely, due to the
9 statewide emergency actions limiting the size of public
10 gatherings in response to COVID-19, and in accordance with
11 Governor Charles D Baker's Executive Order of March 12,
12 2020, temporarily amending certain requirements to the Open
13 Meeting Law; as well as the City of Cambridge temporary
14 emergency restrictions on city public meetings, city events,
15 and city permitted events, due to COVID-19, dated May 27,
16 2020.

17 This meeting is being video and audio recorded,
18 and is broadcast on cable television Channel 22, within
19 Cambridge. Eventually there will also be a transcript of
20 the proceedings.

21 All Board members, applicants, and members of the
22 public will state their name before speaking. All votes

1 will be taken by roll call. Members of the public will be
2 kept on mute until it is time for public comment. I will
3 give instructions for public comment at that time, and you
4 can also find instructions on the city's webpage for remote
5 BZA meetings.

6 Generally -- not generally, you will have up to
7 three minutes to speak, and we're going to enforce that.
8 We've got a long agenda tonight, and three minutes should be
9 all you need to make your points, except for the
10 petitioners. They will need, obviously, more time. But I'm
11 referring to members of the public who wish to comment on
12 our case before us.

13 I'll start by asking staff to take Board member
14 attendance and verify that all members are audible.

15 JANET GREEN: Janet Green, present.

16 SLATER ANDERSON: Slater Anderson, present.

17 JIM MONTEVERDE: Jim Monteverde, present.

18 BRENDAN SULLIVAN: Brendan Sullivan, present.

19 CONSTANTINE ALEXANDER: And myself, present,
20 obviously, as the Chairman.

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2 (6:04 p.m.)

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

6 Okay, we're going to start with one continued
7 case. The case is 7 -- let me get the case out, please.
8 The case is 017246-2020, 17 Cushing Street. Anyone here
9 wishing to be heard on this matter?

10 MICHAEL WIGGINS: Yes, Mr. Chairman. This is
11 Attorney Michael Wiggins. I don't know if you can hear me?

12 CONSTANTINE ALEXANDER: Yes, we can.

13 MICHAEL WIGGINS: Okay. I represent Rick von
14 Turkovich, and he's the owner of that property. He had
15 continued his petition for a variance to this evening, in
16 order to address some issues in -- was it the prior hearing?

17 And I think the principle one was lack of parking,
18 and he's come up with now a plan for parking that I think
19 will solve the problem.

20 However, when he showed that to me and the
21 architect showed it to me, it appeared that one of the four
22 spaces that's been provided is within five feet of the side

1 line.

2 So he's going to need a special permit for that,
3 and we certainly don't want you to have to consider
4 everything without that being considered at the same time.

5 So we are respectfully asking for a continuance to
6 October 8, and in the meantime, we will file a new petition
7 that addresses both the variance and the special permit, so
8 that will be a new case.

9 But we've asked that this case be continued, so
10 that we can pull that together and get it filed.

11 We have a parking plan that I think is copacetic,
12 and the neighbors have all agreed with it, so just a
13 question of getting it filed and advertised and then heard.

14 CONSTANTINE ALEXANDER: If I understand you
15 correctly, you want to continue the case until -- or you or
16 your client -- until October 8. And on that night, we'll
17 hear a newly filed special permit case, as well as the
18 continued variance case? Do I have it right?

19 MICHAEL WIGGINS: Well, actually, what I was
20 instructed to do by the staff was to actually file a
21 comprehensive new variance and special permit, but this one
22 would be discontinued that evening or just abandoned if we

1 get the relief we're asking for.

2 CONSTANTINE ALEXANDER: What date would you hope
3 to have for your -- your Omnibus petition, October 8?

4 MICHAEL WIGGINS: October 8, yes.

5 CONSTANTINE ALEXANDER: Sisia, do we have room on
6 October 8?

7 SISIA DAGLIAN: Yeah.

8 CONSTANTINE ALEXANDER: Okay. October 8 it will
9 be.

10 SEAN O'GRADY: Gus, I'm sorry to bust in, it's
11 Sean.

12 CONSTANTINE ALEXANDER: Yes.

13 SEAN O'GRADY: On the website, this case is
14 advertised as 7:00 p.m.

15 CONSTANTINE ALEXANDER: [Laughter] You're right!
16 How did that happen?

17 SEAN O'GRADY: I'm not sure.

18 CONSTANTINE ALEXANDER: All right. Then I think
19 we're going to have to adjourn this discussion until after
20 7:00 p.m., and then we'll take a vote as to whether we can -
21 - you can have a case continue, a continued case until
22 October 8.

1 And of course you'll file the Omnibus petition for
2 the whole shooting works.

3 JIM MONTEVERDE: Excuse me, this is Jim Monteverde.

4 CONSTANTINE ALEXANDER: Yes.

5 JIM MONTEVERDE: Shawn, the -- I'm looking -- I'm
6 on the website, and I see it listed for 6:00 p.m. I'm on the
7 Board of Zoning Appeal agenda site. Are you looking at the
8 continued case?

9 CONSTANTINE ALEXANDER: I have an agenda that has
10 it at 7:00 p.m.

11 JIM MONTEVERDE: Oh, oh, oh, no, no, no. Sorry,
12 no.

13 SISIA DAGLIAN: I think there's a conflict.

14 JIM MONTEVERDE: Yeah.

15 BRENDAN SULLIVAN: Okay.

16 CONSTANTINE ALEXANDER: Mine says 7:00 p.m.

17 BRENDAN SULLIVAN: It's a continued case, yeah.

18 JIM MONTEVERDE: Okay. Sorry.

19 CONSTANTINE ALEXANDER: Okay. We're going to --
20 we'll recess this hearing on the request for the original
21 request to be continued, and we'll come back to it after
22 7:00, and we'll take a vote and set everything up in order.

1 Is that all right with you?

2 MICHAEL WIGGINS: If you're asking me, Mr.
3 Chairman, that's fine. Do you want me to return then, or
4 are you satisfied with what I've presented in terms of --

5 CONSTANTINE ALEXANDER: Well it's up to you. We
6 don't have to adjourn, but if something comes up, somebody
7 speaks to this matter, when you -- they -- you will be there
8 to rebut it or respond to it, so I would think you'd want to
9 be there. It's up to you.

10 MICHAEL WIGGINS: Certainly I should. It's
11 probably unlikely they will, but sure I'll come back.

12 CONSTANTINE ALEXANDER: Okay. All right, then
13 we'll recess this case until 7:00 p.m. or later, and move on
14 to our regular agenda.

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2 (6:10 p.m.)

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

6 The Chair is now going to call Case Number 017232
7 -- 747 Cambridge Street. Will the petitioner and his
8 representatives, or colleagues, you're going to be unmuted,
9 right, Sisia? They're able to speak now?

10 SISIA DAGLIAN: Yes.

11 CONSTANTINE ALEXANDER: Anyway, please begin by
12 introducing yourself and any other speakers on your team,
13 and then commence your presentation.

14 EVAN STELLMAN: Hi, this is Evan from Khalsa
15 Design.

16 NICK ZOZULA: Hey Evan.

17 EVAN STELLMAN: Here's Nick as well.

18 NICK ZOZULA: Yeah, sorry, Evan. I was getting
19 unmuted there. Mr. Chair, members of the Board, City Staff,
20 Attorney Nick Zozula, McDermott, Quilty & Miller. With me
21 tonight, as you just heard, is Evan Stellman from KDI
22 Design; as well as Ed Doherty from 747 Cambridge Street,

1 LLC, who's the proponent. He's been before this Board
2 before, Founder and President of the local real estate
3 company that focuses on this type of development, high-
4 quality, design-forward, mixed-use residential projects.

5 I'm going to give a brief overview, and if Sisia
6 or Tracy could pull up, we did submit some presentation
7 materials. And while they're doing so, in the interest of
8 time, I can go ahead and get started.

9 SISIA DAGLIAN: Nick, sorry. We're not seeing Mr.
10 Doherty on the list. Is he calling in from a phone number?

11 NICK ZOZULA: I do not know. But we can proceed
12 without him. I don't -- he may be calling in from a number,
13 but I do not see it either on the list.

14 SISIA DAGLIAN: Okay.

15 NICK ZOZULA: I apologize, but we can certainly
16 proceed without him.

17 SISIA DAGLIAN: Okay, so --

18 NICK ZOZULA: And if he joins in, he can join in
19 when he --

20 SISIA DAGLIAN: We're starting the presentation.

21 NICK ZOZULA: Yes, thank you. So Mr. Chair, this
22 property is located at the corner of Cambridge Street and

1 Marion Street, as Tracy will show. And you can see the
2 locus plan on the bottom left of the presentation. It's a
3 single-story.

4 What's there now, if you can scroll down to the
5 next page, you will see that the property, there are some
6 images here, and I'm just showing you what's around the
7 property. It's a single-story existing brick building.
8 It's the current home of the Polish Citizen's Club. It's a
9 6200 square foot lot, and the existing single-story brick
10 building basically covers that entire lot.

11 As you can see from the images in front of you,
12 the building is in need of revitalization and enhancements,
13 both inside and out, and we feel like this is an exciting
14 opportunity for development -- residential displacement, for
15 what Mr. Doherty is proposing a condominium home ownership
16 project with a ground floor -- new ground floor commercial
17 space kind of in line with what's up and down Cambridge
18 Street now.

19 In brief, the proposal is for a three-story mixed-
20 use building. Again, brand new ground for commercial space,
21 about 1424 square feet on the ground-floor, and then with a
22 rear condo unit on the rear of the ground floor and then

1 five units on the upper two floors.

2 The six units will be 4 two-bed units, and 2
3 three-bed units. And Evan, when we go through the plans can
4 show you in more detail as to what those look like. We're
5 also proposing nine on-site parking spaces, so one each in
6 each of the condo units, as well as three dedicated to that
7 commercial space.

8 We do not have a user for that commercial space
9 yet. So we are proposing a vanilla box commercial space at
10 this time. And if any future user or occupant/tenant of
11 that space requires zoning, they will of course be back in
12 front of this Board for their relief at that time.

13 I will also note two more things, and then we can
14 jump into the plans. First of all, the multifamily
15 residential use -- the main use in the property is an
16 allowed use. So we are proposing an allowed use and not
17 requiring any use variance or special permit.

18 I also just to set the table, would like to state
19 that the appellant has made numerous project revisions over
20 probably about a year of time, as a result and byproduct of
21 robust discussions with the sites' abutters -- which did
22 result in multiple abutter support letters, which we did

1 submit by staff prior to tonight's hearing, as well as a
2 left of support from the City Councillor to me, who
3 submitted that letter of support today as well.

4 We also met with the Planning Board, which I
5 believe resulted in their recommendation of approval. So we
6 have done a lot of outreach to get to this point, and we did
7 make a lot of modifications, which Evan can touch upon,
8 throughout the presentation.

9 But we would hope and suggest that this is an
10 appropriately designed building, certainly in place of
11 what's there now, and that this would fit in with the
12 context and site and location for this 77 Cambridge Street.

13 So I will happily cede the microphone to Evan
14 Stellman from KDI. He can take you through the next steps
15 in our brief presentation, after which I'm of course happy
16 to walk through and talk about our summary how we comply
17 with the variance findings for the project and the special
18 permit. We did submit, obviously, our narratives for this,
19 but I'm happy to walk through those and discuss those as
20 well.

21 CONSTANTINE ALEXANDER: I have a comment, really,
22 for you, Mr. Zozula. Before we move on to the further

1 presentation, why don't you take check off the exact relief
2 you're seeking -- nature of the relief you're seeking, the
3 zoning relief?

4 NICK ZOZULA: Yes, Mr. Chair. If you actually
5 scroll to the next page, you'll see that we have it on
6 there, and Evan can walk through that in more detail.

7 CONSTANTINE ALEXANDER: Yes, okay.

8 NICK ZOZULA: So the next page should have --
9 there you go -- and Evan, if you want to just quickly walk
10 the Board and Mr. Chair through that, you can do that
11 quickly.

12 EVAN STELLMAN: Okay. Hi, everybody. My name is
13 Evan Stellman from Khalsa Design. If you look at the chart
14 to the left, the relief that we're seeking is highlighted in
15 red. This is a pretty complex site, because a large portion
16 of it falls within the BA zone, and a smaller portion falls
17 within the C1 zone.

18 Additionally, the residential uses within the BA
19 zone are regulated by C2B zoning.

20 So the first item is the floor to area ratio,
21 which has a requirement of 1.38, and we are proposing 1.71.

22 The second item is the front yard setback for the

1 residential component of this project. The required
2 setbacks are 10 feet along both Marion Streets and Cambridge
3 Street. And this is shown on the plan to the right with the
4 dashed red lines.

5 The residential setback is 4.5 feet on the upper
6 floors on Cambridge Street, and we're proposing 0 feet on
7 Marion Street.

8 The third item is the left yard setback, which is
9 required to be 20 foot 6, given the structure's width and
10 height. Again, if you look at the plan to the right, the
11 buildable area for the residential component of this project
12 would fall between the red dashed lines, and it would end up
13 being approximately 19.5 feet by 103.5 feet deep.

14 The final item that we're requesting is the
15 special permit for the number and size of parking spaces.
16 We're currently calling for one space per dwelling unit and
17 three for the commercial component, while more than half of
18 these spaces will be compact.

19 So that's the relief we're seeking. I can walk
20 you through the elevations in the plans as well.

21 NICK ZOZULA: Mr. Chair, would you like any more
22 information about that relief? We're happy to go into

1 further detail.

2 CONSTANTINE ALEXANDER: I think you can move on
3 with your presentation.

4 NICK ZOZULA: Yes, sir.

5 CONSTANTINE ALEXANDER: Unless other members of
6 the Board want more detail? I'm satisfied.

7 JIM MONTEVERDE: Sorry, this is Jim Monteverde.
8 Thank you for the description and walking us through the
9 zoning chart.

10 So can you please just explain as you went through
11 the minimum side yards, front yards, et cetera -- I think
12 it's those three in the chart where you are asking for
13 relief, why you need that relief and why you can't
14 accommodate a project that would be either more compliant or
15 just straight compliant?

16 Can you explain that to us, please?

17 NICK ZOZULA: Yeah. Evan, I can start, and then
18 maybe you can get into more of the specifics.

19 EVAN STELLMAN: Okay.

20 NICK ZOZULA: But it's a very -- it's a narrow lot
21 in terms of it is 50 feet wide by 124 feet long. And if we
22 were to build something that would comply with the setbacks,

1 it's actually -- in the top right of the screen you can see
2 where it says 19 feet 6 inches, there's a red dash line
3 throughout that site. That's basically what we could build
4 on this property if we were to comply with the setbacks.

5 So Evan's office put together what would be as-of-
6 right setbacks. And as you can see, it wouldn't work. We
7 wouldn't be able to put any parking. And it just -- you
8 know, it obviously wouldn't work at that size.

9 So as far as why we couldn't be more compliant,
10 Evan can talk a little bit more to that, but I would suggest
11 that -- you know, in order to get the right circulation and
12 the parking to try and meet at least the residential parking
13 requirement of one space per unit, a 50 foot wide lot to
14 have turning radiuses and things like that, it just causes a
15 lot of difficulty.

16 And those irregularities of the lot, how it's 124
17 feet long, but only 50 feet wide, is why the building is
18 sited the way it is. And that causes the issues with
19 providing those setbacks and providing parking.

20 Evan, feel free to chime in with more detail, but
21 I know that that's kind of the high point as to why, you
22 know, if we were to comply with zoning, we just wouldn't be

1 able to build any type of real feasible building that would
2 be useable by anybody.

3 JIM MONTEVERDE: Yeah, I'm looking at -- this is
4 Jim Monteverde here -- I'm looking at your ground-floor
5 plan. Not the zoning one, but the ground-floor one. And I
6 assume what it would mean is your one bedroom, which has got
7 the future accommodation for a wheelchair lift, so that must
8 be your accessible unit -- you'd basically compromise that,
9 or it wouldn't be able to be on the ground-floor, right?

10 Because the commercial space --

11 NICK ZOZULA: Correct. --

12 JIM MONTEVERDE: -- is kind of a set dimension. I
13 assume you don't want to step that back from Cambridge
14 Street for some reason, which you can describe? But that
15 basically sets the commercial space.

16 I get the parking lot. It's basically what is it,
17 I guess the cardinal direction would be north and south of
18 your parking lot that forces you not to be able to comply at
19 the back of the lot or in Cambridge Street?

20 And I think what you're saying is you don't just
21 get; you just don't get the unit count that you'd like to
22 have?

1 EVAN STELLMAN: Right. I think Nick really hit
2 the nail on the head with this one. I would like to point
3 out that the commercial space at the front of the site does
4 comply with the BA zoning. So we're only seeking relief for
5 the residential portion, which has to comply with --

6 JIM MONTEVERDE: Oh, okay, okay. So it's really -
7 -

8 EVAN STELLMAN: Not --

9 JIM MONTEVERDE: -- it's really the story above,
10 and not the ground-floor?

11 EVAN STELLMAN: Right. So it's the --

12 NICK ZOZULA: Rear portion, to the right of the
13 plan on the screen now, and then the stories above.

14 JIM MONTEVERDE: Yep.

15 NICK ZOZULA: Correct.

16 EVAN STELLMAN: And once we are taking those
17 spaces away, we really want to be able to get the density
18 that we would require to have this project work.

19 NICK ZOZULA: And to your point, Mr. Monteverde,
20 we also don't need a height variance, which we found to be
21 very important, as we went through the community process, to
22 make sure we were contextually appropriate for this area of

1 Cambridge Street.

2 JIM MONTEVERDE: Yep.

3 NICK ZOZULA: So in order to not use a height
4 variance, we had to use a side yard variance, and in a front
5 yard variance in certain places.

6 JIM MONTEVERDE: Yeah, so -- yeah.

7 NICK ZOZULA: We're well below that height, that's
8 why. That's another rationale.

9 JIM MONTEVERDE: Okay. And if I go to your
10 second-floor plan -- again, I'm just trying to rationalize
11 what keeps you, what is it in the plan that causes the plan
12 to be stretched out?

13 Even if you kept all the units it's really your
14 circulation pattern that places that switchback stair in the
15 middle of the plan that's really above your drive lane that
16 kind of stretches things out.

17 Because in that 21-foot width -- you can't see my
18 cursor, but between the two left and right apartments,
19 really those apartments in their corridors, they can kind of
20 function without that zone in the middle.

21 Except that, again, for where you located the
22 stair. I'm just looking for another way we can keep -- if

1 there's an opportunity, that you can have the density that
2 you're looking for, but basically suck the plan in so that
3 you in fact could comply, either at the back of the lot or
4 to the side of the lot.

5 I think I beat that horse enough. I've heard your
6 story.

7 NICK ZOZULA: Evan, do you want to continue with
8 the plans, if Mr. Monteverde doesn't have any more
9 questions?

10 JIM MONTEVERDE: No, I'm done, thank you.

11 EVAN STELLMAN: Sure. Could you please go to
12 slide #4, Sisia or Tracy? Okay. So on this sheet, the
13 Cambridge Street elevation is at the top, and the Marion
14 Street elevation is at the bottom.

15 So we wanted to create a -- a structure that would
16 blend with the scale of the existing neighborhood. You can
17 see on the bottom elevation that while our building is
18 extremely long, we gave the appearance of two separate
19 structures with a connector piece, where the switchbacks
20 narrow.

21 We also wanted to create an attractive commercial
22 space that would help activate the corner of Cambridge and

1 Marion. On the top elevation there, you can see the
2 expansive windows that activate the corner and a space
3 allocated for art towards the front left of the structure.

4 Could you go to the next slide, please?

5 The top view here shows the right side elevation
6 from Marion Street, and then the bottom view shows the left
7 side elevation, which faces our abutter on the left side of
8 Cambridge Street.

9 After several conversations with this abutter,
10 we've made a number of changes to the structure, as well as
11 reducing the unit count from eight to six. You can see on
12 this elevation at the bottom that there are only eight
13 windows and one door on the side of the building.

14 We've also pulled the massing of the commercial
15 space, which is to the right side inward approximately 2.5
16 feet, and pulled the rear massing on the left side inward
17 approximately 1.5 feet.

18 Could you go forward two slides, please? I'm
19 going to skip one. Thank you.

20 CONSTANTINE ALEXANDER: Could I ask a question
21 about -- excuse me --

22 EVAN STELLMAN: Mm-hm.

1 CONSTANTINE ALEXANDER: -- this is Mr. Alexander.
2 The parking, the entrance to the parking underneath the
3 building is on a street that's a one-way street going one
4 way toward Cambridge Street.

5 So if you're driving on Cambridge Street and want
6 to park in the building because you're a resident of the
7 building, or you're a patron of the commercial space, am I
8 right the driver is going to have to go past the building
9 toward Central -- toward Inman Square?

10 Take a right, and it looks like a narrow street.
11 Go down to the end beyond the -- the end of the building,
12 take another right, go to the rear of the building, and then
13 take a third right coming back toward Cambridge Street and
14 to pull into the garage. Is that the way the traffic flow
15 is going to work?

16 EVAN STELLMAN: Yes, that's how it's going to
17 work.

18 NICK ZOZULA: Yeah, Mr. Chair, I mean the only
19 other alternative would be to have a parking entrance off of
20 Cambridge Street and, you know, we only have a 50-foot wide
21 street frontage, as you can see from this and obviously --
22 right -- I think in terms of safety, you know, nobody wants

1 front yard entrance to a garage if we can have a side yard.

2 And so, the thought here was to, you know,
3 although it's a little bit of an inconvenience to get into
4 it from -- to get into the parking garage, it's more
5 functional than having than having cars coming in and out
6 off of busy Cambridge Street with -- you know, an ugly
7 garage facing, you know, facing the street frontage.

8 So I think we kind of did what we could do with
9 what we were working with.

10 CONSTANTINE ALEXANDER: The point, though, I'm
11 trying to get at is that particularly for people who want to
12 patronize the commercial space, there's no way they're going
13 to know, unless they're familiar with the neighborhood, how
14 you get into the parking space? Or in fact that there is
15 parking space.

16 It's -- and for the residents of the structure, of
17 course they'll know how to get in there. But it's going to
18 create traffic issues around -- they're going to have to
19 circle around the building to get into their parking lot.

20 And maybe you can't avoid that, but it's not a
21 very desirable traffic pattern, in my opinion.

22 JANET GREEN: Question: Is there street parking

1 there, or what is that like?

2 NICK ZOZULA: So yes, I think that was Ms. Green.

3 JANET GREEN: Yes, it was, sorry.

4 NICK ZOZULA: Is there street -- yes, so there is
5 parking there. There is also a large public parking lot
6 that is located further up on Marion Street, I believe,
7 right? Even kind of cross from the back of the building.
8 That's a large public parking lot. It's on Marcarelli Way,
9 if I'm saying that right, and there's over 30 parking spaces
10 there.

11 So there is public parking available right within
12 the location. We're also very close -- I would say a little
13 over a half mile long -- to the MBTA station and the Green
14 Line. But there is parking on the street.

15 And to be honest, the current commercial use has
16 no offsite parking. So the Polish Club, which is a much
17 larger footprint of commercial space, right now has no, or
18 has very limited off-street parking. There's no parking
19 that's services the existing use. So this would obviously
20 improve that condition. It's a much smaller commercial
21 space.

22 And for instance, if we were -- if this were to

1 be, I believe a physician's office, Evan, it would require
2 only five spaces at this size. And we're proposing three
3 spaces. So if -- let's just say this ends up being a
4 physician's office, as example, it would only require five
5 spaces and we're providing three.

6 So based on all of that information and where it's
7 located in that large public parking lot right around the
8 corner, we would suggest that there is ample opportunity to
9 get to this space, specifically for the commercial use and
10 for visitors.

11 And if I may continue real quick, Sisia, Mr.
12 Doherty is on the line. He -- I don't know if -- I can give
13 you his phone number, and you can allow him to chime in as
14 well as the developer. I'm sure he would appreciate it, but
15 I don't know if he adds himself as being a presenter or not.
16 I don't know if the technology allows that or not. I can
17 give you that number if you'd like.

18 SISIA DAGLIAN: Yeah, if you could.

19 NICK ZOZULA: Would you like me to give it to you
20 over this? I'm happy to do it.

21 SISIA DAGLIAN: You can just e-mail it to me.

22 NICK ZOZULA: Okay, sure. Evan, while I'm doing

1 that, I don't know if you want to continue?

2 EVAN STELLMAN: Yeah, so I just wanted to show
3 these massing perspectives from various viewpoints. The
4 three on the right give a better sense of those, how we
5 broke up the scale of the building on Marion Street. And
6 then in the top left perspective, you can see how the
7 building fits in with the surrounding context.

8 Could you go to the next slide, please?

9 And I just wanted to wrap up my portion of the
10 presentation with this rendering image. Again, you can see
11 how we broke up the massing on the right side of the
12 rendering, and then created a commercial space the really
13 rejuvenates the streetscape, and a residential structure
14 that we think fits really well with this neighborhood.

15 And with that, I turn it back to Nick or Ed, or
16 whomever wants to speak.

17 NICK ZOZULA: Yeah, I can sum up. Sisia, I just
18 sent you Mr. Doherty's phone number, if you could add him.
19 Because he I'm sure would help with any Q&A that the Chair
20 or the Board members would have.

21 But as I had indicated in our opening, you know,
22 we did go through an extensive process, and we made quite a

1 few project modifications.

2 We removed -- we downsized the massing. It was
3 originally proposed as a nine unit development. We dropped
4 it to a six unit development. It originally included the
5 Polish Club remaining as part of the development.

6 And as part of our discussions with the neighbors
7 and the abutters, they've agreed to find another location,
8 so this would be a different commercial use.

9 We've also reduced the massing of the building,
10 and adjusted things like setbacks, site design
11 modifications, reduced the number of windows on the abutting
12 side lot line, pulled the rear massing in, and worked with
13 the abutters on the edge condition between the site and the
14 main abutting property.

15 So with that, I'm happy to go through Mr. Chair
16 the zoning compliance with the various findings if you like,
17 or answer any questions. I know your time is valuable. So
18 --

19 CONSTANTINE ALEXANDER: Why don't you finish your
20 presentation and go through the requirements for a variance,
21 and why you believe you satisfy them, and then we'll go to
22 questions from members of the Board?

1 NICK ZOZULA: Sure, absolutely. So in terms of
2 the literal enforcement and the hardship, we would suggest
3 there's both financial and architectural hardship.

4 As Mr. Monteverde was asking the questions, I
5 think that we answered that to a certain extent, that we can
6 only build something if we were to conform with specifically
7 the setbacks. We would only be able to build something
8 that's 19 feet six inches wide.

9 And that would not allow us to provide this
10 updated and improved commercial space in keeping with the
11 neighborhood, or these large, family-sized units on the
12 upper floors. I don't think Evan went through the unit
13 sizes, but there are 4 two-beds and 2 three-beds. So these
14 are larger sized units. They're ample sized.

15 We would suggest family-sized units, and it still
16 provides us to allow for the commercial space, which is in
17 keeping kind of with the context of Cambridge Street with
18 ground-floor commercial space and residential units above.

19 As far as the hardship, again we would suggest
20 that it has to do with the shape of the lot, but also its
21 location, and it's a corner lot that fronts on two streets.
22 It's a 50-foot lot widthwise in Cambridge, and then 124 feet

1 on Marion.

2 It's also located -- which we didn't touch upon --
3 it's located in two zoning subdistricts, which also provides
4 some funky calculations in terms of the FAR and the
5 setbacks, which causes us to be in nonconformance with
6 those. The 100 feet is actually in the BA zone, and the
7 rear 24 feet is actually in the Residence C zone.

8 Again, it's also a wide, narrow lot. And so, we
9 would suggest that these irregularities cause issues in
10 siting the building in an appropriate manner, without
11 violating some of the setback requirements. And it causes
12 issues providing also sufficient commercial off-street
13 parking within the actual project site.

14 As far as the third prong, in terms of desirable
15 relief and the detriment to the public good, I also kind of
16 hit upon that in our opening, but we did thoroughly process
17 this with the abutters. We had several informal abutter
18 meetings, which we fliered the neighborhood.

19 I know we've had a very robust and specific
20 discussions with one of our direct abutters, and that is --
21 we would suggest -- would lessen the impact of this project
22 on the immediate area, and allows us to provide some much

1 needed revitalization of this underutilized and irregularly
2 shaped property.

3 We've also as a result of that discussion over the
4 past many months -- we've been able to give special
5 attention to the siting, scale and design of this new
6 structure to make sure that it improves existing conditions,
7 but also so that it doesn't cause any detriment to the
8 public good.

9 I think when you look at this rendering
10 specifically in front of you right now, I think it shows
11 that it does fit in with the context of the neighborhood.
12 It doesn't stick out; it does look like it belongs there.

13 We also, again, don't need a height variance or a
14 use variance.

15 So that would be why we comply with the variance
16 standards. And we also do need a special permit for parking
17 -- specifically for the commercial parking. We are in
18 compliance, I believe, with the residential parking. But we
19 do need special permits for the parking allotment and the
20 parking size.

21 Which, again, if the Chair so pleases, I'm happy
22 to walk through those conditions as well.

1 CONSTANTINE ALEXANDER: Why don't you just briefly
2 do so?

3 NICK ZOZULA: Sure. So, again, we're -- you know,
4 we are -- we're only off by a few spaces in terms of the
5 parking allotment for most of the uses that would be allowed
6 in here at 1400 square feet.

7 We in terms of traffic -- you know, the addition
8 of six new residential units -- we would suggest would cause
9 a de minimis increase in traffic, not really causing any
10 substantial change in the character of the neighborhood.

11 As we had touched upon earlier, the project
12 proposes garage access and egress from one curb cut along
13 Marion Street, which is a side street, which mitigates
14 impacts along the busier, main thoroughfare of Cambridge
15 Street from having vehicular entry and exit from the project
16 directly onto that street.

17 The proposed in terms of the operation, we would
18 suggest would not adversely affect the nature of the
19 proposed use. Again, the MFR use is allowed under the
20 ordinance.

21 And while the project doesn't provide the one-to-
22 one, you know the actual required parking allotment, it does

1 provide a one-to-one parking ratio for the residential
2 units, and it does propose three dedicated spaces for the
3 ground-floor commercial space, which would easily handle the
4 two or three employees who would likely be working at the
5 space.

6 It's also -- again, readily available transit and
7 the nearby public parking lot on Marion shows the proximity
8 to there.

9 Finally, quickly, the nuisance or hazard: Again,
10 it's an allowed use, and we've spent a lot of time into
11 making sure that this doesn't cause any detriment to the
12 health, safety or welfare of the citizens, the neighbors,
13 the abutters, in terms of siting commercial use, decks, open
14 space, vehicular access and things like that.

15 And to that point, again, the last prong: In
16 terms of the -- not comparing the integrity of the district
17 or the adjoining district: Again, the uses are allowed.

18 We would suggest that the dimensional relief that
19 we're asking for is alleviated by the size of the lot and
20 the location of the lot, and it doesn't -- it wouldn't cause
21 any issues in terms of the parking or the special permit
22 that we require for the parking.

1 And to that end, I would just end with stating
2 that four of the five spaces are full-sized spaces, and the
3 other five are compact. So we're just off by one in terms
4 of the ratio of 50 percent compact versus full-sized. We're
5 just off by one. And again, that is caused by the size and
6 the width of it.

7 And I think that would sum up my conditions and
8 rationale, but I'm happy to go into further detail, Mr.
9 Chair, if you would like.

10 CONSTANTINE ALEXANDER: Not at this point, but
11 I'll see if members of the Board -- other members of the
12 Board -- have any questions they want to ask of you at this
13 point. And then I'll open the matter up to public
14 testimony.

15 BRENDAN SULLIVAN: This is Brendan Sullivan.
16 Councillor, are the units rental or are they for sale?

17 NICK ZOZULA: They will be condominium sale for
18 sale units.

19 BRENDAN SULLIVAN: And the commercial space also?

20 NICK ZOZULA: Yes.

21 BRENDAN SULLIVAN: Yes, okay.

22 NICK ZOZULA: That's my understanding, but --

1 that's my understanding, yes.

2 CONSTANTINE ALEXANDER: Any other members of the
3 Board at this point have any questions they want to ask?

4 JANET GREEN: No, I would just make the comment
5 that I'm very happy to see three-bedroom units coming on the
6 market. I think that's been a real need in Cambridge.

7 BRENDAN SULLIVAN: I'm all set.

8 CONSTANTINE ALEXANDER: Okay. Now we'll open the
9 matter up to public testimony. Any members of the public
10 who wish to speak, should now click the icon at the bottom
11 of your Zoom screen that says, "Raise hand." If you are
12 calling in by phone, you can raise your hand by pressing *9
13 and unmute or mute by pressing *6.

14 So the matter is open to public testimony. And we
15 have a number of written commentaries, which I'll read into
16 the record, or describe at least for the record, after we
17 hear any oral comments from members of the public.

18 So it takes a little bit of a while to get the
19 call through, but if you wish to speak, now is the time.
20 And I've given you the instructions as to how to do it.

21 SISIA DAGLIAN: Okay, Gus, we have two people
22 that have raised their hands. The first one is a call in

1 from (617) 771-8311. We'll have that person speak first?

2 CONSTANTINE ALEXANDER: In no particular order.

3 That person should just identify himself -- Yes.

4 SISIA DAGLIAN: Yes.

5 CONSTANTINE ALEXANDER: -- or herself before he

6 starts to speak, he or she.

7 SISIA DAGLIAN: And then the second person would

8 be the abutter, Nancy Dilando (phonetic), after the first.

9 CONSTANTINE ALEXANDER: Again, while you're

10 looking at the --

11 SISIA DAGLIAN: Okay.

12 CONSTANTINE ALEXANDER: I want to again reiterate

13 three minutes. More than three minutes, and we're going to

14 cut you off, or at least require you to come to a conclusion

15 in your comments. We have no choice, given the size of our

16 agenda tonight, but to rigidly enforce this.

17 SISIA DAGLIAN: Okay. Can the call-in person

18 please identify themselves?

19 HEATHER HOFFMAN: Sure. Heather Hoffman, 213

20 Hurley Street. I'm just calling about some very technical

21 issues. I have been unable to find a dimensional from that

22 his information about lot area per dwelling unit. It -- the

1 all of the dimensional forms I've seen have a number of
2 dwelling units on that line, instead of the lot area.

3 And I also didn't find anything for six units.
4 Other than that, I don't -- I'm not close enough to worry
5 about the neighborhood, I leave that to the neighbors, but
6 it always helps me understand a project to have the
7 paperwork, like, conform with the headings and all of that
8 good stuff.

9 Thank you.

10 CONSTANTINE ALEXANDER: Thank you, Heather. The
11 next speaker?

12 SISIA DAGLIAN: The next person will be Nancy
13 Dilando. Could you please --

14 NANCY DILANDO: Am I on?

15 SISIA DAGLIAN: Yes, go ahead. [Say, "ask to
16 unmute."]

17 JIM MONTEVERDE: They need to unmute.

18 NANCY DILANDO: -- 747 project, with over 100
19 feet, a driveway. My family has owned this property.

20 JANET GREEN: Nancy?

21 NANCY DILANDO: Yes.

22 JANET GREEN: Can you start over? We didn't --

1 the beginning got cut off.

2 JIM MONTEVERDE: Yeah, it looks like some -- go
3 ahead.

4 NANCY DILANDO: Okay.

5 JANET GREEN: It was muted. So can you just start
6 over?

7 NANCY DILANDO: All right. Thank you. Good
8 evening and thank you for this opportunity to speak. My
9 name is Nancy Dilando. And I am the homeowner who resides
10 at 757 Cambridge Street. My home directly abuts the 747
11 project. Over 100 feet of our driveway abuts the property.

12 My family has owned this property for over 84
13 years. My husband and I are the only abutters that live
14 here. We are not absentee landlords.

15 We have had many conversations and meeting with
16 the developer and architect for this project. They've heard
17 our concerns regarding the size, scale and density of this
18 project, and they have worked with us -- many, many
19 conversations.

20 Our concern is the setback in our driveway. On
21 Tuesday, July 21, just two days ago, we saw the finer plan,
22 and the language in the final plan, which we agreed on, we

1 used the words, "mutual agreement." However, we have since
2 learned the language regarding the property line is not
3 legal and binding.

4 The reason for our request is if the developer
5 should build to the property line, we will lose the ability
6 to have full use of our driveway. Meaning if a car is
7 parked next to our home, another car will not be able to
8 drive past.

9 We have used this driveway in this fashion for
10 over 84 years. We have requested from the developer a legal
11 document for a perpetual easement. The developer cannot
12 provide it to us at this time, as he does not own the
13 property.

14 We had hoped this document would have been crafted
15 and included in tonight's decision and plan. However, we
16 have had further discussions with the developer, who is
17 working with us and has agreed to honor our request and
18 provide us with the legal easement document after the
19 property is purchased.

20 So I thank you for your time. I respectfully
21 thank the Board for your consideration to this important
22 matter.

1 CONSTANTINE ALEXANDER: Thank you. Before we hear
2 other speakers, I'd like to return to the petitioner, Mr.
3 Zozula.

4 NICK ZOZULA: Yes, sir.

5 CONSTANTINE ALEXANDER: Any comment or response
6 you have to this request for this easement?

7 NICK ZOZULA: No. Ms. Clinton accurately states
8 the situation, and Mr. Doherty has gone so far as to draft
9 an easement that will allow that access to continue and
10 provide additional width along her driveway.

11 So we continue to work with our very valuable
12 abutters, with Nancy and everybody else at her property at
13 757. There has been a draft circulated amongst attorneys, I
14 have seen it, and we are committed to continuing with that
15 discussion and to making sure that that easement is put in
16 place.

17 But she does accurately state the situation with
18 the discussion and where we are ready, willing and able as
19 soon as Mr. Doherty owns the property to provide that
20 easement.

21 CONSTANTINE ALEXANDER: The dilemma as I see it,
22 and there's nothing you can do I think about it is we don't

1 have the easement in place now, or agreed to now. And we're
2 not going to get the Board involved in the negotiation --

3 NICK ZOZULA: Of course.

4 CONSTANTINE ALEXANDER: -- or crafting of an
5 easement between abutters and their client.

6 So we have to just make -- if we grant relief, the
7 motion would say "Use good faith reasonable efforts to reach
8 accommodation with the abutters regarding the perpetual
9 easement." But I have to alert the abutters. That's soft.

10 And if for some reason -- and I'm not suggesting
11 bad faith on your part, Mr. Zozula -- and agreement cannot
12 be reached, there will be no easement.

13 We're not going to get, as a Board, involved in
14 the drafting or the approval of that easement.

15 NICK ZOZULA: Of course, Mr. Chair, but I think --
16 you know, and I agree with you completely, I think we've
17 acted in good faith, Mr. Doherty has acted in good faith
18 with Ms. Clinton throughout, and, you know, draft -- you
19 know, it's on the public record. We were at this hearing,
20 and we've stated it on the public record.

21 So, I mean, to the point that it gives Ms. Clinton
22 certain comfort, then that's what we're willing to do.

1 But, you know, if it needs to be put into the
2 decision or what have you, you know, they have -- there has
3 been communication, and I've been on it, and Ms. Clinton's
4 been on it -- that, you know, written communication, in the
5 document stating that this will happen. So it is in
6 writing.

7 And, you know, to your point: Yes. And, you
8 know, it's not something that the Zoning Board would
9 normally get involved with, but we have agreed to it in
10 other communications with Ms. Clinton. And we're happy to
11 continue that, and to do that.

12 CONSTANTINE ALEXANDER: I just want to point out,
13 and in no way suggest that you're going to act in bad faith.

14 NICK ZOZULA: Understood.

15 CONSTANTINE ALEXANDER: But the abutters have to
16 understand that --

17 NICK ZOZULA: Yep.

18 CONSTANTINE ALEXANDER: -- there's nothing
19 guaranteed, and this all could lead -- despite everybody's
20 good faith efforts, to no agreement and therefore no
21 easement. And we can't come back to the -- not you --

22 NICK ZOZULA: Right.

1 CONSTANTINE ALEXANDER: -- neighbors can't come
2 back to the Zoning Board and complain.

3 NICK ZOZULA: Well, yes, and I would agree with
4 that. But Ms. Clinton has other opportunities to make sure
5 that we follow through --

6 CONSTANTINE ALEXANDER: Okay.

7 NICK ZOZULA: -- in other ways. And, you know, so
8 there is communication in writing that we will follow up on
9 this, and we can just leave it at that. But she is accurate
10 in how she's portrayed everything else. And we appreciate
11 her time as well. She's been valuable to us as an abutter
12 and has shaped the project in many positive ways.

13 CONSTANTINE ALEXANDER: Thank you. Any other
14 speakers?

15 NICK ZOZULA: Do we still have a little bit of
16 time, or are we up? For Nancy Dilando?

17 MS. CLINTON: My husband.

18 NICK ZOZULA: Yeah, can we still speak? I think
19 Sisia, Ms. Clinton is asking if she still has more time with
20 her three minutes to continue talking? That's what I'm --

21 LARRY CLINTON: Larry Clinton, Larry.

22 NICK ZOZULA: Sorry, Larry.

1 SISIA DAGLIAN: It's up to you, Gus, really.

2 MS. CLINTON: Oh wait, can he --

3 SISIA DAGLIAN: Yeah.

4 MS. CLINTON: Thank you. Take your time.

5 CONSTANTINE ALEXANDER: Going once, going twice

6 for additional speakers before I turn to written

7 communications that this Board has received.

8 MS. CLINTON: Okay, Larry.

9 LARRY CLINTON: Okay. Good evening to the

10 honorable members of the Cambridge Zoning Board. My name is

11 Larry Clinton, owner and resident of 757 Cambridge Street,

12 Cambridge. My property abuts the line of 747 Cambridge

13 Street about 124 feet deep.

14 I'm also a longtime Cambridge resident, senior

15 citizen, and disabled vet. I live there with my wife, Nancy,

16 and we are the only abutters who live here; on the west:

17 our absentee landlords.

18 Similarly, I want to talk about the easement in

19 our driveway, because of the current plans for 747 Cambridge

20 not allow the continued use of our driveway. They are

21 concerned with the driveway.

22 This family has used the driveway for 757

1 Cambridge Street for 84 years. The developer and architect,
2 yes, they're working with us on this issue, and has assured
3 us that this won't happen. We feel comfortable that the
4 project conforms to the neighborhood plans, and we support
5 the project. I respectfully thank the Board for their time
6 and consideration. Thank you.

7 CONSTANTINE ALEXANDER: Thank you. Anyone else
8 wish to speak?

9 SISIA DAGLIAN: I don't think so.

10 CONSTANTINE ALEXANDER: No indication. So I think
11 we can go over to the written communications that this Board
12 has received, let me dig them out. These are substantial
13 communications, but I'm not going to read them all. I may
14 just summarize them, and/or identify who wrote the
15 communication.

16 As the petitioner's counsel pointed out, there is
17 a letter in our files received today from Timothy J. Toomey,
18 the City Councillor, who expresses his strong support for
19 the proposed redevelopment of the proposed -- of the current
20 Polish-American Citizens Club.

21 He states that the developer's revised plans --
22 and these plans have gone through several revisions, which

1 is to the credit, really, of the developer, and to the
2 persistence of the neighbors -- but that these revised plans
3 and vision have been well-received, which appears to be the
4 case. Not unanimously received, but well received.

5 And it talks -- and the rest just talks about the
6 revised proposal incorporates specific feedback on the
7 direct abutters at 757 Cambridge Street, as well as others
8 in the local community, and will improve this underutilized
9 property with a revitalized mixed-use building program that
10 complements the character and needs of the surrounding
11 community and the mixed-use context of Cambridge Street.

12 We are in receipt of a letter from Jason Alves, A-
13 l-v-e-s, the Executive Director of the East Cambridge
14 Business Association.

15 "I am writing on behalf of the East Cambridge
16 Business Association to lend our support for Mr. Doherty's
17 proposal."

18 And again, he reiterates with Mr. Toomey the
19 history of the negotiations, or the development of this
20 project, and how the developer has worked diligently with
21 abutters on issues of design. And the bottom line is the
22 Association is in support of the project.

1 We have a letter from Giro Bibiase, B-i-b-i-a-s-e,
2 who is a nearby resident owner of the property of 747
3 Cambridge Street.

4 "I am writing to express my strong support for the
5 applicants' proposed redevelopment of the club."

6 And again, it's the same comments that we received
7 earlier, that the developer has been working diligently with
8 the neighborhood. He's attempting to convert an
9 underutilized property into a mixed-use, and he has been
10 flexible enough to go from eight new residential condominium
11 ownership units and nine on-site parking spaces.

12 So there has been a give and take I may summarize
13 between the developer and the neighbors.

14 There is letter from Emmanuel Barros, B-a-r-r-o-s,
15 who resides at 723 Cambridge Street.

16 "Please accept this e-mail for my support of the
17 project."

18 And then we have a series of letters that are all
19 identical -- all in support, and they were sent by Mario
20 Resendes, R-e-s-e-n-d-e-s, who resides at 371 Windsor, at
21 Cambridge; Dirce [I'm not sure I'm pronouncing it right, it
22 looks like D-i-r-c-e Santos, who resides on Cambridge

1 Street; another one from a Maria Sila (phonetic). Again,
2 these are all the same letters, same thrust of the letters
3 I've previously read.

4 The next person, the last name is Cardozo. I
5 cannot read before that. And there are two or three more --
6 Manuel Santos, and I'm going to stop right there.

7 The point is, and it's obvious, that there is
8 neighborhood support in writing, and city organizations in
9 writing in favor of the project.

10 Mr. Zozula, you want to say any final comments
11 before we move onto the special permit for the parking? I'm
12 talking about the variance, obviously.

13 NICK ZOZULA: I do not.

14 CONSTANTINE ALEXANDER: Okay.

15 NICK ZOZULA: Thank you.

16 CONSTANTINE ALEXANDER: You identified the issues
17 with regard to the special permit. You're assured some
18 spaces on the commercial side and that you ticked off
19 correctly the requirements for the special permit for a
20 reduction in parking, and I can take those up when we get to
21 the actual vote.

22 So I will stop right there. I'm going to close

1 public testimony at this point. Members of the Board,
2 discussion? Want to move to a vote? Let me hear from you.

3 BRENDAN SULLIVAN: This is Brendan Sullivan. I
4 have no questions.

5 SLATER ANDERSON: Slater Anderson, no questions.

6 JIM MONTEVERDE: Yeah. Jim Monteverde, I'm all
7 set. Thank you.

8 JANET GREEN: Janet Green, I'm ready.

9 CONSTANTINE ALEXANDER: Okay. All right. I'm
10 going to make the following motions. First, with regard to
11 the variance, that the -- variances plural -- that a
12 literal enforcement of the provisions of the ordinance would
13 involve a substantial hardship to the petitioner. And the
14 hardship has been identified throughout the discussion and
15 is obvious.

16 We're talking about a -- basically an abandoned,
17 not derelict space, that's never going to be restored to a
18 Polish-American friendship club. And it's in an area that
19 is ripe of her commercial and residential development, and
20 what the petitioner is proposing is consistent with the
21 immediate neighborhood.

22 The hardship is owing to basically the shape of

1 the lot, as Mr. Zozula identified. It's a very odd, long
2 shaped lot, and it's also the fact that the lot strides two
3 different zoning districts -- a commercial and a retail,
4 which makes compliance with all of the requirements of our
5 ordinance extremely difficult, if not impossible.

6 And that desirable relief may be granted without
7 substantial detriment to the public good, or nullifying or
8 substantially derogating from the intent and purpose of this
9 ordinance.

10 Again, what is being proposed will improve the
11 commercial and residential landscape for this area of
12 Cambridge Street. And it has, again, neighborhood support
13 and generally is -- and business support, and generally is
14 an improvement to the housing and resident and commercial
15 stock of the City of Cambridge.

16 So on the basis of all of these findings, the
17 Chair moves that we grant the variances being sought on the
18 condition that the petitioner work in good faith with the
19 immediate abutters to develop a universal easement to
20 alleviate potential traffic problems around the structure.

21 It is just good faith efforts, but I think the
22 petitioner has demonstrated throughout that good faith is

1 good faith. It is not -- I haven't seen any indication --
2 I'm pontificating here, but I haven't seen any indication of
3 fast dealing or dishonesty or at least not -- or being cute,
4 if I can be so brash.

5 So that's it. If -- prove the variance subject to
6 the good faith efforts to resolve an acceptable, perpetual
7 easement with regard to the access around the perimeter of
8 the structure. All those in favor? Well, I've got to do
9 it one by one.

10 Brendan?

11 BRENDAN SULLIVAN: Brendan Sullivan, I approve the
12 variance.

13 CONSTANTINE ALEXANDER: You vote in favor?

14 Jim Monteverde?

15 JIM MONTEVERDE: Hi, Jim. I approve.

16 CONSTANTINE ALEXANDER: Janet?

17 JANET GREEN: I vote in favor.

18 CONSTANTINE ALEXANDER: Slater?

19 SLATER ANDERSON: I vote in favor.

20 CONSTANTINE ALEXANDER: And I'll make it unanimous
21 by voting in favor as well. The variance is granted.

22 [All vote YES]

1 Now let's turn to the special permit. And this,
2 again, is related to the fact that with regard to the
3 commercial space, they are not -- there's a number of spaces
4 set aside on site that are requested under our ordinance.
5 And I -- there's a whole list of things I have to tick off.
6 Mr. Zozula already did, but I have to go through them again.

7 With regard to the diminished off-street parking,
8 traffic generated or patterns of access or egress that will
9 result will not cause congestion, hazard, or substantial
10 change in established neighborhood character...

11 That the continued operation of or development of
12 adjacent uses, as permitted in the ordinance, will not be
13 adversely affected by what is proposed.

14 That no nuisance or hazard will be created to the
15 detriment of the health, safety and/or welfare of the
16 occupant of the use, or the citizens of the city...

17 And generally, what will be proposed with regard
18 to parking will not impair the integrity of the district or
19 adjoining district, or otherwise derogate from the intent
20 and purpose of this ordinance.

21 So on the basis of all of these findings, the
22 Chair moves that we grant the special permit requested. And

1 it just occurs to me, I'm not sure with regard to the
2 variance vote I tied it to a set of plans.

3 And so, I'm going to go back and ex post facto
4 amend the motion to say that the work is to proceed in
5 accordance with plans submitted by the petitioner, the first
6 page of which has been initialed by the Chair, and it's
7 entitled, "Schematic Design" 04/10/2020 and revised
8 07/17/2020.

9 And the same applies to the special permit for the
10 parking. All of these are subject to compliance with the
11 plans I've just identified.

12 All those in favor of granting the special permit,
13 starting with Brendan?

14 BRENDAN SULLIVAN: Brendan Sullivan. I move to
15 grant the special permit.

16 CONSTANTINE ALEXANDER: I'll vary the routine.
17 Janet?

18 JANET GREEN: I'm in favor of the special permit.

19 CONSTANTINE ALEXANDER: Okay. Slater?

20 SLATER ANDERSON: I'm in favor of the special
21 permit.

22 CONSTANTINE ALEXANDER: Jim?

1 JIM MONTEVERDE: I'm in favor of the special
2 permit.

3 CONSTANTINE ALEXANDER: And as before, I'll make
4 it unanimous.

5 [All vote YES]

6 The special permit has been granted. Case over.
7 Thank you, everyone.

8 NICK ZOZULA: Thank you very much.

9 CONSTANTINE ALEXANDER: And thank you to the
10 petitioner.

11 NICK ZOZULA: Thank you for your time.

12 CONSTANTINE ALEXANDER: You're welcome. Mr.
13 Zozula, don't leave yet.

14 SISIA DAGLIAN: There's a second case.

15 CONSTANTINE ALEXANDER: Yeah, we're going to get
16 to that.

17 NICK ZOZULA: Oh, right.

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(7:02 p.m.)

Sitting Members: Constantine Alexander, Brendan Sullivan,
Janet Green, Jim Monteverde, Slater W.
Anderson

CONSTANTINE ALEXANDER: We have a second case for
the same property, which was I think in reserve, or maybe an
earlier version.

NICK ZOZULA: Earlier version?

CONSTANTINE ALEXANDER: Can I assume -- can I
accept a motion to withdraw that second petition? The
alternatives are we're not going to vote on it. We'll
either continue it, which I'd like not to do to clutter our
agenda, or you can withdraw it. That will make life a lot
easier for this Board.

NICK ZOZULA: Oh, are you talking -- sorry, Mr.
Chair, I didn't know you were speaking with me. Yes. We
would happily withdraw this second project iteration.

CONSTANTINE ALEXANDER: Thank you. The Chair
moves that we grant the requested withdrawal of Case Number
017160. Again, we need a vote, starting with Brendan.

BRENDAN SULLIVAN: Brendan Sullivan. I agree to

1 allow the petitioner to withdraw.

2 CONSTANTINE ALEXANDER: Okay. Jim?

3 JIM MONTEVERDE: I agree.

4 CONSTANTINE ALEXANDER: Slater?

5 SLATER ANDERSON: Agreed.

6 CONSTANTINE ALEXANDER: Janet?

7 JANET GREEN: Agree.

8 CONSTANTINE ALEXANDER: And the Chair agrees as
9 well.

10 [All vote YES]

11 So that petition is withdrawn. Thank you.

12 NICK ZOZULA: Thank you again.

13 CONSTANTINE ALEXANDER: Thank you, Mr. Zozula.

14 NICK ZOZULA: Thank you very much for your time.

15 [Technical conversation]

16 CONSTANTINE ALEXANDER: Give the Chair a second to
17 organize our files for the next case.

18 SISIA DAGLIAN: Those are the next two cases.

19 CONSTANTINE ALEXANDER: Yeah. And we're going to
20 continue them.

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2 (7:04 p.m.)

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

6 CONSTANTINE ALEXANDER: The Chair will now call
7 Case Number 017236, 97 Sixth Street. Does anyone here wish
8 to be heard on this matter? No one wishes to be heard.

9 The Chair would report that we have a written
10 communication from a Natercia, N-a-t-e-r-c-i-a Amaya,
11 saying, "We are writing to request a continuation and date
12 change of our Board zoning of this meeting. We are
13 requiring more time in order to adjust our plans for
14 possible construction. Please let us know if you need any
15 further information."

16 Sisia, when would be the earliest we could hear
17 this case?

18 SISIA DAGLIAN: I think probably September 24.

19 CONSTANTINE ALEXANDER: September 24?

20 SISIA DAGLIAN: Yep.

21 CONSTANTINE ALEXANDER: Did I get that right?

22 SISIA DAGLIAN: Yes.

1 CONSTANTINE ALEXANDER: The Chair moves that we
2 continue this case Until 7:00 p.m. on September 24, subject
3 to the following conditions, and these are standard
4 conditions that we impose for all continued cases:

5 First, that the petitioner sign a waiver of time
6 for decision. If that waiver is not signed and delivered to
7 the Inspectional Services Department by 1 week from today,
8 then this petition will be deemed denied, and the case will
9 be over.

10 This is a -- again, a standard thing that's
11 required because the state law requirements as to when we
12 have to decide a case. And if we don't meet those time
13 standards, the relief is automatically granted.

14 Second, that the petitioner needs to post a new
15 posting sign as he did, as they did for the case before us
16 now, setting forth the new date, September 24, the new time
17 7:00 p.m. And that sign must be maintained for the 14 days,
18 as has been done for the case before tonight.

19 And then lastly, that to the extent that there are
20 new or revised plan specifications or the like, they must be
21 in the files of the ISD no later than 5:00 p.m. on the
22 Monday before September 24. If that is not done, that

1 filing is late, we will not hear the case on September 24.

2 All those -- well, again, one --

3 BRENDAN SULLIVAN: Let me just interject here.

4 We're creatures of habit, continuing cases at 7:00. We may
5 be going on at 6:00.

6 CONSTANTINE ALEXANDER: You're absolutely -- well
7 maybe by September it might have changed. But you're right,
8 it should be 6:00.

9 BRENDAN SULLIVAN: Sisia, will we still be going
10 at 6:00 in September?

11 SISIA DAGLIAN: I don't think so. I think we'll
12 probably go back to what we were doing before.

13 BRENDAN SULLIVAN: Okay. So 7:00 is safe?

14 SISIA DAGLIAN: I think so, yeah.

15 BRENDAN SULLIVAN: Okay.

16 CONSTANTINE ALEXANDER: You vote in favor of 7:00?

17 BRENDAN SULLIVAN: I vote in favor of continuing
18 this until 7:00 on the twenty-fourth of September, yes.

19 CONSTANTINE ALEXANDER: Janet?

20 JANET GREEN: I agree with the changed date, or
21 the continued date.

22 CONSTANTINE ALEXANDER: Slater?

1 SLATER ANDERSON: And this is a case not heard?

2 CONSTANTINE ALEXANDER: Correct.

3 SLATER ANDERSON: Okay. Because I'm not available
4 on the twenty-fourth. But I'm fine with the continuance.

5 CONSTANTINE ALEXANDER: Okay. And Jim?

6 JIM MONTEVERDE: Fine with it continued.

7 [All vote YES]

8 CONSTANTINE ALEXANDER: And I will vote to
9 continue the case as well. So the case will be continued
10 until September 24. And Sisia, you'll be in touch with the
11 petitioner?

12 SISIA DAGLIAN: Yes.

13 CONSTANTINE ALEXANDER: And let them know what
14 they've got to do, particularly signing the waiver of time
15 for a decision?

16 SISIA DAGLIAN: Yes.

17 CONSTANTINE ALEXANDER: Okay. Moving on.

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(7:08 p.m.)

Sitting Members: Constantine Alexander, Brendan Sullivan,
Janet Green, Jim Monteverde, Slater W.
Anderson

SISIA DAGLIAN: Gus, remember we have the Cushing
Street. It's 7:00, so we can hear Cushing Street and wrap
that up, if you wish.

CONSTANTINE ALEXANDER: Is it 7:00?

BRENDAN SULLIVAN: Yeah.

CONSTANTINE ALEXANDER: Yes, it is, thank you.

BRENDAN SULLIVAN: 7:09.

CONSTANTINE ALEXANDER: I'm going to return to the
case we recessed for, the 17 Cushing Street. And is the
petitioner's counsel on the line, or can he be on the line?

SISIA DAGLIAN: Yeah. You can permit him.

CONSTANTINE ALEXANDER: Hello?

SISIA DAGLIAN: Michael, can you unmute yourself?

CONSTANTINE ALEXANDER: Say it again?

SISIA DAGLIAN: He's on.

CONSTANTINE ALEXANDER: He's on?

SISIA DAGLIAN: He's muted. Waiting to hear from

1 the petitioner's counsel.

2 BRENDAN SULLIVAN: There he is.

3 JIM MONTEVERDE: There we go.

4 MICHAEL WIGGINS: Okay, here I am, yep. Can you
5 hear me, Mr. Chairman?

6 CONSTANTINE ALEXANDER: Yes, we can. Now we can.

7 MICHAEL WIGGINS: Thank you.

8 CONSTANTINE ALEXANDER: Okay. What's your
9 response when we talked about merging the two cases
10 together?

11 MICHAEL WIGGINS: That would be fine. In other
12 words, what we want to do is to file a new petition for a
13 special permit and variance.

14 CONSTANTINE ALEXANDER: Right.

15 MICHAEL WIGGINS: This case would be continued to
16 the same evening, October 8, and then assuming we get the
17 relief we want, it would be withdrawn.

18 CONSTANTINE ALEXANDER: Okay. Now, this is a case
19 that was -- a case heard, was the original case. So I don't
20 know who the fifth member is at night, do you know, Sisia?

21 SISIA DAGLIAN: It was Laura.

22 CONSTANTINE ALEXANDER: It was who?

1 SISIA DAGLIAN: It was heard by Laura Arch --

2 CONSTANTINE ALEXANDER: Oh, Laura?

3 SISIA DAGLIAN: -- you, Jim and Andrea.

4 CONSTANTINE ALEXANDER: Okay. So we have two of
5 the members need to be there on that date, September 24.

6 SISIA DAGLIAN: No, October --

7 MICHAEL WIGGINS: October 8.

8 CONSTANTINE ALEXANDER: I'm sorry, October 8. I
9 got --

10 SISIA DAGLIAN: Yeah.

11 CONSTANTINE ALEXANDER: -- my mistake. October 8.

12 SISIA DAGLIAN: Yeah.

13 CONSTANTINE ALEXANDER: All right. I will make a
14 motion to continue this case until October 8 -- the
15 continued case. And hopefully the two members who need to
16 be present for that case can make it that night.

17 One of them is a regular member of the Board who
18 usually attends our cases. The other is an alternate
19 member, but she's also very diligent about attending our
20 cases.

21 So on the basis of this, the Chair moves that we
22 continue Case Number 017246 this case until 7:00 p.m. on --

1 later than 7:00 p.m., because we're going to hear the case,
2 the real case earlier than that -- until -- no, I'm going to
3 do it one more -- differently. We're going to continue this
4 case until -- what's the first meeting after October 10?
5 Twenty-seventh, twenty-fourth?

6 SISIA DAGLIAN: Twenty-second.

7 CONSTANTINE ALEXANDER: Twenty-second. We will
8 continue the old case, I'm going to refer to, until October
9 22. If you get the relief that satisfactory to you,
10 Counsel, we will -- you can just withdraw that case on
11 October 22. You don't need to appear before us.

12 So the Chair moves that we continue this case as a
13 case heard until October 24.

14 MICHAEL WIGGINS: 22.

15 CONSTANTINE ALEXANDER: Case Number 017246, 7:00
16 p.m. I'm just thinking -- trying to think out loud whether
17 we need a new waiver of time for decision. I don't think we
18 do, because we've --

19 SISIA DAGLIAN: No.

20 CONSTANTINE ALEXANDER: -- continued it once --

21 SISIA DAGLIAN: Yeah.

22 CONSTANTINE ALEXANDER: -- before. The other part

1 of the drill that's necessary, your client, sir, will have
2 to advertise this case for the 14 days before October 24,
3 but of course if he gets the relief he's seeking on October
4 8, then no need to do that. The case will not need to be
5 heard anyway.

6 And similarly, if you're going to go forward on
7 the second October date -- you have the twenty-second, but I
8 thought --

9 MICHAEL WIGGINS: Twenty second.

10 CONSTANTINE ALEXANDER: Usually it's 14 days from
11 -- oh, yeah, my math is wrong. The twenty-second. If
12 you're going to pursue the case on the twenty-second, then
13 as you know, you have to have in our files on the Monday
14 before October 22 any revised plans, specifications and the
15 like. Failure to do that means we will not consider that
16 case on October 22.

17 Brendan?

18 BRENDAN SULLIVAN: Brendan Sullivan. Yes to the
19 continuance.

20 CONSTANTINE ALEXANDER: Jim?

21 JIM MONTEVERDE: Yes to the continuance.

22 CONSTANTINE ALEXANDER: Slater?

1 SLATER ANDERSON: Yes to the continuance.

2 CONSTANTINE ALEXANDER: Janet?

3 JANET GREEN: Yes to the continuance.

4 CONSTANTINE ALEXANDER: And the Chair votes to the
5 continuance as well.

6 [All vote YES]

7 So this case, the old case, has continued until
8 October 22. And I guess we'll see someone on October 8, the
9 real case is what I'm going to call it. All right moving
10 on.

11 MICHAEL WIGGINS: Thank you.

12 CONSTANTINE ALEXANDER: Thank you, sir.

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(7:13 p.m.)

Sitting Members: Constantine Alexander, Brendan Sullivan,
Janet Green, Jim Monteverde, Slater W.
Anderson

CONSTANTINE ALEXANDER: The Chair will now call
Case Number 017219 -- 544 Massachusetts Avenue. Anyone here
wishing to be heard on this matter? Apparently not. We'll
see if there's a letter in the file.

SISIA DAGLIAN: Hang on, there's someone that
raised their hand.

CONSTANTINE ALEXANDER: I'm sorry?

SISIA DAGLIAN: There's someone that raised their
hand.

[Technical difficulties]

PATRICIA LEE FARRIS? Can you hear me?

CONSTANTINE ALEXANDER: Yes. Could you identify
yourself, please?

PATRICIA LEE FARRIS: Yes. This is Patricia Lee
Farris, and I'm speaking regarding 544, although I thought
that I would be speaking after a presentation. So is the
presentation not happening?

1 CONSTANTINE ALEXANDER: It is not happening. We
2 have a -- we've been advised that the petitioner wishes to
3 continue the case, and is not ready or does not want to make
4 a presentation at this point.

5 PATRICIA LEE FARRIS: Could I request a quick
6 verbal review of the number of continuances this applicant
7 has received? Because I believe this might be the third
8 time that I've showed up and -- either virtually or in
9 person, and the case has been continued.

10 And I would also ask how many times is a
11 continuance allowed?

12 CONSTANTINE ALEXANDER: Very good questions, and I
13 should have addressed that myself. Our rule of thumb -- and
14 it is a rule of thumb, it's not a legal requirement -- is
15 that we grant no more than two variances. And after that,
16 the case goes forward, come hell or high water.

17 This is a case we're going to go to our third
18 continuance. But I think, in my mind and other members of
19 the Board can feel differently -- this is an interesting and
20 maybe important case for the City of Cambridge. And I think
21 it's fair to allow the petitioner time to get his or her
22 ducks in order, so we have a thorough presentation.

1 I realize that for people who are not the
2 petitioner, that means you're going to use some time come
3 Thursday of a certain month, but I think we have in this
4 case no choice.

5 But I will say that there will be no further
6 continuances, in my mind, absent extremely compelling
7 circumstances. We have to bring this case to a closure, as
8 you've suggested. So that should be part of the record, and
9 the petitioner in this case should be told, "No more
10 continuances."

11 PATRICIA LEE FARRIS: May I also ask if there is a
12 way for the website shortly before a hearing is to be held
13 that the website would reflect that the petitioner has
14 requested a continuance? Because if I had known that, I
15 would have saved the last hour and 15 minutes. That would
16 have been nice.

17 CONSTANTINE ALEXANDER: I apologize for that, but
18 that's just the way we do it. I don't think we --

19 PATRICIA LEE FARRIS: Yeah.

20 CONSTANTINE ALEXANDER: -- we never in the past.
21 All I can say is I'll have to leave it to the ISD to answer
22 that. But in the past, we don't -- often we don't know

1 until a day or two before the hearing, scheduled hearing,
2 that there's going to be a request for a continuance. So,
3 although a fair request, it's not a feasible request.

4 So all I can say is what I would suggest in the
5 future, you can call the Inspectional Services Department on
6 the Thursday afternoon of the scheduled hearing and ask, "Is
7 this case going forward?"

8 But there's always a risk that a case goes
9 forward, and as a result of questions from members of the
10 Board, the petitioner or the Board asks for a further
11 continuance.

12 Not likely, in my opinion -- and it's only my
13 opinion -- in this case, given the number of continuances
14 we've given.

15 But I can't give you an ironclad guarantee that
16 you would know in advance. The best I can do.

17 PATRICIA LEE FARRIS: Well, thank you very much.
18 I would simply differentiate between times that a
19 continuance is granted when the petitioner is present and
20 the Board members ask questions and then grant a
21 continuance. I would want to be present for that. But when
22 it's known ahead of time, even 24 hours ahead of time, it

1 would be helpful to know.

2 So I will do what I've refrained from doing in the
3 past, which is, "Bothering the staff with, 'Is this going
4 forward?'" So that seems to be you're saying the only
5 solution to this situation.

6 CONSTANTINE ALEXANDER: Right.

7 PATRICIA LEE FARRIS: And I guess I will now wait
8 to hear what date you reschedule this for. Thank you very
9 much for your time.

10 CONSTANTINE ALEXANDER: Thank you. What's the
11 earliest date we can hear this case?

12 SISIA DAGLIAN: Sorry, correspondence in the file
13 indicates that there's a Planning Board hearing in
14 September. So I'm wondering if October 8 would be a safe
15 date.

16 CONSTANTINE ALEXANDER: I'm looking at the file.
17 All I see are things about the July or --

18 SISIA DAGLIAN: Isn't -- I thought there was an e-
19 mail in there.

20 CONSTANTINE ALEXANDER: The case is rescheduled
21 for July 23 meeting; that's tonight. But I don't have a new
22 request, I don't have a date suggested by the petitioner as

1 to when they want the case continued to.

2 SISIA DAGLIAN: Yeah. I just saw an e-mail in the
3 folder saying there was something going on with the Planning
4 Board with this in September. So --

5 CONSTANTINE ALEXANDER: Let me make a suggestion:
6 Let's push this case farther out. The farther out, the less
7 likely it's going to be a problem in terms of the petitioner
8 needing more time. So rather than hearing the case in
9 October, why don't we hear it in November?

10 SISIA DAGLIAN: Okay. November 5?

11 CONSTANTINE ALEXANDER: November 5? Other members
12 of the Board, what is your views on this? November 5, are
13 you --

14 BRENDAN SULLIVAN: This is Brendan Sullivan. If
15 it's going to have to go before the Planning Board in
16 September, I think that giving them in the next month, which
17 would be October -- the second meeting in October -- would
18 be my inclination.

19 CONSTANTINE ALEXANDER: But what are the
20 consequences of just going back two more weeks --

21 BRENDAN SULLIVAN: It --

22 CONSTANTINE ALEXANDER: -- for safety?

1 BRENDAN SULLIVAN: -- there is none.

2 CONSTANTINE ALEXANDER: Okay. I'm going to --

3 BRENDAN SULLIVAN: So.

4 CONSTANTINE ALEXANDER: -- with all due respect, I

5 think I'm going to suggest --

6 BRENDAN SULLIVAN: Yeah, that's fine.

7 CONSTANTINE ALEXANDER: November 5. November 5,

8 you said?

9 SISIA DAGLIAN: Yes.

10 CONSTANTINE ALEXANDER: November 5 date. Jim or

11 Janet or Slater? I don't know if Slater, you'll be present

12 for that meeting, but you have any thoughts, is the November

13 5 okay with you?

14 JANET GREEN: It's fine with me, Gus.

15 JIM MONTEVERDE: Yeah, this is Jim. November 5 is

16 fine.

17 CONSTANTINE ALEXANDER: Okay. The Chair --

18 SLATER ANDERSON: I will say I don't plan to be

19 traveling.

20 CONSTANTINE ALEXANDER: -- moves that we continue

21 this case as -- is it a case heard? I was not at the

22 original hearing, no.

1 SISIA DAGLIAN: I don't think so, no.

2 CONSTANTINE ALEXANDER: So it's a case not heard
3 until 7:00 p.m. on November 5, where the petitioner has
4 already signed a waiver of time for a decision, am I right?

5 SISIA DAGLIAN: No.

6 CONSTANTINE ALEXANDER: Okay. Then the other
7 requirements are that the petitioner must post 14 days
8 before November 5 in accordance with the usual procedures,
9 so that there is proper notice given to the community at
10 large about the pendency of this case.

11 And lastly, to the extent the petitioner has new
12 or revised plans, specifications or the like, they must be
13 in our files no later than 5:00 p.m. on the Monday before
14 November 5.

15 CONSTANTINE ALEXANDER: All those --

16 BRENDAN SULLIVAN: Brendan Sullivan, yes for the
17 continuance.

18 CONSTANTINE ALEXANDER: Jim?

19 JIM MONTEVERDE: Jim Monteverde, yes.

20 CONSTANTINE ALEXANDER: Janet?

21 JANET GREEN: Janet Green, yes.

22 CONSTANTINE ALEXANDER: Slater?

1 SLATER ANDERSON: Slater says yes. Gus, I make
2 one comment?

3 CONSTANTINE ALEXANDER: Yes, go ahead.

4 SLATER ANDERSON: To Ms. Farris' request of, you
5 know, advance notice. I think the problem with that is
6 until you gavel the hearing into session, you know, there
7 cannot be any action taken on a case. So ISD telling them
8 that it's not going to go forward, I think, is a risky thing
9 to do.

10 Because until the hearing has come to formal
11 session, you know, and we take action on it, the person
12 could show up and proceed with the case. So I just -- I
13 think it's risky that -- I understand we've all gone, shown
14 up for hearings and they don't happen, but I just -- I
15 caution on it.

16 CONSTANTINE ALEXANDER: Your caution is well
17 stated. I don't know what we can do to avoid it. And
18 that's just the way the cookie crumbles in terms of our
19 zoning procedures.

20 SLATER ANDERSON: I agree with not continuing
21 indefinitely, though. And we are --

22 CONSTANTINE ALEXANDER: I agree with that.

1 SLATER ANDERSON: Yeah. We're in unusual times,
2 so I definitely have some deference right now, but -- you
3 know -- our practice of not more than two with good reason I
4 think is sound.

5 CONSTANTINE ALEXANDER: Well, again, I want to
6 make it as part of this public record that unless there's
7 extremely unusual or compelling circumstances, this case
8 will not be continued further beyond November 5. That's the
9 best we can do at this point.

10 Votes taken, yes. Case continued.

11 [All vote YES]

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2 (7:23 p.m.)

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

6 CONSTANTINE ALEXANDER: The Chair will now call
7 Case Number 017252 -- 39 Mount Pleasant Street. Anyone here
8 wishing to be heard on this matter?

9 Hearing none, I will point out that the petitioner
10 has written a letter to the Board saying they're withdrawing
11 this petition. So I will make a motion that we accept the
12 withdrawal of this petition and take it off our docket.

13 Brendan?

14 BRENDAN SULLIVAN: I agree with the withdrawal.

15 CONSTANTINE ALEXANDER: Slater?

16 SLATER ANDERSON: Agreed.

17 CONSTANTINE ALEXANDER: Jim?

18 JIM MONTEVERDE: I agree.

19 CONSTANTINE ALEXANDER: Janet?

20 JANET GREEN: And I agree.

21 CONSTANTINE ALEXANDER: And I make it five,
22 unanimous. The case is over withdrawn.

1 [All vote YES/WITHDRAWN]

2 Give us a second while we're getting the files

3 together for the next case.

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(7:25 p.m.)

Sitting Members: Constantine Alexander, Brendan Sullivan,
Janet Green, Jim Monteverde, Slater W.
Anderson

CONSTANTINE ALEXANDER: The Chair will now call
Case Number 017268 -- 17 Clay Street. Anyone here wishing
to be heard on this matter?

SPEAKER UNIDENTIFIED: Yes.

SEAN HOPE: This is Sean, you're a little
premature.

CONSTANTINE ALEXANDER: Oh.

SEAN HOPE: It's 7:30.

SISIA DAGLIAN: We have five minutes.

BRENDAN SULLIVAN: Five minutes.

CONSTANTINE ALEXANDER: Do you want a five-minute
adjournment? I didn't hear that.

BRENDAN SULLIVAN: Yep.

JIM MONTEVERDE: Yeah. Next case is 7:30.

CONSTANTINE ALEXANDER: Oh, I see what you're
saying. We have to wait another five minutes? Yep. So
everybody can take a break. We'll resume at 7:30.

1 [BREAK]

2 Okay, it's 7:30, so I think we can move on to the
3 next case.

4 It's Case Number 017268 -- 17 Clay Street. Anyone
5 wishing to be heard on this matter?

6 SEAN HOPE: Yes. And please tell me if you can't
7 hear me well. Good evening Mr. Chair and members of the
8 Board. For the record, Attorney Sean Hope, Hope Legal
9 Offices in Cambridge. I'm here tonight on behalf of the
10 applicant. We have Lauree and Haitham Mansour owners of 17
11 Clay Street, and we also have Project Architect Maggie Booz
12 from Smart Architecture.

13 So this is an application requesting a special
14 permit to convert an existing carriage house into an
15 accessory apartment. The application also requires variance
16 relief. There are some dimensional requirements that are
17 outside of the scope of the special permit -- namely an
18 accessory structure has a maximal height of 15 feet, and we
19 are proposing 18 feet.

20 The other element of the requirement of a variance
21 is the existing structure could be converted mostly by
22 special permit under the new guidelines under Article 4, but

1 the structure is in such poor condition, it's also close to
2 the rear property line almost two feet, so that it would be
3 very -- almost unfeasible to be able to rebuild it in place.
4 So the proposal is to demolish the carriage house, rebuild
5 it in greater conformance with the ordinance.

6 And because we are demolishing -- proposing to
7 demolish the structure, we lose any grandfathered protection
8 we would have over the existing carriage structure.

9 Just for some context for the Board, this is a
10 6000 square foot lot, and like many lots in this Res B
11 district, these lots are usually not that wide, this is 50
12 feet wide, but they're also long.

13 I bring this context up because by application of
14 the lot area per dwelling unit, this is a lot that could
15 take a second detached dwelling in place of this carriage
16 house.

17 But the applicants have lived in the property for
18 16 years, and the purpose of this conversion of the carriage
19 house is really for their aging in place. They have a child
20 who -- an adult child who may come back to live there, but
21 it's really for them and the idea of building a second unit
22 is not in keeping with what they're looking to do.

1 The existing carriage house is approximately 178
2 square feet, and their proposal is 275 square feet. And I
3 will have the architect walk through the plans for the
4 Board.

5 But only a couple of years ago, the City Council
6 amended Article 4 to allow for accessory apartments. And
7 they have a series of criteria for a special permit. And
8 these criteria are first that the building containing the
9 accessory structure has been in existence since February 1,
10 2019. This is not an accessory apartment within a building,
11 it's a freestanding structure, but that is one of the
12 requirements.

13 The second one as well deals with accessory
14 structures within existing structures, and they have that
15 the existing structure had to be at least 1800 square feet.
16 Again, we are using an accessory structure, not an existing
17 structure.

18 Also that in the case of an existing structure,
19 there is a limitation on how big that the accessory
20 apartment can be, 900 square feet or 35% of the principal
21 dwelling.

22 And lastly, no more than one accessory apartment

1 shall be allowed on the lot. And we are only proposing one
2 of those accessory structures.

3 I'd like to point out for the Board in terms of
4 the variance that I mentioned earlier, again the maximum
5 height for an accessory structure is 15 feet, and we are
6 proposing 18 feet -- a three foot increase to really
7 accommodate an appropriate head height and living space on
8 the upper floor.

9 In preparation for the application, the neighbors
10 reached out to all their abutters, and there is a letter of
11 petition signed in the file with support from most of the
12 abutters.

13 If you'll still notice that the accessory
14 structure, even as we propose to move it off the rear
15 property line, is still within -- it's still five feet away,
16 which is compliant but still close.

17 If you notice in the design, special care was to
18 not put any windows in the back of the structure to protect
19 privacy for the neighboring and abutting yards, and we think
20 that we have successfully done that.

21 I think now I will turn it over to the architect.
22 If you want to walk through some of the fine points of the

1 proposal.

2 MAGGIE BOOZ: Hi, can you hear me?

3 CONSTANTINE ALEXANDER: Yes.

4 MAGGIE BOOZ: I'm Maggie Booz, B-o-o-z from Smart
5 Architecture. And I'm looking at the dimensional form on
6 the screen right now that CCO's sharing. Oh, am I allowed
7 to scroll through these drawings, or you're scrolling
8 through them?

9 SISIA DAGLIAN: I'm going to be scrolling through
10 them, Maggie, so just tell me what you want to see.

11 MAGGIE BOOZ: Thanks so much. We can go directly
12 to the existing plan, which would be 5, number 5.

13 SISIA DAGLIAN: Okay, hang on.

14 MAGGIE BOOZ: These are the existing -- this is
15 the existing plan and street front elevation that -- of the
16 building that exists there now.

17 The issue with the building is really typical of
18 buildings like this, which is it doesn't have a foundation;
19 it was built directly on the ground, and a slab was poured
20 inside the building.

21 I should note here that, you know, we did go
22 through consulting with Charlie Sullivan at the Historical

1 Commission, and they deemed it not worthy of having to be
2 reviewed -- in other words, not historically important. So
3 just so you know that that's off the table.

4 The increase in floor area that we're requesting
5 is due to wanting to put in a second floor, essentially,
6 sort of a loft floor inside the roof structure of the new
7 building.

8 So we've been through this before -- actually I've
9 been through it before with the Board, and that is the idea
10 of taking a building like this, lifting it up and putting a
11 foundation underneath it, and the cost is just simply
12 prohibitive to do it, you know, mainly because these
13 buildings are very flimsily built, they can't tolerate the
14 lifting.

15 And so, the care that one would have to take in
16 order to lift it and keep it intact would be, you know,
17 really not worth the trouble, not worth the money,
18 certainly. So that's why we're requesting the variance.

19 Let's see. Sisia, you can -- if you would go back
20 to the prop plan now, number 4. Thank you.

21 So in proposing a new structure there, we're
22 trying to keep just about the same footprint, as you can

1 see, and then conform on the left side property line, the
2 north side and the east side -- the rear property line.
3 We're proposing to build a structure that conforms to that
4 five-foot accessory building requirement.

5 The other thing I think that should be pointed out
6 is that in doing this, we're also proposing driveway
7 removal, which increases the open space on what I have to
8 say is the most impeccably cared for lot in Cambridge
9 practically. It is just beautifully maintained.

10 Laurie and Haitham have a gorgeous garden to the
11 sort of terrace to the south side of the building -- to the
12 existing building, and will be, obviously -- not obviously,
13 but -- will be maintaining it. They care very much about
14 their gardens and spaces, and it should be noted that the
15 proposal increases open space.

16 If you could go to sheet 6, Sisia, thank you so
17 much. This is the proposed building. Laurie and Haitham
18 became enamored with a Mansard roofed building that they
19 saw, and that's why we're creating that.

20 It's -- we're trying to get as much natural light
21 as possible into that west façade, the front façade, since
22 we have no windows on two property line façades, the east

1 and north sides.

2 And it's a modest building. It's a building that
3 has a living -- an all-in-one living space on the first
4 floor, you know, a little living space, kitchenette sort of
5 kitchen and dining, and then a stair to take you upstairs to
6 a single bedroom, and then the bathroom on the second floor.

7 Currently Haitham is kind of an amazing craftsman
8 and gardener. And so, that storage room on the first floor
9 on the right side of the buildings -- outside of the
10 building, which abuts the garden I described to you -- the
11 kind of terrace garden -- is a storage room for him for his
12 tools, for outdoor tools. And so, that's what that door is
13 that you're looking at on the front elevation.

14 You can go to sheet 7, Sisia. Thank you.

15 So we have a foundation. We have a trap door down
16 into the foundation, a ladder takes you down from the
17 storage room down into that space. I'm anticipating that is
18 mechanical space down there, it's not living space. Because
19 I should point out that the other thing that we tried to do
20 in making the 18-foot building is we tried to keep the first
21 floor as close to grade as possible.

22 So we're trying to keep -- even though we're

1 requesting this violation, this 18-foot violation, we're
2 trying to keep the first floor very, very close to grade.
3 And so, naturally, the basement is fully below grade. And
4 thus we have a window well in the back to try to get some
5 natural light in there. But we really are making every
6 attempt to try to keep the building as low as possible.

7 And then the first-floor plan as you can see that
8 I described is stair up along the east wall -- the north and
9 east wall.

10 And then on the second floor, the full bathroom, a
11 laundry closet, a closet, and a single living space.

12 So it's not -- you know, this isn't a unit for a
13 family to live in, it's --

14 [Pause]

15 CONSTANTINE ALEXANDER: I think we lost you.

16 Maggie? Can you hear us?

17 SEAN HOPE: I think she might be frozen.

18 SISIA DAGLIAN: She could call in.

19 [Pause]

20 SEAN HOPE: All right. So I'm texting her now to
21 tell her that she's frozen, and that maybe the remedy is for
22 her to call in, possibly.

1 [Pause]

2 So I guess to keep it moving, I can maybe walk
3 through the flout plan. I think she did a good job of that.

4 CONSTANTINE ALEXANDER: Before we do so, did I
5 hear Maggie say that it's going to be an 18-foot dormer?

6 SEAN HOPE: No, so the height -- the pitched, the
7 height, the root pitch -- excuse me, the roof height, is 18
8 feet. And so, it wasn't a dormer, it's a Mansard roof. And
9 the accessory height is 15 feet.

10 I do think that it's -- I would like to highlight
11 for the Board so under 4.22.3, Number 3, they have given the
12 Board a flexibility to allow for setbacks in variations to
13 the height limitations. So in many ways, if we were able to
14 keep the existing structure and it had more structural
15 integrity, what we're proposing we could largely do under
16 the special permit context.

17 So yes, we are exceeding by three feet the height
18 of an accessory structure. But under this amendment, it
19 does allow for the Board -- it allows the Board to allow or
20 flexibility with the FAR, GFA to create accessory apartments
21 recognizing that access and egress issues, building code
22 issues might come into play.

1 But again, once we have moved the building, and we
2 are relocating -- although we're making it more conforming -
3 - we believe after talking with the Building Commissioner
4 that we fell outside of the purview of the special permit,
5 and we would need to apply for a variance for that
6 additional three feet.

7 CONSTANTINE ALEXANDER: Next? Thank you.
8 Anything further, Sean?

9 SEAN HOPE: So no, but just when I go back to --
10 so we're applying for a special permit to convert for an
11 accessory structure and then a variance.

12 One of the other elements of the special permit
13 criteria for the Board, it recognizes that the impact on the
14 accessory structure from the public way, I would say, as you
15 can see from this picture here, much of the carriage house -
16 - which I believe is going to be quite handsome and
17 aesthetically pleasing -- won't be visible from the public
18 way.

19 One, due to the setback in the rear of the
20 property.

21 Two, there's landscaping. But so that to the
22 extent that the Board felt there was any concern about

1 shieling or from the public way, I would say that given the
2 location of the carriage house extremely far back, the depth
3 of the lot, I don't think that would be an issue that would
4 -- for the Board that would need additional screening, as it
5 was one of the conditions the Board is going to consider for
6 the special permit.

7 CONSTANTINE ALEXANDER: I take it Maggie's not
8 coming back?

9 LAURIE MANSOUR: She's trying to dial in.

10 CONSTANTINE ALEXANDER: Okay, fine.

11 LAURIE MANSOUR: She needs a Meeting ID number.

12 SISIA DAGLIAN: It's on our website.

13 LAUREE MANSOUR: is that the -- that's different
14 than the Webinar ID?

15 SISIA DAGLIAN: It's the same thing, it should be.
16 Okay, perfect. Okay, let me text her. Thank you.

17 [Pause]

18 CONSTANTINE ALEXANDER: While we're waiting for
19 Maggie to join the call, let's keep -- try to move this case
20 along.

21 Sean, you made reference to the fact that we have
22 in our files, which is correct, letters of support for the

1 petition signed by a good number of people who live in the
2 neighborhood. And I will just read the petition. It's,

3 "We are writing to express our strong support for
4 the variance being sought by our neighbors, Laurie and
5 Haitham Mansour to demolish and reconstruct their existing
6 carriage house.

7 "The proposed project seems very reasonable to us,
8 and will not have any adverse impact on the street or the
9 neighborhood, as the proposed design pretty much maintains
10 the existing setting of the building on the property.

11 We urge the Board to grant this variance, and
12 thank you for your consideration."

13 And there is one, two, three, four, five, six,
14 seven, eight, nine, 10, 11, 12, 13, 14, 15, 16, 17, 18 -- 18
15 signatories. And there's nothing in our files that objects
16 to what is being proposed or opposes it.

17 Members of the Board, do you have any questions
18 that you want to ask at this point?

19 BRENDAN SULLIVAN: No, Brendan Sullivan, I have no
20 questions.

21 CONSTANTINE ALEXANDER: Jim, or?

22 JIM MONTEVERDE: Hi, this is Jim Monteverde. I

1 don't have any questions, thank you.

2 CONSTANTINE ALEXANDER: Slater?

3 SLATER ANDERSON: No questions.

4 CONSTANTINE ALEXANDER: Janet?

5 [Pause]

6 CONSTANTINE ALEXANDER: Did we lose Janet?

7 CONSTANTINE ALEXANDER: I'll take that as no
8 questions.

9 SLATER ANDERSON: Had it on mute.

10 JANET GREEN: Yeah, I'm --

11 SLATER ANDERSON: Nod your head.

12 JANET GREEN: I'm sorry, I got unmuted. I have no
13 questions.

14 CONSTANTINE ALEXANDER: Okay, well we have, and
15 let me ask is there anyone who wants to testify on this
16 case, wants to be heard?

17 If so, the drill is -- if I can find the
18 instructions, I have them somewheres -- if you want to
19 speak, you now have to click the icon at the bottom of your
20 Zoom screen that says, "Raise hand." If you're calling in
21 by phone, you can raise your hand by pressing *9 and unmute
22 or mute by pressing *6.

1 So with those instructions, I'll ask again, is
2 there anyone here, is there anyone who wishes to be heard on
3 this matter, wants to speak to this matter?

4 [Pause]

5 I think we -- apparently there is no one who does.
6 So I think we can close public testimony. We have -- we've
7 talked about the communications, we heard the presentation
8 from Mr. Hope, we heard some of the presentation from
9 Maggie. Mr. Hope, you have any final comments you want to
10 make, or can we proceed to a vote?

11 SEAN HOPE: Proceed to a vote, please. Thank you.

12 CONSTANTINE ALEXANDER: Discussion, or should I
13 make a motion?

14 BRENDAN SULLIVAN: Motion.

15 CONSTANTINE ALEXANDER: Brendan's okay with a
16 motion.

17 JIM MONTEVERDE: Yeah. Jim is okay to move on.

18 JANET GREEN: Janet Green. I'm okay moving on.

19 CONSTANTINE ALEXANDER: Okay. All right, we have
20 two votes to be taken, if I can find my files, first of all
21 with regard to the variance to demolish the -- and
22 reconstruct the existing carriage house.

1 One second while I pull out the ordinance.

2 That a literal enforcement of the provisions of
3 the ordinance would involve a substantial hardship, such
4 hardship being is that there is a structure on the property,
5 this carriage house, which is very suitable for an accessory
6 apartment and cannot be done unless we grant the variance
7 being sought.

8 The hardship is owing to the circumstance relating
9 the shape of the structure and its location on the lot, the
10 structure being the carriage house.

11 And that desirable relief may be granted without
12 substantial detriment to the public good, or nullifying or
13 substantially derogating from the intent and purpose of the
14 ordinance.

15 In fact, what will happen here is it allows
16 citizens of the city to continue to occupy their structure,
17 and occupy their property, and to allow other family members
18 to also get the benefits of the property. It's the kind of
19 thing that the city likes to promote, in terms of not
20 disrupting families and allowing people to age in place.

21 So on the basis of all of these findings, the
22 Chair moves that we grant the variance requested on the

1 condition that the work proceed in accordance with plans
2 prepared by Smart Architecture -- two pages, both pages of
3 which have been initialed by the Chair.

4 Let's have a vote. Brendan?

5 BRENDAN SULLIVAN: Brendan Sullivan, I move to
6 grant the variance.

7 CONSTANTINE ALEXANDER: Slater?

8 SLATER ANDERSON: Agreed. I approve the variance.

9 CONSTANTINE ALEXANDER: Jim?

10 JIM MONTEVERDE: Hi, this is Jim Monteverde, I
11 approve the variance.

12 CONSTANTINE ALEXANDER: And Janet?

13 JANET GREEN: Janet Green, I approve the variance.

14 CONSTANTINE ALEXANDER: And the Chairman approves
15 it as well. So the variance is granted. Now we move on to
16 the special permit. The special permit is just to convert
17 the carriage house to an accessory apartment.

18 And again, there are a number of requirements to
19 special permits, which I'll have to recite and go through:

20 That the requirements of the ordinance cannot be
21 met unless we grant the special permit.

22 That traffic generated or patterns of access or

1 egress resulting from this conversion or reconstruction of
2 the carriage house will not cause congestion, hazard, or
3 substantial change in established neighborhood character --
4 and in support of that, I would note the petition is signed
5 by over 20 people who live in the neighborhood.

6 That the continued operation of or development of
7 adjacent uses, as permitted in the ordinance, will not be
8 adversely affected by what is proposed. Again, the carriage
9 house will be very much -- in terms of its impact as the
10 carriage house that is there now. And again, I would refer
11 to the letters of support from the neighborhood.

12 No nuisance or hazard will be created to the
13 detriment of the health, safety and/or welfare of the
14 occupant of the proposed use, or the citizens of the city.
15 In fact, this structure will be pretty much as the structure
16 in terms of dimensions -- as the structure that is there
17 now.

18 And that generally, what is being proposed will
19 not impair the integrity of the district or adjoining
20 district, or otherwise derogate from the intent and purpose
21 of this ordinance.

22 So on the basis of all these findings, the Chair

1 moves that we grant the special permit requested on the
2 condition that the work proceed in accordance with plans
3 referred to with regard to the variance we just granted.
4 Brendan?

5 BRENDAN SULLIVAN: I vote yes on the special
6 permit.

7 CONSTANTINE ALEXANDER: Jim?

8 JIM MONTEVERDE: Hi, Jim Monteverde. I vote yes
9 on the special permit.

10 CONSTANTINE ALEXANDER: Janet?

11 JANET GREEN: Yes on the special permit.

12 CONSTANTINE ALEXANDER: Slater?

13 SLATER ANDERSON: Yes on the special permit.

14 CONSTANTINE ALEXANDER: And the Chair votes yes as
15 well.

16 [All vote YES]

17 Special permit has been granted. The case is
18 over.

19 COLLECTIVE: Thank you.

20 LAUREE MANSOUR: And Maggie also says thank you.
21 She's completely lost her Internet, due to thunderstorms.

22 CONSTANTINE ALEXANDER: Tell her we miss her.

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COLLECTIVE: Thank you.

1 * * * * *

2 (7:54 p.m.)

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

6 CONSTANTINE ALEXANDER: The Chair will now call
7 Case Number 017270 -- 321 Mount Auburn Street. Anyone here
8 wishing to be heard on this matter?

9 ADAM GLASSMAN: I'd like to be heard.

10 CONSTANTINE ALEXANDER: Mr. Glassman, go ahead.

11 ADAM GLASSMAN: Can you hear me?

12 CONSTANTINE ALEXANDER: Yes.

13 ADAM GLASSMAN: Thank you. Okay. I'm here, Adam
14 Glassman, GCD Architects, 2 Worthington Street, Cambridge.
15 I'm representing Jordan Nollman and his wife, Larissa
16 Boutique (phonetic) who live at 321 Mount Auburn Street.
17 It's a second -- they live in a duplex on the top floor,
18 second and third floor.

19 We're here seeking relief in order to construct
20 two dormers, one 15-foot, the other approximately 9. The
21 relief is required per FAR increase of just 2 percent, but
22 we've got an existing, nonconforming FAR, and the house is

1 also just barely nonconforming, due to the rear setback.
2 The dormers proposed -- Sisia, is now the time for me to ask
3 you to scroll through drawings?

4 SISIA DAGLIAN: Sure.

5 ADAM GLASSMAN: Let's go to the plans, please,
6 page 1.

7 SISIA DAGLIAN: All right. Just a second.

8 ADAM GLASSMAN: Okay. These photos show the
9 existing structure. On the right is the street view, and
10 the text is pointing to the side view of an existing small,
11 gable roof dormer that serves the existing stair. And the
12 proposed dormer on that side will absorb that into it.

13 The image on the left is the location of the
14 proposed smaller dormer, which would provide them with
15 additional space in their existing bedroom. Neither dormer
16 creates a bedroom or additional living space.

17 Next page, please.

18 The image on the right just shows another view
19 from the street of the existing dormer to be replaced, and
20 the image on the left shows -- again, how much of that
21 dormer is visible from the street now.

22 Next page?

1 CONSTANTINE ALEXANDER: Mr. Glassman?

2 ADAM GLASSMAN: Yep.

3 CONSTANTINE ALEXANDER: I'm sorry, Mr. Glassman,
4 just confirm that your dormers all comply with the dormer
5 guidelines?

6 ADAM GLASSMAN: They do comply with the dormer
7 guidelines.

8 CONSTANTINE ALEXANDER: Thank you.

9 ADAM GLASSMAN: Next page, please. The site plan
10 here shows the locations of the dormers on the left side and
11 on the right side. Neither dormer located within a setback.
12 If it weren't for the 2 percent of additional FAR, and that
13 small bit of nonconforming setback in the rear, these would
14 be conforming dormers.

15 Next page?

16 This is Jordan in his existing bathroom and going
17 up his existing stair, and even if Jordan weren't so tall,
18 these would be uncomfortably low ceiling heights to be
19 negotiating on a daily basis.

20 Next image, please?

21 Existing basement and first floor are not in
22 scope, so we can go to the next page.

1 The existing plans show their layout, which starts
2 on the second floor, where they have two bedrooms for their
3 children and one full bathroom on their first floor.

4 The middle plan is their upstairs portion of the
5 duplex, and the scope of work, as you can see as defined is
6 limited to the existing stair, the existing bathroom, and
7 the existing closet. Basically, the functions will remain,
8 just with additional headroom.

9 Next image, please.

10 The existing elevations -- again, just show us the
11 extent of the work. The right side, that small doghouse
12 dormer will be removed and rebuilt. And on the left side,
13 that's the limit of work to the existing roofline.

14 Next page?

15 The proposed plans show the existing stair to
16 remain within the reconstructed dormer, which extends to
17 absorb the existing bathroom to provide a more comfortable,
18 a more functional bathroom with code-compliant head
19 clearance.

20 And the dormer on the left would serve to give
21 them the headroom they need in their existing closet to be
22 able to walk in and use it.

1 Next image, please.

2 Here the elevations -- number 1, proposed front
3 elevation, shows both proposed dormers from their side view,
4 and because these are two-dimensional, they make these
5 dormers appear more visible from the street than they really
6 are, but we'll get to that in the 3D views. But you can see
7 that the dormer roof profiles match the existing slopes of
8 the hip roof.

9 And then on image 2 to the left, that's the
10 proposed nine-foot dormer with the hip roof for the closet.

11 Next image, please.

12 The right-side view shows the enlarged existing
13 dormer to become a Nantucket style, which lets us create a
14 roof profile that blends in with the existing architecture,
15 held off from the top of the ridge by a foot for the dormer
16 guidelines.

17 And on the image on the left, the proposed
18 elevation just -- again -- shows both dormers from the rear
19 view.

20 Next image, please?

21 CONSTANTINE ALEXANDER: Mr. Glassman?

22 ADAM GLASSMAN: Yep.

1 CONSTANTINE ALEXANDER: Before you go on, the
2 right elevation on the right side. One of the reliefs
3 you're seeking is you're inviting (sic) the right side,
4 right side setback. And can you talk about what steps are
5 being taken or need to be taken, or are not needed to be
6 taken, to protect the privacy of your abutter on that side?

7 ADAM GLASSMAN: Yes. Well, actually, the new
8 dormer and the existing house is not within the required
9 setback. But I would say that we did a study for the
10 occupants of 7 and 9 Longfellow, and that's at the back of
11 this presentation if you want to refer to it -- I don't know
12 if we have to right now -- but we're 40 feet away from the
13 abutters on the right.

14 There are dense, fully mature evergreen trees
15 between the properties, and they are a formidable visual
16 barrier.

17 And the use of this dormer is for a stair and for
18 a bathroom. They're not living spaces, they're not
19 bedrooms, no one will be occupying those spaces to enjoy the
20 view. So I think that's my response.

21 CONSTANTINE ALEXANDER: Thank you.

22 ADAM GLASSMAN: Next image, please.

1 Here are the 3D views. Looking from the street on
2 the right, you can see the existing dormer. And then on the
3 left you can see the proposed reconstruction and
4 enlargement. The scale of the house is maintained. The
5 character of the house is maintained. The proposed work is
6 consistent with the style of the neighborhood in general.

7 Next image, please?

8 Oop, that one doesn't seem to have translated
9 well, but in this view it's just an existing, and the point
10 of this is to show you, you can't see the dormers from most
11 of the street.

12 Next image?

13 Here too this is grainy, I'm sorry. But you can
14 see my text where it says, "Top of proposed left side
15 dormer." That's all you can see from the street view of
16 that new dormer.

17 Next image?

18 Yeah, I'm sorry. I'm not -- I don't know why this
19 is so grainy. It certainly didn't look this way when we
20 sent it, but you can see that the proposed left-side dormer
21 blends into the roof profile of the house, doesn't change
22 the scale or character, very modest in size.

1 Next image?

2 So this takes us to the study I did for 7 and 9
3 Longfellow, who did issue a letter of support, as did the
4 abutting neighbor on the left, and they are the two abutters
5 who would be most impacted by the dormers. You can see that
6 we're nearly 42 feet away on the right side from the next
7 structure.

8 And you can see from the photos, which I took from
9 the property at 7 and 9 Longfellow the kind of visual
10 connection that exists now, and one can see it wouldn't be
11 changed dramatically by the proposed dormer.

12 And is there an image after that, or are we done?

13 Oh, and this is one more image from one more
14 location in the back yard. The owner asked us to take these
15 views. These were the three views they were most concerned
16 about. So we documented the views and the distance and the
17 relationships and sent this along, and they issued a support
18 letter.

19 And I believe that brings me to the conclusion of
20 my presentation.

21 CONSTANTINE ALEXANDER: Thank you. Questions from
22 members of the Board?

1 BRENDAN SULLIVAN: Brendan Sullivan, I have no
2 questions.

3 CONSTANTINE ALEXANDER: Janet, any questions?

4 JANET GREEN: I have no questions.

5 CONSTANTINE ALEXANDER: Slater?

6 SLATER ANDERSON: No questions.

7 CONSTANTINE ALEXANDER: Jim?

8 JIM MONTEVERDE: No questions, thank you.

9 CONSTANTINE ALEXANDER: The Chair has no questions
10 at this point, either. So I'll open the matter up to public
11 testimony, public comment. We do have letters, or written
12 communications, which I will read into the record after we
13 hear -- if we hear at all, from -- oral testimony from
14 people in support or in opposition.

15 And again, any members of the public who wish to
16 speak should now click the icon at the bottom of your Zoom
17 screen that says, "Raise hand. If you're calling in by
18 phone, you can raise your hand by pressing *9 and unmute or
19 mute by pressing *6.

20 With that, anyone wish to comment?

21 SISIA DAGLIAN: We have one person.

22 CONSTANTINE ALEXANDER: Okay.

1 HAO WANG: Yes.

2 SISIA DAGLIAN: Mr. Wang, please go ahead.

3 HAO WANG: Thank you. Hello, everyone. Thank
4 you, first of all, to the Chair and the Board members for
5 your valuable public service, and it's very -- I do have my
6 gratitude. And good to see Jordan, my neighbor.

7 First of all, before I enter my view of
8 opposition, I just want to recognize that I appreciate the
9 petitioner sharing their plan, even though they only shared
10 with me the elevation plan, one page, but they shared with
11 me a while ago. So I do appreciate that.

12 Without knowing the purpose of the dormer, the
13 inside just presented earlier, I felt that the right side
14 dormer, which was facing us and 7 and 9 Longfellow Road --
15 by the way the homeowner of 1 and 3 Longfellow Road, which
16 directly abut to the property, and especially to the right
17 side of the dormer.

18 So I have no issue with the left side of the
19 dormer or the street, you know, or other aspects. I'm only
20 having issue with the right side of the dormer, which is 15
21 feet long. I did not know the use of the dormer. I did
22 inquire, and now I know.

1 I still think the dormer is too big for the
2 intended use, and came with four windows, which I question
3 the hardship of relief for the bathroom need for four
4 windows.

5 And even though the petitioner presented the
6 picture taken from 7 and 9 from the ground level, but they
7 have not taken a picture from my third-floor bedroom and my
8 third-floor deck, which is above -- almost above the
9 evergreen trees, which present a different view. There's an
10 unblocked view, from their new dormer to our bedroom and our
11 back.

12 So I -- even though I would try my best to support
13 the petition, but I would ask my neighbor to consider
14 reducing the size of the dormer. Because I don't think you
15 need that large, need that many windows to relieve the
16 hardship of the bathroom.

17 Additionally, I did communicate -- even though
18 it's only for a couple of days, the petitioner do need more
19 time to respond -- but I do want the petitioner to address
20 the issue of the garbage storage area abutting my garage,
21 which I pointed out earlier.

22 According to their diagram e-mail to me, as well

1 as according to my recent professional survey done by Nolan
2 Company, which shows a strip of land of mine is being used
3 by the abutter, by the petitioner as part of their -- even
4 though it's small -- as part of their garage area. So I'd
5 like them to reassess and make sure that my land is not
6 occupied.

7 So that's my opinion. But I will -- I really hope
8 that the petitioner can work with me to address the privacy
9 concern to obtain the relief for the hardship while limit
10 the exposure to the privacy concern to us. Thank you.

11 CONSTANTINE ALEXANDER: Thank you, Doctor. I --
12 let me just point one thing out, you're probably not aware
13 of that. There are dormer guidelines the City of Cambridge
14 has promulgated, when people seek to add a dormer to a
15 structure.

16 And doesn't mean if you comply with these
17 guidelines you automatically get entitled to relief, but if
18 you don't comply with them, this Board looks askance at the
19 proposed dormer.

20 In this case, the dormer that's being -- dormers -
21 - are being proposed all comply with the dormer guidelines.
22 The key guideline is that the dormer should not be more than

1 15 feet in length. And I know you have said that you find
2 that too big, under your circumstances, but it is compliant
3 with our dormer guidelines.

4 HAO WANG: Thank you, Chair. I do have the
5 experience of applying for a dormer myself about 15 or 20
6 years ago, probably 15 years ago. And I think the relief of
7 the -- you know, they're applying for a variance.

8 CONSTANTINE ALEXANDER: Yes.

9 HAO WANG: Right? The variance you -- I don't so
10 far -- I'm not, I'm willing to be convinced, and so far, I
11 do not see the hardship relief outweighs the privacy loss.
12 You know, I think if they need a good bathroom, they don't
13 need four windows.

14 And 15 years ago, my dormer next to my 7 and 9
15 during my dormer application, you know, my neighbor only
16 petitioned to me saying they think my dormer is too big,
17 which is still in compliance, 15 feet. I reduced three feet
18 just to satisfy my neighbor. I mean, I felt that 7 and 9
19 Longfellow did probably feel that dormer facing them is
20 infringing on their privacy, so I compromised.

21 I mean, I just expect my neighbor to consider
22 that.

1 CONSTANTINE ALEXANDER: Okay.

2 HAO WANG: Right? I mean --

3 CONSTANTINE ALEXANDER: You've made that point.

4 HAO WANG: It's a variance. Yeah, thank you.

5 CONSTANTINE ALEXANDER: You've made that point.

6 Thank you. Anyone wishes to be heard? We have a number of
7 written communications, as I've indicated, but I want to see
8 first of all is there any -- are there any oral commentary,
9 such as been given to us by Dr. Wang?

10 Sisia? Any indication of anybody else wishing to
11 speak?

12 SISIA DAGLIAN: No.

13 CONSTANTINE ALEXANDER: Okay. Then I'll turn to
14 the written communications.

15 We have an e-mail or letter from Dr. Wang, and he
16 summarized it with his comments that he just gave us.

17 We have a letter from David A. Philbin, P-h-i-l-b-
18 i-n, the Trustee of the Mary T. Hester Revocable Trust. And
19 he says he is -- he has no objection to the allowance of the
20 variance being sought.

21 We have a letter or e-mail from Arlene Eallalfar,
22 E-a-l-l-a-l-f-a-r, who lives at 18 Channing Street. She

1 says, "I have reviewed these plans and support their
2 application, support the petitioner's application. I don't
3 think this variance will have a negative impact on us as
4 abutters."

5 We have a letter from Andrea Kavanagh, K-a-v-a-n-
6 a-u-g-h, again, who supports the proposed dormers. She
7 resides at 321 Mount Auburn Street, Unit 1. I should
8 mention -- I don't think Mr. Glassman mentioned -- that the
9 premises involved here is Unit 2. This is a two-unit
10 condominium in the structure.

11 There's also correspondence from abutters at 7-9
12 Longfellow. There's no objection. So generally, I'm not
13 going to keep going through as the e-mails go flying back
14 and forth. But except for Dr. Wang there seems to be
15 unanimous neighborhood support -- or maybe more accurately -
16 - lack of objection to what is being proposed.

17 Mr. Glassman, you heard Dr. Wang's request about
18 reducing the size of the dormer. Is your client amenable to
19 considering this, or do you want to plough ahead, if I may
20 use those words?

21 ADAM GLASSMAN: Well, the dormer covers the
22 existing bathroom, the length of the existing bathroom. So

1 we're not elongating the bathroom. We made the dormer as a
2 15-foot dormer; covers both the existing bathroom and the
3 stairs.

4 So we're not making the bathroom larger in that
5 sense. The additional headroom makes it more comfortable
6 and safer, and it gives them the space for some amenities
7 that I don't think most people would see as extravagant.

8 CONSTANTINE ALEXANDER: I take it you want to
9 stand pat on the plans that you filed?

10 ADAM GLASSMAN: I do. And if there are -- if
11 anyone on the Board has concerns about any of Dr. Wang's
12 comments, I'm happy to address them.

13 CONSTANTINE ALEXANDER: Okay. Well, that's a good
14 segue into our description. I'm going to close public
15 testimony for the moment, and we'll go into discussion as to
16 what relief we wish to grant or not to grant. Anyone wishes
17 he be heard on this on the Board?

18 JIM MONTEVERDE: Yeah. This is Jim Monteverde, if
19 I can?

20 CONSTANTINE ALEXANDER: Go ahead.

21 JIM MONTEVERDE: Adam, can I ask you, what is the
22 glass? What type of glass are in the -- I think the

1 elevation shows, I forget how many, five openings in that
2 particular dormer, one to the stair and I think four to the
3 bathroom?

4 ADAM GLASSMAN: Right, right.

5 JIM MONTEVERDE: What is it?

6 ADAM GLASSMAN: The idea was to make this, you
7 know, symmetrical, and provide the percentage of glazing
8 required in the dormer guidelines. I'd like to address the
9 privacy issue. I believe --

10 JIM MONTEVERDE: Sorry, let me --

11 ADAM GLASSMAN: Oh, sorry.

12 JIM MONTEVERDE: -- I'm trying to help.

13 ADAM GLASSMAN: Sorry.

14 JIM MONTEVERDE: So what -- because we've come
15 across this issue before. So is it clear glass? Obscure
16 glass? Is there a film on the glass? Is there a curtain on
17 the window? Are there louvers, or -- what is the window
18 treatment?

19 ADAM GLASSMAN: Well, at this time --

20 JIM MONTEVERDE: If any.

21 ADAM GLASSMAN: I mean, at this time there is no
22 window treatment. You know, it's we have a bathroom, we

1 have a stair window.

2 JIM MONTEVERDE: Yep.

3 ADAM GLASSMAN: I think shutters or curtains would
4 probably work in a living room or a bedroom, but I could
5 ask, you know, the owners, you know, "Are you amenable to
6 some kind of interior screening device?"

7 CONSTANTINE ALEXANDER: What about using glass
8 that is not clear glass, which we have done -- other
9 petitioners have done, to protect the privacy of abutters?

10 ADAM GLASSMAN: I would be open to that if I
11 believed there was a legitimate privacy issue. And here I
12 do not believe there is one. I have a number of reasons for
13 believing that.

14 And in the file, when this issue came up with Dr.
15 Wang this week after communicating with him since January.
16 I ran over there and I took photos from the inside of the
17 unit. And those photos are in that -- Sisia, is that
18 something you can present, or no?

19 SISIA DAGLIAN: No, I don't have access to them
20 right now.

21 ADAM GLASSMAN: I can print them out and hold them
22 out.

1 SISIA DAGLIAN: You mean the ones that we were
2 just showing?

3 ADAM GLASSMAN: No. I took interior photos. And
4 one photo I took was from the existing window at the second
5 floor. There's one window, and you can't see much of this
6 house from the second floor.

7 On the third floor, I took a photo from the
8 skylight in their bathroom looking towards his house. And
9 the visual connection is even more obscured at that point by
10 the trees.

11 If you can give me a few minutes, I can print
12 these out and hold them up and show you, but the real
13 privacy concern was with 7 and 9 Longfellow. That is the
14 home this dormer sits directly behind. The dormer does not
15 sit directly behind. The dormer does not sit directly
16 behind Mr. Wang's property.

17 BRENDAN SULLIVAN: This is Brendan Sullivan.
18 Adam, are the photos that you've taken -- obviously have
19 heavy foliage. That's what's blocking the view?

20 ADAM GLASSMAN: They are evergreens, and yes.

21 BRENDAN SULLIVAN: Okay. Because I guess my
22 question is, obviously, this time of the year there's going

1 to be a lot of foliage as opposed to we get into November
2 through April there would not be any, and so, that that
3 screening will dissipate and go away.

4 ADAM GLASSMAN: Well, look. They're evergreens.

5 BRENDAN SULLIVAN: Yeah, but they are evergreens
6 okay.

7 CONSTANTINE ALEXANDER: I guess I'm just --

8 ADAM GLASSMAN: Would it be helpful if I printed
9 these photos and just held them up here? I'm sorry, I
10 thought they'd be presentable.

11 SISIA DAGLIAN: Sure.

12 BRENDAN SULLIVAN: Again, this is Brendan
13 Sullivan.

14 ADAM GLASSMAN: Okay.

15 BRENDAN SULLIVAN: It's difficult for me to really
16 determine whether or not there is a true privacy issue, not
17 being able to stand in the locus, in the spot, looking out;
18 and also, Dr. Wang's house looking the other direction.
19 It's really very difficult to make a good value judgment on
20 that.

21 CONSTANTINE ALEXANDER: I'm also -- the fact that
22 what is the objection the glass not fully transparent? That

1 addresses Dr. Wang's concern --

2 ADAM GLASSMAN: Okay.

3 CONSTANTINE ALEXANDER: -- it assists your client
4 --

5 ADAM GLASSMAN: Okay.

6 CONSTANTINE ALEXANDER: -- because they have
7 privacy issues as well.

8 ADAM GLASSMAN: All right. We will accept the
9 compromise and we will use a film screen at any eye level or
10 lower at the windows, but that's what we're looking for.

11 CONSTANTINE ALEXANDER: Other members of the
12 Board, do you have any thoughts on this?

13 JANET GREEN: So yeah, a question for Adam. I
14 didn't understand the screening we're describing when you
15 were talking about eye level or below, and whose eye level,
16 and I didn't quite understand.

17 ADAM GLASSMAN: Sisia --

18 JANET GREEN: I mean, you're on (sic) the window
19 or not.

20 ADAM GLASSMAN: Sisia, can you go to one of -- in
21 my presentation, the images I took from the neighbor towards
22 the end of the packet?

1 SISIA DAGLIAN: Yeah.

2 ADAM GLASSMAN: Next one, please?

3 So this -- the image on the lower right, that is
4 standing directly between 3 Longfellow and 9 Longfellow.
5 And directly in the center of that photo is the existing
6 dormer. And that will grow to the right, completely covered
7 by these trees.

8 And I think it would be a shame and to no real
9 effect to screen the windows in any way that is permanent.
10 But if that's how the Board wants us to proceed, we'll
11 definitely do it.

12 Now I have one more photo here, I'm going to try
13 to -- this is the view from their skylight in their
14 bathroom. And that would be the location of the window.
15 And you can't see his house.

16 But again, I find the claim disingenuous for
17 several reasons. This issue -- again, this came up, we've
18 had communication with all of our neighbors with Dr. Wang
19 since January, and --

20 CONSTANTINE ALEXANDER: Excuse me, I don't want to
21 get into suggestions of bad faith or the like. We're just -
22 - we're talking about a zoning issue.

1 ADAM GLASSMAN: Okay.

2 CONSTANTINE ALEXANDER: Your neighborhood has to
3 solve your own problems. And I don't want to go there.

4 ADAM GLASSMAN: Will the Board accept curtains?
5 We'll gladly do curtains.

6 CONSTANTINE ALEXANDER: I don't know why you
7 object to glass that is not transparent?

8 ADAM GLASSMAN: We no longer object.

9 CONSTANTINE ALEXANDER: Fine.

10 ADAM GLASSMAN: We'll apply a translucent screen
11 to the windows.

12 CONSTANTINE ALEXANDER: All right. Jim or Slater,
13 I haven't heard from you if you wish to speak.

14 JIM MONTEVERDE: Yeah. Sorry, are they -- can you
15 hear me? This is Jim Monteverde.

16 CONSTANTINE ALEXANDER: Yes.

17 JIM MONTEVERDE: I could -- I'm happy with either
18 the curtains, and if you do a screen, either one works for
19 me.

20 ADAM GLASSMAN: Jordan, are you okay with
21 curtains?

22 JORDAN NOLLMAN: Yeah. I don't know if you guys

1 can hear us.

2 ADAM GLASSMAN: Yeah.

3 JORDAN NOLLMAN: We're okay with curtains or
4 frosted glass -- no problem, yeah.

5 JIM MONTEVERDE: That's good.

6 CONSTANTINE ALEXANDER: But Jim, you would prefer
7 to have it transparent glass with curtains?

8 JIM MONTEVERDE: I'd leave it to Adam. I think --
9 again, I think -- and Jordan, and the family. I think
10 either way, curtains or frosted glass, I think the curtains
11 do fine, if you're comfortable with that.

12 JORDAN NOLLMAN: Yeah, no problem at all with --

13 JANET GREEN: No problem.

14 JORDAN NOLLMAN: -- either or both.

15 JIM MONTEVERDE: As long as it's one or the other,
16 it basically should take care of the visual aspect.

17 ADAM GLASSMAN: They're looking for privacy too;
18 it's a bathroom.

19 JIM MONTEVERDE: No, I understand.

20 ADAM GLASSMAN: So.

21 CONSTANTINE ALEXANDER: Slater, do you wish to
22 comment, or not?

1 SLATER ANDERSON: No, Jim asked the question I was
2 going to ask, and I think the resolution I was going to
3 suggest has come to the table. So I'm all good.

4 CONSTANTINE ALEXANDER: Good.

5 JIM MONTEVERDE: Thank you.

6 CONSTANTINE ALEXANDER: It took us longer to get
7 to your quick mind. You've got -- you got there much
8 quicker than we did. Ready for a motion? Okay. The Chair
9 moves that we make the following -- give me a second to get
10 my act together -- the following findings with regard --
11 yes, Jim? Did you raise your hand?

12 THE REPORTER: You're muted.

13 CONSTANTINE ALEXANDER: You're not -- you're
14 muted.

15 JIM MONTEVERDE: I'm waving to my wife, she just
16 walked in the house, I'm sorry. [Laughter] that's the
17 danger of working from home. No, no, no, here she -- sorry.
18 I'll lock the door.

19 BRENDAN SULLIVAN: If this was an auction, you
20 would have bought the item.

21 JIM MONTEVERDE: Oh, I'll tell you that story some
22 other day.

1 CONSTANTINE ALEXANDER: Let's get back to
2 business. Okay. The Chair moves that we make the following
3 findings with regard to the variance being sought:

4 to the relief being sought:

5 That a literal enforcement of the provisions of
6 the ordinance would involve a substantial hardship, such
7 hardship being as that the top floor of the structure needs
8 additional space for the bathrooms, it needs a little more
9 headroom for the staircase, and it's specific to the
10 structure as it is, and the only way to change it is to
11 grant a variance that would solve these problems.

12 The hardship is owing to the shape of the
13 structure and the fact that it is a structure, it's a
14 nonconforming structure that was built long before our
15 zoning ordinance was put in place,

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

19 In this regard, the Chair would note that with one
20 exception, there appears to be unanimous neighborhood
21 support, and as we will get to in a second, we would propose
22 to deal with that neighbor's objection.

1 So on the basis of all these findings, the Chair
2 moves that we grant a variance for the relief being sought
3 on the condition that the work proceed in accordance with
4 plans prepared by GCD Architects, the first page which is
5 initialed by the Chair, and provided that the windows on the
6 dormers that will face 1-3 Longfellow be not fully
7 transparent, but in some fashion -- not be transparent, but
8 in some form be translucent or other ways of dealing with
9 it.

10 And I don't want to get into curtains, but the
11 Chair would -- the Board would recommend that the petitioner
12 also place curtains across these windows, again for privacy
13 reasons.

14 All those in favor of granting the variance on
15 this basis, please say, "Aye." Oh, can't do that.

16 BRENDAN SULLIVAN: Brendan Sullivan, yes to the
17 granting of the variance.

18 CONSTANTINE ALEXANDER: Jim?

19 JIM MONTEVERDE: Jim Monteverde, yes.

20 CONSTANTINE ALEXANDER: Slater?

21 SLATER ANDERSON: Slater Anderson, yes.

22 CONSTANTINE ALEXANDER: Janet?

1 JANET GREEN: Janet Green, yes.

2 CONSTANTINE ALEXANDER: And the Chair votes yes as
3 well.

4 [All vote YES]

5 So the variance has been granted, subject to the
6 conditions that are contained in the variance. Thank you
7 very much.

8 COLLECTIVE: Thank you.

9 THE BOARD: Aye

10 JIM MONTEVERDE: So Brendan, you want to hear my
11 furniture story? So I'm sitting at a furniture auction, I'm
12 bored out of my mind. I'm reading a book. I have the
13 paddle in my hand, my wife is sitting next to me. And up on
14 the dais is a pair of rather ugly, midcentury, modern
15 chairs. Wicked, wicked fabric -- anyway.

16 And I'm looking at these chairs, and then I'm
17 thinking, "Boy, this meeting's going pretty well." And I
18 realize that in my boredom I am tapping my lip with the
19 paddle. And the guy who's running the auction seems to be
20 looking in my direction a lot, as these chairs get bid up
21 and up and up.

22 And it turns out I'm the knucklehead who's bidding

1 these chairs up. And when I realize it, I drop the paddle,
2 I wave my arms, I basically try and wave the guy off. And
3 lo and behold, I'm the apparent high bidder.

4 And fortunately some good soul in the audience
5 raises their paddle and outbids me by fifty bucks. And I
6 beat them by -- I didn't get shot with the bullet on that
7 one, but boy that was too close.

8 So from then on, I don't hold a paddle.

9 COLLECTIVE: [Laughter]

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2 (8:27 p.m.)

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

6 CONSTANTINE ALEXANDER: Okay, the Chair -- with
7 that story in hand, the Chair will now call Case Number
8 017271 -- 6 Sacramento Street. And I'm happy to report,
9 given the hour, that the petitioner wishes to withdraw his
10 petition.

11 So the Chair moves that we accept the requested
12 withdrawal. The petition was to convert an institutional
13 use dormitory to noninstitutional-use lodging house.

14 So all those in favor of accepting the requested
15 withdrawal?

16 BRENDAN SULLIVAN: Brendan Sullivan. I accept the
17 withdrawal.

18 JANET GREEN: Janet Green. I accept the
19 withdrawal.

20 JIM MONTEVERDE: Jim Monteverde, I accept.

21 CONSTANTINE ALEXANDER: Slater?

22 SLATER ANDERSON: Slater Anderson, I accept.

1 CONSTANTINE ALEXANDER: Okay, case is withdrawn.

2 [All vote YES]

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(8:29 p.m.)

Sitting Members: Constantine Alexander, Brendan Sullivan,
Janet Green, Jim Monteverde, Slater W.
Anderson

CONSTANTINE ALEXANDER: We'll now move on to Case
Number 017274 -- 66 Hurley Street.

SISIA DAGLIAN: We're in.

CONSTANTINE ALEXANDER: Is there someone here who
wants to speak on behalf of this case?

SISIA DAGLIAN: They're unmuting, they're online.

CONSTANTINE ALEXANDER: Okay.

[Pause]

SISIA DAGLIAN: Hi Lauren, we can hear you.

CONSTANTINE ALEXANDER: Oh, the petitioner is on
the screen. Lauren, you want to go ahead?

SISIA DAGLIAN: Okay, we can see you but --

CONSTANTINE ALEXANDER: The floor is yours.

LAUREN HARDER: Iram, can you hear me?

CONSTANTINE ALEXANDER: Mark Boyes-Watson is on
now.

MARK BOYES-WATSON: Yes, can you hear me?

1 COLLECTIVE: Yes.

2 MARK BOYES-WATSON: Awesome.

3 LAUREN HARDER: Hi, can you hear me, this is
4 Lauren Harder?

5 SISIA DAGLIAN: Yes, we can hear you.

6 LAUREN HARDER: Okay.

7 CONSTANTINE ALEXANDER: Are you going to make a
8 presentation, Mr. Boyes-Watson, Mark?

9 MARK BOYES-WATSON: I think that -- Lauren, were
10 you going to just say a few things, and then I'll take you
11 through the drawings?

12 LAUREN HARDER: Yes. So we're here today to
13 present an application for relief on a three-family in East
14 Cambridge at 66 Hurley Street. The plan for this building
15 is a full gut renovation.

16 We've already walked it through the Historical
17 Commission, which I guess this area is now under temporary
18 jurisdiction. We've incorporated those changes into today's
19 application.

20 We have -- we are requesting relief for each of
21 the three living spaces. This building is on a lot with no
22 open space. We're requesting relief for each of the three

1 units to have open space. The third floor would be on the
2 roof deck. The second floor would have open space over a
3 garage, and actually for the first floor we're looking for
4 relief to use the basement as habitable space, as exempt
5 from the GFA.

6 We worked with the neighbors on all of these
7 items, including the construction, since it's in very close
8 proximity.

9 And I am hopeful that some of them are here today
10 -- specifically, we've addressed some of their concerns with
11 respect to privacy and screening and views and noise
12 control, and are willing to consider anything else they have
13 to bring to the table. And Mark is going to walk you
14 through the plans.

15 MARK BOYES-WATSON: So how does this work, do I
16 just, do we just -- [noise]

17 SISIA DAGLIAN: Hi, I brought it up for you, Mark.

18 MARK BOYES-WATSON: Brilliant. That's fantastic.
19 Let's go to the site plan, next page. So Lauren wasn't
20 exaggerating when she said that it's a pretty tiny lot. So
21 it's a sliver that runs down at the corner of Hurley and
22 Lopez Ave. And Lopez Ave is a dead-end street in this

1 point, and it has a lovely pocket park, as you can see.

2 They're building in front of that park and it's a
3 tiny building in a pretty serious state of disrepair. And
4 as is so common in East Cambridge, it is kind of wedged in
5 there. So that basically the house and the garage take up
6 the whole lot.

7 We actually did the house right just down below
8 it, the plan of that many years ago. So we're pretty
9 familiar with Lopez Ave.

10 So the proposal -- if we go to the next page, you
11 can kind of see what that looks like in terms of the
12 building. So if I sort to the top right hand photograph,
13 the building in question is that little bookend, not the
14 six-family that we've got our cameras looking at.

15 So all the way over on the right-hand side, yeah,
16 that's a pale green. And then the straight- on view is the
17 left top.

18 And then if you go down bottom left, you're
19 looking at that garage that you can see in the site plan,
20 and the -- you can also see that there are actually no
21 windows facing the park and the building itself, or
22 virtually none.

1 And then the last photograph is just reminding us
2 how close it is to the abutter. So it just is a typical
3 East Cambridge kind of setup.

4 So on the next page, I think there are a few more
5 photographs. So this gives you a sense -- you're looking
6 across the park now at the right-hand side photograph the
7 building is kind of a pale, yellowy-green in this photograph
8 across the park.

9 So actually the park is very much one of our
10 abutters, as it were, and then the view top left is the view
11 down Lopez Street.

12 And you can see the courthouse, although it's no
13 longer the courthouse, in the background, with the pale
14 green building in that shot.

15 And then last but not least, the bottom left is
16 another view. And that's looking down Hurley, and you can
17 see the park on the right and the other corner building.

18 So if we go to the next page, this is the existing
19 condition, where you can see on the first floor you see that
20 garage, and you see the building basically filling its lot.
21 This is not a big building. These units are -- it's right
22 now set up as first, second and third and we're going to

1 keep it that way.

2 And, you know, the units -- the whole floor plate
3 is 770 roughly square feet on each floor, it varies
4 slightly. And we're not increasing the volume of the
5 building, it just stays that way.

6 So if we go to the next page, why there is a
7 change in the dimensional form as to GFA is because the --
8 if you do what is shown at the far top left-hand corner, see
9 the proposed roof plan has a roof deck. And if you put a
10 roof deck on a three-family, that counts as GFA.

11 So on the dimensional form, that reads as an
12 increase in GFA. It is actually just to create the open
13 space and the stair that gives access to that open space,
14 which is in the back left-hand corner.

15 That, if we go -- actually while I'm on this page,
16 so -- and then let me go down the plan. So that's the top.
17 On the second floor, you can see that there is a deck
18 proposed, it's accessed by stepping out of the back of the
19 building over that little alley that you see on the first
20 floor between the garage and the first floor.

21 And that actually doesn't count as GFA, because
22 it's not above the third floor. Although -- and it's up

1 against the blank wall of the abutting property. But
2 actually, under zoning that -- depending on interpretation,
3 might require a setback which we're not providing to that
4 next building of about seven foot something, some number
5 like that. And since it's a blank wall, we just ran it all
6 the way over.

7 So that is the second floor roof deck that Lauren
8 referred to, and provides open space for the second floor.

9 And then just going on down the floor, the first
10 floor plan is unchanged, except that it now allows the use
11 of the front room -- by front I mean the room closest to
12 Hurley -- for that unit as part of the first-floor unit.

13 And we're actually providing at the back of that
14 basement plan a kind of useful room assigned to the upper
15 unit as an office, which has access -- that stair, you see
16 between the garage and the house is already there, and
17 there's a door in the back already there. If we were to
18 flip back to the -- maybe Sisia just flick us back to the
19 previous plan, I'll just show you.

20 See that? If you go to the existing basement,
21 that's the configuration now. And there's that door at the
22 back right there. So we just remove that door slightly, but

1 it's -- that's how it's already set up.

2 So if we flick on through the plan, these are just
3 the existing conditions, drawings. I think we can weave
4 through these. And you can see -- so now these are the
5 proposed ones, and those are a little bit more readable. We
6 go up through them, so there's the -- as I was explaining
7 the bedroom, it's part of Unit 1. Then on the second floor
8 -- and on the first floor, it becomes part of the first
9 floor unit. And there you see the garage in the back
10 unchanged.

11 And then if we go up to the second floor, you'll
12 see that's where you'll get from the kitchen and living room
13 out onto the roof deck. And you can see that these are all
14 pretty small, these units. But it's already a fantastic
15 amenity for that second floor to be able to get outside,
16 especially these days.

17 And then going one floor further up, you are up on
18 the third floor. And there, same configuration, except that
19 you can go on up into that stair penthouse and get to the
20 roof deck on top, which is not a shared roof deck, that's a
21 roof deck just for the third floor unit.

22 So that's not a common stair, that's a private

1 stair because if you go back and look at the second floor,
2 you enter the third floor apartment at the second floor
3 landing, and it becomes -- that stair is part of the third
4 floor unit when you get there.

5 So if we go one more, these are the existing
6 elevations. So that's the Hurley on the right, and the rear
7 elevation faces the garage on the left, existing.

8 And then this is the existing Hurley on the top,
9 and on the bottom is that demising wall very close to the
10 neighboring property. One of the advantages of doing a gut
11 renovation on this house is we can fireproof that wall, and
12 we can sprinkle the building and bring it up to code, so --
13 which it's in need of.

14 And now these are the proposed elevations. So
15 again, you've got -- on the left, you've got their view as
16 it were back towards the garage.

17 And you can see if you look at the drawings at the
18 bottom of the window configuration in the corner, you can
19 see the little bridge that goes across, and it bridges over
20 onto the garage roof.

21 And on the right, we've been working with the
22 Historic Commission, as Lauren referred to, because they are

1 introducing a Historic District in East Cambridge. So we
2 went through this with Mr. Sullivan, and got everything
3 sorted out -- lots of details and everything.

4 So you're seeing just basically an unchanged in
5 terms of the envelope, but a reclad three-family there, and
6 you can see the roof deck railing, which is actually -- it
7 looks very immediate in this view, but in fact that
8 railing's set far back from the front façade on Hurley.

9 And then if we go to the next one -- and you can
10 actually, maybe on that one it's easy, I can point out the
11 little penthouse, which we've tried to get that as small as
12 we can and as low as we can.

13 But actually that is beyond the 35-foot height
14 limit, which you'll see on the dimensional form, just that
15 little penthouse. It's 38 foot one off the ground, and it's
16 about seven foot by I think eight and a half feet or
17 something, or nine feet maybe, the penthouse. So as small
18 as we could get it to get the stair in.

19 And then if we go to the next drawing, that's the
20 -- the top one is the view to the park. And on the bottom
21 is the -- again, the demising wall, the demising wall view.
22 And on the garage, you can see that we've been discussing,

1 and Lauren's been discussing back and forth with the
2 neighbor about the right way to not allow the people on the
3 garage deck to look over into her garden and porch. So
4 you'll see a slightly raised element there. And I know that
5 they're still talking about exactly what that is.

6 Let's go to the next one.

7 SISIA DAGLIAN: Actually, that's the last sheet.

8 MARK BOYES-WATSON: The last sheet. So I don't
9 know if anybody's got any questions about that. That's I
10 think -- I think that's the proposal.

11 SLATER ANDERSON: Can you go back to the basement
12 plan for a second?

13 MARK BOYES-WATSON: Sure.

14 SLATER ANDERSON: The proposed basement. What is
15 the "Office Unit 3" down there?

16 MARK BOYES-WATSON: Yeah, that's that room. I
17 mean, it could be a sign to the first floor, but you see if
18 you come down that little back stair, you can come in the
19 back door?

20 SLATER ANDERSON: Yeah.

21 MARK BOYES-WATSON: And I don't know. We're
22 thinking it would be a really nice amenity, especially these

1 days to have that separate room. So it equally could be a
2 sign to Unit 1, but we thought that that was a good thing to
3 do. There's --

4 SLATER ANDERSON: So it would be noncontiguous to
5 Unit 3 that you go through a common space to get to it?

6 MARK BOYES-WATSON: Exactly. So you see that
7 little common space, and you come in that back door, it gets
8 us into our room with all of our sprinkler equipment and all
9 of that good stuff in it -- the common mechanical -- where
10 the utilities are coming in from the street.

11 And then, yes, it's just a small office. And
12 honestly it might just be storage for that unit. Or it
13 might be a little office. It's a mixture of things. But
14 that's the -- but that was our thinking.

15 SLATER ANDERSON: Yep.

16 MARK BOYES-WATSON: And so, there's a little,
17 tiny, common hole at the back there.

18 SLATER ANDERSON: I didn't know if it was just a
19 typo and it's supposed to say, "Unit 1" but --

20 MARK BOYES-WATSON: Yeah, I know.

21 SLATER ANDERSON: -- now that we understand.

22 MARK BOYES-WATSON: Believe it or not, we thought

1 about that, and that's what we came up with, so.

2 CONSTANTINE ALEXANDER: This is Gus Alexander. I
3 want to address the variance for the rooftop, the deck on
4 the roof -- yeah, the roof deck. Two things. One is we
5 rarely -- and I mean rarely -- grant height variances for
6 residential structures. You've got to be unusual
7 circumstances.

8 And similarly, we very rarely grant roof deck --
9 relief for roof decks. That's just how we've been
10 approaching it as a Board for the last -- I don't know, at
11 least 10 or 15 years. So I am troubled by why we should
12 grant a height variance for the roof deck.

13 The structure will be larger than the neighboring
14 structures, by virtue of the roof deck, and I don't see what
15 the hardship is that requires a roof deck. You have a
16 structure below the roof that probably needs remodeling,
17 redoing. That can be done without zoning relief.

18 I personally don't have any problem with the deck,
19 the roof deck on the garage, because its impact is very
20 similar to just a regular deck. It's not at the top of the
21 structure, and it doesn't require any -- well, it does
22 require zoning relief, but it's on a garage, it's only 15

1 feet or so high.

2 So I am very troubled, I have to tell you, with
3 granting voting in favor of the roof deck variance -- I'm
4 calling it the roof deck variance. I just don't see where
5 you have the hardship that requires, that you're required to
6 have to get that variance.

7 LAUREN HARDER: Um--

8 CONSTANTINE ALEXANDER: But I'm willing to hear,
9 you know, rejoinders. I mean, that's my reaction to what
10 I've heard so far.

11 LAUREN HARDER: May I ask? I mean, I think the --
12 what is the difficulty, is it the height of the --

13 CONSTANTINE ALEXANDER: Height.

14 LAUREN HARDER: The height.

15 CONSTANTINE ALEXANDER: Height. Yeah. The height
16 is higher, at 35 -- you're going to go from a noncompliant
17 from a height point of view to a noncompliant one. And I
18 think this Board rightly or wrongly has been trying to
19 discourage roof decks in the city of Cambridge.

20 LAUREN HARDER: Could --

21 CONSTANTINE ALEXANDER: And we've denied a number
22 of roof deck requests in East Cambridge, in the general area

1 of the property before us tonight.

2 LAUREN HARDER: Could you see the -- I mean the,
3 so the hardship is the open space, right? So it's a small
4 unit having a place to go outside. But you're saying that
5 because it's so high, it's --

6 CONSTANTINE ALEXANDER: Yes, and you know the fact
7 is --

8 LAUREN HARDER: -- it's, it's --

9 CONSTANTINE ALEXANDER: -- there's a lack of open
10 space, that ain't unusual for East Cambridge. There are
11 many, many structures that don't have much open space, and
12 that's -- people live with that in East Cambridge. And once
13 we start allowing roof decks to get open space, we're going
14 to see it all over East Cambridge and possibly parts of
15 other Cambridge.

16 And again, I'm just relying going back to what our
17 Board has done in the past; that's not how we've approached
18 the height of structures.

19 LAUREN HARDER: Okay.

20 MARK BOYES-WATSON: I wonder if it would be --

21 JANET GREEN: Sisia, could you put that picture up
22 again? The page -- yeah.

1 SISIA DAGLIAN: Sorry, which one, Janet?

2 JANET GREEN: The one with --

3 SISIA DAGLIAN: Is that the one you want?

4 MARK BOYES-WATSON: There is a way. I'm wondering
5 if this would make --

6 JANET GREEN: Thank you.

7 MARK BOYES-WATSON: I think just to speak to the
8 height of the structure, there is a way that that stair is
9 external, and you go up without the penthouse, in which case
10 there would be no height variance.

11 CONSTANTINE ALEXANDER: Okay. Do away with the
12 penthouse, and you don't need a height variance and you
13 don't need any relief on that issue from our Board.

14 MARK BOYES-WATSON: Right. And then -- but we
15 would just have -- but we would still have the roof deck.

16 And I just wanted to say one thing about the roof
17 deck that I think is interesting on this lot, is that
18 because we're so close to the neighboring building, there's
19 actually no privacy issues from that improved roof deck,
20 because we have the open space on the other side. It
21 actually kind of is a benign situation. And we can -- as I
22 say -- I could eliminate the height variance.

1 LAUREN HARDER: Would that help?

2 CONSTANTINE ALEXANDER: It helps, but I'm not sure
3 it solves the problem. I mean, let's be honest here. What
4 you're doing is you're taking a building, an older building,
5 and you were going to renovate it, and you want to increase
6 the value by putting a roof deck, which is a nice thing to
7 have in houses, but something that Cambridge has not been
8 promoting.

9 And I don't see the hardship. I'm sorry, I don't
10 see the hardship that requires a roof deck that goes up with
11 the penthouse 38 feet and a few inches. You can have a nice
12 structure, as you had before -- three stories, 35 feet in
13 height, and you can have your -- in my opinion, have your
14 deck over the garage.

15 But I'm only one of five, so.

16 BRENDAN SULLIVAN: Well, this is Brendan Sullivan.
17 I would agree with the Chair. I think that when these
18 proposals have come down before us, we have always felt --
19 and a lot of times neighbors have come down and spoken
20 against their lack of privacy, potential noise.

21 And again, it's always sort of the fear of the
22 unknown... when I first viewed this and saw how perilously

1 close it is to the next door house, and the impact it would
2 have to have people up there..

3 And yes, it is an old structure. It was,
4 obviously, recently bought by you or your client or
5 somebody, and it needs rehabbing. But to -- and you're
6 saying "Okay, how can we sort of gild a lily?" And I don't
7 mean to belittle it, but I mean I think that's what you're
8 trying to do is to, "How can we put as many amenities into
9 this thing to make it more saleable, more attractive, more
10 marketable?"

11 And the roof deck, obviously, we say, "Hey, you
12 know, that's a great amenity. That would add tremendous
13 value to that third floor unit." But I think it has an
14 adverse effect on the next door people and the neighborhood
15 in general by having people up there, especially on the
16 corner. Because the sound then just travels, you know?

17 I mean, that's my feeling. I think I've expanded
18 upon Gus's feelings. But anyhow, that's -- I would tend to
19 agree.

20 CONSTANTINE ALEXANDER: Other members of the Board
21 want to speak on this issue right now, or should I go onto
22 public testimony?

1 SLATER ANDERSON: I could weigh in. I mean, I
2 agree on the penthouse is unnecessary and excessive for --
3 you know, it doesn't -- it's not needed. We don't need to
4 give a variance for the height. There are other ways to do
5 that.

6 But I -- you know, the roof deck is something
7 that, you know, I -- in my years on this Board, I've never
8 seen us approve a third-floor roof deck. Honestly, I don't
9 -- haven't seen a lot of requests for them.

10 And the fact that you're way over GFA on this --
11 or FAR, sorry -- on the GFA, and the first thing the roof
12 deck counts as GFA, it just -- it's one more sort of nail in
13 the roof deck's coffin, in my view.

14 CONSTANTINE ALEXANDER: Jim, are --

15 LAUREN HARDER: And I guess I'll just speak up. I
16 mean, I hear all of you. And I didn't know about the past
17 rulings.

18 I know this property, and I felt that given its
19 configuration of where it is, the -- you know, the deck is
20 within the setback, there's no -- it's on a corner lot, so
21 there's no -- and also, because of that garage, you know,
22 the abutters on all sides are quite far away. Even across

1 the street, there's no one. It's -- there's no residents,
2 it's just open space.

3 So I -- it really felt like -- Mark said -- benign
4 in that respect. And this building in particular is so
5 small that, you know, it's a great -- yes, it's great, it's
6 up to code, it's a nice living space, but a lot of times in
7 East Cambridge you have, like, a deck off the back or -- you
8 know, there's a little bit of yard in the back where you
9 could go and put a table or something.

10 And this space has nothing. I mean, there's
11 really no place to have a little place to just, you know,
12 sit outside and you by yourself.

13 And it's also a very small unit. So it's not --
14 it's not like there's going to be multiple roommates living
15 here, where there's going to be a lot of people on the deck.

16 BRENDAN SULLIVAN: Well, and this is Brendan
17 Sullivan. What is the size of the deck? I have 11 foot 6
18 by -- and I couldn't pick up that last dimension.

19 MARK BOYES-WATSON: Yeah. Maybe Sisia, you can
20 just zip back to the plan and we can maybe pick that off.

21 JIM MONTEVERDE: It's about 10, 20, 25 plus feet
22 in length. 11 six wide and 25 plus or minus length?

1 LAUREN HARDER: Yep.

2 JIM MONTEVERDE: Something like that.

3 LAUREN HARDER: And that, I'm imagining, Mark, was
4 designed to just fit within the setbacks.

5 MARK BOYES-WATSON: Yeah.

6 LAUREN HARDER: But again, the idea is just to
7 have a space for this unit where they can just, you know,
8 get a breath of air.

9 CONSTANTINE ALEXANDER: What about the deck that
10 you're going to build over the garage. Isn't that going to
11 provide open space?

12 MARK BOYES-WATSON: Yeah, that's for Unit 2.

13 LAUREN HARDER: That's for Unit 2, and that was --
14 I mean I think it's also important here that these decks are
15 actually not common, they're only for the residents.
16 Because that limits who uses them and, you know, any noise
17 concerns. Because it's really just your neighbor that's
18 outside, you know, getting some fresh air.

19 JIM MONTEVERDE: Yeah. This is Jim Monteverde.
20 So I agree with the other Board members' discussions about
21 the concern about the rooftop deck and the headhouse. And
22 I'm looking at your sheet 204, which shows the little bridge

1 connection and then the deck on top of the garage. And it's
2 kind of unfortunate the third-floor unit, you know, the need
3 to go to the roof as opposed to in the other direction.

4 Basically, you know, let the third floor come out
5 either be on top of that other deck or have a balcony or a
6 Juliet balcony or something so that that unit has that kind
7 of feature, but not that size of a deck, and not up on the
8 roof.

9 So I'm just looking for some other wiggle room to
10 get some kind of opening there on the third floor.

11 LAUREN HARDER: I agree.

12 JIM MONTEVERDE: You know, I'm looking at your
13 sheet 203. The elevation -- the right-hand elevation where
14 the bridge comes across for, you know, Unit 2 the second
15 floor, and then the window up above for the third floor if
16 there's some opening there that -- you know, some way to
17 give you that small amount of outdoor space. Not so much a
18 deck, almost a balcony.

19 But again, I agree with the other Board members,
20 who've raised the objection to the roof deck and to the
21 penthouse.

22 LAUREN HARDER: I --

1 CONSTANTINE ALEXANDER: Excuse me, Lauren, before
2 you reply.

3 LAUREN HARDER: Yep.

4 CONSTANTINE ALEXANDER: You see, obviously, which
5 way the wind's blowing. Do you want to continue this case
6 and revisit how other ways you can get the open space you
7 want, or do you want to withdraw this part of the case? In
8 other words, go forward with no -- abandon the variance for
9 the roof deck?

10 LAUREN HARDER: Well, I hear you. I think -- I
11 mean, I hear Mr. Monteverde's concern. I actually think the
12 neighbors would not appreciate having a Juliet balcony,
13 because that would be immediately abutting their open space.
14 I think this -- where it's planned is actually more
15 desirable.

16 I mean my suggestion would be could we take Mark's
17 idea to remove the headhouse, so there's no height variance.
18 So we'd let go of that relief.

19 CONSTANTINE ALEXANDER: You're only addressing
20 part of the issue --

21 LAUREN HARDER: I just have a smaller outdoor
22 Juliet-style balcony on the third floor for the third floor

1 unit.

2 CONSTANTINE ALEXANDER: You still want to have --

3 JIM MONTEVERDE: This is Jim Monteverde. That
4 wouldn't help my concern.

5 CONSTANTINE ALEXANDER: I think putting something
6 on the roof -- be it a roof deck with or without a
7 penthouse, is -- to my mind is objectionable, in terms of
8 our zoning philosophy and our zoning law.

9 Variances for height are not readily granted.
10 They're very rarely granted when we're talking about
11 residential structures. And I can go back -- we can go back
12 and do the research, and I can demonstrate that?

13 LAUREN HARDER: No, I hear you. I guess I would
14 say remove the height variance, and then instead of a
15 balcony, put a balcony style deck, which would be below the
16 height variance. It would be on the roof, but that would
17 actually be in this case less intrusive to the neighborhood
18 than any other place we could seek the relief.

19 CONSTANTINE ALEXANDER: I would want to see the
20 plans that demonstrate that. And we don't have them
21 tonight, and that means we continue the case, which is fine.
22 But we're not going to -- if you -- I'm not going to vote in

1 favor of balconies and the like when I don't have it in
2 front of me. I don't know what you're going to do. I don't
3 want the roof deck. And I don't want the penthouse.

4 I want to keep the height of the building at 35
5 feet, because that's what our ordinance says. And I haven't
6 seen any demonstrated hardship that would justify departing
7 from that requirement.

8 We all know what this is about. You're looking to
9 increase the value of that property, and that's fine,
10 there's nothing wrong with it, it's the American way. But
11 the fact of the matter is you've got to have justification
12 for the relief you're seeking -- legal justification, and
13 you don't have it, in my opinion.

14 SLATER ANDERSON: So the roof deck adds -- by my
15 calculations, about 15.7 percent increase to the FAR. So,
16 you know, that's not a de minimis increase, you know. And
17 it's not really a hardship.

18 I get the open space, but the open space problem
19 existed when you acquired the property, you know? It just -
20 - it's a preexisting condition in my view. So --

21 MARK BOYES-WATSON: So I think that --

22 SLATER ANDERSON: -- I agree with Gus on that.

1 MARK BOYES-WATSON: I mean it seems to me, Lauren,
2 I mean we're not usually in the room, but it seems to me
3 that we -- I mean I'm only aware of a few times, but not
4 never, that the roof decks have been granted. And, you
5 know, my attitude is always to create the greatest amenity
6 possible for the residents of the unit, which are the
7 residents of Cambridge.

8 But I hear you, the Board is pretty unanimous on
9 this. I would have thought, Lauren, they have given your
10 timetable and the delays that have already been incurred
11 because of COVID and the shutdown and the extra historical
12 review that you'd be better off just removing that element
13 of relief from this application and continuing to be heard
14 on the rest of the application?

15 LAUREN HARDER: I'm fine with that.

16 CONSTANTINE ALEXANDER: All right. Any other -- I
17 haven't opened the matter yet up to public testimony. Are
18 there any other comments from members of the Board at this
19 point? Brendan is shaking his head no.

20 BRENDAN SULLIVAN: Brendan Sullivan, no.

21 CONSTANTINE ALEXANDER: Brendan? I mean, Jim?

22 JIM MONTEVERDE: No. Nope.

1 JANET GREEN: I have no other comments.

2 CONSTANTINE ALEXANDER: Okay. Then let me open
3 the matter up to public comment. If people want to give
4 public commentary, oral, you have to now click the icon at
5 the bottom of your Zoom screen that says, "Raise hand." If
6 you're calling in by phone, you can raise your hand by
7 pressing *9 and unmute or mute by pressing *6.

8 So I'll wait a few minutes to see if people, if
9 they want to offer testimony. I might add while we're
10 waiting, there are apparently no written comments from
11 anyone or anywhere in the neighborhood. So there's nothing
12 beyond any oral comments, if we've received them.

13 SISIA DAGLIAN: We have one call in, a phone
14 number ending in 98, and the number ends with 8311. Do you
15 promote them?

16 [Technical difficulties conversation]

17 HEATHER HOFFMAN: Hello?

18 CONSTANTINE ALEXANDER: Hello?

19 SISIA DAGLIAN: Yes, go ahead.

20 HEATHER HOFFMAN: Hi. Heather Hoffman, 213 Hurley
21 Street. All I want to say is what all I want to say is what
22 the Chair said is the truth; the words that have been used

1 have generally been "party deck" and so I just want to thank
2 you for saying it, so that I didn't need to.

3 CONSTANTINE ALEXANDER: Thank you, Heather. Any
4 other comments coming through, Sisia?

5 SISIA DAGLIAN: No.

6 CONSTANTINE ALEXANDER: No. Okay, I think with
7 that we'll close public testimony.

8 SISIA DAGLIAN: Is there --

9 CONSTANTINE ALEXANDER: We've been only talking
10 about the variance.

11 SISIA DAGLIAN: Sorry, there is actually one more.

12 CONSTANTINE ALEXANDER: I'm sorry, another one?

13 SISIA DAGLIAN: Yes.

14 TIAN ONG: HI, I was wondering if -- is this
15 comment --

16 THE REPORTER: Can you give your name and address
17 for the record, please?

18 TIAN ONG: Hi, yes. Tian Ong, 64 Hurley Street,
19 Unit 1.

20 THE REPORTER: Could you spell your name, please?

21 TIAN ONG: Tian, T-i-a-n, last name Ong, O-n-g.

22 THE REPORTER: Thanks.

1 TIAN ONG: I'm wondering if this part of the
2 commentary is only for the roof deck or about the whole
3 proposed plans?

4 BRENDAN SULLIVAN: It's Brendan Sullivan. It's
5 about the whole plan.

6 TIAN ONG: Okay. All right, great. So I've
7 spoken with Lauren Harder, the applicant on this case
8 regarding the planned work for 66 Hurley Street, and I think
9 my concerns are more specific to, like the basement work and
10 the garage deck. Because I think those two impact at least
11 my unit more I think closely, just because of the proximity
12 of the buildings.

13 But essentially Lauren and I have discussed the
14 proposed basement work, and I've raised concerns to her on
15 whether or not the work would have any impact on the
16 neighboring foundations such as for our building on 62-64
17 Hurley Street, as well as, like, potential impacts to our
18 installed drainage pump systems.

19 And we've suggested conducting, like, a site
20 evaluation to assess conditions prior to the start of the
21 project.

22 She has provided assurance that the digging work

1 should have minimal impacts, and has offered to include us
2 in any plans prior to digging the basement. So we really,
3 like, I appreciate, like, the open communication that has
4 been going on.

5 And then we've also discussed the proposed garage
6 deck. And I can understand the appeal and benefit of having
7 this additional outdoor deck space.

8 But also, because of the proximity of the
9 buildings, I brought up concerns on privacy, noise, and view
10 obstruction from its current state, and Lauren has been open
11 to discussing design options to address these, such as
12 offsetting the garage deck by at least, like, five feet from
13 the edge of the garage, closest to our -- like the line
14 closest to our property and implementing some sort of, like,
15 green element like evergreens or something that will provide
16 some sort of screening for privacy and noise.. and, like,
17 while minimizing, like, the view obstructions from its
18 current state.

19 So that's just kind of, like, the state -- the
20 ongoing communications that we're having so far. So I just
21 wanted to, like, bring that to the table.

22 CONSTANTINE ALEXANDER: Thank you.

1 TIAN ONG: Yes.

2 JANET GREEN: I know, I'd like to ask Lauren if
3 those questions have come up in your design plan. I mean,
4 the idea of shielding the deck with green plants and that
5 sort of thing, I didn't see any of that.

6 MARK BOYES-WATSON: Yeah, this is Mark. We go
7 back to the -- maybe go back first to the plan, Sisia, if
8 you could, the proposed plan?

9 SISIA DAGLIAN: This one or the lower floor?

10 MARK BOYES-WATSON: Yeah, no, this is perfect. So
11 you see, if you look at the right hand, second floor
12 proposed --

13 JANET GREEN: Yep.

14 MARK BOYES-WATSON: -- we have that setback that
15 the neighbor just referred to as being memorialized in where
16 the deck is located. You see it's located -- the outer line
17 is the line of the garage below. And there where it says --
18 you know, I can't -- "5 foot screen wool fence" --

19 JANET GREEN: Uh-huh.

20 MARK BOYES-WATSON: That is set well away from the
21 edge of the garage in order to mitigate that and absorb that
22 request.

1 What we're showing -- and if you go then to the
2 elevations, what we're showing is a trellis on which to
3 grow, like a Euonymus or something like that. You can see
4 it clearly in the main front elevation there, where it says,
5 "5-foot-high screen fence." So we did memorialize that
6 discussion.

7 I think that precise sort of openness and degree
8 of materiality of it I think it has come up again in recent
9 discussions. And I know that Lauren is very open to getting
10 that right. But we've tried to memorialize --

11 JANET GREEN: I know.

12 MARK BOYES-WATSON: -- where we thought we were in
13 the drawings.

14 LAUREN HARDER: I think if I understand Tian
15 correctly, it's a combination of wanting to preserve some of
16 the views at the top end, but have a buffer for noise with a
17 green element at the lower end. Is that correct?

18 JANET GREEN: Is the neighbor still on the phone?

19 CONSTANTINE ALEXANDER: Yeah, I'm going to ask the
20 same question. Is the neighbor still on the phone? Sisia,
21 do we know whether the neighbor -- or --

22 TIAN ONG: Sorry, yes. Yeah. Lauren has it.

1 CONSTANTINE ALEXANDER: Okay.

2 TIAN ONG: But it's a tradeoff between -- you
3 know, a combination of factors and trying to maximize a
4 solution that can address everything.

5 LAUREN HARDER: So this screen has an openness at
6 the top, and we would provide the green element at the
7 bottom, keeping it open at the bottom as well if wanted, or
8 just having the buffer of bushes or growing something.

9 I mean I think I indicated that we would make that
10 a condition of the relief, should it be granted.

11 CONSTANTINE ALEXANDER: Is the neighbor still on
12 the phone, does she have any comments?

13 TIAN ONG: Yeah. So Lauren and I have spoken
14 about this. I can't speak on behalf of the other units, so
15 there are six units in total in our building. And then, so,
16 like, we're -- I haven't gotten feedback from them yet, so I
17 don't know what their thoughts are on this.

18 Essentially, like, the garage area will -- if you
19 look down, it looks into the 62,64 Hurley -- like the back
20 decks and the courtyard. So I think, you know, if there's
21 some sort of solution that Lauren and I can work together on
22 that will help address privacy and noise and view issues,

1 then I think that that sounds like a reasonable workaround?

2 CONSTANTINE ALEXANDER: I hate to keep saying this
3 -- and I really do mean that -- it's getting, we need more -
4 - with regard to the roof deck over the garage, there needs
5 to be a better address of that problem, and how exactly it's
6 going to impact the neighbors.

7 I think we're beyond the roof deck on the
8 structure itself. I believe -- you can correct me if I'm
9 wrong -- I believe you've agreed to withdraw that. So
10 that's off the table.

11 But I'm not sure there's a good understanding of
12 what you're going to do with regard to privacy, with respect
13 to the roof deck over the garage, with the stuff we have
14 before us for tonight. Now, it just doesn't address it.
15 You have a neighbor who has expressed some concerns about
16 it. So --

17 LAUREN HARDER: I mean, I think --

18 MARK BOYES-WATSON: Gus, the -- Mr. Chairman, the
19 -- I think that the drawings do show that screen fence. I
20 think that this question that you're right, it's that I
21 think more recently Lauren, if I understand it right, is the
22 notion that maybe it would be a little bit more open. And

1 if that is too much uncertainty, the screen is kind of there
2 in the drawings.

3 And I think Lauren is happy to commit to building
4 it in whatever fashion is needed for the neighbor. Because
5 it would be nice -- I mean, we could, it sounds like I
6 thought we were very close to an agreement on how this would
7 go, but maybe if it's too much uncertainty, it's too much
8 uncertainty, but the screen is shown on the drawings, is
9 what I'm saying, a five-foot screen.

10 BRENDAN SULLIVAN: Yeah. This is Brendan
11 Sullivan. It appears to me that the plans need to be
12 reworked --

13 MARK BOYES-WATSON: Yes.

14 BRENDAN SULLIVAN: -- that the area over the
15 garage deck screening et al needs to have further
16 discussions and memorialized on the plan with the neighbor.
17 And also, there seems to be other people who have an
18 interest in it, other than the lady who called it.

19 So we're not going to resolve it tonight, and I
20 think it just needs to be continued, consider the issues
21 that were raised, the issues that still needed to be
22 resolved, and come back with a modified plan.

1 LAUREN HARDER: Okay.

2 BRENDAN SULLIVAN: That would be my suggestion.

3 CONSTANTINE ALEXANDER: Well, I concur with that
4 suggestion. I think it's -- we have no choice. We just
5 don't have enough information with regard to the deck over
6 the garage.

7 It's easy to just say you can eliminate the
8 penthouse, the roof deck on the house, you just x it out.
9 But we need more detail, and we need more discussion with
10 your neighbors with regard to the deck over the garage. And
11 therefore, you need to continue the case.

12 Other members of the Board beside Brendan have any
13 views on this?

14 JANET GREEN: I agree with the Chair. And I
15 think, Lauren, that -- I mean I think it's really important
16 in these really crowded areas to have an outdoor
17 opportunity.

18 And it seems to me that really what we're talking
19 about is it's not the outdoor opportunity so much as it is
20 the 5-foot-high screen walls doesn't seem to accomplish the
21 privacy that's needed in such a dense area.

22 So I don't think it's the -- from my point of

1 view, it's not the roof deck on the garage, it's the
2 screening that doesn't seem to be accomplishing what might
3 be more appropriate in this area. That's my thought about
4 it. Others can speak to it.

5 CONSTANTINE ALEXANDER: I think we have support
6 for the motion this case needs to be continued. The bad
7 news is you have to come, as to what day do we continue it
8 to. Because we have a really jam packed agenda for the
9 weeks to come.

10 Let me just before we take a motion -- and so, the
11 petitioner and her architect are aware, when would -- if we
12 continue this case, Sisia, when would the earliest date we
13 could hear it [be]?

14 SISIA DAGLIAN: Probably September 24.

15 CONSTANTINE ALEXANDER: We can do it by the
16 twenty-fourth?

17 SISIA DAGLIAN: Yep.

18 CONSTANTINE ALEXANDER: We have room. Okay, I
19 thought we didn't.

20 SLATER ANDERSON: I'm not around. I'm not here
21 the twenty-fourth.

22 CONSTANTINE ALEXANDER: Okay.

1 SLATER ANDERSON: Possibly -- I mean, I have plans
2 to be somewhere in Massachusetts, but who knows?

3 CONSTANTINE ALEXANDER: Okay, I -- well it's up to
4 -- the petitioner could proceed with four Board members.

5 SLATER ANDERSON: Right.

6 CONSTANTINE ALEXANDER: But that's not what
7 petitioners usually want to do. If it's -- when's the next
8 -- I assume the next date would be October, whether it's
9 fourth or eighth?

10 SISIA DAGLIAN: October eighth.

11 SLATER ANDERSON: Eights.

12 CONSTANTINE ALEXANDER: Eight.

13 SISIA DAGLIAN: One, two, three, yeah we already
14 have --

15 CONSTANTINE ALEXANDER: Would everybody be
16 available for the eighth?

17 SLATER ANDERSON: Yes.

18 CONSTANTINE ALEXANDER: Yeah, and I think the
19 answer is yes around.

20 BRENDAN SULLIVAN: Brendan Sullivan, yes.

21 CONSTANTINE ALEXANDER: And I'll say yes.

22 Janet?

1 JANET GREEN: Yes, I'm available.

2 CONSTANTINE ALEXANDER: Okay.

3 JIM MONTEVERDE: Jim. Yes, I'm available.

4 CONSTANTINE ALEXANDER: Going back to the
5 petitioner. You can go September 24 with four members or
6 the October first date in October, with all five members.
7 Which would you prefer?

8 LAUREN HARDER: What was the second date? October
9 what?

10 SISIA DAGLIAN: Eighth.

11 JANET GREEN: Eighth.

12 SISIA DAGLIAN: Eighth.

13 CONSTANTINE ALEXANDER: Basically two weeks later.

14 LAUREN HARDER: I'm fine with that date.

15 CONSTANTINE ALEXANDER: I'm sorry?

16 LAUREN HARDER: October 8 is a good date.

17 CONSTANTINE ALEXANDER: Okay. All right. The
18 Chair is ready to make a motion, finally. The Chair moves
19 that we continue this case as a case heard until 7:00 p.m.
20 on October 8, subject to the following conditions:

21 One, that the petitioner signs a waiver of time
22 for decision to allow us to extend the case that far.

1 Ordinarily, if we were meeting in person, we would have a
2 piece of paper we would flash out, and the petitioner could
3 sign and we would be done. We don't have that in this day
4 of the pandemic.

5 So the condition on the signing of a waiver of
6 time for a decision will be that the waiver must be signed
7 within one week from today. If the waiver is not signed by
8 that time, the petition will be denied and there will be no
9 case for two years, unless there's something dramatically
10 different.

11 So I don't think it should present a problem, but
12 you have to get -- the petitioner has to get in touch with
13 the institution -- with Sisia, and get a waiver of time for
14 decision until October 8.

15 The second condition is that the posting sign that
16 you have up now must be -- a new one must be put up
17 reflecting the new date, October 8, new time 7:00 p.m. and
18 that sign must be maintained for the 14 days prior to the
19 hearing, as you've done now.

20 And lastly, to the extent there will be new plans
21 --

22 MARK BOYES-WATSON: Yes.

1 CONSTANTINE ALEXANDER: -- specifications and the
2 like, which there will be, it would appear, those must be in
3 the files of the Inspectional Services Department no later
4 than 5:00 p.m. on the Monday before October 8.

5 All those in favor of continuing the case on this
6 basis?

7 BRENDAN SULLIVAN: Brendan Sullivan, yes to
8 continue.

9 CONSTANTINE ALEXANDER: Slater?

10 JANET GREEN: Janet Green, yes to continue.

11 CONSTANTINE ALEXANDER: Jim?

12 JIM MONTEVERDE: Jim Monteverde, yes to continue.

13 SLATER ANDERSON: Slater Anderson, yes to
14 continue.

15 CONSTANTINE ALEXANDER: And I vote yes to
16 continue.

17 [All vote YES]

18 So the case is continued and we see everybody in
19 October. Thank you.

20 COLLECTIVE: Thank you.

21

22

1 who represents the petitioners? We have room on September
2 24, Sisia, or all filled?

3 SISIA DAGLIAN: -- at least three months off, so
4 probably --

5 CONSTANTINE ALEXANDER: I'm sorry, I can't hear
6 you.

7 SISIA DAGLIAN: Sorry, they wanted a good three
8 minutes off, so probably one of the November dates would be
9 ideal.

10 CONSTANTINE ALEXANDER: The letter I see from Jim
11 Rafferty just says he wants to continue the case for three
12 minutes. I'm sorry, I didn't read it carefully.

13 SISIA DAGLIAN: Yep.

14 CONSTANTINE ALEXANDER: So three months from now
15 would be...

16 SISIA DAGLIAN: Well, like November 5 or November
17 19. We have one on the fifth, none on the nineteenth.

18 CONSTANTINE ALEXANDER: Let's do the nineteenth,
19 it's good enough.

20 SISIA DAGLIAN: Okay.

21 CONSTANTINE ALEXANDER: The Chair moves that this
22 case be continued as a case not heard until -- I'm sorry,

1 November?

2 SISIA DAGLIAN: Nineteenth.

3 CONSTANTINE ALEXANDER: Nineteenth, subject to the
4 following conditions:

5 That the petitioner signs a waiver of time for
6 decision such that that waiver is not signed by one week
7 from today, the petition will be deemed to be denied, and
8 the case will not be continued.

9 That a new posting sign reflecting the new date,
10 November 19 and new time, 7:00 p.m., be posted for the 14
11 days prior to the new hearing date.

12 And that lastly, to the extent that there are new
13 or revised plan specifications or the like, they must be in
14 our files no later than 5:00 p.m. on the Monday before
15 November 19.

16 All in favor? Brendan?

17 BRENDAN SULLIVAN: Brendan Sullivan, yes to the
18 continuance.

19 JANET GREEN: Janet Green, yes to the continuance.

20 JIM MONTEVERDE: Jim Monteverde, yes to the
21 continuance.

22

1 SLATER ANDERSON: Slater Anderson, yes to the
2 continuance.

3 CONSTANTINE ALEXANDER: And Gus Alexander votes
4 yes as well.

5 [All vote YES]

6 The case is continued until that date. It's now
7 9:20. We're going to take a 10-minute recess and resume our
8 agenda at 9:30.

9 [BREAK]

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2 (9:30 p.m.)

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

6 CONSTANTINE ALEXANDER: Okay. On the case that --
7 I'm sorry, the Chair will now call Case Number 017259 -- 23
8 Myrtle Avenue. Anyone here wishing to be heard on this
9 matter?

10 ANNE FULLERTON: Yes, Hello, everybody. My name
11 is Anne Fullerton. I'm here representing Martin and Michele
12 Wartak who are the homeowners of 23 Myrtle Ave. And they're
13 actually on this call. So if they could be joined as a
14 participant as well, to be given the ability to speak, that
15 would be great, Sisia.

16 SISIA DAGLIAN: Can you repeat their names,
17 please?

18 ANNE FULLERTON: Martin and Michele Wartak, W-a-r-
19 t-a-k. So Martin and Michele have owned their home since
20 2003. It's a two-family home, and it's owner-occupied for
21 the full-time. And their family is growing. They're
22 looking to make some changes to allow to have an extra

1 bedroom within their space that's a usable bedroom within
2 their unit.

3 And the overall square footage add that the
4 proposal has is 171 gross floor area. The request for a
5 variance is solely 65 square feet of gross floor area, which
6 makes them a 0.77 ratio, as opposed to the 0.71 that they
7 are currently.

8 All other elements are within the exact same
9 footprint; same setbacks. Roofline height, the ridge height
10 does not change. The roof line will change a bit, but the
11 ridge height does not change.

12 And it is -- we did go through Historic
13 Commission, Conservation Commission for mid Cambridge. It
14 is -- their comments were nonbinding. The Wartaks prefer a
15 more contemporary aesthetic. Of course, the Conservation
16 Commission was really interested in maintaining a more
17 historic nature. So hence the nonbinding commentary.

18 But again, the whole variance is based on 66
19 square feet at this point.

20 CONSTANTINE ALEXANDER: You want to address the
21 requirements for a variance, starting with Archer?

22 ANNE FULLERTON: I'm sorry, starting with Archer?

1 CONSTANTINE ALEXANDER: Well, you, sorry just for
2 my information, are you an attorney?

3 ANNE FULLERTON: No, I'm their architect.

4 CONSTANTINE ALEXANDER: Their architect. Well, to
5 get a variance, you need to -- there's a legal standard you
6 have to satisfy. And there are three parts, if you look at
7 the zoning ordinance.

8 You must demonstrate -- you must convince us that
9 a literal enforcement of the provisions of the ordinance
10 would involve a substantial hardship, such hardship to the
11 petitioner -- that's one.

12 That the hardship is owing to circumstances
13 relating to the soil conditions, shape or topography of such
14 land or structures -- that's two.

15 And third, that the relief may be granted without
16 substantial detriment to the public good, or nullifying or
17 substantially derogating from the intent or purpose of the
18 ordinance. Those are the findings we have to make if you --
19 if we were to grant the variance you're seeking. So you
20 have to --

21 ANNE FULLERTON: Understood.

22 CONSTANTINE ALEXANDER: -- address them and tell

1 us why we should find that you satisfy those requirements.

2 ANNE FULLERTON: So there is not -- clearly there
3 is not a soil -- or not clearly, but there is not a soil
4 requirement. The hardship is that without that additional
5 65 square feet, they actually do not have the ability to
6 turn an office into a bedroom. They -- what they have
7 currently is an approximate 7 x 12 office space. That would
8 be a very small bedroom.

9 So they're looking to make it into a standard-
10 sized bedroom that would allow them to be able to grow their
11 family in their house.

12 CONSTANTINE ALEXANDER: That addresses the literal
13 enforcement of the provisions of the ordinance would involve
14 a substantial hardship, such hardship being that this is a
15 growing family that needs more living space, and that's the
16 reason why you're increasing the square footage of the
17 house.

18 But I think you were the one who in your
19 application said, "Not applicable" to the second requirement
20 of the variance. It has to be applicable. If it's not
21 applicable, you don't get the relief.

22 So let's think creatively as to why the hardship,

1 which is the lack of space, is owing to circumstances
2 relating to the soil conditions -- I understand they don't
3 satisfy that. How about shape of the current structure? Or
4 the topography of the structure?

5 ANNE FULLERTON: So it is -- the topography of the
6 structure -- the topography of the land is a flat site. But
7 the topography of the structure -- the actual structure is,
8 again, does not allow -- the existing envelope does not
9 allow us to expand enough to have a normal-size bedroom.

10 And the goal is, again, to stay within the exact
11 same footprint, so we're not creeping out beyond the
12 existing footprint.

13 CONSTANTINE ALEXANDER: Good.

14 ANNE FULLERTON: But instead to enclose a portion
15 of their first-floor porch, to add a powder room on their
16 first floor, and then to actually add an extension on their
17 second floor over the top of the porch -- the front porch.

18 CONSTANTINE ALEXANDER: Thank you. That's good.
19 And then I can help you on the third one. Relief may be
20 granted without substantial detriment to the public good, or
21 nullifying or substantially derogating from the intent and
22 purpose of the ordinance.

1 As you have pointed out, the amount of additional
2 space that's being added is quite small. It is supported by
3 what seems to be unanimous neighborhood support, and there
4 seems to be no other reasons not to grant the variance.

5 So we agree on that. Anything further you want to
6 add to your presentation before we ask other questions, or
7 we open the matter up to public testimony?

8 ANNE FULLERTON: The only thing that I would add
9 is we did do a study of the GFA ratio in the neighborhood,
10 to make sure that we weren't exceeding the norm. And I
11 believe Sisia added it to the back.

12 And the two GFAs ratios highlighted in green are
13 only two that currently conform, one of which is 23 Myrtle
14 Street, the property we're talking about.

15 The rest far exceed. And our 77 percent would
16 still be far below the norm in that neighborhood. And I
17 just wanted to make that point that the neighborhood is
18 already fairly dense.

19 CONSTANTINE ALEXANDER: Good. Thank you.
20 Questions from members of the Board?

21 BRENDAN SULLIVAN: No, well maybe a comment. This
22 is Brendan Sullivan, and Anne, even though you mentioned

1 that the Historical Commission mid Cambridge's comments were
2 nonbinding, I for one take them very, very seriously, and we
3 welcome their input of any of the historical committees and
4 Planning Boards.

5 And so, I'm a little bit trouble by their not
6 liking this, I guess to put it mildly. And there are also
7 some letters in the file and some correspondence that is not
8 fitting in the neighborhood. And so, anyhow, that's just
9 one comment that I have.

10 ANNE FULLERTON: May I address?

11 BRENDAN SULLIVAN: Sure.

12 ANNE FULLERTON: We agree. I worked with Allison
13 Crosby (phonetic) pretty extensively to sort of walk her
14 through the project from an early phase and took her
15 comments to heart, and actually modified some of the
16 entryway pieces to make it a little bit more gracious and
17 open.

18 And we actually presented a landscape planting
19 plan as well to the Historic -- or to the Conservation
20 Commission, because we wanted the Commission as well as the
21 neighbors to understand what the public way especially would
22 be like.

1 Because we know the house is different. The
2 proposal is different than the current house aesthetically.
3 That does not necessarily make it wrong. Certainly, the
4 Conservation Commission was excited about their house
5 initially because it had a lot of original sort of shingle
6 detail that has not been maintained, and needs to be largely
7 repaired.

8 And again, it's not the homeowner's aesthetic, a
9 and they're long-term homeowners and they're looking to, you
10 know, make the home they're going to stay in for quite a
11 while.

12 So we did really try to compromise as much as
13 possible, and it became pretty clear during the commission
14 meeting that because of the nature of the current home that
15 hadn't been vinylled over, that they weren't -- they couldn't
16 make the turn easily to support us.

17 CONSTANTINE ALEXANDER: Okay. Any other members of
18 the Board have any questions or comments you want to make at
19 this point? Hearing none, I assume the answer is no. I'll
20 open the matter up to public testimony, and we'll here from
21 there are many letters of support in the file in writing,
22 but I'll see if anyone wants to speak on this matter, pro or

1 con.

2 So any members of the public who to speak, now is
3 the time. You have to click the icon at the bottom of your
4 Zoom screen that says, "Raise hand." If you are calling in
5 by phone, you can raise your hand by pressing *9 and unmute
6 or mute by pressing *6.

7 Anyone wishes to speak? We'll give it a few more
8 minutes just because it's slow. But apparently no one does
9 wish to speak.

10 ANNE FULLERTON: The homeowners might.

11 CONSTANTINE ALEXANDER: I'm sorry?

12 ANNE FULLERTON: The homeowners might as well.

13 CONSTANTINE ALEXANDER: All right.

14 SISIA DAGLIAN: You need to raise your hand.

15 CONSTANTINE ALEXANDER: Still no indication. So
16 I'm going to assume nobody wants to address this orally. As
17 I indicated we are in receipt of many letters from neighbors
18 in the neighborhood, all of which are in support of the
19 relief being sought.

20 Well, I'll close public testimony, and I think
21 it's time for a decision.

22 JIM MONTEVERDE: Can I --

1 CONSTANTINE ALEXANDER: Question, or do you want
2 me to --

3 JIM MONTEVERDE: Excuse me, Gus.

4 CONSTANTINE ALEXANDER: Go ahead, go ahead, Jim.

5 JIM MONTEVERDE: This is Jim Monteverde. I'm
6 sorry, I -- my screen blacked out there a bit while you were
7 taking --

8 CONSTANTINE ALEXANDER: Sure.

9 JIM MONTEVERDE: -- Board questions, so may I ask
10 a question or make an observation?

11 CONSTANTINE ALEXANDER: Go ahead.

12 JIM MONTEVERDE: Thank you, if it's not too late.
13 So I share -- I think I heard Brendan's concern about the
14 other Commission's statements and their concerns. I kind of
15 share those concerns, or I shared those concerns.

16 And one curious little question I have is if I
17 take the existing elevation, street elevation, and I take
18 your proposed street elevation, in essence the major piece
19 of the massing that changes is what happens on the third
20 floor, which -- if I squint my eyes, in essence it's a
21 dormer that's the entire length of the façade, which this
22 Commission would never allow, or the Zoning Board would

1 never allow.

2 So in terms of the -- and I'm just -- I'm pushing
3 aside the issues of the stylistic materiality -- you know,
4 whether the existing structure is reusable and repaintable
5 and any value it has to the community.

6 I'm strictly looking at the massing that you're
7 proposing. And again, I'm looking at the street-facing
8 elevation for both the existing and the proposed.

9 Did I basically read that change in massing
10 correctly? That in essence it's -- it amounts to what would
11 be, were you to keep the original, the existing roof line,
12 you would be adding a dormer that's the entire length of the
13 building by whatever the height is?

14 Is that kind of what --

15 ANNE FULLERTON: I'm sorry, do you have more to
16 your question?

17 JIM MONTEVERDE: No.

18 ANNE FULLERTON: Okay. So I think that we all
19 know that part of the dormer requirements are like a setback
20 from the main face of the house, as well as a width and
21 length and height relationship to the rest of the house.

22 So essentially what we're looking at in the

1 proposal is a full third floor on the right-hand half of the
2 house. It currently has occupied third-floor spaces, but it
3 has significant eaves.

4 JIM MONTEVERDE: Correct.

5 ANNE FULLERTON: And so, what the proposal is, is
6 to essentially make half of the third floor a full third
7 floor height. I wouldn't call it a dormer, because we
8 didn't propose a setback.

9 JIM MONTEVERDE: Yep.

10 ANNE FULLERTON: -- intentionally, we didn't
11 propose a setback. We thought that it was inappropriate for
12 the overall massing of the house.

13 And the house immediately to the right of it
14 actually has the rear half of it has a roofline similar to
15 what we're proposing. So we felt like it was in keeping
16 with the aesthetics of for the built condition surrounding
17 the house.

18 JIM MONTEVERDE: Yeah. I'm looking at the photo
19 of the adjacent building. I'm not quite following the logic
20 totally. But I understand your point. Yeah. You're not
21 considering it a dormer. In essence, you're raising the
22 roof on that section to get a full third-floor level

1 occupancy on that, as you said, right side of the building.

2 ANNE FULLERTON: Right.

3 JIM MONTEVERDE: So I have my concerns. Just --
4 again, you're following the threads that go through the
5 various commissions, and couple letters that I read in the
6 file, and then my own sense that it's that lifting of the
7 roof on that particular end.

8 I mean, I see the lifted roof adjacent to you to
9 the right, but --

10 ANNE FULLERTON: It's substantial.

11 JIM MONTEVERDE: -- I think that -- yeah, I think
12 what you're proposing is just much more substantial, and I
13 can't say that I would be in support. Anyway, thank you.
14 That's my comment.

15 CONSTANTINE ALEXANDER: Thank you, Jim. Any other
16 comments or should I make a motion and we can vote on this
17 matter?

18 MICHELE WARTAK: Hi, this is Michele Wartak. If
19 we could just make a comment, would that be okay?

20 CONSTANTINE ALEXANDER: Go ahead.

21 MICHELE WARTAK: Oh, sure. So I'm Michele Wartak
22 and this is my husband, Martin Wartak. And we've lived here

1 for 17 years, and we continue -- want to continue to do so.
2 I'm actually right now you can't tell from this little Zoom
3 window, but I'm 39 weeks pregnant, and we have a baby
4 arriving next week, which is very exciting.

5 When we were thinking that we would do this, you
6 know, hearing back in April it was a little bit of a
7 different scenario.

8 But what we would like to say is just that we've
9 been in support of this neighborhood. We are not thinking
10 about moving, even though we're adding to our family. And
11 the neighborhood as, you know, for children his just been
12 amazing.

13 And we already have a 2-year-old son, and we were
14 -- we're older parents, if you will, but, you know, the
15 support of the neighborhood and the neighborhood overall is
16 just warm and welcoming.

17 So we just wanted to explain that and say, you
18 know, that we're hoping that, you know, this bedroom would
19 be obviously, you know, have an occupant pretty quickly, so
20 we're hoping that, you know, this could be, you know, at
21 least supported, if you will. Thank you.

22 CONSTANTINE ALEXANDER: Thank you. Any other

1 comments from members of the Board?

2 BRENDAN SULLIVAN: I may have missed it Gus. Did
3 we have a sense of what the neighbor on the tall side of the
4 house thought about the three-story side?

5 CONSTANTINE ALEXANDER: What's that neighbor's
6 name and address, and I'll go through the letters in our
7 file. I can ask the petitioner to give that answer.

8 MICHELE WARTAK: Yeah. I can tell you their
9 address, I believe, is 21.

10 MARTIN WARTAK: It should be Debra Bell. And I
11 think she might be at 23 or 25. Oh, we're 23 -- sorry,
12 we're 23.

13 CONSTANTINE ALEXANDER: You're 23.

14 MARTIN WARTAK: So she's not there.

15 MICHELE WARTAK: She's 25.

16 CONSTANTINE ALEXANDER: Well, we have letters in
17 the file from the person that lives at 14 Myrtle Avenue, 2
18 Myrtle Avenue #3, 19 Myrtle Avenue.

19 MARTIN WARTAK: We have a file, Gus. Yeah, I'm
20 seeing a file from Deborah Bell, a letter, in opposition.

21 "I have lived at 27 Myrtle Ave. I'm writing to
22 urge you to prevent the proposed renovation to the house

1 next door to mine."

2 CONSTANTINE ALEXANDER: I'M looking through the
3 letters.

4 JANET GREEN: Is she in the green house or the
5 other one? Which house is she in?

6 ANNE FULLERTON: She's in the green house.

7 CONSTANTINE ALEXANDER: Oh, we have --

8 JANET GREEN: The light green?

9 ANNE FULLERTON: The one with the higher roof.

10 CONSTANTINE ALEXANDER: We do have a letter from
11 27 Myrtle Avenue. And he -- she I should say -- opposes
12 relief being sought.

13 JANET GREEN: So she's the neighbor. But it looks
14 like if she's in the greenhouse, it looks like a lot was
15 done there already.

16 ANNE FULLERTON: Right.

17 JANET GREEN: Is that correct, or is it? So it's
18 been adjusted and changed?

19 ANNE FULLERTON: Significantly. She has a full
20 third story on the back half of her house, yeah.

21 JANET GREEN: It's an interesting street in many
22 ways, but because it obviously had many of the houses look

1 the same on that street, and were built around the same
2 time. And then gradually over a period of time, this little
3 bit's been added or that's been changed. And so there's
4 change in a fairly significant number of the houses.

5 Do you have, like would you say that half the
6 houses in the neighborhood have had additions or changes to
7 the original architecture, or would you -- would that be a -
8 - you know, would you just be adding to a small group, who -
9 - you see what I mean, you see my question?

10 ANNE FULLERTON: I think about a third. Martin
11 and Michele, would you agree with that? That a third have
12 significant aesthetic changes to the architecture?

13 MICHELE WARTAK: Yes.

14 ANNE FULLERTON: Especially across the street?

15 JANET GREEN: Mm-hm.

16 ANNE FULLERTON: Yeah. Across the street, people
17 have added dormers, much less sort of like the mint green
18 house. And so, I would say probably about a third.

19 JANET GREEN: Mm-hm. It's a very attractive house
20 that you have, you know, from the outside. And the original
21 architecture on the street had many houses like that, I
22 think, before all of the changes happened.

1 But I guess I'm not sure that you should be
2 responsible for maintaining a neighborhood that's in change,
3 you know?

4 So I guess I would be in favor of your project.
5 I'm only one person on the Board, and it's a big -- what
6 you're asking is kind of a big deal. So I'm not sure how
7 that would go, but I'm in favor of it, given that things --
8 the change in the entire neighborhood, not just looking at
9 your own house.

10 MICHELE WARTAK: Thank you.

11 CONSTANTINE ALEXANDER: This is the Chair. I
12 share a dislike of the architecture that's being proposed
13 for this house. And there are letters I didn't read one
14 from a cofounding partner of HMFH Architects, a noted
15 Cambridge architectural firm, who strongly opposes the
16 design, what you're doing in the house.

17 But I understand your need for the house, need for
18 the addition you're proposing. I wish you got a better
19 design than what you're submitting to us. But with a great
20 deal of reluctance, I guess I would vote for it.

21 JANET GREEN: Mm-hm. And I know it's a big, it's
22 a big thought to, like, think about the design a little bit

1 differently after hearing the comments.

2 And as I said, I'm in support of you having the
3 project, but I wondered if you -- in listening to all of the
4 comments that you're hearing, if you wanted to think about a
5 design of it again, or if you want to go forward with this,
6 as I say, I'm supportive of your project. So -- but I hear
7 the comments.

8 BRENDAN SULLIVAN: This is Brendan Sullivan. I
9 sympathize and agree with your need for additional space. I
10 just don't like the envelope, the look of it. I think it is
11 very inappropriate. And I would agree with the comments
12 from the Cambridge Conservation District Commission.

13 CONSTANTINE ALEXANDER: Well, I just want to point
14 out if we got to a vote, which we will shortly, and the vote
15 is you don't get four votes -- you need four votes to get
16 the approval -- so it's not a simple majority, and that's
17 state law, it's a super majority.

18 And if we -- if you don't get the vote, you're
19 going to -- you can't build, you can't come back for two
20 years, unless you come back with a substantially different
21 design, which may be the case if you get turned down, I
22 don't know. But it's your call, petitioners, if you want to

1 put us to a vote now? You've heard comments from members of
2 the Board.

3 JANET GREEN: And how, I think Gus -- what the
4 Chair is saying that, you know, there's a possibility you
5 could say, "Well, maybe we would like to think it over a
6 little bit more before we go to a vote now." And then you
7 would come back with whatever changes you do or don't make.

8 Or you could ask for us to vote tonight. But I
9 think you're hearing some real questions.

10 MICHELE WARTAK: So just for clarification, when
11 you say, "voting" it's voting for just the 65 square feet?

12 JANET GREEN: No.

13 MICHELE WARTAK: Or you're also -- you're talking
14 about the design of the whole structure?

15 CONSTANTINE ALEXANDER: I think it's both. I
16 mean, it's the footage, the square footage, definitely. You
17 can't divorce that from the design that's been submitted to
18 us. So, not much of an answer, but basically that.

19 I don't think -- I'm speaking for myself as the
20 Chair, but only for myself -- I don't think there's much
21 objection to the amount of space you're proposing to add. I
22 think the crux of the matter is the design that's being

1 presented to us.

2 MICHELE WARTAK: Okay, so just to clarify what
3 you're saying, you -- if this is voted down, then that means
4 that we cannot do this design either?

5 CONSTANTINE ALEXANDER: I'm sorry, I --

6 SLATER ANDERSON: You could do this design if it
7 was in conformance with zoning. So for example, if you
8 didn't need a variance. So that's where there is a little
9 bit of a -- you know, it would be a shame to be voted down.
10 I mean, you could come back with a plan to conform that
11 didn't need a variance, and you could do this design, yes.

12 MICHELE WARTAK: But we couldn't come back for two
13 years, because if you vote this down now, we can't come back
14 for two years. Is that what -- it's?

15 MARTIN WARTAK: For that.

16 MICHELE WARTAK: If we can -- for a variance, but
17 if we conform because we do have some of the square footage
18 left in our FAR, we can still continue with potentially a
19 variation of this design?

20 SLATER ANDERSON: Correct.

21 MICHELE WARTAK: Okay.

22 JANET GREEN: It sounds like there are questions

1 somewhat about the design, but it's also sort of the
2 location of the footage, you know? But nobody is saying
3 that you're trying to make it way too big.

4 MICHELE WARTAK: Yeah, yes, no, I understand.
5 Thank you.

6 MARTIN WARTAK: We actually would have loved to
7 have opened it up entirely, but that seemed a little bit
8 gratuitous to --

9 MICHELE WARTAK: Yeah.

10 MARTIN WARTAK: -- to do so much. We kind of
11 tried to balance it with -- I think we're leaving it at two
12 children, we can't really have any more of them, but we kind
13 of didn't want to present something that we were trying to
14 be greedy with the space or anything like that. We've kind
15 of tried to do it reasonably with kind of -- within the
16 walls and not imposing too much on the neighbors or on the
17 neighborhood and kind of trying to fit in.

18 For what it's worth, as Michelle said, we're not
19 going anywhere. We're not trying to do this to then flip it
20 or something like that. We've been here 17 years. I grew
21 up in Cambridge. My parents over on Fenno Street. And so
22 we're planning in staying here. We love the neighborhood.

1 We love the city.

2 And we love the house that we're in, it just -- it
3 desperately needs to be updated. And we thought we would
4 try to build the house that we loved. And most of our
5 neighbors I think have been very supportive and love the
6 house. The important thing is just being able to keep our
7 family and our kids in this neighborhood. And that's kind
8 of what we've tried to do.

9 And it's gotten a little bit with COVID and just
10 kind of all of the scheduling getting pushed out, it's kind
11 of been getting harder and harder to kind of keep pushing
12 this out and keep modifying the plans. Because we're going
13 to have to move out for six months or a year or something
14 like that with the kids to somewhere else and then come
15 back.

16 And so, we'd love to try to do that while the kids
17 are kind of a little bit younger. We think it's going to be
18 kind of a little bit easier to do.

19 So I'm inclined to -- hopefully it's not rolling
20 the dice, but to roll the dice with you all and with the
21 committee to hopefully that you all would -- well, if not
22 overlook the design entirely, but just realize that what

1 we're trying to do is we're trying to accommodate hopefully
2 everyone and the neighborhood and the city and ourselves
3 with a small addition. Yeah, it'll be modern.

4 That's been one of the neat things growing up in
5 Cambridge is seeing the changes and how the city kind of has
6 evolved and everything like that. And you do see a lot of
7 these modern houses and places, and they're kind of neat.
8 And then you see some other renovations.

9 But I think that's been some of the great
10 diversity in the city of seeing it not just in the people,
11 but in the architecture of what's been going on. So we --
12 well anyway, either way we thank everyone very much for
13 listening to it, for the feedback about the design and we
14 hope you could support it.

15 SLATER ANDERSON: Before you roll the dice, if
16 that was the phrase, if -- I think from the -- if I kind of
17 count in my little Hollywood Squares thing that's on my
18 computer here, the Board members who've kind of spoken and
19 voiced some concern, I have, I think Brendan has -- that's
20 two. The numbers say you don't pass tonight.

21 MARTIN WARTAK: Oh, I see. Oh, there are five and
22 we need four?

1 JIM MONTEVERDE: Four. So yeah, I just want to
2 help you with the rolling the dice routine.

3 MARTIN WARTAK: Okay, no, I appreciate it.

4 JIM MONTEVERDE: But it's more like driving off a
5 cliff.

6 MARTIN WARTAK: Okay, no, that's fine. That's
7 actually very helpful, then. So it sounds like from what
8 I'm hearing then, that it's not going to pass.

9 JIM MONTEVERDE: Yeah, I'm just listening to the
10 conversation and I think --

11 MARTIN WARTAK: Okay, yeah.

12 JIM MONTEVERDE: -- that's the way I counted it.
13 So you don't want to do a Thelma and Louise unless you
14 really want to do it.

15 MARTIN WARTAK: Right. I haven't seen that movie,
16 but I think I know what you're saying.

17 SLATER ANDERSON: So my concern I would just weigh
18 in is one of the things we look at with this is, you know,
19 was there an earnest effort to resolve concerns of the
20 neighbor. And I'm seeing a letter from an immediate
21 abutter, if I understand, where Deborah Bell lives that --
22 you know, expressing concern about it on the side that is

1 the highest height of the house.

2 I also, I don't see an elevation for that side of
3 the house. It would be the right side of the house.

4 ANNE FULLERTON: It is in the package.

5 SLATER ANDERSON: Is it? Okay.

6 ANNE FULLERTON: Yeah.

7 JIM MONTEVERDE: Yeah, I don't find it either.

8 I'm doing it not on the -- I'm doing it online and I don't
9 find it.

10 SLATER ANDERSON: The one online didn't seem to
11 happen.

12 ANNE FULLERTON: Yeah, I --

13 JIM MONTEVERDE: I think --

14 MARTIN WARTAK: Yeah.

15 ANNE FULLERTON: It was in the package that we
16 submitted to Conservation. It's possible that it did not
17 get submitted to you as well because we submitted at the
18 same time.

19 I just thought from what I know as a more granular
20 commentary about the design, we have heard the Commission's
21 comments in that Michele Martin and I have had significant
22 conversations about whether or not the scale of materiality

1 affects the perception of the relationship of this house to
2 the rest of the neighborhood.

3 And initially we had been looking at possibly a
4 metal panel, which is what is on your submission. And we
5 are now looking at something more in line with, like, a 10
6 inch flat plan instead of the metal panel, where it would
7 have a more residential scale of materiality. Doesn't
8 change the envelope or the fenestration necessarily, but it
9 does change the scale and texture.

10 So you have -- that is the driveway side, so not
11 the neighbor who has -- that you noted.

12 JIM MONTEVERDE: It's the right elevation that I
13 don't find in the online or in what's on the screen for all
14 of us. But --

15 ANNE FULLERTON: I don't know how much this helps
16 you for me to do this.

17 JIM MONTEVERDE: No, that's -- I can imagine what
18 it is. I mean, I can read it on the plan, I can see the
19 height of it in the front elevation, street-facing
20 elevation. Personally, it doesn't help me.

21 ANNE FULLERTON: Well, I think part of her concern
22 that she has expressed to Martin and Michele -- and I don't

1 know if this is outlined in her letter -- was privacy. And
2 the only window change on that elevation is the addition of
3 a window in the bathroom, which would be above eye level for
4 privacy.

5 SLATER ANDERSON: Yeah. I mean we haven't seen,
6 you know, a shadow study. I mean, that house -- so that
7 tall side is on the south side of the neighbor who's
8 concerned. So, like, the shadows, you know, you're building
9 a substantial wall there that's going -- will block light.

10 I just -- it doesn't mean you need to have
11 unanimous support from your neighborhood, but I'm not
12 feeling that there was a dialogue between your clients. And
13 I have less of an issue with the architectural design. I
14 agree with your client's comments that, you know, Cambridge
15 is eclectic in ways, and that.

16 But I have an issue with the massing of that side
17 and not having, you know, evidence you've made an effort
18 with that neighbor to, you know, work on a solution.

19 And it's over 65 feet -- you know, square feet,
20 you know? And it's just a high risk venture for you guys to
21 proceed. So that's my perspective.

22 CONSTANTINE ALEXANDER: This is Gus Alexander, the

1 Chairman. We've got to bring this to a conclusion. We've
2 got some more cases to hear tonight. I think you're hearing
3 petitioners from the Board. That's a lot of problems with -
4 - not fatal, maybe -- but a lot of problems with the design
5 of this structure.

6 And I think it's time -- I think it would behoove
7 you to go back to your neighbors, and also reflect on the
8 comments you've heard tonight. And you can get a copy of the
9 transcript so you can see exactly what was said, and think
10 about this.

11 You might want to come back with the very same
12 structure you have right now a couple of months from now
13 when we would hear you again. But you may not. And you
14 want to roll the dice, it's your call. But I think it might
15 behoove you not to roll the dice tonight, but to take some
16 time to think about what you heard, and talk to your
17 neighbors, and then decide what to do.

18 MARTIN WARTAK: Could I ask what the objections
19 were of -- that you all had -- it was just the aesthetic of
20 it or the large third floor?

21 Because regarding Deborah, we've been talking to
22 her for at least a year about this, and we've been entirely

1 transparent with her about the plan. There are some
2 neighbors -- not to say more about her personally -- that
3 are just kind of a little bit intractable, and you can look
4 kind of on other neighborhood issues, where Deborah has had
5 the same stance on these things. So we're not overly
6 surprised about this.

7 But we've tried to be as transparent as possible
8 with her and every neighbor about it. We didn't treat her
9 any differently, about exactly what we're doing and getting
10 feedback and everything like that.

11 But I'm just curious about what the Committee
12 would want us to do differently.

13 SLATER ANDERSON: That's helpful to hear, Martin.
14 It wasn't clear to me that there was a dialogue.

15 MARTIN WARTAK: I just -- a lot, a lot, lot, lot
16 of dialogue. I like Deborah -- we all do very much
17 personally. Our son Tate sees her in the back yard, he
18 says, "Debwa" it's very cute. But we've really tried to
19 kind of -- I'm a little puzzled about kind of her letter.

20 By the way, after we talked to her, the first we
21 heard of her opposition was the letter that she sent to the
22 Historic Commission. That was kind of like -- there were a

1 little bit of rumblings, "Oh, I'll think about it, I'll
2 think about it," and then poof it happened.

3 So I think you can kind of meet people where they
4 are. But anyway, we tried very much to actively engage her.
5 But I'm curious what we could do if we resubmitted that
6 would be more agreeable to you all?

7 BRENDAN SULLIVAN: Well, this is Brendan Sullivan.
8 I don't mean to be cute, but we would know it when see it.

9 MARTIN WARTAK: Okay.

10 BRENDAN SULLIVAN: It's hard to --

11 MARTIN WARTAK: No, and that's fair.

12 BRENDAN SULLIVAN: -- you know, it's hard to say,
13 "Do this, do that" or something like that. It's just that
14 to me the façade of the building is radical. It is
15 inappropriate with the neighborhood.

16 You know, and, you know, yes, I do go to Myrtle.
17 I live up at the other end of the city. You know, I go down
18 Myrtle Street every once in a while, up Broadway -- all that
19 other type of stuff.

20 And, you know, I do sometimes revisit some of the
21 cases that we sat on just to see the end result of what we
22 approved or whatever.

1 And I critique it. I critique, you know, why I
2 voted for something and oh, maybe I should not have on
3 second thoughts, you know, so on and so forth. Or you go by
4 and you say, "Yeah, that's a nice-looking plan." And, you
5 know, you're glad you were able to add to the streetscape,
6 and also, to enhance people's lives.

7 But then some of the -- most of the time what I do
8 is I put myself in the position of the person next door to
9 you. What effect will this have on either side -- across
10 the street, who will be looking at this all the time.

11 And some things have gone on in my own
12 neighborhood that I look at. And again, my tastes should
13 not be your taste. We'll have -- that's -- my father used
14 to have an expression saying that's why Howard Johnson's has
15 28 flavors, because we all don't like vanilla, chocolate and
16 strawberry.

17 So there is variety that is part of the Cambridge
18 fabric. To me, I think this is a radical design which tears
19 at the fabric of that lovely street, put it very simply.
20 And I just -- I, again sympathize with your need for more
21 room, I have no problem with that. I think the amount of
22 space is de minimis compared to, you know, the house and

1 what your needs are. But it's just -- it's a radical
2 design, and I just go back to the mid Cambridge that I think
3 it's inappropriate. So --

4 MARTIN WARTAK: My one -- and so, thank you for
5 clarifying that. My one question is it sounds like the
6 raising of the roof is partly the objection. But I don't
7 know that we have any other place to gain more space.

8 SLATER ANDERSON: You may be better with a gable
9 and a dormer effect, rather than a full third floor on one
10 side. I think that that's kind of where the design fails.

11 JIM MONTEVERDE: This is Jim Monteverde. I'm just
12 flipping between the -- I have this online. I'm looking at
13 the drawings. I'm flipping between the existing third floor
14 or the proposed third floor and just seeing, you know,
15 what's the game, what's the rationale?

16 And, you know, you pick up on mechanical space.
17 You have a bathroom there, you revise the bathroom; you pick
18 up on office, there is a closet, you pick up a bigger
19 closet. It just -- it doesn't give me enough rationale to
20 say that the existing, you know, roof profile should be
21 obliterated.

22 You know, I can get beyond the façade treatment,

1 but I think what you've got as an existing piece of fabric -
2 - and I think that's what I'm reading from the Conservation
3 Commission and a couple of the other letters is it's a
4 classic.

5 It -- you know, people would hate to see it go, be
6 obliterated. Which means the argument of, "Well I'm doing
7 this within the same shell, I'm just giving it a new suit of
8 clothes" is raising some objections.

9 And I think the bigger move that you're making
10 massing wise, which you just talked about, Martin, of
11 raising that roof on I guess is the right-hand side of the
12 house, is the one that's causing me concern.

13 I'm not sure from what I see in your new third-
14 floor plan, there wouldn't be a way to -- or I'd be curious
15 if there was a way to achieve this new space that you get by
16 a dormer or some other method within the existing, you know,
17 roof profile.

18 Maybe you can, maybe you can't, I don't know. But
19 it would be that analysis that would basically say, "Ah,
20 yeah, you know, by the way there is a method or there
21 isn't." That's the part I can't follow at the moment, and I
22 can't get there.

1 ANNE FULLERTON: Yeah. I think --

2 JIM MONTEVERDE: Because frankly, if the house
3 were to burn down and this is the lot and you came back with
4 this, it would be a whole different story. So part of it is
5 just letting that existing fabric go.

6 ANNE FULLERTON: That's exactly the same
7 commentary we ended the Conservation Commission with, was,
8 you know, had this house not sort of held its place in time
9 for so long, it would be a different story.

10 JIM MONTEVERDE: Yeah.

11 ANNE FULLERTON: But just to go back to your
12 Chairman about the validity of the additional space on the
13 third floor, a large amount of the reason that we need to
14 raise the walls to accommodate the additional space for
15 mechanical, and especially the office, is they're losing
16 their office space on the second floor to the new bedroom
17 for their second child.

18 JIM MONTEVERDE: Yeah.

19 ANNE FULLERTON: And Martin does work from home.

20 JIM MONTEVERDE: Yeah.

21 ANNE FULLERTON: And even in normal times. And
22 so, that office space is essential to their family needs.

1 And so, -- and the mechanical space really is essential to
2 us serving the house appropriately for mechanical.

3 JIM MONTEVERDE: I hear you, but at the moment I'm
4 not swayed.

5 JANET GREEN: I hear --

6 ANNE FULLERTON: Yeah.

7 JANET GREEN: -- I don't think anybody's
8 disagreeing with what you just said. But I'm not sure
9 people feel that you've got it organized.

10 SLATER ANDERSON: I mean, there's a basement that
11 seems to be, even in the new plans, seems to be
12 underutilized. What's happening in the basement?

13 ANNE FULLERTON: It's a short basement and it's in
14 a flood zone. And it would be incredibly expensive for them
15 to actually use that as occupiable space, because it does
16 flood.

17 SLATER ANDERSON: No, but I'm thinking mechanical.
18 I mean, you've got the mechanicals on the table.

19 ANNE FULLERTON: Oh, so the issue with the
20 mechanical is their second floor, their second unit is
21 really only on the second floor. And it's sort of bound
22 between the eve space on the third floor and their living

1 space on the first floor. It doesn't have good heating and
2 cooling service.

3 And to really effectively cool it and heat it
4 without pushing ducts through their living space, we would
5 do a ducted mini split from that space behind their master
6 bedroom on the third floor.

7 SLATER ANDERSON: Okay. Gus?

8 CONSTANTINE ALEXANDER: It's decision time. Do we
9 want to go -- does the petitioner want to go forward with a
10 vote? And --

11 ANNE FULLERTON: No, we won't.

12 CONSTANTINE ALEXANDER: Sorry?

13 ANNE FULLERTON: We will not go forward with a
14 vote.

15 CONSTANTINE ALEXANDER: Okay. So we'll continue
16 this case. Give you time to talk to your neighbors, think
17 about what you've heard tonight. I'd urge you to get a copy
18 of the transcript when it's available in the weeks to come,
19 so you'll have everything. You know, you might forget
20 things you would have said, or you want to really reflect on
21 what is said, to get it in the transcript.

22 ANNE FULLERTON: Okay.

1 CONSTANTINE ALEXANDER: Continue the case until --
2 what date's the earliest date?

3 SISIA DAGLIAN: Probably October 8, when
4 everyone's here, right?

5 CONSTANTINE ALEXANDER: If we have room?

6 SISIA DAGLIAN: Yep. Yeah, we only have one other
7 case. I mean --

8 CONSTANTINE ALEXANDER: Okay. So we would
9 continue this case until October 8. And then we would --
10 excuse me -- meet again. Is that acceptable to you?

11 ANNE FULLERTON: Yes.

12 CONSTANTINE ALEXANDER: October 8?

13 ANNE FULLERTON: Very much.

14 CONSTANTINE ALEXANDER: Okay. The Chair moves
15 that we continue this case as a case heard until 7:00 p.m.
16 on October 8, subject -- at 7:00 p.m., not this late hour we
17 have right now, subject to the following conditions:

18 The first is that you sign a waiver of time for
19 decision. By law, if we don't decide a case quickly, relief
20 is granted. And so, when we continue cases, we're going to
21 trip that.

22 So the waiver just simply says that we have more

1 time to make a decision, which works in your favor as well
2 as the city's. And that's -- it's a simple, standard
3 document.

4 So you have to sign a waiver of time for decision.
5 The condition on that is that you must do this within one
6 week from tonight, and it will go to Inspectional Services
7 Department -- it's a simple one-page form -- and sign it.
8 You don't do that; the case will be dismissed. That's the
9 first condition.

10 The second condition is that the posting sign that
11 you have maintained for the 14 days, you'll need a new one
12 for the new date, October 8, and that sign will have to be
13 maintained for the 14 days before the hearing on that date.

14 And lastly, to the extent you want to come back
15 with new plans or modified plans -- new plans,
16 specifications, other specific statistical data or tangible
17 data, that must in our files no later than -- our files
18 being ISD, the Special Services Department -- no later than
19 5:00 p.m. on the Monday before October 8.

20 And that's to allow us and citizens of the city to
21 go down there or go online and to review what you're now
22 proposing. So -- and those are the conditions. All those

1 in favor of continuing the case on this basis -- Brendan?

2 BRENDAN SULLIVAN: Brendan Sullivan, in favor of
3 continuing.

4 CONSTANTINE ALEXANDER: Janet?

5 JANET GREEN: I'm in favor of continuing.

6 CONSTANTINE ALEXANDER: Jim?

7 JIM MONTEVERDE: Jim Monteverde, in favor of
8 continuing.

9 CONSTANTINE ALEXANDER: Slater?

10 SLATER ANDERSON: Slater Anderson, in favor of
11 continuing.

12 CONSTANTINE ALEXANDER: And I am in favor of
13 continuing as well.

14 [All vote YES]

15 So the case will be continued until October 8, and
16 we will see what happens then. Thank you very much.

17 COLLECTIVE: Thank you, goodbye.

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(10:18 p.m.)

Sitting Members: Constantine Alexander, Brendan Sullivan,
Janet Green, Jim Monteverde, Slater W.
Anderson

CONSTANTINE ALEXANDER: The Chair will now call
Case Number 017269 -- 245 Mount Auburn Street. Anyone here
wishing to be heard on this matter? Hello?

[Technical difficulties conversation]

AARON KEMP: Are you able to put the first slide
up?

CONSTANTINE ALEXANDER: I'm sorry?

ERIN AND JACKIE KEMP: We're Aaron and Jacqui
Kemp, 245 Mount Auburn Street.

CONSTANTINE ALEXANDER: Okay. And tell us what
you want to do?

AARON KEMP: Are you able to put the first slide
up?

SISIA DAGLIAN: I just need a minute.

JACQUI KEMP: Yep.

AARON KEMP: Okay.

JACQUI KEMP: Okay, thanks. So as we said, we're

1 Aaron and Jacqui Kemp. My husband and I have owned our
2 house since 2009. And we have now two children. We have
3 Ryan, who is 19 months, and we have Dillon, who's seven
4 months.

5 And we're requesting to build a low deck off of
6 our back porch to provide a safe place for them to run
7 around, and also a seating area for outdoor dinners.

8 We live in a small house on a busy street. See if
9 we can get the slide maybe to -- tip the screen a little --
10 there we go, okay great. So we live in this 1500 square
11 foot house on a very busy street, Mount Auburn Street.

12 Elevating the patio by just 30 inches would give
13 our kids an outdoor place that's safe to play, and where
14 they could access without having to go up and down the
15 stairs, and then we can monitor them from the kitchen
16 windows.

17 Also, raising the patio up to porch height would
18 help us reclaim 20 square feet of space that's currently
19 occupied by our back porch steps. If you could advance the
20 slide, please? And actually one more time. Great.

21 So in blue, you can see here the location of the
22 proposed deck, which occupies the current space as our

1 current patio. The blue shaded area is 14 foot x 20.5 feet
2 long. And as you can see, it's at the back corner of our
3 lot. Maintaining the footprint is important to properly
4 align the deck with the driveway, the kitchen windows, the
5 planting beds and the walkway.

6 And if you could click forward again, I think two
7 more times, one more... Thanks, great.

8 So the blue area shaded there is what we can build
9 as-of-right. As of Article 5.24.2 of the zoning ordinance,
10 decks that extend more than 10 feet from the line of the
11 foundation require zoning relief. And this extends 14 feet
12 from our line of foundation.

13 If you could advance two more times, please. So
14 back to our blue shaded area -- again, the area of the
15 proposed deck. Our deck plans were reviewed with all of our
16 abutters, and it was unanimously approved by the Half-Crown
17 Marsh Conservation District on October 21 of last year.

18 The abutters submitted letters of support, which
19 we had forwarded to you guys.

20 If you could forward again, please, a slide.

21 So this is a photo of our existing gravel patio at
22 the back of our cobblestone driveway. The deck would be

1 screened, if you could forward again, please, by a seven-
2 foot fence belonging to the abutter on our north.

3 Go forward again.

4 The abutter to the east is a converted garage that
5 has no windows. It actually would face the deck. And then
6 forward one more time, please. And then finally the view
7 from Mount Auburn Street would be screened by our six-foot
8 fence.

9 And forward the slide, please.

10 This is a photo of our front walkway leading to
11 our proposed deck. So one set of steps would align with the
12 end of the walkway, and the other set of steps would lead to
13 our driveway.

14 Last slide, please? All right. And if you could
15 play the video.

16 So this is our son Ryan. We'll see if he starts
17 running. Ryan loves to run. That's all he wants to do.
18 And he's constantly bringing me to the back door asking me
19 to let him go outside. And we would love to be able to do
20 that safely and easily without the complication of steps in
21 our own place. This is my sister's -- it's actually my
22 sister's deck that he enjoys running on.

1 And that's what we have today.

2 AARON KEMP: And there are drawings in the
3 package, the printouts, but we were trying to make this as
4 short as possible, so.

5 JACQUI KEMP: Yep. So you can stop the video if
6 you like. All right. So --

7 AARON KEMP: Yeah, that's all that we've had.

8 JACQUI KEMP: And then everything else is in the
9 packet we submitted.

10 JIM MONTEVERDE: Okay. Mr. Chair, are you --

11 CONSTANTINE ALEXANDER: Yes.

12 CONSTANTINE ALEXANDER: I'm with you.

13 JIM MONTEVERDE: Or, you're not muted or anything,
14 right? Okay.

15 CONSTANTINE ALEXANDER: No, I was waiting to ask
16 members of the Board if they have any comments at this point
17 before I open it up to public testimony.

18 BRENDAN SULLIVAN: Brendan Sullivan. None at this
19 time.

20 CONSTANTINE ALEXANDER: Jim?

21 JIM MONTEVERDE: This is Jim, no comments.

22 JANET GREEN: This is Janet. I don't have any

1 comments.

2 CONSTANTINE ALEXANDER: Slater?

3 SLATER ANDERSON: No comments.

4 CONSTANTINE ALEXANDER: Okay. We'll open the
5 matter up to public testimony. If people want to -- if
6 there is public testimony orally, or want to be given
7 tonight, the instructions are that if you want to speak, you
8 now have to click the icon at the bottom of your Zoom screen
9 that says, "Raise hand." If you're calling in by phone, you
10 can raise your hand by pressing *9 and unmute or mute by
11 pressing *6.

12 Is there anyone who wishes to speak per these
13 instructions? Before -- if not, I'll get to the written
14 comments.

15 SISIA DAGLIAN: I don't have anyone.

16 CONSTANTINE ALEXANDER: Nothing?

17 SISIA DAGLIAN: No.

18 CONSTANTINE ALEXANDER: Okay. So we will now have
19 written comments. There are substantial written comments,
20 all of which are in favor of granting the relief that's
21 being sought. Nothing negative, a very glowing set of
22 commentary.

1 We have -- to give the variance you're seeking; we
2 have to make certain findings. That's legally required.

3 One is that if you don't get relief, it's a substantial --
4 you have a substantial hardship that needs to be rectified.

5 I'm looking for the -- here it is. The words are, "A
6 literal enforcement of the provisions of the ordinance would
7 involve a substantial hardship to the petitioner.

8 "That the hardship is owing to" -- and I think
9 you've demonstrated that, or you dealt with that by speaking
10 to the fact that you need additional play area in your yard
11 for your young children -- "that the hardship is owing to
12 circumstances relating to the soil conditions."

13 As you pointed out in your submission, this is a
14 marshy area. It's the Half-Crown Marsh District, and the
15 result of building, which is an older building built with a
16 substantial foundation.

17 As a result, if you look out the front window, or
18 the windows, you can't see directly down, see what's in
19 front of the windows as easily as you would in a typical or
20 more typical house.

21 And this putting the deck will rectify that. But
22 it will effectively raise the ground level to the window

1 height, not to the exact window height, but to make it more
2 visible to the people looking out the window, and that's
3 important when you have young children.

4 And lastly, that "Relief may be granted without
5 substantial detriment to the public good, and/or nullifying
6 or substantially derogating from the intent or purpose of
7 the ordinance.

8 In this regard, the Chair would note that there is
9 numerous letters of support, and that there was approval
10 also from the Half-Crown -- see if we got the name right --
11 Half-Crown [whatever] Marsh District. So there is community
12 and neighborhood support for the project unanimously, as
13 such.

14 So the Chair moves that we grant the variance
15 being sought on the condition that the work proceed in
16 accordance with the plans or the application submitted by
17 the petitioner, eight pages in length, the first page of
18 which has been initialed by the Chair.

19 Brendan?

20 BRENDAN SULLIVAN: Brendan Sullivan, yes to the
21 motion to grant.

22 CONSTANTINE ALEXANDER: Janet?

1 JIM MONTEVERDE: You have to unmute. Janet, you
2 have to unmute, there you go.

3 JANET GREEN: Yeah. I vote yes for this project.

4 CONSTANTINE ALEXANDER: Jim?

5 JIM MONTEVERDE: Jim Monteverde, I vote yes.

6 By the way, very nice graphics on your presentation. Pretty
7 slick.

8 CONSTANTINE ALEXANDER: Yes.

9 AARON KEMP: Thank you. Ryan was really the star
10 of the show.

11 JIM MONTEVERDE: No, no, no. The other part was.
12 Nice job.

13 CONSTANTINE ALEXANDER: And Slater?

14 SLATER ANDERSON: I vote in favor.

15 CONSTANTINE ALEXANDER: And the Chair votes as
16 well in favor, making it unanimous, fair and square.

17 [All vote YES]

18 AARON KEMP: Thank you so much.

19 JACQUI KEMP: Thank you.

20 [All vote YES]

21 CONSTANTINE ALEXANDER: Oh no, I tied it to a
22 condition. No, I'm all set. The vote has been granted; the

1 variance has been granted. Thank you.

2 JACUI KEMP: Thank you.

3 AARON KEMP: Thank you.

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2 (10:29 p.m.)

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

6 CONSTANTINE ALEXANDER: And last, and certainly
7 (sic) least, we have Case 017267 -- 32 Highland Street.

8 SARAH RHATIGAN: Good evening. My name is Sarah
9 Rhatigan from Trilogy Law, LLC. And I am here representing
10 the petitioners. I'm not sure if you can hear me.

11 CONSTANTINE ALEXANDER: We can hear you.

12 SARAH RHATIGAN: Excellent, thank you. The --
13 thank you very much for the opportunity to present to you.
14 And I wish that we had an adorable baby in a video. That
15 was a great job by the Kemps. I love Zoom meetings for that
16 reason.

17 I'm here representing the petitioners. The
18 company name is Amos Third Corner, LLC. It is -- the
19 Principals are three developer women from Cambridge with
20 deep roots here who have done some stunning historic
21 renovation rehab projects -- actually on the other two
22 corners of this neighborhood.

1 I do believe that they did not need zoning relief
2 for those. So this Board may not be familiar with them.
3 But we are here before you today. This is a project
4 involving a home that -- Sisia, if you don't mind share the
5 slide deck that we forwarded to the city --

6 SISIA DAGLIAN: Yeah, just a second.

7 SARAH RHATIGAN: Oh, yeah, I'll keep talking. So
8 this is an old, historic home that is in a really beautiful
9 neighborhood of Cambridge on the corner of Highland Street
10 and Appleton Street. And -- just waiting to see if we can
11 get a visual here.

12 Okay so I failed to take a real photo of the front
13 of the house. There's actually not a lot of change that's
14 happening at the front. So the first slide here is actually
15 rendering, obviously.

16 Sisia, next slide, please?

17 I just gave a couple of overview photos -- sorry,
18 this isn't coming through exactly how I expected it. Here
19 we go. We can just see from the top down. So this is the
20 home that's situated on the corner of Highland and Appleton.
21 So folks would drive up Appleton up and over the hill. You
22 may have noticed the home or you may not have.

1 Sisia, if you could move two slides ahead, just
2 another view. Here we go, thank you. If you could stop
3 here for just a minute.

4 This would be the view if you were driving up
5 Appleton of the side of the house. And what's most
6 prominent is the sort of large A-frame to two-bay garage
7 that's right at the front of the street.

8 I don't recall the exact year that this was --
9 that the garage was constructed, but I think that the permit
10 might have been from something in the 1980s or so. It's
11 been there for a long time, but it's large. It's sort of
12 prominently at the front of the street.

13 And functionally, it's very difficult for a couple
14 reasons. One, getting in and out and across the sidewalk
15 and backing out onto Appleton Street, which actually is a
16 pretty well-traveled way, is not great for site lines and
17 for safety.

18 But also in terms of difficulty for the homeowner
19 to get out of the garage, walk in through a gate, and then
20 we'll talk about topography a little bit. But because of
21 the way the yard slopes down, they enter through kind of a
22 labyrinthian set of doors and stairs at a basement level to

1 get up to sort of the kitchen level, if you will. All of
2 this to say it doesn't look lovely, it's very inefficient,
3 and a little outdated.

4 So next slide, please?

5 Just another view of the same. So you get a
6 better sense of the issues in terms of safety. So people
7 are -- pedestrians are walking right along here, as a car is
8 coming out of a garage bay, you know, backing onto a pretty
9 busy road.

10 Next slide, please? We don't need this, the
11 Assessor Page. Next slide?

12 More views of what it looks like walking up the
13 sidewalk.

14 Next slide, please. Sorry. Too many pictures.
15 Next slide. Sorry. I want to be sensitive to your time
16 here. I included plans, because I wasn't sure how much of
17 our discussion would land on this. But if you don't mind,
18 Sisia, if you would just wait on this slide for a minute,
19 the one that you've got -- not this one, the previous slide?

20 SISIA DAGLIAN: What do you want to see

21 SARAH RHATIGAN: I'd like to see the basement
22 level that shows the garage. Okay, great. Thank you. This

1 is kind of where most of the change happens.

2 So essentially, let me step back for a minute.

3 This is, as you can imagine, a historic home. It's
4 preexisting nonconforming in two respects. One is its
5 height is -- I think it's 49 feet. It's not uncommon for
6 this neighborhood, but it is an old home with -- you know,
7 kind of a big, dramatic roof.

8 CONSTANTINE ALEXANDER: 45 feet, Sarah.

9 SARAH RHATIGAN: 45 feet. Thank you, thank you.
10 I'm sorry, I should have that dimensional too in front of
11 me. And the -- and that's also above average grade. And
12 the other nonconformity is that as it's on a corner, there
13 are two front yards.

14 And the front yard that is on the Appleton Street
15 side, there is a portion of the house that is 23 feet from
16 that front line. So that is already, you know,
17 nonconforming.

18 So as a result, we're falling under a section of
19 the ordinance that requires that if we're making a change,
20 even if our FAR would be at the minimum or the -- I'm sorry,
21 the maximum FAR, if it's an increase of more than 25
22 percent, either floor area or volume, that it requires a

1 variance.

2 So in this case, the floor area calculation is
3 increased by more than 25 percent. The volume increase is
4 actually about 23 percent. And I just want to explain some
5 of the -- kind of the technical reasons for the FAR
6 variance, because I think -- you know, we all see a lot of
7 variance cases and you think, "Wow, more than 25 percent of
8 an increase in FAR, that's a lot."

9 In this case, some of it is -- it's not that it's
10 not real, its just that it's a little bit of an artifact of
11 a few things that are going on related to the slope of the
12 land, and also, definitions for square footage in terms of
13 garage space.

14 So what happens is we're demolishing a two-bay
15 garage. And because it's detached, all of the square
16 footage that is in that large structure that's kind of
17 looming on the front of the street is not counted as FAR
18 under definition of the ordinance.

19 And then what we've done is we've attached --
20 we've created an attached garage, which is a much more
21 desirable, efficient, you know sort of modern amenity. But
22 -- and also desirable in a lot of other ways.

1 But in doing that, the ordinance only exempts one
2 bay of the garage when you're calculating FAR. So that's
3 one piece of it.

4 The other piece of this is that the garage is
5 actually existing on what we refer to as the basement level
6 of this building, of this house. Because, you know, the
7 first I would say two-thirds of the house, like when you
8 start at Highland Street, that whole level that we're on is
9 completely underground.

10 And once you get to the back area, as we'll see in
11 the further elevations further along, we're more than 50
12 percent above grade.

13 So under the ordinance and under the state
14 building code, that area at the back that we still see as
15 the basement is kind of tucked under there, it actually is
16 counted as floor area, because it's no longer basement.

17 Sorry for the long description, but I think it's
18 important to the case.

19 So what's planned for the new area that is what's
20 amounting to the increase in floor -- most of the increase
21 in floor area is the garage, the double bay garage, half of
22 which is counted as FAR; a relatively small bedroom with

1 closet amenity for -- I referred to it as like an au pair
2 space, but essentially a separate bedroom for, you know, a
3 visitor with a, you know, door access out.

4 And then a little -- a portion of a mudroom is
5 additional FAR as well. The blue is indicating new space.

6 Now I'll try to speed up my slides here. I'm
7 sorry, Sisia, do you mind advance to the next? So there's
8 some changes at the first floor level.

9 The kitchen is being expanded a bit. Mostly
10 they're taking over sort of a screened in porch area and
11 making it just kitchen. And then there's a little side
12 portion that's also increased floor area. But it's not -- I
13 think it amounts for something like 200 square feet.

14 Sisia, you could skip over the next few slides of
15 the upper levels, unless anybody wants to see a lot of that
16 detail. Because I've already described the bulk of where
17 the FAR is included. So the red hatch is showing what the
18 increase in FAR is attributed to.

19 Next slide, please? Next slide? Next slide?

20 So I'm just going to run through really quickly
21 the elevations. So this is the front of the house as you
22 look at it from Highland Street. So this is the existing.

1 Next slide?

2 SISIA DAGLIAN: It's not loading very well.

3 SARAH RHATIGAN: Okay, yeah. I'll slow down,
4 sorry. This is the proposed. What we missed -- the first
5 one, you can actually see the garage kind of protruding out
6 to the right in the existing, but that's okay.

7 Next slide?

8 There's not much change from the front. And this
9 is the side of the house that you would see if you were sort
10 of standing in the yard looking at the house, or maybe if
11 you were next door and there were no trees, but there are
12 trees. That's the existing view.

13 And next slide, please?

14 And that's the proposed. I don't know that
15 there's much visible -- again, from that neighbor's home.
16 We -- you know, we're able to have access to that, but there
17 is a lot of plantings in the back. But this gives you a
18 good view of what the slope that we're dealing with is like,
19 and how this area at the back, that there's sort of a bubble
20 around.

21 This is the new area that's the FAR. The windows
22 that are bubbled here are just bubbled to show that there

1 were some window changes, but those don't require any zoning
2 relief.

3 Next slide, please?

4 This is a view looking at what we're referring to as the
5 back of the house, but it's actually the right side of the
6 house. And this would be a view from the neighboring lot --
7 but again, with the trees and plantings and such, I don't
8 think anybody can see this as an actual matter.

9 The other thing this perspective doesn't help with
10 is it doesn't actually show the existing garage, which would
11 be a big chunk of the space on the left view.

12 Next slide, please?

13 Here's the rendering of what this would look like
14 with the new garage addition. I'm sorry, in elevation, not
15 a rendering.

16 Next page, next slide?

17 This is the existing view from Appleton Street.

18 Next slide?

19 And here is shown the addition.

20 And then two slides ahead, Sisia?

21 Okay so these are the renderings, if you don't
22 mind expand it out a little bit. Okay. So the existing

1 view of the front.

2 Okay, next slide.

3 I apologize for making you go through all the work
4 here. And there's a lot of -- there are a lot of beautiful
5 trees on this lot, and they are being preserved. I don't
6 believe there are any large trees being removed.

7 And just so you know, with me it's difficult on
8 Zoom, because, you know, we're virtually all here together,
9 but Liz Wipek (phonetic) from the ownership team, the
10 architect, and the landscape designer and the General
11 Contractor are all here to answer questions and participate.

12 Here's the rendering of what this would look like
13 from the corner.

14 Next slide, please?

15 Okay. This one is the -- this is kind of the most
16 operative one. That's the existing situation here, and then
17 here is the proposed. So if you don't mind, I'll just do a
18 little --

19 JANET GREEN: Can you go back one slide first, and
20 then --

21 SARAH RHATIGAN: Yeah.

22 JANET GREEN: -- and then come back to this so we

1 can see?

2 SARAH RHATIGAN: Yeah.

3 JANET GREEN: So that's what's there now? And
4 then the next slide is what you want it to look like?

5 SARAH RHATIGAN: Yep.

6 JANET GREEN: Okay.

7 SARAH RHATIGAN: Okay?

8 JANET GREEN: Yep.

9 SARAH RHATIGAN: So partly, you know, they're
10 partly achieving this in terms of, like, landscape changes.
11 In this view, you can see there's a row of high -- I believe
12 these are holly. And if anybody raise their hand, it's
13 probably our landscape designer, Justin. I'll give him a
14 chance to speak.

15 But those will be moved to this location. I
16 believe they're nearby here, but they're sort of behind the
17 garage. These will offer a very -- this is -- these are
18 very tall, a lot of screening from the neighbor to the
19 right. And there also is some addition of tall pines at the
20 front, as well.

21 Next slide? Okay. You can stop here.

22 So operation in terms of hardship. So -- excuse

1 me, I've described a fair amount the, kind of the issues
2 with accessing the house, the kind of efficiency that we
3 gain by getting rid of the detached garage, putting the
4 garage under.

5 Although we're technically increasing floor area
6 and volume, we're also kind of grooming a big, large
7 impediment and sort of density on the lot in a lot of ways,
8 in terms of how people experience it.

9 The real impact for the owners is that by doing
10 this, they not only have better access to sort of, like,
11 modern living -- you know, there's nowhere to park on
12 Highland Street to access the house, or they could street
13 park, but there's no driveway or curb cut there.

14 So the way people come and go in cars is through
15 this entrance. And it gives them a much more direct access
16 into their home. It also allows for people to go from the
17 main living floor, which is -- you know, at the kitchen
18 level, which is at the sort of terrace level -- down a
19 little set of stairs into the yard.

20 So the yard is quite a bit -- the back yard is
21 quite a bit deeper than the front yard. And there's really
22 no way to access it out of the side of the house. So it

1 kind of makes for this -- there's like a beautiful yard, but
2 nobody can really get to it that easily. And this
3 modification really solves a lot of those issues.

4 So in terms of, like, causes of the hardship that,
5 you know, meet the ordinance, I think you have a very clear
6 combination of the slope of the land and the existing,
7 nonconforming structure being situated such that it's a
8 little bit close to this Appleton Street front yard, so that
9 the existing house is slightly on a skew.

10 The addition is built so that essentially if you
11 think of the front of the house at Highland Street, you are
12 extending the house straight backwards. But because the
13 house is a little askew, as you extend straight back you
14 created a little bit more encroachment into that front yard
15 -- you know, which is one of the dimensional
16 nonconformities.

17 And, you know, the historic structure, I mean I
18 think that it's a hardship in terms of -- you know, some
19 people would say, "Well, you know, who really needs this
20 kind of modern amenity?" But as a practical matter for a
21 developer to be able to take a home like this, which if you
22 look at the inside is just a massive, a massive construction

1 project.

2 And to be able to, you know, fund a really kind of
3 beautiful restoration and renovation to be sold in any kind
4 of realistic market these days, there are -- you know,
5 there's certain, you know, kind of modern amenities that
6 they just really as a practical matter have to have.

7 And so, the whole kind of design pkgs is geared to
8 providing -- you know, something that can be lived in by a
9 family and sort of with what they would expect with a house
10 of this size.

11 Could you advance the next slide? I think that
12 there are just a few more, a few more shots. Sisia, you can
13 just kind of go through slowly. If any of the Board members
14 want me to stop and slow down, I'm happy to.

15 [Pause] That one's a little bit more at street eye
16 level, so you've got a better sense. That one's actually
17 inside. You're inside their, you know, property.

18 [Pause]

19 Same with this shot, obviously.

20 [Pause]

21 And I think that, Sisia, you could pass through
22 the next two.

1 [Pause]

2 That's the view from their back yard, so you can
3 see the access to the yard that I was referring to.

4 And then if you don't mind, if you could land on
5 the two -- yep, so this is the existing sort of landscape
6 plan, if you will. It's just a -- you know, it's kind of
7 showing where the garage is located, where the house is,
8 where the main big trees are. And then this is the kind of
9 master plan for what the landscaping would look like.

10 So, you know, in sum, I know we did see that there
11 was one letter in the file from a neighbor two doors down, I
12 believe, Mr. Gordon, who had expressed some concerns. And
13 if you don't mind me just addressing one of the things that
14 he mentioned that I think maybe would be a helpful
15 clarification. And obviously, I'm sure, you know, if he's
16 here he may want an opportunity to talk.

17 He had referred to the downstairs au pair area,
18 which is what I referred to it as in the application as
19 being an apartment, or -- you know, just another kind of,
20 you know, way for folks to have an apartment.

21 And one thing I wanted to clarify is that that's
22 not actually the intent. There's no plan to have, you know,

1 a kitchen or a separate -- you know, egress for a separate
2 apartment there.

3 But one thing I haven't mentioned in this so far
4 is that the -- before the purchase, and before these folks
5 started to demolish interiors, which they began a while ago,
6 there actually were two apartments in this house. One was
7 in the basement, in the area where this sort of au pair
8 bedroom area is going to be created.

9 And then the other was actually up on the --
10 what's essentially a fourth floor. It's like, a -- I'm
11 trying to remember, it's sort of a loft area, but there was
12 actually a separate apartment up there.

13 I'm not sure if the owners actually use those --
14 honestly rented those as apartments, but they were set up
15 with full -- you know, kitchen facilities. And there's some
16 really kind of unique stuff. In the basement for example,
17 there's a whole swimming pool down there. I guess, like
18 kind of a vintage lap pool, which is not going to be there
19 anymore.

20 But there's not an intention here. There's not
21 really an expectation that this is going to be the type of
22 property that's going to be marketed to folks to try to --

1 you know, rent out rooms.

2 I mean, it would really be a single-family home,
3 you know, sold to presumably a family who's, you know, who
4 wants to live in this quite, you know, stunning neighborhood
5 full of very grand, beautiful homes, all -- you know, quite
6 large.

7 The square footage is just the one last point, and
8 then I'll stop talking and take some questions. But the
9 square footage is almost exactly at 5.0 at the maximum by
10 sort of a -- by a rounding error. If you round out to the
11 thousandths, ten-thousandths, it's slightly over. It's not
12 5.0000, I think it's .5049 or something to that effect.

13 But that type of deviation, we were asking for a
14 variance anyway, but we're essentially within zoning. And
15 again, the other slight deviation from the dimensional is
16 that the extended portion of the garage is within that front
17 yard setback by I think it's something like 1.9 feet but not
18 a lot, but a little bit. So another reason for a variance.

19 Thank you. I'll stop talking and be happy to take
20 questions.

21 CONSTANTINE ALEXANDER: Members of the Board,
22 questions?

1 BRENDAN SULLIVAN: Brendan Sullivan, no. No
2 questions. I was a little perplexed by that bedroom down
3 there, but I guess maybe you have explained in a way.

4 CONSTANTINE ALEXANDER: Jim, any questions?

5 JIM MONTEVERDE: I just have -- I have one. In
6 the rendered views, the proposed rendered views, when the --
7 are they to be taken literally in terms of the materiality?
8 Does the --

9 SARAH RHATIGAN: You know what, that's a good
10 question.

11 JIM MONTEVERDE: -- original structure go of blue-
12 y gray-y, and then the brick base really pops out, as
13 opposed to -- is that literal? And is the house -- what is
14 it? Is it stucco, or is it -- the change in materiality
15 between the two is kind of throwing me.

16 SARAH RHATIGAN: Okay, sure.

17 JIM MONTEVERDE: Between the brick is all --

18 SARAH RHATIGAN: I'm going to ask to see if Liz is
19 available. We were having some technical issues. She was
20 calling in and I think there were, like, thunderstorms.

21 JIM MONTEVERDE: Oh, that's okay. Yeah. I just
22 didn't see --

1 SARAH RHATIGAN: But let me see, I think --

2 JIM MONTEVERDE: -- I didn't see a photo of the
3 existing condition or I guess I could go on Google Maps and
4 find it.

5 SARAH RHATIGAN: Oh, the existing condition photo,
6 it's -- let's see, what page would it be on?

7 BRENDAN SULLIVAN: This is Brendan Sullivan.

8 SARAH RHATIGAN: It's way back. It's dark brown
9 --

10 BRENDAN SULLIVAN: It's a shingled house.

11 SARAH RHATIGAN: -- single. Yeah. It's dark
12 brown shingle.

13 BRENDAN SULLIVAN: Yeah. See the shingled house?

14 JIM MONTEVERDE: Right. So it's a dark brown --

15 SARAH RHATIGAN: -- yeah.

16 JOE DOIRON: -- shingle, yeah.

17 SARAH RHATIGAN: It is, yeah. Sally? I know,
18 Sally, you're on the phone. Sally DeJean -- I'm sorry, I
19 don't know how to pronounce your last name. I know you
20 well, but our architect is on, but I'm not sure if she has
21 the answer on the question of what color they're intending.

22 JIM MONTEVERDE: Well, that's okay, it's certainly

1 not a zoning question, but --

2 SISIA DAGLIAN: Sarah?

3 SARAH RHATIGAN: Yes.

4 SISIA DAGLIAN: Sorry. Liz should be able to
5 talk.

6 JIM MONTEVERDE: Oh, I see the photos.

7 SARAH RHATIGAN: Oh, I do. I see her phone
8 number.

9 JIM MONTEVERDE: Yeah. That's okay. I found the
10 photos.

11 SARAH RHATIGAN: Okay. Liz, are you able to
12 answer the question about color choice?

13 JIM MONTEVERDE: It's really just the materiality
14 and the --

15 SARAH RHATIGAN: I see, yeah.

16 JIM MONTEVERDE: -- what appears as the distinct
17 difference between this new very, you know, heavy, appealing
18 base element in the brick, and then if really it's literally
19 meant to be that, you know, lighter tone on what is in the -
20 - and from the original photo, you know the shingle style
21 house. Is that literal, the rendering?

22 SARAH RHATIGAN: Liz, are you able to respond?

1 SISIA DAGLIAN: I'm going to try disabling and
2 enabling it again. Because it should be able to.

3 JUSTIN CORBETT: I might be able to help with
4 that.

5 SISIA DAGLIAN: Gus, can you read the instructions
6 for phone? I think it's *6 to unmute?

7 SARAH RHATIGAN: Okay, well Liz just texted me.
8 We have a little group text thread and she said, "It won't
9 be that light" in terms of the color. Justin is our --
10 Justin Corbitt is on. Did -- you said that you might be
11 able to provide further information? Justin?

12 JUSTIN CORBETT: Yes, I was just going to say our
13 office helped to provide with the rendering software and
14 capabilities for this. And I think that in terms of the
15 texture on the house, that -- you know, it may not be
16 reading as a shingle, but I believe it's intended to be so.
17 So I'm just speaking purely on the software that was used to
18 achieve the texture on the house.

19 JIM MONTEVERDE: Yep.

20 JUSTIN CORBETT: But I believe it's going to stay
21 a shingle.

22 JIM MONTEVERDE: Yeah, okay. So the only thing

1 I'm seeing in the rendered version is just the strong
2 differentiation between the garage element, that lower
3 level, the deck, and the -- you know, the existing house.
4 It just seems like it's -- although I don't know that there
5 are any zoning issues to it. They just seem like they're
6 from two different worlds. But -- I'll leave it at that.

7 CONSTANTINE ALEXANDER: Anything else, Jim? You
8 want to ask anything else?

9 JIM MONTEVERDE: No, I think that's it. No, thank
10 you.

11 CONSTANTINE ALEXANDER: Slater?

12 SLATER ANDERSON: No, I don't have -- I mean, just
13 to respond to Jim's comment, there's -- to me, there's a
14 little bit of logic to the lower portion being brick, like a
15 foundation, just extend it out and the proportion being
16 shingle style.

17 So from a design standpoint, I find that it's got
18 an efficiency to it, versus the detached garage and the
19 disconnect of the original. So I don't have any issues.

20 CONSTANTINE ALEXANDER: Okay. Janet? Janet, are
21 you on?

22 JANET GREEN: I don't have anything to add to

1 this.

2 CONSTANTINE ALEXANDER: Thank you. Okay. With
3 that, we will go to public testimony. First of all, if
4 there's anyone who wants to speak tonight, you have to call
5 in.

6 And I'm looking for the call in instructions one
7 more time. Yeah. If you want to make a public comment, you
8 have to click the icon at the bottom of your Zoom screen
9 that says, "Raise hand." If you are calling in by phone, you
10 can raise your hand by pressing *9 and unmute or mute by
11 pressing *6.

12 Okay, we'll give people a few minutes to see,
13 because it takes a while to get through if you want to call.
14 And if not, then I'll turn to the written comments. We do
15 have letters, written commentary, which I'll deal with next.

16 SISIA DAGLIAN: Nope, not having anyone here.

17 CONSTANTINE ALEXANDER: I think it's coming up,
18 right?

19 SISIA DAGLIAN: Oh, there's one.

20 CONSTANTINE ALEXANDER: Okay. I'll wait just a
21 few minutes more. Okay. I assume there will be no more.

22 SISIA DAGLIAN: Linda?

1 LINDA KABOOLIAN: Yep.

2 SISIA DAGLIAN: Should be able to talk now.

3 LINDA KABOOLIAN: Yes, Linda Kaboolian.

4 CONSTANTINE ALEXANDER: Oh, Linda Kaboolian?

5 SISIA DAGLIAN: Yeah.

6 LINDA KABOOLIAN: Hi. I live at 23 Highland
7 Street, which is exactly opposite this house and slightly on
8 an angle, but opposite side of Highland Street.

9 And just wanted to let the Board know that my
10 experience going through three constructions with this firm
11 on three separate corners of the street is that they are
12 building on spec.

13 And that means that oftentimes -- in fact in the
14 other two properties, they do the house and then they sell
15 the house, and then they redo the house for the people
16 they've sold it to.

17 So this construction has gone on for quite a
18 while. In fact, this company has been working on these
19 three corners for near up to between four and five years.
20 And it's not clear if we gave a variance for this
21 construction that actually that would be what the ultimate
22 owner would do or use with property.

1 So instead of actually a homeowner like the other
2 petitioners who came this evening, who we could talk to
3 about what their intent was for the use of this space, et
4 cetera, that's not the case here.

5 And it's always been very difficult to me to have
6 any kind of conversation about accommodation when the people
7 who are asking for these changes are not actually going to
8 remain on the property as neighbors. That's all I'd like to
9 say.

10 CONSTANTINE ALEXANDER: Thank you. Thank you for
11 staying up this late and giving us your comments. Anyone
12 else wish -- on the line?

13 SISIA DAGLIAN: No, it doesn't look like it.

14 CONSTANTINE ALEXANDER: I'm sorry?

15 SISIA DAGLIAN: It doesn't look like it, no.

16 That's it. Yeah, that's it.

17 CONSTANTINE ALEXANDER: That's it?

18 SISIA DAGLIAN: That's it, yes.

19 CONSTANTINE ALEXANDER: Okay. As I mentioned, we
20 do have written commentary, some in support, and some not.
21 Sarah made reference to a letter from -- or from a
22 commentary from Roy Gordon, who lives at -- I'm not so sure,

1 that he has an address here, just a phone number.

2 He says he remains strongly opposed to the
3 proposed proposal for the expansion of the residence of 32
4 Highland street. "The developer questions whether I have
5 reviewed their proposal. Of course I've reviewed their
6 proposal. After reviewing the proposal again, I still find
7 no argument justifying why a house that is already much
8 larger than allowed by current zoning laws, should be
9 allowed to expand still more.

10 "I bought my property with the firm assurance that
11 selling laws would always protect the green and spacious
12 character of the neighborhood. Cutting down mature trees to
13 enlarge a parking lot is not acceptable. Paving over a
14 large portion of this property will increase storm runoff
15 and worsen heat islanding.

16 "It is your duty -- [and he's talking to us --] it
17 is your duty to enforce the zoning laws. This house has
18 already expanded beyond the reasonable limits allowed by
19 zoning. Please do your duty to enforce the zoning laws."

20 We have a letter from Annette Lamond, L-a-m-o-n-d,
21 who resides at 7 Riedesel Avenue. "I am writing to express
22 my concern about the developer's proposal for 32 Highland

1 Street.

2 "The plans, which would involve a lengthy
3 construction period, were conceived before the coronavirus
4 pandemic. Since then, homeowners have begun to look at
5 their properties from the perspective of maximizing the
6 potential enjoyment of their back yards. The newspapers
7 have been full of such stories.

8 "The proposed new garage at 32 Highland Street
9 takes space from the current back yard, thereby reducing the
10 area available for seating, children's play structures, et
11 cetera.

12 "It is possible that the potential buyer could
13 decide to have the new garage removed, and even restore the
14 original back of the house, which is quite attractive. The
15 neighbors would then be subjected to a further period of
16 construction.

17 "I would also like to point out that the proposed
18 garage addition has an institutional look, viewed from
19 inside the property. To me, it recalls the kind of mortuary
20 extension that one sees on the backs of Victorian houses
21 that have been turned into funeral homes.

22 "The plans also appear to specify considerable

1 paved area. This paving is undesirable from an
2 environmental perspective, contribution to the heat island
3 effect, impact on the health of the tree canopy, and
4 stormwater runoff. A better plan would look for a way to
5 minimize paving at 32 Highland.

6 I hope the developer will reassess the proposal in
7 light of a changed real estate market, as well as
8 environmental concerns. As a 42 year resident of the
9 Reservoir Hill neighborhood, I can say that it's a pleasure
10 to see the renovation of many houses on our streets. I am
11 not opposed to change. But I feel that the plans at 32
12 Highland Street are not in the best interest of the
13 neighborhood."

14 And we have a communication here from Leslie Jeng,
15 J-e-n-g, 43 Appleton Street. It's addressed to Leslie --
16 well, it says, "It was nice to talk to you yesterday. Thank
17 you for sharing the renovation plans for the garage and
18 landscape at 32 Highland Street in Cambridge. My husband,
19 Jon Biotti and I, support the renovations that you propose."

20 And there's a lot of correspondence in here
21 setting up comments, not on the merits. I have a letter
22 here from Christian Nolan, N-o-l-e-n, who resides at 71

1 Appleton Street.

2 "My name is Christian Nolen. I live at 71
3 Appleton Street, directly across from the property at 32
4 Highland Street. I'm writing to the Board to voice my
5 opposition to the zoning relief sought by the group
6 developing 32 Highland Street. There is no need for the
7 house at 32 Highland Street to be increased by over 25
8 percent. I oppose the removal of large, mature trees from
9 the property. I strongly urge you reject the appeal. The
10 house does not need to be increased by over 25 percent."

11 We have a letter from Myra Gordon. She is
12 strongly opposed to the request for the variance. Again, it
13 deals with damage to trees, the fact that the developers are
14 not going to be the occupants -- who are proposing this are
15 not going to be the next occupant of the property. And
16 that's it.

17 That closes public testimony. Any final comments,
18 Sarah, you want to make?

19 SARAH RHATIGAN: I mean, we would probably respond
20 to some of the negative comments, some of which are maybe
21 inaccurate, but if it's okay, I'd like to hear if the
22 members of the Board are concerned. I mean, I think that I

1 addressed some of these concerns. There aren't large,
2 mature trees that are being demolished.

3 And as you know, there's a Tree Ordinance, and the
4 tree warden, we have to -- you know, even if there were to
5 be, which there's not -- there would be a process for having
6 to apply. There's a lot of pavement now. Are you able to -
7 - Sisia, head back to one of the photographs that are
8 showing -- I'm sorry, head back down -- there we go, right,
9 yep.

10 There's quite a bit -- sorry, I'm trying to get to
11 either a rendering or a photograph that shows the garage
12 with the driveway next to it, with paving next to it.

13 SISIA DAGLIAN: Is that what you want?

14 SARAH RHATIGAN: No, I'm sorry, I'm sorry. The
15 existing -- the existing, so that we can see what the
16 existing conditions are. Thank you. Right there, yeah.

17 There's -- you know, there's a lot of paving to
18 the right here, as well as the garage in terms of -- you
19 know, people being concerned about -- you know, about
20 excessive paving.

21 We've got more than required open space. And the
22 -- you know, as we've talked about removing that garage

1 actually really improves the conditions a lot, in terms of -
2 - you know, permeable surface, et cetera.

3 And it's also it's a stormwater -- I'm sorry, my
4 General Contractor is trying to explain to me there's civil
5 design where the stormwater is contained on the property.
6 So there won't be any concerns about water runoff to
7 affecting neighbors.

8 I'm just trying to think of any other comments.
9 You know, I mean, size is always, you know, a little bit of
10 -- in the eye of the beholder.

11 I think I -- I hope I described pretty well to you
12 that a lot of the sort of square footage increase is a
13 little bit of an artifact, as -- I mean, not that it's not
14 real, I understand definitions under the ordinance, but this
15 is not a situation where somebody's building a massive
16 addition that goes up two floors and it's -- you know, the
17 type of kind of large, intrusive addition that would have
18 some real impacts on these folks.

19 Again, I'll now stop and listen to Board members.

20 CONSTANTINE ALEXANDER: Okay, Board members have
21 any comments? I have comments, but I'll wait. Brendan?

22 BRENDAN SULLIVAN: Yeah. Brendan Sullivan. I

1 just think it's a nice updating.

2 CONSTANTINE ALEXANDER: I'm sorry?

3 BRENDAN SULLIVAN: I think it's a nice updating to
4 the house. I think that the positioning of the existing
5 garage doesn't make sense, either from when it was
6 constructed and the functionality of parking your car and
7 walking all the way around and the topography is up many
8 steps and into the house, and the proposal -- well, it's
9 just a nice updating.

10 CONSTANTINE ALEXANDER: Okay. My view is just
11 different than Brendan's, which is not unusual. I don't see
12 a compelling need. I don't see the substantial hardship
13 that requires the granting of variance for this property.
14 This is a lovely old home.

15 It's probably dated to some extent; all old homes
16 often are. To me, I don't think the garage that they're
17 proposing to do and the paving adds. I think it detracts
18 from the structure.

19 I do think with one of the components that it
20 gives an institutional look to the property. So I do not
21 find the substantial hardship that justifies granting
22 relief. It's another case of developers buying a property,

1 dressing up the pig, and then getting a higher price. And
2 so I'm not overwhelmed by the need for the relief being
3 sought.

4 By the same token, I was singularly unimpressed by
5 the opposition. I think there was -- the people didn't seem
6 to understand what was going on. I -- based on their
7 landscaping plans that were submitted by the petitioner, I
8 don't see a substantial cutting down of mature trees. Yes,
9 there's going to be some landscaping changes. But I think
10 generally the landscaping will stay the same.

11 I think people are complaining -- are worried
12 about more construction. That comes with the territory. If
13 you're going to grant, if you're going to modify a
14 structure, either with zoning relief or not, there's going
15 to be construction and a temporary dislocation.

16 The environmental issues, yes, are there, but as a
17 Board, I'm not sure we're qualified to pass on these kinds
18 of environmental concerns that have been expressed.

19 So I see it I throw the ball up on the left hand,
20 on the right hand, and I come down on the right hand of
21 denying relief -- again, because I don't find any compelling
22 reason why we should grant the relief. That's my view.

1 JIM MONTEVERDE: Yeah. This is Jim Monteverde. I
2 would concur with Gus's sense. I don't sense the compelling
3 nature of the need for the renovation scope.

4 And I do have an issue with -- and I can
5 understand in a way improvement and the easier circulation,
6 or smoother circulation within the house and from the
7 parking.

8 But I do think it -- you know, one of the comments
9 that compared it to the mortuary or institutional -- you
10 know, I have that same issue, that it just is so out of --
11 it feels so out of character to the main house itself. But
12 more importantly, I just don't see the compelling need or
13 the hardship.

14 CONSTANTINE ALEXANDER: Thank you, Jim. We have
15 two more to hear from, if they wish to speak by the way.
16 There's no requirement. We can just go right to the vote.

17 SLATER ANDERSON: I'm happy to weigh in.

18 CONSTANTINE ALEXANDER: Go ahead.

19 SLATER ANDERSON: You know, I hate to differ --
20 well, I don't differ with Brendan, and I think that the
21 design is an improvement, a functional improvement. I think
22 that when you think of the -- you know the winters in New

1 England and maybe multiple generations living in this house
2 and not having to walk out on an icy sidewalk up -- you
3 know, the topography that exists on this property, that is a
4 hardship, the topography.

5 And I think bringing all of that correctional and
6 functionality inside, integration the garage with the house
7 is a more efficient use of the site. I think
8 architecturally it's fine. You only really see it from an
9 oblique angle at this angle right here, you don't see it
10 from the front of the house or the other sides, really.

11 So I'm -- and there's going to be -- as Gus said,
12 there's going to be a project here regardless. And it's
13 going to be a disruptive construction project, regardless of
14 this variance.

15 I do feel like while it's a 25 percent increase, I
16 mean it's -- it is in fact an expansion of the basement
17 across this city with the barren amendment -- you know, you
18 have basements that are exempt from FAR.

19 So, you know, I think that it's, you know, they're
20 burdened by application of the zoning in a way that -- you
21 know, it doesn't feel like a 25 percent increase to the
22 structure from my view, particularly when you subtract the

1 volume of the existing garage from the project.

2 So, you know, I'm -- and all the stormwater stuff
3 and all -- I mean all of that's dealt with otherwise, either
4 through the Tree Ordinance or the, you know building code,
5 you know, stormwater management laws, you know, so that's my
6 two cents on it.

7 CONSTANTINE ALEXANDER: Thank you, Slater. Janet,
8 do you want to say anything or not? It's up to you.

9 JANET GREEN: I -- yes. I'm going to abstain.
10 Because I can't bring myself to feel like they've made a
11 case for renovating this house, what the need was. Well, I
12 can imagine what the need was, but that the need as we
13 define it.

14 On the other hand, I believe that somebody's going
15 to do it. So I have found myself unable to think about
16 whether I can vote yes or no. So I'm going to abstain.

17 CONSTANTINE ALEXANDER: Okay.

18 SARAH RHATIGAN: Chair, Mr. Chairman, would you
19 mind if I just ask a few questions? I'm listening to all of
20 your comments very carefully, and this is --

21 CONSTANTINE ALEXANDER: Okay, I don't think I
22 would be -- I'm sorry, I closed public testimony. I

1 wouldn't be -- it wouldn't be appropriate to debate the
2 comments that you're hearing from the members of the Board,
3 or to -- you know, to probe with them. They are what they
4 are.

5 SARAH RHATIGAN: No, I was just -- no, I was, I
6 was actually just going to try to understand better where
7 to, you know, kind of where to go with this discussion.
8 Because the owners -- the owners are going to need to sort
9 of solve some problems.

10 And if we're going to go back to the drawing board
11 and kind of put our heads around this, we're trying to get a
12 sense of what the most -- what the most -- what you most
13 don't like about it.

14 So for example, talking about the mortuary look,
15 so -- you know, treatment of materials is something that we
16 would be happy to discuss with, we'd be happy to reconsider.

17 CONSTANTINE ALEXANDER: Sarah, if we have this
18 discussion, then you're going to ask to continue the case.
19 And we'll have one more continuance. Enough is enough with
20 the continuances. You've made your proposal. You know this
21 Board. We're going to take a vote --

22 SARAH RHATIGAN: Well, that's actually --

1 CONSTANTINE ALEXANDER: -- and if the vote is
2 unfavorable --

3 SARAH RHATIGAN: -- I -- I --

4 CONSTANTINE ALEXANDER: -- if the vote is
5 unfavorable, you can come back with a different proposal
6 within two years. If it's not, I mean --

7 SARAH RHATIGAN: -- I actually, to be honest with
8 you, Mr. Chairman, I've actually never had a case where you
9 haven't in a situation like this offered the opportunity for
10 a continuance. We've never been before you. We were
11 originally scheduled in March, and then COVID shut us down.
12 But we've never had the chance to present our case to you.

13 CONSTANTINE ALEXANDER: Are you going to -- are
14 you requesting a continuance?

15 SARAH RHATIGAN: I would love to request a
16 continuance.

17 CONSTANTINE ALEXANDER: Other members of the Board
18 have any problems. I have no problem with continuing this
19 case. I don't like it, but, you know, that's a courtesy
20 we've extended to many other petitioners, and I'd be happy
21 to extend it to you as well.

22 So we'll have to find a date in the future. So

1 you want to continue the case, I will make a motion to
2 continue the case. And if members are not in favor of
3 continuing the case, that motion will be defeated, and then
4 we'll go to a vote on the merits of the case before us
5 tonight.

6 Is that okay with other members of the Board?

7 BRENDAN SULLIVAN: That's fine.

8 CONSTANTINE ALEXANDER: Okay. I've got a single
9 from Brendan to my left, and I assume -- I'll give everybody
10 else the chance. Should I make the motion to continue, and
11 we'll vote on that?

12 JANET GREEN: Yes.

13 JIM MONTEVERDE: This is Jim Monteverde. I'd say
14 yes.

15 CONSTANTINE ALEXANDER: Okay.

16 JANET GREEN: Janet Green. I say yes.

17 CONSTANTINE ALEXANDER: Okay. So let's move. The
18 Chair moves that we continue this case as a case heard until
19 7:00 p.m. on -- Sisia?

20 SISIA DAGLIAN: Well --

21 CONSTANTINE ALEXANDER: Earliest day we could do
22 it, and then we'll find out whether it works for the

1 petitioner.

2 SISIA DAGLIAN: I think October 8 was when --

3 CONSTANTINE ALEXANDER: Everyone, October 8?

4 SISIA DAGLIAN: -- everyone here was available,
5 right?

6 CONSTANTINE ALEXANDER: Okay.

7 SLATER ANDERSON: No.

8 CONSTANTINE ALEXANDER: Will October 8 work for
9 you, Sarah?

10 SARAH RHATIGAN: Um--

11 CONSTANTINE ALEXANDER: Or you want a farther date
12 out? We can't do anything earlier.

13 SARAH RHATIGAN: No.

14 CONSTANTINE ALEXANDER: Our business card is full.

15 SARAH RHATIGAN: Yep, I'm just checking with
16 folks. We'll make that work, yes, October 8.

17 CONSTANTINE ALEXANDER: Okay. So go back to the
18 motion to continue this case as a case heard until 7:00 p.m.
19 on October 8, subject to the following conditions, and you
20 know these as well as I do, Sarah.

21 The first is that the petitioner sign a waiver of
22 time for decision. Since we're not all here in person,

1 you'll have to go to the -- or your client will have to go
2 to the ISD.

3 And our condition is that if you that waiver for
4 time for decision must be signed by a week from today. If
5 that is not done, the continuance will be over, and the
6 petition dismissed. In other words, unfavorable relief will
7 be granted.

8 As you know, as you well know, it's a very simple
9 document, and a week should be more than enough time to get
10 someone over there to sign.

11 SARAH RHATIGAN: Okay.

12 CONSTANTINE ALEXANDER: Yes, Sisia.

13 SISIA DAGLIAN: I'm not saying anything.

14 CONSTANTINE ALEXANDER: Oh, sorry, Sisia.

15 SISIA DAGLIAN: I think they've already all signed
16 waivers. Because the original case was continued.

17 CONSTANTINE ALEXANDER: They signed the waiver
18 already. This is the first time we've heard this case.

19 SISIA DAGLIAN: Okay.

20 SARAH RHATIGAN: It was a blank -- Mr. Chairman, I
21 believe that it was a blanket waiver citing the Governors
22 order and the statute of limitation extensions.

1 CONSTANTINE ALEXANDER: Oh, I see what you're
2 saying.

3 SARAH RHATIGAN: Yep. That's -- I've got
4 something in the file. If it doesn't apply, we'll come and
5 sign a new wavier.

6 CONSTANTINE ALEXANDER: It shouldn't be -- it's no
7 big deal to come in and --

8 SARAH RHATIGAN: Yep.

9 CONSTANTINE ALEXANDER: -- sign It next week.

10 SARAH RHATIGAN: Sure.

11 CONSTANTINE ALEXANDER: That's the first
12 condition. Second condition is that a new posting sign must
13 be put up reflecting the new date, October 8; and the new
14 time, 7:00 p.m., and that sign must be maintained for the 14
15 days that it's required by our ordinance. And as your
16 client and you did, with regards to tonight's petition.

17 And lastly, that to the extent that you're going
18 to come by with new plans -- and I would include in that
19 landscaping plans, because they're an important -- I think
20 important part of this case -- that those plans must be in
21 our files no later than 5:00 p.m. on the Monday before
22 October 8, the files being they must be filed with the

1 Inspectional Services Department by that time and date.

2 All those in favor of continuing the case on this
3 basis. Brendan says yes.

4 BRENDAN SULLIVAN: Brendan Sullivan, yes.

5 JANET GREEN: Janet Green, yes.

6 CONSTANTINE ALEXANDER: Slater?

7 SLATER ANDERSON: Slater Anderson, yes.

8 JIM MONTEVERDE: And Jim Monteverde, yes.

9 CONSTANTINE ALEXANDER: And Gus Alexander, yes.

10 [All vote YES]

11 The case is continued to October 8. And that's
12 all she wrote. Thank you.

13 SARAH RHATIGAN: Thank you.

14 CONSTANTINE ALEXANDER: What a night!

15 JIM MONTEVERDE: All right. Goodnight, all.

16 CONSTANTINE ALEXANDER: What a night.

17 BRENDAN SULLIVAN: Is that you waving a paddle?

18 JIM MONTEVERDE: [Laughter]

19 CONSTANTINE ALEXANDER: It's almost 11:30 and we
20 started at 6:00.

21 JIM MONTEVERDE: I'm not allowed to hold a paddle
22 anymore.

1 SLATER ANDERSON: Gus, no more continuances. Come
2 on.

3 SISIA DAGLIAN: I know. We've continued every
4 case, pretty much.

5 [11:21 p.m. End of Proceedings]

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CERTIFICATE

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Commonwealth of Massachusetts
Middlesex, ss.

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

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

In witness whereof, I have hereunto set my hand this
_____ day of _____, 2020.

Notary Public
My commission expires:
August 6, 2021