

BOARD OF ZONING APPEAL
FOR THE
CITY OF CAMBRIDGE

GENERAL HEARING

THURSDAY, JULY 30, 2020

7:00 p.m.

Remote Meeting

via

831 Massachusetts Avenue
Cambridge, Massachusetts 02139

Constantine Alexander, Chair

Brendan Sullivan, Vice Chair

Janet Green

Andrea Hickey

Laura Wernick

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 (5:48 p.m.)

4 Sitting Members: Constantine Alexander, Brendan Sullivan,
5 Janet Green, Andrea A. Hickey,
6 Laura Wernick

7 CONSTANTINE ALEXANDER: Good evening, welcome to
8 the June -- July 30 meeting of the Cambridge Board of Zoning
9 Appeals. My name is Gus Alexander, and I am the Chairman of
10 the Board.

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

19 This meeting is being audio and visually recorded,
20 and is broadcast on cable television Channel 22, within
21 Cambridge. There will also be, at some point a transcript
22 of the proceedings.

1 All Board members, applicants, and members of the
2 public will state their name before speaking. All votes
3 will be taken by roll call. Members of the public will be
4 kept on mute until it is time for public comment. I will
5 give instructions for public comment at that time, and you
6 can also find instructions on the city's webpage for remote
7 BZA meetings.

8 Generally, you will have up to three minutes to
9 speak, but this might change based on the number of
10 speakers. Our goal, though, or my goal - certainly -- is no
11 more than three minutes per speaker, other than the
12 petitioner or the petitioner's advisor.

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

15 BRENDAN SULLIVAN: Brendan Sullivan, present.

16 JANET GREEN: Janet Green, present.

17 ANDREA HICKEY: Andrea Hickey, present.

18 LAURA WERNICK: Laura Wernick, present.

19 CONSTANTINE ALEXANDER: I think we're ready to go.

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(6:03 p.m.)

Sitting Members: Constantine Alexander, Brendan Sullivan,
Janet Green, Andrea A. Hickey,
Laura Wernick

The first case I'm going to call is Case Number
017265 -- 10 Wilson Road. Anyone here, the staff will now
unmute you, so the petitioner and his advisers and
representatives can begin by introducing themselves and the
other speakers on the tee. Then commence presentation. So
-- Wilson Road.

GRETCHEN MCGILL: Hi. My name is Gretchen McGill
from The Davis Companies, and I am here on behalf of 10
Wilson Road, as is Chris Chandor.

CHRIS CHANDOR: Hi, Chris Chandor is also here.
Go ahead, Gretchen.

GRETCHEN MCGILL: Okay. We have slides. Are you
able to see them at this point?

CONSTANTINE ALEXANDER: Yeah.

SISIA DAGLAN: No, no, no, we're going to be
showing our slides.

GRETCHEN MCGILL: Yes, I'm just asking if you can

1 see them before I begin.

2 SISIA DAGLIAN: No. I'll share my screen right
3 now.

4 GRETCHEN MCGILL: I guess while Sisia brings those
5 up, I will get started. 10 Wilson Road is located off in
6 the Fresh Pond area of Cambridge off of -- a block in from
7 Concord Avenue. And it is just off at the intersection of
8 Smith Place and Wilson Road.

9 It is a somewhat now industrial section, which the
10 city has envisioned becoming much more dense and upgrading
11 it over time.

12 We own 10 Wilson Road, as well as buildings
13 adjacent to it, which I will be able to show you, as soon as
14 Sisia's able to bring up the slides.

15 The Davis Companies has spent the last year
16 working with -- so this is 10 Wilson Road. Sisia, if you
17 can go to the next slide?

18 So 10 Wilson Road is highlighted in red. It is
19 part of what's known as, "The Quad." The three buildings in
20 yellow are the three buildings along with 10 Wilson Road
21 that make up the quad. And we have been working with the
22 city for the last year on 75 and 109 Smith Place on a new

1 building there.

2 We're also in the process of trying to transition
3 this somewhat disparate set of buildings into a slightly
4 more consistent look and feel, to develop a much more campus
5 like appearance.

6 May we go to the next slide, please?

7 Our request is to add a canopy -- a series of
8 canopies at 10 Wilson Road. So as part of this, our
9 existing nonconforming use will add 296 square feet to the
10 building GFA, and will decrease the front yard setback from
11 47' 3" to 42' 3". The zoning minimum is 46.83.

12 May we go to the next slide, please?

13 So as I mentioned, we would like to add these
14 canopies to create a consistent building appearance, but
15 we'd also like to create a sheltered location as people
16 enter the doorway. These perimeter doors are currently kept
17 locked, and so to gain access to the building, you have to
18 call the tenant to get access, since we'd like to shelter
19 visitors from the rain.

20 May we go to the next slide, please?

21 So this slide shows in blue the location of the
22 new canopies. You can see the existing entrance and the new

1 egress where we're going to put a canopy, and a new entrance
2 on the east side of the building, where we're adding a new
3 canopy and some garage doors. Those canopies are only three
4 feet deep, and so, they create a little bit less shelter.
5 But it's a much more transitional location.

6 May we go to the next slide, please?

7 This slide shows you the variance in the setback,
8 where the existing setback is 47.3 feet, and with the canopy
9 it will be 42.3 feet.

10 May we go to the next slide, please? So this
11 shows red line on this image of 10 Wilson Road. It shows
12 where the canopy would be.

13 Next slide, please?

14 This image, these red lines show where the canopy
15 will be. They do not yet show the new doors. Just as a
16 point of interest, we are taking some of these parking
17 spaces out and creating a small, park-like seating area that
18 the garage doors will transition into the building to.

19 May we go to the next slide, please?

20 So this is our rendering of the future canopy. It
21 is meant to be a steel canopy with a glass infill, so that
22 it will be light and translucent.

1 And if we advance two slides -- next slide.

2 This is 75 Moulton, the building to the east --
3 can we go back one, to the east of Wilson Road? And so, the
4 canopy is meant to be reflective of this one that you see.
5 This is an actual existing condition.

6 So if we can go back to the rendering?

7 There's one garage door in this image we're
8 envisioning to create a more park-like environment between
9 the two buildings.

10 And can we go back one slide?

11 And so, at this time, if there are any questions
12 from the Board?

13 CONSTANTINE ALEXANDER: I have none. Any other
14 Board members have any questions?

15 BRENDAN SULLIVAN: Brendan Sullivan, I have none.

16 JANET GREEN: Janet Green, none.

17 LAURA WERNICK: Andrea, you're on mute.

18 ANDREA HICKEY: I have no questions, thank you.

19 LAURA WERNICK: And I have no questions either.

20 CONSTANTINE ALEXANDER: Thank you. I'll open the
21 matter up to public testimony. Anyone here wishing to be
22 heard on this matter? Apparently, no one wishes to be

1 heard, and the Chair will report that there are no letters
2 in our files.

3 SISIA DAGLIAN: Gus --

4 [30:15 technical difficulties]

5 CONSTANTINE ALEXANDER: I'm sorry, you're too far
6 away.

7 LAURA WERNICK: -- the instructions for people to,
8 like, raise their hands. And do you want to read the
9 instructions?

10 CONSTANTINE ALEXANDER: Yeah. I wanted to see if
11 anyone wanted to speak.

12 LAURA WERNICK: Yeah.

13 CONSTANTINE ALEXANDER: Apparently no one else
14 wants to speak.

15 LAURA WERNICK: Yeah. Can you read the
16 instructions for people to, like, phone in -- you know, to
17 raise their hand on the phone or to unmute themselves and
18 stuff?

19 CONSTANTINE ALEXANDER: Okay.

20 LAURA WERNICK: You know, like you usually do.

21 CONSTANTINE ALEXANDER: I will close public
22 testimony. Discussion, or are we ready for a vote?

1 BRENDAN SULLIVAN: I'm ready. Brendan Sullivan,
2 I'm ready for a vote.

3 JANET GREEN: Janet Green, I'm read.

4 CONSTANTINE ALEXANDER: Laura, are you ready for a
5 vote?

6 JANET GREEN: You're on mute, Laura.

7 LAURA WERNICK: Yes, I'm ready.

8 CONSTANTINE ALEXANDER: Okay, and Andrea?

9 ANDREA HICKEY: Yes. I'm ready, but I'm not sure
10 we resolved the question that was asked about telling the
11 public how they raise their hand if they want to
12 participate?

13 CONSTANTINE ALEXANDER: Oh, you're right, Andrea,
14 I should have -- I should have.

15 ANDREA HICKEY: Yeah. It wasn't me. I think --
16 yeah, it wasn't me, I think it was Sisia that brought that
17 up, so I think you need to read that.

18 CONSTANTINE ALEXANDER: Okay. I've got to find
19 it. I'm sorry, I apologize to the public.

20 If anybody wants to speak on this matter, you
21 should now click the icon at the bottom of your Zoom screen
22 that says, "Raise hand." If you're calling in by phone, you

1 can raise your hand by pressing *9 and unmute or mute by
2 pressing *6.

3 And with those instructions, I'll again ask if
4 there's anyone who wishes to speak on this matter?

5 SISIA DAGLIAN: No, I think we're good.

6 CONSTANTINE ALEXANDER: Apparently not, so we're
7 still where we were, thank you.

8 Okay. I think everybody indicated they were ready
9 for a vote, so I'm going to make a motion. The Chair moves
10 that we make the following findings with regard to the
11 relief being sought:

12 That a literal enforcement of the provisions of
13 the ordinance would involve a substantial hardship, such
14 hardship being is that there's a need to shelter the
15 entrance ways from the elements. And the canopy is obviously
16 one day of doing it.

17 That the hardship is owing to the fact that this
18 is already a nonconforming structure, and therefore any
19 modification requests zoning relief; that the modification
20 resulting from the zoning relief is very modest in nature, a
21 few hundred feet, and it doesn't even change the FAR, given
22 the size of the building generally.

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

4 And again, this is a very modest modification to
5 the structure. It has no impact on the neighborhood of a
6 detrimental sort, and it's consistent with the purposes of
7 the ordinance to make buildings more amenable to people who
8 come in them or exit from them.

9 So on the basis of all of these findings, the
10 Chair moves that we grant the variance requested on the
11 condition that the work proceed in accordance with plans,
12 the first page of which has been initialed by the Chair on
13 page C -- as in "call" -- -200. All those in favor, please
14 say, "Aye."

15 THE BOARD: Aye.

16 BRENDAN SULLIVAN: Brendan Sullivan, yes to grant
17 the relief.

18 CONSTANTINE ALEXANDER: Brendan says yes. Andrea?

19 ANDREA HICKEY: Andrea Hickey, yes to grant the
20 relief.

21 JANET GREEN: Janet Green, yes to grant the
22 relief.

1 LAURA WERNICK: Laura Wernick, yes to grant the
2 relief.

3 [All vote YES].

4 CONSTANTINE ALEXANDER: Okay. And as I've
5 indicated, I'm voting yes as well. So it's unanimous,
6 variance granted. Thank you.

7 GRETCHEN MCGILL: Thank you, Mr. Chairman, and
8 thank you to the Board and to City Staff. We appreciate
9 your help.

10 CHRIS CHANDOR: Yes, I echo that. Thank you very
11 much, everyone.

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2 (6:15 p.m.)

3 Sitting Members: Constantine Alexander, Brendan Sullivan,
4 Janet Green, Andrea A. Hickey,
5 Laura Wernick

6 CONSTANTINE ALEXANDER: Okay. The Chair will now
7 call Case Number 017278 -- 372 Concord Avenue. Anyone
8 wishing to be heard on this matter?

9 SEAN HOPE: Yes. Good evening, Mr. Chairman. For
10 the record, Attorney Sean Hope, Hope Legal Law Offices of
11 Cambridge. Due to technical difficulties, I do not have
12 video, but I hope my audio is clear.

13 I am here on behalf of the applicant, Mr. Renato
14 Fontes. He may be running late, but he requested that I
15 proceed without him, so he will be joining shortly.

16 This is an application requesting variance relief
17 to essentially add stairs, a porch and an architectural
18 feature to the front of an existing two-family that is being
19 renovated into a two-family, but the primary entrance is
20 being moved from Concord Ave to Alpine Street.

21 Just by way of the Board, 372 Concord Ave is on
22 the corner of Concord and Alpine Street. Very close to the

1 front entrance is the bus stop along Concord Ave. As part
2 of -- this was your typical two-family where the entrance
3 was facing Concord Ave, and it was your typical floor
4 through with multiple stories in the two-family -- as part
5 of the renovation, as I mentioned, they are changing the
6 entrance to face Alpine Street.

7 Part of the rationale for the variance is the bus
8 stop that was there that's a short distance from the front
9 entrance: During certain times of year, there is a bench,
10 but there has been a history of patrons sometimes either
11 sitting on the steps of the front, or patronizing that area.

12 And so, as part of the renovation, they wanted to
13 create a more prominent front, and they could have done that
14 without the zoning ordinance, except that the building is
15 only 13 and some inches feet from the property line, and the
16 front yard setback in Res B requires 15 feet.

17 So we're less than two feet from what would be
18 allowed. And the stairs, the porch, the architectural
19 features are all within the front yard setback, thereby
20 requiring the variance.

21 I would note for the Board that the existing,
22 former entrance had a mudroom alcove area. That is being

1 removed, which is why the overall square footage is actually
2 reduced. So the proposal seeks variance relief for a
3 building in the setback, but there is not any additional GFA
4 being added.

5 And so primarily the interior renovations are --
6 what we see as a standard three bedroom. And although the
7 architectural feature on Alpine Street is somewhat unique --

8 Sisia, could you go to the color elevation that
9 shows the entryway that I'm talking about? [Pause] There
10 you go.

11 So in the lower right-hand corner, that is the
12 proposed entryway. That is facing Alpine Street. And the
13 proposed north elevation, that is the existing entrance that
14 is going to be a second means of egress for one of the
15 units.

16 And then if you just go to, I believe the last
17 slide? This -- sorry, one up, please.

18 So this is a section through the right-hand corner
19 that kind of explains what's going on in the front. It is a
20 -- as I mentioned -- an architectural feature. And the
21 stairs -- as you can see the glass railing, those are all
22 within the front yard setback.

1 So it is going to create a prominence on Alpine
2 Street, and it's going to give the house a proper front
3 entrance along Alpine Street. But it is within the front
4 yard setback, and that is the requested relief.

5 Are there any questions from the Board?

6 CONSTANTINE ALEXANDER: I have none. Do Board
7 members have questions?

8 BRENDAN SULLIVAN: Brendan Sullivan, I have none
9 at this time.

10 JANET GREEN: Janet Green, I have no questions at
11 this time.

12 ANDREA HICKEY: Andrea Hickey, I don't have any
13 questions.

14 LAURA WERNICK: I would just like to see the
15 photographs of the Alpine Street side of the building, as it
16 currently exists.

17 SEAN HOPE: So that's Concord. If you go -- yeah,
18 so this is looking from the driveway towards Concord.
19 That's a better picture.

20 LAURA WERNICK: Yeah, yeah, that's fine. That
21 gives me a sense of what the expectation is. Thank you.
22 That was all I wanted to check out.

1 CONSTANTINE ALEXANDER: Okay. I will now open the
2 matter up to public commentary. And again, I will read the
3 way you go about this. If you want to speak, you now have
4 to click the I could not at the bottom of your Zoom screen
5 that says, "Raise hand." If you are calling in by phone,
6 you can raise your hand by pressing *9 and unmute or mute by
7 pressing *6.

8 So anyone have any comments they wish to make to
9 the Board?

10 SEAN HOPE: No additional comments.

11 CONSTANTINE ALEXANDER: Apparently, there are no
12 comments to be made. So I will close public -- I mean, and
13 there are no letters of written communications. So I will
14 close public testimony. Discussion, or are we ready for a
15 vote?

16 JANET GREEN: I'm ready for a vote.

17 ANDREA HICKEY: I'm ready.

18 LAURA WERNICK: Ready.

19 BRENDAN SULLIVAN: Brendan Sullivan, I'm ready for
20 a vote.

21 CONSTANTINE ALEXANDER: Okay. The Chair moves
22 that we make the following findings with regard to the

1 variance being sought:

2 That a literal enforcement of the provisions of
3 the ordinance would involve a substantial hardship, such
4 hardship being that with the location of the bus line and
5 its stop right near the beginning -- the current front of
6 the house creates health hazards and is just not very
7 satisfactory.

8 That the hardship is owing to the fact that this
9 is already a nonconforming structure, and therefore any
10 modification requests zoning relief.

11 That relief may be granted without substantial
12 detriment to the public good, or nullifying or substantially
13 derogating from the intent and purpose of the ordinance.
14 Again, there is no real impact to the public good. The
15 neighbor most affected by the relocation of the front
16 entrance apparently is not opposed. Certainly, we have
17 received no communication to that effect.

18 And the livability of the structure will be
19 enhanced, not only for the current petitioner, but for any
20 future petitioners, by granting the relief being sought.

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 Port One Design, LLC, the first page of which
3 has been initialed by the Chair.

4 All those in favor? Again, one by one.

5 BRENDAN SULLIVAN: Brendan Sullivan, yes to grant
6 relief.

7 JANET GREEN: Janet Green, yes to grant relief.

8 ANDREA HICKEY: Andrea Hickey, yes to grant
9 relief.

10 LAURA WERNICK: Laura Wernick, yes.

11 CONSTANTINE ALEXANDER: Okay, and the Chair will
12 vote as well, yes.

13 [All vote YES]

14 So variance granted. Good luck.

15 COLLECTIVE: Thank you.

16 CONSTANTINE ALEXANDER: Again, we'll have to wait
17 until 6:30 for our next case.

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2 (6:30 p.m.)

3 Sitting Members: Constantine Alexander, Brendan Sullivan,
4 Janet Green, Andrea A. Hickey,
5 Laura Wernick

6 CONSTANTINE ALEXANDER: Okay, it's now 6:30, so
7 the Chair will call our next case, Case Number 017276 -- 20
8 Brown Street. Anyone here wishes to be heard on this
9 matter?

10
11 ANDREW PLUMB: Yes, good evening. This is Andrew
12 Plumb from Aamodt Plumb Architects. I'm the architect for
13 the project. I'm going by David Ascher from my office, and
14 the homeowners as well, Sarah Hopkinson and Michael Seagle
15 (phonetic).

16 We come before you tonight seeking relief in the
17 form of a special permit for this renovation project that is
18 largely an interior renovation of this home, with a few --
19 oh, thank you -- aspects that are fully visible on the
20 exterior.

21 It is a preexisting nonconforming lot, with almost
22 all sides of the house sitting within the current setbacks

1 for the current zoning.

2 The -- if we could go to the second page.

3 You can see here it says the corner lot of Brown
4 and Foster Street.

5 And if we go to the next page, you'll see the
6 different views that are possible from Brown and Foster.

7 In terms of what would be visible on the exterior
8 of the house, you'll see in the sort of left lower corner,
9 we are proposing the addition of a new window to match the
10 existing window on the right-hand side.

11 So the one that's on the left of this pair that
12 you see the arrow pointing to is one that we've added in
13 this image, just to show you the proposal. And this has to
14 do with the revised layout for the interior space of the
15 house.

16 And on the lower right-hand side, you see that
17 same condition from a slightly different view.

18 On the other two views, there really isn't much to
19 be seen in terms of a change. The -- if you look at the
20 upper left, we couldn't get a picture that was not obscured
21 by trees, but there is an existing window that was, is sort
22 of a two and a half story high long, skinny window with a

1 half round top that was part of a renovation that was
2 completed in the early '90s.

3 And we're proposing to remove that and replace it
4 instead with windows of the same proportion and style as the
5 existing windows, which I can show you in a minute with the
6 proposed elevations.

7 And then in the back side of the house, which is
8 not visible from Foster and Brown is a very private garden,
9 and then there is some window work and a proposed bay
10 window, which I'll show you in the drawings, that would be
11 visible possibly from an abutter, but not from the public
12 ways.

13 All of this was reviewed with the Half-Crown Marsh
14 Neighborhood Conservation Board, and was approved. I
15 believe the Board has -- since got documentation over to
16 you, and I think we also had reforwarded it again today,
17 just to make sure that you all had it.

18 If you could go to the next page, please. Could
19 we go to the fourth page of the PDF? Thank you.

20 So here you'll see the interior of the house was
21 renovated in the early '90s for sort of a single individual,
22 who basically created a mezzanine bedroom for himself.

1 The main proposal is to remove that mezzanine and
2 reclaim this space to be more useful as living space for the
3 family.

4 You'll notice on the middle left image a stair
5 hall that, if you then look at the upper left image, you can
6 see that as a part of that early '90s renovation, this whole
7 volume that has the red door in it, that was added on to the
8 original house.

9 And really, the only purpose of that volume is to
10 house this sort of stair that kind of winds up around.

11 And so, our proposal is to sort of rework that,
12 and instead create a front foyer that is more useful to the
13 family.

14 And then on the second level, which is visible in
15 this sort of middle-left image on this page, there will be a
16 small study.

17 And so, what that results in is some additional
18 square footage in the form of that study, but that's being
19 offset by the removal of the mezzanine that you also see in
20 that same picture.

21 And so, the existing house exceeds the allowable
22 FAR by the ordinance, but the new proposal through the

1 removal of the mezzanine and addition of the square footage
2 of this study and also the bay window, is a net reduction in
3 the overall FAR of the property.

4 If we could go down two pages to page 6?

5 So here you see a plan of the corner lot, and the
6 dashed line represents the current ordinance setbacks. And
7 so, you can see that all exterior walls, except for a
8 portion of the sort of inside corner on the garden side,
9 fall within those existing setbacks.

10 In this area that is not within the setbacks is
11 where this new bay window is proposed.

12 And if we could go to the next page, please?

13 Here you see a roof plan. And I think actually if
14 we could go -- well there, on the roof plan you'll see
15 there's three skylights. Two of those are existing.

16 The one that's on the upper left is a new one
17 proposed to match the others. And this is proposed to be in
18 place of a dormer that had been added in the '90s renovation
19 in order to make head space for that mezzanine that we
20 showed you on the earlier page.

21 And so, what we want to do is remove that existing
22 dormer to return the sort of original roof line to its

1 original, simple gable roof.

2 And then what you're seeing to the left of that
3 skylight is the flat roof of the projecting bay window,
4 which will be not visible with respect to the main roof. So
5 the main roof is sort of restored to its original geometry.

6 Let's see. Could we go down a couple more? Yeah,
7 that's perfect.

8 So here you can see the upper level plan, and this
9 shows the bay window, which is basically providing an eat-in
10 kitchen space for the kitchen.

11 And if we go down another page?

12 Okay, so here you'll see that the two elevations
13 that flay this bay window. So all other window work that's
14 proposed to match the existing -- this is one exception to
15 the composition, which -- again, is sitting within that sort
16 of not visible space and not within the setbacks -- yeah, to
17 provide a sort of modern counterpart to the historical
18 character of the house.

19 And if we can go down two more slides? Sorry,
20 just go one more, apologies.

21 You'll see these are the proposed elevations that
22 are on Foster and Brown Street, with that doubling of the

1 window on the left-hand elevation and south elevation.

2 We're proposing adding that window that Tom holds
3 onto the symmetry that's there, with the overall composition
4 and the style of window, but it allows us to add a bathroom
5 in that location.

6 And if you go down one more slide, please?

7 These are just some interior renderings that show
8 what's proposed to kind of give you a feel for this design
9 concept of the sort of more contemporary or modern living
10 space on the interior paired with the historic exterior.

11 On the upper left image, you see a portion of the
12 bay window as it projects out and provides some more space
13 in this otherwise very sort of tight footprint.

14 And I think the next two pages are just showing
15 demolition plans.

16 So it's showing -- yeah, the left-hand roof demo
17 drawing, you can see the dormer that is proposed to be
18 removed. The third-floor plan demo in the middle there
19 shows the mezzanine that's planned to be removed. And I
20 believe that's the extent of it. And just if anyone has any
21 questions, I'm happy to speak to them.

22 CONSTANTINE ALEXANDER: Thank you. This is the

1 Chair. I have no questions. Brendan?

2 BRENDAN SULLIVAN: Well, I do have a question. Do
3 you see the letter from the Half-Crown neighborhood in the
4 file at all? Do you see the letter from the Half-Crown?

5 CONSTANTINE ALEXANDER: Yes.

6 BRENDAN SULLIVAN: I'm just looking for it. Okay.
7 No, other than that I have no other questions.

8 ANDREA HICKEY: Yeah, the Half-Crown letter was
9 not available through the electronic system with the case
10 list, so I think it's important to read that into the
11 record.

12 CONSTANTINE ALEXANDER: Thank you. I saw the
13 letter just five minutes before the hearing started. It
14 wasn't in the file earlier in the day. So you're right.
15 And again, it will be read into the public record.

16 ANDREA HICKEY: Thank you.

17 CONSTANTINE ALEXANDER: Janet? Do you have any
18 questions or comments at this point?

19 JANET GREEN: No. I have no questions. Thank you
20 so much.

21 CONSTANTINE ALEXANDER: Laura?

22 LAURA WERNICK: No questions.

1 CONSTANTINE ALEXANDER: Okay. I will close public
2 testimony.

3 BRENDAN SULLIVAN: Yeah, we haven't opened it yet.

4 CONSTANTINE ALEXANDER: I'm sorry?

5 BRENDAN SULLIVAN: We haven't opened.

6 CONSTANTINE ALEXANDER: I'm sorry. I'm going to
7 open the matter up to public testimony. And again, the
8 instructions are is that any member of the public who wishes
9 to speak should now click the icon at the bottom of the Zoom
10 screen that says, "Raise hand." If you're calling in by
11 phone, you can raise your hand by pressing *9 and unmute or
12 mute by pressing *6.

13 So I will now open the matter up to public
14 testimony, give people a few minutes to see if they have
15 anything they wish to say.

16 Apparently, there are no wishes to speak, as
17 indicated. We do have some letters, which I'll read into
18 the record. First of all, there is with regard to this
19 matter before us, there is an e-mail from Sue and Rand
20 Wentworth.

21 "I am writing now with my husband in support of
22 our neighbors at 20 Brown Street, Sarah Hopkinson and

1 Michael Seagle in their architect's petition for a special
2 permit. We think the proposed alterations are sound and
3 sensible, and will be an enhancement to both the property
4 and the neighborhood."

5 And then there is a letter, as was indicated
6 earlier. It was a letter that was written to the Half-Crown
7 Marsh District Historical Commission. It's written by
8 Michael Bean, B-e-a-n.

9 "I am writing to express my support for Sarah
10 Hopkinson and Michael Seagle's proposed alterations to 20
11 Brown Street. I am an abutter to my property, and my house
12 looks out over the area of their changes. I do not feel
13 that they will adversely impact me or the neighborhood in
14 any way.

15 "I have discussed this with Melinda Lee, who owns
16 and resides at 30 Foster Street. Her house is across Foster
17 Street from 20 Brown Street, and she joins me supporting
18 this project."

19 And it goes on to say she is -- she being Melinda
20 Lee -- is currently visiting relatives in New Jersey, and is
21 unable to write on her own behalf. She has seen and
22 approved of this letter, and as has been indicated during

1 the presentation, the Half-Crown Marsh District Historical
2 Commission did not oppose the relief that's being sought
3 then and now.

4 With that, I will close public testimony.
5 Discussion, or are members ready for a vote?

6 BRENDAN SULLIVAN: Brendan Sullivan, ready for a
7 vote.

8 JANET GREEN: Janet Green, ready for a vote.

9 ANDREA HICKEY: Andrea Hickey, I'm ready for a
10 vote.

11 LAURA WERNICK: Laura Wernick, ready for a vote.

12 CONSTANTINE ALEXANDER: Okay. Okay, the Chair --
13 this is a special permit case, as indicated. The Chair
14 moves that we make the following findings with regard to the
15 special permit that's being sought:

16 That the requirements of the ordinance require
17 that the special permit be obtained.

18 That traffic generated or patterns in access or
19 egress resulting from what is being proposed will not cause
20 congestion, hazard, or substantial change in established
21 neighborhood character.

22 As the architect has explained, most of the work

1 that's being proposed is interior in nature, and has no
2 exterior neighborhood effect.

3 That the continued operation of or development of
4 adjacent uses, as permitted in the zoning ordinance, will
5 not be adversely affected by what is proposed. And again,
6 the same reasoning applies; this is a mostly interior
7 project, which has very little exterior impact on the
8 neighborhood, if any.

9 No nuisance or hazard will be created to the
10 detriment of the health, safety and/or welfare of the
11 occupant of the proposed use, or the citizens of the city.

12 And that generally, what is being proposed will
13 not impair the integrity of the district or adjoining
14 district, or otherwise derogate from the intent and purpose
15 of this ordinance.

16 So on the basis of all these findings, the Chair
17 moves that we grant the special permit requested on the
18 condition that the work proceed in accordance with plans
19 prepared by -- I'm going to probably butcher this -- Aamodt,
20 A-a-m-o-d-t Plumb Architects, the first page of which has
21 been initialed by the Chair.

22 And the vote, Brendan?

1 BRENDAN SULLIVAN: Brendan Sullivan, yes to grant
2 the special permit.

3 JANET GREEN: Janet Green, yes to grant the
4 special permit.

5 LAURA WERNICK: You're on mute, Andrea.

6 ANDREA HICKEY: Andrea Hickey, yes to grant the
7 special permit.

8 CONSTANTINE ALEXANDER: And the Chair votes yes as
9 well.

10 [All vote YES]

11 So it's unanimous, the special permit has been
12 granted. Thank you.

13 ANDREW PLUMB: Thank you very much.

14 SUE HOPKINSON: Thank you very much.

15 CONSTANTINE ALEXANDER: You're welcome.

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2 (6:46 p.m.)

3 Sitting Members: Constantine Alexander, Brendan Sullivan,
4 Janet Green, Andrea A. Hickey,
5 Laura Wernick

6 CONSTANTINE ALEXANDER: Okay. The Chair will now
7 call Case Number 017280 -- 233 River Street. And I wish to
8 report that the petitioner is withdrawing his petition for
9 relief. He has sent a letter to the Board.

10 "I'm writing this letter to inform you that I
11 would like to withdraw my case from the Board of Zoning
12 Appeal meeting scheduled for Thursday, July 29, 2020.

13 [It's actually the thirtieth. Isn't today July
14 30?]

15 "Anyway, thank you for your consideration. I may
16 reapply at a later date."

17 And I may point out on the record what I've asked
18 the Board, the ISD advised the Commissioner that we have to
19 vote to accept the requested withdrawal.

20 But if we do, then this case is deemed to be a
21 relief denied, and the petitioner cannot come back for two
22 years, unless he Cambridgeside with a different proposal and

1 we go through a procedure with the Planning Board that
2 agrees that this is a different procedure. So the
3 petitioner has been forewarned.

4 The Chair moves that we accept the requested
5 withdrawal.

6 BRENDAN SULLIVAN: Brendan Sullivan, yes to accept
7 the withdrawal.

8 JANET GREEN: Janet Green, yes to withdraw.

9 ANDREA HICKEY: Andrea Hickey, yes to withdraw.

10 LAURA WERNICK: Laura Wernick, yes to withdraw.

11 CONSTANTINE ALEXANDER: And the Chair accepts the
12 requested withdrawal as well.

13 [All vote YES]

14 So the case is withdrawn, and that's it. Our next
15 case is not until 7:00 p.m., and so, we have a bit of time -
16 - just 12 minutes, I guess, if people want to take a break.

17 [BREAK]

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2 (7:00 p.m.)

3 Sitting Members: Constantine Alexander, Brendan Sullivan,
4 Janet Green, Andrea A. Hickey,
5 Laura Wernick

6 CONSTANTINE ALEXANDER: It being 7:00 p.m., the
7 Chair will now call Case Number 017277 -- 300 Bent Street.
8 Anyone wishes to be heard on this matter, heard remotely?

9 JAMES RAFFERTY: Good evening Mr. Chair, members
10 of the Board. For the record, my name is James Rafferty.
11 I'm an attorney with offices located at 907 Massachusetts
12 Avenue.

13 I'm appearing this evening on behalf of the
14 applicant, CEM Realty Trust. And with me remotely is the
15 Project Architect, Evan Stellman, S-t-e-l-l-m-a-n, of the
16 architectural firm of Khalsa Design.

17 [Pause]

18 Should I proceed?

19 [Pause] Hello?

20 ANDREA HICKEY: Yes.

21 JAMES RAFFERTY: Okay. Am I being heard?

22 CONSTANTINE ALEXANDER: You're being heard.

1 ANDREA HICKEY: Yes.

2 JAMES RAFFERTY: Okay. Thank you. Well, it's
3 nice to be with you all remotely. I appreciate the
4 opportunity to present this evening's case. I couldn't help
5 but notice as I watched last week and this week how
6 comfortable the Chair and the Vice Chair appear in their
7 setting, and I hope it might lead to some future
8 consideration on your part to spend more time in those
9 Chairs.

10 CONSTANTINE ALEXANDER: As usual, Mr. Rafferty,
11 flattery will get you nowhere. A mere observation -- not
12 intended to influence the outcome of this case at all. At
13 any rate, thank you again.

14 So this is an application for a modest increase in
15 gross floor area in a data storage facility on Bent Street.
16 It's located in Industrial A-1 District. It's very much an
17 industrial building. It was previously a warehouse
18 building.

19 The owner is increase -- excuse me, improving the
20 façades. It's essentially a façade improvement project, but
21 the zoning issue has to do with enclosure at the entry.

22 And if Ms. Daglian could bring us to A102, I think

1 that image best depicts the relief that we're seeking here.

2 I think one more. It's a floor plan. Right, thank you.

3 So on the left is the existing condition. And on
4 the right is the proposed condition. You'll notice that
5 what's happening here is the front wall, the entry of the
6 building, is being brought forward a few feet to create a
7 larger enclosure, not unlike the case you had earlier this
8 evening at Wilson Road.

9 This will allow for better access into the
10 building, will allow for a better radius in front of the
11 elevator, and will allow for -- but because it's being
12 enclosed, it represents an increase of 138 square feet.

13 If we could go to A300 -- the next image, I
14 believe -- you can see an elevation of what I'm referring to
15 here

16 SISIA DAGLIAN: Jim, I'm not sure we have A300.
17 This is the last sheet.

18 JAMES RAFFERTY: A300 or AV1? Those are the other
19 two I was referring to.

20 SISIA DAGLIAN: Oh, here it is. It's not in
21 order, okay.

22 JAMES RAFFERTY: Okay, all right. So which --

1 this is AV1, I'm guessing?

2 SISIA DAGLIAN: This is A300.

3 JAMES RAFFERTY: Okay, perfect. So what you see
4 is this area on the left, the large, blue rectangle. Right
5 now that wall is set back about three feet. You'll see it
6 in the above image.

7 It's been brought forward, so it's going to become
8 a two-story element on the building. The balance of the
9 building, you'll see -- [1:19:31 audio unclear] principal
10 amount of activity going on the project.

11 But so one might first think the loss of windows
12 would be strange, but there isn't a need for windows, given
13 the data storage. In fact, there's a preference for their
14 not to have natural light coming in.

15 So -- and then the next image, and the final one,
16 AV1, I think you can -- it's an image at an angle, and it
17 will allow you to see what changes in the building, where
18 this 130 square feet...

19 So Sisia, could we go to AV1, the one that comes
20 after this? There you go. Thank you.

21 So you can just make you now this two-story
22 enclosure. The enclosure is already there. It was a recess

1 entrance. So what you see in the top picture there is the
2 image of the glass wall brought forward. Now it's coplanar
3 with the rest of the façade, and it's probably coming
4 forward maybe two feet or more. And that's what's yielding
5 the increase of 138 square feet.

6 The building currently exceeds the allowable GFA,
7 so even though it's a modest increase, doesn't change the
8 intensity of the use, and how much of it is related to the
9 age and size of the structure.

10 And one of the benefits of being able to enclose
11 the entry this way is to have better accessibility to the
12 handicap lift that's located just inside the doorway here.

13 Happy to have Mr. Stellman walk you through any
14 other details or answer any questions you might have about
15 the building. Thank you.

16 CONSTANTINE ALEXANDER: Thank you, Mr. Rafferty.
17 Questions from members of the Board? Brendan?

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

20 JANET GREEN: Janet Green, no questions.

21 ANDREA HICKEY: Andrea Hickey, no questions.

22 LAURA WERNICK: This is Laura Wernick. Does the

1 new entrance give you full accessibility space in front of
2 the elevator; do you have five feet to turn your wheelchair?

3 JAMES RAFFERTY: We don't currently, but we do
4 now. If we go back to the A102, Sisia

5 That's one of the advantages of this design.
6 Currently, if you see the area now on the left, yeah. This
7 is -- yeah, if we go just -- the area on the right is the
8 proposed, and you can see the...

9 So on the left, the wall -- the existing exterior
10 wall is closer to, is recessed -- it's about halfway into
11 the area and you'll see the new wall, you can see by the way
12 the flooring is depicted there -- that area, there's an
13 adequate radius for handicap/wheelchair accessibility into
14 that lift, which is not currently the case.

15 LAURA WERNICK: Yeah, so that's a big positive for
16 this situation, being able to create accessibility where it
17 does not exist.

18 JAMES RAFFERTY: Right.

19 LAURA WERNICK: That's all.

20 CONSTANTINE ALEXANDER: Thank you, Laura. I have
21 no questions or comments at this point. So I'll open the
22 matter up to public testimony. And again, any member of the

1 public who wishes to speak should now click the icon at the
2 bottom of your Zoom screen that says, "Raise hand." If
3 you're calling in by phone, you can raise your hand by
4 pressing *9 and unmute or mute by pressing *6. So I'll give
5 people a few moments to see if they want to make any public
6 comment.

7 So far, no indication. So I think I will close
8 public comment. We are in receipt of a letter which I will
9 read into the record. It is from a Joe Rose, R-o-s-e, who
10 resides on Spring Street.

11 "Regarding this case, it's great to see that this
12 façade of this old, peely building is going to receive a
13 face lift. Having said that, this proposal is quite
14 monolithic, at over three stories high -- nearly 50 feet.
15 And the elevations show no relation to the neighboring
16 properties, which do provide breaks at certain heights.

17 "As currently proposed, there are no datum or
18 transitions, and it is just a long, solid mass. It would be
19 nice to have this -- neighboring buildings and provide a
20 better height/scale.

21 "Secondly, this space would provide a great
22 opportunity to add some much needed sidewalk trees, as this

1 long span does not currently have any. Perhaps this can be
2 coordinated with the city arborist.

3 "Lastly, it seems that there is also a need for a
4 face lift on the Rogers back side of the building. I'm
5 curious if this will also be handled. Thank you for taking
6 the time to address my concerns."

7 I'm not sure how we're going to address concern,
8 most of these are design or aesthetic issues, and not
9 particularly germane to the zoning relief being sought -- at
10 least that's my opinion.

11 And that's it. So Mr. Rafferty, any final or
12 further comments you wish to make?

13 JAMES RAFFERTY: No, no, thank you, Mr. Chair.

14 CONSTANTINE ALEXANDER: I will -- I think we're
15 ready for a vote?

16 BRENDAN SULLIVAN: Yes. Brendan Sullivan, yes for
17 a vote.

18 CONSTANTINE ALEXANDER: Janet?

19 ANDREA HICKEY: Andrea -- oh, sorry.

20 JANET GREEN: Janet Green, yes for a vote,
21 although I took those questions quite seriously from the
22 person who suggested a little more thoughtfulness in the

1 design.

2 LAURA WERNICK: Laura Wernick, I agree with Janet,
3 but yes to the vote.

4 ANDREA HICKEY: Andrea Hickey, yes, I accept the
5 proposal.

6 CONSTANTINE ALEXANDER: Okay. It's time for a
7 motion. The Chair moves that we make the following findings
8 with regard to the relief being sought:

9 That a literal enforcement of the provisions of
10 the ordinance would involve a substantial hardship, such
11 hardship being is this building is in need of some design
12 improvement with regard to the entrance way, and this can be
13 effected as proposed by the petitioner without any increase
14 in the impact -- other than very slightly -- by increasing
15 the overall dimensions or outside dimensions of the
16 building.

17 The hardship is owing to the fact that this is
18 already a nonconforming structure, as Mr. Rafferty has
19 indicated, and therefore any relief requires -- any
20 modification requires zoning relief.

21 And that desirable relief may be granted without
22 substantial detriment to the public good, or nullifying or

1 substantially derogating from the intent and purpose of the
2 ordinance. Again, this is -- the changes are mostly
3 aesthetic in nature. They have very little impact on the
4 street or the city, and so be it.

5 So on the basis of all these findings, the Chair
6 moves that we grant the variance being sought by the
7 petitioner on the condition that the work proceed in
8 accordance with plans, the first page of which has been
9 initialed by the Chair, prepared by Khalsa, K-h-a-l-s-a
10 Design, the first page of which has been initialed by the
11 Chair.

12 Brendan, how do you vote?

13 BRENDAN SULLIVAN: Brendan Sullivan yes to
14 granting the variance.

15 JANET GREEN: Janet Green, yes to granting the
16 variance.

17 ANDREA HICKEY: Andrea Hickey, yes to granting the
18 variance.

19 LAURA WERNICK: Laura Wernick, yes to granting the
20 variance.

21 CONSTANTINE ALEXANDER: And the Chair will make it
22 unanimous. I vote yes as well.

1 [All vote YES]

2 The relief is granted. Thank you.

3 JAMES RAFFERTY: Thank you very much.

4 CONSTANTINE ALEXANDER: We have a few minutes
5 before we have the next case at 7:15.

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2 (7:15 p.m.)

3 Sitting Members: Constantine Alexander, Brendan Sullivan,
4 Janet Green, Andrea A. Hickey,
5 Laura Wernick

6 CONSTANTINE ALEXANDER: Okay. The Chair will now
7 call the next case, Case Number 017281 -- 23 Buckingham
8 Street. Anyone here wishing to be heard on this matter?

9 JAMES RAFFERTY: Good evening again, Mr. Chairman,
10 members of the Board. James Rafferty, appearing on behalf
11 of the petitioners, Melissa Baldino and Christopher Kimball.
12 Ms. Baldino is present, as is the Project Contractor, David
13 Ritchie. Shall I proceed?

14 CONSTANTINE ALEXANDER: Yes, go right ahead.

15 SISIA DAGLIAN: Actually --

16 JAMES RAFFERTY: Thank you.

17 SISIA DAGLIAN: You said there's --

18 JAMES RAFFERTY: This is a --

19 SISIA DAGLIAN: Wait, you said there was someone
20 else with you, David Ritchie. Is he on right now?

21 JAMES RAFFERTY: I believe he is, but perhaps not.
22 I was told --

1 SISIA DAGLIAN: Okay.

2 JAMES RAFFERTY: -- he would be on the call.

3 MELISSA BALDINO: Yeah, I was too.

4 JAMES RAFFERTY: But if he's not, we can -- we'll
5 miss him, but we can proceed without him. So this is a
6 single-family home located in a Residence A-1 District on
7 Buckingham Street. Thank you, Sisia.

8 This, I would suggest, is the most helpful
9 instrument or document in the application. You can see the
10 unusual shape of this lot. It's rather narrow and deep. It
11 is the home of Ms. Baldino and Mr. Kimball, and they have
12 been doing a series of renovations.

13 And the work that's being proposed is to place a
14 bay window, or a bay addition to the kitchen, that you can
15 see about right where that cursor was.

16 And that addition is going to result in a setback
17 of only 10 feet. And the requested setback, the minimum
18 required setbacks in this district are 15 feet.

19 The addition itself represents about 125 square
20 feet of additional GFA, but the house is below the allowed
21 GFA. So the relief is only related to the setback. It's a
22 one-story addition. You can see on this floor plan, the

1 bottom right, how the bay projects out. It creates some
2 additional space in the kitchen.

3 Mr. Kimball spends a lot of time in the kitchen,
4 where he makes his efforts. So it is a modest increase, and
5 we're requesting the hardship to allow for a little bit of
6 enlargement on a lot that is exceptionally narrow.

7 The hardship is directly related to that condition
8 on the lot, and we believe and we hope that the impact is de
9 minimis, and we would request that the Board grant the
10 relief.

11 CONSTANTINE ALEXANDER: Mr. Rafferty, have you
12 spoken to the neighbor who will be affected by the setback
13 intrusion? We have nothing in our files. Any
14 communications one way or another?

15 JAMES RAFFERTY: It was my understanding that Mr.
16 Ritchie, who's on the site, has done so. But maybe Ms.
17 Baldino has some is it on that, if she's with us.

18 MELISSA BALDINO: I'm with you, yes. I spoke to
19 my neighbors, the Sipsers. They had questions for me, they
20 saw the plans, and they -- I don't know if they're here, but
21 they -- I have an e-mail from them saying they are in
22 support, they would support this.

1 They know they won't see it, it's one story. And
2 they also understand that we now have two small children, so
3 we'd like to a family table where -- and our kitchen feels
4 very small, yeah -- relatively speaking.

5 JAMES RAFFERTY: Melissa, could you give us the
6 name and address of that abutter, just for the record?

7 MELISSA BALDINO: Yes. So the Sipsers, they live
8 at 21 Buckingham Street. And --

9 JAMES RAFFERTY: And how do you -- do you know how
10 to spell that name?

11 MELISSA BALDINO: Yes. S-i-p-s-e-r. And we
12 communicated last week.

13 JAMES RAFFERTY: Okay. And they indicated they
14 support the request?

15 MELISSA BALDINO: Yes, yes, they did. And they
16 wanted to see the plans, and I felt that that was 100
17 percent right. They had every right to see them.

18 JAMES RAFFERTY: Yes, thank you.

19 CONSTANTINE ALEXANDER: Thank you, Mr. Rafferty
20 and the petitioner. Anything further before I open the
21 matter up for questions from members of the Board?

22 JAMES RAFFERTY: No, thank you.

1 BRENDAN SULLIVAN: This is Brendan Sullivan.
2 Sisia could you go back to the existing layout floor plan,
3 first floor? Is that in there somewhere? Floor plan, first
4 floor?

5 [Pause]

6 Okay. That's the second one.

7 SISIA DAGLIAN: I'm not sure we have a first-floor
8 existing plan. It's just the proposed.

9 BRENDAN SULLIVAN: Well, it's to Mr. Rafferty or
10 the architect.

11 SISIA DAGLIAN: It's just being added.

12 BRENDAN SULLIVAN: So the proposed addition, it
13 ties in with the landing, obviously, and it's -- is it sort
14 of a sitting area? Or is that --

15 JAMES RAFFERTY: It will be a table for family
16 [1:35:27 audio unclear] it's being built to have a medium
17 kitchen proposed, I think they described it.

18 JAMES RAFFERTY: Okay.

19 JAMES RAFFERTY: But it's a family dining area,
20 which under the current kitchen layout is not easily
21 achieved. So the -- as you can see in the bottom here, the
22 current condition is that the everything but the bay is

1 already there. So the area that projects is where the
2 relief is.

3 BRENDAN SULLIVAN: Oh, okay. All right. No
4 further questions.

5 CONSTANTINE ALEXANDER: Janet, any questions at
6 this point?

7 JANET GREEN: No questions at this point.

8 CONSTANTINE ALEXANDER: Andrea?

9 LAURA WERNICK: Still mute, Andrea.

10 ANDREA HICKEY: No questions. Sorry.

11 CONSTANTINE ALEXANDER: Okay, no problem. I will
12 now open the matter up to public testimony. And again, let
13 me read the instructions as to how you'll go about doing
14 this.

15 Any members of the public who wish to speak should
16 now click the icon at the bottom of your Zoom screen that
17 says, "Raise hand." If you're calling in by phone, you can
18 raise your hand by pressing *9 and unmute or mute by
19 pressing *6. Now is your chance to speak if you wish to.
20 I'll take a few moments to see if anyone does want to speak
21 on this matter.

22 I'm told there's no one. So -- and we have no

1 written communications, no letters or the like. So I will
2 close public testimony. Does the Board wish to have some
3 discussion, or are we ready for a vote?

4 BRENDAN SULLIVAN: Brendan Sullivan, ready for a
5 vote.

6 JANET GREEN: Janet Green, ready for a vote.

7 ANDREA HICKEY: Andrea Hickey, ready for a vote.

8 LAURA WERNICK: Laura Wernick ready for a vote.

9 CONSTANTINE ALEXANDER: Okay. And the Chair will
10 now make a motion. The Chair moves that we make the
11 following findings with regard to the variance being sought:

12 That a literal enforcement of the provisions of
13 the ordinance would involve a substantial hardship, such
14 hardship being this is an older structure that's located on,
15 as we'll speak more about, an irregularly shaped lot, and
16 there is a need for additional kitchen space within the
17 structure, with no real adverse effect on the neighborhood
18 or the abutters, witnessed by the fact that there appears to
19 be no abutter opposition.

20 That the hardship is owing to the fact this is
21 already a nonconforming structure, and as I've indicated,
22 sits on an irregularly shaped lot; really as well as an

1 irregularly shaped with the structure set to one side of the
2 lot, which causes the setback issue for which relief is
3 being sought tonight.

4 And that desirable relief may be granted without
5 substantial detriment to the public good, or nullifying or
6 substantially derogating from the intent and purpose of this
7 ordinance. Again, in this regard, the relief being sought
8 is quite modest. It is to upgrade the livability in the
9 structure relief with regard to kitchen facilities.

10 And, as I said, there's no neighborhood
11 opposition. It generally improves the housing stock of the
12 city of Cambridge.

13 So on the basis of all of these findings, the
14 Chair moves that we grant the variance requested on the
15 condition that the work proceed in accordance with plans
16 prepared by Paul Worthington Design & Restoration, Inc., the
17 first page of which has been initialed by the Chair.

18 Brendan, how do you vote?

19 BRENDAN SULLIVAN: Brendan Sullivan, yes to grant
20 relief requested.

21 JANET GREEN: Janet Green, yes to grant the
22 relief.

1 ANDREA HICKEY: Andrea Hickey, yes to grant the
2 relief.

3 LAURA WERNICK: Laura Wernick, yes to grant
4 relief.

5 CONSTANTINE ALEXANDER: And the Chair votes yes as
6 well.

7 [All vote YES]

8 Relief granted. Variance granted. The case is
9 over.

10 JAMES RAFFERTY: Thank you, Mr. Chair. I assume
11 you enjoy the fact that you now have a mute button for
12 attorneys, which is an option that I'm sure you would have
13 liked over the years. I'm sure you'll use it.

14 CONSTANTINE ALEXANDER: Well, it's something I'm
15 hoping we'll bring it to -- when we go back to live
16 hearings, we'll have a similar --

17 JAMES RAFFERTY: Yes.

18 CONSTANTINE ALEXANDER: -- mechanism we can use.
19 Thank you, Mr. Rafferty.

20 JAMES RAFFERTY: I suspected you would develop an
21 affinity to that. So that's why I was very sparse in my
22 word. So I know at any moment you could hit the button, so

1 I appreciate your tolerating it. It was nice to see you
2 all, and look forward to a time when we can see you in a
3 more intimate, traditional setting, but --

4 CONSTANTINE ALEXANDER: So will I.

5 JAMES RAFFERTY: -- commend you for your public
6 service. It's much needed. A lot of people have been
7 waiting to get their projects going, so it's good to see all
8 of you out working so hard. And I know on behalf of people
9 who appear here regularly and property owners, they're
10 grateful for your service, thank you.

11 CONSTANTINE ALEXANDER: Thank you.

12 COLLECTIVE: Thank you.

13 JAMES RAFFERTY: Goodnight.

14 CONSTANTINE ALEXANDER: At 7:30 we'll call the
15 next case. That's when it's scheduled for.

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2 (7:30 p.m.)

3 Sitting Members: Constantine Alexander, Brendan Sullivan,
4 Janet Green, Andrea A. Hickey,
5 Laura Wernick

6 CONSTANTINE ALEXANDER: Okay, the Chair will now
7 call the next case, Case Number 017244 -- 272 Walden Street.
8 Anyone here wishing to be heard on this matter?

9 MEGAN KEMP: Yes, good evening, Chairman, or
10 Commissioner, and members. My name is Megan Kemp, from Adam
11 Dash & Associates, 48 Grove Street, Somerville, MA,
12 representing Woof LLC, DBA Crate Escape in this application
13 for a use variance at 272 Walden Street.

14 With me tonight is Nicky Lee Condon, who is the
15 General Manager for Crate Escape at their other locations,
16 who will be working at this location as well.

17 We're before you tonight; this is a historically
18 commercial storefront that was built in 1906 as a store. It
19 has been retail ever since, and it does happen to be in a
20 Residence C-1 zone, however -- meaning that any -- under the
21 current zoning, any commercial usage at the space is
22 nonconforming.

1 So we are here for a use variance to go from
2 currently preexisting nonconforming retail use to a
3 different category of retail use. It's -- the most recent
4 use was a pet supply store. We're looking to expand on that
5 and also have doggie day care, which is what Crate Escape
6 does in its various other locations.

7 Crate Escape has been around for 16 years now.
8 They have locations -- another location a few blocks away at
9 368 Huron Ave, as well as large locations in Belmont and
10 Charlestown.

11 This location would be purely for doggie day camp,
12 so people -- dog walkers would pick up their dogs, bring
13 them, owners would drop off their dogs or owners would drop
14 their dogs off in the morning when they go to work. They'd
15 be here for the day, and they'd pick them up in the evening.

16 There's no overnight kenneling. It's just the
17 kennel --

18 CONSTANTINE ALEXANDER: Ms. Kemp?

19 MEGAN KEMP: Yes.

20 CONSTANTINE ALEXANDER: A question: The prior, as
21 you pointed out, this is a nonconforming use, this
22 commercial use?

1 MEGAN KEMP: Mm-hm.

2 CONSTANTINE ALEXANDER: There's nonconforming use
3 of this building for many, many years, and it's not
4 surprising given the nature of the building and the size of
5 the lot.

6 The prior owner was also a pet store facility, and
7 what I'm understanding from some of the neighbors -- and I
8 will read those letters into the file at an appropriate time
9 -- you're planning to use the -- it's not just a selling
10 products within the structure, you're going to have dogs or
11 other animals in the back yard?

12 MEGAN KEMP: Correct, temporarily, at times. So
13 there will be -- so there are rooms within, and I believe
14 they got labeled, "classrooms", they'll really end up being
15 more play spaces.

16 The dogs will be inside most of the time. But
17 they would go out to run around, go use the restroom, they
18 will play outside for a little bit on occasion

19 CONSTANTINE ALEXANDER: How many dogs might there
20 be in the back yard outside at any one point in time?

21 MEGAN KEMP: Nicky? Would you say about how many
22 dogs you have on average during the day?

1 CONSTANTINE ALEXANDER: I'm sorry, say that again?

2 MEGAN KEMP: I was asking the General Manager if

3 --

4 CONSTANTINE ALEXANDER: Oh, okay.

5 MICHAEL DOLAN: -- she knows how many dogs they

6 have on average at their other location? This is very

7 similar --

8 NICKY LEE CONDON: So at our other -- I'm sorry, am

9 I unmuted?

10 MEGAN KEMP: Yes, yes.

11 NICKY LEE CONDON: Okay. I'm just making sure.

12 So at our other Huron Village Location, which is a similar

13 size, we average about 60 dogs a day. At this particular

14 location, it would probably be around the 40 to 50 dog a

15 range.

16 CONSTANTINE ALEXANDER: I'm sorry, did I

17 understand that right, 40 to 50 dogs -- I must have

18 misunderstood -- 40 to 50 dogs in the back yard? I must not

19 have understood.

20 NICKY LEE CONDON: Not at the same time, but

21 within the facility, depending on the actual variances that

22 we get. It could be smaller, absolutely. I will say that

1 in the years that we have been a part of the Huron Village
2 Business Association, we usually from 60 to 70 dogs a day
3 there, and we have yet to ever have a noise complaint.

4 So it's not generally something that's an issue.
5 We just kind of take into consideration our square footage,
6 and we put the dogs into place based on that.

7 So depending on the square footage within the
8 inside and the outside space, we would make the dog count
9 for that.

10 CONSTANTINE ALEXANDER: This raises -- for me,
11 anyway, and I want get into this hopefully a little bit more
12 -- some serious concerns. This building has been used for
13 retail purposes and that's in each of the nonconforming use.
14 Prior pet shop owner -- before that there was a convenience
15 store, if my memory is correct.

16 But the impact on the neighborhood was minimal,
17 because everything was confined within the structure. Now
18 you're adding another dimension that could disrupt the
19 neighborhood, cause inconvenience or distraction or whatever
20 for the neighbors. And we have at least two neighbors who
21 have written to us to complain about that. And I can
22 understand that complaint.

1 So I'm not saying I'm concerned about the nature.
2 I have personally no concern about business activities occur
3 within the structure -- unless it's a rock band and you make
4 a lot of noise -- but use of the back yard to have dogs from
5 time to time roam around, and dogs being dogs they're going
6 to bark, I think that's a big ask.

7 MEGAN KEMP: So --

8 NICKY LEE CONDON: So I think there's a disconnect
9 into what the actual facility brings to the community. We
10 are a doggie day care. There are lots of families now that
11 not only have kids but also don't have dogs.

12 They maybe don't necessarily have kids, but also -
13 - but just have dogs. And it brings something to the
14 community to have, like, that type of ability to interact
15 with other people who have dogs as their fur babies -- not
16 to be --

17 CONSTANTINE ALEXANDER: I wonder if we were to --

18 NICKY LEE CONDON: -- but that's I think -- having
19 a space as a community meeting ground for other people
20 within the area who have dogs is actually -- has been a
21 great impact on the Huron Village community. We've been
22 there for 16 years. We have never had a noise complaint,

1 ever, in the 16 years that we have been there.

2 We have also had our Belmont facility that is set
3 in a different location, and it's also never had a noise
4 complaint in the 14 years that that has been in place.

5 We take great pride in the ability to care for
6 these animals, and also, put them in a sense of peace where
7 they're not barking and they're not acting rudely and
8 they're being good dogs and they're just kind of, like,
9 interacting with each other on a very social level that has
10 nothing to do with making any sort of noise.

11 CONSTANTINE ALEXANDER: I understand this may work
12 in other communities; I don't know what the nature of your
13 neighborhood is in which your stores are located in that
14 community. I do know where you're locating now is in a
15 densely residential area.

16 And I'm going to ask --

17 [Simultaneous speech]

18 -- excuse me, let me finish. I'm going to ask a
19 blunt question.

20 NICKY LEE CONDON: Yeah. Yeah.

21 CONSTANTINE ALEXANDER: What if we were to grant
22 relief on the condition that you cannot use the rear yard to

1 have animals run about? You can use the building for
2 commercial purposes within the building, but not outside the
3 building?

4 MEGAN KEMP: Commissioner? -- I mean, Chair -- I
5 don't that works, simply because the dogs are going to at
6 least need to be able to go out to relieve themselves.
7 We're happy to do -- so one of the things we talked about --
8 the play area is set back from the immediate neighbors,
9 there's a buffer there.

10 What they have done at their other locations and
11 would do here is also to fence in that area and probably put
12 some sort of sun sail type canopy over it. Those things
13 minimize the dogs being able to see out for any triggers
14 that would, you know, might result in barking, and also help
15 to muffle any sound that is there.

16 The vast majority of the time, the dogs will be
17 inside in these playrooms in the building. And they're not
18 being outside altogether at once. It would be, you know,
19 maybe one room of dogs at a time, they go out, relieve
20 themselves, come back in.

21 And they're never unsupervised. A lot of dogs
22 that Crate Escape takes they screen specifically for this.

1 So if they would be noncompliant dogs, they wouldn't be
2 allowed back. We hope that that would help to alleviate
3 some of those concerns.

4 CONSTANTINE ALEXANDER: You can continue with your
5 presentation, unless other members of the Board at this
6 point have questions or comments they want to ask or make?

7 ANDREA HICKEY: Hi, it's Andrea Hickey here. Mr.
8 Chairman, I agree with you about the potential use of the
9 outdoor space, and it becoming a real nuisance. In terms of
10 triggers, in my experience with dogs, dogs trigger each
11 other. So, you know, screening that back yard so that
12 outside triggers don't cause excessive barking to me doesn't
13 really address the potential issue.

14 But I'd, you know, be open to Counsel addressing
15 those concerns.

16 CONSTANTINE ALEXANDER: Anyone else on the Board
17 wish to comment?

18 JANET GREEN: Yeah. I do have a couple of
19 questions. One is, I wonder how far is the area that the
20 dogs could be in in back behind to the house that's behind?

21 MEGAN KEMP: Through the Chair, it's about 10 feet
22 from the back of the play area to the back of the property

1 line.

2 JANET GREEN: Back of the property line?

3 MEGAN KEMP: Large --

4 MEGAN KEMP: Yeah.

5 JANET GREEN: But not the house of the person?

6 MEGAN KEMP: So that would be -- so whatever their
7 back yard is in addition to that.

8 JANET GREEN: Whatever the setback is?

9 MEGAN KEMP: Yeah.

10 JANET GREEN: And you mentioned that you've never
11 had a complaint at your Huron Road facility?

12 MEGAN KEMP: Now, and it also has residential
13 houses abutting the back, where their play area is as well.

14 JANET GREEN: That was my question.

15 MEGAN KEMP: Right, through the Chair.

16 JANET GREEN: Thank you.

17 LAURA WERNICK: Mr. Chair, I also just reiterate
18 that I'm persuaded by Huron Village experience. If they
19 have more dogs there, and they haven't had any neighborhood
20 continues, that's pretty impressive. I think that says
21 something to how they run their organization -- run the
22 dogs, so to speak.

1 CONSTANTINE ALEXANDER: Thank you, Councillor.
2 Any other comments from members of the Board at this point?

3 ANDREA HICKEY: Might there be a way to limit the
4 number of dogs in the outdoor area at any given time?

5 MEGAN KEMP: That, through the Chair, would
6 certainly be something we would be open to, as I mentioned.
7 It's never all of the dogs out at once. It's --

8 ANDREA HICKEY: Right, I understand.

9 MEGAN KEMP: -- small groups.

10 ANDREA HICKEY: I understand that. I don't know
11 if -- Nicky, if you could say about how many dogs tend to go
12 out at once in a group at the Huron Village location, what
13 you were thinking here?

14 NICKY LEE CONDON: I think in general we would be
15 willing to work with whatever everybody found appropriate
16 for the situation.

17 Generally right now, at the Huron Village, because
18 we don't have any noise complaints from our abutters -- we
19 have about five abutters at this point -- we don't have any
20 noise complaints, we do let all the dogs out at the same
21 time generally. But if there were restrictions, I think we
22 would be happy to abide by that.

1 LAURA WERNICK: Can you compare the size of the
2 play area at the Huron Village location with the size of
3 this area? Is it significantly larger?

4 NICKY LEE CONDON: No. It's actually very
5 similar. And what we do at the Huron Village location is we
6 actually base our attendance based on dog size. So a lot of
7 our dogs that come to the Huron Village location are 35
8 pounds or under.

9 Something that would -- we were thinking about not
10 doing it at this particular location, but we would be
11 willing to do it at this new location if it were something
12 that would appease the Board.

13 CONSTANTINE ALEXANDER: Something that -- this is
14 the Chair again -- something this Board has done in other
15 cases where we have sort of a situation like this, where
16 they're concerned about impact -- the noise or other impact
17 on residential neighbors on business activities -- is to
18 grant the relief, assuming we otherwise believe in it -- but
19 limit it in time; two years, let's say, and you have to come
20 back in two years if you wish to continue.

21 And then by that time the neighborhood will be
22 able to see the impact -- or hear the impact -- from the

1 number of dogs you'll have in the back yard. And we can
2 make either a final decision at that point saying either the
3 neighborhood can support it or conclude that this is just
4 too much for this neighborhood; the noise is unacceptable,
5 disrupts the tranquility of the neighboring properties.

6 Any members of the Board have any thoughts about
7 that?

8 ANDREA HICKEY: I would be willing to support
9 that. I think it's a great idea to kind of meet halfway and
10 give them a chance to, you know, be on their best behavior,
11 which it sounds like they have been in Huron.

12 BRENDAN SULLIVAN: This is Brendan Sullivan. I'm
13 just trying to understand the operation here. And I can
14 understand that the economics of it is that you have to have
15 as many dogs as possible. On an average day, you're saying
16 that you will have 40 to 50 dogs on site, is that correct?

17 MEGAN KEMP: Correct.

18 BRENDAN SULLIVAN: Okay.

19 MEGAN KEMP: That's so --

20 BRENDAN SULLIVAN: And then some of them will be
21 -- and these are people from the neighborhood or from
22 wherever, who will basically drop their dog off to you for

1 you to take care of -- again, a doggie nursery school, in a
2 sense. Is that correct?

3 MEGAN KEMP: Correct. And some of them would be
4 dogs that are dropped off. Some of them might be dogs that
5 even, you know, perhaps they would have a grooming
6 appointment at the Belmont location, they'd be dropped here
7 and then vanned over there and brought back for pickup. But
8 not every dog would be there all day.

9 BRENDAN SULLIVAN: Historical experience of, say,
10 and using the low number of 40 dogs, how many of those will
11 be there for the day? Say we had a minimum of, say 40. You
12 know, some are going to be there for grooming, some are
13 going to be there for obedience training, some are going to
14 be there for the day. So how many are you going to have?

15 The grooming, obviously, they're going to come for
16 what -- an hour, an hour and a half and then leave, is that
17 correct?

18 NICKY LEE CONDON: Correct.

19 MEGAN KEMP: Well, that wouldn't be happening on
20 site. Right, that would -- they would go somewhere else,
21 come back and get picked up, yes.

22 BRENDAN SULLIVAN: Okay. I guess where I'm going

1 with this is that even if you were to have 40 dogs, and then
2 the concern is that those dogs need to go outside to do
3 whatever they do outside, and also for exercise and what
4 have you, that's fine on nice days.

5 What happens in inclement weather, when those
6 people who have a regular drop-off schedule come and drop
7 off their dog, and then you've got grooming, and then you've
8 got obedience and what have you, and the weather says that
9 you can't be outside?

10 So now you've got all of these dogs, you know, inside...

11 MEGAN KEMP: Mm-hm.

12 BRENDAN SULLIVAN: God bless you. I mean, I could
13 not manage that. And I can't fathom how it's going to be
14 manageable.

15 NICKY LEE CONDON: Oh.

16 BRENDAN SULLIVAN: The flipside of that then is
17 that, you know, I live just up around the corner, so I'm
18 hugely familiar with the building and the historical nature
19 of it going back many years.

20 And it is very close to the residential buildings,
21 the houses on either side. And the back of that is also
22 somewhat enclosed, so that any sound back there

1 reverberates, and people not only the abutters, but I think
2 abutters to abutters on the next street up, are going to
3 hear it also.

4 And with people working from home these days and,
5 you know, all the other stuff that's going on, I just don't
6 know how this is going to work. I'm not there. So that's
7 my question and my editorializing on that.

8 NICKY LEE CONDON: I mean, absolutely --

9 BRENDAN SULLIVAN: I'll let you think of a
10 rebuttal after we get through the public comment stuff
11 anyhow.

12 MEGAN KEMP: And that's fine. And it's fair. I
13 understand, you know, neighbors are concerned about that,
14 like I said. The best we can do is say, you know, we'll do
15 everything we can to sort of noise proof that area.

16 In inclement weather, the dogs don't go outside,
17 right? They can't be out there, maybe they're out there for
18 a shorter period of time just to relieve themselves and come
19 back in --

20 NICKY LEE CONDON: Absolutely.

21 MEGAN KEMP: -- but they wouldn't be out there
22 would be the case. There are several playrooms inside the

1 building. And so, the dogs would be able to play inside as
2 well. And the staff knows, we've reiterated. They've been
3 doing this for 16 years, plus, right? They're all trained
4 with these dogs -- again, and they screen the dogs, and so
5 these are --

6 BRENDAN SULLIVAN: Yeah, no, it's Brendan Sullivan
7 again --

8 MEGAN KEMP: -- socialized for this.

9 BRENDAN SULLIVAN: -- you probably have it down to
10 a science, and I appreciate that. But I just don't see how
11 it's going to work.

12 CONSTANTINE ALEXANDER: Yeah, and it may work as a
13 business -- this is the Chairman -- the business model, you
14 may be making this work in other communities. But this is a
15 Cambridge -- this is a structure that's unusually located on
16 the lot, it's a densely populated area. It just may be
17 something that's not appropriate in this location for
18 Cambridge.

19 Although it would be appropriate in a lot of other
20 places. And that's a concern you're hearing -- I think
21 you're hearing -- from members of this Board. As I said, we
22 haven't got to a vote yet, but one proposal I'm going to

1 make is we give you two years to see if it works and see how
2 the neighborhood accepts what you're proposing to do.

3 BRENDAN SULLIVAN: Brendan Sullivan, again. What
4 are your hours of operation?

5 MEGAN KEMP: So the hours of operation would be
6 7:00 a.m. to 6:00 p.m., maybe 6:30 at the latest. These are
7 just business hours, so people are dropping off just during
8 work.

9 BRENDAN SULLIVAN: All right. So 7:00 to 7:00,
10 basically?

11 MEGAN KEMP: Yep.

12 BRENDAN SULLIVAN: Okay. Six days a week?

13 MEGAN KEMP: Five days a week. It would be -- or
14 actually, sorry -- Nicky, is it going to be every day?

15 BRENDAN SULLIVAN: Okay.

16 NICKY LEE CONDON: No. Generally we do Monday
17 through Saturday. But currently because of the COVID
18 situation, we are doing Monday through Friday. So dependent
19 on that, we could do Monday through Saturday, or if not, we
20 could do Monday through Friday.

21 CONSTANTINE ALEXANDER: And you've taken the --

22 NICKY LEE CONDON: But right now, we're doing

1 Monday through Friday.

2 CONSTANTINE ALEXANDER: This is the Chair again.
3 And you've taken into consideration that this is a very busy
4 street, this section of Walden Street?

5 NICKY LEE CONDON: Absolutely.

6 CONSTANTINE ALEXANDER: And not very narrow. And
7 there's now actually across the street multiple -- an
8 apartment dwelling was built? So there's heavy traffic on
9 this street, and you're going to have people bringing 40
10 dogs around basically the business hours in the morning and
11 in the evening? You think this can work?

12 MEGAN KEMP: We do, and it's very --

13 NICKY LEE CONDON: Yes, we've -- go ahead, Megan.

14 MEGAN KEMP: It's very similar -- sorry, it is
15 very similar to the traffic pattern on Huron, where our
16 other location is. It's right across from the Bryn Mawr
17 Bookstore, and there's a lot of traffic that happens right
18 before business hours and all of the neighborhood traffic on
19 Lakeview and Gurney with all the abutting neighbors that we
20 have there.

21 And so, we think the traffic pattern is going to
22 be very similar to that, and we haven't had any problems,

1 because there are the short-term parking spots right in
2 front of, as well as a spot that we would be able to use for
3 any of the transportation in the drive. So all of that would
4 be happening very similarly to the other location.

5 CONSTANTINE ALEXANDER: Thank you. Any other
6 Board members have any further comments they want to make at
7 this point, or should I open the matter up to public
8 testimony? Hearing nothing, I'm going to open the matter up
9 to public testimony.

10 So for those who wish to call in and give their
11 commentary orally, you now need to click the icon at the
12 bottom of your Zoom screen that says, "Raise hand." If
13 you're calling in by phone, you can raise your hand by
14 pressing *9 and unmute or mute by pressing *6.

15 So I'll take a few moments, see if there's anyone
16 who wishes to speak. We have -- I'm told there is someone
17 who does wish to speak. Go right ahead.

18 SISIA DAGLIAN: Sarah? You can go ahead.

19 CONSTANTINE ALEXANDER: Hello?

20 SARAH SLAUGHTER: We know Crate Escape and we
21 deeply appreciate it. We were shocked with the idea of
22 having dogs outside. Everybody in the neighborhood is now

1 working from home, including our neighbors, who are teaching
2 classes from home. I don't know what the back yard of their
3 Huron Village area is, but we only have a small, rotted
4 palisade fence in between our back yard and this 272 Walden
5 Street.

6 And so, the noise of the dogs, as Councillor
7 Sullivan mentioned, does reverberate. There are a lot of
8 dogs in the neighborhood, and it is quite difficult when
9 there have been dogs in that back yard under the previous
10 usage.

11 We have been here for 25 years, and it was always
12 retail. The activity went on inside the building. We are -
13 - you know, appreciative. We would love to see the building
14 used again. This is not the use for that space particularly
15 under quarantine conditions, where everybody has to work
16 from home.

17 I was also shocked to learn just now that they are
18 planning on running these dog boarding operations six days a
19 week, which means that our back yard will be basically
20 unusable on the weekends. And their comparison to Huron
21 Village in terms of traffic is very odd, because Huron
22 Village, it's the Village, not all the people.

1 We do not have any shops on that section of Walden
2 Street anymore, particularly after Massis closed. And this
3 was would be a huge hardship. My neighbor, Nia Yannatos,
4 talked to her. She's not sure if she can get onto the call
5 tonight. But she was very upset. And our other neighbors
6 on the other side have a very -- have a 4-year-old child who
7 is very scared of dogs.

8 So I am shocked that this has come before us
9 without anybody ever talking to us.

10 CONSTANTINE ALEXANDER: I might add that it is not
11 unusual -- if the petitioner has come before us that they
12 meet with the neighborhood first to take the neighborhood's
13 temperature or to get some response.

14 And I'm a little bit disappointed by the fact that
15 the petitioner has not done this, and in fact just filed an
16 application to get this use that they want. That's just an
17 editorial comment on my part.

18 SISIA DAGLIAN: We have more. We have someone
19 else that wants to speak.

20 CONSTANTINE ALEXANDER: I'm sorry?

21 SISIA DAGLIAN: We have someone else that wants to
22 speak.

1 CONSTANTINE ALEXANDER: Okay, go ahead. I'm
2 sorry. Miss Slaughter, are you finished with your comments?
3 I don't want to cut you off?

4 SARAH SLAUGHTER: Unless there are other
5 questions. I mean, I think it would be wonderful if there
6 was actually retail in that location. I mean, when we moved
7 in here it was actually a little deli. And it was a lovely
8 place for kids to go in and get snow cones. And it was fine
9 when it was a dog place. But it would be really nice if it
10 was retail.

11 But doggie day care is completely inappropriate.
12 I'm done.

13 CONSTANTINE ALEXANDER: Thank you, Ms. Slaughter.
14 And you have written a letter to us, which I will not read
15 into the record. I assume everything in this letter you've
16 already communicated orally? Unless you want me to read the
17 letter?

18 SARAH SLAUGHTER: No, it is also part of the
19 record. I looked on the web.

20 CONSTANTINE ALEXANDER: Okay. Now, there was
21 another person who wishes to speak, Tracy?

22 TRACY: Yep, Nyia, if you could unmute yourself.

1 NIYA YANNATOS: Now, can you hear me?

2 COLLECTIVE: Yes.

3 NIYA YANNATOS: Okay. I am the neighbor Sarah was
4 referring to, and I live next door to her. I've lived here
5 since 1965. And I am very distressed that first of all yes,
6 we were not even considered. You didn't come to talk with
7 us.

8 And secondly, I think you're not really clear
9 about how very busy Walden Street is. Traffic, particularly
10 during morning and night when people are either going home
11 or not -- and even when they're not, it's a direct shot to
12 Mass Avenue. And it's incredibly busy, all the time.

13 You would just be adding a whole another layer of
14 noise and disruption of this quiet street that I live on,
15 and I'm very upset about it. So I'm not even sure that I
16 would agree to a two-year trial. I don't quite see, even
17 when I look at the building that the classes you're talking
18 about -- the rooms where you would put these dogs -- are not
19 that large.

20 The idea that they would then feel free to run
21 around in the little play yard you're going to have, I can't
22 imagine their being quiet, or not disrupting the

1 neighborhood, and particularly on weekends. I heard you
2 almost say you wanted to do it seven days a week. Six days
3 is bad enough.

4 So I'm really registering my upsetness, and I hope
5 you pay attention. Thank you.

6 CONSTANTINE ALEXANDER: Thank you for taking the
7 time to speak. Anyone else, Tracy, on the line?

8 TRACY: No.

9 CONSTANTINE ALEXANDER: Apparently not. We also
10 are in receipt of a letter, besides the one from Ms.
11 Slaughter, that I will read into the record. It is from Kim
12 Miller.

13 "I live at 280 Walden Street. The north side of
14 our house overlooks 272 Walden Street. My husband and I
15 both work from home and are concerned about constant dog
16 barking from a doggie day care. Is Woof LLC planning to
17 build an enclosure to keep the noise down? Or will the dogs
18 be occupying the large, outdoor space behind the building?"

19 And I think the petitioner has addressed the fact
20 that they are -- they at least are amenable to building an
21 enclosure to keep the noise down. Whether the enclosure
22 will keep the noise down is something else, but I think they

1 are willing to build an enclosure.

2 And that's it for public commentary. So I will
3 close public testimony. Discussion? We've already had a --

4 SISIA DAGLIAN: Oh --

5 CONSTANTINE ALEXANDER: Yes.

6 SISIA DAGLIAN: I think Sarah wanted to say one
7 more thing.

8 CONSTANTINE ALEXANDER: There's one more person
9 who wants to speak?

10 SISIA DAGLIAN: No. one of the people that just
11 spoke wants to say something else, if that's okay.

12 CONSTANTINE ALEXANDER: I'm sorry, I didn't get
13 you.

14 SISIA DAGLIAN: one of the people that just spoke
15 wants to say something else.

16 CONSTANTINE ALEXANDER: Yes, go ahead.

17 SISIA DAGLIAN: Sarah, if you could unmute
18 yourself?

19 SARAH SLAUGHTER: So this is Sarah Slaughter. I
20 agree completely with Niya. I do not think that approving
21 it for usage for the next two years is appropriate at all --
22 not given the current COVID situation.

1 CONSTANTINE ALEXANDER: Thank you, Miss --

2 SARAH SLAUGHTER: If they want to come back in
3 four or five years after they've talked to the neighbors,
4 that's wonderful.

5 CONSTANTINE ALEXANDER: Thank you. Now I will
6 close public testimony. And it's now time for the members
7 of the Board to discuss this case. We already have had a
8 discussion effectively, in the questioning earlier in the
9 presentation.

10 I threw out, as you know, a proposal that we
11 approve with a two-year time limit. I am now hearing a lot
12 of strong sentiment that it's not a good idea, that we
13 should just go up or down right now. While I think we can
14 go up, we can go up for two years.

15 But I'm getting a sense -- just a sense on my
16 part, that there's not substantial support for this. And
17 therefore, we need to have a two-year period for something
18 that's not going to happen.

19 But other Board members, please, how do you want
20 me to frame the motion? With a two-year --

21 LAURA WERNICK: So Gus?

22 CONSTANTINE ALEXANDER: Yes.

1 LAURA WERNICK: I have a suggestion for the other
2 Board members to consider: That they withdraw their
3 petition and spend some time with their neighbors, maybe
4 take their neighbors, if the neighbors are willing, to go
5 their other location and see the situation, see if it alters
6 their position at all?

7 I mean, with the neighbors so adamantly opposed, I
8 agree with you; I'm not sure the two-year proposal is what
9 will be workable at this point. But perhaps there's some
10 way to persuade them.

11 I'm kind of aghast that they didn't talk to their
12 neighbors. That's very disturbing for me to hear. But
13 maybe there's some way if they take a little bit of time to
14 work with the neighbors that they could see that the
15 situation -- that their perception of what the situation is
16 is not in line with reality.

17 CONSTANTINE ALEXANDER: One possibility, and I'm
18 reluctant to make it because we keep continuing cases -- but
19 to continue the case would give the petitioner time to meet
20 with the neighbors and to just thrash things out and either
21 to persuade the neighbors that the problem is not what they
22 think it is, or to come up with some solution that will

1 minimize the adverse impact on neighboring properties.

2 Any sentiment from the Board members about this?

3 LAURA WERNICK: I would agree with that.

4 JANET GREEN: I think I would agree with that,
5 Gus.

6 CONSTANTINE ALEXANDER: Okay.

7 ANDREA HICKEY: Hi. It's Andrea Hickey. I would
8 agree with that as well, if that's what the petitioner wants
9 to do. If the petitioner elects for us to proceed with a
10 vote, however, then we should.

11 CONSTANTINE ALEXANDER: Agreed. I agree with you,
12 Andrea. Petitioner, are you amenable to continuing this
13 case and meeting with neighbors? We'll advertise the
14 meeting at a convenient time for as many people as possible?

15 MEGAN KEMP: Yes, Chair, we're amenable to that.
16 We had spoken with some neighbors, but clearly, we had not
17 gotten to all of them, but we're happy to have a
18 neighborhood meeting and invite more people, including the
19 ones that we had spoken to who use some of our other
20 facilities and had wanted a closer one. But that's fine,
21 yes.

22 CONSTANTINE ALEXANDER: Okay. Sisia, what would

1 be the first time -- I think it would be in October, right?

2 SISIA DAGLIAN: Well, there's September 24. We
3 only have one case.

4 CONSTANTINE ALEXANDER: I want to leave a little
5 bit more time.

6 SISIA DAGLIAN: October 22.

7 CONSTANTINE ALEXANDER: October 22?

8 SISIA DAGLIAN: Yeah. The October 8 we already
9 have three --

10 CONSTANTINE ALEXANDER: Right.

11 SISIA DAGLIAN: -- continued cases.

12 CONSTANTINE ALEXANDER: So I will -- unless other
13 members disagree, I will make a motion to continue this case
14 until 7:00 p.m. on October 22.

15 First of all, I've got to make sure all five of us
16 can be here on that night, because this is a case heard and
17 requires the same five to sit on that case as a continued
18 case as are sitting tonight.

19 Brendan, are you available?

20 BRENDAN SULLIVAN: Well -- Brendan Sullivan -- the
21 thought I have is kicking this off that far, I just don't
22 know. Ms. Kemp, does kicking it off into October adversely

1 impact your client's either negotiations, the lease? I
2 don't know what the status of that is.

3 I guess where I'm going is, I don't know if it
4 needs to be kicked down that far, as opposed to if something
5 was available in September, I guess?

6 CONSTANTINE ALEXANDER: September 24 is my
7 understanding, right?

8 SISIA DAGLIAN: Yes.

9 CONSTANTINE ALEXANDER: So it's a month.

10 BRENDAN SULLIVAN: Megan, does September 24 work
11 better for you than October?

12 MEGAN KEMP: I believe September would work
13 better. I mean, we are already in a lease that we're
14 dealing with not being able to use the space because nothing
15 was happening, right? During the pandemic. And so, we would
16 like to be able to know sooner rather than later to move
17 forward.

18 BRENDAN SULLIVAN: Okay.

19 MEGAN KEMP: If October's the earliest, we'll deal
20 with that. But I think we can get something scheduled in
21 August or early September, so we'd be.

22 CONSTANTINE ALEXANDER: Their next available slot

1 is September 24. It won't be any earlier than that, it
2 could be later.

3 MEGAN KEMP: Right. Right. But as far as
4 scheduling a neighborhood meeting, I think we can get that
5 done prior to September 24.

6 BRENDAN SULLIVAN: Yeah, Brendan Sullivan again.
7 I think it should be after Labor Day not before, to allow
8 people who may be away to have to return and to gather
9 interested parties.

10 I would have one other request too is, if you
11 could -- I didn't notice it in the file -- if you could e-
12 mail Maria Pacheco sometime within the next few days where
13 your other locations are?

14 MEGAN KEMP: Of course.

15 BRENDAN SULLIVAN: And so, allows me and maybe
16 some of the other Board members to do a drive-by or
17 whatever. So thank you.

18 MEGAN KEMP: Not a problem.

19 CONSTANTINE ALEXANDER: Brendan, are you available
20 on September 24?

21 BRENDAN SULLIVAN: Brendan Sullivan, yes. I'm not
22 going anywhere.

1 CONSTANTINE ALEXANDER: How about you, Janet, are
2 you available?

3 JANET GREEN: I'm available.

4 CONSTANTINE ALEXANDER: Andrea?

5 ANDREA HICKEY: Yes, I'm available.

6 LAURA WERNICK: Laura?

7 LAURA WERNICK: Yes.

8 CONSTANTINE ALEXANDER: Okay. Alright, I'm going
9 to make a motion. The Chair moves that we continue this
10 case as a case heard until 7:00 p.m. on September 24,
11 subject to the following conditions:

12 First, that the petitioner sign a waiver of time
13 for decision necessary because of the fact the state law
14 requires us to make a decision quickly, or quicker than
15 waiting until September 24.

16 That waiver, which is a standard form that the
17 City uses and many, many people sign, must be signed and
18 delivered to Inspectional Services no later than one week
19 from today. If that is not done, then your petition will be
20 deemed denied. That's the first condition.

21 The second is that the posting sign that you've
22 put up for the hearing, a new one must be put up for the 14

1 days prior to September 24 setting forth the new date,
2 September 24; the new time, 7:00 p.m.; and the description
3 of what you're proposing -- the relief you're seeking to
4 obtain.

5 And lastly, any drawings, plans, the information
6 that Brendan has requested -- all of which must be in our
7 file, the ISD files, no later than 5:00 p.m. on the Monday
8 before September 24. That's to allow Board members and
9 members of the public to read them and to form whatever
10 views they might want to form.

11 With that, all those in favor of continuing the
12 case on this basis?

13 BRENDAN SULLIVAN: Brendan Sullivan, yes to the
14 continuance.

15 JANET GREEN: Janet Green yes to the continuance.

16 ANDREA HICKEY: Andrea Hickey yes to the
17 continuance.

18 LAURA WERNICK: Laura Wernick, yes to the
19 continuance.

20 CONSTANTINE ALEXANDER: And the Chair votes for
21 the continuance as well.

22 [All vote YES]

1 So this case is continued until September 24,
2 remembering the condition that that waiver of time for a
3 decision must be signed and delivered to ISD no later than
4 one week from tonight. Thank you.

5 COLLECTIVE: Thank you.

6 CONSTANTINE ALEXANDER: Okay.

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2 (8:09 p.m.)

3 Sitting Members: Constantine Alexander, Brendan Sullivan,
4 Janet Green, Andrea A. Hickey,
5 Laura Wernick

6 CONSTANTINE ALEXANDER: Moving on, the Chair will
7 now call Case Number 017253 -- 107 Hampshire Street. Anyone
8 here wishing to be heard on this matter?

9 SHIPPEN PAGE: Yes, Mr. Chairman, Shippen Page,
10 representing the petitioners Margaret Finn and Alonzo Guzman
11 (phonetic).

12 ALONZO GUZMAN: Alonzo Guzman, petitioner.

13 MARGARET FINN: Margaret Finn.

14 CONSTANTINE ALEXANDER: Mr. Page, go right ahead.

15 SHIPPEN PAGE: Thank you, Mr. Chairman and thank
16 you members of the Board. I know this has been a difficult
17 time, and I'm very glad, as Mr. Rafferty said earlier, that
18 you're able to meet.

19 This is a petition to create an accessory
20 apartment in a single-family dwelling at 107 Hampshire
21 Street. The building was built in 1873, and the petitioners
22 have owned it since 2001.

1 Their two kids have gone off to college, and they
2 now find themselves more or less as empty nesters, and
3 they're eager to convert the second floor of this building
4 into an accessory apartment.

5 The problem with the building and the site is that
6 it's small. It's obviously built at a time when things were
7 pretty dense in the city of Cambridge, and so, they are a
8 prior nonconforming structure.

9 They've got setback violations on all sides, but
10 they're within the FAR, given the small size of the lot, and
11 they are hoping to add 113 square feet, and to then have a
12 resulting FAR of 0.4, where 0.75 is allowed.

13 The nature of the change is it's basically a
14 restructuring of the first floor, and the addition of a
15 small, covered porch in the front to allow for the second
16 access to the second floor, and then a designed egress on
17 the rear, that would allow the second floor to have a second
18 means of egress, which would be further in the rear yard
19 setback.

20 No parking is required under the provisions of the
21 accessory apartment section of the ordinance. They do have
22 a possible second parking space. They'd prefer not to use

1 it, because they currently have a fence where they use it
2 for their back yard.

3 They have notified all of their neighbors. They
4 have heard only from a neighbor who lives at -- it's the
5 building 4407 on the zoning map -- Elba River and Martin
6 Rivera. I e-mailed it late, I'm sorry today, to Sisia, but
7 I'm happy to read into the record.

8 I believe that I have provided in my application
9 that they do meet the four prongs of the special permit
10 application. It is a modest intensification of the
11 nonconformity, and it would not provide a substantial
12 detriment to the neighborhood.

13 I would hope that the Board would grant their
14 petition for a special permit to create this accessory
15 apartment, and knowing that it's a small house, I believe
16 there are other instances in this neighbor where accessory
17 apartments have been granted, but I can't point you to
18 specific properties.

19 Alonzo or Margaret, anything that I should add in
20 terms of color or depth of information for the Board's
21 consideration?

22 CONSTANTINE ALEXANDER: Mr. Page, I know you're

1 aware. Section 4.22.1 of our ordinance says for certain
2 requirements -- certain conditions that must be met --

3 SHIPPEN PAGE: Yes.

4 CONSTANTINE ALEXANDER: -- to grant the relief
5 you're seeking --

6 SHIPPEN PAGE: Right.

7 CONSTANTINE ALEXANDER: -- and are four in nature,
8 one you've already addressed that the building has been in
9 existence since on or before February 1, 2019, and clearly
10 that's been satisfied.

11 SHIPPEN PAGE: Right.

12 CONSTANTINE ALEXANDER: The second is in the case
13 of an accessory apartment within a single-family dwelling,
14 prior to alteration the dwelling contains at least 1800
15 square feet of gross floor area.

16 SHIPPEN PAGE: Yep. I'm aware of that, Mr.
17 Chairman, and it does create an issue for my clients,
18 including the basement, which of course was not included
19 normally. There are 1786 square feet.

20 They have two bedrooms in the basement under --
21 they've sought a building permit and gotten -- this is all
22 legal -- and so, they're using the basement in the first

1 floor as one unit, and then they're hoping to do the second
2 floor. So they're slightly under the 1800 square feet.

3 And I think part of the problem in Cambridge is
4 because so many buildings are intrinsically nonconforming,
5 but this is an instance where of course the Board would want
6 to consider whether this is inappropriate for its
7 consideration. I submit that it is, but that -- you've
8 pointed out one of the salient issues with --

9 CONSTANTINE ALEXANDER: Mr. Page, if you don't
10 meet the 1800 square feet, then you don't get a -- you're
11 not entitled to a special permit, you need to seek a
12 variance.

13 SHIPPEN PAGE: Well, Mr. Chairman, yes, I think
14 that's debatable. I think that yes, is it a hard rule?
15 I've discussed this with Ranjit, and obviously with the
16 architect, and we know we're taking a chance by going for a
17 special permit. But we also know that there is an intrinsic
18 handicap in the nature of this property.

19 And so, we felt confident enough that we would at
20 least bring it before the Board for your consideration?

21 CONSTANTINE ALEXANDER: You're willing to take the
22 risk that if we were to grant special permit, that it could

1 be subject to challenge in the future because of the failure
2 to get a variance?

3 And it would be safer, would it not? To get it --
4 to seek -- you can't do it tonight. You seek a variance,
5 and so you close off any method of challenge, other than the
6 variance was improperly granted?

7 SHIPPEN PAGE: Well, Mr. Chairman, I suspect the
8 folks who would challenge this would be the abutters, or
9 abutters to abutters who have standing. And they would have
10 to actually come forward in the 20 days after the decision
11 was filed with the City Clerk's office. And we have a very
12 strong letter of support from one of their neighbors who had
13 been there for a while.

14 So I think it's not an unreasonable risk to run,
15 but I take your point that of course it is a risk. On the
16 other hand, getting a variance for this involves the much
17 more stringent standard than is involved in granting
18 variances. And I think that's another hoop that they would
19 have to consider.

20 But I am weighing your questions and concerns very
21 carefully, as we wind our way through this process, to
22 determine if we should be seeking a continuance, or seeking

1 to withdraw this and refile as a variance. But I think one
2 of the reasons we brought this this way is to hear the very
3 concerns that you're raising right now.

4 CONSTANTINE ALEXANDER: Again, it's your call, not
5 ours.

6 SHIPPEN PAGE: I understand.

7 CONSTANTINE ALEXANDER: I'm just reading your
8 rights. There's also a condition that the accessory
9 apartments shall not occupy more than 900 square feet, or 35
10 percent of the GFA of the proposed dwelling, whichever is
11 less.

12 SHIPPEN PAGE: Correct.

13 CONSTANTINE ALEXANDER: You're going to meet that
14 requirement?

15 SHIPPEN PAGE: Well, the second floor is 600
16 square feet. And so, 600 divided by 1786 gives you
17 slightly, slightly 36 percent. So once again, we've got a
18 problem that intrinsic to the building, and because we're
19 not building out on the additional space, we're simply
20 reconfiguring what's there present.

21 So you've put your finger exactly on the kinds of
22 problems that this particular dwelling confronts, when it's

1 seeking to create an accessory apartment. But I felt that
2 the need in the city for accessory apartments is such that
3 this would be worth taking the risk.

4 But again, seeking to determine how the Board
5 feels about this, it's a close call, and I have explained
6 that to my clients, and they are willing to proceed. But
7 they're going in with their eyes open, depending on how the
8 Board responds to this special permit application as opposed
9 to a variance.

10 CONSTANTINE ALEXANDER: Well, I don't know how
11 other Board members feel, but if you wish to go forward and
12 run that risk, feel free to do so.

13 BRENDAN SULLIVAN: This is Brendan Sullivan.
14 Page, your discussions with the Commissioner -- obviously,
15 centered on this dilemma, whether or not to go for a special
16 permit or a variance, is that correct?

17 SHIPPEN PAGE: That's correct.

18 BRENDAN SULLIVAN: And he felt that you could go
19 for the special permit?

20 SHIPPEN PAGE: I don't wish to put words in the
21 commissioner's mouth, Mr. Sullivan, but I do -- I was
22 sufficiently optimistic after speaking with him that we felt

1 that it was worth bringing before this body to get a sense
2 of whether or not given his relatively little experience
3 with these accessory apartments; and knowing the number of
4 buildings in East Cambridge particularly that would face
5 these kinds of problems, that we thought this was worth
6 raising to your consideration as a special permit.

7 BRENDAN SULLIVAN: At least he said that you could
8 not apply for a special permit?

9 SHIPPEN PAGE: He did not say I could not apply.

10 BRENDAN SULLIVAN: That would be a fair summation
11 of the conversation?

12 SHIPPEN PAGE: That's correct.

13 BRENDAN SULLIVAN: Okay. In the reading of 4.22
14 accessory apartments, there's one word that is directed
15 toward the Board by the framers of the ordinance. And the
16 word that keeps popping up is, "flexibility."

17 SHIPPEN PAGE: Correct.

18 BRENDAN SULLIVAN: Flexibility in older homes, in
19 larger homes, and it is probably designed for a different
20 section of the city, as Attorney Page has indicated the
21 locus of this. And that they're basically saying that the
22 Board is being asked to apply some flexibility in a lot of

1 criteria.

2 I think I would be okay with the special permit,
3 with the proviso that, you know, it is -- you could be
4 subject to an appeal and to -- that was not properly
5 granted. But anyhow, so I would be okay with going forward
6 with the application as applied for.

7 SHIPPEN PAGE: Yeah. Thank you, Mr. Sullivan.
8 May I just add that -- because each of these criteria, the
9 building is not flagrantly lacking in whatever the criteria
10 are, I felt as a matter of common sense and respectability
11 that this would be worth pursuing.

12 In other words, I wasn't doing it blindly with
13 hoping to drive a truck through the ordinance.

14 CONSTANTINE ALEXANDER: Comments?

15 JANET GREEN: I agree with Mr. Sullivan's comments
16 about this and his -- the criteria that he brought up to
17 discuss. And I do feel that the city does need housing, and
18 it needs housing of this sort.

19 CONSTANTINE ALEXANDER: Andrea, or Laura, do you
20 have anything you want to add or comment on or not?

21 ANDREA HICKEY: Yes. I actually agree with Mr.
22 Sullivan too, and I thank him for bringing up the sort of

1 flexibility terminology. If Counsel is comfortable
2 proceeding at his own risk, I'm certainly comfortable making
3 a decision as he's presented his case tonight.

4 CONSTANTINE ALEXANDER: Thank you, Andrea. Laura,
5 anything you want to add or not?

6 LAURA WERNICK: I agree.

7 CONSTANTINE ALEXANDER: Okay.

8 SHIPPEN PAGE: Mr. Chairman, before I close my
9 presentation --

10 CONSTANTINE ALEXANDER: Sure.

11 SHIPPEN PAGE: Do you want me to read this letter
12 of support into the record, or Sisia?

13 CONSTANTINE ALEXANDER: Oh yes. You know that --
14 Mr. Page, I always do that. But first, we go through the
15 public testimony and questions from members of the Board.
16 Then I open the matter up to public commentary, and after
17 anyone speaks, I read into the record written communications
18 from that we received.

19 So in due course, I will do that.

20 SHIPPEN PAGE: That's great. I just didn't know
21 if the Board had received it, Mr. Chairman.

22 CONSTANTINE ALEXANDER: Okay with that, I'm going

1 to open the matter up to public testimony.

2 Again, any member of the public who wishes to
3 speak should now click the icon at the bottom of your Zoom
4 screen that says, "Raise hand." If you're calling in by
5 phone, you can raise your hand by pressing *9 and unmute or
6 mute by pressing *6. So I'll take a few moments to see if
7 anybody wishes to call in and to speak publicly.

8 Tracy indicates to me there is no one that has
9 indicated we wish to speak. We do have a letter that Mr.
10 Page is dying for me to read, so I will read it. It is from
11 Elba, E-l-b-a Rivera and Martin Rivera.

12 "Our name is Elba Rivera and Martin Rivera, owners
13 of 109 Hampshire Street. The purpose of this letter is to
14 attest that we have no objection, and let the Board know of
15 our strong support for the proposed accessory apartment
16 Margaret Finn and Alonzo Guzman want to build in their home.

17 "Our property is immediately adjacent to the
18 property at 107 Hampshire Street, where the owners, Margaret
19 and Alonzo, are proposing to build the accessory apartment.
20 We have been neighbors for almost 30 years, and they have
21 always been both friendly and courteous.

22 "We strongly believe that:

1 One, this alteration does not cause any burden on
2 our property.

3 Two, the proposed style and structure of the
4 emergency egress route is in step with the existing
5 neighbor.

6 Three, the proposed project would be an
7 improvement to our neighborhood, and result in an overall
8 increase in property value and diversity.

9 I am urging the Zoning Board to approve the
10 proposed permit to Margaret Finn and Alonzo Guzman."

11 And that's it. We have no other written
12 communication, other than Mr. Page's suggested very strong
13 letter of support. I will close public testimony.
14 Discussion, or are we ready for a vote?

15 COLLECTIVE: Ready.

16 CONSTANTINE ALEXANDER: All right. So we make the
17 following findings with regard to the special permit being
18 sought:

19 That the requirements of the ordinance cannot be
20 met unless we grant the special permit. Excuse me, I'm just
21 trying to pull out the plans for the project.

22 Two, that traffic generated or patterns in access

1 or egress resulting from what is being proposed will not
2 cause congestion, hazard, or substantial change in
3 established neighborhood character. In this regard, we have
4 the testimony or endorsement of the neighbor most affected
5 by what is proposed and is in support, obviously.

6 And then the addition of a small accessory
7 apartment should not cause any congestion, hazard or
8 substantial change in established neighborhood character.

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

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 And that for other reasons, the proposed use will
16 not impair the integrity of the district or adjoining
17 district, or otherwise derogate from the intent and purpose
18 of this ordinance.

19 So on the basis of these findings, the Chair moves
20 that we grant the special permit requested, on the condition
21 that the work proceed in accordance with plans prepared by
22 Design Associates, Inc., the first page of which has been

1 initialed by the Chair.

2 Vote? Brendan.

3 BRENDAN SULLIVAN: Brendan Sullivan, yes to grant
4 the special permit.

5 CONSTANTINE ALEXANDER: Janet?

6 JANET GREEN: Yes to grant the special permit.

7 CONSTANTINE ALEXANDER: Andrea?

8 ANDREA HICKEY: Andrea Hickey, yes to grant the
9 special permit.

10 CONSTANTINE ALEXANDER: And Laura.

11 LAURA WERNICK: Yes to grant.

12 CONSTANTINE ALEXANDER: And I vote in favor as
13 well.

14 [All vote YES]

15 CONSTANTINE ALEXANDER: Special permit granted.

16 Good luck, folks.

17 ALONZO GUZMAN: Thank you.

18 SHIPPEN PAGE: Thank you very much, Mr. Chairman.

19 Thank you, members of the Board. Appreciate it.

20 CONSTANTINE ALEXANDER: Okay.

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2 (8:25 p.m.)

3 Sitting Members: Constantine Alexander, Brendan Sullivan,
4 Janet Green, Andrea A. Hickey,
5 Laura Wernick

6 CONSTANTINE ALEXANDER: And I will now call our
7 last case, and this will be a quick case. The Chair will
8 now call Case Number 017279 -- 370-372 Windsor Street.

9 Anyone here wishing to be heard on this matter? No one
10 does, and the reason for that is that we're not going to be
11 able to hear this case tonight. It's going to have to be
12 continued, because the petitioner -- I'm sorry --

13 SISIA DAGLIAN: I have a raised hand.

14 CONSTANTINE ALEXANDER: You have a raised hand,
15 I'm sorry.

16 SISIA DAGLIAN: Yeah.

17 CONSTANTINE ALEXANDER: I'll let that person
18 speak. Does he or she wish to address the Board?

19 SISIA DAGLIAN: Eva? You can unmute yourself.

20 EVA KOCHANSKI: Okay, I just did. My name is
21 Evaluate Kochanski. I am next door to the property in
22 question. But I understand that it is being postponed?

1 CONSTANTINE ALEXANDER: Yes, you're correct. The
2 petitioner has -- as all petitioners -- has to post a sign
3 and maintain it for 14 days before the hearing to put
4 everyone, yourself and other people in the city, on notice
5 that relief is being sought and what the relief is.

6 And if that notice is not posted and maintained
7 for the 14 days, we cannot hear the case.

8 EVA KOCHANSKI: Okay, it has not been posted?

9 CONSTANTINE ALEXANDER: I'm sorry?

10 EVA KOCHANSKI: It has not been posted?

11 CONSTANTINE ALEXANDER: No. It has not been
12 posted.

13 JANET GREEN: That's correct.

14 CONSTANTINE ALEXANDER: So I'm going to make a
15 motion to continue this case as a case not heard. Sisia,
16 what's the first day we can hear?

17 SISIA DAGLIAN: Well, we can still do September
18 24.

19 CONSTANTINE ALEXANDER: We have room on September
20 24?

21 BRENDAN SULLIVAN: There's a letter in the file
22 from the petitioner's son.

1 SISIA DAGLIAN: She asked for October.

2 BRENDAN SULLIVAN: Asked for October.

3 CONSTANTINE ALEXANDER: I missed that, I'm sorry.

4 BRENDAN SULLIVAN: He's quarantined.

5 CONSTANTINE ALEXANDER: Oh, you're right.

6 SISIA DAGLIAN: He did say -- I spoke with him
7 today, and he said that he'd probably be back next week, but
8 he did ask for October in the letter, or his son did anyway.

9 CONSTANTINE ALEXANDER: He still wants October?

10 SISIA DAGLIAN: He didn't say.

11 CONSTANTINE ALEXANDER: Didn't say.

12 SISIA DAGLIAN: He just said he'd probably back
13 next week.

14 CONSTANTINE ALEXANDER: The letter I should have
15 read, and thanks to Brendan I will read -- is from Erik, E-
16 r-i-k Costa (phonetic).

17 "My name is Erik Costa. I am Jose Costa [of
18 Costa's Construction]'s son. I just received the zoning
19 appeal date in the mail that is scheduled for.
20 Unfortunately, due to COVID-19 restrictions, my father has
21 been stuck in the Cape Verde islands since March, with hopes
22 of possibly being able to return in mid-August.

1 "I'm writing to request a continuance of the
2 hearing for sometime in October. Hoping that he will be
3 here to represent himself."

4 I think we should keep it in October.

5 SISIA DAGLIAN: Well, October 22, then.

6 CONSTANTINE ALEXANDER: Okay.

7 SISIA DAGLIAN: Yep.

8 CONSTANTINE ALEXANDER: All right. So the Chair
9 will now move back to the motion. The Chair moves that this
10 case be continued until 7:00 p.m. on October 22, subject to
11 the following conditions:

12 First, that the petitioner sign a waiver of time
13 for decision. That waiver is required because under state
14 law, if we don't decide a case very quickly it is
15 automatically granted.

16 And so, when we have to continue a case for one
17 reason or another, we ask the petitioners to waive that
18 requirement. And so, that's the first condition.

19 The condition is further that unless this waiver
20 of time for decision is signed and returned to Inspectional
21 Services no later than one week from today, it's case will
22 be dismissed and the appeal denied. So it is important that

1 the petitioner or a representative of the petitioner sign
2 this waiver of time for a decision within the next week.

3 Second, that the posting sign that was not posted
4 this time must be posted the next time, exposing the new
5 date October 22, the new time 7:00 p.m.

6 And that the sign must be maintained for the 14
7 days prior to the hearing, as required by state law. And I
8 can assure you that someone -- maybe more than one person,
9 will be checking to be sure that sign has been posted during
10 the appropriate period. And again, if it's not, we will not
11 hear the case on October 22, and there's a good chance they
12 might just dismiss the case entirely.

13 And lastly, to the extent that there are new or
14 revised plans, materials relating to the appeal, that these
15 must be filed with the Inspectional Services Department no
16 later than 5:00 p.m. on the Monday before the October
17 hearing date, as to allow these Board members and other
18 citizens to read this information and decide whether they
19 have any comments on them.

20 All those in favor of continuing the case on this
21 basis?

22 BRENDAN SULLIVAN: Brendan Sullivan, yes to the

1 continuance.

2 JANET GREEN: Janet Green, yes to the continuance.

3 ANDREA HICKEY: Andrea Hickey, yes to the
4 continuance.

5 LAURA WERNICK: Laura Wernick, yes to the
6 continuance.

7 CONSTANTINE ALEXANDER: And the Chair votes as
8 well in favor of the continuance.

9 [All vote YES]

10 Case continued. The night is over for us. Thank
11 you everyone for the hearing.

12 COLLECTIVE: Thank you, goodbye.

13 [8:32 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